

Memorandum to the City of Markham Committee of Adjustment
February 07, 2022

File: A/184/21
Address: 18 Forest Park Crescent, Thornhill
Applicant: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday, February 16, 2022

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

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3) zone in By-law 2237, as amended, to permit:

- a) **Amending By-law 101-90, Section 1.2 (i):**
a maximum building height of 10.84 metres; whereas, the By-law permits a maximum building height of 9.80 metres;
- b) **By-law 2237, Section 6.1:**
a minimum front yard setback of 21.5 ft; whereas, the By-law permits a minimum front yard setback of 27.0 ft;
- c) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 58.3 percent (4,478 ft²); whereas, the By-law permits a maximum floor area ratio of 50.0 percent (3,839 ft²);
- d) **By-law 2237, Section 6.1:**
a maximum lot coverage of 38.3 percent (3,014 ft²); whereas, the By-law permits a maximum lot coverage of 33 1/3 percent (2,616 ft²);
- e) **Amending By-law 101-90, Section 1.2 (vi):**
a maximum building depth of 21.94 m; whereas, the By-law permits a maximum building depth of 16.80 m;

as it relates to a proposed single detached dwelling.

BACKGROUND

Property Description

The 724.43 m² (7,797.70 ft²) subject property is located on the west side of Forest Park Crescent, north of John Street and east of Yonge Street. There is an existing two storey single-detached dwelling on the property, which according to assessment records was constructed in 1976. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The subject property is partially located within TRCA's Regulated Area as the rear portion of the site is traversed by a valley corridor associated with the Don River Watershed.

Proposal

The applicant is proposing to demolish the existing two storey single-detached dwelling and construct a new two storey single-detached dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2014 Official Plan outlines infill development criteria for the ‘Residential – Low Rise’ designation with respect to height, massing and setbacks. This criteria is established to ensure that infill 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 infill 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 and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned Third Density Single Family Residential (R3) under By-law 2237, as amended, which permits single-detached dwellings. The proposed development does not comply with the By-law requirements with respect to the minimum front yard setback and maximum lot coverage.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 the maximum building height, maximum building depth, and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on November 17, 2021 to confirm the variances required for the proposed development.

Tree Preservation

The applicant will be required to submit a Tree Inventory and Preservation Plan as part of their Residential Infill Grading and Servicing application. Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix A.

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 Height

The applicant is requesting relief to permit a maximum building height of 10.84 m (35.56 ft.), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft.). This represents an increase of 1.04 m (3.41 ft.). Staff are of the opinion the proposed

height variance will not adversely impact the character of the neighbourhood and is appropriate for the lot.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 21.5 ft. (6.55 m), whereas the By-law requires a minimum front yard setback of 27.0 ft. (8.23 m). This represents a reduction of approximately 5.5 ft. (1.68 m). The variance is in part attributed to the front covered porch (see Site Plan, Appendix B). The main front wall of the building provides a front yard setback of 25 ft. (7.62 m) and is generally consistent with the established front yard setback pattern on the street. For these reasons, Staff have no objections to the requested variance.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 58.3 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 416.02 m² (4,478 ft²), whereas the By-law permits a dwelling with a maximum floor area of 356.65 m² (3,839 ft²). This represents an increase of approximately 59.37 m² (639.05 ft²), or 16.6 %.

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 generally meets other zoning provisions including side and rear yard setbacks which ensures appropriate separation from adjacent dwellings. Staff are of the opinion the proposed floor area ratio does not significantly add to the scale and massing of the dwelling and have no objections to the requested variance.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 38.3 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent. The proposed lot coverage includes the front and rear covered porch which adds approximately 50 m² (538.20 ft²) to the overall building area. Excluding the front and rear covered porches, the building has a lot coverage of approximately 32 percent and would comply with the By-law requirement. Staff are of the opinion that the proposed increase in lot coverage is minor in nature and compatible with other dwellings in the neighbourhood.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.94 m (71.98 ft.), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft.). This represents an increase of approximately 5.14 m (16.86 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 and rear covered porch which adds approximately 4.64 m (15.22 ft.) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 17.3 m (56.76 ft.). Staff are of the opinion that the proposed increase in building depth is minor in nature and generally consistent with what the By-law permits.

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within the Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on January 27, 2022 indicating that they have no objections subject to conditions outlined in their letter attached as Appendix C.

Heritage Markham

As identified in the 2014 Official Plan, the subject property is located adjacent to the Thornhill Heritage Conservation District (THCD). The 2014 Official Plan directs Staff to review any application for development approval on lands adjacent to cultural heritage resources (individual or a district) to ensure the integrity of these resources are maintained. This review includes Minor Variance applications. Heritage Staff have indicated they have no objections to the requested variances from a heritage perspective. On February 9, 2022, the Heritage Markham Committee also provided no objection from a heritage perspective to the requested variances to permit a new detached dwelling on the subject lands.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 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.

