

**Memorandum to the City of Markham Committee of Adjustment**  
June 11, 2024

**File:** A/003/24  
**Address:** 59 Woodward Avenue, Markham (Thornhill)  
**Applicant:** In Roads Consultants (Ida Evangelista)  
**Hearing Date:** Wednesday, June 19, 2024

The following comments are provided on behalf of the West Team:

The Applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements of By-law 2237, as amended, as it relates to a proposed two storey dwelling. The variances requested are to permit:

- a) **Amending By-law 101-90; Section 1.2 (iv):** a building depth of 17.73 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Amending By-law 101-90; Section 1.2 (i):** a building height of 9.4 metres, whereas the By-law permits a maximum building height of 8.60 metres;
- c) **Amending By-law 101-90, Section 1.2 (ii):** a front yard setback of 9.55 metres, whereas the by-law requires a minimum front yard setback of 10.70 metres;
- d) **Amending By-law 101-90, Section 1.2 (vii):** a maximum floor area ratio of 58.63 percent (3,880.39 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (3,313 square feet);

## **BACKGROUND**

### **Application History**

The subject application was previously deferred by the Committee of Adjustment (the “Committee”) at the March 6, 2024 Hearing, to provide the Applicant an opportunity to address Staff’s concerns. Based on the revised plans submitted, the Applicant has made changes to the proposal by reducing the building depth from 20.07 metres to 17.73 metres, increasing the front yard setback from 8.35 metres to 9.55 metres, reducing the floor area ratio from 60.09 percent to 58.63 percent, and no longer requires a variance for an unenclosed/unexcavated roofed porch encroachment.

Staff further note that since a complete Zoning Preliminary Review and a Minor Variance Application was submitted prior to the passing of the City’s Comprehensive Zoning By-Law 2014-19, as amended, the transition clauses under section 1.7.2 and 1.7.3 of the City’s Comprehensive Zoning By-Law 2014-

19, as amended, exempts the need for the applicant to apply for relief from the new By-law.

### **Property Description**

The 652 m<sup>2</sup> (7,018 ft<sup>2</sup>) Subject Lands are located on the south side of Woodward Avenue, east of Willowdale Boulevard, and north of Highland Park Boulevard (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property including one mature tree in the front yard. There is an existing 165.10 m<sup>2</sup> (1,777.12 ft<sup>2</sup>) one-storey detached dwelling on the Subject Lands which was constructed in 1950, according to assessment records.

### **Proposal**

The Applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a gross floor area of 362.70 m<sup>2</sup> (3,904.07 ft<sup>2</sup>), as shown in Appendix “B”.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. These development criteria were established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 2237

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 2237, as amended, which permits a single detached dwelling.

### Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed

development does not comply with the infill By-law requirements with respect to building depth, building height, front yard setback and floor area ratio.

### **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. However, the applicant has not conducted a Zoning Preliminary Review for the revised drawings submitted on April 23, 2024. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increase in Maximum Building Depth**

The Applicant is requesting relief to permit a maximum building depth of 17.73 metres (58.17 feet), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 feet). This represents an increase of approximately 0.93 metres (3.05 feet).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

Staff note that the main portion of the new dwelling will have a depth of 17.33 metres (57.41 feet). The requested building depth variance relates to the proposed front covered porch/landing with stairs and building footprint. Staff have no concerns with the requested variance and are of the opinion the proposed building depth will not adversely impact the streetscape and is minor in nature.

### **Increased Maximum Building Height Variance**

The Applicant is requesting relief to permit a maximum building height of 9.40 metres (30.84 feet), whereas the By-law permits a maximum building height of 8.60 metres (28.22 feet). This represents an increase of 0.80 metres (2.62 feet).

Staff are of the opinion that the proposed maximum building height is minor in nature, will have limited impact on the streetscape and therefore have no concern with the requested variance.

### **Reduced Front Yard Setback Variance**

The Applicant is requesting relief to permit a minimum front yard setback of 9.55 metres, whereas the By-law requires a minimum rear yard setback of 10.70 metres. This represents a reduction of approximately 1.15 metres. The variance is partially attributable to the front covered porch/landing with stairs, and the proposed building footprint.

The proposed front yard setback to the main front wall of the dwelling will be generally consistent with the established front yard setback pattern on the street. Staff are of the opinion that the proposed front yard setback is minor in nature and have no concerns with the requested variance.

### **Increased Maximum Floor Area Ratio Variance**

The Applicant has revised the proposal and is now requesting relief from the Zoning By-law requirements to permit a floor area ratio of 58.63 percent (3,880.39 square feet), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3,313 square feet). The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 362.70 m<sup>2</sup> (3,880.39 ft<sup>2</sup>), whereas a maximum floor area of 307 m<sup>2</sup> (3,313 ft<sup>2</sup>) is permitted. This represents an increase of approximately 55.70 m<sup>2</sup> (600 ft<sup>2</sup>) above what is permitted by the By-law or approximately 16%.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area, however, it is not a definitive measure of the mass of the dwelling. The building layout meets most other zoning provisions that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are of the opinion that the proposed increase to the maximum floor area ratio will result in a dwelling that will be comparable in size to recently constructed dwellings in the neighbourhood and compatible with existing development on the street. Staff therefore have no concern with the requested variance.

