

Memorandum to the City of Markham Committee of Adjustment

January 27, 2023

File: A/185/22
Address: 16 Grandview Boulevard (Parts 2 & 3), Markham
Applicant: Arc Design Group (Peter Jaruczik)
Agent: Arc Design Group (Peter Jaruczik)
Hearing Date: Wednesday, February 15, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

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

A height of 9.92 meters (32.54 feet), whereas the By-law permits a maximum of 9.8 meters (32.15 feet),

b) By-law 1229, Table 11.1:

A minimum setback of 1.37 meters (4.49 feet) to the interior side lot line, whereas the By-law requires a minimum of 1.83 meters (6 feet) for the two-storey portion, and

c) Amending By-law 99-90, Section 1.2(ii):

A depth of 20.98 meters (68.83 feet) , whereas the Bylaw permits a maximum of 16.8 meters (55.11 feet);

d) Amending By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 49.95 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

Property Description

The 756.54 m² (8,143.60 ft²) subject property is located on the west side of Grandview Boulevard, north of Riverview Avenue, south of Highway 7 East, and west of Main Street Markham South. 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 newer dwellings being developed as infill developments.

The property currently contains a one-storey single detached dwelling, with mature trees and vegetation existing throughout.

Application History

On July 6, 2022, the Committee of Adjustment granted provisional consent to sever and convey part of the lands located on 16 Grandview Boulevard (Part 2), and to sever and convey part of the lands located on the adjacent property at 18 Grandview Boulevard (Part 3), to merge Parts 2 and 3 to facilitate the creation of one new developable residential lot. The existing homes will be demolished and new two-storey dwellings

would also be constructed on each of the retained lots. A total of three dwellings will be constructed.

Proposal

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two-car garage. The proposed dwelling will have an approximate gross floor area of 340.36 m² (3,663.60 ft²).

The applicant is requesting variances to the height, interior side yard setback, building depth, and floor area ratio to facilitate the construction of the new two-storey detached dwelling.

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. 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 criteria 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, and 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 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to floor area, height, and building depth.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on November 22, 2022. The applicant has not conducted a 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.98 m (68.83 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 4.18 m (13.71 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a front covered porch and a covered loggia in the rear which adds approximately 4.17 m (13.68 ft) to the overall depth of the building. Staff can support this variance as the main component of the building, excluding the front porch and rear loggia, has a depth of 15.98 m (52.42 ft) which is less than the maximum permitted building depth and will not adversely impact the streetscape.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.92 m (32.54 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.12 m (0.39 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 1.12 m (3.67 ft) above the crown of road. Staff are of the opinion the proposed building height is a minor deviation from the by-law requirement and will not negatively affect the streetscape.

Reduction in Side Yard Setback

The applicant is requesting a minimum interior side yard setback of 4.49 ft (1.37 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) for the two-storey portion of the dwelling.

The requested variance applies to the two-storey portion of the building to facilitate an architectural feature on the north side of the front elevation. The side yard setback is important in maintaining the character of the street and adequate spacing between dwellings. Staff are of the opinion that the requested variance is not in keeping with the intent of the Zoning By-law

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.95 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 340.36 m² (3,663.60 ft²), whereas the By-law permits a dwelling with a maximum floor area of 308.17 m² (3,317.11 ft²). This represents an increase of approximately 32.19 m² (346.49 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 requested increase in FAR combined with the other requested variances may have some impact on the streetscape and is not desirable nor meets the intent of the By-law.

PUBLIC INPUT SUMMARY

As of February 9, 2022, the City received two (2) letters of opposition expressing concerns over the requested variances and its impacts to the character of the neighbourhood. 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 requested variances for interior side yard setback and floor area ratio do not meet the four tests of the Planning Act. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/185/22

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply 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.

CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/185/22

- GENERAL NOTES
1. ALL DRAWINGS AND SPECIFICATIONS IS AN INSTRUMENT OF SERVICE AND REMAIN THE EXCLUSIVE PROPERTY OF ARC DESIGN GROUP DEVELOPMENT SERVICES INC. AND ARE PROTECTED UNDER THE COPYRIGHT ACT. THEY MAY NOT BE REPRODUCED, DISTRIBUTED, ALTERED OR SUBMITTED FOR APPROVALS WITHOUT WRITTEN PERMISSION OF THE DESIGNER.
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 3. ALL WORK INHERENT TO THIS PROJECT SHALL BE PERFORMED ACCORDING TO THE ONTARIO BUILDING CODE, THE NATIONAL BUILDING CODE AND OTHER GOVERNING BODIES HAVING JURISDICTION.
 4. ALL DIMENSIONS ARE TAKEN FROM FACES OF EXTERIOR WALLS AND ALL MASONRY WALLS.
 5. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS & DIMENSIONS. ANY DISCREPANCIES ARE TO BE REPORTED TO ARC DESIGN GROUP DEVELOPMENT SERVICES INC. BEFORE COMMENCING THE WORK.
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No.	Issued For/Revisions	Date
6	REVISED PER NEW R-PLAN	01.19.2023
5	REVISED FOR C OF A	12.23.2022
4	ISSUED FOR C OF A	10.14.2022
3	REVISED PER GRADING PLAN	09.21.2022
2	ISSUED FOR ZPR	09.13.2022
1	ISSUED FOR ZONING REVIEW	08.16.2022

