# **Memorandum to the City of Markham Committee of Adjustment** May 30, 2022

File: A/014/22

Address: 54 Wild Cherry Lane, Thornhill
Applicant: Next Project (GABRIELA GRIGORIU)

Hearing Date: Wednesday June 8, 2022

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

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3A) zone under By-law 2150, as amended, to permit:

### a) By-law 2150, Section 6.1:

a south side yard setback of 4.0 ft, 1 inch, whereas the By-law requires a minimum two storey side yard setback of 6.0 ft;

## b) By-law 2150, Section 4.4.1:

an existing accessory building (Frame Shed) setback of 1.64 ft (0.5 m), whereas the By-law requires a minimum side yard setback of 2.0 ft (0.6 m);

as it relates to a second floor addition over the existing garage and a front porch.

#### **BACKGROUND**

## **Property Description**

The 743.81 m² (8,006.32 ft²) subject property is located on the east side of Wild Cherry Lane, south of Royal Orchard Boulevard and west of Bay Thorn Drive. There is an existing two storey detached dwelling on the property, which was constructed in 1966. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

#### **Proposal**

The applicant is proposing to construct a 61.17 m<sup>2</sup> (658.49 ft<sup>2</sup>) second storey addition at the front and side of the existing single-detached dwelling. The proposal also includes a covered patio.

### Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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. This criteria is 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 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 and, the overall orientation and sizing of new lots within a residential neighbourhood.

# Zoning By-Law 2150

The subject property is zoned Third Density Single Family Residential (R3A) under Bylaw 2150, as amended, which permits single-detached dwellings.

# Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 12, 2022 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.

### **Reduced Side Yard Setback**

The applicant is requesting a minimum south side yard setback of 4.0 ft, 1 inch (1.24 m) for the two-storey portion of the dwelling, whereas a minimum side yard setback of 6.0 ft (1.83 m) is required for the two-storey portion of the dwelling.

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Given this, Staff are of the opinion the proposed side yard setback variance is minor in nature and have no concerns.

# <u>Accessory Building (Shed) – Reduced Side Yard Setback</u>

The applicant is requesting a minimum side yard setback of 1.64 ft (0.50 m) for the accessory shed in the rear yard, whereas, the By-law requires a minimum side yard setback of 2 ft (0.61 m). Staff are of the opinion the proposed side yard setback variance is minor in nature and have no concerns.

#### PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 2022. 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 variances requested 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 see Appendix "A" for conditions to be attached to any approval of this application.

# PREPARED BY:

Hailey Miller, Planner I, West District

Houley Miller

**REVIEWED BY:** 

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

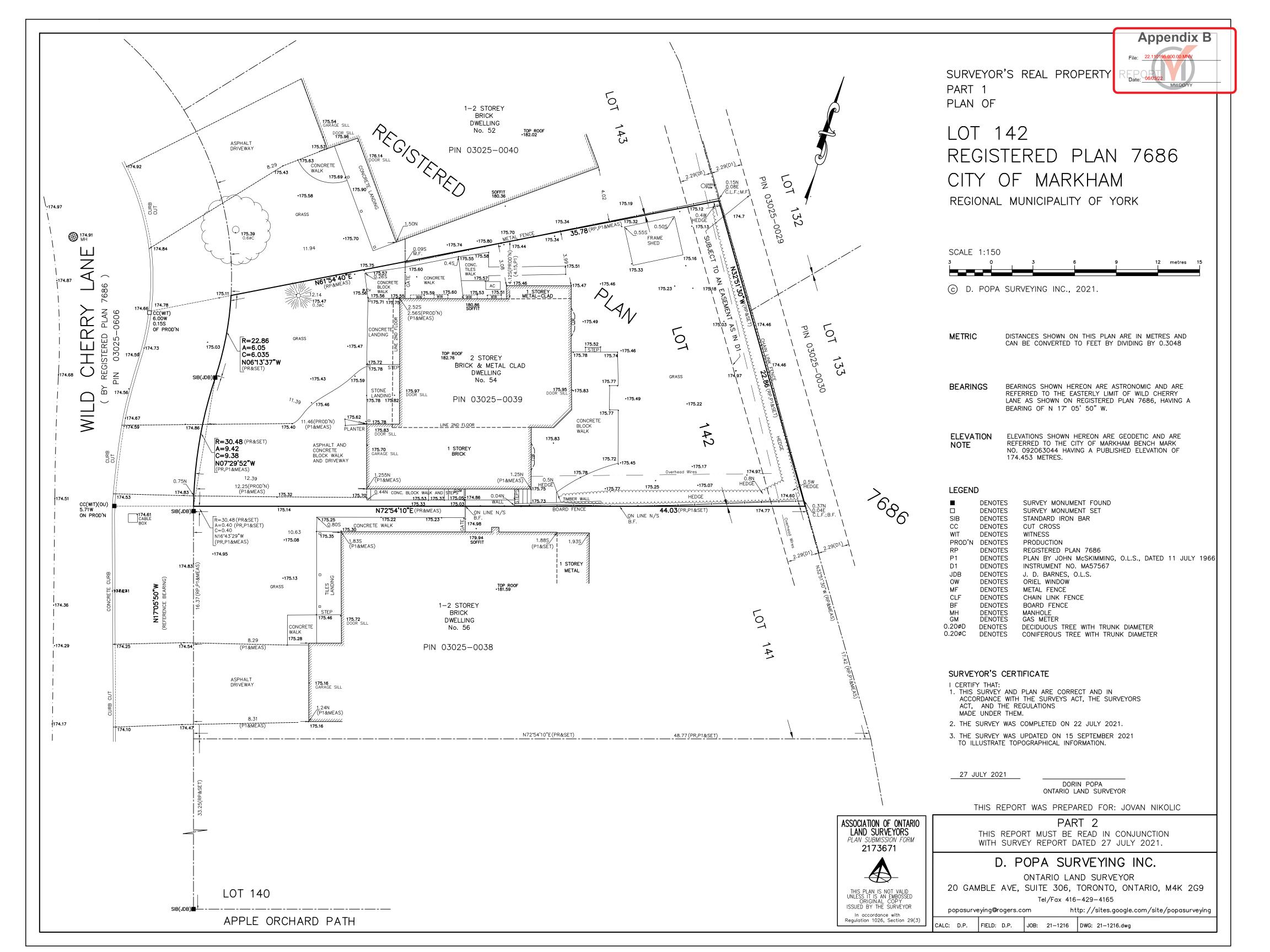
# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/014/22

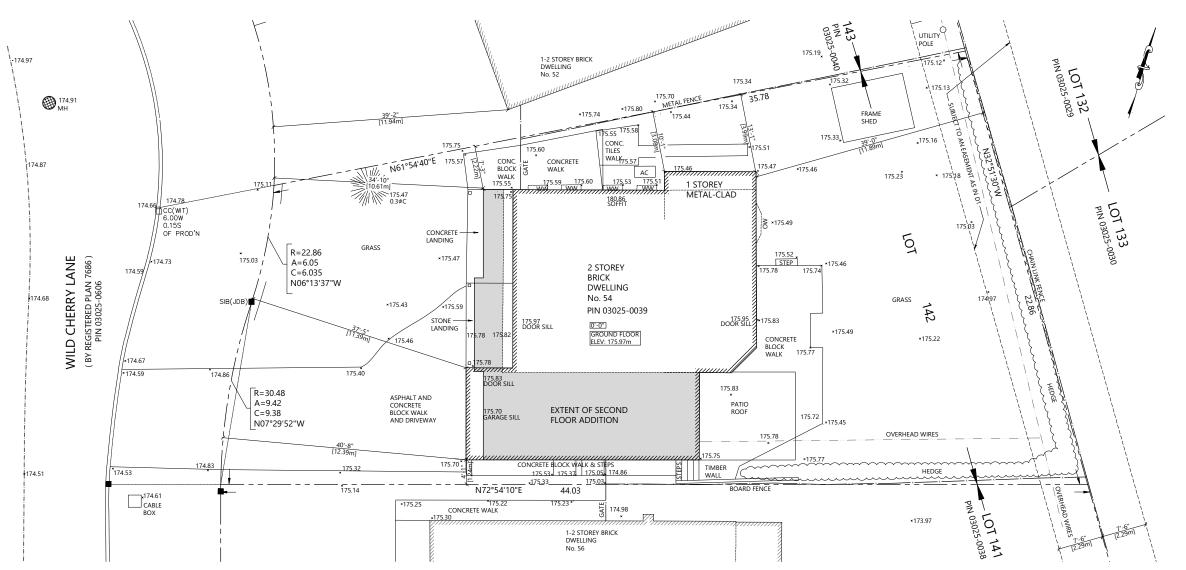
- 1. That the variances apply only to the proposed development as long as it remains;
- 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

