

Memorandum to the City of Markham Committee of Adjustment

January 3, 2022

File: A/206/22
Address: 21 Walkerton Drive, Markham
Applicant: Lumeng Yang
Agent: Lumeng Yang
Hearing Date: Wednesday January 18, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

a) Amending By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 53.6 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent

BACKGROUND

Property Description

The 618.78 m² (6,660.49 ft²) subject property is located on the south side of Walkerton Drive, south of Highway 7 and east of McCowan Road. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property currently contains a split-level detached dwelling with an attached garage. Mature vegetation exists across the property which includes a large tree in the front yard, and cedar hedges along the west and east property lines.

Proposal

The applicant is proposing to demolish the existing split-level detached 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 329.89 m² (3,551.00 ft²).

The applicant is requesting variances to the floor area ratio 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, the width of proposed garages and driveways.

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.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on December 22, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 53.6 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate total gross floor area of 329.89 m² (3,551.00 ft²) where the By-law permits a dwelling with a maximum floor area of 276.96 m² (2,981.25 ft²). This represents an increase of approximately 52.93 m² (569.73 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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and two storey detached dwellings. Although the proposed dwelling will be larger than the existing dwellings on the street, the proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes, thereby ensuring that the

proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 3, 2022. 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.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/206/22

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:



Brashanthe Manoharan, Planner II, East District

APPENDIX "B"

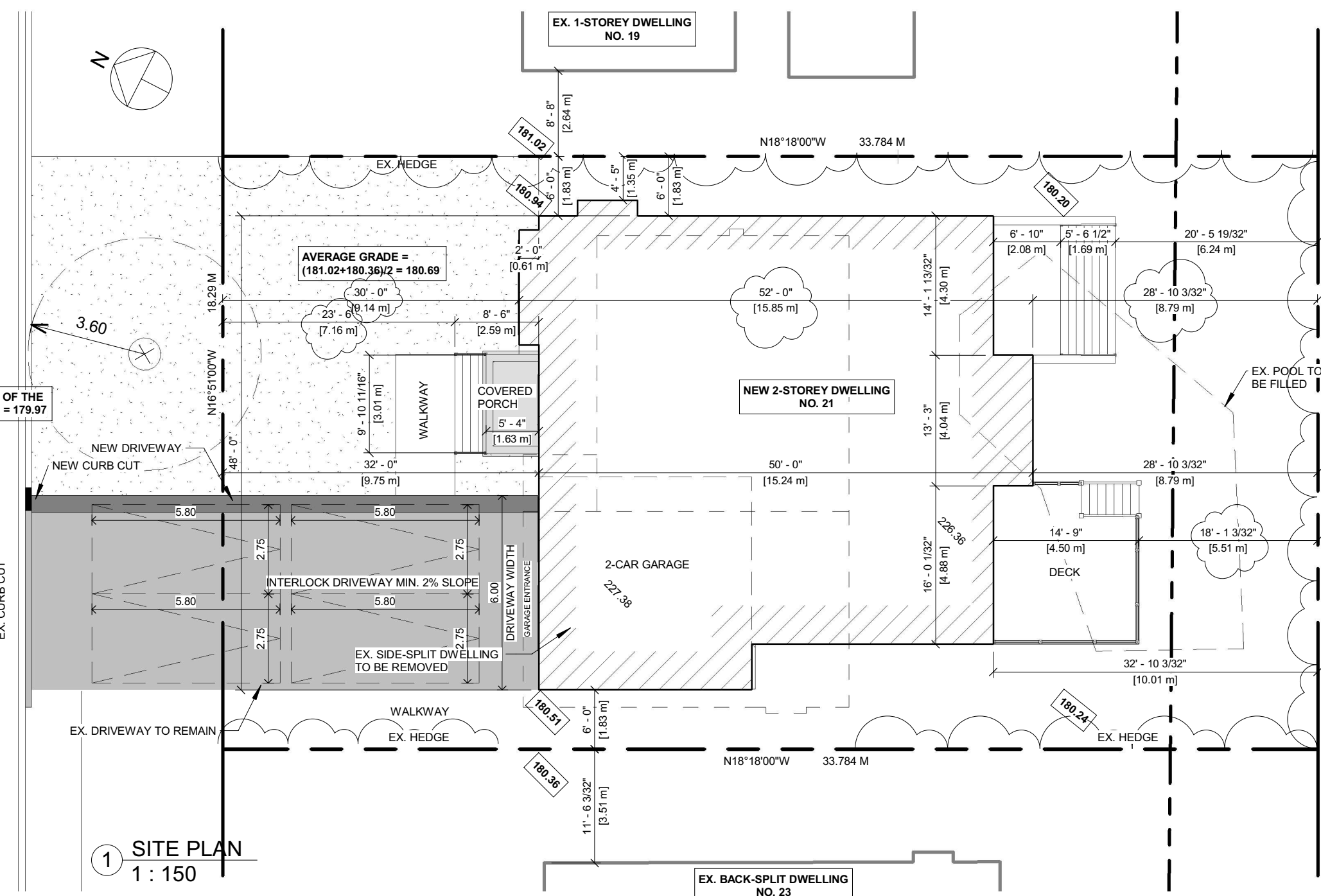
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/206/22

