

Memorandum to the City of Markham Committee of Adjustment

June 28, 2022

File: A/185/21
Address: 31 Cranleigh Drive – Markham, ON
Applicant: Prem Kohli
Hearing Date: July 6, 2022

The following comments are provided on behalf of the Central District team. The applicant is requesting relief from the following “Sixth Density Single Family Residential – (R6)” zone requirement under By-law 118-79, as amended, as it relates to a one-storey porch in the rear yard (the “subject development”). The variances requested are to permit:

a) By-law 118-79, Section 5.7:

a maximum roofed porch encroachment of 1.70 m (67.0 in) into the required rear yard, whereas the By-law permits a maximum roofed porch encroachment of 0.45 m (18.0 in) into any required yard; and

b) By-law 118-79, Section 7.2 c):

a maximum lot coverage of 35.80%, whereas the By-law permits a maximum lot coverage of 33.33%.

BACKGROUND

Staff had identified that an additional variance relating to lot coverage was required as it relates to the subject development. To ensure that appropriate notice could be provided under the *Planning Act, R.S.O. 1990, c. P.13, as amended*, this application was deferred sine die by the Committee of Adjustment (the “Committee”) at the initial meeting on June 22, 2022, in accordance with staff’s recommendation (see Appendix “C”).

PROPERTY DESCRIPTION

The subject property is located on the east side of Cranleigh Drive, north of Apple Creek Boulevard, and south of Hollingham Road. The rear yard of the property directly abuts open space to the east, owned and operated by the York Region District School Board. There is an existing two-storey detached dwelling on the property, located within a residential neighbourhood that predominantly contains low rise dwellings.

PROPOSAL

Through the request of the above noted variance, the applicant seeks relief to recognize an existing one-storey porch with an approximate gross floor area of 15.12 m² (162.75 ft²) to extend a maximum distance of 1.70 m (5.58 ft) into the rear yard. From the ground surface to the peak of the roof, the porch has an approximate height of 3.45 m (11.32 ft). The porch area is currently screened for privacy along the north side.

OFFICIAL PLAN AND ZONING

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

Zoning By-Law 118-79

The subject property is zoned “Sixth Density Single Family Residential – (R6)” under By-law 118-79, as amended, which permits one single detached dwelling per lot. The subject

development as it is proposed does not comply with the By-law requirement with respect to the maximum permitted yard encroachment, and maximum lot coverage.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The owner has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variance 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:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Staff note that the porch was constructed with privacy screening prior to receiving the necessary approvals and therefore, the applicant has submitted a minor variance application to recognize the existing porch, which does not currently comply with the aforementioned By-law requirements. The applicant would therefore be required to fully remove, or make modifications to ensure compliance with the requirements of the Zoning By-law, should this variance application be denied. Notwithstanding completion of construction, staff's assessment of this minor variance application is based on whether the subject development as it is proposed, meets the four tests.

Increase in Maximum Roofed Porch Encroachment and Maximum Lot Coverage

The applicant is requesting a maximum roofed porch encroachment of 1.70 m (5.58 ft) into the required rear yard, whereas the By-law permits a roofed porch with unenclosed sides to encroach a maximum of 0.45 m (1.48 ft) into any required yard. This is an increase of 1.25 m (4.10 ft).

The applicant is also requesting a maximum lot coverage of 35.80%, whereas the By-law permits a maximum lot coverage of 33.33%. This is an increase of 2.47%, or approximately 12.96 m² (139.50 ft²).

Approval of the requested variances would allow the existing one-storey porch to remain in the rear yard. The porch is one-storey in height, and complies with the side yard setback requirement of 1.20 m (3.93 ft) for a one-storey portion. Staff consider any impacts from the subject development to be minor in nature, and have no objections.

PUBLIC INPUT SUMMARY

No new written submissions were received as of June 28, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variances requested meet the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of

approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Initial Staff Report (Deferral Letter): June 20, 2022

PREPARED BY:



Aleks Todorovski, RPP, MCIP
Planner, Zoning and Special Projects

REVIEWED BY:



Dimitri Pagratis, RPP, MCIP
Senior Planner, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/185/21

1. That the variances apply only to the subject development for as long as it remains.
2. That the variances apply only to the subject development in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to be 'Aleks Todorovski', written over a horizontal line.

