

# Memorandum to the City of Markham Committee of Adjustment

April 2<sup>nd</sup>, 2019

**File:** A/06/18  
**Address:** 15 Wales Ave, Markham  
**Applicant:** Trina & Dimitrios Kollis  
**Agent:** ST Engineering (Stavros Theodorakopoulos)  
**Hearing Date:** Wednesday April 10, 2019

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the Residential One (R1) Zone in By-law 1229, as amended, as they relate to a proposed single detached residential dwelling:

- a) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.59 m (61 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) **Table 11.1:**  
a minimum two-storey side yard setback (south) of 1.22 m (4 ft), whereas the By-law requires a minimum two-storey side yard setback of 1.83 m (6 ft);
- c) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Floor Area Ratio of 55.4 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

The application was deferred by the Committee of Adjustment on October 24<sup>th</sup>, 2018 to allow the applicant to address concerns raised at the meeting respecting the design and overall massing of the proposed dwelling. Also, Committee was of the opinion that it was premature to make a decision at the time as there were heritage issues related to the existing home on the subject property that needed to be resolved.

On October 24, 2018, Heritage Markham recommended heritage designation for the existing 1920s brick dwelling on the property and did not support the requested variances because they were linked to the construction of a new dwelling to replace the existing one. Heritage Markham's position was that the existing dwelling has cultural heritage value and should remain, potentially with an addition instead. On March 18, 2019, Development Services Committee received a staff report recommending that the property be designated under Part IV of the *Ontario Heritage Act*. Development Services Committee, by simply receiving the staff report, did not take any action to designate the property under Part IV of the *Ontario Heritage Act* and therefore the property is not designated.

Following Development Services Committee's decision, the applicant has requested to proceed to the Committee of Adjustment with the same proposal that was deferred in October 2018. The design of the proposed dwelling remains the same as what was previously submitted at that time (See Appendix B). No changes have been made to the requested variances and Staff's comments dated October 19, 2018 remain applicable (See Appendix C).

## CONCLUSION

Staff have no objection to the variances related to building depth and side yard setback. However staff remain concerned that the increased floor area ratio would result in a dwelling with a massing that is not compatible with the surrounding built form. Staff recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

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.

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 18 107821 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/18**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as "Appendix B" received on September 14, 2018, to the satisfaction of the Director of Planning and Urban Design or designate;
3. 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 City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:



---

Carlson Tsang, Planner II, West District



NO.	REVISION	DATE
1	ISSUED FOR PERMIT REVIEW	14.08.14

**ST ENGINEERING**  
 2 BIRCH CREEK RD. #411  
 MARKHAM, ONTARIO L3R 9V7  
 416-479-7881  
 st@st-engineering.com

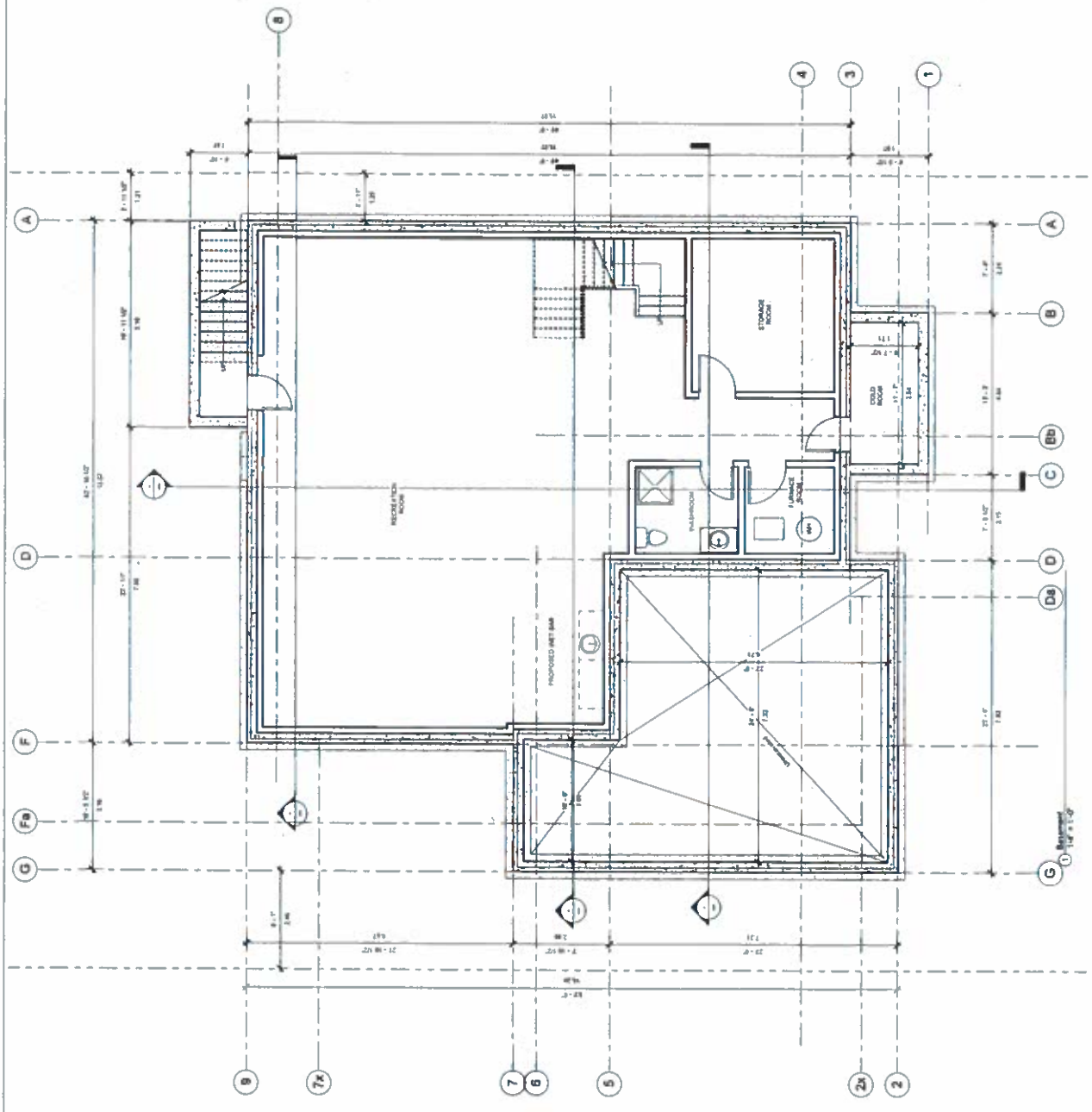


**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO  
**BASEMENT FLOOR PLAN**

Project Number	14-00000000
Date	AUGUST 2014
Drawn By	ST
Checked By	ST

**A2**



7555555555









No.	Description	Date
1	BASELINE DRAWING (REVISED)	14.08.2018

**ST ENGINEERING**  
 2 Black Court  
 Avenue Rd. Unit 341  
 Toronto, ON M5E 1B5  
 Tel: (416) 363-1000  
 st.engineering@st.ca



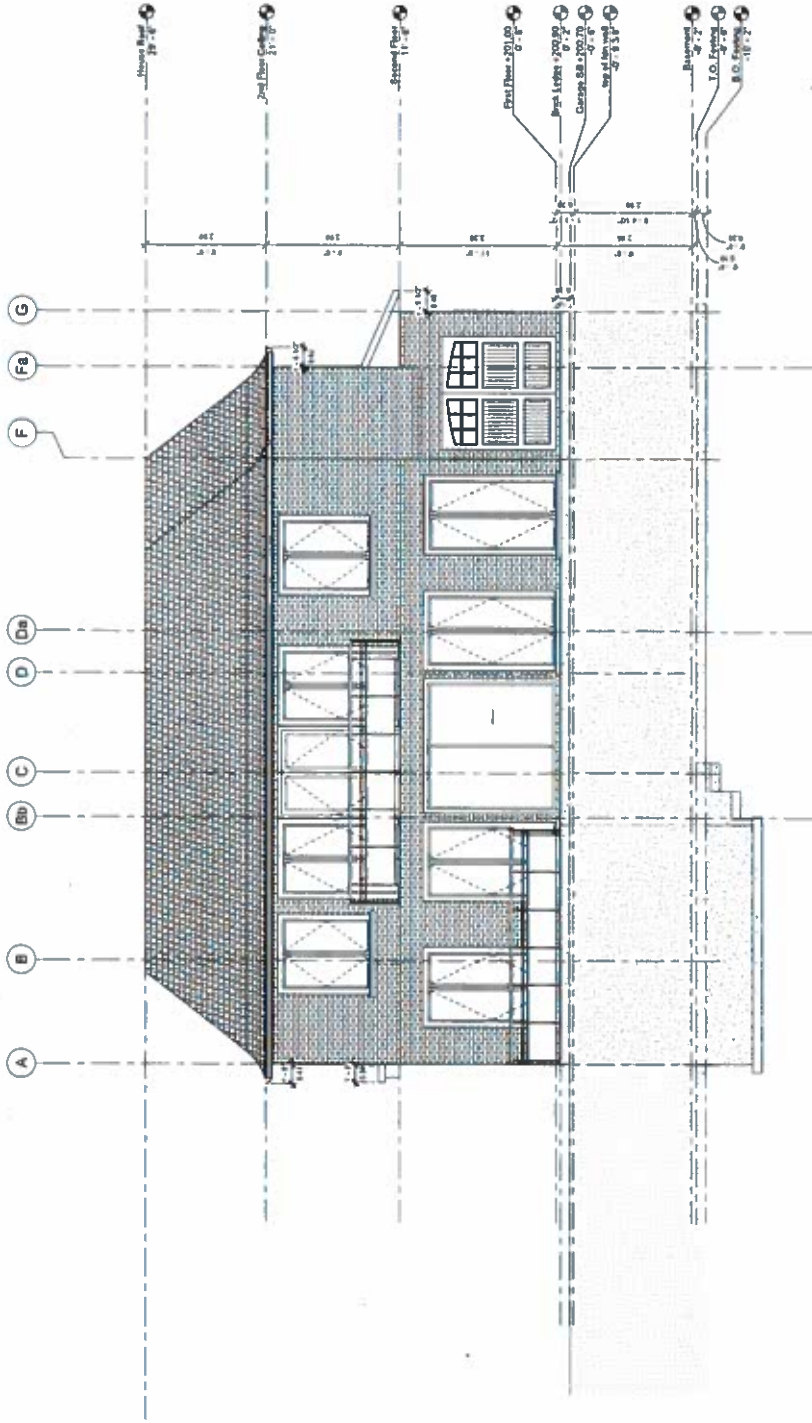
**PROPOSED 2  
 STOREY DWELLING**

**15 WALES AVENUE  
 MARKHAM, ONTARIO**

**Elevations**

Project Number	14-117
Date	AUGUST 2018
Drawn By	Author
Checked By	Checker

**A6**



1 - Main Floor Elevation  
 1/4" = 1'-0"

NO.	DESCRIPTION	DATE
1	REVISION FOR COMPLIANCE	2017

NO.	DESCRIPTION	DATE
1	REVISION FOR COMPLIANCE	2017

**ST ENGINEERING**

2 Black Court  
Aurora, Ontario L4G 8A1  
416-218-7851  
stengineer@steng.com



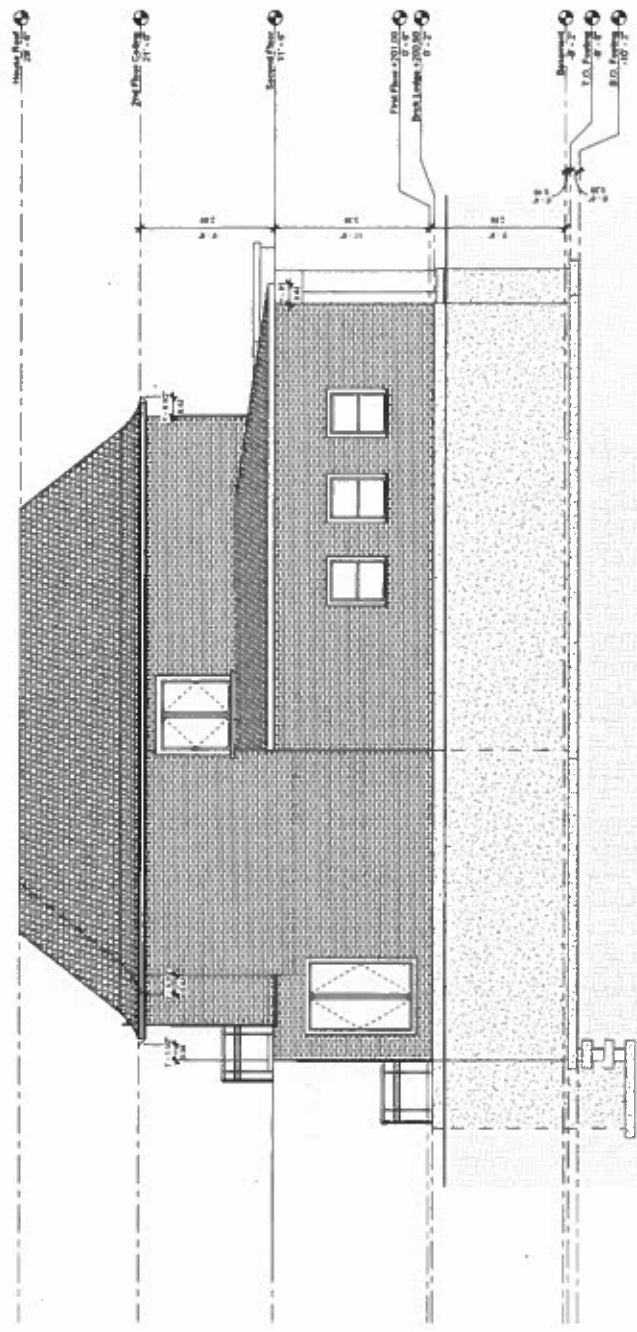
**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
MARKHAM, ONTARIO

