

Memorandum to the City of Markham Committee of Adjustment

March 28, 2022

File: A/021/22
Address: 12 Rougecrest Drive, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday April 06, 2022

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

The applicant is requesting relief from the following requirements of the “R1 – Residential” zone under By-law 1229 as amended, to permit:

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

a maximum depth of 21.89 metres, whereas the By-law permits a maximum depth of 16.80 metres;

as it relates to a proposed single detached dwelling.

BACKGROUND

Property Description

The 989.2 m² (10,647.66 ft²) subject property is located on the north side of Rougecrest Drive, south of Highway 7 East and east of Main Street Markham South. The property is located within an established residential neighborhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached dwelling on the subject property, which according to assessment records was constructed in 1954. Mature vegetation exist on the property including a number of mature trees in the front and rear yards.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a Gross Floor Area of approximately 354.97 m² (3,820.86 ft²). Several existing trees are proposed to be removed.

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks 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. Regard must also be had for the retention of existing trees and vegetation, as well as the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned R1 ‘Residential’ under By-law 1229, as amended, which permits a single detached dwelling.

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 generally maintain the character of existing neighborhoods. 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 building depth.

Zoning Preliminary Review (ZPR) Not Undertaken

On January 13, 2022, the applicant obtained a building permit to allow the construction of the proposed dwelling. Since then, the applicant revised the proposal to increase the depth of the rear covered porch and add a new front covered porch. These revisions have resulted in a maximum building depth that does not comply with the Infill By-law. The applicant has not yet resubmitted a building permit application or undertaken a ZPR to confirm the variance(s) required for the revision.

Staff advise that it is ultimately the applicant's responsibility to ensure that the application has accurately identified all 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.89 m (71.81 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 5.09 m (16.69 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. Given the configuration the lot, building depth is measured on an angle through the proposed building.

The requested variance includes the front and rear covered porches, which cumulatively adds approximately 5.19 m (17.02 ft) to the overall depth of the building. The main component of the building has a depth of 16.77 m (55 ft) on the ground floor and 16.2 m (53.14 ft) on the second floor, which complies with the by-law requirement and is generally in keeping with the other existing homes on the street. Staff are of the opinion that the proposed building depth is generally consistent with the established character of the neighbourhood and have no concern.

Tree Protection and Compensation

In the event that this application is approved by the Committee, staff recommend that tree related conditions as detailed in Appendix "A", be adopted to ensure the applicant installs the appropriate tree protection. Staff also note that 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 with a diameter at breast height (DBH) of 0.20 m (0.66 ft), or more. Following any approval of this minor variance application, further mitigation may be required to ensure sufficient tree protection zone(s) are maintained to allow for the appropriate protection of certain trees.

PUBLIC INPUT SUMMARY

As of March 30, 2022, the City received one written submission from the public expressing concern with water drainage as a result of the increased building depth. It should be noted that the Engineering Department has no concern with the requested variance. Prior to the issuance of a building permit, the applicant will be required to submit detailed engineering drawings for approval as part of the Residential Infill Grading and Servicing (RGS) application process to ensure the proposed dwelling will not adversely affect the drainage of neighbouring properties.

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 requested variance meets 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 requirement of the zoning by-law, and how the variance satisfies the tests of the Planning Act required for the granting of minor variance.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

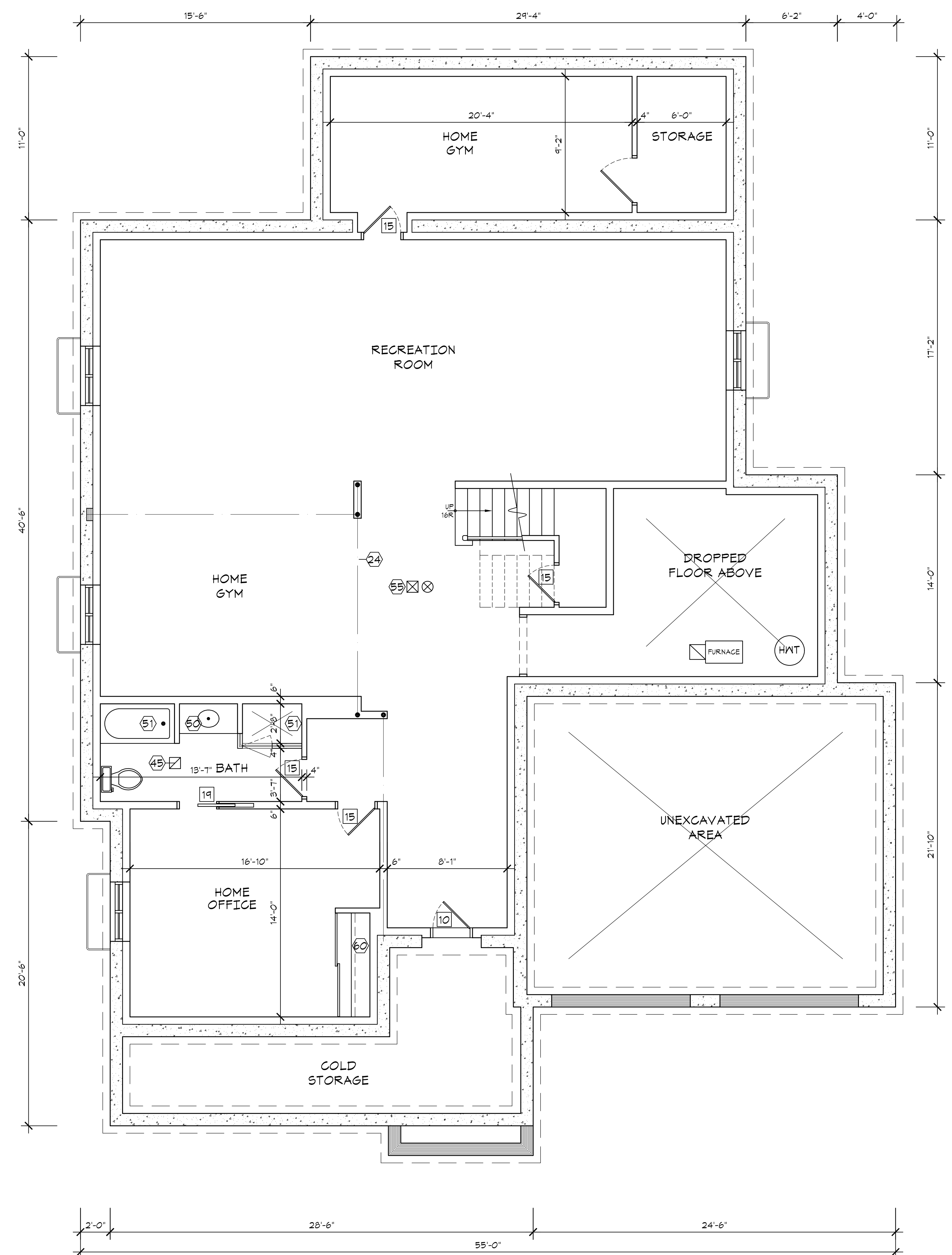
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/021/22