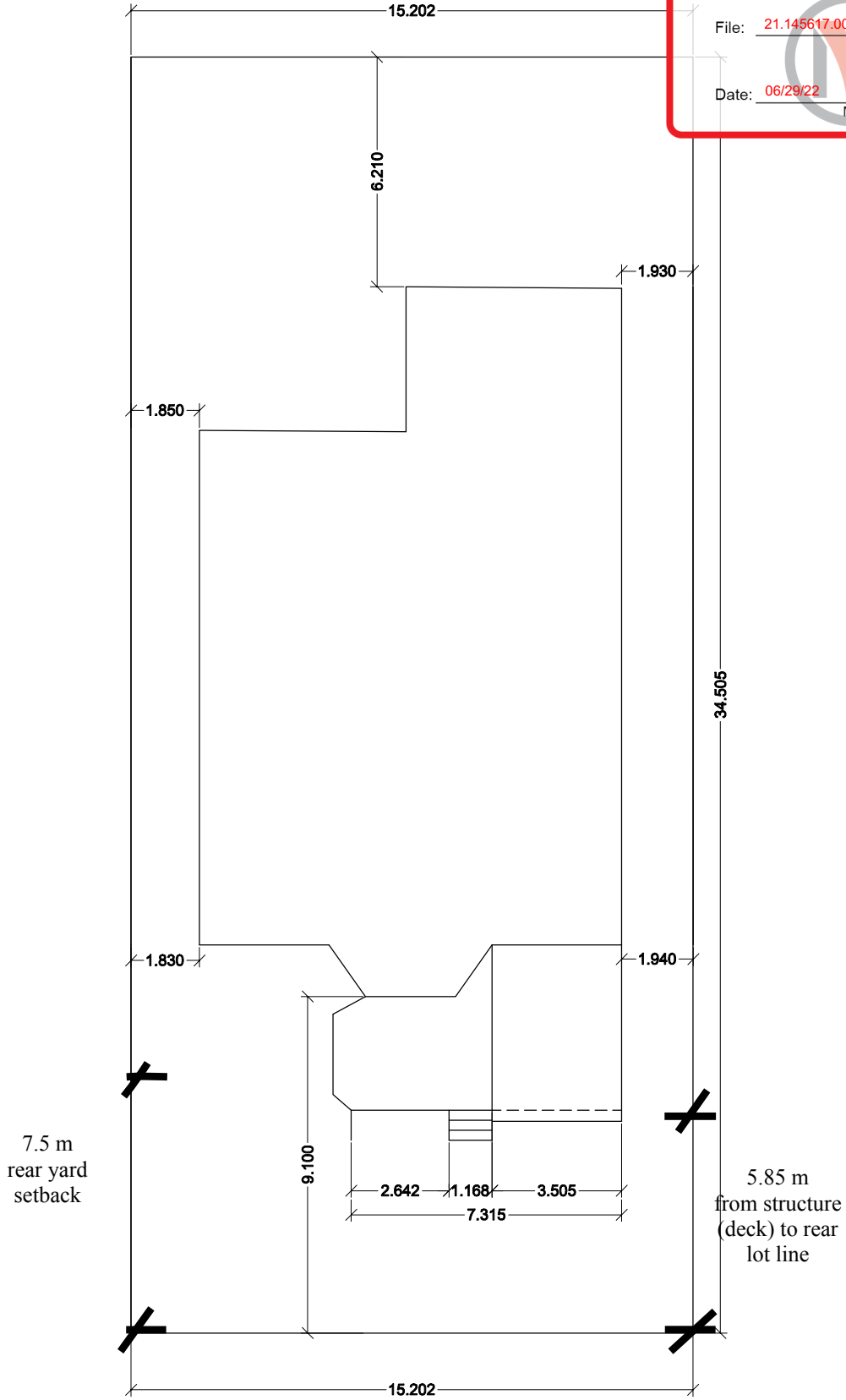
Aleks Todorovski, RPP, MCIP,
Planner, Zoning and Special Projects

