

Memorandum to the City of Markham Committee of Adjustment
February 28, 2022

File: A/173/21
Address: 9 Banquo Road, Thornhill
Applicant: Joseph Fazzini
Hearing Date: Wednesday March 09, 2022

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

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3A) zone under By-law 2489, as amended, to permit:

- a) **By-law 2489, Section 6.1:**
a minimum front yard setback of 20.89 ft; whereas, the By-law permits a minimum front yard setback of 27 ft;
- b) **By-law 2489, Section 6.1:**
a minimum rear yard setback of 16.75 ft; whereas, the By-law permits a minimum rear yard setback of 25 ft;
- c) **By-law 2489, Section 6.1:**
a maximum lot coverage of 43.5 percent (2,622 ft²); whereas, the By-law permits a maximum lot coverage of 33.3 percent (2,005 ft²);
- d) **By-law 2489, Section 6.1:**
a maximum building height of 26.93 ft; whereas, the By-law permits a maximum building height of 25 ft;

as it relates to a proposed single-detached dwelling.

BACKGROUND

Property Description

The 559.34 m² (6,021.22 ft²) subject property is located on the south side of Banquo Road, north of Royal Orchard Boulevard and east of Yonge Street. There is an existing two storey single-detached dwelling on the property, which according to assessment records was constructed in 1972. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

Proposal

The applicant is proposing to demolish the existing two storey single-detached dwelling and construct a new 350.41 m² (3,771.78 ft²) two storey single-detached dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2014 Official Plan outlines development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the

general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and, the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 2489

The subject property is zoned Third Density Single Family Residential (R3A) under By-law 2489, as amended, which permits single-detached dwellings. The proposed development does not comply with the By-law with respect to the minimum front and rear yard setback, maximum lot coverage, and maximum building height.

Zoning Preliminary Review (ZPR) Undertaken (initial variances/if applicable)

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on February 22, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently 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.

Tree Preservation

The applicant will be required to submit a Tree Inventory and Preservation Plan as part of their Residential Infill Grading and Servicing application. Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix A.

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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 20.89 ft (6.37 m), whereas a minimum front yard setback of 27 ft (8.23 m) is required. This represents a reduction of approximately 6.11 ft (1.86 m). The variance is entirely attributed to the front covered porch. The main front wall of the building provides a front yard setback of 27.23 ft (8.30 m) and would comply with the By-law requirement (See Site Plan, Appendix B). Staff are of the opinion the front yard setback variance is generally consistent with the established front yard setback pattern on the street and have no concerns.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 16.75 ft (5.1 m), whereas a minimum rear yard setback of 25 ft (7.62 m) is required. This represents a reduction of approximately 8.25 ft (2.52 m) or 33 percent. However, the requested variance is entirely attributable to the basement floor area located under the rear uncovered porch. The main rear wall of the building provides a rear yard setback of approximately 26.9 ft (8.2 m) which will comply with the By-law requirement. Given this, Staff are of the opinion the proposed rear yard setback variance is minor in nature and have no concerns.

Increase in Maximum Lot Coverage

The applicant is requesting relief to permit a maximum lot coverage of 43.5 percent, whereas a maximum lot coverage of 33.3 percent is permitted. The proposed lot coverage includes the front and rear porch which adds approximately 36.97 m² (397.94 ft²) to the overall building area. Excluding the front and rear porch, the building has a lot coverage of 36.9 percent. Given the front and rear porches are unenclosed, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling, and the resultant dwelling is generally consistent with what the By-law permits.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 26.93 ft (8.21 m) whereas a maximum building height of 25 ft (7.62 m) is permitted. This represents an increase of 1.93 ft (0.59 m) or 7.7 percent. Staff are of the opinion that the proposed increase in building height will not adversely impact the character of the neighbourhood, and have no objection to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 28, 2022. 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.

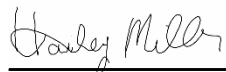
CONCLUSION

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.

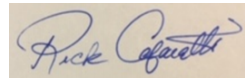
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner I, West District

REVIEWED BY:

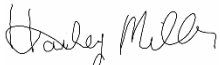


Rick Cefaratti, MCIP, RPP, Senior Planner, West District

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/173/21

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 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Hailey Miller, Planner I, West District

