

Memorandum to the City of Markham Committee of Adjustment

May 30, 2022

File: A/025/22
Address: 10 Strathroy Crescent – Markham, ON
Applicant: Sumithra Sathiyarayanan
Agent: Arc Design Group (Peter Jaruczik)
Hearing Date: June 8, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

a) Table 11.1

a minimum front yard setback of 5.41 m (17.75 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25.0 ft);

b) Table 11.1:

a minimum side yard setback of 1.31 m (4.29 ft), whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft) for the two-storey portion;

c) By-Law 28-97, Section 6.2.4.4(a)(i):

a driveway to have a minimum setback of 0.74 m (2.43 ft) from the interior side lot line, whereas the By-law requires a driveway to be located no closer to an interior side lot line than the minimum distance requirement for the main building;

d) By-Law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 51.60%, whereas the By-law permits a maximum floor area ratio of 45.0%; and

e) By-Law 99-90, Section 1.2 (i)

a maximum height of 11.89 m (39.01 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft).

PROPERTY DESCRIPTION

The 739.03 m² (7,954.80 ft²) subject property is a pie shaped lot located on the west side of Strathroy Crescent, north of Parkway Avenue, east of Main Street Markham North, and south of Ramona Boulevard. There is an existing detached dwelling on the property, with mature vegetation throughout. The property generally slopes downwards from west to east, towards the crown of the street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There are examples of recent infill development along the street, and within the surrounding area. Mature vegetation is a predominant characteristic of the street.

PROPOSAL

The applicant is proposing to demolish the existing dwelling, and construct a new two-storey detached dwelling with a total gross floor area of 348.80 m² (3,754.45 ft²). If approved, the dwelling would have a height of 11.89 m (39.01 ft), and be permitted to have

a front yard setback of 5.41 m (17.75 ft), along with a side yard setback of 1.31 m (4.29 ft).

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. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties, and properties along the street, while accommodating a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum side yard setback and minimum front yard setback.

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, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum height, and maximum floor area ratio.

Parking Standards By-law 28-97 (the “Parking By-law”)

The proposed development also does not comply with the Parking By-law requirement with respect to the minimum side yard setback for a driveway.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant completed a ZPR on January 27, 2022, which confirmed five non-compliances with the Zoning By-law, initially including a floor area ratio of 54.10% and a building height of 12.80 m (42.0 ft). Revised drawings were submitted on May 16, 2022, which propose reductions to the maximum floor area ratio and maximum building height initially requested. The revised variance requests are noted at the beginning of this memorandum.

The applicant has not conducted a ZPR for the revised drawings. Staff advise that 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 requested variances in this application contains errors, or if the need for additional variances is identified at the Building Permit stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;

- b) The variance must be desirable, in the opinion of the Committee, 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 Front Yard Setback

The applicant is requesting a minimum front yard setback of 5.41 m (17.75 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25.0 ft). This is a reduction of 2.21 m (7.25 ft).

The front lot line of the subject property aligns with that of the adjacent property, municipally known as 12 Strathroy Crescent. It is also noted that the front lot line of the subject property is set back a distance of approximately 4.57 m (15.0 ft) further west than the front lot line of 8 Strathroy Crescent. If approved, the front wall of the proposed dwelling would generally align with the front walls of the existing dwellings that are adjacent to the subject property (see Site Plan attached as Appendix "B"). Additionally, the proposed front yard setback maintains sufficient space for landscaping, and vehicle parking on the property. Staff have no objections to the requested variance, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

Reduction in Side Yard Setback (Two-Storey Portion)

The applicant is requesting a minimum side yard setback of 1.31 m (4.29 ft) for the two-storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft) for the two-storey portion of the dwelling. This is a reduction of 0.52 m (1.71 ft).

The requested variance only applies to the two-storey portion of the dwelling located at the north side of the lot. The one-storey garage proposed along the south side would comply with the minimum side yard setback of 1.22 m (4.0 ft). Staff consider the requested variance to be partially attributable to a pinch point, as the lot is pie shaped, and narrows from west to east. The majority of the north building wall complies with the side yard setback requirement, and staff are satisfied that the requested variance is minor in nature, and maintains the general intent and purpose of the By-law.

Reduction in Side Yard Setback for a Driveway

The applicant is requesting that the driveway have a minimum side yard setback of 0.74 m (2.43 ft), whereas the By-law requires a driveway to be located no closer to an interior side lot line than the minimum distance requirement for the main building, which is 1.22 m (4.0 ft).

The proposed driveway generally aligns with the main wall of the building, and as previously noted, this variance is also attributable to a pinch point due to the narrowing of the lot. Engineering staff have reviewed the application and have not identified any concerns with respect to drainage. Staff are of the opinion that the configuration of the driveway is appropriate for this lot, and maintains the general intent and purpose of the By-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 51.60%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 348.80 m² (3,754.45 ft²), whereas

the By-law permits a dwelling with a maximum floor area of 304.24 m² (3,274.81 ft²). This is an increase of 44.56 m² (479.64 ft²).