**Elevations**

Project Number	14-107
Date	AUGUST 2018
Drawn by	Author
Checked by	Checker

**A7**



North Elevation  
1/4" = 1'-0"

No.	Description	Date
1	REVISED ELEVATION	2016-08-01

### ST ENGINEERING

2000 Bay Street  
Aurora, Ontario L4G 1A1  
416-709-1301  
st.ross@steng.com



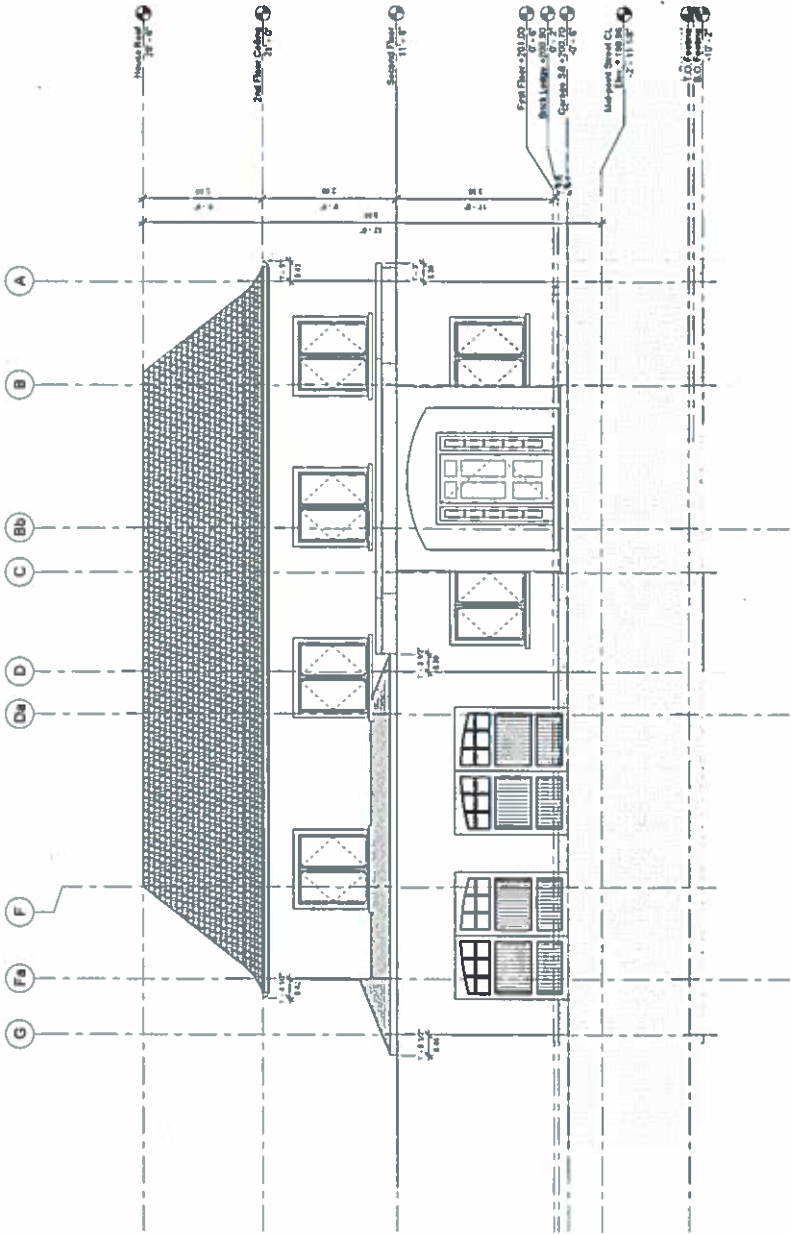
### PROPOSED 2 STOREY DWELLING

15 WALES AVENUE  
MARKHAM, ONTARIO

### Elevations

Project Number	1-4-107
Date	AUGUST 2016
Drawn by	AJH
Checked by	

A8



ST ENGINEERING

No.	Description	Date
1	REVISIONS FOR PERMIT REVIEW (AUG 2016)	

**ST ENGINEERING**

2 Black Court  
 Aurora, ON L4B 1A1  
 416-215-7031  
 st@st-engineering.com



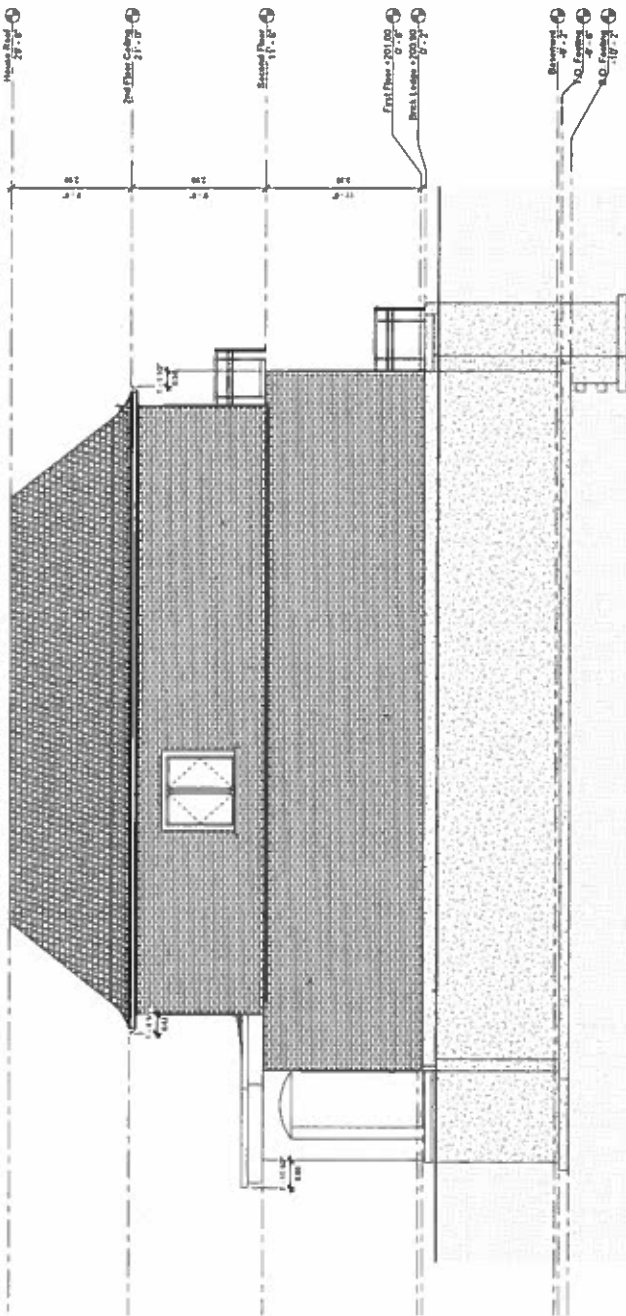
**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO

**Elevations**

Project Number	14-107
Date	AUGUST 2016
Drawn By	Author
Checked By	Checker

**A9**



① - St. Engineering  
 Part of 14-107

**Memorandum to the City of Markham Committee of Adjustment**

October 19, 2018

**File:** A/06/18  
**Address:** 15 Wales Ave, Markham  
**Applicant:** Trina & Dimitrios Kollis  
**Agent:** ST Engineering (Stavros Theodorakopoulos)  
**Hearing Date:** Wednesday October 24, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229 - R1, as amended:

- a) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.59 m (61 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) **Table 11.1:**  
a minimum two-storey side yard setback (south) of 1.22 m (4 ft), whereas the By-law requires a minimum two-storey side yard setback of 1.83 m (6 ft);
- c) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Floor Area Ratio of 55.4 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;  
as they relate to a proposed residential dwelling.

At the previous Committee of Adjustment meeting on March 14, 2018, the applicant requested a deferral in order to address the concerns identified in the staff report dated February 27, 2018 (See Appendix C). Staff were concerned that the proposed floor area ratio variance would result in a dwelling that will be out of scale with surrounding homes in the neighbourhood. In response, the applicant submitted revised drawings on September 14, 2018 (See Appendix B) showing the following changes:

- Reduction in gross floor area from 404.6 m<sup>2</sup> (4,355 ft<sup>2</sup>) to 392 m<sup>2</sup> (4,220 ft<sup>2</sup>) and the floor area ratio has been consequently reduced from 57.2 percent to 55.4 percent;
- Elimination of the variances related to front yard setback and eave projection; and
- Reduction in building depth from 19.05 m (62.5 ft) to 18.59 m (61 ft).

No changes were made to the proposed side yard setback. Staff's previous comments (See Appendix C) on the building depth and side yard setback variances remain applicable. With respect to the floor area ratio variance, staff are of the opinion that whilst efforts have been made to reduce the gross floor area, the proposed dwelling will have a scale and massing that is inconsistent with properties on the same street and does not reflect the neighbourhood character. The Committee should consider public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

**Heritage Comments**

On June 12, 2018, Council approved the inclusion of eight properties, including 15 Wales Avenue, on the Register of Property of Cultural Heritage value or Interest. Heritage Markham is currently evaluating the cultural heritage significance of the existing dwelling on the property before recommending whether or not demolition of the existing dwelling

APPENDIX - I

can be supported. Staff recommend that any decision of the Committee in support of the variances be conditional upon receipt of Heritage Markham Committee's support of the demolition of the existing dwelling on the subject property; and, if necessary, approval of the demolition by Markham Council.

**CONCLUSION**

Staff have no objection to the variances related to building depth and side yard setback. With respect to the floor area ratio variance, staff have concerns about the resulting scale and massing of the dwelling and recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



Sally Campbell, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/18**

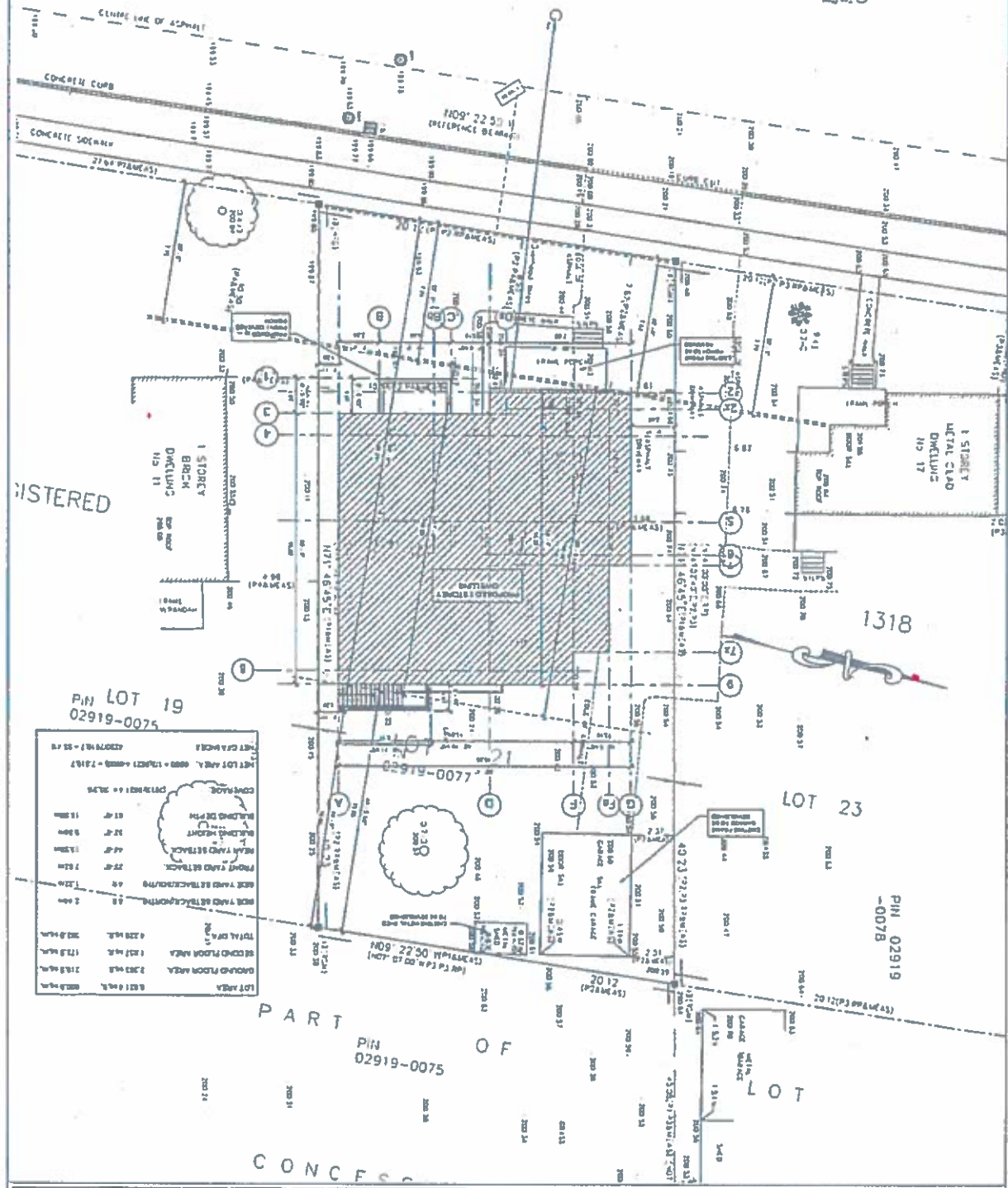
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as "Appendix B" received on September 14, 2018, to the satisfaction of the Director of Planning and Urban Design or designate;
3. That the variances be conditional upon confirmation that demolition of the existing building on the subject property is supported by Heritage Markham, and if necessary, Markham Council;
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 City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
5. That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
6. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations;
7. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

