

Memorandum to the City of Markham Committee of Adjustment

November 15, 2022

File: A/155/22
Address: 9 Riverview Road, Markham
Applicant: Talah Rose Developments Inc. (Tara Modir)
Agent: Reza Eslami (ICON Architects Inc.)
Hearing Date: Wednesday November 23, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the “R1 – Single Detached dwelling” zone under By-law 1229, as amended, to permit:

- a) **Parking By-law 28-97, Section 6.2.4.6 (a):**
a maximum driveway width in the front yard of 8.02 metres, whereas the By-law permits a maximum driveway width of 6.1 metres;
- b) **Amending By-law 99-90, Section 1.2 (iv)**
a garage to project 16 meters beyond the point of the main dwelling closest to the front lot line, whereas the by-law permits no part of a garage to project closer to the front lot line than 2.1 metres beyond the point of the main building closest to the front lot line; and,
- c) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 32.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres.

as they relate to a proposed detached dwelling.

BACKGROUND

Property Description

The 2,690.20 m² (28,957 ft²) subject property is located on the south side of Riverview Road, south of Highway 7 and west of Main Street Markham South. The subject property backs onto the Milne Dam Conservation Park. There is an existing one-storey detached dwelling on the subject property, which according to assessment records was constructed in 1954. Mature vegetation exists on the subject property including a number of large mature trees along the frontage. The area is described as an established low density neighbourhood comprised of a mix of one and two-storey dwellings constructed in the late 1950's. There are a few instances of newer residential infill developments within the general vicinity.

Proposal

The applicant is proposing to demolish the existing home and construct a 736.21 m² (7,924.5 ft²) two-storey detached dwelling with an attached three-car garage that is perpendicular to Riverview Road. The driveway is proposed to be reconfigured to accommodate vehicular access into the new garage.

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, semi-detached dwellings and townhouses.

Zoning By-Law 1229

The subject property is zoned R1- Single Detached Dwelling under By-law 1229, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this by-law is to ensure the built form of new residential construction will maintain the character of existing neighborhoods. It specifies development standards, including but not limited to lot frontage, setbacks, front yard, net floor area ratio, building height, building depth and garage projection. The proposed development does not comply with the by-law with respect to building depth and garage projection.

Parking By-law 28-97

The proposed driveway exceeds the maximum width permitted by Parking By-law 28-97.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on November 8, 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 Driveway Width

The applicant is requesting relief to permit a maximum driveway width of 8.02 m (26.31 ft), whereas the By-law permits a maximum driveway width of 6.1 m (20.01 ft). This represents an increase of approximately 1.92 m (6.29 ft).

The requested variance only applies to the internal portion of the driveway which is located more than 10 m (32 ft) away from the street. No changes are being proposed to the existing curb cut. The driveway width will remain the same at street level. The subject property has a frontage of approximately 30 m (98.42 ft). Notwithstanding the driveway width increase, the property will provide generous landscape space in the front yard. The applicant will retain the existing trees along the frontage to alleviate the impact of the proposed driveway. Staff have no concern with the requested variance.

Increase in Maximum Building Depth and Garage Projection

The applicant is requesting relief to permit a maximum building depth of 32.9 m (107.93 ft), whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 16.1 m (52.82 ft). The variance is solely attributable to the proposed three-car garage, which is also the subject of another variance for this application; namely a maximum garage projection of 16 m (52.49 ft), whereas the by-law permits a maximum garage projection of 2.1 m (6.88 ft) beyond the main wall of the building, which represents an increase of 13.9 m (45.6 ft). The two variances will be discussed together.

Section 1.2 (iii) of Infill By-law 99-90 permits the maximum building depth be increased to 18.9 m (62 ft) by an extension to the rear of a dwelling provided it does not exceed one storey in height, is setback the greater of 3 m (9.84 ft) or the minimum required setback, and is not wider than half the width of the dwelling at its widest point. The main dwelling, excluding the garage, has a depth of 18.9 m (62 ft) on the ground floor with a rear extension that satisfies the above criteria; and a depth of 16.8 m (55.11 ft) on the second floor. This means the main component of the dwelling complies with the depth requirement. It is solely the unconventional location of the garage that results in the need for the variances for building depth and garage projection.

