

# Memorandum to the City of Markham Committee of Adjustment

October 7, 2020

**File:** A/081/20  
**Address:** 201 Helen Avenue – Markham, ON  
**Applicant:** Aiying Zhang  
**Agent:** Edwin Cheng  
**Hearing Date:** Wednesday October 21, 2020

The following comments are provided on behalf of the Central Team.

The applicant is requesting relief from the “Residential Two Exception 31 Zone” (R2\*31) requirement of By-law 177-96, as amended, as it relates to an existing accessory building. The applicant is requesting the following variance to permit:

**a) Section 6.4(b):**

a maximum gross floor area (GFA) of 23.78 m<sup>2</sup> (255.97 ft<sup>2</sup>) for a detached accessory building; whereas the By-law permits a maximum GFA of 10.0 m<sup>2</sup> (107.64 ft<sup>2</sup>).

## **BACKGROUND**

### **Property Description**

The 398.30 m<sup>2</sup> (4,287.27 ft<sup>2</sup>) subject property is located on the south side of Helen Avenue, east of Kennedy Road, and north of Highway 407. The property is developed with an existing single detached dwelling, along with two accessory buildings (sheds) that are located in the rear yard. The property is located within an established residential neighbourhood generally comprised of a mix of two and three-storey single detached, semi-detached, and townhouse dwellings.

### **Proposal**

The applicant is requesting relief to the maximum permitted GFA for one of the existing accessory buildings that has a total GFA of 23.78 m<sup>2</sup> (255.97 ft<sup>2</sup>) (the “subject development”). The applicant has confirmed that the accessory building is to be used to store equipment. The applicant has also confirmed their intent to remove the smaller accessory building, which has a total GFA of 9.29 m<sup>2</sup> (99.99 ft<sup>2</sup>) as shown in Appendix “B” of this report.

### Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms.

### Zoning By-Law 177-96

The subject property is zoned “Residential Two, Exception 31 Zone” (R2\*31) under By-law 177-96, as amended, which permits one of the following dwelling types per residential lot: single detached, semi-detached, duplex, triplex, fourplex or townhouse. Exception 31 provides additional zoning and parking provisions that are not specifically relevant to this application.

The By-law also permits detached accessory buildings with a maximum height of 4.50 m (14.76 ft) and a maximum GFA of 10.0 m<sup>2</sup> (107.64 ft<sup>2</sup>) provided they are located in the rear yard, and have setbacks of at least 1.20 m (3.94 ft) to the interior side or rear lot line. The respective setback requirement can be reduced to 0.50 m (1.64 ft) if there are no doors or windows in the wall facing the interior side or rear lot line. The subject development does not comply with the By-law requirement with respect to the maximum permitted GFA.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. Accordingly, it is the applicant's responsibility to ensure that the application has accurately identified the required variances for the subject 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 ("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 GFA for Other Detached Accessory Buildings**

The applicant is requesting a variance to allow for an increase in the maximum permitted GFA of an existing accessory building with a GFA of 23.78 m<sup>2</sup> (255.97 ft<sup>2</sup>), whereas the By-law permits an accessory building to have a maximum GFA of 10.0 m<sup>2</sup> (107.64 ft<sup>2</sup>). This is an increase of 13.78 m<sup>2</sup> (148.33 ft<sup>2</sup>).

The subject development has a height of approximately 3.66 m (12.0 ft) at the front, and a height of approximately 2.29 m (7.51 ft) along the side walls from the established grade to the eaves (Appendix "B"). The accessory building maintains an interior side yard setback of 1.22 m (4.0 ft) and a rear yard setback of at least 1.10 m (3.61 ft), as shown on the site plan submitted by the applicant (Appendix "B"). Staff note that the accessory building does not have windows that face the interior west side lot line or rear lot line. As previously mentioned, the By-law would allow for a reduced setback requirement of 0.50 m (1.64 ft) where windows do not face the respective lot lines.