**CONDITIONS PREPARED BY:**



**Carlson Tsang, Planner, Zoning and Special Projects**

WALES AVENUE  
BY REGISTERED PLAN 1316  
P/I: 02919-0076



PIN LOT 19  
02919-0076

LOT AREA	GROUND FLOOR AREA	SECOND FLOOR AREA	TOTAL GFA
6,821 sq.m.	2,303 sq.m.	1,735 sq.m.	4,038 sq.m.
2,400	2,400	0	2,400
800	800	0	800
275	275	0	275
1,325	1,325	0	1,325
1,500	1,500	0	1,500
417	417	0	417

CONFORMANCE  
BUILDING DE PLAN  
REAR YARD SETBACK  
FRONT YARD SETBACK  
SIDE YARD SETBACK  
TOTAL GFA  
GROUND FLOOR AREA  
SECOND FLOOR AREA  
LOT AREA

**PROPOSED 2 STOREY DWELLING**  
15 WALES AVENUE  
MARRIHAM, ONTARIO  
**SITE PLAN**

**A1**

**ST ENGINEERING**  
101 Main Street  
Aurora, Ontario L4G 0A1  
416-305-8888  
st-engineering.com

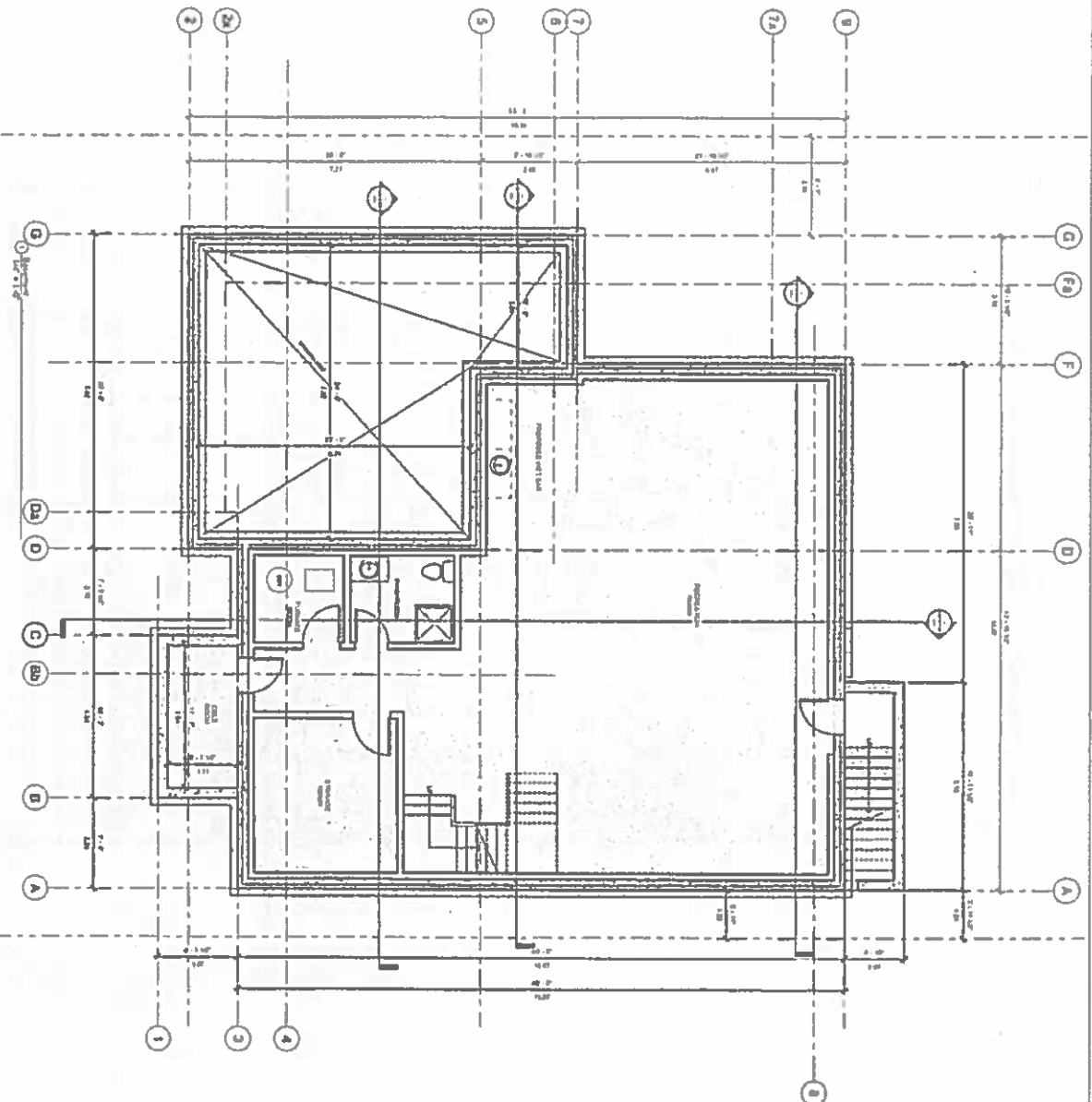
REVISIONS	
No.	Description

**NOTES:**

1. See General Notes of this Plan.
2. All dimensions are in metres.
3. All walls are to be 200mm thick.
4. All doors are to be 2100mm high and 900mm wide.
5. All windows are to be 1800mm high and 1200mm wide.
6. All windows are to be 1800mm high and 900mm wide.
7. All windows are to be 1800mm high and 600mm wide.
8. All windows are to be 1800mm high and 300mm wide.
9. All windows are to be 1800mm high and 150mm wide.
10. All windows are to be 1800mm high and 75mm wide.



APPENDIX



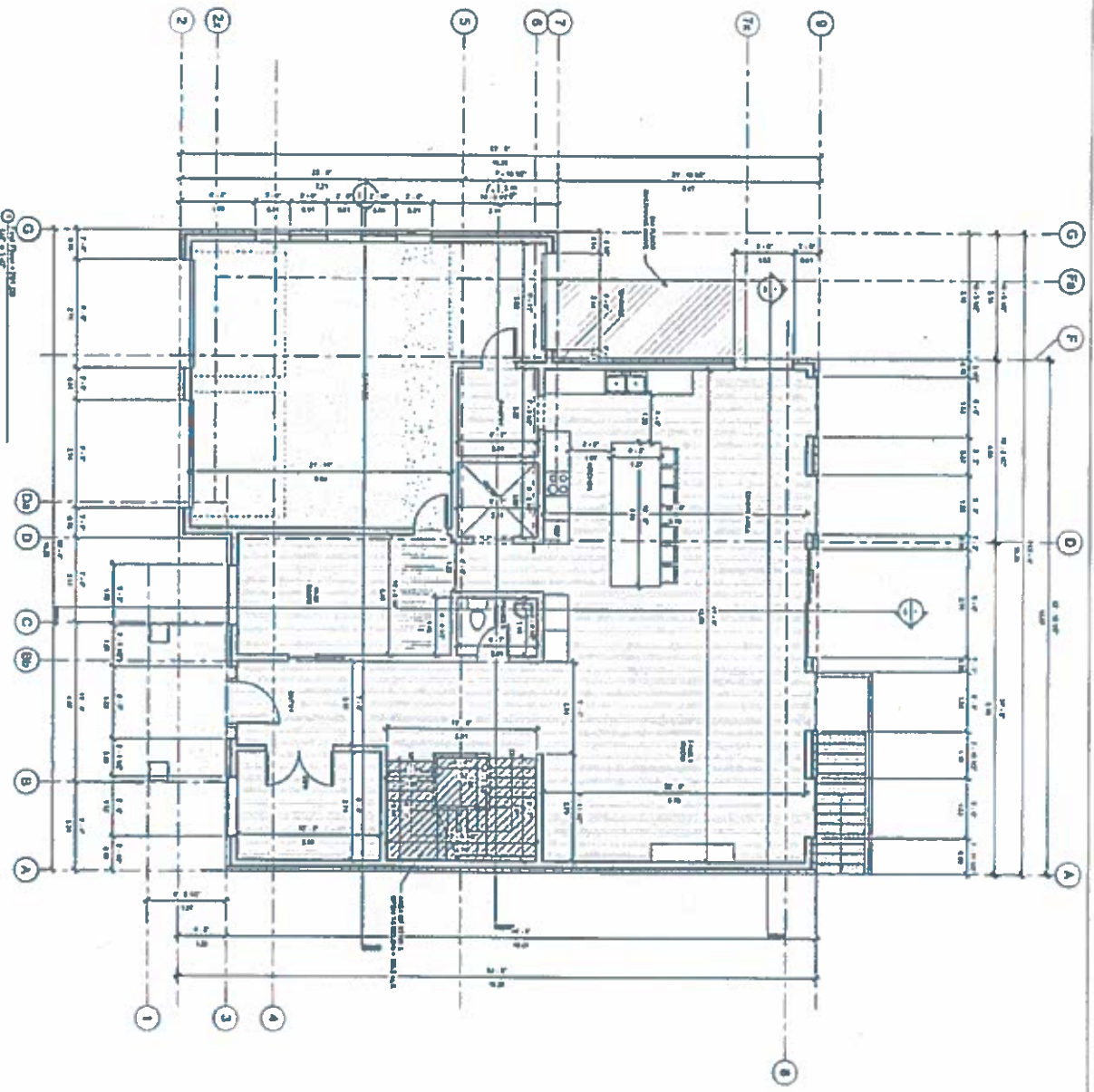
NO.	REVISIONS	DATE	BY	CHKD.

