

# Memorandum to the City of Markham Committee of Adjustment

June 3, 2022

**File:** A/063/22  
**Address:** 116 Parkway Avenue – Markham, ON  
**Applicant:** Paul Ghioghiu  
**Agent:** Gregory Design Group  
**Hearing Date:** June 8, 2022

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

- a) **Amending By-law 99-90, Section 1.2(vi):**  
a maximum floor area ratio of 48.90%, whereas the By-law permits a maximum of 45.0%.
- b) **Section 11.2 (c)(i):**  
a front porch to encroach 33.5 inches (0.85 m), whereas the by-law permits a maximum encroachment of 18 inches (0.46 m); and
- c) **Table 11.1:**  
a side yard setback of 3.9 feet (1.19 m), whereas the By-law requires a minimum side yard setback of 4 feet (1.22 m).

## PROPERTY DESCRIPTION

The 613.14 m<sup>2</sup> (6,600.0 ft<sup>2</sup>) subject property is located on the north side of Parkway Avenue, east of Sir Bodwin Place and west of Wooten Way North. The property is developed with a one-storey detached dwelling. Landscaping, including small trees and shrubs exists in the front and rear yards. The property is located within an established residential neighbourhood comprised of a mix of low rise dwellings, which vary in terms of their mass, architecture, height, and building depth. The street and surrounding area consists predominantly of the original housing stock built in the 1970s however, there are instances of newer dwellings being constructed as infill developments.

## PROPOSAL

The applicant is proposing to redevelop the site with a two-storey addition, built above a portion of the existing detached dwelling. If approved, the proposed dwelling will have a ground floor area of 176.97 m<sup>2</sup> (1904.9 ft<sup>2</sup>), a second floor area of 122.26 m<sup>2</sup> (1,316.0 ft<sup>2</sup>), for a total gross floor area of 299.23 m<sup>2</sup> (3,220.9 ft<sup>2</sup>), and a height of 9.8 m (32.2ft).

## 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 and purpose 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 a diversity of building styles. Regard shall also be had for the

retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

#### Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with maximum permitted yard encroachment and side yard setback requirements.

#### 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 generally 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 requirements with respect to the maximum floor area ratio.

### **ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN**

The owner has completed a ZPR on April 1, 2022 to confirm the variances required for the proposed development.

### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that 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.

#### Front Porch Encroachment

The Applicant is requesting a 6 foot (1.83 m) front porch be permitted to encroach 33.5 inches (0.85 m), whereas the by-law permits a maximum encroachment of 18 inches (0.46 m). Staff are of the opinion that the increased porch depth enhances usability and adds to the aesthetic nature of the proposed dwelling that will not negatively impact abutting properties and maintains the general intent of the zoning by-law and official plan.

#### Side Yard Setback Reduction

The Applicant is requesting a side yard setback of 3.9 feet (1.19 m), whereas the By-law requires a minimum side yard setback of 4 feet (1.22 m). The 3.9 feet (1.19 m) setback is to recognize and maintain an existing condition, located on the east side of the dwelling. As discussed, the proposed two-storey addition will be situated above a portion of the dwelling, which exceeds the minimum side yard setback for a two-storey building. The proposed site plan (Appendix 'B') shows the west side yard is maintaining the existing setback at 3.0 m (9.8 ft). Staff are of the opinion the variance will not negatively impact the abutting property to the east and satisfies the general intent of the zoning by-law and

official plan. Approval of this variance should be conditional that the reduced side yard apply to the one-storey portion of the east side yard only.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 48.90%, whereas the 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 299.23 m<sup>2</sup> (3,220.9 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 275.91 m<sup>2</sup> (2,969.9 ft<sup>2</sup>). This is an increase of 23.32 m<sup>2</sup> (251.0 ft<sup>2</sup>).

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. With the exception of the requested variance to the maximum permitted yard encroachment and east side yard setback requirement, the proposed dwelling meets all other zoning provisions including depth and lot coverage, that assists in establishing the prescribed building envelope. Staff are of the opinion that the proposed dwelling is in keeping with the intended scale and size of residential infill developments in the neighbourhood, and that the requested variance is appropriate and maintains the general intent and purpose of the By-law and Official Plan.

#### Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff also note that property owners are 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 June 3, 2022. 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 variances meet 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

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PREPARED BY:



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Stephen Corr, Senior Planner, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/059/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply 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 from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That the side yard setback reduction apply to the one-storey portion of the east side yard setback only.
4. 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 Director of Planning and Urban Design, or their designate, 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.
5. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
6. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, 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.

CONDITIONS PREPARED BY:

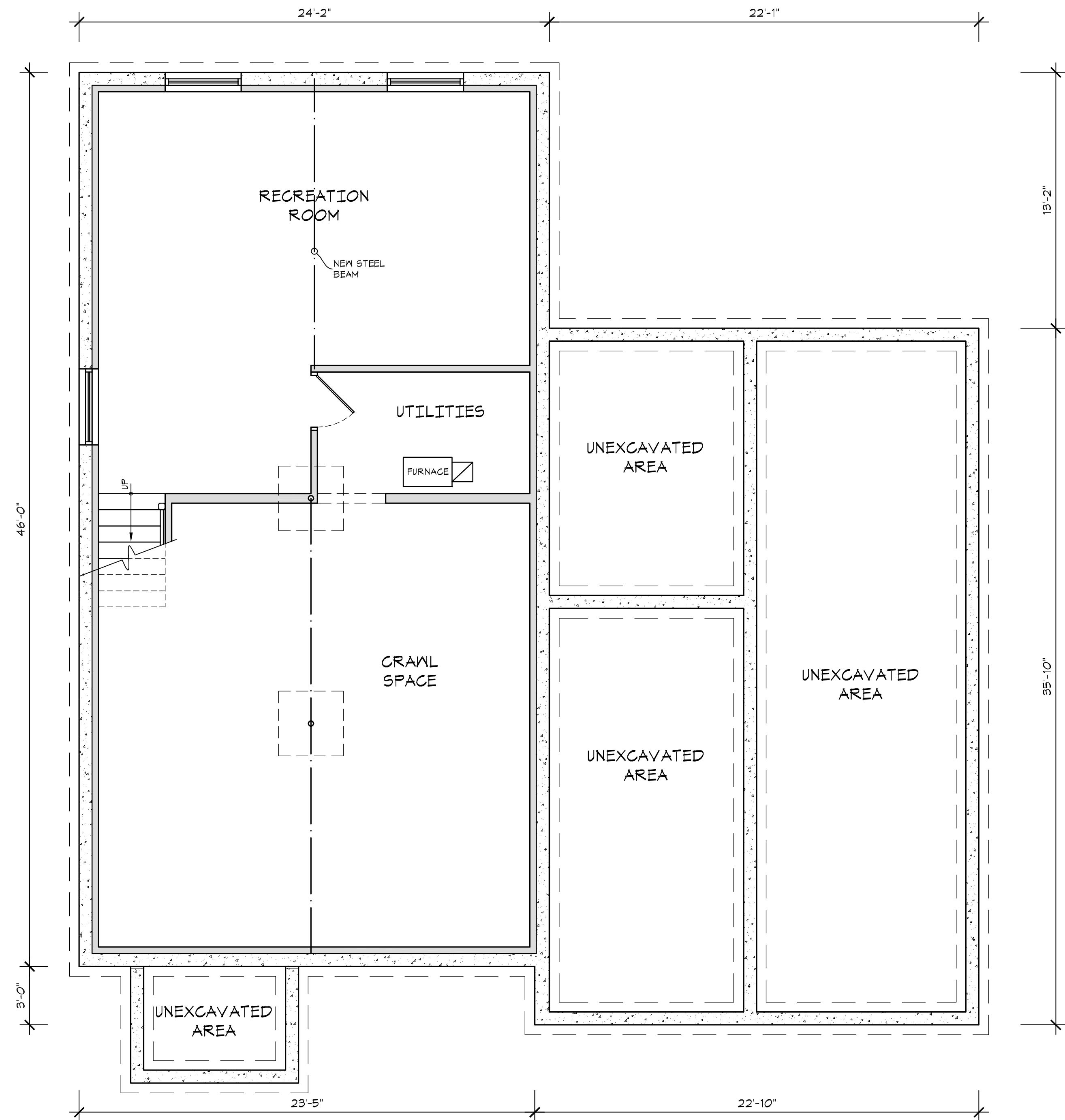
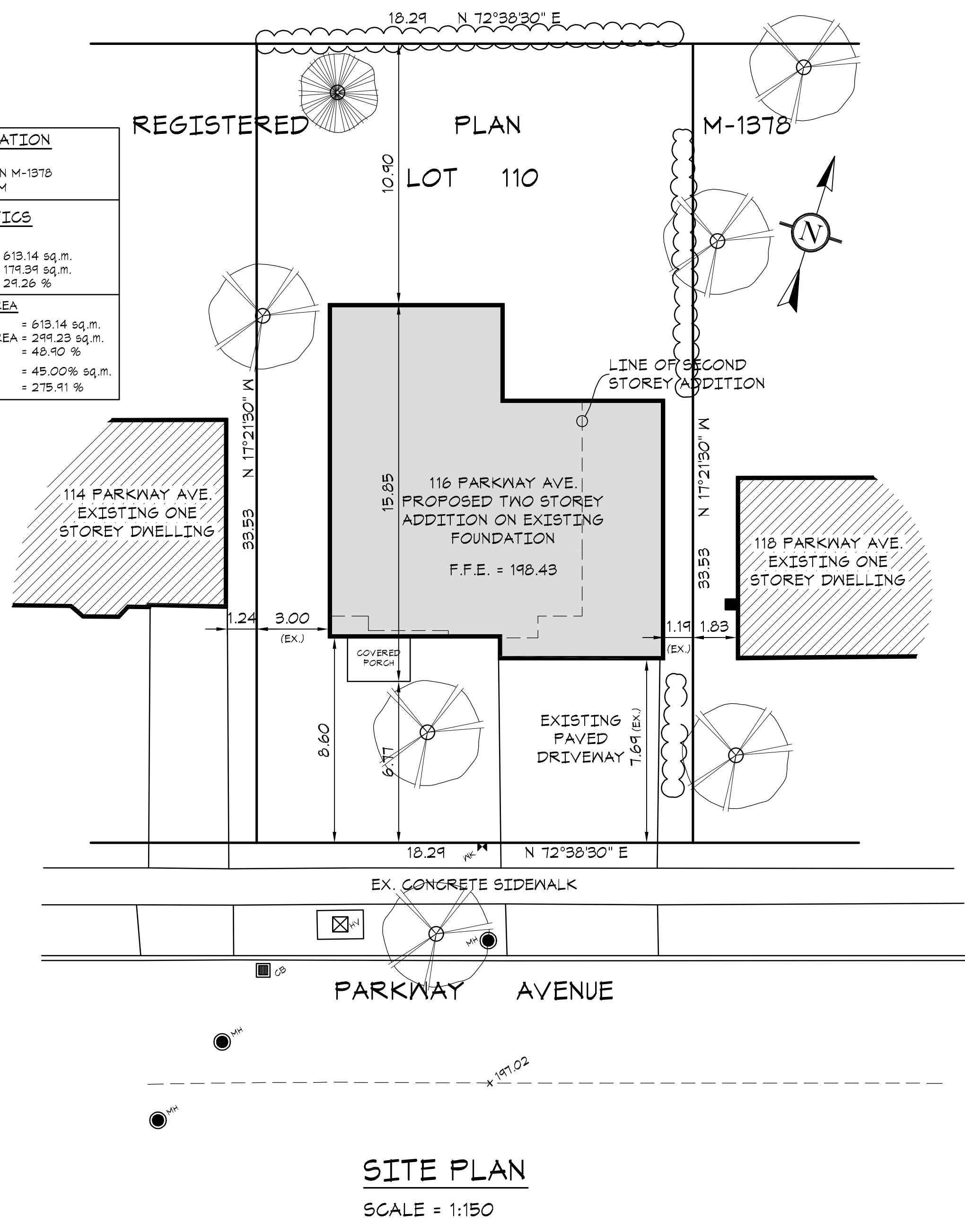
A handwritten signature in black ink, appearing to read "Stephen Corr". The signature is fluid and cursive, with the first name "Stephen" written in a larger, more prominent script than the last name "Corr".

