

Memorandum to the City of Markham Committee of Adjustment

April 30, 2021

File: A/012/21
Address: 108 Parkway Avenue, Markham
Applicant: YingHua Cao
Agent: HJ Architects Inc
Hearing Date: Wednesday May 05, 2021

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as it relates to the proposed addition over the existing back split detached dwelling on the subject property. The variances requested are as follows:

To permit:

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

a maximum floor area ratio of 50.6 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

Property Description

The 653.5 m² (7,034.22 ft²) subject property is located at the northeast corner of Parkway Avenue and Sir Bodwin Place, north of Highway 7, west of Wootten Way North. The property is located within an established residential neighbourhood comprised mainly of a mix of one and two-storey detached dwellings. The surrounding area has remained stable with few redevelopments. There is an existing single detached back split dwelling with an attached garage and detached garage on the property, which according to the application form was constructed in 1971.

Proposal

The applicant is proposing to repurpose the existing garage as living space, modify the ground floor and add a 2nd storey addition to the existing back split detached dwelling. The proposal will result in a 320.3 m² (3,447.68 ft²) two-storey detached back split dwelling. The proposal will also include a rear deck and retain the existing detached garage in the rear.

Variance History

The applicant initially applied for the following variances:

1. To permit a maximum height of 10.85 metres, whereas the By-law permits a maximum height of 9.8 metres;
2. To permit a maximum floor area ratio of 61.48 percent, whereas the By-law permits a maximum of 45 percent; and,
3. To permit 3 storeys within a single vertical plane, whereas the By-law permits a maximum of 2 storeys.

Staff advised the applicant of its opinion that the requested variances cumulatively would result in a building mass that would not maintain the general character of existing neighbourhood and would not be considered minor in nature. The applicant revised their proposal a second time

and reduced the requested maximum building height and the maximum floor area ratio. The revised variances were as follows:

1. To permit a maximum height of 10.6 metres, whereas the By-law permits a maximum height of 9.8 metres;
2. To permit a maximum floor area ratio of 54 percent, whereas the By-law permits a maximum of 45 percent; and,
3. To permit 3 storeys within a single vertical plane, whereas the By-law permits a maximum of 2 storeys.

Staff's initial concerns remained and the applicant revised their drawings a third time (dated April 26, 2021) which removed the requested variances to the maximum building height and proposed 3 storey building and, reduced the maximum floor area ratio request. The applicant is now requesting a variance to permit a maximum floor area ratio of 50.6 %.

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 development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street.

Zoning By-Law 1229

The subject property is zoned Residential (R1) under By-law 1229, as amended, which permits a 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 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 variance required for the proposed development. The applicant submitted revised drawings on April 26, 2021. 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 50.6 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 approximately 320.3 m² (3,447.68 ft²), whereas the By-law permits a dwelling with a maximum floor area of 285 m² (3,067.7 ft²). This represents an increase of approximately 35.3 m² (380 ft²).

Floor Area Ratio is a measure of the interior square footage of a dwelling and any garage areas (detached or attached), as a percentage of the net lot area. However, it is not a definitive measure of the floor space of a dwelling. As proposed, the dwelling includes approximately 20.23 m² (217.75 ft²) of open to below space.

While the proposed Floor Area Ratio is greater than what is existing on the street, it is in part attributable to the existing detached garage and, that the applicant is building on top of the existing ground floor, which includes the basement which forms part of the calculation of Floor Area Ratio. The floor area ratio of the main building, excluding the detached garage, is approximately 44.5%. Given this and that the main building and detached garage meets all other zoning provisions (including setbacks, building heights and lot coverage), Staff are of the opinion that the proposed variance request is an appropriate development within the neighbourhood; and, meets the general intent and purpose of both the Zoning By-law and the Official Plan.

PUBLIC INPUT SUMMARY

As of April 30, 2021, two (2) written submissions have been received in objection to the initial variances citing concerns with the proposed height, parking, and potential of the dwelling becoming a rooming-house/short term rental. 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. 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.

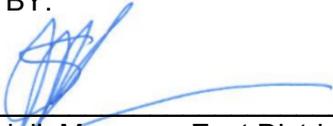
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, East District

REVIEWED BY:



Stacia Muradali, Manager, East District

File Path: Amanda\File\ 21 104038 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/012/21

1. The variances apply only to the proposed development as long as it remains; and,
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.

