

Memorandum to the City of Markham Committee of Adjustment

August 31, 2021

File: A/037/21
Address: 24 Shieldmark Crescent – Markham, ON (Thornhill)
Applicant: Mary Gamboa
Agent: YEJ Studio and Consulting Inc. (Amr Robah)
Hearing Date: September 8, 2021

The following comments are provided on behalf of the West District Team. The applicant is requesting relief from the following “Third Density Single Family Residential (R3A)” zone requirement under By-law 2489, as amended, as it relates to a proposed addition to permit:

a) By-law 2489, Section 6.1:

a minimum east side yard setback of 1.22 m (4.0 ft) for a second storey addition, whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft) for each side.

BACKGROUND

The applicant initially requested a variance to permit a minimum of 35.85% soft landscaping in the front yard, whereas the Parking By-law 28-97, as amended, requires a minimum of 40.0% soft landscaping in the front yard for lots that have a frontage of 10.10 m (33.14 ft), or greater. The applicant has confirmed that the proposed hardscaped area shown as a Concrete Pad (see Site Plan in Appendix “B”) will not be used for parking purposes. Accordingly, the applicant is no longer requesting this variance.

Property Description

The 557.46 m² (6,000.50 ft²) subject property is located on the north side of Shieldmark Crescent, east of Yonge Street, south of Holy Cross Catholic Cemetery, and west of the rail corridor. A two-storey detached dwelling currently exists on the subject property. The property is located within an established residential neighbourhood comprised of one and two-storey detached dwellings. The surrounding area also contains recently constructed infill housing developments.

Proposal

The applicant is proposing to construct first and second floor additions to the east side of the existing dwelling. The first floor addition is proposed to extend approximately 3.05 m (10.0 ft) north of the existing rear dwelling wall. However, this proposed addition is not associated with the requested variance. The second floor addition is proposed to be located above the existing garage and living space.

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 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, while

accommodating a diversity of building styles. 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.

Zoning By-Law 2489

The subject property is zoned “Third Density Single Family Residential (R3A)” under By-law 2489, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirement with respect to the minimum side yard setback to the east property line.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from zoning staff through their building permit process to confirm the variance required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, 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.

Reduced Side Yard Setback (Two-Storey Portion)

The applicant is requesting a minimum east side yard setback of 1.22 m (4.0 ft) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.83 m (6.0 ft) for the two-storey portion of the dwelling.

NOTE: *The By-law requires a minimum side yard setback of 1.22 m (4.0 ft) for a one-storey portion of a dwelling.*

The existing detached dwelling is currently one-storey in height along the east side, with a side yard setback 1.26 m (4.13 ft) from the respective property line. The requested variance would apply to the two-storey portion of the building along the east property line, as the ground floor (including the proposed first-storey addition) complies with the minimum side yard setback requirement of 1.22 m (4.0 ft). Engineering staff have reviewed the application and have not identified any concerns relating to drainage. The applicant is proposing to build a second-storey addition which would be within the footprint of the existing ground floor area along the east side, and staff do not object to the requested variance.

Tree Protection and Compensation

Operations staff have reviewed the application, and have not identified any concerns or impacts relating to the requested variance. In the event of approval, staff recommend that the Committee adopts those tree related conditions provided in Appendix “A” to ensure the applicant installs appropriate tree protection, and provides the required compensation for trees that are approved to be removed. It is noted that the applicant is required to apply

for and obtain a tree permit from the City for any proposed injury or removal of trees with a diameter at breast height (DBH) of 20 cm (0.66 ft), or greater.

Metrolinx Comments

The proximity of the subject property in relation to the Metrolinx Yonge North Subway Extension works may result in interferences such as noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, and transmissions, as they have been described by Metrolinx. Metrolinx requests that an Interferences Warning Clause be inserted into any rental agreement(s) and/or offers of purchaser and sale or lease and condominium declaration(s) for each unit of the Development as the property is located within 300.0 m (984.25 ft) of the rail corridor right-of-way. Staff recommend that the proposed development is subject to the associated condition of approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 31, 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

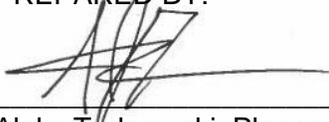
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the conditions of approval attached as Appendix "A" in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

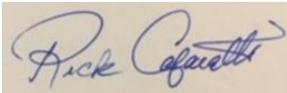
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



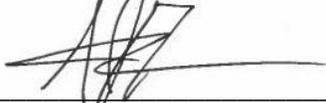
Rick Cefaratti, MCIP, RPP, Senior Planner, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/037/21

