

# Memorandum to the City of Markham Committee of Adjustment

June 15, 2021

**File:** A/064/21  
**Address:** 18 Barclay Court, Thornhill  
**Applicant:** HCA Architecture (Harry Christakis)  
**Hearing Date:** Wednesday, June 23, 2021

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 1767, as amended:

**a) By-law 100-90, Section 1.2 (vi):**

to permit a maximum floor area ratio of 51.3 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

as it relates to a proposed addition.

## **BACKGROUND**

### **Property Description**

The 696.96 m<sup>2</sup> (7502 ft<sup>2</sup>) subject property is located on the north side of Barclay Court, north of Steeles Avenue East and east of Bayview Avenue. There is an existing 340.12 m<sup>2</sup> single detached dwelling on the property, which according to assessment records was constructed in 1980. The property is located in an established neighbourhood comprised of two-storey detached dwellings.

### **Proposal**

The applicant is proposing to construct a new 18.06 m<sup>2</sup> two-storey rear yard addition to the existing single detached dwelling.

### **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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

### Zoning By-Law 1767

The subject property is zoned Residential Third Density (R3) in By-law 1767, as amended, which permits single detached dwellings.

### Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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, 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.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through their permit process to confirm the variance 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.

### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 51.3 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 357.86 m<sup>2</sup> (3,852 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 348.48 m<sup>2</sup> (3,751 ft<sup>2</sup>). This represents an increase of approximately 9.38 m<sup>2</sup> (101 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are of the opinion the proposed floor area ratio is minor in nature and have no concerns with the requested variance.

### **EXTERNAL AGENCIES**

#### Metrolinx

The subject property is located within 300 metres of the Metrolinx Bala Subdivision. Metrolinx provided comments on June 16, 2021 noting that they have no concerns with the proposed Minor Variance application subject to the conditions outlined in their letter attached as Appendix C.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 15, 2021. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

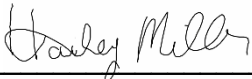
**CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. 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:



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Hailey Miller, Planner I, West District

REVIEWED BY:



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Stephen Kitagawa, Acting Development Manager, West District

File Path: Amanda\File\ 21 120701 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/21**

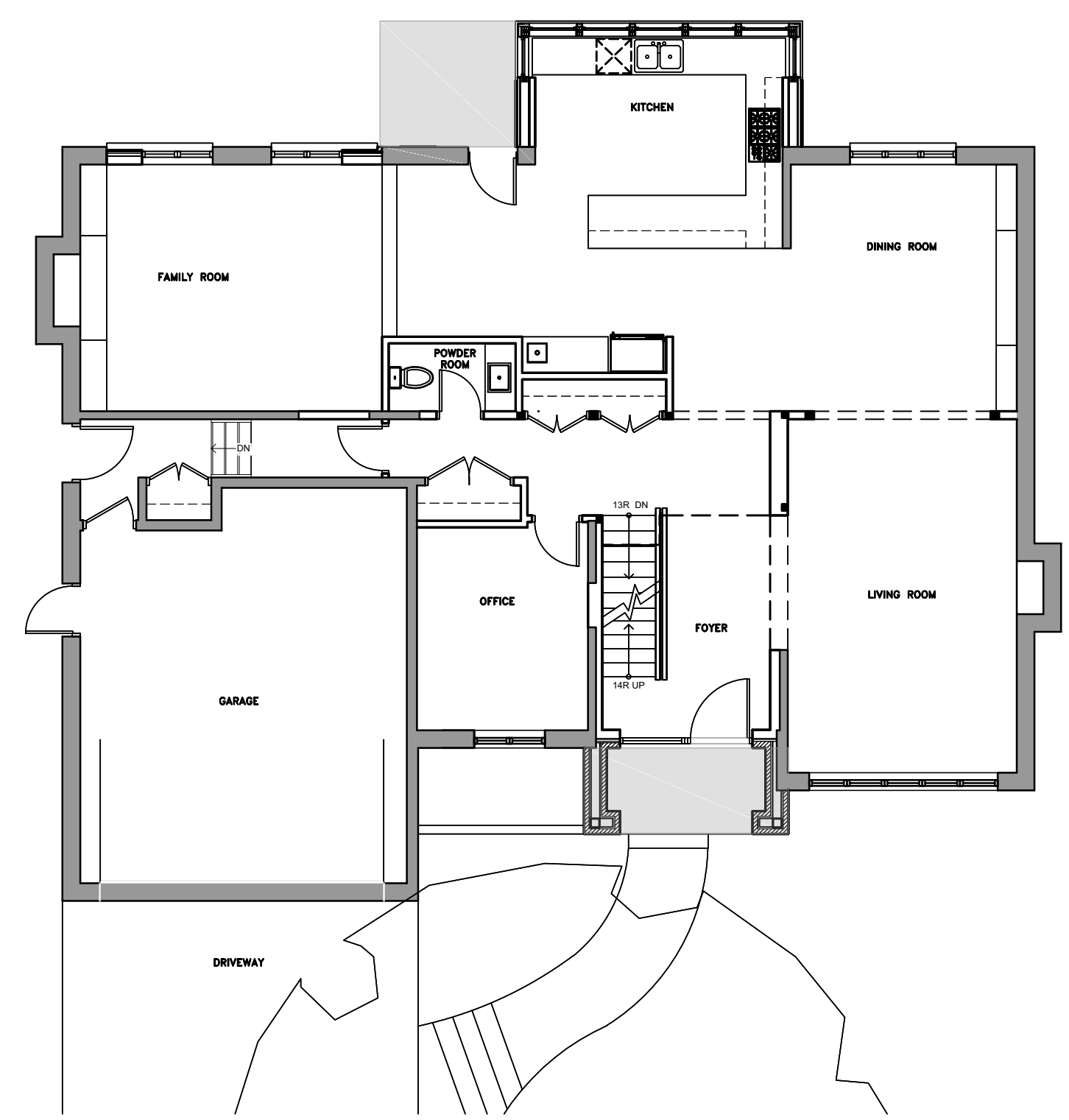
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That the applicant satisfies the requirements of *Metrolinx*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of *Metrolinx*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Metrolinx*.

CONDITIONS PREPARED BY:

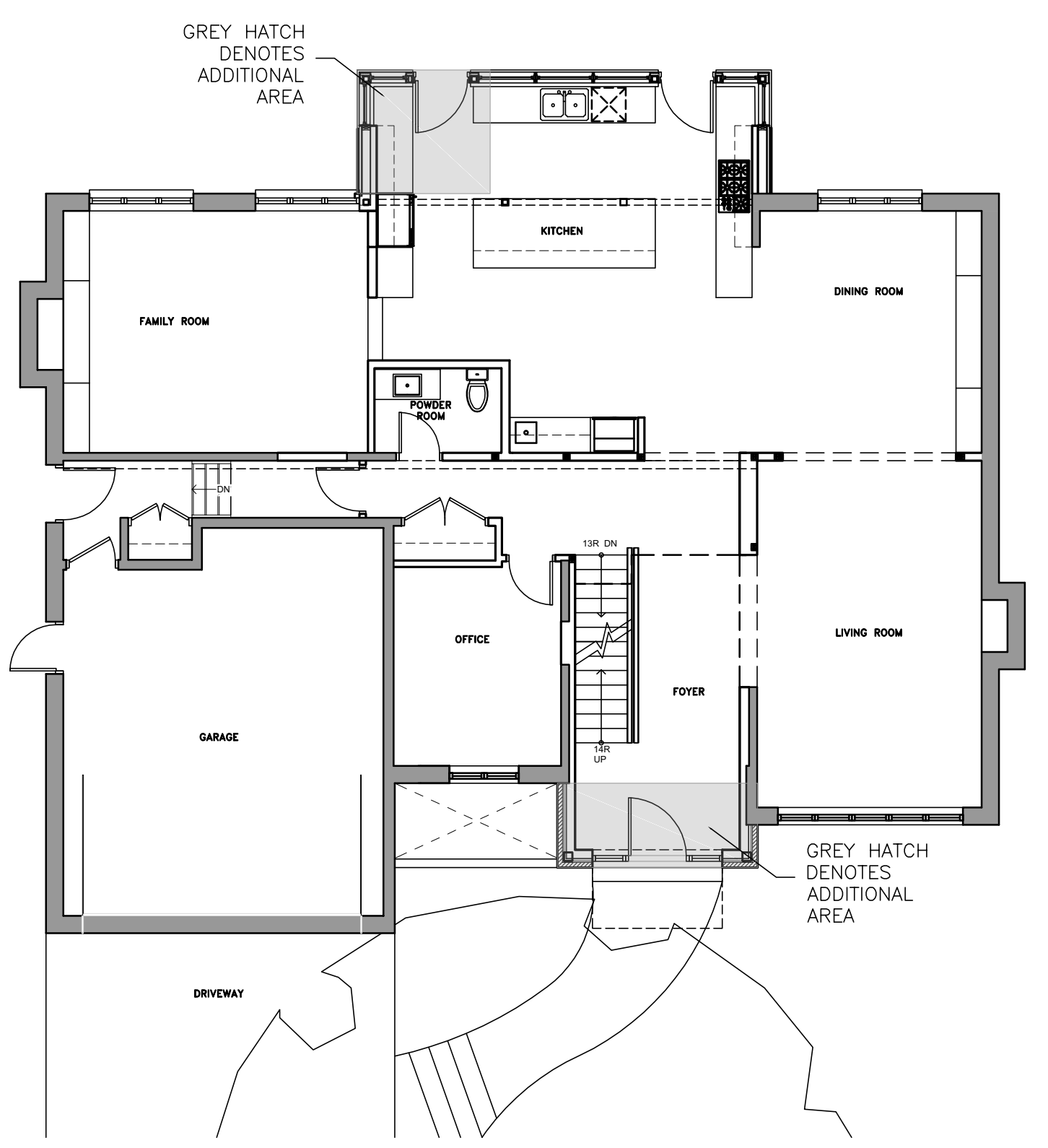


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Hailey Miller, Planner I, West District



