

Memorandum to the City of Markham Committee of Adjustment

May 31, 2021

File: A/047/21
Address: 12 Wignall Crescent – Markham, ON
Applicant: Ying Shuo Liu
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: June 9, 2021

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

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, as it relates to a two-storey detached dwelling. The requested variance is to permit:

a) By-law 99-90, Sec. 1.2(vi):

a maximum floor area ratio of 54.03%, whereas the By-law permits a maximum floor area ratio of 45.0%; and

BACKGROUND

Property Description

The 838.67 m² (9,027.35 ft²) subject property is a corner lot located at the northeast corner of McPhillips Avenue and Wignall Crescent, north of the Milne Dam Conservation Park, south of Highway 7 East, and west of Markham Road. The subject property is rectangular in shape, and is developed with an existing one-storey dwelling.

The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached dwellings, with mature trees and vegetation a predominant characteristic of the surrounding area. The neighbourhood is undergoing a transition with several examples of newer dwellings being redeveloped as infill development. Residential dwellings within the area, and along McPhillips Avenue and Wignall Crescent vary in their overall scale, mass, and size. Residential properties within the neighbourhood range in size, with lot areas between approximately 348.39 m² (3,750.0 ft²) to 2,873.21 m² (30,927.0 ft²). Approximate lot areas along Wignall Crescent range between 721.86 m² (7,770.0 ft²) and 2,423.47 m² (26,086.0 ft²).

Surrounding land uses include:

- Commercial land uses which abut the property to the north, along Highway 7 East;
- Residential land uses to the east and south; and
- Commercial and residential land uses to the west of the property, across McPhillips Avenue.

Proposal

The applicant is proposing to demolish the existing detached dwelling to construct a new two-storey detached dwelling. Including the attached two car garage, the dwelling would have a first floor area of 202.53 m² (2,180.0 ft²), a second floor area of 189.71 m² (2,042.0 ft²), for a total gross floor area of 392.24 m² (4,222.0 ft²).

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 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, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential One (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

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, floor area ratio, height, and number of storeys. The proposed development does not comply with the maximum floor area ratio requirement.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR to confirm the initial variances required for the proposed development. In working with staff, the applicant submitted revised drawings on May 18, 2021 which removed the variance request relating to a porch encroachment into the (exterior) side yard in order to provide a protection zone of 3.0 m (9.84 ft) from trees located within the municipal boulevard along McPhillips Avenue. The applicant has not completed a ZPR for the revised drawings. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the 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 any non-compliances with the By-law.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 54.03%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 392.24 m² (4,222.0 ft²), whereas the By-law permits a detached dwelling with a maximum floor area of 326.66 m² (3,516.14 ft²).

Floor area ratio is a measure of the interior floor area of the dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. In considering that the proposed floor area ratio may be appropriate, one must also have regard and consideration for other By-law requirements and permissions for properties zoned "Residential One (R1)". While the proposed increase in floor area ratio may be a greater request than other nearby infill homes have obtained variance approvals for, it is noted that the proposed dwelling would have a lot coverage of approximately 25.0%. The By-law permits a maximum lot coverage of 35.0% which means that the property owner would be permitted to build a dwelling with an additional 10.0% lot coverage, which equates to approximately 83.87 m² (902.74 ft²) in terms of a buildable space on this lot. However, a two-storey dwelling with a lot coverage of 35.0% would only be permitted if the dwelling complies with the required maximum floor area ratio of 45.0%, or 326.66 m² (3,516.14 ft²) in gross floor area, meaning that the dwelling would be required to include more "open to below" space in the event that lot coverage is maximized in order to comply with the By-law in effect. From a streetscape perspective, a dwelling could therefore be constructed with a building mass and size that is greater than what is proposed. If the requested variance is approved, this would result in an increase of 65.58 m² (705.86 ft²) from the maximum permitted floor area.

