

# Memorandum to the City of Markham Committee of Adjustment

September 8, 2020

**File:** A.073.20  
**Address:** 72 Royal Orchard Blvd – Markham, ON  
**Applicant:** Chris Mandarino  
**Agent:** JS Barmi Architect  
**Hearing Date:** Wednesday September 16, 2020

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements from the “Third Density Single Family Residential (R3A)” zone requirements under By-law 2150, as amended, as it relates to a proposed second floor addition. The variance requested is to permit:

**a) Section 6.1:**

a minimum two-storey west side yard setback of 1.22 m (4.0 ft), whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft).

## **BACKGROUND**

### **Property Description**

The 602.99 m<sup>2</sup> (6,490.53 ft<sup>2</sup>) subject property is located on the north side of Royal Orchard Boulevard, east of Yonge Street, and west of Bay Thorn Drive. There is an existing one and a half-storey detached dwelling on the property, with front and rear covered porches. The property is located within an established residential neighbourhood primarily comprised of a mix of one, one and a half, and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to construct a 33.15 m<sup>2</sup> (356.84 ft<sup>2</sup>) second floor addition located at the front southwest corner of the existing dwelling. Accordingly, the applicant is requesting setback relief of 0.61 m (2.0 ft) along the western property line where the two-storey portion is being proposed.

### **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. 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 2150

The subject property is zoned “Third Density Single Family Residential (R3A)” under By-law 2150, as amended, which permits one single detached dwelling per lot. The proposed

development does not comply with the By-law with respect to the permitted side yard setback to the west property line.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. It is the applicant's responsibility to ensure that the application has accurately identified all the variances to the 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.

### **COMMENTS**

The *Planning Act* 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.

### **Reduced Side Yard Setback (two-storey portion)**

The applicant is requesting a minimum westerly interior side yard setback of 1.22 m (4.0 ft) for the two-storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft) on each side except that the minimum side yard required for a one-storey portion shall be 1.22 m (4.0 ft).

The existing dwelling's building line nearest the west property line is one-storey in height, and is setback approximately 1.22 m (4.0 ft). The requested variance applies to the proposed second storey addition to the existing building along the west property line. The addition would have a depth of 6.07 m (19.91 ft) from the front of the dwelling as shown in the plans attached as Appendix "B". Staff are of the opinion that the requested variance is a minor building addition that would not adversely impact the neighbouring dwelling or street, and do not object to the requested variance.

### **Tree Preservation & Compensation**

There are existing trees located across the property, notably within the front yard, and interior side yard next to the proposed second floor addition. Adequate tree protection measures, including the erection of tree hoarding may be required to ensure the protection and, or preservation of certain trees prior to the commencement of construction. Accordingly, staff recommend that any approval of the variance application includes the tree protection and compensation conditions attached in Appendix "A".

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 8, 2020. 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 variance request to permit a reduced side yard setback of 1.22 m (4.0 ft.) meets 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 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.

**APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

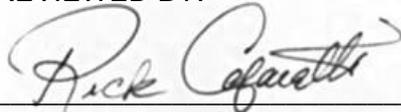
PREPARED BY:



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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/073/20**

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 batch stamped plans attached as Appendix "B" to this Staff Report and received by the City of Markham, 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, 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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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/073/20**

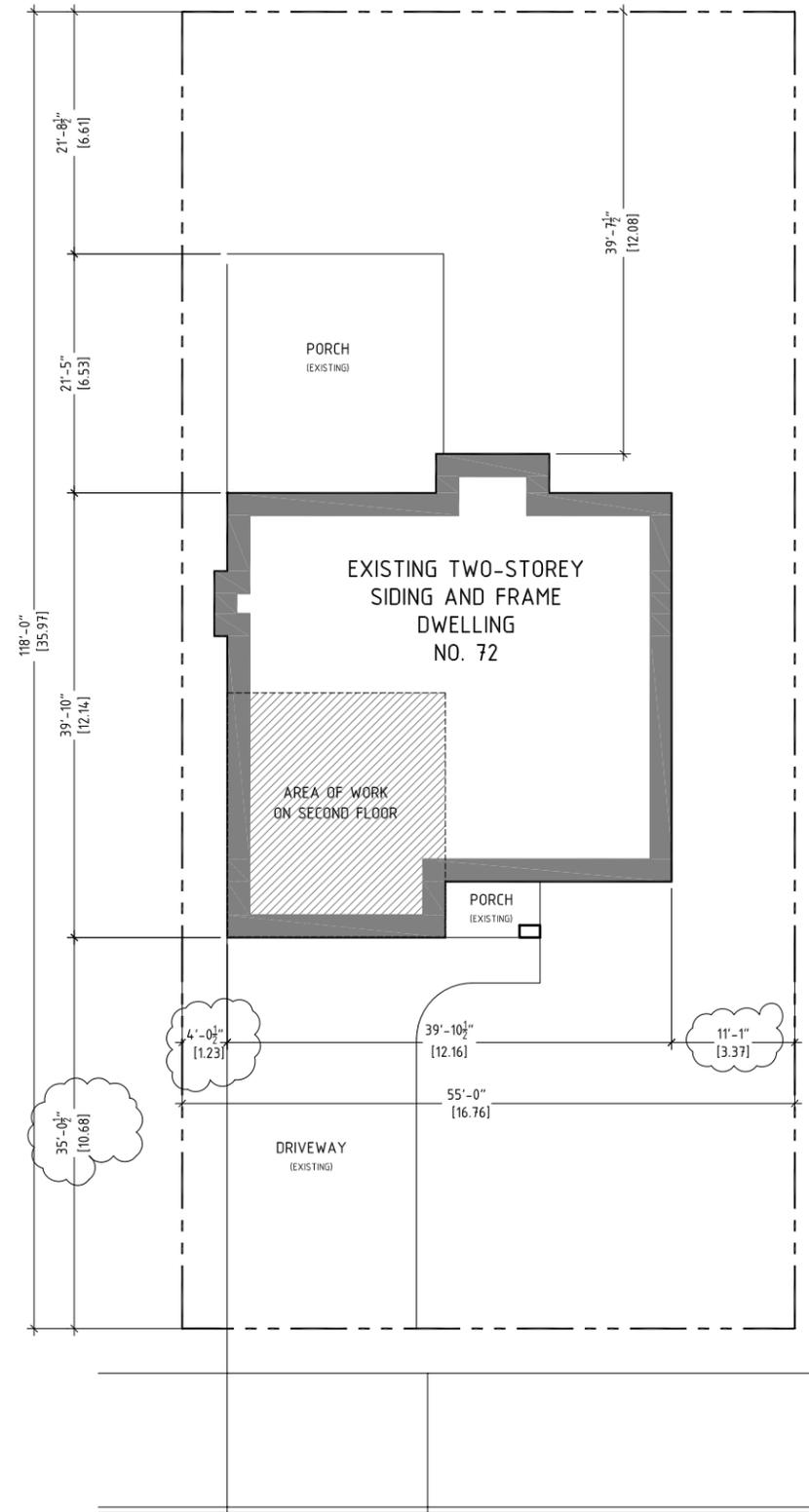
DRAWINGS MUST NOT BE SCALED AND TO BE READ IN CONJUNCTION WITH GENERAL NOTES AND O.B.C.

