

Memorandum to the City of Markham Committee of Adjustment

April 13, 2022

File: A/008/22
Address: 21 Pomander Road, Markham
Applicant: Zlatko & Renata Trifunovski
Agent: SHDESIGN
Hearing Date: Wednesday, April 20, 2022

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

The applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

- a) **Section 6:**
a front yard setback of 20 feet 0.5 inches (6.1 metres), whereas the By-law requires a minimum front yard setback of 27 feet;
- b) **Section 6:**
a maximum lot coverage of 40.73 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6:**
a maximum height of 27 feet 7.5 inches (8.4 metres), whereas the By-law permits a maximum height of 25 feet;

as it relates to propose two-storey detached dwelling.

BACKGROUND

Property Description

The 679.32 m² (7,312.14 ft²) subject property is located on the south side of Pomander Road, west of Main Street Unionville and north of Highway 7 (see Appendix “A” – Aerial Photo). The surrounding area is an established residential neighbourhood known as Varley Village, which is characterized by a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing two-storey detached dwelling on the property, which according to assessment records was constructed in 1971. Mature vegetation exists on the property.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new 391.75 m² (4,216.76 ft²) two-storey detached dwelling (see Appendix “B” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the subject property “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation.

Zoning By-Law 11-72

The subject property is zoned “Fourth Density Single Family Residential” (R4) under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the requirements of the By-law as they relate to the front yard setback, lot coverage, and height.

Varley Village Infill Area

The subject property is within an area of the City where larger dwellings are replacing the existing build stock. In response to concerns within this redevelopment trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee (a Committee of Council), undertook a review of this issue with community consultation, and ultimately recommend that no action be taken to implement an infill by-law at that time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not enacted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant initially proposed a lot coverage of 44.9% with rear walkout stairs located within the Tree Preservation Zone (TPZ) of a neighbouring tree. Staff had concerns with the original proposal and requested that the applicant revise the plans to relocate the walkout stairs and reduce the overall lot coverage of the dwelling.

The applicant subsequently submitted revised drawings on March 31, 2022. To date, a second Zoning Preliminary Review for the revised drawings has not been submitted. Consequently, 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 variance request in this application contains errors, or

if there is a need for additional variances 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:

- 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 Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 20.04 ft (6.10 m), whereas the By-law requires a minimum front yard setback of 27 ft (8.23 m). This represents a reduction of approximately 25.76% or 6.96 ft (2.12 m) to the permitted front yard setback.

The variance is largely attributed to the proposed front covered porch and garage projection. The main front wall of the building, excluding the covered porch and garage projection, provides a front yard setback of 25.03 ft (7.63 m). Staff further note that the proposed setback is consistent with the front yard setback of the dwelling immediately to the west of the Subject Property, which received Minor Variance approval in 1971 for a front yard setback of 20 ft (6.09 m). Staff are of the opinion that the proposed front yard setback is generally consistent with the established front yard setback pattern on the street and therefore, have no objections to its approval.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 40.73% (276.69 m² or 2,978.23 ft²), whereas the By-law permits a maximum floor area ratio of 33.33% (226.42 m² or 2,437.14 ft²). This represents a 22.20% (50.27 m² or 541.10 ft²) increase from what the By-law permits.

The proposed lot coverage includes the front covered porch and rear covered patio which adds approximately 5.55% (37.67 m² or 405.48 ft²) to the overall building footprint. Excluding the front covered porch and rear covered patio, the main portion of the proposed building has a lot coverage of 35.18%, which represents a 5.55% (37.71 m² or 405.86 ft²) increase from what the By-law permits. The proposed dwelling also maintains all minimum side and rear yard setbacks requirements of the zoning by-law. Given the enclosed and one-storey nature of the front porch and rear patio, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and that the resultant dwelling is generally consistent with what the by-law permits. Therefore, Staff have no objections to the approval of the requested variance.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 27.63 ft (8.42 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents a 10.5% (2.63 ft or 0.80 m) increase to the permitted height.

Building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller. The proposed height variance is generally consistent with variances approved for other infill dwellings in the area. Although the proposed dwelling will be taller than other dwellings in the immediate vicinity, Staff are of the opinion that the proposed roof pitch minimizes the massing of the proposed dwelling, and would have minimal adverse impacts on the overall character of the street. Accordingly, Staff are of the opinion that the proposed height increase will not result in a dwelling that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 13, 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 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.

Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



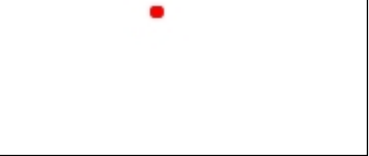
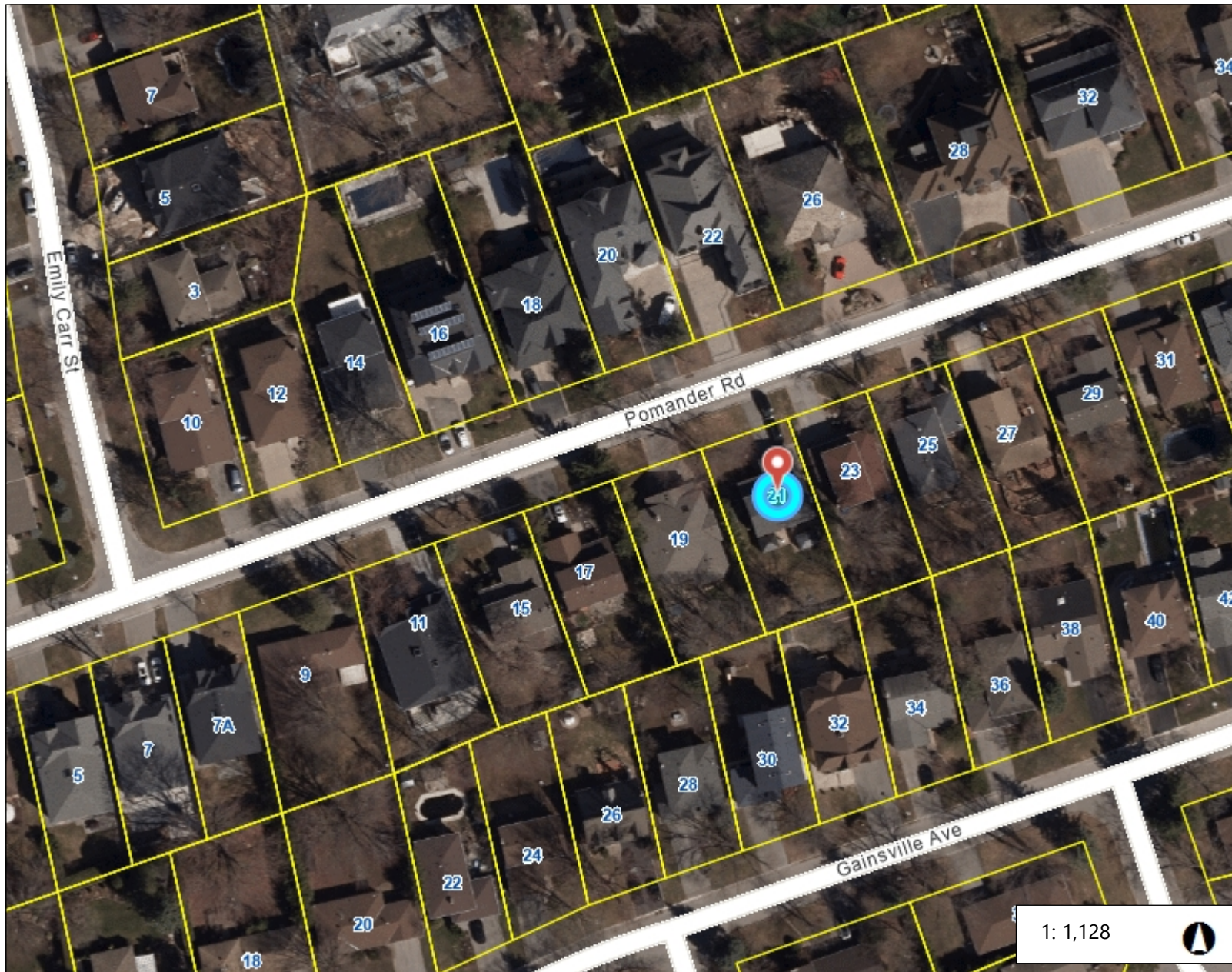
Dimitri Pagratis, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – Conditions



Legend

1: 1,128

57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

A/008/22 - 21 Pomander Road



FRONT ELEVATION

DETAIL NO.
DETAIL SHEET NO.

REVISIONS

NO.	REVISIONS	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 20, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED REDUCED LOT COVERAGE AREA	MAR. 23, 2022

DESIGN CONSULTATION BY:-

SH DESIGN
 YOUR VISION, OUR EXPERTISE
 CONSULTATIONS-DESIGNS-DRAFTING
 Cell: (416) 414-9176
 Email: shdesign@rogers.com

PROPOSED 2-STORY NEW DWELLING FOR:-

TRIFUNOV RESIDENCE
 @
 21 POMANDER ROAD
 MARKHAM, ONTARIO

FRONT ELEVATION

DRAWN	CHECKED BY:	SHEET
		A-5
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	



REAR ELEVATION

REVISIONS		
NO.	REVISIONS	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 20, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED REDUCED LOT COVERAGE AREA	MAR. 23, 2022

