

Memorandum to the City of Markham Committee of Adjustment

September 8, 2024

File: A/090/24
Address: 5 Digby Crescent, Markham
Applicant: Four Seasons Sunrooms (Nour Elgendy)
Hearing Date: Wednesday, September 25, 2024

The following comments are provided on behalf of the Central 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 “Residential – Established Neighbourhood Low Rise (RES-ENLR)” zone requirements under By-law 2024-19 and the “Fourth Density – Semi-Detached Residential (RSD4)” zone requirements under By-law 90-81, as amended, as it relates to a proposed one-storey sunroom addition. The variances requested are to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2 (a)**: a minimum rear yard setback of 6.93 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

By-law 90-81

- a) **By-law 90-81, Section 6.2.2 (c)**: a maximum lot coverage of 46.36 percent, whereas the by-law permits a maximum lot coverage of 40 percent;
- b) **By-law 90-81, Section 6.2.2 (b)**: a minimum rear yard setback of 6.93 metres, whereas the by-law permits a minimum rear yard setback minimum of 7.5 metres.

BACKGROUND

Property Description

The 334.32 m² (3,598.59 ft²) Subject Lands are located south of Digby Crescent, west of Aldergrove Drive, and north of St. Benedict Catholic Elementary School (refer to Appendix “A”). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing two-storey detached dwelling on the Subject Lands, which according to assessment records, was constructed in 1984.

Proposal

The Applicant is proposing to construct a new one-storey sunroom with a gross floor area of 33.08 m² (356.03 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 90-81 and 2024-19, as amended

The Subject Lands are zoned “Residential Established Neighbourhood Low Rise (RES-ENLR) zone requirements of By-law 2024-19 and “Fourth Density – Semi-Detached Residential (RSD4)” zone requirements of By-law 90-81, as amended, as it relates to a proposed one-storey sunroom addition. The proposed development does not comply with By-law 90-81 with respect to the maximum lot coverage and minimum rear yard setback. The proposed development does not comply with By-law 2024-19 with respect to the minimum rear yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on June 6, 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.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 46.36% (154.20 m² or 1,659.79 ft²), whereas the By-law permits a maximum lot coverage of 40% (133.73 m² or 1,439.46 ft²). The proposed lot coverage includes the rear sunroom which adds

approximately 33 m² (356 ft²) to the overall building area. Excluding the rear sunroom, the building has a lot coverage of 36.23% (121.12 m² or 1,303.72 ft²) and would comply with the By-law requirement.

Despite the increase in lot coverage, Staff are satisfied that the proposed one-storey sunroom addition will not result in an overwhelming structure on the lot. The property backs onto a public school parking lot rather than a residential property, meaning that the increase in lot coverage will have minimal impacts on neighbouring homes with respect to privacy, shadowing, or views.

Staff opine that the increase in lot coverage is modest and does not significantly alter the scale or appearance of the property. The one-storey sunroom addition represents a minor expansion of the dwelling's footprint, and is consistent with what the By-law intends to allow in terms of accessory structures and overall building form.

Staff are of the opinion that the proposed increase in lot coverage is minor in nature and does not result in an overdevelopment of the site and find that the size of the proposed development is generally compatible with the street.

Reduction in Rear Yard Setback

The Applicant is requesting relief to permit a minimum rear yard setback of 6.93 m, whereas the By-laws require a minimum rear yard setback of 7.5 m. This represents a reduction of approximately 0.57 m (1.87 ft). The variance is entirely attributable to the rear sunroom addition. The main rear wall of the building provides a rear yard setback of 11.62 m (38.12 ft) and is generally consistent with the established rear yard setback pattern on the street.

The proposed sunroom is in keeping with the character of the neighborhood and aligns with the scale and form of other residential sunroom proposals in the area. Given that other dwellings along the street have accommodated similar projects with rear yard setback requests of up to 5.2 metres, this proposal is modest and compatible with the existing development pattern.

