

# Memorandum to the City of Markham Committee of Adjustment

June 26, 2020

**File:** A/056/20  
**Address:** 7580 9th Line – Markham, ON  
**Applicant:** Ian Robertson Design  
**Agent:** Sudahar Shanmugarajah  
**Hearing Date:** Thursday July 9, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirement of Parking By-law 28-97, as amended, as it relates to an existing circular driveway. The variance requested is as follows:

**a) Parking By-law 28-97, Section 6.2.4.5 (a):**

a second driveway with a width of 5.96 m (19.55 ft), whereas the By-law permits a second driveway with a maximum width of 3.7 m (12.14 ft).

## **BACKGROUND**

### **Property Description**

The subject property has a lot frontage of approximately 62.51 m (205.09 ft) and lot area of approximately 4,105.70 m<sup>2</sup> (1.01 Ac). The subject property fronts onto the west side of 9<sup>th</sup> Line, and is located south of 14<sup>th</sup> Avenue and north of Donald Cousens Parkway. The subject property is comprised of a two-storey single detached dwelling with a multi-use concrete sporting surface located on the north side of the property, and an existing circular driveway, which is the subject of this variance application.

The surrounding area is comprised primarily of single detached dwellings, including those on larger residential lots along 9<sup>th</sup> Line to the west, as well as a newer residential subdivision to the east of 9<sup>th</sup> Line. The Boxgrove Community Centre is also located northeast of the subject property.

### **Proposal**

The applicant is requesting a variance to permit an existing second driveway that was constructed with a maximum width of 5.96 m (19.55 ft), whereas the By-law permits a second driveway with a maximum width of 3.7 m (12.14 ft). This is to permit the existing configuration of a circular driveway on the subject property, as shown on the site plan in Appendix "B".

### **Official Plan and Zoning**

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

The 2014 Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms.

### Zoning By-law 194-82

The subject property is zoned "Single Family Rural Residential – RR1 Zone" under By-law 194-82, as amended, which permits one single detached dwelling per lot.

### Parking By-Law 28-97

In addition to the above noted zoning designation, the City of Markham Parking Standards By-law 28-97, as amended, regulates parking provisions and includes requirements for

Circular Driveways. The By-law states that for “lots with frontages greater than 19.20 m (62.99 ft), a second 3.70 m (12.14 ft) wide *driveway* is permitted provided:

- i) The main building is setback at least 8.0 m (26.25 ft) from the *street line*;
- ii) The driveways are at least 7.0 m (22.97 ft) apart, at the *street line*; and
- iii) The second *driveway* connects the *public street* to the other *driveway* that provides direct access from the *public street*.”

The existing driveway complies with the above criteria, except where the second driveway has a width of 5.96 m (19.55 ft), whereas a maximum width of 3.70 m (12.14 ft) is permitted. The second driveway was not constructed in conformity with the By-law. Accordingly, the applicant has submitted a variance to permit this existing configuration.

### **Applicant’s Stated Reason for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is because “*the driveway is existing*”.

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

The applicant submitted an incomplete ZPR which confirms one of the variances required for the proposed development. It is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **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 Driveway Width**

The applicant is requesting relief to recognize an existing second driveway with a maximum width of 5.96 m (19.55 ft), whereas the Parking By-law permits a second driveway with a maximum width of 3.70 m (12.14 ft) for lots with frontages greater than 19.20 m (62.99 ft). This is an increase of 2.26 m (7.41 ft).

The intent of regulating driveway widths in the Parking By-law is to minimize the total amount of surface paving, and for circular driveways, to limit the width of access points onto a public street. In recognizing that the requested variance is to legalize the existing driveway configuration, staff are of the opinion that there will be minimal impact to abutting properties and therefore, have no objection to approval of this variance.

Should the application be approved, staff recommend that the variance be subject to the conditions of approval provided in Appendix “A”, which includes that the variance relates to the existing driveway only. Accordingly, any re-development of the site will require that

any new driveway would require compliance with the standard provisions as specified by the Zoning and Parking By-laws.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 26, 2020. 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.

### **APPLICATION PROCESSING**

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

### **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 requested variance is an expansion to the existing configuration of the site. Staff recommend that Committee consider public input in reaching a decision, and satisfy themselves that the four tests under Section 45(1) of the *Planning Act* are met.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

### **APPENDICES**

Appendix "A" – Conditions of Approval

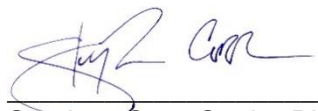
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



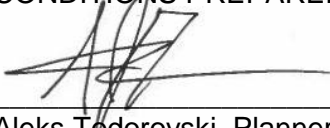
Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/056/20**

1. That the proposed variance only apply to the existing driveway 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 received by the City of Markham on April 21, 2020, 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.

