

Memorandum to the City of Markham Committee of Adjustment

June 11, 2024

File: A/041/24
Address: 12 Thomas Reid Rd, Markham
Applicant: Arrow Architecture Ltd. (Alex Wu)
Hearing Date: Wednesday, June 19, 2024

The following comments are provided on behalf of the West District Team.

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the following “Residential Established Neighbourhood Low Rise (RES-ENLR) under By-law 2024-19, to permit:

a) By-law 2024-19, Section 6.3.2.2.m):

a maximum projection of 6.9 metres of an attached private garage beyond the main wall of the building, whereas the by-law permits a maximum projection of 1.8 metres;

b) By-law 2024-19, Section 6.3.2.2.f):

a minimum front yard setback of 12.18 metres, whereas the by-law requires a minimum front yard setback of 13.75 metres;

as it relates to the extension of a two-car garage to a four-car garage.

BACKGROUND

Property Description

The 2,714 m² (29,213 ft²) Subject Lands are located on the west side of Thomas Reid Road, east of Victoria Square Boulevard, and north of Elgin Mills Road East (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. Mature vegetation exists across the property with several mature trees in the front yard and rear yards. There is an existing 257.60 m² (2,773.78 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 1977, according to assessment records.

Proposal

The Applicant is proposing a garage addition and to extend the existing two-car garage to facilitate the construction of a four-car garage with a gross floor area of 44 m² (474 ft²), 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. The purpose of this development criteria is 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 the 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.

Furthermore, the Subject Lands are located within the Historic Village of Victoria Square, and therefore must comply with the policies outlined in Section 9.5.9 of the Official Plan. The land use objective for this area is to protect and preserve the integrity of the historic Victoria Square hamlet by ensuring all new development is compatible with the permitted uses, building forms, and scale appropriate to the historic features and residential character of the former hamlet. Specific building typology are permitted, such as detached dwellings and buildings associated with existing places of worship and cemeteries. New development must adhere to urban design guidelines that ensure compatibility with historic architectural styles, heights, scales, and orientations of adjacent buildings. These guidelines also emphasize the preservation of heritage buildings and integration into new developments, ensuring that new construction respects natural landforms, drainage, and existing mature vegetation (Section 9.5.9.4).

Zoning By-Law 83-73 and 2024-19, as amended

The Subject Lands are zoned “Single Family Rural (RRH)” zone requirements of By-law 83-73 and “Residential Established Neighbourhood Low Rise (RES-ENLR), as amended, which permits single detached dwellings. The proposed development complies with the requirements of By-law 83-73, as amended, however, does not comply with the By-law 2024-19 with respect to the maximum projection and front yard setback.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 2024 166262) 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.

Increased Maximum Garage Projection Variance

The Applicant is requesting relief to permit a maximum projection of 6.9 metres for an attached private garage beyond the main wall of the building, whereas the By-law permits a maximum projection of 1.8 metres.

The proposed projection involves an extension of a two-car garage to a four-car garage into the front yard adding approximately 5.1 metres (16.73 feet) to the overall garage projection. Despite this extension, the garage design ensures that it complements the existing architectural style and overall maintains the built form of the streetscape.

Given that the proposed garage extension is integrated into the existing structure and does not excessively dominate the front yard, Staff are of the opinion that the requested variance to increase the maximum garage projection will not significantly detract from the overall aesthetic and functional quality of the front yard or the streetscape. Staff are of the opinion that the resultant development will remain generally consistent with the intent of the By-law, and retain the character of the neighbourhood.

Reduced Front Yard Setback Variance

The Applicant is requesting to permit a minimum front yard setback of 12.18 metres, whereas the By-law requires the front yard setback to be a minimum of 13.75 metres. This represents a reduction of 1.57 metres.

The required front yard setback is determined by calculating the average front yard setbacks of the neighbouring lots immediately abutting either side of a subject lot that fronts the same street.

The variance is entirely attributable to this garage extension. There are no changes to the existing main principal building, where the main wall of the building provides a front yard setback of 19.10 metres. Staff are of the opinion that the proposed reduction in the front yard setback will not significantly impact the streetscape, and the overall useability of the front yard will be maintained.

PUBLIC INPUT SUMMARY

No written submissions were received 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 variance 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:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



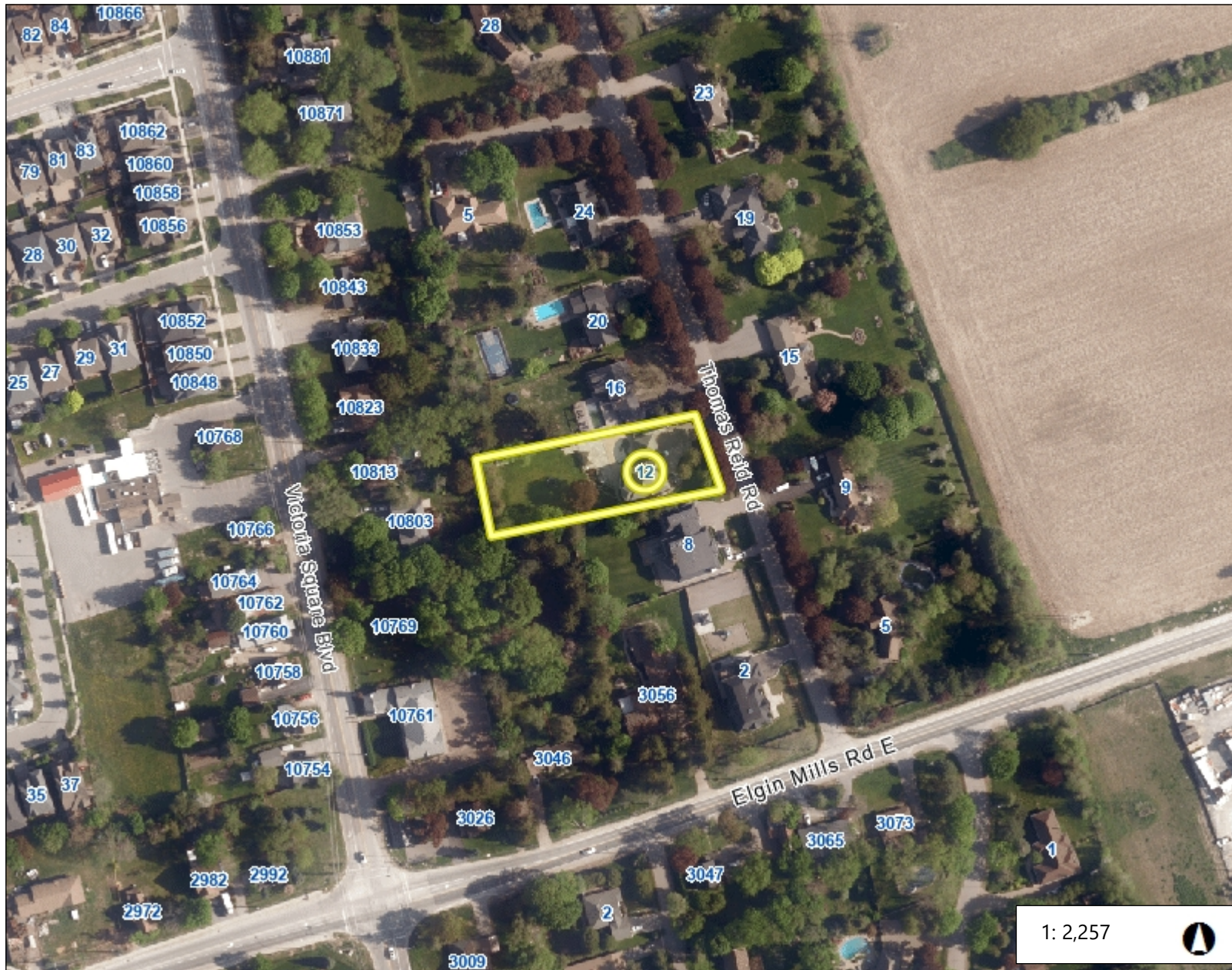
Rick Cefaratti, MCIP RPP, Senior Planner, West District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/041/24 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel

- Park Facility
- Parks
 - Under Development
 - <all other values>

1:2,257



114.7 0 57.33 114.7 Meters

Notes

Applicable Zoning By-law: (both parent zoning by-laws apply)

Property Roll Number: 1936020160480140000
 Zoning By-law: **By-law 83-73** as amended
 Zoning Designation (Zone): **RRH - Single Detached Rural under By-law 83-73**
 Official Plan Designation: Residential Low Rise

Min. Lot Frontage: 100'
 Min. Front Yard Setback: 25'
 Min. Rear Yard Setback: 25'
 Min. Side Yard Setback: 10'
 Max. Building Height: 35'

Property Roll Number: 1936020160480140000
 Zoning By-law: **By-law 2024-19**
 Zoning Designation (Zone): **RES-ENLR (Residential Established Neighbourhood Low Rise) under by-law 2024-19**
 Official Plan Designation: Residential Low Rise

Min. Lot Frontage: The greater of 23.0 metres or the average lot frontage of the two neighbouring lots
 Min. Front Yard Setback: The average front yard setback of the neighbouring lots
 Min. Rear Yard Setback: 7.5 metres
 Min. Side Yard Setback: 1.8 metres provided minimum combined interior side yards on both sides are the greater of 4.0 metres, or 25% of the lot width

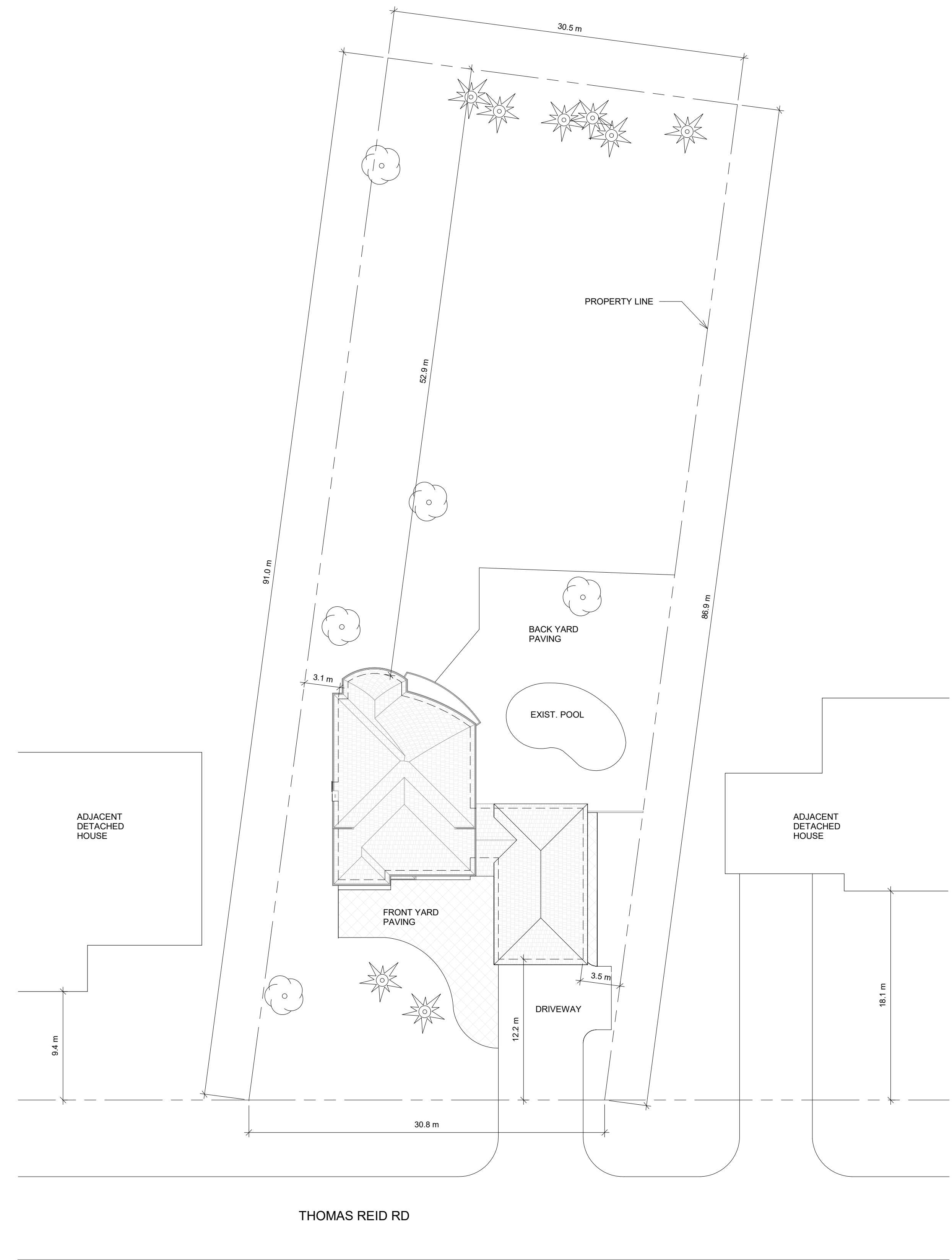
EXISTING (m ²)	NEW PROPOSED (m ²)	TOTAL (EXISTING + PROPOSED) (m ²)
LOT AREA = 2714.2		LOT AREA = 2714.2
EXISTING LANDSCAPE AREA = 1841.6		TOTAL LANDSCAPE AREA = 1841.6
EXISTING FRONT YARD = 126.5		TOTAL FRONT YARD = 126.5
EXISTING BACK YARD = 286.9		TOTAL BACK YARD = 286.9
EXISTING POOL AREA = 54.1		TOTAL POOL AREA = 54.1
EXISTING DRIVEWAY AREA = 147.5	DRIVEWAY REDUCED AREA = 44	TOTAL DRIVEWAY AREA = 103.5
EXISTING BUILDING AREA = 257.6	PROPOSED GARAGE ADDITION = 44	TOTAL BUILDING AREA = 301.6
EXISTING FOOTPRINT AREA = 257.6	FOOTPRINT INCREASED AREA = 44	TOTAL FOOTPRINT AREA = 301.6