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. In considering whether the requested floor area ratio may be appropriate, staff have had regard and consideration for other By-law requirements under the “Residential One – (R1)” zone. With exception to the requested building height and yard setbacks, the proposed dwelling complies with the maximum lot coverage of 35.0%, which assists in establishing the prescribed building envelope. Staff are of the opinion that the requested variance maintains the general intent and purpose of the By-law, and have no objections.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 11.89 m (39.01 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 2.09 m (6.86 ft).

The By-law calculates building height using the vertical distance of the building measured between the level of the crown of the street at the mid-point of the front lot line and highest point of the roof surface. The grade at the front of the house is substantially elevated by approximately 1.79 m (5.87 ft) above the crown of street.

Staff acknowledge the applicant’s efforts to reduce the height by 0.91 m (2.99 ft) from their initial request. While variances are not precedent setting, and are evaluated on their own individual merits and a sites unique characteristics, other development within an area may also assist in the evaluation of an areas character. In addition to other two-storey infill dwellings along the street, 4 Strathroy Crescent obtained approval for a minor variance to permit a dwelling with a height of 11.10 m (36.42 ft). In this case, the property shares similar characteristics to that of the subject property, as the grade at the front of the house was elevated by approximately 1.70 m (5.58 ft) from the crown of the street.

Staff also note that other infill housing within the surrounding area are two-storeys with similar building heights. Based on staff’s review, approval of the requested variance may result in a height that is greater than other existing dwellings along the street; however, staff recognize the increase as being partly attributable to the difference in grade between the front of the house and crown of the street. In considering the topography of this property, staff are of the opinion that the requested variance is minor in nature.

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure the applicant installed the appropriate tree protection in any event of approval. Staff also note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees with a diameter at breast height (DBH) of 0.20 m (0.66 ft), or more. Following any approval of this minor variance application, further mitigation may be required to ensure sufficient tree protection zone(s) are provided to maintain the appropriate protection certain trees.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

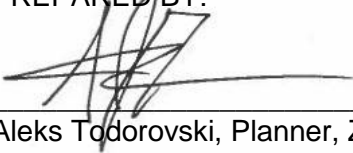
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the requested variances meet the four tests. Staff recommend that the Committee consider public input, and subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



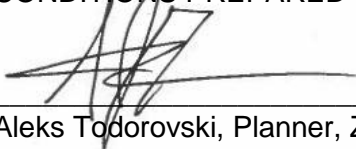
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/025/22

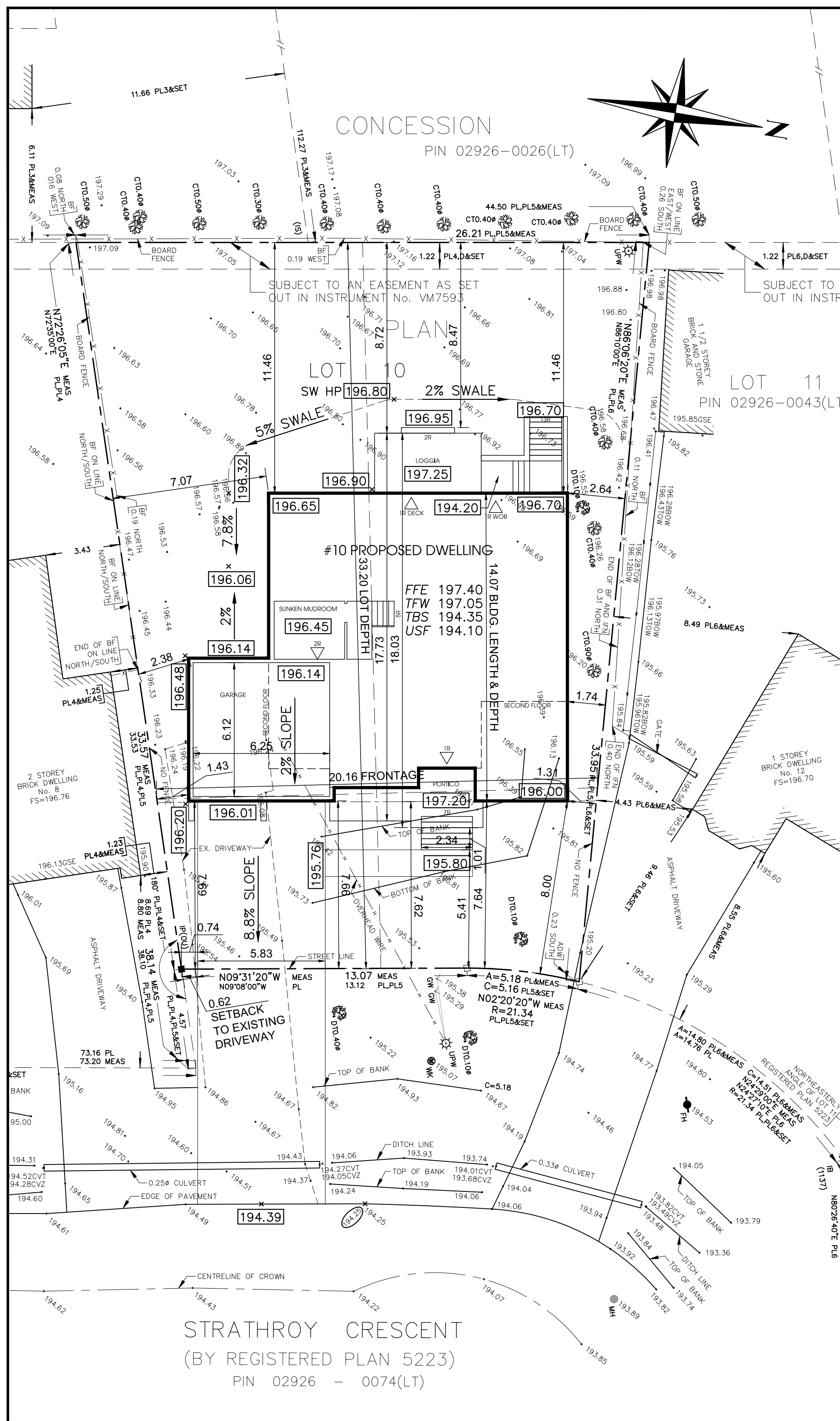
1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/025/22



