

Memorandum to the City of Markham Committee of Adjustment

March 14, 2023

File: A/030/23
Address: 78 Southdale Drive, Markham
Applicant: LHW Engineering (Lihang Wang)
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, April 5, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed second storey addition and porch to the existing detached dwelling. The variances requested are to permit:

- a) **By-law 99-90, Section 1.2(ii):**
a depth of 17.53m, whereas the By-law permits a maximum of 16.8m,
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.8 percent, whereas the By-law permits a maximum of 45 percent,
- c) **By-law 1229, Table 11.1:**
a minimum setback of 4.75 feet to the interior side lot line, whereas the By-law requires a minimum of 6 feet for the two-storey portion of the building.

BACKGROUND

Property Description

The 652.13 m² (7,019.46 ft²) subject property is located on the north side of Southdale Drive, south of Highway 7 and east of McCowan Road. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half storey detached dwellings.

The property currently contains a one storey detached dwelling with an integral garage. Mature vegetation exists on the property which includes one (1) large tree in the front yard, vegetation in the rear yard as well as along the north and east property lines.

Proposal

The applicant is proposing to construct a 158 m² (1,700.7ft²) addition to the existing one-storey detached dwelling. The addition includes a new second storey, the construction of a front porch, as well as exterior and interior alterations to the dwelling.

Official Plan and Zoning

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

The subject property is designated “Residential Low Rise”, which provides for 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.

Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum side yard setback.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 8, 2023 to confirm the variances required for the proposed development.

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 17.53 m (57.51 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 0.73 m (2.39 ft).

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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes a front covered porch which adds approximately 1.71 m (5.6 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 15.82 m (51.90 ft) which complies with the by-law requirement.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a second storey addition to the existing one storey dwelling with a floor

area of 334 m² (3,595.15 ft²), whereas the By-law permits a dwelling with a maximum floor area of 284.67 m² (3,064.16 ft²). This represents an increase of approximately 49.33 m² (530.98 ft²).

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 subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. Staff are of the opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling, and that the proposed dwelling is generally consistent with what the By-law permits.

Reduced Side Yard Setback

The applicant is requesting a minimum interior side yard setback of 4.75 ft (1.44 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.82 m) for the two-storey portion of the dwelling.

The requested variance only applies to the east side of the two-storey portion of the dwelling, that will be located directly above the existing one-storey dwelling. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Staff are satisfied that the requested variance is minor in nature and will not result in adverse impacts to neighbouring properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 27, 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 variances requested 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23

1. The variances apply only to the proposed development for as long as it remains.
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:



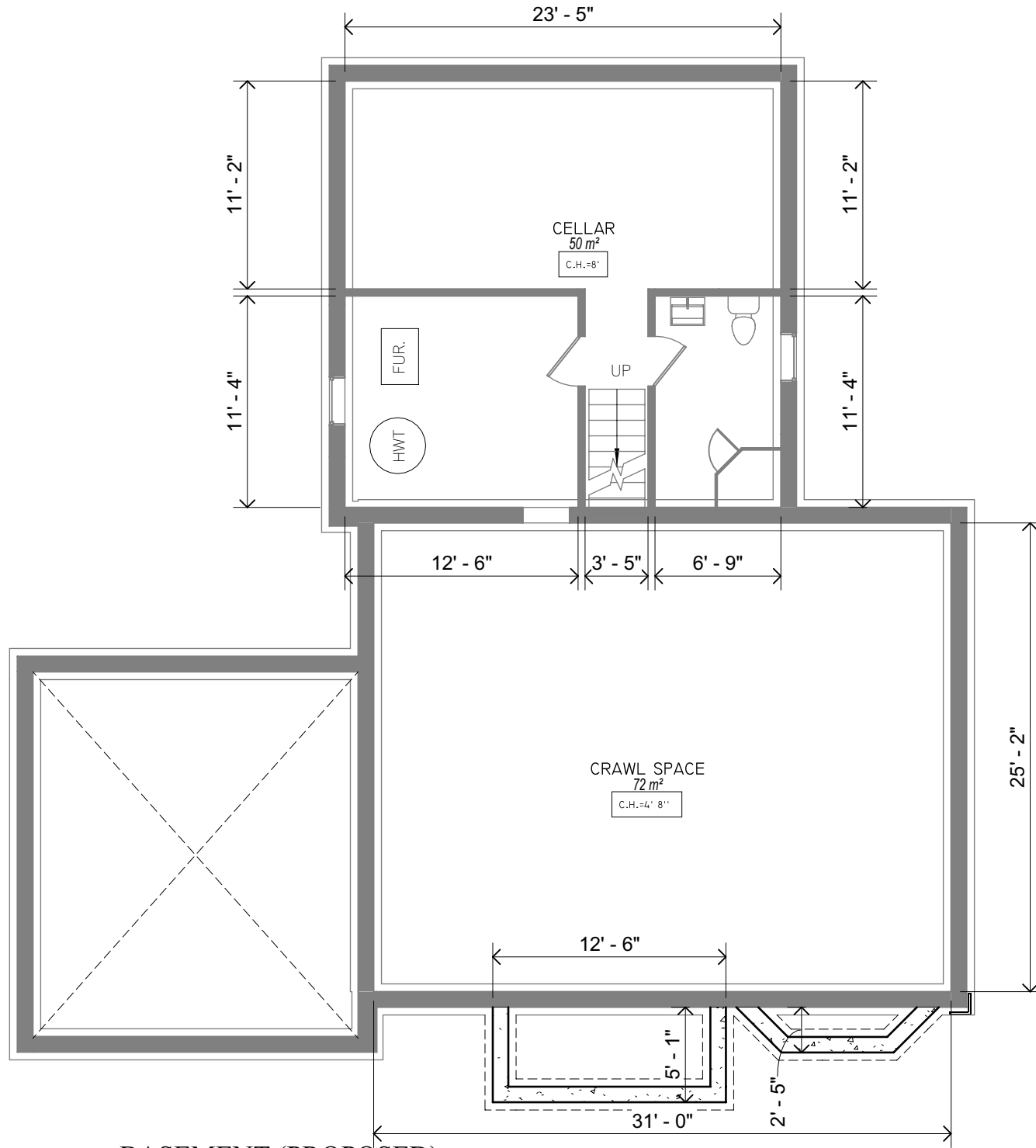
Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23

Appendix B

File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



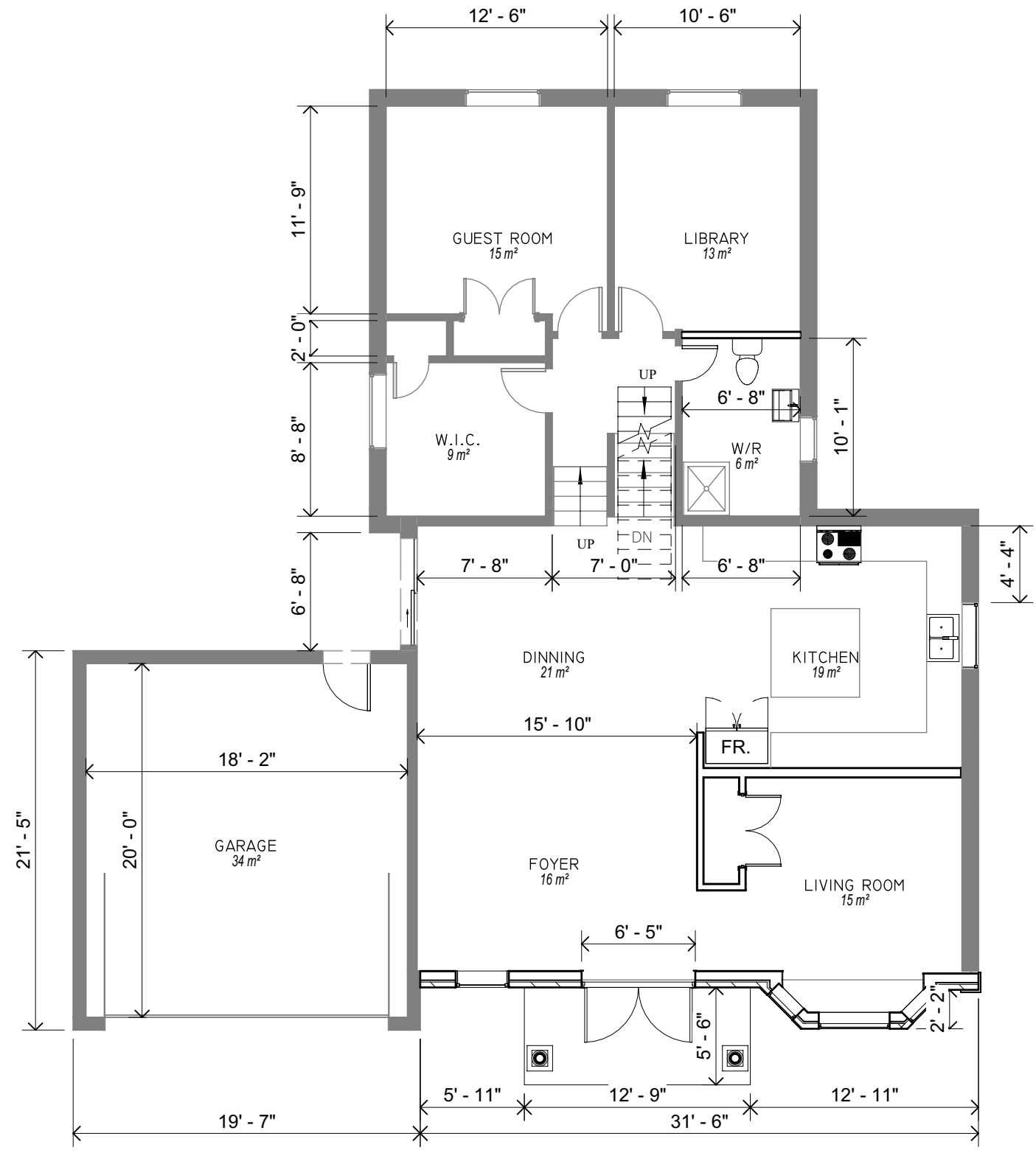
2 BASEMENT (PROPOSED)
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.3
	DRAWING TITLE PROPOSED BASEMENT PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
No.	Description	Date		
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

