

# Memorandum to the City of Markham Committee of Adjustment

August 23, 2023

**File:** A/143/23  
**Address:** 344 Manhattan Drive, Markham  
**Applicant:** Martin Jun Jian Xie  
**Agent:** Jun An  
**Hearing Date:** Wednesday, August 30, 2023

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

The Applicant is requesting relief from the “Seventh Density – Single Detached Residential (R7)” zone requirements under By-law 134-79, as amended, as it relates to a proposed enclosed front porch. The variance request is to permit:

**a) By-law 134-79, Section 7.2 (c):**

a maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum of 33 1/3 percent.

## **BACKGROUND**

### **Property Description**

The 558.25 m<sup>2</sup> (6,008.95 ft<sup>2</sup>) subject lands (the “Subject Lands”) are located on the north side of Manhattan Drive, generally located south of 16<sup>th</sup> Avenue and west of McCowan Road (refer to Appendix “A” – Aerial Photo). 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 1987.

### **Proposal**

The Applicant is proposing to construct an enclosed front porch (the “Proposed Development”) (refer to Appendix “B” – Plans) onto their existing single detached dwelling.

### **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 134-79, as amended

The Subject Lands are zoned “Seventh Density – Single Detached Residential (R7)” under By-law 134-79, as amended, which permits single detached dwellings. The

proposed enclosed front porch does not comply with the By-law with respect to the proposed lot coverage.

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

The Applicant has completed a Zoning Preliminary Review (ZPR) on July 19, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increase in Maximum Lot Coverage**

The Applicant is requesting relief to permit a maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent. The proposed lot coverage includes enclosing the existing front porch which will add approximately 19.88 m<sup>2</sup> (213.98 ft<sup>2</sup>) to the overall building area.

Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling. Staff are satisfied that the requested variance is appropriate for the lot, and maintains the general intent and purpose of the By-law.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 23, 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 Appendix "C" for conditions to be attached to any approval of this application.

### **APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/143/23 Conditions of Approval

PREPARED BY:



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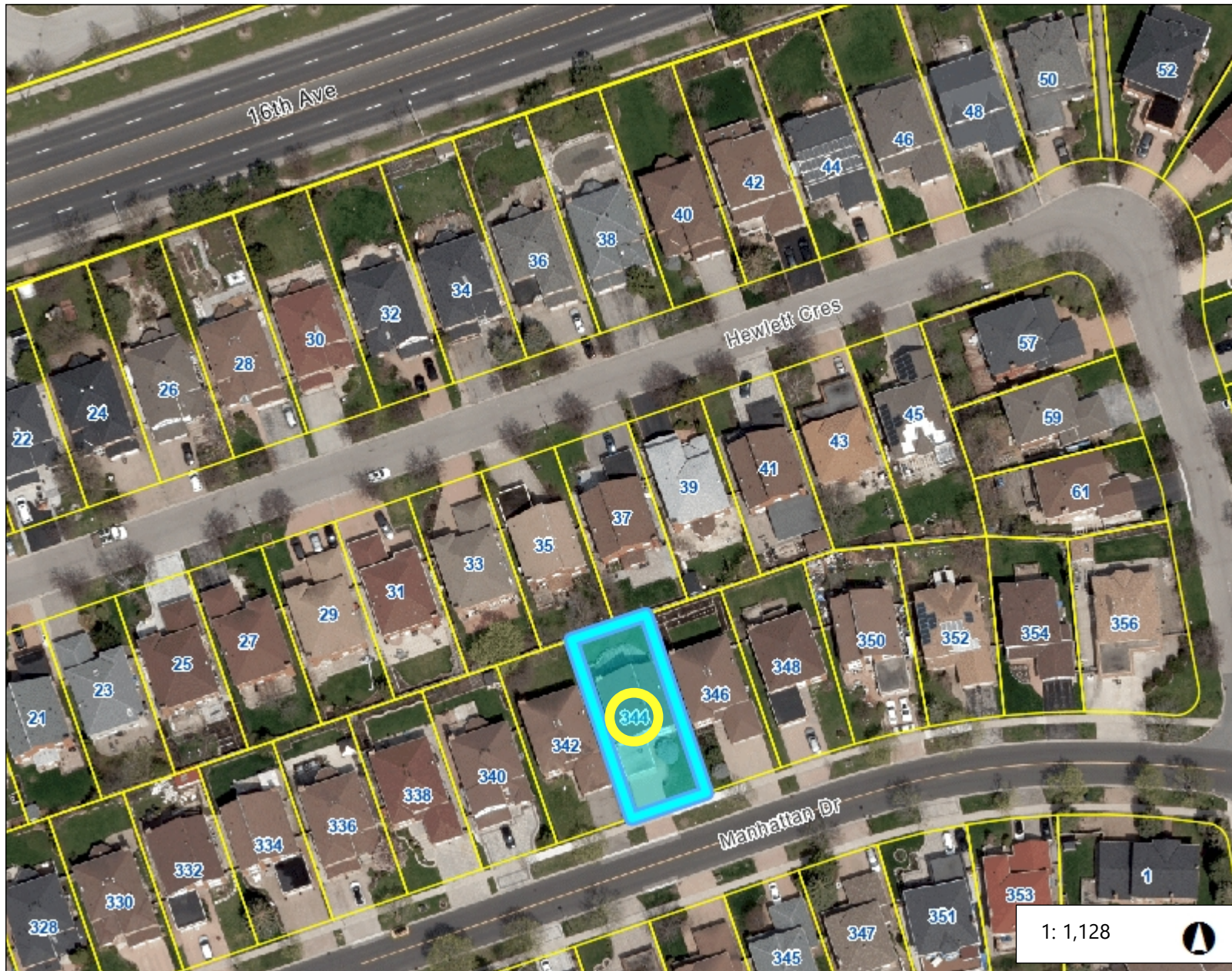
Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



