

# Memorandum to the City of Markham Committee of Adjustment

September 16, 2022

**File:** A/130/22  
**Address:** 3 Snowball Lane, Markham  
**Applicant:** Wheelock Pun  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, September 21, 2022

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

The Applicant is requesting relief from the following “Fourth Density – Semi-Detached Residential (RSD4)” zone requirements under By-law 184-78, as amended, as it relates to a proposed two-storey rear addition. The variances requested are to permit:

- a) **Section 7.2 (b):**  
minimum rear yard setback of 6.5 metres (21.33 feet), whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet); and
- b) **Section 7.2 (c):**  
maximum lot coverage of 40.7 percent, whereas the By-law permits a maximum of 40 percent.

## BACKGROUND

### Property Description

The 339.37 m<sup>2</sup> (3,652.95 ft<sup>2</sup>) subject lands are located on the east side of Snowball Lane, and are generally located north of Vanessa Road and south of Markville Road (refer to Appendix “A” – Aerial Photo). The subject lands are located within an established residential neighbourhood primarily comprised of two-storey detached dwellings.

The existing 115.57 m<sup>2</sup> (1,243.99 ft<sup>2</sup>) two-storey detached dwelling was constructed in 1983, according to assessment records. Mature vegetation exists throughout the property including two large mature trees on the front yard.

### Proposal

The Applicant is proposing to construct an approximate 22.29 m<sup>2</sup> (240 ft<sup>2</sup>) two-storey addition to the rear of the existing two-storey detached dwelling (refer to Appendix “C” – Plans).

### Official Plan and Zoning

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

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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law 184-78

The subject property is zoned “Fourth Density – Semi-Detached Residential (RSD4)” under By-law 184-78, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to minimum rear yard setback, and maximum lot coverage.

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

The owner has completed a Zoning Preliminary Review (ZPR) on June 6, 2022 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 (the “Committee”):

- 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.

#### **Reduction in Rear Yard Setback**

The Applicant is requesting relief to permit a minimum rear yard setback of 6.5 metres (21.33 feet), whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet). This represents a reduction of 1.0 metre (3.23 feet).

Staff are of the opinion that the proposed rear yard setback is minor in nature, and staff have no concern with the requested variances.

#### **Increase in Maximum Lot Coverage**

The Applicant is requesting relief for a maximum lot coverage of 40.7 percent to permit the proposed building footprint of 137.96 m<sup>2</sup> (1,485 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 40.0 percent. This represents an approximately 19.3 percent (22.29 m<sup>2</sup> or 240 ft<sup>2</sup>) 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.

#### **Metrolinx Comments**

Metrolinx has advised that the subject property is located within 300 metres of the railway corridor zone of influence for the Metrolinx Uxbridge Subdivision. They provided no comments on the proposed Minor Variances.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 12, 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. 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" – Aerial Photo

Appendix "B" – A/130/22 Conditions of Approval

Appendix "C" – Plans

PREPARED BY:



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Hussnain Mohammad, Development Technician, Zoning and Special Projects

