

# Memorandum to the City of Markham Committee of Adjustment

May 17, 2023

**File:** A/223/22  
**Address:** 78 Wootten Way North, Markham  
**Applicant:** Cantam Group LTD. (Yaso Somalingam)  
**Agent:** Cantam Group LTD. (Yaso Somalingam)  
**Hearing Date:** Wednesday, May 31, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) Amending By-law 99-90, Section 1.2 (vi):**

a maximum floor area ratio of 50.47 percent, whereas the By-law permits a maximum floor area ratio of 45 percent, and

**b) Amending By-law 99-90, Section 1.2 (i):**

a maximum height of 10.24 metres, whereas the By-law permits a maximum height of 9.80 metres.

## BACKGROUND

### Property Description

The 764.10 m<sup>2</sup> (8,224.70 ft<sup>2</sup>) subject property is located at the north west corner of Wootten Way North and Sir Tristram Place, north of Highway 7 and west of Ninth Line. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property currently contains a one-storey detached dwelling with an attached garage. Mature vegetation exists on the property including two large mature trees in the exterior side yard as well as trees in the rear yard.

### Proposal

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two car garage. The proposed dwelling will have an approximate gross floor area of 347.55 m<sup>2</sup> (3,740.99 ft<sup>2</sup>).

The applicant is requesting variances to the floor area ratio and building height to facilitate the construction of the new two-storey detached dwelling.

### 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 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, and the width of proposed garages and driveways.

#### Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

#### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to floor area and maximum building height.

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

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 May 10, 2023. 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.

#### **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.

#### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 50.47 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 347.55 m<sup>2</sup> (3,740.99 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 309.88 m<sup>2</sup> (3,335.520 ft<sup>2</sup>). This represents an increase of approximately 37.67 m<sup>2</sup> (405.47 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. The proposed lot

coverage is also approximately 10% less than the maximum allowance to prevent overdevelopment of the site. Staff are of the opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.24 m (33.59 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.44 m (1.44 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 1.86 m (6.10 ft) above the crown of road. Staff are of the opinion that the proposed building height is a minor deviation from the by-law requirement and will not negatively affect the streetscape.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 17, 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.

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

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Carlson Tsang, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/223/22**

1. The variances apply only to the proposed development for 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 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.

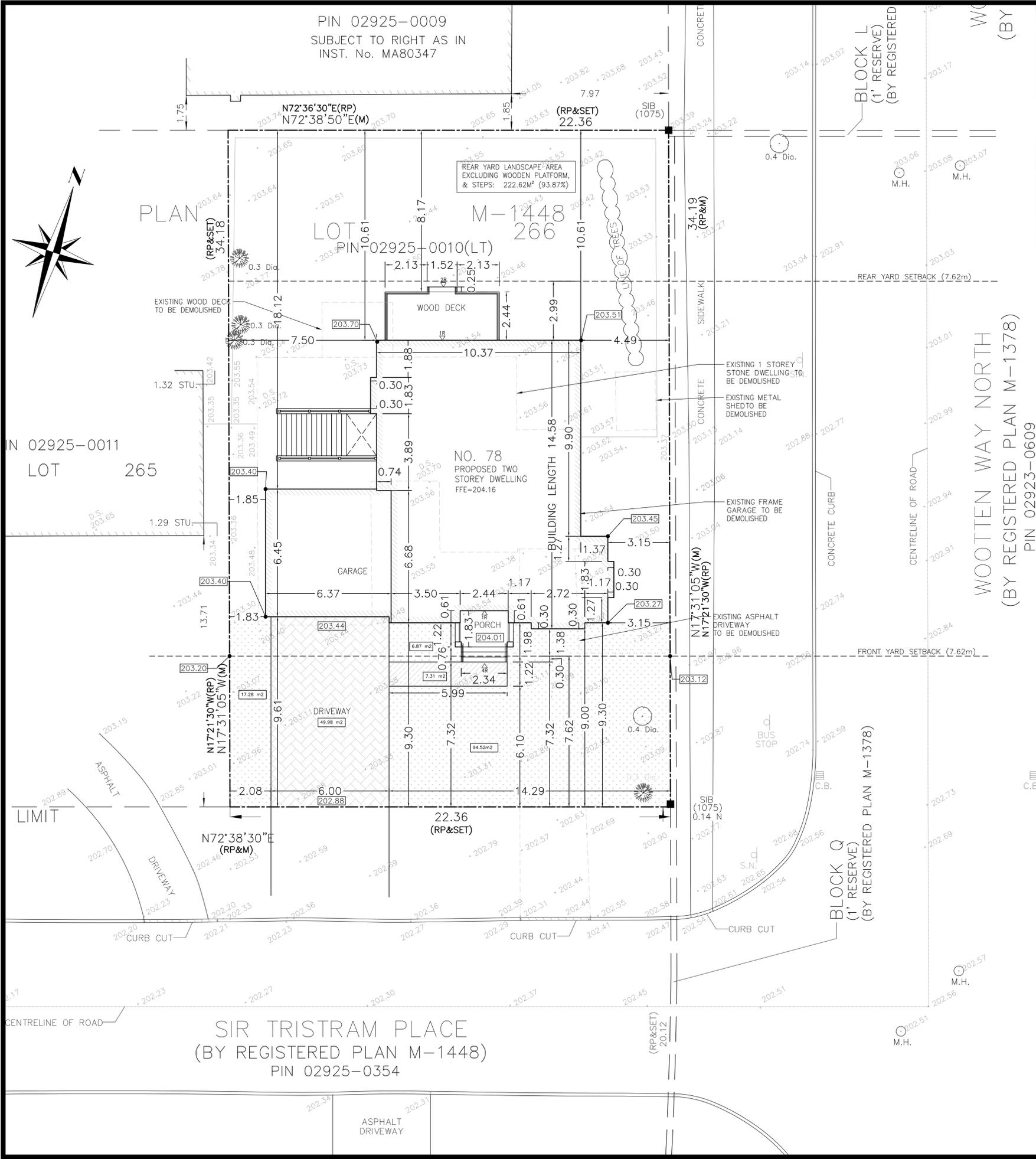
CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

