

Memorandum to the City of Markham Committee of Adjustment

May 30, 2022

File: A/044/22
Address: 30 Sir Caradoc Place, Markham
Applicant: Randa Zabaneh
Agent: SHDESIGN
Hearing Date: Wednesday June 8, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the "R1-Residential" zone under By-law 1229, as amended, to permit:

- a) **By-law 1229, Section Table 11.1:**
a maximum lot coverage of 35.6 percent, whereas the By-law permits a maximum lot coverage of 35.0 percent;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.74 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **By-law 99-90, Section 1.2 (i):**
a maximum height of 10.64 m, whereas the By-law permits a maximum height of 9.8 m;
- d) **By-law 142-95, Section 2.2 (b)(i):**
a deck to project a maximum of 3.251 m, whereas the By-law permits a maximum deck projection of 3.0 m;
- e) **By-law 1229, Section 11.2 (c)(i):**
a porch to encroach 23.0 in into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 in into any yards.
- f) **By-law 99-90, Section 1.2 (ii):**
A maximum building depth of 19.15 m, whereas the By-law permits a maximum building depth of 16.8 m;
- g) **By-law 1229, Section 11.2 (c)(i):**
A stair encroachment of 95 in into the required rear yard, whereas the By-law permits a maximum encroachment of 18 in into any required yards
- h) **By-law 1229, Section 11.2 (c)(i):**
A minimum rear yard setback of 23.17 ft, whereas the By-law requires a minimum rear yard setback of 25 ft,

The variances relate to a proposed detached dwelling.

BACKGROUND

The application was initially scheduled to be heard by the Committee of Adjustment on May 25, 2022. However staff identified additional variances required for the proposed development after public notices were given. Consequently, the Committee of Adjustment

deferred the application to allow the applicant to work with staff to ensure all the required variances have been accurately identified.

A second Zoning Preliminary Review was undertaken by the City's zoning examiner which identifies three additional variances related to building depth, rear yard setback and rear yard encroachment. The application has been amended accordingly.

Property Description

The 613.17 m² (6,600 ft²) subject property is located at the north bend of Sir Caradoc Place, south of Ramona Boulevard and west of Wootten way North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached dwelling on the property, which according to assessment records, was constructed in 1972. Mature vegetation exists across the property including several large mature trees and a row of cedar hedges along the rear lot line.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two-storey detached dwelling with a gross floor area of 310.13 m² (3,338.21 ft²). The proposal includes the removal of one existing tree in the rear yard.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and updated on April 9/18)

The subject property is designated "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. This criteria is established to ensure that infill 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. In considering applications for infill development approval in a "Residential Low Rise" area, which includes variances, infill development is required to meet the general intent of these development criteria.

Zoning By-Law 1229

The subject property is zoned R1 under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the by-law requirement with respect to lot coverage, rear yard setback and yard encroachment.

Deck By-law 142-95

The deck at the rear of the proposed dwelling exceeds the maximum projection permitted by By-law 142-95, as amended.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will generally maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirement with respect to the building height, building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

A Zoning Preliminary Review (ZPR) was undertaken on May 20, 2022 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.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 35.6 percent, whereas the By-law permits a maximum floor area ratio of 35 percent. This represents an increase of approximately 3.72 m² (40 ft²). Staff consider the variance to be a modest increase from the by-law requirement and have no concern.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a maximum floor area ratio of 50.74 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a gross floor area of 310.13 m² (3,338.21 ft²), whereas the By-law permits a dwelling with a maximum gross floor area of 275.93 m² (2,970 ft²). This represents an increase of approximately 34.2 m² (368.12 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The proposed dwelling layout complies with the required front and side yard setback which ensures appropriate separation from the street and adjacent homes. The requested rear yard setback variance, as discussed below, mainly applies to the portion of the building partially below grade, which will unlikely affect the rear yard amenity space on the property as the proposed rear yard deck is located above this area. The requested lot coverage variance, as discussed above, only represents a modest increase from the maximum allowance and therefore; is not anticipated to result in an over development of the site. Staff are satisfied that the proposed dwelling is sympathetic to the zoning provisions that establish the prescribed building envelop. Staff are satisfied with the overall scale and massing of the proposed dwelling and have no concerns with the requested variance.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.64 m (34.9 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.84 m (2.75 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street to the highest point of the roof surface. It should be noted that the proposed grade of the front of the dwelling is approximately 1.06 m (3.47 ft) above the crown of road.

