

# Memorandum to the City of Markham Committee of Adjustment

August 1<sup>st</sup>, 2019

**File:** A/76/19  
**Address:** 28 Carolwood Cres, Markham  
**Applicant:** Nanthakumaran & Shanthy Balasingham  
**Agent:** Krishanthini Ganesh  
**Hearing Date:** Wednesday August 07, 2019

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

The applicant is requesting relief from the following requirements of the Rural Residential Estate (RRE) zone of By-law 304-87, as amended, as it relates to a proposed two-storey detached dwelling on the subject property (28 Carolwood Crescent), to permit:

**a) Amending By-law 2008-21, Section 1.1.1:**

A sum width of not less than 6.01 m (19.72 ft) for both side yards, whereas the By-law permits a sum width of not less than 9 m (29.17 ft).

## **BACKGROUND**

### **Property Description**

The 0.40 ha (1 acre) subject property is located on the south side of Carolwood Crescent, which is east of Markham Road, north of 14<sup>th</sup> Avenue and south of Highway 407. There is an existing two-storey detached 365.02 m<sup>2</sup> (3,929 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1975. Mature vegetation exists throughout the property. The subject property is located within an established neighbourhood comprised of large estate lots, which are developed with one and two-storey single detached dwellings.

### **Proposal**

The applicant is proposing to construct a new two-storey detached 781.17 m<sup>2</sup> (8,408.42 ft<sup>2</sup>) dwelling on the subject property as shown in Appendix A.

### **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, including 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 By-Law 304-87

The subject property is zoned 'Rural Residential Estate' (RRE) under By-law 304-87, as amended, which permits a single detached dwelling. The RRE zone requires minimum side yard setbacks of 3.0 m (9.84 ft), in which the sum total of both side yards shall not be less than 9.0 m (29.53 ft). The applicant is proposing a dwelling with a west side yard setback of 3.0 m (9.84 ft)

and an east side yard setback of 3.01 m (9.87 ft). Accordingly, the applicant has submitted a variance requesting that the sum total of both side yards be not less than 6.01 m (19.72 ft).

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, *"it is not possible to comply with the provisions due to the irregular lot (pie shaped lot) that narrows from the rear. The floor plan and square footage of the proposed dwelling will not allow for a change in exterior dimensions. As well as the dwelling cannot be moved forward since the proposed parking, and driveway lane"*.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received zoning comments from the Building Standards department through the building permit application review process 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.

### **Reduced Side Yard Setback**

As noted, the applicant proposes a dwelling with an east side yard setback of 3.01 m (9.87 ft) and a west side yard setback of 3.00 m (9.84 ft). This complies with the minimum required side yard setback of 3.0 m (9.84 ft), but does not comply with the sum total width requirement of 9.0 m (29.53 m) for both side yards. The sum total width requirement for side yards was approved by Council in 2008 through amending by-law 2008-21, with the intent of ensuring that new construction on existing lots are compatible with and respectful of existing homes in Rural Residential Estate zones. The effect of the by-law is to provide more spacing between dwellings within estate areas, which are characterized by large lots and ample greenspace and vegetation.

As shown in the site plan in Appendix A, the subject property is reverse pie-shaped which narrows from the front and rear yard. As a result the proposed east side yard of 3.01 m (9.87 ft) is measured to the southeast corner of the proposed dwelling only, and the east side yard widens to 5.89 m (19.32 ft) at the front. The total sum of both side yards for the proposed dwelling ranges between 6.01 m (19.72 ft) to 8.89 m (29.17 ft), which does not comply with the by-law even in consideration of the irregular shaped lot. According to City of Markham records, no existing or infill homes along Carolwood Crescent have been approved for a side yard setback reduction to this scale. Staff are of the opinion that that the requested variance does not meet the intent of the zoning by-law, and will result in a dwelling that is not desirable for the site or surrounding context.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 1<sup>st</sup>, 2019. 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 does not meet the four tests of the Planning Act. Staff recommend that the Committee consider public input in reaching a decision.

