# Memorandum to the City of Markham Committee of Adjustment

February 07, 2024

File: A/114/22

Address: 67 Babcombe Drive, Thornhill
Applicant: Contempo Studio (Marin Zabzuni)
Hearing Date: Wednesday, February 21, 2024

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following "Third Density Special Residential – (SR3)" zone requirements under By-law 1767, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

### a) By-law 100-90, Section 1.2(i):

a building height of 8.54 metres (22.01 feet), whereas the By-law permits a maximum flat roof building height of 8.0 metres (26.24 feet);

### b) By-law 100-90, Section 1.2(iii):

a maximum building depth of 20.75 metres (68.07 feet), whereas the By-law permits a maximum building depth of 16.8 metres (55.12 feet);

### c) <u>By-law 1767, Section 9(i):</u>

an encroachment of 29 inches for an architectural feature, whereas the by-law permits an ncroachment of no more than 18 inches into the required front yard;

### d) By-law 1767, Section 12 (iv)(a):

a minimum front yard setback of 36.12 feet (11.01 metres), whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet (13.01 metres);

### e) By-law 1767, Section 18(ii)(b):

a lot coverage of 34.50 percent, whereas the By-law requires a maximum lot coverage of 33 1/3 percent; and

### f) By-law 100-90, Section 1.2 (vi):

a floor area ratio of 48.10 percent, whereas the By-law permits a maximum floor area ratio of 47 percent.

### **BACKGROUND**

This application was deferred by the Committee of Adjustment (the "Committee") at the August 16, 2023 hearing, to provide the applicant an opportunity to address the Committee's concern regarding the cumulative impacts of the combined variances (Refer to Minutes - Appendix "D"). In revising the proposal, the applicant reduced the requested building depth, front yard setback, lot coverage, and floor area ratio. The applicant has eliminated the south side yard encroachment variance of 98 inches (2.48 metres) and has requested an encroachment variance for an architectural feature. The building height remains the same from the previous submission. The initial variances requested are identified in the August 1, 2023 Staff Report (Appendix "C").

### **COMMENTS**

On December 4, 2023, the applicant submitted revised drawings with modifications to the requested variances, as outlined below. A Zoning Preliminary Review (ZPR) was

completed on December 1, 2023 to confirm the variances required for the proposed development.

### **Increased Maximum Building Depth**

The Applicant is requesting relief to permit a maximum building depth of 20.75 metres (68.07 feet), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 feet). This represents an increase of approximately 3.95 metres (12.96 feet). The main component of the building, excluding the front covered porch and covered deck projections has an approximate depth of 17.9 metres (58.73 feet.). As adequate amenity space is being provided in the rear yard, staff are of the opinion that the variance meets the general intent and purpose of the Zoning By-law.

### **Increased Encroachment for Architectural Feature**

The Applicant is requesting to permit an encroachment of 29 inches into the required front yard for an architectural feature, whereas an encroachment of no more than 18 inches is permitted into the required front yard. The intent of the By-law's restriction of yard encroachments is to limit the overhang of architectural elements of a building to ensure that these elements do not project into the required yards in a manner that would adversely impact abutting properties. The proposed architectural feature is considered appropriate for the dwelling and will aid in improving the articulation of the front elevation. Staff consider the requested variance to be technical in nature and opine that this request will not negatively impact the proposed dwelling nor the streetscape.

## **Reduced Front Yard Setback Variance**

The Applicant is requesting to permit a minimum front yard setback of 36.12 feet (11.01 metres), whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet (13.01 metres). Staff maintain the opinion that there are no anticipated adverse impacts as a result of the requested variance as the main front wall of the building is generally consistent with the established front yard setback pattern on the street.

### **Increased Maximum Lot Coverage Variance**

The Applicant is requesting to permit a maximum lot coverage of 34.50 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent. As previously stated, the proposed lot coverage includes the proposed pool cabana building in the rear which adds approximately 36.77 m² (395.78 ft²) to the overall building area. The main dwelling has a revised lot coverage 31.90% on its own, which would comply with the by-law requirement. Staff maintain the opinion that given that the main dwelling would comply with the by-law, 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.

#### **Increased Maximum Floor Area Ratio Variance**

The revised floor area ratio variance will facilitate the construction of a two-storey detached dwelling with an approximate total net floor area of 670.17  $\rm m^2$  (7,213.64  $\rm ft^2$ ). This represents an increase of 15.2  $\rm m^2$  (163.611  $\rm ft^2$ ) above the maximum permitted floor area ratio of 47%. Consequently, the Applicant has reduced the size of the proposed dwelling by 18.43  $\rm m^2$  (198.37  $\rm ft^2$ ). The proposed dwelling layout will comply with the minimum required side and rear yard setback provisions, which will provide an appropriate

separation from adjacent homes, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

### Metrolinx Requirements

The subject property is located within 300 m of Metrolinx's Bala Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on June 23, 2022 (Appendix "E"), requiring that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Associate of Canada's Guidelines for New Development in Proximity to Railway Operations. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.

Staff recommend that the proposed development is subject to the associated condition of approval provided in Appendix "A".

### **PUBLIC INPUT SUMMARY**

As of February 12, 2024, the City received ten (10) letters of opposition expressing concerns over scale and massing. Staff opine that the above-noted revisions to the proposed dwelling have addressed these concerns. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

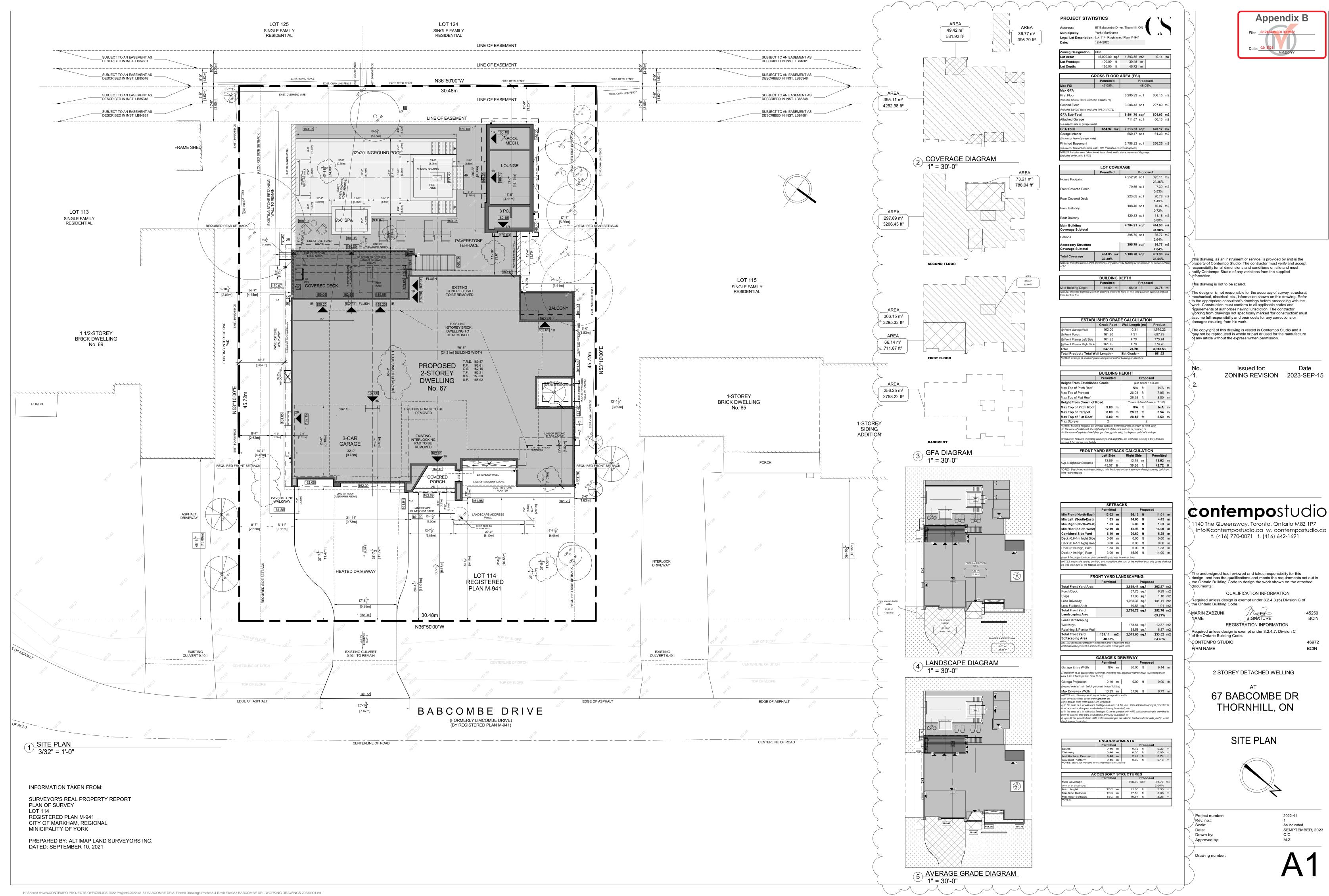
PREPARED BY:
ZM.
Brashanthe Manoharan, Planner II, Planning and Urban Design
REVIEWED BY:
Auch Comment

Rick Cefaratti, MCIP, RPP Senior Planner, West District

# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/22

- 1. The variances apply only to the proposed development for as long as it remains.
- 2. That the variances apply only to the proposed development, in substantial conformity with the plans 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. That the Owner satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer, attached as Appendix "C" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.
- 4. 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.
- 5. 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.
- 6. 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.

CONDITIONS PREPARED BY:	
ZM.	
Brashanthe Manoharan, Planner II, Planning and Urban Design	

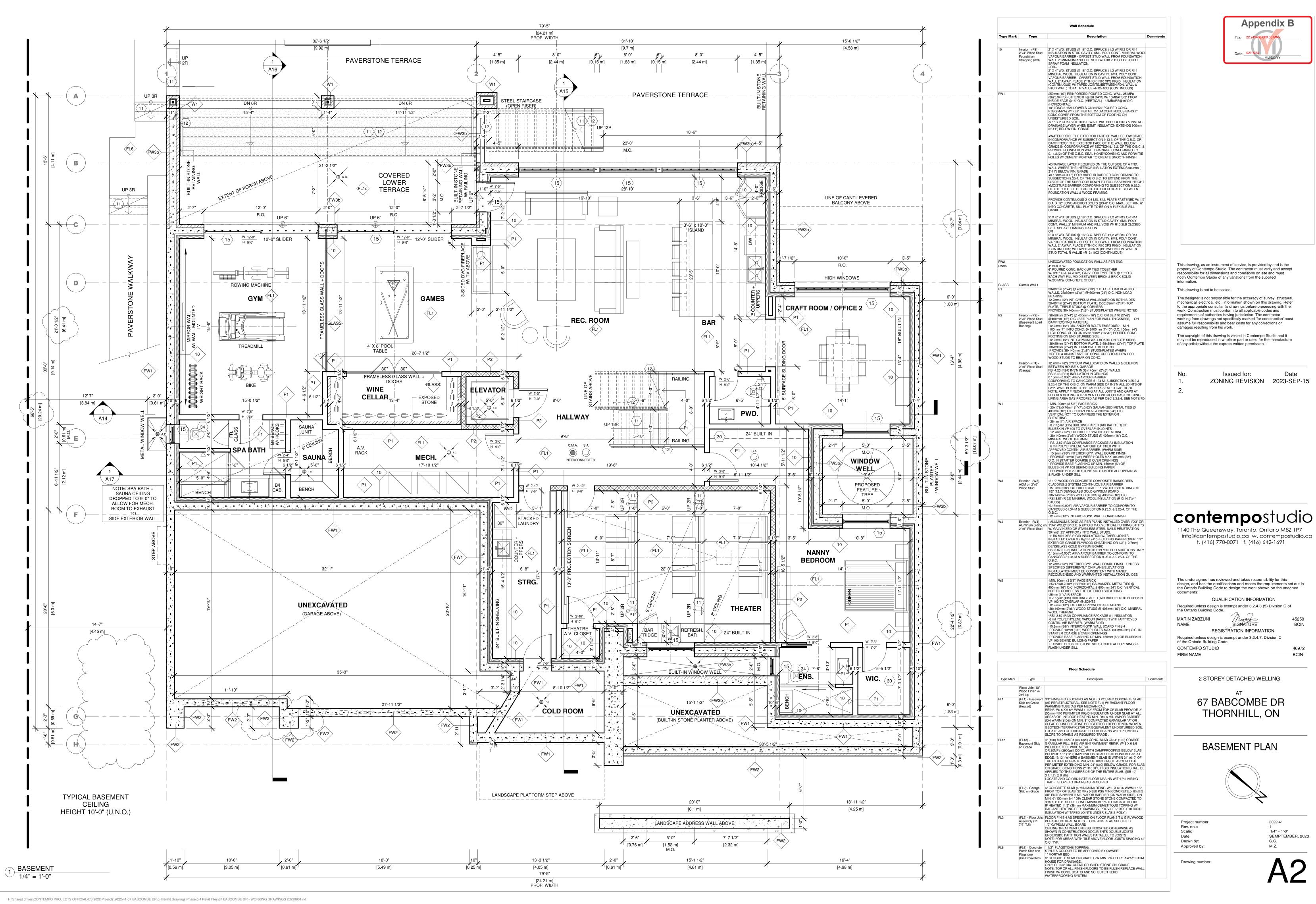


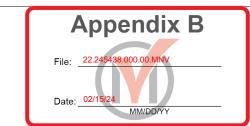


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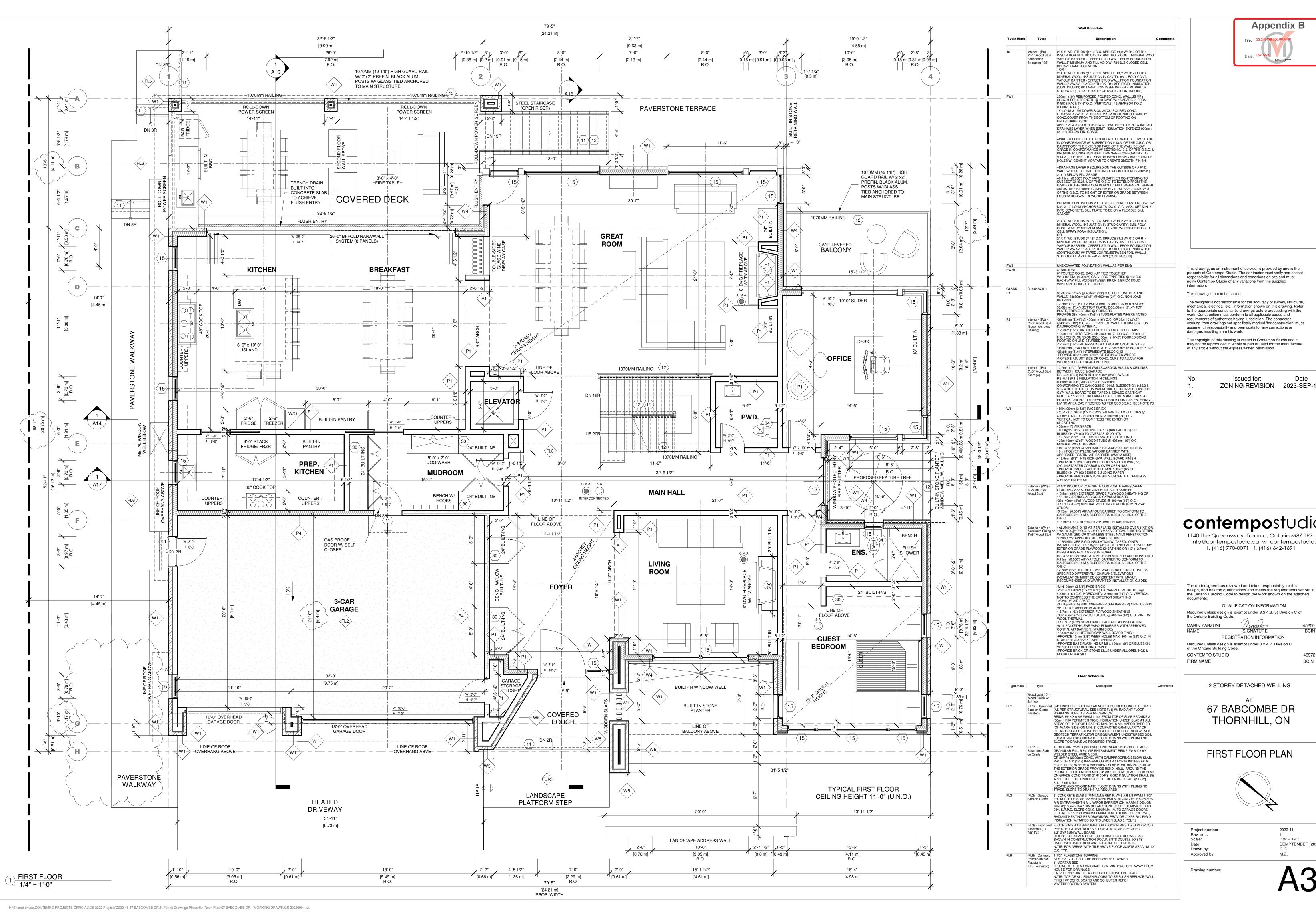
As indicated SEMPTEMBER, 2023

