

Memorandum to the City of Markham Committee of Adjustment

September 5, 2023

File: A/145/23
Address: 2 Foxleigh Court, Markham
Applicant: Gary Grewal
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, September 13, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the following “Sixth Density Single Detached Residential (R6)” zone requirements of By-law 90-81, as amended, as it relates to an existing roof above a walk-up set of stairs. The variance requested is to permit:

a) By-law 90-81, Section 6.1.2 (b):

a 0.58 metre interior side yard setback, whereas the By-law requires an interior side yard setback of 1.2 metres.

BACKGROUND

Property Description

The 700.77 m² (7,543.03 ft²) subject lands (the “Subject Lands”) are located on the north side of Foxleigh Court, east of Perdue Court, and south of Lee Avenue (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing 216.36 m² (2,328.88 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 1987, according to assessment records. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The Owner constructed a new roof over a set of walk-up stairs to the basement, and under the provisions of the by-law it is in non-compliance with the zoning, as shown in Appendix “B”.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Planning staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

Zoning By-Law 90-81 as amended

The Subject Lands are zoned “Sixth Density Single Detached Residential (R6)” under By-law 90-81, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the interior side yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on April 20, 2023 to confirm the variances 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:

- 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Reduced Side Yard Setback

The Applicant is requesting relief to permit a side yard setback of 1.90 feet (0.58 metres) whereas the By-law requires a minimum side yard setback of 3.94 feet (1.2 metres). This requested variance is entirely attributable to the existing roof above a walk-up set of stairs. This is a reduction of 2.04 feet (0.62 metres). The existing garage and dwelling complies with the side yard setback requirement of 3.94 feet (1.20 metres).

The requested variance is required to permit a setback of 1.90 feet (0.58 metres) for the roof above a basement walk-up stairs. The intent of having a side yard setback requirements for both one-storey and two-storey portions of a building is to provide for:

- adequate spacing between homes; and
- massing elements as the building height increases.

Staff are of the opinion that the reduced side yard setback will not have an adverse impact on the abutting property at 4 Foxleigh Court and have no objection to the variance.

Engineering Comments

Engineering staff have commented that the Applicant is to ensure a minimum of 0.6 metre undisturbed strip shall be maintained along all sides and rear property boundaries, ensuring the capacity, alignment, and drainage of boundary swales shall not adversely affect abutting properties, as per the City of Markham's Design Criteria - Section F.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 6, 2023. 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 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 zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



