

# Memorandum to the City of Markham Committee of Adjustment

February 7, 2022

**File:** A/196/21  
**Address:** 9 Cachet Parkway – Markham, ON  
**Applicant:** Shahnaz Khimji  
**Agent:** Paar Design Inc. (Nikol Paar)  
**Hearing Date:** February 16, 2022

The following comments are provided on behalf of the West District Team. The applicant is requesting relief from the following requirement of the “Rural Residential Estate – (RRE),” under By-law 304-87, as amended, to permit:

**a) By-law 304-87, Section 5.5:**

a building to have a minimum setback of 22.10 m (72.51 ft) from the centre line of Warden Avenue, whereas the By-law requires a minimum setback of 40.0 m (131.23 ft) from the centre line of any arterial road to any part of a building.

## **PROPERTY DESCRIPTION**

The 3,985.34 m<sup>2</sup> (42,899.29 ft<sup>2</sup>) subject property is located at the northwest corner where Warden Avenue and Cachet Parkway intersect, east of Bernadotte Drive, and south of Major Mackenzie Drive East. A detached dwelling and mature vegetation exist on the property. The property is located within an established residential estate neighbourhood, which contains a mix of detached dwellings. There are various examples of recently developed infill housing within the surrounding area. Mature vegetation is a predominant characteristic of this suburban residential estate community.

## **PROPOSAL**

The applicant is proposing to demolish the existing dwelling and construct a new 1,043.77 m<sup>2</sup> (9,963.95 ft<sup>2</sup>) detached dwelling that is two-storeys in height. The applicant is seeking a variance to permit the new dwelling to be constructed 22.10 m (72.51 ft) from the centre line of Warden Avenue.

## **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 Estate”, which provides for housing up to three storeys in height on larger lots.

### Zoning By-Law 304-87 as amended

The subject property is zoned “Rural Residential Estate – (RRE)” under By-law 304-87, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law with respect to the minimum setback requirement from the centre line of Warden Avenue to a building.

## **ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN**

The applicant has completed a ZPR on November 18, 2021 to confirm the variance required for the proposed development.

## 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.

### Reduction in Minimum Setback to Centre Line of Warden Avenue

The applicant is requesting a variance to allow a building to have a minimum setback of 22.10 m (72.51 ft) from the centre line of Warden Avenue, whereas the By-law requires a minimum setback of 40.0 m (131.23 ft) from the centre line of any arterial road to any part of a building or structure. This is a reduction of 17.90 m (58.72 ft).

Warden Avenue is a Regional arterial road that is owned and operated by the Regional Municipality of York. Map 12 – Street Network in York Region’s Official Plan 2010 indicates a planned street width of up to 43.0 m (141.08 ft). The Regional Municipality of York has reviewed this application, and has no comment in relation to the proposed development. Staff’s primary concern relates to any future need to widen the Warden Avenue right-of-way. In giving consideration to the location of the existing dwelling (which is currently setback an approximate distance of 22.10 m (72.51 ft) from the centre line of Warden Avenue), and the comments received by the Region, staff are satisfied that approval of this variance would not adversely restrict any future Warden Avenue right-of-way widening’s.

### Tree Protection and Compensation

Staff recommend that the tree related conditions of approval be adopted with any approval of this application, to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, 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. Further mitigation may be required to ensure the protection of certain trees is achieved.

## PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 2022. It is noted that 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 Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. 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

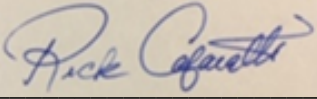
PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/196/21**

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:

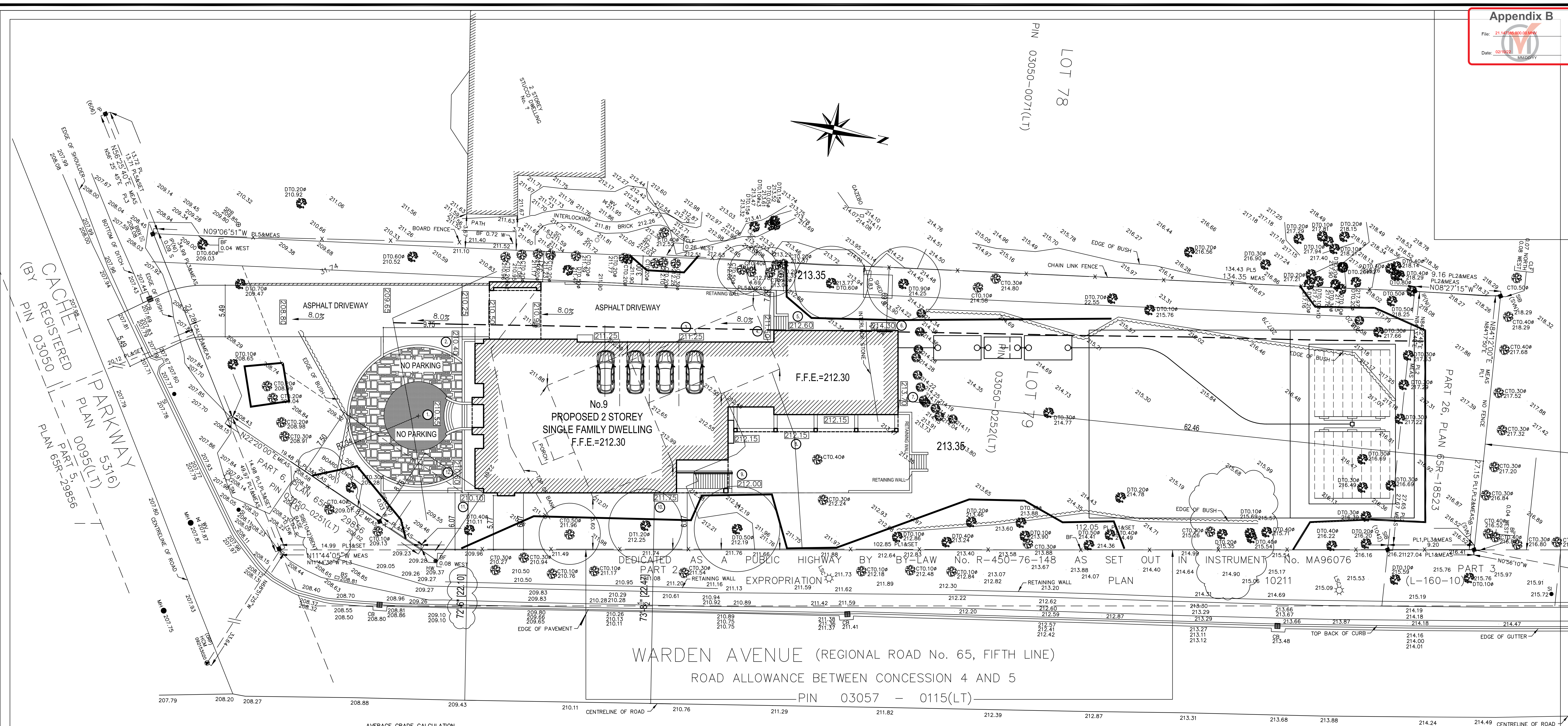


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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/196/21**





**SITE and BUILDING INFORMATION**

- LOT AREA = 42899.29 SQ.FT. / 3985.34 SQ.M.  
 LOT COVERAGE = 7069.38 Sq.Ft. / 656.74 Sq.M. = 16.48 %  
 ( FIRST FLOOR AREA plus PORCH ,COVERED DRIVEWAY and COVERED WALK-OUT AREA )
- FRONT YARD SETBACK = 8.76 m.
  - EAST SIDE YARD SETBACK = 6.07 m.
  - WEAT SIDE YARD SETBACK = 3.21 m.
  - REAR YARD SETBACK = 62.46 m.
  - HEIGHT OF THE BUILDING = 9.45 M

