

Memorandum to the City of Markham Committee of Adjustment

December 2, 2022

File: A/118/22
Address: 5 Wildrose Crescent, Thornhill
Applicant: Kamran Naghavi
Agent: Brickhaus (Michael Shirzadfar)
Hearing Date: Wednesday December 7, 2022

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

The applicant is requesting relief from the following requirements “Third Density – Single Detached Residential (R3)” of By-law 1767, as amended, as it relates to a proposed second-storey and rear addition to the existing one-storey portion of the dwelling. The variances requested are to permit:

- a) **Amending By-law 100-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.7 percent (414.9 m²), whereas the By-law permits a maximum floor area ratio of 50 percent (393.35 m²);
- b) **By-law 1767, Section 18(i)(d):**
a minimum side yard setback of 4.82 ft (1.47 m), whereas the By-law permits a minimum side yard setback of 6 feet (1.83 m);
- c) **By-law 1767, Section 12(vi)(a):**
a minimum setback for an existing accessory building (Cabana) of 0 ft (0 m) from the west side lot line, whereas the By-law requires a minimum setback for an accessory building to be 2 ft (0.6096 m) from the nearest lot line.

BACKGROUND

Property Description

The 877.93 m² (9449.96 ft²) subject property is located on the south side of Wildrose Crescent, north of Steeles Avenue and east of Bayview Avenue. The subject lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The subject property contains a two-storey dwelling, which according to assessment records was constructed in 1967. There is an outdoor pool and an existing Cabana is located at the rear end of the subject lands. Mature vegetation exists across the subject property.

Proposal

The applicant is proposing to construct a second-storey and a rear addition to the existing one-storey portion of the dwelling (refer to Appendix “B” – Plans).

The applicant has reduced the requested variance from the original submission which requested:

- A maximum floor area ratio of 56.9 percent (448.07 m²).

Tree Preservation Staff had concern that the original request would injure a neighbouring tree at 3 Wildrose Crescent. Tree Preservation Staff seek to adhere to minimum Tree Protection Zones and reduce or eliminate tree injury where possible. In response, the applicant revised the proposal with design modifications including reducing the building depth by 0.61 m (2 ft). In addition, a discrepancy was identified in the submitted Zoning Preliminary Review which included a higher floor area ratio percentage than the original plans submitted. Zoning Staff confirmed that the proposed floor area ratio was reduced by 4.2 percent from the original request to 52.7 percent.

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Single detached dwellings are required to meet the general intent of the Official Plan 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, while accommodating a diversity of building styles. Regard shall also be had for the retention and enhancement of existing trees and vegetation.

Zoning By-Law 1767

The subject property is zoned “Third Density – Single Detached Residential (R3)” under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to the proposed increase of the maximum floor area ratio and the reduced side yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) on April 5, 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on November 30, 2022. 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 52.7 percent, whereas a maximum floor area ratio of 50 percent is permitted. The variance will facilitate the construction of a two-storey portion of the dwelling with a floor area of 414.91 m² (4,466 ft²), whereas the By-law permits a dwelling with a maximum floor area of 393.35 m² (4,234 ft²). This represents an increased floor area of approximately 21.56 m² (232.07 ft²) or 2.7 percent. Staff do not anticipate any adverse impacts as a result of the proposed increase to the floor area of the dwelling.

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.

Reduced Side Yard Setback

The applicant is requesting a minimum west side yard setback of 4.82 ft (1.47 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) for the two-storey portion of the dwelling.

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance with respect to drainage.

Staff have no objections to the requested variances, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

Tree Protection and Compensation

Staff recommend that tree protection and/or tree compensation conditions be adopted by the Committee to ensure that the applicant 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 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

EXTERNAL AGENCIES

Metrolinx Requirements:

Metrolinx provided comments on this application on November 10th, 2022 (Appendix C) requiring a list of mitigation measures be implemented to attenuate the impact generated by the railway located north east of the property.

