

Memorandum to the City of Markham Committee of Adjustment

November 26, 2020

File: A/100/20
Address: 14 Meyer Circle – Markham, ON
Applicant: Moheib Kheir
Agent: Neveen Abdel-Aal
Hearing Date: December 2, 2020

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

The applicant is requesting relief from the following “Eighth Density – Single Family Residential (R8)” zone requirement under By-law 163-78, as amended, as it relates to a proposed two-storey addition to the west side of the dwelling. The variance requested is to permit:

a) By-law 163-78, Sec. 7.2(b):

A minimum west interior side yard setback of 1.21 m (3.97 ft), whereas the By-law requires a minimum interior side yard setback of 1.80 m (5.91 ft) above the one-storey portion of a building.

BACKGROUND

Property Description

The 716.09 m² (7,707.93 ft²) subject property is a “pie-shaped” lot, located on the north side of Meyer Circle, east of Paramount Road, and west of Wooten Way North. The property is developed with an existing two-storey detached dwelling, with mature vegetation throughout the property. The property is located within an established residential neighbourhood comprised of two-storey single detached dwellings.

Proposal

The applicant is proposing to construct a two-storey addition along the west side of the existing dwelling. The proposed addition adds approximately 52.65 m² (566.76 ft²) of floor space to the ground floor and 51.88 m² (558.50 ft²) to the second floor, for a total of 104.50 m² (1,125.26 ft²). The proposed addition will also expand basement level floor space. The By-law requires that the second storey portion of a dwelling has an interior side yard setback of 1.80 m (5.91 ft) and the applicant is requesting a variance to permit a second storey side yard setback of 1.21 m (3.97 ft), as noted above.

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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width

of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 163-78

The subject property is zoned “Eighth Density – Single Family Residential (R8)” under By-law 163-78, as amended, which permits single detached dwellings. The proposed addition to the west side of the dwelling does not comply with the By-law with respect to the minimum interior side yard setback requirement for the second-storey portion along the west side.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on September 16, 2020 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 of Adjustment (“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.

Reduced West Side Yard Setback (two-storey portion)

The applicant is proposing an addition along the west side of the existing dwelling, and is requesting a minimum west interior side yard setback of 1.21 m (3.97 ft) for the two-storey portion, whereas the By-law requires a minimum side yard setback of 1.80 m (5.91 ft) above one-storey. This is a reduction of 0.59 m (1.94 ft).

The By-law requires a minimum setback of 1.20 m (3.94 ft) for the first storey portion of a dwelling and a minimum 1.80 m (5.91 ft) setback for portions of the dwelling above the first storey (i.e. second storey and above). Consequently, the requested variance applies only to the two-storey portion of the building along the west side yard where the addition is proposed.

The proposed addition (and existing dwelling) does not extend further into the rear yard than the neighbouring dwelling to the west. Staff are of the opinion that the requested variance would not adversely impact the neighbouring property with respect to any privacy or overlook, and do not anticipate that its approval would adversely impact the streetscape. Staff do not object to the requested variance.

Tree Protection & Compensation

The applicant has provided a site plan which shows the location of the existing trees throughout the subject property. Adequate tree protection measures, including the erection of tree hoarding may be required to ensure the protection and, or preservation of certain trees prior to the commencement of construction. Accordingly, staff recommend that any approval of the variance application includes the tree protection and compensation conditions attached in Appendix “A”.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 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.

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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

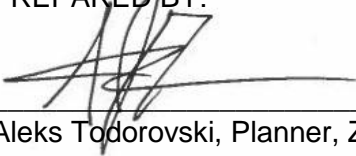
Please see Appendix "A" for conditions to be attached to any approval of this application.

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/100/20

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped 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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City, if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/20

