

# Memorandum to the City of Markham Committee of Adjustment

May 19, 2022

**File:** A/059/22  
**Address:** 11 Jonquil Crescent – Markham, ON  
**Applicant:** Hai Yun  
**Agent:** AND Architecture Inc. (Sam Wu)  
**Hearing Date:** May 25, 2022

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

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

a maximum height of 10.32 m (33.86 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft); and

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

a maximum floor area ratio of 49.90%, whereas the By-law permits a maximum of 45.0%.

## PROPERTY DESCRIPTION

The 978.92 m<sup>2</sup> (10,537.0 ft<sup>2</sup>) subject property is located on the east side of Jonquil Crescent, north of Highway 7 East, west of Hawkridge Avenue, and south of Bullock Drive. The property is developed with a one-storey detached dwelling and rear yard shed. Mature vegetation exists throughout. The property is located within an established residential neighbourhood comprised of a mix of low rise dwellings, which vary in terms of their mass, architecture, height, and depth. The street and surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

## PROPOSAL

The applicant is proposing to remove the rear yard shed and demolish the existing dwelling, to construct a new two-storey single detached dwelling. The proposed dwelling would have a ground floor area of 217.57 m<sup>2</sup> (2,342.0 ft<sup>2</sup>), a second floor area of 178.50 m<sup>2</sup> (1,921.0 ft<sup>2</sup>), for a total gross floor area of 396.07 m<sup>2</sup> (4,263.0 ft<sup>2</sup>), and a height of 10.32 m (33.86 ft).

## 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 and purpose of the 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 street, while accommodating a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

### Zoning By-Law 1229

The subject property is zoned “Residential One – (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 generally maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum floor area ratio, and maximum height.

### **ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN**

The owner has completed a ZPR on April 6, 2022 to confirm the variances required for the proposed development.

### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Height

The applicant is requesting relief to permit a maximum building height of 10.32 m (33.86 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft). This is an increase of 0.52 m (1.71 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street at the midpoint of the front lot line to the highest point of the roof surface. The grade at the front of the house is approximately 1.11 m (3.64 ft) above the crown of the street. The requested variance is partially attributable to the higher grade at the front of the proposed dwelling. The requested variance would permit a two-storey dwelling that is generally consistent with the varying heights of dwellings along the street, and within the surrounding area. Staff are of the opinion that the general intent and purpose of the By-law is maintained and have no objections to its approval.

### Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a maximum floor area ratio of 49.90%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 397.22 m<sup>2</sup> (4,275.68 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 358.22 m<sup>2</sup> (3,855.83 ft<sup>2</sup>). This is an increase of 39.0 m<sup>2</sup> (419.85 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. With the exception of the requested variance to the maximum building height, the proposed

dwelling meets all other zoning provisions including setbacks and lot coverage that assists in establishing the prescribed building envelope. Staff are of the opinion that the proposed dwelling is in keeping with the intended scale and size of residential infill developments in the neighbourhood, and that the requested variance maintains the general intent and purpose of the By-law

#### Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff also note that property owners are 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 May 19, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

#### **CONCLUSION**

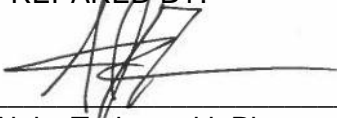
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the requested variances meet the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

#### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

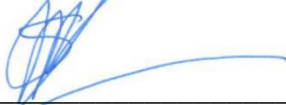
PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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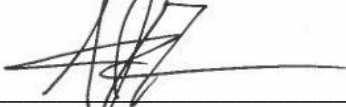
Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/059/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the 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.

CONDITIONS PREPARED BY:



