

Memorandum to the City of Markham Committee of Adjustment

June 10, 2024

File: A/187/23
Address: 154 Cartmel Drive, Markham
Agent: Arrow Engineering and Home inspection Inc. (Emad Girgis)
Hearing Date: Wednesday, June 19, 2024

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

The Applicant is requesting relief from the “Eighth Density – Single Detached Residential (R8)” zone under By-law 90-81, as amended, as it relates to a proposed second storey addition above an existing two-car garage. The requested variances are to permit:

a) Section 6.1.2:

a minimum north side yard setback of 1.2 metres, whereas the By-law requires a minimum side yard setback of 1.8 metres; and

b) Section 6.1.2:

a minimum front yard setback of 6.1 metres, whereas the By-law requires a minimum front yard setback of 8 metres.

BACKGROUND

Property Description

The 524.85 m² (5,649.44 ft²) subject lands are located on the west side of Cartmel Drive, east of Brimley Road and north of Randall Avenue (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing two-storey single detached dwelling on the property, which according to assessment records was constructed in 1986.

Proposal

The Applicant is proposing to construct a 42.92 m² (462 ft²) second storey addition above the existing two-car garage (the “Proposed Development”) (refer to Appendix “B” – Plans).

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 permits 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 90-81

The Subject Lands are zoned “Eighth Density – Single Detached Residential (R8)” under By-law 90-81, as amended, which permits one single detached dwelling per lot.

The Proposed Development does not comply with the by-law requirements as it relates to minimum side and front yard setbacks.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner 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 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.

Reduced Side Yard Setback

The Applicant is requesting a minimum north side yard setback of 1.2 m (4 ft) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.8 m (6 ft) for the two-storey portion of the dwelling. This is a reduction of approximately 0.6 m (2 ft). The existing garage and dwelling comply with the side yard setback of 1.2 m (4 ft) for the first storey and 1.8 m (6 ft) for the second storey. However, since the proposed second storey addition is located above the garage, a variance is required to permit a second storey setback of 1.2 m (4 ft) instead of 1.8 m (6 ft). The intent of having separate side yard setbacks for the first and second storey portions of a building is to maintain adequate spacing between homes as the building height increases.

Engineering Staff have reviewed the application and have no concern with the requested variance as it relates to site drainage. Staff are of the opinion that the proposed side yard setback reduction is minor in nature and have no concern with the requested variance.

Reduction in Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 6.1 m (20 ft), whereas the By-law requires a minimum front yard setback of 8 m (26.25 ft). This represents a reduction of approximately 1.9 m (6.25 ft). The applicable zoning by-law includes two front yard setback requirements: a front yard setback requirement of 8 m (26.25 ft) for the main dwelling and not less than 6 m (19.68 ft) for the attached garage. While the existing garage complies with the required front yard setback of not less than 6 m (19.68 ft), the addition over the existing garage is required to comply with the setback provision of 8 m (26.25 ft).

It is important to note that the requested variances are entirely attributable to the addition above the existing garage. The main floor of the detached dwelling complies with both the minimum front and side yard setback requirements. While the Proposed Development will add some massing to the front of the dwelling, the addition makes appropriate use of the existing building while allowing the Applicant to expand their living space. Staff are of the opinion that the Proposed Development will not have a marked impact to adjacent properties and that the requested variances are appropriate for the development of the lands.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 10, 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 the proposal. 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:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