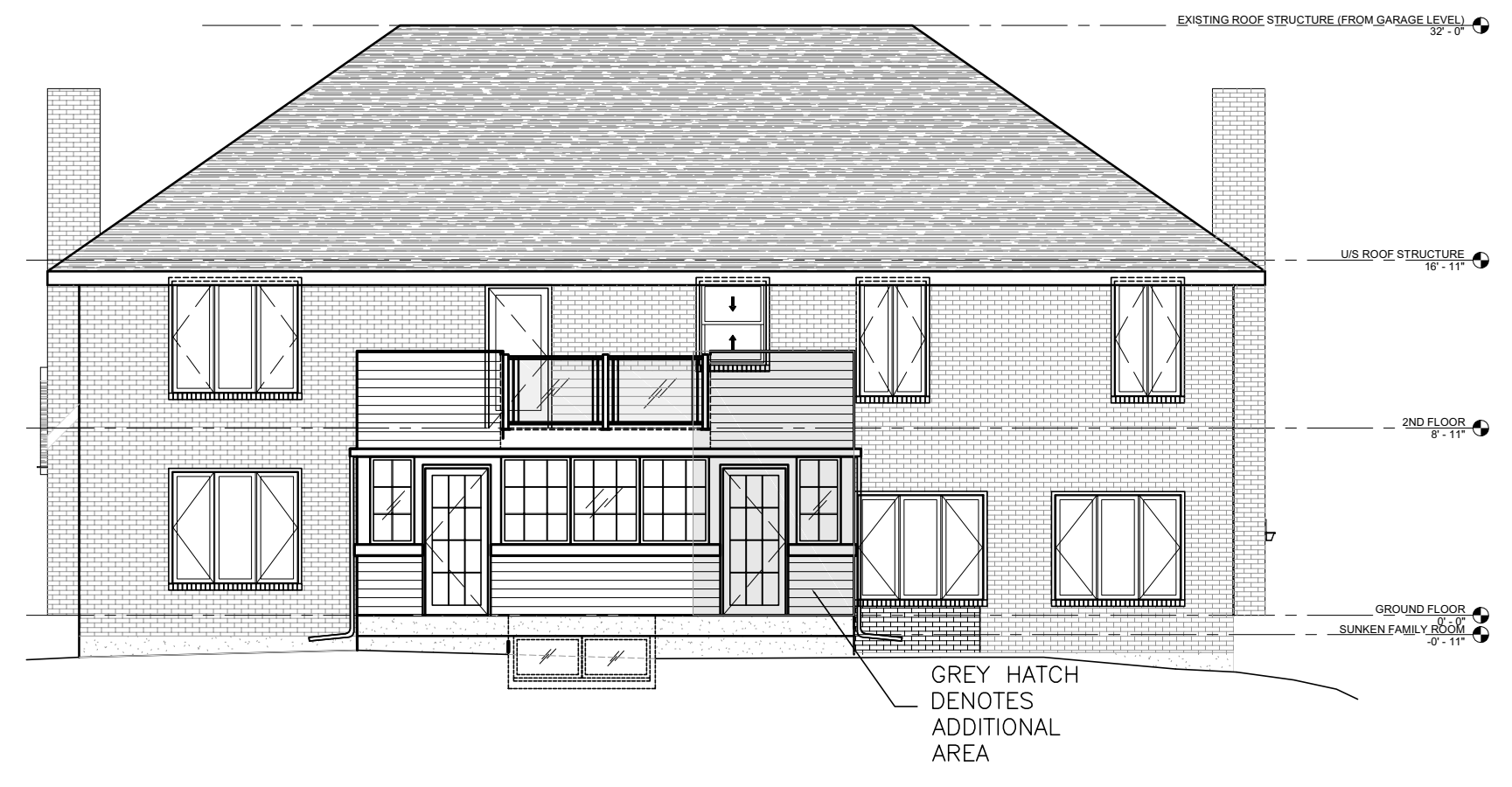
01 EXISTING PLAN - 1ST FLOOR  
 1/8" = 1'-0"



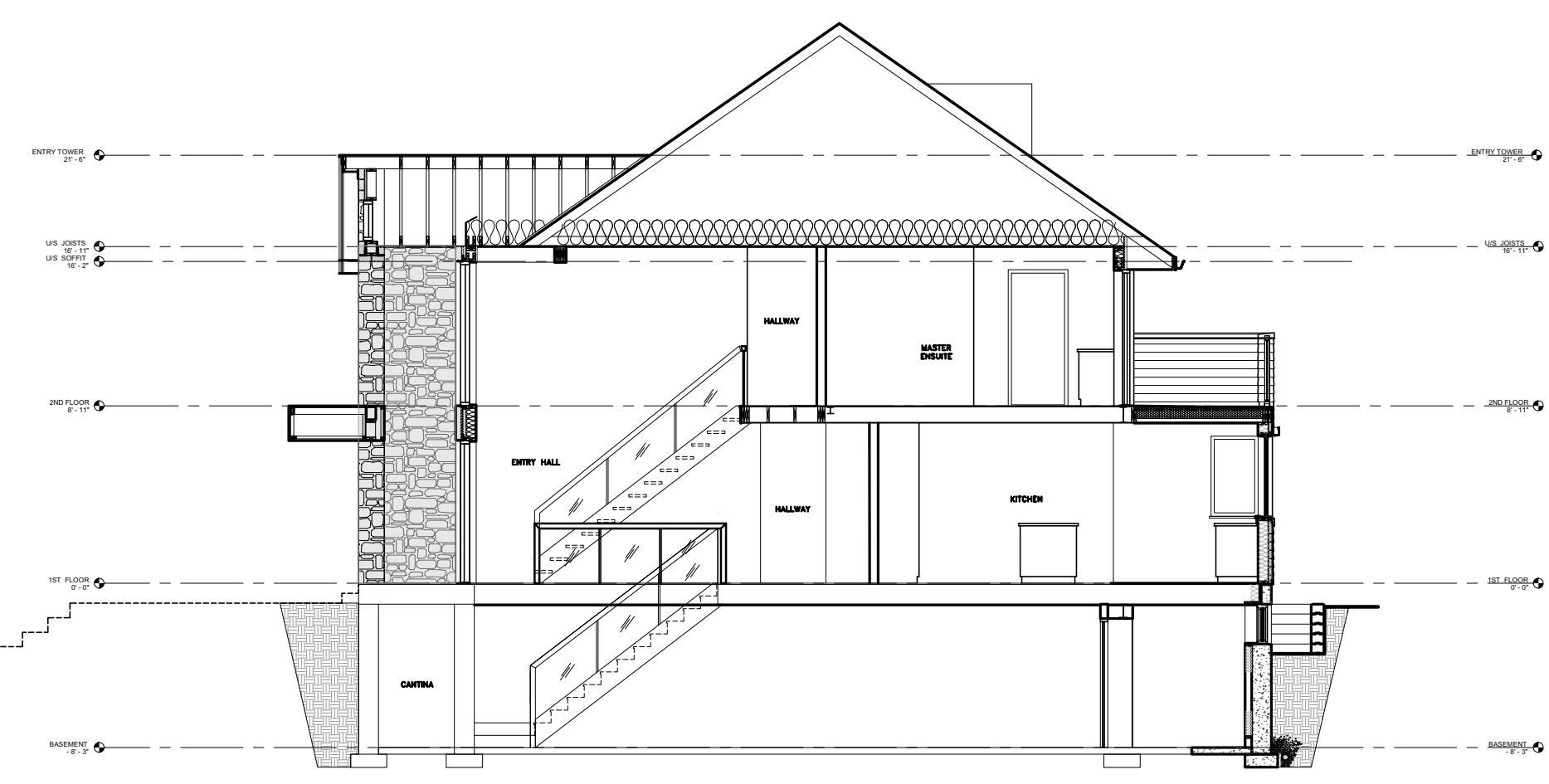
02 PROPOSED PLAN - 1ST FLOOR  
 1/8" = 1'-0"



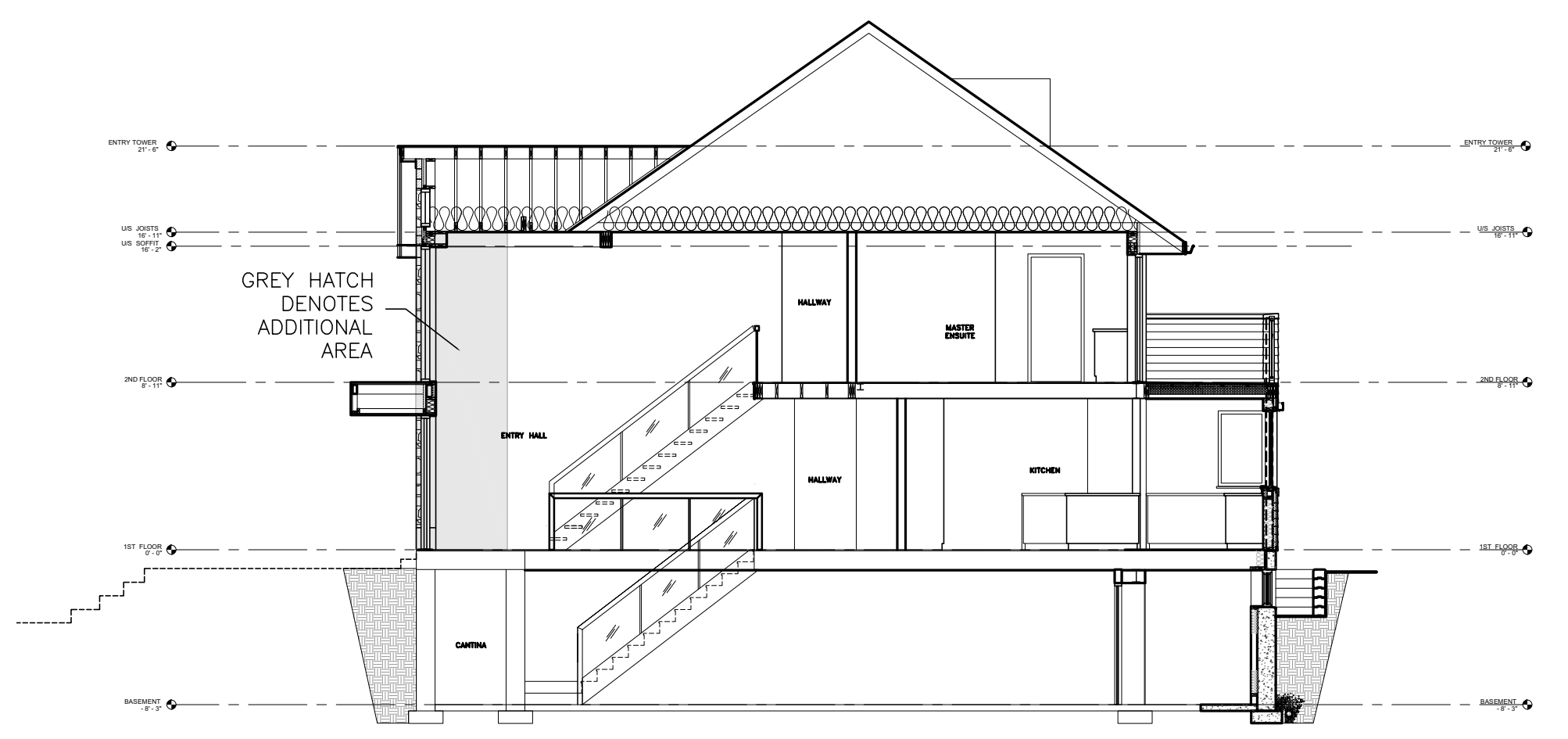
03 EXISTING NORTH ELEVATION  
 1/8" = 1'-0"