**FLOOR AREAS**

- FIRST FLOOR AREA ..... 6165.70 Sq. Ft. / 572.81 m<sup>2</sup>  
 ( including Livable area, Garage area and Swiming pool area )  
 SECOND FLOOR AREA ..... 3798.25 Sq. Ft. / 470.96 m<sup>2</sup>  
 ( including Livable area and Two storey area )  
 TOTAL ..... 9963.95 Sq.Ft. / 1043.77 m<sup>2</sup>  
 BASEMENT AREA ..... 3975.50 Sq.Ft. / 935.74 m<sup>2</sup>

**AVERAGE GRADE CALCULATION**

1	210.55
2	210.40
3	211.25
4	211.60
5	212.60
6	214.30
7	213.70
8	212.15
9	212.00
10	211.75
11	210.10
12	210.60
TOTAL = 2541 : 12 = 211.75	
AVERAGE GRADE = 211.75	

as per Proposed Grading Plan

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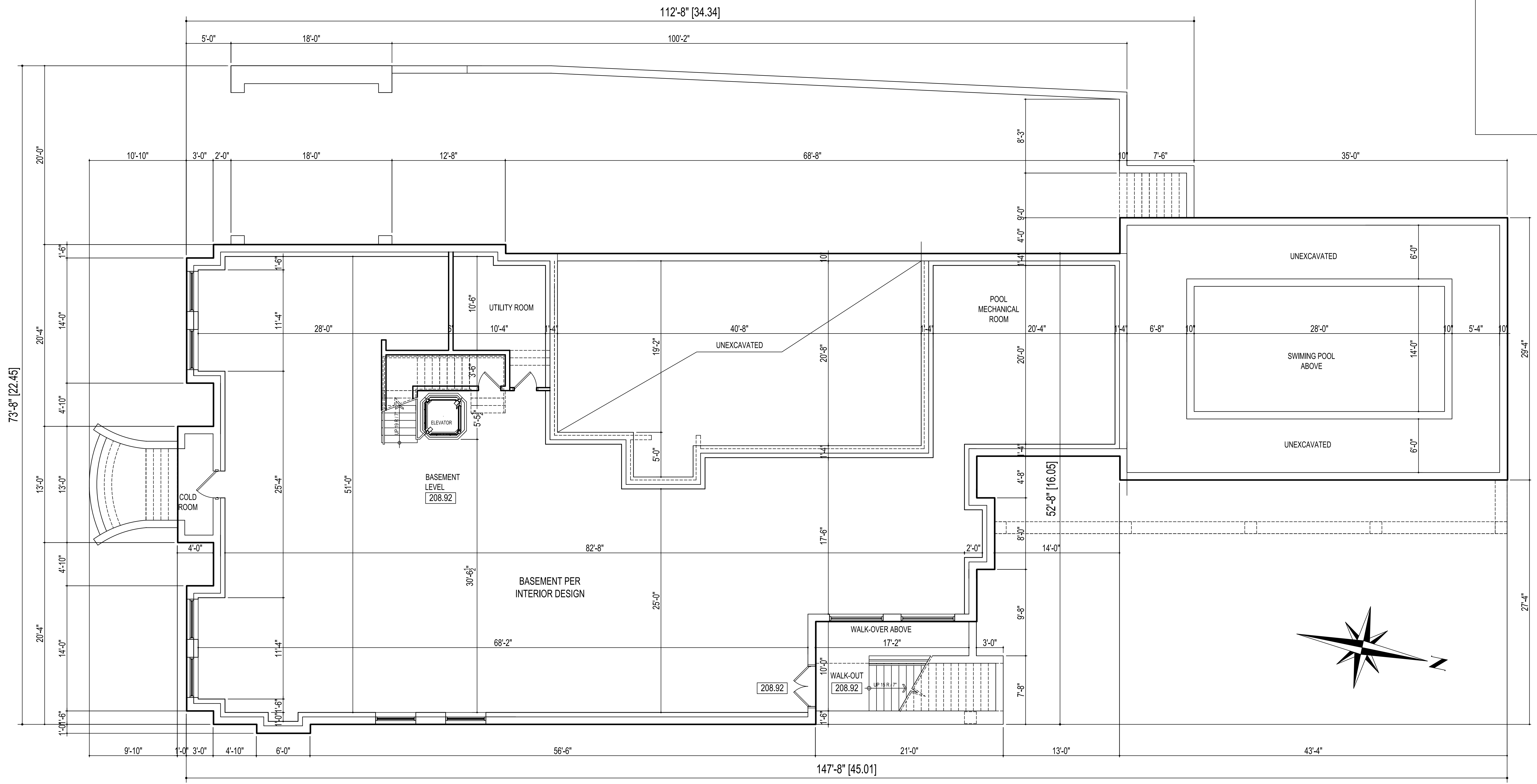
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MARK	DATE	DESCRIPTION	MARK	DATE	DESCRIPTION
1.	27 10 2021	ISSUED FOR ZONING R.	2.	14 12 2021	ISSUED FOR C.O.A.
2.	29 11 2021	DISTANCE FROM THE CENTER LINE OF ARTERIAL ROAD			