Given the location of the subject development, its distance from adjacent homes, and that all setback and height requirements are being met, staff are of the opinion that the variance would be of minimal impact to the surrounding properties. Additionally, the applicant has offered to provide mitigation measures in the form of additional tree plantings. City staff recommend that the applicant be required to plant a total of four native trees from the City of Markham's "Native Tree Species Selection List" (Appendix "C"), which is further detailed by the condition of approval found in Appendix "A". The planting of trees would provide for additional screening to mitigate any visual impacts. The applicant should be aware that By-law 177-96 does not permit the use of an accessory building for human habitation.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 9, 2020. 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* 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 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.

## **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

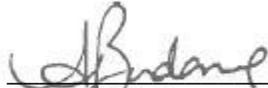
Appendix "C" – City of Markham Trees for Our Urban Environment

PREPARED BY:



\_\_\_\_\_  
Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Sabrina Bordone, Senior Planner, Central District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/081/20**

1. The variance applies only to the subject development as long as it remains.
2. That the variance applies 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. That the applicant plant two trees along the west elevation and two trees along the south elevation of the subject development, ensuring that the trees selected are of Native Species as identified in the City of Markham's "Native Tree Species Selection List" attached as Appendix "C", and that the Secretary-Treasurer receive written confirmation from the Director of Operations or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



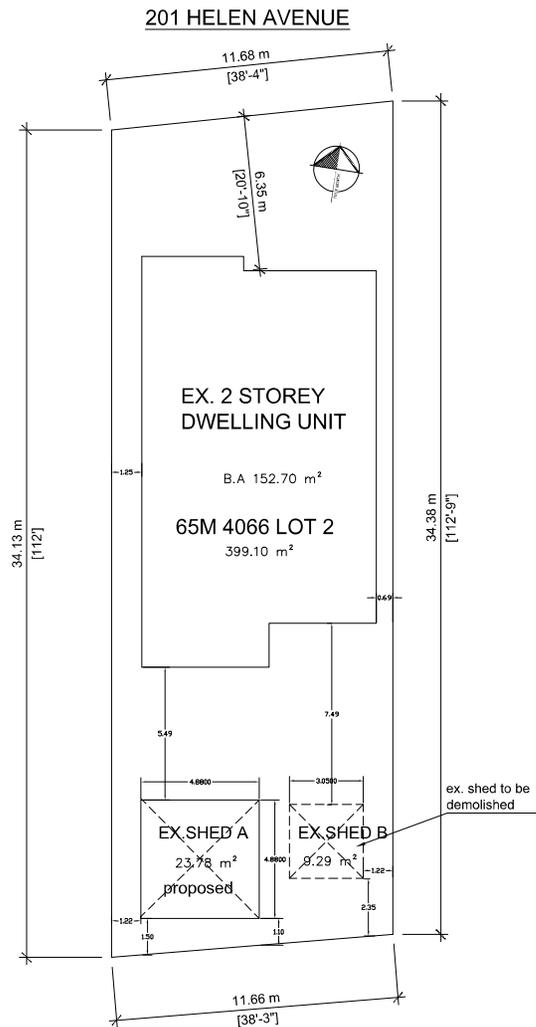
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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/081/20**

# Appendix B

File: 20.124.138.000.00.MNV  
 Date: 10/15/20  
 M.M.D.P.P.Y.



65M 4066 LOT 2  
 ZONED R2-31 By-law 177-96 section 6.4(b)

BUILDING SUMMARY		Lot Area = 399.10sq.m
<u>Main Residence</u>		
Building area		152.70 sq.m.
Lot Coverage		38%
<hr/>		
PROPOSED SHED "A"		23.78 sq.m.
Max height 4.5 m		Proposed 3.65 m
Lot Coverage (max 10%)		6 %
Set back (1.2m/.5m)		1.22 m/1.1m

