

# Memorandum to the City of Markham Committee of Adjustment

January 26, 2023

**File:** A/027/22  
**Address:** 10 Miner Circle, Markham  
**Applicant:** TAES Architects Inc. (Shenshu Zhang)  
**Agent:** TAES Architects Inc. (Shenshu Zhang)  
**Hearing Date:** Wednesday, February 1, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Fourth Density Single Family Residential (R4)” zone requirements under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Section 6.1:**  
a minimum front yard setback of 24 feet 7 inches (7.50 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres);
- b) **Section 6.1:**  
a minimum rear yard setback of 20 feet 9.5 inches (6.34 metres), whereas the By-law requires a minimum rear yard setback of 25 feet (7.62 metres);
- c) **Section 6.1:**  
a maximum building height of 26 feet 11.5 inches (8.22 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres);
- d) **Section 3.7:**  
A maximum rear yard encroachment of 13 feet 9 inches (4.23 metres) for the purposes of an uncovered walk-up staircase, whereas the By-law permits a maximum encroachment of 5 feet (1.52 metres) into the required rear yard.

## BACKGROUND

### Property Description

The 1,169.43 m<sup>2</sup> (12,587.63 ft<sup>2</sup>) Subject Lands are located on the north side of Miner Circle, generally located west of Fred Varley Drive and south of Carlton Road (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings.

There is an existing a one-storey detached dwelling on the Subject Lands, which was constructed in 1969 according to assessment records. Mature vegetation exists on the property which includes large mature trees in the side and rear yards, as well as smaller trees in the front yard.

### Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with an integral two-car garage with approximately 689.34 m<sup>2</sup> (7419.99 ft<sup>2</sup>) of gross floor area.

## **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. This criteria is 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 11-72

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits one single detached dwelling per lot.

The proposed dwelling does not comply with the by-law requirements as it relates to minimum front yard setback, minimum rear yard setback, maximum building height, and maximum rear yard encroachment.

### Varley Village Infill Area

The Subject Lands are within an area of the City where larger dwellings are replacing the existing building stock. In response to concerns within this redevelopment trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee (a Committee of Council), undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law as not adopted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

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

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on February 9, 2022 in response to comments received during the review process. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the Applicant’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; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Reduction in Minimum Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 24 feet 7 inches (7.52 metres), whereas the By-law requires a minimum setback of 27 feet (8.23 metres). This represents a reduction of approximately 2.32 feet (0.71 metres).

The main front wall of the building provides a front yard setback that is 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 and have no concerns with the proposed variance.

### **Reduction in Minimum Rear Yard Setback**

The Applicant is requesting relief to permit a minimum rear yard setback of 20 feet 9 ½ inches (6.34 metres), whereas the By-law requires a minimum setback of 25 feet (7.62 metres). This represents a reduction of approximately 4.19 feet (1.28 metres).

Staff note that the Subject Lands are irregular in shape and that the alignment of the proposed dwelling results in a reduced rear yard. Staff are of the opinion that the proposed rear yard setback would be of minimal impact to the neighbouring properties, and would still provide sufficient outdoor amenity space in the side yard. As such, the requested variance is considered appropriate for the lot and staff have no concern with the requested variance.

### **Increase in Maximum Building Height**

The Applicant is requesting relief to permit a maximum building height of 26 feet 11.5 inches (8.22 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of 1.9 feet (0.6 metres). Staff are of the opinion the proposed building height is minor in nature and will not adversely impact the character of the neighbourhood.

