

Memorandum to the City of Markham Committee of Adjustment

March 14, 2022

File: A/200/21
Address: 12 Parkway Avenue, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday March 23, 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) **By-law 1229, Section 11.2 (c)(i):**
stairs to encroach 24.0 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches into any required yards;
- b) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.70 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 22.04 metres, whereas the Bylaw permits a maximum depth of 16.8 metres;

as it relates to proposed two storey single detached dwelling.

BACKGROUND

Property Description

The 1,001.6 m² (10,781.13 ft²) subject property is located on the north side of Parkway Avenue, east of Main Street Markham North and north of Church Street. There is an existing two-storey detached dwelling on the subject property, which according to assessment records was constructed in 1935. Mature vegetation exist on the property including a number of mature trees in the front and rear yards, and a cedar hedge along the east lot line.

The property is located within an established residential neighbourhood characterized by single detached dwellings, including those within the adjacent Markham Village Heritage Conservation District. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Morgan Park and Grace Anglican Church are located to the south across Parkway Avenue.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a Gross Floor Area of approximately 408.67 m² (4,398.88 ft²). The proposal includes a new 4.88 m (16 ft) by 10.98 m (36 ft) swimming pool and a 14.3 m² (153.92 ft²) detached storage room in the rear yard. 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 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. The proposed development does not comply with the by-law with respect to maximum yard encroachment.

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 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 maximum floor area ratio and building height.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on December 20, 2021 to confirm the variances required for the proposed development.

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 Yard Encroachment

The applicant is requesting a maximum yard encroachment of 24 in (0.6 m) into the required front yard, whereas the By-law permits a maximum yard encroachment of 18 in (0.45 m) into any required yards.

Notwithstanding the requested yard 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, is unenclosed and, the principle building will comply with the minimum front yard setback requirement, staff do not anticipate the variance will result in any adverse impact on the streetscape character of the neighborhood. Staff have no concerns with the variance.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 50.7 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 408.67 m² (4,398.88 ft²), whereas the By-law permits a dwelling with a maximum floor area of 363.31 m² (3,910.63 ft²). This represents an increase of approximately 45.36 m² (488.25 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.

The building layout of the proposed development complies with all other zoning provisions (such as setbacks and lot coverage) 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 neighborhood. Considering the recent infill development trend, the scale and massing of the proposed dwelling and the relationship with the neighboring homes, staff are of the opinion that the proposed increase in floor area ration is consistent with the evolving character of the neighborhood and have no concern with the requested variance.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 22.04 m (72.3 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 5.24 m (17.19 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 form 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 4.41 m (14.5 ft) to the overall depth of the building. The main component of the building has a depth of 16.4 m (53.83 ft) on the ground floor and 14.47 m (47.5 ft) on the second floor, which complies with the by-law requirement and is 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

The subject property contains a Kentucky Coffee-tree in the rear yard, which is designated threatened under the *Endangered Species Act*. The tree is proposed to be preserved with minor injuries from the execution work to accommodate the foundation of the rear covered porch. The Ministry of Environment, Conservation and Parks has indicated that they have no concern with the proposed development.

For the remaining trees, fifteen will be preserved and four will be removed. Should the application be approved, staff recommend that the tree related conditions detailed in Appendix "A" be adopted to ensure that the applicant installs the appropriate tree protection barriers, and provides appropriate compensation, if necessary. Staff also note that the applicant is required to 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.

PUBLIC INPUT SUMMARY

No written submissions were received from the public as of March 14, 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 requested variances meet 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 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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\21 147597 \Documents\District Team Comments Memo

APPENDIX "A"