PUBLIC INPUT SUMMARY

As of December 2, 2022 the City received 1 letter expressing concerns over the proposed maximum floor area ratio and the setback for an existing Cabana on the subject lands. 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 "D" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Architectural Plans – 5 Wildrose Crescent

Appendix "C" – Metrolinx Comments

Appendix "D" – A/118/22 Conditions of Approval

PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



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

File Path: Amanda\File\ 22 245987 \Documents\District Team Comments Memo



WILDROSE CRESCENT

(DEDICATED BY REGISTERED PLAN M-899)
(P.I.N. 03014-1231 (LT))

THIS PLAN WAS PREPARED FOR AMIR HERAMI AND
THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN WITH TOPOGRAPHIC DETAIL OF
PART OF LOT 63
REGISTERED PLAN M-899
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)

Appendix B

File: 22-2459-07-000-00-MMM

Date: 12/09/22

SCALE & NOTES

Scale 1:200



BARICH GRENKIE SURVEYING LTD.

A DIVISION OF GEOMAPLE

© COPYRIGHT 2022

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METERS
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE

ELEVATIONS ARE LOCAL AND REFERRED TO A NAIL IN FRONT OF SUBJECT LAND
HAVING AN ELEVATION OF 100.00m.
ELEVATION DEPICTED ON THE FACE OF THIS PLAN ARE FOR DESIGNING PURPOSES ONLY.

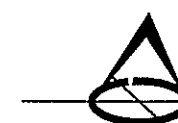
BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT
OF WILDROSE CRESCENT AS SHOWN ON REGISTERED PLAN M-899 HAVING A BEARING
OF N73°00'30"E.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
PK	DENOTES	SURVEYOR'S NAIL SET IN WASHER
OU	DENOTES	ORIGIN UNKNOWN
CC	DENOTES	CUT CROSS
WT	DENOTES	WITNESS
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
INV	DENOTES	INVERT ELEVATION
CRW	DENOTES	CONCRETE RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
WRW	DENOTES	WOOD RETAINING WALL
TOW	DENOTES	TOP OF WALL ELEVATION
TOC	DENOTES	TOP OF CONCRETE CURB ELEVATION
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
IF	DENOTES	IRON FENCE
RP	DENOTES	REGISTERED PLAN M-899
RP1	DENOTES	REGISTERED PLAN M-1091
P1	DENOTES	SRPR BY C. E. DOTTERILL LTD. O.L.S., DATED MAY 04, 2004
P2	DENOTES	PLAN 66R-2319

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
V-18020



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3)

PART 2 (SURVEY REPORT)

DESCRIPTION SUMMARY: - LANDS DESCRIBED IN P.I.N. 03014-0103 (LT)

PART OF LOT 63 REGISTERED PLAN M-899

REGISTERED EASEMENTS/RIGHTS-OF-WAY: - NONE FOUND ON THE TITLE.

ADDITIONAL REMARKS - MAKE NOTE OF THE LOCATION OF FENCES AND
PHYSICAL FEATURES AS DEPICTED ON THE FACE OF THIS PLAN.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS
ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON DECEMBER 9, 2021.

MAY 5, 2022

ERIC G. SALZER
O.L.S., O.L.I.P.

INFO@GEOMAPLE.CA

Barich Grenkie
Surveying Ltd.

A DIVISION OF GEOMAPLE

DWN BY: WSL

CHK BY: ES

JOB No. : 21-7231

TEL 416 444 1100 FAX 416 444 1200

LAURELEAF ROAD

LOT 62
P.I.N. 03014-0104 (LT)
REGISTERED

LOT 63
P.I.N. 03014-0102 (LT)
REGISTERED
PLAN M-899

LOT 29
P.I.N. 03014-0137 (LT)
REGISTERED

LOT 28
P.I.N. 03014-0138 (LT)
REGISTERED

PLAN M-1091

BABB COMBE DRIVE

LEGEND WALLS :

EXISTING WALLS TO BE REMOVED

█

EXISTING WALLS TO BE FILLED TO MATCH EXISTING FRAMING

▭

NEW WALLS

█

EXISTING WALLS TO REMAIN

▨

SHEAR WALL

DESIGN LOADS

LIVELOAD : 1.9 kPa (40 psf)
DEADLOAD: 0.72 kPa (15 psf)
ASSUMED SOIL CAPACITY: 75 kPa (1566 psf)

LEGEND SYMBOLS :