The proposed dwelling incorporates a non-traditional design whereby the garage doors will not be facing the street, but will face the easterly side lot line. Staff note that there is a nearby dwelling at 1 Riverview Road with a similar style garage which obtained minor variance approval in 2001 for similar increase in building depth and garage projection.

Staff consider that the proposal presents an alternative design that will complement the appearance of the streetscape wherein the garage doors and driveway do not dominate the front elevation of the dwelling. The proposed garage complies with the minimum front yard setback and generally aligns with the adjacent homes. Although staff do not anticipate that the proposed garage will detract from the appearance of the existing streetscape, it is acknowledged that the requested variances do represent a considerable departure from the Infill By-law. As such, the Committee should satisfy themselves as to whether the requested variances meet the four tests of the Planning Act.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 16, 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 requested variance to increase the maximum driveway width meets the four tests of the Planning Act. The Committee should satisfy themselves whether the variances related to building depth and garage projection meet the four tests of the Planning Act. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 22 254768 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/155/22

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. 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.

CONDITIONS PREPARED BY:



Carlson Tsang, Senior Planner, East District

| | |
|---------------------------|---|
| MUNICIPAL ADDRESS: | 9 RIVERVIEW ROAD, MARKHAM, ONTARIO |
| LEGAL ADDRESS: | PART LOT 29 PLAN 3252 TOWNSHIP OF MARKHAM, |
| ZONING: | R1 BY-LAW 1229 |
| LOT AREA: | 28,957.6 ft2 |
| NET LOT AREA: | 17,778.8 ft2 |
| GROSS FLOOR AREA | |
| TOTAL GFA: | 7924.5 SF INCLUDING GARAGE |
| TOTAL GROUND FLOOR GFA: | 4183.1 SF INCLUDING GARAGE |
| TOTAL SECOND FLOOR GFA: | 3741.4 SF INCLUDING ATTIC ABOVE GARAGE |
| PROPOSED BUILDING HEIGHT: | 8.0 m |

| ZONING ANALYSIS | | | |
|----------------------------------|------------------------------|---|--|
| zoning by—law 99–90 | | | |
| | ALLOWED AS PER BYLAW | PROPOSED | STATUS |
| ZONE | R1 | R1 | IN COMPLIANCE WITH BY-LAW |
| PERMITTED BLDGS+ STRUCTURES | ONE FAMILY DETACHED DWELLING | ONE FAMILY DETACHED DWELLING | IN COMPLIANCE WITH BY-LAW |
| MIN. LOT FRONTAGE | 60 ft | 96.88 ft | IN COMPLIANCE WITH BY-LAW |
| MIN. LOT AREA | 6,600 ft2 | 17,778.8 ft2 (NET) | IN COMPLIANCE WITH BY-LAW |
| MIN. FRONT YARD SB | 25' | 31'–2" | IN COMPLIANCE WITH BY-LAW |
| MIN. SIDE YARD SB | 6' | 6' (WEST) – 10'–8" (EAST) | IN COMPLIANCE WITH BY-LAW |
| MIN. REAR YARD SB | 25' | 153' | IN COMPLIANCE WITH BY-LAW |
| MAX. NUMBER OF STOREYS | 2 | 2 | IN COMPLIANCE WITH BY-LAW |
| MAX. BUILDING HEIGHT – FLAT ROOF | 8 m | 8 m | IN COMPLIANCE WITH BY-LAW |
| MAX. BUILDING DEPTH | 16.8 m | 16.8 m (EXCLUDING GARAGE) 32.85 m (INCLUDING GARAGE) | IN COMPLIANCE WITH BY-LAW NOT IN COMPLIANCE WITH BY-LAW |
| MAX. LOT COVERAGE | 35% = 10,135.16 ft2 | 4729.7 ft2 | IN COMPLIANCE WITH BY-LAW |
| MAX. NET FLOOR AREA RATIO | 45% = 8,000 ft2 | 7924.5 ft2 | IN COMPLIANCE WITH BY-LAW |
| MAX. GARAGE PROJECTION | 2.1 m | 16.1 m | NOT IN COMPLIANCE WITH BY-LAW |
| MIN. DWELLING UNIT FLOOR AREA | 1,200 ft2 | 7924.5 ft2 | IN COMPLIANCE WITH BY-LAW |