PROJECT

16 & 18 GRANDVIEW BLVD.
MARKHAM, ONTARIO



Qualified Designer BCIN: 30551
Firm BCIN: 30558
Date: JAN 2023
Signature: *[Signature]*

DRAWN BY: AL SCALE: 1:200
CHECKED BY: PJJ DATE: JAN 19, 2023

SHEET TITLE
PROPOSED SITE PLAN

PROJECT NO.: 22-027 DRAWING NO.: SP



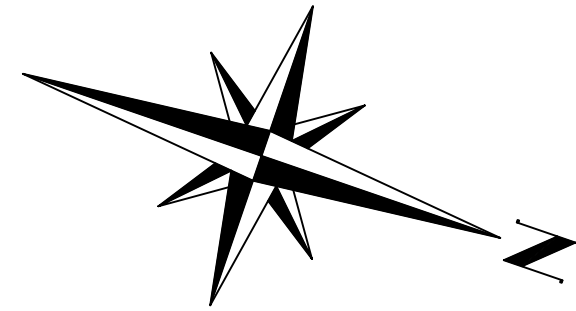
Project: 16 & 18 Grandview Boulevard
Markham, Ontario

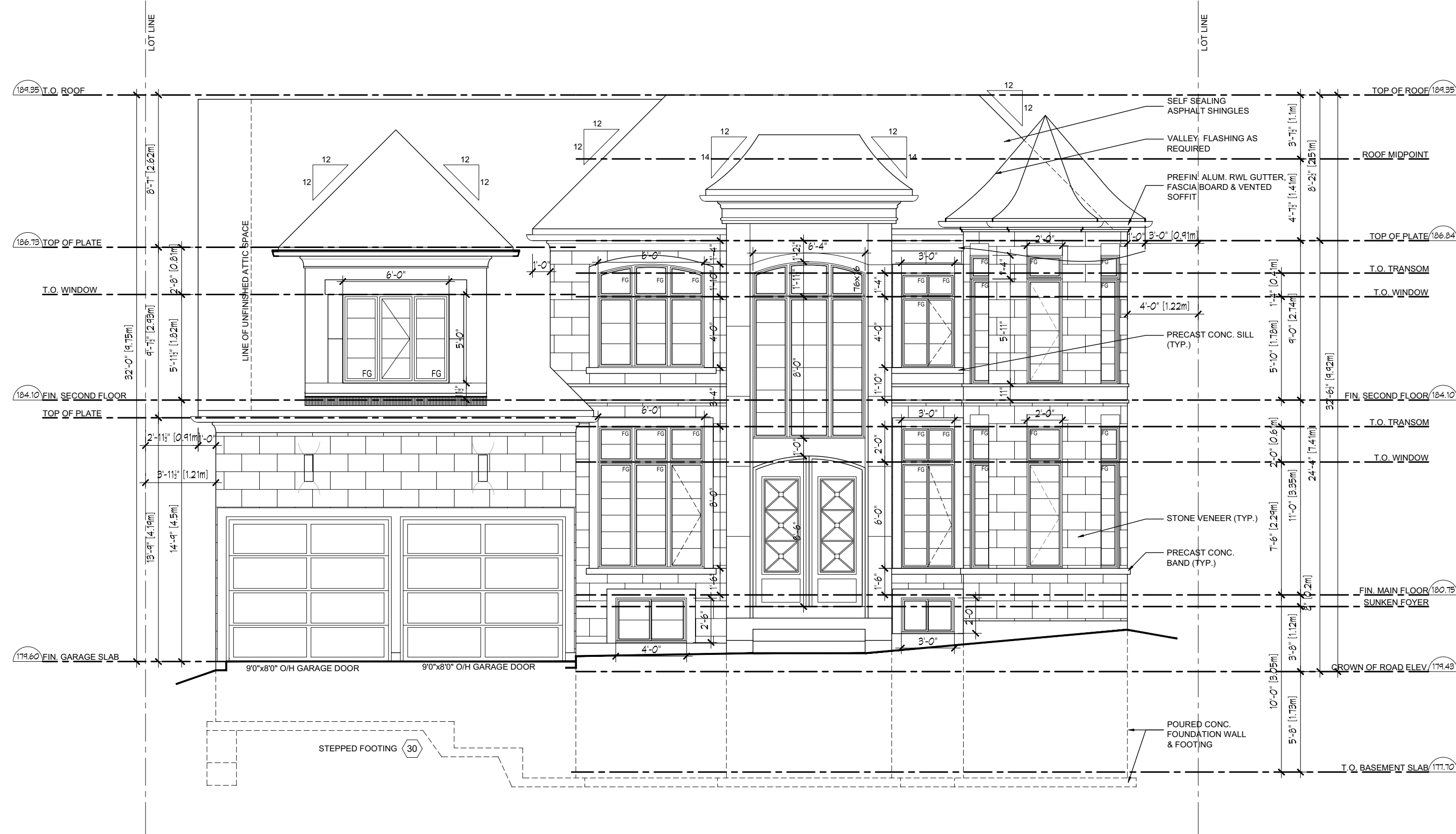
Lot Description: Lots 9 & 10, Registered Plan 4365