Tree Protection & Compensation

The applicant's submitted Site Plan shows a total of six trees located on the subject property, and two boundary trees, one of which straddles the exterior side lot line, and one other which straddles both the interior side and rear lot line. Four trees are located within the municipal road allowance, with tree canopies that overhang onto the subject property.

As previously stated, the applicant initially proposed that a porch encroach 49.0" (1.25 m) into the exterior side yard. To mitigate anticipated impact to those trees located within the municipal boulevard, the applicant has worked with staff to eliminate this encroachment, and has accordingly made minor modifications to their plans (Appendix "B"). The applicant's proposal now complies with encroachment and setback requirements along the west side of the subject property. Urban Forestry staff have reviewed the proposal and are satisfied with the tree protection zone; however, staff note that should any injury or removal of trees be proposed, that the applicant must apply for and obtain a tree permit to injure or remove. In the event of any approval, staff recommend that the Committee adopt tree related conditions as detailed in Appendix "A", to ensure the appropriate protection, and compensation is provided.

PUBLIC INPUT SUMMARY

Five written submissions from area residents were received as of May 31, 2021 in support of the proposed development.

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, and given the proposed development would meet all other zoning provisions, including the maximum lot coverage, maximum building depth, and minimum yard setbacks, staff are of the opinion that the proposed infill development would be compatible in terms of its permitted scale, size and use. Staff recommend that the Committee satisfy themselves as to whether the requested increase in floor area ratio meets the four tests under Section 45(1) of the *Planning Act*. Staff also 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.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/21

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 batch stamped plans 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. 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, 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:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/21

Appendix B

File: 21.116644.000.00.MNV

Date: 06/04/21
MM/DD/YY



SITE STATISTICS

ZONING CATEGORY: R1

LOT AREA: 9027.35 SF

NET LOT AREA: 7813.68 SF

DESCRIPTION	REQUIRED/ PERMITTED	PROPOSED
LOT COVERAGE	35 % MAX.	24.58%
FLOOR SPACE INDEX	0.45 MAX.	0.54
FRONT YARD	25' MIN.	25'
SIDE YARD	6' MIN.	6'
FLANKAGE YARD	10' MIN.	10'
REAR YARD	25' MIN.	67'-3 3/4"
DEPTH	16.8m MIN.	16.71m
HEIGHT	9.8m MAX.	9.8 m

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	2,180 SF
SECOND FLOOR	2,042 SF
TOTAL	4,222 SF*
BASEMENT	1,753 SF

* GFA INCLUDES GARAGE AREA



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Project :
PRIVATE RESIDENCE
12 WIGNALL CRESCENT
MARKHAM ONTARIO

