

# Memorandum to the City of Markham Committee of Adjustment

January 25, 2021

**File:** A/124/20  
**Address:** 22 Tilman Circle – Markham, ON  
**Applicant:** Danny Tam  
**Agent:** Trevor Gain and Associates  
**Hearing Date:** February 3, 2021

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

The applicant is requesting relief from the following “Third Density – Semi-Detached Residential (RSD3)” zone requirements of By-law 163-78, as amended, as it relates to a proposed one-storey rear addition. The applicant is requesting the following variance to permit:

**a) By-law 163-78, Sec. 7.2(b):**

a minimum rear yard setback of 5.20 m (17.06 ft), whereas the By-law requires a rear yard setback of 7.50 m (24.61 ft).

## **BACKGROUND**

### **Property Description**

The 514.12 m<sup>2</sup> (5,533.96 ft<sup>2</sup>) subject property is irregularly shaped, and has an approximate frontage of 14.12 m (46.33 ft), and depth of 32.93 m (108.04 ft). The subject property is located at the southwest side of Tilman Circle, south of Larkin Avenue and north of Fincham Avenue. Mintleaf Park abuts the property to the south and west. There is an existing two-storey single detached dwelling on the property, with mature trees located across the property. The subject property is located within an established residential neighbourhood which contains a mix of two-storey semi-detached, and detached dwellings.

### **Proposal**

The applicant is proposing to construct a one-storey addition (sunroom) along the south property line, which would extend into the rear yard of the subject property. The proposed addition would have an approximate height of 3.35 m (11.0 ft), floor area of 22.85 m<sup>2</sup> (245.94 ft<sup>2</sup>), and spans a total of 3.51 m (11.52 ft) at its widest point (see Site Plan, Appendix “B”).

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

### Zoning By-Law 163-78, as amended

The subject property is zoned “Third Density – Semi-Detached Residential “RSD3” under the By-law, which permits one semi-detached dwelling, or one single detached dwelling. The proposed development does not comply with the By-law with respect to the minimum required rear yard setback.

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

The applicant completed a ZPR on December 1, 2020 to confirm the variances required for the proposed development.

The ZPR also notes that portions of the proposed addition such as footings, weeping tile, roof overhang appear to be located within an easement to the City. The applicant confirmed that new plans were submitted as a part of this variance application which included revisions to ensure that the proposed addition would no longer encroach into the easement. To ensure protection for this easement, staff have proposed a condition prohibiting any buildings or structures within the easement.

### **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, 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 relief to permit a minimum rear yard setback of 5.20 m (17.06 ft); whereas the by-law requires a rear yard setback of 7.50 m (24.61 ft). This is a reduction of approximately 2.30 m (7.55 ft). The variance is attributable to the one-storey addition which spans 3.51 m (11.52 ft) at its widest point.

Considering the addition is limited in its width and is one-storey height, staff are of the opinion that the requested variance would result in a building addition that would not adversely impact the neighbouring property. Staff recommend that the Committee adopt the conditions provided in Appendix “A” in the event of approval, which will ensure that the variance applies only to the one-storey addition as it is shown in the plans (Appendix “B”).

### **Tree Protection & Compensation**

There is one mature tree located in the rear yard which has a diameter at breast height (DBH) of 0.48 m (1.57 ft) which the applicant intends to protect. Urban Forestry staff have reviewed the application, and recommend that a tree assessment and protection plan be submitted, which staff recommend as a condition of any approval of this variance application, as provided for in Appendix “A”.

### **PUBLIC INPUT SUMMARY**

Three written submissions were received from adjacent property owners residing at 20 Tilman Circle, 24 Tilman Circle, and 71 Eastwood Crescent indicating they do not object to the subject 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

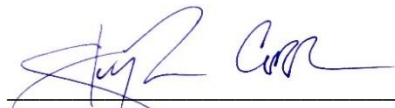
PREPARED BY:



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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/124/20**

1. The variance applies only to the proposed development for as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the batch stamped plans, in the 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. That no buildings or structures be located within any easement in favour of the City of Markham.
4. 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;
5. 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.
6. 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

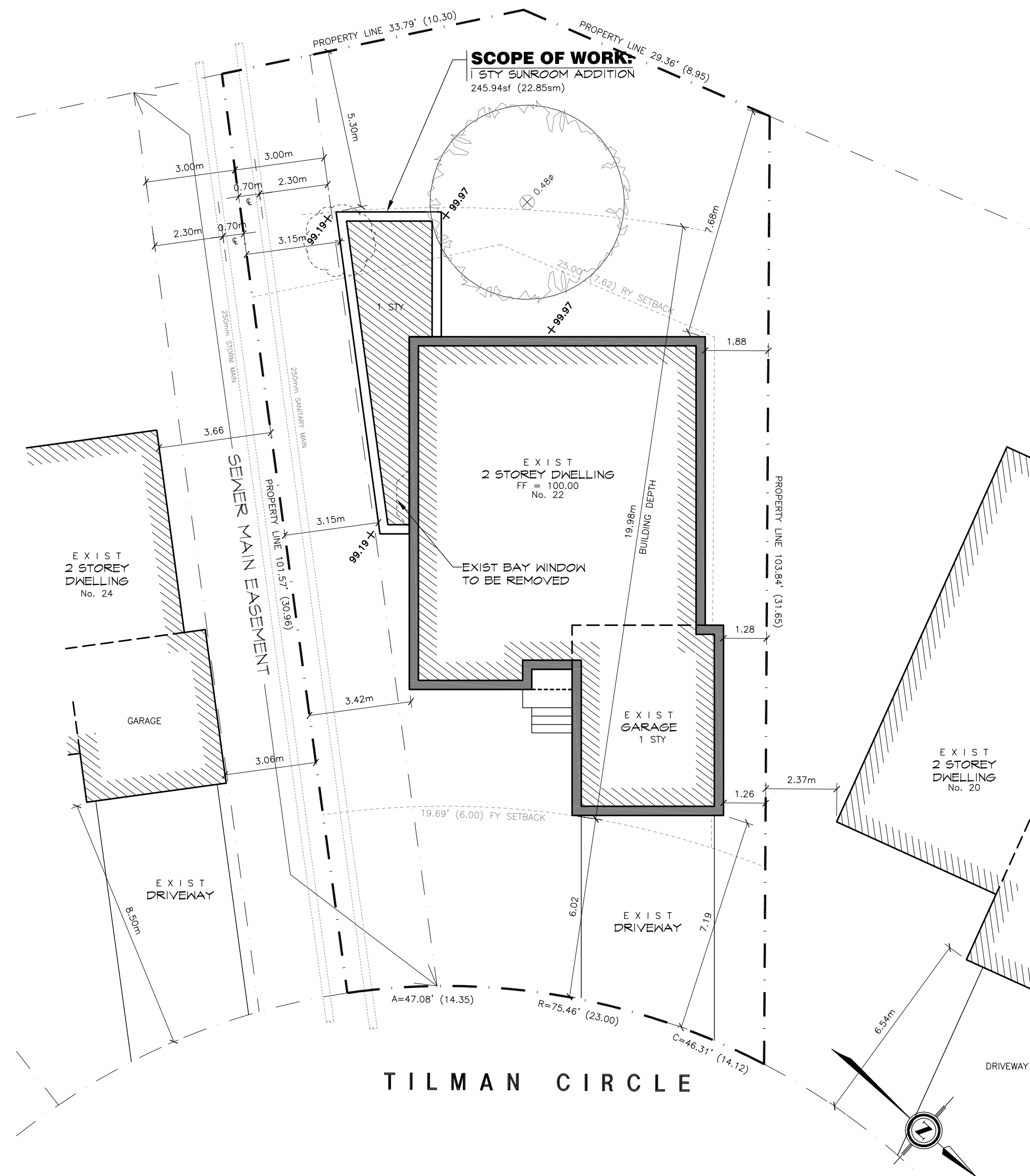
**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/20**