04 PROPOSED NORTH ELEVATION  
 1/8" = 1'-0"



05 EXISTING NORTH-SOUTH SECTION  
 1/8" = 1'-0"



06 PROPOSED NORTH-SOUTH SECTION  
 1/8" = 1'-0"

**HCA ARCHITECTURE**  
 incorporated architects

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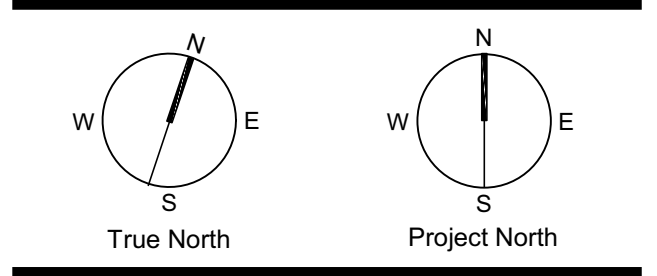
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revision / issue:  
 01 For Committee of Adjustment May 07, 2021



18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

Interior Renovation

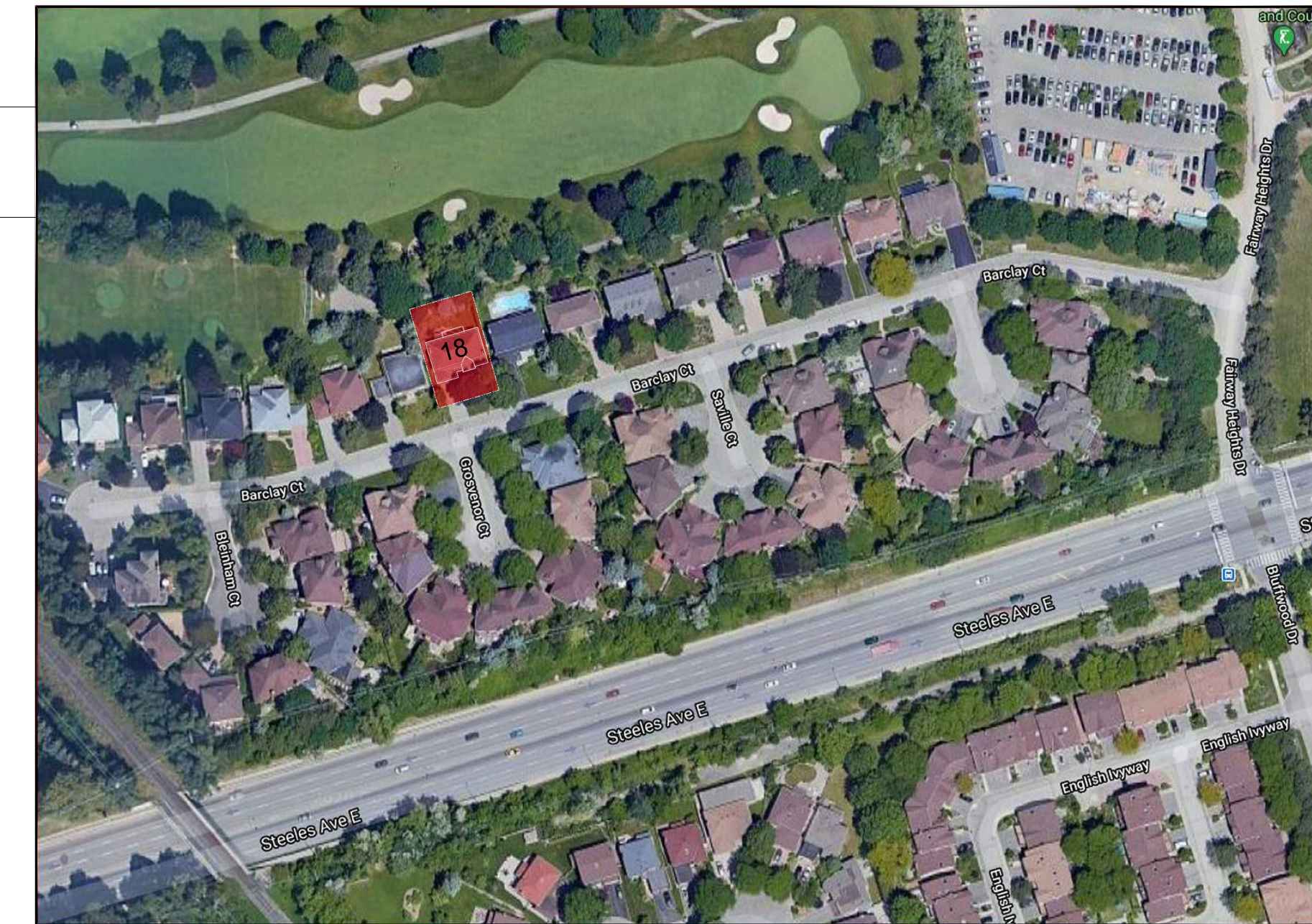
**GFA MINOR VARIANCE  
 EXISTING & PROPOSED  
 DIAGRAM**

date: DEC. 23 2020 project no: 20109  
 scale: N/A drawn by: N.M.

**A-004** rev. 01

PLOT DATE: Friday, May 07, 2021

LOCATION KEY PLAN



ARCHITECTURE  
incorporated architects

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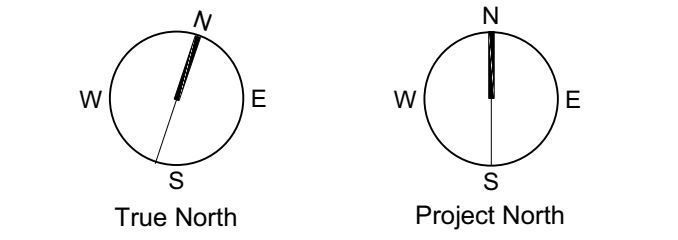
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email: matthews@martinohvac.com

revision / issue:

01 For Permit	Dec. 23, 2020
02 For City Tree Preservation Review	Jan. 13, 2020
03 For City Tree Preservation Review	Jan. 19, 2020
04 For Revision to Permit	Apr. 07, 2021
05 For Committee of Adjustment	May 07, 2021