### **Rear yard Stairs Encroachment**

The Applicant is requesting relief to permit an uncovered and unenclosed walk-up staircase that would encroach 13 feet 9 inches (4.23 metres), whereas the By-law permits a maximum rear yard encroachment of 5 feet (1.52 metres), which is a reduction of 8.9 feet (2.71 metres). As previously noted, the lot is irregular in shape, which results in a reduced rear yard. The rear yard staircase walkout represents a minor component of the dwelling and as such, it is the opinion of Staff that the variance is appropriate for the lot and meets the general intent and purpose of the Zoning By-law.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 26, 2023. 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 variance request meets 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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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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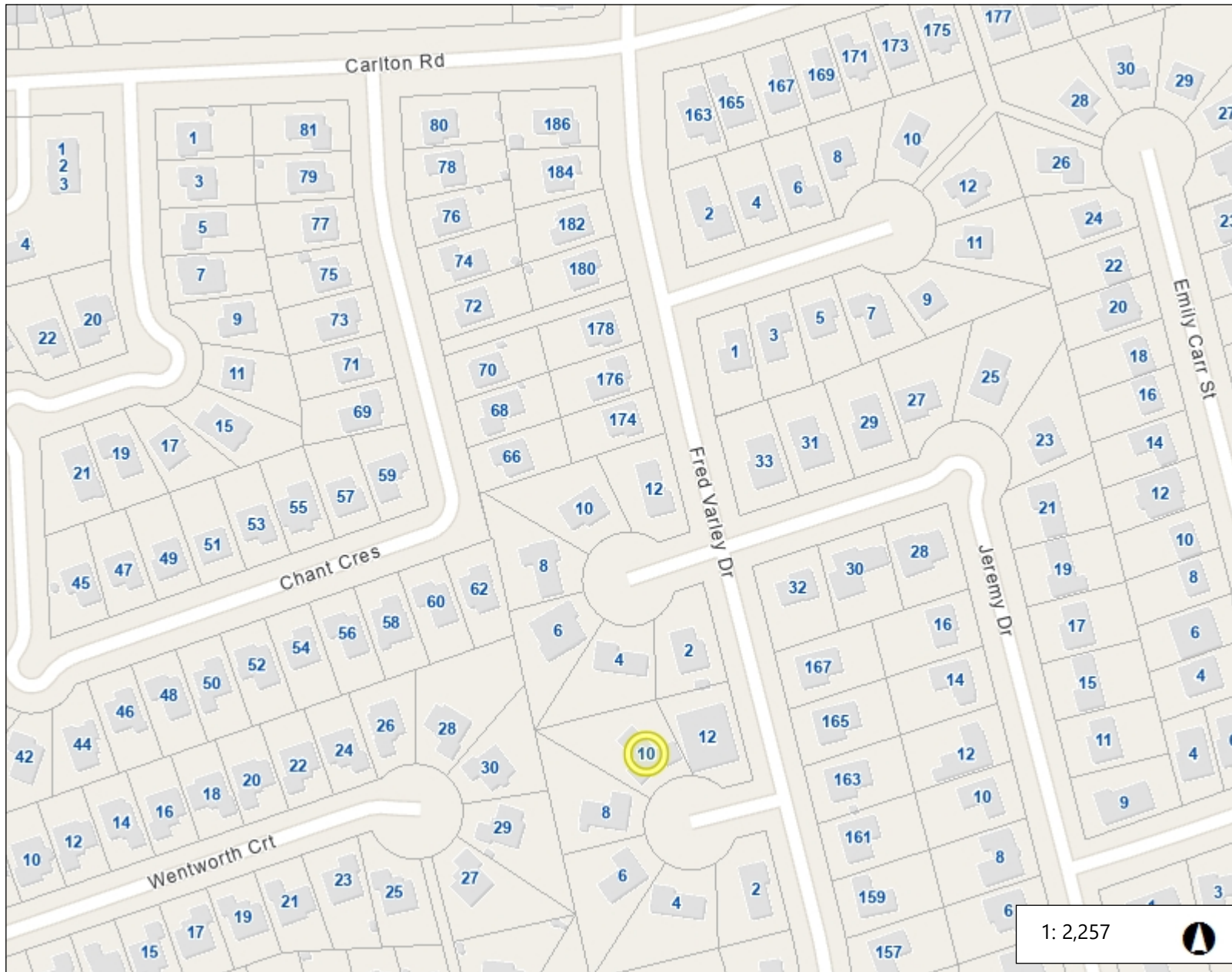
Deanna Schlosser, MCIP RPP, Senior Planner, Central District

## **APPENDICIES**

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" - A/027/22 Conditions of Approval



Legend

- Subject Lands
- 10 10 Miner Circle

1: 2,257



114.7 0 57.33 114.7 Meters

Notes

# Appendix B

File: 22.111992.000.00.MNV

Date: 01/27/23  
MM/DD/YY

# RESIDENCE

## 10 Miner Circle, Markham, ON



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No.	Revision	Date	By
1	Zoning Review	2022-01-25	EW
2	Variance Application	2022-02-17	EW

