

**Memorandum to the City of Markham Committee of Adjustment**  
January 11, 2022

**File:** A/177/21  
**Address:** 10843 Victoria Square Boulevard, Markham  
**Applicant:** AND Architecture Inc (Henry Wang)  
**Hearing Date:** Wednesday, January 19, 2022

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

The applicant is requesting relief from the following requirements of the Single Family Rural Residential (RRH) zone in By-law 83-73, as amended, to permit:

- a) **By-law 83-73, Section 8.2 (c):**  
a minimum side yard setback of 7.0 ft.; whereas, the By-law permits a minimum side yard setback of 10 ft;
- b) **By-law 83-73, Section 8.2 (a):**  
a minimum lot frontage of 77.0 ft.; whereas, the By-law permits a minimum lot frontage of 100.0 ft.;
- c) **By-law 83-73, Section 8.2 (b):**  
a minimum lot area of 15,002 ft<sup>2</sup>; whereas, the By-law permits a minimum lot area of 22,000 ft<sup>2</sup>;

The requested variances relate to a proposed two-storey detached dwelling.

## **BACKGROUND**

### **Property Description**

The 1,393.73 m<sup>2</sup> (15,002 ft<sup>2</sup>) subject property is located on the east side of Victoria Square Boulevard, north of Elgin Mills Road East and east of Woodbine Avenue. There is an existing one storey detached dwelling on the property, which according to assessment records was constructed in 1953. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to demolish the existing one storey detached dwelling and construct a 560.03 m<sup>2</sup> (6,028 ft<sup>2</sup>) two storey detached dwelling. As per Site Plan Control By-law 262-94, as amended, this area of the City is subject to Site Plan Control. An associated application for Site Plan approval was submitted on June 8, 2021 that is currently under review by the City under file # SPC 21 130140.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and further updated on April 9, 2018)

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 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. 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. 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.

The property is also located within the former historic hamlet of Victoria Square and subject to section 9.5.9 of the Area and Site Specific Policies section of the 2014 Official Plan. The intention of this area is to protect and preserve the integrity of the historic Victoria Square area by ensuring that all new development is compatible with permitted uses, building forms and scale, historic features, and residential character of the former hamlet. Specific Urban Design policies are outlined in section 9.5.9.4 requiring new development to complement and be compatible with adjacent buildings with respect to building height, scale, orientation, setbacks, and building materials and colours.

#### Zoning By-Law 83-73

The subject property is zoned Single Family Rural Residential (RRH) under By-law 83-73, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to minimum side yard setback, minimum lot frontage, and minimum lot area.

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

The owner has completed a Zoning Preliminary Review (ZPR) on November 3, 2021 to confirm the variances required for the proposed development.

#### **Tree Preservation**

The applicant has submitted a Tree Inventory and Preservation Plan which will be reviewed by Staff as part of the associated Site Plan Control 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.

#### **Reduced Side Yard Setback**

The applicant is requesting a minimum north and south side yard setback of 7.0 ft. (2.13 m), whereas the By-law requires a minimum side yard setback of 10.0 ft. (3.05 m). This variance represents a decrease of 3.0 ft. (0.92 m) for each side of the proposed dwelling.

Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Planning Staff are of the opinion the proposed side yard setbacks are compatible with adjacent and surrounding properties as required by Section 9.5.9.4 of the Official Plan, and have no concerns with the proposed variance.

**Reduction in Minimum Lot Area and Minimum Lot Frontage**

The applicant is requesting a variance to permit a minimum lot area of 15,002 ft<sup>2</sup> (1,393.73 m<sup>2</sup>), whereas the By-law requires a minimum lot area of 22,000 ft<sup>2</sup> (2,043.87 m<sup>2</sup>). The applicant is also requesting a minimum lot frontage of 77.0 ft. (23.47 m), whereas the By-law requires a minimum lot frontage of 100.0 ft. (30.48 m).

According to the City's records, the subject lot was created prior to the passing of By-law 83-73, as amended. The requested variances are intended to legalize an existing condition. Staff have no concerns with the requested variances.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of January 11, 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.

