

# Memorandum to the City of Markham Committee of Adjustment

July 08, 2020

**File:** A/055/20  
**Address:** 26 Valloncliffe Road Thornhill  
**Applicant:** Arklab Inc. (Babak Ghassemi)  
**Hearing Date:** Thursday July 23, 2020

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

The applicant is requesting relief from the following requirements of the Second Density Special Residential (SR2) zone in By-law 1767, as amended:

1. **Section 12(iv)(a) - Setback between existing dwellings:**  
a minimum front yard setback of (34.94 ft) 10.65 m (basement cold cellar/roofed porch), whereas, the By-law requires that the front yard of a dwelling to be erected between two existing building shall comply with the corresponding yards of the two existing buildings (42.83 ft) 13.05m;
2. **Section 14(i)(e) - Rear Yard Setback:**  
a minimum rear yard setback of 47 ft - 9 1/2 in, whereas, the By-law requires a minimum rear yard setback of 50 ft;
3. **Parking By-law 28-97, Section 6.2.4.5 - Provisions for Circular Driveways:**  
a second driveway of 5.5 metres wide, whereas, the By-law permits only a 3.7 metres wide second driveway;
4. **Section 14(i)(d) - Side Yard Setback:**  
the sum of the width of both side yards shall not be less than 18.0 percent (21.64 ft), whereas, the By-law requires that the sum of the width of both side yards shall not be less than 20 percent (24 ft);
5. **Infill By-law 100-90; Section 1.2(iii) – Building Depth:**  
a maximum building depth of 20.46 metres, whereas, the By-law requires a maximum building depth of 16.8 metres;
6. **Amending By-law 100-90; Section 1.2(i) – Building Height:**  
a maximum building height of 10.75 metres, whereas, the By-law permits a maximum building height of 9.8 metres;

as it relates to a proposed two-storey detached dwelling.

## BACKGROUND

### Property Description

The 1672.25 m<sup>2</sup> (18,000.00 ft<sup>2</sup>) subject property is located on the west side of Valloncliffe Road, north of Steeles Avenue East and east of Bayview Avenue. There is an existing two storey detached dwelling on the property, which according to assessment records was constructed in 1961. The property is located within an established residential neighbourhood comprised of mainly two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

## **Proposal**

The applicant is proposing to demolish the existing dwelling and construct a new 816.21 m<sup>2</sup> (8786.00 ft<sup>2</sup>) two storey detached dwelling on the subject property. The proposal also includes a front covered porch and rear yard cabana.

## **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 1767

The subject property is zoned Second Density Special Residential (SR2) under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with By-law 1767 with respect to minimum front yard setback, minimum rear yard setback, and minimum side yard setback.

## Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building depth and maximum building height.

## Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to the provisions for circular driveways. Further details of the parking requirement is provided in the comment section below.

## **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, *"The current zoning by-law does not allow to achieve a design intent that serves the family needs"*.

## **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on June 09, 2020 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.

#### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 34.94 ft (10.65 m), whereas the By-law requires a minimum front yard setback of 42.83 ft (13.05 m). This represents a reduction of approximately 7.89 ft (2.4 m). Based on the submitted plans, the variance is entirely attributable to the front covered porch. The main front wall of the building provides a front yard setback of approximately 42.85 ft (13.06 m) and would comply with the requirements of the By-law (see A001 Site Plan, Appendix "B"). Staff are of the opinion the requested variance is minor in nature.

#### **Reduction in Rear Yard Setback**

The applicant is requesting relief to permit a minimum rear yard setback of 47.79 ft (14.57 m), whereas the By-law requires a minimum front yard setback of 50 ft (15.24 m). This represents a reduction of approximately 2.2 ft (0.67 m). Staff have no concerns with the proposed rear yard setback reduction.

#### **Increase in Maximum Driveway Width**

The applicant initially requested relief from the Parking By-law to permit a second driveway with a maximum width of 5.5 m (18.04 ft), whereas the Parking By-law permits a second driveway with a maximum width of 3.70 m (12.14 ft) for lots with frontages greater than 19.20 m (63 ft). Through discussions with Staff, the applicant has revised their proposal to permit a second driveway with a maximum width of 3.70 m which would comply with the requirements of Parking By-law 28-97. **Therefore, this variance request (#3 identified above), is no longer required.**

#### **Reduced Side Yard Setback**

The applicant is requesting relief to permit a reduced combined side yard setback of 18 percent (21.64 ft), whereas the By-law requires that the sum of the width of both side yards is not less than 20 percent (24 ft). This represents a reduction of approximately 2.36 ft. (0.72 m).

