

# Memorandum to the City of Markham Committee of Adjustment

July 18, 2023

**File:** A/116/23  
**Address:** 370 Main St N Markham  
**Applicant:** Richard Morales  
**Agent:** Lifestyle Home Products (Andrijana Adamovic)  
**Hearing Date:** Wednesday, August 16, 2023

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended, to permit:

1. **By-law 99-90, Section 1.2(iii):** A maximum building depth of 22.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
2. **By-law 99-90, Section 1.2(vi):** a maximum net floor area ratio of 70.35 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;
3. **By-law 1229, Table 11.1:** a minimum rear yard setback of 14.83 feet, whereas the By-law requires a minimum rear yard setback of 25 feet; and
4. **By-law 1229, Table 11.1:** a maximum lot coverage of 38.01 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
5. **By-law 1229, table 11.3(a)(vi.):** an accessory building setback of 0.417 ft., whereas the by-law requires a minimum setback of 4ft.

as it relates to the construction of a proposed unheated sunroom addition to an existing detached dwelling, and an existing shed.

## BACKGROUND

### Property Description

The subject property is located on the west side of Main Street North two properties south of the intersection of 16<sup>th</sup> Avenue (Refer to Figure 1-Location Map). The property is occupied by a heritage dwelling and a new addition with an attached garage that was approved by the City in 2016, and is located within the Markham Village Heritage Conservation District (Refer to Figure 2- Photograph of the Existing Heritage Dwelling and Rear Addition). The property is surrounded by detached dwellings on all sides, and across the street.

### Proposal

The applicant is proposing to construct a 1-storey, 20.49m<sup>2</sup> (220.6 ft<sup>2</sup>) unheated sun room attached to the rear of the 2-storey 2016 addition to the heritage dwelling (Refer to Appendix "B"- Site Plan and Proposed Elevations of the Sunroom).

### Official Plan and Zoning

The subject property is designated "Residential Low Rise' by the City's 2014 Official Plan and (R1) Residential One by Zoning By-law 1229, as amended, which both permit the existing use of a detached dwelling.

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

The applicant submitted an incomplete Zoning Preliminary Review on June 23, 2023 which does not confirm the variances required for the proposed development. It is the owner'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 in Maximum Building Depth, Maximum Net Floor Area Ratio, Maximum Lot Coverage and Reduced Rear Yard Setback**

The applicant is requesting relief to permit a maximum building depth of 22.4m, a maximum net floor area ratio of 70.35%, a maximum lot coverage of 38.01%, and a reduced rear yard setback of 14.9 ft.

In 2015, the same owner of the property obtained variances from the Committee of Adjustment to permit a maximum building depth of 19.32m, and a maximum net lot area ratio of 66% in support of the 2-storey addition to the heritage dwelling that was approved by the City through the Site Plan Approval process.

The variances required to permit the construction of a relatively small 1-storey, unheated sunroom with no basement, at the rear of the property, invisible from the public realm can be considered minor in nature given the variances already obtained by the owners in 2015, as they only represent a 16% increase in the building depth for a 1-storey addition that is less than half the width of the rear addition, and a 4% increase to the maximum net floor area ratio of the existing building.

The reduced rear yard setback of 14.83 ft. and the increased maximum lot coverage of 38.01% can be considered minor in nature because it does not appear to negatively impact any significant vegetation on the subject, or neighbouring property.

### **Reduced Setback for an Accessory Building**

The requested variance to permit a building setback of 0.417 ft. for an existing one storey garden shed can be considered to be minor in nature and appropriate given that it reflects an existing site condition that does not negatively impact any neighbouring property owners.

Engineering and Urban Design

The City's Engineering Department and Urban Design Section have provided no comments on the application.

