

Memorandum to the City of Markham Committee of Adjustment

September 8, 2023

File: A/053/23
Address: 69 Ingleborough Court, Markham
Applicant: Choo Chak Kwen & Yip Huan Seng
Agent: Ray Lall
Hearing Date: Wednesday, September 13, 2023

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

The Applicant is requesting relief from the following “Eighth Density – Single Family Residential (R8)” zone requirements of By-law 118-79, as amended, as it relates to a proposed accessory building. The variance requested is to permit:

a) By-law 118-79, Section 6.2.1:

an accessory building to occupy 6.4 percent (76.4 m²) of the lot area, whereas the By-law requires an accessory building not occupy more than 5 percent (57.5 m²) of the lot area; and

b) By-law 28-97, Section 6.2.4.4:

an interior side yard driveway setback of 0.27m, whereas the By-law requires minimum of 0.6m driveway setback along side yard of property.

After circulation of the application, the Applicant received comments from Engineering staff and revised their proposal. The revised proposal resulted in the removal of variance request b) (shown above) as it relates to an interior side yard driveway setback.

BACKGROUND

Property Description

The 1,220.63 m² (13,138.75 ft²) subject lands (the “Subject Lands”) are located at the end of the cul de sac of Ingleborough Court. The Subject Lands are located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing single detached dwelling on the property, which according to assessment records was constructed in 1989. Mature vegetation exists at the rear of the property and in the neighbouring rear lots.

Proposal

The Applicant is proposing to construct a 76.37 m² accessory building at the rear of the property (refer to Appendix “B” – Plans). The Applicant has indicated that the proposed accessory building is uninhabitable and will be solely for the purposes of vehicle parking and storage use.

Official Plan and Zoning

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

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Single detached

dwellings are required to meet the general intent of the Official Plan 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, while accommodating a diversity of building styles. Regard shall also be had for the retention and enhancement of existing trees and vegetation. Planning staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

Zoning By-Law 118-79 as amended

The Subject Lands are zoned “Eighth Density – Single Family Residential (R8)” under By-law 118-79, as amended, which permits single detached dwellings. The proposed accessory building does not comply with the by-law with respect to the proposed “accessory building coverage”.

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 August 2, 2023, but 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.

Increase in Accessory Building Lot Coverage

The Applicant is requesting relief for an accessory building to occupy 6.4 percent (76.4 m²) of the lot area, whereas the By-law permits an accessory building not to occupy more than 5 percent (57.5 m²) of the lot area. The proposed accessory building is designed solely for the purposes of vehicle parking and storage use. Staff are of the opinion that the proposed variance maintains appropriate accessory building lot coverage, is minor in nature and have no concern with the requested variance.

Tree Protection and Compensation

The Subject Lands contain mature vegetation in the rear and in the neighbouring rear lots. Tree Preservation staff had concern with the location of the proposed accessory building to impact two trees located in the neighbouring rear lots. The Applicant revised

their plans to respond to Tree Preservation staff to reduce impacts from the proposed accessory building.

Staff recommend that the tree related conditions, as outlined in Appendix “C”, be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees with a trunk diameter of 20 centimetres (approximately 8 inches) on the subject lands or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

Reduced Interior Side Yard Driveway Setback

The Applicant originally requested a minimum interior side yard driveway setback of 0.27 m, whereas the by-law requires a minimum of 0.6 m driveway setback along the side yard of the property line.

Engineering staff could not support the initial requested variance b) as it relates to an interior side yard driveway setback. Section F2 of the Engineering Design Criteria ensures that proper surface drainage and maximised usable land area is provided. Under Section F2.1 of the design criteria, it indicates that “a minimum of 0.6 m of undisturbed strip shall be required where abutting lots exists”. Consequently, when the Applicant proceeds with a Residential Infill Grading and Servicing (RGS) application in the future, the requested variance b) will not satisfy the requirements under the Engineering Design Criteria and will require the Applicant to redesign the proposed driveway.

As a result, the Applicant revised the proposal to align with the Engineering Design Criteria to ensure that the future RGS submission will be accepted. The Applicant no longer required the initial requested variance b) for interior side yard driveway setback.

PUBLIC INPUT SUMMARY

As of September 8, 2023, the City received one (1) letter of opposition expressing the concerns over the requested variance and its impacts to the character of the neighbourhood. 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.