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.
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 Director of Planning and Urban Design, 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.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. 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 the Tree Preservation Technician, 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.

PREPARED BY:



Carlson Tsang, Senior Planner, East District



FINISHED BASEMENT PLAN

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
 PROPOSED SINGLE FAMILY DWELLING
 12 ROUGECREST DRIVE
 CITY OF MARKHAM

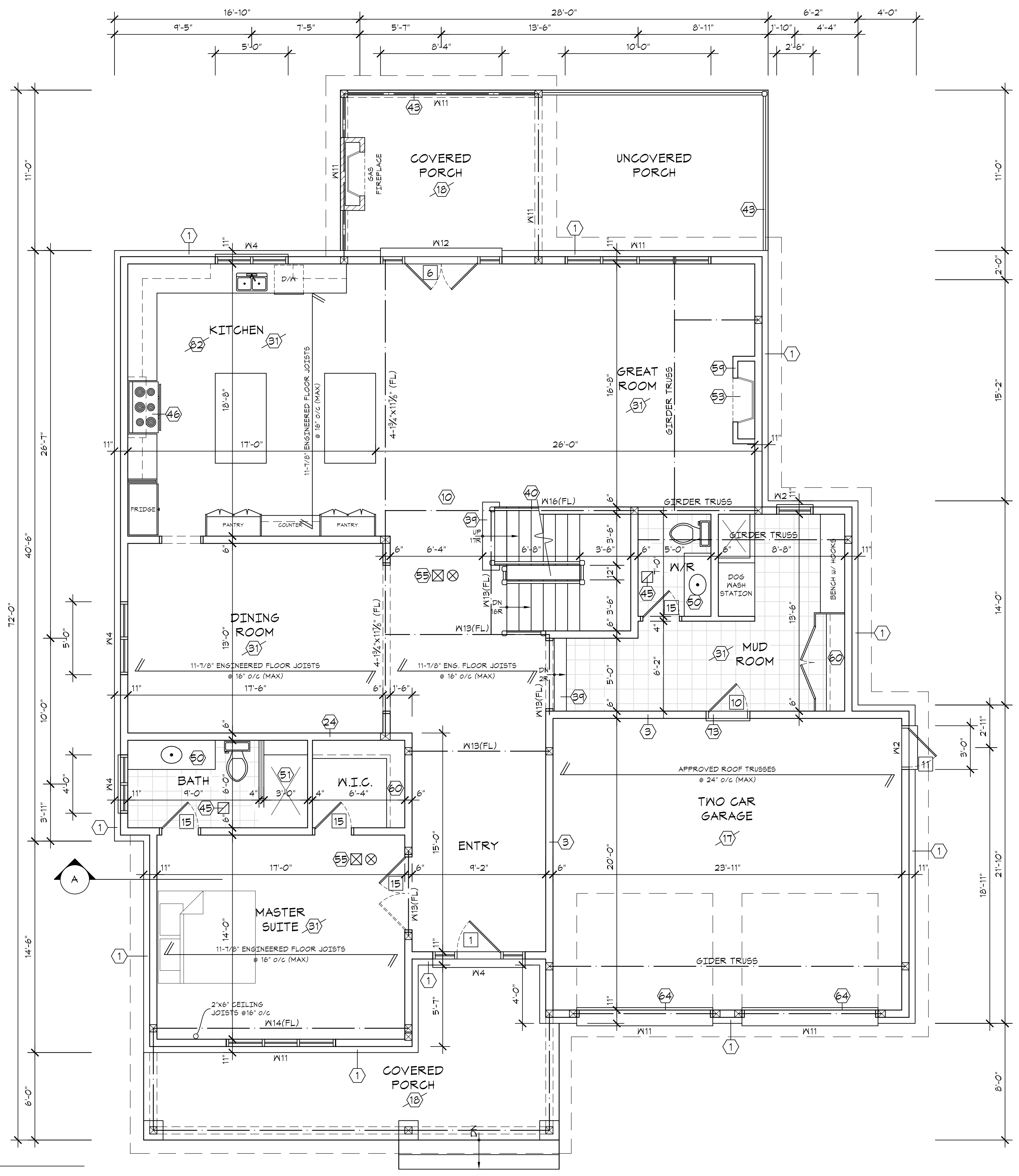
THE GREGORY DESIGN GROUP
 16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

