

Memorandum to the City of Markham Committee of Adjustment

October 13, 2020

File: A/091/20
Address: 34 Shady Lane Cres – Markham, ON (Thornhill)
Applicant: Tiago Dos Santos & Belinda Naccarato
Agent: SH Design
Hearing Date: Wednesday October 21, 2020

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of “Fourth Density Single Family Residential – (R4A)” under By-law 2150, as amended, as it relates to a front covered porch and building addition. The variances requested are as follows:

a) Amending By-law 2223, Section 1 - Minimum Front Yard Setback:

a minimum front yard setback of 19.84 ft (6.05 m), whereas the By-law requires a minimum front yard setback of 20.0 ft (6.10 m); and

b) Section 3.7 - Permitted Yard Encroachment:

a maximum unenclosed roofed porch and eaves encroachment of 91.0 inches, or 2.31 m (7.58 ft) into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches, or 0.46 m (1.50 ft) into the required front yard.

BACKGROUND

Property Description

The 772.19 m² (8,311.78 ft²) subject property is located on the north side of Shady Lane Crescent, north of Royal Orchard Boulevard, west of Bayview Avenue, and south of and adjacent to a railway corridor. There is an existing single detached dwelling, with mature vegetation existing on the property. The property is located within an established residential neighbourhood that contains a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to remove the existing covered front porch and construct a new covered porch, which would encroach into the required front yard. The applicant is also proposing a two-storey addition in the rear yard. Staff note that the applicant is not requesting any variances for the proposed rear yard addition.

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. 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, 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 development within a residential neighbourhood.

Zoning By-Law 2150, as amended

The subject property is zoned “Fourth Density Single Family Residential – (R4A)” under By-law 2150, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum front yard setback, and maximum encroachment into the required front yard.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on September 24, 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 (“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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 19.84 ft (6.05 m), whereas the By-law requires a minimum front yard setback of 20.0 ft (6.10 m). This is a reduction of 0.05 m (0.16 ft).

Staff are of the opinion that the proposed variance results in a main front building wall which is generally consistent with the front yard setback pattern of adjacent dwellings.

Increase in Maximum Roofed Porch & Eaves Encroachment

The applicant is requesting a maximum roofed porch and eaves encroachment of 91.0 inches, or 2.31 m (7.58 ft) into the required front yard, whereas the By-law permits a maximum roofed porch and eaves encroachment of 18.0 inches, or 0.46 m (1.50 ft) into any required yard. This is an increase of 1.85 m (6.08 ft).

This requested variance relates to a proposed 6.33 m (20.77 ft) wide, one-storey covered front porch. Staff are of the opinion that the proposed covered front porch will not significantly add to the overall bulk and massing of the dwelling provided that it remains unenclosed.

Tree Protection & Compensation

There are existing trees located throughout the property, notably within the front yard in proximity to the proposed area of work. Adequate tree protection measures, including the erection of tree hoarding may be required to ensure the protection of certain trees prior to the commencement of construction, or if agreed upon with City staff, that replacement trees or replacement fees be provided to the City in the case where removal is deemed necessary. In the event of approval, staff recommend that the tree protection and compensation conditions in Appendix “A” be adopted by the Committee.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 13, 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 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

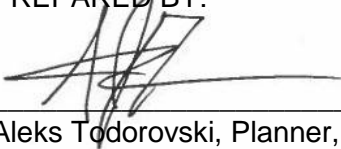
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

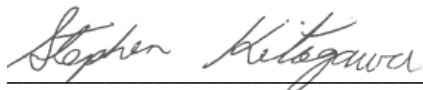
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/091/20

1. That the covered front porch remains unenclosed;
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped 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 City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his or 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 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, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction; and
5. That tree replacements or tree replacement fees be provided 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, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:





Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/091/20



 DETAIL NO.  DETAIL SHEET NO.		
REVISIONS		
NO.		DATE
1	ISSUED FOR BUILD. # TENNER	JULY 18/2006

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- ADDITIONS & RENOVATIONS

SAMIR HINNAWI
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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

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SAMIR HINNAWI		34165
NAME	SIGNATURE	BCN

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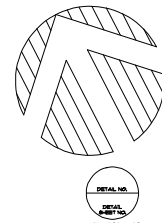
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FRONT PORCH EXTENSION
2-STOREY REAR ADDITION
MINOR INTERIOR ALTERATION
34 SHADY LANE
MARKHAM, ONTARIO