18 Barclay Ct, Thornhill  
Ontario Canada L3T 5T3

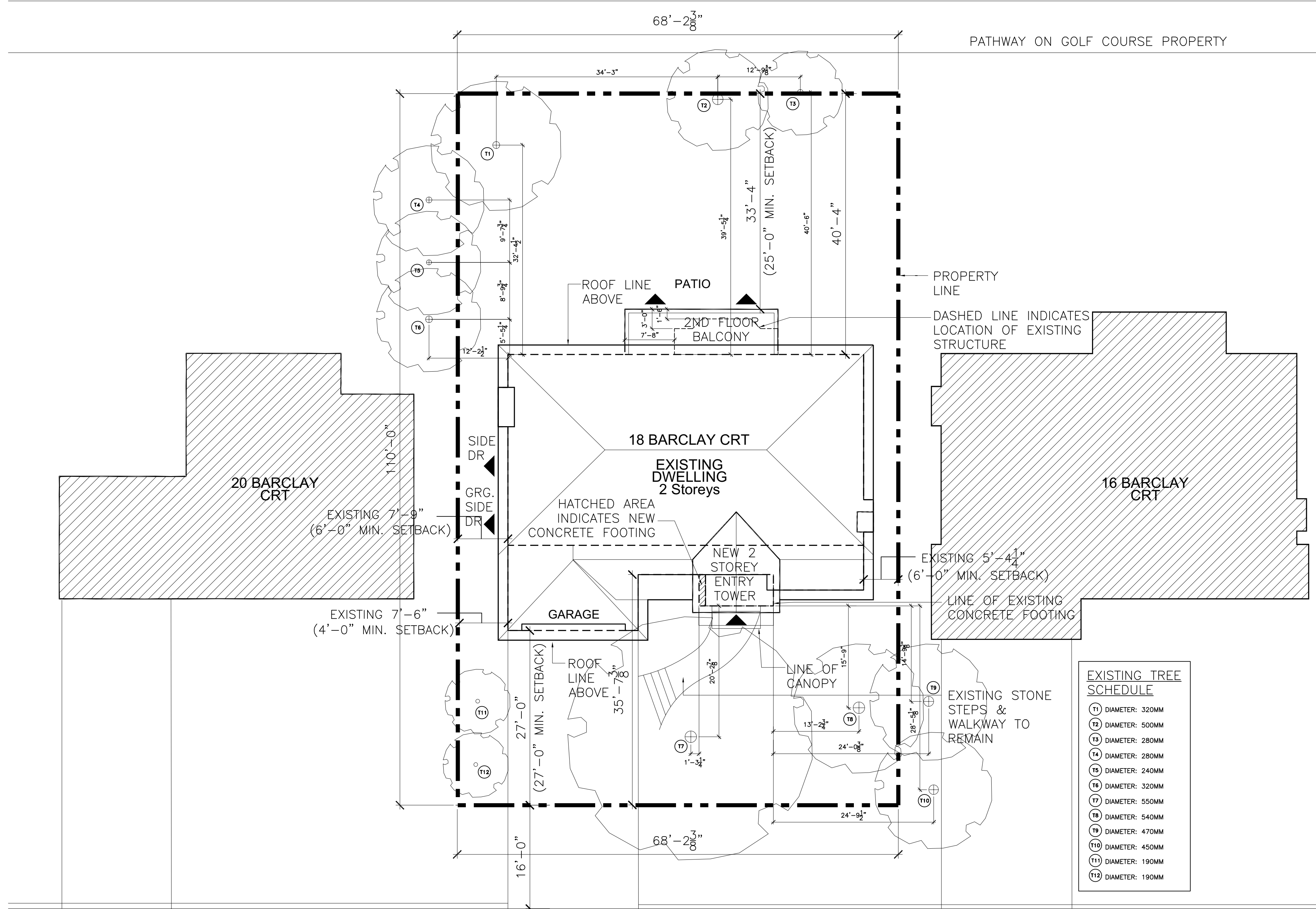
Interior Renovation

SITE PLAN

date: DEC. 23 2020 project no: 20109  
scale: 1" = 10'-0" drawn by: N.M.

A-100 rev. 05

BAYVIEW GOLF & COUNTRY CLUB



EXISTING TREE SCHEDULE

(T1)	DIAMETER: 320MM
(T2)	DIAMETER: 500MM
(T3)	DIAMETER: 280MM
(T4)	DIAMETER: 280MM
(T5)	DIAMETER: 240MM
(T6)	DIAMETER: 320MM
(T7)	DIAMETER: 550MM
(T8)	DIAMETER: 540MM
(T9)	DIAMETER: 470MM
(T10)	DIAMETER: 450MM
(T11)	DIAMETER: 190MM
(T12)	DIAMETER: 190MM

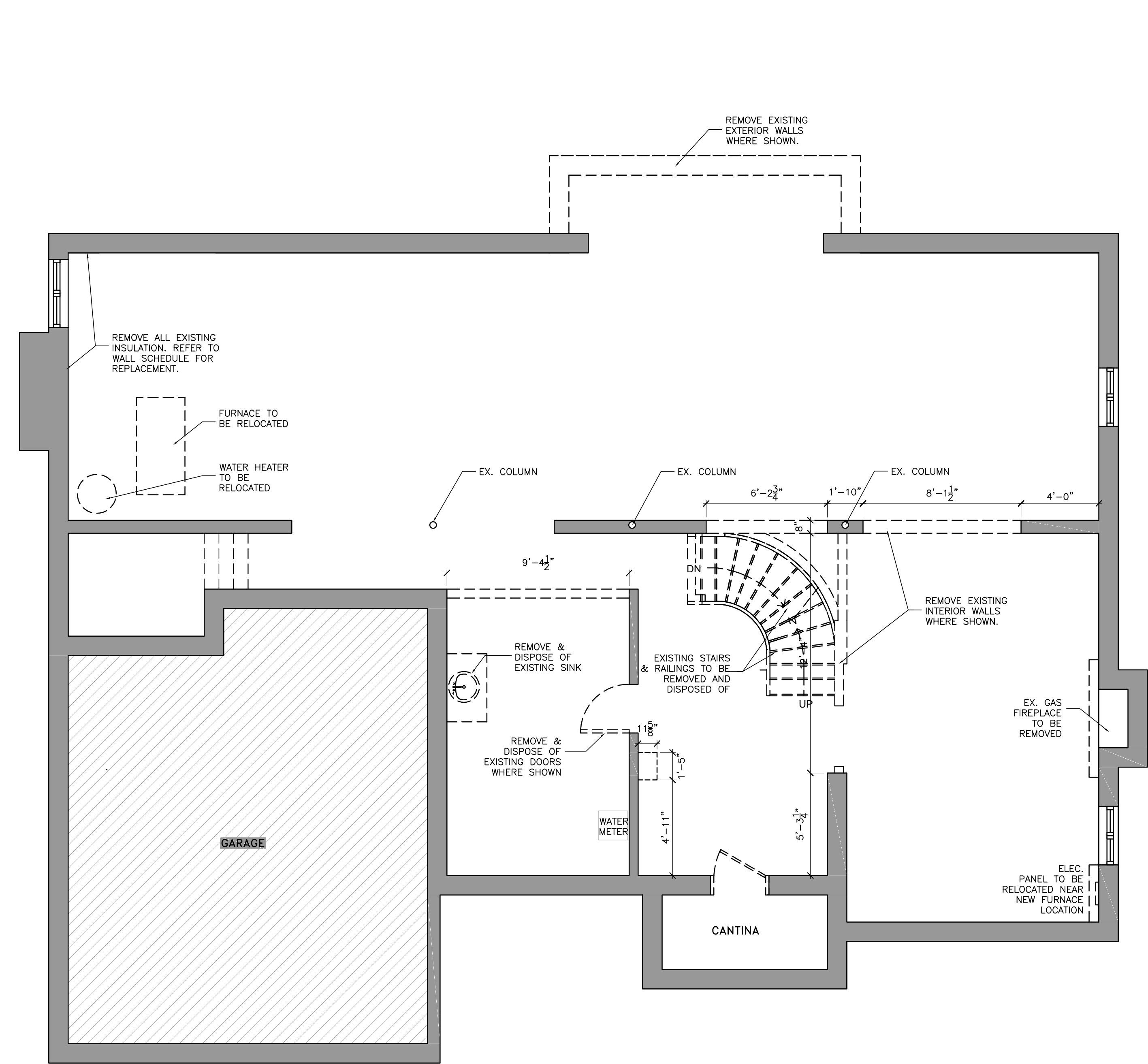
Name of Practice: <b>HCA Architecture</b> 100 Sheppard Ave. West Suite 100, Toronto, Ontario		Building Code Reference References are to Division B unless noted [A] for Division A or [C] for Division C.	
Name of Project: <b>Single Family Detached Residence</b>		Part 3 Part 9	
Location: <b>18 Barclay Ct, Thornhill Ontario, Canada L3T 5T3</b>		1.1.2, [A] 1.1.2, [A] & 9.10.1.3	
Item	Ontario Building Code Data Matrix Parts 3 or 9	Building Code Reference	
1	Project Description: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration	11.1 to 11.4 1.1.2, [A] 1.1.2, [A] & 9.10.1.3	Part 3 Part 9
2	Major Occupancy(s) <b>Group-C: Single Family Detached Residence</b>	3.1.2.1.(1)	9.10.2 ✓
3	Building Area (m²) Existing <b>200.59</b> New <b>13.20</b> Total <b>213.79</b>	1.4.1.2. [A]	1.4.1.2. [A] ✓
4	Gross Area Existing <b>340.12</b> New <b>18.06</b> Total <b>358.18</b>	1.4.1.2. [A]	1.4.1.2. [A] ✓
5	Number of Storeys Above grade <b>2</b> Below grade <b>1</b>	1.4.1.2. [A] & 3.2.1.1.	1.4.1.2. [A] & 9.10.4 ✓
6	Number of Streets/Fire Fighter Access <b>1</b>	3.2.2.10. & 3.2.5.	9.10.20 ✓
7	Building Classification <b>Group C Single Family Detached</b>	3.2.2.20.-83	9.10.2 ✓
8	Sprinkler System Proposed <input type="checkbox"/> entire building <input type="checkbox"/> selected compartments <input type="checkbox"/> selected floor areas <input type="checkbox"/> basement <input type="checkbox"/> in lieu of roof rating <input checked="" type="checkbox"/> not required	3.2.2.20.-83 3.2.1.5. 3.2.2.17. INDEX	9.10.8.2. 9.10.2 ✓ INDEX
9	Standpipe required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.9.	N/A
10	Fire Alarm required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.4.	9.10.18 ✓
11	Water Service/Supply is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7.	N/A
12	High Building <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.6.	N/A
13	Construction Restrictions <input type="checkbox"/> Combustible permitted <input type="checkbox"/> Non-combustible required <input checked="" type="checkbox"/> Both	3.2.2.20.-83	9.10.6.
14	Mezzanine(s) Area m² <input type="checkbox"/> m²/person <input checked="" type="checkbox"/> design of building	3.2.1.1.(3)-(8)	9.10.4.1.
15	Occupant load based on Basement: Occupancy _____ Load _____ persons 1 <sup>st</sup> Floor: Occupancy _____ Load _____ persons 2 <sup>nd</sup> Floor: Occupancy <b>4 bedrooms</b> Load <b>8</b> persons 3 <sup>rd</sup> Floor: Occupancy _____ Load _____ persons (Additional floor areas continued on last page)	3.1.17.	9.9.1.3 ✓
16	Barrier-free Design <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain) <b>Single Family Home</b>	3.8.	9.5.2 ✓
17	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2. & 3.3.1.19.	9.10.1.3(4)