**Appendix B**

File: 20.133378.000.00.MNV

Date: 01/28/21

MINTLEAF PARK



TILMAN CIRCLE

**SITE STATISTICS**

ZONING = RSD3  
 = BYLAW 163-78  
 SITE AREA = 5533.96 SF (514.12 SM)

ALLOWED COVERAGE = 2213.58 SF (205.65 SM)  
 = 40%  
 EXISTING COVERAGE = 1494.89 SF (138.88 SM)  
 = 27%  
 PROPOSED COVERAGE = 1740.84 SF (161.73 SM)  
 = 31%

INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM:

PLAN SHOWING BUILDING LOCATION SURVEY OF: PARTS OF LOTS 9 AND 10 PLAN M-1901 TOWN OF MARKHAM REGIONAL MUNICIPALITY OF YORK

PREPARED BY: W. JOHN BURG, OLS DATED: SEPT 27, 1983

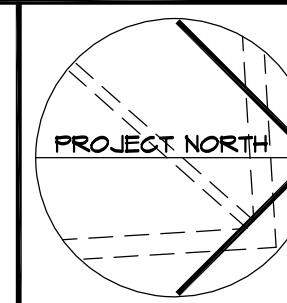
ALL INFORMATION ON THIS SITE PLAN TO BE CONFIRMED BY A QUALIFIED ONTARIO LAND SURVEYOR

**SITE PLAN 1**  
 SCALE: 3/32"=1'-0" **A-1**

No.	Date	Revisions
JAN 11/21		REVISED BY SETBACK OUT OF EASEMENT
OCT 26/20		ISSUED FOR ZONING REVIEW

**TREVOR GAIN & ASSOCIATES**  
 residential & commercial design

10 CELEBRITY PLACE / MARKHAM / ON / L3P 7N5  
 416/522-2624 905/209-1594 (fax)  
 trevor.gain@rogers.com



Project  
**SUNROOM ADDITION AT:  
 22 TILMAN CIRCLE**  
 MARKHAM, ONTARIO

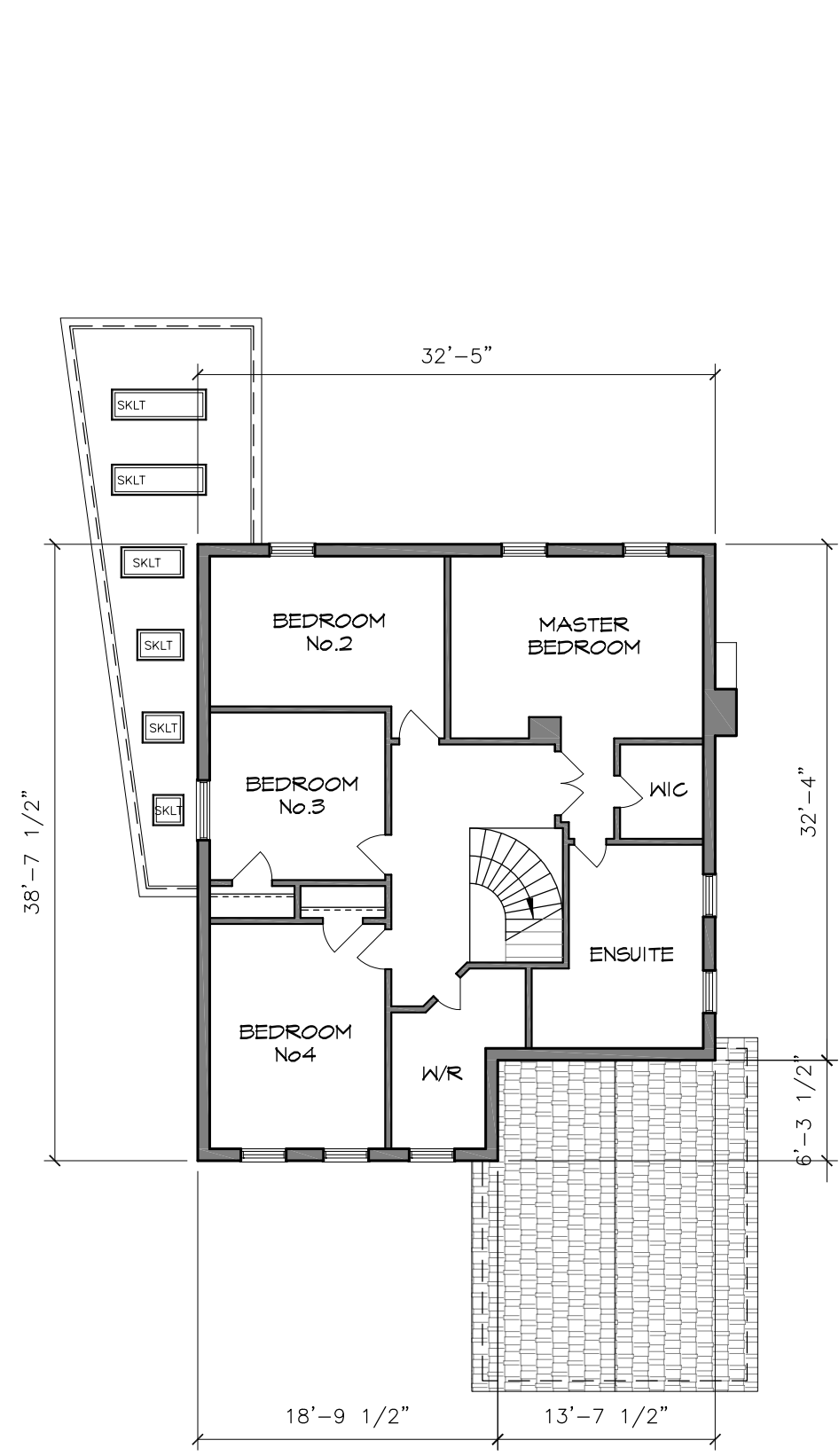
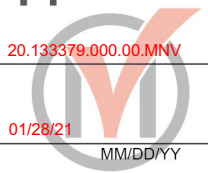
Drawing Title  
**SITE PLAN  
 GENERAL NOTES**

Date: OCT. 26, 2020	Drawing No.:
Scale: AS SHOWN	<b>A-1</b>
Drawn by: TAG	
Project No. 2020.755	

**Appendix B**

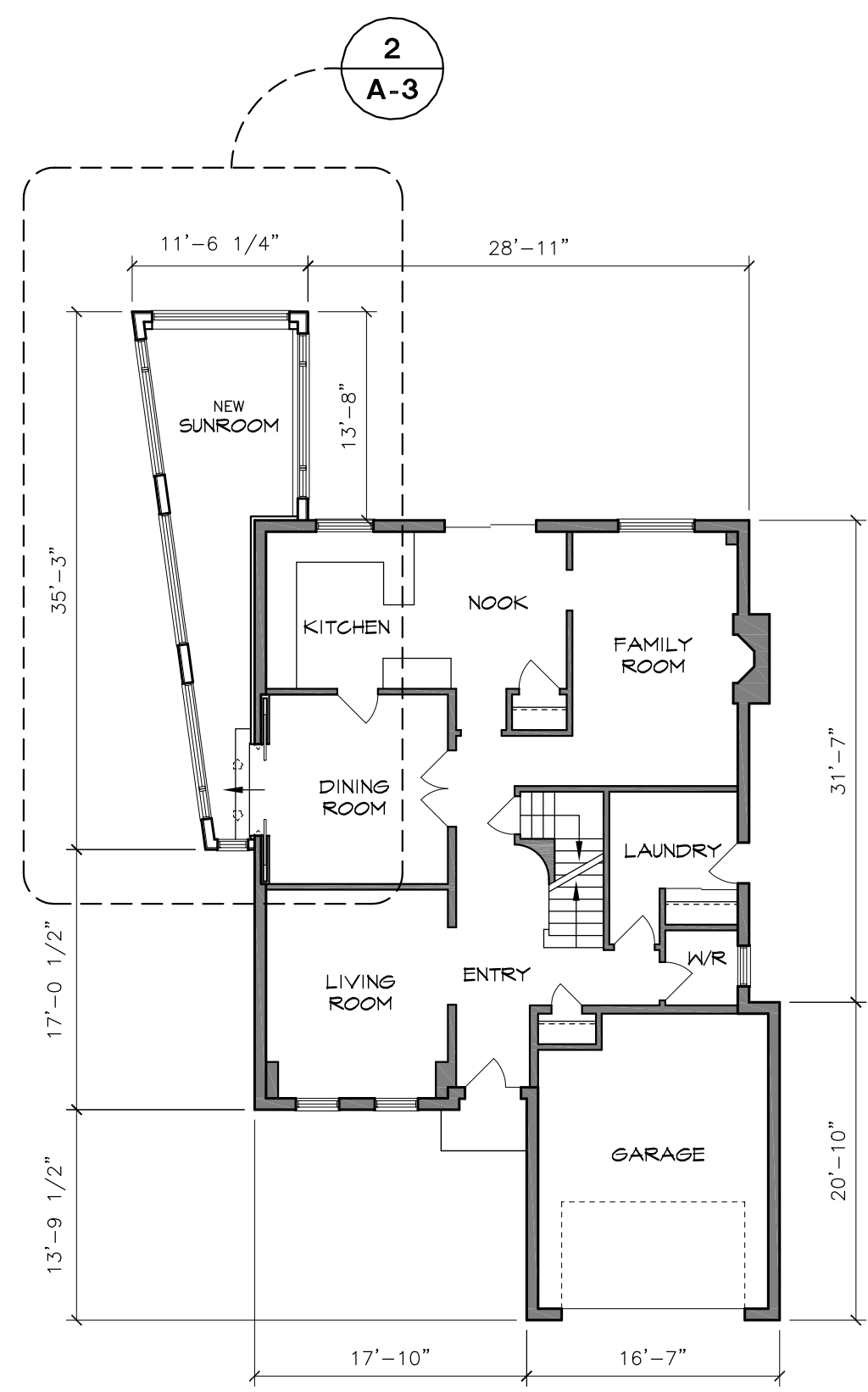
File: 20.133379.000.00.MNV

Date: 01/28/21



EXIST AREA = 1166.37 SF (108.36 SM)  
**SECOND FLOOR PLAN**  
 SCALE: 3/32"=1'-0"