<p><b>PAAR DESIGN INC.</b>          22 BLUE FOREST DR.          TORONTO, ON          M9W 1K7          Tel: 416 490 1106          www.paardesign.com          info@paardesign.com</p>	<p><b>DESIGN</b>          The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.          Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code</p> <p>Zoran Paar          Name: Signature: 24546          BCGM/BCON</p>	<p><b>PAAR DESIGN INC.</b>          22 BLUE FOREST DR.          TORONTO, ON          M9W 1K7          Tel: 416 490 1106          www.paardesign.com          info@paardesign.com</p>
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<p>PROJECT: 9 CAHET PARKWAY          2 STOREY DWELLING</p>		<p>DATE: 01 10 2021</p>
<p>SHEET TITLE: SITE PLAN</p>		
<p>SCALE: 1/8" = 1'-0"</p>		<p>DRAWN BY: B.B. A 0.1</p>
<p>DATE: 01 10 2021</p>		





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2.	14 12 2021	ISSUED FOR C.O.A.			

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 Firm Name: Signature: 31765 BCIN / BCDN

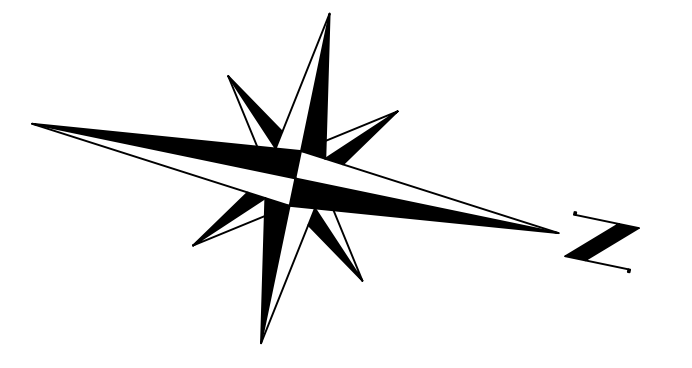
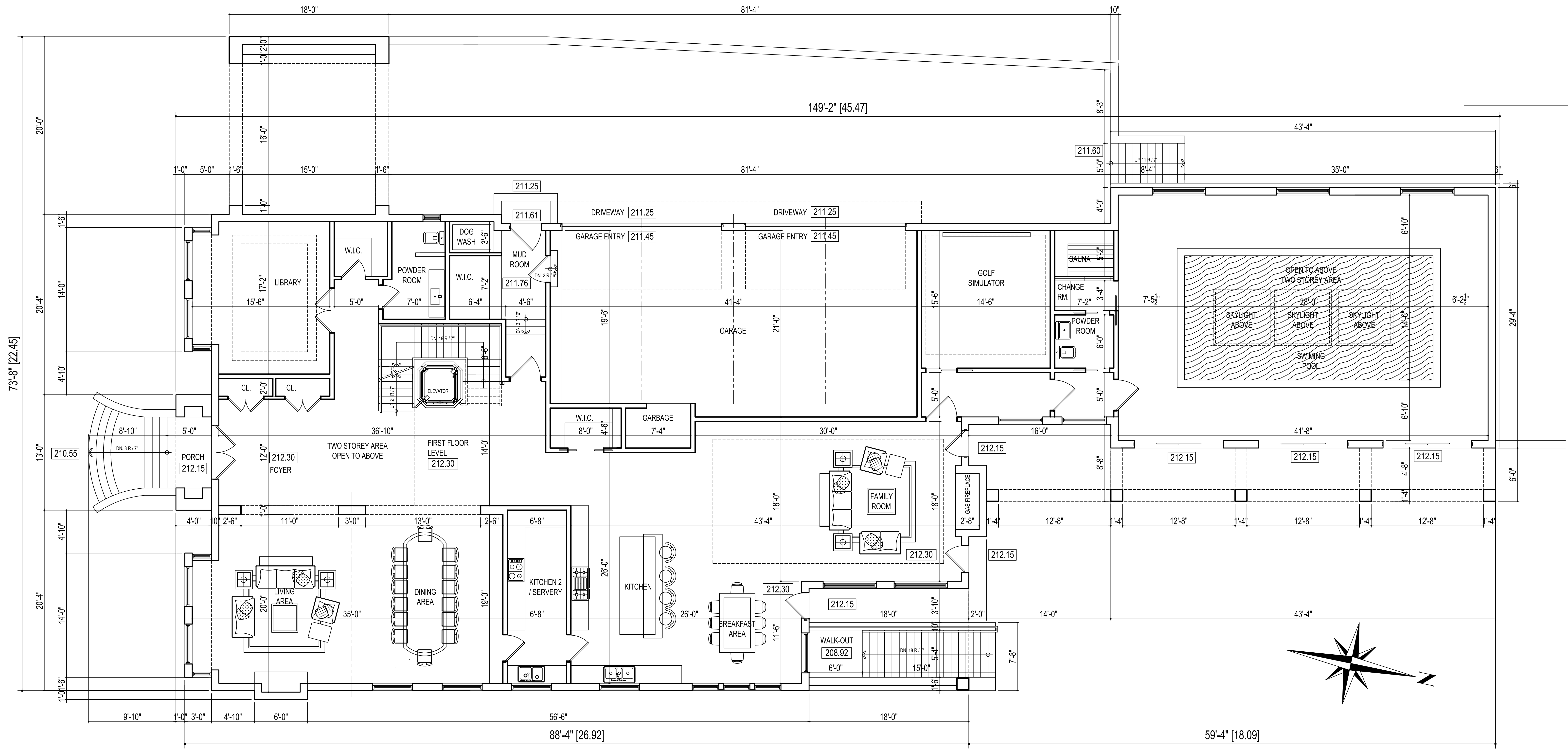
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**PROJECT:** 9 CAHET PARKWAY  
 2 STOREY DWELLING

