

Memorandum to the City of Markham Committee of Adjustment

September 08, 2024

File: A/058/24
Address: 46 Dickson Hill Road, Markham
Applicant: Mike Bentivogli
Hearing Date: Wednesday, September 25, 2024

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

On January 31, 2024, City of Markham Council enacted the Comprehensive Zoning By-law 2024-19 (“By-law 2024-19”). As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (the “OLT”), any applications under Section 45 of the Planning Act that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the “Hamlet – Residential (HAM-RES)” zone requirements under By-law 2024-19 and the “Single Family Rural (RRH)” zone requirements under By-law 91-79, as amended, as it relates to a proposed garage enlargement and two-storey addition. The variances requested are to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 10.3.5.2(c)**: a minimum front yard setback of 6.4 metres, whereas the by-law requires a minimum front yard setback of 7.6 metres;
- b) **By-law 2024-19, Section 10.3.5.2(f)**: a minimum interior side yard setback of 1.5 metres, whereas the by-law requires a minimum interior side yard setback of 3 metres;

By-law 91-79

- c) **By-law 91-79, Section 5.7**: a maximum roof overhang of 0.55 metres, whereas the by-law permits a maximum roof overhang of 0.45 metres;
- d) **By-law 91-79, Section 7.2(c)**: a minimum front yard setback of 6.4 metres, whereas the by-law requires a minimum front yard setback of 7.6 metres; and
- e) **By-law 91-79, Section 7.2(c)**: a minimum interior side yard setback of 1.5 metres, whereas the by-law requires a minimum interior side yard setback of 3 metres;

as it relates to the enlargement of a garage and a second storey addition above.

BACKGROUND

Property Description

The 188.22 m² (2,026 ft²) Subject Land is located towards the south end of Dickson Hill Road (refer to Appendix “A”). The property is located within an established hamlet comprised of one and two-storey detached dwellings.

There is an existing one-storey detached dwelling on the Subject Land, which according to assessment records, was constructed in 1969.

Proposal

The Applicant is proposing to construct a new, larger garage and a one-storey addition above with a gross floor area of 54.25 m² (584 ft²), as shown in Appendix “B”.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands “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. These criteria are established to ensure that infill developments are 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 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 infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2024-19 & 91-79

The Subject Lands are zoned “Hamlet – Residential (HAM-RES)” zone requirements under By-law 2024-19 and the “Single Family Rural (RRH)” zone requirements under By-law 91-79, as amended, as it relates to the enlargement of a garage and a one-storey addition above. The proposed development does not comply with By-law 2024-19 with respect to the minimum front yard setback and minimum interior side yard setback. The proposed development does not comply with By-law 91-79 with respect to the minimum front yard setback, minimum interior side yard setback and maximum roof overhang.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on June 17, 2024 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 6.4 metres, whereas the By-law requires a minimum front yard setback of 7.6 metres. This represents a reduction of approximately 1.2 metres (3.94 ft).

The reduced front setback applies to the new garage and addition above. Even though the proposed new garage and second storey addition protrude beyond the neighbouring properties it will have minimal impact as the front yard is still generous and compatible with the streetscape.

Staff are of the opinion that the proposed reduction in front yard setback is minor in nature, will not adversely affect neighboring properties, and is compatible with the rural hamlet's established character and development pattern.

Reduction in Interior Side Yard Setback

The Applicant is requesting relief to permit a minimum interior side yard setback of 1.5 metres, whereas the By-law requires a minimum of 3 metres. This represents a reduction of 1.5 metres (4.92 ft). The orientation of the dwelling creates a pinch point at the rear of the property along the interior side lot line. While the applicant has revised the proposal to address some concerns, staff note that side yard setbacks are defining characteristics of the street, where generous side yards contribute to the character of the hamlet and any potential impacts on adjoining properties are minimized.

Increase in Roof Overhang

The Applicant is requesting relief to permit a roof overhang of 0.55 metres, whereas the By-law permits a maximum overhang of 0.45 metres. This represents an increase of 0.10 metres (0.33 ft). The variance is requested to accommodate the architectural design of the roof, which complements the overall form of the dwelling.

