

Memorandum to the City of Markham Committee of Adjustment

April 6, 2022

File: A/009/22
Address: 330 Highglen Ave, Markham
Applicant: Smart Structural Solutions Ltd (Mobina Farahani)
Agent: Smart Structural Solutions Ltd (Mobina Farahani)
Hearing Date: Wednesday April 06, 2022

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

The applicant is requesting relief from the following requirements of the Eight Density – Single Detached Residential (R8) zone under By-law 90-81, as amended, as it relates to a proposed porch to an existing detached dwelling:

a) Zoning By-law 90-81, Section 4.6 (a):

a roofed porch with unenclosed sides (canopy) to project a distance of not more than 3.27 m, whereas the By-law permits a maximum of 0.45 m.

BACKGROUND

Property Description

The 652.76 m² (7026.25 ft²) subject property is located on the north side of Highglen Avenue, west of Coppard Avenue and east of Clarion Crescent. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing single detached dwelling on the subject property, which according to assessment records was constructed in 1997. The rear yard currently contains a deck with a pergola and an in-ground swimming pool (constructed in 2021). There is no mature vegetation on site.

Proposal

The applicant is proposing to construct a one-storey roofed canopy porch that is unenclosed on three sides. A minor variance is required to allow the proposed canopy to project into the required rear yard.

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.1 of the 2014 Official Plan outlines the general policies for land designated “Residential Low Rise”. In considering applications for development approval on lands designated “Residential Low Rise”, the City shall ensure minor variance respects the adjacent developments.

Zoning By-Law 90-81

The subject property is zoned “Eight Density – Single Detached Residential (R8)” under By-law 90-81, as amended, which permits single detached use.

Section 4.6 (a) of the By-law relates to maximum encroachments into required yards, which is the applicable section affected by this application.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through their permit process (HP 21 137275) 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.

Increase Projection

The applicant is requesting permission for the canopy of a roofed porch to project a distance of not more than 3.27 m (10.72 ft.) into the required rear yard, whereas the By-law permits a maximum of 0.45 m (1.47 ft.). If the relief is granted, a 32.11 m² (345.6 ft²) attached one-storey roofed porch will be constructed within the central area of the rear yard. The proposed canopy will be 4.23 m (13.9ft) from the rear property line, 4.8 m (26.24 ft.) from the interior side lot line (west), and 9.26 m (30.38 ft.) from the exterior side lot line (south). Staff are of the opinion that due to the one-storey nature of the proposed addition, there will be minimal visual impacts when viewed from abutting/adjacent properties.

Staff have no objection to the approval of the proposed variance as it meets the four tests of the Planning Act.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 1, 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.

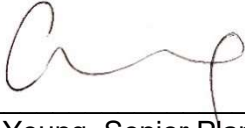
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix A: Conditions of Approval

Appendices B: Architectural Drawings

PREPARED BY:



Carman Yeung, Senior Planner, East District

REVIEWED BY:

REVIEWED BY:



Stacia Muradali, Development Manager, East District

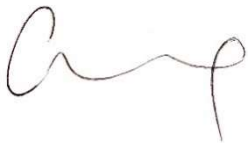
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/009/22

