

Memorandum to the City of Markham Committee of Adjustment

April 24, 2023

File: A/260/22
Address: 30 Arrowflight Drive, Markham
Applicant: Fan Yang
Agent: Michael Mao
Hearing Date: Wednesday, May 3, 2023

The following comments are provided on behalf of the East District team:

The Applicant is requesting relief from the following “Single Family Detached Dwelling (R1)” zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling. The variance requested is to permit:

- a) **Section 11.2 (c) (i):**
a porch to encroach a maximum of 60 inches into a required yard, whereas the By-law permits a maximum encroachment of 18 inches.
- b) **Amending By-law 99-00, Section 1.2 (vi):**
a maximum floor area ratio of 51.87 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.
- c) **Table 11.1:**
a minimum setback of 6.98 feet to the exterior side lot line, whereas the By-law permits 10 feet.

BACKGROUND

Property Description

The 909.30 m² (9,788 ft²) Subject Lands are located on the south side of Robinson Street, west of Robinson Park and east of Arrowflight Drive (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing 188.17 m² (2,045 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 1963, according to assessment records. Mature vegetation exists on the property including one large mature tree in the front yard, several in the rear yard and adjacent to Robinson Street.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a two-car garage and one covered carport with approximately 394.83 m² (4,250 ft²) of gross floor area.

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits 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. 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 Lands are zoned “Single Family Detached Dwelling (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

The proposed dwelling does not comply with the by-law requirements as it relates to minimum exterior side yard setback, and a maximum rear yard encroachment.

Residential Infill Zoning By-law

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 maximum floor area ratio.

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 19, 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; and
- 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 51.87 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 394.83 m² (4,250 ft²), whereas the By-law permits a dwelling with a maximum floor area of 342.56 m² (3,687.26 ft²). This represents an increase of approximately 52.27 m² (562.63 ft²), above what is permitted by the By-law.

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 building layout meets most other zoning provisions that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increase in floor area ratio ranging between 49 percent and 54 percent. Staff are of the opinion that the proposed maximum floor area ratio is compatible with development on the street and have no concern with the requested variance.

Reduced Side Yard Setback

The Applicant is requesting relief to permit a minimum exterior side yard setback of 6.98 feet (2.13 metres), whereas the By-law requires a minimum side yard setback of 10 feet (3.048 metres) to the exterior side lot line. This represents a 3.02 foot (0.92 metre) reduction. The reduced side yard setback is attributed in part to the irregular lot shape, and because it is also an external side yard with no impact on the streetscape or adjacent homes, Staff have no concerns with the variance.

Increase in Yard Encroachment

The Applicant is requesting relief to allow a porch to encroach 60 inches into the required front yard, whereas the by-law permits a maximum encroachment of 18 inches into any required yards. Notwithstanding the encroachment, staff note that there will be ample open space available in the front yard area. Further, given that the proposed porch represents a small component of the overall massing of the dwelling, staff do not anticipate the variance will result in any adverse impact on the streetscape character of the neighbourhood. Staff are of the opinion that the proposed encroachment is compatible with development on the street and have no concern with the requested variance.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring tree at 30 Arrowflight Drive. Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 24, 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 see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