The proposed dwelling is designed with appropriate architectural treatments such as wall articulations and multiple gable roofs to help break up the vertical massing of the building. In addition, there are no requested variances to the side yard setback requirements, which mitigates any potential concerns over shadowing and loss of spaciousness that this

community currently enjoys. Staff consider the requested variance to be minor in nature and have no concerns.

Increase in Deck Projection

The applicant is requesting relief to permit a maximum deck projection of 3.25 m (10.66 ft) into the rear yard, whereas the by-law permits a maximum deck projection of 3 m (9.84 ft). This represents an increase of 0.25 m (0.82 ft).

The deck will provide an appropriate separation distance of approximately 2.82 m (9.25 ft) from the adjacent property to the south to alleviate any privacy concerns. Staff consider the requested variance to be minor in nature and have no concerns.

Increase in Front Yard Encroachment

The applicant is requesting relief to permit the front covered porch to encroach 23 in (0.58 m), whereas the By-law permits a maximum encroachment of 18 in (0.45 m) into any required yards. This represents an increase of approximately 5 in (0.12 m).

Notwithstanding the encroachment, staff note that there will be sufficient open space available in the front yard area. Further, given that the proposed porch represents a small component of the overall massing of the dwelling, is unenclosed and, the principle front building wall will comply with the required front yard setback, staff do not anticipate the variance will result in any adverse impact on the streetscape character of the neighborhood. Staff have no concerns with the variance.

Increase in Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.15 m (62.82 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 2.35 m (7.7 ft).

The requested variance includes the front and a portion of the cellar area which adds approximately 3.97 m (13 ft) to the overall depth of the building. The main component of the building is consistent with the depth of the existing home and complies with the by-law requirement. Staff have no concern with the requested variance.

Increase in Rear Yard Encroachment

The applicant is requesting relief to permit the stairs associated with the rear covered deck to encroach 95 in (2.41 m) into the required rear yard, whereas the By-law permits a maximum encroachment of 18 in (0.45 m) into any required yards. This represents an increase of 77 in (1.95 m)

Notwithstanding the deviation from the by-law requirement, the requested variance is not anticipated to adversely impact the rear yard amenity space due to the size of the property. The stairs will be appropriately setback from the adjacent property to alleviate any privacy concerns. Staff have no concern with requested variance.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 23.17 ft (7.06 m), whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m). This represents a reduction of 1.83 ft (0.55 m).

The requested variance is attributed to the nanny's room in the cellar under the rear covered deck which extends approximately 12 ft (3.65 m) into the rear yard. More than half of the nanny's room will be below grade which minimizes any visual impact on the

massing of the dwelling. The main component of the proposed building will have a rear yard setback 33.82 ft (10.31 m) which exceeds the minimum setback requirement. Given the variance only applies to a portion of the proposed building partially below grade, staff have no concern with the requested variance.

Tree Protection and Compensation

Should the application be approved, staff recommend that the tree related conditions detailed in Appendix "A" be adopted to ensure that the applicant installs the appropriate tree protection barriers, and provides appropriate compensation, if necessary. Staff also note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more on the subject property or neighbouring properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 2022 since the application was recirculated. 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 requested variances meet the four tests of the Planning Act. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