**TAES Architects Inc.**  
 98 SCARSDALE ROAD  
 TORONTO, ON M3B 2R7 CANADA  
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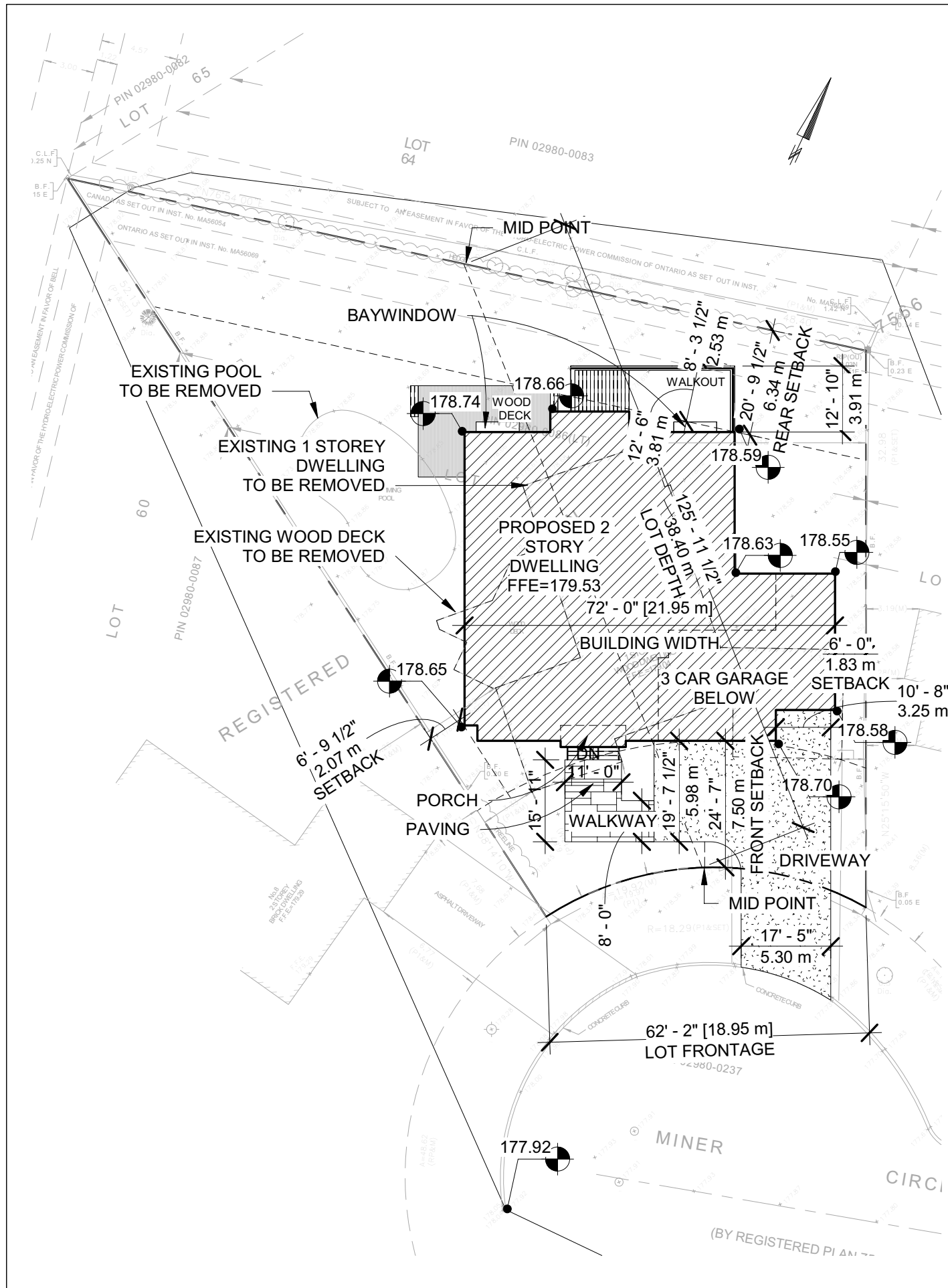
**10 Miner Circle**  
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Project number	T2021055
Drawn	Scale
Checked	Date

Cover

Drawing No. **A000**





<b>ZONING</b>	R4 (BY-LAW 11-72 )	<b>LOT NO.</b>	61
<b>PLAN NO.</b>	7566	<b>LOT AREA</b>	12,585 SF (1,169.15 SM)
<b>LOT FRONTAGE</b>	62' - 2" (18.95M)	<b>LOT DEPTH</b>	125' - 11 1/2" (38.40M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED
<b>MIN.LOT FRONTAGE</b>		62' - 2" (18.95M)	50' - 0"
<b>MIN. LOT AREA</b>		12,584.93 SF (1,169.14 SM)	6,250 SF
<b>MAX.BUILDING HEIGHT</b>		26' -11 1/2" (8.22 M)*	25' -0" (7.62 M)
<b>NO. OF STORIES</b>	1	2	2
<b>DRIVEWAY WIDTH</b>		17' -5" (5.30 M)	
<b>BUILDING AREA</b>		3,789 SF (352.01 SM)	
<b>GROSS FLOOR AREA (INCL.GARAGE)</b>		7,420 SF (689.34 SM)	
<b>MAX LOT COVERAGE</b>		3,780 SF (352.01 SM) 30.1%	33.3%
<b>FRONT YARD AREA</b>		2,081 SF (193.32 SM)	
<b>FRONT YARD SOFT LANDSCAPING AREA</b>		1055 SF (98.01 SM) 50.6%	40%
<b>GARAGE AREA</b>		3 CARS	805 SF