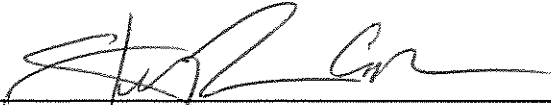
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner I, East District

REVIEWED BY:




\_\_\_\_\_  
Stephen Corr, Senior Planner, East District

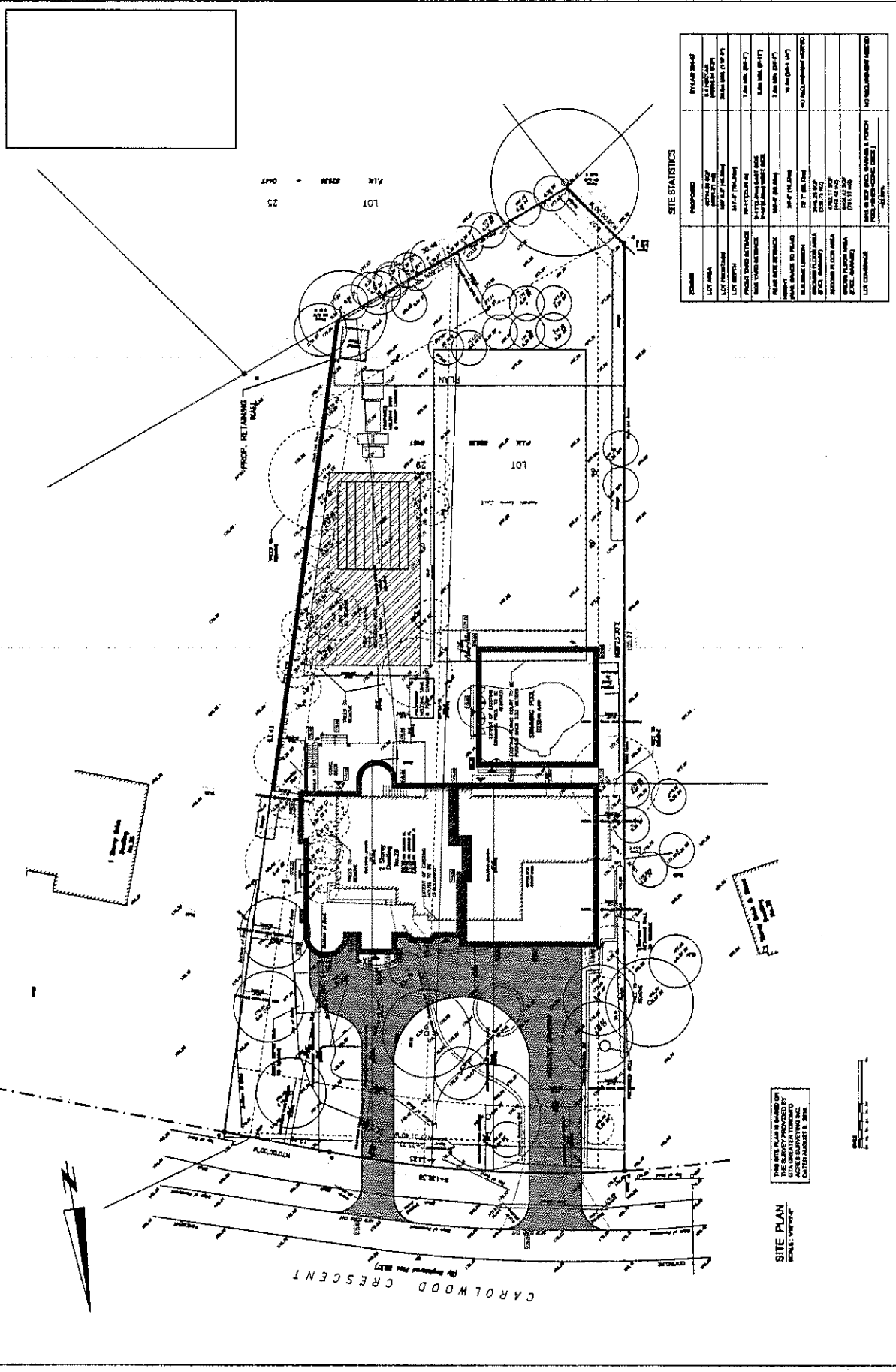
File Path: Amanda\File\19 127595 \Documents\District Team Comments Memo