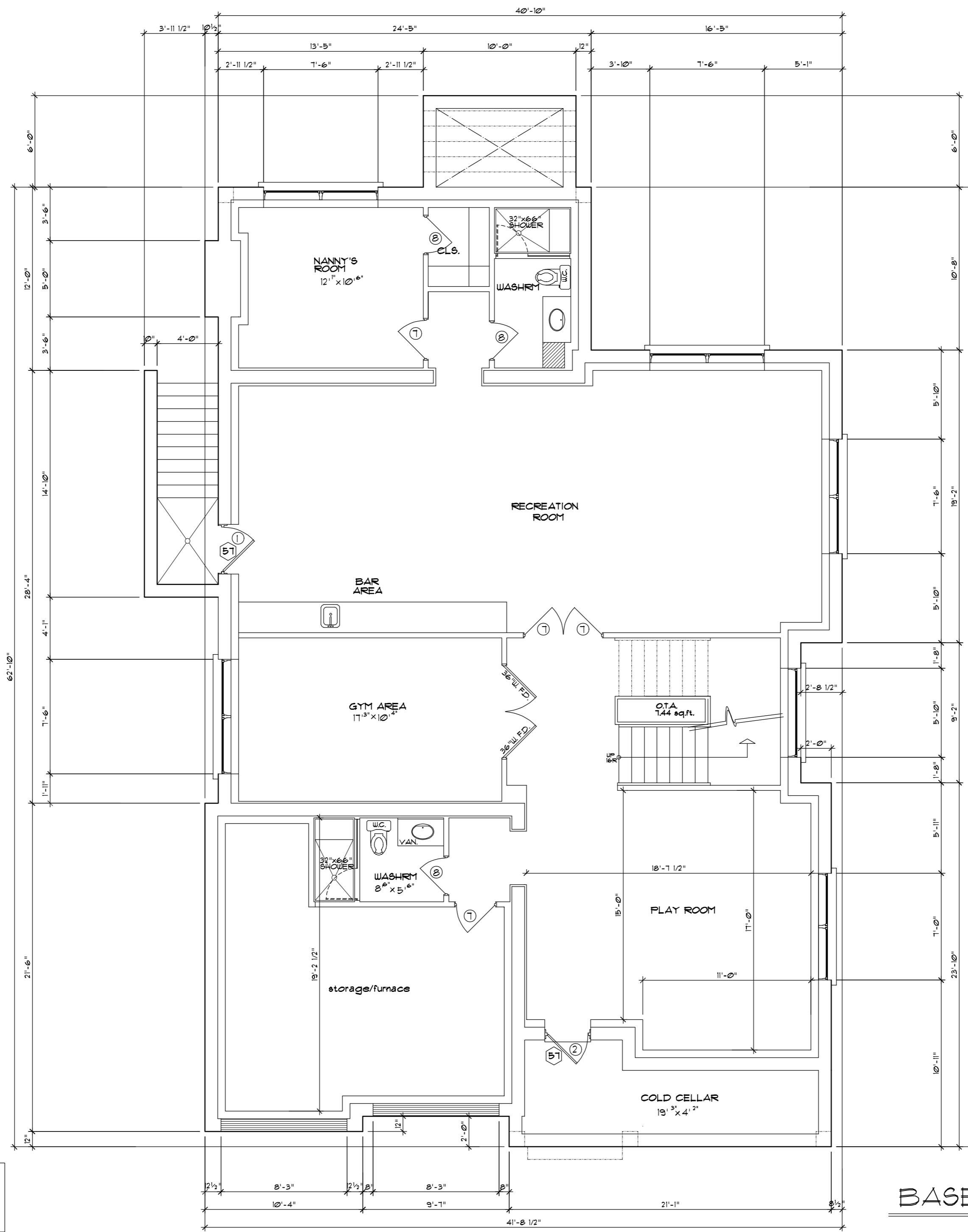
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/044/22

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans 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.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

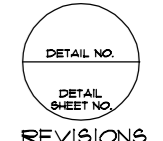


Carlson Tsang, Senior Planner, East District



NOTE:-
BASEMENT TO BE USED AS
PART OF A SINGLE FAMILY DWELLING
ONLY AND NOT AS A SECOND SUITE

BASEMENT FLOOR PLAN



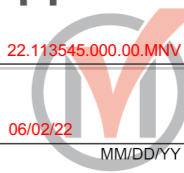
NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	FEB. 3, 2022

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PROPOSED 2-STORY DWELLING
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BASEMENT FLOOR PLAN

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2022	3/16" = 1'-0"	A-1



LOT AREA
 LOT AREA = 613.16 sq.m (6,600 sq.ft.)

