Memorandum to the City of Markham Committee of Adjustment

April 26, 2023

File: A/110/22

Address: 19 Grenfell Crescent – Markham, ON

Applicant: Kevin Cribari

Agent: Joseph N. Campitelli Architect Inc.

Hearing Date: May 3, 2023

BACKGROUND

Staff had met with the applicant to discuss concerns with the Proposed Development and the cumulative effect of the requested variances. The applicant has made revisions to their plans on two separate instances for staff's review, after receiving accompanying zoning comments relating to each submission. *Table 1* provides a summary of the requested variances and changes:

Table 1, Summary of Revised Submissions

Requested Variances				
Permitted Development Standards	1 st Submission to Staff	2 nd Submission to Staff	Current Submission to Staff	
Maximum eaves encroachment into required front yard 0.45 m (18.0 in.)	1.04 m (41.0 in.)			
Maximum eaves encroachment into required flankage yard 0.45 m (18.0 in.)	Not requested		0.61 m (24.0 in.)	
Minimum Flankage Yard Setback 3.05 m (10.0 ft)	Not Requested		2.44 m (8.0 ft)	
Maximum Lot Coverage 35.0%	43.12%	42.70%	42.20%	
Maximum Height 9.8 m (32.15 ft)	11.0 m (36.09 ft)	10.8 m (35.43 ft)	11.0 m (36.09 ft)	
Maximum Depth 16.80 m (55.12 ft)	23.2 m (76.12 ft)	22.90 m (75.13 ft)	22.42 m (73.56 ft)	
Maximum Floor Area Ratio 45.0%	56.35%	55.65%	52.40%	

PROPOSAL

The applicant is proposing to demolish the existing one-storey detached dwelling and construct a two-storey detached dwelling with a three car garage and accessory structure in the rear yard. Vehicular access for the dwelling would be provided from Grenfell Crescent via a new driveway, and the existing driveway would be removed. Including the garage area, the proposed dwelling would have a ground floor area of approximately 309.83 m² (3,335.0 ft²), and excluding the identified unfinished attic area a second floor area of approximately 99.31 m² (1,069.0 ft²), for a total gross floor area of 409.14 m² (4,403.95 ft²).

The applicant is requesting relief from the following "Residential One (R1)" zone requirements under Zoning By-law 1229, as amended (the "Zoning By-law"), as they relate to a two-storey detached dwelling. The variances requested are to permit:

a) By-law 1229, Section 11.2 (c) (i):

eaves to encroach a maximum of 41.0 inches (1.04 m) into the required front yard, whereas the Zoning By-law permits a maximum encroachment of 18 inches (0.46 m) into a required yard;

- b) By-law 1229, Section 11.2 (c) (i):
 - eaves to encroach a maximum of 24.0 inches (0.61 m) into the required flankage side yard, whereas the Zoning By-law permits a maximum encroachment of 18 inches (0.46 m) into a required yard;
- c) By-law 1229, Table 11.1:
 - a flankage side yard of 2.44 m (8.0 ft), whereas the Zoning By-law requires a minimum flankage side yard of 3.05 m (10.0 ft);
- d) By-law 1229, Table 11.1:
 - a maximum lot coverage of 42.20%, whereas the Zoning By-law allows a maximum lot coverage of 35.0%;
- e) Amending By-law 99-90, Section 1.2 (i): a maximum height of 11.0 m (36.09 ft), whereas the Zoning By-law permits
 - a maximum height of 11.0 m (36.09 π), whereas the Zoning By-law permits a maximum height of 9.80 m (32.15 ft);
- f) Amending By-law 99-90, Section 1.2 (ii):
 - a maximum depth of 22.42 m (73.56 ft), whereas the Zoning By-law permits a maximum depth of 16.80 m (55.12 ft); and
- g) Amending By-law 99-90, Section 1.2 (vi): a maximum floor area ratio of 52.40%, whereas the Zoning By-law permits a maximum floor area ratio of 45.0% (the "Proposed Development").

Note: Should the Committee resolve to approve the application, staff recommend that the wording of variance e) be amended upon further confirmation with the Applicant to be consistent with the plans attached as Appendix "A", and for the reasons later described under the Zoning Preliminary Review section of this report:

e) Amending By-law 99-90, Section 1.2 (i):

a maximum height of 10.80 m (35.43 ft), whereas the Zoning By-law permits a maximum height of 9.80 m (ft).

The following comments are provided on behalf of the East District Team.

PROPERTY DESCRIPTION

The 948.64 m² (10,211.0 ft²) Subject Property is located at the southeast corner of Grenfell Crescent and Abercorn Road, north of Highway 7 East, and west of Hawkridge Avenue, within an established residential neighbourhood that is predominantly comprised of a mix of one and two-storey single detached and semi-detached dwellings. The surrounding area is undergoing a transition with larger two-storey dwellings being developed as infill development. The Subject Property is currently developed with a one-storey single detached dwelling, and contains mature vegetation towards the rear of the lot.

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 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 street, while accommodating diverse building styles and having regard for the retention of existing trees and vegetation.

The intent of the Official Plan is to provide for a set of development standards in the Zoning By-law that will limit the size and massing of new dwellings or additions to existing dwellings to ensure that infill development is complementary to the existing pattern and character of adjacent development.

Zoning By-Law 1229, as amended

The Subject Property is zoned "Residential One (R1)" under the Zoning By-law, which permits one single detached dwelling per lot. The Proposed Development does not comply with the Zoning By-law with respect to the minimum flankage yard, maximum lot coverage, and maximum eaves encroachment requirements.

Residential Infill Zoning By-law 99-90 (the "Infill By-law")

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, floor area ratio, height, and number of storeys. The Proposed Development does not comply with the Infill By-law with respect to the maximum building depth, maximum building height, and maximum floor area ratio requirements.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The Owner completed a ZPR on February 28, 2023, and received subsequent zoning comments on March 2, 2023 to confirm the variances required for the Proposed Development. Zoning staff identified that a height of 10.80 m (35.43 ft) is required.