### **PUBLIC INPUT SUMMARY**

Five written submissions were received in support of the application as of June 11, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

**CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the requested variances meet the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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Rick Cefaratti, MCIP RPP, Senior Planner, West District

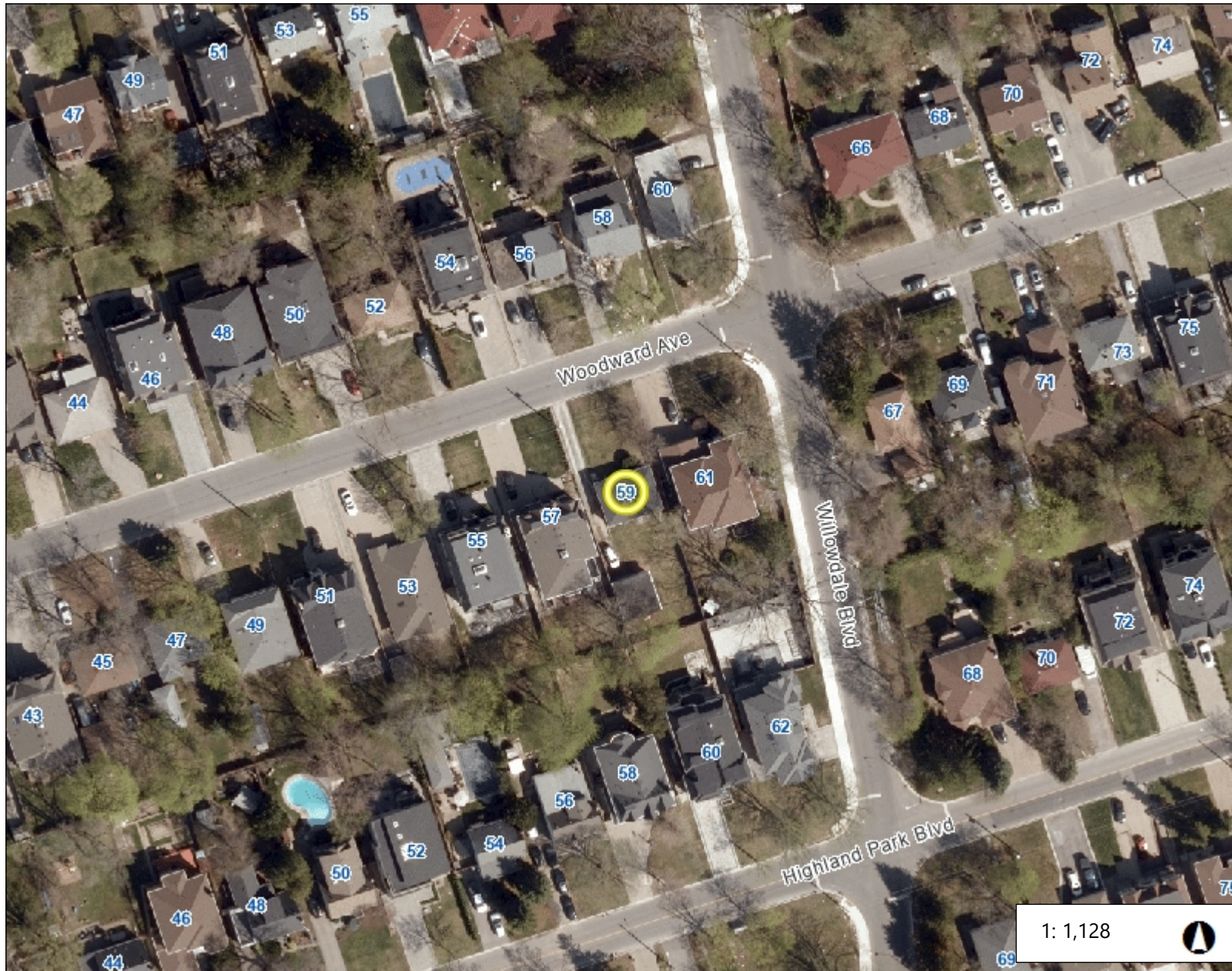
**APPENDICES**

Appendix “A” – Aerial Context Photo


Appendix “B” – Plans

Appendix “C” – A/003/24 Conditions of Approval





Legend

 Subject Lands

1: 1,128



57.3 0 28.65 57.3 Meters

NAD\_1983\_UTM\_Zone\_17N  
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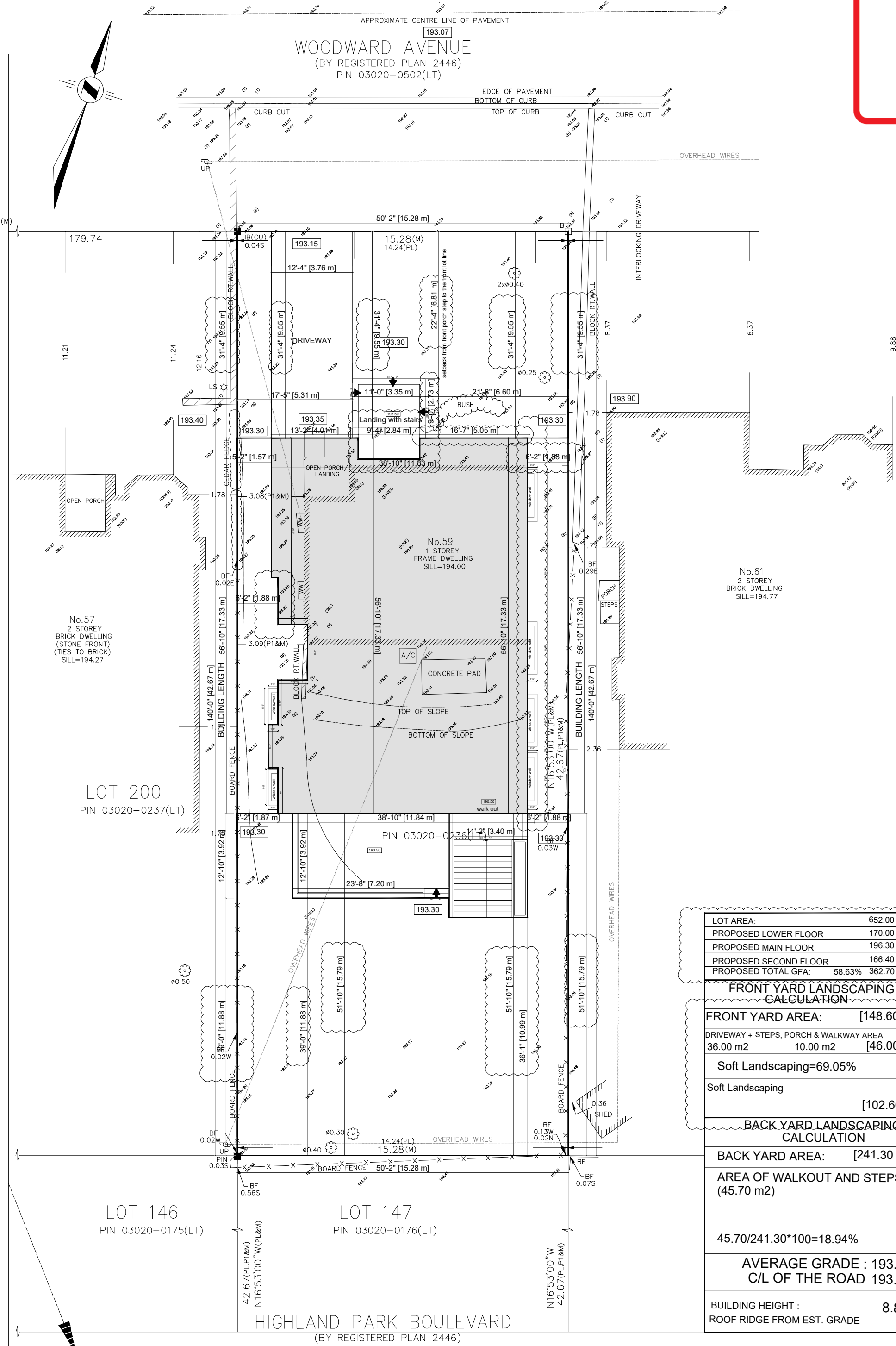
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes



# Appendix B

File: 24.159095.000.00.MNV  
Date: 6/11/2024  
MM/DD/YY



### CONSTRUCTION NOTES

- 1. ROOF CONSTRUCTION  
NO. 15 ASPHALT SHINGLES SELF SEALING...  
2. FOUNDATION WALL  
10" PORTLAND CEMENT 20 MPA...  
3. BRICK VENER CONSTRUCTION  
1/2" FACE BRICK OR STONE FACING...  
4. INTERIOR STUDD PARTITIONS  
2x4 OR 2x6 STUDS...  
5. FOUNDATION INSULATION  
GYPSON BOARD ON 6" MIL VAPOR BARRIER...  
6. WEEPING TILE  
4" DIA. WEEPING TILE AROUND ALL FOOTINGS...  
7. BASEMENT SLAB  
7" 20 MPA PORTLAND CEMENT ON POLY VAPOR BARRIER...  
8. GARAGE SLAB  
4" PORTLAND CEMENT 20 MPA...  
9. FLOORS  
FLOOR FINISH OR 3/4" TYPED FLOOR...  
10. WOOD COLUMNS  
WOOD COLUMNS FOR FLOOR JOISTS...  
11. CEILING INSULATION  
150mm OF FOYI WALL...  
12. INTERIOR WASHROOM VENTS  
INTERIOR WASHROOM WINDOWS TO THE OUTSIDE...  
13. STUCCO WALL CONSTRUCTION  
STUCCO CLADDING CONFORMING TO A.R.C. 9.2.1.1(2)& 9.2.8...  
14. INTERIOR STAIRS  
MAIN AND 1ST. FLOOR DIMENSIONS SHOWN ON SECTIONS TO BE BUILT...  
15. EXTERIOR STAIRS OR PRECAST STEPS  
MAX. RISE = 7 3/4"...  
16. EXTERIOR / INTERIOR HANDRAIL  
FINISHED NATURAL WOOD HANDRAIL ON WOOD OR METAL...  
17. WET WALL PROTECTION  
CERAMIC AND PLASTIC TILE INSTALLED ON WALL AROUND...  
18. GAS PROOFING  
GAS PROOFED WALLS AND CEILING OF GARAGE ADJACENT TO...  
19. DAMPROOFING (STAIR)  
DAMPROOF UNDERSIDE OF STAIR STRINGER...  
20. CERAMIC FINISHED FLOORS  