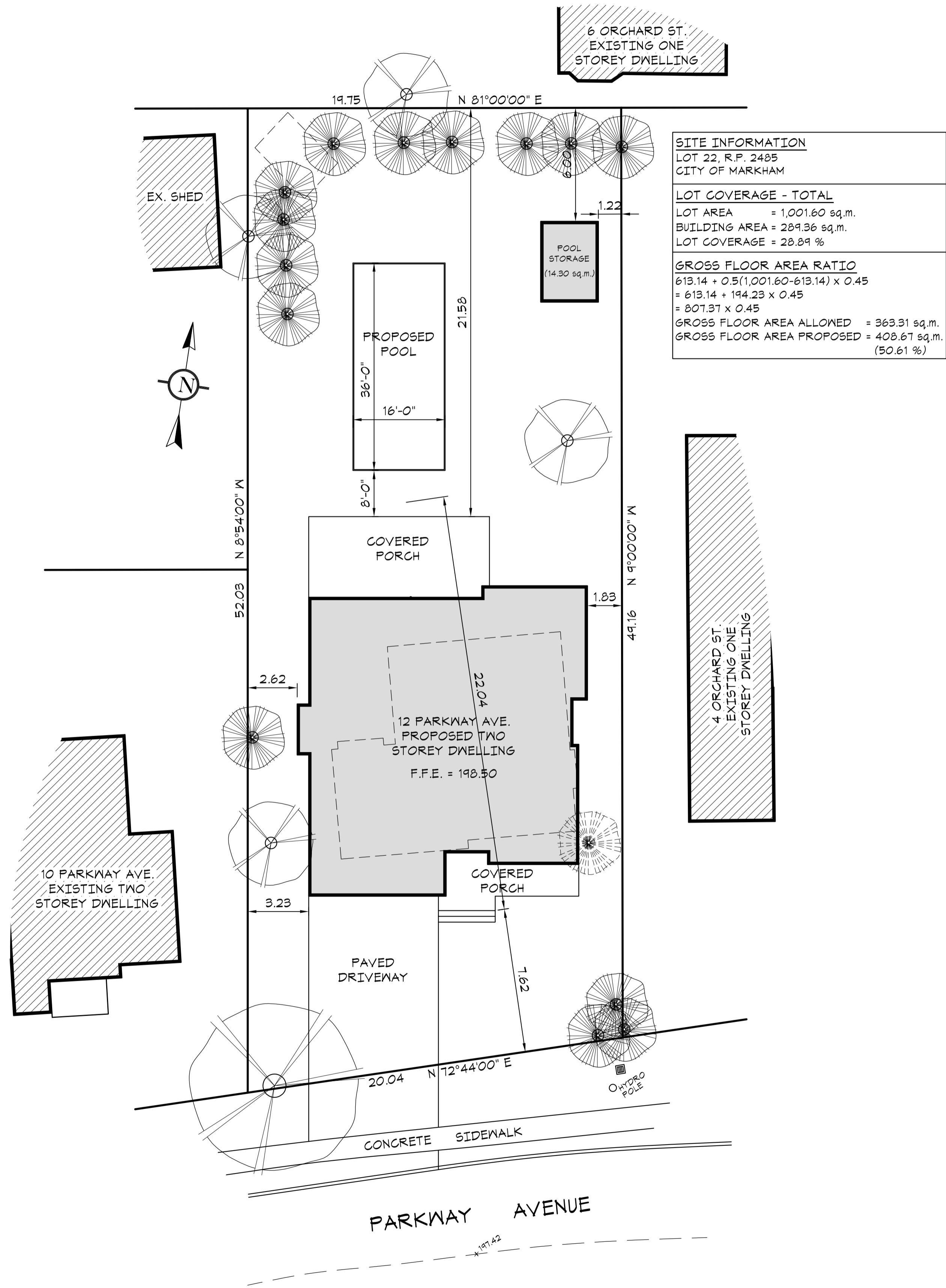
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/200/21

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.

CONDITIONS PREPARED BY:



Carlson Tsang, Senior Planner, East District



SITE INFORMATION	
LOT 22, R.P. 2485 CITY OF MARKHAM	
LOT COVERAGE - TOTAL	
LOT AREA	= 1,001.60 sq.m.
BUILDING AREA	= 289.36 sq.m.
LOT COVERAGE	= 28.89 %
GROSS FLOOR AREA RATIO	
613.14 + 0.5(1,001.60-613.14) x 0.45	
= 613.14 + 194.23 x 0.45	
= 807.37 x 0.45	
GROSS FLOOR AREA ALLOWED	= 363.31 sq.m.
GROSS FLOOR AREA PROPOSED	= 408.67 sq.m. (50.61 %)

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" 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

**NEW HOUSE DESIGN
 12 PARKWAY AVENUE
 CITY OF MARKHAM**

**THE GREGORY
 DESIGN GROUP**

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

SCALE	DATE
1:150	11/26/21
PROJECT NUMBER	SHEET NUMBER
2185-19	SP-1
DRAWN BY	
S.Gregory	
CHECKED BY	
R.G.	