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Stephen Corr, Senior Planner, East District

**APPENDIX "B"**  
**PLANS RELATED TO APPROVAL OF FILE A/063/22**

SITE INFORMATION	
LOT 110	REGISTERED PLAN M-1378
CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 613.14 sq.m.
BUILDING AREA	= 174.34 sq.m.
LOT COVERAGE	= 28.43 %
GROSS FLOOR AREA	
LOT AREA	= 613.14 sq.m.
GROSS FLOOR AREA	= 249.23 sq.m.
G.F.A. PROPOSED	= 48.50 %
G.F.A. ALLOWED	= 45.00% sq.m.
	= 275.91 %



**GENERAL NOTES:**

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025  
 Firm B.C.I.N. - 30506

Russ Gregory  
 NAME SIGNATURE

**PROJECT TITLE**

**HOUSE 2357**  
**116 PARKWAY AVENUE**  
**CITY OF MARKHAM**

**THE GREGORY DESIGN GROUP**

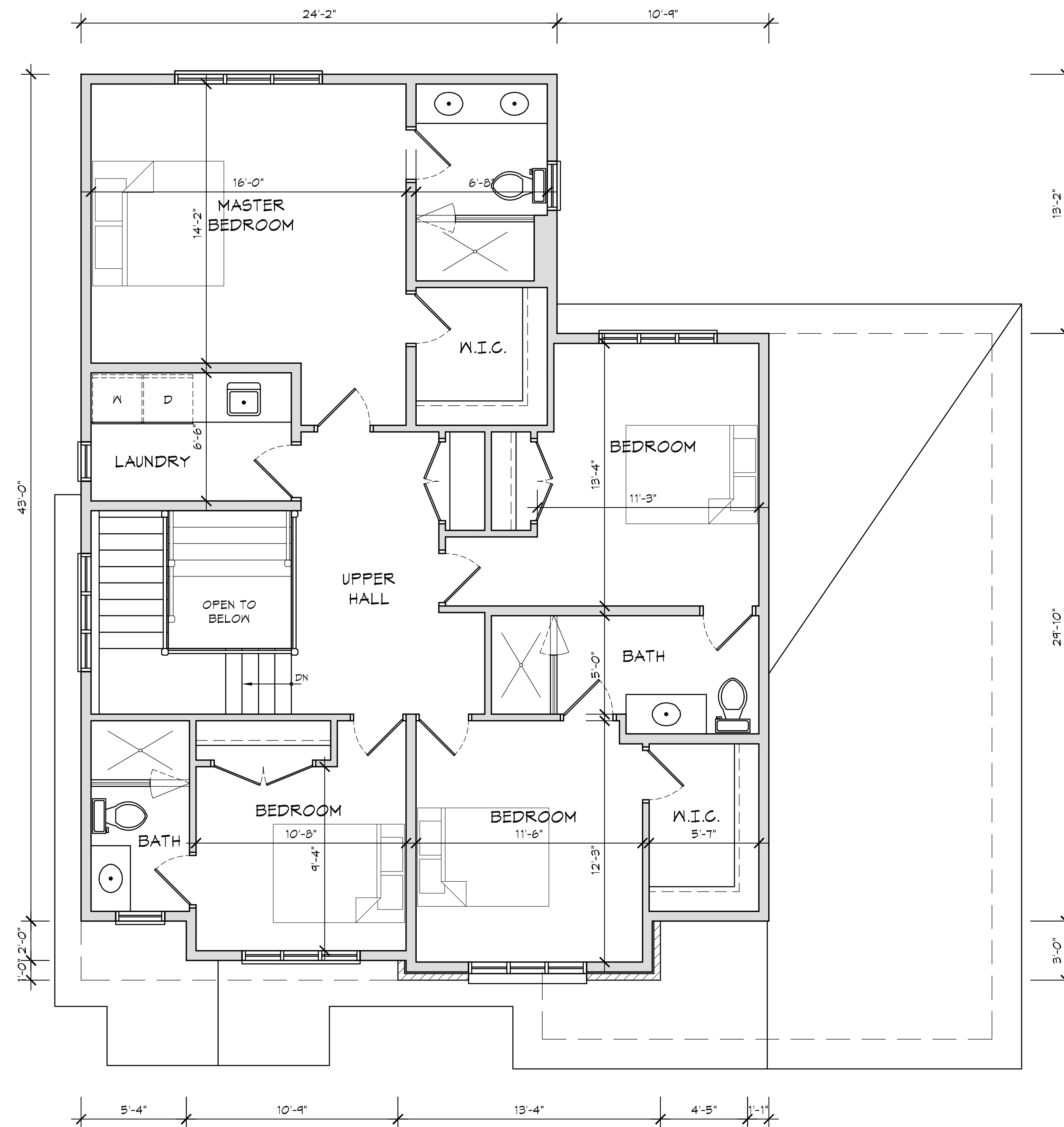
16 CHURCH STREET  
 MARKHAM, ONTARIO L3P 2L6  
 416-520-0978  
 shane@gregorydesigngroup.net

