

# Memorandum to the City of Markham Committee of Adjustment

April 9, 2021

**File:** A/028/21  
**Address:** 20 Sherwood Forest Drive – Markham, ON  
**Applicant:** Shuhe Yang  
**Agent:** PMP Design Inc.  
**Hearing Date:** April 21, 2021

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

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, as they relate to a new two-storey single detached dwelling. The variances requested are to permit:

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

a maximum floor area ratio of 50.0%, whereas the by-law permits a maximum floor area ratio of 45.0%;

**b) By-law 1229, Section 11.2 (c) (i):**

a covered porch, cold cellar, and stairs to project a maximum of 58.66 in (1.49 m) into the required front yard, whereas the by-law permits a maximum projection of 18.0 in (0.46 m).

## **BACKGROUND**

### **Property Description**

The 625.25 m<sup>2</sup> (6,730.14 ft<sup>2</sup>) subject property is located on the south side of Sherwood Forest Drive, north of Highway 7 East, and west of Robinson Street. There is an existing one-storey single detached dwelling on the subject property. Mature trees and vegetation exist across the site. The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached and semi-detached dwellings with mature vegetation being a prevalent characteristic along Sherwood Forest Drive. The surrounding area is undergoing a transition with newer dwellings replacing the original housing stock with newer infill redevelopments.

### **Proposal**

The applicant is proposing to demolish the existing one-storey dwelling, to construct a new two-storey single detached dwelling which would have a fully enclosed two-car garage, a front covered porch, an unenclosed carport, a deck and a walkout located in the rear yard. The proposed dwelling would have a first floor area of 172.0 m<sup>2</sup> (1,851.39 ft<sup>2</sup>), a second floor area of 138.0 m<sup>2</sup> (1,485.42 ft<sup>2</sup>), for a total gross floor area of 310.0 m<sup>2</sup> (3,336.81 ft<sup>2</sup>).

### **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. 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. 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 the retention of existing trees and vegetation, and the width of proposed garages and driveways within a residential neighbourhood.

#### 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 maximum permitted encroachment for the front covered porch and stairs, including the below grade cold cellar.

#### 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 Infill 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 floor area ratio.

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

The applicant completed a ZPR on March 3, 2021 to confirm variances initially required for the proposed development when the application was filed. In their ZPR application, the applicant provided completed floor plans which was reviewed by zoning staff to confirm the variances at the time. The applicant has since revised their proposal to remove the requested variances for reduced front and side yard setbacks. This revised proposal also resulted in a slight reduction to the floor area ratio, from 51.80% to 50.0%.

The applicant did not complete a ZPR for the revised drawings. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the 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 (“the Committee”):

- 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 a maximum floor area ratio of 50.0%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance would facilitate the construction of a two-storey detached dwelling with a floor area of 310.0 m<sup>2</sup> (3,336.81 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 278.65 m<sup>2</sup> (2,999.36 ft<sup>2</sup>). This is an increase of 31.35 m<sup>2</sup> (337.45 ft<sup>2</sup>).

Staff are of the opinion that the requested increase in floor area ratio would be generally consistent with the scale of two-storey infill development within the surrounding area. The applicant is not requesting an increase to building height, and has made revisions to comply with the front yard and side yard setback requirements of the By-law to ensure the dwelling is situated within the prescribed building envelope. Accordingly, staff have no objections to the requested variance.

#### **Increase in Maximum Covered Porch, Cold Cellar, and Stairs Encroachment**

The applicant is requesting that the proposed covered porch, cold cellar, and stairs project a maximum of 58.66 in (1.49 m) into the required front yard, whereas the By-law permits a maximum projection of 18.0 in (0.46 m). This is an increase of 40.66 in (1.03 m).

Approval of this variance would permit the one-storey covered porch, as well as a below grade cold cellar to encroach slightly into the required front yard. The main building wall of the proposed dwelling will comply with the minimum front yard setback of 25.0 ft (7.62 m). Staff have no objections to the requested variance.

#### **Tree Protection and Compensation**

The Site Plan shows a total of three rear yard trees and one mature front yard tree with a diameter at breast height of 0.80 m (2.63 ft). The applicant has provided staff with an assessment from a certified arborist which confirms that minor injuries to the front yard tree can be expected. Operations staff have reviewed the application, and anticipate that the proposed injury would be minor and allow for the tree to be preserved. Accordingly Operations staff have no concerns.

Staff recommend that the applicant provide a complete arborist report and tree assessment and preservation plan as a condition of approval to ensure that the appropriate protection and any required compensation is provided (see Appendix "A"). Staff note that the applicant is required to apply for a tree permit from the City for any proposed injury or removal of trees located on the subject property, neighbouring properties, or within the municipal street allowance. Further mitigation and changes may be required as part of the Residential Infill Grading and Servicing process to ensure adequate protection of certain trees.

#### **PUBLIC INPUT SUMMARY**

One written submissions was received as of April 9, 2021 in support of the application. 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 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.