The increased overhang will not result in any water drainage onto the neighboring property, as drainage measures have been implemented to direct water away from the lot lines. Additionally, the modest increase in the roof overhang does not negatively impact the neighboring property or streetscape, as it is visually consistent with other homes in the area and remains within the character of the neighborhood.

Staff are of the opinion that the proposed increase in roof overhang is minor in nature, poses no adverse effects on adjacent properties, and maintains compatibility with the established character of the neighborhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 17, 2024. 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. 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, Planner 1, Development Facilitation Office

REVIEWED BY:



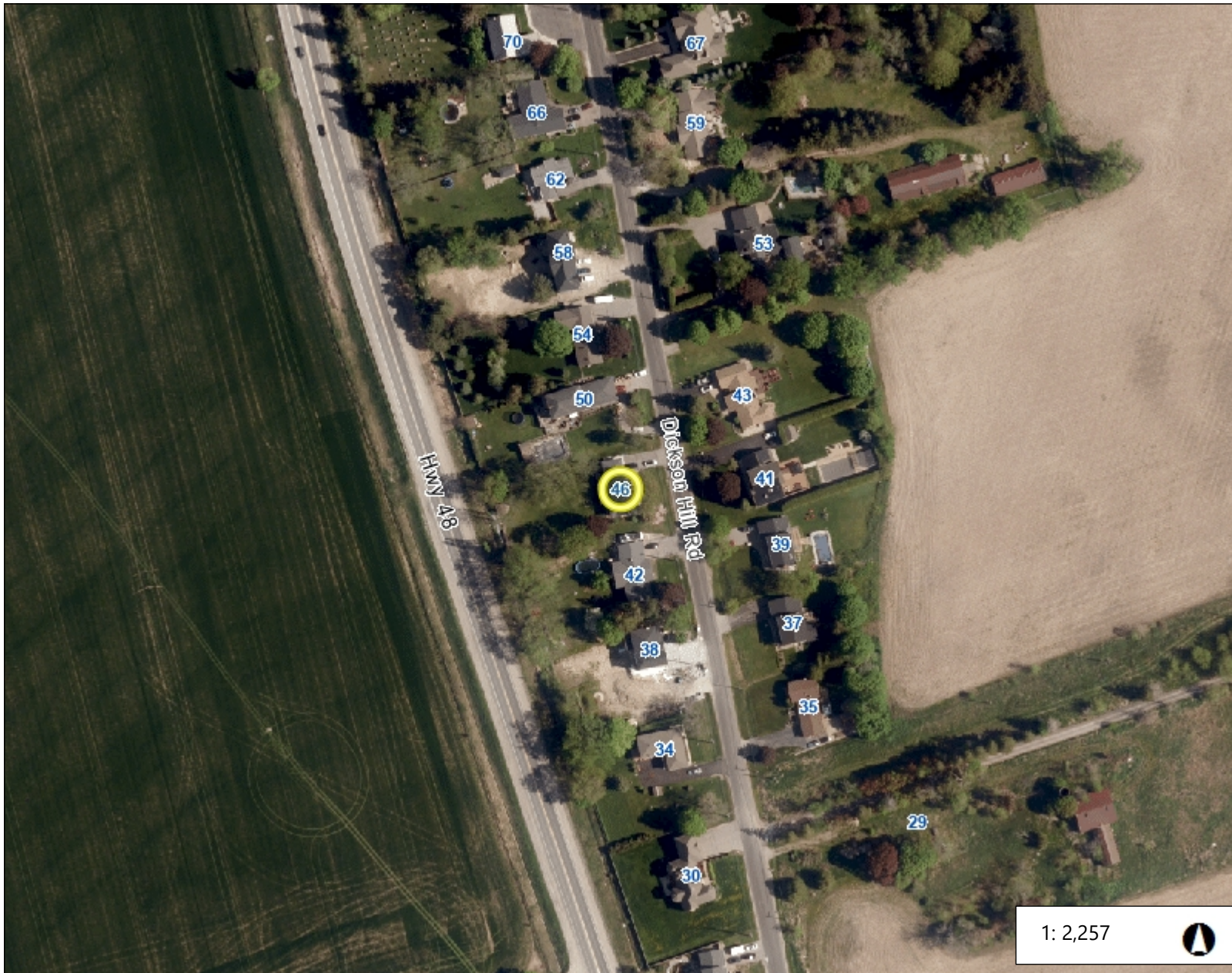
Stacia Muradali, Development Manager, East District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/058/24 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel

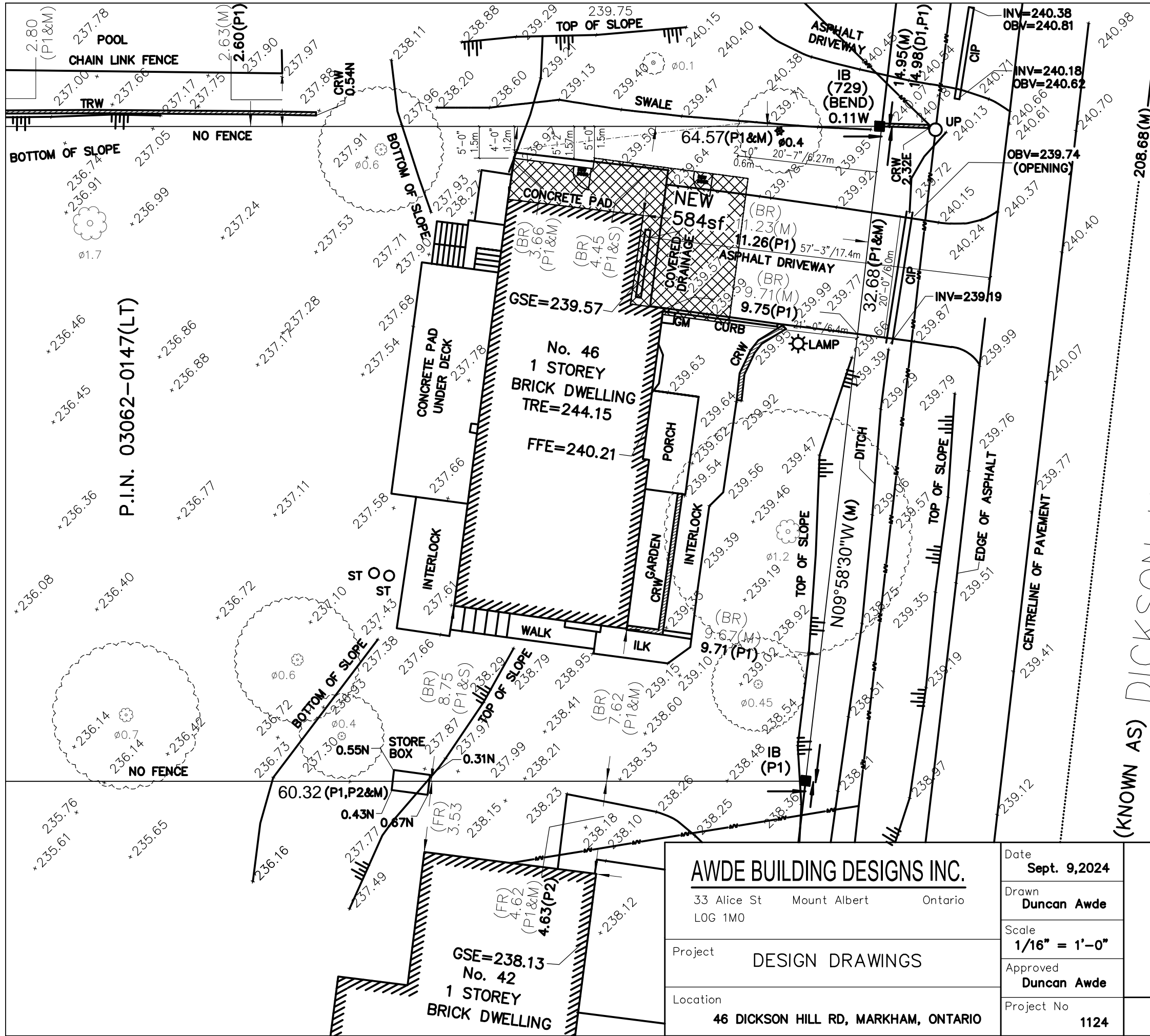
- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 2,257



114.7 0 57.33 114.7 Meters

Notes



P.I.N. 03062-0147(LT)

