

# Memorandum to the City of Markham Committee of Adjustment

January 13, 2021

**File:** A/114/20  
**Address:** 72 Goldenwood Crescent, Markham  
**Applicant:** Isabelo and Pamela Hilario  
**Agent:** Complete Home Construction Inc.  
**Hearing Date:** Wednesday, January 20, 2021

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

The applicant is requesting relief from the following requirements of the Residential Two Exception 133 (R2\*133) zone of By-law 177-96, as amended, as it relates to a proposed one-storey addition to the rear of the existing detached dwelling, to permit.

**a) By-law 177-96, 7.133.2:**

A rear yard setback of 4.04 m (13.25 ft); whereas the By-law requires minimum of 7.0 m (22.96 ft) across the full width of the lot.

The public notice for this application (mail-out and signage) indicated that the required rear yard setback is '7.5 m'. The rear yard setback requirement is actually '7.0 m', which was noted in the Zoning Preliminary Review. Staff recommend that any notice of decision to approve this variance reflect the correct rear yard setback of 7.0 m, as described above. The applicant has agreed to this change.

## **BACKGROUND**

### **Property Description**

The 300.26 m<sup>2</sup> (3,232 ft<sup>2</sup>) subject property is located on the North side of Goldenwood Crescent, west of Delray Drive, north of Bur Oak Avenue and west of Donald Cousens Parkway in the Greensborough community. The property is located within an established residential neighbourhood predominantly comprised of two-storey detached dwellings. According to assessment records, the existing dwelling was constructed in 2004.

### **Proposal**

The applicant is proposing to construct an 18.21 sq. m. (196 sq. ft.) one-storey sunroom addition with a height of 4.38 m (14.37 ft) at the rear of existing detached dwelling on the subject property. A variance to the Zoning By-law is requested to reduce the minimum rear yard setback to 4.04 m (13.25 ft).

### **Official Plan and Zoning**

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

The 2014 Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms.

### Zoning By-Law 177-96, as amended

The subject property is zoned "Residential Two Exception 133 (R2\*133)" under By-law 177-96, as amended, which permits various low rise housing forms, including single

detached dwellings. Exception 133.2 e) i) permits a minimum required rear yard of 7.0 m across the full width of the lot (applicable to lots not accessed by a lane). The proposed addition does not comply with this requirement.

#### **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, *"to comply with the 7.0 meter rear yard setback would make the addition only 0.63 metres in projection which is too small to be usable"*.

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

The owner has completed a Zoning Preliminary Review (ZPR) on October 11, 2020 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.

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

The applicant is requesting a minimum rear yard setback of 4.04 m (13.25 ft), whereas the By-law requires a minimum rear yard setback of 7.0 m (22.96 ft) across the full width of the lot. This is a reduction of 2.96 m (9.71 ft) and relates to a proposed 18.21 sq. m. (196 sq. ft.) sunroom addition located within a portion of the rear yard.

With the exception of the proposed sunroom addition, the remainder of the dwelling will maintain a rear yard setback of approximately 8.13 m (26.67 ft). Sufficient rear yard amenity space will be maintained with the approval of this variance. Considering the proposed addition is only one-storey height, staff are of the opinion that the proposed development will not impact abutting properties, and have no objection to approval of the application.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 11, 2021. 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.

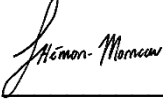
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

## APPENDICIES

Appendix "A" Conditions of Approval

Appendix "B" Plans

PREPARED BY:



Francois Hemon-Morneau, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 20 131189 \Documents\District Team Comments Memo

## APPENDIX "A"

### CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/20

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 B' to this Staff Report and received by the City of Markham on October 28, 2020, 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. 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.

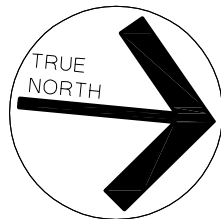
CONDITIONS PREPARED BY:



