

# Memorandum to the City of Markham Committee of Adjustment

February 10, 2020

**File:** A/003/20  
**Address:** 157 Krieghoff Ave – Markham, ON  
**Applicant:** Bo-han Lee  
**Agent:** Emami Design  
**Hearing Date:** Wednesday February 19, 2020

The following comments are provided on behalf of the Central Team. The Applicant requests relief from the “Fourth Density Single Family Residential – R4 Zone” requirements of By-law 11-72, as amended, to permit a new two-storey single detached dwelling (the “proposed development”) with the following variances:

**a) Section 6.1:**

A maximum height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum height of 7.62 m (25 ft);

**b) Section 6.1:**

A maximum lot coverage of 39.26%, whereas the By-law permits a maximum lot coverage of 33.33%;

**c) Section 3.7:**

Overhang projection of 0.91 m (36 in) into the required yard, whereas the By-law permits a maximum of 0.45 m (18 in).

## BACKGROUND

### Property Description

The 699.56 m<sup>2</sup> (7,530 ft<sup>2</sup>) subject property is located on the south side of Krieghoff Avenue, north and east of Fred Varley Drive, and west of Main Street Unionville. The subject property consists of mature trees and is adjacent to a one-storey single detached dwelling at 159 Krieghoff Avenue, and a recently constructed two-storey detached dwelling (infill development) at 155 Krieghoff Avenue. The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey single detached dwellings. The surrounding area is undergoing a transition with new infill development.

### Proposal

The Applicant proposes to demolish the existing one-storey single detached dwelling and construct the proposed development.

### Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and updated on April 9/18)  
*“Residential Low Rise & Greenway Buffer”*

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 11-72

The subject property is zoned “Fourth Density Single Family Residential – R4 Zone” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the maximum permitted height, lot coverage and overhang projection requirements as provided in the By-law.

#### Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

#### **Applicant’s Stated Reasons for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is because,

*“The building is very important as the design is based on culturally significant Feng Shui concepts, which is an aspect for consideration by the Committee.”*

#### **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant completed a ZPR on January 8, 2020, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

#### **Tree Preservation**

Urban Design staff requested the Applicant preserve the existing mature tree located in the rear yard. The Applicant, in response, provided an additional site plan and a survey confirming the location of the tree and its canopy, which is located within the building envelope.

Staff are satisfied that the Applicant provided the appropriate plans and justification to support the removal of the tree, and therefore, recommend that any approval of this

Application be subject to the tree conditions provided in Appendix "A" so that the appropriate tree compensation or replacement be provided through mitigation measures, subject to determination by the City.

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

The Applicant requests relief to permit a maximum building height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of 0.51 m (1 ft 8 in). Staff are of the opinion that the proposed increase in height is generally consistent with other building heights along the street and within the surrounding area.

#### **Increase in Maximum Lot Coverage**

The Applicant requests relief for a maximum lot coverage of 39.26%, whereas the By-law permits a maximum floor area ratio of 33.33%. While there are other examples of approved infill developments for increased lot coverage in the surrounding area, these increases were largely attributable to proposed covered and unenclosed porches that do not contribute to the mass of the dwelling. The proposed development maintains all setbacks, and staff are of the opinion that the proposed lot coverage compliments the surrounding massing and character of the neighbourhood, and should not have adverse impacts to the streetscape.

#### **Increase in Maximum Overhang Projection**

The Applicant requests a maximum overhang projection of 0.91 m (36 in) into the required front and rear yards and interior side yard along the west side of the building, whereas the By-law permits a maximum overhang projection of 0.45 m (18 in) into any required yard. This represents an increase of 0.45 m (18 in). Staff do not have concerns with the proposed overhang.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 10, 2020. 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:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'SL', with a period at the end.

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Stephen Lue, Development Manager, Central District

File Path: Amanda\File\ 20 106742 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/003/20**

1. The variances apply only to the proposed development 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 received by the City of Markham on January 15, 2020, 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. 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;
4. 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;
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.

CONDITIONS PREPARED BY:

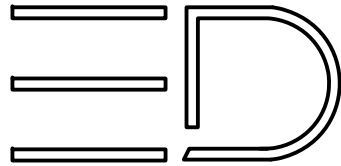


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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/003/20**