Appendix B

File: 22.25526.000.00.MNV

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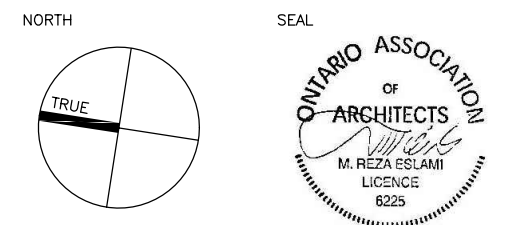
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Appendix B

File: 22.255226.000.00.MNV

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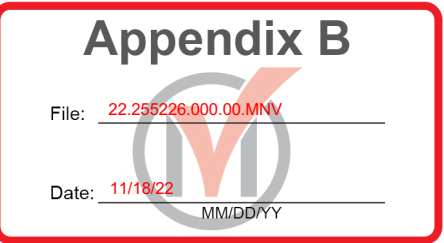
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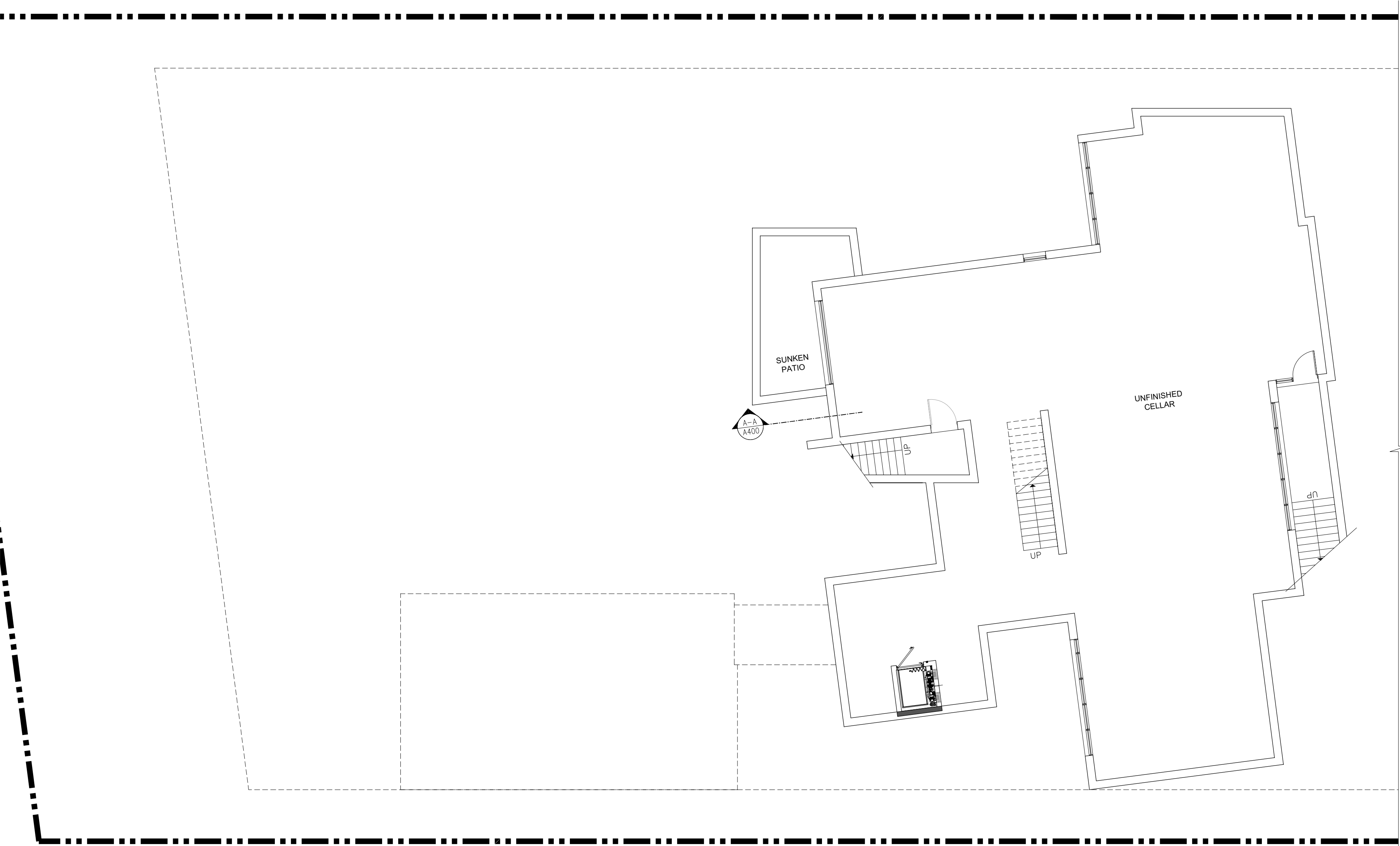
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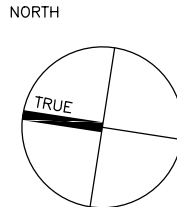
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| 2. | ISSUED FOR ZONING REVIEW | 2022-06-20 |
| 1. | ISSUED FOR ZONING REVIEW | 2022-03-29 |

