

**Memorandum to the City of Markham Committee of Adjustment**  
October 29, 2021

**File:** A/150/21  
**Address:** 47 Ladyslipper Court, Thornhill  
**Applicant:** QBS Architects Inc. (Saba Al Mathno)  
**Hearing Date:** Wednesday, November 10, 2021

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 1767, as amended, to permit:

- a) **Amending By-law 100-90, Section 1.2(i):**  
a maximum building height of 9.07 m; whereas, the By-law permits a maximum flat roof building height of 8.0 m;
- b) **By-law 1767, Section 18(ii)(b):**  
a maximum lot coverage of 34.60 percent (2,595 ft<sup>2</sup>); whereas, the By-law permits a maximum lot coverage of 33.33 percent (2,495 ft<sup>2</sup>);
- c) **By-law 1767, Section 18(i)(d):**  
a minimum west side yard setback of 5 ft; whereas, the By-law requires a minimum side yard setback of 6 ft for a second storey addition;
- d) **Amending By-law 100-90, Section 1.2(iii):**  
a maximum building depth of 17.73 m; whereas, the By-law permits a maximum building depth of 16.80 m;

as it relates to a proposed addition to an existing single detached dwelling.

## **BACKGROUND**

### **Property Description**

The 696.8 m<sup>2</sup> (7,500.3 ft<sup>2</sup>) subject property is located on the south side of Ladyslipper Court, south of John Street and east of Bayview Avenue. There is an existing 165.5 m<sup>2</sup> (1,781.43 ft<sup>2</sup>) single detached dwelling on the property, which according to assessment records was constructed in 1966. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to construct an addition to the existing single-detached dwelling. The addition includes a new second storey as well as exterior and interior alterations to the 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 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. In considering applications for infill 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 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 1767

The subject property is zoned R3 under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to the maximum lot coverage and the minimum side yard setback.

#### Residential Infill Zoning By-law 100-90

The subject property is also subject to Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building height and maximum building depth.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on August 30, 2021 to confirm the variances required for the proposed development.

#### **Tree Preservation**

The applicant will be required to submit a Tree Inventory and Preservation Plan as part of their Residential Infill Grading and Servicing application. Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix A.

#### **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 Building Height**

The applicant is requesting relief to permit a maximum building height of 9.07 m (29.76 ft), whereas the By-law permits a maximum building height of 8.0 m (26.25 ft) for a flat roof. This represents an increase of 1.07 m (3.51 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown (i.e. the highest point) of the street and the highest point of the roof surface or parapet. The proposed grade of the front of the proposed dwelling is approximately 0.7 m (2.30 ft) above the crown of road. Staff are of the opinion the proposed building height will not adversely impact the character of the neighbourhood and is appropriate for the lot.

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

The applicant is requesting relief for a maximum lot coverage of 34.6 percent (2,595 ft<sup>2</sup>), whereas the By-law permits a maximum floor area ratio of 33.33 percent (2,495 ft<sup>2</sup>). 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 the resultant dwelling is generally consistent with what the By-law permits.

### **Reduced West Side Yard Setback**

The applicant is requesting a minimum west side yard setback of 5 ft (1.52 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m).

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concerns with the variance respecting drainage. Staff have no concerns with the proposed side yard setback variance.

### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.73 m (58.17 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.93 m (3.05 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. The variance includes a rear covered porch which adds approximately 1.83 m (6 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 15.9 m (52.17 ft) which complies with the By-law requirement. Staff are of the opinion the proposed variance is minor in nature and have no concerns.

## **EXTERNAL AGENCIES**

### **Metrolinx Comments**

The subject property is located within 300 metres of Metrolinx's Bala Subdivision. Metrolinx provided comments on October 29, 2021 noting that they have no concerns with the proposed Minor Variance application subject to specific conditions. Metrolinx has confirmed that the applicant has complied with their requirements and fulfilled their conditions.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 29, 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 variances requested meet 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.

PREPARED BY:



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Hailey Miller, Planner I, West District

REVIEWED BY:



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Mary Caputo, Development Manager, West District

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/150/21**

1. The variances apply only to the proposed development as long as it remains;
2. 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 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;
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 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;
4. 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,
5. 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:



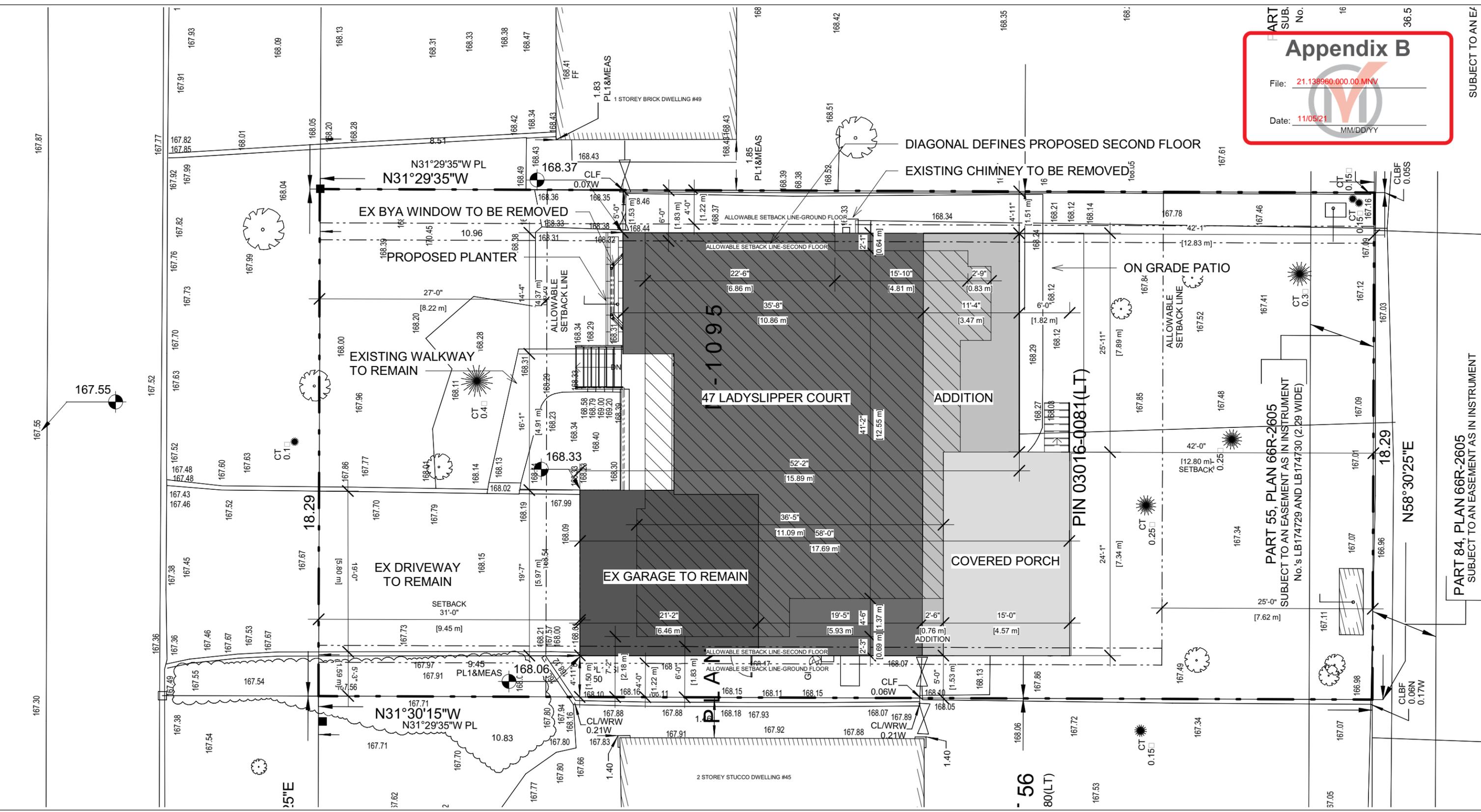
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Hailey Miller, Planner I, West District

**Appendix B**

File: 21.138960.000.00.MNV

Date: 11/05/21



47 LADY SLIPPER CT - MARKHAM	
STAGE	DRAWING NO.
ZC	A0-002

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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PROJECT NUMBER 210135		DRAWING STATUS	
DATE 06/23/21		ISSUED FOR CLIENT	
DRAWN JB		SCALE 3/32" = 1'-0"	
CHECKED SA		REVISION 04	

# Appendix B

File: 21.138960.000.00.MNV  
 Date: 11/05/21  
 MM/DD/YY

ZONING INFORMATION FOR 47 LADY SLIPPER CT-BY LAW 1767						
ZONING: R3 ( RESIDENTIAL)			(sq.m)		(sq.ft)	
MINIMUM LOT AREA			696.77		7500.0	
ALLOWABLE COVERAGE: 33 1/3%			232.24		2499.84	
ALLOWABLE NET FLOOR AREA RATIO 50%:			348.39		3750.07	
NET LOT AREA:			696.78		7500.15	
EXISTING LOT AREA:			696.8		7500.3	
EXISTING GROUND FLOOR :			127.4		1371.7	
EXISTING TOTAL NET FLOOR AREA:			165.5		1781.8	
EXISTING NET FLOOR AREA RATIO 23%:			165.5		1781.8	
EXISTING GARAGE:			38.1		410.1	
<b>EXISTING TOTAL COVERAGE:19%</b>			165.5		1781.8	
PROPOSED GROUND FLOOR:			198.5		2136.8	
PROPOSED SECOND FLOOR:			149.9		1613.7	
PROPOSED TOTAL GFA:			348.4		3750.5	
PROPOSED NET FLOOR AREA 50%:			348.4		3750.5	
PROPOSED GARAGE				EXISTING TO REMAIN		
PROPOSED FRONT COVERED PORCH			9.1		97.7	
PROPOSED REAR COVERED PORCH			33.6		362.0	
<b>PROPOSED TOTAL COVERAGE 33 1/3%:</b>			232.1		2498.8	
SETBACKS	ALLOWABLE		EXISTING		PROPOSED	
	(m)	(ft)	(m)	(ft)	(m)	(ft)
FRONT:	8.22	27.0	9.45	31.0	EXISTING	TO REMAIN
REAR:	7.62	25.0	16.29	53.44	12.80	41.99
SIDE LEFT(NORTH-EAST):	1.21	4.0	1.53	5.01	1.51	4.95
SIDERIGHT(SOUTH-WEST):	1.21	4.0	1.50	4.92	1.5 GF-2.18 SF	4.92GF-7.15SF
BUILDING HEIGHT:	9.8	32.15	6.91	22.69	9.07	29.75
BUILDING DEPTH:	16.8	55.11	11.96	39.24	15.89	52.13
PARKING: 1 SPACE			PROVIDED		PROVIDED	

