

# Memorandum to the City of Markham Committee of Adjustment

September 5, 2024

**File:** A/089/24  
**Address:** 46 Sprucewood Drive, Thornhill  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, September 11, 2024

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

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (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 following requirements of By-law 2024-19 & 2237, RES-ENLR & R3 as amended:

## **By-law 2024-19**

### **a) By-law 2024-19, Section 6.3.2.2(i):**

a minimum north side yard setback of 1.34 metres, with combined interior side yards on both sides of 2.62 metres, whereas the by-law requires a minimum of 1.8 metres with combined interior side yards on both sides of 4.0 metres;

### **b) By-law 2024-19, Section 4.8.9.2(a)(i):**

a minimum landscape strip width of 1.34 metres made up of soft landscaping abutting the north interior side lot line, whereas the by-law requires a minimum of 1.5 metres landscape strip width;

## **By-law 2237, as amended by By-law 101-90**

### **a) By-law 2237, Amending By-law 101-90, Section 1.2(iv):**

a maximum building depth of 17.66 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it relates to a one storey addition to the existing one storey detached dwelling.

## **BACKGROUND**

### **Property Description**

The 930.31 m<sup>2</sup> (10,014.10 ft<sup>2</sup>) subject property is located on the west side of Sprucewood Drive, west of Bayview Avenue and south of the CN Rail. A one storey dwelling with mature vegetation in the rear yard exists on the subject property. The surrounding established residential neighbourhood is comprised of a mix of one and two-storey detached dwellings and contains examples of recent infill developments.

### **Proposal**

The applicant is proposing to construct a one storey 52.4 m<sup>2</sup> addition to back of the existing one storey dwelling.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the subject property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

#### Comprehensive Zoning By-law 2024-19

The subject property is zoned “Residential – Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024- 19, which permits detached dwellings. By-law 2024-19 has been appealed to the Ontario Land Tribunal. Until such time that the above-noted By-law is approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force, which means Zoning By-law 2237 remains in force. Further comments on the side yard setbacks and landscape strip are provided in the comments.

#### Zoning By-Law 2237

The subject property is zoned Third Density Single Family Residential (R3) under 2237, as amended, which permits single family detached dwellings. Further details of the building depth are provided in the comment section below.

#### Residential Infill Zoning By-law 101-90

Residential Infill Zoning By-law 101-90 also applies to the subject property. 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 the maximum building depth. Further details of the depth requirement are 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, *“Due to the client requirements for feng shui on the property resulting in the need for the building to be a complete rectangle by extending the existing side wall of the house to the rear wall”*.

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

The owner has completed a Zoning Preliminary Review (ZPR) on July 22<sup>nd</sup>, 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.

### **Reduced Side Yard Setback and Landscape Strip Width**

The applicant is requesting a minimum north side yard setback and landscape strip width of 1.34 metres. The proposed setback and landscape strip mirrors the existing side yard setback and landscape strip where the garage is located and is consistent with other sittings in the surrounding area. Staff is of the opinion that the reductions are minor in nature, and have no concerns.

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

The applicant is requesting relief to permit a maximum building depth of 17.66 m (57.94 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.86 m (2.8 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.

Staff is of the opinion that the relief for building depth is appropriate given the buildings massing remains modest when compared to its neighbours and a generous rear yard setback is maintained.

## **EXTERNAL AGENCIES**

### **CN Rail Requirements**

CN Rail provided comments on this application on August 27th, 2024 (Appendix C), recommending a list of mitigation measures the applicant should consider to attenuate the impact generated by the railway located at the rear of the Subject Lands.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 5<sup>th</sup>, 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, and are of the opinion that the variance requests 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

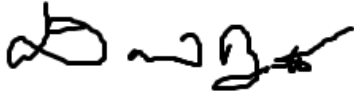
PREPARED BY:



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Theo Ako-Manieson, Planner I, Planning and Urban Design Department

REVIEWED BY:



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Daniel Brutto CPT, MCIP, RPP, Acting Development Manager, West District

File Path: Amanda\File\ 24 186176 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/089/24**

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 Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