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MUNICIPAL ADDRESS:	72 ROYAL ORCHARD
ZONING:	R3
LOT AREA:	6,490sf (602.99sm)
LOT DEPTH:	118'-0" (35.97m)
LOT FRONTAGE:	55'-0" (16.76m)
BUILDING SETBACKS:	
FRONT:	35'-0 1/2" (10.68m)
SIDE (EAST):	11'-1" (3.37m)
SIDE (WEST):	4'-0 1/2" (1.23m)
REAR:	39'-7 1/2" (12.08m)
BUILDING AREA:	1,533 sf (142.43sm)
GROSS FLOOR AREA:	
GROUND FLOOR:	1,176sf (109.26sm)
SF EXISTING:	746sf (69.30sm)
SF ADDITION:	414sf (38.46sm)
TOTAL:	2,336sf (217.04)

SITE DATA

## Appendix B

File: 20.118266.000.00.MNV

Date: 09/10/20  
MM/DD/YY

04	18	JUN	20	SETBACK	RVSN.
03	28	MAY	20	PERMIT	RVSN.
02	12	MAR	20	PERMIT	
01	05	MAR	20	CLIENT	REVIEW
NO.	DATE	REASON FOR ISSUE			
DRAWN BY: AD		CHECKED BY: JSB			



PROJECT TITLE  
SECOND FLOOR ADDITION  
72 ROYAL ORCHARD BLVD.  
THORNHILL, ONTARIO  
PROJECT: 2005-01

JS BARMİ ARCHITECT

A 0 0 1

EXISTING SITE PLAN

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T: +1.416.745.0765  
E: JSB@LIVINGBOX.CA  
I: WWW.LIVINGBOX.CA

J  
I  
H  
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A 1  
1/8" = 1'-0"

EXISTING SITE PLAN

ROYAL ORCHARD BLVD.

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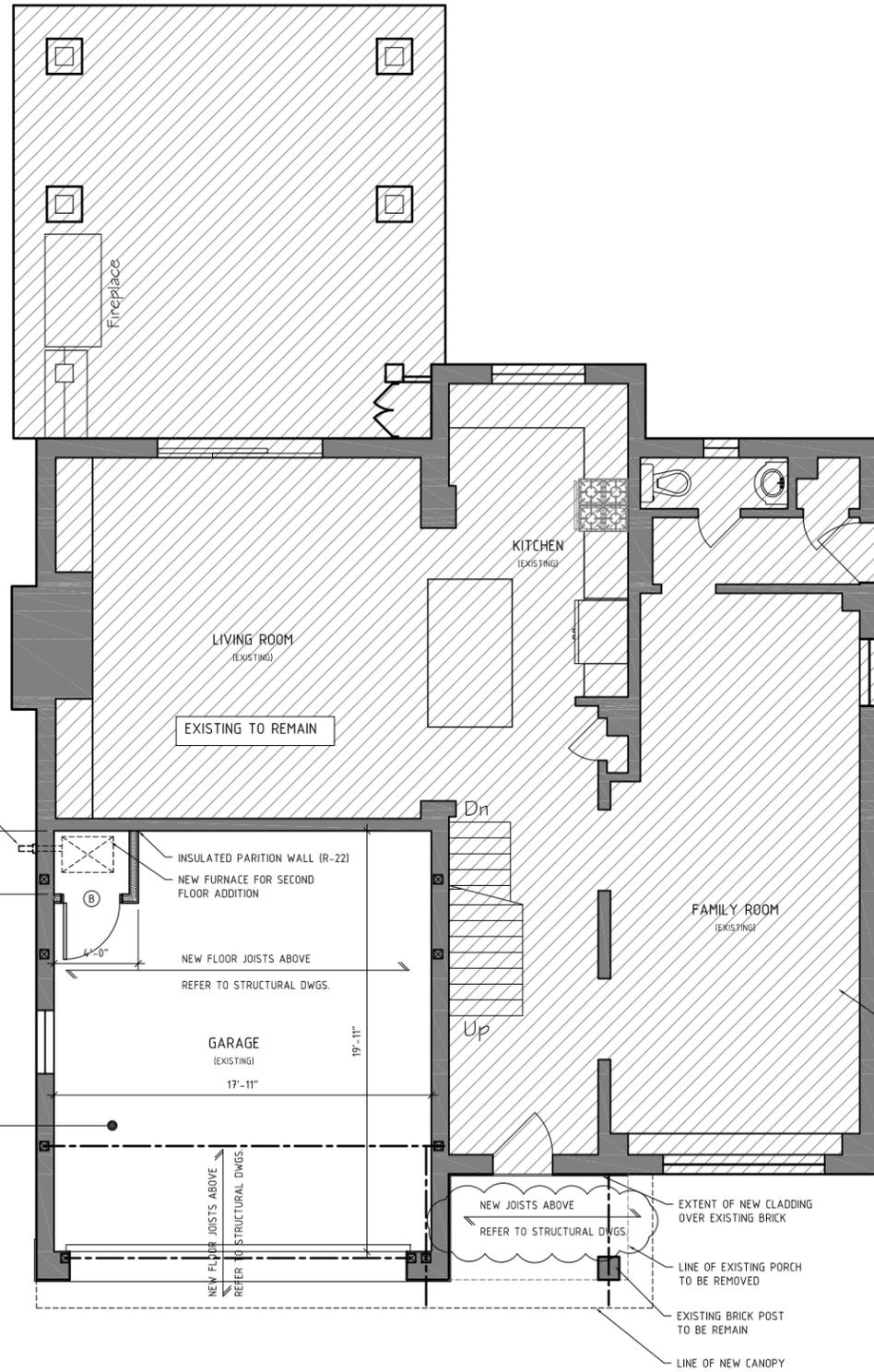
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# Appendix B