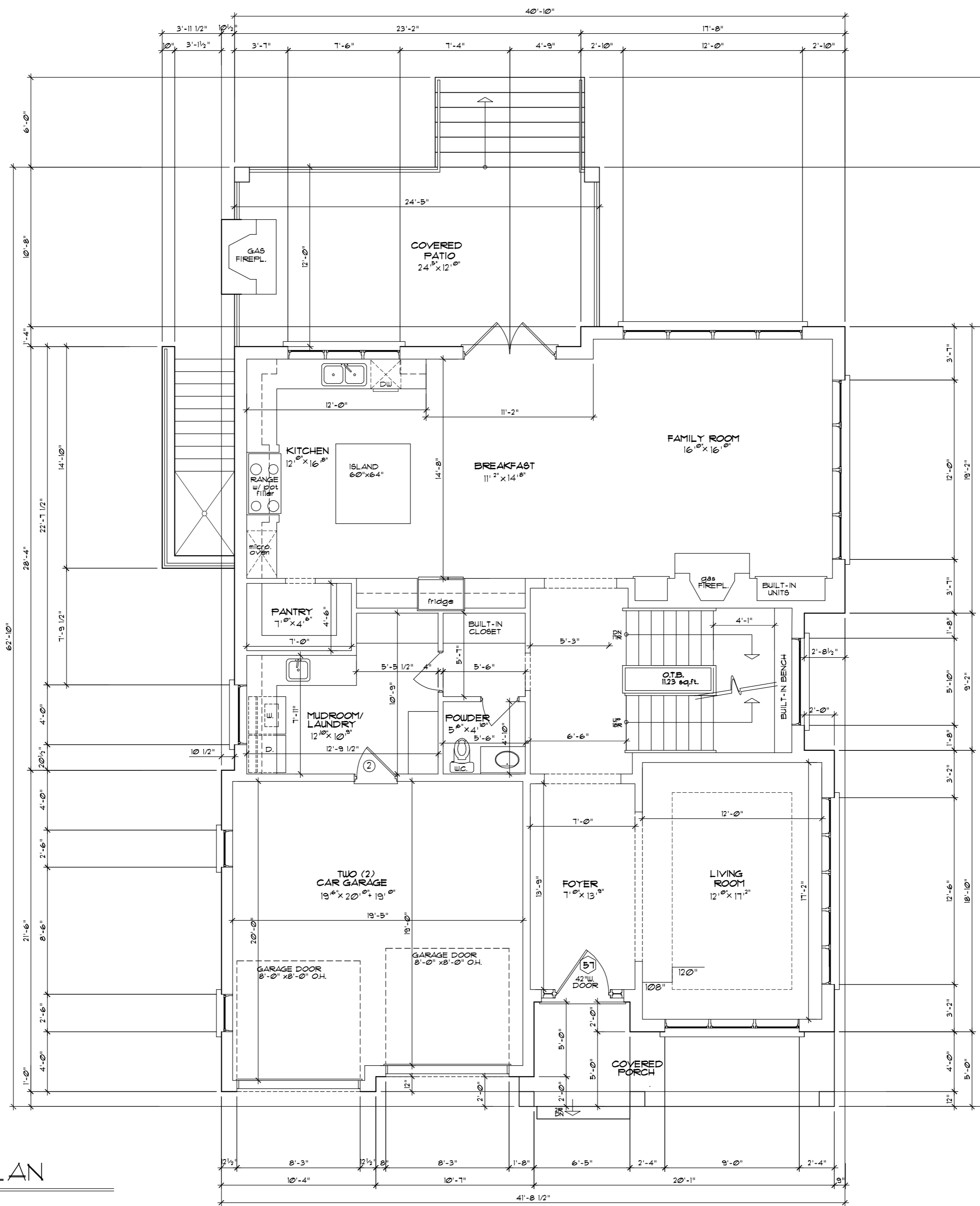
LOT COVERAGE (CALCS) - MAX 35%
 - FIRST FLR AREA (includes garage) = 1,932.74 sq.ft.
 - FRONT PORCH AREA = 115.24 sq.ft.
 - REAR PATIO AREA = 291.35 sq.ft.

TOTAL = 2,339.33 sq.ft.
 PROVIDED 35.44% - REQUIRED 35.0%

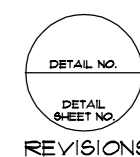
NET FLOOR AREA - 45%
 - FIRST FLR AREA
 1,921.51 sq.ft. (includes attached garage)
 (excludes open to below @ stairs 11.23 sq.ft.)

- SECOND FLR AREA
 1,416.76 sq.ft. (excludes open to below 399.24 sq.ft.)