(KNOWN AS) DICKSON HILL ROAD
 (ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)
 (ASSUMED AS KING'S HIGHWAY BY PLAN 4487, REPLACED BY PLAN 5397
 TRANSFERRED BY PLAN 6112)
 P.I.N. 03062-0134(LT)

Appendix B

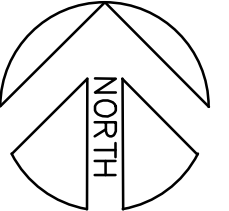
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Date: 9/20/2024

MM/DD/YY

AWDE BUILDING DESIGNS INC.		
33 Alice St Mount Albert Ontario LOG 1M0		
Project	DESIGN DRAWINGS	
Location	46 DICKSON HILL RD, MARKHAM, ONTARIO	

Date	Sept. 9, 2024
Drawn	Duncan Awde
Scale	1/16" = 1'-0"
Approved	Duncan Awde
Project No	1124


 NORTH
 Do not scale drawings.

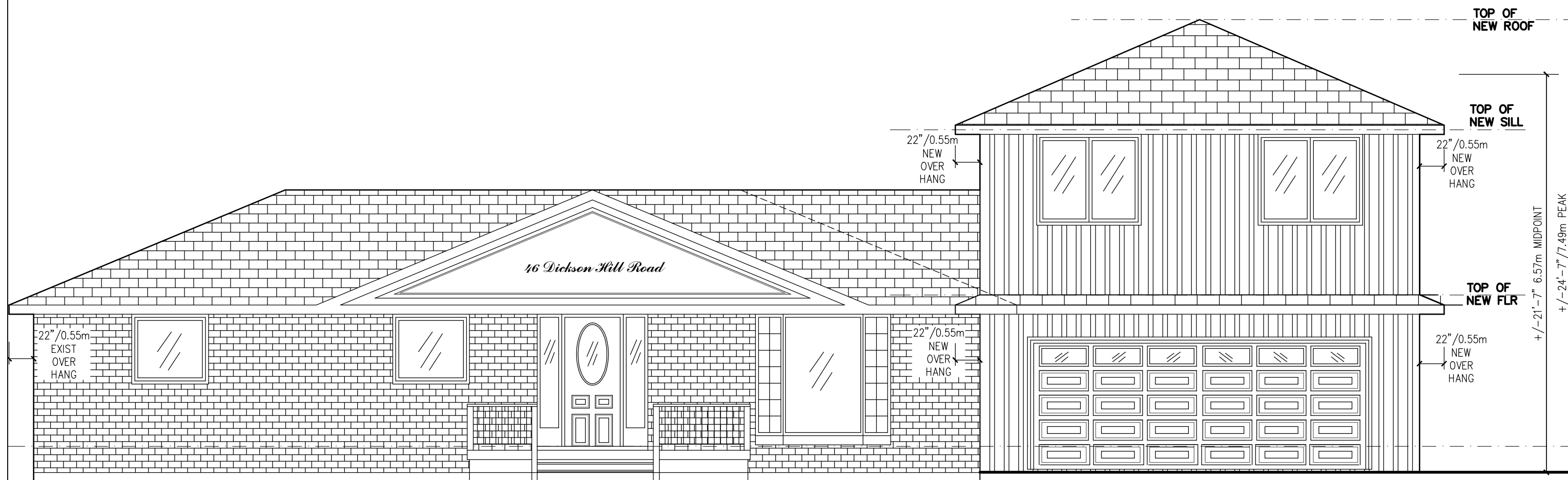
Revision No	3
Title	SITE PLAN WITH VARIANCE
Drawing No	A-1