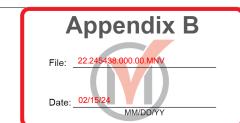




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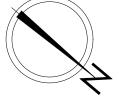
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REGISTRATION INFORMATION

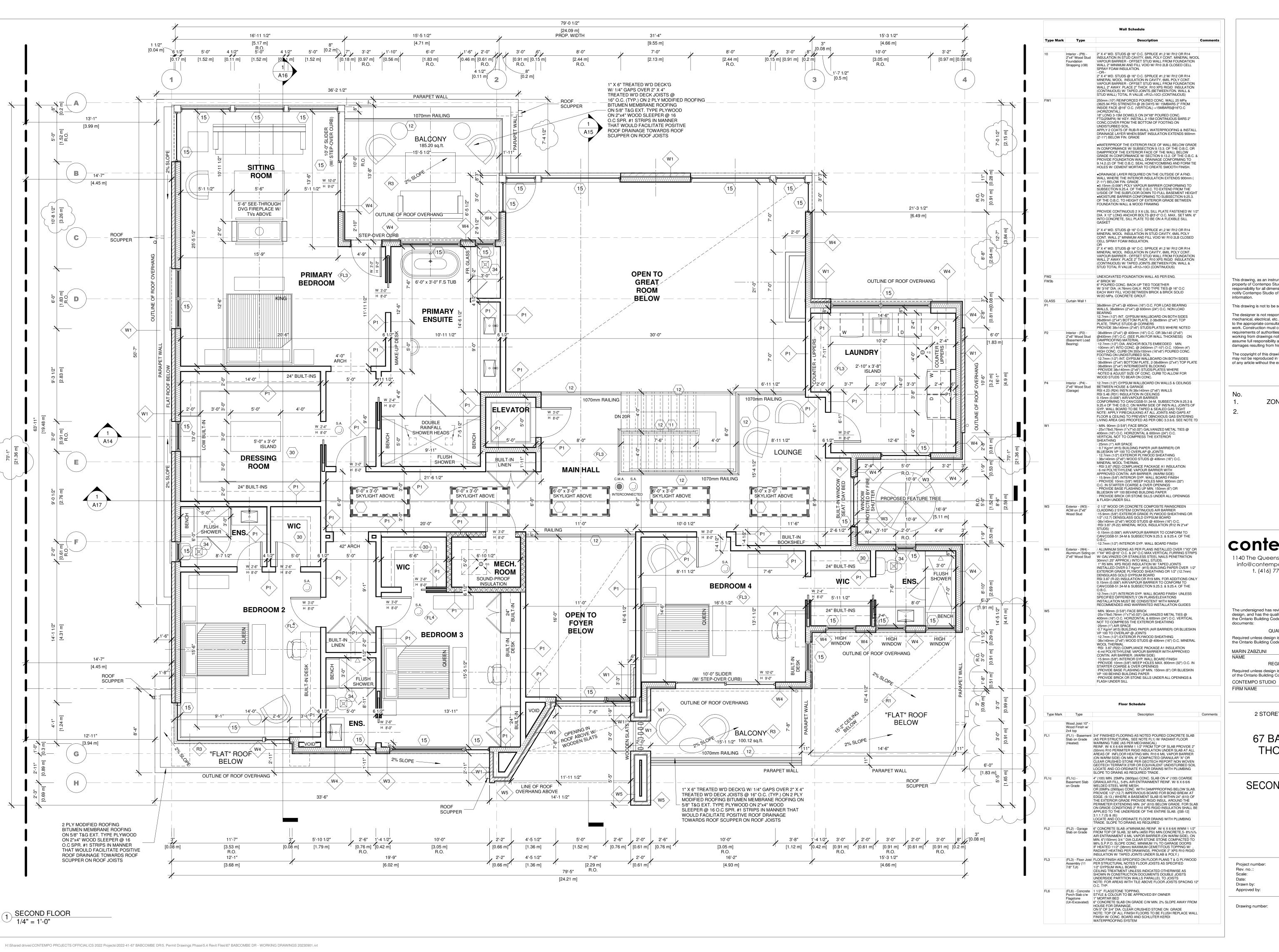
2 STOREY DETACHED WELLING

THORNHILL, ON

FIRST FLOOR PLAN



2022-41 1/4" = 1'-0" SEMPTEMBER, 2023





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2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

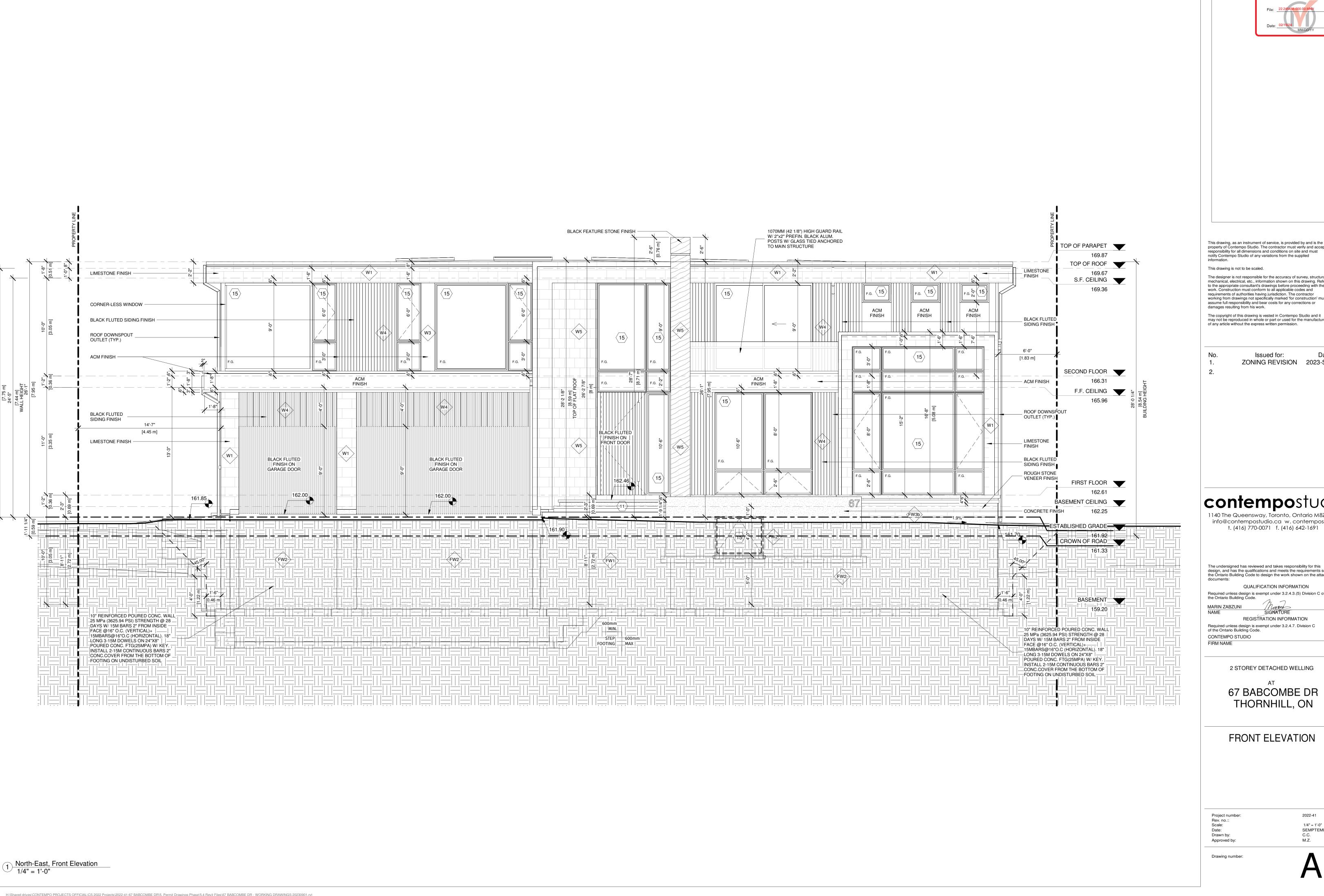
SECOND FLOOR PLAN

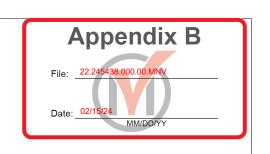


Project number: Scale: Drawn by: Approved by:

2022-41 1/4" = 1'-0" SEMPTEMBER, 2023

Drawing number:





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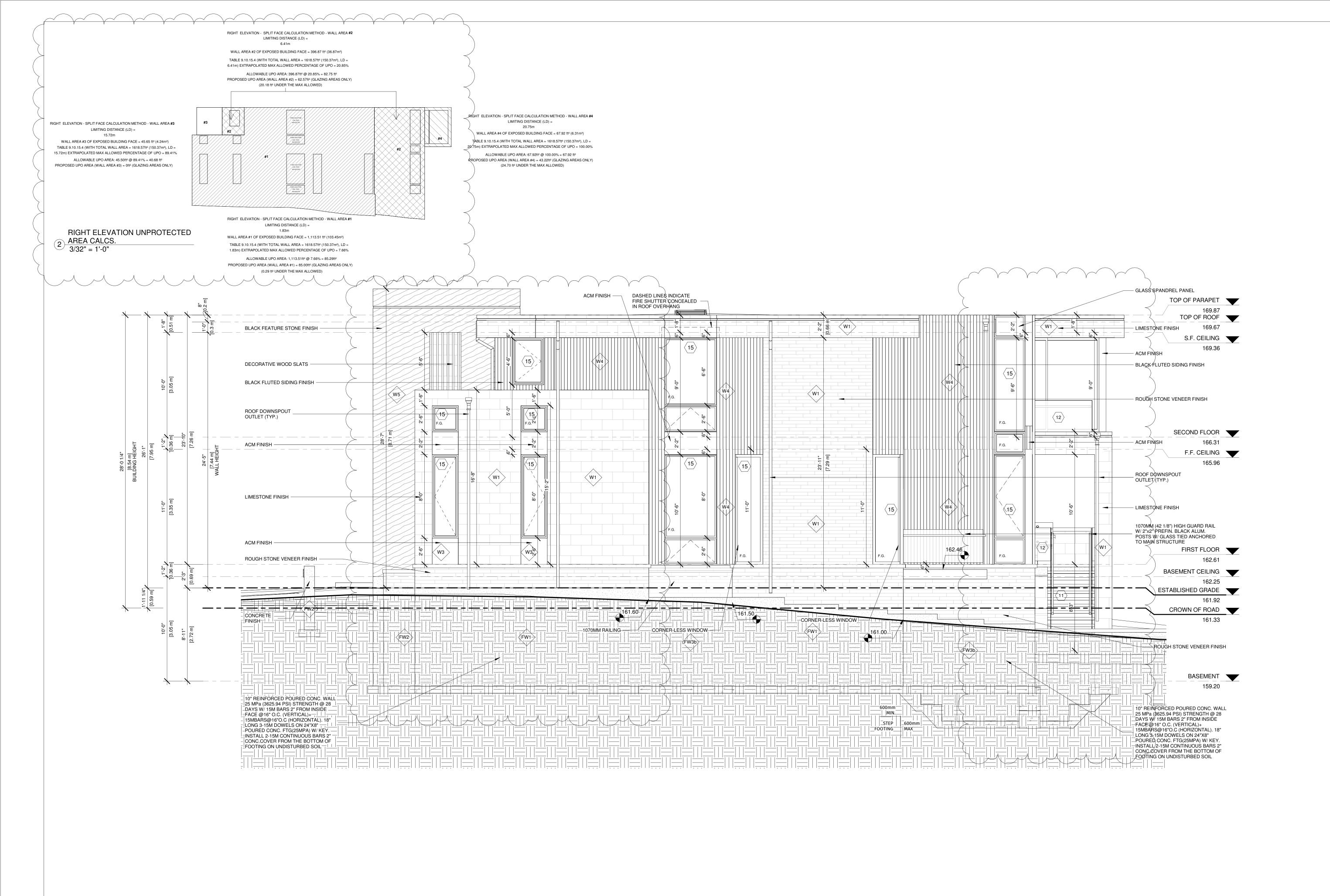
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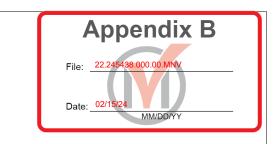
67 BABCOMBE DR THORNHILL, ON

ΑT

FRONT ELEVATION

2022-41 1/4" = 1'-0" SEMPTEMBER, 2023





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MARIN ZABZUNI
NAME
SIGNATURE
REGISTRATION INFORMATION

REGISTRATION INFORMATION

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CONTEMPO STUDIO

FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

RIGHT ELEVATION

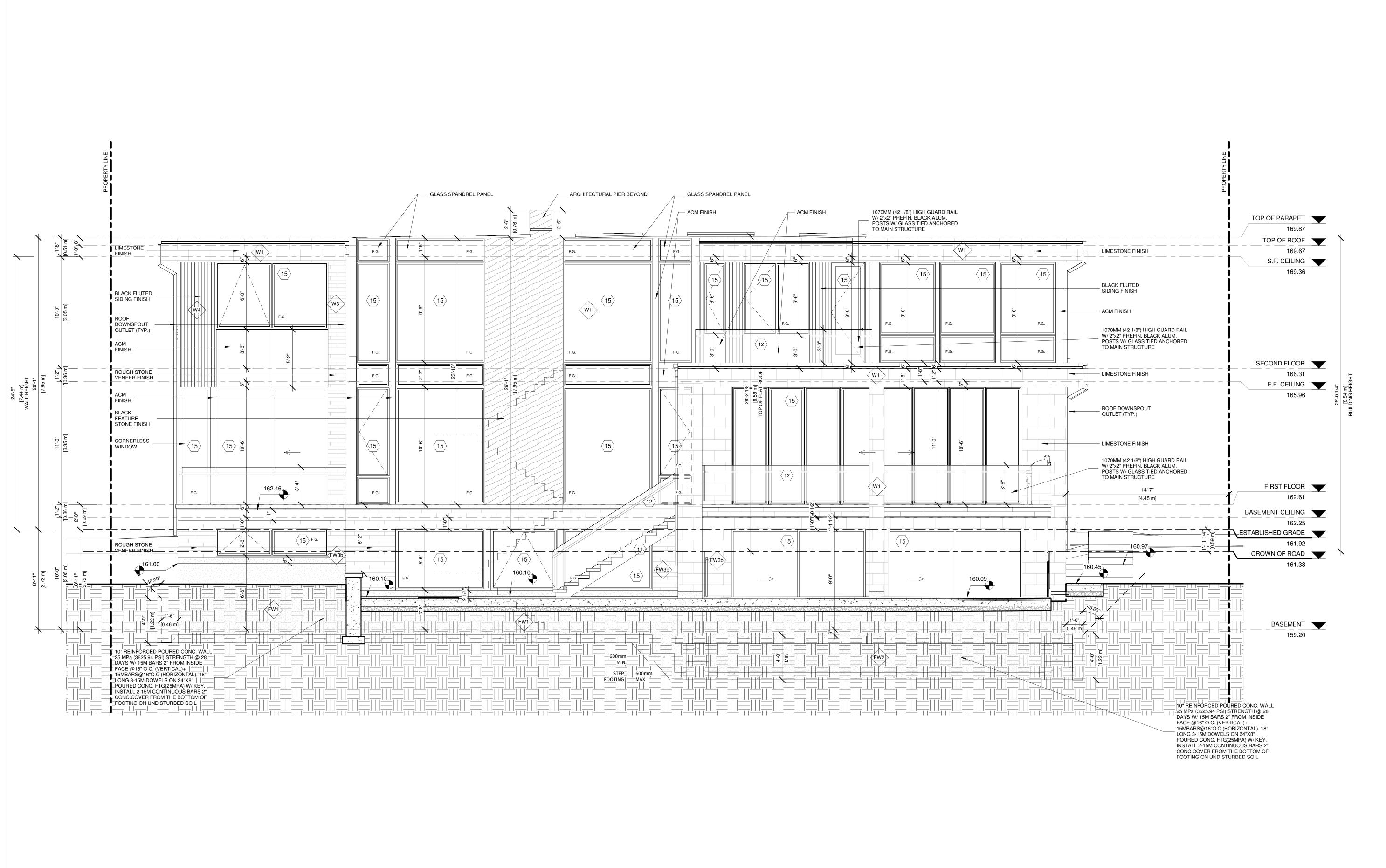
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MARIN ZABZUNI
NAME
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REGISTRATION INFORMATION
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CONTEMPO STUDIO

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

**REAR ELEVATION** 

Project number:
Rev. no.::
Scale:
Date:
Drawn by:
Approved by:

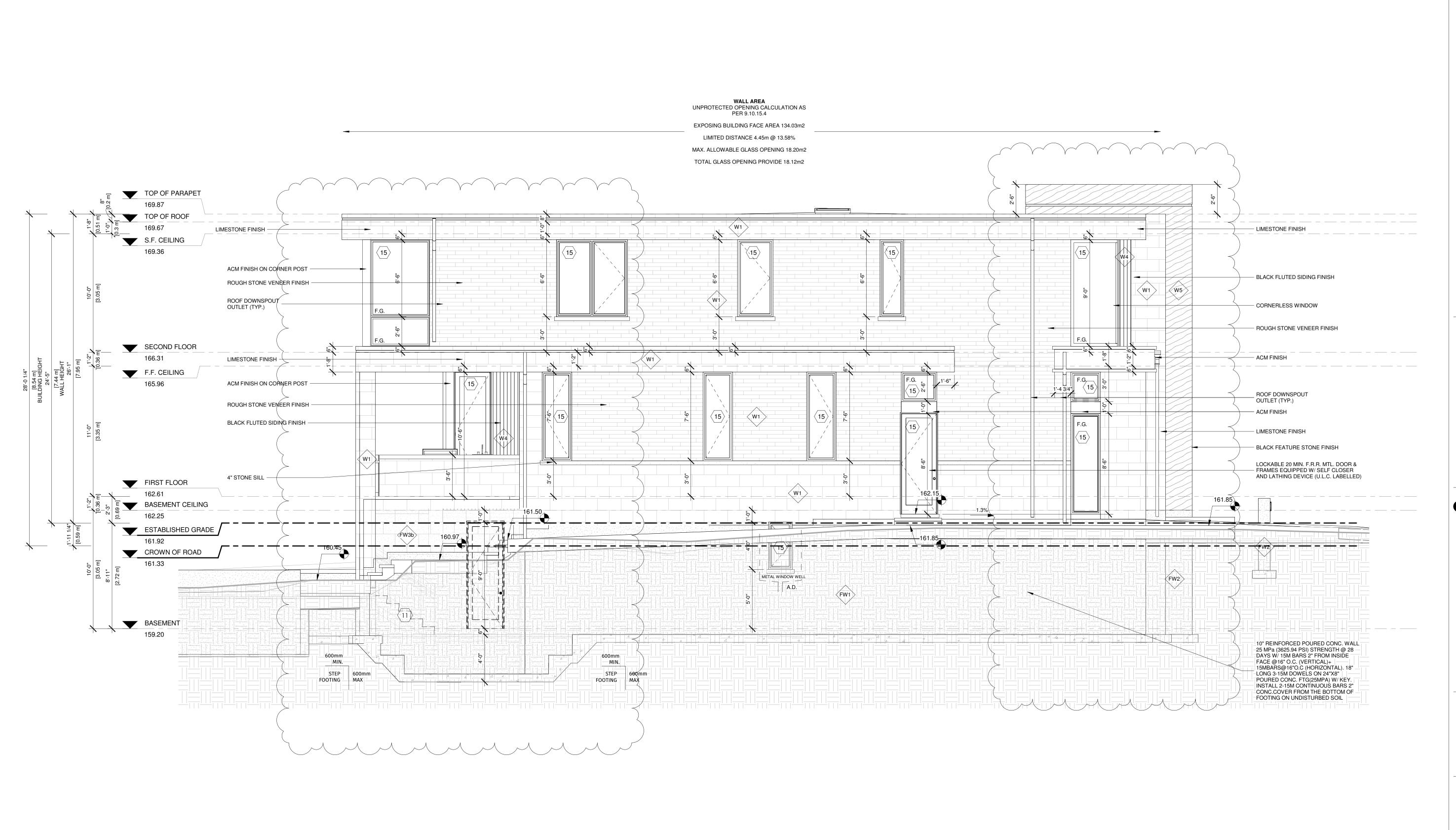
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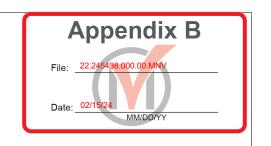
2022-41 1/4" = 1'-0" SEMPTEMBER, 2023 C.C.

46972

Drawing number:

**8A** 





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MARIN ZABZUNI
NAME
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CONTEMPO STUDIO

FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

LEFT ELEVATION

Project number:
Rev. no.::
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Drawn by:
Approved by:

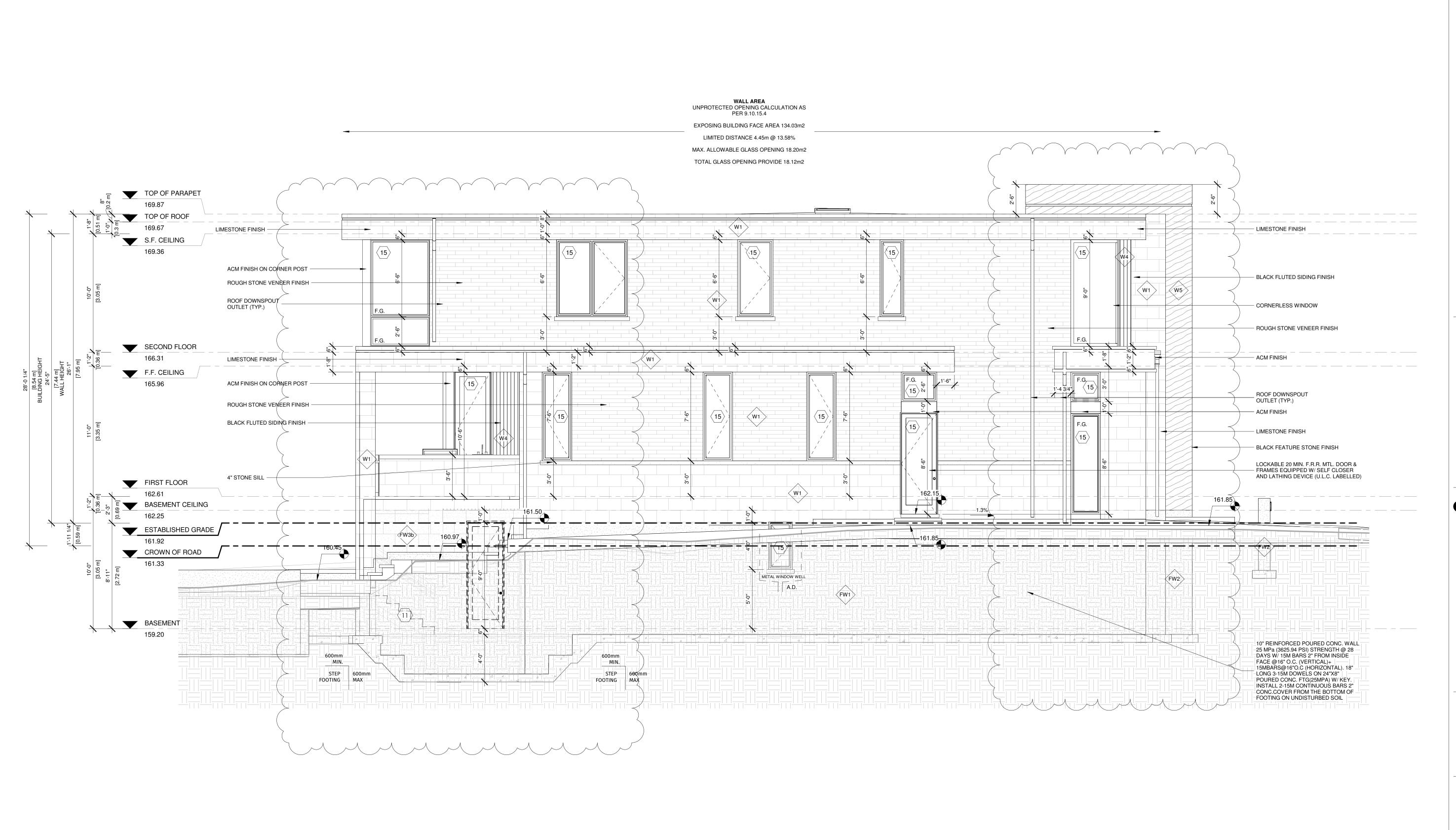
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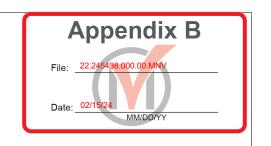
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**A9** 

46972

South-East, Left Elevation
1/4" = 1'-0"





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MARIN ZABZUNI
NAME
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CONTEMPO STUDIO

FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

LEFT ELEVATION

Project number:
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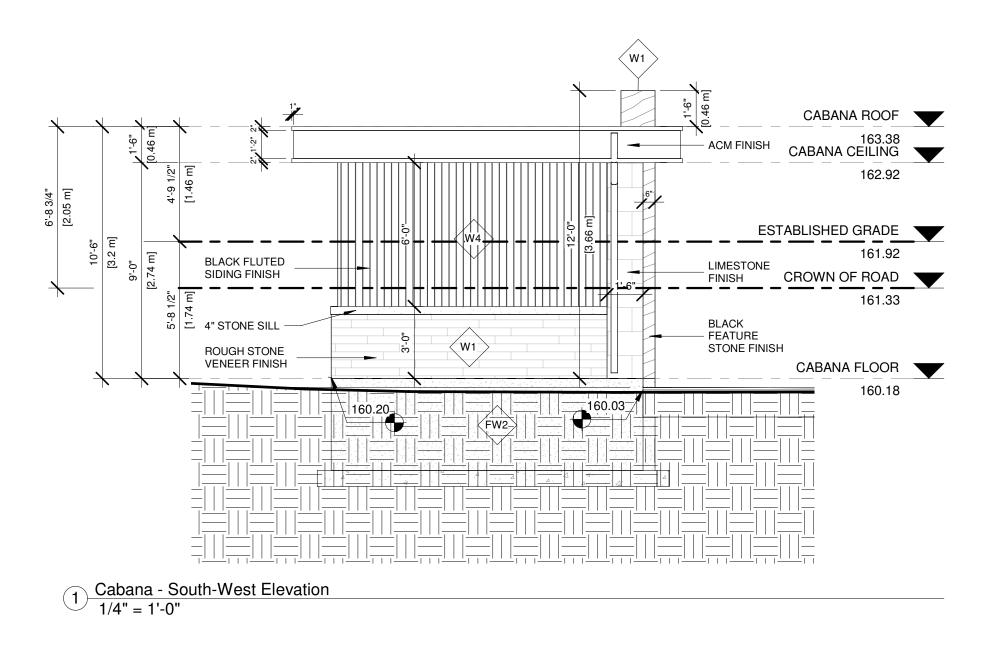
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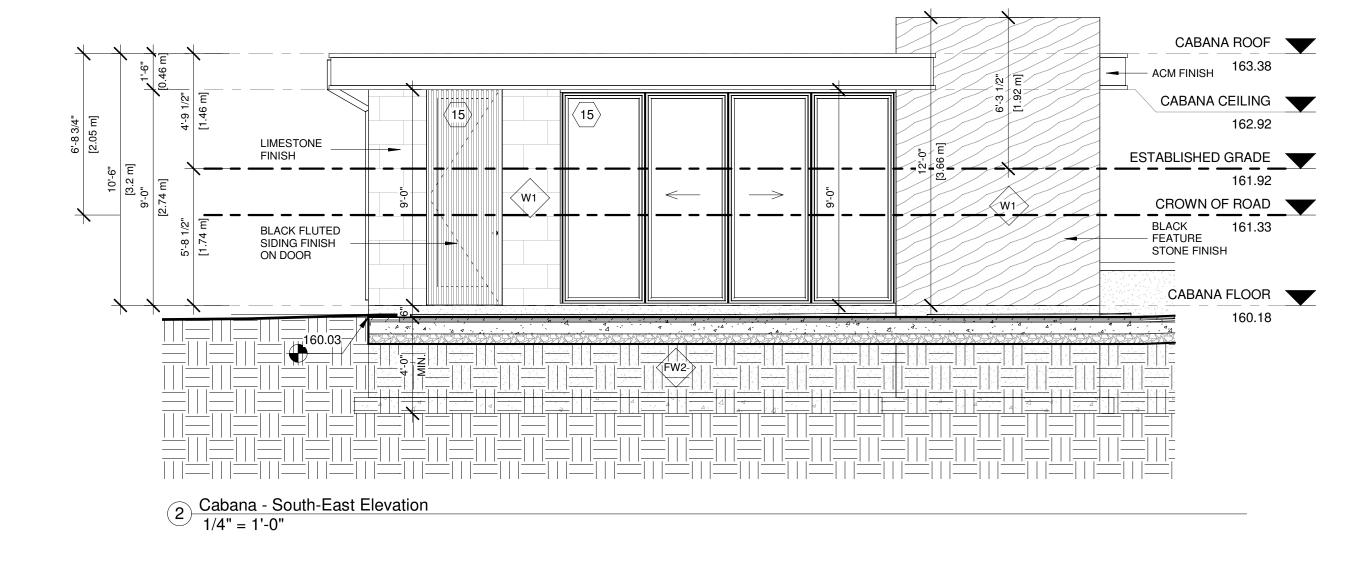
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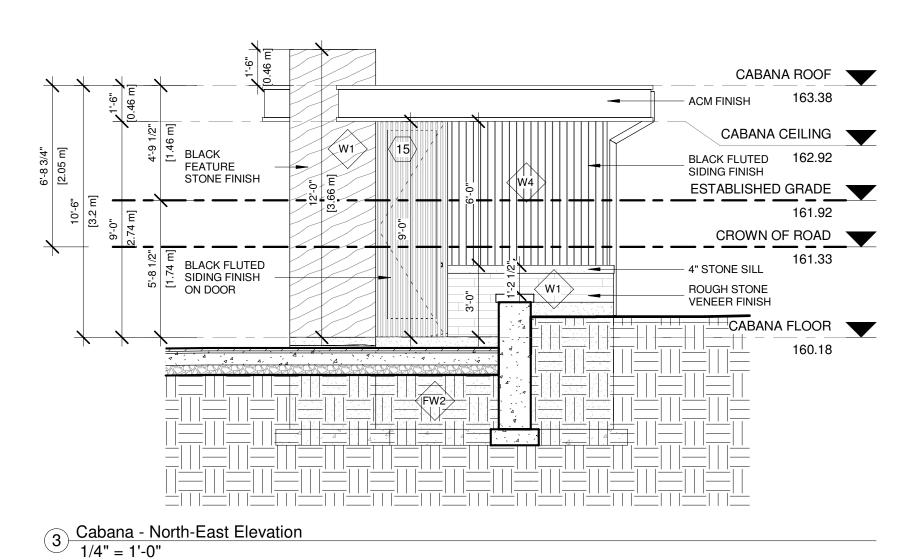
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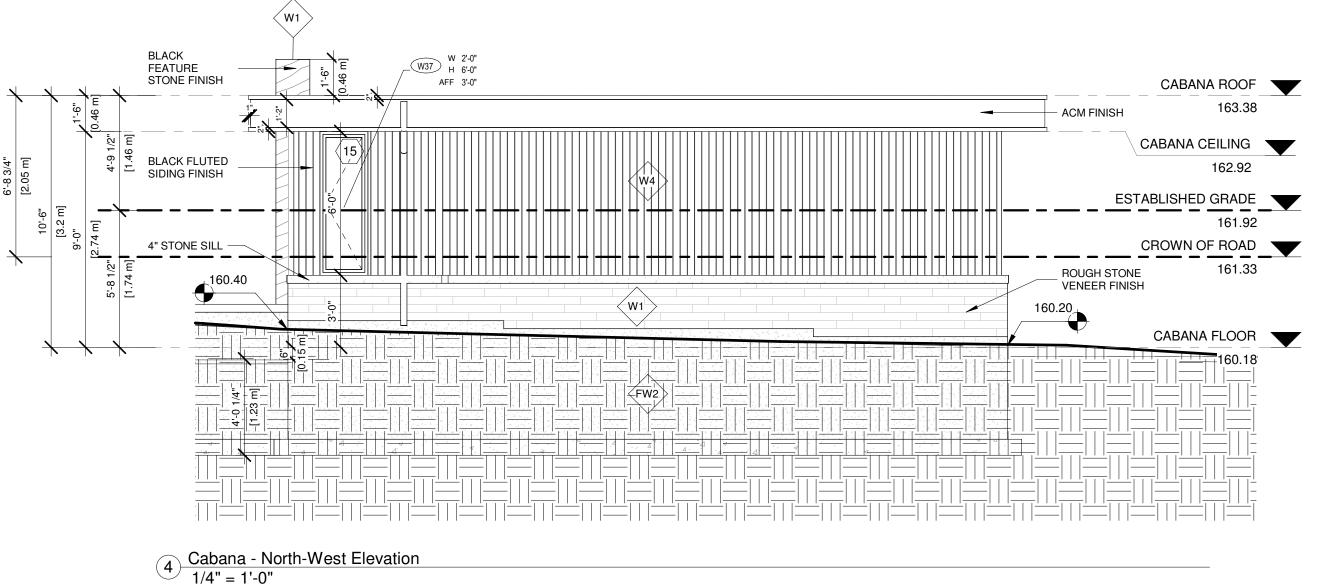
46972

South-East, Left Elevation
1/4" = 1'-0"









ΑT 67 BABCOMBE DR THORNHILL, ON

2 STOREY DETACHED WELLING

Appendix B

This drawing, as an instrument of service, is provided by and is the

notify Contempo Studio of any variations from the supplied

information.