As part of Planning staff's detailed review, it was further confirmed that an eaves encroachment into the required flankage yard greater than the current request of 24.0 in (0.61 m) would be required to allow for the proposed one-storey eaves projection. Should

the applicant be looking to proceed with a request for a greater projection, a new Notice of Hearing would be required to account for this increase.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended* (the "*Planning Act*") states that all 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

In 1990, Council amended Zoning By-law 1229, by implementing more restrictive standards in Infill By-law 99-90 with the purpose of ensuring that infill development is complementary to the existing pattern and character of adjacent development. The Proposed Development does not meet the general intent and purpose of the Zoning By-law as a number of development standards which ensure that new development is compatible with existing development are not being complied with. The Proposed Development is not appropriate because the larger house with more lot coverage will result in an overdevelopment of the lot. The Proposed Development will not be minor in nature as the combined variances will impact the streetscape and adjacent neighbours. It is the intent of the Official Plan to limit the size and massing of infill development in existing residential neighbourhoods to ensure it has a complementary relationship with existing dwellings. The Proposed Development does not maintain the general intent and purpose of the Official Plan as the size and scale of the house would not be complementary to the adjacent dwelling.

Staff are not in support of the Proposed Development (refer to plans in Appendix "A"), and are of the opinion that the cumulative impact of the requested variances will result in a development that does not meet the four tests.

Tree Protection and Compensation

Staff have regard for tree protection and direct property owners to the City's Tree Permit process for any on-site trees, including City street trees in accordance with the City's Tree Preservation By-law. Tree Preservation staff has expressed concerns with the location of the accessory structure and pergola as it relates to encroachments into the minimum tree protection zones for those trees located on site, and recommend that the minimum tree protection zones be maintained. Planning staff note that the accessory structure is permitted by the Zoning By-law provided that it meets specific criteria, including that it does not occupy more than 10.0% of the lot area, is located in the rear yard, and also noting the maximum lot coverage request of 42.20% includes and is partially attributable to the proposed accessory building.

Construction of a new detached dwelling would be subject to a <u>Residential Infill Grading and Servicing Application</u>. Property owners are required to obtain a Tree Permit from the City for any proposed injury to, or removal of trees located on the Subject Property or adjacent lands that have a diameter of 20.0 cm (7.87 in) or more, measured at 1.37 m (4.50 ft) above the ground at the base of the tree.

Metrolinx Requirements

Metrolinx provided comments on August 2, 2022 as the Subject Property is located within 300.0 m of Metrlinx's Uxbridge GO rail corridor, and requests that an environmental easement for operation emissions be registered on title in order to ensure that clear notification to those who may acquire an interest in the Subject Property and reduce the potential for future land use conflicts in any event of approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 26, 2023. Additional information may be received after the writing of this 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. While the area is in transition and staff acknowledge that there is an infill trend to construct larger two-storey dwellings, staff are of the opinion that the cumulative impact from the requested variances would result in an overdevelopment of the lot, and adversely impact the streetscape.

Staff are of the opinion that the Proposed Development does not meet the four tests, and recommend that the application be denied. Notwithstanding the foregoing, staff are willing to work with the applicant to address concerns should the Committee see merit in deferring the application. Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Plans

PREPARED BY:

Aleks Todorovski, MCIP, RPP

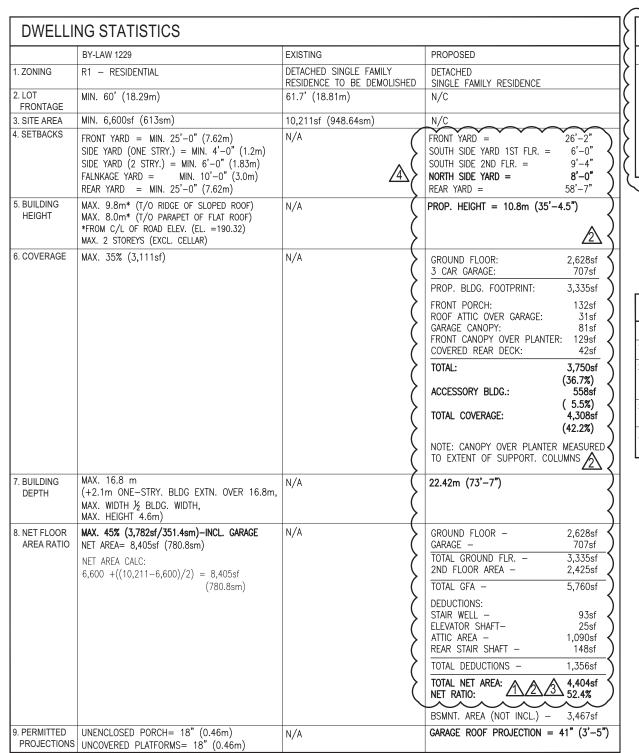
Planner II, East District

REVIEWED BY:

Stacia Muradali, MCIP, RPP

Development Manager, East District

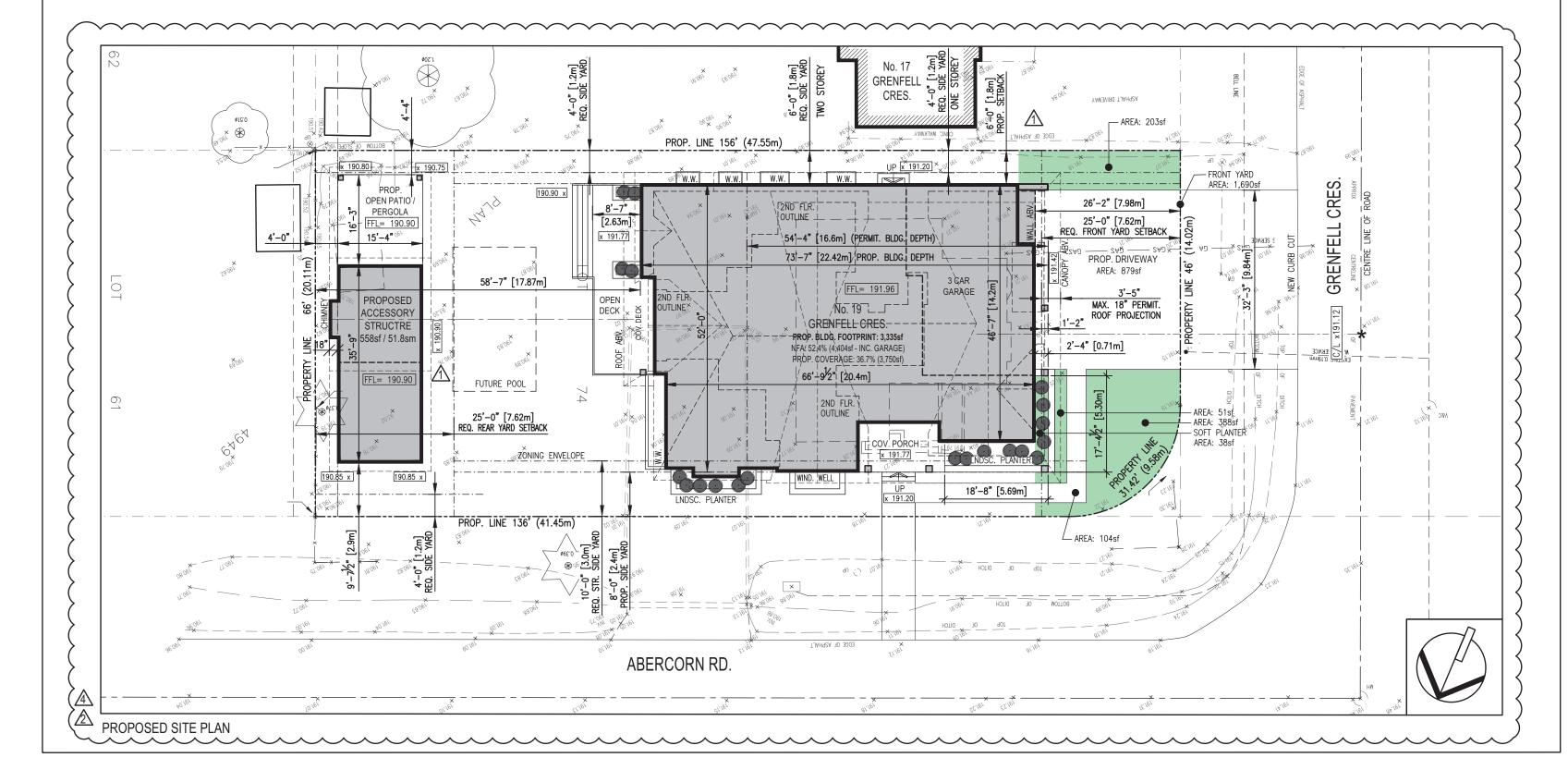
APPENDIX "A" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/110/22





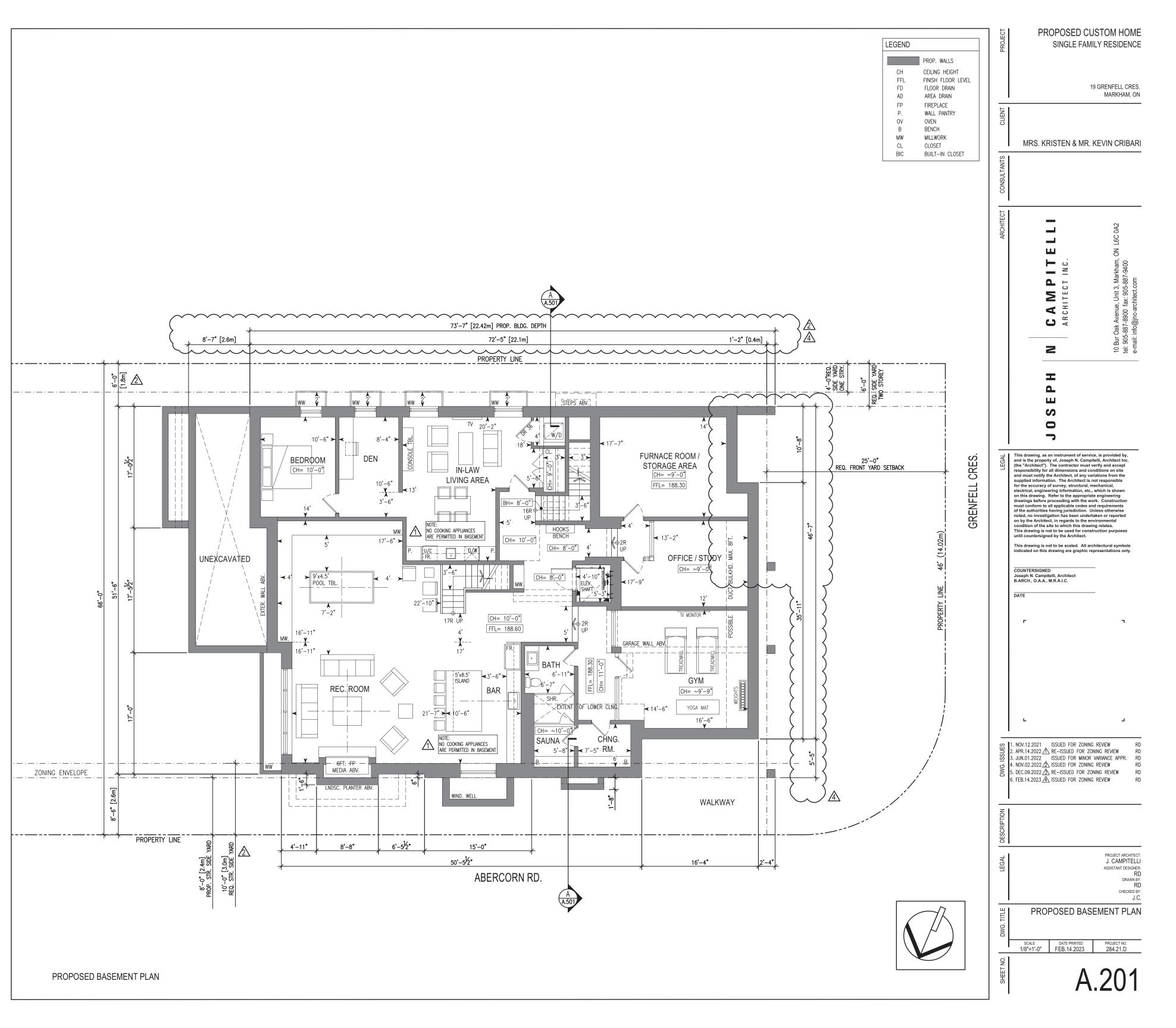
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ACCESS	ORY BUILDING STATISTICS		
	BY-LAW 1229	EXISTING	PROPOSED
1. LOCATION	PERMITTED IN REAR YARD	EXISTING TO BE REMOVED	REAR YARD
2. SETBACKS	REAR/ SIDE YARD = 4'-0" (1.2m)		REAR SY= 4'-0" SOUTH SY =4-4" NORTH SY =9'-7.5"
3. BUILDING HEIGHT	12'-0" (3.66m) TO ROOF MID-POINT 1 STOREY		12'-0" (3.66m) TO ROOF MID-POINT
4. COVERAGE	MAX. 10% OF LOT AREA (INCLUDED IN OVERALL LOT COVERAGE)		ENCLOSED STRUCTURE - 558sf / 5.5% (INCLUDED IN OVERALL LOT COVERAGE)

