

Memorandum to the City of Markham Committee of Adjustment

June 15, 2022

File: A/064/22
Address: 12 Reesorville Road – Markham, ON
Applicant: Salvatore Rustico
Hearing Date: June 22, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Amending By-law 99-90, Section 1.2 (i):**
a maximum height of 10.14 m (33.27 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%.

PROPERTY DESCRIPTION

The 1,000.60 m² (10,770.72 ft²) subject property is located on the north side of Reesorville Road, south of Church Street, and west of Wooten Way North. Properties along the street and within the surrounding area are generally rectangular, and vary in size. According to assessment records, properties along the street have lot areas that range from approximately 613.16 m² (6,600.0 ft²) to 1,225.64 m² (13,192.68 ft²). The subject property is located within an established residential neighbourhood, which contains a mix of low rise dwellings. The subject property is irregular in shape as it is situated at the west bend of the street, and narrows from north to south. The property is developed with an existing detached dwelling, and contains mature vegetation.

PROPOSAL

The applicant is proposing to demolish the existing detached dwelling, and construct a new two-storey detached dwelling with a ground floor area of 228.97 m² (2,464.66 ft²), and a second floor area 207.34 m² (2,231.75 ft²) for a total gross floor area of 436.31 m² (4,696.41 ft²) resulting in a floor area ratio of 54.07%. The dwelling would also have a building height of 10.14 m (33.27 ft), and a building depth of 18.90 m (62.01 ft).

OFFICIAL PLAN AND ZONING

Official Plan 2014 (partially approved on November 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. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the

zoning requirements for adjacent properties, and properties along the street, while accommodating diverse building styles.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

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 maintain the character of existing neighbourhoods. It specifies development standards for building depth, floor area ratio, height, garage projection, garage width, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum depth, maximum height, and maximum floor area ratio.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant submitted an incomplete ZPR. The ZPR confirmed the following non-compliances: maximum encroachment, height, depth, floor area ratio, and minimum side yard setback.

The applicant submitted revised drawings on April 28, 2022, and confirmed the variance requests for this minor variance application as noted at the beginning of this memorandum. The applicant has not conducted a ZPR for the revised drawings.

Staff advise that it is the owner’s responsibility to ensure that the application has accurately identified all of 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 at the Building Permit review stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Height

The applicant is requesting a maximum building height of 10.14 m (33.27 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.34 m (1.12 ft). Staff consider the proposed increase in height to be modest, and minor in nature.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 2.10 m (6.89 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest, and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes front and rear covered porches, which are both one-storey and unenclosed. Cumulatively, these features add approximately 3.64 m (11.94 ft) to the overall length of the building. Excluding the porches (and below grade cold cellars), the main component of the building measures approximately 16.55 m (54.30 ft). Staff have given consideration to the fact that these features are unenclosed and one-storey in height, and are of the opinion that the requested variance is in keeping with the general intent and purpose of the By-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 436.30 m² (4,696.29 ft²), whereas the By-law permits a dwelling with a maximum floor area of 363.10 m² (3,908.41 ft²). This is an increase of 73.20 m² (787.88 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. With exception to the requested height and depth variances, the building layout meets all other zoning provisions that establish the prescribed building envelope, which assists in establishing the prescribed building envelope. Based on a review of assessment records, 12 Reesorville Road has the second largest lot area along the street, with the only larger lot being the adjacent property, municipally known as 10 Reesorville Road. While variances are not precedent setting and are evaluated on their own individual merit and unique site characteristics, staff also consider other developments in an area to assist in the evaluation of a minor variance application with respect to such matters as compatibility and streetscape.

In 2016, staff note that the Committee approved a floor area ratio of 49.50% at 10 Reesorville Road. In terms of a numeric percentage, staff acknowledge that the requested floor area ratio of 54.07% is greater than the 49.50% floor area ratio. As the adjacent lot area is greater in size, the lesser request of 49.50% in fact results in a greater interior floor area of 450.75 m² (4,851.78 ft²). However, staff's assessment is not solely a quantitative exercise.

From a streetscape perspective, staff consider the proposed two-storey dwelling to be generally consistent and compatible with other existing dwellings along Reesorville Road, including that of the adjacent property. In assessing the requested variance individually, but also collectively with the other variance requests, staff consider the proposed height, mass, and scale, to be similar to other existing development along the street.

