

Memorandum to the City of Markham Committee of Adjustment
April 24, 2023

File: A/046/23
Address: 32 Shady Lane Crescent, Thornhill
Applicant: FINE LINES DESIGN (Joshua Theriault)
Agent: FINE LINES DESIGN (Joshua Theriault)
Hearing Date: Wednesday May 3, 2023

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential – (R4A)” under By-law 2150, as amended, as it relates to a proposed two storey single detached dwelling. The variances requested are to permit:

- a) Amending By-law 2150, Section 3.7:**
a second floor eaves encroachment of 24 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required side yards;
- b) Amending By-law 2150, Section 3.7:**
an uncovered platform/stairs encroachment of 7.611 feet into a front yard, whereas the By-law permits a maximum encroachment of no more than 5.0 feet into a front yard;
- c) Amending By-law 2150, Section 4.4.1:**
an existing shed to be 1.7 feet from the nearest lot line, whereas the By-law require at least 2.0 feet;
- d) Amending By-law 2150, Section 6.1:**
a building height of 26.54 feet, whereas the By-law permits a maximum building height of 25.0 feet; and
- e) Amending By-law 2150, Section 6.1:**
a second floor east side yard setback of 4.72 feet, whereas the By-law requires a minimum sideway setback of 6.0 feet.

BACKGROUND

Property Description

The 742.71 m² (7994.46 ft²) subject property is located on the north side of Shady Lane Crescent, and generally south of Romfield Circuit and west of Bayview Avenue (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing split level single detached dwelling on the property, which according to assessment records was constructed in 1966.

Proposal

The application is proposing to demolish the existing split level single detached dwelling and construct a new 321.41 m² (3459.63 ft²) two storey single detached dwelling on the subject property.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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. These criteria are 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 ‘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 By-Law 2150 as amended

The subject property is zoned R4A under By-law 2150 as amended, as amended, which permits single detached dwellings.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on November 30, 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Eaves/Roofed Encroachment Variance

The Applicant is requesting a maximum eaves encroachment of 24 in (0.61 m) whereas the By-law permits a maximum eaves encroachment of 18 in (0.46 m).

This represents an increase of 6 in (0.15 m). Staff have no concerns with this requested variance.

Increase in Maximum Uncovered Porch and Stairs Encroachment Variance

The Applicant is requesting an uncovered platform/stairs encroachment of 7.611ft. (1.439 m) into the front yard, whereas a maximum encroachment of 5.0 ft. (1.53 m) is permitted. This represents an increase of 2.611 ft. (0.79 m).

The requested variance relates to the uncovered porch and front stairs. The proposed porch and stairs will not significantly add to the massing of the dwelling, nor will it significantly impact the front yard. As such, it is the opinion of Staff is that the variance is considered minor in nature and meets the general intent and purpose of the Zoning By-law.

Reduction in Distance of Shed to Nearest Lot Line Variance

The applicant is requesting a minimum setback of 1.7 ft (0.52 m) from the nearest lot line to an existing shed, whereas a minimum setback 2.0 ft (0.61 m) is required. This represents a reduction of 0.3 ft. (0.09 m). Staff are of the opinion that the reduced distance to the nearest lot line is minor in nature and is not aware of any adverse impacts relating to its location.

Increase in Maximum Building Height Variance

The Applicant is requesting relief to permit a maximum building height of 26.54 ft (8.09 m), whereas a maximum building height of 25.0 ft. (7.62 m) is permitted. This represents an increase of 1.54 ft. (0.47 m).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. Staff note that existing dwellings on adjacent properties are all two-storey single detached dwellings and the proposed dwelling will be similar in height to those dwellings. Consequently, Staff are of the opinion that the proposed building height is minor in nature and will not adversely impact the character of the neighbourhood.

Reduction of Second Floor Side Yard Setback Variance

The Applicant is requesting a minimum second floor east side yard setback of 4.72 ft. (1.439 m), whereas a minimum second floor side yard setback of 6.0 ft. (1.83m) is required. This represents a reduction of 1.28 ft. (0.39 m).

Staff note that the requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. In addition, Development Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Staff are of the opinion that the requested second floor reduced side yard setback is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 25, 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 requested variances 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 see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Bernie Tom, Development Technician, Zoning and Special Projects

REVIEWED BY:



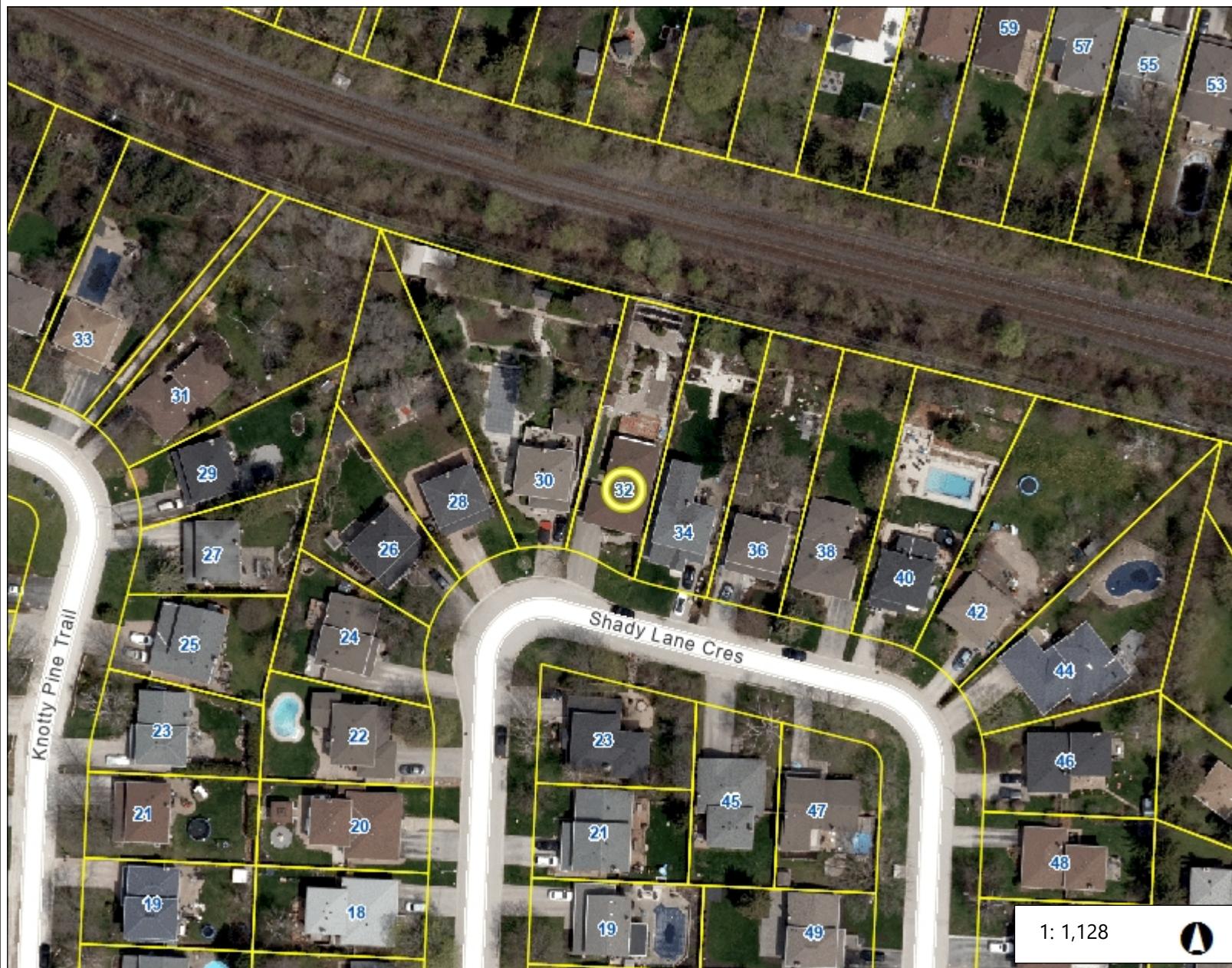
Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDICIES

Appendix "A"—Aerial Photo

Appendix "B"—Architectural Plans

Appendix "C"—Conditions of Approval



NAD_1983_UTM_Zone_17N
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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.



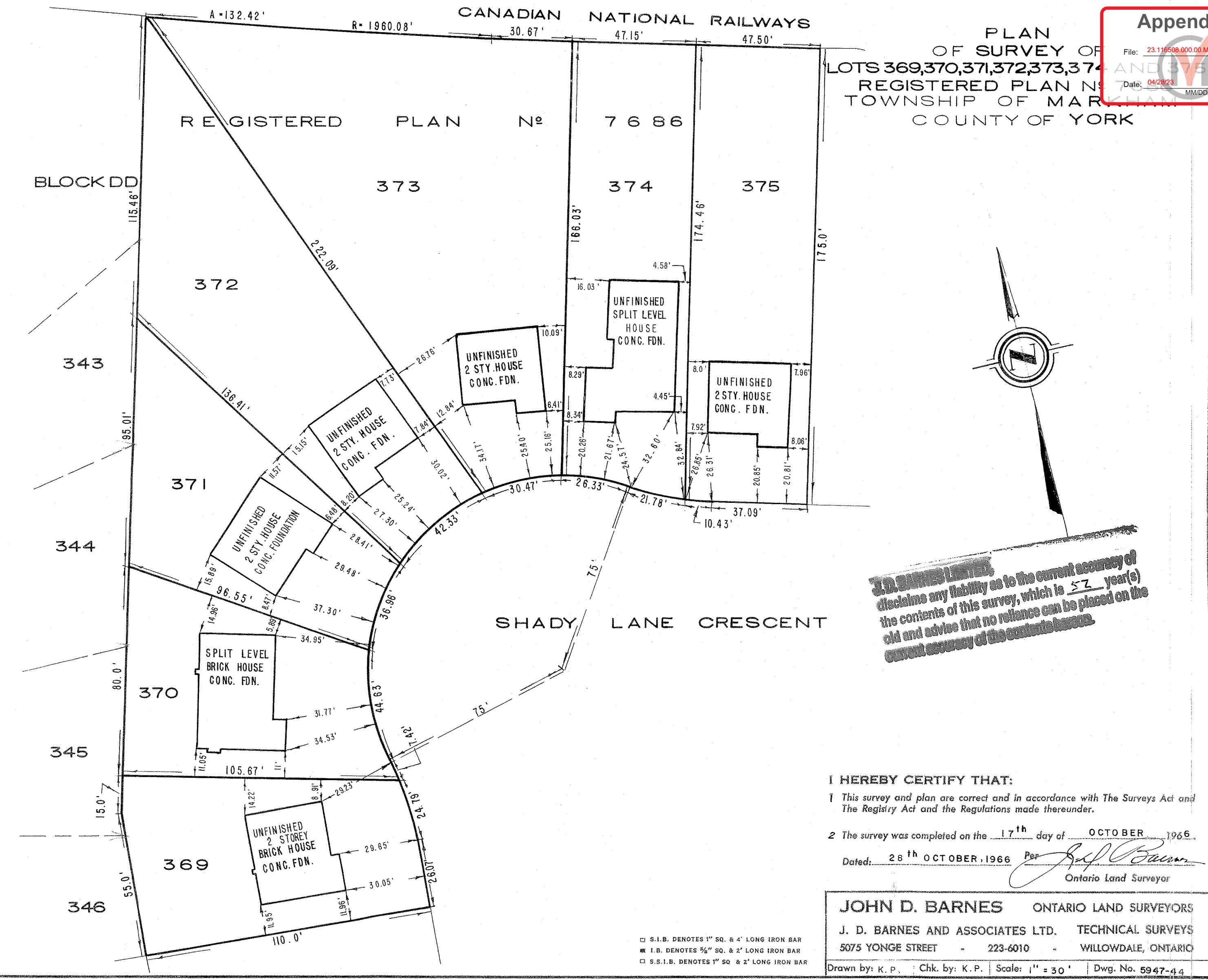
 Subject Property

Notes

Appendix B

PLAN
OF SURVEY OF File: 23.116508.00
LOTS 369,370,371,372,373,374 AND Date: 04/28/23
REGISTERED PLAN NO. 736
TOWNSHIP OF MARKHAM
COUNTY OF YORK

File: 23.116508.000.00.MNV
Date: 04/28/23 MM/DD/YY



JD. BARNES LIMTED
disclaims any liability as to the current accuracy of
the contents of this survey, which is 52 year(s)
old and advise that no reliance can be placed on the
current accuracy of the contents hereon.

I HEREBY CERTIFY THAT:

This survey and plan are correct and in accordance with The Surveys Act and The Registry Act and the Regulations made thereunder.

The survey was completed on the 17th day of OCTOBER 1966.

Dated: 26th OCTOBER, 1966 Per Bob Brown

JOHN D. BARNES ONTARIO LAND SURVEYORS
J. D. BARNES AND ASSOCIATES LTD. TECHNICAL SURVEYS
5075 YONGE STREET - 223-6010 - WILLOWDALE, ONTARIO