Building Code Data Matrix, Parts 3 or 9  
© Ontario Association of Architects

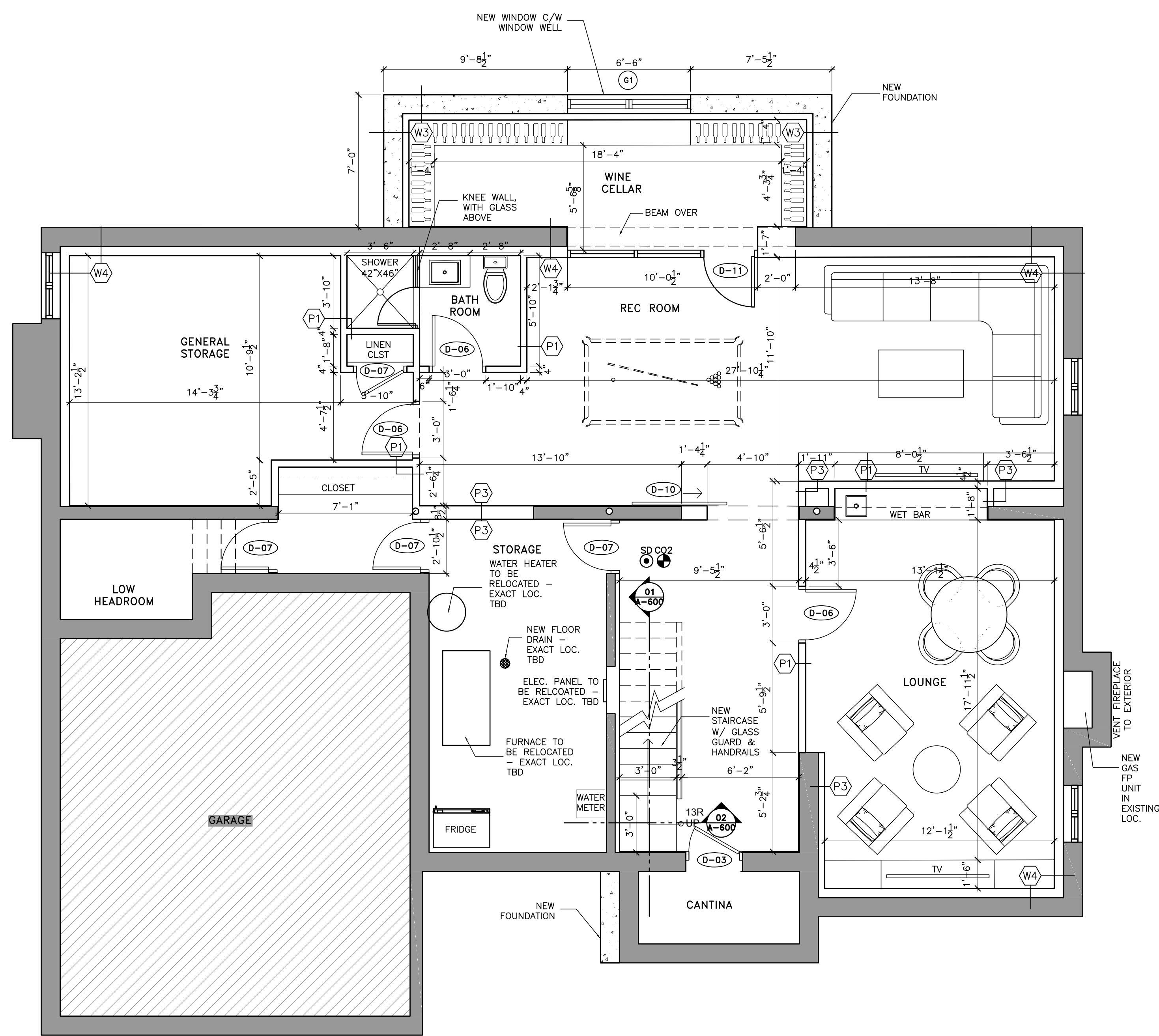
ZONING: BY-LAW 1767  
R3 ZONE: RESIDENTIAL  
FRONT YARD SET BACK..... 27-Ft  
REAR YARD SET BACK..... 25-Ft  
SIDE YARD SET BACK..... 6-Ft  
SIDE YARD SET BACK 1STORY..... 4-Ft  
MAX BUILDING HEIGHT..... 9.8M  
MAX LOT COVERAGE..... 33.3%  
MAX FLOOR AREA RATIO ..... 50%  
OF NET LOT AREA

SITE STATISTICS: 18 BARCLAY CRT THORNHILL ONTARIO  
SITE AREA..... 7,502 Sq F ( 696.96 Sq M)  
BASEMENT (N/I) ..... 1,878.05 Sq F ( 174.47 Sq M)  
GROUND FLOOR AREA..... 1,878.05 Sq F ( 174.47 Sq M)  
AREA OF GARAGE..... 423.15 Sq F ( 39.31 Sq M)  
SECOND FLOOR AREA..... 1,554.19 Sq F ( 144.39 Sq M)  
TOTAL GFA..... 3,855.39 Sq F ( 358.17 Sq M)  
BUILDING HEIGHT..... 32'-0" ( 9.75M)  
LOT COVERAGE..... 30.6%  
FLOOR AREA RATIO..... 51.3%

01 SITE PLAN  
1" = 10'-0"



01 DEMO PLAN - BASEMENT  
 1/4" = 1'-0"



02 CONSTRUCTION PLAN - BASEMENT  
 1/4" = 1'-0"

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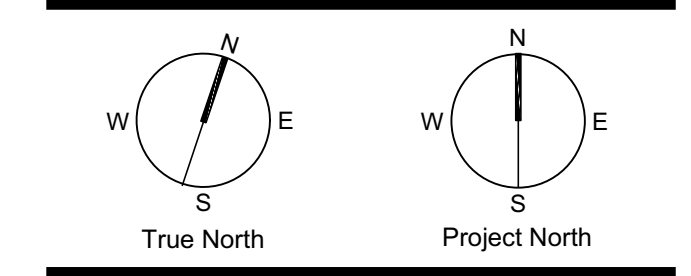
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**revision / issue:**

01 For Permit	Dec. 23, 2020
02 For City Comments	Feb. 3, 2021
03 For Revision to Permit	Apr. 07, 2021
04 For Committee of Adjustment	May 07, 2021



18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

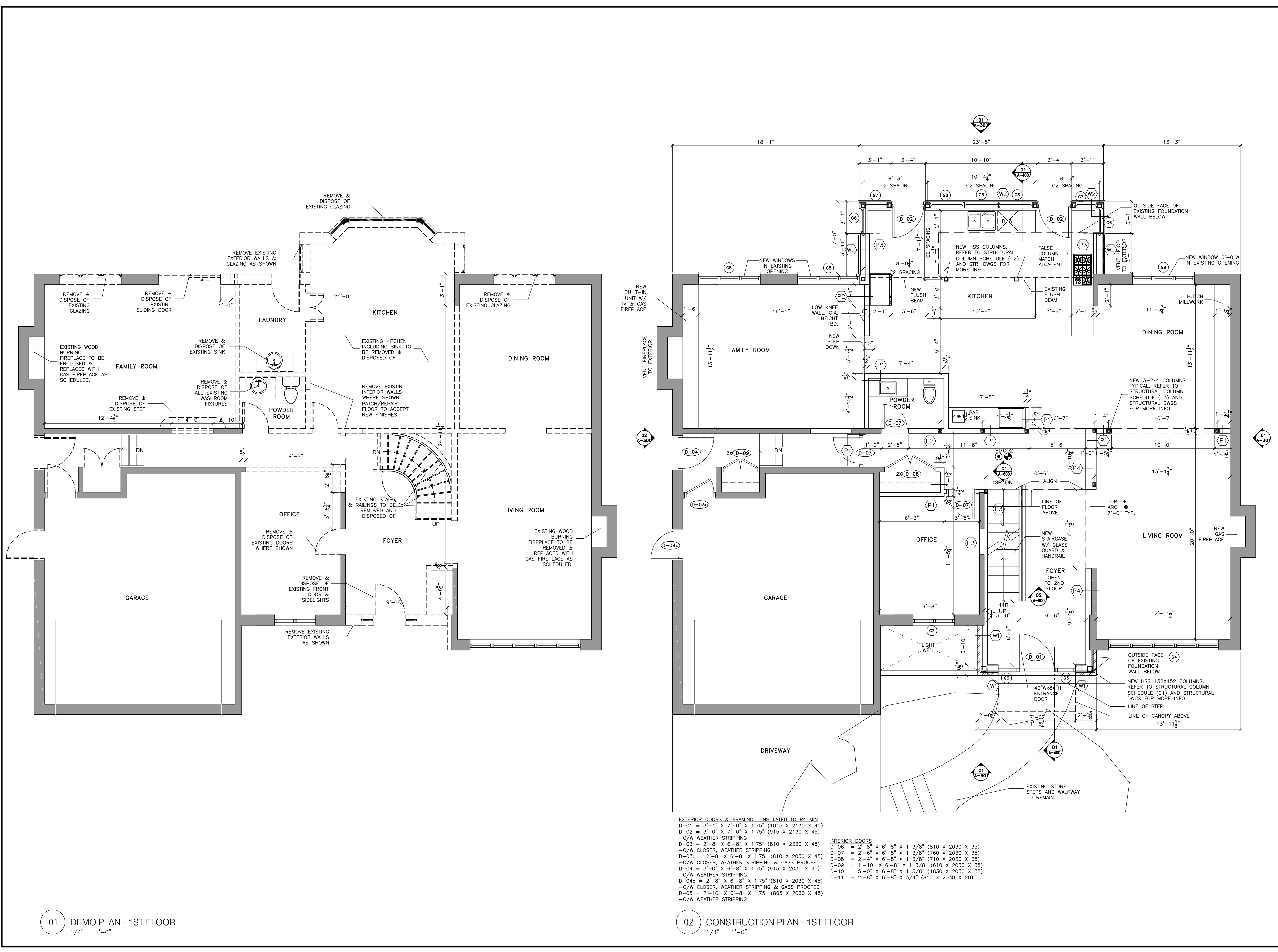
Interior Renovation

**BASEMENT FLOOR PLAN  
 DEMO & CONSTRUCTION**

date: DEC. 23 2020 project no: 20109  
 scale: 1/4" = 1'-0" drawn by: N.M.