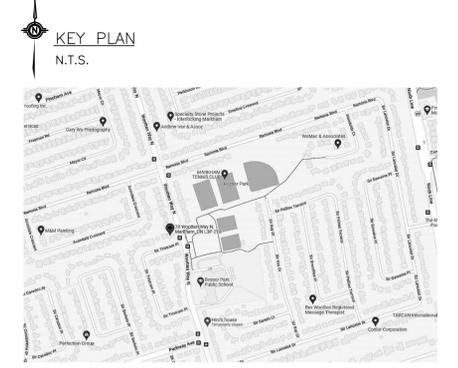
**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1 – PLAN OF SURVEY OF  
 REGISTERED PLAN M-1448  
 CITY OF MARKHAM LOT 266  
 REGIONAL MUNICIPALITY OF YORK  
 METRIC  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048



SITE DATA: 78 WOOTTEN WAY NORTH, MARKHAM - ON

NEW ZONING CITY OF MARKHAM : R1 RESIDENTIAL By-law 1229 AS AMENDED BY 99-90

	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	764.12 sq. m.	
MIN. LOT FRONTAGE:	18.28 m	22.36 m	
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		190.52 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		157.03 sq. m.	
TOTAL GROSS FLOOR AREA =	309.88 sq. m.	347.55 sq. m.	
GROSS FLOOR AREA %:	45.00 %	50.47%	C.O.A REQ
BUILDING FOOTPRINT AREA INCLUDING GARAGE:		190.52 sq. m.	
BUILDING FOOTPRINT AREA %:	35.00 %	24.93 %	
MIN. FRONT YARD SETBACK	7.62 m	9.00 m	
MIN. SIDE YARD RIGHT SIDE (FACING STREET)	3.05 m	3.15 m	
MIN. SIDE YARD LEFT SIDE	1.82 m	1.83 m	
MIN. REAR YARD SETBACK:	7.62 m	10.61 m	
MAX. DWELLING UNIT LENGTH	16.80 m	14.58 m	
MAXIMUM HEIGHT - FROM CROWN OF ROAD TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	10.24 m	C.O.A REQ



NO.	REVISIONS	DATE
4	REVISED HEIGHT AS PER PLANNING	05/09/2023
3	ISSUED FOR COA	10/13/2022
2	REVISED AS PER CITY COMMENTS	10/11/2022
1	ISSUED FOR ZONING CERTIFICATE	08/24/2022