CONDITIONS PREPARED BY:



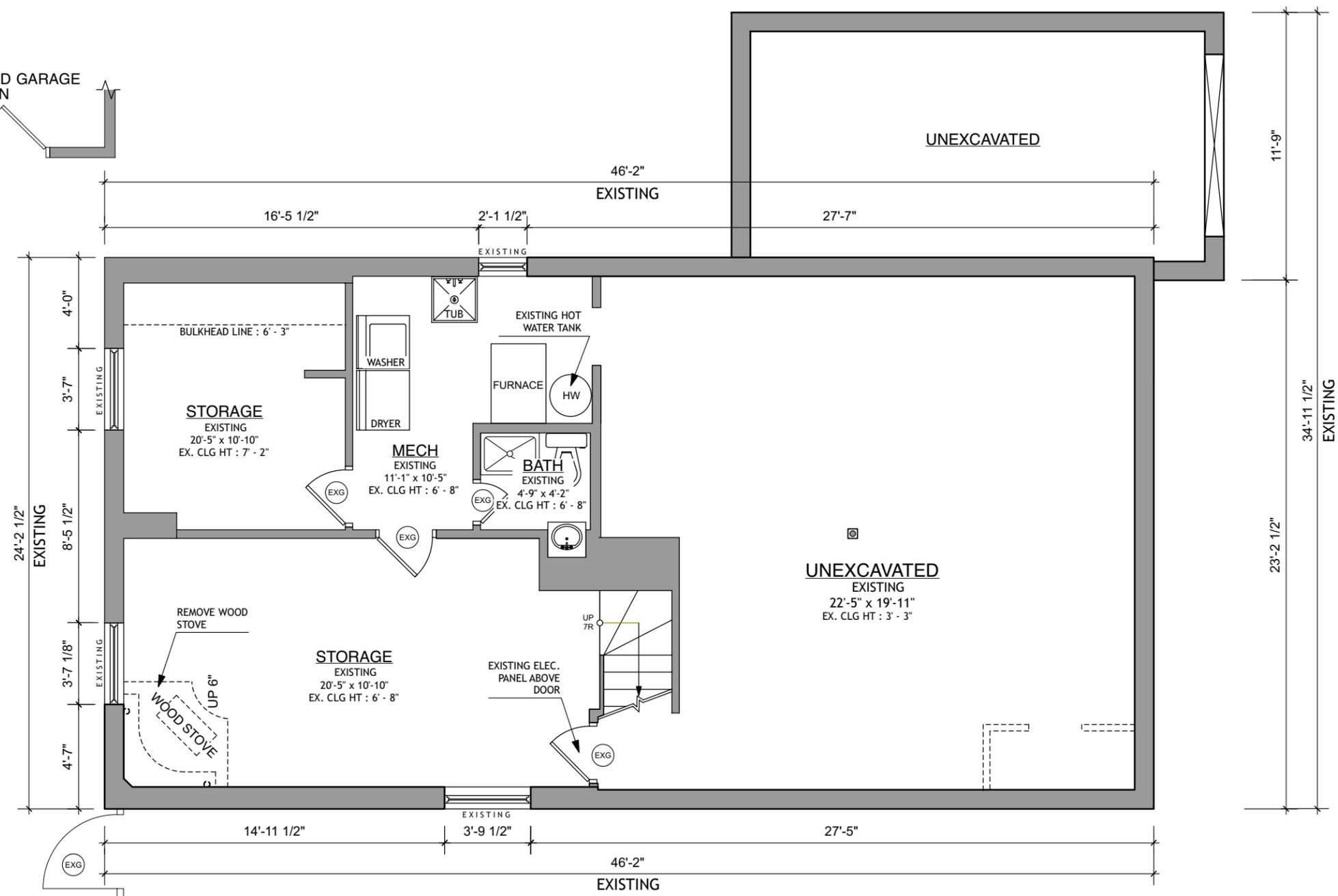
Aqsa Malik, Planner, East District

Appendix B

File: 21.104038.000.00.MNV

Date: 04/30/21
MM/DD/YY

EXISTING DETACHED GARAGE TO REMAIN



WALL LEGEND

- DEMO WALL
- ==== NEW WALL
- ===== EXISTING WALL
- (EXG) EXISTING DOOR TO REMAIN

1 BASEMENT FOUNDATION FLOOR PLAN
 SCALE: 3 / 16" = 1' - 0"
 EXISTING AREA : 553ft² (51.4 m²)
 EXISTING DETACHED GARAGE AREA: 416 ft² (38.6 m²)

hj architects inc.
 85 forest cove court
 aurora, ontario
 l3x 2l6
 416.628.2168
 416.887.6771
 info@hjarch.ca