TOTAL HOUSE AREA = 3,338.27 sq.ft.
 50.58% - REQUIRED 45%



FIRST FLOOR PLAN



REVISIONS

NO.	ISSUED FOR ZONING REVIEW	DATE
1	ISSUED FOR ZONING REVIEW	FEB. 3, 2022

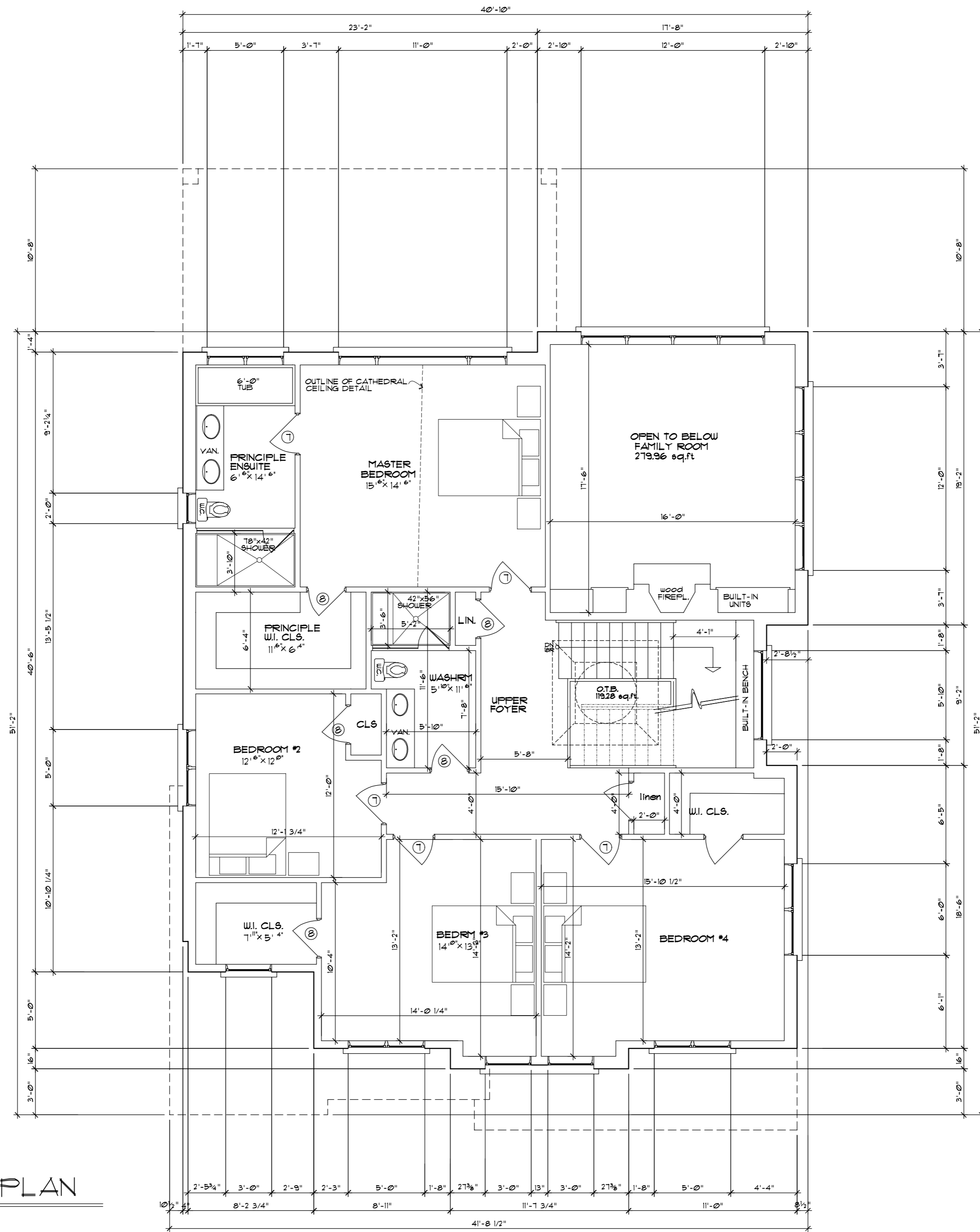
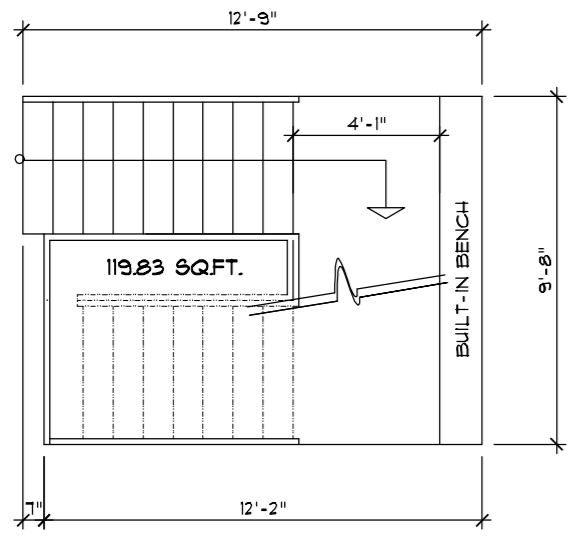
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FIRST FLOOR PLAN

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DATE	SCALE	A-2
JAN. 2022	3/16" = 1'-0"	FILE



SECOND FLOOR PLAN

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SECOND FLOOR PLAN		
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DATE JAN. 2022	SCALE 3/16" = 1'-0"	FILE

DETAIL NO.
DETAIL SHEET NO.