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

78 WOOTTEN WAY N.

LANDSCAPE CALCULATION FOR FRONT YARD

ITEM	DESCRIPTION	AREA (SQ. M.)	AREA (SQ. FT.)
A	TOTAL FRONT YARD =	206.07	2218.117
B	DRIVEWAY AREA =	57.63	620.3236
C	LANDSCAPE AREA =	148.44	1597.793
D	% OF TOTAL FRONT YARD =		72.03 %
E	HARD LANDSCAPE AREA =	8.55	92.03135
F	SOFT LANDSCAPE AREA =	139.89	1505.762
G	% OF TOTAL SOFT LANDSCAPE =		94.24 %

LANDSCAPE LEGEND

	GREEN LANDSCAPE
	WALK WAY
	DRIVE WAY PAVING

**SITE PLAN**  
 SCALE: 1 : 100

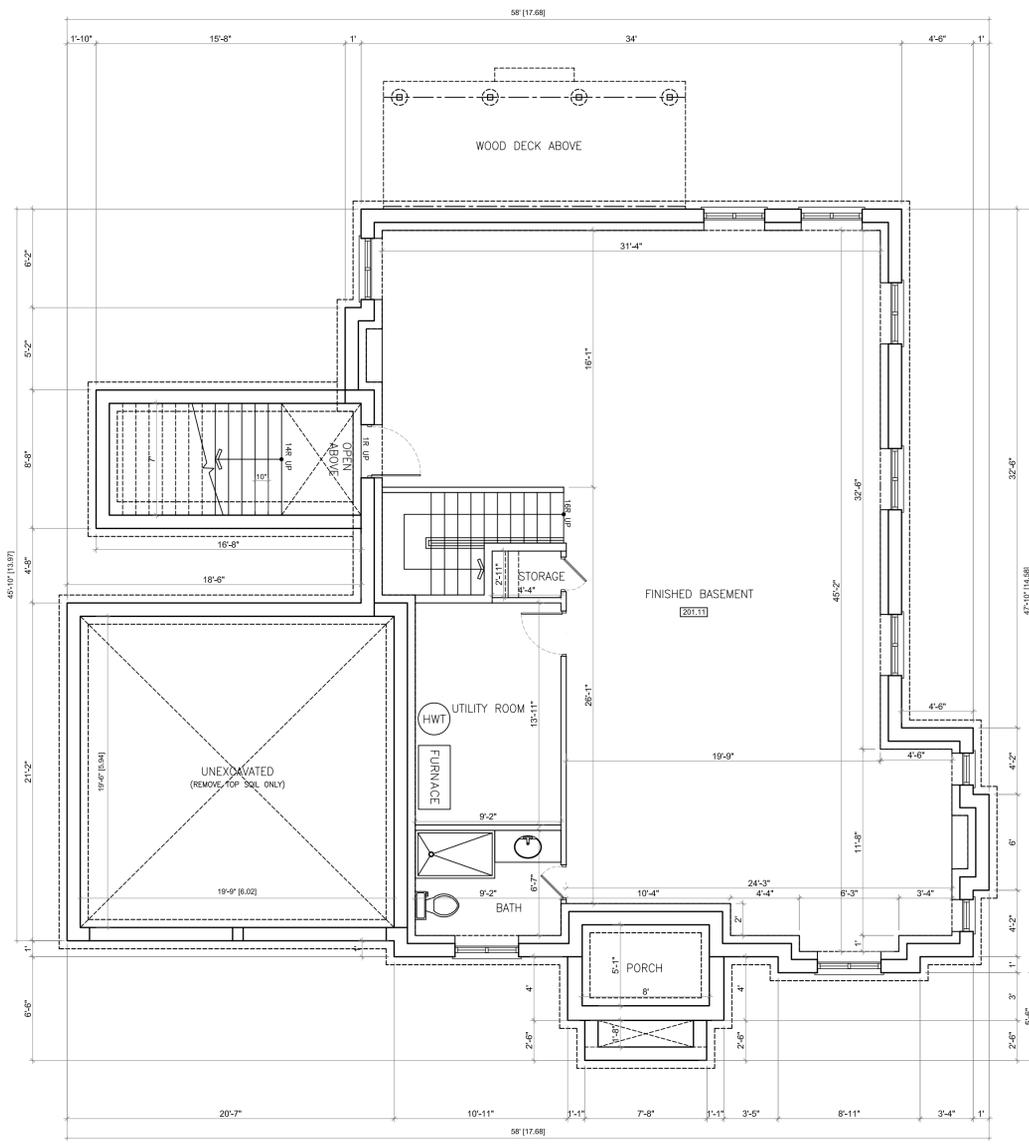
**NOTE:**  
 SITE INFORMATION HAS BEEN TAKEN FROM SURVEY PREPARED BY "Z.ZENG", ONTARIO LAND SURVEYOR, MANDARIN SURVEYORS LIMITED, 2400 MIDLAND AVE., #121, SCARBOROUGH, ONT, M1S 1X7, PHONE (647) 430-1366, EMAIL MANDARINSURVEYOR@GMAIL.COM, RECEIVED IN FORMAT AS DWG. CAD NO. 22-010SRPR