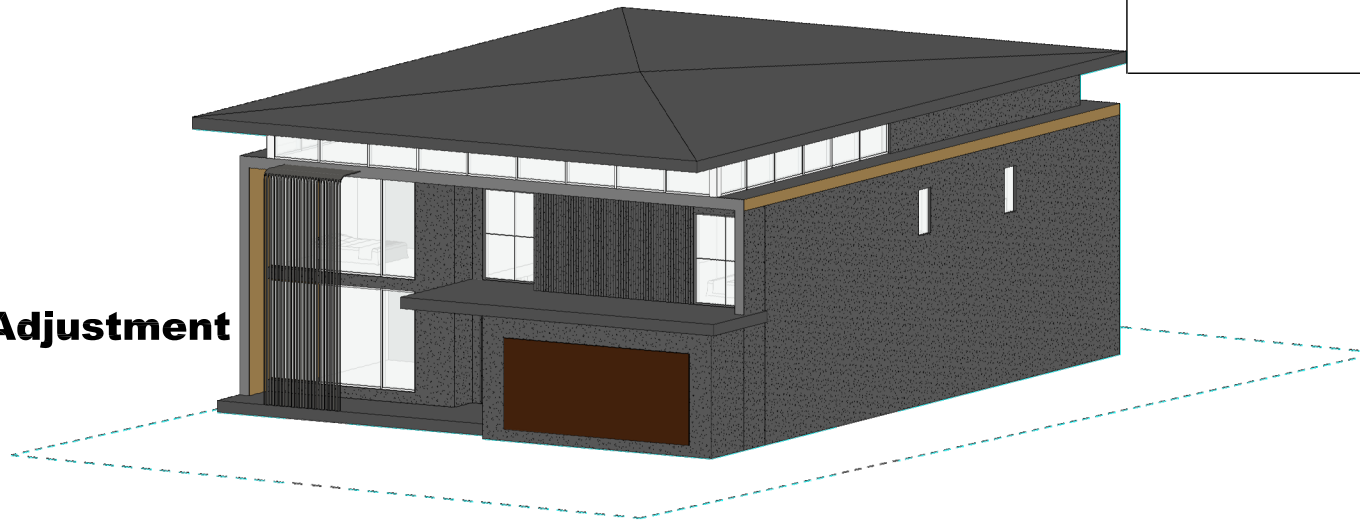




# EMAMI DESIGN

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## 157 KRIEGHOFF AVE



**Issued for Committee of Adjustment**

**Date: 13 January 2020**



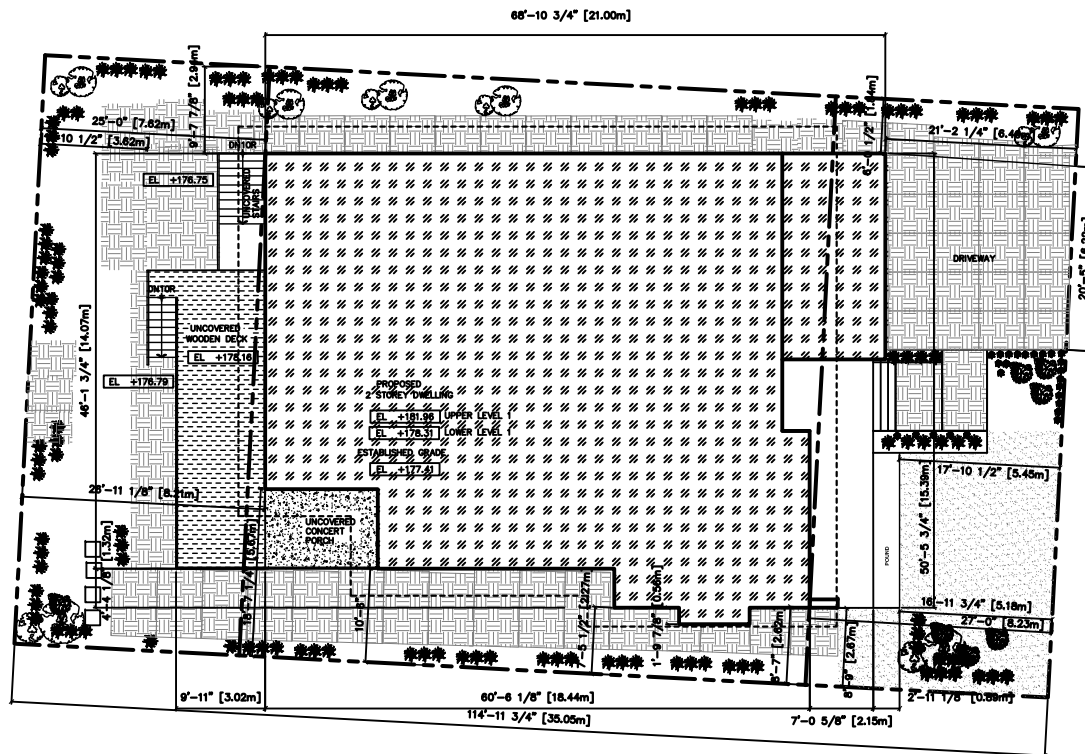
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NUM	REVISIONS	DATE	PROJECT NAME	ADDRESS
01	ISSUED FOR PRELIMINARY ZONING REVIEW	13/11/2019	KRIEGHOFF HOUSE	157 KRIEGHOFF, TORONTO, ON.
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019	PROJECT NO.	DATE
03	ISSUED FOR COA	13/01/2020	TITLE	OCT 2019
				SCALE

A0.1





KRIEGHOFF AVENUE

SITE DATA	
ZONING	R4
LOT #	LOT 198
PLAN #	7566
LOT AREA	7530 S.F. 699.6 S.M.
LOT FRONTAGE	65'-6" 19.96 m
LOT DEPTH	115'-0" 35.05m

AREA	PROPOSED	PROPOSED COVERAGE	ALLOWED COVERAGE
LOT COVERAGE	2957 S.F. 275 S.M.	% 39.26	% 33 1/3
G.F.A.	5720 S.F. 531 S.M.		
NO. OF STORIES	2 STOREYS		
WIDTH	15.1 m		
DEPTH	19.08 m		
PARKING	2		