Francois Hemon-Morneau, Planner, Zoning and Special Projects

**APPENDIX "B"**

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/20

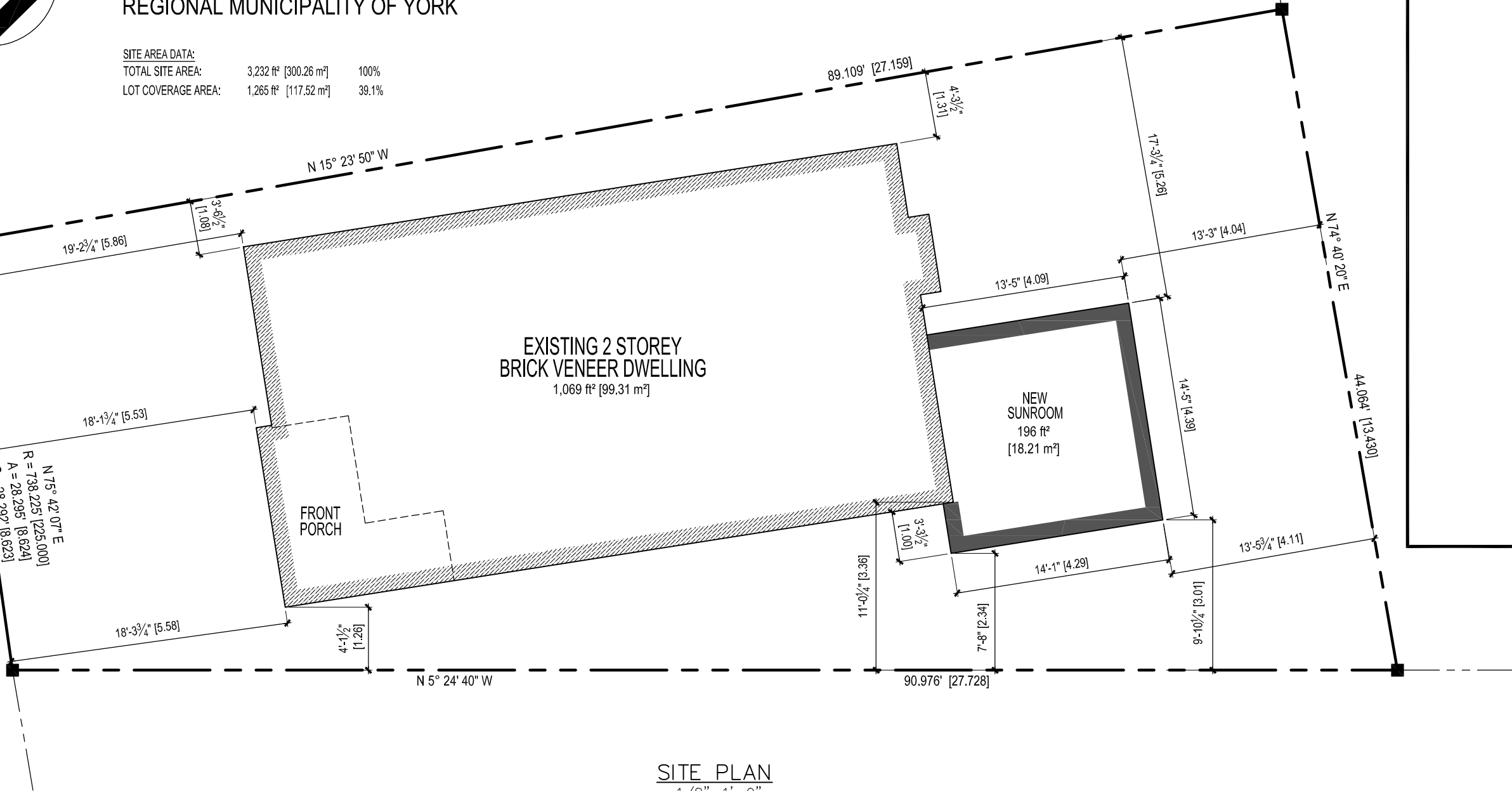


LOT 222  
 PLAN 65M-3697  
 TOWN OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

SITE AREA DATA:  
 TOTAL SITE AREA: 3,232 ft<sup>2</sup> [300.26 m<sup>2</sup>] 100%  
 LOT COVERAGE AREA: 1,265 ft<sup>2</sup> [117.52 m<sup>2</sup>] 39.1%

GOLDENWOOD CRESCENT

N 75° 42' 07" E  
 R = 738.225 [225.000]  
 A = 28.295 [8.624]  
 C = 28.292 [8.623]



SITE PLAN  
 1/8"=1'-0"

**Appendix B**

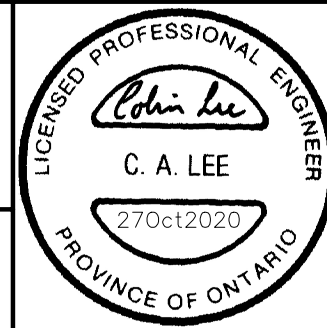
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Date: 01/13/21  
MM/DD/YY