$7500.3 \text{ SQFT} - 7500.0 \text{ SQFT} = 0.3 \text{ SQFT} / 2 = 0.15 \text{ SQFT}$

$\text{NET LOT AREA} = 7500.3 \text{ SQFT} - 0.15 \text{ SQFT} = 7500.15 \text{ SQFT}$

$\text{ESTABLISHED GRADE CALCULATION} =$

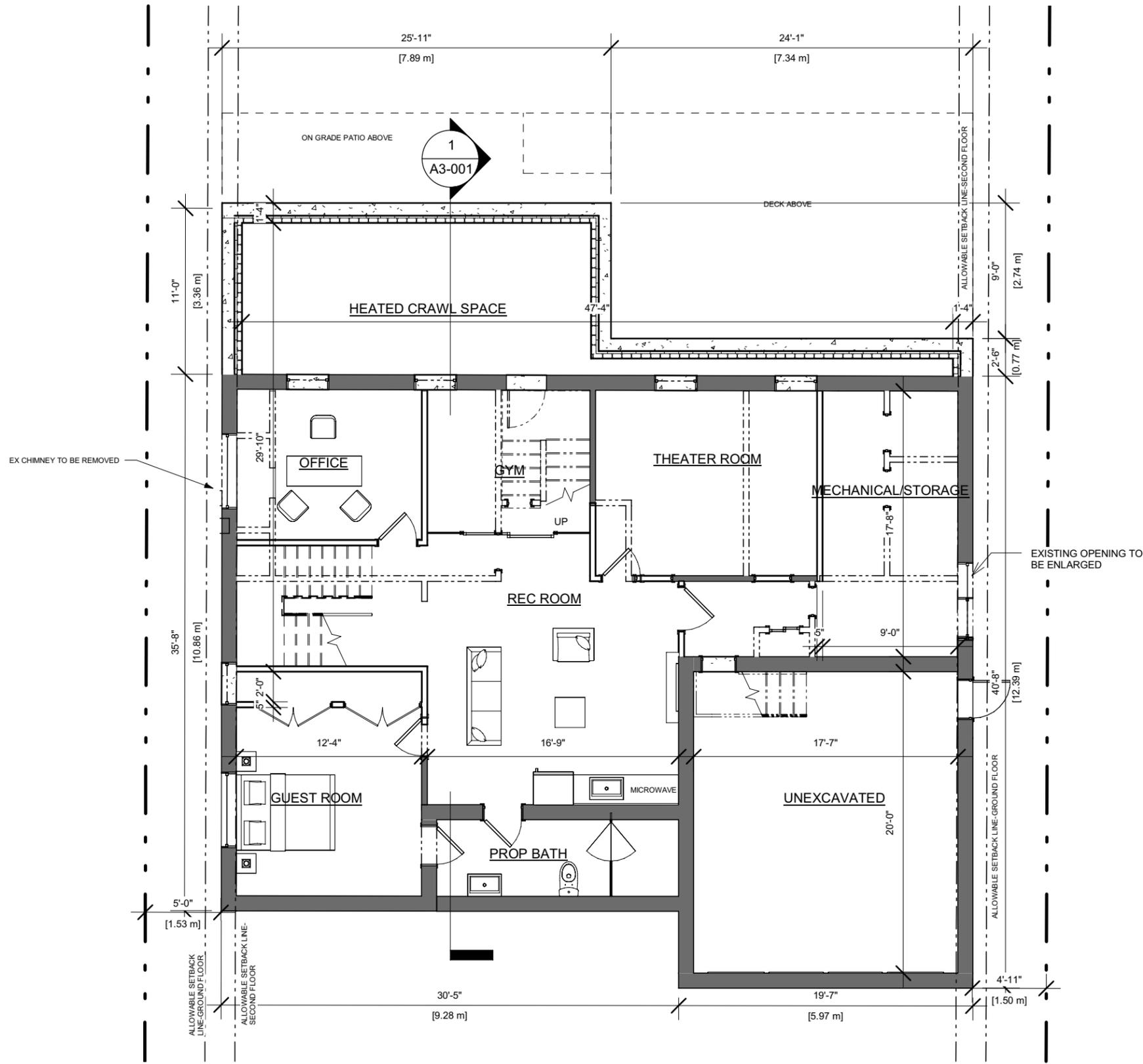
$168.37 + 168.33 + 168.06 = 504.76 / 3 = 168.25$