ESTABLISHED GRADE: (177.36+177.46)/2=177.41



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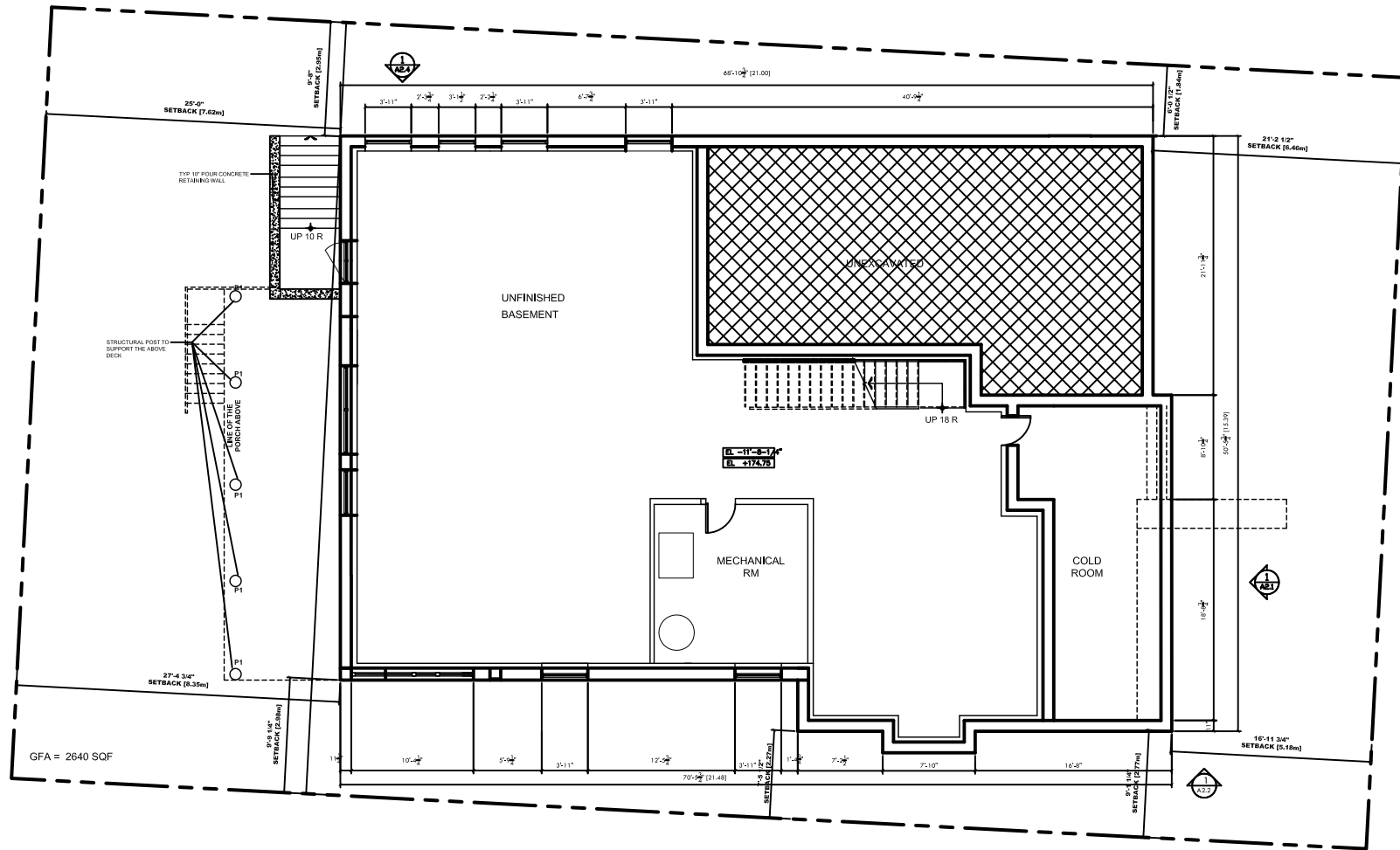
NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	06/01/2020
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	ADDRESS
KRIEGHOFF HOUSE	157 KRIEGHOFF, TORONTO, ON.
PROJECT NO.	DATE
	OCT 2019
TITLE	SCALE
SITE PLAN	1'=1/16"

DATE	SCALE
OCT 2019	1'=1/16"



A0.3



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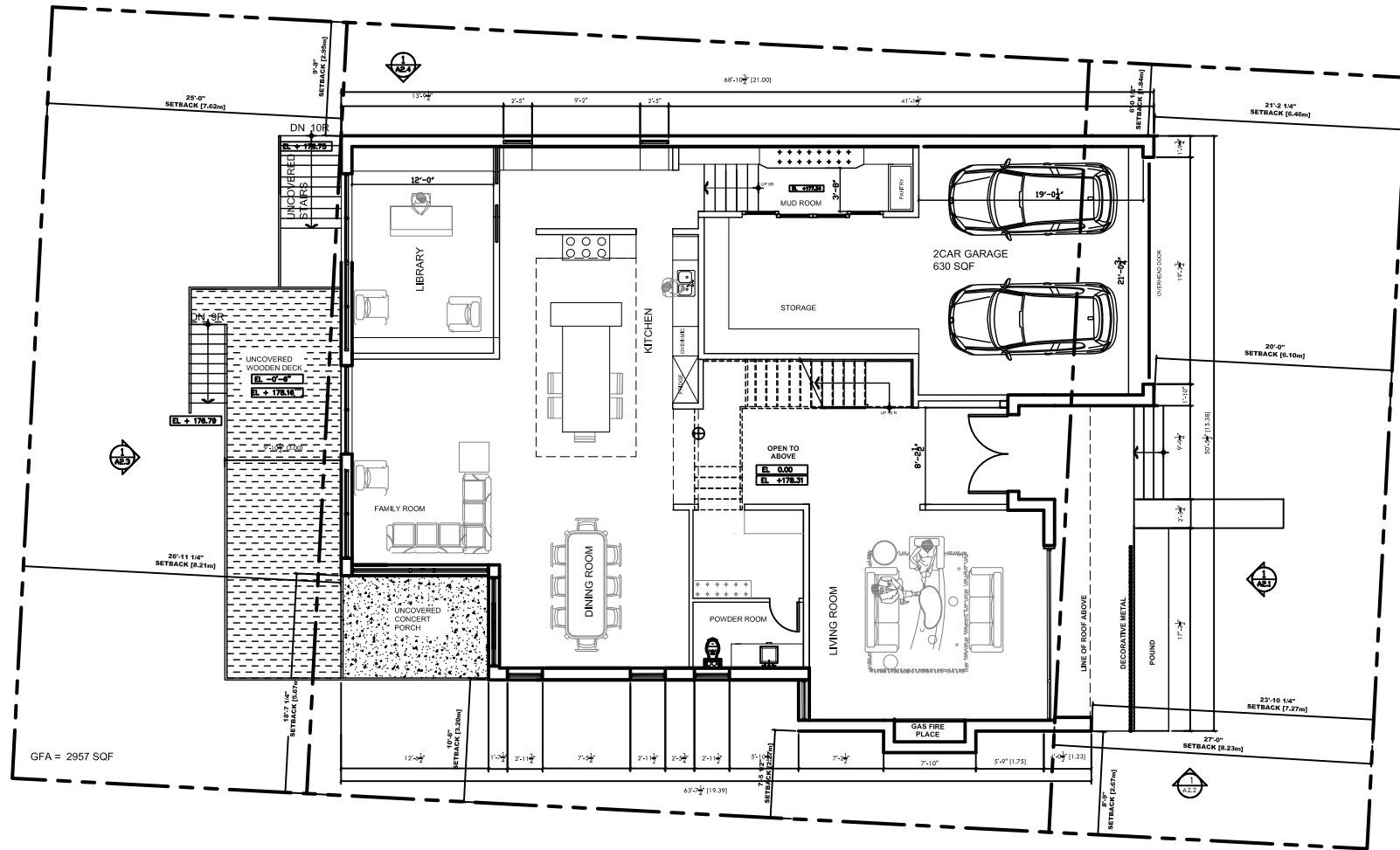
NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	06/01/2020
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	<b>KRIEGHOFF HOUSE</b>
PROJECT NO.	
TITLE	<b>BASEMENT</b>