Drawn by: K. P. Chk. by: K. P. Scale: 1" = 30' Dwg. No. 5947-44

32 SHADY LANE CRES.

ZONING & COMMITTEE OF ADJUSTMENT REVIEW



TITLE SHEET

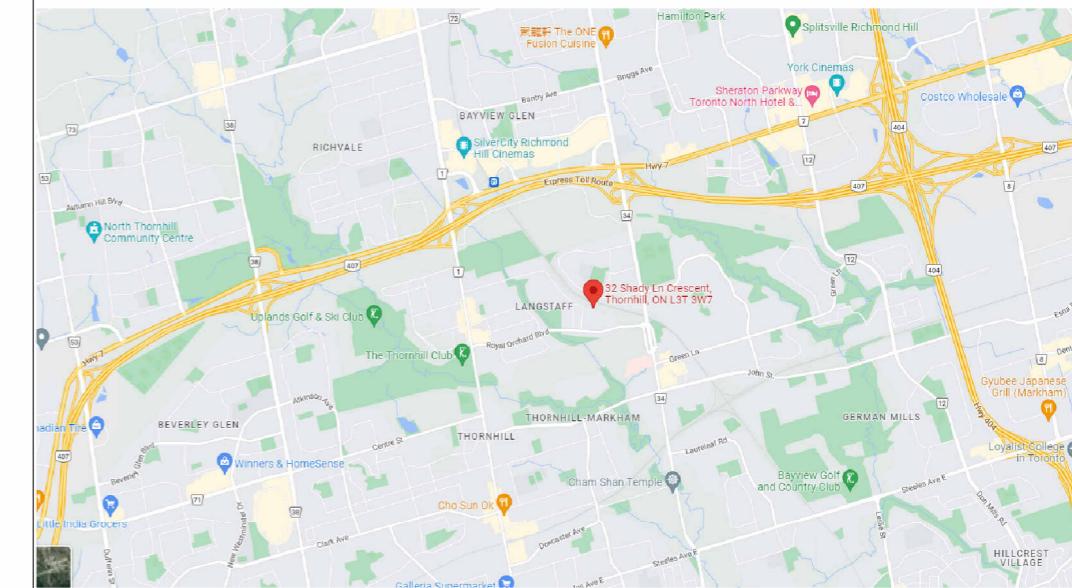
NEW CUSTOM HOME
32 Shady Lane Crescent, Markham

Appendix B

File: 23.116508.000.00.MNV

Date: 04/28/23

MM/DD/YY



KEY MAP

DRAWING LIST - ZONING

TITLE SHEET	Z01.1
SITE PLAN	Z02.1
BASEMENT PLAN	Z02.2
MAIN FLOOR PLAN	Z02.3
2nd FLOOR PLAN	Z02.4
ROOF PLAN	Z02.5
EAST ELEVATION	Z03.1
SOUTH ELEVATION	Z03.2
WEST ELEVATION	Z03.3
NORTH ELEVATION	Z03.4

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FINE LINES DESIGN

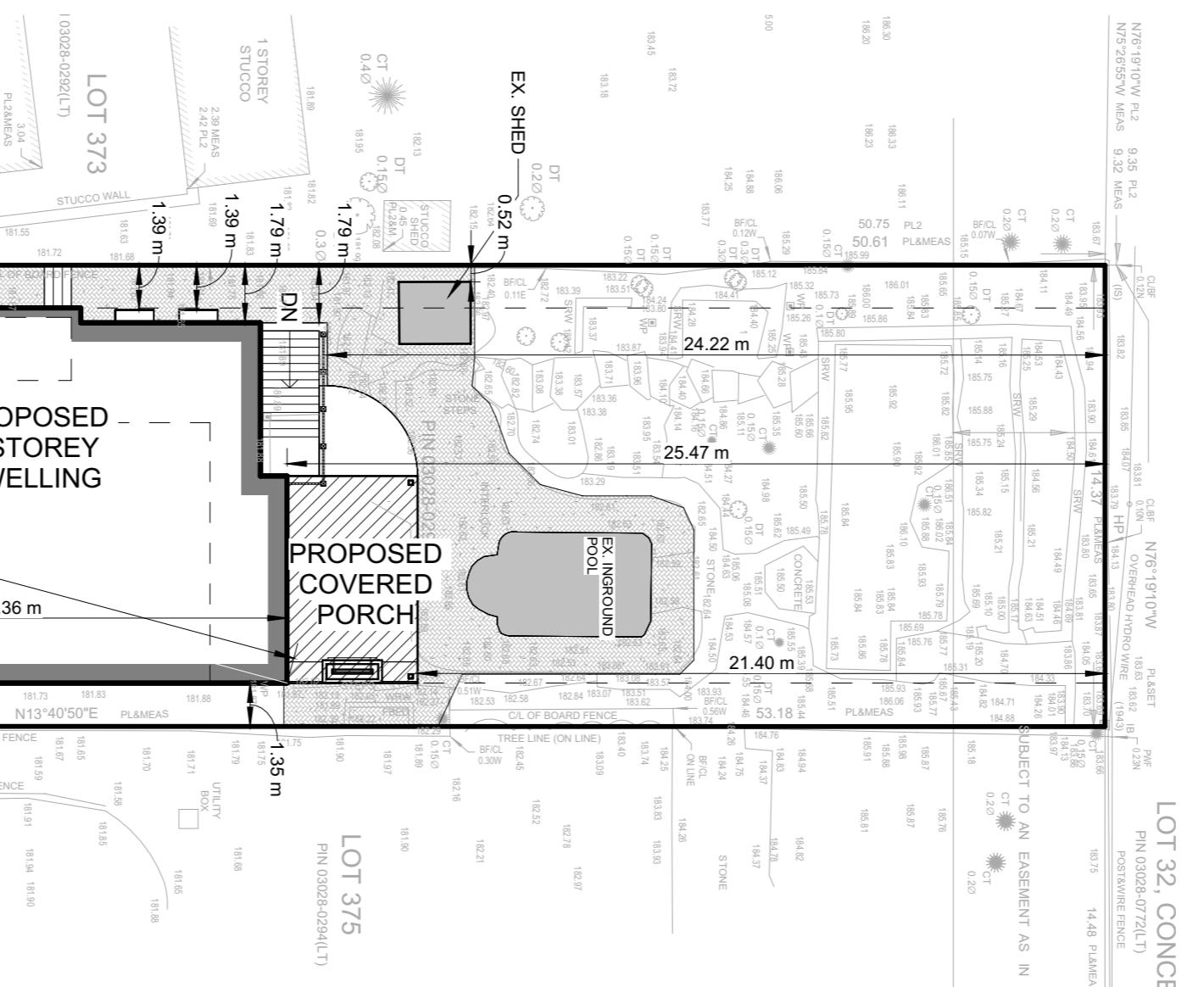
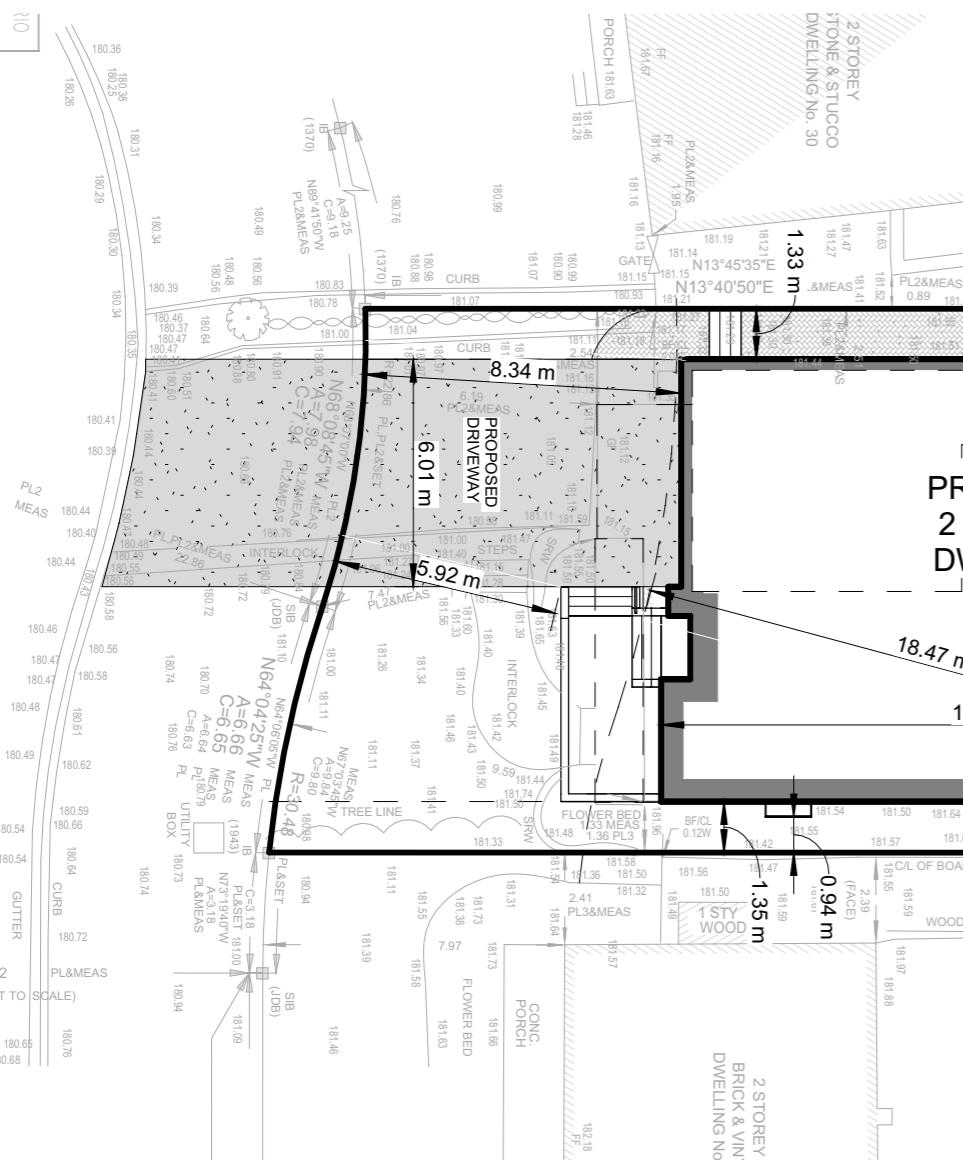
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SITE PLAN