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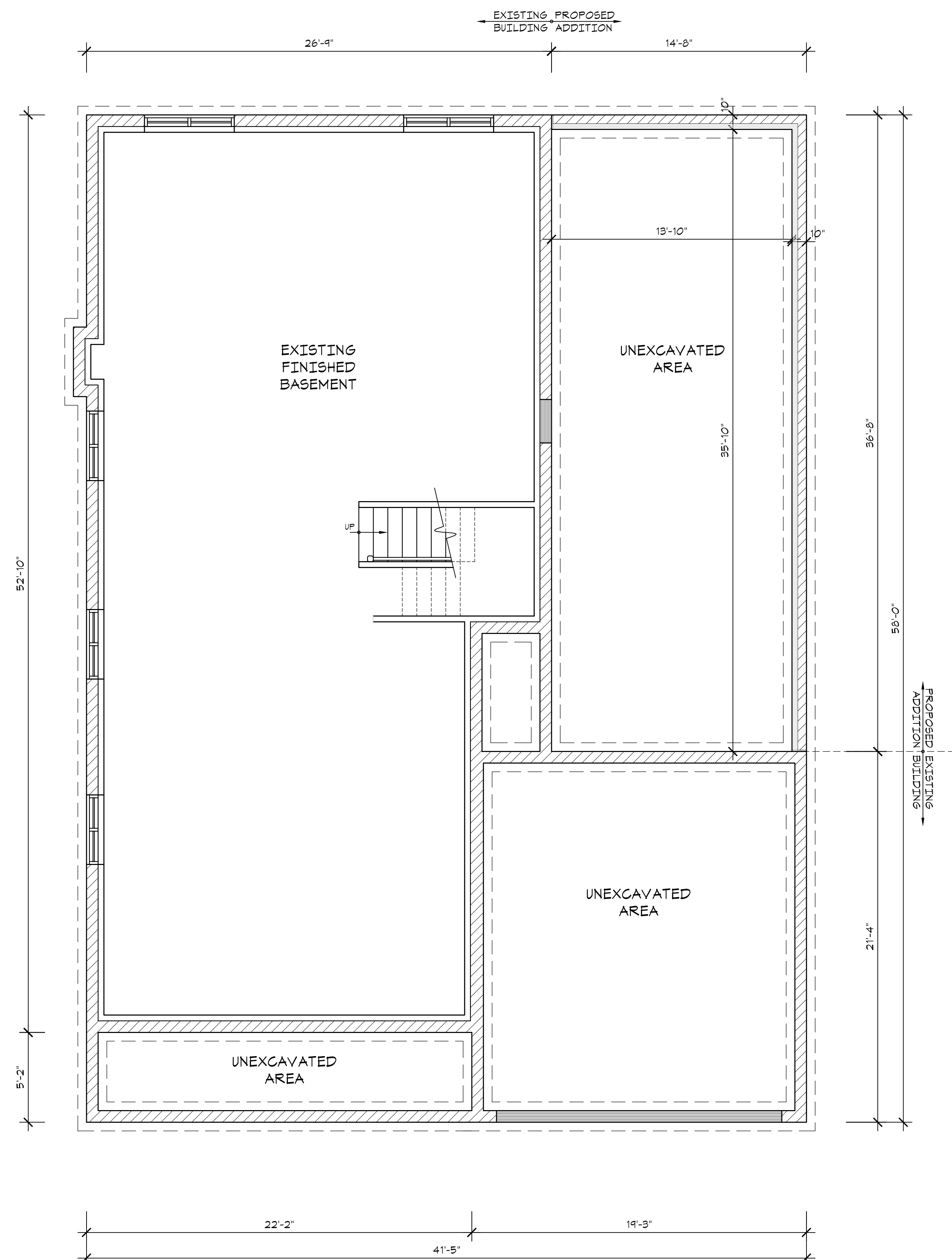
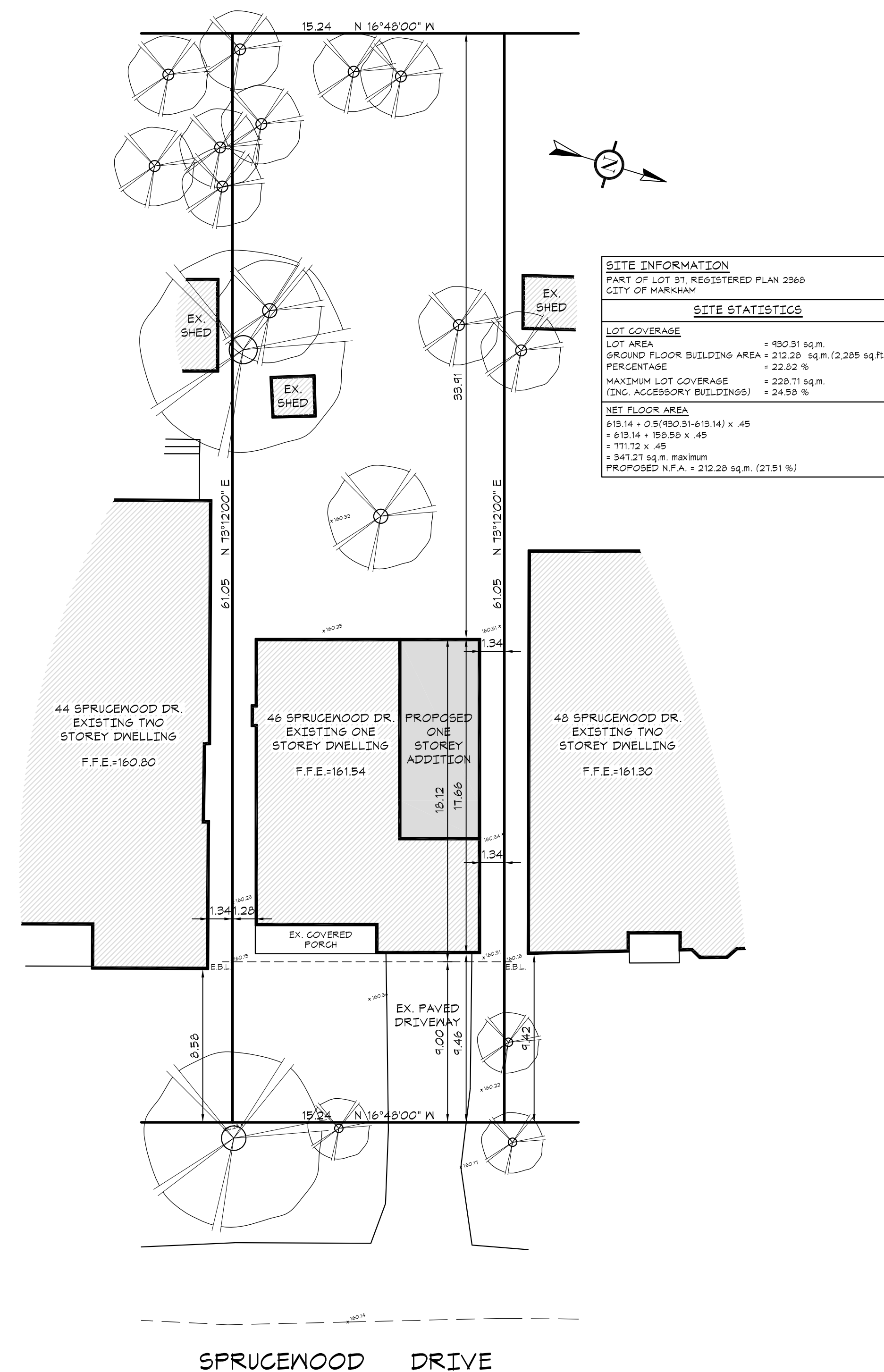
Theo Ako-Manieson, Planner I, Planning and Urban Design Department

