

Memorandum to the City of Markham Committee of Adjustment

April 23, 2024

File: A/211/23
Address: 9 Old English Lane, Markham (Thornhill)
Agent: Makow Associates Architect Inc. (Jim Pfeffer)
Hearing Date: Wednesday, May 1, 2024

The following comments are provided on behalf of the West District Team. The Owner is requesting relief from the following “Single Family Detached Special Residential Density (SR2)” zone requirements of By-law 1767, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **By-law 28-97, Section 6.2.4.5a:** a second driveway with a width of 5.08 metres, whereas the by-law requires a second driveway that connects to the public street to have a width of 3.7 metres;
- b) **By-law 1767, Section 14(i)(c):** a minimum front yard setback of 7.31 metres (23.98 feet), whereas the by-law requires a minimum front yard setback of 10.57 metres (35 feet);
- c) **By-law 1767; 100-90, Section 1.2 (iii):** a maximum building depth of 19.55 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- d) **By-law 1767, Section 14 (i)(e):** a minimum rear yard setback of 30.67 feet, whereas the by-law requires a minimum rear yard setback of 50 feet;
- e) **By-law 1767, Section 14 (i)(d):** the sum of the width of both side yards shall not be less than 13.3 percent (16 feet) of the total lot frontage, whereas the by-law requires the sum of the width of both sides to not be less than 20 percent (24 feet) of the total lot frontage;
- f) **By-law 1767, Section 9 (i):** a maximum window well encroachment of 36 inches, whereas the by-law permits a maximum encroachment of not more than 18 inches into any required yard; and
- g) **Amending By-law 100-90; Section 1.2 (i):** a maximum building height of 10.35 metres, whereas the by-law permits a maximum building height of 9.80 metres;

BACKGROUND

Property Description

The 1,642.42 m² (17,678.90 ft²) Subject Lands are located on the east side of Old English Lane, west of Limcombe Drive, and generally north of Steeles Avenue East (refer to Appendix “A” – Aerial Photo). The Subject Lands are 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 was constructed in 1967, according to assessment records. Mature vegetation exists on the property including a mix of medium and large mature trees in the front yard and several medium sized trees in the rear yard.

Proposal

The Owner is proposing to construct a new two-storey detached dwelling with a gross floor area of 771.06 m² (8299.62 ft²), 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 1767, as amended

The Subject Lands are zoned SR2 - Single Family Detached Dwelling Special Residential Density under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirement with respect to the front yard setback, building depth, rear yard setback, side yard setback, and window well encroachment.

Residential Infill Zoning By-law 100-90, as amended

The Subject Lands are also subject to the Residential Infill Zoning By-law 100-90. 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 building height.

Parking Standards By-law 28-97, as amended

The width of the proposed second driveway does not comply with Parking Standards By-law 28-97. Further details of the parking requirement are provided below.

Zoning Preliminary Review (ZPR) Undertaken

The Owner's agent has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Agent submitted revised drawings on February 29, 2024. A Zoning Preliminary Review for the revised drawings has not been conducted. Consequently, it is the Owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

Increased Maximum Driveway Width to a Driveway Variance

The Owner is requesting a variance to permit a maximum driveway width of 5.08 metres (16.67 feet) for a second driveway, whereas a maximum width of 3.7 metres (12.14 feet) is permitted for a second driveway which connects to a public street to the other driveway, provided that the main building is setback a minimum of 8.0 metres (26.25 feet) from the public street.

The Owner is requesting an increase in the maximum driveway width for a circular driveway, which will also increase the amount of hard surface area in the front yard. The intent of these By-law provisions which are being varied is to limit the amount of hard surface areas, and to preserve as much soft landscaping in the residential streetscape.

The Parking By-law provisions for circular driveways state that for "lots with frontages greater than 19.20 metres (62.99 feet), a second 3.70 metres (12.14 feet) wide driveway is permitted provided that:

- i) the main building is setback at least 8.0 metres (26.25 feet) from the street line;
- ii) the driveways are at least 7.0 metres (22.97 feet) apart, at the street line; and
- iii) the second driveway connects the public street to the other driveway that provides direct access from the public street."

The existing driveway complies with the above criteria, except where the proposed second driveway has a width of 5.08 metres (16.67 feet) which exceeds the maximum width by 1.38 metres (4.53 feet) that is permitted under the above-mentioned Parking Standards By-law. Staff do not anticipate any adverse impacts as a result of the requested variance and are of the opinion that a reasonable balance between hardscape and soft landscaping elements in the front yard will be maintained in this instance.

Reduced Front Yard Setback Variance

The Owner is requesting relief to permit a minimum front yard setback of 23.98 feet (7.31 metres), whereas a minimum of 35 feet (10.57 metres) is required. This represents a reduction of approximately 11.02 feet (3.36 metres). The variance is partially attributable to the front covered porch, and the proposed building footprint.

The main front wall of the proposed dwelling will provide a front yard setback that is generally consistent with the established front yard setback pattern on the street. Staff are of the opinion that the proposed front yard setback is minor and have no concerns with the proposed variance.