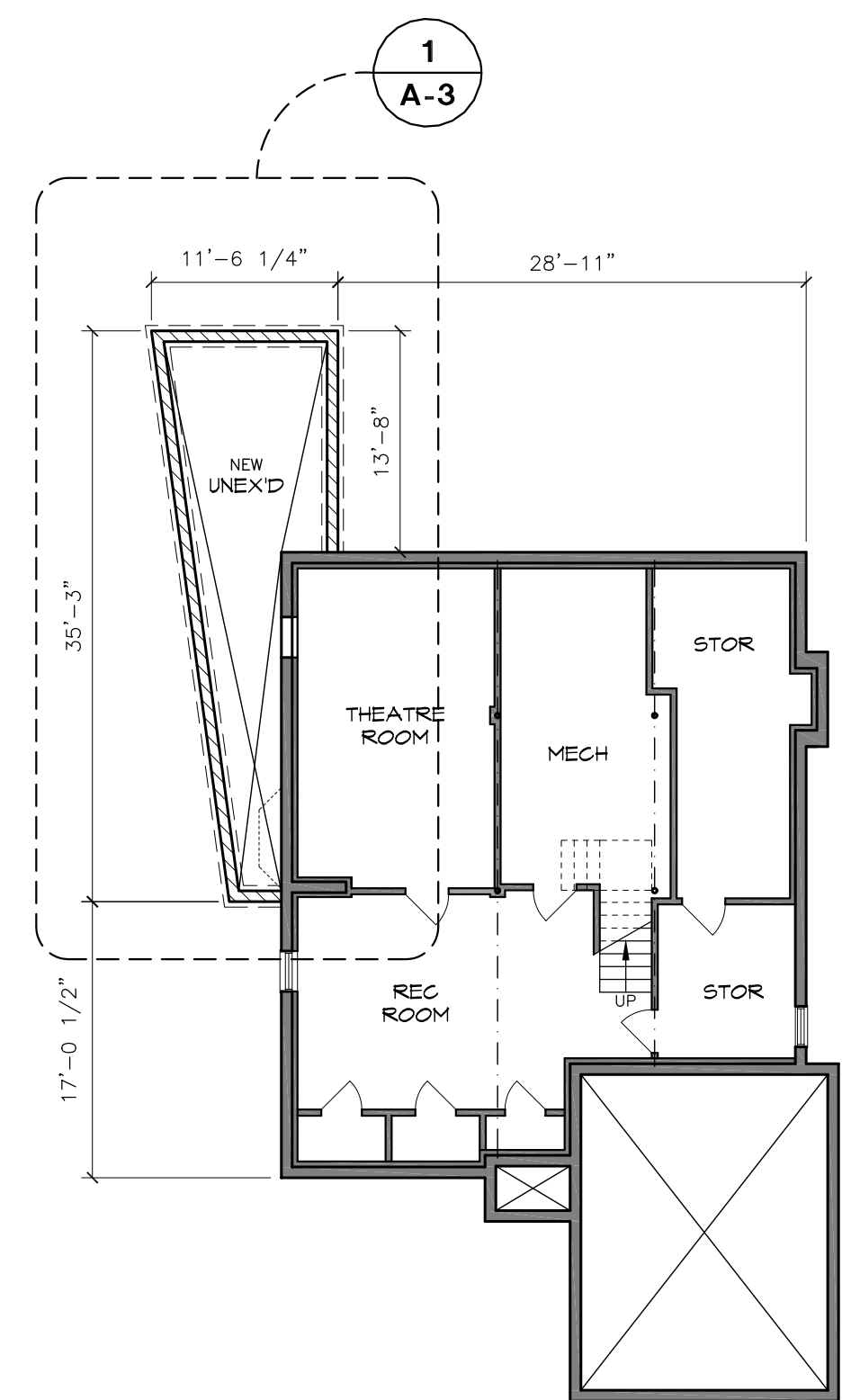
**3**  
A-2



EXIST AREA (INCL GARAGE) = 1491.72 SF (138.59 SM)  
 NEW ADDITION = 245.95 SF (22.85 SM)  
 TOTAL AREA = 1737.67 SF (161.43 SM)

**GROUND FLOOR PLAN**  
 SCALE: 3/32"=1'-0"

**2**  
A-2



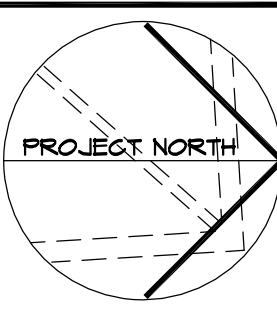
EXIST FINISHED AREA = 1066.67 SF (99.10 SM)  
**BASEMENT PLAN**  
 SCALE: 3/32"=1'-0"

**1**  
A-2

No.	Date	Revisions
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Project  
**SUNROOM ADDITION AT:  
 22 TILMAN CIRCLE  
 MARKHAM, ONTARIO**

Drawing Title  
**REFERENCE PLANS**

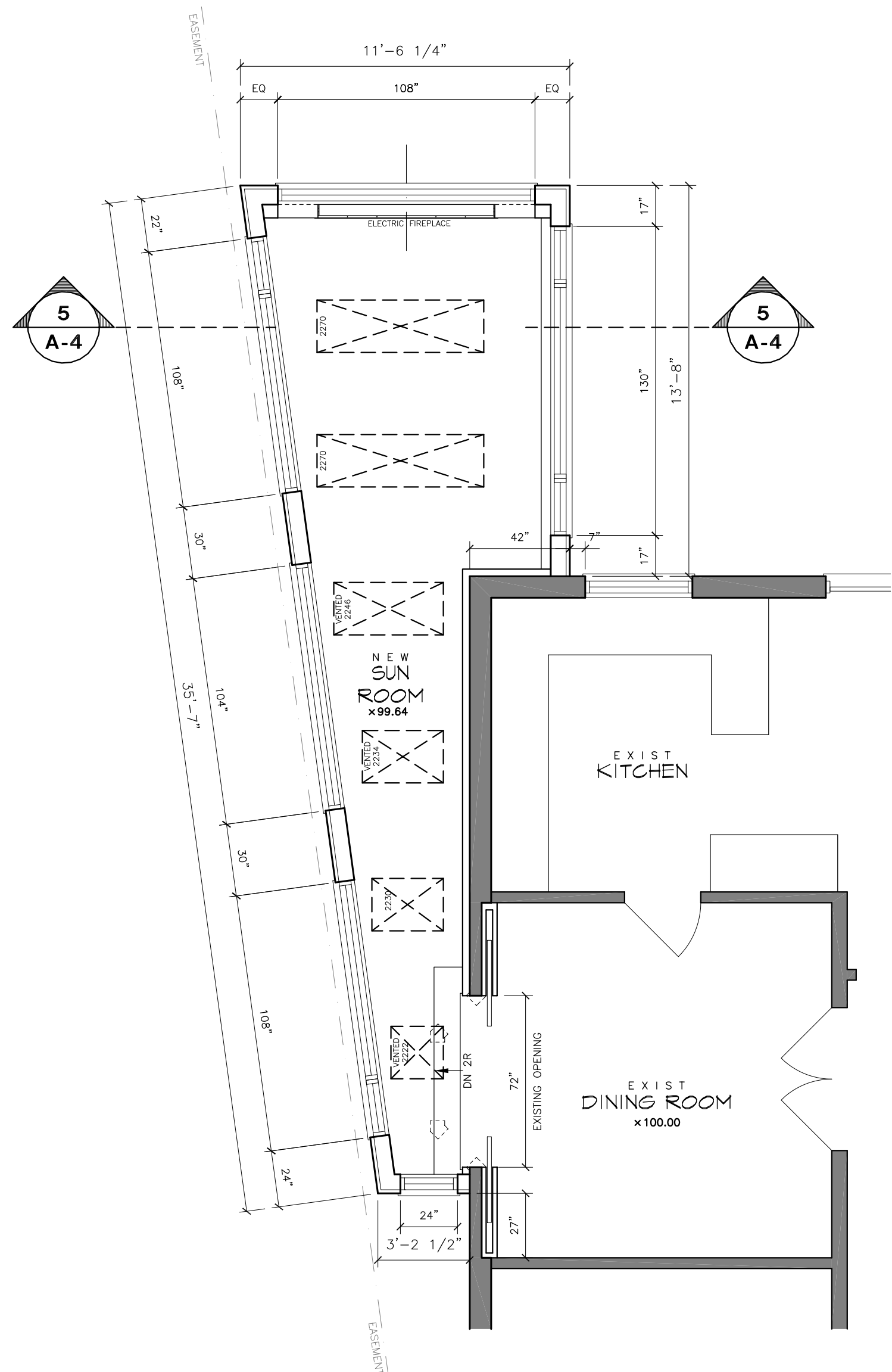
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Scale: 3/32"=1'-0"	<b>A-2</b>
Drawn by: TAG	
Project No. 2020.755	

