

Memorandum to the City of Markham Committee of Adjustment

September 18, 2023

File: A/124/23
Address: 179 Clark Avenue, Thornhill
Applicant: Sakora Design Inc. (Marco Razzolini)
Agent: Sakora Design Inc. (Marco Razzolini)
Hearing Date: Wednesday, September 27, 2023

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

The applicant is requesting relief from the following requirements of the “First Density Multiple Family Residential – (RM1)” under By-law 2237, as amended, as it relates to a proposed two storey single detached dwelling. The variances requested are to permit:

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (i):**
A maximum building height of 9.43 metres (30.94 feet), whereas the By-law permits a maximum height of 8.6 metres (28.22 feet);
- b) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a maximum building depth of 22.69 metres (74.44 feet), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 feet);
- c) **By-law 2237, Amending By-law 101-90, Section 3.7:**
a west side yard window well encroachment of 21 inches (0.53 metres), whereas the By-law permits a maximum encroachment of 18 inches (0.46 metres) into the required side yard setback;
- d) **By-law 2237, Section 6.1:**
an east side yard setback of 1.24 metres (4.07 feet), whereas the By-law requires a minimum side yard setback of 1.8 metres (5.91 feet); and
- e) **By-law 2237, Section 6.1:**
a west side yard setback of 1.27 metres (4.17 feet), whereas the By-law requires a minimum side yard setback of 1.8 metres (5.91 feet).

BACKGROUND

Property Description

The 1247.89 m² (13,432.18 ft²) subject property is located on the south side of Clark Avenue, north of Proctor Avenue and east of New Haven’s Way (refer to Appendix “A” – Aerial Photo). The subject property contains mature vegetation and an existing single detached dwelling constructed in 1973. In addition, it is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition towards larger two-storey detached dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing single detached dwelling and construct a new 423.74 m² (4561.45 ft²) two-storey single detached dwelling on the subject property.

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. These criteria are 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 ‘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 lots within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned RM1 under By-law 2237, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 building height, building depth, and window side yard encroachment.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 27, 2023 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 Building Height Variance

The applicant is requesting relief to permit a maximum building height of 9.43 metres (30.94 feet), whereas a maximum height of 8.6 metres (28.22 feet) is permitted. This represents an increase of 0.83 metres (2.72 feet).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. Planning Staff are of the opinion that the proposed building height is minor in nature and will not adversely impact the character of the neighbourhood.

Increase in Maximum Building Depth Variance

The applicant is requesting relief to permit a maximum building depth of 22.69 metres (74.44 feet), whereas a maximum building depth of 16.80 metres (55.12 feet) is permitted. This represents an increase of approximately 5.89 metres (19.32 feet).

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 1.22 metres (4 feet) to the overall depth of the building and a rear covered porch that adds 0.92 metres (3.02 feet) to the depth of the building. Additionally, given the lot size and the fact that the Subject Lands backs onto a railway, Planning Staff are of the opinion that the increased building depth is minor in nature and will maintain the general intent of the Official Plan.

Increase in Maximum Window Well Encroachment Variance

The applicant is requesting a maximum side yard window well encroachment of 21 inches (0.53 metres) into the west side yard, whereas the By-law permits a maximum encroachment of 18 inches (0.46 metres). This represents an increase of 3 inches (0.08 metres). Staff are of the opinion that the increase in maximum window well encroachment is minor in nature.

Reduced East & West Side Yard Setback Variance

The applicant is requesting a minimum east side yard setback of 1.24 metres (4.07 feet), whereas the by-law requires a minimum side yard setback of 1.8 metres (5.91 feet). This represents a reduction of 0.56 metres (1.84 feet). Additionally, the applicant is requesting a minimum west side yard setback of 1.27 metres (4.17 feet), whereas the by-law requires a minimum side yard setback of 1.8 metres (5.91 feet). This represents a reduction of 0.53 metres (1.74 feet).

Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Staff are of the opinion that the requested reduced east side yard setback is minor in nature.

Tree Protection and Compensation

As noted previously, the subject property contains mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation staff have commented that they have no concerns in regards to the subject Minor Variance application, that tree preservation is required on site and further attention will be required to ensure barriers are in compliance with the City of Markham's standards.

Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Owner installs the appropriate tree protection barriers, if necessary. Staff note the Owner is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

Ten written letters of support were received as of September 18, 2023. 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.

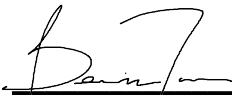
CONCLUSION

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 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:



Bernie Tom, Development Technician, Zoning and Special Projects

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner II, West District



Legend
 Subject Property

1: 2,257

114.7 0 57.33 114.7 Meters

Notes

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF
PART OF LOT 42
REGISTERED PLAN 2368
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE = 1:150 m

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2 - REPORT SUMMARY
 MUNICIPALLY KNOWN AS NO. 179 CLARK AVENUE
 PART OF LOT 42, REGISTERED PLAN 2368
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

EASEMENTS OR RIGHT OF WAY
 NONE
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
 No investigation with respect to Municipal Zoning requirement has been made in connection with this Report.

ADDITIONAL REMARKS
 -MONUMENTS SHOWN AS "MT" ARE WITNESS MONUMENTS AND ARE NOT AT THE PROPERTY CORNER.
 -THE FENCES ARE AS SHOWN ON THE SURVEY PLAN.
 -NOTE THE LOCATION OF THE FRAME SHED AT REAR OF NO. 179 CLARK AVENUE. IT IS PARTIALLY LOCATED ONTO THE LANDS TO THE WEST BEING YORK CONDOMINIUM PLAN NO. 429.
 -NOTE THE LOCATION OF THE BRICK WALLS AT THE FRONT OF THE SUBJECT DWELLING. THEY ARE PARTIALLY LOCATED ON THE LANDS TO THE NORTH BEING CLARK AVENUE.
 -NOTE THAT DUE TO THE HEAVY SNOW AND ICE LOADS AT THE TIME OF SURVEY SOME FEATURES MAY HAVE BEEN MISSED.

THIS REPORT HAS BEEN PREPARED FOR "COLONY PARK HOMES" AND GUIDO PAPA SURVEYING - A DIVISION OF J.D. BARNES LTD. ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

NOTE:
 GUIDO PAPA SURVEYING - A DIVISION OF J.D. BARNES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.

This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

NOTE:
 BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF CLARK AVENUE AS SHOWN ON REGISTERED PLAN 2368, HAVING A BEARING OF N73°12'00"E.