**ST ENGINEERING**  
 2 East Beaver  
 Aurora, ONTARIO  
 (416) 709-9933  
 st@st-engineering.com



**PROPOSED 2 STOREY DWELLING BASEMENT FLOOR PLAN**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
 AUGUST 2019

**A2**



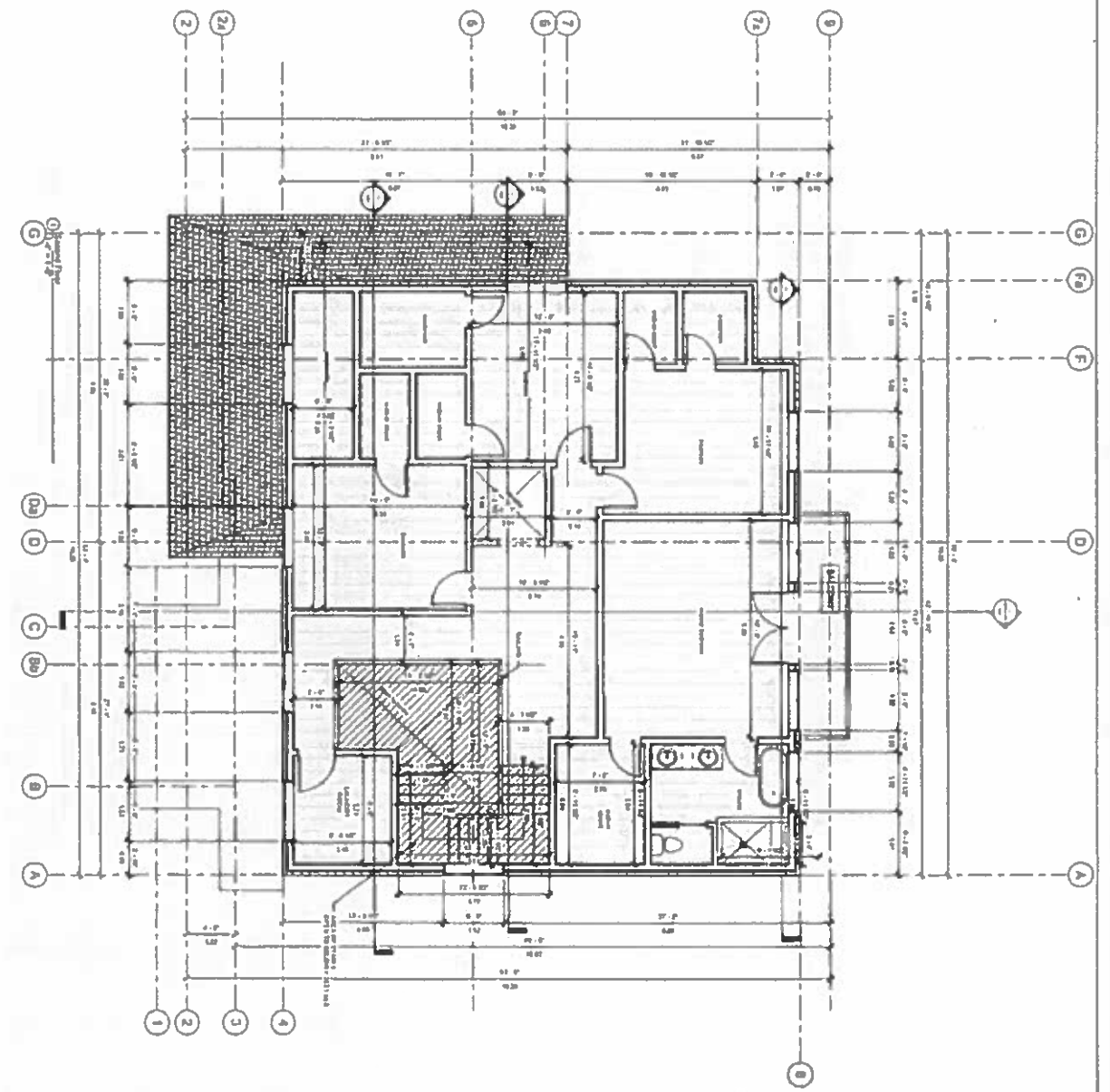
**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
**FIRST FLOOR PLAN**  
 1:1/2  
 AUGUST 2011  
 ST

**ST ENGINEERING**  
 1 Royal Bank  
 Avenue, Suite 100  
 Markham, Ontario  
 L3R 9W7  
 905.477.8888  
 www.st-engineering.com



NO.	REVISION	DATE

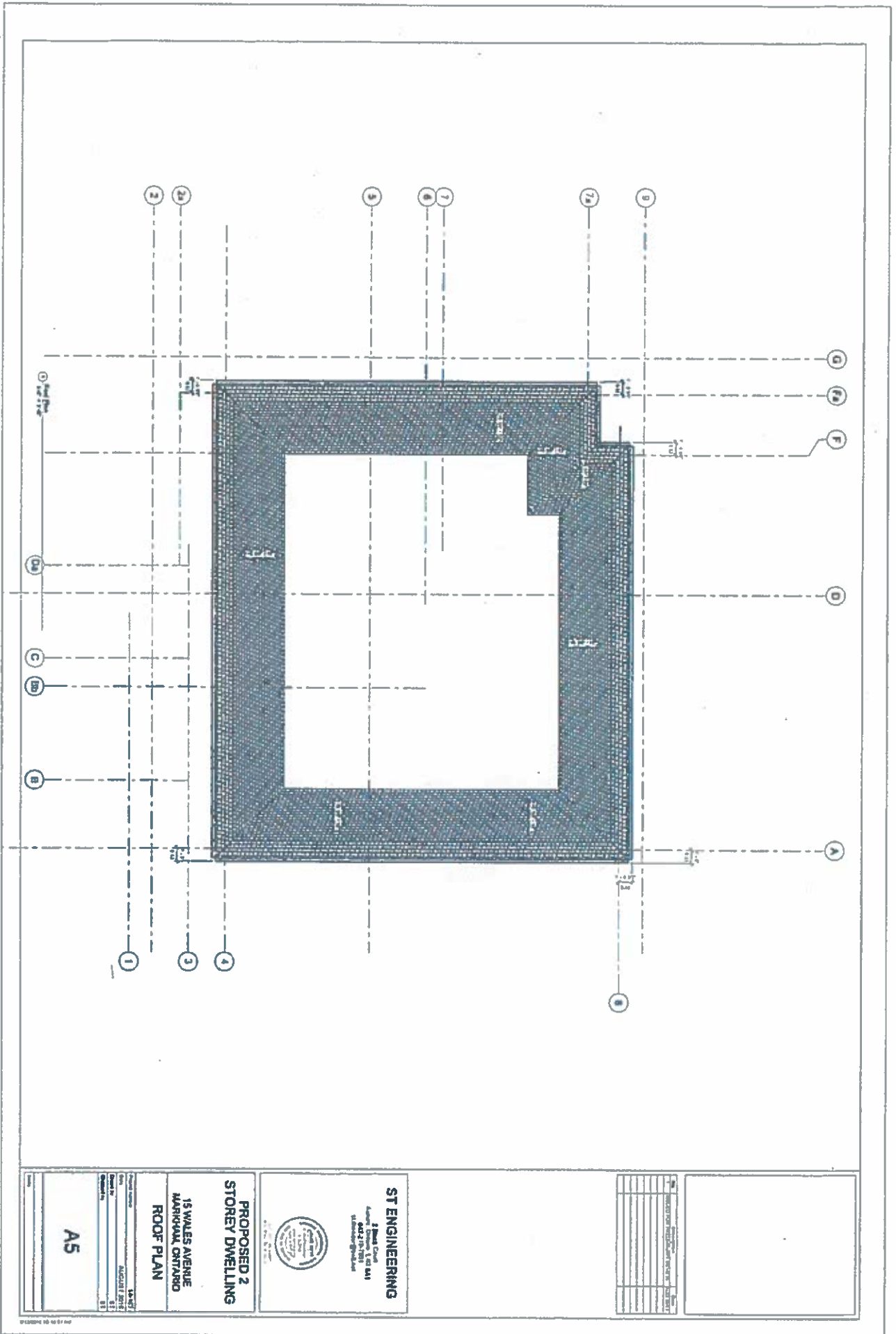
**A3**




**ST ENGINEERING**  
 8 Broadview  
 Toronto, Ontario M4M 1A1  
 Tel: (416) 461-1111  
 info@st-engineering.com

**PROPOSED 2  
 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
**SECOND FLOOR  
 PLAN**

15-1111  
 PROJECT NO.  
 DATE  
 DRAWN BY  
 CHECKED BY  
 A4



NO.	REVISIONS
1	ISSUED FOR PERMITTING
2	
3	
4	
5	
6	
7	
8	
9	

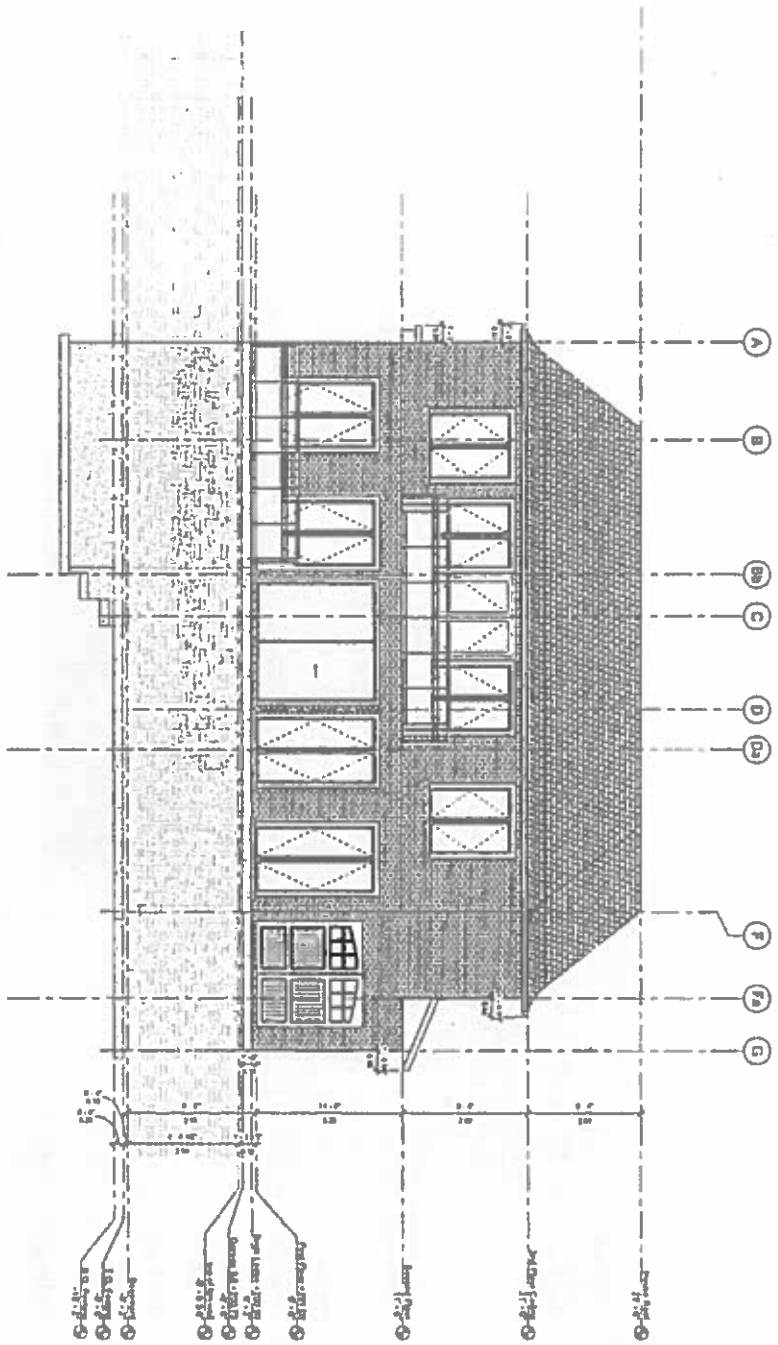
**ST ENGINEERING**  
 2 Broad Court  
 Aurora, Ontario L4R 1A1  
 416-709-8888  
 www.st-engineering.com



**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
**ROOF PLAN**

DATE: 14/01/2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]

**A5**



Circle 12 of 12 Pages

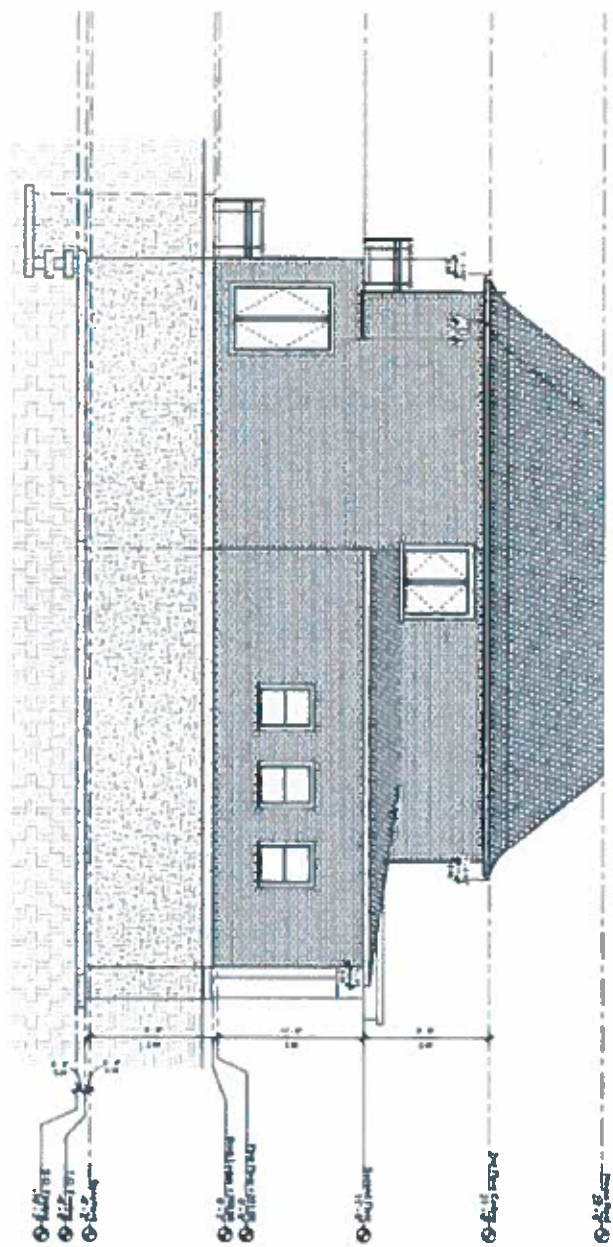
ST ENGINEERING PROJECT INFORMATION	
Project Name:	
Project Address:	
Client Name:	
Client Address:	
Client Phone:	
Client Email:	
Project Description:	

**ST ENGINEERING**  
 13110 Midland Ave.  
 Scarborough, ON M1S 5R5  
 Tel: (416) 291-1111  
 Fax: (416) 291-1112  
 www.st-engineering.com

