

Memorandum to the City of Markham Committee of Adjustment

September 1, 2022

File: A/120/22
Address: 69 Forty Second Street, Markham
Applicant: Yun Hong Ma
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, September 7, 2022

The following comments are provided on behalf of the Central District team.

The applicant is requesting relief from the following “Seventh Density – Single Detached Residential (R7)” zone requirements under By-law 134-79, as amended, as it relates to a proposed one-storey rear addition, including a basement addition with an associated walk-out entrance. The variances requested are to permit:

- a) **Section 7.2 (c):**
a maximum lot coverage of 41.0 percent, whereas the By-law permits a maximum lot coverage of 33 and one-third percent;
- b) **Section 7.2 (b):**
a minimum rear yard setback of 7.40 metres, whereas the By-law requires a minimum rear yard setback of 7.50 metres; and
- c) **Section 7.2 (b):**
a minimum side yard setback of 0.82 metres, whereas the By-law requires a minimum side yard setback of 1.20 metres.

BACKGROUND

Property Description

The 561.45 m² (6,043.40 ft²) subject lands are located on the east side of Forty Second Street, west of Long Island Crescent, and south of Manhattan Drive (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood primarily comprised of two-storey detached dwellings.

The existing 163.50 m² (1,960.34 ft²) two-storey detached dwelling was constructed in 1986 according to assessment records. Mature vegetation exists throughout the property including two large mature trees in the front yard.

Proposal

The applicant is proposing to construct a 61.54 m² (662.41 ft²) one-storey sunroom and a basement addition to the rear of the existing two-storey detached dwelling. The proposal also consists of a side yard basement walk-up entrance (refer to Appendix “C” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The subject lands are designated “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill

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. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation.

Zoning By-Law 134-79

The subject property is zoned “Seventh Density Residential – Single Detached (R7)” zone under By-law 134-79, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to minimum rear yard setback, minimum side yard setback, and maximum lot coverage.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (HP 22 109081) to confirm the variances required for the proposed development.

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.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 41.0 percent to permit the proposed building footprint of 225 m² (2,622.48 ft²), whereas the By-law permits a maximum lot coverage of 33.33 percent. This represents a 23.00 percent (37.85m² or 124.18ft²) increase over the permitted building footprint.

Staff are of the opinion that the proposed increase in lot coverage is minor in nature, and that the proposed development will not significantly add to the scale and massing of the dwelling.

Reduction in Minimum Side and Rear Yard Setbacks

The applicant is requesting relief to permit a minimum rear yard setback of 7.40 m (24.28 ft), whereas the By-law requires a minimum rear yard setback of 7.50 m (24.60 ft). This represents a 1.25 percent (0.10 m or 0.33 ft) reduction to the permitted rear yard setback.

The applicant is also requesting relief to permit a minimum side yard setback of 0.82 m (2.69 ft), whereas the By-law requires a minimum front yard setback of 1.20 m (3.94 ft). This represents 31.60 percent (0.38 m or 1.25 ft) reduction to the permitted rear yard.

Staff are of the opinion that the proposed side and rear yard setbacks are minor and staff have no concern with the requested variances.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 31, 2022. 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.

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Conditions of Approval

Appendix "C" – Plans

Appendix "D" – Notice of Hearing

PREPARED BY:

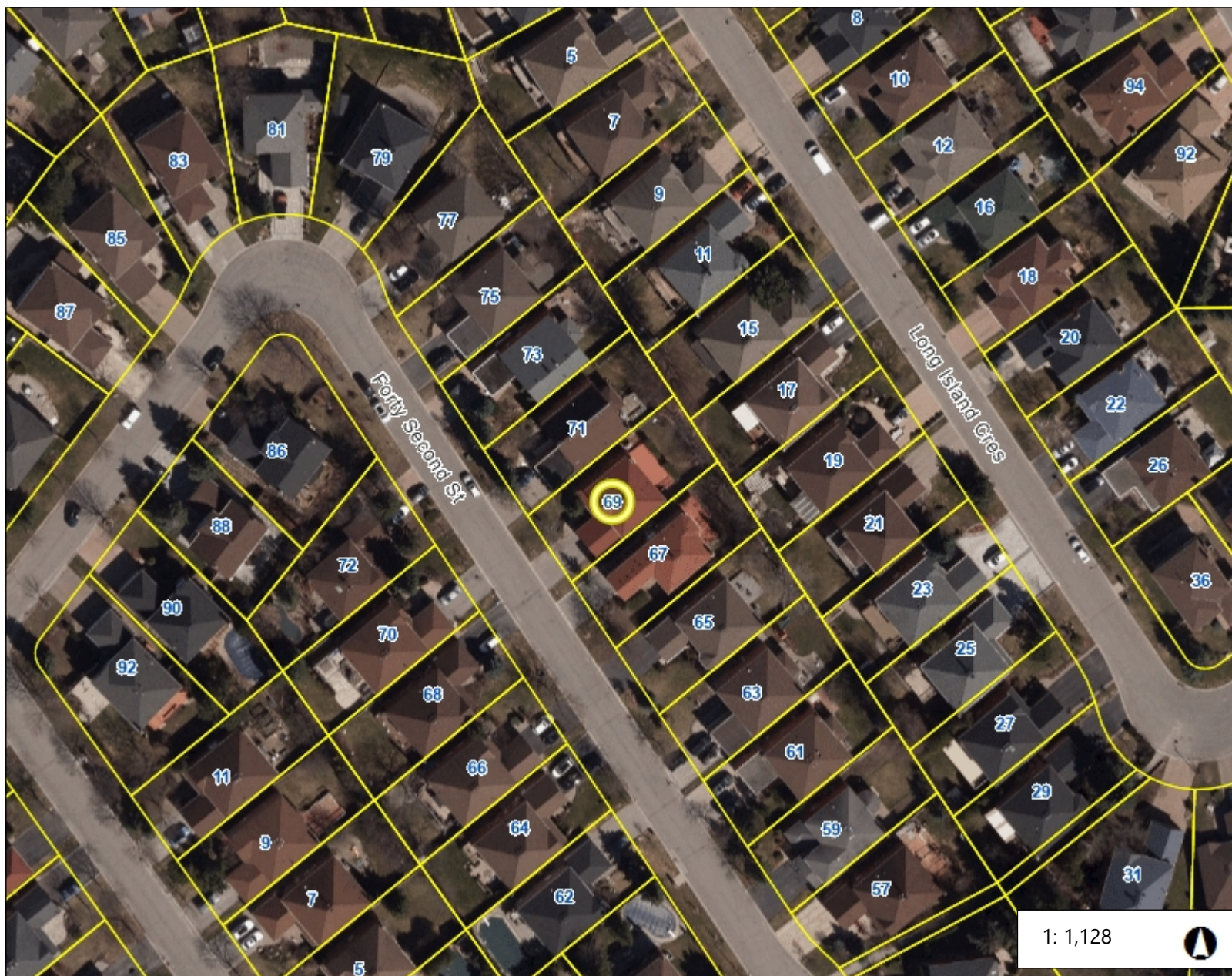


Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District



Legend

- Parcel
- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 1,128



57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

APPENDIX “B”**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/120/22**

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 C' 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. 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. 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 Director of Operations; and
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:

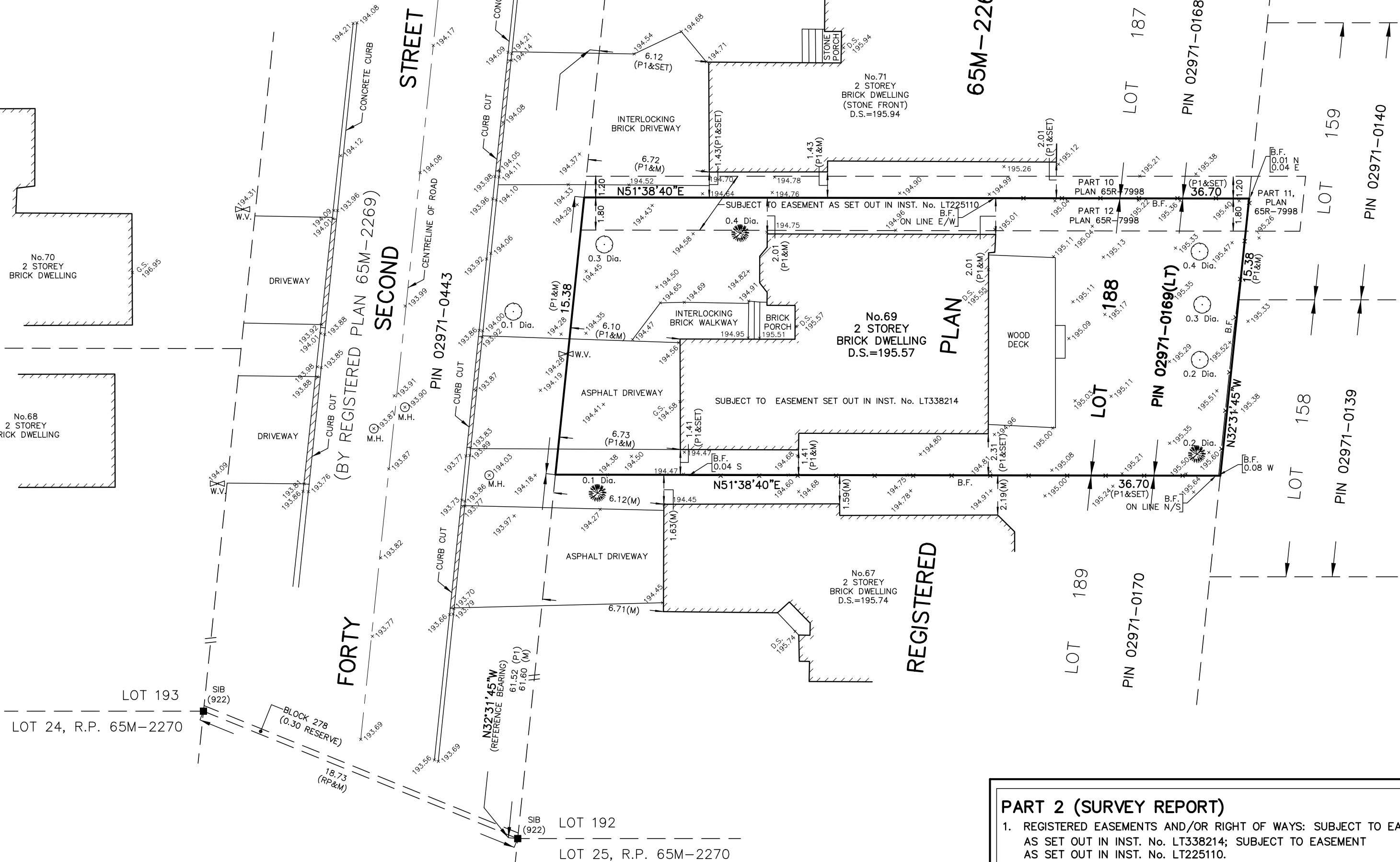
A handwritten signature in black ink, appearing to read 'Hussnain Mohammad', is written over a light gray rectangular background.

Hussnain Mohammad, Development Technician, Zoning and Special Project

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2180457



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



SURVEYOR'S REAL PROPERTY REPORT
PART 1 – PLAN OF SURVEY OF
LOT 188
REGISTERED PLAN 65M-2269
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

3m 1.5 0 3 6 9 12 15 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC

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

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES SHORT IRON BAR
- RP DENOTES REGISTERED PLAN 65M-2269
- P1 DENOTES PLAN OF SURVEY BY ANTON KIKAS LTD., O.L.S.
DATED SEPTEMBER 8, 1986
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- M DENOTES MEASURED
- D.S. DENOTES DOOR SILL ELEVATION
- G.S. DENOTES GARAGE SILL ELEVATION
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- 922 DENOTES SCHAEFFER & REINTHALER, O.L.S.
- W.V. DENOTES WATER VALVE
- M.H. DENOTES MAN HOLE
- ⊙ DENOTES CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.
BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE
NORTHEASTERLY LIMIT OF FORTHY SECOND STREET AS SHOWN ON REGISTERED
PLAN 65M-2269, HAVING A BEARING OF N32°31'45"W.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY
OF MARKHAM BENCHMARK No.092903341, HAVING AN ELEVATION OF 192.22 M.
DATUM: CGVD28:PRE78. BRASS CAP IN CONCRETE SIDEWALK 8.0 M NORTH OF
THE CENTRELNE OF MANHATTAN DRIVE AND 29 M EAST OF GREENWICH
AVENUE.

THIS REPORT WAS PREPARED FOR YUN HONG MA AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 31st DAY OF OCTOBER, 2021

NOVEMBER 14, 2021
DATE

Z. ZENG

ONTARIO LAND SURVEYOR



MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM

2400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z.

CAD No: 21-579SRPR

JOB No: 2021-579

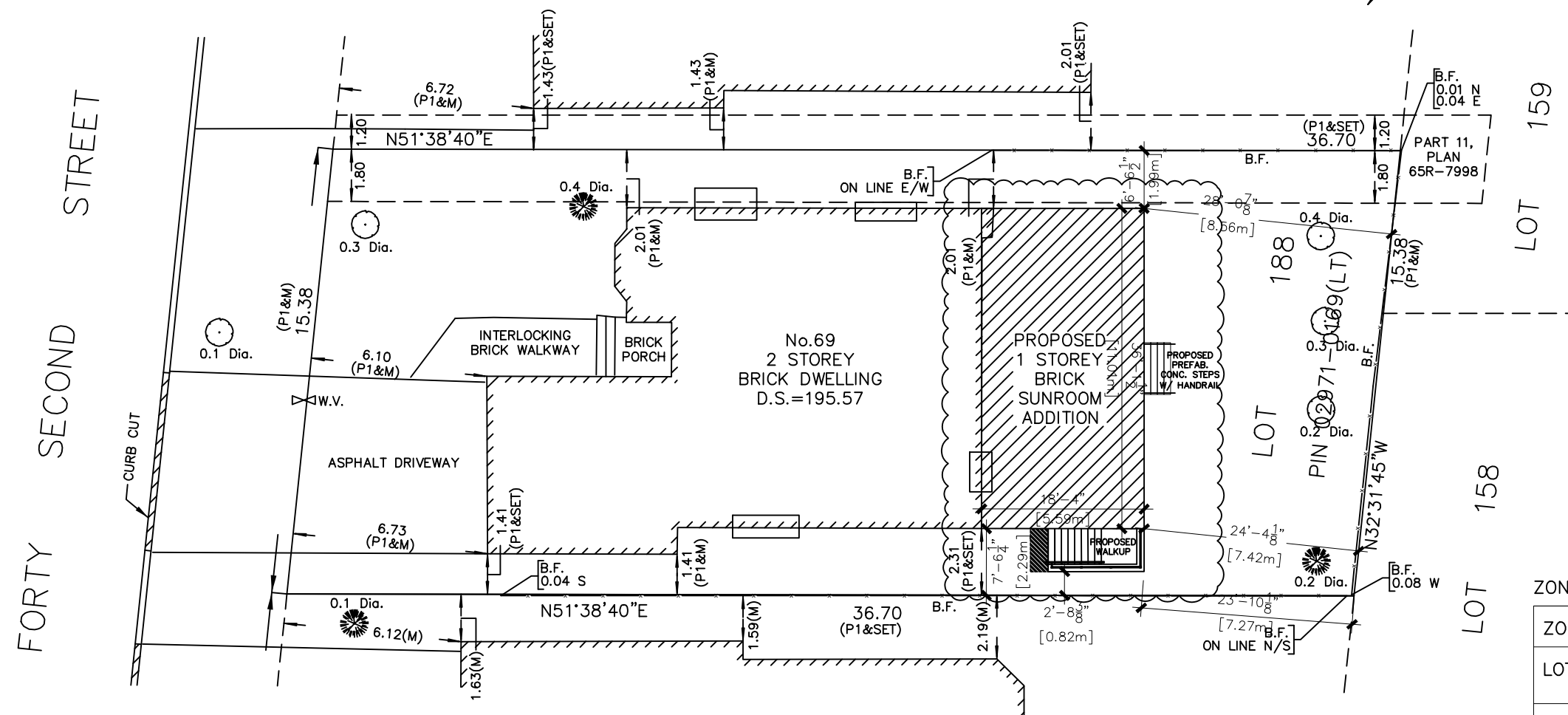
PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO EASEMENT
AS SET OUT IN INST. No. LT338214; SUBJECT TO EASEMENT
AS SET OUT IN INST. No. LT225110.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND
THE NORTHERLY, SOUTHERLY AND WESTERLY LIMITS OF THE SUBJECT
PROPERTY. NOTE ALSO THE LOCATION OF OVERHEAD WIRE.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



INDEX OF DRAWINGS

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18. GUARDRAIL DESIGN

SCOPE OF WORK

1. PROPOSED REAR BASEMENT AND GROUND STOREY ADDITION

ZONING STATISTIC:

1. EXISTING LOT COVERAGE: 29.12%;
PROPOSED LOT COVERAGE: 40.011%

ZONING STATISTICS:

ZONING: R7		LOT NO. : 188
LOT AREA: 561.5 m ² (6044.25 FT ²)		LOT FRONTAGE: 15.38 M
FOOTPRINT		
	EXISTING	PROPOSED
AREA	163.5 m ² 1960.34 ft ²	225 m ² 2622.48 ft ²
LOT COVERAGE	29.11%	41%
SETBACK		
	ADDITION	WALKUP
NORTH	1.99 m	N/A
SOUTH	2.29 m	0.82 m
REAR	7.42 m	7.27 m
HEIGHT	ONE—STOREY	N/A

SITE PLAN

1/16"=1'

LHW ENGINEERING LTD.

2347 KENNEDY ROAD
SCARBOROUGH, ON M1T 3T8
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM



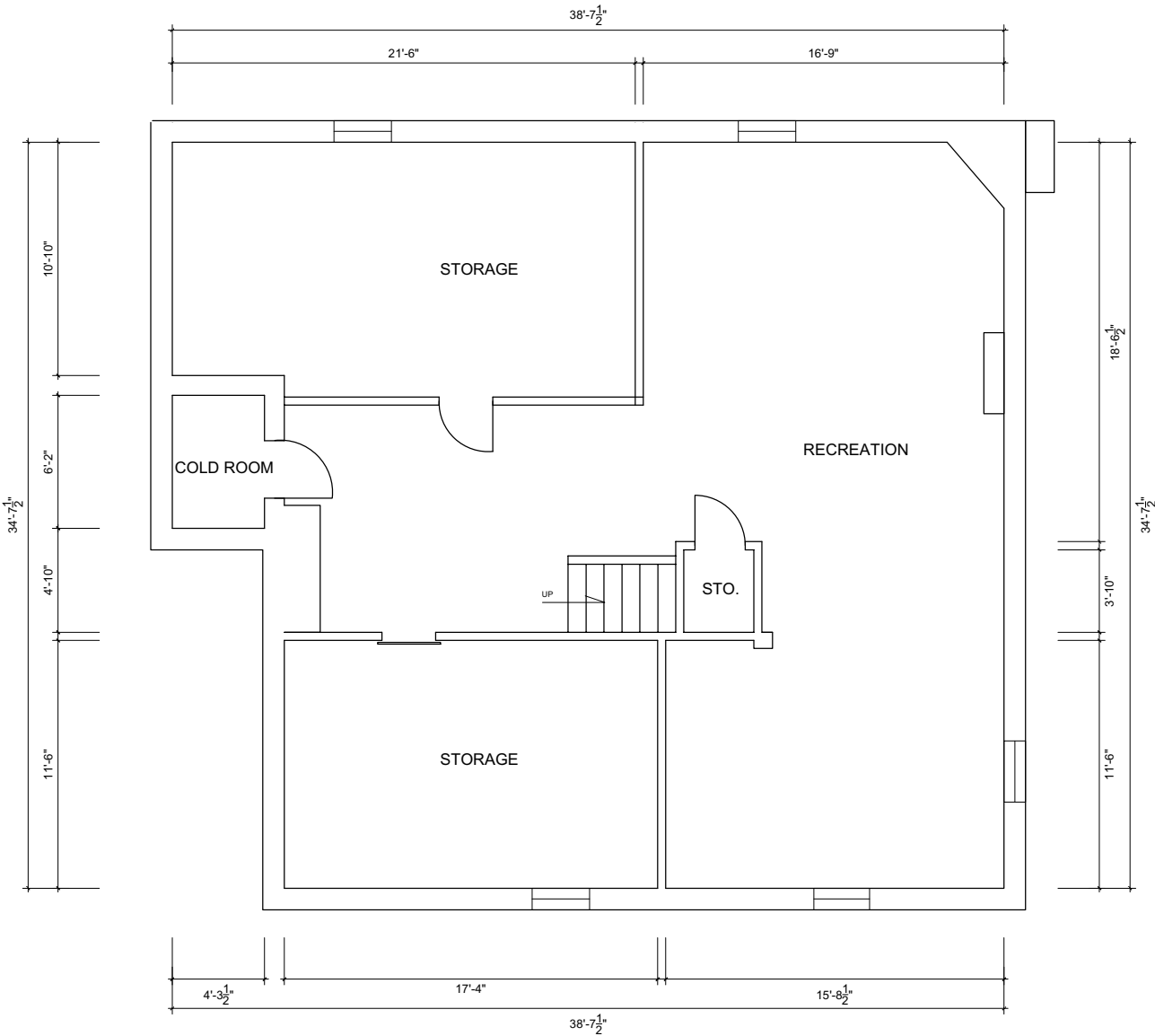
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PROJ. TITLE
REAR 1 STOREY ADDITION
ADDRESS:
69 FORTY SECOND ST, MARKHAM
DWG. TITLE
SITE PLAN

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.01

Appendix C

File: 22.246401.000.00.MNV
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EXISTING BASEMENT PLAN
1/8"=1'

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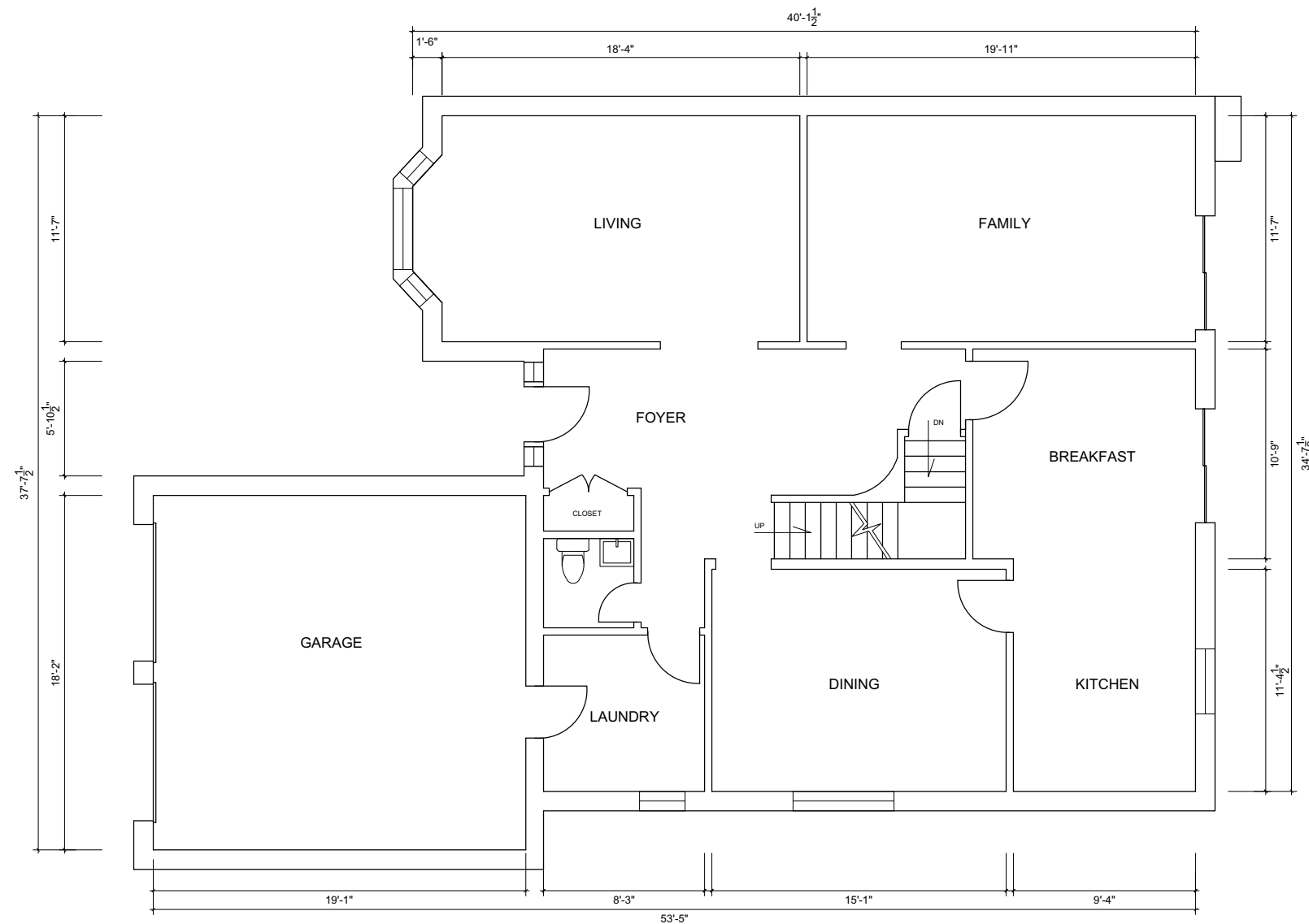
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DWG. TITLE
EXISTING BASEMENT PLAN

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.02

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EXISTING GROUND FLOOR PLAN
1/8"=1'

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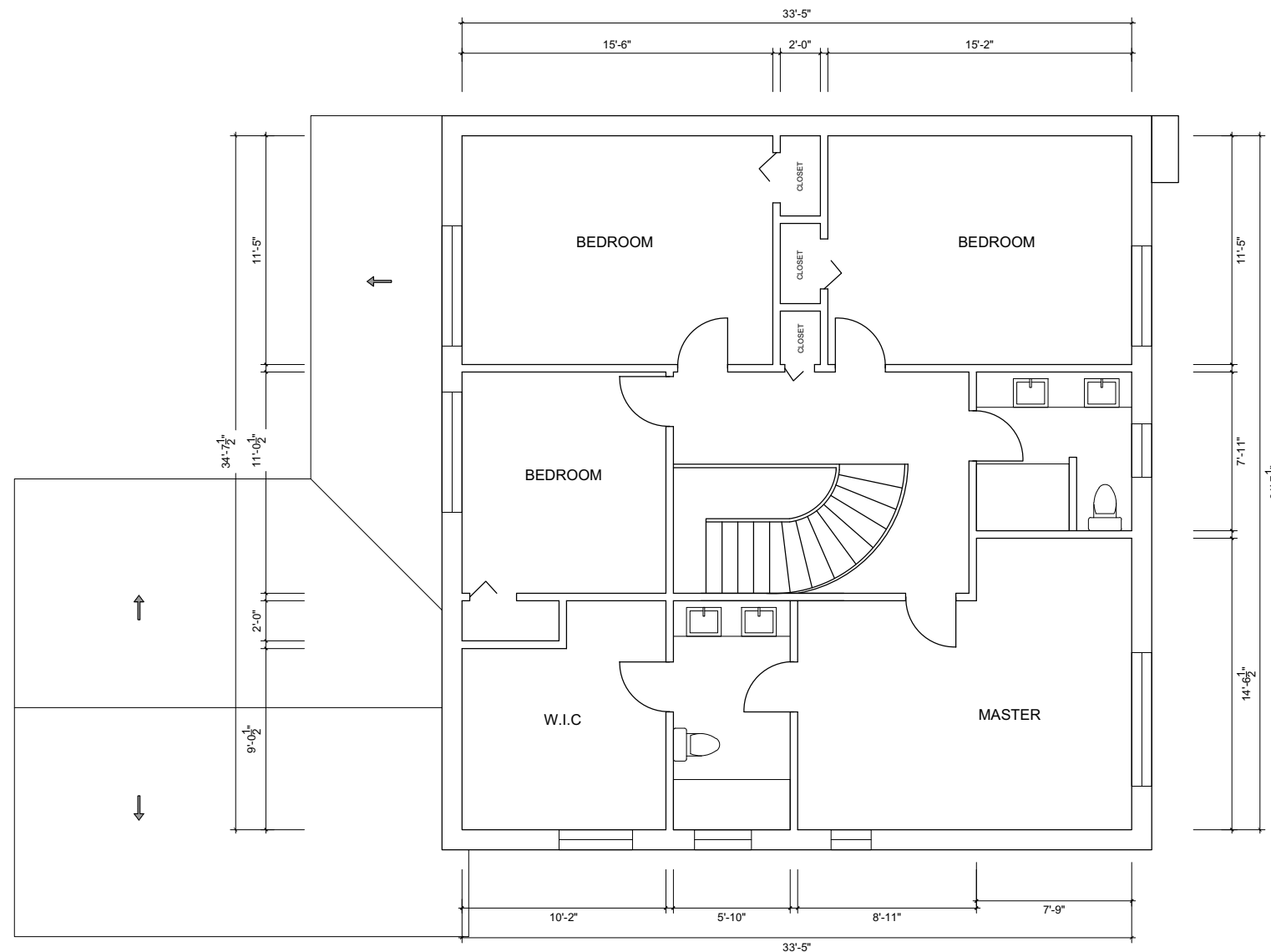
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PROJ. TITLE
REAR 1 STOREY ADDITION
ADDRESS:
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DWG. TITLE
EXISTING GROUND FLOOR PLAN

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.03

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EXISTING SECOND FLOOR PLAN
1/8"=1'

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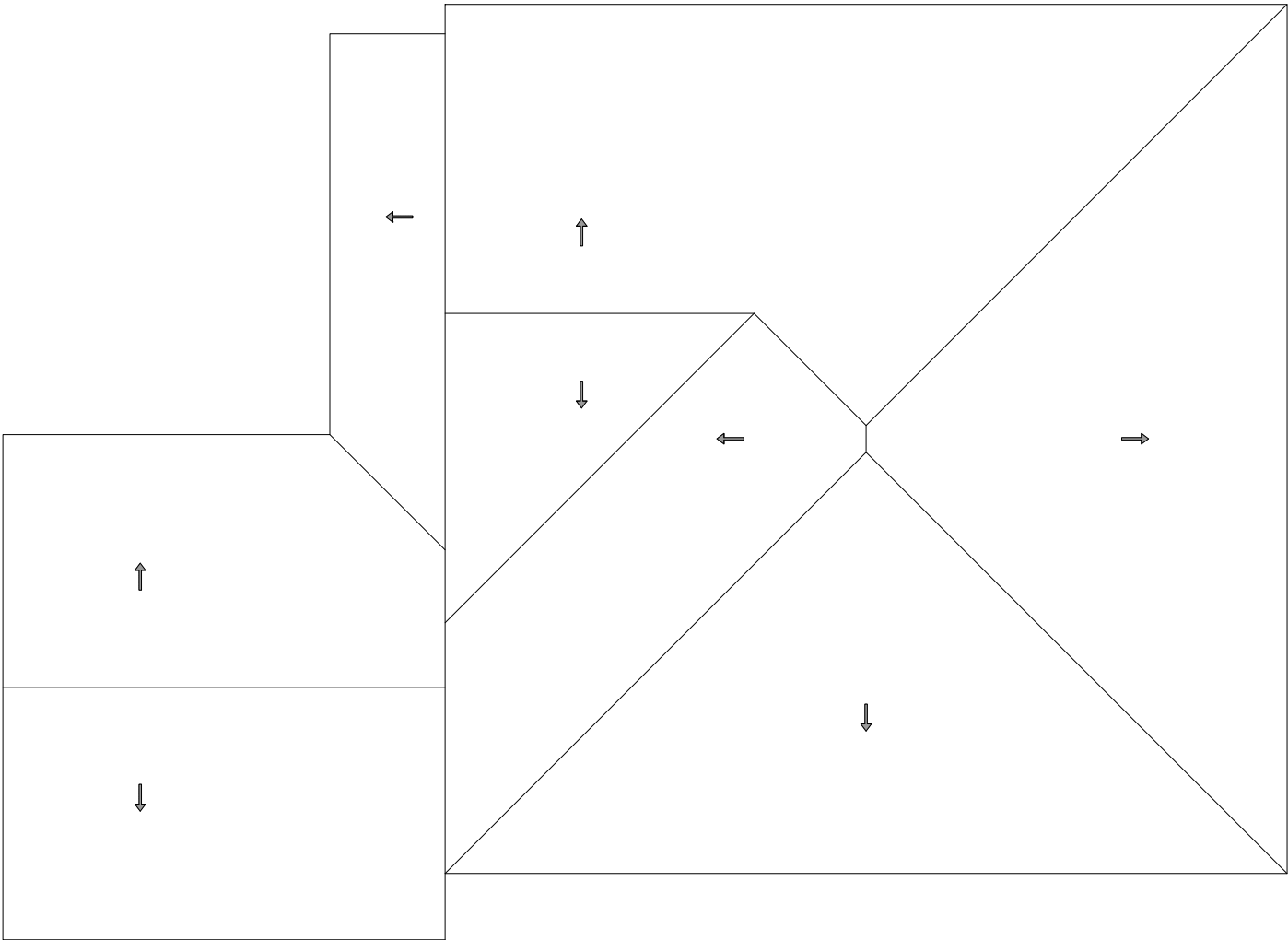
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ADDRESS:
69 FORTY SECOND ST, MARKHAM
DWG. TITLE
EXISTING SECOND FLOOR PLAN

DATE JAN. 04 2022	DRAWN BY XDT
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PROJ. NO 211017	DWG. NO A.04

Appendix C

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EXISTING ROOF PLAN
1/8"=1'

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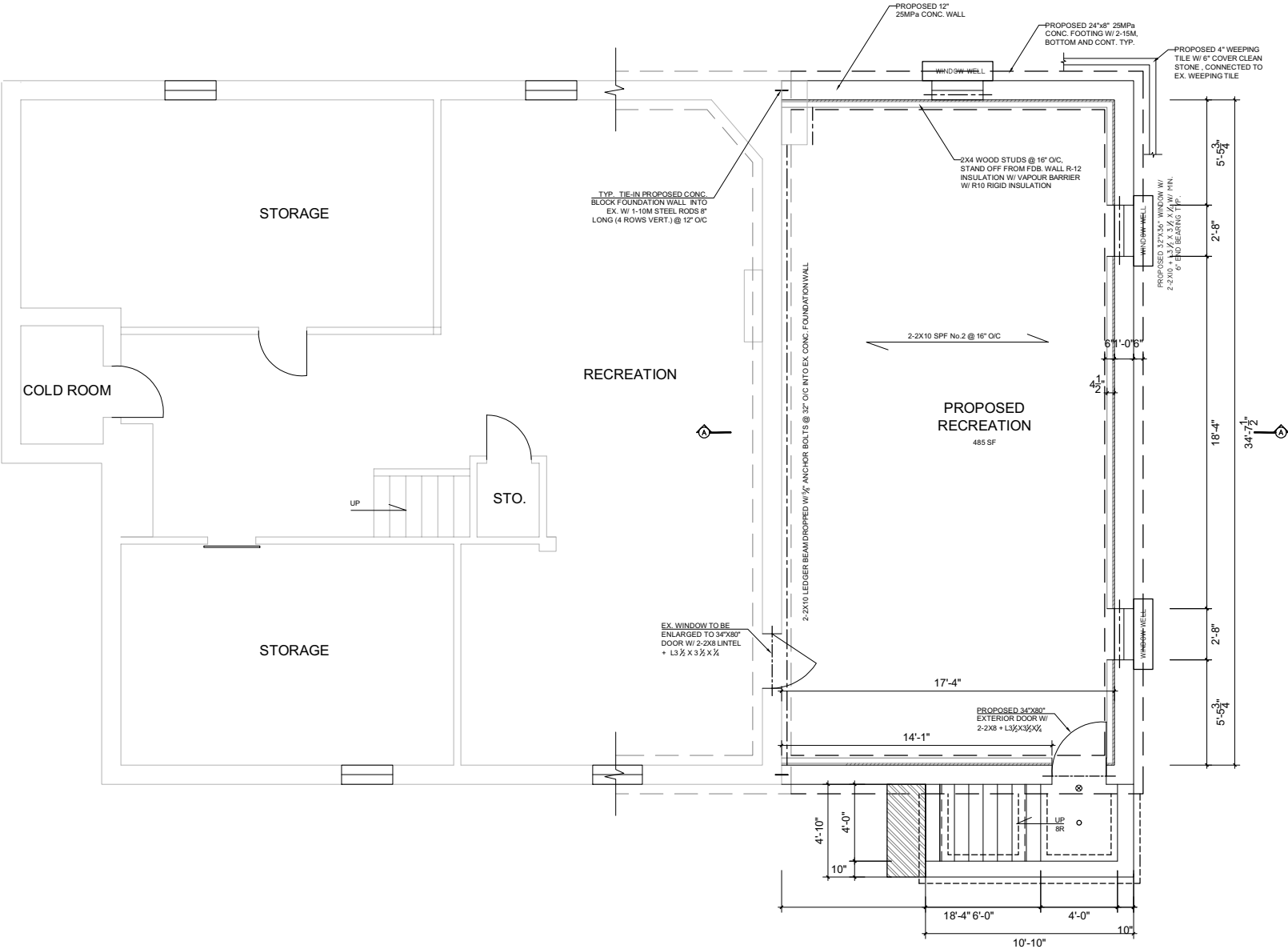
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Floor Joist Calculation:

2-2x10 S-P-F No.1/No.2

Properties:

Mr=12.1 kN.m EI=781x10⁹ N.mm²
Span=17' 6"= 5.334m Mr=8.99 kN.m

Deflection:

$$\Delta = \frac{5 \cdot L^4 \cdot w}{384 EI} = \frac{5 \times 5.334^4 \times 0.4 \times 1.9}{384 \times 781 \times 10^9} = 10mm < \frac{5334}{360} mm$$

Accept

Bending Moment:

$$M_f = \frac{1}{8} (1.5 LL + 1.25 DL)L^2$$

$$= \frac{1}{8} (1.5 \times 1.9 + 1.25 \times 1.0) \times 0.4 \times 5.334^2$$

$$= 5.83 \text{ kN.m} < 8.99 \text{ kN.m}$$

Accept

PROPOSED BASEMENT PLAN
1/8"=1'

<div>LHW ENGINEERING LTD.</div> <div>2347 KENNEDY ROAD SCARBOROUGH, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</div>		No.	Revision / Issue		PROJ. TITLE	DATE	DRAWN BY
		1			REAR 1 STOREY ADDITION	JAN. 04 2022	XDT
		2			ADDRESS:		
		3			69 FORTY SECOND ST, MARKHAM	SCALE	CHECKED BY
		4			DWG. TITLE	AS SHOWN	BW
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					211017	A.06	
					PROPOSED BASEMENT PLAN		


2.246401.000.00.MNV

9/01/22

MM/DD/YY

Date: 09/01/22
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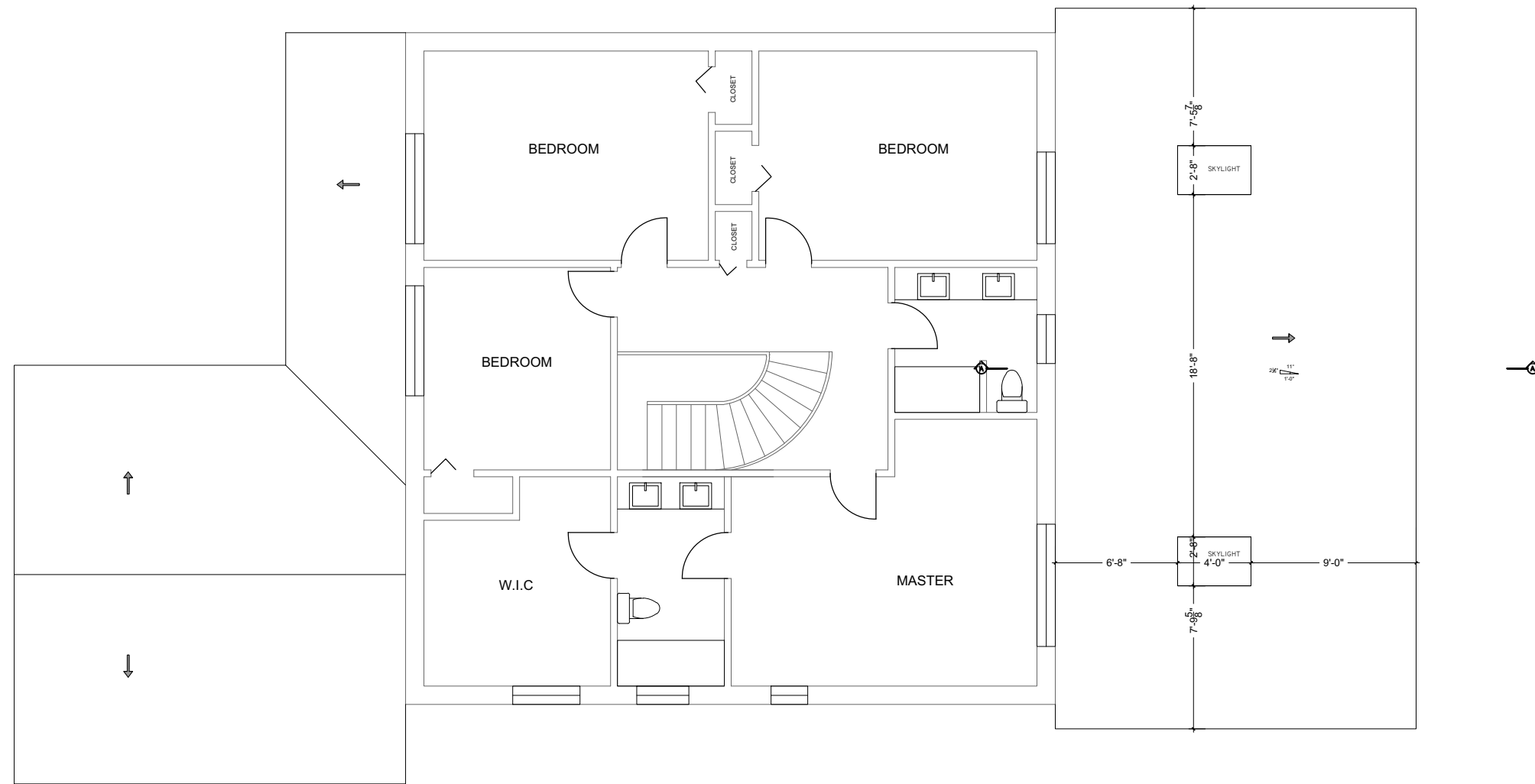


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		2		ADDRESS:	SCALE	CHECKED BY
		3		69 FORTY SECOND ST, MARKHAM	AS SHOWN	BW
		4		DWG. TITLE	PROJ. NO	DWG. NO
				PROPOSED GROUND FLOOR PLAN	211017	A.07

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



PROPOSED SECOND FLOOR PLAN
1/8"=1'

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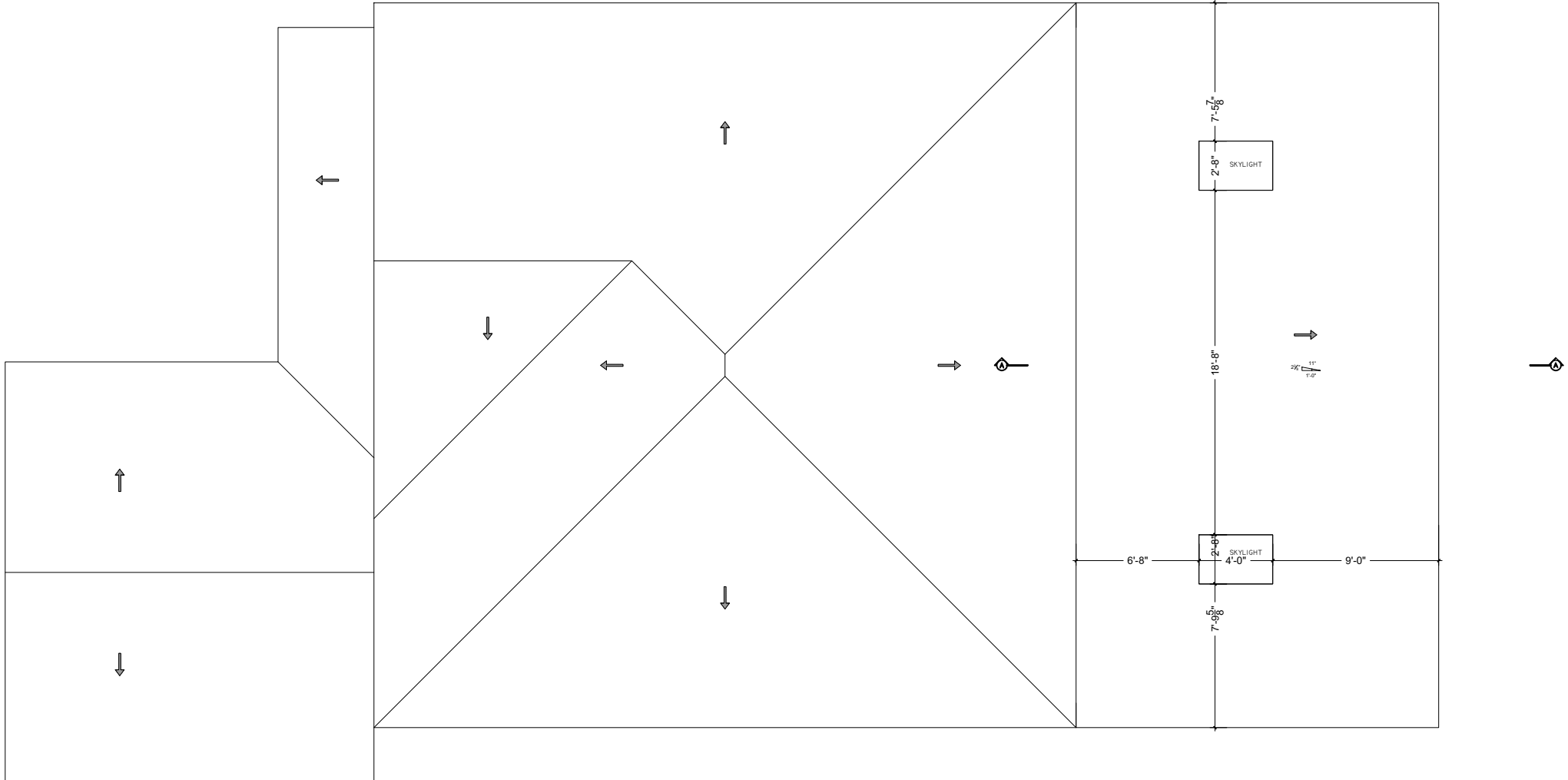
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PROJ. TITLE
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ADDRESS:
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PROPOSED SECOND FLOOR PLAN

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PROJ. NO 211017	DWG. NO A.08

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PROPOSED ROOF PLAN
1/8"=1'

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No.	Revision / Issue	
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PROJ. TITLE
REAR 1 STOREY ADDITION

ADDRESS:
69 FORTY SECOND ST, MARKHAM

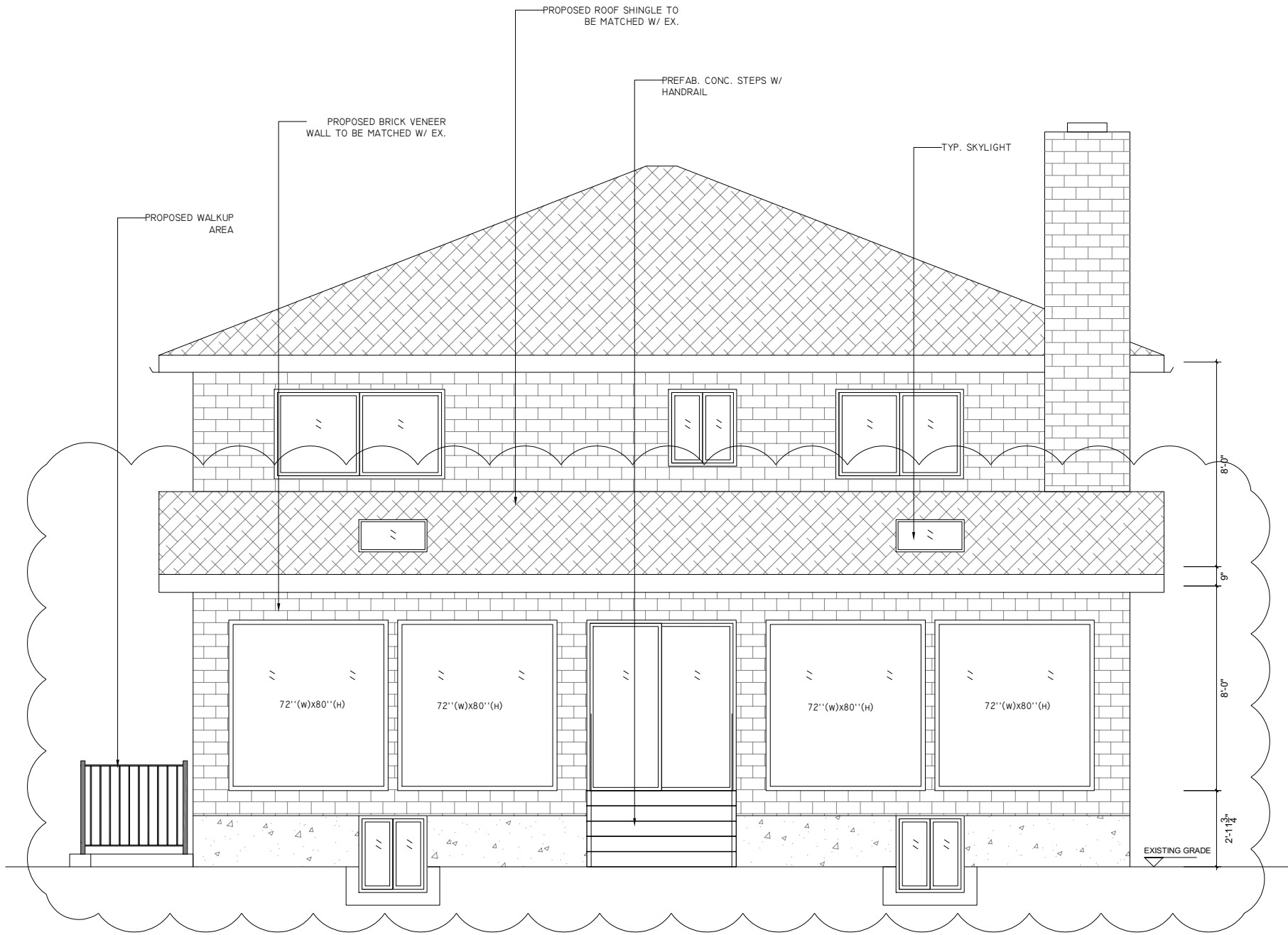
DWG. TITLE
PROPOSED ROOF PLAN

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.09

Appendix C

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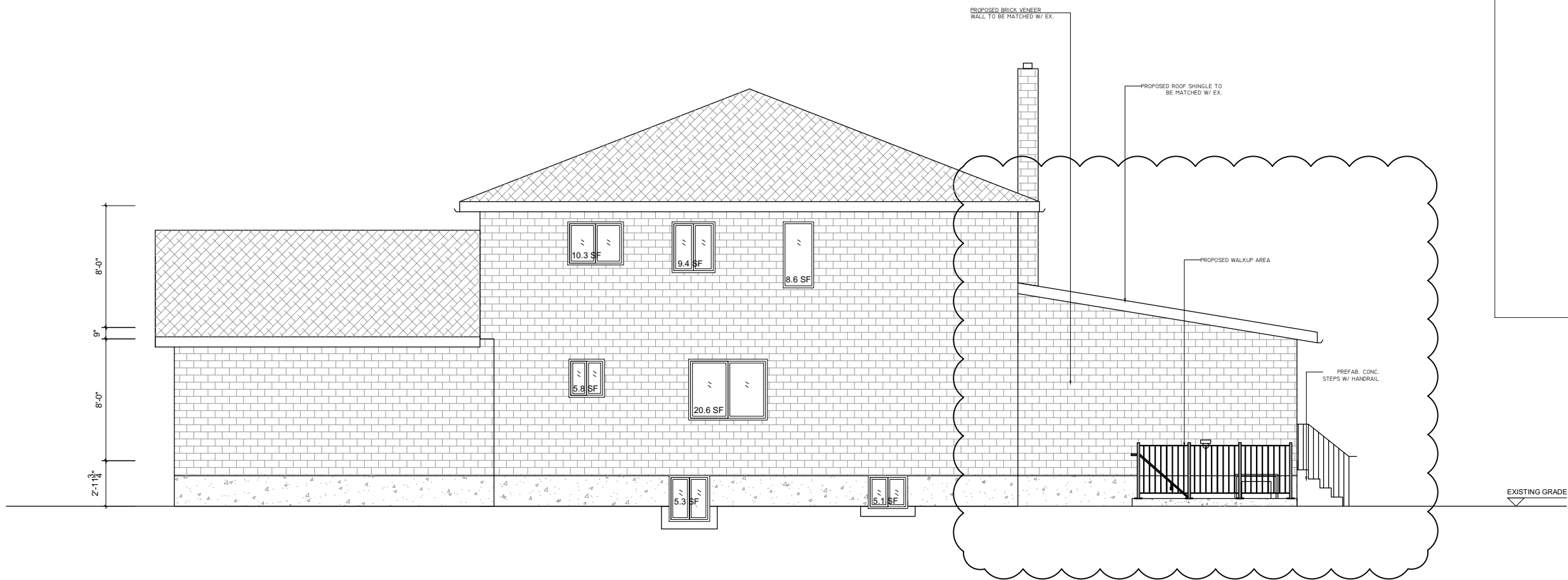
REAR ELEVATION
3/16"=1'

<div><div><div>LHW ENGINEERING LTD.</div><div>2347 KENNEDY ROAD SCARBOROUGH, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</div></div><div><div>REGISTERED PROFESSIONAL ENGINEER</div><div>L.H.WANG 100129683 2022-01-04 PROVINCE OF ONTARIO</div></div></div>	No.	Revision / Issue		PROJ. TITLE	REAR 1 STOREY ADDITION	DATE	JAN. 04 2022	DRAWN BY	XDT
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	2			DWG. TITLE	REAR ELEVATION	PROJ. NO	211017	DWG. NO	A.10
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Appendix C

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SOUTH SIDE ELEVATION
1/8"=1'

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No.	Revision / Issue
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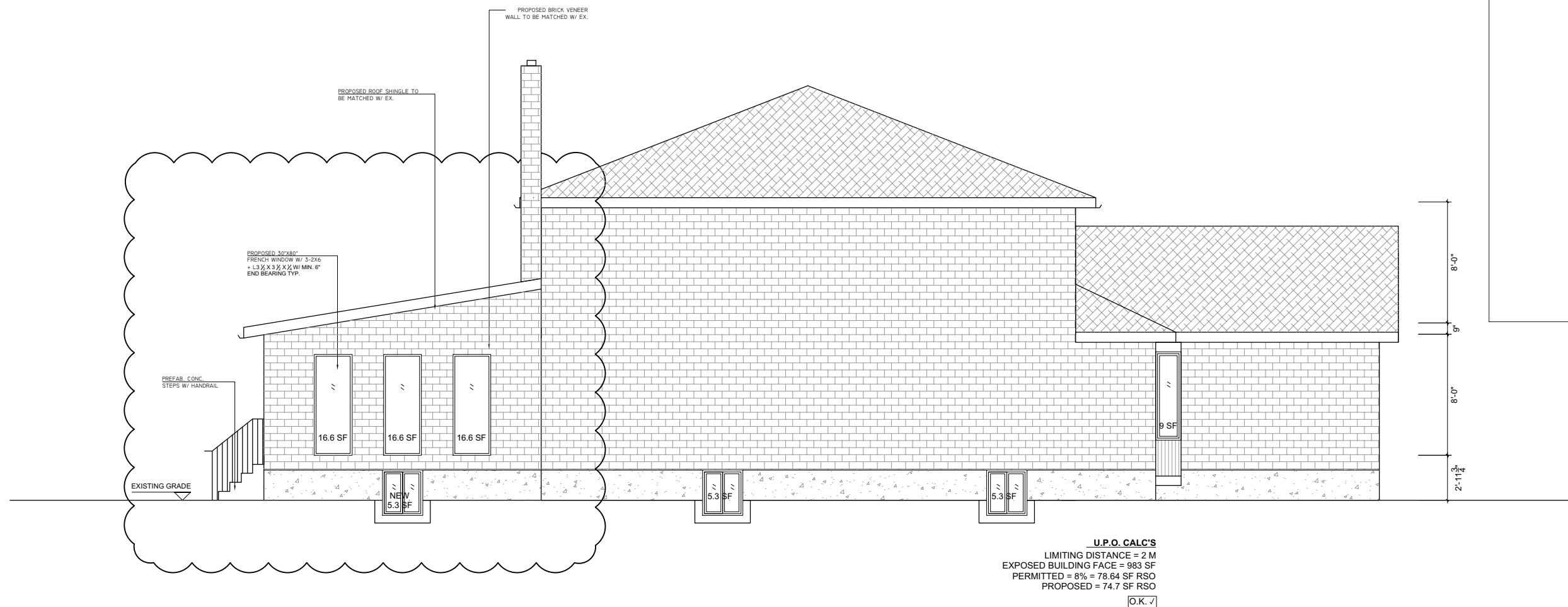
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REAR 1 STOREY ADDITION
ADDRESS:
69 FORTY SECOND ST, MARKHAM
DWG. TITLE
SOUTH SIDE ELEVATION

DATE JAN. 04 2022	DRAWN BY XDT
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PROJ. NO 211017	DWG. NO A.11

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NORTH SIDE ELEVATION

1/8"=1'