Drawing Name :
SITE PLAN

Date :
04/12/21

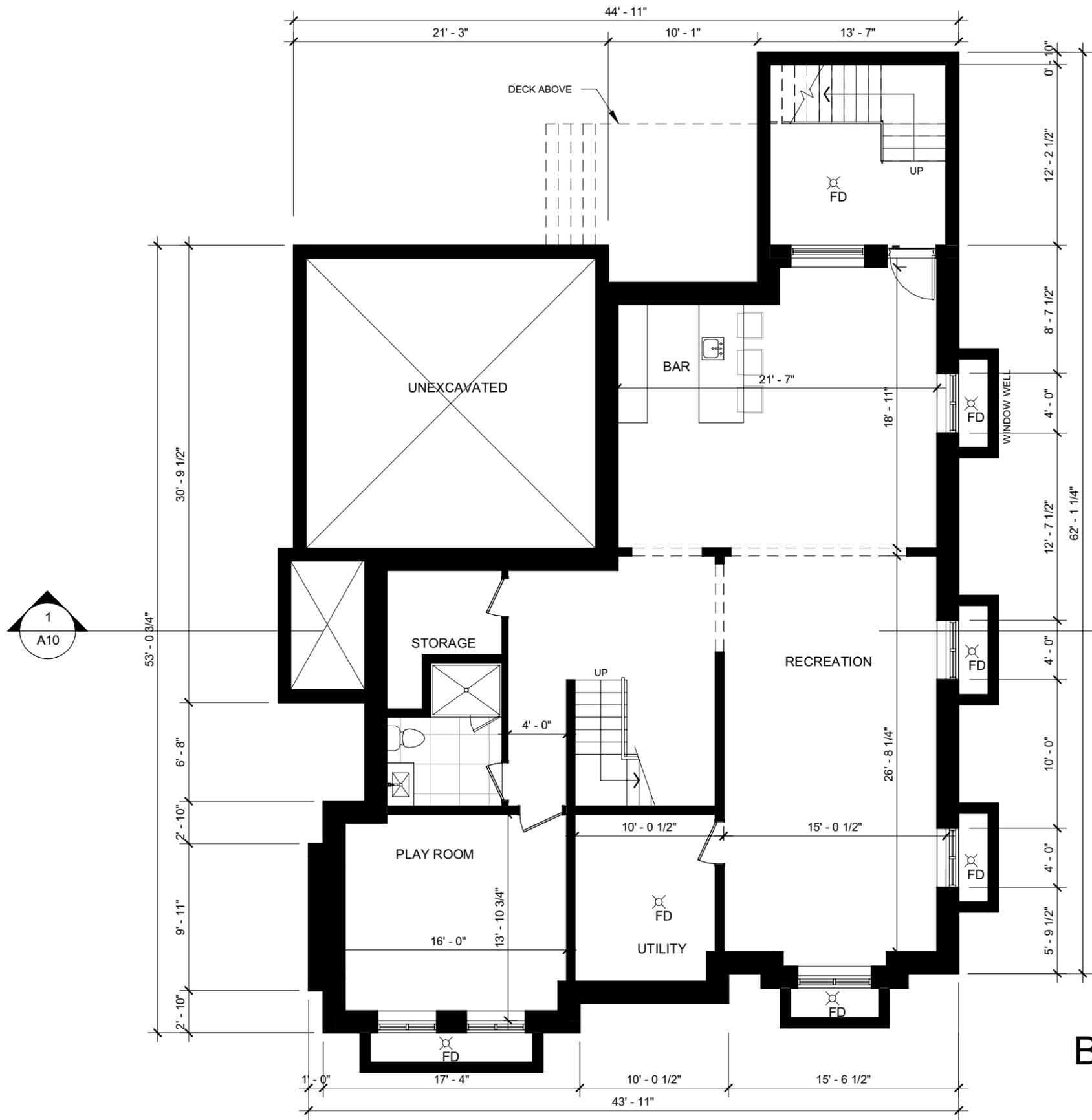
