

# Memorandum to the City of Markham Committee of Adjustment

December 6, 2022

**File:** A/187/22  
**Address:** 12 Strathroy Crescent – Markham, ON  
**Applicant:** Jan Morava  
**Agent:** Markham Drafting & Design (Dongshan Cui)  
**Hearing Date:** December 14, 2022

The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirement under Zoning By-law 1229, as amended (the “Zoning By-law”), to permit:

**a) By-law 1229, Section 1.2 (ii):**

a maximum depth of 18.67 m (61.25 ft), whereas the Zoning By-law permits a maximum depth of 16.80 m (55.12 ft).

## **PROPERTY DESCRIPTION**

Twelve (12) Strathroy Crescent (the “Subject Property”) is located at the northwest side of the street, north of Parkway Avenue, east of Main Street Markham North, and south of Ramona Boulevard; and is within an established residential neighbourhood that contains mix of low rise dwellings. Mature vegetation is a predominant characteristic of the street and surrounding area. The Subject Property is an irregular pie shaped lot, developed with a one-storey detached dwelling and a detached garage near the south side lot line. Mature vegetation exists across the property.

## **PROPOSAL**

The applicant is proposing a one-storey covered canopy addition to the front of the dwelling, which increases the building depth to 18.67 m (61.25 ft) (the “Proposed Development”).

## **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.

Zoning By-Law 1229, as amended (the “Zoning By-law”)

The Subject Property is zoned “Residential One – (R1)” under the Zoning By-law, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 99-90

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 neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The Proposed Development does not comply with the Infill By-law with respect to the maximum depth requirement.

## **HOUSING PERMIT (HP) COMMENTS RECEIVED**

A Zoning Preliminary Review (ZPR) has not been conducted; however, the applicant has received comments from the building department through their HP review to confirm the variance required.

### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended* (the “*Planning Act*”), states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Building Depth

The applicant is requesting a maximum depth 18.67 m (61.25 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft). Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point of the dwelling nearest and the other through the point of the dwelling furthest from the front lot line.

The one-storey building addition adds approximately 1.87 m (6.14 ft) to the existing building depth of 16.67 m (54.69 ft). Staff do not anticipate that the Proposed Development would adversely affect neighbouring property owners, and are of the opinion that it is an appropriate development of the land, and maintains the general intent and purpose of the Official Plan and Zoning By-law, and is minor in nature.

#### Tree Protection and Compensation

Staff recommend that the tree preservation and protection conditions be adopted with any approval of this application to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if required. Staff also note that property owners are required to apply and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in), or more. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

#### Metrolinx Comments

Metrolinx provided comments on October 24, 2022. As the Subject Property is located within 300.0 m (984.25 ft) of the Metrolinx Uxbridge Subdivision railway corridor zone of influence, Metrolinx advises of potential alterations or expansions to the rail facilities on such right-of-way in the future, which may affect the living environment of the residents in the vicinity. Metrolinx further advises they will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over, or under the aforesaid right-of-way. Metrolinx did not provide any specific comment on the application or any recommended conditions of approval.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of December 6, 2022. Additional information may be received after the writing of this 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*, and are of the opinion that the requested variance satisfies the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

## **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



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Aleks Todorovski, MCIP, RPP  
Planner II, East District

REVIEWED BY:



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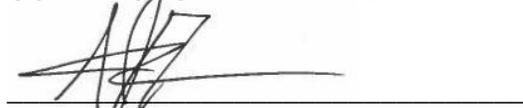
Stephen Corr, MCIP, RPP  
Senior Planner II, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/187/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



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Aleks Todorovski, MCIP, RPP  
Planner II, East District

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/187/22**

# Appendix B

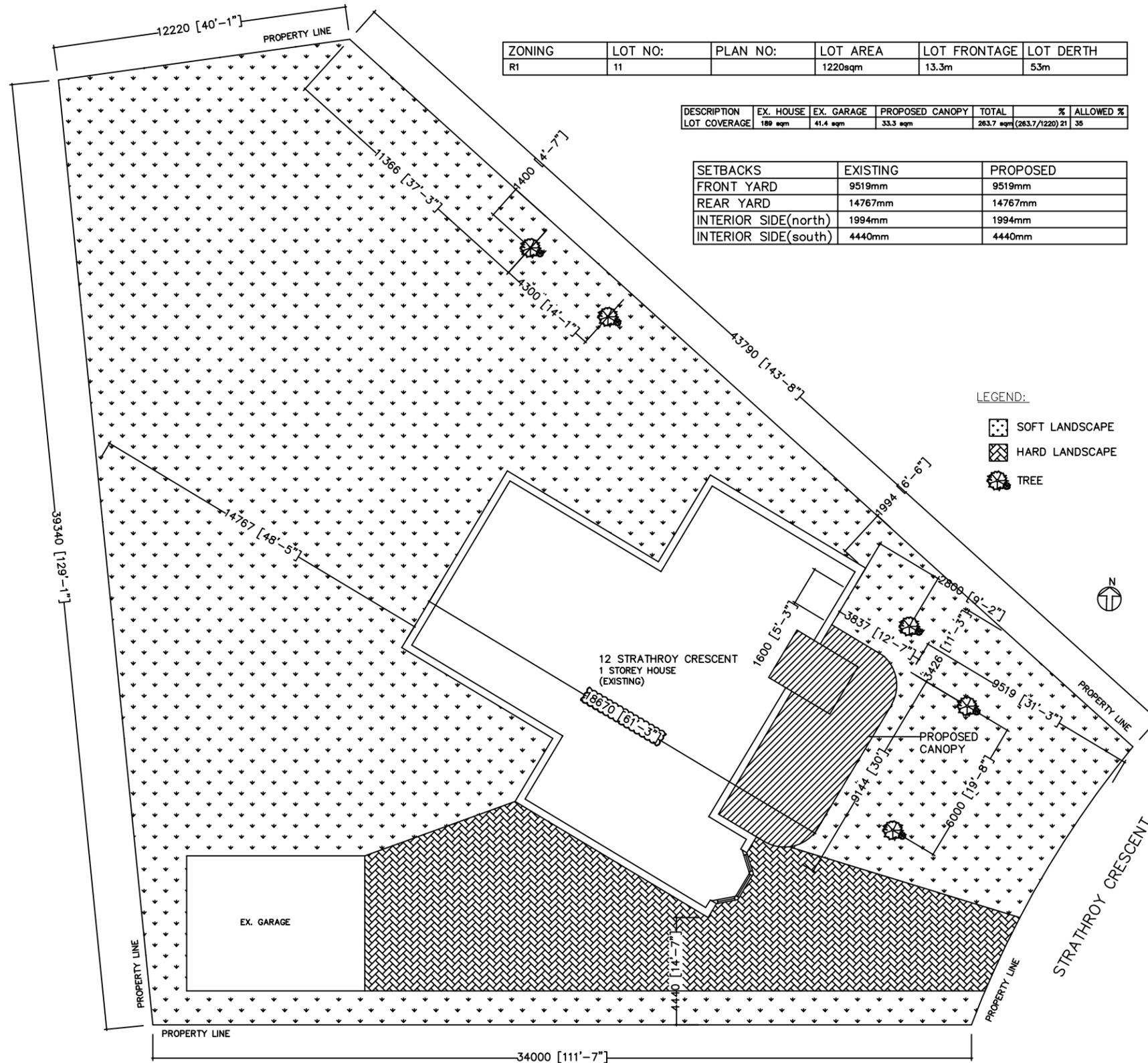
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Date: 12/09/22  
MM/DD/YY

ZONING	LOT NO:	PLAN NO:	LOT AREA	LOT FRONTAGE	LOT DERTH
R1	11		1220sqm	13.3m	53m

DESCRIPTION	EX. HOUSE	EX. GARAGE	PROPOSED CANOPY	TOTAL	%	ALLOWED %
LOT COVERAGE	189 sqm	41.4 sqm	33.3 sqm	263.7 sqm (263.7/1220)	21	35

SETBACKS	EXISTING	PROPOSED
FRONT YARD	9519mm	9519mm
REAR YARD	14767mm	14767mm
INTERIOR SIDE(north)	1994mm	1994mm
INTERIOR SIDE(south)	4440mm	4440mm



LEGEND:

- SOFT LANDSCAPE
- HARD LANDSCAPE
- TREE

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

Name: Dongshan Cui

BCIN: 114688

## PROPOSED SITE PLAN

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	Jun 15, 22

Firm Name and Address

**Markham Drafting & Design**  
67 Maria Road, Markham  
Ontario L6E 0N9  
Tel.: (647)381-5561

Project Name and Address

CANOPY  
12 STRATHROY CRESCENT  
MARKHAM, ONTARIO  
L3P 2E6

Drawing Title

PROPOSED SITE PLAN

Scale  
1:200

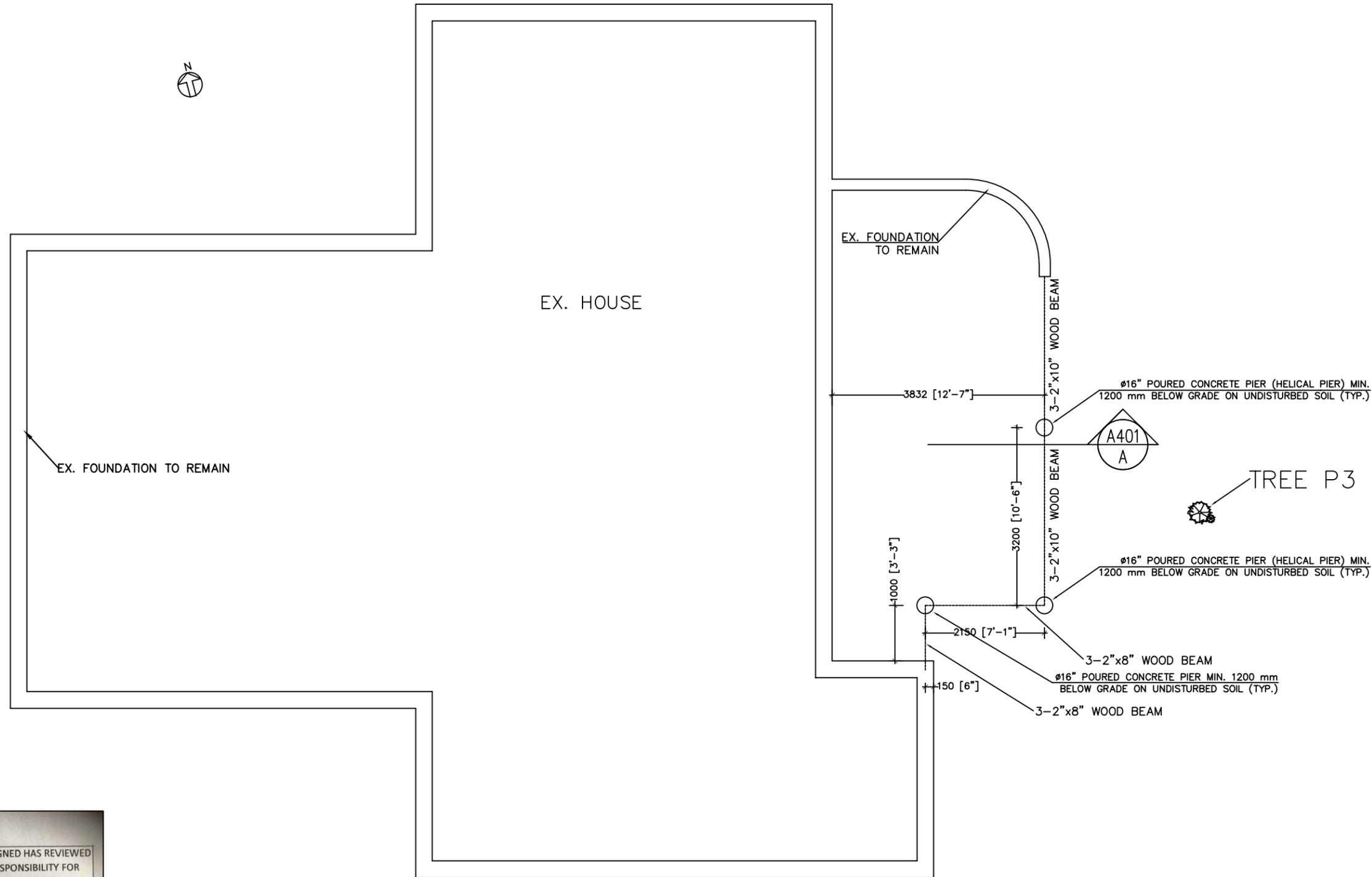
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Jun 15, 2022

Drawing Number  
A102

# Appendix B

File: 22.259354.000.00.MNV

Date: 12/09/22  
MM/DD/YY



## FOUNDATION PLAN

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

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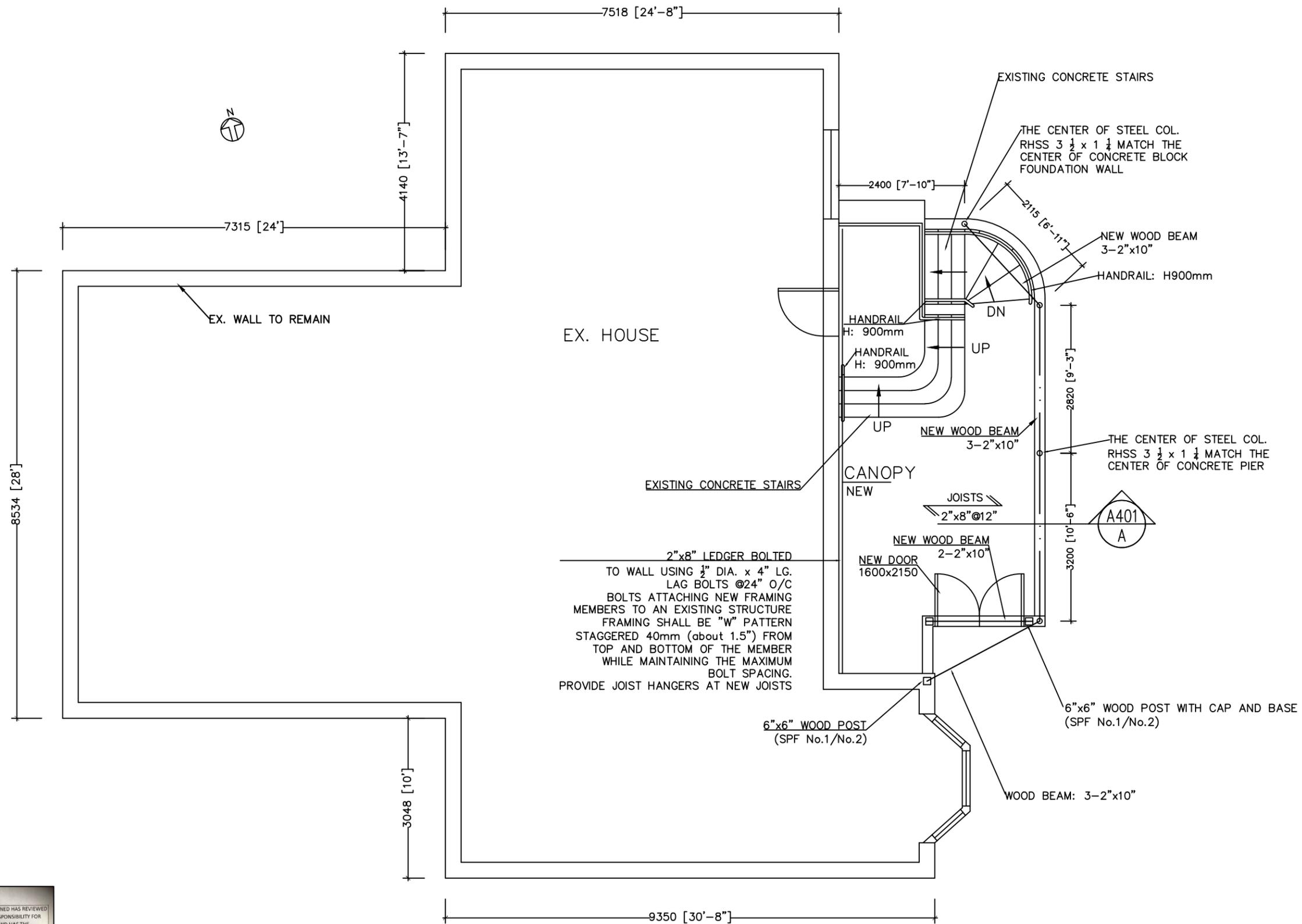
Project Name and Address  
**CANOPY**  
 12 STRATHROY CRESCENT  
 MARKHAM, ONTARIO  
 L3P 2E6

Drawing Title	
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Scale	Date
1:80	Jun 15, 2022
Drawing Number	
A203	

# Appendix B

File: 22.259354.000.00.MNV

Date: 12/09/22  
MM/DD/YY



**PROPOSED FLOOR PLAN**

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	Jun15,22

Firm Name and Address  
**Markham Drafting & Design**  
 67 Maria Road, Markham  
 Ontario L6E 0N9  
 Tel.: (647)381-5561

Project Name and Address  
 CANOPY  
 12 STRATHROY CRESCENT  
 MARKHAM, ONTARIO  
 L3P 2E6

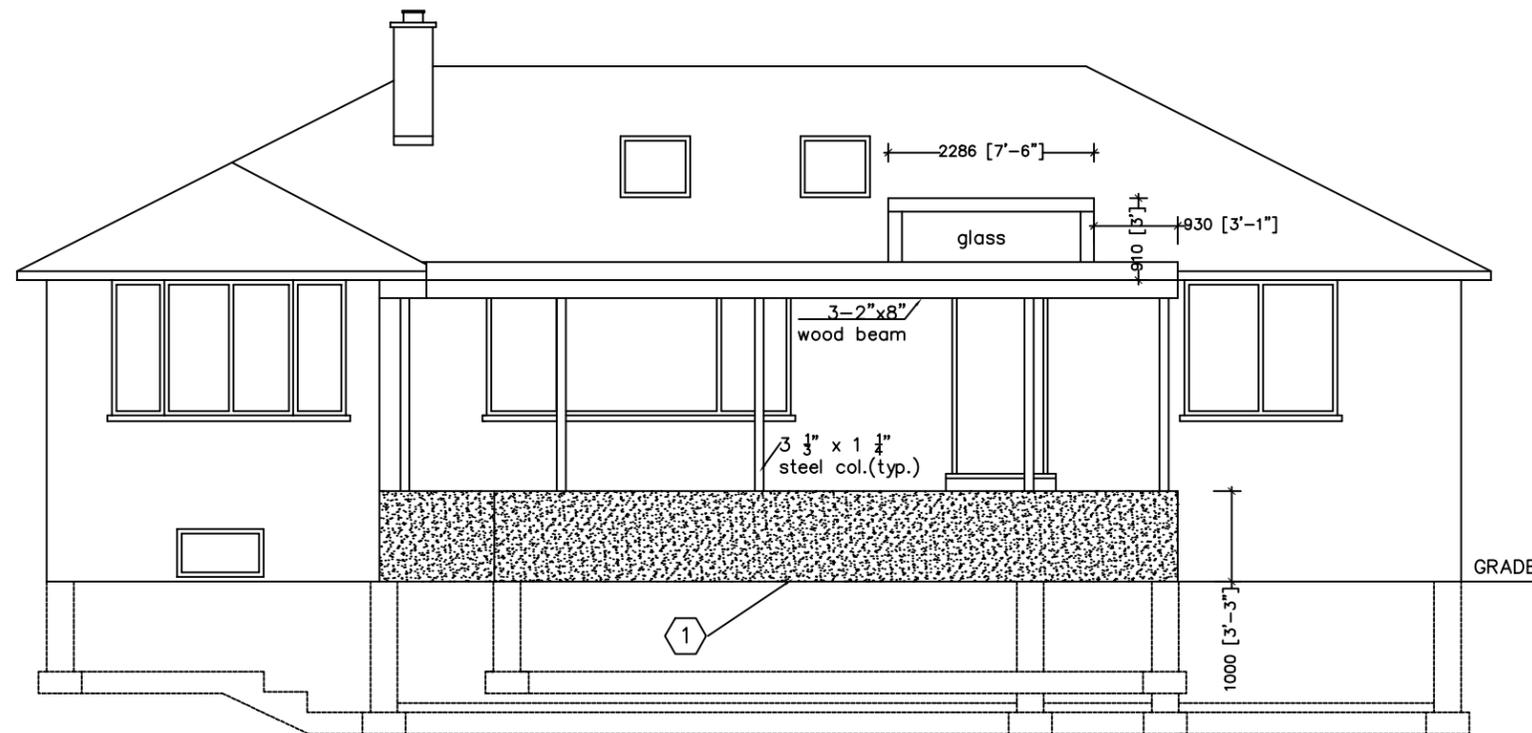
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Drawing Number	
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THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER  
 Name: Dongshan Cui  
 BCIN: 114688

# Appendix B

File: 22.259354.000.00.MNV

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**PROPOSED EAST (FRONT) ELEVATION**

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

Name: Dongshan Cui

DCI

BCIN: 114688

No.	Revision/Issue	Date
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Firm Name and Address

Markham Drafting & Design  
67 Maria Road, Markham  
Ontario L6E 0N9  
Tel.: (647)381-5561

Project Name and Address

CANOPY  
12 STRATHROY CRESCENT  
MARKHAM, ONTARIO  
L3P 2E6

Drawing Title

PROPOSED EAST (FRONT) ELEVATION

Scale  
1:80

Date  
Jun 15, 2022

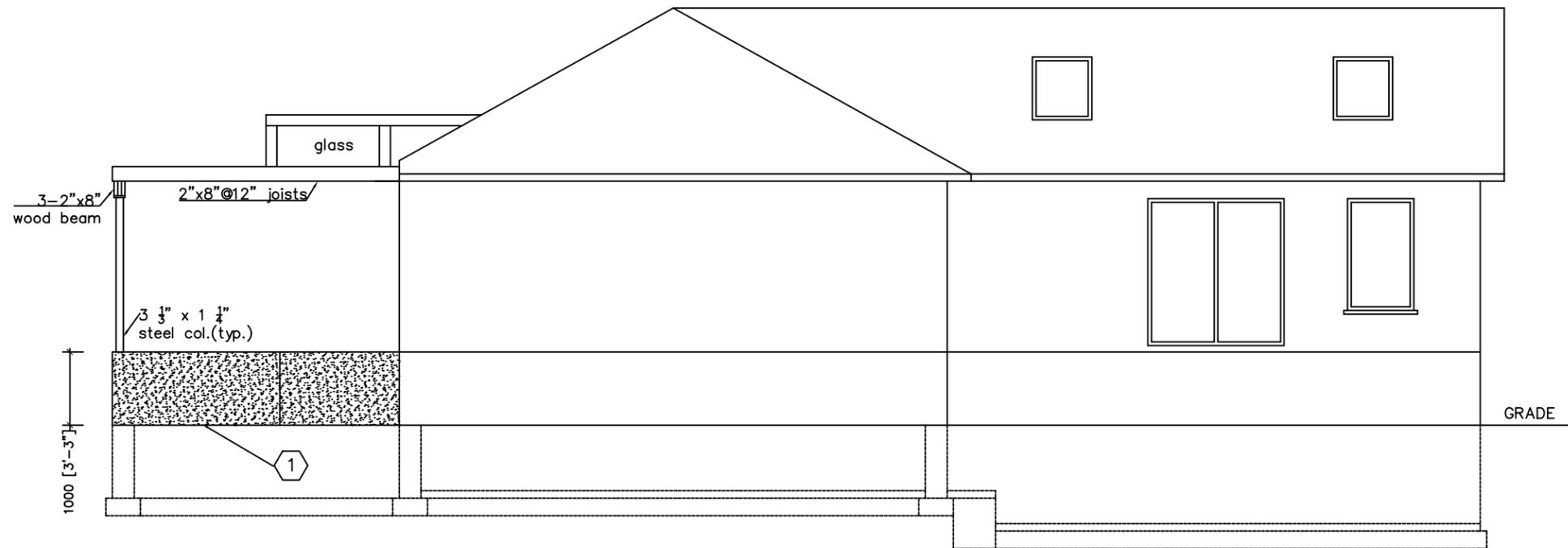
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# Appendix B

File: 22.259354.000.00.MNV

Date: 12/09/22  
MM/DD/YY



**NORTH (SIDE) ELEVATION**

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Name: Dongshan Cui

DCI

BCIN: 114688

No.	Revision/Issue	Date
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Firm Name and Address  
 Markham Drafting & Design  
 67 Maria Road, Markham  
 Ontario L6E 0N9  
 Tel.: (647)381-5561

Project Name and Address  
 CANOPY  
 12 STRATHROY CRESCENT  
 MARKHAM, ONTARIO  
 L3P 2E6

Drawing Title	
NORTH (SIDE) ELEVATION	
Scale	Date
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Drawing Number	
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