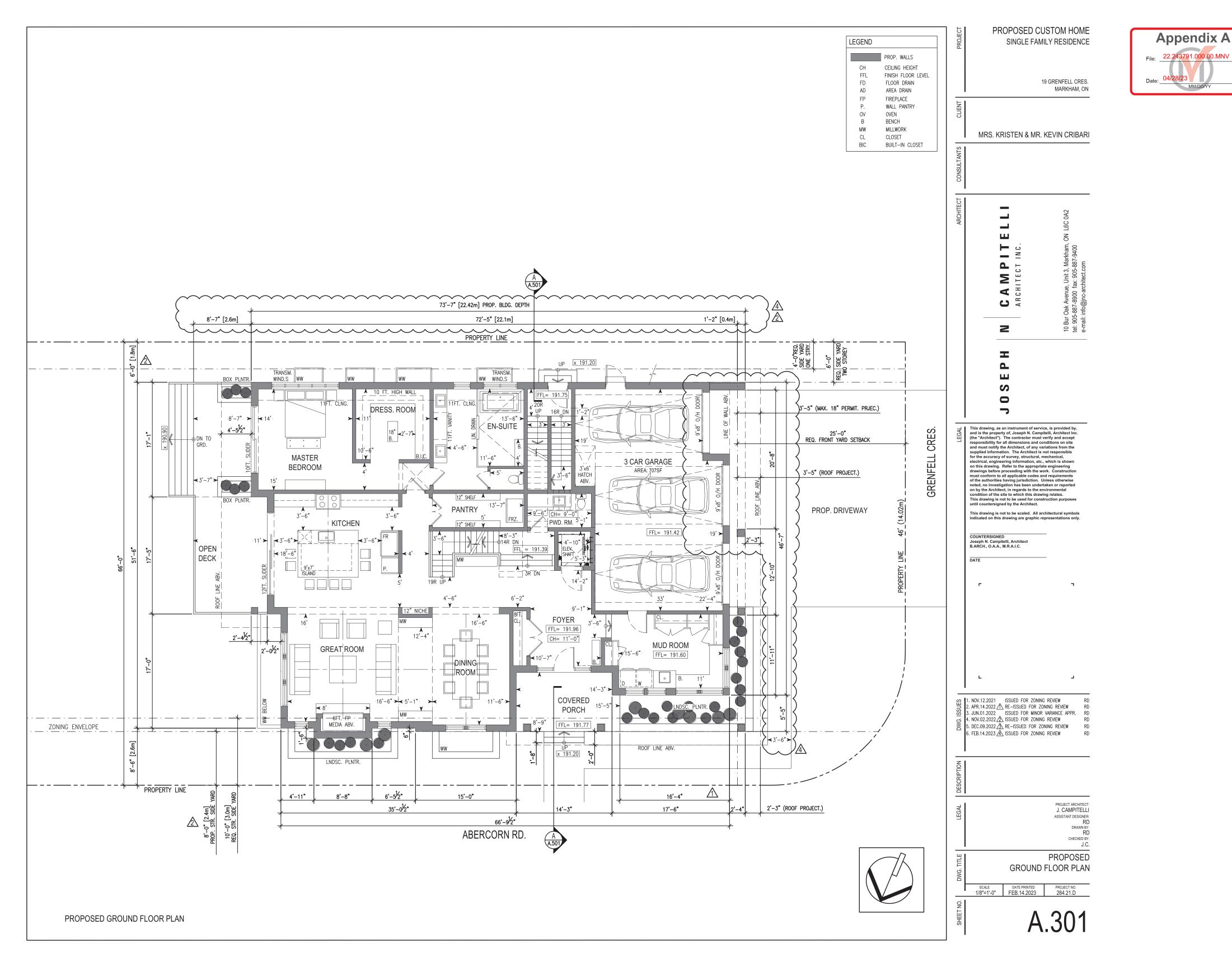




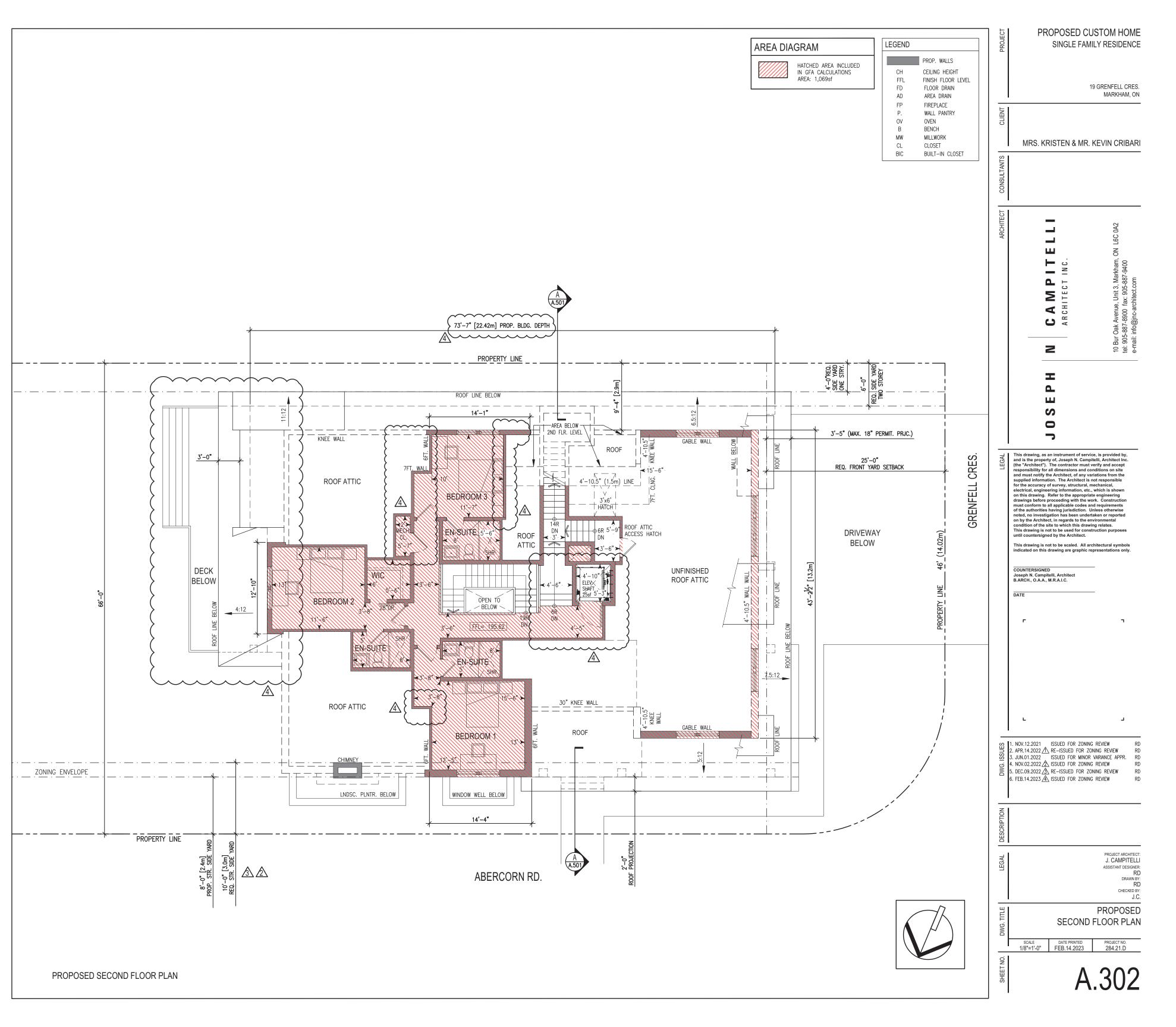
4 C 2 S This drawing, as an instrument of service, is provided by, and is the property of, Joseph N. Campitelli, Architect inc. (the "Architect"). The contractor must verify and accept responsibility for all dimensions and conditions on site responsibility for all dimensions and conditions on site and must notify the Architect, of any variations from the supplied information. The Architect is not responsible for the accuracy of survey, structural, mechanical, electrical, engineering information, etc., which is shown on this drawing. Refer to the appropriate engineering drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of the authorities having jurisdiction. Unless otherwise noted, no investigation has been undertaken or reported on by the Architect, in regards to the environmental condition of the site to which this drawing relates. This drawing is not to be used for construction purposes until countersigned by the Architect. This drawing is not to be scaled. All architectural symbols COUNTERSIGNED 1. NOV.12.2021 ISSUED FOR ZONING REVIEW
2. APR.14.2022 ARE-ISSUED FOR ZONING REVIEW 3. JUN.01.2022 ISSUED FOR MINOR VARIANCE APPR.
4. NOV.02.2022 ⚠ ISSUED FOR ZONING REVIEW 5. DEC.09.2022 🐧 RE-ISSUED FOR ZONING REVIEW 5. FEB.14.2023 A ISSUED FOR ZONING REVIEW PROJECT ARCHITECT J. CAMPITELLI ASSISTANT DESIGNER: CHECKED BY: J.C. PROPOSED SITE PLAN SITE STATISTICS SCALE DATE PRINTED 1/16"=1'-0" FEB.14.2023 A.100