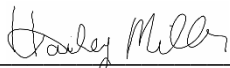
CONCLUSION

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 variances requested meet 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.

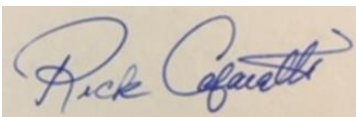
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner I, West District

REVIEWED BY:




Rick Cefaratti, MCIP, RPP, Senior Planner, West District

APPENDIX "A"

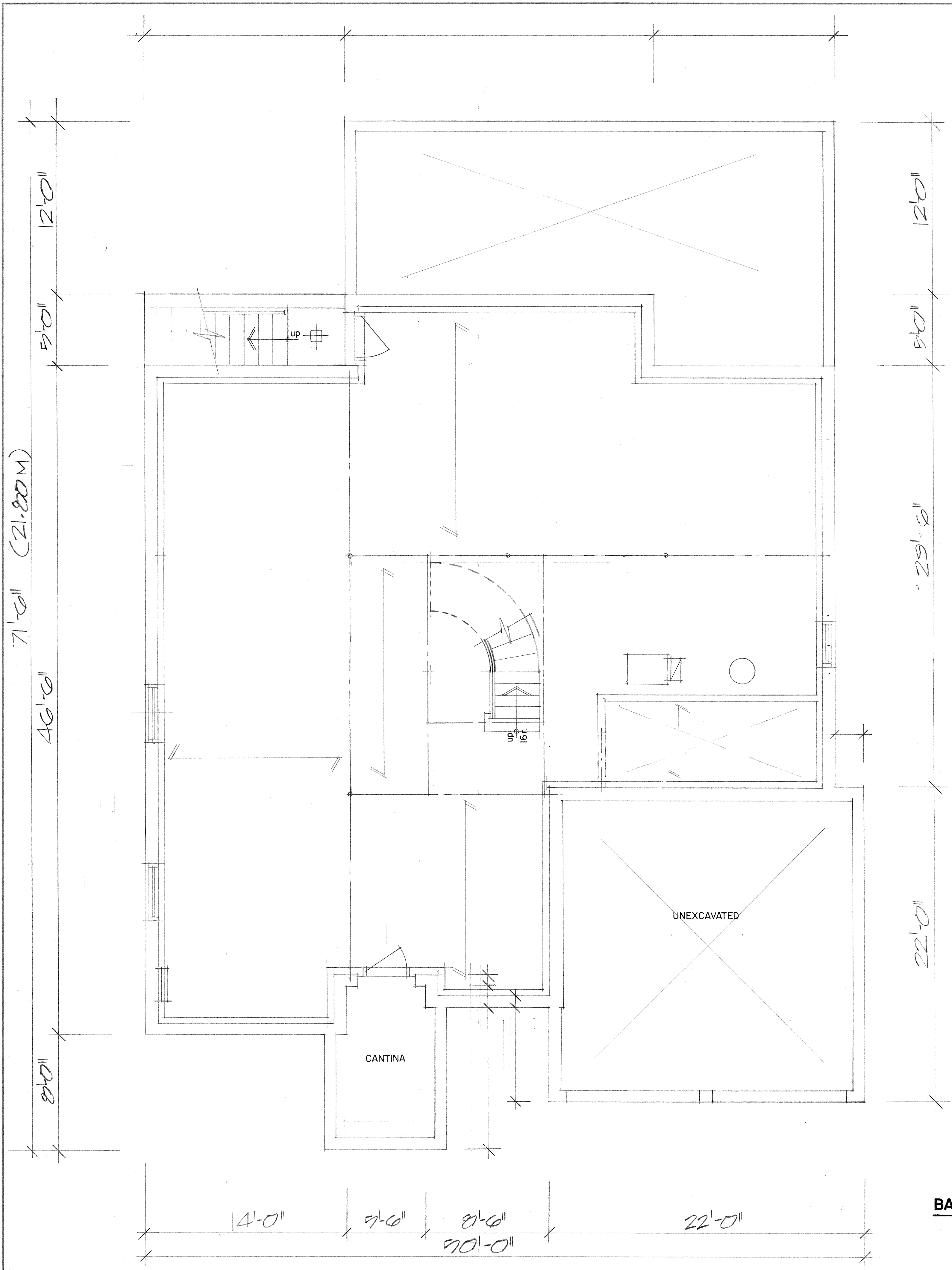
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/184/21

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 Director of Operations 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 Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations; and,
6. That the applicant satisfies the requirements of the *TRCA*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as 'Appendix C' to this Staff Report, to the satisfaction of the *TRCA*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *TRCA*.