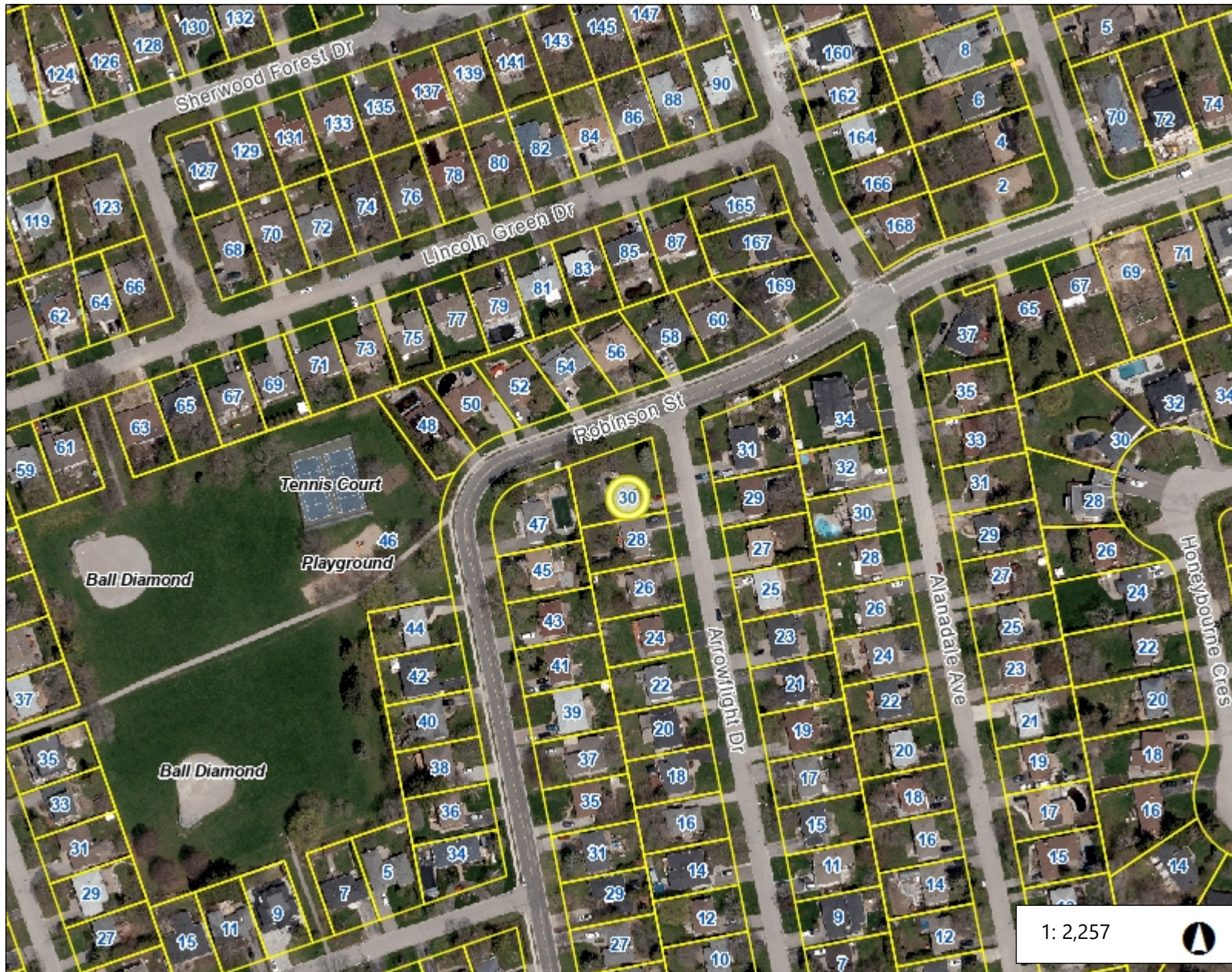


Hussain Mohammad, Planner, Zoning and Special Projects

REVIEWED BY:



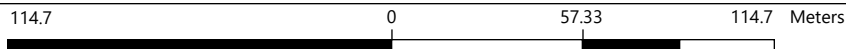
Stacia Muradali, Development Manager, East District



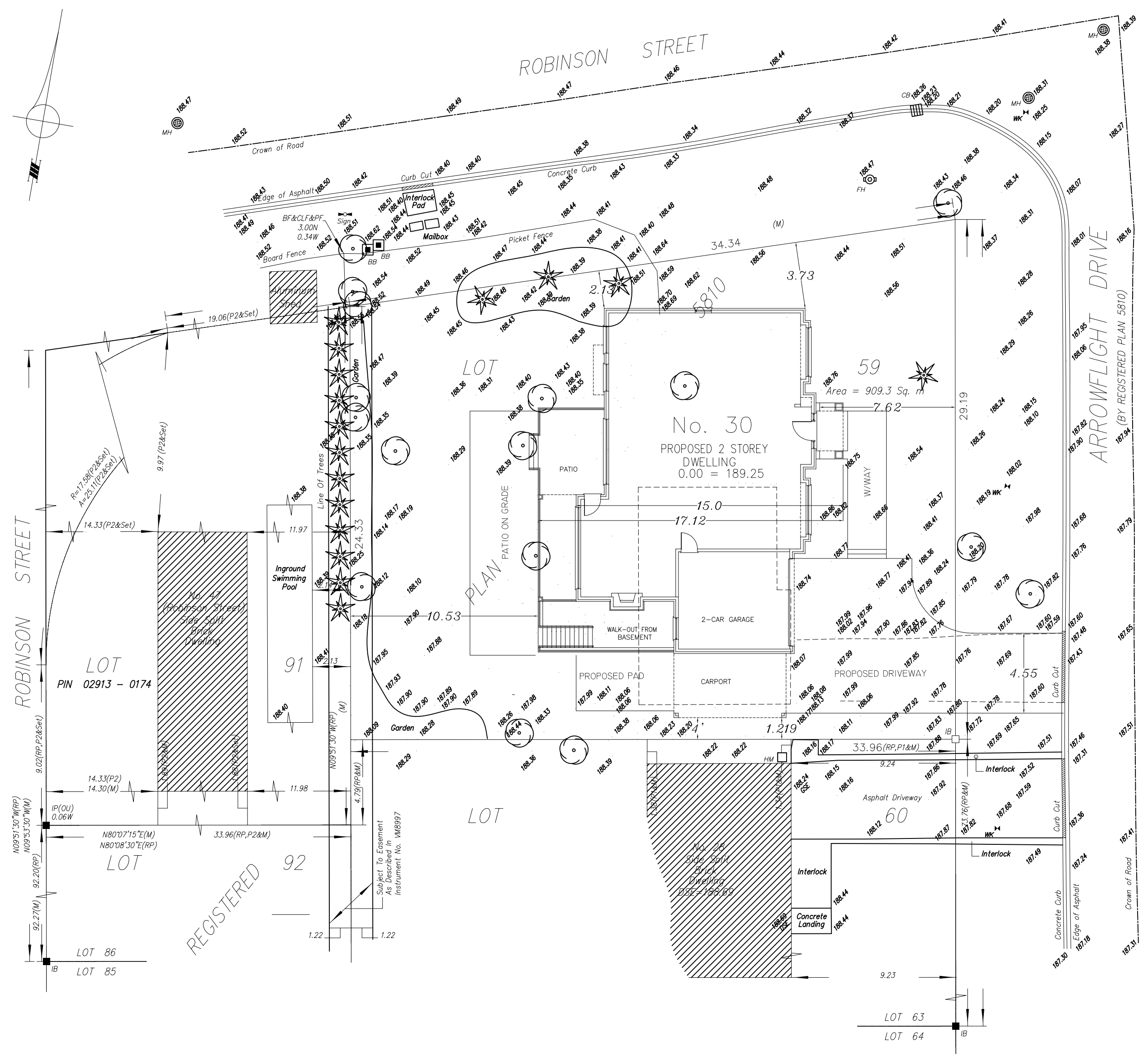
Legend

- Parcel Overlay
- Parcel
- Park Facility
- Parks
- Under Development
- <all other values>