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/053/23 Conditions of Approval

PREPARED BY:

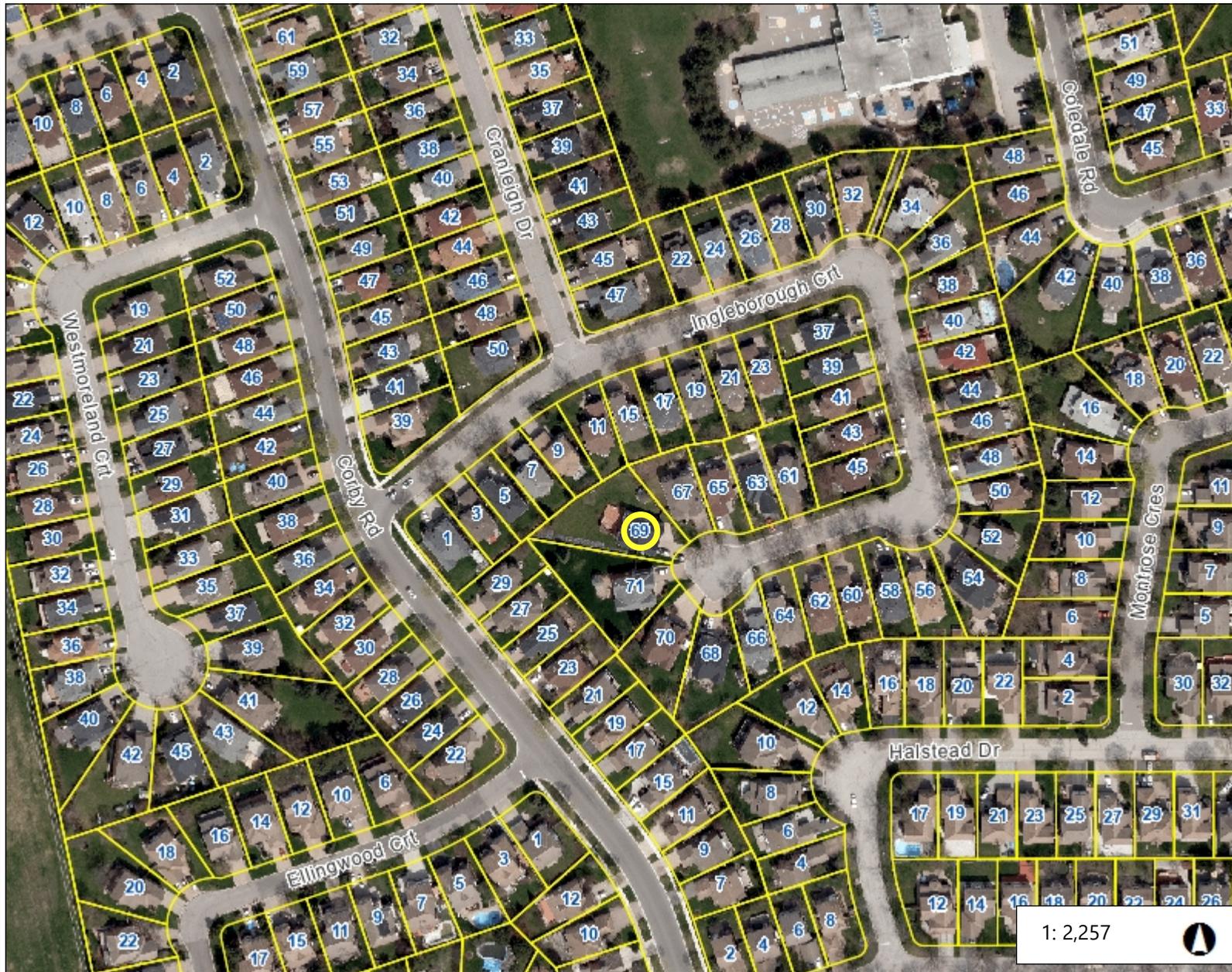


Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



Deanna Schlosser, RPP MCIP, Senior Planner, Central District



Legend

Subject Lands

1: 2,257

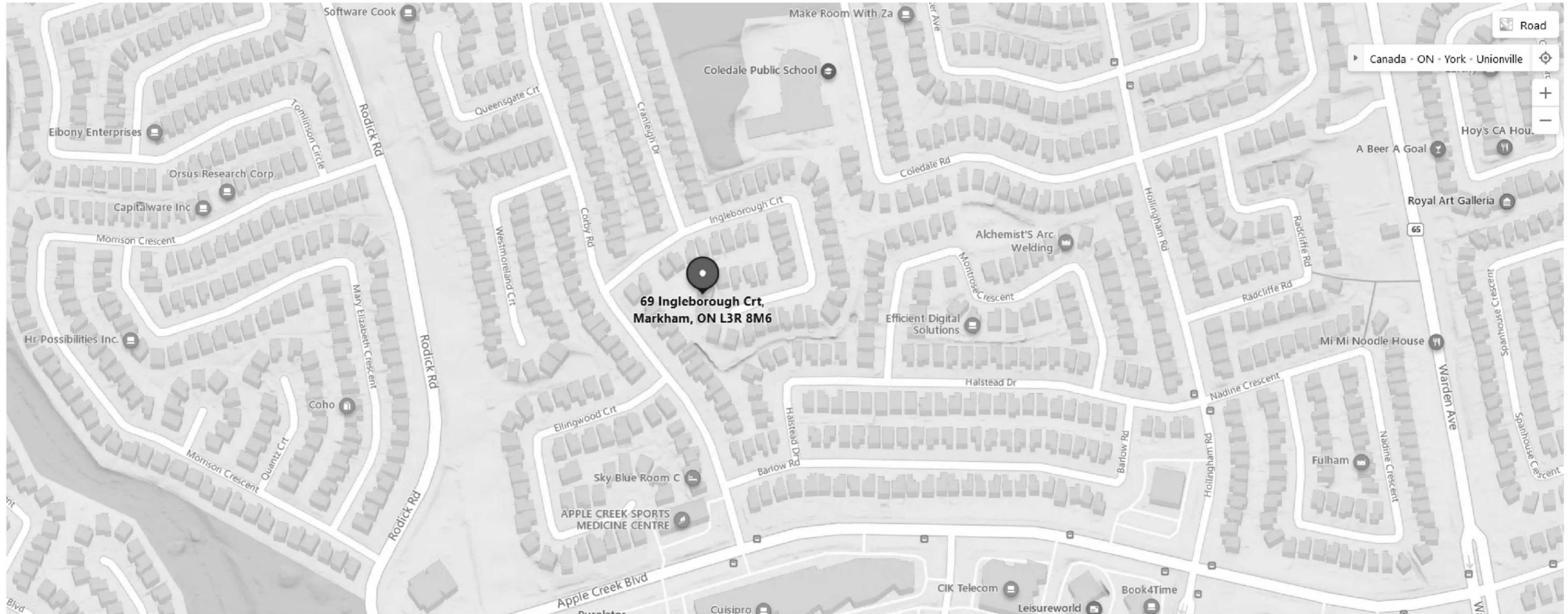
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Notes

Appendix B

File: 23.117853.000.00.MNV

Date: 09/08/23
MM/DD/YY



CONTEXT PLAN

The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION

Name: Ray Lall BCIN# 25184

Signature: *Ray Lall*

REGISTRATION INFORMATION

Firm Name: Ray Lall BCIN# 35414

THE YIP RESIDENCE
69 INGLEBOROUGH CT.

