

Memorandum to the City of Markham Committee of Adjustment

April 10, 2024

File: A/156/23
Address: 5 Sherwood Forest Drive, Markham
Applicant: LHW Engineering
Hearing Date: Wednesday, May 15, 2024

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

The applicant is requesting relief from the following requirements of By-Law 1229, as amended, as it relates to a proposed two-storey single detached dwelling. The requested variances are to permit:

a) By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 49.9 percent, whereas the by-law permits a maximum floor area ratio of 45 percent

BACKGROUND

Property Description

The application was deferred by the Committee of Adjustment (the "Committee") at the April 17th, 2024 hearing, for the applicant to address the Committee's concern over the floor area ratio of the proposed dwelling. (Refer to Minutes – Appendix "C")

COMMENTS

On April 18, 2024, the applicant had revised the Minor Variance Application and also submitted updated drawings in response to the Committee's concern of the scale and massing of the proposed dwelling. The previous variance request to permit a maximum floor area ratio of 50.9 percent has been decreased to 49.9 percent, by reducing the proposed Gross Floor Area by 5.50 m² (59.20 ft²). The proposed dwelling will now have a total Gross Floor Area of 307.70 m² (3,612.06 ft²). This is an increase of approximately 29.35 m² (315.92 ft²) over the maximum floor area of 278.35 m² (2,996.13 ft²) that the By-law permits.

Staff remain of the opinion that the requested variance is appropriate development, maintains the general intent of the Official Plan and Zoning By-law and that the increased floor area will not adversely impact the character of the neighborhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of **May 8, 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.

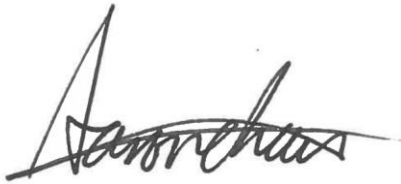
CONCLUSION

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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDICIES

Appendix "A" – A/156/23 Conditions of Approval

Appendix "B" – Drawings


Appendix "C" – Minutes Extract

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/23

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 C' to this Staff Report and plans attached to the 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:

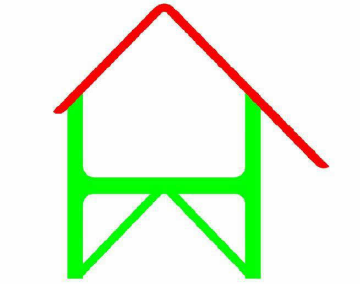
A handwritten signature in black ink, appearing to read 'Aaron Chau', written in a cursive style.

Aaron Chau, Planner I, East District

Appendix B

File: 23.139048.000.00.MNV

Date: 5/8/2024
MM/DD/YY



LHW ENGINEERING LTD.

