

Memorandum to the City of Markham Committee of Adjustment
January 22, 2025

File: A/146/24
Address: 28 Hawkridge Ave, Markham
Applicant: Hua Lu
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, February 5, 2025

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following 'Residential – Established Neighbourhood Low Rise (RES ENLR)' zone requirement under By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(i):**
a minimum combined side yard setback of 3.91 metres, whereas the by-law requires a minimum combined side yard setback of 5.34 metres; as it relates to a single storey garage addition.

BACKGROUND

Property Description

The 1,014 m² (10,914 ft²) subject property is located on the west side of Hawkridge Avenue, north of Highway 7 East and west of Main Street Markham North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The neighbourhood is undergoing transition with newer dwellings being developed as infill developments. There is an existing one-storey detached dwelling on the property, which according to assessment records, was constructed in 1953. Mature vegetation exists on the property including several large trees in the front and rear yards.

Previous Minor Variance Approval (File#: A/029/22)

On November 9, 2022, the Committee of Adjustment approved the following minor variances from the old Zoning By-law 1229 for a new two-storey detached dwelling on the subject property (refer to Appendix "B" – A/029/22 Notice of Decision):

- An increase in maximum building depth from 16.80 m (55.12 ft) to 17.17 m (56.33 ft)
- An increase in maximum Floor Area Ratio from 45% to 50%

Proposal

The applicant proposes to extend the rear portion of the garage for a third tandem parking space (refer to Appendix "C" – Plans), which does not comply with the minimum combined side yard setback requirement under the new Comprehensive Zoning By-law 2024-19. The requested side yard setback variance only applies to the garage extension portion of the building. The remaining building was subject to the above noted minor variance application which was filed before the passing of Zoning By-law 2024-19 and therefore is exempt from the combined side yard setback requirement. Staff note that the overall design of the proposed dwelling remains generally the same as the previous proposal, except the building has been flipped to have the driveway on the south side of the property in order to save the existing tree in the front yard and maintain existing water service.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property '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 to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned 'RES-ENLR – Residential Established Neighbourhood Low Rise' under By-law 2024-19, as amended, which permits Detached dwellings. The proposed development does not comply with the minimum side yard setback requirements.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variance required for the proposed garage expansion. However, 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.

Reduced Side Yard Setback

The applicant is requesting a minimum combined side yard setback of 3.91 m (12.82 ft), whereas the by-law requires a minimum combined side yard setback of 5.34 m (17.51 ft). The proposed expansion is a continuation of the side wall of the previously approved proposal. The requested variance only applies to the rear portion of the garage which is one-storey in height and inconspicuous from the street. There will be sufficient room for access and drainage along the side yard. Staff are of the opinion that the proposed setback is generally consistent with a number of infill homes on Hawkrigde Avenue including the existing dwellings immediately to the south and therefore is in keeping with the streetscape character of the neighbourhood. Staff have no concern and support the approval of the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 22, 2025. 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. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

APPENDICIES

Appendix "A" – Conditions of Approval

Appendix "B" – A/029/22 Notice of Decision

Appendix "C" - Plans

PREPARED BY:



Carlson Tsang, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 24 199244 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/146/24

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix C' to this Staff Report, and that the Secretary Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. That the variance applies only to the garage extension on the ground floor

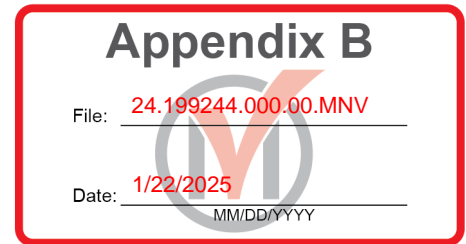
CONDITIONS PREPARED BY:



Carlson Tsang, Senior Planner, Planning and Urban Design Department



November 14, 2022



TAES Architects Inc. (Shenshu Zhang)
98 Scarsdale Road
Toronto, Ontario M3B 2R7

Dear Sir/Madam,

RE: *Hua Lu*
28 Hawkrigde Avenue, Markham
PLAN 4065 LOT 32
A/029/22

Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, November 09, 2022.

Yours truly,

Shawna Houser, BES, CPT
Secretary-Treasurer
Committee of Adjustment

Attachments

cc Stacia Muradali, East
Lori Sperrino, Zoning and Compliance
Aleks Todorovski, Project Planner
Building Inspection
Hua Lu

File copy



COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. A/029/22 which was **approved** at a hearing held on Wednesday, November 09, 2022. A written appeal of this decision must be received **no later than Tuesday, November 29, 2022. After this date the decision becomes final and binding and cannot be appealed.**

Appeals to the Ontario Land Tribunal may be served personally by appointment, by email to coa@markham.ca, or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$400.00**, payable to **the Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Ontario Land Tribunal, please note there will be an additional City of Markham administration fee of \$247.00 plus HST, the fee must be paid at the time of the appeal submission to the Committee of Adjustment. **The reasons for the appeal must be provided, or the Ontario Land Tribunal may not consider the appeal to be valid. Please note that a letter of objection filed prior to the hearing date is not considered an official notice of appeal.**

Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

A handwritten signature in cursive script, appearing to read 'Shawna Houser'.

Shawna Houser, BES, CPT
Secretary-Treasurer
Committee of Adjustment



Committee of Adjustment Resolution

File Number: A/029/22
 Hearing Date: Wednesday, November 9, 2022
 Owner(s): Hua Lu
 Agent: TAES Architects Inc. (Shenshu Zhang)
 Property Address: 28 Hawkridge Avenue, Markham
 Legal Description: PLAN 4065 LOT 32
 Zoning: By-law 1229, as amended, R1
 Official Plan: Residential Low Rise
 Ward: 4

Last Date of Appeal: Tuesday, November 29, 2022

Moved by: Arun Prasad
Seconded by: Patrick Sampson

<input checked="" type="checkbox"/>	Arun Prasad	 _____
<input checked="" type="checkbox"/>	Patrick Sampson	 _____
<input checked="" type="checkbox"/>	Jeamie Reingold	 _____
<input checked="" type="checkbox"/>	Sally Yan	 _____

THAT Application No. A/029/22, submitted by Hua Lu, owner of 28 Hawkridge Avenue, Markham, PLAN 4065 LOT 32, requesting relief from the requirements of By-law No. 1229, as amended, to permit the following:

- a) **Amending By-law 99-90, Section 1.2 (ii):**
 a maximum depth of 17.17 m, whereas the By-law permits a maximum depth of 16.80 m; and
- b) **Amending By-law 99-90, Section 1.2 (vi):**
 a maximum floor area ratio of **50 percent**, whereas the By-law permits a maximum floor area ratio of 45.0 percent; **amended**

as it relates to a proposed two-storey detached dwelling.

These variance requests be **approved** for the following reasons:

- (a) In the opinion of the Committee, the general intent and purpose of the By-law will be maintained;

- (b) In the opinion of the Committee, the general intent and purpose of the Official Plan will be maintained;
- (c) In the opinion of the Committee, the granting of the variance is desirable for the appropriate development of the lot;
- (d) In the opinion of the Committee, the requested variance is minor in nature.