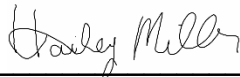
**CONCLUSION**

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, 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/177/21**

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:



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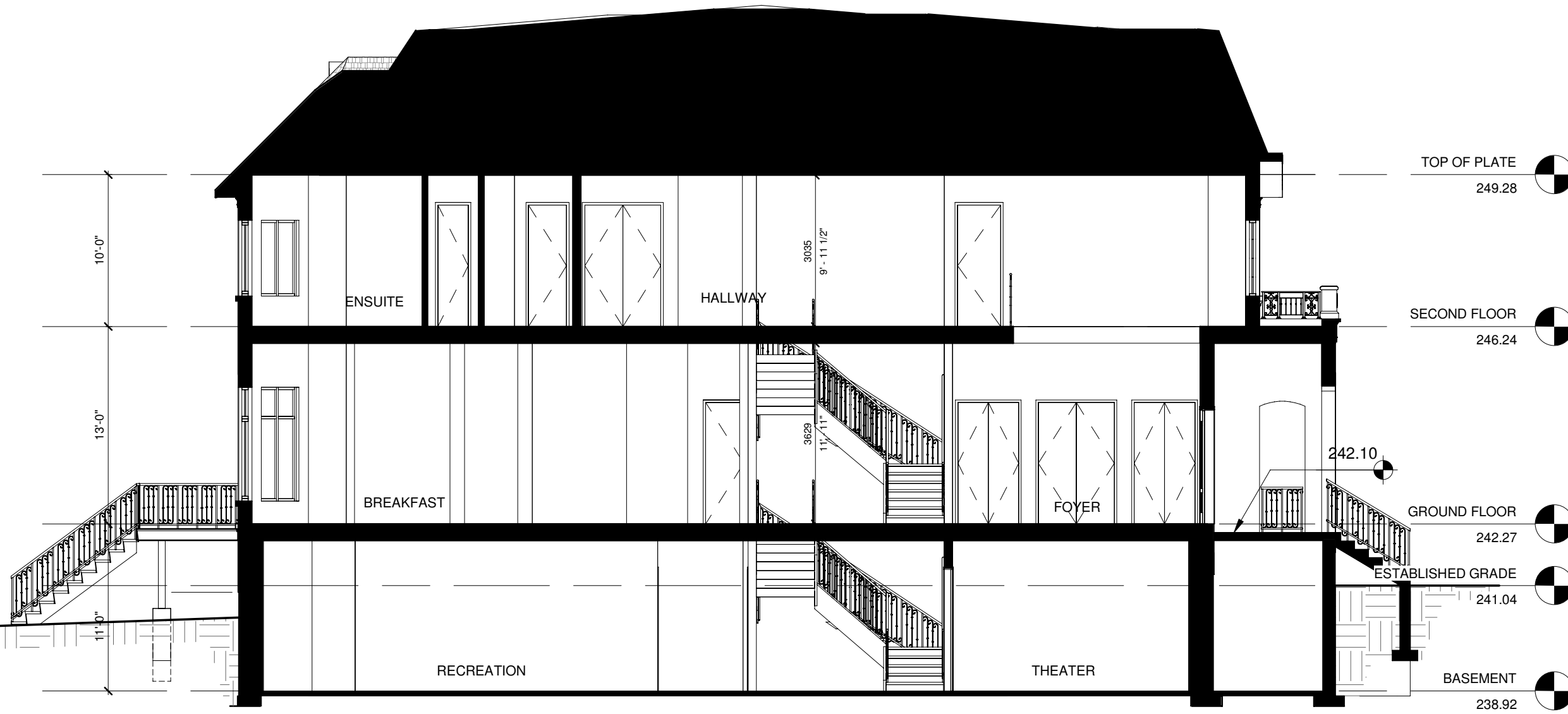
Hailey Miller, Planner, Planner I, West District



