

# Memorandum to the City of Markham Committee of Adjustment

April 01, 2019

**File:** A/169/18  
**Address:** 3 Jonquil Crescent, Markham  
**Applicant:** Liu Jiayi  
**Agent:** Gregory Design Group (Russ Gregory)  
**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:

- a) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area Ratio of 49.15%, whereas the By-law permits a maximum Net Floor Area Ratio of 45%;
- b) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 9.85 m, whereas the By-law permits a maximum building height of 9.8 m;

The Committee of Adjustment deferred this application on March 13, 2018, due to concerns regarding the proposed three-car garage and net floor area ratio. In response to the public and Committee of Adjustment's comments, the applicant submitted a revised application on March 19, 2019 (See Appendix 'B2') proposing reduced net floor area ratio and building height from the original submission.

The applicant is requesting a maximum net floor area ratio 49.15%, whereas the By-law permits a maximum net floor area ratio of 45%. Originally, the applicant requested a a net floor area ratio of 50.75%. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of 391.01 m<sup>2</sup> (4,208.8 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m<sup>2</sup> (3,853.80 ft<sup>2</sup>). This represents an increase of approximately 32.98 m<sup>2</sup> (355 ft<sup>2</sup>).

The applicant is requesting a maximum building height of 9.85 m (32.32 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). Originally, the applicant requested a maximum building height of 10.18 m (33.4 ft). The revised variance represents an increase of approximately 0.38 m (1.25 ft) from what the by-law permits.

There has been no change to the requested building depth variance. Staff's comments dated December 12, 2018 (Appendix 'C2') remain applicable with respect to all three requested variances.

## **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "due to design constraints".

**Zoning Preliminary Review Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

**PUBLIC INPUT SUMMARY**

As of April 01, 2019 the City received one letter of support and one letter expressing concerns over the proposal. The concerns were provided by a neighbouring property owner and related to potential flooding impacts, driveway damage, on-street parking from construction vehicles and reduced sight lines for the driveways of adjacent properties due to the design and siting of the proposed dwelling. 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. 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 see Appendix "A2" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

File Path: Amanda\Files\18-256111 \Documents\District Team Comments Memo

Appendices

Appendix A2 – Conditions A/169/18

Appendix B2 – Plans A/169/18

Appendix C2 – Staff Report (March 13, 2019 & December 12, 2018)