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"



A1.1



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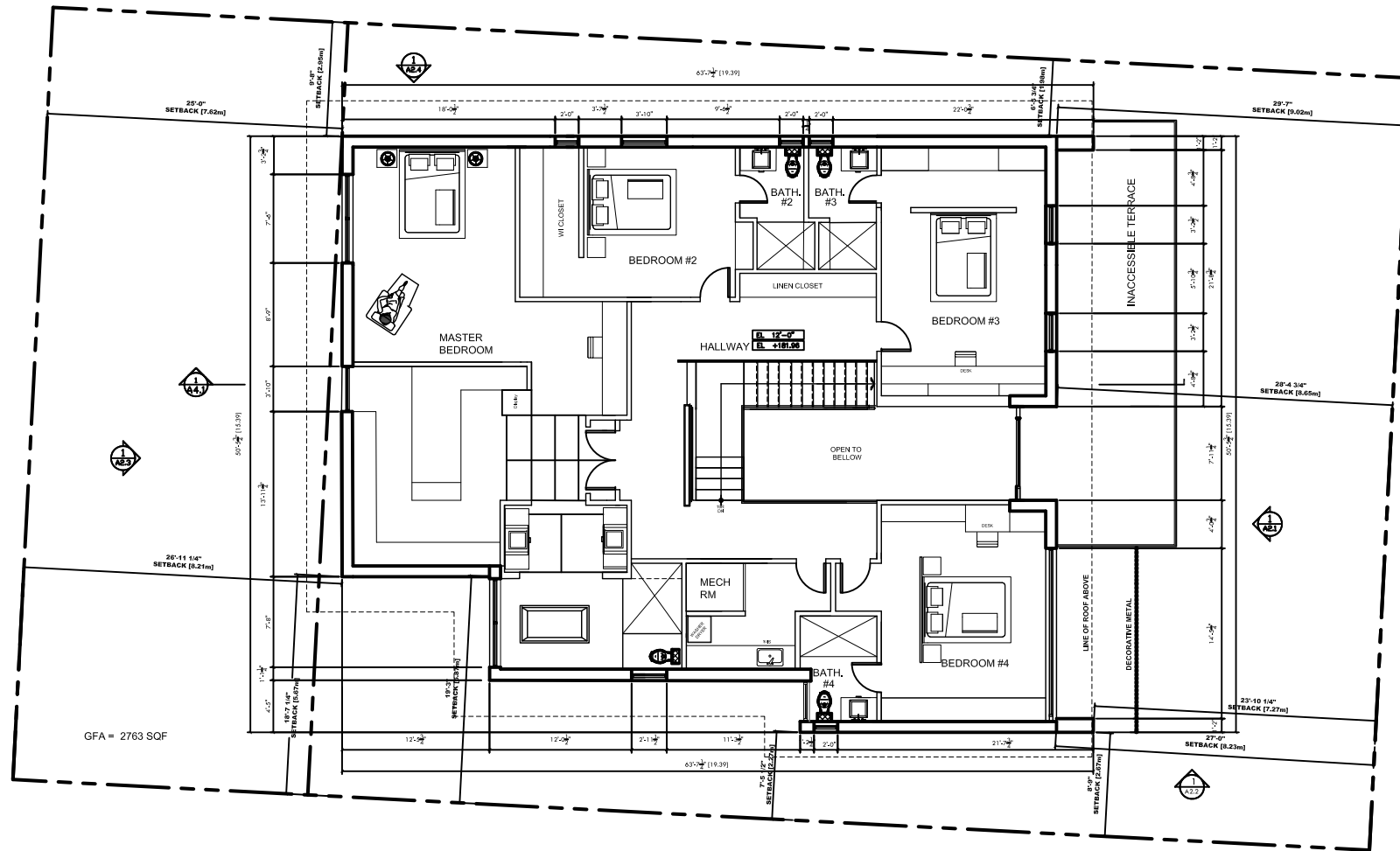
NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	06/01/2020
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	<b>KRIEGHOFF HOUSE</b>
PROJECT NO.	
TITLE	<b>GROUND FLOOR PLAN</b>