CERAMIC FLOOR TILES ON 1/2" MORTAR BASE...  
21. CEILING AND BULKHEADS  
1/2" INTERIOR DRYWALL TYPED, SANDED AND PRIMED...  
22. FOOTINGS  
MIN. 20 MPA PORTLAND CEMENT...  
23. SILL PLATE  
2x4 OR AS SHOWN PLATE...  
24. BEAM POCKET OR CONCRETE PLASTER  
BEAM POCKET FOR PORTLAND CEMENT OR 4" 20...  
25. STEEL BEAM SUPPORT  
1 1/2" X 4" TO BE FIXED ON BOTH SIDES OF STEEL BEAMS...  
26. ROOF VENTILATION  
FOR TYPICAL ROOF: 1:50 OF INSULATED CEILING AREA...  
27. LEAVE PROTECTION  
TYPE "F" ROLLED ROOFING (SMOOTH SURFACE)...  
28. ATTIC ACCESS HATCH  
22" X 28" ATTIC ACCESS HATCH WITH MIN. R-50 INSULATION...  
29. FASCIA AND SOFFIT  
FASCIA AND SOFFIT TO BE PRE-FINISHED ALUMINUM...  
30. EAVESTROUGH AND RAINWATER LEADER  
(UNLESS SHOWN OTHERWISE)...  
31. STEP FOOTINGS  
MAX. VERTICAL RISE BETWEEN HORIZONTAL PORTIONS...  
32. FLAT ROOF CANOPY  
PRE-FINISHED METAL FLASHING ON EPDM MEMBRANE ROOFING...  
33. CAPPED DRYER VENTS  
CLUTTER BEING TO BE VENTED DIRECTLY TO THE OUTSIDE...  
34. STEEL COLUMN  
7/8" X 10" STEEL I.B.S. WELDED TO BEAM AND SECURED TO PAD...  
35. STOVE/COOKTOP VENT  
MECHANICAL VENTILATION DIRECTLY TO THE OUTSIDE...  
36. LINEN CLOSETS  
ALL LINEN CLOSETS TO HAVE MINIMUM 5 SHELVES...  
37. GYPSUM WALL BOARD  
1/2" CWB 9 ON WALL AND CEILING BETWEEN HOUSE AND...  
38. SUBFLOOR JOIST STRAPPING AND BRIDGING  
2x8 W/BELOW ON FLOOR JOIST FOR THE APPLICATION...  
39. COLD CELLAR PORCH SLAB  
MAX. 500mm (19 3/4") PORCH DEPTH AND 0" 8" MPA CONC...  
40. CONVENTIONAL ROOF FRAMING  
CEILING JOISTS TO BE 2x8 @ 40" O.C...  
41. TWO STOREY VOLUME SPACE  
MAX. 9'0" HEIGHT AND MAX. ROOF TRUSS LENGTH OF 6.0m...  
42. FIRE STOPS/LAME SPREAD LIMITS  
CONCEALED SPACES IN INTER OR WALLS, CEILING AND...  
43. DUCTS  
SUPPLY DUCTS AND RETURN DUCTS IN EXTERIOR WALLS...  
44. WINDOWS AND SKYLIGHTS  
ALL WINDOWS AND SKYLIGHTS TO COMPLY WITH SECTION 9.5...  
45. DOORS  
ALL DOORS SHALL COMPLY WITH SECTION 9.10.1.5...  
46. SMOKE ALARMS  
SMOKE ALARMS SHALL BE PROVIDED AS PER SECTION 9.10.9...  
47. MISCELLANEOUS ITEMS  
ALL CLOSETS TO HAVE A METAL ROD WITH WOOD SHELF...  
NOTE: ENGINEERED TRUSSES AND FLOOR JOISTS AND BEAT LOSS CALC'S TO BE PROVIDED PRIOR TO SECOND STAGE PERMIT.