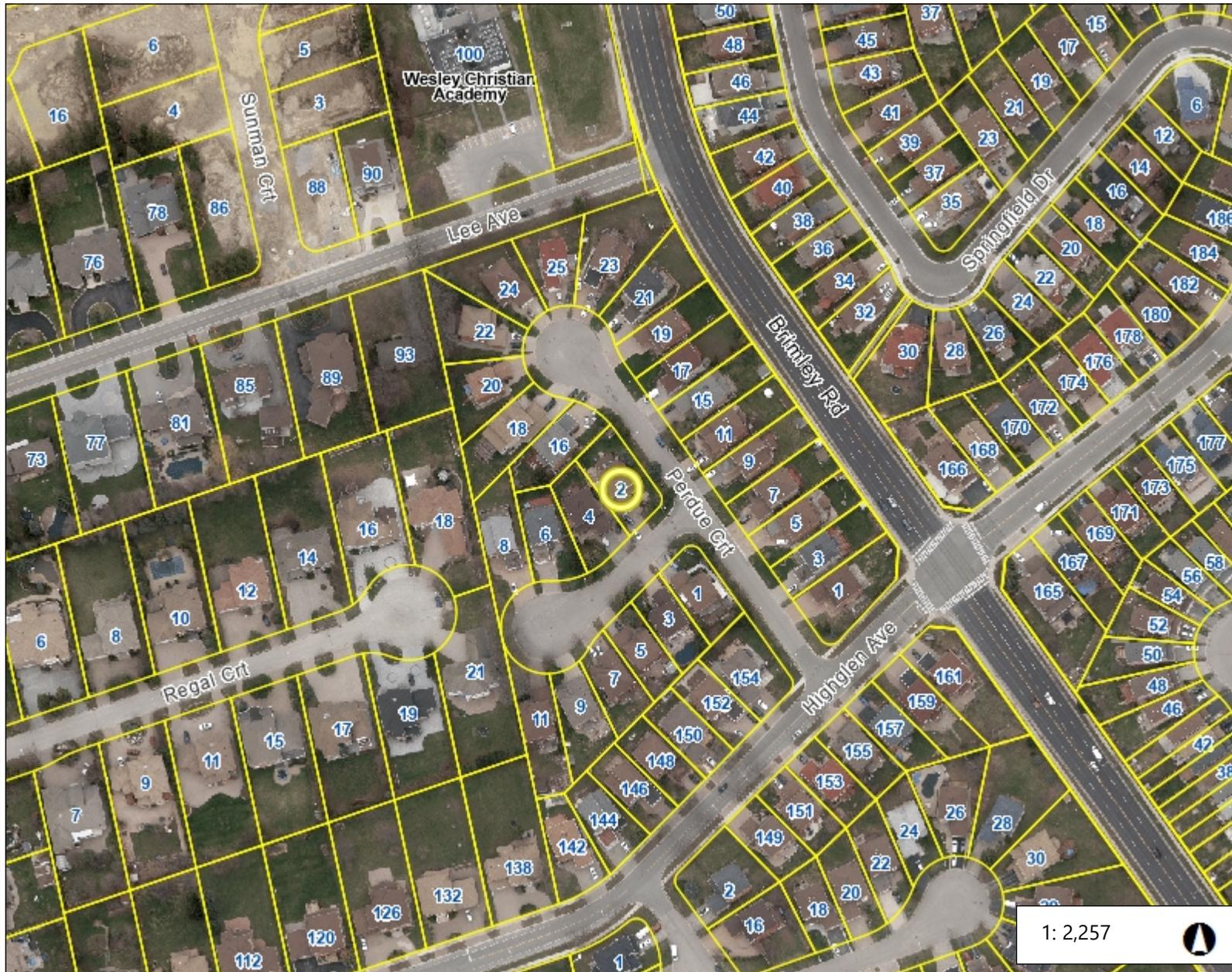
Deanna Schlosser, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/145/23 Conditions of Approval