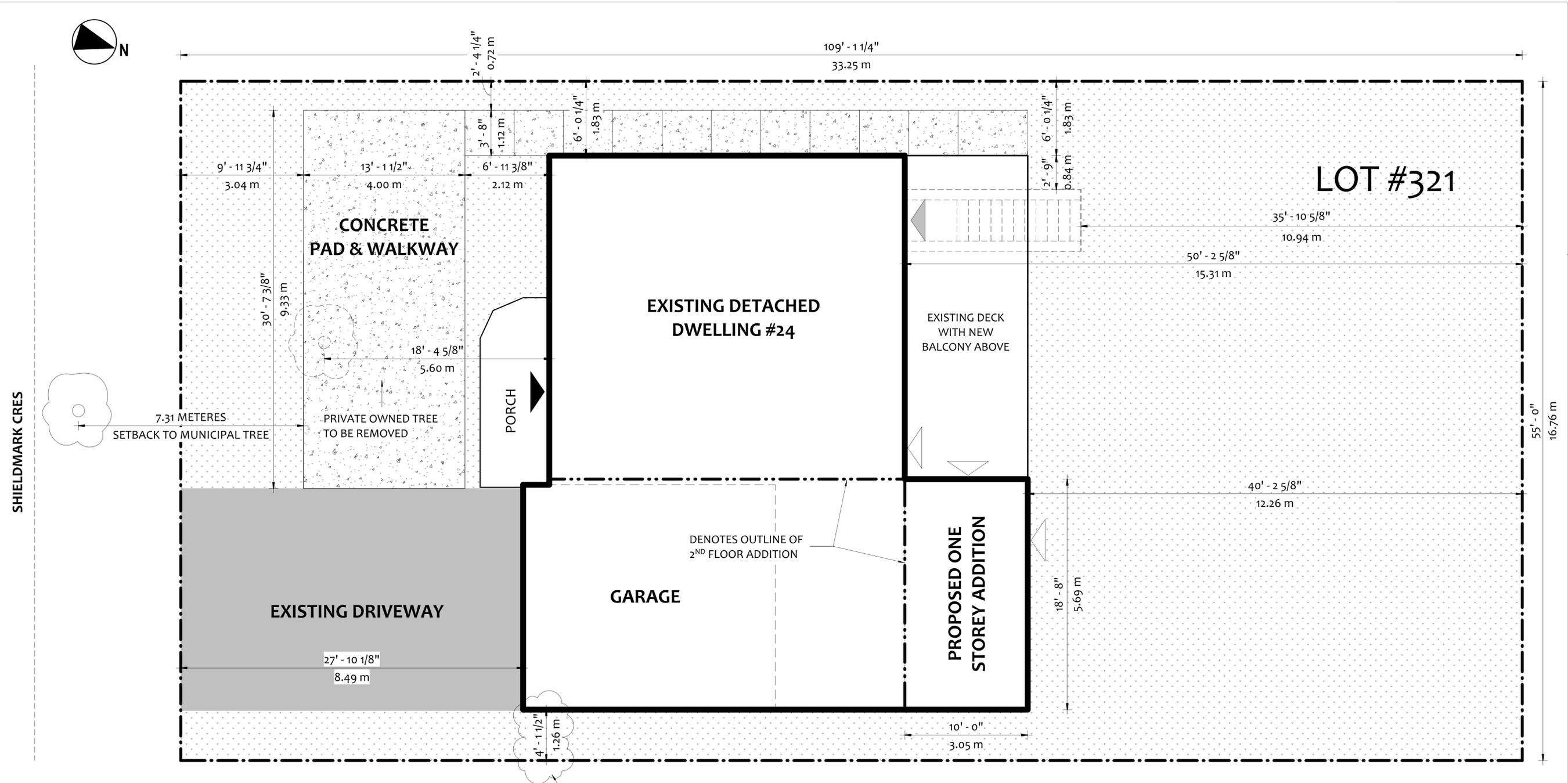
1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
3. 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. 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 the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That the applicant satisfies the requirements of Metrolinx, as indicated in their comments provided via ePlan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/037/21



SHIELDMARK CRES

1.0 SITE PLAN
 A-01 1/4" = 1'-0"

VARIANCE FOR SECOND FLOOR ADDITION

- MAIN ENTRANCE
- SECONDARY ENTRANCE
- BASEMENT ENTRANCE

ZONING INFORMATION	ZONING CATEGORY : R3A					
	LOT AREA	MAX. LOT COVERAGE	MAX HEIGHT	REAR SETBACK	EAST SIDE SETBACK	WEST SIDE SETBACK
PERMITTED	EXISTING	2064.7 SF	25 FT.	25 FT.	6 FT. 2ND STOREY 4 FT. 1ST STOREY	6 FT. 2ND STOREY 4 FT. 1ST STOREY
PROPOSED	EXISTING	1608.7 SF	23.3 FT.	34.7 FT.	4 FT.	EX. 6 FT.