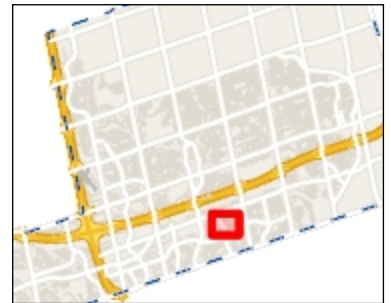
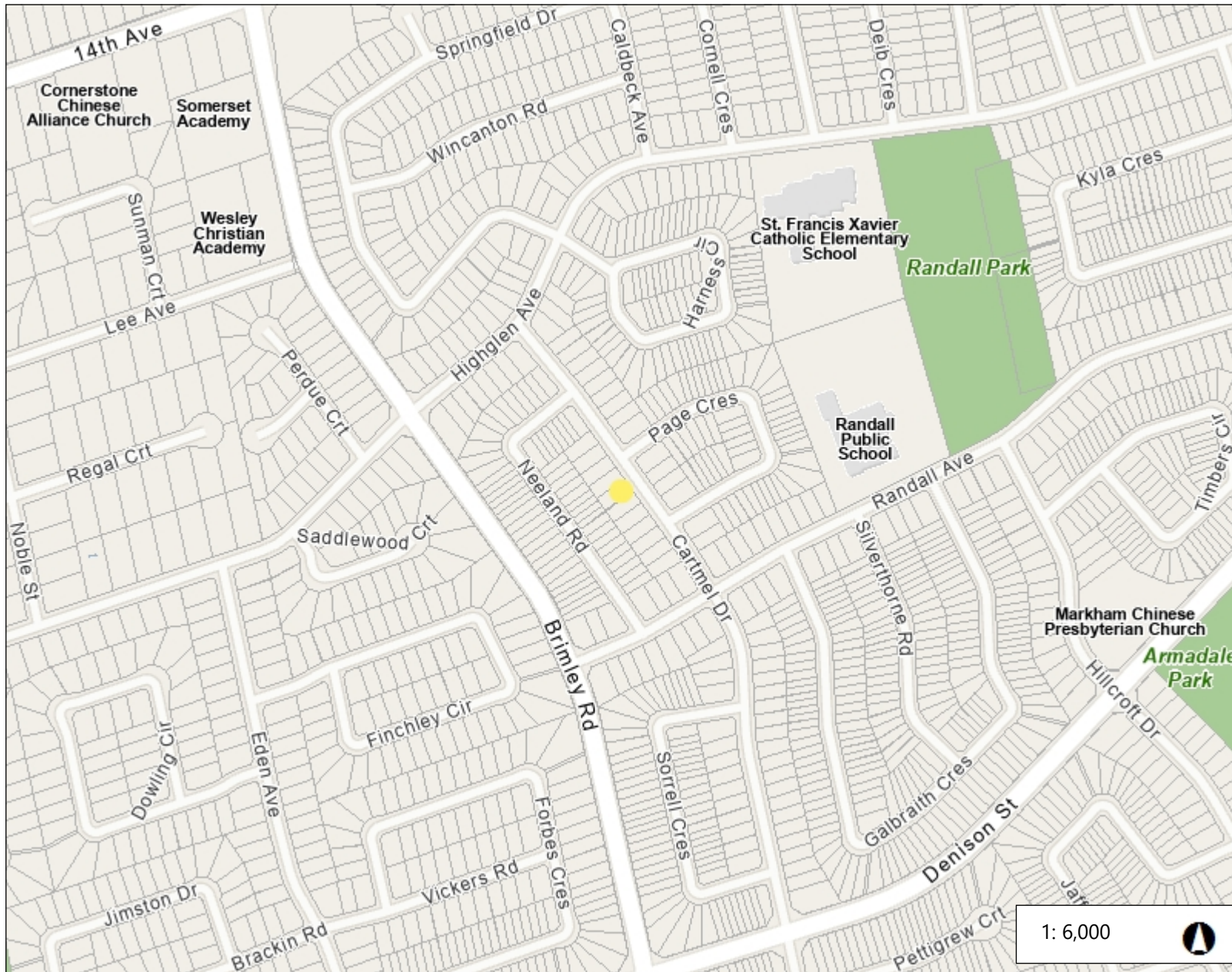
Sabrina Bordone, Development Manager, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/187/23 Conditions of Approval



Legend

- Subject Lands
- 154 Cartmel Drive

Notes

1: 6,000



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 and you will be directed to the appropriate department.

