

Memorandum to the City of Markham Committee of Adjustment

May 10, 2023

File: A/067/23
Address: 6 Gainsville Avenue, Markham
Applicant: Weimin Wang
Agent: Meta Home Inc. (Sheng Huang)
Hearing Date: Wednesday, May 17, 2023

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

The Applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements of By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

a) By-law 11-72, Section 6.1:

a maximum building height of 27 feet 2 inches, whereas the By-law permits a maximum height of 25 feet; and;

b) By-law 11-72, Section 6.1:

a maximum lot coverage of 36.4 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent.

BACKGROUND

Property Description

The 1,081.38 m² (11,640 ft²) Subject Lands are located on the north side of Gainsville Avenue, generally located west of Main Street Unionville, and south of Carlton Road (refer to Appendix “A” – Aerial Context Photo). The Subject Lands are located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing two-storey single detached dwelling on the property, which according to assessment records was constructed in 1967. Mature vegetation exists on the property including several mature trees.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling including a front covered porch with approximately 701.70 m² (7,553 ft²) of gross floor area (refer to Appendix “B” – Plans).

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits low rise

housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criterion is established 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. In considering applications for 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 11-72

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the by-law requirements as it relates to building height and lot coverage.

Varley Village Infill Area

The Subject Lands are within an area of the City where larger dwellings are replacing the existing building stock. In response to concerns within this redevelopment 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 to implement an infill by-law at that time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing bylaw standards continue to apply.

Notwithstanding that an infill by-law was not enacted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on April 12, 2023. The Applicant has not conducted a subsequent 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 Building Height

The Applicant is requesting relief to permit a maximum building height of 8.28 metres (27.17 feet), whereas the By-law permits a maximum building height of 7.62 metres (25 feet). This represents an increase of 0.66 metres (2.16 feet).

Staff are of the opinion that the proposed maximum building height is minor in nature, will have limited impact the streetscape and therefore have no concern with the requested variance.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 36.4 percent (4,242 ft²), whereas the By-law permits a lot coverage of 33 1/3 percent (3,880 ft²). The proposed lot coverage includes the front covered porch and balcony above garage which adds approximately 45 m² (484.38 ft²) to the overall building area. Excluding the front covered porch and balcony above garage, the proposed development has a lot coverage of 32.3 percent and would comply with the by-law requirement.

Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and the proposed dwelling is generally consistent with the by-law.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concerns in regards to the Minor Variance, where tree preservation is required on site and further attention will be required to ensure barriers are to the City of Markham's standards.

Tree Preservation staff further noted that in September 2021, they were notified that a total of 19 trees were removed on site without a permit. This resulted in a By-law Order being issued to replace, remediate or make compensation to the City to address this matter.

Staff recommend that the tree related conditions, as outlined in Appendix “C”, be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and 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. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 9, 2023. 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.

Please refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Zoning and Special Projects

REVIEWED BY:



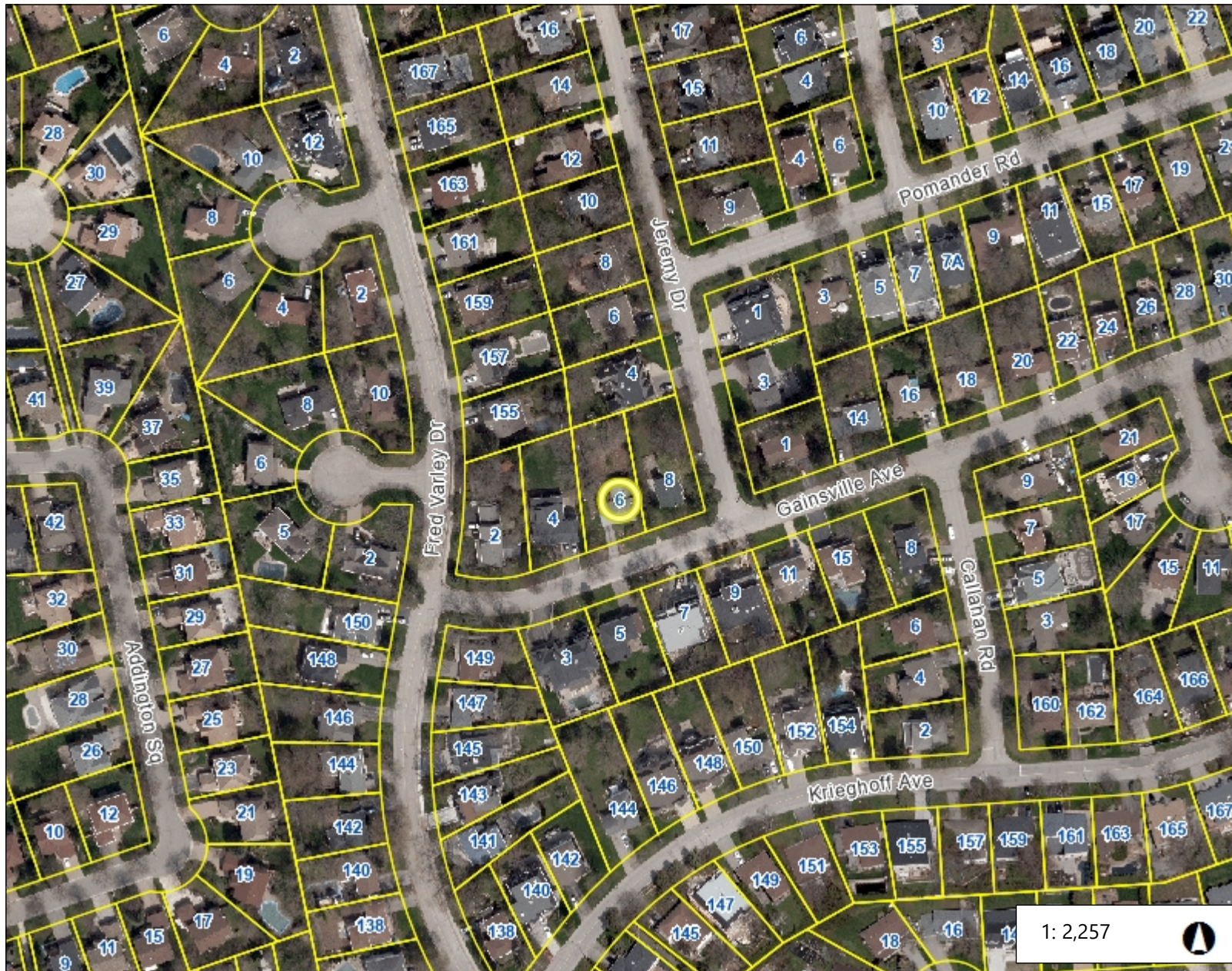
Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix “A” – Aerial Context Photo