47 LADY SLIPPER CT - MARKHAM		No.	Description	Date	ARCHITECTS			SITE STATISTICS					
STAGE	DRAWING NO.	04	ISSUED FOR CITY	2021-07-23	 TORONTO - CANADA info@qbsarchitects.com			PROJECT NUMBER	210135	DRAWING STATUS			
ZC	A0-004	03	ISSUED FOR CLIENT	2021-06-29		DATE	07/23/21	ISSUED FOR CLIENT					
		02	ISSUED FOR CLIENT	2021-06-24		DRAWN	JB	CHECKED	SA	SCALE	12" = 1'-0"	REVISION	04
		01	ISSUED FOR CLIENT	2021-06-24									
					 BRAMPTON - CANADA 647-227-3227 malfarraj@alfaengsolutions.com								

# Appendix B

File: 21.138960.000.00.MNV

Date: 11/05/21  
MM/DD/YY



WALL LEGEND	
	EXISTING TO REMAIN
	TO BE DEMOLISHED
	NEW CONSTRUCTION

47 LADY SLIPPER CT - MARKHAM

STAGE: ZC

DRAWING NO.: A1-001

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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ONTARIO ASSOCIATION OF ARCHITECTS  
SABA AL MATHNO  
LICENCE 6863

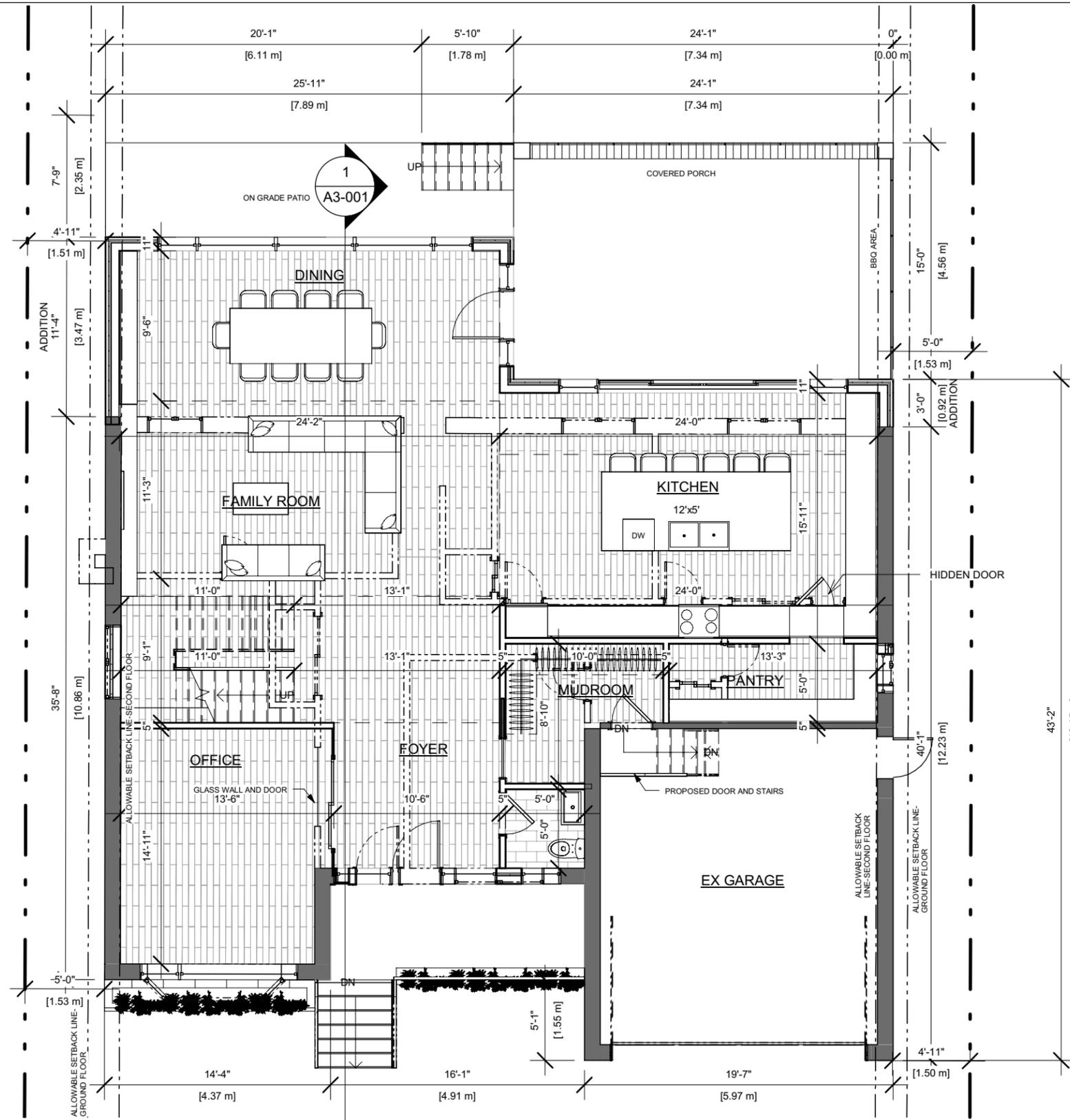
PROPOSED BASEMENT FLOOR PLAN			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

