

# Memorandum to the City of Markham Committee of Adjustment

October 16, 2023

**File:** A/156/23  
**Address:** 5 Sherwood Forest Drive, Markham  
**Applicant:** LHW Engineering (Lihang Wang)  
**Owner:** Ruifu Zhang  
**Hearing Date:** Wednesday, November 1, 2023

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

The applicant is requesting relief from the following requirements of By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling. The requested variances are to permit:

**a) By-law 1229, Table 11.1:**

A rear yard setback of 23.6 feet, whereas the By-law requires a minimum setback of 25 feet;

**b) By-law 99-90, Section 1.2 (vi):**

A maximum floor area ratio of 50.45 percent, whereas the By-law permits a maximum of 45 percent;

## BACKGROUND

### Property Description

The 618.30 m<sup>2</sup> (6655.33 ft<sup>2</sup>) subject property is located on the north side of Sherwood Forest Drive, east of McCowan Road, and west of Robinson Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached and semi-detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

There is an existing single family detached dwelling on the property, which according to assessment records was constructed in 1962. Mature vegetation exists on the property including one large mature tree in the front yard.

### Proposal

The applicant is proposing to construct a two-storey single detached dwelling, including an attached garage and carport, with a total Gross Floor Area of 304.7 m<sup>2</sup> (3279.76 ft<sup>2</sup>). The total building depth proposed is 16.36 m (53.67 ft), including a front 2.57 m (8.42 ft) front porch. The proposed lot coverage is 36.30%. (refer to Appendix "B" – Plans)

## **Official Plan and Zoning**

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

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

### Zoning By-Law BY-LAW 1229 as amended

The subject property is zoned R1 under By-law 1229, as amended, which permits residential low rise.

### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 maximum floor area ratio.

### **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 increased floor area.

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

The owner has completed a Zoning Preliminary Review (ZPR) on July 28, 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 Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 50.45 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area 304.7 m<sup>2</sup> (3279.76 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 278.35 m<sup>2</sup> (2996.13 ft<sup>2</sup>). This represents an increase of approximately 26.35 m<sup>2</sup> (283.63 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The building layout meets other zoning provisions (such as lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increase in floor area ratio ranging between 49.79 percent and 50.50 percent.

Staff opine that the requested variance is minor in nature and that the increased floor area will not adversely impact the existing character of the neighborhood as the proposed dwelling will be similar in size with other infill homes in the area.

### **Reduction in Rear Yard Setback**

The applicant is requesting relief to permit a minimum rear yard setback of 23.60 ft (7.19 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of approximately 1.30 ft (0.40 m). The variance is attributed to the 16.33 ft (4.98 m) wide single-storey dining room addition that is projecting 8 ft (2.44 m) from the main component of the building.

Staff has no objections to this variance request as the main component of the building satisfies the rear yard setback requirement of 25 ft (7.62 m) and there is adequate rear yard and amenity area. Staff are of the opinion that the proposed reduced rear yard setback is in keeping with the general intent of the zoning by-law.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 16, 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 "A" for conditions to be attached to any approval of this application.

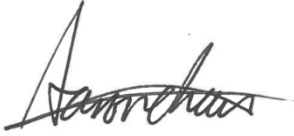
### **APPENDICES**

Appendix "A" – A/156/23 Conditions of Approval

Appendix "B" – Aerial Photo

Appendix "C" – Plans

PREPARED BY:



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Aaron Chau, Planner I, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

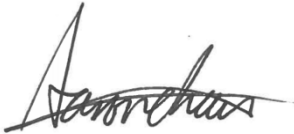
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**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/23**

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 C' to this Staff Report and received by the City of Markham on October 16, 2023 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:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

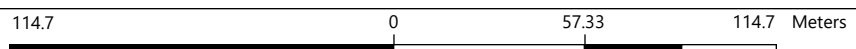
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Aaron Chau, Planner I, East District