Appendix “B” – Plans

Appendix “C” – A/67/23 Conditions of Approval



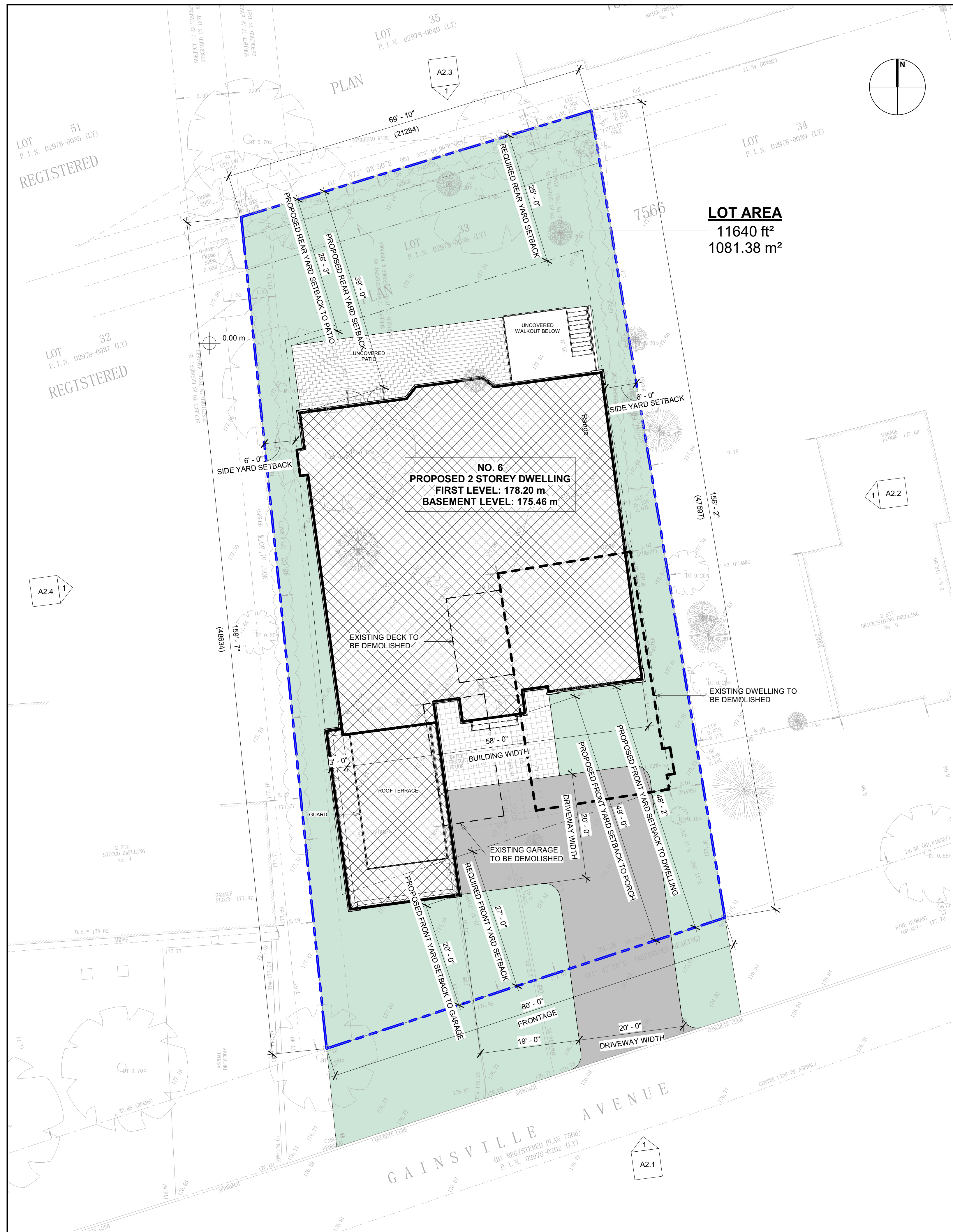
Legend

Subject Lands

1: 2,257

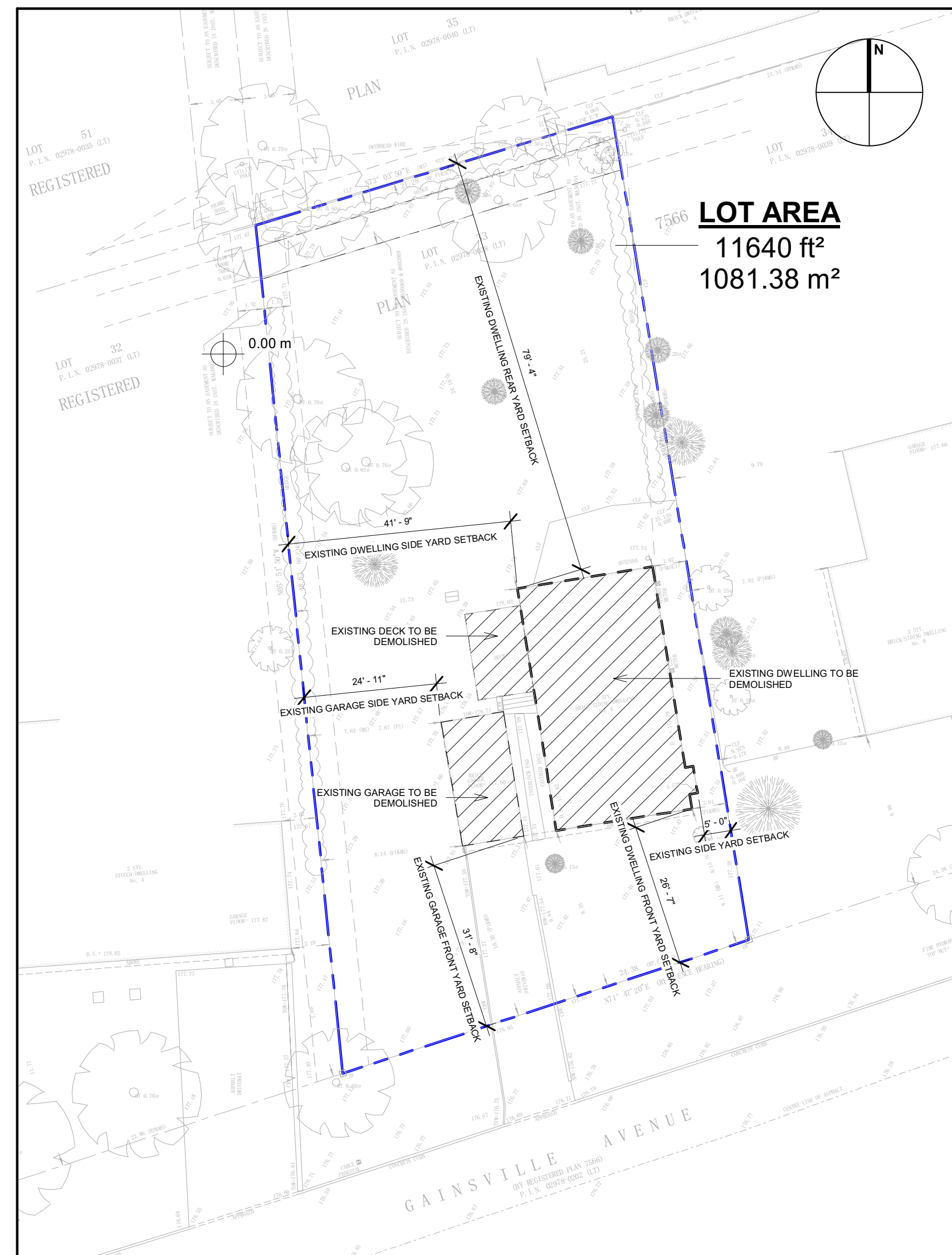
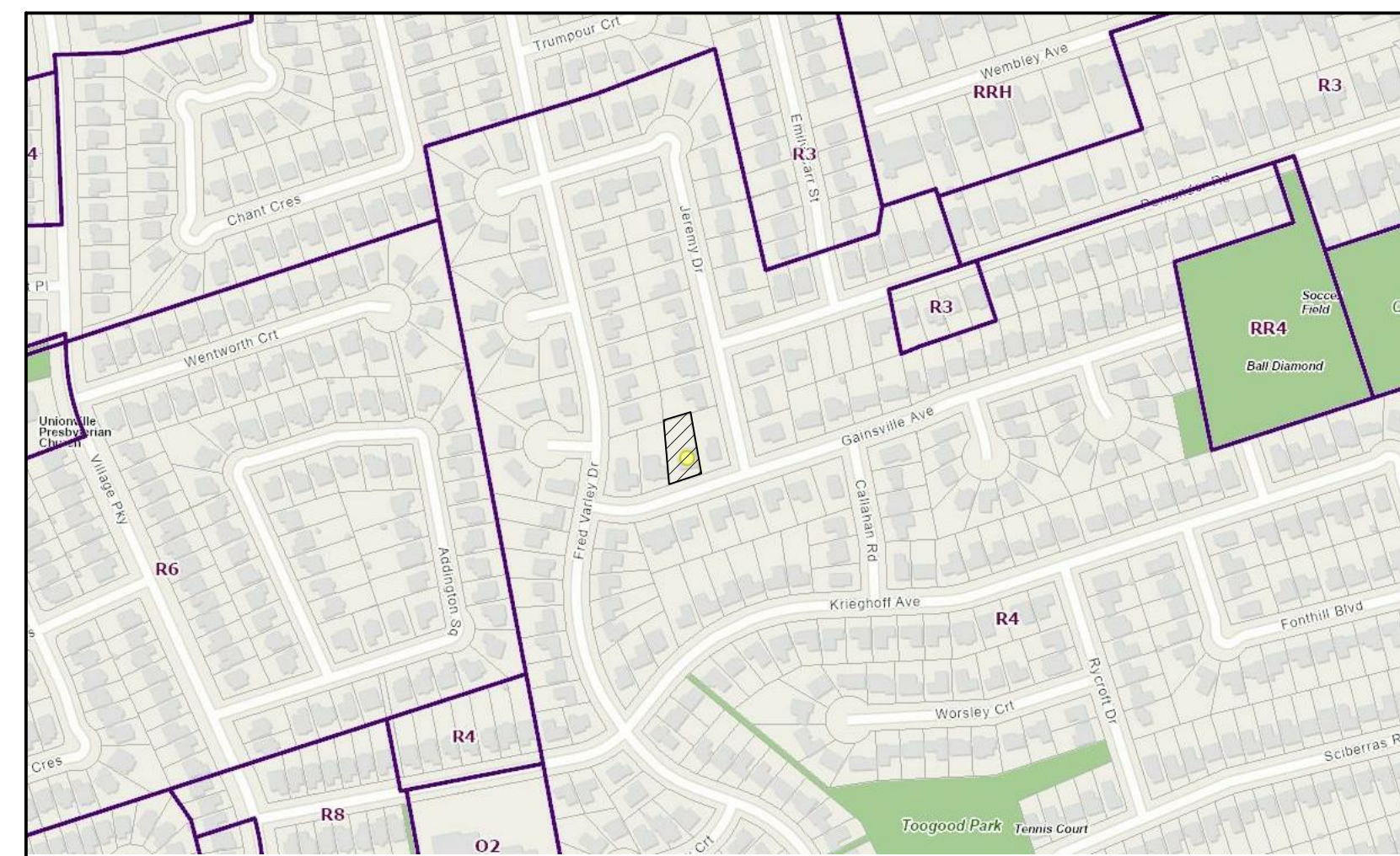
114.7 0 57.33 114.7 Meters

Notes



① SITE PLAN - EXISTING - NEW BUILD
 3/32" = 1'-0"

SITE STATISTICS		
ITEM	REQUIRED	PROPOSED
ZONE	R4	R4
LOT AREA	-	11640 sq.ft
COVERAGE	33.3%	4242/11640 = 36.4%
FRONT YARD	27'	48' 2"
FRONT YARD (GARAGE)	20'	20'
REAR YARD	25'	39'
SIDE YARD INT. (EAST)	6'	6'
SIDE YARD INT. (WEST)	6'	6'
SIDE YARD EXT.	-	-
BUILDING HEIGHT	25'	27' 2" (MID. OF ROOF) 31' 2" (TOP OF ROOF)



③ SITE PLAN - EXISTING
 1" = 20'-0"

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
LOT 33
REGISTERED PLAN 7566
IN THE
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)

AVERAGE GRADE	
NO	ELEVATION
1	177.40
2	177.60
3	177.80
4	177.90
5	177.70
6	177.60
7	177.70
8	177.50
	1421.20

AVERAGE GRADE:
 1421.20 / 8 = 177.65

Area Schedule (Gross Building)	
Level	Area
1ST FLOOR	4,242 SF
2ND FLOOR	3,312 SF
Grand total: 2	7,553 SF

Area Schedule (Basement)	
Level	Area
BASEMENT	3,432 SF
Grand total: 1	3,432 SF

SITE LEGEND

- DRIVE WAY
- PAVER
- LANDSCAPE

Stamp:

All dimensions to be checked and verified on site.
 Do not scale drawings.
 Any discrepancies are to be reported to the Consultant.
 All drawings remain the property of the Consultant.
 Only latest approved drawings to be used for construction.