Heritage Markham

Heritage Markham reviewed the requested variances on July 12 and August 9th, 2023 and provided no comment on the application.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of August 11, 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 variances requested meet 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Peter Wokral, Senior Heritage Planner

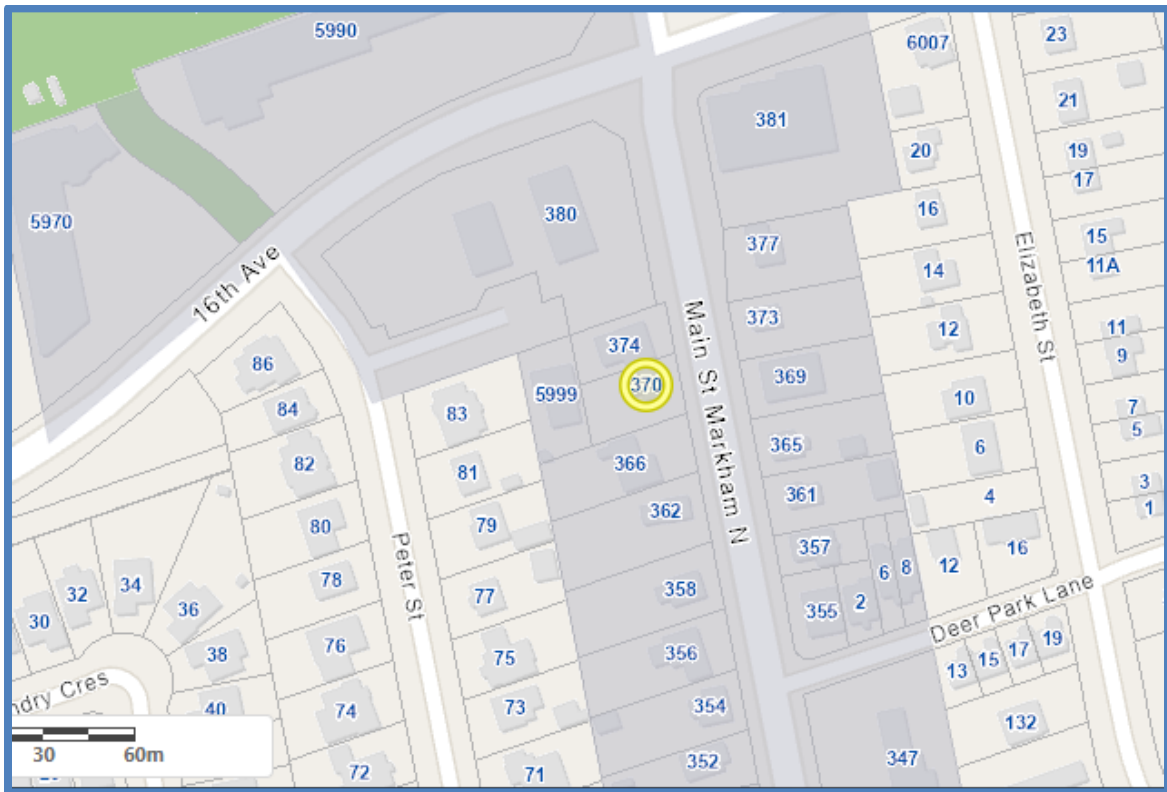
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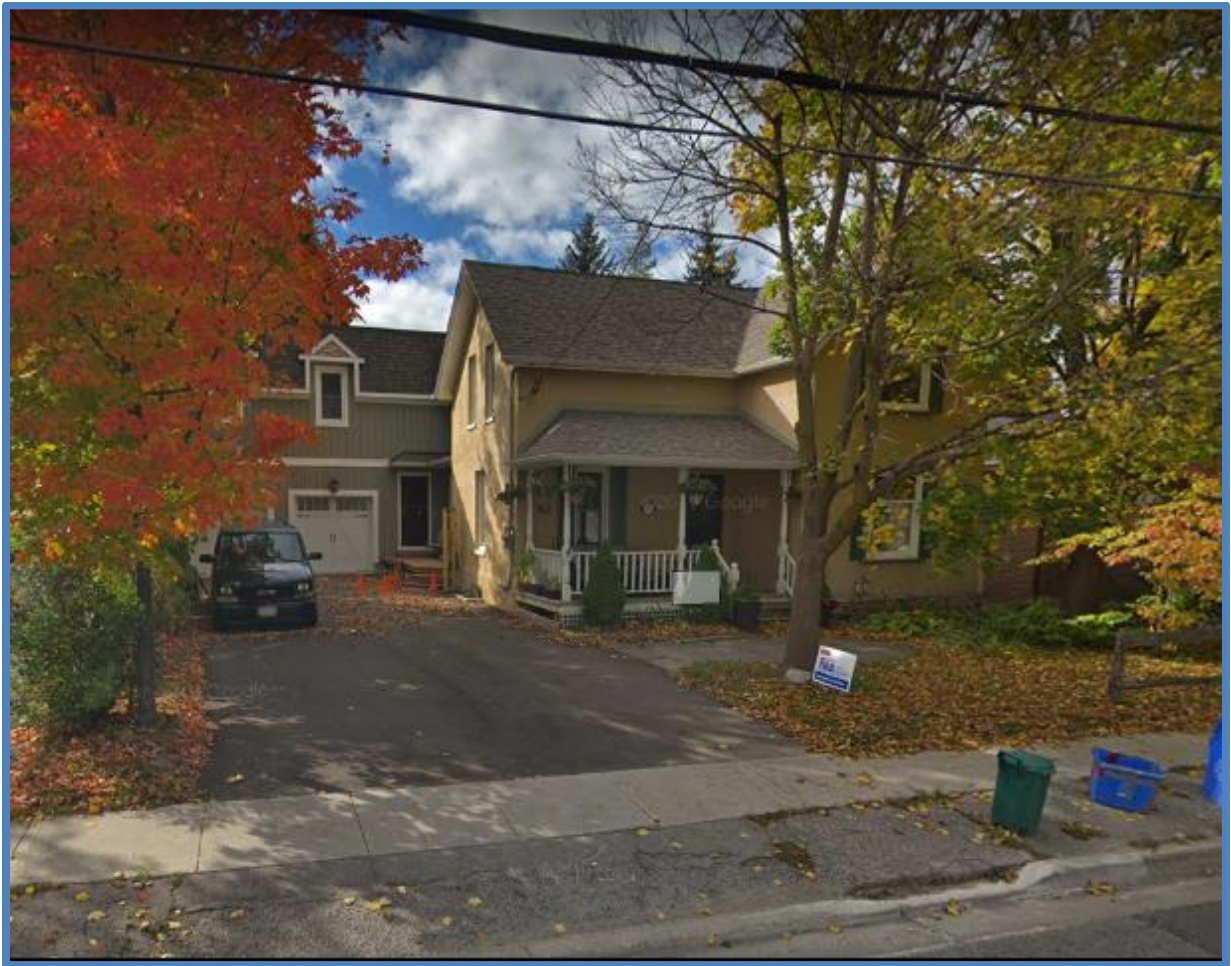
Regan Hutcheson, Manager of Heritage Planning