CONDITIONS PREPARED BY:

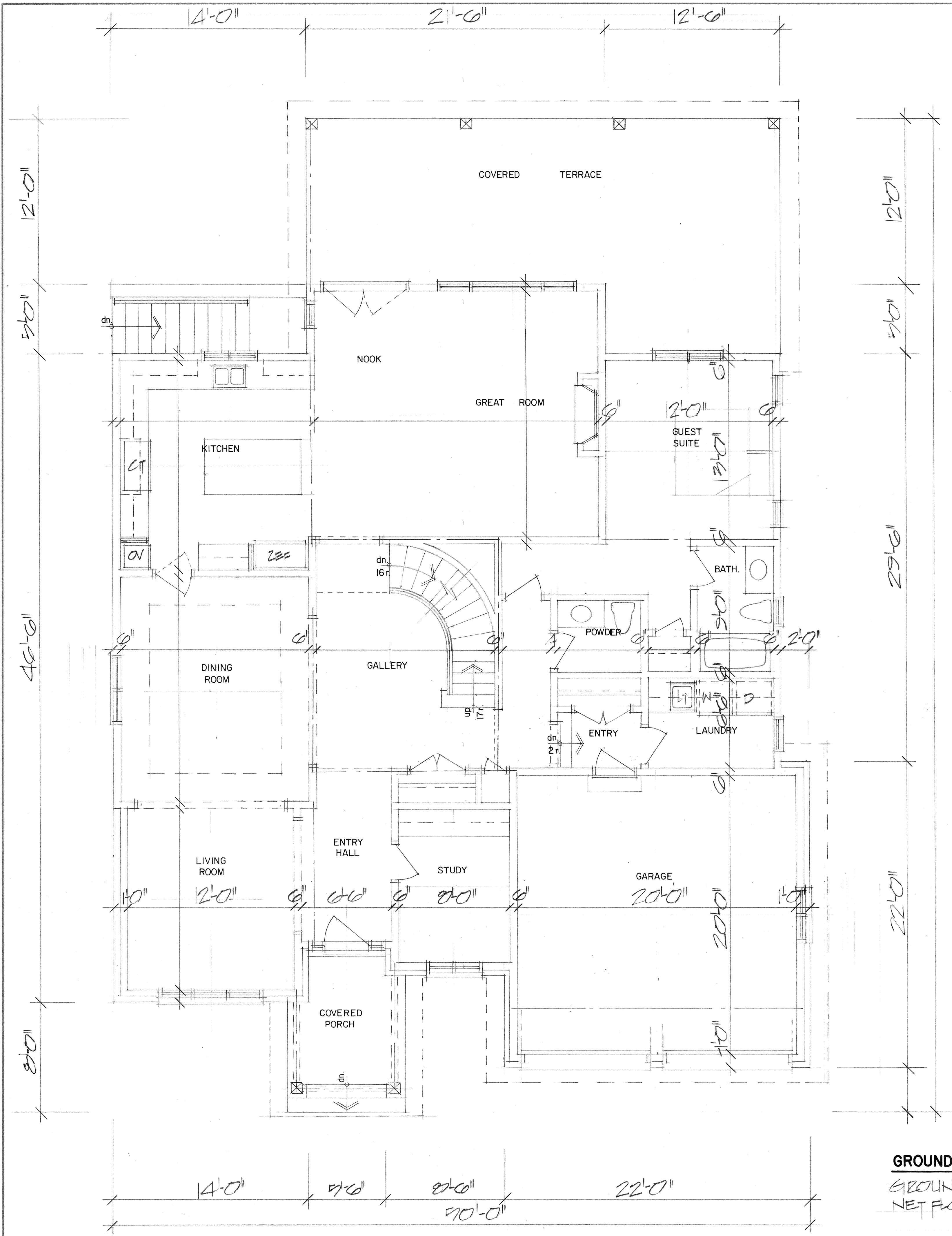


Hailey Miller, Planner I, West District



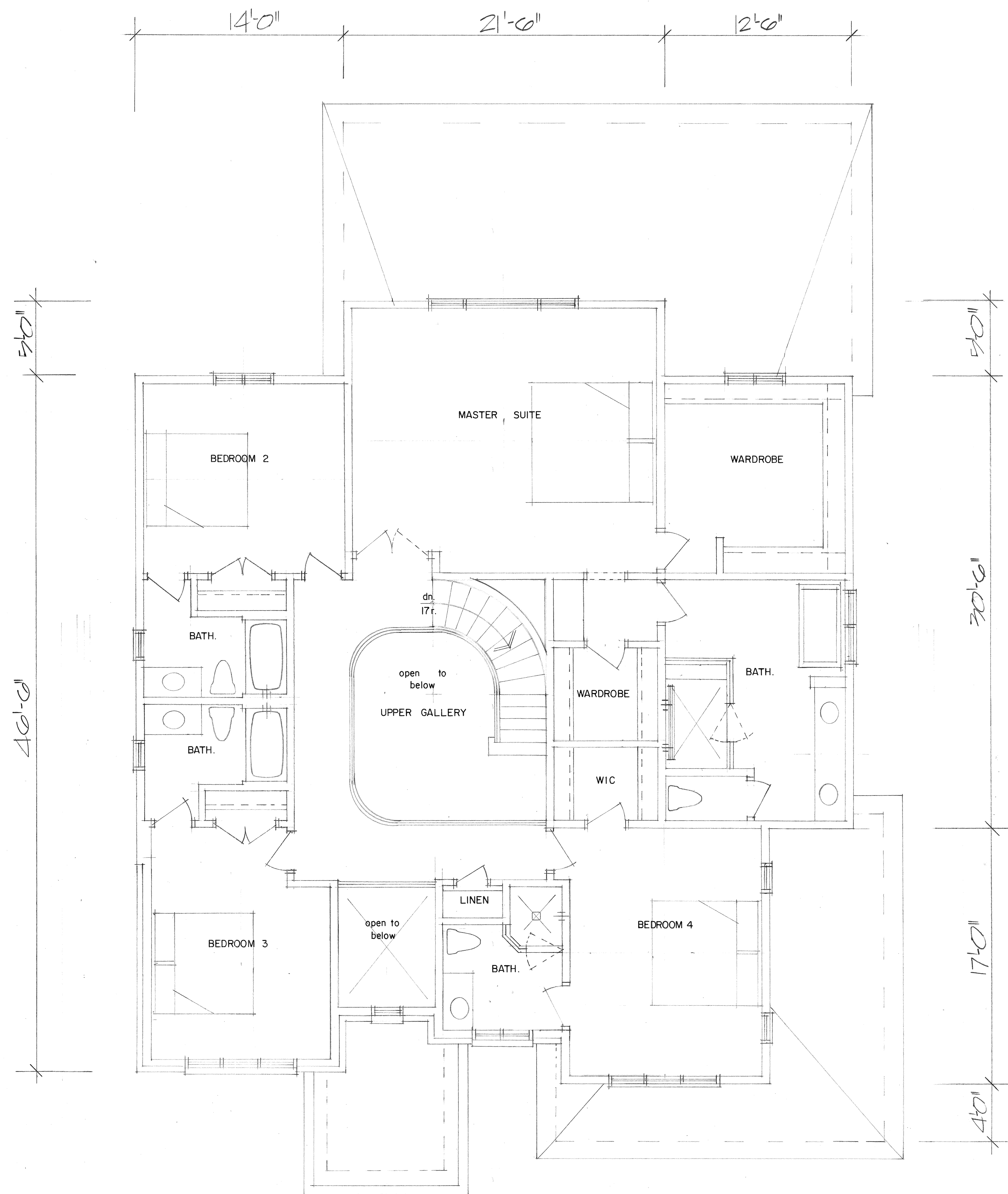
BASEMENT & FOUNDATION PLAN

PROJECT: HOUSE 2328	<small>I review and take responsibility for the design work on behalf of a firm registered under subsection 2.24 of Division C of the Building Code. I am qualified, and the firm registered, in the appropriate class/categories.</small>	DRAWN: R. GREGORY
18 FOREST PARK CR. CITY OF MARKHAM	<small>INDIVIDUAL B.C.L.N. - 25825 FIRM B.C.L.N. - 30595</small> Russ Gregory <small>NAME</small>	DATE: 11/11/21 SCALE: 1/4"=1'-0"
THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3R 2L6 (416) 720-4667 russ@gregorydesigngroup.net	GENERAL NOTES: <small>All construction is to conform to section "B" 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 reclaim and destroy all previous and un-revised copies of this drawing and/or its clients only. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.</small>	PROJECT NO.: 2328-21 DRAWING NO.: A-1



