

# Memorandum to the City of Markham Committee of Adjustment

October 11, 2023

**File:** A/153/23  
**Address:** 11 John Anthony Drive, Markham  
**Owner:** Sonia Cacciaccarro  
**Applicant:** Sonia Cacciaccarro  
**Hearing Date:** Wednesday, October 18, 2023

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

The Owner is requesting relief from the following “Residential Two with the Exception 573 (R2\*573)” zone requirements of By-law 177-96, as amended, as it relates to a proposed rear deck and walk-out stairs. The variance requested are to permit:

- a) **By-law 177-96; Section 6.2.1 a) i):**  
a rear yard deck setback of 0 metres; whereas, the By-law requires a deck to be no closer than 3.0 metres to the rear lot line;
- b) **By-law 177-96; Section 6.2.1 a) ii):**  
an east side lot line deck setback of 0 metres, whereas the By-law requires a deck to be located no closer than 0.6 metres to the interior east side lot line;
- c) **By-law 177-96; Section 6.2.1 a) ii):**  
a west side lot line deck setback of 0 metres; whereas the By-law requires a deck to be located no closer than 1.2 metres to the interior west side lot line.

Planning Staff, in consultation with Building Standards Staff, has been determined that the original variance requests did not accurately reflect the relief required from the Zoning By-law. Consequently, the variance required to facilitate the proposed deck is as follows:

- a) **By-law 177-96, Section 6.2.1 a) i):**  
To permit a rear yard deck setback of 0.9 metres, whereas the By-law requires a deck to be no closer than 3.0 metres to the rear lot line.

Staff has been made aware that the Owner will be requesting that the application be amended accordingly and have no objections.

## BACKGROUND

### Property Description

The 742.69 m<sup>2</sup> (7,994.25 ft<sup>2</sup>) Subject Lands are located on the south side of John Anthony Drive, east of Prince Regent Street, and generally east of Woodbine Avenue (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within a new residential neighbourhood comprised of two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 301.40 m<sup>2</sup> (3,244.34 ft<sup>2</sup>) one-storey detached dwelling on the Subject Lands which was constructed in 1976, according to assessment records.

## **Proposal**

The Owner is proposing to construct a 54.72 m<sup>2</sup> (588.97 ft<sup>2</sup>) rear deck, a 10.44 m<sup>2</sup> (112.37 ft<sup>2</sup>) pool, a fireplace, and walk-out stairs as shown in Appendix "B".

## **Official Plan and Zoning**

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

The Subject Lands are designated "Residential Low Rise", which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. The purpose of this development criteria is 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 177-96, as amended

The Subject Lands are zoned "Residential Two with the Exception 573 (R2\*573)", under By-law 177-96, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the rear yard deck setback.

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

The Owner has completed a Zoning Preliminary Review (ZPR) on May 30, 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.

### Reduction in Rear Yard Setback

The Owner is requesting relief to permit a minimum rear yard deck setback of 2.95 feet (0.9 metres), whereas the By-law requires a minimum rear yard deck setback of 9.84 feet (3.0 metres). This represents a reduction of approximately 6.89 feet (2.1 metres). The variance is entirely attributable to the proposed uncovered rear deck and walk-up stairs.

Staff are of the opinion that the reduced rear yard deck setback will not have an adverse impact on the abutting property at 9 and 13 John Anthony Drive and have no objection to the variance. Due to the limited area of the rear yard, the proposed development intends to maximize the use of available space (specifically on the eastern and western side yard deck setbacks) and will not add to the scale and massing of the dwelling.

## **PUBLIC INPUT SUMMARY**

Two written letters in support from the property owners at 9 and 13 John Anthony were received as of October 11, 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 Owner 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:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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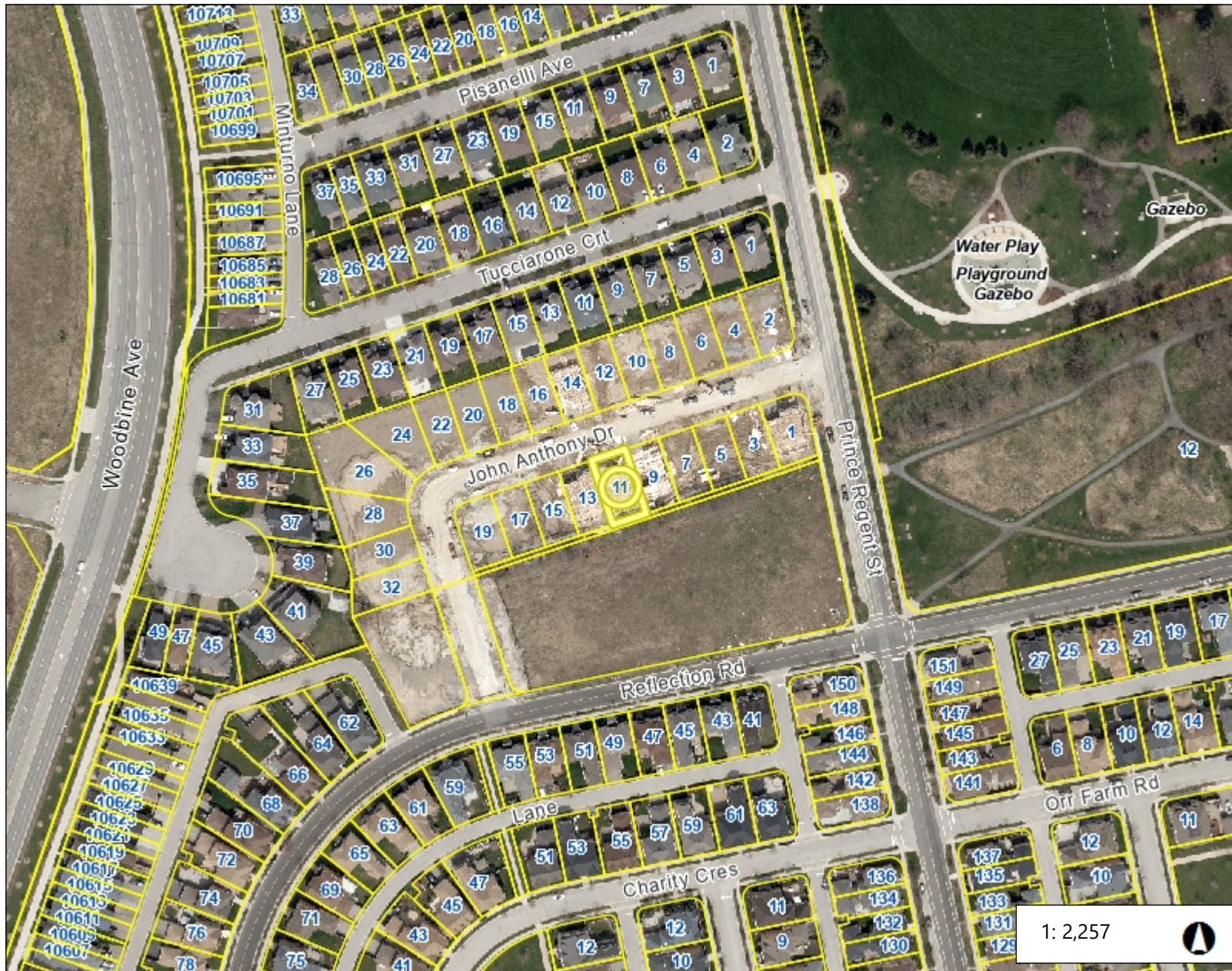
Rick Cefaratti, MCIP RPP, Senior Planner II, West District

## **APPENDICES**

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/153/23 Conditions of Approval