**Appendix B**

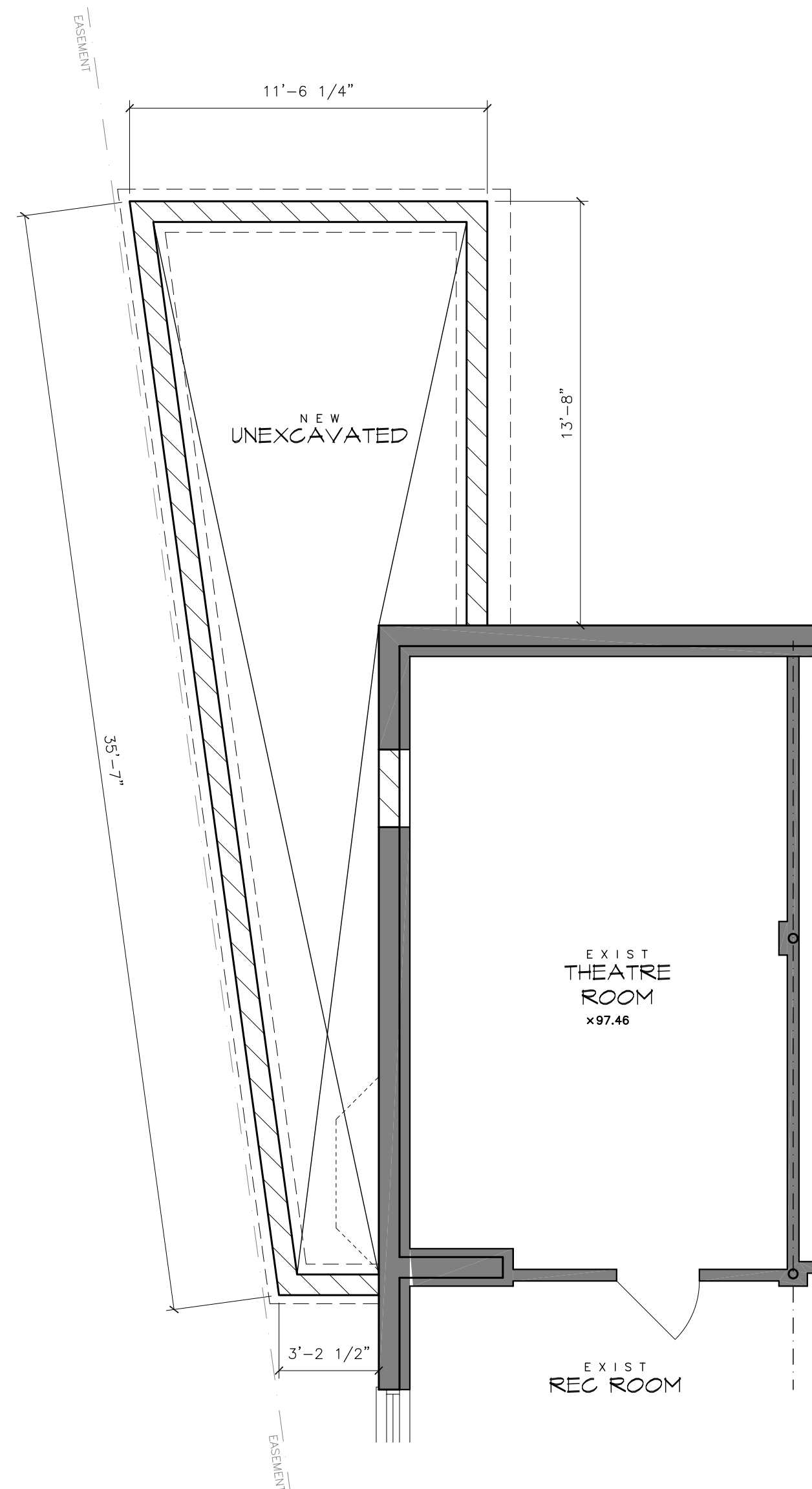
File: 20.133379.000.00.MNV

Date: 01/28/21

MMDDYY



**GROUND FLOOR PLAN** 2  
SCALE: 1/4"=1'-0" A-3

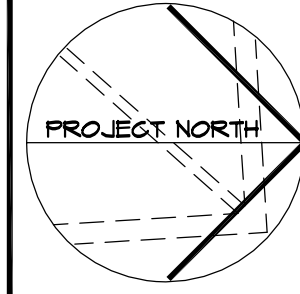


**FOUNDATION PLAN** 1  
SCALE: 1/4"=1'-0" A-3

No.	Date	Revisions
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Project  
**SUNROOM ADDITION AT:  
22 TILMAN CIRCLE**  
MARKHAM, ONTARIO

