

# Memorandum to the City of Markham Committee of Adjustment

November 18, 2022

**File:** A/156/22  
**Address:** 97 Fred Varley Drive, Markham  
**Applicant:** Dehua Su  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, November 23, 2022

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4)” zone under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) Section 6.1 - Schedule B:**

a maximum lot coverage of 35.83 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent; and,

**b) Section 6.1 - Schedule B:**

a minimum front yard setback of 21 feet 5 inches (6.53 m), whereas the By-law permits a minimum front yard setback of 27 feet (8.23 m).

## BACKGROUND

### Property Description

The 590.68 m<sup>2</sup> (6,358.03 ft<sup>2</sup>) subject lands are located on the north side of Fred Varley Drive, generally located west of Sciberras Road, and north of Highway 7 East (refer to Appendix “A” – Aerial Photo). Surrounding land uses include a municipal park to the north, and an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings to the east, south, and west. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 174.94 m<sup>2</sup> (1,883.04 ft<sup>2</sup>) one-storey detached dwelling on the property, which according to assessment records was constructed in 1968. The subject lands contains mature vegetation and one large mature spruce tree in the front yard.

### Proposal

The Applicant is proposing to demolish the existing dwelling and construct a 209.78 m<sup>2</sup> (2,258.05 ft<sup>2</sup>) two-storey detached dwelling (refer to Appendix “B” – Architectural Plans).

## **Official Plan and Zoning**

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

The Official Plan designates the subject lands “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. [Section 8.2.3.5](#) of the 2014 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 the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes minor variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways, and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

## **Zoning By-Law 11-72**

The subject land is zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the By-law requirements with respect to maximum lot coverage and minimum front yard setback.

## **Varley Village Infill Area**

The subject land is within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee (a Committee of Council), undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing By-law standards continue to apply.

Notwithstanding that an infill by-law was not adopted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained; and,
- 4) 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 35.83% (211.63 m<sup>2</sup> or 2,277.97 ft<sup>2</sup>), whereas the By-law permits a maximum floor area ratio of 33.33% (196.87 m<sup>2</sup> or 2,119.13 ft<sup>2</sup>). This represents an increase of 7.50% (14.76 m<sup>2</sup> or 158.87 ft<sup>2</sup>) from what the By-law permits. It should be noted that the proposed lot coverage includes the front covered porch and a rear second-storey covered walkout, which adds approximately 1.27% (7.53 m<sup>2</sup> or 81.0 ft<sup>2</sup>) to the overall building coverage. Excluding the front covered porch and rear walkout, the proposed dwelling has a lot coverage of 34.56%, which represents a 3.69% (7.27 m<sup>2</sup> or 78.24 ft<sup>2</sup>) increase from what the By-law permits. The proposed dwelling also maintains all minimum side and rear yard setback requirements of the Zoning By-law.

Given that the front covered porch and rear walkout are unenclosed, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and the resultant dwelling is generally consistent with what the By-law permits. Therefore, Staff have no objections to the approval of the requested variance.

### **Reduction in Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 21.42 ft (6.53 m), whereas the By-law requires a minimum front yard setback of 27 ft (8.23 m). This represents a reduction of 20.67% or 5.58 ft (1.70 m) to the permitted front yard setback.

The variance is largely attributed to the proposed garage projection and second storey balcony. The main front wall of the building, excluding the garage projection and balcony, maintains a front yard setback of 27 ft (8.23 m) which meets the By-law requirements. Staff further note that the proposed setback is generally consistent with the front yard setback of the dwelling immediately to the west of the subject lands, which received Minor Variance approval in 1967 (CA/67/144) for a front yard setback of 23.11 ft (7.04 m). As such, Staff are of the opinion that the proposed front yard setback is generally consistent with the established front yard setback pattern on the street and therefore, have no objections to its approval.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 18, 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.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



---

Melissa Leung, MCIP RPP, Planner II, Central District

REVIEWED BY:



---

Deanna Schlosser, MCIP RPP, Senior Planner, Central District

File Path: Amanda\File\ 22 255325 \Documents\District Team Comments Memo

## **APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Architectural Plans

Appendix "C" – Conditions of Approval



## Legend

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

1: 500



25.4 0 12.70 25.4 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.

## Notes

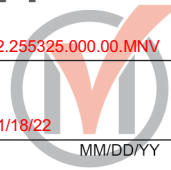
97 Fred Varley Drive

LOT AREA: 590.68 M <sup>2</sup>		LOT COVERAGE: 211.63 M <sup>2</sup>				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	1832FT <sup>2</sup> /170.20 M <sup>2</sup>	2080FT <sup>2</sup> /193.24 M <sup>2</sup>	1817FT <sup>2</sup> /168.80 M <sup>2</sup>	427 FT <sup>2</sup> /39.67M <sup>2</sup>	3912FT <sup>2</sup> /363.44 M <sup>2</sup>	35.83%