Increased Maximum Building Depth Variance

The Owner is requesting relief to permit a maximum building depth of 19.55 metres (64.14 feet), whereas a maximum of 16.80 metres (55.12 feet) is permitted. This represents an increase of approximately 2.75 metres (9.02 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 rear covered porch and two (2) one storey portions on the north and south side of the dwelling which adds approximately 3.40 metres (11.15 feet) to the overall depth of the building. The main component of the building, excluding the rear covered porch, and the one-storey portions has a depth of 16.15 metres (53 feet), which complies with the By-law requirements. The requested building depth variance is entirely attributable to the proposed rear covered porch and the two (2) one storey extensions. The proposed rear covered porch consists of a north side yard setback of 12.50 metres (41 feet), and a rear yard setback of 9.36 metres (30.71 feet) and will not result in any impact to abutting properties.

Staff are of the opinion that the variance request is minor in nature and therefore have no concerns with the building depth of the proposed dwelling.

Reduced Rear Yard Setback Variance

The Owner is requesting relief to permit a minimum rear yard setback of 30.67 feet (9.3 metres), whereas a minimum of 50 feet (15.24 metres) is required. This represents a reduction of approximately 19.33 feet (5.89 metres). The variance is entirely attributable to the proposed rear covered porch and the main rear wall of the proposed building. The main rear wall of the proposed building provides a rear yard setback of 30.71 feet (9.36 metres). Staff note that reduced rear yard setback can be attributed to the irregular shape of the Subject Lands.

Staff are of the opinion that the requested variance will not have an adverse impact on the abutting properties at 7 and 11 Old English Lane, is minor in nature, and is in keeping with the general intent and purpose of the By-law. Staff have no objection to the variance.

Reduced Side Yard Setback

The Owner is requesting relief to permit a reduced combined side yard setback of 13 percent (16 feet), whereas the By-law requires that the sum of the width of both side yards is not less than 20 percent (24 feet). This represents a reduction of approximately 2.44 metres (8 feet).

The Owner is proposing a north side yard setback of 2.64 metres (8 feet 8 inches) and a south side yard setback of 2.44 metres (8 feet), whereas the By-law requires that the minimum side yard setbacks be 3.66 metres (12 feet).

The proposed development will include a mix of trees and hedge rows densely packed along the north and south property lines which lessen the impact on the adjacent properties. Given the irregular lot shape, and surrounding context, Staff's opinion that the requested variance is minor in nature and do not anticipate any adverse impacts to the abutting properties.

Increased Maximum Window Well Encroachment Variance

The Owner is requesting relief to permit a maximum window well encroachment of 36 inches, whereas the By-law permits a maximum window well encroachment of 18 inches into the required front yard setback.

Staff are of the opinion that the proposed maximum window well encroachment is minor in nature, and therefore have no concern with the requested variance.

Increased Maximum Building Height Variance

The Owner is requesting relief to permit a maximum building height of 10.35 metres (33.96 feet), whereas a maximum of 9.80 metres (32.15 feet) is permitted. This represents an increase of 0.55 metres (1.80 feet).

Staff are of the opinion that the proposed maximum building height is minor in nature, will have limited impact on the streetscape and therefore have no concern with the requested variance.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City’s Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 7 Old English Lane and towards the trees located in the rear abutting the rear lot line. Staff recommend that the tree related conditions, as outlined in Appendix “C”, be adopted by the Committee to ensure the Agent installs the appropriate tree protection barriers, if necessary. Staff note the Agent 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

One written submission in support of the application was received as of April 25, 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 Agent 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:



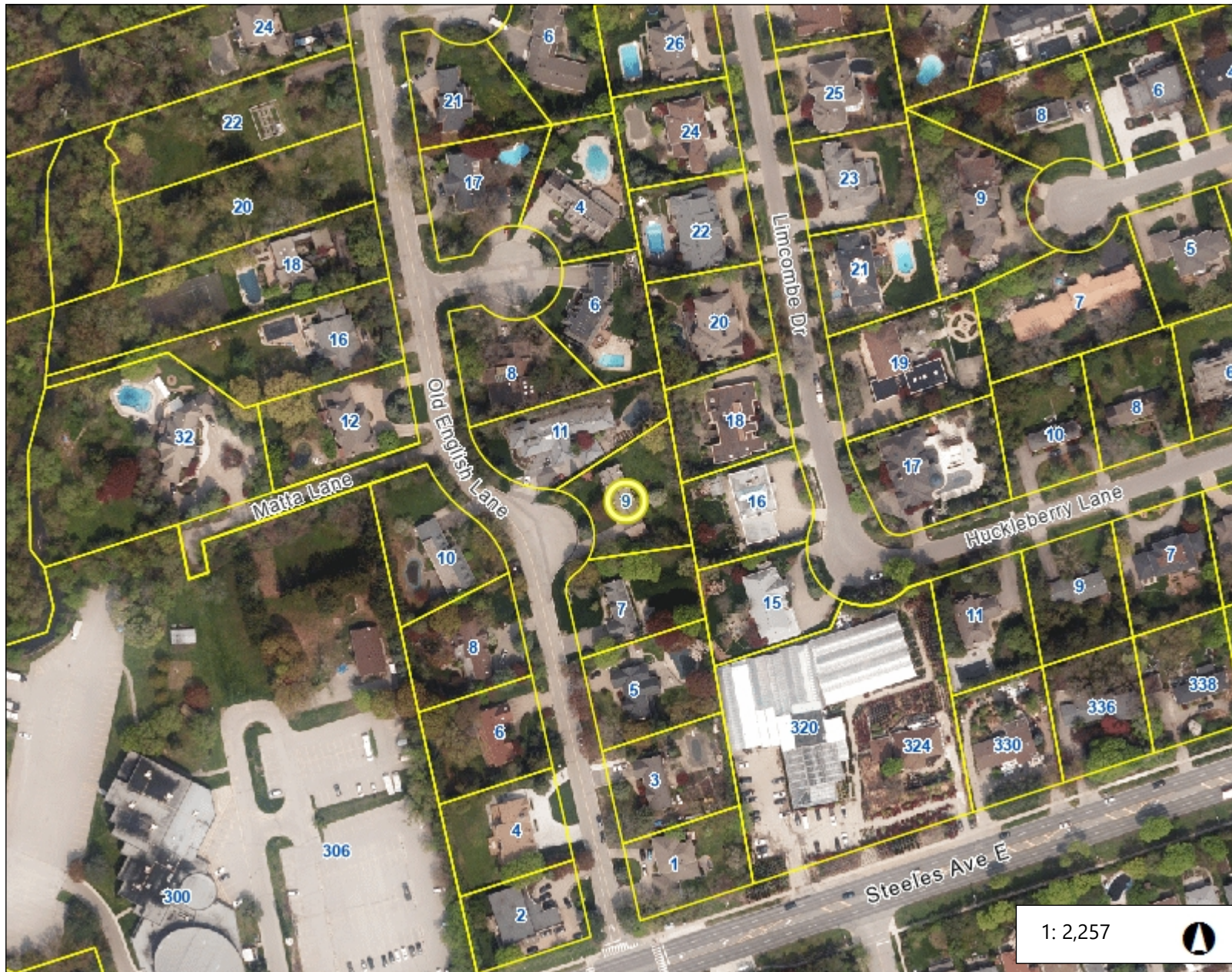
Rick Cefaratti, MCIP RPP, Senior Planner II, West District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/211/24 Conditions of Approval