EXISTING FLOOR
PLANS

DRAWN BY:	CHECKED BY:	SHEET NO.:
DATE	SCALE	FILE NO.:
JUNE 2020	3/16" = 1'-0"	



REVISIONS		
NO.		DATE
1	ISSUED FOR BUILD & TENDER	JULY 10,2020

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2-STOREY REAR ADDITION
MINOR INTERIOR ALTERATIONS
34 SHADY LANE
MARKHAM, ONTARIO

SITE PLAN

DRAIN BY:	CHECKED BY:	SHEET
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DATE	SCALE	S.P.
AUG. 2020	1:150	FILE

NOTE: REFER TO PAGE "D-1" "D-2"
FOR GENERAL CONSTRUCTION
NOTES AND DOOR SIZES

NOTE: WINDOW MANUFACTURERS TO
CHECK ALL EXISTING WINDOW SIZES
PRIOR TO MANUFACTURING PROPOSED
WINDOWS (AS REQ'D)

NOTE: SHORE UP EXISTING STRUCTURES
PRIOR TO REMOVAL OF ANY EXISTING
WALLS (AS REQ'D) TYP. ALL FLOORS

NOTE: ALL WINDOW POSTS ARE TO BE
(3) 2"x6" WOOD STUDS
UNLESS NOTED OTHER WISE

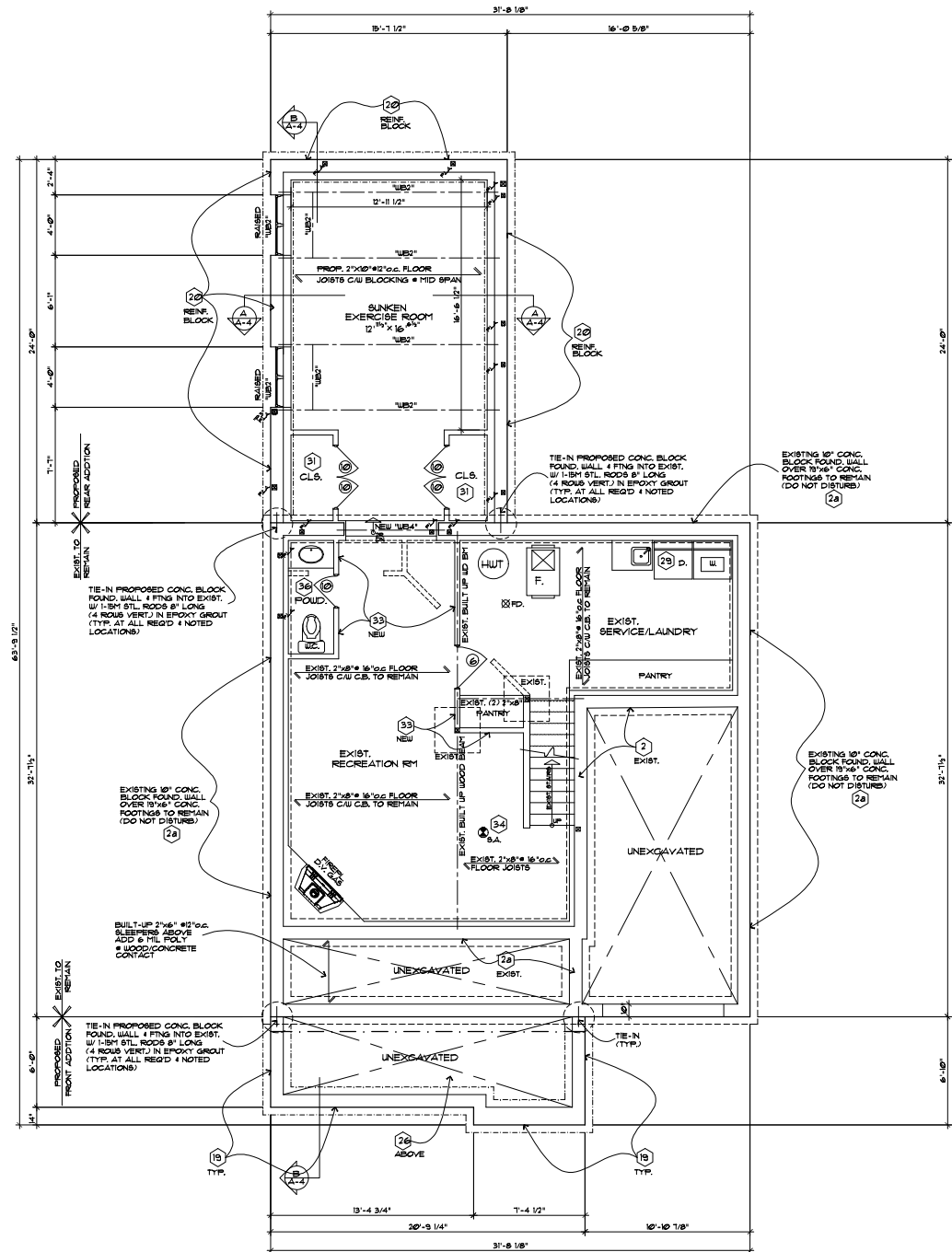
NOTE: ASSUMED SOIL BEARING
CAPACITY = 2500 PSF MIN.

