

Memorandum to the City of Markham Committee of Adjustment

June 17, 2021

File: A/060/21
Address: 5 Normandale Road, Markham
Applicant: Ruchi Vij and Vick Vij
Agent: SHDESIGN
Hearing Date: June 23, 2021

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

The Applicant is requesting relief from the following requirements of “Residential Three (R3) Zone” in By-law 134-79, as amended:

a) Section 7.2:

To permit a lot coverage of 37.3%, whereas the By-law permits a maximum lot coverage of 33.3%;

as it relates to a proposed cabana in the rear yard.

BACKGROUND

Property Description

The 702.13 m² (7,557.66 ft²) subject property is located on the west side of Normandale Road, which is located south of 16th Avenue and east of Warden Avenue (See Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing 412 m² (4,434.73 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1993. Mature vegetation exists across the property.

Proposal

The Applicant is proposing to construct a 27.31 m² (293.96 ft²) detached cabana in the rear yard (See Appendix “B” – Architectural Plans).

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. Regard shall also be had for retention of existing trees and vegetation.

Zoning By-Law 134-79

The subject property is zoned “Residential Three (R3)” under By-law 134-79, as amended, which permits a single detached dwelling and an accessory building.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant 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 (21 118322 HP) 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 in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 37.3%, whereas the By-law permits a maximum lot coverage of 33.3% for all buildings on the lot. The proposed lot coverage is attributed to the proposed detached rear cabana, which makes up approximately 3.89% of the lot area. This is noteworthy as the Zoning By-law permits an accessory building to occupy no more than 5% of the area of the lot. It should also be noted that the existing dwelling, including the front porch, makes up approximately 33.38% of the lot area.

The Applicant is not requesting variances for height or setbacks. The proposed cabana is partially unenclosed; has a height of 3.45 m (11.32 ft) above grade; maintains the required minimum rear yard setback of 0.61 m (2 ft) for an accessory building; and, maintains a side yard setback of 1.52 m (4.99 ft) (see Appendix “B”) . Given that the proposed cabana complies with the accessory building lot coverage, setbacks, and

height requirements, Staff are of the opinion that the variance requested is minor in nature.

Fire Services

The Fire Services Department does not have any comments or objections to the proposed detached cabana. However, Fire Services Staff notes that the detached cabana shall not be utilized at any time as an accessory apartment.

Tree Preservation

Tree Preservation Staff does not have any comments; however, the Applicant is advised that all materials during construction shall remain stored on hard surfaces and not on the grass or within proximity of City of Markham trees on the road allowance.

PUBLIC INPUT SUMMARY

As of June 17, 2021, the City received one letter of support. 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.

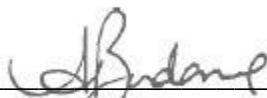
Please see Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 2,257