**APPENDICES**

Appendix "A" – Conditions of Approval

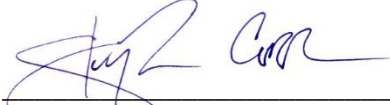
Appendix "B" – Plans

PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/028/21**

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 batch stamped 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 an Arborist Report, and 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, 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.
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:



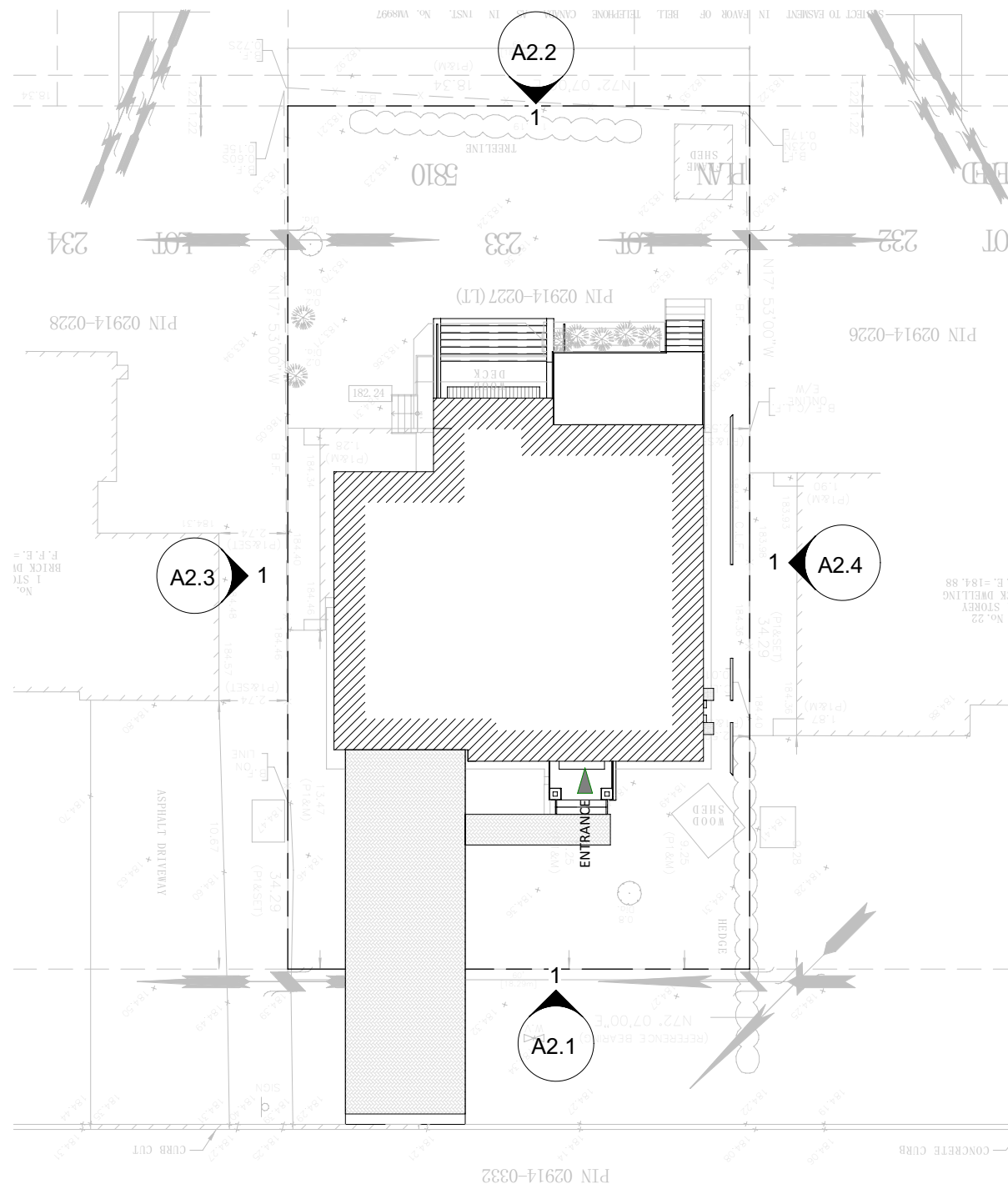
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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/028/21**

Drawing List. (zoning)	
A0.1	Cover Sheet
A0.2	Site Plan
A1.1	Basement Plan
A1.2	Main Floor Plan
A1.3	Second Floor Plan
A1.4	Roof Plan
A2.1	Front Elevation (North)
A2.2	Rear Elevation (South)
A2.3	Side Elevation (East)
A2.4	Side Elevation (West)
A3.1	Perspective Views

Grand total: 11



1 PERSPECTIVE VIEW

**PROPOSED RESIDENCE FOR  
20 SHERWOOD**  
ZONING DATA MATRIX

	PROPOSED	PROPOSED
Lot Area	625.25 S.M.	6730.17 S.F.
Frontage	18.29 M	60'
Front Yard Setback	7.62 M	25'
Side Yard Setback	1.83 M & 1.83 M	6' & 6'
Rear Yard Setback	11.57 M	37' 11 1/2"
Height	9.80 M	32' 2"
Length	14.99 M	49' 2 1/2"
Front Yard Area	142.322 S.M.	1531.94 S.F.
Driveway Area	38.278 S.M.	412.02 S.F.
Porch & Walkway Area	12.022 S.M.	129.4 S.F.
Soft Landscaping Area	92.022 S.M.	990.52 S.F.
Basement Area	138.16 S.M.	1487.20 S.F.
Main Floor Area (Excluding Garage)	138.16 S.M.	1487.20 S.F.
Main Floor Area (Including Garage)	172.00 S.M.	1852.28 S.F.
Second Floor Area	138.00 S.M.	1484.70 S.F.
Footprint Area	190.26 S.M.	2048 S.F.
Gross Floor Area	310 S.M.	3332.4 S.F.
Max. Net Floor Area Rate ((MAIN+2ND)/66655.F.)		50.00%
Coverage		30.42%