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property of Contempo Studio. The contractor must verify and accept responsibility for all dimensions and conditions on site and must

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**contempo**studio

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CONTEMPO STUDIO

FIRM NAME

design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached

QUALIFICATION INFORMATION

REGISTRATION INFORMATION

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ZONING REVISION 2023-SEP-15

CABANA ELEVATIONS

Rev. no.:: Scale: Drawn by:

Approved by:

2022-41 1/4" = 1'-0" SEMPTEMBER, 2023

Drawing number:

# Memorandum to the City of Markham Committee

August 01, 2023

File: A/114/22

Address: 67 Babcombe Drive, Thornhill
Applicant: Contempo Studio (Marin Zabzuni)
Hearing Date: Wednesday, August 16, 2023

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following "Third Density Special Residential – (SR3)" zone requirements under By-law 1767, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

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## b) By-law 100-90, Section 1.2(iii):

a maximum building depth of 21.36 metres (70.07 feet), whereas the By-law permits a maximum building depth of 16.8 meters (55.12 feet);

### c) By-law 1767, Section 9(i):

a south side yard roof encroachment of 98 inches (2.48 metres), whereas the Bylaw permits a maximum encroachment of no more than 18 inches (0.45 metres)into the required side yard setback;

### d) By-law 1767, Section 12 (iv)(a):

a minimum front yard setback of 33.4 feet (10.18 metres), whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet (13.01 metres);

### e) By-law 1767, Section 18(ii)(b):

a lot coverage of 36.2 percent, whereas the By-law requires a maximum lot coverage of 33 1/3 percent; and

### f) By-law 100-90, Section 1.2 (vi):

a floor area ratio of 49.4 percent, whereas the By-law permits a maximum floor area ratio of 47 percent.

### **BACKGROUND**

### **Property Description**

The 1,392.98 m² (14,993.91 ft²) subject property is located on the west side of Babcombe Drive, north of Steeles Avenue East and east of Bayview Avenue. There is an existing 205.27 m² (2,209.50 ft²) one-storey detached dwelling on the subject property with mature vegetation located in the side and rear yards. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

## Proposal

The applicant is proposing to construct a two-storey detached dwelling with an integral garage with an approximate gross floor area of 688.59 m<sup>2</sup> (7,412 ft<sup>2</sup>).



## Official Plan and Zoning

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

The Official Plan designates the subject property "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. These criteria are 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, 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 1767

The subject property is zoned "Third Density Special Residential— (SR3)" under By-law 1767, as amended, which permits one single detached dwelling per lot.

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

The subject property is also subject to the 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 building height, building depth, and floor area ratio.

### Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 18, 2023 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.

### **Increases Maximum Floor Area Ratio Variance**

The applicant is requesting relief to permit a floor area ratio of 49.4 percent, whereas a maximum floor area ratio of 47 percent is permitted. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 688.59 m<sup>2</sup> (7,412 ft<sup>2</sup>), whereas the By-law a maximum floor area of 654.96 m<sup>2</sup> (7,050 ft<sup>2</sup>) is permitted. This represents an increase of approximately 33.63 m<sup>2</sup> (361.99 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the

dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The proposed increase in floor area represents a relatively minor deviation from the Bylaw requirement and is in keeping with the intended scale of residential infill developments for this neighbourhood. Staff are satisfied that the requested floor area ratio will not result in an overdevelopment of the site, and are of the opinion that the variance is generally consistent with what the By-law permits.

### **Increased Maximum Lot Coverage Variance**

The applicant is requesting relief for a maximum lot coverage of 36.2 percent, whereas a maximum floor area ratio of 33 1/3 percent is permitted. The proposed lot coverage includes the accessory building in the rear which adds approximately 36.77 m² (395.78 ft²) to the overall building area. Excluding the accessory building, the detached dwelling a lot coverage of 32.84 percent and would comply with the by-law requirement. Given that the main dwelling is below the by-law requirement, 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.

### **Increased Maximum Building Depth Variance**

The applicant is requesting relief to permit a maximum building depth of 21.36 m (70.07 ft.), whereas a maximum building depth of 16.8 m (55.11 ft.) is permitted. This represents an increase of approximately 4.56 m (14.96 ft.).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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. This variance is being requested to facilitate a building footprint that is irregular in shape. Staff note that approximately 0.76 m (2.49 ft.) of the proposed increased depth is attributed to the front covered porch and 2.3 m (7.54 ft.) for the projection of the rear covered deck. The main component of the building, excluding the aforementioned projections has a depth of 18.3 m (60.03 ft.). As adequate amenity space is being provided in the rear yard, staff are of the opinion that the variance meets the general intent and purpose of the Zoning By-law.

## Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.54 m (28.01 ft.), whereas a maximum building height of 8.0 m (26.24 ft.) for a flat roof is permitted. This represents an increase of 0.54 m (1.77 ft.).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.4 m (1.31ft) above the crown of road. Staff considers the proposed increase in height to be consistent and compatible with existing infill development along Balcombe Drive. Staff further note the existing trees on the property will provide screening to mitigate any visual impacts to the streetscape or neighbouring properties.

Consequently, staff are of the opinion the proposed building height will not adversely impact the character of the neighbourhood and is appropriate for the subject property.

### Reduced Front Yard Setback Variance

The applicant is requesting relief from the Zoning By-law to permit a minimum front yard setback of 33.4 ft. (10.18 m), whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet (13.01 m). Given that the main front wall of the building is generally consistent with the established front yard setback pattern on the street or rear yard setback pattern, staff have does not anticipate any adverse impacts as a result of the requested variance and therefore have no concerns.

### **Increased Maximum Eaves Encroachment Variance**

The applicant is requesting a maximum eaves encroachment of 98 in (2.48 m) into the south side yard, whereas a maximum eaves encroachment of no more than 18 in (0.45 m) is permitted. This represents an increase of 79.92 in (2.03 m). Staff are of the opinion that since the requested variance maintains the permitted side yard setback, it will not add to the overall massing of the building. Staff are of the opinion that the requested variance is appropriate for the development of the site.

### Metrolinx Requirements

The subject property is located within 300 m of Metrolinx's Bala Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on June 23, 2022 (Appendix "C"), requiring that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Associate of Canada's Guidelines for New Development in Proximity to Railway Operations. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.

Staff recommend that the proposed development is subject to the associated condition of approval provided in Appendix "A".

### PUBLIC INPUT SUMMARY

No written submissions were received as of August 14, 2023. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

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Brashanthe Manoharan, Planner II, East District

**REVIEWED BY:** 

Anche Coparett

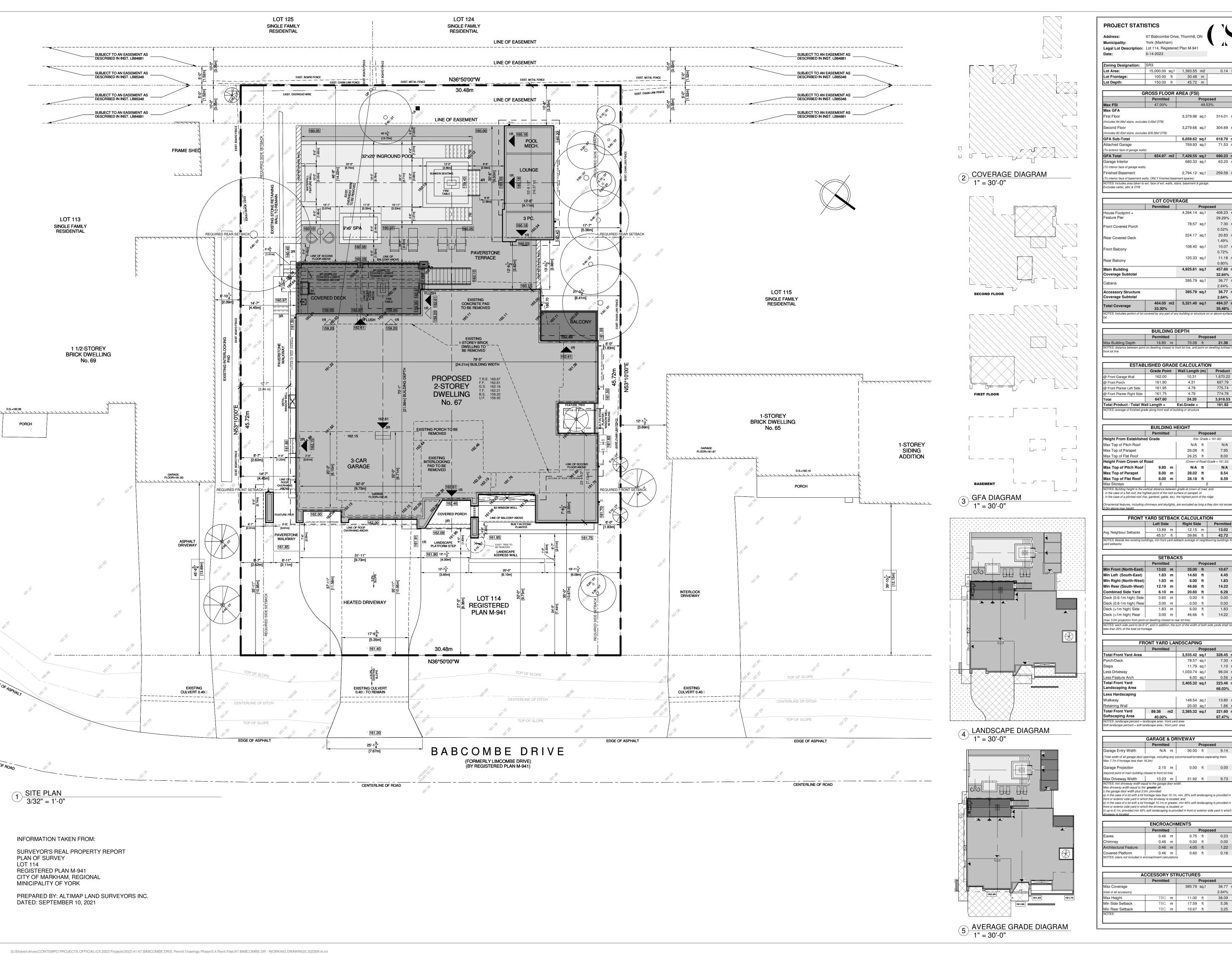
Rick Cefaratti, MCIP, RPP Senior Planner II, West District

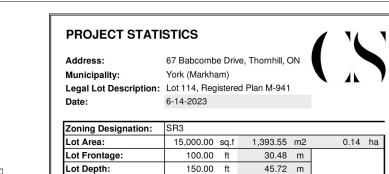
# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/22

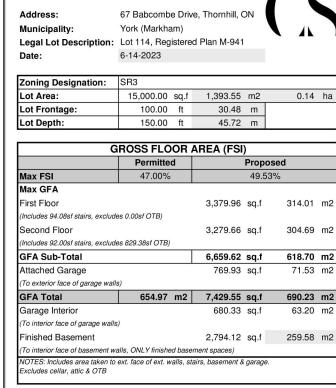
- 1. The variances apply only to the proposed development for as long as it remains.
- 2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
- 3. That the Owner satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer, attached as Appendix "C" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.
- 4. 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.
- 5. 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.
- 6. 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.

CONDITIONS PREPARED BY
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Brashanthe Manoharan, Planner II, East District







LOT COVERAGE									
	Permitted	17.5.2	Prop	osed					
House Footprint + Feature Pier		4,394.14	sq.f	408.23 29.29%	m2				
Front Covered Porch		78.57	sq.f	7.30 0.52%	m2				
Rear Covered Deck		224.17	sq.f	20.83 1.49%	m2				
Front Balcony		108.40	sq.f	10.07 0.72%	m2				
Rear Balcony		120.33	sq.f	11.18 0.80%	m2				
Main Building Coverage Subtotal		4,925.61	sq.f	457.60 32.84%					
Cabana		395.79	sq.f	36.77 2.64%	m2				
Accessory Structure Coverage Subtotal		395.79	sq.f	36.77 2.64%	m2				
Total Coverage	464.05 m2 33.30%	5,321.40	sq.f	494.37 35.48%					

	BUILDING D	DEPTH	
	Permitted	Proposed	
x Building Depth	16.80 m	70.08 ft <b>21.3</b> 6	6
TES: distance between point t lot line	on dwelling closest to f	front lot line, and point on dwelling furth	est

	Grade Point	Wall Length (m)	Product
@ Front Garage Wall	162.00	10.31	1,670.22
@ Front Porch	161.90	4.31	697.79
@ Front Planter Left Side	161.95	4.79	775.74
@ Front Planter Right Side	161.75	4.79	774.78
Total	647.60	24.20	3,918.53
Total Product / Total Wa	all Length =	Est.Grade =	161.92

BUILDING HEIGHT								
	Permitte	d		Prop	osed			
eight From Establishe	d Grade		(Est.	Grao	le = 161.92)			
ax Top of Pitch Roof			N/A	ft	N/A	m		
ax Top of Parapet			26.08	ft	7.95	m		
ax Top of Flat Roof			26.25	ft	8.00	m		
eight From Crown of F	(Crown of	Road	Grade = 161.33)					
ax Top of Pitch Roof	9.80	m	N/A	ft	N/A	m		
ax Top of Parapet	8.00	m	28.02	ft	8.54	m		
ax Top of Flat Roof	8.00	m	28.18	ft	8.59	m		
ax Storeys	2			(	2			
TES: Building height is the ve the case of a flat roof, the hig					l, and:			

FRONT	ARD SETBAC	CK CALCULATION	NC
	Left Side	Right Side	Permitted
Aug Naighbeur Cathagla	13.89 m	12.15 m	13.02 m
Avg. Neighbour Setbacks	45.57 ft	39.86 ft	42.72 ft

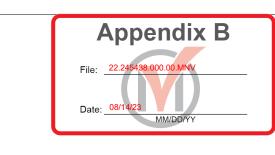
SETBACKS								
	Permitted	t		Prop	osed			
lin Front (North-East)	13.02	m	35.00	ft	10.67	m		
lin Left (South-East)	1.83	m	14.60	ft	4.45	m		
lin Right (North-West)	1.83	m	6.00	ft	1.83	m		
lin Rear (South-West)	12.19	m	46.66	ft	14.22	m		
ombined Side Yard	6.10	m	20.60	ft	6.28	m		
eck (0.6-1m high) Side	0.60	m	0.00	ft	0.00	m		
eck (0.6-1m high) Rear	3.00	m	0.00	ft	0.00	m		
eck (>1m high) Side	1.83	m	6.00	ft	1.83	m		
eck (>1m high) Rear	3.00	m	46.66	ft	14.22	m		
nax 3.0m projection from point o	on dwelling close	st to r	ear lot line)					

1							
FR	ONT YAR	D LA	NDSCAPIN	IG			
	Permitt	ed		Prop	osed		
otal Front Yard Area			3,535.42	sq.f	328.45	m2	
orch/Deck			78.57	sq.f	7.30	m2	
teps			11.79	sq.f	1.10	m2	
ess Driveway			1,033.74	sq.f	96.04	m2	
ess Feature Arch			6.00	sq.f	0.56	m2	
otal Front Yard			2,405.32	sq.f	223.46	m2	
andscaping Area					68.03%		
ess Hardscaping							
Valkway			148.54	sq.f	13.80	m2	
Retaining Wall			20.00	sq.f	1.86	m2	
otal Front Yard	89.38	m2	2,385.32	sq.f	221.60	m2	
oftscaping Area	40.009	%			67.47%		
OTES: landscape percent = la oft landscape percent = soft la							

	Permitted Proposed						
Garage Entry Width	N/A	m	30.00	ft	9.14	m	
(Total width of all garage door op Max 7.7m if frontage less than 18		any o	columns/wall/wind	ows s	eperating them.		
Garage Projection	2.10	m	0.00	ft	0.00	n	
(beyond point of main building cle	osest to front lot	line)					
Max Driveway Width	10.23	m	31.92	ft	9.73	n	
NOTES: min driveway width equ Max driveway width equal to the j the garage door width plus 2.0i a) in the case of a lot with a lot fr front or exterior side yard in whic b) in the case of a lot with a lot fr front or exterior side yard in whic ii) up to 6.1m, provided min 40%	greater of: m, provided: ontage less than th the driveway is ontage 10.1m or th the driveway is	10.1m locati greate locati	n, min. 25% soft la ed; and r, min 40% soft la ed; or	ndsca	aping is provided	in	

ENCROACHMENTS						
	Permitted	t		Prop	osed	
aves	0.46	m	0.75	ft	0.23	m
himney	0.46	m	0.00	ft	0.00	m
rchitectural Feature	0.46	m	4.00	ft	1.22	m
overed Platform OTES: stairs not included in e	0.46 ncroachment calc	m ulatior	0.60	ft	0.18	m

ACCESSORY STRUCTURES						
	Permitted		Proposed			
ax Coverage			395.79	sq.f	36.77	m2
al of all accessory)					2.64%	
ax Height	TBC	m	11.00	ft	36.09	m
n Side Setback	TBC	m	17.59	ft	5.36	m
n Rear Setback	TBC	m	10.67	ft	3.25	m



This drawing is not to be scaled.