- Lintel / Header Schedule**
- W1 - 2-2"x6" Spruce
 - W2 - 2-2"x8" Spruce
 - W3 - 3-2"x8" Spruce
 - W4 - 2-2"x10" Spruce
 - W5 - 3-2"x10" Spruce
 - W6 - 4-2"x10" Spruce
 - W7 - 2-2"x12" Spruce
 - W8 - 3-2"x12" Spruce
 - W9 - 2-1 1/2"x1 1/2" LVL Beam
 - W10 - 3-1 1/2"x1 1/2" LVL Beam
 - W11 - 2-1 1/2"x1 1/2" LVL Beam
 - W12 - 3-1 1/2"x1 1/2" LVL Beam
 - W13 - 2-1 1/2"x1 1/2" LVL Beam
 - W14 - 3-1 1/2"x1 1/2" LVL Beam
 - W15 - 2-1 1/2"x14" LVL Beam
 - W16 - 3-1 1/2"x14" LVL Beam
 - W17 - 2-1 1/2"x16" LVL Beam
 - W18 - 3-1 1/2"x16" LVL Beam

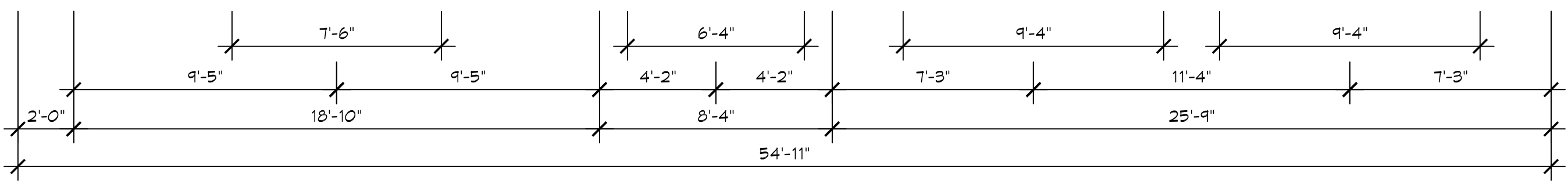
- Steel Lintel Schedule**
- L1 - 3/2"x3 1/2"x3/8"
 - L2 - 4"x3 1/2"x3/8"
 - L3 - 4 1/2"x3 1/2"x3/8"
 - L4 - 5"x3 1/2"x3/8"
 - L5 - S10x23 steel beam with 8"x3/8" steel plate on bottom
 - L6 - W10x21 steel beam with 8"x3/8" steel plate on bottom

- Post Schedule**
- P1 - 2-2"x4" wood post
 - P2 - 3-2"x4" wood post
 - P3 - 2-2"x6" wood post
 - P4 - 3-2"x6" wood post
 - P5 - 6"x6" solid wood post
 - P6 - 8"x8" solid wood post
 - P7 - 3.5" dia. steel post
 - P8 - 4" HSS column

SCALE 1/4"=1'-0"	DATE 01/18/22
PROJECT NUMBER 2260-21	SHEET NUMBER A-1a
DRAWN BY S.Gregory	
CHECKED BY R.G.	



GROUND FLOOR PLAN
 PROPOSED LAYOUT
 FLOOR AREA = 2,135 sq.ft.
 GARAGE AREA = 527 sq.ft.
 TOTAL NET FLOOR AREA = 2,662 sq.ft. (247.30 sq.m.)
 BUILDING AREA = 3,037 sq.ft. (282.14 sq.m.)
 (inc. covered porches)



- Lintel / Header Schedule**
- W1 - 2-2"x6" Spruce
 - W2 - 2-2"x8" Spruce
 - W3 - 3-2"x8" Spruce
 - W4 - 3-2"x10" Spruce
 - W5 - 4-2"x10" Spruce
 - W6 - 4-2"x10" Spruce
 - W7 - 2-2"x12" Spruce
 - W8 - 3-2"x12" Spruce
 - W9 - 2-1 1/2"x1 1/2" LVL Beam
 - W10 - 3-1 1/2"x1 1/2" LVL Beam
 - W11 - 2-1 1/2"x1 1/2" LVL Beam
 - W12 - 3-1 1/2"x1 1/2" LVL Beam
 - W13 - 2-1 1/2"x1 1/2" LVL Beam
 - W14 - 3-1 1/2"x1 1/2" LVL Beam
 - W15 - 2-1 1/2"x1 1/2" LVL Beam
 - W16 - 3-1 1/2"x1 1/2" LVL Beam
 - W17 - 2-1 1/2"x1 1/2" LVL Beam
 - W18 - 3-1 1/2"x1 1/2" LVL Beam

- Steel Lintel Schedule**
- L1 - 3/2"x3 1/2"x3/16"
 - L2 - 4"x3 1/2"x3/16"
 - L3 - 4 1/2"x3 1/2"x3/16"
 - L4 - 5"x3 1/2"x3/16"
 - L5 - 510x23 steel beam with 8"x3/8" steel plate on bottom
 - L6 - 110x21 steel beam with 8"x3/8" steel plate on bottom