CM DETECTOR

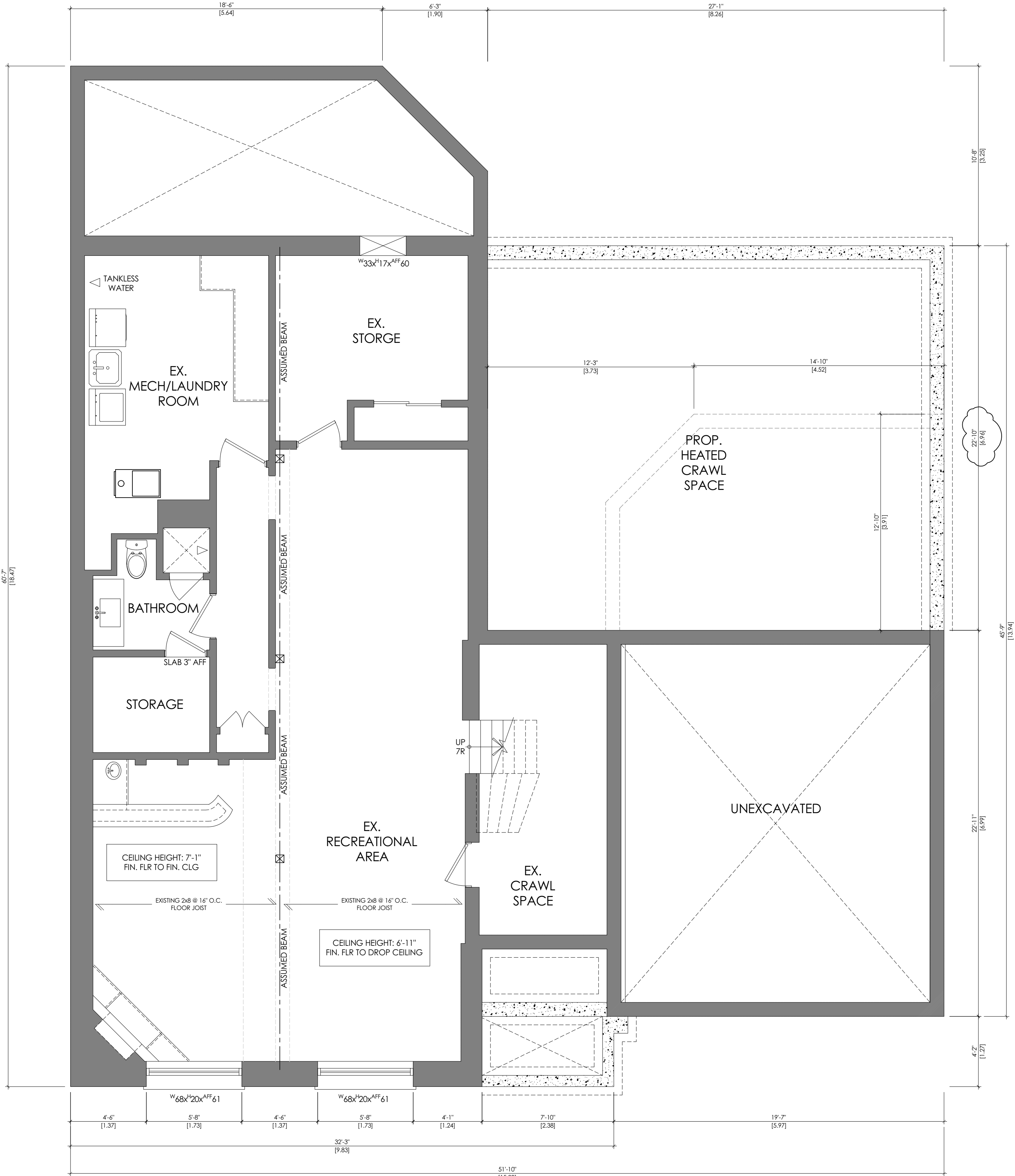
FLOOR DRAIN

EXHAUST FAN

INTERCONNECTED SMOKE ALARM

NOTE:

ALL TEMPORARY SHORING AND BRACING OF EXISTING STRUCTURE DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR TO SITE VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCY(ES) TO DESIGNER PRIOR AND DURING CONSTRUCTION.