CONTEXT PLAN
AUG 02, 2022

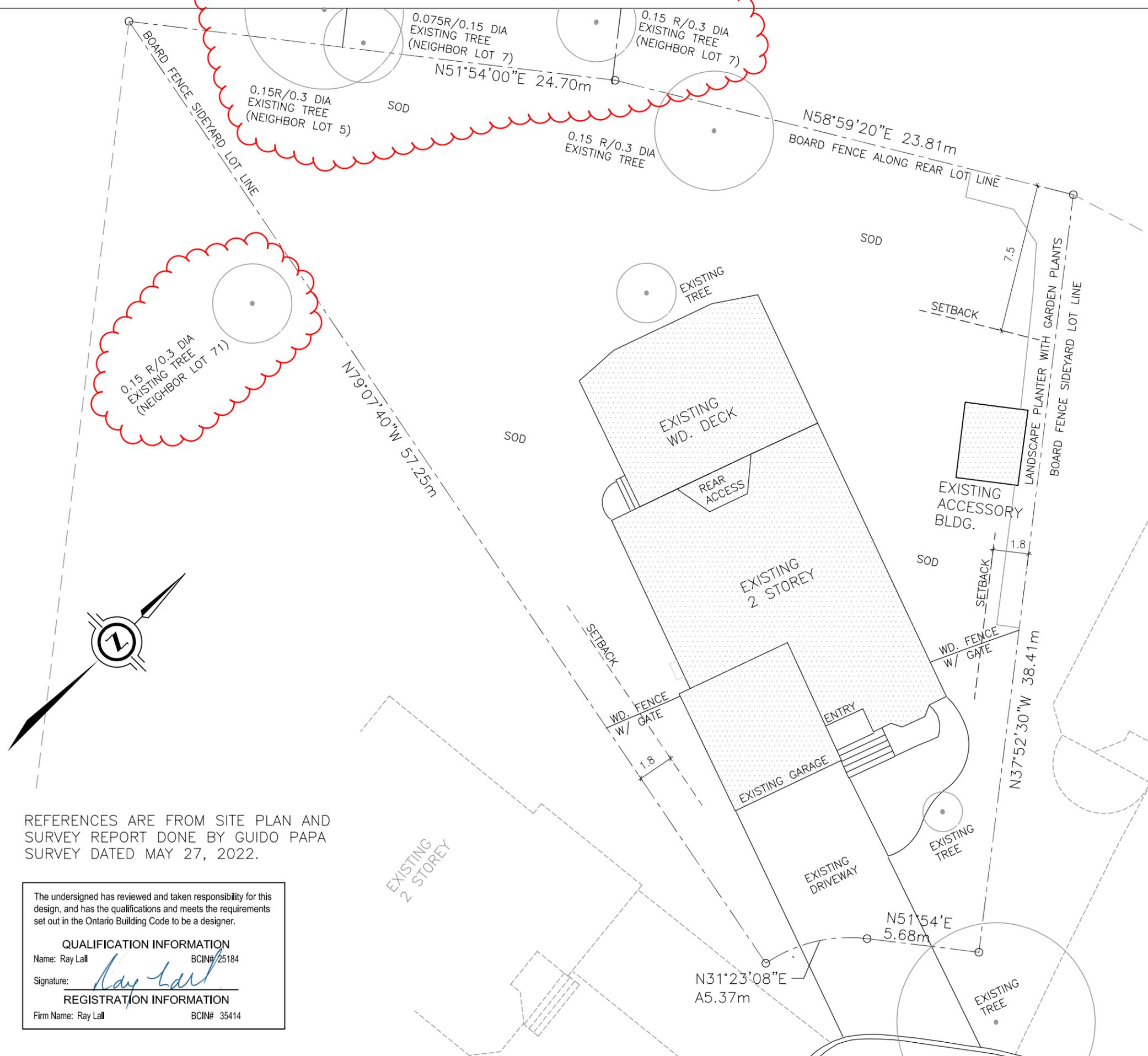
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Appendix B

File: 23.117853.000.00.MNV

Date: 09/08/23
MM/DD/YY



EXISTING SITE STATS:

LOT AREA:	1,219.3 SM = 100%
HOUSE/GARAGE FOOTPRINT:	175.1 SM (14%)
EXISTING ACCESSORY BLDG.:	12.0 SM (1%)
WD. DECK:	80.4 SM (7%)
TOTAL LANDSCAPE COVERAGE:	951.8 SM (78%)
- SOFT LANDSCAPE -	868.8 (71%)
- HARD LANDSCAPE -	83 SM (7%)

REFERENCES ARE FROM SITE PLAN AND SURVEY REPORT DONE BY GUIDO PAPA SURVEY DATED MAY 27, 2022.

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Name: Ray Lall BCIN# 25184

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THE YIP RESIDENCE 69 INGLEBOROUGH CT.

EXISTING SITE PLAN
AUG 02, 2022



REVISED JULY 25, 2023

A1

DRAWN BY: RAY R. LALL - RAYLALL@ROGERS.COM 647.273.3062

Appendix B

File: 23.117853.000.00.MNV

Date: 09/08/23
MM/DD/YY

SCOPE OF WORK:

- 1 - DEMO EXISTING ACCESSORY BLDG.
- 2 - CONSTRUCT NEW ACCESSORY BLDG.
- 3 - EXTEND ACCESS FROM DRIVEWAY TO NEW BLDG.

PROPOSED SITE STATS:

LOT AREA:	1,219.3 SM = 100%
HOUSE/GARAGE FOOTPRINT:	175.1 SM (14%)
NEW ACCESSORY BLDG.:	76.3 SM (6%)
WD. DECK:	80.4 SM (7%)
TOTAL LANDSCAPE COVERAGE:	887.5 SM (73%)
- SOFT LANDSCAPE -	594.5 SM (67%)
- EXISTING HARD LANDSCAPE -	83 SM (7%)
- PROP. FLAGSTONE -	210 SM (26%)

ALL EXISTING GRADES TO REMAIN THE SAME UNLESS OTHERWISE NOTED.

EXISTING GRADE 000.00
NEW GRADE 000.00

THE YIP RESIDENCE 69 INGLEBOROUGH CT.