# Appendix B

File: 21.138960.000.00.MNV

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WALL LEGEND	
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	TO BE DEMOLISHED
	NEW CONSTRUCTION

47 LADY SLIPPER CT - MARKHAM

STAGE: ZC

DRAWING NO.: A1-002

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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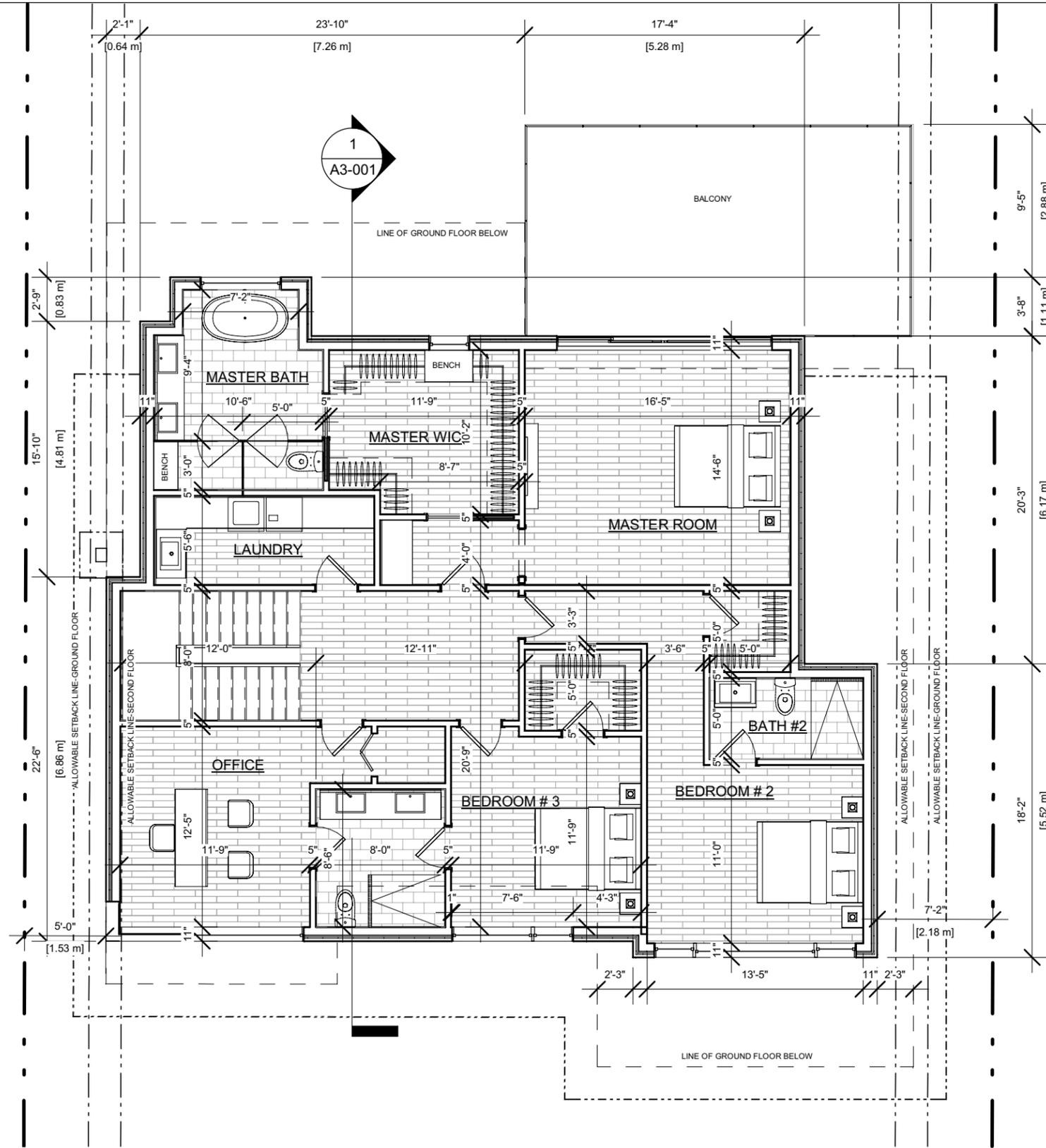
PROPOSED GROUND FLOOR PLAN			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