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, if required. Staff also note that property owners are 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. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 15, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff have reviewed the application with respect to the four tests under Section 45(1) of the *Planning Act*, and are of the opinion that the proposed development would be compatible, generally consistent and sympathetic with the massing, height, and scale of other dwellings in the area. Staff have no objections to the proposed development, and offer the subsequent conditions of approval. Staff recommend that the Committee consider public input, and satisfy themselves as to whether the variance application meets the four tests. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22

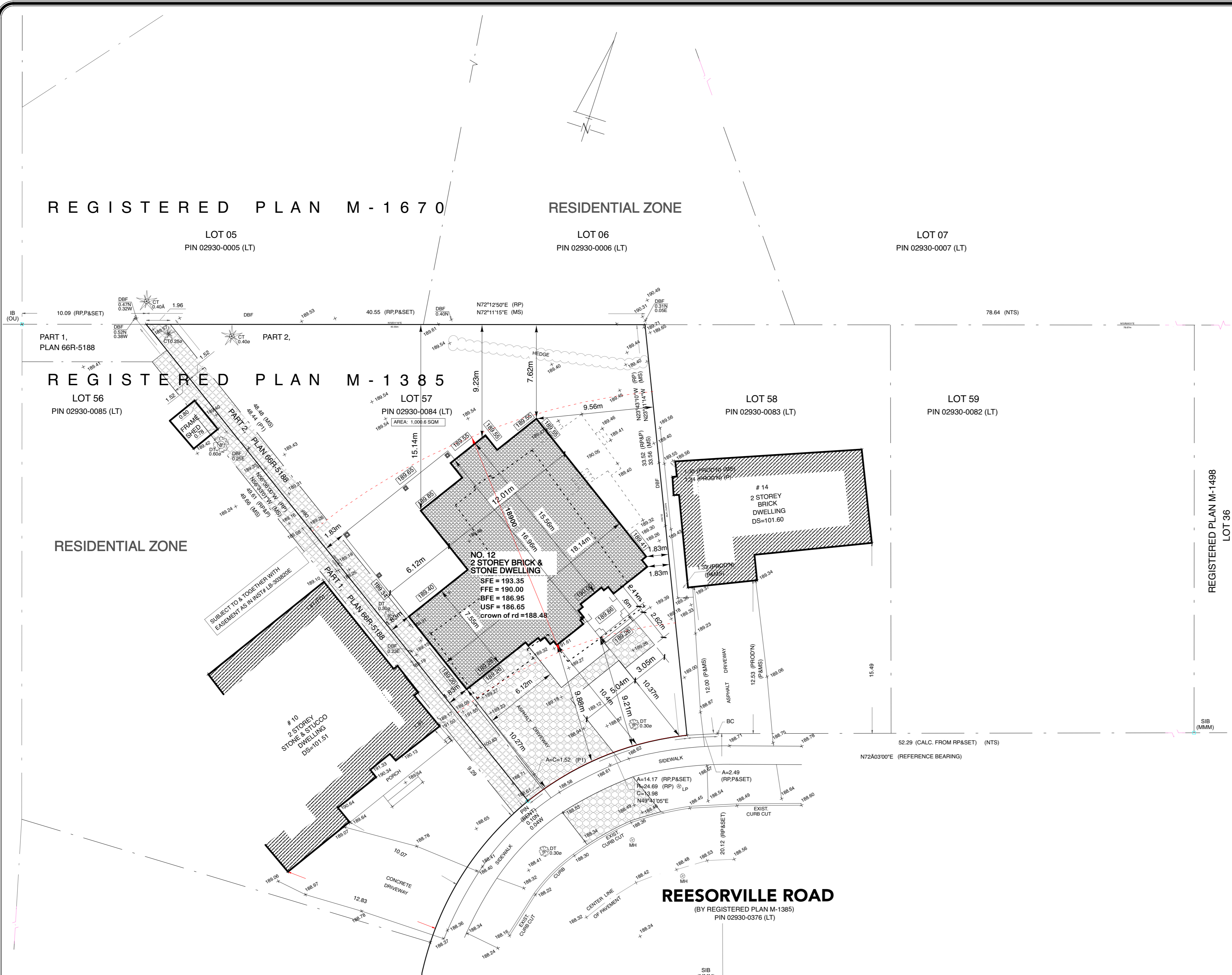
1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the 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:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22