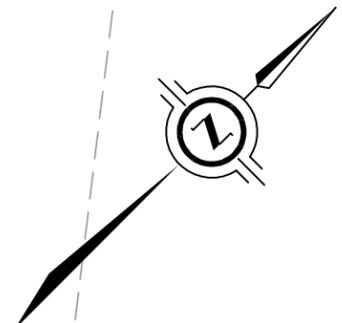
PROPOSED SITE PLAN
AUG 02, 2022

0 1 5 10m

REVISED AUG 02, 2023

A2

DRAWN BY: RAY R. LALL - RAYLALL@ROGERS.COM 647.273.3062



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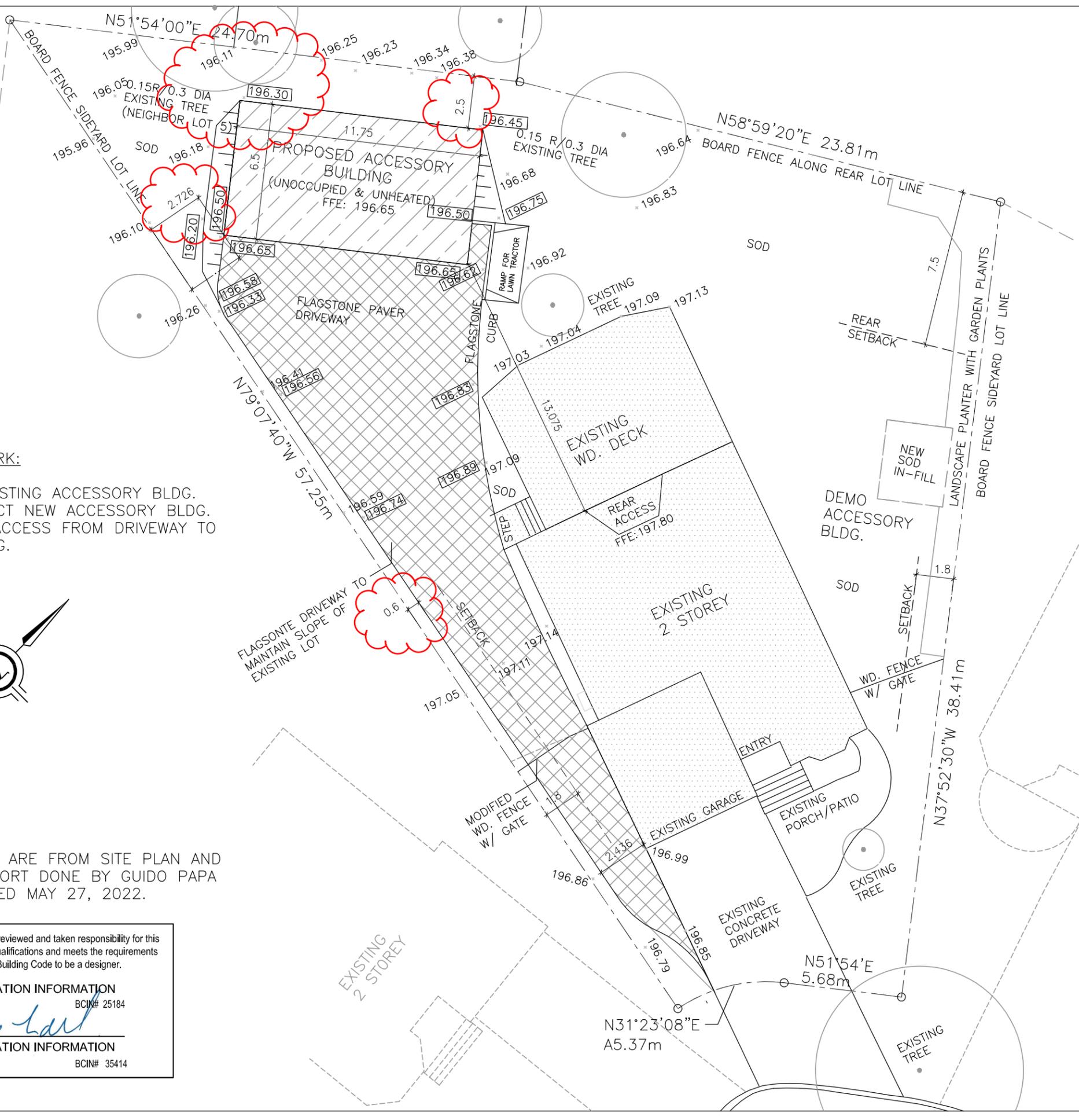
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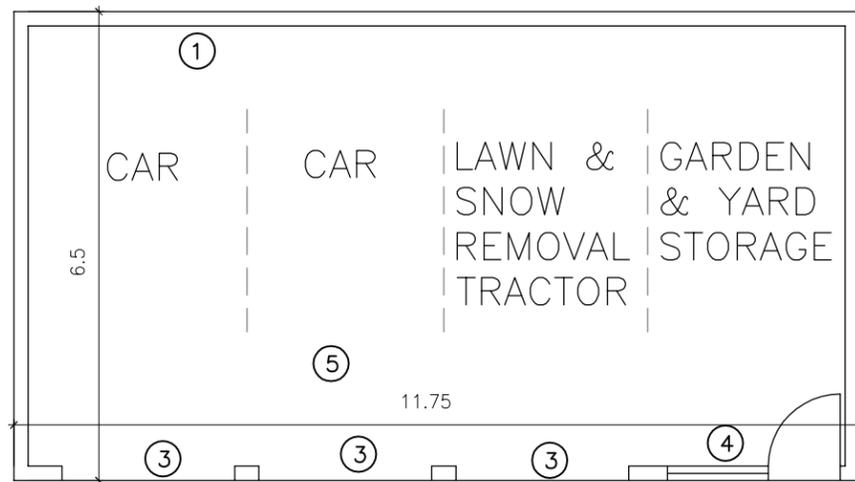
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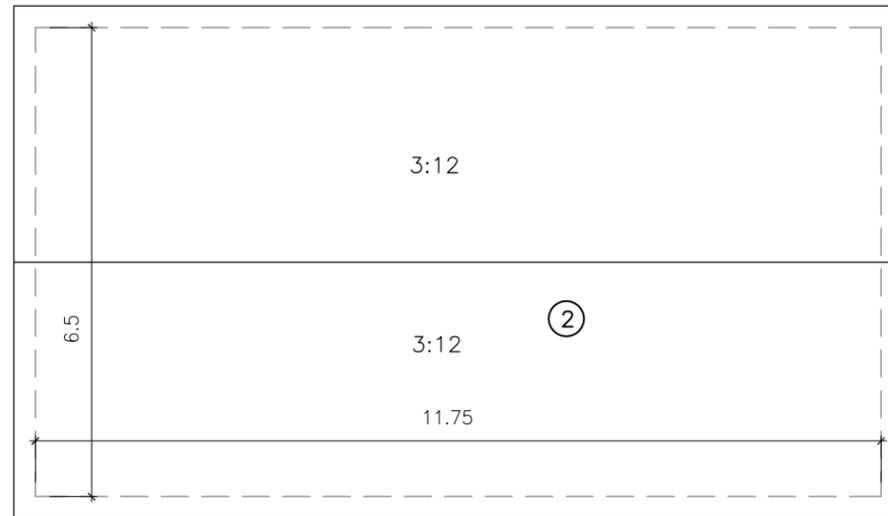
Appendix B