The applicant is proposing a north side yard setback of 3.66 m (12 ft) and a south side yard setback of 2.94 m (9.65 ft). The south side yard setback is taken to the one storey attached garage (see A001 Site Plan Appendix "B"). However, the main two storey portion of the building is setback 9.18 m (30.18 ft) from the side lot line. Given that the majority of the dwelling would comply with the side yard setback requirements in the By-law, it is Staff's opinion that the requested variance is minor in nature and Staff do not anticipate any adverse impacts to the abutting properties.

#### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 20.46 m (67.13 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.66 m (12.01 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 on the dwelling which is the

nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a front covered porch which adds approximately 1.53 m (5.02 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 18.93 m (62.11 ft). This is an increase of approximately 2.13 m (6.99 ft) from the requirements of the By-law. Staff are of the opinion that the variance for maximum building depth is comparable to other development in the surrounding area.

#### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.75 m (35.27 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.95 m (3.12 ft) or 9.70 percent. Staff are of the opinion the proposed increase in building height is comparable to developments in the surrounding area and will not create any significant impacts on neighbouring properties.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 8, 2020. 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 variances requested 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 "A" for conditions to be attached to any approval of this application.

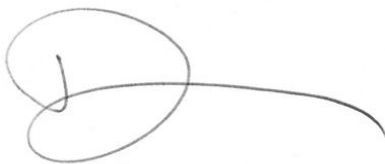
PREPARED BY:



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Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



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David Miller, Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/20**

1. The variances apply only to the proposed development as long as it remains;
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;
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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. 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 Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



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Hailey Miller, Planner, Zoning and Special Projects



(647) 290 - 9695  
info@arklab.ca  
www.arklab.ca

PROPOSED 2 STOREY DETACHED RESIDENTIAL DEVELOPMENT WITH INTEGRAL GARAGE

26 VALLONCLIFFE ROAD  
TORONTO, ON L3T 2W8

SITE LOCATION | ZONE R3

NORTH YORK | TORONTO

PROJECT STATISTICS

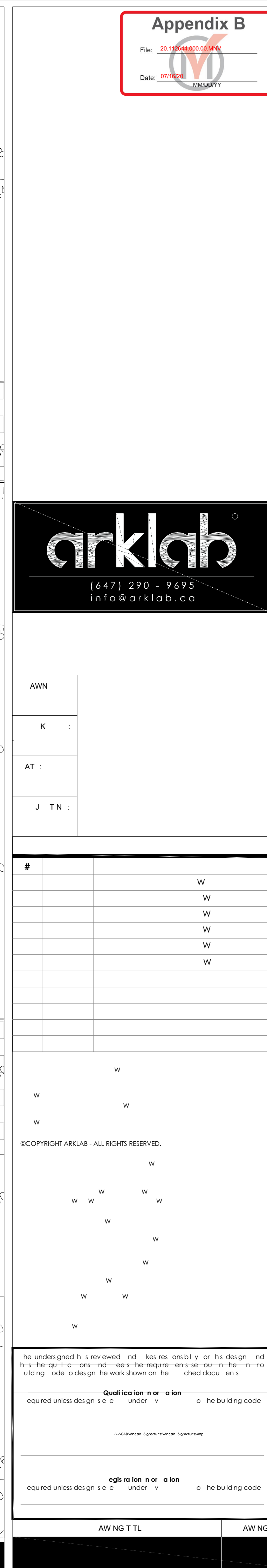
LOT MEASUREMENTS		
SITE AREA	18000 ft²	1672.25 m²
LOT FRONTAGE	120' 0"	36.58 m
LOT DEPTH	150' 0"	45.72 m
SETBACKS		
FRONT YARD	42' 10"	13.06 m
REAR YARD	47' 9 ½"	14.75 m
SIDE YARD (EAST)	9' 7 ¾"	2.94 m
SIDE YARD (WEST)	12' 0"	3.66 m
PROPOSED DWELLING		
LENGTH	98' 3 ½"	29.96 m
WIDTH	53' 4 ¼"	16.26 m
HEIGHT	34' 1¾"	10.41 m
LOT COVERAGE	4704 ft² (26.13%)	437 m² (26.13%)
CABANA COVERAGE	113 ft² (00.62%)	10.49 m² (00.62%)
TOTAL COVERAGE	4817 ft² (26.76%)	447.51 m² (26.76%)