# Appendix B

File: 21.143974.000.00.MNV

Date: 01/16/22  
MM/DD/YY



1 BUILDING SECTION  
1/8" = 1'-0"

**AND ARCHITECTURE INC.**  
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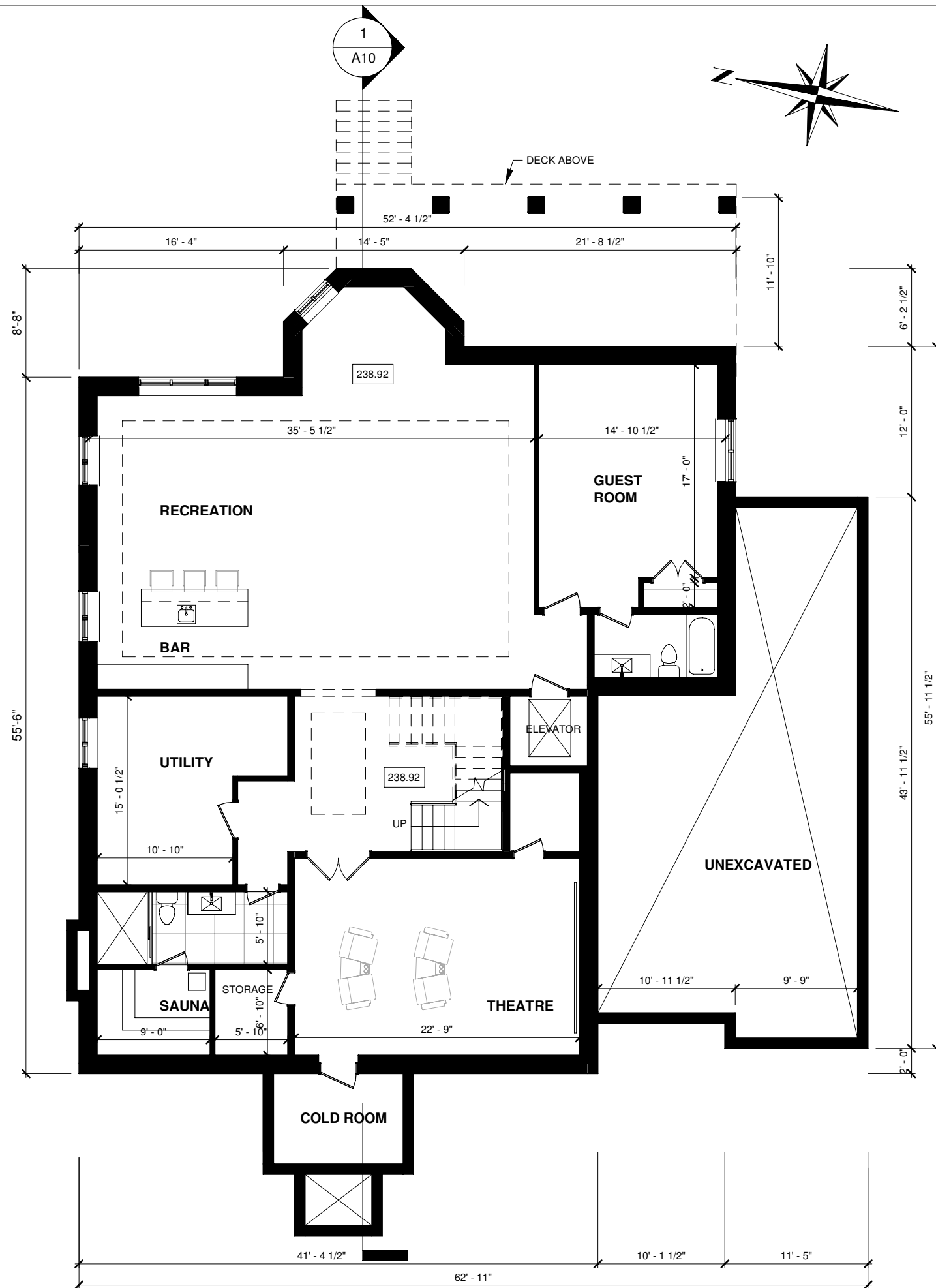
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3	2021.10.26	REISSUED FOR SPA	HW
2	2021.07.08	ISSUED FOR SPA	HW
1	2021.04.09	ISSUED FOR PRE-CONS	HW