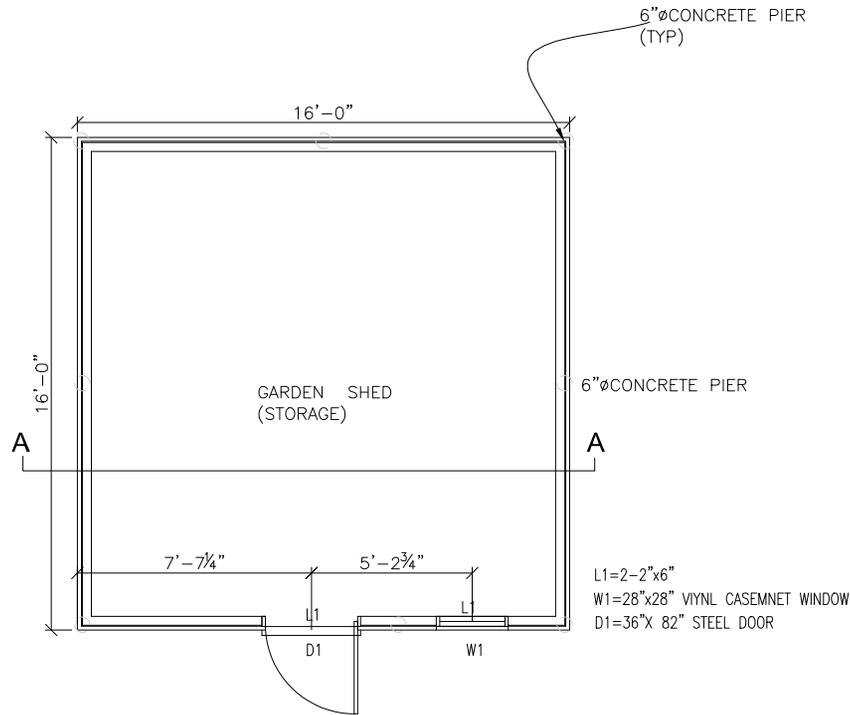
SITE PLAN

A0

SCALE 1:200

# Appendix B

File: 20.124.138.000.00.MNV  
 Date: 10/15/20  
 M.M.DDYY



**SHED FLOOR PLAN**  
 SCALE:  
 1/4"=1'-0"

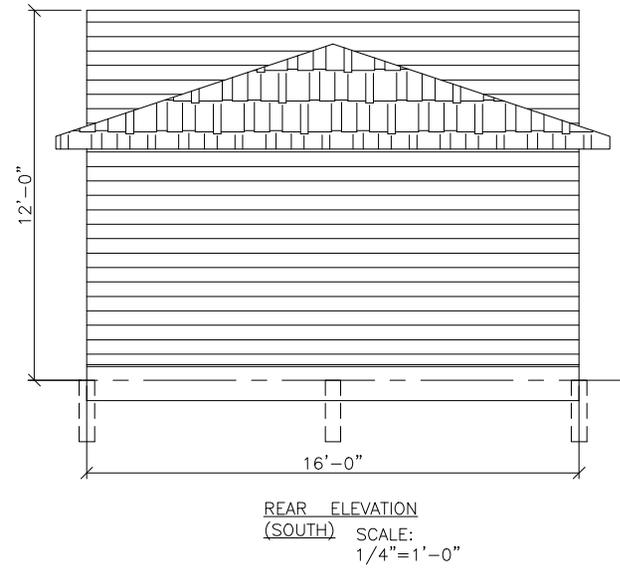
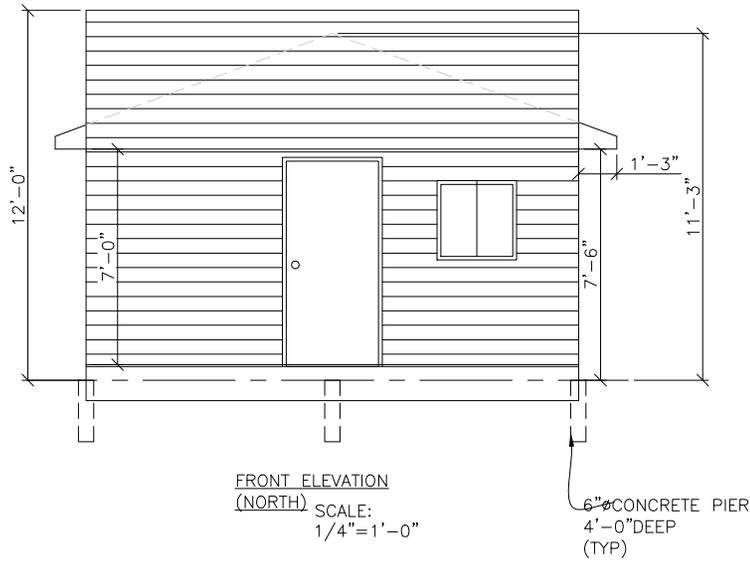