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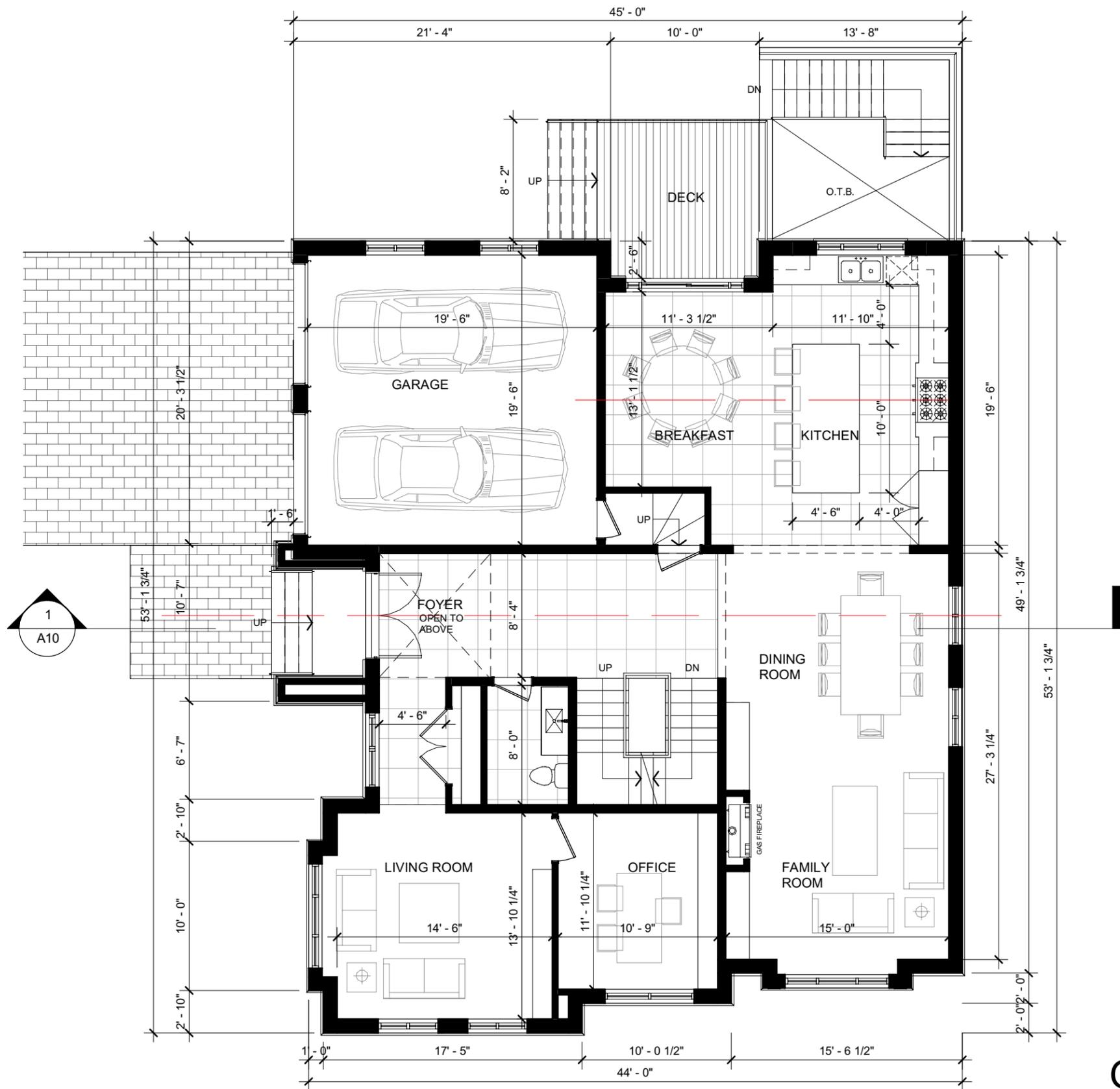
Checked by :
H.W.