1 SITE PLAN
 A1 SCALE: 1:200

SITE STATISTICS

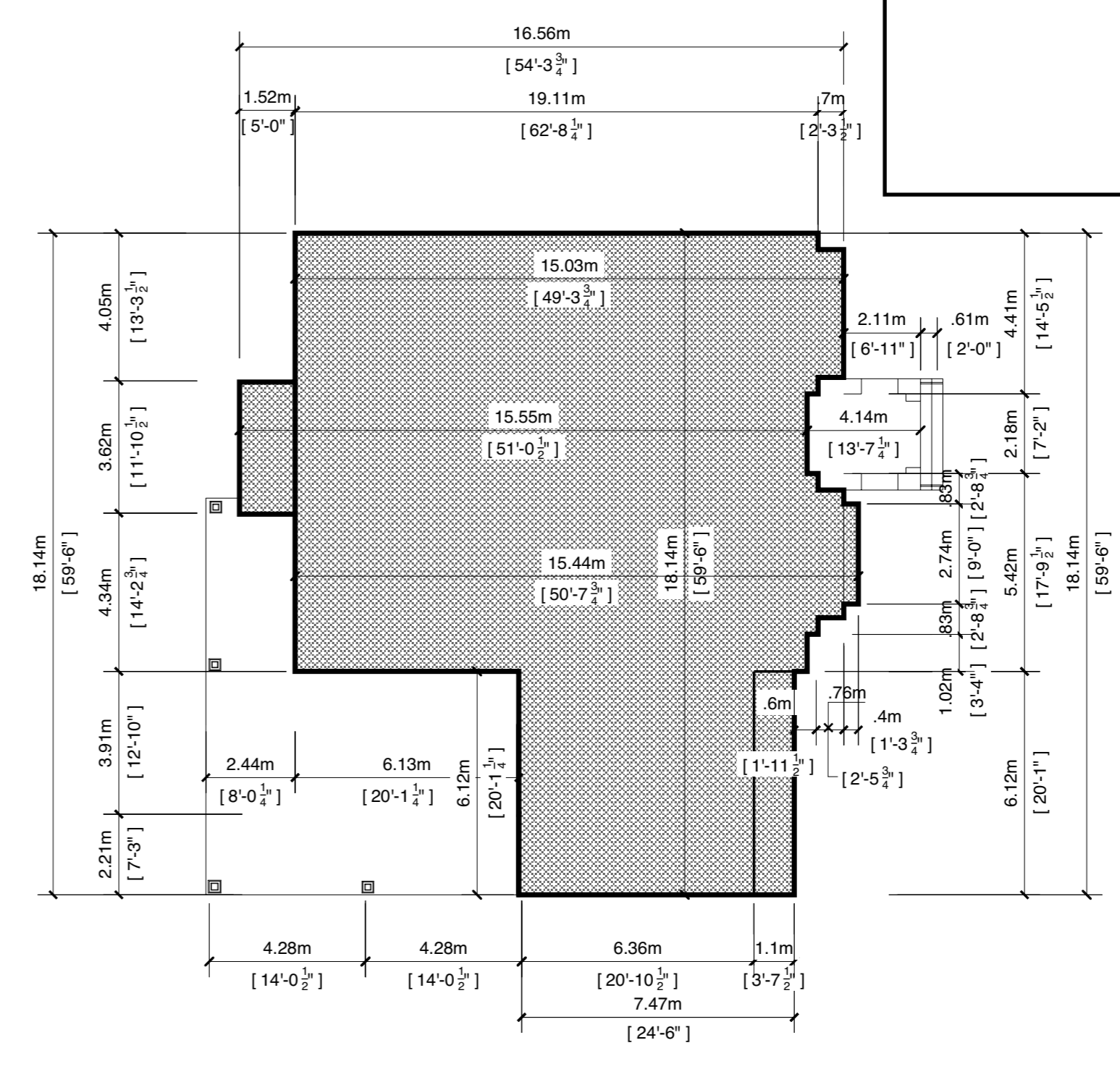
ZONING	R 1
LOT AREA	1,000.60 m ² [10,770.72 SF]
MINIMUM FRONT YARD SETBACK	7620 mm [25.00']
PROVIDED FRONT YARD SET BACK	10460 mm [34.32']
REQUIRED SIDE YARD SET BACK	1219 mm & 1830 mm
EAST SIDE	1830 mm [6.00']
WEST SIDE	1830 mm [6.00']
REQUIRED REAR YARD SET BACK	7620 mm [25.00']
PROVIDED REAR YARD SET BACK	7620 mm [25.00']
MAXIMUM BUILDING HEIGHT	9800 mm [32.15']
PROPOSED BUILDING HEIGHT	10140 mm [33.27']
PAVED AREA	78.50 m ² [845.00 sq ft]

COVERAGE CALCULATIONS

DWELLING AREA	228.97 M2
FRONT VERANDAH	9.32 M2
REAR VERANDAH include behind garage roof coverage	63.37 M2
TOTAL COVERAGE [30.15%]	301.66 M2

L/A = 1000.60 M2 - 613.14 M2 = 387.46 M2 / 2 = 193.77 M2
 + 613.14 M2 = 806.91 M2
 X 45% = 363.11 M2

ZONING	PLAN NO.	LOT FRONTAGE	LOT DEPTH	LOT AREA	Garage Area	1st Floor Area	2nd Floor Area	total G.F.A.	allow. coverage.35%	proposed lot coverage [30.67 %]	allow. GFA 45%
LOT NO.	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft	m ² / sq ft
24	1000.60	46.27	182.70	207.33	436.30 [54.07%]	350.21	306.91	363.11	3769.75	3303.66	3908.60



2 BUILDING DIMENSIONS
 A1 SCALE: 1:150

Revisions:

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Note:
 All drawings are the property of this firm and shall not be used without their expressed written consent.
 Contractors shall check and verify all dimensions and elevations and report any discrepancies before commencement of work.
 All work to conform with all governing codes and by-laws. All prints of plans and specifications are the property of the designer and shall be returned upon completion of work.
 Do not scale drawings dimensions to take precedent over scale.