ANSI 8 - 17 X 11

PREPARED FOR: <b>ZHANG AIYING</b>	ADDRESS: 201 HELEN AVENUE MARKHAM, ON	LOCATION PLAN: KENNEDY ST HELEN AVENUE MCCOWAN RD	DRAWING DATE: July 27, 2020	DATE MEASURED: DEC 2019	SCALE: 1/4" = 1'-0"	DRAW NO. <b>A1</b>
	DRAWING TITLE: SHED LAYOUT PLAN		DISCLAIMER: Drawings are to be used for preliminary planning purposes only and are not to be used for quantity estimates or construction. Dimensions must be site verified prior to using for any other purpose. No warranty is made or implied as to the accuracy of dimensions. Measurements and slopes for inaccessible areas are obtained using best estimates. This drawing is subject to additional terms and conditions as outlined in the contract.		DRAWN BY: TW	

# Appendix B

File: 20.124.138.000.00.MNV  
 Date: 10/15/20  
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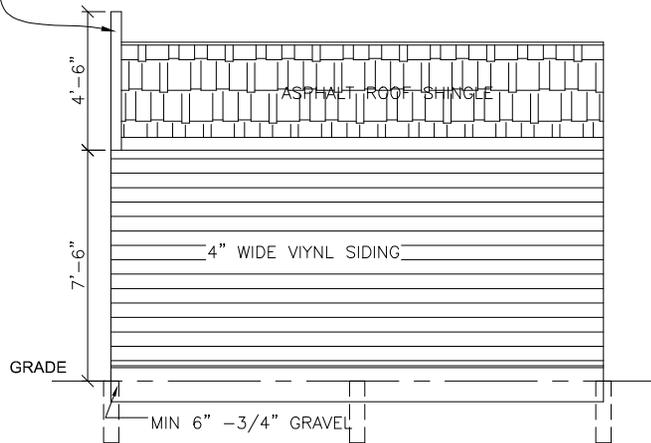
ANSI 8 - 17 X 11

PREPARED FOR: <b>ZHANG AIYING</b>	ADDRESS: 201 HELEN AVENUE MARKHAM, ON	LOCATION PLAN: 	DRAWING DATE: July 27, 2020	DATE MEASURED: DEC 2019	SCALE: 1/4" = 1'-0"	DRAW NO. <b>A2</b>
	DRAWING TITLE: NS ELEVATIONS PLAN		DISCLAIMER: Drawings are to be used for preliminary planning purposes only and are not to be used for quantity estimates or construction. Dimensions must be site verified prior to using for any other purpose. No warranty is made or implied as to the accuracy of dimensions. Measurements and slopes for inaccessible areas are obtained using best estimates. This drawing is subject to additional terms and conditions as outlined in the contract.	DRAWN BY: TW	CHKD BY: TW	

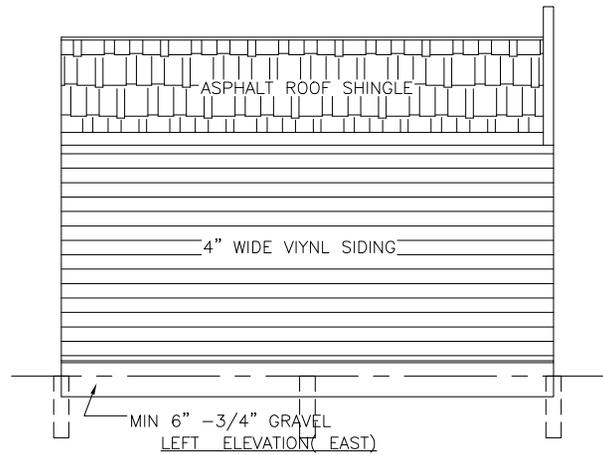
# Appendix B

File: 20.124.138.000.00.MNV  
 Date: 10/15/20  
 M.M.DDYY

4'-6" T TALL -2"x4"  
 PARAPET WALL @16" O.C  
 ; 7/8" SHEATHING AND  
 CLADDING WITH VINYL  
 SIDING



RIGHT ELEVATION (WEST)  
 SCALE:  
 1/4" = 1'-0"