Legend

Subject Lands

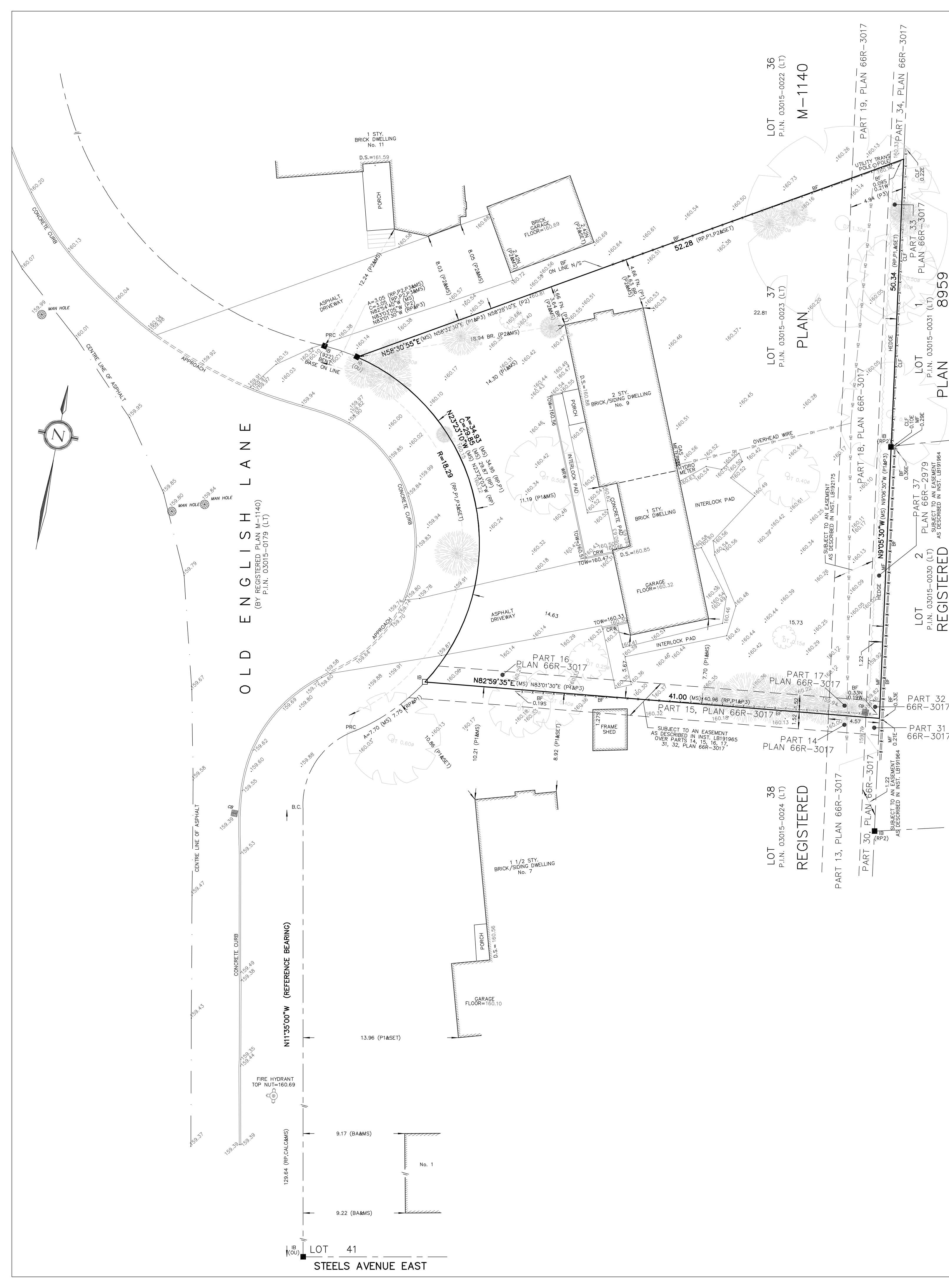
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114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

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 and you will be directed to the appropriate department.