NEW CUSTOM HOME
32 Shady Lane Crescent, Markham

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FINE LINES DESIGN

Z02.1

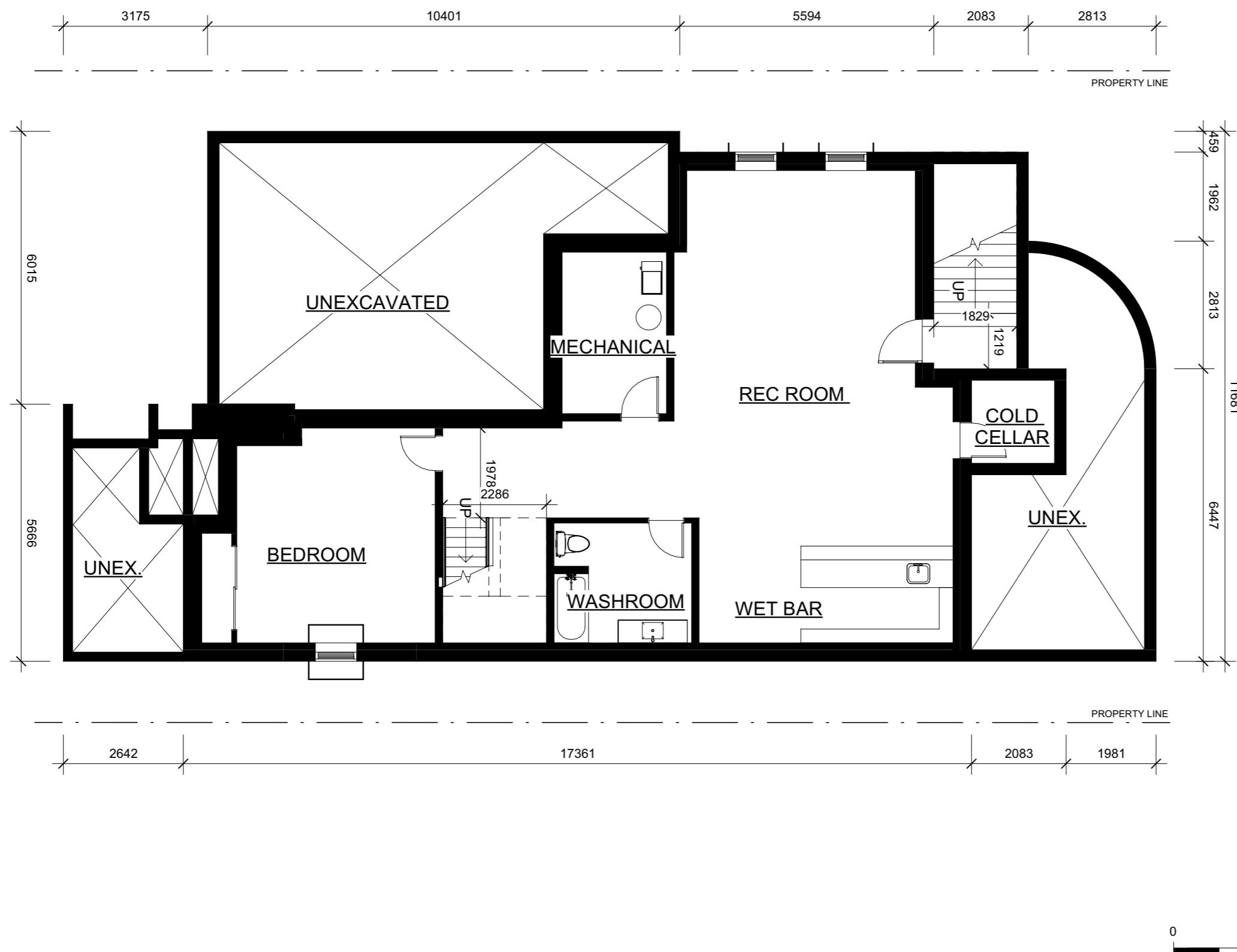
SITE STATISTICS						
ZONING:	LOT NO:	PLAN NO:	LOT AREA:	LOT FRONTAGE:	LOT DEPTH:	
DESCRIPTION		EXISTING	PROPOSED	%	REQUIRED	%
LOT COVERAGE ⁽¹⁾			218.40 m ²	29.5		
ACCESSORY BUILDING COVERAGE			4.33 m ²	00.6		
FLOOR AREA ⁽²⁾	1ST FLOOR		146.05 m ²			
	2ND FLOOR		175.36 m ²			
	TOTAL		321.41 m ²	43.4		
GARAGE			45.17 m ²			
(1) COVERAGE CALCULATION INCLUDES COVERED PORCHES AND GARAGE				REQ'D.	PROP.	HEIGHT
(2) GROSS FLOOR AREA CALCULATION DOES NOT INCLUDE OPEN TO BELOW AREAS				BLDG. STOREYS	2	LENGTH
				PARKING SPACES	1	DEPTH
						17.36 m
						18.47 m

