

# Memorandum to the City of Markham Committee of Adjustment

July 12, 2022

**File:** A/056/22  
**Address:** 68 Normark Drive – Markham, ON (Thornhill)  
**Applicant:** Adrian Leung and Heidi Chan  
**Agent:** Placement Design Inc (Mike De Oliveira)  
**Hearing Date:** July 20, 2022

The following comments are provided on behalf of the West District team. The applicant is requesting relief from the following “Third Density Single Family Residential – R3A” zone requirement under By-law 2150, as amended, as it relates to a rear one-storey addition, and new carport, to permit:

**a) By-law 2150, Section 6.1:**

a minimum rear yard setback of 5.66 m (18.57 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25.0 ft).

## **PROPERTY DESCRIPTION**

The 562.10 m<sup>2</sup> (6,050.35 ft<sup>2</sup>) subject property is located on the east side of Normark Drive, north of Bay Thorn Drive, south of Kirk Drive, and west of Royal Orchard Park. The subject property contains a detached dwelling as well as mature vegetation, including one mature tree in the rear yard. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

## **PROPOSAL**

The applicant is proposing to construct a one-storey addition to the east side (rear) of the existing detached dwelling. The proposed addition will have a gross floor area of approximately 14.28 m<sup>2</sup> (153.72 ft<sup>2</sup>), and extend 1.96 m (6.43 ft) into the rear yard.

## **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.

### 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 requirement with respect to the minimum rear yard setback.

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

The applicant has completed a ZPR on March 4, 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on June 21, 2022, and has not conducted a ZPR for the revised drawings. Staff advise that 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 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, 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 Rear Yard Setback

The applicant is requesting a minimum rear yard setback of 5.66 m (18.57 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25.0 ft). This is a reduction of 1.96 m (6.43 ft).

Required rear yards provide for open and usable outdoor amenity space on a lot. In consideration of the remaining usable outdoor amenity area, and the proposed one-storey height of the addition that minimizes impacts to adjacent properties, staff are of the opinion that the requested variance is minor in nature, and appropriately maintains the general intent and purpose of the By-law.

### Tree Preservation and Compensation

Staff recommend that the Committee adopt the tree related conditions to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if necessary. Staff also advise that property owners are 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 cm (7.87 in) or more on the subject property, or neighbouring properties. Further mitigation through these processes may also be required to ensure that the protection of certain trees is achieved.

## PUBLIC INPUT SUMMARY

No written submissions were received as of July 12, 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 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:



Aleks Todorovski, MCIP, RPP  
Planner, Zoning and Special Projects

REVIEWED BY:



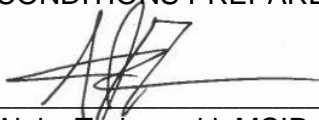
Rick Cefaratti, MCIP, RPP  
Senior Planner II, West District

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/056/22**

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 batch stamped plans attached as Appendix “B” to this Staff Report, 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.
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:



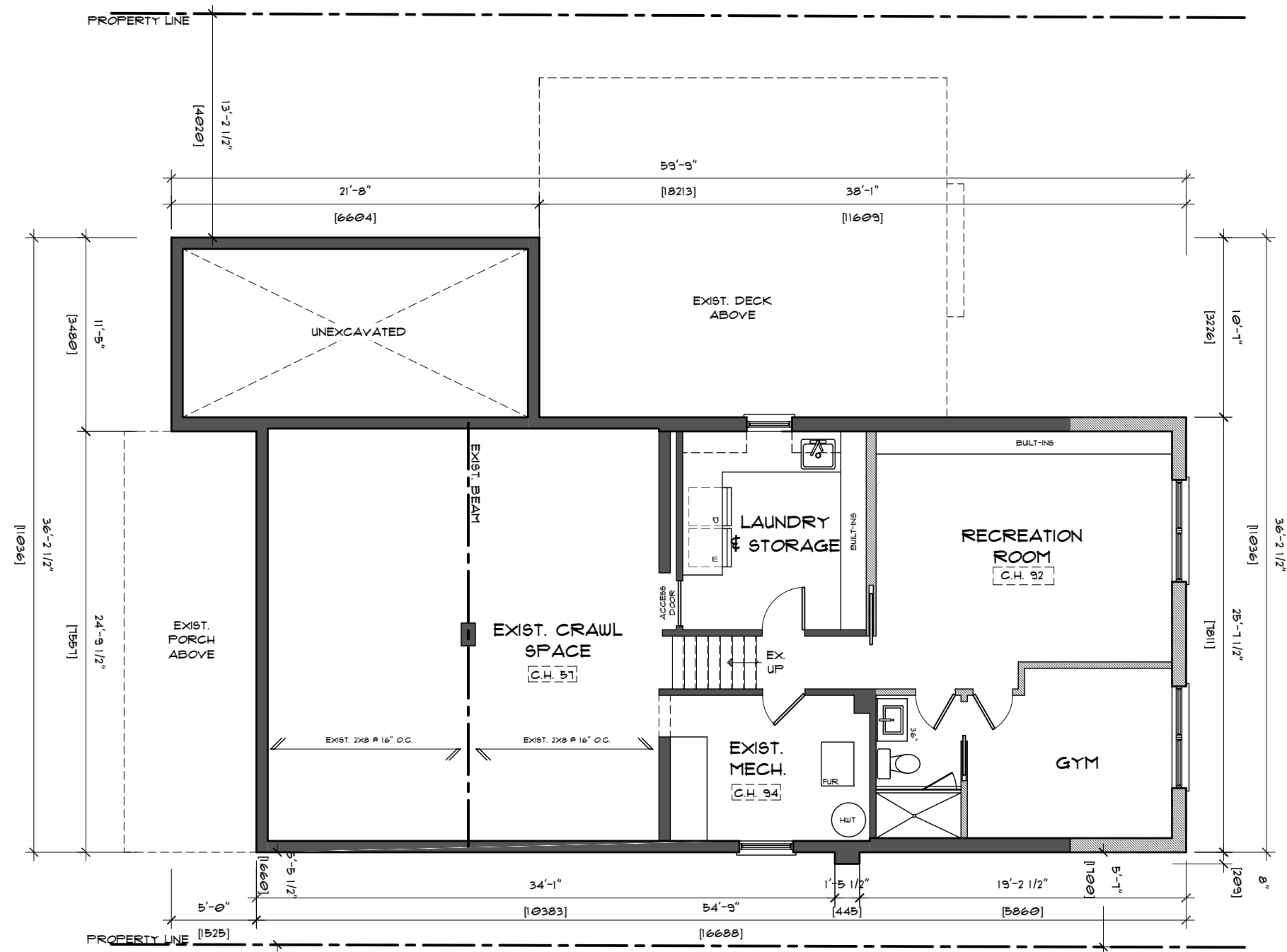
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Aleks Todorovski, MCIP, RPP  
Planner, Zoning and Special Projects

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/056/22**





1 BASEMENT FLOOR PLAN - PROPOSED  
Z5 SCALE: 1/8"=1'-0"

LEGEND

EXISTING

PROPOSED

PRINTS AND SPECIFICATIONS SHALL NOT BE REPRODUCED WITHOUT THE PERMISSION OF THE DESIGNER. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING. IF THERE ARE ANY DIMENSIONS, DETAILS OR DESIGN INTENT THAT CANNOT BE DETERMINED FROM THE DRAWINGS, THE DESIGNER SHALL BE NOTIFIED PRIOR TO PROCEEDING WITH FABRICATION AND/OR CONSTRUCTION. DRAWINGS ARE NOT TO BE SCALED.

**re: placement**  
**DESIGN INC.**

911 DAVENPORT ROAD  
TORONTO, ONTARIO  
TEL: 416-531-1435  
REPLACEMENTDESIGN.COM

Project:

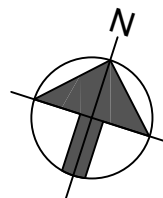
68 NORMARK DR  
THORNHILL, ONTARIO  
PROPOSED ADDITION  
PROJECT NUMBER : 21-176

Date:

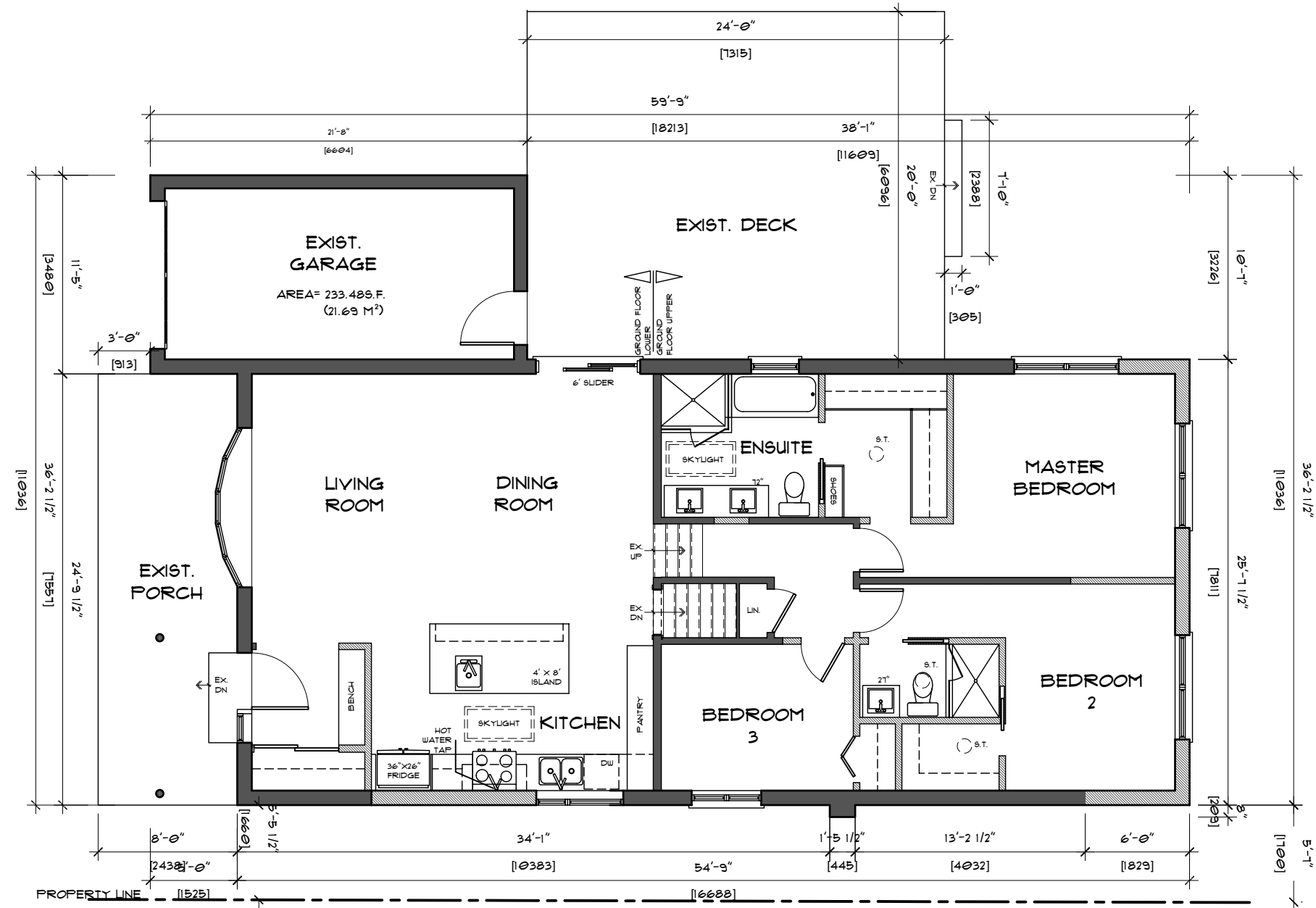
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**Z5**