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Date: 09/10/20  
MM/DD/YY

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DOOR SCHEDULE		
ID	LOCATION	COMMENTS
A	INTERIOR (2'-4" wide)	POCKET DOOR
B	EXTERIOR (2'-8" wide)	INSULATED DOOR

DIRECT VENT FURNACE TERMINAL MIN. 36" (900mm) FROM GAS REGULATOR. MIN 12" (300mm) ABOVE FIN. GRADE, FROM ALL OPENINGS, EXHAUST & INTAKE VENTS. HRV INTAKE TO BE A MIN. 6'-0" (1830mm) FROM ALL EXHAUST TERMINALS. REFER TO GAS UTILIZATION CODE.

GARAGE CEILING  
-1/2" (12.7mm) GYPSUM BOARD  
-TAPE AND SEAL ALL JOINTS GAS TIGHT  
-R31 (RSI 5) INSULATION IN CEILINGS W/ FLOOR ABOVE  
-CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ OBC 9.25.3 & 9.25.4 FOR FLOOR ABOVE

ALTERATIONS OTHER THAN IN GARAGE ARE NOT PART OF THIS PERMIT

ALL DIMENSIONS TO BE VERIFIED ON SITE.

LEGEND	
	EXISTING WALLS TO REMAIN
	WALLS TO BE REMOVED
	PROPOSED GYP. BD. WALLS

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS PREPARED BY LASONNE ENGINEERING LTD.

04		
03	28 MAY 20	PERMIT RVSN.
02	12 MAR 20	PERMIT
01	05 MAR 20	CLIENT REVIEW
NO.	DATE	REASON FOR ISSUE
DRAWN BY: AD	CHECKED BY: JSB	



PROJECT TITLE  
SECOND FLOOR ADDITION  
72 ROYAL ORCHARD BLVD.  
THORNHILL, ONTARIO  
PROJECT: 2005-01

JS BARMİ ARCHITECT

**A 101**  
EXISTING FIRST FLOOR PLAN

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T: +1.416.745.0765  
E: JSB@LIVINGBOX.CA  
I: WWW.LIVINGBOX.CA

A 1 EXISTING FIRST FLOOR PLAN

1/8" = 1'-0"

1 2 3 4 5 6 7 8 9 10 11

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# Appendix B

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## FRAMING NOTES

- ALL WOOD FRAMING SHALL COMPLY TO REQUIREMENTS OF SECTION 9.23 O.B.C.
- ALL EXTERIOR AND INTERIOR LOAD BEARING WALLS SHOWN SHALL BE 2x6@16" o.c. c/w SILL PLATE AND DOUBLE TOP PLATE. PROVIDE 2x6 BLOCKING AT MIDHEIGHT FOR INTERIOR LOAD BEARING AND GARAGE WALLS.
- ALL BUILT UP WOOD POSTS TO BE CONTINUOUS TO FOUNDATION WALL OR SUPPORTING LINTEL. PROVIDE SQUASH BLOCKS BETWEEN JOISTS FOR CONTINUOUS SUPPORT AT POST LOCATIONS -SEE JOIST MANUFACTURER DETAILS.
- PROVIDE SOLID BLOCKING BETWEEN JOISTS AT ALL LOAD BEARING WALL LOCATIONS. PROVIDE DOUBLE JOIST UNDER NON-LOAD BEARING PARTITIONS ABOVE LOCATED IN PARALLEL TO DIRECTION OF JOISTS. PROVIDE CONTINUOUS ROW OF BLOCKING UNDER NON-LOAD BEARING PARTITIONS ABOVE LOCATED IN DIRECTION NON-PARALLEL TO DIRECTION OF JOISTS.
- ALL WOOD FRAMING SHALL BE S.P.F. No. 2 OR BETTER. ALL LVL BEAMS TO BE 206 MICROLAM LVL AND ALL FLOOR JOISTS SHALL BE T1 SERIES BY "4-LEVEL" OR EQUAL AND SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
- TYPICAL WOOD LINTEL OVER OPENINGS IN BEARING WALLS SHALL BE 3-2x4 U.N.O. 2-2x6 POSTS SHALL BE PROVIDED FOR WOOD LINTELS OVER OPENINGS SMALLER THAN 4'-0" AND 3-2x6 POSTS SHALL BE PROVIDED FOR LINTELS AND BEAMS OVER LARGER OPENINGS U.N.O.
- PROVIDE JOIST AND BUILT-UP WOOD BEAM METAL HANGERS FOR ALL FLUSH FRAMING AS PER CONNECTORS MANUFACTURER SPECIFICATIONS. ALL EXTERIOR CONNECTORS AND FASTENERS SHALL BE HOT DIP GALVANIZED.
- 3/4" T&G PLYWOOD SUBFLOOR SHALL BE GLUED AND SCREWED TO JOISTS.