**CONDITIONS PREPARED BY:** 

Houley Miller

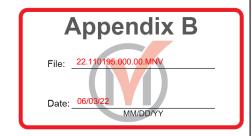
Hailey Miller, Planner, Zoning and Special Projects





1 PROPOSED SITE PLAN
A.O.1 SCALE: 3/16" = 1'-0"

	ZONING INFORMATION R3A	sq.ft	SETBACKS	MIN. (ft)	PROPOSED (m)	PROPOSED (ft)
	ZONING INFORMATION NA	Sq.it	SEIDACKS	IVIIIV. (IL)	FROFUSED (III)	PROPUSED (II)
1	PROPERTY AREA	8,006.32	FRONT SETBACK	27	11.39	37.37
2	EXISTING BASEMENT AREA	1,062.84	REAR SETBACK	25	11.89	39
3	EXISTING GROUND FLOOR AREA	1,845.58	NORTH SIDE SETBACK	6	2.52	8.26
4	EXISTING SECOND FLOOR AREA	1,276.08	SOUTH SIDE SETBACK	6	1.25	4.10
5	PROPOSED ADDITION ON THE SECOND FLOOR	658.49				
6	TOTAL PROPOSED SECOND FLOOR AREA	1,934.57	175.70 - ESTABLISHED GRADE, MEASURED AROUND THE HOUSE			
7	TOTAL PROPOSED LIVING AREA (3+6)	3,780.15	AND AVERAGED			
8	EXISTING COVERED PORCH	232.39				
9	PROPOSED COVERED PATIO	233.31		MAX. (ft)	EXISTING	PROPOSED
10	EXISTING SHED	112.26	BUILDING HEIGHT	25	23.13	23.88
11	PROPOSED AREA FOR COVERAGE CALC. (3+10)	1,957.84	COVERAGE	33.33%	24.45%	24.45%



ISSUED/ REVISIONS	DATE
1-ISSUED FOR ZONING REVIEW	DECEMBER 01, 2021
2-ISSUED FOR MINOR VARIANCE	JANUARY 17, 2022
3-	
4-	
5-	



PROJECT: ADDITION OVER GARAGE ADDRESS: 54 WILD CHERRY LANE MARKHAM, ON.

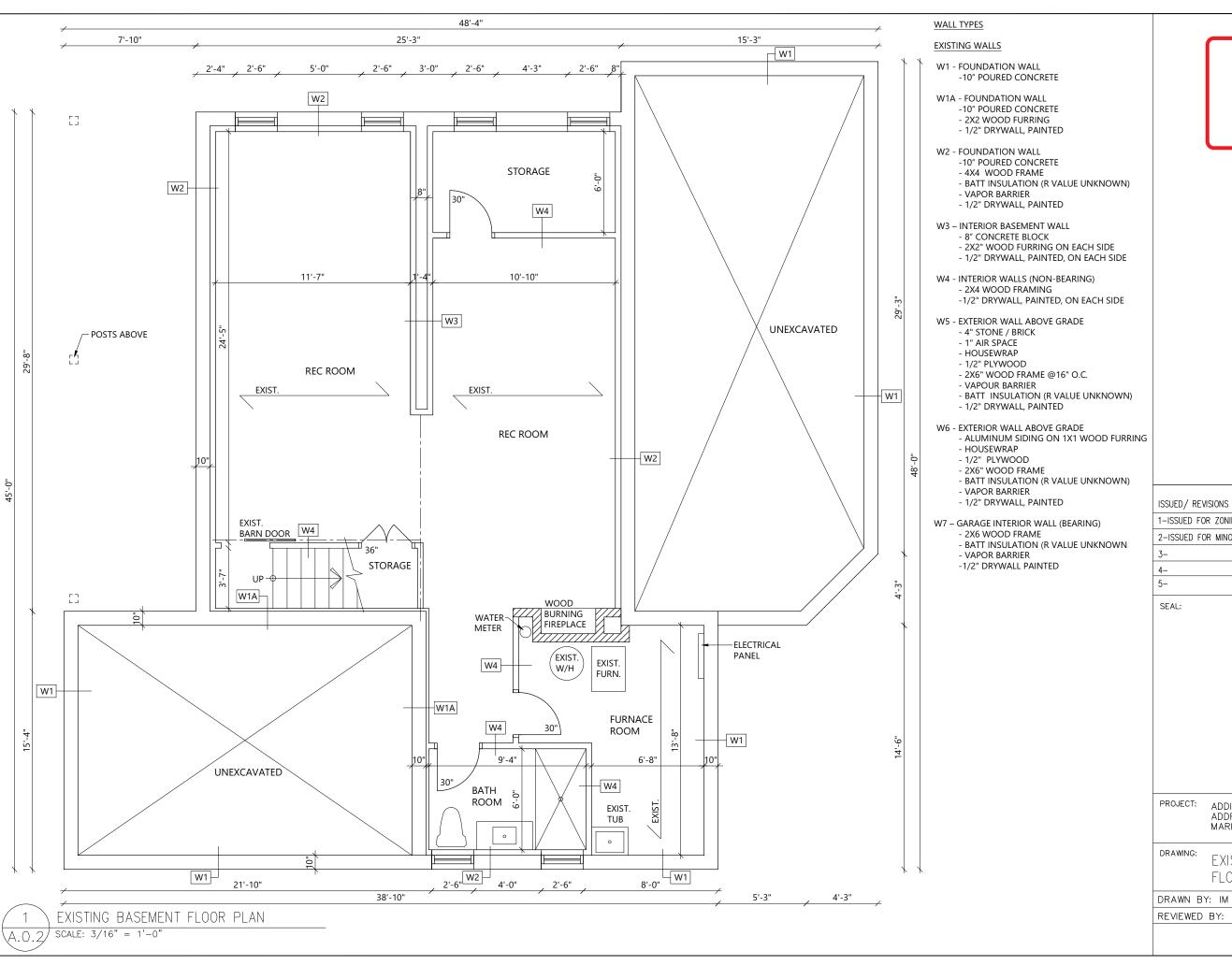
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SEAL:

PROPOSED SITE PLAN

DRAWN BY: IM	DATE: OCTOBER, 2021
REVIEWED BY: GG	SCALE: $3/16" = 1'-0"$

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PROJECT: ADDITION OVER GARAGE
ADDRESS: 54 WILD CHERRY LANE
MARKHAM, ON.