**A-200** rev. 04

PLOT DATE: Friday, May 07, 2021



- EXTERIOR DOORS & FRAMING: INSULATED TO R4 MIN**  
 D-01 = 3'-4" x 7'-0" x 1.75" (1015 X 2130 X 45)  
 D-02 = 3'-0" x 7'-0" x 1.75" (915 X 2130 X 45)  
 -C/W WEATHER STRIPPING  
 D-03 = 2'-8" x 6'-8" x 1.75" (810 X 2330 X 45)  
 -C/W CLOSER, WEATHER STRIPPING  
 D-03a = 2'-8" x 6'-8" x 1.75" (810 X 2030 X 45)  
 -C/W CLOSER, WEATHER STRIPPING & GASS PROOFED  
 D-04 = 3'-0" x 6'-8" x 1.75" (915 X 2030 X 45)  
 -C/W WEATHER STRIPPING  
 D-04a = 2'-8" x 6'-8" x 1.75" (810 X 2030 X 45)  
 -C/W CLOSER, WEATHER STRIPPING & GASS PROOFED  
 D-05 = 2'-10" x 6'-8" x 1.75" (865 X 2030 X 45)  
 -C/W WEATHER STRIPPING
- INTERIOR DOORS**  
 D-06 = 2'-8" x 6'-8" x 1 3/8" (810 X 2030 X 35)  
 D-07 = 2'-6" x 6'-8" x 1 3/8" (760 X 2030 X 35)  
 D-08 = 2'-4" x 6'-8" x 1 3/8" (710 X 2030 X 35)  
 D-09 = 1'-10" x 6'-8" x 1 3/8" (610 X 2030 X 35)  
 D-10 = 5'-0" x 6'-8" x 1 3/8" (1830 X 2030 X 35)  
 D-11 = 2'-8" x 6'-8" x 3/4" (810 X 2030 X 20)

**01 DEMO PLAN - 1ST FLOOR**  
 1/4" = 1'-0"

**02 CONSTRUCTION PLAN - 1ST FLOOR**  
 1/4" = 1'-0"

**HCA ARCHITECTURE**  
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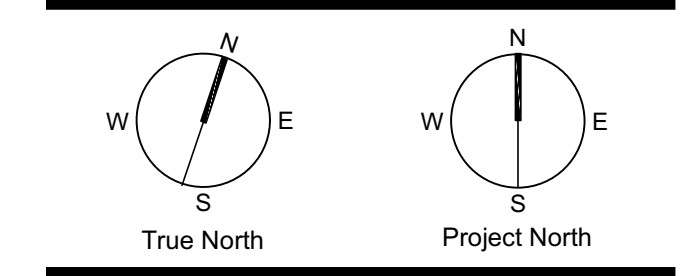
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04 For Committee of Adjustment	May 7, 2021



18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

**Interior Renovation**

**1ST FLOOR PLAN  
 DEMO & CONSTRUCTION**

date: DEC. 23 2020 project no: 20109  
 scale: 1/4" = 1'-0" drawn by: N.M.

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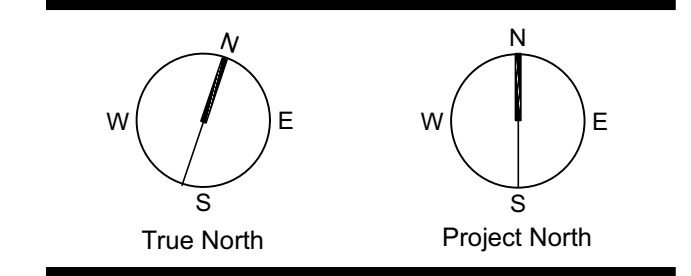
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03 For City Comments	Feb. 11, 2021
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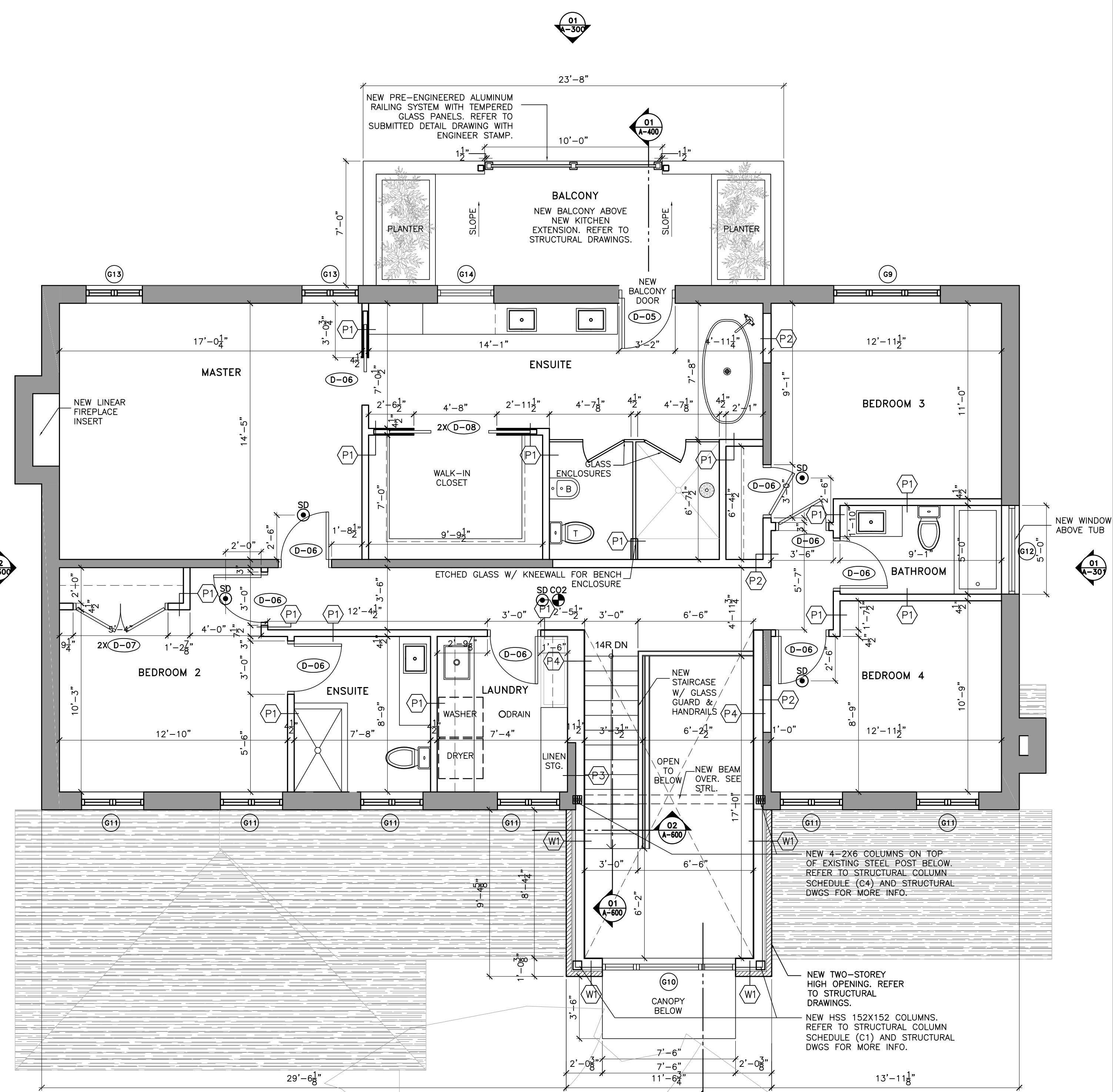
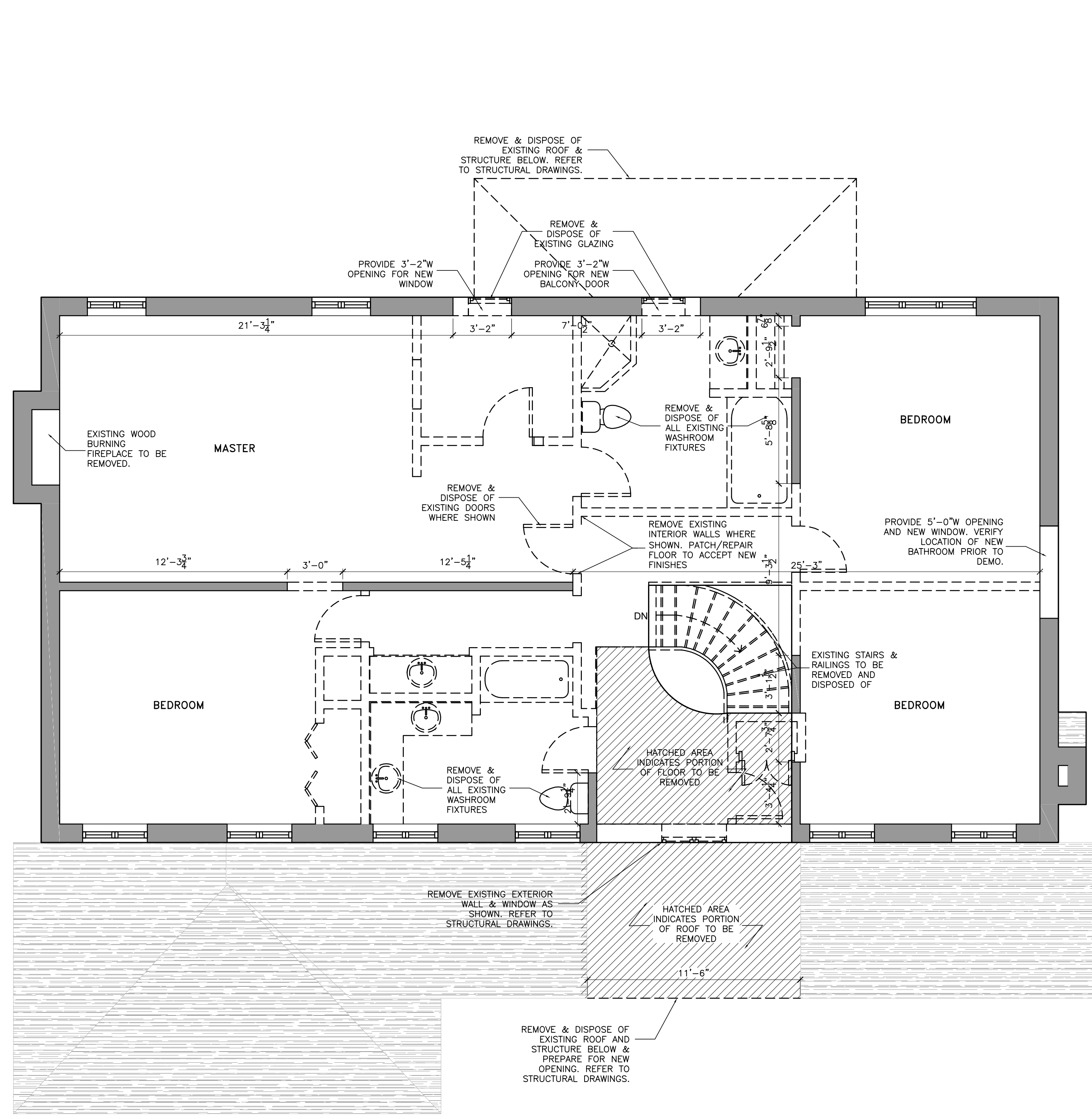