QUALIFICATION INFORMATION
 Required unless design is exempt under 3.2.5.1 of the building code

Name	TONY VALENTIN	20917
Signature		BCIN
Date	02 02 22	

REGISTRATION INFORMATION
 Required unless design is exempt under 3.2.4.1(3) of the building code

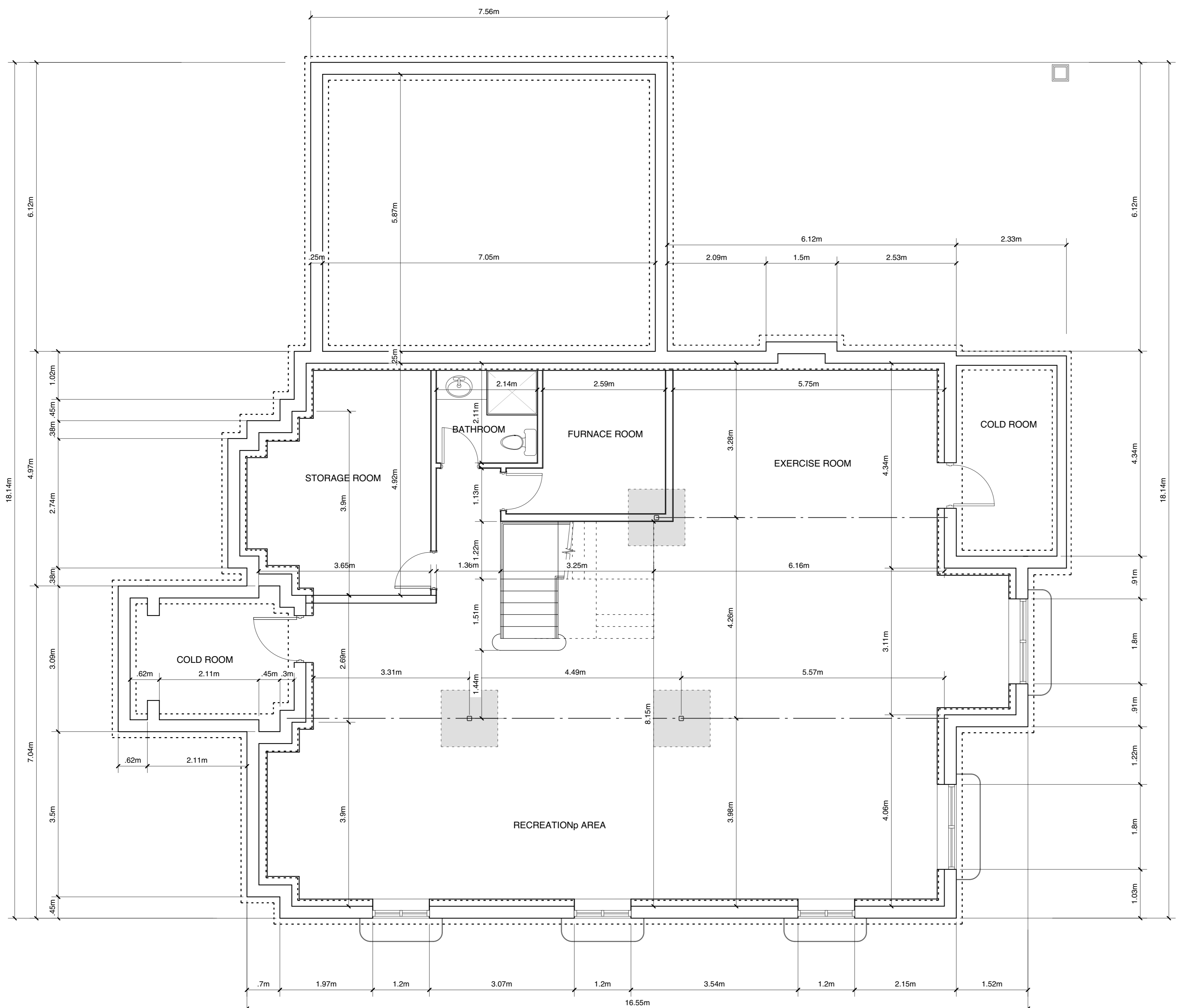
Firm Name	TONY VALENTIN DESIGN	28858
		BCIN

