

Memorandum to the City of Markham Committee of Adjustment

February 12, 2024

File: A/208/23
Address: 4 Strathroy Crescent, Markham
Owner: Ru Hong Zhao
Agent: Frank Rotundo Architect inc. (Frank Rotundo)
Hearing Date: Wednesday, February 21, 2024

The following comments are provided on behalf of the East District Team.

The Applicant is requesting relief from the following “Residential One – (R1)” zone requirement under Zoning By-law 1229, as amended, as it relates to a proposed shed. The variance requested is to permit:

a) **By-law 1229, Section Table 11.1:**

a lot coverage of 38.99 percent, whereas the by-law permits a maximum lot coverage of 35 percent;

BACKGROUND

Property Description

The 690.36 m² (7,431 ft²) Subject Lands are located on the west side of Strathroy Crescent, north of Parkway Avenue and generally east of Paramount Road (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. Mature vegetation exists across the property with one mature tree in the front yard.

There is an existing 217.76 m² (2,344 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 2015, according to assessment records.

Proposal

The Applicant is proposing to construct a new shed with a gross floor area of 31.66 m² (341 ft²), as shown in Appendix “B”.

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 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 retention of existing trees and vegetation, the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The Subject Lands are zoned Residential One – (R1) under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to the lot coverage.

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 (HP 23 140430) 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 38.99 percent (2,897 ft²), whereas the By-law permits a maximum lot coverage of 35 percent (2,600 ft²). The proposed lot coverage includes the proposed shed which adds approximately 31.66 m² (341 ft²) to the overall building area. Excluding the proposed shed the proposed development has a lot coverage of 34.40 percent which is below the maximum permitted lot coverage. The proposed shed meets all other setbacks and height requirements.

Staff are of the opinion that the proposed increase in lot coverage is minor in nature and will not impact the adjacent properties.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 4 Strathroy Crescent. Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 13, 2024. 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 request variances 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 refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



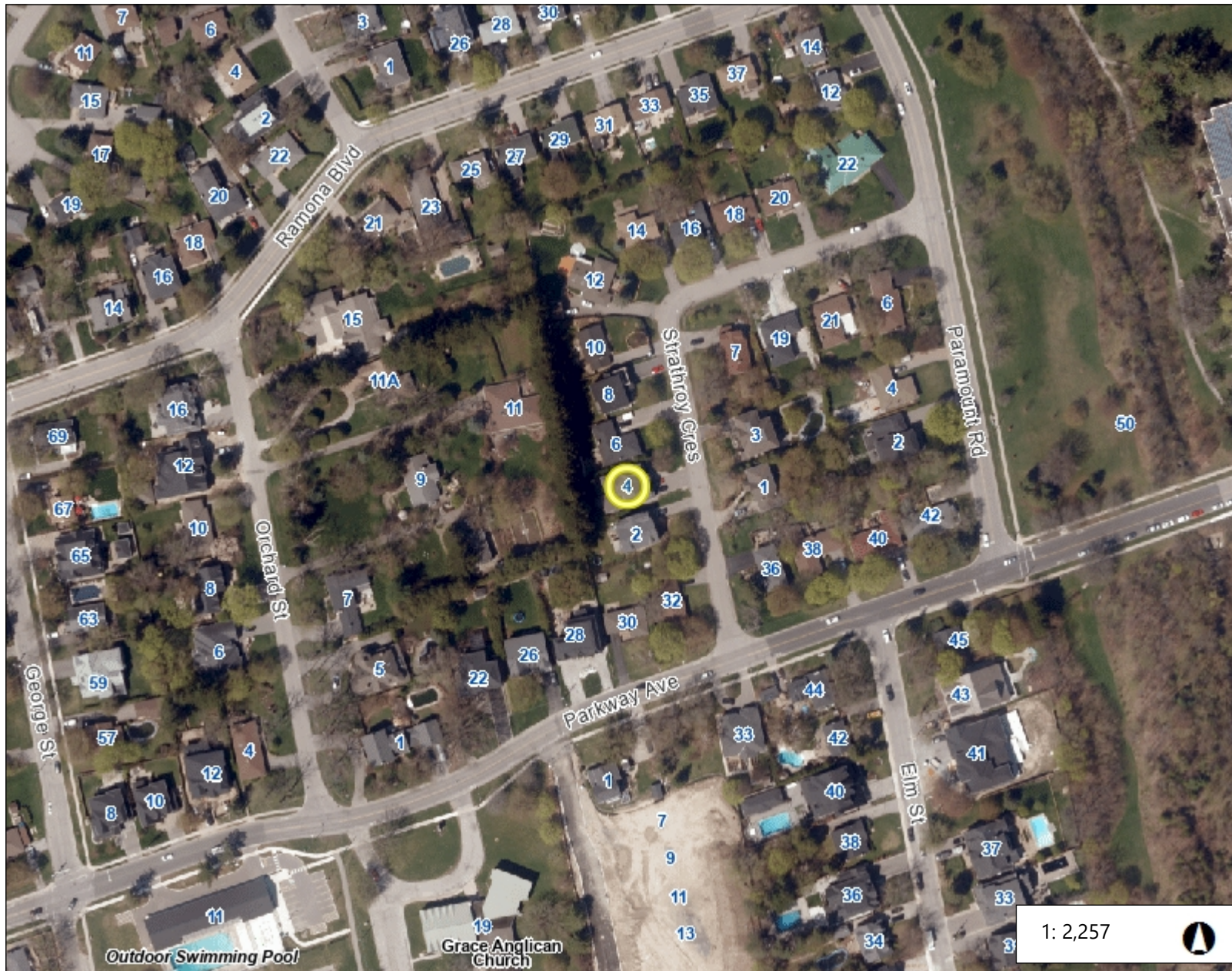
Stacia Muradali, Development Manager, East District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/208/23 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel

- Park Facility
- Parks**
- Under Development
- <all other values>

1: 2,257

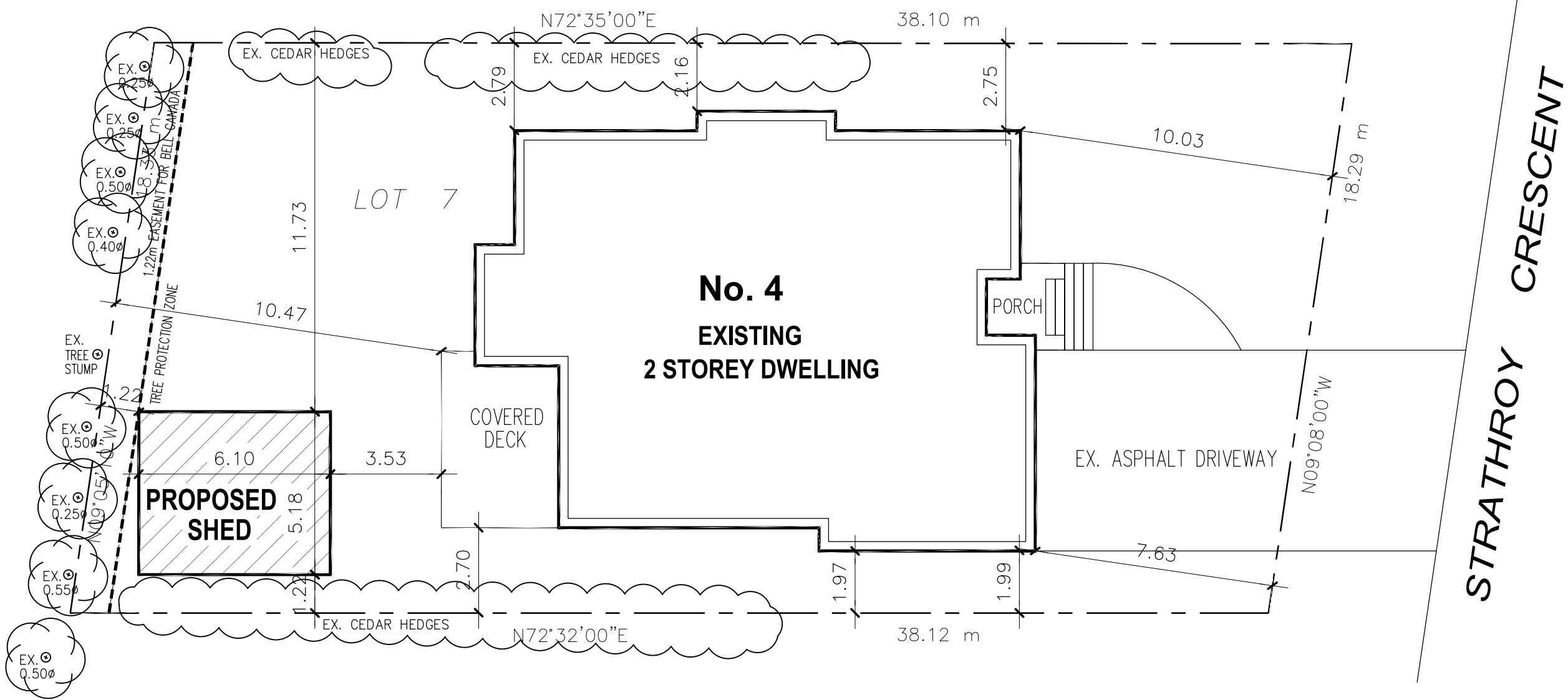
114.7 0 57.33 114.7 Meters

Notes

Appendix B

File: 23.148878.000.00.MNV

Date: 02/15/24
MM/DD/YY



SITE PLAN

SCALE: 1:150

SURVEY INFORMATION PREPARED BY
R.G. MCKIBBON LIMITED, OLS.
DATED JANUARY 28, 2015

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
LOT 7

REGISTER PLAN 5223

CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SITE STATISTICS

LOT AREA	- 690.36 m ²	7,431 s.f.
EX. DWELLING FOOTPRINT (INCLUDING FRONT PORCH)	- 217.76 m ²	2,344 s.f.
EX. COVERED DECK	- 19.72 m ²	212 s.f.
EX. COVERAGE	34.40 %	
PROPOSED SHED	- 31.66 m ²	341 s.f.
SHED COVERAGE	- 4.59 %	



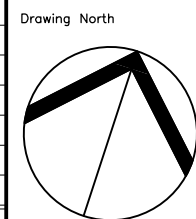
Project Architect:
Frank Rotundo ARCHITECT INC.
66 Raintree Cres., (416) 358-1103
Richmond Hill, ON. L4E 3T6

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ON SITE ALL DIMENSIONS, NOTES AND DETAILS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT. ANY EXTRAS AND/OR DELAYS RESULTING IN CHANGES NOT REPORTED TO THE ARCHITECT WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

ALL DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS ISSUED FOR THIS PROJECT ARE THE PROPERTY OF THE ARCHITECT, UNAUTHORIZED USE IN PART OR WHOLE IS PROHIBITED WITHOUT THE ARCHITECT'S PERMISSION.

DO NOT SCALE DRAWINGS

No.	DESCRIPTION	DATE
3	REVISED EXISTING AREA CALCULATION	NOV 06/23
2	ADDED EXISTING TREES & SHRUBS	OCT 05/23
1	ISSUED FOR PERMIT	AUG 30/23



Project:
**PROPOSED SHED
4 STRATHROY CRESCENT**
MARKHAM, ON.

Drawing Title	
SITE PLAN	
Scale	AS SHOWN
Date	
Project Number	FRA23-23
A.1	

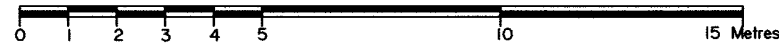
SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF
LOT 7
REGISTERED PLAN N° 5223
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 200
2015

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

Appendix B

File: 23.148878.000.00.MNV

Date: 02/15/24
MM/DD/YY



© R.G.McKIBBON LIMITED

PART 2
 THIS PLAN MUST BE READ IN
 CONJUNCTION WITH SURVEY REPORT
 DATED : JANUARY 28, 2015.

NOTES
 Bearings shown hereon are astronomic and are referred to
 Part of the Westerly limit of Strathroy Crescent as shown on
 Registered Plan 5223, having a bearing of N 09°08'00" W.

- Survey Monuments Found shown thus
- Survey Monuments Planted shown thus
- SSIB - denotes Short Standard Iron Bar
 - SIB - denotes Standard Iron Bar
 - IB - denotes Iron Bar
 - IP - denotes Iron Pipe
 - O/U - denotes Origin Unknown
 - HLC - denotes Herbert L.Coons, O.L.S. & a Plan of Survey dated October 26, 1959.
 - RGM - denotes R.G.McKibbon Ltd., O.L.S. & a Plan of Survey dated June 9, 2014.
 - PI - denotes Registered Plan N° 5223
 - Br - denotes Brick
 - Fr - denotes Frame
 - BF - denotes Board Fence
 - Conc. - denotes Concrete
 - R/W - denotes Retaining Wall
 - OW - denotes Overhead Wires

All measurements to fences have been taken to the center thereof.
 All building ties are taken to concrete foundation unless otherwise shown.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