Legend

Subject Lands

1: 2,257



Notes

114.7 0 57.33 114.7 Meters

**GRADING AND DRAINAGE NOTES:**

- Standard drawing and lot grading criteria of the City of Markham and the regional Municipality of York constitute part of the project drawings for this subdivision.
- Minimum gradient of grass swales along side and rear lot lines shall be 2.0%. The proposed elevation of the side yard swale shall be a minimum of 0.15 meters above the finished grade at the building line.
- Take up rear yard grade difference using slopes between 2.0% and 5.0% for a maximum of 25% of the rear yard length and slopes of 3:1 to the rear lot line. Use retaining walls if grade difference is more than 0.6 meters. Construct retaining wall within rear lot line.
- Roof Leaders shall not be connected to the storm sewer but shall discharge to the ground onto a splash pad.
- Footings constructed next to a catchbasin lead pipe or other municipal services shall be installed below the lead pipe excavation. Footings must be constructed on undisturbed soil. Soil consultants verification required.
- Edge of driveways are to be a minimum of 1.0 meter from edge of street catchbasin and street furniture. The builder is to verify the locations and to inform the engineer if this dimension can not be maintained prior to excavation for the footings.
- Brick line shall be a minimum of 0.15 meters above sod elevation.
- All fences abutting public lands and or existing properties shall be constructed with material (including foundations) completely on private lands and totally clear of any 0.30m reserves.
- Soil consultant's verification is required for footings constructed on engineered fill lots.
- In lots with rear lot catchbasins, the minimum side yard width shall be 1.2m along the catchbasin lead.
- Builder to stake out curb depressions on all lots.
- Builder must verify the existing sanitary and storm lateral sewer inverts and to inform the engineer if the minimum 2% slope cannot be maintained prior to placing of concrete footings.

**CONSULTANT'S CERTIFICATION**

I have reviewed the site and grading plan for the proposed building to be constructed and hereby certify that:

- The proposed grading and appurtenant drainage works comply with sound engineering principles.
- The proposed grading is in conformity with the grading plan approved for this subdivision and will not adversely affect adjacent lands.
- The proposed building is compatible with the proposed grading.
- The builder is responsible for relocation of all utilities on the site.
- Water service to be located in the grassed portion of the yard.

**CITY OF MARKHAM GRADING CERTIFICATION**

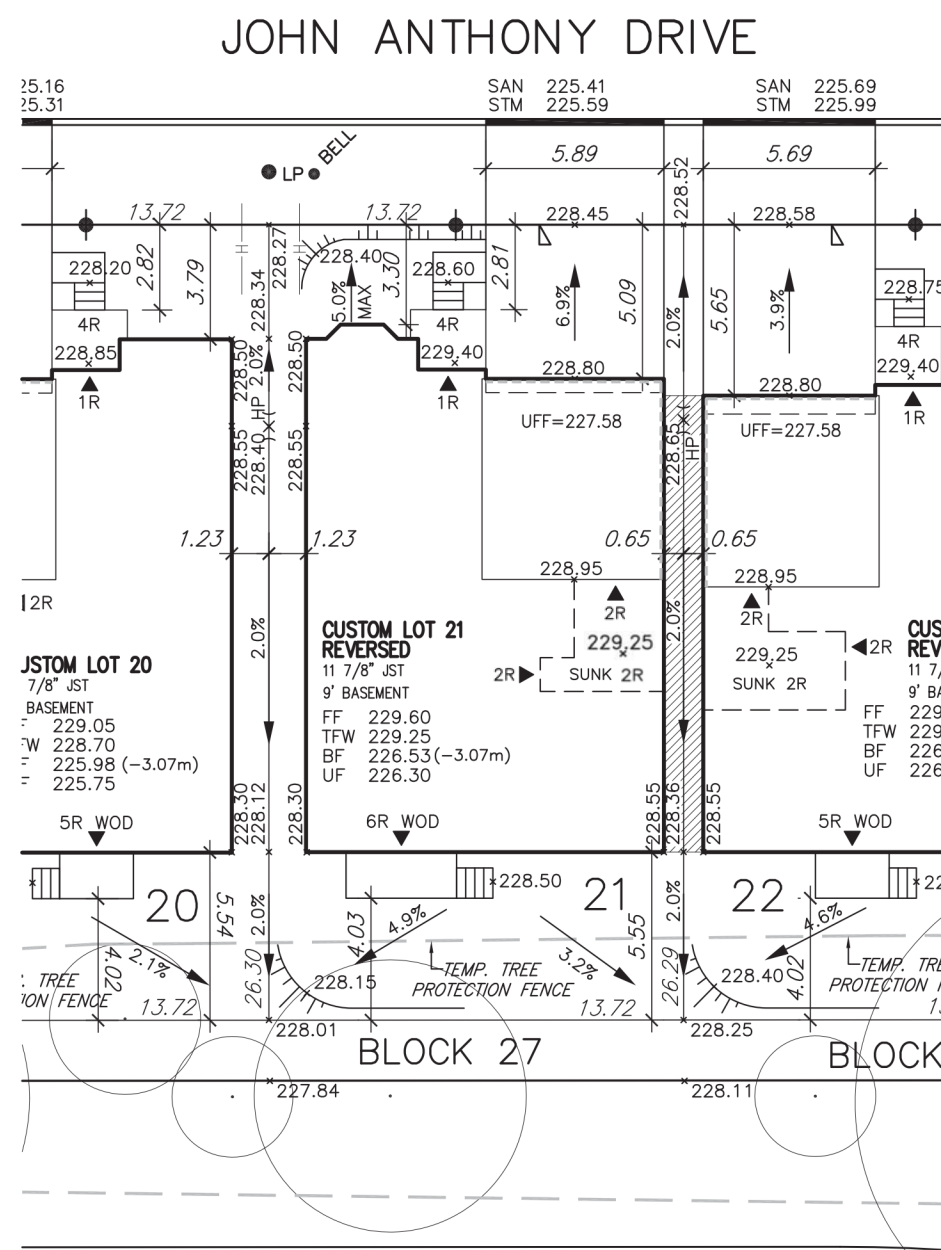
I HEREBY CERTIFY THAT THE BUILDING TYPE, APPURTENANT GRADING, DRAINAGE AND STORMING WORKS PROPOSED FOR LOT 21, PLAN 65M-4690 COMPLETED WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS IN CONFORMITY WITH THE ORIGINAL GRADING PLANS REVIEWED AS SCHEDULED TO THE SUBDIVISION AGREEMENT AND WITH ADJACENT LANDS FOR DRAINAGE AND RELATIVE ELEVATIONS.

DATE: AUGUST 10, 2021 REVIEWED: STIPE GONZALEZ

MAIL PROJECT: MASONGONG ASSOCIATES

CATHERALTOWN SUBDIVISION PH2

16-805 MAIL PROJECT No.



FOR STRUCTURAL ONLY: ENG. TRUSSES AND FLOOR BY OTHERS

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.

**W Architect Inc.**  
DESIGN CONTROL REVIEW  
AUG. 11, 2021  
FINAL BY: [Signature]

Sheet Title: SITING AND GRADING PLAN  
REGISTERED PLAN No.: 65M-4690  
LOT: 21  
Drawn by: LM BCIN: 20130  
Date: JULY 28 2021 Date Revised: Scale: 1:250 Drawing No.: 1 OF 1

**ELGIN MILLS CONSTRUCTION INC.**  
Project Name: TUCCARONE SUBDIVISION CATHERALTOWN MARKHAM, ONTARIO

**Grading Notes:**  
It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction. Finished grade lines as indicated on the house principles are for reference only and do not necessarily depict finish grading conditions of any particular lot.

