

Memorandum to the City of Markham Committee of Adjustment

April 25, 2023

File: A/124/22
Address: 7 Fredericton Road – Markham, ON
Applicant: Xinyu Huang
Agent: Chuan Liang Architects (Chuan Liang)
Hearing Date: May 3, 2023

BACKGROUND

The minor variance application was deferred by the Committee of Adjustment (the “Committee”) at the initial hearing in accordance with the Applicant’s request to provide them with adequate time to make the desired changes (refer to Appendix “C”).

PROPOSAL

The applicant is requesting relief from the following “Residential One (R1)” zone requirement under Zoning By-law 1229, as amended (the “Zoning By-law”), to permit:

- a) Amending By-law 99-90, Section (vi):
a maximum floor area ratio of 49.1%, whereas the Zoning By-law permits
a maximum floor area ratio of 45.0%.

The applicant is proposing to demolish the existing dwelling, and construct a new two-storey detached dwelling with a ground floor area of 238.91 m² (2,571.56 ft²) and a second floor area of 161.61 m² (1,739.54 ft²), which amounts to a total gross floor area of 400.52 m² (4,311.1 ft²) (the “Proposed Development”). The following comments are provided on behalf of the East District Team.

PROPERTY DESCRIPTION

The 1,019.58 m² (10,975.67 ft²) Subject Property is located on the south side of Fredericton Road, east of Main Street Markham South, west of Squire Baker’s Lane, and north of and immediately abutting public open space (i.e. the Rouge Valley) and the Markham Village Heritage Conservation District (MVHCD). The majority of the Subject Property including the entire southern half, is located within a Toronto and Region Conservation Authority (“TRCA”) Regulated Area of the Rouge River watershed as it contains a top of slope associated with a valley corridor. The Subject Property is currently developed with a one storey detached dwelling, and mature vegetation exists in the front and rear yards. The Subject Property is within an established residential neighbourhood comprised of low rise dwellings where mature vegetation is a predominant characteristic of the surrounding area.

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 Official Plan also provides direction for staff to review any applications for development approval or site alteration on lands adjacent to cultural heritage resources, and to provide for mitigation or alternative development approaches to ensure the integrity of these cultural heritage resources is maintained.

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.

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, floor area ratio, height, and number of storeys. The Proposed Development does not comply with the maximum floor area ratio requirement.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant completed a ZPR on August 15, 2022 to confirm the variance required for the Proposed Development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended* (the “*Planning Act*”) states that four tests must be met in order for a variance to be granted by 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 Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 49.1%, whereas the Zoning By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 400.52 m² (4,311.1 ft²), whereas a dwelling with a maximum floor area of 367.39 m² (3,954.53 ft²) is permitted by the Zoning By-law. This is an increase of 33.13 m² (356.57 ft²).

Floor area ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. The building layout meets all other zoning provisions that establish the prescribed building envelope, and assists in ensuring the proposed dwelling will be in keeping with the intended scale of residential infill developments within the neighbourhood. Staff are satisfied that the requested variance meets the four tests of the *Planning Act*.

Heritage Markham

Heritage staff have reviewed the application with respect to the City’s Official Plan policies regarding development applications for properties that are adjacent to the MVHCD. As the proposed development complies with the minimum setback and maximum height standards required by the Zoning By-law, Heritage staff do not anticipate any adverse

impacts to the MVHCD lands. Heritage Markham Committee considered the application on February 8, 2023, and offered no objection or support from a Heritage perspective.

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 had previously expressed concerns with the removal of two trees assessed in good structure and health located on the east side of the front yard and injury to a City tree, due to the proposed location of the circular driveway which is permitted by the Zoning By-law. While the requested variance remains unchanged from the initial hearing, the applicant made minor changes to the Site Plan drawing to better protect these trees.

Construction of a new detached dwelling would be subject to a [Residential Infill Grading and Servicing Application](#). 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.

TRCA

On January 4, 2023, the TRCA provided comments to City staff which confirm that a Conservation Permit (C-220244) required for the Proposed Development has been issued by the TRCA through Conservation Permit Application CFN 66728. TRCA staff note that the minor variance application drawings are consistent with the approved Conservation Permit drawings, and have no objections to the proposed works. The fee required for the TRCA's review has been remitted by the Applicant.