Project title:
**PROPOSED 2 STOREY
 STONE AND BRICK
 SINGLE DETACHED
 DWELLING**
**12 REESORVILLE ROAD
 CITY OF MARKHAM**
 CLIENTS: SAL RUSTICO

Drawing title:
**SITE PLAN and
 STATISTICS**

Drawn By: Arnel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A1
 of sheets



1 **BASEMENT PLAN**
 A2 SCALE: 1:50

No	Date	Issuance and or Revisions	By
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Revisions:

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The undersigned has reviewed & taken responsibility for this design, and has the Qualification and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
Required unless design is exempt under 3.2.5.1 of the building code	
Name	TONY VALENTIN
BCIN	20917
Signature	
Date	02 02 22

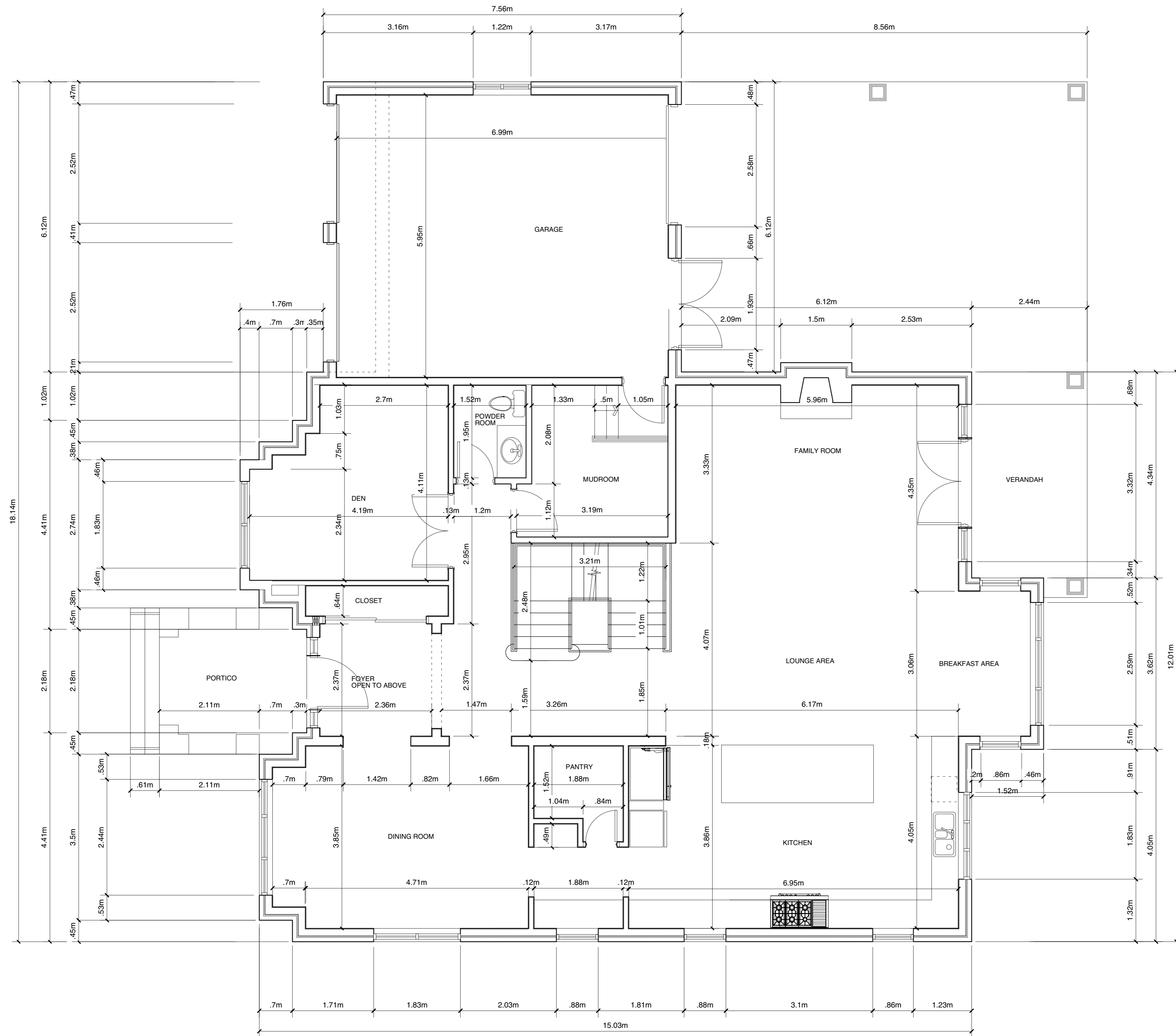
REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1(2) of the building code	
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BCIN	28858