**LEGEND**

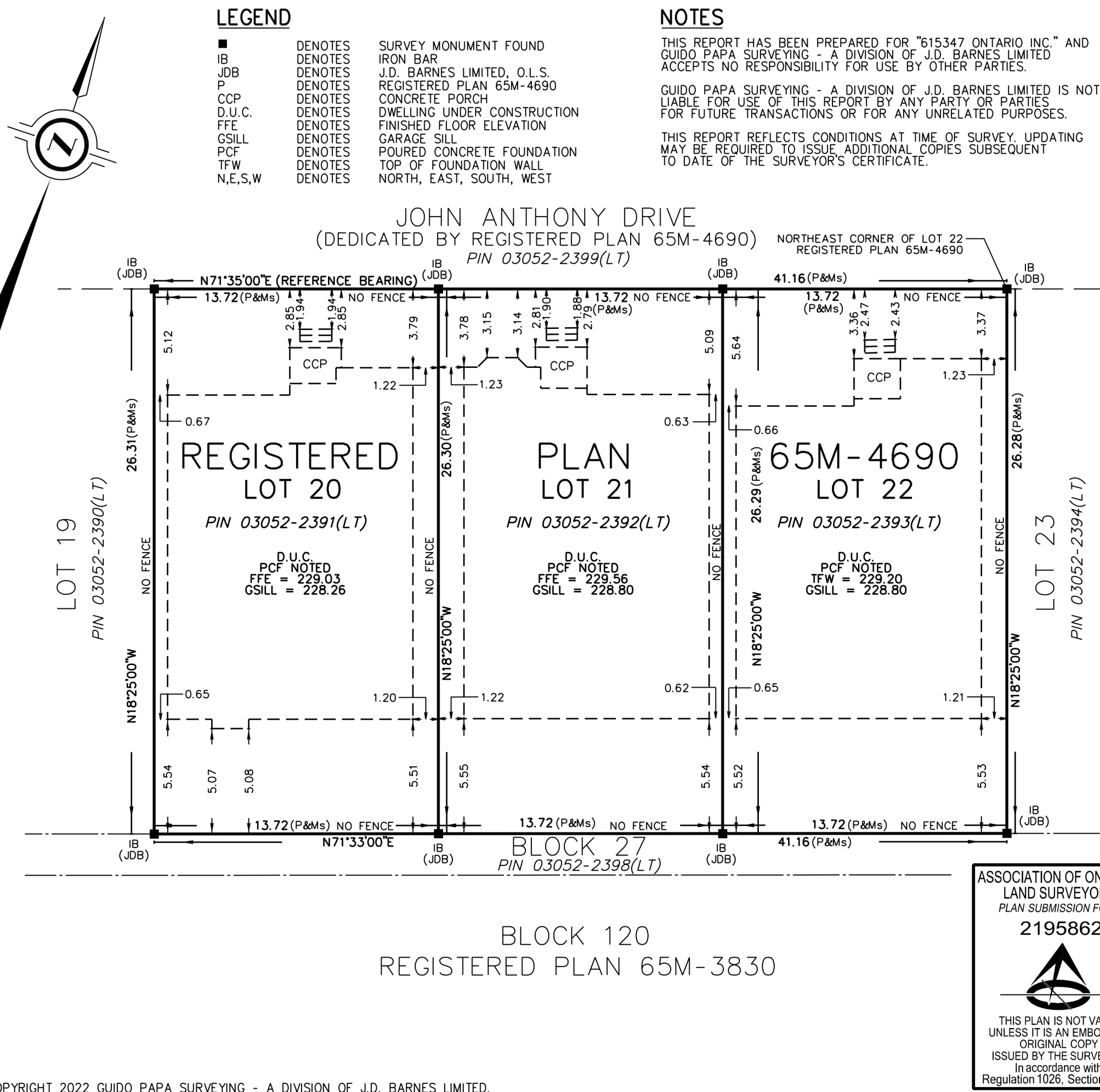
- DENOTES IRON BAR
- DENOTES J.D. BARNES LIMITED, O.L.S. REGISTERED PLAN 65M-4690
- DENOTES DWELLING UNDER CONSTRUCTION
- DENOTES FINISHED FLOOR ELEVATION
- DENOTES GARAGE SILL
- DENOTES POURED CONCRETE FOUNDATION
- DENOTES TOP OF FOUNDATION WALL
- DENOTES NORTH, EAST, SOUTH, WEST

**NOTES**

THIS REPORT HAS BEEN PREPARED FOR "615347 ONTARIO INC." AND GUIDO PAPA SURVEYING - A DIVISION OF J.D. BARNES LIMITED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

GUIDO PAPA SURVEYING - A DIVISION OF J.D. BARNES LIMITED 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.



**SURVEYOR'S REAL PROPERTY REPORT**  
PART 1 - PLAN SHOWING  
**LOT 20, 21 AND 22**  
REGISTERED PLAN 65M-4690  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK  
SCALE 1 : 200

**GUIDO PAPA SURVEYING**  
A DIVISION OF J.D. BARNES LIMITED

**PART 2 - SURVEY REPORT**

- DESCRIPTION: LOTS 20, 21 AND 22 REGISTERED PLAN 65M-4690 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY NONE
- ZONING COMPLIANCE: NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING REQUIREMENT HAS BEEN MADE IN CONNECTION WITH REPORT.
- ADDITIONAL REMARKS: PROPOSED GARAGE SILL ELEVATION WAS SET IN THE FIELD.

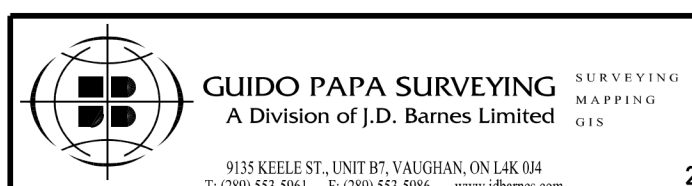
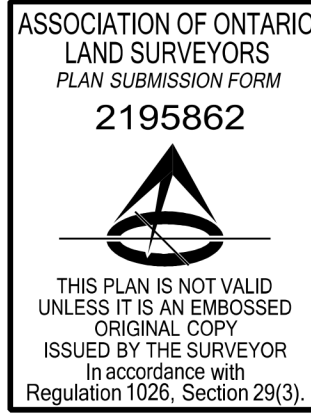
**NOTES**  
BEARING ARE UTM GRID AND ARE REFERRED TO THE SOUTHERLY LIMIT OF JOHN ANTHONY DRIVE AS SHOWN ON REGISTERED PLAN 65M-4690 AS HAVING A BEARING OF N71°35'00\"/>