SYMBOL	NOTES
■	SURVEY MONUMENT FOUND
□	SURVEY MONUMENT PLANTED
▣	STANDARD IRON BAR
IB	IRON BAR
WT	WITNESS
OU	ORIGIN UNKNOWN
Ms	MEASURED
P	PLAN OF SURVEY BY ROBERT N. CLARK INC. DATED JULY 14, 1975
P2	YORK CONDOMINIUM PLAN NO. 429 SURVEYOR'S REAL PROPERTY REPORT BY GREATER TORONTO ACCESS SURVEYING INC. DATED DECEMBER 19, 2014
P3	PLAN 64R-2898
P4	PLAN OF SURVEY BY W.G. GIBSON & SONS O.L.S. DATED AUGUST 7, 1958
P5	ROBERT N. CLARK O.L.S. TIMBER RETAINING WALL BOARD FENCE CHAIN LINK FENCE POST AND WIRE FENCE UTILITY POLE INTERLOCK STUCCO BRICK STEPS ALUMINIUM SHED CORNER MANHOLE WATER MANHOLE CENTERLINE OF HEDGE WATER KEY DOOR SILL GARAGE SILL EXISTING ELEVATION BOTTOM OF SLOPE TOP OF SLOPE OVERHEAD CABLES NORTH, SOUTH, EAST, WEST
RC	RETAINING WALL
TRW	TIMBER RETAINING WALL
BF	BOARD FENCE
CLF	CHAIN LINK FENCE
PWF	POST AND WIRE FENCE
UP	UTILITY POLE
INT	INTERLOCK
STU	STUCCO
BR	BRICK
STP	STEPS
AL	ALUMINIUM
SH	SHED
COR	CORNER
MH	MANHOLE
MH(WAT)	WATER MANHOLE
CLH	CENTERLINE OF HEDGE
WK	WATER KEY
DS	DOOR SILL
GS	GARAGE SILL
100.00	EXISTING ELEVATION
BOS	BOTTOM OF SLOPE
TOS	TOP OF SLOPE
-OH-	OVERHEAD CABLES
N.S.E.W	NORTH, SOUTH, EAST, WEST
○	DECIDUOUS TREE
✱	CONIFEROUS TREE
○	SHRUB

NOTE:
 NOTE THAT DUE TO THE HEAVY SNOW AND ICE LOADS AT THE TIME OF SURVEY SOME FEATURES MAY HAVE BEEN MISSED.

SURVEYOR'S CERTIFICATE:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 13th DAY OF MARCH, 2019

DATE: MARCH 14, 2019

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
2084737

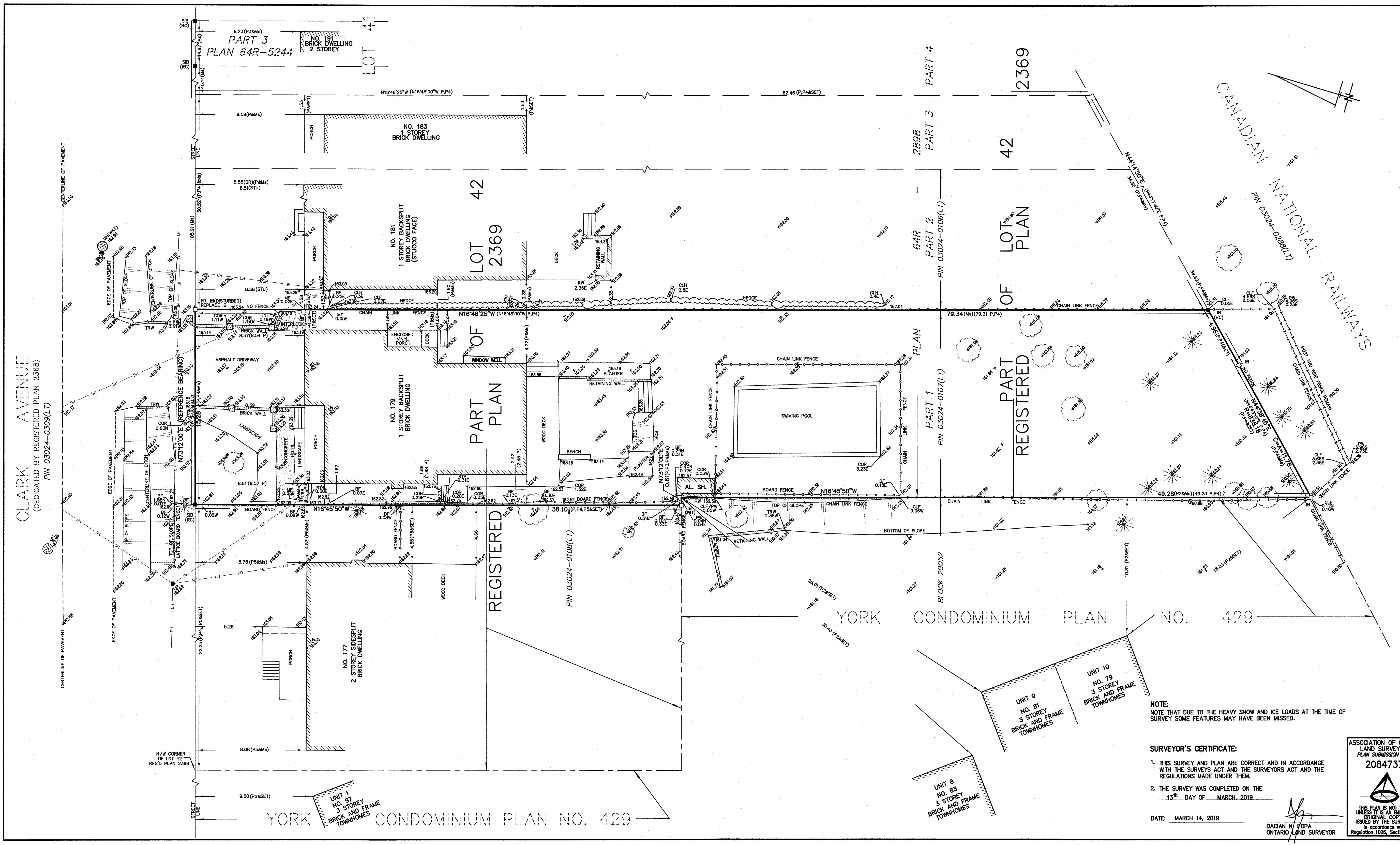
THIS PLAN IS NOT VALID UNLESS IT IS AN GROSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 28(3)

DACIAN N. PAPA
 ONTARIO LAND SURVEYOR

GEODETIC:
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM THE CITY OF MARKHAM BENCHMARK NO. M-01-010 ELEVATION =159.546 METRES.