**Legend**  
 Subject Lands -  
 5 Sherwood Forest Drive

1: 2,257



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

**Notes**







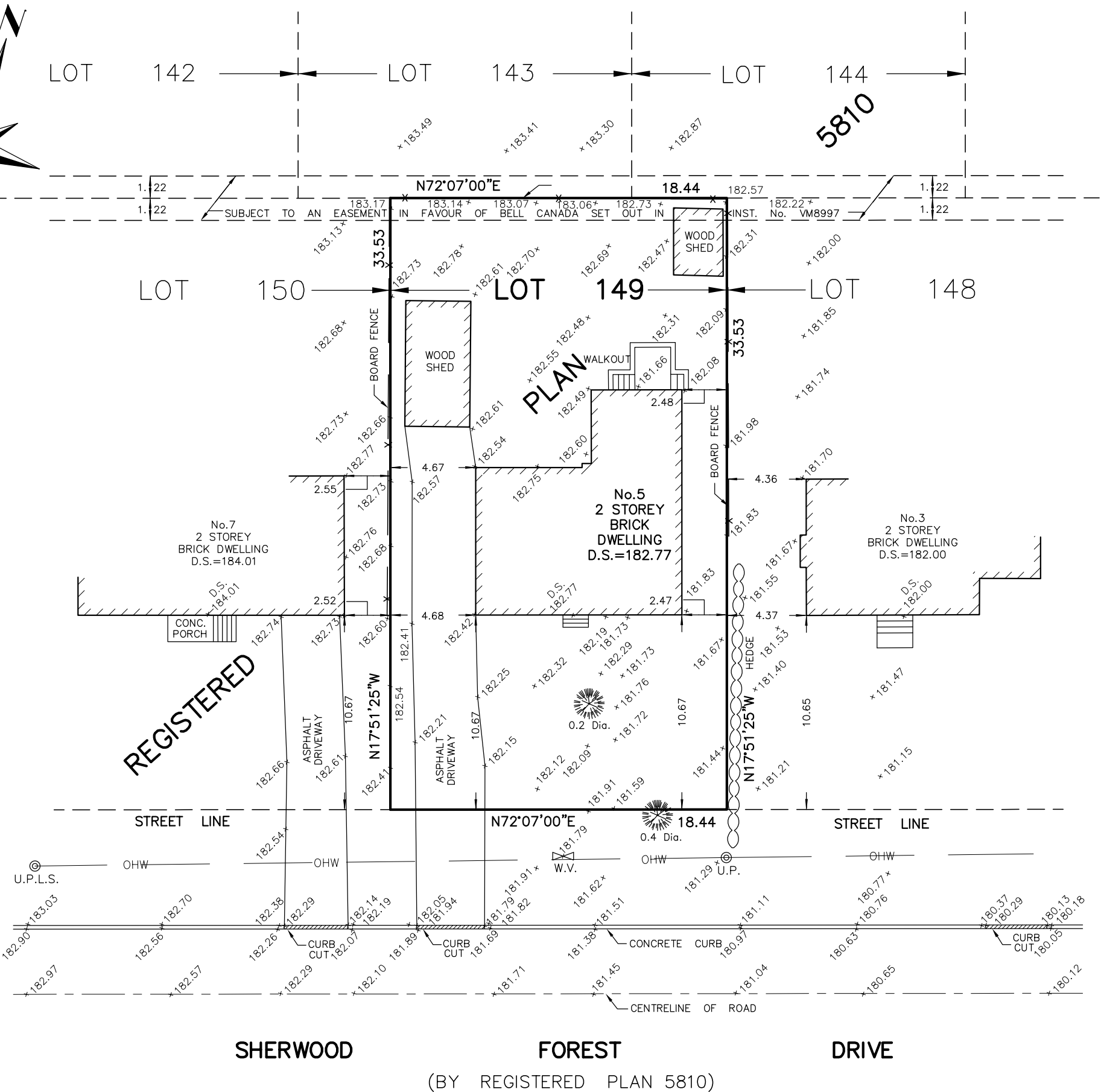
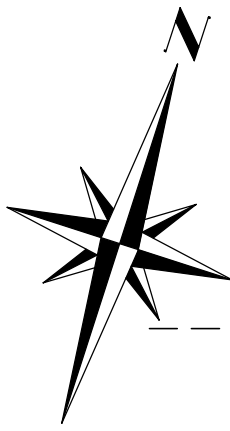












**TOPOGRAPHIC SURVEY OF  
LOT 149  
REGISTERED PLAN 5810  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY**

**Appendix C**

File: 23.139048.000.00.MNV

Date: 10/16/23 MM/DD/YY

SCALE 1:250  
10m 5 0 15 METRES

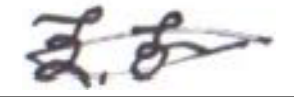
MANDARIN SURVEYORS LIMITED, O.L.S. ©

**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND**
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
  - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - B.F. DENOTES BOARD FENCE
  - OHW DENOTES OVERHEAD WIRES
  - ⊙ U.P. DENOTES UTILITY POLE
  - ⊙ U.P.L.S. DENOTES UTILITY POLE WITH LIGHT STANDARD
  - ⊗ W.V. DENOTES WATER VALVE
  - M.H. DENOTES MAN HOLE
  - ▣ C.B. DENOTES CATCH BASIN
  - ☀ DENOTES CONIFEROUS TREE
  - ⊙ DENOTES DECIDUOUS TREE

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092023033, HAVING AN ELEVATION OF 179.510 M. BRASS CAP SET IN CONCRETE SIDEWALK 5.7M WEST OF THE CENTRELINE OF ROBINSON STREET AND 8.7M NORTH OF THE CENTRELINE OF SHERWOOD FOREST DRIVE.

**CERTIFICATE**  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED ON THE 1st DAY OF FEBRUARY, 2017

  
 Z. ZENG  
 ONTARIO LAND SURVEYOR

FEBRUARY 10, 2017  
DATE

**CAUTION**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES.

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM

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SURVEY BY: S.Z. CAD No: 17-016TP JOB No: 2017-016