Appendix B

File: 24.175785-000.00.MNV

Date: 9/20/2024

MM/DD/YY

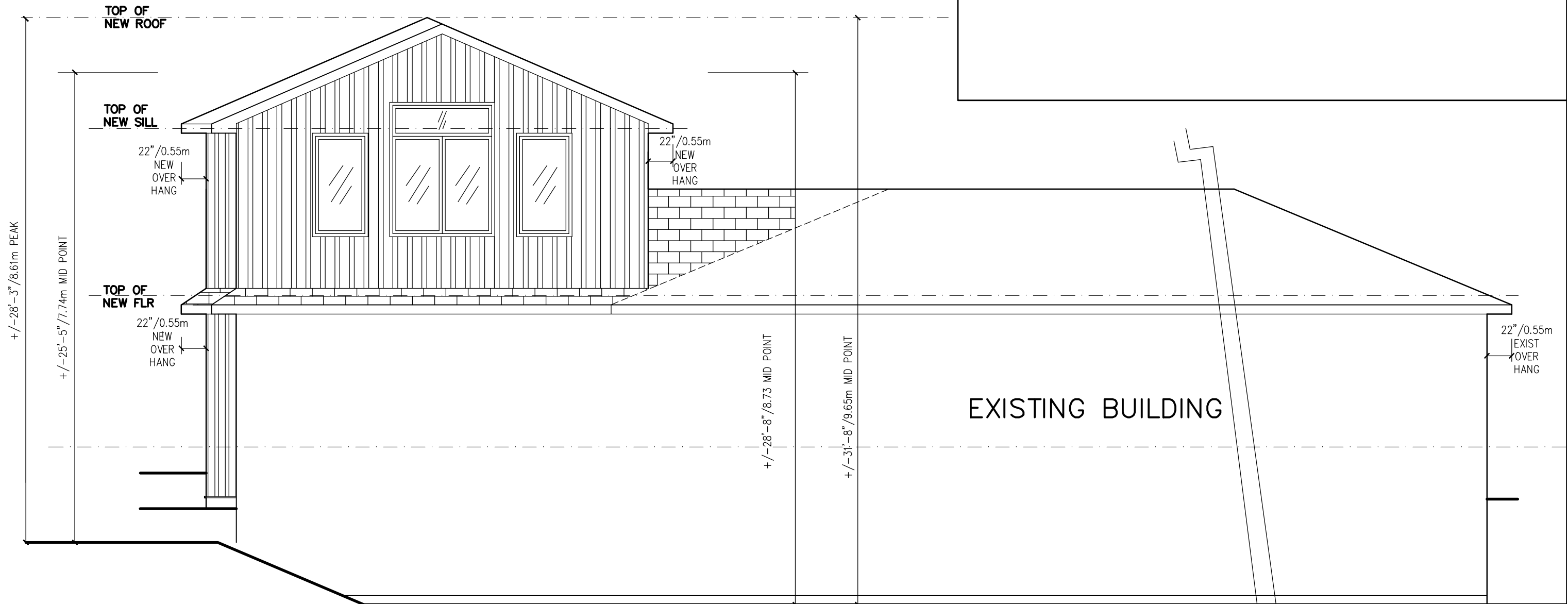


AWDE BUILDING DESIGNS INC. 33 Alice St Mount Albert Ontario LOG 1M0 (905) 836-3828		Date Sept 9, 2024	Revision No 3
Project DESIGN DRAWINGS		Drawn Duncan Awde	Title FRONT ELEVATION
Location 46 DICKSON HILL RD, MARKHAM, ONTARIO		Scale 3/16" = 1'-0"	Drawing No A-4
		Approved Duncan Awde	
		Project No 1124	Do not scale drawings.