FRONT ELEVATION



RIGHT SIDE ELEVATION

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SCALE 1/4"=1'-0"	DATE 11/26/21
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REAR ELEVATION



LEFT SIDE ELEVATION

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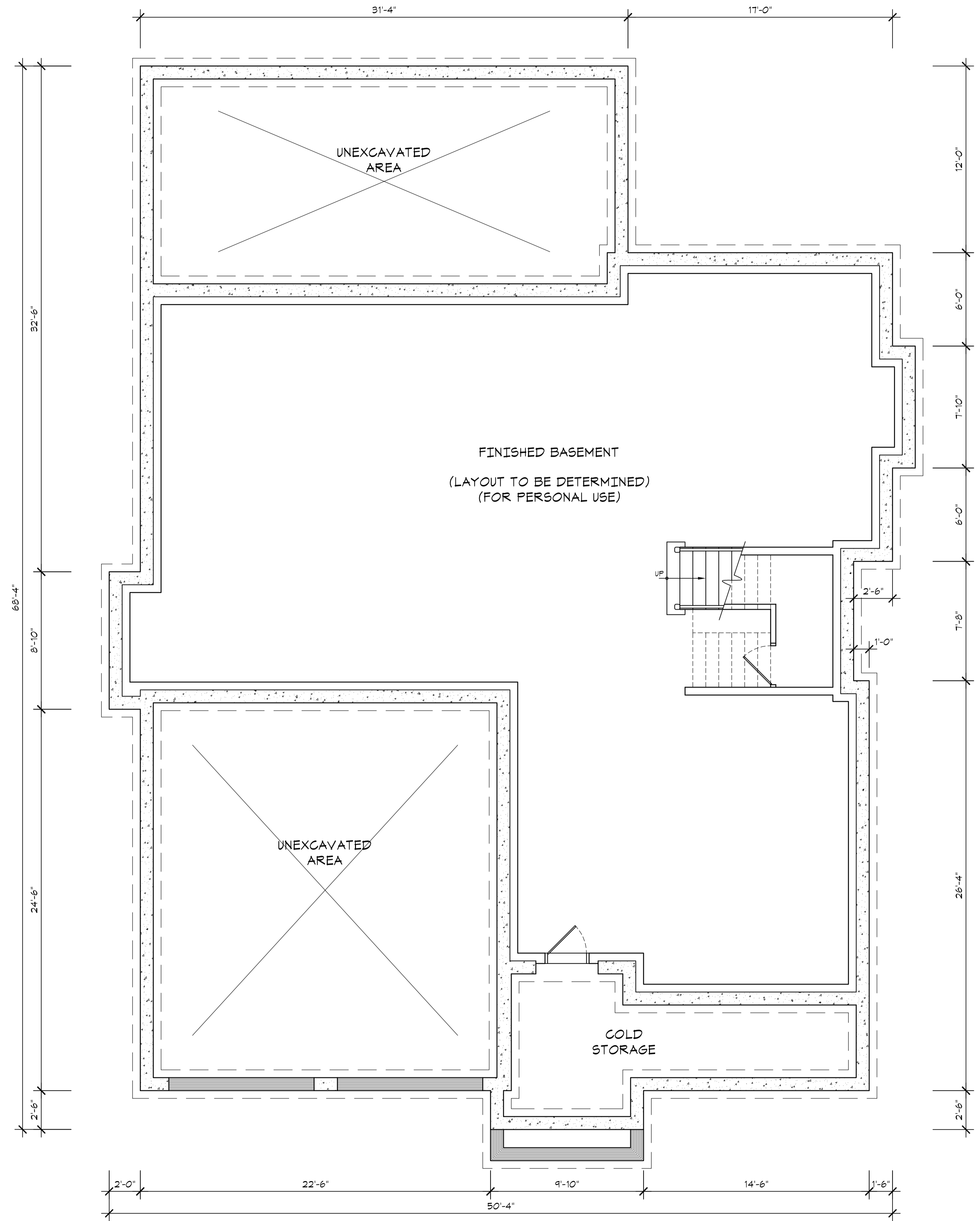
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BASEMENT & FOUNDATION PLAN