Lot Geometry	Part 1	Parts 2 & 3	Part 4
Lot Size	18.3m x 41.36m	18.3m x 41.36m	23.72m x 41.36m
Lot Area	757.14 m ²	756.54 m ²	982.35 m ²
Coverage:			
Single Detached Dwelling	209.96 m ² 27.7%	209.96 m ² 27.8%	243.63 m ² 24.8%
Deck / Porch / Carport	29.47 m ² 3.9%	29.47 m ² 3.9%	42.18 m ² 4.3%
Total Coverage	239.43 m ² 31.6%	239.43 m ² 31.6%	285.81 m ² 29.1%
Net Floor Area:			
Net Lot Area	685.14 m ²	684.84 m ²	797.745 m ²
Gross Floor Area & Ratio	340.36 m ² 49.68%	340.36 m ² 49.70%	397.83 m ² 49.87%
Front Setback	Part 1 8.73 m	Parts 2 & 3 8.44 m	Part 4 10.21 m
Rear Setback	11.68 m	11.71 m	9.61 m
Int. Sideyard Setback	1.23 m	1.23 m	2 m
Int. Sideyard Setback	1.37 m	1.37 m	4.18 m
Building Height	9.67 m	9.92 m	10.13 m

GRANDVIEW BOULEVARD (BY REGISTERED PLAN 4365) PIN 02916-0841(LT)

GROSS FLOOR AREA CALCULATION	Part 1	Parts 2 & 3	Part 4
GROUND FLOOR AREA (INCL. GAR.)	209.96 m ²	209.96 m ²	243.63 m ²
GROUND FLOOR AREA (EXCL. GAR.)	164.21 m ²	164.21 m ²	181.06 m ²
SECOND FLOOR AREA	207.71 m ²	207.71 m ²	234.47 m ²
SUBTOTAL	417.67 m ²	417.67 m ²	478.10 m ²
DEDUCT STAIRS & OPEN AREAS	77.31 m ²	77.31 m ²	80.27 m ²
TOTAL NET AREA	340.36 m ²	340.36 m ²	397.83 m ²





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5	REVISED FOR CoFA	12.23.22
4	ISSUED FOR CoFA	10.14.22
3	REVISED PER GRADING	09.22.22
2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22
No.	Issued For/Revisions	Date

PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

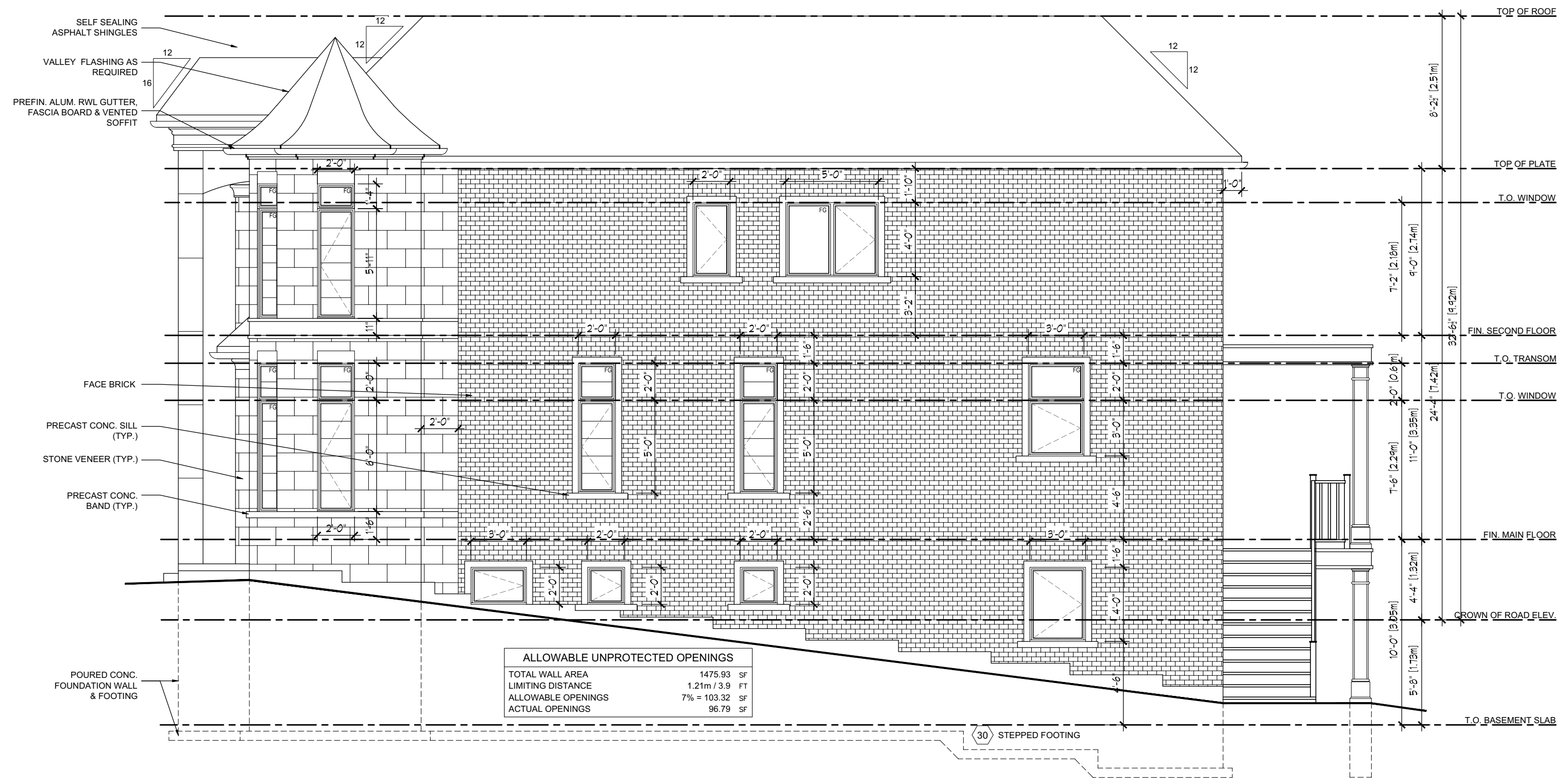


Qualified Designer BCIN: 30551
Firm BCIN: 30558
Date: JAN 2023
Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE
FRONT ELEVATION

PROJECT NO.: 22-027
DRAWING NO.: A2.1



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PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

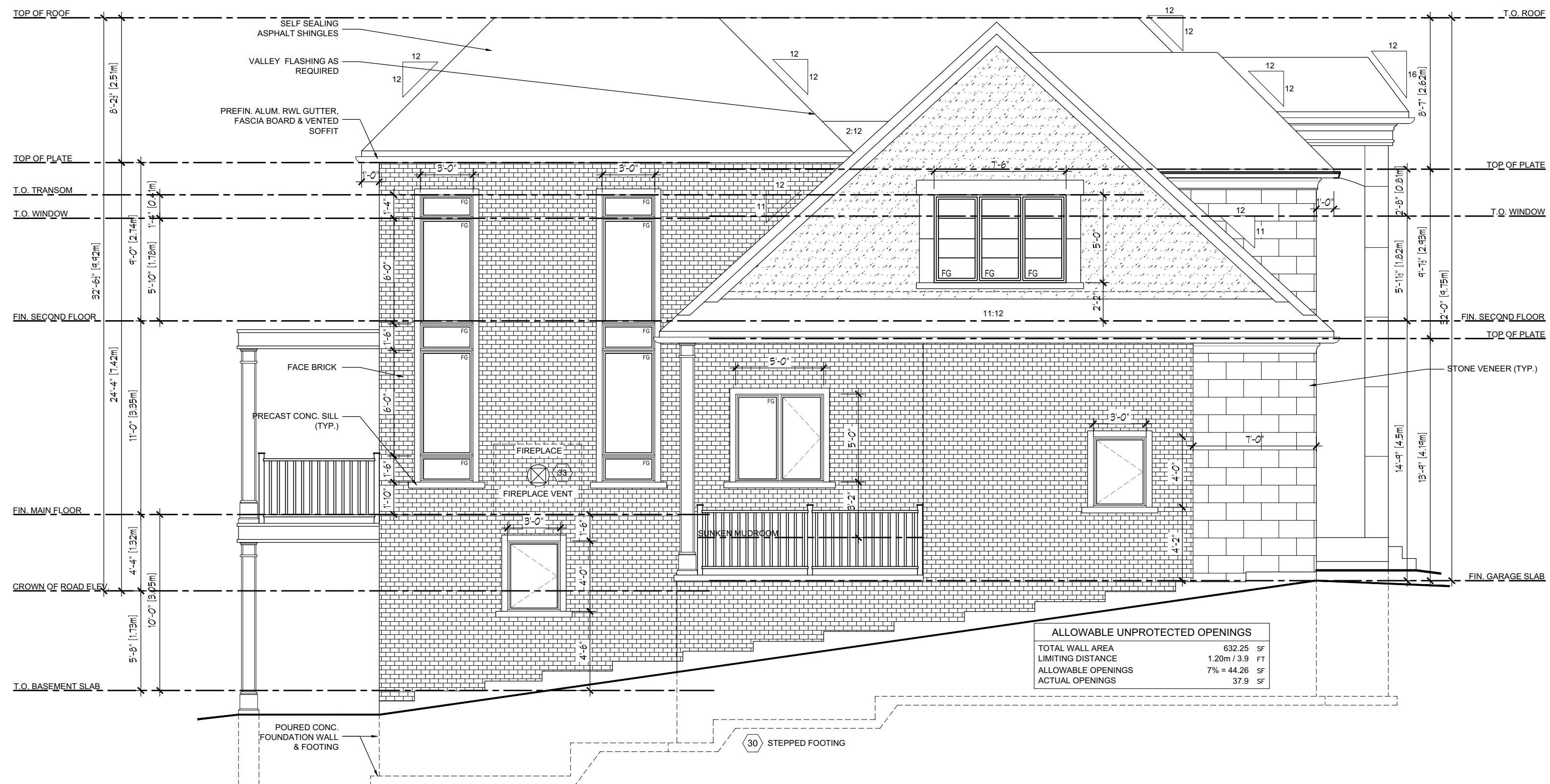


Qualified Designer BCIN:	32551
Firm BCIN:	30558
Date:	JAN 2023
Signature:	<i>[Signature]</i>