FLOOR AREA CALCULATIONS		IMPERIAL	METRIC
FIRST FLOOR		4710 ft²	437.62 m²
SECOND FLOOR		4075 ft²	378.58 m²
TOTAL GFA		8786 ft²	816.21 m²
BASEMENT (NOT INCLUDING MECHANICAL)		4391 ft²	407.93 m²
BASEMENT (INCLUDING MECHANICAL)		4473 ft²	415.52 m²
GARAGE		1317 ft²	122.38 m²
NUMBER OF PARKING SPACES		4	4

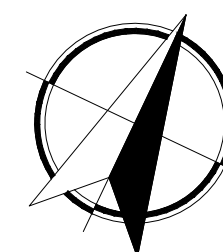
LANDSCAPING STATISTICS		IMPERIAL	METRIC
FRONT YARD			
FRONT YARD AREA		5824ft²	541.06 m²
DRIVE WAY AREA		1854 ft²	172.24 m²
LANDSCAPING AREA		3970 ft²	368.82 m²
STEPS, PORCH & WALKWAY AREA		151 ft²	14.02 m²
SOFT LANDSCAPING AREA		3819 ft²	354.79 m²
REAR YARD			
REAR YARD AREA		6233 ft²	579.06m²
AREA OF WALKOUT & STEPS		443 ft²	41.15 m²
SOFT LANDSCAPING AREA		5049 ft²	469 m²
SIDE YARDS			
SIDE YARD AREA (SOUTH)		888 ft²	82.49 m²
SOFT LANDSCAPING AREA (SOUTH)		679 ft²	63.08 m²
SIDE YARD AREA (NORTH)		612 ft²	56.85 m²
SOFT LANDSCAPING AREA (NORTH)		600 ft²	55.74 m²

issue date | MAR 13 2020



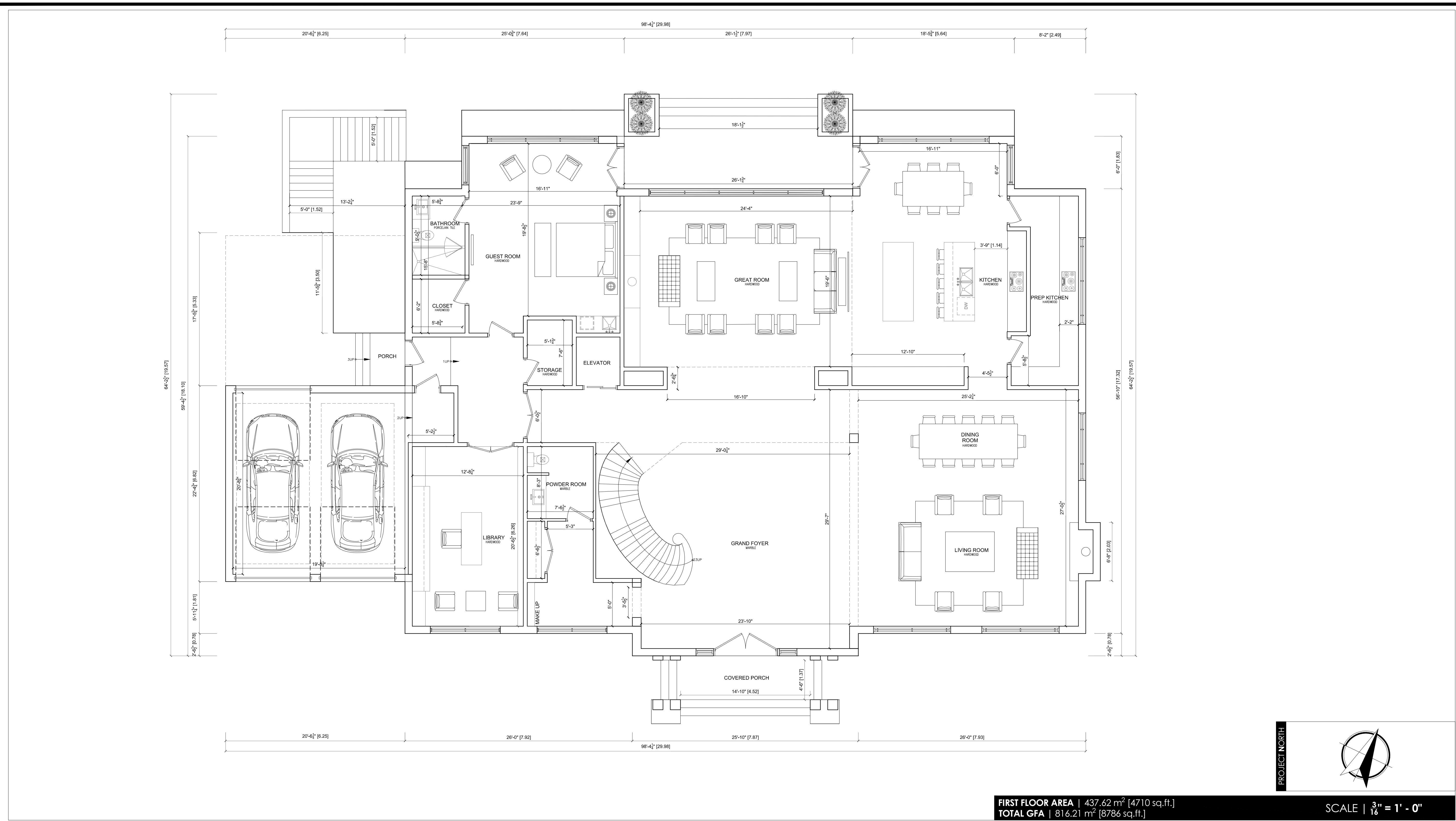
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SCALE |  $\frac{3}{16}" = 1' - 0"$