**SHEET TITLE:** BASEMENT PLAN

**SCALE:** 3/16" = 1'-0"

**DATE:** 01/10/2021 **DRAWN BY:** B.B. **A 1.1**



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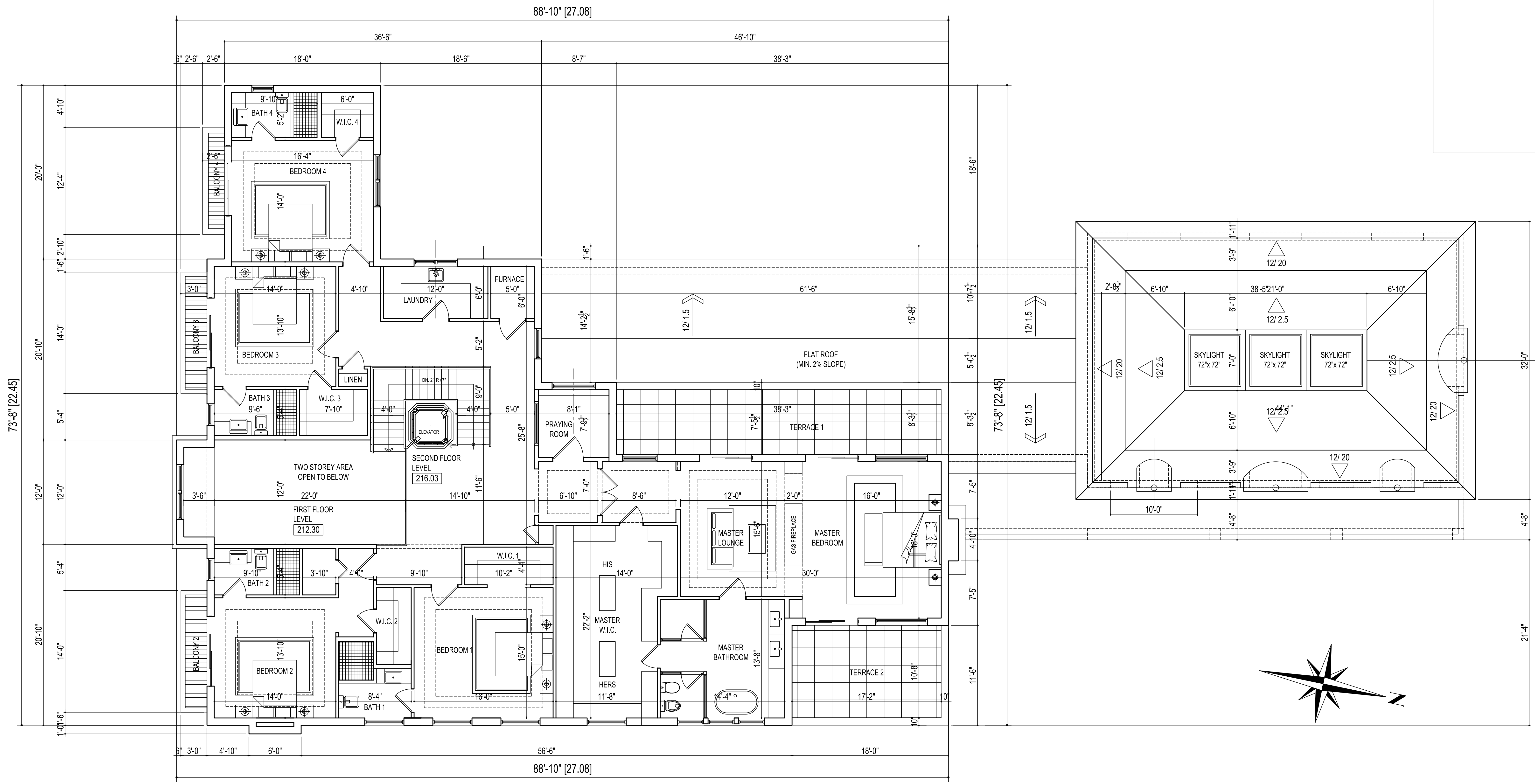
**PROJECT:** 9 CAHET PARKWAY  
**2 STOREY DWELLING**

**SHEET TITLE:** FIRST FLOOR PLAN

**SCALE:** 3/16" = 1'-0"

**DATE:** 01/10/2021 **DRAWN BY:** B.B. **A 1.2**





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2.	14 12 2021	ISSUED FOR C.O.A.			