Appendix B

File: 24.175785:000.00.MNV

Date: 9/20/2024
MM/DD/YY

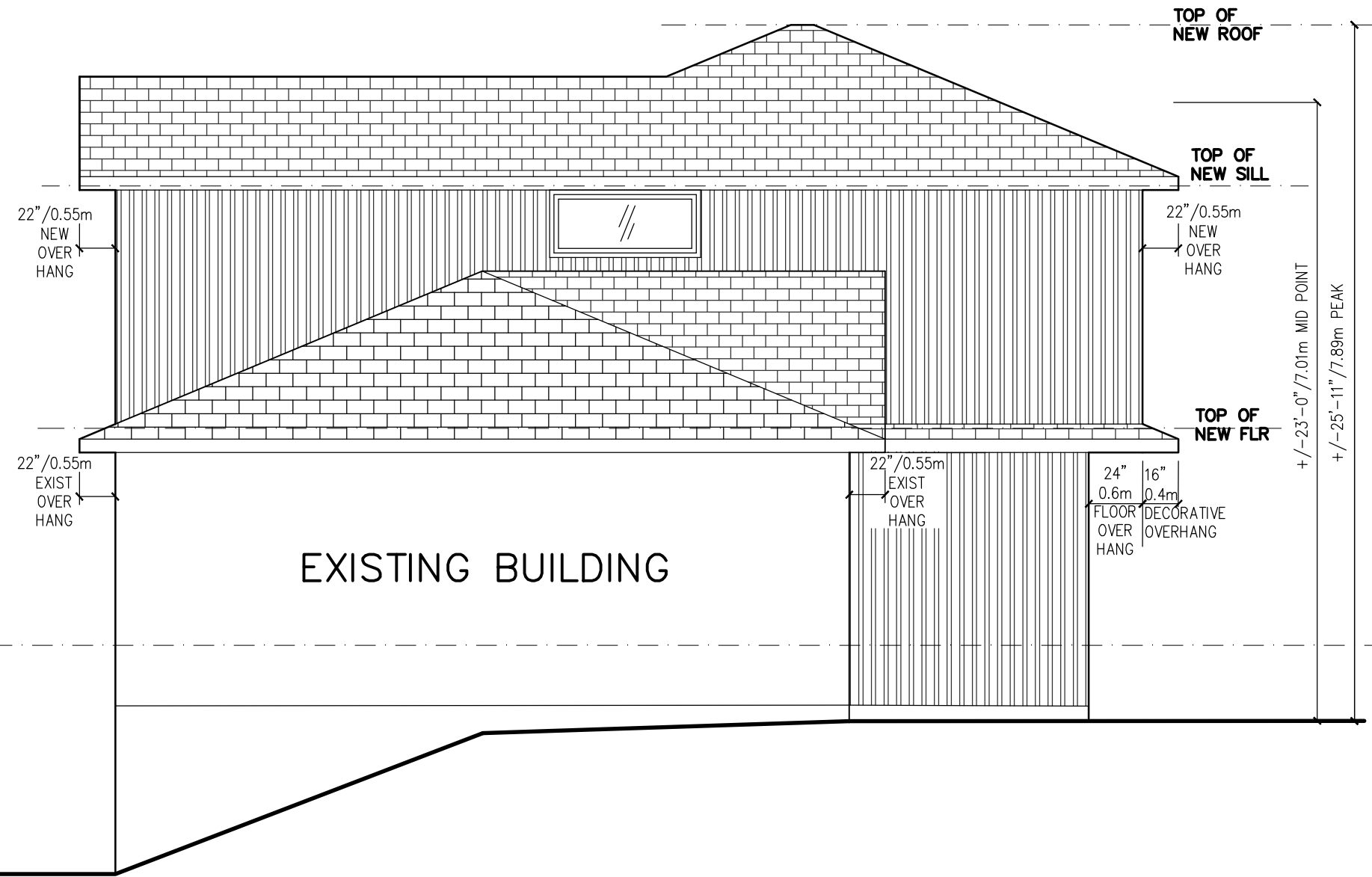


AWDE BUILDING DESIGNS INC. 33 Alice St Mount Albert Ontario LOG 1M0 (905) 836-3828		Date Sept 9, 2024	Revision No 3
Project DESIGN DRAWINGS		Drawn Duncan Awde	Title REAR ELEVATION
Location 46 DICKSON HILL RD, MARKHAM, ONTARIO		Scale 3/16" = 1'-0"	Drawing No A-6
		Approved Duncan Awde	
		Project No 1124	Do not scale drawings.

