

Memorandum to the City of Markham Committee of Adjustment

November 30, 2022

File: A/170/22
Address: 17 Sunman Court, Markham
Applicant: Alai Developments Inc. (Alawn Lai)
Agent: STEP Design Studio Inc. (Stepan Sukiasyan)
Hearing Date: Wednesday, December 7, 2022

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

The Applicant is requesting relief from the “Hold Suburban Residential Third Density Zone ((H)SUR3)” under By-law 193-81, as amended, as it relates to a proposed two-storey single detached dwelling. The variance requested is to permit:

a) By-law 193-81, Section 6.1 (c):

a maximum lot coverage of 27.70 percent, whereas the By-law requires a maximum lot coverage of 25.0 percent.

BACKGROUND

Property Description

The 1495.19 m² (16,094.09 ft²) subject lands are located on the north side of Sunman Court, generally located south of 14th Avenue and west of Brimley Road (refer to Appendix “A” – Aerial Photo). The subject lands are currently vacant, and contain mature vegetation along the rear yard of the property.

The subject lands are located within a new 13 lot infill subdivision, which is surrounded by an established residential neighbourhood that is comprised primarily of a mix of one and two-storey detached dwellings. A place of worship (the Cornerstone Chinese Alliance Church) is located north-east of the subject property.

History

In 2008, applications for zoning by-law amendment and draft plan of subdivision (File ZA/SU 05 013073) were approved by Council to facilitate the development of 10 detached dwellings. The Owner at the time, did not enter into a subdivision agreement and the approval subsequently lapsed. Subsequently, a new Owner purchased the property and in 2017 a revised draft plan of subdivision application (File SU 14 244871) was approved by Council to facilitate the development of 13 residential lots (refer Appendix “B” – Draft Plan of Subdivision).

Proposal

The Applicant is proposing to construct one 897.26 m² (9658.026 ft²) two-storey detached dwelling (refer to Appendix “C” – Architectural Plans for Lot 7 – 17 Sunman Court) on a vacant lot. As noted previously, the vacant lot is Lot 7 of Draft Plan of Subdivision “19TM-14013” (refer to Appendix “B” - Draft Plan of Subdivision).

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 lands “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. This criteria is 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. Regard shall also be had for the retention and enhancement 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 193-81 and Amending By-law 2008-151

The subject property is zoned “(H)SUR3 – Hold Suburban Residential Third Density” under By-law 193-81, as amended, which permits a single detached dwelling. The proposed development does not comply with the Zoning By-law requirement with respect to maximum lot coverage.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Staff advise that 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 variances are 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.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 27.7 percent, whereas the By-law permits a maximum lot coverage of 25 percent. The proposed lot coverage includes the front covered porch which adds approximately 38.32 m² (348.54 ft²) to the overall building area. Staff note, that excluding the front covered porch, the building with the proposed addition has a lot coverage of 25.5 percent. Given the front covered porch is 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.

Staff also note, that within this infill subdivision, minor variances to increase the maximum lot coverage have been approved for 9 lots ranging between 26 - 39.9 percent maximum lot coverage.

Staff have no objections to the requested variance, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 30, 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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Draft Plan of Subdivision

Appendix "C" – Architectural Plans for Lot 7 – 17 Sunman Court

Appendix "D" – A/170/22 Conditions of Approval

Appendix B

File: 22.258207.000.00.MNV

Date: 12/02/22
MM/DD/YY

Chiavatti Dr

Noble St

SUNMAN COURT

SUNMAN COURT

Brimley Rd

Springfield Dr

Lee Ave

DRAFT ADDRESSES - DBREF 532

FILE NO : SU14-244871 (19TM-14013)



Appendix C

File: 22.258207.000.00.MNV
Date: 12/02/22
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LOT 7 - 17 SUNMAN COURT
MARKHAM, ON
PROP. NEW BUILD DWELLING



STEP DESIGN STUDIO INC.
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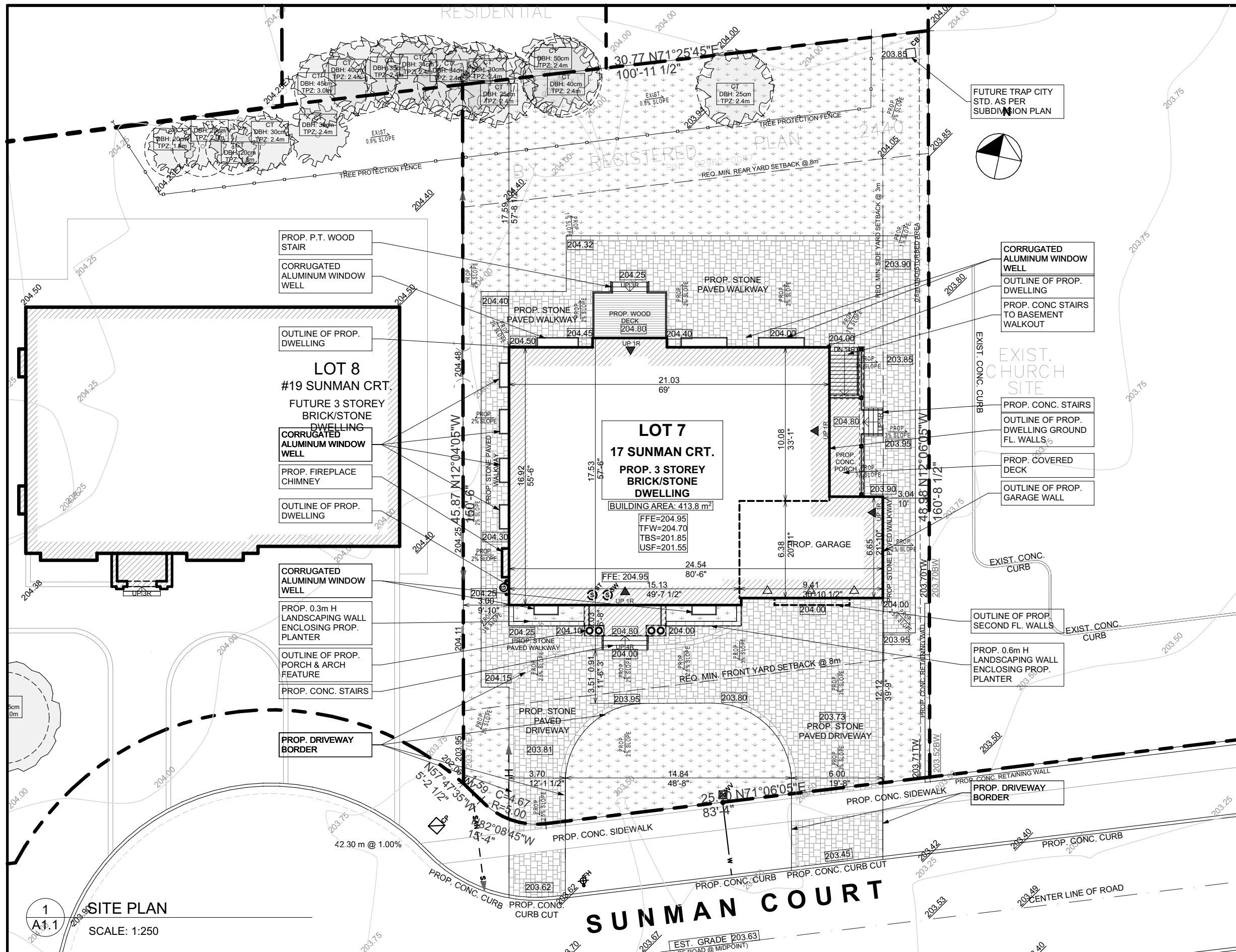
PROJECT NAME
LOT 7 - 17 SUNMAN COURT
MARKHAM, ON
DRAWING NAME
RENDER 1

PROJECT DATE
9/5/2022
PREPARED BY
STEPAN S.
CHECKED BY
STEPAN S.

PROJECT NUMBER
21.4
REVISION NUMBER
4.1-2.7
DOCUMENT NUMBER
A0.1

Appendix C

File: 22.258207.000.00.MNV

Date: 12/02/22
MM/DD/YY


LEGEND	
	EXISTING GRADE ELEVATION
	EXISTING GRADE ELEVATION TO REMAIN
	PROPOSED GRADE
	GRADE SLOPE & DIRECTION
	EXTERIOR MAN DOOR
	OVERHEAD DOOR
	GAS METER
	MAN HOLE (STORM OR SANITARY)
	CATCH BASIN (EL. TOP OF RIM)
	SINGLE LIGHT STANDARD
	DOUBLE LIGHT STANDARD
	LIGHT BOLLARD
	FLOOD LIGHT
	ACCESSIBLE PARKING
	NUMBER OF PARKING STALLS IN ROW
	FIRE ROUTE
	MEDIUM DUTY PAVING
	HEAVY DUTY PAVING
	GRASS/SODDED AREA
	CONCRETE PAD/WALKWAY
	DENOTES BOULDER
	DENOTES CONIFEROUS TREE
	DENOTES DECIDUOUS TREE
	DENOTES HEDGES
	CHAINLINK FENCE
	WOOD BOARD FENCE
	CONSTRUCTION FENCE
	TREE PROTECTION HOARDING

AREA & ZONING INFORMATION						
LOT 7 - 17 SUNMAN COURT, MARKHAM, ON						
	ZONING	PROPOSED		REQUIRED		NOTES
		DWELLING		MARKHAM BY-LAW 99-90 AS AMENDED		
1.1	LOT AREA	1,495.19 M²	16,094.09 SQ FT	1,495.19 M²	16,094.09 SQ FT	
	SETBACKS					
2.1	LOT FRONTAGE	30.60 M	100.39 FT	30.60 M	100.39 FT	
2.2	LOT DEPTH	49.07 M	160.99 FT			
2.3	FRONT YARD SETBACK (SOUTH SIDE)	12.12 M	39.76 FT	8.00 M	26.25 FT	
2.4	SIDE YARD SETBACK (EAST SIDE)	3.04 M	9.97 FT	3.00 M	9.84 FT	
2.5	SIDE YARD SETBACK (WEST SIDE)	3.00 M	9.84 FT	3.00 M	9.84 FT	
2.6	REAR YARD SETBACK (NORTH SIDE)	17.59 M	57.71 FT	8.00 M	26.25 FT	
2.7	BUILDING DEPTH	17.53 M	57.51 FT			
2.8	BUILDING LENGTH	24.54 M	80.51 FT			
	SITE AREAS					
3.1	LOT AREA	1,495.19 M²	16,094.09 SQ FT			
3.2	DWELLING AREA	320.70 M²	3,451.99 SQ FT			
3.3	GARAGE AREA	60.98 M²	656.38 SQ FT			
3.4	PORCH & DECK COVER AREA	32.38 M²	348.54 SQ FT			
3.5	TOTAL BUILDING AREA	414.06 M²	4,456.90 SQ FT			
3.6	LOT COVERAGE PERCENTAGE	27.7%		MAX. 25%		
3.7	FRONT YARD AREA	396.43 M²	4,267.14 SQ FT			
3.8	FRONT YARD LANDSCAPE AREA	158.38 M²	1,704.79 SQ FT			
3.9	FRONT YARD LANDSCAPING PERC.	40.0%		MIN 40%		
3.10	REAR YARD AREA	562.66 M²	6,056.42 SQ FT			
3.11	REAR YARD LANDSCAPING AREA	391.64 M²	4,215.58 SQ FT			
3.12	REAR YARD LANDSCAPING PERC.	69.6%				
	GROSS FLOOR AREAS					
4.1	BASEMENT AREA	328.81 M²	3,539.28 SQ FT			NOT INCLUDED IN TOTAL GFA
4.2	GROUND FLOOR AREA	319.34 M²	3,437.35 SQ FT			
4.3	GARAGE AREA	60.94 M²	655.95 SQ FT			
4.4	SECOND FLOOR AREA	358.61 M²	3,860.05 SQ FT			
4.5	THIRD FLOOR AREA	158.37 M²	1,704.68 SQ FT			
4.6	TERRACE AREA	63.55 M²	684.05 SQ FT			NOT INCLUDED IN TOTAL GFA
4.7	TOTAL GFA	897.26 M²	9,658.03 SQ FT			
4.8	LOT AREA	1,495.19 M²	16,094.09 SQ FT	1,495.19 M²	16,094.09 SQ FT	
4.9	NET LOT AREA	1,495.19 M²	16,094.09 SQ FT			
4.10	FLOOR AREA RATIO	0.60				
	HEIGHTS					
5.1	EST. GRADE	203.63 M				
5.2	GRADE @ GARAGE	204.00 M				
5.3	FIN. FLOOR ELEVATION	204.95 M				
5.4	TOP OF ROOF ELEVATION	214.61 M				
5.5	DWELLING HEIGHT	10.98 M	36.02 FT	11.00 M	36.09 FT	
5.6	FIN. GROUND FLOOR HEIGHT	1.32 M	4.33 FT			

Appendix C

File: 22.258207.000.00.MNV

Date: 12/02/22MM/DD/YY



Appendix C

File: 22.258207.000.00.MNV

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A2.1

BASEMENT PLAN

SCALE: 1:100

[BASEMENT AREA: 328.81 m²]



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PROJECT NAME
LOT 7 - 17 SUNMAN COURT
MARKHAM, ON
DRAWING NAME
BASEMENT PLAN

PROJECT DATE
9/5/2022
PREPARED BY
STEPAN S.
CHECKED BY
STEPAN S.

PROJECT NUMBER
21.4
REVISION NUMBER
4.1-2.7
DOCUMENT NUMBER
A2.1

Appendix C

File: 22.258207.000.00.MNV

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A2.2

GROUND FLOOR PLAN

SCALE: 1:100

GROUND FL. AREA: 319.34 m²



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PROJECT NAME
LOT 7 - 17 SUNMAN COURT
MARKHAM, ON

DRAWING NAME
GROUND FLOOR PLAN

PROJECT DATE
9/5/2022
PREPARED BY
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PROJECT NUMBER
21.4
REVISION NUMBER
4.1-2.7
DOCUMENT NUMBER
A2.2

Appendix C

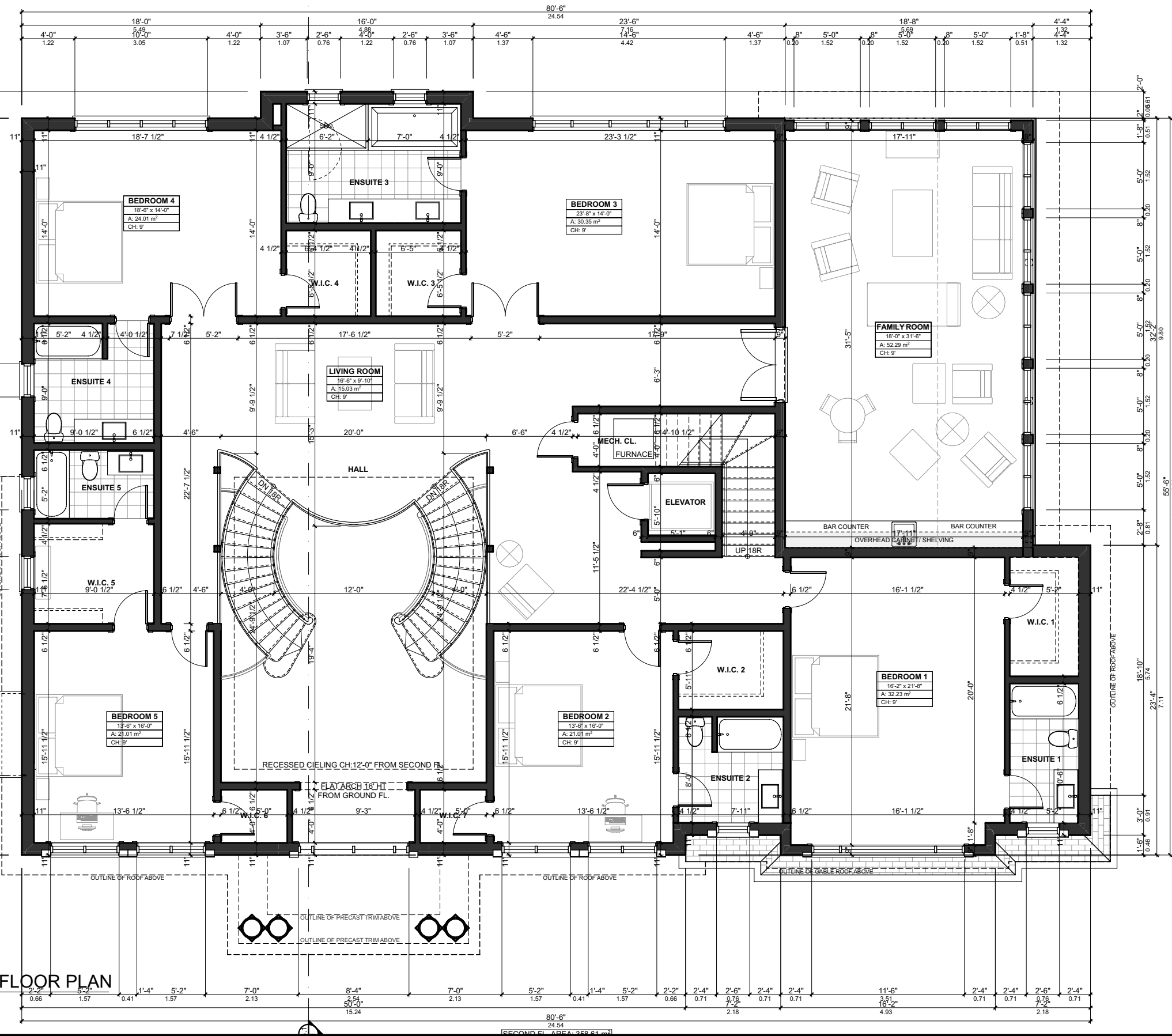
File: 22.258207.000.00.MNV

Date: 12/02/22
MM/DD/YY

1
A2.3

SECOND FLOOR PLAN

SCALE: 1:100



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PROJECT NAME
LOT 7 - 17 SUNMAN COURT
MARKHAM, ON

DRAWING NAME
SECOND FLOOR PLAN

PROJECT DATE
9/5/2022
PREPARED BY
STEPAN S.
CHECKED BY
STEPAN S.

PROJECT NUMBER
21.4
REVISION NUMBER
4.1-2.7
DOCUMENT NUMBER
A2.3

2.258207.000.00.MNV

2/02/22

MM/DD/YY

Date: 12/02/22
MM/DD/YY



SCALE: 1:100

Appendix C

File: 22.258207.000.00.MNV

Date: 12/02/22
MM/DD/YY



2.258207.000.00.MNV

2/02/22

MM/DD/YY

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Date: 12/02/22
MM/DD/YY



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1 EAST ELEVATION
A3.4 SCALE: 1:96



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PROJECT NAME
LOT 7 - 17 SUNMAN COURT
MARKHAM, ON
DRAWING NAME
EAST ELEVATION

PROJECT DATE
9/5/2022
PREPARED BY
STEPAN S.
CHECKED BY
STEPAN S.

PROJECT NUMBER
21.4
REVISION NUMBER
4.1-2.7
DOCUMENT NUMBER
A3.4

PLAN 65M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY
 OFFICE FOR THE LAND TITLES DIVISION OF YORK REGION (No.65)
 AT _____ O'CLOCK ON THE _____ DAY OF _____ 2014
 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER _____
 AND REQUIRED CONSENTS ARE REGISTERED AS _____
 PLAN DOCUMENT NUMBER _____

LAND REGISTRAR

Metric DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN OF SUBDIVISION OF
 LOTS 26 AND 27 AND
 PART OF LOTS 1, 3, 4, 24 AND 25
 REGISTERED PLAN 2440
 CITY OF MARKHAM
 (REGIONAL MUNICIPALITY OF YORK)