GROUND FLOOR PLAN
 GROUND FLOOR AREA = 2011 SQ FT
 NET FLOOR AREA = 2461 " "
 BUILDING AREA = 3013 SQ FT

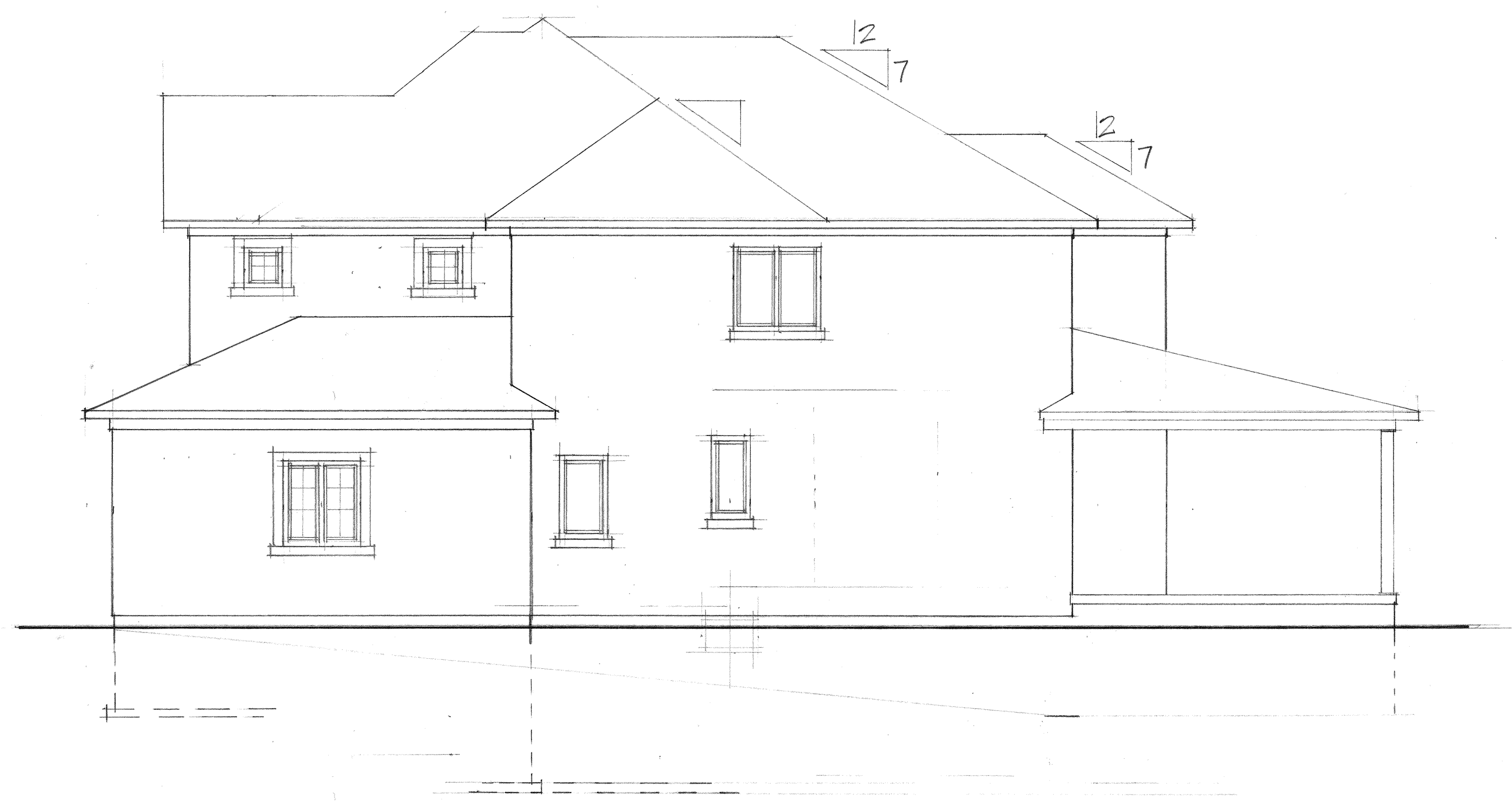
PROJECT: HOUSE 2328	1 review and take responsibility for the design work on behalf of a firm registered under subsection 2.24 of Division C of the Building Code. I am qualified, and the firm registered, in the appropriate classification category.	DRAWN: R. GREGORY
18 FOREST PARK CR. CITY OF MARKHAM	INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30506	DATE:
THE GREGORY DESIGN GROUP	NAME Russ Gregory	SCALE: 1/4"=1'-0"
16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	GENERAL NOTES: All construction is to conform to section "B" 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 reclaim and destroy all previous and un-revised copies of this drawing and/or its contents only. Building permits should be obtained prior to commencing construction.	PROJECT NO.: 21-18-21
		DRAWING NO.: A-2



SECOND FLOOR PLAN

SECOND FLOOR AREA = 2242 SQ FT
 OPEN SPACE = 237.7 " "
 NET FLOOR AREA = 2004.3 " "