Drawing Title  
**PARTIAL FLOOR PLANS**

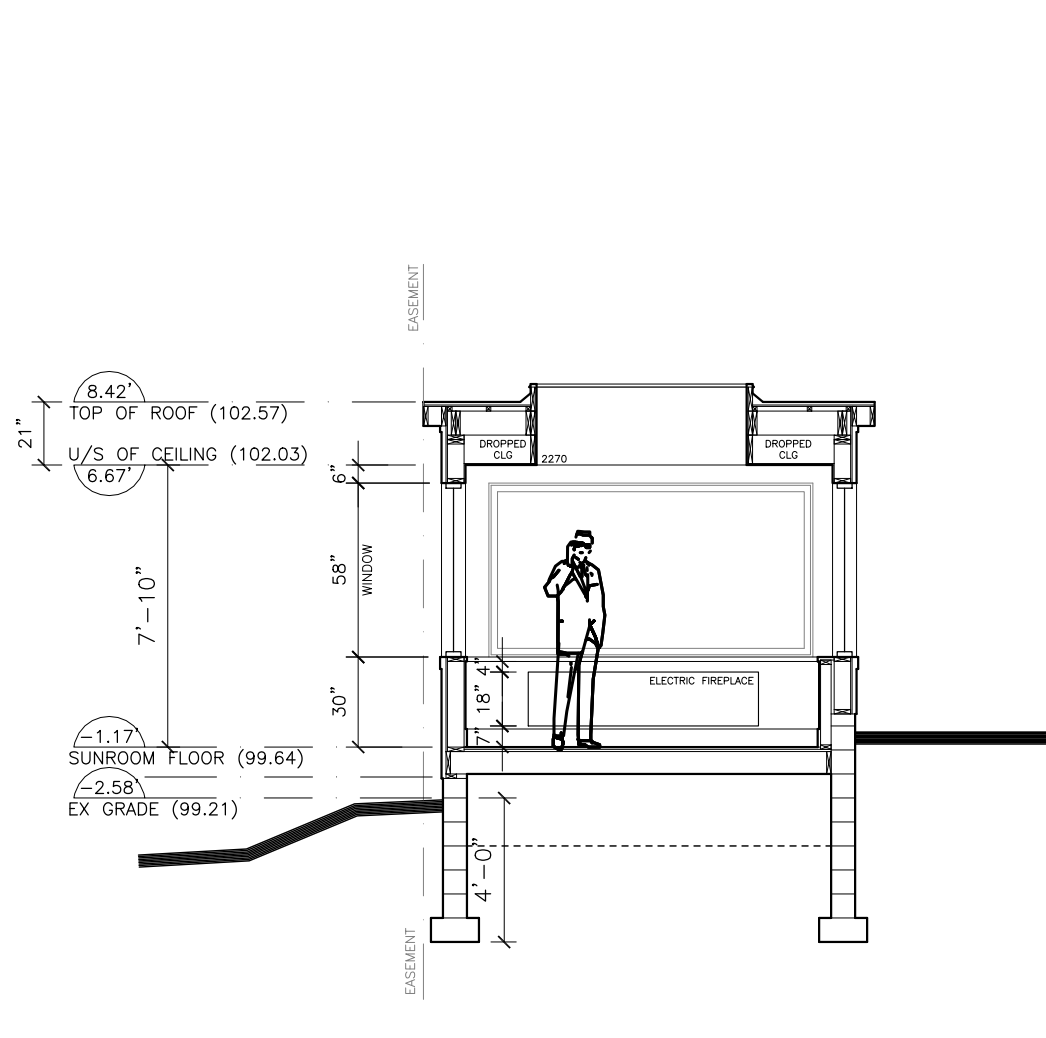
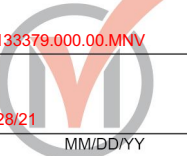
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Scale: 1/4"=1'-0"  
Drawing No. A-3  
Drawn by: TAG  
Project No. 2020.755



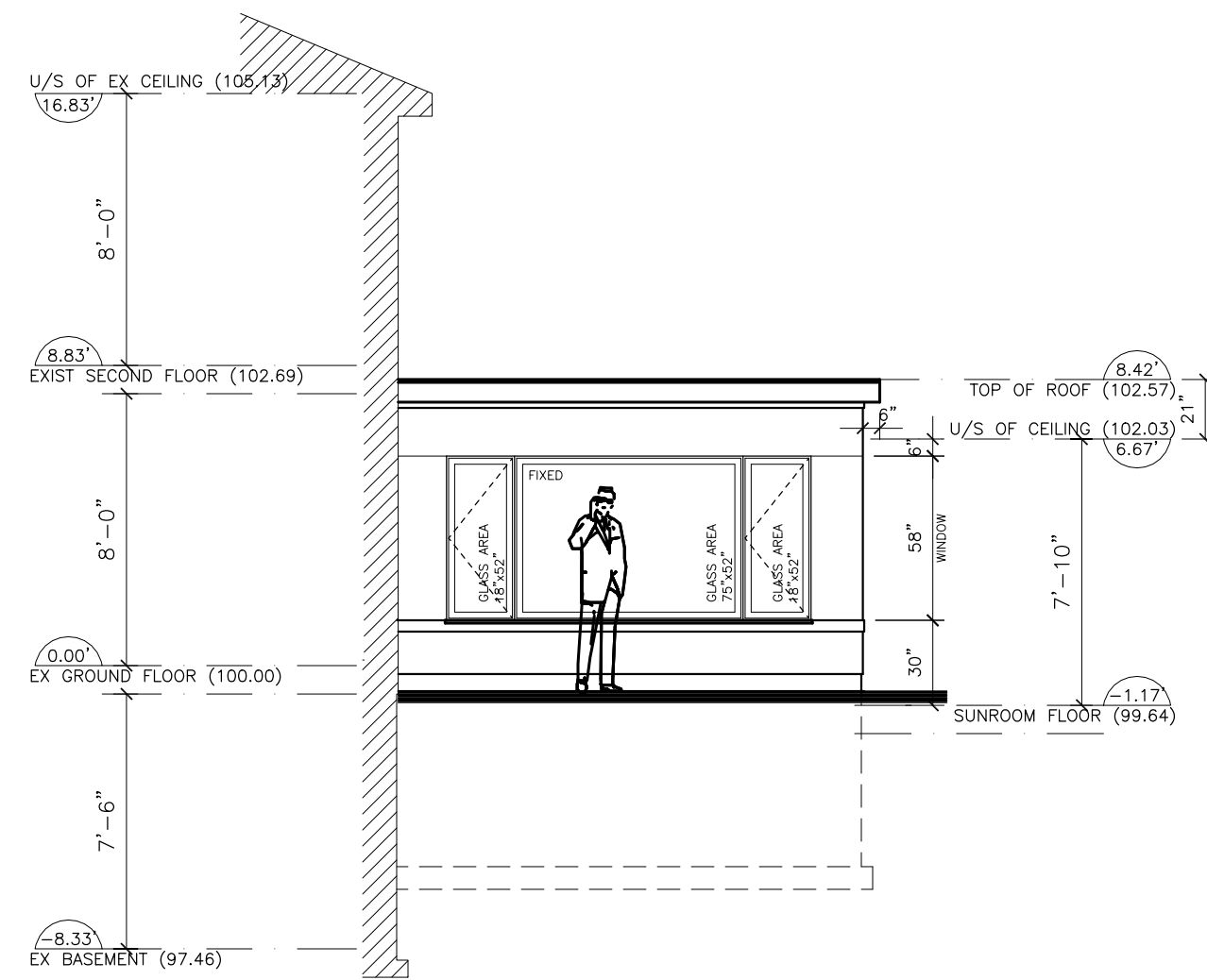
**Appendix B**

File: 20.133378.000.00.MNV

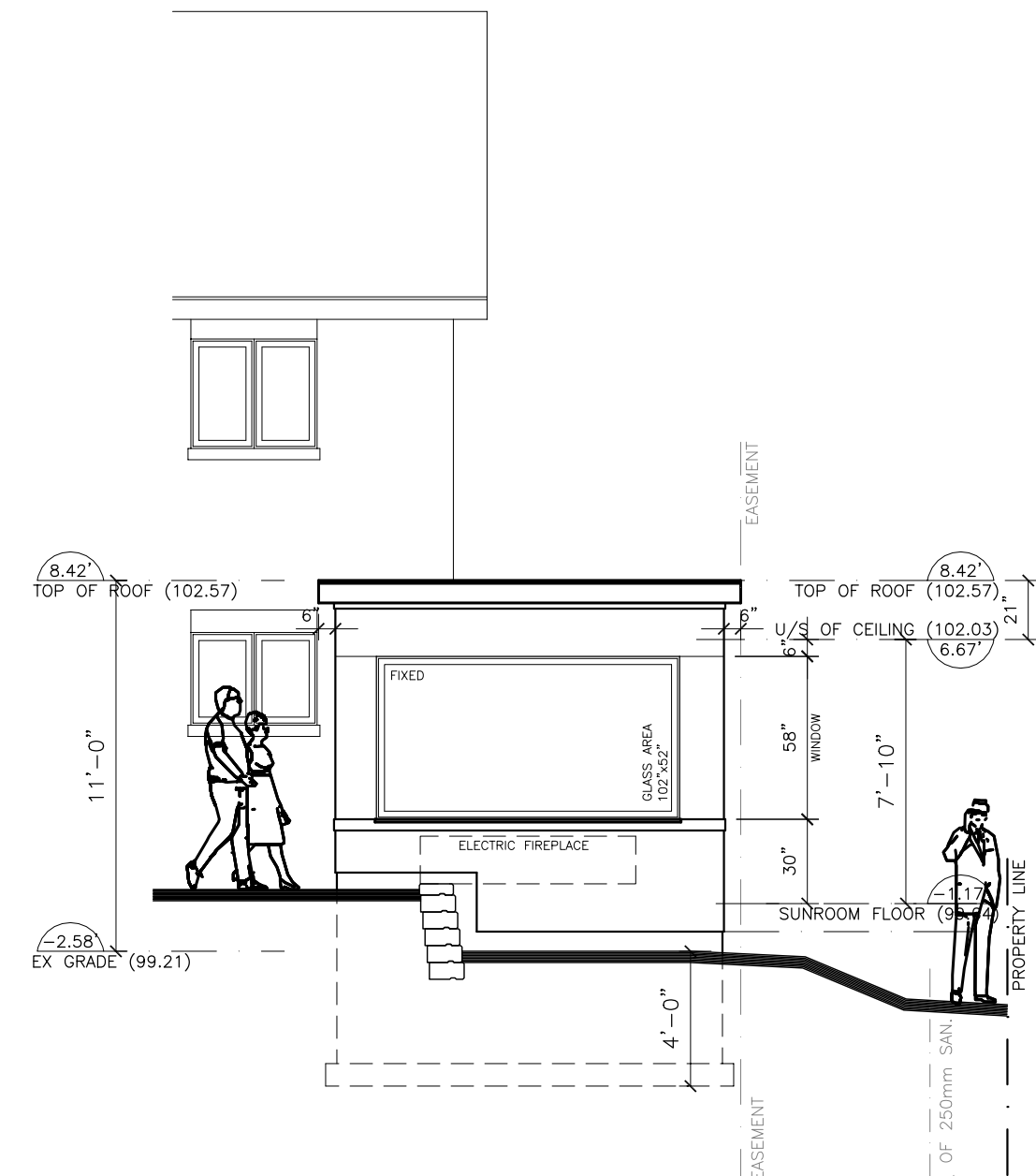
Date: 01/26/21



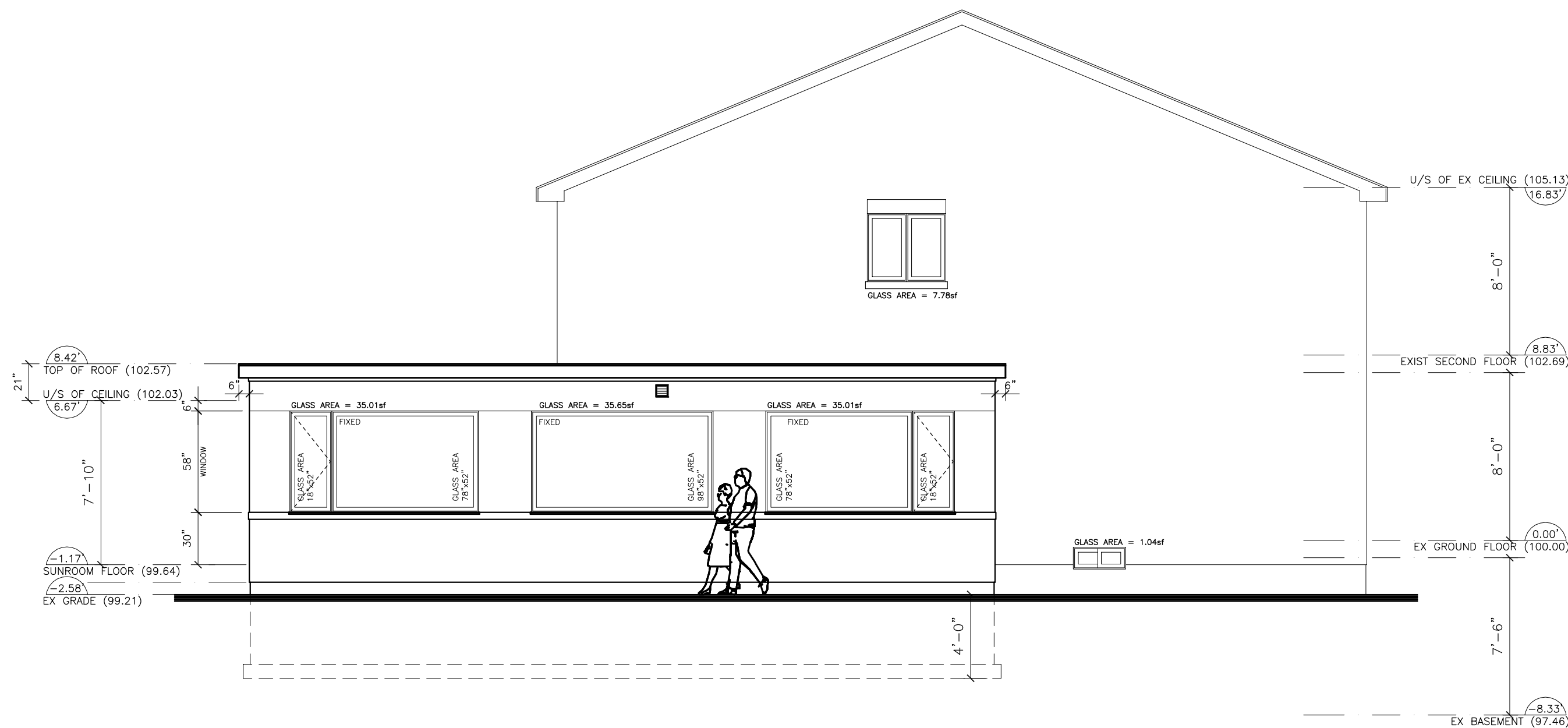
**BUILDING SECTION 5**  
SCALE: 3/16"=1'-0"  
**A-4**



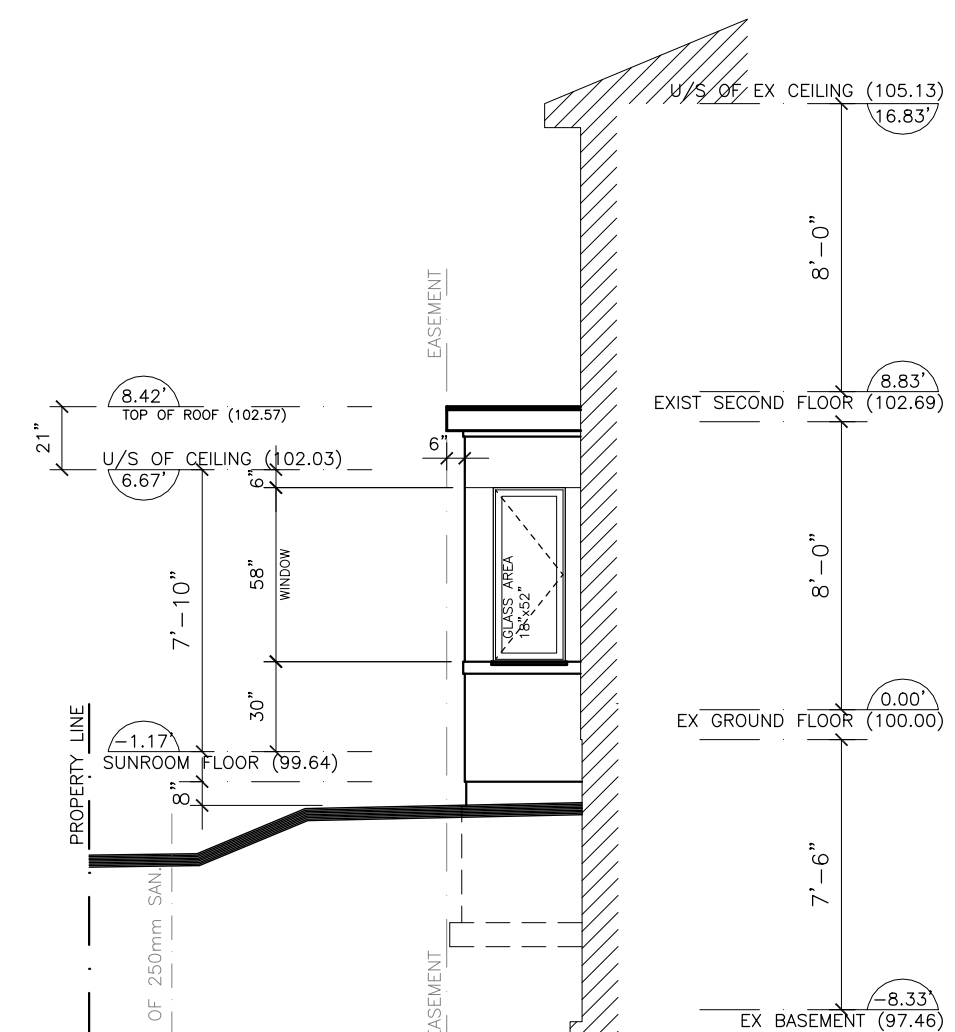
**NORTH ELEVATION 4**  
SCALE: 3/16"=1'-0"  
**A-4**



**WEST ELEVATION 2**  
SCALE: 3/16"=1'-0"  
**A-4**



**SOUTH ELEVATION 3**  
SCALE: 3/16"=1'-0"  
**A-4**



**EAST ELEVATION 1**  
SCALE: 3/16"=1'-0"  
**A-4**

**% OF GLAZED OPENINGS (SOUTH ELEVATION):**  
(LIMITING DISTANCE 3.15m)  
 FACADE AREA = 885.80 SF (82.29 SM)  
 ALLOWED = 115.15 SF (10.70 SM)  
 = 13%  
 PROPOSED = 114.49 SF (10.64 SM)  
 = 12.9%

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Project  
**SUNROOM ADDITION AT:  
22 TILMAN CIRCLE  
MARKHAM, ONTARIO**

Drawing Title  
**ELEVATIONS  
BUILDING SECTIONS**

Date: OCT. 26, 2020	Drawing No.
Scale: 3/16"=1'-0"	<b>A-4</b>
Drawn by: TAG	
Project No. 2020.755	