Notes



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
LOT 3 **Appendix B**
REGISTERED PLAN M-1140
 IN THE File: 23.149277.000.00.MNV
 CITY OF MARKHAM
 (REGIONAL MUNICIPALITY OF YORK)
 SCALE & NOTES: Date: 4/25/2024
 Scale: MM/DD/YY METRES
 ALTIMAP LAND SURVEYORS INC.

© COPYRIGHT 2023
METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE
 ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF MARKHAM BENCHMARK No. M-03013, HAVING A PUBLISHED ELEVATION OF 158.897 METERS.

BEARING NOTE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF OLD ENGLISH LANE AS SHOWN ON PLAN 66R-3017 HAVING A BEARING OF N11°35'00" W.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
OU	DENOTES	ORIGIN UNKNOWN
MH	DENOTES	MANHOLE
B.C.	DENOTES	BEGINNING OF CURVE
E.C.	DENOTES	END OF CURVE
PRC	DENOTES	POINT OF REVERSE CURVE
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
LS	DENOTES	LIGHT STANDARD
INV	DENOTES	INVERT ELEVATION
HYD	DENOTES	FIRE HYDRANT
CRW	DENOTES	CONCRETE RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
WRW	DENOTES	WOOD RETAINING WALL
TOW	DENOTES	TOP OF WALL ELEVATION
NTS	DENOTES	NOT TO SCALE
MS	DENOTES	MEASURED
FN	DENOTES	FOUNDATION
BR	DENOTES	BRICK
ST	DENOTES	STUCCO
SI	DENOTES	SIDING
STY	DENOTES	STOREY
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
D.S.	DENOTES	DOOR SILL ELEVATION
MF	DENOTES	METAL FENCE
FFE	DENOTES	FINISHED FLOOR ELEVATION
GFE	DENOTES	GARAGE FLOOR ELEVATION
RP	DENOTES	REGISTERED PLAN M-1140
P1	DENOTES	PLAN BY MARSHALL, MACKLIN & MONAGHAN O.L.S. DATED MAY 18, 1967
P2	DENOTES	PLAN BY ROWAN-STANCIU LTD, O.L.S. DATED APRIL 17, 2000
P3	DENOTES	PLAN 66R-3017
BA	DENOTES	PLAN BA1944
922	DENOTES	FRED SCHAEFFER O.L.S.
RP2	DENOTES	REGISTERED PLAN 8959

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
2205875

 THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3)

PART 2
REGISTERED EASEMENTS/RIGHTS-OF-WAY - SUBJECT TO AN EASEMENT AS DESCRIBED IN INSTRUMENT No. LB191965, LB191964, LB192175
ADDITIONAL REMARKS - MAKE NOTE OF THE LOCATION OF FENCES AND PHYSICAL FEATURES AS DEPICTED ON THE FACE OF THIS PLAN. BUILDING TIES ARE TO BRICK/CONCRETE UNLESS OTHERWISE NOTED
 THIS PLAN WAS PREPARED FOR ALEX FAGHIMI AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JANUARY 24, 2023.
 JANUARY 27, 2023