LOT AREA:	652.00 sq.m.
PROPOSED LOWER FLOOR:	170.00 sq.m.
PROPOSED MAIN FLOOR:	196.30 sq.m.
PROPOSED SECOND FLOOR:	166.40 sq.m.
PROPOSED TOTAL GFA:	58.63% 362.70 sq.m.

FRONT YARD LANDSCAPING CALCULATION		
DRIVEWAY + STEPS, PORCH & WALKWAY AREA	36.00 m <sup>2</sup>	[46.00 m <sup>2</sup> ]
Soft Landscaping	69.05%	[102.60 m <sup>2</sup> ]
BACK YARD LANDSCAPING CALCULATION		
BACK YARD AREA:	[241.30 m <sup>2</sup> ]	
AREA OF WALKOUT AND STEPS	(45.70 m <sup>2</sup> )	
45.70/241.30*100=18.94%		
AVERAGE GRADE : C/L OF THE ROAD	193.60	
	193.07	
BUILDING HEIGHT : ROOF RIDGE FROM EST. GRADE	8.85	

**Project**  
59 WOODWARD AVE.  
**AUG 21, 2023**

No.	Revision	Date
FOR PERMIT 2023/08/21		

**M.J. IMPERIAL DESIGN INC.**

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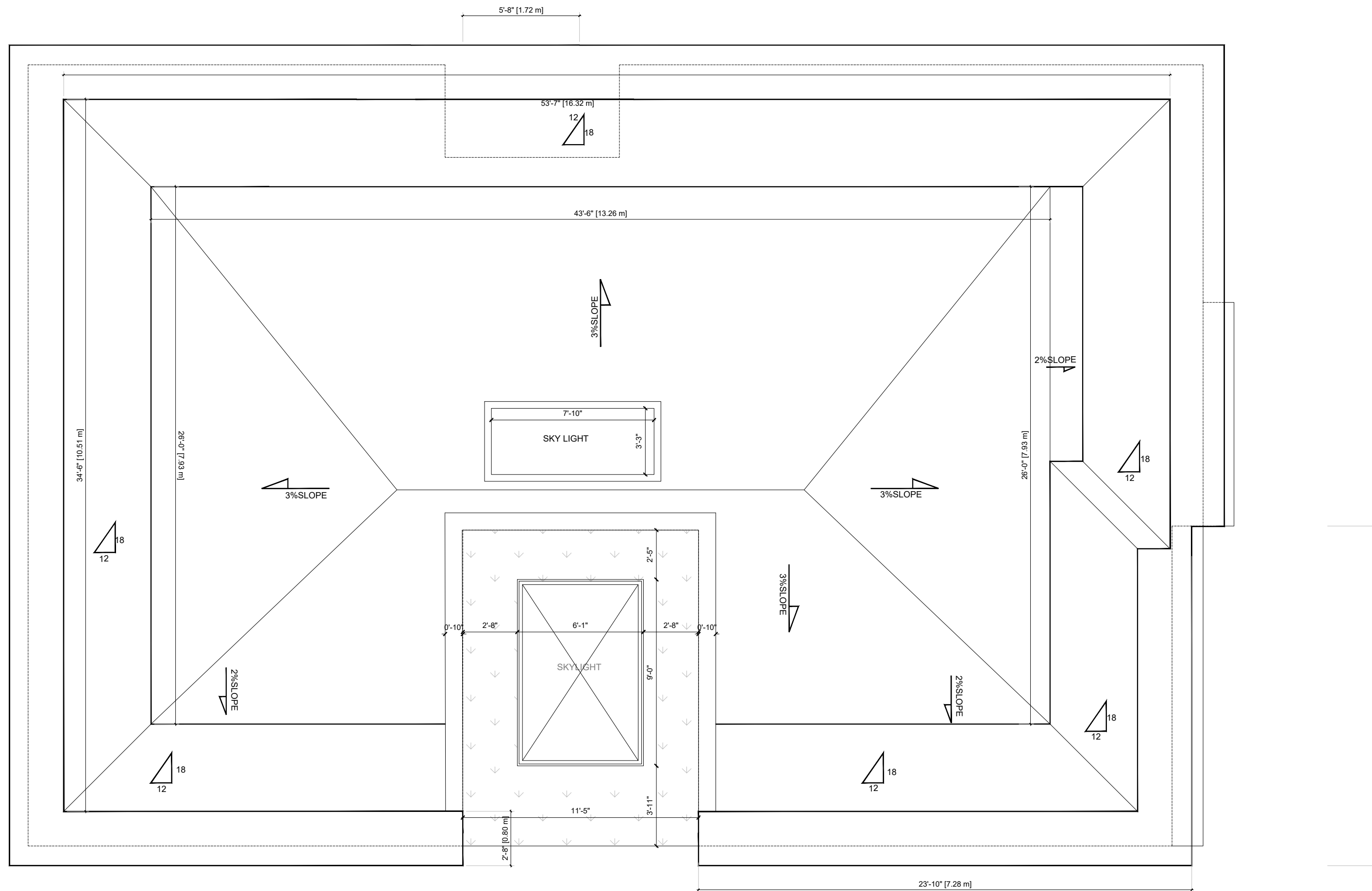
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# A02

# Appendix B

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## ROOF PLAN

TOTAL ROOF AREA	219.00	m
FLAT ROOF AREA	96.25	m
(1:10)SLOPE ROOF AREA	0	m
ROOF AREAS EITH SLOPE GREATER THAN	122.75	m

# A06



# Appendix B

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Date: 6/11/2024  
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FRONT (NORTH) ELEVATION  
 TOTAL EXPOSED AREA 101.70 | m2  
 TOTAL OPENING AREA 14.90 | m2  
 OPENING RATIO 14.65%

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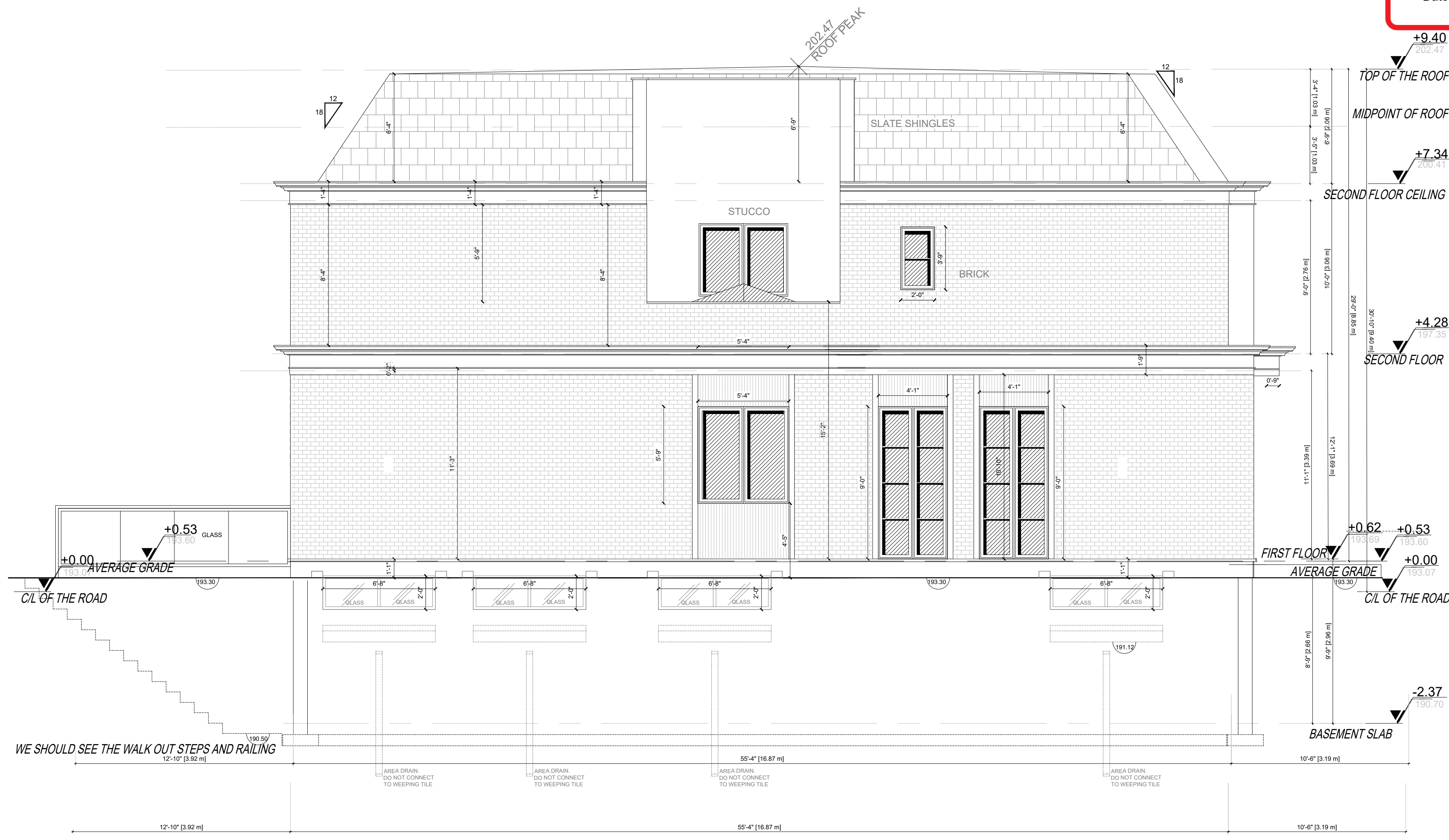
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**A07**