Subject to the following conditions:

1. That 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their 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 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.
4. 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.
5. 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.

Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting,

held under the Planning Act, have been taken into consideration by the Committee of Adjustment in its Decision on this matter.

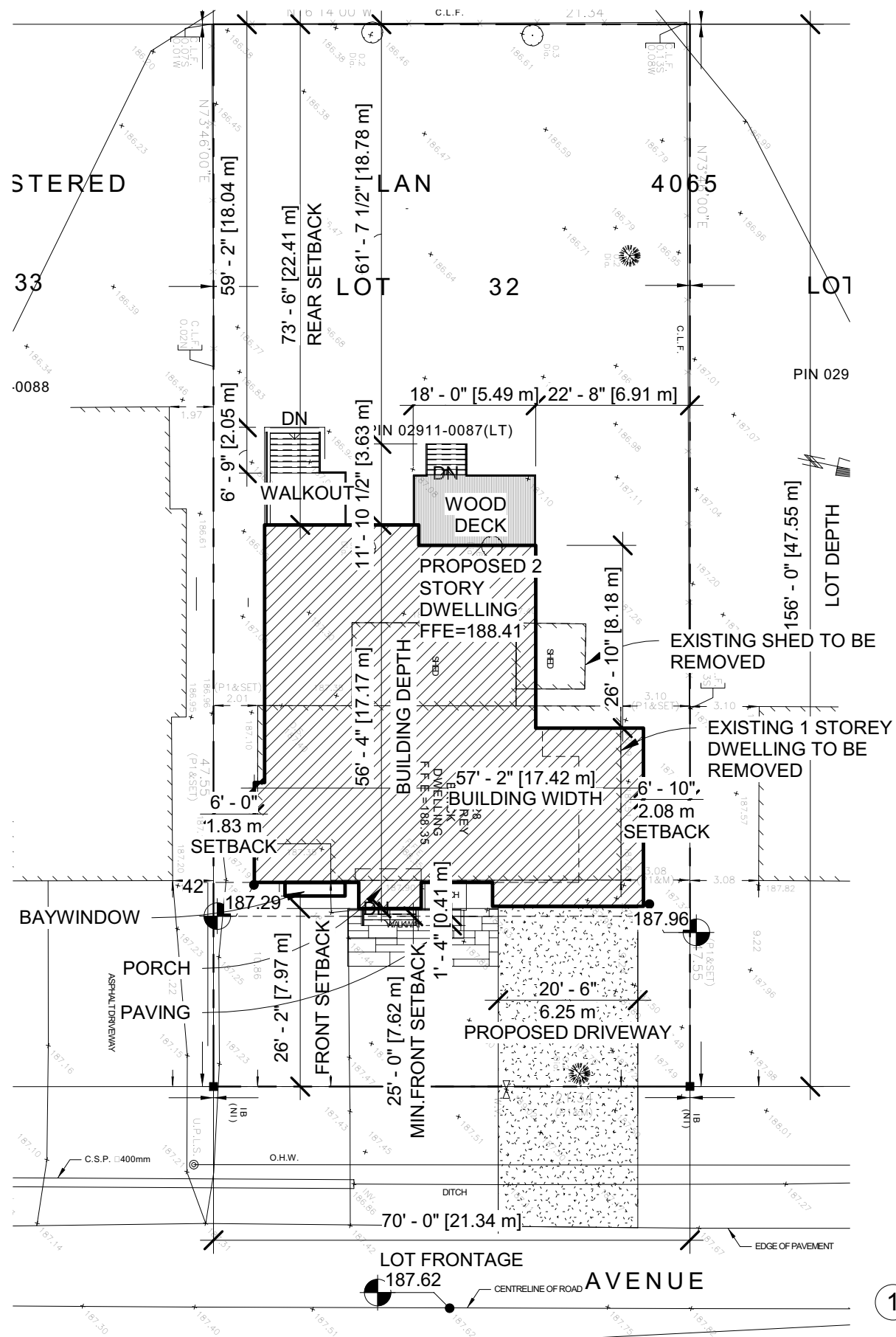
Resolution Carried

SPECIAL NOTE TO OWNERS AND AGENTS: It is the responsibility of the owner and/or agent to ensure that all conditions of approval are met through the respective departments noted therein. Failure to do so may result in additional approvals being required.

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22
MM/DD/YY

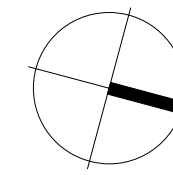


ZONING	R1 (BY-LAW 1229)	LOT NO.	32
PLAN NO.	4065	LOT AREA	10,920 SF (1,014.47 SM)
LOT FRONTAGE	70' - 0" (21.34M)	LOT DEPTH	156' - 0" (47.55M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN. LOT FRONTAGE		70' - 0" (21.34M)	60' - 0"	
MIN. LOT AREA		10,920 SF (1014.47 SM)	6,600 SF	
MAX. BUILDING HEIGHT		9.8 M	9.8 M	
MAX. BUILDING DEPTH		56' - 4" (17.17 M) *	16.8 M	
NO. OF STORIES	1	2	2	
DRIVEWAY WIDTH		20' - 6" (6.25M)		
BUILDING AREA		2,533 SF (235.32 SM)		
GROSS FLOOR AREA (INCL. GA)		4,689 SF (435.61 SM)		
MAX. LOT COVERAGE		2,533 SF (235.32 SM)	23.2%	35%
MAX. NET FLOOR AREA RATIO		4,689 SF (435.61 SM)	53.5%*	45%
GARAGE AREA		545 SF (50.63 SM)		
				NET LOT AREA : 8760 SF

SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (EAST)		26' - 2" (7.97 M)	25' - 0" (7.62 M)	
SIDE (NORTH)		6' - 10" (2.08 M)	4' - 0" (1.22 M)	
SIDE (SOUTH)		6' - 0" (1.83 M)	6' - 0" (1.83 M)	
REAR (WEST)		73' - 6" (22.41 M)	25' - 0" (7.62 M)	

1 Site Plan
1 : 250



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No.	Revision	Date	By
1	Zoning Preliminary Review	2022-07-26	EW

TAES Architects Inc.

