Memorandum to the City of Markham Committee of Adjustment

September 13, 2022

File: A/041/22

Address: 22 Byer Drive – Markham, ON

Applicant: Purnima Chakraborty and Praduyt Chakraborty

Agent: Sol-Arch (Jonathan Benczkowski)

Hearing Date: September 21, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following "Eighth Density – Single Family Residential (R8)" zone requirements under By-law 153-80, as amended, as they relate to a proposed verandah and two-storey addition at the front of the dwelling, and an existing rear covered patio. The variances requested are to permit:

a) Section 7.2 (b):

a minimum side yard setback of 1.20 m (3.94 ft), whereas the By-law requires a minimum side yard setback of 1.80 m (5.91 ft);

b) <u>Section 7.2 (b):</u>

a minimum rear yard setback of 7.08 m (23.23 ft), whereas the By-law requires a minimum rear yard setback of 7.50 m (24.61 ft); and

c) <u>Section 7.2 (c):</u>

a maximum lot coverage of 43.63%, whereas the By-law permits a maximum lot coverage of 33.30%.

PROPERTY DESCRIPTION

22 Byer Drive (the "Subject Property") is located north of Snider Drive, east of Raymerville Drive, west of Main Street Markham North, and south of 16th Avenue. The Subject Property is located within a residential neighbourhood comprised of low rise single detached dwellings. The 460.37 m² (4,955.33 ft²) Subject Property is currently developed with a two-storey detached dwelling, which has an existing rear covered patio. One mature tree exists within the City boulevard.

PROPOSAL

The applicant is proposing to construct a one-storey $9.04~\text{m}^2$ ($97.31~\text{ft}^2$) front verandah and two-storey building addition with an approximate area of $51.24~\text{m}^2$ ($551.54~\text{ft}^2$) located at the front of the house. The applicant also seeks to recognize an existing non-conforming one-storey $36.62~\text{m}^2$ ($394.17~\text{ft}^2$) covered patio in the rear yard. The proposed development is 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 Property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties, and properties along the street, while accommodating diverse building styles.

Zoning By-Law 153-80 (the "Zoning By-law")

The Subject Property is zoned "Eighth Density – Single Family Residential (R8)" under the Zoning By-law, which permits one single detached dwelling. The proposed development does not comply with the Zoning By-law with respect to the minimum side yard setback, minimum rear yard setback, and maximum lot coverage.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

On December 13, 2021, the applicant received comments from building staff through their permit process which identified the non-compliances for the proposed development. Following receipt of these comments, the applicant submitted a minor variance application, which confirms the variances requested.

Staff advise that it is the applicant's responsibility to ensure that the variances to the Zoning By-law required for the proposed development have accurately been identified. If the variances in this application contains errors, or if the need for additional variances is identified at the Building Permit review stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended* (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.

Reduction in Minimum Side Yard Setback (Two-Storey Portion)

The applicant is requesting a minimum side yard setback of 1.20 m (3.94 ft) for the two-storey portion of the dwelling, whereas the Zoning By-law requires a minimum side yard setback of 1.20 m (3.94 ft) on each side for a one-storey portion, plus 0.60 m (1.97 ft) on each side for each additional storey (i.e. 1.80 m (5.91 ft) for the two-storey portion of the dwelling).

The side yard setback reduction of 0.60 m (1.97 ft) applies to the second storey at the south side of the property only, and is to accommodate a proposed addition above the garage that maintains an existing setback. As noted, the one-storey portion of the dwelling is permitted to have a side yard setback of 1.20 m (3.94 ft). The one-storey portion of the dwelling complies with the side yard setback along the south lot line, and the dwelling (including the second storey addition) will comply with the required 1.80 m (5.91 ft) side yard setback along the north lot line. Considering that the requested variance only relates to a portion of the dwelling comprising a second storey addition above the garage and maintains an existing setback, staff are of the opinion that there will be minimal impact resulting from this variance. Consequently, Planning staff are of the opinion that the requested variance maintains the general intent of the By-law, and is minor in nature.

Reduction in Minimum Rear Yard Setback

The applicant is requesting a minimum rear yard setback of 7.08 m (23.23 ft), whereas the By-law requires a minimum rear yard setback of 7.50 m (24.61 ft). This is a reduction of 0.42 m (1.38 ft).

The variance is attributable to an existing one-storey covered patio in the rear yard. The main building wall is setback a distance of 10.79 m (35.40 ft) from the rear lot line. Staff are of the opinion that the covered patio would be of minimal impact to neighbouring properties, and maintains a useable rear yard amenity space that is generally consistent with the By-law requirement.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 43.63%, whereas the By-law permits a maximum lot coverage of 33.33%. For the 460.37 m^2 (4,955.33 ft^2) Subject Property, 200.86 m^2 (2,162.01 ft^2) of buildable area is proposed, whereas the By-law permits a maximum lot coverage of 153.44 m^2 (1,651.61 ft^2), resulting in an increase of 10.30%, or 47.42 m^2 (510.40 ft^2).