PROJECT COORDINATOR:  
**CANTAM**  
*Group Ltd.*  
 PLANNING & BUILDING CONSULTANTS  
 850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

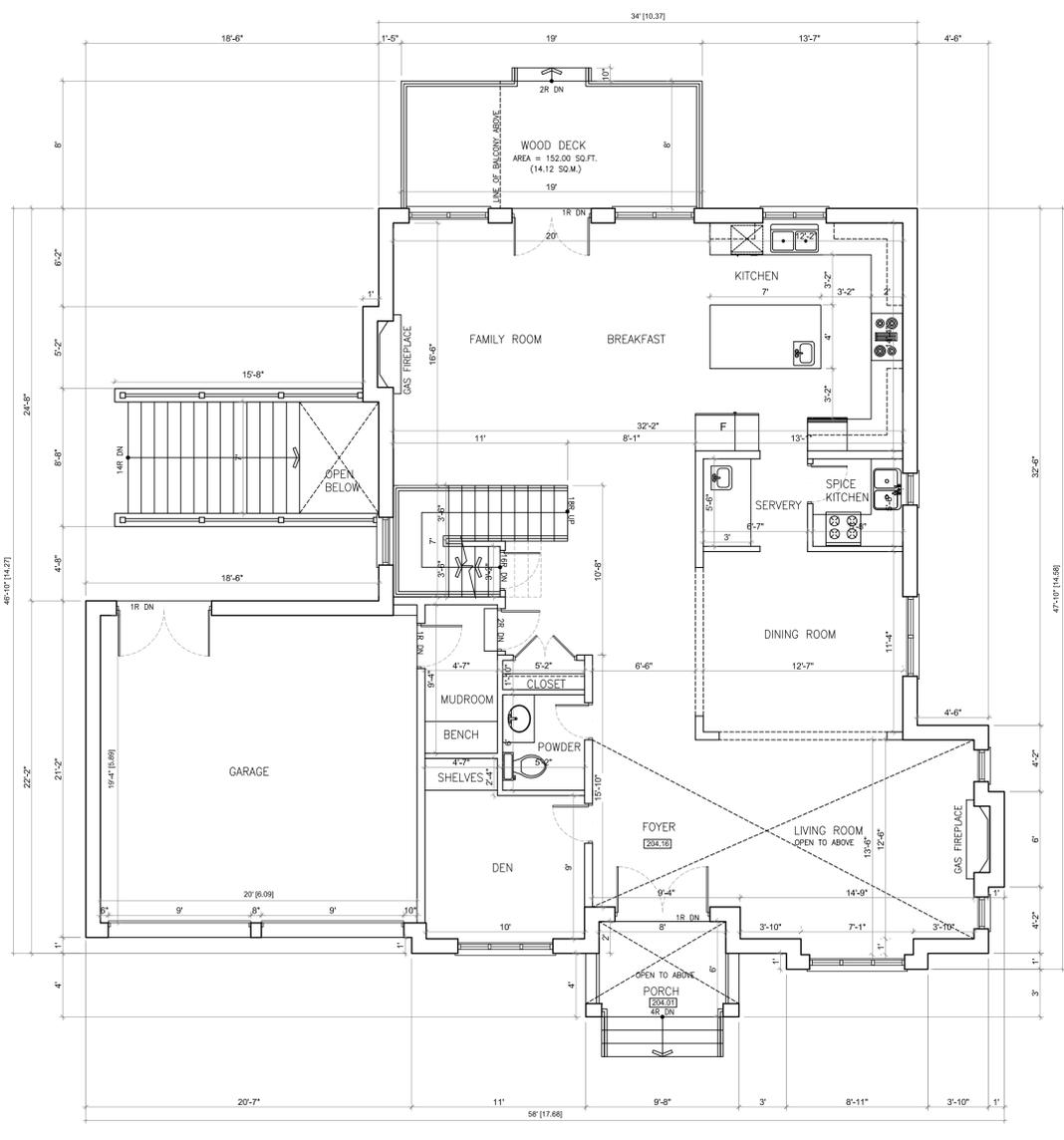
PROJECT:  
**PROPOSED TWO STOREY RESIDENCE**  
 AT 78 WOOTTEN WAY N.  
 MARKHAM, ON