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"



A1.2



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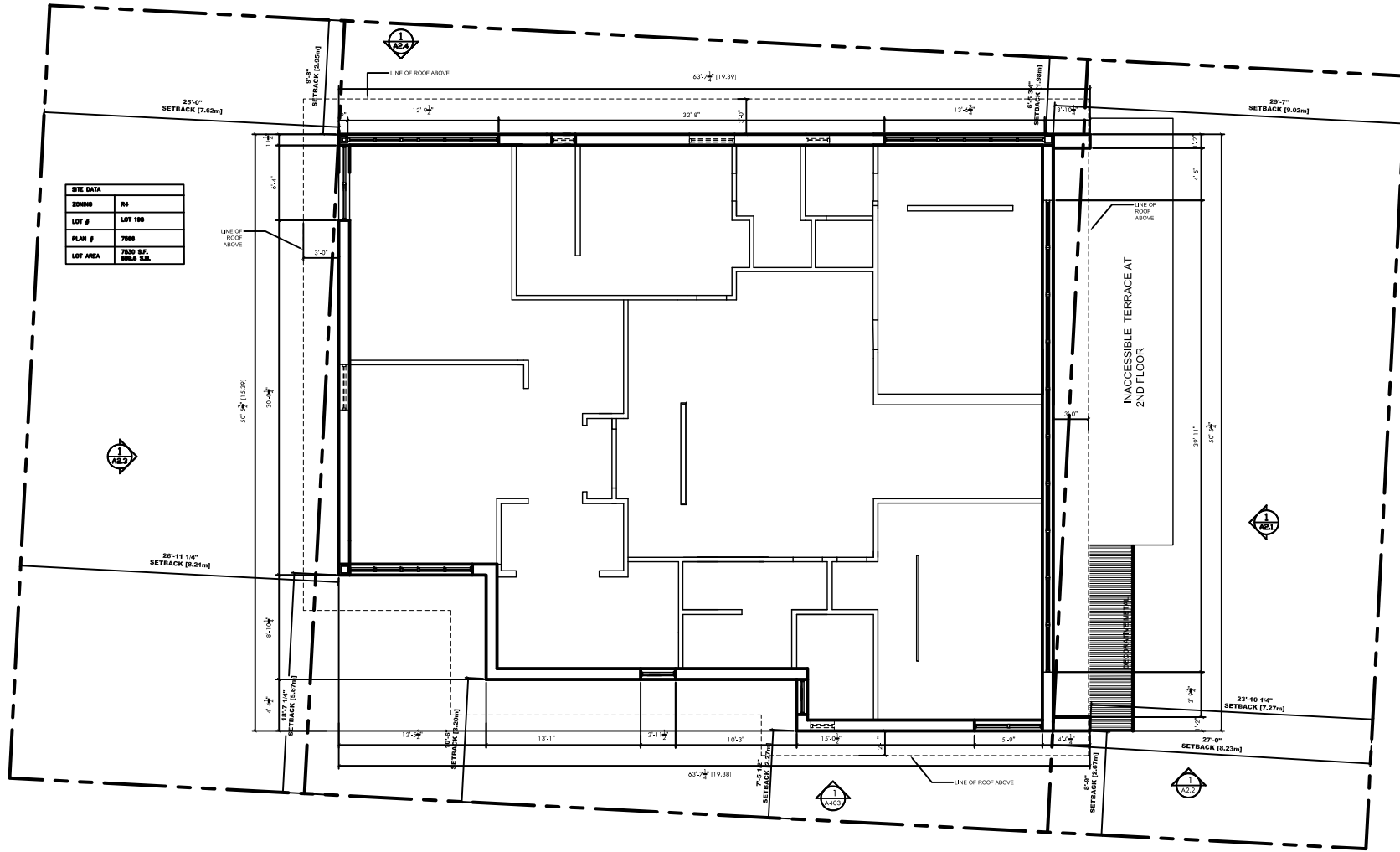
NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	06/01/2020
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	<b>KRIEGHOFF HOUSE</b>
PROJECT NO.	
TITLE	<b>SECOND FLOOR PLAN</b>

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"



A1.3



SITE DATA	
ZONING	R4
LOT #	LOT 198
PLAN #	7088
LOT AREA	7830 S.F. 720.6 S.A.

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NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	20/12/2019
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	<b>KRIEGHOFF HOUSE</b>
PROJECT NO.	
TITLE	<b>2ND FLOOR – TOP</b>

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	<b>OCT 2019</b>
SCALE	<b>1"=3/32"</b>



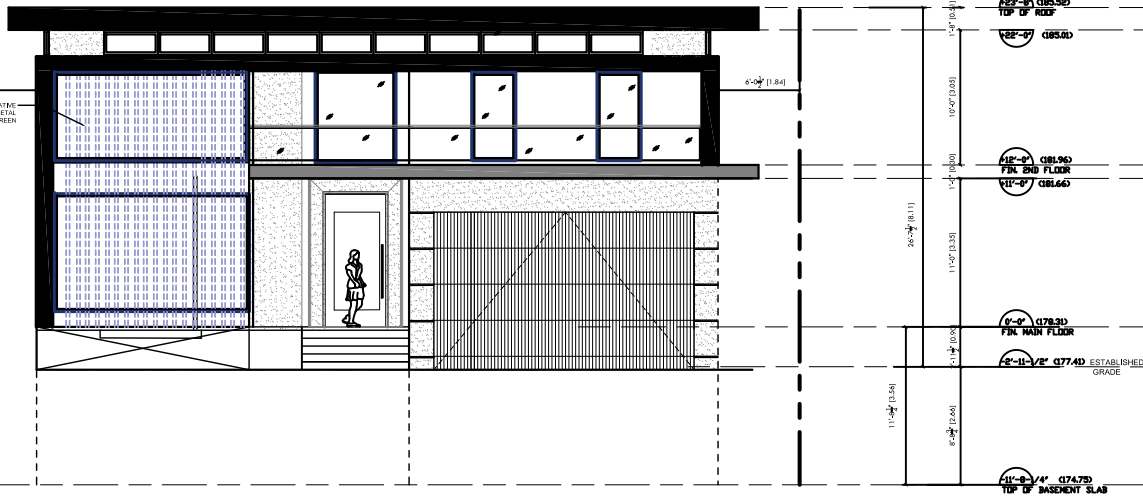
A1.