No.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10.27.2020

HILARIO PROJECT  
 72 GOLDENWOOD CRESCENT, MARKHAM

SITE PLAN



**Colin A Lee**  
 Engineering Ltd.  
 Tel: 519-570-4120

scale: AS SHOWN  
 date: SEPTEMBER 2020  
 dwg No. **L1**

**patio ENCLOSURES INC.**  
Authorized Dealer

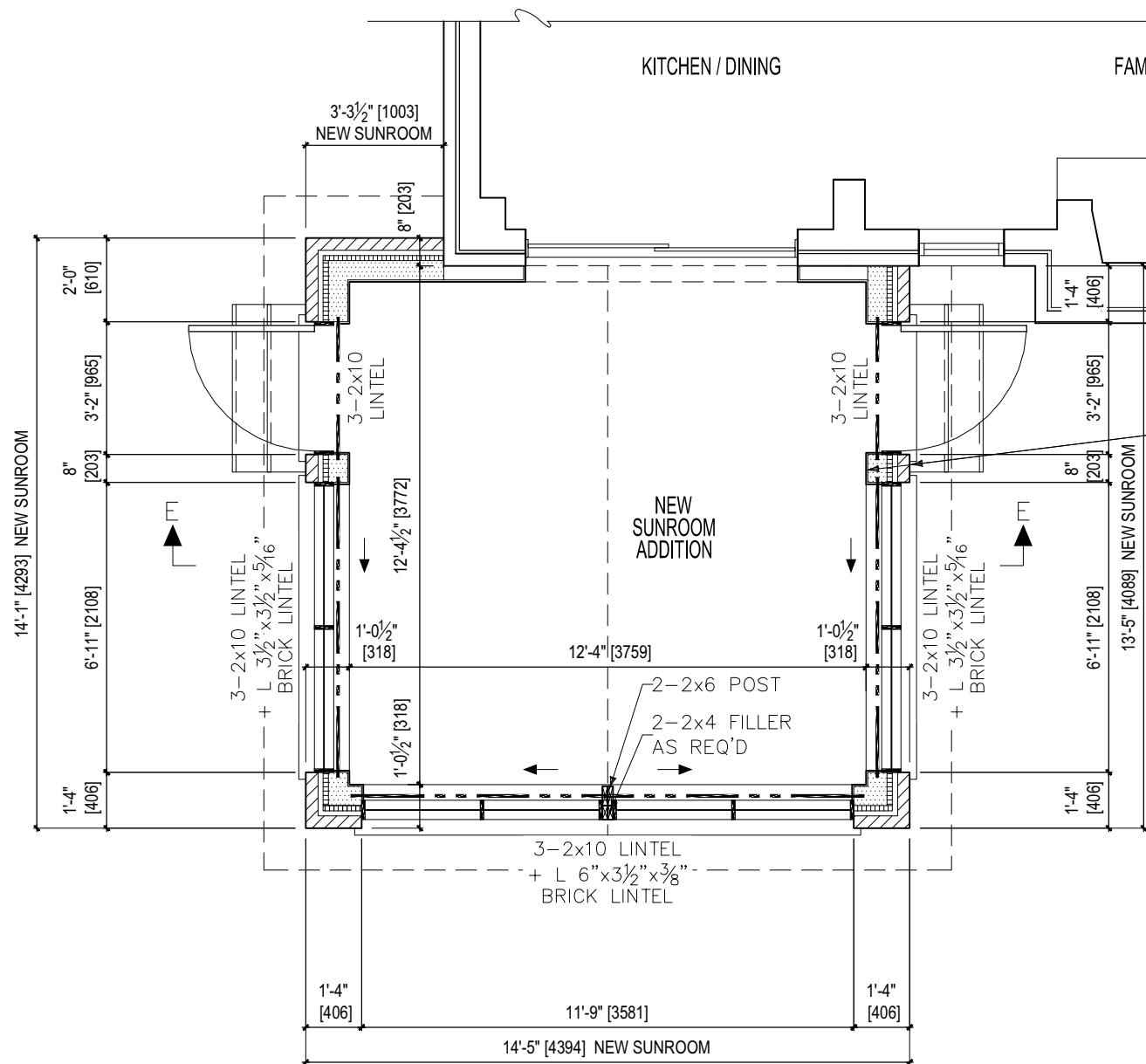
Tel: 519-624-1966  
 1-877-624-1966  
 Fax: 519-623-3994

**COMPLETE Home CONSTRUCTION Inc.**  
 180 Sheldon Drive, Unit 2A, Cambridge ON N1R 6V1

# Appendix B

File: 20.131189.000.00.MNV

Date: 01/13/21  
MM/DD/YY



### NEW WALL CONSTRUCTION (TYPICAL):

- 1/2" GYPSUM BOARD
- 2x6 WOOD STUDS @ 16" o/c
- R-19 SPRAY FOAM INSULATION
- 1 1/2" ZIP SYSTEM R-SHEATHING R-6.6  
(ALL JOINTS TO BE TAPED)
- 1 1/2" AIR SPACE
- 3 1/2" BRICK VENEER

### NOTES:

ROOF SNOW LOAD	= 23 psf
ROOF DEAD LOAD	= 15 psf
DECK LIVE LOAD	= 40 psf
DECK DEAD LOAD	= 20 psf
WIND LOAD (q 1/50)	= 09 psf

### DESIGN STANDARDS

- (a) 2012 BUILDING CODE COMPENDIUM (VOLUME 1 & 2)
- (b) ALUMINUM: CAN-S157 - SUB-SECTION 4.1.3 "STRENGTH DESIGN IN ALUMINUM" AS PER OBC - DIV B, 4.3.5. ALUMINUM ALLOY TO BE 6061-T6 WITH A MINIMUM YIELD STRENGTH OF 240 MPA (35 KSI)
- (c) GLASS: CAN/CGSB - 12.20-M "STRUCTURAL DESIGN OF GLASS FOR BUILDINGS" AS PER OBC - DIV B, 4.3.6.
- (d) TIMBER: CAN/CSA - 086 "ENGINEERING DESIGN IN WOOD". ALL DIMENSION LUMBER TO BE NO. 2 SPF OR BETTER.