EXISTING: BASEMENT FLOOR PLAN

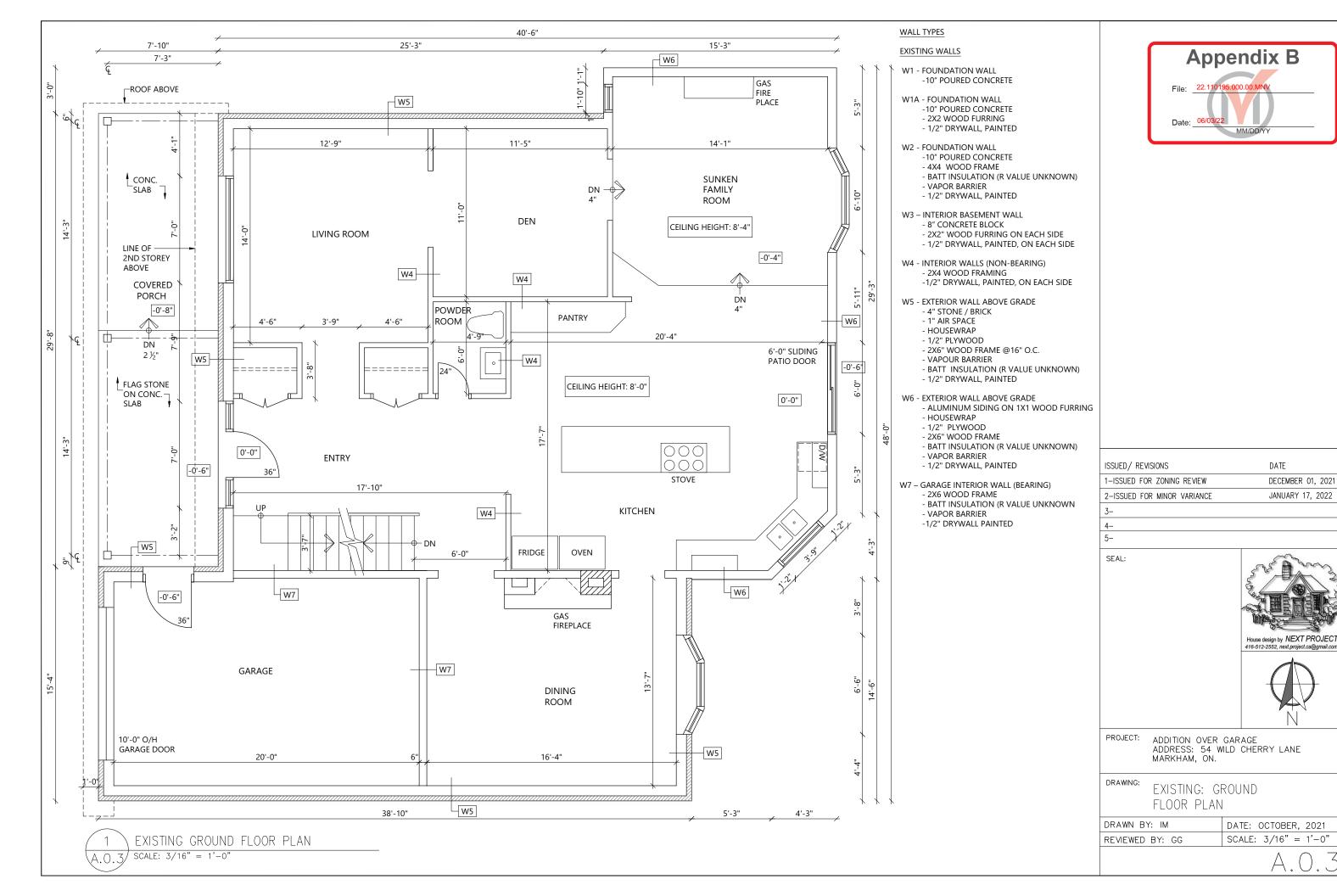
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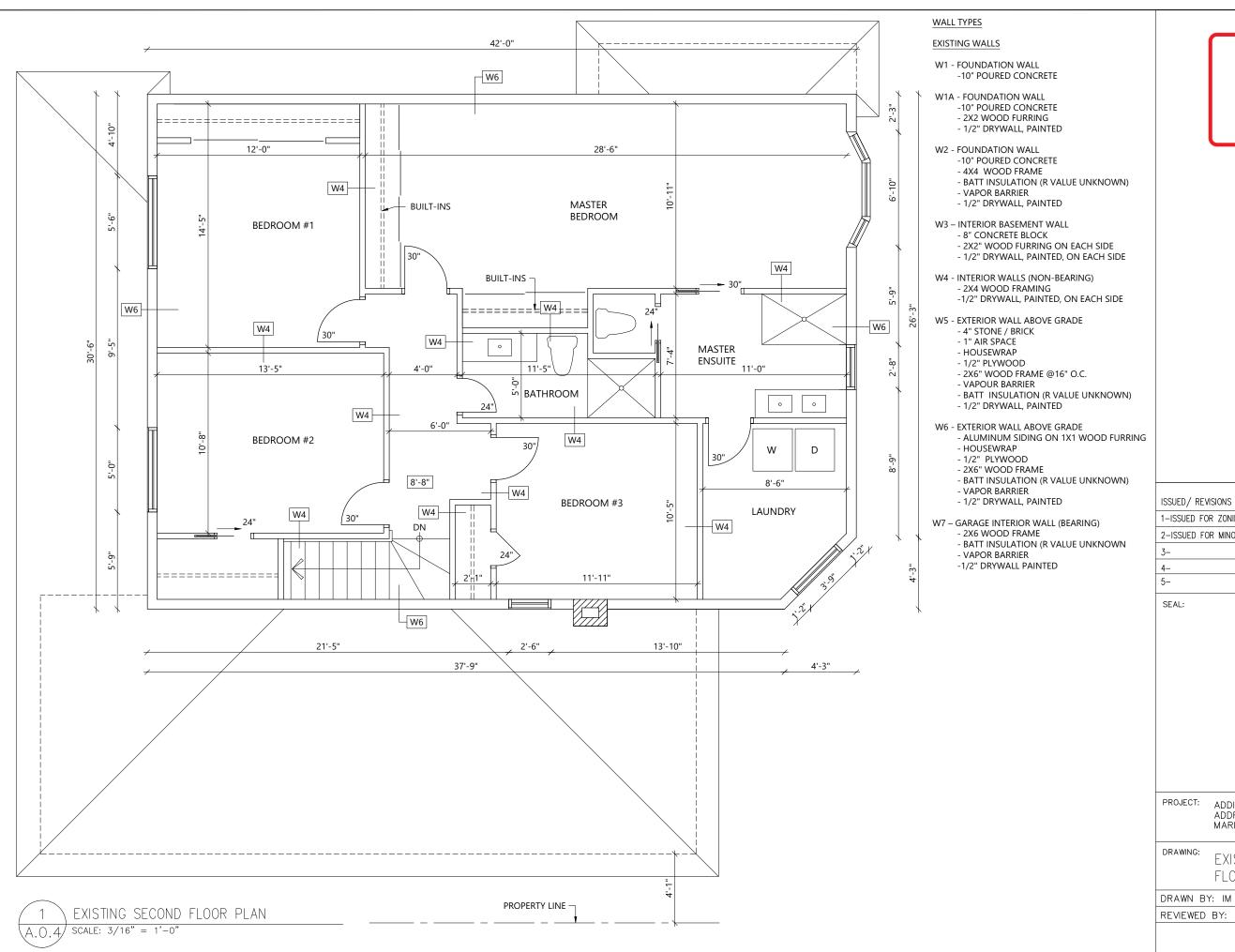
DATE: OCTOBER, 2021

REVIEWED BY: GG

SCALE: 3/16" = 1'-0"

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PROJECT: ADDITION OVER GARAGE
ADDRESS: 54 WILD CHERRY LANE
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EXISTING: SECOND FLOOR PLAN

