

# Memorandum to the City of Markham Committee of Adjustment

October 14, 2022

**File:** A/145/22  
**Address:** 84 Sprucewood Drive, Thornhill  
**Applicant:** Lizhi Mao Chenchun  
**Agent:** Paar Design Inc. (Nikol Paar)  
**Hearing Date:** Wednesday, October 19, 2022

The following comments are provided on behalf of the West District Team:

The applicant is requesting relief from the following requirements of By-law 2237, as amended:

**a) Amending By-law 101-90, Section 1.2(iv):**

a maximum building depth of 20.70 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

**b) Amending By-law 101-90, Section 1.2(vi):**

a garage width of 8.53 metres, whereas the By-law permits a maximum garage width of 7.70 metres for any lot having a frontage of less than 18.30 metres;

as it relates to proposed two-storey single detached dwelling;

## BACKGROUND

### Property Description

The 1,761.2 m<sup>2</sup> (18,957.3 ft<sup>2</sup>) subject property is located on the west side of Sprucewood Drive, west of Bayview Avenue and north of the CN Railway. There is an existing detached dwelling on the property, which according to assessment records was constructed in 1967. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area includes a variety of mature dwellings with some newer dwellings being developed as infill developments. Mature vegetation exists across the property.

The subject property is located within the Toronto and Region Conservation Authority's ("TRCA") Regulated Area and is traversed by a valley corridor associated with the Don Valley Watershed.

### Proposal

The applicant is proposing to construct a 271.3 m<sup>2</sup> (2,920.6 ft<sup>2</sup>) two-storey detached dwelling that will be located further away from the Don Valley corridor and long term stable top-of-slope line than the existing dwelling.

### 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" and "Greenway". The Residential Low Rise Designation provides for low rise housing forms including single

detached dwellings. The Greenway designation also provides for single detached dwellings on a lot of record that existed prior to the adoption of the current Official Plan. Infill development is required to meet the general intent and purpose 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 a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

### Zoning By-Law 2237

The subject property is zoned R3 under By-law 2237, as amended, which permits a single family detached dwelling.

### Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to the maximum building depth, and the maximum garage width.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is due to the "TRCA's 10 metre setback plus 3 metre safety setback (13 m Total). The proposed dwelling had to be designed in this configuration, which incurred variances."

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

The owner has completed a Zoning Preliminary Review (ZPR) on July 21, 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:

- 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 Building Depth**

The applicant is requesting relief to permit a maximum building depth of 20.6 m (67.91 ft), whereas a maximum building depth of 16.8 m (55.12 ft) is permitted. This represents an increase of approximately 3.8 m (12.79 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

Staff note that the proposed lot and driveway is pie-shaped due to the lot configuration and the slope setback requirements from the watershed to the north. Staff are of the opinion that due to the loss of developable area, an increase to the maximum lot depth does not detract from the visual appearance of the neighbourhood, or negatively impact the adjacent dwellings.

### **Increase in Maximum Garage Width**

The applicant is requesting relief to permit a maximum garage width of 8.53 m (27.9 ft), whereas a maximum building depth of 7.7 m (25.3 ft) is permitted. This represents an increase of approximately 0.83 m (2.7 ft). Similar to the building depth variance, staff are of the opinion that due to the lot configuration and the slope setback requirements, the proposed increase to the garage width would not detract from the streetscape as the subject property is at the conclusion of a cul-de-sac, and the proposed building footprint is significantly setback towards the rear of the property given the unique shaped lot and permitted building envelope. The proposed variances do not result in a significant loss of soft landscaping area and would not detract from the visual appearance of the neighbourhood. In addition, the proposed building footprint does not project into the minimum required side yard setback, for which no variance is proposed in proximity to the south lot line.

### **Tree Preservation**

Tree Preservation staff have concerns that the Minor Variance requests will impact a shared Cedar hedgerow and one 40cm tree on the subject property. Tree Preservation aims to adhere to the minimum Tree Protection Zones of regulated trees where possible to prevent injury/removal.

Notwithstanding, due to the significant modifications made to the design and layout of the proposed dwelling in conjunction with TRCA staff, Planning staff recognize that efforts have been made to retain the majority of the existing vegetation on the subject property, and compensation could be attained for the minor loss of a partial hedgerow and the loss of the tree to be removed as noted above.

## **EXTERNAL AGENCIES**

### **TRCA Comments**

The TRCA has been involved with the applicant during early concept development stages, and has reviewed an associated Concept Development Application (CFN 64127.06) for the proposal. As part of this process and in accordance with TRCA's Living City Policies, the TRCA identified three options regarding the redevelopment of the existing dwelling, including constructing a larger replacement single family dwelling that is located entirely outside of the Long Term Stable Top of Slope ("LTSTOS") plus a setback of at least 3 metres to the LTSTOS for erosion access. Based on a review of the submitted materials, TRCA is generally satisfied with the location of the proposed dwelling in relation to the

natural hazards, natural features, and the established limits of development. Accordingly, TRCA has no concerns with the proposed variances, subject to conditions outlined in Appendix "A".

### CN Rail Requirements

CN Rail provided comments on this application on August 31, 2022, requiring a list of mitigation measures be implemented to attenuate the impact generated by the railway located south-east of the property. CN Rail has encouraged the applicant to include the following building improvements:

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- The implementation of the following mitigation measures in the dwelling design and construction:
  - Forced air ventilation systems with central air conditioning;
  - The exterior wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades;
  - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms; and,
  - Locating noise sensitive rooms away from the railway side;

CN Rail has recommended that, prior to the issuance of a building permit, the above-noted measures be implemented via an Agreement between the applicant and CN Rail. This Agreement will stipulate how CN's concerns will be resolved and that the applicant will pay for CN's reasonable costs in its preparation.

### **PUBLIC INPUT SUMMARY**

As of October 12, 2022 the City received one letter expressing concerns over changing the existing zoning regulations whereas standards are already in force. However, the requested revisions are in response to further reductions to the developable area as partly determined through the TRCA's standards and regulations as it relates to the abutting watershed and top of slope. The applicant has therefore been further limited to the standard applicable provisions of the Infill Zoning By-law.

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 variances meet 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Nusrat Omer, MCIP, RPP, Senior Planner, West District

REVIEWED BY:



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

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## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/145/22**

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 received by the City of Markham on August 3, 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 his or her satisfaction;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
5. 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;
6. 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.
7. 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;
8. That the applicant remit TRCA's review fee of \$610 for the subject application, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.
9. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.
10. That the applicant satisfy the requirements of CN Rail as noted in their comments dated September 1, 2022.

CONDITIONS PREPARED BY:



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Nusrat Omer, MCIP, RPP, Senior Planner, West District

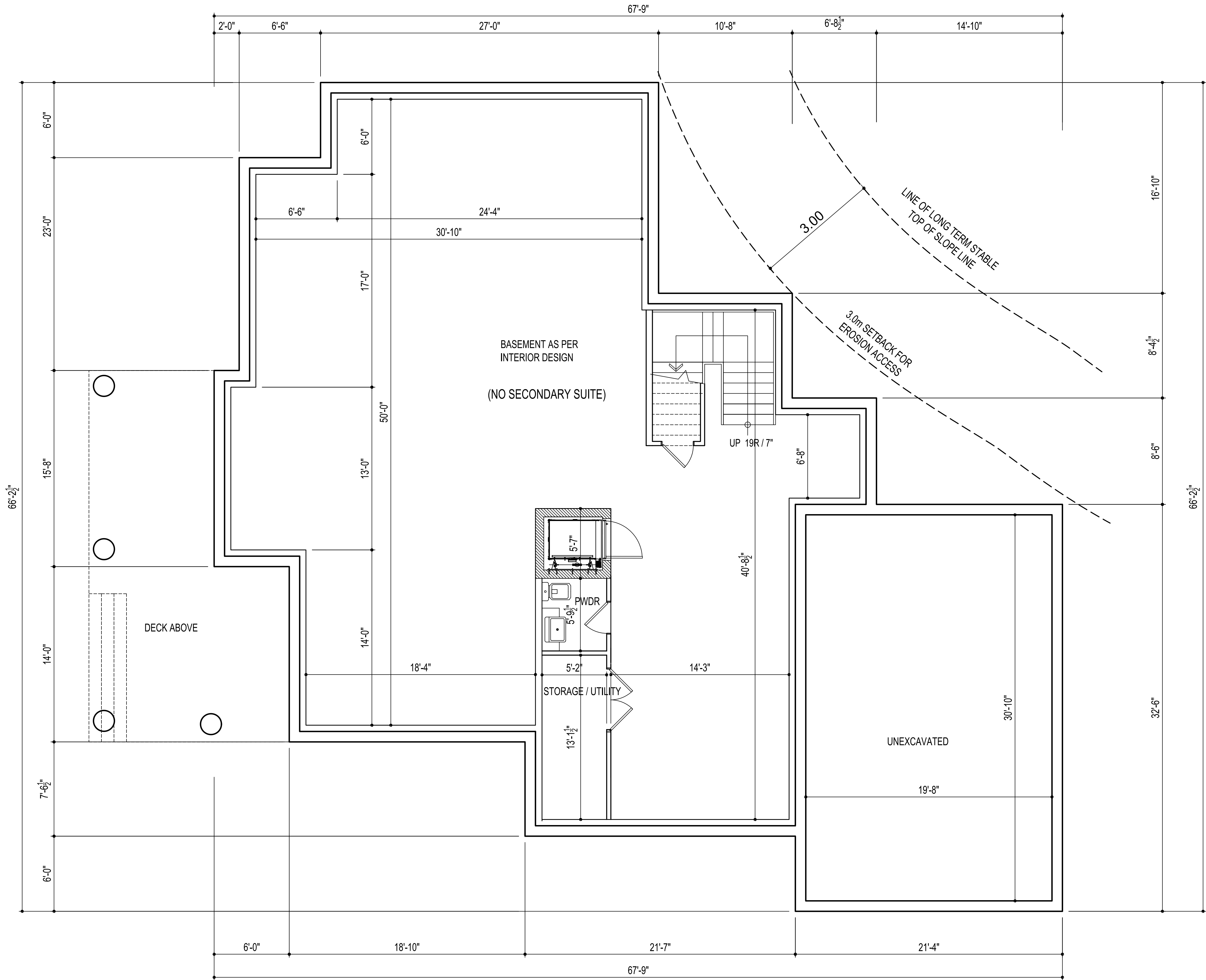
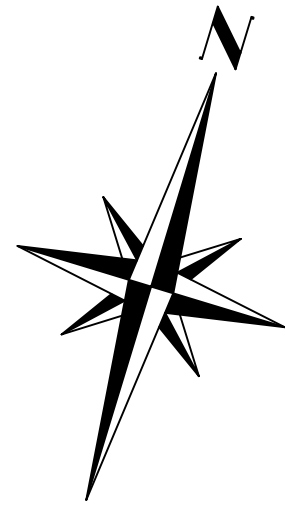
**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/145/22**









# Appendix B

File: 22-258-18-000-00-00-00

Date: 10/10/22



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4.	10 06 2022	RE-ISSUED FOR TRCA

## DESIGN

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.

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Zoran Paar 24546  
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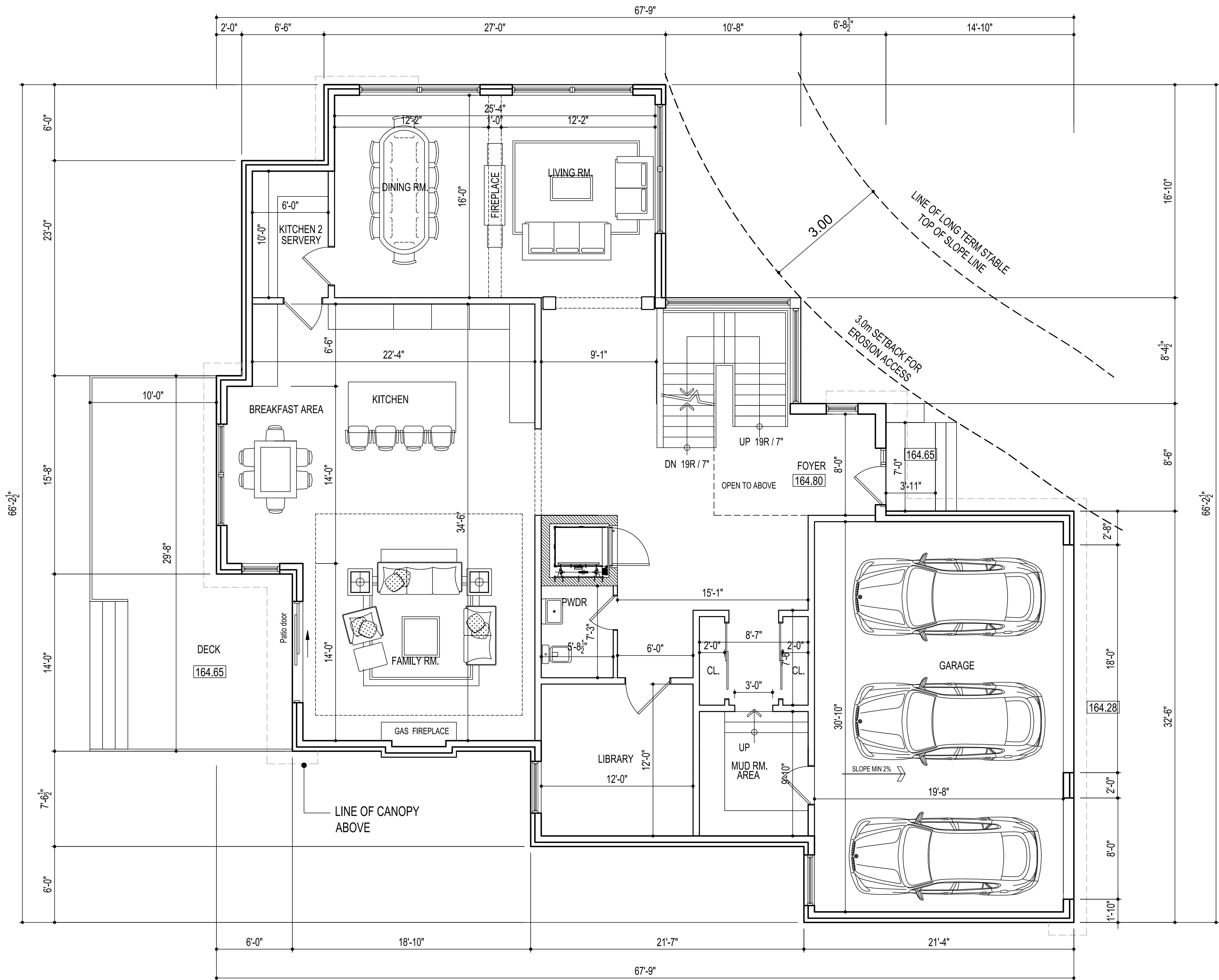
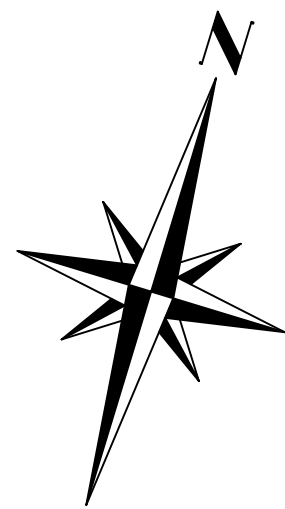
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PROJECT: No.84 SPRUCEWOOD DRIVE  
2-STORY DWELLING