1: 2,257



Notes



DEVELOPMENT DATA			
ZONING DESIGNATION - R2 (RESIDENTIAL, B/L 1229)			
	METRIC	IMPERIAL	REMARKS
LOT AREA	909.30 M ²	9788.00 SQFT	MIN.REQUIRED - 6600.0 SQ.FT.
NET LOT AREA	761.24 M ²	8194.00 SQFT	
BUILDING AREA			
CELLAR	180.00 M ²	1940.00 SQFT	
MAIN FLOOR	216.92 M ²	2335.00 SQFT	GARAGE INCLUDED
SECOND FLOOR	177.91 M ²	1915.00 SQFT	
TOTAL (G.F.A.)	394.83 M ²	4250.00 SQFT	TWO FLOORS EXCL.OPENINGS INCLUDING GARAGES
BUILDING HEIGHT	9.80 M	32'-2"	FROM CROWN OF THE STREET TO HIGHEST POINT OF THE RIDGE (REQ.9.8M)
BUILDING DEPTH	17.12M	56'-2"	REQUIRED - 16.8M PLUS 2.1M 1-ST.EXTENSION
PARKING	3 CAR GARAGE		
SETBACKS			
FRONT	7.62 M	25'-0"	REQUIRED - 25'
REAR	10.53 M	34'-7"	REQUIRED - 25'
SIDES	1.219 M ; 2.13 M	4'-0", 7-0"	REQUIRED - 4', 10'
FLOOR AREA RATIO	394.83 M ² /4250.00M ² - 51.87%		REQUIRED - 45%
MAX.LOT COVERAGE	243.86M ² - 2625 sq.ft. (26.8%)		REQUIRED - 35%

SITE PLAN
SCALE 1 : 400

DERIVED FROM
SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
LOT 58, REGISTERED PLAN 5810
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
DONE BY
ERTL SURVEYORS
Ontario Land Surveyors

GUITBERG GROUP INC.

 33 BELVEDERE CRES.
 RICHMOND HILL ONTARIO
 TEL. (905) 508-7436
 EMAIL: VICGUITBERG@GROGERS.COM

PRIVATE RESIDENCE
AT 30 ARROWFLIGHT DRIVE
CITY OF MARKHAM, ON

SITE PLAN

DRAWN BY	CHECKED
SCALE 1 : 400	DATE JANUARY' 2022

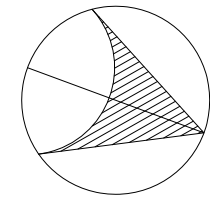
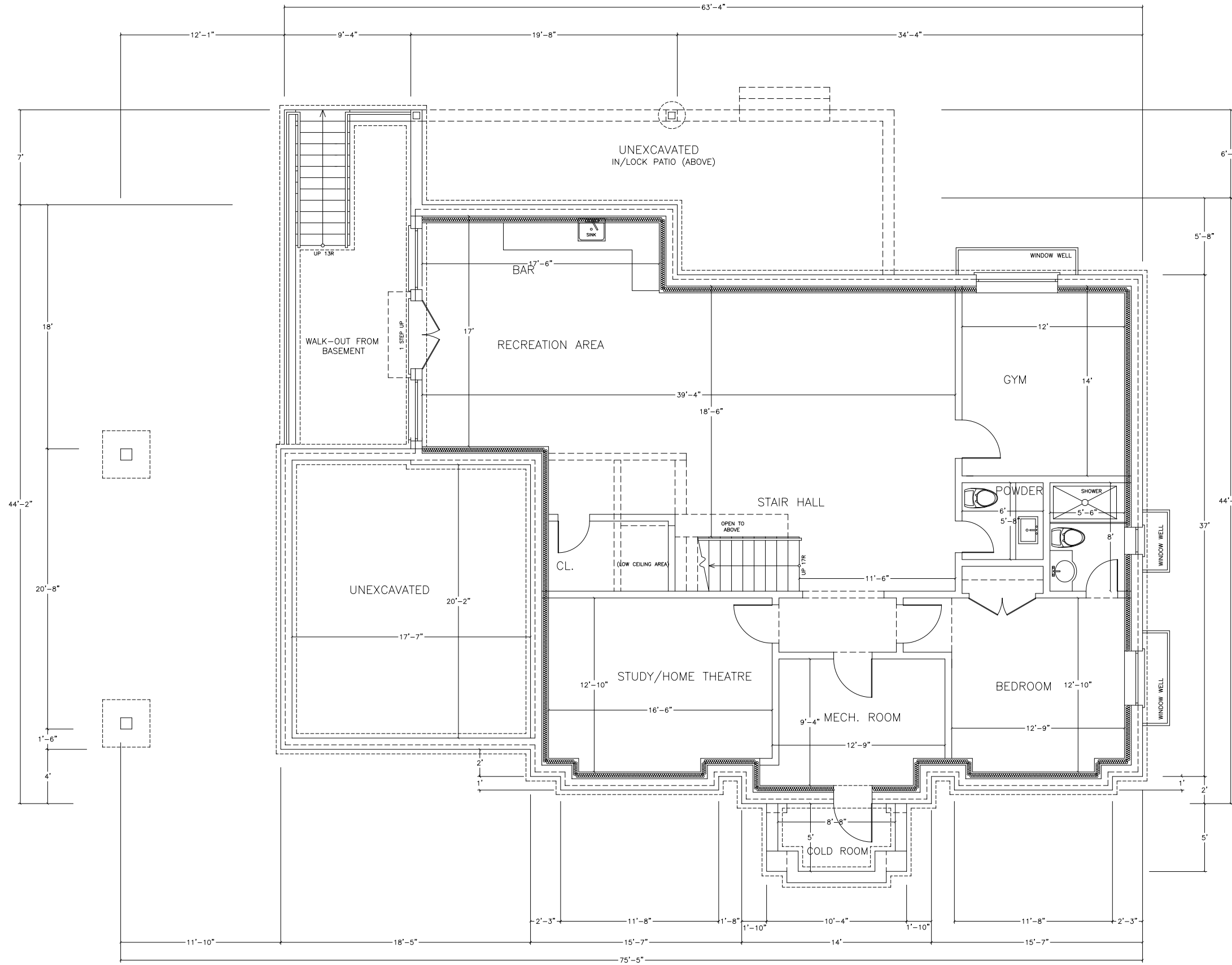
PROJECT NUMBER R-25/01/22	A - 1
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Metric
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Appendix B