REVISIONS

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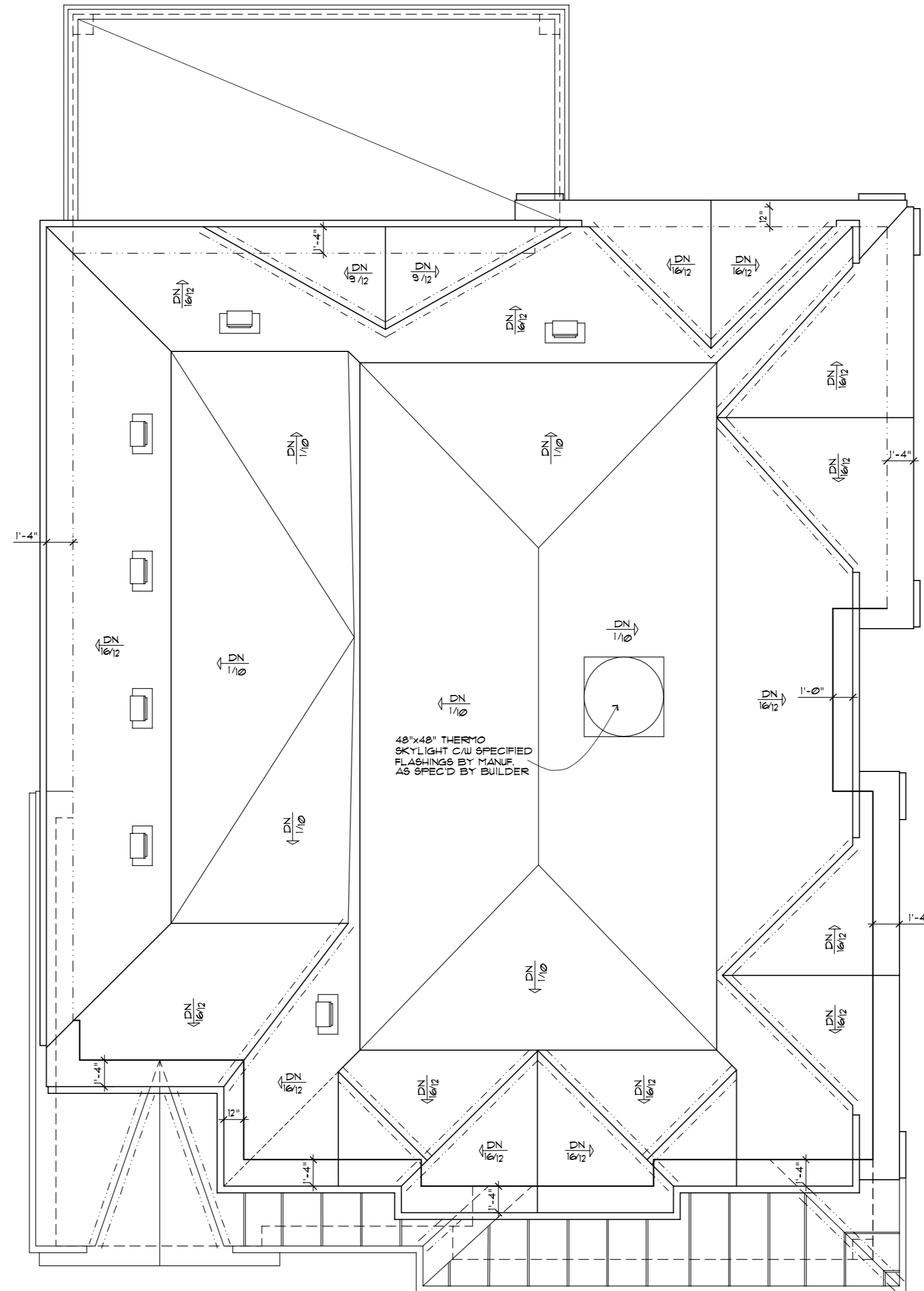
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ROOF PLAN

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JAN. 2022	3/16" = 1'-0"	A-4



ROOF PLAN



FRONT ELEVATION

DETAIL NO.
SHEET NO.