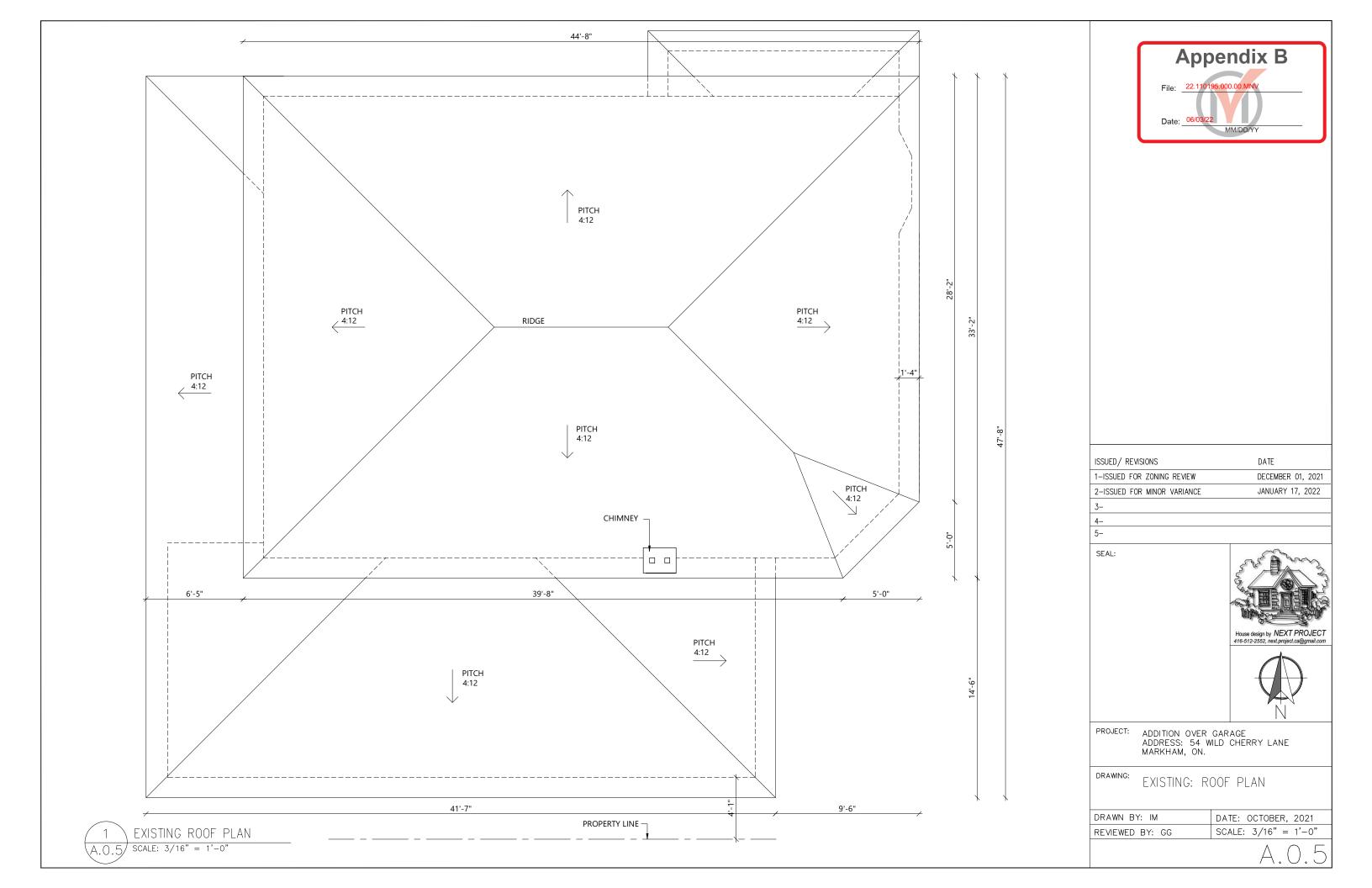
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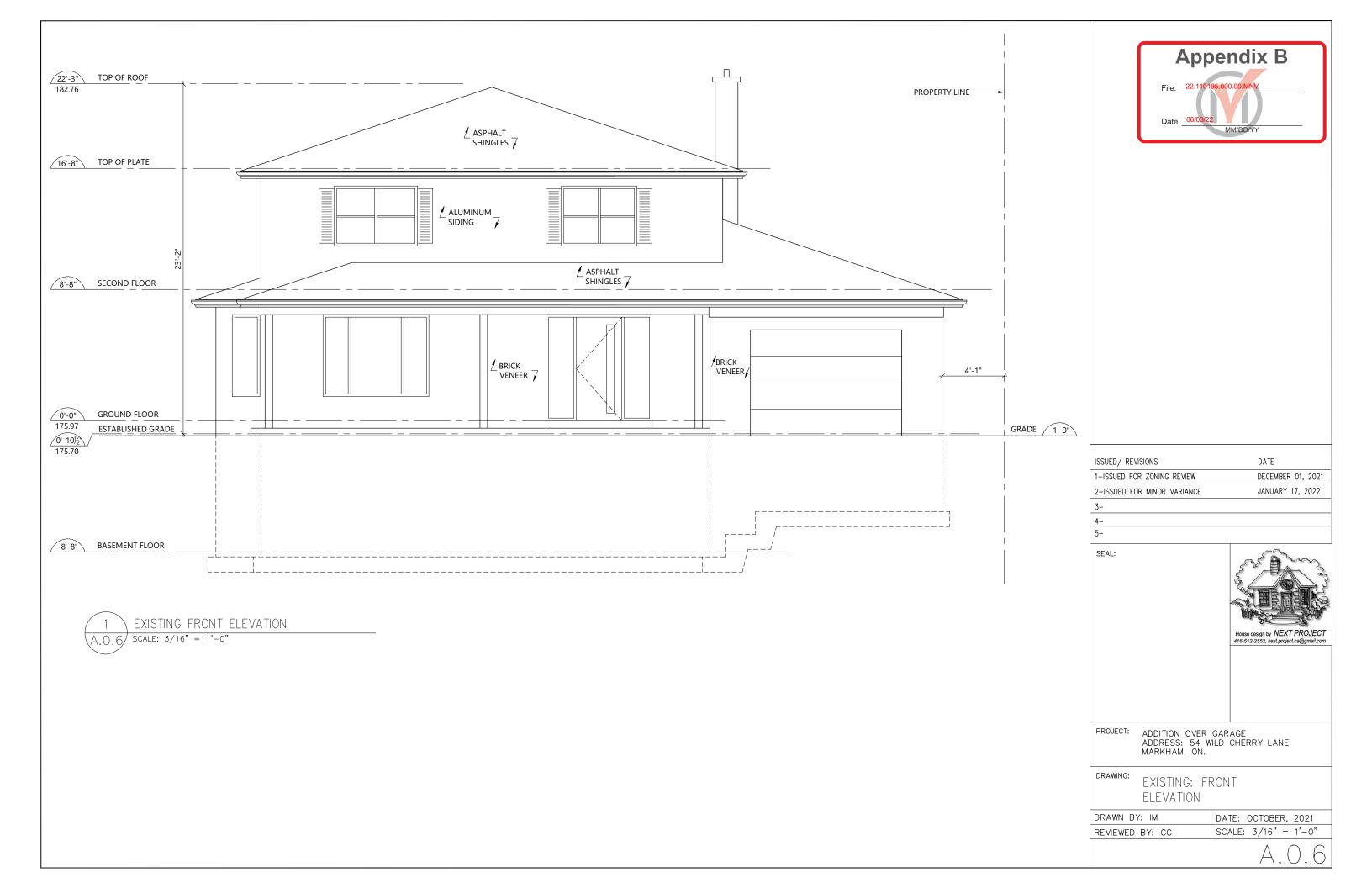
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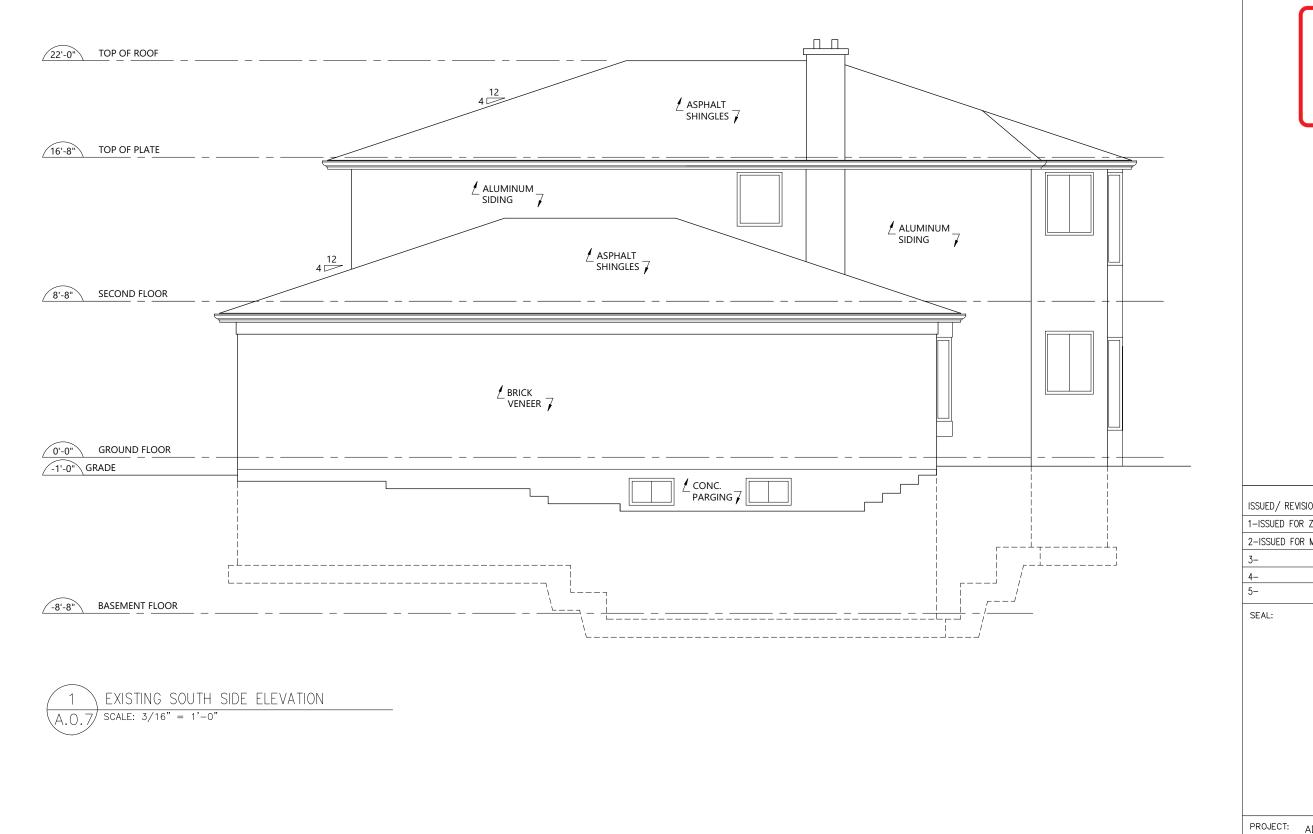
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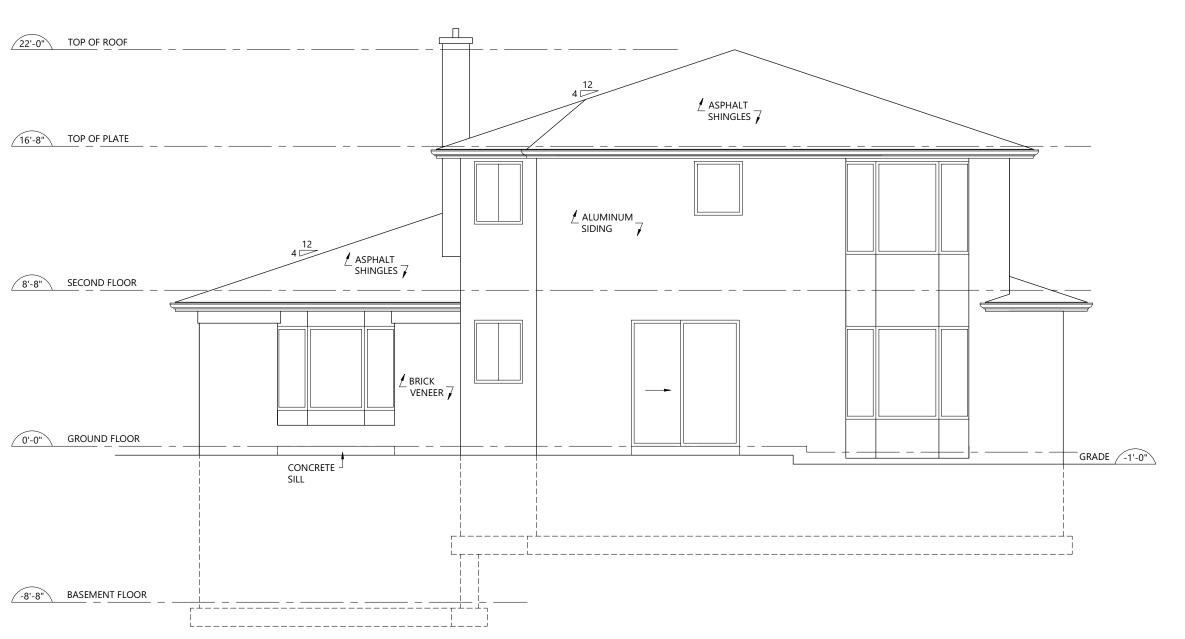
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EXISTING: SOUTH SIDE ELEVATION