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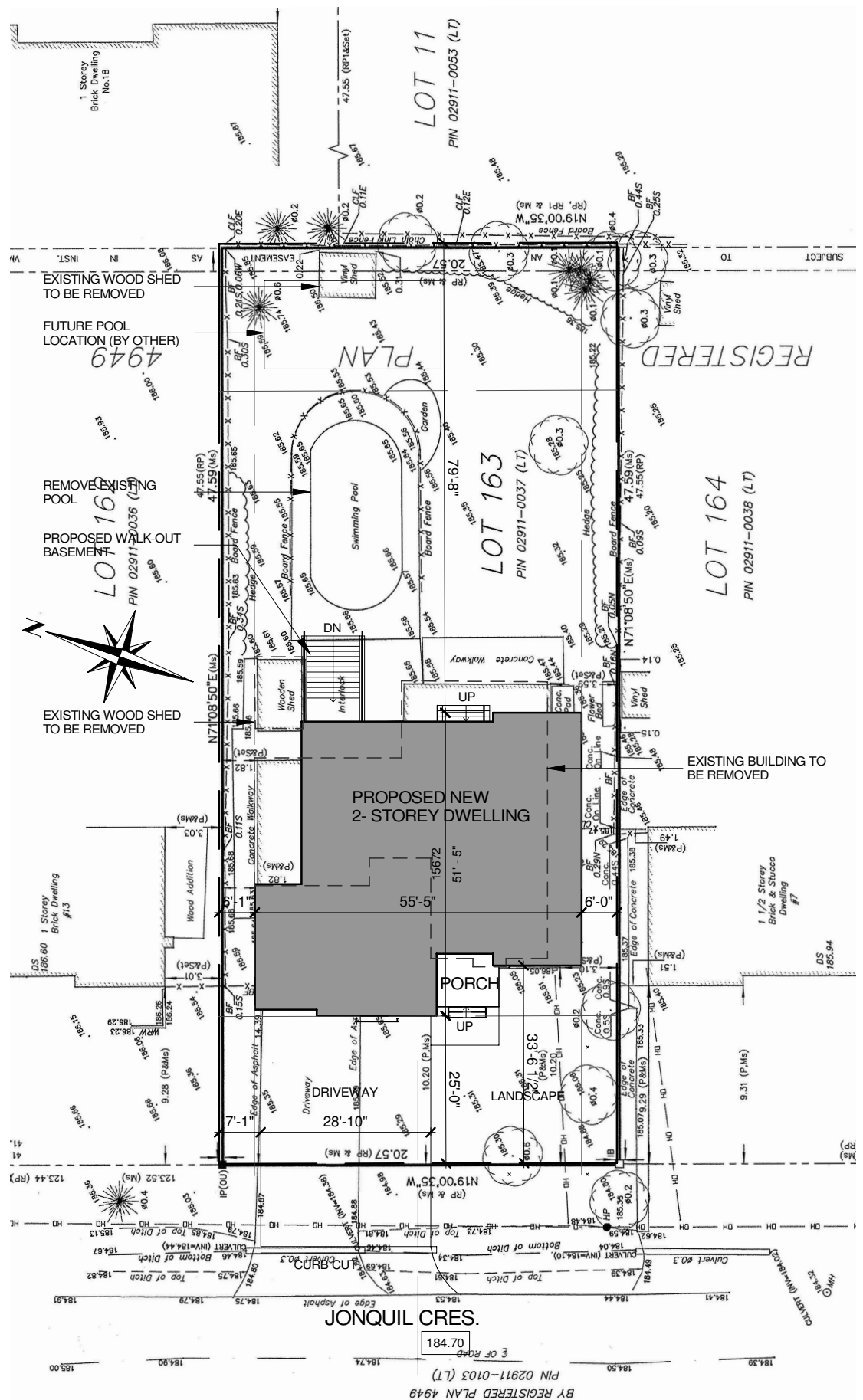
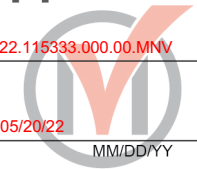
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/059/22**

# Appendix B

File: 22.115333.000.00.MNV

Date: 05/20/22  
MM/DD/YY



## SITE STATISTICS

ZONING CATEGORY:  
R1 - RESIDENTIAL

LOT AREA: 978.92 m<sup>2</sup> (10,537 SF)

DESCRIPTION	PERMITTED / REQUIRED	PROPOSED
HEIGHT	9.8M MAX.	10.32M
FRONT YARD SETBACK	25'-0" MIN.	25'-0"
SIDE YARD SETBACKS	6'-0" MIN.	6'-0"
REAR YARD SETBACK	25'-0" MIN.	78'-10"
BUILDING DEPTH	16.8M MAX.	15.57M
LOT COVERAGE	35% MAX.	23.08%
NET FLOOR ARE RATIO	45% MAX.	49.9%

## GROSS FLOOR AREA (GFA)

FLOOR	GFA*
GROUND FLOOR	217.57 m <sup>2</sup> (2,342 SF)*
SECOND FLOOR	178.50 m <sup>2</sup> (1,921 SF)
TOTAL	396.07 m <sup>2</sup> (4,263 SF)

BASEMENT	225.47 m <sup>2</sup> (2,427 SF)
GARAGE	60.77 m <sup>2</sup> ( 654 SF)