# Appendix B

File: 24.186176.000.00.MNV

Date: 9/5/2024

MM/DD/YY



**GENERAL NOTES:**

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025  
Firm B.C.I.N. - 30506

Russ Gregory  
NAME SIGNATURE

**PROJECT TITLE**

PROPOSED ADDITION  
46 SPRUCEWOOD DRIVE  
CITY OF MARKHAM

**GREGORY DESIGNS**

48 GEORGE STREET  
MARKHAM, ONTARIO L3P 2R7  
416-520-0978  
shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 07/02/24
PROJECT NUMBER 24-25	SHEET NUMBER A-1
DRAWN BY S.Gregory	
CHECKED BY R.G.	

**From:** [Alexandre Thibault](#) on behalf of [Proximity](#)  
**Sent:** Tuesday, August 27, 2024 10:22 AM  
**To:** [Ako-manieson, Theo](#)  
**Subject:** 2024-08-27\_CN Comments\_Markham\_ 46 Sprucewood Drive - Comments

Hello ,




Thank you Theo for this information. Since the dwelling is already built, CN has no objection towards the minor variance . However , the proponent should be aware of the mainline operations and should take into consideration noise attenuation measure if building an exterior wall and upgrading windows for the dwelling .

CN recommends the following mitigation measures :

- Forced air ventilation systems with central air conditioning,
- The exterior provision wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades,
- Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms

Thank you and do not hesitate to contact me with any questions.