Appendix B

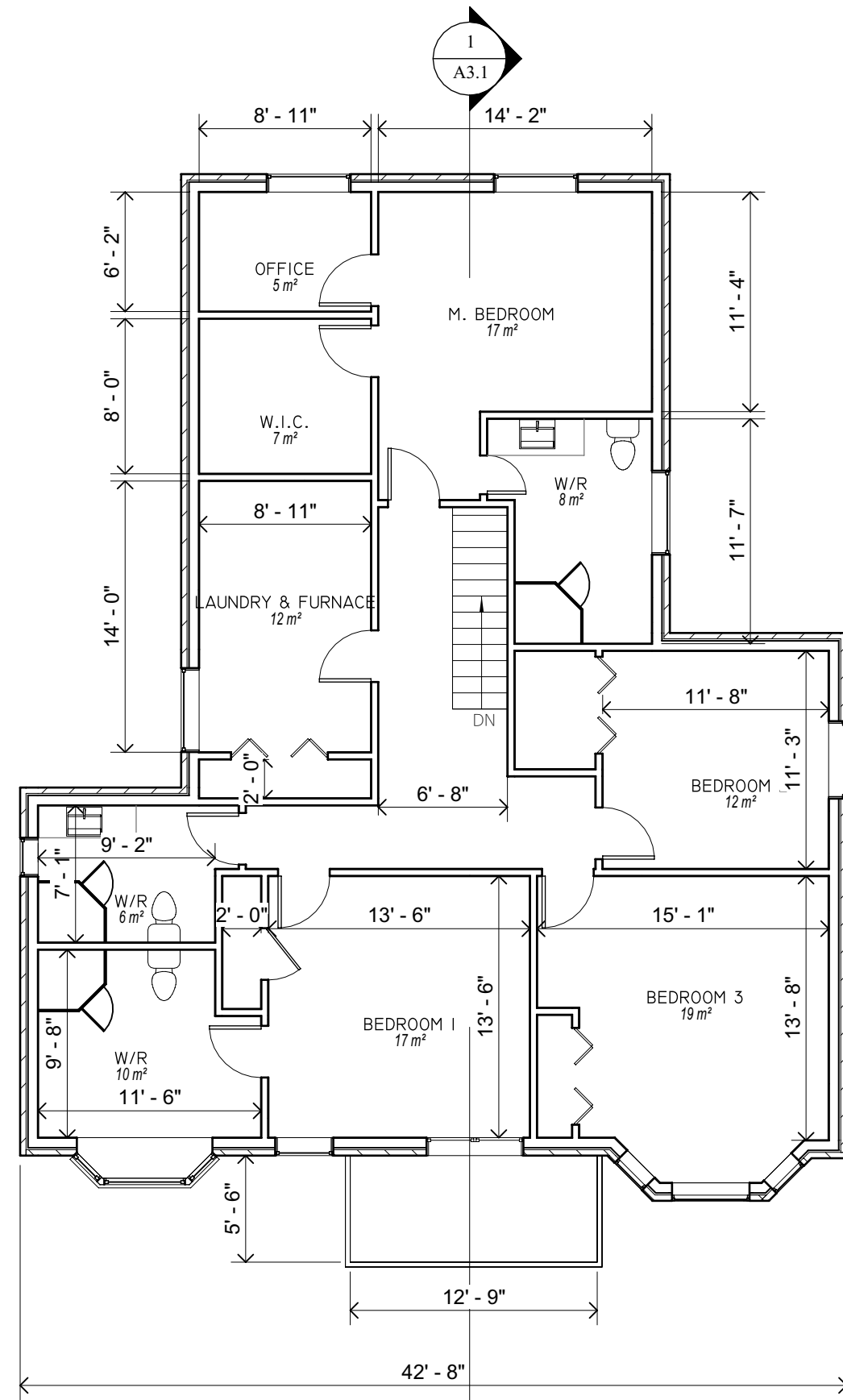
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Date: 03/29/23
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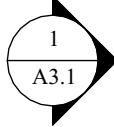
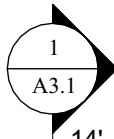