Staff are of the opinion that the proposed reduction in rear yard setback is minor in nature, has no adverse impact on surrounding properties, and is compatible with the existing character of the neighborhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 16, 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 request

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 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:



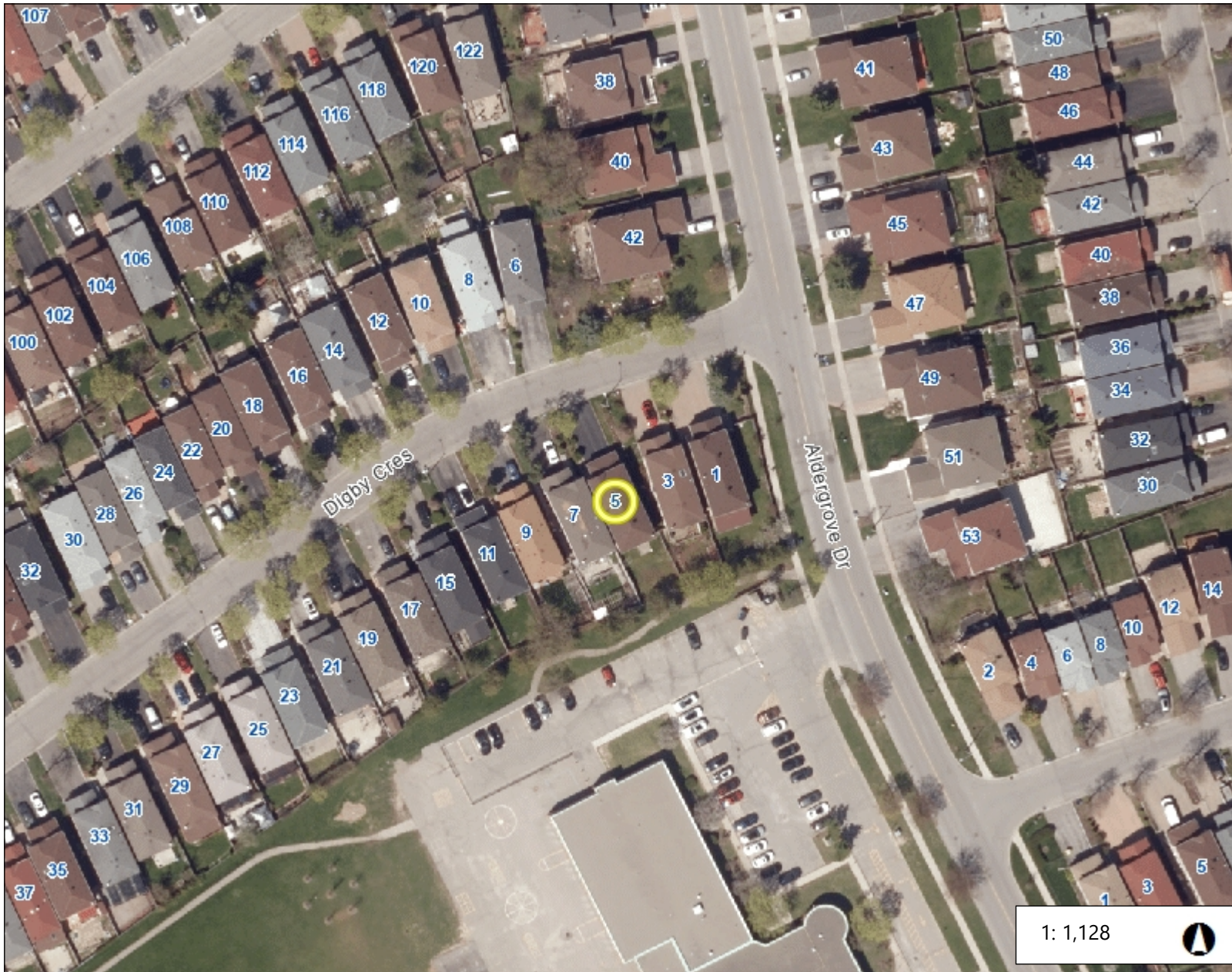
Melissa Leung, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/090/24 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: 1,128