PROPERTY LINE

PROPERTY LINE

8'-0" (2.47)  
DECORATIVE  
METAL  
SCREEN

6'-0" (1.84)



1'-0" (0.30)  
C181.90  
C181.66  
FIN 2ND FLOOR

0'-0" (0.00)  
C178.20  
FIN MAIN FLOOR

0'-0" (0.00)  
C177.40  
ESTABLISHED GRADE

1'-0" (0.30)  
C174.70  
TOP OF BASEMENT SLAB

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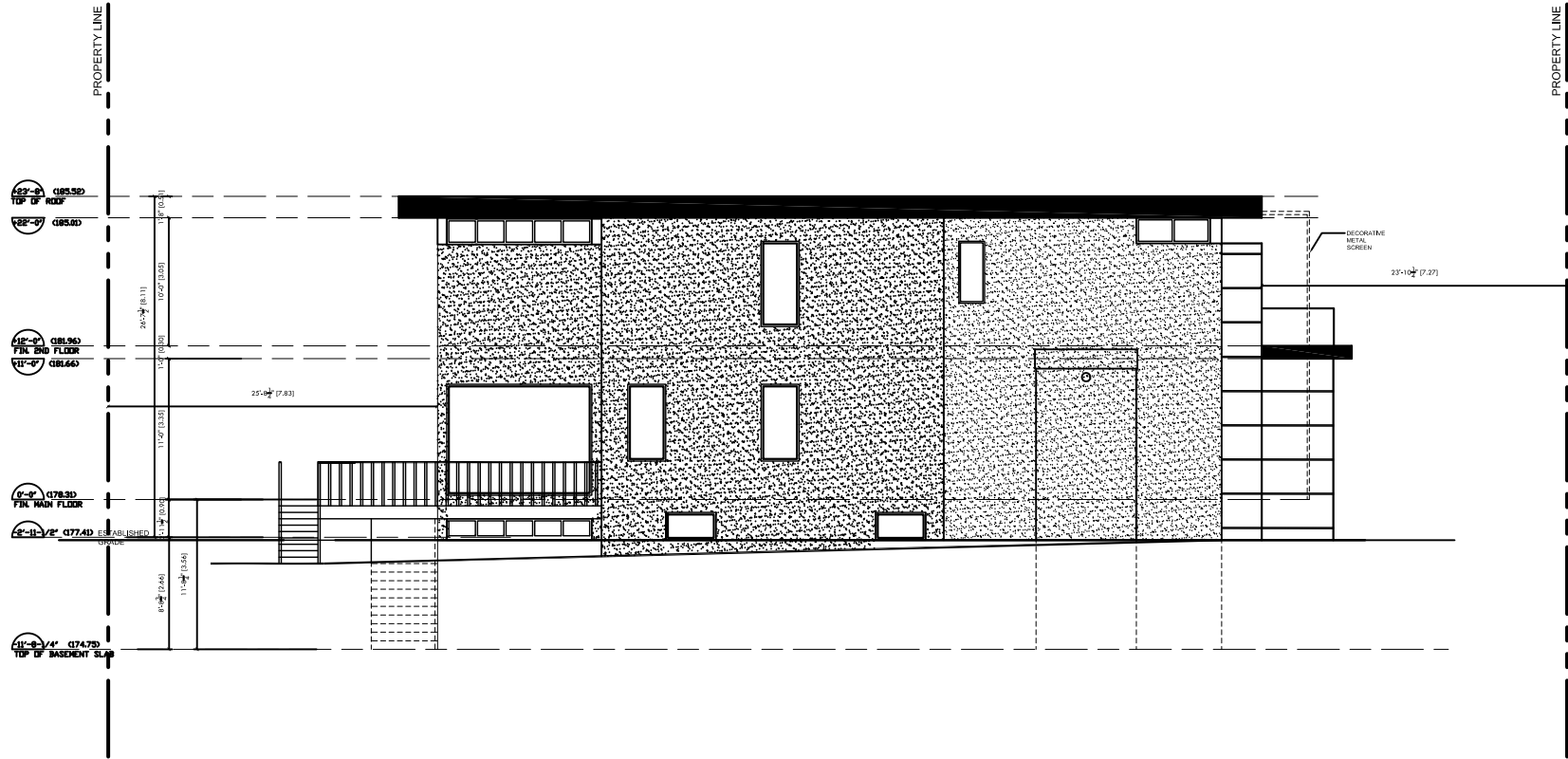
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DESIGN

NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	06/01/2020
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	KRIEGHOFF HOUSE
PROJECT NO.	
TITLE	NORTH ELEVATION

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"

A2.1



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NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	06/01/2020
03	ISSUED FOR COA	13/01/2020