18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

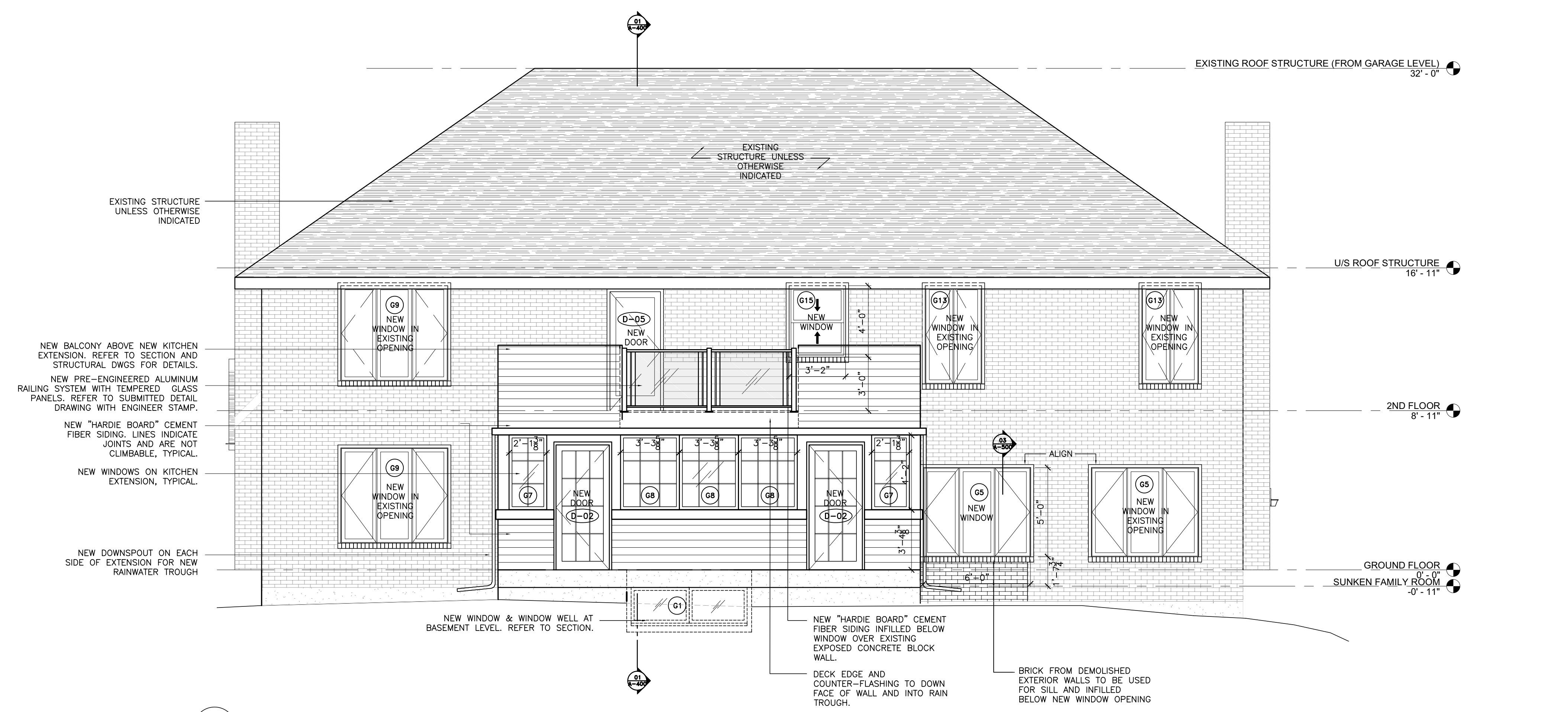
**Interior Renovation**

**2ND FLOOR PLAN  
 DEMO & CONSTRUCTION**

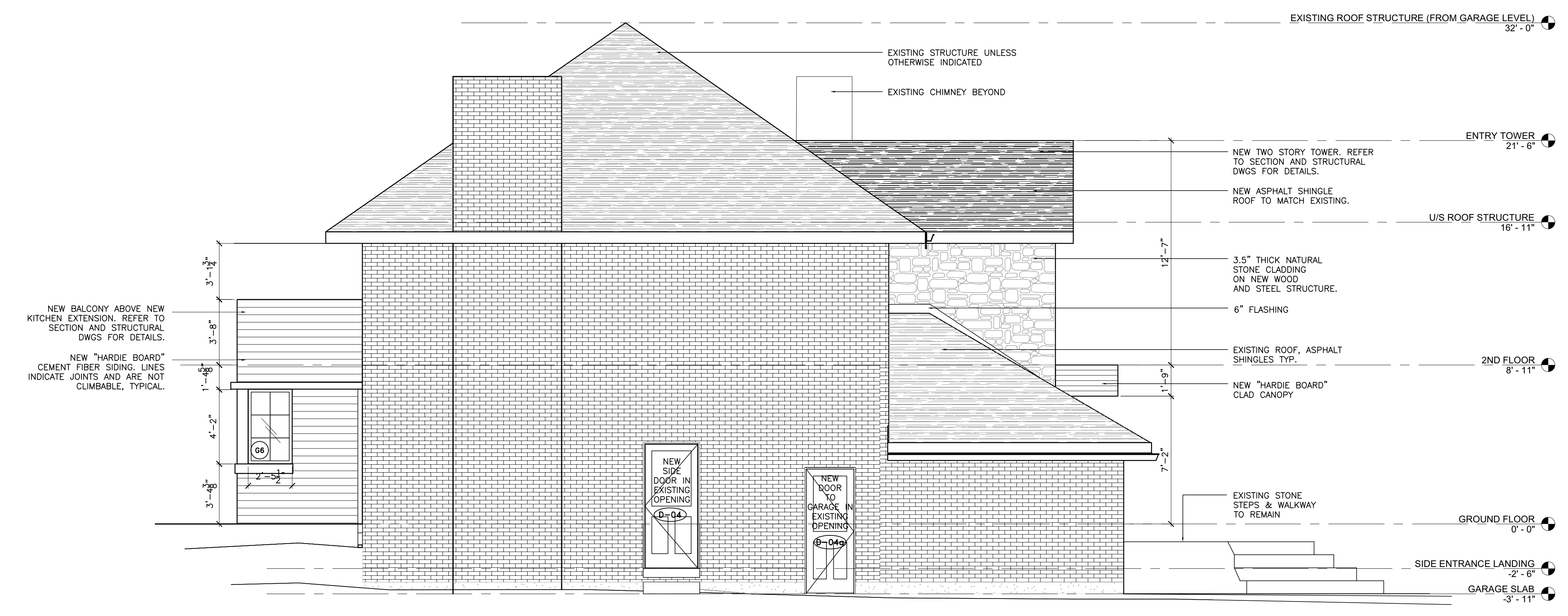
date: DEC. 23 2020 project no: 20109  
 scale: 1/4" = 1'-0" drawn by: N.M.