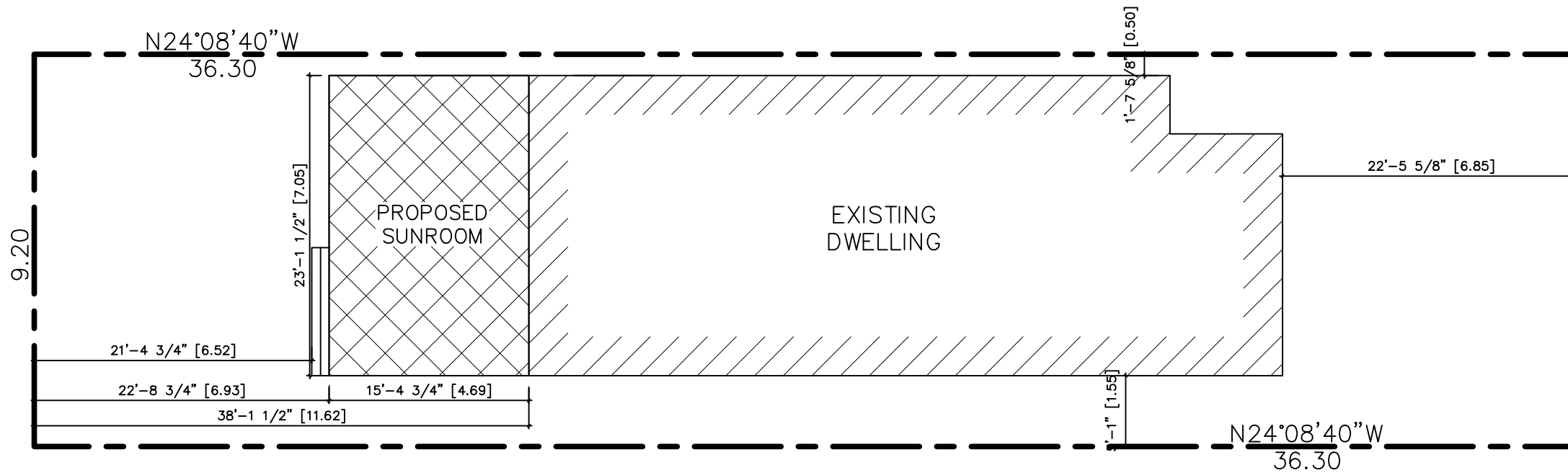
57.3 0 28.65 57.3 Meters

Notes

Appendix B

File: 24.186232.000.00.MNV

Date: 9/17/2024
MM/DD/YY




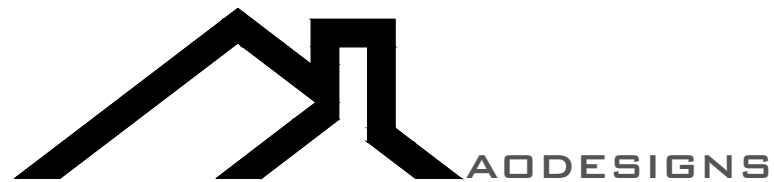
SITE STATISTICS



LOT AREA=	3,598.62SF (334.32SM)
EXISTING HOUSE=	1,303.69SF (121.12SM)
PROPOSED ADDITION=	356.03SF (33.08SM)
LOT COVERAGE (HOUSE/ADDITION)=	46.12%
LOT COVERAGE (HOUSE)=	36.23%
LOT COVERAGE (ADDITION)=	9.89%

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.