DRAWING:  
**SITE PLAN**

DATE: 09/07/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO  
 DRAWING NO. **A1**



 **BASEMENT FLOOR PLAN**  
 SCALE : 3/16"=1'



 **GROUND FLOOR PLAN**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
2	ISSUED FOR COA	10/20/2022
1.	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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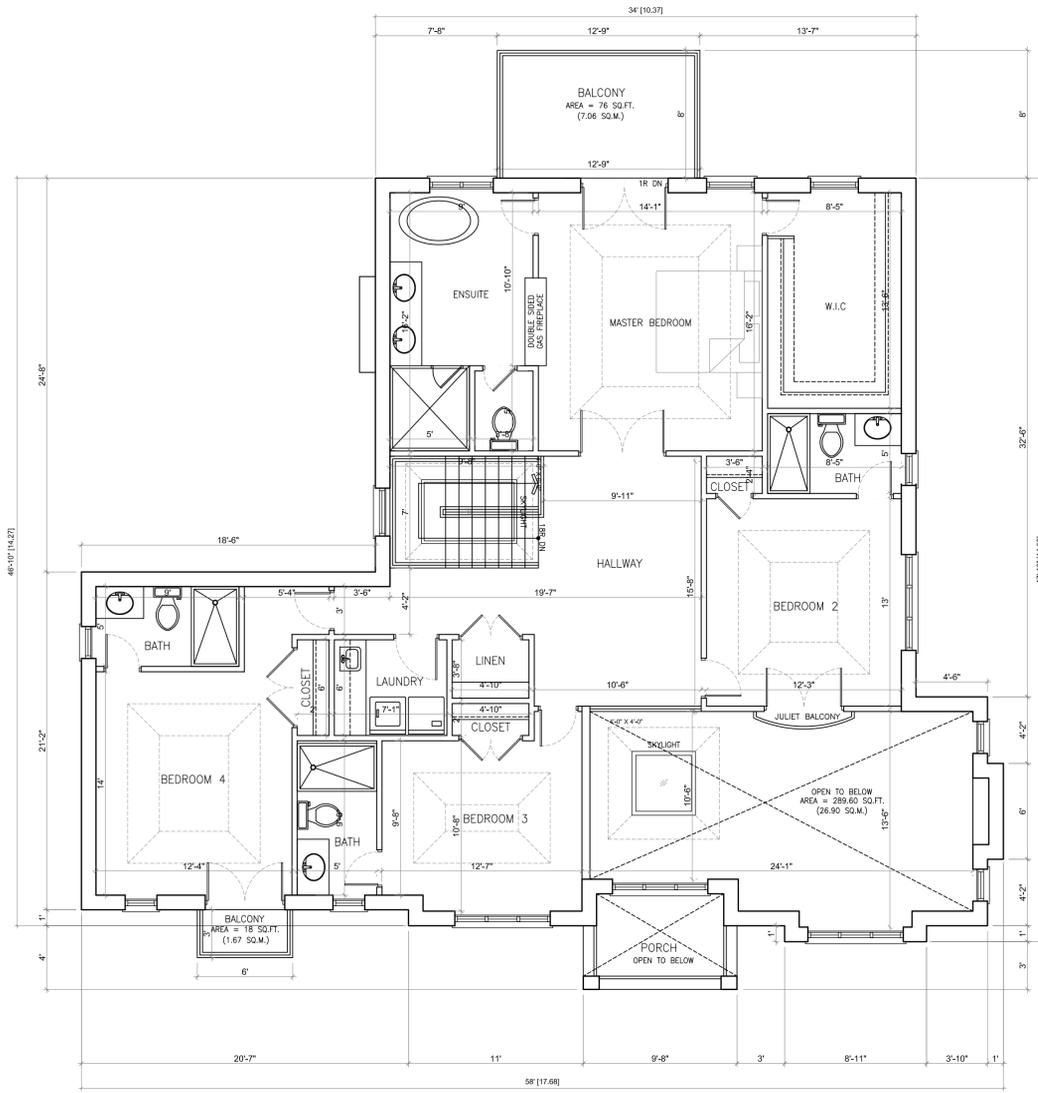
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PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