**SURVEYOR'S CERTIFICATE**

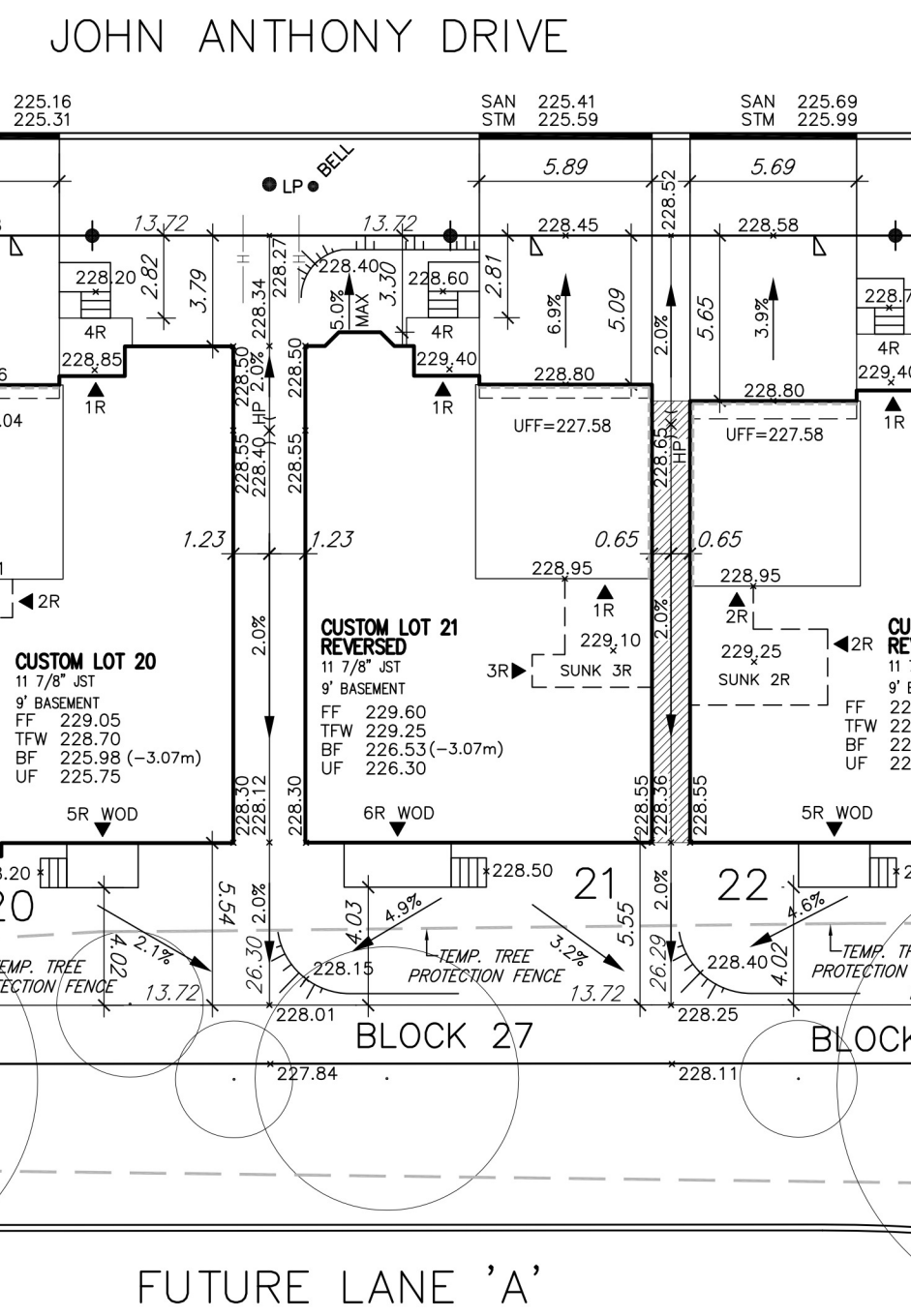
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON APRIL 22, 2022.

APRIL 29, 2022 DATE

VALERIO G. PAPA  
ONTARIO LAND SURVEYOR



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**FINAL SURVEY (1)**



**DO NOT SCALE DRAWINGS**

Contractor must verify all drawings, dimensions, details and specifications, and report any discrepancies to ID Inc. before proceeding with work. Materials may not be substituted without written approval from ID Inc.

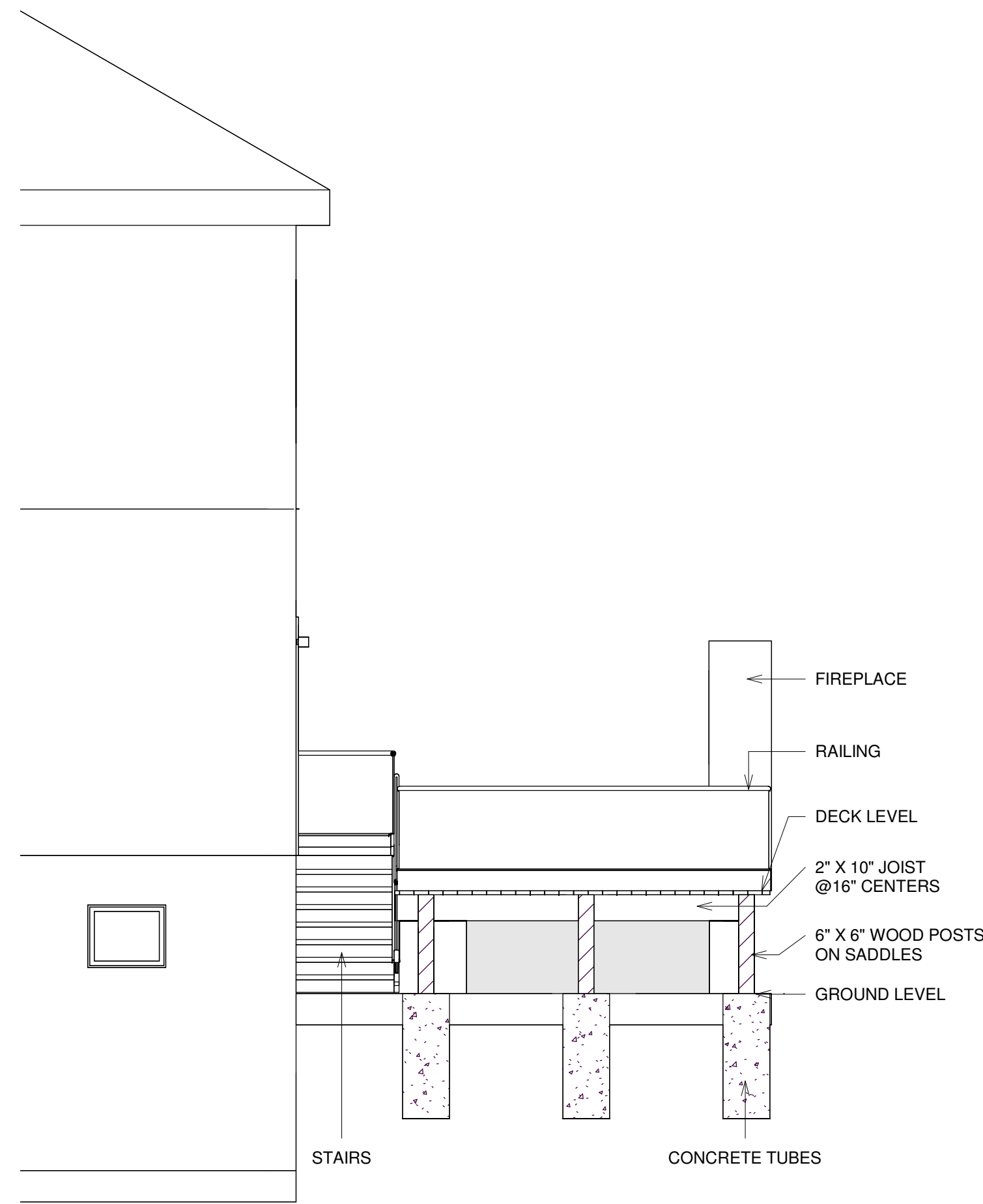
All drawings and specifications are instruments of service and the property of ID Inc., these drawings may not be used for any other project than for what they were prepared.