Legend

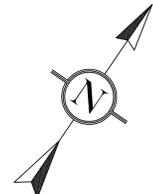
Subject Lands

1: 2,257



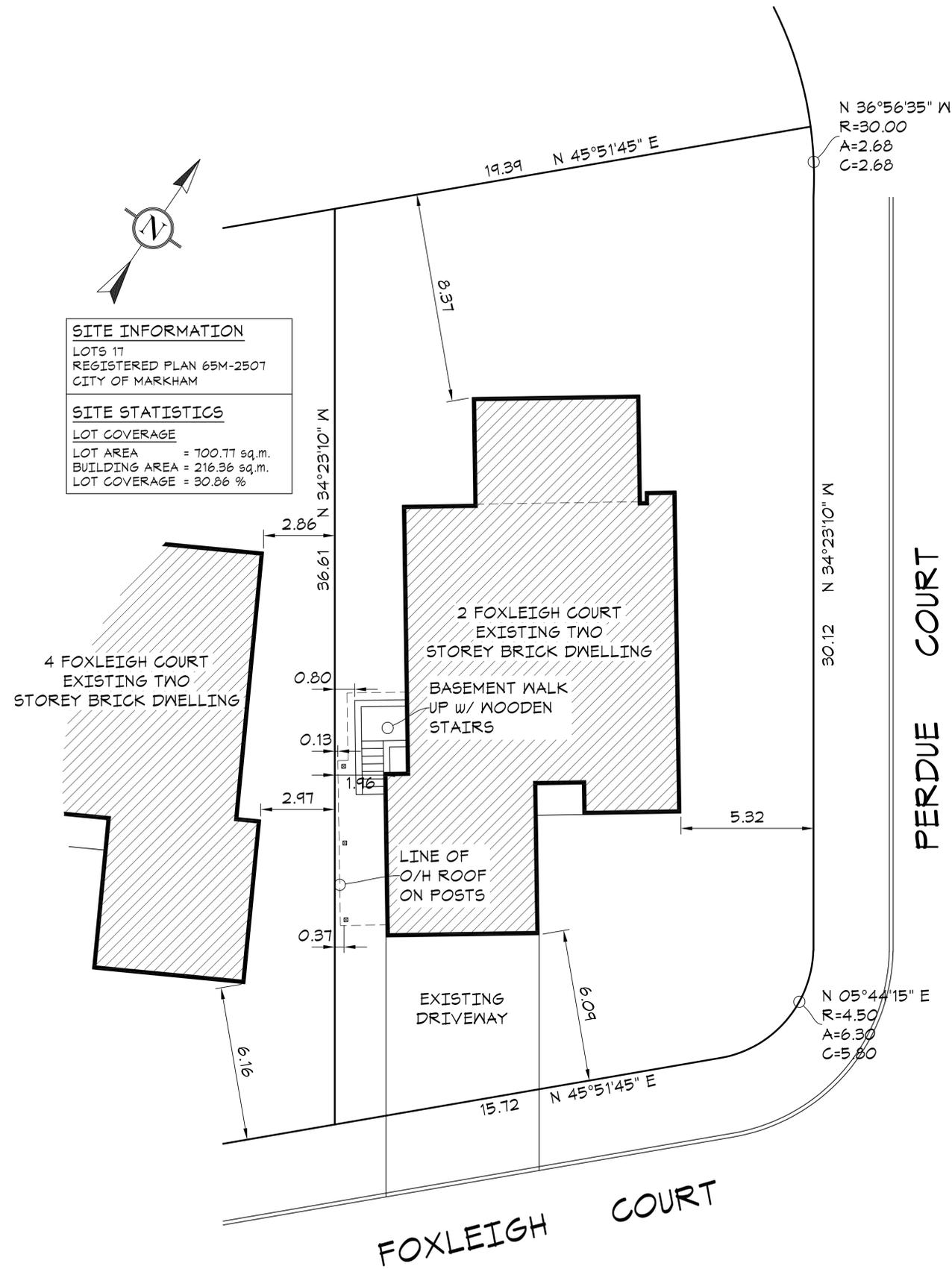
114.7 0 57.33 114.7 Meters

Notes



SITE INFORMATION
 LOTS 17
 REGISTERED PLAN 65M-2507
 CITY OF MARKHAM

SITE STATISTICS
LOT COVERAGE
 LOT AREA = 700.77 sq.m.
 BUILDING AREA = 216.36 sq.m.