REVISIONS

NO.	REVISIONS	DATE
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FRONT ELEVATION

DRAWN BY:	CHECKED BY:	SHEET A-5
DATE JAN. 2022	SCALE 3/16" = 1'-0"	FILE

DETAIL NO.
DETAIL SHEET NO.

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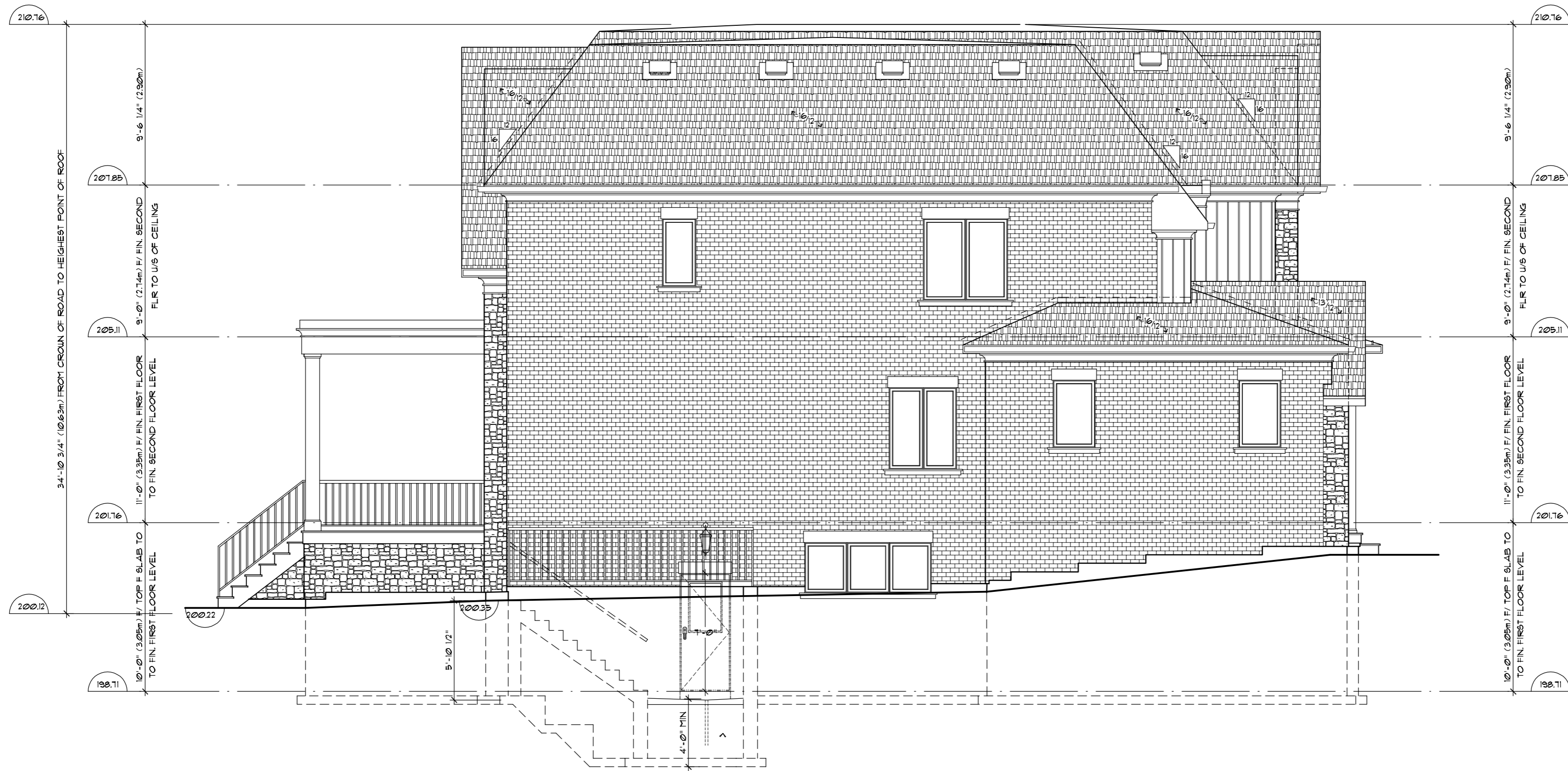
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RIGHT SIDE ELEVATION
"EXTERIOR SIDE"