NAME: Alexandra Aodesh
SIGNATURE: 
BCIN: 101509



Saumitra & Una Hore
5 Digby Cres, Markham ON L3R 7G6

SITE PLAN

Sheet No.

Scale: 3/32" = 1'-0"
Date: 2024-07-03
Revision #: 001
Revision Date:

SP-1

GLAZED OPENING CALCULATIONS

PER O.B.C. TABLE 9.10.15.4

Rear Elevation

#	WIDTH	DEPTH	WINDOW / DOOR FRAME SIZE (S.F.)
1	Existing		19.2
1	New		80

Spatial Calculations

Exposing Building Face	416.14	S.F.
	38.66	S.M.

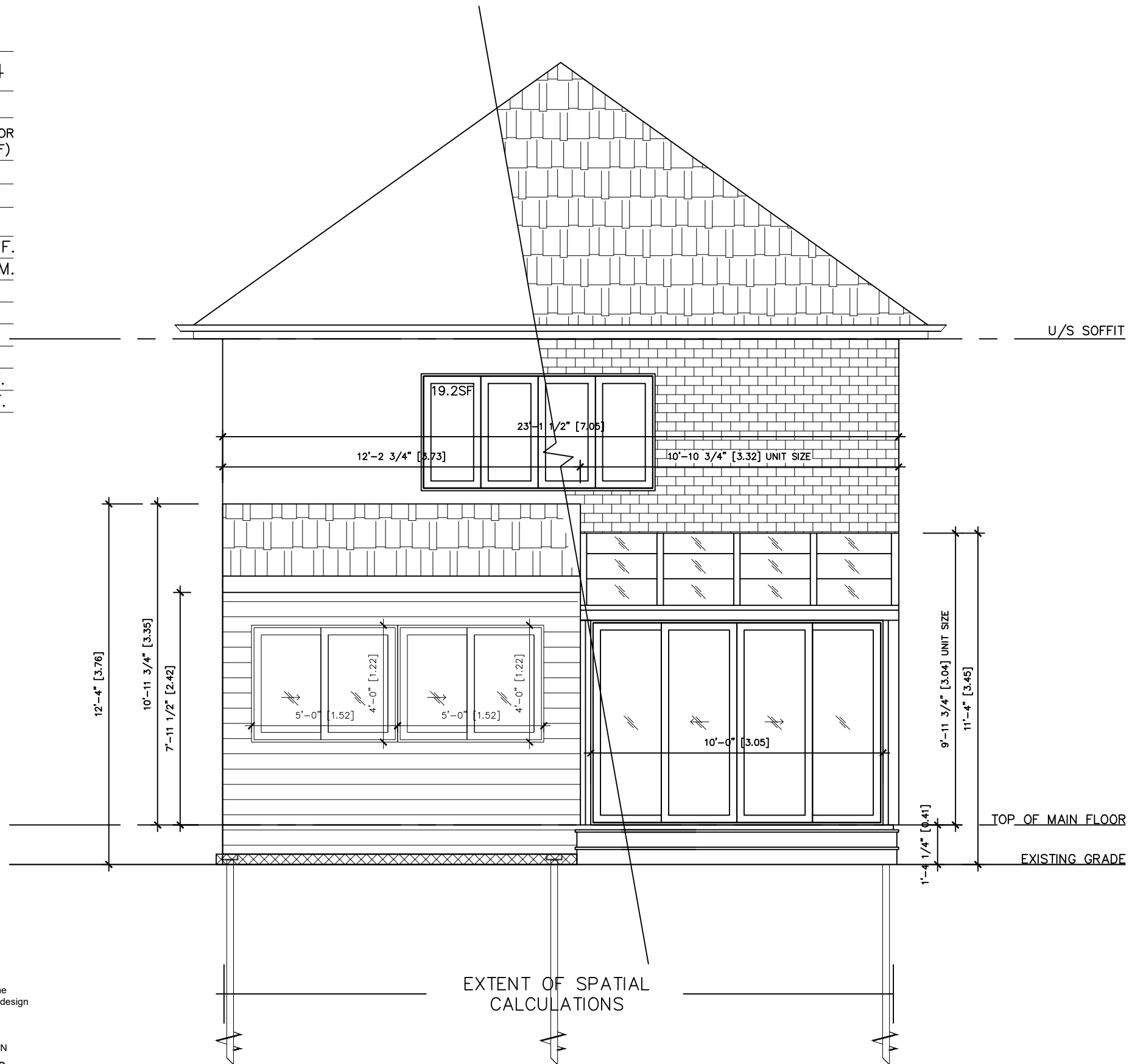
Portion Wall Area _____

Limiting Distance	7.04m
Max. % Openings	69%
Openings Allowed	287.14 S.F.
Openings Provided	99.2 S.F.

Appendix B

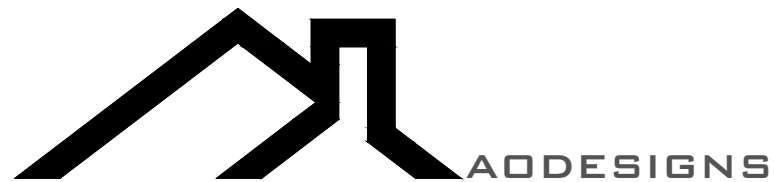
File: 24.186232.000.00.MNV

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NAME: Alexandra Aodesh
SIGNATURE: [Signature]
BCIN: 101509



REAR ELEVATION

5 Digby Cres, Markham ON L3R 7G6

Sheet No.

Scale
1/4" = 1'-0"

Date
2024-07-03

Revision #
001

Revision Date

A6

GLAZED OPENING CALCULATIONS

PER O.B.C. TABLE 9.10.15.4

Rear Elevation

#	WIDTH	DEPTH	WINDOW / DOOR FRAME SIZE (S.F)
1	Existing		32.2
1	New		34.37

Spatial Calculations

Exposing Building Face	1,114.09	S.F.
	103.50	S.M.