Project: **10 STRATHROY CRESCENT**
Markham, Ontario

Lot Description: **Lot 10, Registered Plan 5223**

Lot Geometry	Provided	
Lot Size	19.69m x 33.57m	
Lot Area	739 m ²	
Coverage:		
Single Detached Dwelling	209.93 m ²	28.4%
Deck / Porch	27.03 m ²	3.7%
Total Coverage	236.96 m ²	32.1%
Net Floor Area:		
Net Lot Area	676.07 m ²	
Gross Floor Area & Ratio	348.8 m ²	51.6%
	Provided	
Front Setback	7.64 m	
Rear Setback	11.46 m	
Int. Sideyard Setback	1.31 m	
Int. Sideyard Setback	1.43 m	
Building Height	11.89 m	

GROSS FLOOR AREA CALCULATION (incl. ext. walls) (excl. ext. walls)		
GROUND FLOOR AREA (INCL. GAR.)	209.93 m ²	193.48 m ²
GROUND FLOOR AREA (EXCL. GAR.)	168.26 m ²	156.08 m ²
SECOND FLOOR AREA	163.50 m ²	149.97 m ²
SUBTOTAL	373.43 m ²	343.45 m ²
DEDUCT STAIRS & OPEN AREAS	24.63 m ²	24.63 m ²
TOTAL NET AREA	348.80 m²	318.82 m²

- GENERAL NOTES
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No.	Issued For/Revisions	Date
1	ISSUED FOR ZONING REVIEW	01.10.2022
2	ISSUED FOR COMMITTEE OF ADJUSTMENT	02.02.2022
3		
4		

PROJECT
10 STRATHROY CRESCENT
TORONTO, ONTARIO



Qualified Designer BCIN: 32055
Firm BCIN: 25556
Date: JAN 2022
Signature: *[Signature]*