Appendix B

File: 22.261924.000.00.MNV

Date: 01/12/23
MM/DD/YY

WALKERTON DR



1 SITE PLAN
1 : 150

| SITE STATISTICS | |
|-----------------|--------------------------------|
| BY-LAW | = 99-90 |
| AMENDING BY-LAW | = 1229 |
| ZONING | = R1, R2, R3 & R4 |
| LOT AREA | = 617.85 SQ.M (6,650.39 SQ.FT) |

| | PERMITTED | PROPOSED | | PERMITTED | PROPOSED |
|---------------------|---|----------------------|------------------------------|--------------------------|--------------------|
| LOT COVERAGE | = 0.35 | = 0.33 (2,225 SQ.FT) | GROSS FLOOR AREA | = 0.45*6,625 = 2,981.25 | = 0.536 (3,551.00) |
| BUILDING HEIGHT | = 9.80 M | = 9.00 M | - 1ST FLOOR | | =2,180.00 SQ.FT |
| BUILDING DEPTH | = 16.80 M | = 15.85 M | - 2ND FLOOR | | =1,371.00 SQ.FT |
| SETBACKS | | | TOTAL | = 2,981.25 SQ.FT | =3,551.00 SQ.FT |
| | - FRONT | = 25 FT | - BASEMENT | | =2,180.00 SQ.FT |
| | - REAR | = 25 FT | - GARAGE | | =464.00 SQ.FT |
| | - SIDE YARD (SOUTH) | = 6 FT | | | |
| - SIDE YARD (NORTH) | = 6 FT | | | | |
| NET LOT AREA | = 6,600+(6,650-6,600) / 2 = 6,625 SQ.FT | | FRONT YARD AREA | =1,897.00 SQ.FT | |
| | | | PROPOSED LANDSCAPE AREA | =1,267.00 SQ.FT (66.79%) | |
| | | | PROPOSED SOFT LANDSCAPE AREA | =894.00 SQ.FT (47.10%) | |