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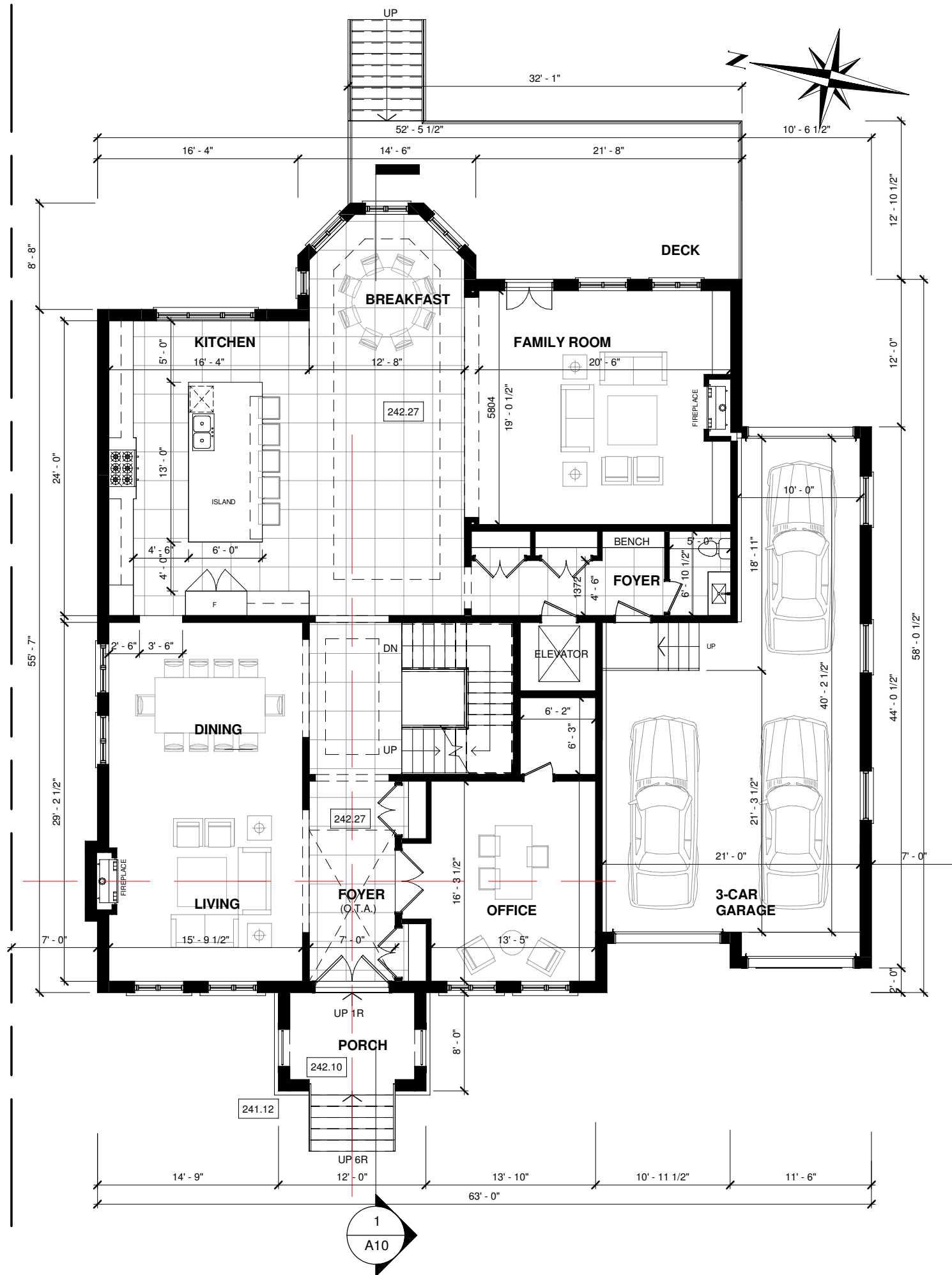


**1** BASEMENT  
1" = 10'-0"

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4	2021.04.09	ISSUED FOR PRE-CONS	HW
3	2021.03.26	ISSUED FOR ZONING REVIEW	HW
2	2021.02.18	ISSUED FOR REVIEW	HW
1	2021.01.29	ISSUED FOR REVIEW	HW

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Drawing Name : BASEMENT PLAN	Drawn by : Author	Drawing No :
	Checked by : Checker	A2