PUBLIC INPUT SUMMARY

Since the date of the first hearing (February 1, 2023), no new written submissions were received as of April 25, 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*, and are of the opinion that the requested variance meets the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of approval 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" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Initial Staff Report: January 25, 2023

PREPARED BY:



Aleks Todorovski, MCIP, RPP
Planner II, East District

REVIEWED BY:



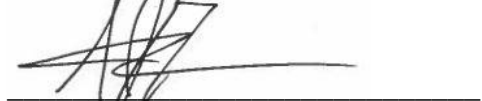
Stacia Muradali, MCIP, RPP
Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/22

1. That the variance applies only to the Proposed Development for as long as it remains.
2. That the variance applies only to the Proposed Development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

PREPARED BY:



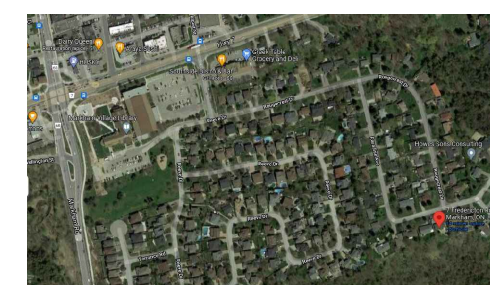
Aleks Todorovski, MCIP, RPP
Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/22