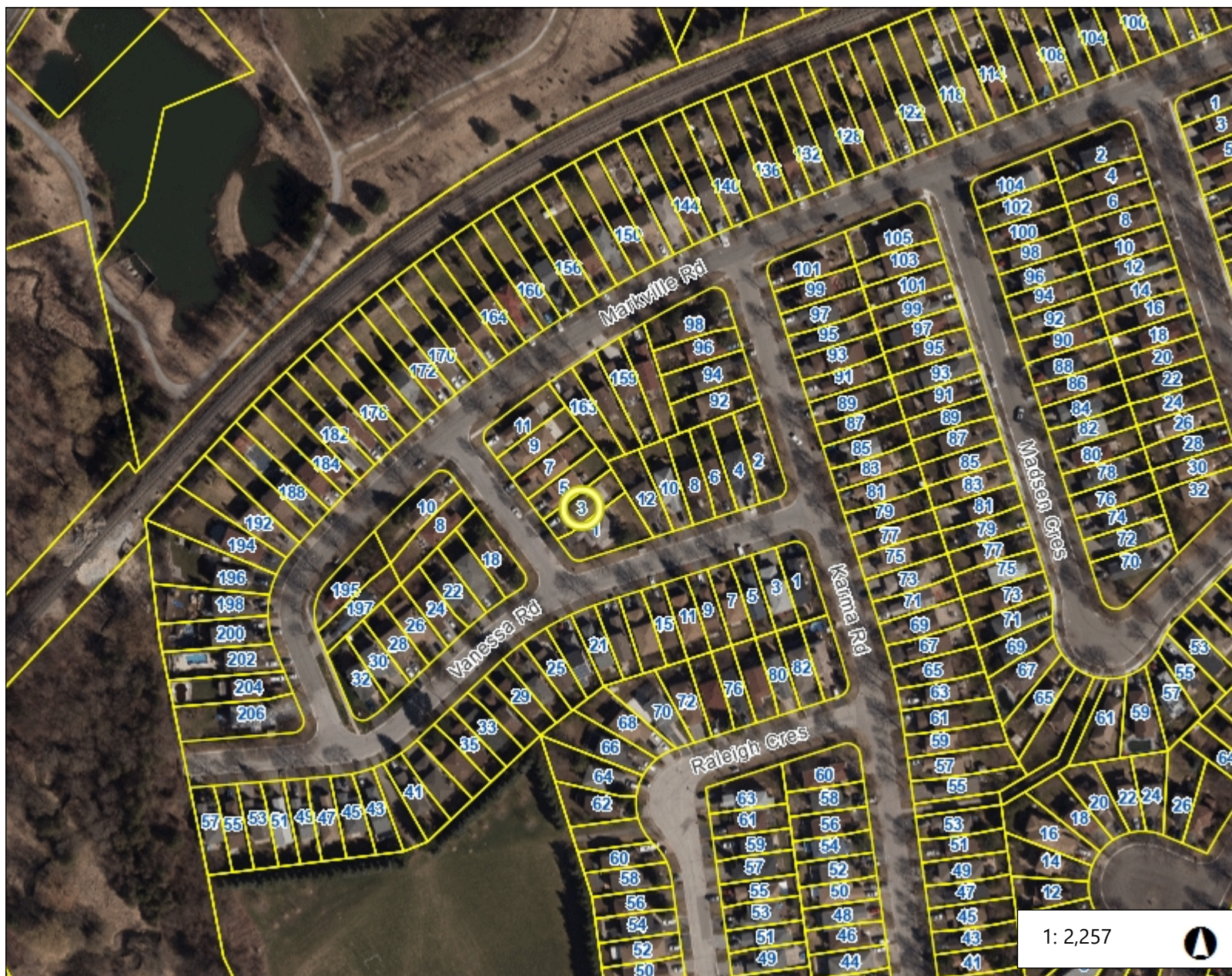
REVIEWED BY:



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Deanna Schlosser, MCIP RPP, Senior Planner, Central District





## Legend

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

## Notes

114.7 0 57.33 114.7 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](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

## **APPENDIX “B”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/130/22**

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” - Plans 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.
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;
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham’s Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.
7. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.