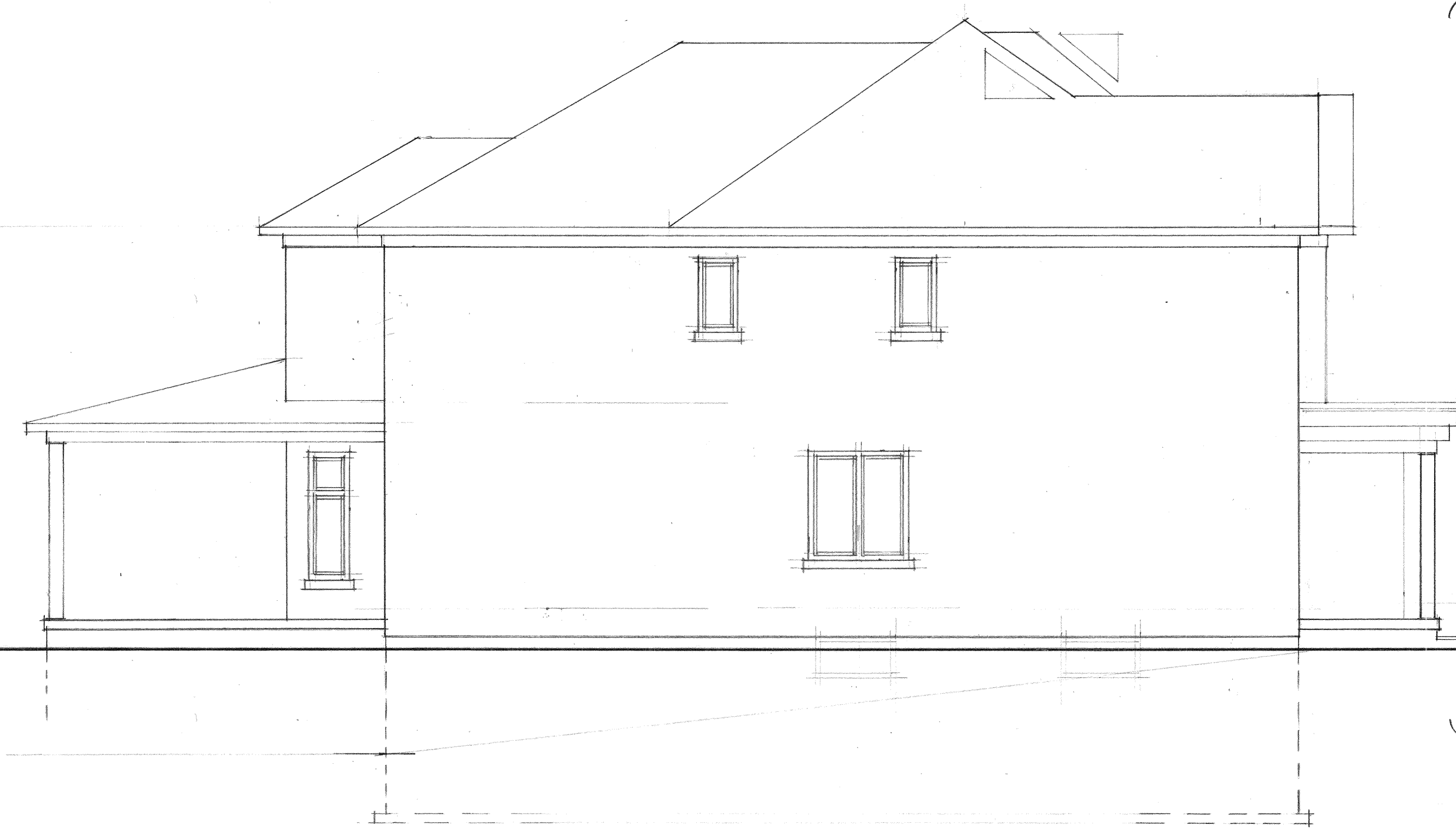
PROJECT: HOUSE 2328	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.24 of Division C, of the Building Code, I am qualified, and the firm registered, in the appropriate class/categories. INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30306	DRAWN: R. GREGORY DATE:
18 FOREST PARK CR. CITY OF MARKHAM	NAME: Russ Gregory SIGNATURE:	SCALE: 1/4"=1'-0"
THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	GENERAL NOTES: All construction is to conform to section "M" 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 and/or its clients only. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	PROJECT NO.: 2328-21 DRAWING NO.: A-3



RIGHT SIDE



REAR ELEVATION

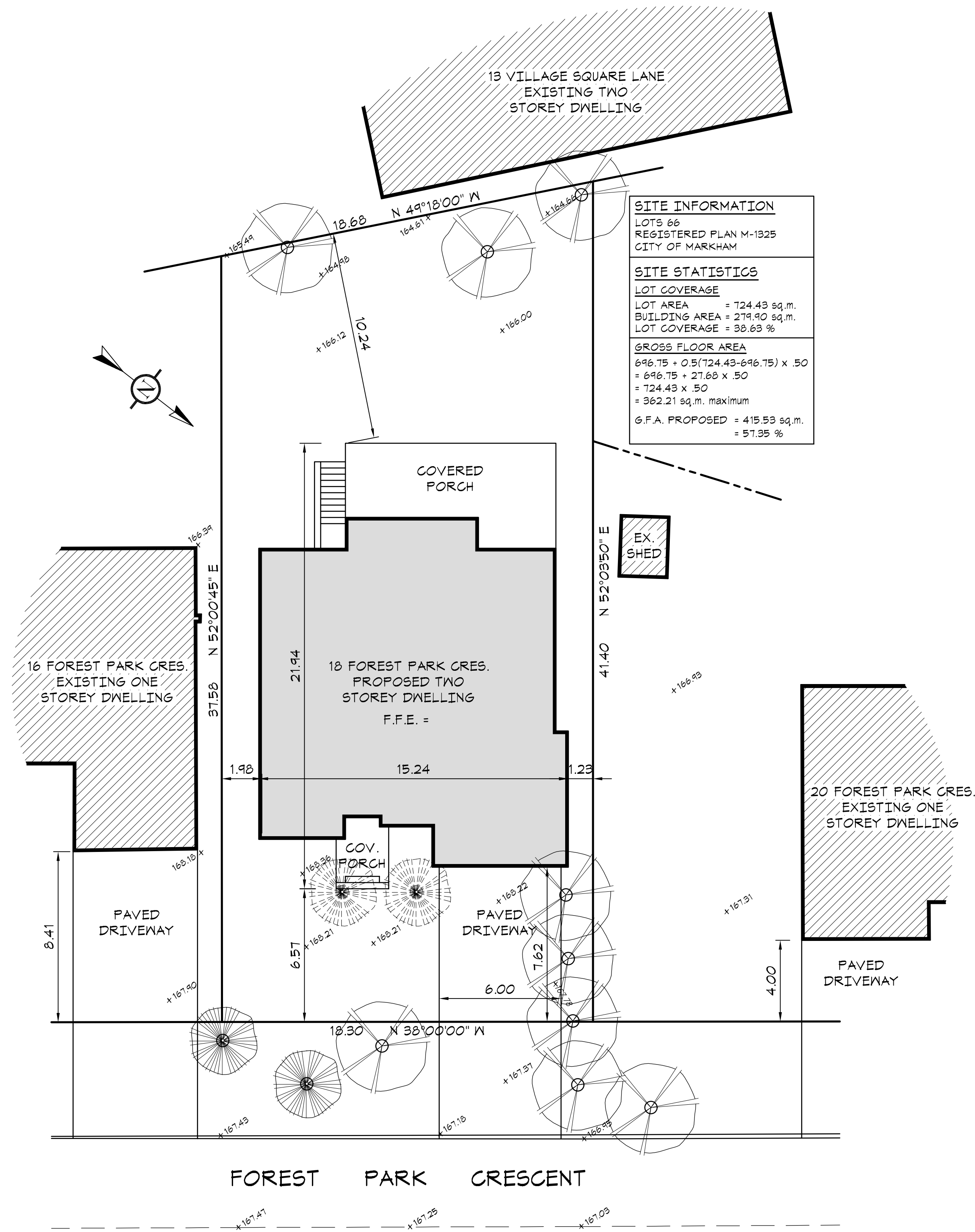


LEFT SIDE



FRONT ELEVATION

<p>PROJECT: HOUSE 2328</p> <p>18 FOREST PARK CR. CITY OF MARKHAM</p> <p>THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net</p>	<p>I review and take responsibility for the design work on behalf of a firm registered under subsection 2.24 of Division 2 of the Building Code, I am qualified, and the firm registered, in the appropriate class/categories.</p> <p>INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30508</p> <p>Russ Gregory NAME: SIGNATURE:</p>	<p>DRAWN: R. GREGORY</p> <p>DATE:</p> <p>SCALE: 3/16" = 1'-0"</p> <p>PROJECT NO.: 2328-21</p> <p>DRAWING NO.: A-4</p>
<p>GENERAL NOTES: All construction is in conform to section "0" 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 should be obtained prior to commencing construction.</p>		



SITE INFORMATION	
LOTS 66 REGISTERED PLAN M-1325 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 724.43 sq.m.
BUILDING AREA	= 279.90 sq.m.
LOT COVERAGE	= 38.63 %
GROSS FLOOR AREA	
696.75 + 0.5(724.43-696.75) x .50	
= 696.75 + 27.68 x .50	
= 724.43 x .50	
= 362.21 sq.m. maximum	
G.F.A. PROPOSED	= 415.53 sq.m. = 57.35 %

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. - 25025
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

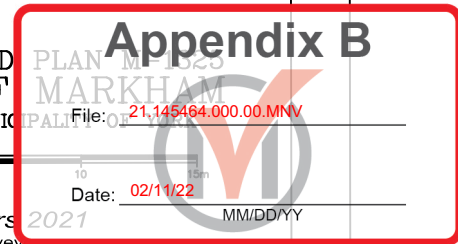
**SITE PLAN
18 FOREST PARK CRES.
CITY OF MARKHAM**

**THE GREGORY
DESIGN GROUP**

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

SCALE	DATE
1:150	11/03/21
PROJECT NUMBER	SHEET NUMBER
2328-21	SP-1
DRAWN BY	
S. Gregory	
CHECKED BY	
R.G.	