SITE PLAN ANALYSIS	
LOT AREA	6000.5 SF
BUILDING AREA	PAVED DRIVEWAY AREA
1608.7 SF	501.2 SF
FRONT YARD AREA	SOFT AREA OF FRONT YARD
1603.7 SF	575.0 SF
SOFT AREA OF FRONT YARD %	35.85%

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REGISTERED DESIGNER
 AMR ROBAH
 BCIN 42582
 PROVINCE OF ONTARIO

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
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 NAME: AMR ROBAH BCIN: 42582

REGISTRATION INFORMATION
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 FIRM NAME: YEJ STUDIO AND CONSULTING INC. BCIN: 142554

NOTES

- THE DRAWINGS SHALL NOT BE SCALED.
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No.	Description	Date
1	REVISION I	2019.11.19
2	REVISION	2020.01.28
3	REVISION II	2021.03.03
4	ISSUED FO COA	2021.03.03

PROJECT:
HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:
SITE PLAN

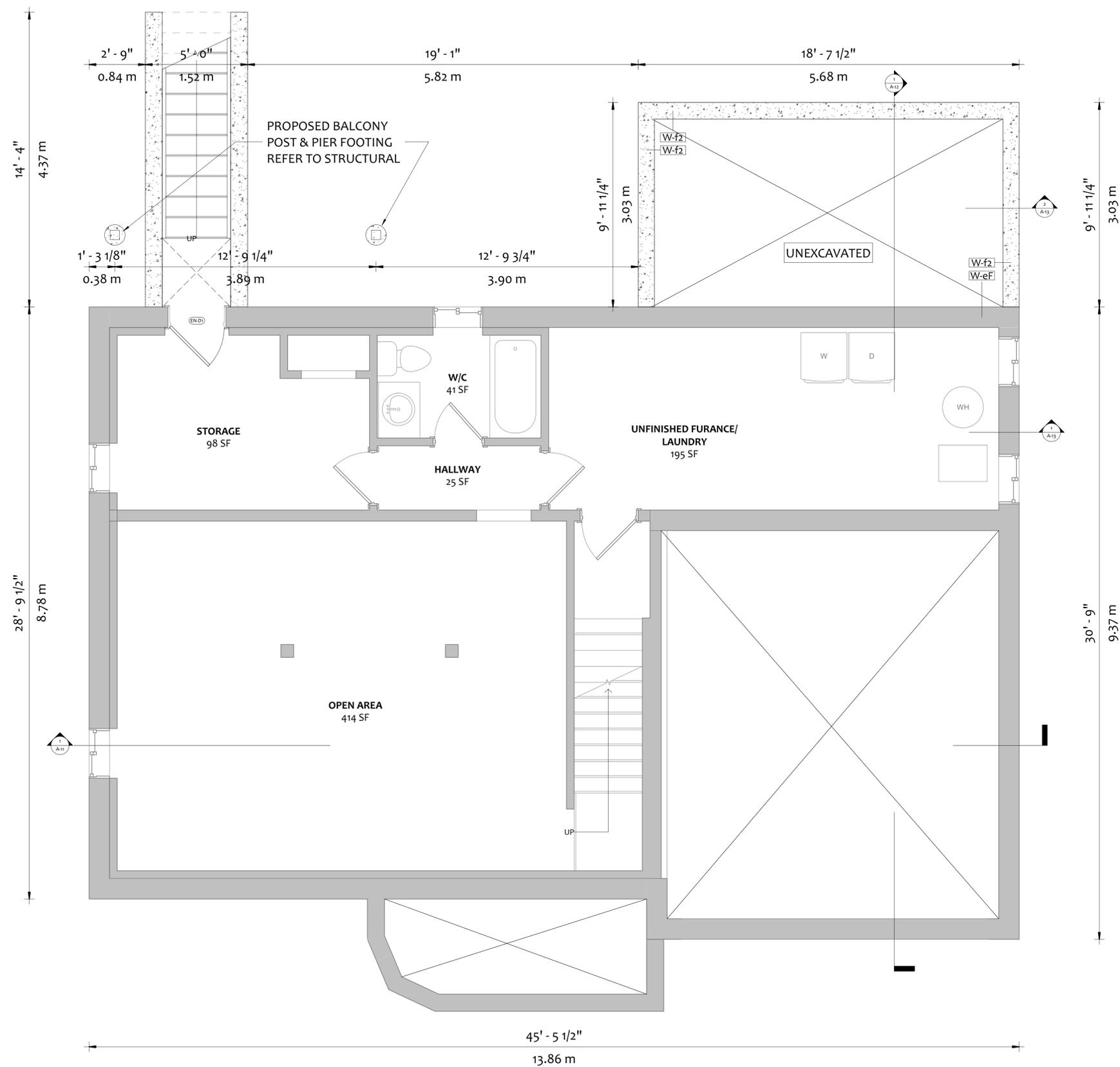
Project number 19 RE 100-202

Date 2019.11.05

Drawn by T.L

A-01

Scale As indicated



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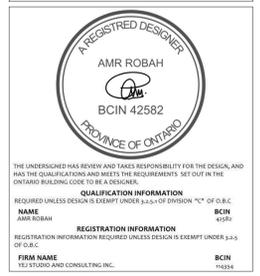
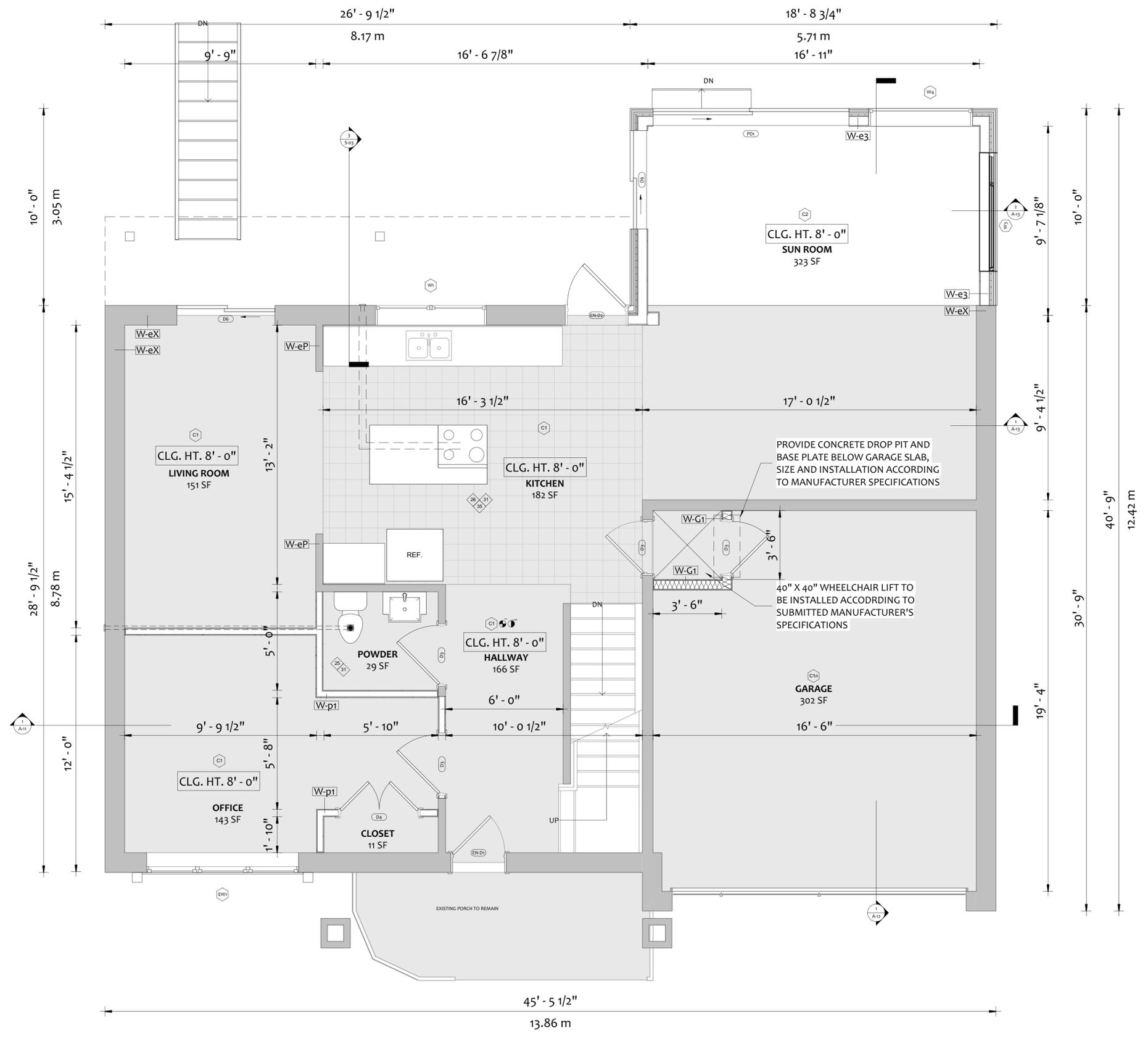
PROJECT:

HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:
PROP. BASEMENT

Project number: 19 RE 100-202
 Date: 2019.11.05
 Drawn by: H.R.

A-03
 Scale: 3/8" = 1'-0"