**SONIA CACCIACARRO**  
PHONE #: 416.771.8683  
11 JOHN ANTHONY DRIVE MARKHAM, ON

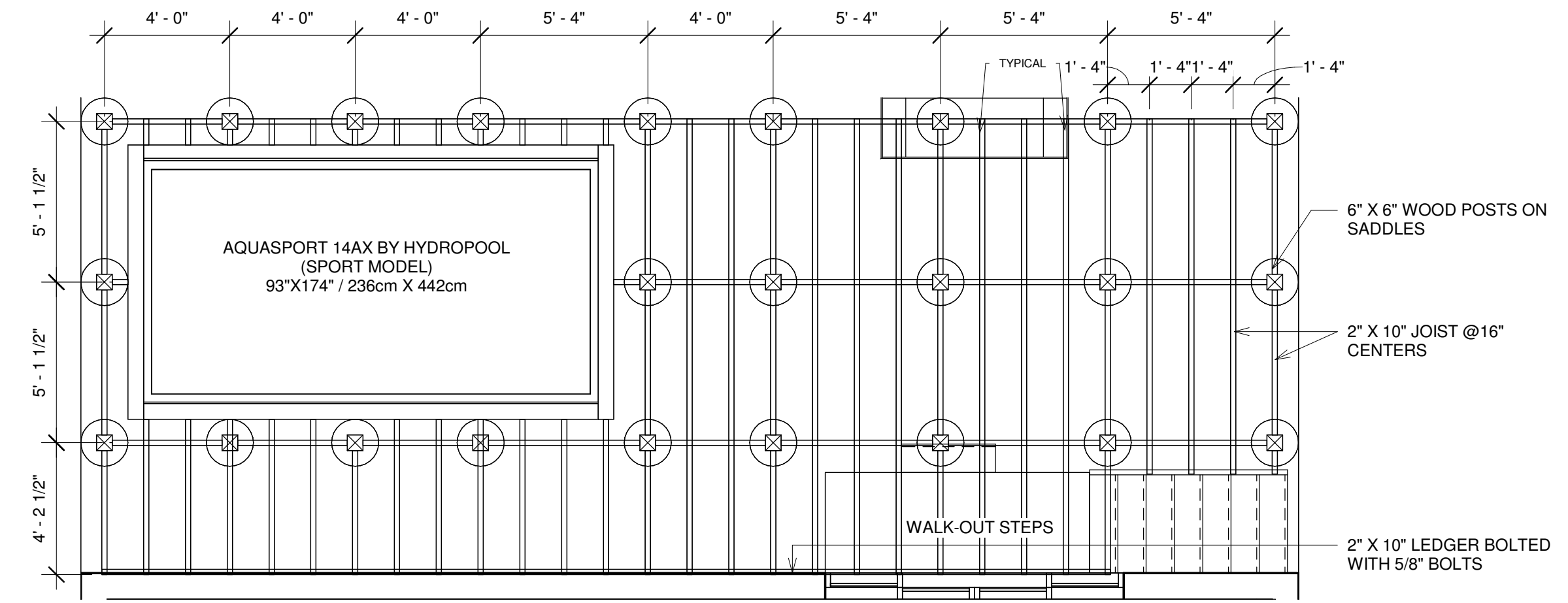
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PLOT DATE: 09/17/23 CHECKED BY: O. LUDUCA



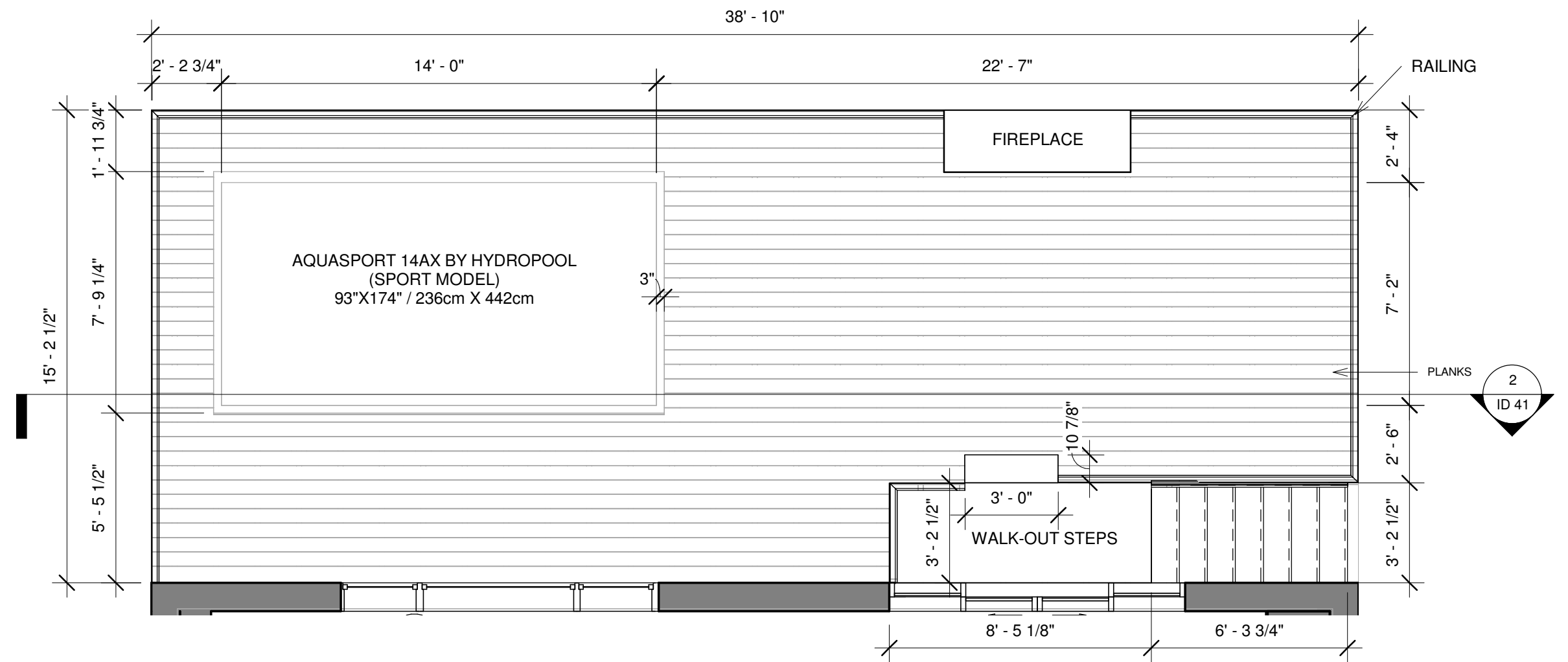
② Section 1 (1)  
1/4" = 1'-0"



④ Section 2 (1)  
1/4" = 1'-0"



① DECK PLAN CONSTRUCTION VIEW Copy 1  
1/4" = 1'-0"



③ DECK PLAN VIEW W/ PLANKS (1)  
1/4" = 1'-0"