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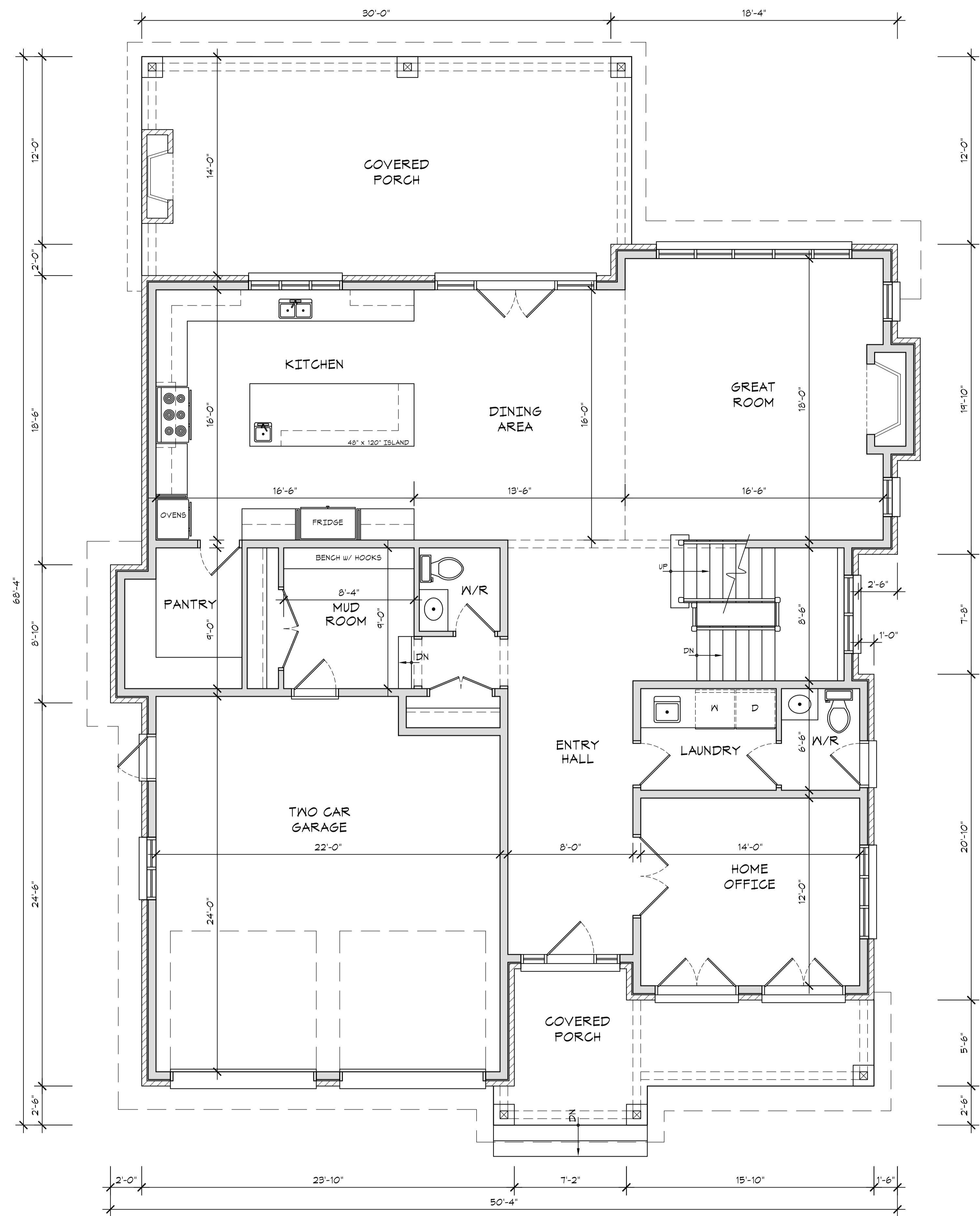
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SCALE 1/4"=1'-0"	DATE 11/26/21
PROJECT NUMBER 2185-19	SHEET NUMBER A-1
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GROUND FLOOR PLAN