3	REVISION FOR COMMITTEE	11 / 29/ 22
2	ZONING REVIEW	01 / 29/ 22
1	PRELIMINARY DWG	02 / 12 / 21
No.	Issued For/Revisions	MM/DD/YY

DESIGNER:

BRICKHAUS

RESIDENTIAL DESIGN

e: michael@brickhausdesign.ca
t: (647) 373 - 9650

The undersigned has reviewed and takes 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 Division C-3.2.5.1. of the 2006 Ontario Building Code (or 2.17.5.1. of the 1997 Ontario Building Code)

Michael Shirzadar35782BCIN

NAMESIGNATURE

REGISTRATION INFORMATION

Required unless design is exempt under Division C-3.2.4.1. of the 2006 Ontario Building Code (or 2.17.4.1. of the 1997 Ontario Building Code)

Brickhaus113259

FIRM NAME

ENGINEER:

SIGN & DATE:

PROJECT ADDRESS:

5 WILDROSE CRESCENT
MARKHAM ON

INTERIOR ALTERATIONS
REAR ADDITION

DRAWN BY: MM	SCALE: 1/4" = 1'-0"
CHECKED BY: MM	DATE: DEC 2021

BASEMENT PLAN






PROJECT NO.:

2124

DRAWING NO.:



A1



LEGEND SYMBOLS :

	EXISTING WALLS TO BE REMOVED
	EXISTING WALLS TO BE FILLED TO MATCH EXISTING FRAMING
	NEW WALLS
	EXISTING WALLS TO REMAIN
	SHEAR WALL

DESIGN LOADS

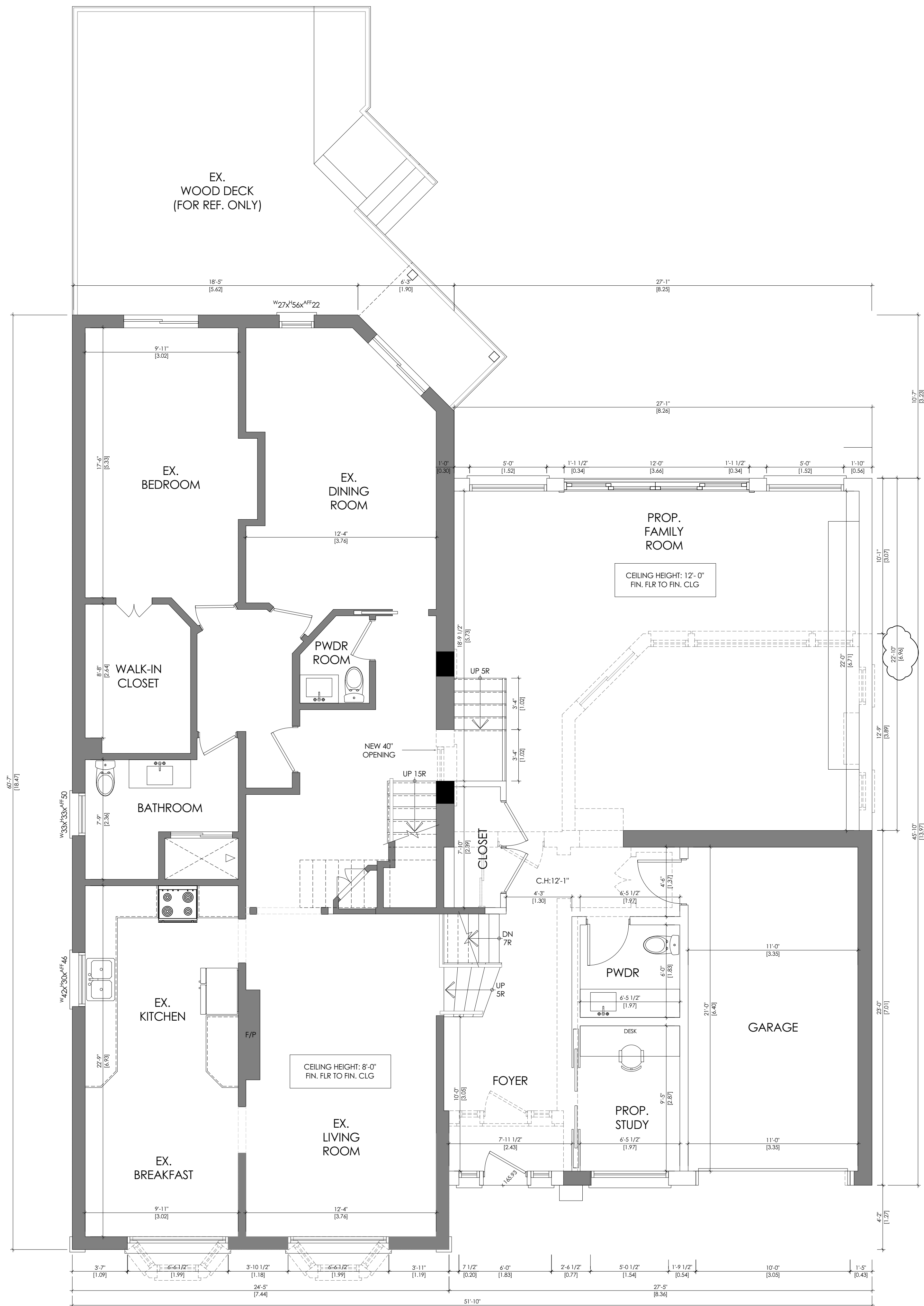
LIVELOAD : 1.9 kPa (40 psf)
DEADLOAD: 0.72 kPa (15 psf)
ASSUMED SOIL CAPACITY: 75 kPa (1566 psf)