DRAWN BY:	ML	SCALE:	3/16" = 1'0"
CHECKED BY:	PJJ	DATE:	12.23.2022

SHEET TITLE
RIGHT SIDE ELEVATION

PROJECT NO.:	22-027	DRAWING NO.:	A2.2
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ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	632.25 SF
LIMITING DISTANCE	1.20m / 3.9 FT
ALLOWABLE OPENINGS	7% = 44.26 SF
ACTUAL OPENINGS	37.9 SF

ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	731.80 SF
LIMITING DISTANCE	4.40m / 14.4 FT
ALLOWABLE OPENINGS	28% = 204.90 SF
ACTUAL OPENINGS	108.22 SF

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2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22

PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

adg
Arc Design Group
architectural | mechanical | planning
tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

Qualified Designer BCIN:	30551
Firm BCIN:	30558
Date:	JAN 2023
Signature:	<i>[Signature]</i>

DRAWN BY:	ML	SCALE:	3/16" = 1'0"
CHECKED BY:	PJJ	DATE:	12.23.2022

SHEET TITLE
LEFT SIDE ELEVATION

PROJECT NO.:	22-027	DRAWING NO.:	A2.3
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PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO



tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

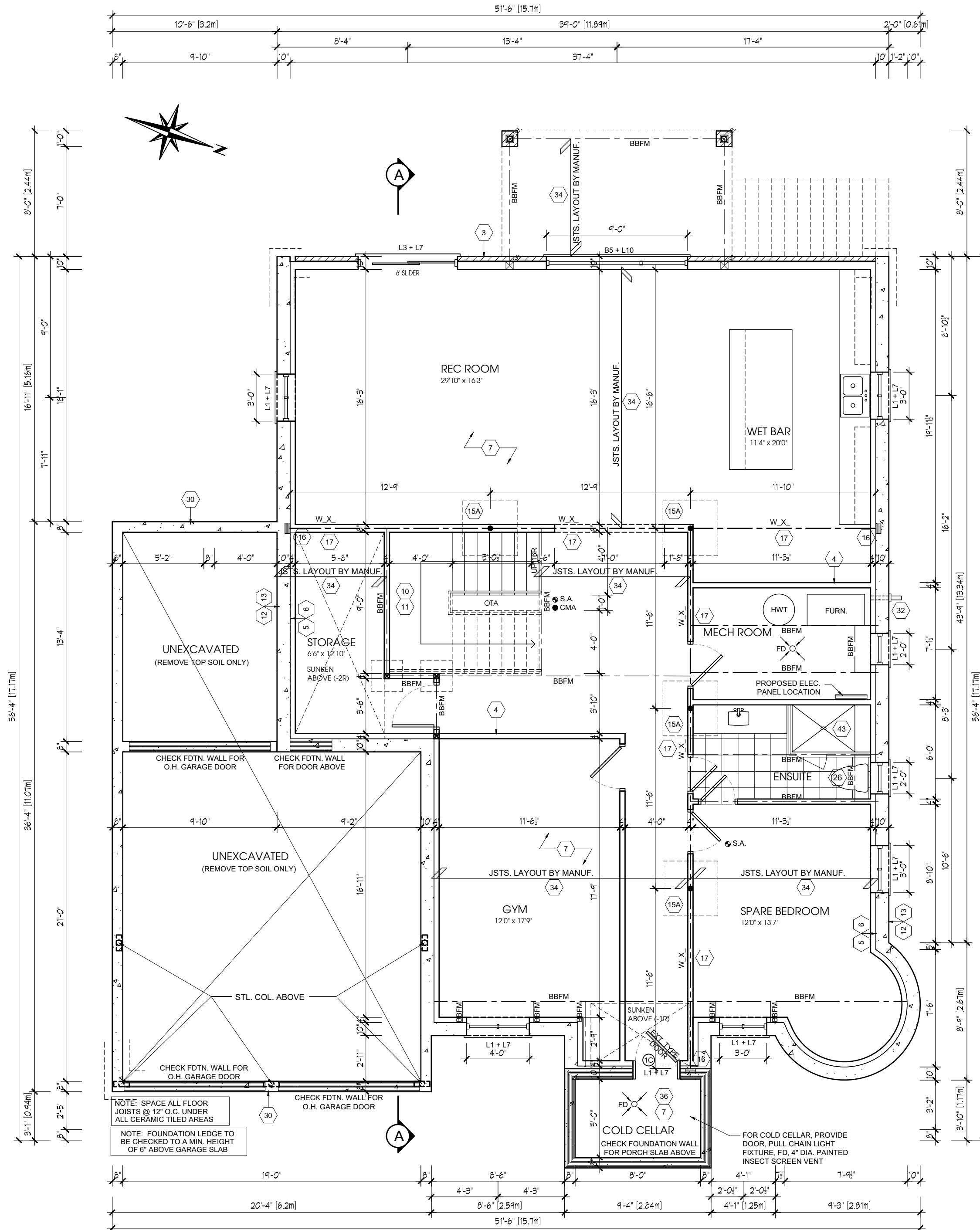
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Date: JAN 2023

Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE
REAR ELEVATION

PROJECT NO.: 22-027
DRAWING NO.: A2.4



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 - THE APPROVAL OF SHOP DRAWINGS IS NOT INTENDED FOR THE PROTECTION OF THE CONTRACTOR OR SUBCONTRACTOR; THEREFORE, IT DOES NOT RELIEVE THE CONTRACTOR OR SUBCONTRACTOR FROM THE NECESSITY OF CONFORMING TO THE INFORMATION CONTAINED IN THE ARCHITECTURAL AND STRUCTURAL DRAWINGS, ELECTRICAL AND MECHANICAL DRAWINGS, SPECIFICATIONS AND THE REQUIREMENTS OF THE ONTARIO BUILDING CODE OR OTHER GOVERNING BODY HAVING JURISDICTION.
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No.	Issued For/Revisions	Date
5	REVISED FOR CoFA	12.23.22
4	ISSUED FOR CoFA	10.14.22
3	REVISED PER GRADING	09.22.22
2	ISSUED FOR ZPR	09.13.22
1	ISSUED FOR REVIEW	08.05.22

PROJECT

16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

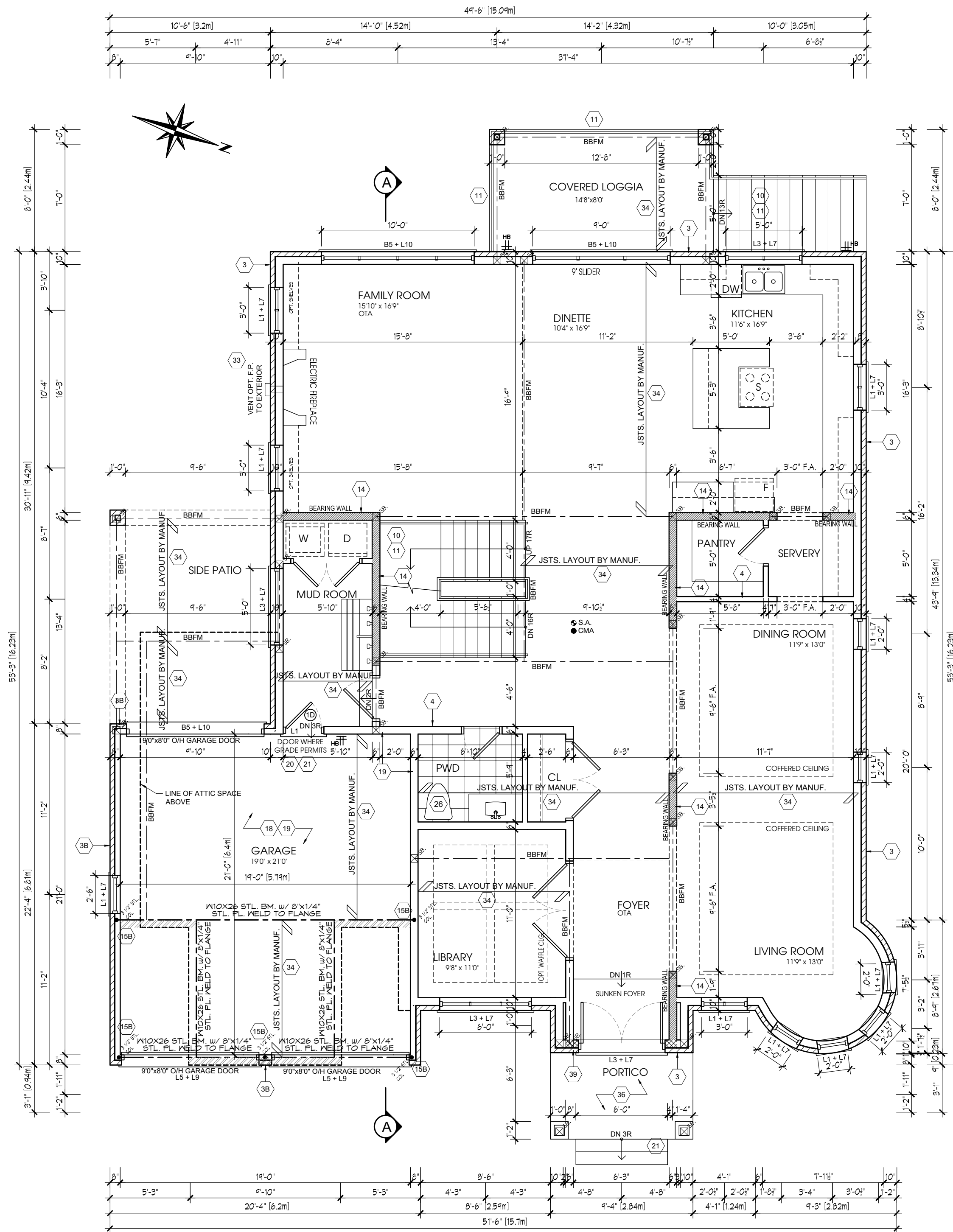


Qualified Designer BCIN: 32051
Firm BCIN: 38358
Date: JAN 2023
Signature: *[Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE
BASEMENT FLOOR PLAN