2 KEYPLAN  
N.T.S

Appendix B

File: 21.110075.000.00.MNV

Date: 04/15/21

MM/DD/YY

#	DATE	DESCRIPTION	BY
4	2021-03-31	ISSUED FOR ZONING	NM
3	2021-02-18	ISSUED FOR ZONING	SP
2	2021-02-12	ISSUED FOR ZONING	SP
1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT

**20 SHERWOOD FOREST DRIVE**

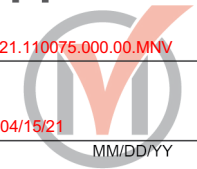
**MARKHAM, ON L3P 1P7**

DRAWING		<b>Cover Sheet</b>	
SHEET ISSUE DATE 2021-02-18		PROJECT # 190921	
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CHECKED BY ME			
SCALE As indicated			
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# Appendix B

File: 21.110075.000.00.MNV

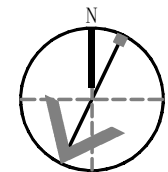
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1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT  
**20 SHERWOOD FOREST DRIVE**  
**MARKHAM, ON L3P 1P7**



DRAWING  
**Site Plan**

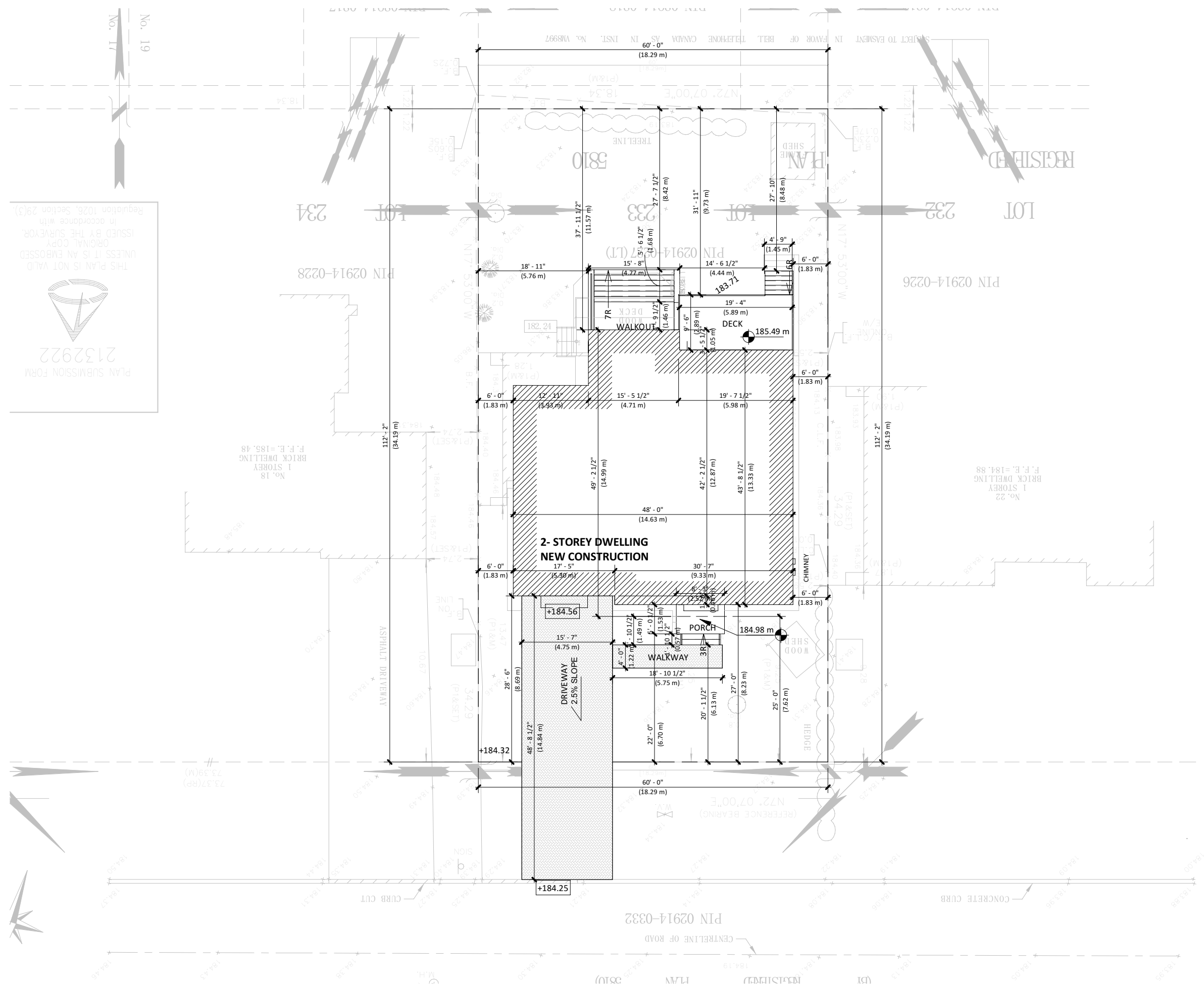
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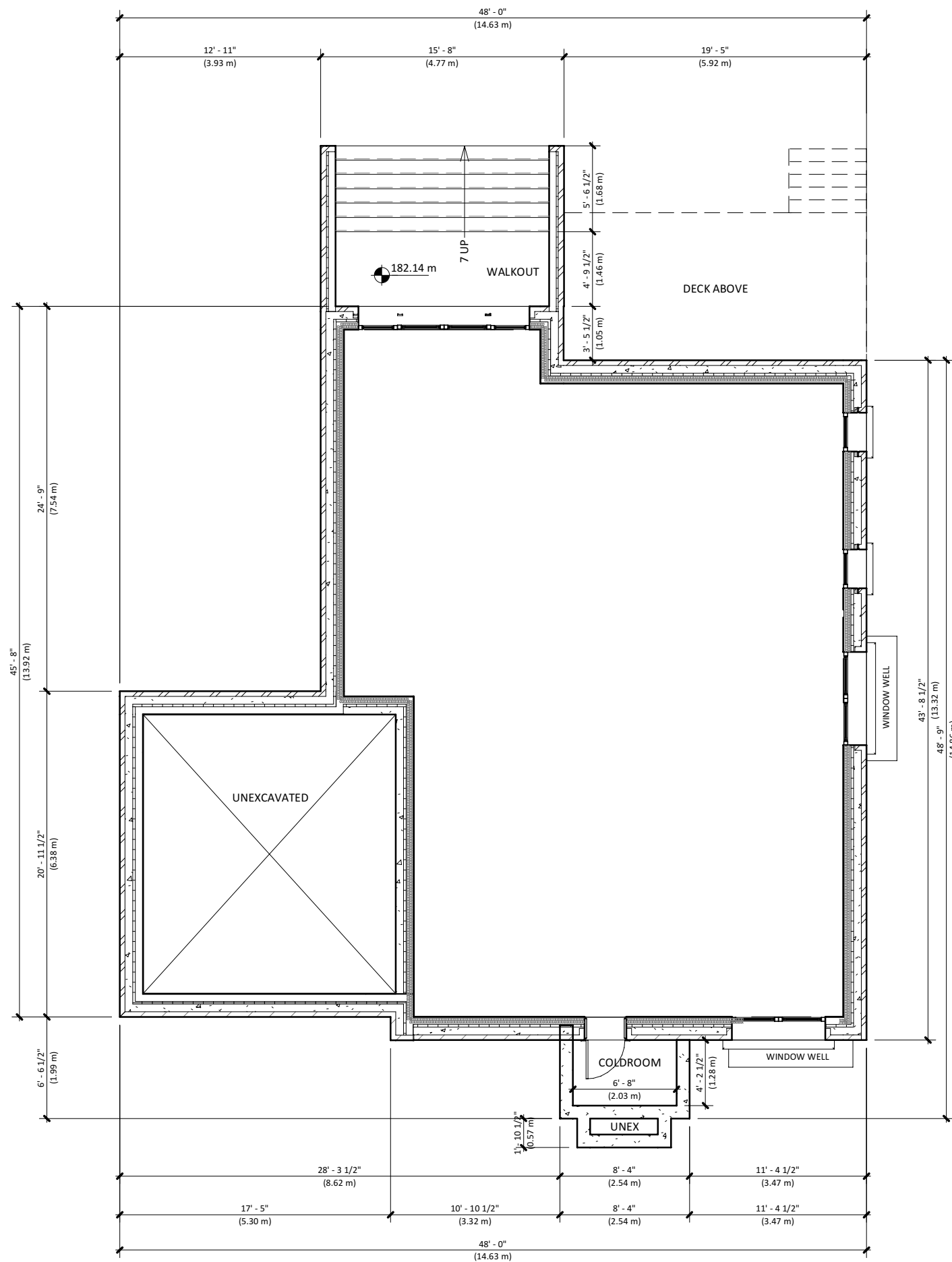
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THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3)



No. 19  
No. 17





**Appendix B**

File: 21.110075.000.00.MNV

Date: 04/15/21  
MM/DD/YY

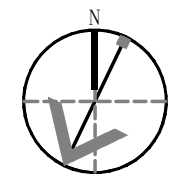
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#	DATE	DESCRIPTION	BY