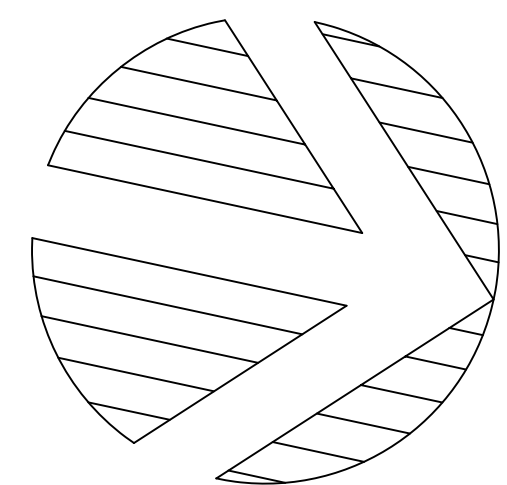
114.7 0 57.33 114.7 Meters

Notes

- SITE DATA & INFORMATION

PLAN OF SURVEY
BLOCK 155
REGISTERED PLAN M-1971 &
PART OF LOT 15, CONCESSION 5
TOWN OF MARKHAM

ALL SITE PLAN INFORMATION IS TAKEN FROM
DAVID HORWOOD LIMITED
ONTARIO LAND SURVEYORS



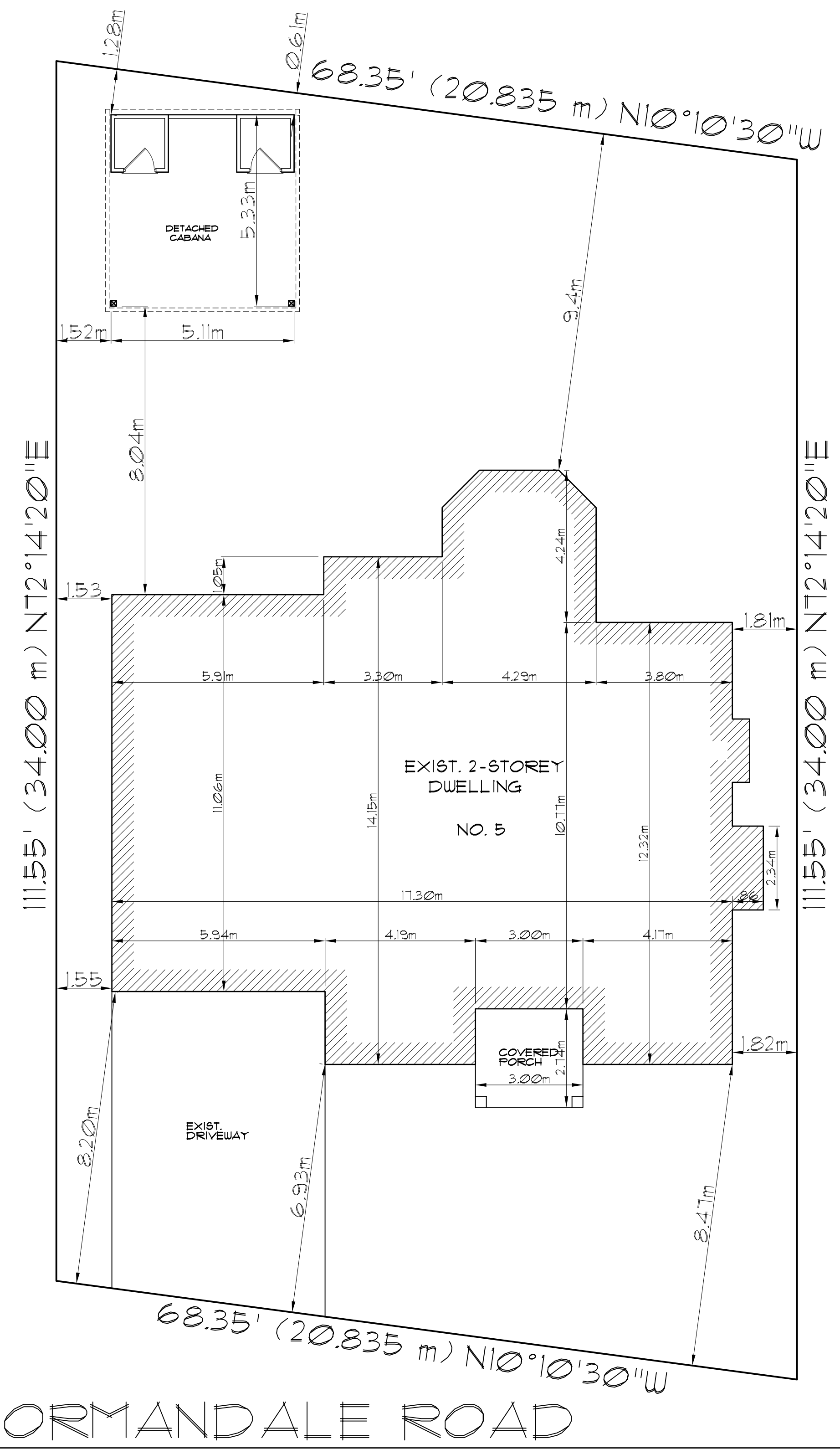
- SITE SPECS (AS PROVIDED BY OTHERS)

LOT AREA = 7,557.71 sq.ft. (702.13 sq.m)

- LOT COVERAGE CALCULATIONS

EXIST. DWELLING = 2,433.99 sq.ft.
EXIST. FRONT PORCH = 88.50 sq.ft.
PROPOSED CABANA = 294.0 sq.ft.
TOTAL COVERAGE = 2,816.49 sq.ft.
@ 37.3%