2 MAIN FLOOR (PROPOSED)
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.4
	DRAWING TITLE PROPOSED MAIN FLOOR PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
No.	Description	Date		
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				



2 SECOND FLOOR
1/8" = 1'-0"



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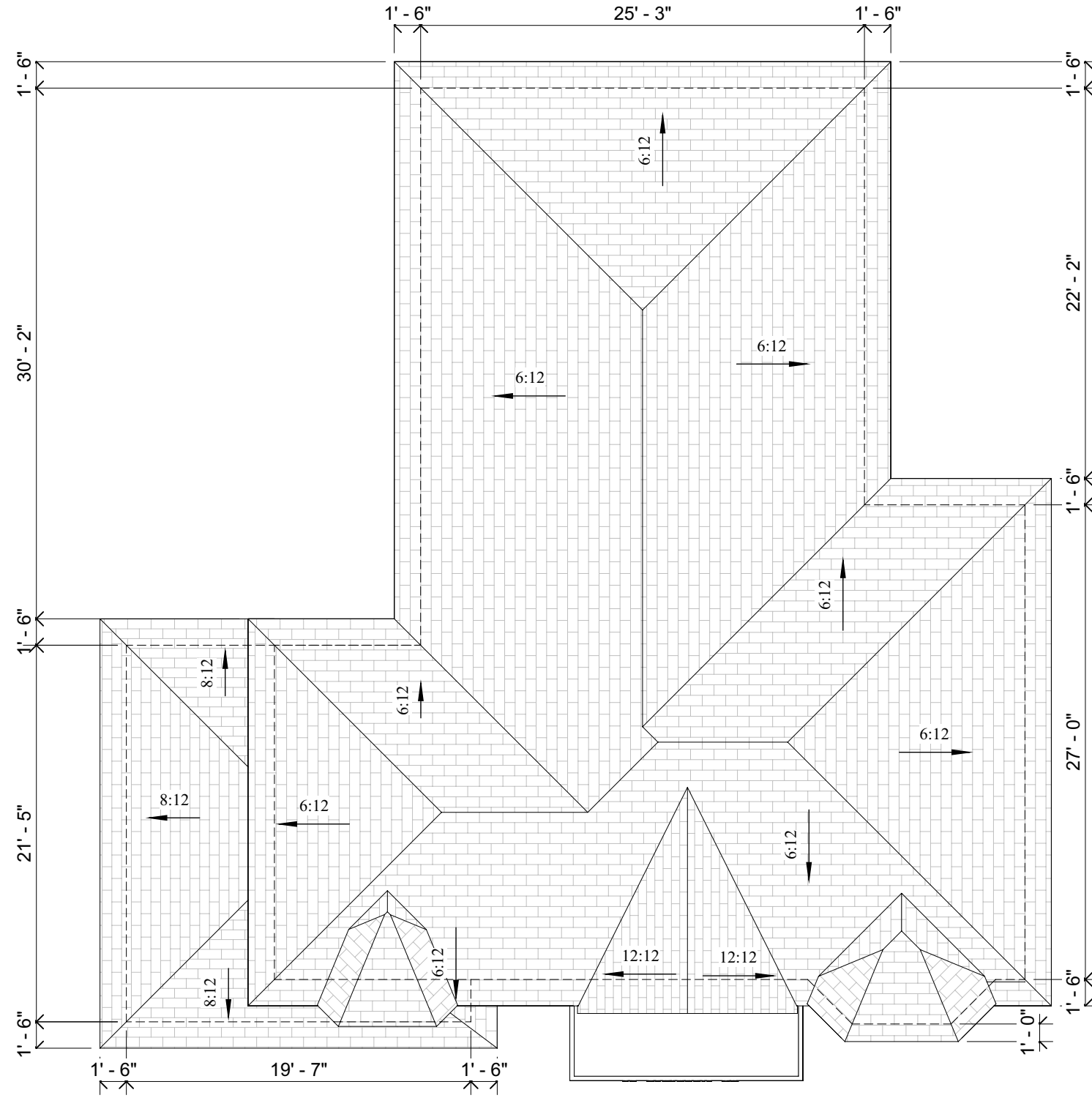
Date: 03/29/23
MM/DD/YY