Average Grade						
Point No.	Begin Elev (e1)	End Elev. (e2)	Length (L)	Factored Length $\frac{e1 + e2}{2} \cdot L$		
A - B	181.45	181.35	6.00	1088.40		
B - C	181.35	181.35	6.00	1088.10		
C - D	181.35	181.57	5.20	943.59		
D - E	181.57	181.75	4.40	799.30		
E - F	181.75	182.25	0.80	145.60		
F - G	182.25	182.28	0.40	72.91		
G - H	182.28	182.40	5.60	1021.10		
H - J	182.40	182.40	12.10	2207.04		
J - K	182.40	181.78	0.30	54.63		
K - M	181.78	181.60	10.00	1816.90		
M - A	181.60	181.45	7.40	1343.29		
Total			58.20	10580.86		
Average Grade			Total Factored Length Total Length	181.80		



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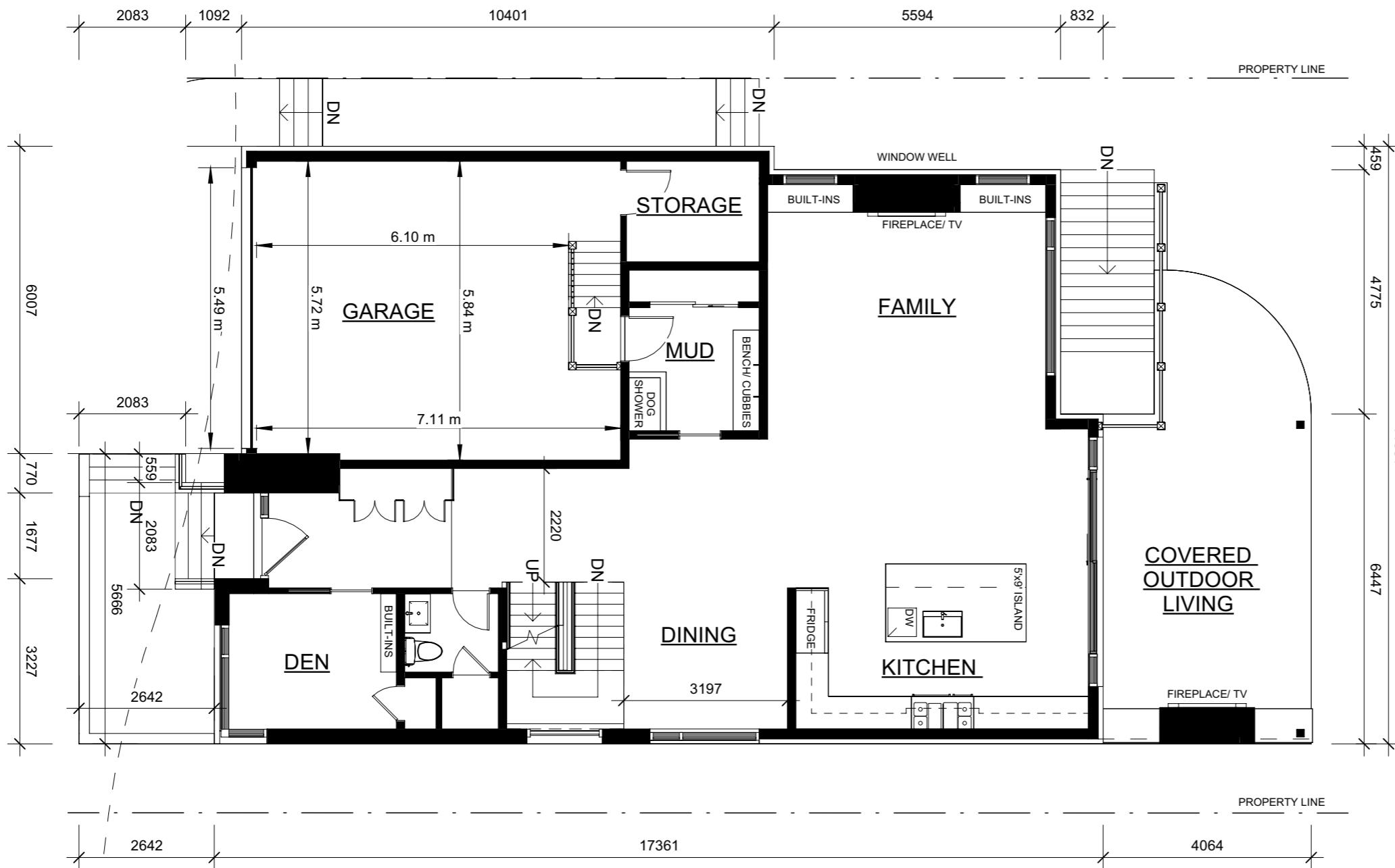
BASEMENT PLAN