**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
 Elevations

Date:	11-02-2019
Drawn By:	ARCHITECT/PA/SA
Checked By:	ARCHITECT
Project No.:	

A6



① Elevation

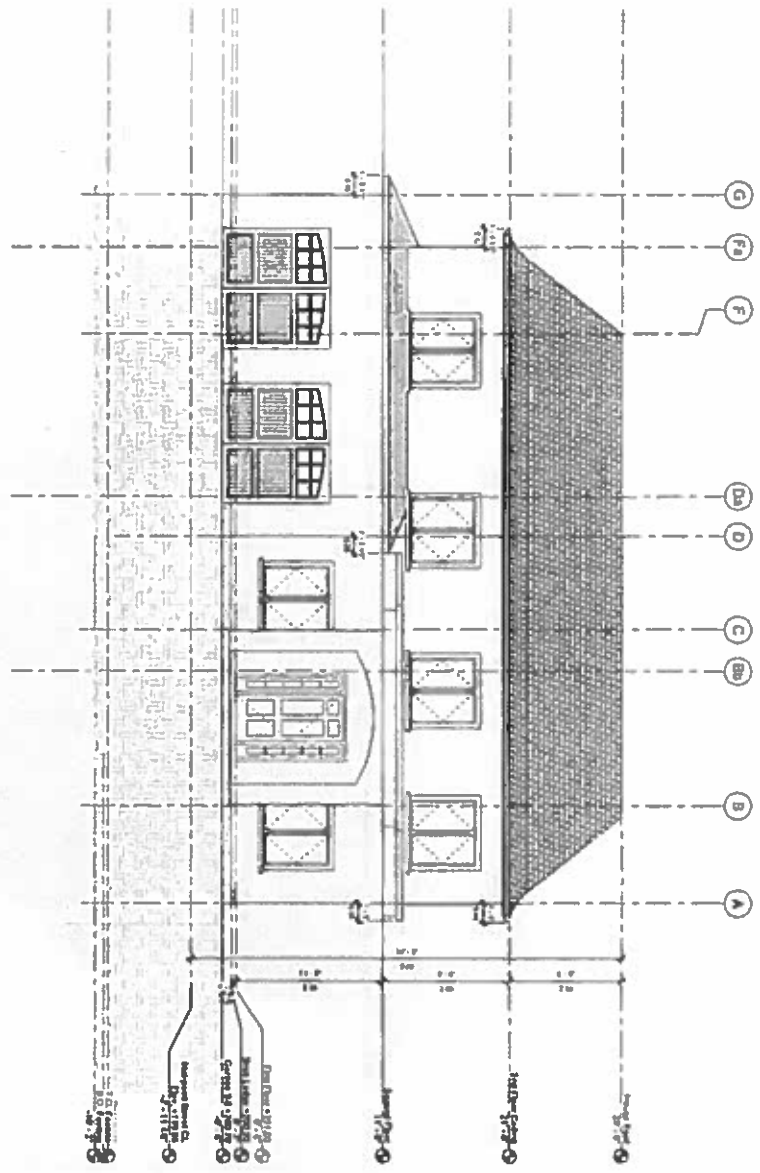
Project Name	15 WALES AVENUE
Client	MR & MRS J. J. JONES
Address	15 WALES AVENUE
City	MANNINGHAM
County	WEST YORKSHIRE
Postcode	LS11 2AA
Scale	1:50
Date	15/03/2011
Drawn by	AJ
Checked by	ST

**ST ENGINEERING**  
 2 Market Street  
 Leeds LS1 6DT  
 0113 2431111  
 www.st-engineering.co.uk

**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MANNINGHAM, WEST YORKSHIRE  
 Elevations

1:50  
 15/03/2011  
 AJ  
 ST

**A7**



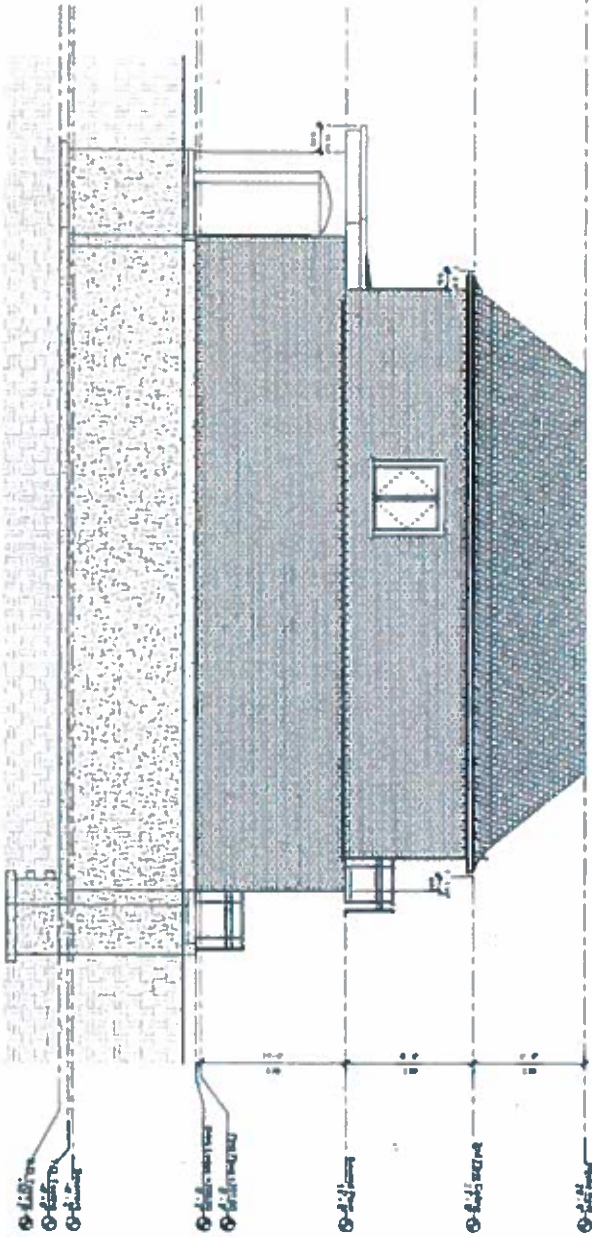
1. Elevation

Project Name	15 WALES AVENUE
Client	MARKHAM, ONTARIO
Architect	ST ENGINEERING
Date	1-1-18
Scale	AS SHOWN
Sheet No.	A8

**ST ENGINEERING**  
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 Aurora, Ontario L4R 1A1  
 416-709-1111  
 info@st-engineering.com

**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
 Elevations

**A8**



© 2017




**ST ENGINEERING**  
 2 Storey Dwelling  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
 L3R 9V7



**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO  
 Elevations

**A9**



## APPENDIX

C.

### Memorandum to the City of Markham Committee of Adjustment March 1<sup>st</sup>, 2018

**File:** A/06/18  
**Address:** 15 Wales Avenue, Markham  
**Applicant:** Trina & Dimitrios Kollis  
**Agent:** ST Engineering (Stavros Theodorakopoulos)  
**Hearing Date:** Wednesday March 14, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended, to permit:

- a) **Table 11.1:**  
a minimum front yard setback of 24 ft 7 in, whereas the By-law requires a minimum front yard setback of 25 ft;
  - b) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 19.05 m, whereas the By-law permits a maximum building depth of 16.8 m;
  - c) **Table 11.1:**  
a minimum two-storey side yard setback of 4 ft, whereas the By-law requires a minimum two-storey side yard setback of 6 ft;
  - d) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Floor Area Ratio of 57.2 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;
  - e) **Section 11.2 (c) (i):**  
a maximum eave projection of 23 in, whereas the By-law permits a maximum eave projection of 18 in;
- as they relate to a proposed residential dwelling.

#### BACKGROUND

##### Property Description

The 800 m<sup>2</sup> (8,611.13 ft<sup>2</sup>) subject property is located on the east side Wales Avenue, east of Main Street Markham North and south of 16<sup>th</sup> Avenue, just outside of the Markham Village Conservation Heritage District. The Go Transit railway line is located to the east. The surrounding area consists of a mix of one and two-storey detached dwellings. The property contains a 137.12 m<sup>2</sup> (1,476 ft<sup>2</sup>) two-storey detached dwelling with a detached garage, which currently shares a driveway with the neighbouring house to the north and which according to assessment records was constructed in 1928. Two large mature trees currently exist in the rear yard.

##### Proposal

The applicant is proposing to demolish the existing home and the detached garage, and construct a new 404.6 m<sup>2</sup> (4,355 ft<sup>2</sup>) two-storey detached dwelling with an integrated double-car garage. One of the large trees in the rear yard is proposed to be removed. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

**Official Plan and Zoning**

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

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 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

**Zoning By-Law**

The subject property is zoned R1- Single Detached dwelling under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law with respect to front yard setback, side yard setbacks and eaves projection.

**Residential Infill Zoning 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with building depth and floor area ratio.

**Zoning Preliminary Review Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

**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.

**Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 24.58 ft (7.49 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of 0.42 ft (1.06 m). The variance only applies to the north-west corner of the single-storey garage. The majority of the building meets the by-law requirement and is generally in line with the front walls of the other homes on the street.

**Increase in Maximum Building Depth**

The applicant is proposing a maximum building depth of 19.05 m (62.5 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft). This represents an increase of 2.25 m (7.38 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. Given the irregular configuration of the lot, the proposed building depth is measured on an angle through the building. The building depth measured between the front and rear wall is 16.74 m (54.92 ft) which complies with the by-law requirement.

Notwithstanding the increase in depth, the building will exceed the minimum 25 ft (7.62 m) rear yard setback by approximately 18.66 ft (5.68 m). The depth of the overall building is also generally consistent with a number of existing homes on the street that were constructed prior to the passing of the by-law.

#### Reduction in Side Yard Setback

The applicant is requesting relief to permit a south side yard setback of 4 ft (1.2 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m). The variance only applies to the two-storey portion. The ground floor component at grade meets the minimum setback requirement ensuring sufficient room will be provided for separation, access and drainage.

#### Increase in Maximum Eaves Encroachment

The applicant is requesting a maximum eaves encroachment of 23 in (0.59 m), whereas the By-law permits a maximum eaves encroachment of 18 in (0.45 m). Given the proposed dwelling will provide ample separation from adjoining homes, the variance is not anticipated to result in any demonstrable adverse impact adjacent properties.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 57.2 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 404.6 m<sup>2</sup> (4,355 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 317.92 m<sup>2</sup> (3,422 ft<sup>2</sup>). This represents an increase of 86.68 m<sup>2</sup> (933 ft<sup>2</sup>).

Floor Area Ratio is a measurement of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measurement of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling. In addition to the area associated with the stairs and elevator, there is an open to below area of approximately 11.19 m<sup>2</sup> (120.44 ft<sup>2</sup>) above the foyer.

The applicant originally requested a floor area ratio of 65 percent, which is equivalent to a gross floor area of 459 m<sup>2</sup> (4,943.54 ft<sup>2</sup>). The applicant explained the increased floor space is to improve accessibility for a family member with special needs. Staff encouraged the applicant to reduce the floor area to achieve a built form more in keeping with the intended scale of the infill zoning by-law. In response, the applicant submitted revised drawings on January 16, 2018 which shows a reduction in gross floor area to 404.6 m<sup>2</sup> (4,355 ft<sup>2</sup>); and the floor area ratio is consequently reduced to the currently proposed 57.2 percent.

Staff appreciate the applicant's effort to reduce the floor area but maintain the variance request is excessive and the resultant dwelling will be out of scale with the existing homes on the street, as well as the majority of infill developments in the surrounding area. Staff recommend the application be deferred to allow the applicant to work with staff to further

reduce the floor area to achieve a dwelling that is more compatible with the character of the Markham Village community.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of March 1<sup>st</sup>, 2018. 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**

Based on the discussion above, staff have no objection to the approval of the variances relating to front yard setback, building depth, side yard setback and eaves projection

However, staff are concerned that the proposed increase in floor area ratio is excessive and does not satisfy the four tests of the Planning Act. Staff are willing to work with the applicant to reduce the proposed gross floor area and will provide additional comments to the Committee should this application be deferred.