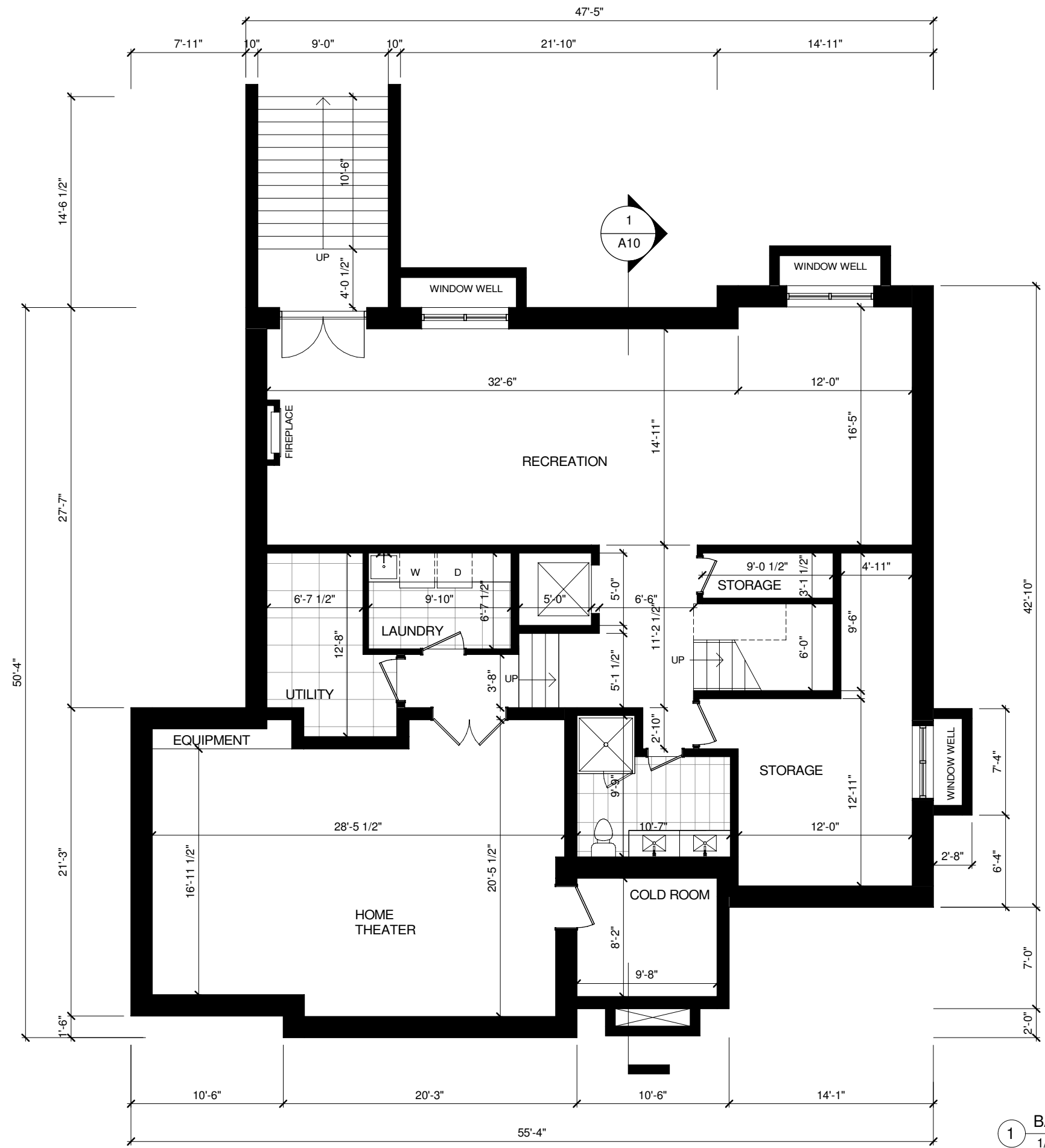
\* GFA DOES NOT INCLUDE BASEMENT  
\* GROUND FLOOR INCLUDING GARAGE AREA

1 SITE PLAN  
1 : 300

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1	2022.03.04	ISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By

Project : PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
	Scale : As indicated	
Drawing Name : SITE PLAN	Drawn by : Author	Drawing No
	Checked by : Checker	A01