Appendix B

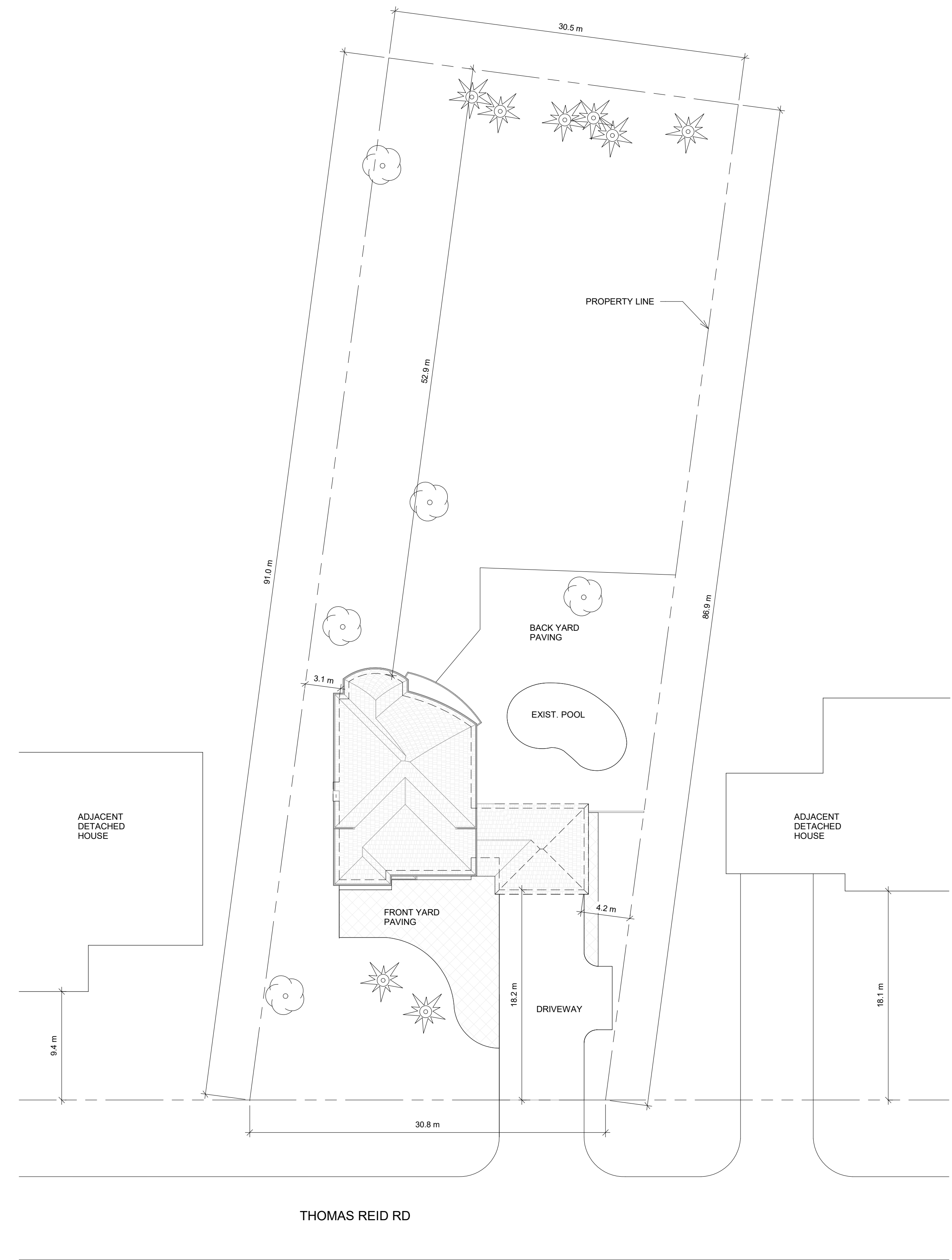
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Date: 6/11/2024

MM/DD/YY



2 PROPOSED SITE PLAN (COA)
 A003a 1:250



1 EXISTING SITE PLAN (COA)
 A003a 1:250

Key Plan

ISSUE	TITLE	DATE
2	ISSUED FOR MINOR VARIANCE	2024-04-30

Seal

03/28/2024

DATE

ARROW ARCHITECTURE LTD.
BLACK ARROW CONSTRUCTION

400A, 1090 Don Mills Rd., North York, ON, M3C 3R8
 Website: www.arrowconstruction.ca
 Email: black.arrow.architects@gmail.com
 Tel: (416) 978-7680