**DECK DETAIL (1)**



**ID**  
DESIGN  
SPACE

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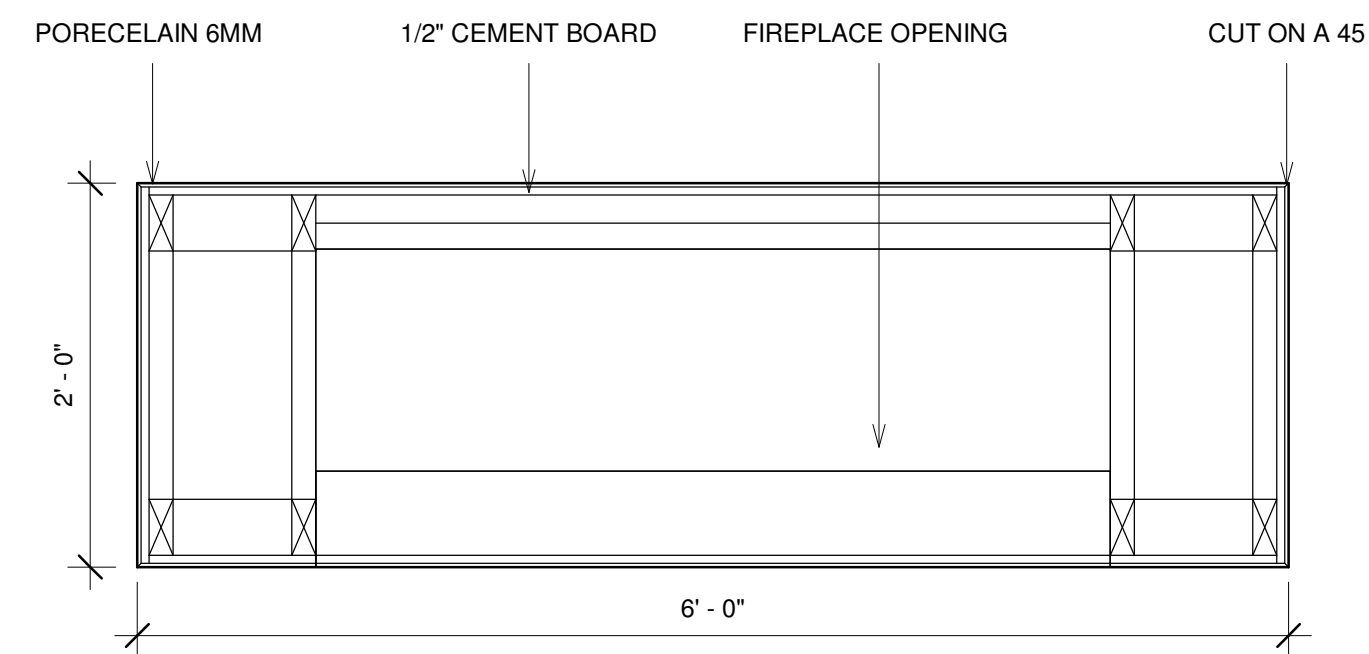
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**SONIA CACCIACARRO**

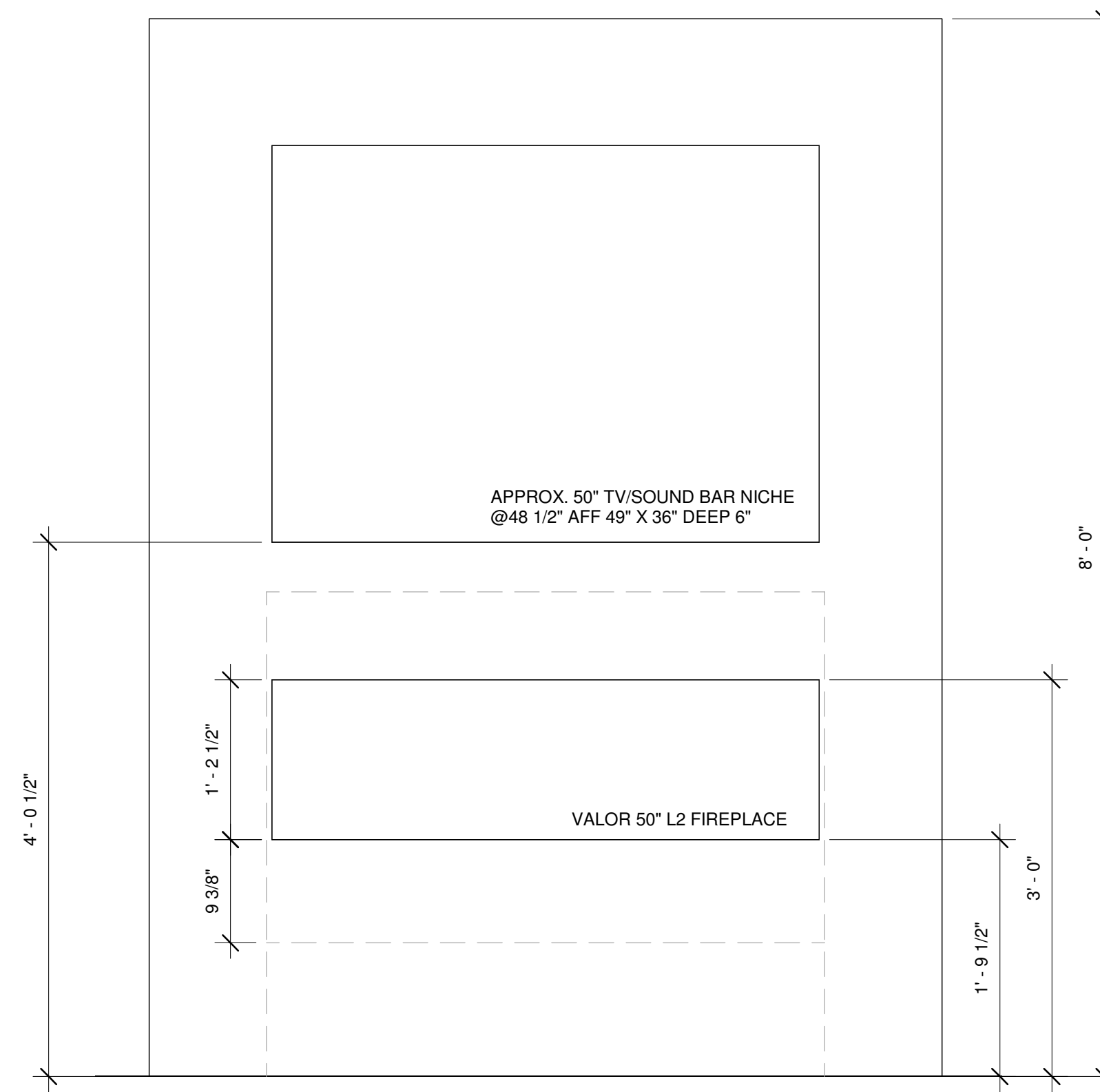
PHONE #: 416.771.8683  
11 JOHN ANTHONY DRIVE MARKHAM, ON