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.5
	DRAWING TITLE PROPOSED SECOND FLOOR		Scale 1/8" = 1'-0"	Proj. No. 221116
No.	Description	Date		
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>				

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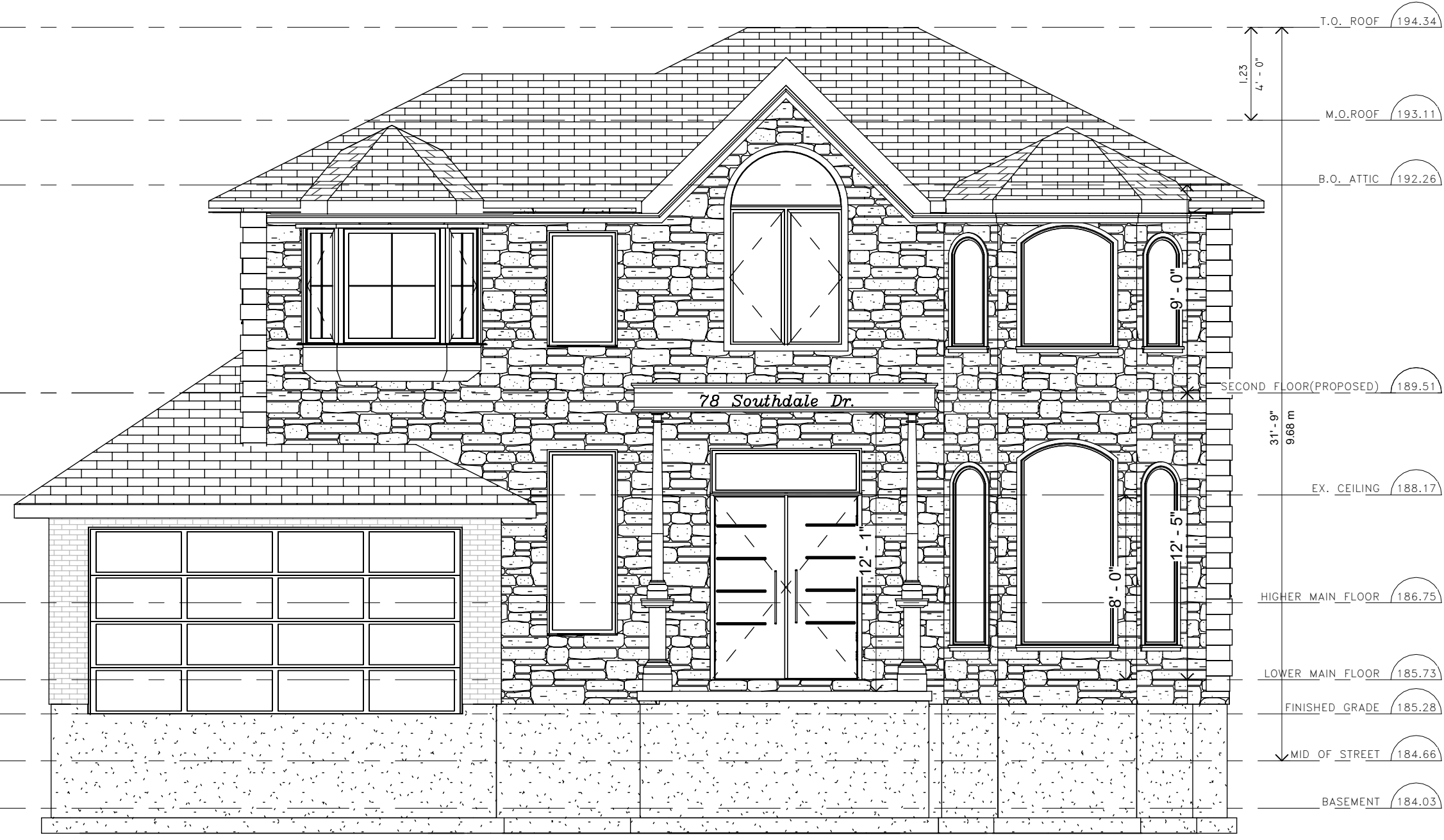
1 T.O. ROOF
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.6
	DRAWING TITLE ROOF PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM	No.	Description	Date	