The proposed front covered porch and rear covered patio are included in the maximum lot coverage, and cumulatively add 45.66 m² (491.48 ft²) to the overall building coverage. Both the porch and patio comply with the minimum side yard setbacks. Excluding the covered porches, the building with the proposed addition has a lot coverage of 33.71%, which is generally consistent with the lot coverage requirement.

The requested coverage variance is mostly attributable to the one-storey covered porches at the front and rear. The proposed development maintains appropriate building setbacks that in staff's opinion reflect the general intent of the By-law. With exception to the requested side and rear yard variances, the proposed development complies with other By-law requirements such as the minimum front yard setback and maximum building height. Staff are of the opinion that the lot coverage variance when assessed individually and cumulatively with the other variances requested would be of minimal impact to adjacent property owners.

EXTERNAL AGENCY COMMENTS

Metrolinx

Metrolinx provided comments on this application, as the Subject Property is located within 300.0 m (984.25 ft) of Metrolinx's railway corridor which carries Metrolinx's Stouffville GO Train service. Metrolinx advises that there may be alterations to, or expansions of the rail facilities on such right of way in the future, including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx may expand their operations which may affect the living environment of residents within the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 13, 2022. 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 requested variances meet the four tests. In reaching a decision staff recommend that the Committee consider public input, and the subsequent conditions of approval. 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:

Aleks Todorovski, MCIP, RPP

Planner, East District

REVIEWED BY:

Stephen Corr, MCIP, RPP

Senior Planner II, East District

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/22

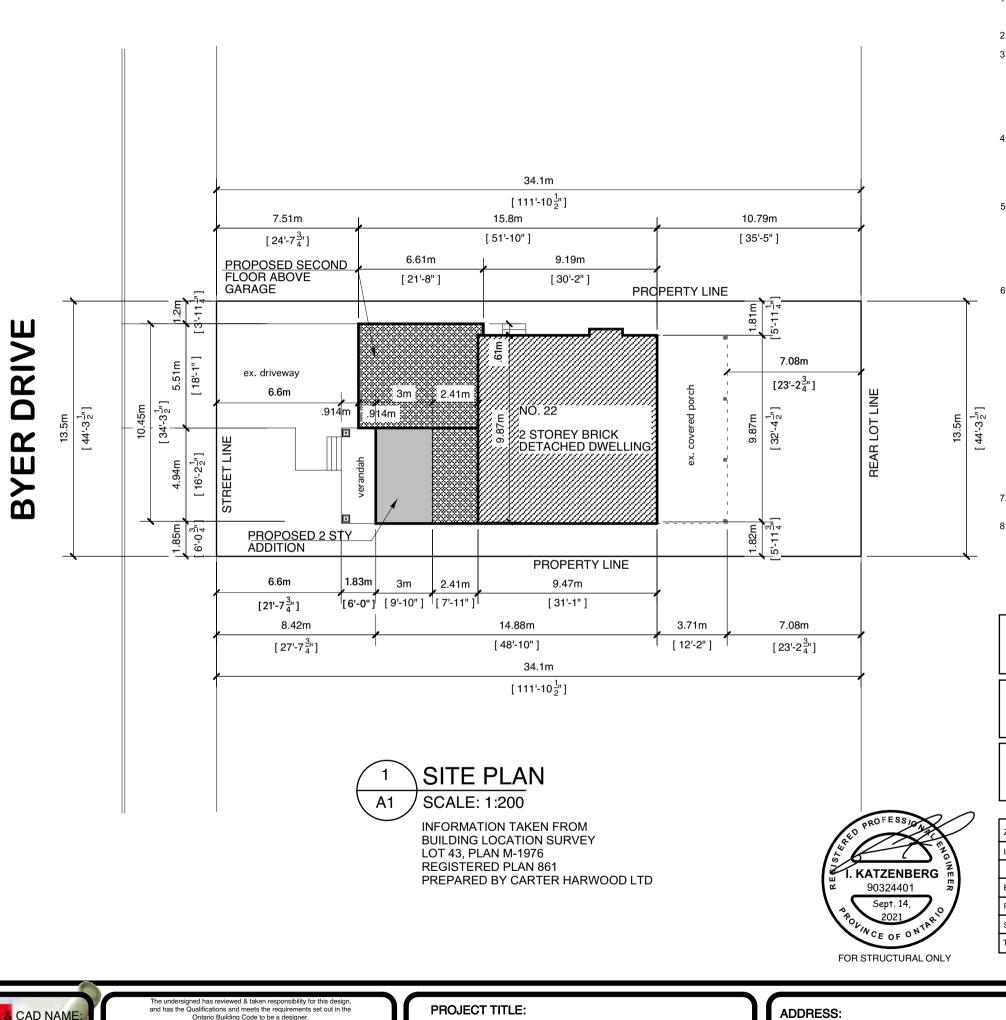
- 1. That the variances apply only to the proposed development for as long as it remains.
- 2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and specifically that the front covered porch and rear covered patio are limited to a height of one-storey as shown in the Elevation Drawings A-7, A-8, A-9 and A-10, prepared by Tony Valentin Design dated February 2022, 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 their satisfaction.