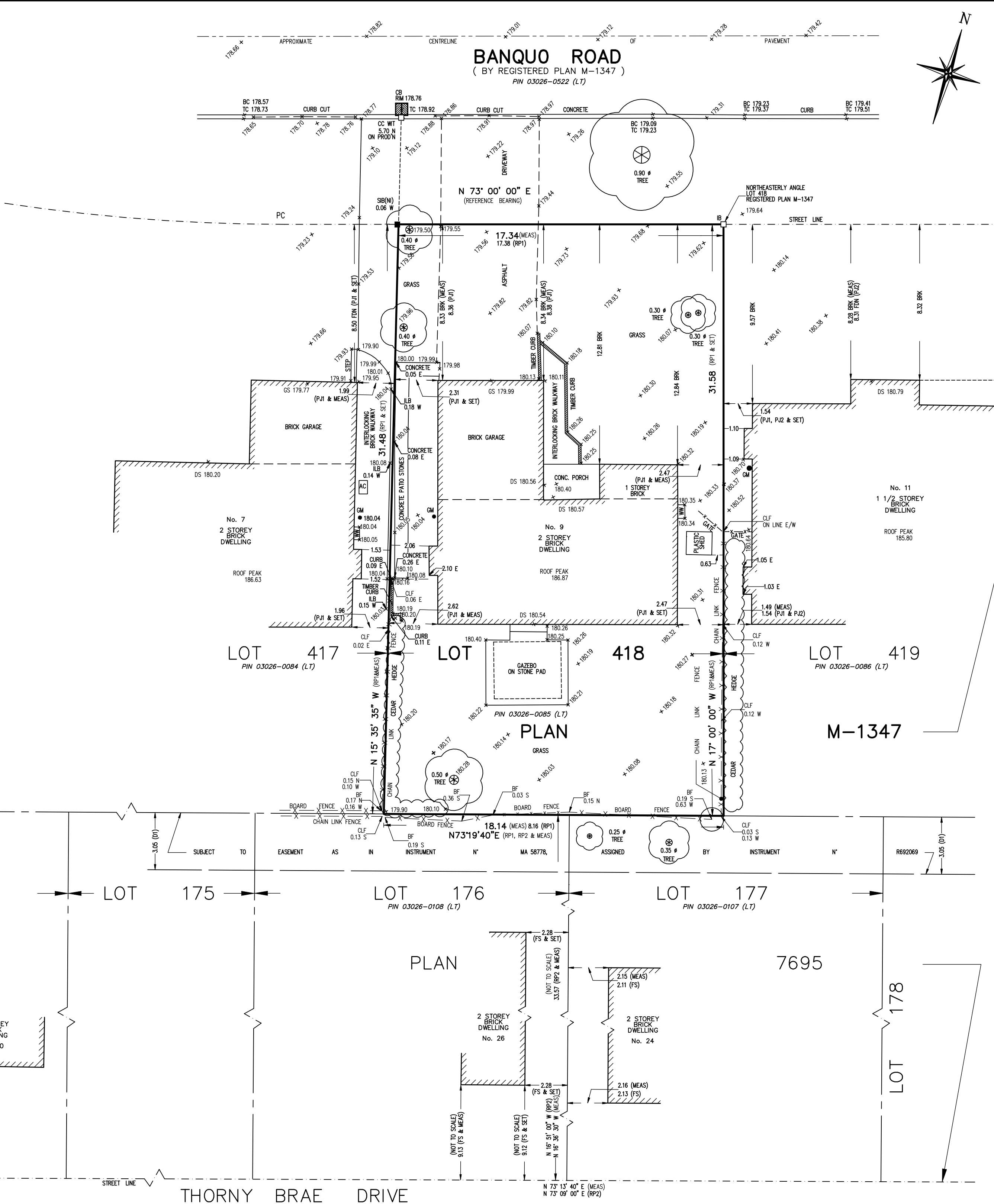
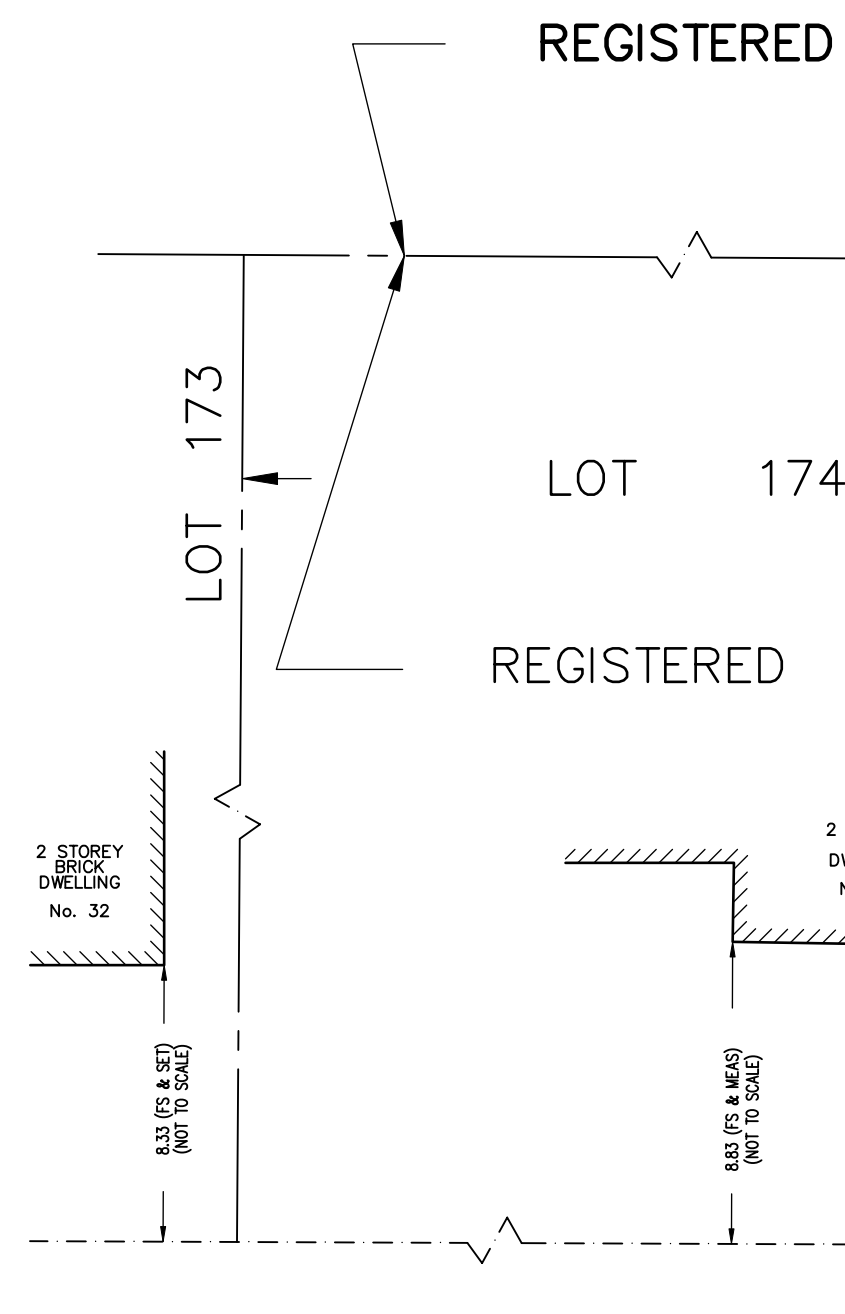
METRIC NOTE
DISTANCES & ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE
1. THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED APRIL 9TH, 2021.
2. THIS PLAN AND REPORT WERE PREPARED FOR JOE FAZZINI AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BANQUO ROAD HAVING A BEARING OF N 73° 00' 00" E AS SHOWN ON REGISTERED PLAN M-1347.