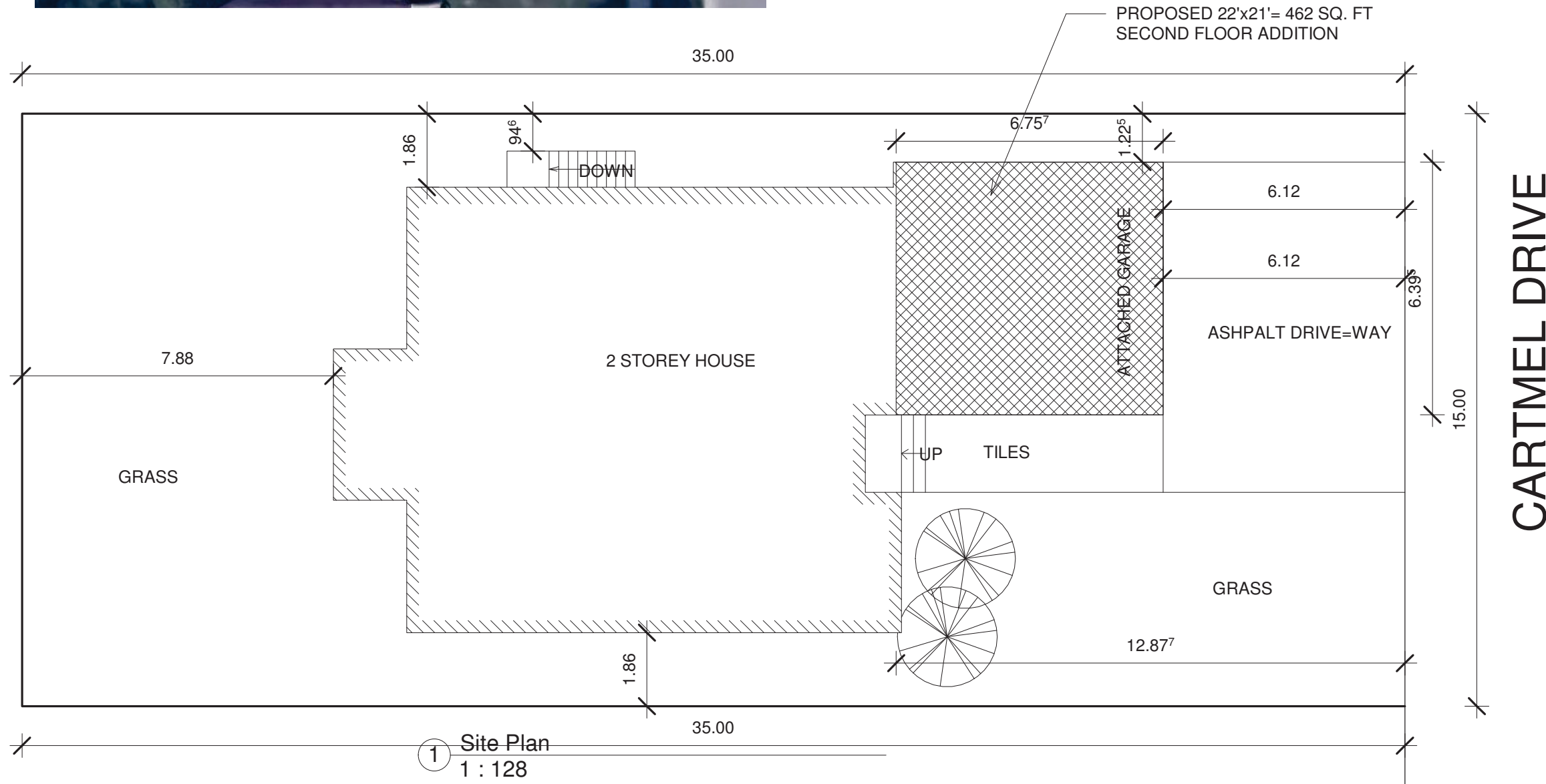


LOT FRONTAGE: 15 m
 LOT AREA 525 m²
 LOT COVERAGE: 35%

Appendix B

File: 23.144504.000.00.MNV

Date: 6/11/2024
MM/DD/YY



Arrow Engineering and Home Inspection Inc.