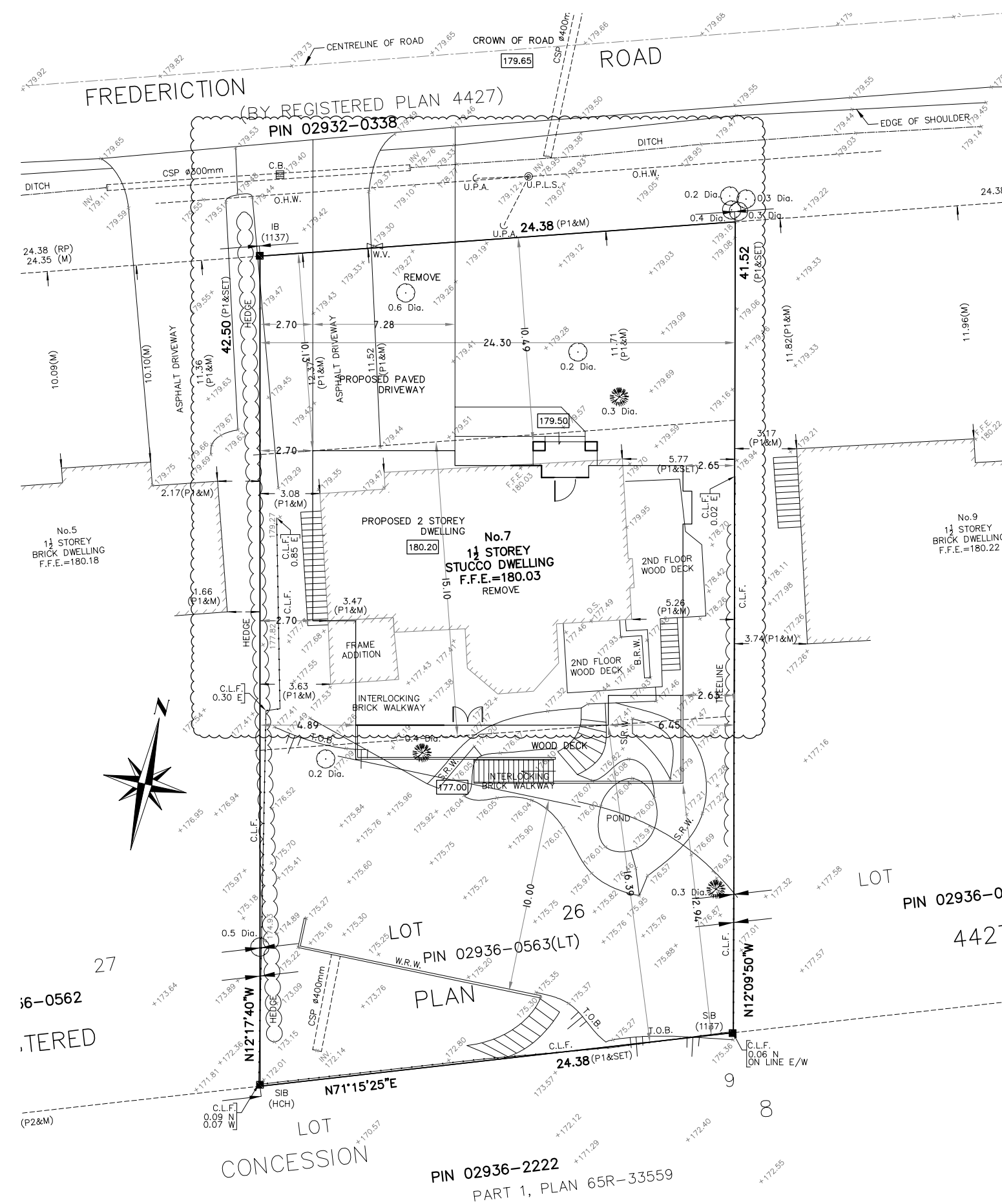
Appendix B

File: 22.246697.000.00.MNV

Date: 04/25/23
MM/DD/YY



KEY MAP




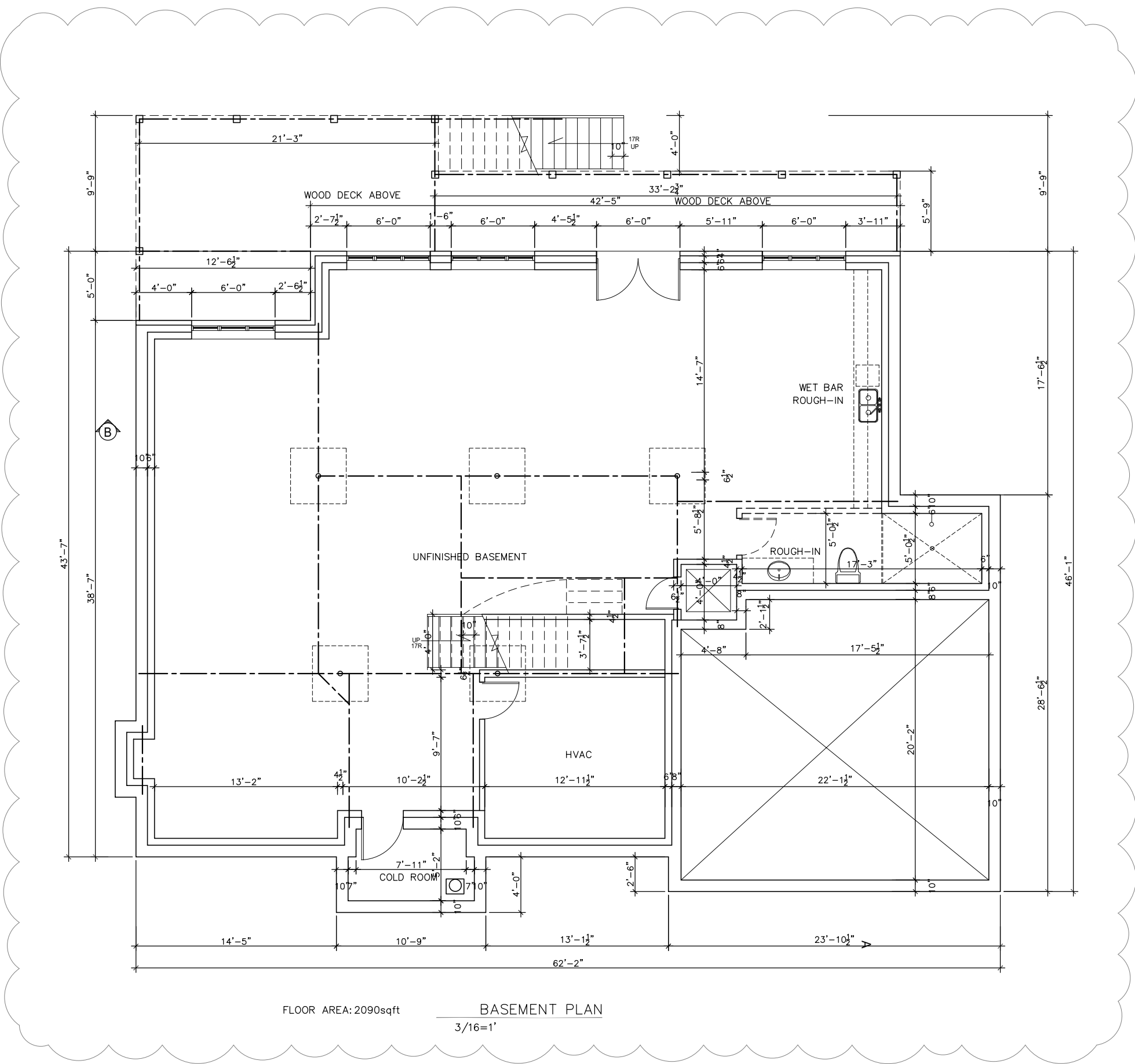
SITE PLAN 1:250

STATISTICS:

	PROPOSED	REQUIRED
SITE AREA	1019.58 M ² (10975 SQFT)	613.16 M ² (6600 SQFT) MIN.
NET LOT AREA	816.39 M ² (8787.5 SQFT.)	613.16 M ² (6600 SQFT) MIN.
BUILDING AREA	238.22 M ² (2564 SQFT)	
COVERAGE	23.36 %	35% MAX.
BUILDING STOREY	2	2
GROSS FLOOR AREA	400.51 M ² (4311.1 SQFT.)	367.38 M ² (3954 SQFT)
NET FLOOR AREA RATIO(FAR)	49.06%	45% MAX.
BUILDING HEIGHT FROM CROWN OF ROAD	9.80 M	9.8 M
FRONT YARD AREA	270.26 M ²	
FRONT YARD SOFT LANDSCAPE AREA	183.56 M ²	
FRONT YARD LANDSCAPE RATIO	67.92%	40% MIN.
BACK YARD AREA	451.11 M ²	
BACK YARD SOFT LANDSCAPE AREA	402.89 M ²	
BACK YARD LANDSCAPE RATIO	89.31%	

CHUAN LIANG ARCHITECTS 106 THOMAS FOSTER STRET, MARKHAM ON, L6C 2W6 T: 437.238.9921 Email: LIANG@HOTMAIL.COM	ONTARIO ASSOCIATION OF ARCHITECTS CHUAN LIANG LICENCE 7430	PROJECT INFORMATION PODIUMPROS PROJECT NUMBER: 2105 DRAWN BY: CL CHECKED BY: TB DATE: JUN.2022 SCALE: 1:250	PROJECT 7 FREDERICTON ST. RESIDENCE MARKHAM, ON L3P 3C1	CLIENT INFORMATION RYAN HUANG 7 FREDERICTON RD MARKHAM, ON L3P 3C1 EMAIL: ALLANWONG62@GMAIL.COM TEL: 416-543 0862	NO. ISSUED/REVISED DATE
		DRAWING TITLE SITE PLAN	DRAWING NO. A1.1	2 CITY COMMENTS MAR.30/23 1 CITY COMMENTS AUG.02/22	

CHUAN LIANG ARCHITECTS 106 Thomas Foster St. Markham ON, L6C 2W6 T: 437.238.9921 Email: liangbah@hotmail.com	ONTARIO ASSOCIATION OF ARCHITECTS  CHUAN LIANG LICENCE 7430	PROJECT INFORMATION PADIUMPROS PROJECT NUMBER: 2105 DRAWN BY: CL CHECKED BY: TB DATE: MAY.2022 SCALE: 1/8"=1'-0"	PROJECT 7 FREDERICTON RD. RESIDENCE MARKHAM, ON L3P 3C1	CLIENT INFORMATION XINYU HUANG 7 FREDERICTON RD. MARKHAM, ON L3P 3C1 EMAIL: FXHUANG@PROTONMAIL.COM TEL: 647-890-4788	NO. ISSUED/REVISED DATE 1 2 3	
		DRAWING TITLE BASEMENT PLAN	DRAWING NO. A2.1	CITY COMMENTS MAR.30/23		