ELEVATION NOTE
ELEVATIONS ARE GEODETIC AND ARE REFERRED TO CITY OF MARKHAM BENCHMARK N° 483-S WITH A PUBLISHED ELEVATION OF 190.530 METRES (CGVD-1928:1978 ADJUSTMENT).

SURVEYOR'S REAL PROPERTY REPORT AND TOPOGRAPHY OF LOT 418 REGISTERED PLAN M-1347 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK SCALE 1 : 150
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ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM 2155318
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3)

LEGEND

□	DENOTES	MONUMENT PLANTED
■	MONUMENT FOUND	
WIT	WITNESS	
IB	IRON BAR	
SIB	STANDARD IRON BAR	
CC	CUT CROSS	
NI	NOT IDENTIFIED	
RP1	REGISTERED PLAN M-1347	
RP2	REGISTERED PLAN 7695	
D1	INSTRUMENT N° MA58778	
PJ1	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED MAY 5, 1972	
PJ2	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED OCT 15, 1971	
PJ3	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED JUN 30, 1972	
FS	PLAN OF SURVEY BY FRED SCHAEFFER, O.L.S., DATED SEPT 18, 1967	
P.I.N.	PROPERTY IDENTIFICATION NUMBER	
N.S.E.W.	NORTH, SOUTH, EAST, WEST	
PC	POINT OF SURVEY	
PROD'N	PRODUCTION	
MEAS	MEASURED	
FDN	FOUNDATION WALL	
WW	WINDOW WELL	
BRK	BRICK	
ILB	INTERLOCKING BRICK WALKWAY	
BF	BOARD FENCE	
CLF	CHAIN LINK FENCE	
UP	UTILITY POLE	
O.H.W.	OVERHEAD UTILITY CABLES	
CB	CATCH BASIN	
DS/GS	TOP/BOTTOM OF CURB	
TC/BC	GAS METER	
GM	AIR CONDITIONING UNIT	
AC	DIAMETER	
φ		

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON APRIL 1ST, 2021

APRIL 9TH, 2021 DATE
SCOTT BALZIEL
ONTARIO LAND SURVEYOR

GENESIS
Land Surveying Inc.
10 FOUR SEASONS PLACE, 10TH FLOOR
TORONTO, M9B 6H7
T 905-499-2956 T 1800-262-9784 WWW.GENESISLANDSURVEYING.COM
DRAFTED BY: RR CHECKED BY: S.D. PROJECT No. GLS-0835

Appendix B

File: 21.143732.000.00.MNV

Date: 03/04/22

MM/DD/YY

METRIC NOTE
DISTANCES & ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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LOT STATISTICS:

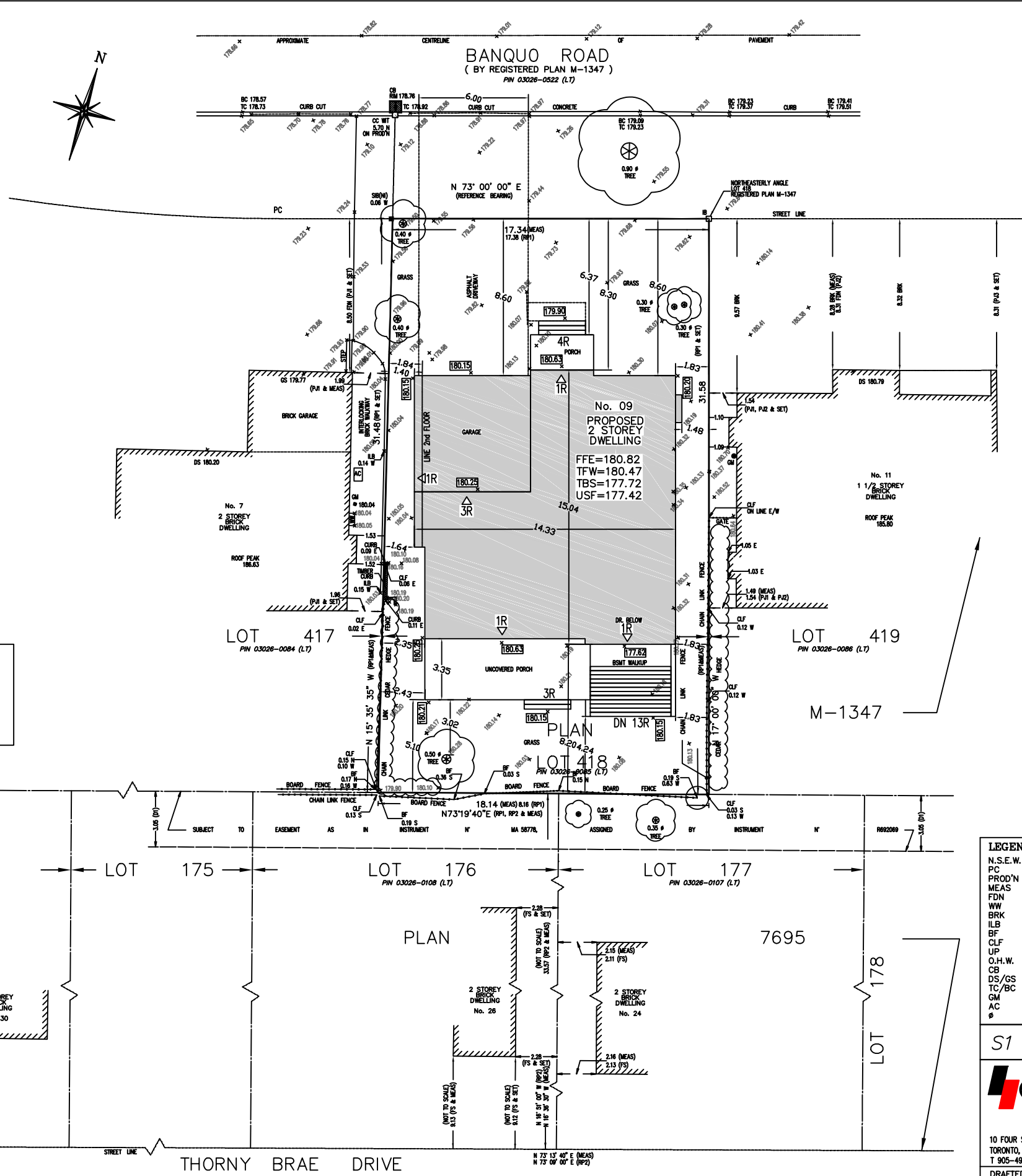
LOT STATISTICS:	PROPOSED
ZONE =	559.34 m ² existing
LOT AREA:	165.64 m ²
BUILDING AREA:	6.68 m ²
PORCH AREA:	40.59 m ²
GARAGE AREA:	212.92 m ²
TOTAL BUILDING AREA:	38.0 %
LOT COVERAGE:	
BUILDING HEIGHT (MID-POINT):	8.21M
GFA STATISTICS:	
ALL FLOORS (EXCL. BSMT):	
LOT AREA:	559.34 m ²
BUILDING AREA:	350.41 m ²
GFA PERCENTAGE:	62.6%