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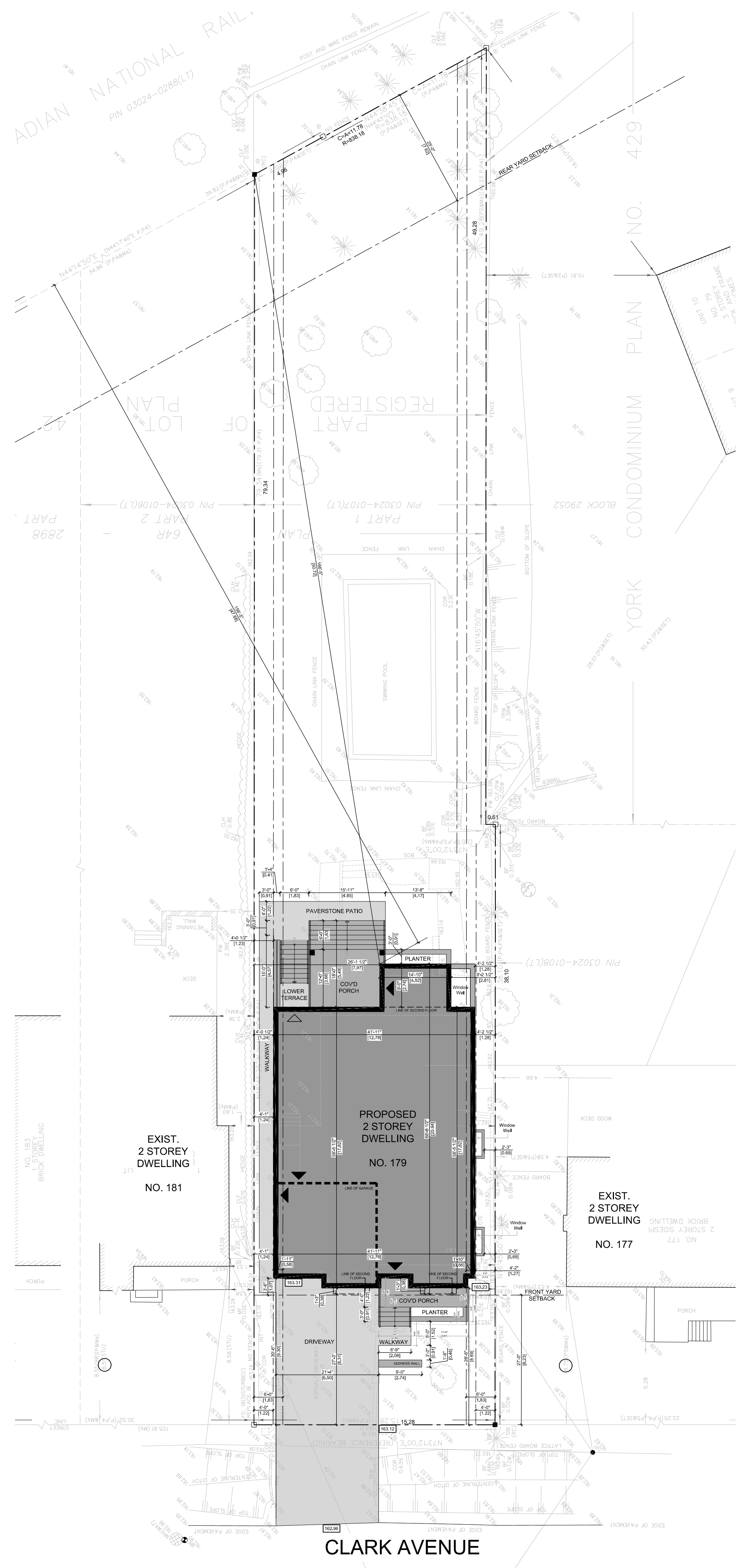
A.A.	DRAWN
D.N.P.	CHECKED
14/03/19	DATE
	Ref. No.
19-18-265-00	



CLARK AVENUE
 (DEDICATED BY REGISTERED PLAN 2368)
 PIN 03024-0309(LT)

N/W CORNER OF LOT 42 REGD PLAN 2368

YORK CONDOMINIUM PLAN NO. 429



179 Clark Ave
 Markham, ON

Designation	R3 - Third Density RM1			
Lot Area	1,247.74	sm	13,430.59	sf
Lot Frontage	15.28	m	50.13	ft
Lot Depth	87.27	m	286.32	ft

	Required		Proposed	
Floor Area Ratio	50%		0.34	
Max GFA sm	623.87	sm	423.74	sm
Max GFA sf	6,715.30	sf	4,561.15	sf
Coverage	33%		21.81%	
Max Coverage sm	415.50	sm	272.12	sm
Max Coverage sf	4,472.39	sf	2,929.03	sf
Building Depth taken from front main wall	18.8 + 2.1		17.82 + 2.74	
Garage Projection	2.10	m	0.00	m

Building Height				
Height (RM1)	8.60	m	10.04	m
Height (R3)	9.80	m	10.04	m
Main Wall (60%)	N/A	m	N/A	m
Dormer Width	N/A		N/A	
Storeys	N/A	sty	N/A	sty

Setbacks				
Front	8.23	m	8.31	m
Int Side East	1.2 & 1.8	m	1.24	m
Int Side West	1.2 & 1.8	m	1.27	m
1st floor = 1.2 second floor = 1.8				
Rear	7.83	m	47.68	m

LANDSCAPE CALCULATIONS				
Front Yard Landscaping Calculations				
Total Front Yard	2.00	sft	0.19	sm
Permitted Encroachments				
Porch	1.00	sft	0.09	sm
Steps	0.00	sft	0.00	sm
Permitted Driveway	0.00	sft	0.00	sm
	0.00	sft	0.00	sm
	0.00	sft	0.00	sm
Total Removed	1.00	sft	0.09	sm
Front Landscape Area	1.00	sft	0.09	sm
			50%	

Gross Floor Area			
	Existing	Proposed	
Ground	N/A	sf	2,149.09
Second	N/A	sf	2,412.06
		sf	
Total	0.00	sf	4,561.15
FSI	0.00		0.34

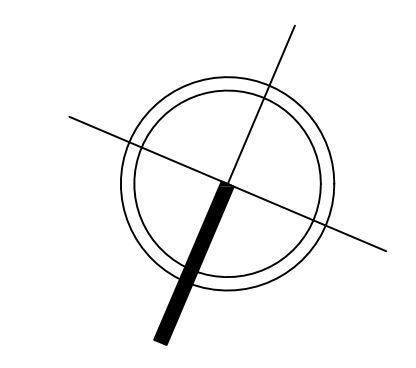
Coverage			
	Existing	Proposed	
House	N/A	sf	2,549.03
Rear Porch	N/A	sf	260.08
Front Porch	N/A	sf	119.92
		sf	
Total	0.00	sf	2,929.03
Percentage	0.00%		21.81%

Encroachments			
Porch F&R	m	0.76	m
Balcony F&R	m	N/A	m
Arch Element	m	N/A	m
Window Projection	m	N/A	m

Landscaping Stats			
Driveway Width	m	6.50	m
Walkway Width	m	1.52	m
Balcony Size	sm	N/A	sm
F Landscape Area	%		%
F Soft L.A	%		%
R Soft L.A	%		%

General Information	
TRCA	No
Ravines	No
Arborist	Yes

Rear Yard Landscaping Calculations				
Total Rear Yard	2.00	sft	0.19	sm
Permitted Encroachments				
Deck	1.00	sft	0.09	sm
Steps	0.00	sft	0.00	sm
	0.00	sft	0.00	sm
	0.00	sft	0.00	sm
Total Removed	1.00	sft	0.09	sm
Front Landscape Area	1.00	sft	0.09	sm
			50%	