NEW WALLS (AS REQ'D)
REFER TO CONSTRUCTION
NOTES (33)(37) AS INDICATED

EXISTING WALLS TO BE
DEMOLISHED, PATCH & FILL
(AS REQUIRED)

EXISTING WALLS TO
REMAIN (DO NOT DISTURB)
(AS REQUIRED)

NOTE: SHORE UP EXISTING STRUCTURES
PRIOR TO REMOVAL OF ANY EXISTING
WALLS (AS REQ'D) TYP. ALL FLOORS



EXISTING / PROPOSED
BASEMENT FLOOR PLAN

DETAIL NO.
DETAIL
SHEET NO.

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR BUIL. & TRCKER	JULY 10/2000

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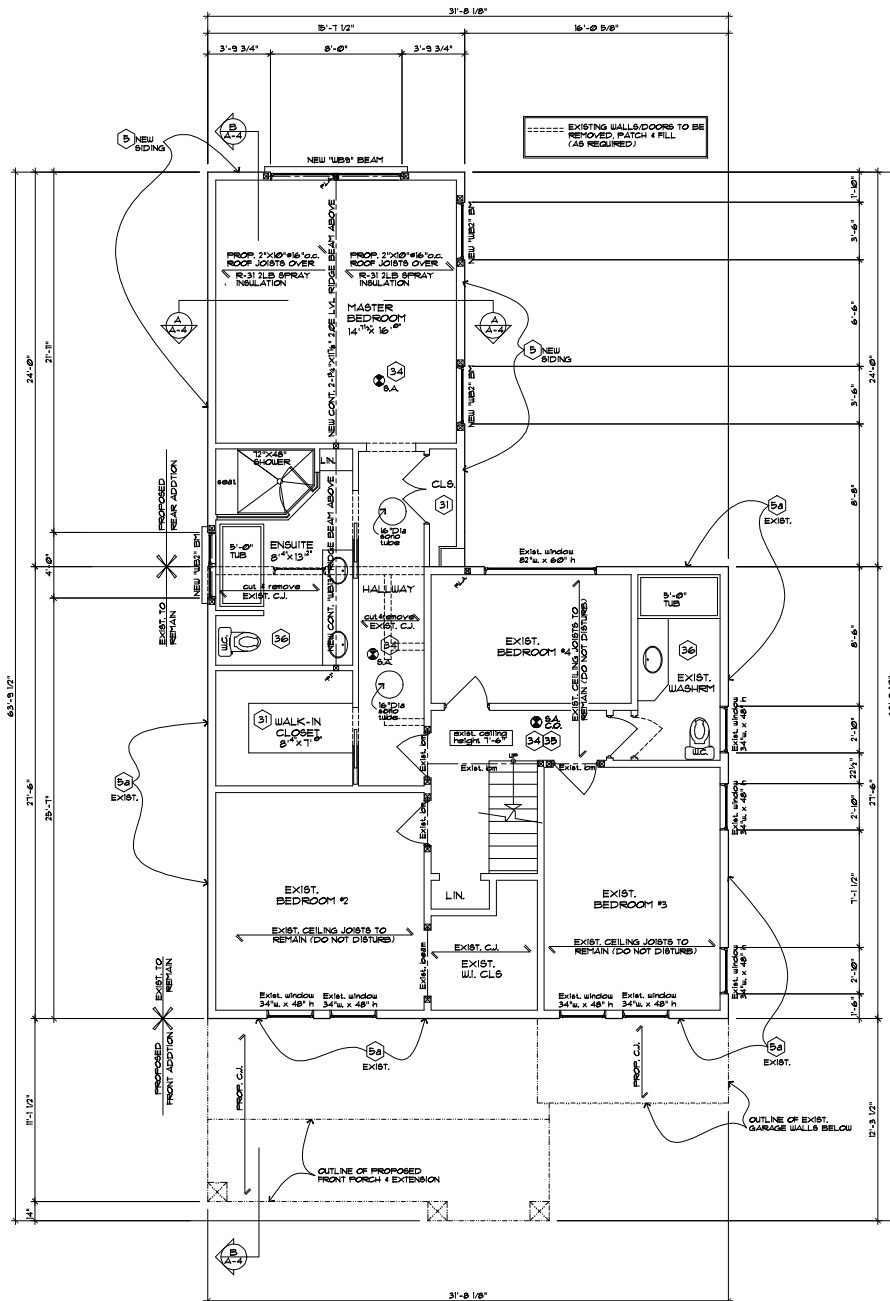
FRONT PORCH EXTENSION
2-STORY REAR ADDITION
MINOR INTERIOR ALTERATIONS
34 SHADY LANE