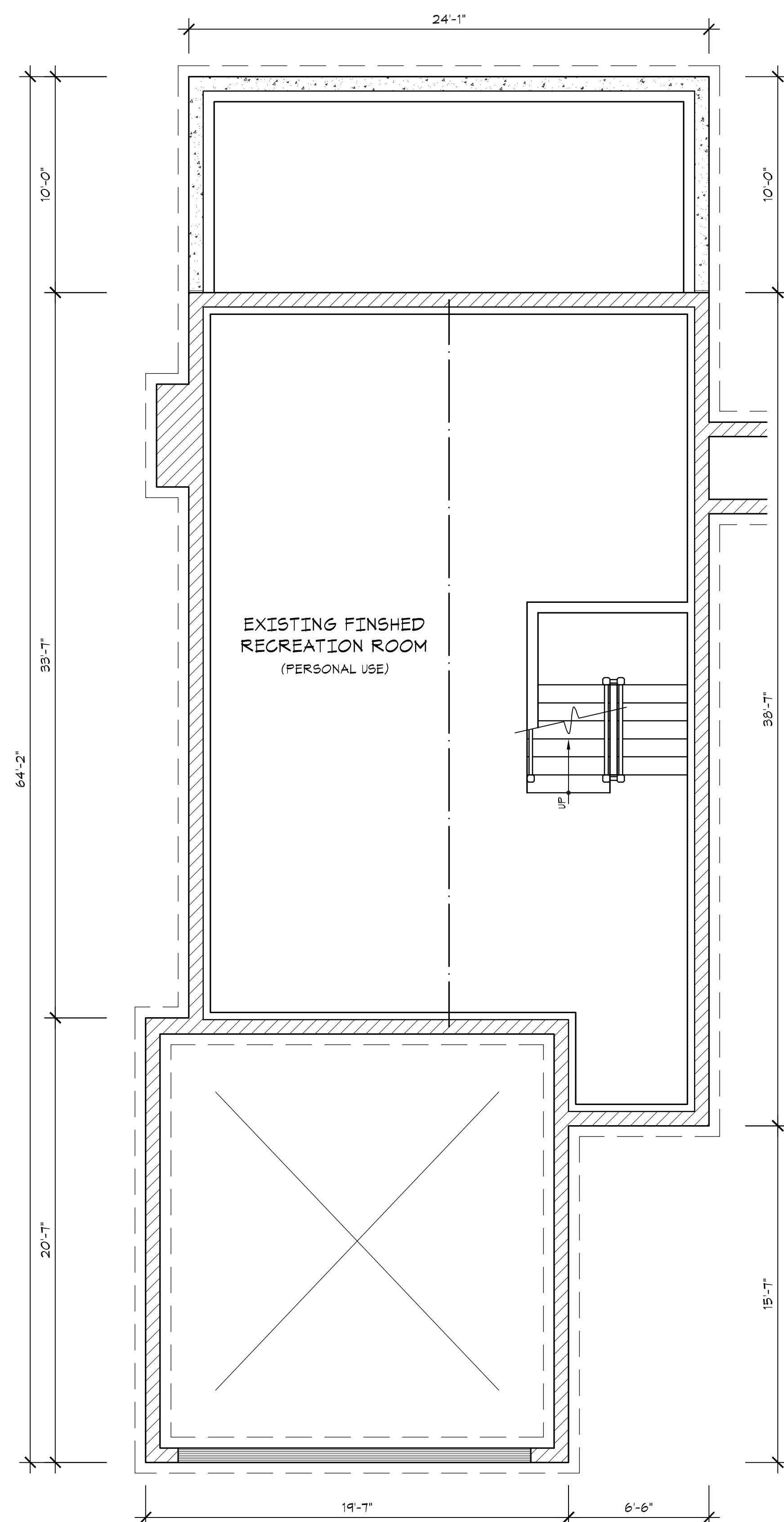
CONDITIONS PREPARED BY:



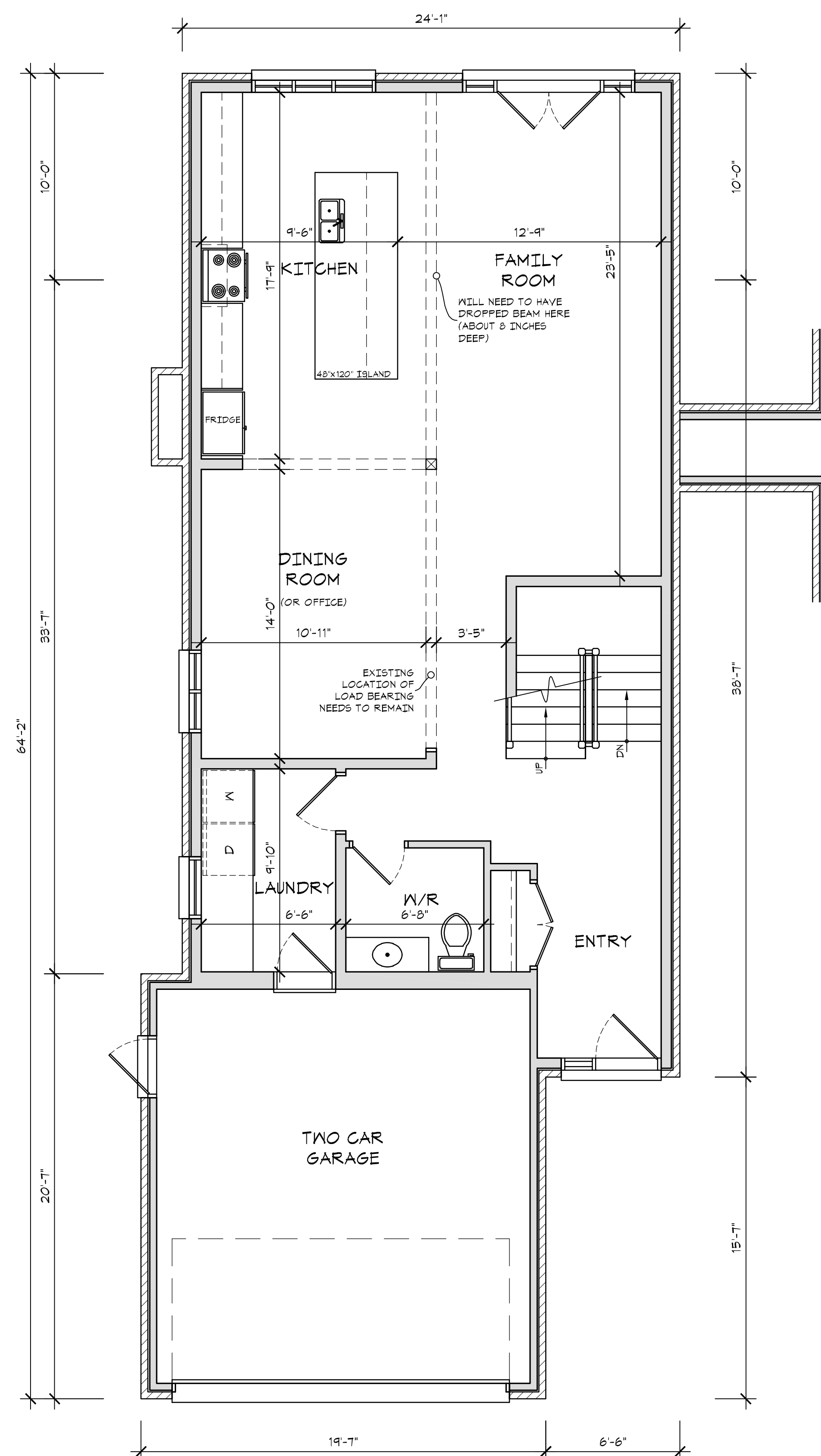
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Hussnain Mohammad, Development Technician, Zoning and Special Projects