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Date: 6/11/2024  
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**SIDE (EAST) ELEVATION**  
 TOTAL EXPOSED AREA 151.00 | m<sup>2</sup>  
 TOTAL OPENING AREA 10.30 | m<sup>2</sup>  
 OPENING RATIO 06.82%

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**REAR (SOUTH) ELEVATION**

TOTAL EXPOSED AREA	100.00	m <sup>2</sup>
TOTAL OPENING AREA	28.60	m
OPENING RATIO	28.6%	

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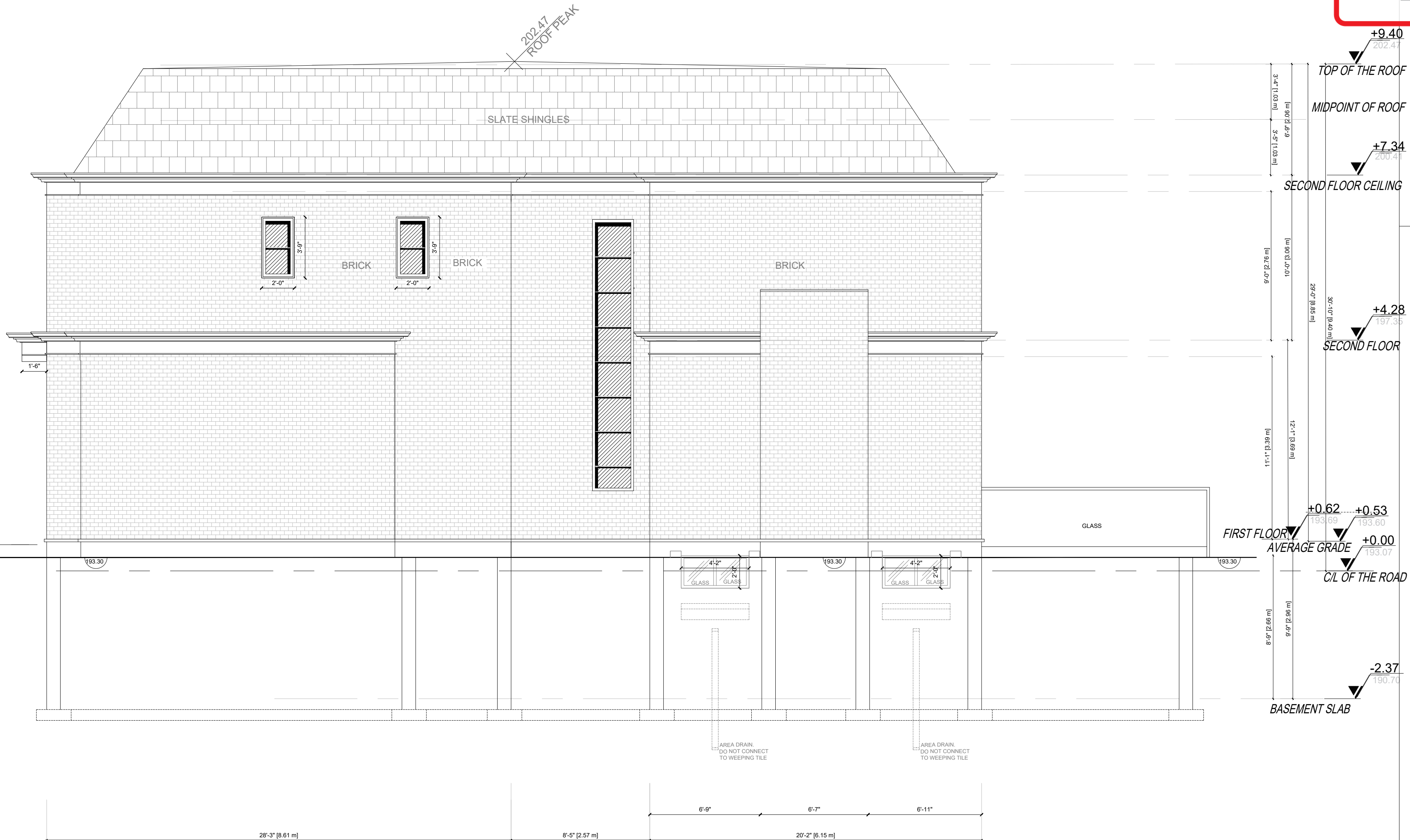
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**A09**