SCALE	DATE
1/4"=1'-0"	03/28/22
PROJECT NUMBER	SHEET NUMBER
2357-22	A-1
DRAWN BY	CHECKED BY
S.Gregory	R.G.



**GROUND FLOOR PLAN**

PROPOSED LAYOUT  
 FLOOR AREA = 1,466 sq.ft.  
 GARAGE AREA = 439 sq.ft. (179.39 sq.m.)  
 TOTAL GROSS FLOOR AREA = 1,905 sq.ft. (176.97 sq.m.)  
 BUILDING AREA = 1,931 sq.ft. (179.39 sq.m.)  
 (inc. garages & covered porches)



**SECOND FLOOR PLAN**

PROPOSED LAYOUT  
 FLOOR AREA = 1,421 sq.ft.  
 OPEN SPACE = 105 sq.ft.  
 TOTAL FLOOR AREA = 1,316 sq.ft. (122.26 sq.m.)

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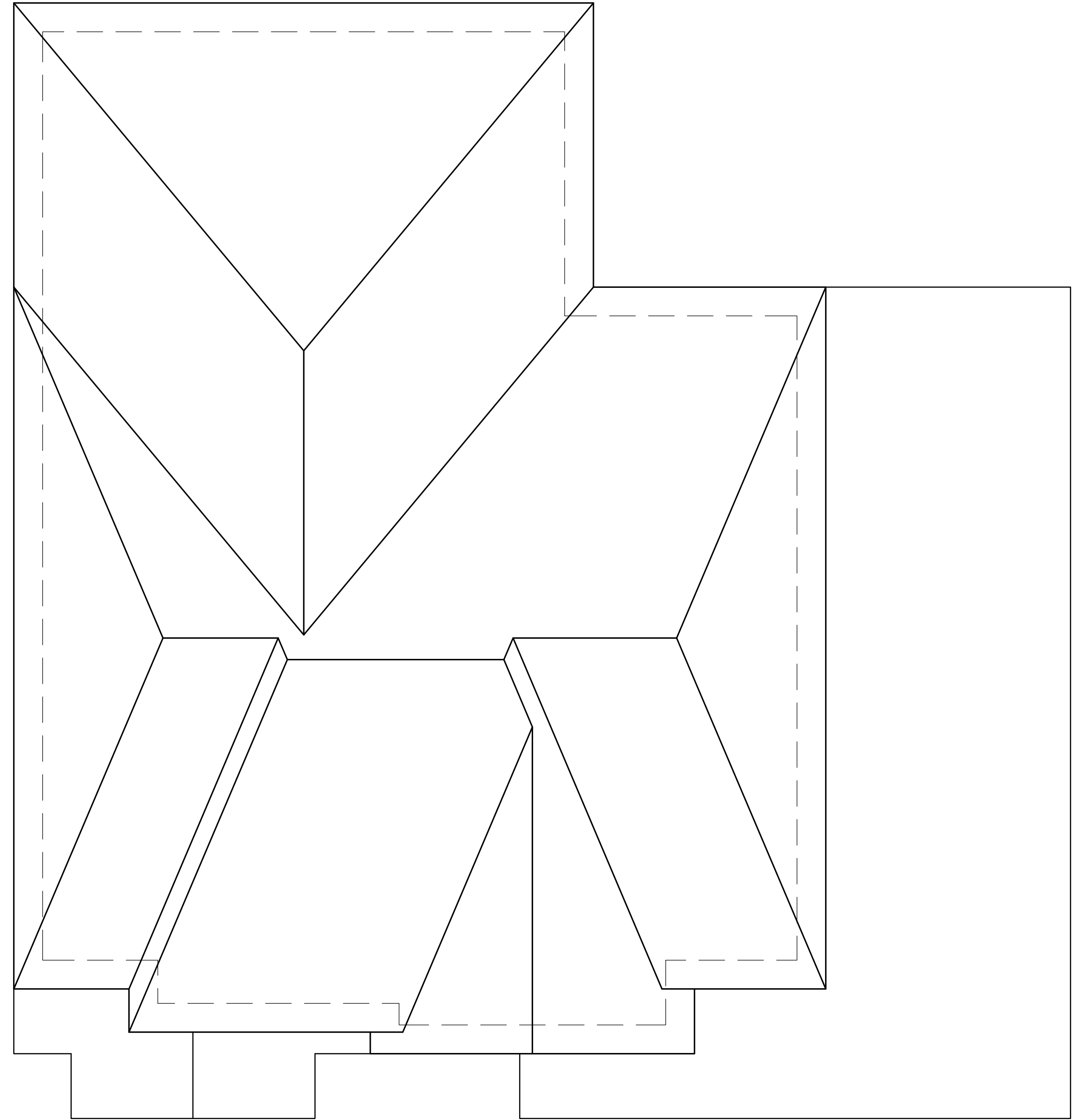
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 416-520-0978  
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 03/14/22
PROJECT NUMBER 2357-22	SHEET NUMBER <b>A-2</b>
DRAWN BY S.Gregory	CHECKED BY R.G.