Portion Wall Area _____

Limiting Distance 1.55m

Max. % Openings 7%

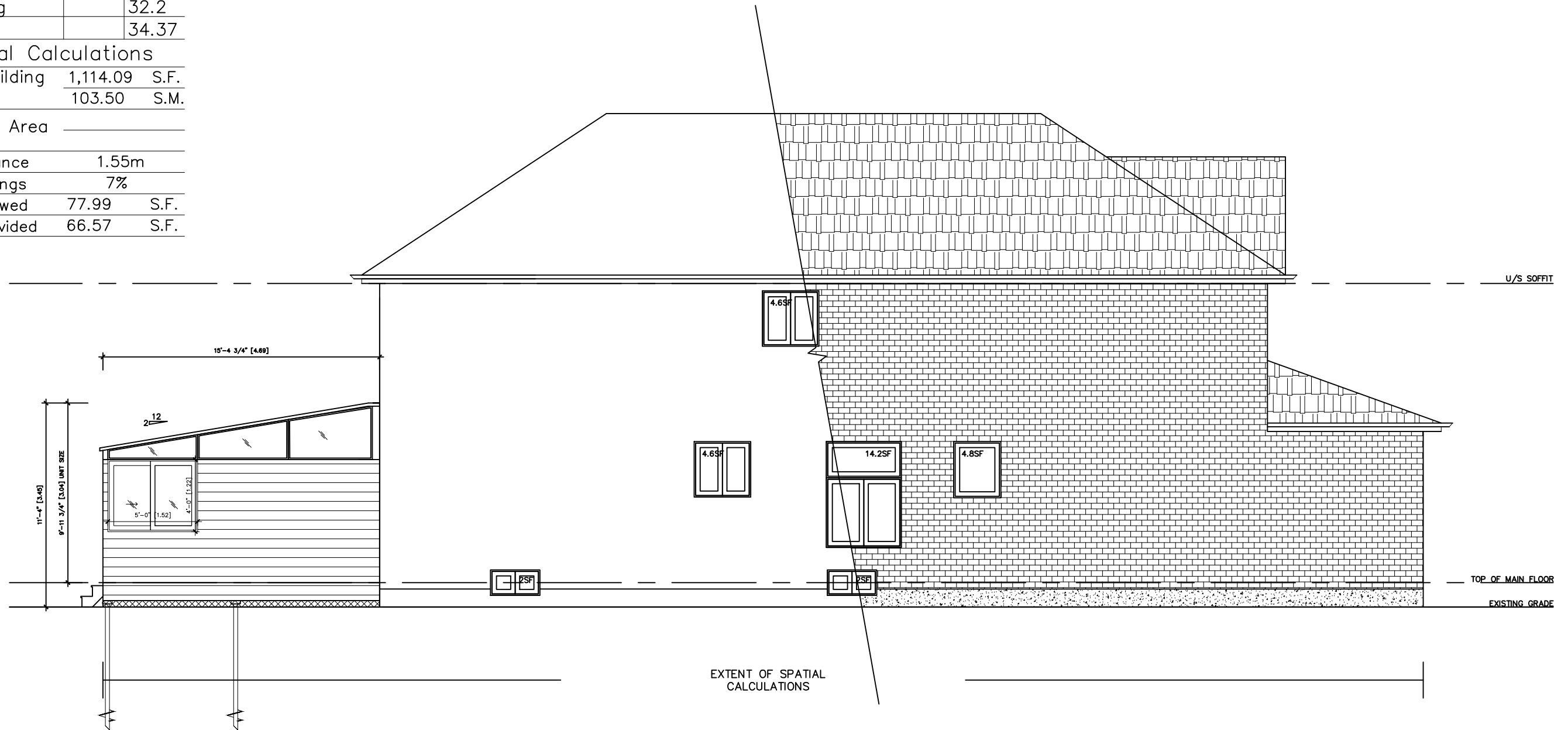
Openings Allowed 77.99 S.F.

Openings Provided 66.57 S.F.

Appendix B

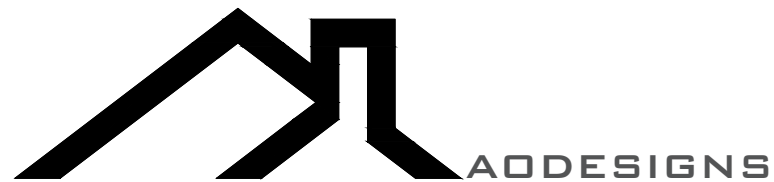
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Date: 9/17/2024
MM/DD/YY



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NAME: Alexandra Aodesh
SIGNATURE: [Signature]
BCIN: 101509



RIGHT ELEVATION

5 Digby Cres, Markham ON L3R 7G6

Sheet No.

Scale
1/6" = 1'-0"