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.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

# APPENDIX A


**ST ENGINEERING**  
3 Brock Court  
Aurora, Ontario, L4G 1G1  
Tel: 416-293-8800  
www.st-engineering.com



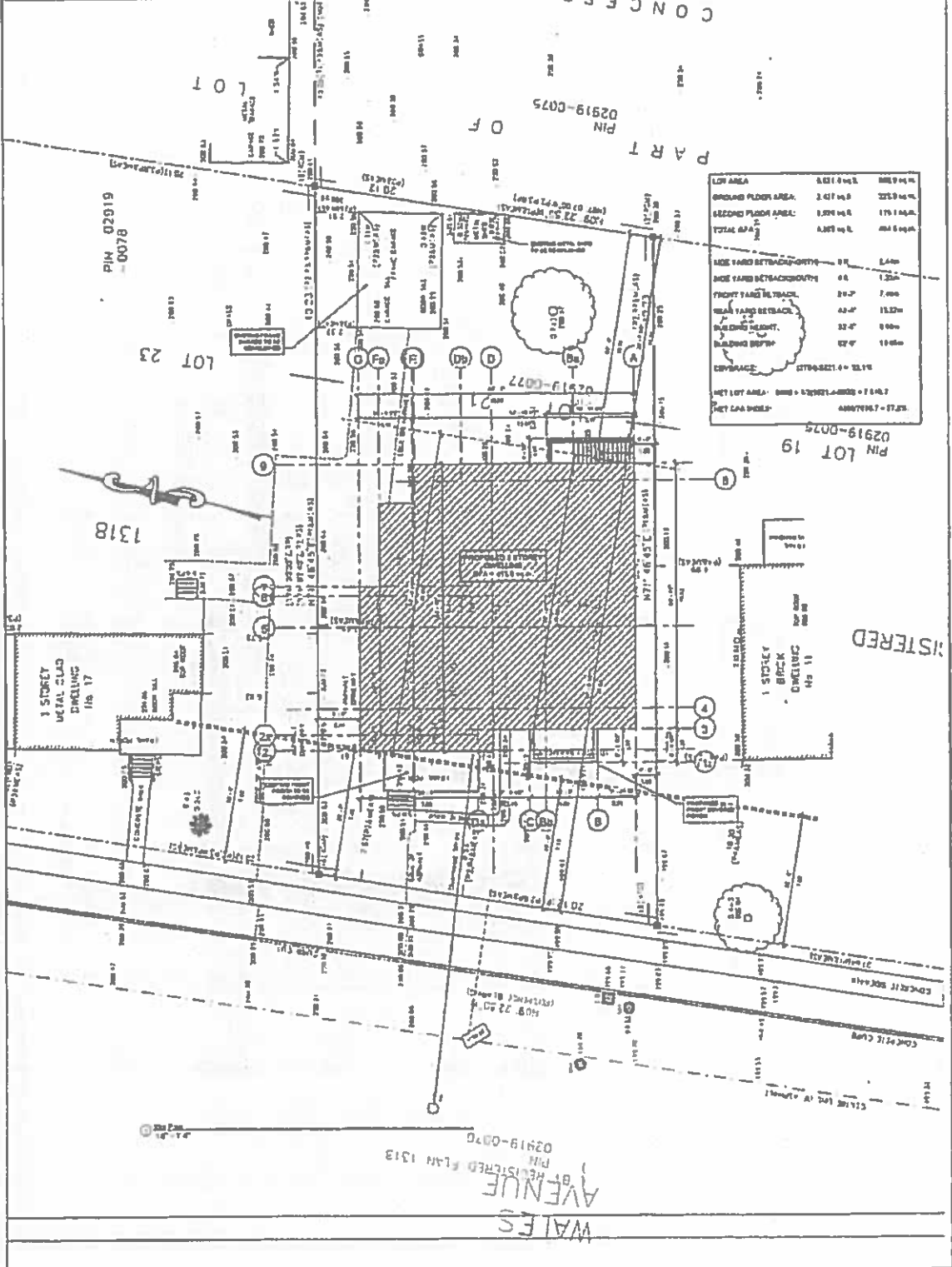
**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
MARIPOSA, ONTARIO

**SITE PLAN**

DATE	
SCALE	

A1



WALS AVENUE  
REGISTERED PLAN 1318  
PIN 02919-0070

**ST ENGINEERING**

J. Scott Cook  
A. Wong, L. G. L. Wong  
14, Broadview Road



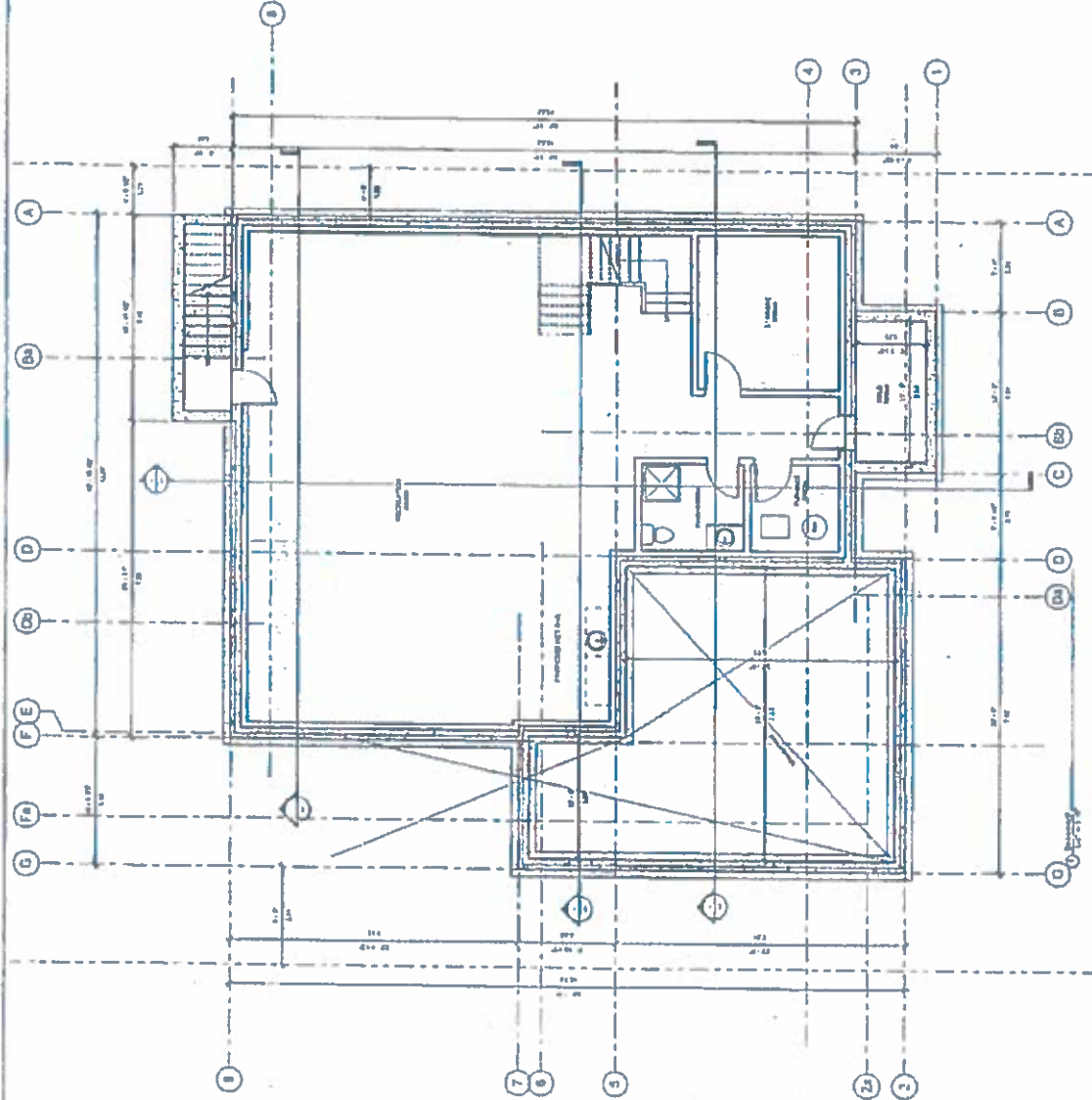
**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
MARKHAM, ONTARIO

**BASEMENT FLOOR PLAN**

Date:	14.12.18
Scale:	1/8" = 1'-0"
Author:	J. Scott Cook
Checked:	A. Wong
Project No.:	18-000-01

A2



NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE

**ST ENGINEERING**  
 1 Brock Road  
 Aurora, Ontario L5G 4A1  
 Tel: (905) 709-8888  
 Fax: (905) 709-8889  
 www.stengineering.com