File: 22.266449.000.00.MNV

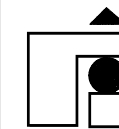
Date: 04/28/23
MM/DD/YY



BASEMENT FLOOR PLAN

SCALE 1/8" = 1'-0"

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BASEMENT PLAN

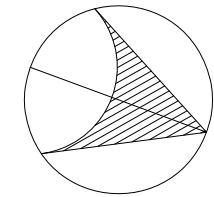
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PROJECT NUMBER	R-25/01/23	A-2
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Appendix B

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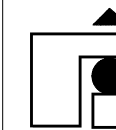
Date: 04/28/23
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GROUND FLOOR PLAN

SCALE 1/8" = 1'-0"

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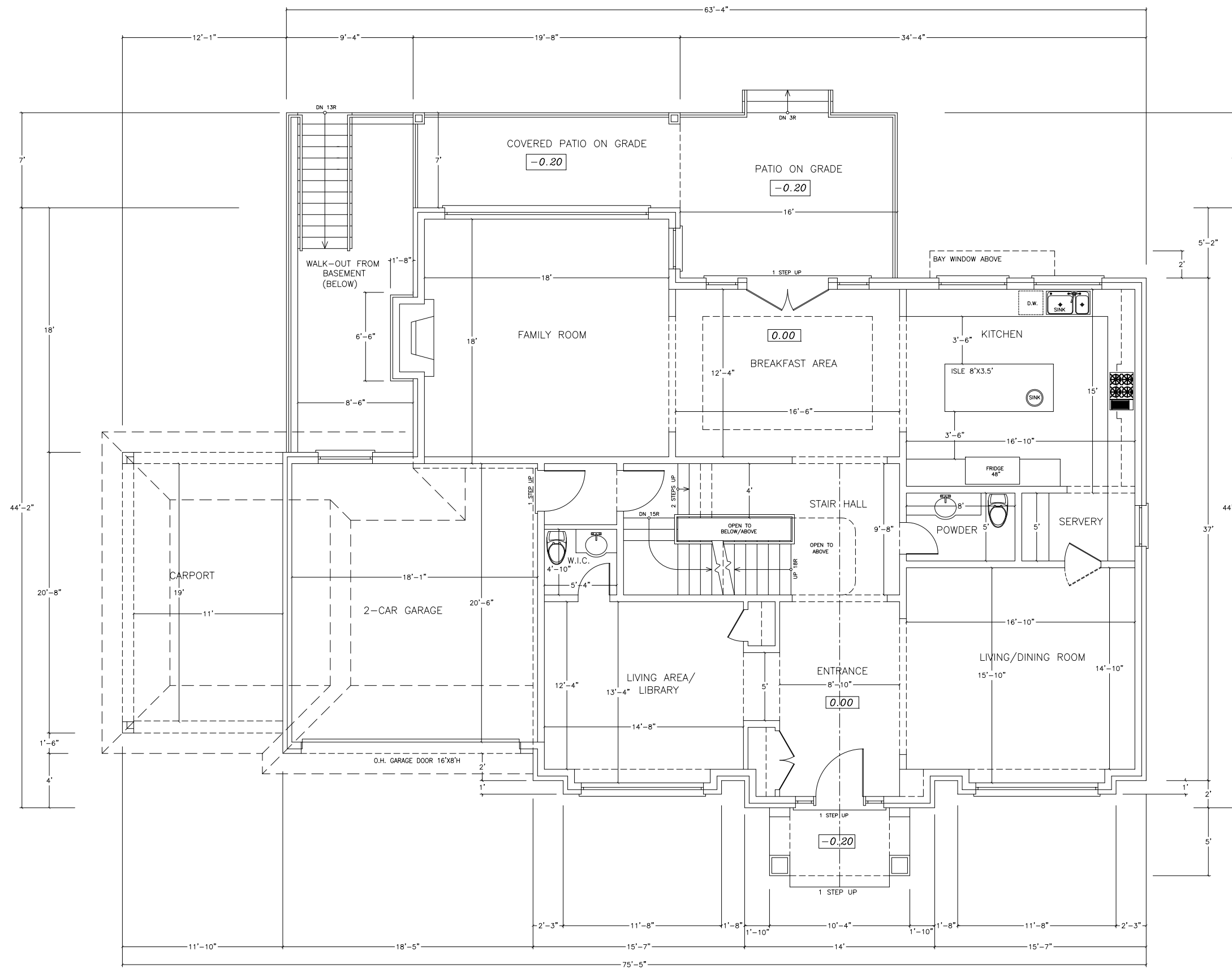
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GROUND FLOOR PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	MARCH' 2023