Appendix B

File: 20.129386.000.00.MNV

Date: 11/30/20
MM/DD/YY

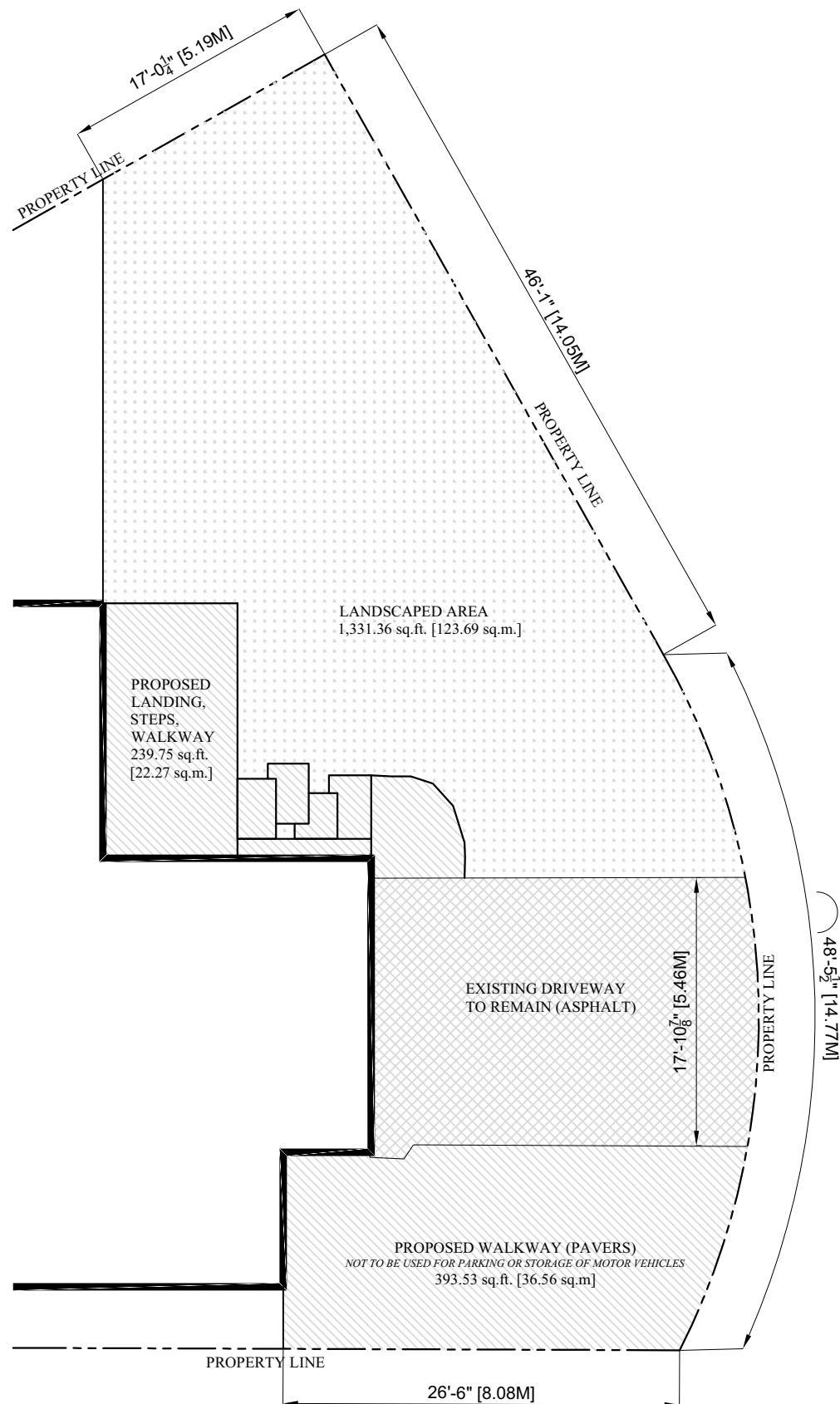
14 MEYER CIRCLE ZONING INFORMATION

ZONING:	R8 UNDER BY-LAW 163-78	
LOT AREA:	7,708.00 sq.ft.	716.09 sq.m.
ALLOWABLE COVERAGE: (33%)	2,543.64 sq.ft.	236.31 sq.m.
PROPOSED COVERAGE: (30.52%)	2,353.75 sq.ft.	218.67 sq.m.
EXISTING MAIN FLOOR	1,032.83 sq.ft	95.95 sq.m
ADDITION MAIN FLOOR	566.76 sq.ft	52.65 sq.m
TOTAL MAIN FLOOR	1,599.59 sq.ft	148.60 sq.m
EXISTING SECOND FLOOR	1,434.09 sq.ft	133.23 sq.m
ADDITION SECOND FLOOR	558.50 sq.ft	51.88 sq.m
TOTAL SECOND FLOOR	1,992.59 sq.ft	185.11 sq.m
EXISTING LOWER FLOOR	1,016.79 sq.ft.	94.46 sq.m.
ADDITION LOWER FLOOR	427.93 sq.ft.	39.75 sq.m
TOTAL LOWER FLOOR	1,444.72 sq.ft	134.21 sq.m
TOTAL AREA OF ADDITION	1,125.26 sq.ft	104.53 sq.m

SETBACKS	ALLOWABLE	PROPOSED
FRONT	19'-11 3/4" (6.0M)	26'-6 3/8" (8.09M)
REAR	24'-7 1/4" (7.5M)	54'-11 1/4" (16.75M)
SIDE (WEST SIDE) AT THE 2ND STOREY PORTION	5'-11" (1.8M)	3'-11 3/4" (1.21M) — VARIANCE
BUILDING HEIGHT (MAX)	35'-1 1/4" (10.7M)	23'-11 1/8" (7.29M)

FRONT YARD LANDSCAPING CALCULATION

TOTAL FRONT YARD AREA:	2,425.16 sq.ft. [225.30 sq.m.]
EXISTING DRIVEWAY AREA :	460.50 sq.ft. [42.78 sq.m.]
PROPOSED LANDING/STEPS/WALKWAY	633.28 sq.ft. [58.83 sq.m.]
PROPOSED FRONT YARD SOFT LANDSCAPE AREA: 54.89%	1,331.36 sq.ft. [123.69 sq.m.]

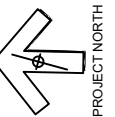


A2

INFORMATION

CITY OF MARKHAM
20.129386.000.00.MNV

MOHEB_COA.DWG	N/A
DRAWN BY:	N/A
DATE:	11.30.2020
CHECKED BY:	N/A
SCALE:	3/32" = 1'-0"



PROJECT NORTH

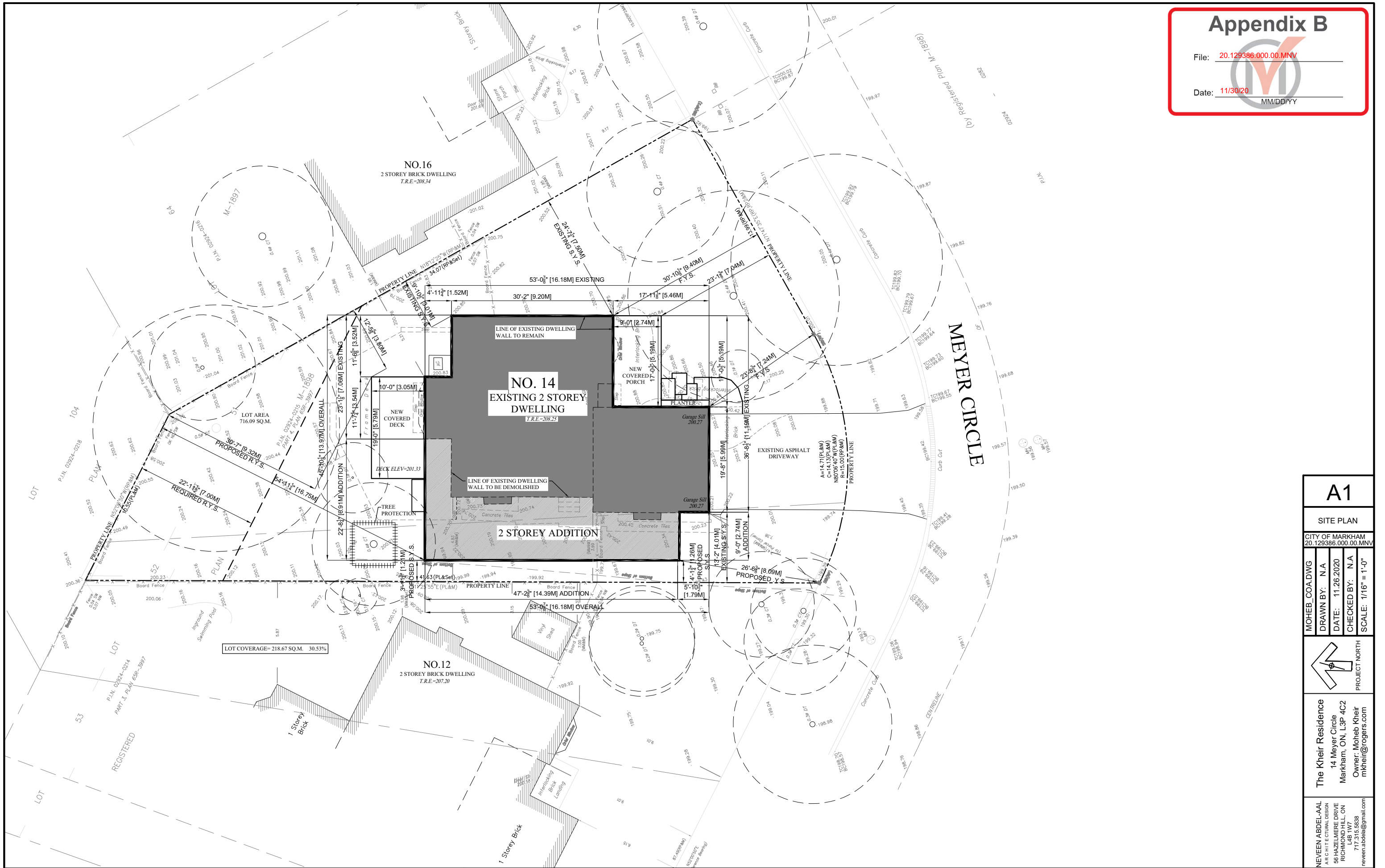
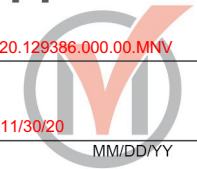
The Khair Residence
14 Meyer Circle
Markham, ON, L3P 4C2
Owner: Moheeb Khair
mkhair@rogers.com

NEVEEN ABDEL-AAL
ARCHITECTURAL DESIGN
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Appendix B

File: 20.129386.000.00.MNV

Date: 11/30/20
MM/DD/YY

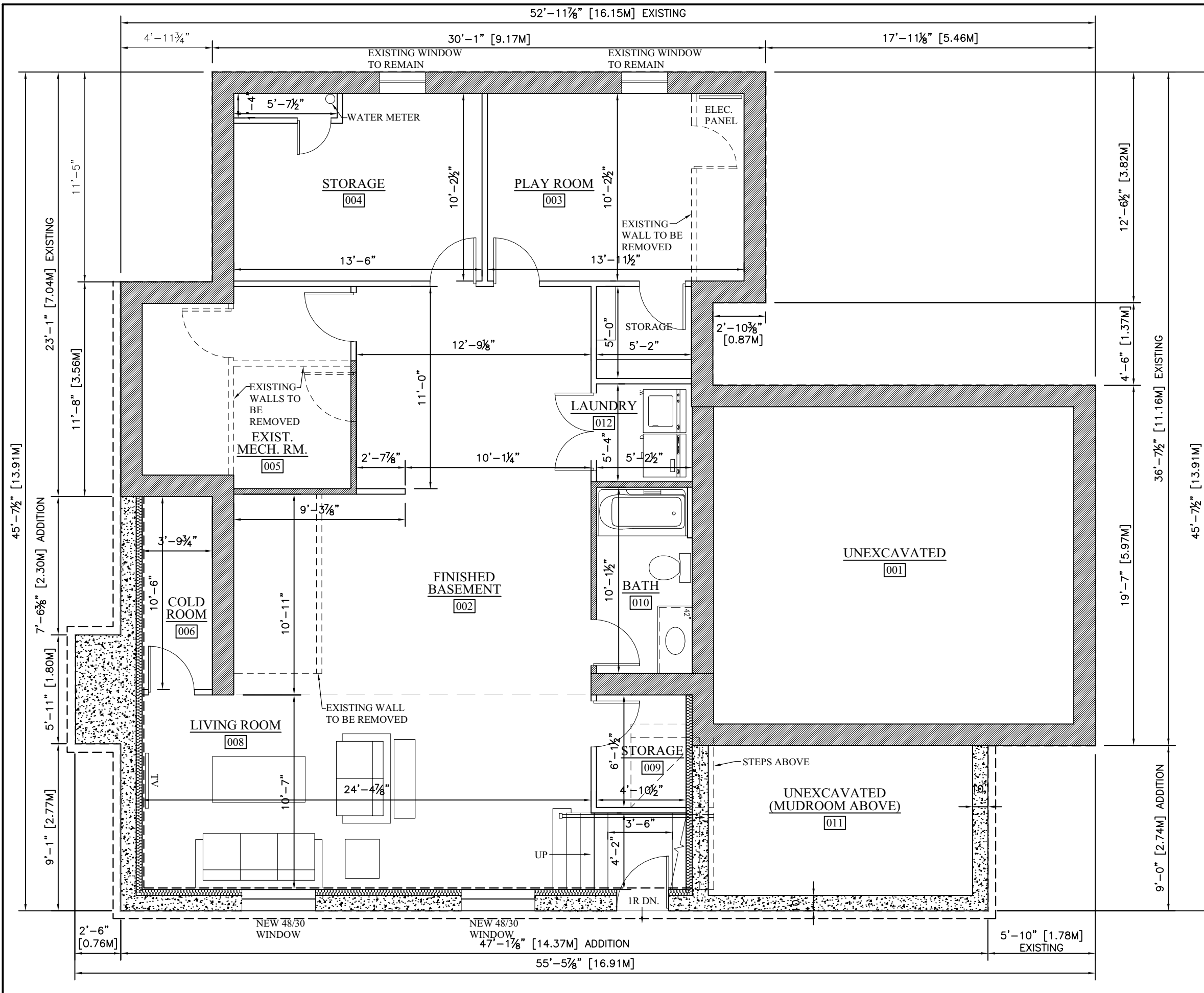


A1	
SITE PLAN	
CITY OF MARKHAM 20.129386.000.00.MNV	
MOHEB_COA.DWG	N/A
DRAWN BY:	N/A
DATE:	11.26.2020
CHECKED BY:	N/A
SCALE:	1/16" = 1'-0"
 PROJECT NORTH	
The Khair Residence 14 Meyer Circle Markham, ON, L3P 4C2 Owner: Moheb Khair mkhair@rogers.com	
NEVEEN ABDEL-AAL ARCHITECTURAL DESIGN 56 HAZELMERE DRIVE RICHMOND HILL, ON 717.545.5638 neveen.abdelle@gmail.com	

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FOUNDATION PLAN PROPOSED

LEGEND	
	NEW FOUNDATION WALL
	EXISTING WALL TO REMAIN

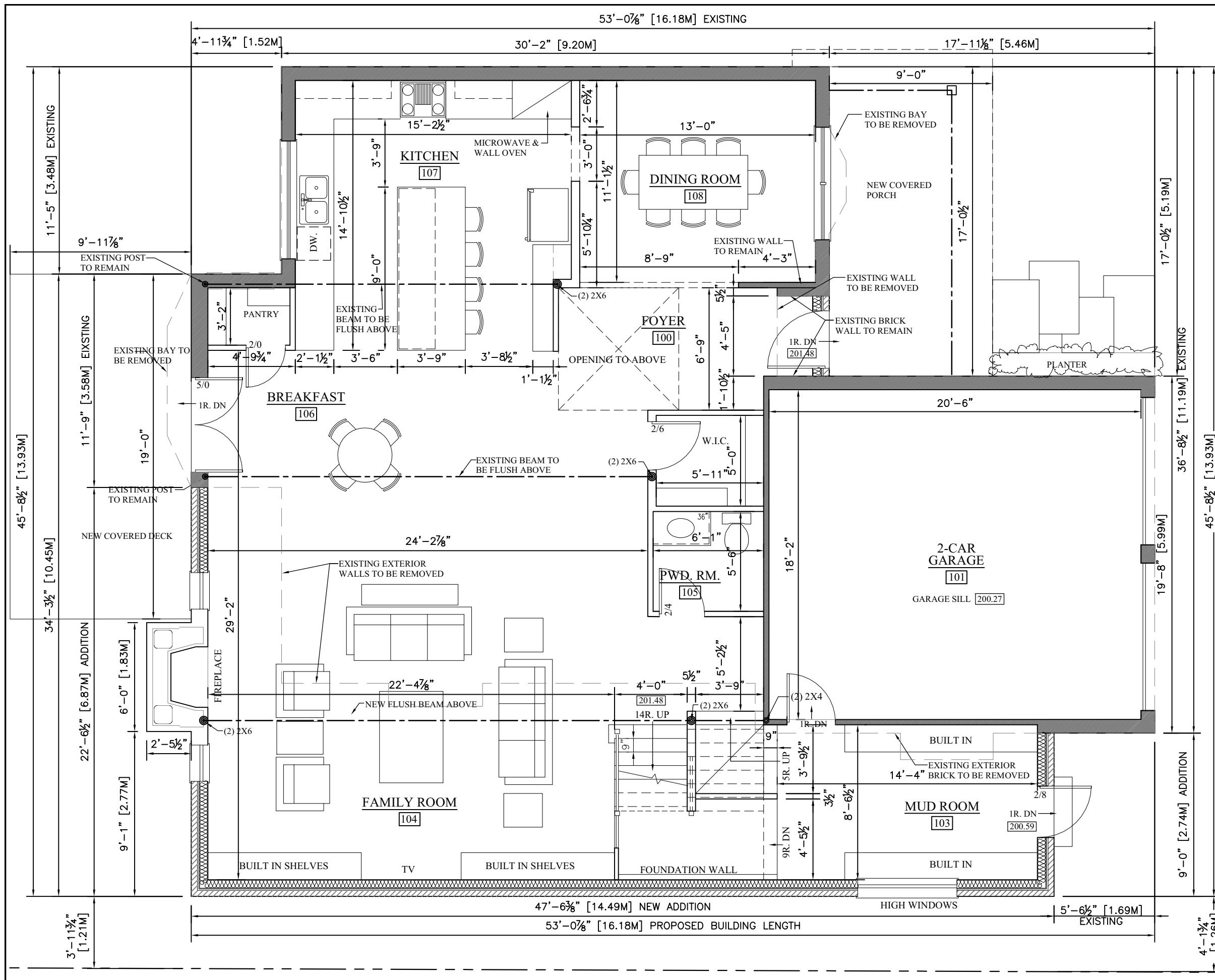
EXISTING FLOOR AREA: 1016.79 SQ.FT. 94.46 SQ.M.
ADDITION FLOOR AREA: 427.93 SQ.FT. 39.75 SQ.M.

A6	
PROPOSED BASEMENT	
CITY OF MARKHAM 20.129386.000.00.MNV	
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DRAWN BY:	N/A
DATE:	10.26.2020
CHECKED BY:	N/A
SCALE:	3/16" = 1'-0"
 PROJECT NORTH	
The Kheir Residence 14 Meyer Circle Markham, ON, L3P 4C2 Owner: Moheeb Kheir mkheir@rogers.com	
NEVEEN ABDEL-AAL ARCHITECTURAL DESIGN 56 HAZELMERE DRIVE RICHMOND HILL, ON 717.915.5838 neveen.abdelal@gmail.com	

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MAIN FLOOR PLAN PROPOSED

LEGEND	
	NEW WALL
	EXISTING WALL TO REMAIN

EXIST. FLR AREA: 1032.83 SQ.FT. 95.95 SQ.M.
ADD. FLR AREA: 566.76 SQ.FT. 52.65 SQ.M.

A7

PROPOSED MAIN FLOOR
CITY OF MARKHAM
20.129386.000.00.MNV

MOHEB_COA.DWG	N/A
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DATE:	10.26.2020
CHECKED BY:	N/A
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PROJECT NORTH

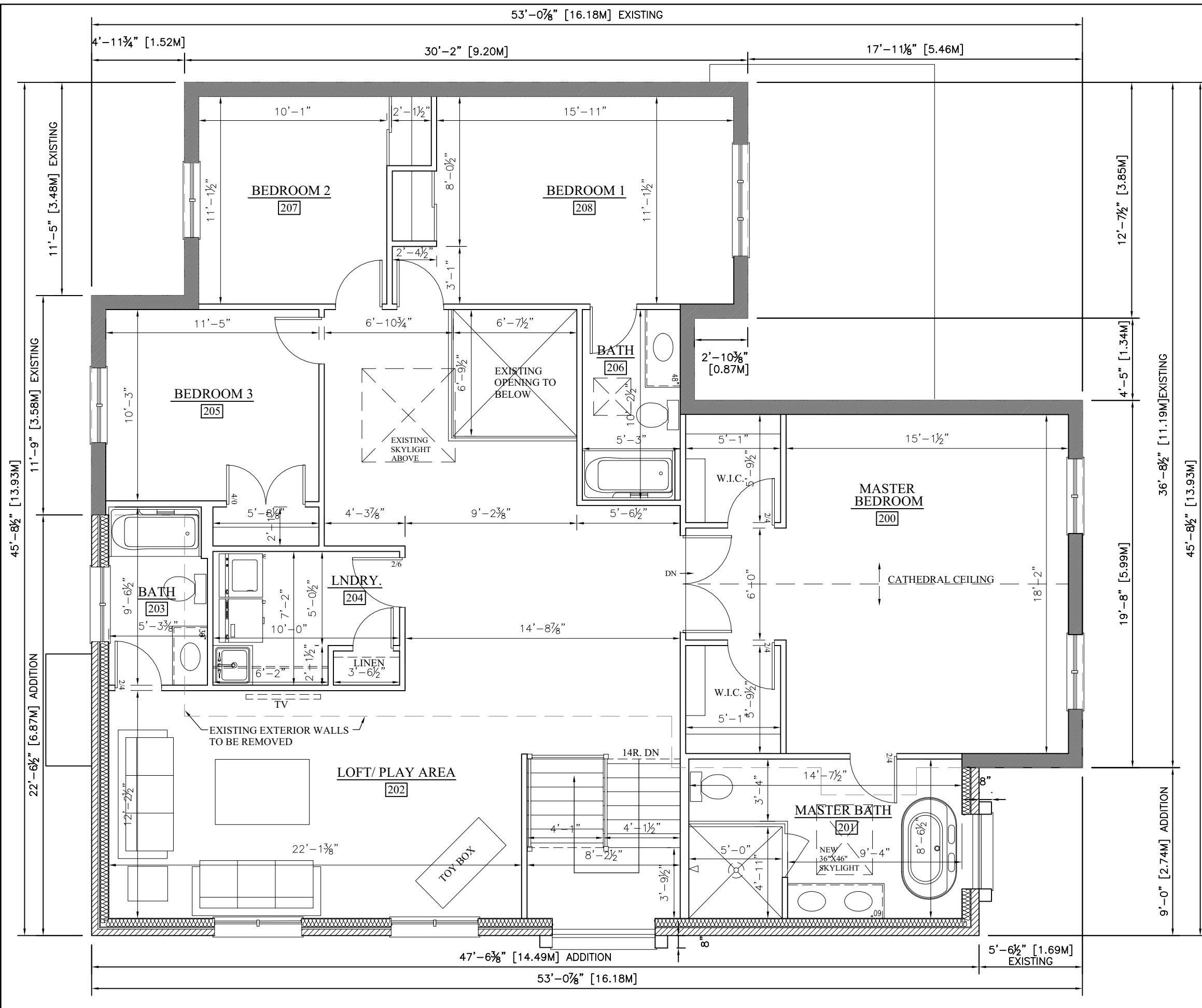
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SECOND FLOOR PLAN PROPOSED

EXISTING FLOOR AREA: 1434.09 SQ.FT. 133.23 SQ.M.
ADDITION FLOOR AREA: 558.50 SQ.FT. 51.88 SQ.M.

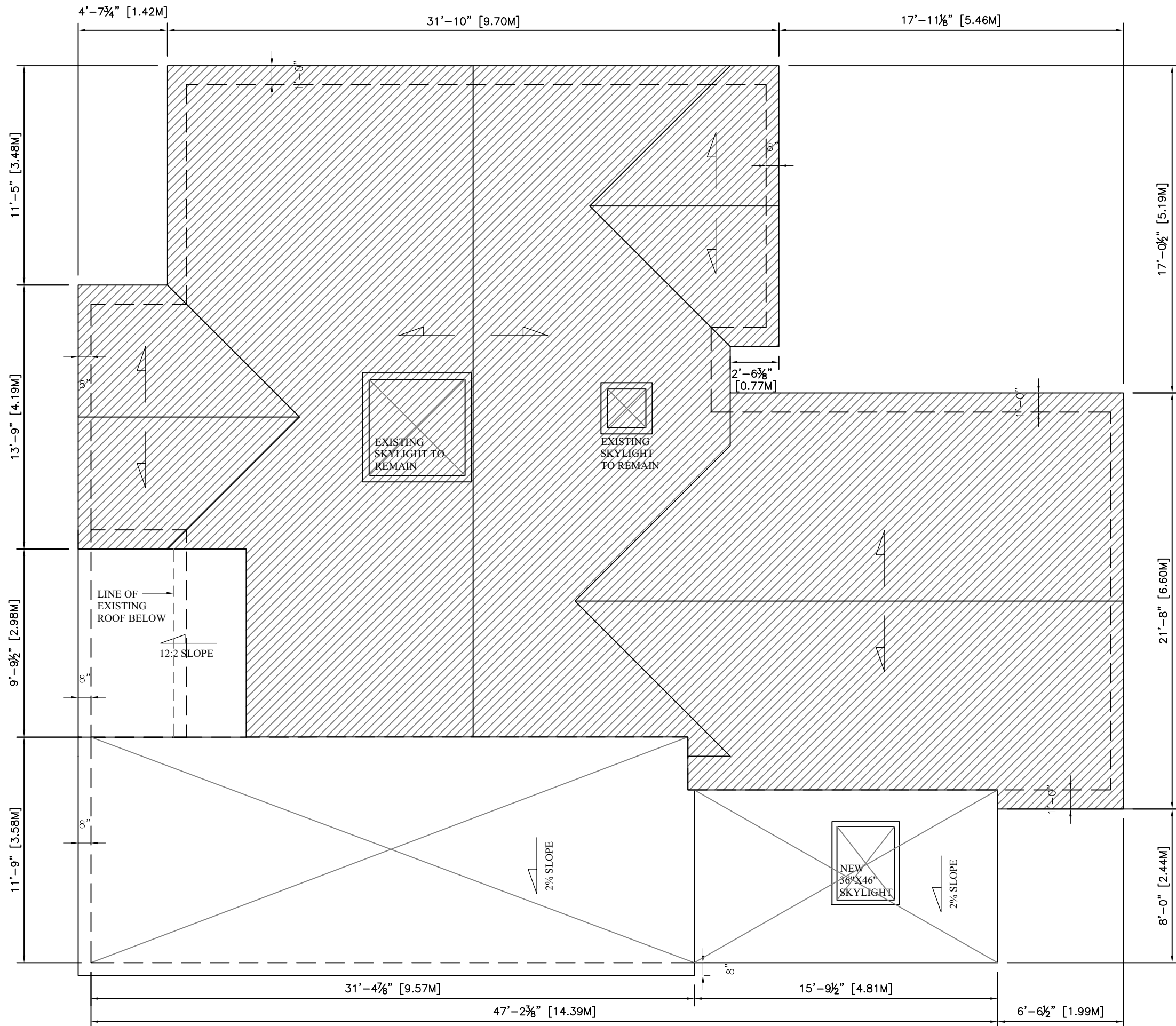
LEGEND	
	NEW WALL
	EXISTING WALL TO REMAIN

A8	
PROPOSED SECOND FLOOR	
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DATE:	11.30.2020
CHECKED BY:	N/A
SCALE:	3/16" = 1'-0"
PROJECT NORTH	
The Khair Residence 14 Meyer Circle Markham, ON, L3P 4C2 Owner: Moheeb Khair mkhair@rogers.com	
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ROOF PLAN PROPOSED

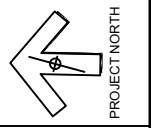
LEGEND	
	EXISTING ROOF TO REMAIN
	NEW ROOF

A9

ROOF PLAN

CITY OF MARKHAM
20.129386.000.00.MNV

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DATE:	10.26.2020
CHECKED BY:	N/A
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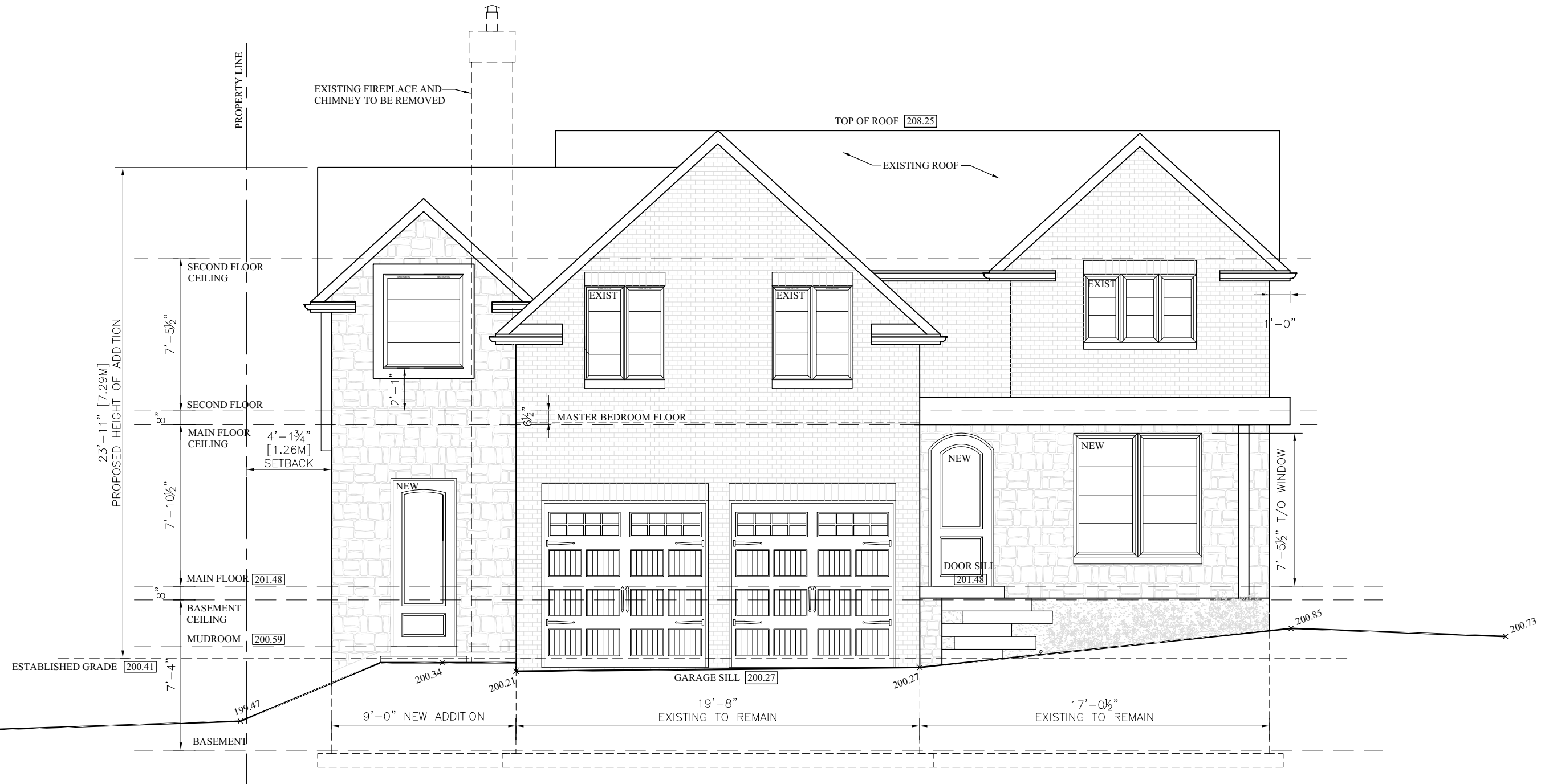
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ESTABLISHED GRADE CALCULATION:
 $200.34 + 200.21 + 200.27 + 200.44 + 200.85 + 200.83 + 199.94 / 7 = 200.41$

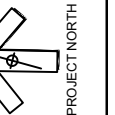
FRONT ELEVATION

B10

FRONT ELEVATION

CITY OF MARKHAM
20.129386.000.00.MNV

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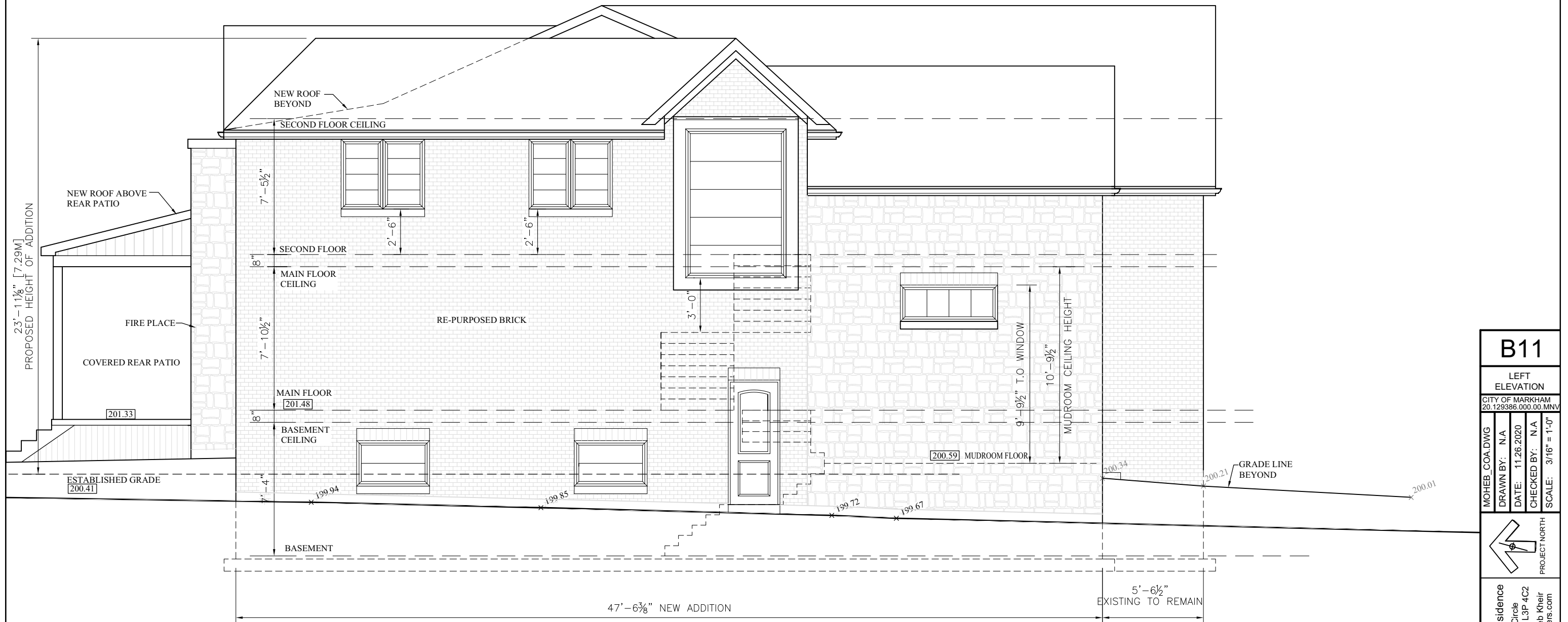
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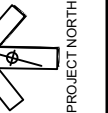
LEFT ELEVATION

B11

LEFT ELEVATION

CITY OF MARKHAM
20.129386.000.00.MNV

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CHECKED BY:	N/A
SCALE:	3/16" = 1'-0"



PROJECT NORTH

The Kheir Residence
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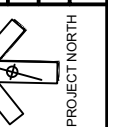
REAR ELEVATION

B12

REAR ELEVATION

CITY OF MARKHAM
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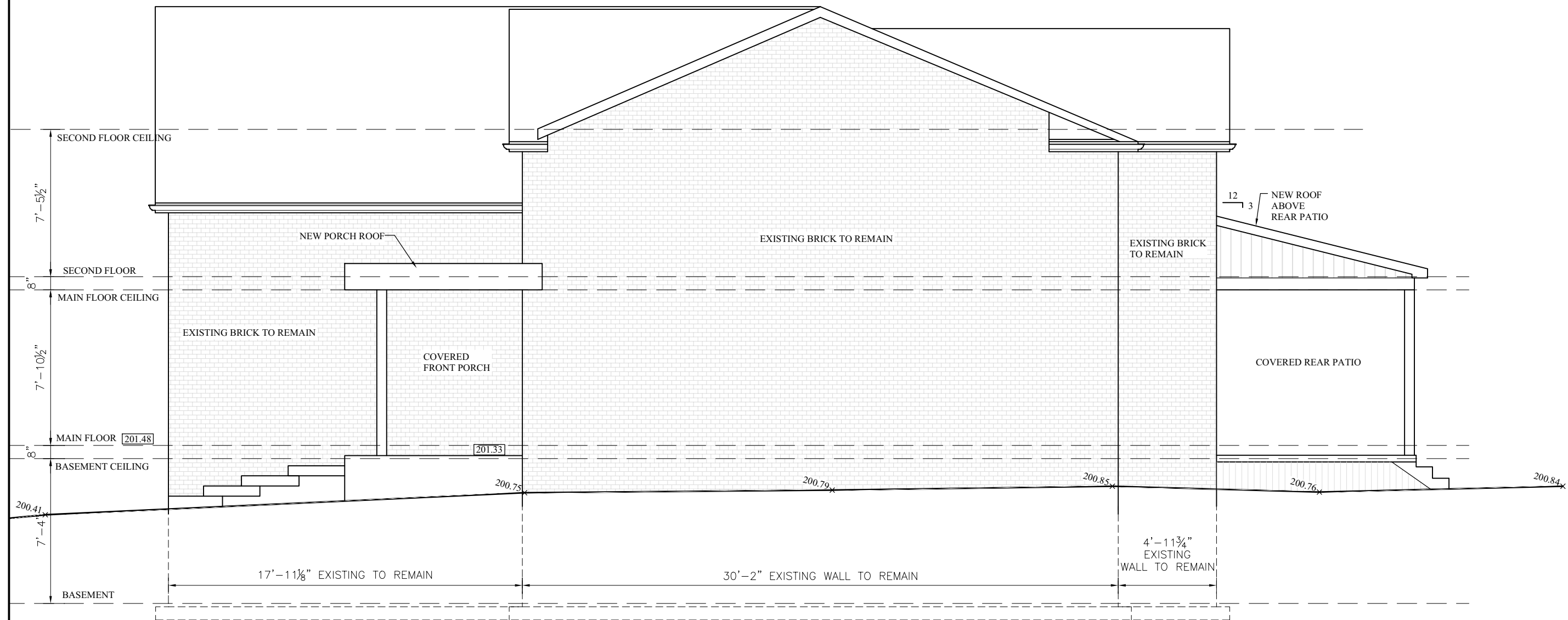
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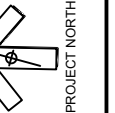
RIGHT ELEVATION

B13

RIGHT ELEVATION

CITY OF MARKHAM
20.129386.000.00.MNV

MOHEB_COA.DWG	DRAWN BY: N/A	DATE: 10.26.2020	CHECKED BY: N/A	SCALE: 3/16" = 1'-0"
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