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Zoran Paar	Signature	24546	BCIN / BCDN		
<p>PAAR Architecture and Interior Design Inc.          Firm Name</p>		31765	BCIN / BCDN		

PROJECT:	9 CAHET PARKWAY 2 STOREY DWELLING
SHEET TITLE:	SECOND FLOOR PLAN
SCALE:	3/16" = 1'-0"
DATE:	01/10/2021
DRAWN BY:	B.S.
<b>A 1.3</b>	



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**NOTES**

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 Name Signature BCIN / BCDN

Registration Information  
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 Firm Name Signature BCIN / BCDN

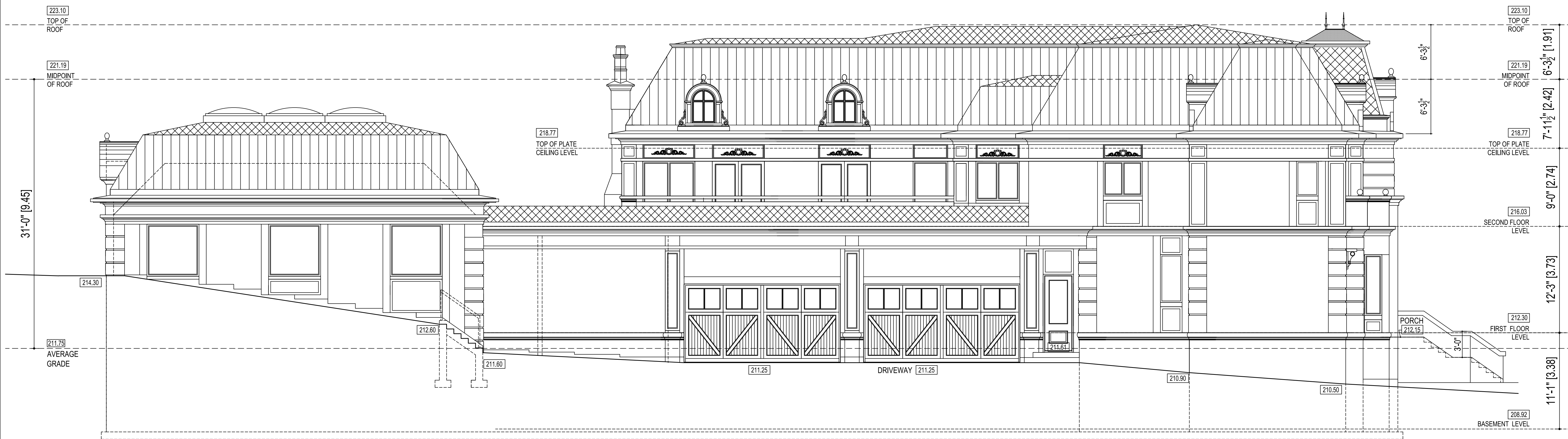
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**PROJECT:** 9 CAHET PARKWAY  
 2 STOREY DWELLING