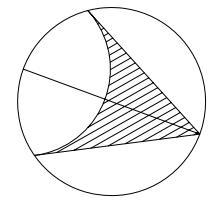
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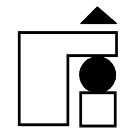
Date: 04/28/23
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SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

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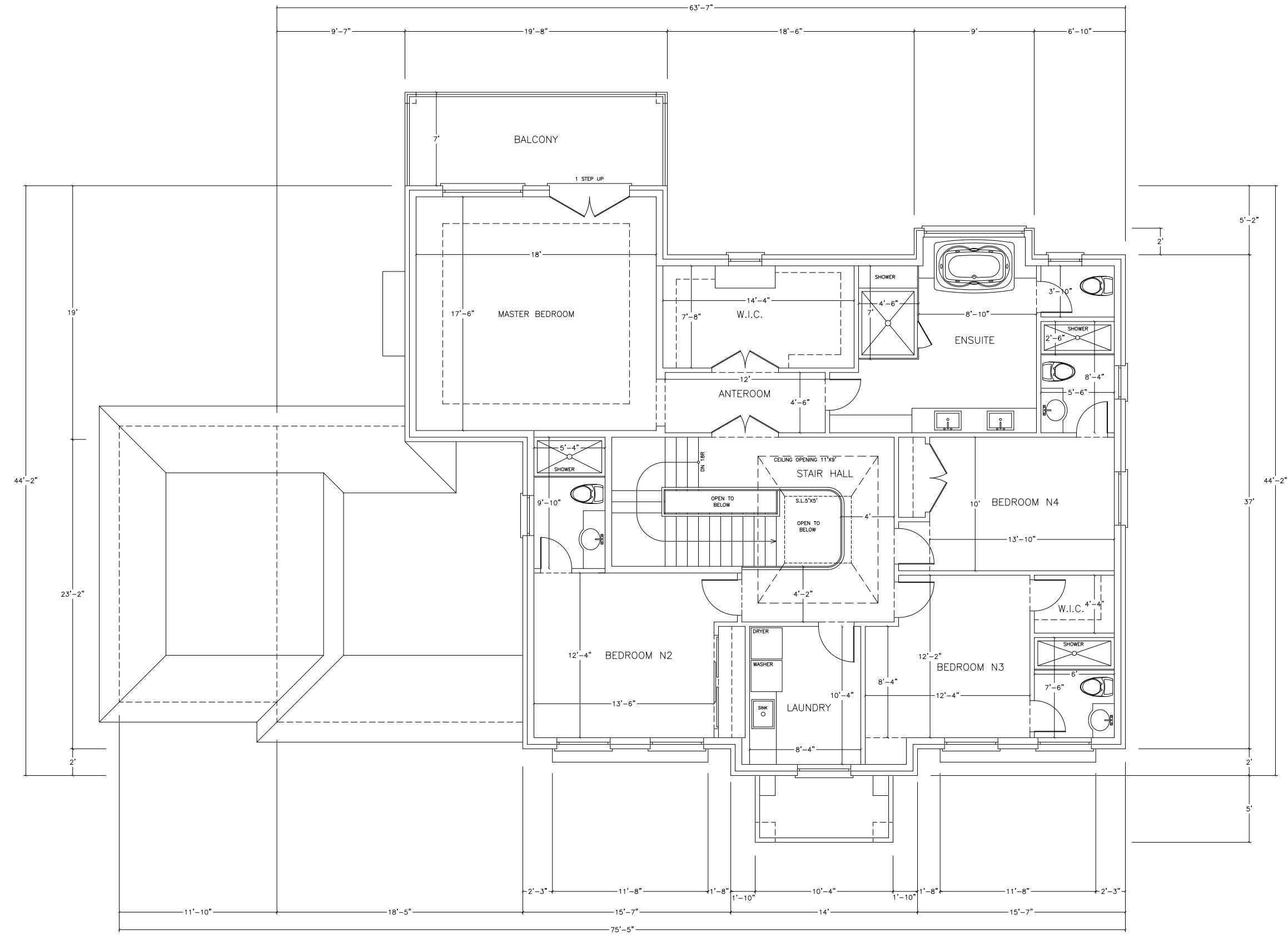


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SECOND FLOOR PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	MARCH' 2023
PROJECT NUMBER	R-25/01/23 A-4		