SHEET TITLE: BASEMENT PLAN

SCALE: 1/4" = 1'-0"  
DATE: 10 06 2022 DRAWN BY: B.K.

A 02



# Appendix B

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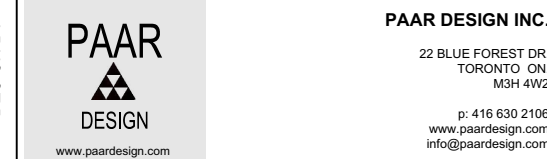
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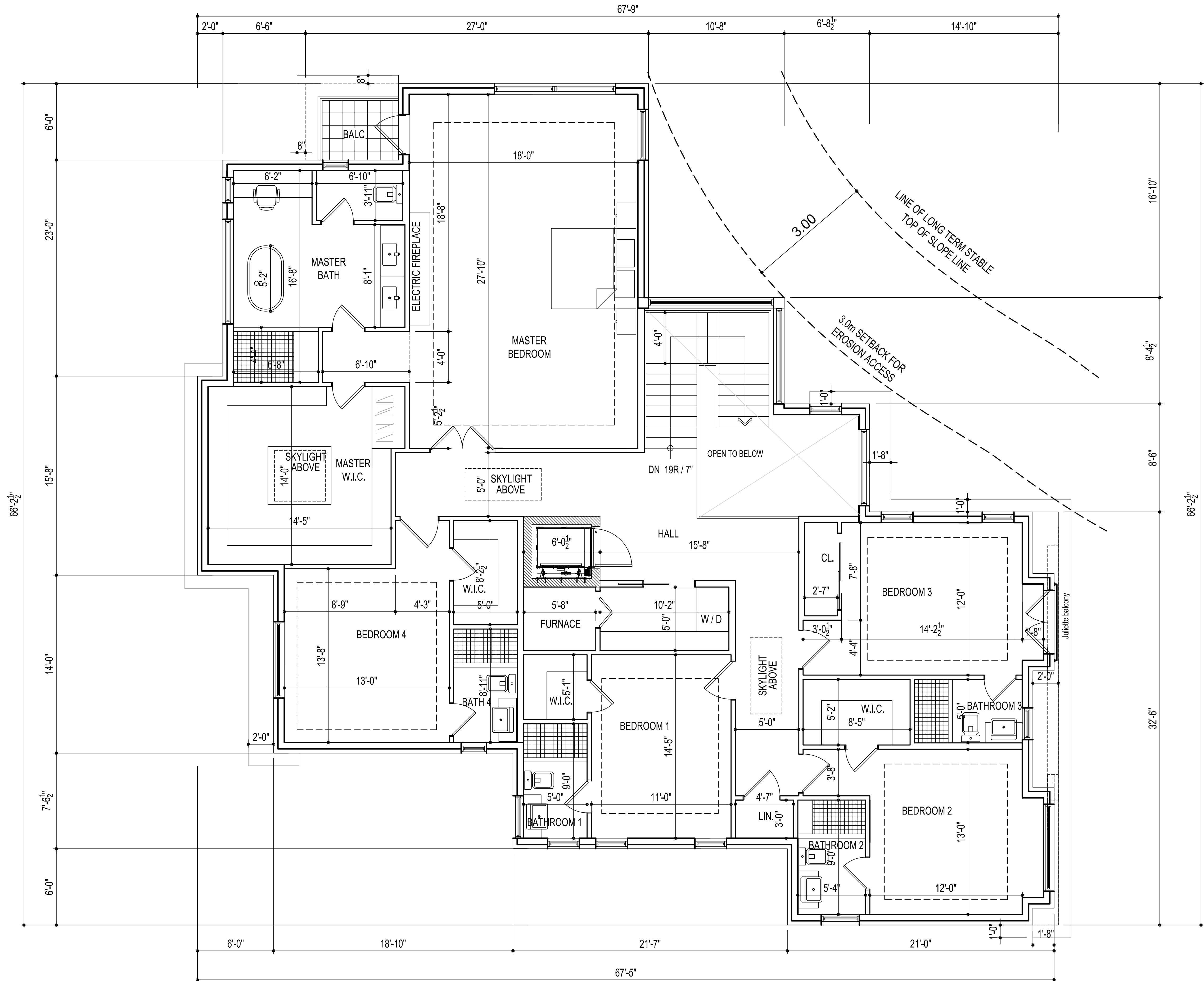
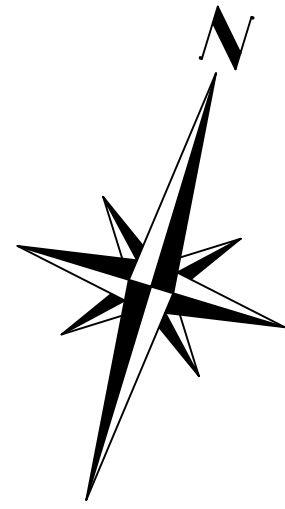
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2-STORY DWELLING

SHEET TITLE: FIRST FLOOR PLAN

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

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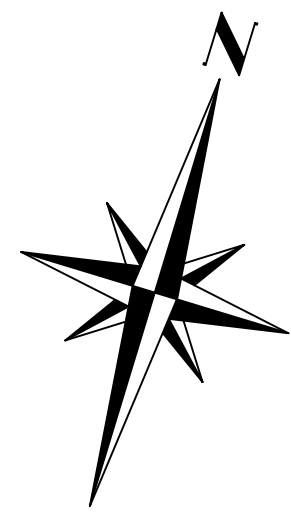
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22 BLUE FOREST DR.  
TORONTO ON  
M3H 4W2  
416 630 2106  
www.paar-design.com  
info@paar-design.com

PROJECT:	No.84 SPRUCEWOOD DRIVE 2-STORY DWELLING
SHEET TITLE:	SECOND FLOOR PLAN
SCALE:	1/4" = 1'-0"
DATE:	10 06 2022
DRAWN BY:	B.K.





# Appendix B

File: 22-258-18-000-00-00-00

Date: 10/10/22



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Firm Name		BCIN / BCDN

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PROJECT:	No. 84 SPRUCEWOOD DRIVE 2-STORY DWELLING	
SHEET TITLE:	ROOF PLAN	
SCALE:	1/4" = 1'-0"	
DATE:	10 06 2022	DRAWN BY: B.K.

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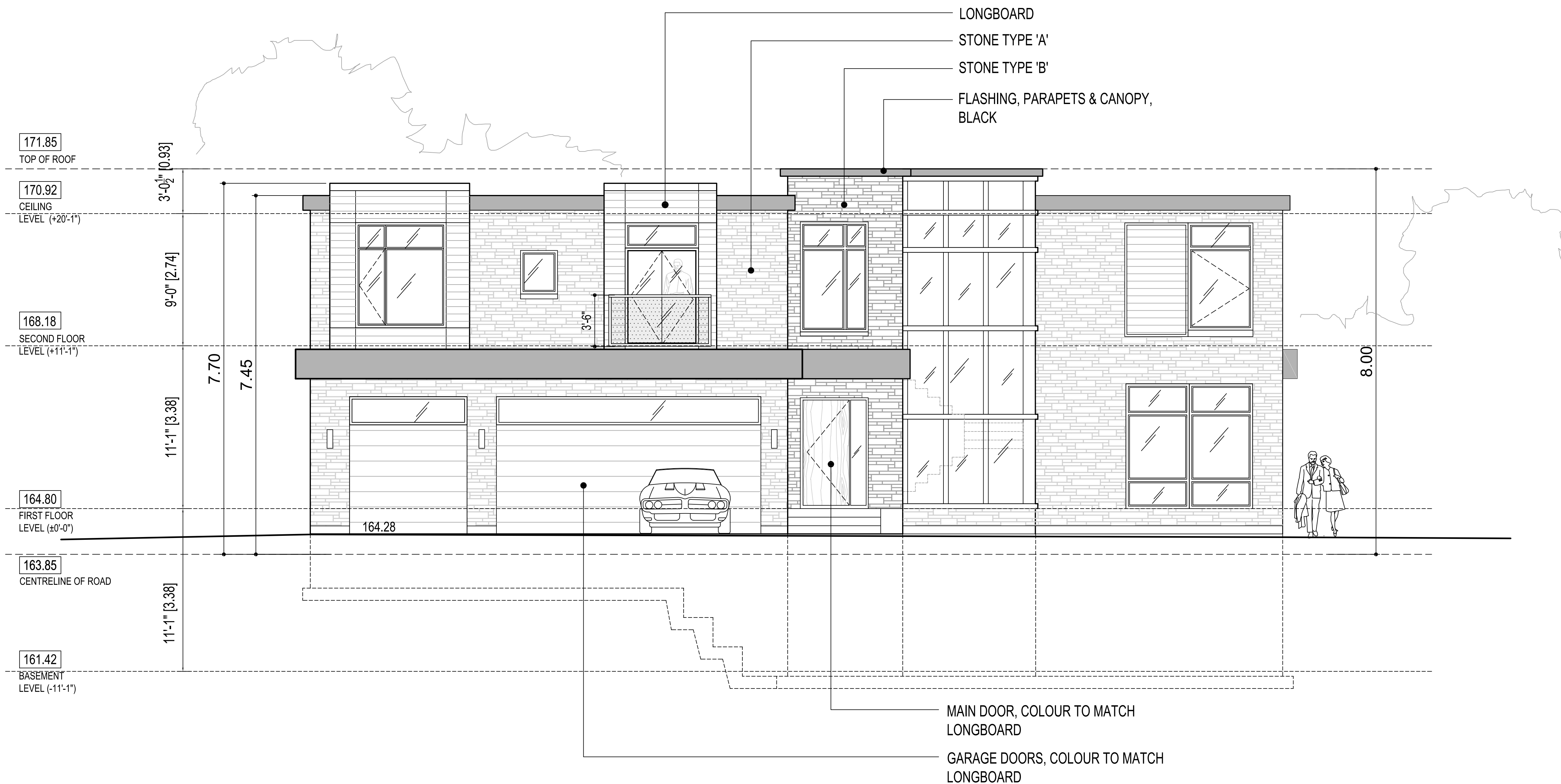


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PROJECT: No. 84 SPRUCEWOOD DRIVE  
2-STORY DWELLING

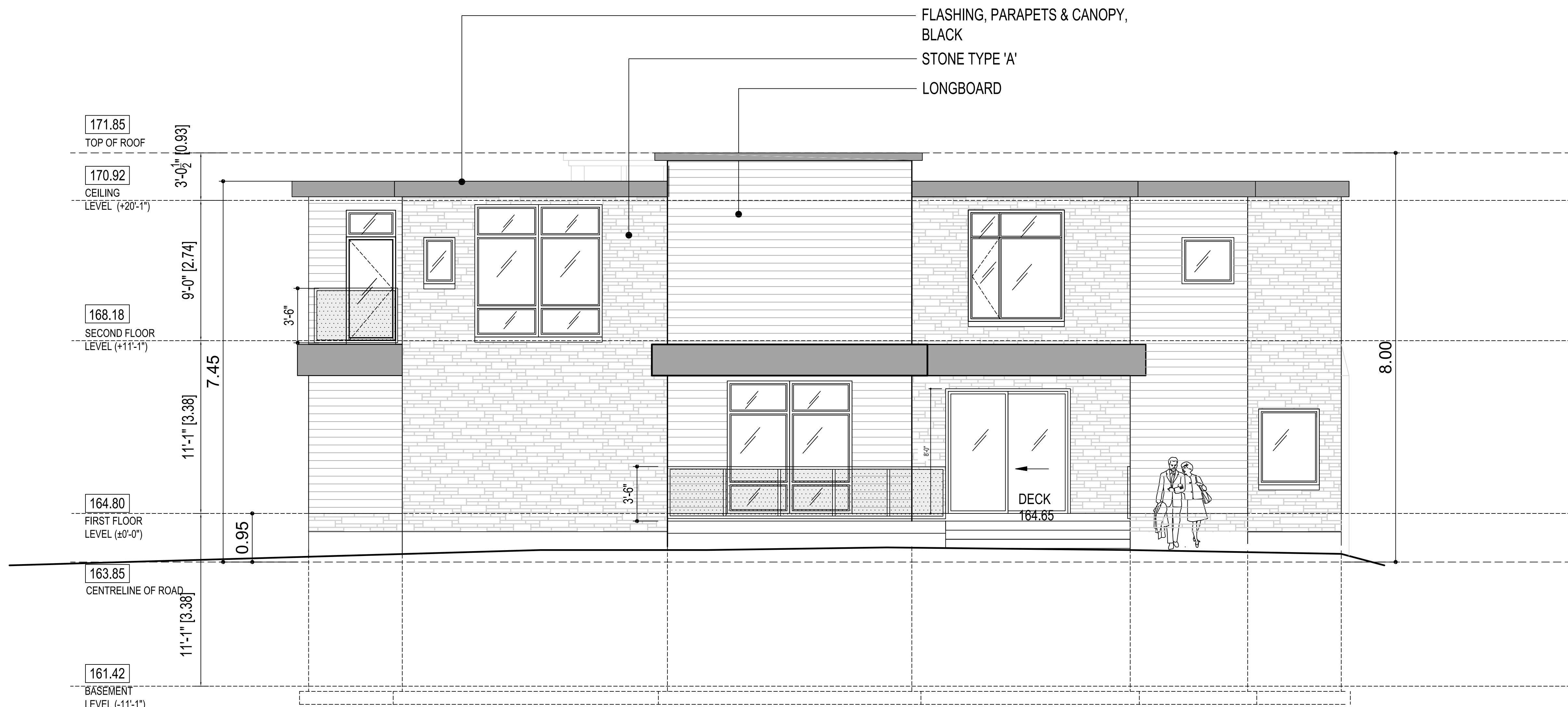
SHEET TITLE: FRONT / EAST ELEVATION

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

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Appendix B

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Interior Design Inc.  
Firm Name Signature BCIN / BCDN 31765



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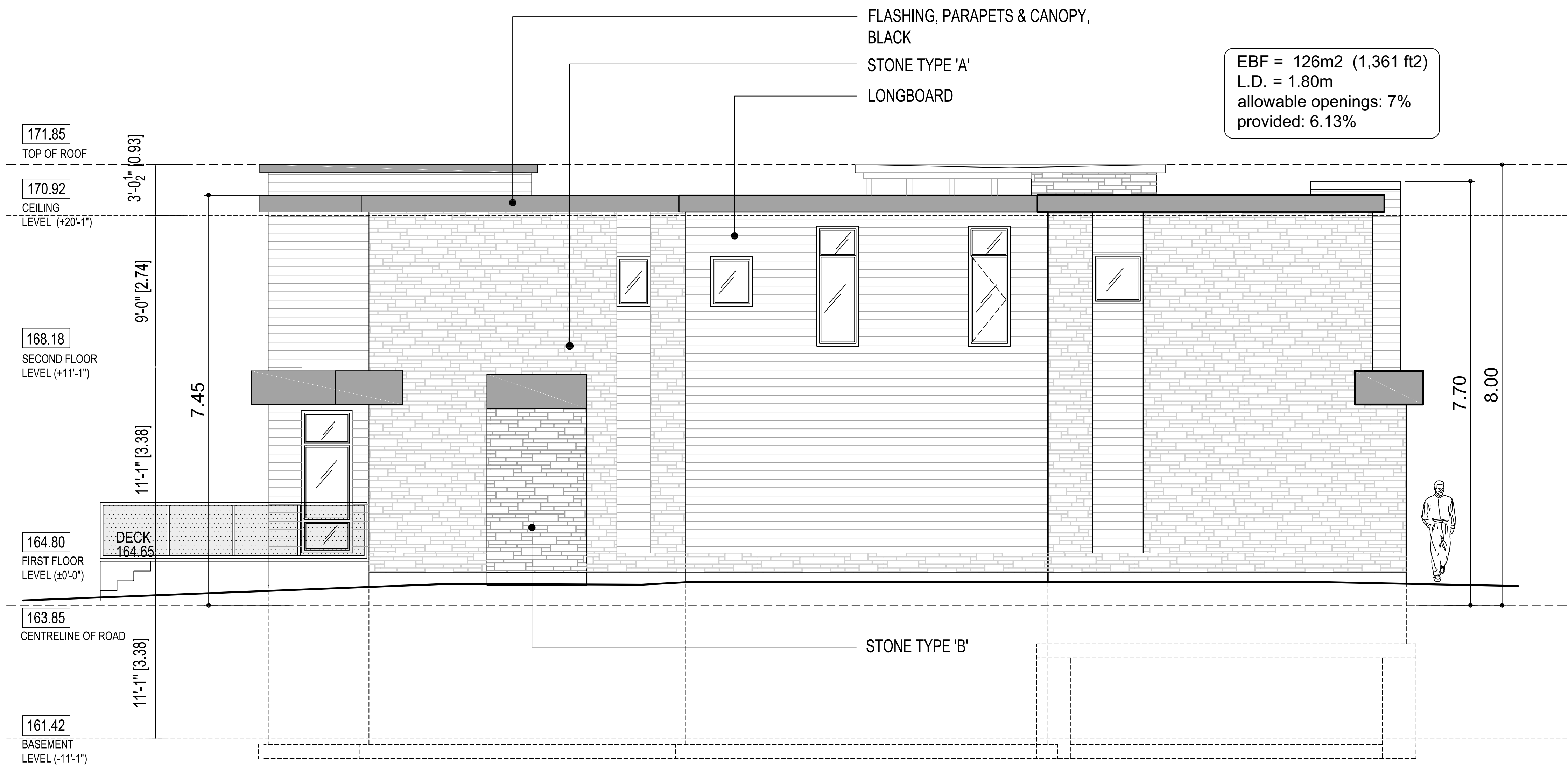
PROJECT: No. 84 SPRUCEWOOD DRIVE  
2-STORY DWELLING

SHEET TITLE: REAR / WEST ELEVATION

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

DATE: 10 06 2022 DRAWN BY: B.K.

A 07



Appendix B

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DESIGN

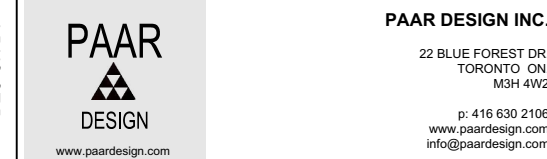
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Zoran Paar  
Name  
Signature  
24546  
BCIN / BCIN

**Registration Information**  
Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code

PAAR Architecture  
and  
Interior Design Inc.  
Firm Name  
Signature  
31765  
BCIN / BCIN



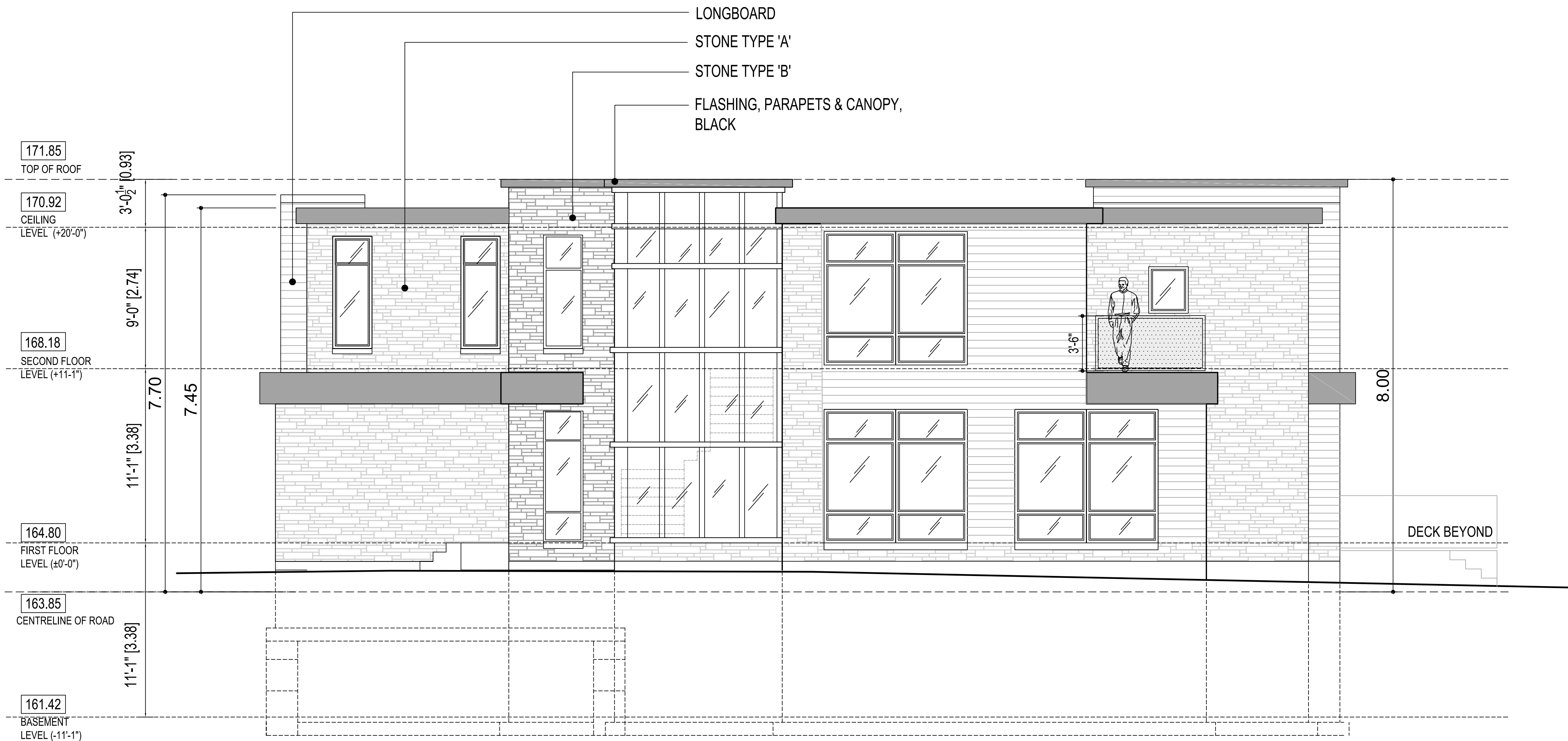
PROJECT: No.84 SPRUCEWOOD DRIVE  
2-STORY DWELLING

SHEET TITLE: SIDE / SOUTH ELEVATION

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

DATE: 10 06 2022 DRAWN BY: B.K.

A 08



# Appendix B

File: 22-258-18-000-00-0000

Date: 10/10/22



22 BLUE FOREST DR.  
TORONTO ON  
M3H 4V2  
416 630 2106

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MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	26 02 2021	ISSUED FOR TRCA
3.	20 07 2021	REVISION / ISSUED FOR TRCA
4.	10 06 2022	RE-ISSUED FOR TRCA

## DESIGN

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.

**Qualification Information**  
Required unless design is exempted under Division C-3.2.5.1. of the 2009 Ontario Building Code

Zoran Paar  
Name Signature 24546 BCIN / BCDN

**Registration Information**  
Required unless design is exempted under Division C-3.2.4.1. of the 2009 Ontario Building Code

PAAR Architecture  
and  
Interior Design Inc.  
Firm Name Signature 31765 BCIN / BCDN



PROJECT: No.84 SPRUCEWOOD DRIVE  
2-STORY DWELLING

SHEET TITLE: SIDE / NORTH ELEVATION

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

DATE: 10 06 2022 DRAWN BY: B.K.

A 09