PROPOSED 2-STOREY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **LY**

Date **2022-02-08**

Scale **As indicated**

Project Number **00000**

DRAWING NAME
SITE PLAN

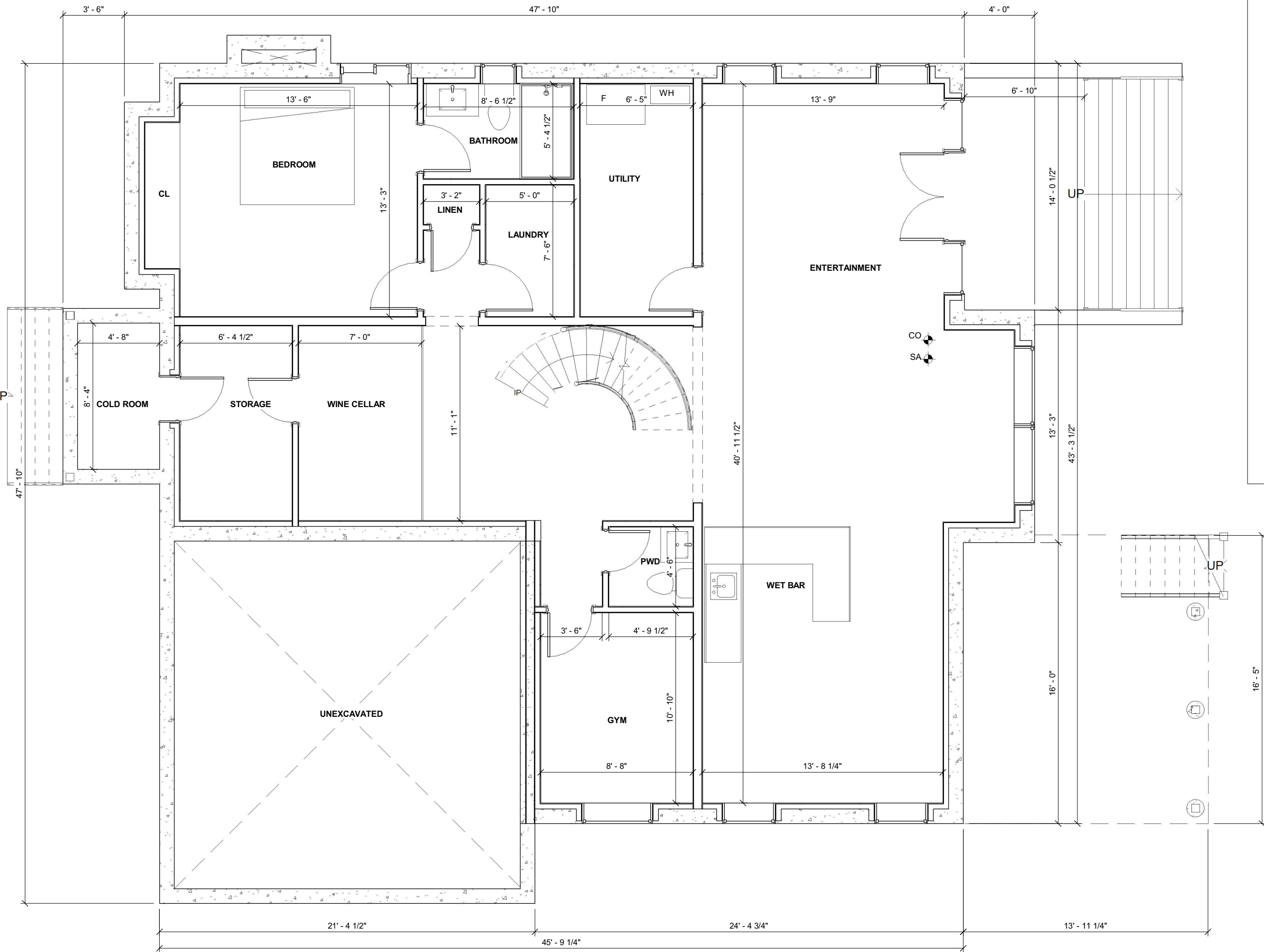
SHEET NUMBER
A1.1

Appendix B

File: 22.261924.000.00.MNV

Date: 01/12/23

MM/DD/YY



PROPOSED 2-STORY DWELLING
21 WALKERTON DR
 MARKHAM, ON L3P 1H9

CONTRACTOR SHALL VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **Author**