FLOOR AREA = 1,782 sq.ft.
 GARAGE AREA = 578 sq.ft.
 TOTAL N.F.A. = 2,360 sq.ft. (219.25 sq.m.)
 BUILDING AREA = 2,961 sq.ft. (275.06 sq.m.)
 (INC. COVERED PORCHES)

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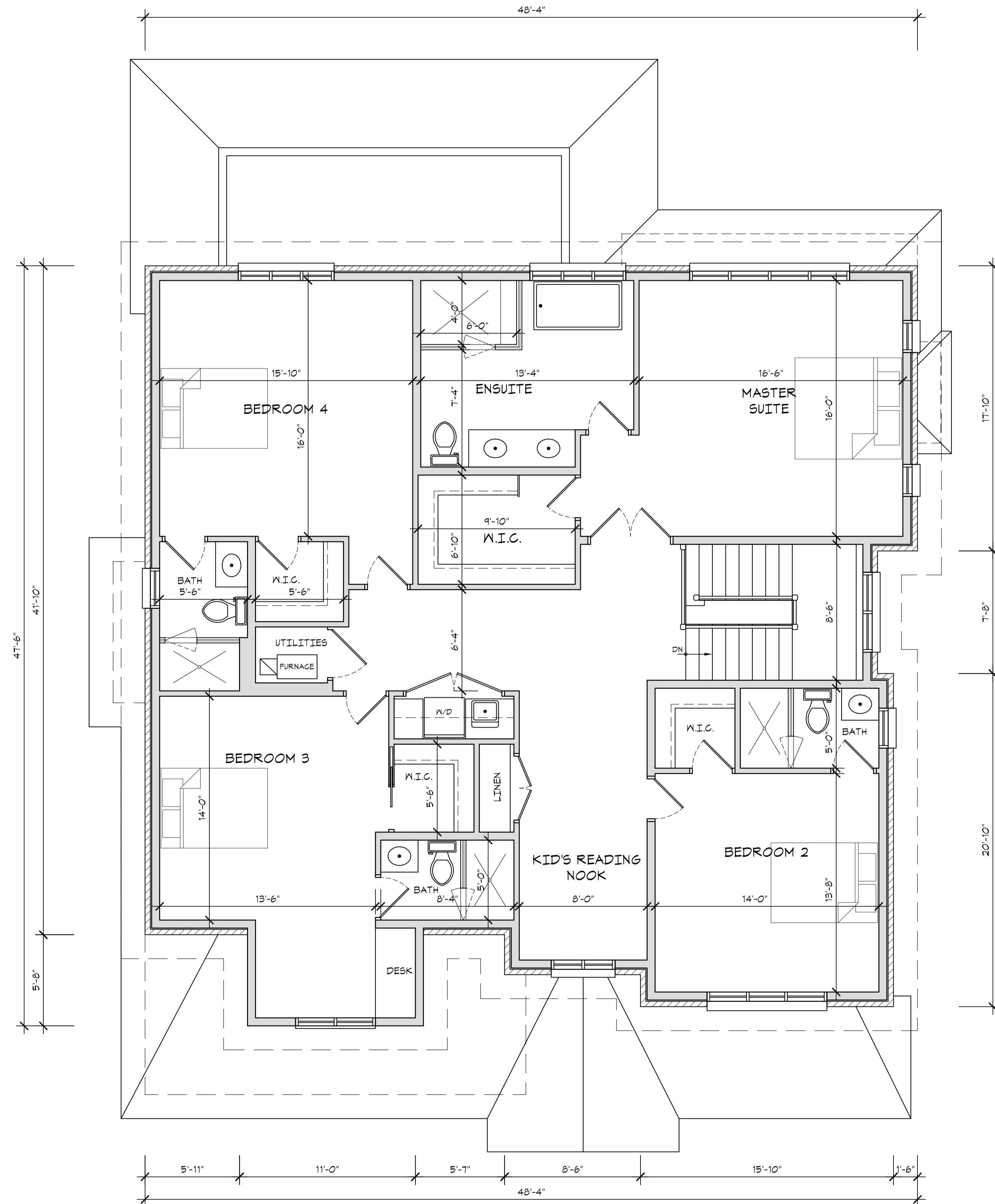
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PROJECT NUMBER 2185-19	SHEET NUMBER A-2
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SECOND FLOOR PLAN

FLOOR AREA = 2,133 sq.ft.
 OPEN SPACE = 94 sq.ft.
 TOTAL N.F.A. = 2,039 sq.ft. (189.42 sq.m.)

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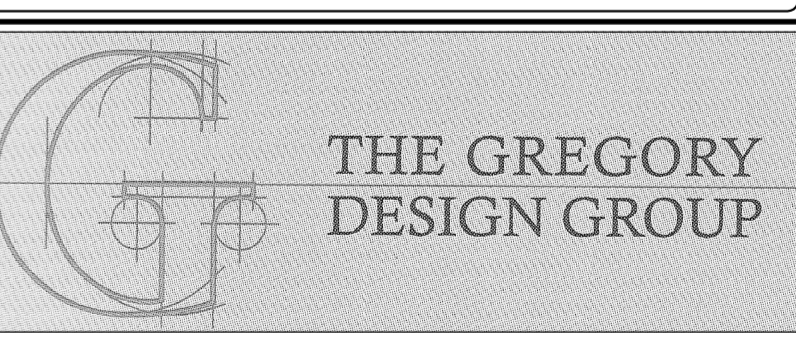
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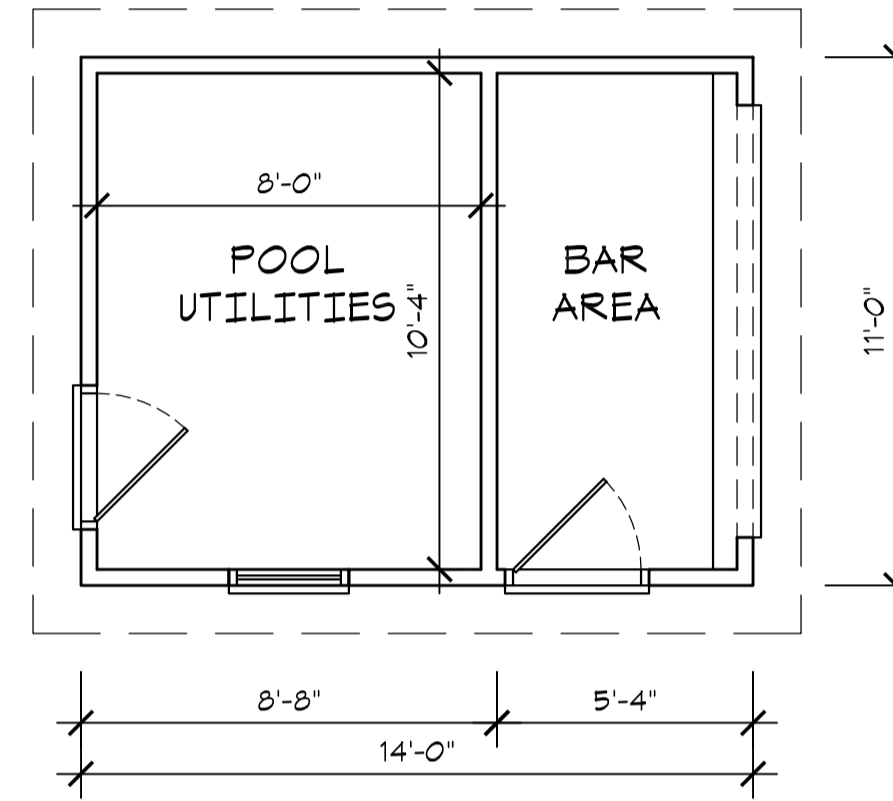