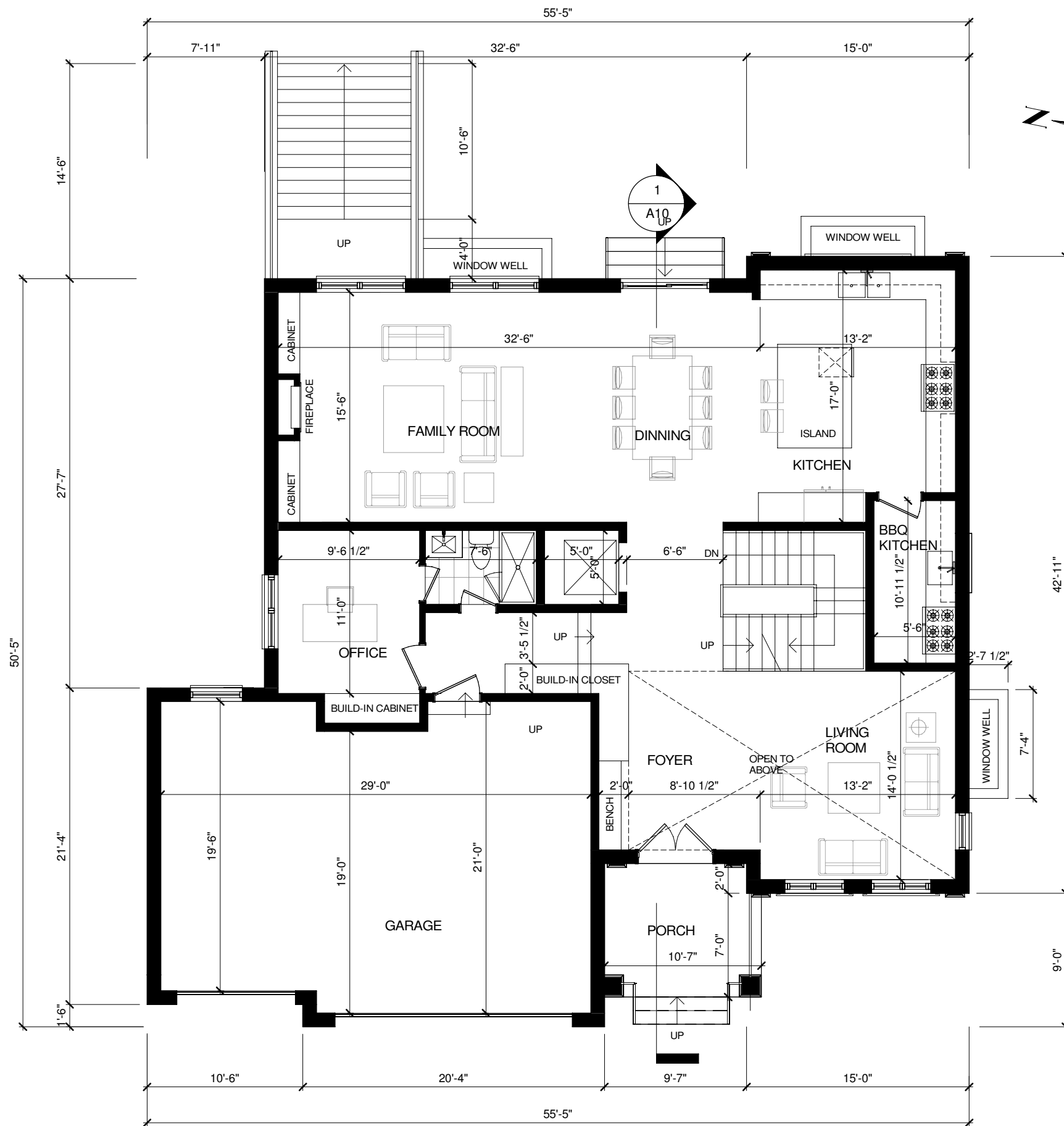


**1 BASEMENT**  
1/8" = 1'-0"

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<b>Project :</b> PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
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<b>Drawing Name :</b> BASEMENT PLAN	Drawn by : Author	Drawing No
	Checked by : Checker	A02