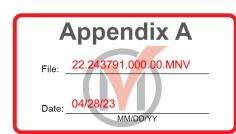


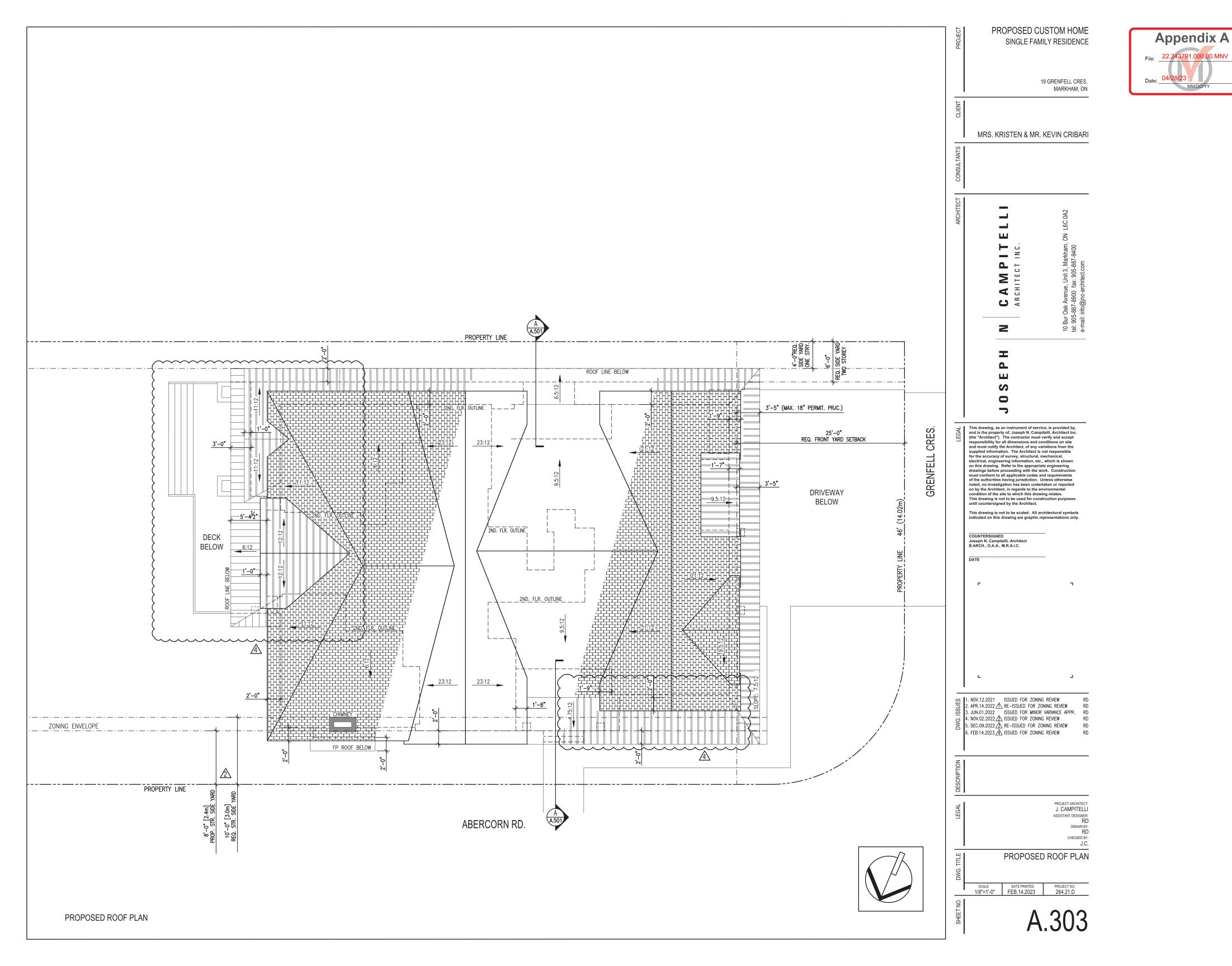




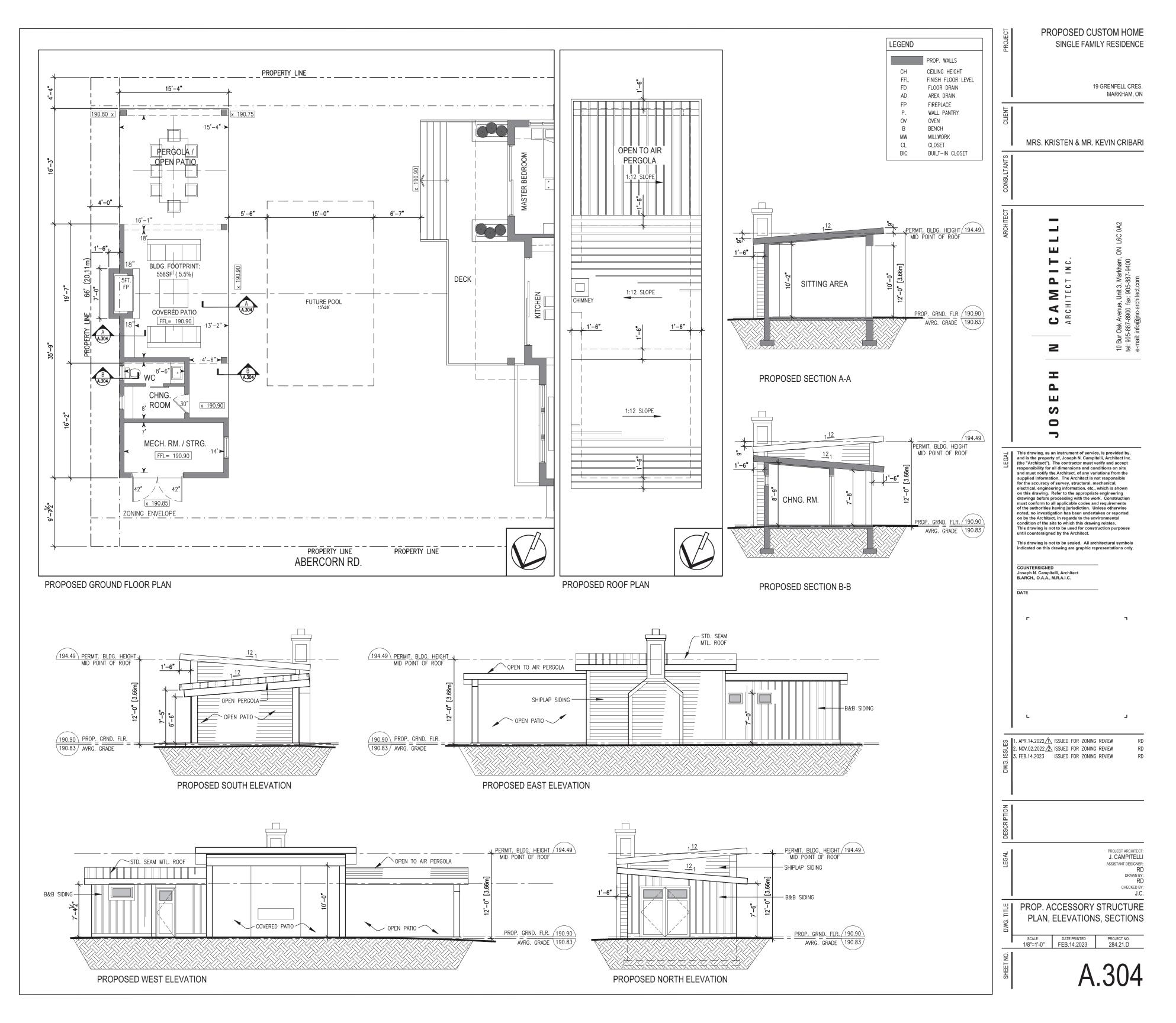
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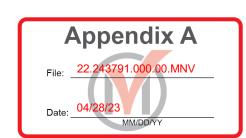






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Appendix A

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File: 22.243791.000.00.MNV

Date: 04/28/23

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This drawing is not to be scaled. All architectural symbols indicated on this drawing are graphic representations only.