DESIGNER BCIN DECLARATION
I, THE DESIGNER, HEREBY DECLARE THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE PROVINCE OF ONTARIO AND I AM RESPONSIBLE FOR THE DESIGN WORK UNDER MY SUPERVISION. I AM A MEMBER OF THE PROFESSION OF ENGINEERS AND GEODETIC SURVEYORS OF ONTARIO (P.E.G.S.O.) AND I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE JURISDICTION.

FIRM BCIN: 38501
DESIGNER BCIN: 21107
DATE: JUN 19/22

LANDSCAPE STATISTICS:

FRONT YARD LANDSCAPE AREA (m ²)	FRONT YARD SOFT LANDSCAPE AREA (m ²)
TOTAL AREA= 148.20	TOTAL AREA= 97.15
PAVED AREA= 51.05	PAVED AREA= 12.76
148.20-51.05 = 97.15	97.15-12.76 = 84.39
LANDSCAPE AREA= 65.5%	LANDSCAPE AREA= 86.8%



LEGEND

N.S.E.W.	— — — —	NORTH, SOUTH, EAST, WEST	□	DENOTES	MONUMENT PLANTED
PC	— — — —	POINT OF CURVATURE	WIT	— — — —	MONUMENT FOUND
PROD'N	— — — —	PRODUCTION	IB	— — — —	WITNESS
MEAS	— — — —	MEASURED	SIB	— — — —	IRON BAR
FDN	— — — —	FOUNDATION WALL	CC	— — — —	STANDARD IRON BAR
WW	— — — —	WINDOW WELL	NI	— — — —	CUT CROSS
BRK	— — — —	BRICK	RP1	— — — —	NOT IDENTIFIED
ILB	— — — —	INTERLOCKING BRICK WALKWAY	RP2	— — — —	REGISTERED PLAN M-1347
BF	— — — —	BOARD FENCE	D1	— — — —	REGISTERED PLAN 7695
CLF	— — — —	CHAIN LINK FENCE	PJ1	— — — —	INSTRUMENT N° MA58778
UP	— — — —	UTILITY POLE	PJ2	— — — —	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED MAY 5, 1972
O.H.W.	— — — —	OVERHEAD UTILITY CABLES	PJ3	— — — —	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED OCT 15, 1971
DS/GS	— — — —	DOOR/GARAGE SILL ELEVATION	FS	— — — —	PLAN OF SURVEY BY PAUL JAYSON COMPANY LTD., O.L.S., DATED JUN 30, 1972
TC/BC	— — — —	TOP/BOTTOM OF CURB	FS	— — — —	PLAN OF SURVEY BY FRED SCHAEFFER, O.L.S., DATED SEPT 18, 1967
GM	— — — —	GAS METER	P.I.N.	— — — —	PROPERTY IDENTIFICATION NUMBER
AC	— — — —	AIR CONDITIONING UNIT			
Ø	— — — —	DIAMETER			