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Deanna Schlosser, MCIP RPP, Senior Planner, Central District



Legend

 Subject Lands

1: 1,128



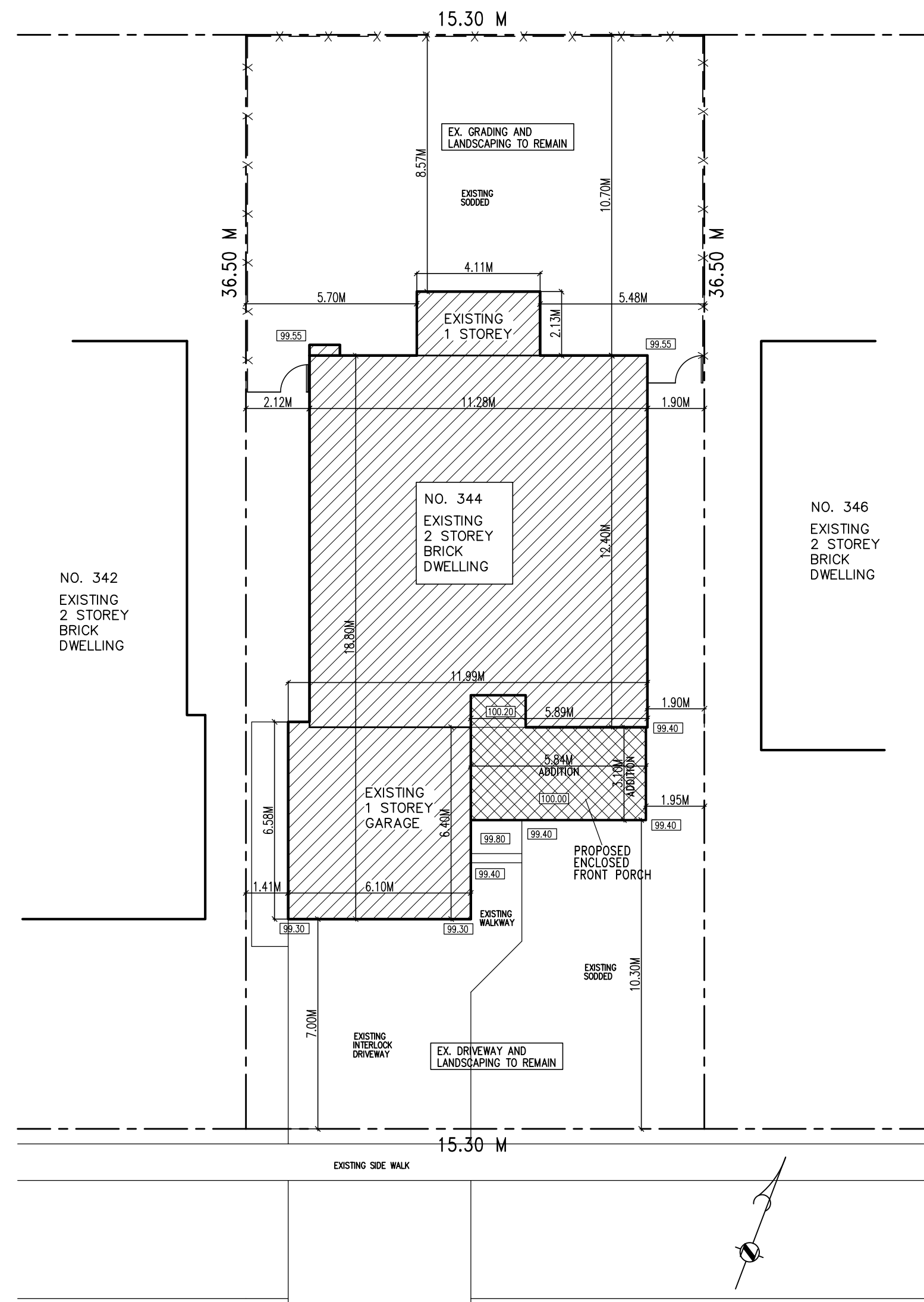
57.3 0 28.65 57.3 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes





**SITE PLAN**  
1:150

NOTE: PROPOSED ENCLOSED FRONT PORCH TO EXISTING 2 STOREY DWELLING. NO OTHER CHANGES.

ZONING: 344 MANHATTAN DR IS ZONED R7 UNDER BY-LAW 134-79 AS AMENDED

ZONING SUMMARY:

USE OF BUILDING	PERMITTED	PROPOSED
USE OF BUILDING	SFD	SFD
MIN. LOT FRONTAGE	13.5 M	15.30 M (EXISTING)
MIN. LOT AREA	501.5 S.M.	558.45 S.M. (EXISTING)
MIN. FRONT YARD SETBACK	6.0 M	7.0 M (EXISTING)
MIN. SIDE YARD SETBACK EAST (2 STOREY OR GREATER)	1.8 M	1.9 M (EXISTING)
MIN. SIDE YARD SETBACK EAST (LESS THAN 2 STOREY)	1.2 M	1.41 M (EXISTING)
MIN. REAR YARD SETBACK	7.5 M	8.57 M (EXISTING)
MAX. LOT COVERAGE	33 1/3% (186.15 S.M.)	36.9% (206.01 S.M.)
MAX. BUILDING HEIGHT (AVG. GRADE TO MIDPOINT)	10.7 M	8.5 M (EXISTING)

STATISTICS:

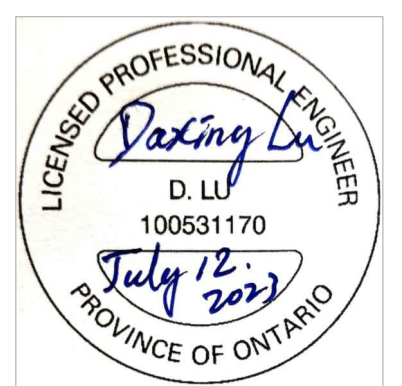
LOT AREA	558.45 S.M.
LOT COVERAGE (EXISTING)	186.13 (33.33%)
LOT COVERAGE (ADDITION)	19.88 (3.56%)
LOT COVERAGE (TOTAL)	206.01 (36.9%)
ESTABLISHED(AVERAGE) GRADE	99.42 M (99.30+99.30+99.40+99.40+99.55+99.55) / 6 = 99.42

GROSS FLOOR AREA	
GROSS BASEMENT FLOOR AREA (EXISTING)	148.92 S.M.
GROSS GROUND FLOOR AREA (LIVING) (EXISTING)	147.15 S.M.
GARAGE AREA (EXISTING)	38.98 S.M.
GROSS SECOND FLOOR AREA (EXISTING)	122.91 S.M.
ENCLOSED FRONT PORCH (ADDITION)	19.88 S.M.
TOTAL GROSS FLOOR AREA (BASEMENT AND GARAGE NOT INCLUDED)	289.94 S.M.

NOTE: THE EXISTING ELEVATIONS OF THE LAND ARE TO REMAIN UNCHANGED. EXISTING ELEVATIONS, LANDSCAPING, DRIVEWAY IS TO REMIAN.

NOTE: THE DIMENSION OF PROPERTY AND BUILDING BASE ON THE SITE MEASUREMENT.

NOTE: ALL DIMENSION TO BE CONFIRMED ON SITE.



MANHATTAN DR.

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.  
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.  
3. DO NOT SCALE DRAWING.  
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.  
5. USE ONLY LATEST REVISED DRAWINGS.  
6. THE DESIGN AND CONTRACT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE DESIGNER AND MAY NOT BE REPRODUCED, ALTERED, OR REUSED WITHOUT THE DESIGNER'S WRITTEN AUTHORITY.

designed by:

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THIS UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C.TO BE A DESIGNER.

