

# Memorandum to the City of Markham Committee of Adjustment

January 27, 2023

**File:** A/182/22  
**Address:** 16 Grandview Boulevard (Part 1), Markham  
**Applicant:** Arc Design Group (Peter Jaruczik)  
**Agent:** Arc Design Group (Peter Jaruczik)  
**Hearing Date:** Wednesday February 15, 2023

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended:

- a) **Amending By-law 99-90, Section 1.2(vi):**  
a maximum floor area ratio of 49.95 percent, whereas the By-law permits a maximum floor area ratio of 45 percent, and
- b) **Amending By-law 99-90, Section 1.2(ii):**  
a maximum depth of 20.98 metres (68.83 feet), whereas the By-law permits a maximum depth of 16.80 metres (55.11 feet).
- c) **By-law 1229, Table 11.1:**  
an interior side yard setback of 1.37 metres (4.49 feet), whereas the By-law requires the two-storey portion of a building to be set back 1.83 metres (6 feet),

## BACKGROUND

### Property Description

The 757.14 m<sup>2</sup> (8,150.05 ft<sup>2</sup>) subject property is located on the west side of Grandview Boulevard, north of Riverview Avenue, south of Highway 7 East, and west of Main Street Markham South. 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 with newer dwellings being developed as infill developments.

The property currently contains a one-storey single detached dwelling, with mature trees and vegetation existing throughout.

### Application History

On July 6, 2022, the Committee of Adjustment granted provisional consent to sever and convey part of the lands located on 16 Grandview Boulevard (Part 2), and to sever and convey part of the lands located on the adjacent property at 18 Grandview Boulevard (Part 3), to merge Parts 2 and 3 to facilitate the creation of one new developable residential lot. The existing homes will be demolished and new two-storey dwellings would also be constructed on each of the retained lots. A total of three dwellings will be constructed.

## **Proposal**

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two-car garage. The proposed dwelling will have an approximate gross floor area of 340.36 m<sup>2</sup> (3,663.60 ft<sup>2</sup>).

The applicant is requesting variances to the floor area ratio, building depth, and interior side yard setback to facilitate the construction of the new two-storey detached dwelling.

## **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 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, and the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 1229

The subject property is zoned "Residential 1 (R1)" under By-law 1229, as amended, which permits one single detached dwelling per lot.

### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 floor area, height, and building depth.

## **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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.98 m (68.83 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 4.18 m (13.71 ft).

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 variance includes a front covered porch and a covered loggia in the rear which adds approximately 4.17 m (13.68 ft) to the overall depth of the building. Staff can support this variance as the main component of the building, excluding the front porch and rear loggia, has a depth of 15.98 m (52.42 ft) which complies with the maximum permitted building depth and will not adversely impact the streetscape.

### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 49.95 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 340.36 m<sup>2</sup> (3,663.60 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 308.17 m<sup>2</sup> (3,317.11 ft<sup>2</sup>). This represents an increase of approximately 32.19 m<sup>2</sup> (346.49 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. The requested increase in FAR combined with the other requested variances may have some impact on the streetscape and is not desirable nor meets the intent of the By-law. Staff therefore cannot support the proposed FAR in combination with the other variances.

### **Reduced Side Yard Setback**

The applicant is requesting a minimum interior side yard setback of 4.49 ft (1.37 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) the two-storey portion of the dwelling.

The requested variance applies to the two-storey portion of the building to facilitate an architectural feature on the north side of the front elevation. The side yard setback is important in maintaining the character of the street and adequate spacing between dwellings. Staff are of the opinion that the requested variance is not in keeping with the intent of the Zoning By-law.

## **PUBLIC INPUT SUMMARY**

As of February 9, 2022, the City received one (1) letter of support and two (2) letters of opposition expressing concerns over the requested variances and its impacts to the character of the neighbourhood. 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 that the requested variances for interior side yard setback and floor area ratio do not meet the four tests of the Planning Act. 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:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/22**

1. The variances apply only to the proposed development for 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.

CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/22**





- GENERAL NOTES
1. ALL DRAWINGS AND SPECIFICATIONS IS AN INSTRUMENT OF SERVICE AND REMAIN THE EXCLUSIVE PROPERTY OF ARC DESIGN GROUP DEVELOPMENT SERVICES INC. AND ARE PROTECTED UNDER THE COPYRIGHT ACT. THEY MAY NOT BE REPRODUCED, DISTRIBUTED, ALTERED OR SUBMITTED FOR APPROVALS WITHOUT WRITTEN PERMISSION OF THE DESIGNER.
  2. ONLY VERIFIED FINAL DRAWINGS BEARING THE STAMP "FOR CONSTRUCTION PURPOSE" SHALL BE USED ON THE JOB SITE. DRAWINGS WITHOUT THE STAMP ARE CONSIDERED PRELIMINARY DRAWINGS ONLY.
  3. ALL WORK INHERENT TO THIS PROJECT SHALL BE PERFORMED ACCORDING TO THE ONTARIO BUILDING CODE, THE NATIONAL BUILDING CODE AND OTHER GOVERNING BODIES HAVING JURISDICTION.
  4. ALL DIMENSIONS ARE TAKEN FROM FACES OF EXTERIOR WALLS AND ALL MASONRY WALLS.
  5. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS & DIMENSIONS. ANY DISCREPANCIES ARE TO BE REPORTED TO ARC DESIGN GROUP DEVELOPMENT SERVICES INC. BEFORE COMMENCING THE WORK.
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No.	Issued For/Revisions	Date
6	REVISED PER NEW R-PLAN	01.19.2023
5	REVISED FOR C OF A	12.23.2022
4	ISSUED FOR C OF A	10.14.2022
3	REVISED PER GRADING PLAN	09.21.2022
2	ISSUED FOR ZPR	09.13.2022
1	ISSUED FOR ZONING REVIEW	08.16.2022