(416) 299 - 8837
LHW.ENGINEERING@GMAIL.COM
405 - 2347 KENNEDY RD, TORONTO, ON M1T3T8

No.	Description	Date

5 Sherwood Forest Dr,
Markham, ON L3P 1P5

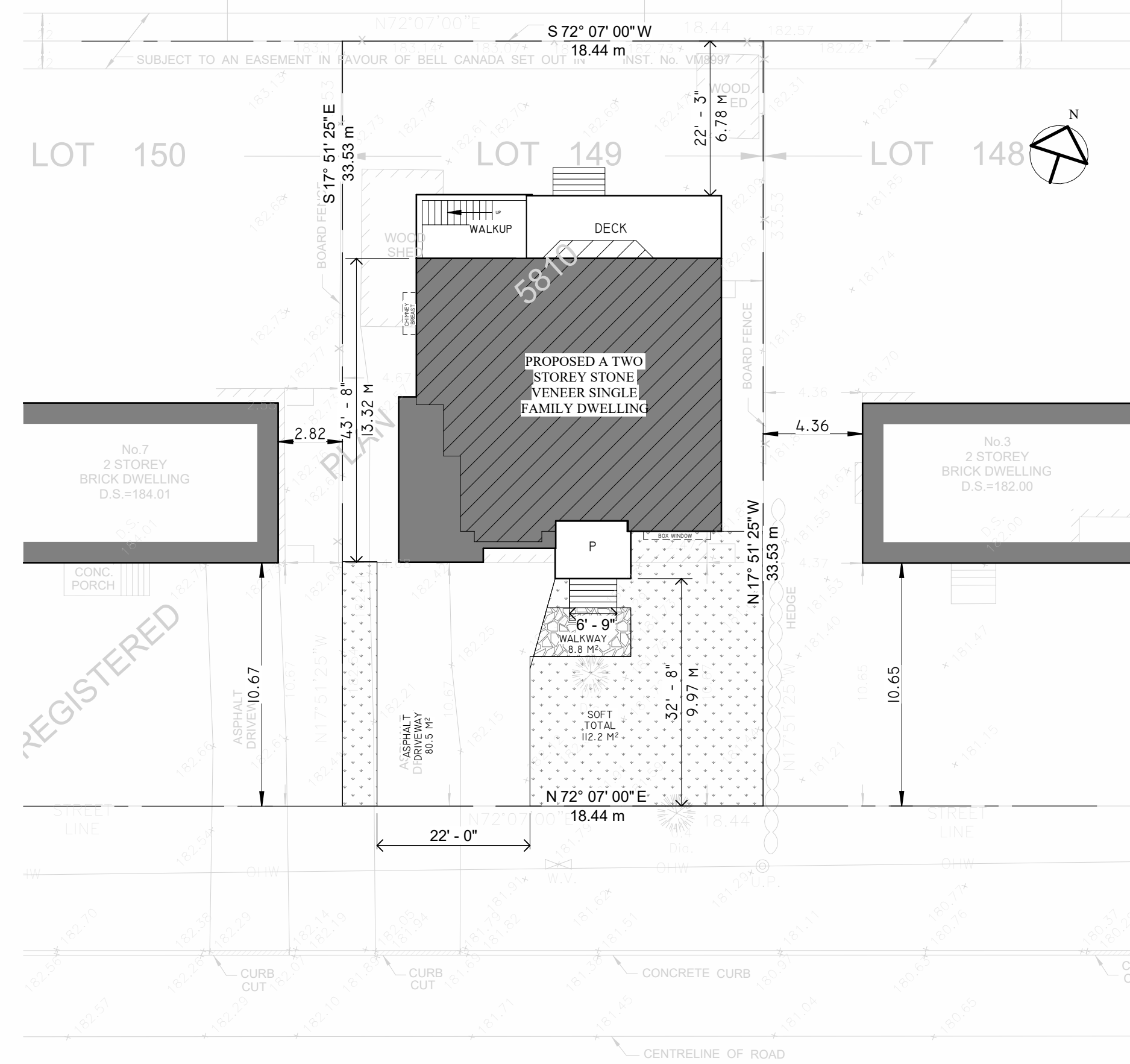
NAME:
CONTACT:

SITE PLAN

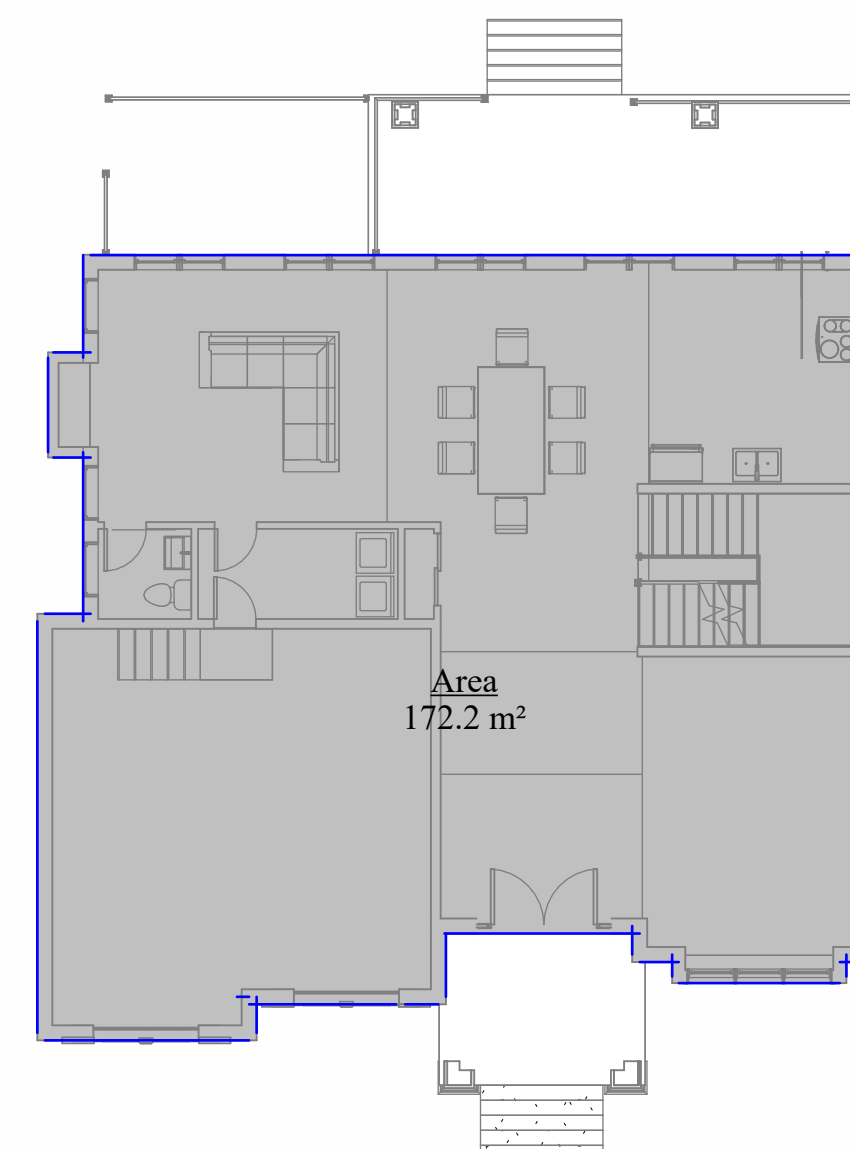
Project number	230401
Date	04/03/2023
Drawn by	AY
Checked by	BW