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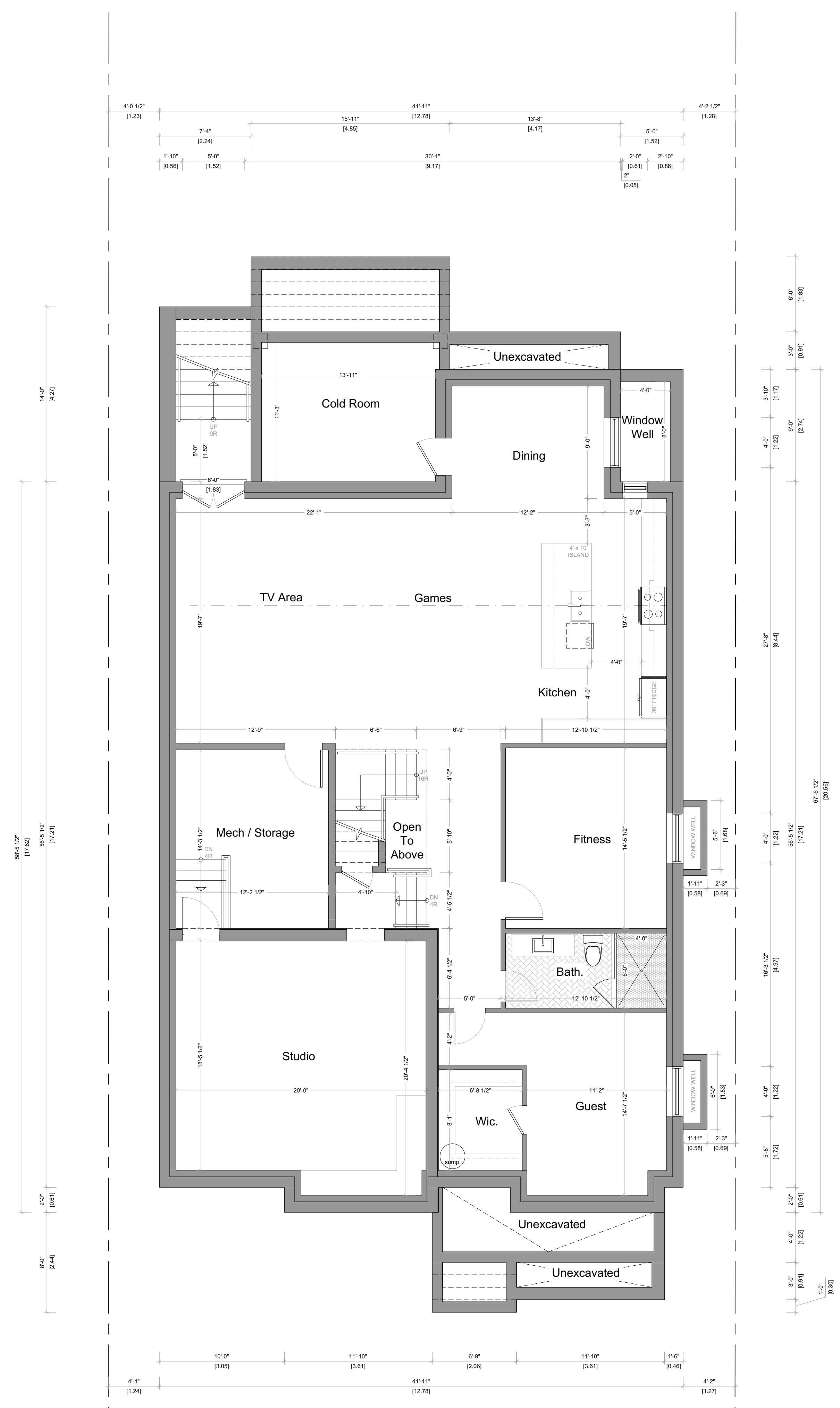
RENOVATION & LANEWAY SUITE
 179 CLARK AVE
 MARKHAM, ON



SITE PLAN

SCALE:
 DATE: 23/07/07
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

SP1



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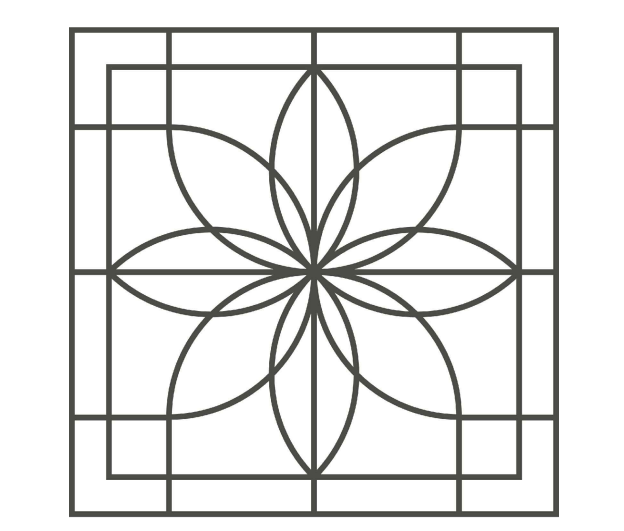
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RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON

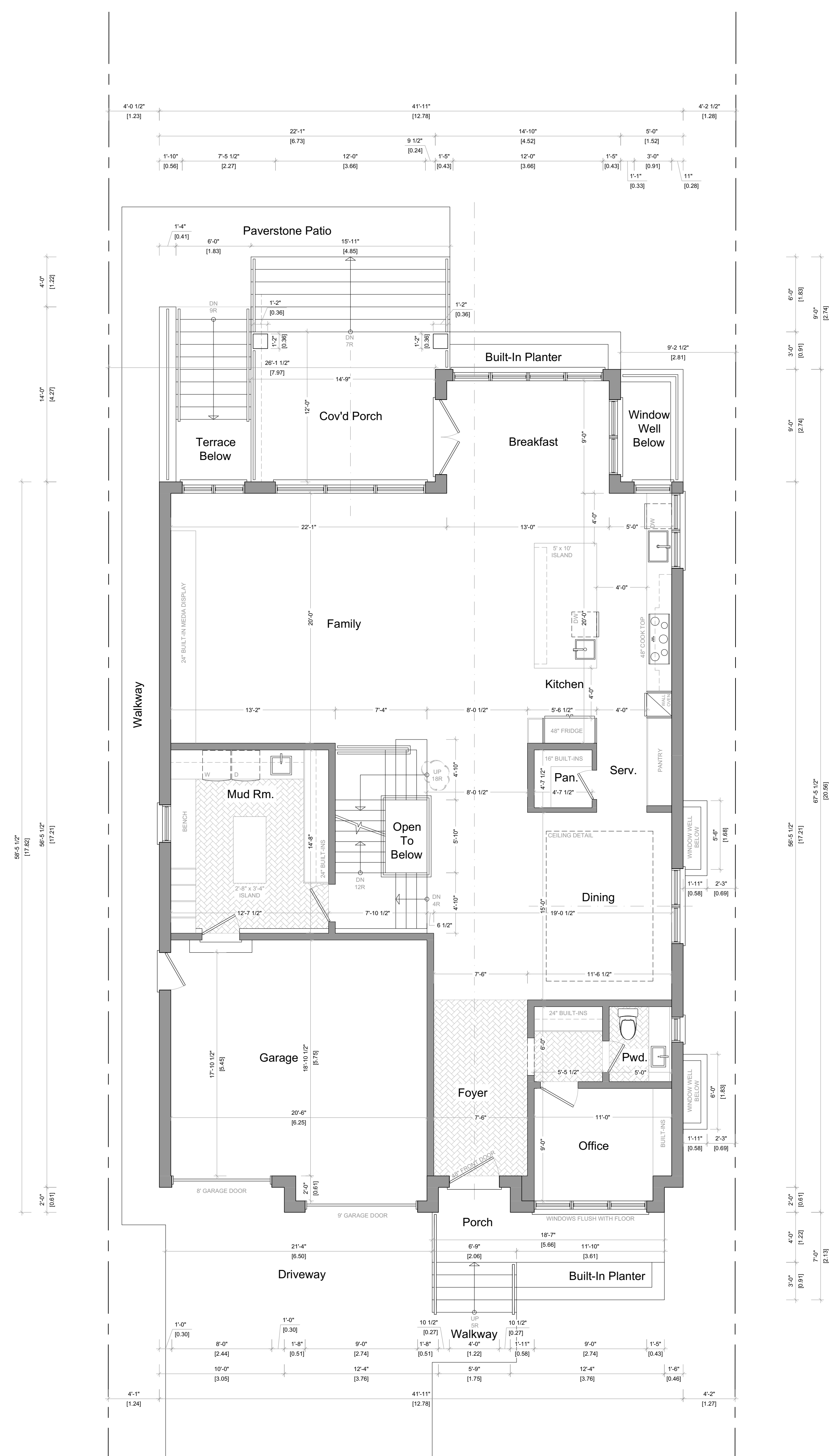


**SAKORA
 DESIGN**

BASEMENT PLAN

SCALE: 3/16" = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A1



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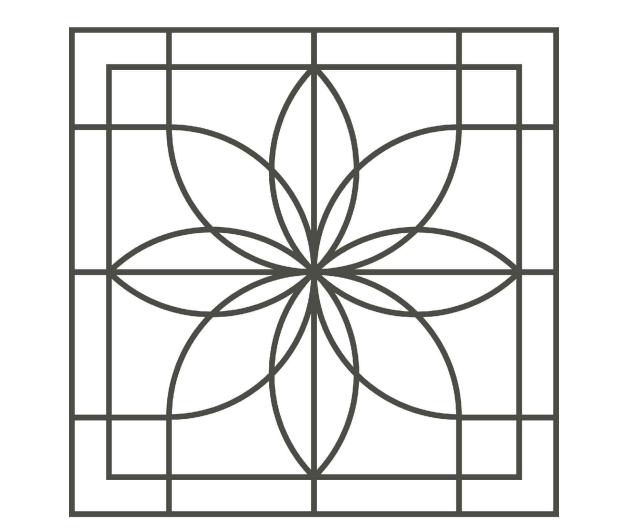
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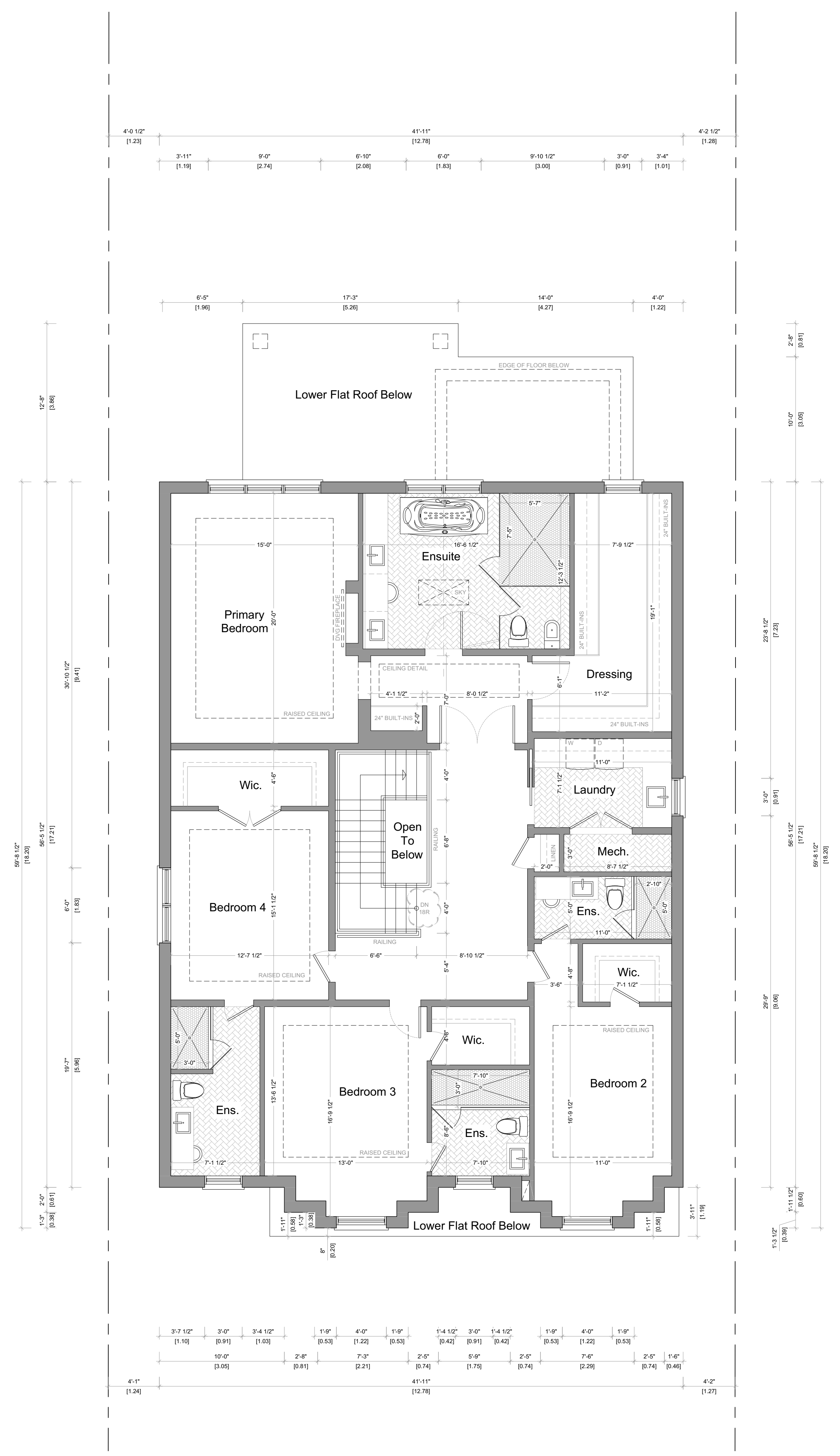