File: 23.117853.000.00.MNV

Date: 09/08/23
MM/DD/YY



PLAN



ROOF PLAN

300mm OVERHANG (TYP.)

GENERAL NOTES:

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE AND ALL OTHER CODES AND LOCAL AUTHORITIES HAVING JURISDICTION.

- ① FRAME WALL CONSTRUCTION:
65mm (2 1/2") NON-COMBUSTIBLE EIFS, WALL SHEATHING MEMBRANE AS PER O.B.C. 9.27.3.2., 3/4" (19mm) PLYWOOD (EXTERIOR GRADE) OR EQUIVALENT AS PER O.B.C. 9.23.16, 2"x6" (38mm X 140mm) WOOD STUDS @ 16" (400mm) O.C., R22 (RSI 3.87) INSULATION, CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C. 9.25.3 & 9.25.4, 1/2" (12.7mm) GYPSUM BOARD, 8" SOLID 2,900 psi (20MPa) CONCRETE FOUNDATION WALL MIN. 4'-0" (1.2m) BELOW FIN. GRADE. EXTEND FOUNDATION WALL MIN. 6" (150mm) ABOVE GRADE. BACKFILL WITH NON-FROST SUSCEPTIBLE SOIL
- ② ROOF
ASPHALT SHINGLES ON 3/4" (19mm) PLYWOOD (EXTERIOR GRADE) ON CONVENTIONAL FRAMED ROOF: 2" X 8" (38mm X 140mm) RAFTERS @ 16" (400mm) O.C., 2" X 6" (38mm X 150mm) COLLAR TIES AT MID-SPANS, CEILING JOISTS 2" X 12" (38mm X 286") @ 16" (400mm) O.C. UNLESS OTHERWISE NOTED, HIP & VALLEY RAFTERS TO BE MIN. 2" (50mm) LARGER THAN COMMON RAFTERS & MIN. 1 1/2" (38mm) THICK. 12" (300mm) OVERHANG WITH PRE-FIN EAVES AND RWL.

- ③ GARAGE DOOR:
8' WIDE X 7' HIGH SECTIONAL GARAGE DOOR WITH 2 VISION PANELS FRAMED WITH 2-2X12 WD. LINTEL ON BUILT-UP SOLID BEARING AT SIDES OF DOOR.
- ④ DOOR & SIDELIGHTS:
WOOD FRAMED DOUBLE PANE WINDOWS AND SINGLE SWING DOOR. INSTALL 3 HINGES, CLOSER WITH DOOR STOP AND LOCK ON DOOR.
- ⑤ CONC. FLOOR SLAB:
4" (100mm) CONCRETE SLAB, 4650psi (32 MPa) COMPRESSIVE STRENGTH AFTER 28 DAYS FOR UNREINFORCED CONC. & W/ 5-8% AIR ENTRAINMENT O.B.C. 9.3.1.6., 6" X 6" (W 2.9 X W 2.9) WIRE MESH LOCATED NEAR MID-DEPTH OF SLAB, 4" (100mm) OF COURSE GRANULAR MATERIAL, ANY FILL PLACED UNDER SLAB, OTHER THAN COURSE CLEAN GRANULAR MATERIAL, SHALL BE COMPACTED.

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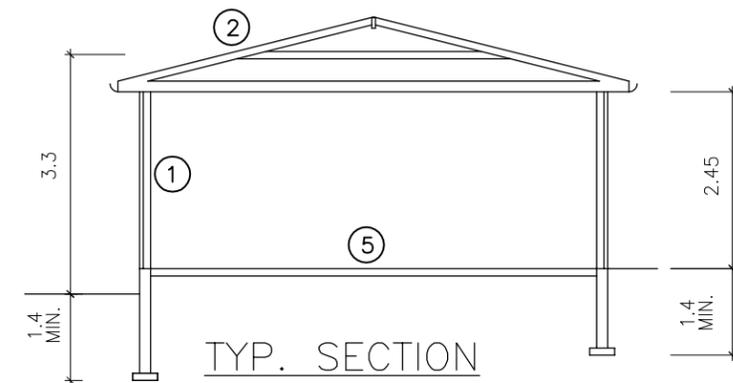
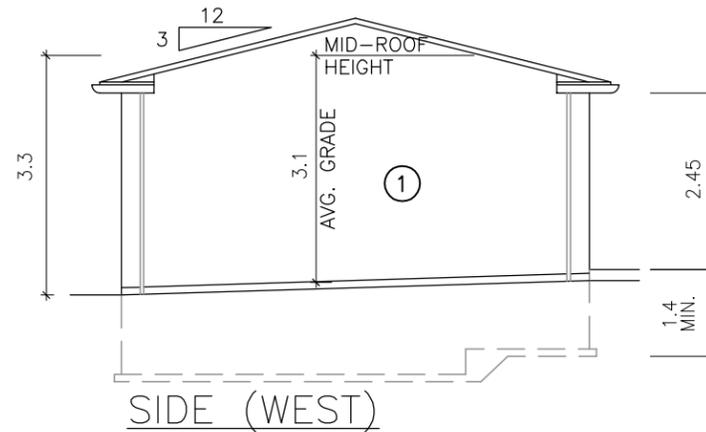
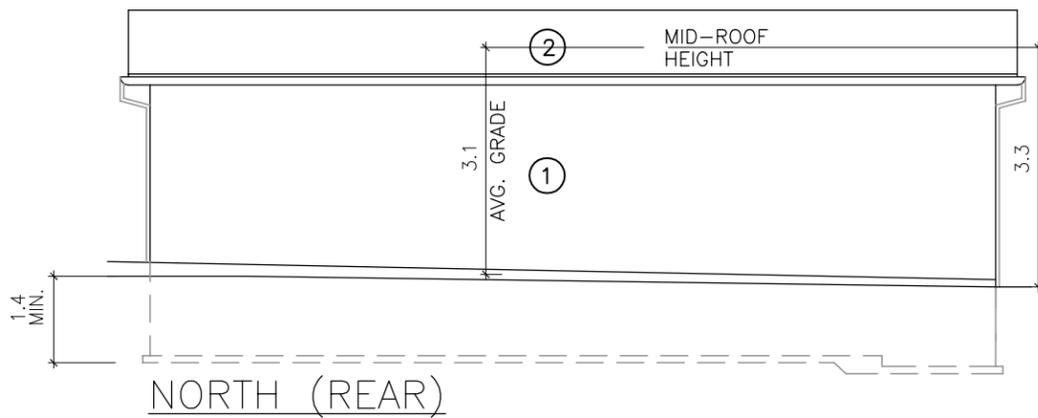
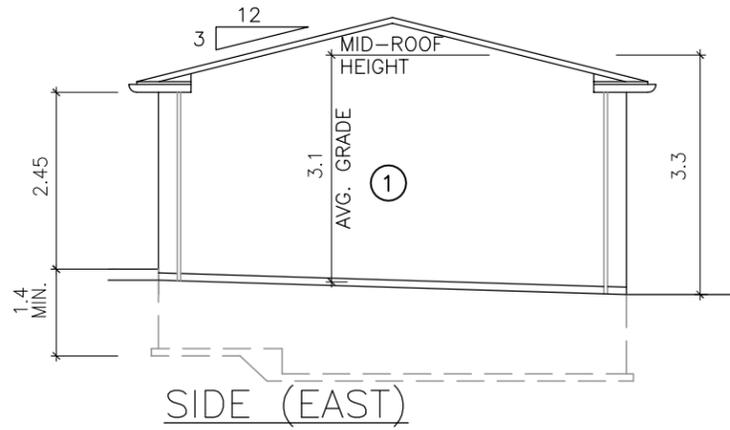
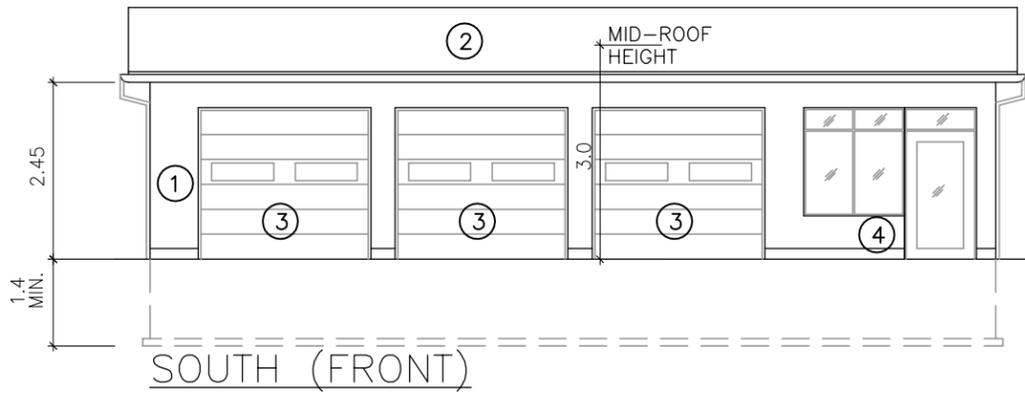
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Signature: *Ray Lall*
REGISTRATION INFORMATION
Firm Name: Ray Lall BCIN# 35414