81 SUMMERSIDE AVE. L1R 0J9 WHITBY
 email: info@arrow-engineering.ca

Tel: 647 784 4544

No.	Description	Date

154 CARTMEL DRIVE

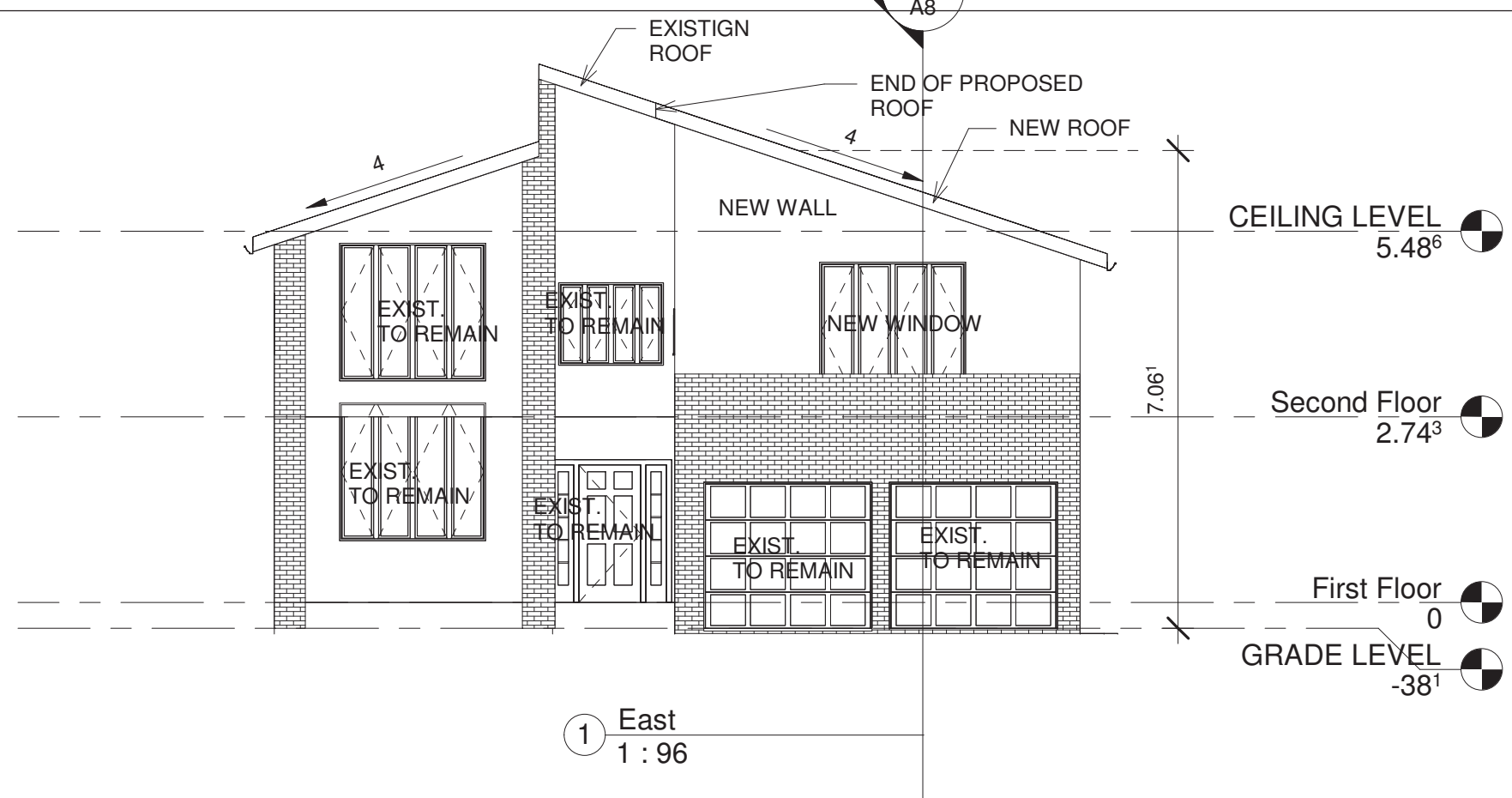
ROOM ADDITION

SITE PLAN		A1
Project number	Project Number	
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
Scale		1 : 128

Appendix B

File: 23.144504.000.00.MNV

Date: 6/11/2024
MM/DD/YY



1 East
1 : 96



2 East EXISTING
1 : 96



Arrow Engineering and Home Inspection Inc.



81 SUMMERSIDE AVE. L1R 0J9 WHITBY
email: info@arrow-engineering.ca Tel:647 784 4544

No.	Description	Date

154 CARTMEL DRIVE

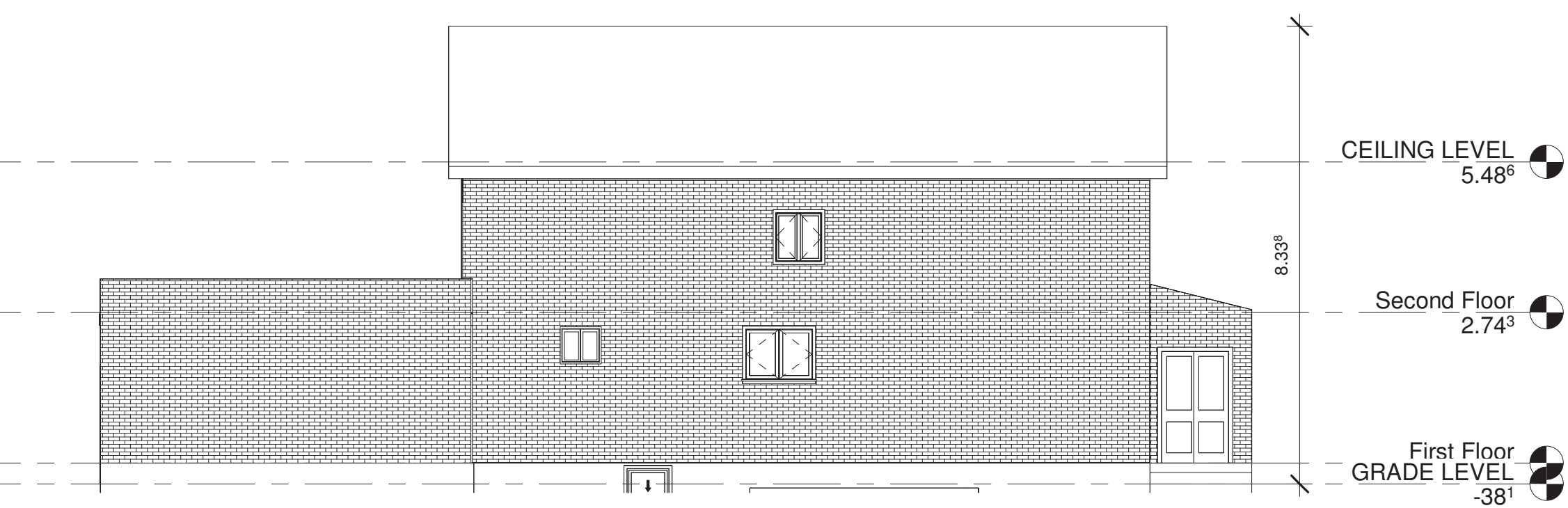
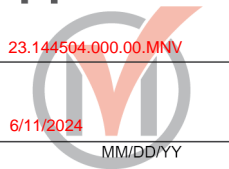
ROOM ADDITION