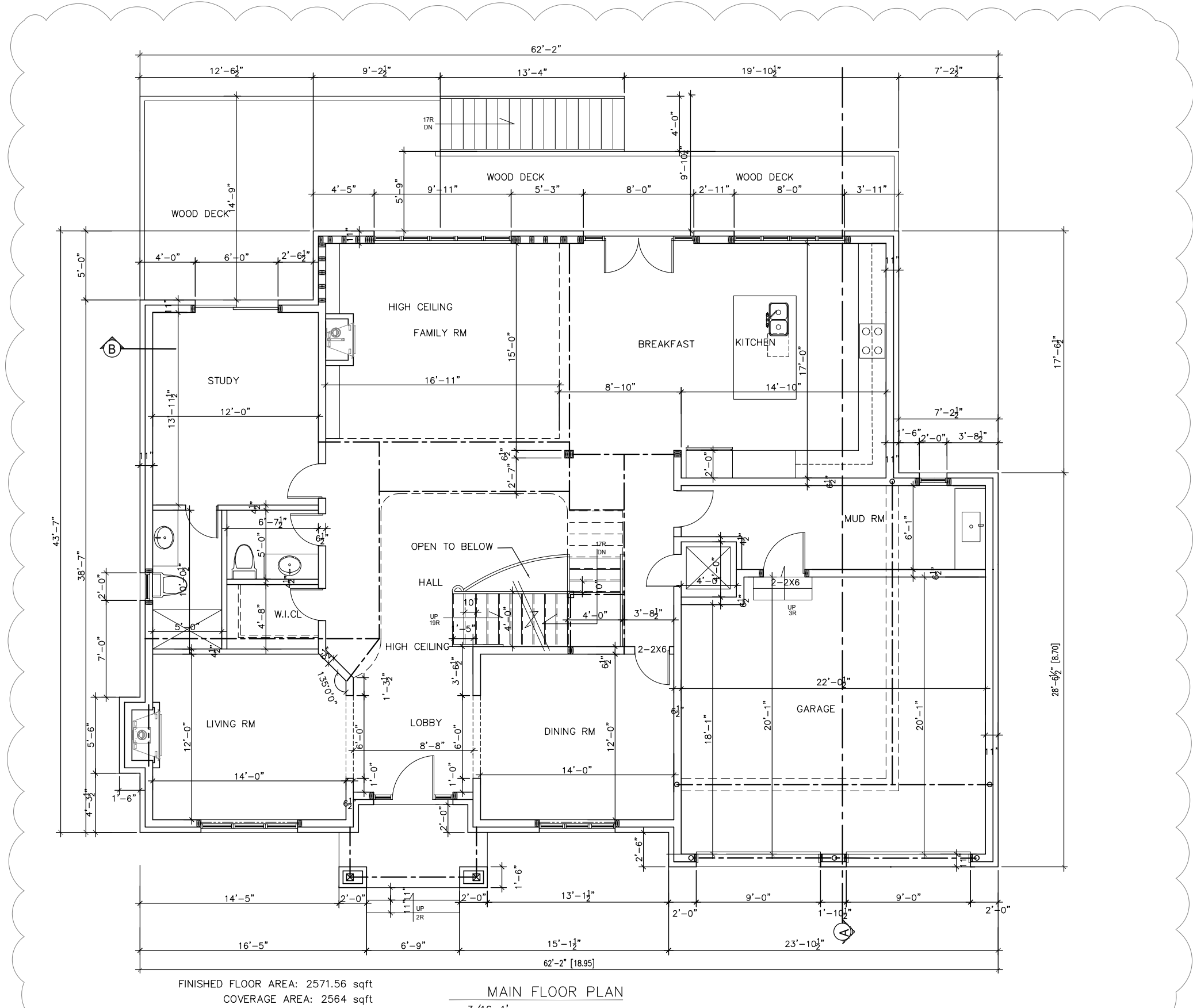
Appendix B

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Date: 04/25/23

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CHUAN LIANG ARCHITECTS 106 Thomas Foster St. Markham ON, L6C 2W6 T: 437.238.9921 Email: liangbah@hotmail.com	ONTARIO ASSOCIATION OF ARCHITECTS CHUAN LIANG LICENCE 7430	PROJECT INFORMATION PODIUMPROS PROJECT NUMBER: 2105 DRAWN BY: CL CHECKED BY: TB DATE: MAY.2022 SCALE: 1/8"=1'-0"	PROJECT 7 FREDERICTON RD. RESIDENCE MARKHAM, ON L3P 3C1	CLIENT INFORMATION XINYU HUANG 7 FREDERICTON RD. MARKHAM, ON L3P 3C1 EMAIL: FXHUANG@PROTONMAIL.COM TEL: 647-890-4788	NO. ISSUED/REVISED DATE 3 2 1	
		DRAWING TITLE MAIN FLOOR PLAN	DRAWING NO. A2.2	CITY COMMENTS MAR.30/23		



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Date: 04/25/23

MM/DD/YY

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CLIENT INFORMATION
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 7 FREDERICTON RD.
 MARKHAM, ON L3P 3C1
 EMAIL: FXHUANG@PROTONMAIL.COM
 TEL: 647-890-4788

PROJECT
 7 FREDERICTON RD.
 RESIDENCE
 MARKHAM, ON L3P 3C1

PROJECT INFORMATION
 PODIUMPROS
 PROJECT NUMBER: 2105
 DRAWN BY: CL
 CHECKED BY: TB
 DATE: MAY.2022
 SCALE: 1/8"=1'-0"