**SAKORA
 DESIGN**

GROUND FLOOR PLAN

SCALE: 3/16 = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A2



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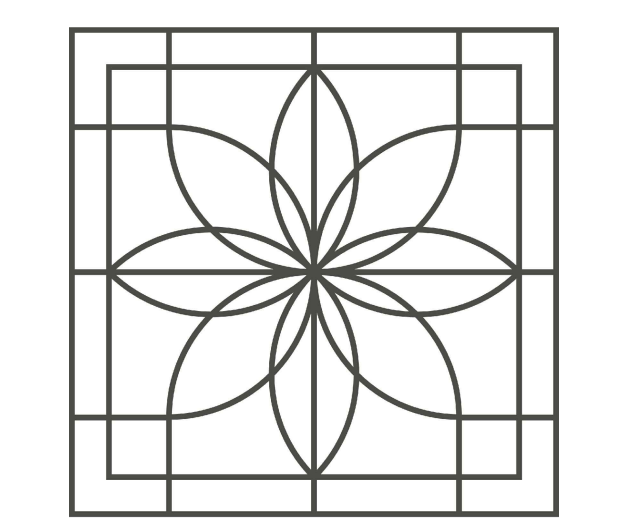
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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.7. DIVISION C OF THE ONTARIO BUILDING CODE.
 SAKORA DESIGN INC. 123145
 NAME SIGNATURE BCIN

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON

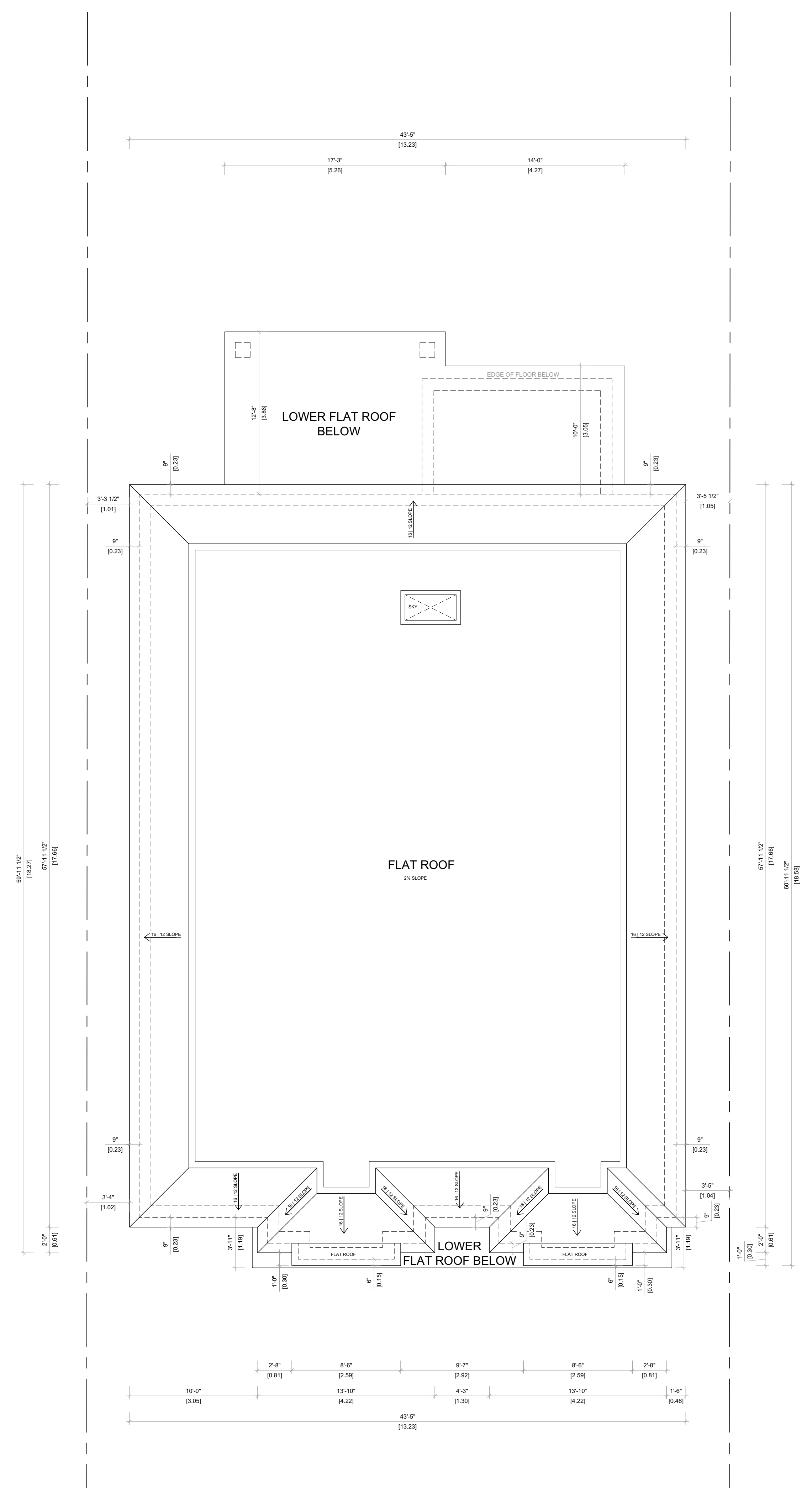


**SAKORA
 DESIGN**

SECOND FLOOR PLAN

SCALE: 3/16 = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A3



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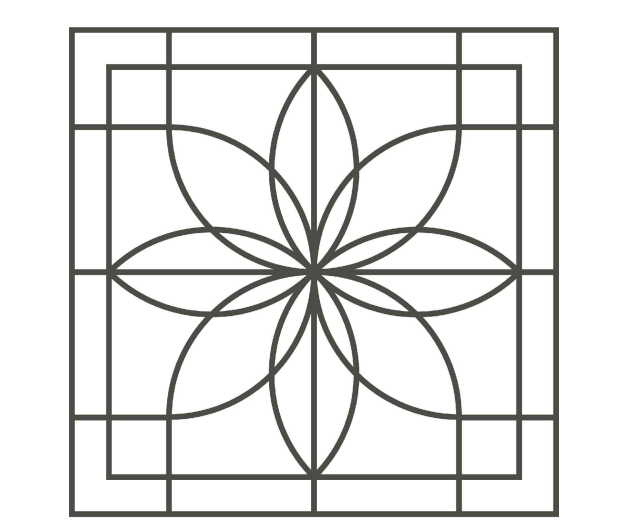
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QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.7.(5) DIVISION C OF THE ONTARIO BUILDING CODE.
 MARCO RAZZOLINI 111893
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
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 SAKORA DESIGN INC. 123145
 NAME SIGNATURE BCIN

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON



**SAKORA
 DESIGN**

ROOF PLAN

SCALE: 3/16 = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A4



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 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
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 SAKORA DESIGN INC. 123145
 NAME SIGNATURE BCIN