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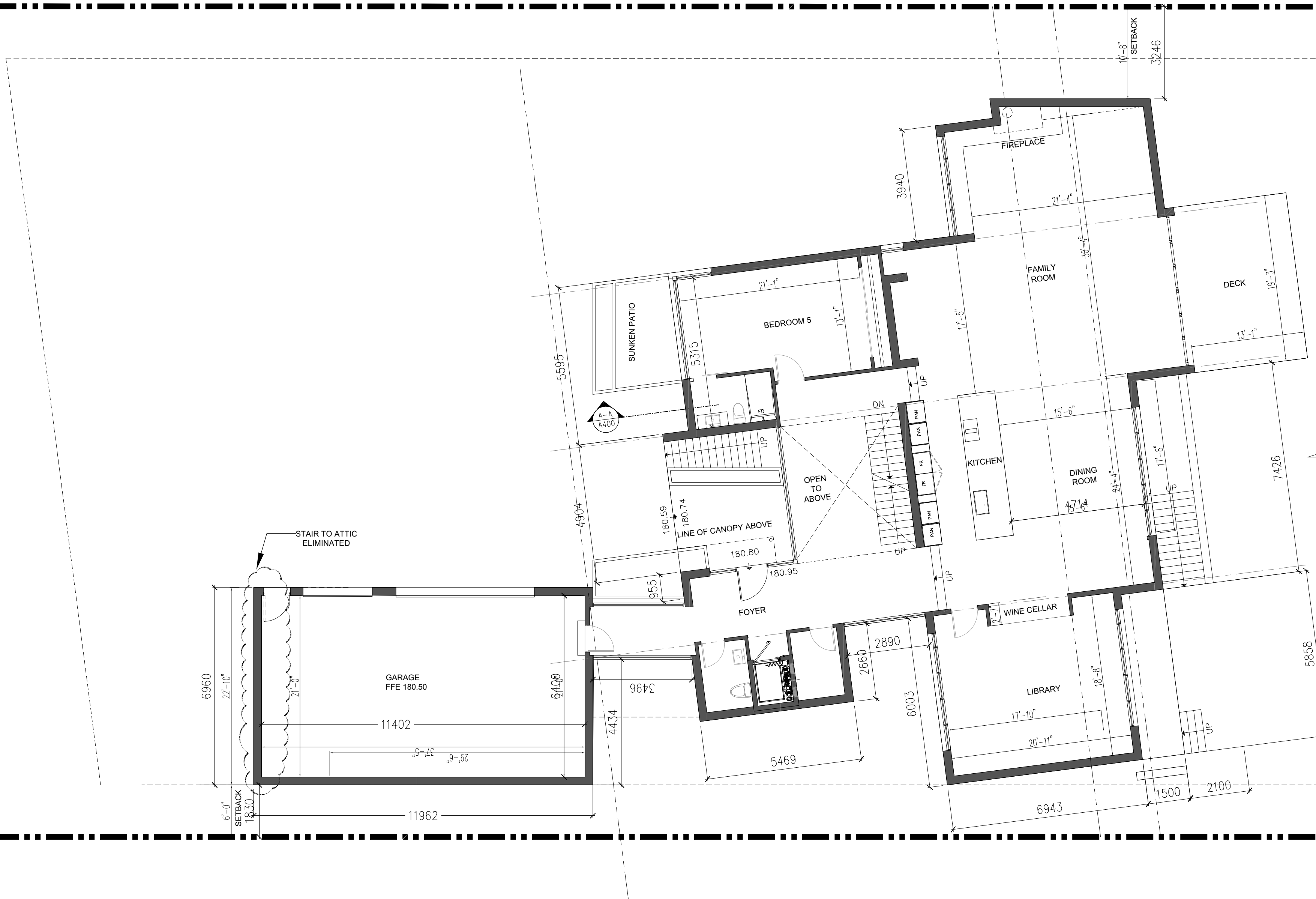
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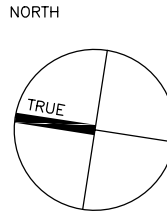
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**SECOND FLOOR
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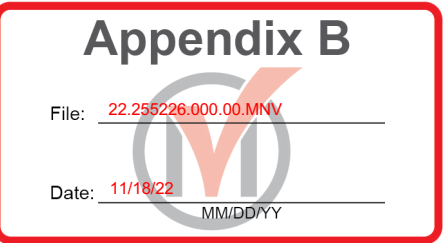
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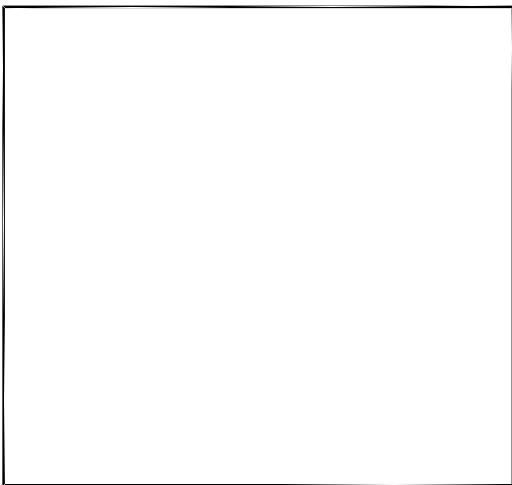
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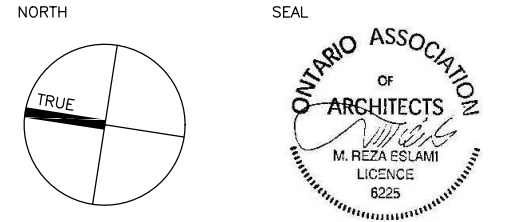
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NORTH