DRAWN BY: AL SCALE: 1:150
CHECKED BY: PJJ DATE: FEB 2, 2022

SHEET TITLE
LOT SITING & GRADING PLAN

PROJECT NO: 21-028 DRAWING NO: SP

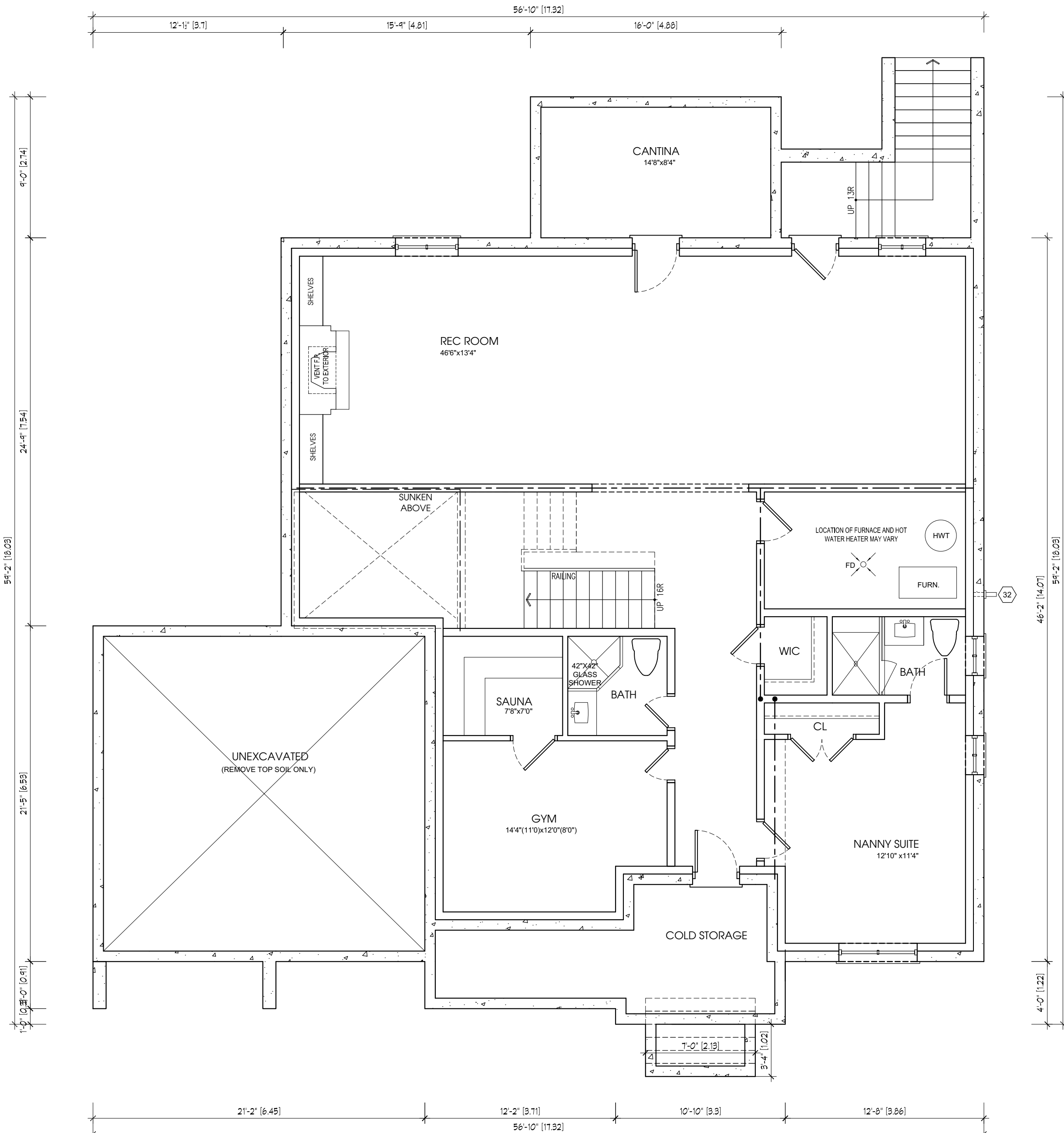
LINTEL / BEAM SCHEDULE

L1	2/2"x8" (2/38x184) SPR.#2
B1	3/2"x8" (3/38x184) SPR.#2
B2	4/2"x8" (4/38x184) SPR.#2
B7	5/2"x8" (5/38x184) SPR.#2
L3	2/2"x10" (2/38x235) SPR.#2
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B4	4/2"x10" (4/38x235) SPR.#2
B8	5/2"x10" (5/38x235) SPR.#2
L5	2/2"x12" (2/38x286) SPR.#2
B5	3/2"x12" (3/38x286) SPR.#2
B6	4/2"x12" (4/38x286) SPR.#2
B9	5/2"x12" (5/38x286) SPR.#2
L7	3 1/2"x3 1/2"x14"L (90x90x6.0)
L8	3 1/2"x3 1/2"x16"L (90x90x8.0)
L9	4"x3 1/2"x14"L (100x90x6.0)
L10	5"x3 1/2"x16"L (125x90x8.0)
L11	5"x3 1/2"x8"L (125x90x10.0)
L12	6"x4"x8"L (150 x100x10.0)

Appendix B

File: 22.110994.00.00.MNV

Date: 06/02/22



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3	ISSUED FOR C OF A	02.02.2022
2	ISSUED FOR ZONING REVIEW	01.10.2022
1	ISSUED FOR REVIEW	11.23.2021

PROJECT

10 STRATHROY CRESCENT
MARKHAM, ONTARIO

adg
Arc Design Group
architectural | mechanical | planning
tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

I hereby approve this drawing and I warrant that the design and construction of the project will conform to the applicable building code and all other applicable laws and regulations.	
Qualified Designer BCIN:	32051
Firm BCIN:	89206
Date:	JAN 2022
Signature:	

DRAWN BY:	AL	SCALE:	AS NOTED
CHECKED BY:	PJJ	DATE:	02.02.2022

SHEET TITLE

BASEMENT FLOOR PLAN

PROJECT NO.:	21-028	DRAWING NO.:	A1
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BASEMENT FLOOR PLAN
3/16" = 1'-0"