ENGINEER'S NOTE  
 THIS PLAN IS BASED UPON DATA SUPPLIED BY THE  
 CITY OF CAROLWOOD AND THE  
 COUNTY OF PULASKI, MISSISSIPPI,  
 DATED AUGUST 14, 1967.

	
TITLE: ENGINEER'S PLAN DATE: AUGUST 14, 1967	
PROJECT NO.: SHEET NO. 12	TOTAL SHEETS: 12

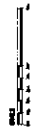


SITE STATISTICS

PROPOSED	BY LAW 26-42	
LOT AREA	34,617 SQ. FT.	
LOT AREA	34,617 SQ. FT.	
LOT WIDTH	117.0 FT.	
LOT DEPTH	295.0 FT.	
FRONT YARD SETBACK	10.0 FT. MIN.	
REAR YARD SETBACK	10.0 FT. MIN.	
SIDE YARD SETBACK	5.0 FT. MIN.	
MAX. HEIGHT	35.0 FT. MAX.	
MAX. AREA	10,000 SQ. FT. MAX.	
MAX. FLOOR AREA	10,000 SQ. FT. MAX.	
MAX. GROSS AREA	10,000 SQ. FT. MAX.	
MAX. UNIMPAVED AREA	24,617 SQ. FT. MIN.	
MAX. UNIMPAVED PERCENT	71.1% MIN.	
MAX. UNIMPAVED PERCENT	71.1% MIN.	
MAX. UNIMPAVED PERCENT	71.1% MIN.	
MAX. UNIMPAVED PERCENT	71.1% MIN.	
MAX. UNIMPAVED PERCENT	71.1% MIN.	

THIS SITE PLAN IS BASED UPON DATA SUPPLIED BY THE CITY OF CAROLWOOD AND THE COUNTY OF PULASKI, MISSISSIPPI, DATED AUGUST 14, 1967.

SITE PLAN  
 SCALE: 1" = 100'



1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC), THE INTERNATIONAL MECHANICAL CODE (IMC), AND THE INTERNATIONAL PLUMBING CODE (IPC).

2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES, UNLESS OTHERWISE SPECIFIED.

3. ALL WALLS SHALL BE 12" THICK UNLESS OTHERWISE SPECIFIED.

4. ALL DOORS SHALL BE 4'0" HIGH UNLESS OTHERWISE SPECIFIED.

5. ALL STAIRS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL MECHANICAL CODE (IMC).

6. ALL ELEVATIONS SHALL BE IN FEET AND INCHES, UNLESS OTHERWISE SPECIFIED.

7. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE ENGINEER.

8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CONSTRUCTION DOCUMENTS (CDD).

NO.	REVISION	DATE

**KISON**  
Design & Management  
Berkeley, CA  
1234 Market Street  
Berkeley, CA 94704  
949.878.1234  
www.kison.com

REGISTERED PROFESSIONAL ENGINEER  
California State License No. 0052313  
Mechanical  
Kison Inc.