S1 - PROPOSED SITE PLAN

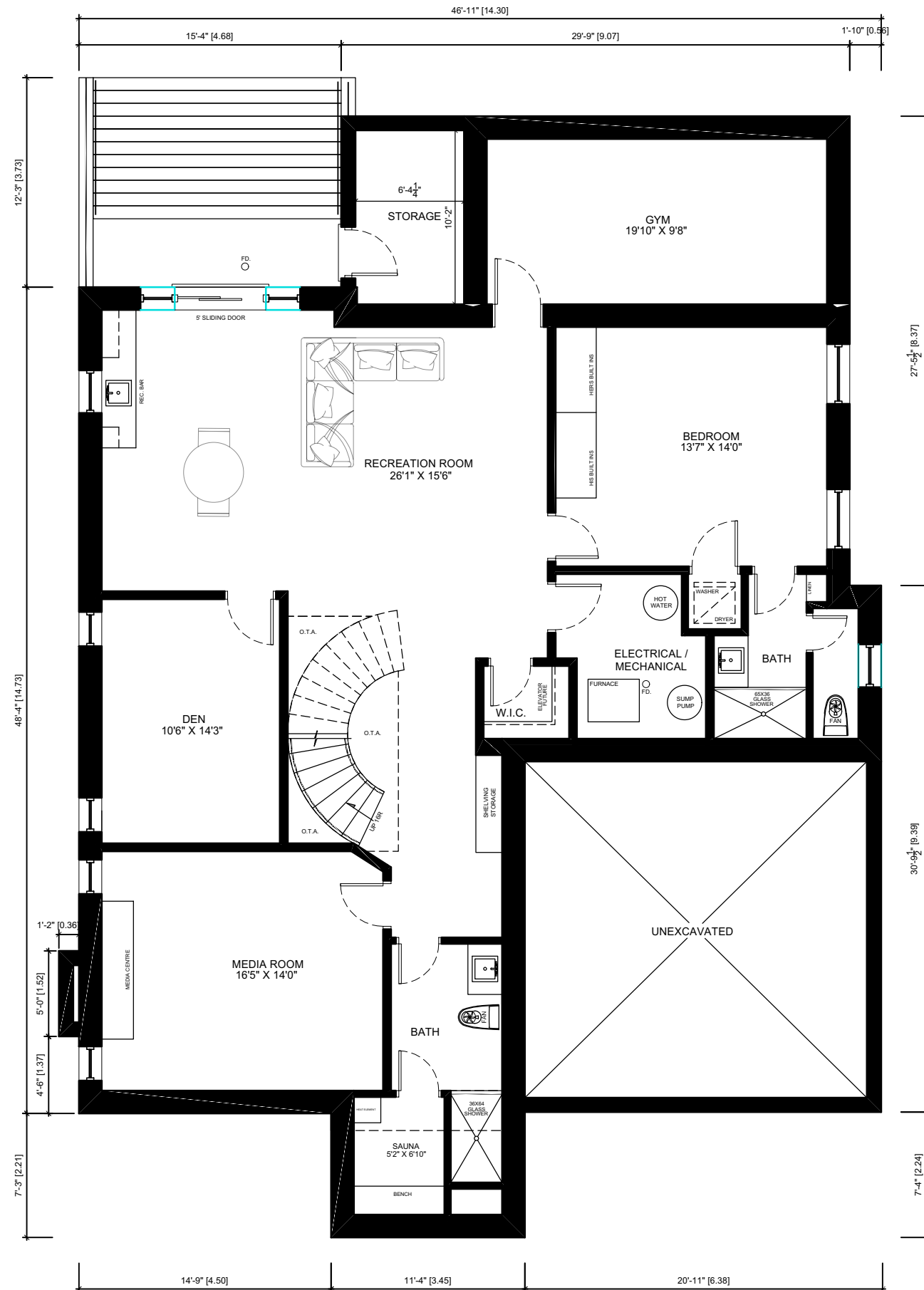


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Appendix B


File: 21.143732.000.00.MNV

Date: 03/04/22
MM/DD/YY



BASEMENT FLOOR PLAN
SCALE: AS NOTED ON PAGE

PAGE 1

 VULCAN DESIGN INC.	PROJECT LOCATION: 63 HAWKRIDGE AVE. MARKHAM, ON			
	PAGE:	1		
	SCALE:	1/8" = 1'-0"		
CLIENT: Private Residence				
DATE:	DWN BY:	DATE:	DWN BY:	NOTE:
01-12-22	dcb			1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.