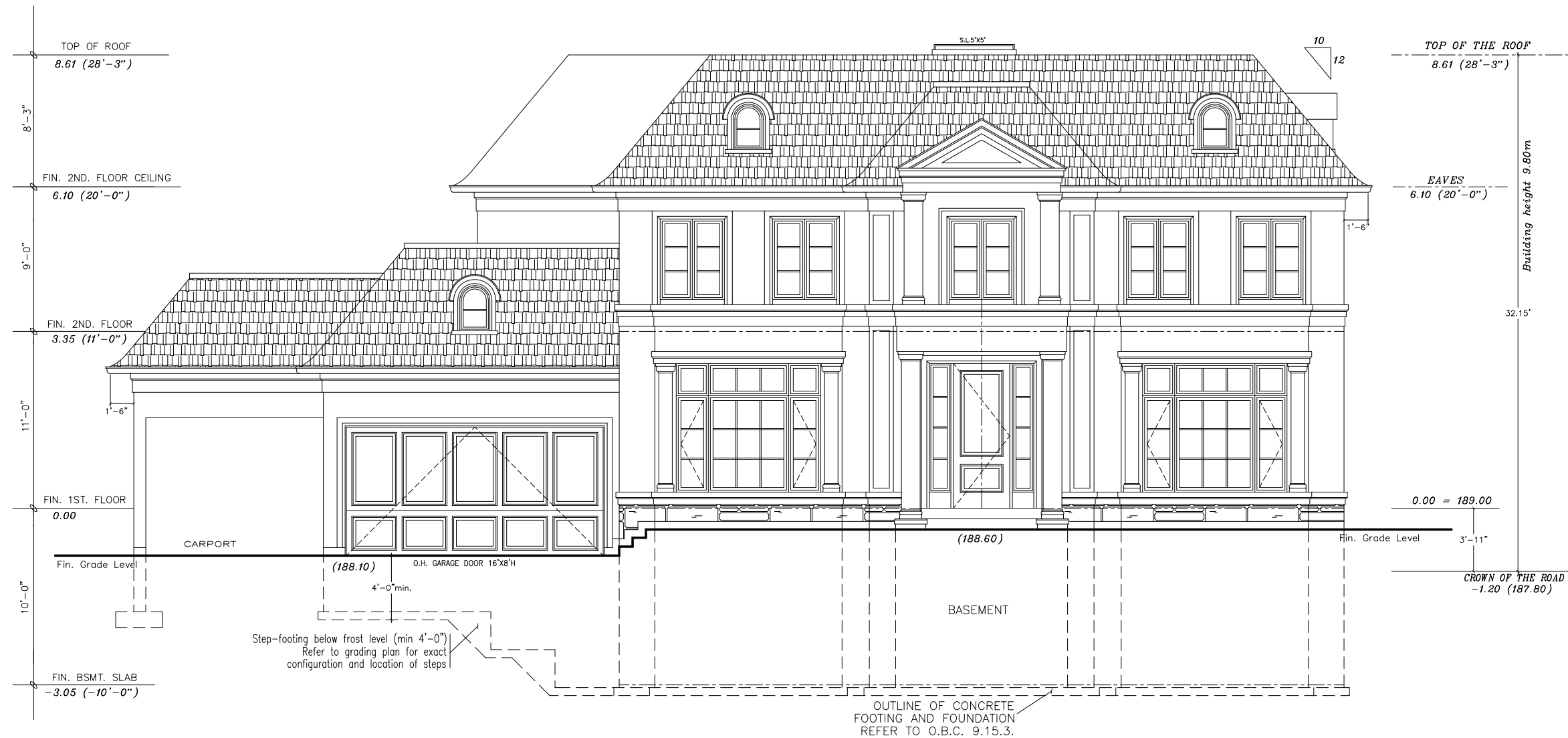
EAST ELEVATION

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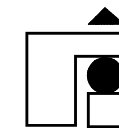
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EAST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	MARCH' 2023

PROJECT NUMBER	R-25/01/23	A-5
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WEST ELEVATION

SCALE 1/8" = 1'-0"