PROJECT

16 & 18 GRANDVIEW BLVD.  
 MARKHAM, ONTARIO

**adg**  
 Arc Design Group  
 architectural | mechanical | planning  
 tel: 905-240-4024 fax: 905-240-4019  
 arcdesign@rogers.com

Qualified Designer BCIN: 30551  
 Firm BCIN: 30558  
 Date: JAN 2023  
 Signature: *[Signature]*

DRAWN BY: AL SCALE: 1:200  
 CHECKED BY: PJJ DATE: JAN 19, 2023

SHEET TITLE  
**PROPOSED SITE PLAN**

PROJECT NO.: 22-027 DRAWING NO.: SP

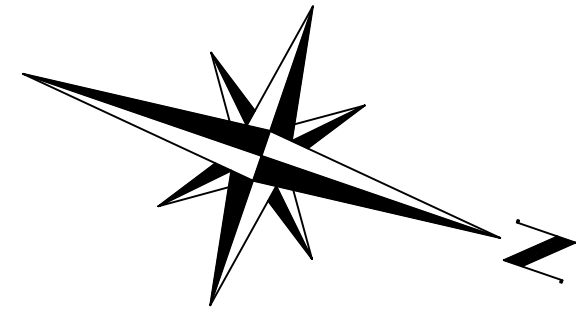
Project: 16 & 18 Grandview Boulevard  
 Markham, Ontario

Lot Description: Lots 9 & 10, Registered Plan 4365

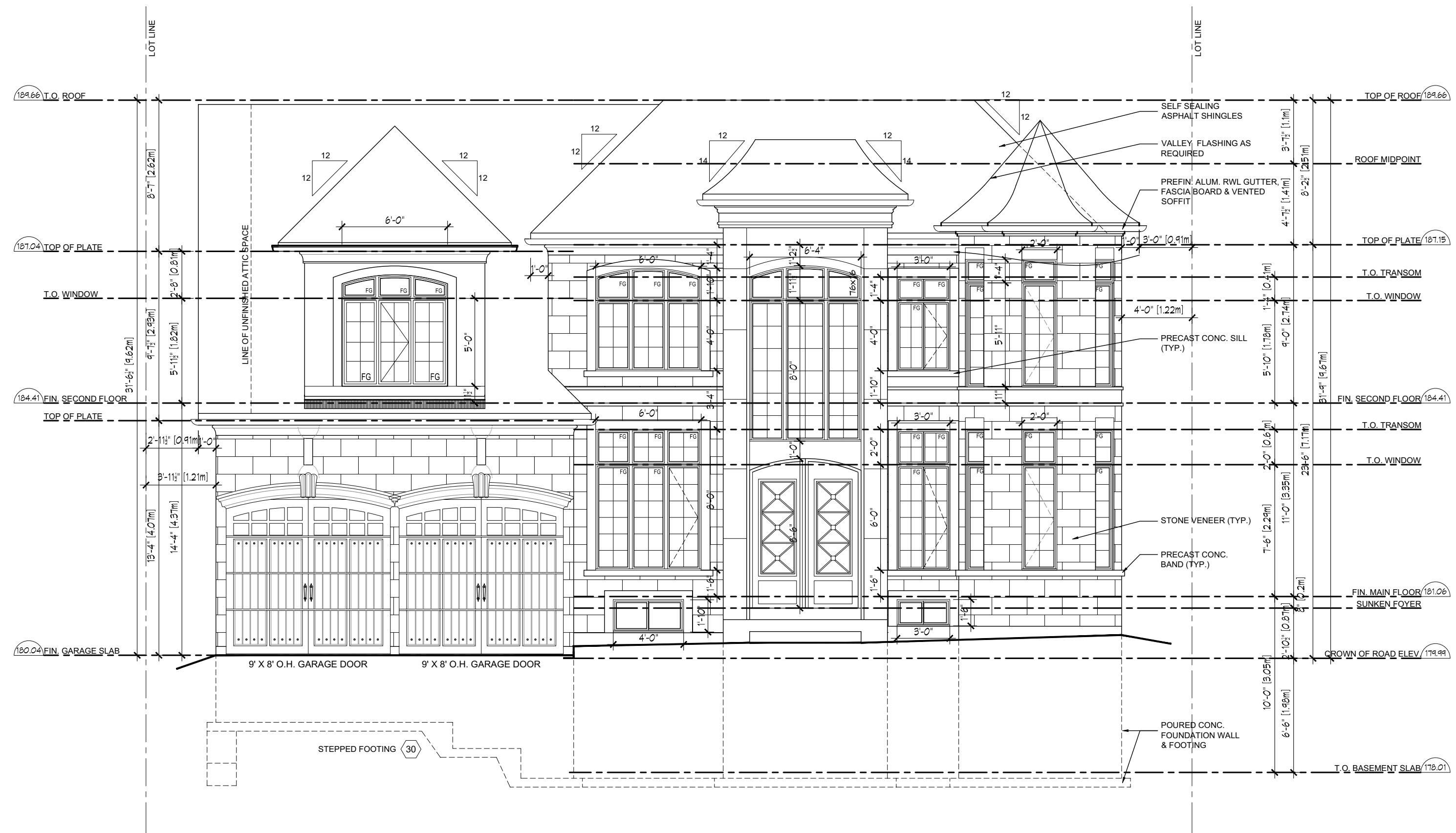
Lot Geometry	Part 1	Parts 2 & 3	Part 4
Lot Size	18.3m x 41.36m	18.3m x 41.36m	23.72m x 41.36m
Lot Area	757.14 m <sup>2</sup>	756.54 m <sup>2</sup>	982.35 m <sup>2</sup>
Coverage:			
Single Detached Dwelling	209.96 m <sup>2</sup> 27.7%	209.96 m <sup>2</sup> 27.8%	243.63 m <sup>2</sup> 24.8%
Deck / Porch / Carport	29.47 m <sup>2</sup> 3.9%	29.47 m <sup>2</sup> 3.9%	42.18 m <sup>2</sup> 4.3%
Total Coverage	239.43 m <sup>2</sup> 31.6%	239.43 m <sup>2</sup> 31.6%	285.81 m <sup>2</sup> 29.1%
Net Floor Area:			
Net Lot Area	685.14 m <sup>2</sup>	684.84 m <sup>2</sup>	797.745 m <sup>2</sup>
Gross Floor Area & Ratio	340.36 m <sup>2</sup> 49.68%	340.36 m <sup>2</sup> 49.70%	397.83 m <sup>2</sup> 49.87%
Front Setback	Part 1 8.73 m	Parts 2 & 3 8.44 m	Part 4 10.21 m
Rear Setback	11.68 m	11.71 m	9.61 m
Int. Sideyard Setback	1.23 m	1.23 m	2 m
Int. Sideyard Setback	1.37 m	1.37 m	4.18 m
Building Height	9.67 m	9.92 m	10.13 m