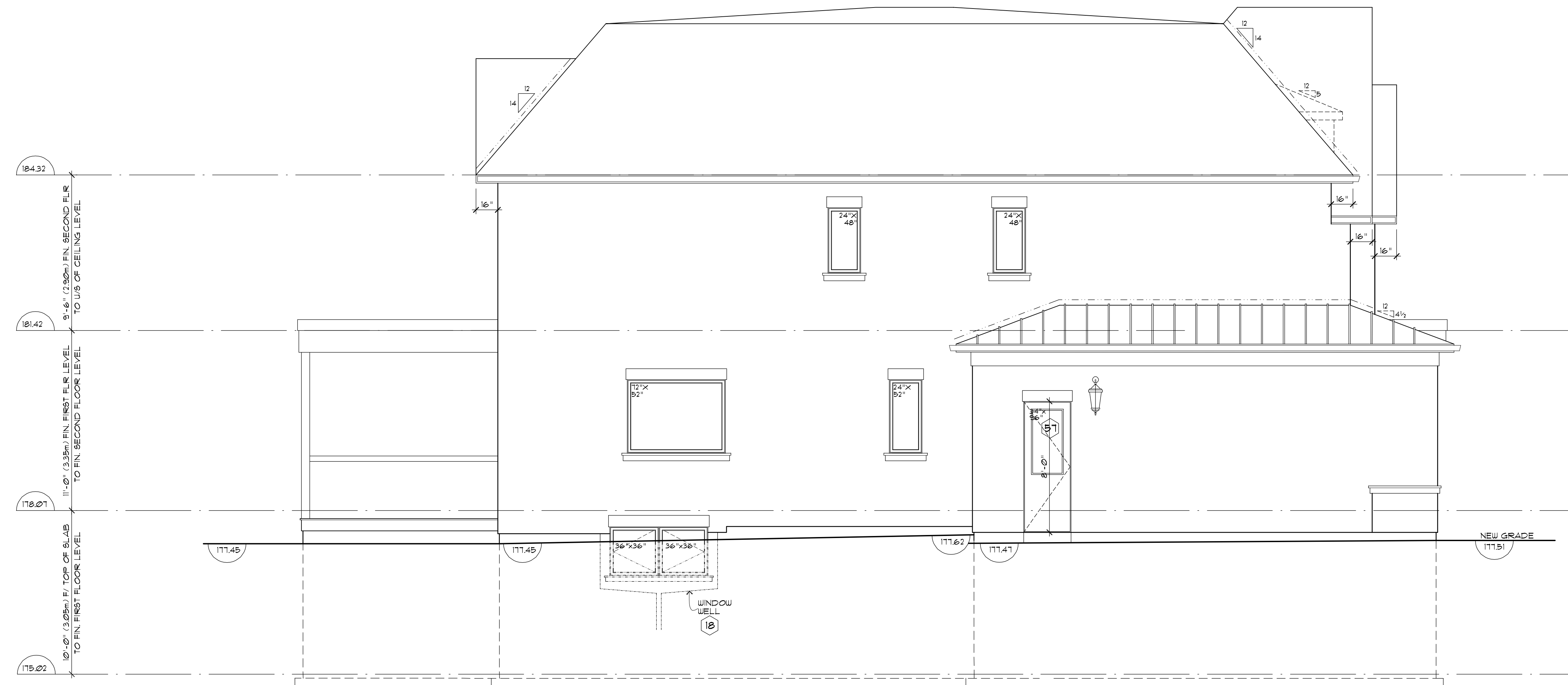
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REAR ELEVATION

DRAWN	CHECKED BY:	SHEET
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JAN, 2021	3/16" = 1'-0"	A-6



LEFT SIDE ELEVATION

REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 20, 2021
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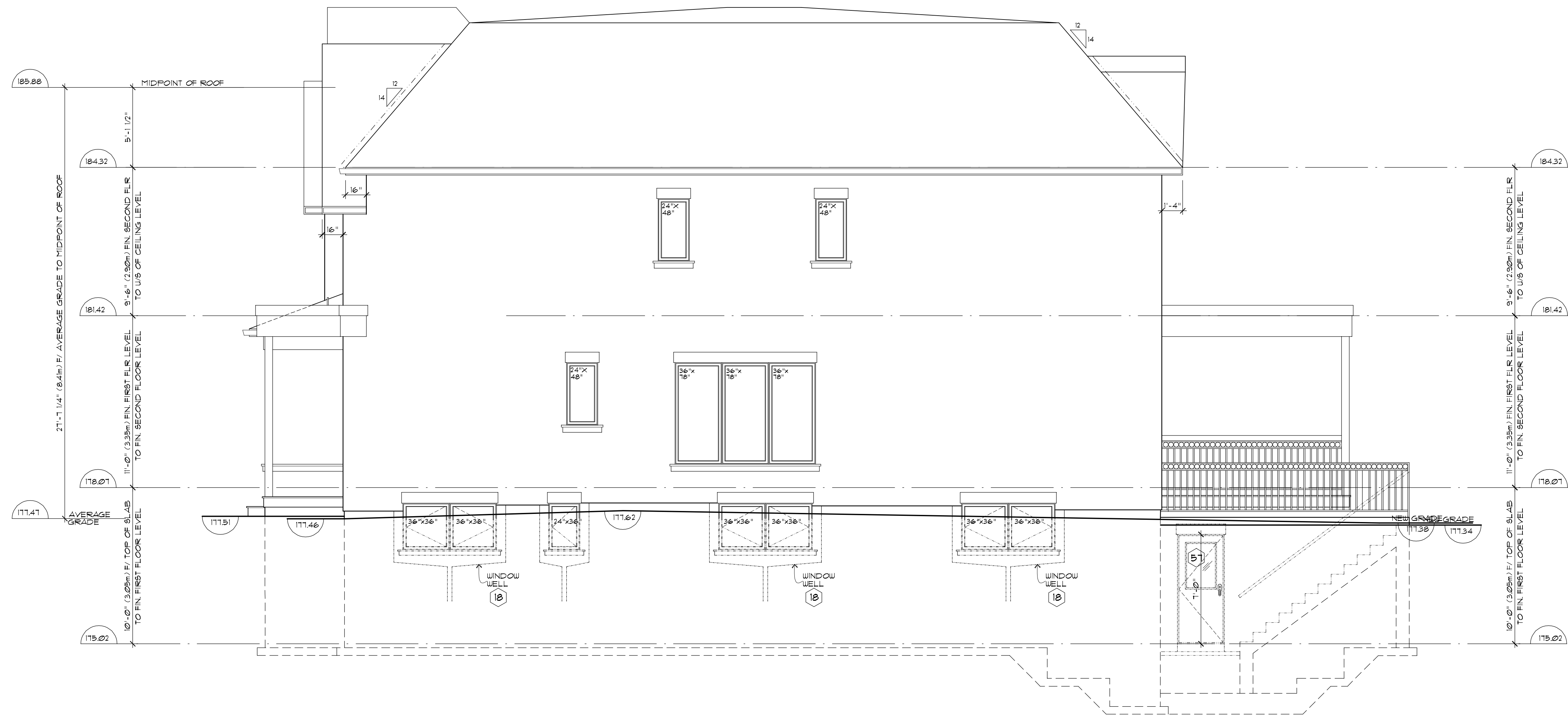
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LEFT SIDE ELEVATION