PROJECT NO.: 22-027
DRAWING NO.: A1.1



- GENERAL NOTES
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PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

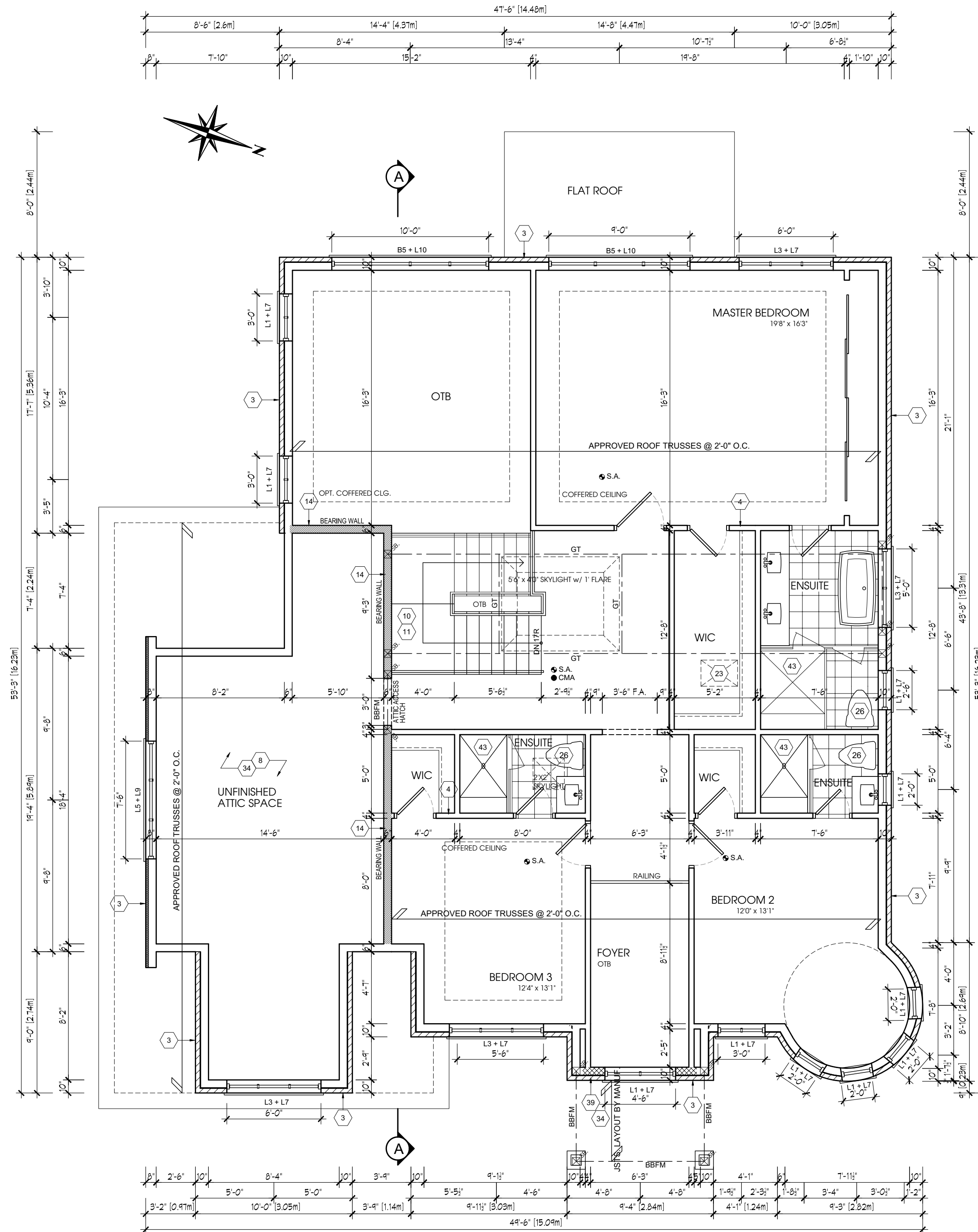
adg
Arc Design Group
architectural | mechanical | planning
tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

Qualified Designer BCIN: 32051
Form BCIN: 3838
Date: JAN 2023
Signature: *[Signature]*

DRAWN BY: ML	SCALE: 3/16" = 1'0"
CHECKED BY: PJJ	DATE: 12.23.2022

SHEET TITLE
GROUND FLOOR PLAN

PROJECT NO.: 22-027	DRAWING NO.: A1.2
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PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO

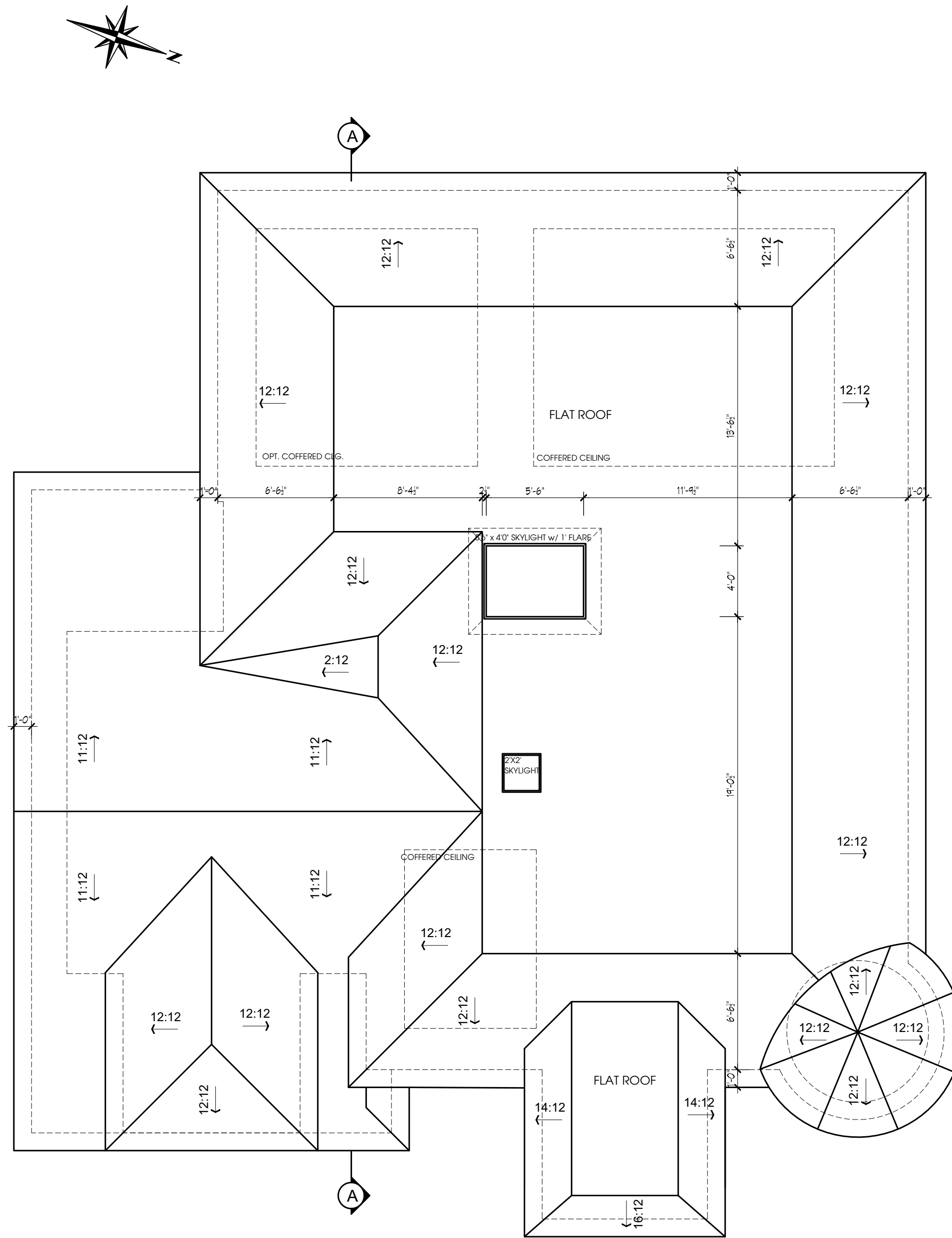


Qualified Designer BCIN: 32051
 Firm BCIN: 38358
 Date: JAN 2023
 Signature: *[Handwritten Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"
 CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE
SECOND FLOOR PLAN

PROJECT NO.: 22-027
 DRAWING NO.: A1.3



GENERAL NOTES

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PROJECT
16 & 18 GRANDVIEW BOULEVARD
MARKHAM, ONTARIO



ARC DESIGN GROUP DEVELOPMENT SERVICES INC. HAS BEEN REGISTERED AS AN ARCHITECTURAL FIRM UNDER PART I OF THE ARCHITECTURE ACT, 1990 (S.O. 1990/06) AND IS A MEMBER OF THE ARCHITECTURAL ASSOCIATION OF ONTARIO (AAO) AND THE ARCHITECTS ASSOCIATION OF CANADA (AIA). THE FIRM IS REGISTERED IN THE APPROPRIATE JURISDICTIONS.

Qualified Designer BCIN: 32551
Firm BCIN: 30558
Date: JAN 2023

Signature: *[Signature]*

DRAWN BY: ML SCALE: 3/16" = 1'0"
CHECKED BY: PJJ DATE: 12.23.2022

SHEET TITLE
ROOF PLAN

PROJECT NO.: 22-027 DRAWING NO.: A1.4