

Memorandum to the City of Markham Committee of Adjustment

December 13, 2024

File: A/132/24
Address: 88 Proctor Avenue, Thornhill
Agent: Lifestyle Home Products (Andrijana Adamovic)
Hearing Date: Wednesday, December 18, 2024

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

The Applicant is requesting relief from the following requirement from the “Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone” under By-law 2024-19, as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2 E):

a maximum main building distance of 20.83 m for the first storey from the established building line, whereas the by-law permits a maximum main building distance of 19.5 m for the first storey from the established building line;

as it relates to the addition of a sunroom to a two-storey residential dwelling.

BACKGROUND

Property Description

The 1,300.89 m² (14,002.66 ft²) “Subject Property” is located on the north side of Proctor Avenue, and generally located west of Bayview Avenue and north of Steeles Avenue East (the “Subject Property”) (refer to Appendix “A” – Aerial Photo). The Subject Property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Charlie Clifford Park is located to the immediate north of the Subject Property. Mature vegetation exists across the Subject Property.

There is an existing two-storey detached dwelling with an attached garage on the Subject Property, which according to assessment records was constructed circa 2005.

Proposal

The Applicant is proposing to construct a one-storey, 19.66 m² (211.59 ft²) rear sunroom addition (the “Proposed Development”) (refer to Appendix “B” – Plans) to the existing dwelling on the Subject Property.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are 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. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2024-19

The Subject Property is zoned “RES-ENLR (Residential – Established Neighbourhood Low Rise)” under By-law 2024-19, as amended, which permits a detached dwelling. The proposed addition does not comply with the By-law requirements as it relates to the maximum distance of the main building from the established building line. Further details of the distance requirement are provided in the comment section below.

Zoning Preliminary Review (ZPR) Not Undertaken

A Zoning Preliminary Review (ZPR) has not been completed; however, the applicant has received comments from the building department through their permit process (File No. 24.175010.000.00 HP). Nonetheless, 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase to the Maximum Main Building Distance Variance

The Applicant is requesting relief to permit a maximum main building distance of 20.83 m (68.34 ft) for the first storey from the established building line, whereas the by-law permits a maximum main building distance of 19.5 m (63.98 ft) for the first storey from the established building line. This represents an increase of approximately 1.33 m (4.36 ft) than what is permitted. The variance will facilitate a single-storey rear sunroom addition.

The proposed sunroom is relatively modest given that the one-storey addition of 4.59 m (15.05 ft) does not span across the entire width of the dwelling. Furthermore, the Subject Property backs onto Charlie Clifford Park rather than another residential property and will result in the Proposed Development having minimal impacts on neighbouring homes with respect to privacy, shadowing or views. Staff also note that the required rear yard setback

and generous rear yard amenity space is maintained, which is in keeping with the character of the neighbourhood. Finally, the size and massing of the dwelling will be maintained with nominal change to the streetscape. As such, Staff are of the opinion that the requested variance is minor in nature and consistent with the surrounding area and have no concern with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 13, 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 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:



Erin O’Sullivan, Development Technician, Committee of Adjustment

REVIEWED BY:



Rick Cefaratti, Acting Development Manager, West District

APPENDICES


Appendix "A" – Aerial Photo

Appendix "B" – Plans


Appendix "C" – A/132/24 Conditions of Approval

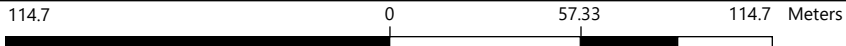


Legend

 Subject Property
88 Proctor Avenue

Notes

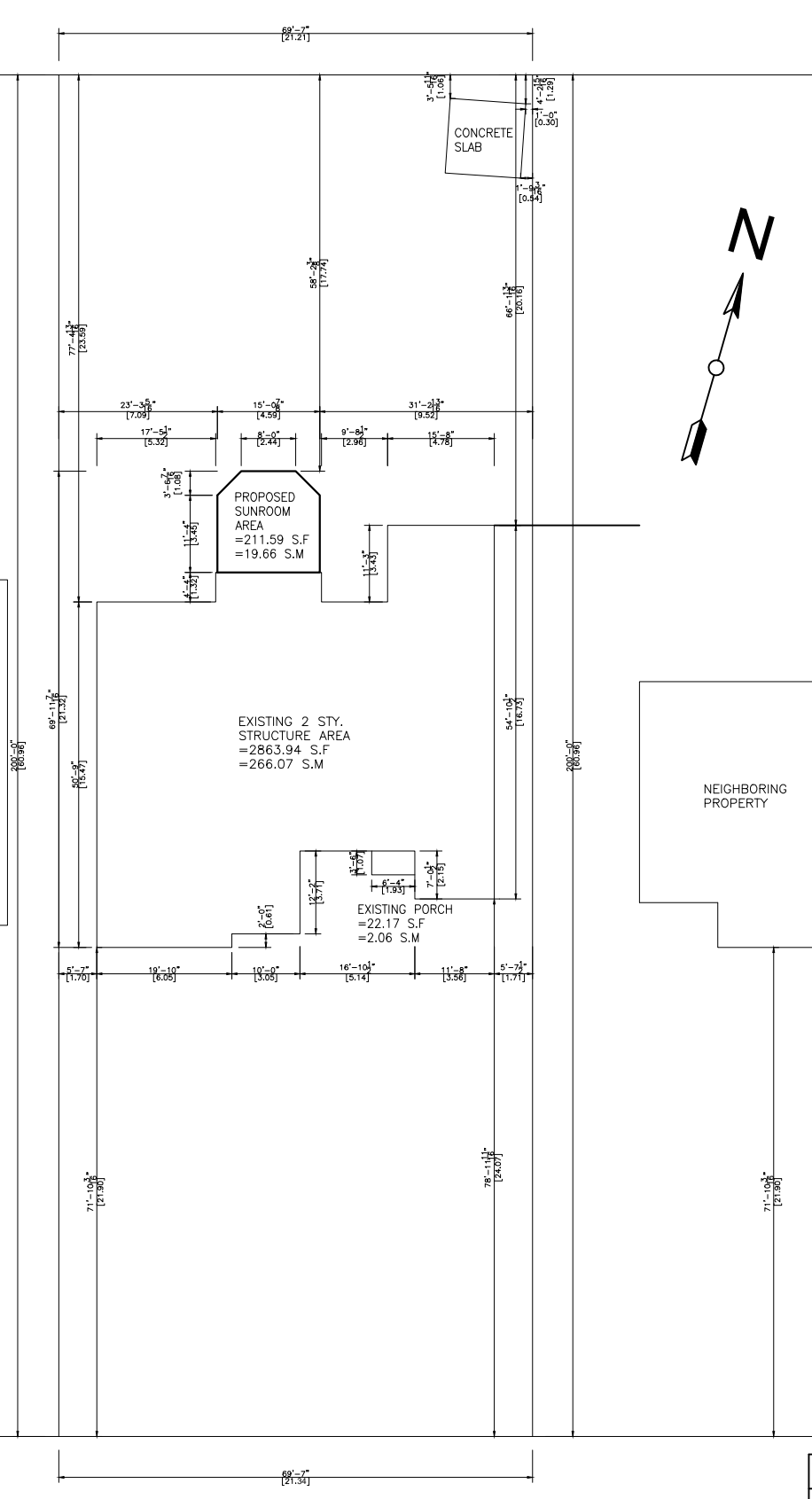
1: 2,257 



Appendix B

File: **24.196699.000.00.MNV**

Date: **12/13/2024**
MM/DD/YYYY



NOTES:

1. THE WALLS AND ROOF STRUCTURAL PANELS OF THE SUNROOM WILL BE PREFABRICATED BY LIFESTYLE SUNROOMS INC. AND WILL BE INSTALLED BY ITS TRAINED SKILLED INSTALLERS.
2. A PROFESSIONAL ENGINEER UNDERTAKES THE GENERAL REVIEW OF THE INSTALLATION.
3. A FINAL PROJECT REVIEW LETTER WILL BE SUBMITTED TO THE BUILDING DEPARTMENT AFTER THE COMPLETION.
4. (1). STAIRS RISER DIMENSIONS SHALL CONFIRM TO ARTICLES 9.8.4.2 AND 9.8.4.3 OF THE 2012 OBC WHICH STIPULATES THAT RISERS DESIGNED FOR PRIVATE USE MUST HAVE A MAXIMUM RISE OF NO MORE THAN 200 mm OR A MINIMUM RISE OF NO LESS THAN 125 mm AND A MAXIMUM RUN OF NO MORE THAN 355 mm OR A MINIMUM RUN OF NO MORE THAN 255 mm AND A MAXIMUM TREAD DEPTH OF 355 mm OR A MINIMUM TREAD DEPTH OF NO LESS THAN 235 mm.
4. (2). REQUIRED EXIT STAIRS SHALL HAVE A WIDTH, MEASURED BETWEEN WALL FACES OR GUARDS, OF NOT LESS THAN 900 mm AS PER ARTICLE 9.8.2.1 OF THE 2012 OBC.
5. THE WIDTH OF THE LANDING IF REQUIRED SHALL BE NOT LESS THAN THE GREATER REQUIRED STAIR WIDTH WHERE ONE OR MORE OF THE STAIR WIDTHS DO NOT EXCEED THEIR RESPECTIVE REQUIRED WIDTHS, OR NOT LESS THAN THE LESSER ACTUAL STAIR WIDTH WHERE ALL OF THE WIDTHS OF THE STAIRS EXCEED THEIR RESPECTIVE REQUIRED WIDTHS AS PER ARTICLES 9.8.6.2 AND 9.8.6.3 OF THE 2012 OBC.
6. ALL HAND RAILS AND GUARDS SHALL BE BUILT AS PER OBC 2012 AND SUPPLEMENTARY STANDARD SB-7. EXTERIOR HANDRAIL AND GUARDS TO BE AT LEAST 900 mm OR 36" MEASURED VERTICALLY ABOVE THE NOSING OF ANY TREAD AND/OR PLATFORM NOT MORE THAN 1800 mm OR 5'-11" ABOVE THE FINISHED GROUND AS PER SUBSECTIONS 9.8.7 AND 9.8.8 OF 2012 OBC; ALL PICKET AND/OR GUARD SPACING MUST BE NO MORE THAN 100 mm OR 4" APART AS PER ARTICLE 9.8.8.5 OF THE 2012 OBC; ALL BALUSTERS TO BE SPACED NO MORE THAN 1200 mm OR 48" APART.
7. TO CARRY RAINWATER AWAY FROM THE SUNROOM, DOWNSPOUTS WILL BE INSTALLED AT THE OUTSIDE CORNERS OF ROOM IN ACCORDANCE TO ARTICLES 9.26.18.2, 7.3.3.7, AND 5.6.2.2 OF THE 2012 OBC.
8. ALL ADDITIONAL ASPECTS OF THE PROJECT WILL BE INSTALLED ACCORDING TO TACBOC DETAILS AND COMPLY WITH THE REQUIREMENTS STIPULATED BY THE 2012 OBC, INCLUDING DOORS (TO SECTION 9.6.); WINDOWS (TO SECTION 9.7.); SKYLIGHTS (TO SUBSECTION 9.7.7.); GLASSES (TO SUBSECTION 9.7.3.); WOOD FRAME CONNECTIONS, DECK FARMING, STICK BUILT WALLS AND SUBFLOORING (TO SUBSECTION 9.23.14); BUILT-UP BEAMS (TO ARTICLE 9.23.8.3); BUILT-UP COLUMNS (TO ARTICLE 9.17.4.2); ROOFING (TO SECTION 9.26.); ROOF DRAINS AND DOWNSPOUTS (TO SUBSECTION 9.26.18.); FLASHING (TO SUBSECTIONS 9.20.13 & 9.26.3 & 9.26.4); CLADDING (TO SECTION 9.27.); CAULKING (TO SUBSECTION 9.27.4.); INTERIOR FINISHING (TO SUBSECTION 9.29.); FLOORING (TO SECTION 9.30.); STAIRS, RAMPS, HANDRAILS AND GUARDS (TO SECTION 9.8.); LIGHTING OUTLETS (TO SECTION 9.34.).

LOT AREA	1300.89 m ²	14002.66 ft ²
TOTAL EXISTING FIRST FLOOR AREA	266.07 m ²	2863.94 ft ²
PROPOSED SUNROOM AREA	19.66 m ²	211.59 ft ²
TOTAL FIRST FLOOR AREA	285.73 m ²	3075.53 ft ²
TOTAL LOT COVERAGE	~22.10 %	

SITE PLAN
SCALE = 1:300

THIS SITE PLAN IS DRAWN PER THE OWNER INFORMATION

944 Crawford Dr.
Peterborough, Ontario K9J 3X2
www.lifestylesunrooms.com
Tel: 800-465-0593 Fax: 800-934-0822

PROJECT
LIFESTYLE SUNROOM ADDITION

PROJECT ADDRESS
88 PROCTOR AVENUE
THORNHILL
ONTARIO L3T 1M7

DRAWING
01 SITE PLAN

REVISION	PROJECT#	DESIGN#
	96317	

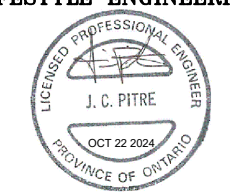
MODEL TYPE
3125 STUDIO (5.5" ALUMINUM TOP ROOF)

CLIENT: STEPHEN & TRUDY VIDEKI

DATE: OCT 22 2024 **SCALE:**

DRAWN BY:	CHECKED BY:
A.A.	J.P.