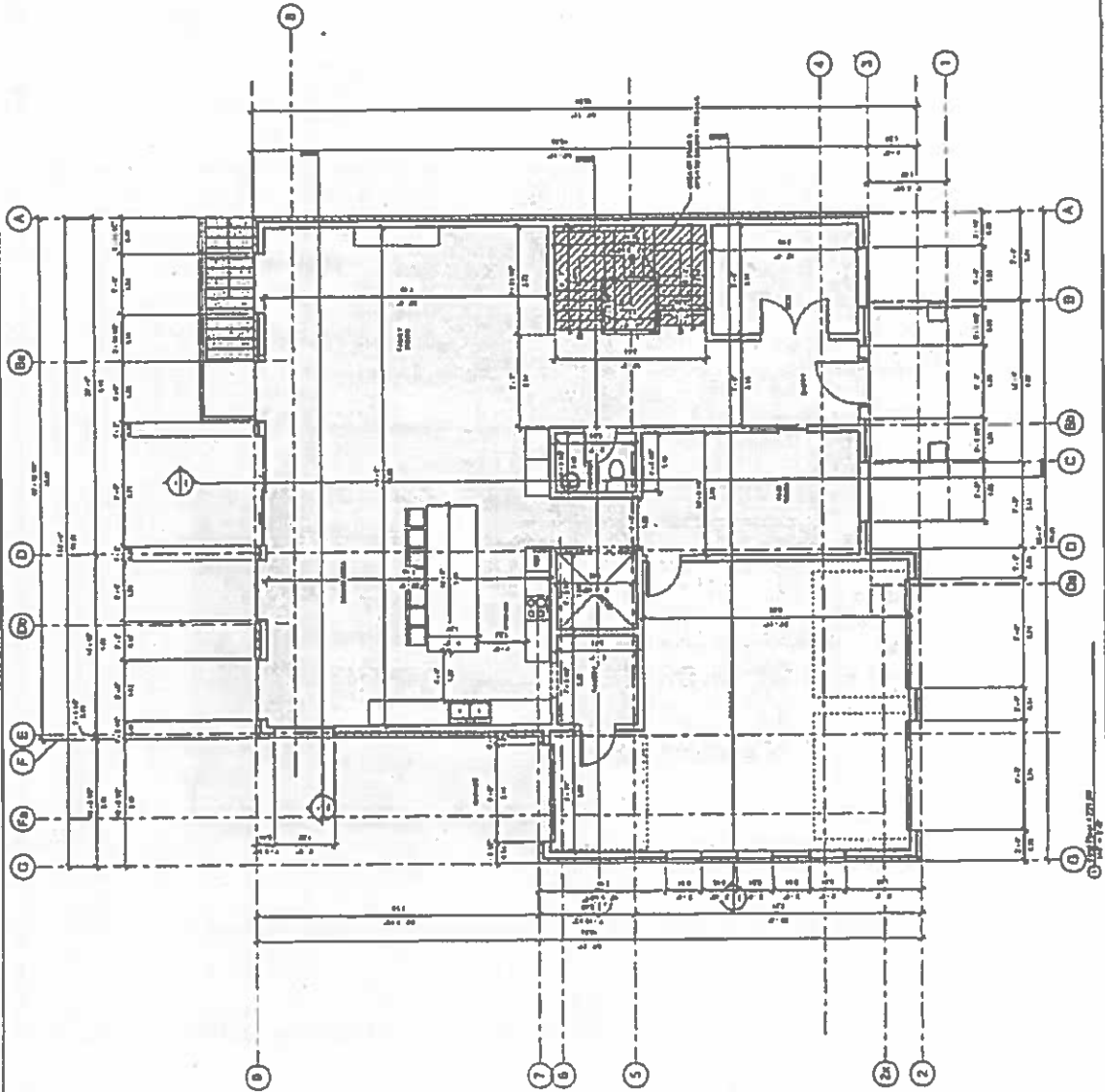


**PROPOSED 2  
 STOREY DWELLING**

**15 VALES AVENUE  
 MARKHAM, ONTARIO**

**FIRST FLOOR PLAN**

**A3**




**ST ENGINEERING**  
 31 Broad Street  
 Markham, Ontario, Canada L3R 9V4  
 Tel: (905) 479-1234

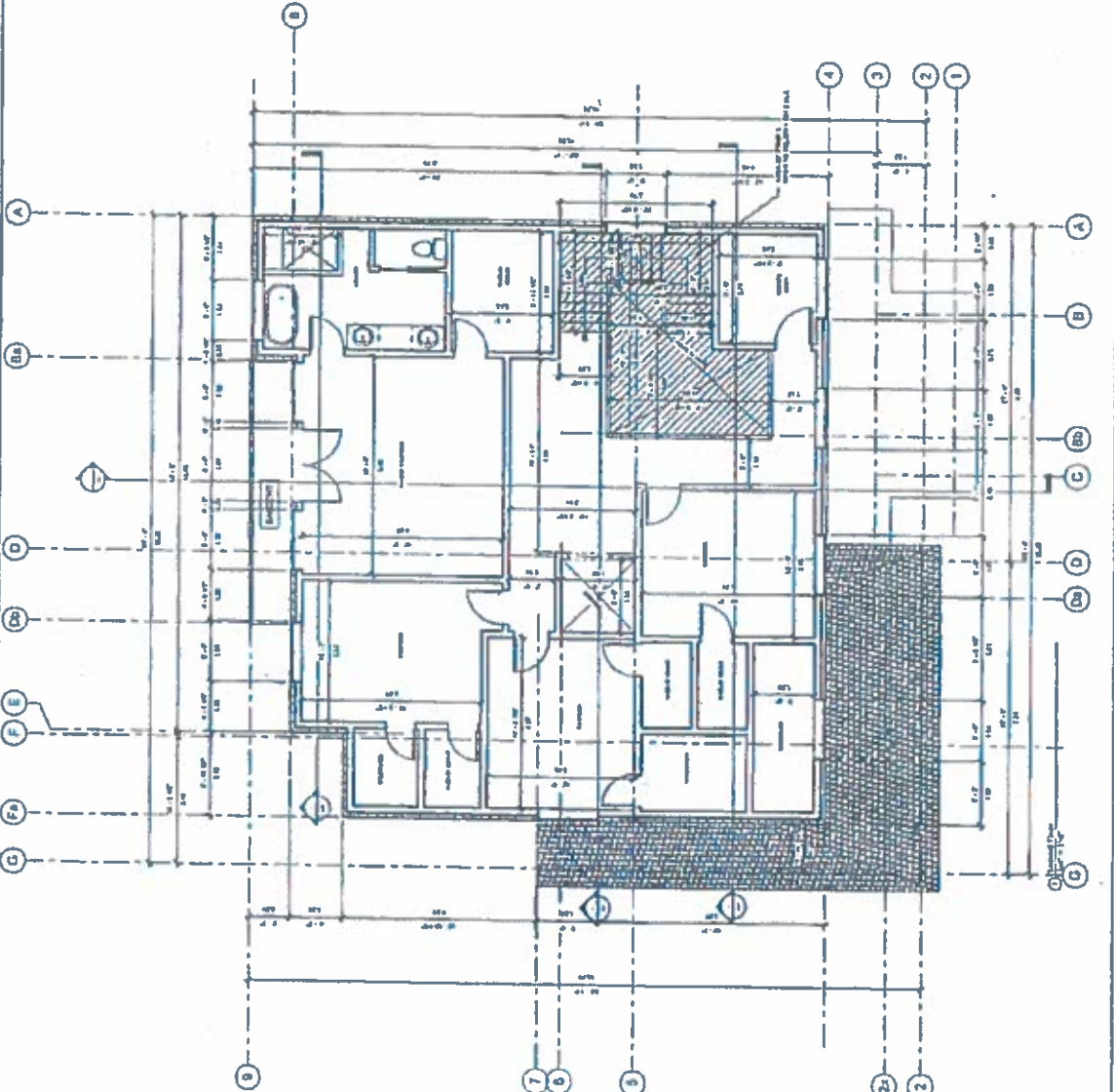


**PROPOSED 2  
 STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO  
**SECOND FLOOR  
 PLAN**

DATE: 12.15.21
SCALE: AS SHOWN
PROJECT: 15 WALES AVENUE
CLIENT: [REDACTED]
DESIGNED BY: [REDACTED]
CHECKED BY: [REDACTED]
DATE: 12.15.21

A4







**ST ENGINEERING**  
 12445 Yonge Street  
 Aurora, Ontario L4R 1A3  
 (416) 709-1881  
 info@st-engineering.com

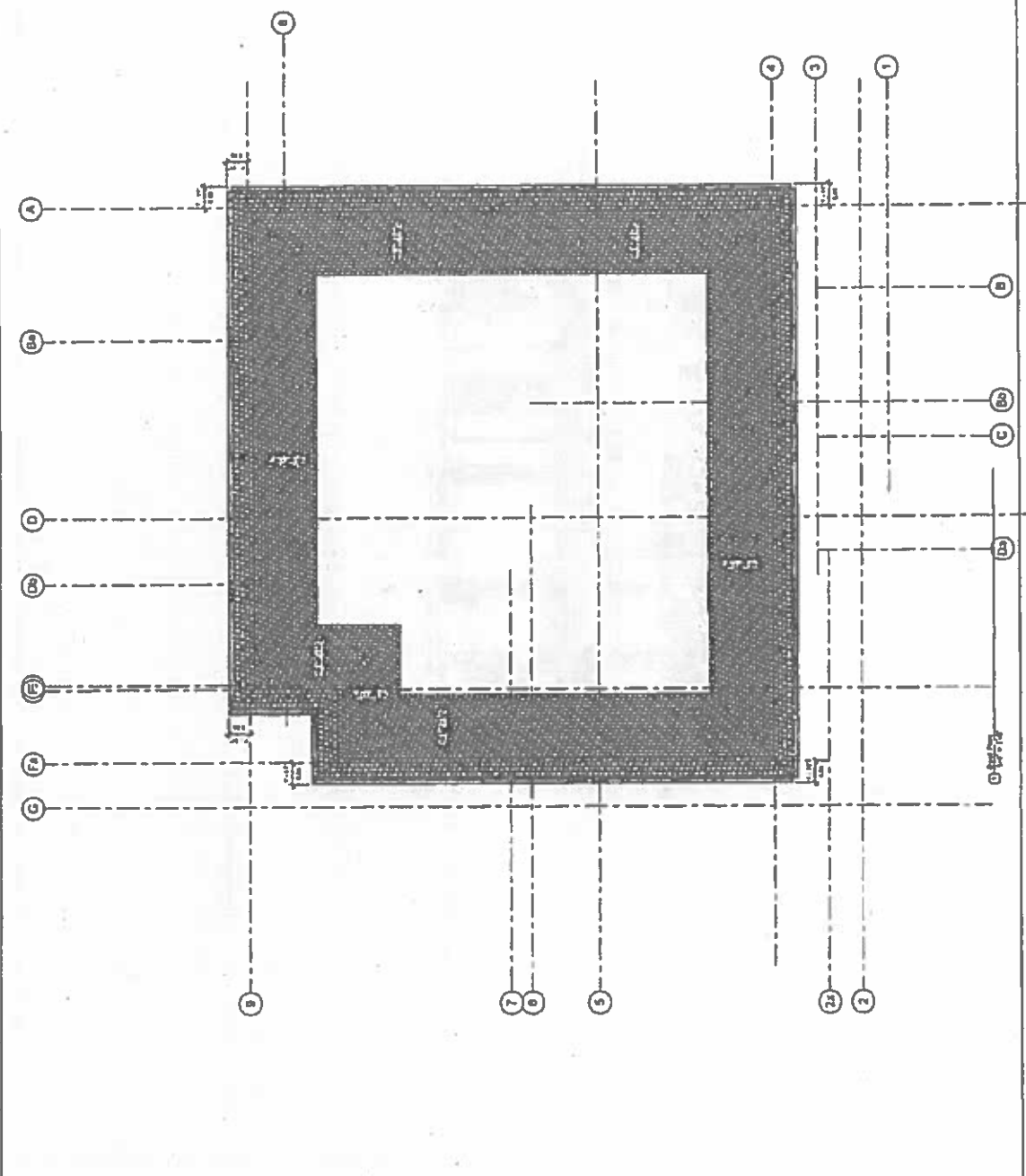


**PROPOSED 2 STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO

**ROOF PLAN**


A5



Rev.	Description	Date


**ST ENGINEERING**  
 2 Broad Court  
 Aurora, Ontario L4R 1A1  
 Tel: 416-709-8811  
 www.st-engineering.com

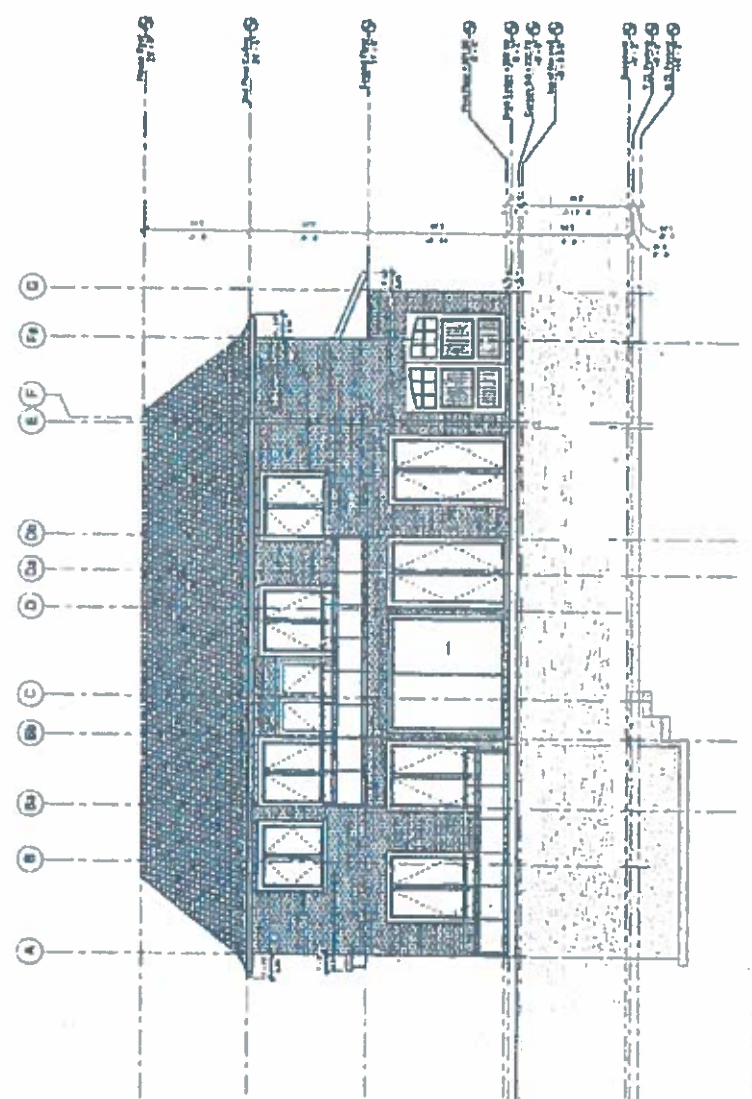


**PROPOSED 2 STOREY DWELLING**

**15 WALES AVENUE  
 MARKHAM, ONTARIO**

**Elevations**

**A6**




**ST ENGINEERING**  
 1100 King Street West  
 Toronto, Ontario M5H 3M4  
 Tel: 416-291-1811  
 Fax: 416-291-1812



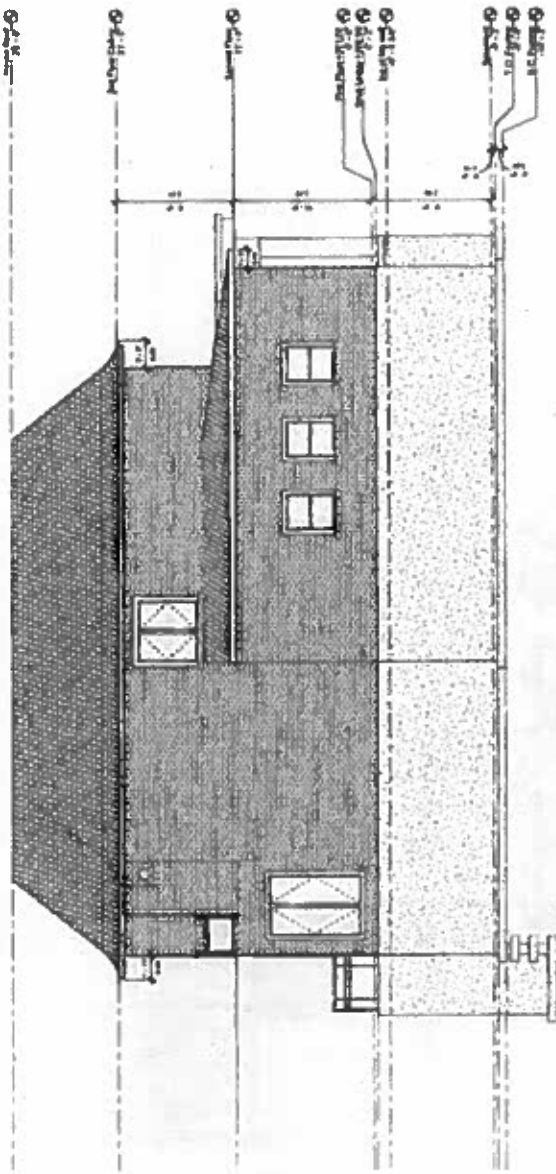
**PROPOSED 2  
 STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO

Elevations

Project Number	15-100
Date	August 1, 2014
Client	
Architect	
Contractor	

**A7**



0-2-1/2"

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/15/2011
2	ISSUED FOR REVISION	11/15/2011
3	ISSUED FOR REVISION	11/15/2011
4	ISSUED FOR REVISION	11/15/2011
5	ISSUED FOR REVISION	11/15/2011
6	ISSUED FOR REVISION	11/15/2011
7	ISSUED FOR REVISION	11/15/2011
8	ISSUED FOR REVISION	11/15/2011
9	ISSUED FOR REVISION	11/15/2011
10	ISSUED FOR REVISION	11/15/2011