1 GROUND FLOOR  
1" = 10'-0"

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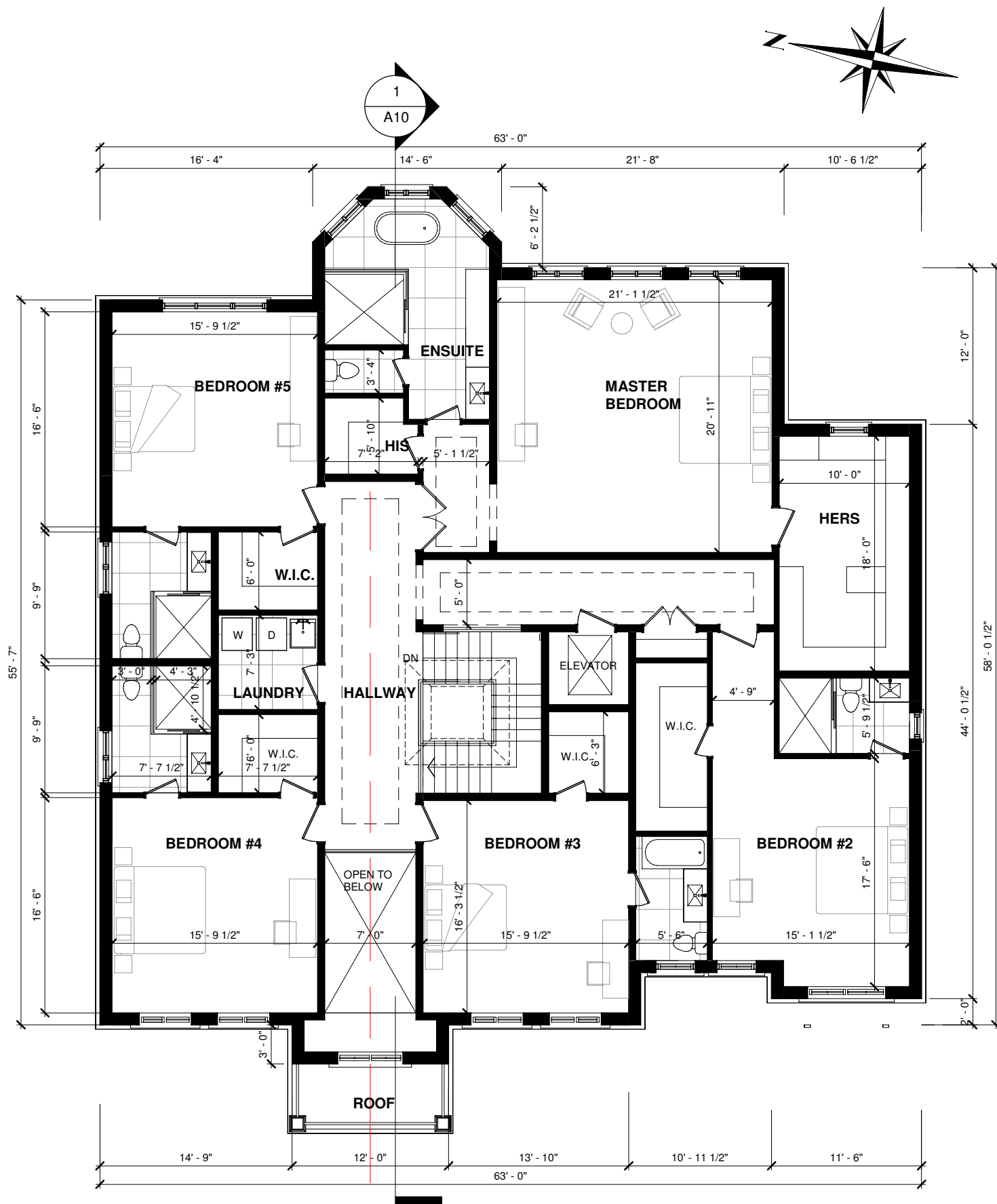