## STUD WALL REINFORCEMENT O.B.C. 9.5.2.3 (1)

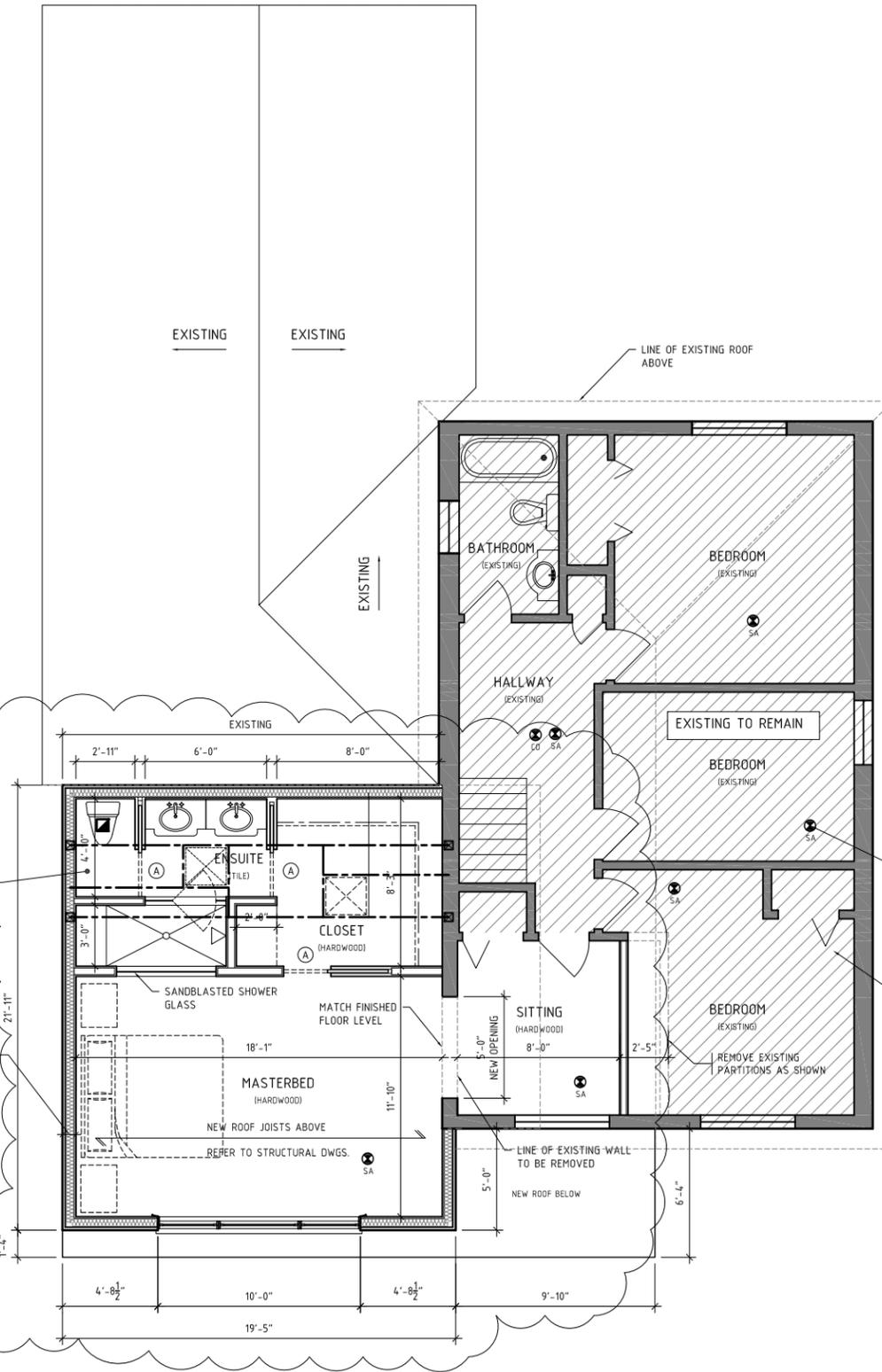
PROVIDE REINFORCEMENT TO PERMIT FUTURE INSTALLATION OF A GRAB BAR, ON THE WALL ADJACENT TO A WATER CLOSET ALONG THE SIDE AND BACK, AND ON THE WALL ADJACENT TO THE SIDE OF THE SHOWER IN MAIN BATHROOM

## TYP. STUCCO WALL CONSTRUCTION

2" EIFS (R-10)  
1/2" PLYWOOD  
2x6 K.D. #1 S.P.F. STUDS @ 16" O/C  
BATT INSULATION (R19 min.)  
"SUPER-SIX" CONT. POLY. VAP. BARRIER  
1/2" GYP. BOARD

## FLOOR AREA CALCULATION

EXISTING FLOOR AREA: 746 SF  
PROPOSED FLOOR AREA: 414 SF



## DOOR SCHEDULE

ID	LOCATION	SIZE (IMPERIAL)	COMMENTS
A	INTERIOR	(2'-4\"	POCKET DOOR
B	EXTERIOR	(2'-8\"	INSULATED DOOR

## SMOKE ALARMS (OBC 9.10.19.3)

SA ALL SMOKE ALARMS SHALL BE INTERCONNECTED AND HAVE VISUAL SIGNALLING COMPONENT CONFORMING TO THE REQUIREMENTS OF NATIONAL FIRE ALARM AND SIGNALING CODE.

CO CARBON MONOXIDE DETECTOR (OBC 9.33.4)

## EXHAUST FANS (OBC 9.32.1.3)

MECHANICAL EXHAUST FAN VENTED TO EXTERIOR, TYP. (9.32.1.3 (3))

## STUD WALL REINFORCEMENT O.B.C. 9.5.2.3 (1)

PROVIDE REINFORCEMENT TO PERMIT FUTURE INSTALLATION OF A GRAB BAR, ON THE WALL ADJACENT TO A WATER CLOSET ALONG THE SIDE AND BACK, AND ON THE WALL ADJACENT TO THE SIDE OF THE SHOWER IN MAIN BATHROOM

NEW INTERCONNECTED SMOKE ALARMS TYP.

HATCH DENOTES EXISTING TO REMAIN

ALL DIMENSIONS TO BE VERIFIED ON SITE.

## LEGEND

- EXISTING WALLS TO REMAIN
- WALLS TO BE REMOVED
- PROPOSED GYP. BD. WALLS

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS PREPARED BY LASONNE ENGINEERING LTD.