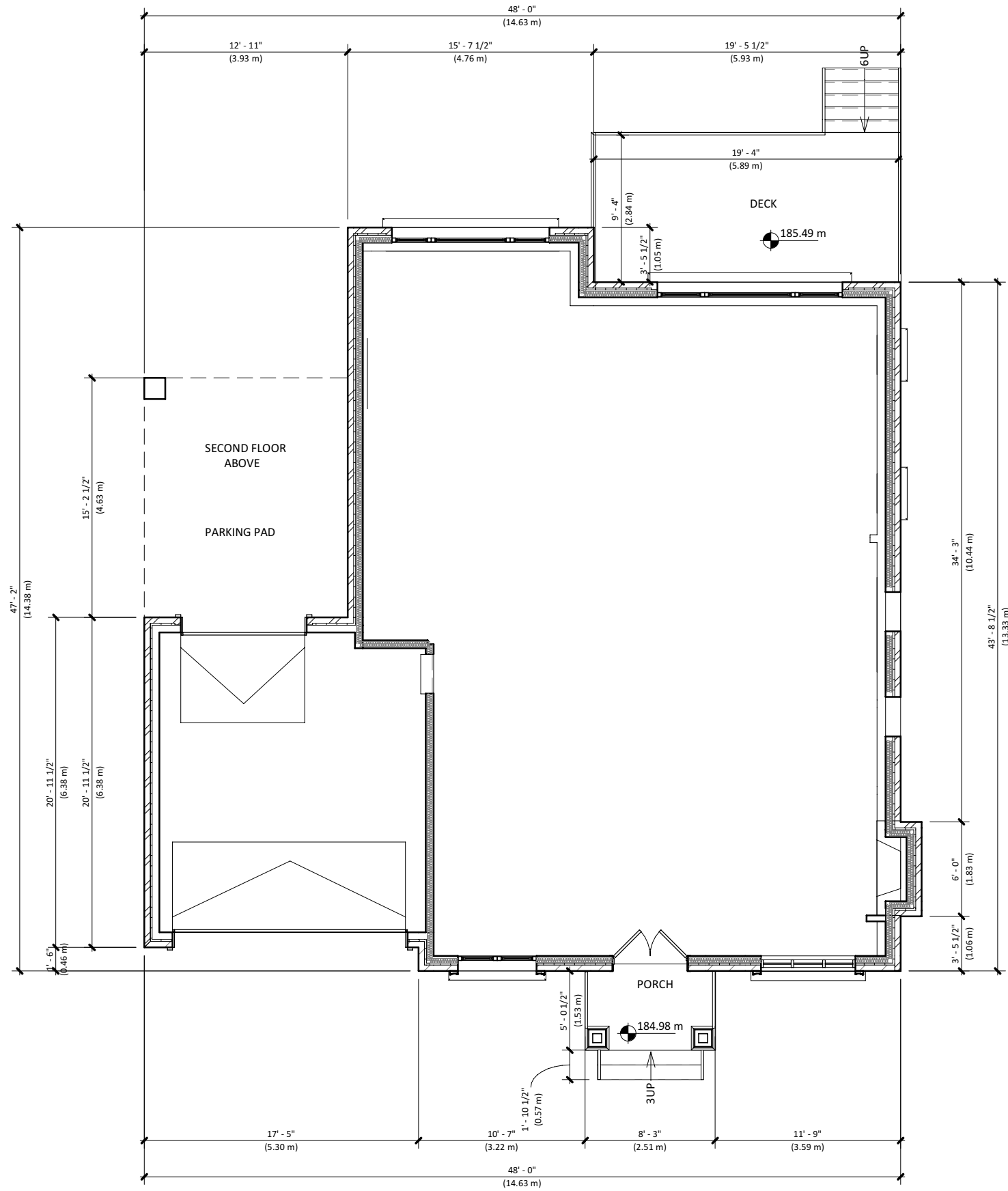
PROJECT

**20 SHERWOOD FOREST DRIVE**

**MARKHAM, ON L3P 1P7**



DRAWING		<b>Basement Plan</b>	
SHEET ISSUE DATE		PROJECT #	
2021-02-18		190921	
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MG			
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ME			
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# Appendix B

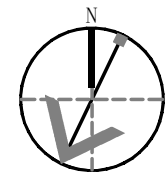
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MM/DD/YY

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2	2021-02-12	ISSUED FOR ZONING	SP
1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT  
**20 SHERWOOD FOREST DRIVE**  
**MARKHAM, ON L3P 1P7**