 GUIDO V. CONSOLI
 ONTARIO LAND SURVEYOR

ALTIMAP LAND SURVEYORS INC.
 222 FINCH AVE W, UNIT 212, TORONTO, ON M2R 1M6
 TEL 416 990 3001 INFO@ALTIMAPCA

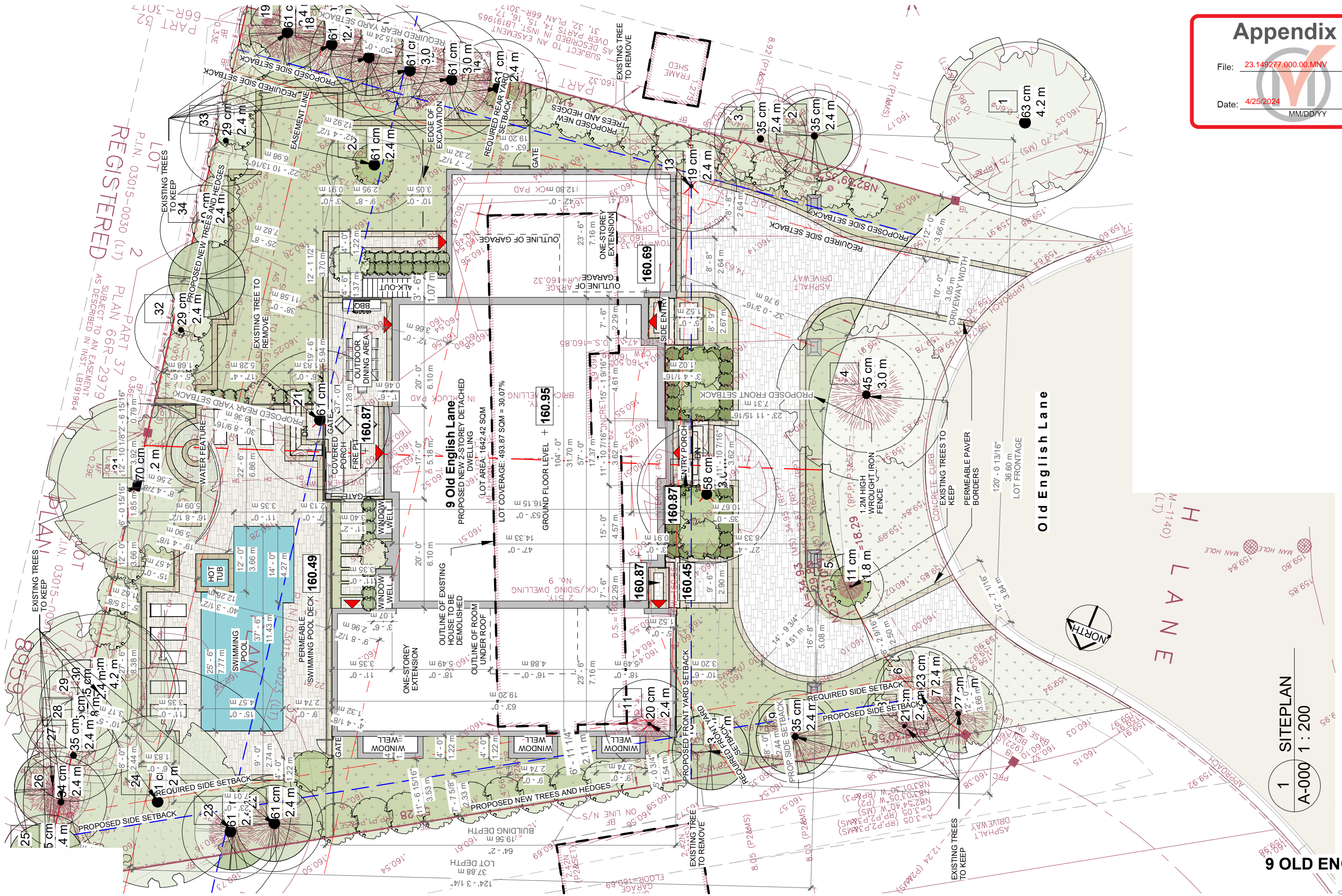
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 CHK BY: GVC
 JOB No. : 23-2669

Appendix B

File: 23.149277.000.00.MNV

Date: 4/25/2024

MM/DD/YY



1 SITEPLAN
A-000 1 : 200

9 OLD ENGLISH LANE

SCHEMATIC DESIGN

A-000

SITE PLAN

Scale 1 : 200



MAKOW ASSOCIATES
ARCHITECT INC.

95 St. Clair Avenue West, Suite 306, Toronto, Ontario M4V 1N7

2/29/2024 11:33:18 AM

Appendix B

File: 23.149277.000.00.MNV
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Site Statistics

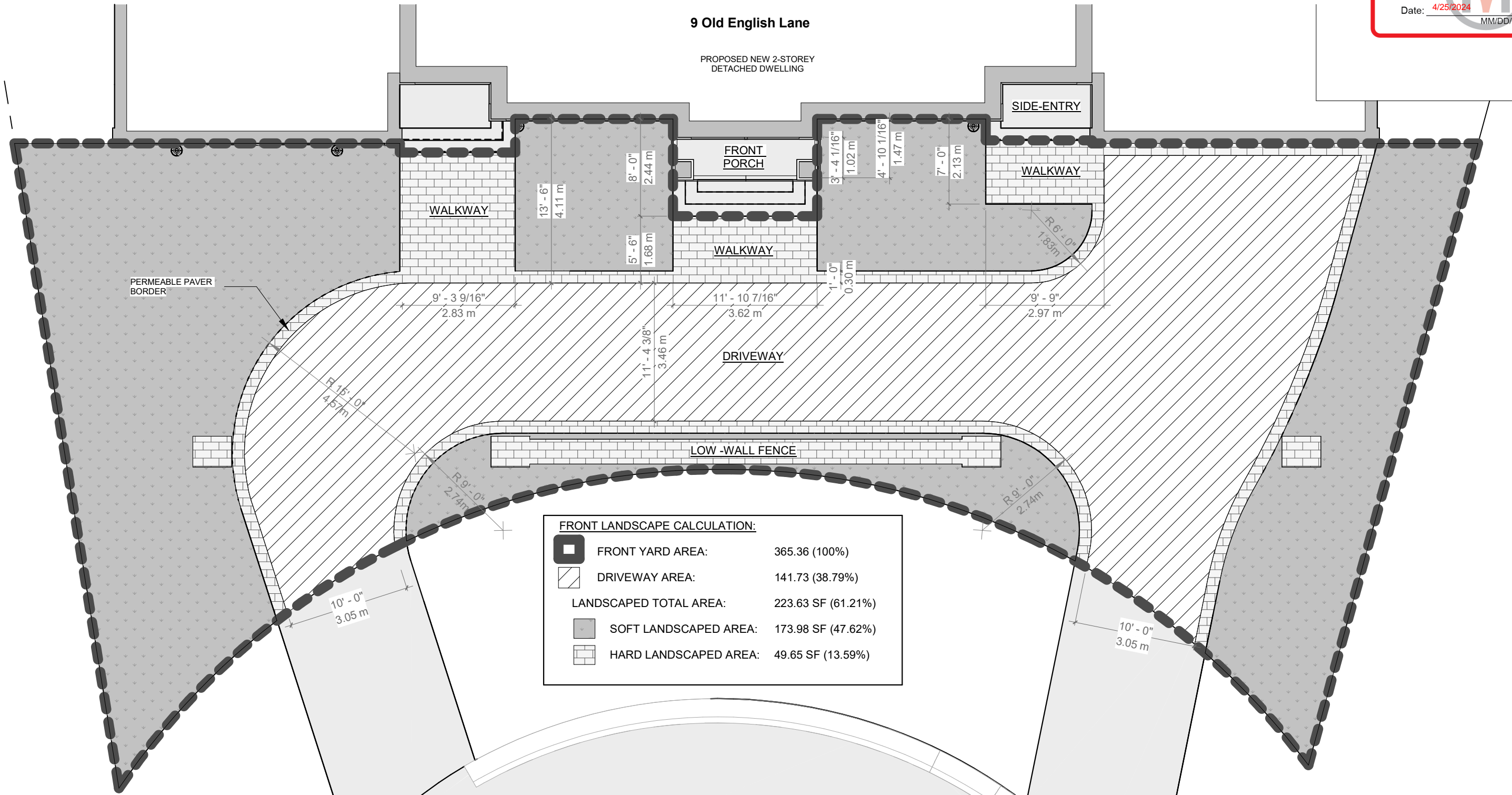
Address: **9 Old English Lane**
 Legal Description: Lot 37 Registered Plan M-1140 Ward: **1**
 Zoning: Markham Zoning Designation: **SR2**
 By-Law 1767