# Appendix B

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Date: 6/11/2024  
MM/DD/YY



SIDE (WEST) ELEVATION

TOTAL EXPOSED AREA 152.00 | m1582.29[S.F]  
 TOTAL OPENING AREA 3.60 | m 175.45[S.F]  
 OPENING RATIO 02.36%

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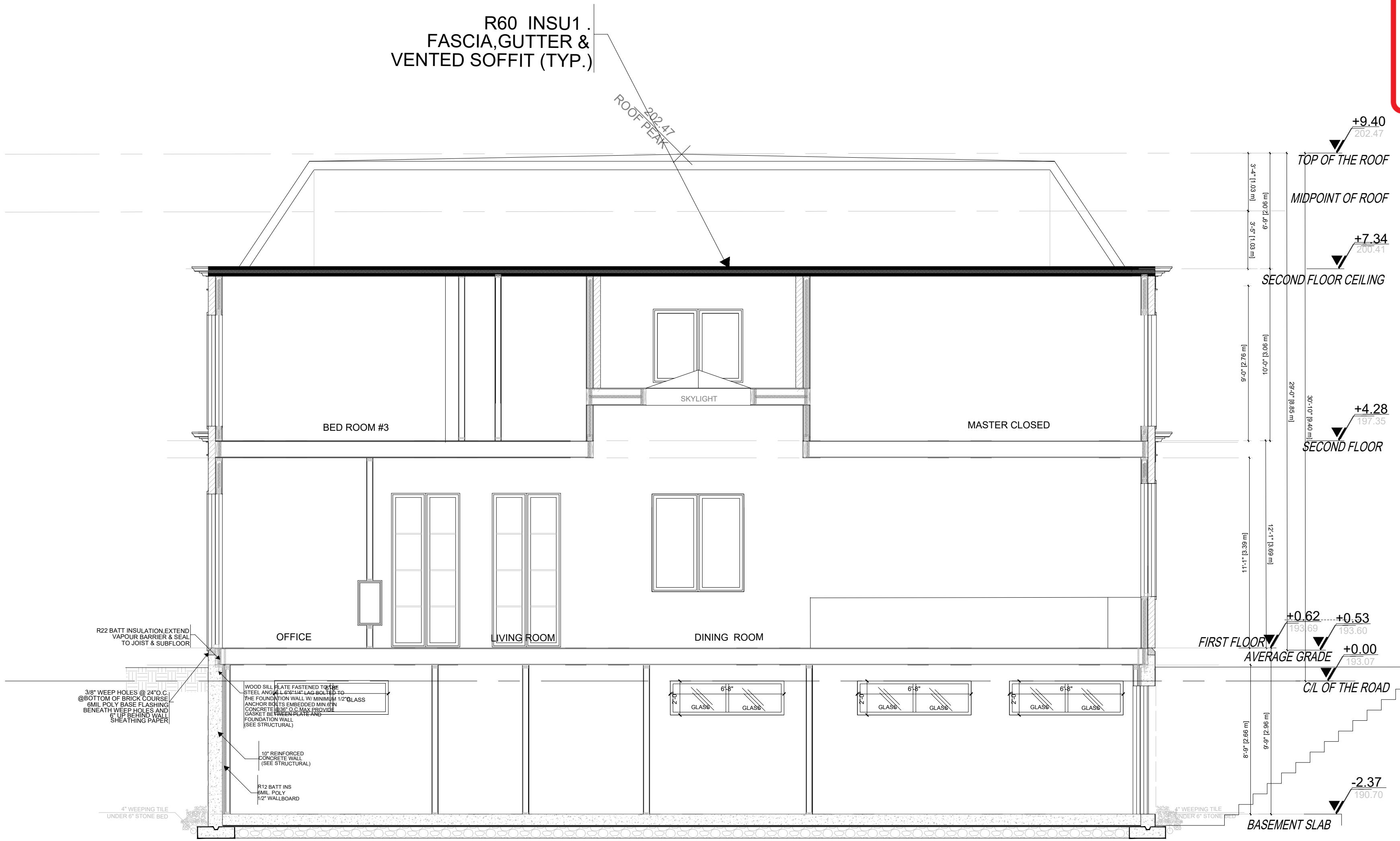
**A10**



# Appendix B

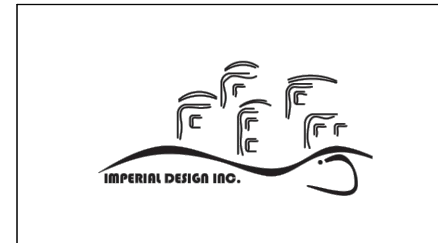
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Designed by:	M.J.
Checked by:	J.D.
Scale:	1":1/4"
Project No:	2034-23
Date:	21/08/2023

Drawing Title

# A11

SECTION B1

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
(TRANSMISSION COPY)  
V-53034