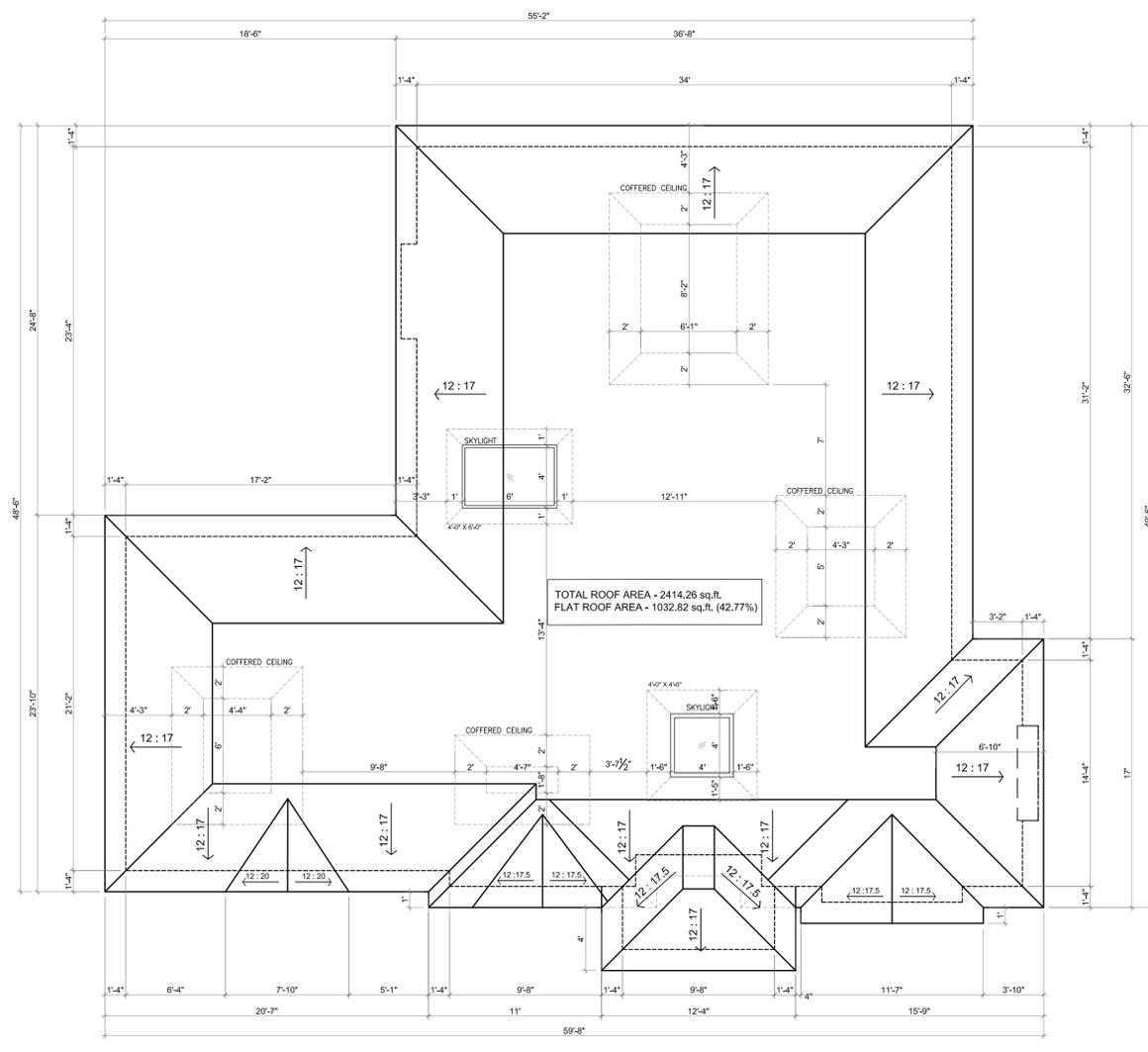
DRAWING:  
**BASEMENT & GROUND FLOOR PLAN**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO. **A2**



**SECOND FLOOR PLAN**  
 SCALE : 3/16"=1'



**ROOF PLAN**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
2	ISSUED FOR COA	10/20/2022
1.	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

DRAWING:  
**SECOND FLOOR AND ROOF PLAN**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A3**