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RIGHT SIDE ELEVATION
"EXTERIOR SIDE "



LEFT SIDE ELEVATION

DETAIL NO.
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REVISIONS

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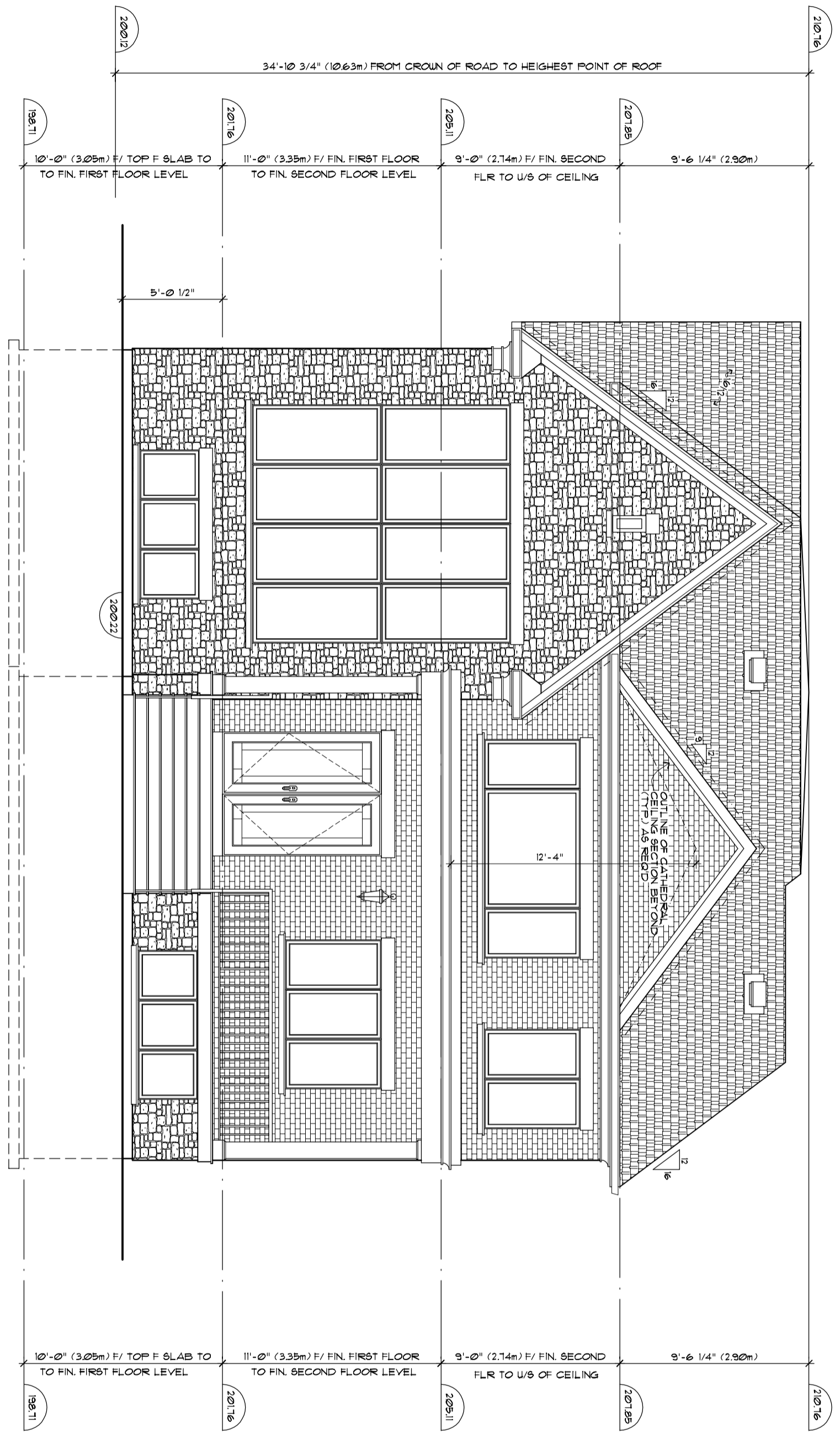
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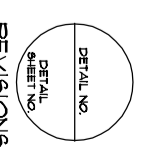
LEFT SIDE ELEVATION
"INTERIOR SIDE"

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JAN. 2022	3/16" = 1'-0"	A-8



REAR ELEVATION

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REAR ELEVATION

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