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The undersigned has reviewed and takes responsibility for this

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2 STOREY DETACHED WELLING

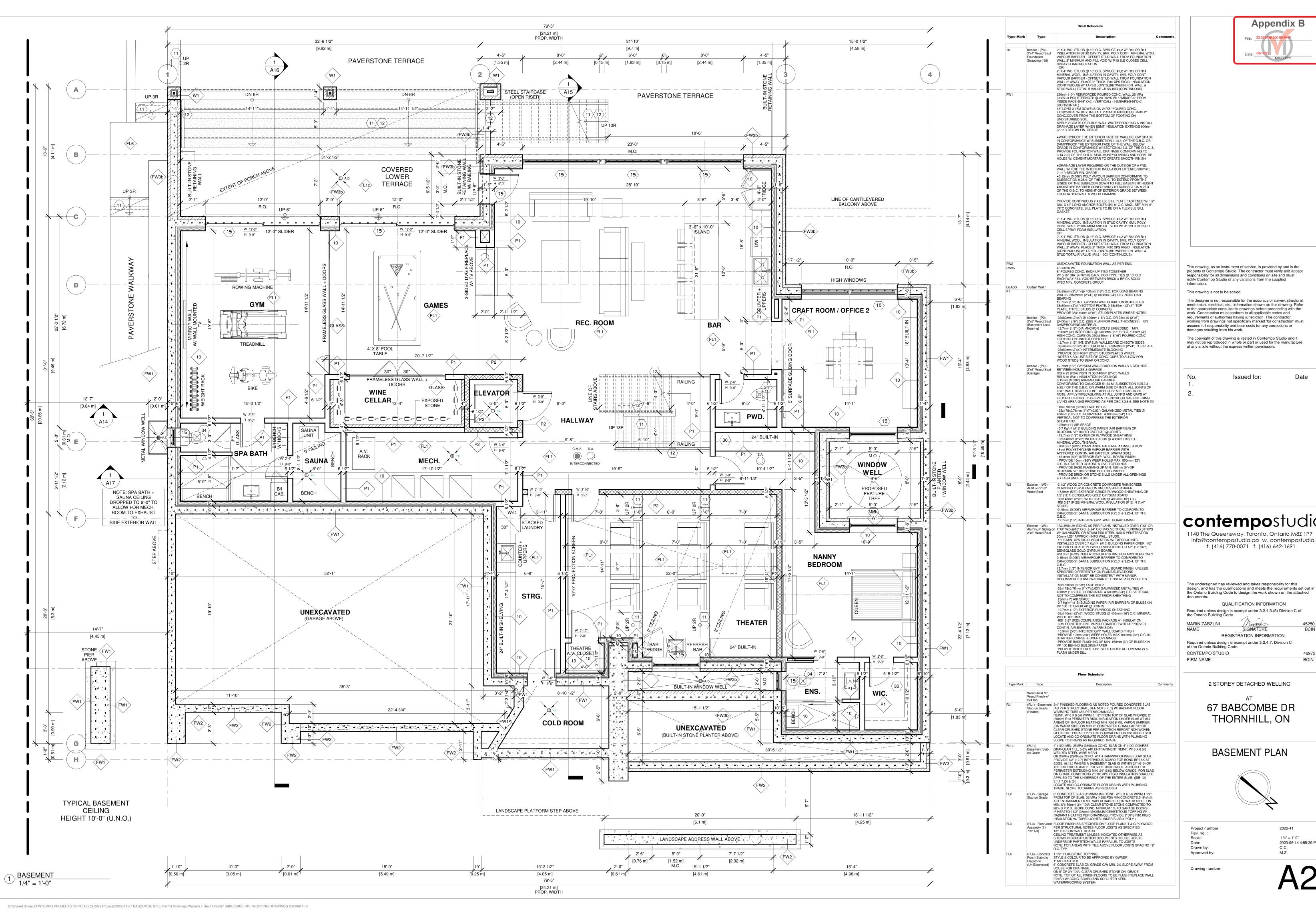
ΑT 67 BABCOMBE DR THORNHILL, ON

SITE PLAN



2022-41 Scale: As indicated 2023-06-14 4:55:33 PM Drawn by: Approved by:

Drawing number:





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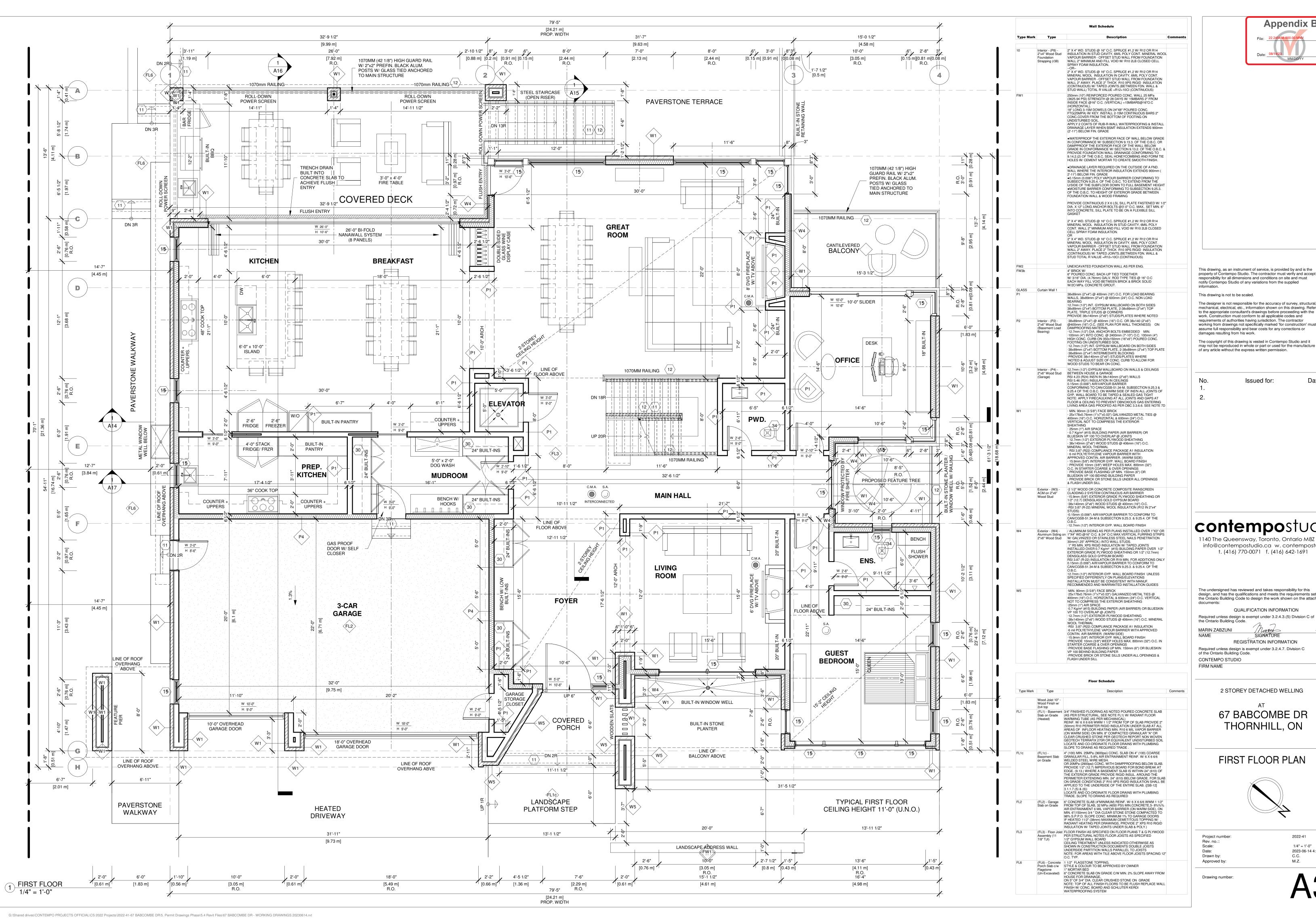
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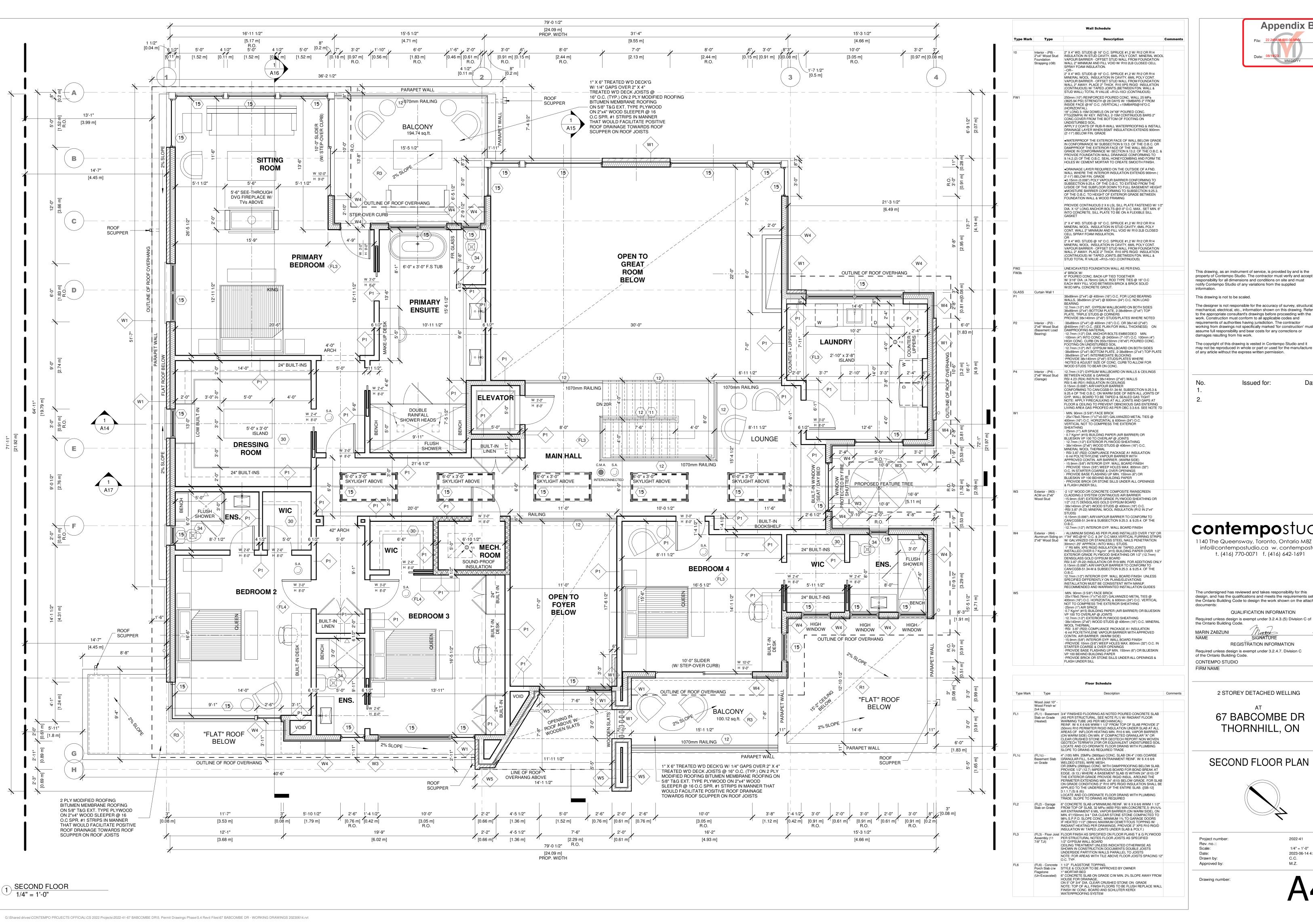
FIRST FLOOR PLAN



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the Ontario Building Code. //laws SIGNATURE

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2 STOREY DETACHED WELLING

ΑT

67 BABCOMBE DR THORNHILL, ON

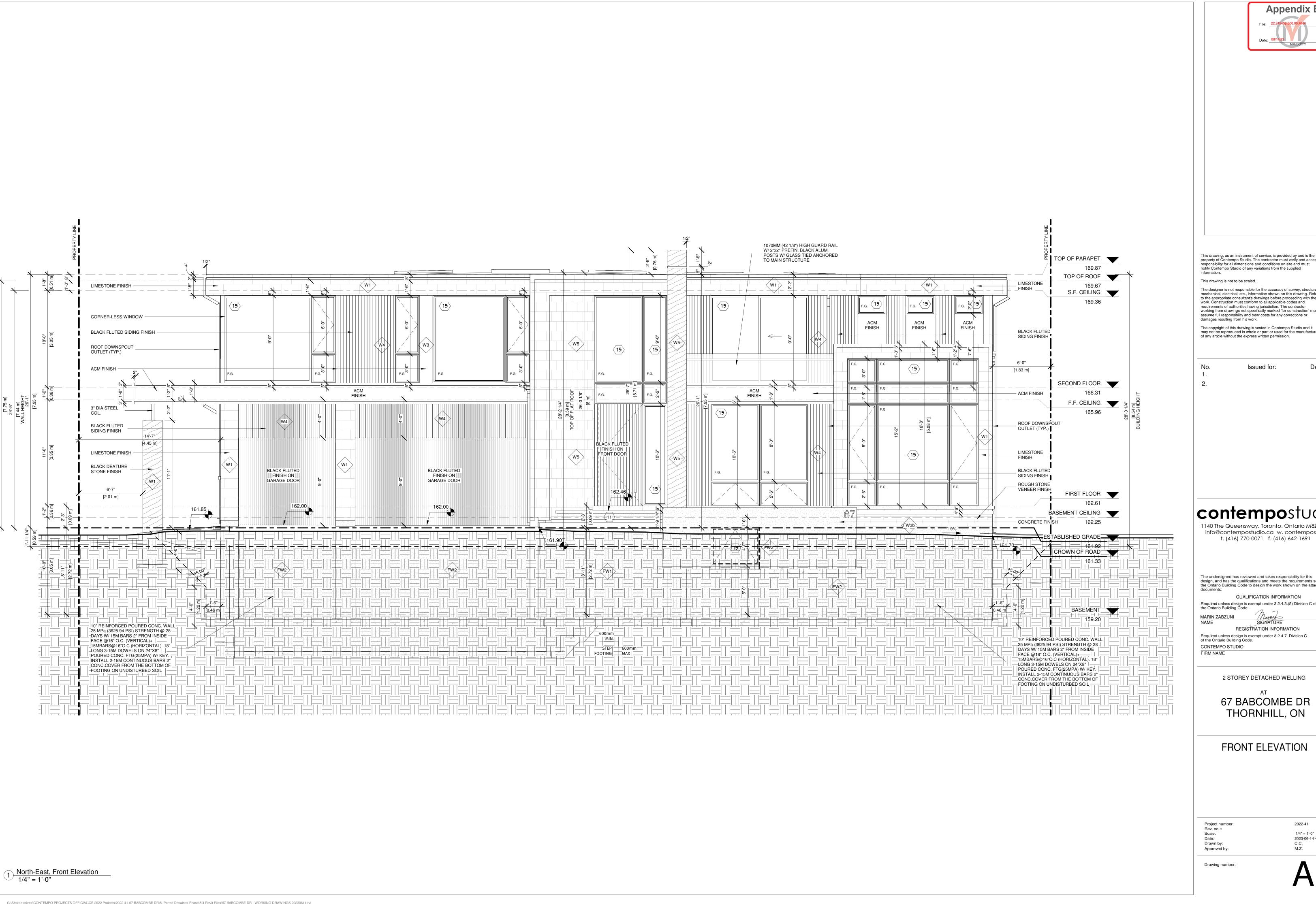
SECOND FLOOR PLAN

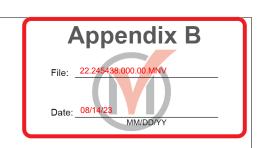


Project number: Approved by:

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Drawing number:





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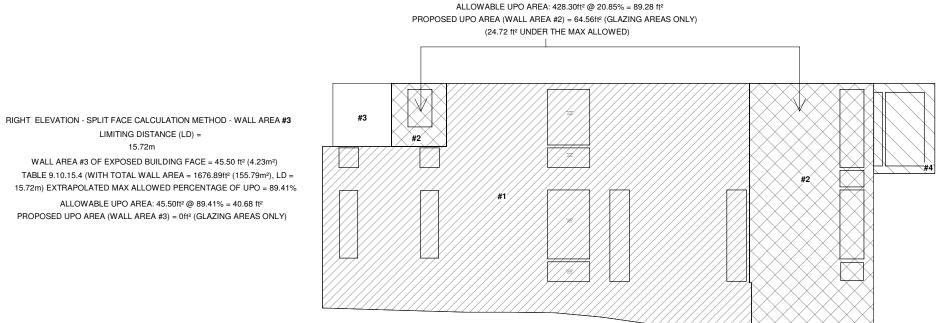
67 BABCOMBE DR THORNHILL, ON

ΑT

FRONT ELEVATION

2022-41 1/4" = 1'-0" 2023-06-14 4:55:49 PM

Drawing number:



RIGHT ELEVATION - SPLIT FACE CALCULATION METHOD - WALL AREA #4 LIMITING DISTANCE (LD) =

20.75m

WALL AREA #4 OF EXPOSED BUILDING FACE = 67.92 ft² (6.31m²)

TABLE 9.10.15.4 (WITH TOTAL WALL AREA = 1676.89ft² (155.79m²), LD = 20.75m) EXTRAPOLATED MAX ALLOWED PERCENTAGE OF UPO = 100.00%

ALLOWABLE UPO AREA: 67.92ft² @ 100.00% = 67.92 ft²

PROPOSED UPO AREA (WALL AREA #4) = 43.22ft² (GLAZING AREAS ONLY)

(24.70 ft<sup>2</sup> UNDER THE MAX ALLOWED)

RIGHT ELEVATION UNPROTECTED

AREA CALCS.