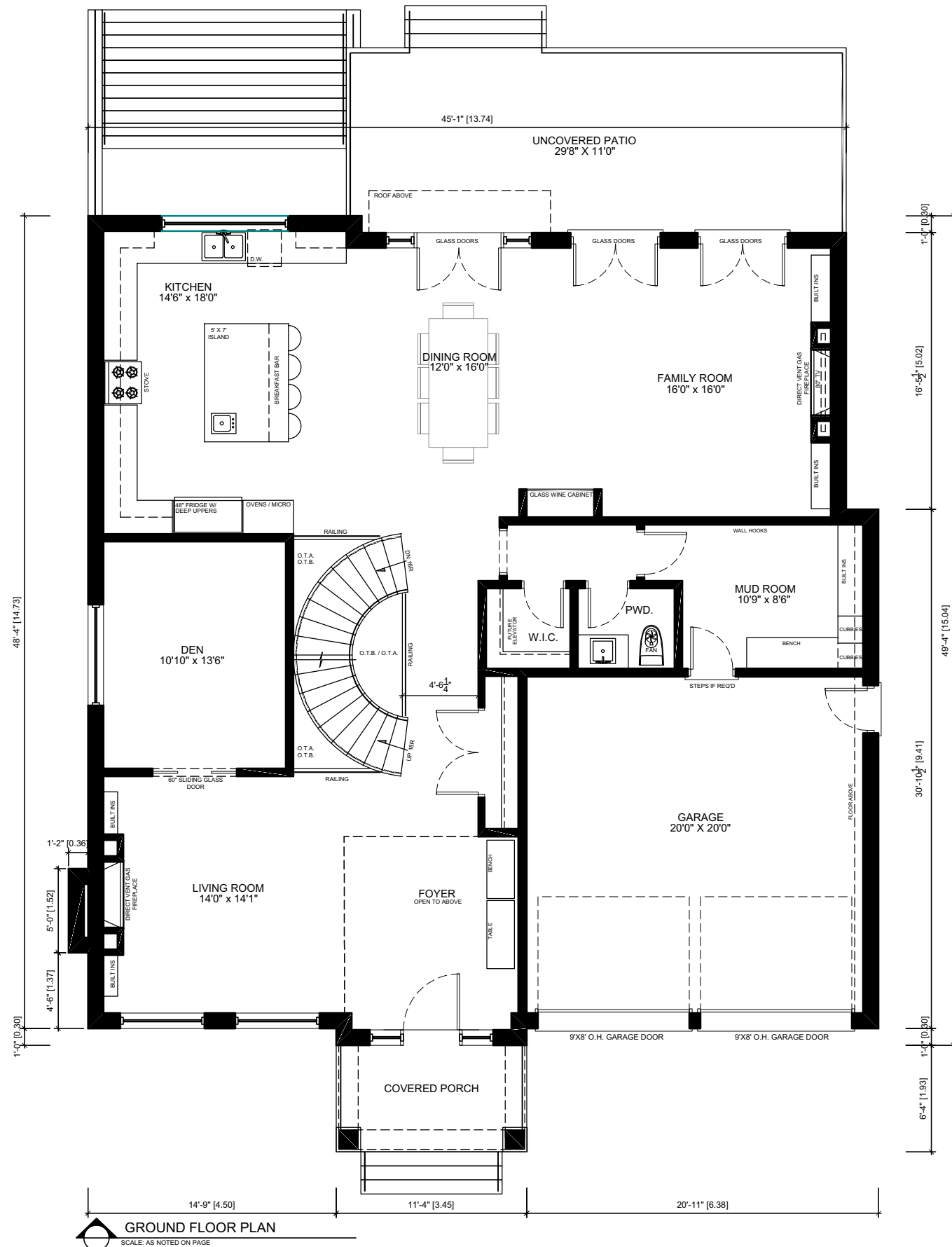
Appendix B

File: 21.143732.000.00.MNV


Date: 03/04/22
MM/DD/YY

AREA CALCULATIONS				
GROUND	sf	1783	m2	165.641
SECOND	sf	2172	m2	201.779
LOFT	sf	0	m2	0.000
- O.T.B.	sf	183	m2	17.001
TOTAL	sf	3772	m2	350.419
FIN BASEMENT	sf	1867	m2	173.444
TOTAL	sf	5639	m2	523.863

COVERAGE CALCULATIONS				
GROUND	sf	1783	m2	165.641
GARAGE	sf	437	m2	40.597
FRONT PORCH	sf	72	m2	6.689
REAR PORCH	sf	0	m2	0.000
COV. W/O PORCH	sf	2220	m2	206.238
COV. W/ PORCH	sf	2292	m2	212.927



GROUND FLOOR PLAN
SCALE: AS NOTED ON PAGE

 VULCAN DESIGN INC.	PROJECT LOCATION: 9 Banquo Road. MARKHAM, ON	
	PAGE: 2	SCALE: 1/8" = 1'-0"
CLIENT: Private Residence		
DATE: xx-xx-19	DWN BY: dcb	NOTE: 1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.


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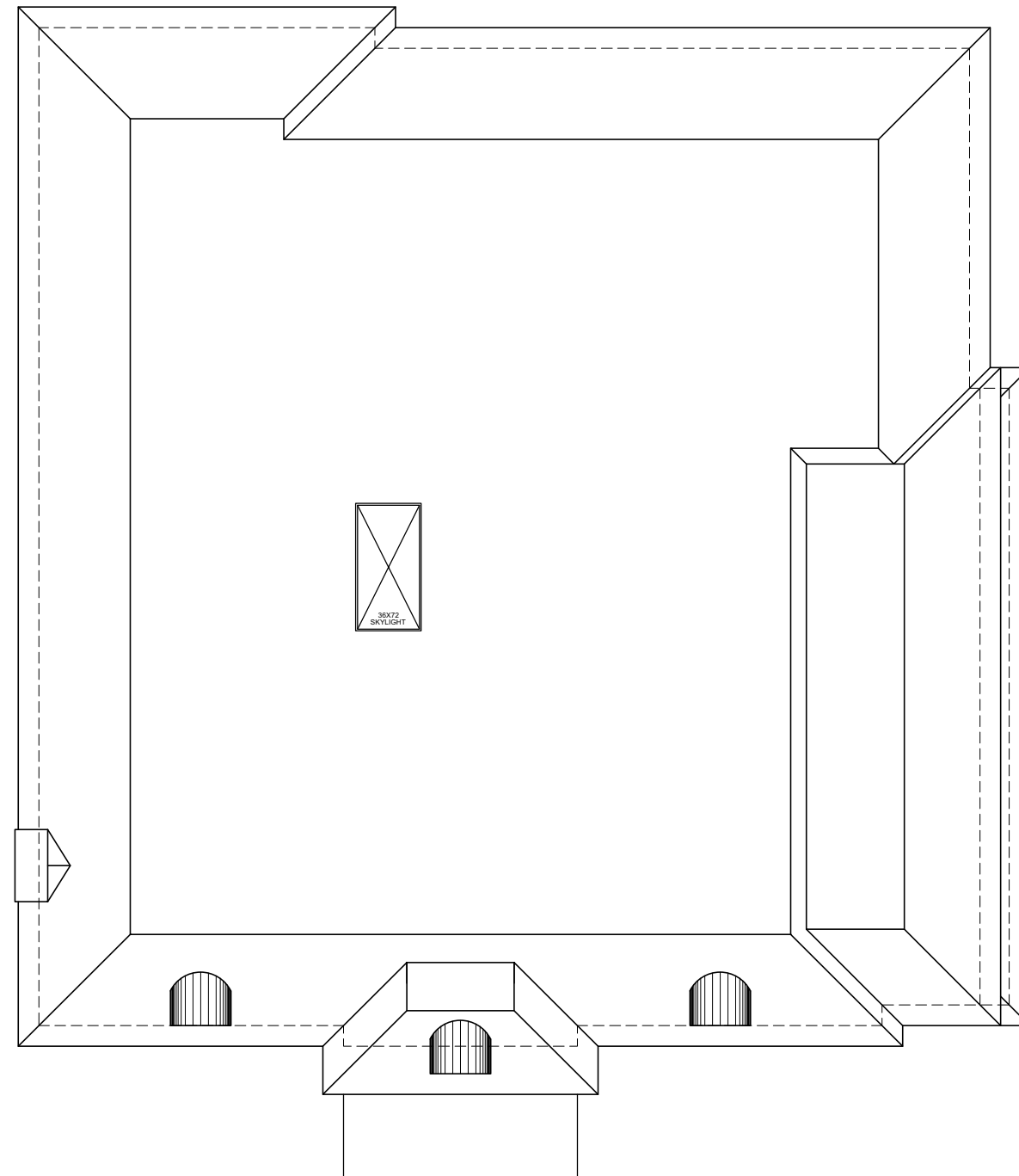
PAGE 3