Project No
AND 21006

Drawing No :
A1



BASEMENT PLAN

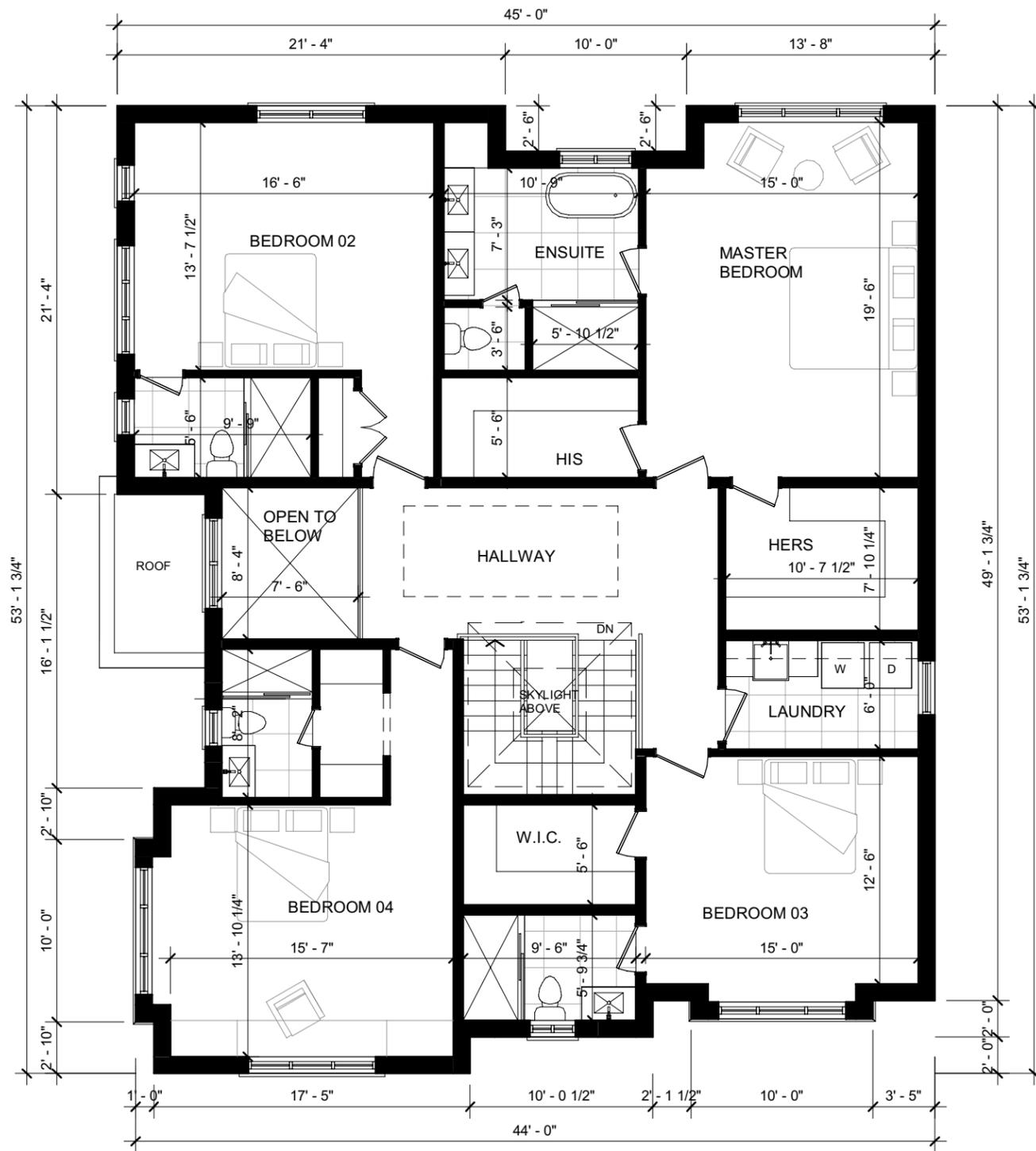


GROUND FLOOR PLAN

Appendix B

File: 21.116644.000.00.MNV

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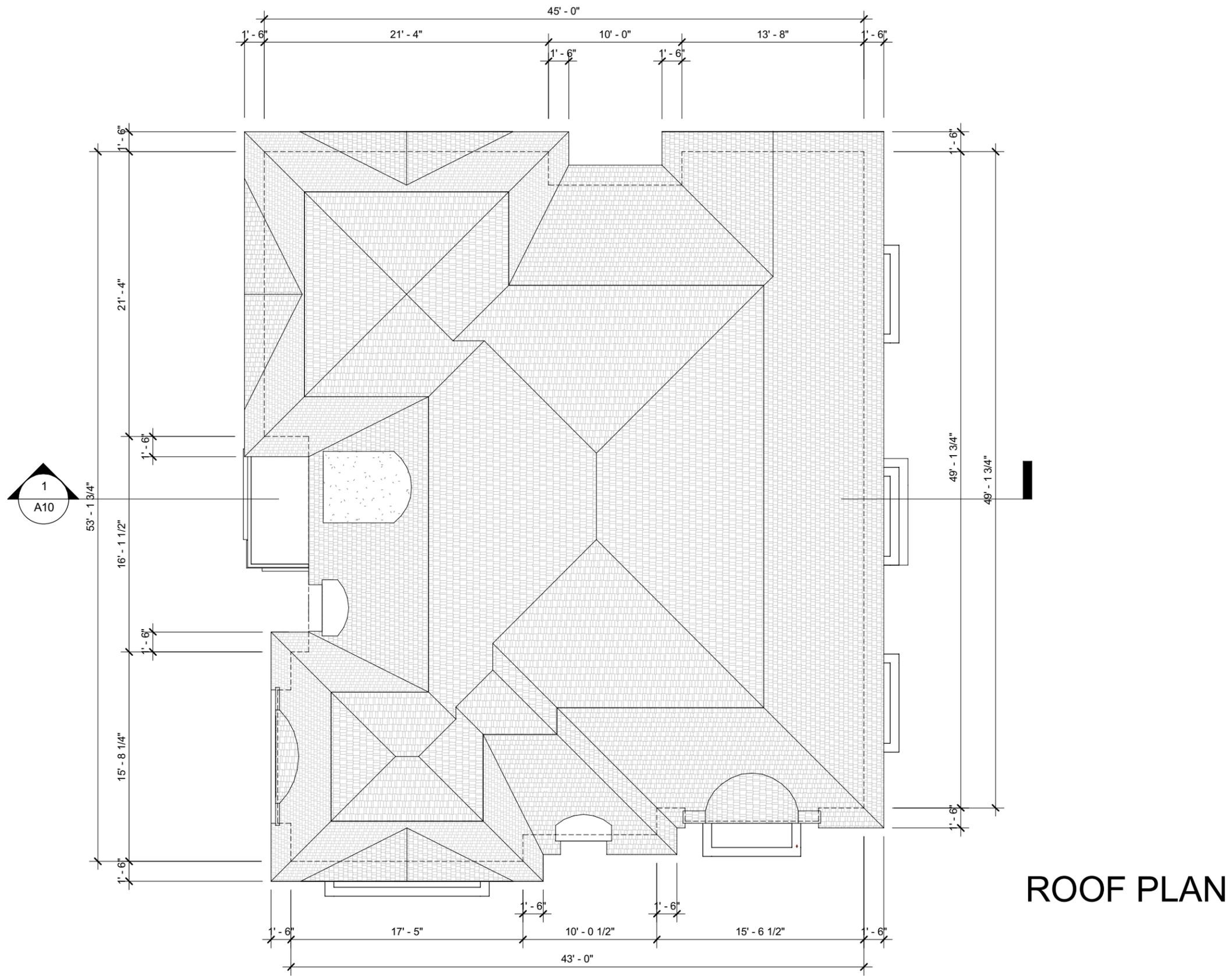


SECOND FLOOR PLAN

Appendix B

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ROOF PLAN

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WEST ELEVATION



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MARKHAM ONTARIO

Drawing Name :
WEST ELEVATION

Date :
04/12/21

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

Drawn by :
Author

Checked by :
Checker

Project No
AND 21006

Drawing No :
A6

Appendix B

File: 21.116644.000.00.MNV

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SOUTH ELEVATION



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MARKHAM ONTARIO

Drawing Name :
SOUTH ELEVATION

Date :
04/12/21

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

Drawn by :
Author

Checked by :
Checker

Project No
AND 21006

Drawing No :
A7

Appendix B

File: 21.116644.000.00.MNV

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EAST ELEVATION



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Drawing Name :
EAST ELEVATION

Date :
04/12/21

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

Drawn by :
Author

Checked by :
Checker

Project No
AND 21006

Drawing No :
A8

Appendix B

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NORTH ELEVATION



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Drawing Name :
NORTH ELEVATION

Date :
04/12/21
Scale :
1/8" = 1'-0"

Drawn by :
Author
Checked by :
Checker

Project No
AND 21006

Drawing No :
A9