- Post Schedule**
- P1 - 2-2"x4" wood post
 - P2 - 3-2"x4" wood post
 - P3 - 2-2"x6" wood post
 - P4 - 3-2"x6" wood post
 - P5 - 6"x6" solid wood post
 - P6 - 8"x8" solid wood post
 - P7 - 3.5" dia. steel post
 - P8 - 4" HSS column

GENERAL NOTES:
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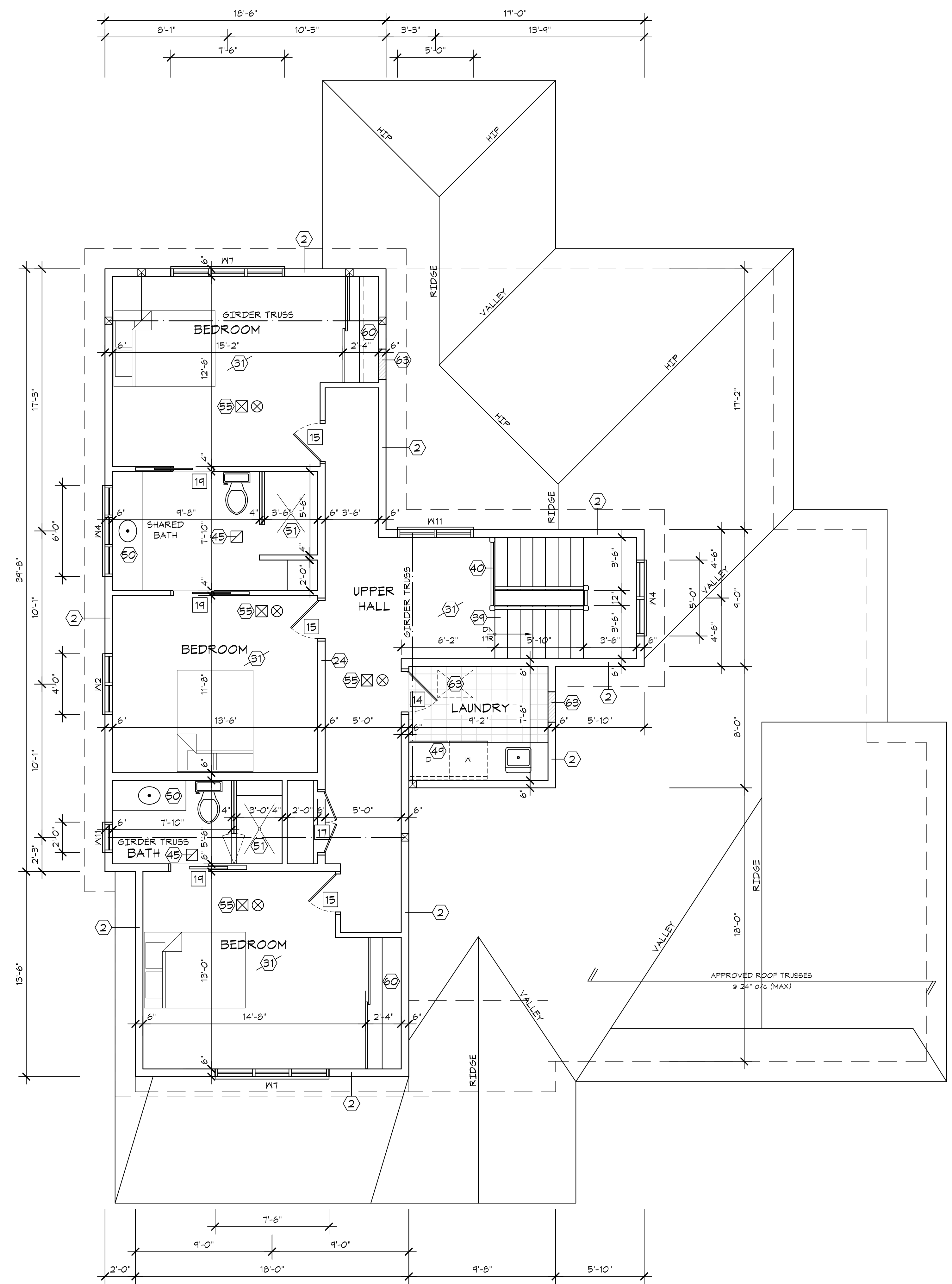
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SECOND FLOOR PLAN

PROPOSED LAYOUT
 FLOOR AREA = 1,227 sq.ft.
 OPEN SPACE = 68 sq.ft.
 TOTAL NET FLOOR AREA = 1,159 sq.ft. (107.67 sq.m.)

- Lintel / Header Schedule**
- W1 - 2-2"x6" Spruce
 - W2 - 2-2"x8" Spruce
 - W3 - 3-2"x8" Spruce
 - W4 - 2-2"x10" Spruce
 - W5 - 4-2"x10" Spruce
 - W6 - 4-2"x10" Spruce
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 - W14 - 3-1 1/2"x1 1/2" LVL Beam
 - W15 - 2-1 1/2"x14" LVL Beam
 - W16 - 3-1 1/2"x14" LVL Beam
 - W17 - 2-1 1/2"x16" LVL Beam
 - W18 - 3-1 1/2"x16" LVL Beam

- Steel Lintel Schedule**
- L1 - 3 1/2"x3 1/2"x3/8"
 - L2 - 4"x3 1/2"x3/8"
 - L3 - 4 1/2"x3 1/2"x3/8"
 - L4 - 5"x3 1/2"x3/8"
 - L5 - S10x23 steel beam with 8"x3/8" steel plate on bottom
 - L6 - W10x21 steel beam with 8"x3/8" steel plate on bottom