 VULCAN DESIGN INC.	PROJECT LOCATION: 9 Banquo Road. MARKHAM, ON	
	PAGE: 3	SCALE: 1/8" = 1'-0"
CLIENT: <h2 style="text-align: center;">Private Residence</h2>		
DATE: xx-xx-19	DWN BY: dcb	DATE: DWN BY: NOTE:
1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.		

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Date: 03/04/22
MM/DD/YY



 ROOF PLAN
SCALE: AS NOTED ON PAGE

PAGE 4

 VULCAN DESIGN INC.	PROJECT LOCATION:		9 Banquo Road. MARKHAM, ON	
	PAGE:		4	
	SCALE:		1/8" = 1'-0"	
CLIENT: Private Residence				
DATE:	DWN BY:	DATE:	DWN BY:	NOTE:
xx-xx-19	dcb			1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.


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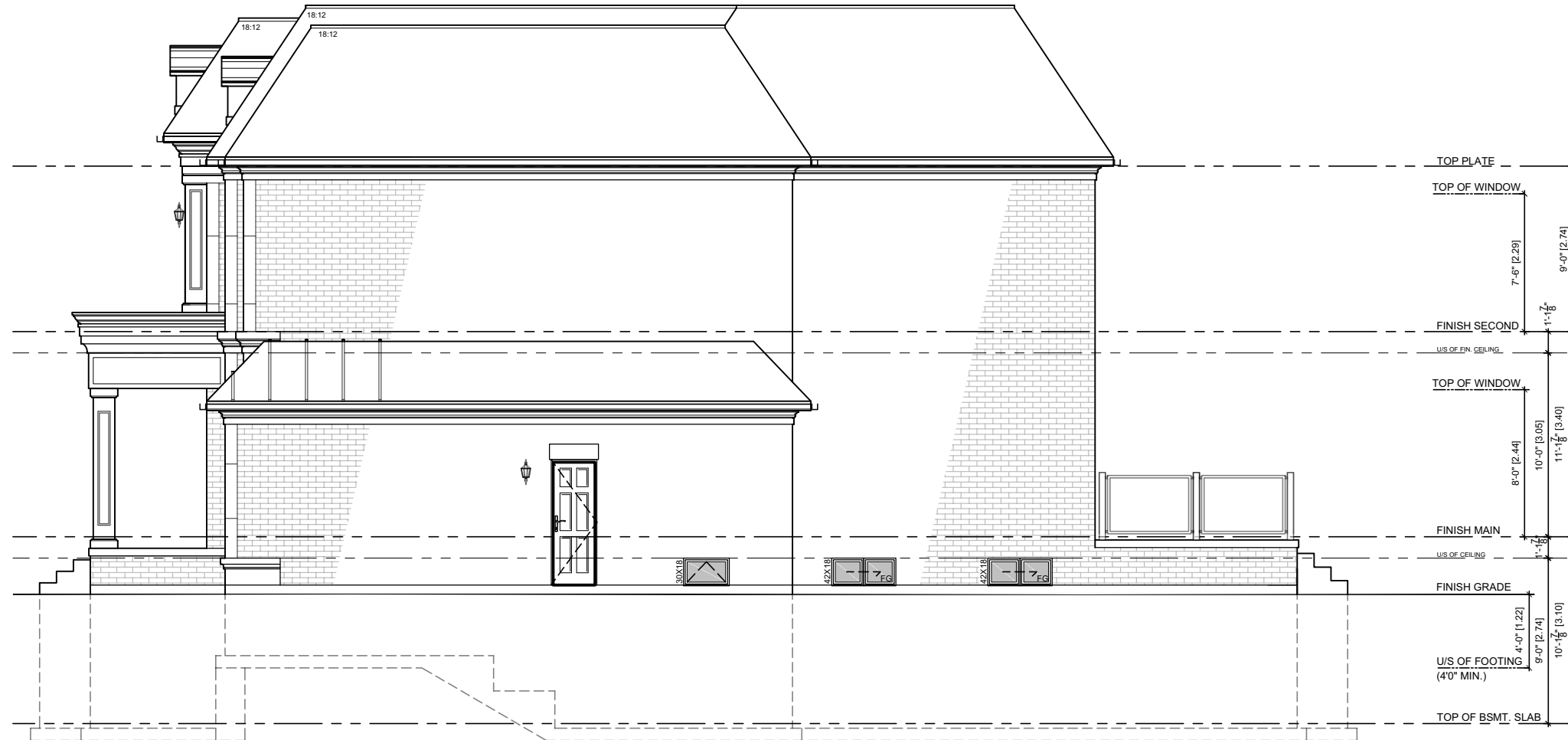
PROPOSED FRONT ELEVATION
SCALE: AS NOTED ON PAGE

 VULCAN DESIGN INC.	PROJECT LOCATION:		9 Banquo Road. MARKHAM, ON	
	PAGE:		5	
	SCALE:		1/8" = 1'-0"	
CLIENT: Private Residence				
DATE:	DWN BY:	DATE:	DWN BY:	NOTE:
xx-xx-19	dcb			1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.