SETBACK	EXISTING	PROPOSED	REQUIRED
<b>FRONT (SOUTH)</b>	6.58 M	24' - 7" (7.50 M)*	27' - 0" (8.23 M)
<b>SIDE (EAST)</b>	1.31 M	6' - 0" (1.83 M)	6' - 0" (1.83 M)
<b>SIDE (WEST)</b>	3.33 M	6' - 9 1/2" (2.07 M)	6' - 0" (1.83 M)
<b>REAR (NORTH)</b>	8.04 M	20' - 9 1/2" (6.34 M)*	25' - 0" (7.62 M)

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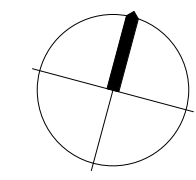
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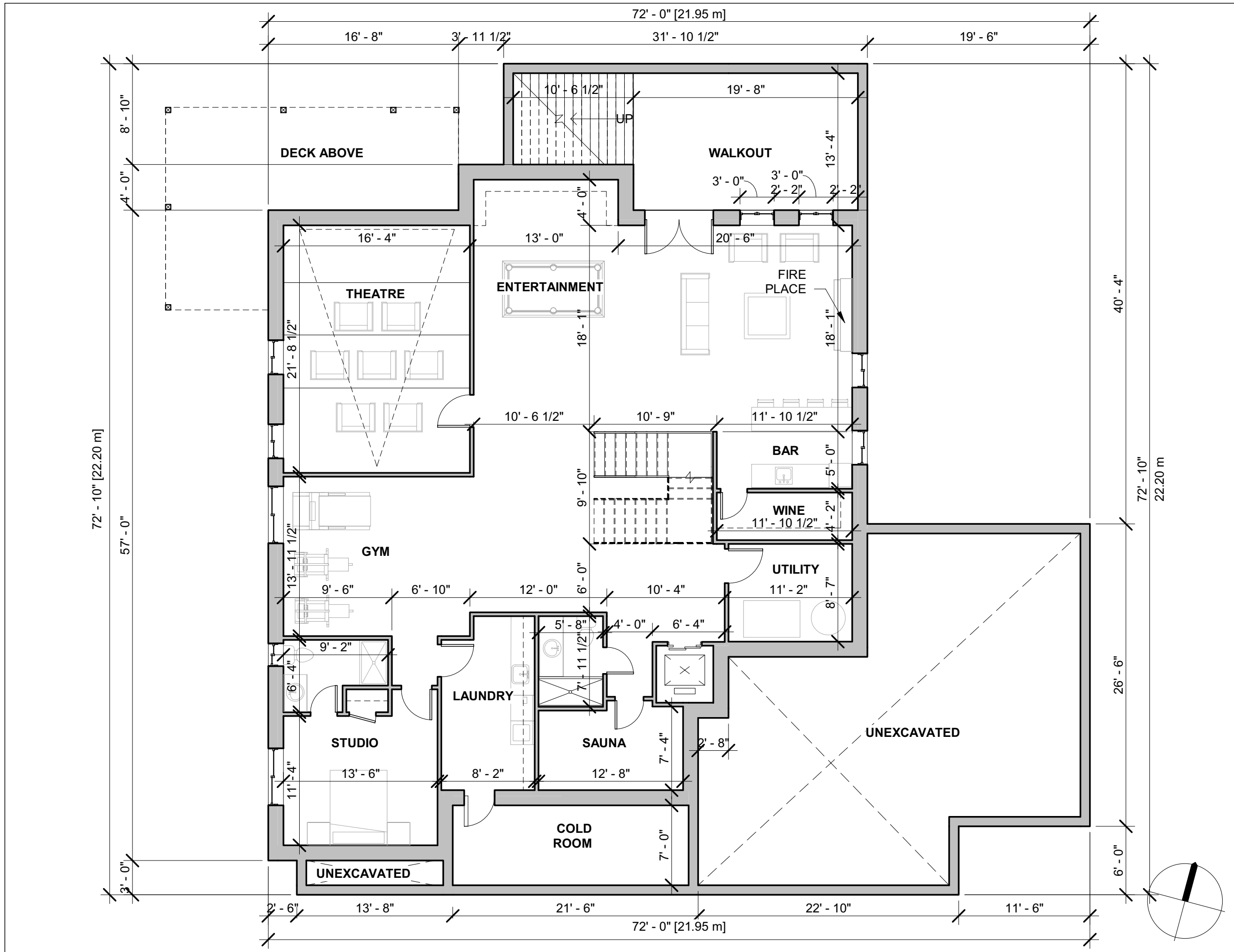
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**Site Plan & Statistics**