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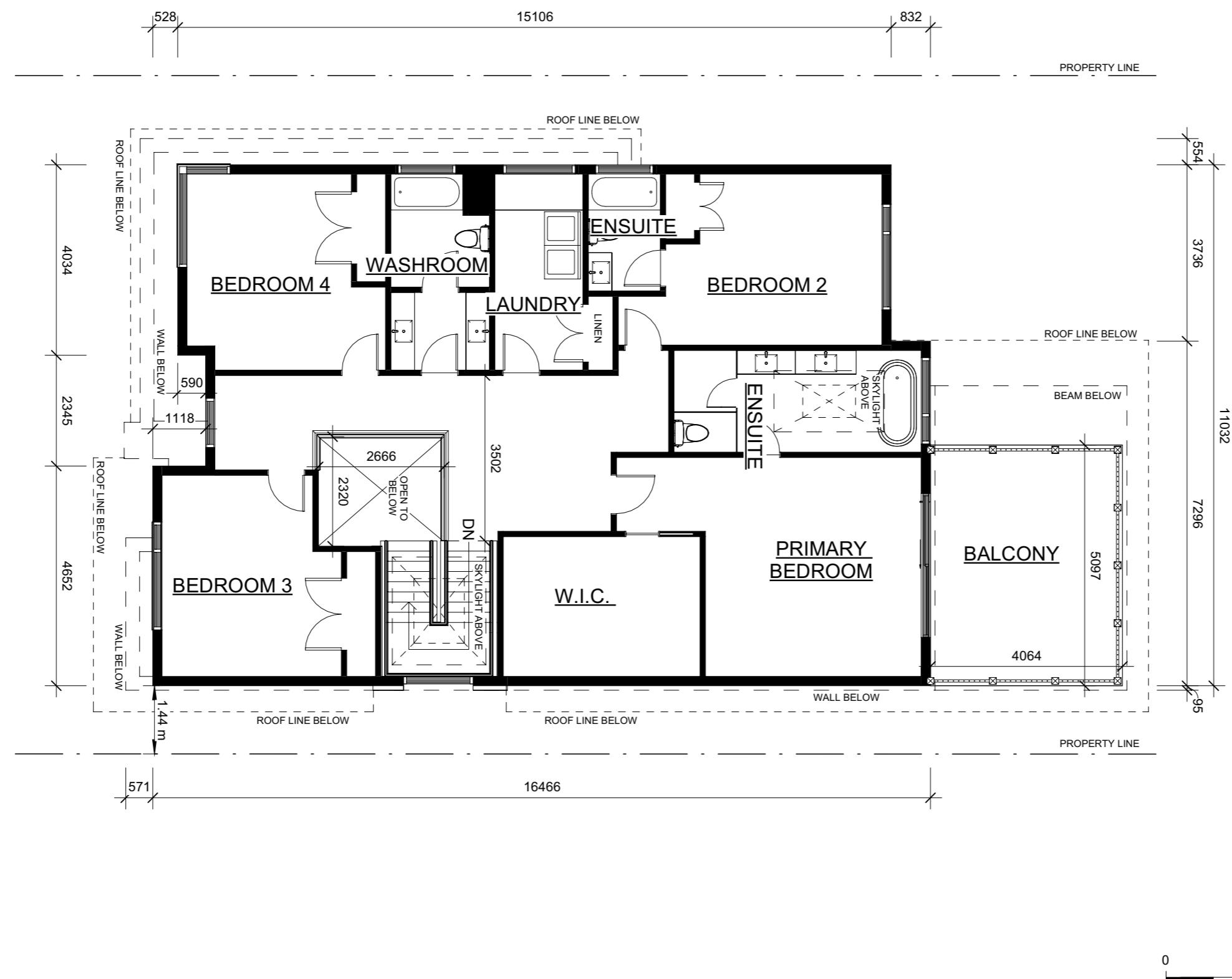
MAIN FLOOR PLAN

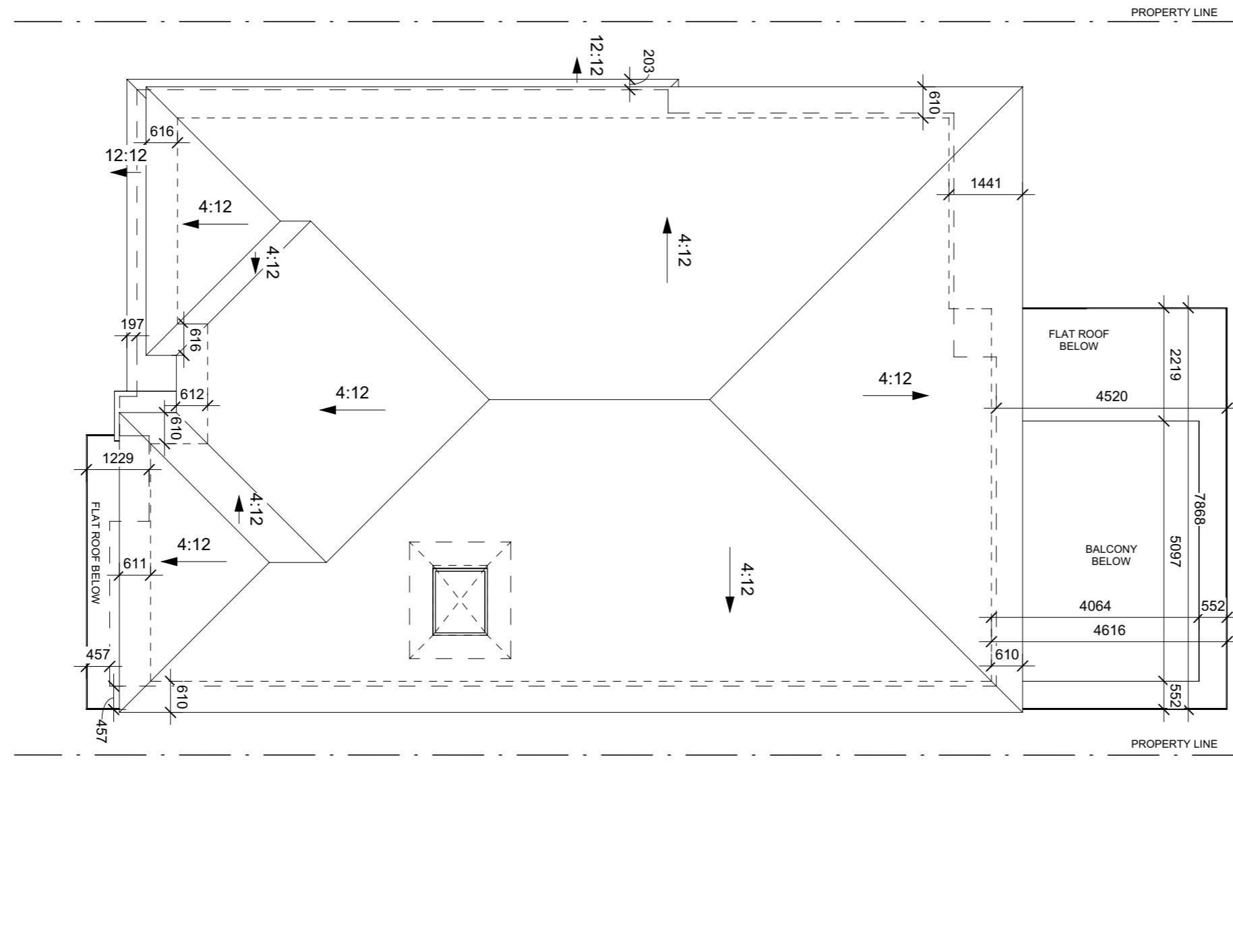
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ROOF PLAN