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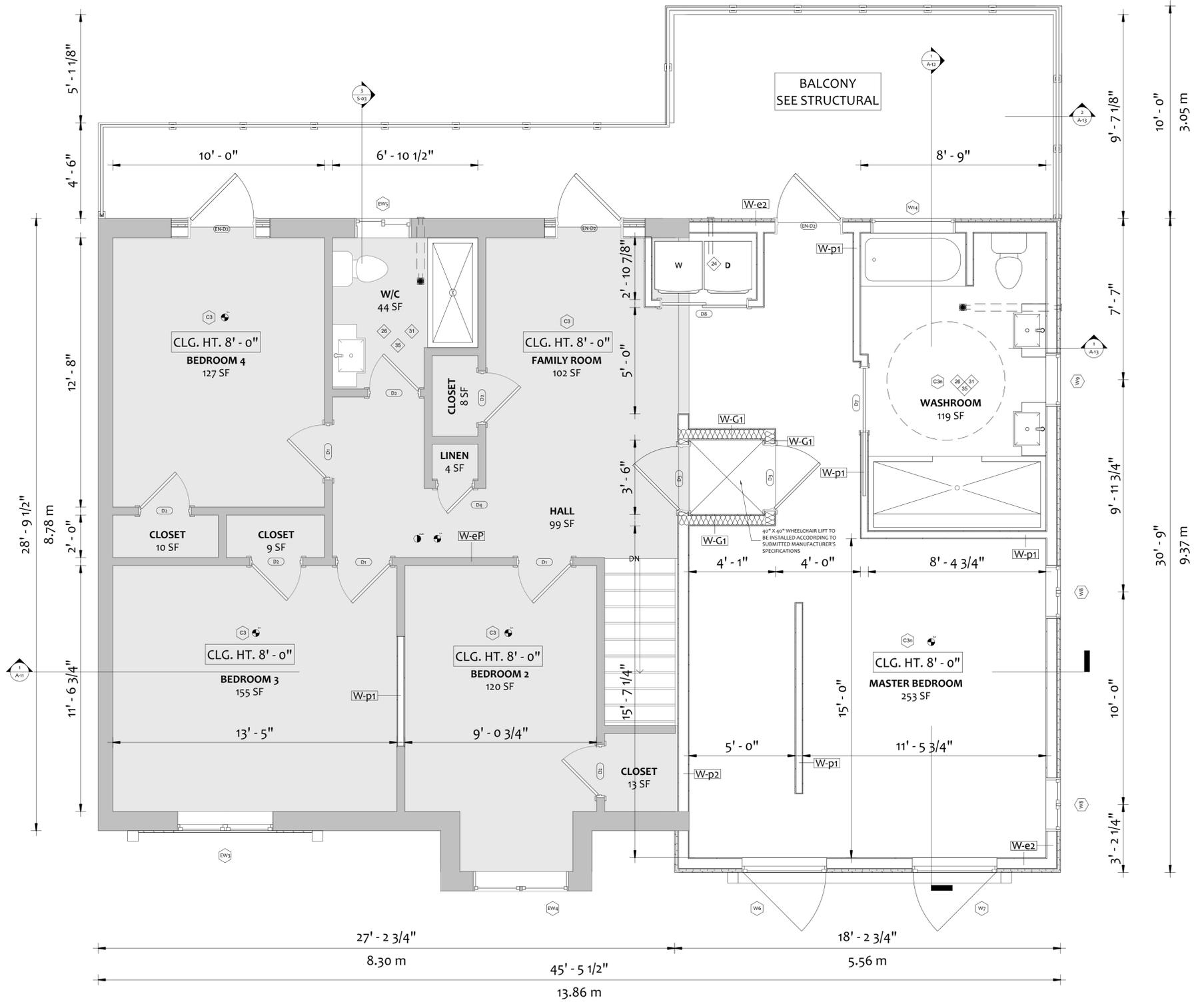
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3	REVISION II	2021.03.03
4	ISSUED FO COA	2021.03.03

PROJECT:
HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:
PROP. MAIN FLOOR

Project number 19 RE 100-202
 Date 2019.11.05
 Drawn by H.R.

A-04
 Scale 3/8" = 1'-0"



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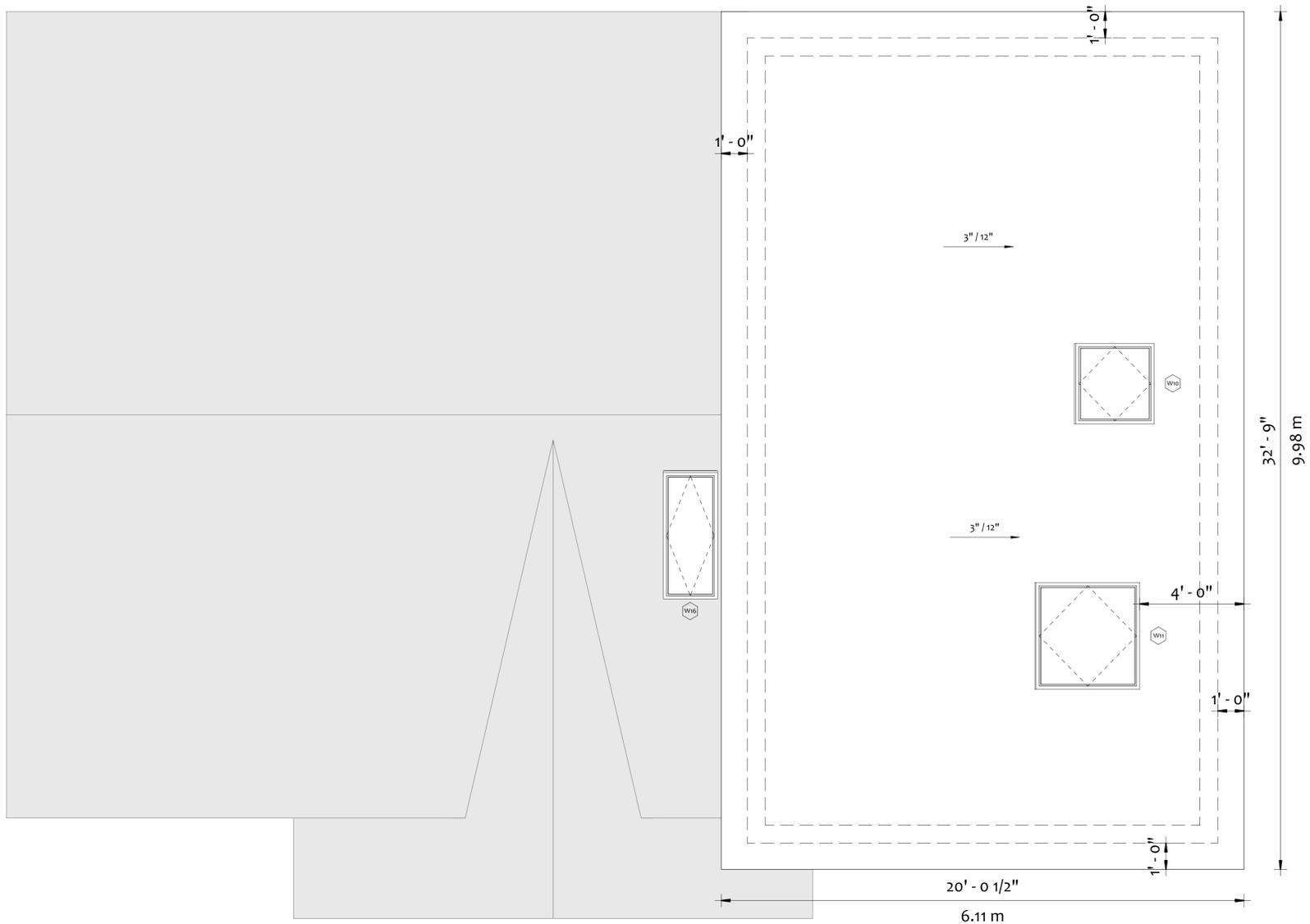
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4	ISSUED FO COA	2021.03.03