 CM DETECTOR
  FLOOR DRAIN

 EXHAUST FAN
  INTERCONNECTED SMOKE ALARM

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QUALIFICATION INFORMATION
Required unless design is exempt under Division C - 3.2.5.1. of the 2001

Michael Shinnadler 35792

NAME	SIGNATURE	BCIN
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REGISTRATION INFORMATION

Ontario Building Code (or 2.17.4.1. of the 1997 Ontario Building Code)

Brickhaus 113259

ENGINEER:

SIGN & DATE:

PROJECT ADDRESS:

5 WILDROSE CRESCENT
MARKHAM ON

INTERIOR ALTERATIONS

REAR ADDITION

DRAWN BY: MM	SCALE: 1/4" = 1' - 0"
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CHECKED BY: MM	DATE: DEC 2021
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MAIN FLOOR PLAN

PROJECT NO.:

2124

DRAWING NO.:

A2

LEGEND WALLS :

EXISTING WALLS TO BE REMOVED

█

EXISTING WALLS TO BE FILLED TO MATCH EXISTING FRAMING

▭

NEW WALLS

█

EXISTING WALLS TO REMAIN

▨

SHEAR WALL

DESIGN LOADS

LIVELOAD : 1.5 kPa (40 psf)
DEADLOAD : 0.72 kPa (15 psf)
ASSUMED SOIL CAPACITY: 75 kPa (1566 psf)

LEGEND SYMBOLS :