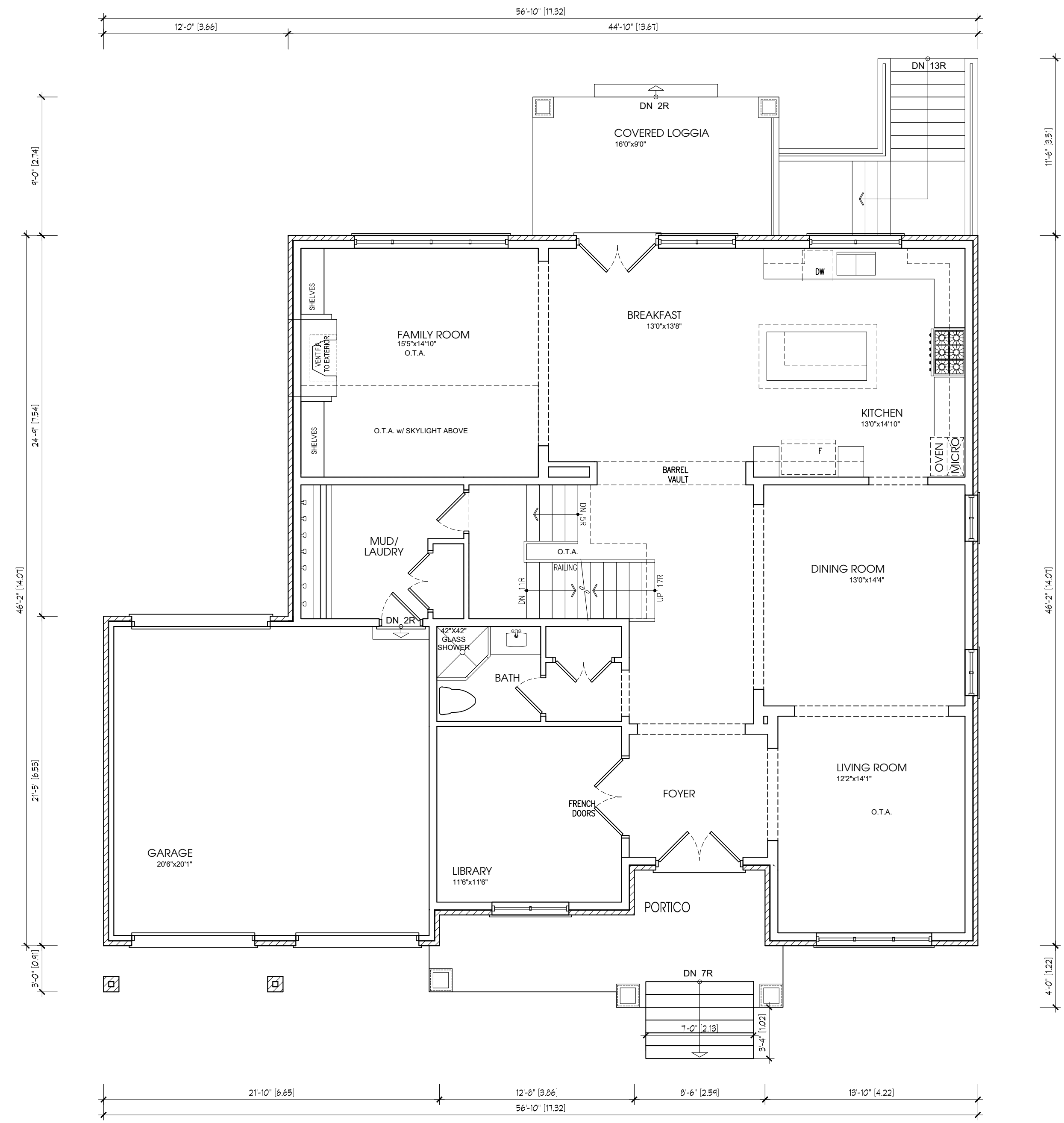
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Appendix B

File: 22.119994.00.00.MNV

Date: 06/02/22 MM/DD/YYYY



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2	ISSUED FOR ZONING REVIEW	01.10.2022
1	ISSUED FOR REVIEW	11.23.2021

PROJECT

10 STRATHROY CRESCENT
MARKHAM, ONTARIO

adg

Arc Design Group
architectural | mechanical | planning

tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

I hereby certify that I am a duly qualified and registered professional engineer in the Province of Ontario, and that I am the author of the design and drawings herein, and that I am a member of the Institution of Professional Engineers of Ontario, and that I am registered in the appropriate classification.