PROPERTY LINE



1 GROUND FLOOR PLAN - PROPOSED  
Z1 SCALE: 1/8"=1'-0"

LEGEND  
EXISTING  
PROPOSED

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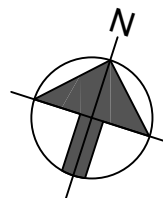
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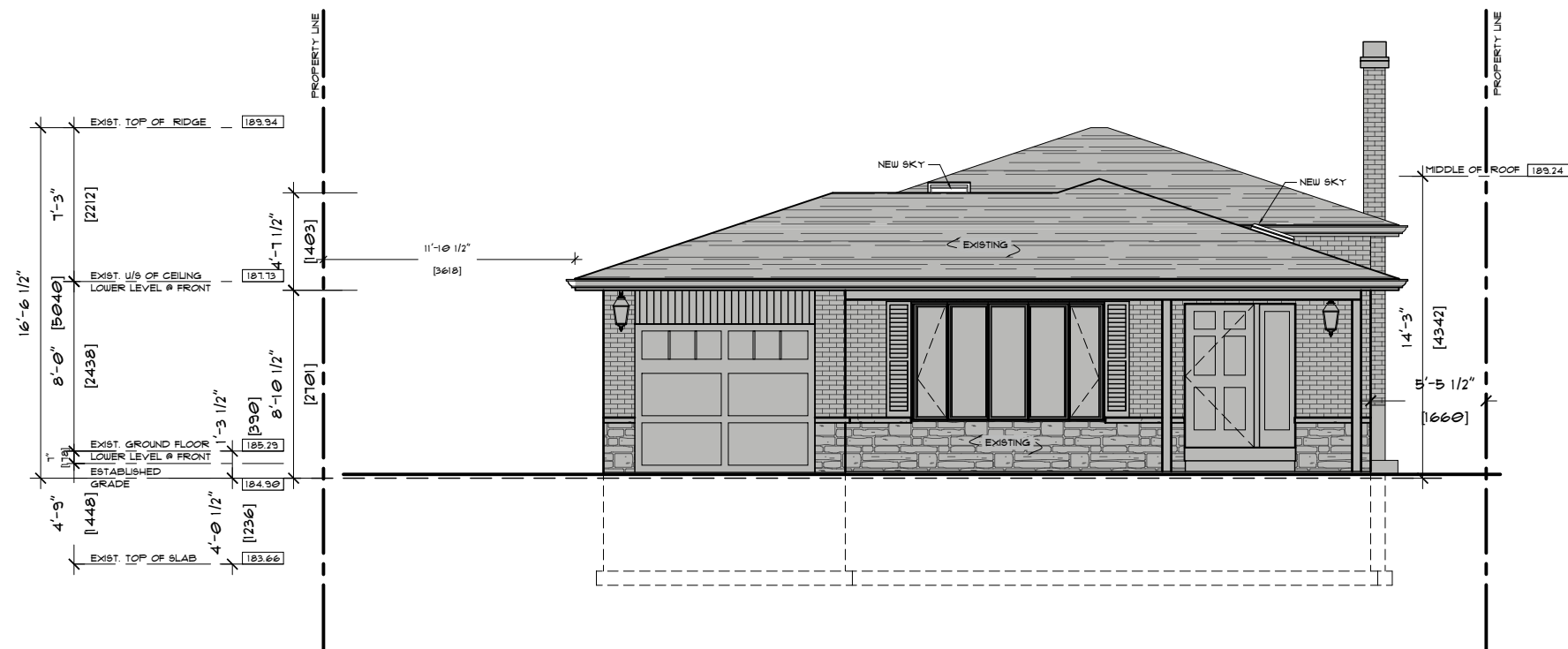
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14-JUN-22

Drawing No:

**Z1**





2 WEST ELEVATION - PROPOSED  
Z11 SCALE: 1/8"=1'-0"

LEGEND

EXISTING WALL TO REMAIN

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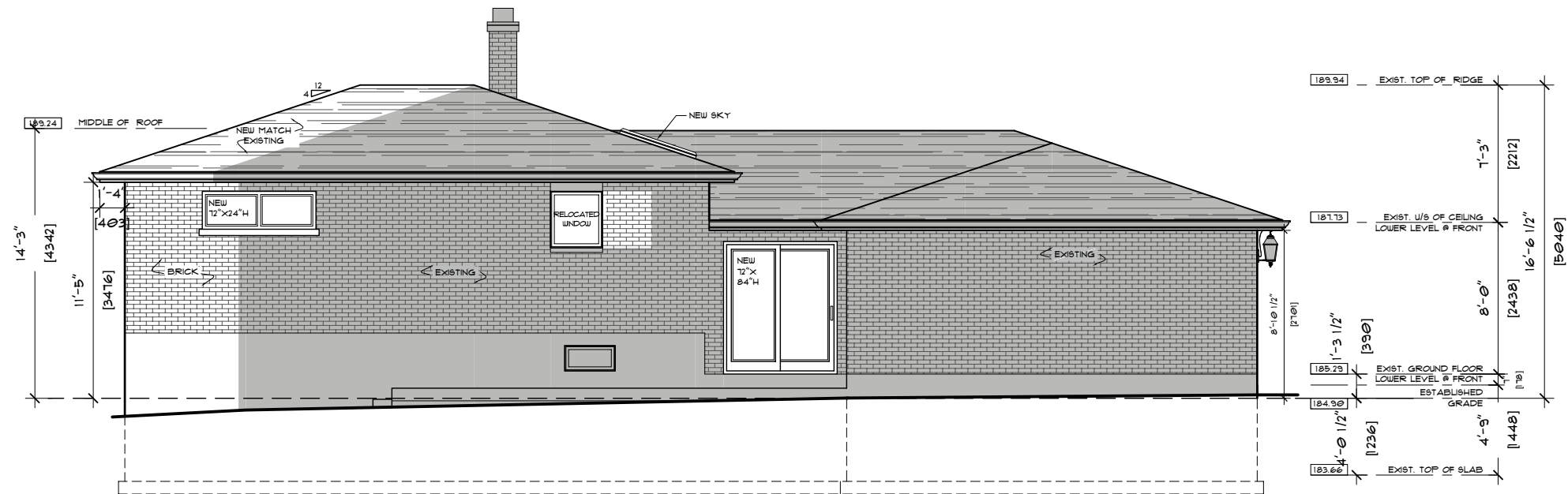
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14-JUN-22

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**Z11**

Appendix B

File: 22.14848.000.00.MNV  
Date: 07/14/22  
MM/DD/YY





2 NORTH ELEVATION - PROPOSED  
Z13 SCALE: 1/8"=1'-0"

LEGEND

EXISTING WALL  
TO REMAIN

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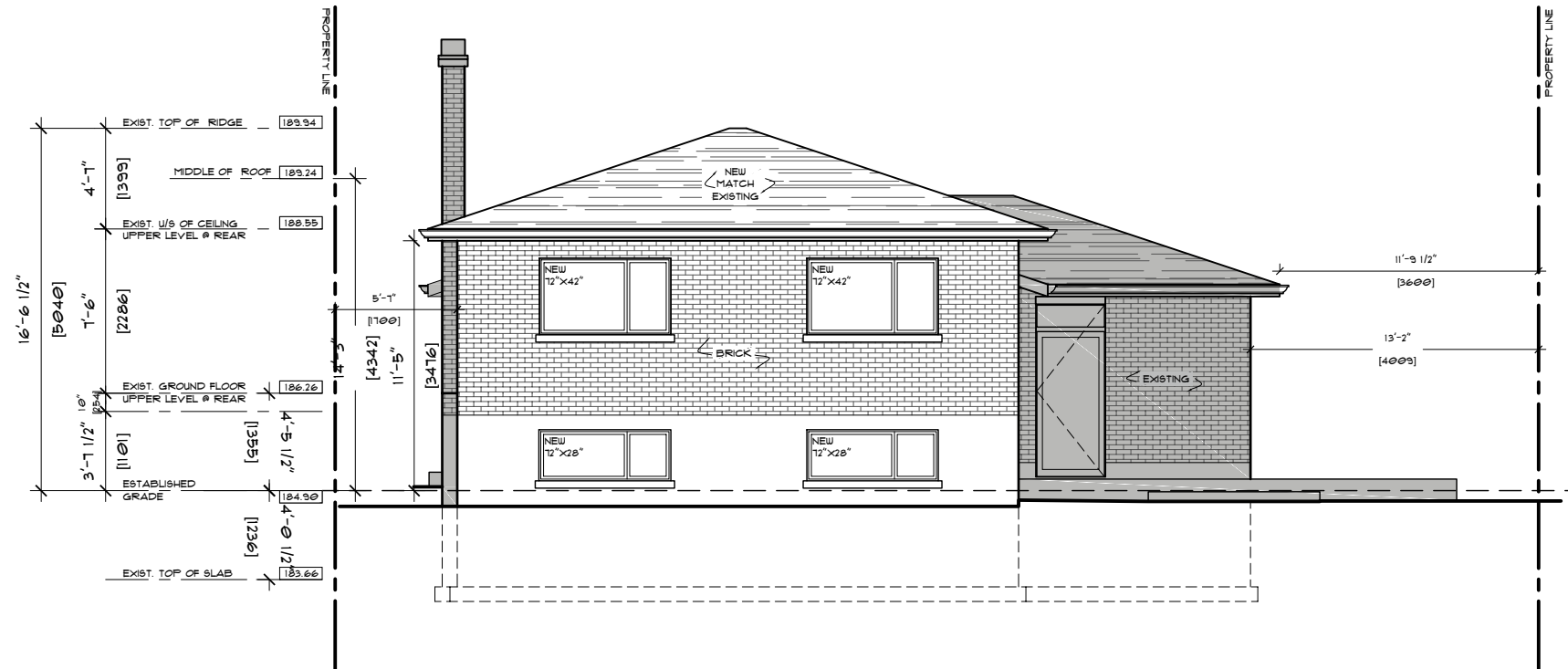
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14-JUN-22

