

Memorandum to the City of Markham Committee of Adjustment

September 18, 2023

File: A/204/22
Address: 4 Grenfell Crescent, Markham
Applicant: David Johnston Architect Ltd. (David Johnston)
Agent: David Johnston Architect Ltd. (David Johnston)
Hearing Date: Wednesday, September 27, 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(ii):

a maximum depth of 20.14 metres, whereas the By-law permits a maximum depth of 16.80 metres,

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

a maximum floor area ratio of 52.3 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

BACKGROUND

The application was deferred by the Committee of Adjustment (the “Committee”) at the July 12, 2023 hearing, for the application to address Staff’s concerns over encroachments into the minimum tree protection zones for trees located on site.

Property Description

The 912.59m² (9,823.03ft²) subject property is located on the west side of Grenfell Crescent, east of Markham Road and north of Highway 7. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

The property currently contains a one-storey detached dwelling with an attached garage. Mature vegetation exists on the property including two large mature trees in the front yard as well as trees in the rear yard.

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 399.30 m² (4298.02 ft²).

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.

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 and maximum 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 August 16, 2023. 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.3 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 399.30 m² (4298.02 ft²) whereas the By-law permits a dwelling with a maximum floor area of 343.45 m² (3,696.97 ft²). This represents an increase of approximately 55.85 m² (601.16 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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.14 m (66.08 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.34 m (10.96 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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 rear covered balcony which adds approximately 3.35 m (10.99 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.79 m (55.09 ft) which complies with the by-law requirement.

Tree Preservation

Tree Preservation Staff do not have any concerns with the Minor Variance requests and will provide further comments through the City’s RGS Application.

PUBLIC INPUT SUMMARY

As of September 22, 2023, the City received fourteen (14) letters of support. 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.

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/204/22

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