A1.0

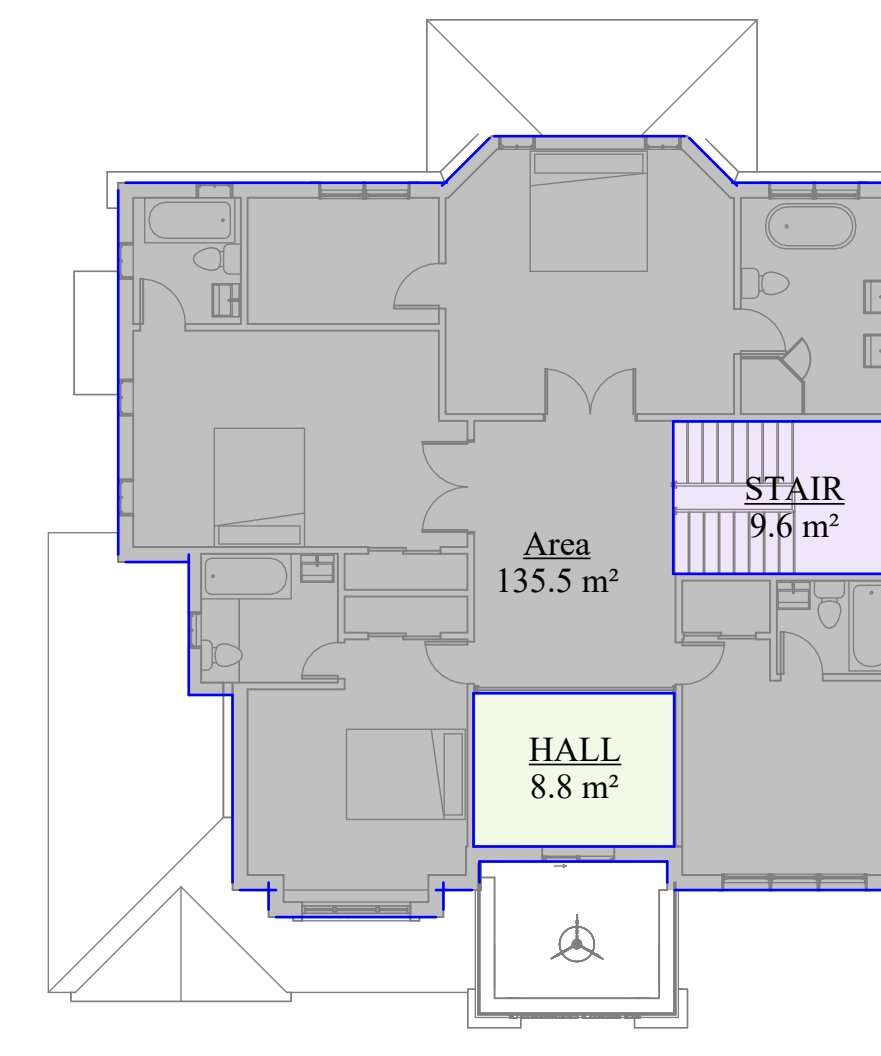
Scale As indicated



1 SITE PLAN
1:200



2 MAIN FLOOR (PROPOSED)
3/32" = 1'-0"



3 SECOND FLOOR (PROPOSED)
3/32" = 1'-0"

SITE STATISTIC	
ZONING	R1
PLAN NO.	5810
LOT FRONTAGE	18.44 M
ESTABLISHED GRADE	181.45
HEIGHT	9.75M
BUILDING DEPTH	14.32M
AREA PROPOSED	
MAIN FLOOR	171.4 M²
SECOND FLOOR	135.6 M²
LOT COVERAGE	171.4(MAIN BUILDING)+ 8.4(PORCH)+23.5(DECK)+ 14.2(WALKUP)/617.4+35.4%
MAX. NET FLOOR AREA RATIO	307.7/615.73 +9.9%
SETBACK	
MIN.	
FRONT	35' 1"
SIDE	8' 1"
SIDE	6'
REAR	28' 8"
FRONT YARD	
AREA (EXCLUDE PORCH & STAIR)	205.25 M²
LANDSCAPING (EXCLUDE STAIR & DRIVEWAY)	121.0 M²
SOFT LANDSCAPING	112.2 M²
PERCENT	58.9%
PERCENT	92.7%

THE SCOPE OF WORK
1.INFILL

NOTE:
FOR REFERENCE ONLY

Appendix B

File: 23.139048.000.00.MNV

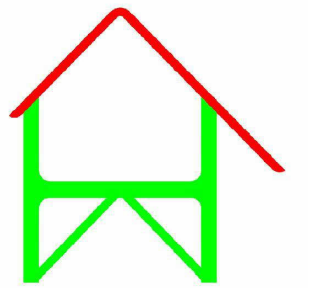
Date: 5/8/2024
MM/DD/YY



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



2 REAR ELEVATION
3/16" = 1'-0"



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No.	Description	Date

5 Sherwood Forest Dr,
Markham, ON L3P 1P5

NAME:
CONTACT:

**PROPOSED SOUTH &
NORTH ELEVATION**

Project number	230401
Date	04/03/2023
Drawn by	AY
Checked by	BW

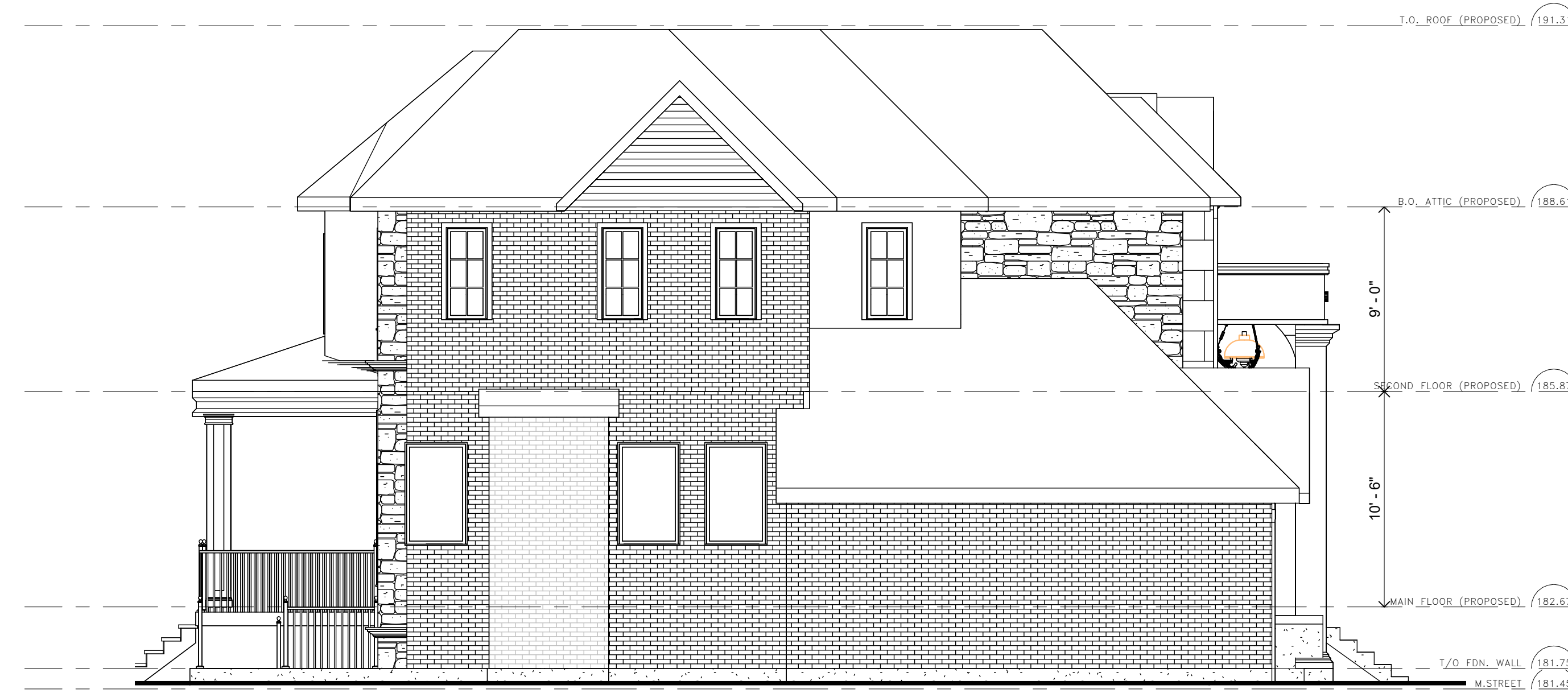
A2.1

Scale 3/16" = 1'-0"