# Appendix B

File: 21.138960.000.00.MNV

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MM/DD/YY



WALL LEGEND	
	EXISTING TO REMAIN
	TO BE DEMOLISHED
	NEW CONSTRUCTION

47 LADY SLIPPER CT - MARKHAM

STAGE: ZC

DRAWING NO.: A1-003

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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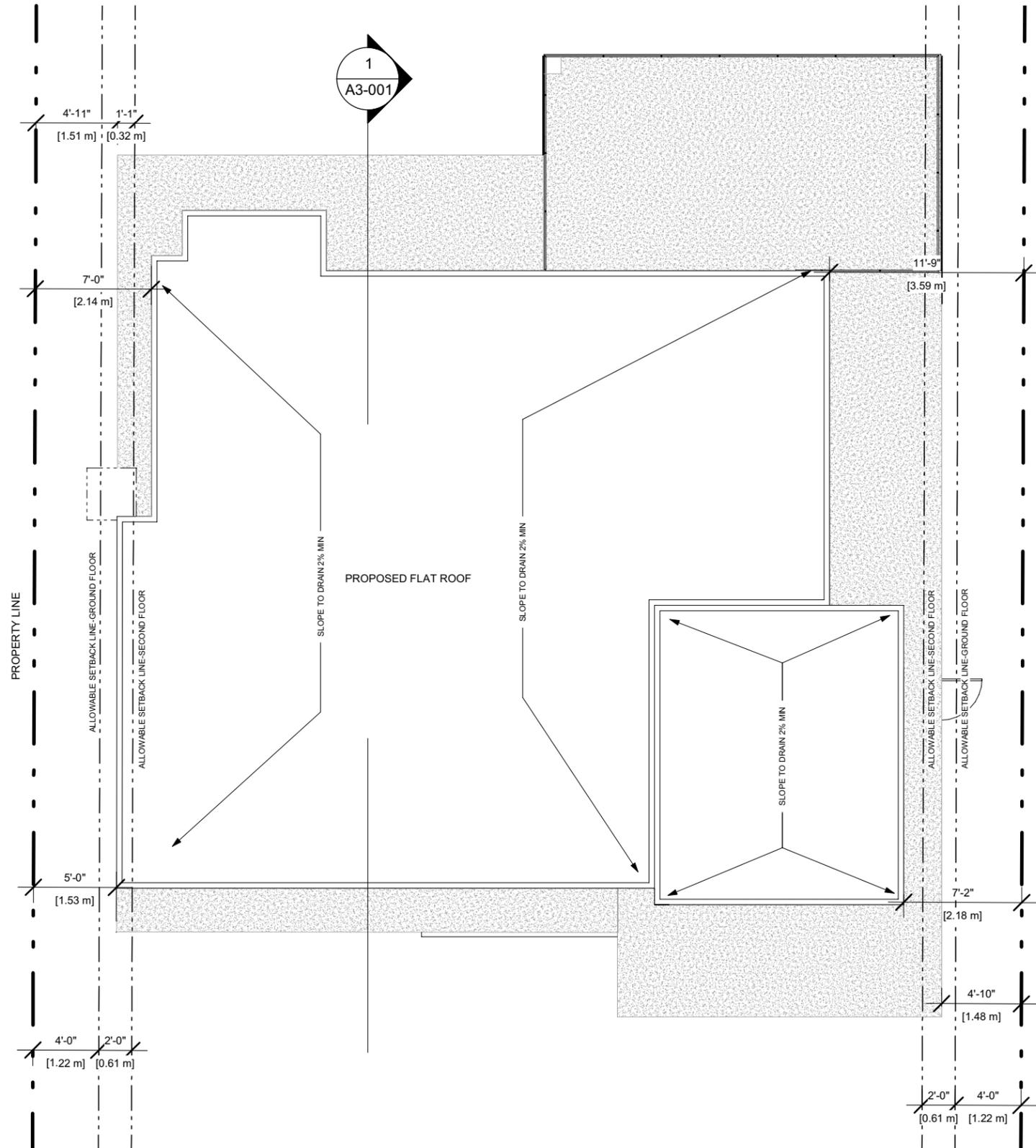
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PROPOSED SECOND FLOOR			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

# Appendix B

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WALL LEGEND	
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	TO BE DEMOLISHED
	NEW CONSTRUCTION