**ROOF PLAN**  
 PROPOSED LAYOUT



**FRONT ELEVATION**



**REAR ELEVATION**

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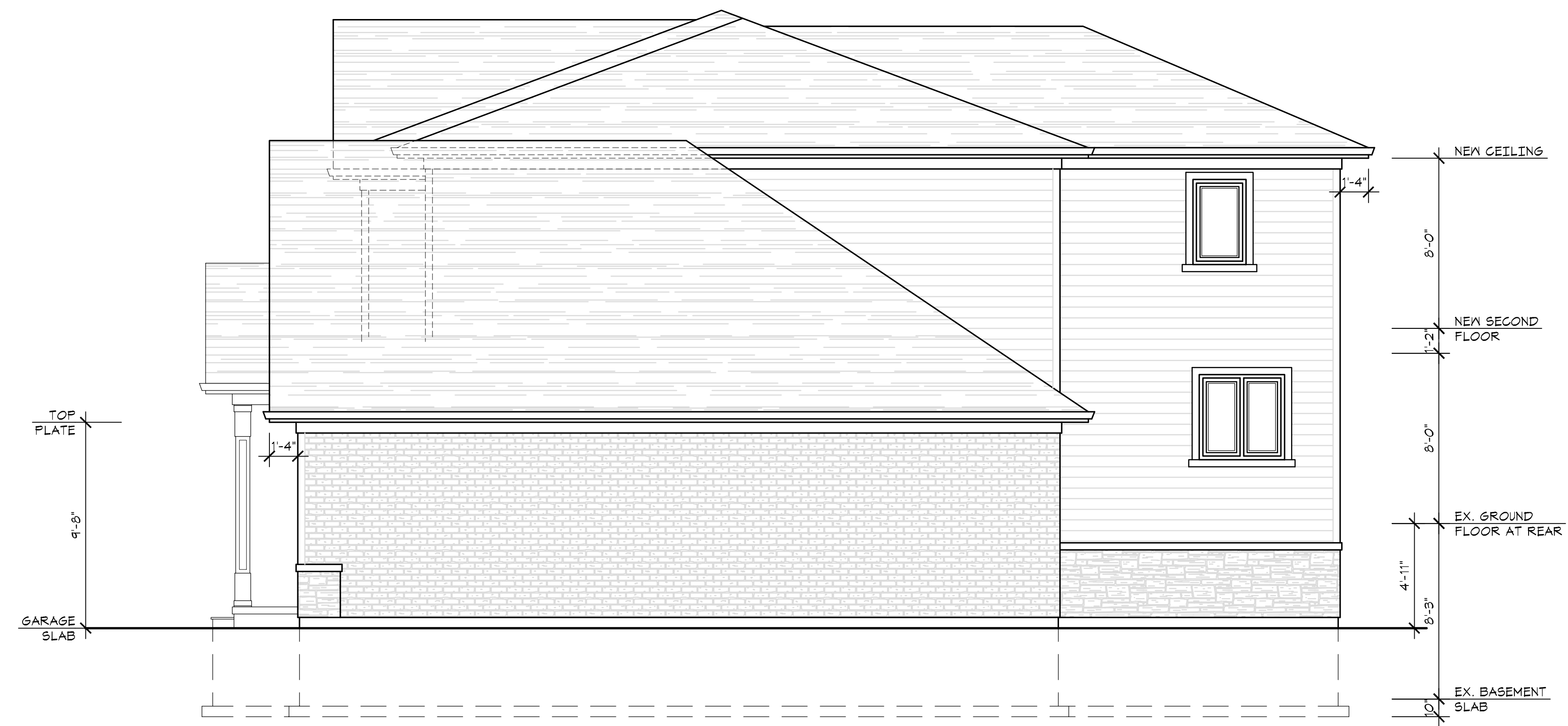
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SCALE 1/4"=1'-0"	DATE 03/14/22
PROJECT NUMBER 2357-22	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.