98 SCARSDALE ROAD
TORONTO, ON M3B 2R7 CANADA
T: 416 800 3284 F: 416 800 3485

28 Hawkrigde Ave

Markham, ON

Project number T2021030
As indicated

Drawn Scale

Checked Date

Site Plan & Statistics

Drawing No. A001

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22
MM/DD/YY



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98 SCARSDALE ROAD
TORONTO, ON M3B 2R7 CANADA
T: 416 800 3284 F: 416 800 3485

28 Hawkrigde Ave
Markham, ON

Project number	T2021030 1 : 75
Drawn	Scale
Checked	Date

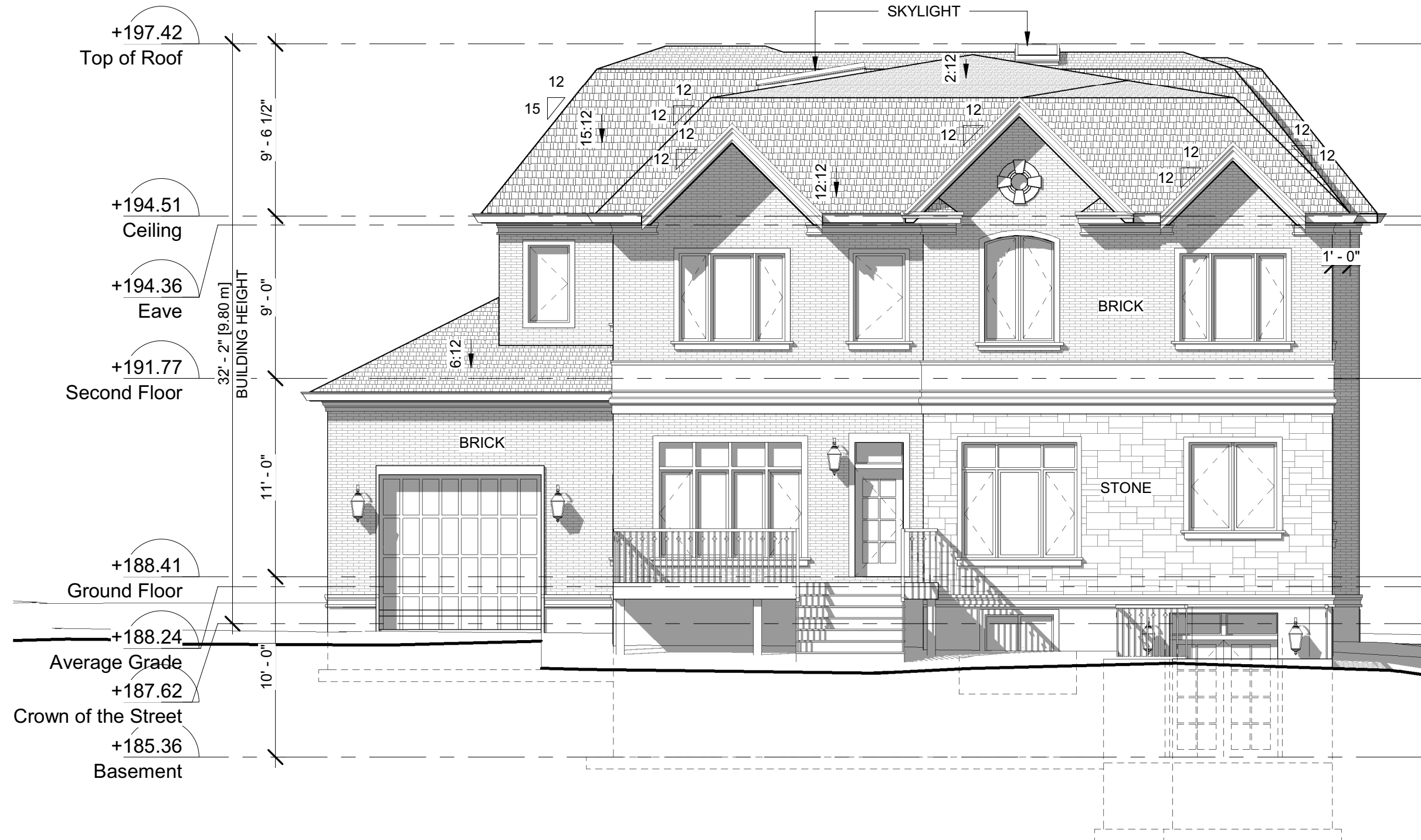
West (Front) Elevation

Drawing No. **A201**

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22
MM/DD/YY



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No.	Revision	Date	By
1	Zoning Preliminary Review	2022-07-26	EW

TAES Architects Inc.

98 SCARSDALE ROAD
TORONTO, ON M3B 2R7 CANADA
T: 416 800 3284 F: 416 800 3485

28 Hawkrigde Ave

Markham, ON

Project number	T2021030
Scale	1 : 75
Drawn	Scale
Checked	Date

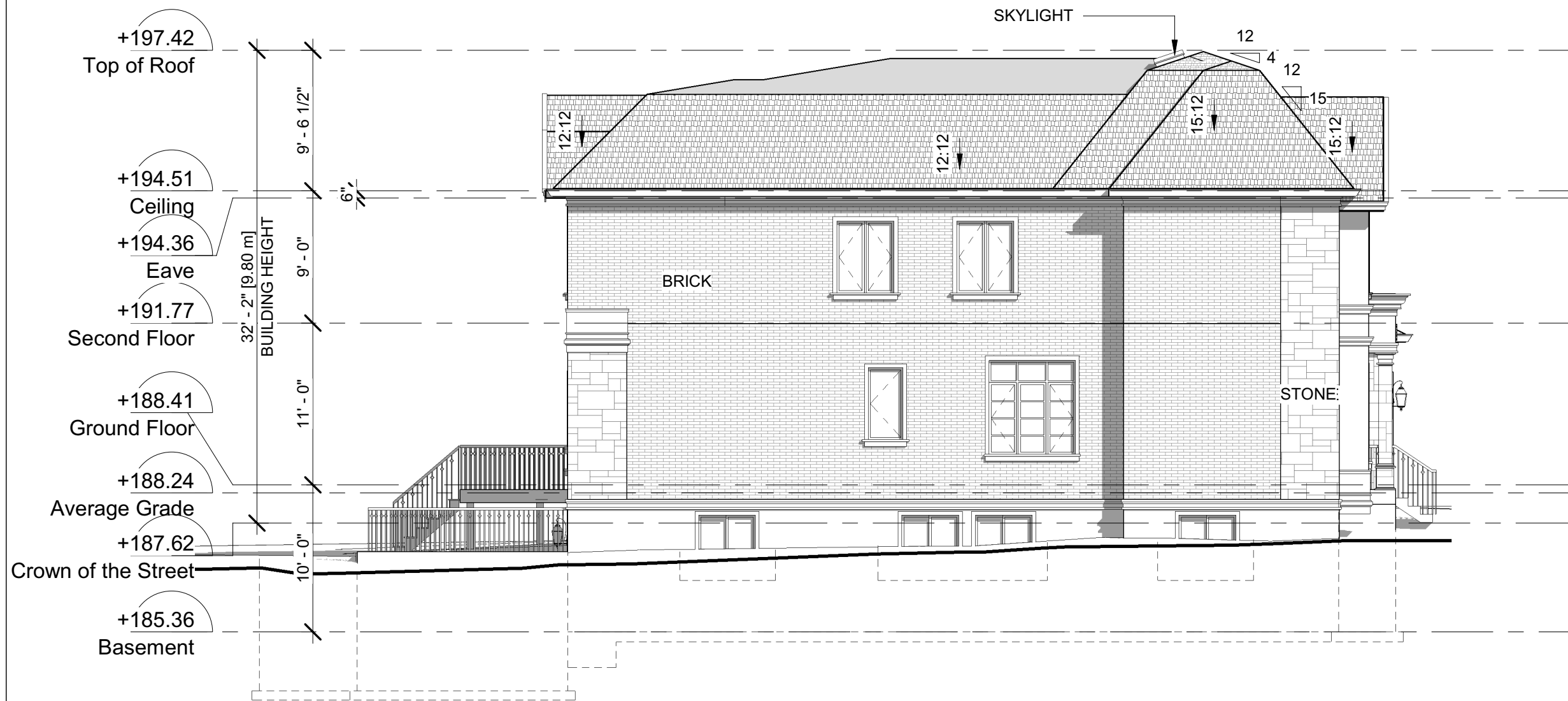
East (Rear) Elevation

Drawing No. A202

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22
MM/DD/YY



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No.	Revision	Date	By
1	Zoning Preliminary Review	2022-07-26	EW

TAES Architects Inc.