Project:

Owner

#6 Gainsville Ave

6 Gainsville Ave,
 Unionville, ON L3R 1W6

Project North : True North :

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

SITE PLAN

Scale: As indicated

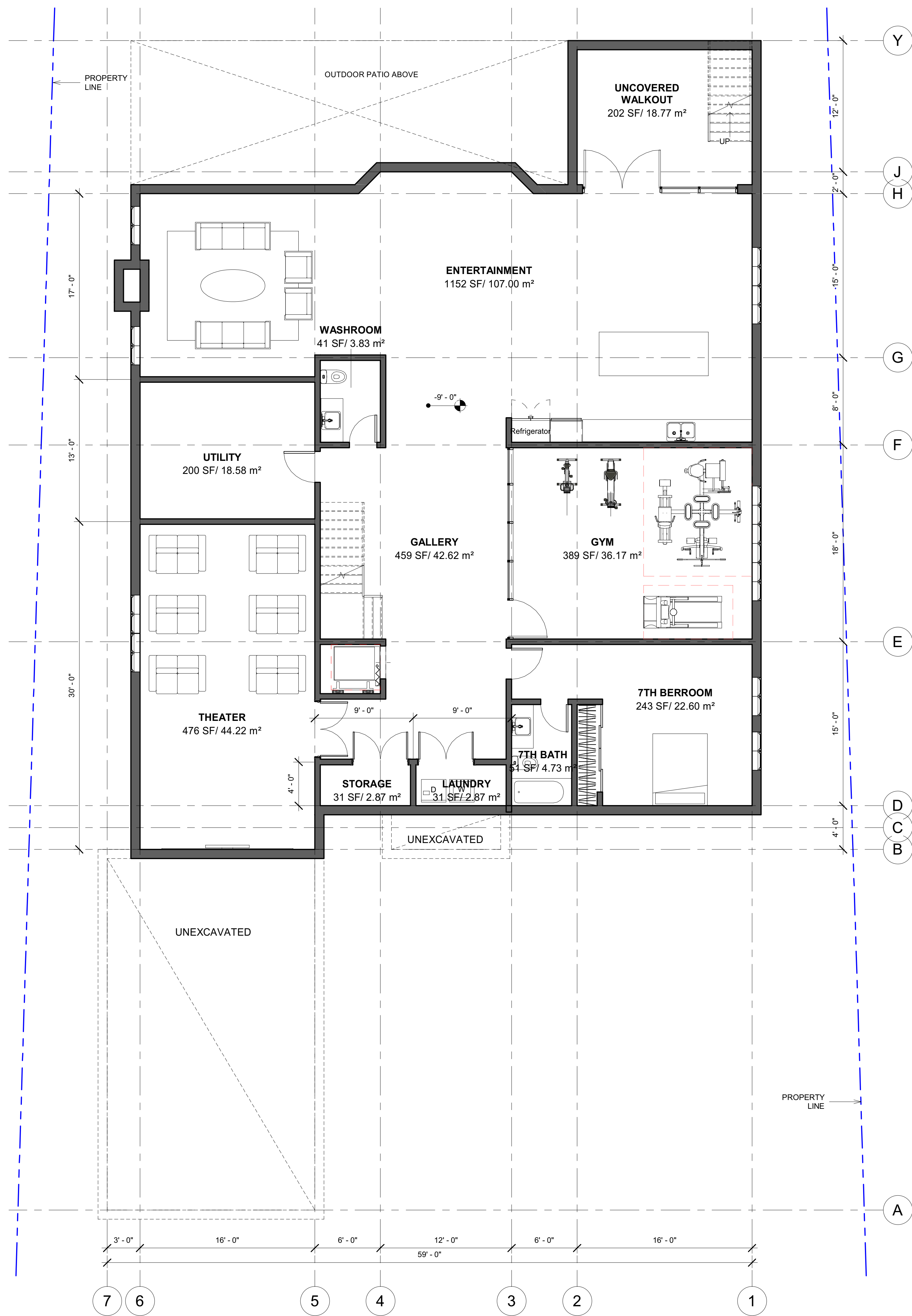
Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

Drawing No.:

A0.1



Stamp:

All dimensions to be checked and verified on site.
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Project:

Owner

#6 GAINSVILLE

Enter address here

Project North: True North:

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

BASEMENT PLAN

Scale: 3/16" = 1'-0"