Qualified Designer BCIN: 22051
Date: JAN 2022

Signature: *[Handwritten Signature]*

DRAWN BY:	AL	SCALE:	AS NOTED
CHECKED BY:	PJJ	DATE:	02.02.2022

SHEET TITLE

GROUND FLOOR PLAN

PROJECT NO.:	21-028	DRAWING NO.:	A2
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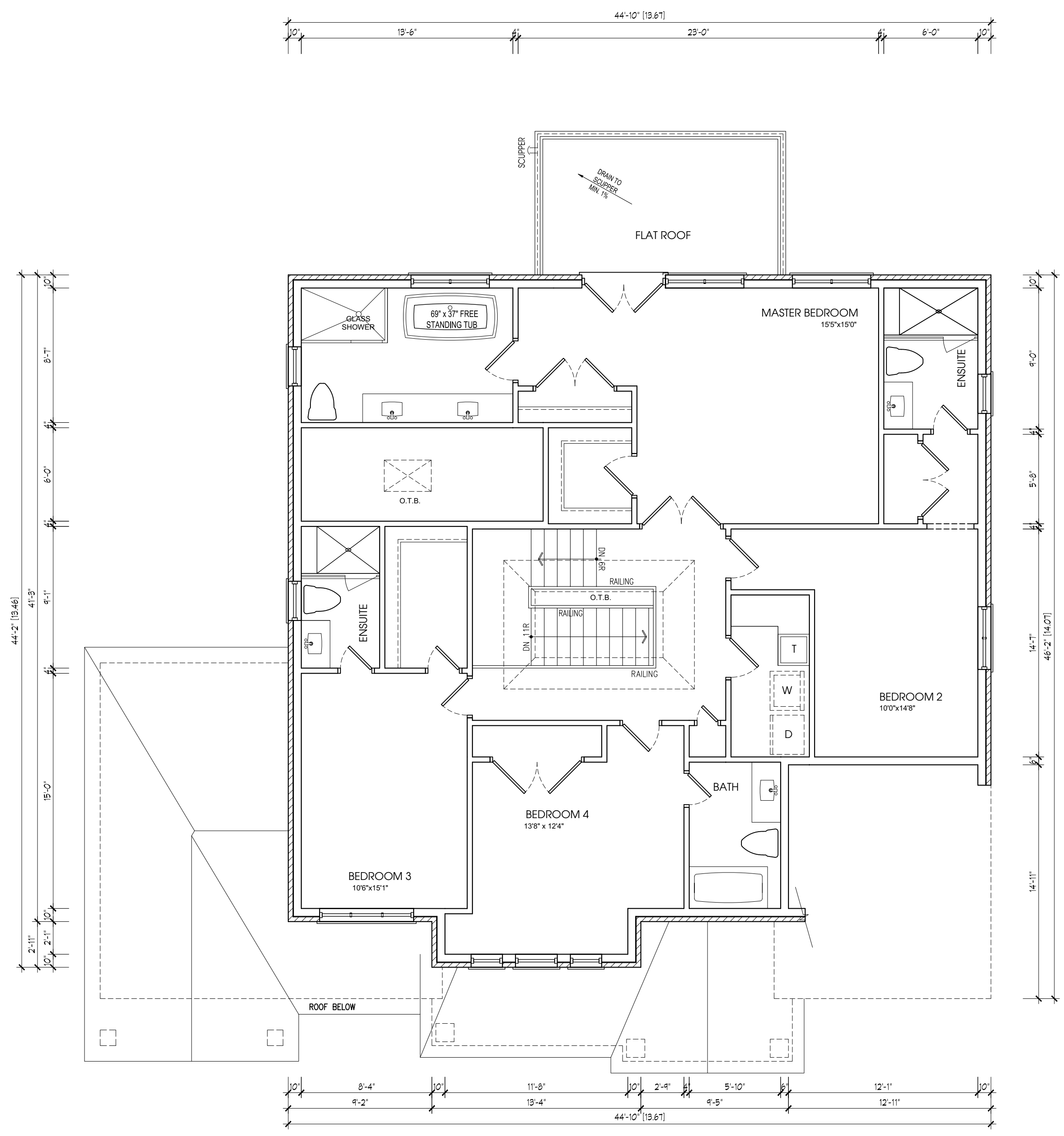
GROUND FLOOR PLAN
3/16" = 1'-0"

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 B9 5/2"x12" (5/38x286) SPR.#2
 L7 3 1/2"x3 1/2"x14"L (90x90x6.0)
 L8 3 1/2"x3 1/2"x16"L (90x90x8.0)
 L9 4"x3 1/2"x14"L (100x90x6.0)
 L10 5"x3 1/2"x16"L (125x90x8.0)
 L11 5"x3 1/2"x18"L (125x90x10.0)
 L12 6"x4"x18"L (150 x100x10.0)

LVL BEAM SCHEDULE

LVL2 2.0E-1-1 3/4" x 9 1/2" (1-45x240)
 LVL3 2.0E-1-1 3/4" x 11 7/8" (1-45x300)
 LVL4 2.0E-2-1 3/4" x 9 1/2" (2-45x240)
 LVL5 2.0E-3-1 3/4" x 9 1/2" (3-45x240)
 LVL6 2.0E-2-1 3/4" x 11 7/8" (2-45x300)
 LVL7 2.0E-3-1 3/4" x 11 7/8" (3-45x300)
 LVL8 2.0E-4-1 3/4" x 9 1/2" (4-45x240)
 LVL9 2.0E-4-1 3/4" x 11 7/8" (4-45x300)
 LVL10 2.0E-1-1 3/4" x 14" (1-45x355)
 LVL11 2.0E-2-1 3/4" x 14" (1-45x355)
 LVL12 2.0E-3-1 3/4" x 14" (1-45x355)
 LVL13 2.0E-4-1 3/4" x 14" (1-45x355)



