

Memorandum to the City of Markham Committee of Adjustment November 3, 2022

File: A/160/22
Address: 111 Hertford Crescent, Markham
Applicant: Lifestyle Home Products (Andrijana Adamovic)
Agent: Lifestyle Home Products (Andrijana Adamovic)
Hearing Date: Wednesday November 9, 2022

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

The Applicant is requesting relief from the “Fourth Density – Semi-detached Residential (RSD4)” zone requirements in By-law 90-81, as amended, as it relates to a proposed rear yard one-storey sunroom addition. The variance requested is to permit:

a) Section 6.2.2(b):

a minimum rear yard setback of 5.64 metres (18.5 feet), whereas the By-law requires a minimum rear yard setback of 7.5 metres (25 feet).

BACKGROUND

Property Description

The 415 m² (4467 ft²) subject lands are located on the west side of Hertford Crescent, generally located south of Denison Street and west of McCowan Road (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings.

There is an existing two-storey detached dwelling on the subject lands, which according to assessment records was constructed in 1994.

Proposal

The Applicant is proposing to construct a 27.76 m² (299 ft²) one-storey sunroom addition attached to the rear of the existing two-storey detached dwelling (refer to Appendix “B” – 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 as “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. These criteria are 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 90-81

The subject lands are zoned “Fourth Density – Semi-detached Residential (RSD4)” under By-law 90-81, as amended, which permits a single detached or semi-detached dwelling. The proposed development does not comply with the by-law requirements as it relates to the minimum rear yard setback.

Zoning Preliminary Review (ZPR) - Not Undertaken

The Applicant confirmed that a ZPR has not been conducted. However, the Applicant received comments from the building department through their building permit process (22 247692 HP) to confirm the variances required for the proposed development. 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; 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 5.64 m (18.5 ft) whereas the By-law requires a minimum rear yard setback of 7.5 m (25 ft). This represents a 2.5% reduction of approximately 1.86 m (6 ft). The main rear wall of the dwelling provides a rear yard setback of 9.6 m (31.5 ft) which meets the requirement of the By-law. The requested variance is entirely attributable to the proposed rear yard sunroom addition. Staff are of the opinion that the one-storey sunroom addition is minor and staff have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 3, 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:



Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



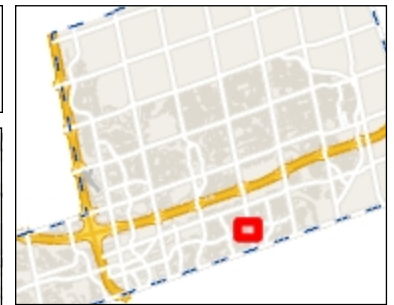
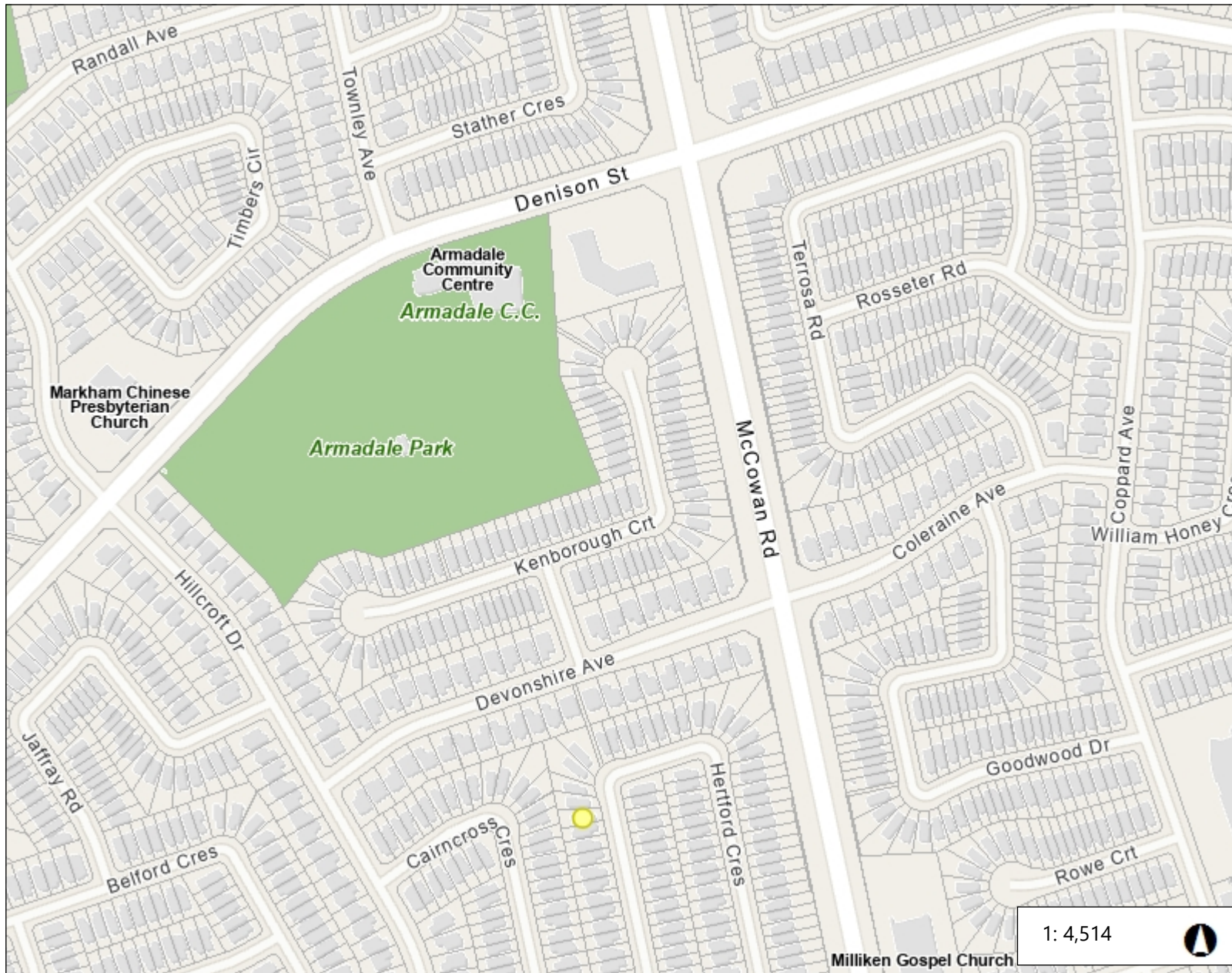
Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/160/22 Conditions of Approval



Subject Lands

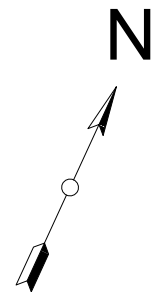
● 111 Hertford Crescent

Notes

229.3 0 114.66 229.3 Meters

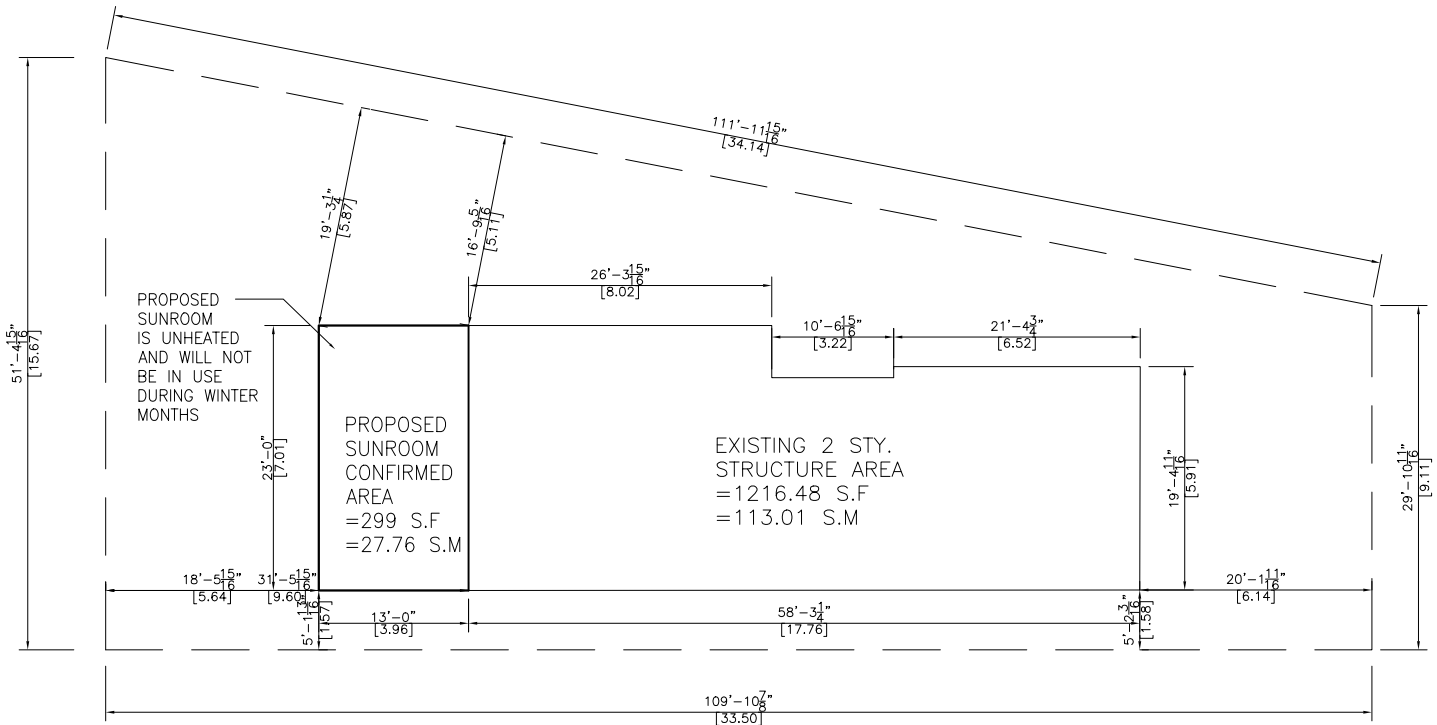
NAD_1983_UTM_Zone_17N
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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.



SITE PLAN
SCALE = 1:200

THIS SITE PLAN IS
DRAWN PER THE OWNER
INFORMATION



HERTFORD CRESCENT

Appendix B

File: 22.255968.000.00.MNV
Date: 11/03/22
MM/DD/YY

NOTES:

1. THE WALLS AND ROOF STRUCTURAL PANELS OF THE SUNROOM WILL BE PREFABRICATED BY LIFESTYLE SUNROOMS INC. AND WILL BE INSTALLED BY ITS TRAINED SKILLED INSTALLERS.
2. A PROFESSIONAL ENGINEER UNDERTAKES THE GENERAL REVIEW OF THE INSTALLATION.
3. A FINAL PROJECT REVIEW LETTER WILL BE SUBMITTED TO THE BUILDING DEPARTMENT AFTER THE COMPLETION.
4. (1). STAIRS RISER DIMENSIONS SHALL CONFIRM TO ARTICLES 9.8.4.1 OF THE 2022 OBC WHICH STIPULATES THAT RISERS DESIGNED FOR PRIVATE USE MUST HAVE A MAXIMUM RISE OF NO MORE THAN 200 mm OR A MINIMUM RISE OF NO LESS THAN 125 mm AND A MAXIMUM RUN OF NO MORE THAN 355 mm OR A MINIMUM RUN OF NO MORE THAN 255 mm AND A MAXIMUM TREAD DEPTH OF 355 mm OR A MINIMUM TREAD DEPTH OF NO LESS THAN 235 mm.
4. (2). REQUIRED EXIT STAIRS SHALL HAVE A WIDTH, MEASURED BETWEEN WALL FACES OR GUARDS, OF NOT LESS THAN 900 mm AS PER ARTICLE 9.8.2.1 OF THE 2012 OBC.
5. THE WIDTH OF THE LANDING IF REQUIRED SHALL BE NOT LESS THAN THE GREATER REQUIRED STAIR WIDTH WHERE ONE OR MORE OF THE STAIR WIDTHS DO NOT EXCEED THEIR RESPECTIVE REQUIRED WIDTHS, OR NOT LESS THAN THE LESSER ACTUAL STAIR WIDTH WHERE ALL OF THE WIDTHS OF THE STAIRS EXCEED THEIR RESPECTIVE REQUIRED WIDTHS AS PER ARTICLES 9.8.6.2 AND 9.8.6.3 OF THE 2012 OBC.
6. ALL HAND RAILS AND GUARDS SHALL BE BUILT AS PER OBC 2012 AND SUPPLEMENTARY STANDARD SB-7. EXTERIOR HANDRAIL AND GUARDS TO BE AT LEAST 900 mm OR 36" MEASURED VERTICALLY ABOVE THE NOSING OF ANY TREAD AND/OR PLATFORM NOT MORE THAN 1800 mm OR 5'-11" ABOVE THE FINISHED GROUND AS PER SUBSECTIONS 9.8.7 AND 9.8.8 OF 2012 OBC; ALL PICKET AND/OR GUARD SPACING MUST BE NO MORE THAN 100 mm OR 4" APART AS PER ARTICLE 9.8.8.5 OF THE 2012 OBC; ALL BALUSTERS TO BE SPACED NO MORE THAN 1200 mm OR 48" APART.
7. TO CARRY RAINWATER AWAY FROM THE SUNROOM, DOWNSPOUTS WILL BE INSTALLED AT THE OUTSIDE CORNERS OF ROOM IN ACCORDANCE TO ARTICLES 9.26.18.2, 7.3.3.7, AND 5.6.2.2 OF THE 2012 OBC.
8. ALL ADDITIONAL ASPECTS OF THE PROJECT WILL BE INSTALLED ACCORDING TO TACBOC DETAILS AND COMPLY WITH THE REQUIREMENTS STIPULATED BY THE 2012 OBC, INCLUDING DOORS (TO SECTION 9.6.); WINDOWS (TO SECTION 9.7.); SKYLIGHTS (TO SUBSECTION 9.7.7.); GLASSES (TO SUBSECTION 9.7.3.); WOOD FRAME CONNECTIONS, DECK FARMING, STICK BUILT WALLS AND SUBFLOORING (TO SUBSECTION 9.23.14); BUILT-UP BEAMS (TO ARTICLE 9.23.8.3); BUILT-UP COLUMNS (TO ARTICLE 9.17.4.2); ROOFING (TO SECTION 9.26.); ROOF DRAINS AND DOWNSPOUTS (TO SUBSECTION 9.26.18.); FLASHING (TO SUBSECTIONS 9.20.13 & 9.26.3 & 9.26.4); CLADDING (TO SECTION 9.27.); CAULKING (TO SUBSECTION 9.27.4.); INTERIOR FINISHING (TO SUBSECTION 9.29.); FLOORING (TO SECTION 9.30.); STAIRS, RAMPS, HANDRAILS AND GUARDS (TO SECTION 9.8.); LIGHTING OUTLETS (TO SECTION 9.34.).

LOT AREA	415.07 m ²	4467.78 ft ²
TOTAL EXISTING FLOOR AREA	113.01 m ²	1216.48 ft ²
PROPOSED SUNROOM AREA	27.76 m ²	299.00 ft ²
PROPOSED DECK AREA	m ²	ft ²
TOTAL EXISTING AND PROPOSED FLOOR AREA	140.77 m ²	1515.48 ft ²
TOTAL LOT COVERAGE	~33.92 %	

944 Crawford Dr.
Peterborough, Ontario K9J 3X2
www.lifestylesunrooms.com
Tel: 800-465-0593, Fax: 800-934-0822

PROJECT

**LIFESTYLE UNHEATED
SUNROOM ADDITION**

PROJECT ADDRESS

111 HERTFORD CRES
MARKHAM, ON L3S 3R5

DRAWING TITLE

SITE PLAN

DRAWING NUMBER

01

REVISION	PROJECT#	DATE
	251797	JUNE 22 2022

MODEL TYPE

3125 STUDIO (WOOD TOP ROOF)

CLIENT

KSHIRASAGAR, MUKUL & NANDITA

SCALE

DRAWN BY:

CHECKED BY:

S.K.

J.P.

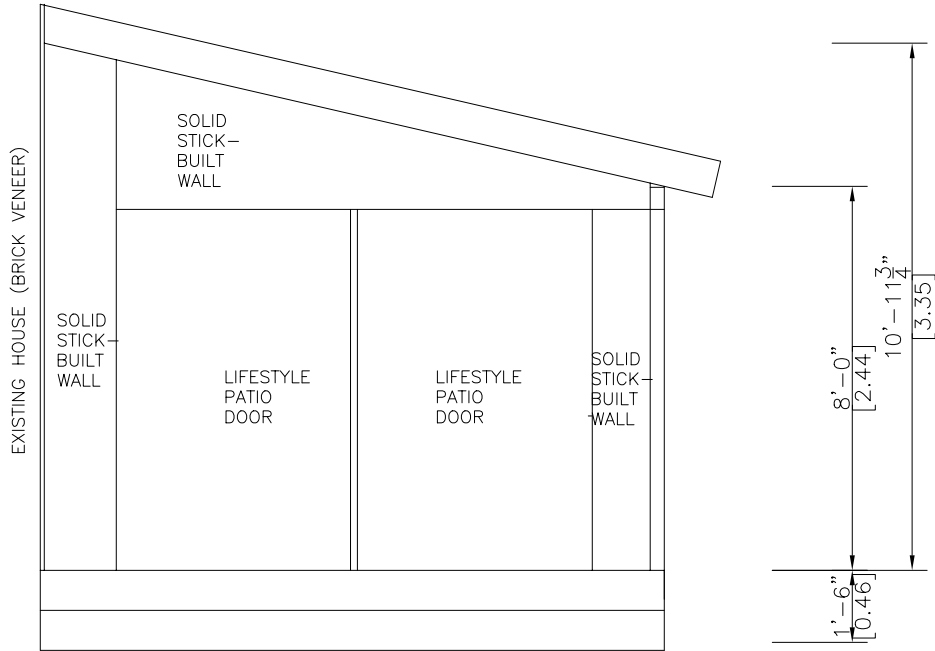
LIFESTYLE ENGINEERING



Appendix B

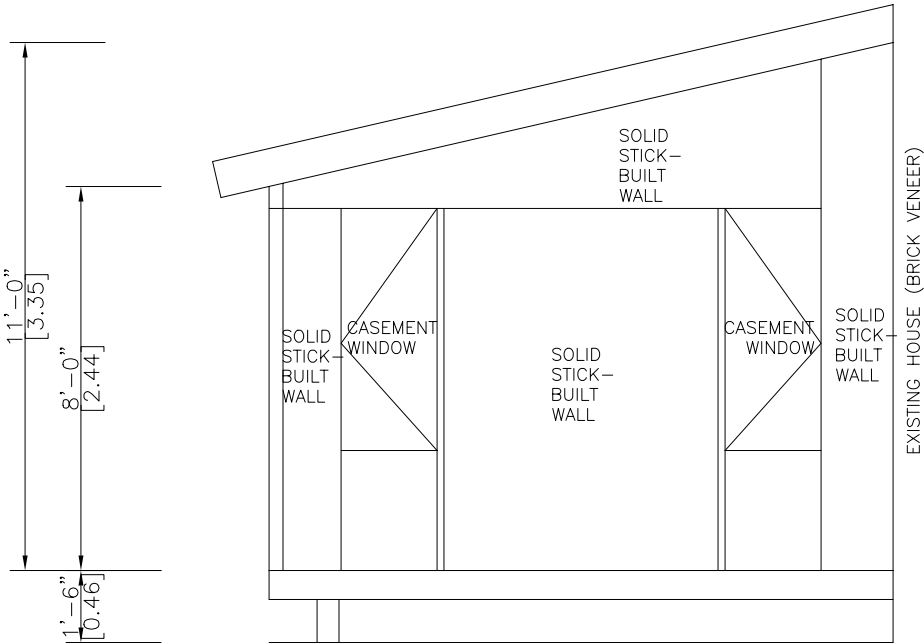
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Date: 11/03/22
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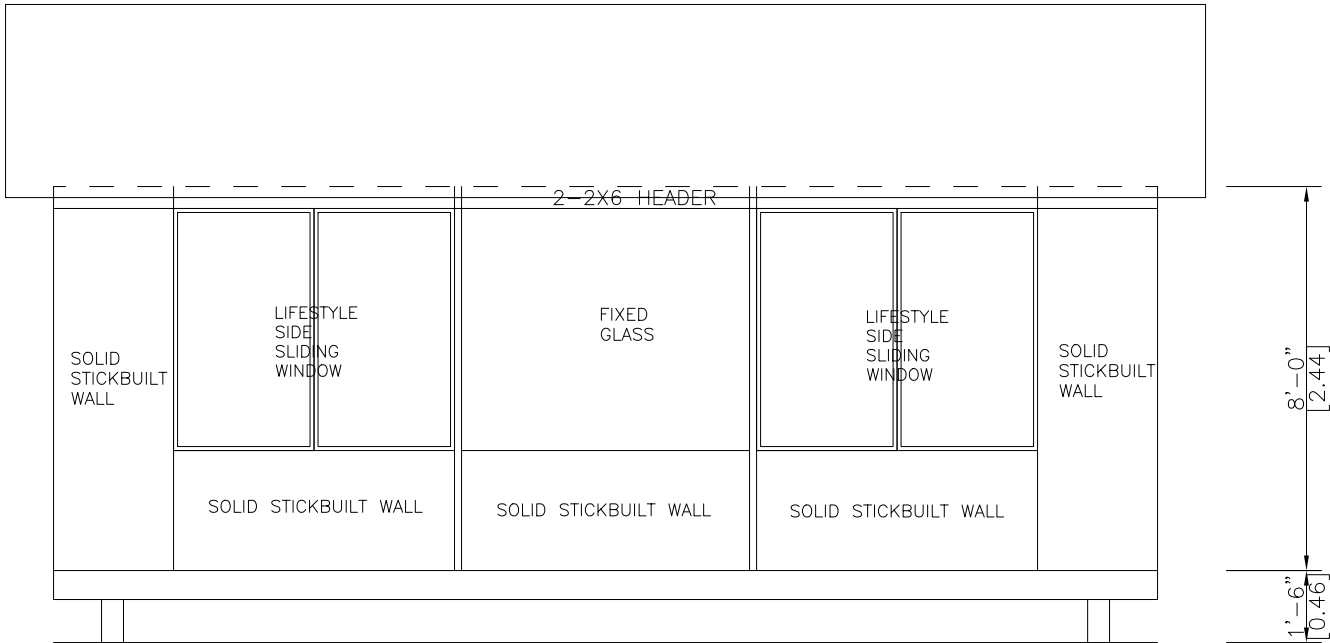
SOUTH ELEVATION

SCALE 1/4"=1'-0"



NORTH ELEVATION

SCALE 1/4"=1'-0"



EAST ELEVATION

SCALE 1/4"=1'-0"

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PROJECT

LIFESTYLE UNHEATED
SUNROOM ADDITION

PROJECT ADDRESS

111 HERTFORD CRES
MARKHAM, ON L3S 3R5

DRAWING TITLE

ELEVATIONS

DRAWING NUMBER

05

REVISION	PROJECT#	DATE
	251797	JUNE 22 2022

MODEL TYPE

3125 STUDIO (WOOD TOP ROOF)

CLIENT

KSHIRASAGAR, MUKUL & NANDITA

SCALE

DRAWN BY:

S.K.

CHECKED BY:

J.P.

LIFESTYLE ENGINEERING



APPENDIX “C” – A/160/22 Conditions of Approval

1. The variance applies only to the proposed development as long as it remains; and
2. That the variance applies 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.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "E. Martelluzzi".

Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District