98 SCARSDALE ROAD
TORONTO, ON M3B 2R7 CANADA
T: 416 800 3284 F: 416 800 3485

28 Hawkrigde Ave

Markham, ON

Project number T2021030
1 : 100

Drawn Scale

Checked Date

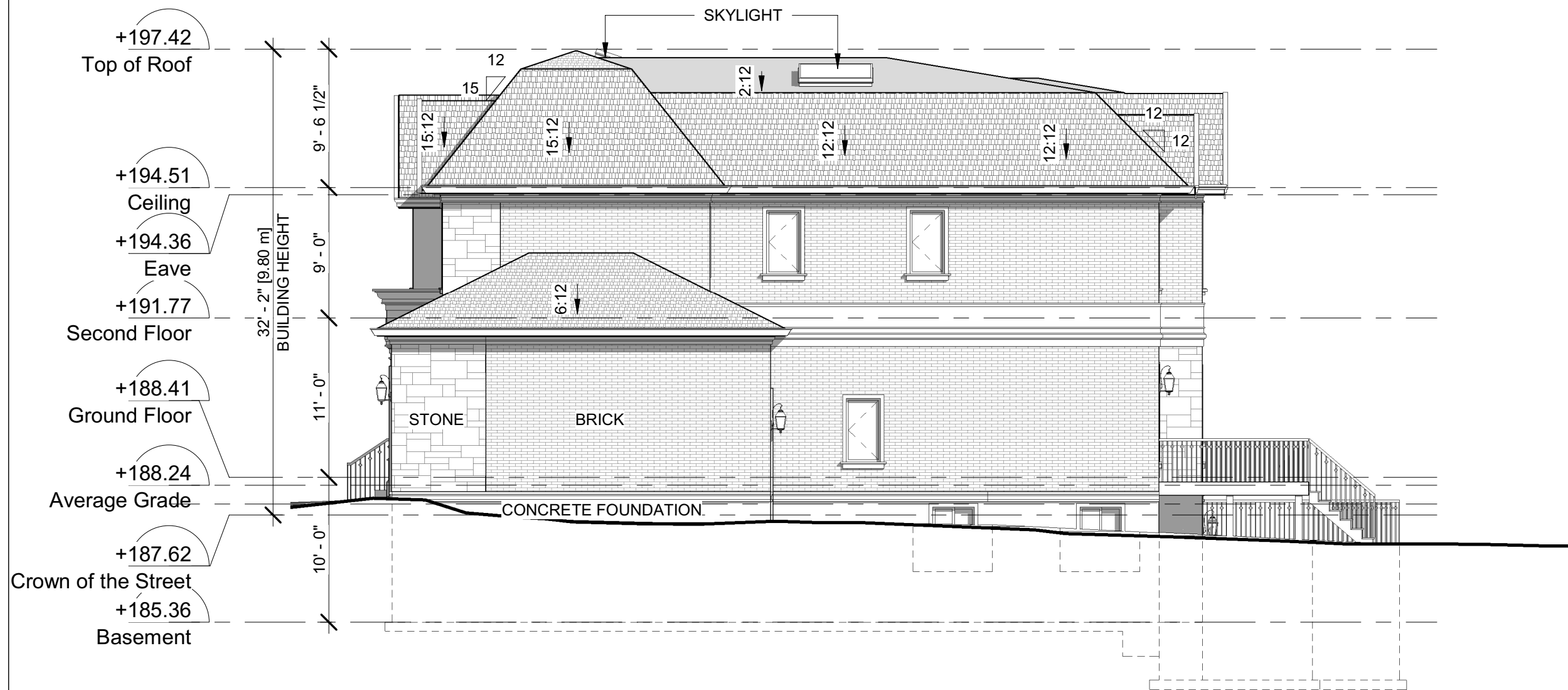
South Elevation

Drawing No. A203

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22
MM/DD/YY



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98 SCARSDALE ROAD
TORONTO, ON M3B 2R7 CANADA
T: 416 800 3284 F: 416 800 3485