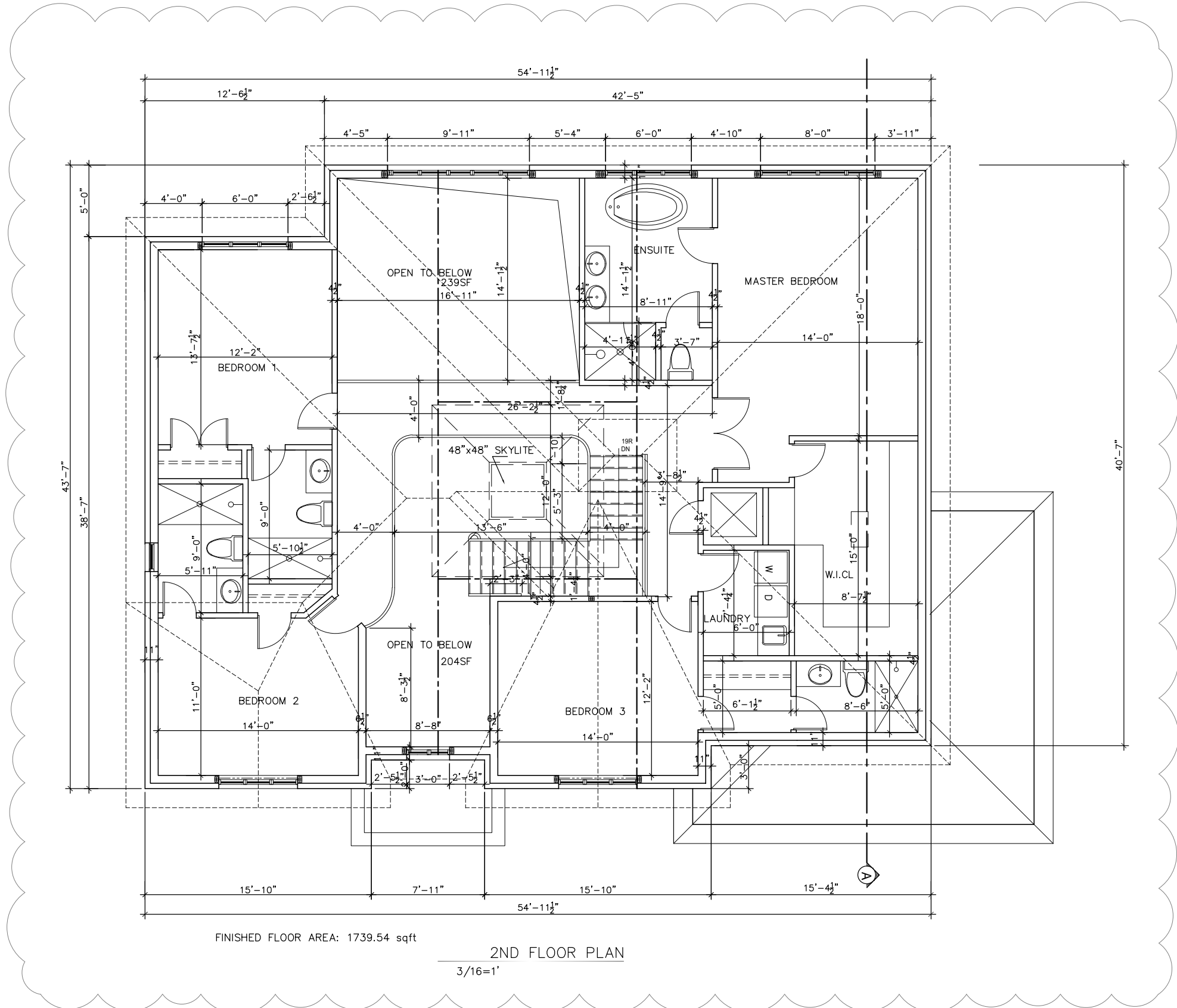


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 106 Thomas Foster St.
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DRAWING NO.
A2.3

DRAWING TITLE
2ND FLOOR PLAN

CITY COMMENTS
 MAR.30/23



FINISHED FLOOR AREA: 1739.54 sqft
2ND FLOOR PLAN
 3/16=1'

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CLIENT INFORMATION
 XINYU HUANG
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PROJECT INFORMATION
 7 FREDERICTON RD.
 RESIDENCE
 MARKHAM, ON L3P 3C1

PROJECT INFORMATION
 PODIUMPROS
 PROJECT NUMBER: 2105
 DRAWN BY: CL
 CHECKED BY: TB
 DATE: MAY.2022
 SCALE: 1/8"=1'-0"



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 Email: liangbah@hotmail.com

DRAWING NO. A3.1
 FRONT ELEVATION

CITY COMMENTS	NO.
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MAR.30/23

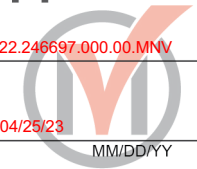


FRONT ELEVATION
 3/16=1'

Appendix B

File: 22.246697.000.00.MNV

Date: 04/25/23



NO.	ISSUED/REVISED	DATE
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CLIENT INFORMATION
 XINYU HUANG
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PROJECT INFORMATION
 7 FREDERICTON RD.
 RESIDENCE
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PROJECT INFORMATION
 PODIUMPROS
 PROJECT NUMBER: 2105
 DRAWN BY: CL
 CHECKED BY: TB
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 SCALE: 1/8"=1'-0"