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NEW CUSTOM HOME

32 Shady Lane Crescent, Markham

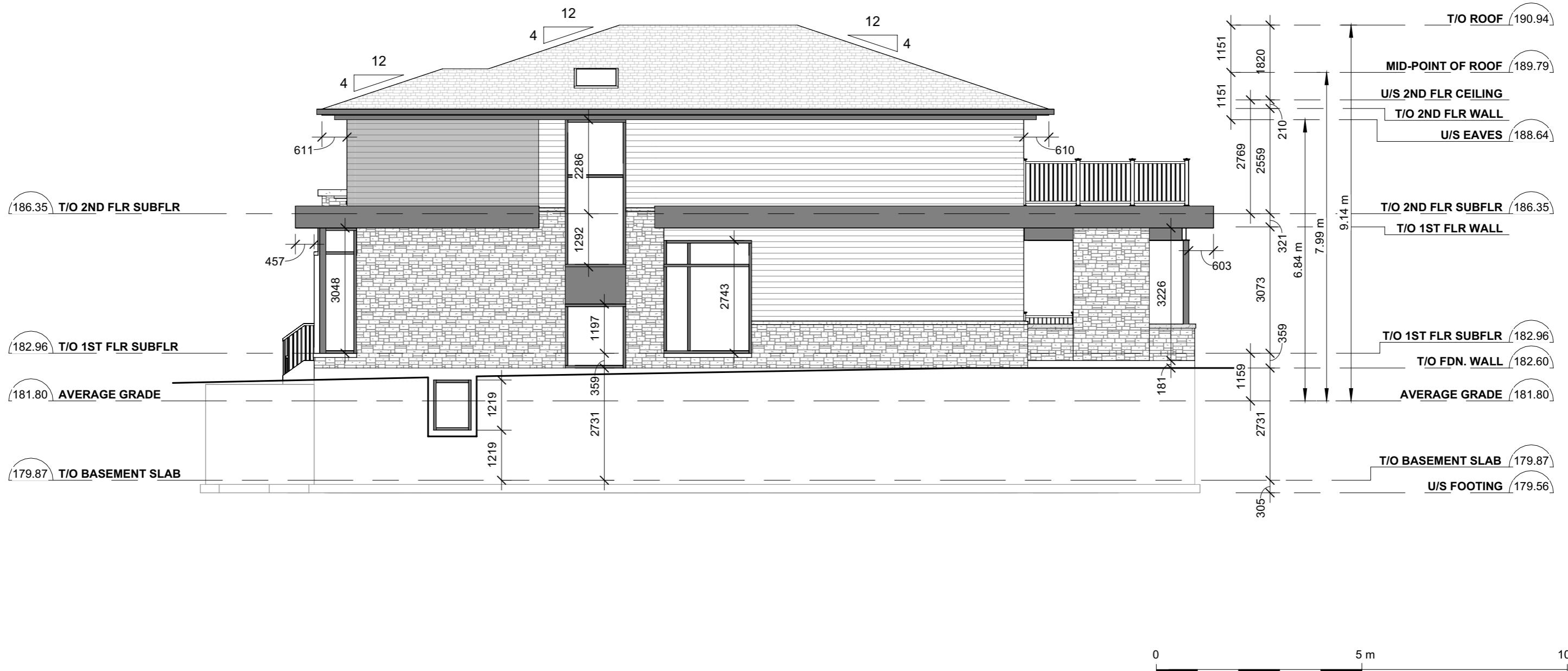
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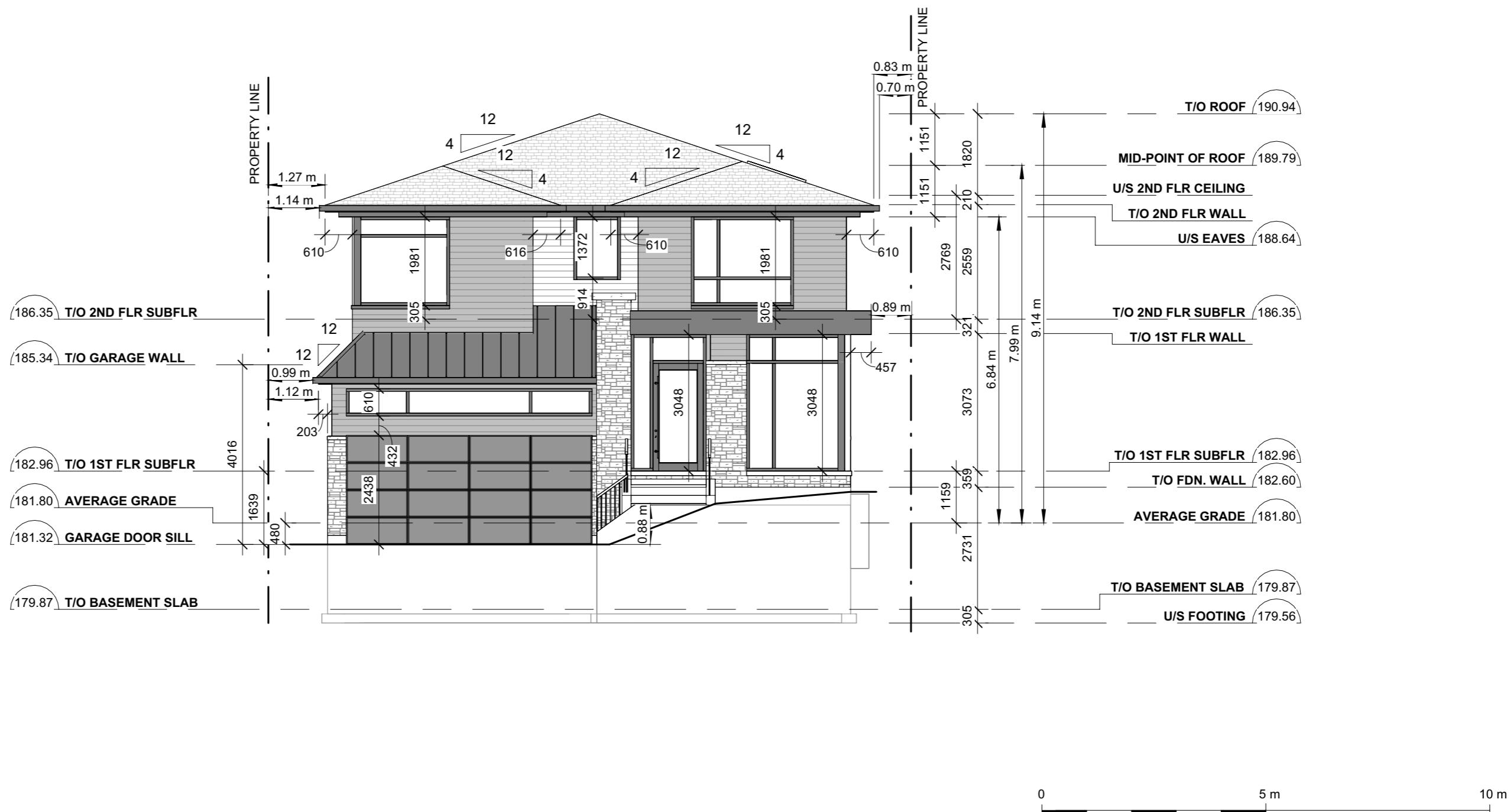
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SOUTH ELEVATION