PERMIT IS FOR REAR
DETACHED CABANA



DETAIL NO.
DETAIL SHEET NO.
REVISIONS

NO.	ISSUED BUILDING & TENDER	DATE
1	ISSUED BUILDING & TENDER	MAR 25 2021



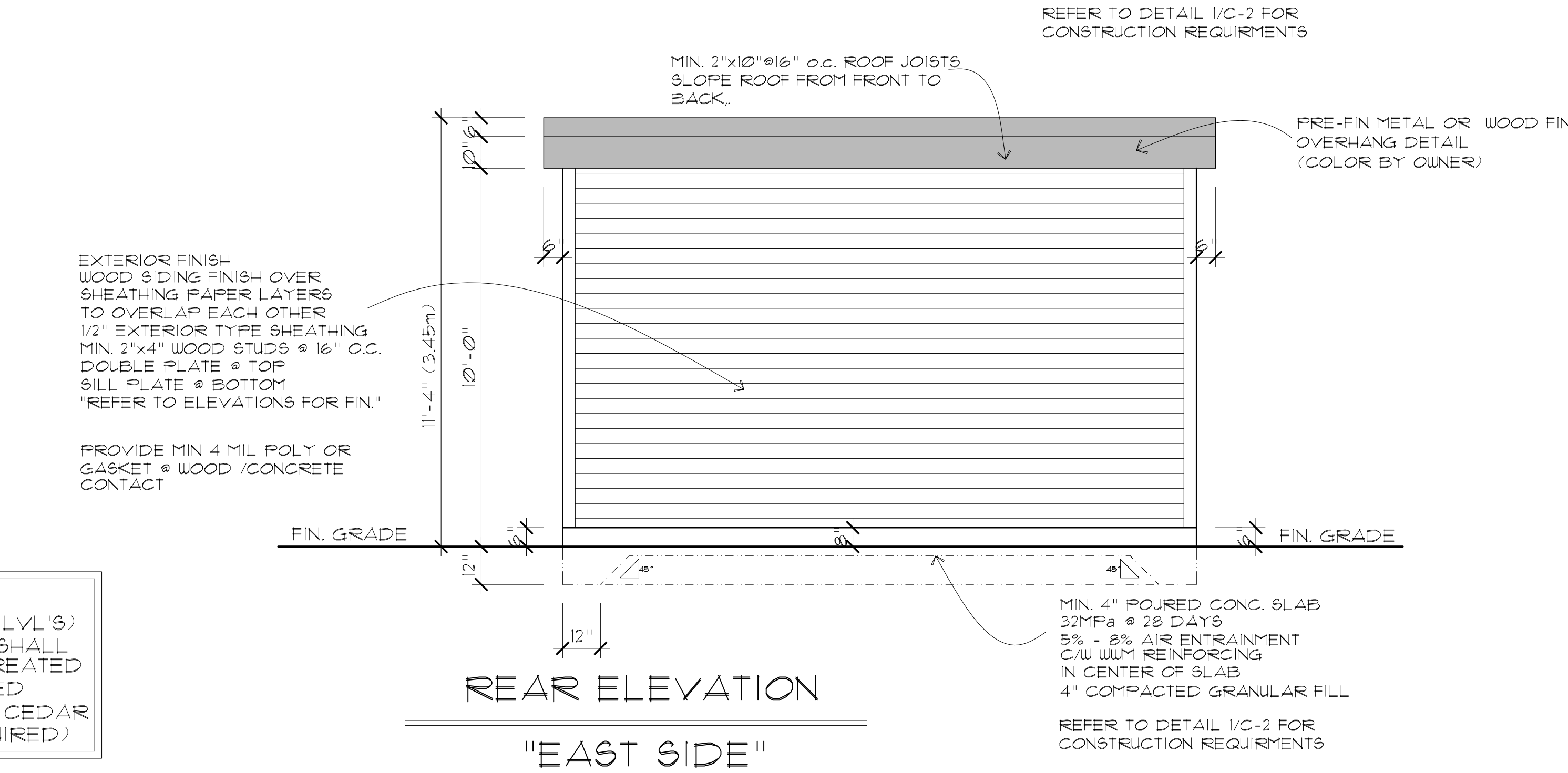