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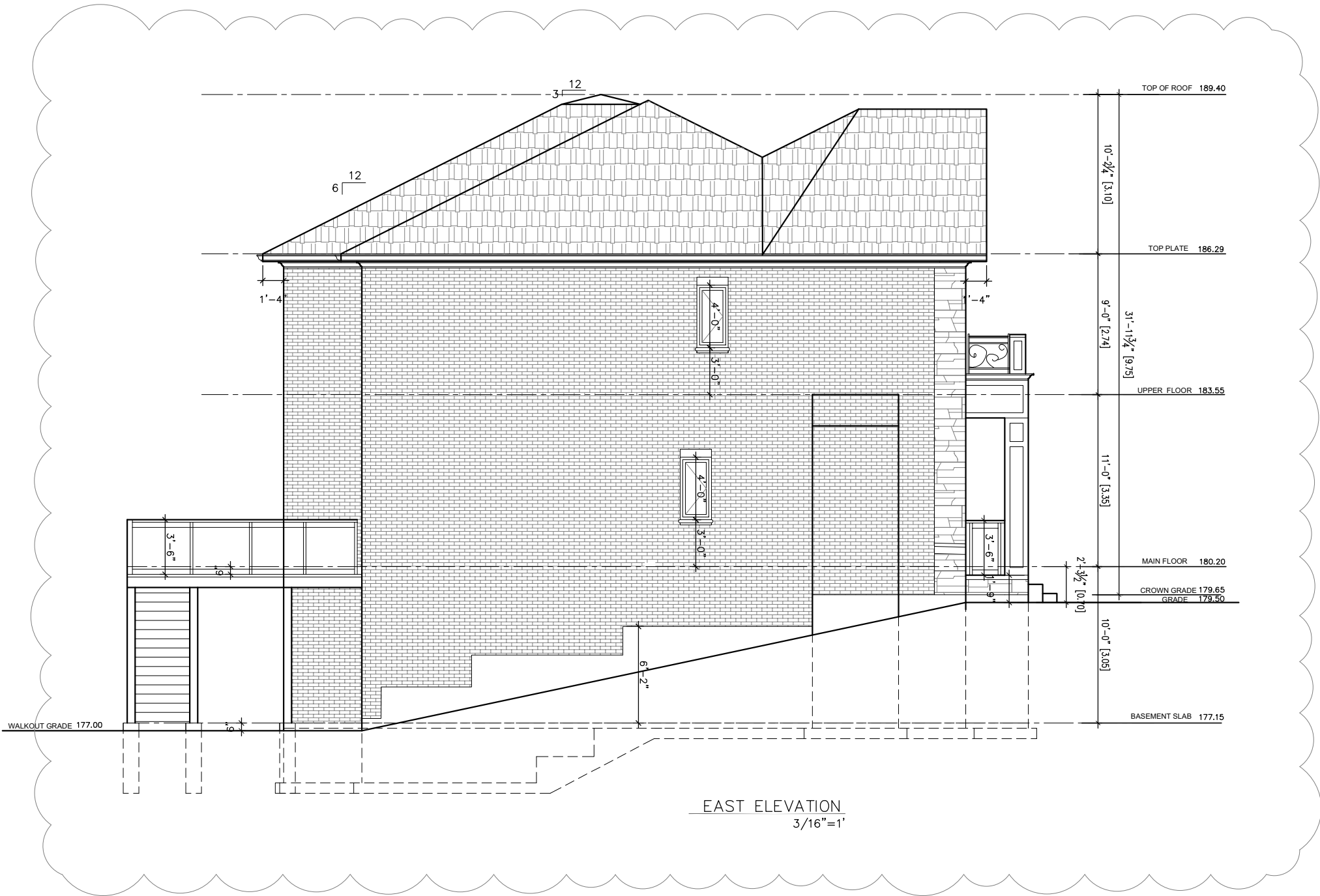
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		DRAWING TITLE EAST ELEVATION	DRAWING NO. A3.3	CITY COMMENTS MAR.30/23	




EAST ELEVATION
3/16"=1'