DRAWN BY: IM DATE: OCTOBER, 2021

REVIEWED BY: GG SCALE: 3/16" = 1'-0"

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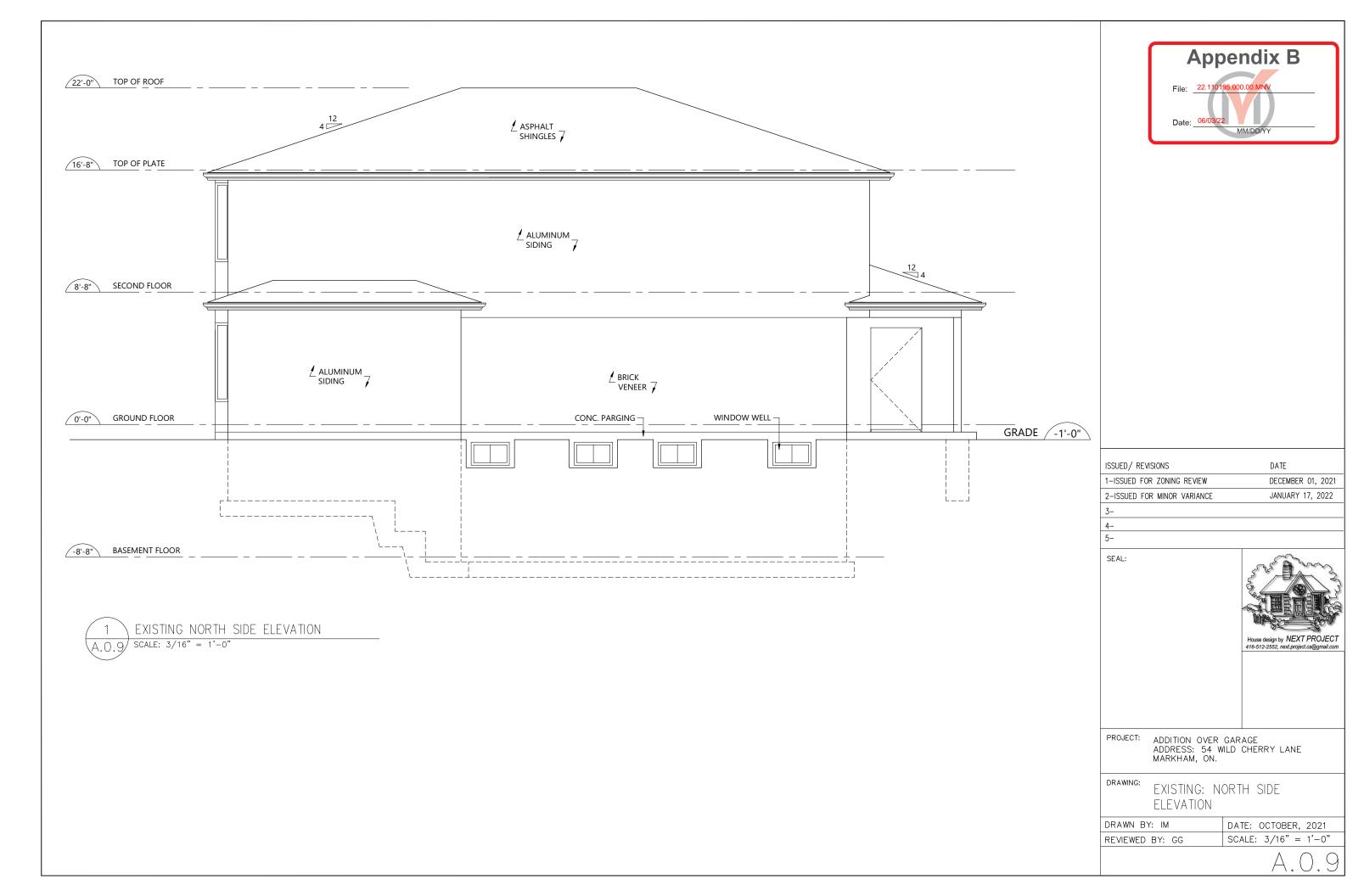
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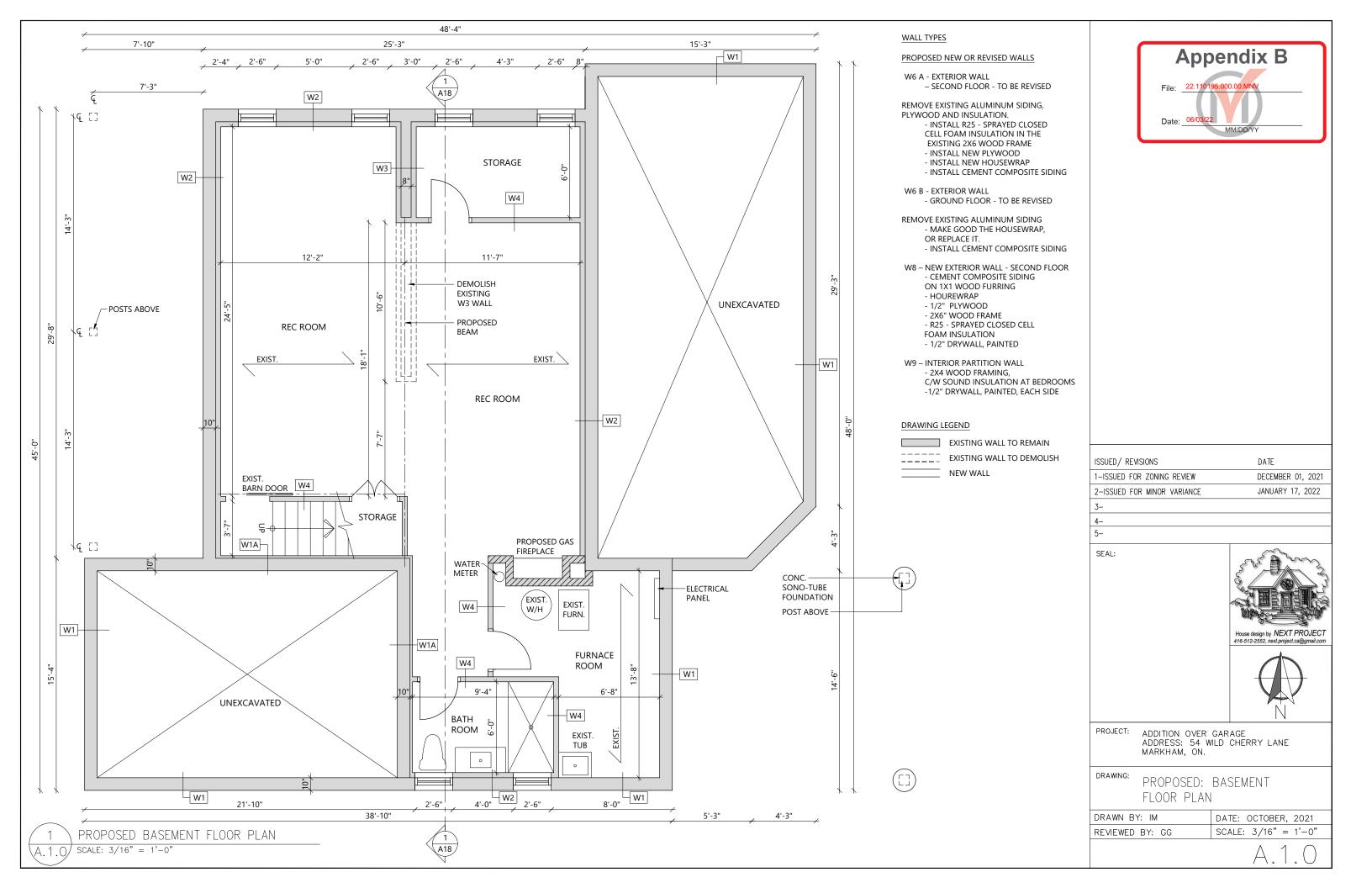
EXISTING: REAR ELEVATION