**LEFT SIDE (WEST) ELEVATION**



**RIGHT SIDE (EAST) ELEVATION**

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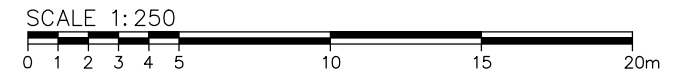
**PROJECT TITLE**  
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 116 PARKWAY AVENUE  
 CITY OF MARKHAM

**THE GREGORY DESIGN GROUP**  
 16 CHURCH STREET  
 MARKHAM, ONTARIO L3P 2L6  
 416-520-0978  
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 02/24/22
PROJECT NUMBER 2357-22	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.

SURVEYOR'S REAL PROPERTY PLAN OF  
 LOT 110  
 REGISTERED PLAN M-1378  
 CITY OF MARKHAM

REGIONAL MUNICIPALITY OF YORK



© COPYRIGHT  
**ertl surveyors 2022**  
 Ontario Land Surveyors

**Part 2: Report**

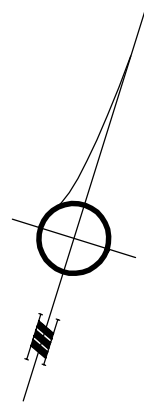
NO REGISTERED EASEMENTS OR RIGHTS OF WAY ON TITLE  
 FENCES AS SHOWN  
 SURVEY PREPARED FOR PAUL CHIOGHU

**Metric**

DISTANCES ARE IN METRES AND CAN BE CONVERTED  
 TO FEET BY DIVIDING BY 0.3048.