SCALE 1 : 500
 0 5 10 20 30 40 metres

ertl surveyors 2014
 Ontario Land Surveyors

Notes

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	IRON BAR SET
SB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
SB	DENOTES	1/2 INCH SQUARE IRON BAR
RP	DENOTES	REGISTERED PLAN 2440
P	DENOTES	SURVEY BY RABIDEAU & CZERWINSKI, O.L.S. DATED NOVEMBER 3rd., 1992
P1	DENOTES	SURVEY BY RABIDEAU & CZERWINSKI, O.L.S. DATED JUNE 21st., 2007
P2	DENOTES	SURVEY BY CARTER HORWOOD LIMITED, O.L.S. DATED AUGUST 22nd., 1986
P3	DENOTES	SURVEY BY JOHN MCSKIMMING, O.L.S. DATED OCTOBER 29th., 1980
P4	DENOTES	SURVEY BY R. G. MCKIBBON LIMITED, O.L.S. DATED JUNE 7th., 2005
P5	DENOTES	PLAN 65R-29206
P6	DENOTES	PLAN 65R-27815
P7	DENOTES	PLAN 64R-8098
P8	DENOTES	PLAN 65R-26304
P9	DENOTES	PLAN 65R-17943
P10	DENOTES	PLAN 65R-14474
D1	DENOTES	INSTRUMENT No. R576556
D2	DENOTES	INSTRUMENT No. R376491
D3	DENOTES	INSTRUMENT No. R456783
D4	DENOTES	INSTRUMENT No. R490112
D5	DENOTES	INSTRUMENT No. R526624
D6	DENOTES	INSTRUMENT No. R674814
D7	DENOTES	INSTRUMENT No. R615726
D8	DENOTES	INSTRUMENT No. R635444
D9	DENOTES	INSTRUMENT No. R723347
D10	DENOTES	INSTRUMENT No. R31468
D11	DENOTES	CARTER HORWOOD LIMITED, O.L.S.
D12	DENOTES	B. J. HAYNES, O.L.S.
D13	DENOTES	JOHN MCSKIMMING, O.L.S.
D14	DENOTES	R. G. MCKIBBON LIMITED, O.L.S.
D15	DENOTES	RABIDEAU & CZERWINSKI, O.L.S.
D16	DENOTES	E. W. BOWYER, O.L.S.
D17	DENOTES	F. SCHAEFFER, O.L.S.

Integration

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE GROUND (UNLESS OTHERWISE NOTED) AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999808
 BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS ON OBSERVED REFERENCE POINTS AND ARE REFERRED TO THE CENTRAL MERIDIAN
 OF UTM ZONE 17 (81° WEST LONGITUDE)
 NAD 83 (CSRS) USING THE SMARTNET NETWORK

FOR BEARING COMPARISONS, A ROTATION OF 2°51'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS SHOWN ON LEGEND
 COORDINATES ARE UTM ZONE 17, NAD83 (CSRS) TO URBAN
 ACCURACY PER SEC. 14 (2) OF O. REG. 216/10 AND CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
1	485 5964.817	63 6785.399
2	485 6005.507	63 6904.094
3	485 5895.141	63 6927.756
4	485 5854.111	63 6809.069

Owner's Certificate

THIS IS TO CERTIFY THAT:

- LOTS 1 TO 13 BOTH INCLUSIVE, BLOCK 14, THE STREET NAMELY A, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
- THE STREET NAMELY A IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF MARKHAM AS PUBLIC HIGHWAY.

XXXX ONTARIO LIMITED

DATE: _____, 2014.

Alawn Lai
President

Surveyor's Certificate

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON _____

DATE: _____, 2014.

Lawrence O. Ertl
Ontario Land Surveyor

ertl surveyors
 Ontario Land Surveyors
 www.es-ols.com

1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1
 TELEPHONE (905) 731-7834 FAX (905) 731-7832 EMAIL info@es-ols.com
 DRAWING : 14075 SUBDIVISION NOV 3(TOP).DWG PROJECT : 14075
 CALC. BY GT, DRAWN BY HD/DV, CHECKED BY L. ERTL



APPENDIX "D"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/170/22

1. The variance apply only to the proposed development as long as it remains; and
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "C" of 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 cursive script, appearing to read 'Trisha Sridharan', written in black ink.

Trisha Sridharan, Development Technician, Zoning and Special Projects