3/32" = 1'-0"

 $\label{eq:Limiting distance} LIMITING DISTANCE (LD) = $1.83m$$  WALL AREA #1 OF EXPOSED BUILDING FACE = 1,135.17 ft² (105.46m²)  $TABLE \ 9.10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \ AREA = 1676.89ft² \ (155.79m²), \ LD = 10.15.4 \ (WITH \ TOTAL \ WALL \$ 

RIGHT ELEVATION - SPLIT FACE CALCULATION METHOD - WALL AREA #1

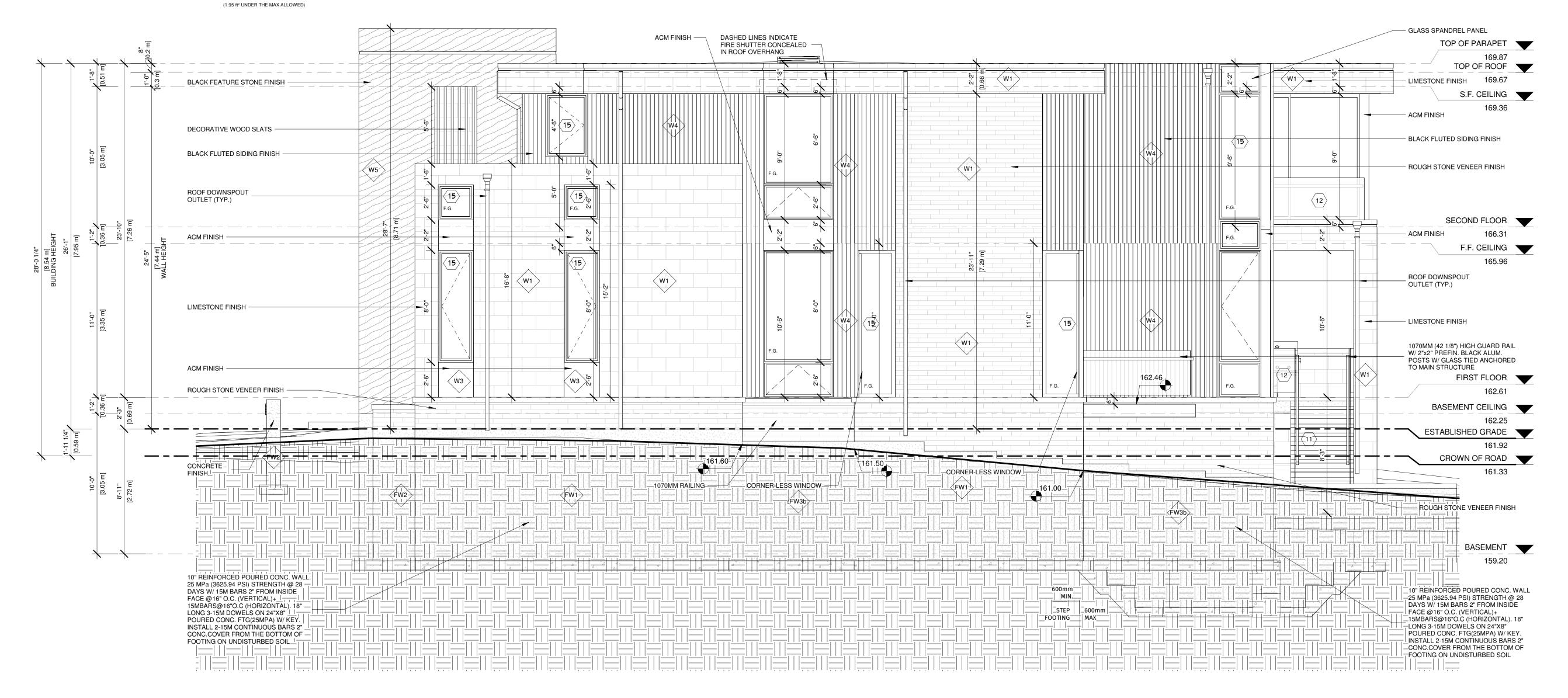
RIGHT ELEVATION - SPLIT FACE CALCULATION METHOD - WALL AREA #2
LIMITING DISTANCE (LD) =

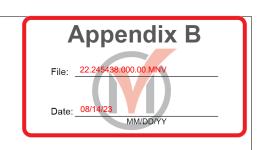
WALL AREA #2 OF EXPOSED BUILDING FACE =  $428.30 \text{ ft}^2 (39.79\text{m}^2)$ TABLE 9.10.15.4 (WITH TOTAL WALL AREA =  $1676.89\text{ft}^2 (155.79\text{m}^2)$ , LD = 6.41m) EXTRAPOLATED MAX ALLOWED PERCENTAGE OF UPO = 20.85%

1.83m) EXTRAPOLATED MAX ALLOWED PERCENTAGE OF UPO = 7.66%

ALLOWABLE UPO AREA: 1,135.17ft² @ 7.66% = 86.95 ft²

PROPOSED UPO AREA (WALL AREA #1) = 85.00ft² (GLAZING AREAS ONLY)





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No. Issued for: Date 1. 2.

# contempostudio 1140 The Queensway, Toronto, Ontario M8Z 1P7

info@contempostudio.ca w. contempostudio.ca t. (416) 770-0071 f. (416) 642-1691

design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.4.3.(5) Division C of

The undersigned has reviewed and takes responsibility for this

MARIN ZABZUNI
NAME
SIGNATURE
REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.

FIRM NAME

CONTEMPO STUDIO

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

RIGHT ELEVATION

Project number:
Rev. no.::
Scale:
Date:
Drawn by:
Approved by:

2022-41

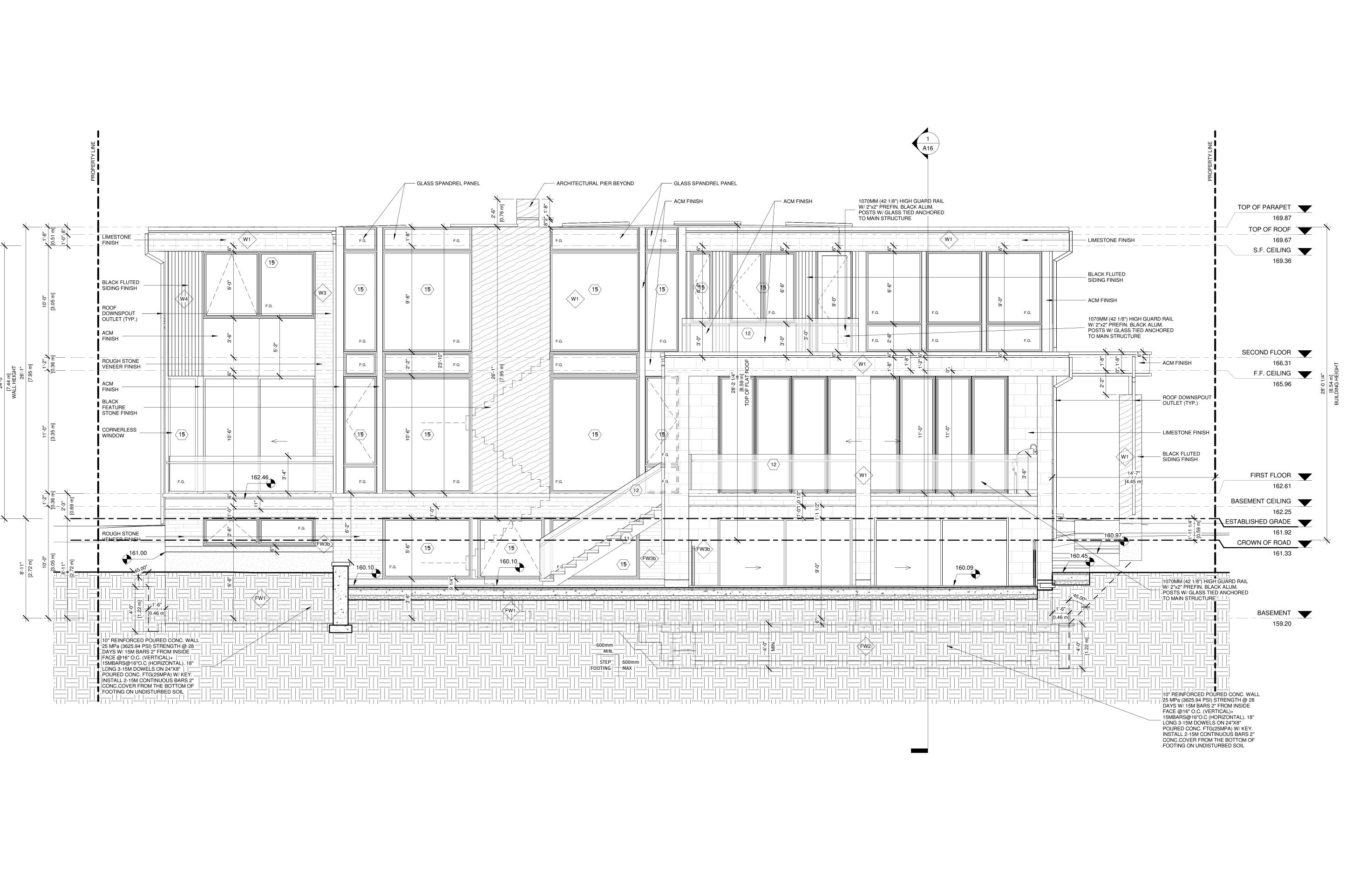
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C.C.

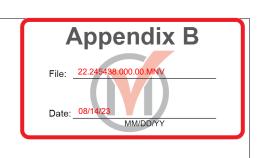
Drawing number:

**A**7

46972

North-West Right Elevation
1/4" = 1'-0"





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No. Issued for: Date

1.

2.

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REGISTRATION INFORMATION

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CONTEMPO STUDIO

FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

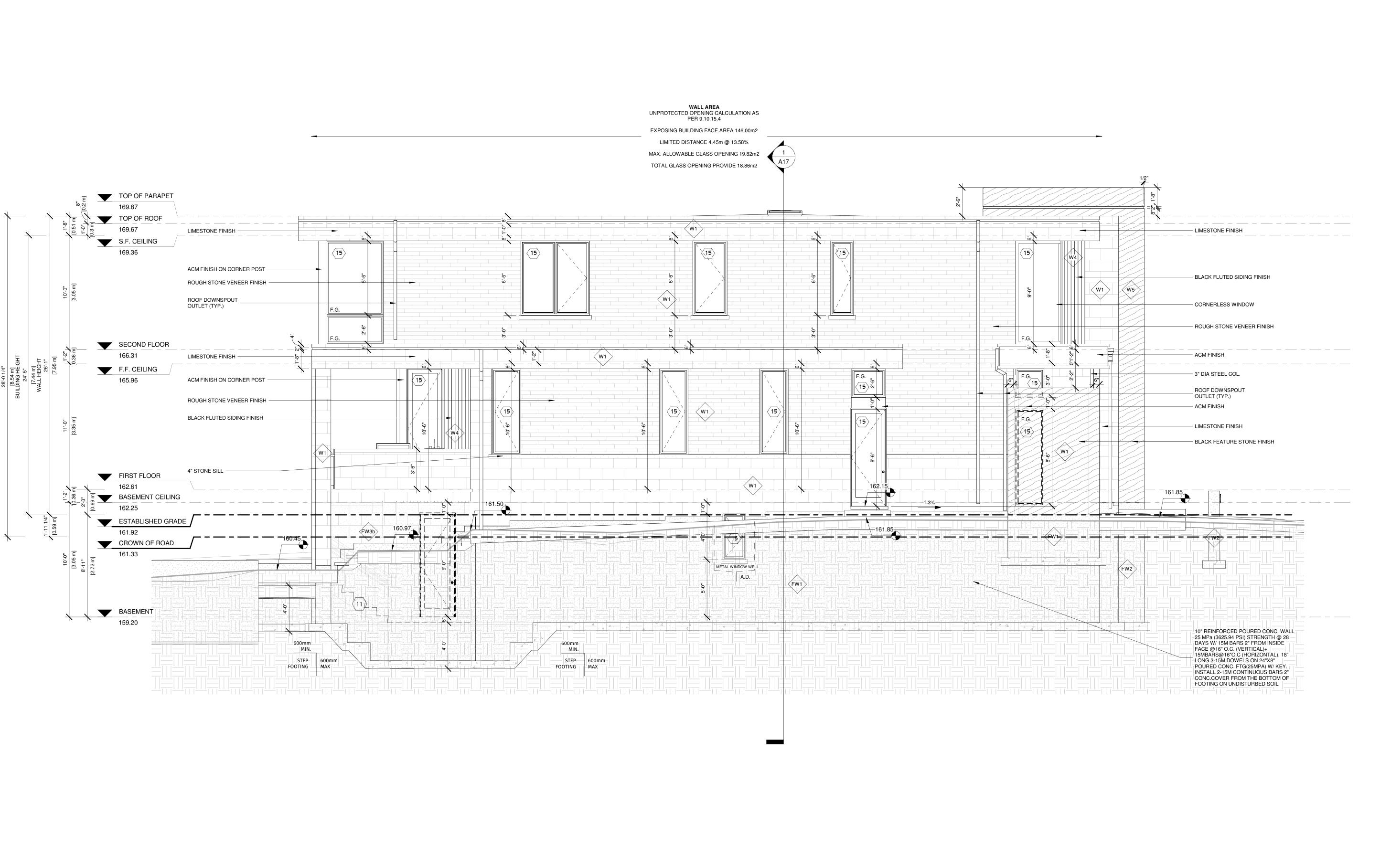
**REAR ELEVATION** 

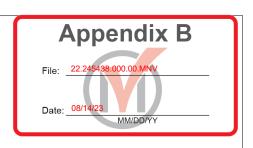
Project number:
Rev. no.::
Scale:
Date:
Drawn by:
Approved by:

2022-41 1/4" = 1'-0" 2023-06-14 4:55:50 PM C.C. M 7

Drawing number:

**A8** 





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No. Issued for: Date

2.