- Post Schedule**
- P1 - 2-2"x4" wood post
 - P2 - 3-2"x4" wood post
 - P3 - 2-2"x6" wood post
 - P4 - 3-2"x6" wood post
 - P5 - 6"x6" solid wood post
 - P6 - 8"x8" solid wood post
 - P7 - 3.5" dia. steel post
 - P8 - 4" HSS column

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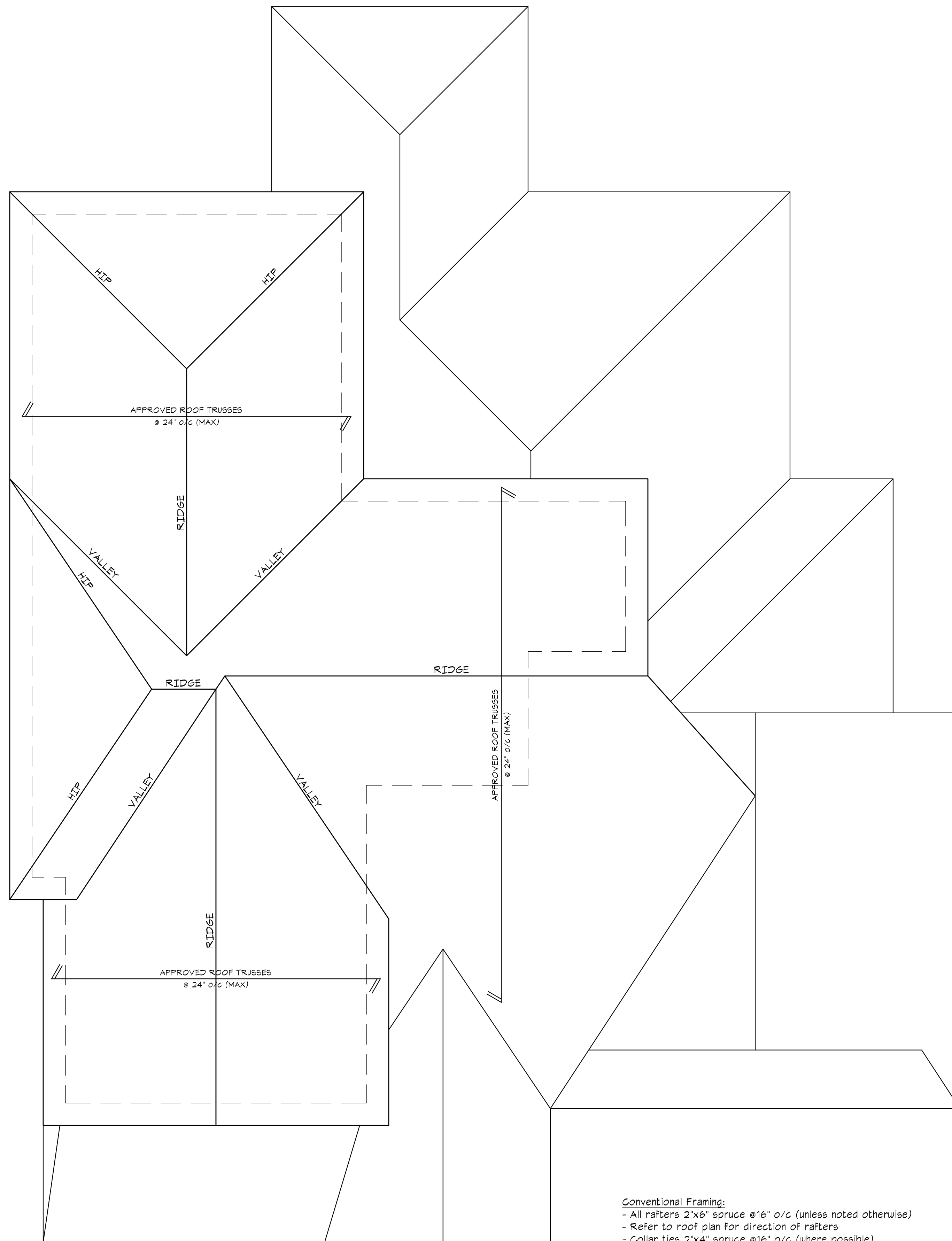
PROJECT TITLE

**PROPOSED SINGLE FAMILY DWELLING
 12 ROUGECREST DRIVE
 CITY OF MARKHAM**

THE GREGORY DESIGN GROUP

16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

SCALE	DATE
1/4"=1'-0"	01/18/22
PROJECT NUMBER	SHEET NUMBER
2260-21	A-3
DRAWN BY	CHECKED BY
S.Gregory	R.G.



ROOF PLAN

- Conventional Framing:**
- All rafters 2"x6" spruce @16" o/c (unless noted otherwise)
 - Refer to roof plan for direction of rafters
 - Collar ties 2"x4" spruce @16" o/c (where possible)
 - Ridge boards 2"x8" spruce
 - Valley boards 2"x8" spruce
 - Hip boards 2"x8" spruce
 - Support all hip and valley boards with posts and/or dwarf walls where necessary and/or possible

- Roof Truss:**
- Owner/Contractor must supply engineered truss drawings to Gregory Design and local building department for review
 - Refer to roof plan for direction of trusses
 - Any conventional framing must meet Ontario Building Code regulations
 - Roof trusses must not be manufactured prior to completion of foundation and verification of all dimensions
 - The Gregory Design Group assumes no responsibility for errors if dimensions for trusses are not verified

GENERAL NOTES:

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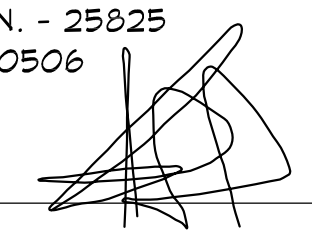
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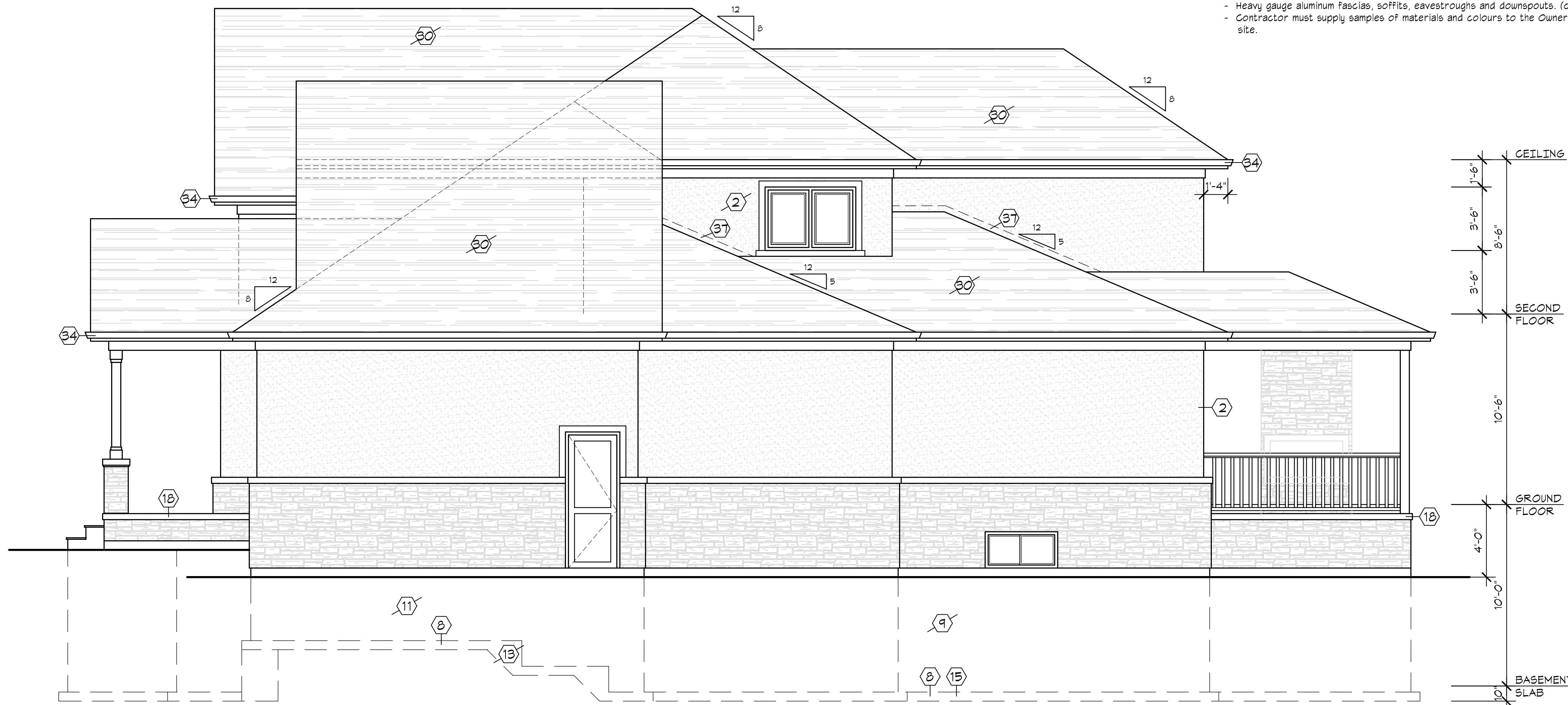
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SCALE 1/4"=1'-0"	DATE 01/18/22
PROJECT NUMBER 2260-21	SHEET NUMBER A-4
DRAWN BY S.Gregory	A-4
CHECKED BY R.G.	



FRONT (SOUTH) ELEVATION

- Notes For Elevations:**
- "Bradstone" architectural stone (or equal) or natural stone to be used where shown. (colour to be determined)
 - Approved stucco finish to CMC 12464-R (FUGG) requirements where shown. (colour to be determined)
 - All window sills to be cut stone in masonry areas.
 - All windows to be double glazed panes in aluminum or vinyl clad frames. (colour to be determined)
 - All roofing to be "IKO" Cambridge style asphalt shingles. (colour to be determined)
 - 6" stucco Frieze board to surround entire house below soffits. (colour to be determined)
 - Heavy gauge aluminum fascias, soffits, eavestroughs and downspouts. (colour to be determined)
 - Contractor must supply samples of materials and colours to the Owners for approval prior to installation on site.



RIGHT SIDE (EAST) ELEVATION

GENERAL NOTES:

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SCALE 1/4"=1'-0"	DATE 01/18/22
PROJECT NUMBER 2260-21	SHEET NUMBER A-5
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR (NORTH) ELEVATION

- Notes For Elevations:**
- Bradstone® architectural stone (or equal) or natural stone to be used where shown. (colour to be determined)
 - Approved stucco finish to CGMG 12R64-R (PUGG) requirements where shown. (colour to be determined)
 - All window sills to be cut stone in masonry areas.
 - All windows to be double glazed panes in aluminum or vinyl clad frames. (colour to be determined)
 - All roofing to be "IKO" Cambridge style asphalt shingles. (colour to be determined)
 - 6" stucco frieze board to surround entire house below soffits. (colour to be determined)
 - Heavy gauge aluminum fascias, soffits, eavestroughs and downspouts. (colour to be determined)
 - Contractor must supply samples of materials and colours to the Owners for approval prior to installation on site.