**APPENDIX "A2"**

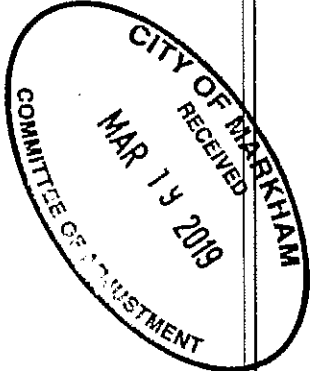
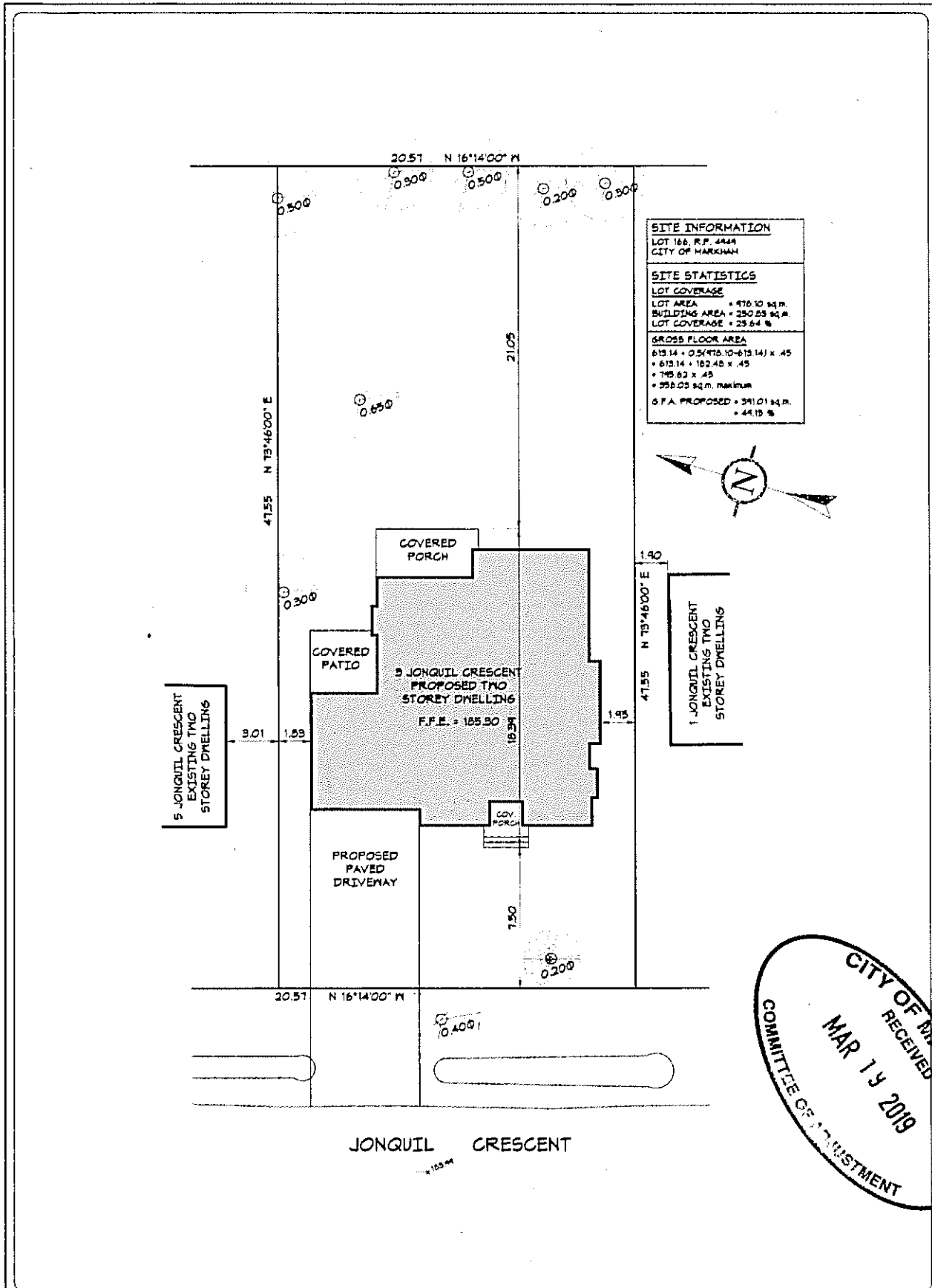
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18**

1. That the front and rear covered porches remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B2' to this Staff Report received by the City of Markham on March 19, 2019, 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;
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 Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, 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 and maintained around all trees on site in accordance with the City's Streetscape Manual, 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects





<p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>• ALL CONSTRUCTION IS TO CONFORM TO SECTION 4 OF THE ONTARIO BUILDING CODE (LATEST EDITION)</li> <li>• CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS</li> <li>• DO NOT SCALE DRAWINGS</li> <li>• OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING</li> <li>• THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENT'S ONLY</li> <li>• BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION</li> </ul>	<p>PROJECT TITLE</p> <p><b>SITE PLAN 3 JONGUIL CRESCENT CITY OF MARKHAM</b></p>	<p><b>THE GREGORY DESIGN GROUP</b></p> <p>50 MCINTOSH DRIVE, UNIT 140 MARKHAM, ONTARIO L3R 9T3 OFFICE (905) 479-4767 FAX (905) 479-8486 shane@gregorydesigngroup.net</p>	<p>SCALE</p> <p>1:200</p> <p>PROJECT NUMBER</p> <p>2101-1B</p> <p>DRAWN BY</p> <p>S.Gregory</p> <p>CHECKED BY</p> <p>R.G.</p>	<p>DATE</p> <p>03/14/19</p> <p>SHEET NUMBER</p> <p><b>SP-1</b></p>
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**GENERAL NOTES:**

ALL CONSTRUCTION IS TO CONFORM TO SECTION "A" 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-SOUP AND DESTROY ALL PREVIOUS AND PRINTED COPIES OF THIS DRAWING

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

BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION

**REVISIONS AND DATA**

The architectural has reviewed and approved the drawings for its design. It is the responsibility of the contractor to verify all dimensions and materials on the drawings. It is the contractor's responsibility to obtain all necessary permits and approvals from the appropriate authorities.