04			
03	28	MAY 20	PERMIT RVSN.
02	12	MAR 20	PERMIT
01	05	MAR 20	CLIENT REVIEW
NO.	DATE	REASON FOR ISSUE	
DRAWN BY: AD	CHECKED BY: JSB		

STAMP



PROJECT TITLE  
SECOND FLOOR ADDITION  
72 ROYAL ORCHARD BLVD.  
THORNHILL, ONTARIO  
PROJECT: 2005-01

JS BARMİ ARCHITECT

# A 102

PROPOSED SECOND FLOOR  
ADDITION

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T: +1.416.745.0765  
E: JSB@LIVINGBOX.CA  
I: WWW.LIVINGBOX.CA

A 1

PROPOSED SECOND FLOOR ADDITION

1/8" = 1'-0"

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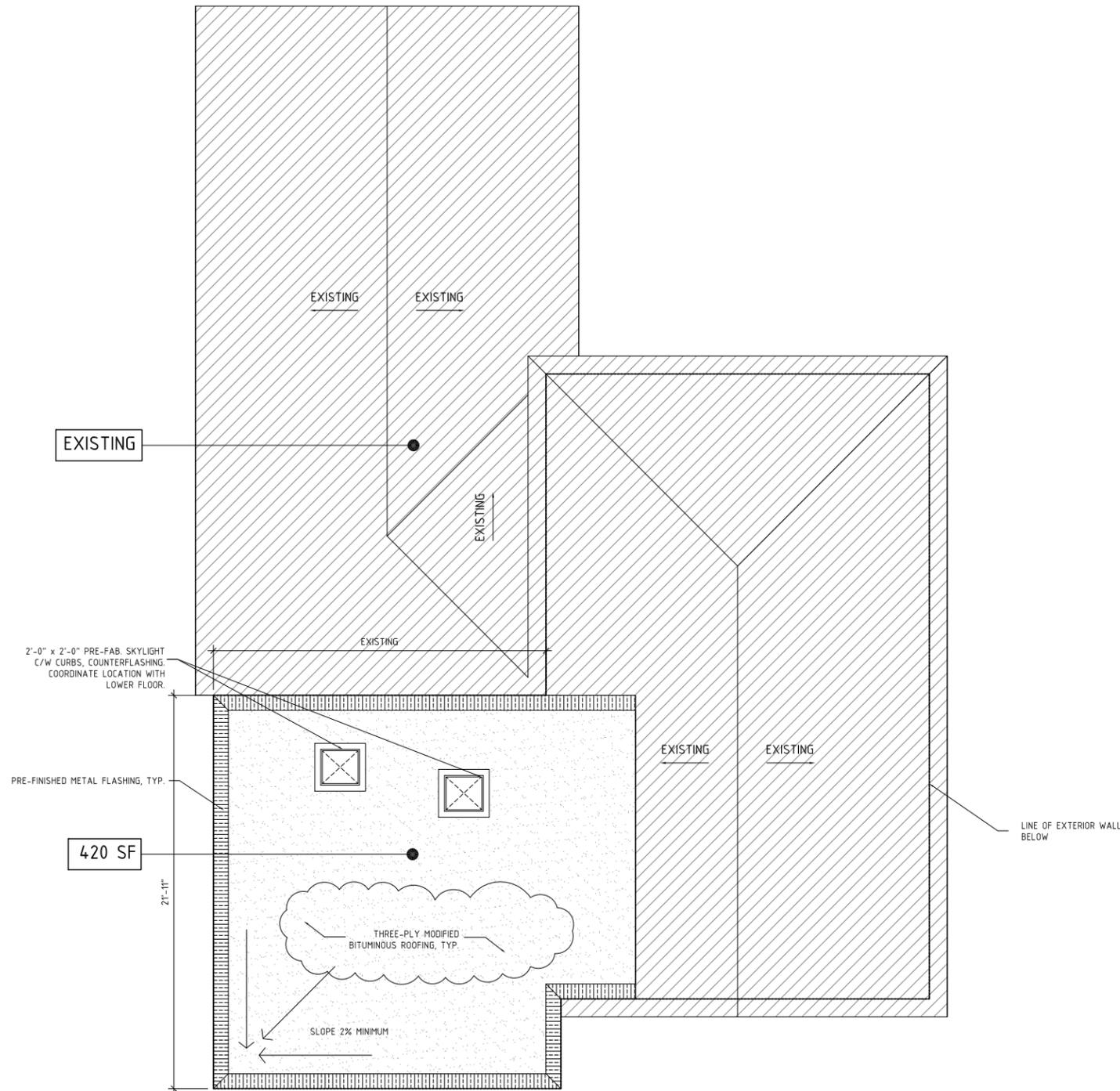
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# Appendix B

File: 20.118266.000.00.MNV

Date: 09/10/20  
MM/DD/YY



- GENERAL NOTES (TYP.):**
- ENGINEERED DRAWINGS TO BE SUBMITTED TO THE ARCHITECT, STRUCTURAL ENGINEER AND CITY FOR APPROVAL.
  - COORDINATE THAT ALL ROOF LOADS ARE TRANSFERRED TO THE FOOTINGS USING EXTERIOR STUD WALLS ONLY.
  - ALL GIRDER TRUSS LOCATIONS AND ROOF LVL'S INDICATED ON THE DRAWINGS ARE ASSUMED LOCATIONS ONLY. ROOF TRUSS MANUFACTURER TO VERIFY, DESIGN AND REVISE AS REQUIRED TO SUIT ROOF ENGINEERING.
  - ROOF ENGINEER TO ENSURE THAT ALL LOADS ARE SUITABLY TRANSFERRED.

- ROOFING NOTES:**
- PROVIDE R-31 SPRAY FOAM INSULATION IN SECOND FLOOR CEILING.

04		
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72 ROYAL ORCHARD BLVD.  
THORNHILL, ONTARIO  
PROJECT: 2005-01

JS BARMİ ARCHITECT

**A 103**  
PROPOSED ROOF PLAN

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T: +1.416.745.0765  
E: JSB@LIVINGBOX.CA  
I: WWW.LIVINGBOX.CA

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS PREPARED BY LASONNE ENGINEERING LTD.