LEFT SIDE (WEST) ELEVATION

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

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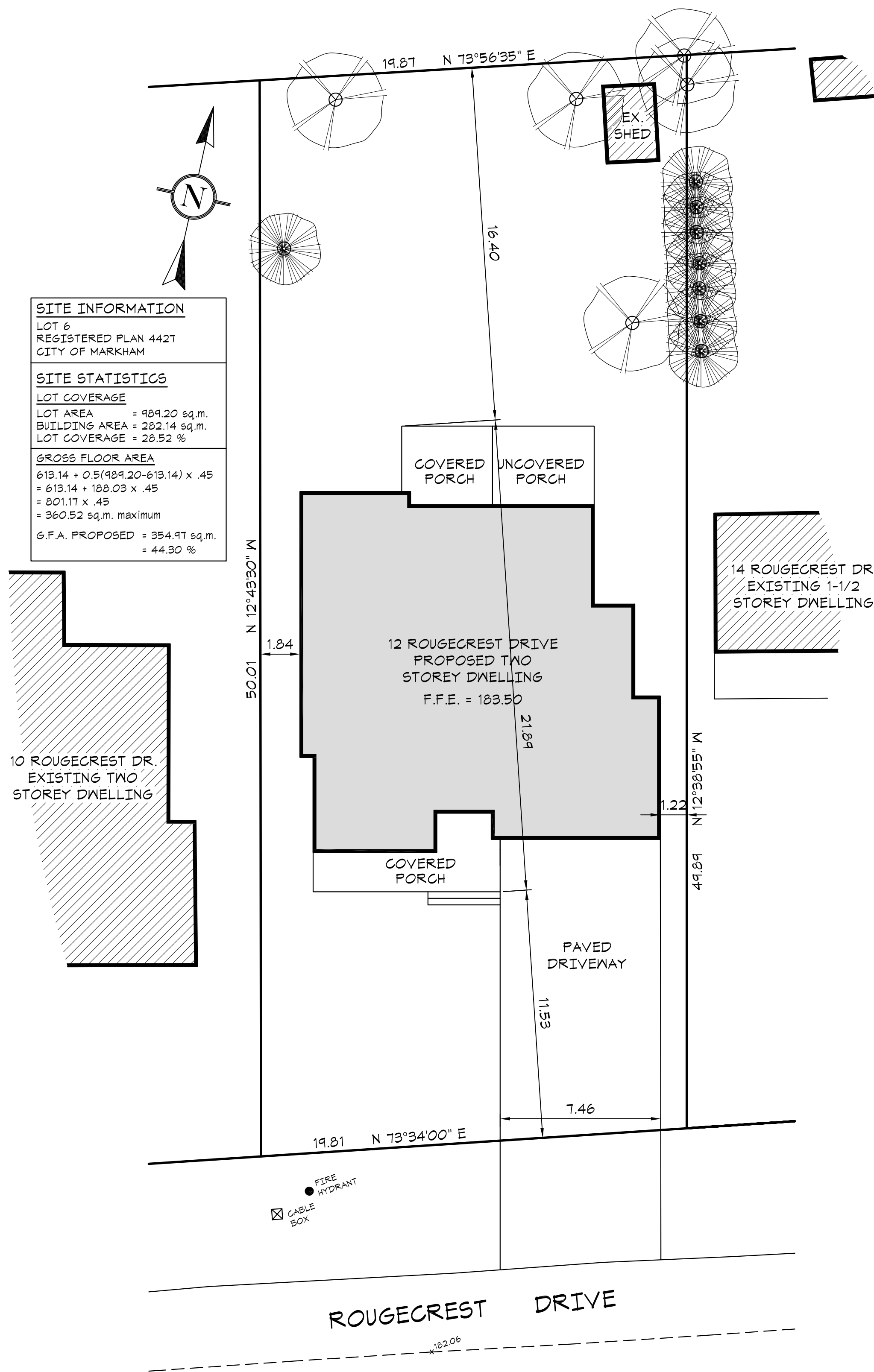
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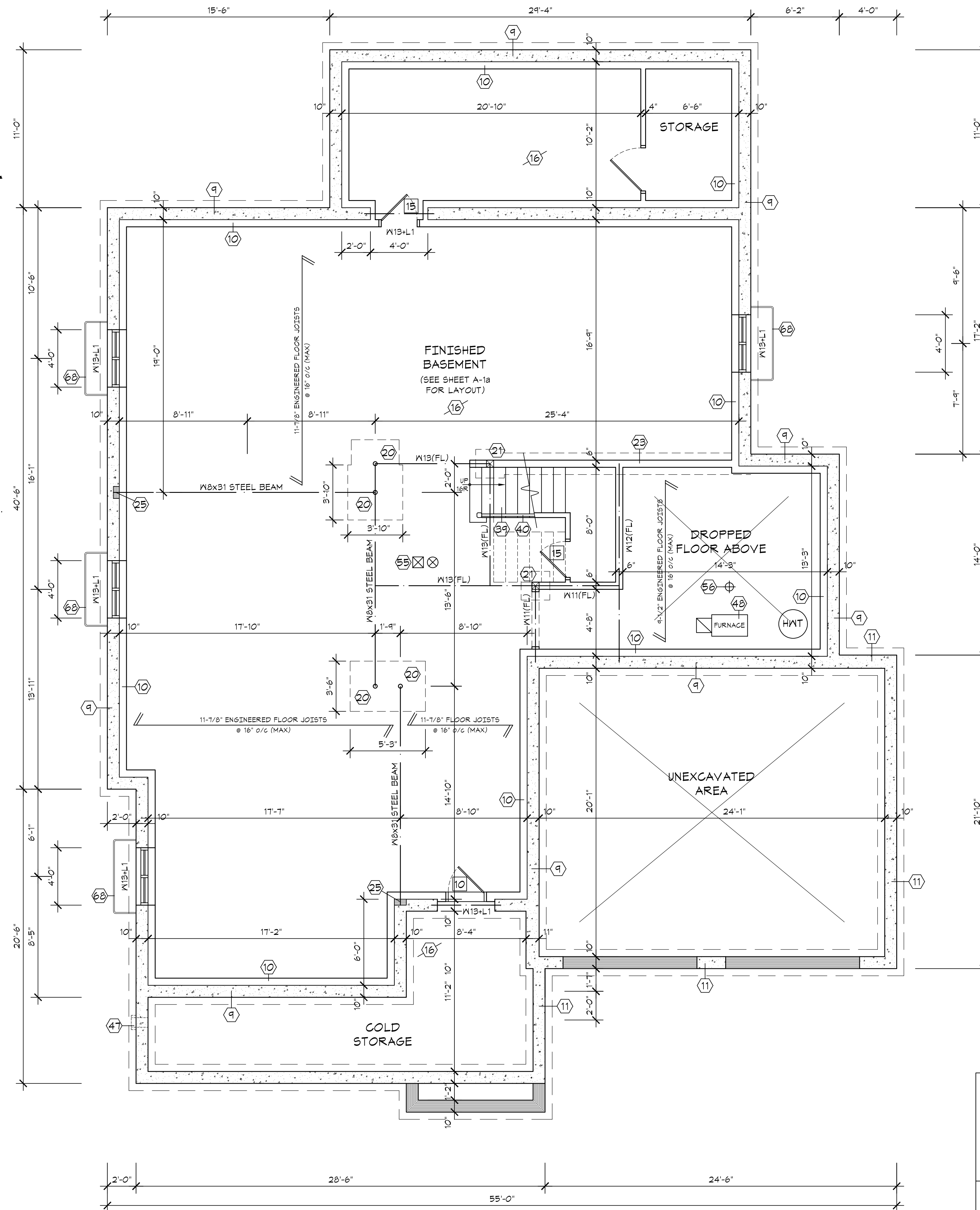
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DRAWN BY S.Gregory	CHECKED BY R.G.