MARKHAM, ONTARIO

BASEMENT FLOOR
PLAN

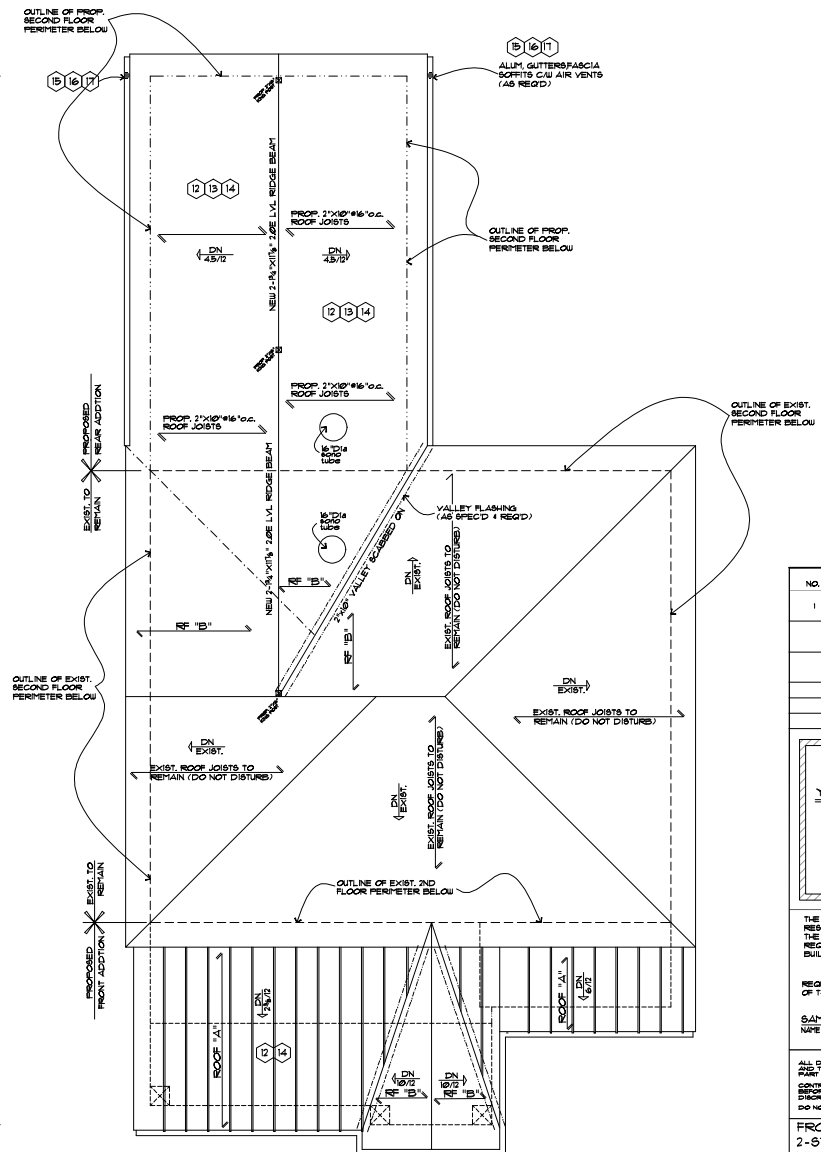
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A-1

DATE SCALE FILE
JUNE 2020 3/16" = 1'-0"

EXISTING /PROPOSED
SECOND FLOOR PLAN

ROOF "A"
HAND CUT BUILT UP 2"x4"
#16 O.C. RAFTERS, W/ 2"x6"
HIPS, 2"x6" VALLEY NAILER
C/W MIN. 5/16" PLYWOOD W/ H-CLIPS
OR 1/16" LUMBER