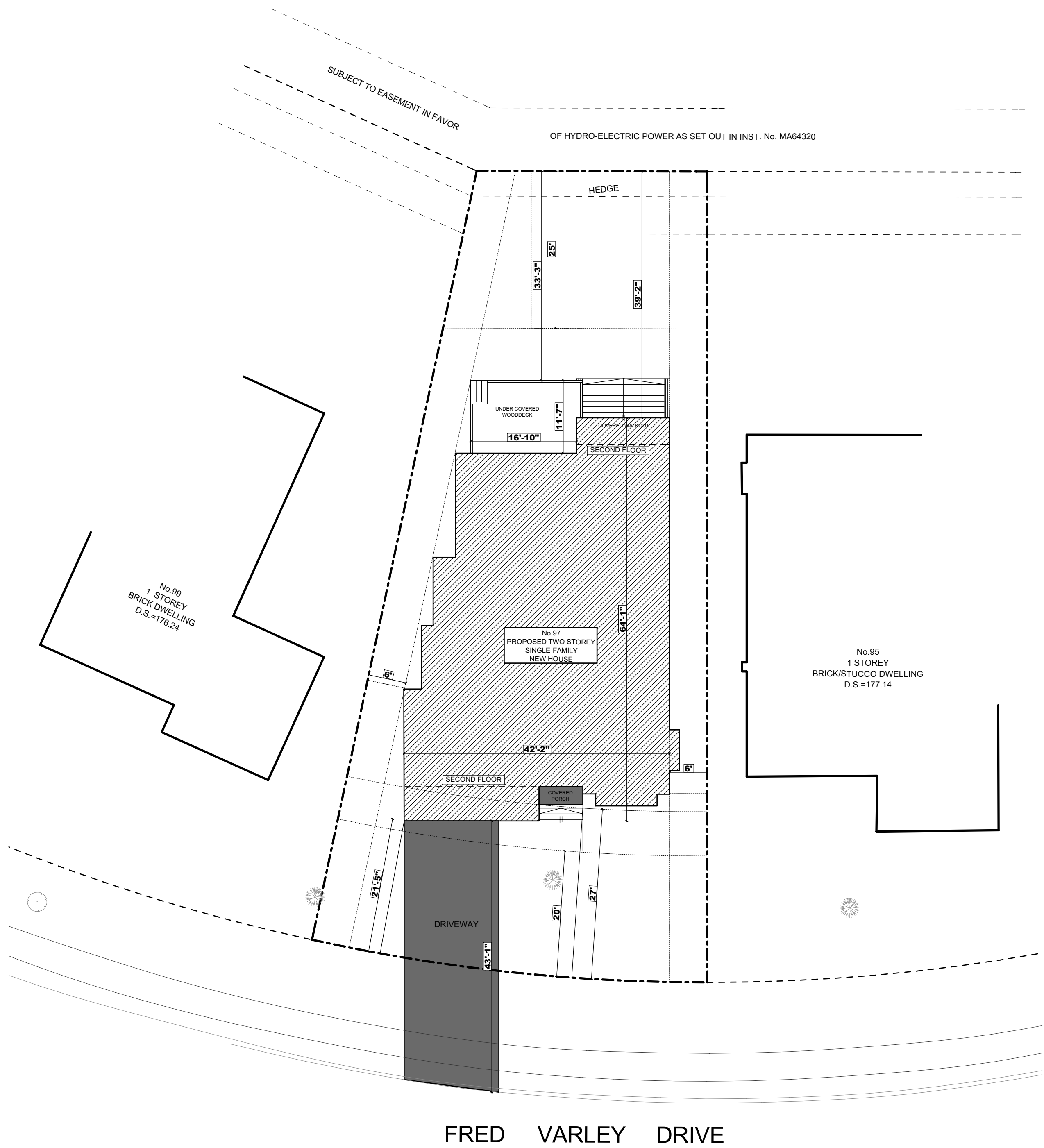
Appendix B

File: 22.255326.000.00.MNV

Date: 11/18/22



MM/DD/YY



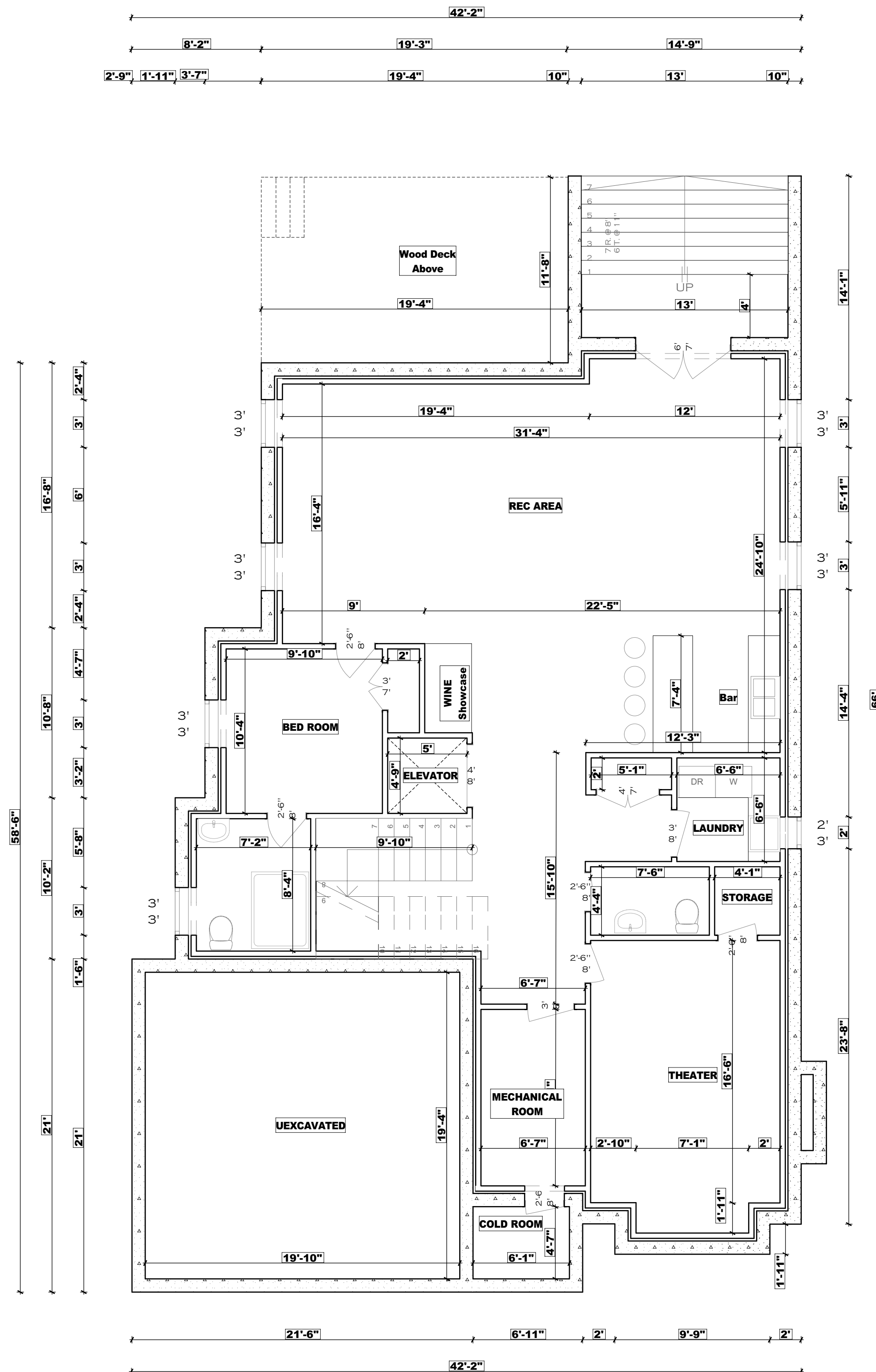
## Appendix B

File: 22.255325.00.00.MNY

Date: 11/18/22

MM/DD/YY

Date: 11/18/22



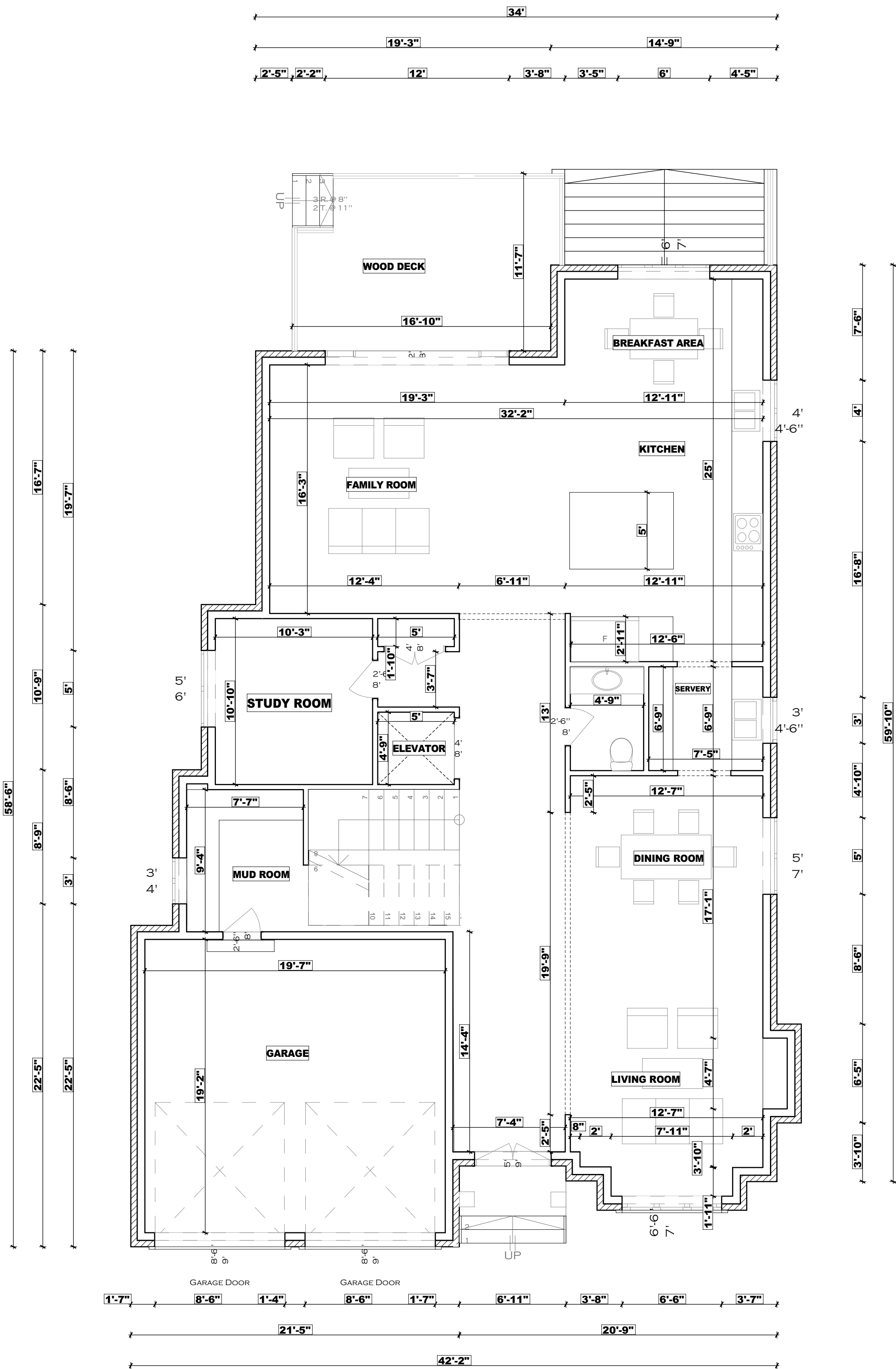
DATE:	ISSUED FOR:			DRAWN BY  V.E	SCALE:	DRAWING TITLE:  BASEMENT PLAN	PROJECT TITLE/ADDRESS:  97 FRED VARLEY DRIVE, MARKHAM, ON	A1.1
SEPTEMBER 2022	COA				3/16" = 1'0"			
					LAST MODIFIED ON:			
					SEPTEMBER 14, 2022			
FOR STRUCTURE ONLY								