Appendix B

File: 22.266449.000.00.MNV

Date: 04/28/23

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PRIVATE RESIDENCE
AT 30 ARROWFLIGHT DRIVE
CITY OF MARKHAM, ONTARIO

WEST ELEVATION

DRAWN BY J.M.	CHECKED V.G.
SCALE 1/8" = 1'-0"	DATE MARCH' 2023

PROJECT NUMBER
R-25/01/23 A-6

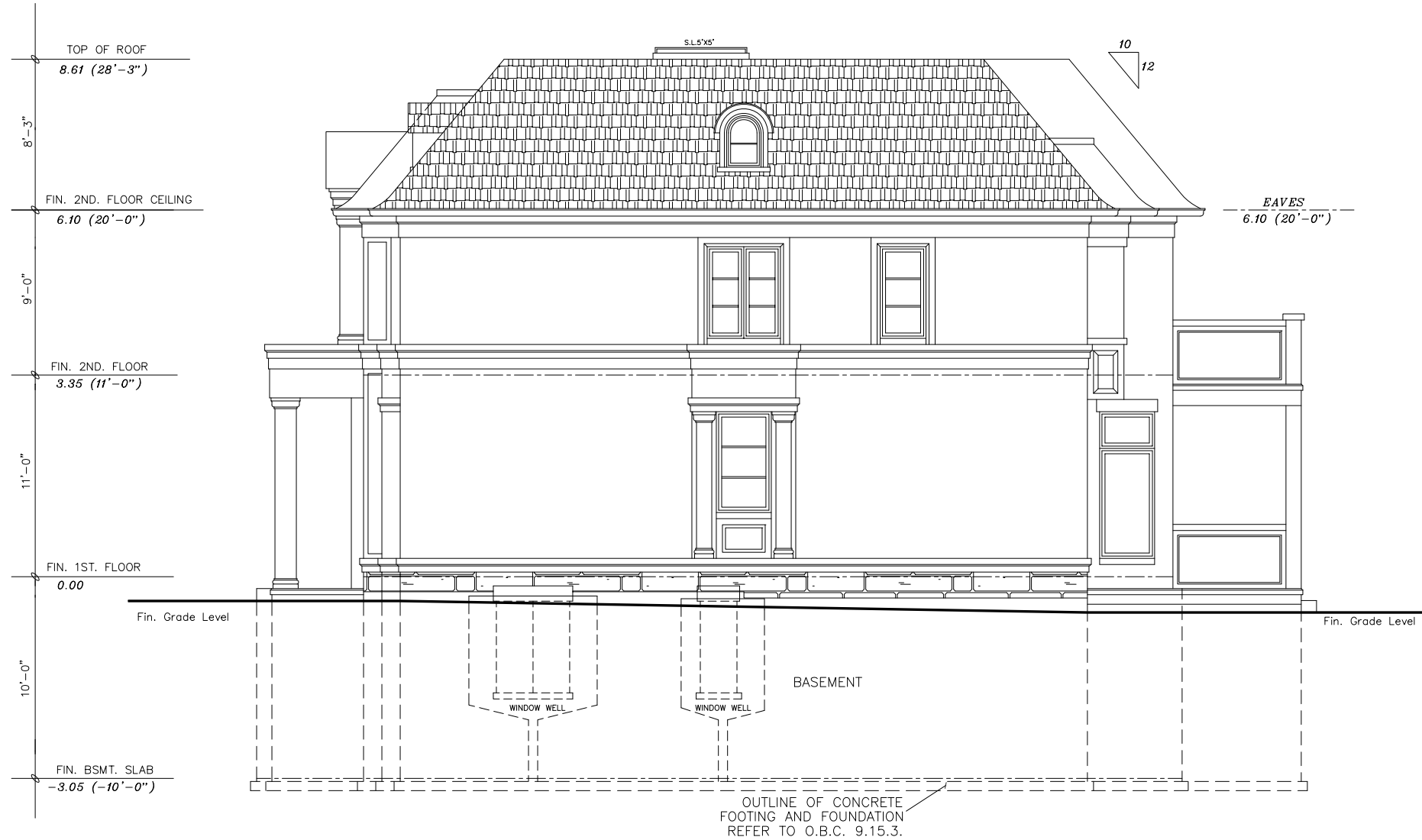
NORTH ELEVATION

SCALE 1/8" = 1'-0"

Appendix B

File: 22.266449.000.00.MNV

Date: 04/28/23
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NORTH ELEVATION