PROJECT:
HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:
PROP. SECOND FLOOR

Project number 19 RE 100-202
 Date 2019.11.05
 Drawn by H.R

A-05
 Scale 3/8" = 1'-0"



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4	ISSUED FO COA	2021.03.03

PROJECT:

HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:

ROOF PLAN

Project number 19 RE 100-202

Date 2019.11.05

Drawn by H.R

A-06

Scale 3/8" = 1'-0"



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 NAME: AMR ROBAH BCIN: 42582
REGISTRATION INFORMATION
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 FIRM NAME: YEJ STUDIO AND CONSULTING INC. BCIN: 142554

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4	ISSUED FO COA	2021.03.03

REAR GRADE PROJECT:

HOME ADDITION
 24 SHIELDMARK CRES,
 MARKHAM, ON L3T 3T5

SHEET TITLE:
FRONT ELEVATION

Project number 19 RE 100-202

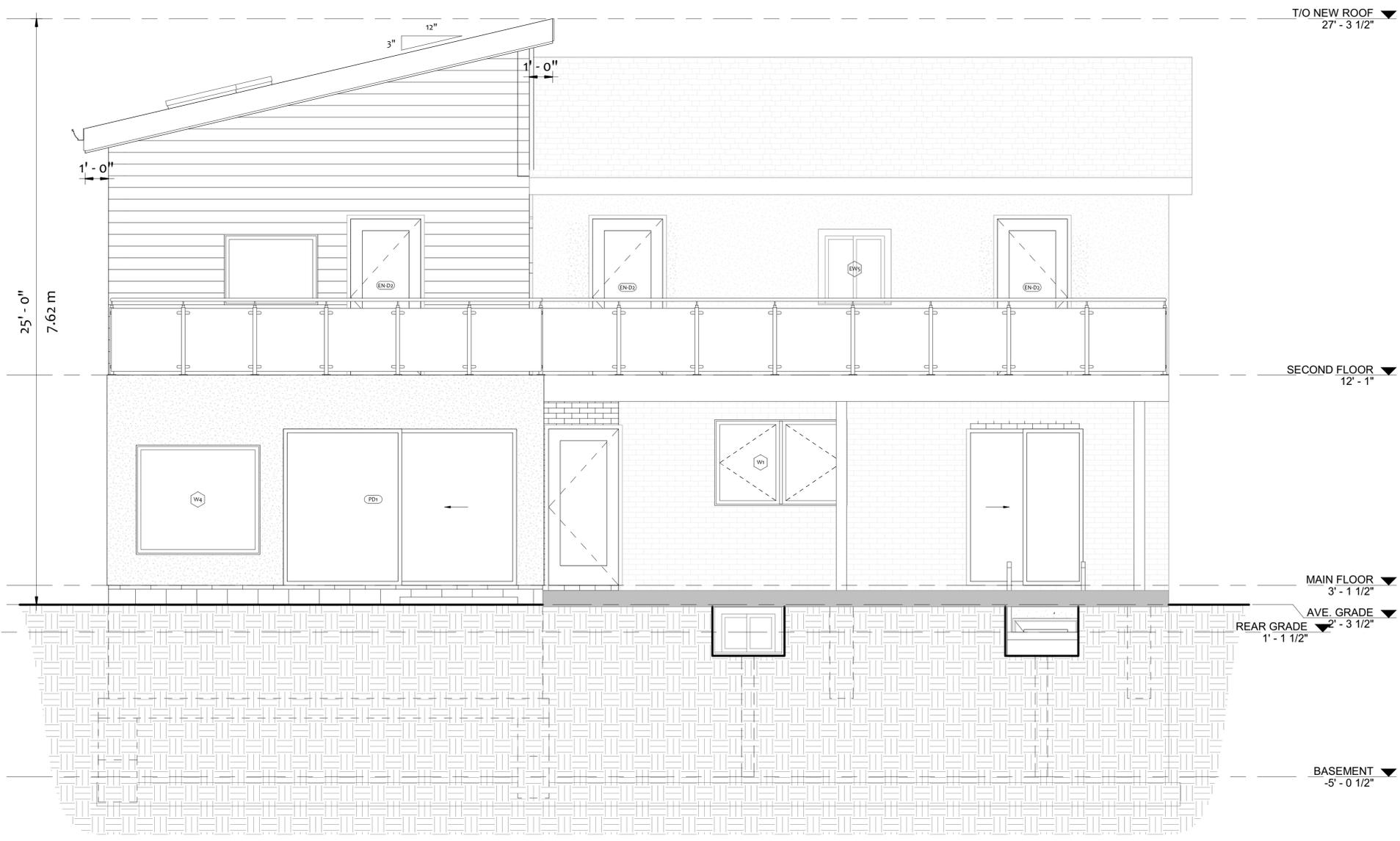
Date 2019.11.05

Drawn by H.R

A-07

Scale 3/8" = 1'-0"





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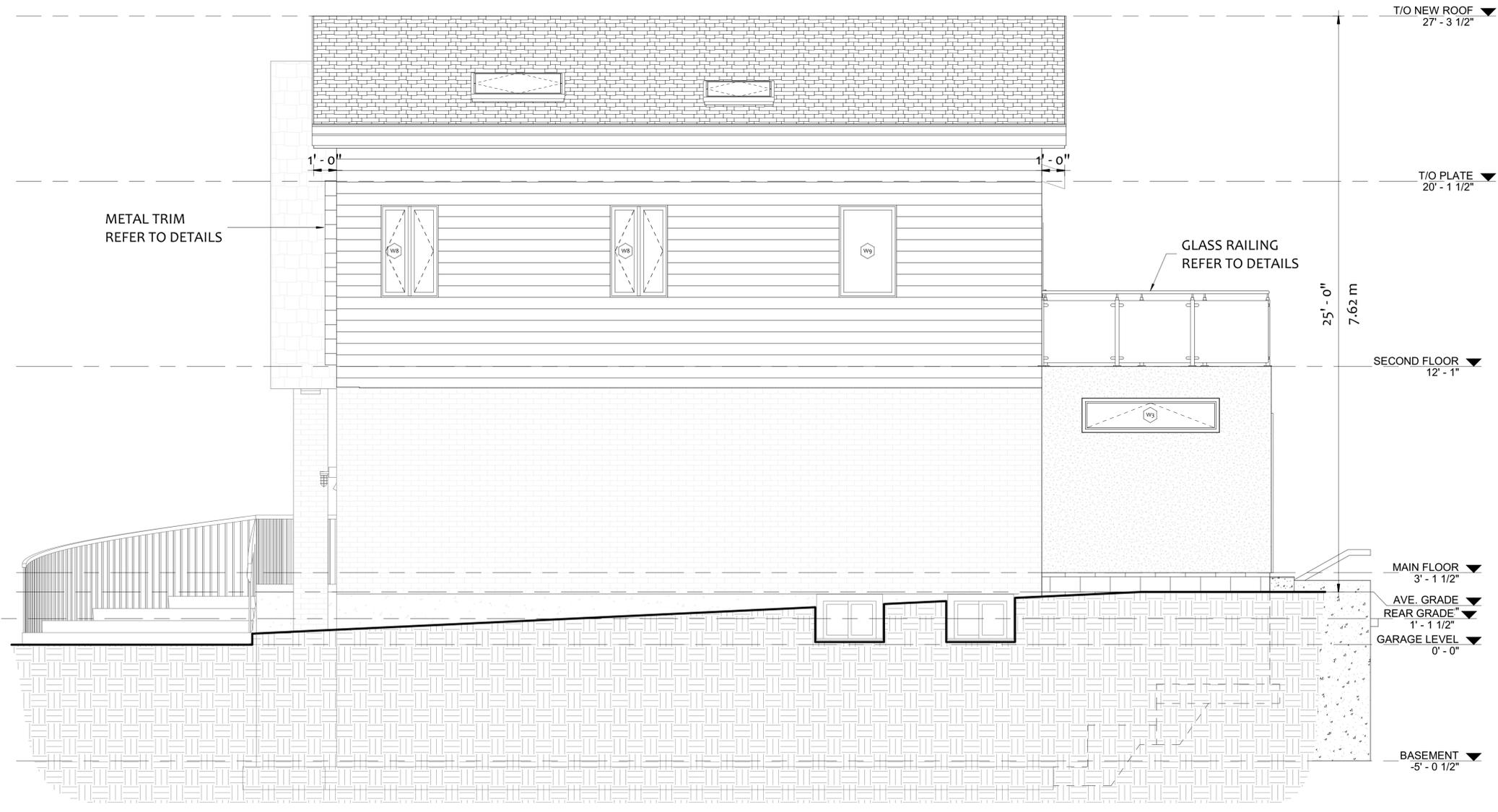
PROJECT:

HOME ADDITION
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 MARKHAM, ON L3T 3T5

SHEET TITLE:
REAR ELEVATION

Project number 19 RE 100-202
 Date 2019.11.05
 Drawn by H.R

A-08
 Scale 3/8" = 1'-0"



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 FIRM NAME: YEJ STUDIO AND CONSULTING INC. BCIN: 144334

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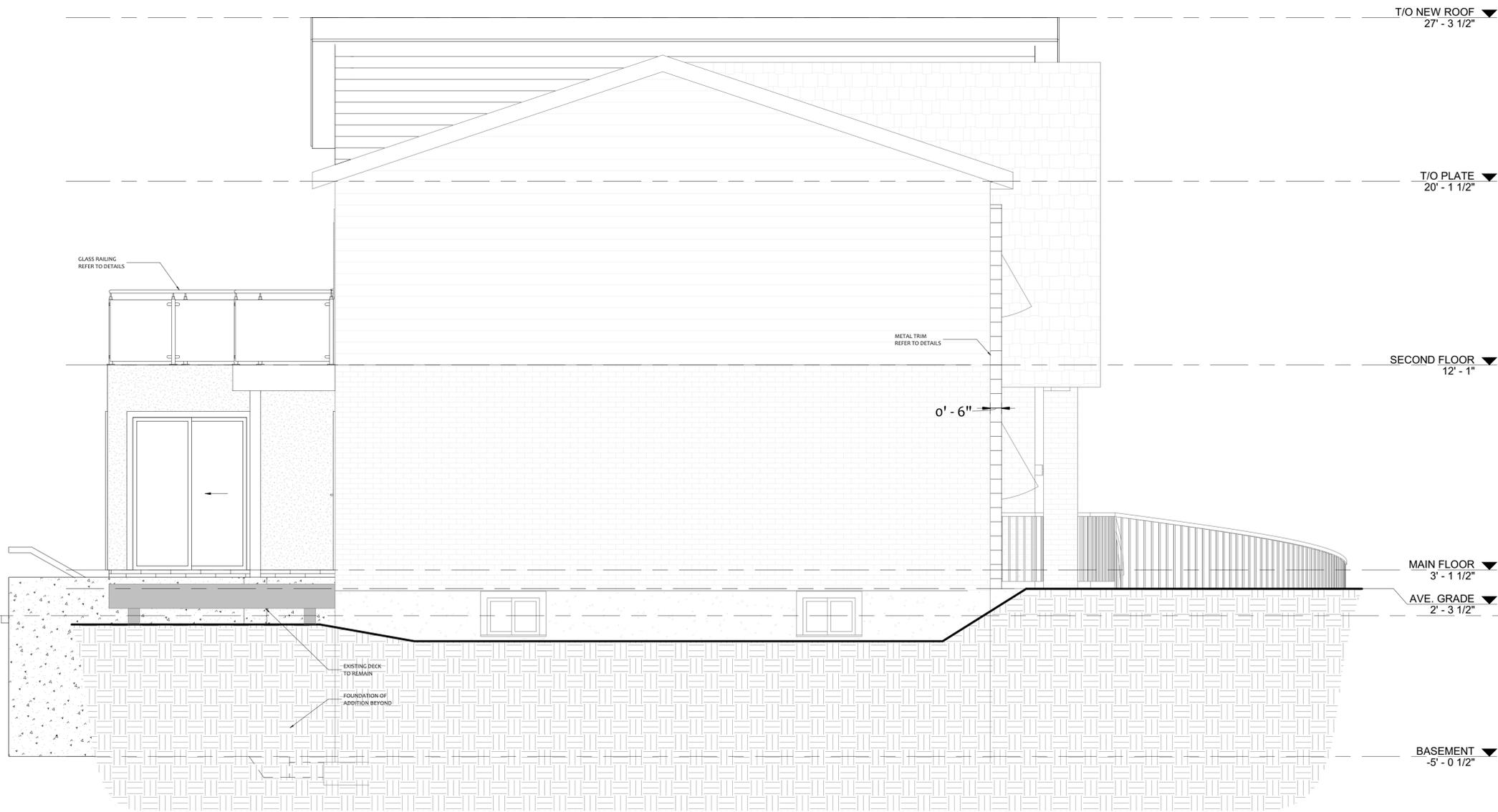
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HOME ADDITION
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SHEET TITLE:
RIGHT ELEVATION

Project number 19 RE 100-202
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A-10
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HOME ADDITION
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SHEET TITLE:

LEFT ELEVATION

Project number 19 RE 100-202

Date 2019.11.05

Drawn by H.R

A-09

Scale 3/8" = 1'-0"