QUALIFICATION INFORMATION  
of the Ontario Building Code, 2015:

Professional Engineer  
Professional Architect

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

Professional Designer  
Professional Designer

**NEW HOUSE DESIGN  
3 JONGUIL CRESCENT  
CITY OF MARKHAM**



50 ALBION ST. UNIT 140  
MARKHAM, ONTARIO L3R 9T3  
OFFICE (905) 479-4767  
FAX (905) 479-6456  
share@gregorydesigngroup.com

SCALE: 1/8"=1'-0"

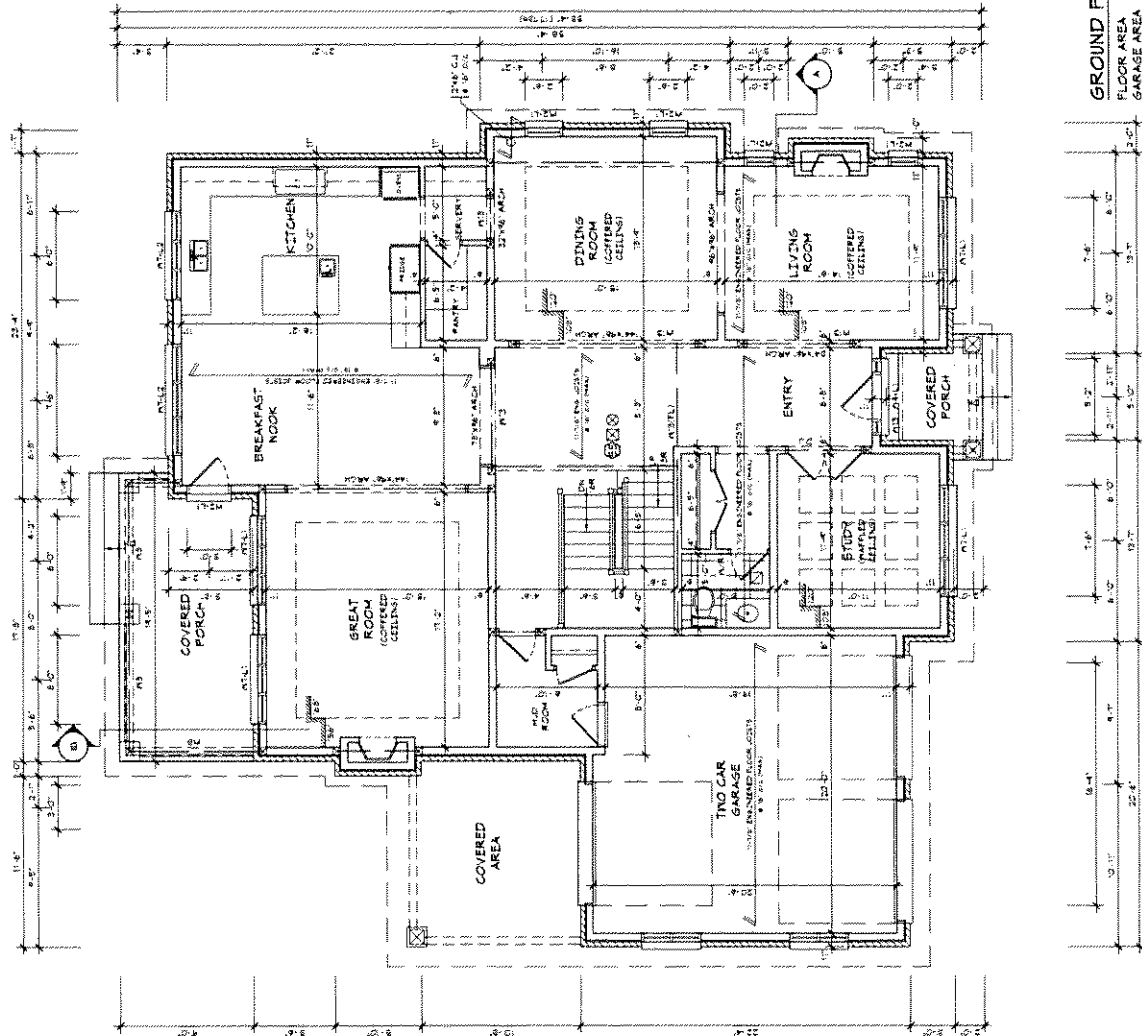
DATE: 03/15/19

SHEET NUMBER: 2101-1B

DRAWN BY: S. Gregory

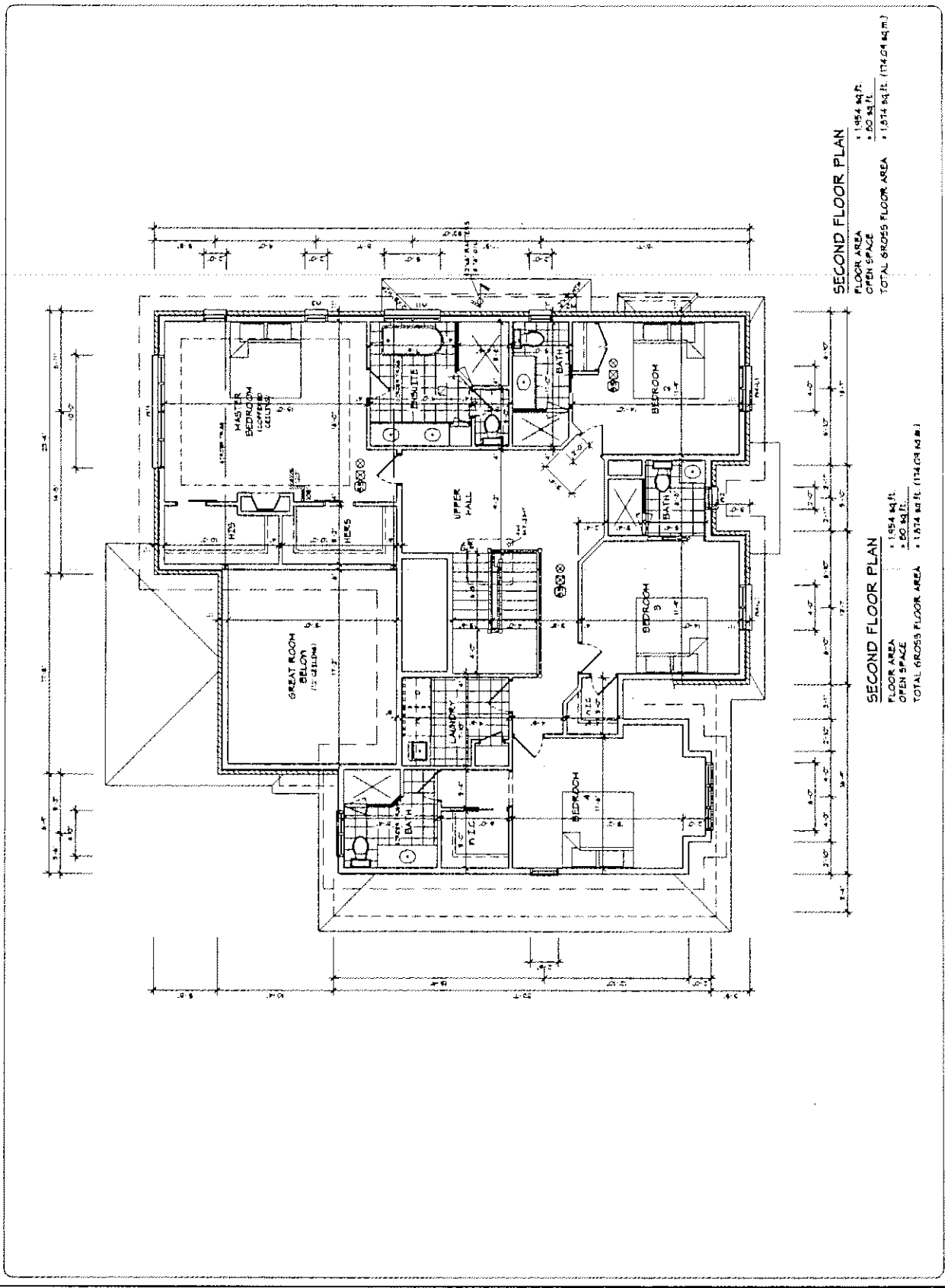
CHECKED BY: R.G.