PLAN OF
LOT 66
REGISTERED
CITY OF
REGIONAL MUNICIPALITY



SCALE 1:200

0 1 2 3 4 5

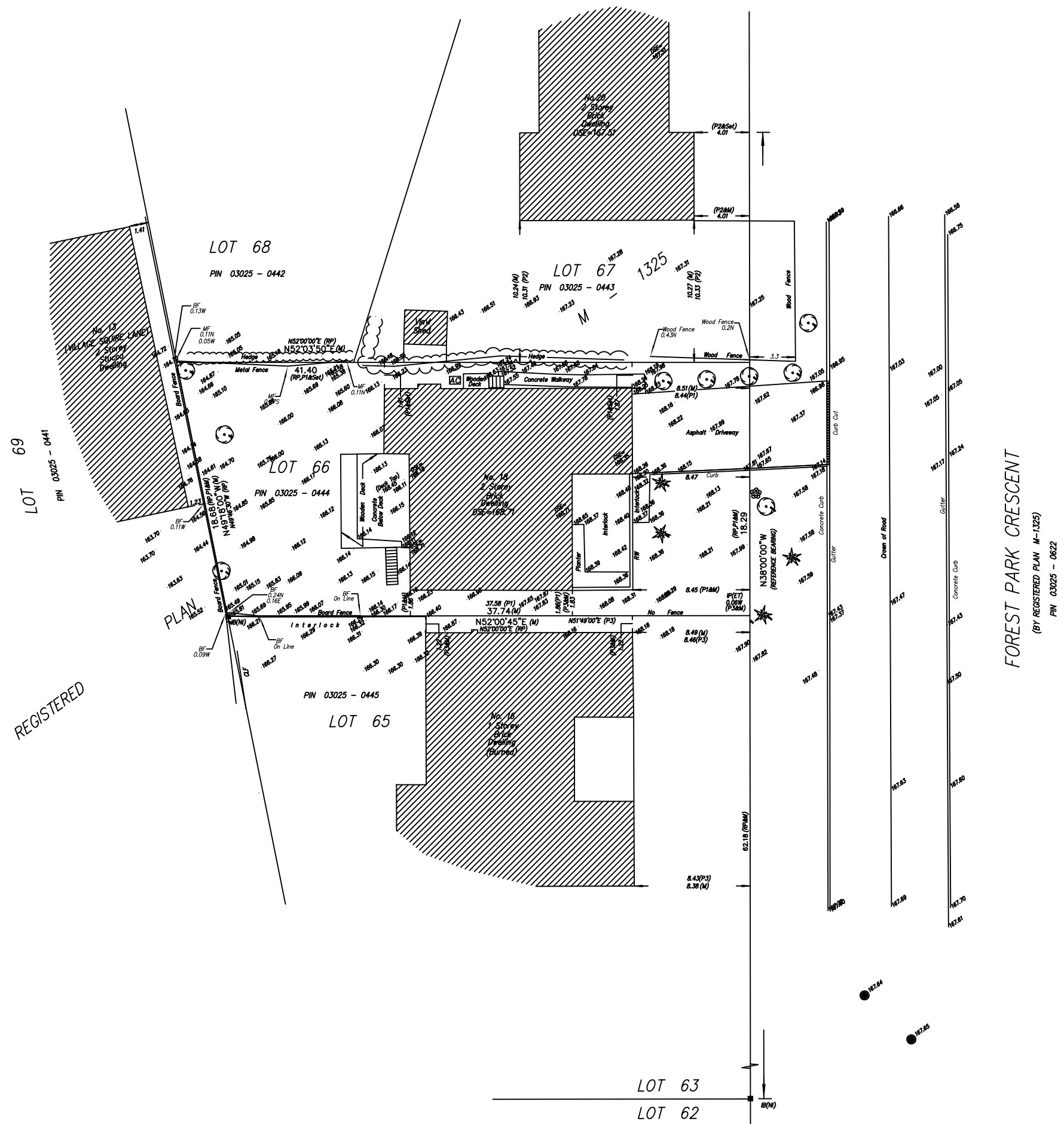
© COPYRIGHT
ertl surveyors
2021
Ontario Land Surveyors

Date: 02/11/22
MM/DD/YY

Metric
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Part 2
SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. RH9639
AND NOTICE OF CLAIM, INSTRUMENT No. R66684. THE AFORE
MENTIONED EASEMENT IS NOT MENTIONED IN THE THUMBNAILED
DESCRIPTION OF THE SUBJECT P.I.N. (03178-0030) IN ERROR
ACCORDINGLY IT REMAINS IN FULL EFFECT.
NOTE THE LOCATION OF THE GARAGE WITHIN THE EASEMENT.
FENCES AS SHOWN.
SURVEY PREPARED FOR

Bearing Reference
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
WESTERLY LIMIT OF FOREST PARK CRESCENT SHOWN ON
REGISTERED PLAN M-1325 HAVING A BEARING OF
N38°00'00"W



Tree Note
ALL EXISTING TREES, IN THE BOULEVARD, ARE SHOWN.
TREES LOCATED ON THE PROPERTY AND ITS PROXIMITY,
ARE SHOWN IF THEY HAVE A TRUNK DIAMETER LARGER
THAN 0.15m.

Benchmark
ELEVATIONS HEREON ARE GEODETIC AND
DERIVED FROM CITY OF MARKHAM BM
No. M02-020; ELEVATION = 165.845 m