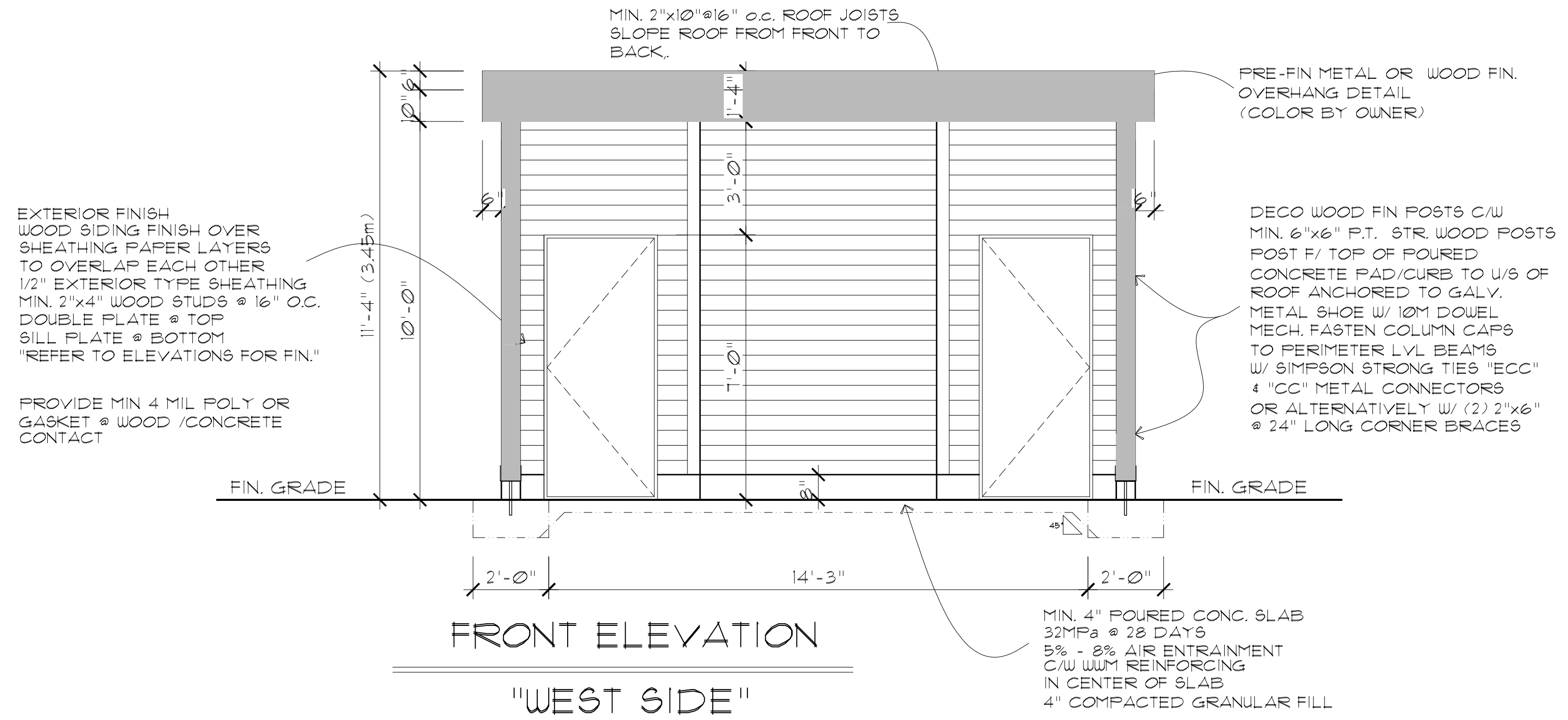
ALL DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ENGINEER. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. DO NOT SCALE DRAWINGS.