28 Hawkrigde Ave

Markham, ON

Project number	T2021030 1 : 100
Drawn	Scale
Checked	Date

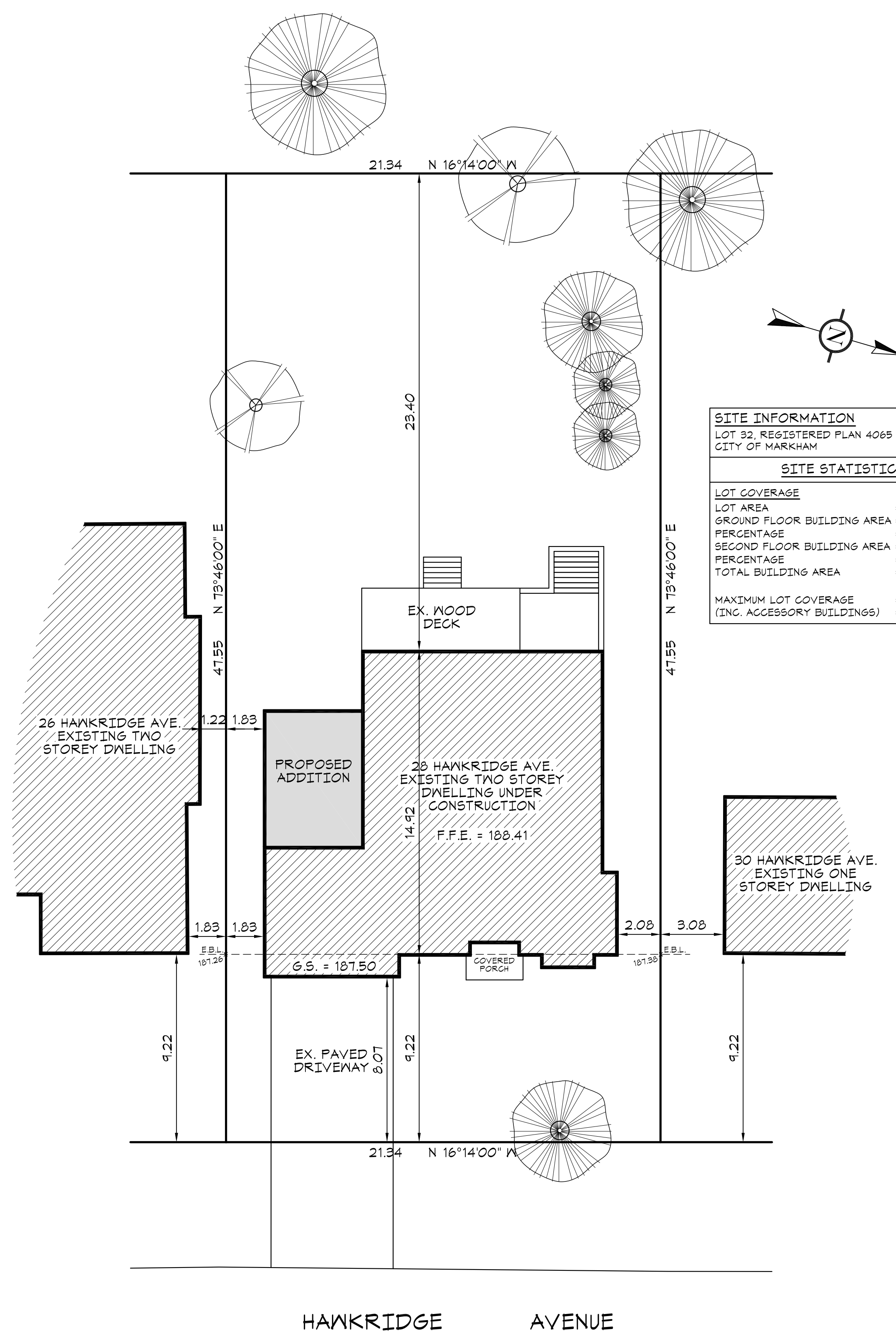
North Elevation

Drawing No. A204

Appendix C

File: 24.199244.000.00.MNV

Date: 1/22/2025
MM/DD/YYYY



SITE INFORMATION	
LOT 32, REGISTERED PLAN 4065 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 1,014.85 sq.m.
GROUND FLOOR BUILDING AREA	= 241.11 sq.m. (2,660 sq.ft.)
PERCENTAGE	= 24.35%
SECOND FLOOR BUILDING AREA	= 142.02 sq.m. (2,067 sq.ft.)
PERCENTAGE	= 18.92 %
TOTAL BUILDING AREA	= 437.55 sq.m. (4,710 sq.ft.)
MAXIMUM LOT COVERAGE	
(INC. ACCESSORY BUILDINGS)	= 251.76 sq.m. (2,710 sq.ft.)
	= 24.80 %

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.

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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

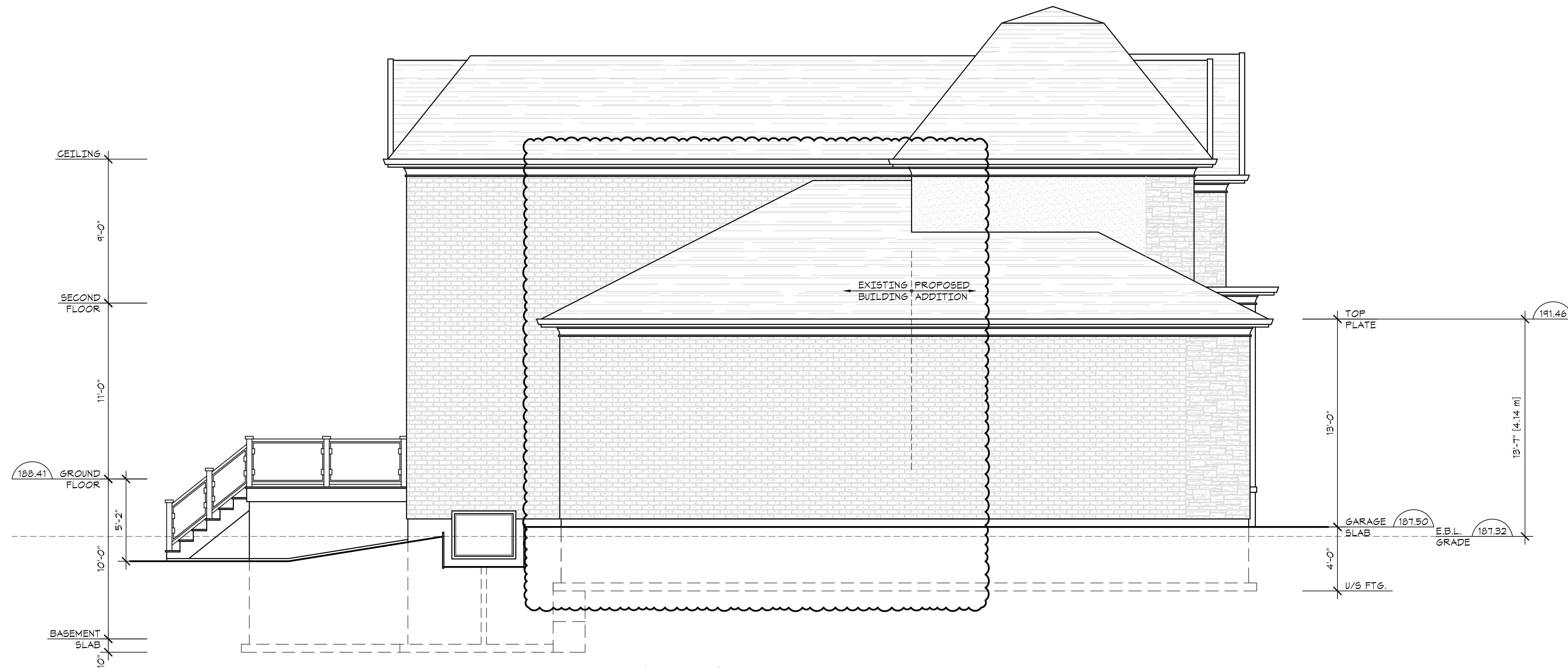
Russ Gregory
NAME SIGNATURE

PROJECT TITLE

PROPOSED GARAGE ADDITION
28 HANKRIDGE AVENUE
CITY OF MARKHAM


GREGORY DESIGNS
48 GEORGE STREET
MARKHAM, ONTARIO L3P 2R7
416-520-0978
shane@gregorydesigngroup.net

SCALE	DATE
1:150	10/28/24
PROJECT NUMBER	SHEET NUMBER
24-58	SP-1
DRAWN BY	CHECKED BY
S.Gregory	R.G.