PROJECT NO. 15-010  
SHEET NO. 101  
DATE 05/15/15

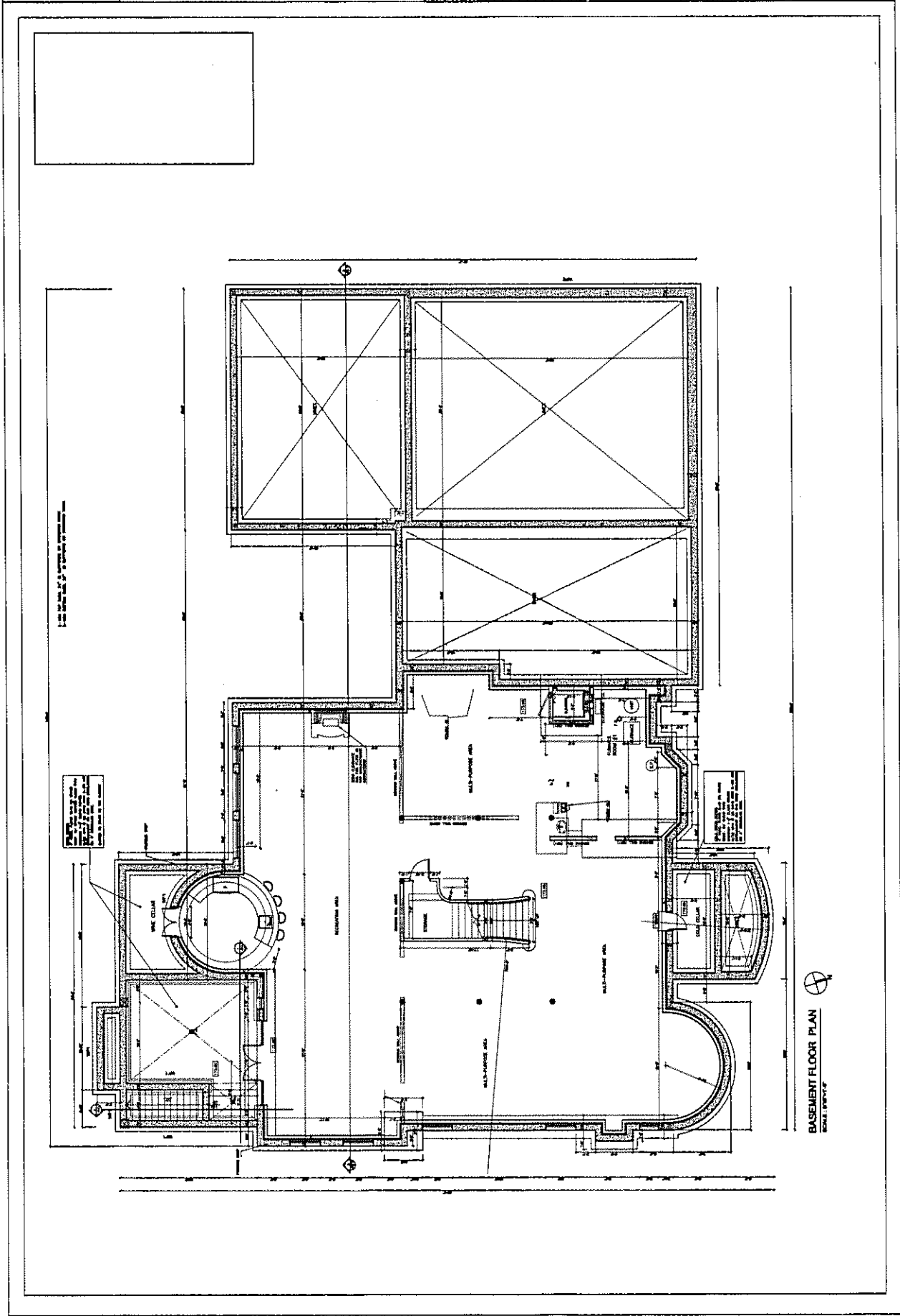
NO.	REVISION	DATE



PROJECT: 15-010  
SHEET NO. 101  
DATE: 05/15/15

OWNER: [REDACTED]  
ARCHITECT: [REDACTED]