FIRST FLOOR AREA | 437.62 m<sup>2</sup> [4710 sq.ft.]  
TOTAL GFA | 816.21 m<sup>2</sup> [8786 sq.ft.]

SCALE |  $\frac{3}{16}$ " = 1' - 0"

DETAIL 01 | A100

SCALE |  $\frac{1}{2}$ " = 1' - 0"

DETAIL 02 | A100

SCALE |  $1 \frac{1}{2}$ " = 1' - 0"

DETAIL 03 | A100

NTS

STRUCTURAL LEGEND



PROPOSED DEVELOPMENT AT:  
**26 VALLONCLIFFE RD  
- MARKHAM, ON**

DRAWN BY	<b>B.G.</b>
CHECKED BY:	<b>B.G.</b>
DATE:	<b>13 MAR 2020</b>
PROJECT NO:	<b>2709</b>

REVISIONS / ISSUE DATES		
#	DATE	DESCRIPTION
1	FEB.15.20	ISSUED FOR CLIENT REVIEW
2	FEB.22.20	REVISED FOR CLIENT REVIEW
3	MAR.02.20	REVISED FOR CLIENT REVIEW
4	MAR.06.20	REVISED FOR CLIENT REVIEW
5	MAR.11.20	REVISED FOR CLIENT REVIEW
6	MAR.13.20	ISSUED FOR ZONING REVIEW

THE BUILDER SHALL VERIFY ALL DIMENSIONS AND ALL JOB SITE CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO ARKLAB.

DRAWINGS ARE NOT TO BE SCALED.

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\* FOR ACCURATE ROOF PLANS, ELEVATIONS AND DETAILS PLEASE REFER TO THE TRUSS COMPANY DRAWINGS.

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 design the work shown on the attached documents.

**Qualification Information**  
Required unless design is exempt under Div. C - 3.2.5.1. of the building code

\_\_\_\_\_  
Signature

ARASH FARNIA 100763  
NAME SIGNATURE BCIN

**Registration Information**  
Required unless design is exempt under Div. C - 3.2.4.1. of the building code  
ARKLAB 100724  
FIRM NAME BCIN



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**26 VALLONCLIFFE RD**  
**- MARKHAM, ON**