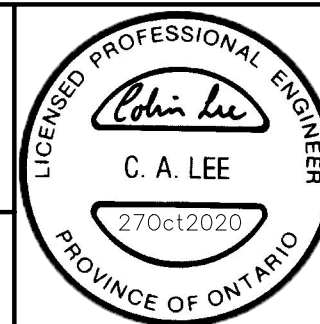
PROPOSED NEW SUNROOM

1/4" = 1'-0"

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HILARIO PROJECT  
72 GOLDENWOOD CRESCENT, MARKHAM

PROPOSED FIRST FLOOR PLAN



**Colin A Lee**  
Engineering Ltd.  
Tel: 519-570-4120

scale: AS SHOWN

date: SEPTEMBER 2020

dwg No. **S1**



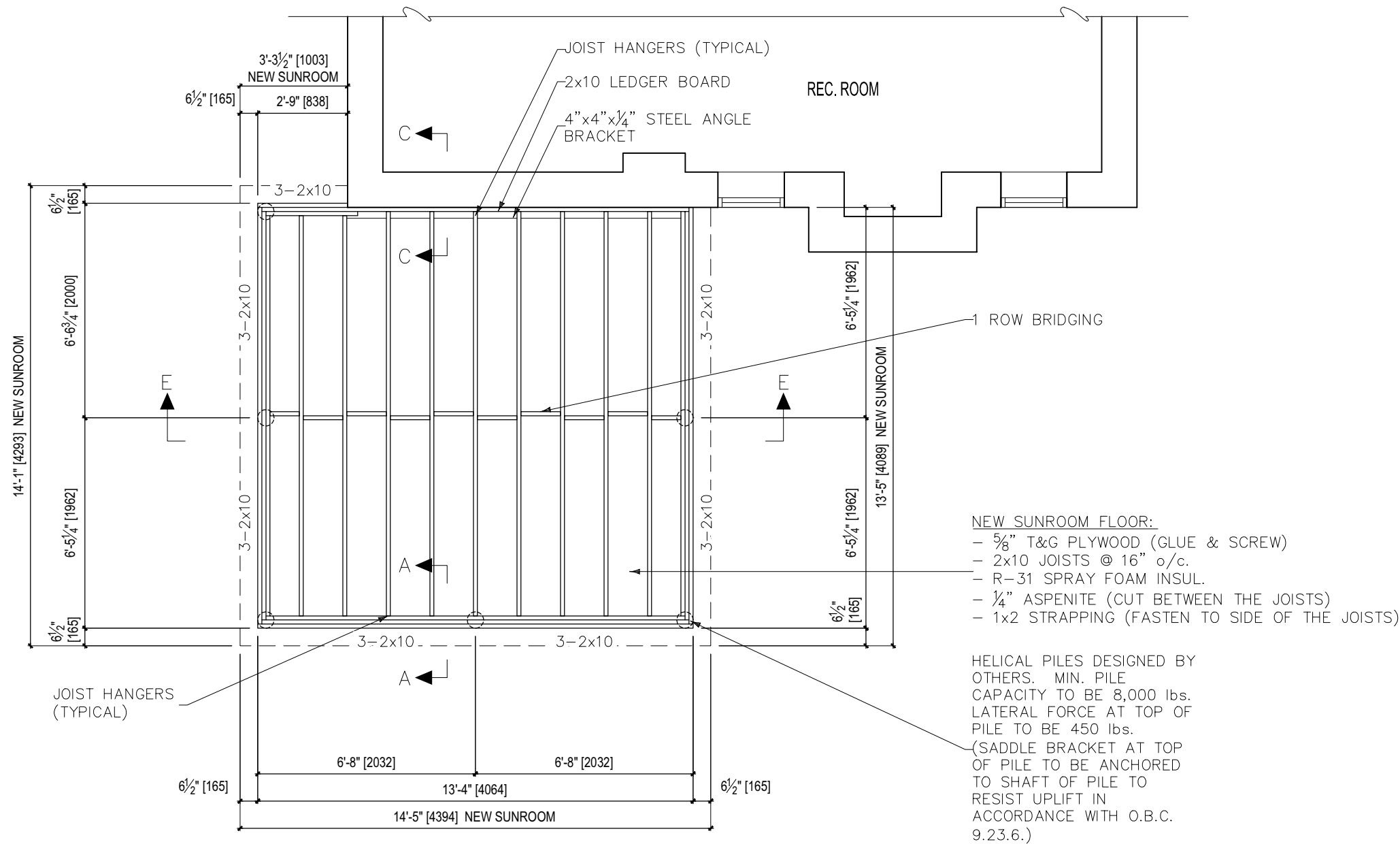
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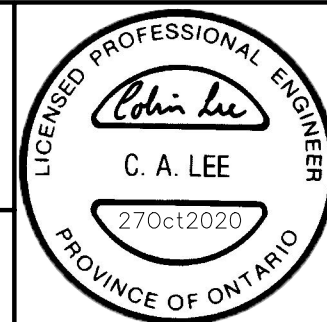