47 LADY SLIPPER CT - MARKHAM

STAGE: **ZC**

DRAWING NO.: **A1-004**

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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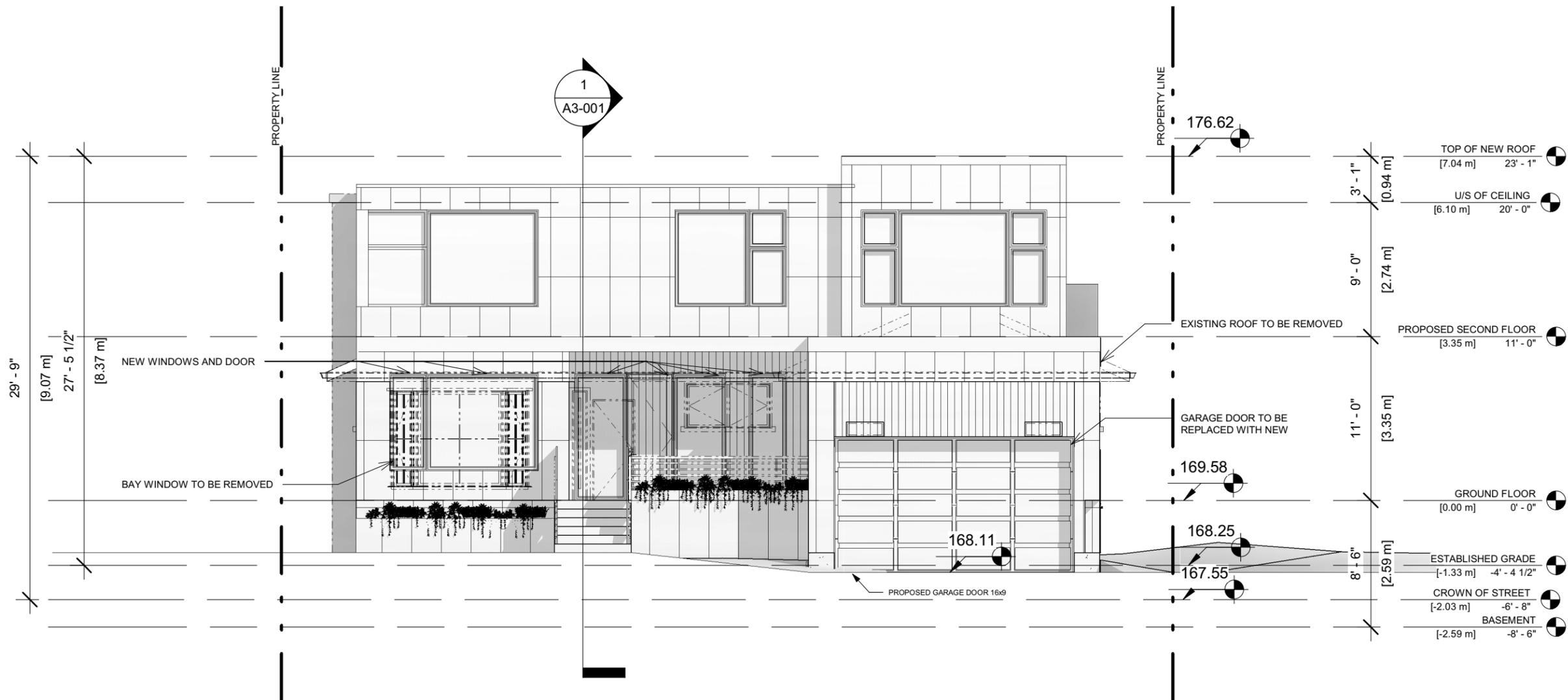
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PROPOSED ROOF PLAN			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

# Appendix B

File: 21.138960.000.00.MNV

Date: 11/05/21  
MM/DD/YY



47 LADY SLIPPER CT - MARKHAM

STAGE	DRAWING NO.
ZC	A2-001

No.	Description	Date
04	ISSUED FOR CITY	2021-07-23
03	ISSUED FOR CLIENT	2021-06-29
02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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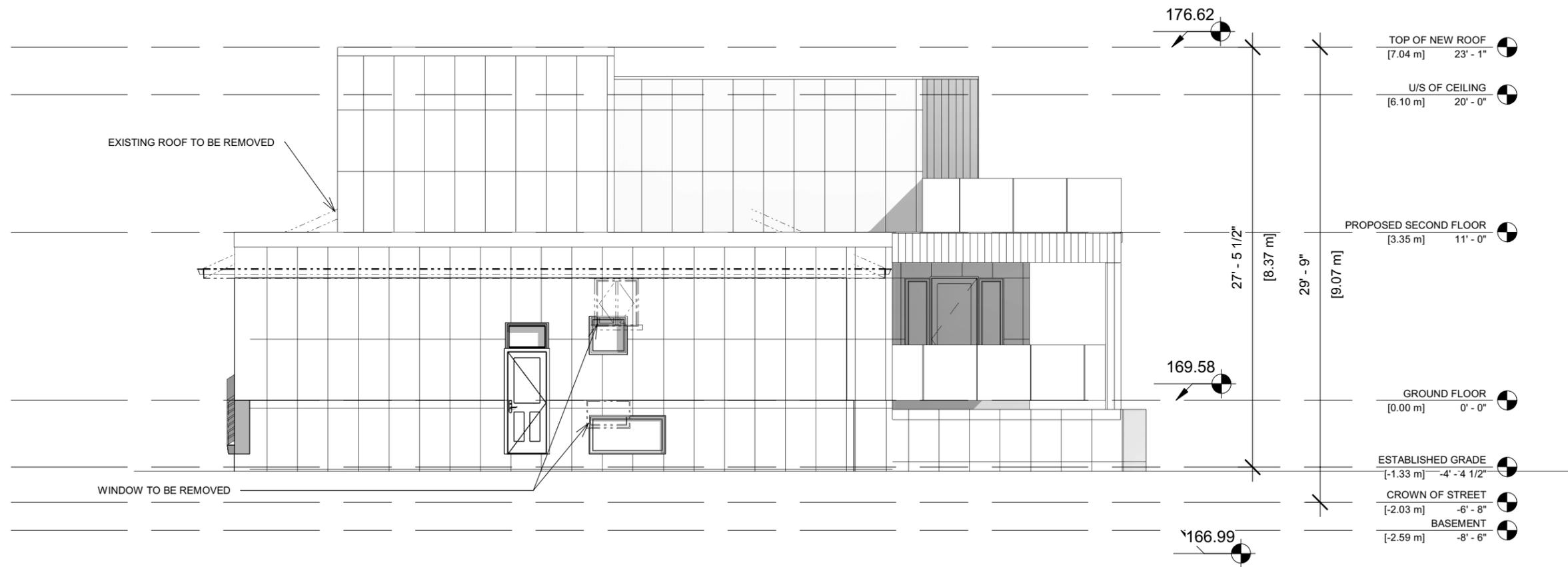