SEAL

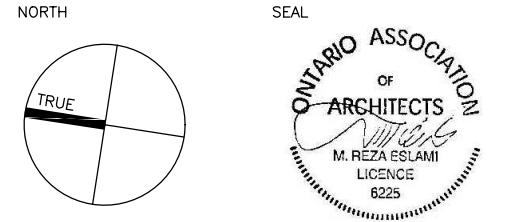
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NORTH

SEAL

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ROOF PLAN

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File: 22.255226.000.00.MNV

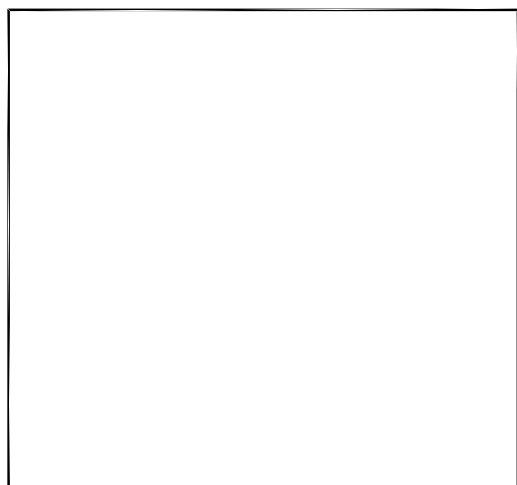
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DRAWING TITLE

Scale: 1:125

Date: OCT. 19, 2022

Project No. 09102

Deputy, Inc.