Appendix B

File: 24.175785-000.00.MNV

Date: 9/20/2024
MM/DD/YY

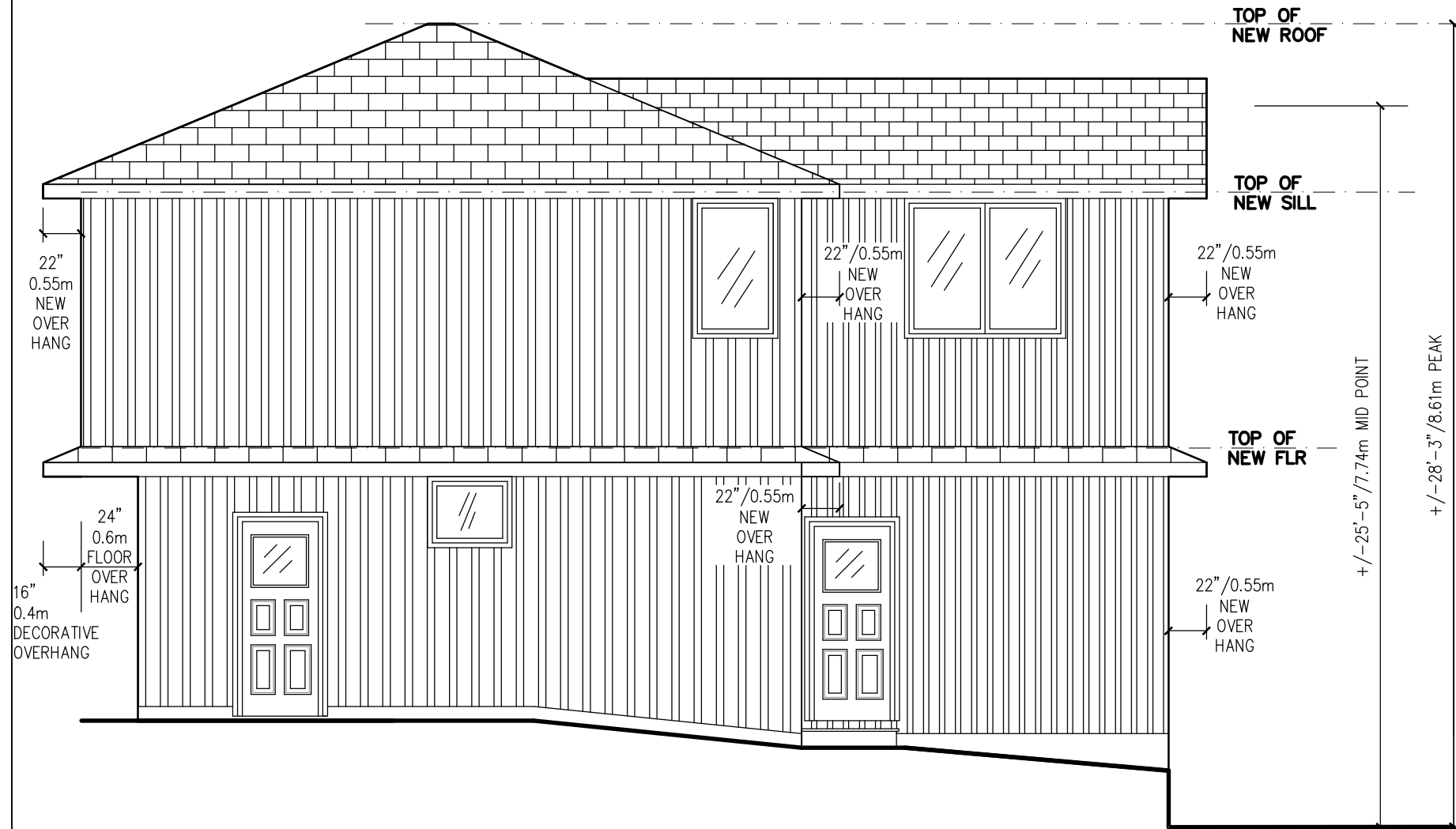


AWDE BUILDING DESIGNS INC.		Date	Sept 9, 2024	Revision No	2
33 Alice St Mount Albert Ontario LOG 1M0 (905) 836-3828		Drawn	Duncan Awde	Title	SIDE ELEVATION
Project DESIGN DRAWINGS		Scale	3/16" = 1'-0"	Drawing No	A-7
Location 46 DICKSON HILL RD, MARKHAM, ONTARIO		Approved	Duncan Awde	Do not scale drawings.	
		Project No	1124		

Appendix B

File: 24.175785:000.00.MNV

Date: 9/20/2024
MM/DD/YY



AWDE BUILDING DESIGNS INC.

33 Alice St Mount Albert Ontario
LOG 1M0 (905) 836-3828

Project **DESIGN DRAWINGS**

Location **46 DICKSON HILL RD, MARKHAM, ONTARIO**

Date **Sept 9, 2024**

Drawn **Duncan Awde**

Scale **3/16" = 1'-0"**

Approved **Duncan Awde**

Project No **1124**

Revision No

Title **GARAGE SIDE ELEVATION**

Drawing No

A-5

Do not scale drawings.

APPENDIX “C” – A/058/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/058/24

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office