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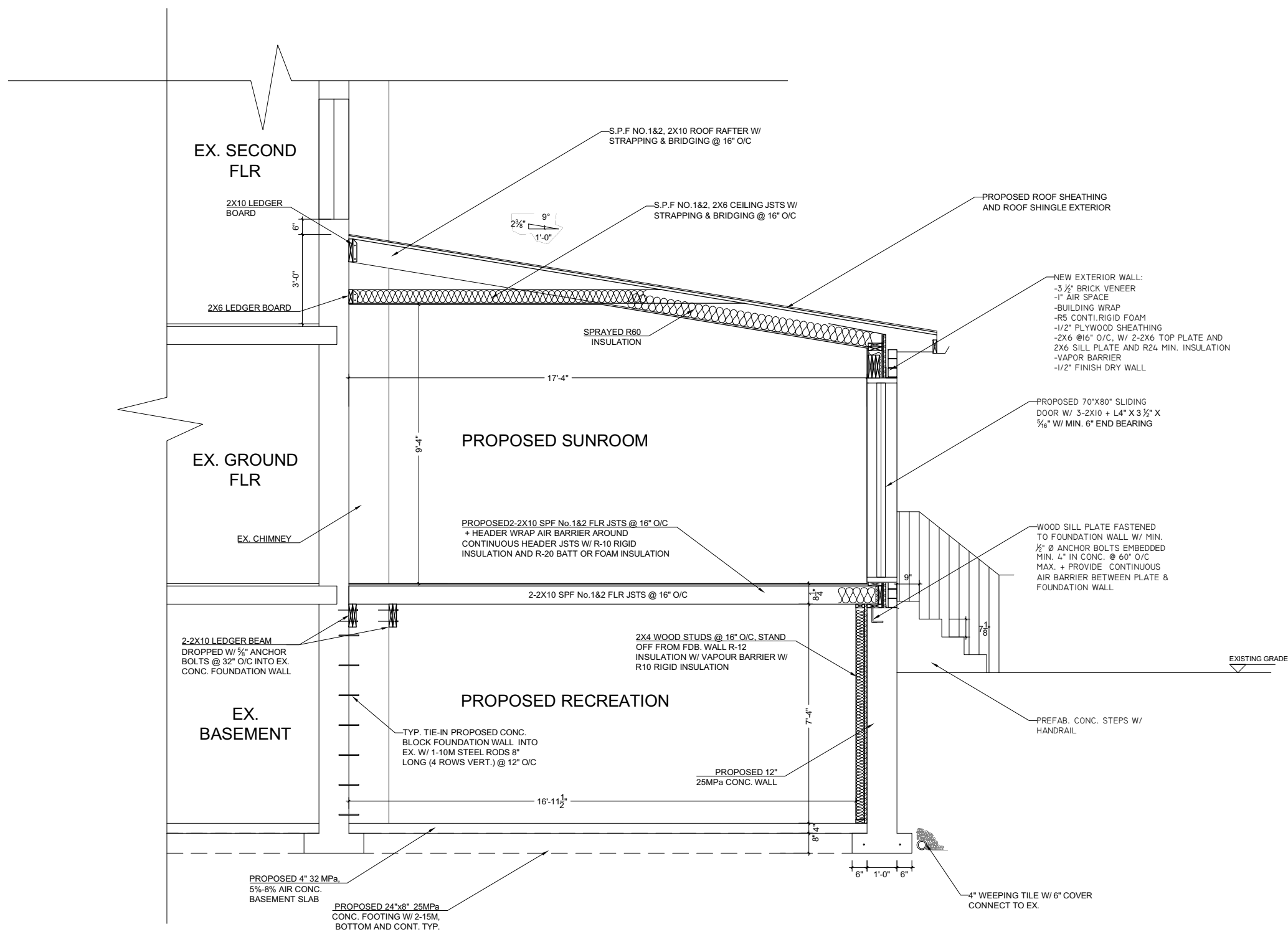
PROJ. TITLE
REAR 1 STOREY ADDITION
ADDRESS:
69 FORTY SECOND ST, MARKHAM
DWG. TITLE
NORTH SIDE ELEVATION

DATE JAN. 04 2022	DRAWN BY XDT
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PROJ. NO 211017	DWG. NO A.12

Appendix C

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SECTION A-A

1/4"=1'

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4	

PROJ. TITLE
REAR 1 STOREY ADDITION

ADDRESS:
69 FORTY SECOND ST, MARKHAM

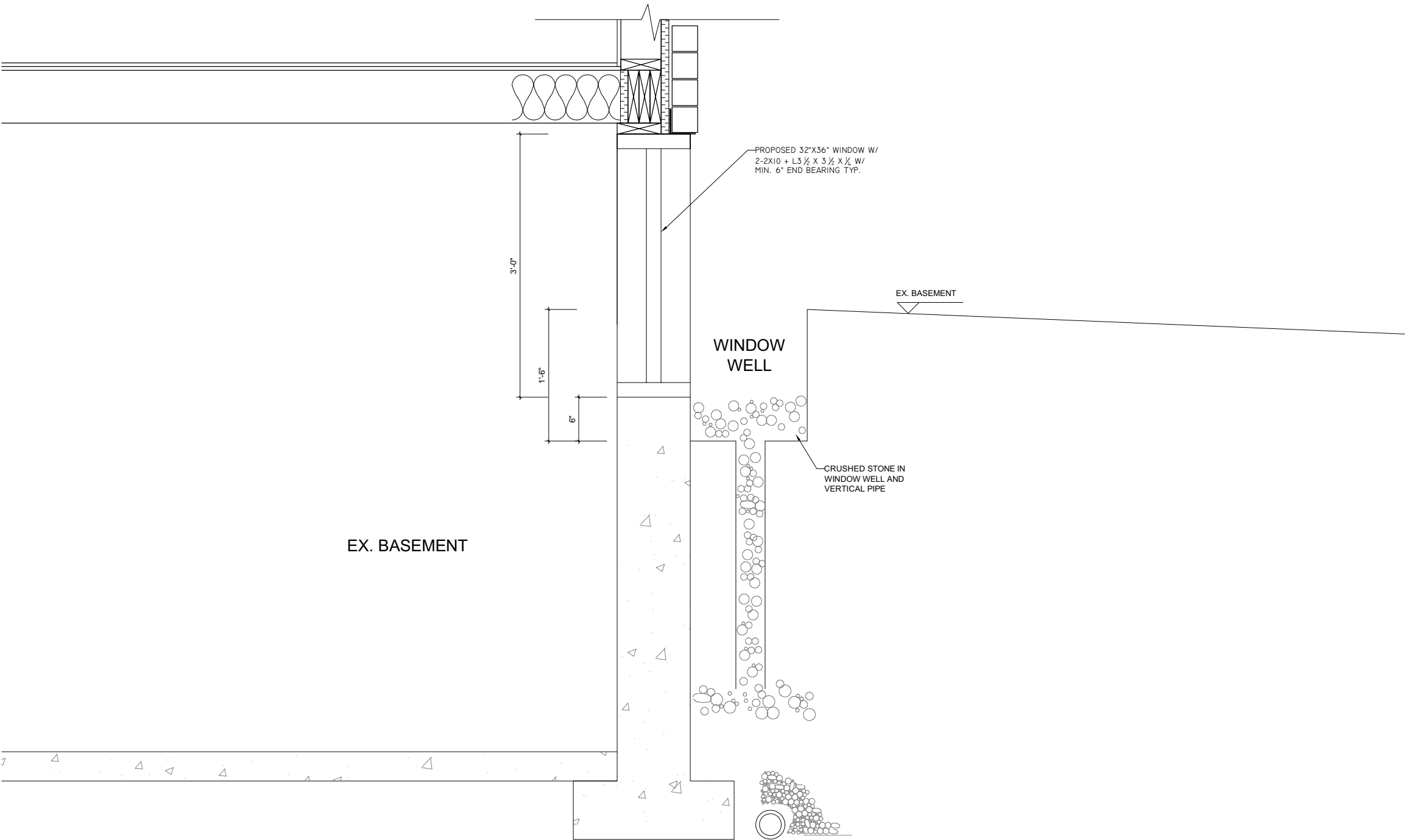
DWG. TITLE
SECTION A-A

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.13

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



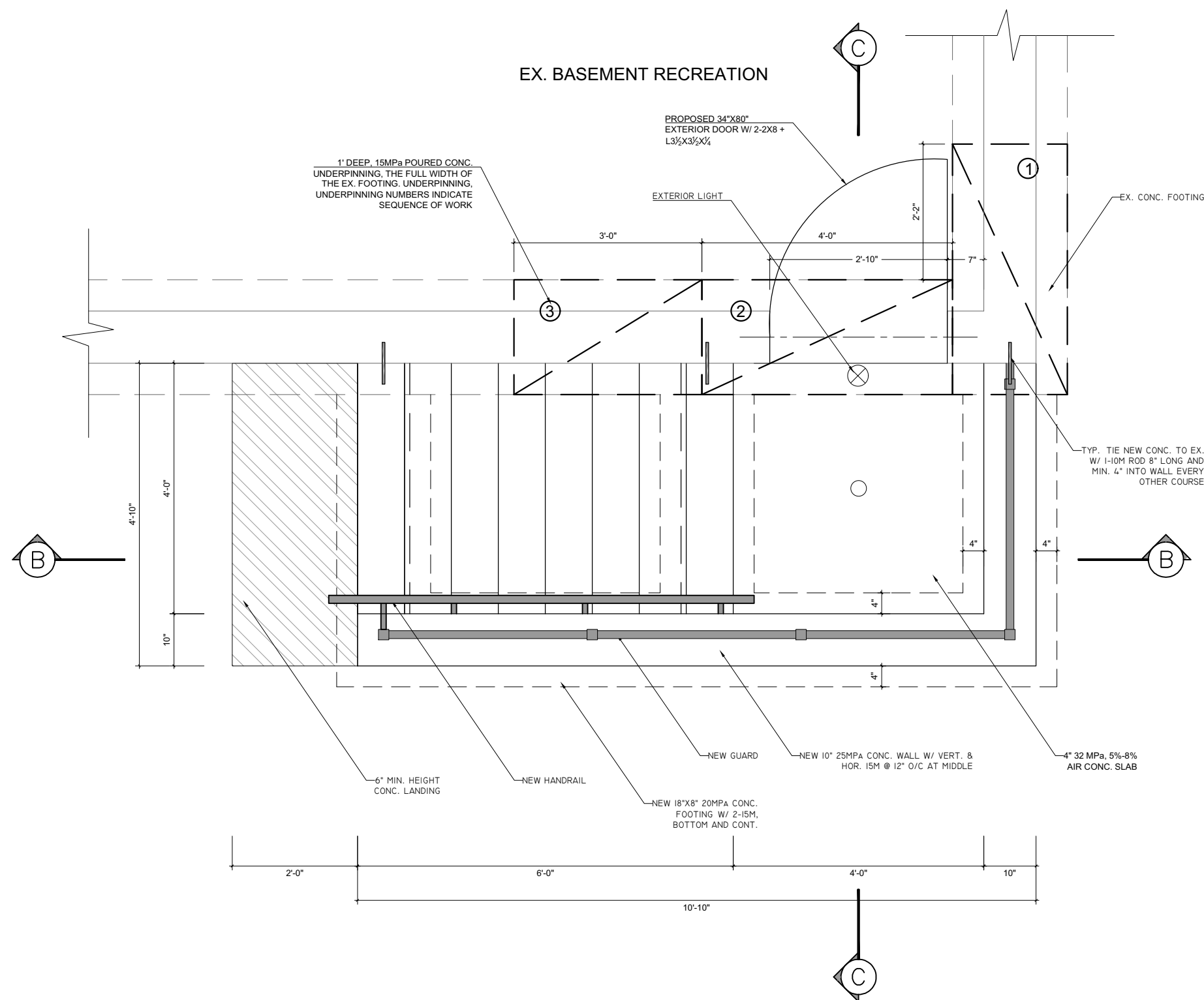
WINDOW WELL DETAIL
3/4"=1'

LHW ENGINEERING LTD. 2347 KENNEDY ROAD SCARBOROUGH, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM			No.	Revision / Issue		PROJ. TITLE	DATE	DRAWN BY
			1			REAR 1 STOREY ADDITION	JAN. 04 2022	XDT
			2			ADDRESS:	SCALE	CHECKED BY
			3			69 FORTY SECOND ST, MARKHAM	AS SHOWN	BW
			4			DWG. TITLE	PROJ. NO	DWG. NO
						WINDOW WELL DETAIL	211017	A.14

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



WALKUP AREA DETAIL PLAN

1/2"=1'

LHW ENGINEERING LTD.