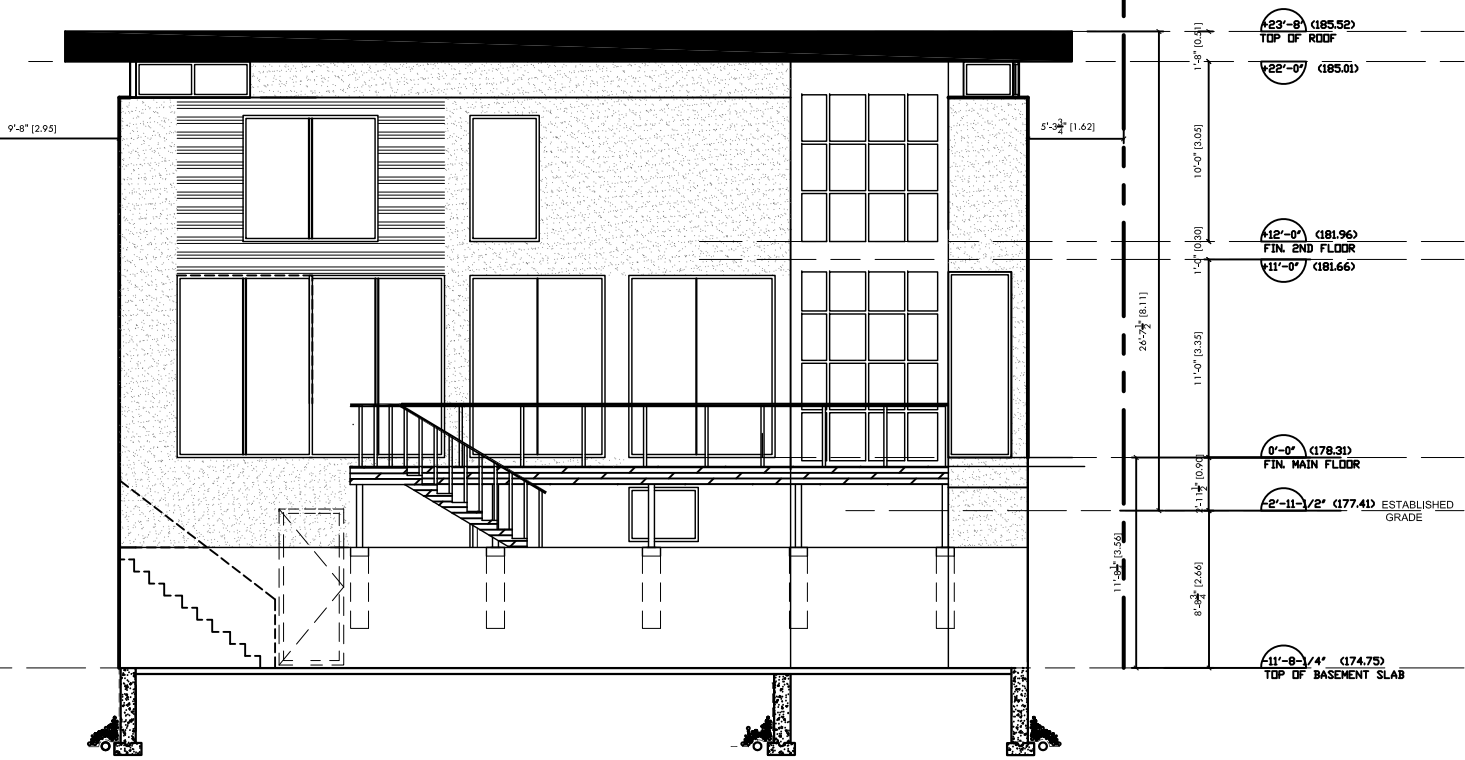
PROJECT NAME	KRIEGHOFF HOUSE
PROJECT NO.	
TITLE	EAST ELEVATION

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"

A2.2

PROPERTY LINE

PROPERTY LINE



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DESIGN

NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ASSUED FOR PRELIMINARY ZONING REVIEW	06/01/2020
03	ISSUED FOR COA	13/01/2020