 LOT COVERAGE = 30.86 %



GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506

Russ Gregory
 NAME SIGNATURE

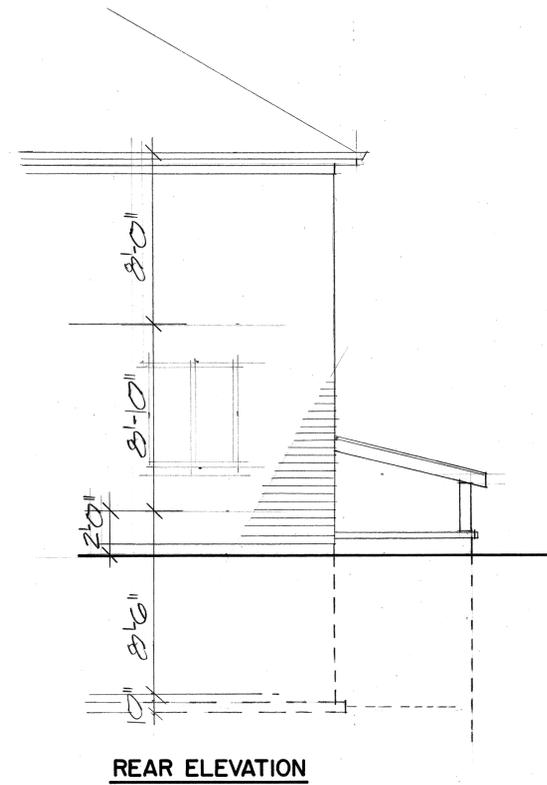
PROJECT TITLE

**SITE PLAN
 2 FOXLEIGH COURT
 CITY OF MARKHAM**

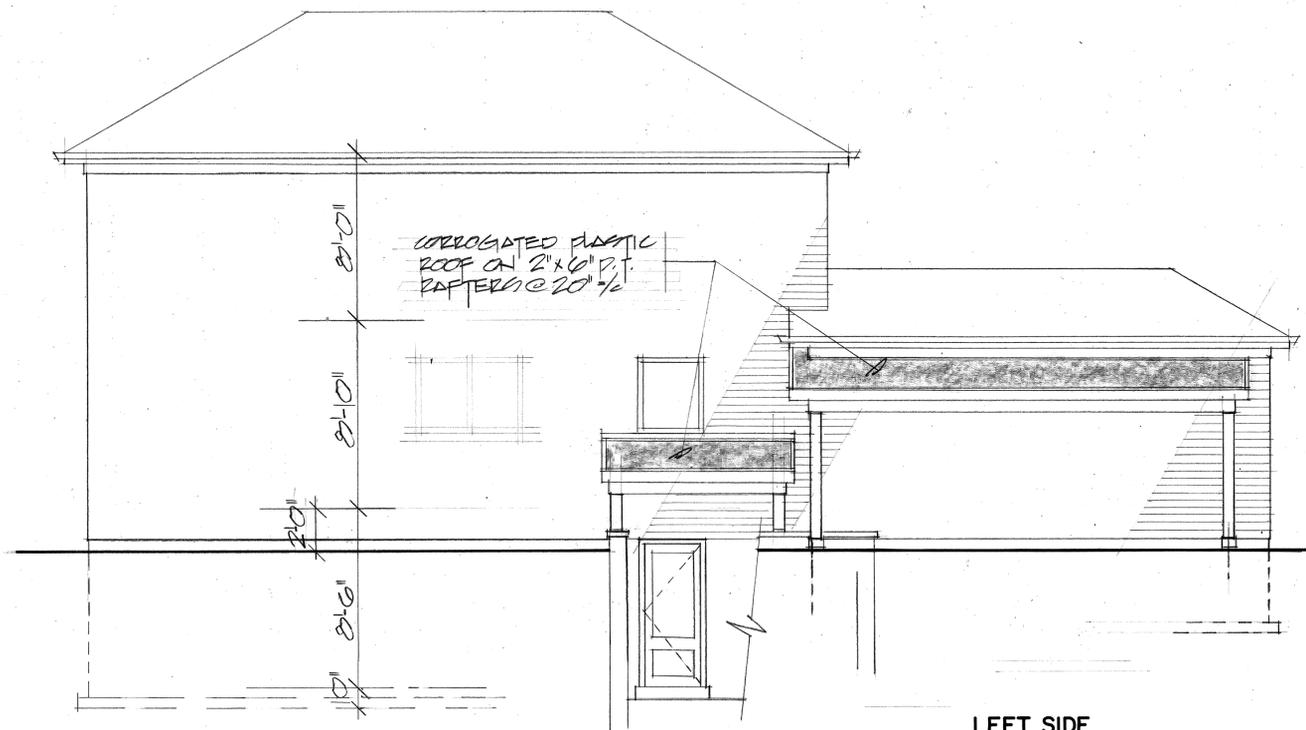
**THE GREGORY
 DESIGN GROUP**