SCALE: AS NOTED DRAWN BY: S. MUSTO  
PLOT DATE: 09/17/23 CHECKED BY: O. LODUCA

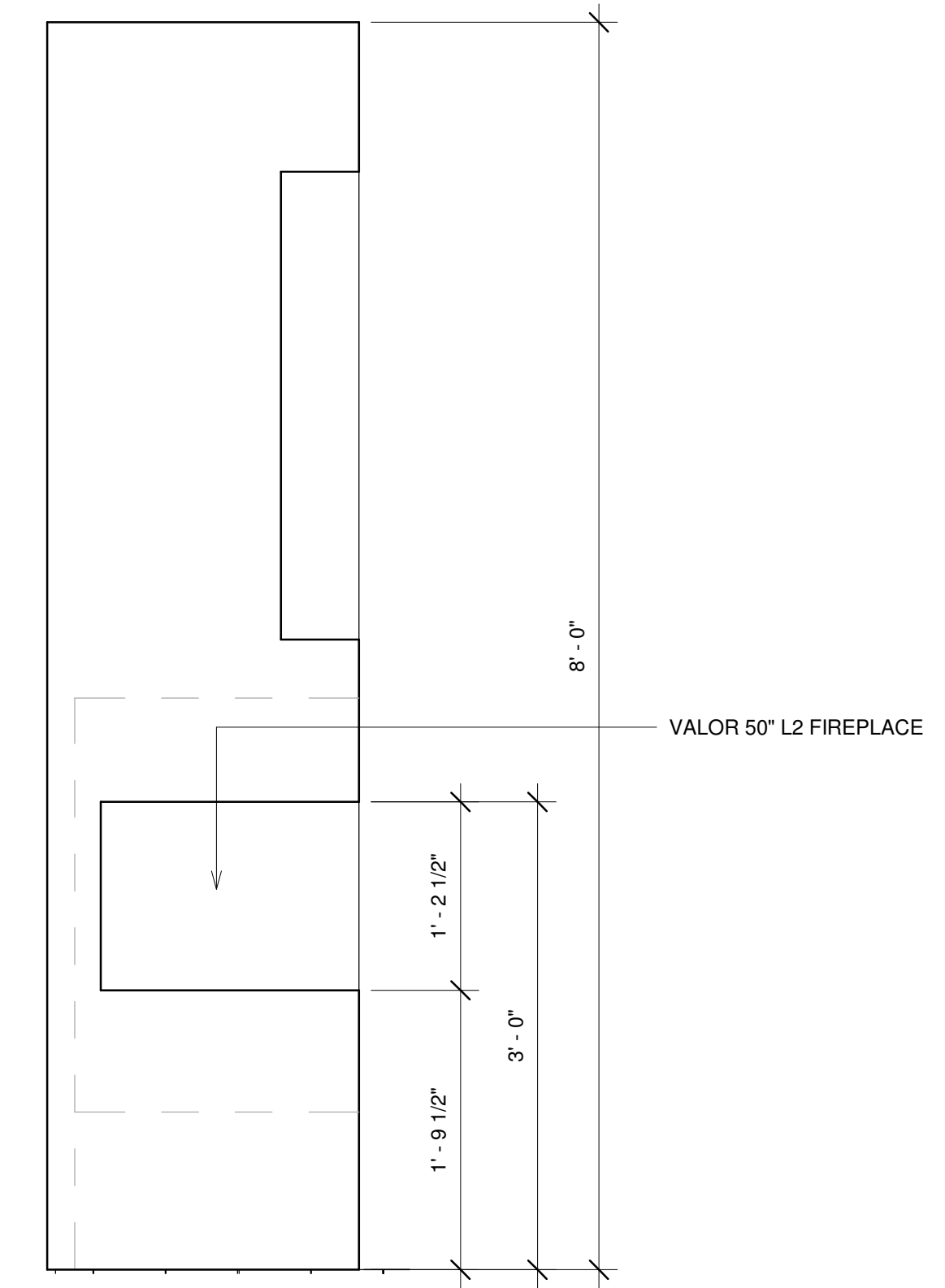
**ID 41**



① PLAN VIEW  
1" = 1'-0"

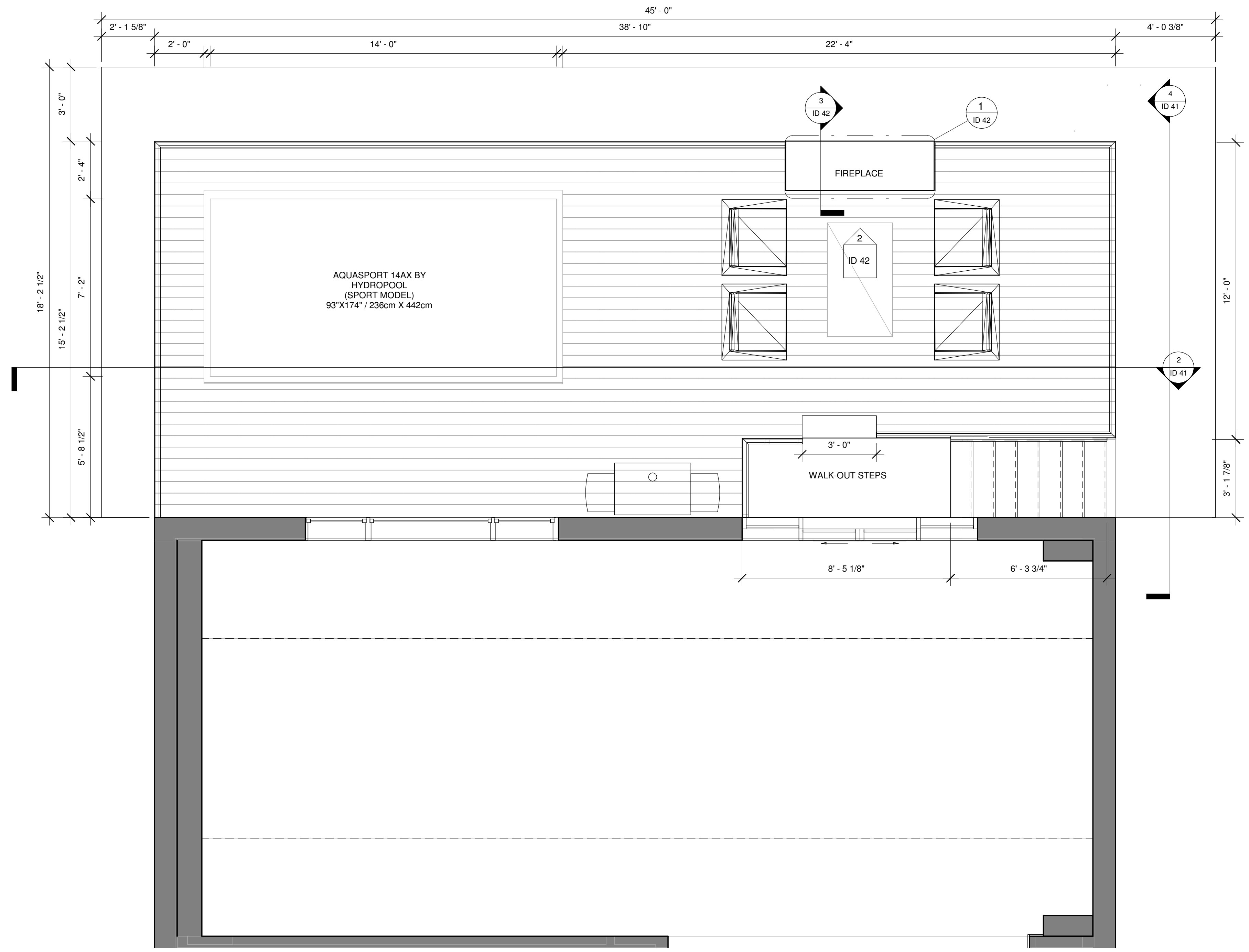


② ELEVATION  
1" = 1'-0"



③ SECTION VIEW  
1" = 1'-0"