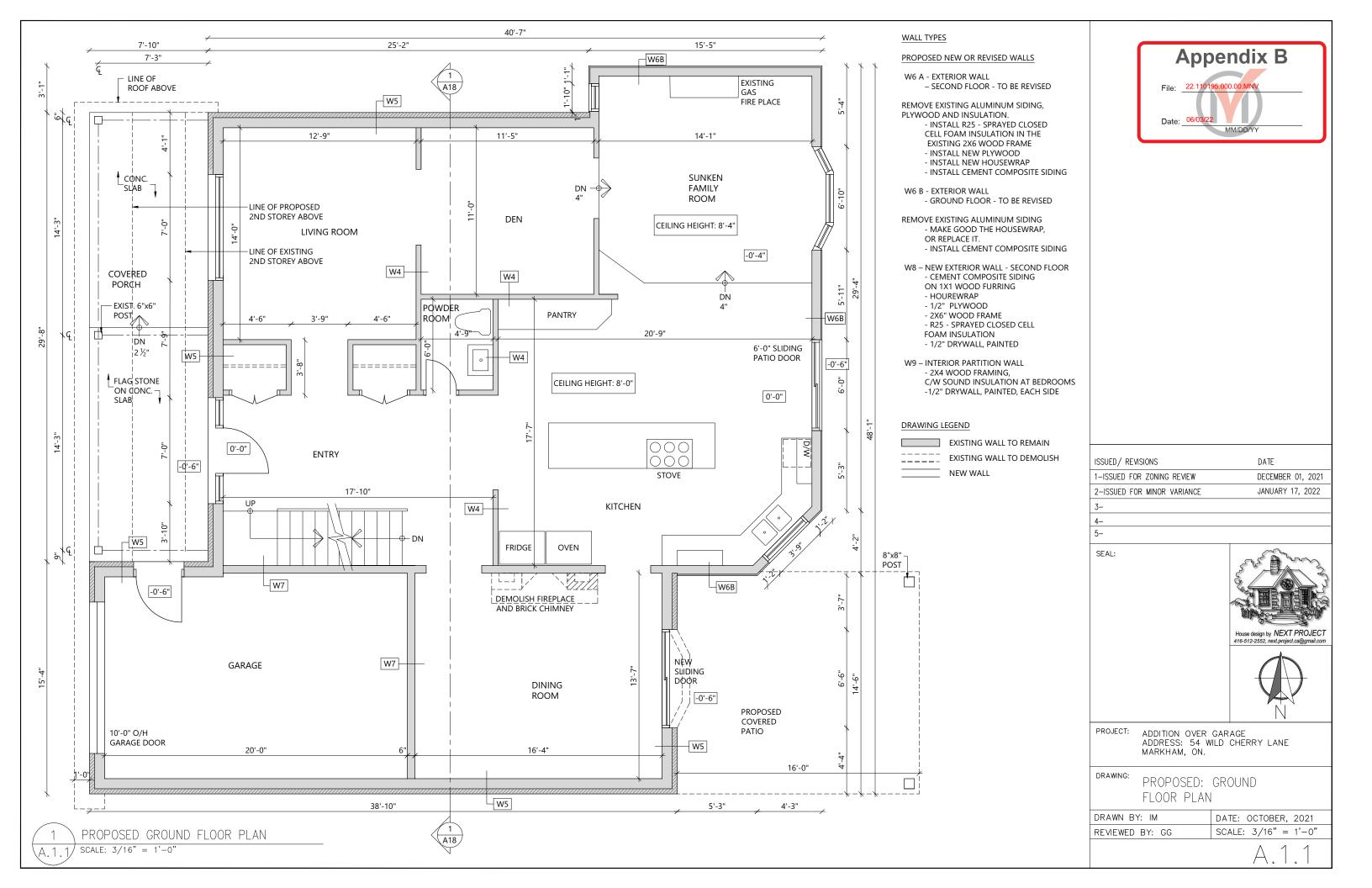
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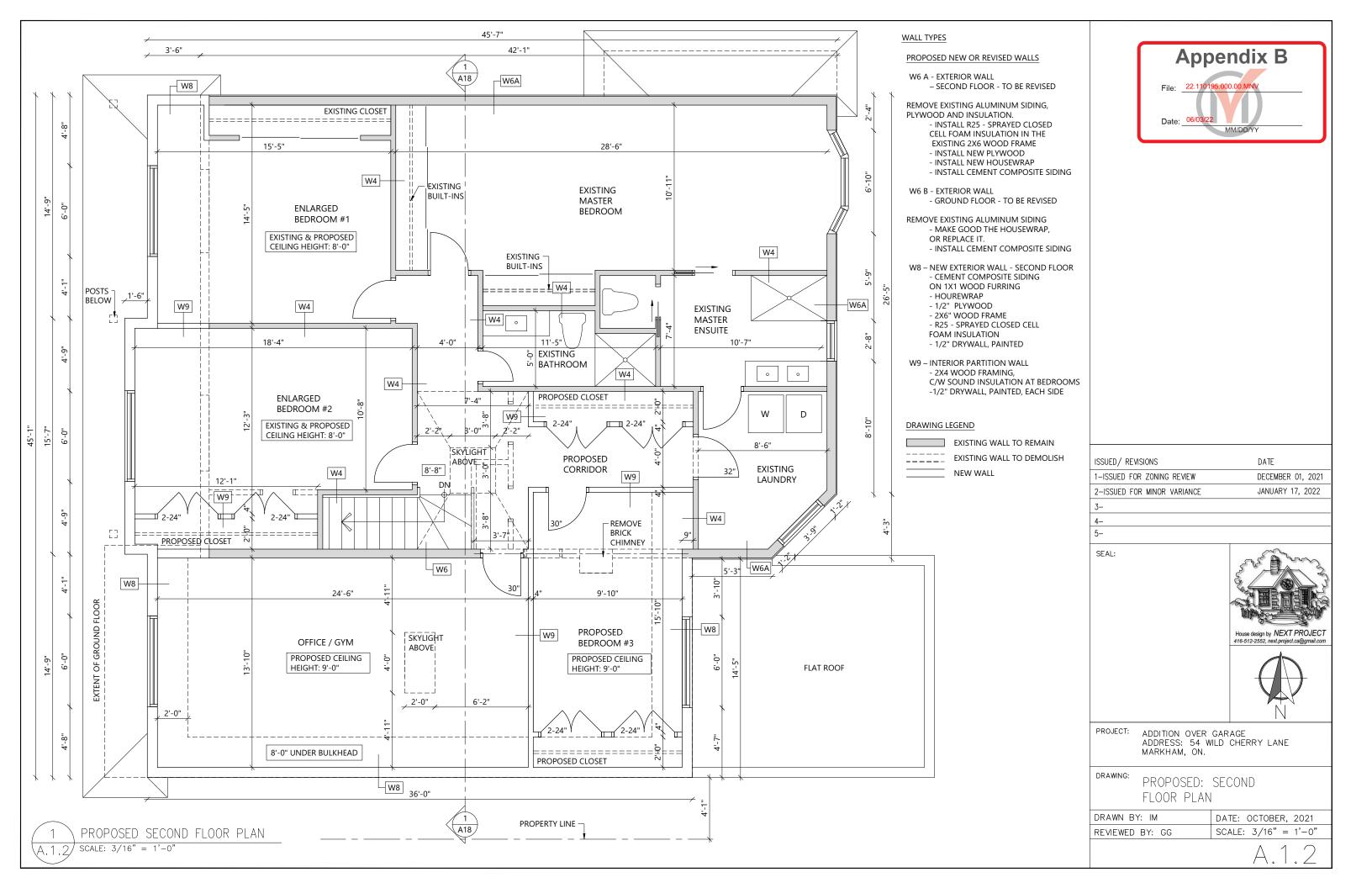
REVIEWED BY: GG SCALE: 3/16" = 1'-0"