LEFT (SOUTH) SIDE ELEVATION



REAR (WEST) SIDE ELEVATION

GENERAL NOTES:
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REVISIONS AND DATA	DATE

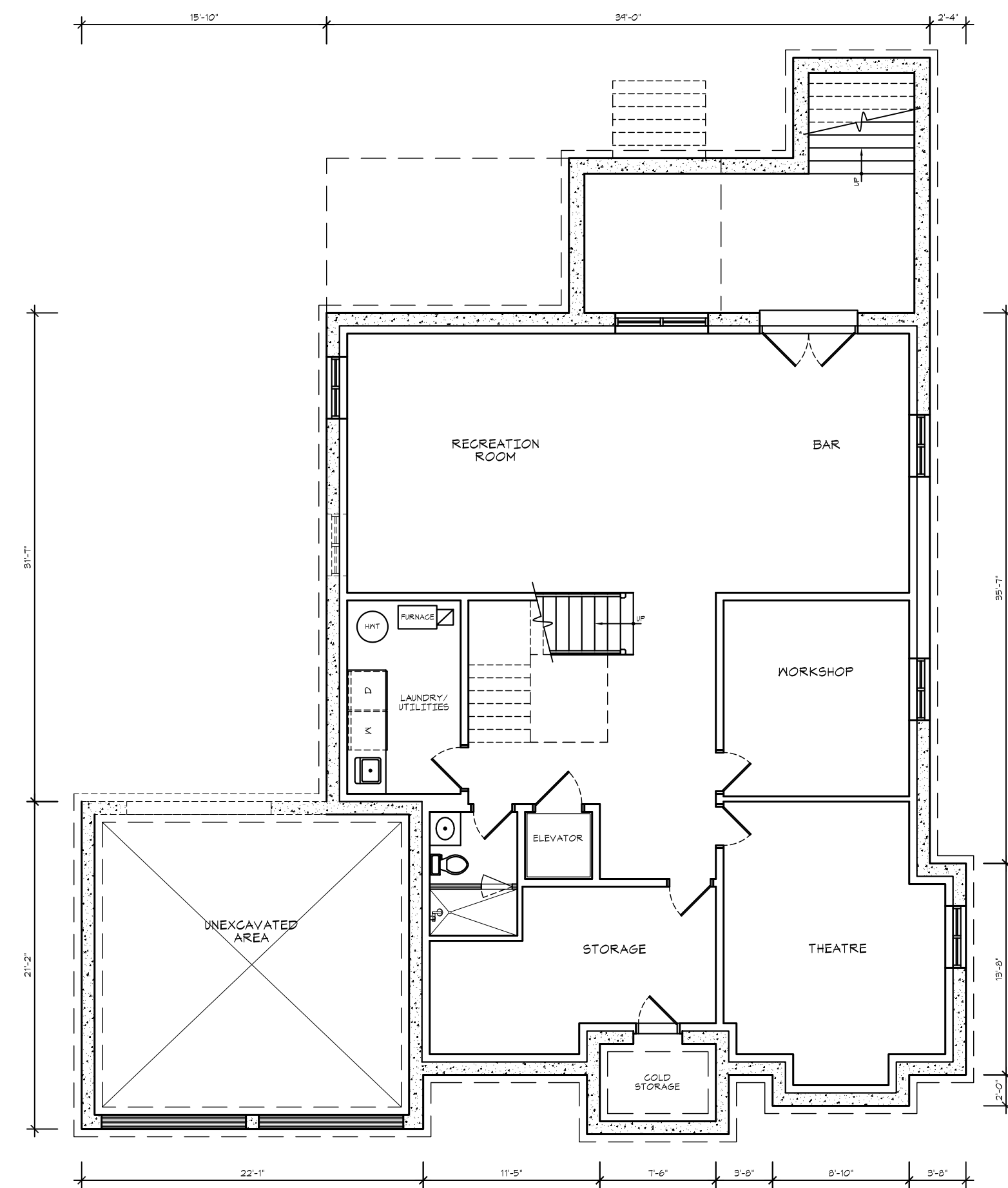
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Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

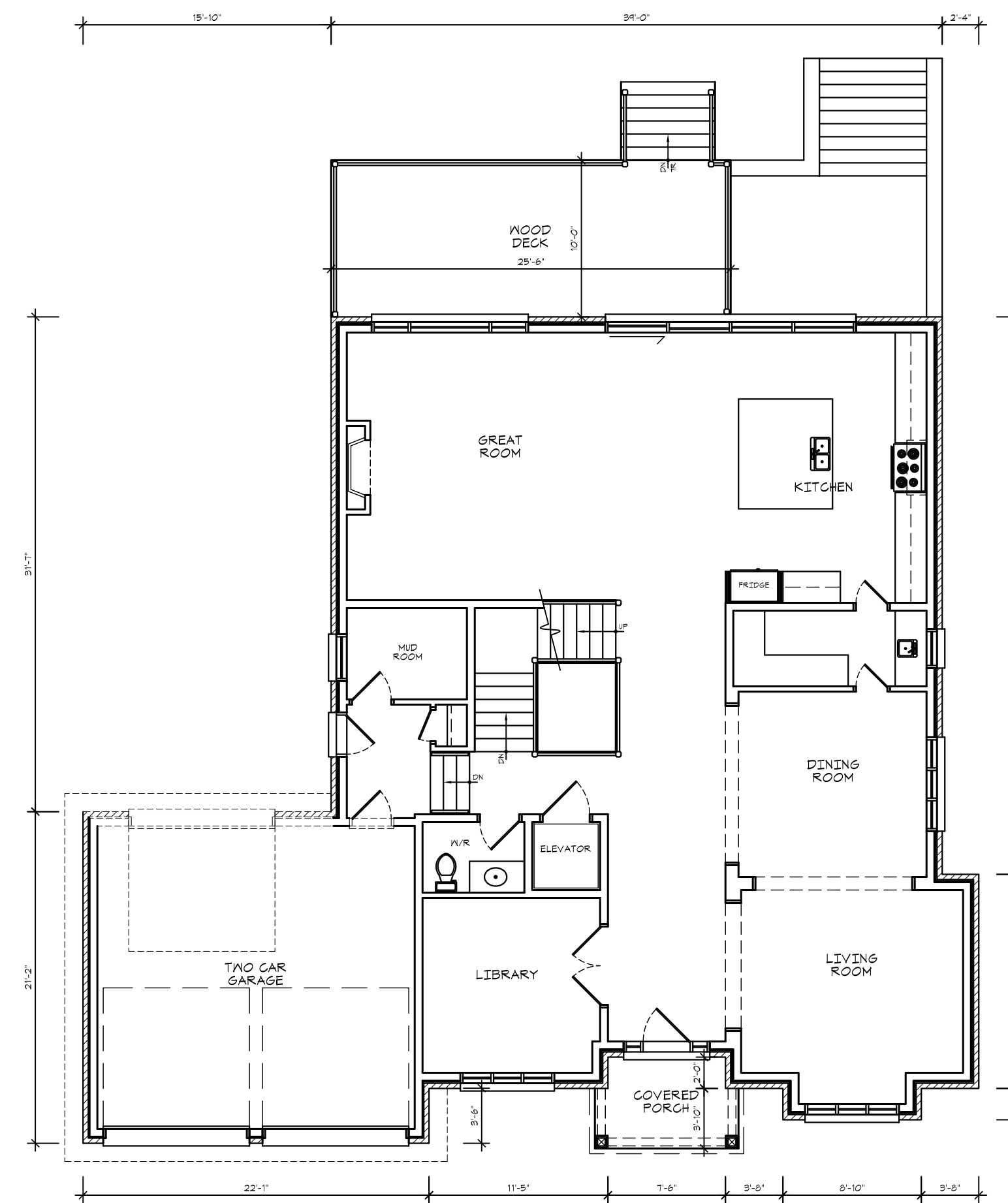
PROJECT TITLE
PROPOSED GARAGE ADDITION
28 HAWKRIDGE AVENUE
CITY OF MARKHAM

GREGORY DESIGNS
 48 GEORGE STREET
 MARKHAM, ONTARIO L3P 2R7
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 10/28/24
PROJECT NUMBER 24-58	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.