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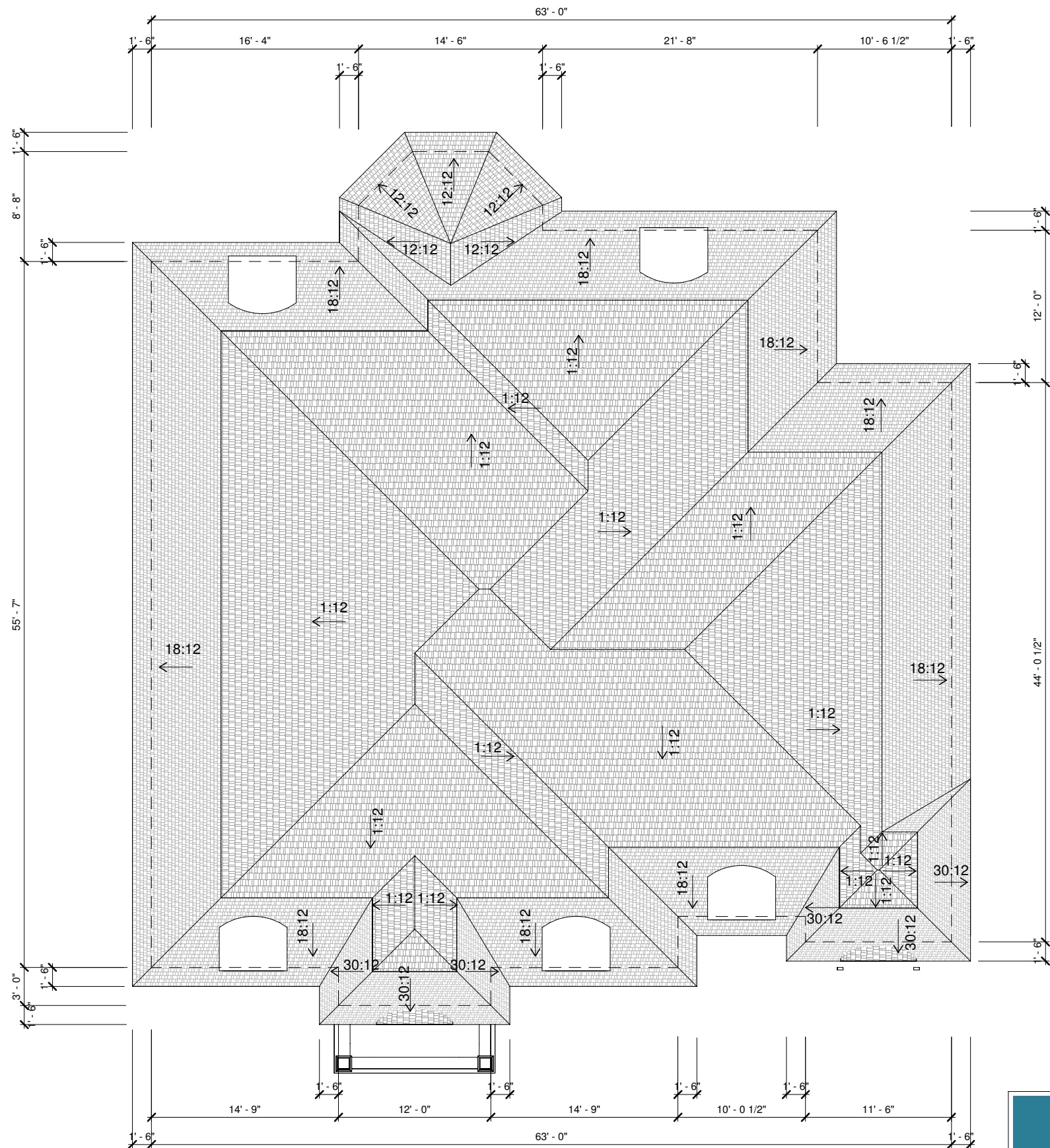