Appendix B

File: 22.255325.000.00.MNV

Date: 11/18/22

MMDDYY



DATE:	ISSUED FOR:
SEPTEMBER 2022	COA

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
SEPTEMBER 14, 2022

DRAWING TITLE:
GROUND FLOOR PLAN
PROJECT TITLE/ADDRESS:
97 FRED VARLEY DRIVE, MARKHAM, ON

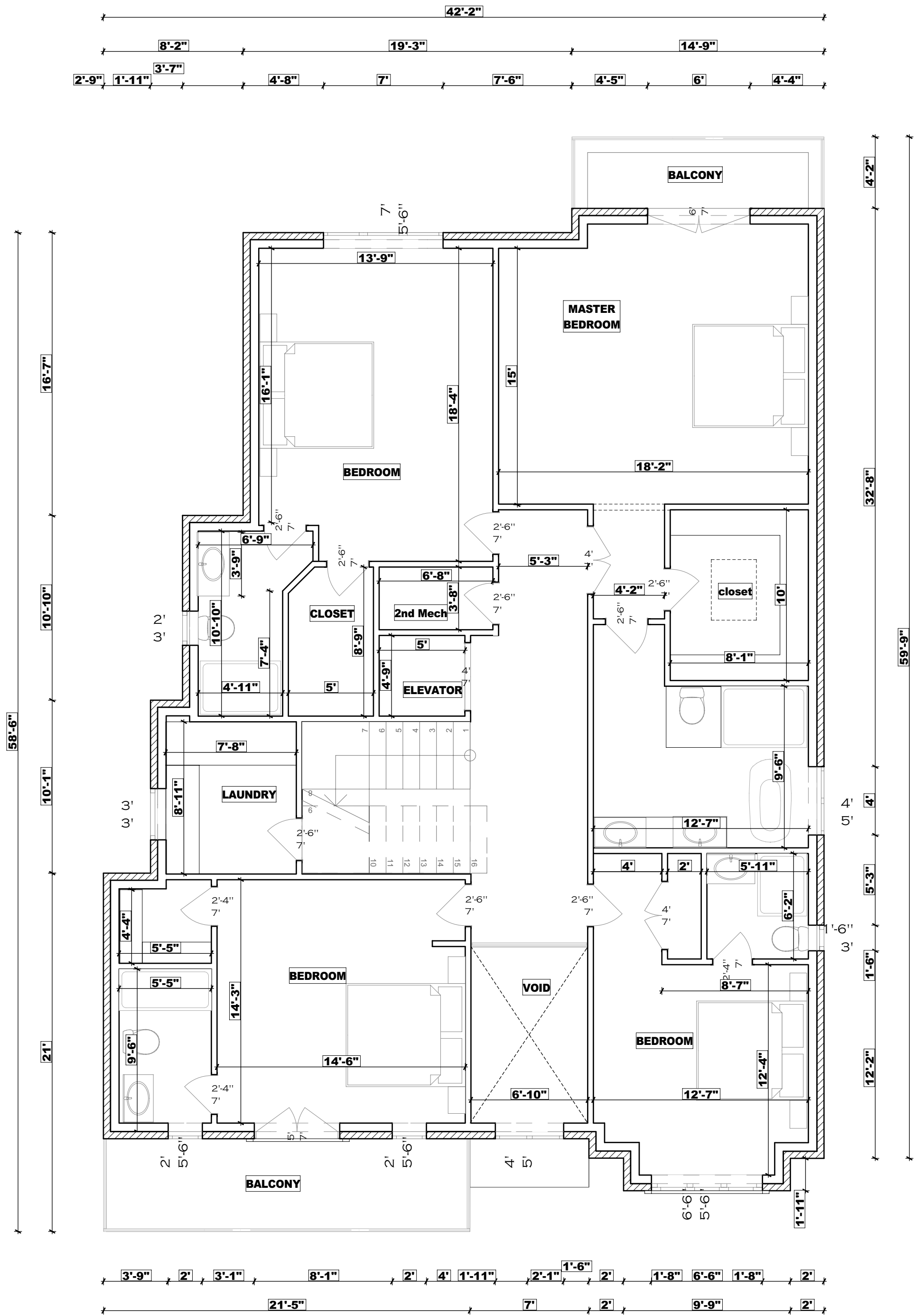
A1.2
------

Appendix B

File: 22.255325.000.00.MNV

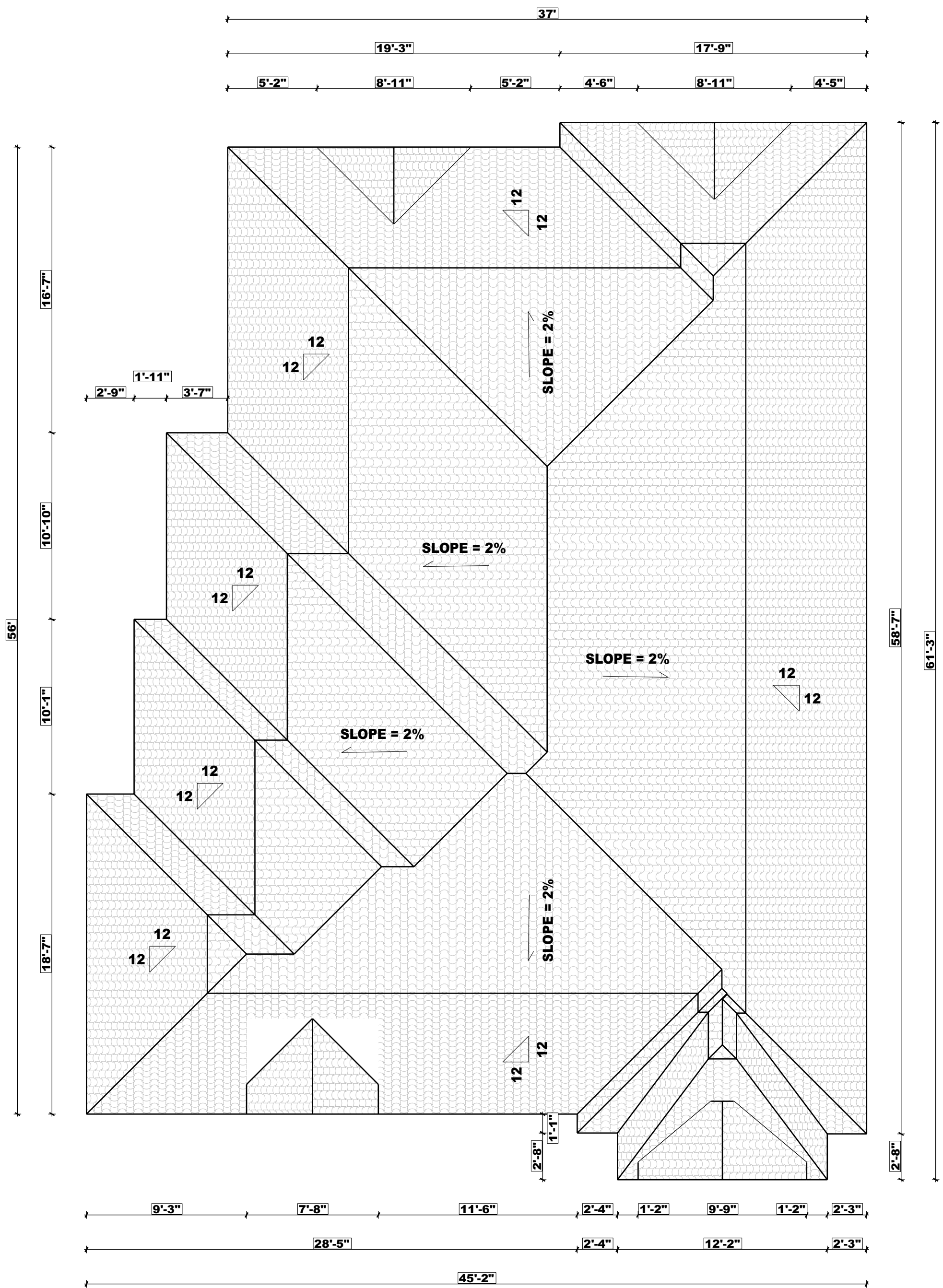
Date: 11/18/22

MMDDYY



Appendix B

File: 22.255325.000.00.MNV  
Date: 11/18/22  
MM/DD/YY



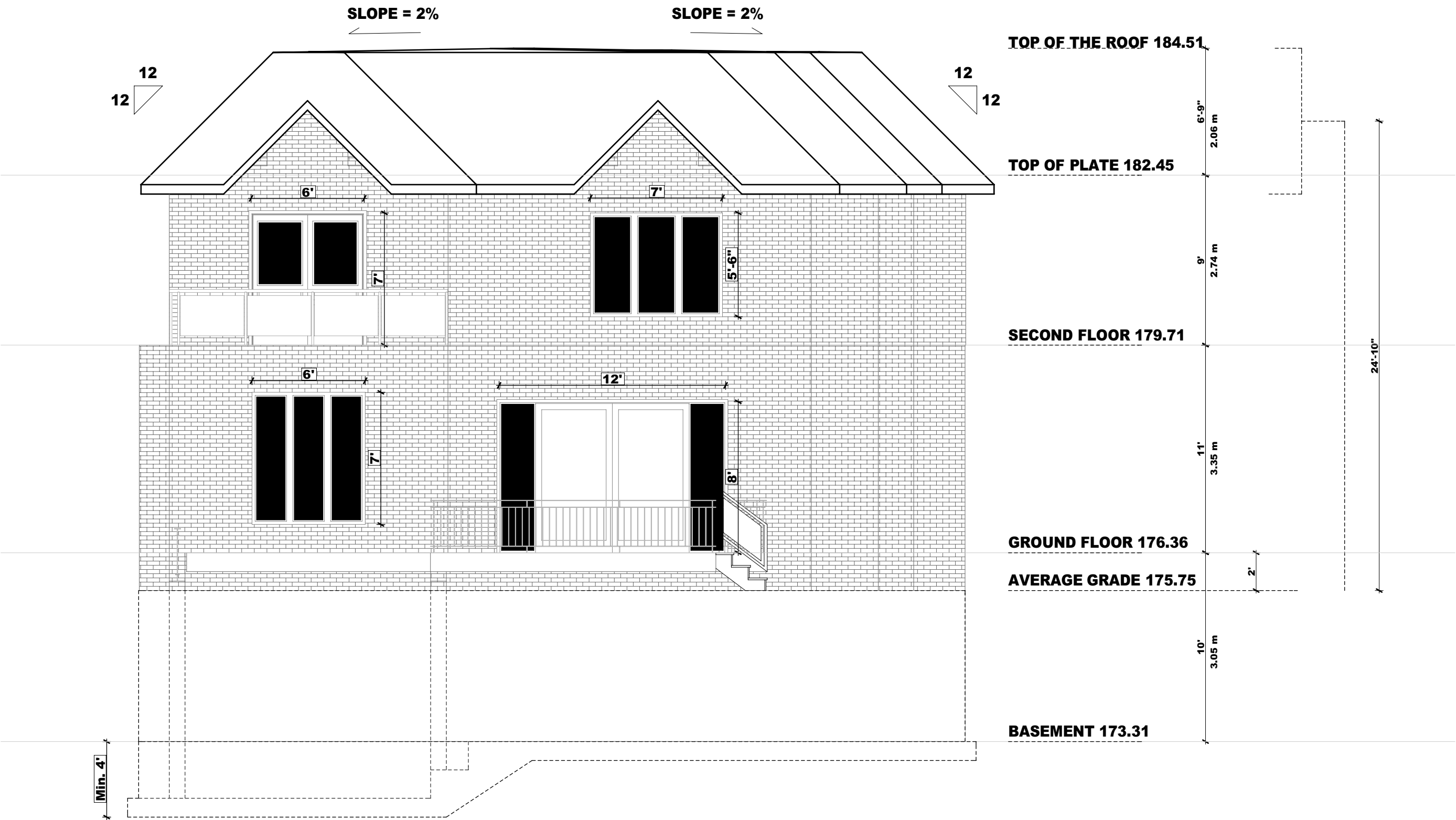
Appendix B

File: 22.255325.000.00.MNV  
Date: 11/18/22  
MMDDYY



Appendix B

File: 22.255325.000.00.MNV  
Date: 11/18/22  
MMDDYY



DATE:	ISSUED FOR:
SEPTEMBER 2022	COA

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
SEPTEMBER 14, 2022

DRAWING TITLE:
REAR ELEVATION
PROJECT TITLE/ADDRESS:
97 FRED VARLEY DRIVE, MARKHAM, ON

## Appendix B

File: 22.255325.00.00.MNV

Date: 11/18/22

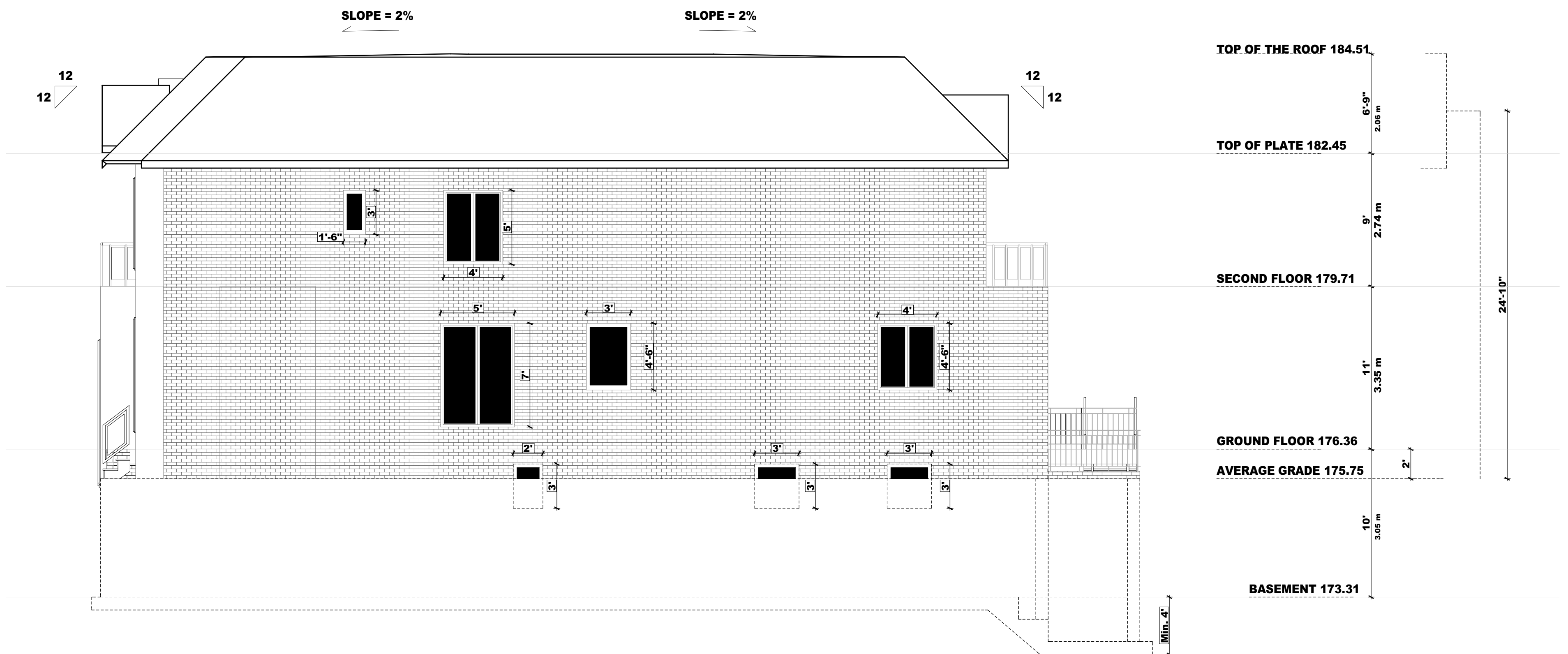
MM/DD/YY

## Appendix B

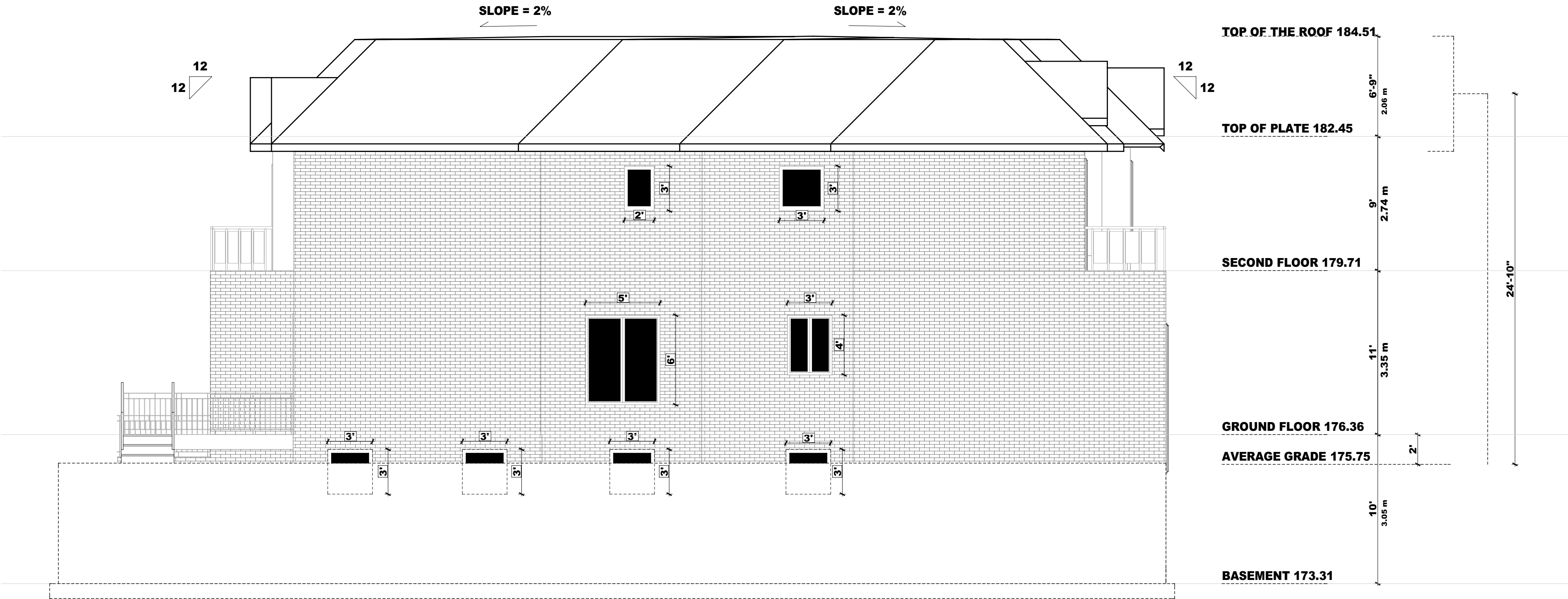
File: 22.255325.00.00.MNV

Date: 11/18/22

MM/DD/YY



DATE:	ISSUED FOR:			DRAWN BY  V.E	SCALE:	DRAWING TITLE:  SIDE ELEVATION	PROJECT TITLE/ADDRESS:  97 FRED VARLEY DRIVE, MARKHAM, ON	A2.3
SEPTEMBER 2022	COA				3/16" = 1'0"			
					LAST MODIFIED ON:			
					SEPTEMBER 14, 2022			