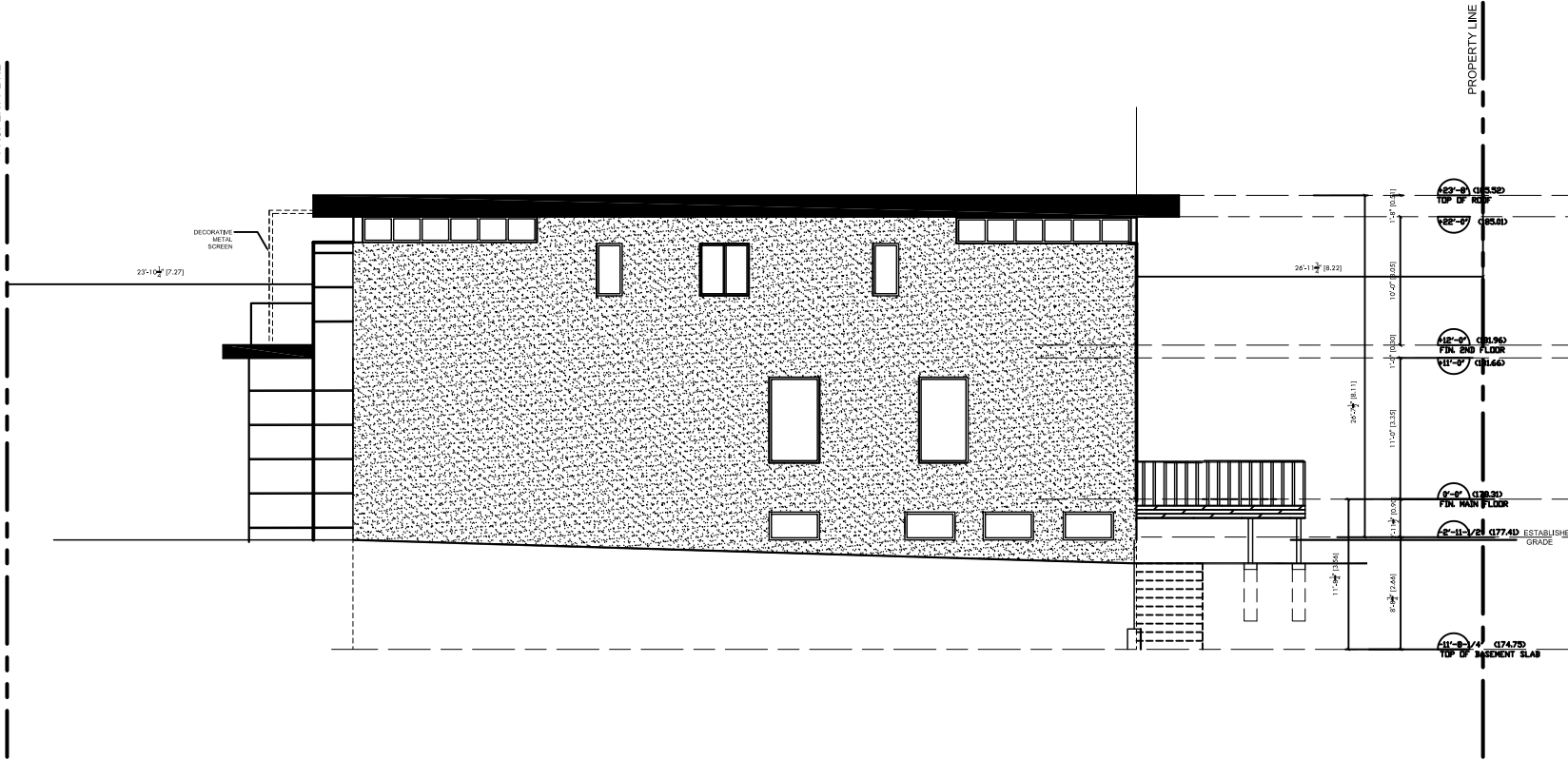
PROJECT NAME	KRIEGHOFF HOUSE
PROJECT NO.	
TITLE	SOUTH ELEVATION

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"

A2.3



PROPERTY LINE



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 TEL: (416) 623-9353

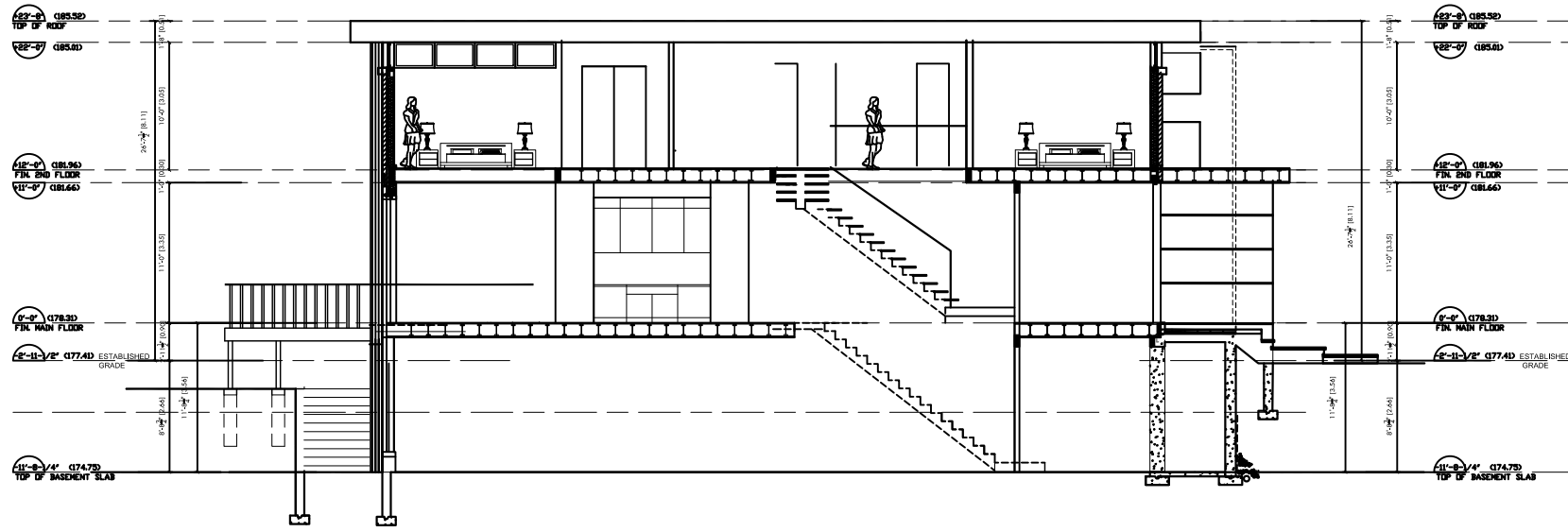
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 DESIGN

NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	06/01/2020
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	KRIEGHOFF HOUSE
PROJECT NO.	
TITLE	WEST ELEVATION

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"

A2.4



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NUM	REVISIONS	DATE
01	ISSUED FOR ZONING REVIEW	13/11/2019
02	RE-ISSUED FOR PRELIMINARY ZONING REVIEW	06/01/2020
03	ISSUED FOR COA	13/01/2020

PROJECT NAME	<b>KRIEGHOFF HOUSE</b>
PROJECT NO.	
TITLE	<b>SECTION 1</b>

ADDRESS	157 KRIEGHOFF, TORONTO, ON.
DATE	OCT 2019
SCALE	1' = 3/32"

A4.1