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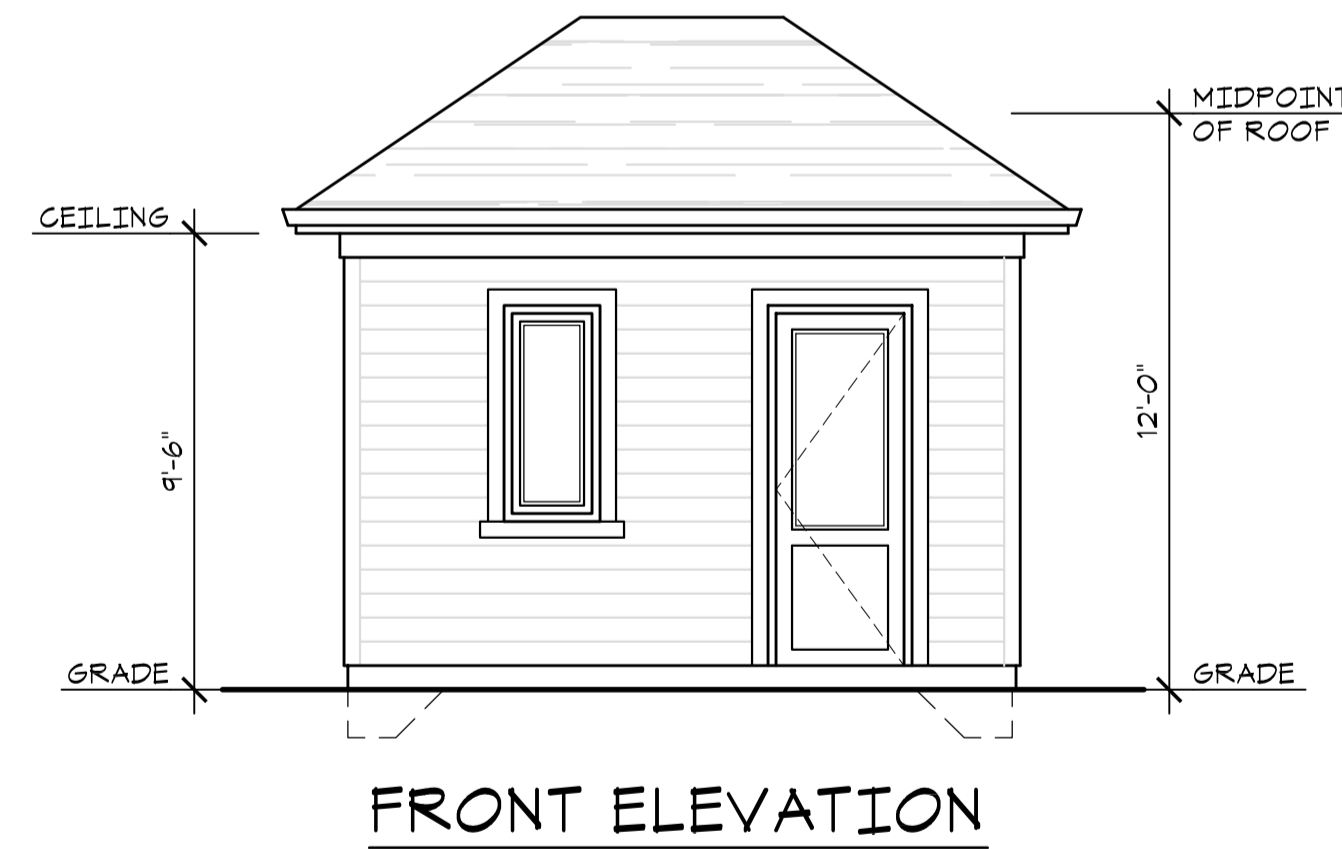


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DRAWN BY S.Gregory	CHECKED BY R.G.



FLOOR PLAN
 PROPOSED LAYOUT
 BUILDING AREA = 154 sq.ft.



FRONT ELEVATION

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