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A 1  
1/8" = 1'-0"

PROPOSED ROOF PLAN

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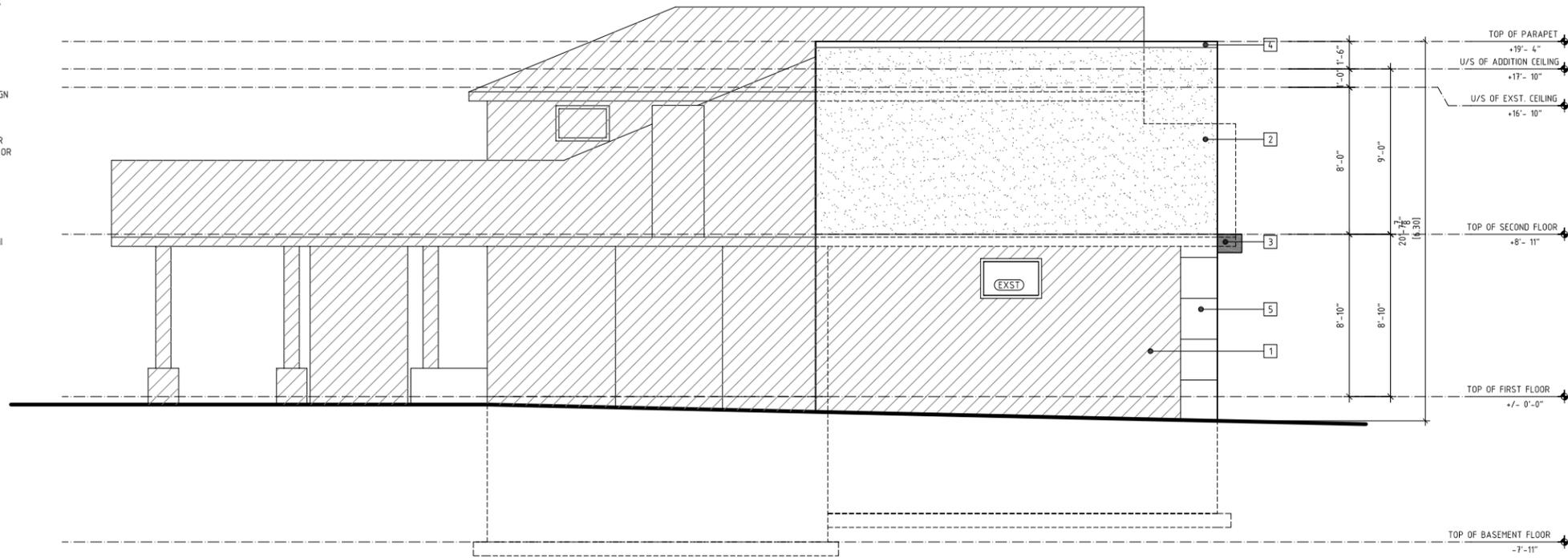
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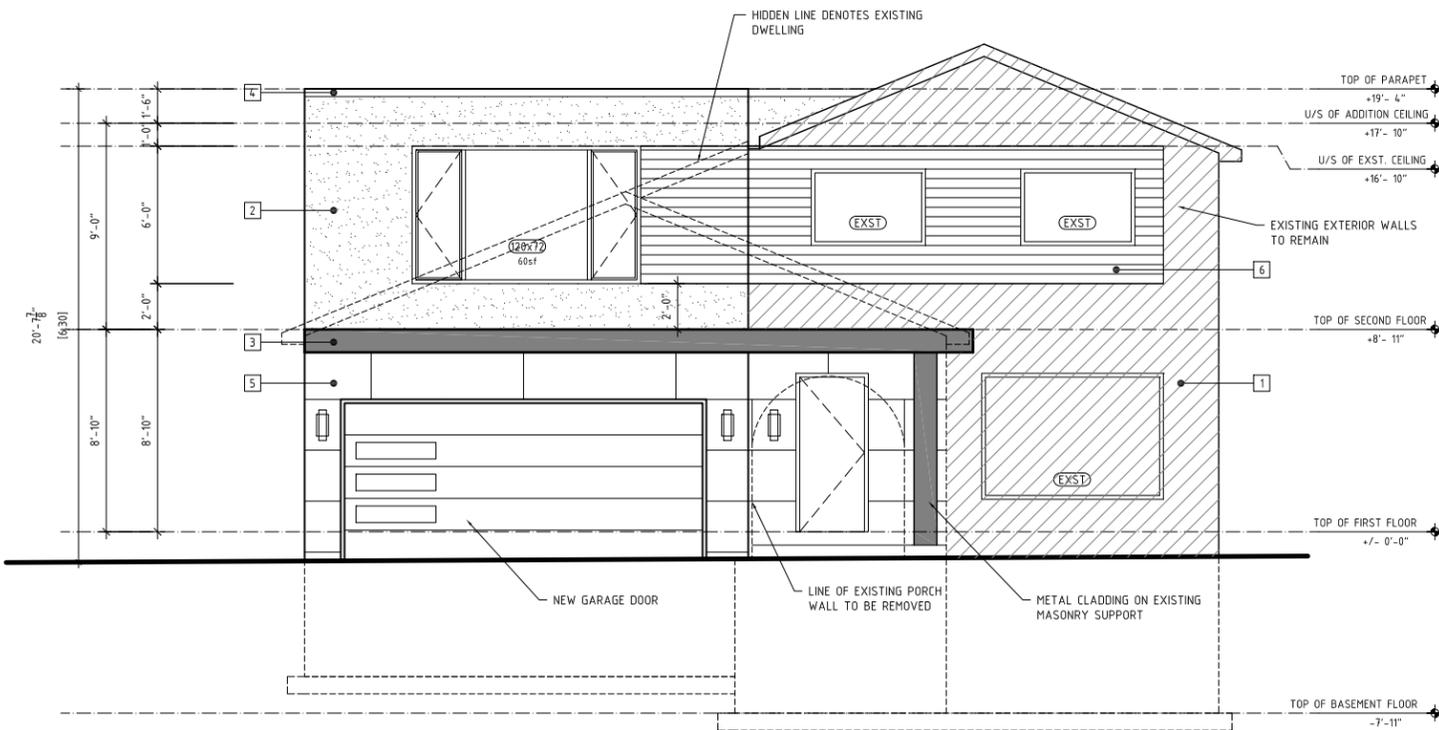
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F 1 PROPOSED WEST ELEVATION

1/8" = 1'-0"



ELEVATION NOTES

- 1 EXISTING BRICK TO REMAIN
- 2 EIFS, TYPICAL (TEXTURE TO BE DETERMINED LATER)
- 3 PRE-FINISHED METAL PANEL AND WOOD SOFFIT
- 4 ALUMINUM CAP FLASHING, TYP.
- 5 NEW EXTERIOR BOARD OVER EXISTING BRICK, TYP.
- 5 NEW WOOD SIDING, TYP.