**A-2**



**GROUND FLOOR PLAN**  
 FLOOR AREA: 1,893 sq ft.  
 GARAGE AREA: 845 sq ft.  
 TOTAL GROSS FLOOR AREA: 2,738 sq ft. (256 sq m)  
 COVERED PORCHES/DECKS: 236 sq ft.  
 TOTAL BUILDING AREA: 2,760 sq ft. (256 sq m)

GENERAL NOTES: ALL CONSTRUCTION IS TO CONFORM TO SECTION 4 OF THE ENHANCED BUILDING CODE (LATEST EDITION) CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS DO NOT SCALE DRAWINGS OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO BE CLARIFY AND RESPECT ALL PREVIOUS AND APPROVED CORRECTED SETS OF THIS DRAWING THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT DESIGN GROUP AND / OR ITS CLIENTS ONLY BUILDERS PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION	REVISIONS AND DATE	DATE
	THE ARCHITECTURAL SERVICES AND SERVICES PROVIDED BY THIS ARCHITECTURE FIRM ARE LIMITED TO THE DESIGN SERVICES ONLY AS SHOWN ON THE ORIGINAL DRAWING WHICH IS BY AGREEMENT. DESIGNATION: ARCHITECT REGISTERED PROFESSIONAL ARCHITECT REGISTRATION NUMBER: 20025 REGISTRATION PROVINCE: ONT. REGISTERED ADDRESS: 1000 SHEPPARD AVENUE EAST, SUITE 1174 SCARBOROUGH, ONTARIO M1B 4Y7 PHONE: (416) 291-1111 FAX: (416) 291-1112 PROJECT NUMBER: 2101-18 PROJECT TITLE: NEW HOUSE DESIGN 3 JONGUIL CRESCENT CITY OF MARKHAM	PROJECT NUMBER: 2101-18 PROJECT TITLE: NEW HOUSE DESIGN 3 JONGUIL CRESCENT CITY OF MARKHAM
THE ARCHITECTURE DESIGN GROUP 50 MCNICOLL DRIVE, UNIT 140 MARKHAM, ONTARIO L3R 9E3 OFFICE: (905) 477-9477 STUDIO: (905) 477-9477	SCALE: 1/8"=1'-0" PROJECT NUMBER: 2101-18 DRAWN BY: S. Gregory CHECKED BY: R.G.	DATE: 09/15/19 SHEET NUMBER: A-3













## Memorandum to the City of Markham Committee of Adjustment

March 01, 2019

**File:** A/169/18  
**Address:** 3 Jonquil Cres, Markham  
**Applicant:** Liu Jiayi  
**Agent:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday March 13, 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 (vi):**  
a maximum Net Floor Area Ratio of 50.75 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.18 m, whereas the By-law permits a maximum building height of 9.8 m;

The Committee of Adjustment deferred the application on December 12, 2018, due to concerns regarding flooding and the visual massing and design of the proposed home. In response to the public and Committee of Adjustment's comments, the applicant submitted revised drawings on February 01, 2019 (Appendix 'B1') showing a reduced floor area ratio and building height.

The applicant is requesting relief to permit a maximum net floor area ratio 50.75 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent. This is a reduction from the original request for a floor area ratio of 51.90 percent. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of 403.78 m<sup>2</sup> (4,346.28 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m<sup>2</sup> (3,853.80 ft<sup>2</sup>). This represents an increase of approximately 45.75 m<sup>2</sup> (492.45 ft<sup>2</sup>).

The applicant is requesting relief to permit a maximum building height of 10.18 m (33.4 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.38 m (1.25 ft). Staff's comments dated December 12, 2018 (Appendix 'C1') remain applicable.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "*due to design constraints*".

### **Zoning Preliminary Review Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

### **PUBLIC INPUT SUMMARY**

As of February 15, 2019 the City received 1 letter of support and 1 letter expressing concerns over flooding, driveway damage, parking issues and design of the proposed dwelling. 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. 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 see Appendix "A1" for conditions to be attached to any approval of this application.

PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

  
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

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### Appendices

Appendix A1 – Conditions A/169/18

Appendix B1 – Plans A/169/18

Appendix C1 – Staff Report (December 12, 2018)