COUNTERSIGNED Joseph N. Campitelli, Architect B.ARCH., O.A.A., M.R.A.I.C.

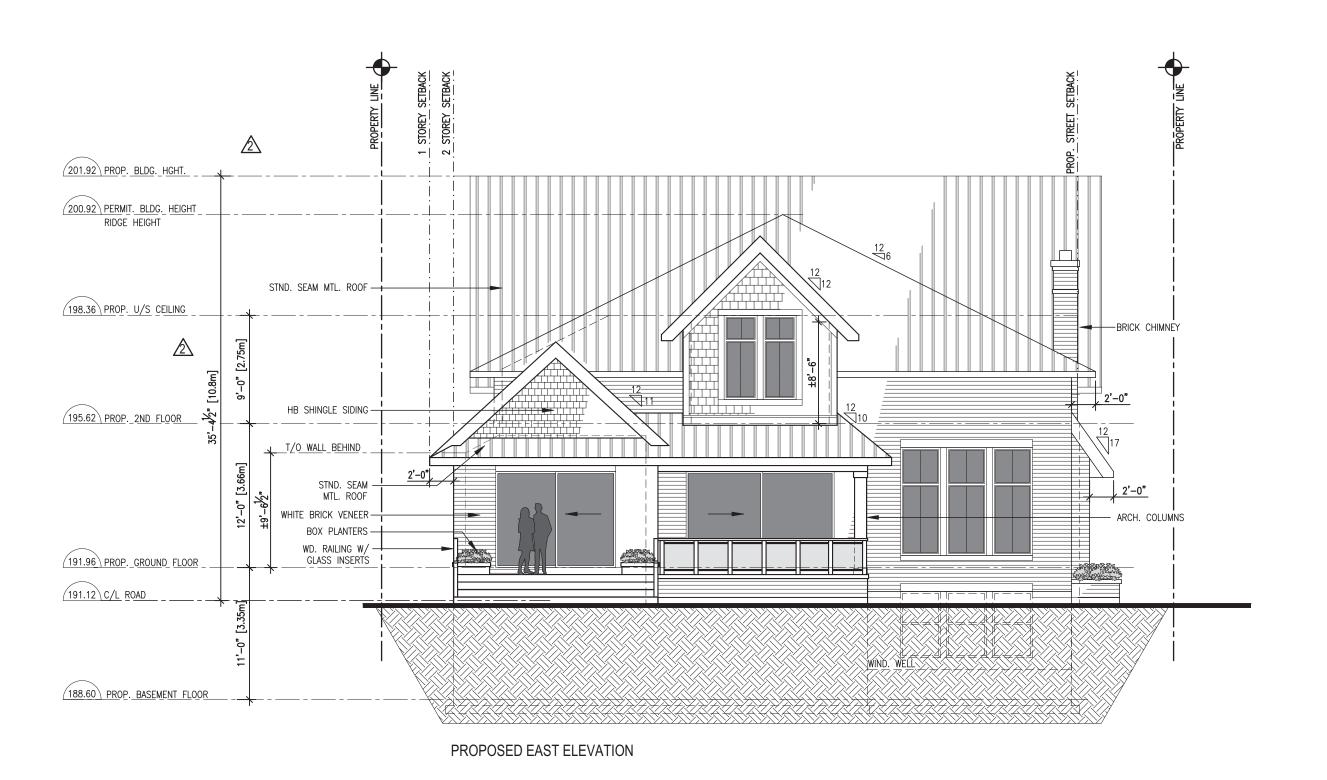
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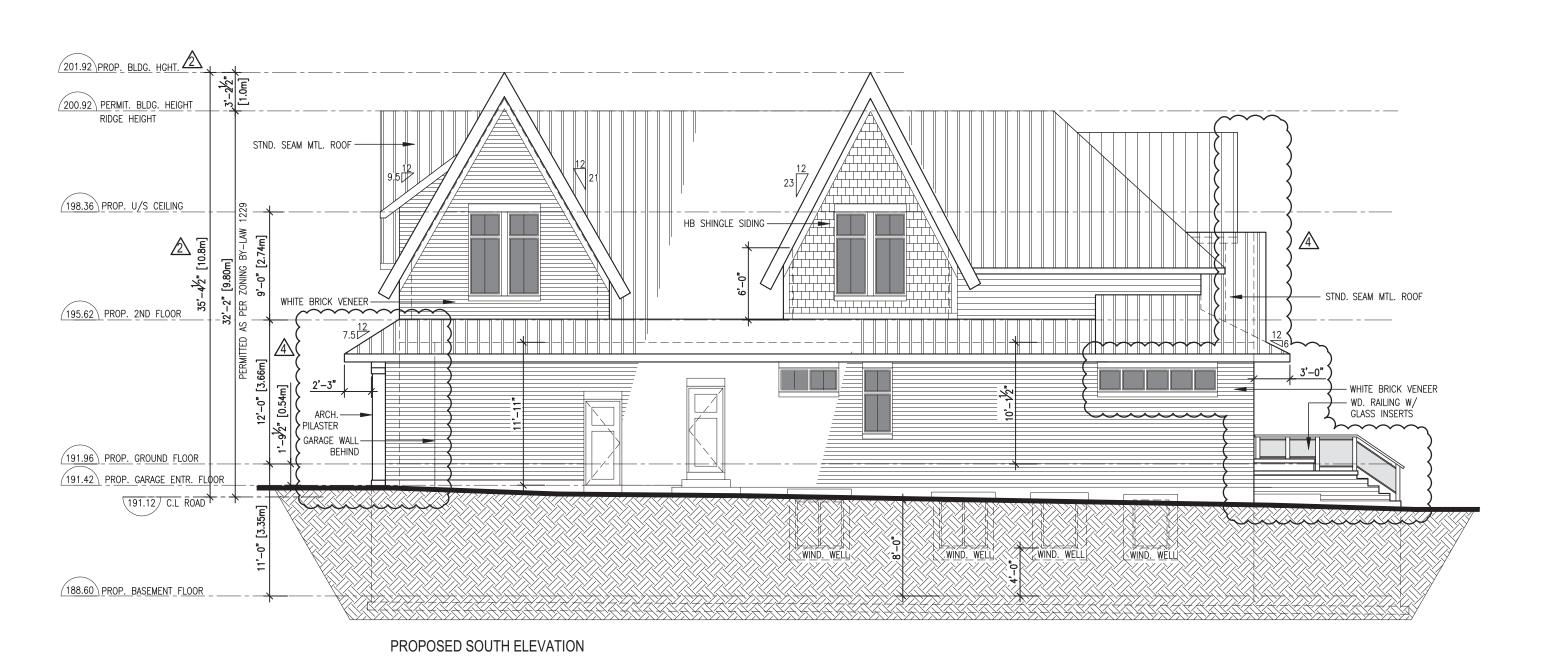
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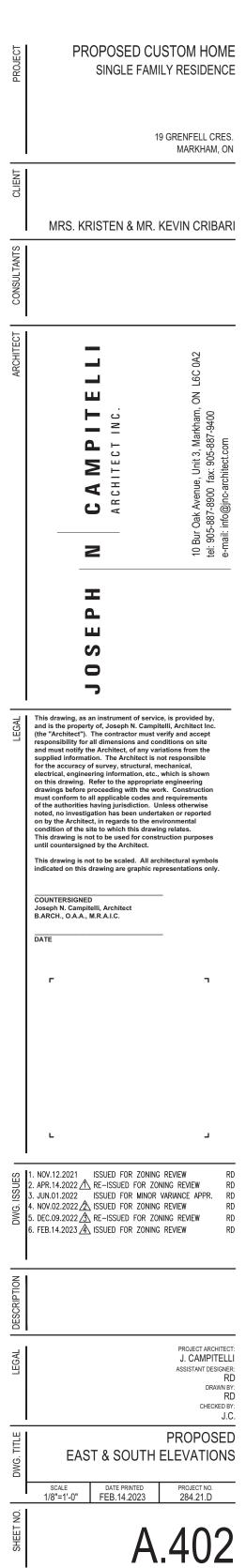