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SCARBOROUGH, ON M1T 3T8
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM



No.	Revision / Issue
1	
2	
3	
4	

PROJ. TITLE
REAR 1 STOREY ADDITION

ADDRESS:
69 FORTY SECOND ST, MARKHAM

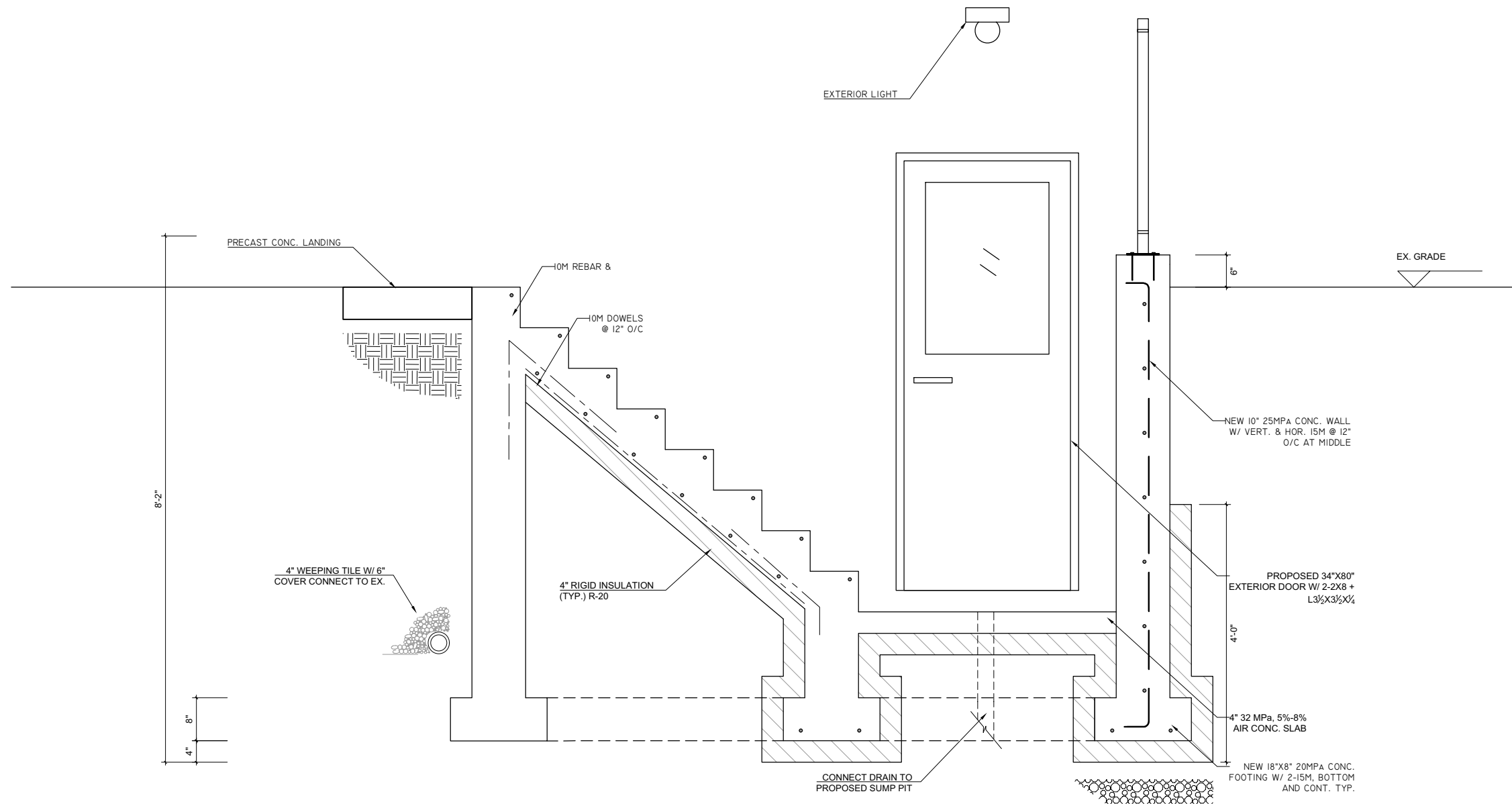
DWG. TITLE
WALKUP AREA DETAIL PLAN

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.15

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



SECTION B-B

1/2"=1'

LHW ENGINEERING LTD.

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LHW.ENGINEERING@GMAIL.COM



No.	Revision / Issue
1	
2	
3	
4	

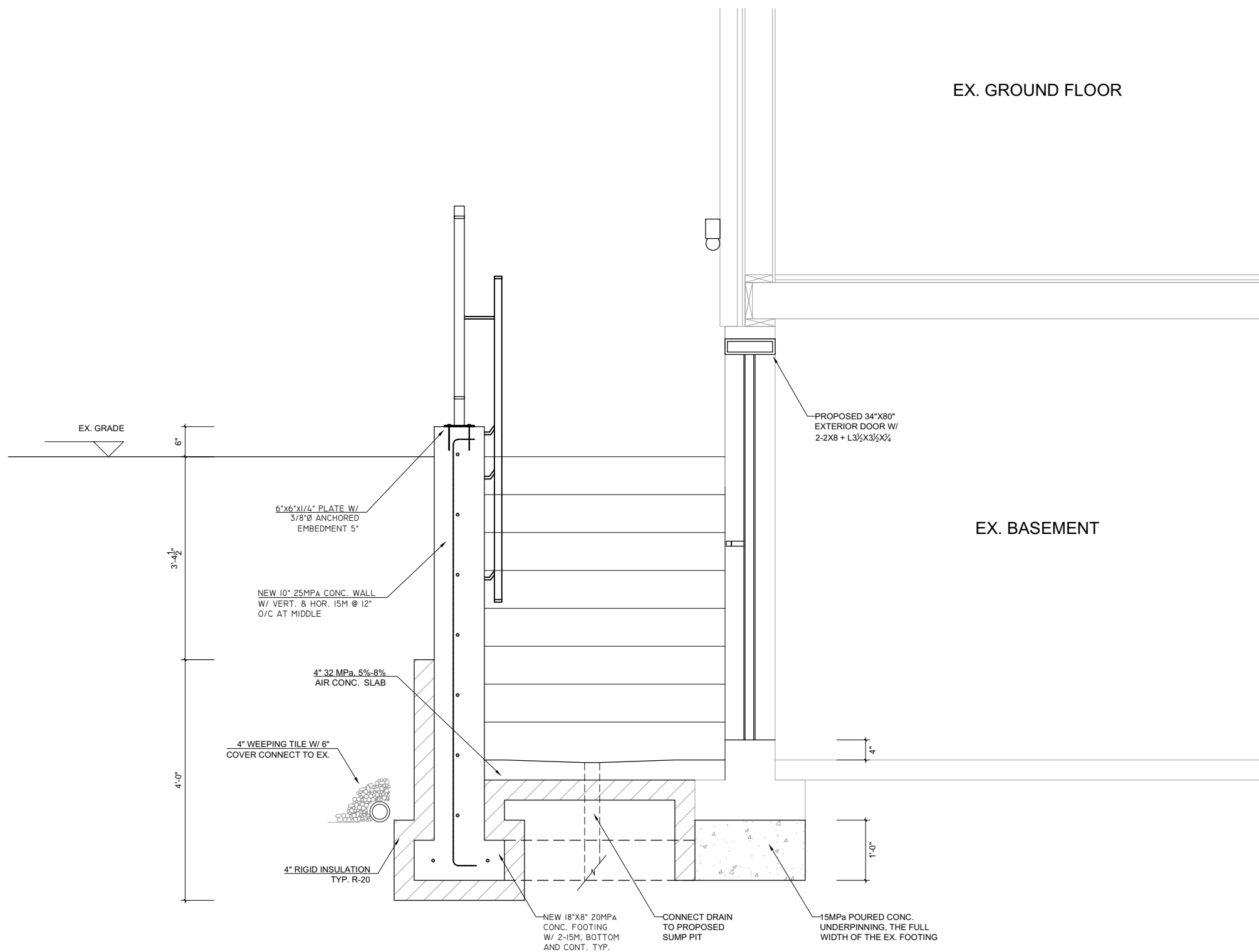
PROJ. TITLE
REAR 1 STOREY ADDITION
ADDRESS:
69 FORTY SECOND ST, MARKHAM
DWG. TITLE
SECTION B-B

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.16

Appendix C

File: 22.246401.000.00.MNV

Date: 09/01/22
MM/DD/YY



SECTION C-C

1/2"=1'

LHW ENGINEERING LTD.

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SCARBOROUGH, ON M1T 3T8
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM



No.	Revision / Issue
1	
2	
3	
4	

PROJ. TITLE
REAR 1 STOREY ADDITION

ADDRESS:
69 FORTY SECOND ST, MARKHAM

DWG. TITLE
SECTION C-C

DATE JAN. 04 2022	DRAWN BY XDT
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 211017	DWG. NO A.17