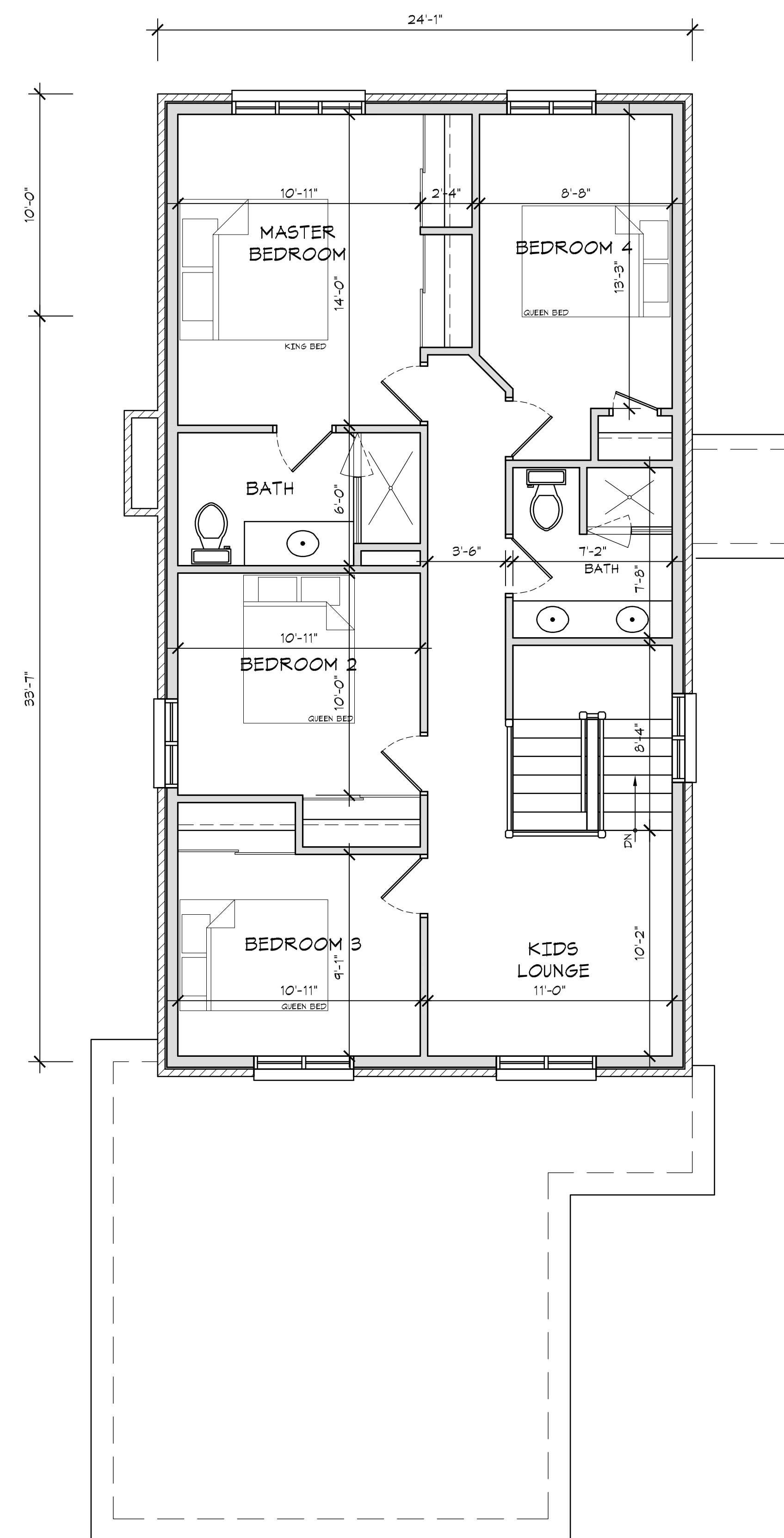




**BASEMENT & FOUNDATION PLAN**  
PROPOSED LAYOUT



**GROUND FLOOR PLAN**  
PROPOSED LAYOUT  
EXISTING FLOOR AREA = 857 sq.ft.  
PROPOSED ADDITION = 240 sq.ft.  
TOTAL FLOOR AREA = 1,097 sq.ft. (101.91 sq.m.)  
BUILDING AREA = 1,485 sq.ft. (137.96 sq.m.)  
(INC. GARAGE)



**SECOND FLOOR PLAN**  
PROPOSED LAYOUT  
EXISTING FLOOR AREA = 824 sq.ft.  
PROPOSED ADDITION = 240 sq.ft.  
TOTAL FLOOR AREA = 1,064 sq.ft. (98.85 sq.m.)

Appendix C

File: 22-24566-000.DWG  
Date: 05/18/22  
MAGDOVY

GENERAL NOTES:  
ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" OF THE ONTARIO BUILDING CODE (LATEST EDITION).  
CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.  
DO NOT SCALE DRAWINGS.  
OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.  
THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.  
BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825  
Firm B.C.I.N. - 30506