GRANDVIEW BOULEVARD  
 (BY REGISTERED PLAN 4365)  
 PIN 02916-0841(LT)

GROSS FLOOR AREA CALCULATION	Part 1	Parts 2 & 3	Part 4
GROUND FLOOR AREA (INCL. GAR.)	209.96 m <sup>2</sup>	209.96 m <sup>2</sup>	243.63 m <sup>2</sup>
GROUND FLOOR AREA (EXCL. GAR.)	164.21 m <sup>2</sup>	164.21 m <sup>2</sup>	181.06 m <sup>2</sup>
SECOND FLOOR AREA	207.71 m <sup>2</sup>	207.71 m <sup>2</sup>	234.47 m <sup>2</sup>
SUBTOTAL	417.67 m <sup>2</sup>	417.67 m <sup>2</sup>	478.10 m <sup>2</sup>
DEDUCT STAIRS & OPEN AREAS	77.31 m <sup>2</sup>	77.31 m <sup>2</sup>	80.27 m <sup>2</sup>
<b>TOTAL NET AREA</b>	<b>340.36 m<sup>2</sup></b>	<b>340.36 m<sup>2</sup></b>	<b>397.83 m<sup>2</sup></b>







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5	REVISED FOR CoFA	12.23.22
4	ISSUED FOR CoFA	10.28.22
3	REVISED PER GRADING	09.22.22
2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22

PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
MARKHAM, ONTARIO



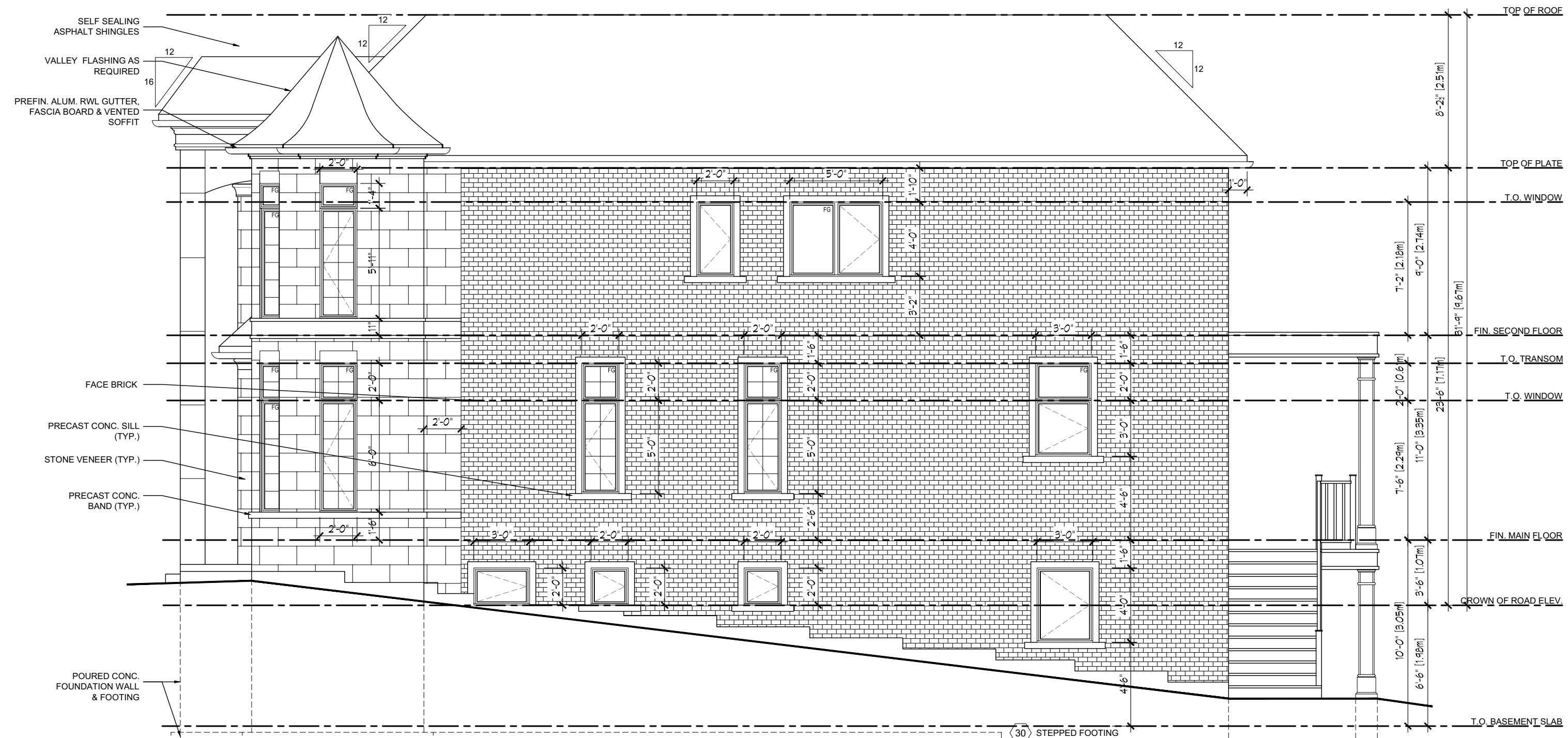
Qualified Designer BCIN: 30551  
Firm BCIN: 30558  
Date: JAN 2023  
Signature: *[Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"  
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
FRONT ELEVATION

PROJECT NO.: 22-027  
DRAWING NO.: A2.1





SELF SEALING ASPHALT SHINGLES  
VALLEY FLASHING AS REQUIRED  
PREFIN. ALUM. RWL. GUTTER, FASCIA BOARD & VENTED SOFFIT

FACE BRICK  
PRECAST CONC. SILL (TYP.)  
STONE VENEER (TYP.)  
PRECAST CONC. BAND (TYP.)

POURED CONC. FOUNDATION WALL & FOOTING

ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	1475.93 SF
LIMITING DISTANCE	1.21m / 3.9 FT
ALLOWABLE OPENINGS	7% = 103.32 SF
ACTUAL OPENINGS	96.79 SF

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No.	Issued For/Revisions	Date
5	REVISED FOR CoFA	12.23.22
4	ISSUED FOR CoFA	10.28.22
3	REVISED PER GRADING	09.22.22
2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22

PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
MARKHAM, ONTARIO

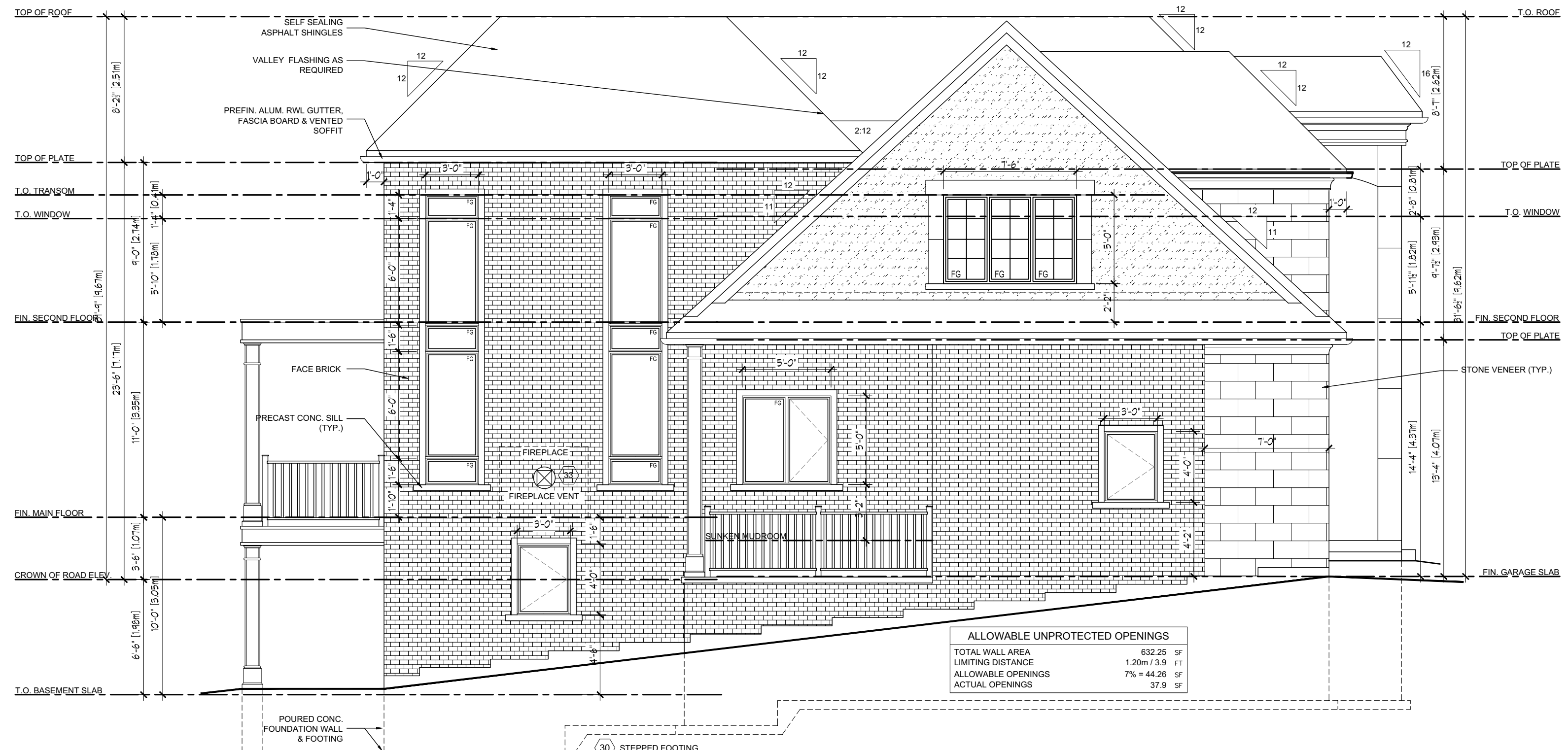
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tel: 905-240-4024 fax: 905-240-4019  
arcdesign@rogers.com

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Firm BCIN: 30558  
Date: JAN 2023  
Signature: *[Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"  
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
RIGHT SIDE ELEVATION

PROJECT NO.: 22-027  
DRAWING NO.: A2.2



ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	632.25 SF
LIMITING DISTANCE	1.20m / 3.9 FT
ALLOWABLE OPENINGS	7% = 44.26 SF
ACTUAL OPENINGS	37.9 SF

ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	731.80 SF
LIMITING DISTANCE	4.40m / 14.4 FT
ALLOWABLE OPENINGS	28% = 204.90 SF
ACTUAL OPENINGS	108.22 SF

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PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
MARKHAM, ONTARIO

**adg**  
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architectural | mechanical | planning  
tel: 905-240-4024 fax: 905-240-4019  
arcdesign@rogers.com

Qualified Designer BCIN:	30551
Firm BCIN:	30558
Date:	JAN 2023
Signature:	<i>[Signature]</i>

DRAWN BY:	ML	SCALE:	3/16" = 1'0"
CHECKED BY:	PJJ	DATE:	12.23.2022

SHEET TITLE  
LEFT SIDE ELEVATION

PROJECT NO.:	22-027	DRAWING NO.:	A2.3
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PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
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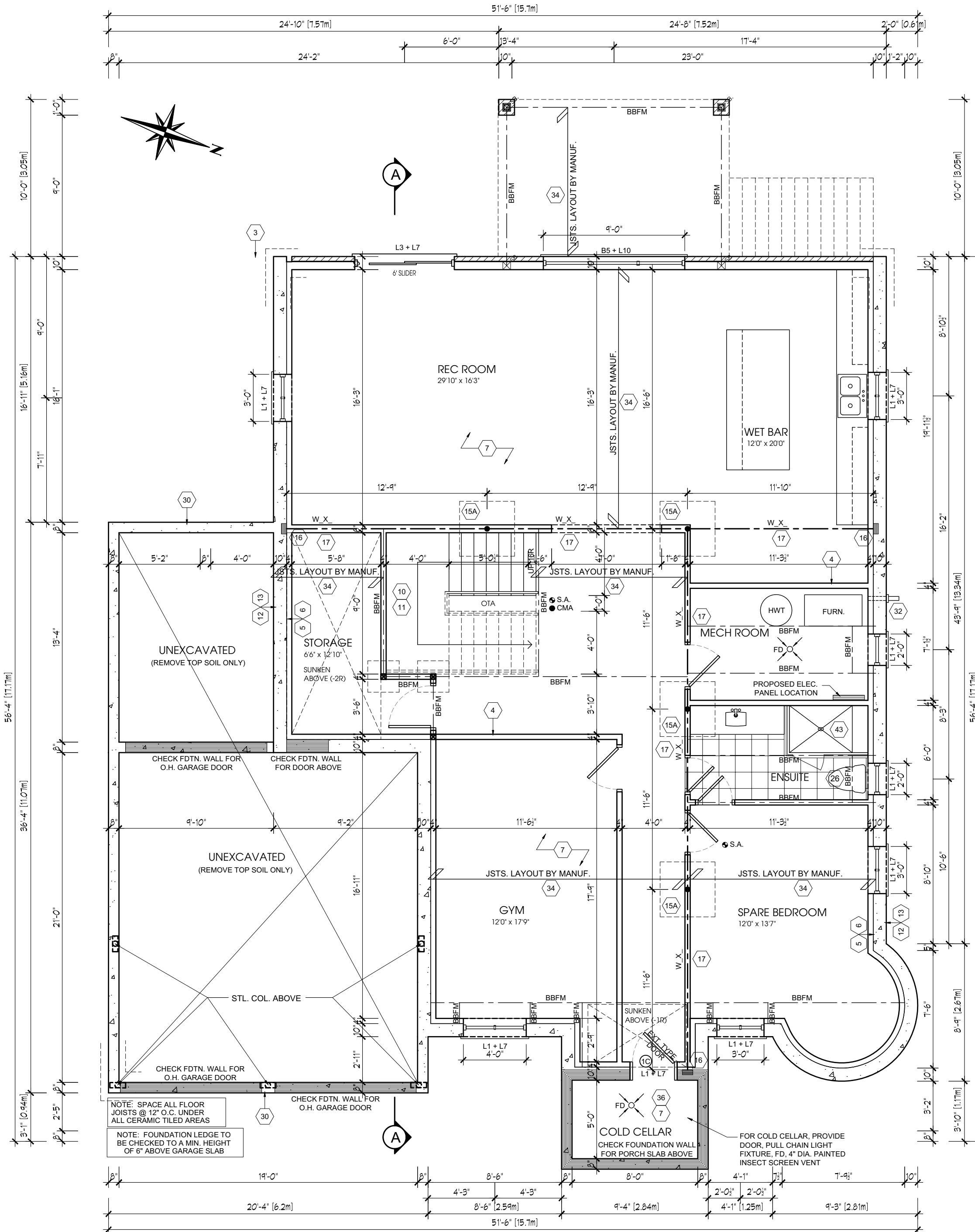