1 GROUND FLOOR  
1/8" = 1'-0"

**Appendix B**

File: 22.115333.000.00.MNV

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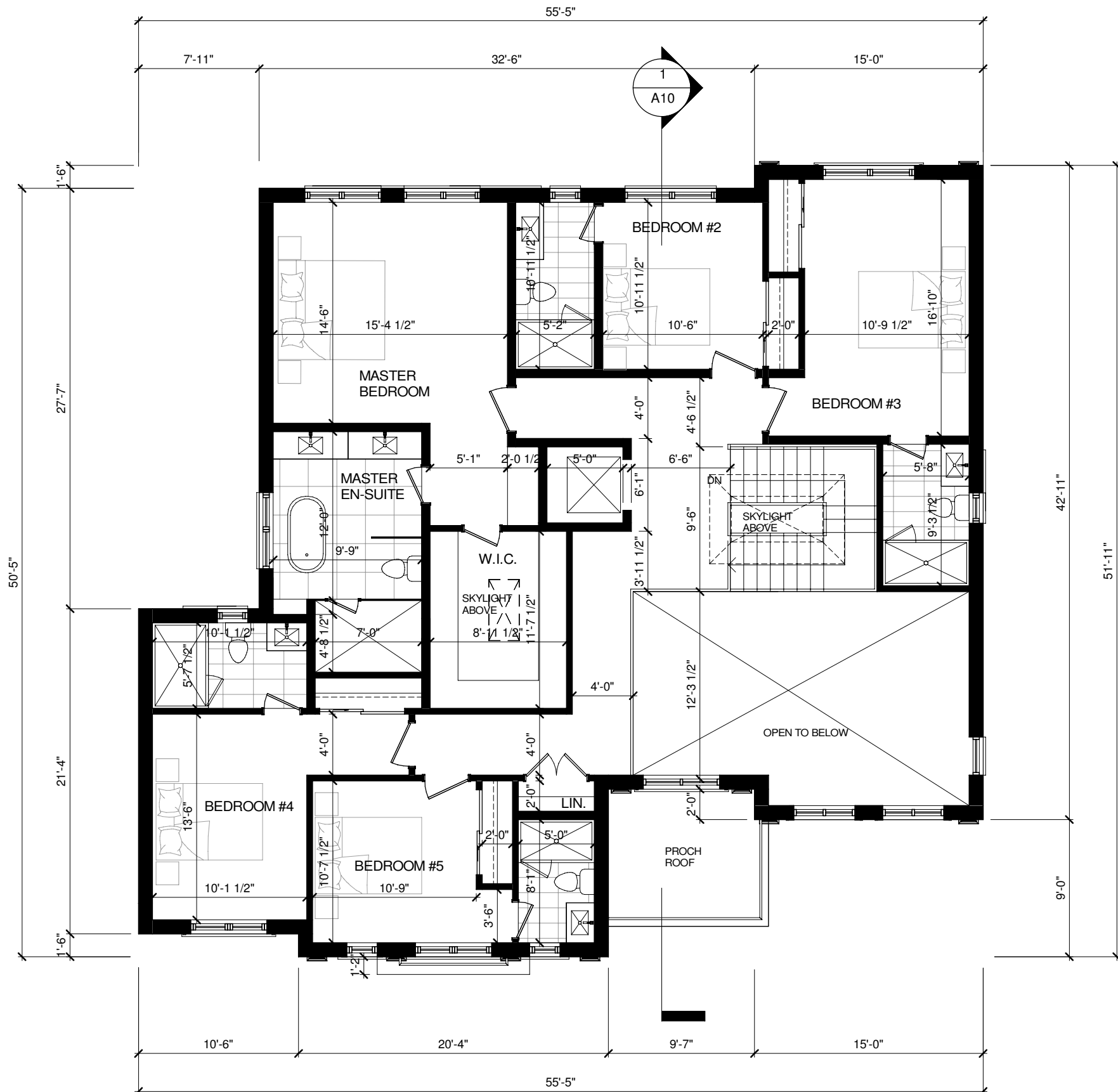
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	Checked by : Checker	A03



# Appendix B

File: 22.115333.000.00.MNV

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1 SECOND FLOOR  
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By

<b>Project :</b> PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
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<b>Drawing Name :</b> SECOND FLOOR PLAN	Drawn by : Author	Drawing No
	Checked by : Checker	A04

# Appendix B

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1 WEST ELEVATION  
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By

Project : PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
	Scale : 1/8" = 1'-0"	
Drawing Name : WEST ELEVATION	Drawn by : Author	Drawing No
	Checked by : Checker	A06

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File: 22.115333.000.00.MNV

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No.	Date:	Issued/Revision:	By

<b>Project :</b> PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
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<b>Drawing Name :</b> SOUTH ELEVATION	Drawn by : Author	Drawing No
	Checked by : Checker	A07

# Appendix B

File: 22.115333.000.00.MNV

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

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No.	Date:	Issued/Revision:	By

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Drawing Name : EAST ELEVATION	Drawn by : Author	Drawing No
	Checked by : Checker	A08

# Appendix B

File: 22.115333.000.00.MNV

Date: 05/20/22  
MM/DD/YY



1 NORTH ELEVATION  
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By

Project : PRIVATE RESIDENCE 11 JONQUIL CRES UNIONVILLE ONTARIO	Date : 2022.03	Project No AND-22007
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