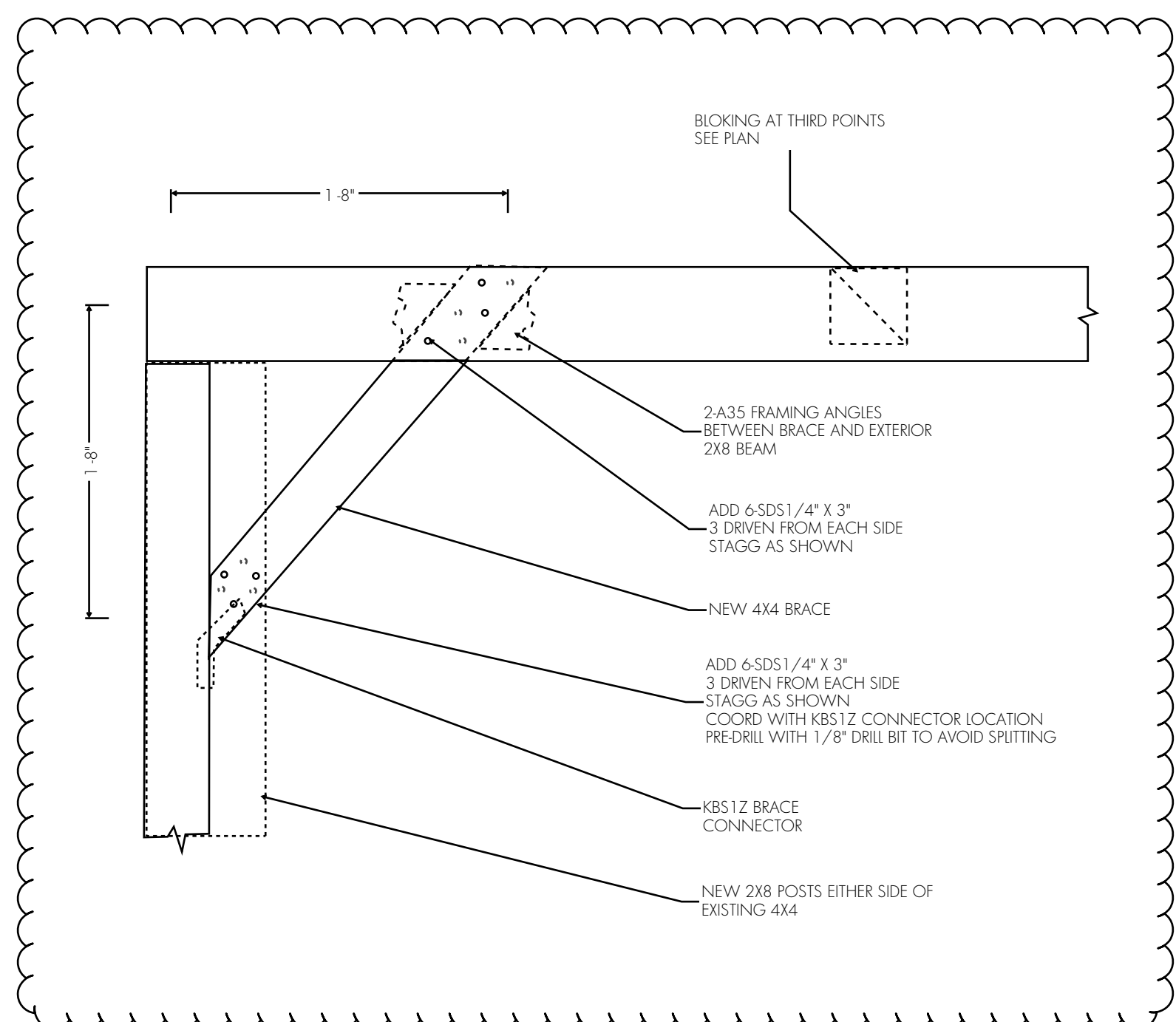
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/185/21

