

Memorandum to the City of Markham Committee of Adjustment
November 14, 2022

File: A/165/22
Address: 11 Shady Lane Crescent, Thornhill
Applicant: SOODEH SALEHIN
Hearing Date: Wednesday, November 23, 2022

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

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3A) zone in By-law 2150, as amended:

- a) **By-law 2150, Section 3.7:**
an uncovered porch and stairs to encroach 6'-8" into the required front yard, whereas the By-law permits a maximum encroachment of 5'-0" into the required front yard;
- b) **By-law 2150, Section 3.7:**
an encroachment of 30 inches for eaves and gutters into the interior side yards, whereas the By-law permits a maximum encroachment of 18 inches into the interior side yards;
- c) **By-law 2150, Section 6.1:**
a maximum lot coverage of 36.63 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- d) **By-law 2150, Section 6.1:**
a maximum building height of 26'-0", whereas the By-law permits a maximum of 25'-0';
- e) **By-law 2150, Section 6.1:**
a minimum side yard setback of 4'-0", whereas the By-law requires a minimum side yard setback of 6'-0' for two-storey portions of a building;

as it relates to a proposed two-storey single detached dwelling.

BACKGROUND

Property Description

The 563.07 m² (6,060.84 ft²) subject property is located on the east side of Shady Lane Crescent, north of Royal Orchard Boulevard and west of Bayview Avenue. There is an existing two-storey detached dwelling on the property, which according to assessment records was constructed in 1966. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing single detached dwelling and construct a new 387.30 m² (4,168.86 ft²) two storey single detached dwelling on the subject lands.

Official Plan and Zoning

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines 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 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.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on August 18, 2022 to confirm the variances required for the proposed development.

Tree Preservation

The applicant will be required to submit a Tree Inventory and Preservation Plan as part of their Residential Infill Grading and Servicing application. Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix ‘A’.

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 Uncovered Porch and Stairs Encroachment Variance

The applicant is requesting a maximum porch and stair encroachment of 6.8 ft. (2.03 m) into the front yard, whereas a maximum encroachment of 5 ft. (1.53 m) is permitted. This represents an increase of 0.5 m (1.8 ft.). The requested variance relates to the uncovered front porch and stairs. Staff are of the opinion the proposed porch and stairs will not significantly add to the massing of the dwelling, and have no concerns.

Increase in Maximum Eaves Encroachment Variance

The applicant is requesting a maximum eaves encroachment of 30 in (0.76 m) into the interior side yards, whereas a maximum eaves encroachment of 18 in (0.46 m) is permitted. This represents an increase of 0.3 m (1 ft.). Staff have no concerns with the requested variance.

Increase in Maximum Lot Coverage Variance

The applicant is requesting relief for a maximum lot coverage of 36.63 percent, whereas a maximum lot coverage of 33.33 percent is permitted. The proposed lot coverage includes the front uncovered porch which adds approximately 7.83 m² (84.28 ft²) to the overall building area. Excluding the front uncovered porch, the building has a lot coverage of 35.18 percent. Staff are of the opinion the proposed maximum lot coverage is minor in nature and will not adversely impact the character of the neighbourhood.

Increase in Maximum Building Height Variance

The applicant is requesting relief to permit a maximum building height of 7.92 m (26 ft), whereas a maximum building height of 7.62 m (25 ft.) is permitted. This represents an increase of 0.3 m (1 ft.). Staff are of the opinion the proposed building height is minor in nature and have no concerns with the requested variance.

Reduced Side Yard Setback Variance

The applicant is requesting a minimum north side yard setback of 4 ft. (1.22 m) for the two-storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 6 ft. (1.83 m) for the two-storey portion of the dwelling. This represents an increase of 0.61 m (2 ft.). The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering Staff have reviewed the application and have no concern with the variance respecting drainage. Staff are of the opinion that the requested reduced side yard setback variance is minor in nature.

EXTERNAL AGENCIES

CN Rail Requirements

CN Rail provided comments on this application on September 13, 2022 noting that they have no concerns with the proposed Minor Variance application subject to the condition outlined in their comments attached as Appendix 'C'.

PUBLIC INPUT SUMMARY

As of November 14, 2022 the City received five letters of support. 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 requested 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:



Hailey Miller, Planner I, West District

REVIEWED BY:



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

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/165/22

- 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, 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 Manager of By-law Enforcement & Regulatory Services Division 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 Manager of By-law Enforcement & Regulatory Services Division;
- 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 Manager of By-law Enforcement & Regulatory Services Division; and,
- 6) That the applicant satisfies the requirements of *CN Rail*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix 'C' to this Staff Report, to the satisfaction of *CN Rail*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *CN Rail*.

CONDITIONS PREPARED BY:



Hailey Miller, Planner I, West District

11 SHADY LANE CRESCENT

PROPOSED 2 STOREY SINGLE FAMILY DWELLING



DRAWING LIST

A00	COVER PAGE
A01	PROPOSED SITE PLAN
A02	BASEMENT FLOOR PLAN
A03	GROUND FLOOR PLAN
A04	SECOND FLOOR PLAN
A05	ROOF PLAN
A06	FRONT ELEVATION
A07	RIGHT SIDE ELEVATION
A08	LEFT SIDE ELEVATION
A09	REAR ELEVATION

Appendix B

File: 22.256629.000.00.MNV

Date: 11/18/22

MM/DD/YY

SITE STATISTICS

PARENT BYLAW: By-law 2150
ZONING DESIGNATION: R3A

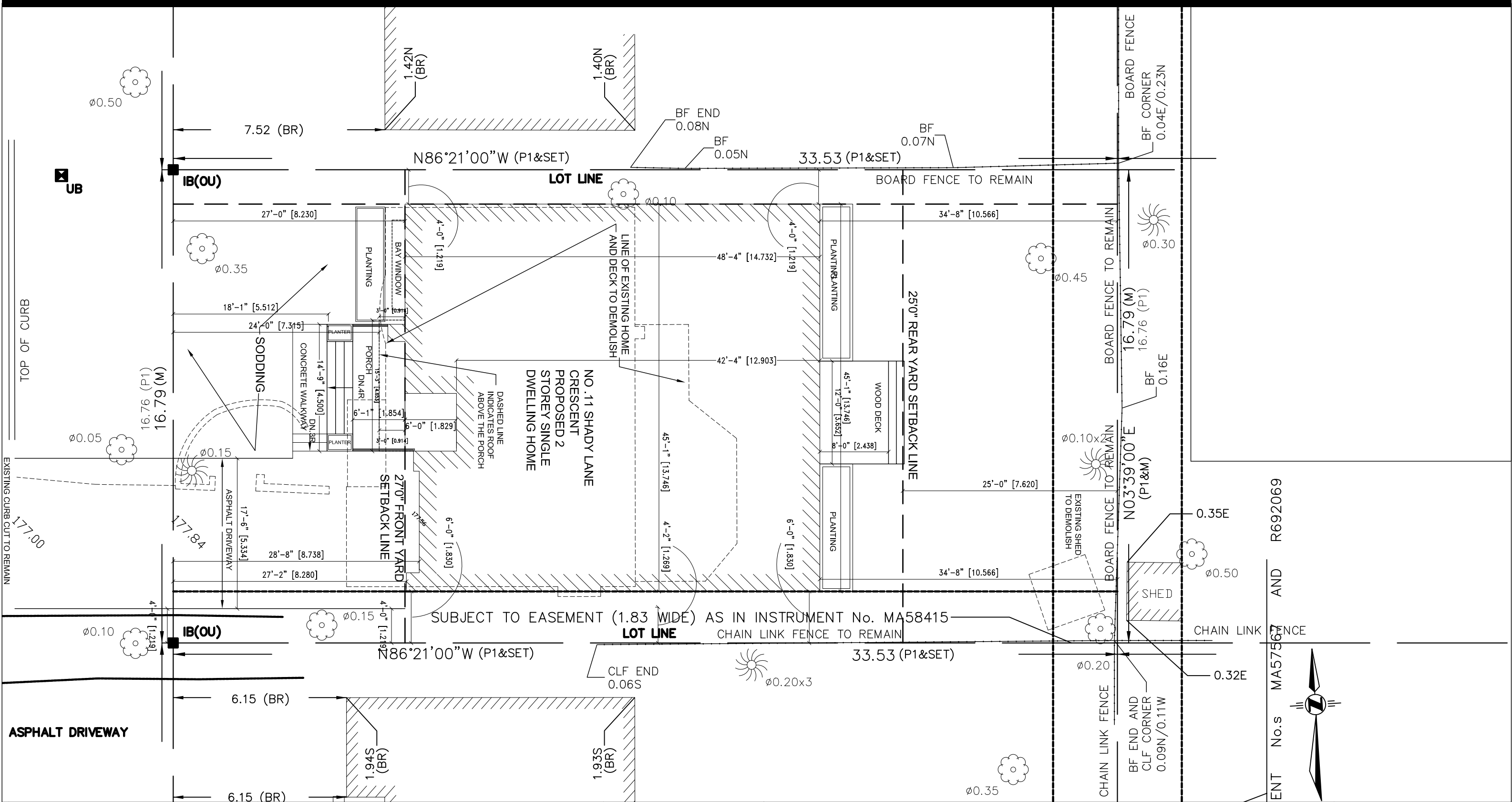
1.0 SITE STANDARDS

LOT FRONTAGE	16.79 m
LOT AREA	6060.85 S Q.FT (563.07 m2)

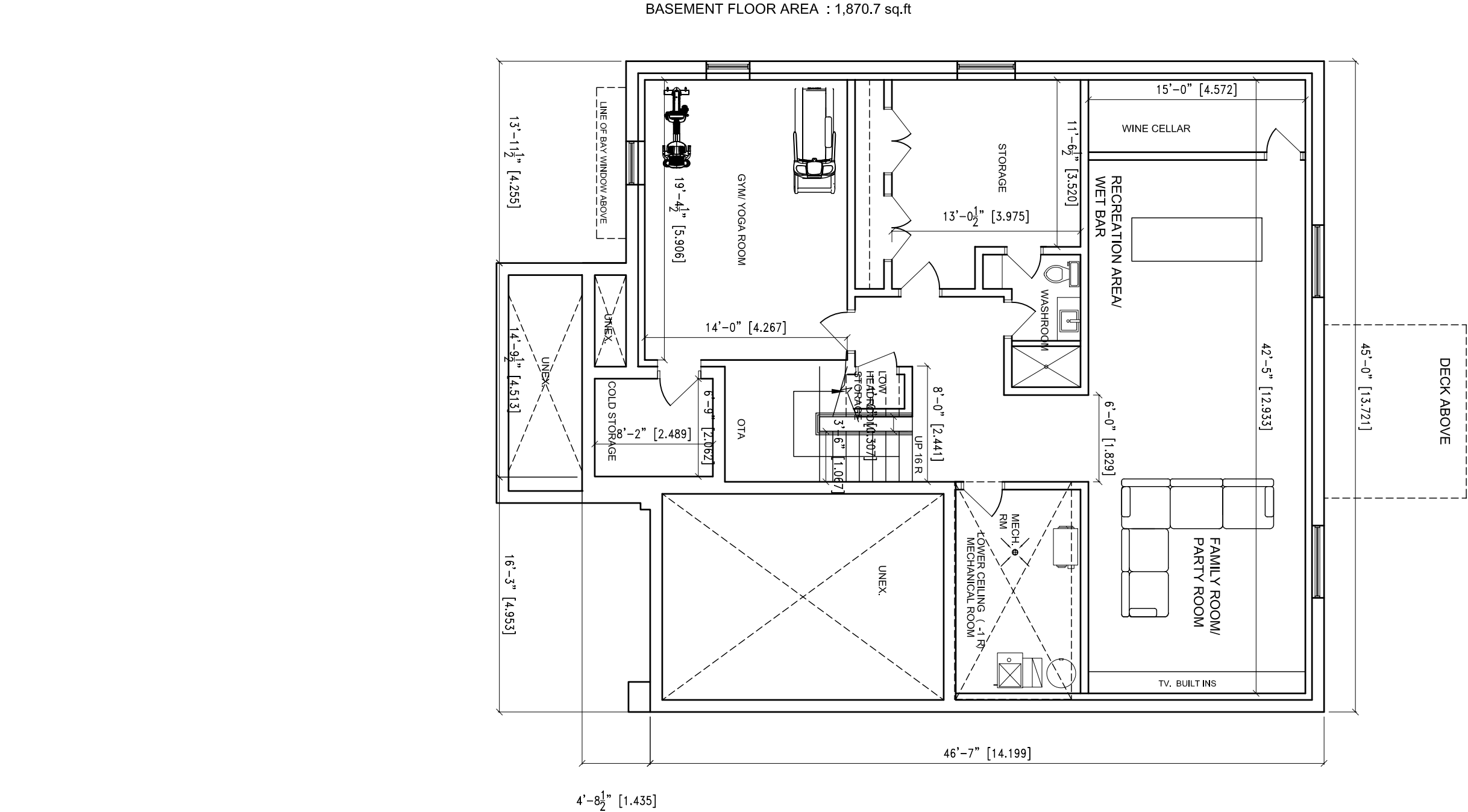
2.0 LOT STANDARDS

ZONING STANDARD	EXISTING	REQUIRED NUMBERS HAVE BEEN CONVERTED TO METRIC AS REQUIRED	PROPOSED
FRONT YARD	20'-2"	27'-0"	27'-0"
SIDE YARD	6'-6 1/2"	6'-0"	6'-0"
SIDE YARD	4'-4 1/2"	6'-0"	4'-0"
REAR YARD	56'-2 1/2"	25'-0"	34'-8"
MAXIMUM BUILDING HEIGHT	± 6.5m	25'-0"	26'-0"
COVERAGE	22.2 %	33 1/3 % max	36.58 %
NUMBER OF PARKING SPACES	1.5 CAR GARAGE		1.5 CAR GARAGE

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3	COA	AUG 22,2022					
2	ZONING REVIEW	AUG 10,2022					
1	ZONING REVIEW	JUNE 01,2022					
No.	Issued for	Date					



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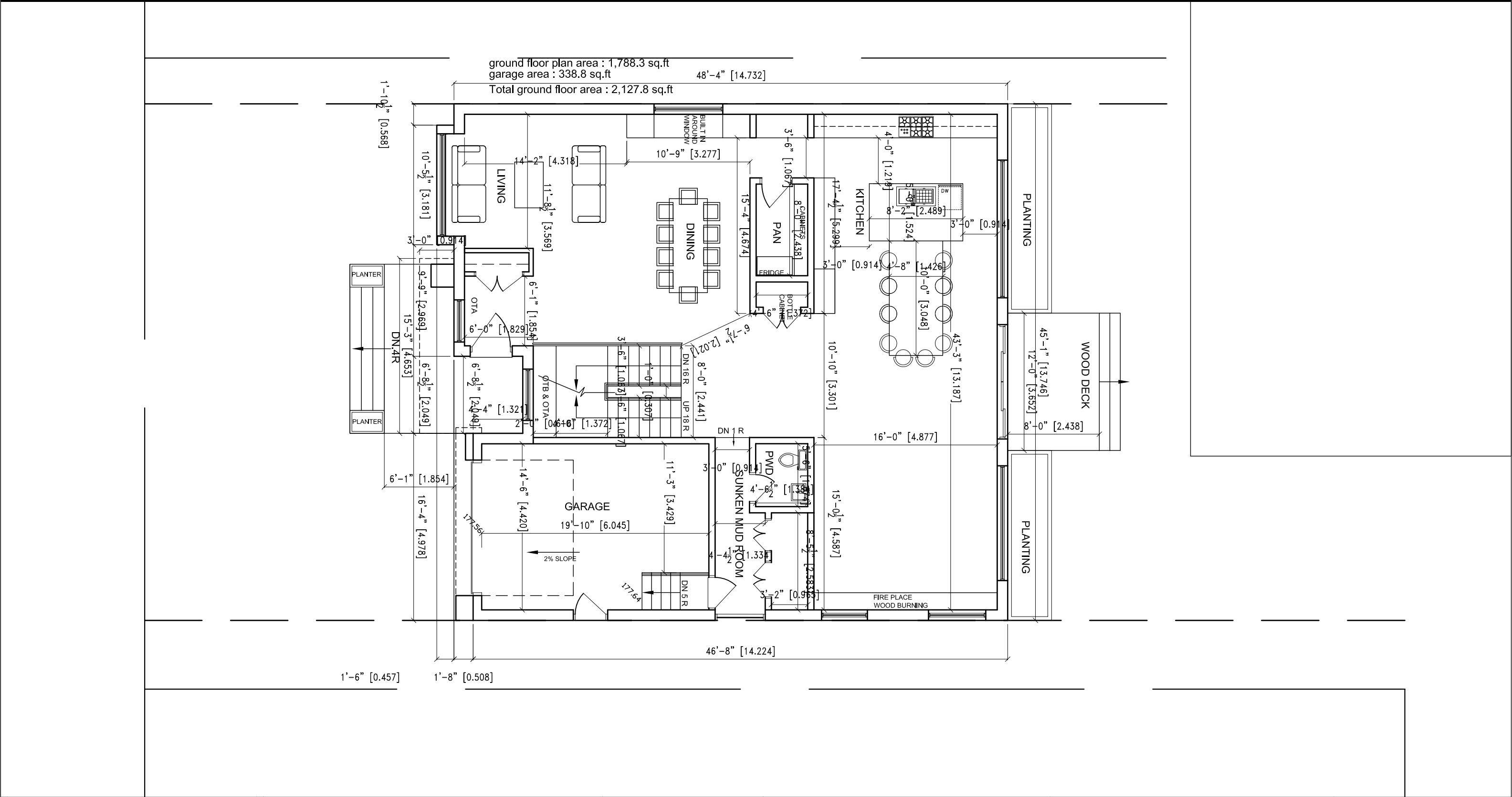
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BASEMENT FLOOR PLAN

Project -
11 SHADY LANE
THORNHILL, ONTARIO

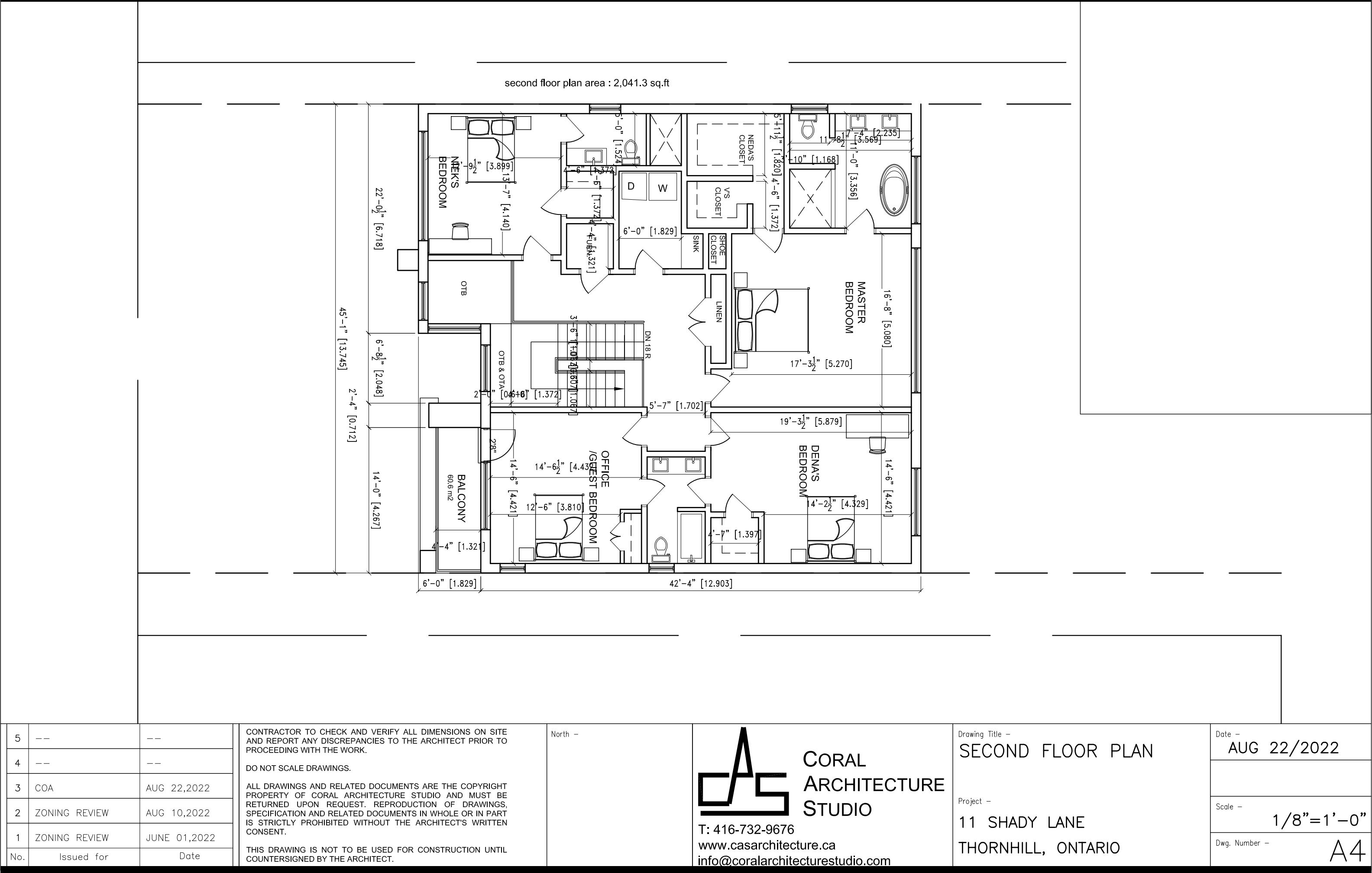
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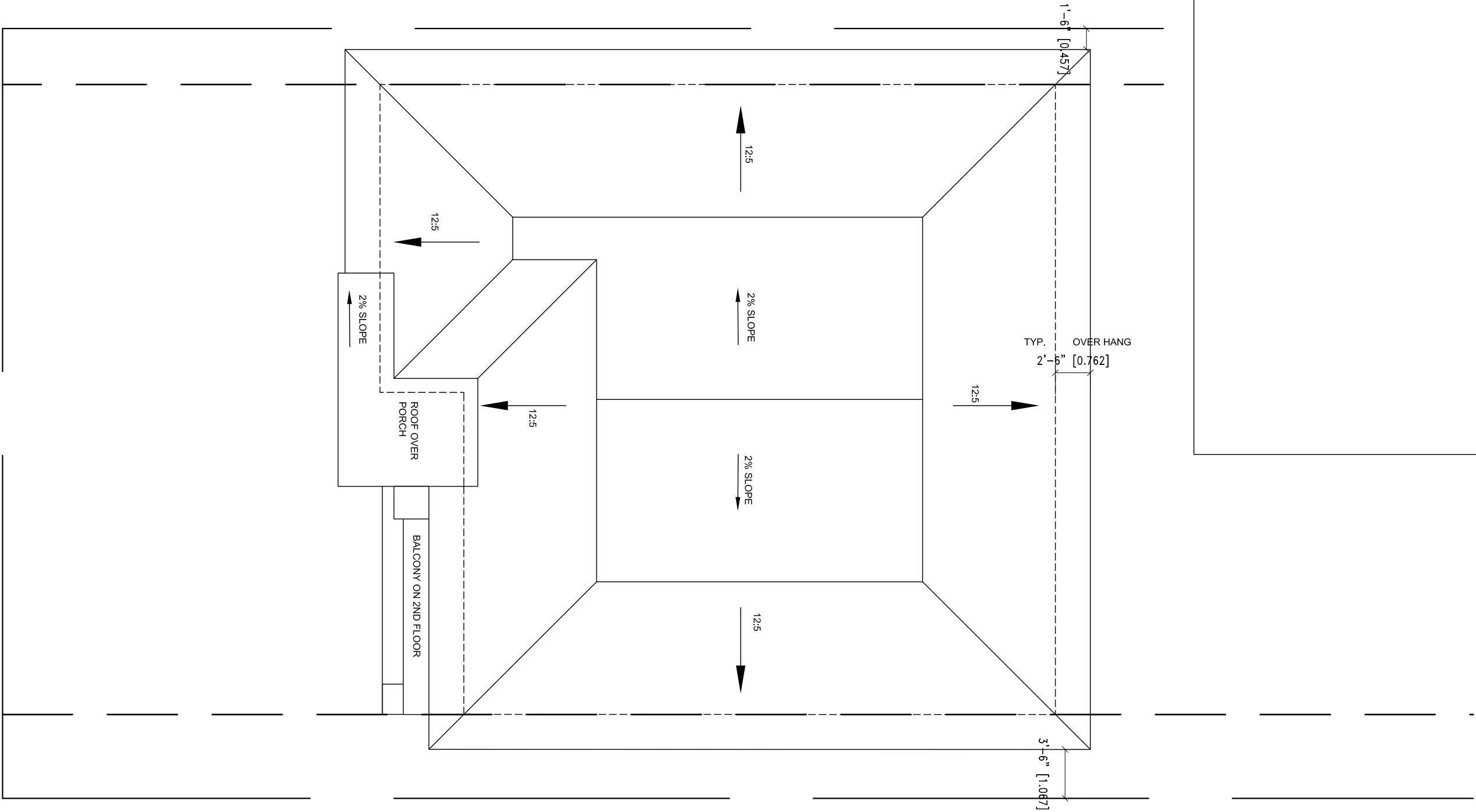
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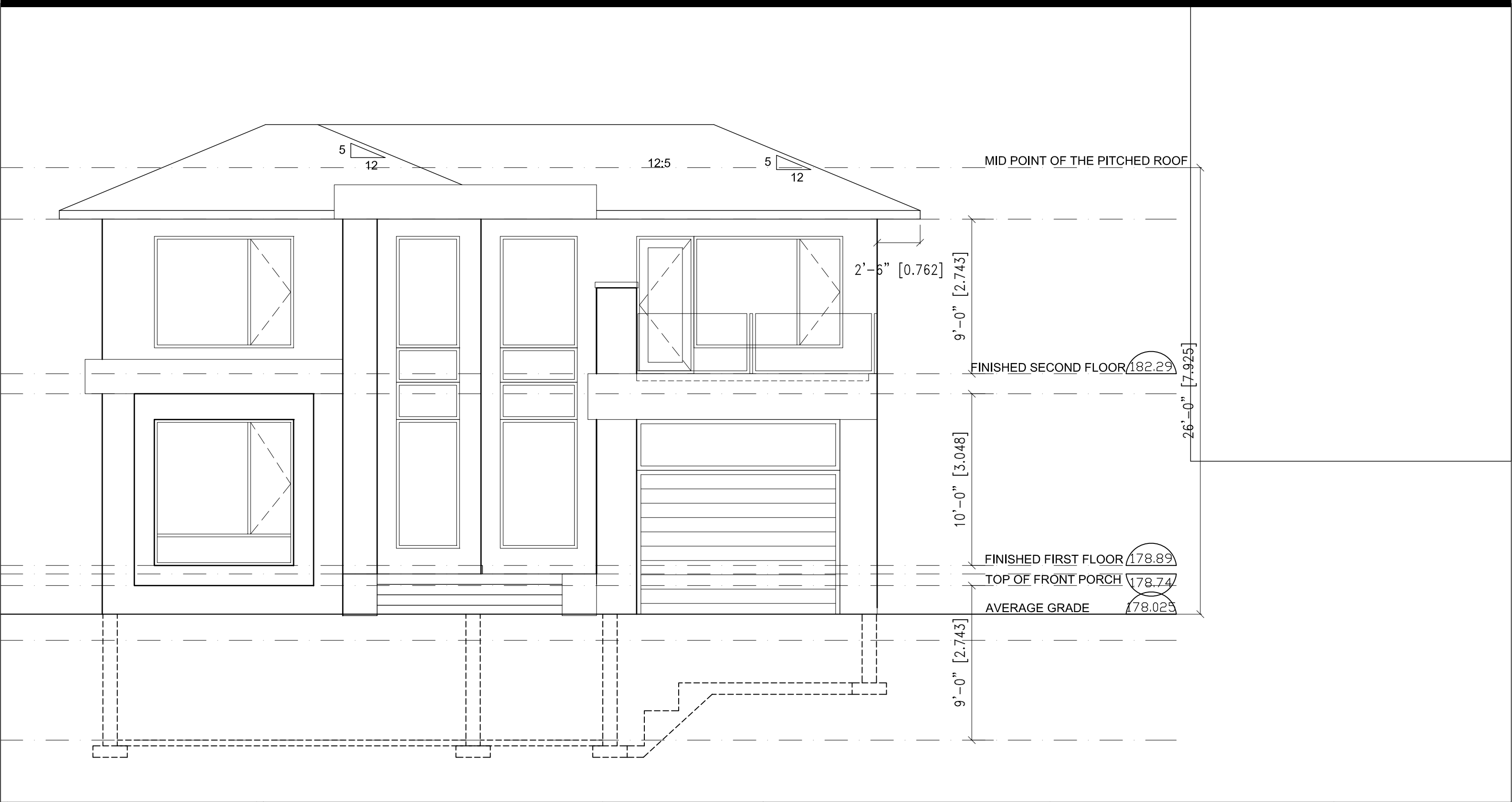


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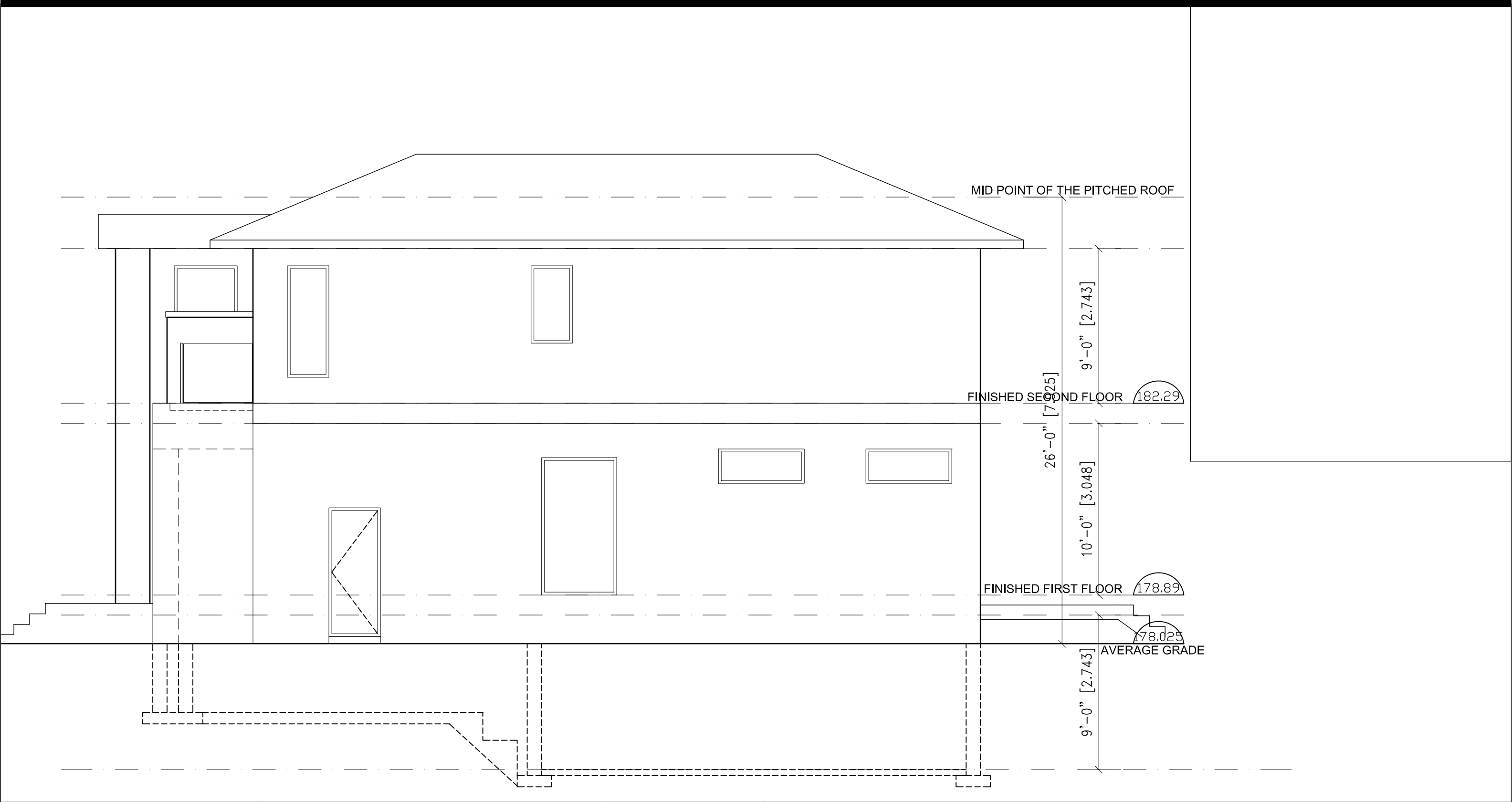




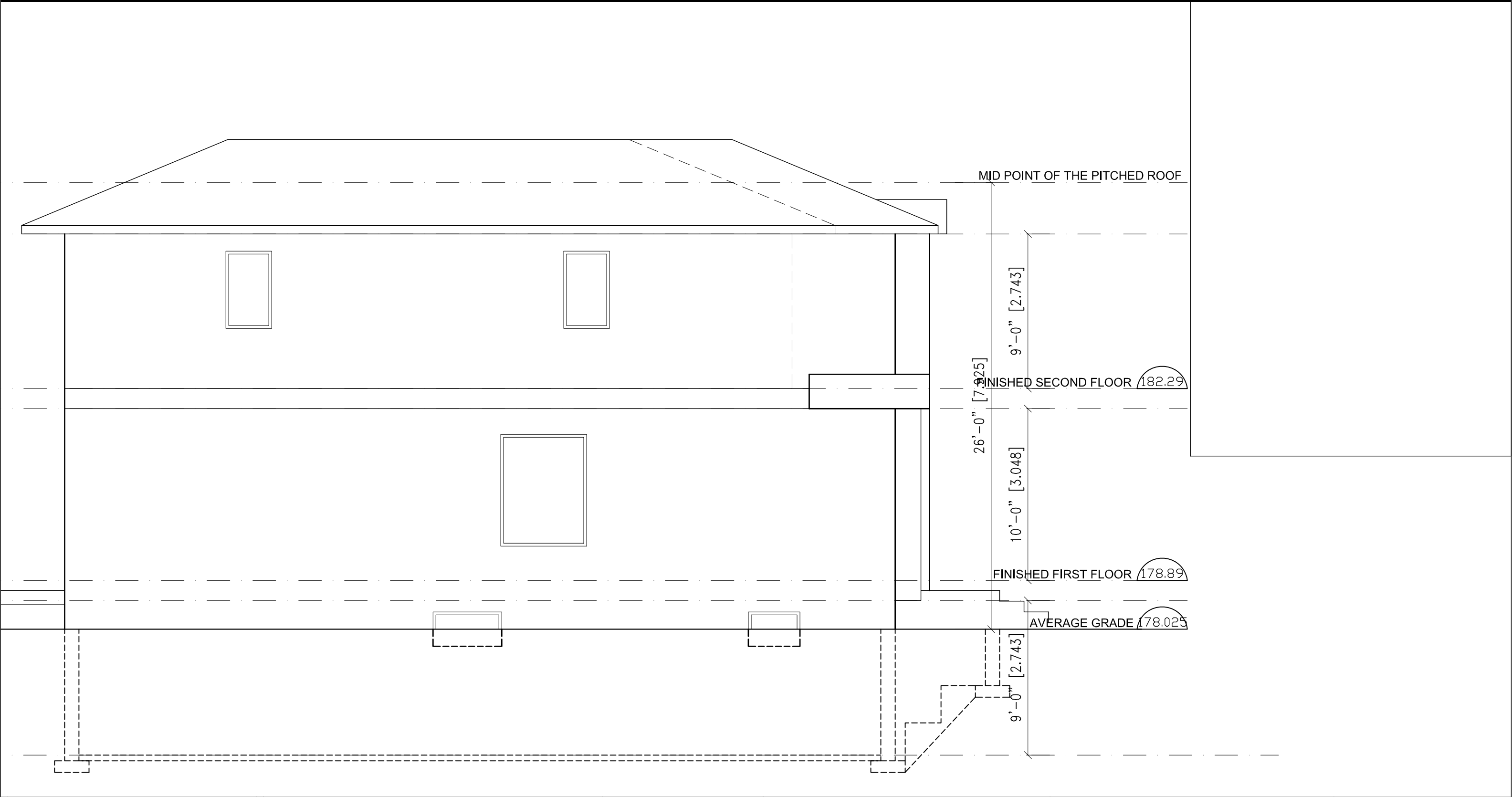
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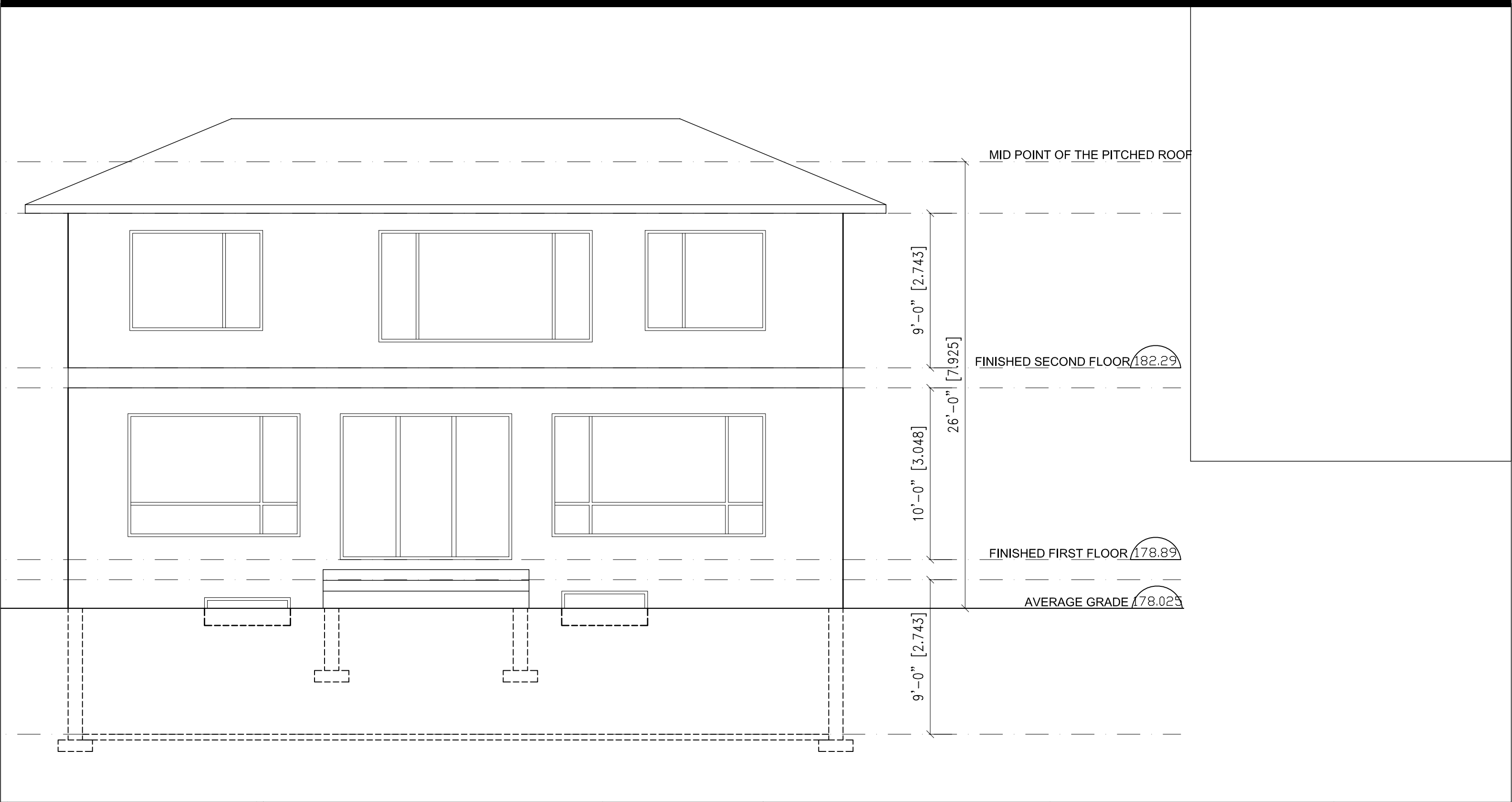
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No.	Issued for	Date			

CN Rail Comments

Hello,

Thank you for circulating CN on the subject application. It is noted that the subject site is located in proximity to the CN railway corridor. CN recommends that the municipality implement the following as a condition of approval: - 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.

Thanks,

CN Proximity Team

Appendix C

File: 22.256629.000.00.MNV

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