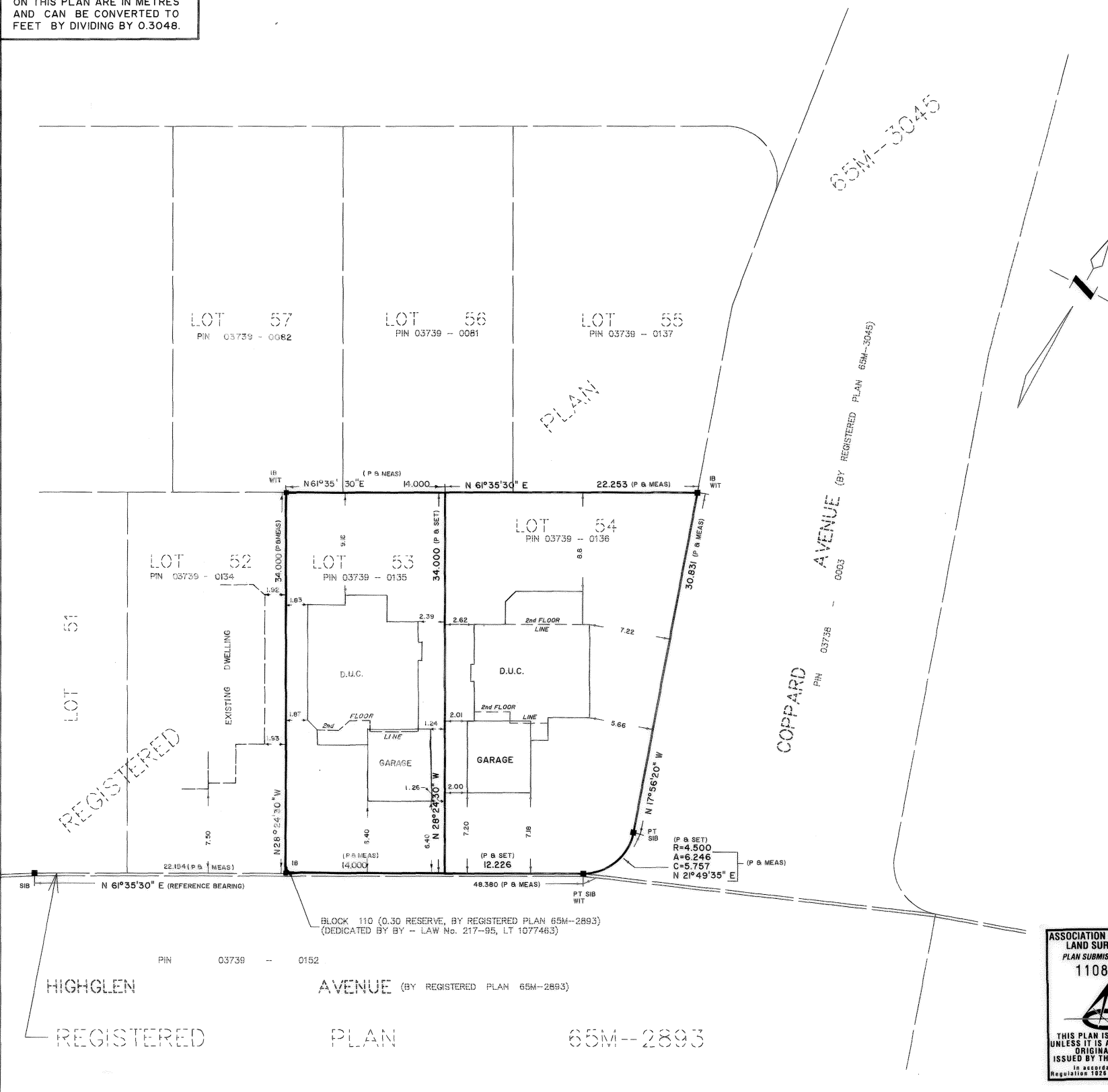
1. The variance apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dwelling containing more than one suite.

CONDITIONS PREPARED BY:



Carman Yeung, Senior Planner, East District

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN SHOWING
LOTS 53 AND 54,
REGISTERED PLAN 65M-3045
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:250



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SURVEYOR'S REAL PROPERTY REPORT
PART 2

THIS PLAN MUST BE READ WITH SURVEYOR'S REAL PROPERTY REPORT DATED MARCH 27, 1997.

PART 2 - (FOR LOT 53), DATED JULY 3, 1997.

NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF LOTS 51 TO 54, BOTH INCLUSIVE, AS SHOWN ON REGISTERED PLAN 65M-3045, HAVING A BEARING OF N 61°35'30" E.