Date
2024-07-03

Revision #
001

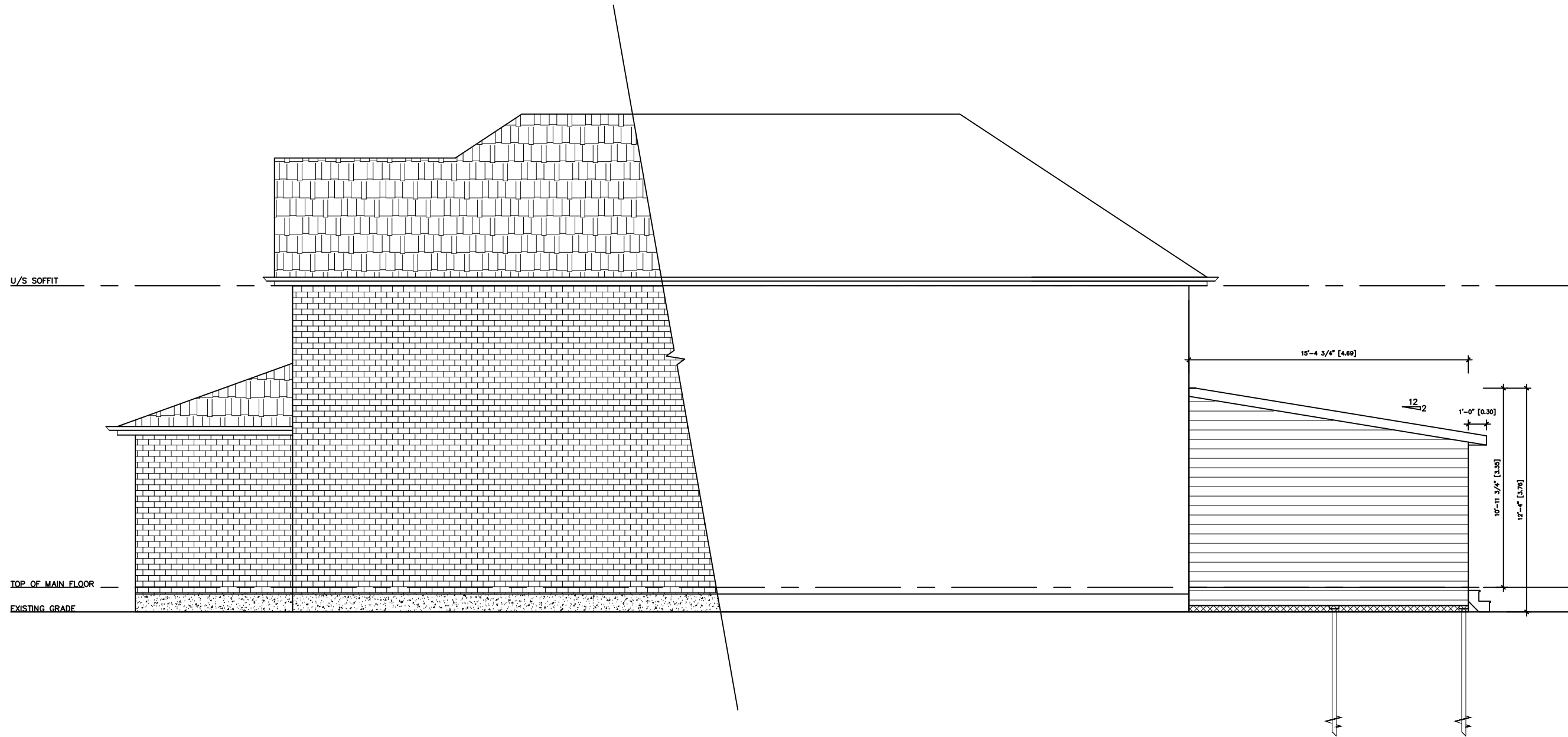
Revision Date

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Appendix B

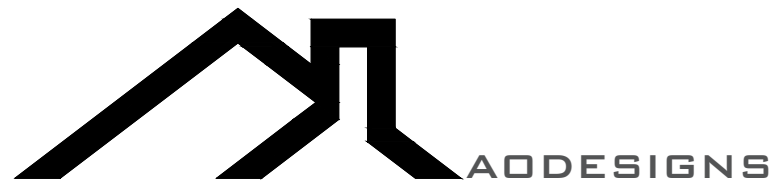
File: 24.186232.000.00.MNV

Date: 9/17/2024
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NAME: Alexandra Aodesh
SIGNATURE: [Signature]
BCIN: 101509



LEFT ELEVATION

5 Digby Cres, Markham ON L3R 7G6

Sheet No.

Scale
1/6" = 1'-0"

Date
2024-07-03

Revision #
001

Revision Date

A8

APPENDIX “C” – A/090/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/090/24

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