CONDITIONS PREPARED BY:

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

Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/056/20**

# LOT 41 - 7580 NINTH LINE

Appendix B



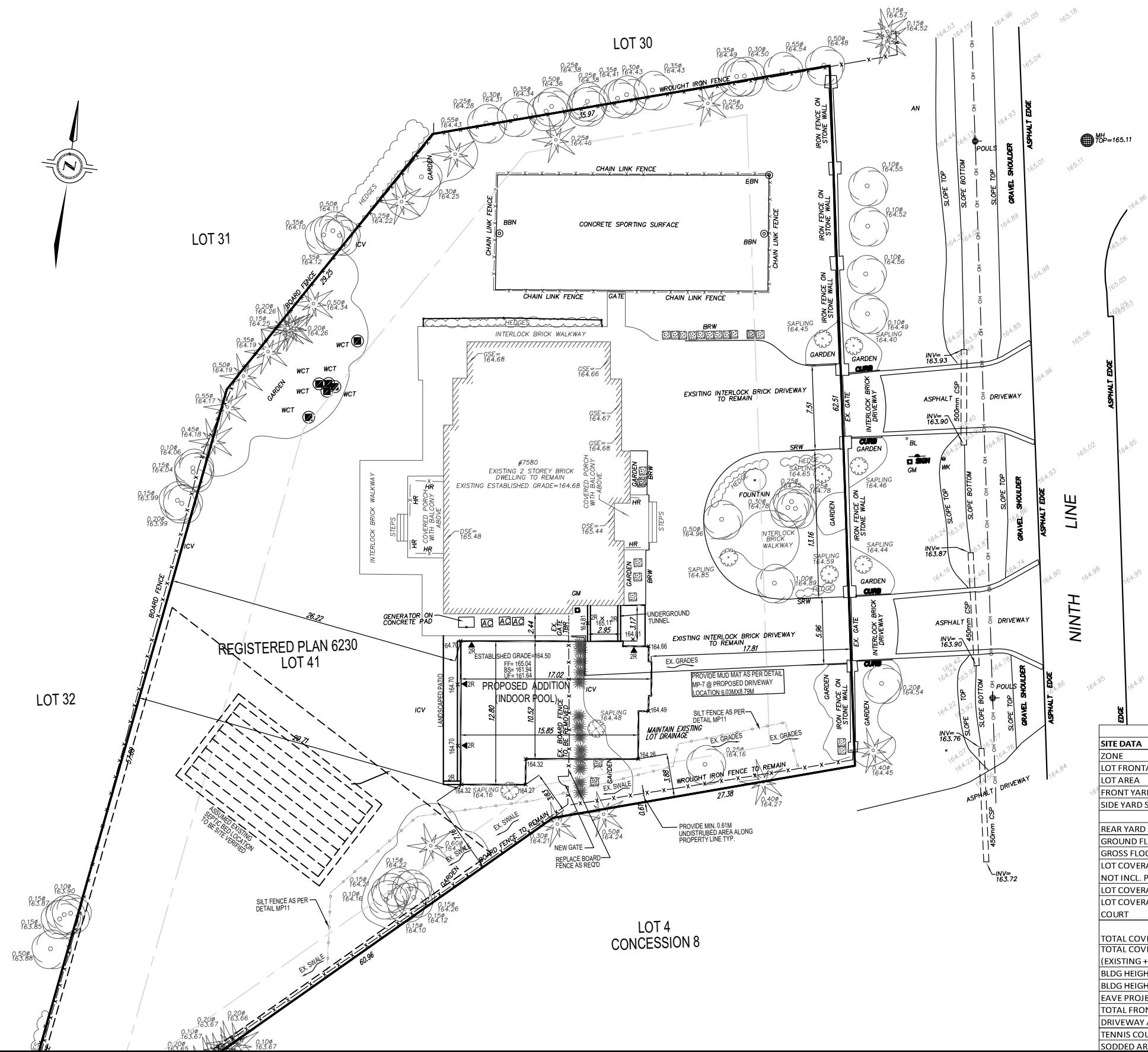
RECOMMENDED  
PLANS

File: 20.112663.000.0

0.MNV

Date: 06/29/20

MM/DD/YY



ZONING			
SITE DATA	BY-LAW 194-82	EXISTING	PROPOSED
ZONE	RR1		
LOT FRONTAGE	45 M	62.51 M	
LOT AREA	4000 M2	4105.70 M2	
FRONT YARD SETBACK	7.5 M	19.03 M	17.81 M
SIDE YARD SETBACK	3.0 M	17.61 M	3.83 M
REAR YARD SETBACK	7.5 M	19.62 M	26.22 M
GROUND FLOOR AREA	N/A	290.23 M2	184.60 M2
GROSS FLOOR AREA	N/A	614.93 M2	184.60 M2
LOT COVERAGE		8.98% (368.83 M2)	4.50% (184.60 M2)
NOT INCL. PORCH			
LOT COVERAGE OF PORCH		0.89% (36.61 M2)	0.19% (7.80 M2)