BASEMENT & FOUNDATION PLAN
DEMOLITION LAYOUT



GROUND FLOOR PLAN
DEMOLITION LAYOUT
FLOOR AREA = 1,865 sq. ft.
GARAGE AREA = 441 sq. ft.
MAIN FLOOR AREA = 2,302 sq. ft. (214.70 sq. m.)
BUILDING AREA = 2,362 sq. ft. (214.43 sq. m.)
(INC. COVERED PORCHES)

GENERAL NOTES:
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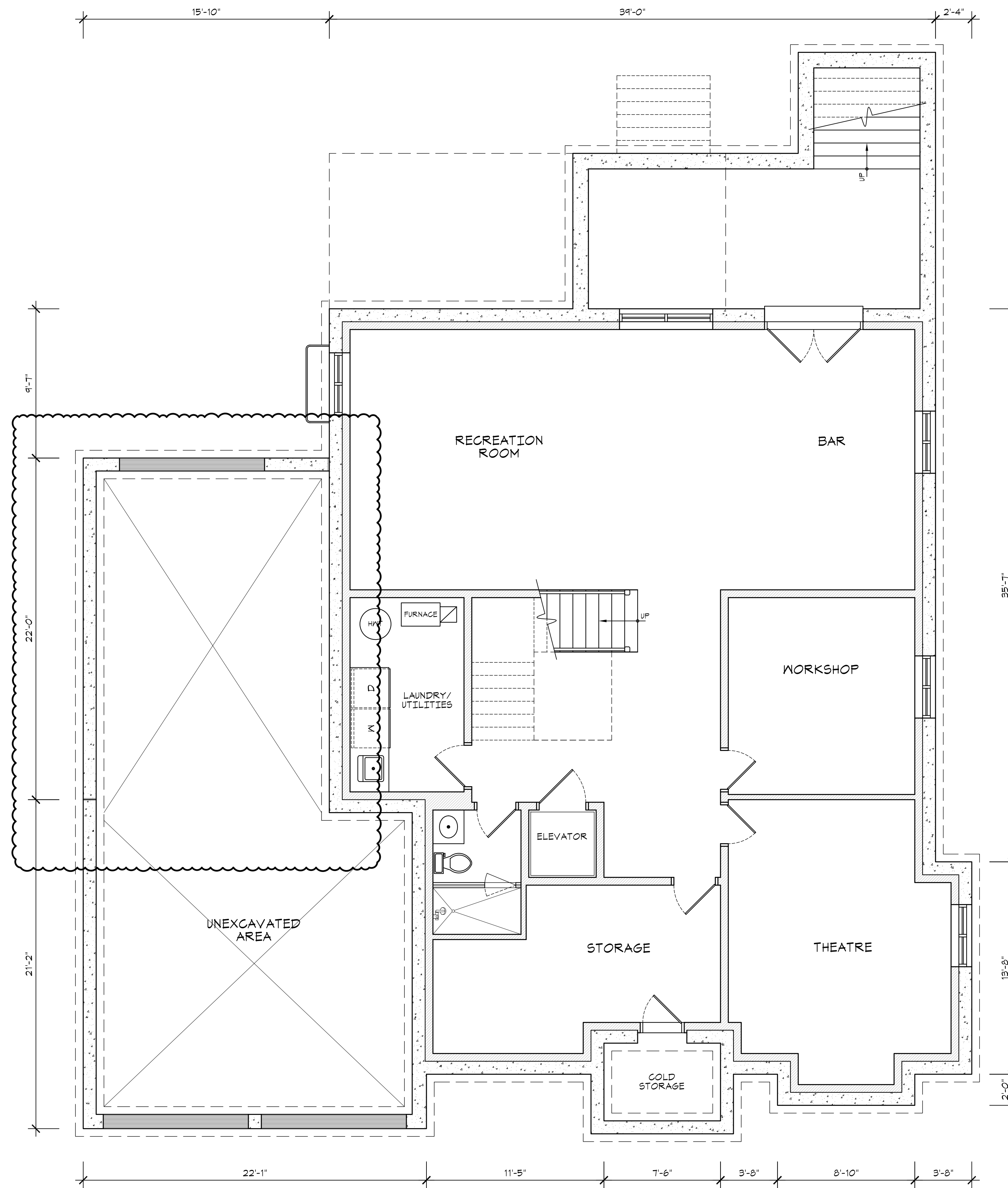
Russ Gregory
NAME SIGNATURE

PROJECT TITLE

PROPOSED GARAGE ADDITION
28 HAWKRIDGE AVENUE
CITY OF MARKHAM


GREGORY DESIGNS
48 GEORGE STREET
MARKHAM, ONTARIO L3P 2R7
416-520-0978
shane@gregorydesigngroup.net

SCALE 1/8"=1'-0"	DATE 10/28/24
PROJECT NUMBER 24-58	SHEET NUMBER A-5
DRAWN BY S.Gregory	
CHECKED BY R.G.	