Drawing No. **A001**





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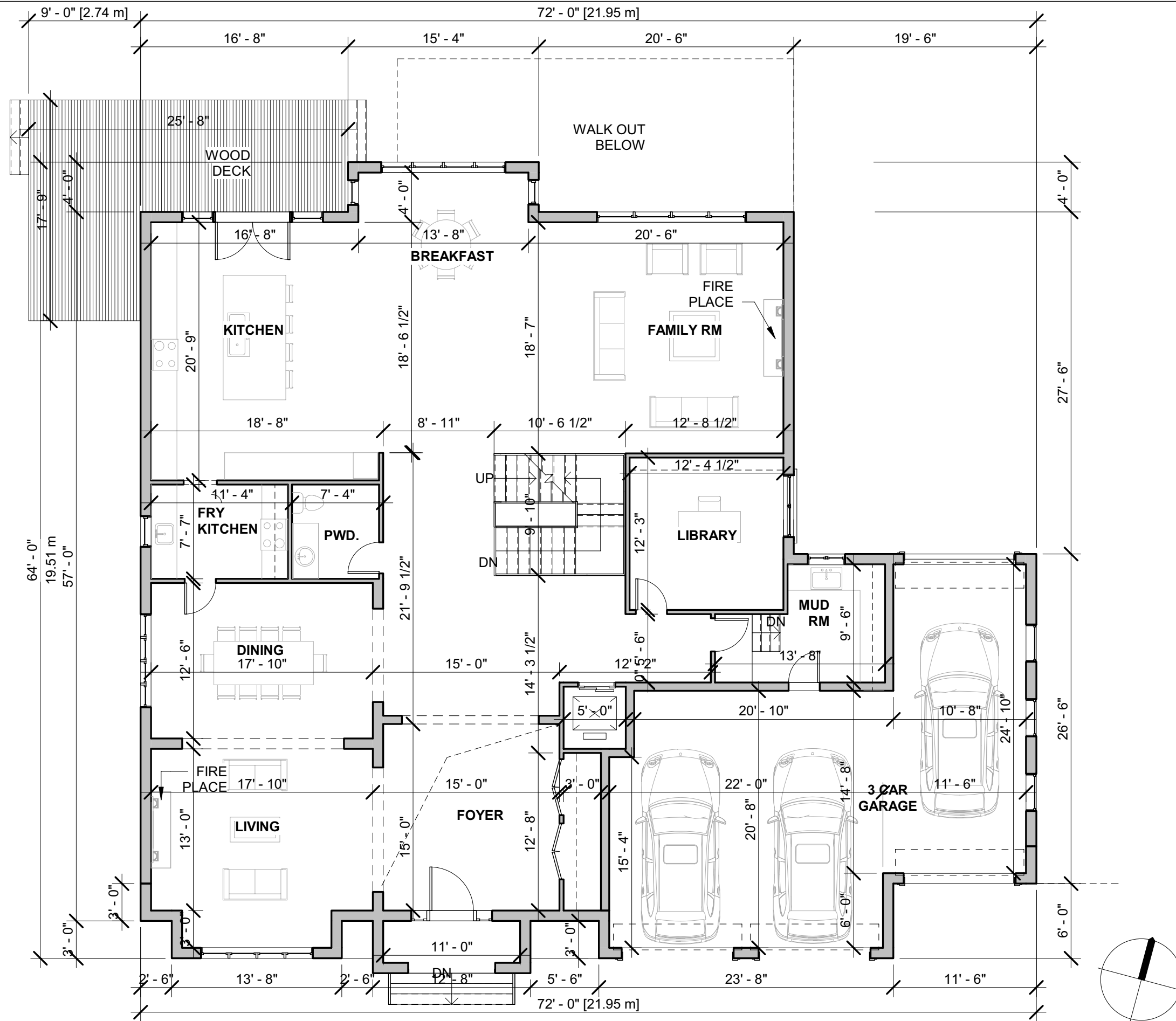
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**Basement Floor**