DRAWN BY	
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DATE:	
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<b>B.G.</b>	
<b>13 MAR 2020</b>	
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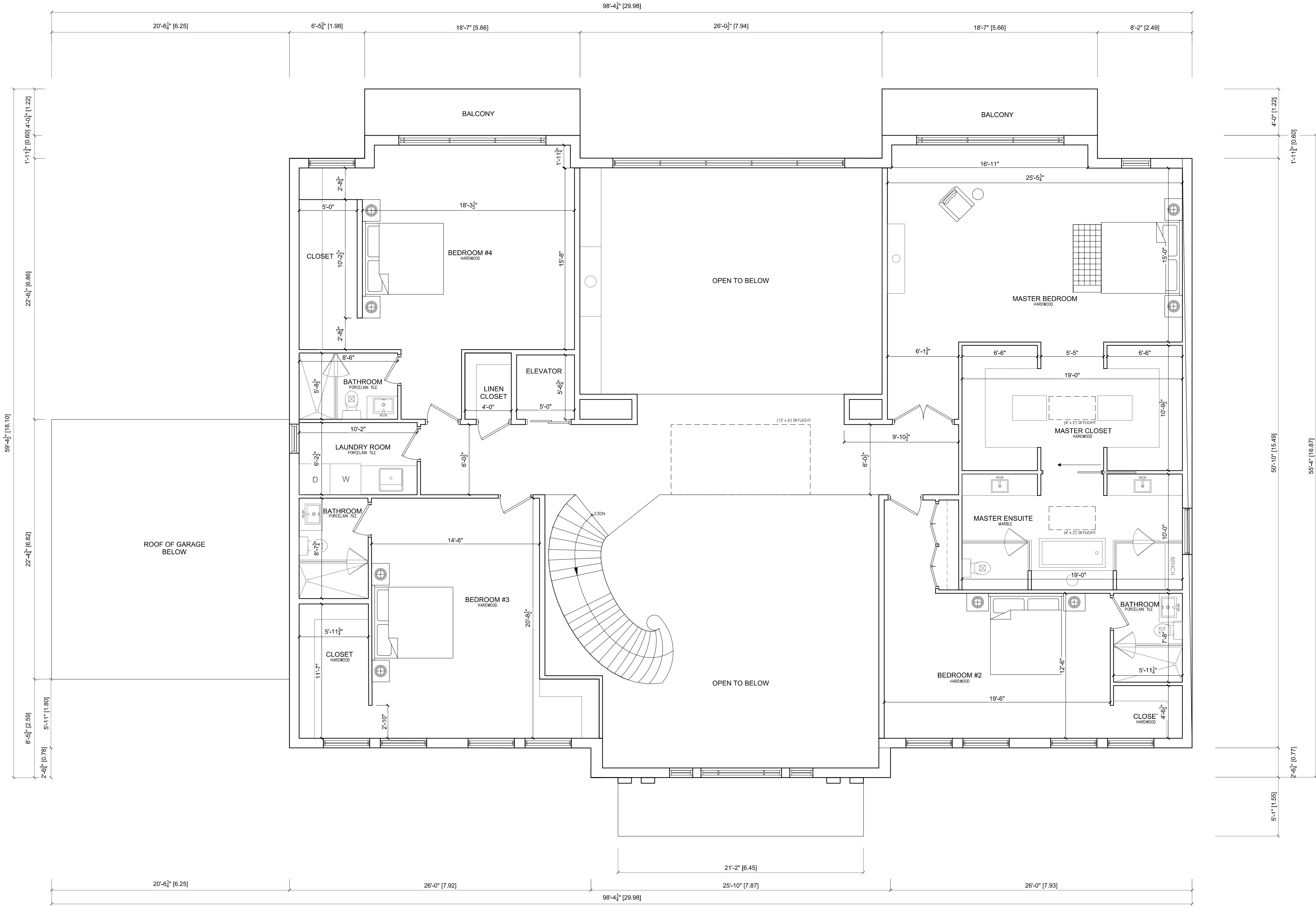
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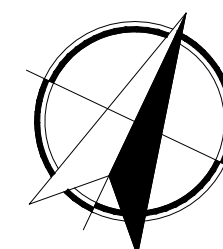
ARASH FARNA  
NAME  
SIGNATURE  
100763  
BCIN

Registration Information  
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ARKLAB  
FIRM NAME  
100724  
BCIN



SECOND FLOOR AREA | 378.58 m<sup>2</sup> [4075 sq.ft.]  
TOTAL GFA | 816.21 m<sup>2</sup> [8786 sq.ft.]