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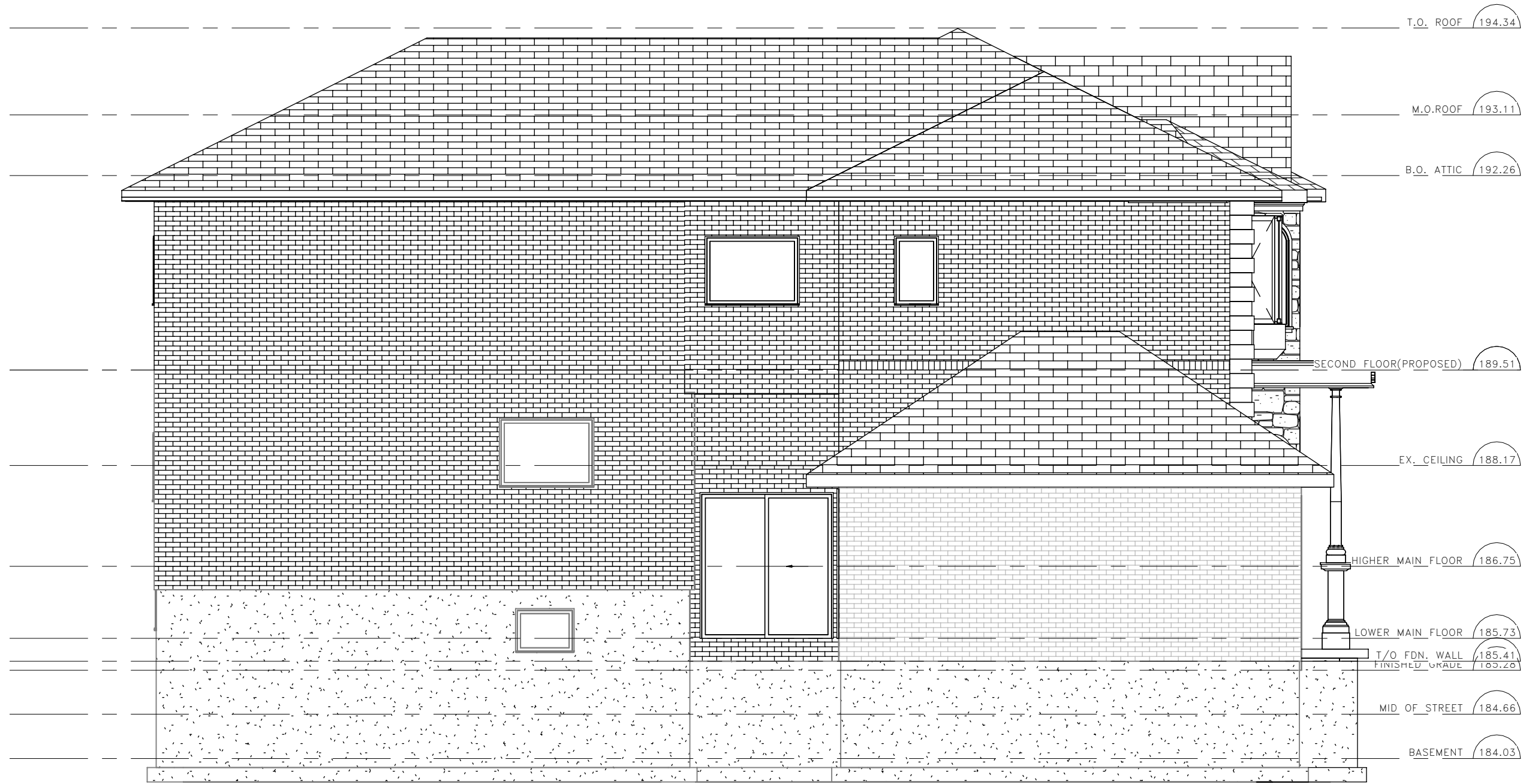
1 FRONT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By BW	DWG. No. A2.5	No.	Description	Date
	Date 11/24/2022					
DRAWING TITLE PROPOSED FRONT ELEVATION						
<p>LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>						