Appendix B

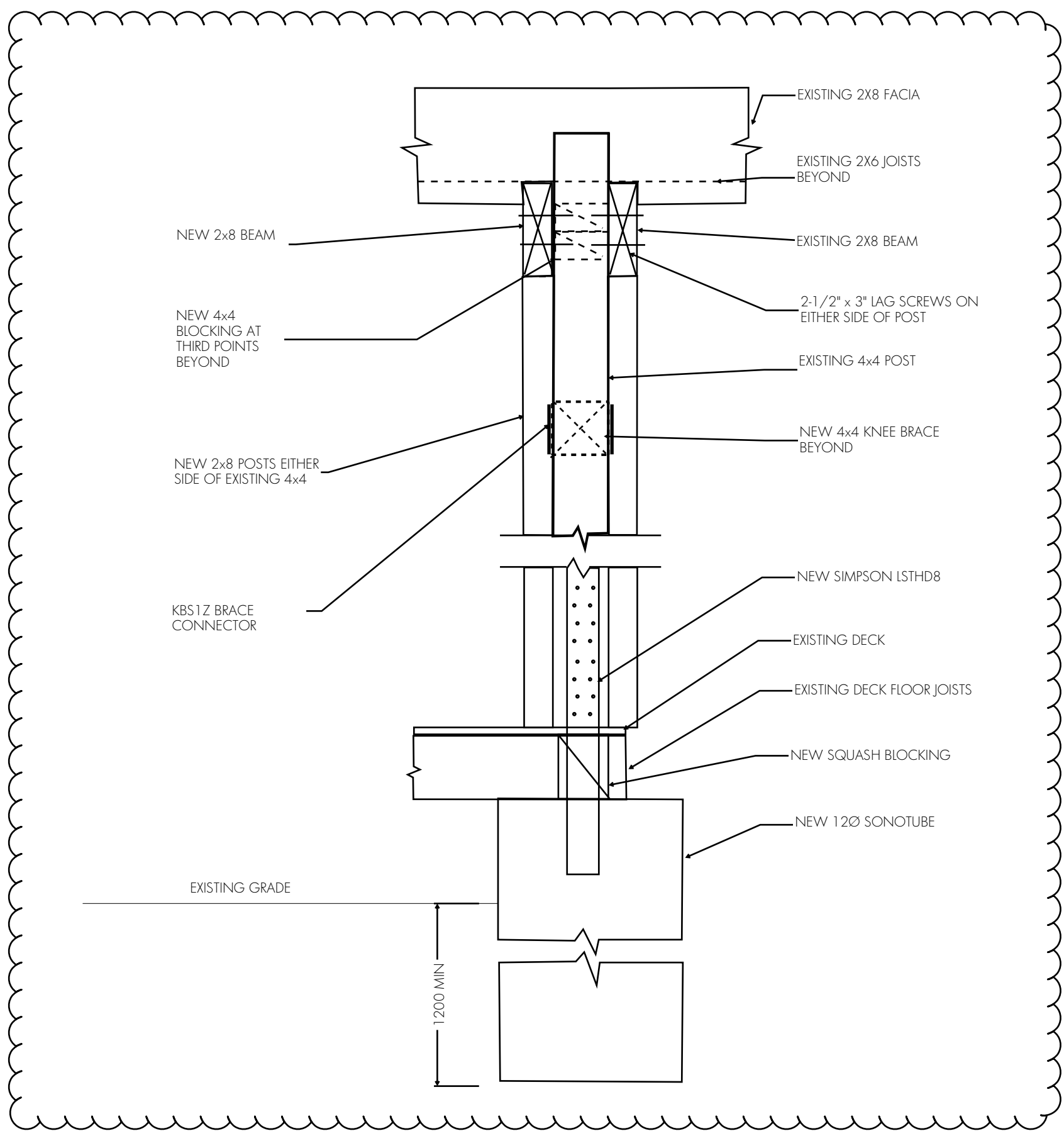
File: 21.145617.000.00.MNV

Date: 06/29/22
MM/DD/YY

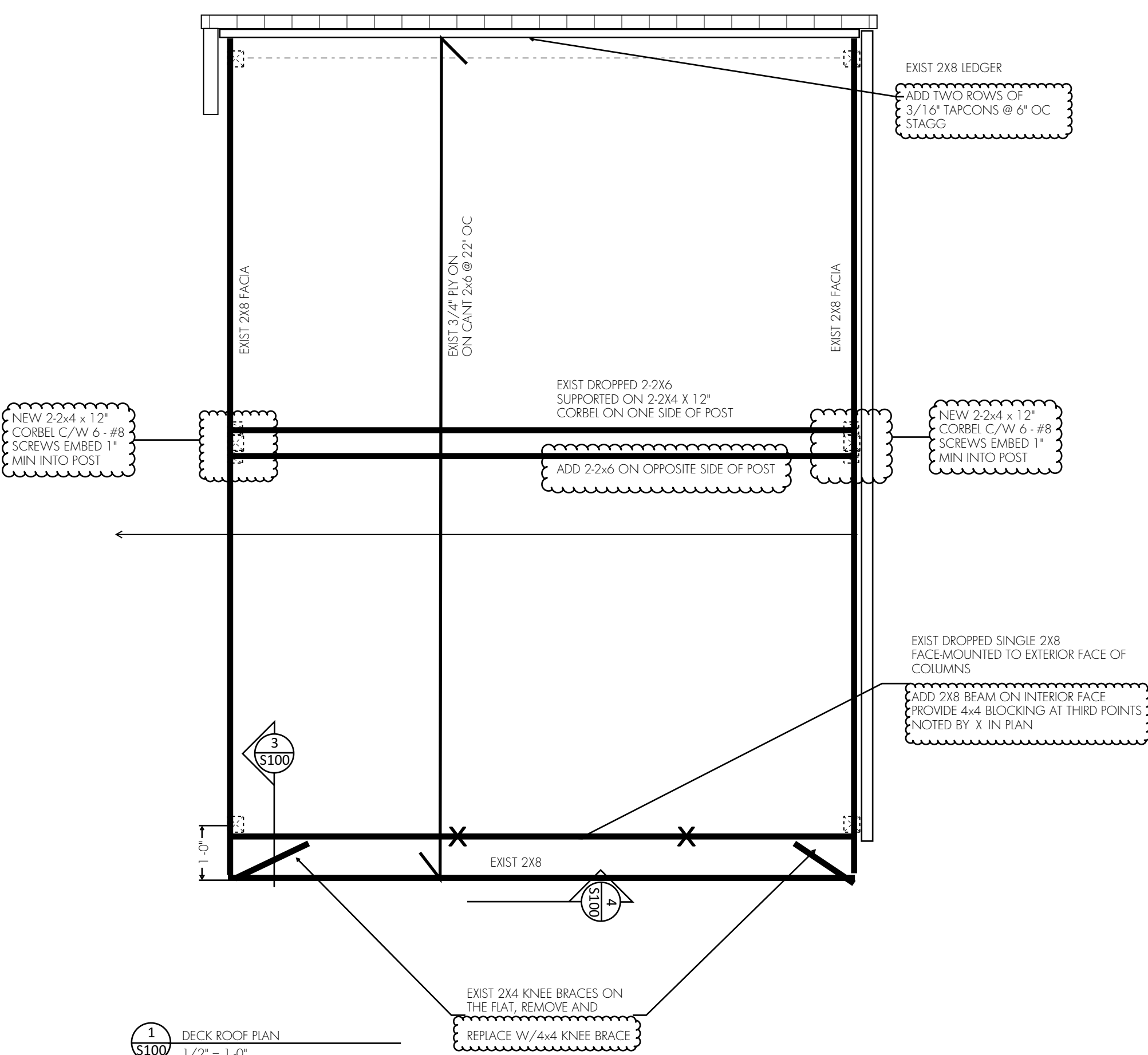




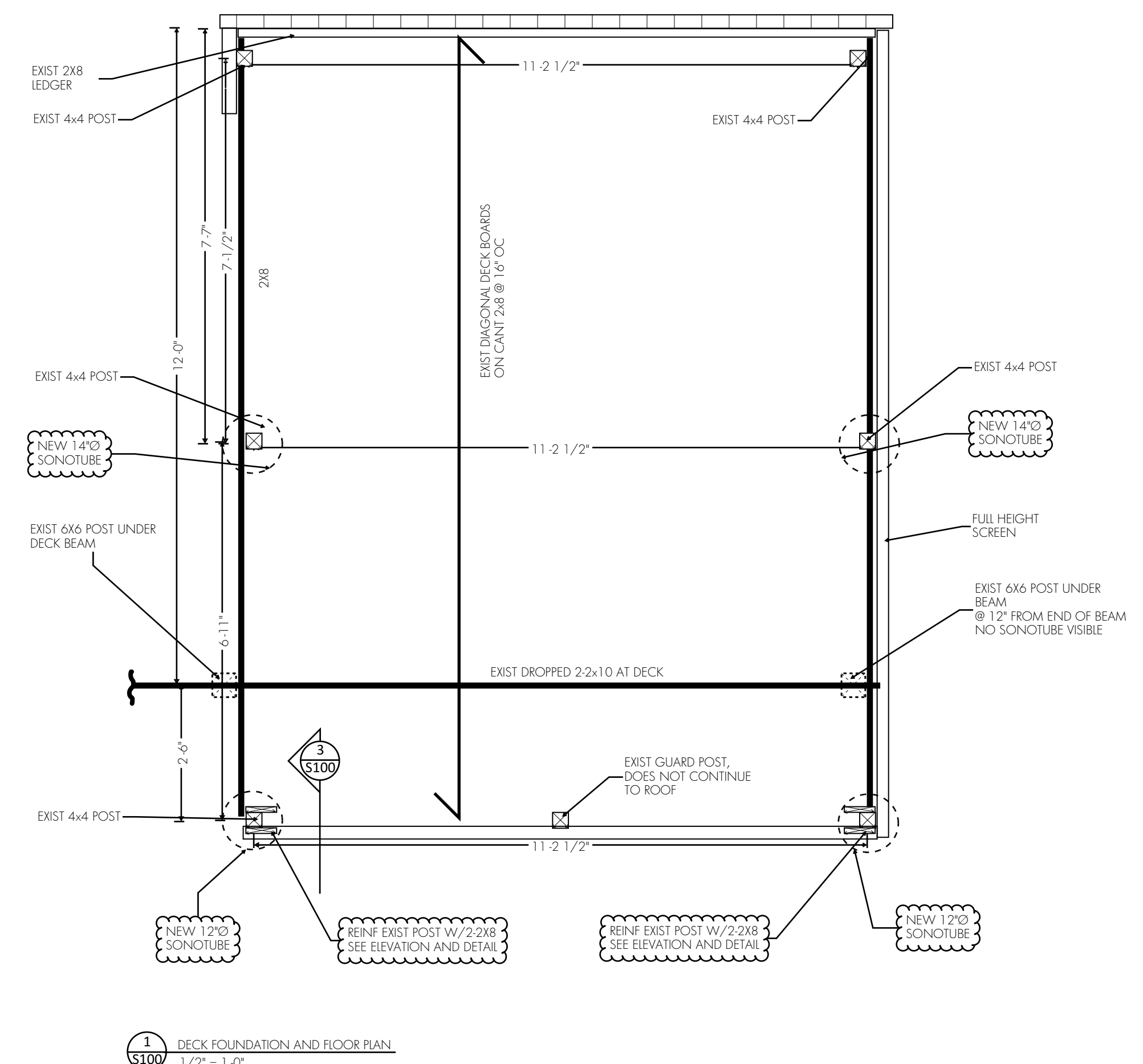
2 ELEVATION
S100
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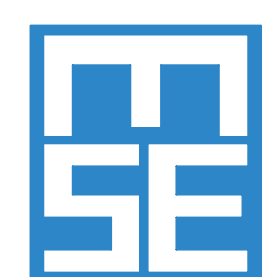
3 SECTION
S100
1 1/2" = 1'-0"



1 DECK ROOF PLAN
S100
1/2" = 1'-0"



1 DECK FOUNDATION AND FLOOR PLAN
S100
1/2" = 1'-0"



moses structural engineers

366 Adelaide St. West, Suite 1104
Toronto, Ontario, M5V 1R7
Tel: 416 255 3337
info@mosesstructures.com

Project:

31 CRANLEIGH DRIVE REAR DECK

MARKHAM, ON

Project No:

21.108

Date: MAY 27, 2021
Scale: AS NOTED
Drawn By: KM
Checked By: SH/AF

REVISIONS AND DISTRIBUTION LOG

Rev	Date	Note
1	18JUN-2021	Issued for Bldg Permit
2	21JUN-2021	Re-issued for Bldg Permit

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Drawing Title: PLANS & SECTIONS

Drawing No:

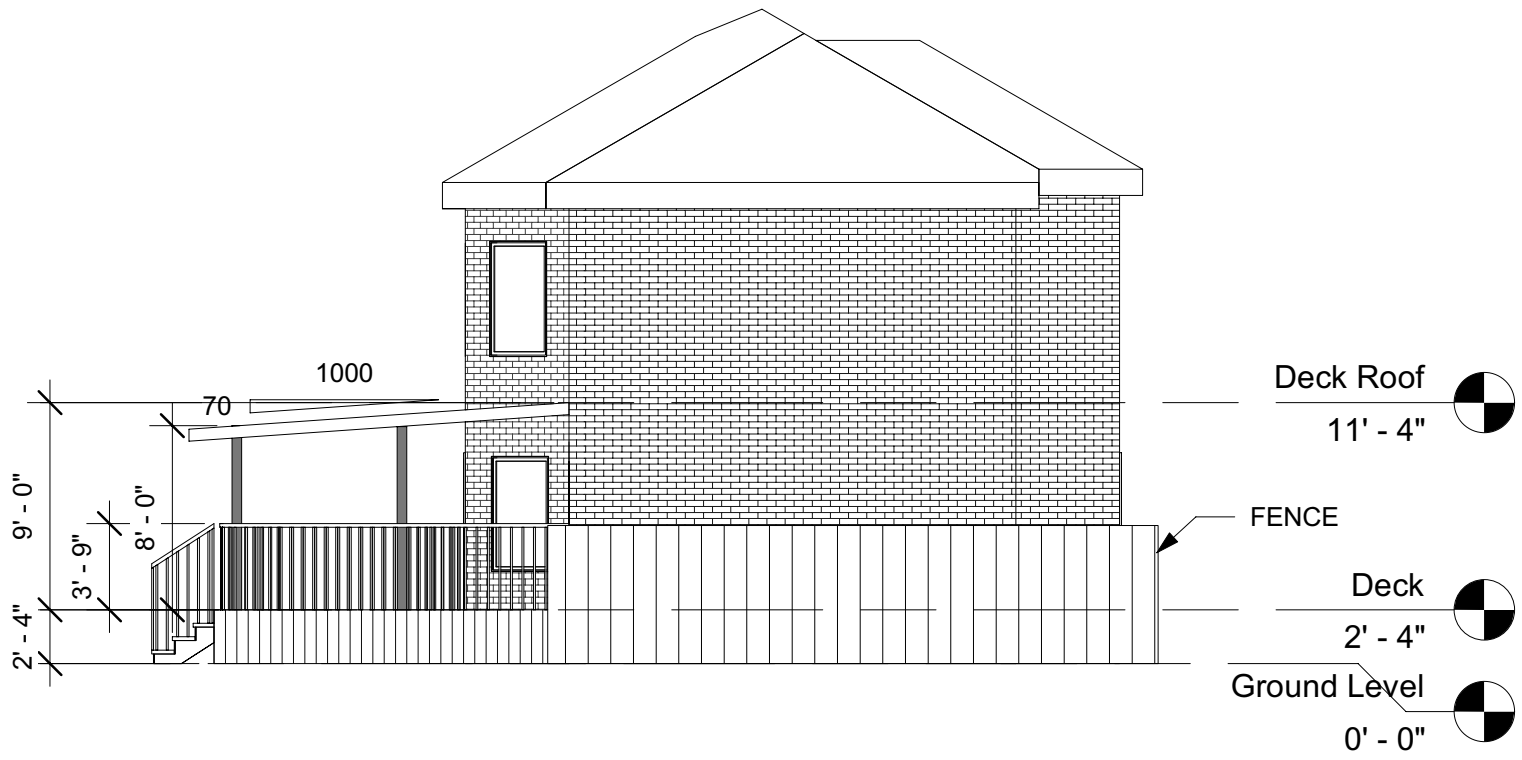
S100

1/2"
cm in

Appendix B

File: 21.145617.000.00.MNV

Date: 06/29/22
MM/DD/YY



31 Cranleigh Drive Markham

Appendix B

File: 21.145617.000.00.MNV

Date: 06/29/22
MM/DD/YY



31 Cranleigh Drive Markham

APPENDIX "C"
INITIAL STAFF REPORT (DEFERRAL LETTER): JUNE 20, 2022

Memorandum to the City of Markham Committee of Adjustment

June 20, 2022

File: A/185/21
Address: 31 Cranleigh Drive – Markham, ON
Applicant: Prem Kohli
Hearing Date: June 22, 2022

The following comments are provided on behalf of the Central District team. The applicant is requesting relief from the following “Sixth Density Single Family Residential – (R6)” zone requirement under By-law 118-79, as amended, as it relates to a one-storey porch in the rear yard. The variances requested are to permit:


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COMMENTS

As it relates to the proposed development, staff have identified that an additional variance would be required. The applicant has confirmed their intention to add the new variance to the application. Subsequently, staff recommend that the application be deferred sine die by the Committee of Adjustment until the next available hearing to ensure that appropriate notice is provided for in accordance with the requirements under the *Planning Act, R.S.O. 1990, c. P.13, as amended*.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Dimitri Pagratis, Senior Planner, Central District