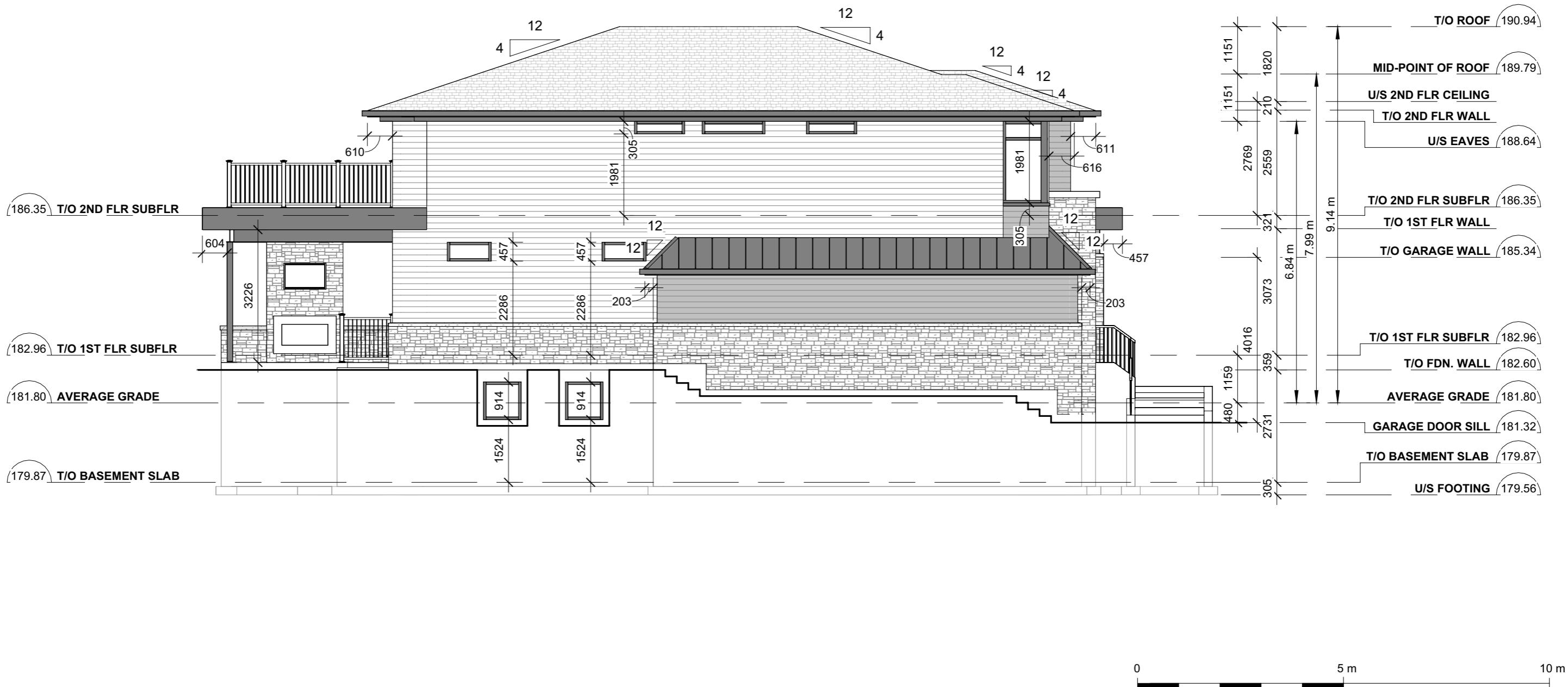
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WEST ELEVATION

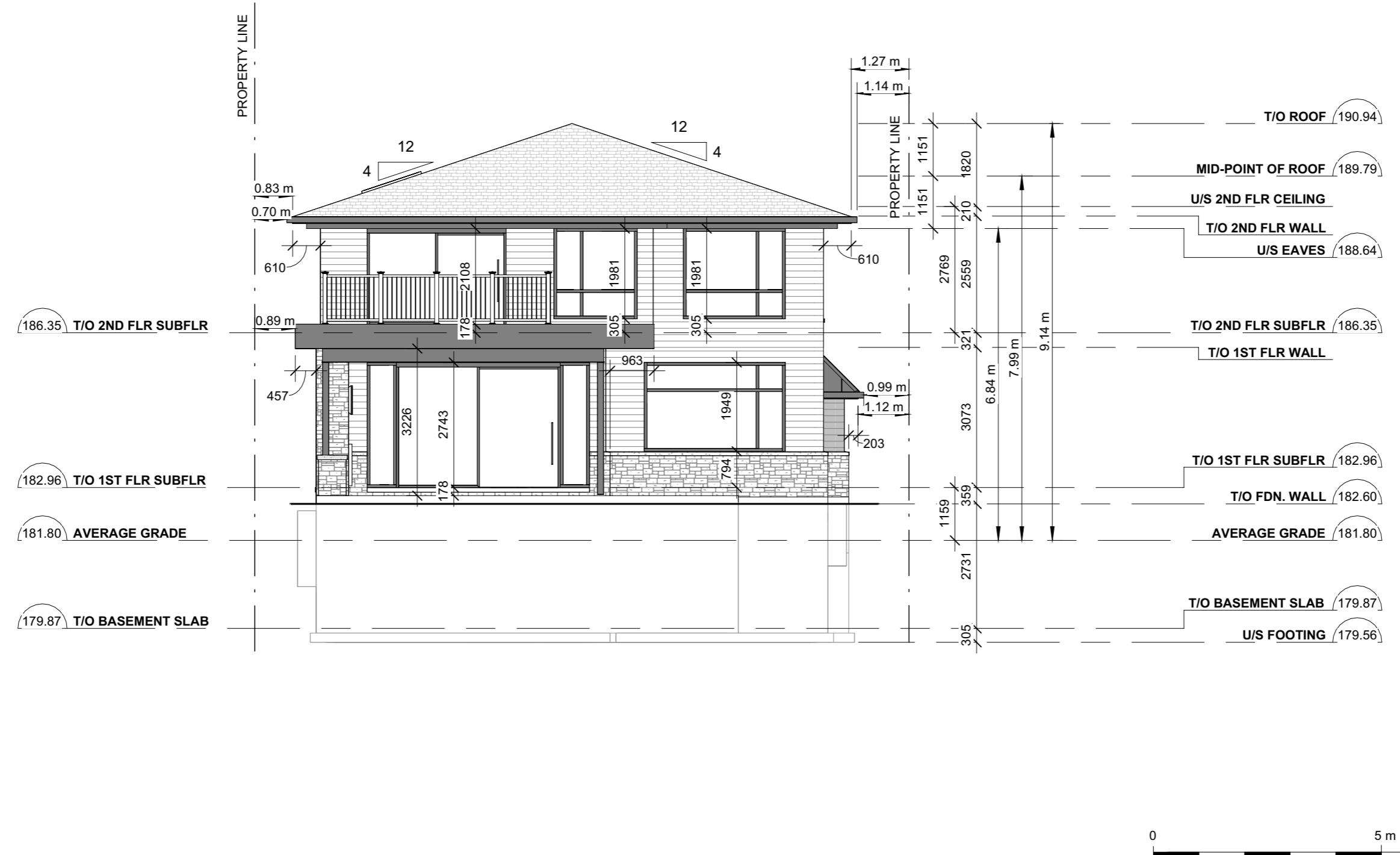
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Date: 04/28/23
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NORTH ELEVATION

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APPENDIX “C” – A/241/22 Conditions of Approval

1. The variances apply only to the proposed development as long as it remains; and
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 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:



Bernie Tom, Development Technician, Zoning and Special Projects