PREPARED BY:

Aleks Todorovski, MCIP, RPP

Planner, East District

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/22



GENERAL NOTES

- 1. SURFACE DRAINAGE SHALL NOT BE DISCHARGED DIRECTLY OR INDIRECTLY ONTO A SIDEWALK, DRIVEWAY, STAIRWAY OR AN ADJOINING PROPERTY.
- 2. NO WORK TO ENCROACH ON ADJOINING PROPERTY.

3. FLAME SPREAD RATING
EXPOSED SURFACE AREA OF EVERY INTERIOR WALL AND CEILING
INCLUDING SKYLIGHTS AND GLAZING, SHALL HAVE MAXIMUM SURFACE
FLAME SPREAD RATING OF 150; EXCEPT CEILING OF A PUBLIC CORRIDOR
SHALL HAVE A MAXIMUM FLAME SPREAD RATING OF 25, WALLS OF A PUBLIC
CORRIDOR SHALL HAVE A MAXIMUM SURFACE FLAME SPREAD RATING OF
75, AND WALL AND CEILINGS OF BATHROOMS SHALL HAVE A MAXIMUM
FLAME SPREAD RATING OF 200.

4. DESIGN OF GUARDS TO PREVENT CLIMBING GUARDS AROUND EXTERIOR BALCONIES, PORCHES, AND DECKS SHALL BE DESIGNED / INSTALLED SO THAT NO MEMBER, ATTACHMENT OR OPENING LOCATED BETWEEN 4" (100 MM) AND 2'-11" (900 MM) ABOVE THE FLOOR OF THE BALCONY, PORCH OR DECK WILL FACILITATE CLIMBING

5 GAS APPLIANCE AND THEIR VENTS AND CHIMNEYS SHALL BE CERTIFIED AND LABELLED BY A CERTIFICATION AND A TESTING ORGANIZATION ACCREDITED BY THE STANDARD COUNCIL OF CANADA. GAS APPLIANCES TO VENTED AND INSTALLED IN ACCORDANCE WITH THE ENERGY ACT, THE GAS UTILIZATION CODE AND THE MANUFACTURER'S SPECIFICATIONS. INSTALLATION OF A GAS APPLIANCE AND ITS VENTING SYSTEM IS NOT INCLUDED IN THIS PERMIT. PLEASE CONTACT CONSUMER GAS COMPANY FOR APPROVAL

6. LOADS ON GUARDS-O.B.C 4.1.10.1 THE MINIMUM SPECIFIED LOAD APPLIED HORIZONTALLY TO THE SPAN AT THE TOP OF EVERY REQUIRED GUARD SHALL BE

A. 200 LB/FT FOR MEANS OF EGRESS IN GRANDSTANDS, STADIA'
BLEACHERS AND ARENAS
B. A CONCENTRATED LOAD OF 225 LB APPLIED AT ANY POINT FOR
ACCESS WALKWAYS TO EQUIPMENT PLATFORMS, CONTIGUOUS STAIRS
AND SIMILAR AREAS WHERE THE GATHERING OF MANY PEOPLE IS
IMPROBABLE
C. 0.75 KN/M (50 LB/FT) OR A CONCENTRATED LOADS OF
1.0 KN (225 LB) APPLIED AT ANY POINT, WHICHEVER GOVERNS, F
OR LOCATION OTHER THAN DESCRIBED IN CLAUSES (A) AND (B)

INDIVIDUAL ELEMENTS WITHIN THE GUARD, INCLUDING SOLID PANELS AND PICKETS, SHALL BE DESIGNED FOR CONCENTRATED LOAD OF 113 LB AT ANY POINT IN THE ELEMENT.

THE MINIMUM SPECIFIED LOAD APPLIED VERTICALLY AT THE TOP OF EVERY REQUIRED GUARD SHALL BE 100 LB / FT AND NEED NOT BE CONSIDERED TO TO ACT SIMULTANEOUSLY WITH THE HORIZONTAL LOAD

7.SMOKE ALARMS SHALL BE INSTALLED ON EACH STOREY OF A DWELLING UNIT, INCLUDING BASEMENTS OBC 9.10.18

8 CARBON MONOXIDE DETECTOR

IN EACH ROOM THAT CONTAINS A SOLID FUEL-BURNING APPLIANCE, PROVIDE A CARBON MONOXIDE DETECTOR ON OR NEAR THE CEILING EQUIPPED WITH AN ALARM AUDIBLE THROUGHOUT DWELLING UNIT OR INTERCONNECTED WITH SMOKE ALARM SO THAT WHEN THE CARBON MONOXIDE DETECTOR IS ACTIVATED, IT WILL ACTIVATE THE SMOKE ALARM AS PER 9.32.3.8 OF THE OBC.