Owner
 House Addition
 12 Thomas Reid Rd,
 Markham, ON L6C 1A5

Drawing Title
SITE PLAN

Date	Scale
04/30/24	As indicated

Drawn By: AW
 Checked By: AW
 Project No: 24003

Drawing No.
A003a

Appendix B

File: 24.169881.000.00.MNV

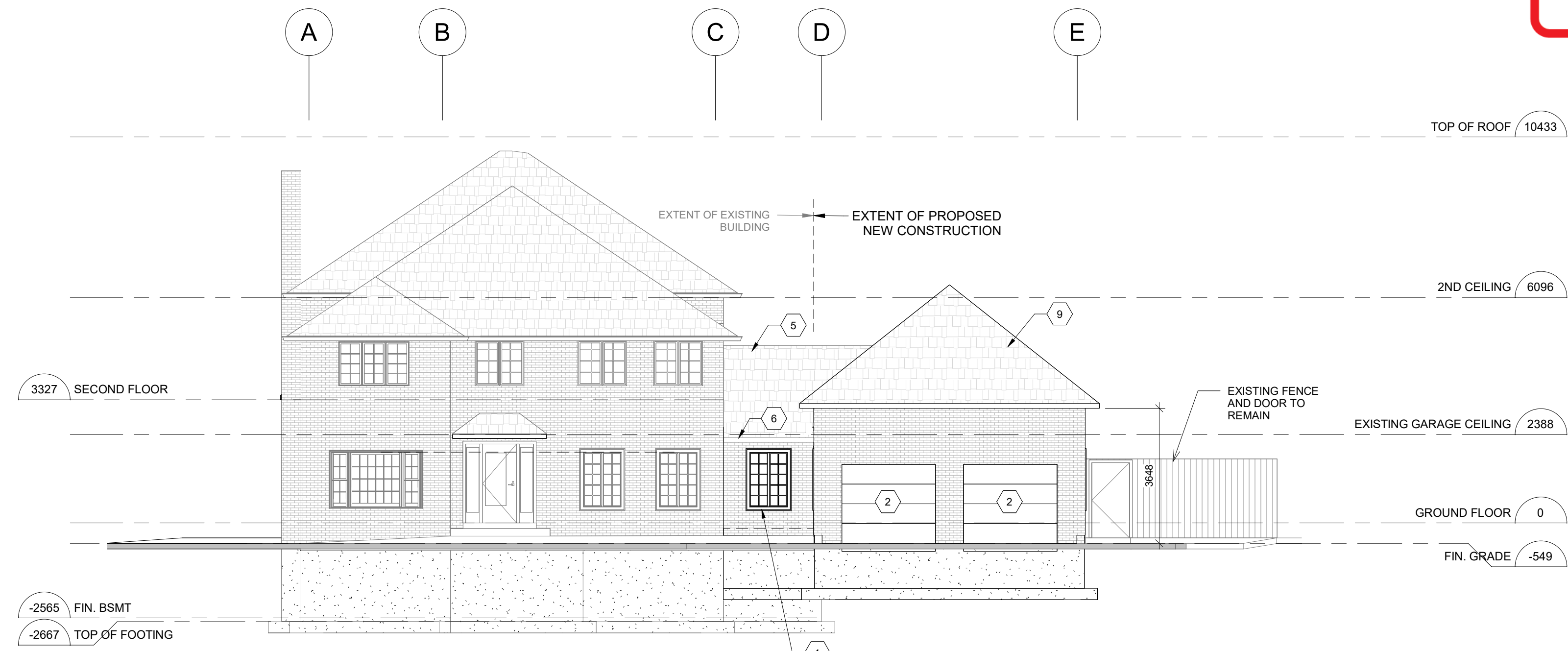
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DEMOLITION PLAN NOTES

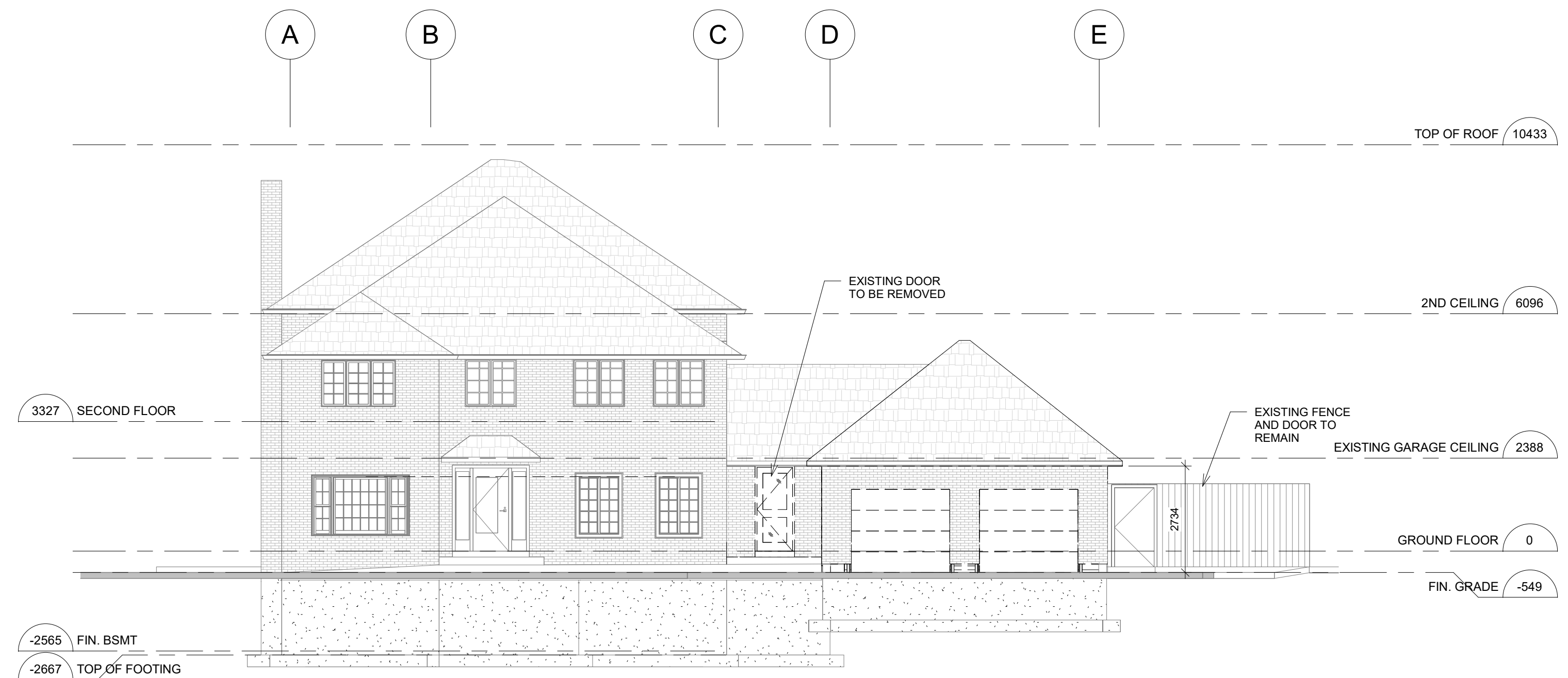
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- C. REFER TO SPECIFICATIONS FOR DISMANTLE/REMOVAL AND REUSE OF EXISTING STONE CLADDING.
- D. PROVIDE DUST AND DEBRIS PROTECTION TO MATERIALS TO REMAIN & AREAS OUTSIDE THE ZONE OF WORK IN ACCORDANCE WITH SPECIFICATIONS.
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2 PROPOSED EAST ELEVATION
A010 1:100



1 EXISTING EAST ELEVATION
A010 1:100

Key Plan

ISSUES/REVISIONS

ISSUE	TITLE	DATE
1	ISSUED FOR BUILDING PERMIT	2024-03-28
2	ISSUED FOR MINOR VARIANCE	2024-04-30

Seal



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Owner
House Addition
12 Thomas Reid Rd,
Markham, ON L6C 1A5

Drawing Title
EAST ELEVATIONS

Date	04/30/24	Scale	As indicated
Drawn By	AW	Project North	
Checked By	AW		
Project No.	24003		
Drawing No.			