DRAWING  
**Main Floor Plan**

SHEET ISSUE DATE: 2021-02-18 PROJECT #: 190921

DRAWN BY: MG

CHECKED BY: ME

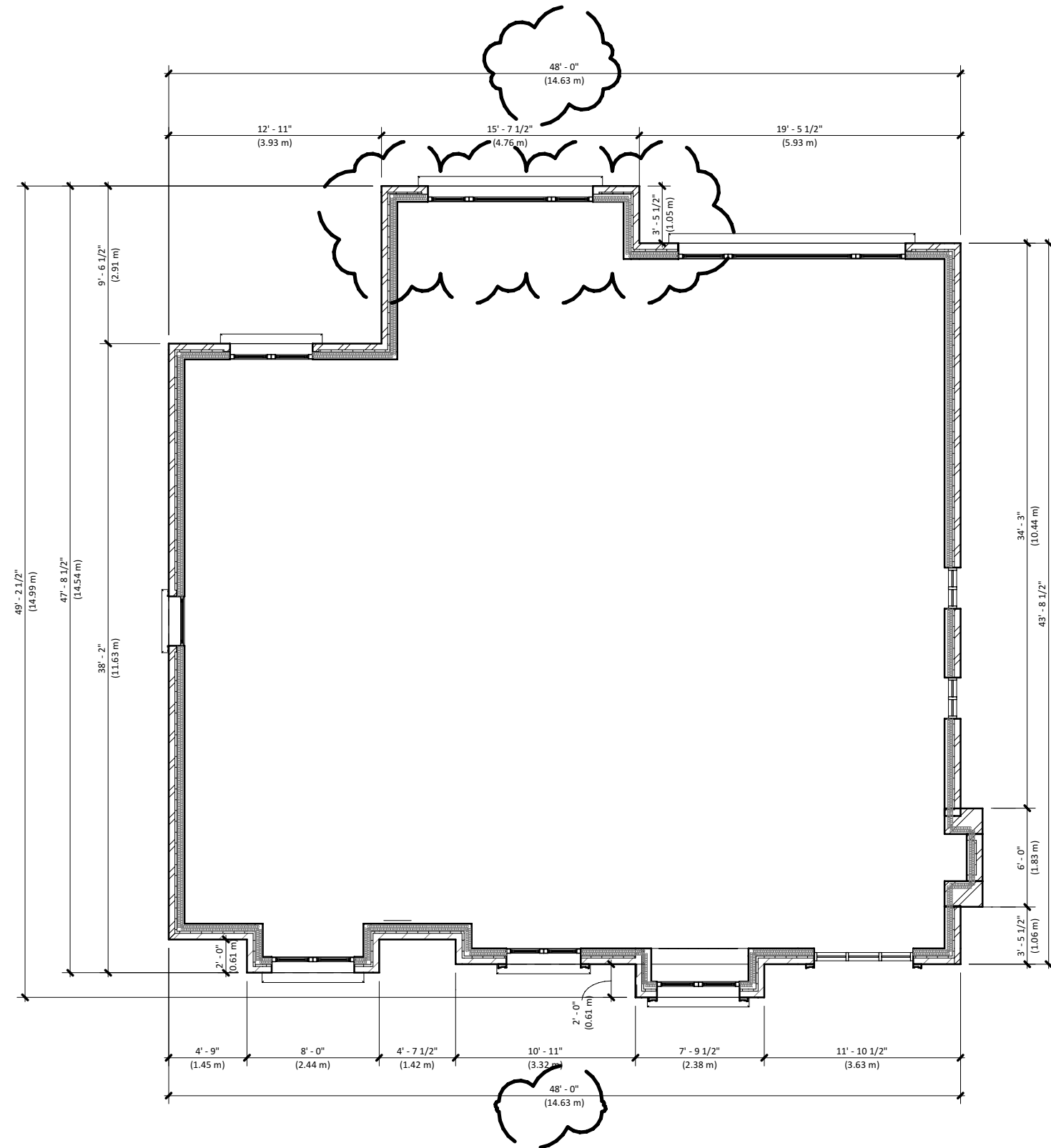
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# Appendix B

File: 21.110075.000.00.MNV

Date: 04/15/21  
MM/DD/YY



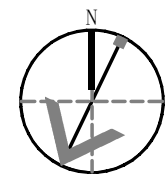
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3	2021-02-18	ISSUED FOR ZONING	SP
2	2021-02-12	ISSUED FOR ZONING	SP
1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT

20 SHERWOOD FOREST DRIVE

MARKHAM, ON L3P 1P7



DRAWING

Second Floor Plan

SHEET ISSUE DATE  
2021-02-18

PROJECT #  
190921

DRAWN BY  
MG

CHECKED BY  
ME

SCALE  
1 : 100

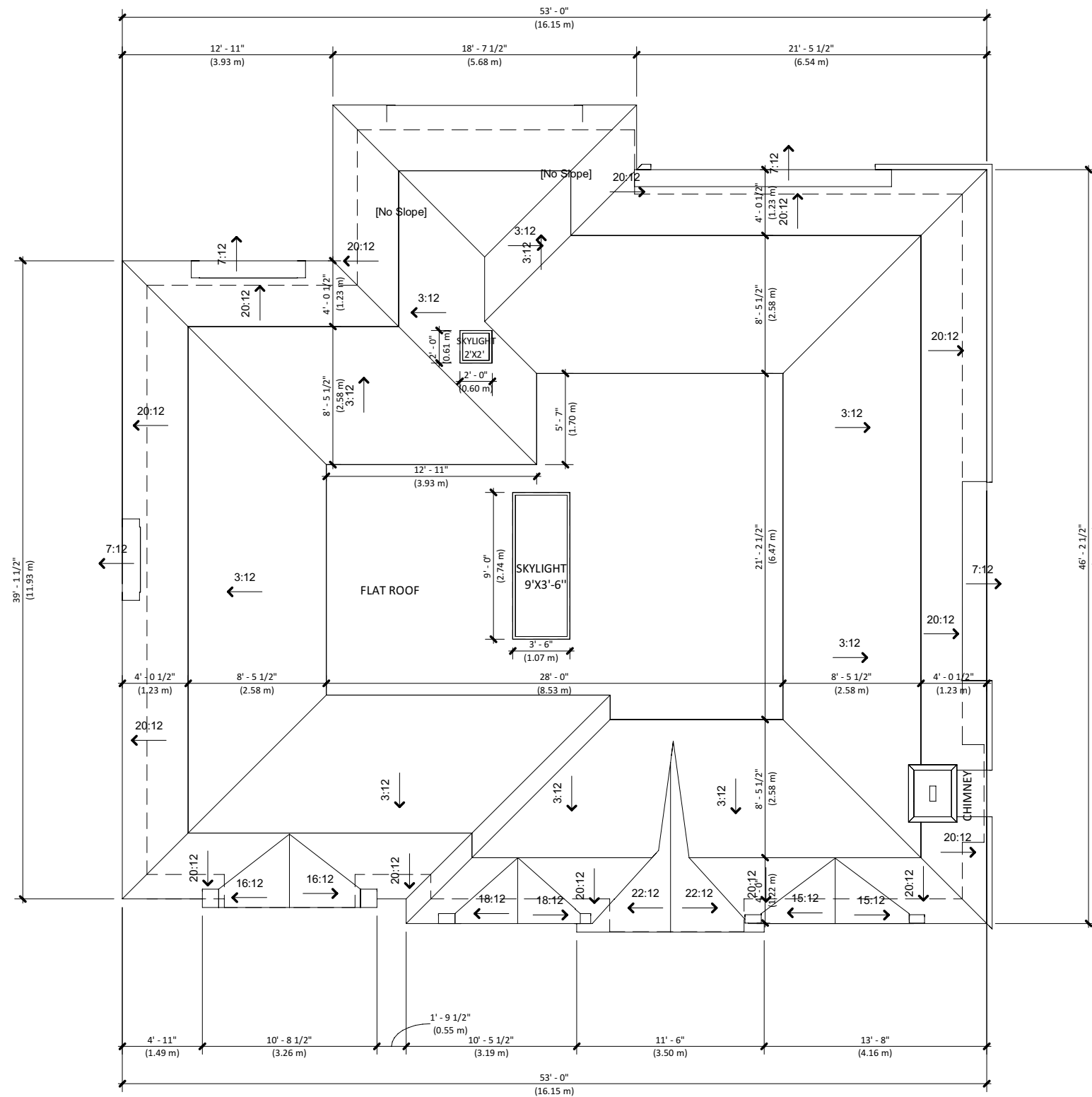
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REV.  
4