LOT COVERAGE OF TENNIS COURT		6.09% (249.97 M2)	
TOTAL COVERAGE	DETERMINED BY SETBACKS	15.96% (655.41 M2)	4.69% (192.40 M2)
TOTAL COVERAGE (EXISTING + PROPOSED)	DETERMINED BY SETBACKS		20.65% (847.81 M2)
BLDG HEIGHT TOP OF FLAT	10.50 M (FLAT)		
BLDG HEIGHT TO MIDPOINT EAVE PROJECTION	10.50 M (SLOPED)	9.55 M	5.71 M
DRIVEWAY AREA	0.45 M	0.30 M	
TENNIS COURT			1209.61 M2
SODDED AREA			394.25 M2
			150.90 M2
			664.46 M2

Client: SUDA SHANMUGARAJAH

Lot: LOT 41

7580 NINTH LINE  
CITY OF MARKHAM

Sheet Title:

SITE PLAN

Drawn by: BM Date: 04/21/20

Project No: 19-11 Page: A1.0

Scale: 1:400

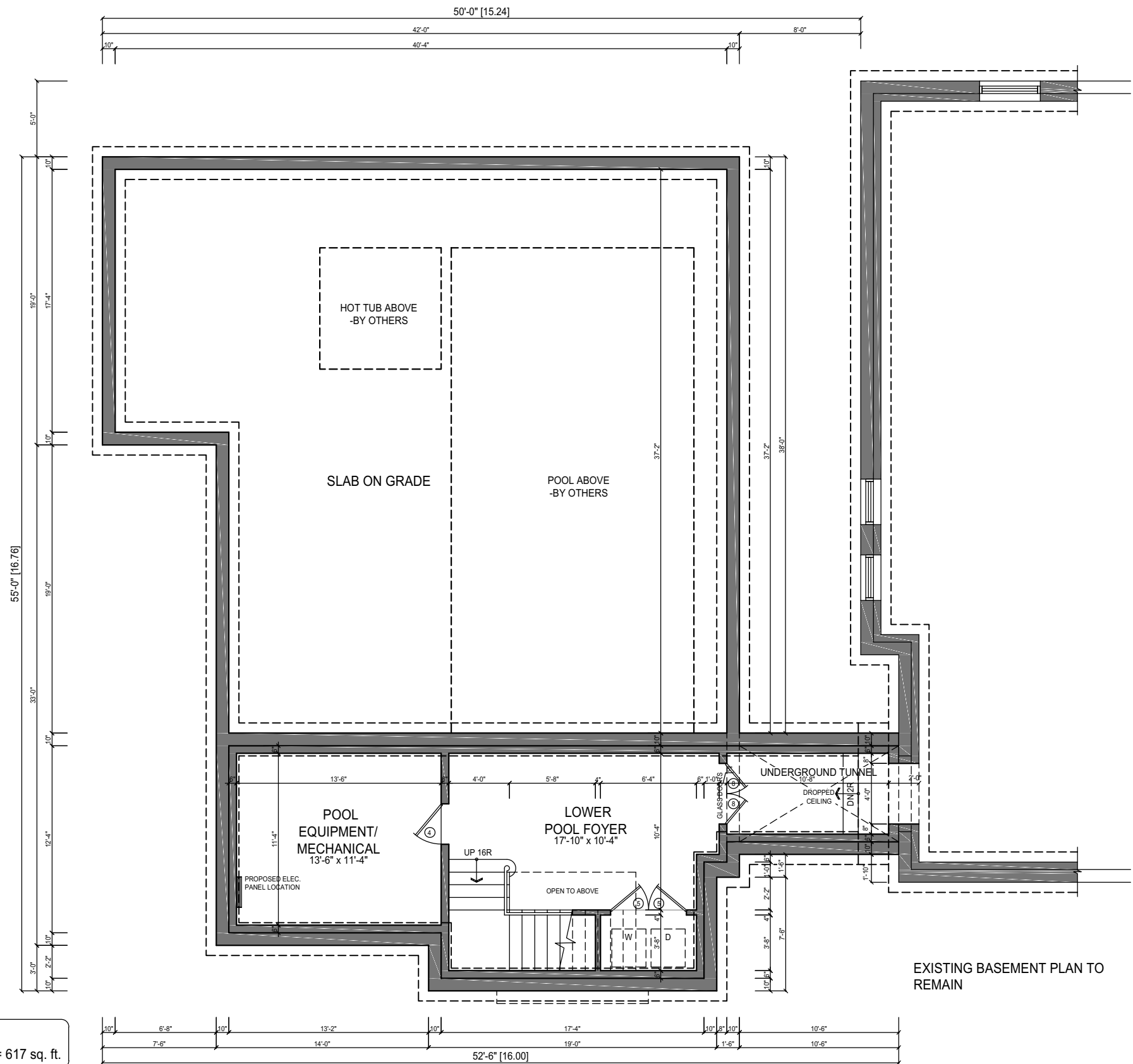
20 RIVERMEDE ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 3N3  
PHONE: (416) 663-0111; FAX: (416) 663-0113; WWW.IANROBERTSONDESIGN.CA

LOT 41 - 7580 NINTH LINE

Appendix B



File: 20.112663.000.0  
0.MNV  
Date: 06/29/20  
MM/DD/YY



BASEMENT PLAN  
FIN. BASEMENT AREA = 617 sq. ft.

Client: SUDA SHANMUGARAJAH	
Lot: LOT 41	
Address: 7580 NINTH LINE CITY OF MARKHAM	
Sheet Title: BASEMENT PLAN	
Drawn by: BM	Date: 04/21/20
Project No: 19-11	Page: A1.1
Scale: 1/8" = 1'-0"	

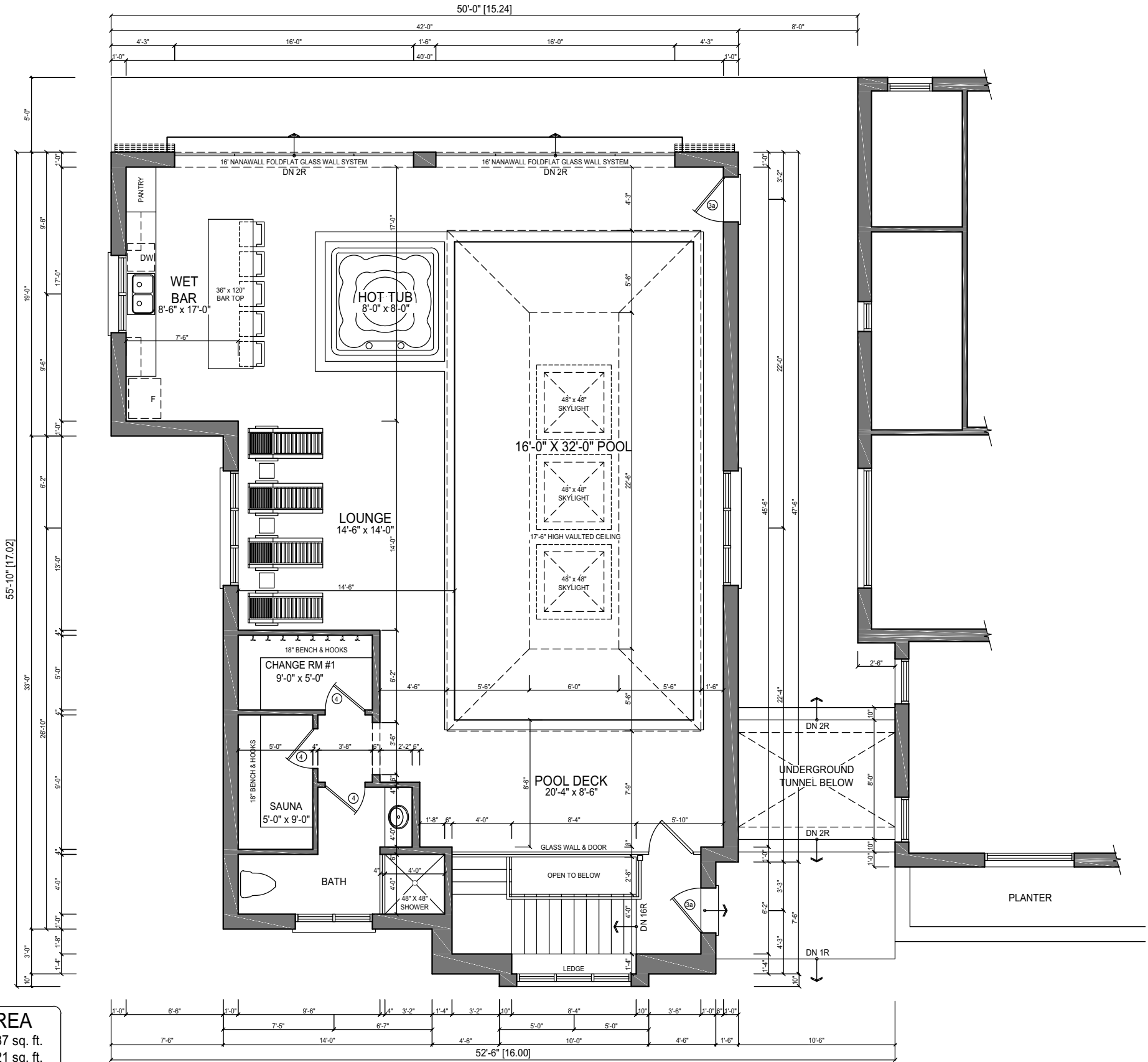
LOT 41 - 7580 NINTH LINE

Appendix B



File: 20.112663.000.0  
0.MNV  
Date: 06/29/20  
MM/DD/YY

IAN ROBERTSON  
20 RIVERMEDE ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 3N3  
PHONE: (416) 663-0111; FAX: 1 (866) 602-1163; WWW.IANROBERTSONDESIGN.CA

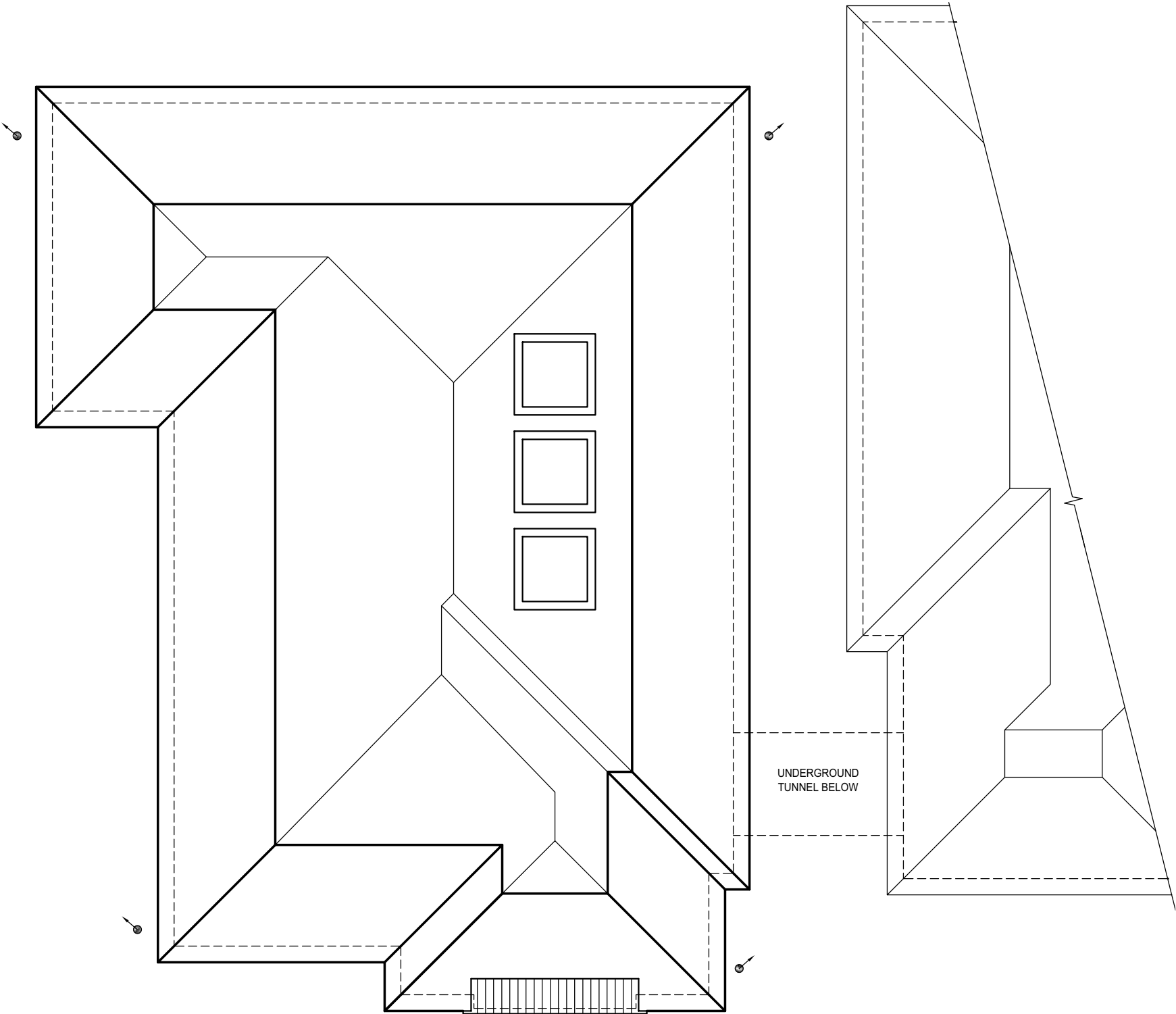


INDOOR POOL AREA  
FLOOR AREA = 1987 sq. ft.  
OPEN TO BELOW = 21 sq. ft.

Client: SUDA SHANMUGARAJAH	
Lot: LOT 41	
Address: 7580 NINTH LINE CITY OF MARKHAM	
Sheet Title: GROUND FLOOR PLAN	
Drawn by: BM	Date: 04/21/20
Project No: 19-11	Page: A1.2
Scale: 1/8" = 1'-0"	



LOT 41 - 7580 NINTH LINE



Appendix B

RECOMMENDED  
PLANS

File: 20.112663.000.0  
0.MNV

Date: 06/29/20  
MM/DD/YY

Client: SUDA SHANMUGARAJAH	
Lot: LOT 41	
Address: 7580 NINTH LINE CITY OF MARKHAM	
Sheet Title: ROOF PLAN	
Drawn by: BM	Date: 04/21/20
Project No: 19-11	Page: A1.3
Scale: 1/8" = 1'-0"	

20 RIVERMEDE ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 3N3  
PHONE: (416) 663-0111; FAX: 1 (866) 602-1163; WWW.IANROBERTSONDESIGN.CA

IAN ROBERTSON

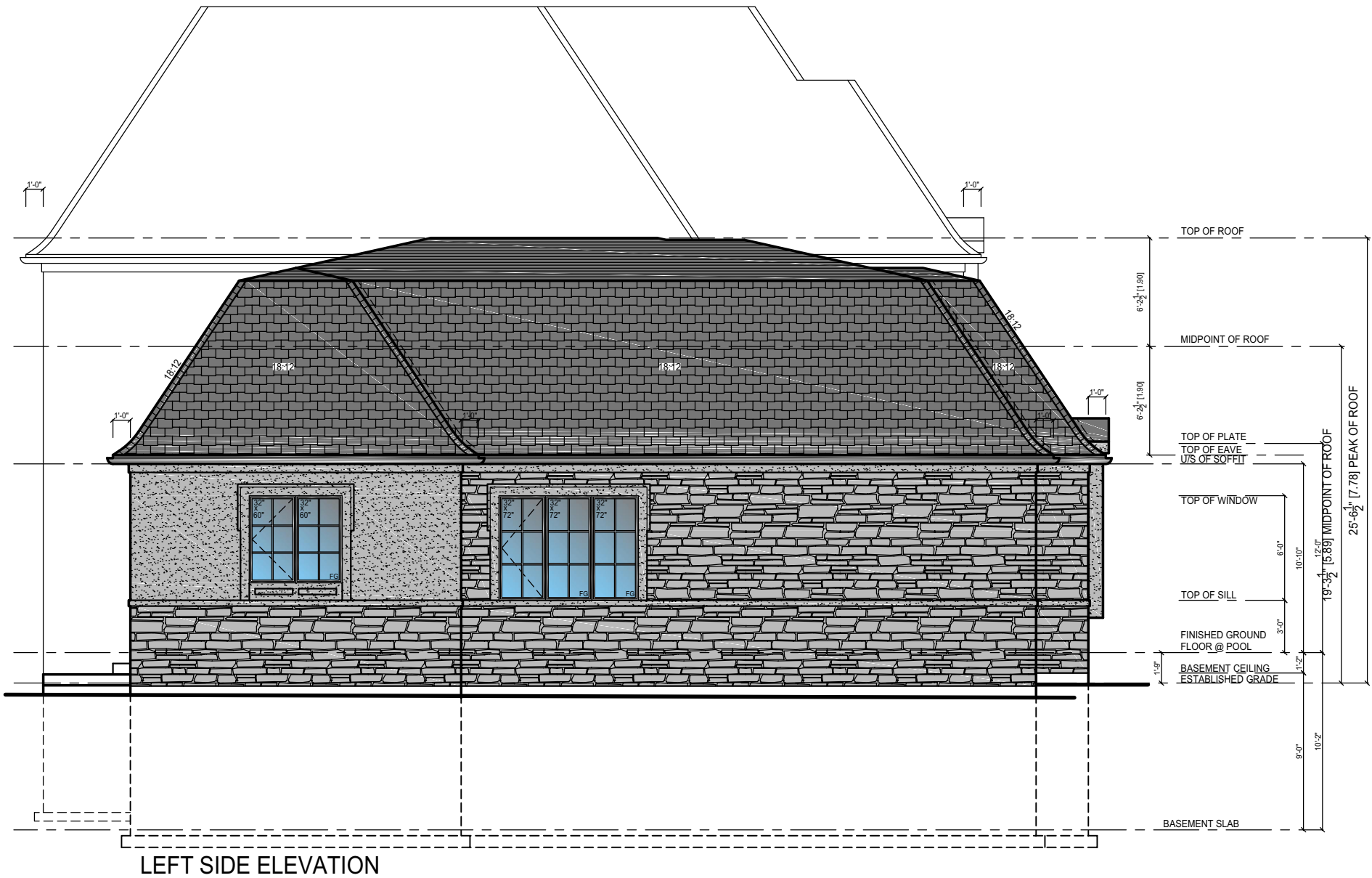


LOT 41 - 7580 NINTH LINE

Appendix B



File: 20.112663.000.0  
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Date: 06/29/20  
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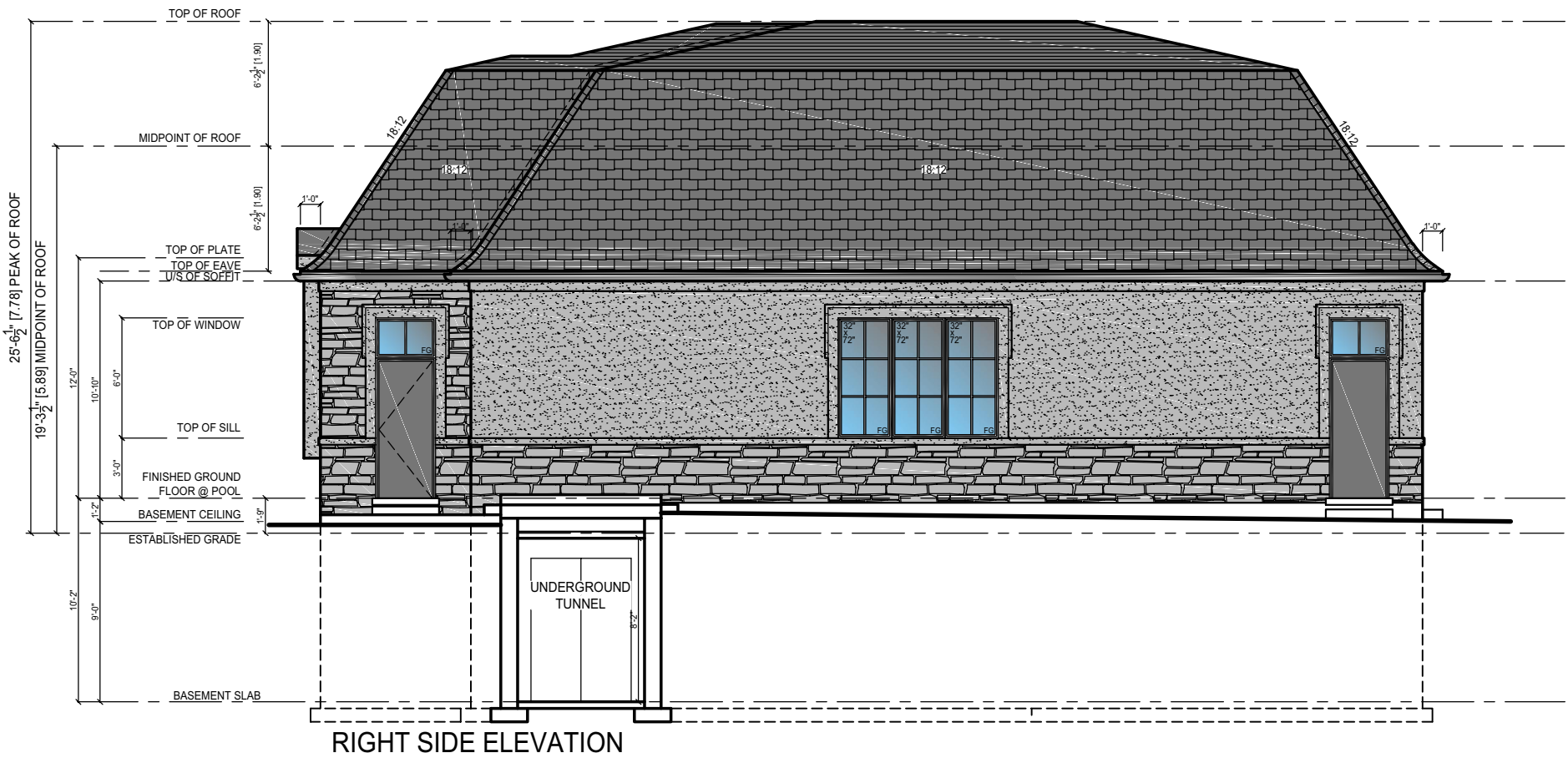
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Lot: LOT 41	
Address: 7580 NINTH LINE CITY OF MARKHAM	
Sheet Title: LEFT SIDE ELEVATION	
Drawn by: BM	Date: 04/21/20
Project No: 19-11	Page: A2.2
Scale: 1/8" = 1'-0"	

LOT 41 - 7580 NINTH LINE

Appendix B



File: 20.112663.000.0  
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Date: 06/29/20  
MM/DD/YY



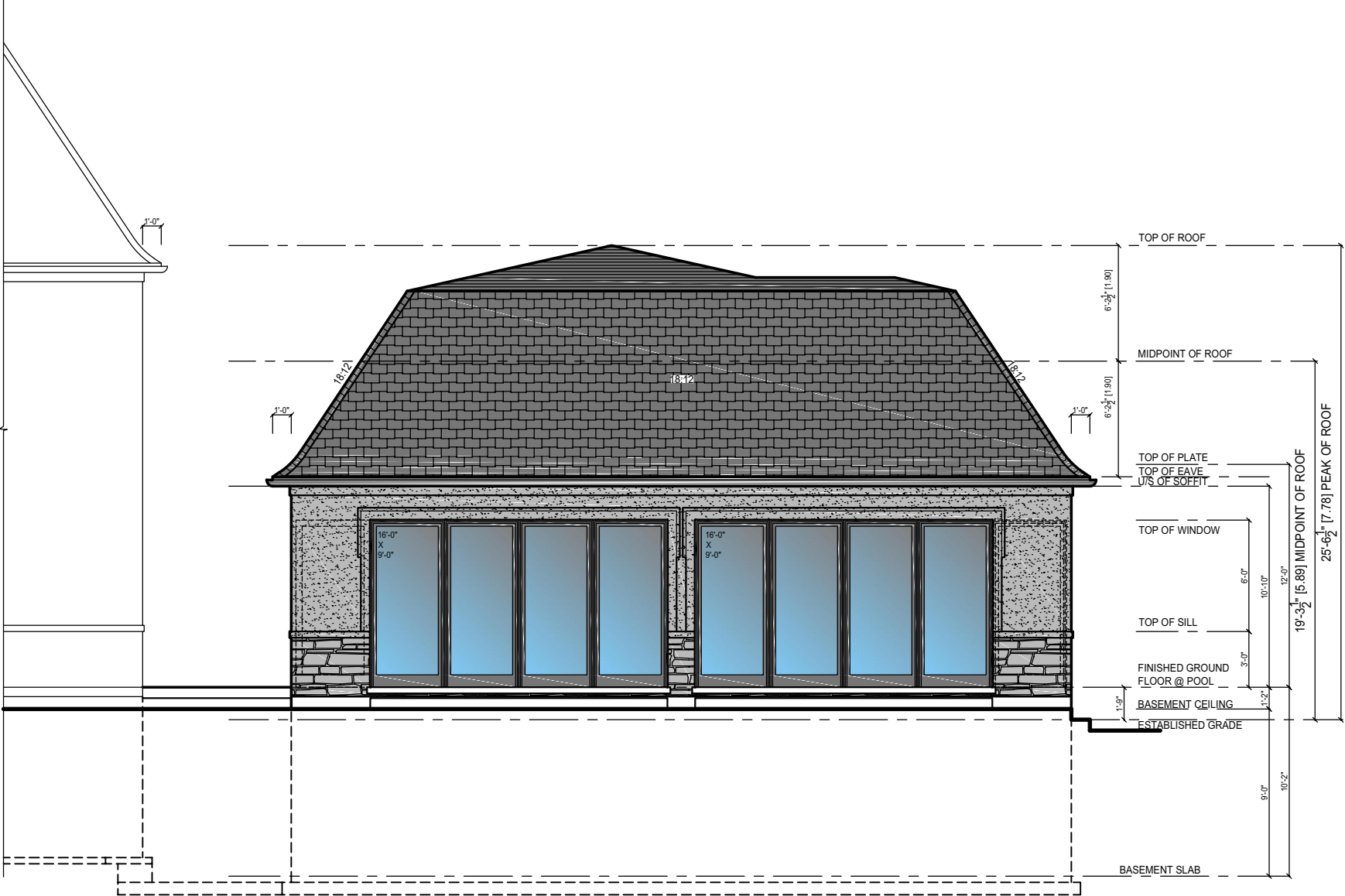
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Lot: LOT 41	
Address: 7580 NINTH LINE CITY OF MARKHAM	
Sheet Title: RIGHT SIDE ELEVATION	
Drawn by: BM	Date: 04/21/20
Project No: 19-11	Page: A2.3
Scale: 1/8" = 1'-0"	

LOT 41 - 7580 NINTH LINE

Appendix B



File: 20.112663.000.0  
0.MNV  
Date: 06/29/20  
MM/DD/YY



REAR ELEVATION

Client: SUDA SHANMUGARAJAH

Lot: LOT 41

Address: 7580 NINTH LINE  
CITY OF MARKHAM

Sheet Title: REAR ELEVATION

Drawn by: BM Date: 04/21/20  
Project No: 19-11 Page: A2.4  
Scale: 1/8" = 1'-0"