ANY WATER OR SANITARY SERVICE THAT DOES NOT MEET CURRENT CITY OF TORONTO STANDARDS MUST BE DISCONNECTED AT THE MAIN, AND A NEW SERVICE CONSTRUCTED AT THE SITE DEVELOPER'S EXPENSE.

RAIN WATER ROOF LEADERS
ALL RAIN WATER ROOF LEADERS TO DISCHARGE
ONTO CONCRETE SPLASH PADS WITH FLOWS
DIRECTED TOWARDS BYER DRIVE
AND THE REAR YARD AREA.

CONTRACTOR/BUILDER TO DETERMINE THE LOCATION AND DEPTH OF EXISTING SANITARY SEWER CONNECTION PRIOR TO CONSTRUCTION TO ENSURE GRAVITY FLOW OF PROPOSED FIXTURES WITHIN THE BASEMENT AREA.

COVERAGE CALCULATIONS

HOUSE 155.20 M2 9.04 M2 FRONT VERANDAH REAR CANOPY 36.62 M2 TOTAL COVERAGE [43.63%] 200.86 M2

ZONING	LOT FRONTAGE 13.50 m	LOT DEPTH 34.10 m	LOT AREA 460.35 m2	
LOT AREA	460.35 m2 [4955.33 sq ft]			
	EXISTING	ADDITION	TOTAL FLOOR AREA	
BASEMENT	NONE	14.82 m2 [159.53 sq ft]	14.82 m2 [159.53 sq ft]	
FIRST FLOOR	105.38 m2 [1134.28 sq ft]	14.82 m2 [159.53 sq ft]	120.20 m2 [1293.86 sq ft]	
SECOND FLOOR	93.47 m2 [1006.14 sq ft]	49.84 m2 [536.49 sq ft]	143.31 m2 [154.63 sq ft]	
TOTAL FLOOR AREA	196.85 m2 [2118.95 sq ft]	64.66 m2 [696.02 sq ft]	261.51 m2 [2814.96 sq ft]	



QUALIFICATION INFORMATION TONY VALENTIN 20917 26 09 21 REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.1.[3] of the building code TONY VALENTIN DESIGN 28858 Firm Name BCIN

PROPOSED ADDITION AND **ALTERATIONS TO EX. DWELLING DRAWING TITLE:**

SITE PLAN & STATISTICS

PRADUYT CHAKRABORTY **RESIDENCE**

22 BYER DRIVE LT. 43 RP. M-1976 **CITY OF MARKHAM**

3	02 2022	issued for C of A	AD
2	07 2021	issued for permit	AD
1	12 2020	issued for client review	AD
NO.	DATE	REVISION	BY

DRAWN BY: AD

DESIGNED BY:

DATE:DEC 2020

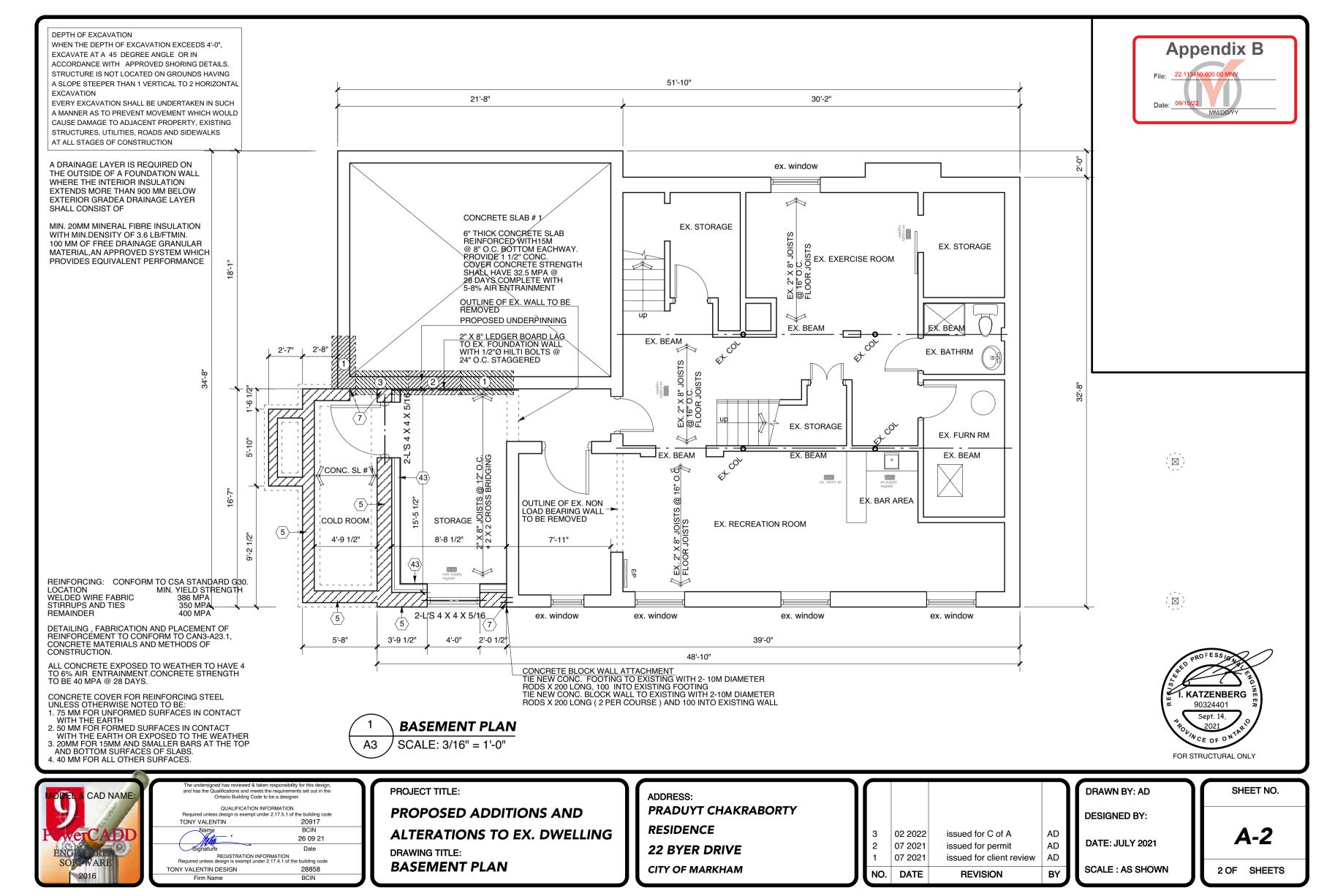
SCALE: AS SHOWN

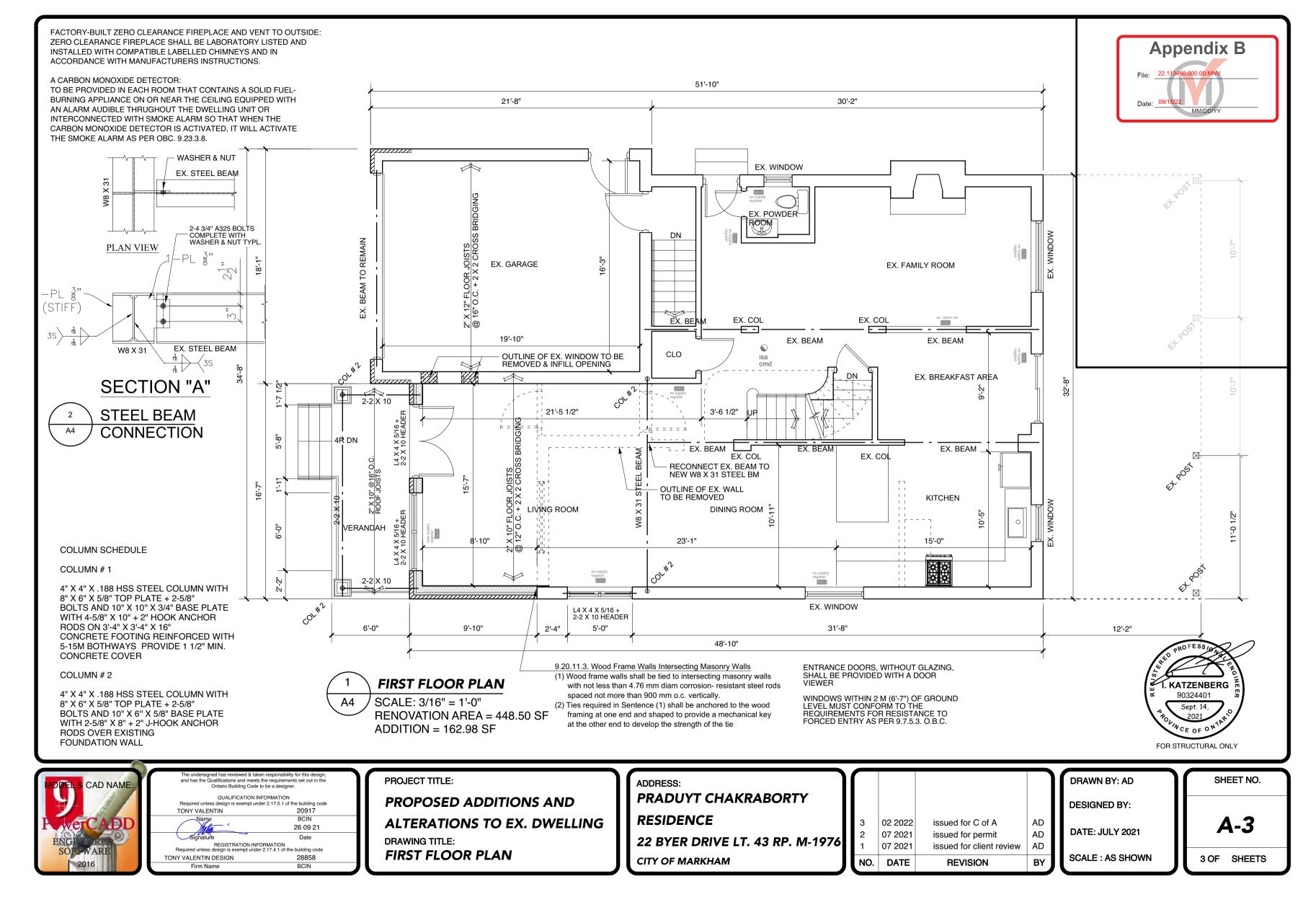
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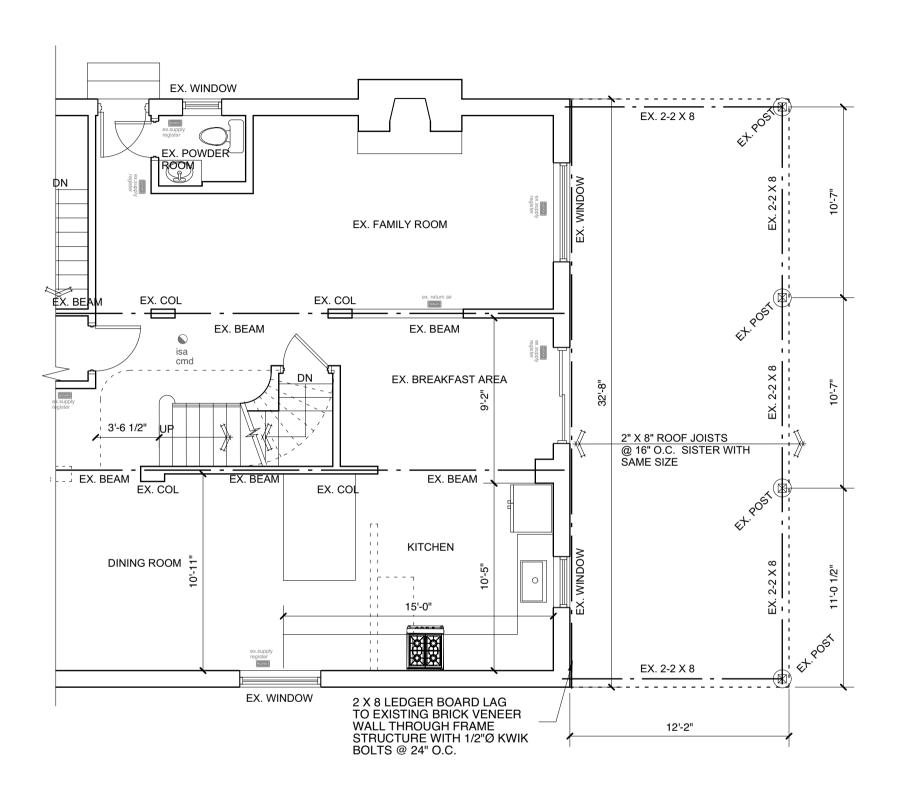
Appendix B

A-1

`1 OF SHEETS









COLUMN SCHEDULE

COLUMN # 1

4" X 4" X .188 HSS STEEL COLUMN WITH 8" X 6" X 5/8" TOP PLATE + 2-5/8" BOLTS AND 10" X 10" X 3/4" BASE PLATE WITH 4-5/8" X 10" + 2" HOOK ANCHOR RODS ON 3'-4" X 3'-4" X 16" CONCRETE FOOTING REINFORCED WITH 5-15M BOTHWAYS PROVIDE 1 1/2" MIN. CONCRETE COVER

COLUMN # 2

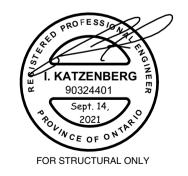
4" X 4" X .188 HSS STEEL COLUMN WITH 8" X 6" X 5/8" TOP PLATE + 2-5/8" BOLTS AND 10" X 6" X 5/8" BASE PLATE WITH 2-5/8" X 8" + 2" J-HOOK ANCHOR RODS OVER EXISTING FOUNDATION WALL



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0" RENOVATION AREA = 448.50 SF ADDITION = 162.98 SF ENTRANCE DOORS, WITHOUT GLAZING, SHALL BE PROVIDED WITH A DOOR VIEWER

WINDOWS WITHIN 2 M (6'-7") OF GROUND LEVEL MUST CONFORM TO THE REQUIREMENTS FOR RESISTANCE TO FORCED ENTRY AS PER 9.7.5.3. O.B.C.