# Appendix B

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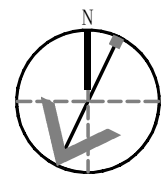
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1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT  
**20 SHERWOOD FOREST DRIVE**  
**MARKHAM, ON L3P 1P7**



DRAWING  
**Roof Plan**

SHEET ISSUE DATE 2021-02-18	PROJECT # 190921
DRAWN BY MG	
CHECKED BY ME	
SCALE 1 : 100	
DRAWING NO. <b>A1.4</b>	REV. <b>4</b>

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File: 21.110075.000.00.MNV

Date: 04/15/21  
MM/DD/YY



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2	2021-02-12	ISSUED FOR ZONING	SP
1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT

**20 SHERWOOD FOREST DRIVE**

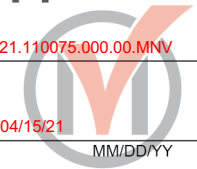
**MARKHAM, ON L3P 1P7**

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SHEET ISSUE DATE 2021-02-18	PROJECT # 190921
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CHECKED BY ME	
SCALE 1 : 100	
DRAWING NO. <b>A2.1</b>	REV. <b>4</b>

# Appendix B

File: 21.110075.000.00.MNV

Date: 04/15/21  
MM/DD/YY



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1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT

**20 SHERWOOD FOREST DRIVE**

**MARKHAM, ON L3P 1P7**

DRAWING

**Rear Elevation (South)**

SHEET ISSUE DATE: 2021-02-18 PROJECT #: 190921

DRAWN BY: MG

CHECKED BY: ME

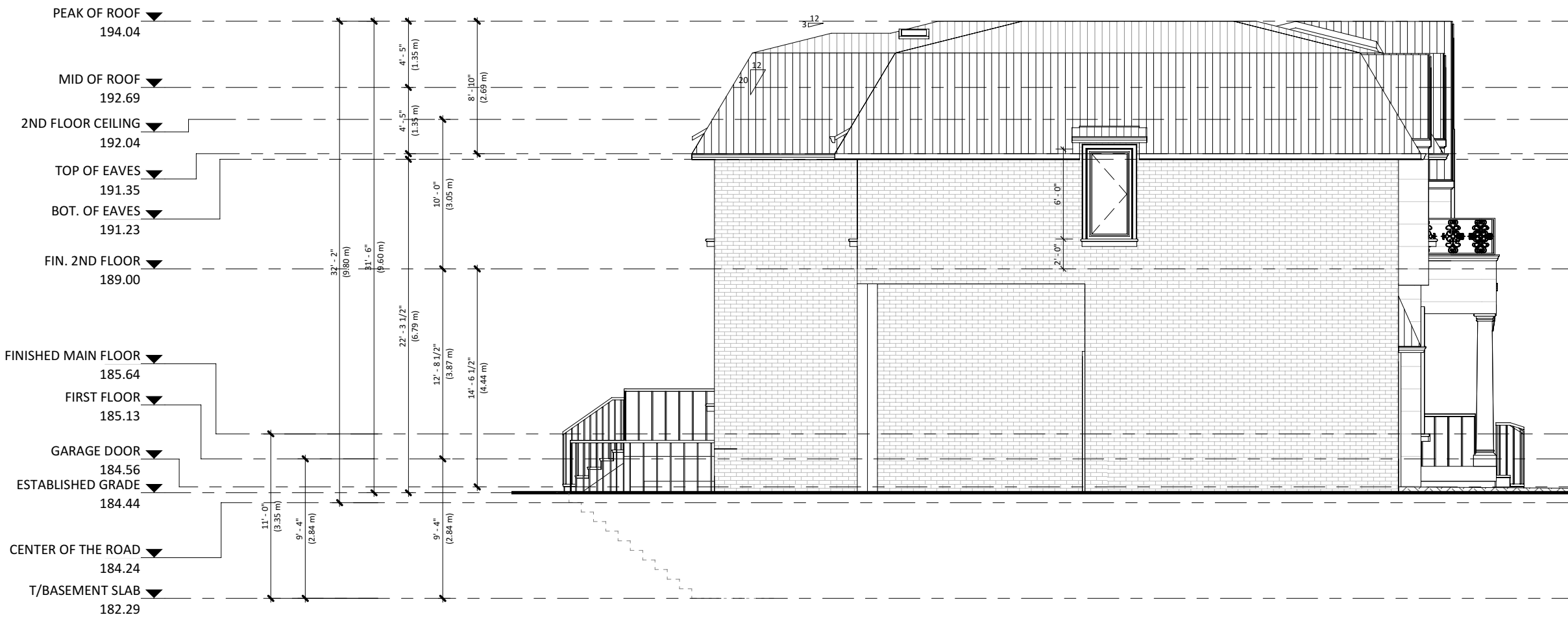
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# Appendix B