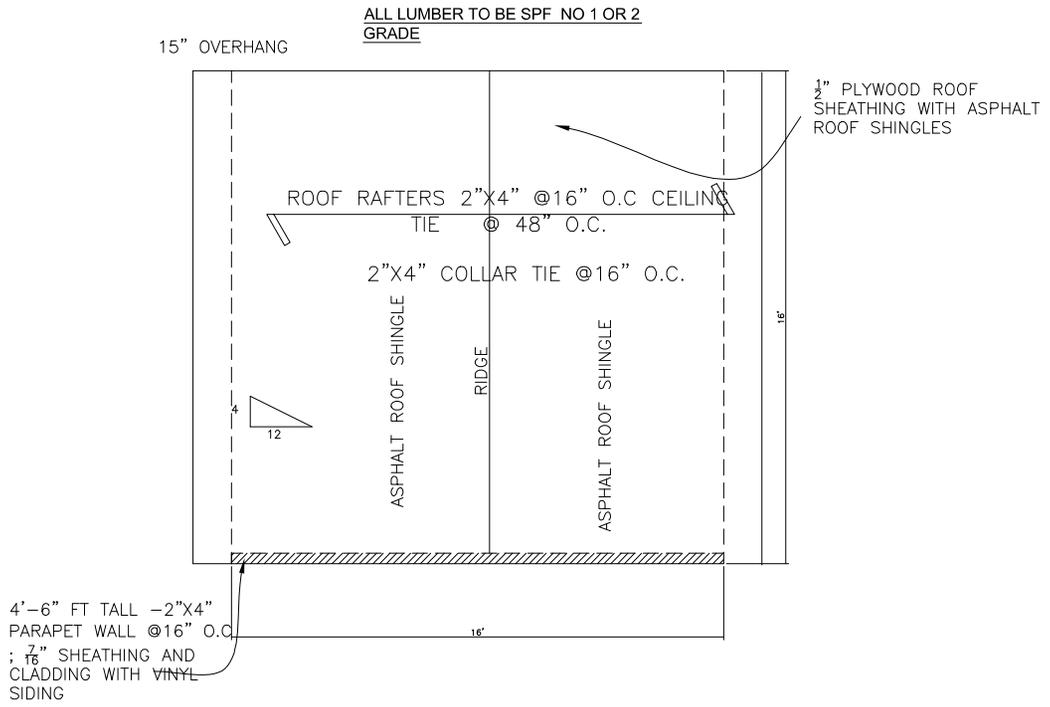
LEFT ELEVATION (EAST)  
 SCALE:  
 1/4" = 1'-0"



PREPARED FOR:  ZHANG AIYING	ADDRESS: 201 HELEN AVENUE MARKHAM, ON	LOCATION PLAN: 	DRAWING DATE: July 27, 2020	DATE MEASURED: DEC 2019	SCALE: 1/4" = 1'-0"	DRAW NO.  A3
	DRAWING TITLE: EW ELEVATIONS PLAN		DISCLAIMER: Drawings are to be used for preliminary planning purposes only and are not to be used for quantity estimates or construction. Dimensions must be site verified prior to using for any other purpose. No warranty is made or implied as to the accuracy of dimensions. Measurements and slopes for inaccessible areas are obtained using best estimates. This drawing is subject to additional terms and conditions as outlined in the contract.	DRAWN BY: TW	CHKD BY: TW	

# Appendix B

File: 20.124.138.000.00.MNV  
 Date: 10/16/20  
 M.M.D.P.P.Y.Y



## ROOF FRAMING PLAN

SCALE:  
 1/4" = 1'-0"



PREPARED FOR: <b>ZHANG AIYING</b>	ADDRESS: 201 HELEN AVENUE MARKHAM, ON	LOCATION PLAN: 	DRAWING DATE: July 27, 2020	DATE MEASURED: DEC 2019	SCALE: 1/4" = 1'-0"	DRAW NO. <b>A4</b>
	DRAWING TITLE: EW ELEVATIONS PLAN	DISCLAIMER: Drawings are to be used for preliminary planning purposes only and are not to be used for quantity estimates or construction. Dimensions must be site verified prior to using for any other purpose. No warranty is made or implied as to the accuracy of dimensions. Measurements and slopes for inaccessible areas are obtained using best estimates. This drawing is subject to additional terms and conditions as outlined in the contract.	DRAWN BY: TW	CHKD BY: TW		