ROOF "B"
HAND CUT BUILT UP 2"x4"
#16 O.C. RAFTERS, W/ 2"x6"
HIPS, 2"x6" VALLEY NAILER
C/W MIN. 5/16" PLYWOOD W/ H-CLIPS
OR 1/16" LUMBER SCABBED ON MAIN
ROOF FRAME

EXISTING /PROPOSED
ROOF PLAN

DETAIL NO.
DETAIL
REVISIONS

NO.	ISSUED FOR BUILD. 4 TENDER	DATE
1		JULY 10/2010

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MINOR INTERIOR ALTERATIONS
34 SHADY LANE
MARKHAM, ONTARIO

SECOND FLOOR
PLAN & ROOF

DRAWN BY:	CHECKED BY:	SHEET
		A-3
DATE	SCALE	FILE
JUNE 2010	3/16" = 1'-0"	



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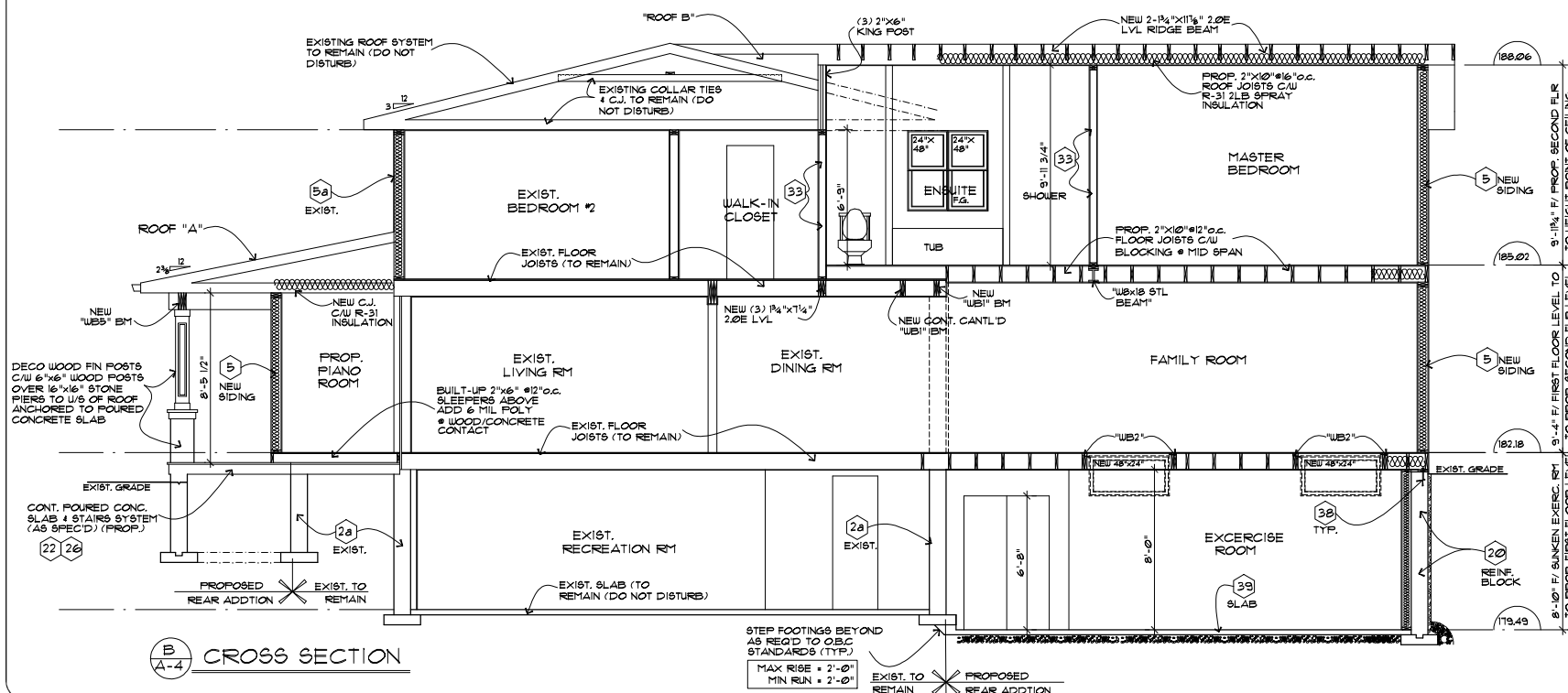
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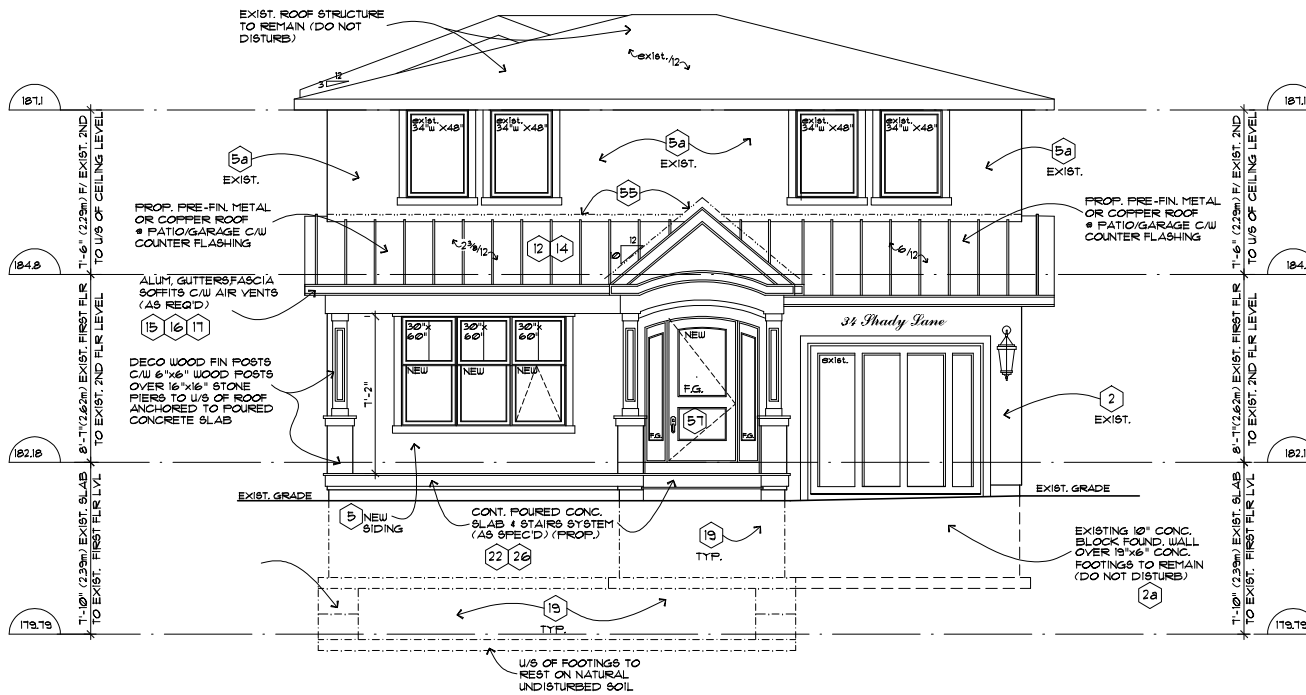
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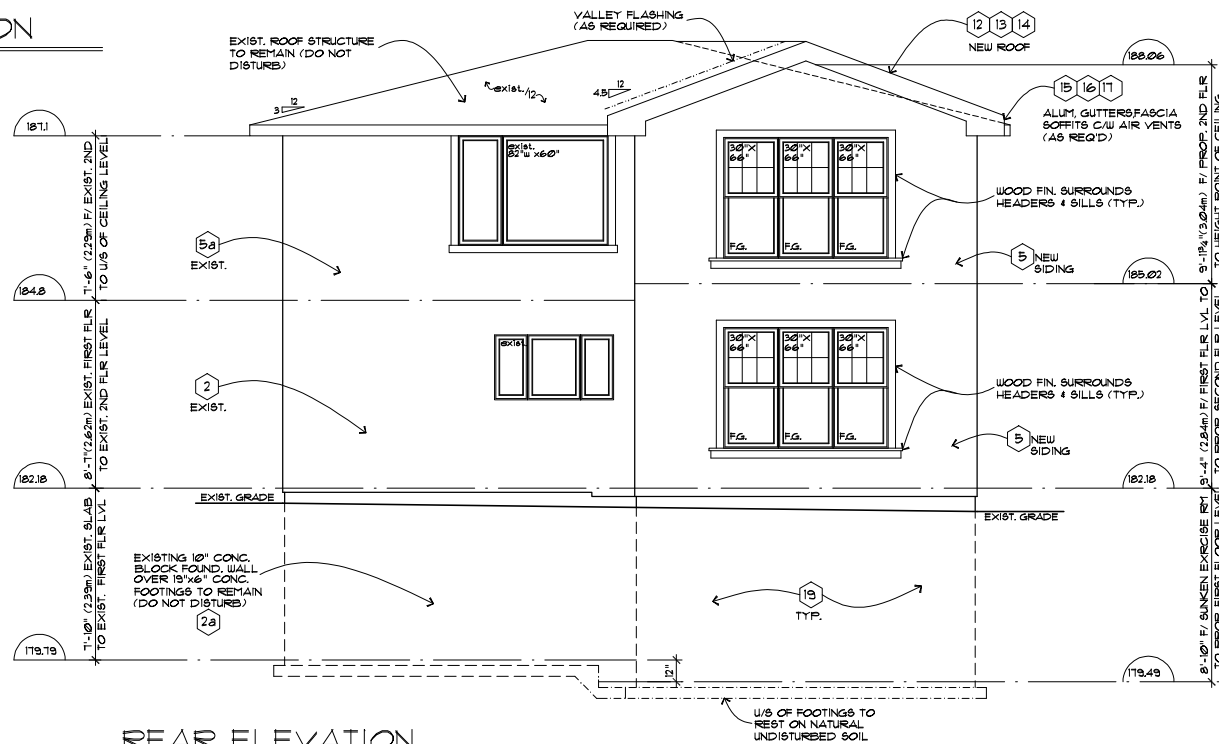
CROSS SECTIONS