Date **2022-02-08**

Scale **3/16" = 1'-0"**

Project Number **00000**

DRAWING NAME
BASEMENT FLOOR PLAN

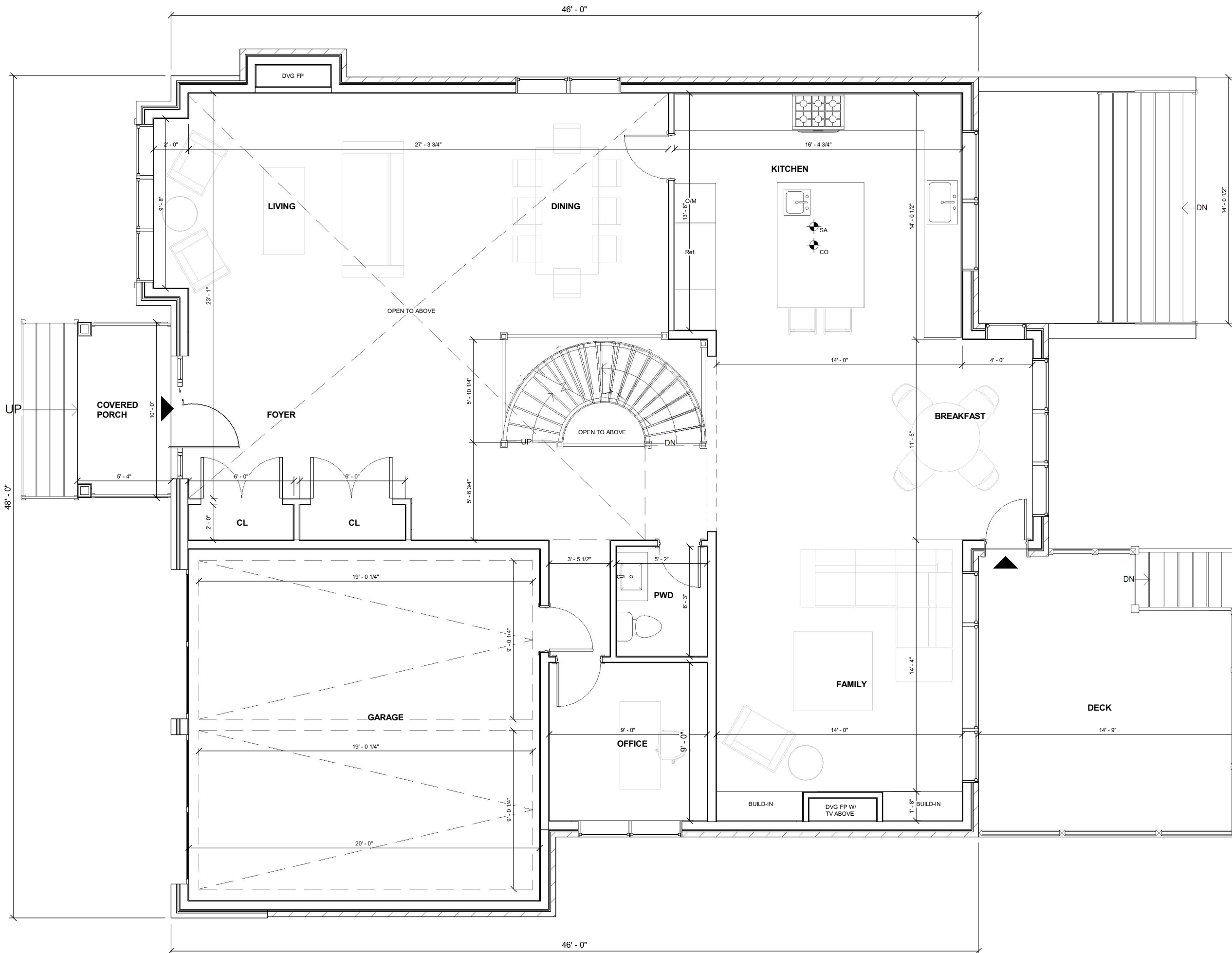
SHEET NUMBER
A2.1

1 NEW BASEMENT
 3/16" = 1'-0"

Appendix B

File: 22.261924.000.00.MNV

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PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
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| 1 | | | |