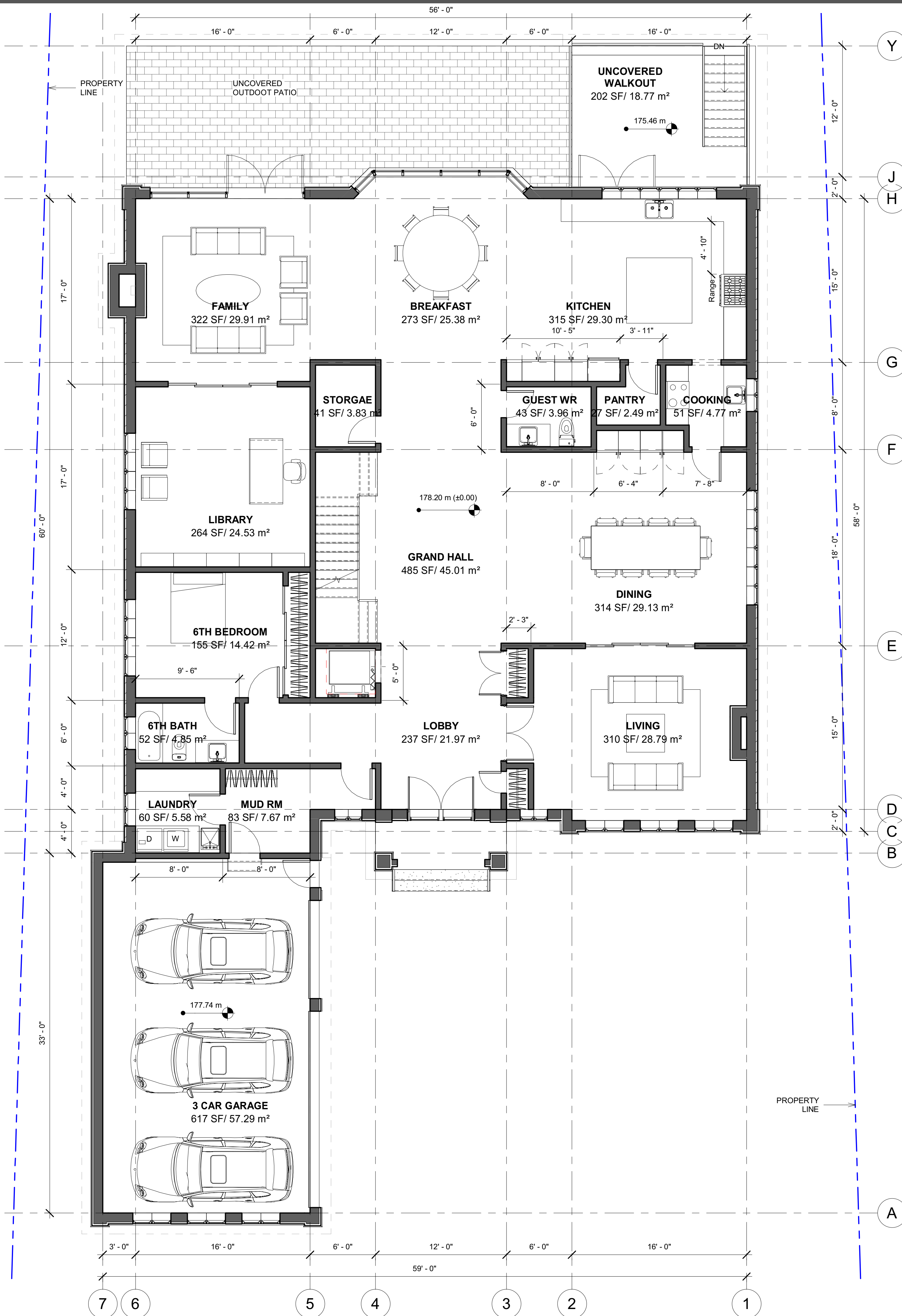
Start Date: Issue Date

Job No.: Project Number

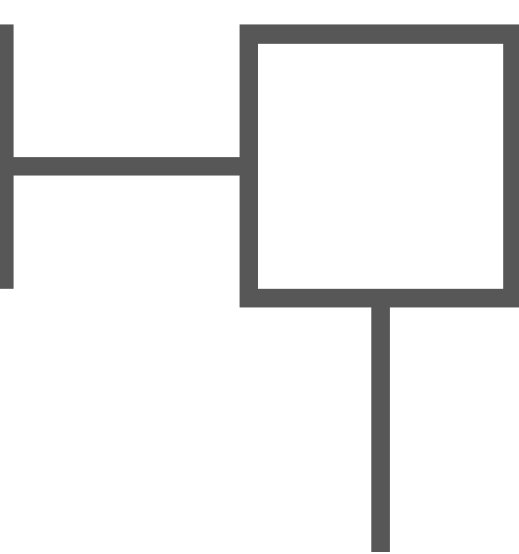
Drawn by: Author

Drawing No.:

A1.0



Stamp:



All dimensions to be checked and verified on site.
Do not scale drawings.
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Project:

Owner

#6 GAINSVILLE

Enter address here

Project North : True North :

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

FIRST FLOOR PLAN

Scale : 3/16" = 1'-0"