EIFS TO BE DUROCK 2" PUCCS INSULATION SYSTEM (CCMC 12969-R). REFER TO ATTACHED SPECIFICATIONS.

A 1 PROPOSED FRONT ELEVATION

1/8" = 1'-0"

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PROJECT TITLE  
SECOND FLOOR ADDITION  
72 ROYAL ORCHARD BLVD.  
THORNHILL, ONTARIO  
PROJECT: 2005-01

JS BARMİ ARCHITECT

A 2 0 0  
PROPOSED WEST ELEVATION  
PROPOSED FRONT ELEVATION

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T: +1.416.745.0765  
E: JSB@LIVINGBOX.CA  
I: WWW.LIVINGBOX.CA

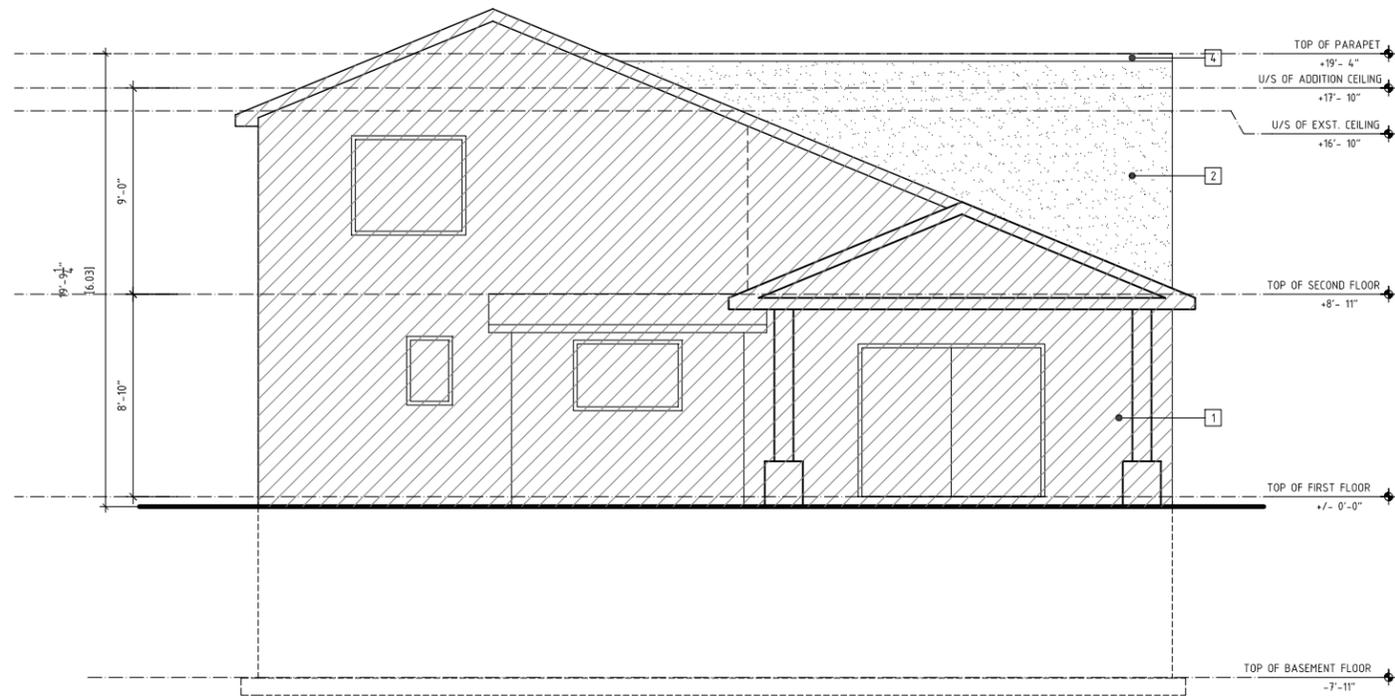
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**ELEVATION NOTES**

- 1 EXISTING BRICK TO REMAIN
- 2 EIFS, TYPICAL (TEXTURE TO BE DETERMINED LATER)
- 3 PRE-FINISHED METAL PANEL AND WOOD SOFFIT
- 4 ALUMINUM CAP FLASHING, TYP.
- 5 NEW EXTERIOR BOARD OVER EXISTING BRICK, TYP.
- 5 NEW WOOD SIDING

EIFS TO BE DUROCK 2" PUCCS INSULATION SYSTEM (CCMC 12969-R). REFER TO ATTACHED SPECIFICATIONS.