Drawn by **Author**

Date **2022-02-08**

Scale **3/16" = 1'-0"**

Project Number **00000**

DRAWING NAME
GROUND FLOOR PLAN

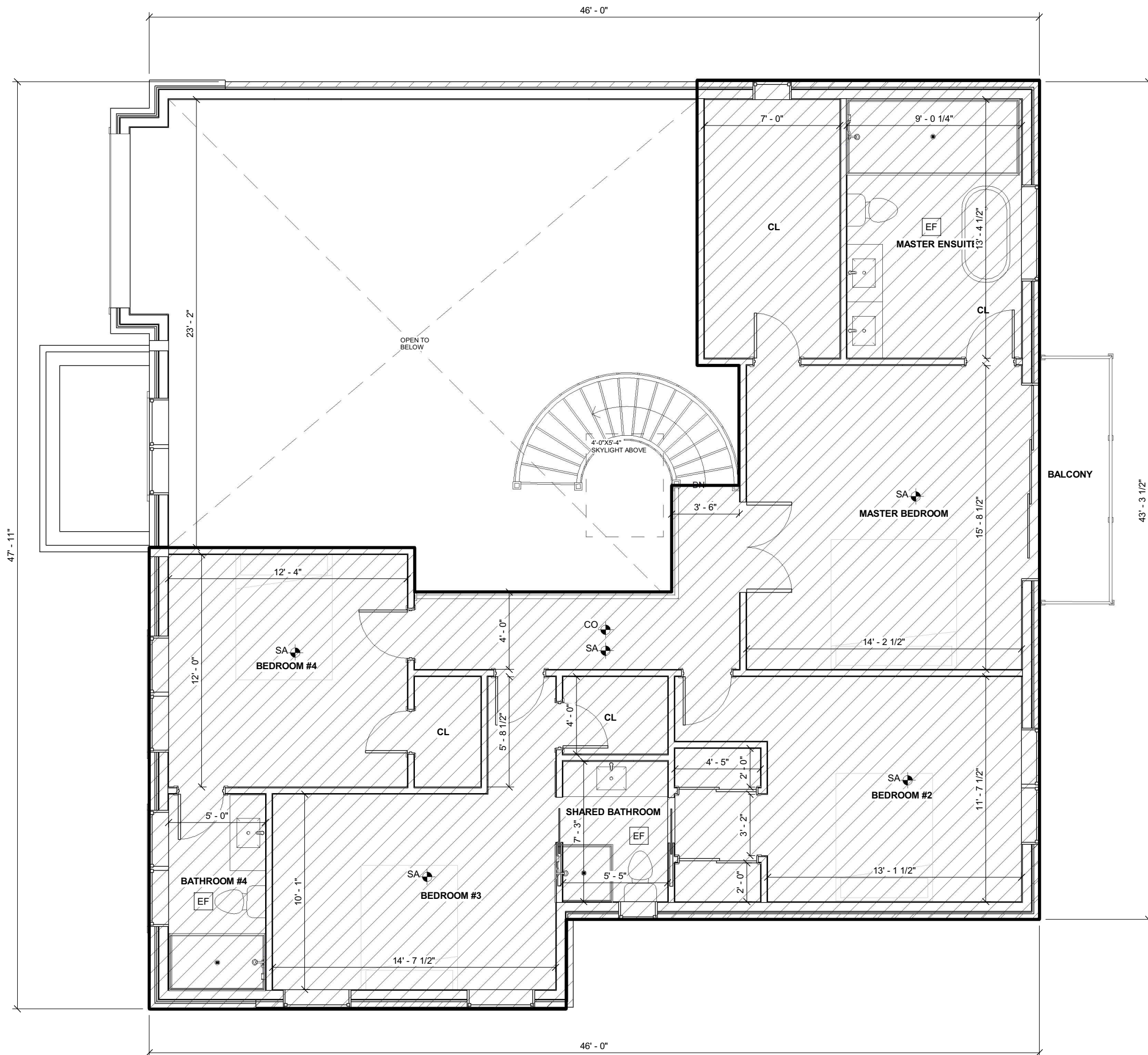
SHEET NUMBER
A2.2

1 1ST FLR PLAN
3/16" = 1'-0"

Appendix B

File: 22.261924.000.00.MNV

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PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **Author**
Date **2022-02-08**
Scale **3/16" = 1'-0"**
Project Number **00000**

DRAWING NAME
SECOND FLOOR PLAN

SHEET NUMBER
A2.3

1 NEW 2ND FLOOR
3/16" = 1'-0"

Appendix B

File: 22.261924.000.00.MNV

Date: 01/12/23
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1 NEW WEST ELEVATION
1/8" = 1'-0"

PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |
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Drawn by **Author**
Date **2022-02-08**
Scale **1/8" = 1'-0"**
Project Number **00000**