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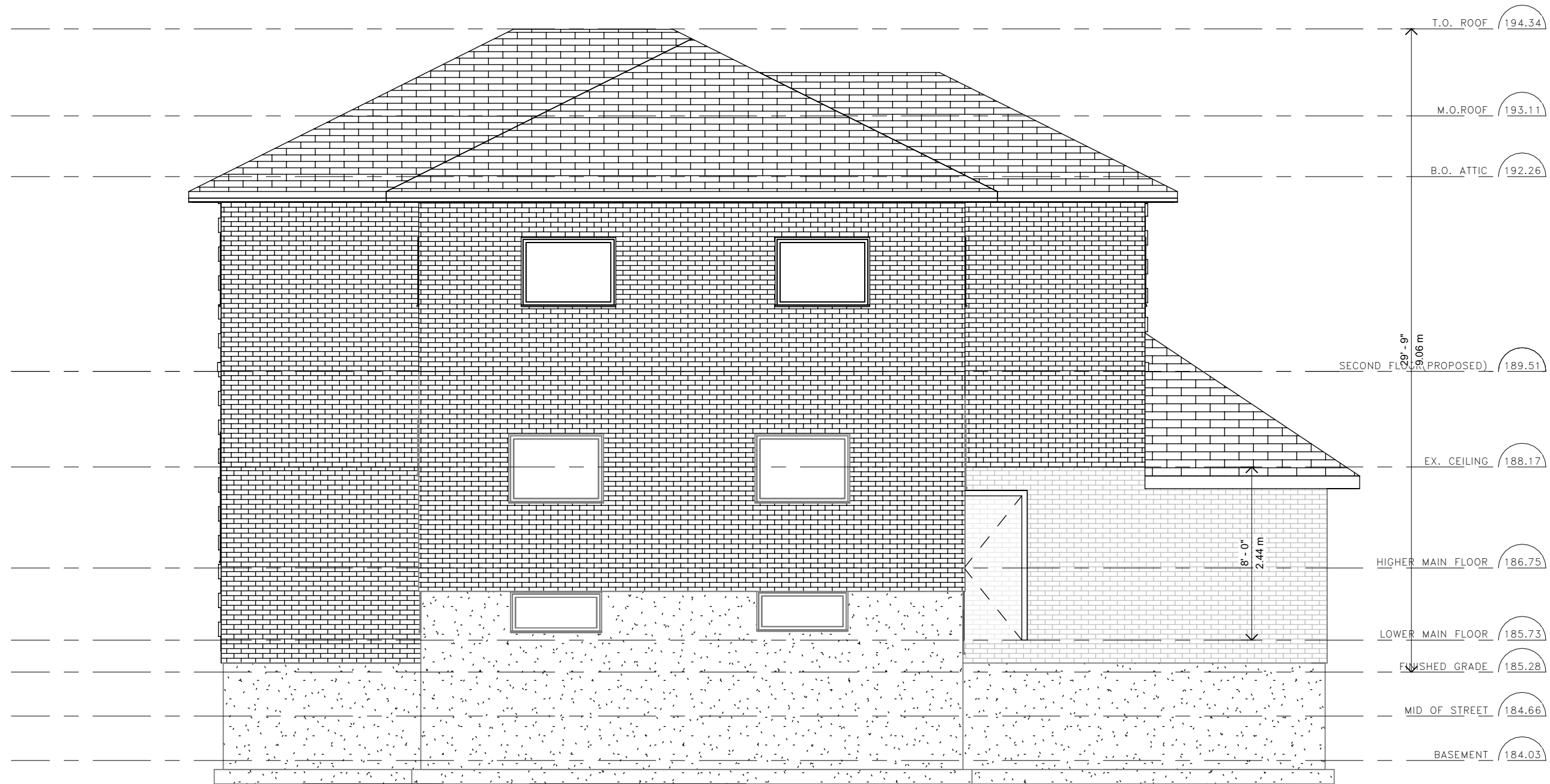
1 LEFT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.6	Date
	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116	
DRAWING TITLE PROPOSED LEFT ELEVATION	Description			Date
	No.	Description		
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