DRAWN	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	A-7



RIGHT SIDE ELEVATION

REVISIONS		
NO.	REVISIONS	DATE
1	ISSUED FOR OWNER'S REVIEW	AUG. 20, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED REDUCED LOT COVERAGE AREA	MAR. 23, 2022

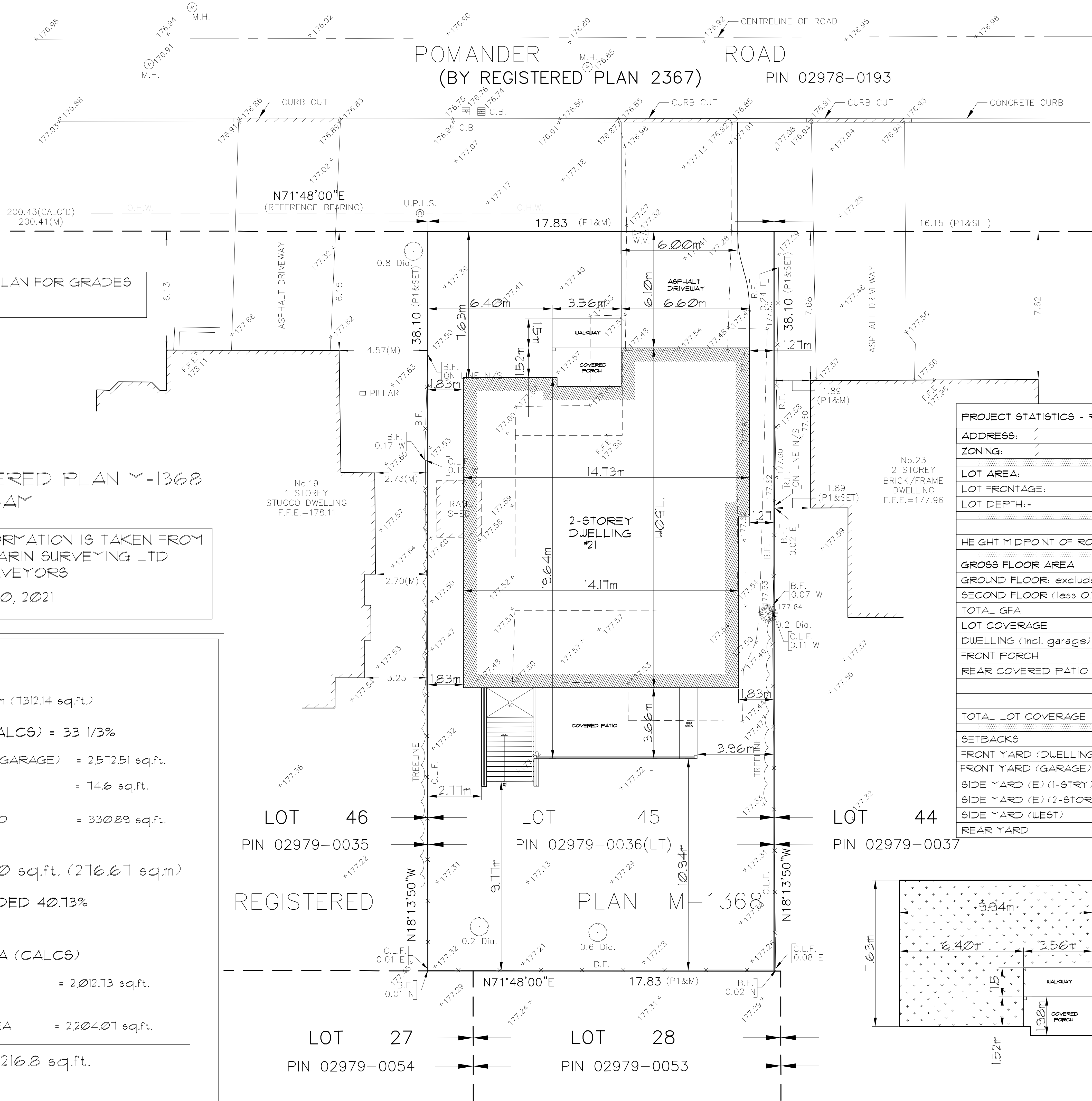
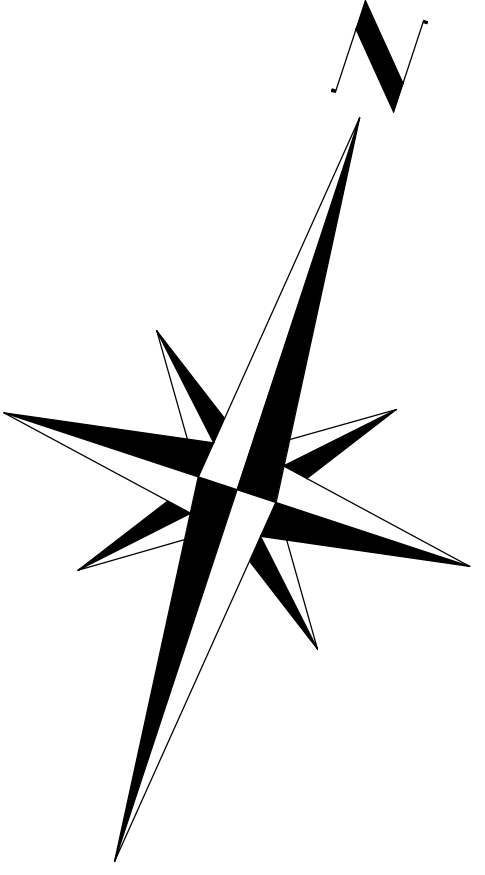
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PROPOSED 2-STORY NEW DWELLING FOR: -
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RIGHT SIDE ELEVATION