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3	ISSUED FOR C OF A	02.02.2022
2	ISSUED FOR ZONING REVIEW	01.10.2022
1	ISSUED FOR REVIEW	11.23.2021

PROJECT

10 STRATHROY CRESCENT
 MARKHAM, ONTARIO



<p>Qualified Designer BCIN: 32051 Form BCIN: 90506 Date: JAN 2022</p> <p>Signature: <i>[Signature]</i></p>	<p>1. THESE DRAWINGS BEARING THIS STAMP REPRESENT THE DESIGN OF THE ARCHITECT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO THE DESIGN OF ANY OTHER WORK OR TO THE CONSTRUCTION OF ANY WORK. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF ANY OTHER WORK OR FOR THE CONSTRUCTION OF ANY WORK.</p>
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DRAWN BY: AL	SCALE: AS NOTED
CHECKED BY: PJJ	DATE: 02.02.2022

SHEET TITLE

SECOND FLOOR PLAN

PROJECT NO.: 21-028	DRAWING NO.: A3
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SECOND FLOOR PLAN
 3/16" = 1'-0"



FRONT ELEVATION

3/16" = 1'-0"

GENERAL NOTES

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PROJECT

10 STRATHROY CRESCENT
MARKHAM, ONTARIO

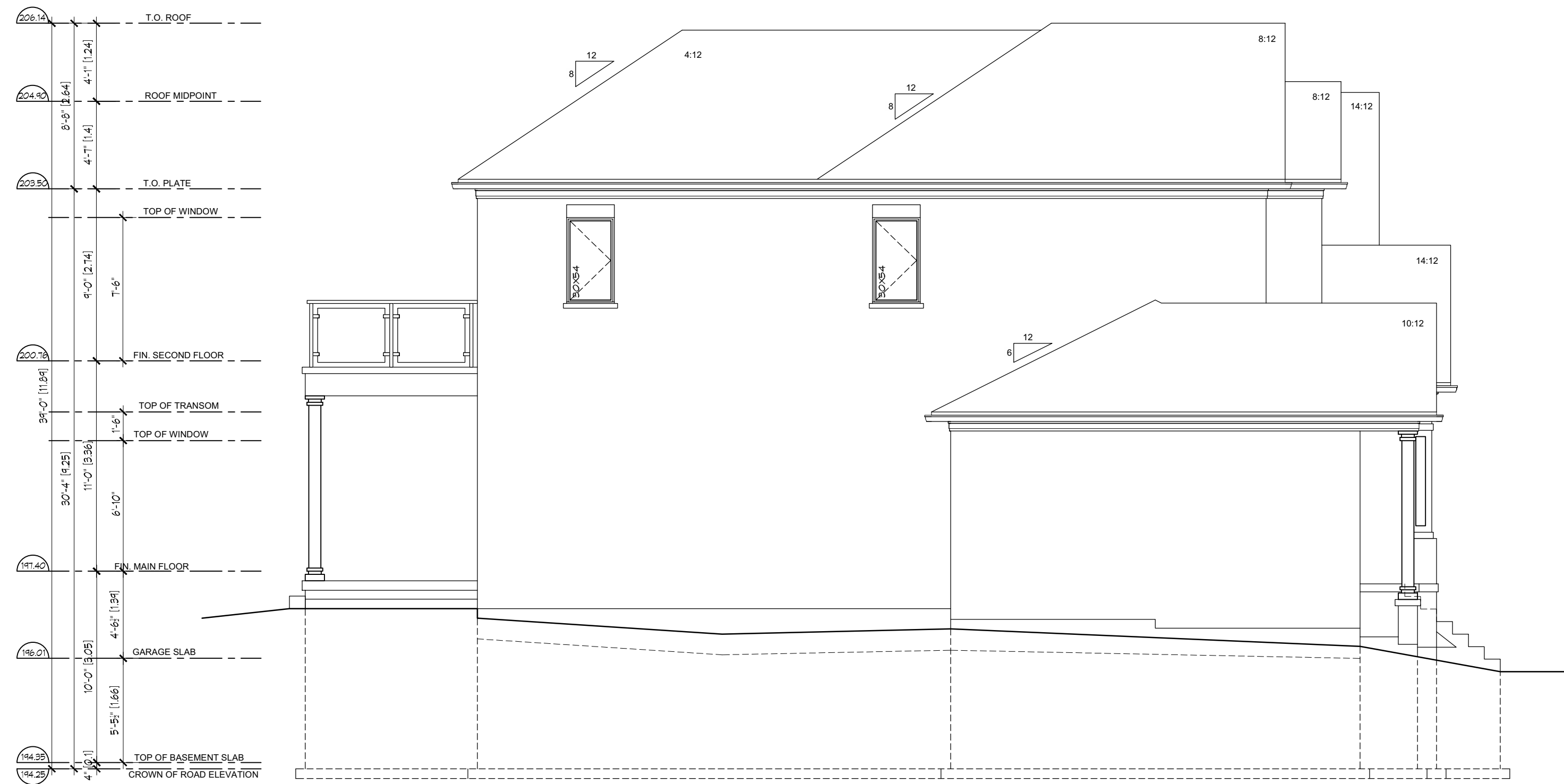
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architectural | mechanical | planning
tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