**ST ENGINEERING**  
 1 Brock Road  
 Aurora, ON L4R 1P3  
 (905) 709-5551  
 info@st-engineering.com

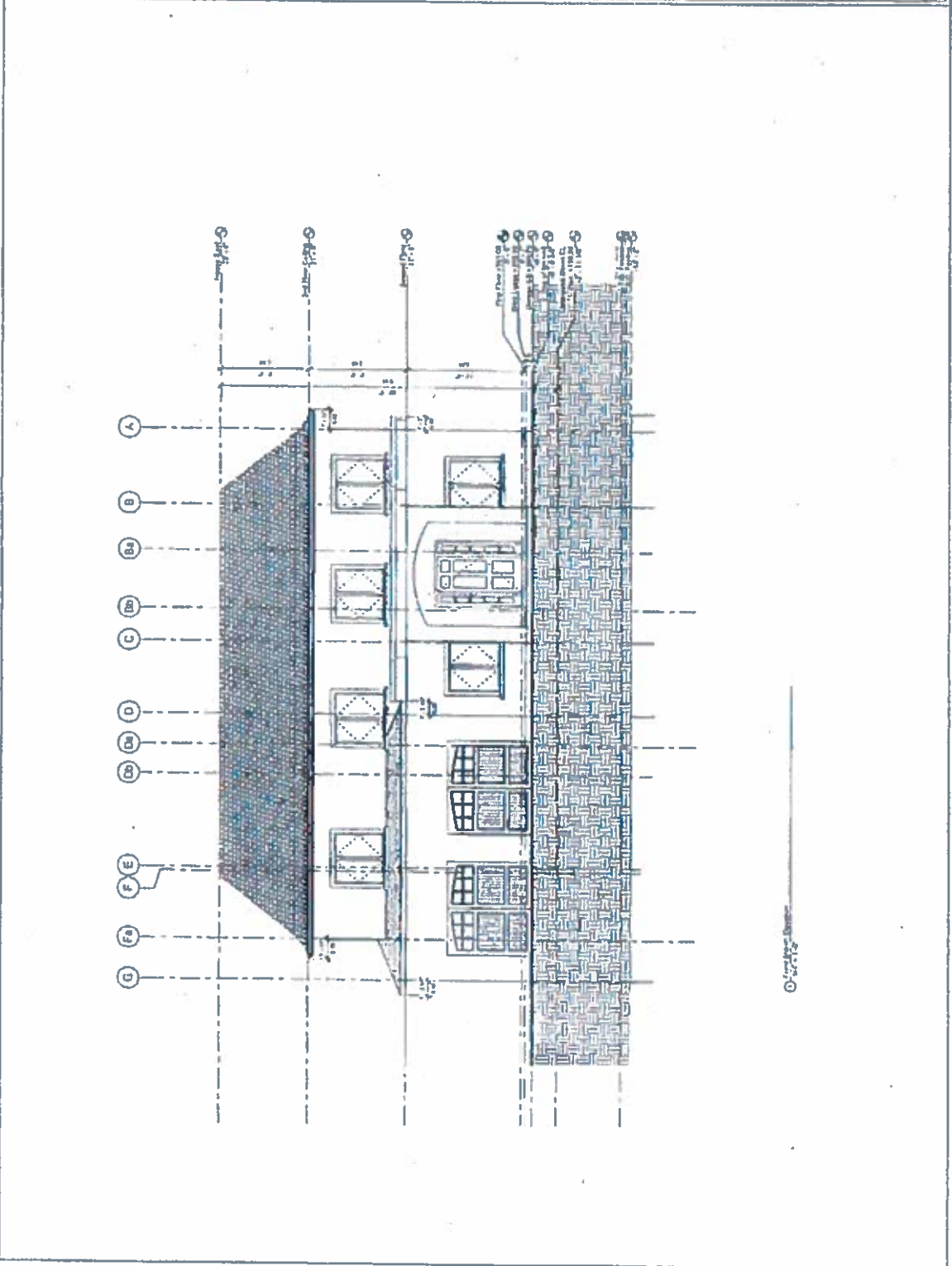


**PROPOSED 2 STOREY DWELLING**  
 15 WALES AVENUE  
 MARKHAM, ONTARIO

**Elevations**

Scale: 1/8" = 1'-0"  
 Date: 11/15/2011  
 Drawn By: [Blank]  
 Checked By: [Blank]

**A8**





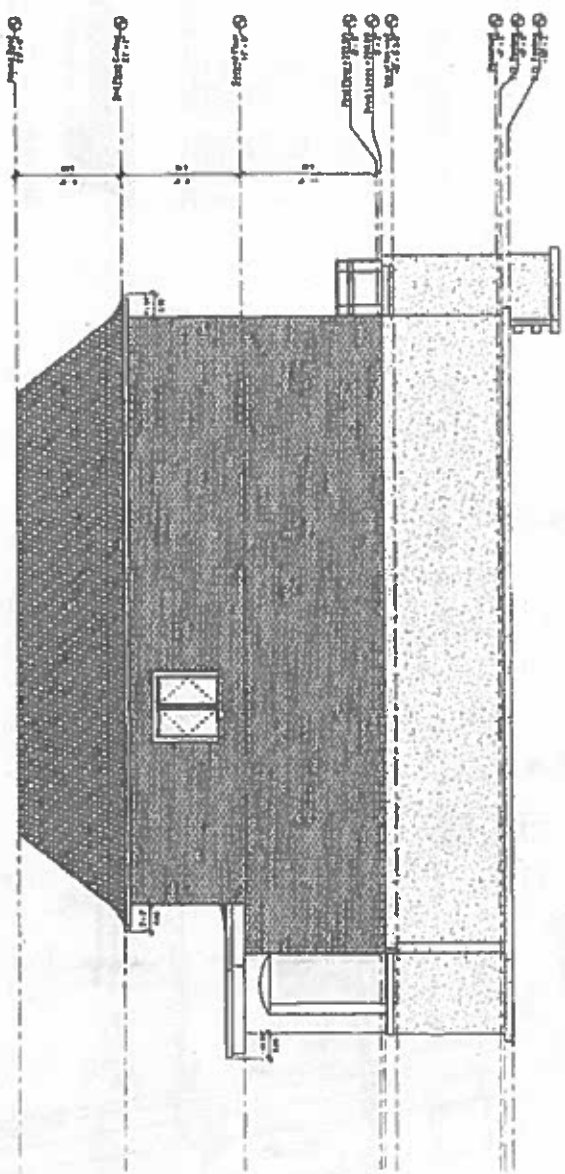
**ST ENGINEERING**  
 4 Black Court  
 Toronto, Ontario, M6H 1S1  
 Tel: (416) 967-0000  
 Fax: (416) 967-0001



**PROPOSED 2  
STOREY DWELLING**

15 WALES AVENUE  
 MARKHAM, ONTARIO  
 Elevations

Scale:	
Sheet No.:	A9
Project No.:	
Date:	



North

**SURVEYOR'S REAL PROPERTY REPORT**  
**PART 1**  
**PLAN OF**  
**LOT 21**  
**REGISTERED PLAN 1318**  
**CITY OF MARKHAM**  
**REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
 © D. POPA SURVEYING, 2011.

**METRIC**  
 DIMENSIONS SHOWN IN THIS PLAN ARE IN METERS AND  
 ARE TO BE CONSIDERED TO THE NEAREST 0.1 METERS.

**BOUNDARIES**  
 BOUNDARIES SHOWN BETWEEN LOTS ARE BASED ON THE  
 SURVEY RECORDS OF THE REGIONAL MUNICIPALITY OF YORK.  
 BOUNDARIES SHOWN WITHIN LOTS ARE BASED ON THE  
 SURVEY RECORDS OF THE REGIONAL MUNICIPALITY OF YORK.

**CITY/TOWN**  
 THE CITY/TOWN OF YORK IS THE MUNICIPALITY OF RECORD FOR  
 THIS PROPERTY.

**LEGEND**

- 1. LOT 21
- 2. LOT 19
- 3. LOT 20
- 4. LOT 22
- 5. LOT 23
- 6. LOT 24
- 7. LOT 25
- 8. LOT 26
- 9. LOT 27
- 10. LOT 28
- 11. LOT 29
- 12. LOT 30
- 13. LOT 31
- 14. LOT 32
- 15. LOT 33
- 16. LOT 34
- 17. LOT 35
- 18. LOT 36
- 19. LOT 37
- 20. LOT 38
- 21. LOT 39
- 22. LOT 40
- 23. LOT 41
- 24. LOT 42
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- 74. LOT 92
- 75. LOT 93
- 76. LOT 94
- 77. LOT 95
- 78. LOT 96
- 79. LOT 97
- 80. LOT 98
- 81. LOT 99
- 82. LOT 100

**SURVEYOR'S CERTIFICATE**

I, D. POPA, SURVEYOR, DO HEREBY CERTIFY THAT THE  
 INFORMATION CONTAINED IN THIS REPORT IS TRUE AND  
 CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF  
 AND THAT I AM A MEMBER IN GOOD STANDING OF THE  
 ASSOCIATION OF PROFESSIONAL SURVEYORS OF ONTARIO  
 (A.P.S.O.).

DECEMBER 22, 2011

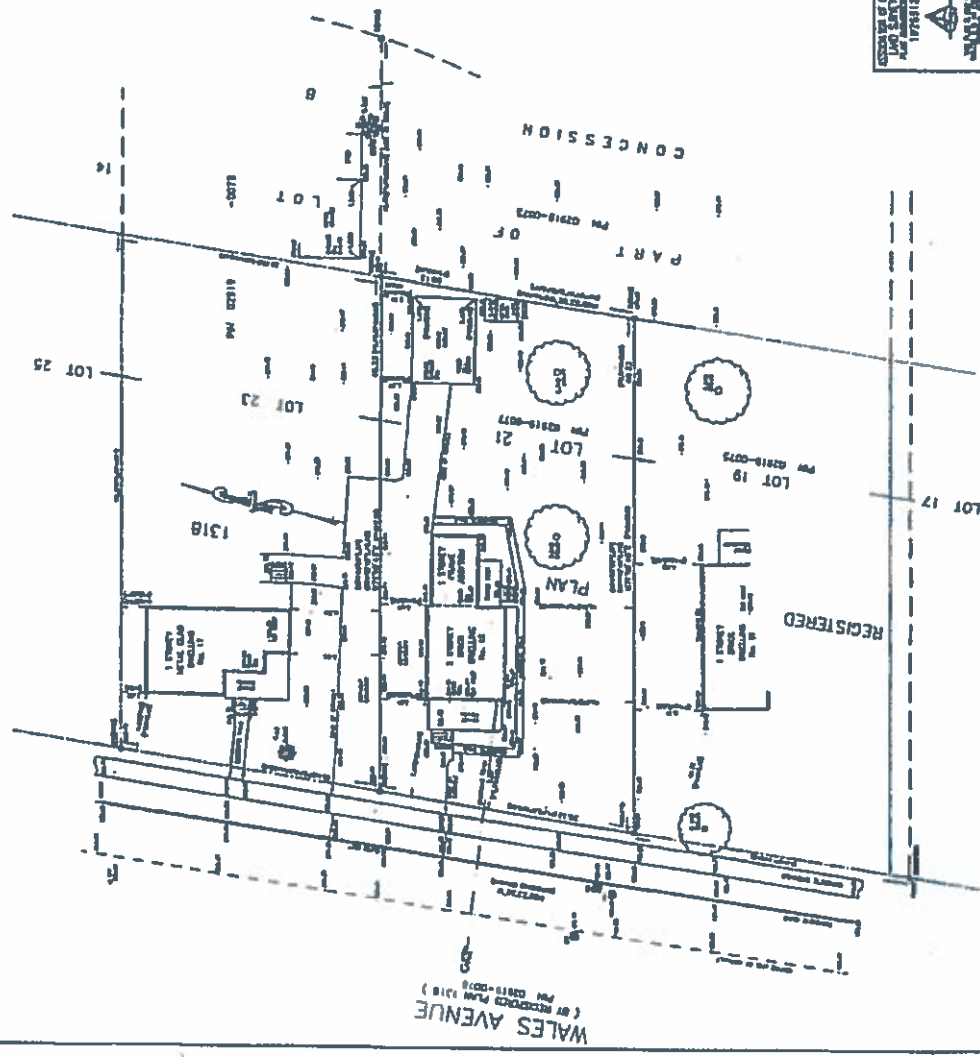
D. POPA

REGISTERED PROFESSIONAL SURVEYOR

THIS REPORT WAS PREPARED FOR THE TOWN OF  
 MARKHAM  
 THIS REPORT WAS PREPARED IN CONNECTION  
 WITH SURVEY REPORT DATED DECEMBER 22, 2011.

**D. POPA SURVEYING**

DRIVING LEAD SURVEYING  
 20 CUMBER AVE. SUITE 308, TORONTO, ONTARIO, M4E 1Z9  
 TEL: 416-491-1111 FAX: 416-491-1112  
 WWW.DPOPA.COM



WALES AVENUE  
 (AT REGISTERED PLAN 1318)  
 (PM 0218-0219)