Russ Gregory  
NAME SIGNATURE

PROJECT TITLE

**PROPOSED ADDITION**  
**3 SNOWBALL LANE**  
**CITY OF MARKHAM**

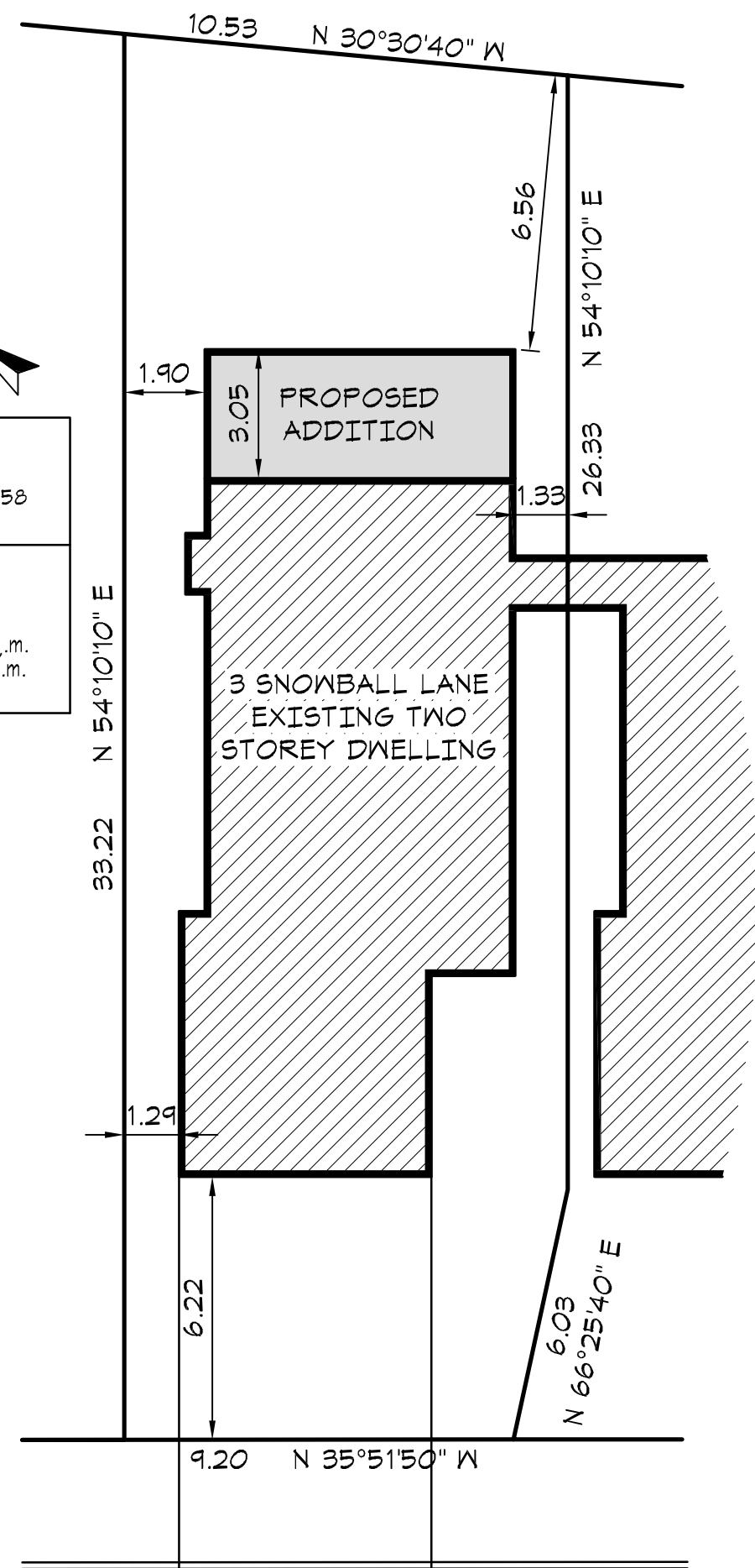
**THE GREGORY**  
**DESIGN GROUP**  
16 CHURCH STREET  
MARKHAM, ONTARIO L3P 2L6  
416-520-0978  
shane@gregorydesigngroup.net

SCALE	DATE
1/4"=1'-0"	05/18/22
PROJECT NUMBER	SHEET NUMBER
2371-22	A-1
DRAWN BY	S.Gregory
CHECKED BY	R.G.