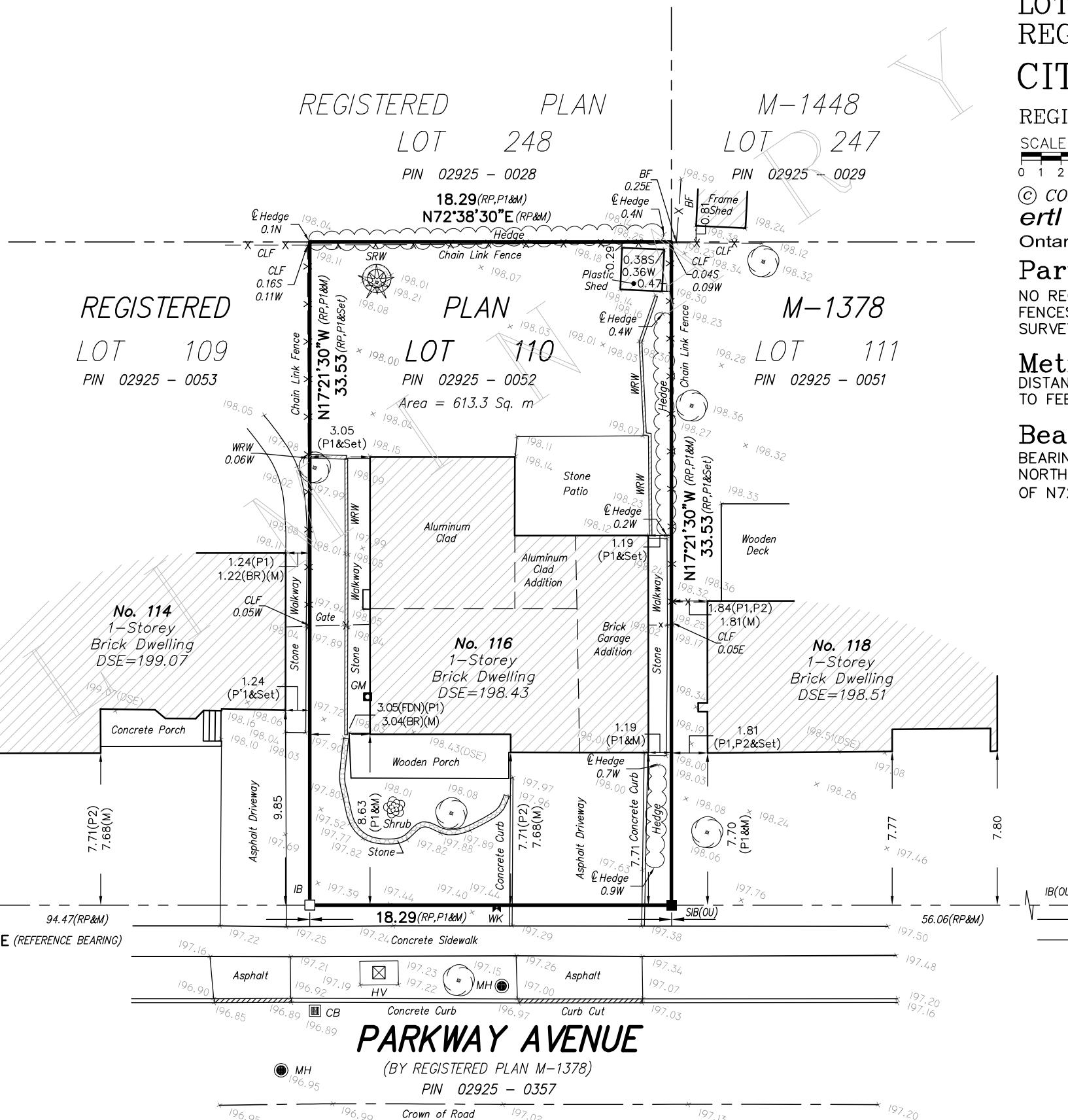
**Bearing note**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
 NORTHERLY LIMIT OF PARKWAY AVENUE, HAVING A BEARING  
 OF N72°38'30"E AS SHOWN ON REGISTERED PLAN M-1378.



**Legend**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RP DENOTES REGISTERED PLAN M-1378
- P1 DENOTES PLAN BY MCKIBBON LTD., O.L.S. DATED JANUARY 29, 1988
- P2 DENOTES PLAN BY R. D. TOMLINSON, O.L.S. DATED OCTOBER 9th, 2009
- OU DENOTES ORIGIN UNKNOWN
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- M DENOTES MEASURED
- DSE DENOTES DOOR SILL ELEVATION
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES DOUBLE BOARD FENCE
- SRW DENOTES STONE RETAINING WALL
- WRW DENOTES WOOD RETAINING WALL
- MH DENOTES MAINTENANCE HOLE
- WK DENOTES WATER KEY
- FH DENOTES FIRE HYDRANT
- HV DENOTES HYDRO VAULT
- CB DENOTES CATCH BASIN
- ★ DENOTES CONIFEROUS TREE
- DENOTES DECIDUOUS TREE



**Benchmark**

ELEVATIONS ARE GEODETIC AND REFERRED  
 TO CITY OF MARKHAM B.M. No. M-39-038,  
 ELEVATION = 190.779m

**Tree Note**

ALL TREES FRONTING THE PROPERTY, WITHIN THE  
 BOULEVARD, ARE SHOWN. TREES ON THE PROPERTY  
 AND ITS PROXIMITY ARE SHOWN, IF THEY HAVE A  
 TRUNK DIAMETER LARGER THAN 0.15m.

**PARKWAY AVENUE**

(BY REGISTERED PLAN M-1378)  
 PIN 02925 - 0357