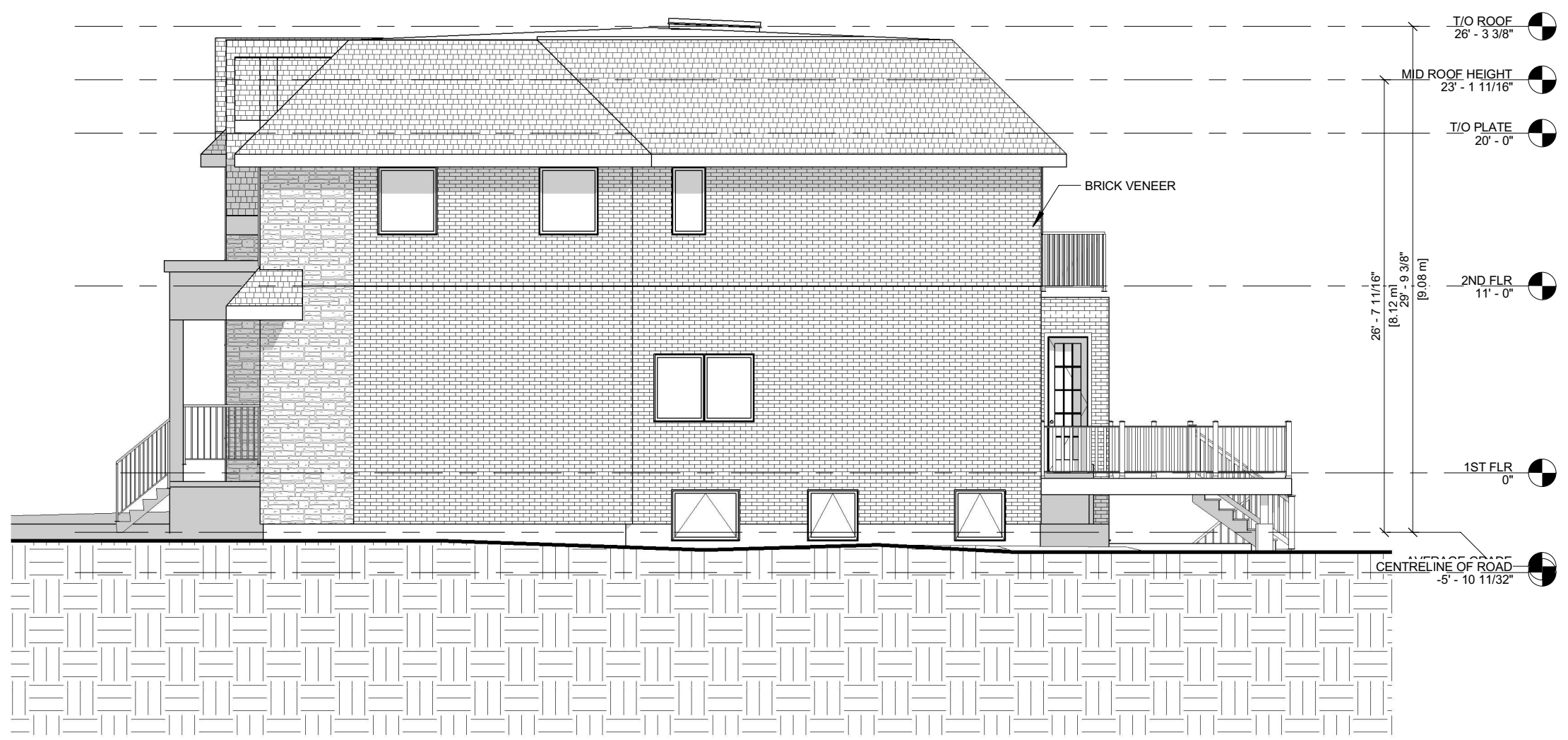
DRAWING NAME
FRONT ELEVATION

SHEET NUMBER
A3.1

Appendix B

File: 22.261924.000.00.MNV

Date: 01/12/23
MM/DD/YY



1 NEW SOUTH ELEVATION
1/8" = 1'-0"

PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **Author**

Date **2022-02-08**

Scale **1/8" = 1'-0"**

Project Number **00000**

DRAWING NAME
LEFT ELEVATION

SHEET NUMBER
A3.2

Appendix B

File: 22.261924.000.00.MNV

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1 NEW EAST ELEVATION
1/8" = 1'-0"

PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **Author**

Date **2022-02-08**

Scale **1/8" = 1'-0"**

Project Number **00000**

DRAWING NAME
REAR ELEVATION

SHEET NUMBER
A3.3

Appendix B

File: 22.261924.000.00.MNV

Date: 01/12/23
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1 NEW NORTH ELEVATION
1/8" = 1'-0"

PROPOSED 2-STORY DWELLING
21 WALKERTON DR
MARKHAM, ON L3P 1H9

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |

Drawn by **Author**

Date **2022-02-08**

Scale **1/8" = 1'-0"**

Project Number **00000**

DRAWING NAME
RIGHT ELEVATION

SHEET NUMBER
A3.4