LIFESTYLE ENGINEERING



Appendix B

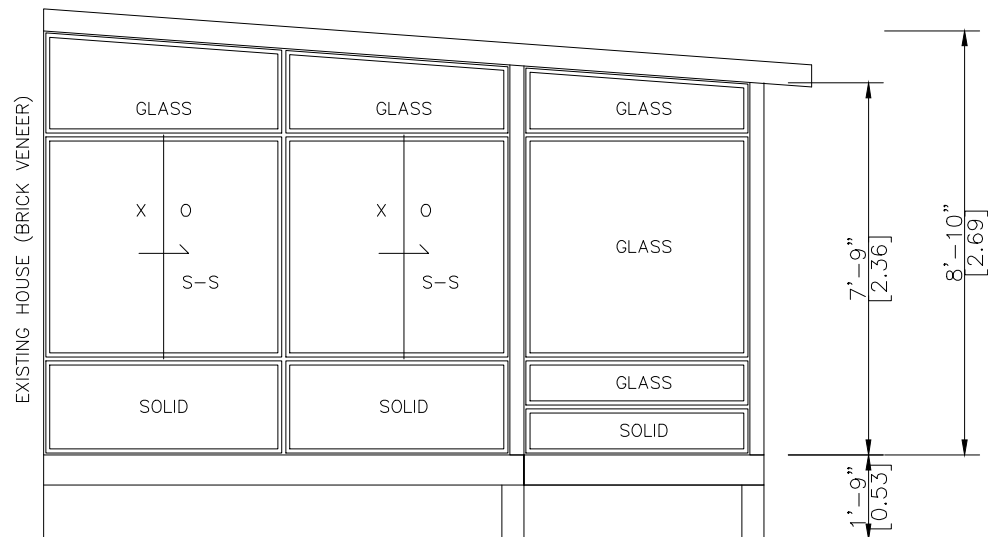
File: 24.196699.000.00.MNV

Date: 12/13/2024
MM/DD/YYYY



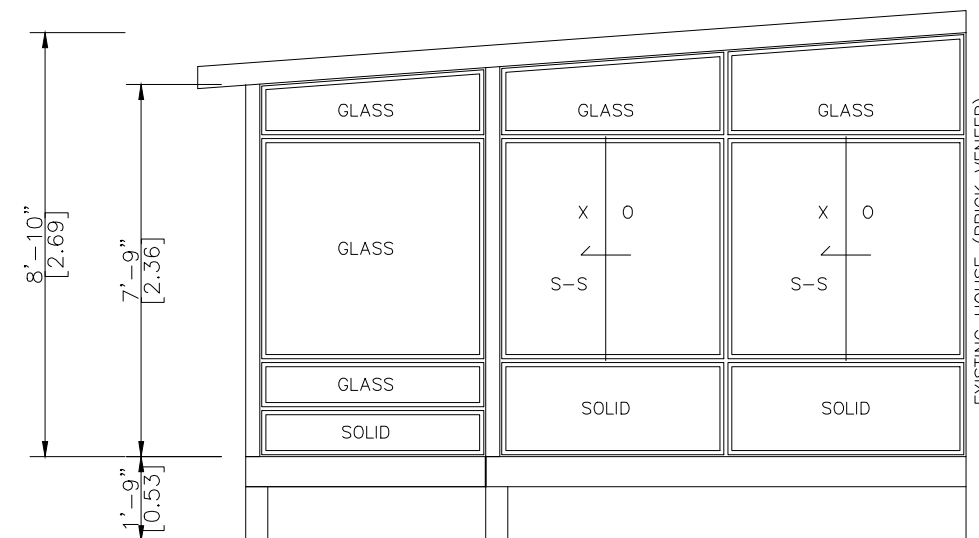
SOUTH ELEVATION

SCALE 1/4"=1'-0"



EAST ELEVATION

SCALE 1/4"=1'-0"



WEST ELEVATION

SCALE 1/4"=1'-0"

944 Crawford Dr.
Peterborough, Ontario K9J 3X2
www.lifestylesunrooms.com
Tel: 800-465-0593 Fax: 800-934-0822

PROJECT
LIFESTYLE SUNROOM ADDITION

PROJECT ADDRESS
88 PROCTOR AVENUE
THORNHILL
ONTARIO L3T 1M7

DRAWING
03 ELEVATIONS

REVISION	PROJECT#	DESIGN#
	96317	

MODEL TYPE
3125 STUDIO (5.5" ALUMINUM TOP ROOF)

CLIENT: STEPHEN & TRUDY VIDEKI

DATE: MAY 13 2024 **SCALE:**

DRAWN BY:	CHECKED BY:
A.A.	J.P.