<p>Qualified Designer BCIN: 22051 Firm BCIN: 22026 Date: JAN 2022</p> <p>Signature: <i>[Signature]</i></p>	<p>DATE: 02.02.2022</p>
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DRAWN BY: AL	SCALE: AS NOTED
CHECKED BY: PJJ	DATE: 02.02.2022

SHEET TITLE	
FRONT ELEVATION	

PROJECT NO.:	DRAWING NO.:
21-028	A5



LEFT SIDE ELEVATION

3/16" = 1'-0"

- GENERAL NOTES
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3	ISSUED FOR C OF A	02.02.2022
2	ISSUED FOR ZONING REVIEW	01.10.2022
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PROJECT
 10 STRATHROY CRESCENT
 MARKHAM, ONTARIO



Qualified Designer BCIN: 20051
Firm BCIN: 20026
Date: JAN 2022
Signature: <i>[Signature]</i>

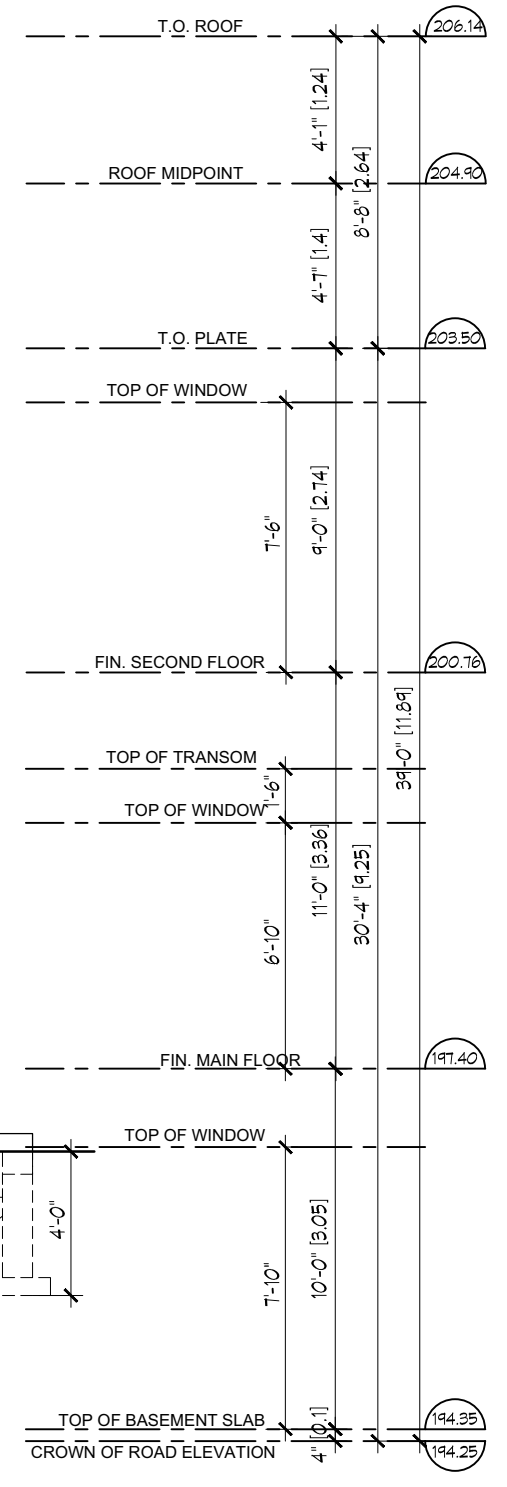
DRAWN BY: AL	SCALE: AS NOTED
CHECKED BY: PJJ	DATE: 02.02.2022

SHEET TITLE
 LEFT SIDE ELEVATION

PROJECT NO.: 21-028	DRAWING NO.: A6
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RIGHT SIDE ELEVATION
 3/16" = 1'-0"



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PROJECT

10 STRATHROY CRESCENT
 MARKHAM, ONTARIO



Qualified Designer BCIN: 20051
 Firm BCIN: 89296
 Date: JAN 2022
 Signature: *[Signature]*

DRAWN BY: AL SCALE: AS NOTED
 CHECKED BY: PJJ DATE: 02.02.2022

SHEET TITLE

RIGHT SIDE ELEVATION

PROJECT NO.: 21-028
 DRAWING NO.: A7



REAR ELEVATION

3/16" = 1'-0"

GENERAL NOTES

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PROJECT
10 STRATHROY CRESCENT
MARKHAM, ONTARIO

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arcdesign@rogers.com

Qualified Designer BCIN:	20051
Firm BCIN:	20026
Date:	JAN 2022
Signature:	

DRAWN BY: AL	SCALE: AS NOTED
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SHEET TITLE
REAR ELEVATION

PROJECT NO.: 21-028	DRAWING NO.: A8
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