A010

Appendix B

File: 24.169881.000.00.MNV

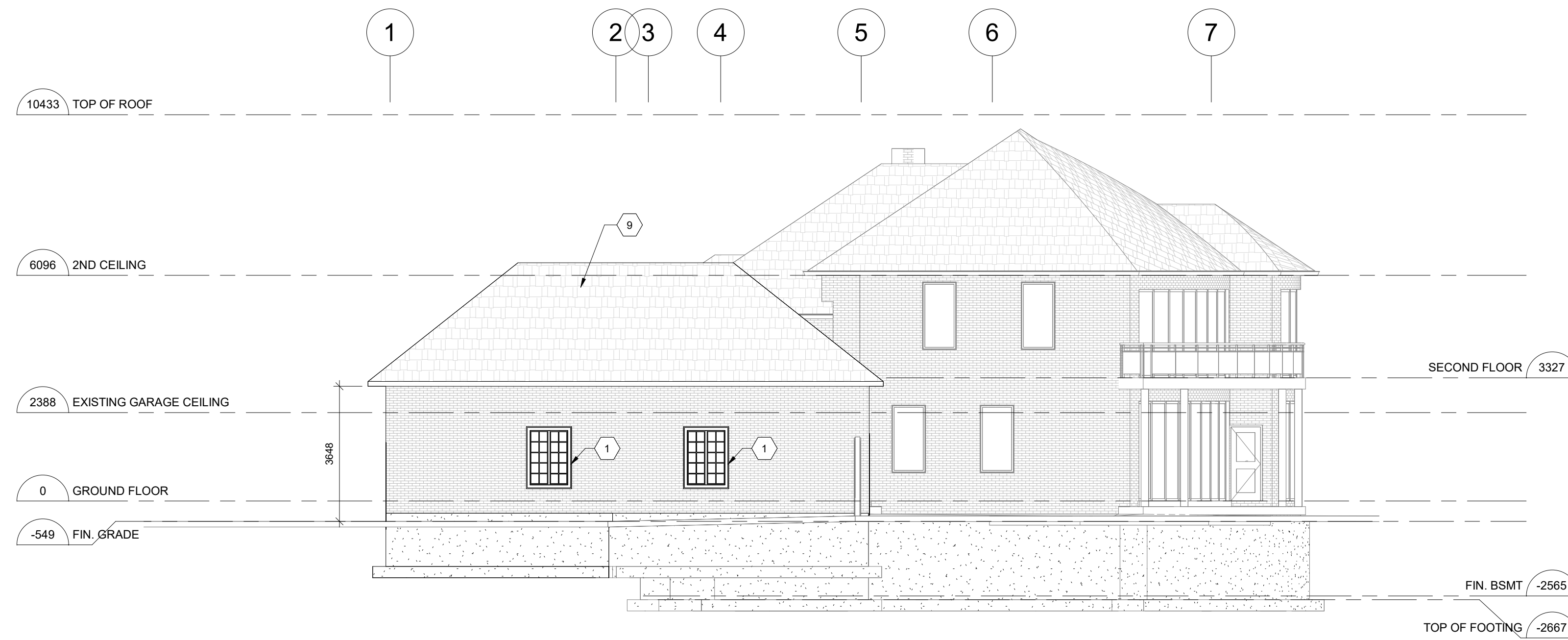
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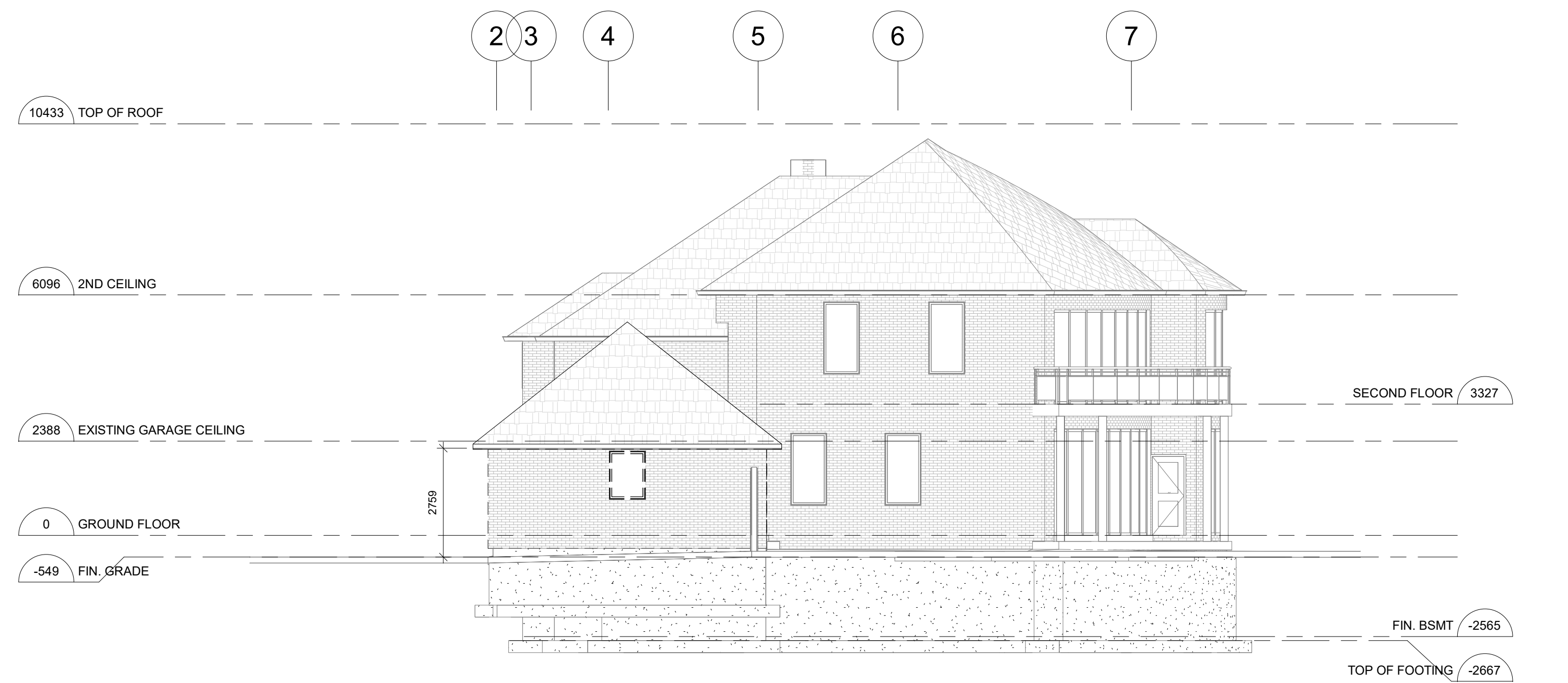
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2 PROPOSED NORTH ELEVATION

A011 1:100



1 EXISTING NORTH ELEVATION

A011 1:100

Key Plan

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Drawing Title

NORTH ELEVATIONS

Date: 04/30/24 Scale: As indicated

Drawn By: AW Project North

Checked By: AW

Project No: 24003

Drawing No:

A011

Appendix B

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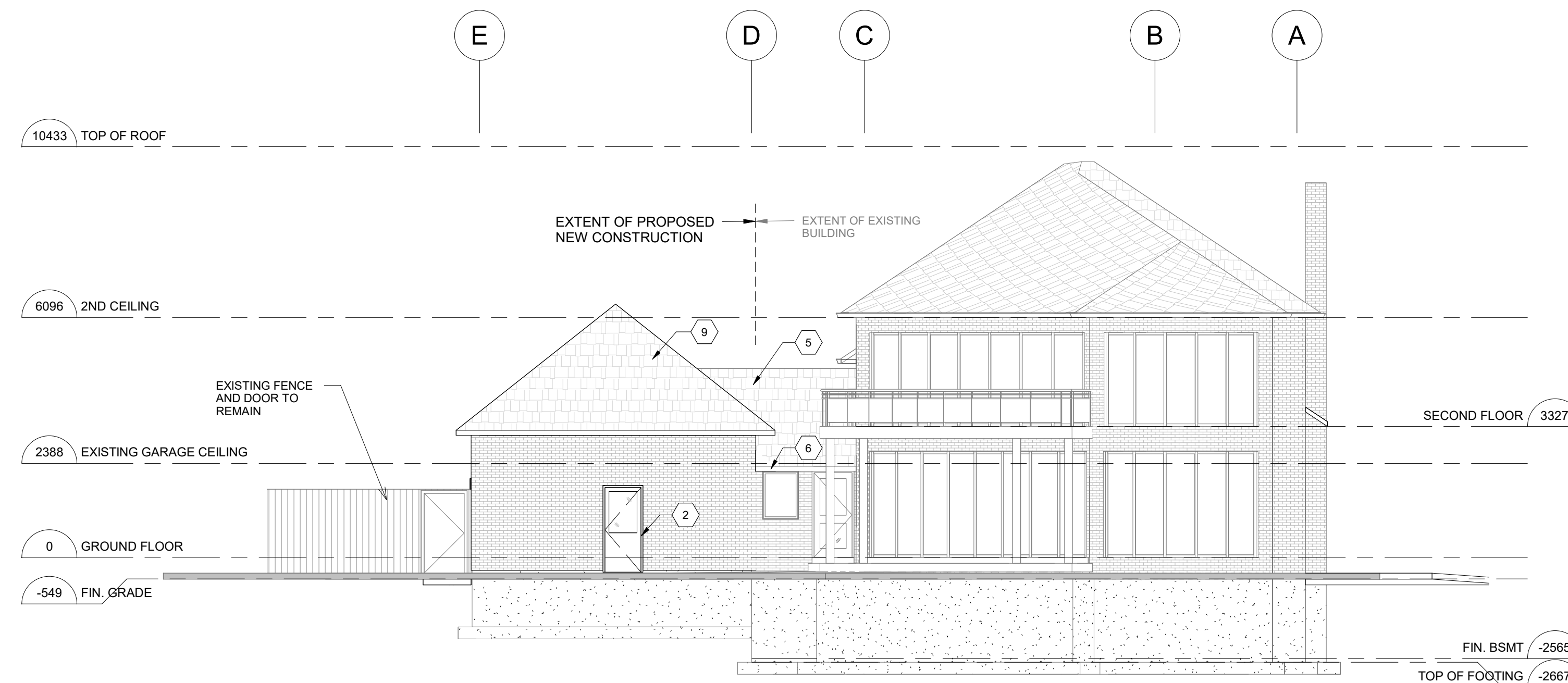
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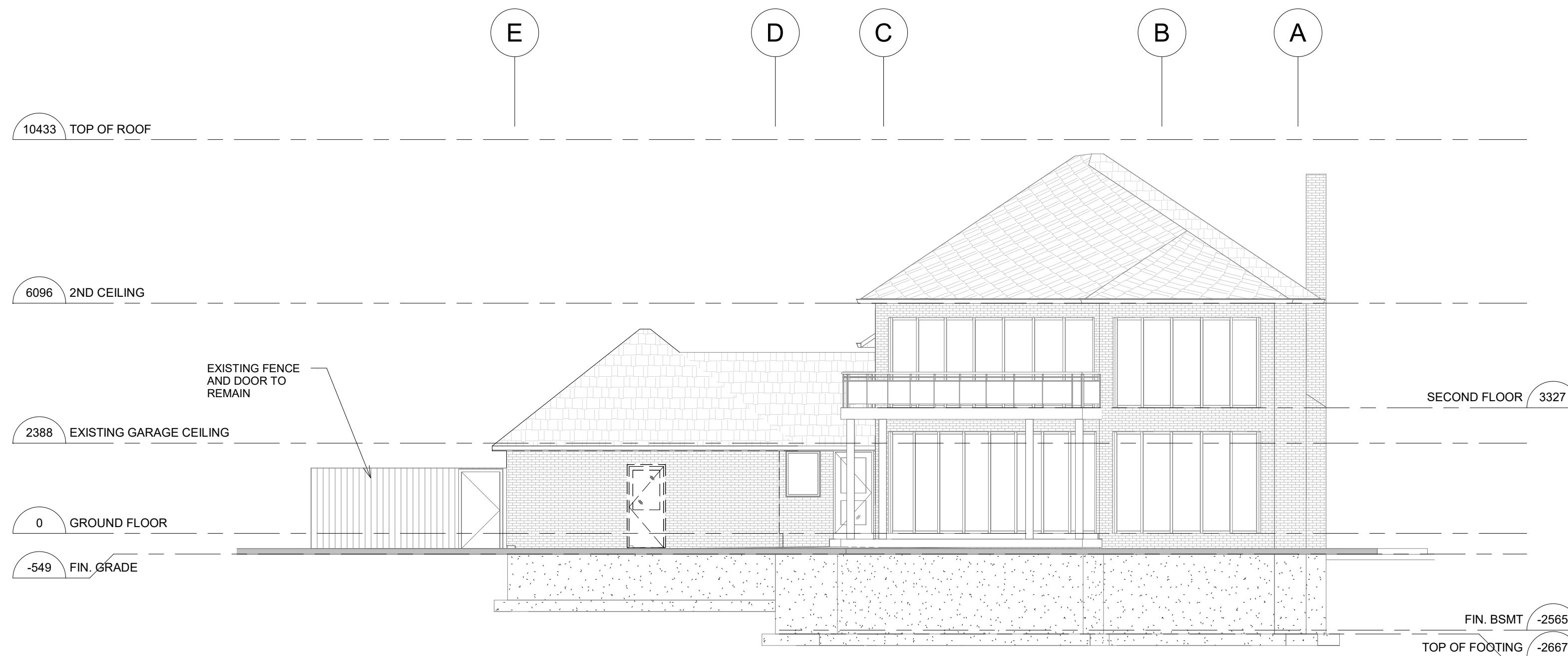
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A012 1:100