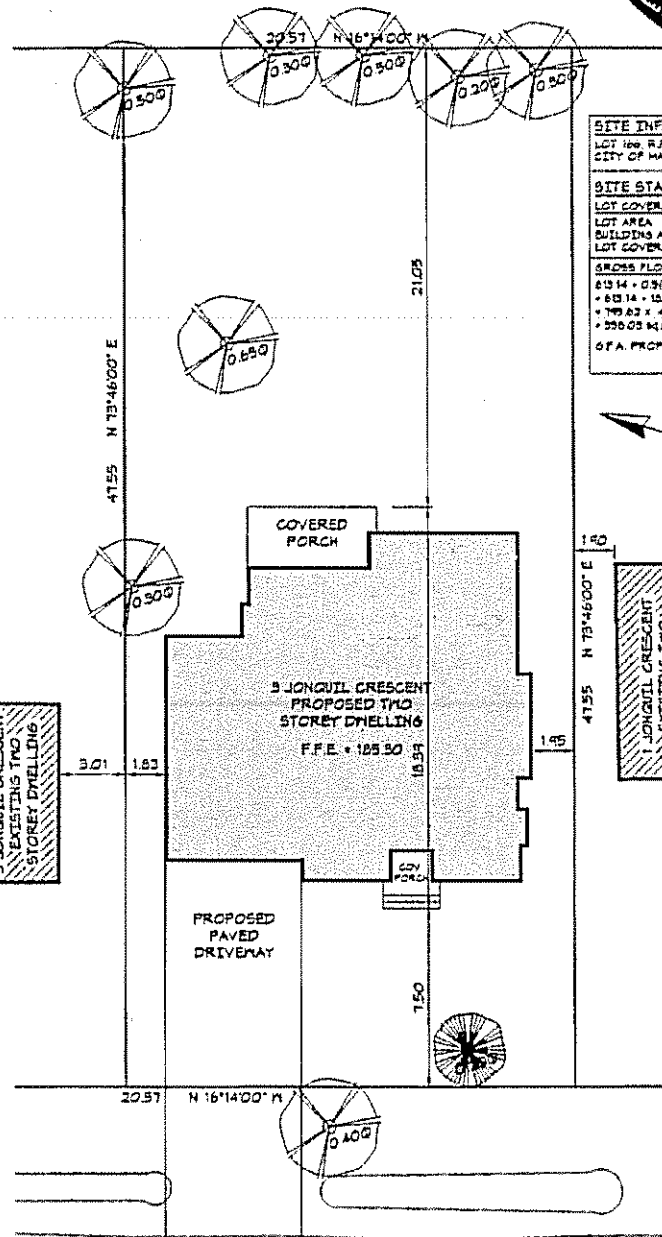
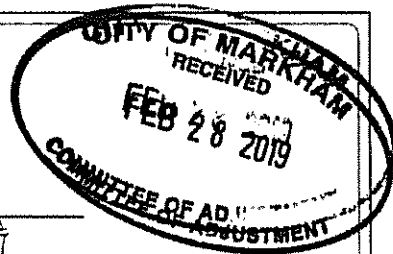
**APPENDIX "A1"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18**

1. That the front and rear covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B1' to this Staff Report received by the City of Markham on February 28, 2019 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;
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 Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, 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 and maintained around all trees on site in accordance with the City's Streetscape Manual, 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



<b>SITE INFORMATION</b>	
LOT 156 R.F. 2449 CITY OF MARKHAM	
<b>SITE STATISTICS</b>	
<b>LOT COVERAGE</b>	
LOT AREA	= 478.10 sq. ft.
BUILDING AREA	= 250.00 sq. ft.
LOT COVERAGE	= 23.84 %
<b>GROSS FLOOR AREA</b>	
813.14	= (21.476 x 10 - 6.1314) x .45
683.14	= 152.46 x .45
179.62	= .45
355.05	sq. ft. max/min
G.F.A. PROPOSED	= 402.53 sq. ft.
	= 50.75 %

JONQUIL CRESCENT

<b>GENERAL NOTES:</b> 1. ALL CONSTRUCTION IS TO CONFORM TO SECTION "M" OF THE ONTARIO BUILDING CODE (LATEST EDITION) 2. CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS. 3. DO NOT SCALE DRAWINGS. 4. OWNER / CONTRACTOR - DESIGNER IS RESPONSIBLE TO RE-CLASH AND DESTROY ALL PERMITS AND UN-REVISED COPIES OF THIS DRAWING. 5. THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECTURAL DESIGN GROUP AND / OR ITS CLIENTS ONLY. 6. BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.	<b>PROJECT TITLE</b>  SITE PLAN 3 JONQUIL CRESCENT CITY OF MARKHAM	<b>THE GREGORY DESIGN GROUP</b>  20 LAURENCE DRIVE, UNIT 140 WARRILL, ONTARIO L2R 0T3 OFFICE (905) 479-1757 FAX (905) 479-6196 shane@gregorydesigngroup.net	SCALE 1:200	DATE 02/28/19
			PROJECT NUMBER 2101-15	SHEET NUMBER SP-1

