Checked by:

Drawing No. **A300**

PLOT DATE

October 19, 2022

Appendix B

File: 22.255226.000.00.MNV

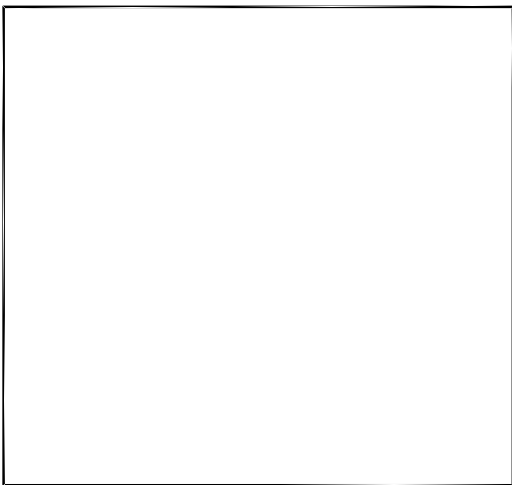
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DRAWING TITLE

WEST ELEVATION

Scale: 1:125

Drawn by:

Date: OCT. 19, 2022

Checked by:

Project No. 09102

Drawing No. **A301**

PLOT DATE

October 19, 2022

Appendix B

File: 22.255226.000.00.MNV

Date: 11/18/22

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File: 22.255226.000.00.MNV

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PROJECT TITLE
**PROPOSED RESIDENTIAL BUILDING
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Scale: 1:125

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Date: OCT. 19, 2022

Date: OCT. 19, 2022

PLOT DATE

PLOT DATE

Appendix B

File: 22.255226.000.00.MNV

Date: 11/18/22

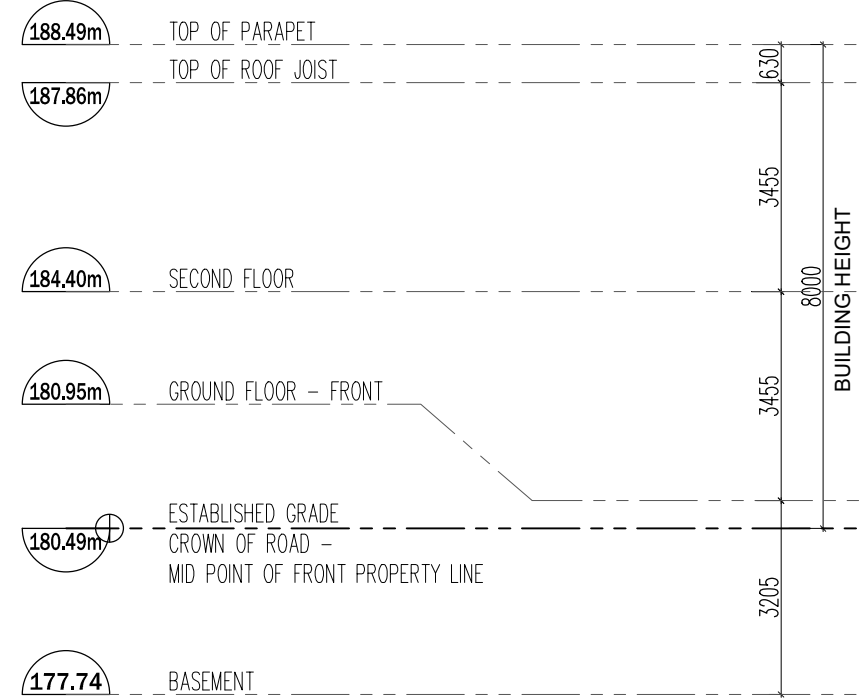
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|----|--------------------------|------------|
| 3. | ISSUED FOR ZONING REVIEW | 2022-07-13 |
| 2. | ISSUED FOR ZONING REVIEW | 2022-06-20 |
| 1. | ISSUED FOR ZONING REVIEW | 2022-03-29 |