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Owner

House Addition

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Drawing Title

WEST ELEVATIONS

Date: 04/30/24 Scale: As indicated

Drawn By: AW Project North

Checked By: AW

Project No: 24003

Drawing No:

A012

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DEMOLITION PLAN NOTES

- A. DEMOLITION DWGS TO BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL, STRUCTURAL, ELECTRICAL, MECHANICAL DEMOLITION, REFERENCE DRAWINGS.
- B. CONTRACTOR TO SITE VERIFY ALL EXISTING DIMENSIONS & CONFIRM ALL EXISTING CONDITIONS PRIOR TO DEMOLITION. REPORT ANY DISCREPANCIES AND UNFORESEEN INTERFERENCES AT SITE PRIOR TO COMMENCING DEMOLITIONS AND NEW CONSTRUCTION.
- C. REFER TO SPECIFICATIONS FOR DISMANTLE/REMOVAL AND REUSE OF EXISTING STONE CLADDING.
- D. PROVIDE DUST AND DEBRIS PROTECTION TO MATERIALS TO REMAIN & AREAS OUTSIDE THE ZONE OF WORK IN ACCORDANCE WITH SPECIFICATIONS.
- E. ALL EXISTING FIRE SEPARATIONS TO BE MAINTAINED. ALL EXISTING PARTITIONS ARE RATED SEPARATIONS, UNLESS OTHERWISE INDICATED.
- F. CONTRACTOR TO PROPOSE DUST-CONTROL AND NOISE CONTROL MEASURES. SUBMIT DRAWINGS THAT INDICATES THE MEASURES PROPOSED FOR USE, PROPOSED FOR LOCATIONS AND PROPOSED TIME FRAME FOR THEIR OPERATION.
- G. CONTRACTOR TO SUBMIT SHOP DRAWINGS DETAILS HOARDING CONSTRUCTION AND LAYOUT AS WELL AS MEASURES TAKEN TO COMPLY WITH FIRE EXIT REQUIREMENTS OF AUTHORIZATION HAVING JURISDICTION. DO NOT CLOSE OR ALL OBSTRUCT WALKWAYS, CORRIDOR, OR OTHER OCCUPIED OR USED FACILITIES WITHOUT WRITTEN PERMISSION FROM AUTHORIZATION HAVING JURISDICTION.
- H. MAKE PROVISIONS TO JOIN NEW WORK TO EXISTING AND TO INSTALL NEW SUPPORTING MEMBERS, ANCHORS AND OTHER ITEMS NECESSARY FOR COMPLETION OF WORK. PROVIDE TEMPORARY BRACING FOR SUPPORT WHERE REQUIRED PRIOR TO DEMOLITION.
- I. SALVAGE THE ITEMS, MATERIALS INDICATED ON DRAWINGS, WHICH ARE TO BE REUSED/RELOCATED. REMOVE CAREFULLY SUCH ITEMS UNTIL REQUIRED FOR INSTALLATION.
- J. DURING THE COURSE OF DEMOLITION WORK, SUSPECTED HAZARDOUS OR CONTAMINATED MATERIALS ARE ENCOUNTER, ADVISE OWNER, CONTRACTOR AND CONSULTANT FOR REQUIREMENTS REGARDING THE REMOVAL AND DISPOSAL OF SUCH CONTAMINANTS WHICH MAY CONSIDERED HEALTH HAZARDS.
- K. REPAIR AND MAKE GOOD ALL DAMAGED SURFACES WITH NEW MATERIALS TO MATCH EXISTING.
- L. CONTRACTOR TO INSURE THE ENVELOPE @ EXTERIOR INNER AND OUTER CORNER JUNCTIONS ARE AIR TIGHT.
- M. PHOTOGRAPHS ARE USE FOR VISUAL REFERENCE ONLY (TYPICAL)

DEMOLITION KEYNOTES

- 1 PROPOSED WINDOW, THE SIZE AND HEIGHT TO MATCH THE EXISTING WINDOW ON GROUND FLOOR OF EAST ELEVATION
- 2 EXISTING DOOR TO BE REUSE AND RELOCATED AFTER THE CONSTRUCTION OF NEW GARAGE WALL.
- 3 EXISTING WALL MOUNTED DEVICES TO BE RELOCATED, AND WALL SURFACE TO BE CLEANED AND FREE OF DEBRIS FOR THE CONSTRUCTION OF NEW SCOPE.
- 4 EXISTING STRUCTURE TO REMAIN AS IS. MAINTAIN AND PROTECT FROM ANY DAMAGE THROUGHOUT CONSTRUCTION.
- 5 EXISTING ROOF SHINGLE AND TRUSS TO BE MODIFIED FOR THE CONSTRUCTION OF ADDITION, REFER TO STRUCTURAL DWG.
- 6 EXISTING SOFFIT, EAVES, AND GUTTER TO BE MODIFIED FOR THE CONSTRUCTION OF ADDITION.
- 7 EXCAVATE THE SOIL IN WORK AREA FOR THE CONSTRUCTION OF ADDITION.
- 8 EXISTING STEP TO BE REMOVED
- 9 PROPOSED NEW ROOF SHINGLE TO MATCH THE EXISTING ROOF SHINGLE COLOR



2 PROPOSED SOUTH ELEVATION
A013 1:100



1 EXISTING SOUTH ELEVATION
A013 1:100

Key Plan

ISSUES/REVISIONS

ISSUE	TITLE	DATE
1	ISSUED FOR BUILDING PERMIT	2024-03-28
2	ISSUED FOR MINOR VARIANCE	2024-04-30

Seal

CHECK, VERIFY AND REPORT ANY DISCREPANCIES TO THE CONSULTANT UNLESS SEAL IS AFFIXED TO THIS DRAWING. THIS DRAWING SHALL NOT BE SCALED FOR THE PURPOSE OF VERIFYING DIMENSIONS.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED AND DATED IN THE SPACE TO THE LEFT BY THE NAMED CONSULTANT.