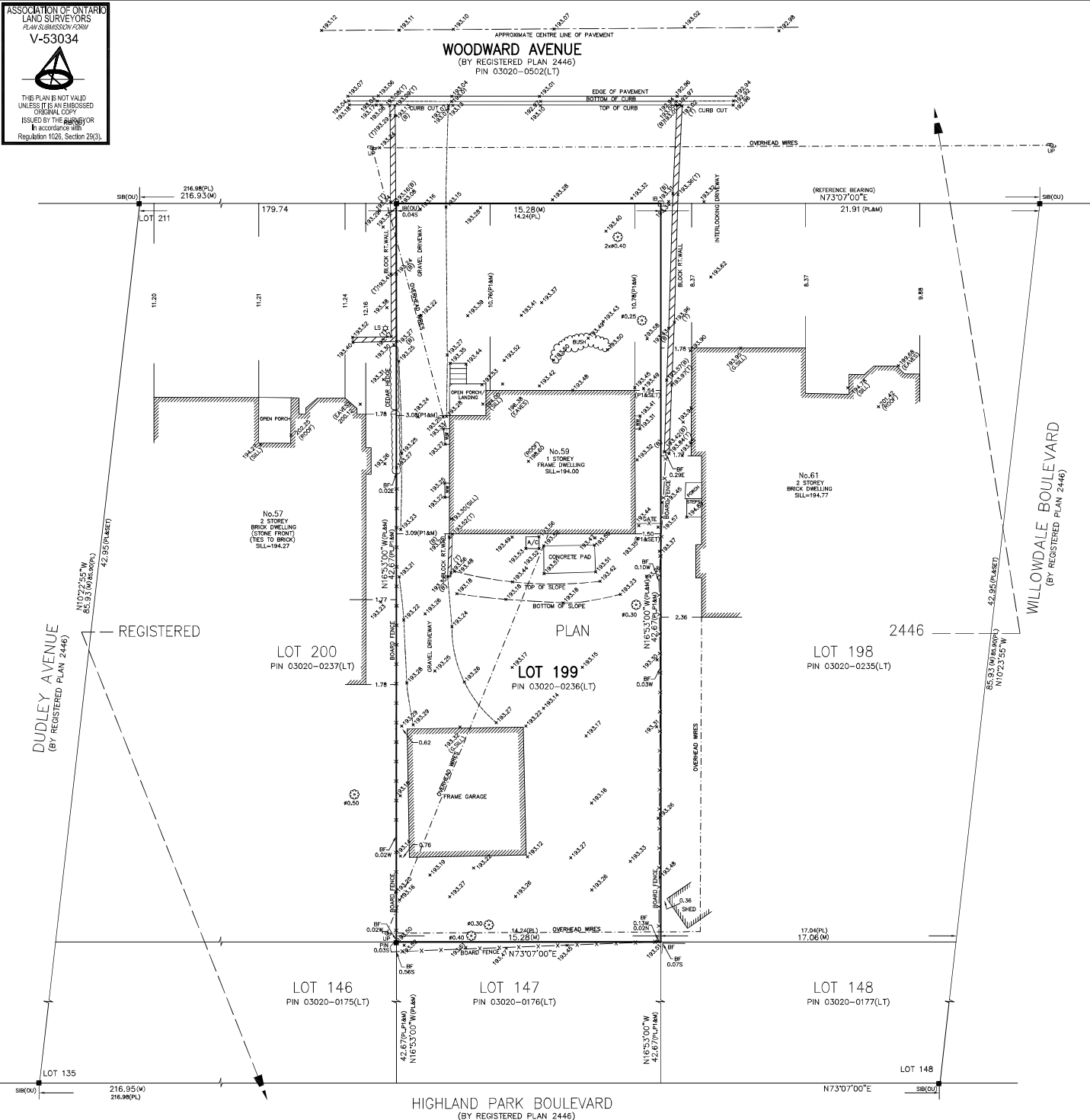
THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
IN ACCORDANCE WITH  
REGULATION 1026, SECTION 29(3).

**SURVEYOR'S REAL PROPERTY REPORT**

LOT 199 REGISTERED PLAN 2446  
**Appendix B**

File: 24-159095.000.00.MNV  
CITY OF TORONTO  
REGIONAL MUNICIPALITY OF YORK

Scale: 1:150  
Date: 6/11/2024  
VLADIMIR DOSEN, O.L.S.



**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE  
IN METRES AND CAN BE CONVERTED  
TO FEET BY DIVIDING BY 0.3048.

- NOTES AND LEGEND**
- DENOTES SURVEY MONUMENT PLANTED
  - DENOTES SURVEY MONUMENT FOUND
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - CC DENOTES CUT CROSS
  - CP DENOTES CONCRETE PIN
  - OU DENOTES ORIGIN UNKNOWN
  - M DENOTES MEASURED
  - WIT DENOTES WITNESS
  - PL DENOTES REGISTERED PLAN 2446
  - P1 DENOTES PLAN BY BAIRD & MUCKLSTONE, O.L.S. DATED APRIL 6, 1950
  - LS DENOTES LAMP STANDARD
  - UP DENOTES UTILITY POLE
  - (B) DENOTES BOTTOM
  - (T) DENOTES TOP
  - BF DENOTES BOARD FENCE
  - WRW DENOTES WOOD RETAINING WALL
  - N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
  - 196.16 DENOTES SPOTT ELEVATION
  - Ø DENOTES DIAMETER
  - ⊙ DENOTES DECIDUOUS TREE
  - ⊙\* DENOTES CONIFEROUS TREE

**BEARING NOTE:**  
BEARINGS ARE ASTROMIC AND ARE  
DERIVED FROM THE SOUTHERLY LIMIT OF  
WOODWARD AVENUE  
AS SHOWN ON REGISTERED PLAN 2446  
HAVING A BEARING OF N73°07'00"E

THIS REPORT WAS PREPARED FOR  
YASHAR RASSOULI  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY  
OTHER PARTIES.

**BENCHMARK NOTE:**  
ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM  
CITY OF MARKHAM BENCHMARK No. 1-3  
HAVING AN ELEVATION OF 174.950 METRES.

**PART 2) SURVEY REPORT**  
DESCRIPTION OF LAND: PIN 03020-0236(LT)  
LOT 199, REGISTERED PLAN 2446  
REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:  
NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED.

**BOUNDARY FEATURES:**  
LOCATION OF FENCES ARE AS SHOWN  
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:  
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING  
BY-LAWS.

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 5th DAY OF JULY, 2023

DATE: JULY 19, 2023

*Vladimir Dosen*  
VLADIMIR DOSEN, B.Sc.  
ONTARIO LAND SURVEYOR

**VLADIMIR DOSEN SURVEYING**  
ONTARIO LAND SURVEYORS  
555 DAVISVILLE AVENUE  
TORONTO, ONTARIO M4S 1J2  
PHONE (416) 466-0440 EMAIL: vladdosen@rogers.com

JOB No: 23230	SHEET: 18x24	FIELD BY: FRANK
FILE: 13-026		DRAWN BY: NATHAN
CAD FILE: 59_WOODWARD AVENUE		CHECKED BY: VD

## **APPENDIX “C” – A/003/24 Conditions of Approval**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/003/24**

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by CityStaff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office