■	DENOTES	FOUND MONUMENT
SIB	"	STANDARD IRON BAR
IB	"	IRON BAR
P	"	REGISTERED PLAN 65M-3045
MEAS	"	MEASURED
D.U.C.	"	DWELLING UNDER CONSTRUCTION
922	"	SCHAEFFER & REINTHALER LIMITED, O.L.S.
PT	"	POINT OF TANGENCY
WIT	"	WITNESS

ALL FOUND MONUMENTS ARE NUMBERED 922.
ALL TIES ARE MEASURED TO THE CONCRETE FOUNDATION WALL.

THIS REPORT WAS PREPARED FOR REMINGTON HOMES INC.
AND OTHER APPLICABLE PARTIES TO CURRENT TRANSACTIONS ONLY.
AND THE UNDERSIGNED IS NOT LIABLE FOR ANY FUTURE TRANSACTIONS.

SURVEY UPDATED ON JUNE 30, 1997 TO SHOW DWELLING ON LOT 53.

JULY 3, 1997
DATE

W.D. Fisher
W.D. FISHER
ONTARIO LAND SURVEYOR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 20th DAY OF MARCH, 1997.

DATE: MARCH 27, 1997

W.D. Fisher
W.D. FISHER
ONTARIO LAND SURVEYOR



SCHAEFFER & REINTHALER LIMITED
ONTARIO LAND SURVEYORS
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL.(905)761-0101
DRAWN ACAD/LW CHECKED BY SCALE 1:250 JOB NO. 95026-27

CLIENT NAME:

330 HIGHGLEN AVE,
MARKHAM, ON, L3S 3Z4

DRAWING NAME:

**SURVEY
PLAN**

DESIGNER:

UC LANDSCAPE DESIGN

SCALE: 1/8"=1'0"

PAGE:

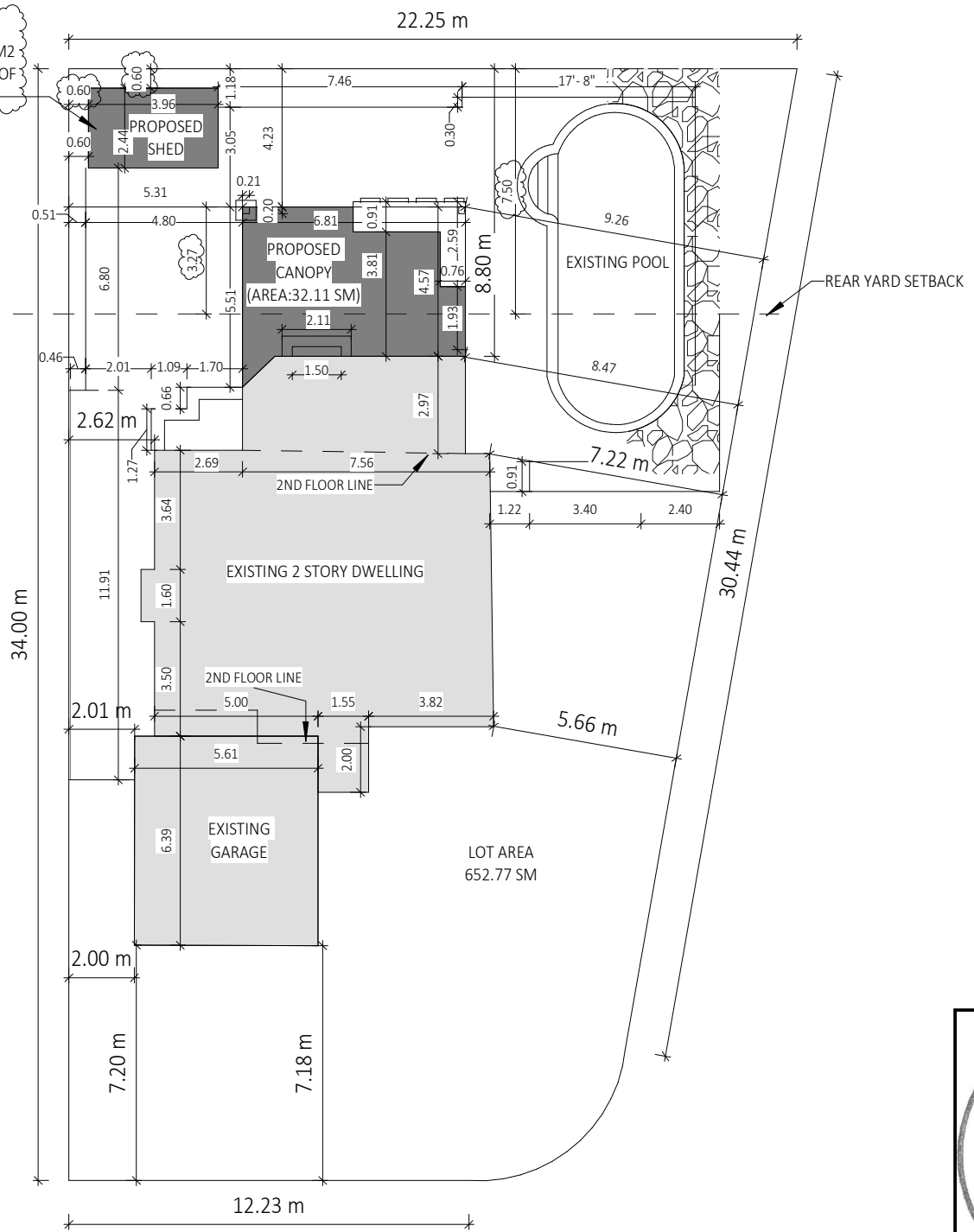
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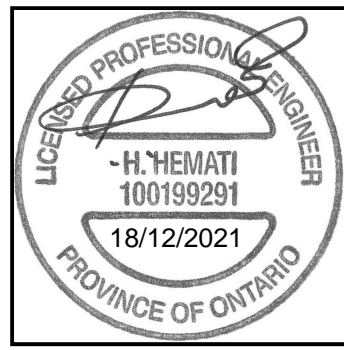
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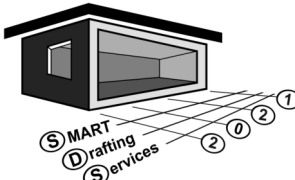
PRE-BUILT SHED WITH
MAXIMUM AREA OF 10 M2
AND MAXIMUM HEIGHT OF
4.5 M



LOT AREA = 652.76 SQM
AREA OF EXISTING DWELLING = 147.25 SQM
AREA OF PROPOSED CANOPY = 31.58 SQM
AREA OF PROPOSED SHED = 9.66 SQM

① SITE - PROPOSED
1 : 200



DESIGNER: 
7250 KEELE ST. UNIT 295, VAUGHAN, ON L4K 1Z8
(647) 877-6971, info@smartds.ca

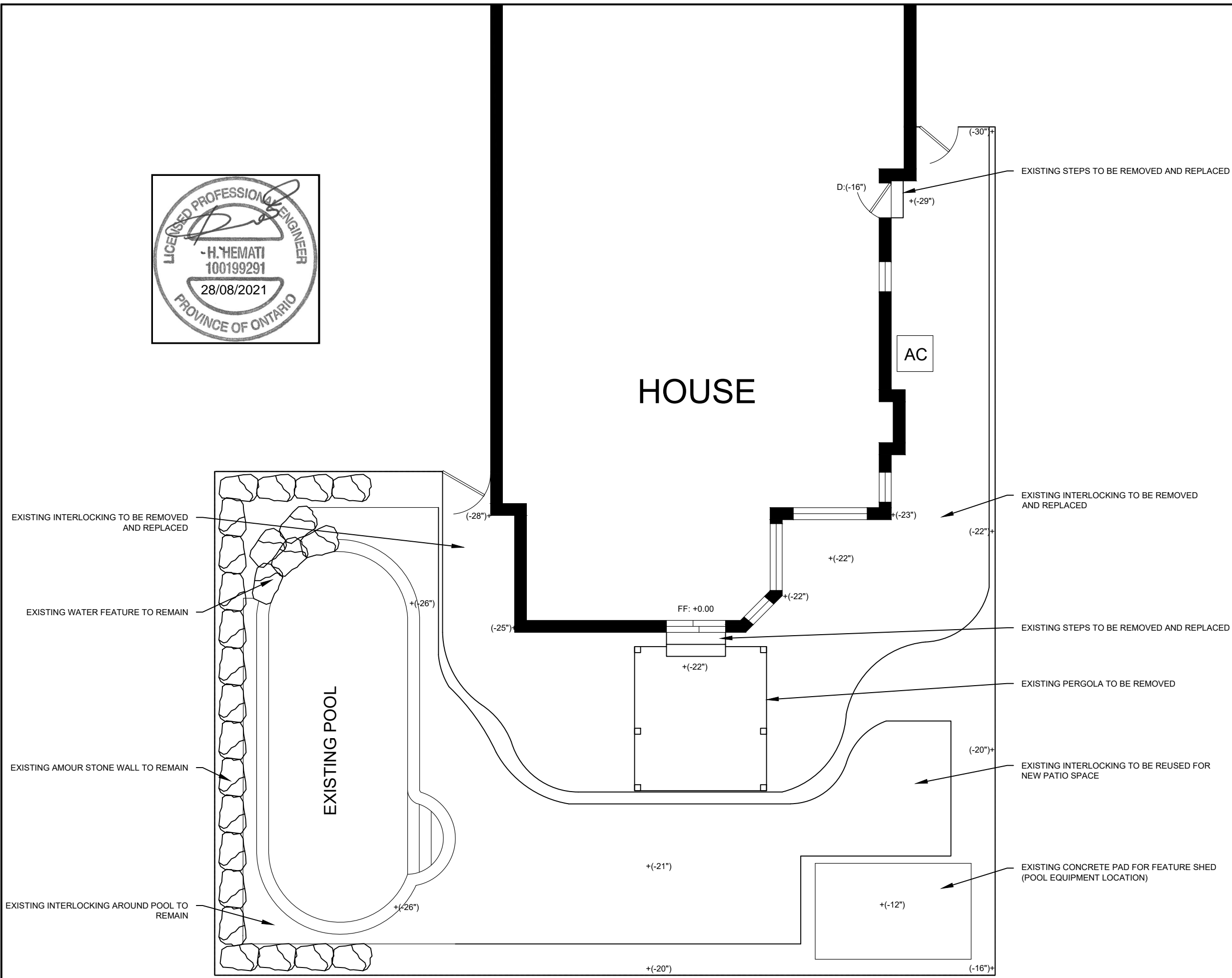
CLIENT:

PROJECT NAME:

PROJECT ADDRESS:
330 Highglen Ave, Markham, ON L3S 3Z4

SHEET NAME:
SITE PLAN PROPOSED

DATE: 2021/12/18	PROJECT No.:
SCALE: As indicated	21-097-02
DESIGNER: M.DEHNAMAS	SHEET No:
CHECKER: A.PIROOZ	A0-04



CLIENT NAME:

330 HIGHGLEN AVE,
MARKHAM, ON, L3S 3Z4

DRAWING NAME:

BACKYARD EXISTING
CONDITIONS PLAN

DESIGNER:

UC LANDSCAPE DESIGN

SCALE: 1/8"=1'0"

DATE:

DRAWN BY:

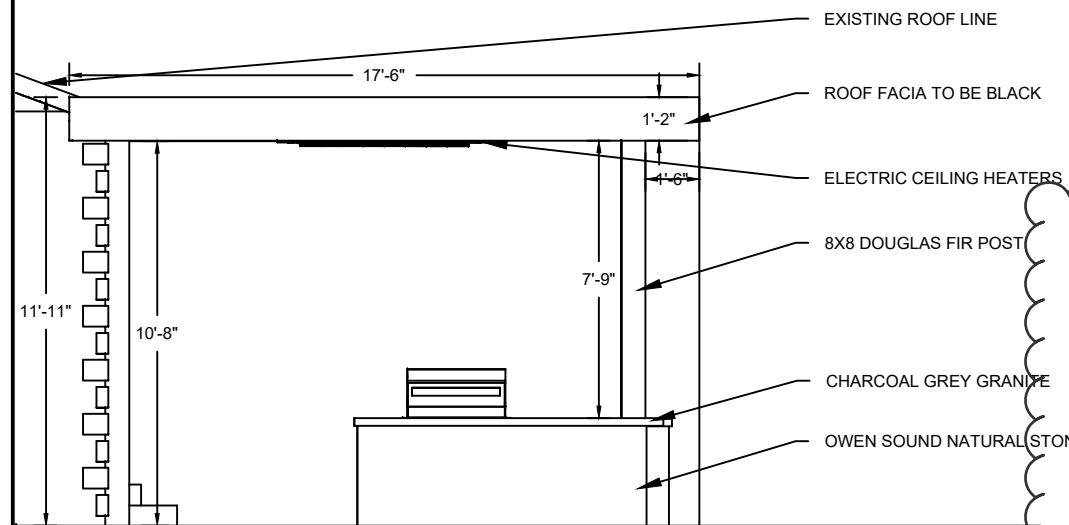
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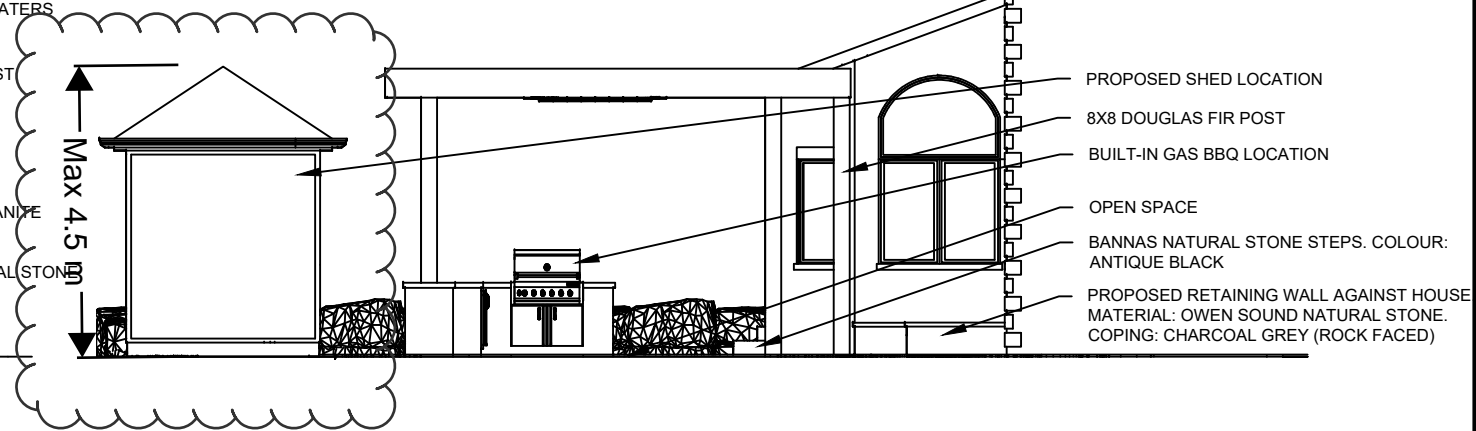
A-01



3 FRONT SIDE ELEVATION OF STRUCTURE
LA4 3/16"=1'0"



4 LEFT SIDE ELEVATION OF STRUCTURE
LA4 3/16"=1'0"



5 RIGHT SIDE ELEVATION OF STRUCTURE
LA4 1/8"=1'0"

CLIENT NAME:

330 HIGHGLEN AVE,
MARKHAM, ON, L3S 3Z4

DRAWING NAME:

STRUCTURE DETAILS

DESIGNER:

UC LANDSCAPE DESIGN

SCALE: AS NOTED

DATE:

DRAWN BY:

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PAGE:

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