Lot Area:	17678.90	ft ²	=	1642.42	m ²	
Frontage / Part Frontage						
Proposed (existing)	120.08	ft	=	36.60	m	
Lot Coverage						
Allowable	5834.04	ft ²	=	542.00	m ²	33.00% (of lot area)
Proposed	5416.16	ft ²	=	503.18	m ²	30.64%
Gross Floor Area (GFA)						
Finished Basement Area	5357.31	ft ²	=	497.71	m ²	(excluded from total GFA)
Ground Floor Area (including garage)	5315.76	ft ²	=	493.85	m ²	Does not include rear platform.
2nd Floor Area (excluding voids)	2983.86	ft ²	=	277.21	m ²	Does not include rear deck.
Total GFA	8299.62	ft²	=	771.06	m²	
Height						
BY-LAW 1767						
Allowable (Sloped Roof)	32.15	ft	=	9.80	m	From centreline of road - midpoint of front lot line To top of roof.
Proposed (Sloped Roof)	33.96	ft	=	10.35	m	
Geodetic Elevations						
Top of Roof	558.20	ft	=	170.14	m	
Centreline of Road	524.25	ft	=	159.79	m	
Minimum Required Setbacks						
Front						
Minimum Required	35.00	ft	=	10.67	m	
Proposed Front Lot Line to Porch	23.98	ft	=	7.31	m	
Proposed Front Lot Line to Building	27.33	ft	=	8.33	m	
Proposed Front Lot Line to Garage	32.02	ft	=	9.76	m	
Side (South)						
Minimum Required	12.01	ft	=	3.66	m	
Proposed	8.01	ft	=	2.44	m	
Side (North)						
Minimum Required	12.01	ft	=	3.66	m	
Proposed	8.01	ft	=	2.44	m	
Rear						
Minimum Required	50.00	ft	=	15.24	m	
Proposed Rear Lot Line to Covered Porch	30.71	ft	=	9.36	m	
Proposed Rear Lot Line to Building	37.99	ft	=	11.58	m	
Proposed Rear Lot Line to Outdoor Dining (Open) Deck	25.66	ft	=	7.82	m	
Driveway Width						
Allowable	23.88	ft	=	7.28	m	garage opening + 2m
Proposed	20.01	ft	=	6.10	m	3.05m each
Total Front Yard Area						
Total Front Yard Area	3932.74	ft ²	=	365.36	m ²	100.00%
Driveway						
Proposed	1525.62	ft ²	=	141.73	m ²	38.79% (of front yard area)
Landscape Open Space (Hardscape+Softscape)						
Proposed	2407.12	ft ²	=	223.63	m ²	61.21% (of front yard area)
Soft Landscape Open Space						
Minimum Required	1573.10	ft ²	=	146.15	m ²	40.00% (of required landscape open space)
Proposed	1872.73	ft ²	=	173.98	m ²	47.62% (of required landscape open space)