PROPOSED NEW SUNROOM – DECK PLAN  
1/4" = 1'-0"

1	ISSUED FOR PERMIT	10.27.2020
No.	DESCRIPTION	DATE

HILARIO PROJECT  
72 GOLDENWOOD CRESCENT, MARKHAM

PROPOSED DECK PLAN



Colin A Lee  
Engineering Ltd.  
Tel: 519-570-4120

scale: AS SHOWN  
date: SEPTEMBER 2020  
dwg No. S2

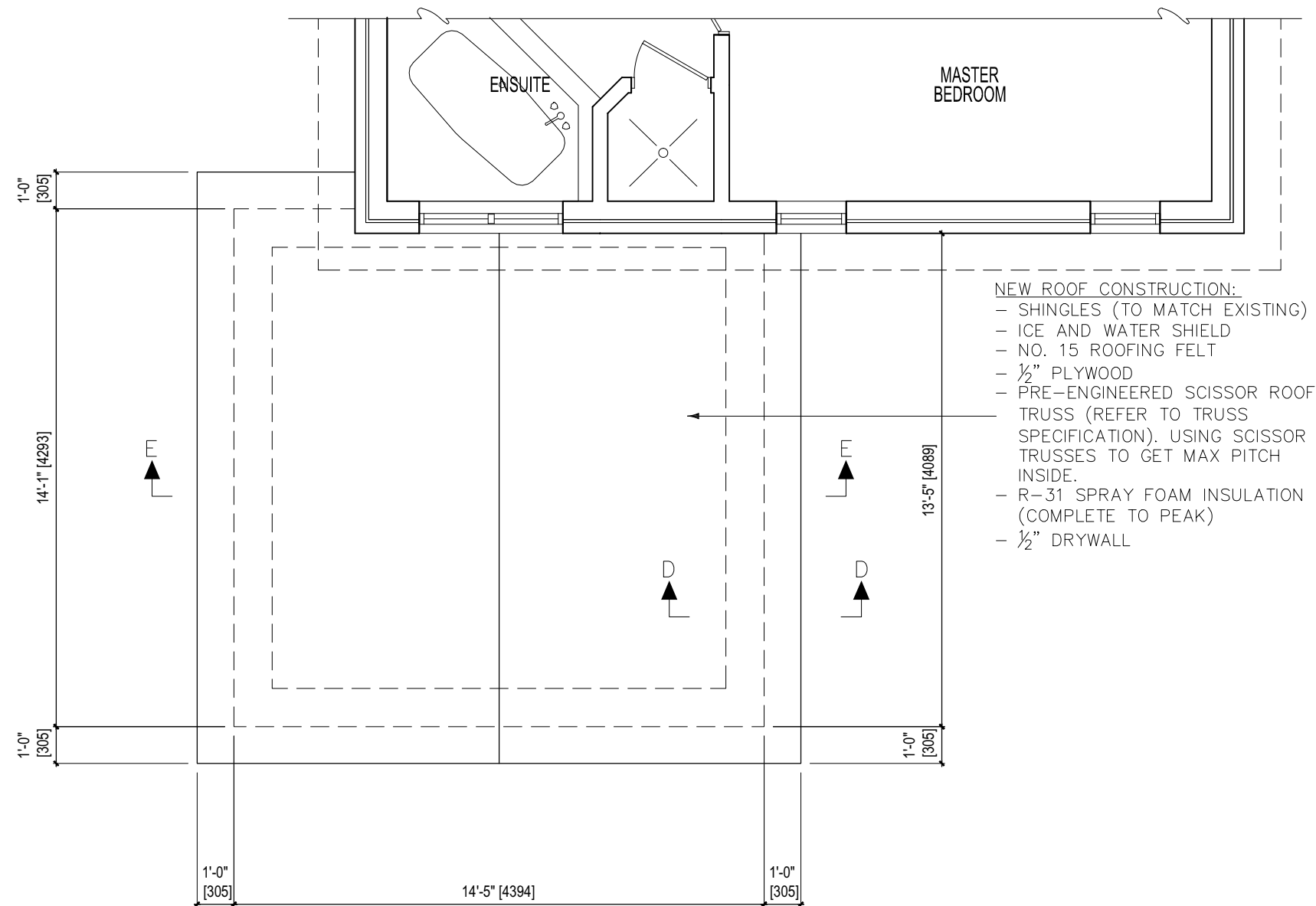


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COMPLETE Home CONSTRUCTION Inc.  
180 Sheldon Drive, Unit 2A, Cambridge ON N1R 6V1

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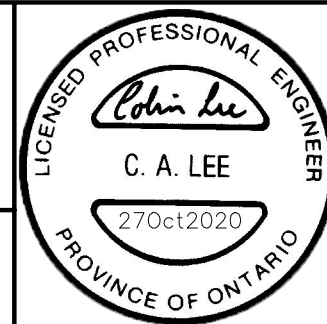


PROPOSED NEW SUNROOM – ROOF PLAN  
 1/4" = 1'-0"

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HILARIO PROJECT  
 72 GOLDENWOOD CRESCENT, MARKHAM

PROPOSED ROOF PLAN



**Colin A Lee**  
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 Tel: 519-570-4120

scale: AS SHOWN

date: SEPTEMBER 2020

dwg No. **S3**



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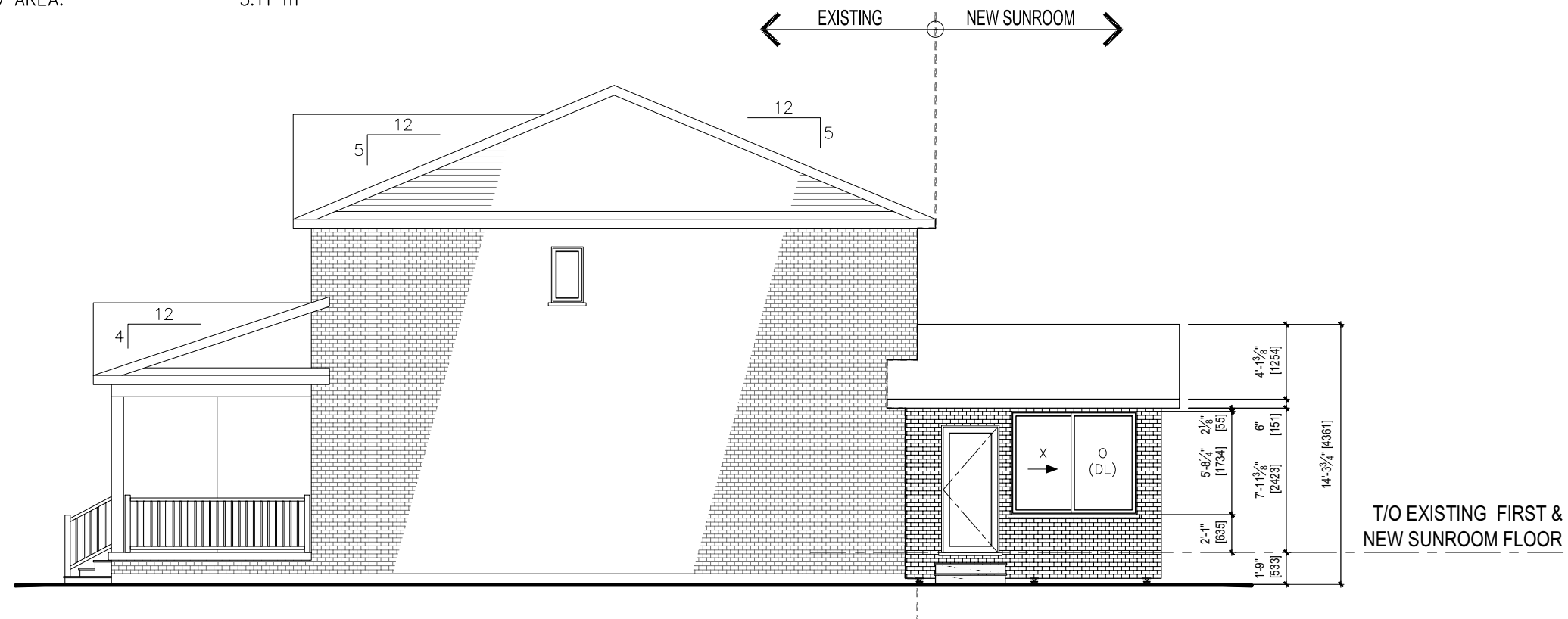
## GLAZED COVERAGE CALCULATIONS: RIGHT ELEVATION

LIMITING DISTANCE: 1.2 m

EXISTING HOUSED E.B.F. AREA: 69.19 m<sup>2</sup>  
 NEW SUNROOM E.B.F. AREA: 12.28 m<sup>2</sup>  
 TOTAL EXPOSING BUILDING FACE AREA: 74.47 m<sup>2</sup>

% GLASS ALLOWED: 7 %  
 TOTAL ALLOWABLE GLAZED AREA: 5.2129 m<sup>2</sup>

EXISTING HOUSED GLAZED AREA: 0.5 m<sup>2</sup>  
 NEW SUNROOM GLAZED AREA: 4.93 m<sup>2</sup>  
 TOTAL GLAZED AREA: 5.11 m<sup>2</sup>