Best regards,

 	<p><b>Alexandre Thibault</b> Associé en urbanisme / Urban Planner Associate B.Sc. Urb</p>  E+ <a href="mailto:proximity@cn.ca">proximity@cn.ca</a>
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**From:** Ako-manieson, Theo <[TAko-manieson@markham.ca](mailto:TAko-manieson@markham.ca)>  
**Sent:** Monday, August 26, 2024 3:45 PM  
**To:** Proximity <[proximity@cn.ca](mailto:proximity@cn.ca)>  
**Cc:** Alexandre Thibault <[Alexandre.Thibault@cn.ca](mailto:Alexandre.Thibault@cn.ca)>  
**Subject:** RE: 2024-08-26\_CN Res\_Markham\_ 46 Sprucewood Drive - Comments

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Hi Alexandre,

These variances are requested by the applicant as an addition to the existing home. The owner does not plan on demolishing the existing dwelling, and there are no plans to accommodate another dwelling unit with the variances.

Hope this helps clarify things, if you have further questions regarding the application please reach out.

Thanks,

**Theo Ako-Manieson, BURPI**  
**Planner 1, West District**  
(905) 477-7000, Extension 2383

**City of Markham Planning and Urban Design Department**  
101 Town Centre Boulevard, Markham, ON L3R 9W3  
[markham.ca](http://markham.ca)



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**From:** Alexandre Thibault <[Alexandre.Thibault@cn.ca](mailto:Alexandre.Thibault@cn.ca)> **On Behalf Of** Proximity  
**Sent:** Monday, August 26, 2024 3:38 PM  
**To:** Ako-manieson, Theo <[TAko-manieson@markham.ca](mailto:TAko-manieson@markham.ca)>  
**Subject:** 2024-08-26\_CN Res\_Markham\_ 46 Sprucewood Drive - Comments

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Hello Theo ,

Before CN provides their comments on these minor variances, could you please give us more context as to why these minor variances are requested. Is it to demolish the existing dwelling and to build a new house ?

Regards,



**Alexandre Thibault**  
Associé en urbanisme / Urban Planner Associate  
B.Sc. Urb



E+ [proximity@cn.ca](mailto:proximity@cn.ca)

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**From:** Ako-manieson, Theo <[Tako-manieson@markham.ca](mailto:Tako-manieson@markham.ca)>  
**Sent:** Monday, August 26, 2024 11:16 AM  
**To:** Proximity <[proximity@cn.ca](mailto:proximity@cn.ca)>  
**Cc:** Ashkan Matlabi <[Ashkan.Matlabi@cn.ca](mailto:Ashkan.Matlabi@cn.ca)>  
**Subject:** 46 Sprucewood Drive - Comments

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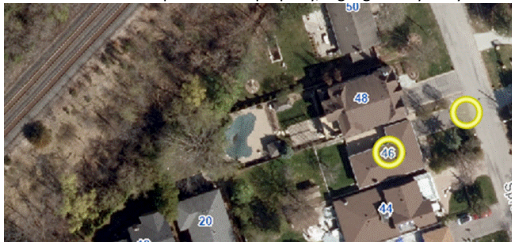
Hello,

Hope everything is well.

I'm reaching out to ask if CN Rail has any comments or issues regarding a minor variance application for 46 Sprucewood Drive. The applicant is looking to seek relief from the following:

- a. **Amending By-law 2024-19, Section 6.3.2.2(i):**  
a minimum north side yard setback of 1.34 metres, with combined interior side yards on both sides of 2.62 metres, whereas the by-law requires a minimum of 1.8 metres with combined interior side yards on both sides of 4.0 metres;
- b. **Amending By-law 2024-19, Section 4.8.9.2(a)(i):**  
a minimum landscape strip width of 1.34 metres made up of soft landscaping abutting the north interior side lot line, whereas the by-law requires a minimum of 1.5 metres landscape strip width;
- c. **Amending By-law 2237, Amending By-law 101-90, Section 1.2(iv):**  
a maximum building depth of 17.66 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

I've attached an aerial photo of the property, highlighted by the yellow circle for reference.



I would need comments as soon as possible, by **Tuesday, September 3<sup>rd</sup>**.

Thanks,

**Theo Ako-Manieson, BURPI**  
**Planner 1, West District**  
(905) 477-7000, Extension 2383

**City of Markham Planning and Urban Design Department**  
101 Town Centre Boulevard, Markham, ON L3R 9W3  
[markham.ca](http://markham.ca)





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