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PROJECT TITLE

**PROPOSED RESIDENTIAL BUILDING
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MARKHAM, ONTARIO

CONSULTANT

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Scale: 1:125 Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. A303

October 19, 2022

Appendix B

File: 22.255226.000.00.MNV

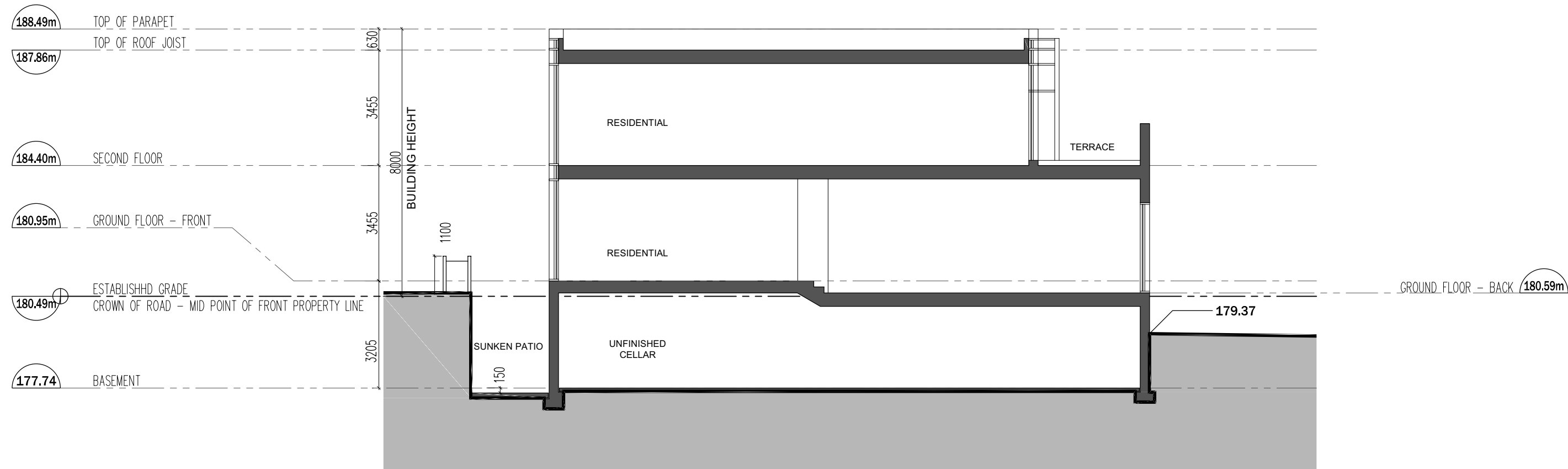
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DRAWING TITLE

SECTION A-A

Scale: 1:125

rawn by:

Date: OCT. 19, 2022

checked by:

Project No. 09102

Drawing No. **A400**

PLOT DATE

October 19, 2022

Appendix B

File: 22.255226.000.00.MNV

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Appendix B

File: 22.255226.000.00.MNV

Date: 11/18/22

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M. Reza Esfami
M. REZA ESFAMI
LICENCE
8223

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M. REZA ESFAMI
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M. REZA ESFAMI
LICENCE
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DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS

Date: OCT. 19, 2022

Project No. 09102

Drawn by:

Checked by:

Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS

Date: OCT. 19, 2022

Project No. 09102

Drawn by:

Checked by:

Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. **A501**

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. A501

DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS Drawn by:

Date: OCT. 19, 2022 Checked by:

Project No. 09102 Drawing No. A501

Appendix B

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File: 22.255226.000.00.MNV

Date: 11/18/22

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DRAWING TITLE

PERSPECTIVE VIEWS

Scale: NTS

Drawn by:

Date: OCT. 19, 2022

Checked by:

Project No. 09102

Drawing No. **A502**

PLOT DATE

October 19, 2022