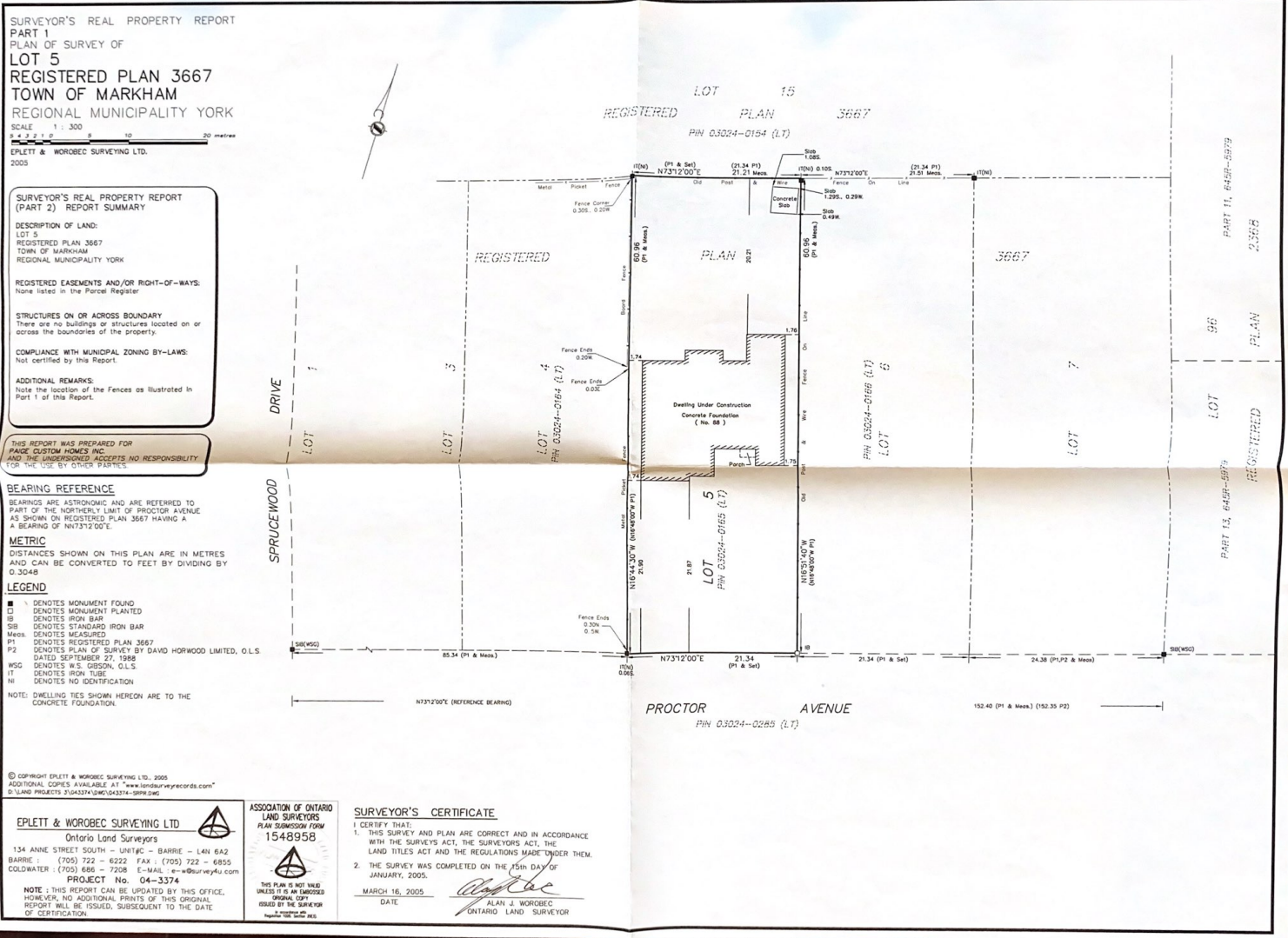
LIFESTYLE ENGINEERING



Appendix B

File: 24.196699.000.00.MNV

Date: 12/13/2024
MM/DD/YYYY



APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/24

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

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Erin O'Sullivan", is written over a light gray rectangular background.

Erin O'Sullivan, Development Technician, Committee of Adjustment