JUN AN  
BCIN: 103596  
ANJIA HOME DESIGN INC.  
BCIN: 113604

*Jun An*  
SIGNATURE

project: **PROPOSED ENCLOSED FRONT PORCH AT 344 MANHATTAN DR., MARKHAM, ONTARIO**

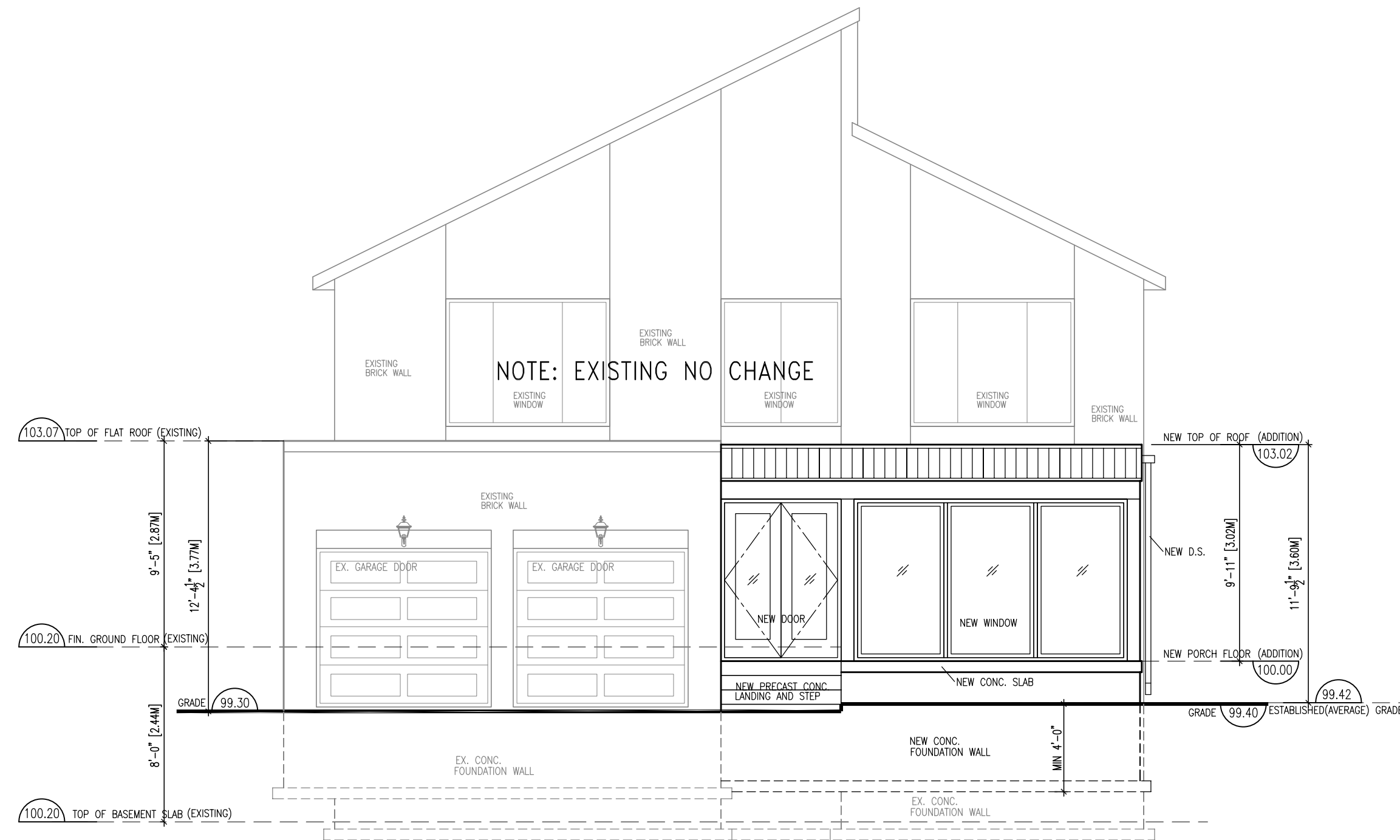
drawing: **SITE PLAN**

scale: **1:150**

page:

**A0.1**

NO.	ISSUED FOR	DATE
1	ISSUED FOR ZPR	JUL 12, 2023
	ISSUED FOR	DATE



NOTE: EXISTING NO CHANGE

FRONT ELEVATION  
SCALE: 3/16"=1'-0"




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SIGNATURE

NO.	ISSUED FOR	DATE
1	ISSUED FOR ZPR	JUL 12, 2023

project: **PROPOSED ENCLOSED FRONT PORCH AT 344 MANHATTAN DR., MARKHAM, ONTARIO**

drawing: **FRONT ELEVATION**

scale: **3/16"=1'-0"**

page: **A2.1**



**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/143/23**

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 "C" 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.

CONDITIONS PREPARED BY:



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Trisha Sridharan, Development Technician, Zoning and Special Projects