MECHANICAL FLOOR PLAN  
SCALE: 1/8" = 1'-0"  
DATE: 05/15/15  
BY: [REDACTED]  
CHECKED: [REDACTED]







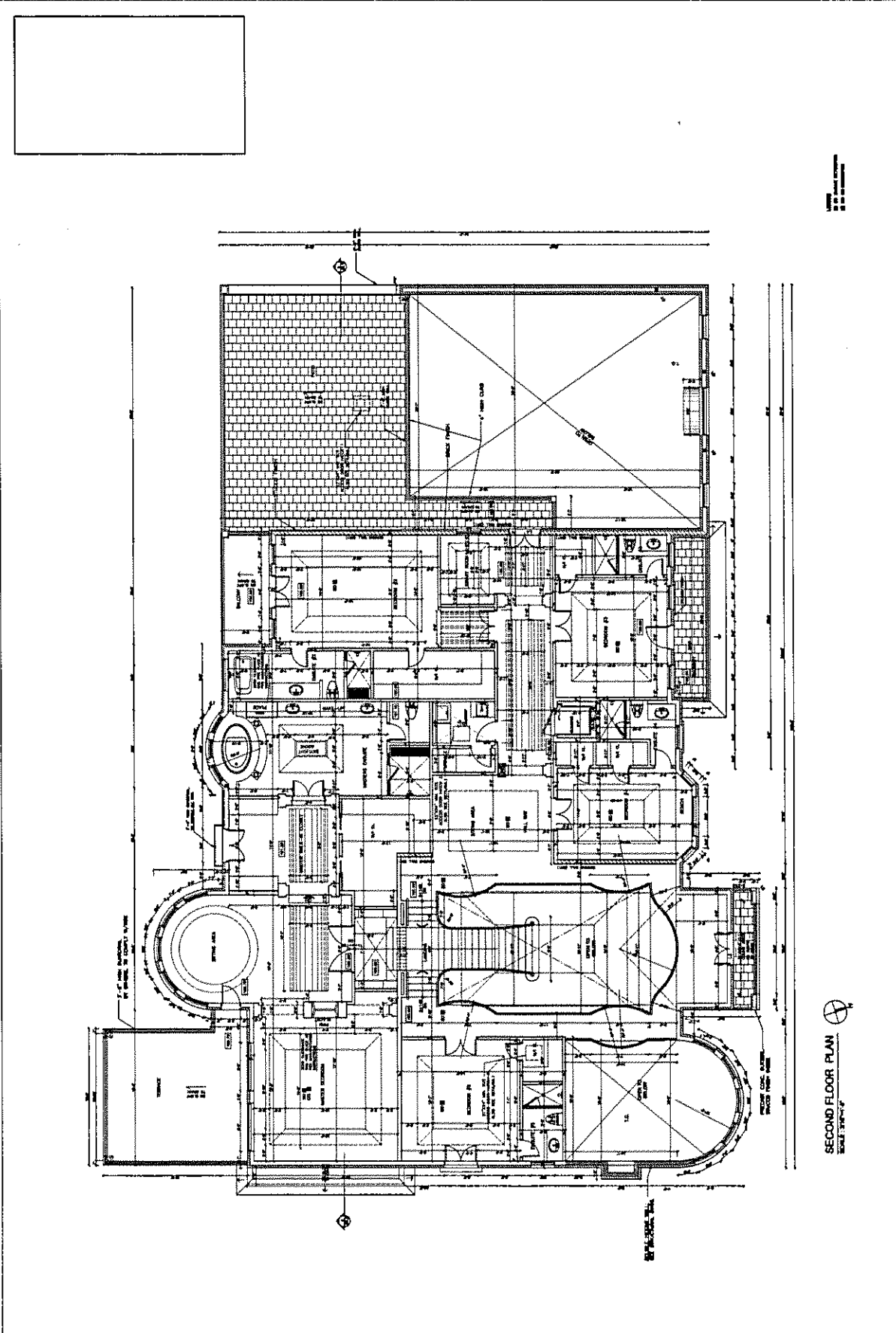
NOTICE TO BIDDERS  
GENERAL NOTES  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR ARCHITECTURAL AND MECHANICAL ELECTRICAL PLUMBING (M.E.P.) WORK, AS SET FORTH IN THE SUPPLEMENTAL SPECIFICATIONS TO THE GENERAL CONTRACT DOCUMENTS FOR THE PROJECT.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.  
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.  
5. ALL WASTE MATERIALS SHALL BE PROPERLY REMOVED AND DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.  
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES AND UTILITIES THAT ARE NOT TO BE REMOVED OR MODIFIED.  
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE ARCHITECT.  
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.  
9. ALL COSTS OF PROTECTION, REMEDIATION, AND RESTORATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.  
10. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.  
11. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.  
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
13. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE ARCHITECT.  
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.  
15. ALL COSTS OF PROTECTION, REMEDIATION, AND RESTORATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.  
16. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.