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON



FRONT ELEVATION (NORTH)

SCALE: 1/4" = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A5

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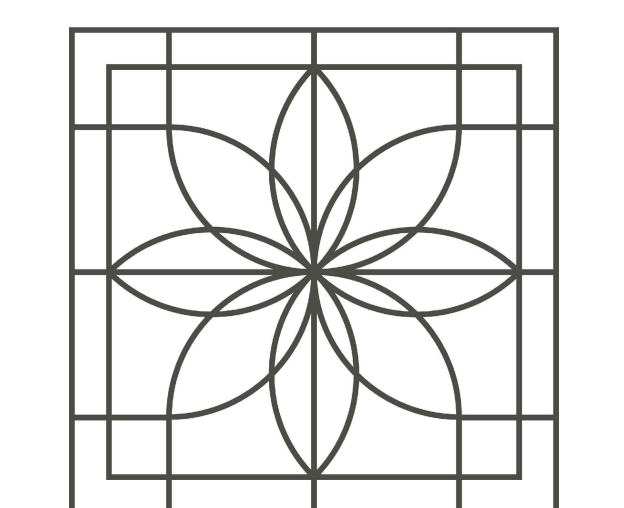
QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.7.(5) DIVISION C OF THE ONTARIO BUILDING CODE.
 MARCO RAZZOLINI 111893
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.7. DIVISION C OF THE ONTARIO BUILDING CODE.

SAKORA DESIGN INC. 123145
 NAME SIGNATURE BCIN

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON

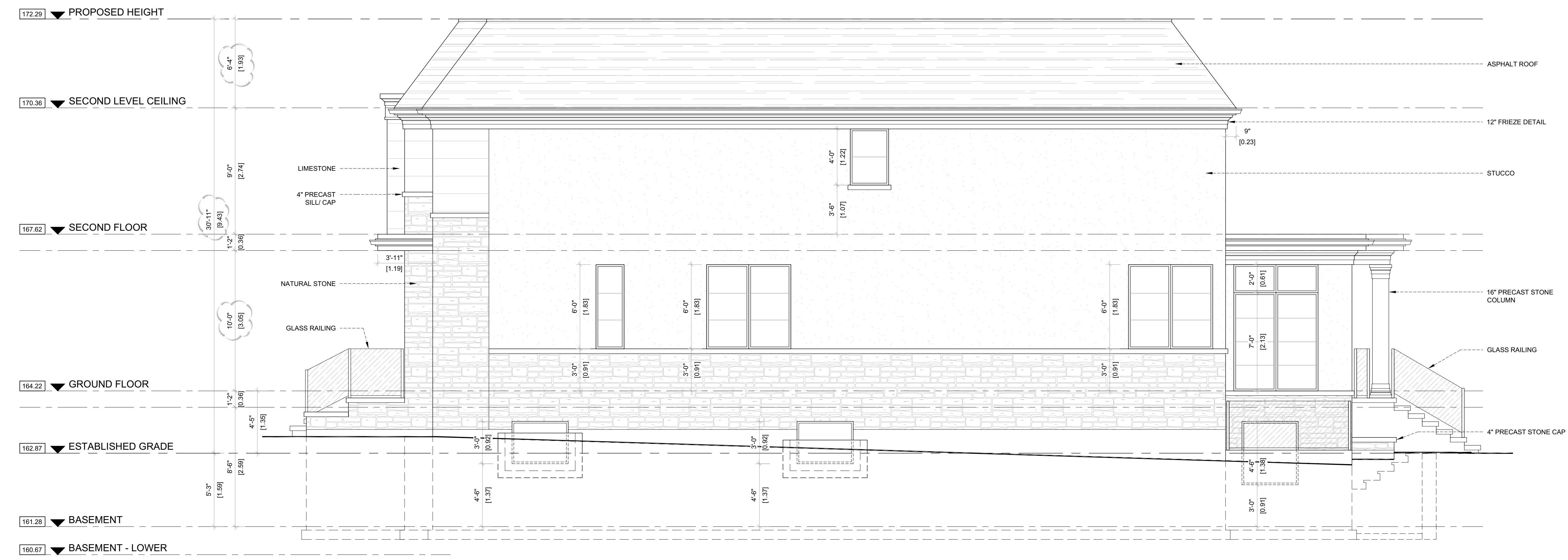


**SAKORA
 DESIGN**

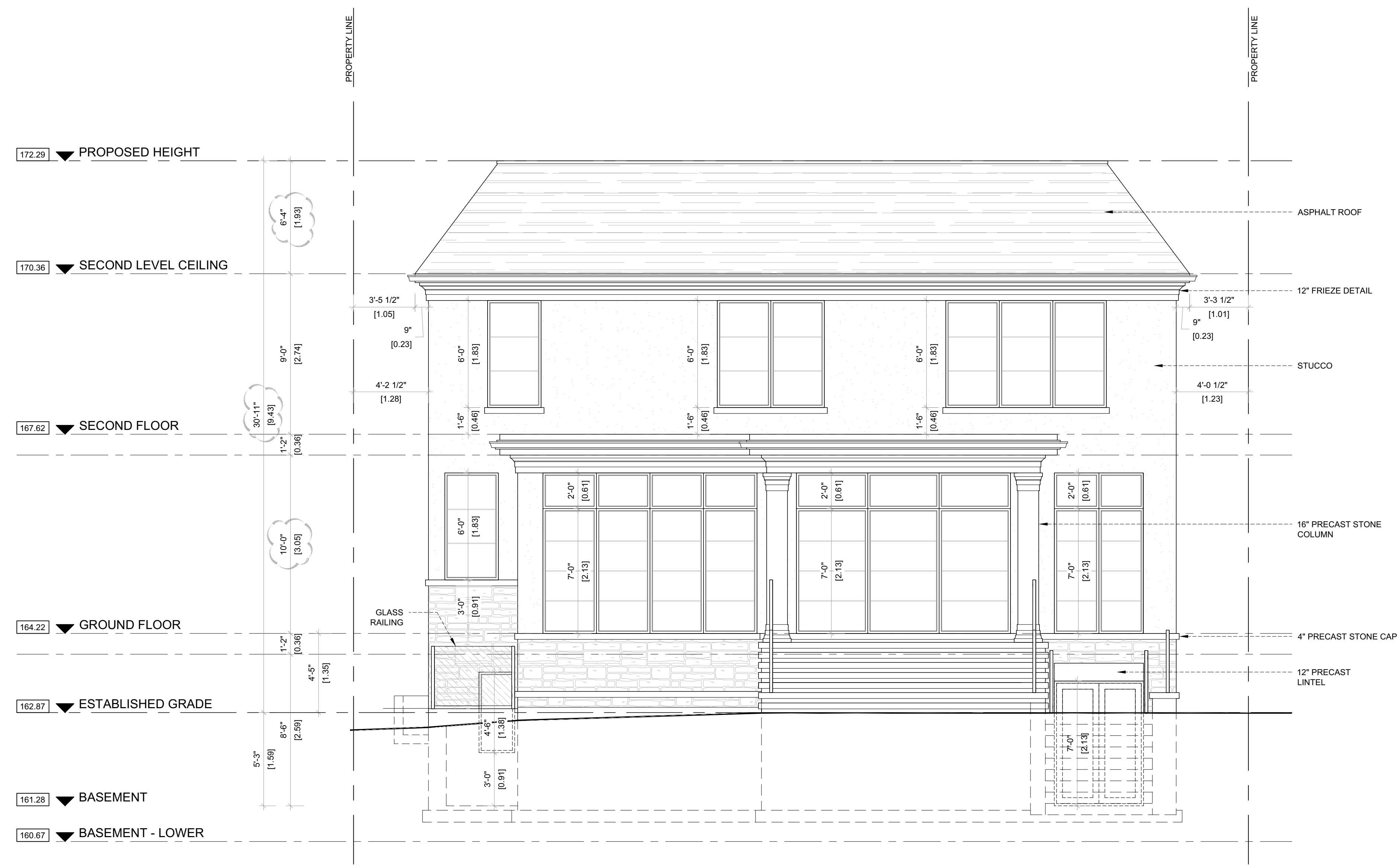
SIDE ELEVATION (WEST)