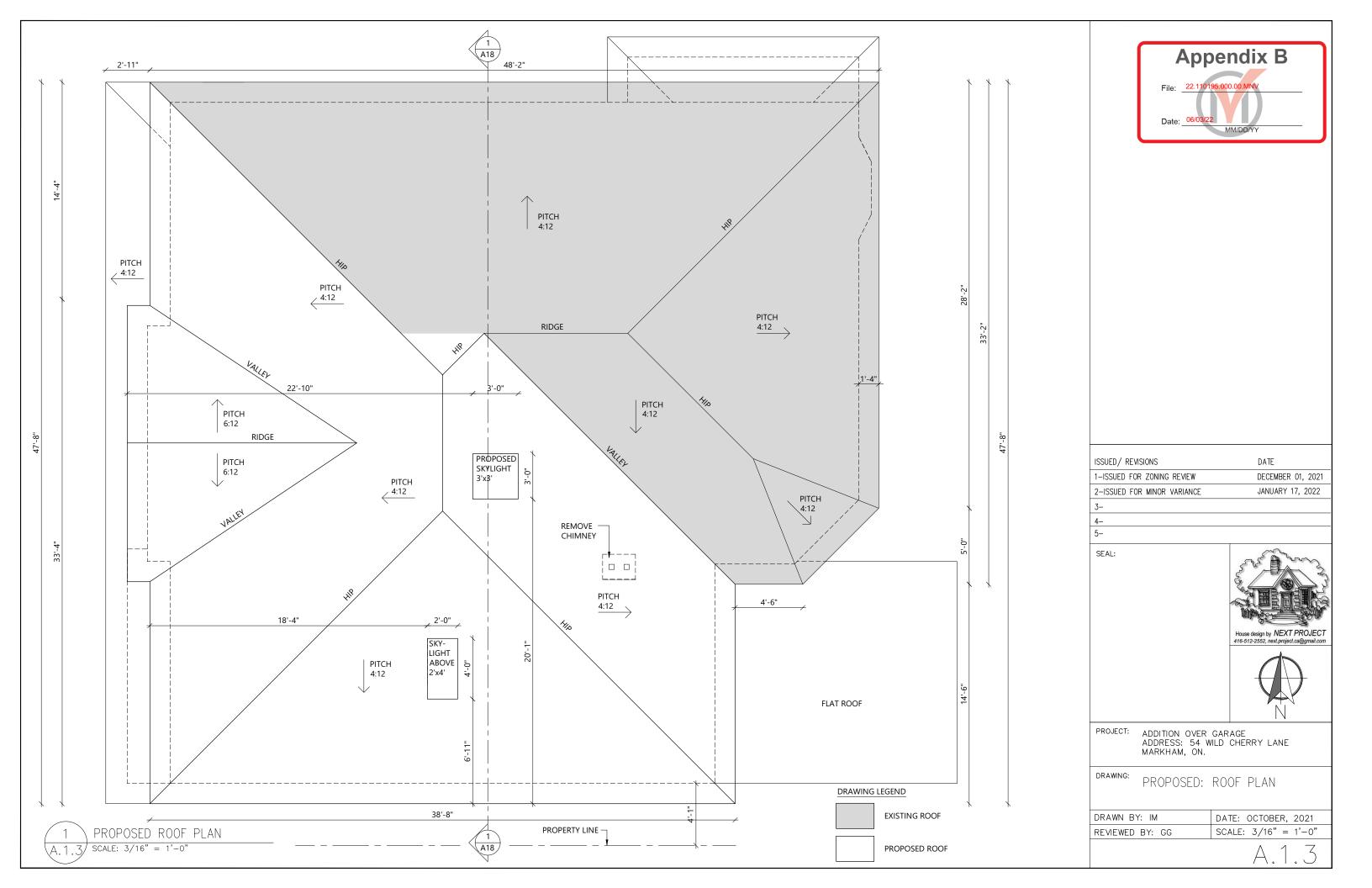
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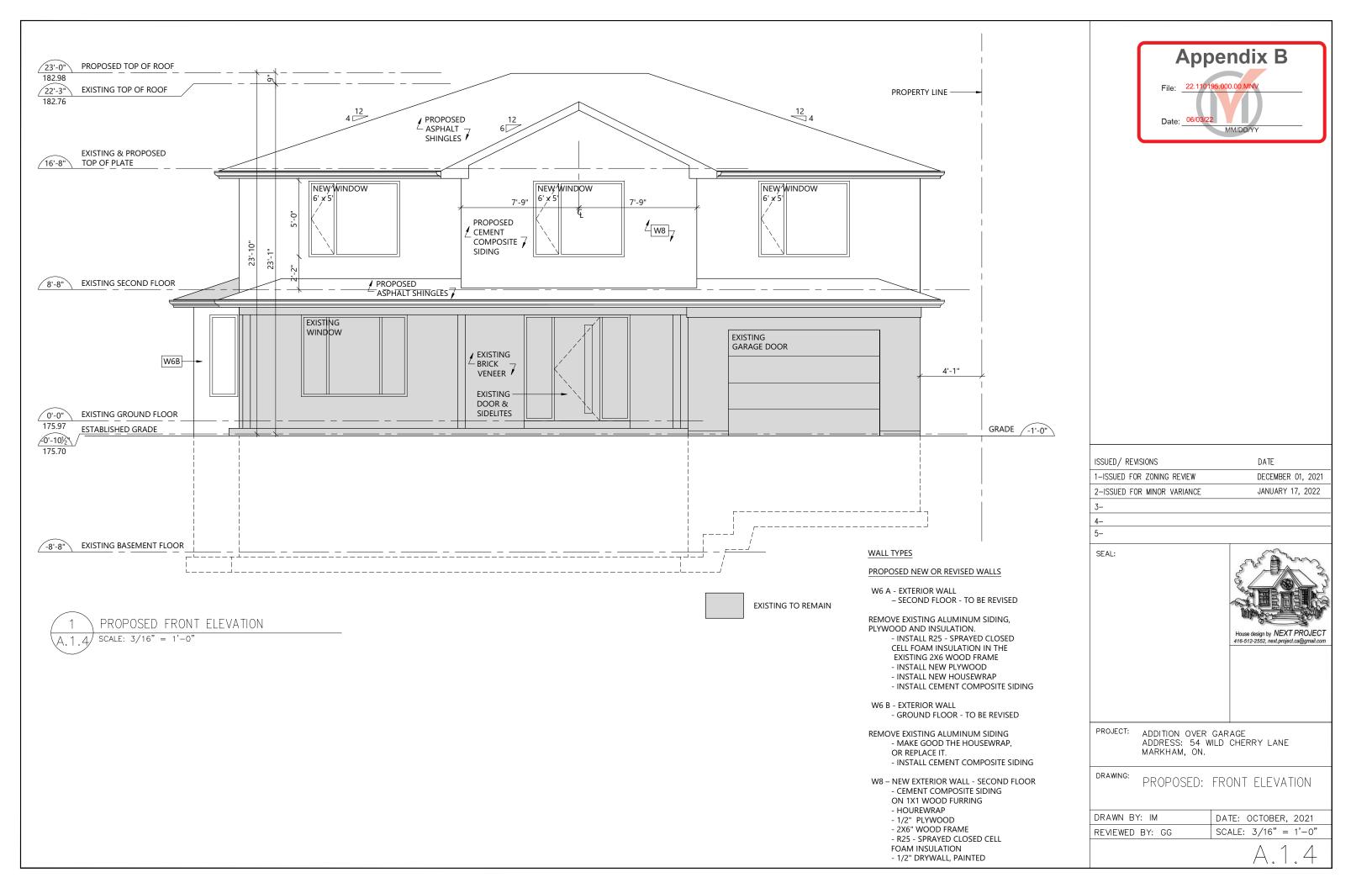