REVISIONS	
NO.	DESCRIPTION

**KISON**  
ARCHITECTURE & INTERIOR DESIGN  
1000 W. UNIVERSITY AVE.  
SUITE 100  
ANN ARBOR, MI 48106  
TEL: (734) 761-1000  
WWW.KISON.COM



**MICHIGAN DEPARTMENT OF LABOR**  
DIVISION OF OCCUPATIONAL SAFETY & HEALTH  
200 W. WASHINGTON AVE.  
LANSING, MI 48226  
TEL: (313) 241-7000



1. AS SHOWN  
2. AS NOTED

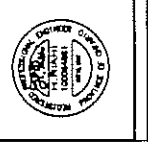
**SECOND FLOOR PLAN**  
SCALE: AS SHOWN

12/23/24

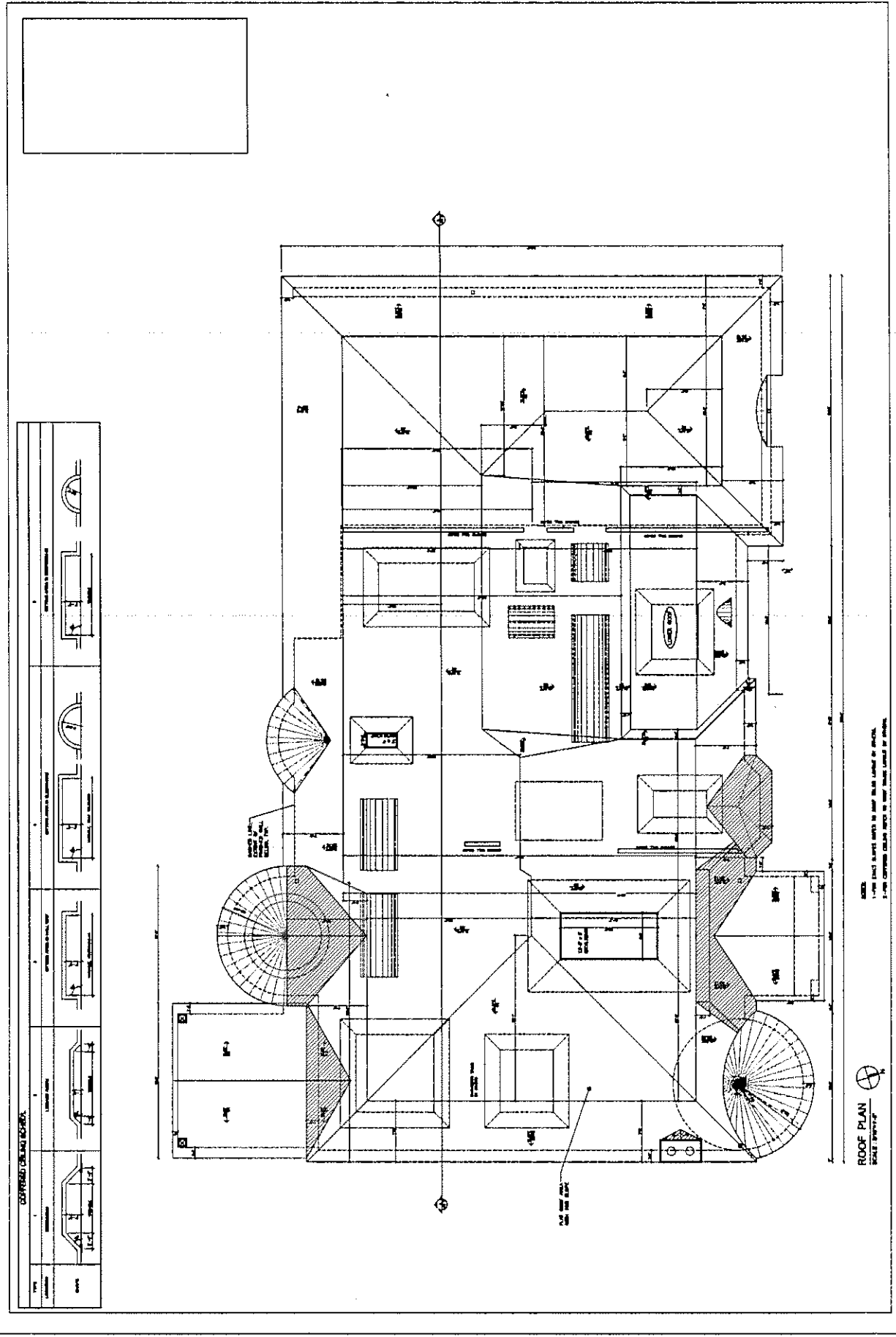
KSON Engineering  
 1234 Main Street  
 Suite 100  
 Anytown, CA 90210  
 Phone: (555) 123-4567  
 Fax: (555) 987-6543  
 Website: www.kson.com  
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NO.	DATE	DESCRIPTION