Drawing No. **A101**





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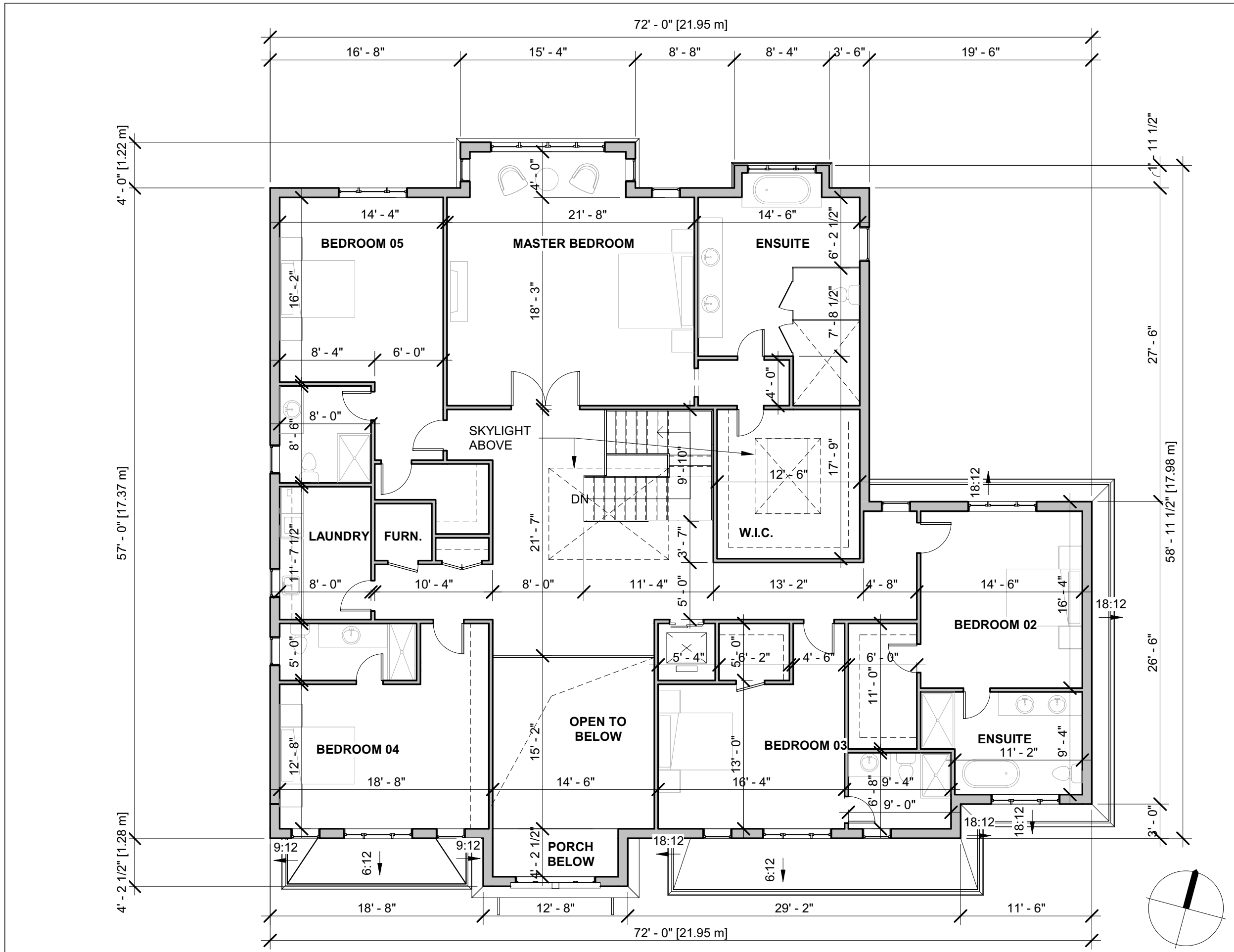
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**Ground Floor Plan**

Drawing No. **A102**



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**Second Floor Plan**  
 Drawing No. **A103**





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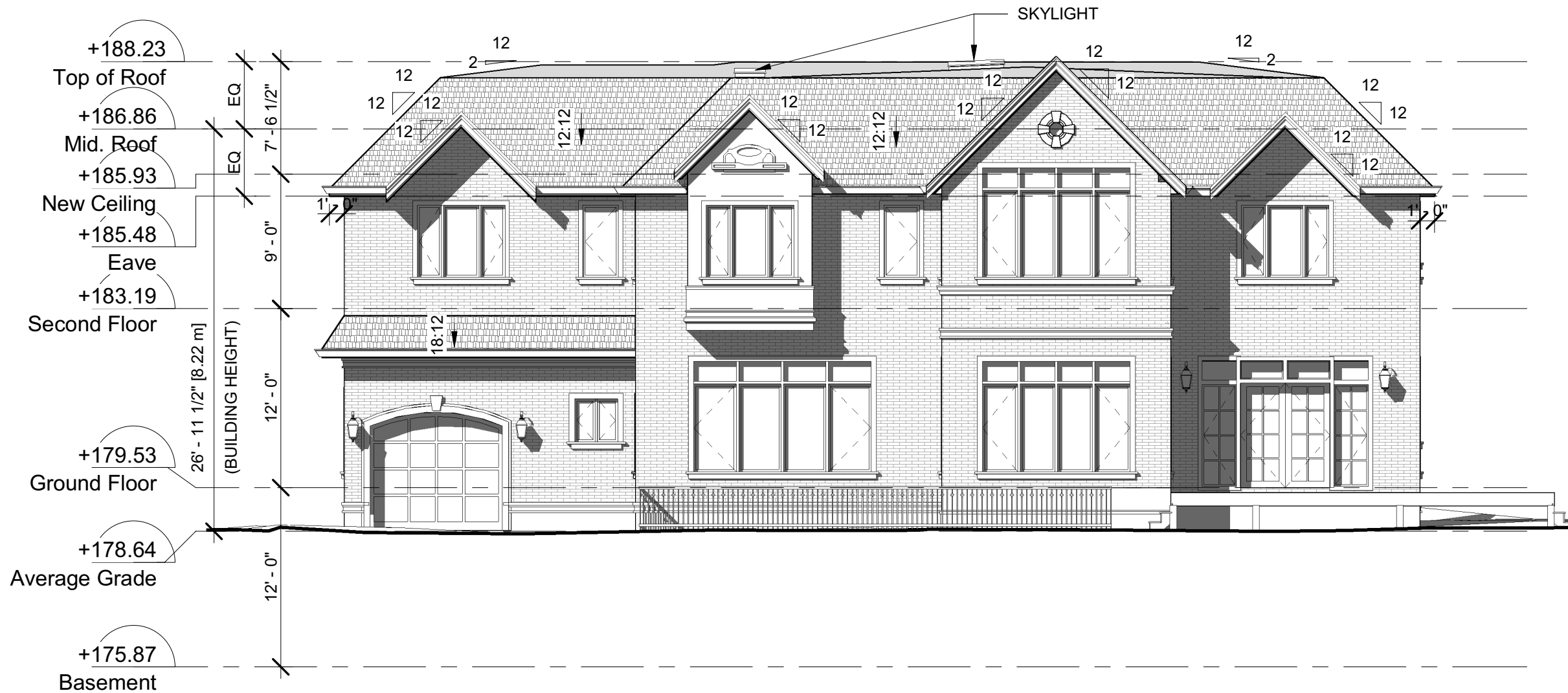
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**South (Front) Elevation**