Qualified Designer BCIN: 32551  
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Date: JAN 2023  
Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"  
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
REAR ELEVATION

PROJECT NO.: 22-027  
DRAWING NO.: A2.4



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No.	Issued For/Revisions	Date
5	REVISED FOR CoFA	12.23.22
4	ISSUED FOR CoFA	10.28.22
3	REVISED PER GRADING	09.22.22
2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22

PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
MARKHAM, ONTARIO



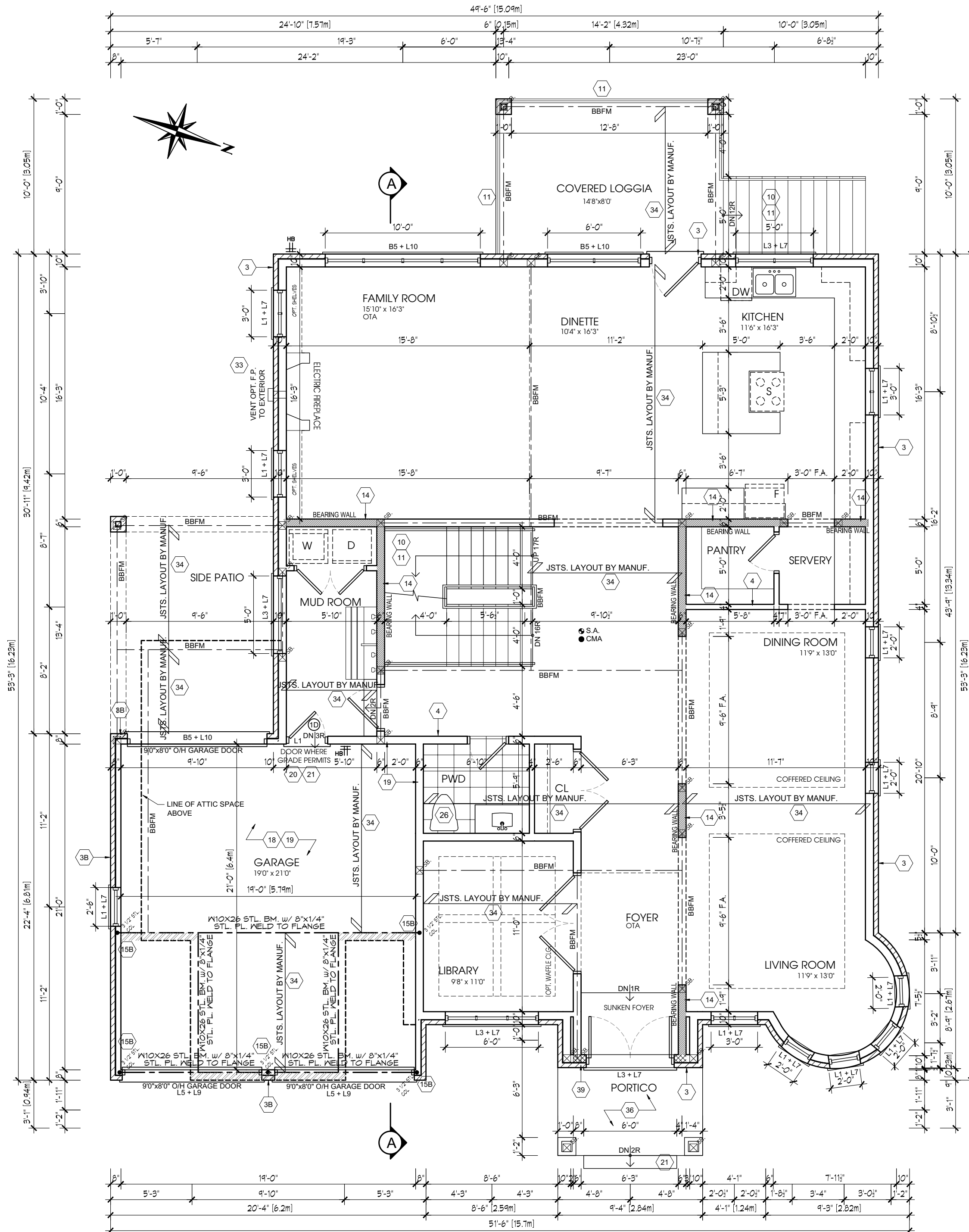
Qualified Designer BCIN:	30251
Firm BCIN:	30558
Date:	JAN 2023
Signature:	<i>[Signature]</i>

