

# Memorandum to the City of Markham Committee of Adjustment

January 09, 2020

**File:** A/156/19  
**Address:** 164 Krieghoff Ave – Markham, ON  
**Applicant:** Zheng Shuyuan  
**Agent:** Ali Shakeri  
**Hearing Date:** Wednesday February 05, 2020

The Central Team provides the following comments. The Applicant requests relief from the “Fourth Density Single Family Residential – R4 Zone” under By-law 11-72, as amended, as it relates to a proposed new two-storey single detached dwelling to permit:

**a) Section 6, Schedule B:**

A maximum height of 7.92 m (26 ft), whereas the By-law permits a maximum height of 7.62 m (25 ft).

## **BACKGROUND**

### **Property Description**

The 771.34 m<sup>2</sup> (8,302.63 ft<sup>2</sup>) subject property is located on the north side of Krieghoff Avenue, east of Village Parkway, south of Pomander Road, and west of Main Street Unionville. There is an existing pool located in the rear of the subject property, which according to assessment records was constructed in 1993. Mature trees exist across the subject property. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with the construction of new infill dwellings.

### **Proposal**

The Applicant proposes to construct a new two storey single detached dwelling with a height of 7.92 m (26 ft) (the “proposed development”).

### **Official Plan and Zoning**

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

The subject property is designated “Residential Low Rise”, which permits 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 the proposed development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along Krieghoff Avenue. In considering applications for development approval in a “Residential Low Rise” area, 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 11-72

The subject property is zoned “Fourth Density Single Family Residential – R4 Zone” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the maximum height as provided in the By-law.

### Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns with this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing By-law standards continue to apply.

### **Applicant's Stated Reasons for Not Complying with Zoning**

According to the information provided by the Applicant, the reason for not complying with Zoning is because,

*"A reasonably desired design won't be achieved without the requested variance".*

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

The Applicant has confirmed that a ZPR has not been conducted. It is the Applicant'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 Building Height**

The Applicant requests relief to permit a maximum building height of 7.92 m (26 ft), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of 0.3 m (1 ft) from the maximum height permitted in the By-law. Staff are of the opinion that the proposed height is minor in nature, and is comparable in scale to other infill development.

### **Tree Preservation By-law 2008-96 and 2008-97**

Various mature trees currently exist across the subject property, and within the neighbouring rear yard to the south. The Applicant submitted a Tree Preservation Plan and Arborist Report completed on December 10, 2019, which initially proposed to remove four trees on the property.

Staff have requested that the Applicant consider maintaining the mature trees located in the front yard, which contemplated their proposed removal due to the configuration of the driveway. In response, the Applicant submitted revised plans, along with an updated arborist report on January 9, 2020, which proposes to maintain two of the mature trees located within the front yard of the subject property. Should the Committee approve this application, staff recommend that any approval be subject to the related tree preservation and protection conditions provided in Appendix "A".

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 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.

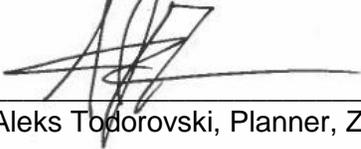
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

### **APPENDICES**

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Lue, Development Manager, Central District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/19**

1. That the Applicant implement and maintain all of the works required in accordance with the conditions of this variance;
2. The variances apply only to the proposed development as long as it remains;
3. That the variance apply only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report and received by the City of Markham on December 17, 2019, 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;
4. 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;
5. 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;
6. 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:



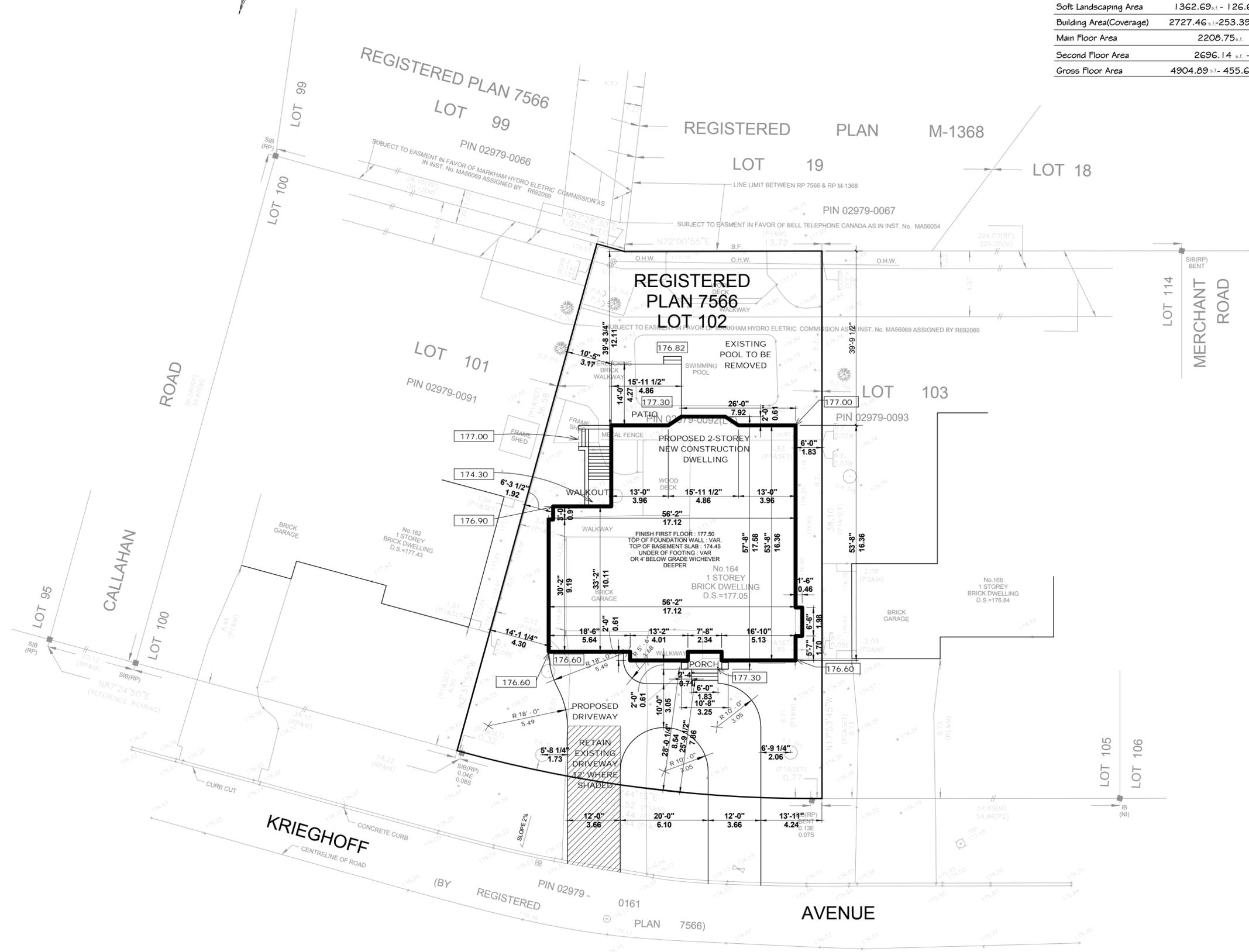
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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/19**



Zoning Data Matrix	
R4 & RD (F15, a550)(X5)	Proposed
Lot #	102
Plan #	7566
Lot Area	8302.6 <sub>s.f.</sub> 771.34 <sub>m<sup>2</sup></sub>
Front Yard Area	2314.91 <sub>s.f.</sub> - 215.06 <sub>m<sup>2</sup></sub>
Driveway Area	936.82 <sub>s.f.</sub> - 87.03 <sub>m<sup>2</sup></sub>
Walkway Area	15.40 <sub>s.f.</sub> - 1.43 <sub>m<sup>2</sup></sub>
Landscape Open Space Area	1378.09 <sub>s.f.</sub> - 128.03 <sub>m<sup>2</sup></sub> (59.53%)
Soft Landscaping Area	1362.69 <sub>s.f.</sub> - 126.6 <sub>m<sup>2</sup></sub> (97.76%)
Building Area(Coverage)	2727.46 <sub>s.f.</sub> -253.39 <sub>m<sup>2</sup></sub> (32.68%)
Main Floor Area	2208.75 <sub>s.f.</sub> - 205.2 <sub>m<sup>2</sup></sub>
Second Floor Area	2696.14 <sub>s.f.</sub> - 250.48 <sub>m<sup>2</sup></sub>
Gross Floor Area	4904.89 <sub>s.f.</sub> - 455.68 <sub>m<sup>2</sup></sub> (59.07%)



notes:

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project: **164 KREIGHOFF AVENUE**  
 drawing: **SITE PLAN**  
 scale: **1/16" = 1'-0"** page: **A 01**

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER

Ali Shakeri *Ali Shakeri*  
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 F&A Associates Ltd.  
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project:  
**164 KREIGHOFF AVENUE**

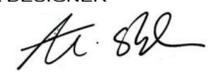
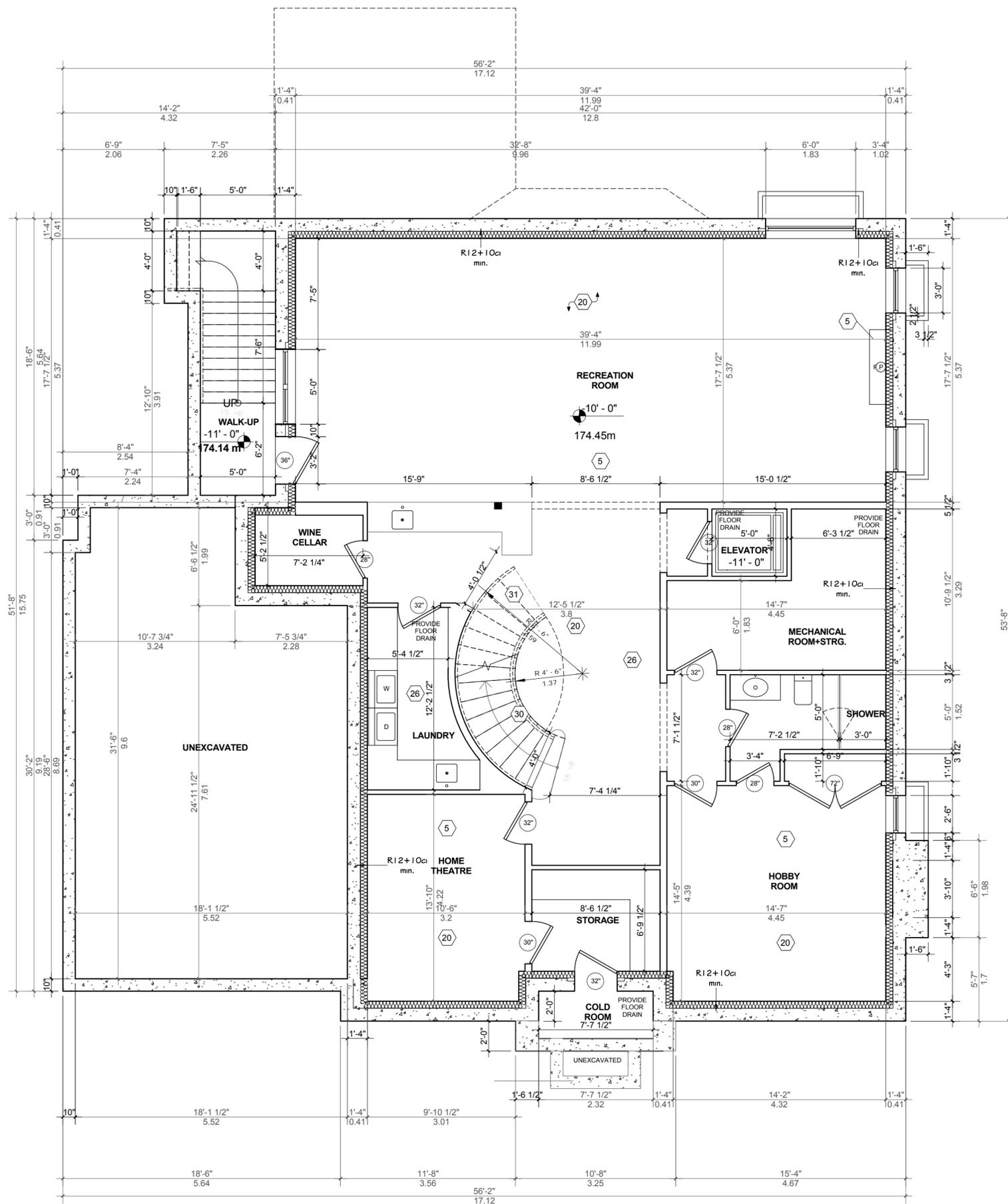
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**BASEMENT PLAN**