SCALE |  $\frac{3}{16}'' = 1' - 0''$



**TOTAL ROOF AREA** | 423.17m<sup>2</sup> [4555 sq.ft.] 100.00%  
**FLAT ROOF AREA** | 310.94m<sup>2</sup> [3347 sq.ft.] 73.47%  
**(1:10) SLOPE ROOF AREA** | 0.00 m<sup>2</sup> [0.00 sq.ft.] 0.00%  
**ROOF AREAS WITH SLOPE GREATER THAN (1:4)** | 112.22m<sup>2</sup> [1208 sq.ft.] 26.52%

SCALE |  $\frac{3}{16}" = 1' - 0"$

SCALE |  $\frac{1}{2}" = 1' - 0"$

SCALE | 1 1/2" = 1'-0"

NTS

DRAWING TITLE

DRAWING #

A102



**arklab**  
(416) 290-9695  
info@arklab.ca

PROPOSED DEVELOPMENT AT:  
**26 VALLONCLIFFE RD**  
- MARKHAM, ON

DRAWN BY

B.G.

CHECKED BY:

B.G.

DATE:

13 MAR 2020

PROJECT NO:

2709

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1	FEB.15.20	ISSUED FOR CLIENT REVIEW
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1:1000 Design Signature/Seal/Stamp

ARASH FARNIA	100763
NAME	SIGNATURE
	BCIN

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ARKLAB	102724
FIRM NAME	BCIN

DRAWING TITLE

SOUTH ELEVATION

DRAWING #

A200



SCALE | 1/4" = 1' - 0"

arklab

(416) 290-9695  
info@arklab.caPROPOSED DEVELOPMENT AT:  
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**- MARKHAM, ON**

DRAWN BY

B.G.

CHECKED BY:

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NAME	SIGNATURE BCIN

## Registration Information

Required unless design is exempt under Div. C - 3.2.4.1. of the building code

ARKLAB	102724
FIRM NAME	BCIN

DRAWING TITLE

NORTH ELEVATION

DRAWING #

A201



SCALE | 1/4" = 1' - 0"



SCALE | 1/4" = 1' - 0"

arklab

(647) 290 - 9695  
info@arklab.ca

PROPOSED DEVELOPMENT AT:  
**26 VALLONCLIFFE RD**  
**- MARKHAM, ON**

DRAWN BY  
**B.G.**

CHECKED BY:  
**B.G.**

DATE:  
**13 MAR 2020**

PROJECT NO:  
**2709**

REVISIONS / ISSUE DATES		
#	DATE	DESCRIPTION
1	FEB.15.20	ISSUED FOR CLIENT REVIEW
2	FEB.22.20	REVISED FOR CLIENT REVIEW
3	MAR.02.20	REVISED FOR CLIENT REVIEW
4	MAR.06.20	REVISED FOR CLIENT REVIEW
5	MAR.11.20	REVISED FOR CLIENT REVIEW
6	MAR.13.20	ISSUED FOR ZONING REVIEW

THE BUILDER SHALL VERIFY ALL DIMENSIONS AND ALL JOB SITE CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO ARKLAB.

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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 design the work shown on the attached documents.

Qualification Information

Required unless design is exempt under Div. C - 3.2.5.1. of the building code

ARASH FARNIA100763

NAMESIGNATUREBCIN

Registration Information

Required unless design is exempt under Div. C - 3.2.4.1. of the building code

ARKLAB102724

FIRM NAMEBCIN

DRAWING TITLE

WEST ELEVATION

DRAWING #

A202



arklab

(647) 290 - 9695  
info@arklab.caPROPOSED DEVELOPMENT AT:  
**26 VALLONCLIFFE RD**  
**- MARKHAM, ON**

DRAWN BY

B.G.

CHECKED BY:

B.G.

DATE:

13 MAR 2020

PROJECT NO:

2709

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ARASH FARNIA 100763  
NAME SIGNATURE BCIN

## Registration Information

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ARKLAB 102724  
FIRM NAME BCIN

SCALE | 1/4" = 1' - 0"

DRAWING TITLE

EAST ELEVATION

DRAWING #

A203



11'-0" [3.35]  
2'-0" [0.61]

17'-0" [5.18]

11'-0" [3.35]

9'-0" [2.75]

PROPOSED DEVELOPMENT AT:  
**26 VALLONCLIFFE RD**  
**- MARKHAM, ON**

B.G.

B.G.

13 MAR 2020

2709

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U:\AD\Archen: Signature\Archen: Signature.docp

ARASH FARNIA		100763
NAME	SIGNATURE	BCIN

**Registration Information**  
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ARKLAB	102724
FIRM NAME	BCIN

DRAWING TITLE

DRAWING #

## GROUND FLOOR PLAN

A101

PROJECT NORTH