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**12 REESORVILLE ROAD
 CITY OF MARKHAM**
 CLIENTS: SAL RUSTICO

Drawing title:
BASEMENT PLAN

Drawn By: Amel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A2
 of sheets



1 FIRST FLOOR PLAN
 A3 SCALE: 1:50

GROSS FLOOR AREA INCLUDE GARAGE=228.97 Sq m
 FRONT VERANDAH COVERAGE=9.32 Sq m
 REAR CANOPY COVERAGE=63.37 Sq m

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TONY VALENTIN	20917
Name	BCIN
Signature	02 02 22
	Date

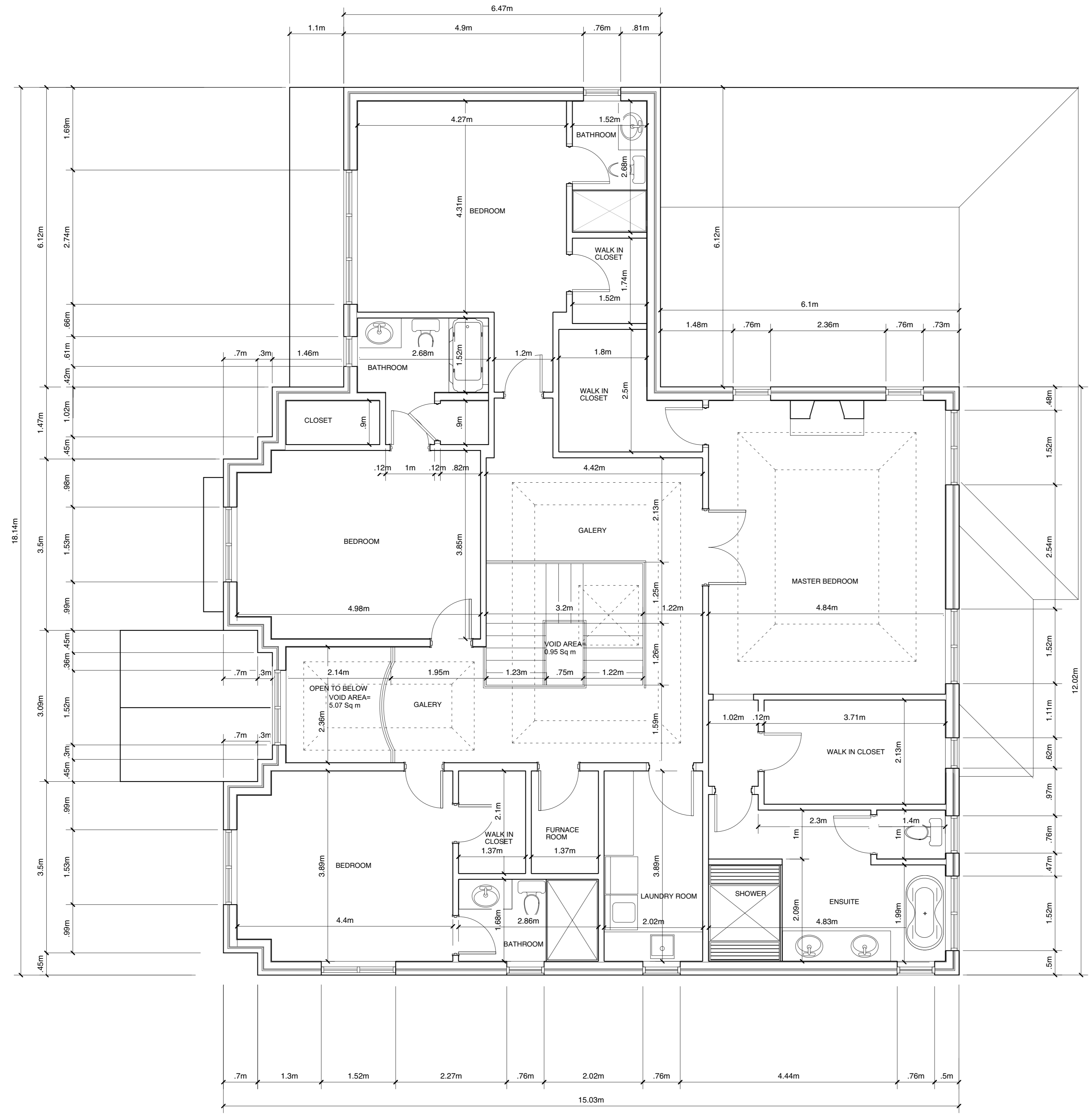
REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1(2) of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

Project title:
**PROPOSED 2 STOREY
 STONE AND BRICK
 SINGLE DETACHED
 DWELLING**
**12 REESORVILLE ROAD
 CITY OF MARKHAM**
 CLIENTS: SAL RUSTICO