scale:  
**3/16" = 1'-0"**

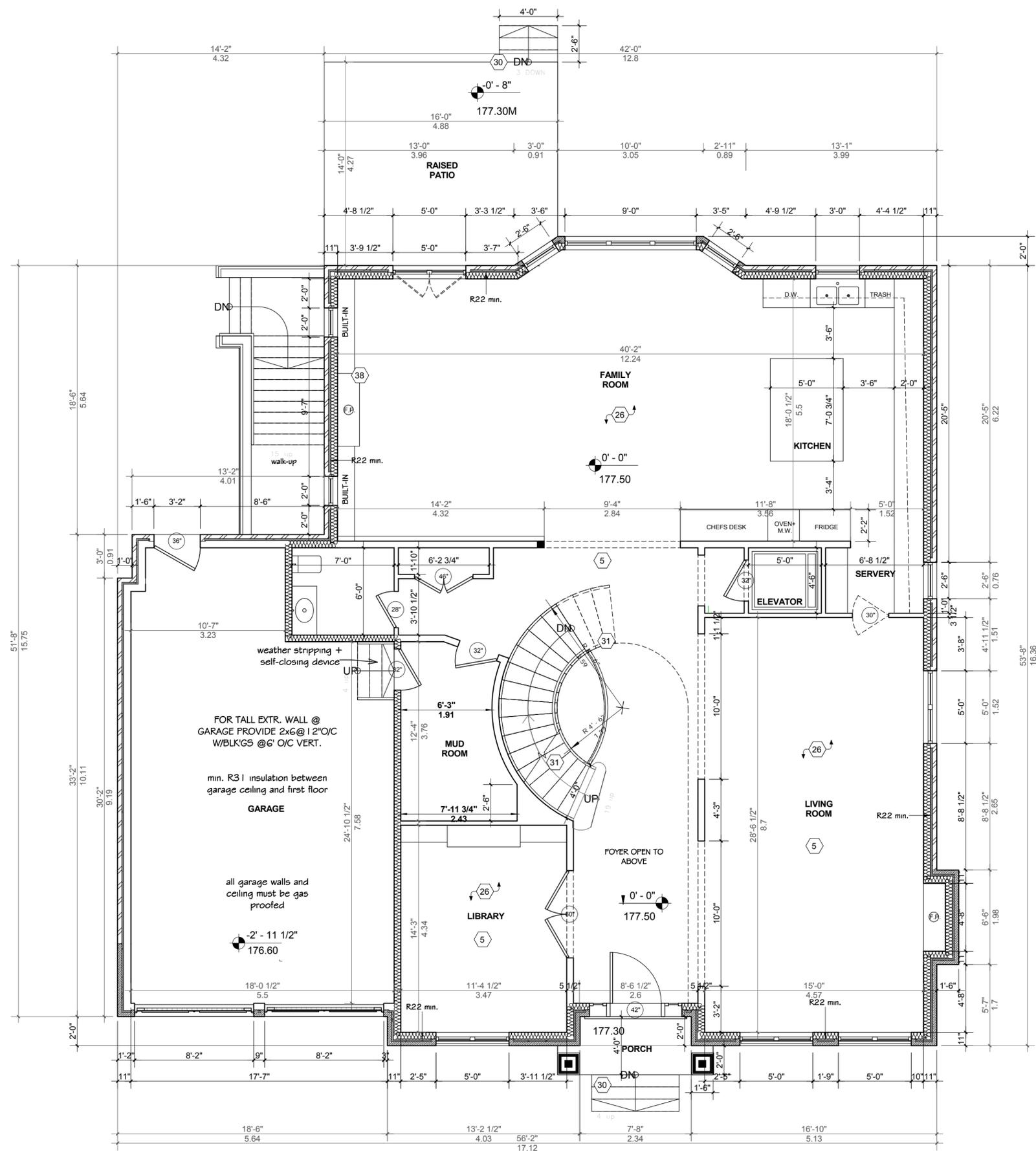
page:  
**A 02**

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NOTE:  
 ALL INTERIOR WALL  
 DIMENSIONS SHOW  
 FACE OF STUDS



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DIMENSIONS SHOW  
FACE OF STUDS

notes:

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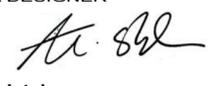
project:  
**164 KREIGHOFF AVENUE**

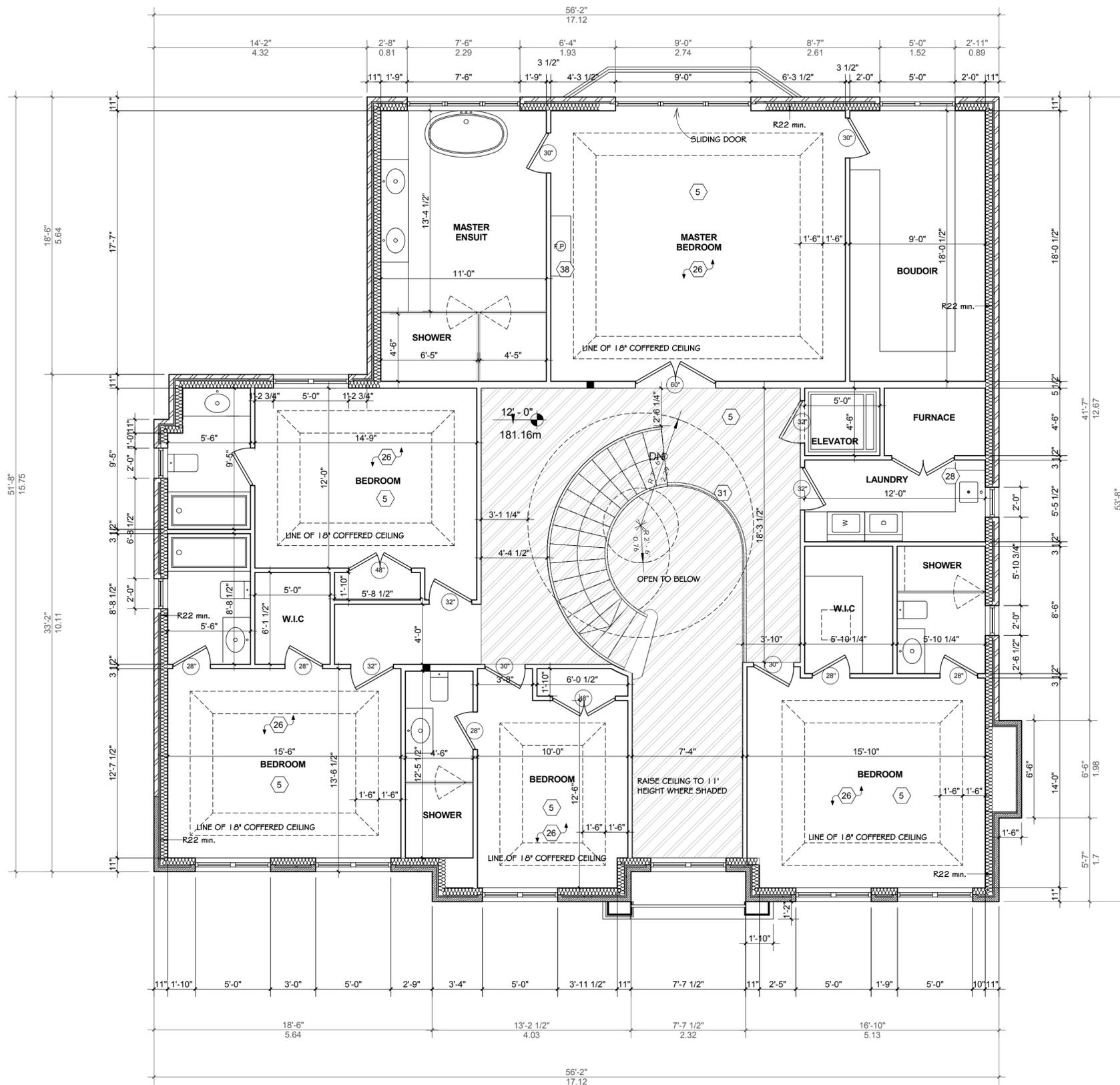
drawing:  
**1st FLOOR PLAN**

scale: <b>3/16" = 1'-0"</b>	page: <b>A 03</b>
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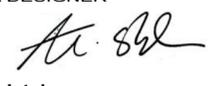
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**164 KREIGHOFF AVENUE**