REVISION / ISSUED TO:			
NO.	DATE	BY	
1.	10/16/20	JY	ISSUED TO ZONING PRELIMINARY REVIEW APPLICATION
2.	01/11/21	JY	ISSUED TO ZONING REVIEW AND APPLICABLE LAW COMPLIANCE
3.	01/22/21	JY	ISSUED TO MINOR VARIANCE APPLICATION
4.	03/23/21	JY	RE-ISSUED TO MINOR VARIANCE APPLICATION
4.	04/26/21	JY	ISSUED TO PLANNER REVIEW AND DISCUSSION

GENERAL NOTES:

- Contractors to verify all site dimensions and report any discrepancies before commencing with work.
- Dimensions shall take precedence over scale.
- No variation of modification to work shall be implemented without prior written approval.
- All plans, specifications and work is subject to Department of Labour, Fire Department and Building Department approval.
- All previous issues of this drawing are superseded.
- All prints of drawings and specifications are the property of hj architects inc. and must be returned upon project completion.

OWNER	Yinghua Cao 2-174 king street west. brockville, ontario k6v 3r5	MECHANICAL
ARCHITECTURAL	hj architects inc. 85 forest cove court aurora, ontario l3x 2l6	ELECTRICAL
STRUCTURAL		INTERIOR



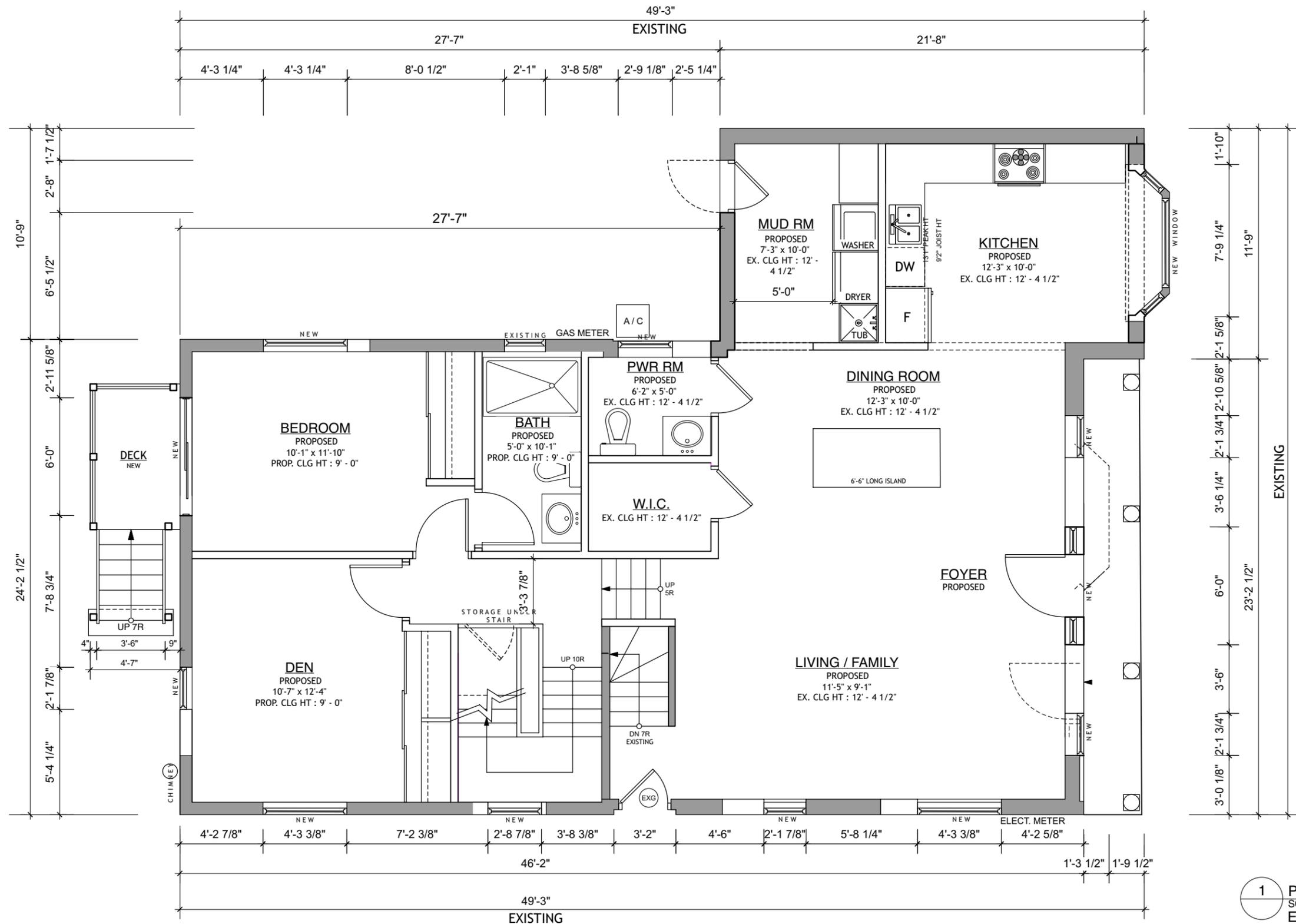
PROJECT NO.		DRAWN BY:	JY	CHECKED BY:	JY	APPROVED:	JY	
PROJECT NAME	SINGLE-DETACHED HOUSE - ADDITION 108 PARKWAY AVENUE, MARKHAM ON, L3P 2H3						SCALE	3 / 16" = 1' - 0"
DRAWING TITLE	BASEMENT FOUNDATION FLOOR PLAN						DRAWING NUMBER	A1.1