PLOT DATE: Friday, May 07, 2021



**01 NORTH ELEVATION**  
 1/4" = 1'-0"



**02 WEST ELEVATION**  
 1/4" = 1'-0"

**HCA ARCHITECTURE**  
 incorporated architects

100 Sheppard Ave. W  
 Suite 100  
 Toronto, Ontario  
 Canada M2N 1M6  
 t.416.482.5216

info@hca.ca  
 www.hca.ca

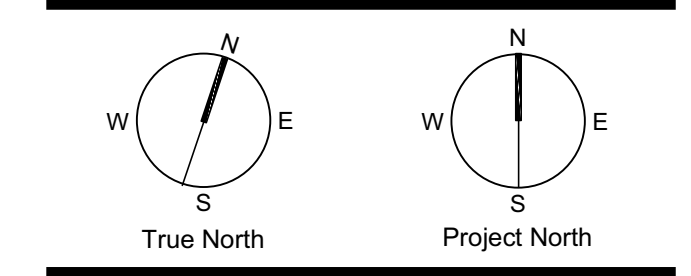
ONTARIO ASSOCIATION  
 OF ARCHITECTS  
 MERRY C. CHRISTAKIS  
 LICENCE  
 4360

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- structural **Tipler Industries**  
 82 Sandford Drive, Unit 22  
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 TEL: (416) 554-3728  
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- mechanical **Martino HVAC**  
 150 Connaught Crescent #16  
 Vaughan, ON L4K 1L7  
 Tel: (1-800) 465-5700 Ext. 250  
 Fax: (905) 660-5967  
 email: matthews@martinohvac.com

**revision / issue:**

01 For Permit	Dec. 23, 2020
02 For City Comments	Feb. 11, 2021
03 For Revision to Permit	Apr. 7, 2021
04 For Committee of Adjustment	May 7, 2021



18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

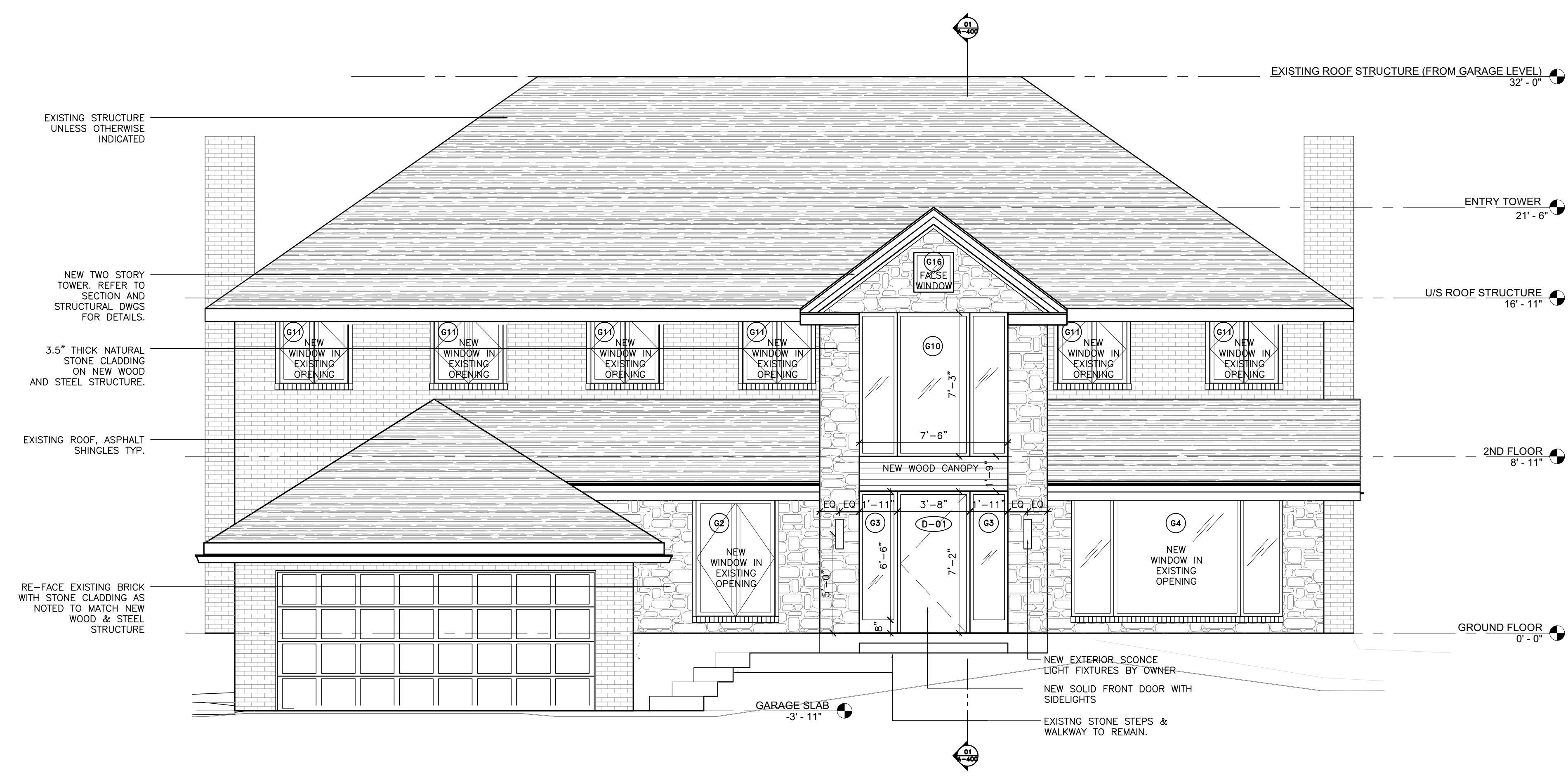
**Interior Renovation**

**BUILDING ELEVATIONS**  
**NORTH & WEST**

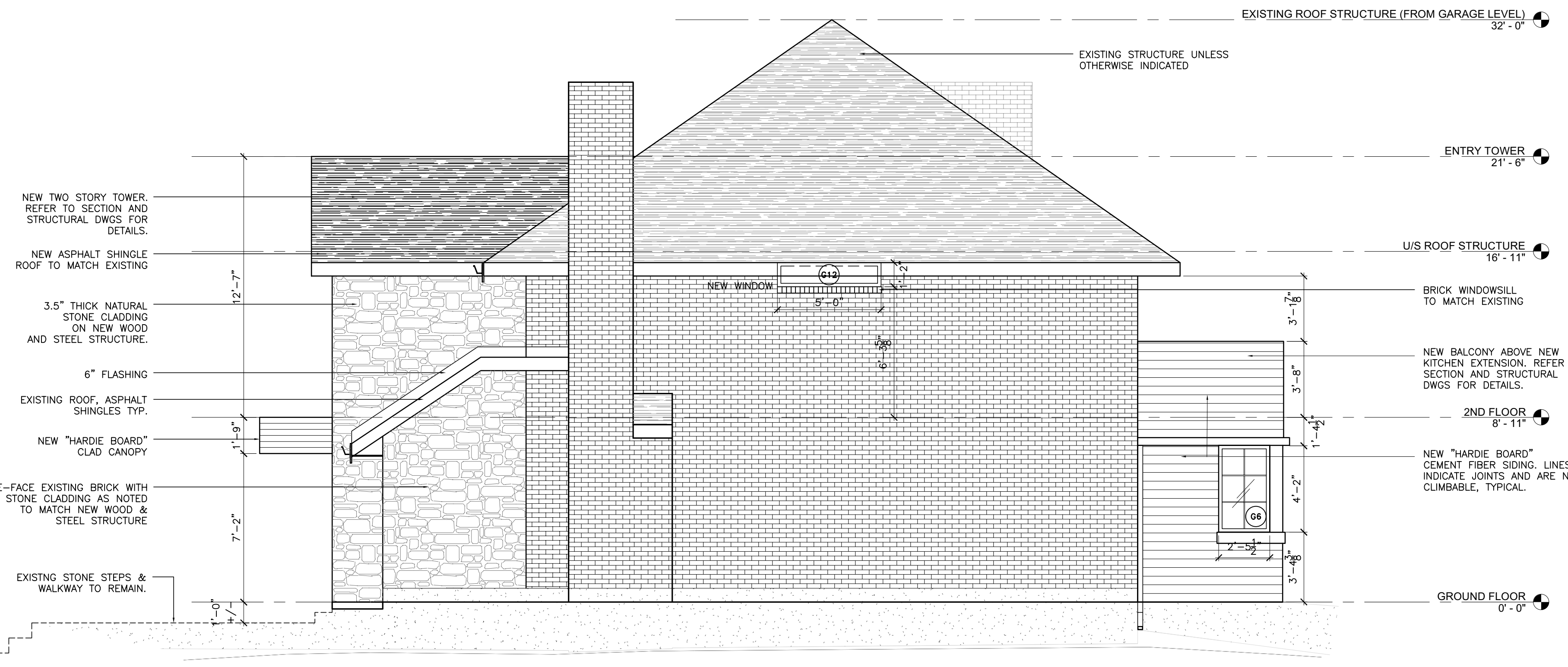
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**A-300** rev. 04

PLOT DATE: Friday, May 07, 2021



**01 SOUTH ELEVATION**  
 1/4" = 1'-0"



**02 EAST ELEVATION**  
 1/4" = 1'-0"

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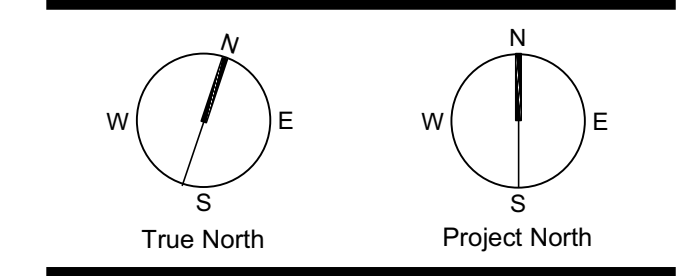
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18 Barclay Crt, Thornhill  
 Ontario Canada L3T 5T3

**Interior Renovation**

**BUILDING ELEVATIONS  
 SOUTH & EAST**

date: DEC. 23 2020 project no: 20109  
 scale: 1/4" = 1'-0" drawn by: N.M.

**A-301** rev. 04

PLOT DATE: Friday, May 07, 2021

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hi Brad, apologies for the second email I have revised my comments for clarity purposes.

Further to our discussion with the applicant on June 9<sup>th</sup>, 2021, Metrolinx has revised our comments/conditions for the above-noted file. As such, comments previously provided on May 21<sup>st</sup>, 2021 are no longer applicable and Metrolinx has no further comments regarding the above-noted file. To clarify Metrolinx no longer requires the applicant to grant an environmental easement given the nature of the proposal. If the applicant wishes to find out more about Metrolinx projects in York Region, the applicant is encouraged to visit <http://www.metrolinx.com/en/greaterregion/regions/york.aspx> for the latest information and sign up for regular updates by emailing [YorkRegion@metrolinx.com](mailto:YorkRegion@metrolinx.com). Metrolinx offers the below comment for advisory purposes only;

1. The Applicant is advised that the development lands, 18 Barclay Court, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

I trust this is sufficient. Let me know if you have any questions or concerns. Kindly disregard my June 16<sup>th</sup> email.

Thanks,  
Brandon

**BRANDON GAFFOOR**

Project Manager  
Third Party Projects Review, Capital Projects Group  
Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3  
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