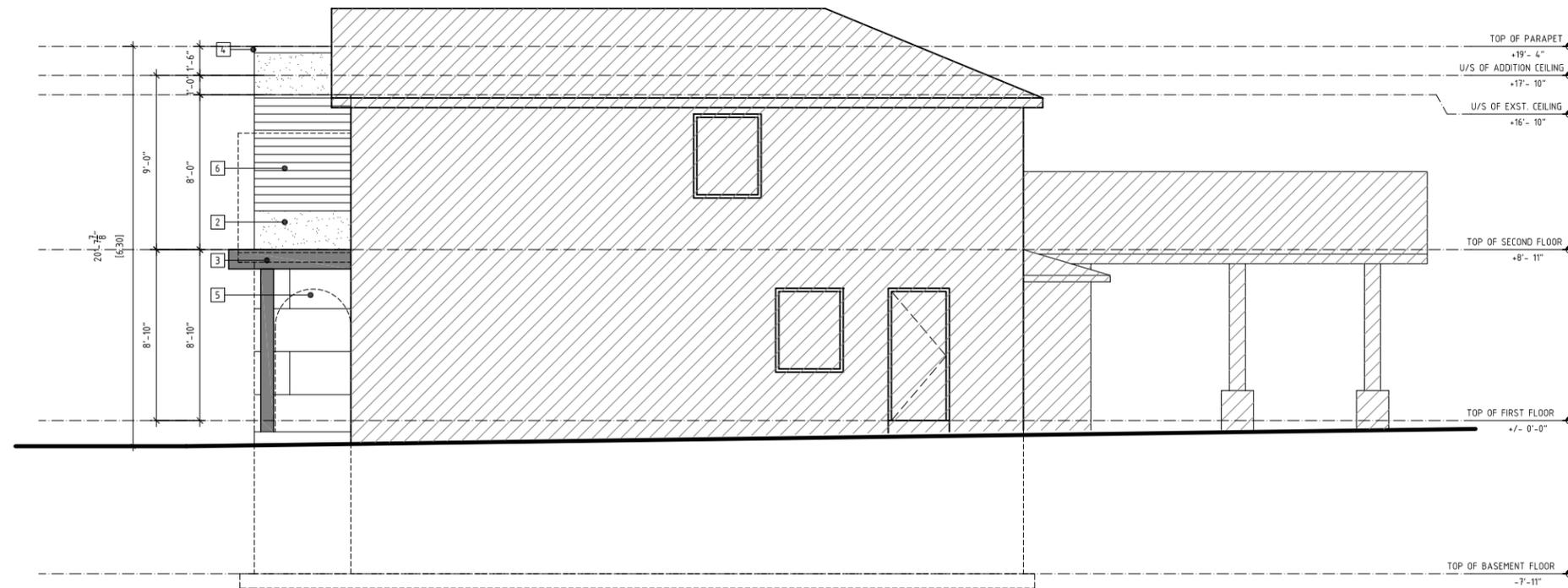
**Appendix B**

File: 20.118266.000.00.MNV

Date: 09/10/20  
MM/DD/YY

**F 1** PROPOSED NORTH ELEVATION

1/8" = 1'-0"



**A 1** PROPOSED EAST ELEVATION

1/8" = 1'-0"

04		
03	28 MAY 20	PERMIT RVSN.
02	12 MAR 20	PERMIT
01	05 MAR 20	CLIENT REVIEW
NO.	DATE	REASON FOR ISSUE
DRAWN BY: AD	CHECKED BY: JSB	



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PROPOSED NORTH ELEVATION  
PROPOSED EAST ELEVATION

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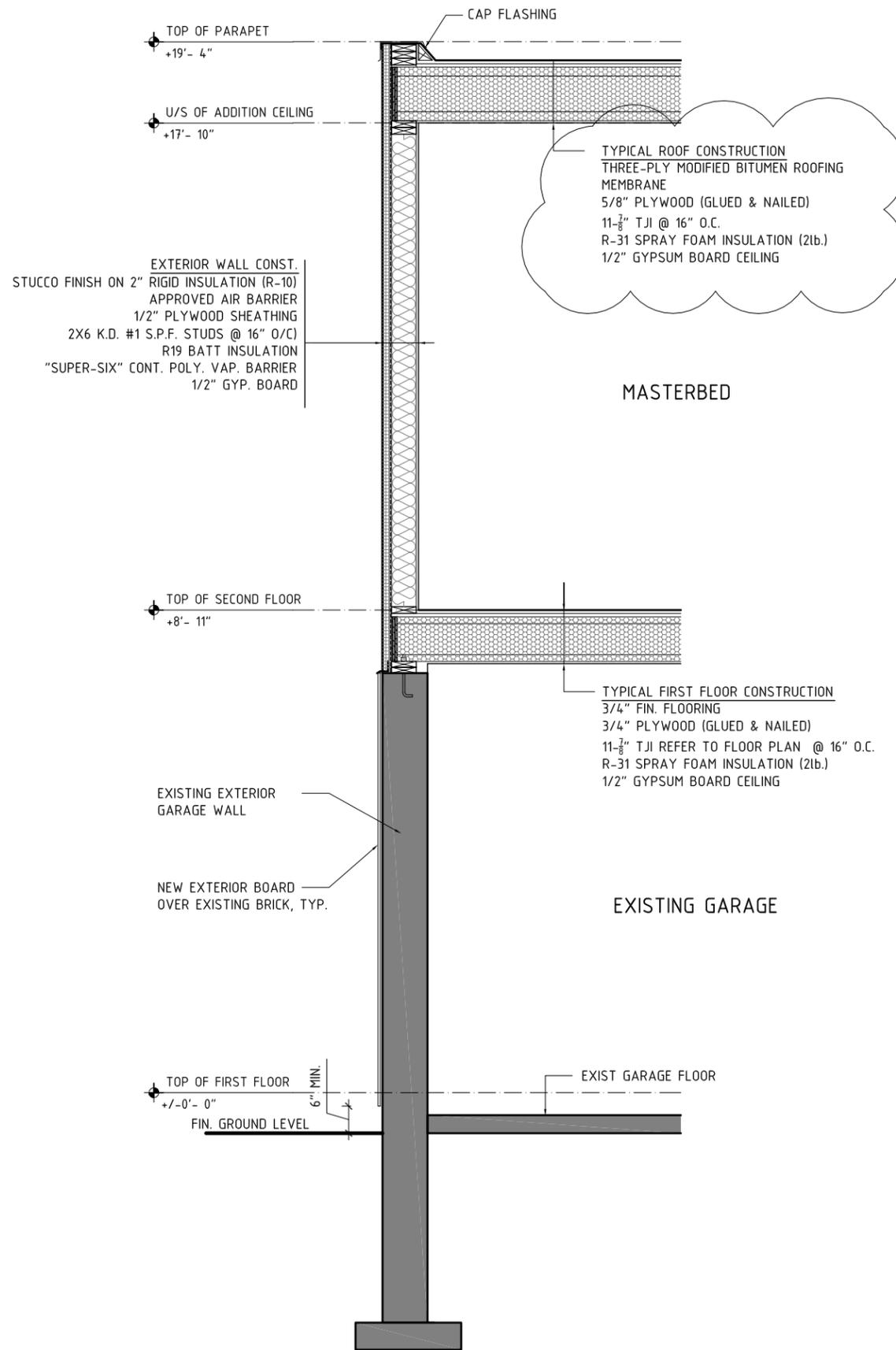
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A300

WALL SECTION

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I: WWW.LIVINGBOX.CA

**A 1**  
WALL SECTION  
3/8" = 1'-0"

1	2	3	4	5	6	7	8	9	10	11
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