# contempostudio

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

MARIN ZABZUNI
NAME
SIGNATURE

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.
CONTEMPO STUDIO
FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

ΑT

LEFT ELEVATION

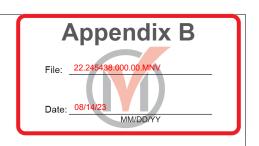
Project number:
Rev. no.::
Scale:
Date:
Drawn by:
Approved by:

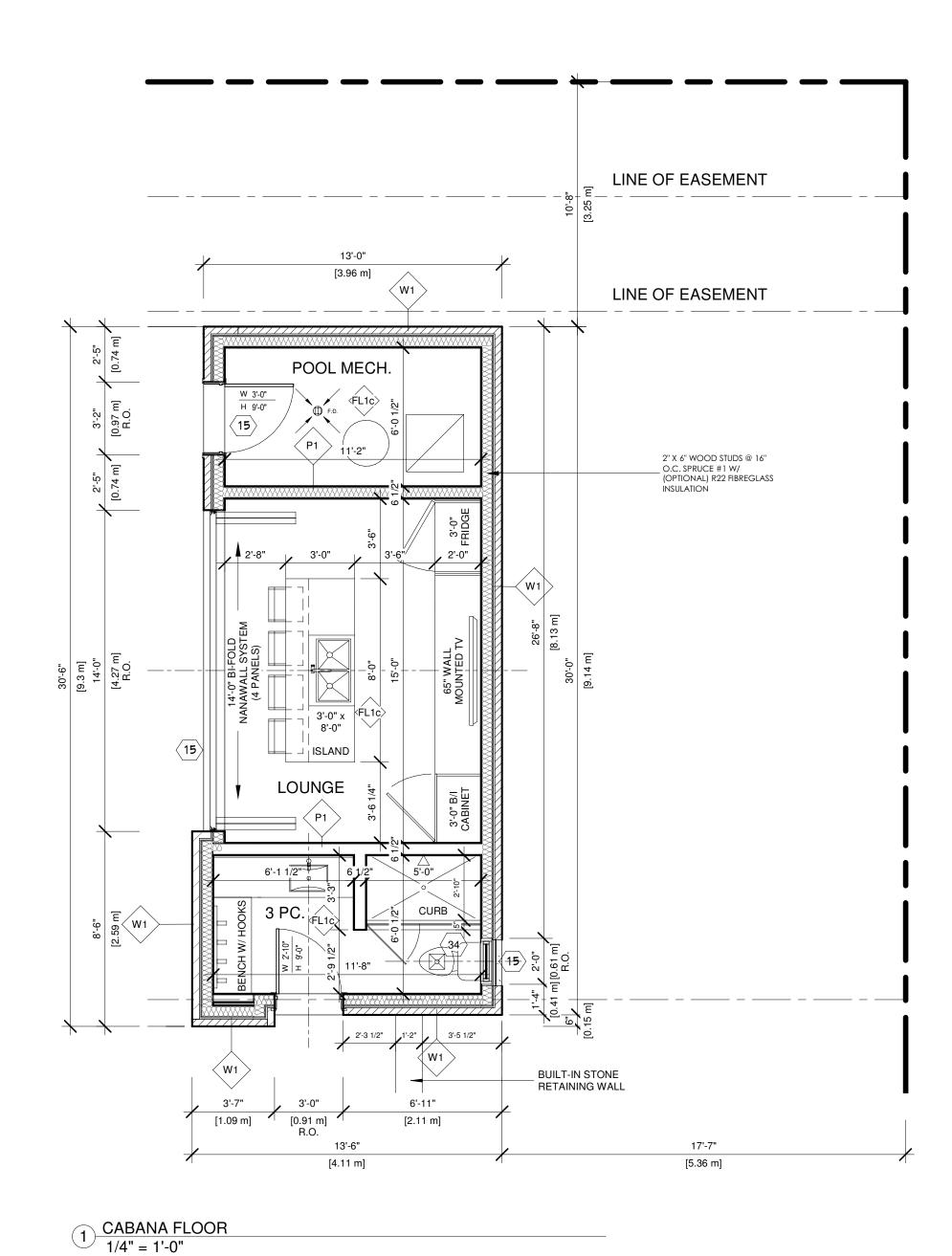
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Drawing number:

**A9** 

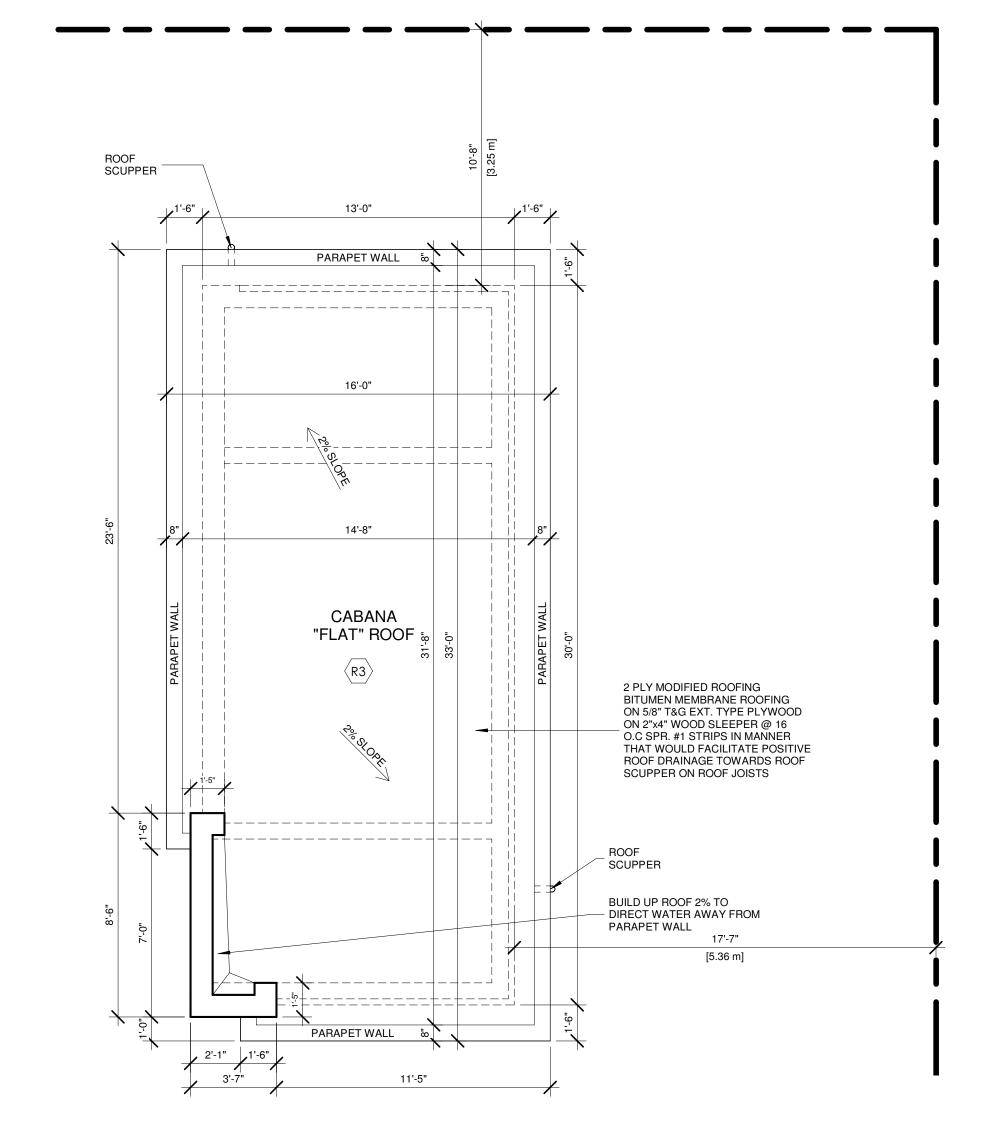
South-East, Left Elevation
1/4" = 1'-0"





G:\Shared drives\CONTEMPO PROJECTS OFFICIAL\CS 2022 Projects\2022-41-67 BABCOMBE DR\5. Permit Drawings Phase\5.4 Revit Files\67 BABCOMBE DR - WORKING DRAWINGS 20230614.rvt

2 CABANA ROOF 1/4" = 1'-0"



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o. Issued for: Date

# contempostudio

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QUALIFICATION INFORMATION

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MARIN ZABZUNI
NAME
SIGNATURE

REGISTRATION INFORMATION
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CONTEMPO STUDIO
FIRM NAME

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

CABANA PLANS

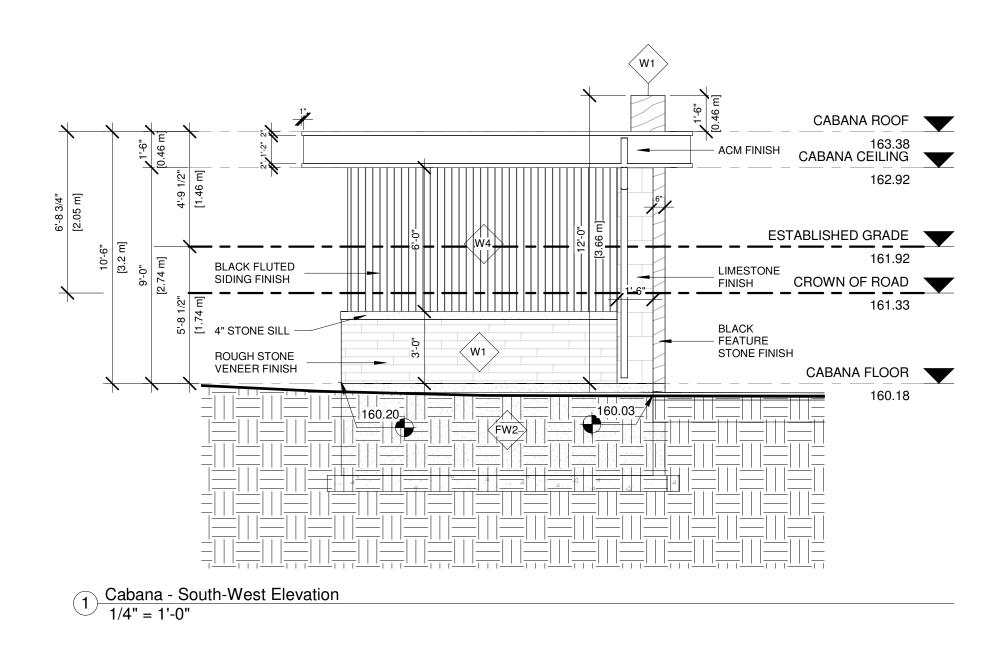
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Rev. no.::
Scale:
Date:
Drawn by:

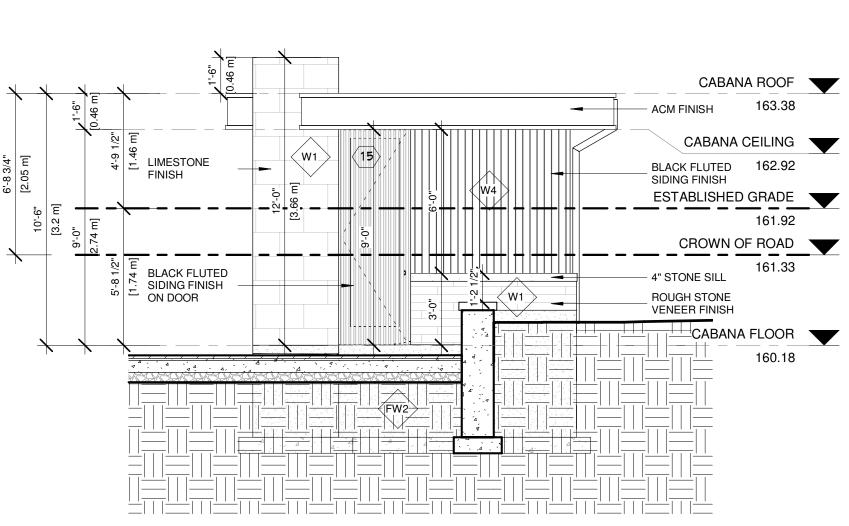
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Drawing number:

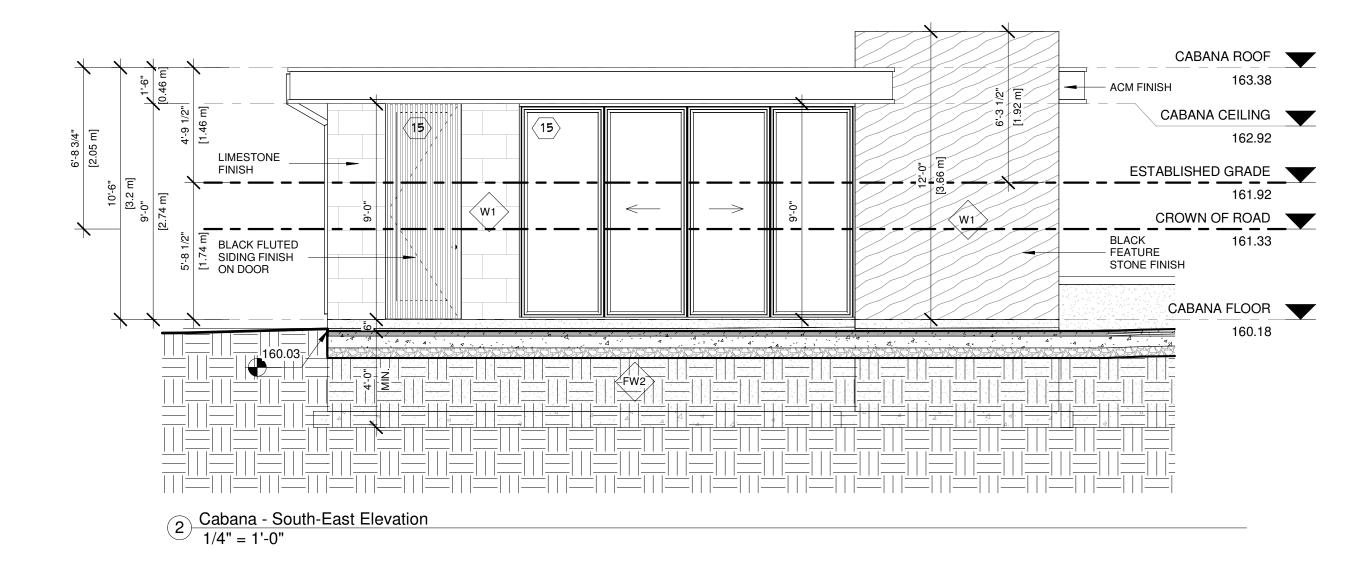
Approved by:

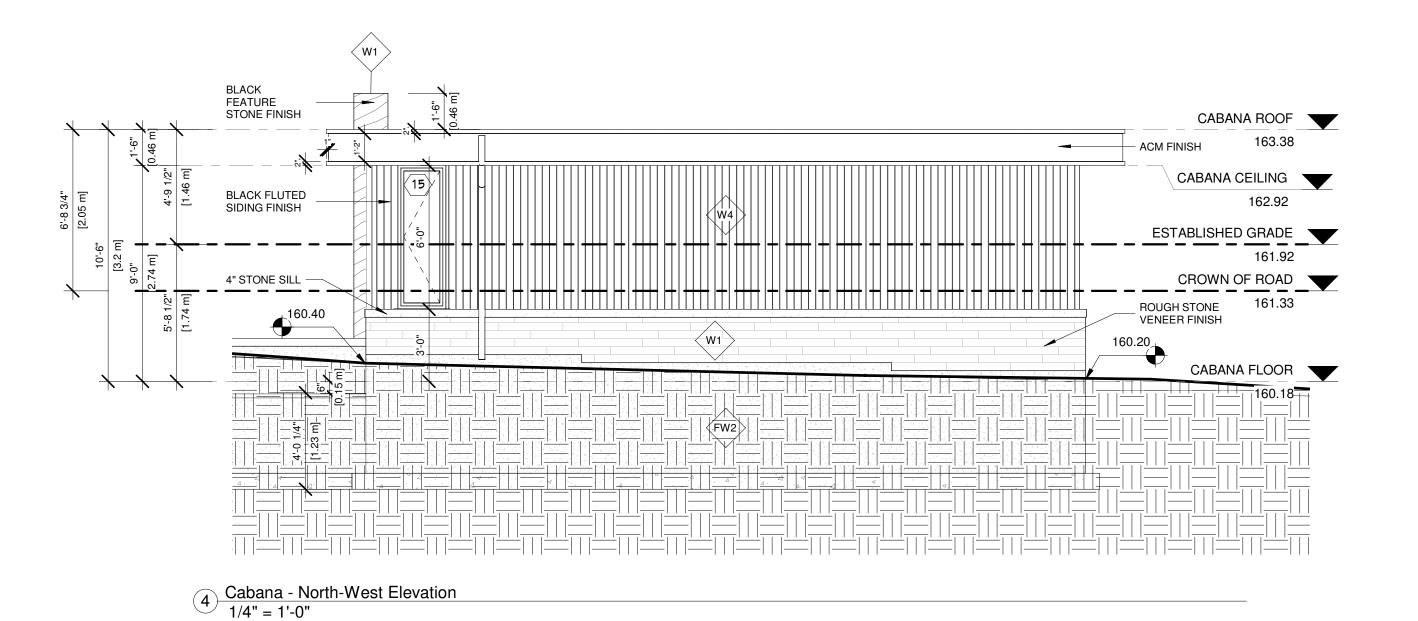
A12

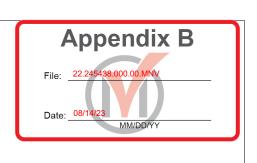




3 Cabana - North-East Elevation 1/4" = 1'-0"







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No. Issued for: Date 1. 2.

# contempostudio 1140 The Queensway, Toronto, Ontario M8Z 1P7

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

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Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

MARIN ZABZUNI
NAME
SIGNATURE
REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.

FIRM NAME

CONTEMPO STUDIO

2 STOREY DETACHED WELLING

67 BABCOMBE DR THORNHILL, ON

CABANA ELEVATIONS

Project number: Rev. no.:: Scale: Date: Drawn by:

Approved by:

2022-41 1/4" = 1'-0" 2023-06-14 4:55:53 PM C.C. M.Z.

Drawing number:

A13





August 16, 2023 7:00 pm

# CITY OF MARKHAM Virtual Meeting on Zoom

# **COMMITTEE OF ADJUSTMENT**

### **Minutes**

The 14<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

**Arrival Time** 

Gregory Knight Chair	7:00 pm
Tom Gutfreund	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer Greg Whitfield, Supervisor, Committee of Adjustment

### Regrets

Kelvin Kwok

## **DISCLOSURE OF INTEREST**

None

Minutes: July 26, 2023

THAT the minutes of Meeting No. 13, of the City of Markham Committee of Adjustment, held June 26, 2023 respectively, be:

a) Approved on August 16, 2023.