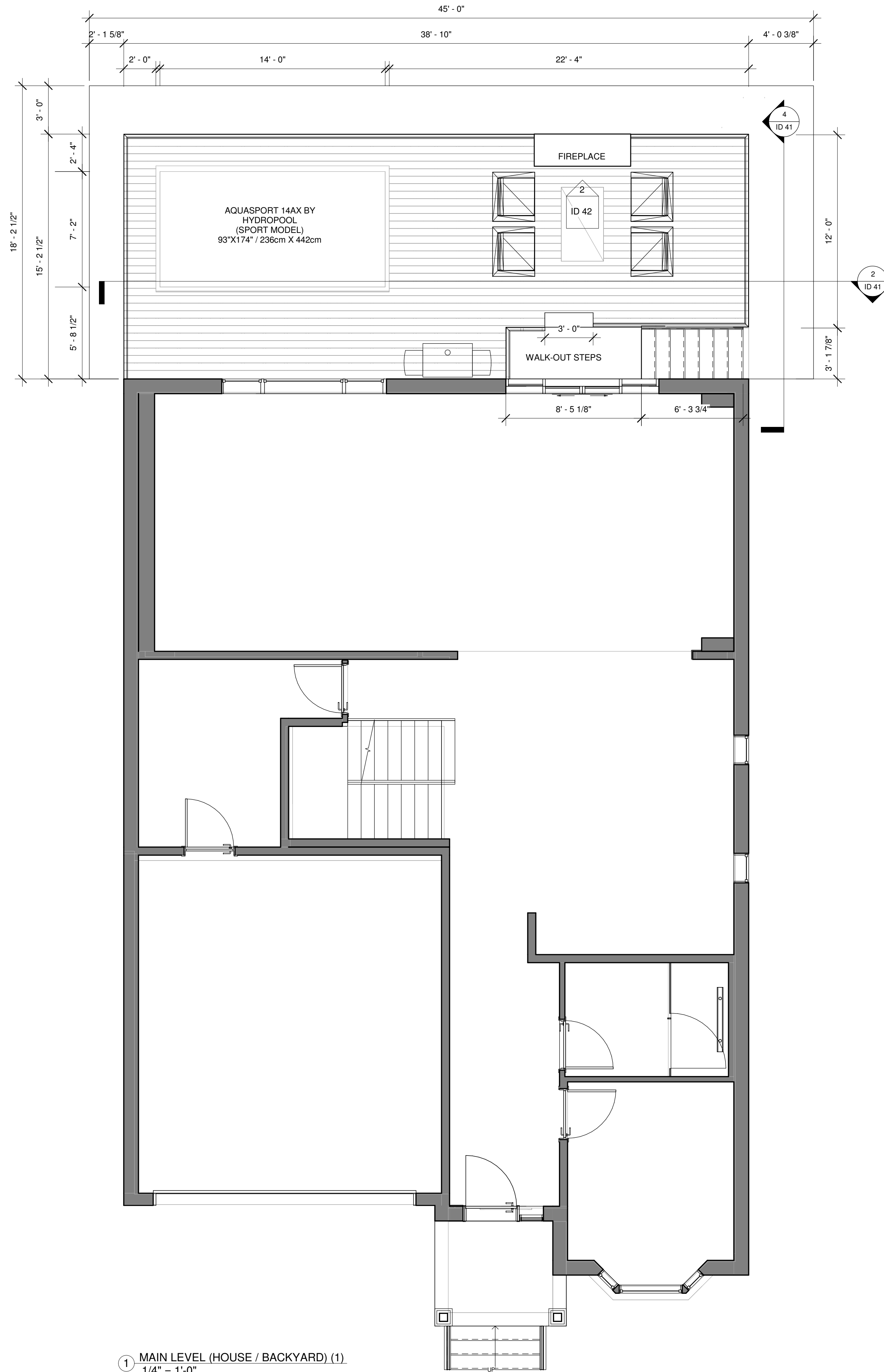
EXTERIOR FIREPLACEDetail (1)



① MAIN LEVEL (BACKYARD) (1)  
3/8" = 1'-0"

**BACKYARD (1)**





1 MAIN LEVEL (HOUSE / BACKYARD) (1)  
1/4" = 1'-0"

HOUSE / BACKYARD PLAN



iDESIGN  
SPACE

DO NOT SCALE DRAWINGS

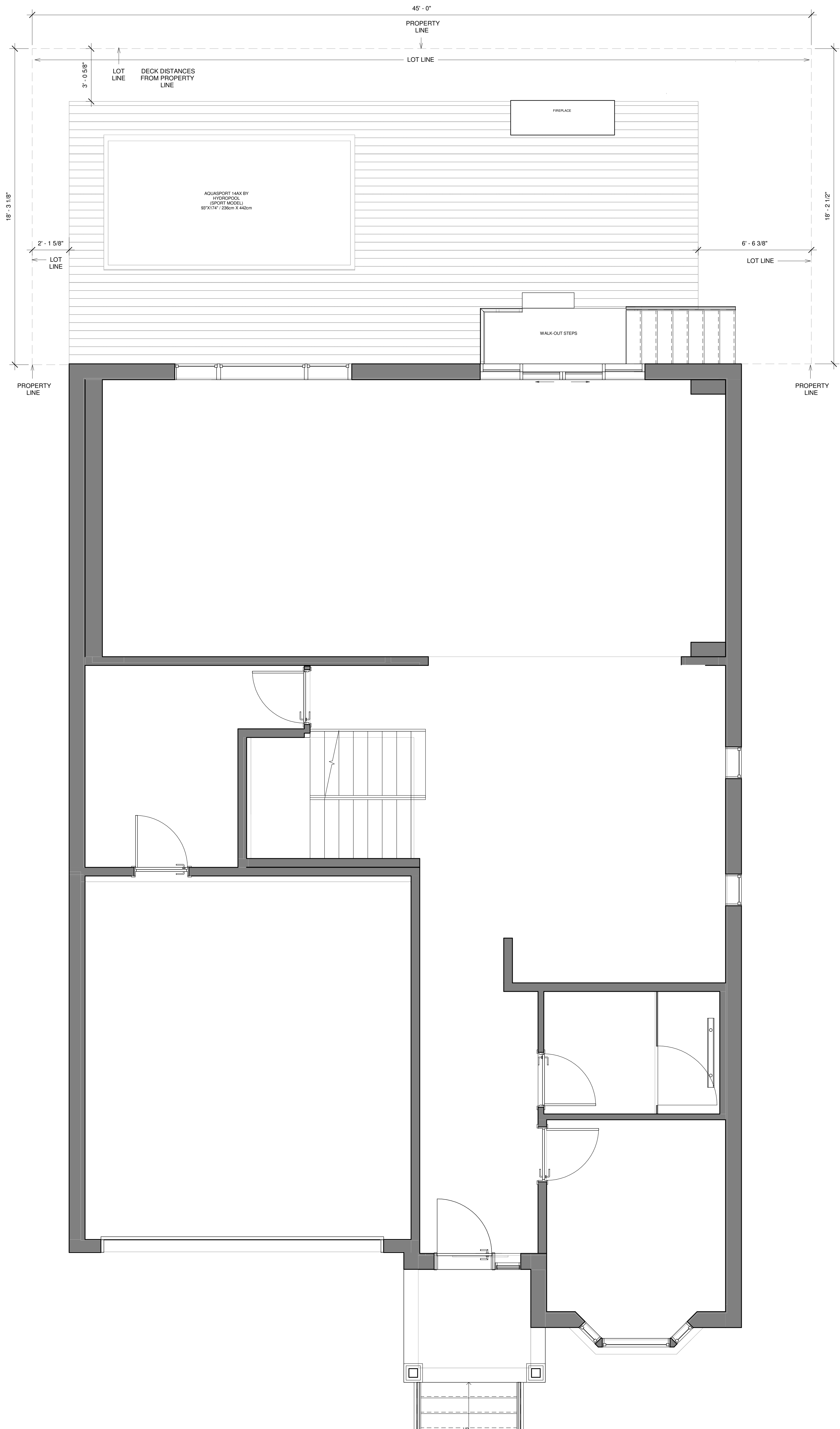
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11 JOHN ANTHONY DRIVE MARKHAM, ON

SCALE: AS NOTED DRAWN BY: S. MUSTO  
PLOT DATE: 09/17/23 CHECKED BY: O. LODUCA



① DECK DISTANCES FROM PROPERTY LINE  
3/8" = 1'-0"

SITE PLAN

**APPENDIX “C” – A/153/23 Conditions of Approval**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/153/23**

1. The variances apply only to the proposed development as long as it remains;
2. That the variance 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.

CONDITIONS PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office