DRAWN	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	A-8



REFER TO GRADING PLAN FOR GRADES SWALES

LOT 45 REGISTERED PLAN M-1368
 CITY OF MARKHAM

ALL SITE PLAN INFORMATION IS TAKEN FROM
 SURVEYOR'S MANDARIN SURVEYING LTD
 ONTARIO LAND SURVEYORS
 DATED FEBRUARY 10, 2021

LOT AREA
 LOT AREA = 679.32 sq.m (7312.14 sq.ft.)

LOT COVERAGE (CALCS) = 33 1/3%

- FIRST FLR AREA (incl. GARAGE) = 2,512.51 sq.ft.
- FRONT PORCH AREA = 74.6 sq.ft.
- REAR COVERED PATIO = 330.89 sq.ft.

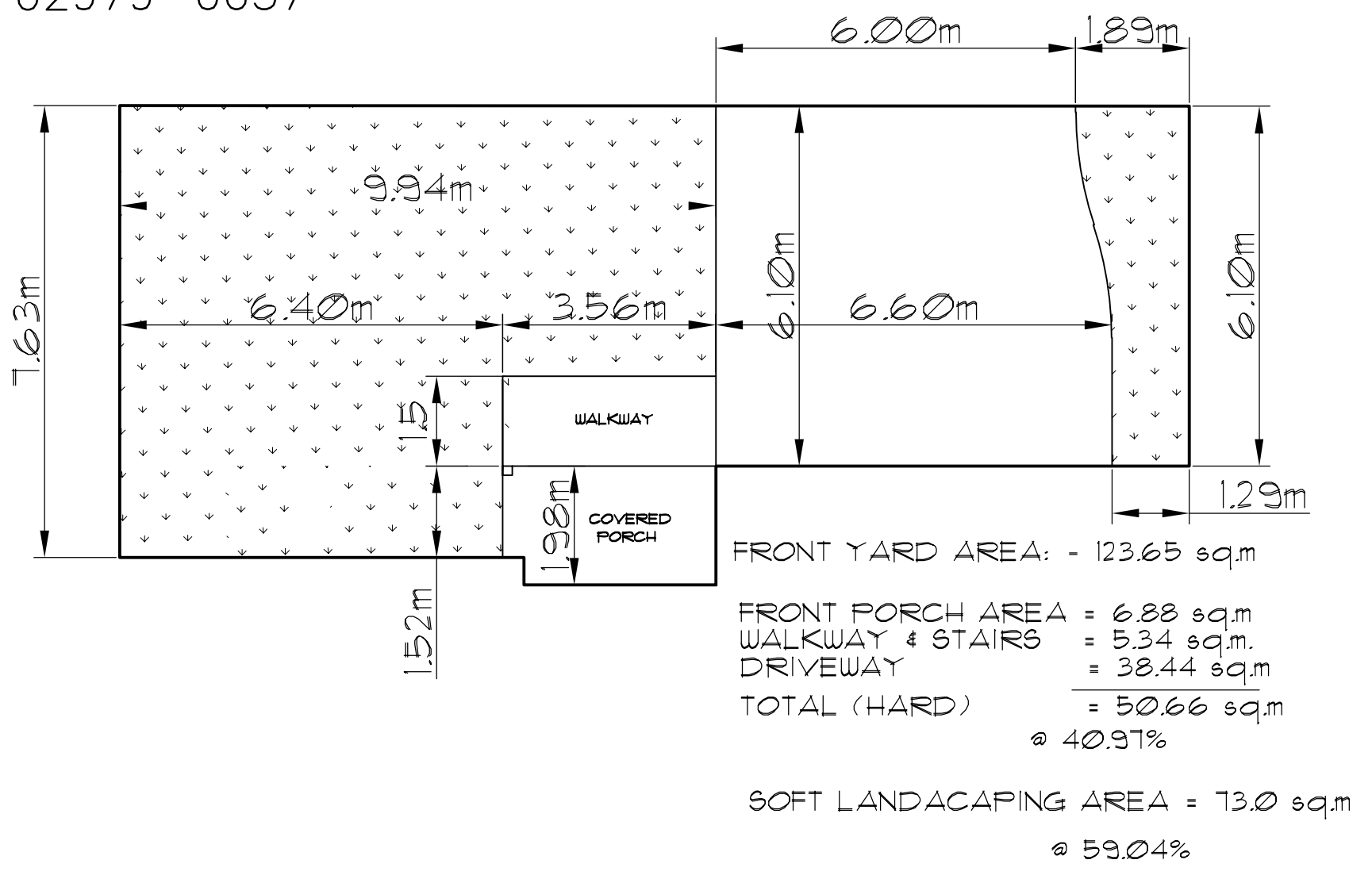
TOTAL = 2,918.0 sq.ft. (276.67 sq.m)
 PROVIDED 40.13%

GROSS FLOOR AREA (CALCS)

- FIRST FLOOR AREA (excludes garage) = 2,012.73 sq.ft.
- SECOND FLOOR AREA (open to below) = 2,204.07 sq.ft.

TOTAL = 4,216.8 sq.ft.

PROJECT STATISTICS - RESIDENTIAL		
ADDRESS:	21 POMANDER ROAD	
ZONING:	R4- RESIDENTIAL "bylaw 11-12"	
LOT AREA:	679.32	m ²
LOT FRONTAGE:	17.83	m
LOT DEPTH:	38.10	m
HEIGHT MIDPOINT OF ROOF		
	ALLOWED	PROPOSED
	25'-0" (7.62m)	(21'-1 1/4") 8.41m
GROSS FLOOR AREA		
GROUND FLOOR: (exclude garage)		186.99 m ²
SECOND FLOOR (less O.T.B.)		204.16 m ²
TOTAL GFA		391.15 m ²
LOT COVERAGE		
DWELLING (incl. garage)		238.99 m ²
FRONT PORCH		6.93 m ²
REAR COVERED PATIO		30.14 m ²
TOTAL LOT COVERAGE	33.3%	@40.13% 276.66 m ²
SETBACKS		
	REQUIRED	PROPOSED
FRONT YARD (DWELLING)	21'-0" (8.23m)	(25'-0") 7.63 m
FRONT YARD (GARAGE)	20'-0" (6.1m)	(20'-0") 6.10m m
SIDE YARD (E) (1-STRY)	4'-0" (1.22m)	4'-0" (1.22m) m
SIDE YARD (E) (2-STOREY)	6'-0" (1.83m)	6'-0" (1.83m) m
SIDE YARD (WEST)	6'-0" (1.83m)	6'-0" (1.83m) m
REAR YARD	25'-0" (7.62m)	10.23m m



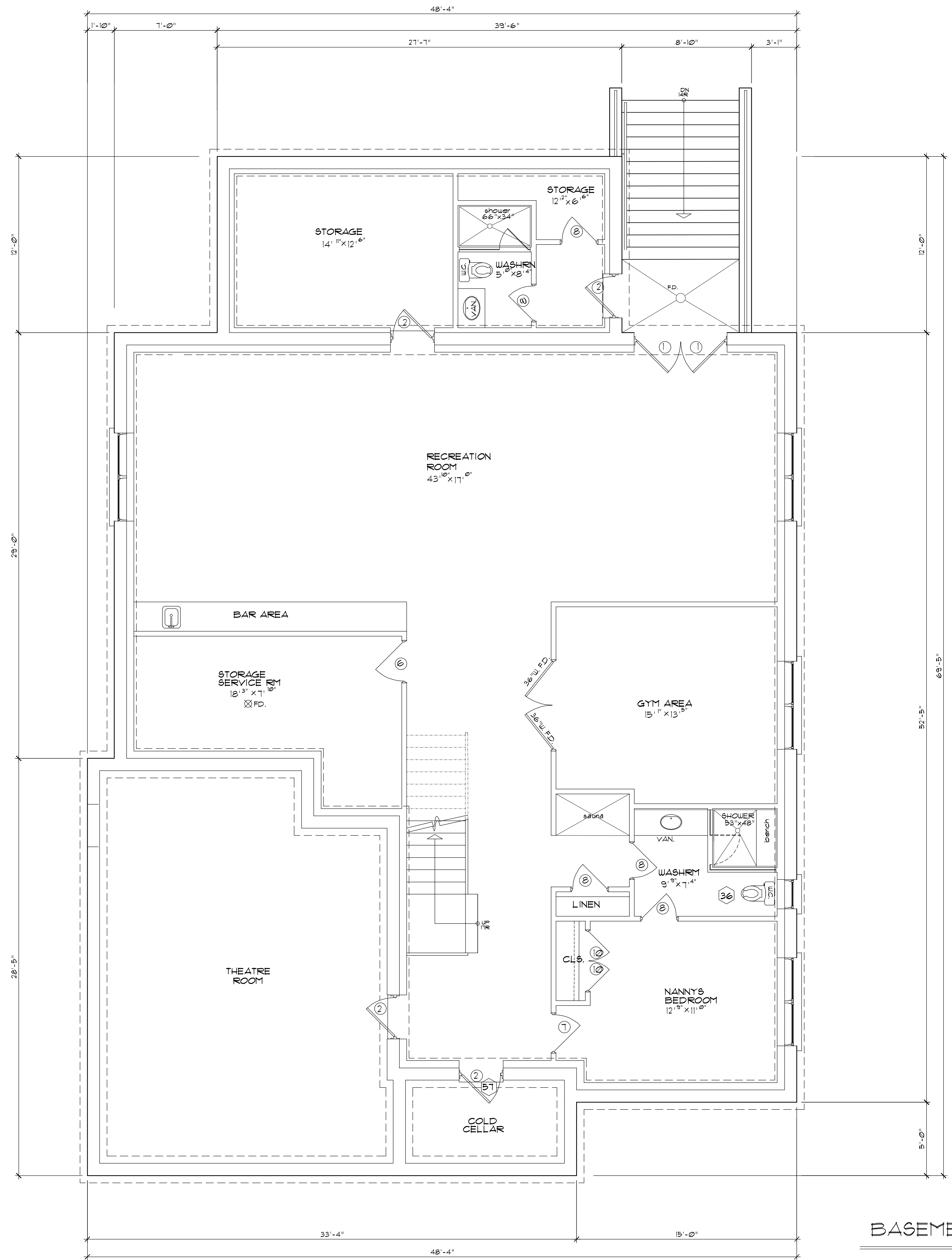
NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	DEC. 13, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED, REDUCED LOT COVERAGE AREA	MAR. 23, 2022

SH DESIGN
 YOUR VISION, OUR EXPERTISE
 DESIGN, CONSULTATIONS, DRAFTING
 - CUSTOM HOMES
 - RESIDENTIAL DESIGNS
 - ADDITIONS & RENOVATIONS
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 Email: shdesign@rogers.com

PROPOSED 2-STOREY DWELLING
 21 POMANDER ROAD
 MARKHAM, ONTARIO

SITE PLAN

DRAWN BY:	CHECKED BY:	SHEET S.P.
DATE JAN, 2021	SCALE 1:100	FILE



BASEMENT FLOOR PLAN

REVISIONS		
NO.	ISSUED FOR OWNERS REVIEW	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 20, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED, REDUCED LOT COVERAGE AREA	MAR. 23, 2022

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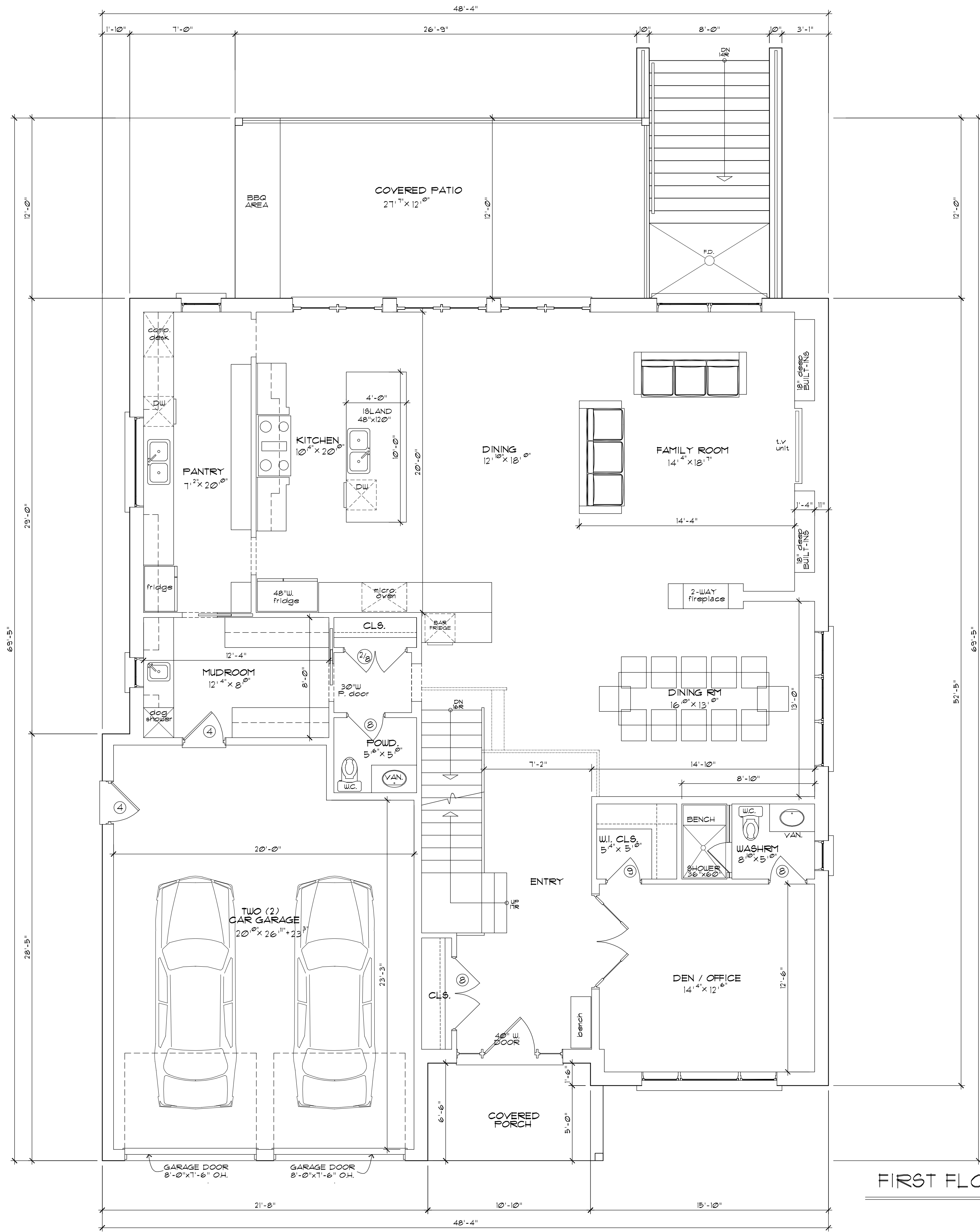
BASEMENT FLOOR PLAN		
DRAWN	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	A-1

LOT AREA
 LOT AREA = 679.32 sq.m (7312.14 sq.ft.)
 LOT COVERAGE (CALCS) = 33 1/3%
 - FIRST FLR AREA (incl. GARAGE) = 2,572.51 sq.ft.
 - FRONT PORCH AREA = 74.6 sq.ft.
 - REAR COVERED PATIO = 330.89 sq.ft.

TOTAL = 2,978.0 sq.ft. (276.67 sq.m)
 PROVIDED 40.13%

GROSS FLOOR AREA (CALCS)
 - FIRST FLOOR AREA (excludes garage) = 2,012.73 sq.ft.
 - SECOND FLOOR AREA (open to below) = 2,204.07 sq.ft.

TOTAL = 4,216.8 sq.ft.



FIRST FLOOR PLAN

REVISIONS		
NO.	REVISIONS	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 20, 2021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED REDUCED LOT COVERAGE AREA	MAR. 23, 2022

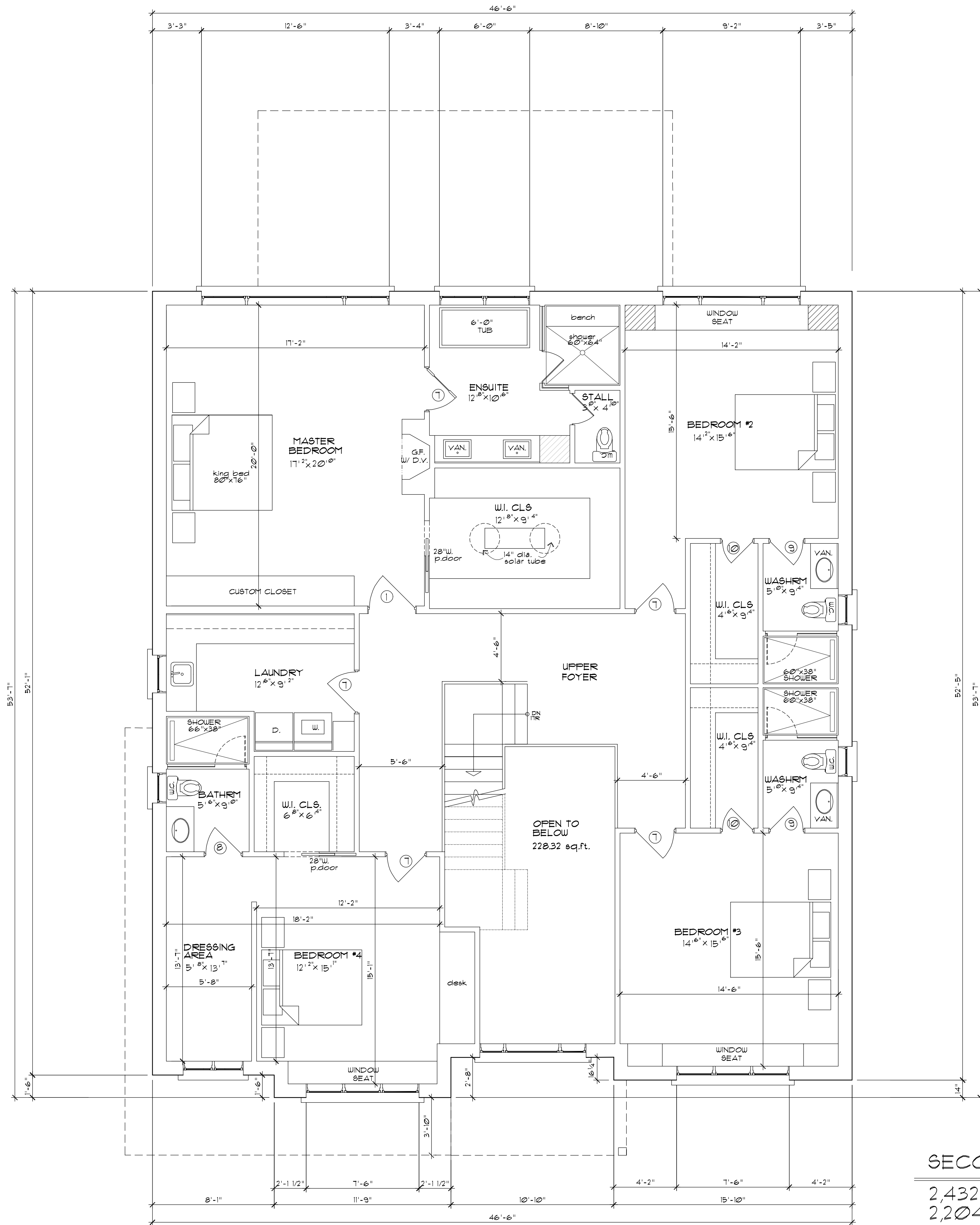
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PROPOSED 2-STOREY NEW DWELLING FOR:-
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 MARKHAM, ONTARIO

FIRST FLOOR PLAN

DRAWN	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	A-2



SECOND FLOOR PLAN
 2,432.4 sq.ft. (incl. O.T.B)
 2,204.07 sq.ft. (less O.T.B)

REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR OWNERS REVIEW	AUG. 202021
2	ISSUED FOR PRELIM. ZONING REVIEW	DEC. 13, 2021
3	REVISED REDUCED LOT COVERAGE AREA	MAR. 23, 2022

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SECOND FLOOR PLAN

DRAWN	CHECKED BY:	SHEET
DATE	SCALE	FILE
JAN. 2021	3/16" = 1'-0"	A-3

Appendix C

File: 22.109561.000.00.MNV

Date: 04/13/22
MM/DD/YY

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/008/22

1. That the front porch and rear patio remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. 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 stamped by the City of Markham on April 13, 2022, 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;
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; and
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:



Melissa Leung, Planner, Central District