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File: 21.143732.000.00.MNV

Date: 03/04/22
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 PROPOSED RIGHT SIDE ELEVATION
SCALE: AS NOTED ON PAGE

PAGE 6

 VULCAN DESIGN INC.	PROJECT LOCATION: 9 Banquo Road. MARKHAM, ON		
	PAGE: 6		
SCALE: 1/8" = 1'-0"			
CLIENT: Private Residence			
DATE:	DWN BY:	DWN BY:	NOTE:
xx-xx-19	dcb		1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.

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File: 21.143732.000.00.MNV

Date: 03/04/22
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PROPOSED REAR ELEVATION
SCALE: AS NOTED ON PAGE

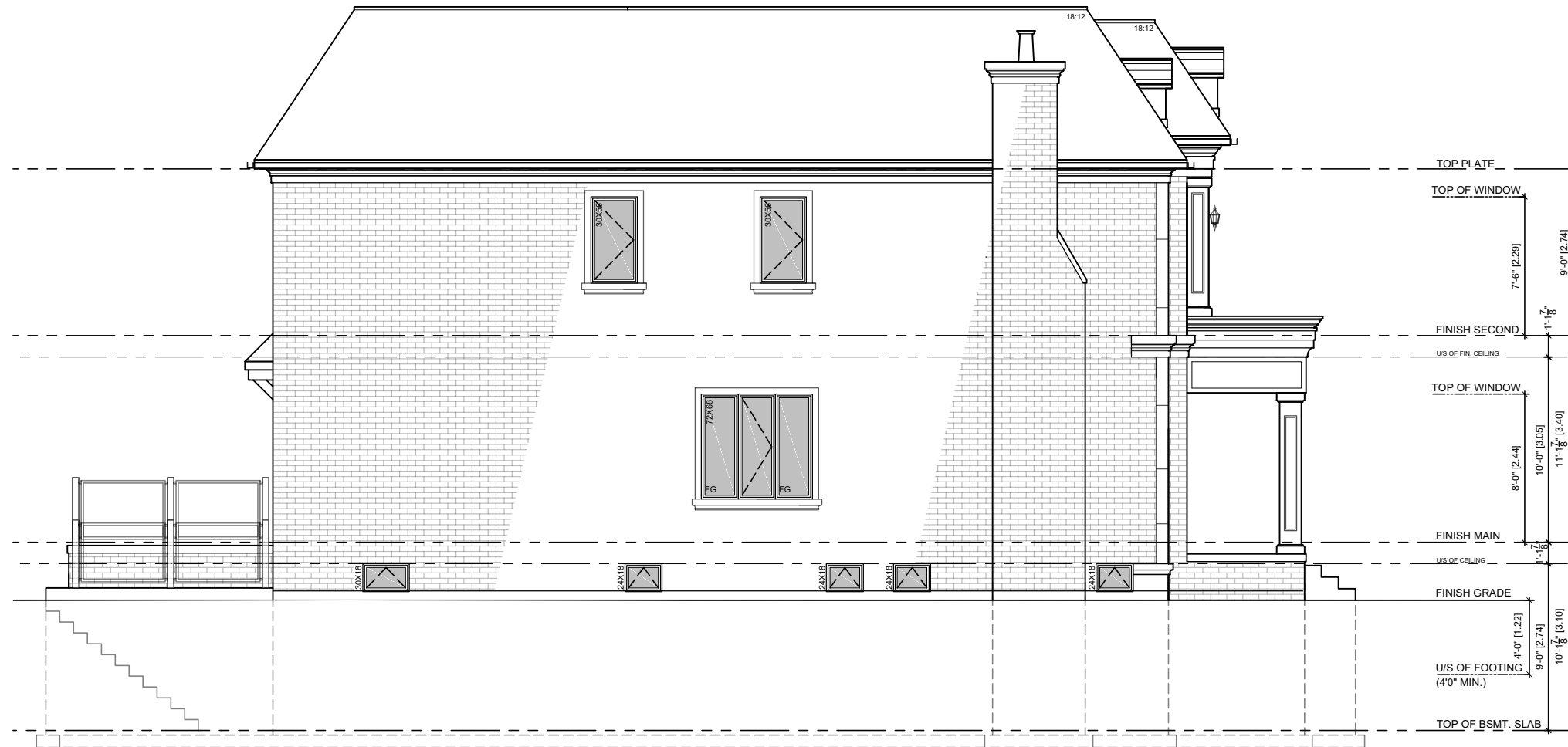
PAGE 7

 VULCAN DESIGN INC.	PROJECT LOCATION: 9 Banquo Road. MARKHAM, ON
	PAGE: 7 SCALE: 1/8" = 1'-0"
CLIENT: Private Residence	
DATE: xx-xx-19 DWN BY: dcb	DWN BY: NOTE: 1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.

Appendix B


File: 21.143732.000.00.MNV

Date: 03/04/22
MM/DD/YY



PROPOSED LEFT SIDE ELEVATION
SCALE: AS NOTED ON PAGE

PAGE 8

 VULCAN DESIGN INC.	PROJECT LOCATION: 9 Banquo Road. MARKHAM, ON	
	PAGE:	8
	SCALE:	1/8" = 1'-0"
CLIENT: Private Residence		
DATE:	DWN BY:	DATE:
xx-xx-19	dcb	
NOTE: 1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES W/O WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.		