**KSON**  
 Design & Management  
 Services Inc.



PROJECT: BAYVIEW HOUSE  
 DRAWING NO.: 2018-0001  
 SHEET: 001  
 DATE: 10/15/2018  
 SCALE: AS SHOWN  
 PROJECT NO.: 18-001



**CUPPED CORNER DETAILS**

TYPE	DESCRIPTION	SECTION 1	SECTION 2	SECTION 3	SECTION 4
1	CUPPED CORNER WITH FINISH				

NOTES:  
 1. ALL EXISTING ROOFS TO BE DEMO AND REPAIRED OR REPLACED.  
 2. ALL NEW ROOFING TO BE PERFORMED ACCORDING TO THE LATEST BUILDING CODES.

ROOF PLAN  
 SCALE 1/8" = 1'-0"

All work shall conform to the 2012 International Building Code (IBC) unless otherwise indicated. The architect shall be responsible for obtaining all necessary permits from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits from the appropriate authorities.

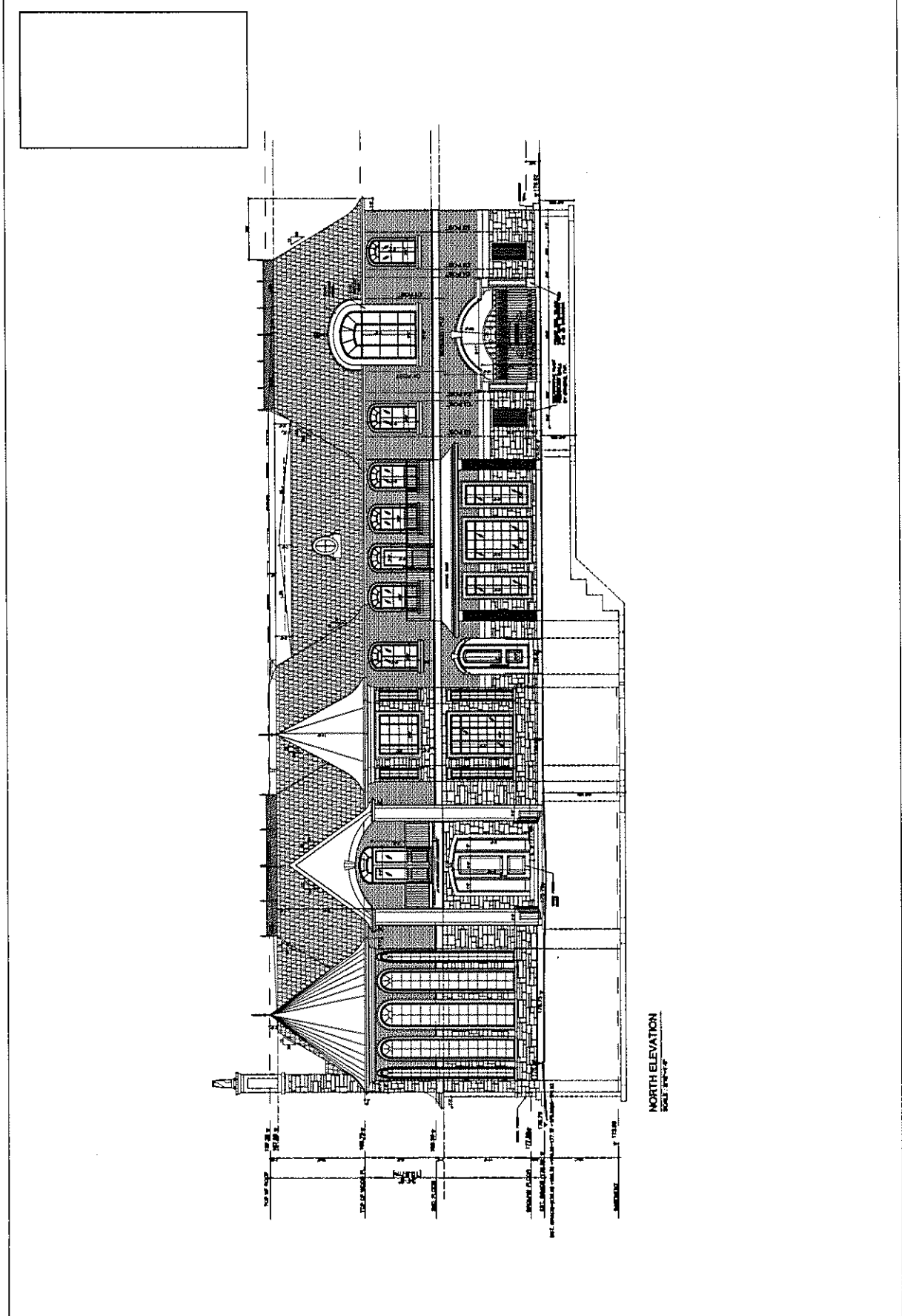
NO.	REVISION

DATE	BY	DESCRIPTION



PROJECT: 2012 KAPLAN COLLEGE OVERhaul  
 2000 UNIVERSITY BLVD  
 WEST PALM BEACH, FL 33409

DATE:	01/15/12
SCALE:	AS SHOWN
DATE:	01/15/12
SCALE:	AS SHOWN
DATE:	01/15/12
SCALE:	AS SHOWN



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NO.	DESCRIPTION	DATE

**K-SON**  
 Design & Management  
 1117 W. 10TH STREET  
 SUITE 200  
 DENVER, CO 80202  
 TEL: 303.733.1234  
 FAX: 303.733.1235  
 WWW.K-SON.COM



PROJECT: 1117 W. 10TH STREET, DENVER, CO  
 DRAWING: WEST ELEVATION  
 DATE: 07/20/07  
 SHEET NO. 152