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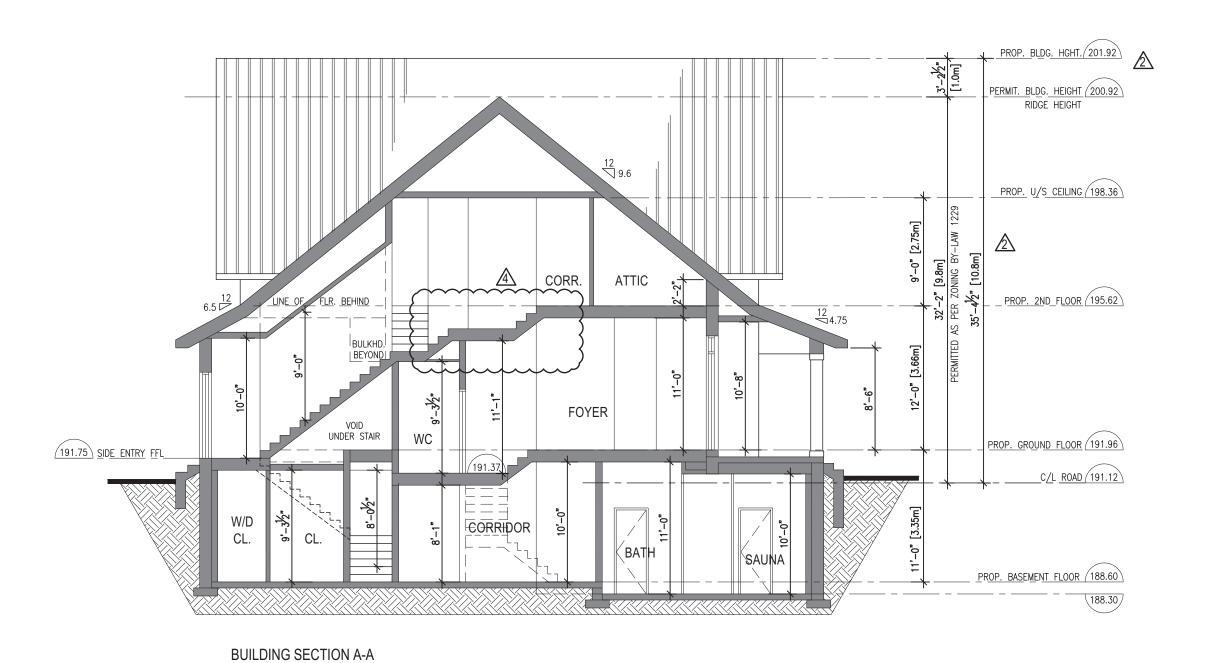
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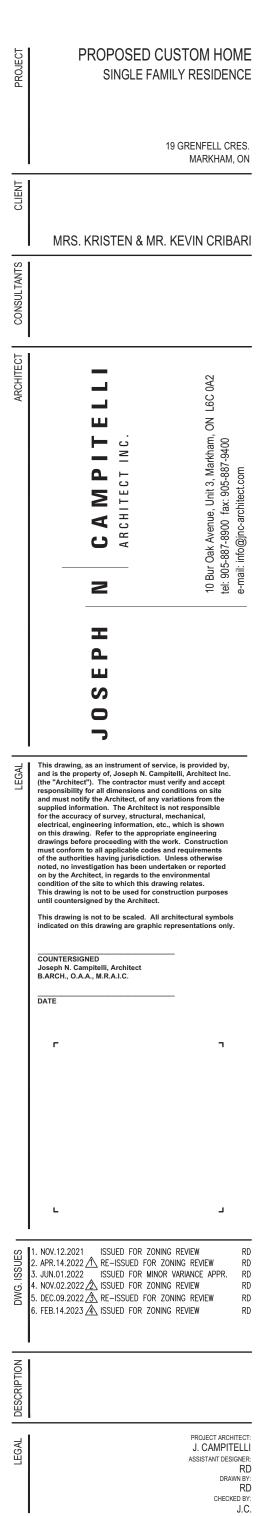












BUILDING SECTION A-A

A.501

SCALE DATE PRINTED PROJECT NO. 1/8"=1'-0" FEB.14.2023 284.21.D