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Date: 4/25/2024
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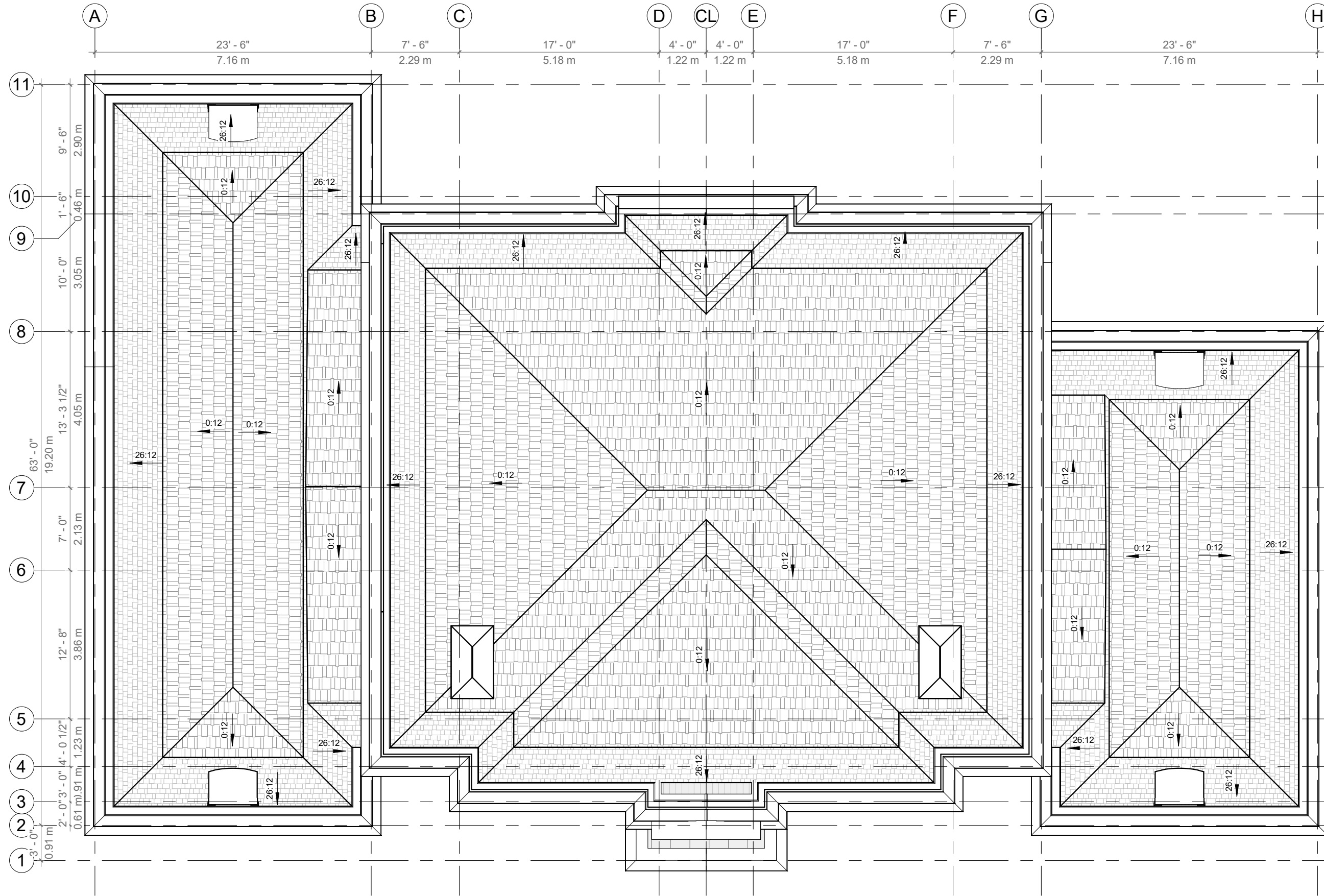


FRONT LANDSCAPE CALCULATION:

■	FRONT YARD AREA:	365.36 (100%)
▨	DRIVEWAY AREA:	141.73 (38.79%)
LANDSCAPED TOTAL AREA:		223.63 SF (61.21%)
■	SOFT LANDSCAPED AREA:	173.98 SF (47.62%)
▨	HARD LANDSCAPED AREA:	49.65 SF (13.59%)

Appendix B

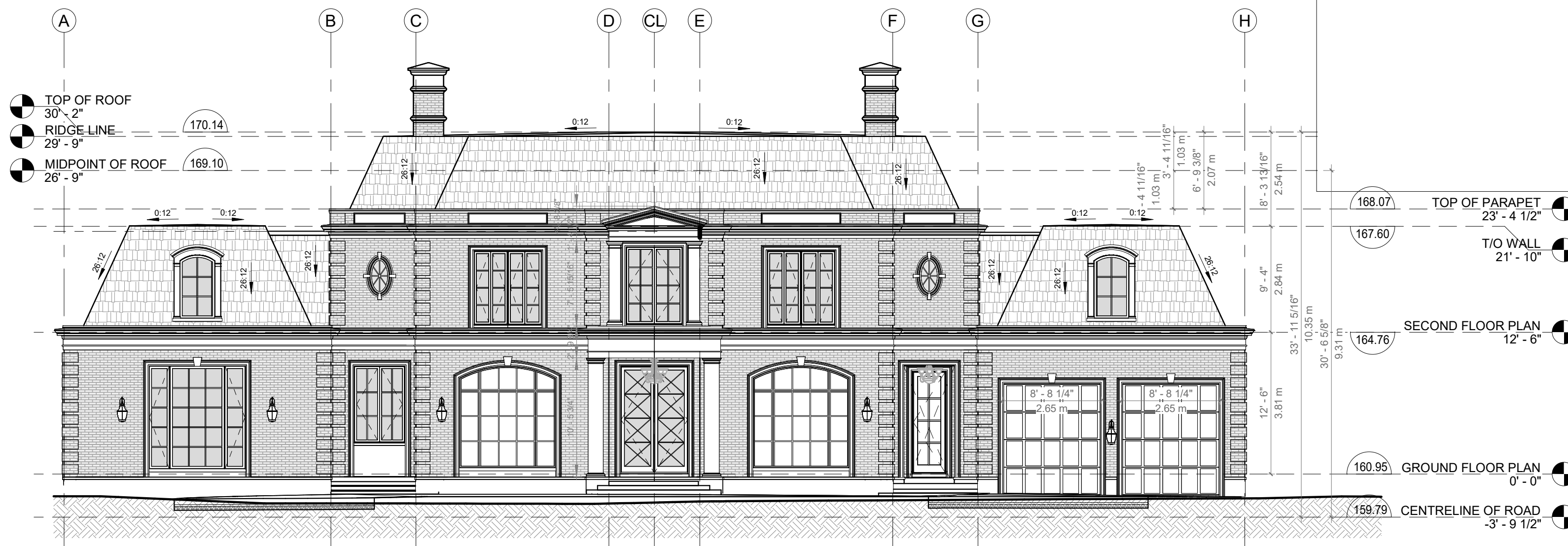
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Appendix B