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FRONT ELEVATION



REAR ELEVATION

 DETAIL NO.
 DETAIL NO.

REVISIONS

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1		JULY 10/2020

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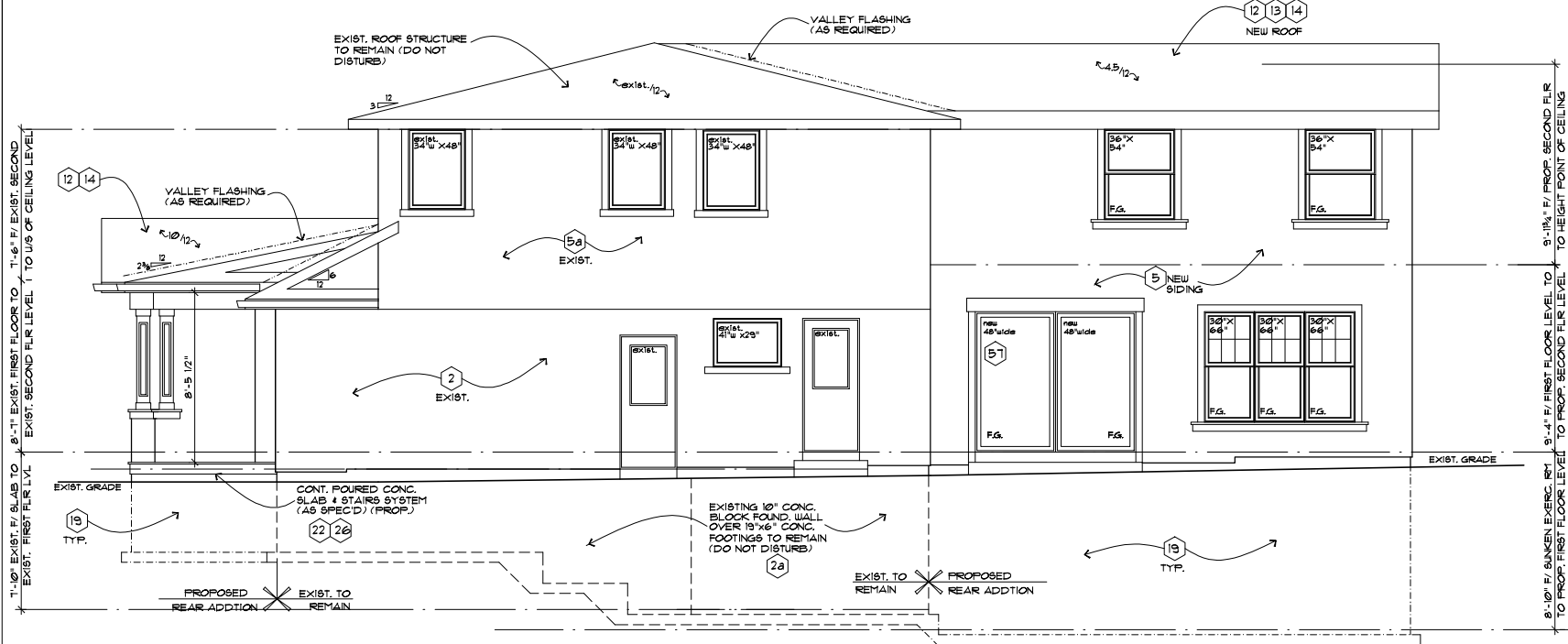
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FRONT PORCH EXTENSION
 2-STORY REAR ADDITION
 MINOR INTERIOR ALTERATIONS
 34 SHADY LANE
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FRONT & REAR
 ELEVATIONS