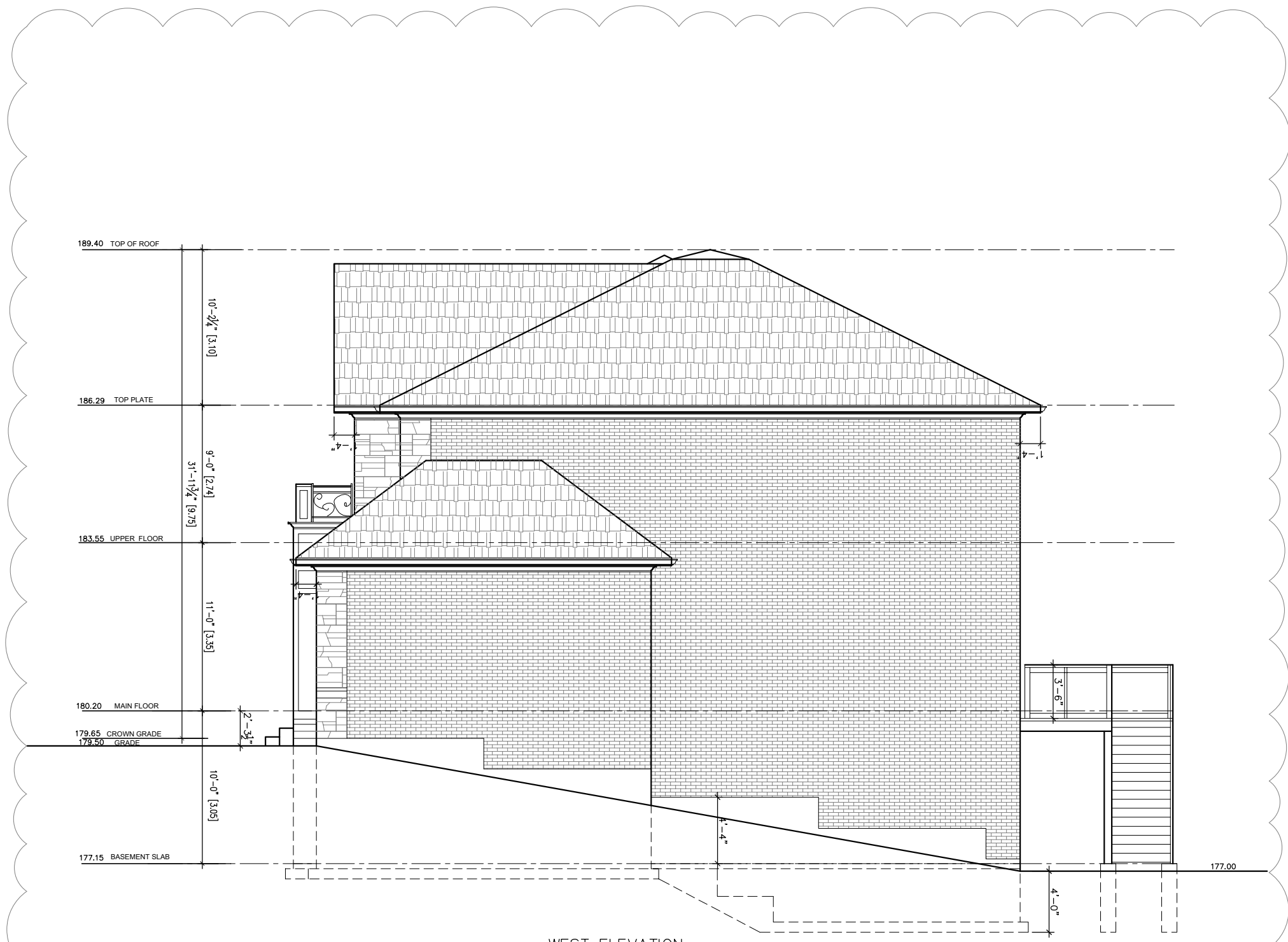
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		DRAWING TITLE WEST ELEVATION	DRAWING NO. A3.4	CITY COMMENTS MAR.30/23	



WEST ELEVATION
3/16"=1'

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APPENDIX "C"
INITIAL STAFF REPORT: JANUARY 25, 2023

Memorandum to the City of Markham Committee of Adjustment

January 25, 2023

File: A/124/22
Address: 7 Fredericton Road – Markham, ON
Applicant: Xinyu Huang
Agent: Chuan Liang Architects (Chuan Liang)
Hearing Date: February 1, 2023

INTRODUCTION

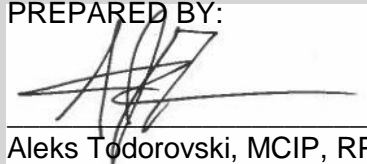
The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the following “Residential One (R1)” zone requirement under Zoning By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling, to permit:

- a) Amending By-law 99-90, Section (vi):
a maximum floor area ratio of 49.1%, whereas the Zoning By-law permits a maximum floor area ratio of 45.0%.

COMMENTS

On January 25, 2023, Staff received a written request from the applicant to formally defer the application. In accordance with the applicant’s request, staff recommend that the above noted application be deferred sine die by the Committee of Adjustment.

PREPARED BY:



Aleks Todorovski, MCIP, RPP
Planner II, East District

REVIEWED BY:



Stacia Muradali, MCIP, RPP
Development Manager, East District