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

December 03, 2018

**File:** A/169/18  
**Address:** 3 Jonquil Cres, Markham  
**Applicant:** Liu Jiayi  
**Agent:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday December 12, 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 (vi):  
a maximum Net Floor Area Ratio of 50.90 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) Infill By-law 99-90, Section 1.2 (iii):  
a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) Infill By-law 99-90, Section 1.2 (i):  
a maximum building height of 10.40 m, whereas the By-law permits a maximum building height of 9.8 m;

as it relates to a proposed two storey residential dwelling.

**BACKGROUND****Property Description**

The 978.10 m<sup>2</sup> (10,528.18 ft<sup>2</sup>) subject property is located on the east side of Jonquil Crescent, North of Highway 7 and west of Main Street Markham. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The street has experienced some infill development in the form of individual homes being demolished and redeveloped with newer homes. There is an existing one-storey detached 358.03 m<sup>2</sup> (3,853.80 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the property.

**Proposal**

The applicant is proposing to construct a two-storey detached dwelling with an attached garage and, front and rear covered porches. While the garage has the appearance of a two-car garage from the street, it can accommodate a third vehicle parking in tandem. The total GFA of the proposed dwelling is 404.85 m<sup>2</sup> (4,358 ft<sup>2</sup>) with 230.48 m<sup>2</sup> (2,481 ft<sup>2</sup>) on the ground floor and 174.37 m<sup>2</sup> (1,877 ft<sup>2</sup>) on the second floor (excluding open space).

**Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and further 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 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 1229

The subject property is zoned "One Family Detached Dwellings (R1)" in By-law 1229, as amended, which permits a single detached dwelling.

#### 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 maximum floor area ratio, maximum building depth and maximum building height.

#### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "*due to design constraints*".

#### **Zoning Preliminary Review Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 50.90 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 404.85 m<sup>2</sup> (4,358 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m<sup>2</sup> (3,853.80 ft<sup>2</sup>). This represents an increase of approximately 46.82 m<sup>2</sup> (503.97 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. 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 street is made up of single storey detached dwellings developed around the late 1950s. There are also a number of two-storey detached dwellings constructed as infill developments over the past decade. The majority of the new infill homes are larger than existing homes on the street and, have included minor variance approvals for net floor rear ratio increases ranging from approximately 50.6 to 52 percent. While the proposed building will be larger than neighbouring single-storey detached dwellings, it will be similar in scale to recent infill developments across the street which have had minor variances approved in the last 5 years.

#### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 18.4 m (60.37 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.6 m (5.25 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 proposed front and rear covered porches add approximately 1.02 m (3.35 ft) and 0.61 m (2 ft) respectively to the overall depth of the building. The proposed porches occupy a small portion of the front and rear walls and maintain adequate distance from neighbouring properties, including providing the minimum front and rear yard setbacks. The proposal does not include variances for any setbacks and provides adequate rear amenity space. The main component of the building, excluding the porches, has a depth of approximately 16.77 m (55.02 ft) which complies with the by-law requirement. Given that the porches will be unenclosed and that both the front and rear porch and, do not extend the full width of the main dwelling, Staff are of the opinion that the proposed building depth meets the intent of the zoning By-law.

#### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.4 m (34.12 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.6 m (1.97 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 0.52 m (1.71 ft) above the crown of road.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of December 03, 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**

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

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

File Path: Amanda\Files\18 256111\Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18**

1. That the front and rear porches remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on October 30, 2018 and November 28, 2018, 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;
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 Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, 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 and maintained around all trees on site in accordance with the City's Streetscape Manual, 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects













**GENERAL NOTES**

ALL CONSTRUCTION IS TO BE DONE IN ACCORDANCE WITH THE CITY OF MARKHAM ZONING BY-LAW AND THE MARKHAM CITY ENGINEERING ACT.

CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

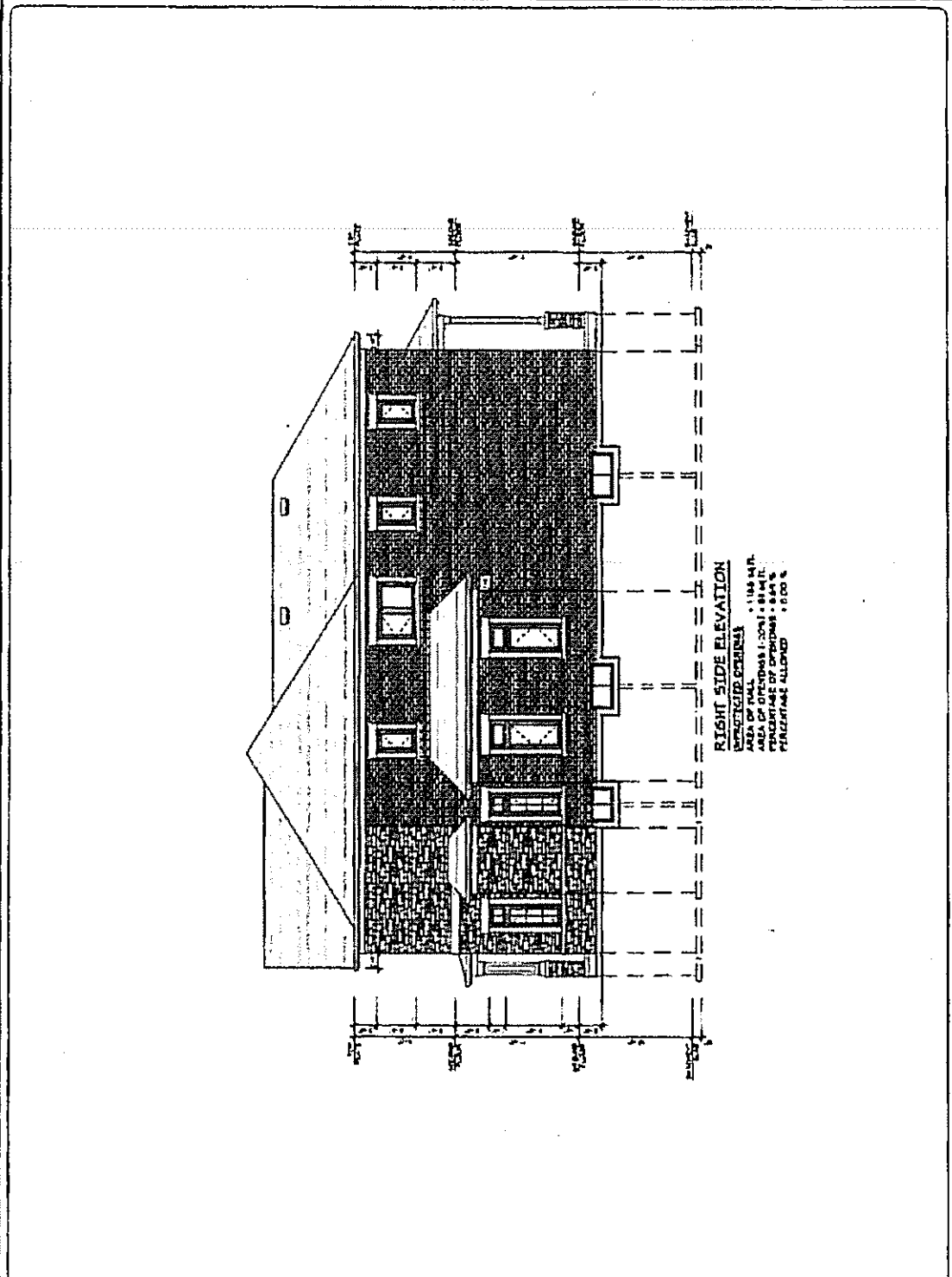
DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MARKHAM AND THE PROVINCE OF ONTARIO.

THESE DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MARKHAM AND THE PROVINCE OF ONTARIO.

CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.



**RIGHT SIDE ELEVATION**

DEVELOPER: [Name]

AREA OF WALL: 1184 SQ. FT.

AREA OF OPENINGS: 1001 SQ. FT.

PERCENTAGE OF OPENINGS: 84.6%

PERCENTAGE ALLOWED: 100%

**PROJECT TITLE**

HERN HOUSE DESIGN  
5 JOHNSON CRESCENT  
CITY OF MARKHAM

**DATE**

10/18/18

**SCALE**

1/8" = 1'-0"

**PROJECT NUMBER**

2101-18

**DESIGNER**

S. Gregory

**CLIENT**

R.G.

**A-5**