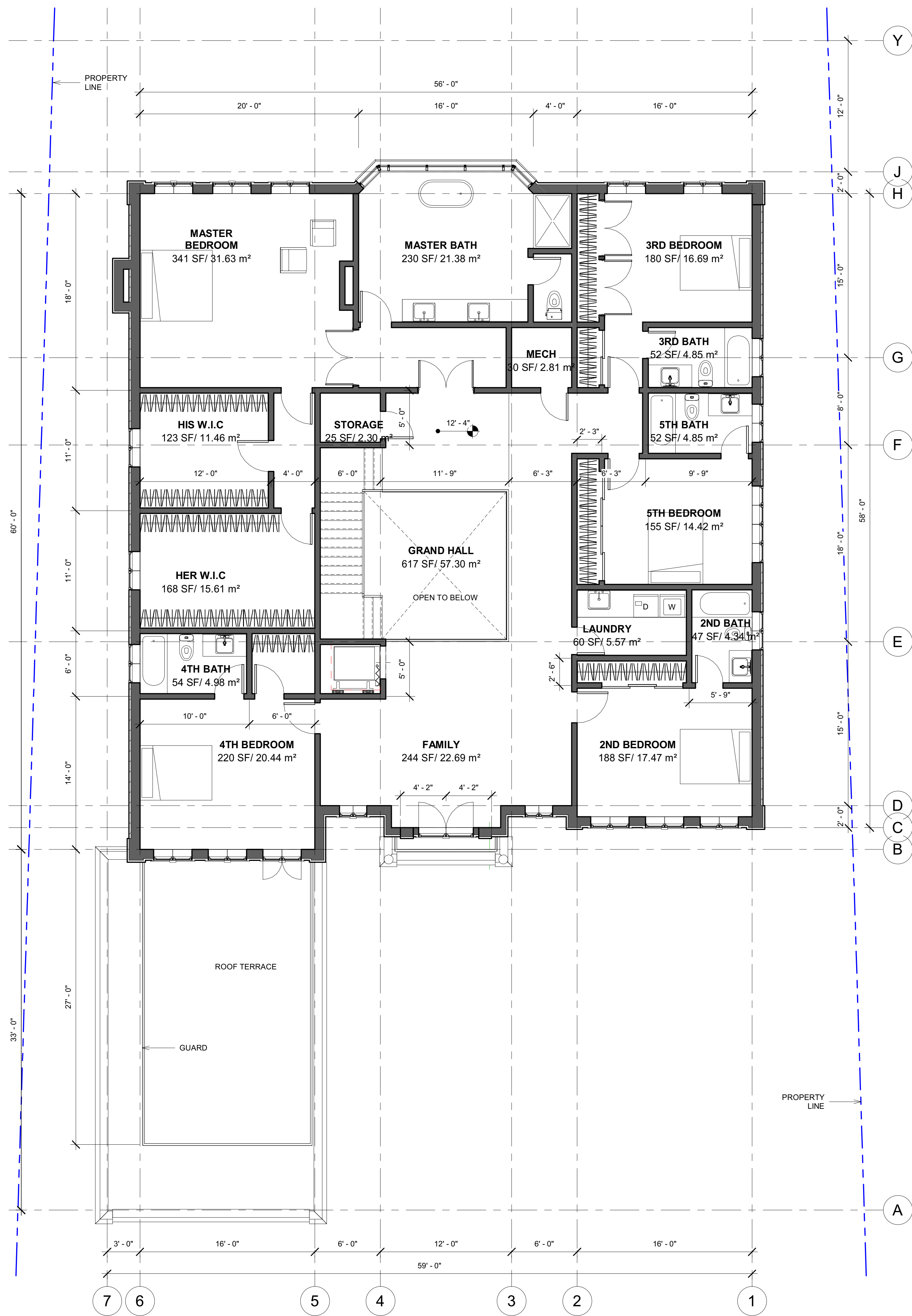
Start Date : Issue Date

Job No. : Project Number

Drawn by : Author

Drawing No. :

A1.1



Stamp:

All dimensions to be checked and verified on site.
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Project:

Owner

#6 GAINSVILLE

Enter address here

Project North : True North :

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

SECOND FLOOR PLAN

Scale: 3/16" = 1'-0"

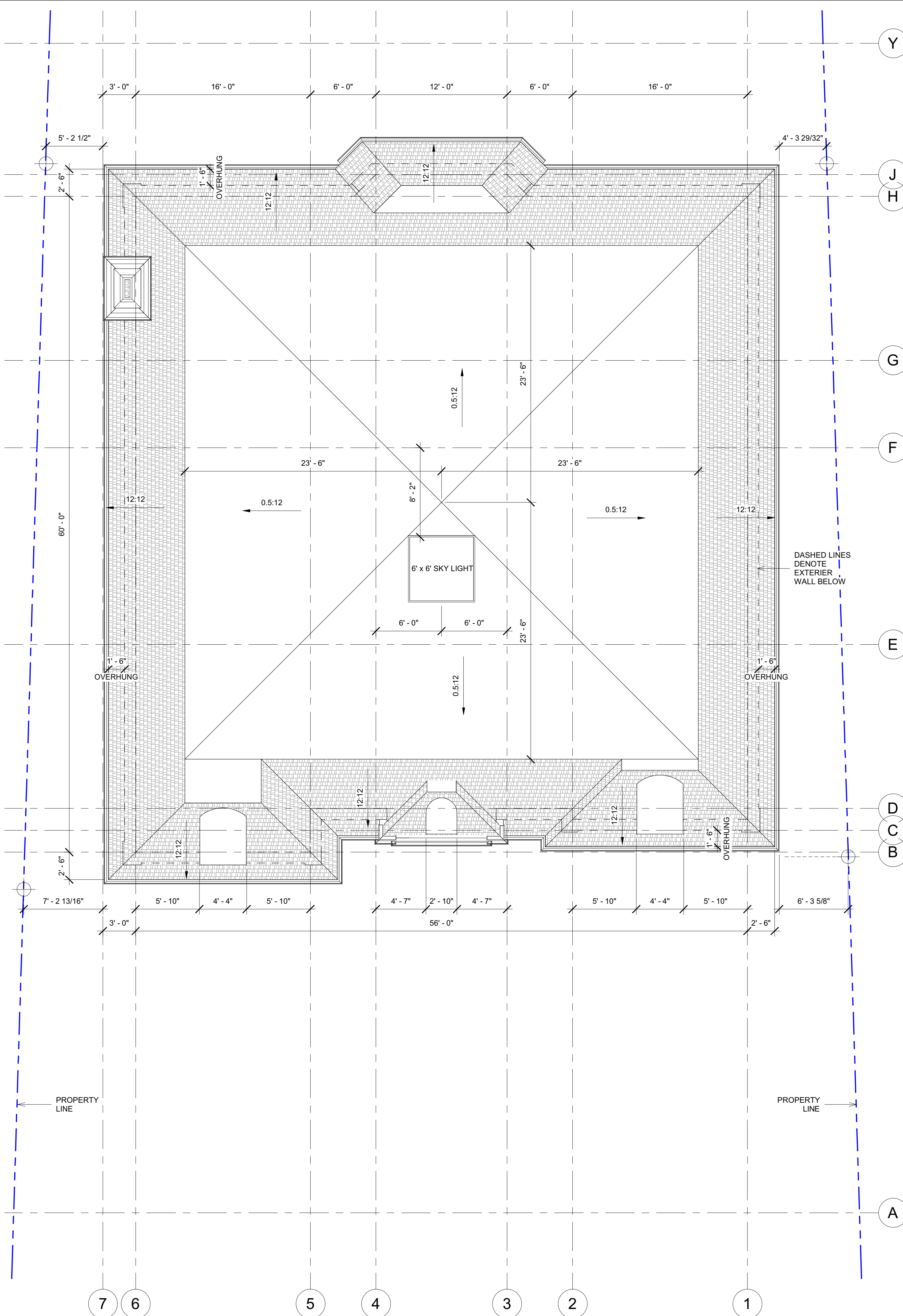
Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

Drawing No.:

A1.2



Stamp:

All dimensions to be checked and verified on site.
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Any discrepancies are to be reported to the Consultant.
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Project:

Owner

#6 GAINSVILLE

Enter address here

Project North: True North:

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

ROOF PLAN

Scale: 3/16" = 1'-0"

Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

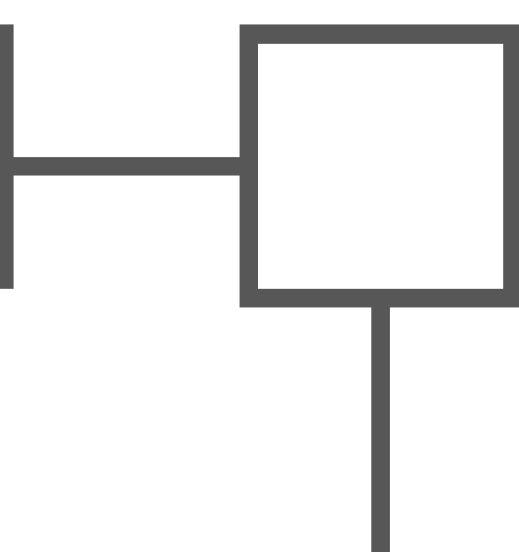
Drawing No.:

A1.3



1 SOUTH ELEVATION
1/4" = 1'-0"

Stamp:



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Project:

Owner

#6 Gainsville Ave

6 Gainsville Ave,
Unionville, ON L3R 1W6

Project North: True North:

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

SOUTH ELEVATION

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

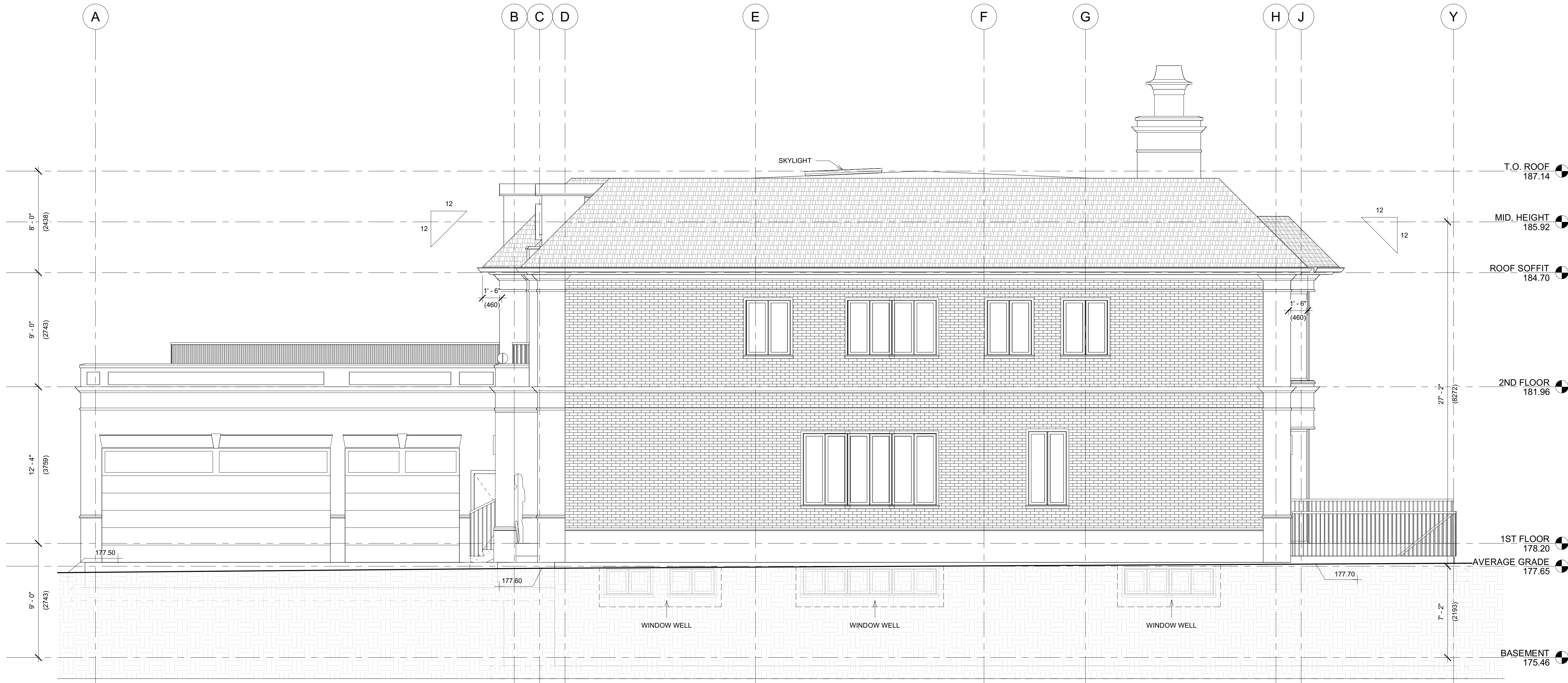
Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

Drawing No.:

A2.1



1 EAST ELEVATION
1/4" = 1'-0"

Stamp:

All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

Project:

Owner

#6 Gainsville Ave

6 Gainsville Ave,
Unionville, ON L3R 1W6

Project North: True North:

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

EAST ELEVATION

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

Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

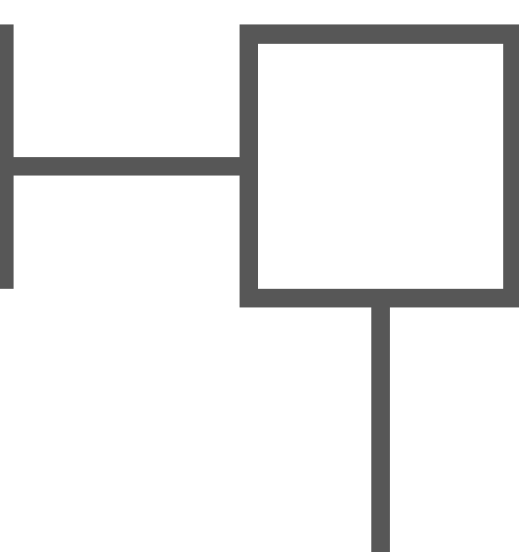
Drawing No.:

A2.2



① NORTH ELEVATION
1/4" = 1'-0"

Stamp:



All dimensions to be checked and verified on site.
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Only latest approved drawings to be used for construction.

Project :

Owner

#6 Gainsville Ave

6 Gainsville Ave,
Unionville, ON L3R 1W6

Project North : True North :

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title :