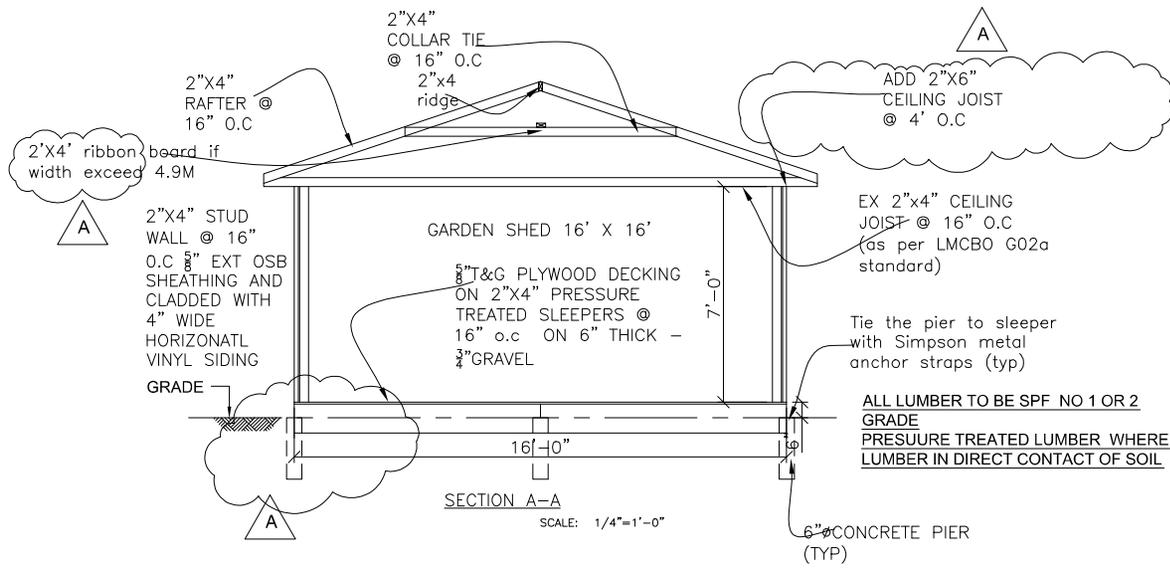
**Appendix B**

File: 20.124.138.000.00.MNV

Date: 10/16/20



MUD SILL FOUNDATION



PREPARED FOR: <b>ZHANG AIYING</b>	ADDRESS: 201 HELEN AVENUE MARKHAM, ON	LOCATION PLAN: 	DRAWING DATE: July 27, 2020	DATE MEASURED: DEC 2019	SCALE: 1/4" = 1'-0"	DRAW NO. <b>A5</b>
	DRAWING TITLE: SECTIONS PLAN	DISCLAIMER: Drawings are to be used for preliminary planning purposes only and are not to be used for quantity estimates or construction. Dimensions must be site verified prior to using for any other purpose. No warranty is made or implied as to the accuracy of dimensions. Measurements and slopes for inaccessible areas are obtained using best estimates. This drawing is subject to additional terms and conditions as outlined in the contract.	DRAWN BY: TW	CHKD BY: TW		

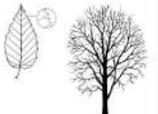
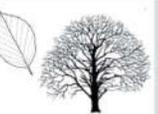
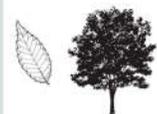
**APPENDIX "C"**  
**CITY OF MARKHAM TREES FOR OUR URBAN ENVIRONMENT**