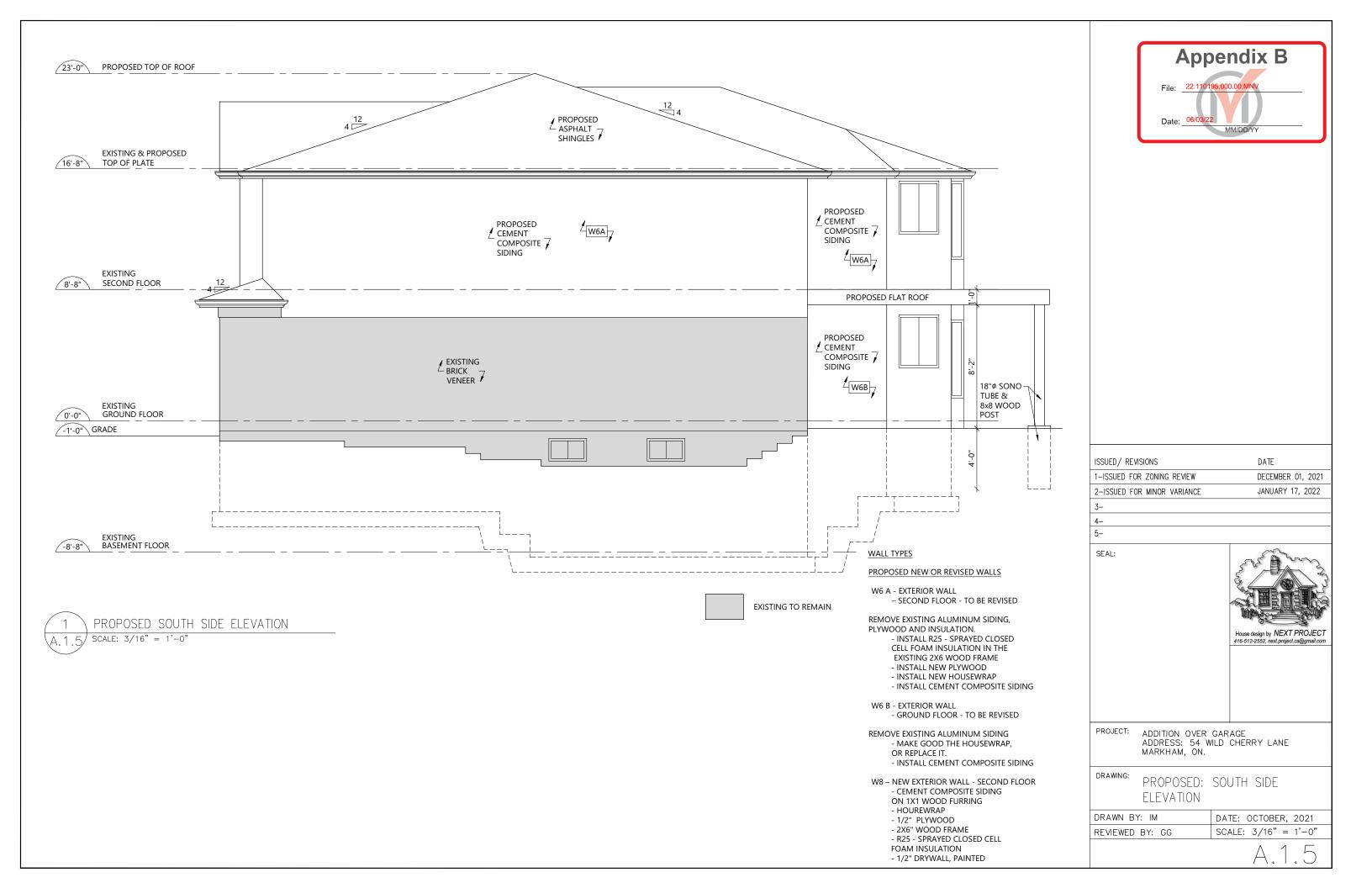


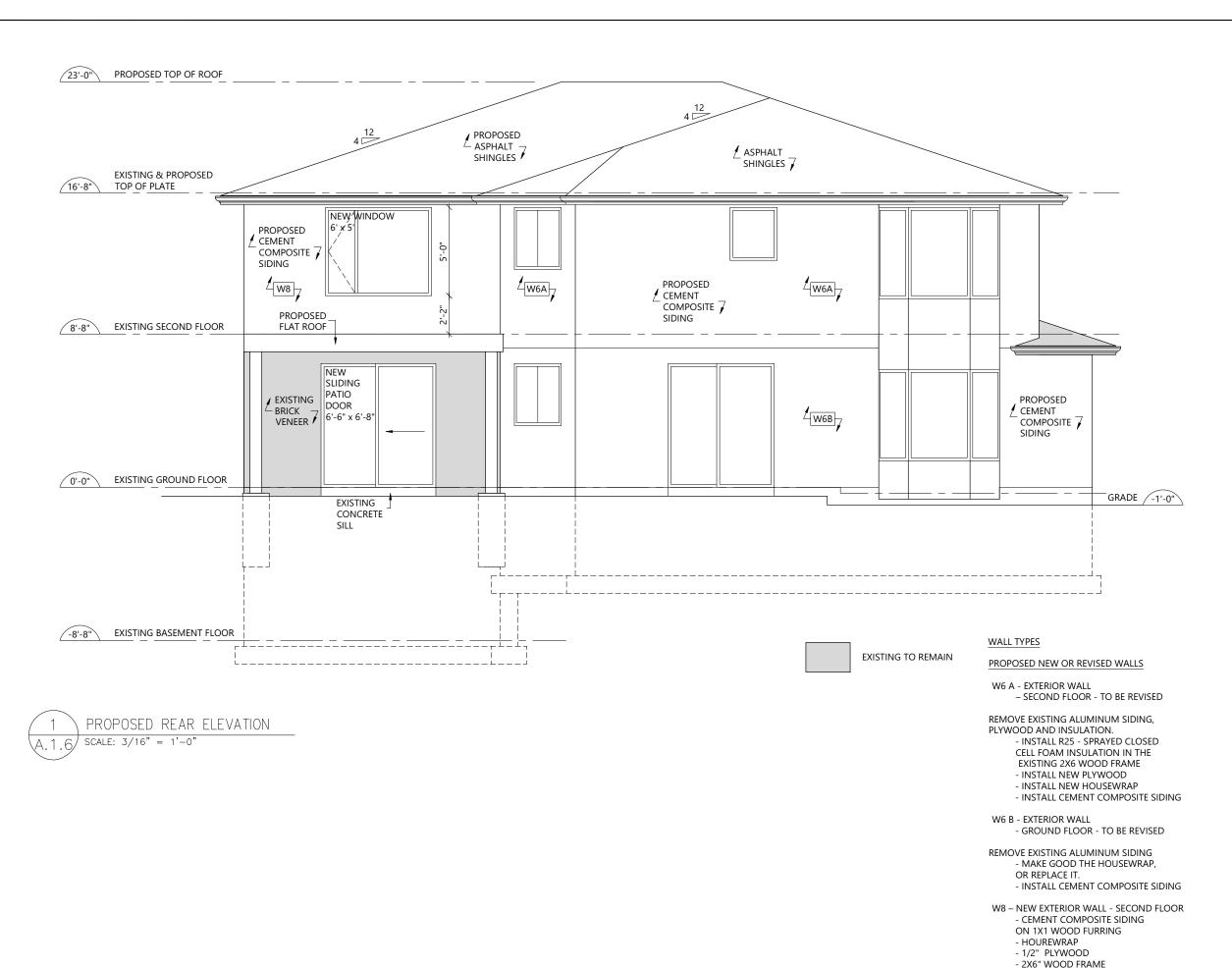














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MARKHAM, ON.

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DRAWING:

- R25 - SPRAYED CLOSED CELL FOAM INSULATION - 1/2" DRYWALL, PAINTED PROPOSED: REAR ELEVATION

DRAWN BY: IM	DATE: OCTOBER, 2021
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