DATE:	ISSUED FOR:
SEPTEMBER 2022	COA

FOR STRUCTURE ONLY



DRAWN BY  
V.E

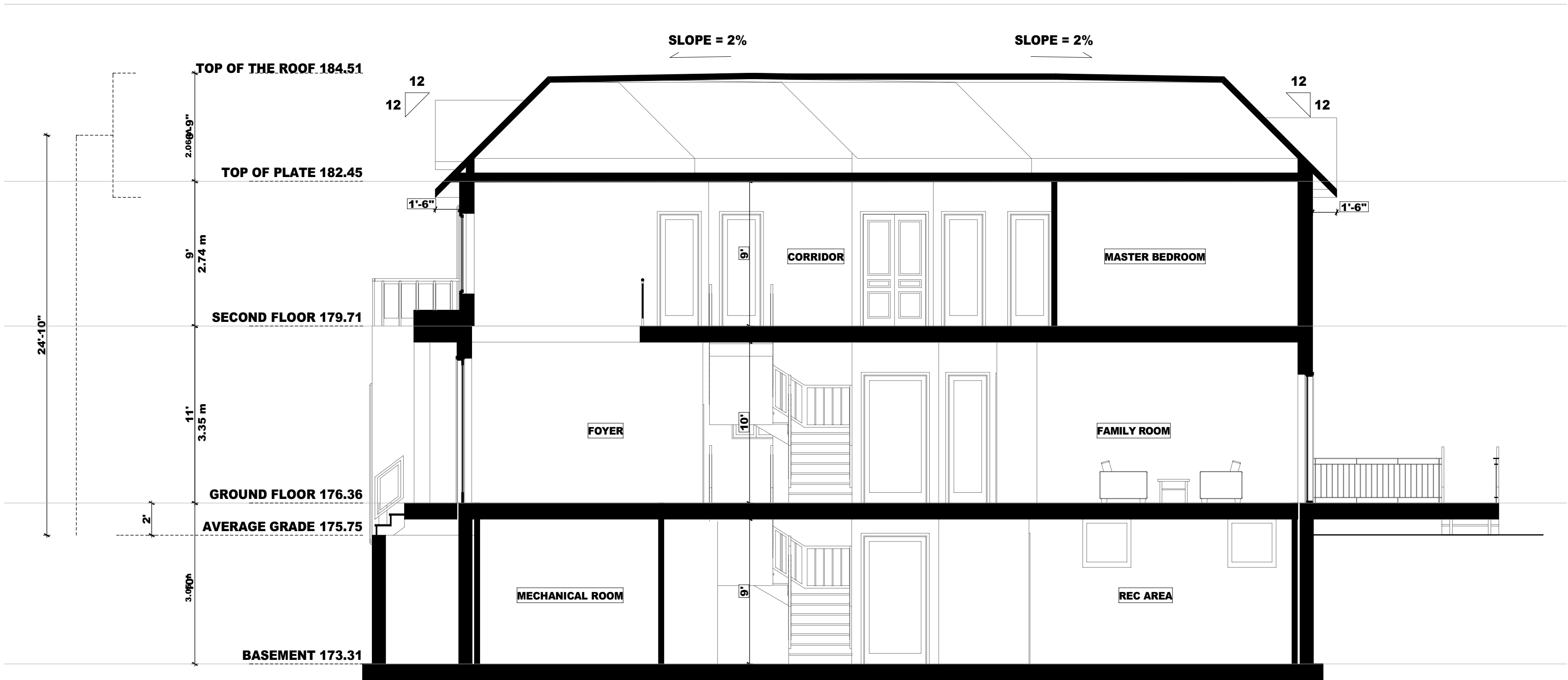
SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
SEPTEMBER 14, 2022

DRAWING TITLE:
SIDE ELEVATION
PROJECT TITLE/ADDRESS:
97 FRED VARLEY DRIVE, MARKHAM, ON

A2.4

Appendix B

File: 22.255325.000.00.MNV  
Date: 11/18/22  
MMDDYY



DATE:	ISSUED FOR:
SEPTEMBER 2022	COA

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
SEPTEMBER 14, 2022

DRAWING TITLE:
SECTION
PROJECT TITLE/ADDRESS:
97 FRED VARLEY DRIVE, MARKHAM, ON

A4.1

Appendix C

File: 22.255325.000.00.MNV

Date: 11/18/22MM/DD/YY

**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/22**

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 Operation; 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:



---

Melissa Leung, MCIP RPP, Planner II, Central District