**SHEET TITLE:** FRONT/SOUTH ELEVATION

**SCALE:** 3/16" = 1'-0"

**DATE:** 01/10/2021 **DRAWN BY:** B.B. **A 2.1**



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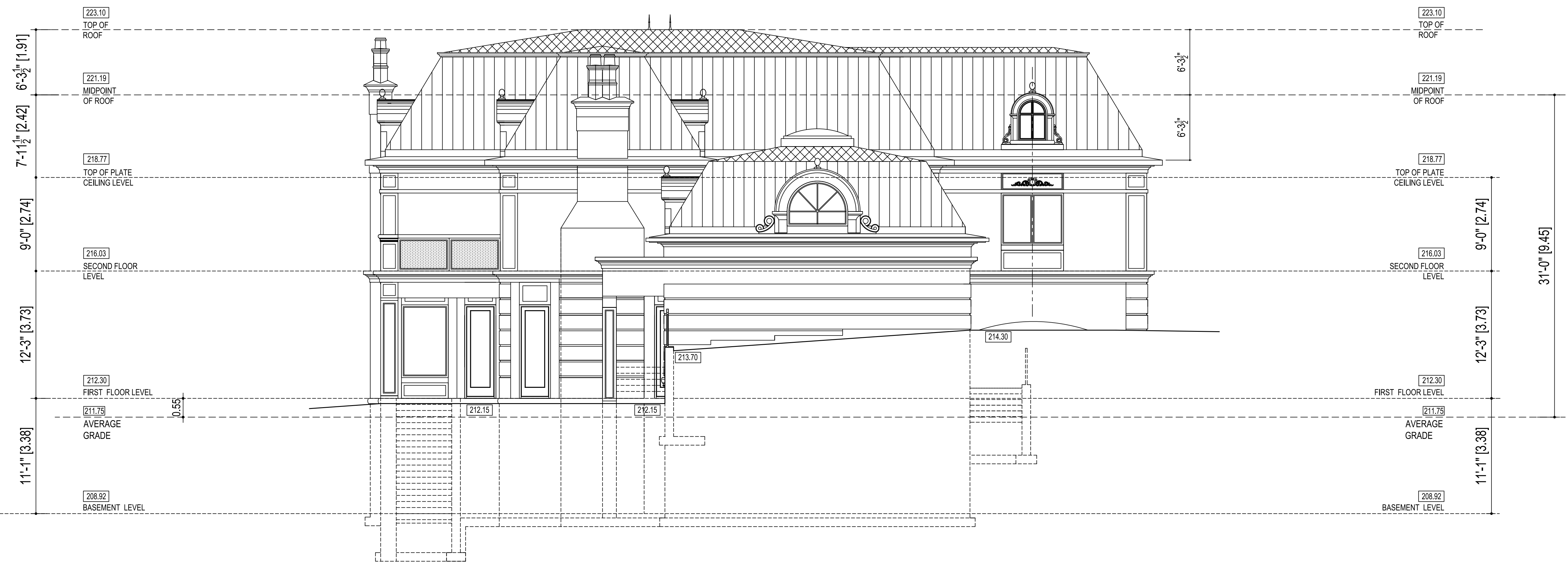
**PROJECT:** 9 CAHET PARKWAY  
 2 STOREY DWELLING

**SHEET TITLE:** SIDE/WEST ELEVATION

**SCALE:** 3/16" = 1'-0"

**DATE:** 01/10/2021 **DRAWN BY:** B.S. **A 2.2**





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DESIGNED BY: Zoran Paar  
 Name: Zoran Paar  
 Signature: [Signature]  
 24546 BCIN / BCIN  
 Registration Information:  
 Required unless design is exempted under Division C-3.2.5.1 of the 2006 Ontario Building Code

DESIGNED BY: PAAR Architecture and Interior Design Inc.  
 Firm Name: PAAR Architecture and Interior Design Inc.  
 Signature: [Signature]  
 31765 BCIN / BCIN

DESIGNED BY: PAAR DESIGN INC.

PROJECT: 9 CAHET PARKWAY  
 2 STOREY DWELLING

SHEET TITLE: REAR/NORTH ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 01/10/2021 DRAWN BY: B.S. A 2.3





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<p>Zoran Paar Name</p>		<p>Signature</p>		<p>24546 BCIN / BCDN</p>	
<p>PAAR Architecture and Interior Design Inc. Firm Name</p>		<p>Signature</p>		<p>31765 BCIN / BCDN</p>	

PROJECT:	9 CAHET PARKWAY 2 STOREY DWELLING
SHEET TITLE:	SIDE/EAST ELEVATION
SCALE:	3/16" = 1'-0"
DATE:	01/10/2021
DRAWN BY:	B.B.
<p><b>A 2.4</b></p>	