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1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT

**20 SHERWOOD FOREST DRIVE**

**MARKHAM, ON L3P 1P7**

DRAWING

**Side Elevation (East)**

SHEET ISSUE DATE 2021-02-18	PROJECT # 190921
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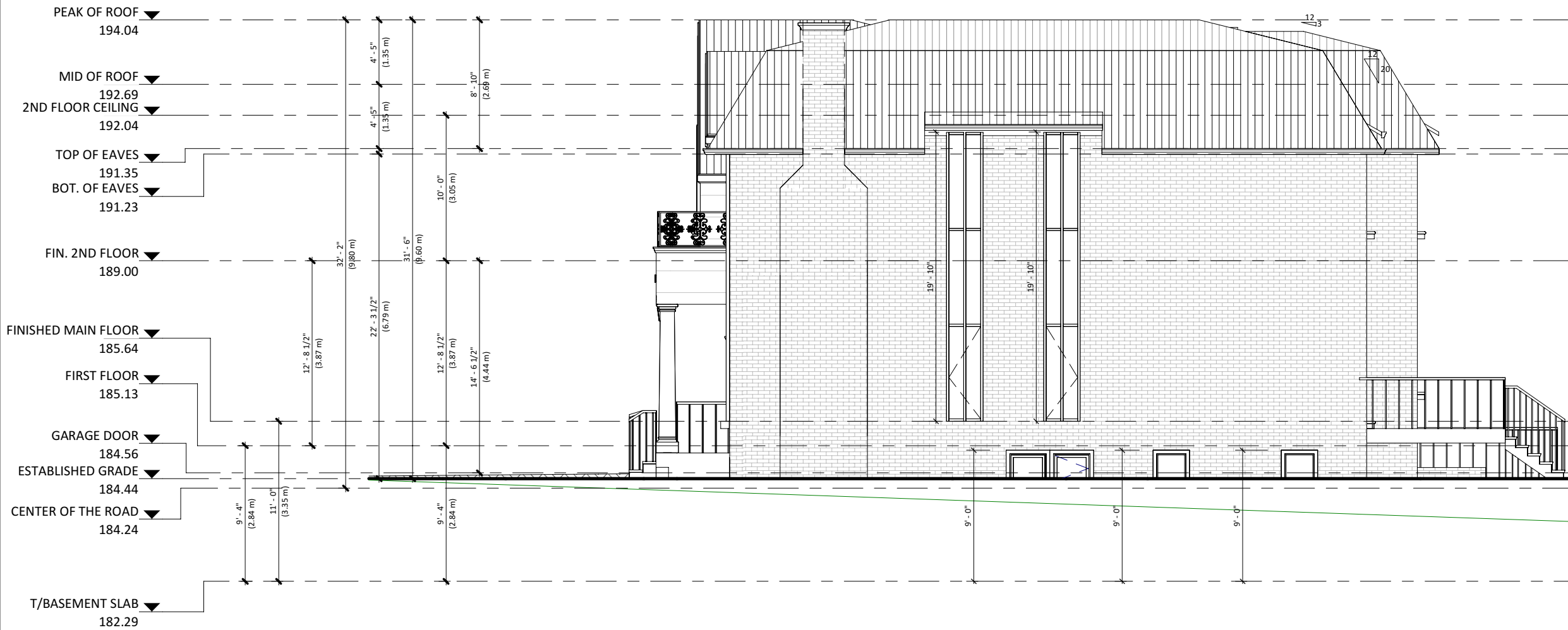
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DRAWING NO. <b>A2.3</b>	REV. <b>4</b>
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2	2021-02-12	ISSUED FOR ZONING	SP
1	2021-01-13	ISSUED FOR ZONING	SP



PROJECT  
**20 SHERWOOD FOREST DRIVE**  
**MARKHAM, ON L3P 1P7**

DRAWING  
**Side Elevation (West)**

SHEET ISSUE DATE: 2021-02-18 PROJECT #: 190921

DRAWN BY: MG

CHECKED BY: ME

SCALE: 1 : 100

DRAWING NO. **A2.4** REV. **4**