DRAWN BY J.M.	CHECKED V.G.
SCALE 1/8" = 1'-0"	DATE MARCH' 2023
PROJECT NUMBER R-25/01/23	A-7

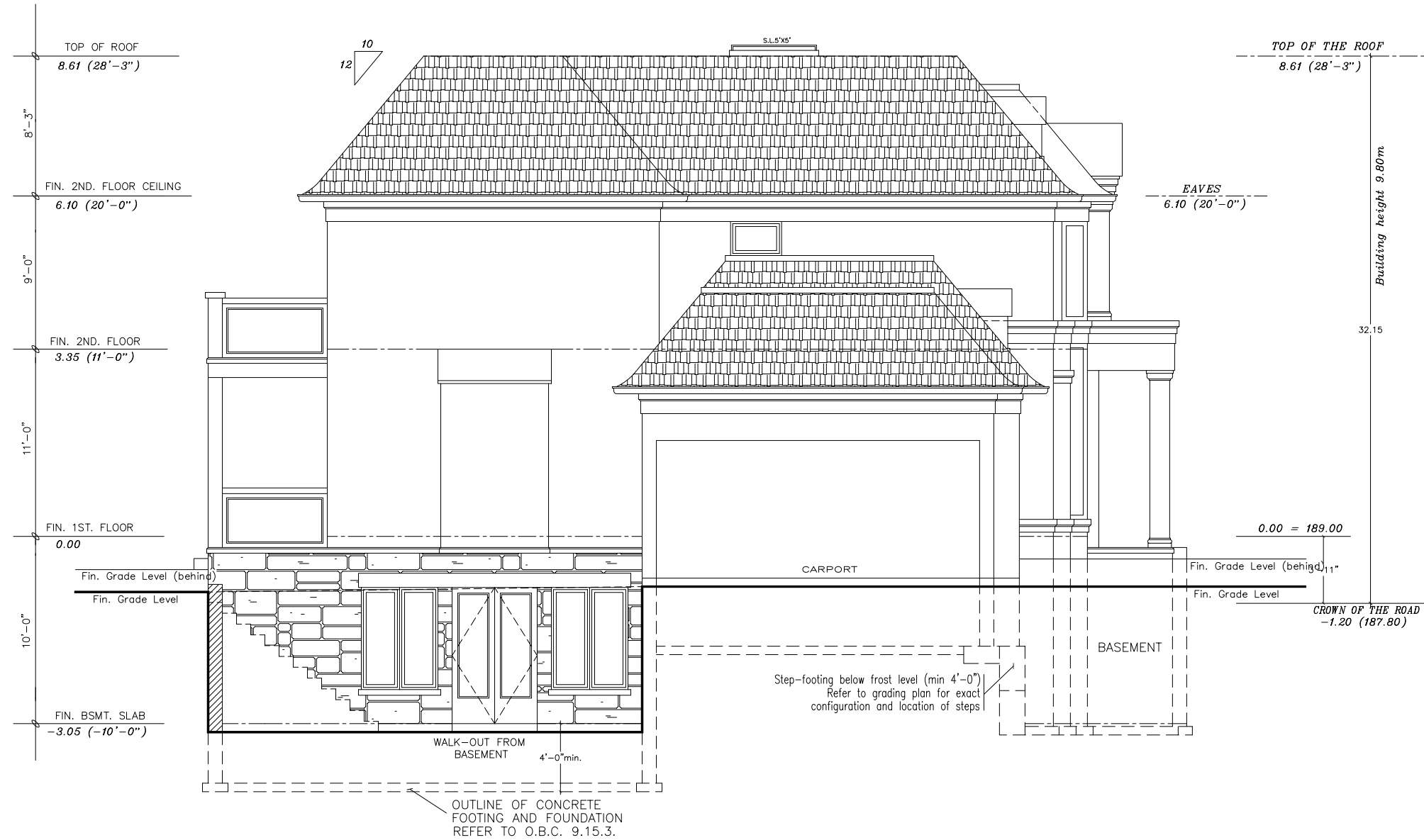
SOUTH ELEVATION

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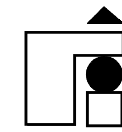
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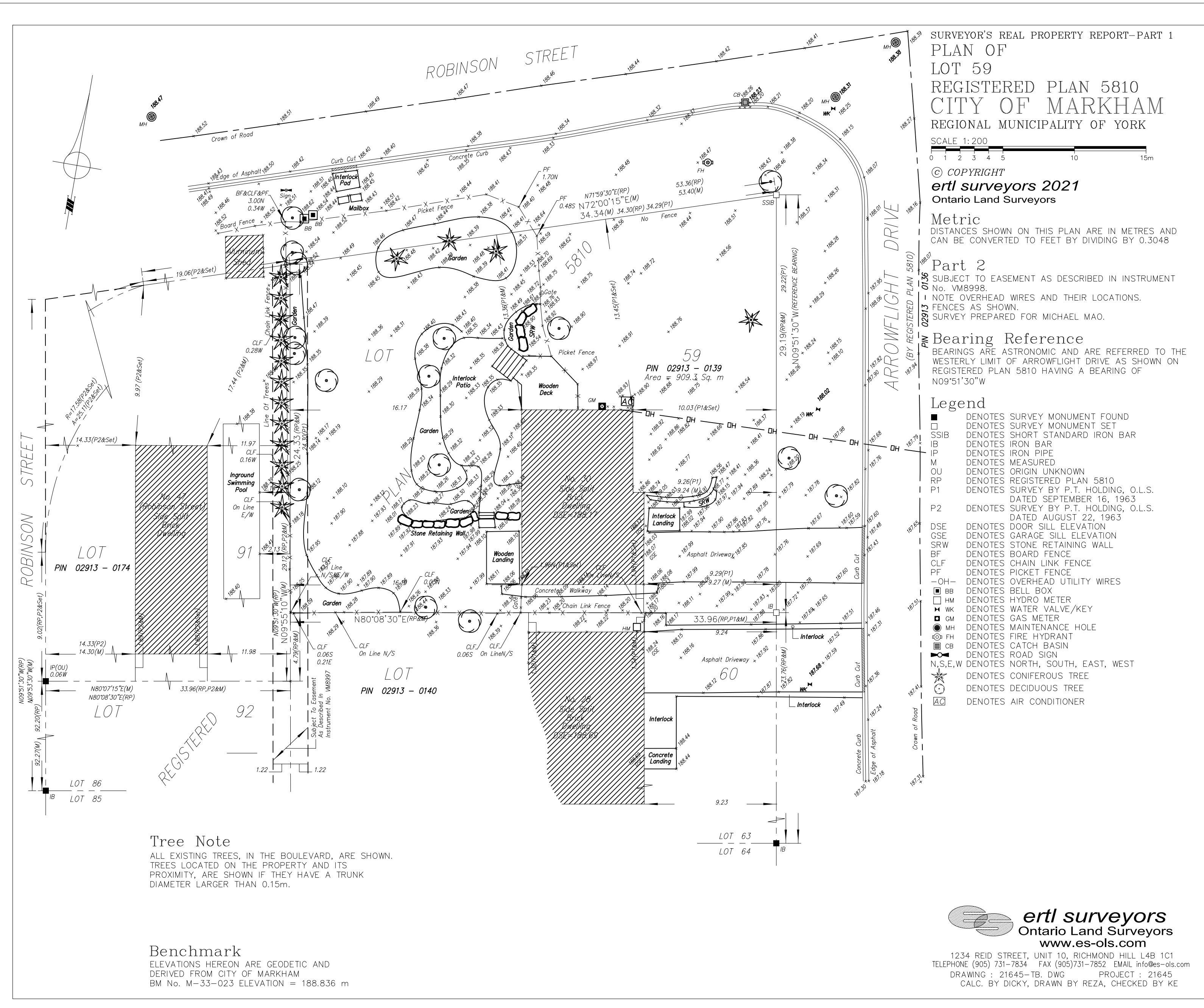
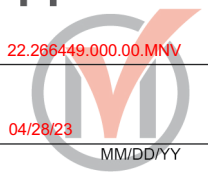
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SOUTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	MARCH' 2023

PROJECT NUMBER	R-25/01/23	A-8
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APPENDIX “C” – A/260/22 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/260/22

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 “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 Manager of By-law Enforcement & Regulatory Services Division 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 in accordance with the City’s Streetscape Manual, 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 Manager of By-law Enforcement & Regulatory Services Division.
5. Submission of a detailed Siting, Lot Grading, and Servicing Plan stamped by a Professional Engineer/Ontario Land Survey/Landscape Architect to be reviewed and approved by the Director of Engineering, or their designate, and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner, Zoning and Special Projects