MODEL & CAD NAME:	ľ
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ENGLERE SOFTWARE	ı
SOLLWARE	
2016	,

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code TONY VALENTIN

20917

Name
BCIN
26 09 21

Signature
Date
REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code
TONY VALENTIN DESIGN
28858

Firm Name
BCIN

PROJECT TITLE:

PROPOSED ADDITIONS AND
ALTERATIONS TO EX. DWELLING
DRAWING TITLE:

PARTIAL FIRST FLOOR PLAN

ADDRESS:
PRADUYT CHAKRABORTY
RESIDENCE

22 BYER DRIVE LT. 43 RP. M-1976
CITY OF MARKHAM

3	02 2022	issued for C of A	AD
2	07 2021 07 2021	issued for permit issued for client review	AD AD
NO.	DATE	REVISION	BY

DRAWN BY: AD

DESIGNED BY:

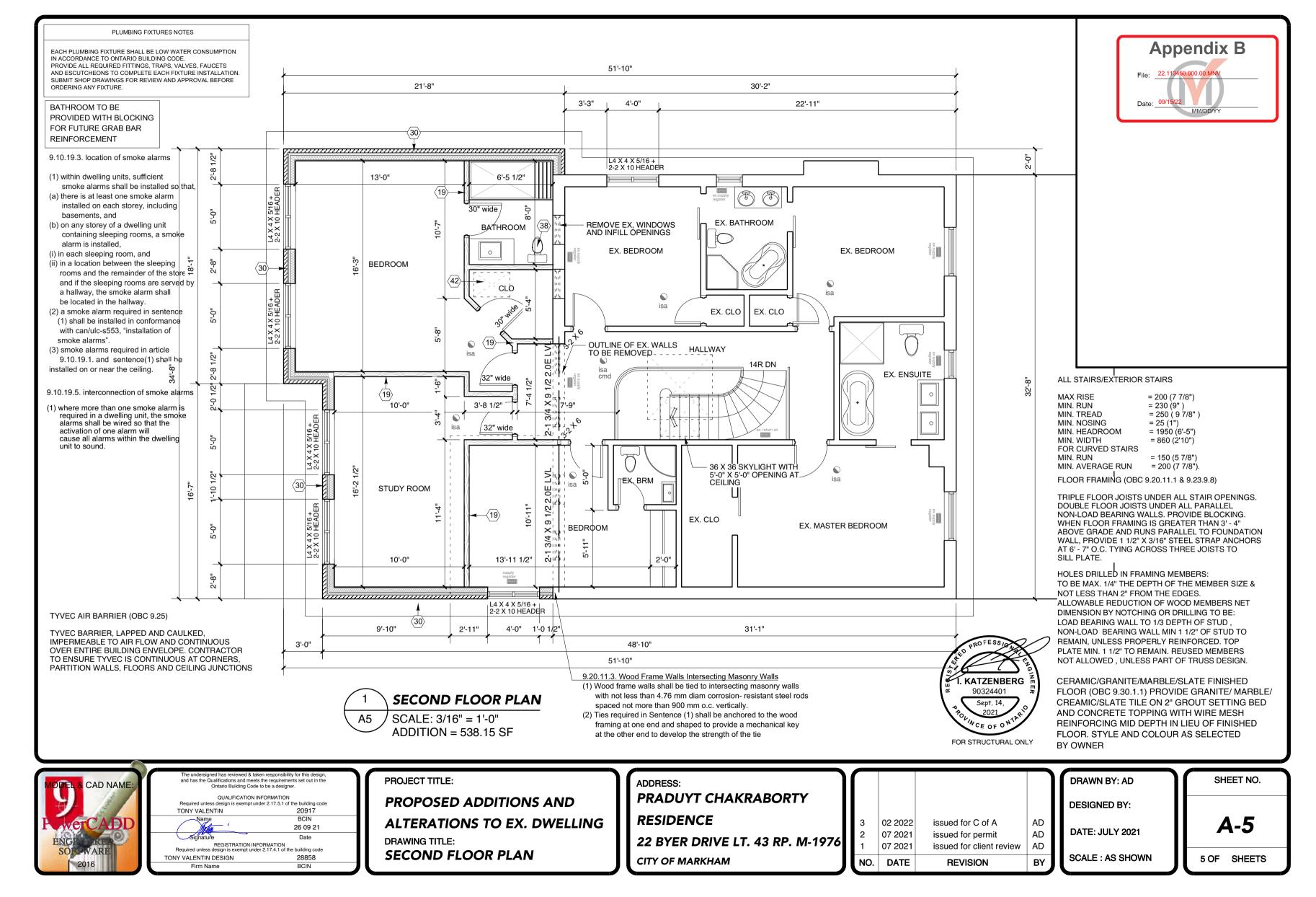
DATE: JULY 2021

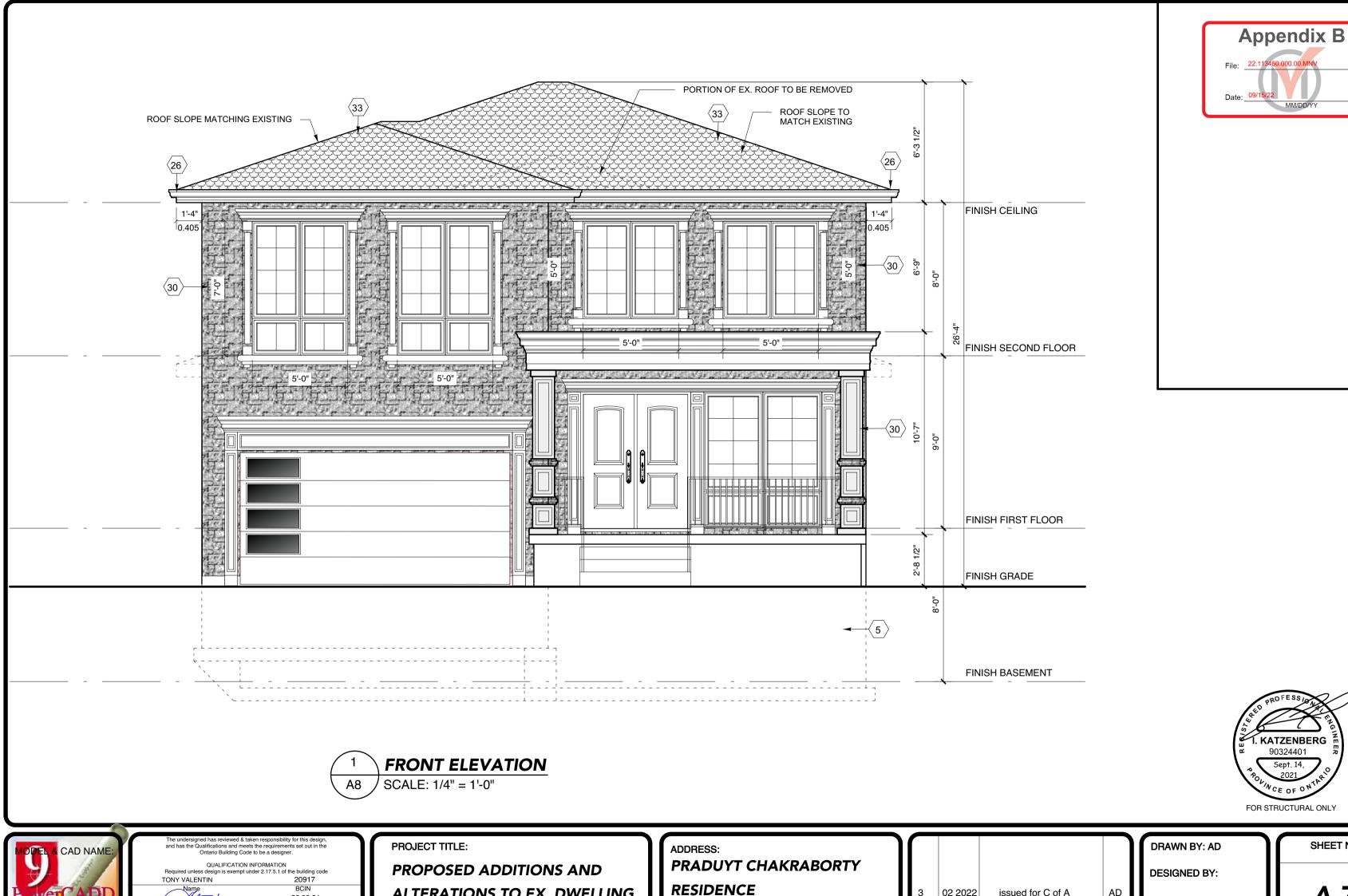
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SHEET NO.

A-3a

3 OF SHEETS





ALTERATIONS TO EX. DWELLING

DRAWING TITLE:

FRONT ELEVATION

26 09 21

28858

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN

SHEET NO.

A-7

7 OF SHEETS

DATE: JULY 2021

AD

AD

3

2

NO.

22 BYER DRIVE LT. 43 RP. M-1976

CITY OF MARKHAM

02 2022

07 2021

07 2021

DATE

issued for C of A

issued for permit

REVISION

issued for client review

SCALE: AS SHOWN