Drawing title:
FIRST FLOOR PLAN

Drawn By: Amel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A3
 of sheets



1 SECOND FLOOR PLAN
 A4 SCALE: 1:75 gfa = 207.33 Sq m

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TONY VALENTIN 20917 BCIN
 Name
 02 02 22 Date
 Signature

REGISTRATION INFORMATION
 Required unless design is exempt under 3.2.4.1(2) of the building code

TONY VALENTIN DESIGN 28858 BCIN
 Firm Name

Project title:
**PROPOSED 2 STOREY
 STONE AND BRICK
 SINGLE DETACHED
 DWELLING**

**12 REESORVILLE ROAD
 CITY OF MARKHAM**

CLIENTS: SAL RUSTICO

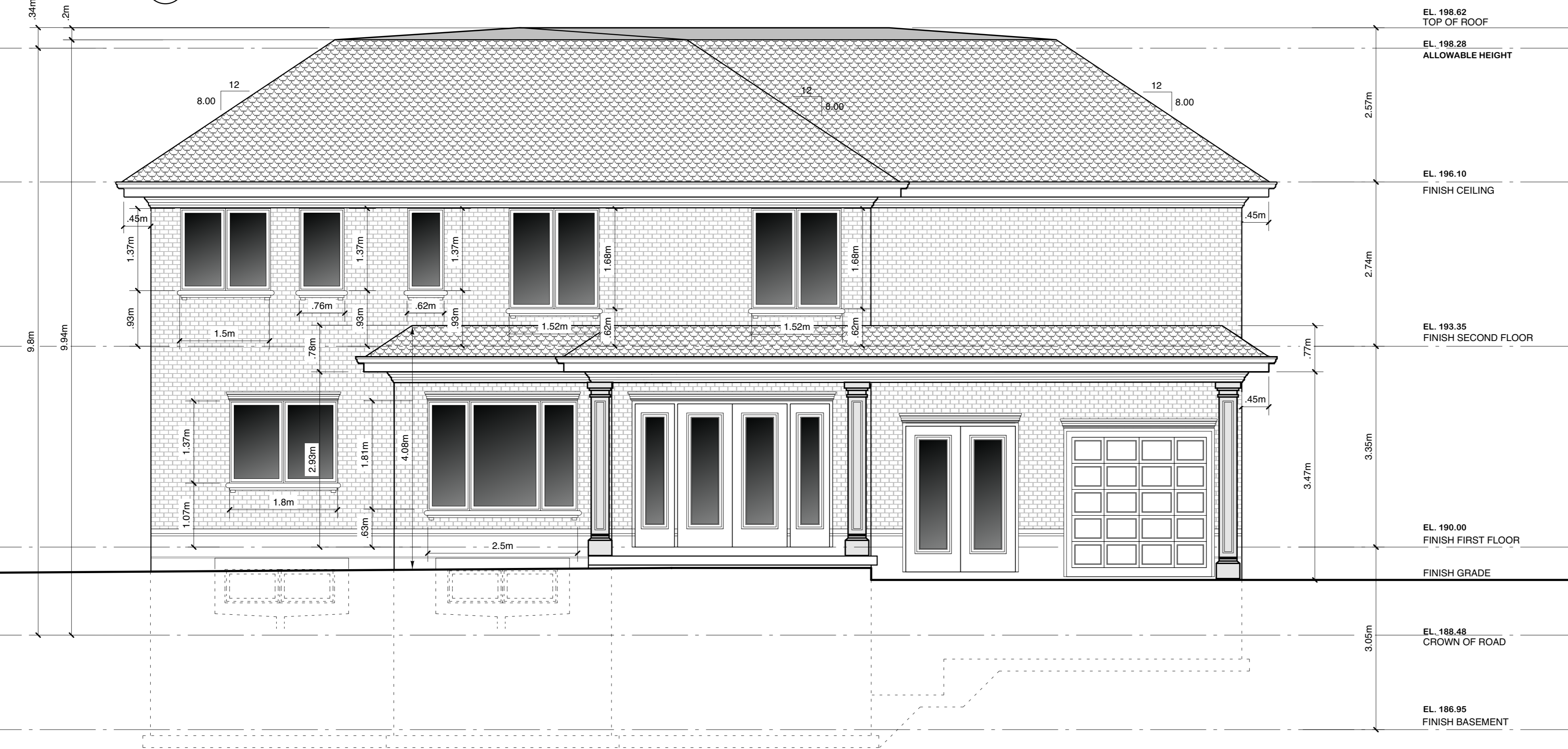
Drawing title:
SECOND FLOOR PLAN

Drawn By: Amel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A4
 of sheets



1 FRONT ELEVATION
 A6 SCALE: 1:50m



2 REAR ELEVATION
 A6 SCALE: 1:50m

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TONY VALENTIN	20917 BCIN
Name	02 02 22
Signature	Date

REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1.2 of the building code	
TONY VALENTIN DESIGN	28858 BCIN
Firm Name	

Project title:
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**12 REESORVILLE ROAD
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 CLIENTS: SAL RUSTICO

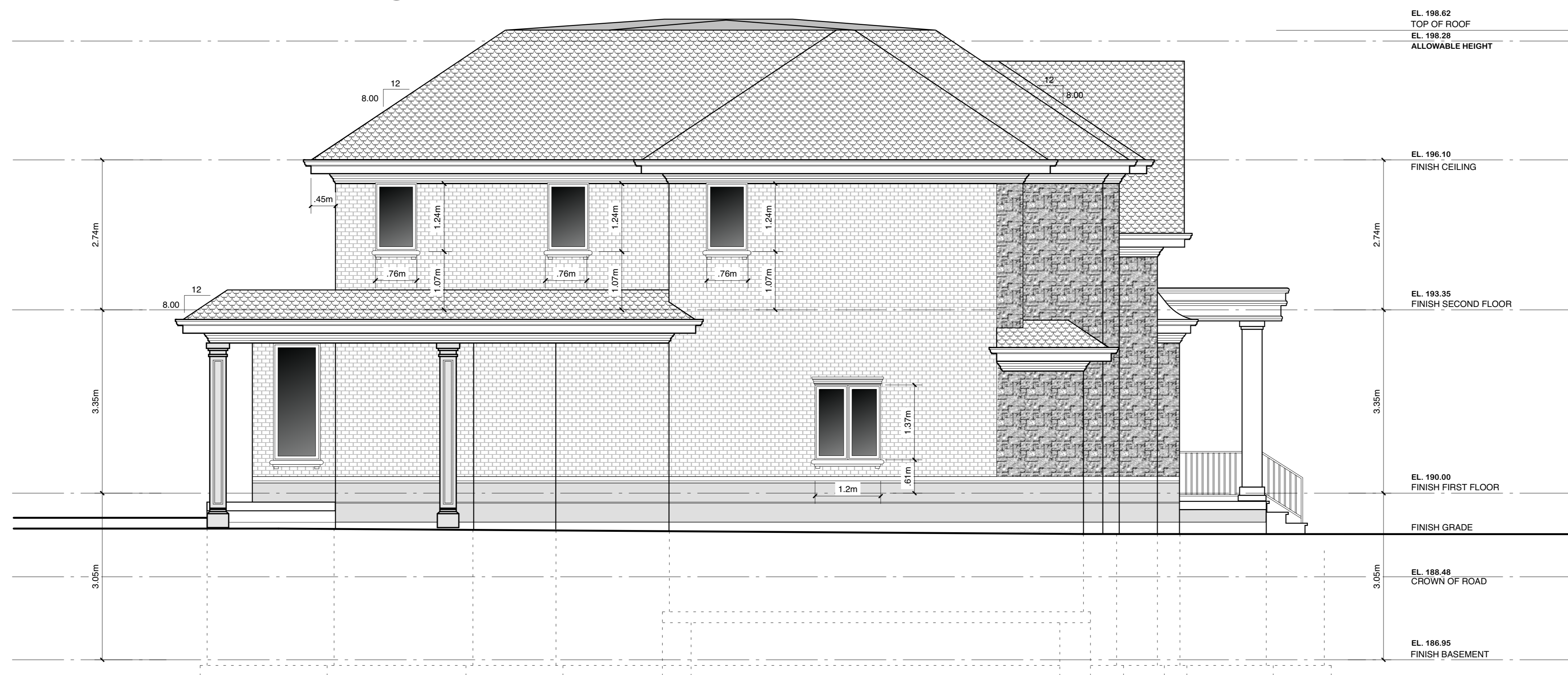
Drawing title:
FRONT & REAR ELEV

Drawn By: Arnel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A6
 of sheets



1 RIGHT SIDE ELEVATION
 A7 SCALE: 1:50m



1 LEFT SIDE ELEVATION
 A7 SCALE: 1:50m

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TONY VALENTIN	BCIN
Date	02 02 22
REGISTRATION INFORMATION	
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TONY VALENTIN DESIGN	28858
Firm Name	BCIN

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 STONE AND BRICK
 SINGLE DETACHED
 DWELLING**
**12 REESORVILLE ROAD
 CITY OF MARKHAM**
 CLIENTS: SAL RUSTICO

Drawing title:
RIGHT & LEFT SIDE ELEV

Drawn By: Amel
 Designed By:
 Checked By:
 Date: MAR 20 21
 Scale: 1:200 M

project no
 sheet no
A7
 of sheets