DRAWN BY:	ML	SCALE:	3/16" = 1'0"
CHECKED BY:	PJJ	DATE:	12.23.2022

SHEET TITLE  
**BASEMENT FLOOR PLAN**

PROJECT NO.:	22-027	DRAWING NO.:	A1.1
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PROJECT  
 16 & 18 GRANDVIEW BOULEVARD  
 MARKHAM, ONTARIO

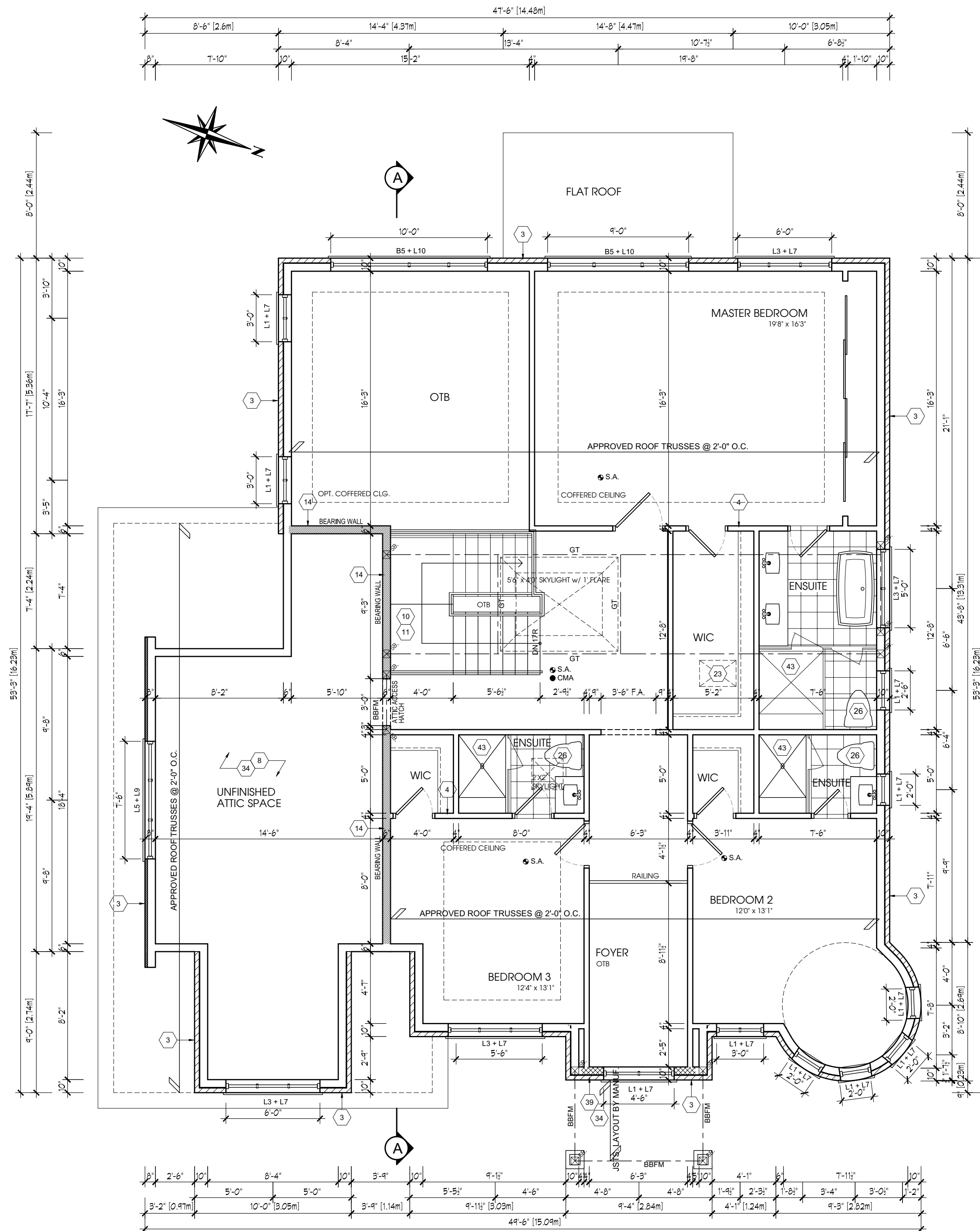


Qualified Designer BCIN: 30251  
 Firm BCIN: 3058  
 Date: JAN 2023  
 Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"  
 CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
 GROUND FLOOR PLAN