16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

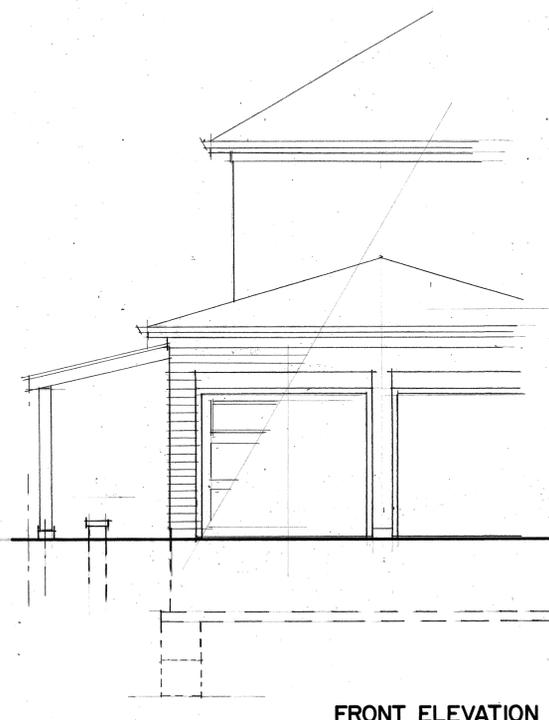
SCALE 1:100	DATE 04/26/23
PROJECT NUMBER 2431-23	SHEET NUMBER SP-1
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR ELEVATION



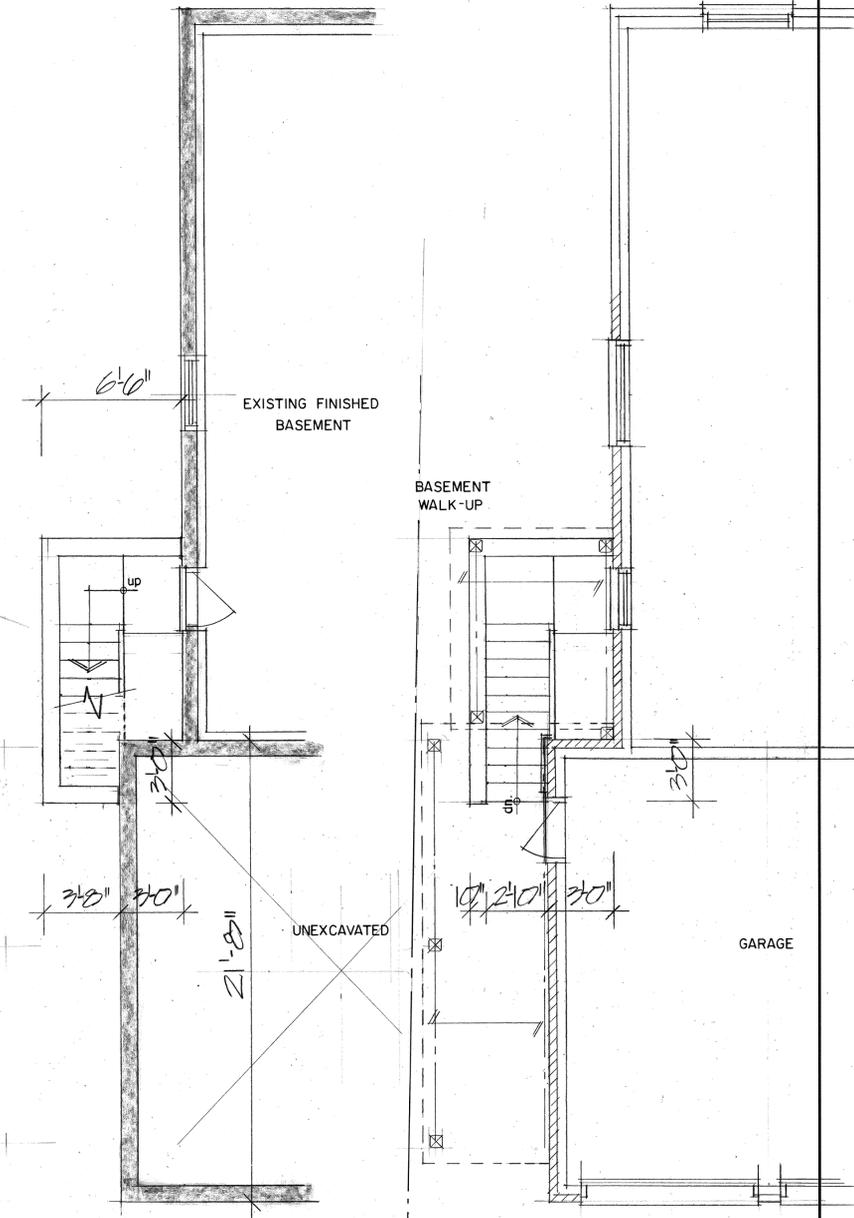
LEFT SIDE



FRONT ELEVATION

WEST LOT LINE

12'-0"