NORTH ELEVATION

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

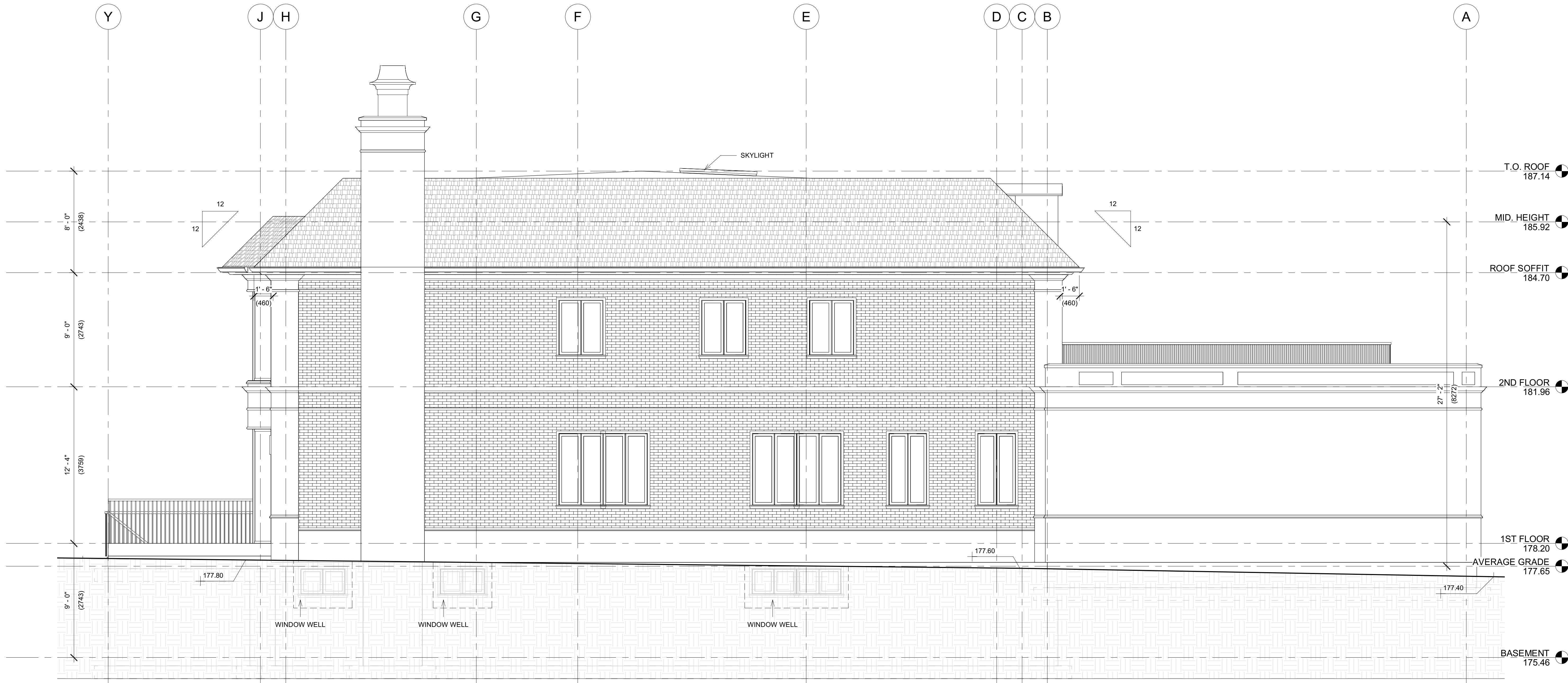
Start Date : Issue Date

Job No. : Project Number

Drawn by : Author

Drawing No. :

A2.3



① WEST ELEVATION
1/4" = 1'-0"

Stamp:

All dimensions to be checked and verified on site.
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Only latest approved drawings to be used for construction.

Project:

Owner

#6 Gainsville Ave

6 Gainsville Ave,
Unionville, ON L3R 1W6

Project North: True North:

Revision Schedule

No.	Revisions	Date
1	Issued for Preliminary Zoning Review	2023.03.11
2	Reissued for Zoning Review	2023.04.08

Drawing Title:

WEST ELEVATION

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

Start Date: Issue Date

Job No.: Project Number

Drawn by: Author

Drawing No.:

A2.4

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
LOT 33
REGISTERED PLAN 7566
IN THE
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)

SCALE & NOTES
Scale 1:150
0 2 4 6 8 10 METRES
ALTIMAP LAND SURVEYORS INC.
© COPYRIGHT 2023

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


ELEVATION NOTE
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF MARKHAM BENCHMARK No. M21-003 LOCATED AT (SOUTH FACE OF CONCRETE FOUNDATION WALL AT THE SOUTHEAST CORNER OF WILLIAM BERCZY PUBLIC SCHOOL No. 220 CARLTON ROAD.), HAVING A PUBLISHED ELEVATION OF 184.341 METERS.

BEARING NOTE
BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF GAINSVILLE AVENUE AS SHOWN ON REGISTERED PLAN 7566 HAVING A BEARING OF N71°47'20"E.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
▬	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
OU	DENOTES	ORIGIN UNKNOWN
WT	DENOTES	WITNESS
MH	DENOTES	MANHOLE
B.C.	DENOTES	BEGINNING OF CURVE
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
LS	DENOTES	LIGHT STANDARD
INV	DENOTES	INVERT ELEVATION
HYD	DENOTES	FIRE HYDRANT
CRW	DENOTES	CONCRETE RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
WRW	DENOTES	WOOD RETAINING WALL
TOW	DENOTES	TOP OF WALL ELEVATION
NTS	DENOTES	NOT TO SCALE
MS	DENOTES	MEASURED
STY	DENOTES	STORY
FN	DENOTES	FOUNDATION
BR	DENOTES	BRICK
ST	DENOTES	STUCCO
SI	DENOTES	SIDING
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
D.S.	DENOTES	DOOR SILL ELEVATION
MF	DENOTES	METAL FENCE
FFE	DENOTES	FINISHED FLOOR ELEVATION
GFE	DENOTES	GARAGE FLOOR ELEVATION
RP	DENOTES	REGISTERED PLAN 7566
P1	DENOTES	PLAN BY N. W. MOYLES, O.L.S. DATED SEPTEMBER 23, 1966

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2203044



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ASSISTANCE WITH Regulation 1526, Section 29(3)

PART 2
REGISTERED EASEMENTS/RIGHTS-OF-WAY - SUBJECT TO AN EASEMENT AS DESCRIBED IN INSTRUMENT No. MA56069, R692069, MA56054 & MA64893.

ADDITIONAL REMARKS - MAKE NOTE OF THE LOCATION OF FENCES AND PHYSICAL FEATURES AS DEPICTED ON THE FACE OF THIS PLAN. BUILDING TIES ARE TO BRICK/CONCRETE UNLESS OTHERWISE NOTED

THIS PLAN WAS PREPARED FOR NING TED AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JANUARY 10, 2023.

JANUARY 11, 2023
Guido V. Consoli
GUIDO V. CONSOLI
ONTARIO LAND SURVEYOR

ALTIMAP LAND SURVEYORS INC.
222 FINCH AVE. W. UNIT 212, TORONTO, ON M2R 1M6
TEL 416 999 3001 INFO@ALTIMAPCA

DWN BY: SM
CHK BY: GVC
JOB No. : 23-2652



APPENDIX “C” – A/067/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/067/23

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.
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; and
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:



Hussnain Mohammad, Planner 1, Zoning and Special Projects