THE YIP RESIDENCE
69 INGLEBOROUGH CT.

PROPOSED ACCESSORY BUILDING
AUG 02, 2022



A3



GENERAL NOTES:

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE AND ALL OTHER CODES AND LOCAL AUTHORITIES HAVING JURISDICTION.

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65mm (2 1/2") NON-COMBUSTIBLE EIFS, WALL SHEATHING MEMBRANE AS PER O.B.C. 9.27.3.2., 3/4" (19mm) PLYWOOD (EXTERIOR GRADE) OR EQUIVALENT AS PER O.B.C. 9.23.16, 2"x6" (38"mm X 140mm) WOOD STUDS @ 16" (400mm) O.C., R22 (RSI 3.87) INSULATION, CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C. 9.25.3 & 9.25.4, 1/2" (12.7mm) GYPSUM BOARD, 8" SOLID 2,900 psi (20MPa) CONCRETE FOUNDATION WALL MIN. 4'-0" (1.2m) BELOW FIN. GRADE. EXTEND FOUNDATION WALL MIN. 6" (150mm) ABOVE GRADE. BACKFILL WITH NON-FROST SUSCEPTIBLE SOIL
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QUALIFICATION INFORMATION

Name: Ray Lall BCIN# 25184

Signature: *Ray Lall*

REGISTRATION INFORMATION

Firm Name: Ray Lall BCIN# 35414

THE YIP RESIDENCE
69 INGLEBOROUGH CT.

PROPOSED ACCESSORY BUILDING
AUG 02, 2022



APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/053/23

1. The variance apply only to the proposed development as long as it remains;
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” of 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;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations 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 in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations; and
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects