

Memorandum to the City of Markham Committee of Adjustment

February 8, 2023

File: A/254/22
Address: 12 Quintessa Court, Markham
Owner: Derek Lai
Agent: D.L. Engineering Inc. (Yoonkyoung Hong)
Hearing Date: Wednesday, February 15, 2023

The following comments are provided on behalf of the West District team.

The Applicant is requesting relief from the following “Residential One (R1) - F15*54” zone requirements under By-law 177-96, as amended, as it relates to a proposed two-storey addition to an existing two-storey single detached dwelling. The variance requested is to permit:

By-law 177-96, Table B1:

- a) a front yard setback of 3.0 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres

BACKGROUND

Property Description

The 653 m² (7,028 ft²) “Subject Lands” are located on the west side of Quintessa Court, north of Starhill Crescent and south of Major Mackenzie Drive East (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings with retail uses to the north and east.

There is an existing 250 m² (2,690 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 2006, according to assessment records. Mature vegetation exists on the property including three large mature trees in the side yard abutting Major Mackenzie Drive East.

Proposal

The Applicant is proposing to construct a 31.58 m² (339.92 ft²) two-storey addition to the front of the existing two-storey detached dwelling, above the garage (refer to Appendix “B” – Plans).

Official Plan and Zoning

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

The subject lands are designated “Residential Low Rise”, which provides for 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 minor 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 development criteria in the preparation of the comments provided below.

Zoning By-Law 177-96

The subject property is zoned “Residential One (R1) - F15*54” zone under By-law 177-96, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to minimum front yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on December 8, 2022 to confirm the variances required for the proposed development.

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 Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 3.0 metres (9.84 feet), whereas a minimum front yard setback of 4.5 metres (14.76 feet) is required. This represents a reduction of 1.5 metres (4.92 feet) or approximately 22%. The variance is entirely attributable to the proposed second floor addition over the existing driveway. Staff are of the opinion that the second floor addition is minor in nature and staff have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 2023. 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:

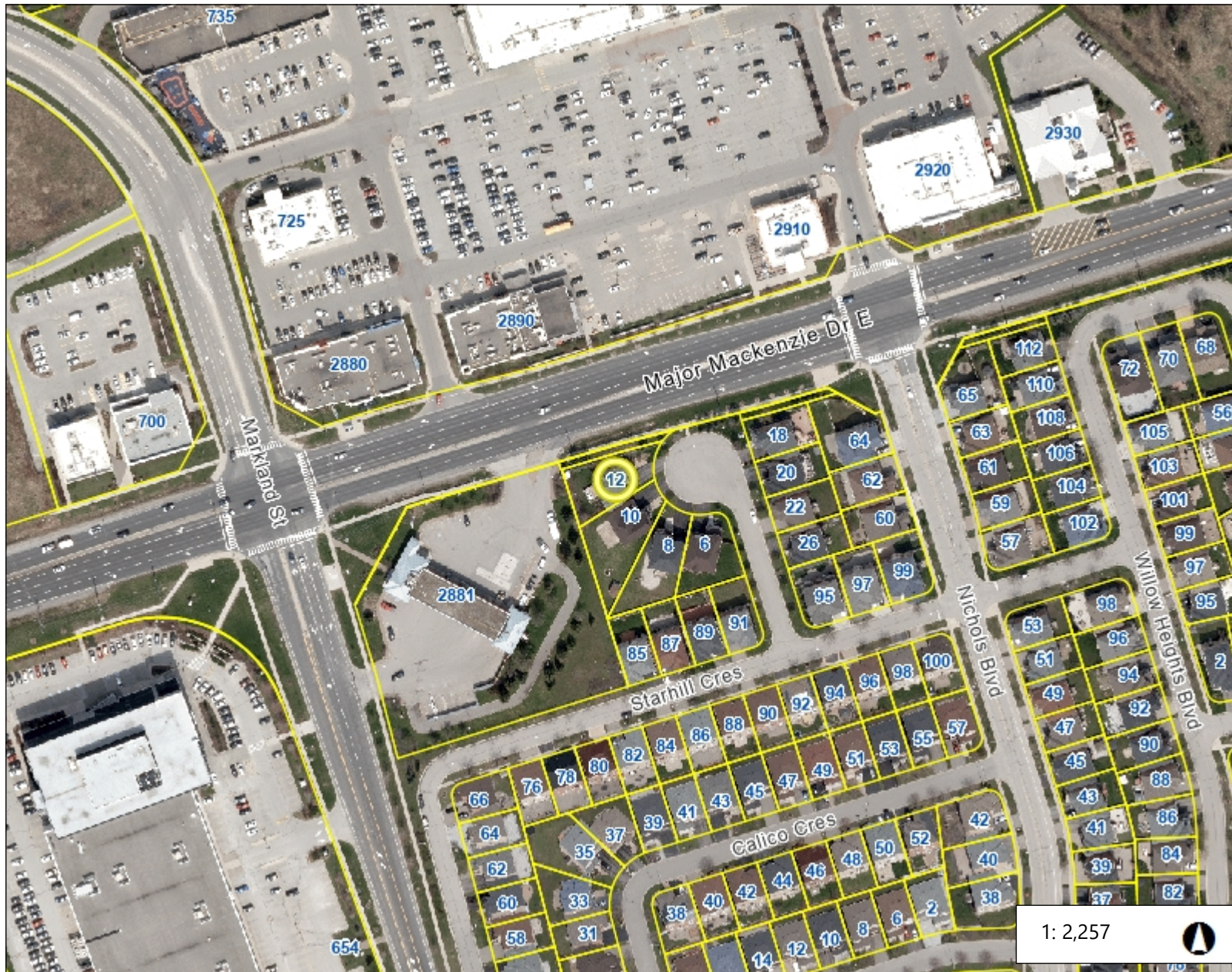


Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:



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



Legend

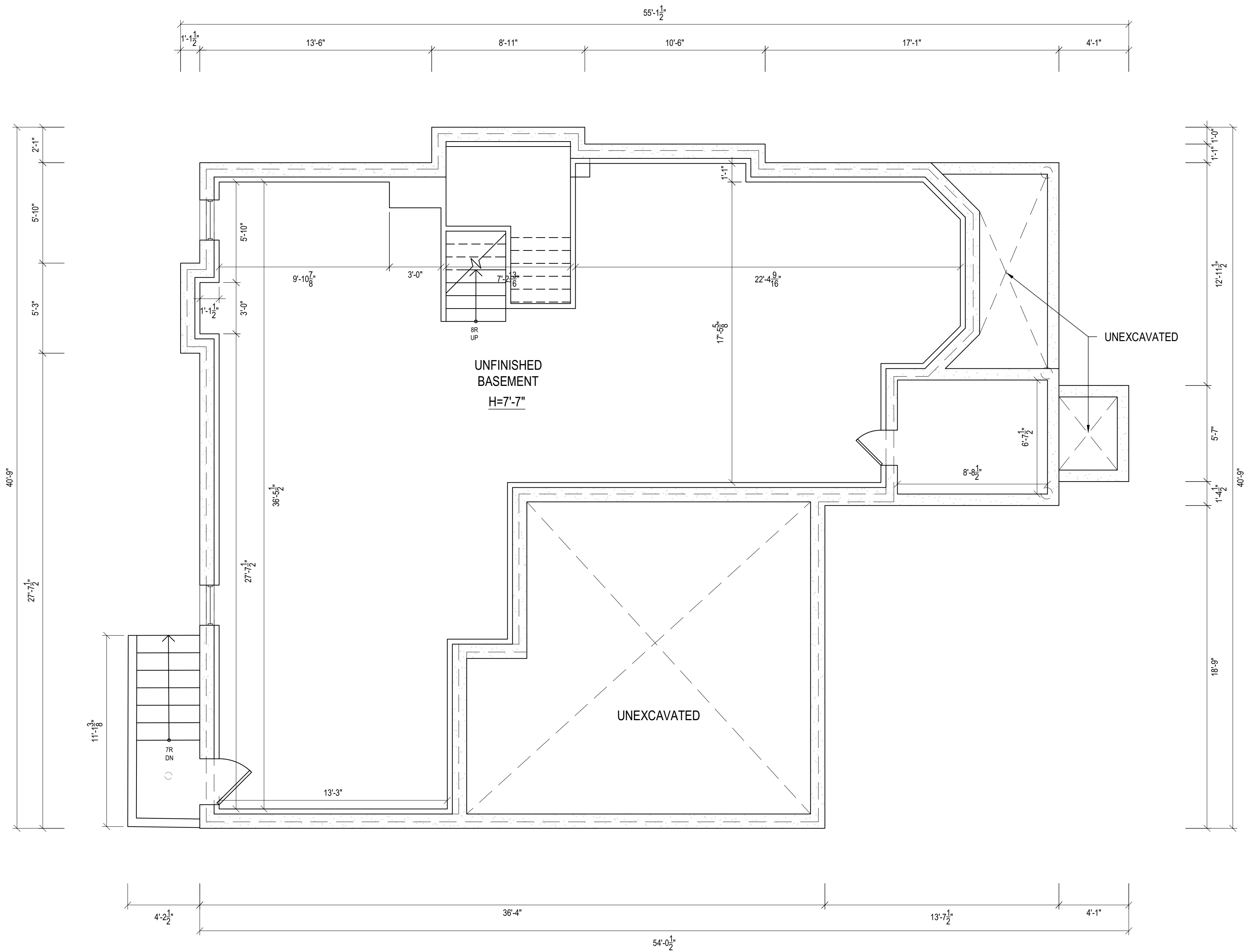
Subject Lands

1: 2,257



114.7 0 57.33 114.7 Meters

Notes



1 EXISTING BASEMENT FLOOR PLAN
A1A Scale: 1/4"=1'-0"

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ALL WORKS TO BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

DO NOT SCALE DRAWING.

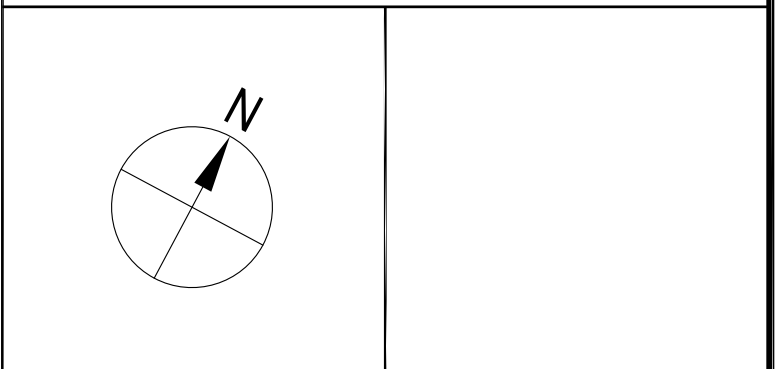
1	11-28-22	ZONING REVIEW
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REV. MM-DD-YY DESCRIPTION

STRUCTURAL ENGINEER:

D.L. Engineering Inc.
Consulting Engineers

9030 Leslie Street, Suite 302 TEL: 1-905-597-5288
Richmond Hill, ON L4B 1G2 FAX: 1-888-286-1348
email: jack@dlengineering.ca



PROJECT TITLE:

**12 QUINTESSA COURT
MARKHAM, ON**

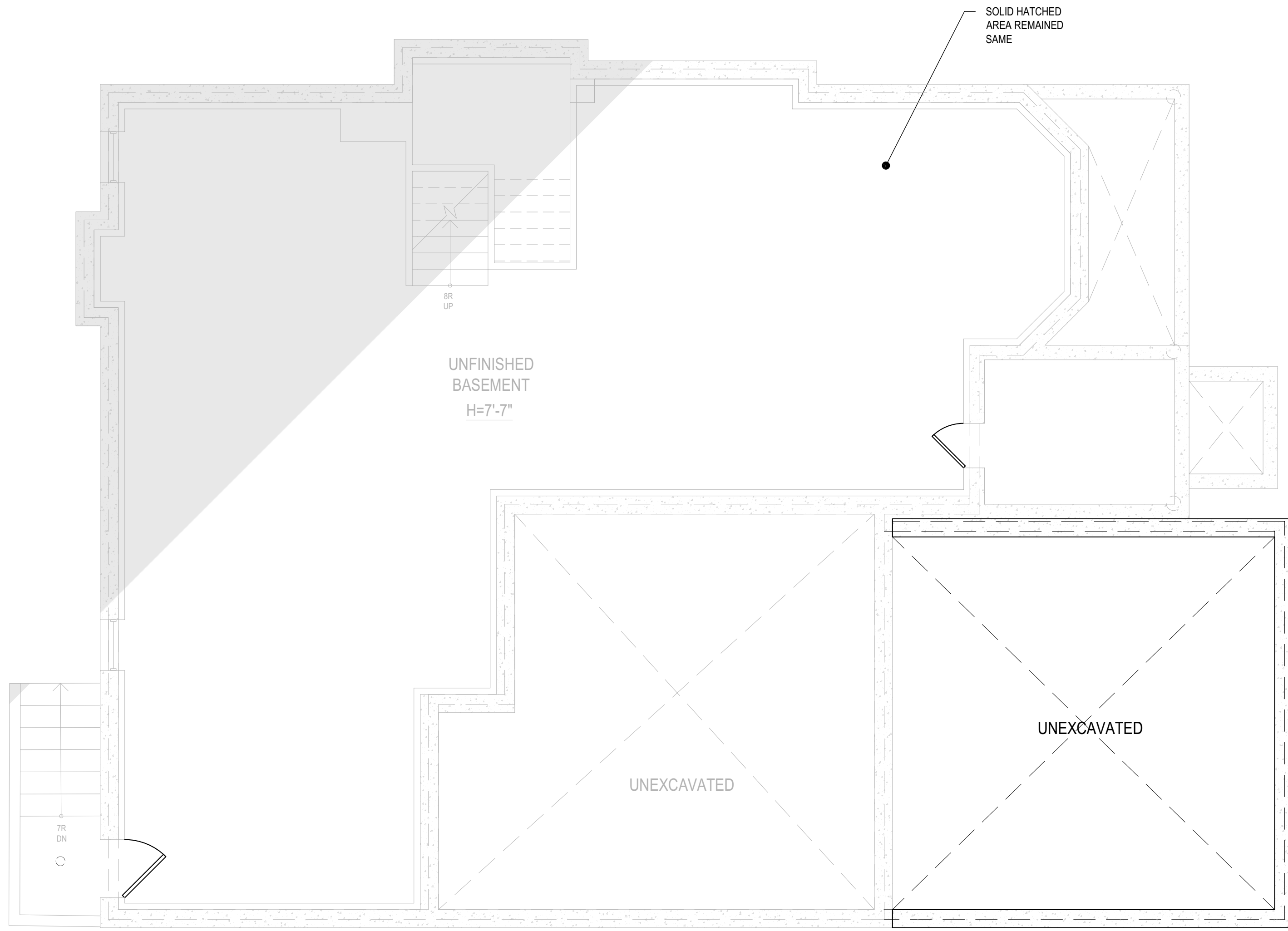
SHEET TITLE:

**EXISTING BASEMENT
FLOOR PLAN**

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

DRAWING NO.:

A1A



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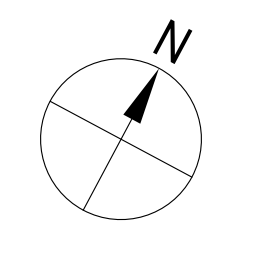
DO NOT SCALE DRAWING.

1	11-28-22	ZONING REVIEW
REV.	MM-DD-YY	DESCRIPTION

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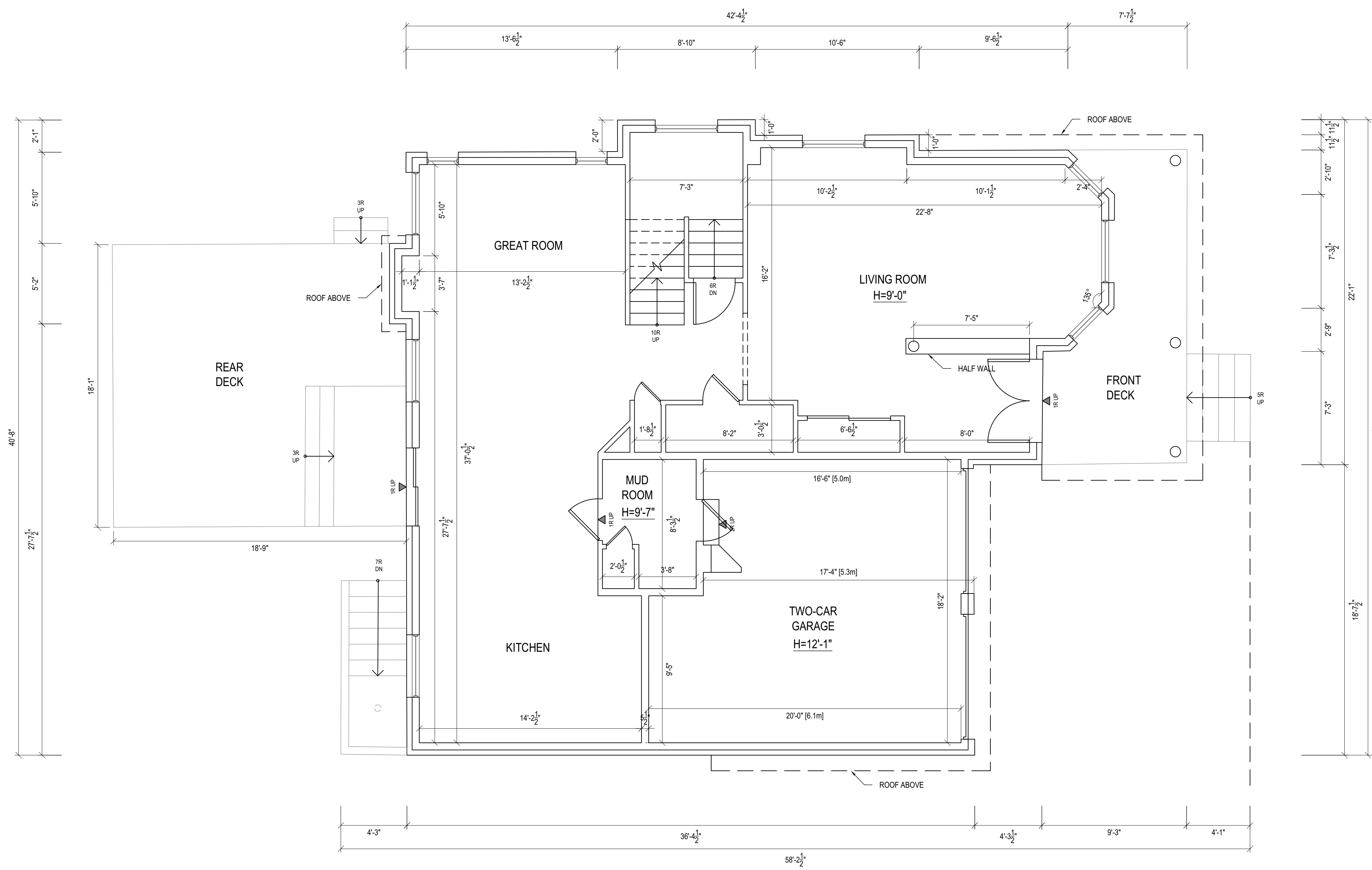


PROJECT TITLE:
12 QUINTESSA COURT
MARKHAM, ON

SHEET TITLE:
PROPOSED BASEMENT
FLOOR PLAN

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: J.L.F.

DRAWING NO.:
A1B



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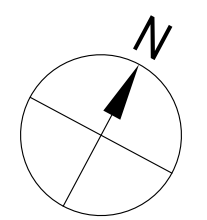
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1	11-28-22	ZONING REVIEW
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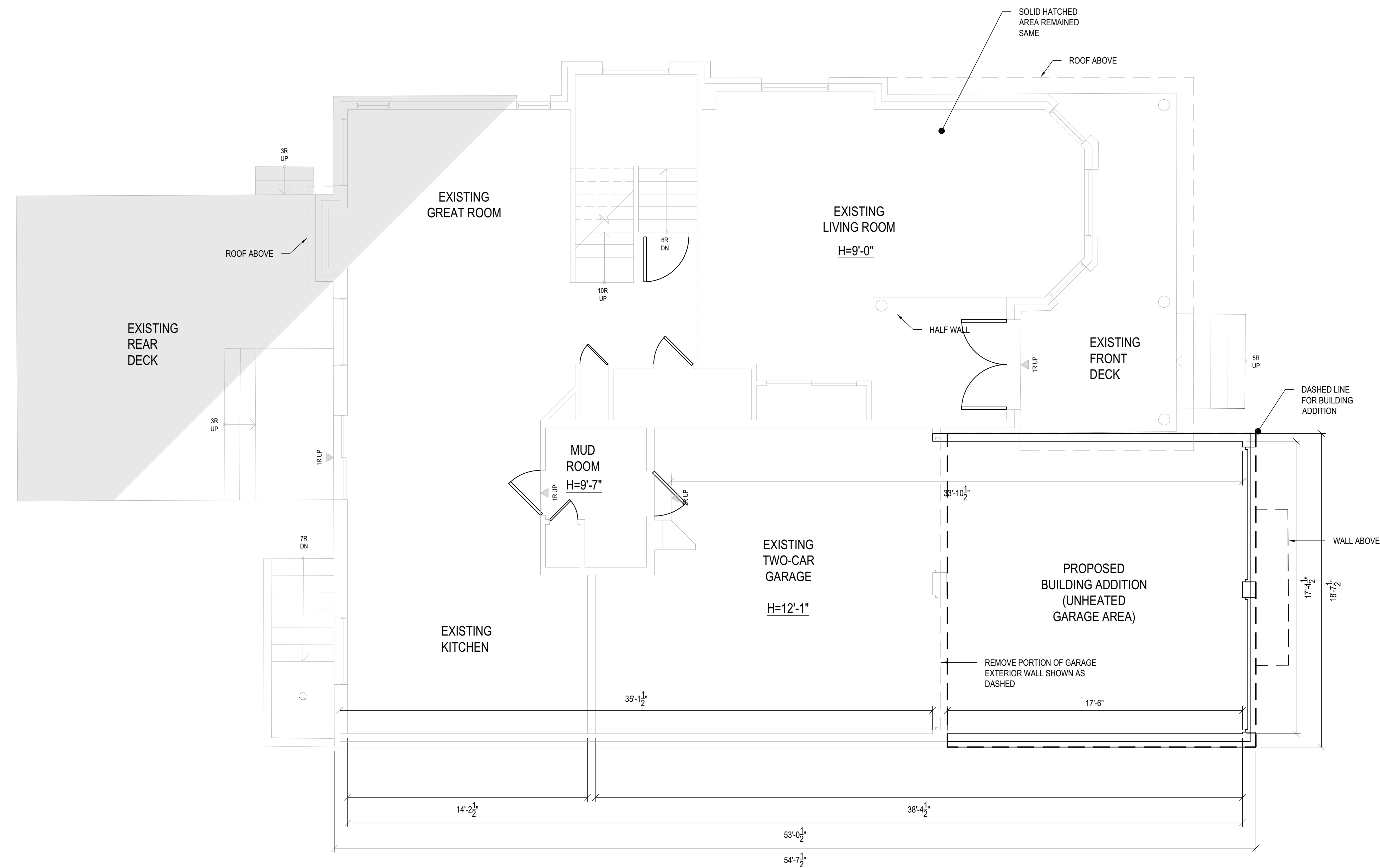
PROJECT TITLE:
**12 QUINTESSA COURT
MARKHAM, ON**

SHEET TITLE:
EXISTING GROUND FLOOR PLAN

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

DRAWING NO.:
A2A

1 EXISTING GROUND FLOOR PLAN
A2A Scale: 1/4"=1'-0"



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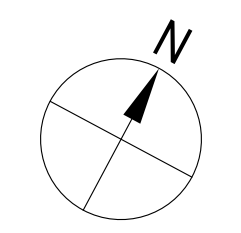
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REV.	MM-DD-YY	DESCRIPTION

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PROJECT TITLE:
12 QUINTESSA COURT
MARKHAM, ON

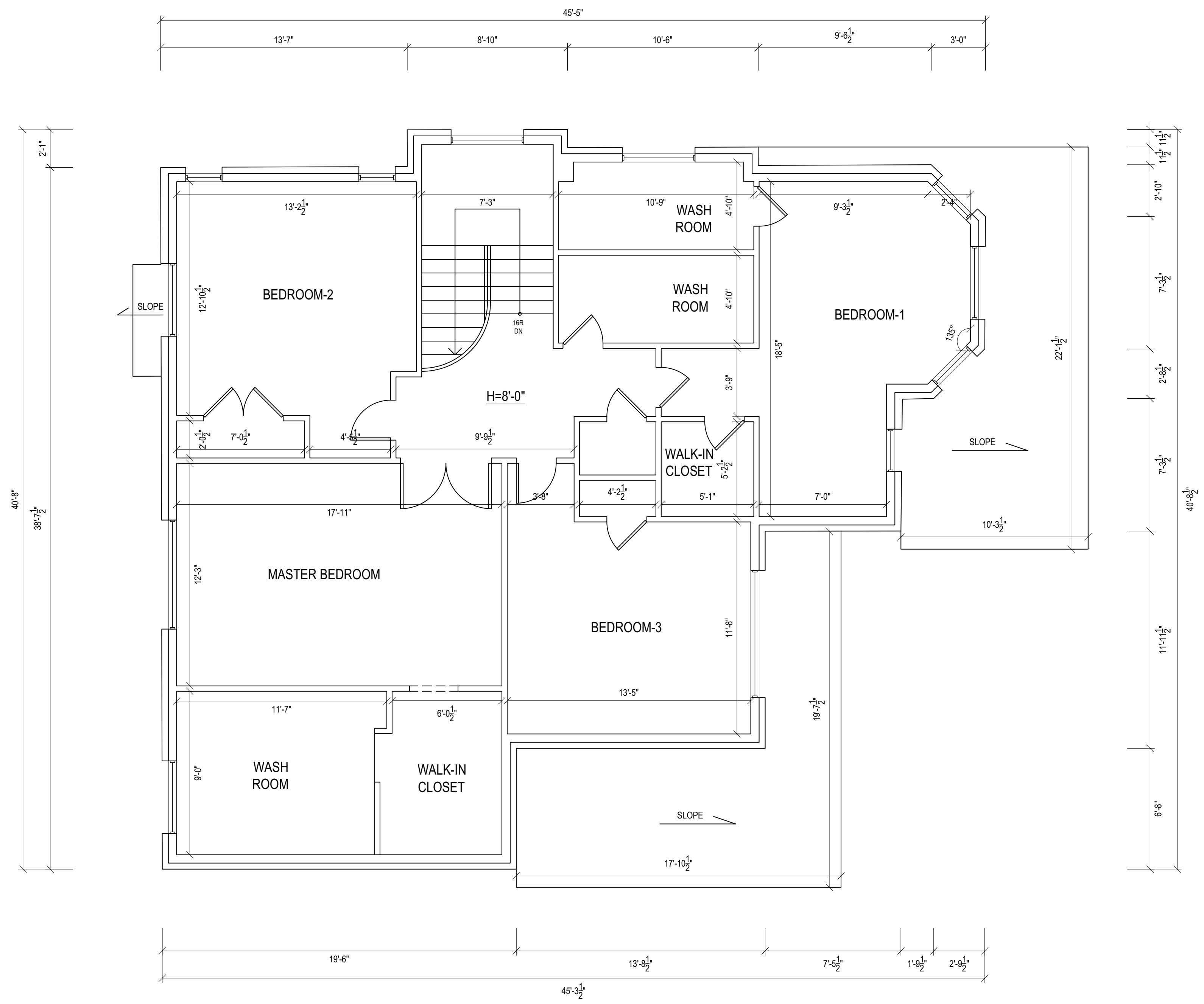
SHEET TITLE:
PROPOSED GROUND FLOOR PLAN

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: JL.F.

DRAWING NO.:
A2B

1 PROPOSED GROUND FLOOR PLAN
 A2B Scale: 1/4"=1'-0"

PLOT SIZE ARCH B (24x36)



1 EXISTING SECOND FLOOR PLAN
A3A Scale: 1/4"=1'-0"

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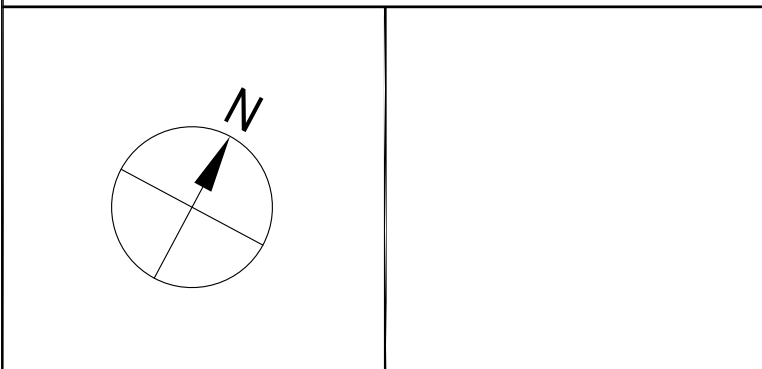
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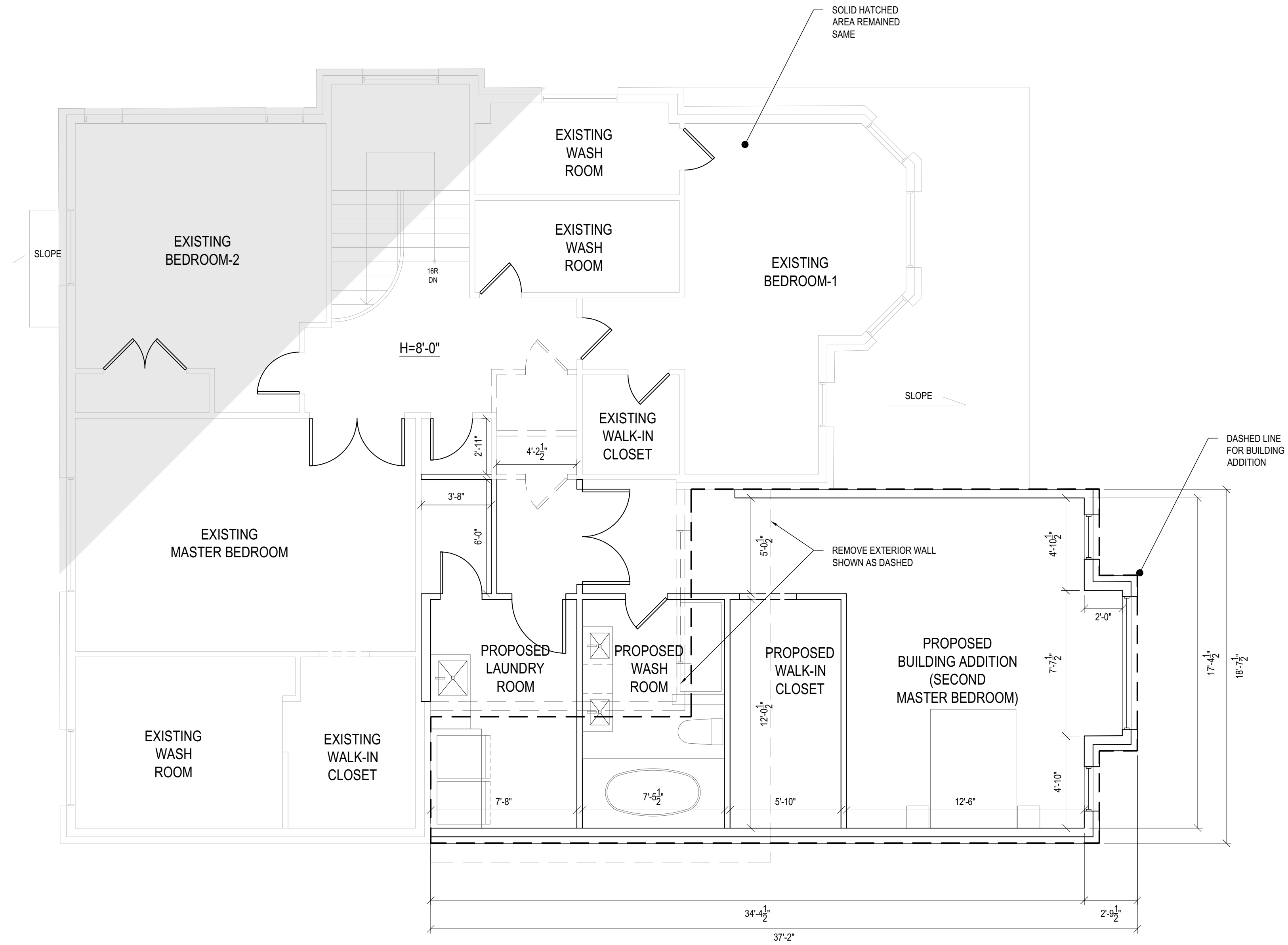


PROJECT TITLE:
**12 QUINTESSA COURT
MARKHAM, ON**

SHEET TITLE:
EXISTING SECOND FLOOR PLAN

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

DRAWING NO.:
A3A



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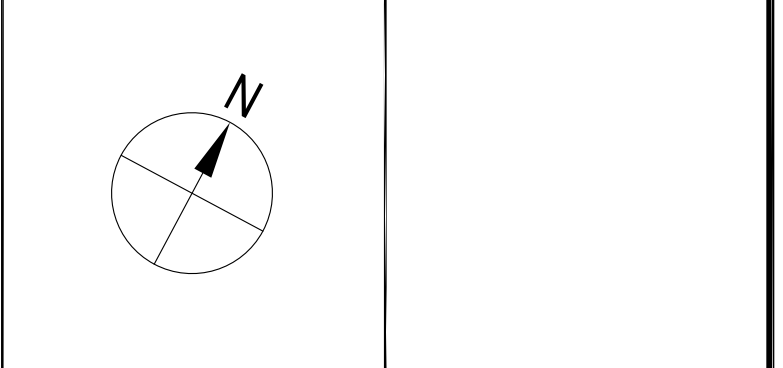
DO NOT SCALE DRAWING.

1	11-28-22	ZONING REVIEW
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PROJECT TITLE:
**12 QUINTESSA COURT
MARKHAM, ON**

SHEET TITLE:
PROPOSED SECOND FLOOR PLAN

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: J.L.F.

DRAWING NO.:
A3B

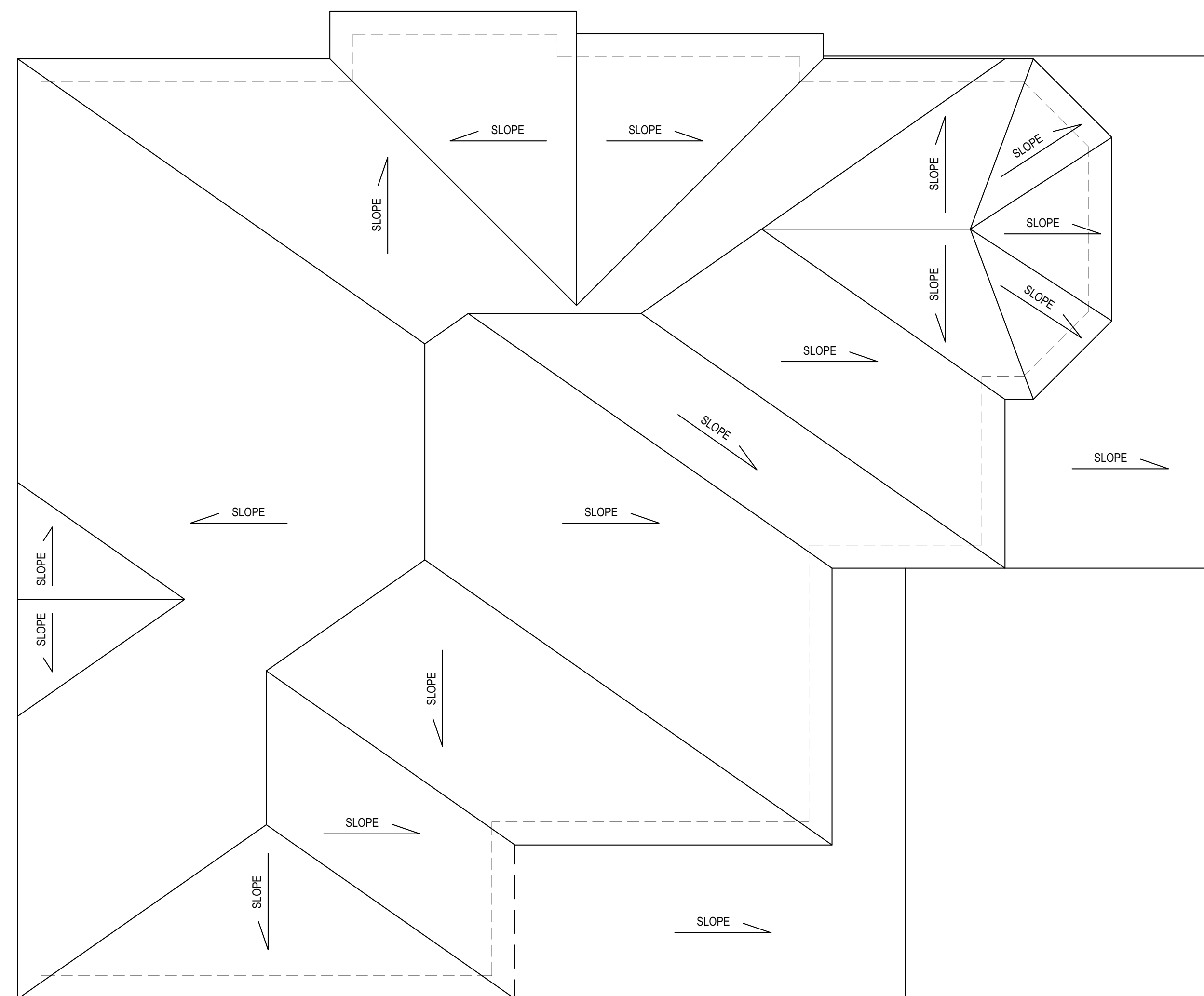
1 PROPOSED SECOND FLOOR PLAN
A3B Scale: 1/4"=1'-0"

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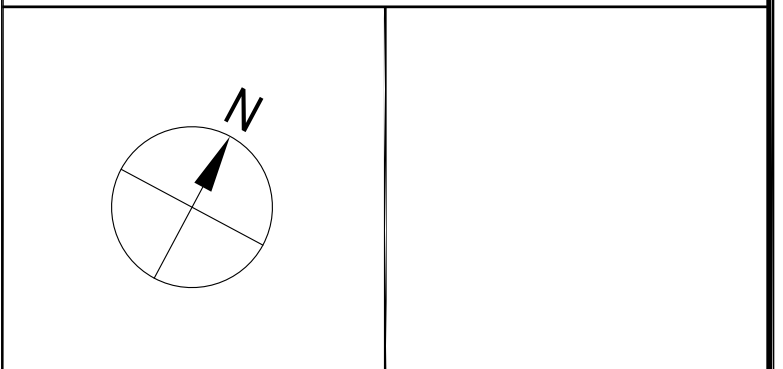


1	11-28-22	ZONING REVIEW
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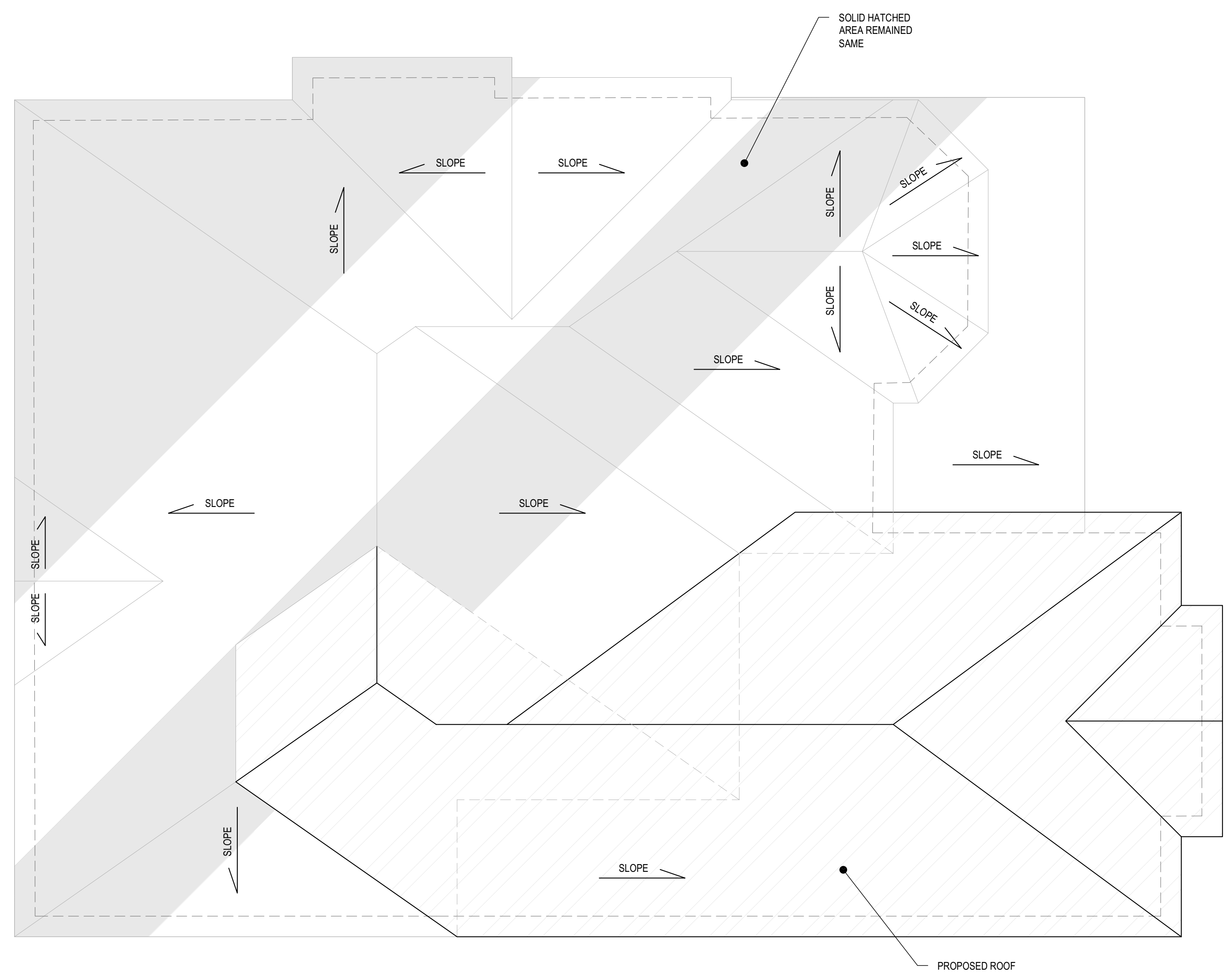


PROJECT TITLE:
**12 QUINTESSA COURT
MARKHAM, ON**

SHEET TITLE:
EXISTING ROOF PLAN

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

DRAWING NO.:
A4A



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PROJECT TITLE:

**12 QUINTESSA COURT
 MARKHAM, ON**

SHEET TITLE:

**PROPOSED ROOF
 PLAN**

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: JL.F.

DRAWING NO.:

A4B

1 EXISTING ROOF PLAN
A4B Scale: 1/4"=1'-0"

PLOT SIZE ARCH. B (8.5X35.0)



1 EXISTING FRONT ELEVATION
A5 Scale: 1/4"=1'-0"



2 PROPOSED FRONT ELEVATION
A5 Scale: 1/4"=1'-0"

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DO NOT SCALE DRAWING.

REV.	MM-DD-YY	DESCRIPTION
1	11-28-22	ZONING REVIEW

1 11-28-22 ZONING REVIEW

REV. MM-DD-YY DESCRIPTION

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PROJECT TITLE:

**12 QUINTESSA COURT
MARKHAM, ON**

SHEET TITLE:

**EXISTING & PROPOSED
FRONT ELEVATION**

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

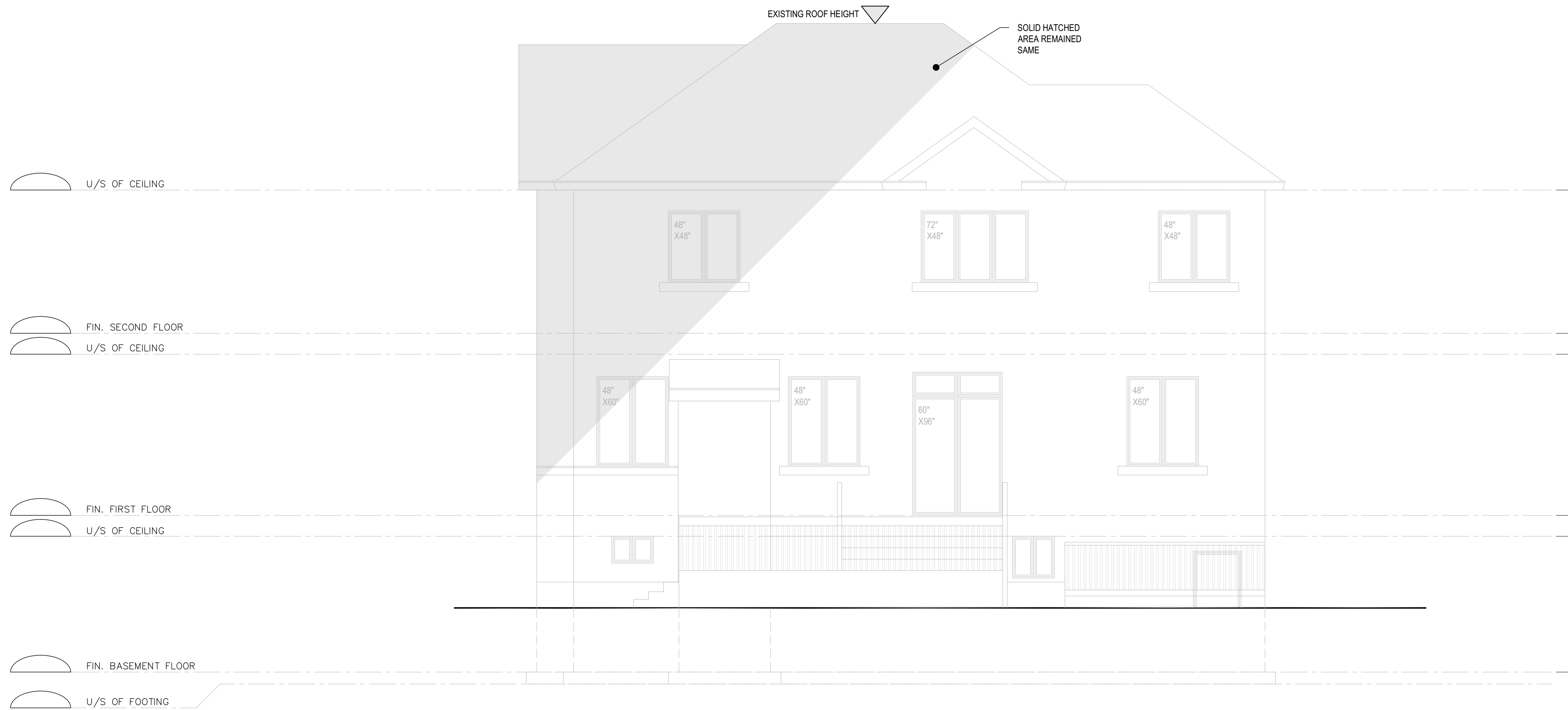
DRAWING NO.:

A5



1 EXISTING REAR ELEVATION

A6 Scale: 1/4"=1'-0"



2 PROPOSED REAR ELEVATION

A6 Scale: 1/4"=1'-0"

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1	11-28-22	ZONING REVIEW
REV.	MM-DD-YY	DESCRIPTION

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PROJECT TITLE:
**12 QUINTESSA COURT
MARKHAM, ON**

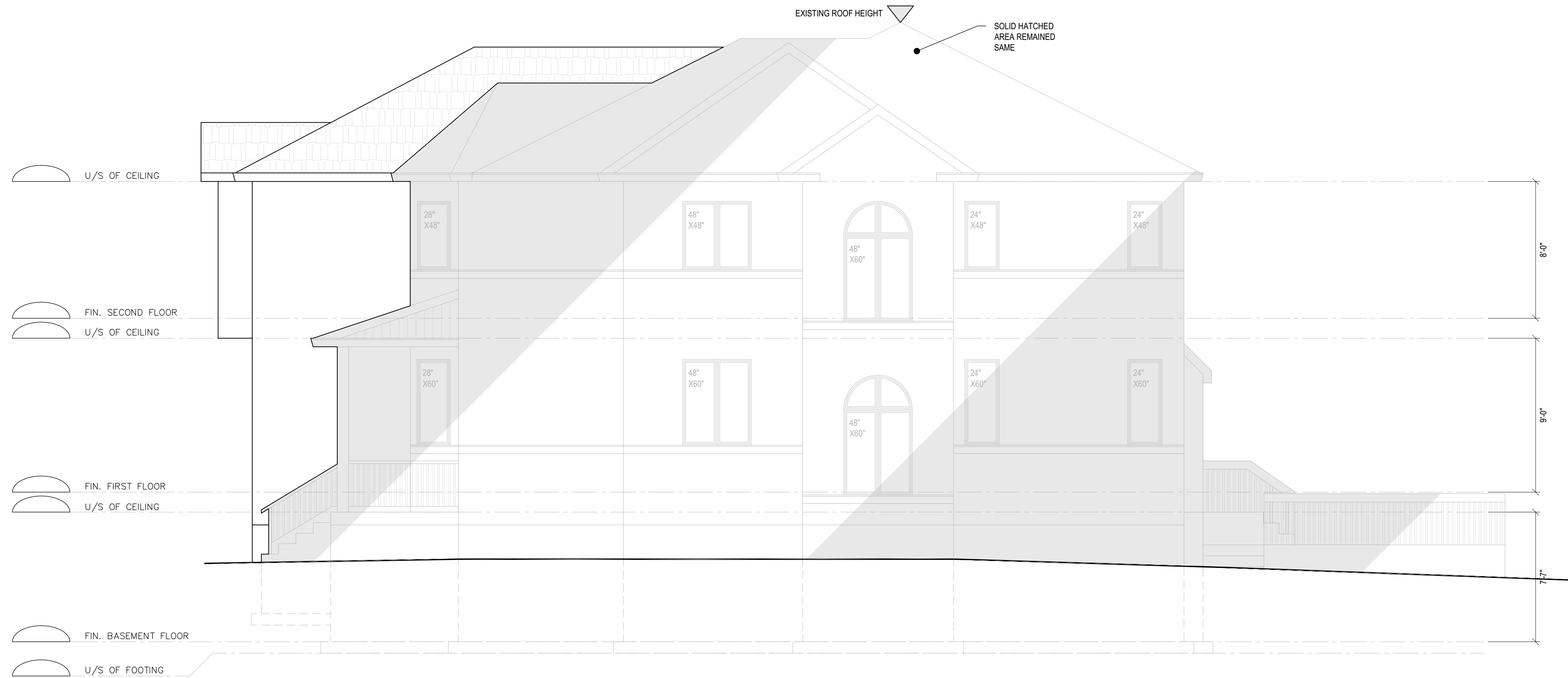
SHEET TITLE:
**EXISTING & PROPOSED
REAR ELEVATION**

PROJECT NO.: D220903
DATE: NOV. 28, 2022
SCALE: AS SHOWN
DRAWN BY: YK.H.
CHECKED BY: JL.F.

DRAWING NO.:
A6



1 **EXISTING SIDE (NORTH) ELEVATION**
 A7 Scale: 1/4"=1'-0"



2 **PROPOSED SIDE (NORTH) ELEVATION**
 A7 Scale: 1/4"=1'-0"

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1	11-28-22	ZONING REVIEW
REV. MM-DD-YY DESCRIPTION		

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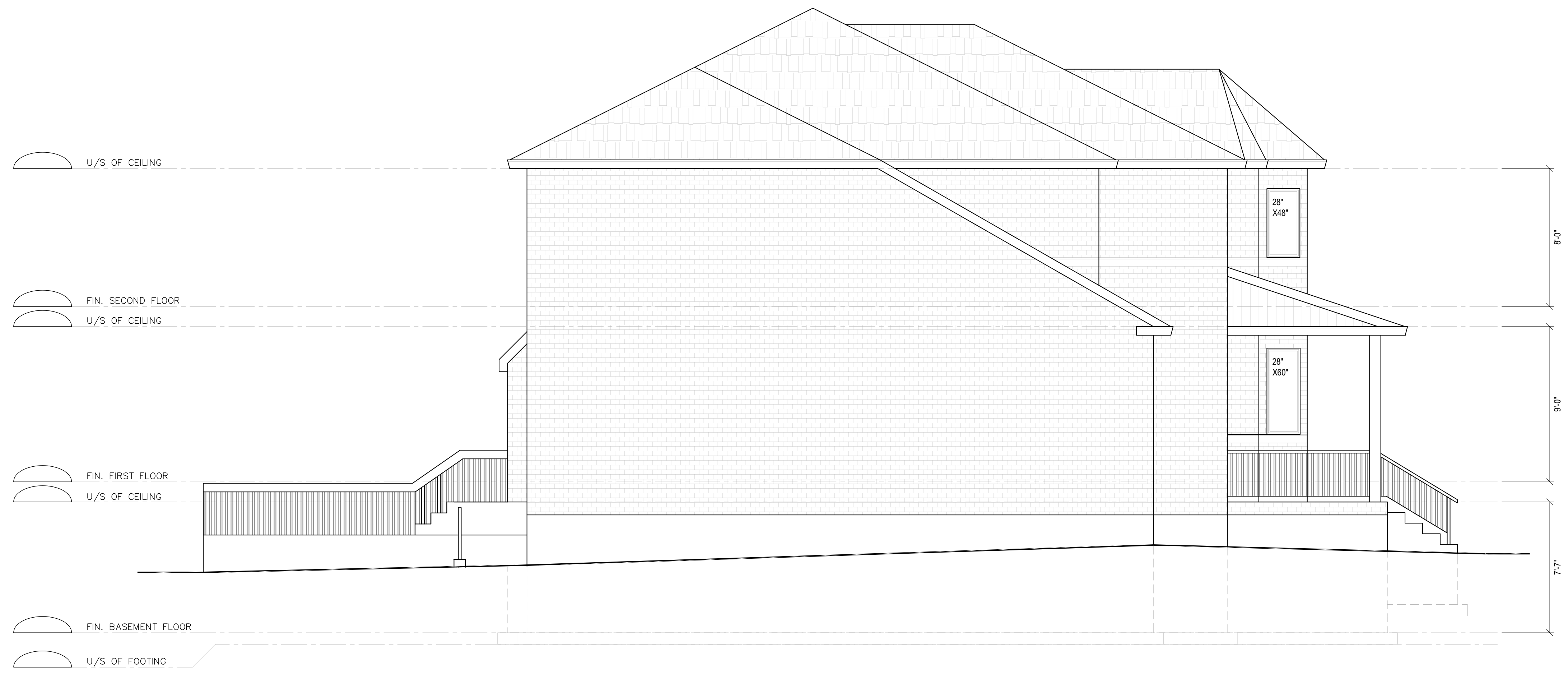
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PROJECT TITLE:
**12 QUINTESSA COURT
 MARKHAM, ON**

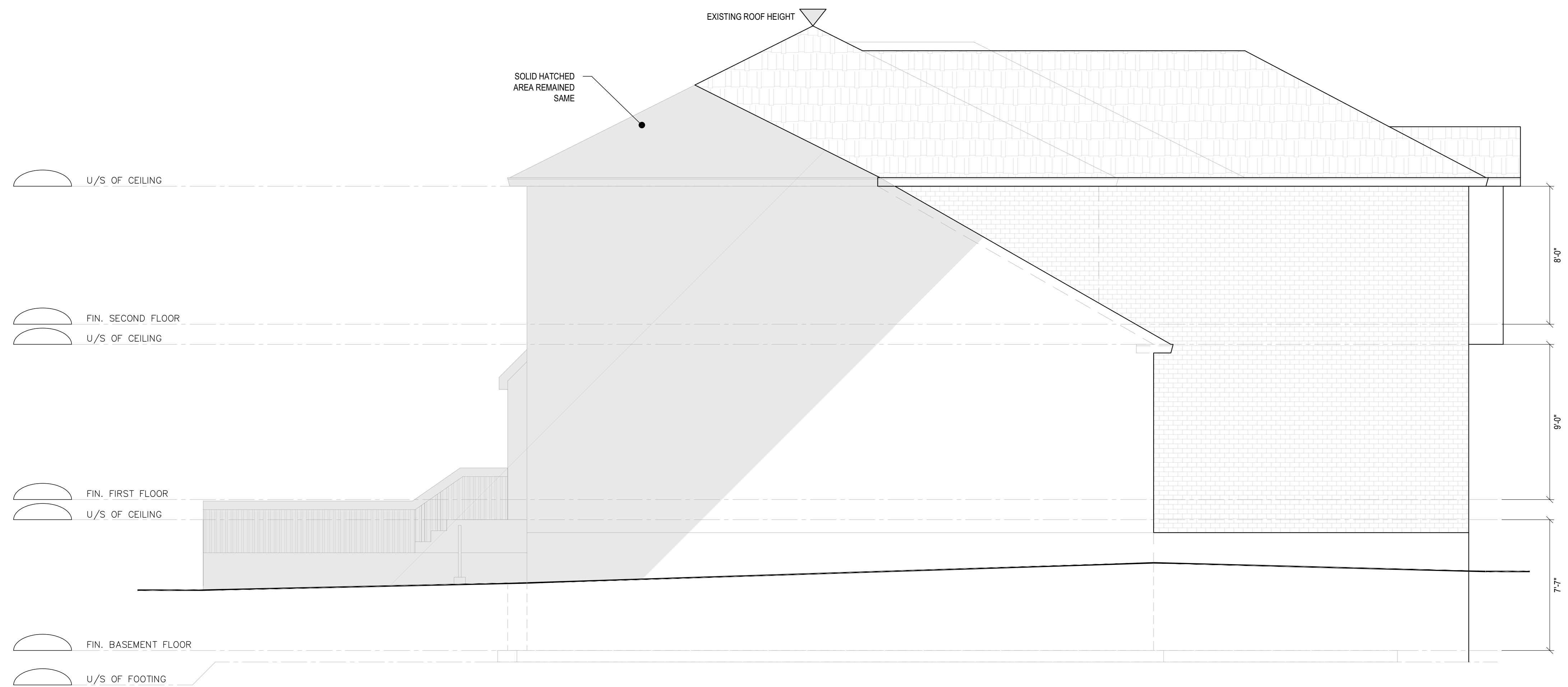
SHEET TITLE:
**EXISTING & PROPOSED
 SIDE (NORTH) ELEVATION**

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: JL.F.

DRAWING NO.:
A7



1
A8 **EXISTING SIDE (SOUTH) ELEVATION**
 Scale: 1/4"=1'-0"



2
A8 **PROPOSED SIDE (SOUTH) ELEVATION**
 Scale: 1/4"=1'-0"

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**12 QUINTESSA COURT
 MARKHAM, ON**

SHEET TITLE:
**EXISTING & PROPOSED
 SIDE (SOUTH) ELEVATION**

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: J.L.F.

DRAWING NO.:
A8

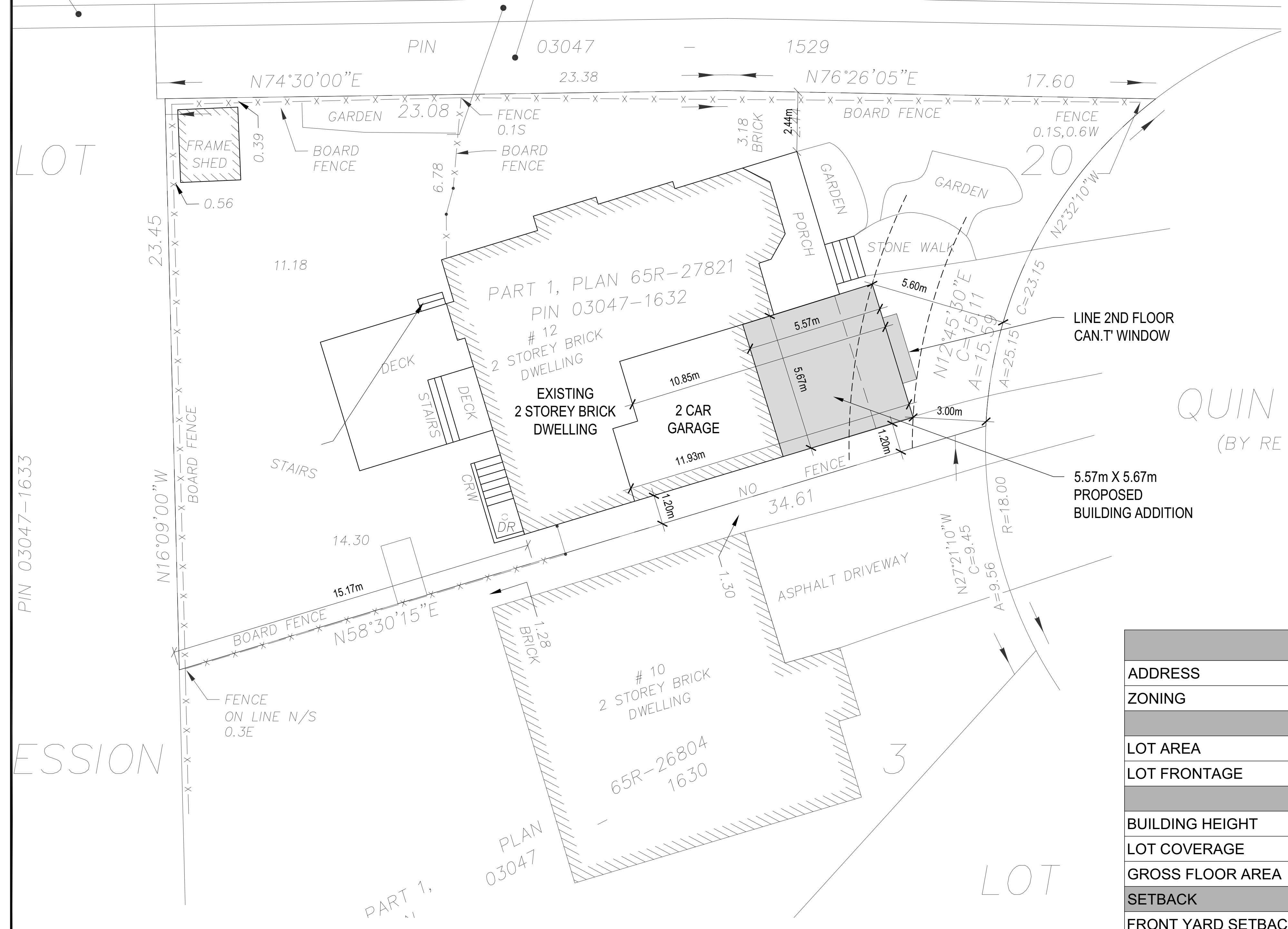
PART 1, PLAN 65R-8378
 (MTO PLAN P-5025-132)
 TRANSFERRED TO THE REGIONAL MUNICIPALITY OF YORK
 BY ORDER-IN-COUNCIL OC-1457/92 AS IN INSTRUMENT R602606

PART 4, EXPROPRIATION
 (RMYP L-143-9)
 DEDICATED BY BY-LAW
 AS IN INSTRUMENT M/

PART 3, PLAN 65R-18857
 DEDICATED BY BY-LAW
 RD-0482-1999-040
 AS IN INSTRUMENT LT1353206

PART 9, PLAN 65R-15622
 PIN 03047-0024

BLOCK 213
 REGISTERED PLAN
 65M-3605



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CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ALL DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING WITH THE WORK.

ALL WORKS TO BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

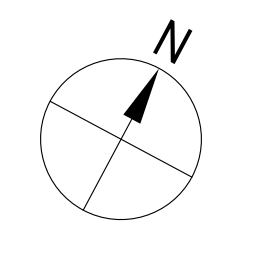
DO NOT SCALE DRAWING.