Elevations		A6
Project number	Project Number	
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
Scale		1 : 96

Appendix B

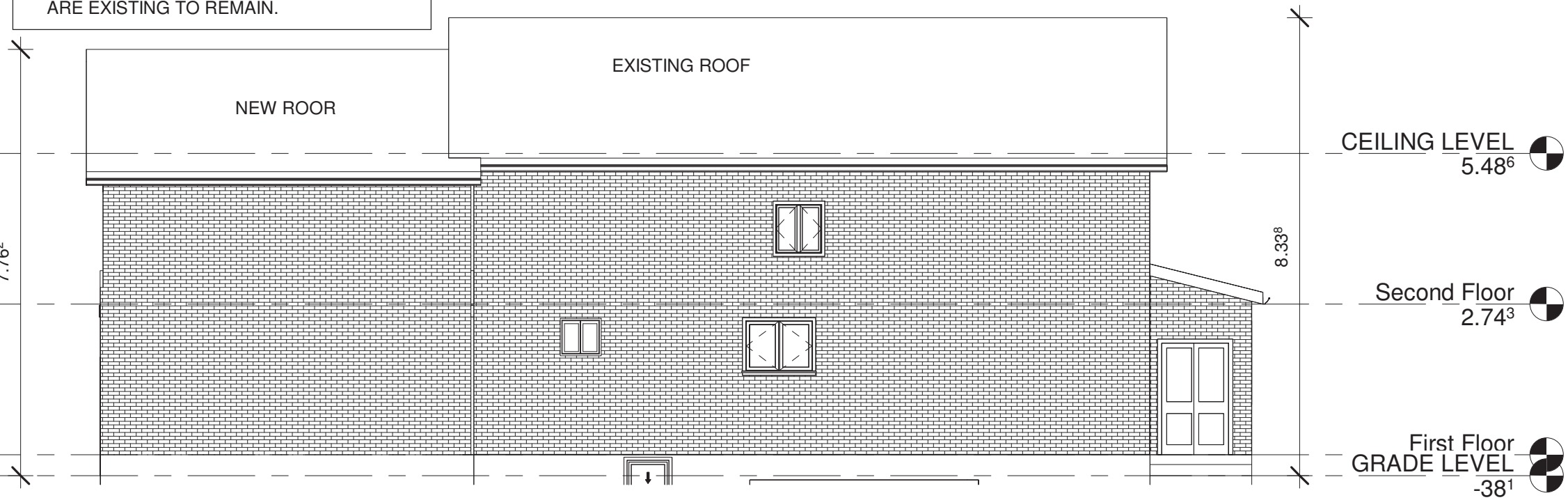
File: 23.144504.000.00.MNV

Date: 6/11/2024
MM/DD/YY



1 North (EXISTING)
1 : 96

ALL DOOR AND WINDOWS IN THE ELEVATION ARE EXISTING TO REMAIN.



2 North
1 : 96



Arrow Engineering and Home Inspection Inc.



81 SUMMERSIDE AVE. L1R 0J9 WHITBY
email: info@arrow-engineering.ca Tel:647 784 4544

No.	Description	Date

154 CARTMEL DRIVE
ROOM ADDITION

Elevations		A7
Project number	Project Number	
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale
		1 : 96

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/187/23

1. That the variances apply only to the Proposed Development as long as it remains;
2. That the variances apply only to the Proposed 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 their designate that this condition has been fulfilled to his or her satisfaction;

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District