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PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

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47 LADY SLIPPER CT - MARKHAM

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DRAWING NO.: A2-002

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04	ISSUED FOR CITY	2021-07-23
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02	ISSUED FOR CLIENT	2021-06-24
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PROPOSED RIGHT ELEVATION			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
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47 LADY SLIPPER CT -  
MARKHAM

STAGE: ZC  
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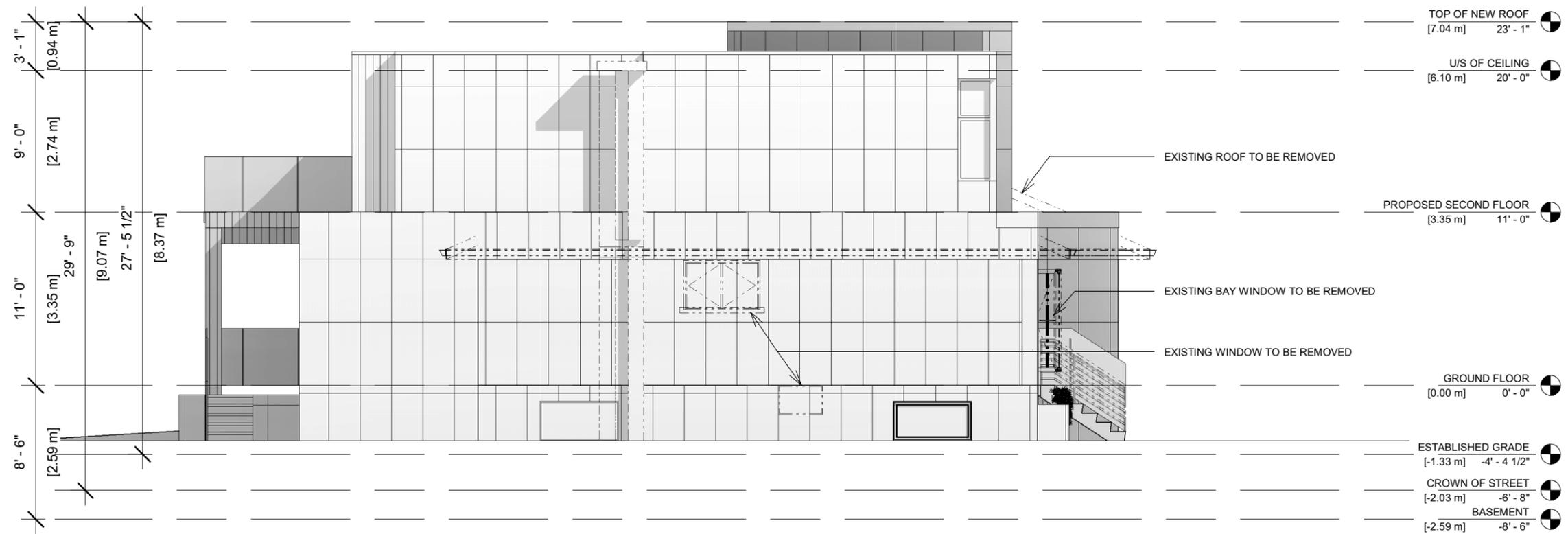


PROPOSED REAR ELEVATION			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

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47 LADY SLIPPER CT - MARKHAM

STAGE: ZC

DRAWING NO.: A2-004

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04	ISSUED FOR CITY	2021-07-23
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02	ISSUED FOR CLIENT	2021-06-24
01	ISSUED FOR CLIENT	2021-06-24

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PROPOSED LEFT ELEVATION			
PROJECT NUMBER	210135	DRAWING STATUS	
DATE	07/23/21	ISSUED FOR CLIENT	
DRAWN	JB	SCALE	1/8" = 1'-0"
CHECKED	SA	REVISION	04

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