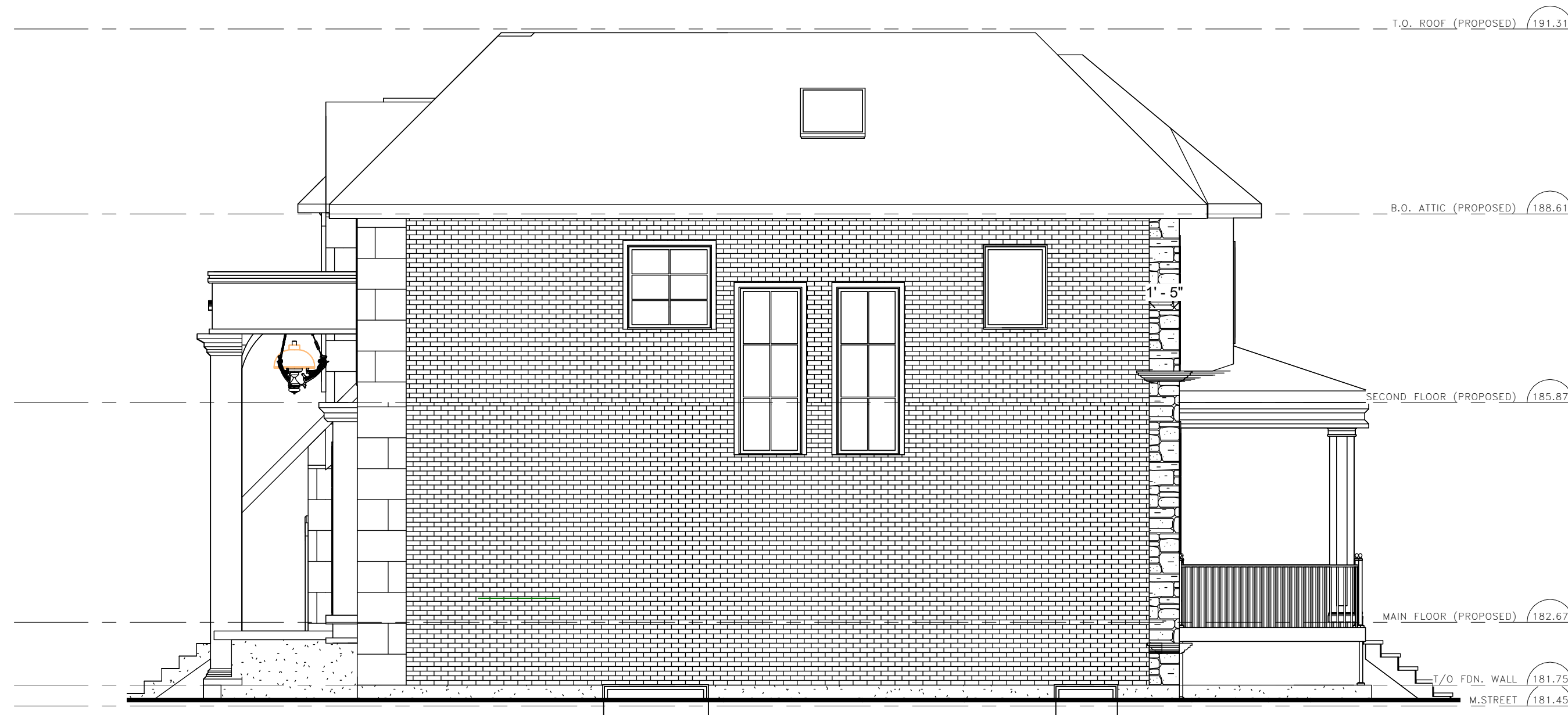
Appendix B

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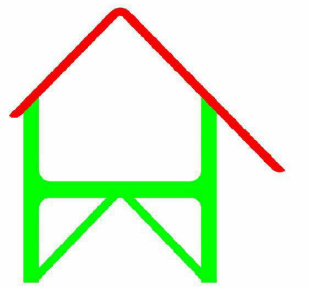
Date: 5/8/2024
MM/DD/YY



1 LEFT ELEVATION
3/16" = 1'-0"



2 RIGHT ELEVATION
3/16" = 1'-0"



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No.	Description	Date

5 Sherwood Forest Dr,
Markham, ON L3P 1P5

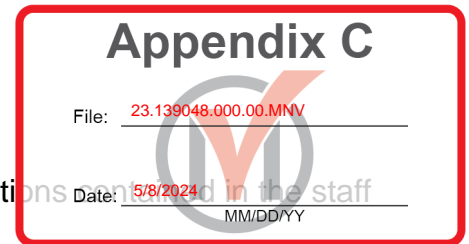
NAME:
CONTACT:

PROPOSED EAST & WEST
ELEVATION

Project number	230401
Date	04/03/2023
Drawn by	AY
Checked by	BW

A2.2

Scale 3/16" = 1'-0"



The majority of the Committee approved the application.

THAT Application No. **A/010/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. **A/156/23**

Agent Name: LHW Engineering (Lihang Wang)
5 Sherwood Forest Drive, Markham
PLAN 5810 LOT 149

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.9 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- as it related to a proposed two-storey residential dwelling.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application. Tony highlighted the changes made through engagement with the Resident's Association and the councillor.

The Committee received one written piece of correspondence.

Francis LeBlanc, a neighbour, spoke to the Committee. Francis expressed concerns regarding the proposed size of the house, including massing, height, views, privacy, and drainage.

Tony explained that changes had been made to address the Committee's comments at the previous meeting, including reducing the open to below areas, lowering the ceilings to reduce the height, enclosing the carport, and softening the façade by lowering the entrance and providing variations to the elevations. Tony indicated that the owner would be willing to provide plantings at the rear of the property to address privacy concerns raised by the neighbour.

Member Gutfreund expressed that even with the proposed changes, the house still had considerable massing and indicated that the applicant should reduce the floor area ratio to under 50 percent, as requested by the Committee at the earlier meetings.

Member Yan acknowledged that the applicant had made changes that addressed some of the Committee's requests but still felt there was considerable massing and supported the comments of Member Gutfreund.

Member Sampson was sympathetic to the neighbour's concerns and agreed that the floor area ratio should be reduced to below 50 percent.

Member Reingold appreciated the new design and felt it would fit well in the neighbourhood but also agreed with the recommendations of Member Gutfreund to reduce the floor area ratio and provide privacy landscaping.

The Chair recommended that the applicant consider lowering the front porch ceiling elevation further and reducing the floor area ratio.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
p by: Jeamie Reingold

THAT Application No. **A/156/23** be **deferred** sine die.

Resolution Carried

3. A/114/22

Agent Name: Contempo Studio (Marin Zabzuni)
67 Babcombe Drive, Thornhill
PLAN M941 LOT 114

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

- a) **By-law 1767, Section 9(i):**
an architectural feature encroachment of 27 inches, whereas the by-law permits an encroachment of no more than 18 inches into the required front yard;
- b) **By-law 1767, Amending By-law 100-90, Section 1.2(i):**
a maximum building height of 8.59 metres, whereas the by-law permits a maximum flat roof building height of 8.0 metres; and
- c) **By-law 1767, Amending By-law 100-90, Section 1.2(iii):**
a building depth of 18.15 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to the construction of a new two-storey detached dwelling.

The Chair introduced the application.