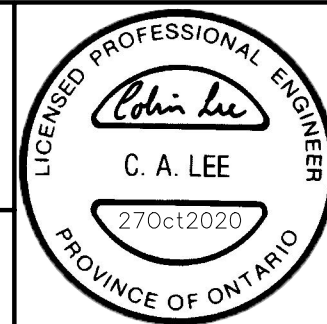
PROPOSED RIGHT ELEVATION

1/8"=1'-0"

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PROPOSED ELEVATION



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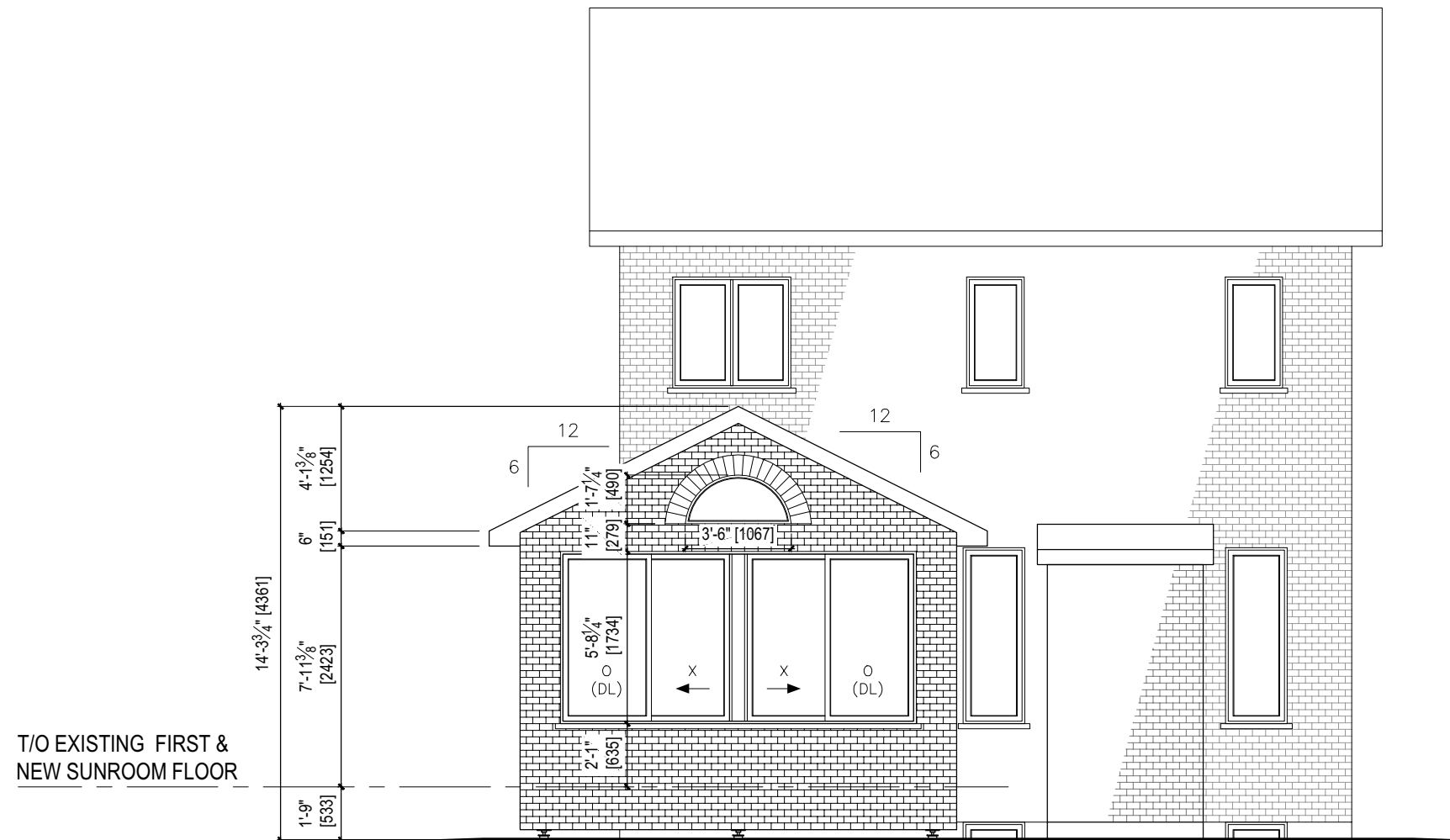


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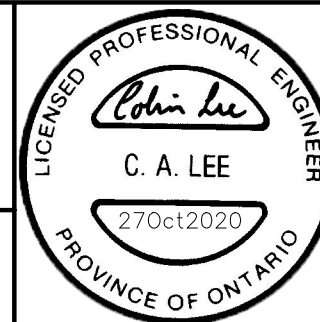


PROPOSED REAR ELEVATION  
 3/16" = 1'-0"

No.	DESCRIPTION	DATE
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HILARIO PROJECT  
 72 GOLDENWOOD CRESCENT, MARKHAM