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**Z13**

Appendix B  
File: 22.14843.000.00.MNV  
Date: 07/14/22  
MMDDYY



1 EAST ELEVATION - PROPOSED  
Z15 SCALE: 1/8"=1'-0"

**LEGEND**

 EXISTING WALL TO REMAIN

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THORNHILL, ONTARIO  
PROPOSED ADDITION  
PROJECT NUMBER : 21-176**

Date:  
14-JUN-22  
Drawing No:  
**Z15**

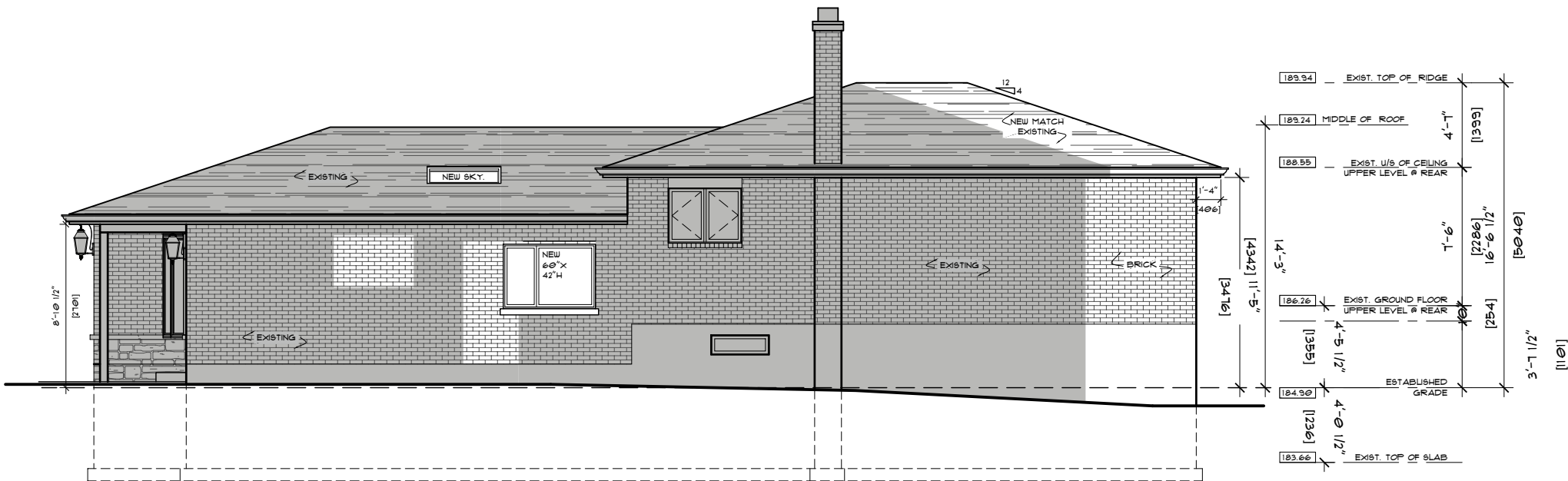
**Appendix B**

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Date: 07/14/22  
MM/DD/YY

Appendix B

File: 22.114843.000.00.MNV

Date: 07/14/22  
MM/DD/YY



1 SOUTH ELEVATION - PROPOSED  
Z17 SCALE: 1/8"=1'-0"

LEGEND

EXISTING WALL  
TO REMAIN

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PROPOSED ADDITION  
PROJECT NUMBER : 21-176

Date:

28-APR-22

Drawing No:

**Z17**