**SITE INFORMATION**  
PART OF LOT 45  
REGISTERED PLAN 65M-2056  
CITY OF MARKHAM

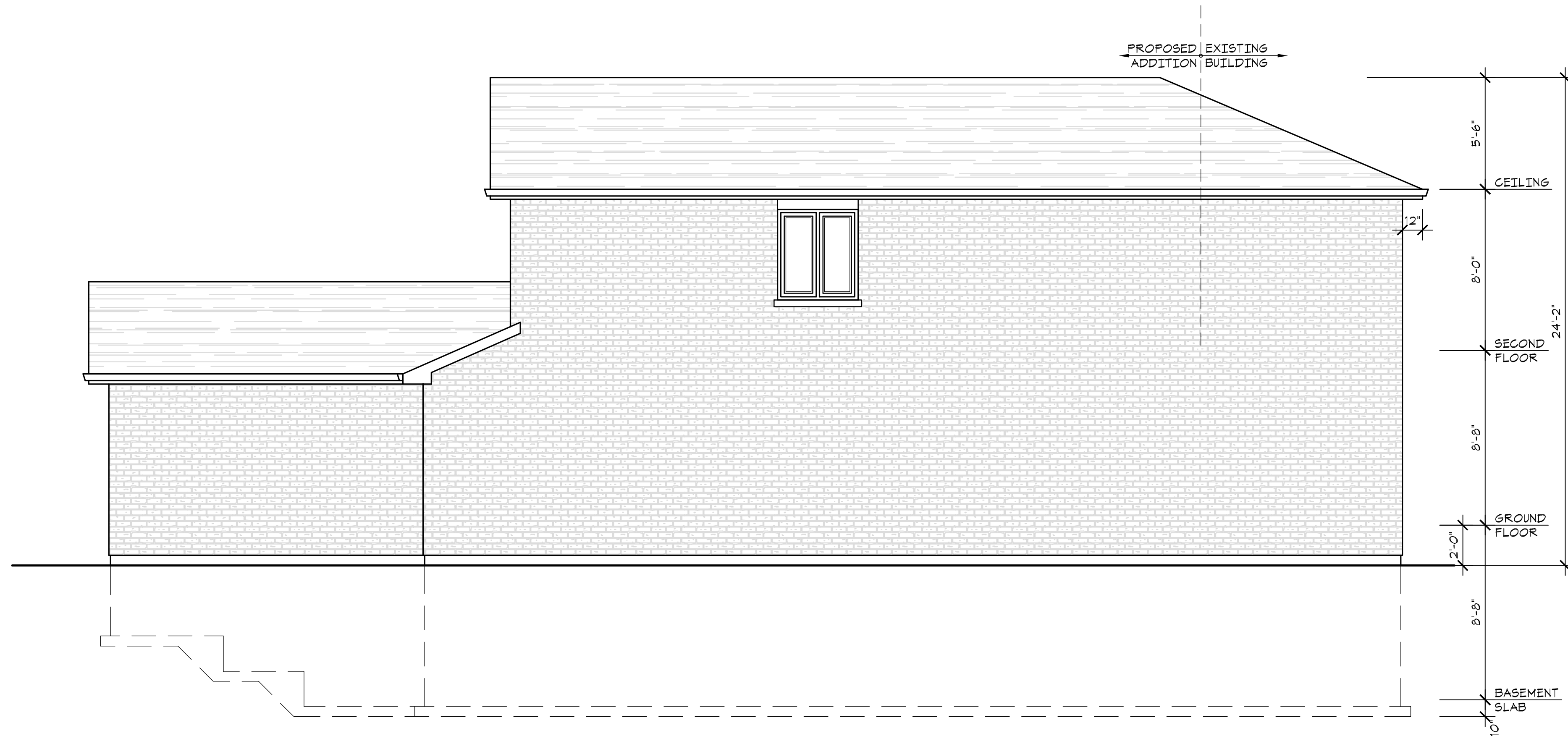
**SITE STATISTICS**  
LOT COVERAGE  
LOT AREA = 334.31 sq.m.  
BUILDING AREA = 137.96 sq.m.  
LOT COVERAGE = 40.65 %



SNOWBALL LANE  
SITE PLAN  
SCALE = 1:150



REAR (EAST) ELEVATION



RIGHT SIDE (SOUTH) ELEVATION



LEFT SIDE (NORTH) ELEVATION

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REVISIONS AND DATA

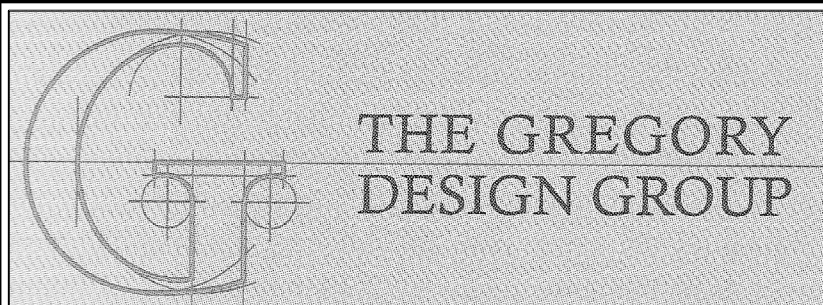
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NAME SIGNATURE

PROJECT TITLE

PROPOSED ADDITION  
3 SNOWBALL LANE  
CITY OF MARKHAM



16 CHURCH STREET  
MARKHAM, ONTARIO L3P 2L6  
416-520-0978  
shane@gregorydesigngroup.net

SCALE	DATE
1/4"=1'-0"	05/18/22
PROJECT NUMBER	SHEET NUMBER
2371-22	A-2
DRAWN BY	
S.Gregory	
CHECKED BY	
R.G.	



**METRIC -**  
DISTANCES SHOWN  
ARE IN METRES  
CONVERTED TO  
BY 0.3048

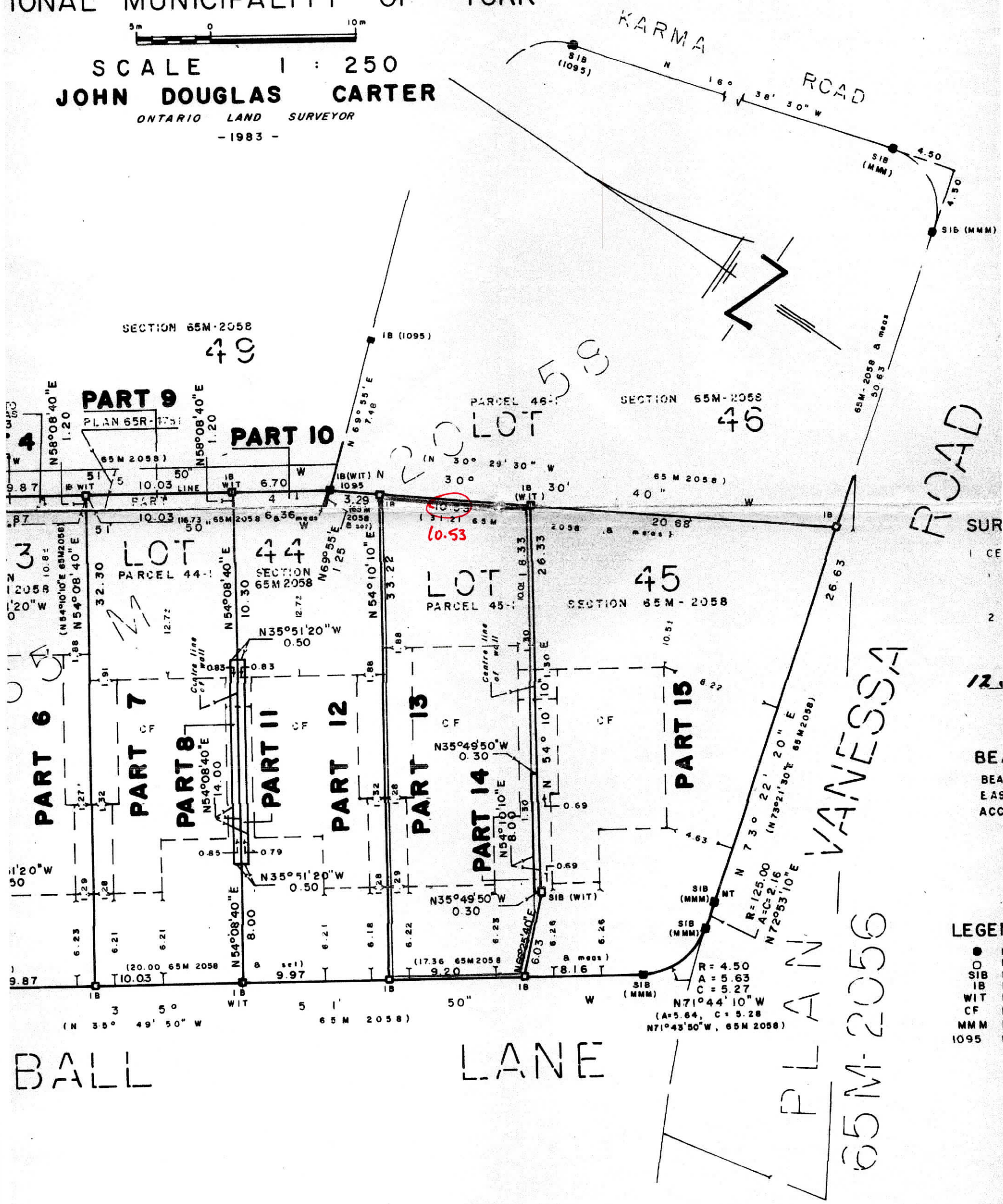
**CAUTION**  
THIS PLAN IS  
SUBDIVISION WITH  
MEANING OF THE

# PLAN OF SURVEY

OF  
**LOTS 43, 44 & 45**  
**REGISTERED PLAN 65M-2058**  
TOWN OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK



SCALE 1 : 250  
**JOHN DOUGLAS CARTER**  
ONTARIO LAND SURVEYOR  
- 1983 -



**LEGEND**  
● SIB (1095)  
○ SIB (MMM)  
IB (WIT)  
CF  
MMM (1095)

BALL

LANE

FLAN - VANESSA  
65M-2056