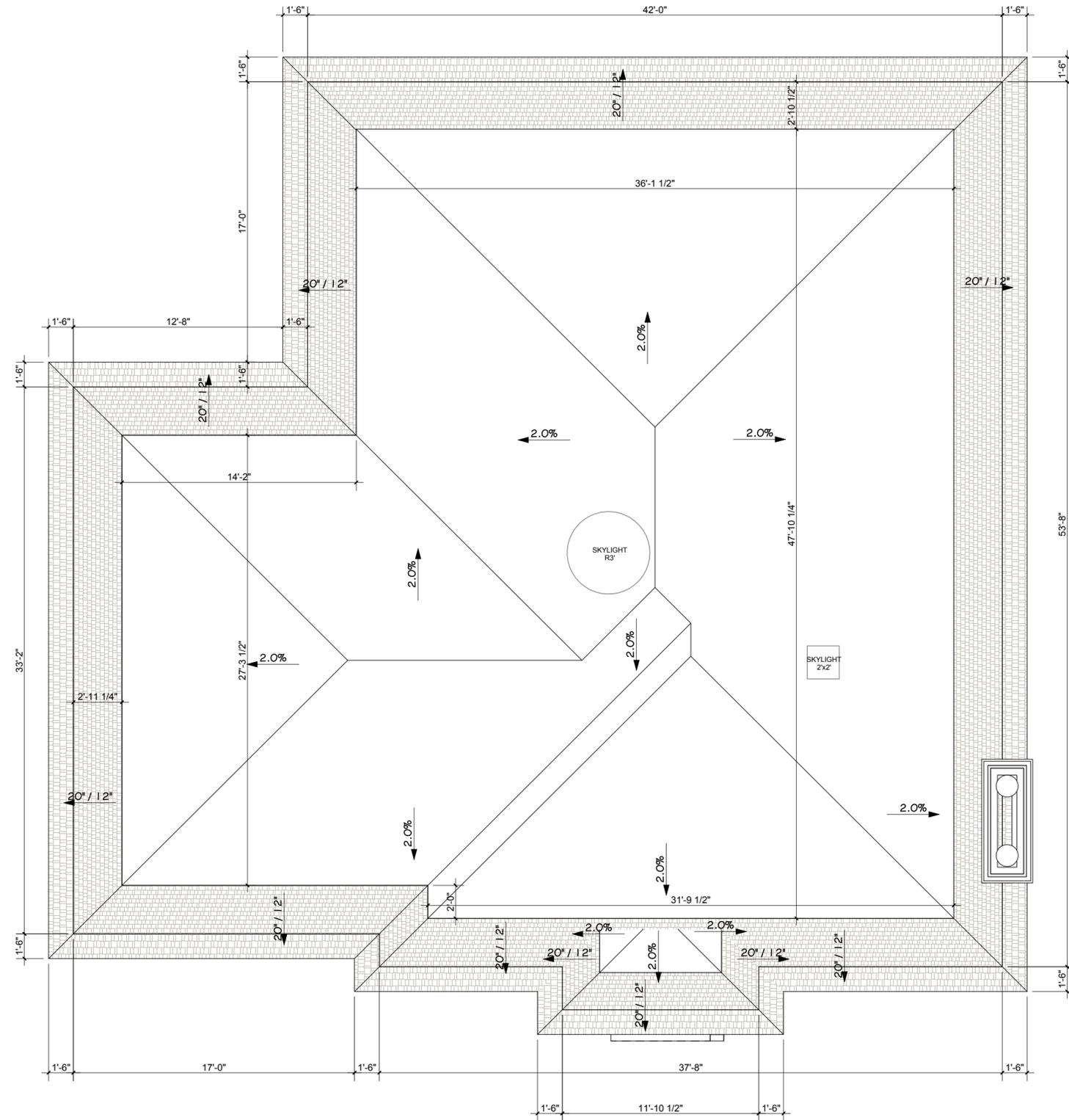
drawing:  
**2nd FLOOR PLAN**

scale: **3/16" = 1'-0"** page: **A 04**

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project: **164 KREIGHOFF AVENUE**

drawing: **ROOF PLAN**

scale: **3/16" = 1'-0"** page: **A 05**

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project:

164 KREIGHOFF AVENUE

drawing:

MAIN ELEVATION(SOUTH)

scale:

1/4" = 1'-0"

page:

A 06

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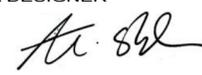
project: **164 KREIGHOFF AVENUE**

drawing: **REAR ELEVATION(NORTH)**

scale: **1/4" = 1'-0"** page: **A 07**

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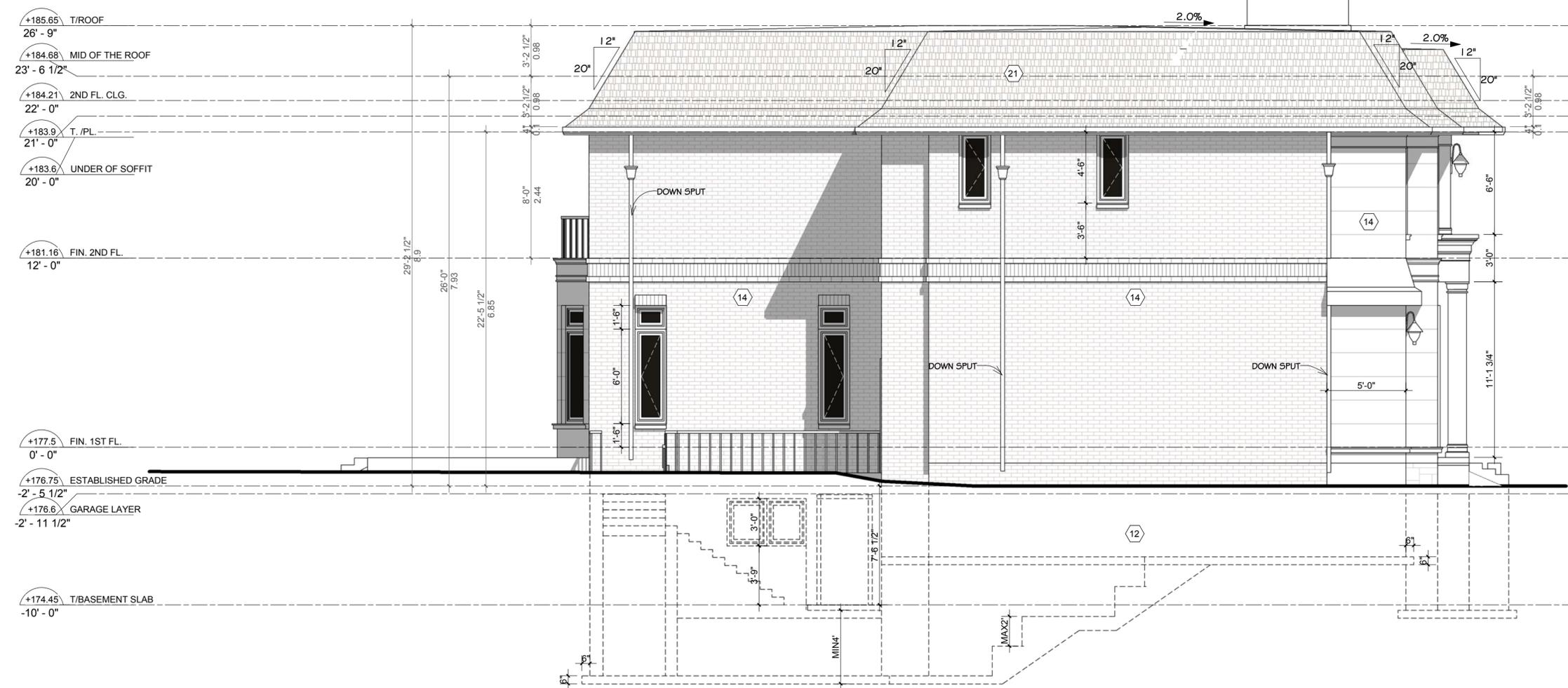
Ali Shakeri  
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notes:

GLAZED AREAS:

- 1. AREA OF EXPOSED BUILDING FACE: 1166.70 SQ.FT.
- 2. PROPOSED GLAZED AREA: 46.50 SQ.FT. (3.9%)



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project: 164 KREIGHOFF AVENUE

drawing: SIDE ELEVATION(WEST)

scale: 3/16" = 1'-0" page: A 9

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