1 SECOND FLOOR  
1" = 10'-0"

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1	2020.12.11	ISSUED FOR REVIEW	HW

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1 ROOF PLAN  
1" = 10'-0"

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1 WEST ELEVATION  
1/8" = 1'-0"

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1	2021.03.26	ISSUED FOR ZONING REVIEW	HW

Project :  
PRIVATE RESIDENCE

10843 VICTORIA SQUARE BLVD  
MARKHAM, ONTARIO

Drawing Name :  
WEST ELEVATION

Date :  
2020.12

Scale :  
1/8" = 1'-0"

Drawn by :  
Author

Checked by :  
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Project No

AND-21002

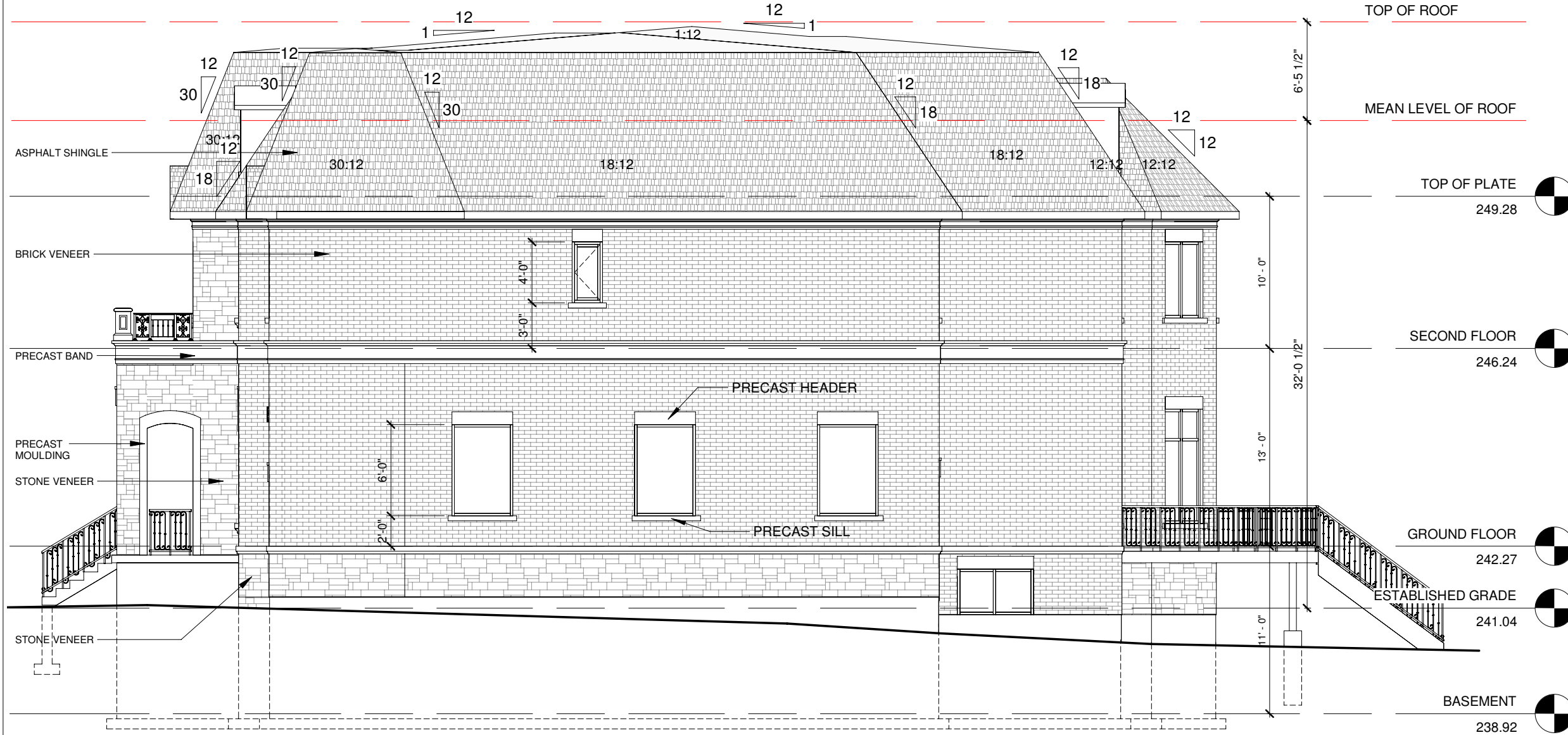
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1 SOUTH ELEVATION  
1/8" = 1'-0"

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1	2021.03.26	ISSUED FOR ZONING REVIEW	HW

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File: 21.143974.000.00.MNV

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1 EAST ELEVATION  
1/8" = 1'-0"

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1	2021.03.26	ISSUED FOR ZONING REVIEW	HW

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1 NORTH ELEVATION  
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