FRONT ELEVATION  
 SCALE : 1/4"=1'



REAR ELEVATION  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
3	REVISED HEIGHT AS PER PLANNING	05/09/2023
2	ISSUED FOR COA	10/20/2022
1	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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PROJECT :  
 PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON

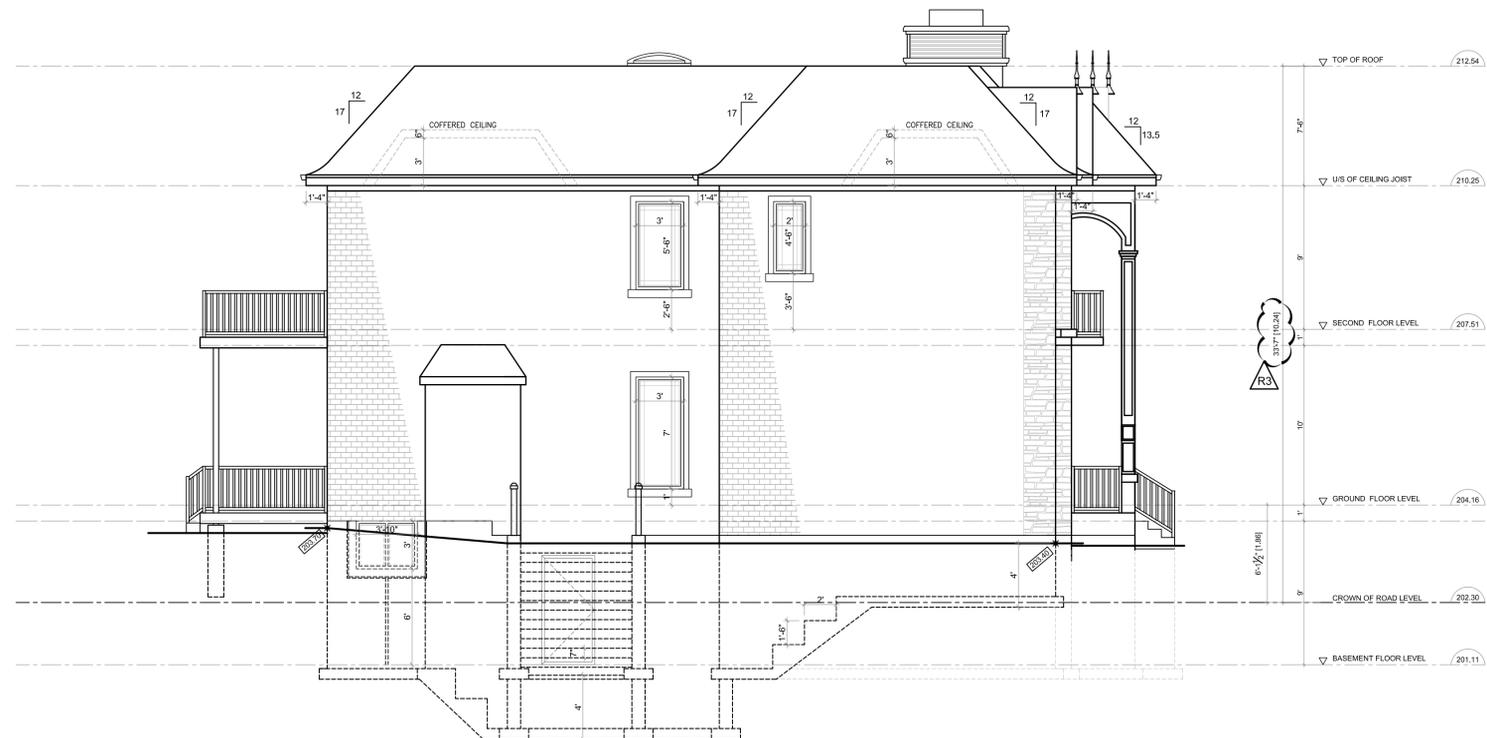
DRAWING:  
 FRONT AND REAR ELEVATION

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A4**



**RIGHT SIDE ELEVATION**  
 SCALE : 3/16"=1'



**LEFT SIDE ELEVATION**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
3	REVISED HEIGHT AS PER PLANNING	05/09/2023
2	ISSUED FOR COA	10/20/2022
1	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

DRAWING:  
**RIGHT AND LEFT SIDE ELEVATION**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A5**