## Native Tree Species Selection List

Common Name	Botanical Name
balsam fir	<i>Abies balsamea</i>
red maple	<i>Acer rubrum</i>
silver maple	<i>Acer saccharinum</i>
sugar maple	<i>Acer saccharum</i>
Ohio buckeye	<i>Aesculus glabra</i>
speckled alder	<i>Alnus rugosa</i>
yellow birch	<i>Betula alleghaniensis</i>
American hornbeam	<i>Carpinus caroliniana</i>
American chestnut	<i>Castanea dentata</i>
bitternut hickory	<i>Carya cordiformis</i>
pignut hickory	<i>Carya glabra</i>
shellbark hickory	<i>Carya laciniosa</i>
shagbark hickory	<i>Carya ovata</i>
common hackberry	<i>Celtis occidentalis</i>
American beech	<i>Fagus grandifolia</i>
Kentucky coffee tree	<i>Gymnocladus dioicus</i>
butternut	<i>Juglans cinerea</i>
black walnut	<i>Juglans nigra</i>
American larch	<i>Larix laricina</i>
tulip tree	<i>Liriodendron tulipifera</i>
cucumber magnolia	<i>Magnolia acuminata</i>
red mulberry	<i>Morus rubra</i>
black gum	<i>Nyssa sylvatica</i>
ironwood	<i>Ostrya virginiana</i>
hop-tree	<i>Ptelea trifoliata</i>
eastern white pine	<i>Pinus strobus</i>
American sycamore	<i>Platanus occidentalis</i>
pin cherry	<i>Prunus pensylvanica</i>
black cherry	<i>Prunus serotina</i>
sassafras	<i>Sassafras albidum</i>
white oak	<i>Quercus alba</i>
swamp oak	<i>Quercus bicolor</i>
bur oak	<i>Quercus macrocarpa</i>
red oak	<i>Quercus rubra</i>
black oak	<i>Quercus velutina</i>
basswood	<i>Tilia americana</i>
eastern hemlock	<i>Tsuga canadensis</i>
Princeton white elm	<i>Ulmus americana</i> "Princeton"

\*\*Pick a mix of different species and avoid planting too much of the same or similar species. Planting too much of one species or similar species is called monoculture and always leads to problems, as is occurring now with ash trees and the emerald ash borer. Do not plant more than 10% of your total planting numbers as similar species. E.g. If planting 100 trees there must not be more than 10 trees planted that are the same or similar species. (Similar species could be: sugar maple, silver maple, red maple – or – burr oak, white oak, swamp oak – or – bitternut hickory, pignut hickory, shagbark hickory – etc.)