CM DETECTOR

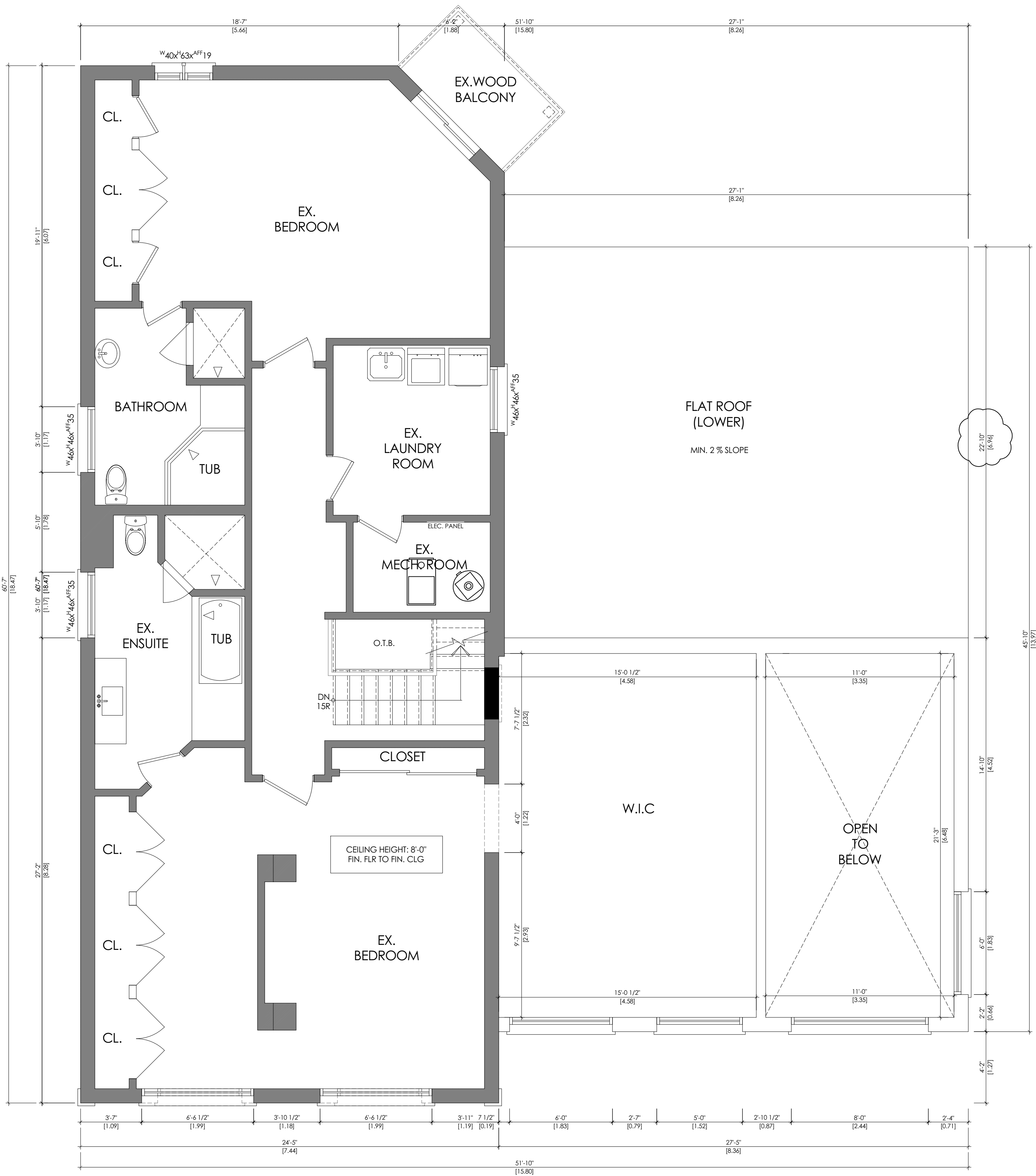
EXHAUST FAN

FLOOR DRAIN

INTERCONNECTED SMOKE ALARM

NOTE:

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DESIGNER:

BRICKHAUS
RESIDENTIAL DESIGN
e: michael@brickhausdesign.ca
t: (416) 373 - 9650
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QUALIFICATION INFORMATION
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Michael Shirzadar
NAME
SIGNATURE
BCIN
REGISTRATION INFORMATION
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Brickhaus
FIRM NAME
BCIN

ENGINEER:

SIGN & DATE:

PROJECT ADDRESS:

5 WILDROSE CRESCENT
MARKHAM ON

INTERIOR ALTERATIONS
REAR ADDITION

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SECOND FLOOR PLAN

PROJECT NO.:

2124

DRAWING NO.:

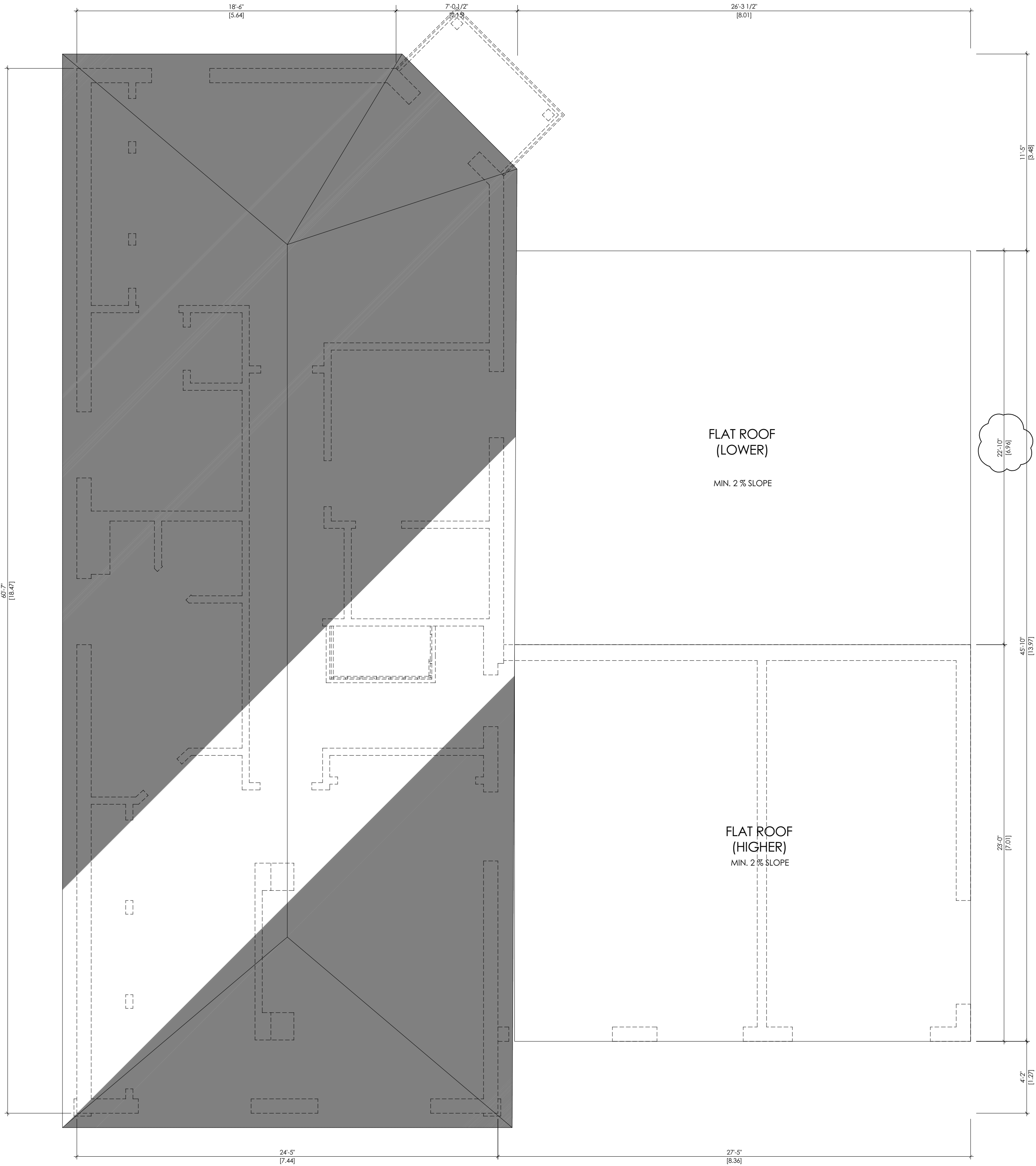
A3

LEGEND WALLS :

OUTLINE OF WALL BELOW

EXISTING WALLS TO BE FILLED

EXISTING ROOF TO REMAIN



3	REVISION FOR COMMITTEE	11 / 29/ 22
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DESIGNER:

BRICKHAUS

RESIDENTIAL DESIGN

e: michael@brickhausdesign.ca

t: (647) 373 - 9650

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Michael Shirzadar 35782

NAME SIGNATURE BCIN

REGISTRATION INFORMATION

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Brickhaus 113259

FIRM NAME BCIN

ENGINEER:

SIGN & DATE:

PROJECT ADDRESS:

5 WILDROSE CRESCENT

MARKHAM ON

INTERIOR ALTERATIONS

REAR ADDITION

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CHECKED BY: MM	DATE: DEC 2021

ROOF PLAN

PROJECT NO.:

2124

DRAWING NO.:

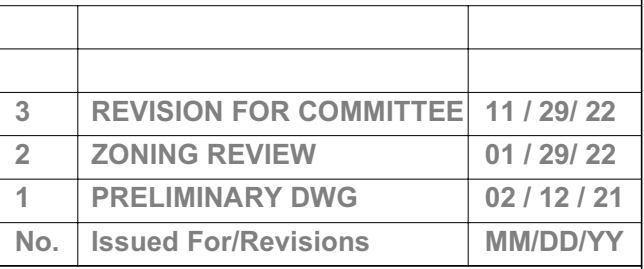
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2	ZONING REVIEW	01 / 29 / 22
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DESIGNER:		
BRICKHAUS RESIDENTIAL DESIGN		
e: michael@brickhausdesign.ca t: (416) 373 - 9650		
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Required unless design is exempt under Division C-3.2.5.1. of the 2006 Ontario Building Code (or 2.17.5.1. of the 1997 Ontario Building Code)		
Michael Shirzadar		
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
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Brickhaus		113259
FIRM NAME		BCIN
ENGINEER:		
SIGN & DATE:		
PROJECT ADDRESS:		
5 WILDROSE CRESCENT MARKHAM ON		
INTERIOR ALTERATIONS REAR ADDITION		
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SCALE: 1/4" = 1'-0"		
CHECKED BY: MM		
DATE: DEC 2021		
FRONT ELEVATION		
PROJECT NO.:		
2124		
DRAWING NO.:		
A5		



2	ZONING REVIEW	01 / 29/ 22
1	PRELIMINARY DWG	02 / 12 / 21
No.	Issued For/Revisions	MM/DD/YY
DESIGNER:		
BRICKHAUS RESIDENTIAL DESIGN e: michael@brickhausdesign.ca t: (647) 373 - 9650 The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer. Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code (or 2.17.2.1. of the 1997 Ontario Building Code)		
Michael Shirzadar		35782
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION Required unless design is exempt under Division C - 3.2.4.1. of the 2006 Ontario Building Code (or 2.17.4.1. of the 1997 Ontario Building Code)		
Brickhaus		113259
FIRM NAME		BCIN
ENGINEER:		
SIGN & DATE:		
PROJECT ADDRESS:		
5 WILDROSE CRESCENT MARKHAM ON		
INTERIOR ALTERATIONS REAR ADDITION		
DRAWN BY: MM		
SCALE: 1/4" = 1'-0"		
CHECKED BY: MM		DATE: DEC 2021
REAR ELEVATION		
PROJECT NO.:		
2124		
DRAWING NO.:		
A6		



BRICKHAUS
RESIDENTIAL DESIGN

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements

QUALIFICATION INFORMATION

required unless design is exempt under Division C - 3.2.5.1. of the

Ontario Building Code (or 2.17.5.1. of the 1997 Ontario Building C

Michael Shirzadfar 357

[Signature]

NAME _____ SIGNATURE _____

REGISTRATION INFORMATION

required unless design is exempt under Division C - 3.2.4.1. of the Ontario Building Code (or 2.17.4.1. of the 1997 Ontario Building C

Ontario Banking Code (or 2:174.1, of the 1997 Ontario Banking C

Brickhaus 11329

FIRM NAME	BC
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ENGINEER:

PROJECT ADDRESS:

INTERIOR ALTERATIONS

REAR ADDITION

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

DATE: DEC 2021

SIDE ELEVATION

2124

A7

APPENDIX “C”

METROLINX COMMENTS: November 10th, 2022

To: Shawna Houser, Secretary-Treasurer, Committee of Adjustment
From: Farah Faroque, Intern
Adjacent Developments GO Expansion - Third Party Projects Review
Metrolinx
Date: November 10th, 2022
Re: **22.245987.000.00.MNV – 5 Wildrose Cres, Thornhill - MV**

Metrolinx is in receipt of the minor variance application for 5 Wildrose Cres to facilitate the construction of a one storey and second storey addition to the existing dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.
- The Proponent is advised that the development lands, 5 Wildrose Cres, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised 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 to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
Farah Faroque
Intern, Third Party Projects Review
Metrolinx
20 Bay Street Suite 600, Toronto

APPENDIX "D"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/118/22**

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 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;
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, 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 Manager of By-law Enforcement & Regulatory Services Division.

CONDITIONS PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects