

# Memorandum to the City of Markham Committee of Adjustment

April 22, 2021

**File:** A/039/21  
**Address:** 17 Freeman Rd, Markham  
**Applicant:** Gregory Design Group (Shane Gregory)  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday May 05, 2021

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

The applicant is requesting relief from the following requirements of By-law 163-78, R8 "Eighth Density Single Family Residential", as amended to permit;

**a) By-law 163-78, Section 7.2 (c):**

a maximum lot coverage of 35 percent, whereas the By-law permits a maximum lot coverage of 33.3 percent;

as it relates to a proposed front porch addition to an existing two-storey single detached dwelling.

## **BACKGROUND**

### **Property Description**

The 460.1 m<sup>2</sup> (4,952.47 ft<sup>2</sup>) subject property is located on the south side of Freeman Road, south of Fincham Avenue and, west of Wootten Way North. The property is located within an established residential neighbourhood comprised mainly of two-storey detached dwellings. There is an existing two-storey detached dwelling on the property, which according to the application form, was constructed in the late 1980s. Mature vegetation exists at the front of the property including one large mature tree.

### **Proposal**

The applicant is proposing to construct a 12.54 m<sup>2</sup> (135 ft<sup>2</sup>) unenclosed front covered porch onto the existing two-storey detached dwelling.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2014 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, the width of proposed garages and driveways and, the overall orientation and sizing of new lots within a residential neighbourhood.

### Zoning By-Law 163-78

The subject property is zoned R8 “Eighth Density Single Family Residential” under By-law 163-78, as amended, which permits a detached dwelling. The proposed development does not comply with the by-law with respect to maximum lot coverage.

### **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 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increase in Maximum Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 35 percent, whereas the By-law permits a maximum lot coverage of 33 percent. The proposed lot coverage includes the front covered porch which adds approximately 12.54 m<sup>2</sup> (135 ft<sup>2</sup>) to the overall building area. Excluding the front covered porch, the building has a lot coverage of approximately 31.7 percent and would comply with the by-law requirement. Given the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of April 22, 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.

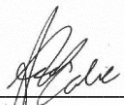
### **CONCLUSION**

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. 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.

PREPARED BY:



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Aqsa Malik, Planner, East District

REVIEWED BY:

A handwritten signature in blue ink, appearing to be 'Stacia Muradali', written over a horizontal line.

Stacia Muradali, Development Manager, East District  
File Path: Amanda\File\ 21 115408 \Documents\District Team Comments Memo

**APPENDIX "A"**

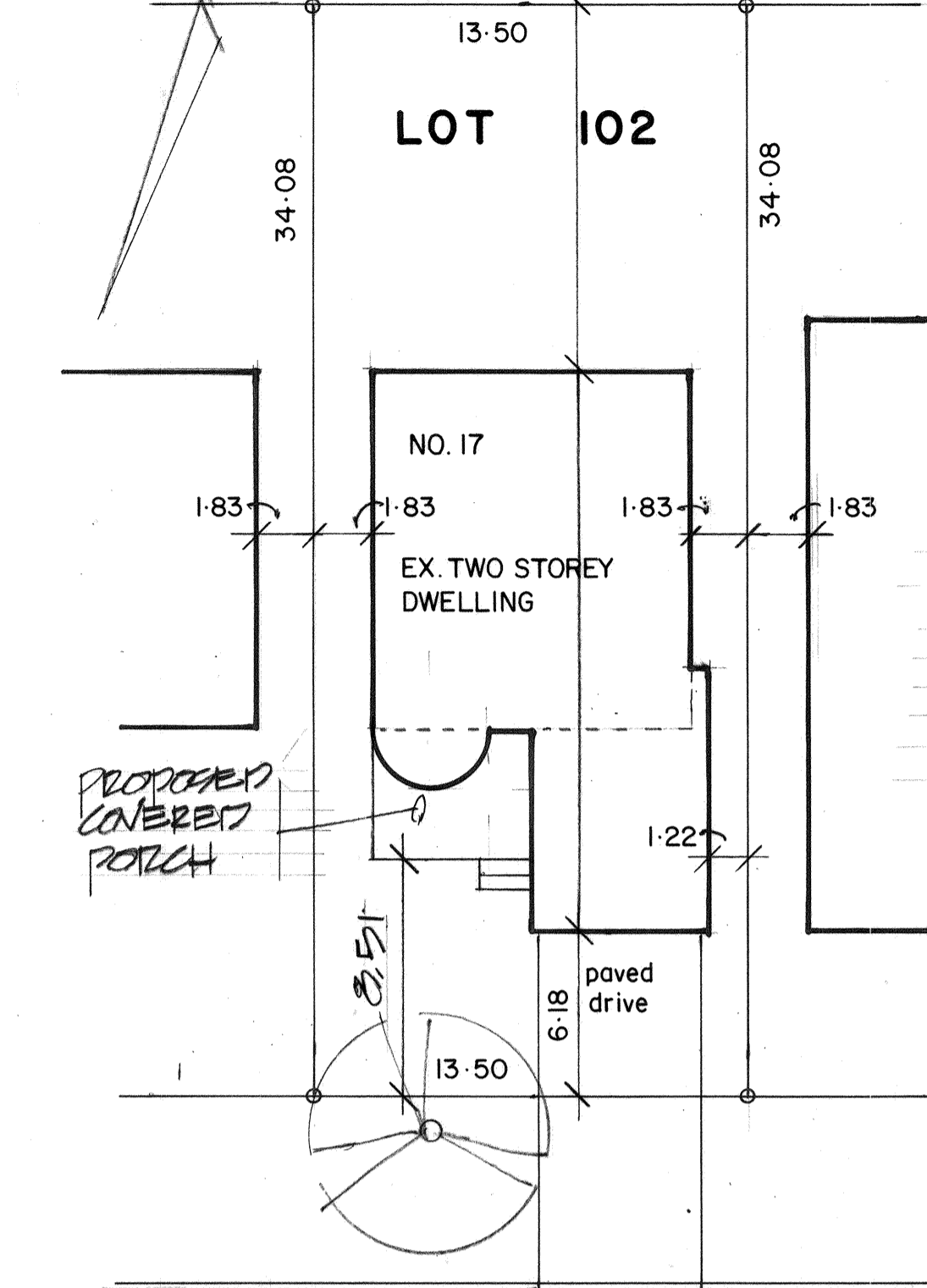
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/039/21**

- a) The variances apply only to the proposed development as long as it remains;
- b) 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, 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;
- c) 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 Tree Preservation Technician, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician 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;
- d) That any tree replacement fees are required, they are to be paid to the City in accordance with the Tree Assessment and Preservation Plan. The Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician; and
- e) 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.

CONDITIONS PREPARED BY:

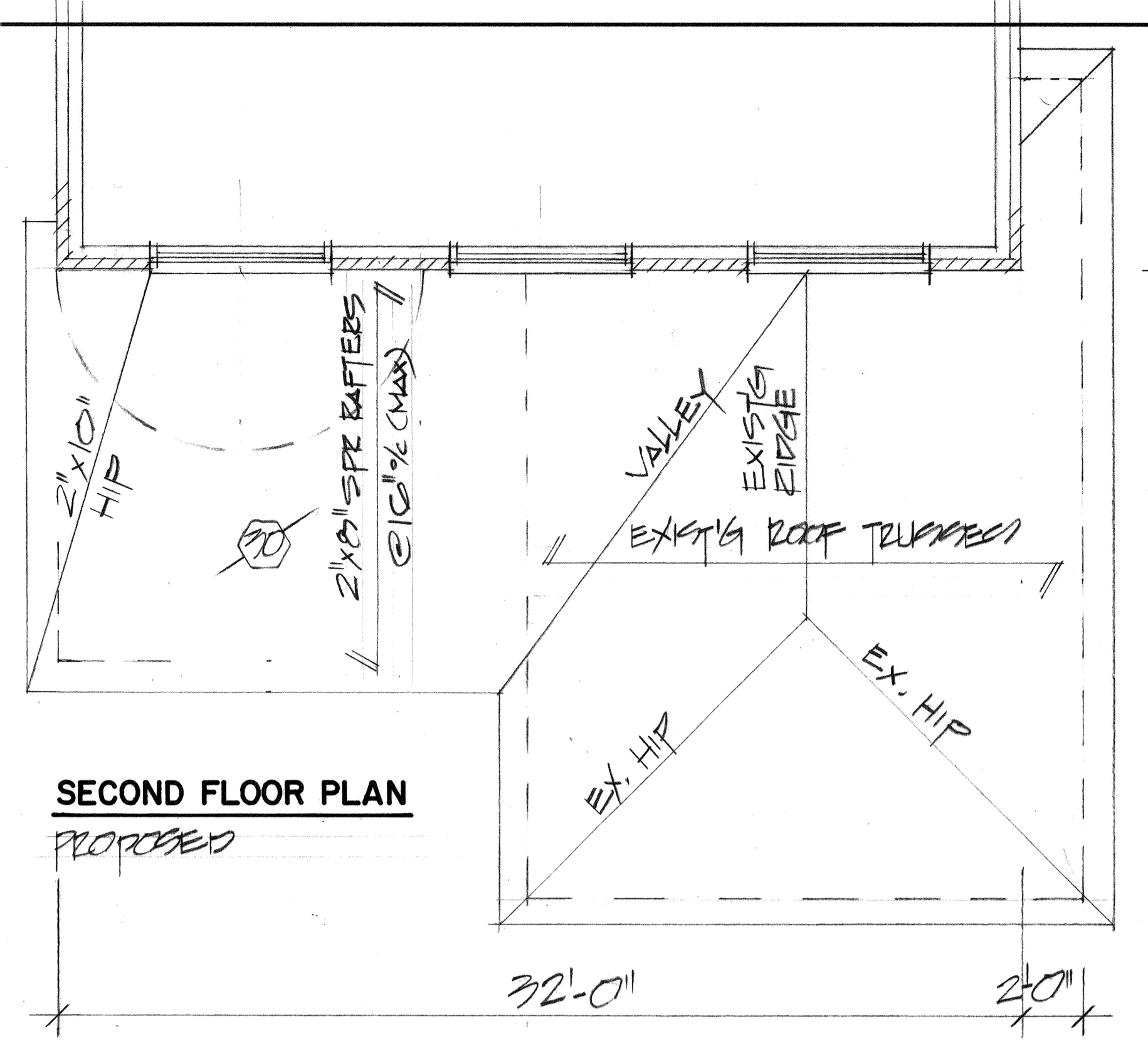
  
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Aqsa Malik, Planner, East District

**SITE PLAN**  
 SCALE - 1:200

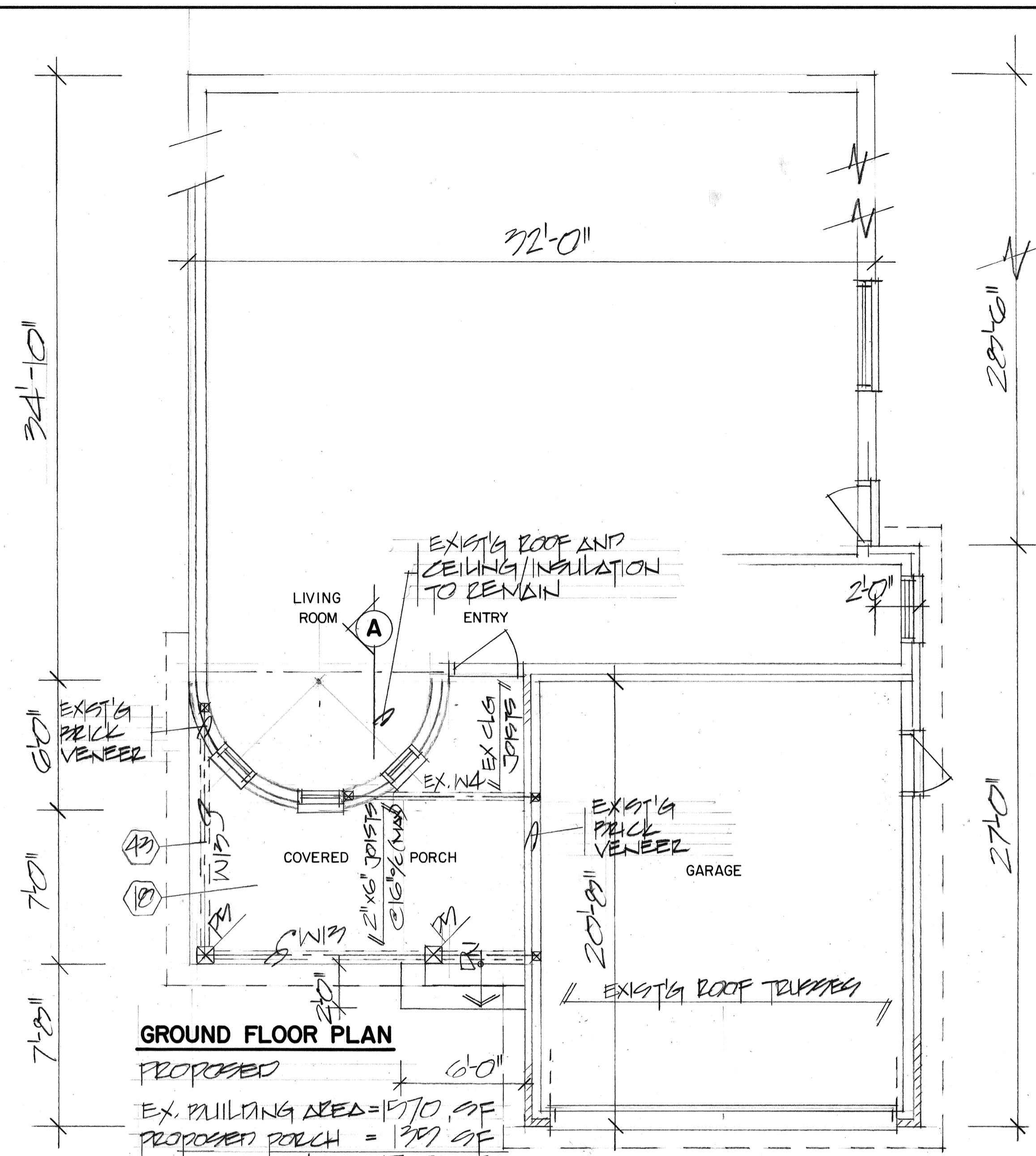


**LOT INFORMATION AND DATA**

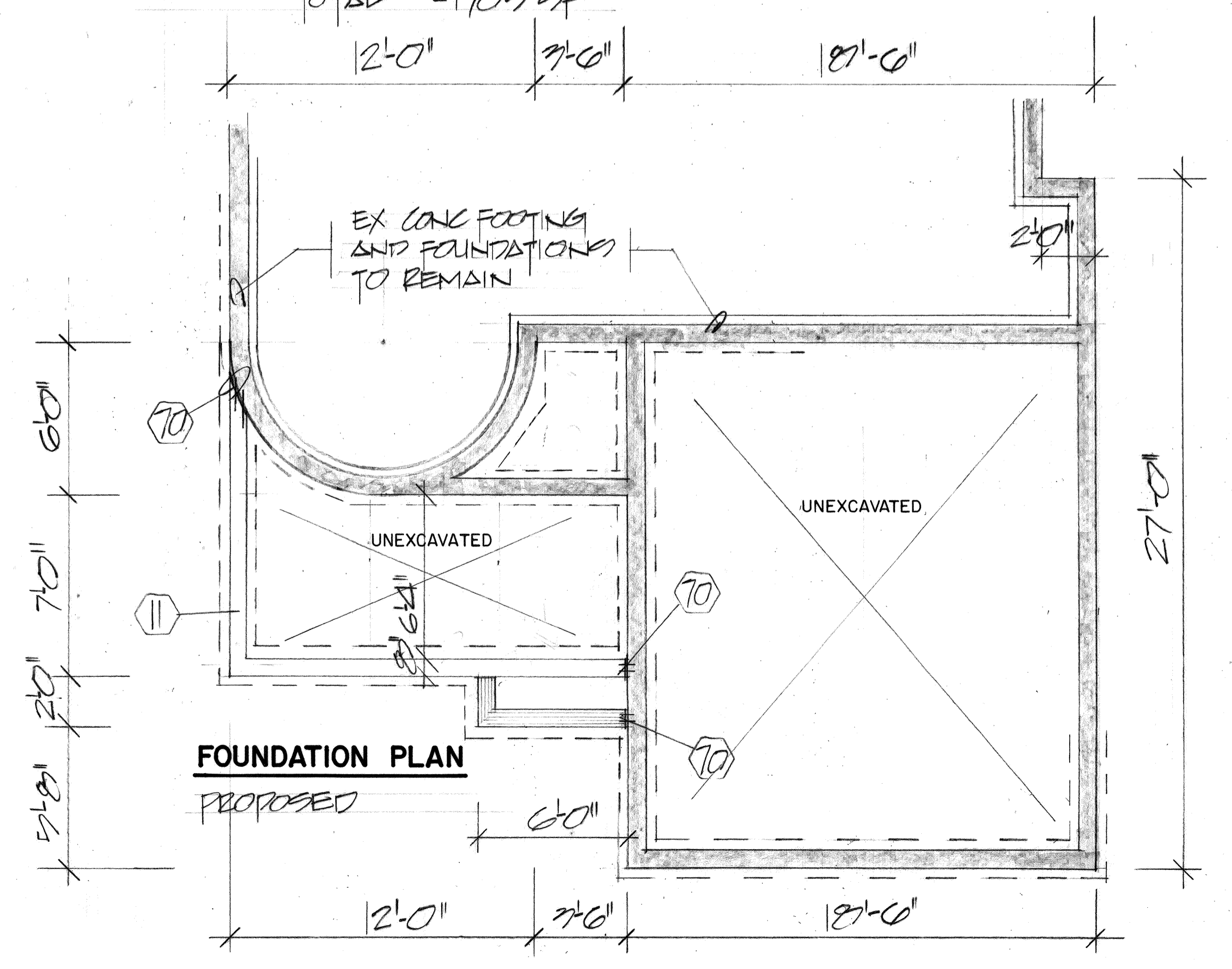
AREA OF LOT	= 460.1 M <sup>2</sup>
AREA OF BUILDING	= 179.4 M <sup>2</sup>
COVERAGE	= 39.4 %



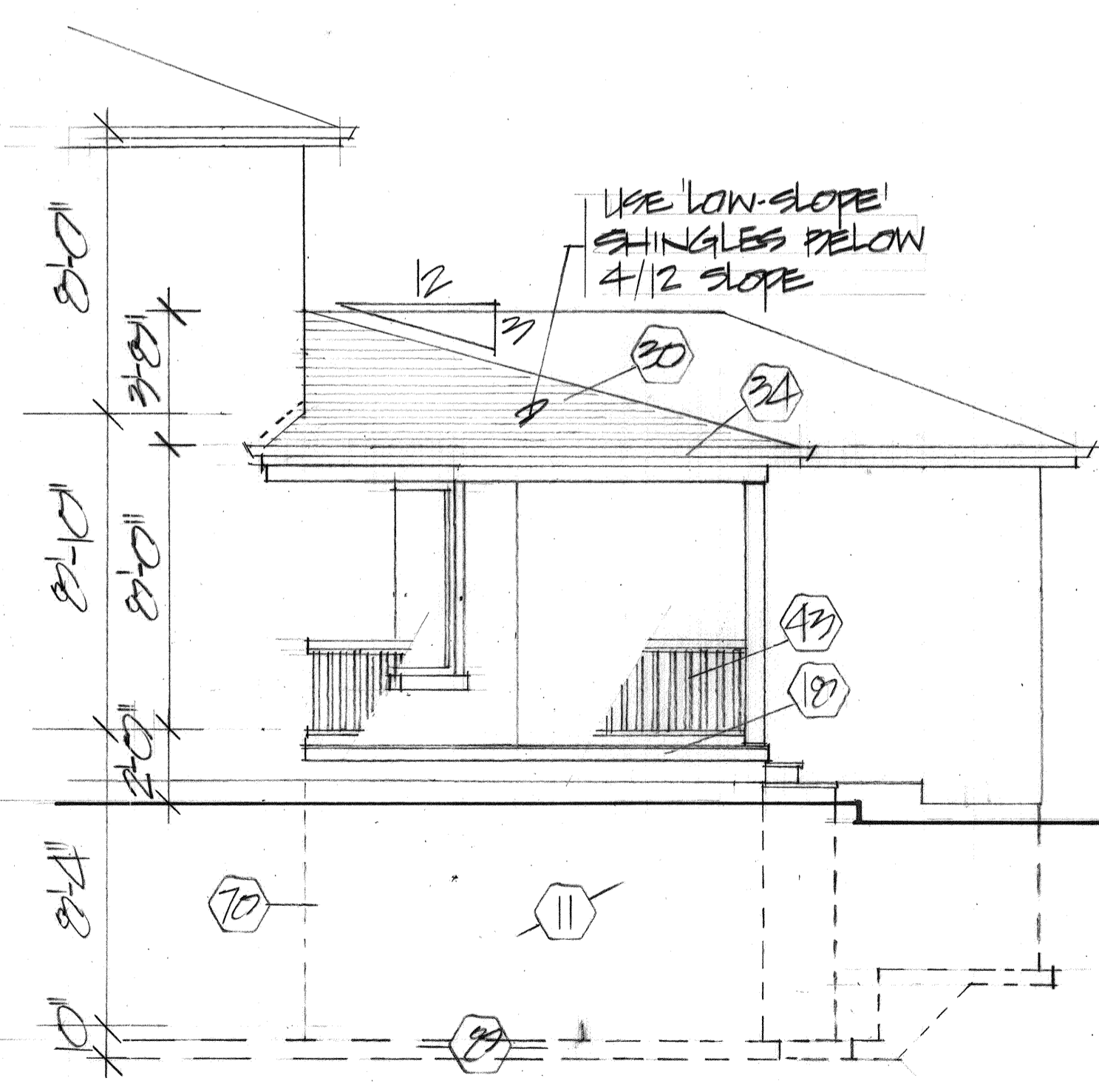
**SECOND FLOOR PLAN**  
 PROPOSED



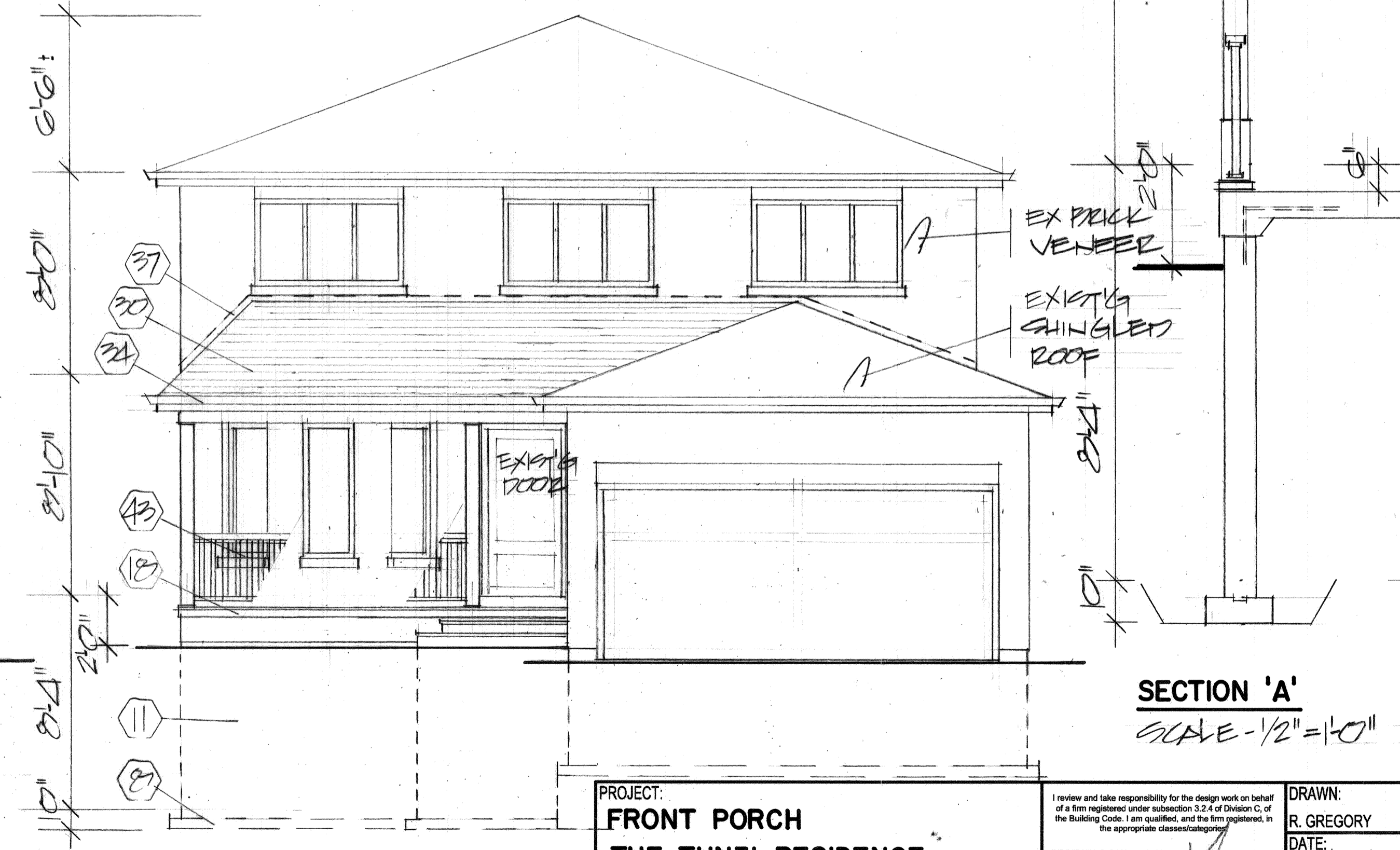
**GROUND FLOOR PLAN**  
 PROPOSED



**FOUNDATION PLAN**  
 PROPOSED



**EAST SIDE**  
 PROPOSED



**FRONT ELEVATION**  
 PROPOSED

**SECTION 'A'**  
 SCALE - 1/2" = 1'-0"

**PROJECT:**  
**FRONT PORCH**  
**THE TUNZI RESIDENCE**  
**17 FREEMAN RD.**  
**CITY OF MARKHAM**  
**THE GREGORY DESIGN GROUP**

16 CHURCH STREET  
 MARKHAM, ONTARIO, L3P 2L6  
 (416) 720-4667  
 russ@gregorydesigngroup.net

Reviewer and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C. of the Building Code. I am qualified and the firm registered in the appropriate classes/colleges.

INDIVIDUAL B.C.I.N. - 29825  
 FIRM B.C.I.N. - 35906

Russ Gregory  
 NAME: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

**DRAWN:**  
**R. GREGORY**  
 DATE: 2/18/21  
 SCALE: 1/4" = 1'-0"  
 PROJECT NO.: 2257-21  
 DRAWING NO.: A-1

**GENERAL NOTES:**  
 All construction is to conform to section "F" of the Ontario Building Code (latest edition).  
 Contractor shall check and verify all notes and dimensions.  
 Do not scale drawings.  
 Owner/contractor/designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only.  
 Building permits should be obtained prior to commencing construction.