# TREES FOR OUR URBAN ENVIROMENT

<b>STRIPED MAPLE</b> <i>Acer pensylvanicum</i>  fall colour: yellow bloom: late spring	<b>OHIO BUCKEYE</b> <i>Aesculus glabra</i>  fall colour: red bloom: mid-spring	<b>SASSAFRAS</b> <i>Sassafras albidum</i>  fall colour: yellow and purple/red bloom: mid-spring flower: yes - yellow/green	<b>EUROPEAN HORNBEAM*</b> <i>Carpinus betulus</i>  fall colour: yellow bloom: early spring	<b>WHITE PINE</b> <i>Pinus strobus</i>  fall colour: green/yellow bloom: n/a	<b>SUGAR MAPLE</b> <i>Acer saccharum</i>  fall colour: orange/red bloom: mid spring flower: yes - green	<b>BITTERNUT HICKORY</b> <i>Carya cordiformis</i>  fall colour: yellow bloom: mid-spring	<b>PIGNOT HICKORY</b> <i>Carya glabra</i>  fall colour: yellow bloom: mid-spring	<b>SHAGBARK HICKORY</b> <i>Carya ovata</i>  fall colour: yellow/bronze bloom: mid-spring	<b>WHITE OAK</b> <i>Quercus alba</i>  fall colour: dark red bloom: mid-spring		
<b>THORNLESS COCKSPUR</b> <i>Crataegus crusgalli</i>  fall colour: orange/red bloom: mid-spring flower: white	<b>RIVER BIRCH</b> <i>Betula nigra</i>  fall colour: chartreuse bloom: mid-spring	<b>REDBUD</b> <i>Cercis canadensis</i>  fall colour: orange/bronze bloom: mid-spring flower: pink/red	<b>CUCUMBER MAGNOLIA</b> <i>Magnolia acuminata</i>  fall colour: golden yellow bloom: early spring flower: yes - green/yellow	<b>COMMON BALDCYPRESS</b> <i>Taxodium distichum</i>  fall colour: brown/red bloom: n/a	<b>YELLOW BIRCH</b> <i>Betula alleghaniensis</i>  fall colour: yellow bloom: mid-spring	<b>LONDON PLANE*</b> <i>Platanus x acerifolia</i>  fall colour: golden yellow bloom: mid-spring	<b>DOUGLAS FIR</b> <i>Pseudotsuga menziesii</i>  fall colour: green bloom: n/a	<b>LARCH</b> <i>Larix laricina</i>  fall colour: yellow (needles) bloom: n/a	<b>BUR OAK</b> <i>Quercus macrocarpa</i>  fall colour: yellow/brown bloom: mid-spring		
<b>AMERICAN HORNBEAM</b> <i>Carpinus caroliniana</i>  fall colour: orange/red bloom: early spring	<b>BLACK TUPELO</b> <i>Nyssa sylvatica</i>  fall colour: purple/red bloom: mid-spring	<b>EUROPEAN BEECH*</b> <i>Fagus sylvatica "Tri-colour"</i>  fall colour: copper bloom: mid-spring	<b>FREEMAN MAPLE</b> <i>Acer freemanii</i>  fall colour: red bloom: early spring	<b>NORTHERN CATALPA</b> <i>Catalpa speciosa</i>  fall colour: yellow/green bloom: late spring flower: white purple	<b>DAWN REDWOOD*</b> <i>Metasequoia glyptostroboides</i>  fall colour: yellow (needles) bloom: n/a	<b>KENTUCKY COFFEE</b> <i>Gymnocladus dioica</i>  fall colour: yellow bloom: late spring flower: white/green	<b>HONEY LOCUST</b> <i>Gleditsia triacanthos</i>  fall colour: yellow bloom: late spring flower: white/green	<b>HEMLOCK</b> <i>Tsuga canadensis</i>  fall colour: green bloom: n/a	<b>TULIP TREE</b> <i>Liriodendron tulipifera</i>  fall colour: golden yellow bloom: late-spring flower: green/yellow/orange		
<b>KATSURA*</b> <i>Cercidiphyllum</i>  fall colour: chartreuse bloom: mid-spring flower: pink	<b>YELLOW WOOD</b> <i>Cladrasis kentukea</i>  fall colour: golden yellow bloom: mid-spring flower: white	<b>COPPER BEECH*</b> <i>Fagus sylvatica purpurea</i>  fall colour: red orange bloom: late-spring	<b>OSAGE ORANGE</b> <i>Maclura pomifera</i>  fall colour: yellow bloom: late spring	<b>BLACK MAPLE</b> <i>Acer nigrum</i>  fall colour: yellow/brown bloom: mid spring	<b>AMERICAN SWEETGUM</b> <i>Liquidambar styraciflua</i>  fall colour: yellow/orange bloom: mid-spring	<b>BASSWOOD</b> <i>Tilia americana</i>  fall colour: yellow/green bloom: late-spring flower: pale yellow	<b>PRINCETON WHITE ELM</b> <i>Ulmus americana</i>  fall colour: yellow bloom: early spring	<b>JAPANESE ZELKOVA*</b> <i>Zelkova serrata</i>  fall colour: red bloom: early spring	<b>RED MAPLE</b> <i>Acer rubrum</i>  fall colour: red bloom: early spring		
<b>ROWAN</b> <i>Sorbus americana</i>  fall colour: yellow bloom: mid-spring flower: white	<b>IRONWOOD</b> <i>Ostrya virginiana</i>  fall colour: yellow bloom: mid-spring flower: yes - red/purple or green/white	<b>COMMON HACKBERRY</b> <i>Certs occidentalis</i>  fall colour: yellow bloom: mid-spring flower: white/green	<b>WHITE FIR</b> <i>Abies concolor</i>  fall colour: green bloom: n/a	Avg. Tree Height ■ Small 20-40 ft. ■ Medium 30-70 ft. ■ Large 40-120 ft.						* Non-Native Tree to North America	

Illustrated are the tree species approved for re-planting conditions by the Tree Preservation section of the City of Markham, subject to change from time to time depending on current conditions. Please check your tree permit to confirm the tree size required.



SOURCES: Trees in Canada (John Laird Farrar), Native Trees of Canada (R.C. Hoisie), Natural Resource Canada (<https://tidcf.nrcan.gc.ca/en/trees/>)