SITE INFORMATION	
LOT 6	REGISTERED PLAN 4427
CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	= 98.20 sq.m.
BUILDING AREA	= 282.14 sq.m.
LOT COVERAGE	= 28.52 %
GROSS FLOOR AREA	
613.14 + 0.5(989.20-613.14) x .45	
= 613.14 + 188.03 x .45	
= 801.17 x .45	
= 360.52 sq.m. maximum	
G.F.A. PROPOSED = 354.97 sq.m.	
= 44.30 %	



SITE PLAN
SCALE = 1:150



BASEMENT & FOUNDATION PLAN

Lintel / Header Schedule

- W1 - 2-2"x6" Spruce
- W2 - 2-2"x8" Spruce
- W3 - 3-2"x8" Spruce
- W4 - 3-2"x10" Spruce
- W5 - 4-2"x10" Spruce
- W6 - 4-2"x12" Spruce
- W7 - 3-2"x12" Spruce
- W8 - 3-2"x12" Spruce
- W9 - 2-1 1/2"x1 1/2" LVL Beam
- W10 - 3-1 1/2"x1 1/2" LVL Beam
- W11 - 2-1 1/2"x1 1/2" LVL Beam
- W12 - 3-1 1/2"x1 1/2" LVL Beam
- W13 - 2-1 1/2"x1 1/2" LVL Beam
- W14 - 3-1 1/2"x1 1/2" LVL Beam
- W15 - 2-1 1/2"x1 1/2" LVL Beam
- W16 - 3-1 1/2"x1 1/2" LVL Beam
- W17 - 2-1 1/2"x1 1/2" LVL Beam
- W18 - 3-1 1/2"x1 1/2" LVL Beam

Steel Lintel Schedule

- L1 - 3 1/2"x3 1/2"x3/8"
- L2 - 4"x3 1/2"x3/8"
- L3 - 4 1/2"x3 1/2"x3/8"
- L4 - 5"x3 1/2"x3/8"
- L5 - 10x23 steel beam with 8"x3/8" steel plate on bottom
- L6 - 10x21 steel beam with 8"x3/8" steel plate on bottom

Post Schedule

- P1 - 2-2"x4" wood post
- P2 - 3-2"x4" wood post
- P3 - 2-2"x6" wood post
- P4 - 3-2"x6" wood post
- P5 - 6"x6" solid wood post
- P6 - 8"x8" solid wood post
- P7 - 3.5" dia. steel post
- P8 - 4" HSS column

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "A" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

**PROPOSED SINGLE FAMILY DWELLING
12 ROUGECREST DRIVE
CITY OF MARKHAM**

THE GREGORY DESIGN GROUP

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MARKHAM, ONTARIO L3P 2L6
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SCALE 1/4"=1'-0"	DATE 01/18/22
PROJECT NUMBER 2260-21	SHEET NUMBER A-1
DRAWN BY S.Gregory	CHECKED BY R.G.