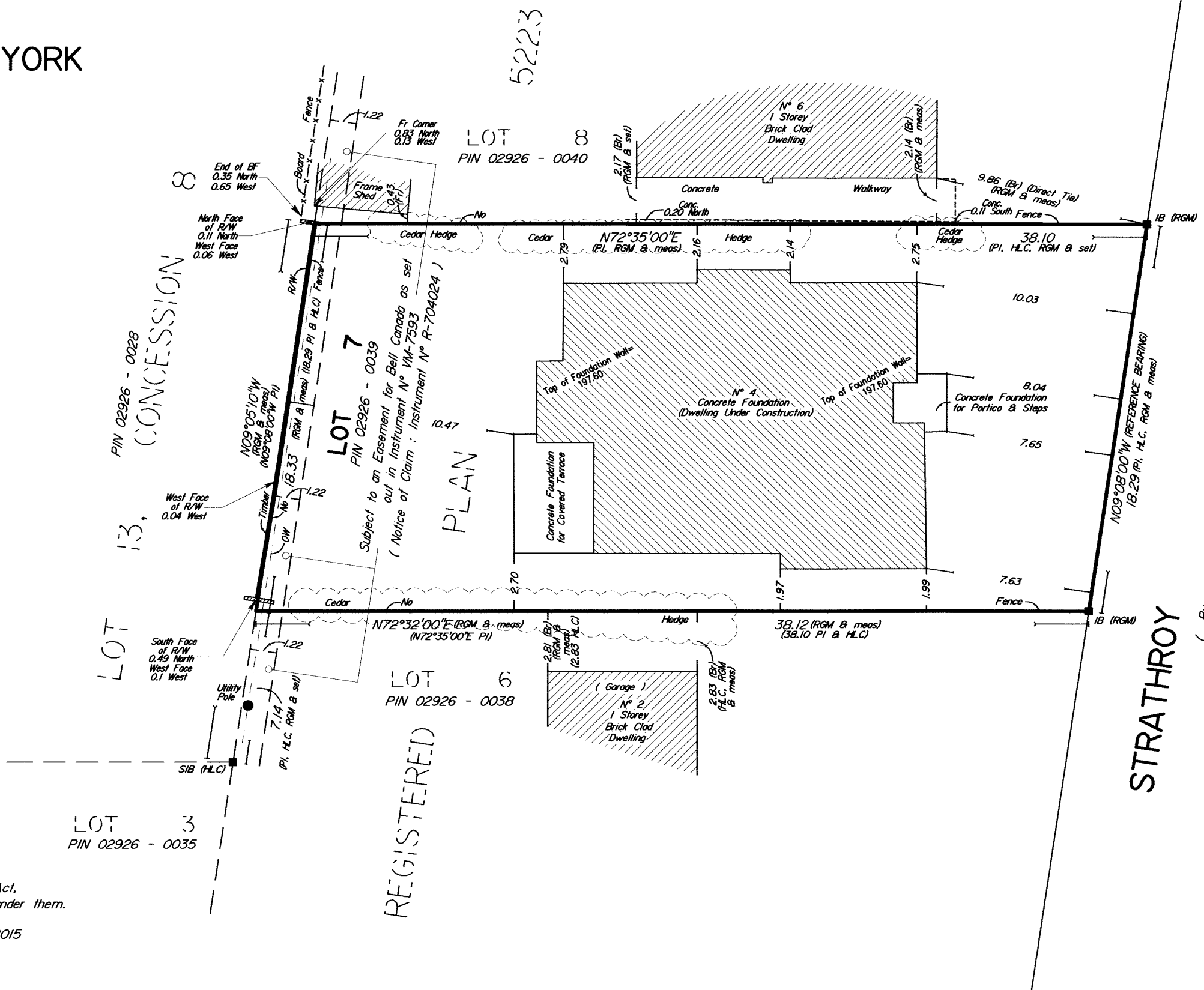
- This survey and plan are correct and in accordance with the Surveys Act, the Land Titles Act and the Surveyors Act and the regulations made under them.
- The survey was completed on the 26th day of January 2015

January 28, 2015
 Date Robb McKibbon
 Ontario Land Surveyor

R. G. McKIBBON LIMITED
 ONTARIO LAND SURVEYORS
 176 BULLOCK DRIVE, UNIT 10
 MARKHAM, ONTARIO L3P 1W2
 PHONE (905) 294-3754
 FAX (905) 294-9400
 EMAIL r.g.mckibbon@rogers.com

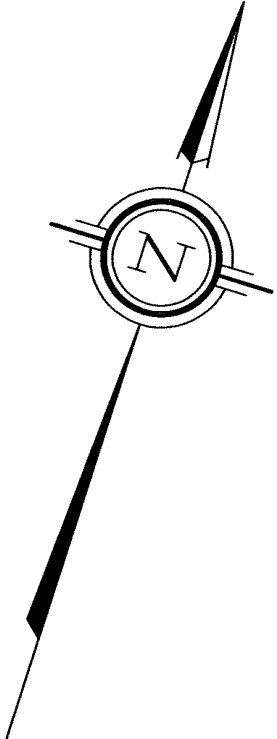
ELEVATION DATUM
 Elevations are geodetic and are referred to the City of Markham elevation datum.
 BENCH MARK : M - 39 - 033 ELEVATION = 192.524 m
 Point at which elevations taken shown thus

THIS REPORT WAS PREPARED FOR
 FOTINI AND TOM KRKLINSKI
 AND THE UNDERSIGNED ACCEPTS
 NO RESPONSIBILITY FOR USE BY
 OTHER PARTIES.



CRESCENT

STRATHROY



ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1908227

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 In accordance with
 Regulation 1026, Section 29(3).

APPENDIX “C” – A/208/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/208/23

1. The variances apply only to the proposed development as long as it remains.
2. That the variance 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

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office