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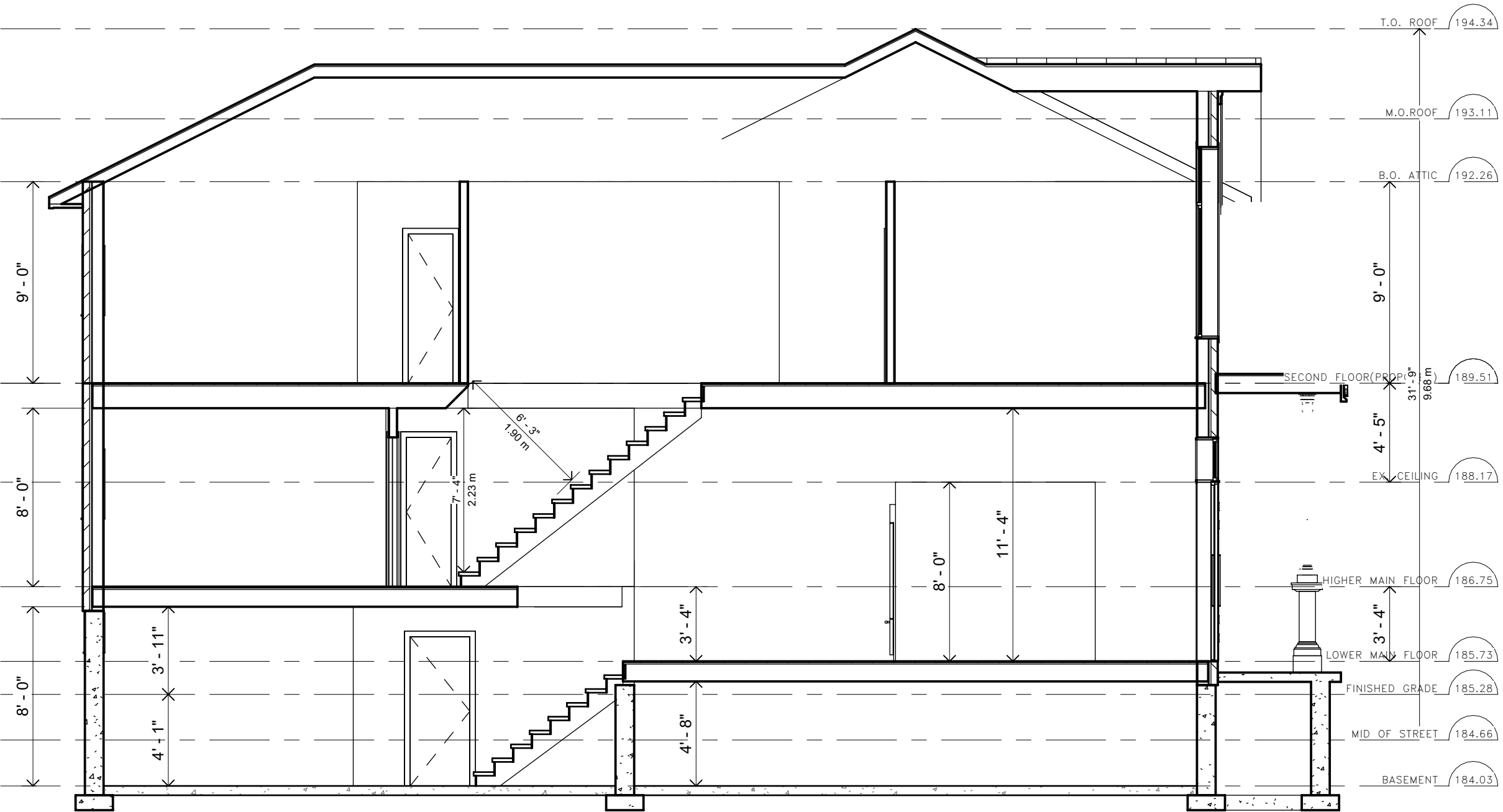
1 REAR ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.7	Date
	Date 11/24/2022			
DRAWING TITLE PROPOSED REAR ELEVATION	Scale 3/16" = 1'-0"	Proj. No. 221116	Description	No.
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				Date

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Date: 03/29/23
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PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By BW	DWG. No. A3.1	Date	
	Date 11/24/2022				Scale 3/16" = 1'-0"
DRAWING TITLE SECTION	Description			No.	Date
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					

1 Section 1
3/16" = 1'-0"