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DATE JUNE 2020	SCALE 1/4" = 1'-0"	FILE



RIGHT SIDE ELEVATION

 DETAIL NO.
 DETAIL NAME

REVISIONS

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1		JULY 2020

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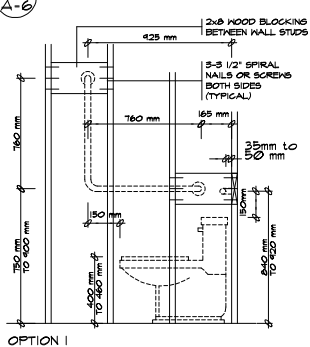
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MARKHAM, ONTARIO

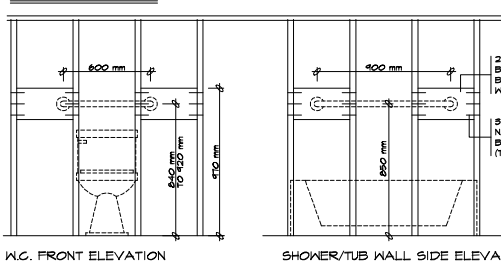
RIGHT SIDE ELEVATION

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DATE JUNE 2020	SCALE 1/4" = 1'-0"	FILE

1 STUD WALL REINFORCEMENT (MAIN BATHROOM)



W.C. SIDE ELEVATION



GRAB BAR REINFORCEMENT

REINFORCEMENT SHALL BE INSTALLED TO PERMIT THE FUTURE INSTALLATION OF A GRAB BAR IN THE MAIN BATHROOM OF A DWELLING UNIT. IF GRAB BAR IS NOT INSTALLED AT TIME OF CONSTRUCTION, BLOCKING FOR BOTH CONFIGURATIONS AT SIDE OF WATER CLOSET IS REQUIRED.

GRAB BAR INSTALLATION SPECIFICATION

1. BESIDE WATER CLOSET

 OPTION 1
 L-SHAPED GRAB BAR WITH 160mm LONG HORIZ. AND VERT. COMPONENTS MOUNTED W/ HORIZ. COMPONENT 150mm TO 400mm A.F.F. AND THE VERTICAL COMPONENT 150mm IN FRONT OF TOILET BOWL.
 OPTION 2
 MIN. 160mm LONG GRAB BAR MOUNTED AT A 50° TO 50° ANGLE SLOPING UPWARDS AWAY FROM WATER CLOSET W/ LOWER END OF BAR MOUNTED 150mm TO 400mm A.F.F. AND 50mm IN FRONT OF TOILET BOWL.

2. BEHIND WATER CLOSET

MIN. 600mm LONG GRAB BAR MOUNTED HORIZONTALLY ON WALL 840mm TO 920mm ABOVE THE FLOOR AND 150mm ABOVE THE WATER TANK IF APPLICABLE.

3. BEHIND BATHTUB OR SHOWER

MIN. 900mm LONG GRAB BAR MOUNTED HORIZONTALLY ON WALL APPROXIMATELY 850mm ABOVE FINISHED FLOOR LOCATE OPPOSITE SHOWER ENTRANCE SO THAT NOT LESS THAN 300mm OF ITS LENGTH IS AT ONE SIDE OF THE SEAT.

3a - BEHIND SHOWERS

L-SHAPED GRAB BAR PER OPTION 1 BESIDE WATER CLOSET MOUNTED NOT MORE THAN 850mm ABOVE THE FINISHED FLOOR AND LOCATED THE END OF THE HORIZONTAL COMPONENT IS WITHIN 100mm FROM THE EDGE OF THE SHOWER SEAT

4. GRAB BAR ATTACHMENT

GRAB BAR MUST BE ATTACHED WITH SCREWS WHICH PENETRATE AT LEAST 52mm INTO THE SOLID BLOCKING.



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2-STOREY REAR ADDITION
MINOR INTERIOR ALTERATION
34 SHADY LANE
MARKHAM, ONTARIO

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DATE JUNE 2020	SCALE 1/4" = 1'-0"	FILE