BASEMENT & FOUNDATION PLAN
 PROPOSED LAYOUT - EXISTING WALLS

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
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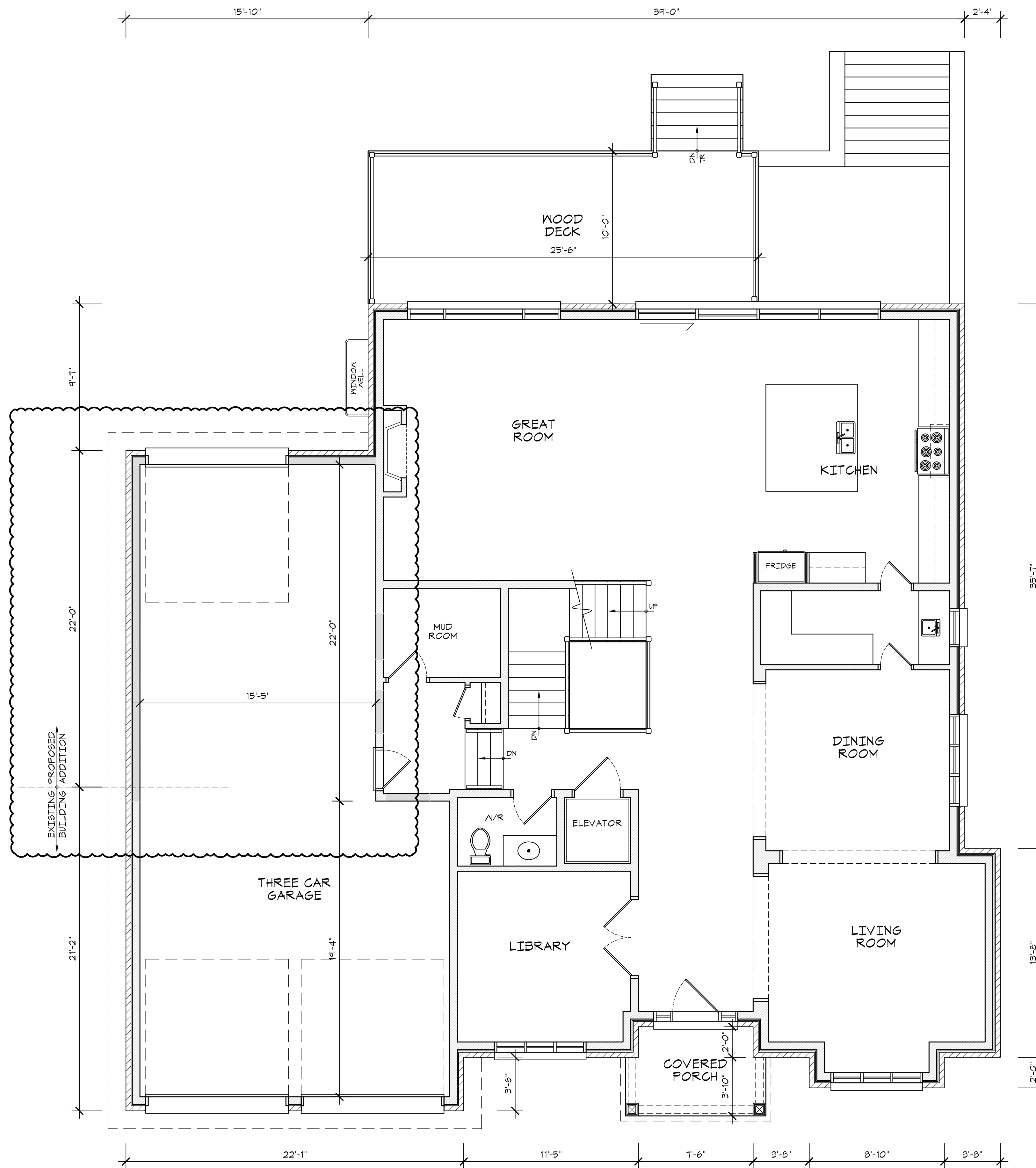
Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
PROPOSED GARAGE ADDITION
28 HAWKCRIDGE AVENUE
CITY OF MARKHAM



GREGORY DESIGNS
 48 GEORGE STREET
 MARKHAM, ONTARIO L3P 2R7
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 10/28/24
PROJECT NUMBER 24-58	SHEET NUMBER A-1
DRAWN BY S.Gregory	A-1
CHECKED BY R.G.	



GROUND FLOOR PLAN

PROPOSED LAYOUT FLOOR AREA	= 1,865 sq.ft.	▨ - EXISTING WALLS
GARAGE AREA	= 447 sq.ft.	▨ - NEW WALLS
PROPOSED ADDITION	= 348 sq.ft.	
TOTAL GARAGE AREA	= 778 sq.ft.	
MAIN FLOOR AREA	= 2,660 sq.ft. (247.11 sq.m.)	
BUILDING AREA (INC. COVERED PORCHES)	= 2,710 sq.ft. (251.76 sq.m.)	

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.
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 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

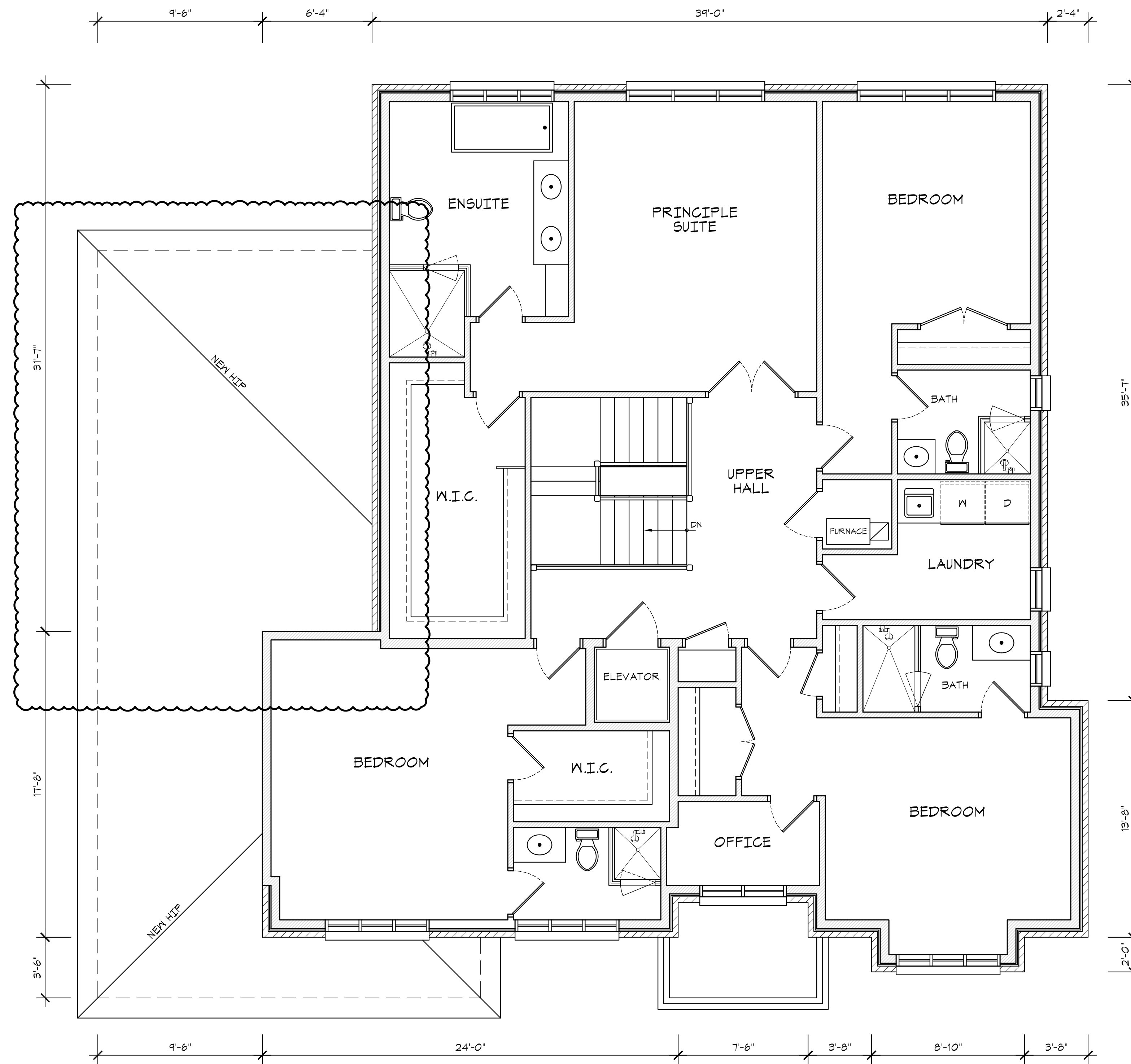
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506
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PROJECT NUMBER 24-58	SHEET NUMBER A-2
DRAWN BY S.Gregory	
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SECOND FLOOR PLAN - EXISTING WALLS
 PROPOSED LAYOUT
 FLOOR AREA = 2,067 sq.ft. (192.02 sq.m.)

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PROJECT NUMBER 24-58	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.