PROPOSED ELEVATION



**Colin A Lee**  
 Engineering Ltd.  
 Tel: 519-570-4120

scale: AS SHOWN  
 date: SEPTEMBER 2020  
 dwg No. S5

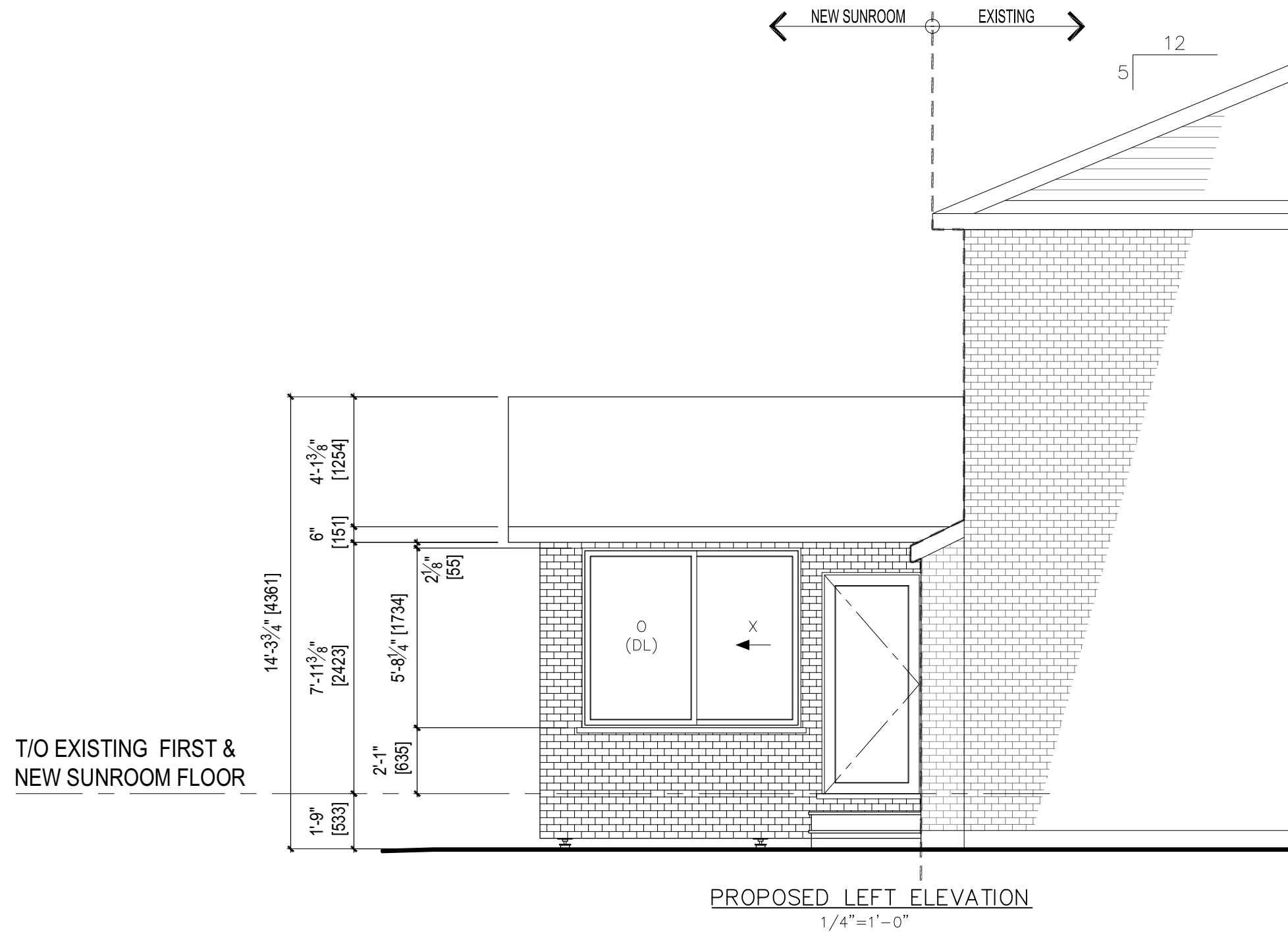


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T/O EXISTING FIRST & NEW SUNROOM FLOOR

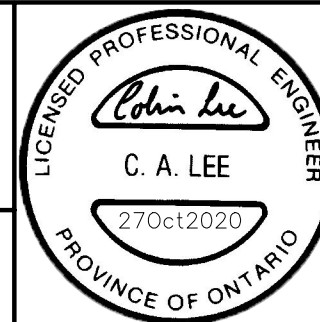
PROPOSED LEFT ELEVATION

1/4" = 1'-0"

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HILARIO PROJECT  
 72 GOLDENWOOD CRESCENT, MARKHAM

PROPOSED ELEVATION



**Colin A Lee**  
 Engineering Ltd.  
 Tel: 519-570-4120

scale: AS SHOWN

date: SEPTEMBER 2020

dwg No. S6



Tel: 519-624-1966  
 1-877-624-1966  
 Fax: 519-623-3994

**COMPLETE Home CONSTRUCTION Inc.**  
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