PROP. DETACHED CABANA @ REAR
VIJ RESIDENCE
5 NORMANDALE RD
MARKHAM, ONTARIO

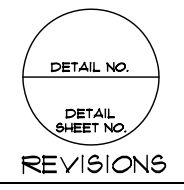
DETACHED CABANA
PLAN- SITE PLAN

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	S.P.
MARCH, 2021	1/8" = 1'-0"	FILE

NORMANDALE ROAD



NOTE:-
 ALL LUMBER (CONV. OR LVL'S) EXPOSED TO WEATHER, SHALL BE EITHER PRESSURE TREATED OR SHALL BE PROTECTED BY METAL FLASHING OR CEDAR FIN. CLADDING (AS REQUIRED)



REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED BUILDING & TENDER	MAR 25 2021
2	REVISED AS PER EXAMINER'S NOTICE	APR 30 2021
3	ISSUED FOR COMMITTEE OF ADJUSTMENT APPLICATION	APR 30 2021

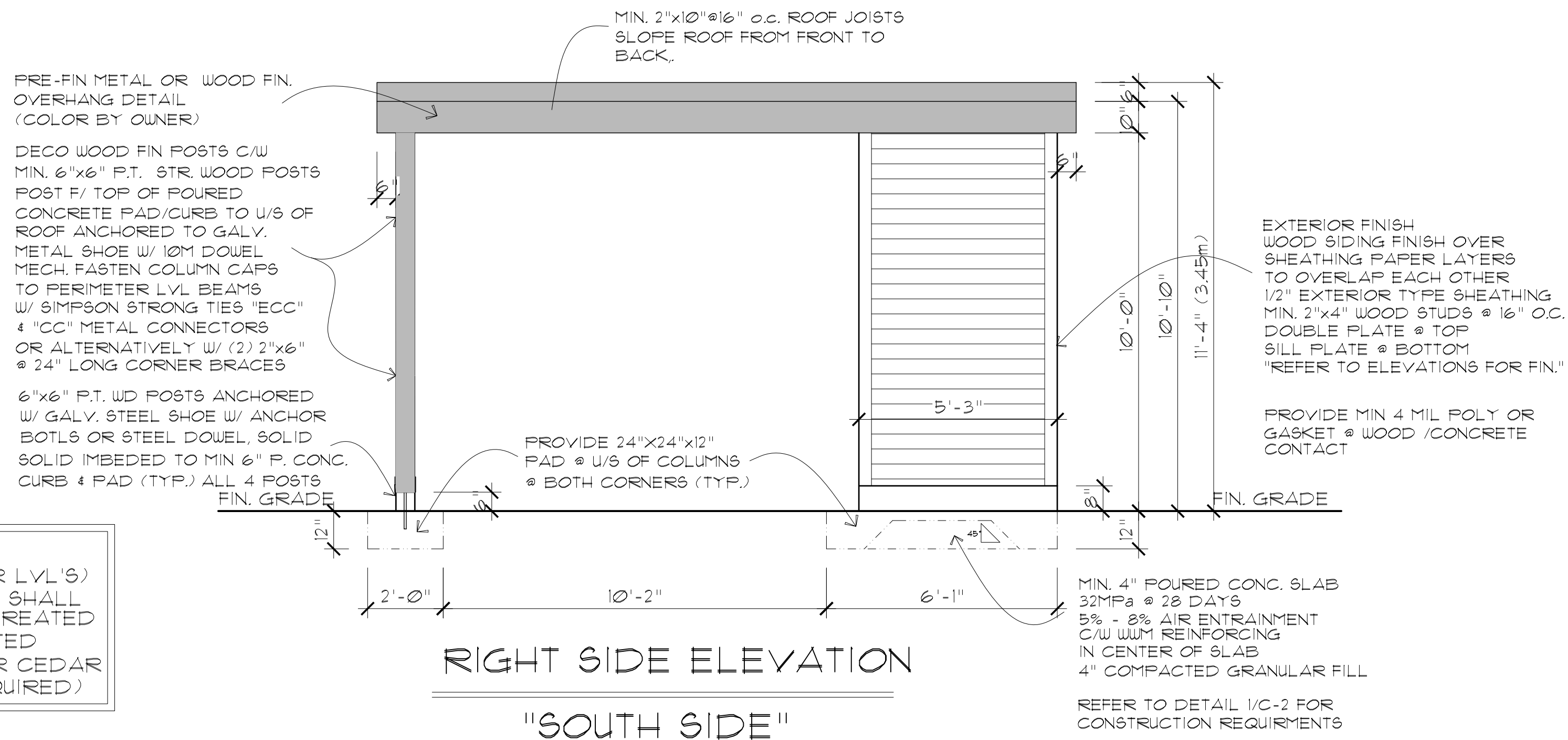
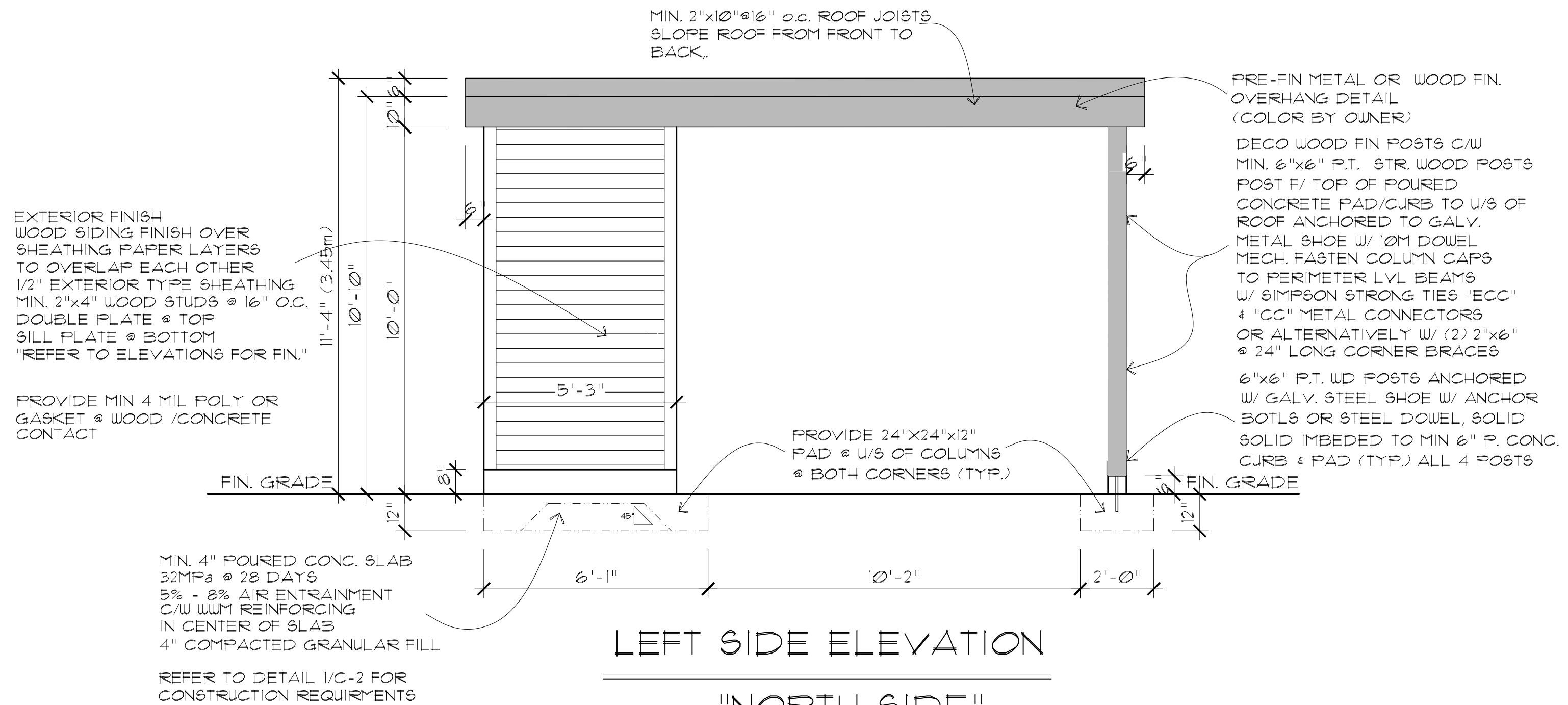


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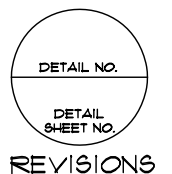
PROP. DETACHED CABANA @ REAR
 VIJ RESIDENCE
 5 NORMANDALE RD
 MARKHAM, ONTARIO

FRONT & REAR ELEVATIONS

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
MARCH, 2021	3/8" = 1'-0"	C-4



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PROP. DETACHED CABANA @ REAR

VIJ RESIDENCE
5 NORMANDALE RD
MARKHAM, ONTARIO

LEFT & RIGHT SIDE ELEVATIONS

DRAWN BY:	CHECKED BY:	SHEET C-5
DATE MARCH, 2021	SCALE 3/8" = 1'-0"	FILE

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/060/21

1. The detached cabana shall not be utilized at any time as an accessory apartment;
2. The variance applies only to the proposed development as long as it remains;
3. That the variance applies 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 June 17, 2021, 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.

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District