

Memorandum to the City of Markham Committee of Adjustment
March 13, 2023

File: A/149/22
Address: 98 Clark Avenue, Thornhill
Applicant: XIAORU SONG
Owner: Yi Huang
Hearing Date: Wednesday, March 22, 2023

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2237, R4 as amended, as it relates to a proposed two-storey single detached dwelling:

a) Amending By-law 101-90, Section 1.2 (iv):

A building depth of 17.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Amending By-law 101-90, Section 1.2 (iv)

A floor area ratio of 57.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

BACKGROUND

Property Description

The 696.80 m² (7,500 ft²) subject property is located on the north side of Clark Avenue, south of John Street and east of Yonge Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition towards larger two-storey detached dwellings being developed as infill developments.

There is an existing 145 m² (1,561 ft²) two-storey single detached dwelling on the property, which according to assessment records was constructed in 1965. Mature vegetation exists on the property in the rear yard.

Proposal

The applicant is proposing to construct a two-storey single detached dwelling with a Gross Floor Area of 367.42 m² (3,955 ft²), The total building depth proposed is 17.10 m (56.10 ft), including the 0.91m (3 ft) covered front porch. The proposed total lot coverage is 199.64 m² (2149 ft²) (refer to Appendix "B" – Plans).

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 2014 Official Plan outlines development criteria for the "Residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

The proposed is also subject to the Thornhill Area and Site Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings and additions to existing dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development.

Zoning By-Law 2237

The subject property is zoned R4 under By-law 2237, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 total building depth and maximum allowable floor area ratio.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is that the building depth variance is triggered by the enclosed porch and the new construction necessitates a minor variance request.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 28, 2022 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.

Increased Maximum Floor Area Ratio Variance

The applicant is requesting relief to permit a floor area ratio of 57.5 percent, whereas a maximum floor area ratio of 50 percent is permitted. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 367.43 m² (3,955 ft²), whereas the By-law permits a dwelling with a maximum floor area of 319.40 m² (3,438 ft²). This represents an increase of approximately 48.03 m² (517 ft²).

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.

The proposed gross floor area is consistent with the recent infill development trend, including a number of nearby infill homes. Consequently, staff are of the opinion that the requested variance is minor in nature and that the increased floor area will not adversely

impact the character of the neighborhood as the proposed dwelling will be similar in size with other infill homes in the area.

Increased Maximum Building Depth Variance

The applicant is requesting relief to permit a maximum building depth of 17.10 m (56.10 ft), whereas a maximum building depth of 16.80 m (55.12 ft) is permitted. This represents an increase of approximately 0.30 m (0.98 ft) or 1.79 percent.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through 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.

The building depth variance is due, in part, to a front covered porch which adds approximately 0.91 m (3.0 ft) to the overall depth of the proposed dwelling. The majority of the proposed dwelling, excluding the porch, has a building depth of 16.15 m (53.0 ft), which will comply with the maximum permitted building depth noted above. Staff have no objections to this variance request as the main component of the building satisfies the maximum building depth permitted of 16.80 m (55.12 ft) and is consistent with similar infill developments in the neighborhood. Staff are of the opinion that the proposed increase in building depth is in keeping with the general intent of the zoning by-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 13 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.

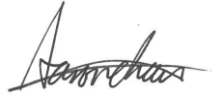
APPENDICES

Appendix "A" – A/167/22 Conditions of Approval

Appendix "B" – Aerial Photo

Appendix "C" – Plans

PREPARED BY:



Aaron Chau, Development Technician, Zoning and Special Projects

REVIEWED BY:



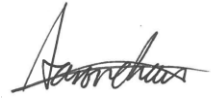
Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

File Path: Amanda\File\ 22 254143 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/22

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 plan(s) attached as 'Appendix C' to this Staff Report and received by the City of Markham on March 13 2023, 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:



Aaron Chau, Planner, Zoning and Special Projects

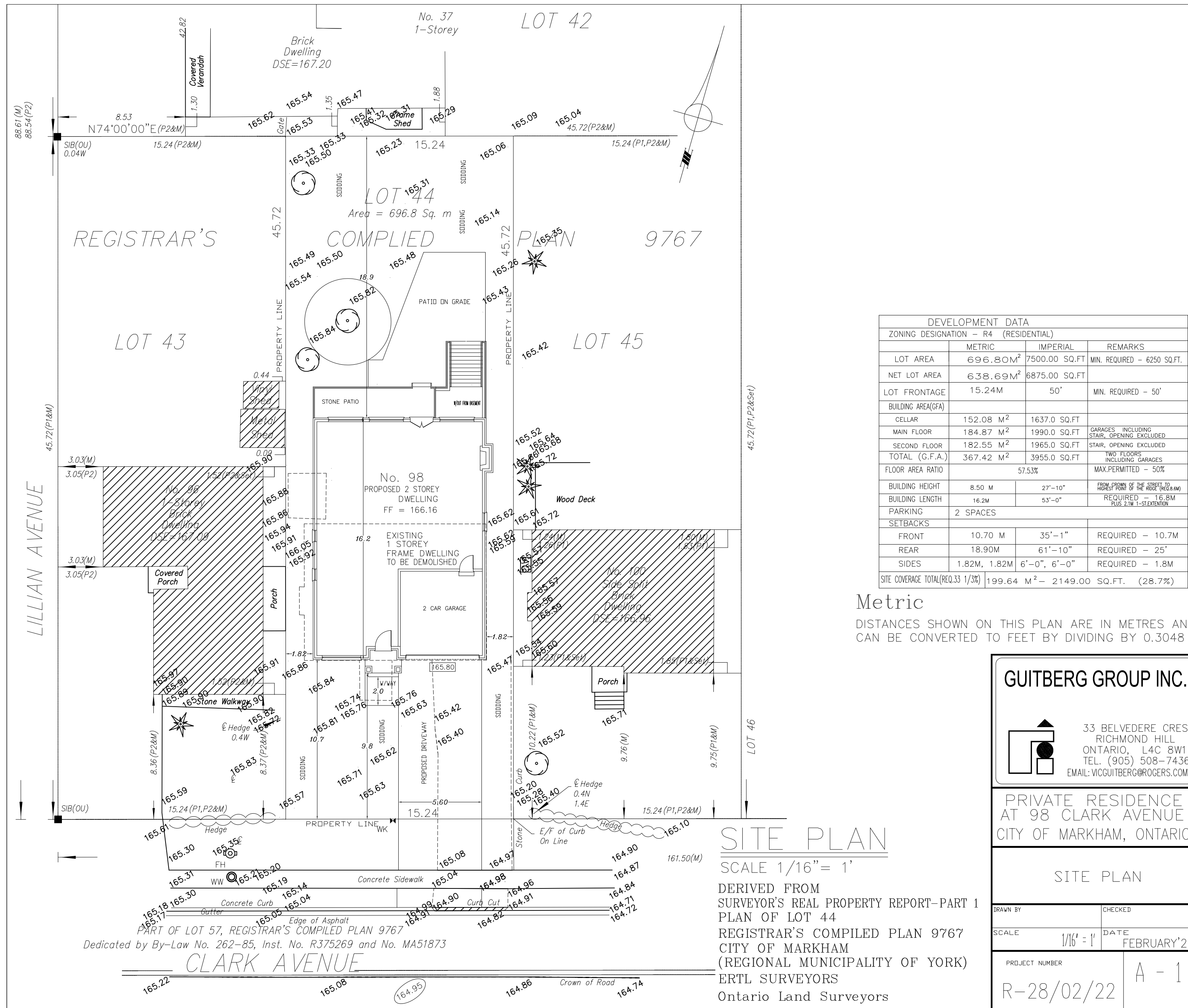


Legend

- Subject Lands - 98 Clark Avenue

Notes

57.3 0 28.65 57.3 Meters

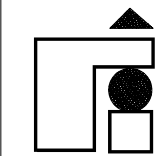


DEVELOPMENT DATA			
ZONING DESIGNATION - R4 (RESIDENTIAL)			
	METRIC	IMPERIAL	REMARKS
LOT AREA	696.80 M ²	7500.00 SQ.FT	MIN. REQUIRED - 6250 SQ.FT.
NET LOT AREA	638.69 M ²	6875.00 SQ.FT	
LOT FRONTAGE	15.24 M	50'	MIN. REQUIRED - 50'
BUILDING AREA(GFA)			
CELLAR	152.08 M ²	1637.0 SQ.FT	
MAIN FLOOR	184.87 M ²	1990.0 SQ.FT	GARAGES INCLUDING STAIR, OPENING EXCLUDED
SECOND FLOOR	182.55 M ²	1965.0 SQ.FT	STAIR, OPENING EXCLUDED
TOTAL (G.F.A.)	367.42 M ²	3955.0 SQ.FT	TWO FLOORS INCLUDING GARAGES
FLOOR AREA RATIO		57.53%	MAX. PERMITTED - 50%
BUILDING HEIGHT	8.50 M	27'-10"	FROM CROWN OF THE STREET TO HIGHEST POINT OF THE ROOF (REG. 8.6M)
BUILDING LENGTH	16.2M	53'-0"	REQUIRED - 18.8M PLUS 2.1M 1-STEXTENSION
PARKING	2 SPACES		
SETBACKS			
FRONT	10.70 M	35'-1"	REQUIRED - 10.7M
REAR	18.90M	61'-10"	REQUIRED - 25'
SIDES	1.82M, 1.82M	6'-0", 6'-0"	REQUIRED - 1.8M
SITE COVERAGE TOTAL(REQ.33 1/3%)	199.64 M ² - 2149.00 SQ.FT. (28.7%)		

Metric

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

GUITBERG GROUP INC.



33 BELVEDERE CRES.
RICHMOND HILL
ONTARIO, L4C 8W1
TEL. (905) 508-7436
EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE
AT 98 CLARK AVENUE
CITY OF MARKHAM, ONTARIO

SITE PLAN

DRAWN BY _____ CHECKED _____

SCALE 1/16" = 1' DATE FEBRUARY '22

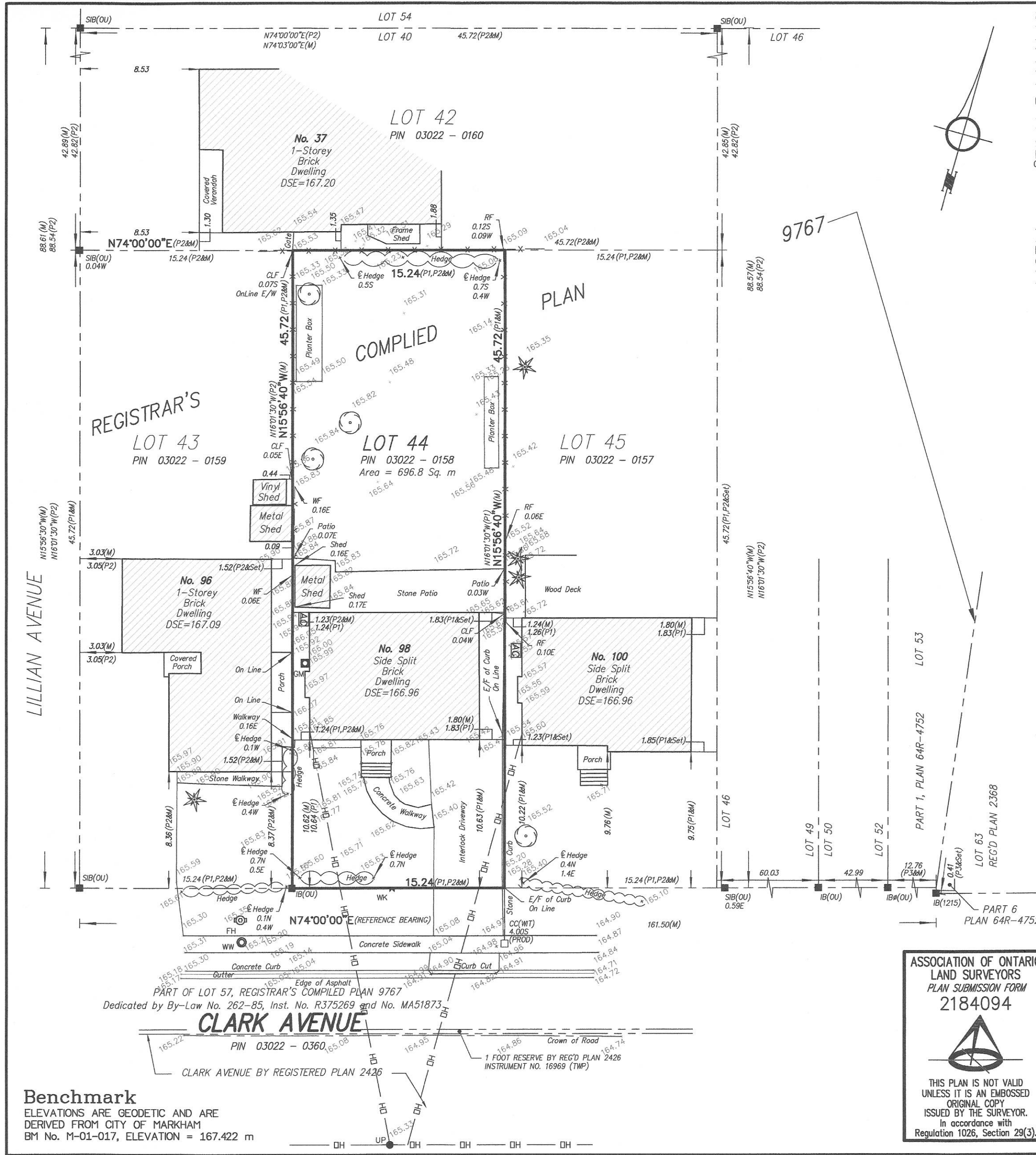
PROJECT NUMBER R-28/02/22 A-1

SITE PLAN

SCALE 1/16" = 1'

DERIVED FROM
SURVEYOR'S REAL PROPERTY REPORT-PART 1
PLAN OF LOT 44

REGISTRAR'S COMPILED PLAN 9767
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)
ERTL SURVEYORS
Ontario Land Surveyors



SURVEYOR'S REAL PROPERTY REPORT PART 1
Appendix C
 File: 22.254143.000.00.MNV
 Date: 03/17/23
 MM/DD/YY

SCALE 1:250
 0 1 2 3 4 5 10 15 20m

© COPYRIGHT
ertl surveyors 2022
 Ontario Land Surveyors

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

Part 2
 NO REGISTERED EASEMENTS OR RIGHTS OF WAY ON TITLE
 NOTE THE OVERHEAD WIRES AT THE SOUTH LIMIT OF THE PROPERTY FENCES AS SHOWN
 SURVEY PREPARED FOR MICHAEL MAO

Bearing Reference
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF CLARK AVENUE AS SHOWN ON A PLAN OF SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965, HAVING A BEARING OF N74°00'00"E

- Legend**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - ⊙ DENOTES ROUND
 - WIT DENOTES WITNESS
 - M DENOTES MEASURED
 - OU DENOTES ORIGIN UNKNOWN
 - P1 DENOTES SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965
 - P2 DENOTES SURVEY BY P. SALNA, O.L.S. DATED APRIL 03, 1968
 - P3 DENOTES SURVEY BY ERTL SURVEYORS, O.L.S. DATED DECEMBER 08, 2014
 - 1215 DENOTES O. ERTL, O.L.S.
 - PROD DENOTES ON PRODUCTION
 - E/F DENOTES EAST FACE
 - DSE DENOTES DOOR SILL ELEVATION
 - WF DENOTES WOODEN FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - OH- DENOTES OVERHEAD UTILITY WIRES
 - WV DENOTES WATER VALVE/KEY
 - GM DENOTES GAS METER
 - FH DENOTES FIRE HYDRANT
 - WW DENOTES WATER WELL
 - UP DENOTES UTILITY POLE
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - ★ DENOTES CONIFEROUS TREE
 - ☀ DENOTES DECIDUOUS TREE
 - AC DENOTES AIR CONDITIONER

Tree Note
 ALL EXISTING TREES, IN THE BOULEVARD, ARE SHOWN. TREES LOCATED ON THE PROPERTY AND ITS PROXIMITY, ARE SHOWN IF THEY HAVE A TRUNK DIAMETER LARGER THAN 0.15m

Surveyor's Certificate

I CERTIFY THAT :
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 25TH DAY OF JANUARY 2022

[Signature]
 Date _____
 Andrejs Luckis
 Ontario Land Surveyor

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
2184094

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

ertl surveyors
 Ontario Land Surveyors
 www.es-ols.com
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com
 DRAWING : 22006-CLARK-AVE-98-TB.dwg PROJECT : 22006
 CALC. BY DL, DRAWN BY BC, CHECKED BY CL

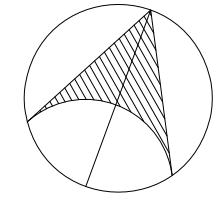
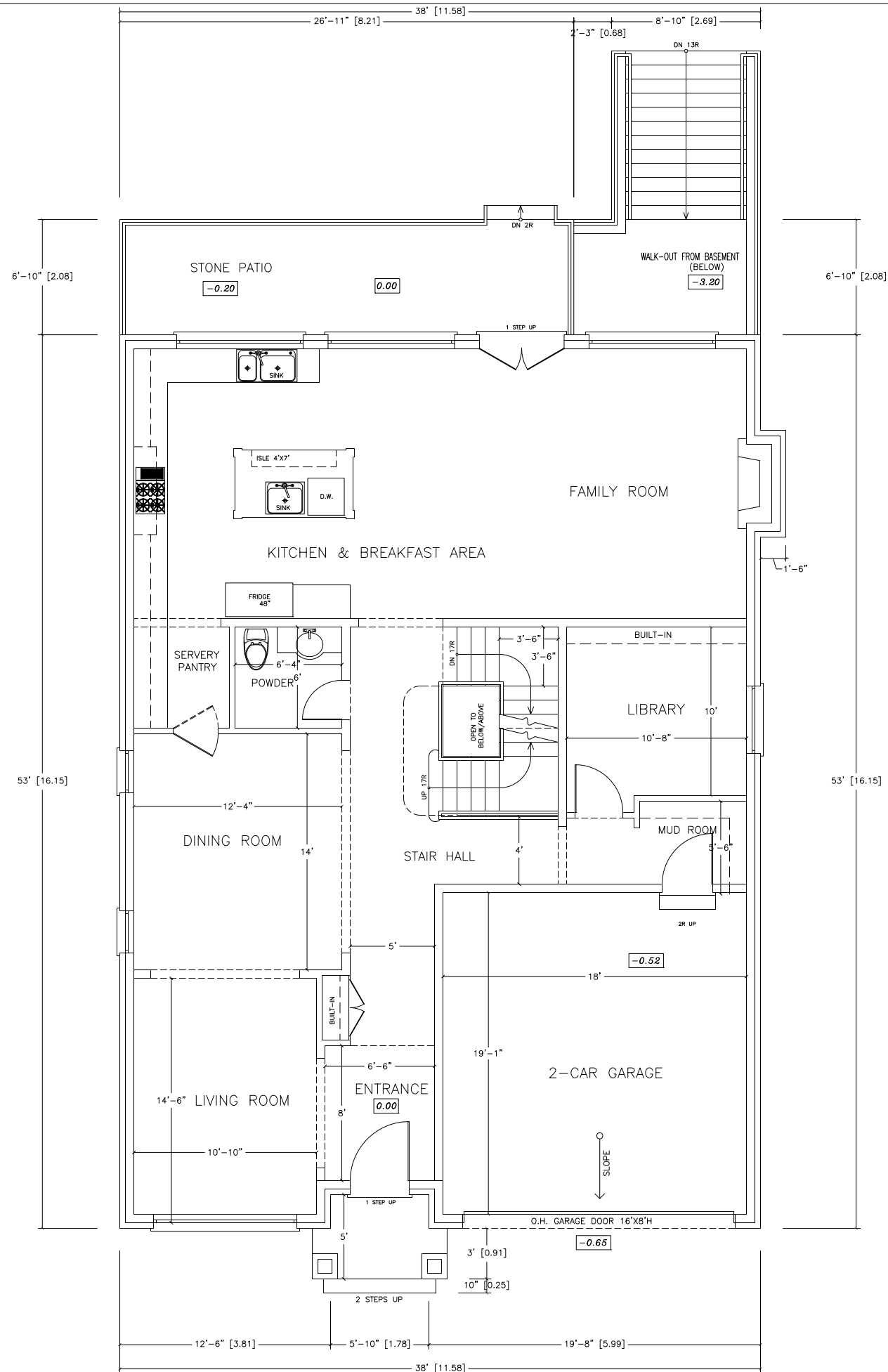
Benchmark
 ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CITY OF MARKHAM
 BM No. M-01-017, ELEVATION = 167.422 m

PART OF LOT 57, REGISTRAR'S COMPILED PLAN 9767
 Dedicated by By-Law No. 262-85, Inst. No. R375269 and No. MA51873
CLARK AVENUE
 PIN 03022 - 0360
 CLARK AVENUE BY REGISTERED PLAN 2426
 1 FOOT RESERVE BY REG'D PLAN 2426 INSTRUMENT NO. 16969 (TWP)

Appendix C

File: 22.254143.000.00.MNV

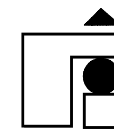
Date: 03/17/23
MM/DD/YY



GROUND FLOOR PLAN

SCALE 1/8" = 1'-0"

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GROUND FLOOR PLAN

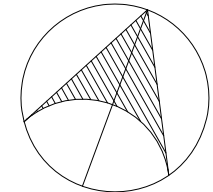
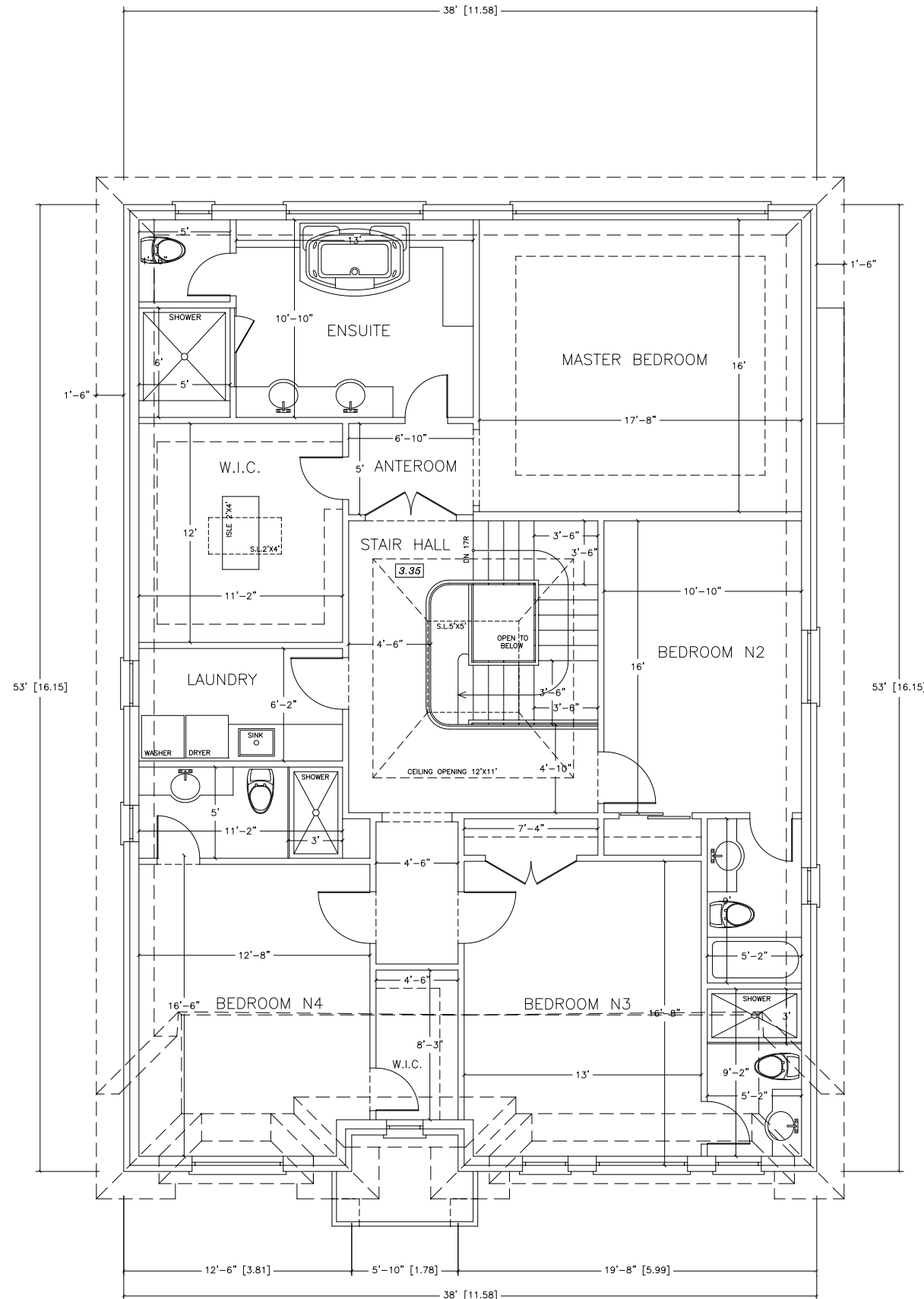
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PROJECT NUMBER	R-28/02/22	A-3
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Appendix C

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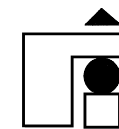
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MM/DD/YY



SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

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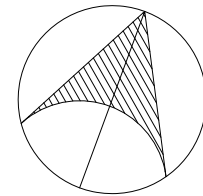
SECOND FLOOR PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22
PROJECT NUMBER	R-28/02/22	A-4	

Appendix C

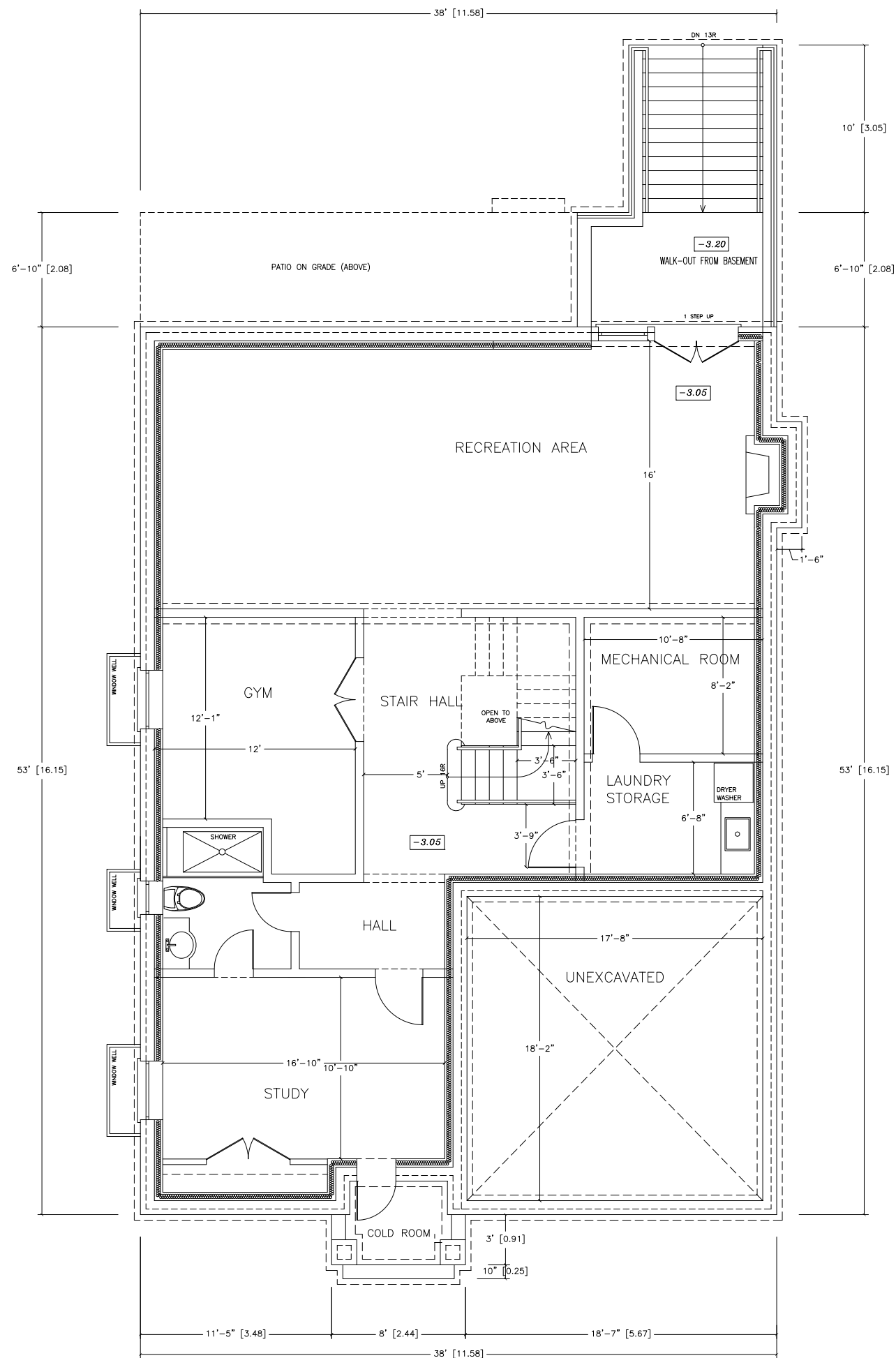
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Date: 03/17/23
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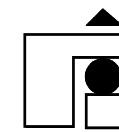


BASEMENT FLOOR PLAN

SCALE 1/8" = 1'-0"



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BASEMENT PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22
PROJECT NUMBER	R-28/02/22	A-2	

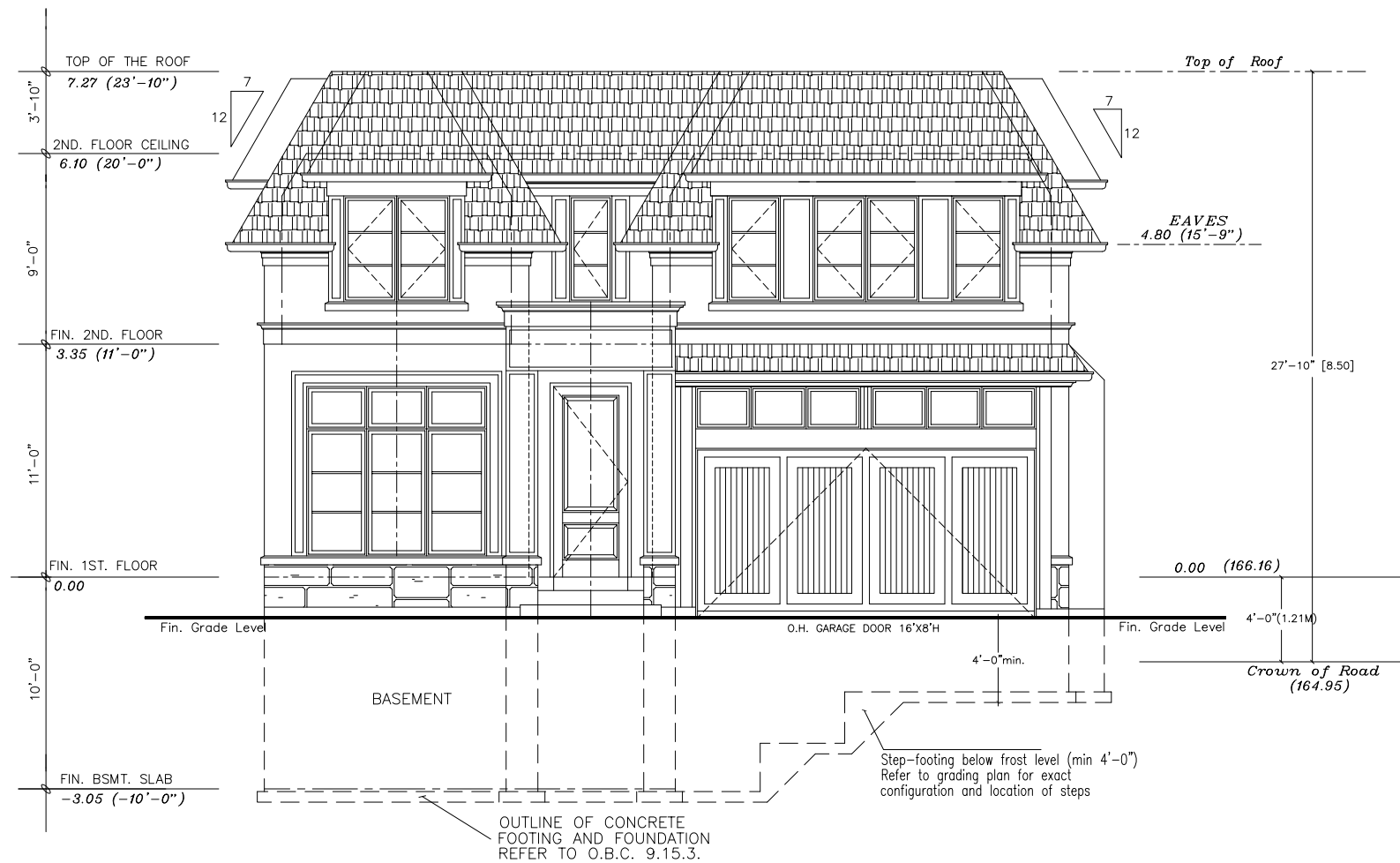
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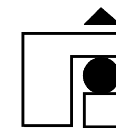
Date: 03/17/23
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SOUTH ELEVATION

SCALE 1/8" = 1'-0"



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SOUTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22

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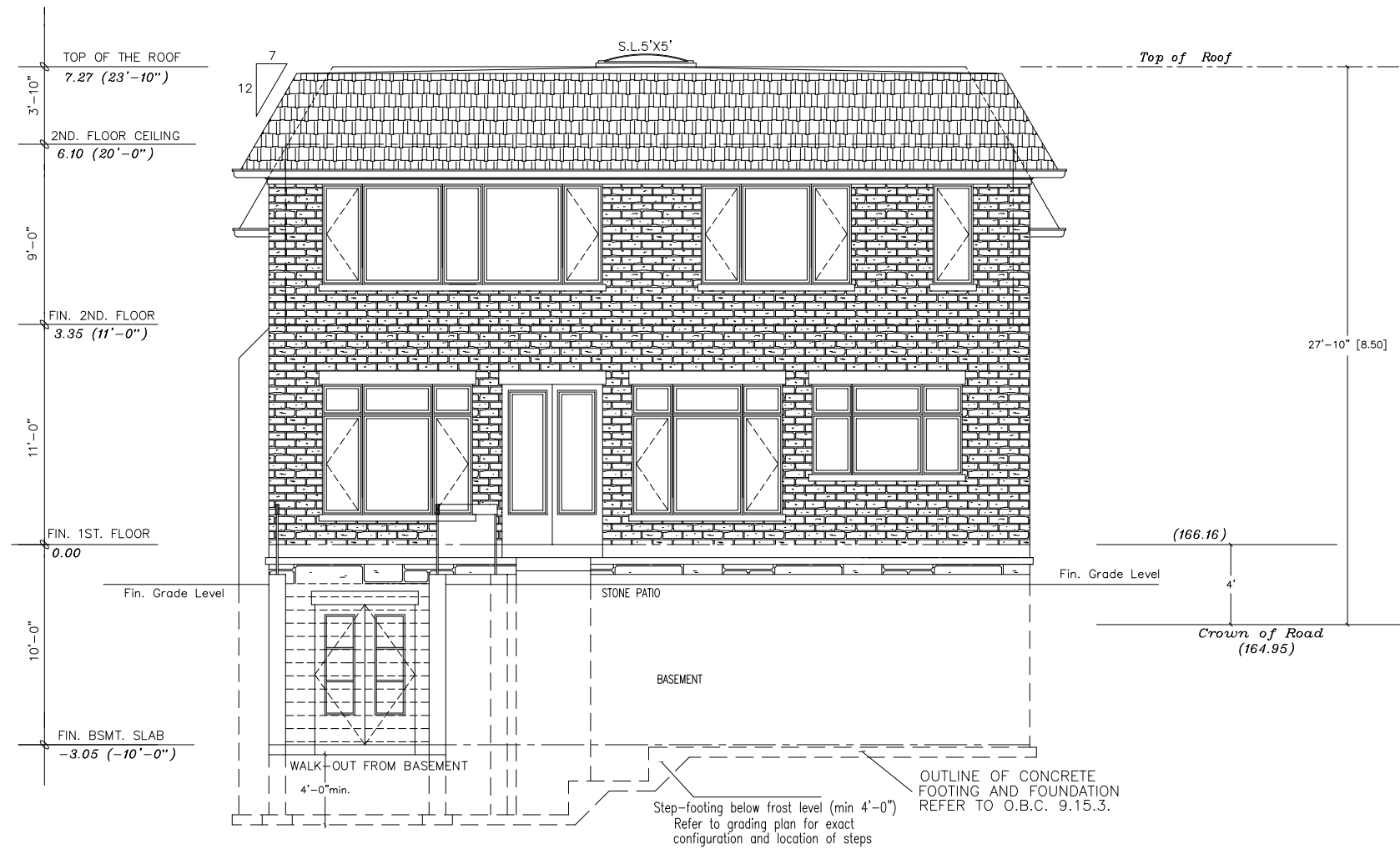
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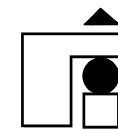
Date: 03/17/23
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NORTH ELEVATION

SCALE 1/8" = 1'-0"



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NORTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-6
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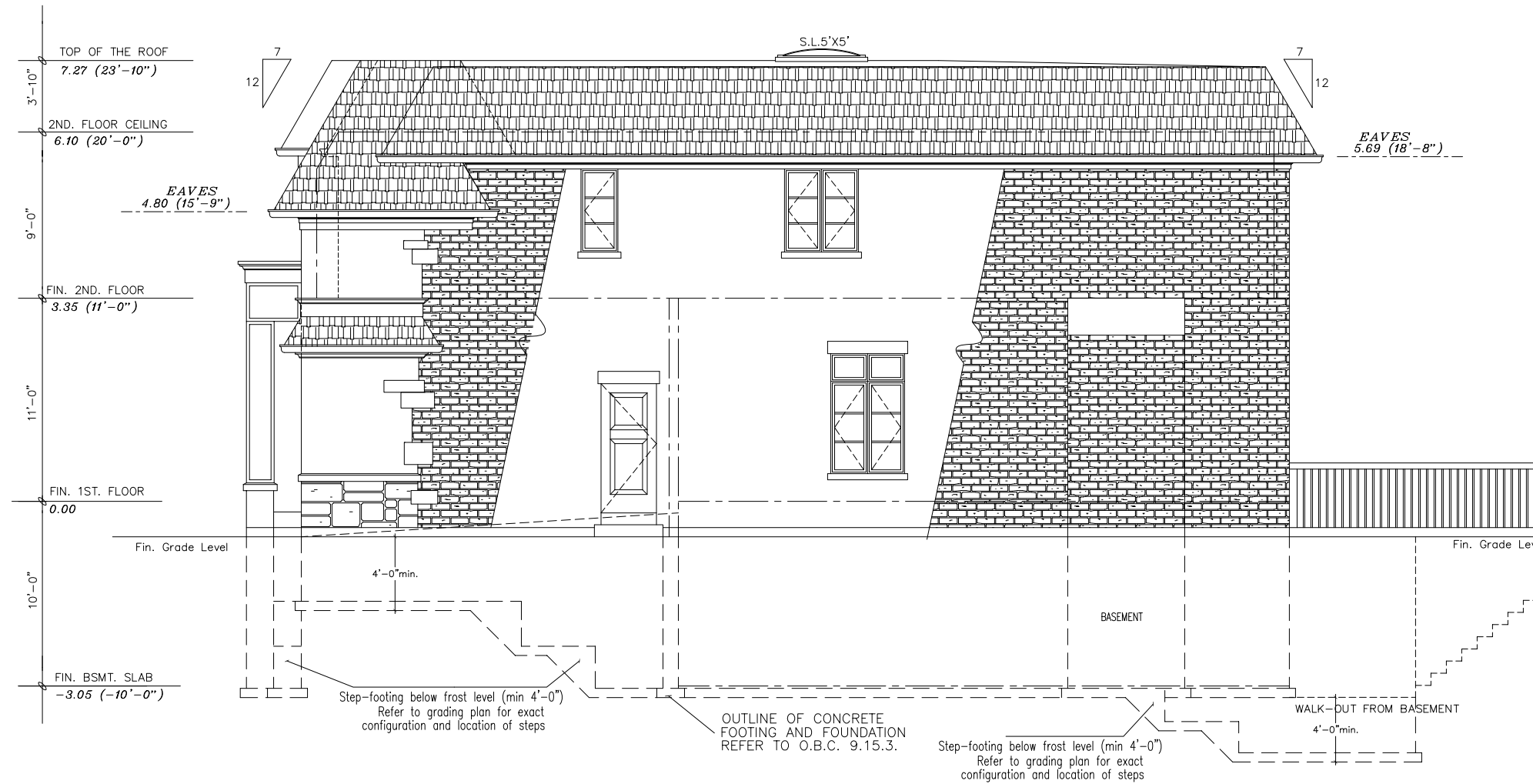
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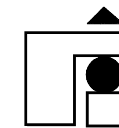
Date: 03/17/23
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EAST ELEVATION

SCALE 1/8" = 1'-0"



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PRIVATE RESIDENCE
AT 98 CLARK AVENUE
CITY OF MARKHAM, ONTARIO

EAST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

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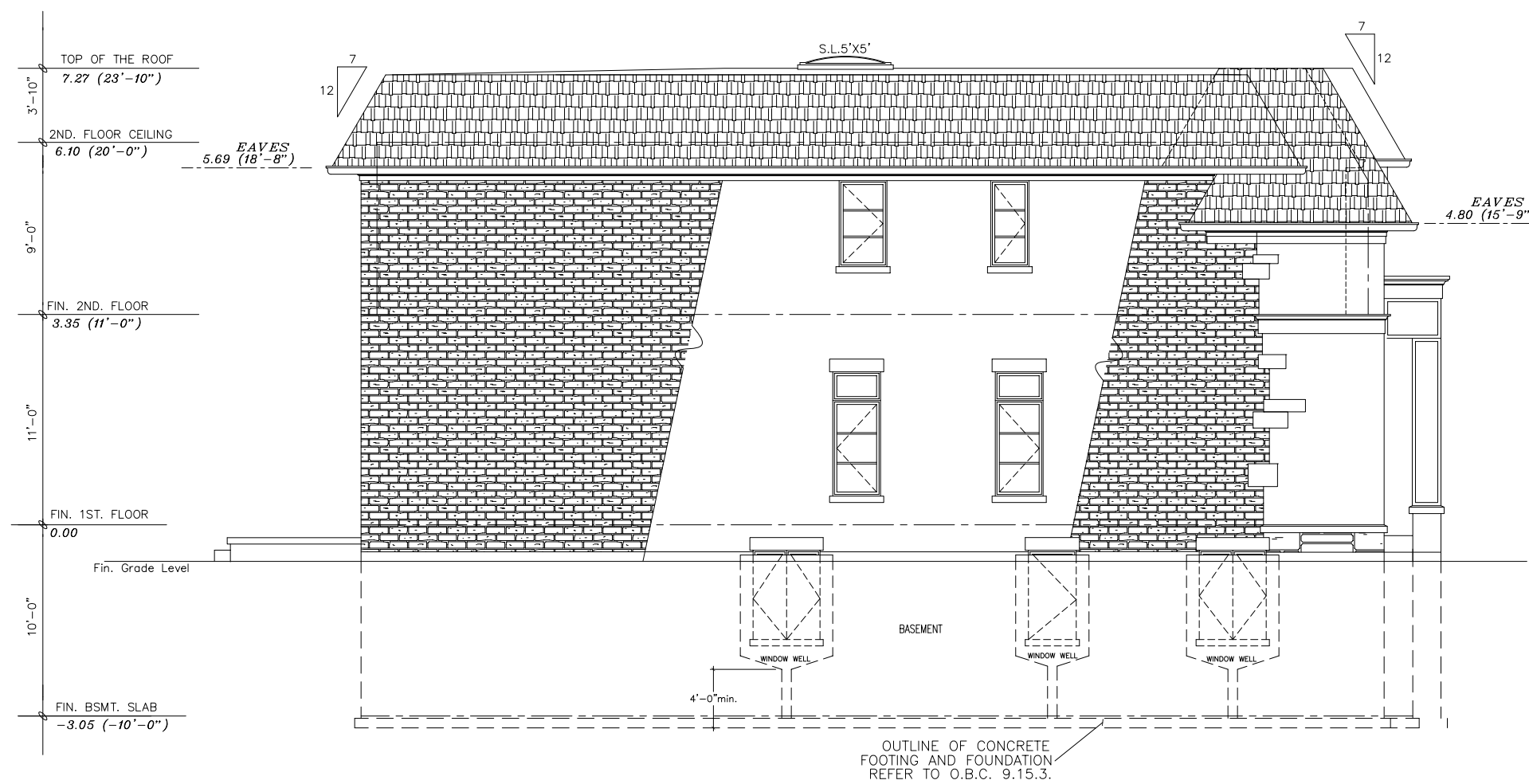
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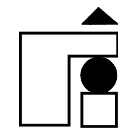
Date: 03/17/23
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WEST ELEVATION

SCALE 1/8" = 1'-0"



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PRIVATE RESIDENCE
AT 98 CLARK AVENUE
CITY OF MARKHAM, ONTARIO

WEST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-8
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