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Appendix B

File: 21.104038.000.00.MNV

Date: 04/30/21
MM/DD/YY



WALL LEGEND

- DEMO WALL
- NEW WALL
- EXISTING WALL
- EXISTING DOOR TO REMAIN

1 PROPOSED GROUND FLOOR PLAN
 SCALE : 3 / 16" = 1' - 0"
 EXISTING AREA : 1,361 ft² (126.41 m²)

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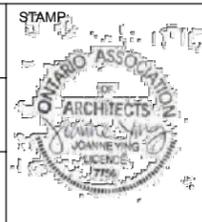


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ARCHITECTURAL	hj architects inc. 85 forest creve court aurora, ontario l3x 2l6	ELECTRICAL	
STRUCTURAL		INTERIOR	



PROJECT NO.	
PROJECT NAME	SINGLE-DETACHED HOUSE - ADDITION 108 PARKWAY AVENUE, MARKHAM ON, L3P 2H3
DRAWING TITLE	PROPOSED GROUND FLOOR PLAN

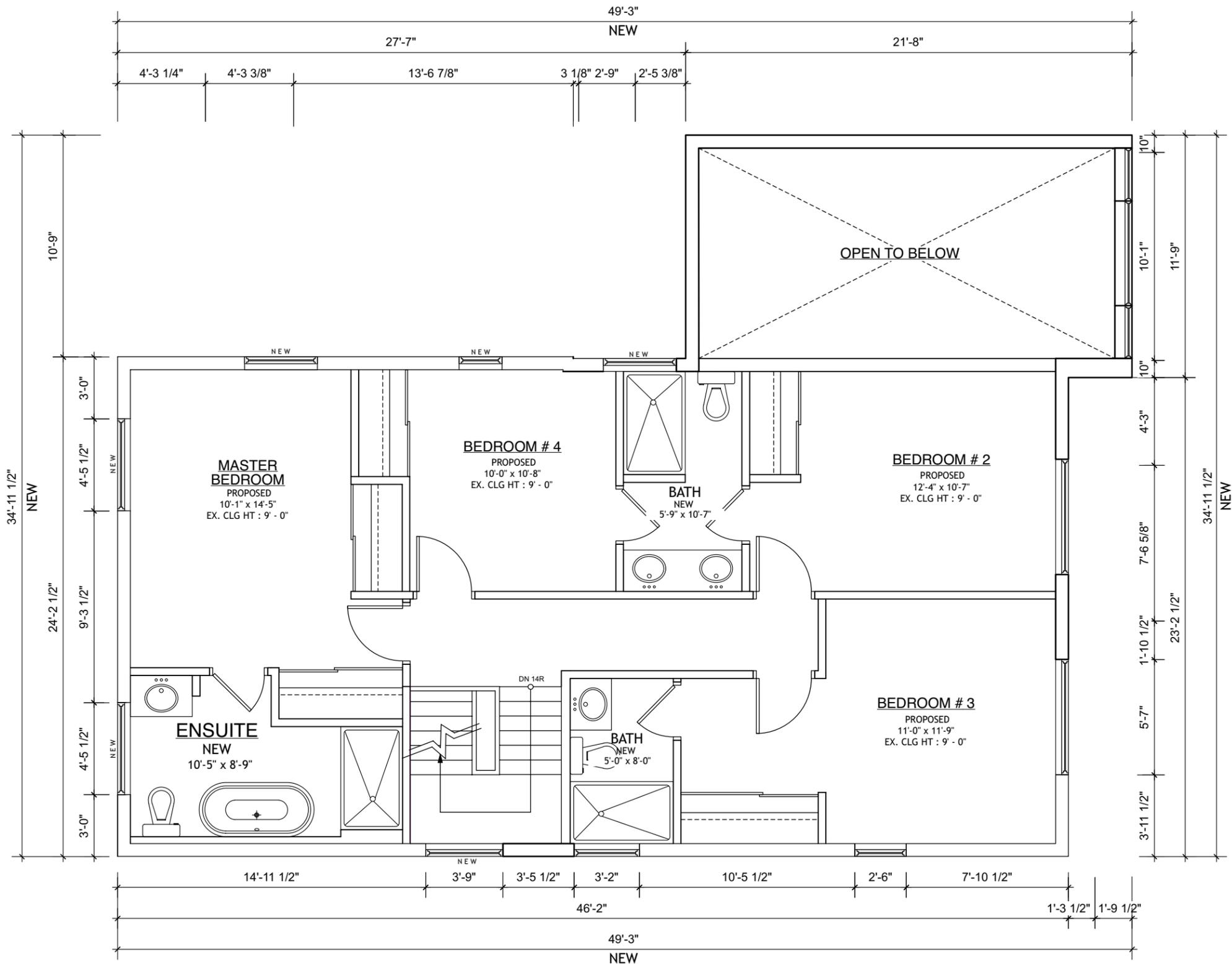
DRAWN BY:	JY	CHECKED BY:	JY	APPROVED:	JY
SCALE	3 / 16" = 1' - 0"				
DRAWING NUMBER	A1.2a				

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Appendix B

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Date: 04/30/21
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WALL LEGEND

- DEMO WALL
- ==== NEW WALL
- ===== EXISTING WALL
- (EXG) EXISTING DOOR TO REMAIN

1 PROPOSED SECOND FLOOR PLAN
 SCALE : 3 / 16" = 1' - 0"
 NEW AREA : 1,118 ft2 (103.90 m2)

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3.	ISSUED TO MINOR VARIANCE APPLICATION	01/22/21	JY
4.	RE-ISSUED TO MINOR VARIANCE APPLICATION	03/23/21	JY
4.	ISSUED TO PLANNER REVIEW AND DISCUSSION	04/26/21	JY

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ARCHITECTURAL hj architects inc.
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 l3x 2l6

STRUCTURAL

MECHANICAL

ELECTRICAL

INTERIOR



PROJECT NO.

PROJECT NAME
 SINGLE-DETACHED HOUSE - ADDITION
 108 PARKWAY AVENUE,
 MARKHAM ON, L3P 2H3

DRAWING TITLE
 PROPOSED
 SECOND FLOOR PLAN

DRAWN BY: JY

CHECKED BY: JY

APPROVED: JY

SCALE 3 / 16 " = 1' - 0 "

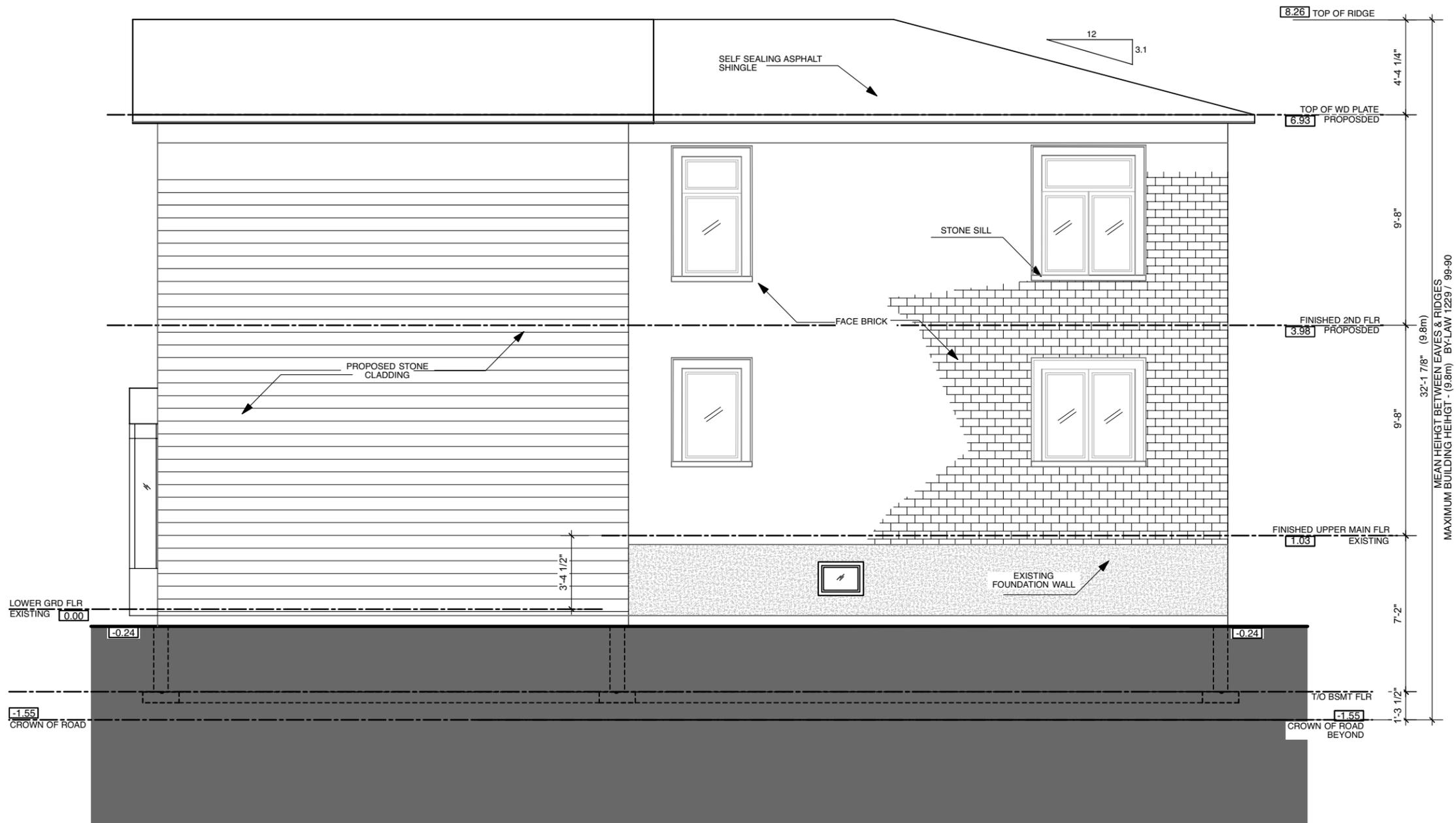
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A1.3

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Appendix B

File: 21.104038.000.00.MNV

Date: 04/30/21
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1 EAST (SIDE) ELEVATION
SCALE : 3 / 16" = 1' - 0"

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l3x 2l6

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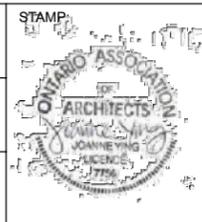
ARCHITECTURAL hj architects inc.
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l3x 2l6

STRUCTURAL

MECHANICAL

ELECTRICAL

INTERIOR



PROJECT NO.

PROJECT NAME
SINGLE-DETACHED HOUSE -
ADDITION
108 PARKWAY AVENUE,
MARKHAM ON, L3P 2H3

DRAWING TITLE
EAST (SIDE) ELEVATIONS

DRAWN BY: JY

CHECKED BY: JY

APPROVED: JY

SCALE 3 / 16" = 1' - 0"

DRAWING NUMBER A2.1

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Date: 04/30/21
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1 SOUTH (PARKWAY AVENUE) ELEVATION
SCALE : 3 / 16" = 1' - 0"



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OWNER
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ARCHITECTURAL
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STRUCTURAL

MECHANICAL

ELECTRICAL

INTERIOR

STAMP:

PROJECT NO.

PROJECT NAME
SINGLE-DETACHED HOUSE - ADDITION
108 PARKWAY AVENUE,
MARKHAM ON, L3P 2H3

DRAWING TITLE
SOUTH (PARKWAY AVENUE)
ELEVATION

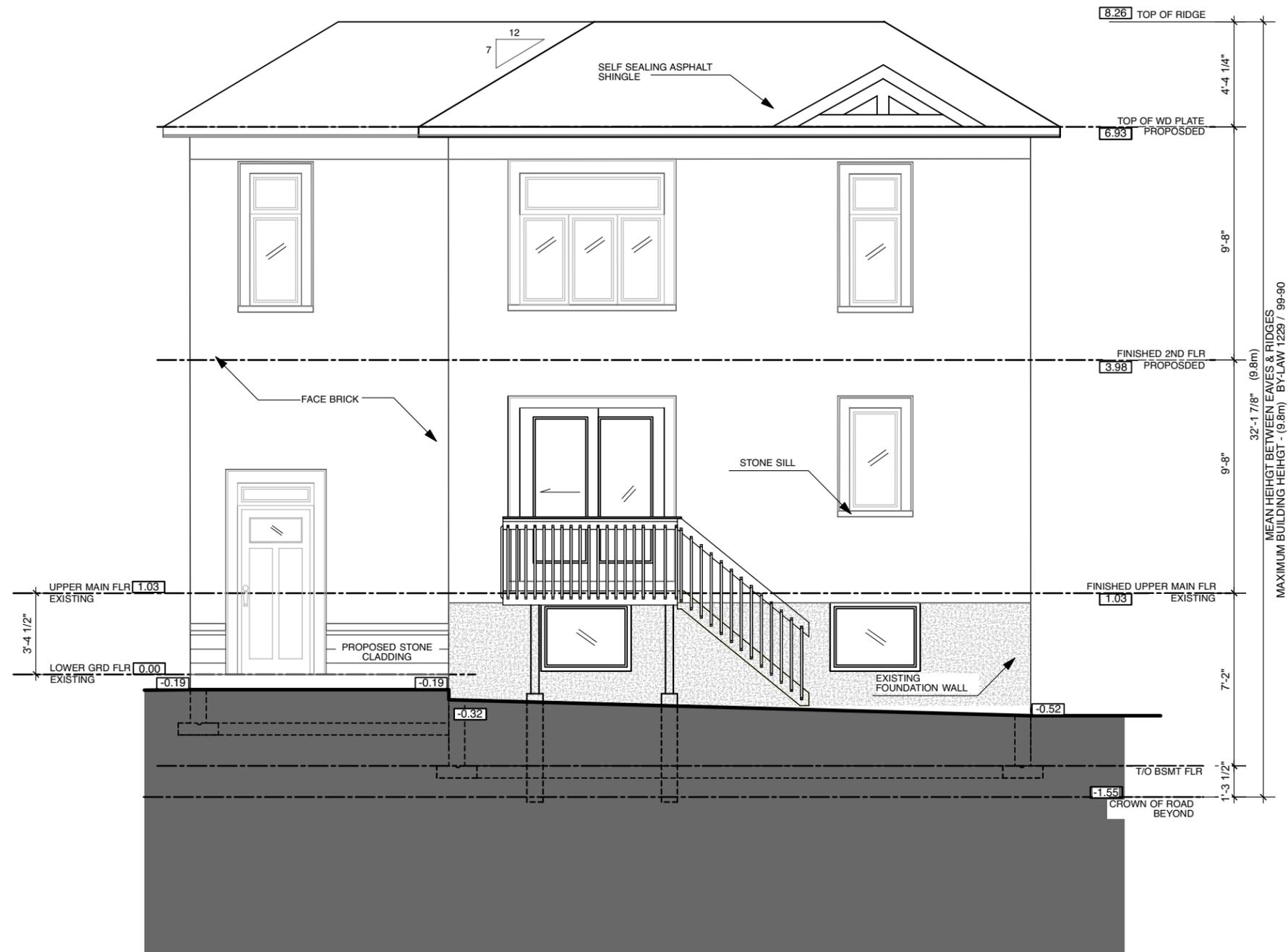
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SCALE 3 / 16" = 1' - 0"		DRAWING NUMBER A2.2

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Date: 04/30/21
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1 NORTH (REAR) ELEVATION
SCALE : 3 / 16" = 1' - 0"



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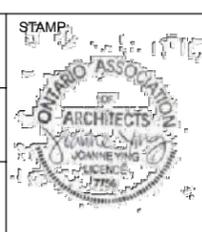
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STRUCTURAL

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ELECTRICAL

INTERIOR



PROJECT NO.