1	11-28-22	ZONING REVIEW
REV.	MM-DD-YY	DESCRIPTION

STRUCTURAL ENGINEER:



D.L. Engineering Inc.
 Consulting Engineers
 9030 Leslie Street, Suite 302 TEL: 1-905-597-5288
 Richmond Hill, ON L4B 1G2 FAX: 1-888-286-1348
 email: jack@dlengineering.ca



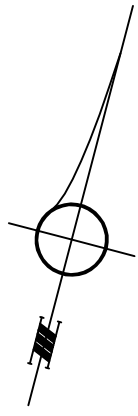
PROJECT TITLE:
**12 QUINTESSA COURT
 MARKHAM, ON**

SHEET TITLE:
SITE PLAN

PROJECT NO.: D220903
 DATE: NOV. 28, 2022
 SCALE: AS SHOWN
 DRAWN BY: YK.H.
 CHECKED BY: J.L.F.

DRAWING NO.:
SP

ZONING MATRIX		
ADDRESS	12 QUINTESSA COURT, MARKHAM, ON (L6C 3A2)	
ZONING	RESIDENTIAL ONE (R1)	
	MINIMUM REQUIRED	EXISTING
LOT AREA	15(F)X30=450m ²	653m ²
LOT FRONTAGE	15m	15.59m
	MAXIMUM REQUIRED	PROPOSED
BUILDING HEIGHT	9.0m	8.6m (no changes)
LOT COVERAGE	N/A	N/A
GROSS FLOOR AREA	N/A	N/A
SETBACK	MAXIMUM REQUIRED	PROPOSED
FRONT YARD SETBACK	3.0m	
SIDE YARD SETBACK (EXTERIOR SIDE)	2.4m	2.44m
SIDE YARD SETBACK (INTERIOR SIDE)	1.2m	1.2m
GARAGE FRONT YARD SET BACK	4.5m	3.0m



MAJOR MACKENZIE DRIVE EAST -- YR 25
 (NAMED BY BY-LAW R-670-80-128 AS IN INSTRUMENT R261406)
 ROAD ALLOWANCE BETWEEN LOT 20 & 21, CONCESSION 3

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 V-32077

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR.
 In accordance with
 Regulation 1026, Section 29(3).

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Appendix B
 PLAN OF SURVEY OF
 PART OF LOT 20,
 CONCESSION 3,
 GEOGRAPHIC TOWNSHIP OF MARKHAM
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

File: 22.265976.000.00.MNV
 Date: 02/10/23



BEARING NOTES
 BEARINGS ARE MTM GRID AND ARE REFERRED TO THE
 NORTHERLY LIMIT OF PART 1 AS SHOWN ON PLAN 65R-27821
 HAVING A BEARING OF N74°30'00"E

DISTANCE NOTES - METRIC
 DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET
 BY DIVIDING BY 0.3048.

CAUTION
 THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE
 EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS
 ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - M DENOTES MEASURED
 - P1 DENOTES PLAN 65R-27821
 - P2 DENOTES PLAN 65R-26804
 - P3 DENOTES REGISTERED PLAN 65M-3605
 - HJV DENOTES HOLDING JONES VANDERVEEN INC., O.L.S.
 - MTO DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
 - CRW DENOTES CONCRETE RETAINING WALL
 - DR DENOTES DRAIN
 - HR DENOTES HANDRAIL

BUILDING TIES SHOWN HEREON ARE TO THE FOUNDATION
 UNLESS OTHERWISE NOTED.
 ALL BEARINGS AND DISTANCES AGREE WITH CITED PLANS
 UNLESS OTHERWISE NOTED.

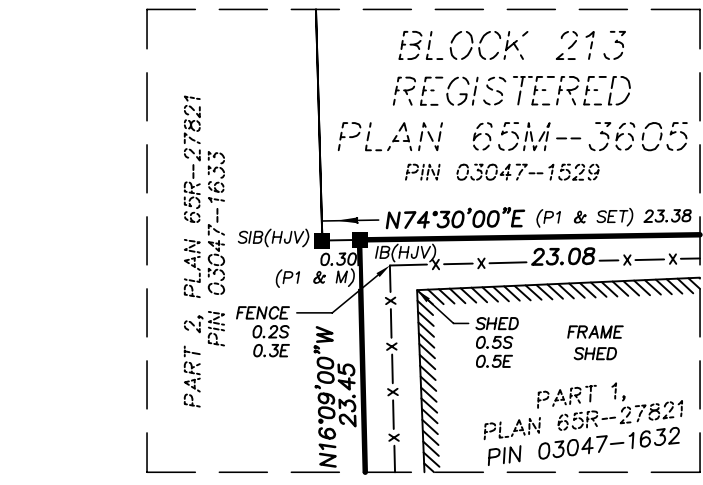
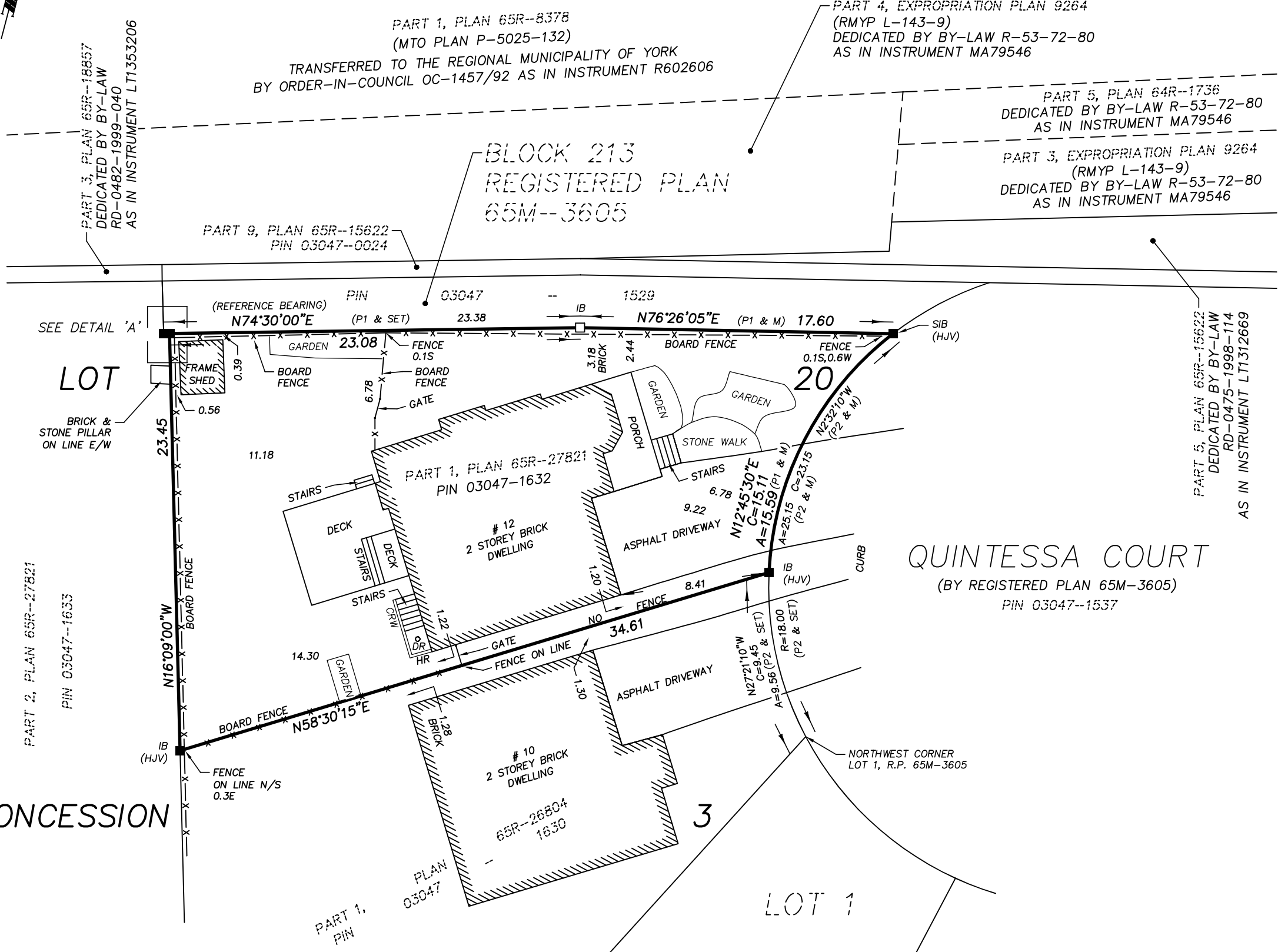
SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON AUGUST 31, 2022.

 DATE LAWRENCE O. ERTL, O.L.S.

ERTL-HUNT
 SURVEYORS
 A division of IBW Surveyors Ltd.

IBWSURVEYORS.COM | 1.800.667.0696



BLOCK 213
 REGISTERED
 PLAN 65M-3605
 PIN 03047-1529

QUINTESSA COURT
 (BY REGISTERED PLAN 65M-3605)
 PIN 03047-1537

LOT 1
 REGISTERED
 PLAN
 65M -- 3605

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/254/22

1. The variances apply only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" - Plans 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. 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.

CONDITIONS PREPARED BY:

A handwritten signature in black ink that reads "Hussnain Mohammad". The signature is written in a cursive style with a large initial "H".

Hussnain Mohammad, Development Technician, Zoning and Special Projects