Moved By: Arun Prasad

Seconded By: Patrick Sampson

**Carried** 

### **PREVIOUS BUSINESS**

### 1. A/030/23

**Owner Name: Jinchong Cao** 

**Agent Name: LHW Engineering (Lihang Wang)** 

78 Southdale Drive, Markham

**PLAN 7326 LOT 28** 

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

### a) By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum of 45 percent;

as it related to a proposed second-storey addition and porch.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

Member Gutfreund thanked the applicant for reducing the floor area ratio, indicating the final design would be an excellent addition to the neighbourhood.

Member Reingold noted that the revisions had resulted in a good-looking home that would complement and be compatible with the neighbourhood.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. A/030/22 be approved subject to conditions contained in the staff report.

Resolution Carried

### 2. A/114/22

Owner Name: Sakineh Safarzad Gourabjavar Agent Name: Contempo Studio (Marin Zabzuni)

67 Babcombe Drive, Thornhill

**PLAN M941 LOT 114** 

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

# a) By-law 100-90, Section 1.2(i):

a building height of 8.54 metres, whereas the By-law permits a maximum flat roof building height of 8.0 metres;

## b) By-law 100-90, Section 1.2(iii):

a maximum building depth of 21.36 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

### c) By-law 1767, Section 9(i):

a south side yard roof encroachment of 98 inches, whereas the By-law permits a maximum encroachment of no more than 18 inches into the required side yard setback;

## d) By-law 1767, Section 12 (iv)(a):

a minimum front yard setback of 33.4 feet, whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet;

# e) <u>By-law 1767, Section 18(ii)(b):</u>

a lot coverage of 36.2 percent, whereas the By-law requires a maximum lot coverage of 33 1/3 percent; and

### f) By-law 100-90, Section 1.2 (vi):

a floor area ratio of 49.4 percent, whereas the By-law permits a maximum floor area ratio of 47 percent;

as it related to the construction of a new two-storey detached dwelling.

The Chair introduced the application.

The agent, Marin Zabzuni, appeared on behalf of the application.

The Committee received six written pieces of correspondence.

Ryan Levins, of 69 Babcombe Drive, spoke to the Committee, indicating that the requested variances would move the house closer to the lot line, diminish sunlight, alter the streetscape, amplify the massing and scale, and reduce parking. The proposal contradicted the City of Markham's sustainability policies and goals.

Sarah Langdon, of 65 Babcombe Drive, spoke to the Committee and agreed with neighbour Ryan Levins the cumulative effects of the multiple variances would impact the surrounding properties, as would the removal of mature trees. Sarah asked what Committee of Adjustment Minutes Wednesday August 16, 2023

mitigation would be taken to preserve the boundary cedars that formed a hedge with their property. Sarah understood that the area has been evolving; however, they disagreed that overbuilding was inevitable as numerous infill builds had added to the neighbourhood's character.

Marin Zabzuni responded to the neighbour's comments, addressing the tree questions and presented a rendering of the proposal to visually represent the house within the context of the neighbouring properties.

Member Yan noted that the agent had emphasized in their presentation that the proposal was beneficial to everyone and that some variances related to decorative aspects of the home; however, without previous discussion with the neighbours, it had been difficult for them to understand how the proposal would fit in the context of the neighbourhood. Member Yan encouraged the applicant to work with the neighbours to minimize the cumulative effects of the variances and consider the impacts on the immediate neighbours.

Member Sampson expressed that each variance considered on its own might be minor; however, when considered together, the variances had cumulative effects that were reflected in the massing of the proposal.

Member Reingold indicated that the proposal's impacts would overwhelm the neighbourhood as the design did not reflect current infill development. The lot had significant as-of-right lot coverage, and the proposal needed to be compatible or complimentary to the neighbourhood due to the proposed size and scale.

Member Prasad noted the size of the lot would permit a significant as-of-right build and agreed with their colleagues that the cumulative effects of the proposal were not desirable.

Member Gutfreund remarked that the presentation and rendering helped show the final development and the requested variances within the context of the neighbouring properties. After considering all the materials presented, they felt the requests were minor, reasonable and appropriate within the context of the neighbourhood and motioned for approval with conditions. The motion to approve was not seconded.

The Chair recommended deferral to provide the applicant time to confer with the neighbours, and the applicant agreed with the recommendation.

Member Prasad motioned for deferral.

Moved By: Arun Prasad Seconded By: Jeamie Reingold

THAT Application No. A/114/22 be deferred sine die.

#### Resolution Carried

### 3. A/116/23

**Owner Name: Richard Morales** 

Agent Name: Lifestyle Home Products (Andrijana Adamovic)

370 Main Street N, Markham CON 7 PT LOT 15 64R6094 PT 2

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

### a) By-law 99-90, Section 1.2(iii):

a maximum building depth of 22.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

# b) By-law 99-90, Section 1.2(vi):

a maximum net floor area ratio of 70.35 percent, whereas the By-law permits a maximum net floor area of 45 percent;

## c) Table 11.1:

a minimum rear yard setback of 14.9 feet, whereas the By-law requires a minimum rear yard setback of 25 feet;

### d) Table 11.1:

a maximum lot coverage of 38.01 percent, whereas the By-law permits a maximum lot coverage of 35 percent; and

# e) <u>Section 11</u>.3(a)(vi):

an accessory building setback of 0.417 feet whereas the by-law requires a minimum setback of 4 feet;

as it related to the construction of a proposed unheated sunroom addition to an existing house.

The Chair introduced the application.

The agent, Syed Ahmed, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the

Committee of Adjustment Minutes Wednesday August 16, 2023

Committee. Elizabeth was concerned that the cumulative impacts of the variances would reduce opportunities for greenspace and could set precedents for future applications within the area.

Jennifer Morales, the owner, gave a presentation to the Committee, which included photographs of the backyard, existing deck, existing drainage measures and the surrounding properties. Jennifer emphasized that the sunroom would be built to match the footprint of the existing deck, and no additional floor area would be required. The homeowner indicated that the development was desirable for the development of the property as it would provide shelter from the noise, light, and air pollution impacts related to the existing gas station to the north.

Member Gutfreund indicated that while the numbers looked very high, the sunroom would not be visible from the public realm, the applicants had demonstrated a need for the structure, the proposal would add to the quality of life of the applicants, and was supported by the neighbours.

Member Reingold requested additional details regarding the materials used in construction and if the addition would have heating or cooling.

Syed Ahmed indicated there was no arrangement for heating and cooling, and the sunroom would be constructed with an aluminum frame and a coated weather-protected ceiling.

Member Prasad supported the proposal.

Member Sampson opined that given the history of the lot's subdivision, its unique configuration, and the proposal being constructed entirely outside the public realm, the requests would not set precedents and supported the application.

The Chair indicated that the proposal was an excellent addition to a thoughtful heritage renovation.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/116/23** be **approved** subject to conditions contained in the staff report.

**Resolution Carried** 

## **NEW BUSINESS:**

### 4. A/111/23

Owner Name: Stephen Kertesz and Sarah Kertesz Agent Name: Gregory Design Group (Shane Gregory)

40 Rouge Street, Markham PLAN 173 BLK L LOT 14

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

# a) By-law 1229, section 1.2(iii):

a maximum building depth of 17.50 metres, whereas the By-law requires 16.80 metres;

### b) By-law 1229, section table 11.1:

a flankage yard of 2.90 metres, whereas the By-law requires 3.05 metres;

as it related to a proposed one-storey addition to the existing one-story dwelling.

The Chair introduced the application.

The agent, Shane Gregory, appeared on behalf of the application.

Member Reingold supported the application, noting the requests were minor, met the heritage conservation goals, the development was compatible and complimentary to the neighbourhood and met the four tests of the *Planning Act*.

Member Sampson agreed with their colleague and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. A/111/23 be approved subject to conditions contained in the staff report.

**Resolution Carried** 

Applications B/024/23 and B/027/23 were heard concurrently and the record of the discussion can be found under B/024/23.

### 5. B/024/23

**Owner Name: Michael Canzona** 

Agent Name: Evans Planning (Frank Venditti)

12 Deer Park Lane, Markham

PLAN 1149 PT LTS 11 AND 12 65R39288 PT PART 5

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land (Part 2 & 3) with an approximate lot frontage of 10.53 metres (9.84 feet) and an approximate lot area of 272.7 sq. metres;
- **b) retain** a parcel of land (Part 1) with an approximate lot frontage of 10.53 metres (9.84 feet) and an approximate lot area of 288 sq. metres;

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot. This application was related to Consent Application B/027/23 which was being reviewed concurrently.

The Chair introduced the application.

The agent, Frank Venditti, appeared on behalf of the application.

Member Sampson did not have issues with the proposal but requested clarification regarding the status of the lot created at 4 Elizabeth Street.

Member Yan noted that the proposed severances met the minimum lot area and frontage and conformed to the neighbourhood lot patterns.

Greg Whitfield clarified that the previous severed lots had been registered and that the proposed severances were to create the individual lots for the semi-detached dwelling units. Greg further explained that the applications had been assessed by both the applicants and the City's legal department, and it had been determined that consent was the appropriate process to create the lots.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/024/23** be **approved** subject to conditions contained in the staff report.

#### Resolution Carried

#### 6. B/027/23

**Owner Name: Eugenio Sturino** 

Agent Name: Evans Planning (Frank Venditti)

16 Deer Park Lane, Markham

PLAN 1149 PT LTS 11 AND 12 65R39288 PT PART 2

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land (Part 4 & 5) with an approximate lot frontage of 10.54 metres (34.58 feet) and an approximate lot area of 257.7 sq. metres; and
- **b) retain** a parcel of land (Part 6 &7) with an approximate lot frontage of 13.5 metres (44.29 feet) and an approximate lot area of 308 sq. metres.

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot. This application was related to Consent Application B/024/23 which was being reviewed concurrently.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B027/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/028/23 and A/127/23 were heard concurrently and the record of the discussion can be found under B/028/23.

### 7. B/028/23

Owner Name: M&R Holdings

Agent Name: Baldassarra Architects Inc. (Isabella Suppa)

65 Allstate Parkway, Markham

#### PL M2029 BLK 3

The applicant was requesting provisional consent to:

- a) Sever and convey a parcel of land being Parts 1-3 with an approximate lot frontage of 110.85 metres (363.7 feet) and an approximate lot area of 19,274.1 sq. metres as shown in the Draft R-Plan (Part 1 being a future road widening to be conveyed to the City);
- **b) Retain** a parcel of land being Parts 4 and 5 with an approximate lot frontage of 79.33 metres (260.3 feet) and an approximate lot area of 10,859.7 sq. metres as shown in the Draft R-Plan;
- **c) Create** easements for access and servicing in favour of Parts 2 and 5 over Parts 3 and 4:

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new industrial/office lot and create easements for shared access and servicing. This application was related to Minor Variance Application A/127/23 and Site Plan Control Application 22 263203 which were being reviewed concurrently.

The Chair introduced the application.

The agent, Isabella Suppa, appeared on behalf of the application. Isabella presented the proposal, indicating it had gone through various cycles of site plan review and demonstrated the location, impacts and justification for each variance.

Member Gutfreund indicated that the applicant's presentation addressed any questions regarding the applications and supported both.

Member Yan asked regarding the future tenancy of the building. The agent indicated it would be a single-tenant building.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/028/23** be **approved** subject to conditions contained in the staff report.

**Resolution Carried** 

### 8. A/127/23

Committee of Adjustment Minutes Wednesday August 16, 2023

Owner Name: M&R Holdings

Agent Name: Baldassarra Architects Inc. (Isabella Suppa)

65 Allstate Parkway, Markham

PL M2029 BLK 3

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

# a) Section 5.2 (d) (iii):

a minimum rear yard setback of 8.0 metres, whereas the By-law requires a minimum rear yard setback of 12.0 metres.

# b) Section 4.7.1(b):

a landscape strip of 4.0 metres inclusive of curbs and retaining walls, whereas the By-law requires a minimum landscape strip of 6.0 metres immediately abutting the (Allstate Parkway) street line.

as it related to an industrial building. This application was related to Consent Application B/028/23 and Site Plan Control Application 22 263203 which were being reviewed concurrently.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/127/23** be **approved** subject to conditions contained in the staff report.

**Resolution Carried** 

Applications B/020/23, A/073/23 and A/074/23 were heard concurrently and the record of the discussion can be found under B/020/23.

#### 9. B/020/23

Owner Name: Florence Low

Agent Name: Henry Chiu Architect Ltd (Henry Chiu)

187 Helen Avenue, Markham

PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting provisional consent to:

Committee of Adjustment Minutes Wednesday August 16, 2023

- a) sever and convey a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.038 hectares (384.7 sq. metres)(Part 2);
- **b) sever and convey** a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.036 hectares (362.5 sq. metres)(Part 3);
- c) sever and convey a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.036 hectares (362.5 sq. metres) Part 4);
- **d) retain** a parcel of land with approximate lot frontage of 11.435 metres and approximate lot area of 0.038 hectares (384.7 sq. metres)(Part 1);

The purpose of this application was to create three new residential lots, to facilitate the construction of four new single detached dwellings. This application was related to Minor Variance applications A/073/23 and A/074/23, which were being reviewed concurrently.

The Chair introduced the application.

The agent, Henry Chiu, appeared on behalf of the application.

Member Sampson agreed with the staff report and indicated that the lot pattern was consistent with the neighbourhood and that the application would complete a portion of the subdivision.

Member Sampson supported the application and motioned for approval with conditions.

Moved By: Patrick Sampson Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **B/020/23** be **approved** subject to conditions contained in the staff report.

**Resolution Carried** 

10. A/073/23

**Owner Name: Florence Low** 

Agent Name: Henry Chiu Architect Ltd (Henry Chiu)

187 Helen Avenue, Markham

PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting relief from the requirements of By-law 177-96, and 304-87, as amended, to permit:

# a) Amending By-law 304-87, Section 7.5(a)(i):

a minimum lot frontage of 11.435 metres, whereas the By-law requires a minimum lot frontage of 45 metres;

# b) Amending By-law 304-87, Section 7.5(a)(i):

a minimum lot area of 0.038 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares;

# c) Amending By-law 304-87, Section 7.5(b)(i):

a minimum interior side yard setback of 1.2 metres, whereas the By-law requires a minimum setback of 3 metres; and

### d) Amending By-law 304-87, Section 7.5(b)(i):

a minimum front yard setback of 6.368 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two storey single detached dwelling on the retained lot (Part 1). This application was related to Consent application B/020/23 which was being reviewed concurrently.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/073/23** be **approved** subject to conditions contained in the staff report.

**Resolution Carried** 

### 11. A/074/23

**Owner Name: Florence Low** 

Agent Name: Henry Chiu Architect Ltd (Henry Chiu)

187 Helen Avenue, Markham

PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting relief from the requirements of By-law 177-96, and By-law 304-87, as amended, to permit:

## a) Amending By-law 304-87, Section 7.5(a)(i):

a minimum lot frontage of 11.435 m, whereas the By-law requires a minimum lot frontage of 45 metres;

# b) Amending By-law 304-87, Section 7.5(a)(i):

a minimum lot area of 0.038 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares;

# c) Amending By-law 304-97 Section 7.5(b)(i):

a minimum interior side yard setback of 1.2 metres, whereas the By-law requires a minimum setback of 3 metres; and

# d) Amending By-law 304-87, Section 7.5(b)(i):

a minimum front yard setback of 6.368 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two storey single detached dwelling on the severed lot (Part 2). This application was related to Consent application B/020/23 which was being reviewed concurrently.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. A/074/23 be approved subject to conditions contained in the staff report.

**Resolution Carried** 

Applications A/075/23 and A/076/23 had been determined by staff to not be required and had been withdrawn by the applicant.

Adjournment

Moved by: Tom Gutfreund Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:35 pm, and the next regular meeting would be held on August 30<sup>th</sup>, 2023.

Secretary-Treasurer,
Committee of Adjustment

CARRIED

Story Krapt

Chair

# **★★** METROLINX

To: Shawna Houser, Secretary-Treasurer, Committee of Adjustment CityFile: 1/22.245438.000.00.MM

From: Third Party Projects Review - Adjacent Developments - GO Expa

Metrolinx

Date: December 11<sup>th</sup>, 2023

Re: A/114/22 - 67 Babcombe Drive, Thornhill

Appendix E

CityFile: N.22.245438.000.00.MNV

nsion and ART

Date: 02/15/24

MM/DD/YY

Metrolinx is in receipt of the minor variance application for 67 Babcombe Dr, Thornhill to facilitate the construction of a new two-storey detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact <a href="Farah.Faroque@metrolinx.com">Farah.Faroque@metrolinx.com</a> with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

Should you have any questions or concerns, please do not he sitate to contact the undersigned.

Best regards, Farah Faroque Project Analyst, Third Party Projects Review Metrolinx 10 Bay Street | Toronto | Ontario | M5J2N8



#### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "Easement Lands").

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.