BASEMENT

GROUND FLOOR

PROJECT:
**BASEMENT WALK-UP
 THE GREWAL RESIDENCE**
 2 FOXLEIGH CT.
 CITY OF MARKHAM

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C. of the Building Code. I am qualified, and the firm registered, in the appropriate classification categories.

INDIVIDUAL B.C.I.N. - 25625
 FIRM B.C.I.N. - 30606

Russ Gregory
 NAME SIGNATURE
 1/4"=1'-0"

THE GREGORY DESIGN GROUP
 16 CHURCH STREET
 MARKHAM, ONTARIO, L3P 2L6
 (416) 720-4667
 russ@gregorydesigngroup.net

GENERAL NOTES:
 All construction is to conform to section "B" of the Ontario Building Code (latest edition).
 Contractor shall check and verify all notes and dimensions.
 Do not scale drawings.
 Owner/contractor designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing.
 These drawings are the property of the Gregory Design Group and/or its clients only.
 Building permits should be obtained prior to commencing construction.

PROJECT NO.:
 2431-23
 DRAWING NO.:
A-1

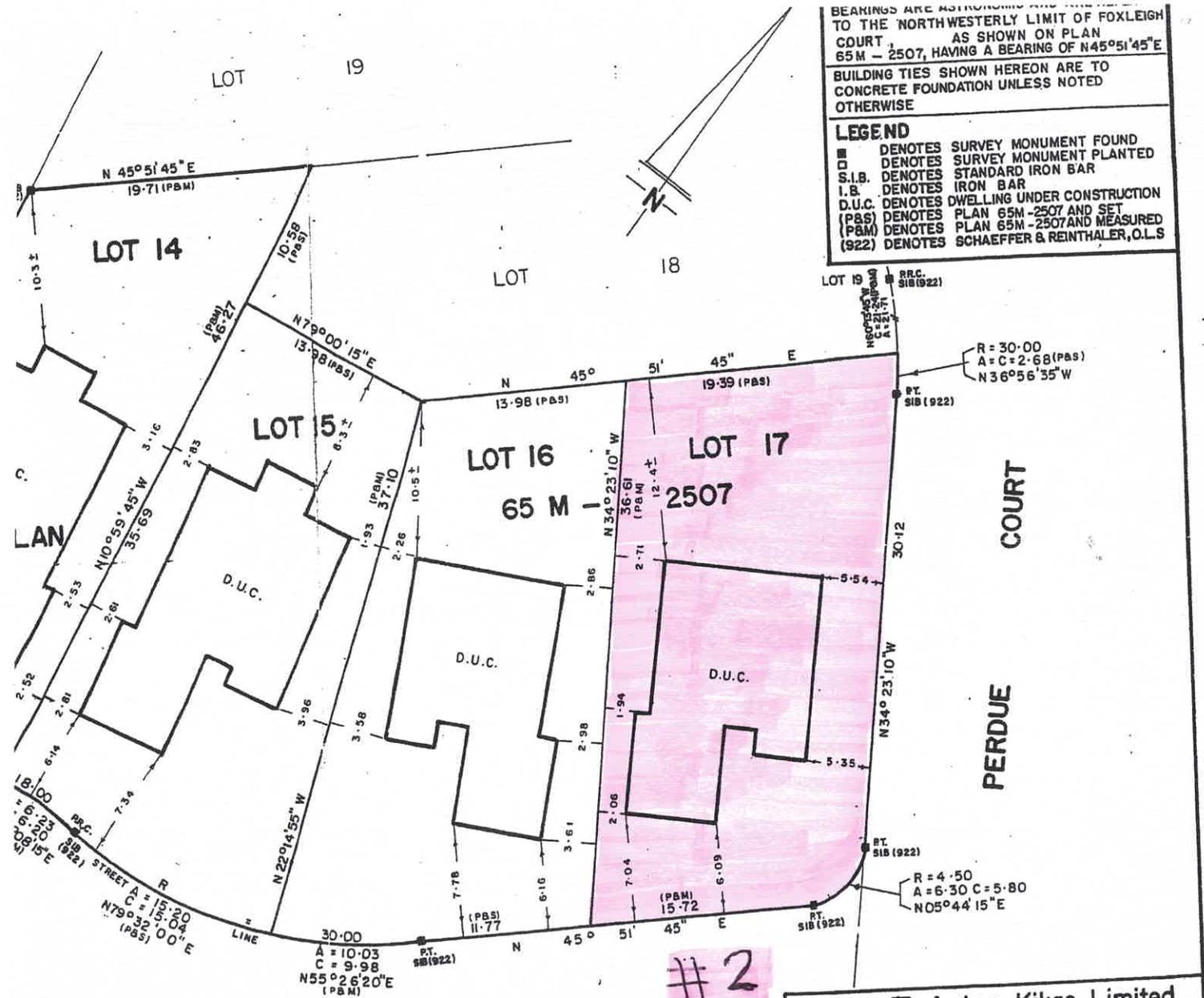
DRAWN:
 R. GREGORY
 DATE:

SCALE:
 1/4"=1'-0"

PROJECT NO.:
 2431-23
 DRAWING NO.:
A-1

BEARINGS ARE ASTROLOGICAL AND TIE TO THE NORTHWESTERLY LIMIT OF FOXLEIGH COURT, AS SHOWN ON PLAN 65 M - 2507, HAVING A BEARING OF N45°51'45"E
 BUILDING TIES SHOWN HEREON ARE TO CONCRETE FOUNDATION UNLESS NOTED OTHERWISE

LEGEND
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT PLANTED
 S.I.B. DENOTES STANDARD IRON BAR
 I.B. DENOTES IRON BAR
 D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
 (P&S) DENOTES PLAN 65M-2507 AND SET
 (P&M) DENOTES PLAN 65M-2507 AND MEASURED
 (922) DENOTES SCHAEFFER & REINTHALER, O.L.S



2

AK Anton Kikas Limited
 Consulting Engineers
 Ontario Land Surveyors - Planners
 168, BRIDGELAND AV. TORONTO, M5A 1Z4, TEL. 7870303

DRAWN BY : A.N. JOB N^o 87-31-6
 CHECKED BY : J.B.

FOXLEIGH COURT

COURT

PERDUE COURT

LAN

LOT 19

LOT 14

LOT 18

LOT 5

LOT 16

LOT 17

D.U.C.

D.U.C.

D.U.C.

N 45° 51' 45" E
 13.98 (P&S)

N 79° 00' 15" E
 13.98 (P&S)

N 45° 51' 45" E
 19.71 (P&M)

N 79° 32' 00" E
 15.04 (P&S)
 A = 15.20
 C = 15.04

N 55° 26' 20" E
 30.00
 A = 10.03
 C = 9.98
 (P&M)

R = 4.50
 A = 6.30 C = 5.80
 N 05° 44' 15" E

R = 30.00
 A = C = 2.68 (P&S)
 N 36° 56' 35" W

R.R.C. 518 (922)

R.T. 518 (922)

P.T. 518 (922)

P.T. 518 (922)

R.R.C. 518 (922)
 N 34° 23' 10" W
 30.12

N 34° 23' 10" W
 30.12

10.32

2.52

2.53

2.53

2.52

6.23

6.23

6.23

6.23

6.23

(P&M) 46.27

(P&M) 37.10

(P&M) 46.27

(P&M) 37.10

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APPENDIX “C” – A/145/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/145/23

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies 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.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office