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 Email: black.arrow.architects@gmail.com
 Tel: (416) 978-7660

Owner

House Addition

12 Thomas Reid Rd,
Markham, ON L6C 1A5

Drawing Title

SOUTH ELEVATION

Date	04/30/24	Scale	As indicated
Drawn By	Author	Project North	
Checked By	Checker		
Project No.	24003		

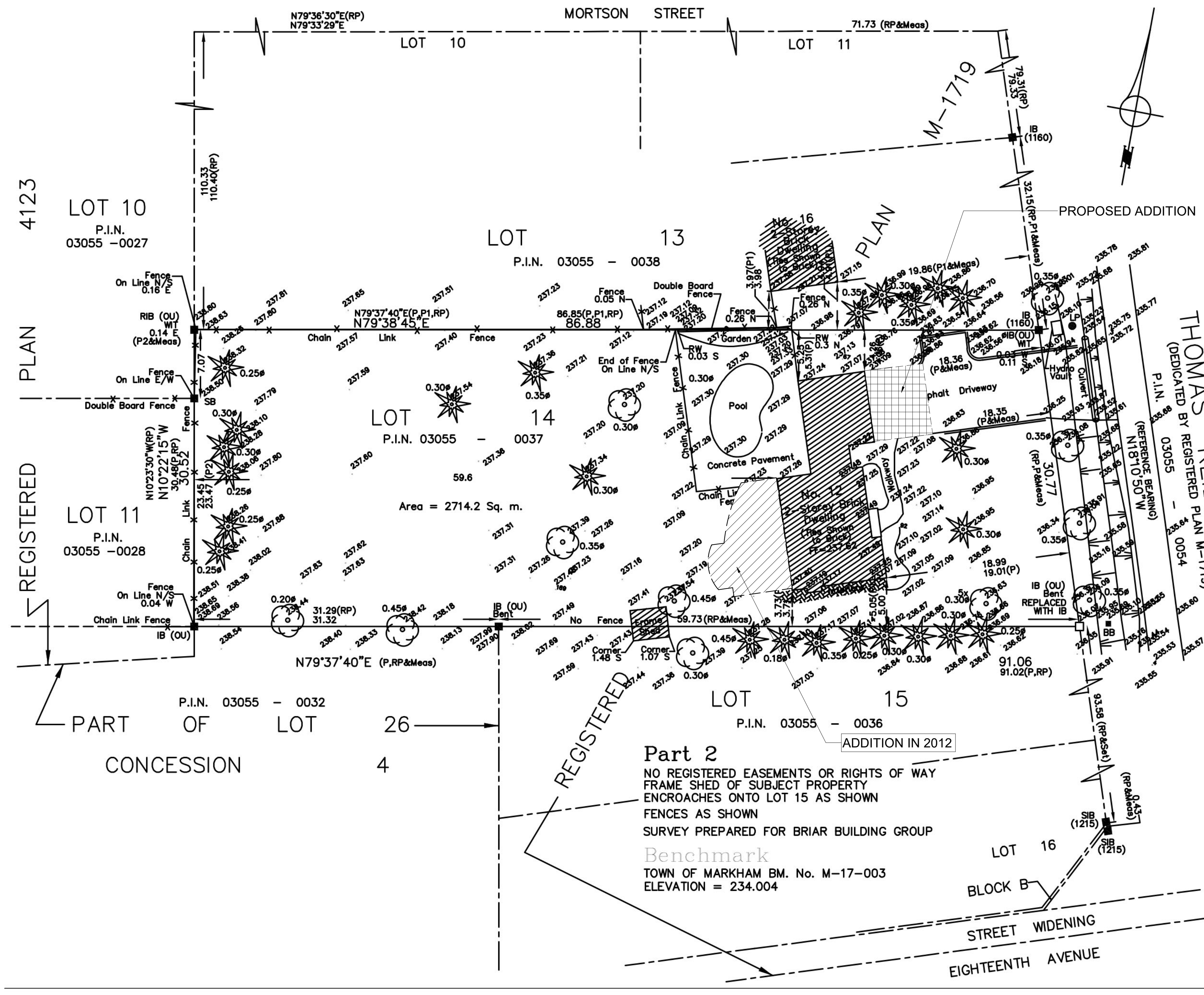
Drawing No. **A013**

Appendix B

File: 24.169881.000.00.MNV

Date: 6/11/2024

MM/DD/YY



SURVEYOR'S REAL PROPERTY REPORT-PART 1
PLAN OF LOT 14
 REGISTERED PLAN M-1719
TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:400

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 Ontario Land Surveyors

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

Notes

BEARINGS ARE ASTRONOMIC, AND ARE REFERRED TO THE WESTERLY LIMIT OF THOMAS REID ROAD AS SHOWN ON REGISTERED PLAN M-1719 HAVING A BEARING OF N18°10'50"W.

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- ⊘ DENOTES ROUND IRON BAR
- SB DENOTES SUBDIVISION BAR
- RP DENOTES REGISTERED PLAN M-1719
- P DENOTES SURVEY OF LOT 14 BY OTTO ERTL O.L.S. DATED MAY 2nd., 1977
- P1 DENOTES SURVEY OF LOT 13 BY OTTO ERTL O.L.S. DATED MAY 2nd., 1977
- P2 DENOTES SURVEY BY R. G. McKIBBON O.L.S. DATED MARCH 25th., 1991
- 1160 DENOTES ROBERT NASH CLARKE, O.L.S.
- 1215 DENOTES OTTO ERTL O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- LP DENOTES LIGHT POLE
- BB DENOTES BELL BOX
- WIT DENOTES WITNESS
- N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST

Part 2
 NO REGISTERED EASEMENTS OR RIGHTS OF WAY FRAME SHED OF SUBJECT PROPERTY ENCRONES ONTO LOT 15 AS SHOWN FENCES AS SHOWN
 SURVEY PREPARED FOR BRIAR BUILDING GROUP
Benchmark
 TOWN OF MARKHAM BM. No. M-17-003
 ELEVATION = 234.004

ertl surveyors
 Ontario Land Surveyors
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
 TELEPHONE (905) 731-7834 FAX (905)731-7852 EMAIL info@es-ols.com
 DRAWING : 10031-SRPR-TB .DWG PROJECT : 10031
 CALC. BY GT, DRAWN BY HD, CHECKED BY L. ERTL

Key Plan

ISSUES/REVISIONS

ISSUE	TITLE	DATE
1	ISSUED FOR BUILDING PERMIT	2024-03-28
2	ISSUED FOR MINOR VARIANCE	2024-04-30

Seal
 Date: 03/28/2024

CHECK, VERIFY AND REPORT ANY DISCREPANCIES TO THE CONSULTANT UNLESS SEAL IS AFFIXED TO THIS DRAWING. THIS DRAWING SHALL NOT BE SCALED FOR THE PURPOSE OF VERIFYING DIMENSIONS.

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 Email: black.arrow.architect@gmail.com
 Tel: (416) 978-7860

Owner
 House Addition
 12 Thomas Reid Rd,
 Markham, ON L6C 1A5

Drawing Title
SURVEY PLAN

Date	Scale
04/30/24	As indicated
Drawn By: AW	Project North
Checked By: AW	
Project No: 24003	

APPENDIX “C” – A/041/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/24

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 his or her satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink that reads "Hussnain Mohammad". The signature is written in a cursive style with a large initial 'H'.

Hussnain Mohammad, Planner 1, Development Facilitation Office