PROJECT NO.: 22-027  
 DRAWING NO.: A1.2



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PROJECT  
 16 & 18 GRANDVIEW BOULEVARD  
 MARKHAM, ONTARIO



Qualified Designer BCIN:	32051
Firm BCIN:	38358
Date:	JAN 2023
Signature:	<i>[Handwritten Signature]</i>

DRAWN BY: ML SCALE: 3/16" = 1'0"  
 CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
**SECOND FLOOR PLAN**

PROJECT NO.: 22-027  
 DRAWING NO.: A1.3

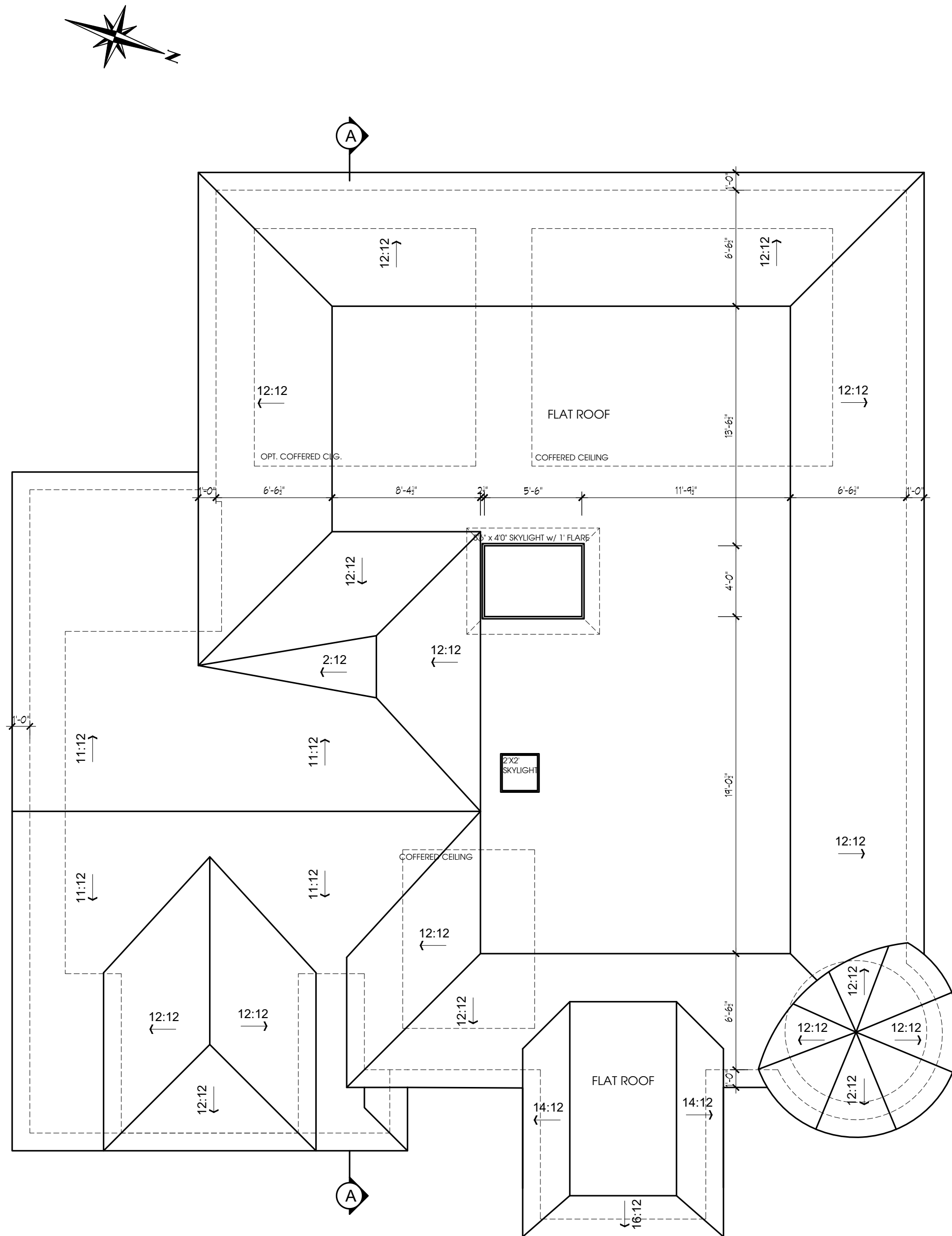


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Appendix B

File: 22-259100.000.00.MNV

Date: 02/10/23  
MM/DD/YY



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PROJECT  
16 & 18 GRANDVIEW BOULEVARD  
MARKHAM, ONTARIO



Qualified Designer BCIN: 32551  
Firm BCIN: 30558  
Date: JAN 2023  
Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"  
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE  
ROOF PLAN

PROJECT NO.: 22-027  
DRAWING NO.: A1.4