Drawing No. **A201**



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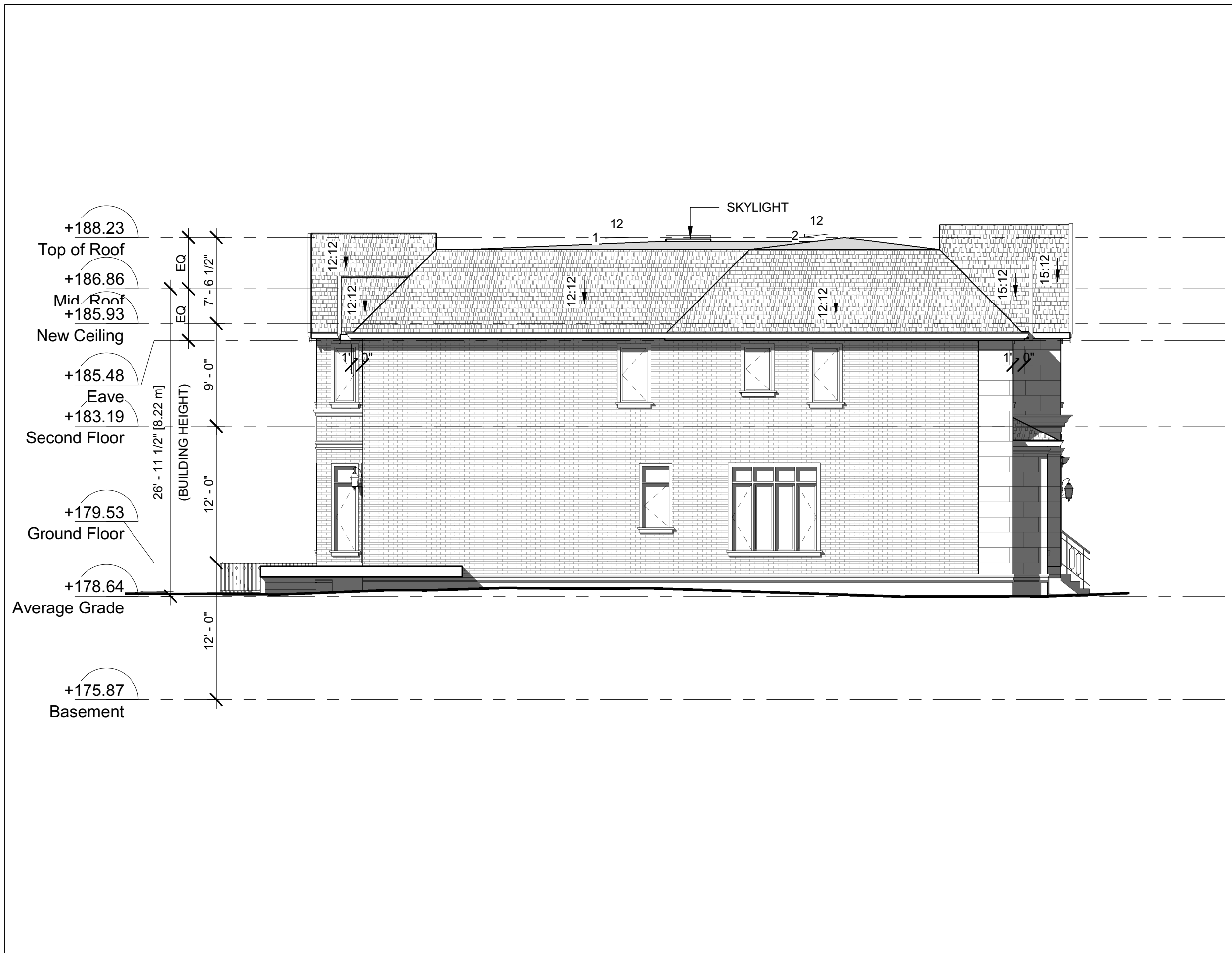
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**North (Rear) Elevation**