PROJECT NAME
SINGLE-DETACHED HOUSE -
ADDITION
108 PARKWAY AVENUE,
MARKHAM ON, L3P 2H3

DRAWING TITLE
NORTH
(REAR YARD) ELEVATION

DRAWN BY: JY

CHECKED BY: JY

APPROVED: JY

SCALE 3 / 16" = 1' - 0"

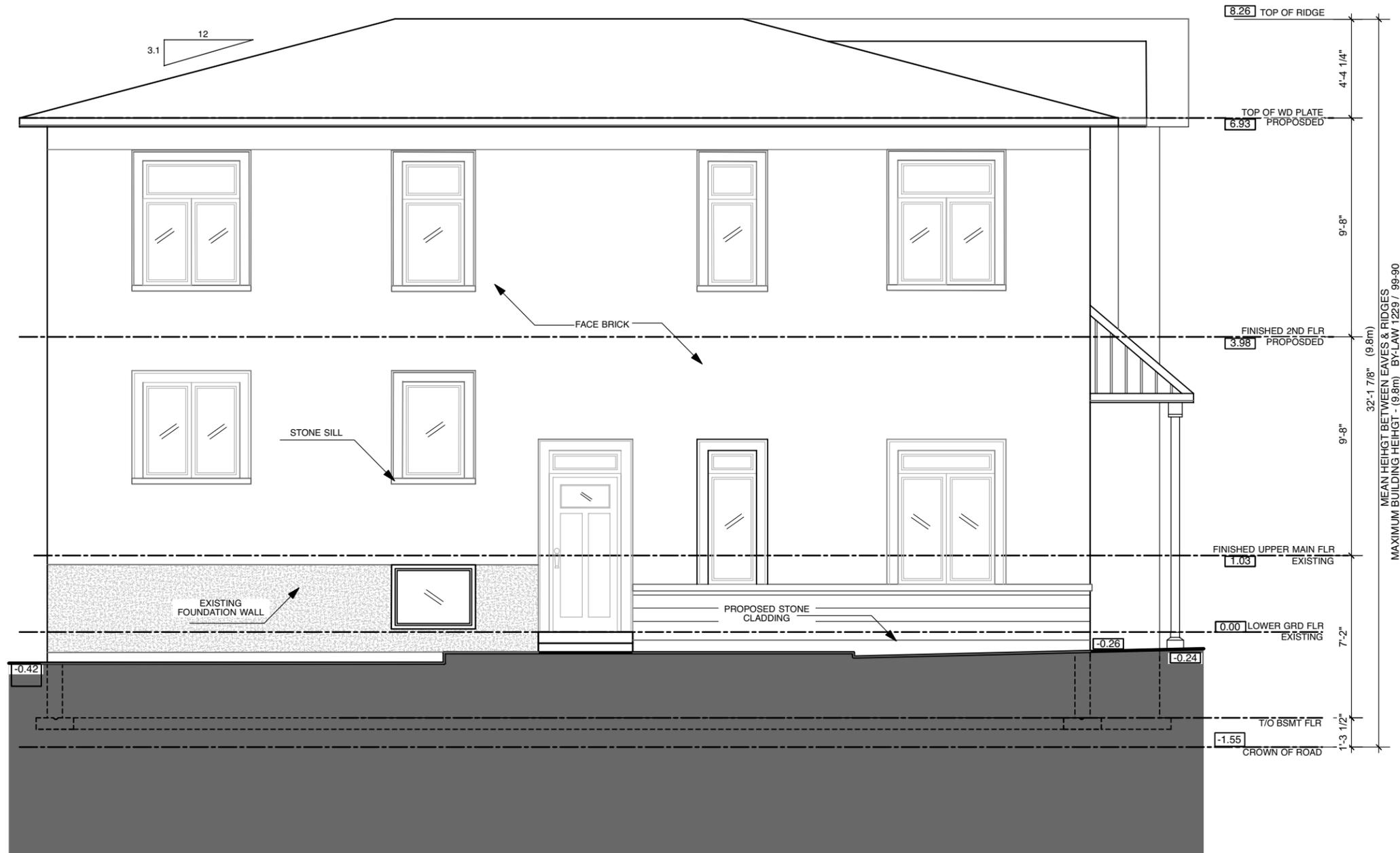
DRAWING NUMBER A2.3

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Appendix B

File: 21.104038.000.00.MNV

Date: 04/30/21
MM/DD/YY



1 WEST (BODWIN PLACE) ELEVATION
SCALE : 3 / 16" = 1' - 0"



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ARCHITECTURAL	<i>hj architects inc.</i> 85 forest crove court aurora, ontario l3x 2l6
STRUCTURAL	

MECHANICAL	
ELECTRICAL	
INTERIOR	



PROJECT NO.	
PROJECT NAME	SINGLE-DETACHED HOUSE - ADDITION 108 PARKWAY AVENUE, MARKHAM ON, L3P 2H3
DRAWING TITLE	WEST (BODWIN PLACE) ELEVATION

DRAWN BY:	JY	CHECKED BY:	JY	APPROVED:	JY
SCALE	3 / 16" = 1' - 0"				
DRAWING NUMBER	A2.4				

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