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MM/DD/YY



1 FRONT (WEST) ELEVATION
A-200 1 : 100

Appendix B

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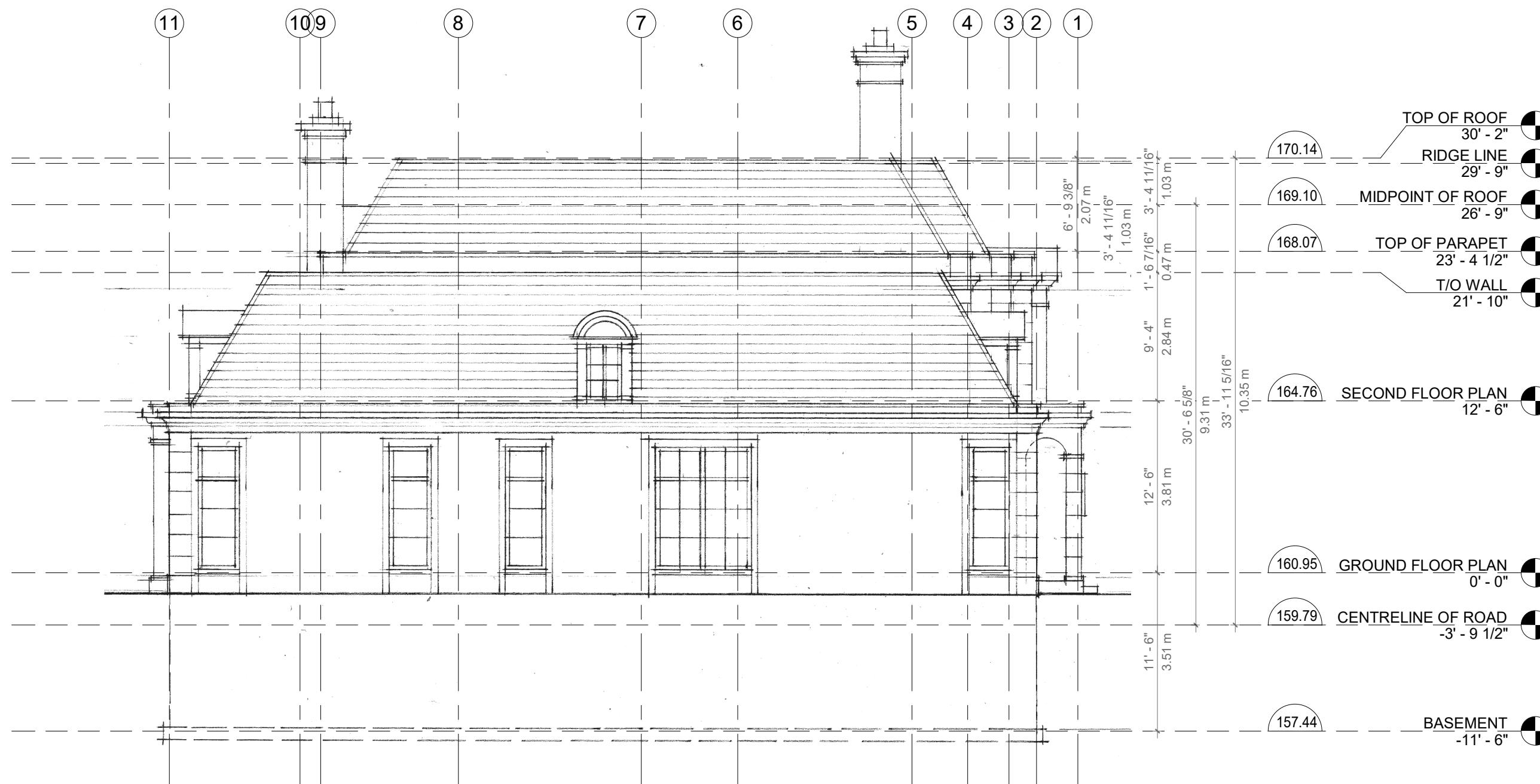
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Appendix B

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1 SIDE (NORTH) ELEVATION
A-202 1 : 100

Appendix B

File: 23.149277.000.00.MNV
 Date: 4/25/2024
 MM/DD/YY



1 SIDE (SOUTH) ELEVATION
 A-203 1 : 100

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/211/23

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.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. 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 Director of Operations; and
5. 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 Director of Operations.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office