Drawing No. **A202**



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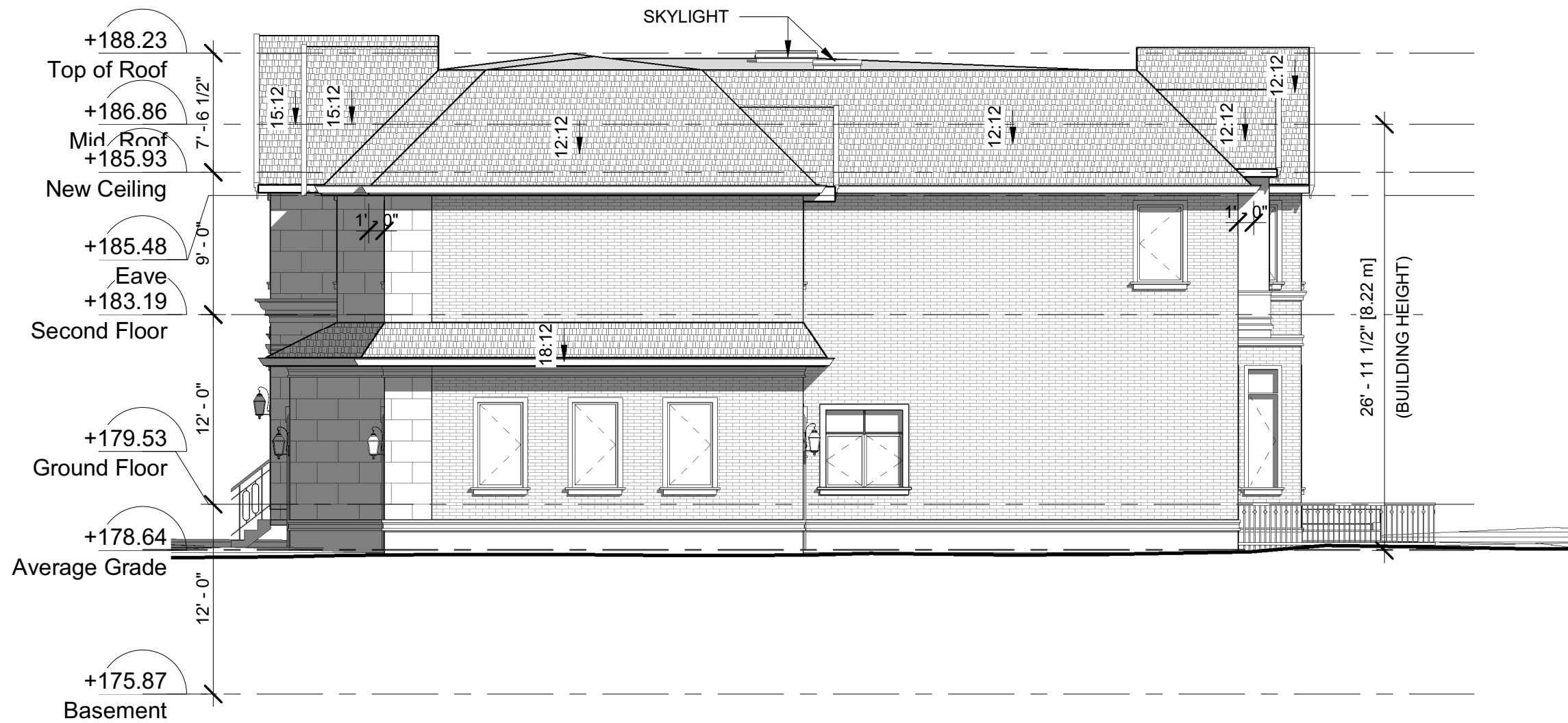
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**West Elevation**

Drawing No. **A203**





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**East Elevation**

Drawing No. **A204**



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**10 Miner Circle**

Markham, ON

Project number T2021055

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**Perspective-Front**

Drawing No. **A501**



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**10 Miner Circle**

Markham, ON

Project number T2021055

Drawn Scale

Checked Date

**Perspective-Rear**

Drawing No. **A502**

**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/027/22**

1. The variances apply only to the proposed development for as long as it remains;  
and
  
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District