**Figure 1- Location Map**



Markham Village Heritage Conservation District shaded in blue.

**Figure 2 – Photograph of the Existing Heritage Dwelling and Rear Addition**



View looking west from Main Street North

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/116/23**

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 site plan and elevations attached as 'Appendix B' to 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;

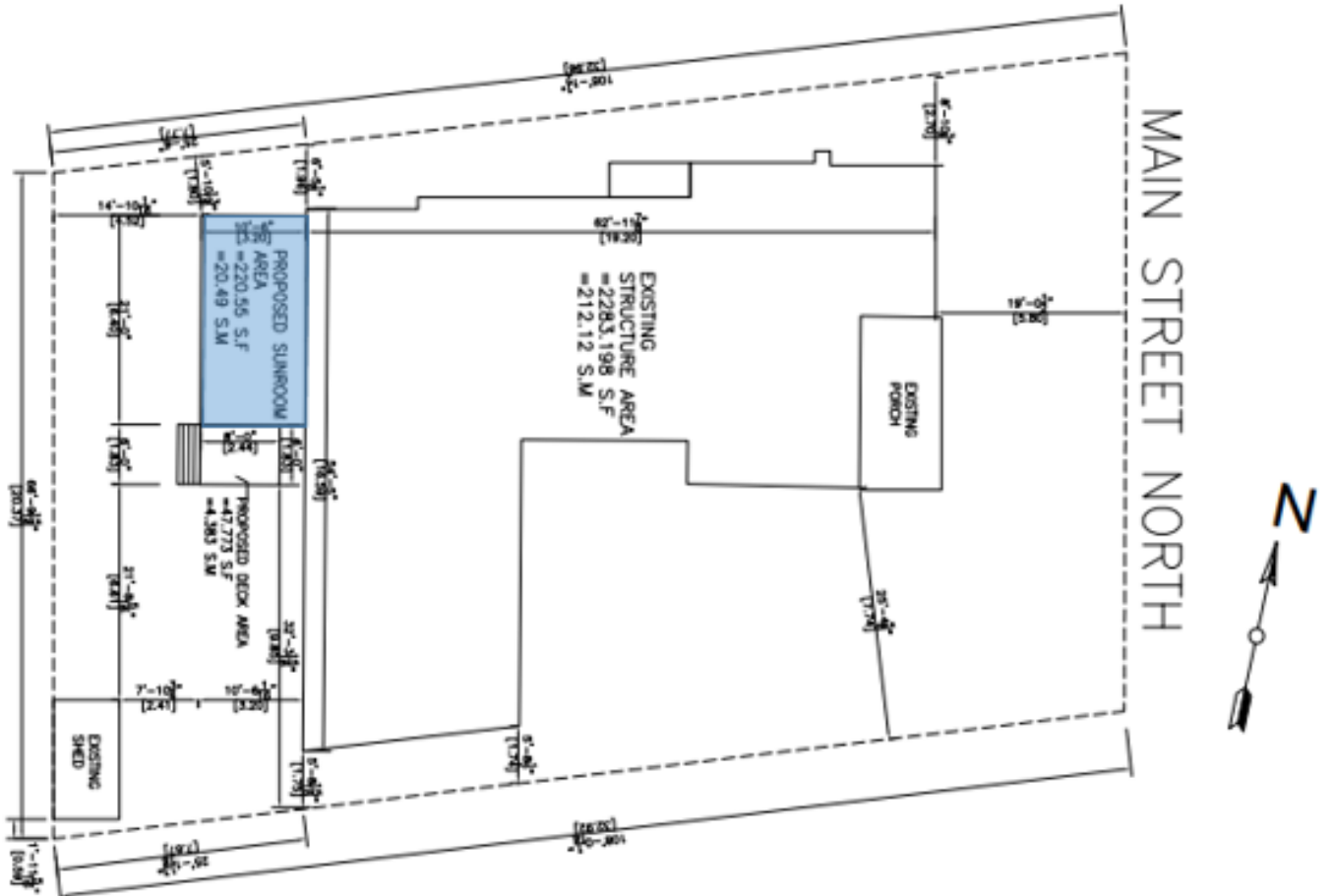
CONDITIONS PREPARED BY:

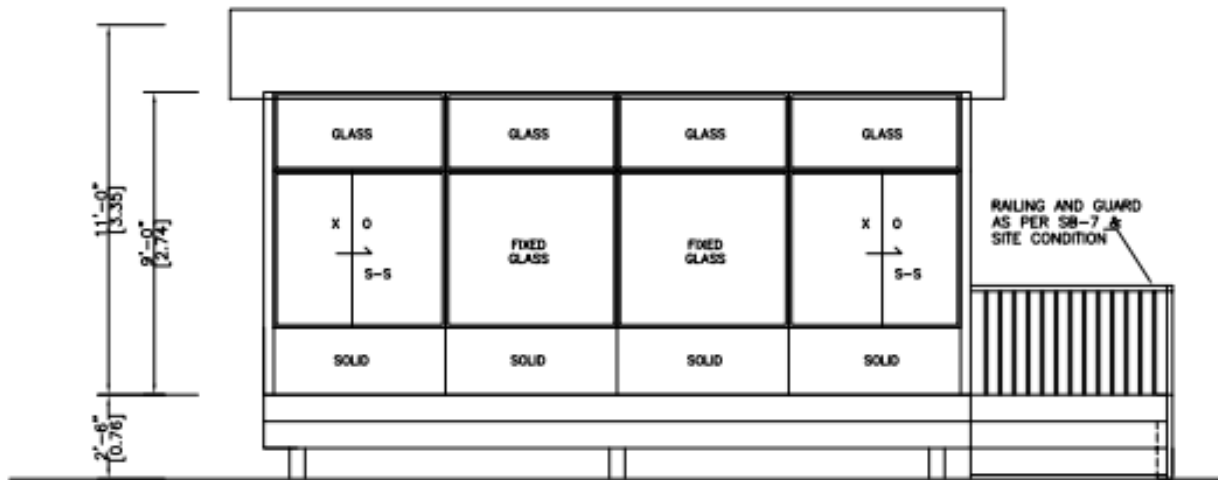
A handwritten signature in cursive script, appearing to read "Peter Wokral".

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Peter Wokral, Senior Heritage Planner

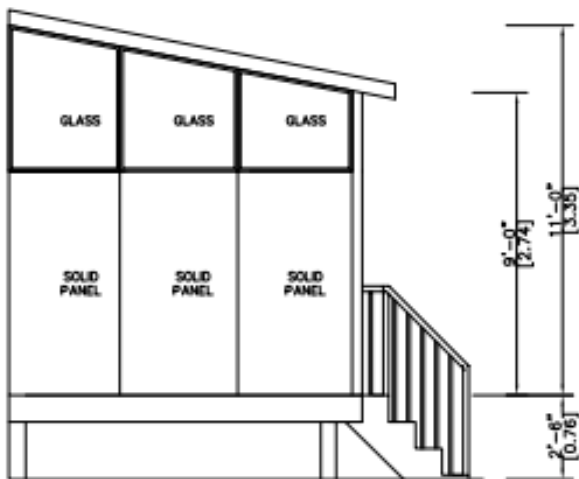
APPENDIX "B" – Site Plan and Elevations of the Proposed Sunroom





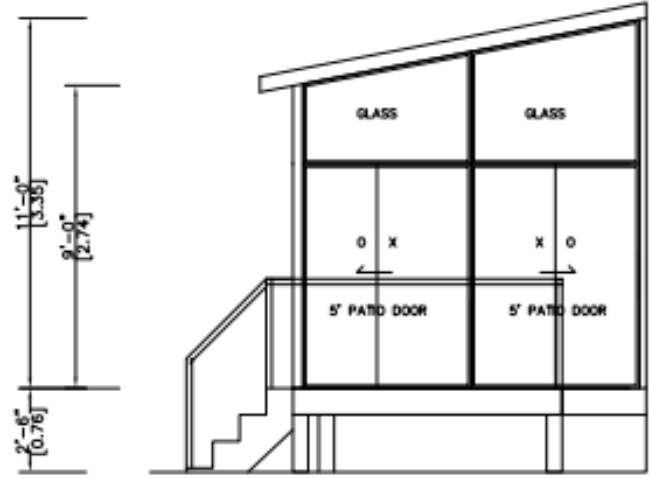
**EAST ELEVATION**

SCALE 1/4"=1'-0"



**NORTH ELEVATION**

SCALE 1/4"=1'-0"



**SOUTH ELEVATION**

SCALE 1/4"=1'-0"