SCALE: 1/4" = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A6



WALL AREA	1,399	SFT
OPENING AREA	95	SFT
PERCENTAGE	6.79%	
REQ LIMITING DIS.	7% @ 1.2m	



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 SAKORA DESIGN INC. 123145
 NAME SIGNATURE BCIN

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON



REAR ELEVATION (SOUTH)

SCALE: 1/4" = 1'-0"
 DATE: 23/08/17
 DRAWN BY: MR
 REVIEWED BY: MR
 PROJECT #: 23-05

A7

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QUALIFICATION INFORMATION

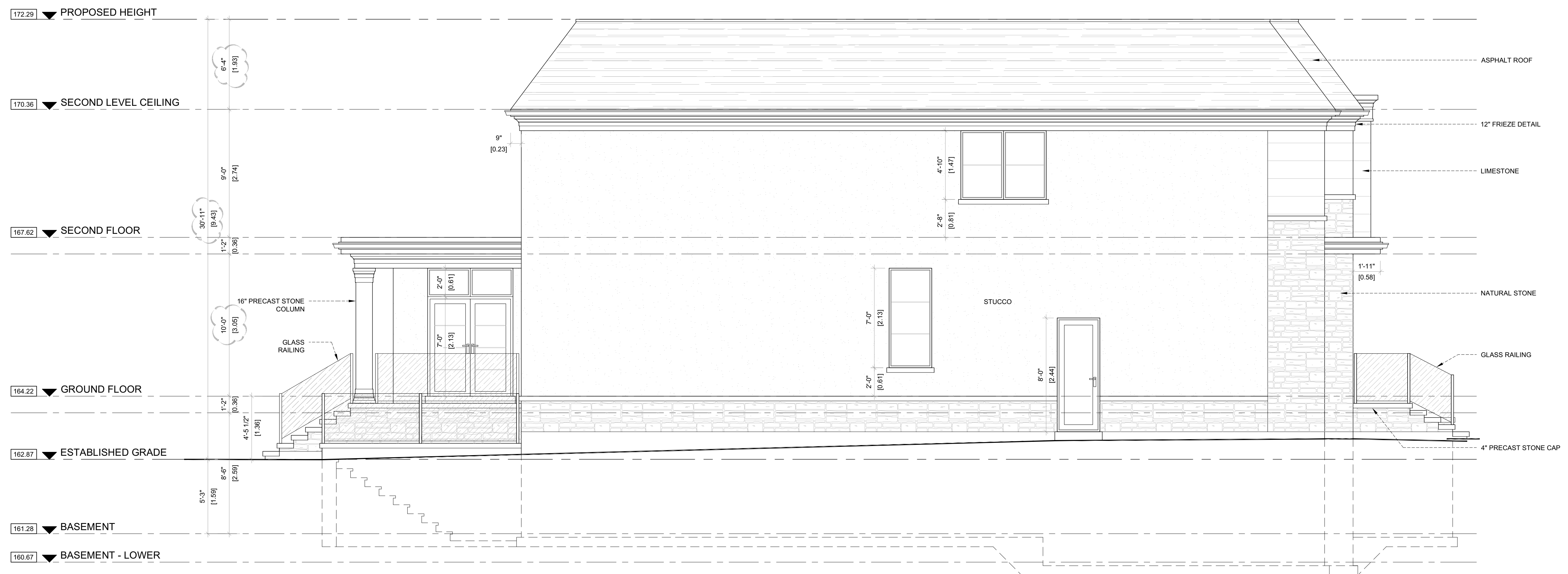
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.7.(5) DIVISION C OF THE ONTARIO BUILDING CODE.

MARCO RAZZOLINI 111893
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SAKORA DESIGN INC. 123145
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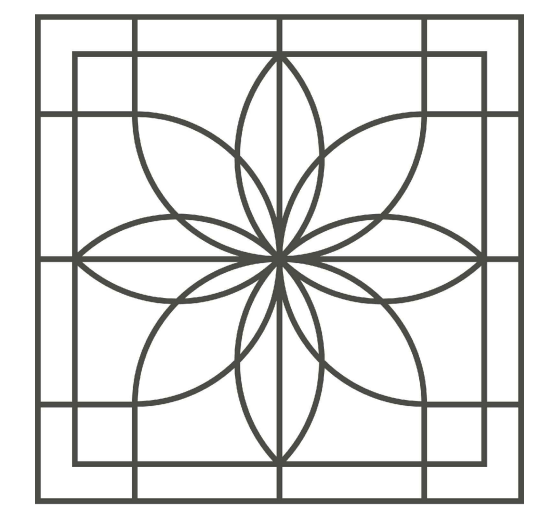


WALL AREA	118	SFT
OPENING AREA	54	SFT
PERCENTAGE	45.76%	
REQ LIMITING DIS.	67% @ 4.0m	

WALL AREA	1,302	SFT
OPENING AREA	50	SFT
PERCENTAGE	3.84%	
REQ LIMITING DIS.	7% @ 1.2m	

RENOVATION & LANEWAY SUITE

179 CLARK AVE
 MARKHAM, ON



SAKORA
 DESIGN

SIDE ELEVATION (EAST)

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

DATE: 23/08/17

DRAWN BY: MR

REVIEWED BY: MR

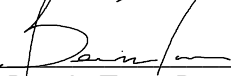
PROJECT #: 23-05

A8

APPENDIX “C” – A/124/23 Conditions of Approval

1. The variances apply only to the proposed development as long as it remains; and
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. 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 Manager of By-law Enforcement & Regulatory Services Division.
4. 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 Manager of By-law Enforcement & Regulatory Services Division.

CONDITIONS PREPARED BY:



Bernie Tom, Development Technician, Zoning and Special Projects