

Memorandum to the City of Markham Committee of Adjustment

November 29, 2021

File: A/086/21
Address: 45 Pringle Ave, Markham
Applicant: Trenton Drafting and Design (Dale Theriault)
Agent: Trenton Drafting and Design (Dale Theriault)
Hearing Date: Wednesday, December 08, 2021

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) **Amending By-law 99-90, Section 1.2 (i):**
a maximum height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum depth of 18.29 m, whereas the By-law permits a maximum depth of 16.8 m;
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.34 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- d) **Section 11.2 (c) (i):**
a covered porch and stairs to encroach 31" into the required front yard, whereas the By-law permits a maximum encroachment of 18";

as it relates to a proposed detached dwelling.

BACKGROUND

Property Description

The 879.13 m² (9,462.87 ft²) subject property is located on the north side of Pringle Avenue, north of Highway 7 and west of Wootten Way North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There are a few newer dwellings being developed as infill developments on Pringle Avenue. Mature vegetation exists across the property. The property is developed with a two-storey single detached dwelling, which according to assessment records, was constructed in 1972. There is an existing in ground swimming pool located in the rear yard.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey single detached dwelling with a gross floor area of approximately 405.06 m² (4,360 ft²). The proposal also includes the construction of an 11.15m² (120 ft²) cabana in the rear northwest corner of the property. The existing in ground swimming pool in the rear yard will remain.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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 R1 ‘Residential’ under By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to the permitted yard encroachment for the front covered porch and stairs.

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 neighborhoods. 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 building height, building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the initial proposal submitted on June 11, 2021. The proposal has since been amended to address staff’s comment related to the excessive building height, depth and gross floor area.

Planning Staff have noted there may be an error in the area of the open to below spaces that are to be excluded from the gross floor area calculation, which may impact the 54.34% the floor area ratio variance request. Staff have encouraged the applicant to undertake an updated Zoning Preliminary Review to confirm the variances required for the revised proposal prior to resubmission. However, the applicant wishes to proceed without a Zoning Preliminary Review based on their confidence that the variances requested are accurate. It remains 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 variances in this application contain 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 Building Height

The applicant is requesting relief to permit a maximum building height of 10.84 m (35.56 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 1.04 m (3.41 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 0.97 m (3.18 ft) above the crown of road. The building height measured from the proposed grade to the peak of the roof is 9.87 m (32.41 ft).

Staff note that the main roof peaks at the centre of the building and slopes down towards the side and rear, which assists in reducing the vertical massing of the building and, reduces the visual impact onto neighbouring properties. The proposed building complies with the minimum 6 ft (1.83m) required interior side yard setbacks for a two-storey dwelling. Staff consider the requested variance to be minor in nature and have no concern.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.29 m (60 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 1.49 m (4.88 ft).

The requested variance includes a projection of the covered porch and a bump out at the rear of the dwelling, which cumulatively adds approximately 2.14 m (7 ft) to the overall depth of the building. The main component of the building has a depth of 16.15 m (52.98 ft) which complies with the by-law requirement and is in keeping with the existing homes on the street. Staff are of the opinion that the proposed building depth is generally consistent with the established character of the neighbourhood and have no concern.

Increase in Maximum Floor Area Ratio (FAR)

The applicant is requesting relief to permit a FAR of 54.34 percent, whereas the By-law permits a maximum FAR of 45 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with a floor area of 405.06 m² (4,360 ft²), whereas the By-law permits a dwelling with a maximum floor area of 335.91 m² (3,615.7 ft²). This represents an increase of approximately 69.15 m² (744.32 ft²).

FAR 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.

As submitted, the building layout complies with the front, side and rear yard setback requirements which ensures adequate separation from adjacent homes, appropriate amenity space in the rear yard and consistent setback pattern on the street, despite the other requested variances. Notwithstanding the FAR variance, the proposed dwelling has a lot coverage of 32.35%, which complies with the maximum 35% coverage permitted by the by-law. The size of the building footprint is also consistent with the surrounding homes including the ones originally developed in the 1970's.

Considering the design of the proposed dwelling and its relationship with the surrounding homes, staff are of the opinion that the requested variance to 54.34% will not result in any demonstrable adverse impact on the neighbouring properties or the streetscape character. However, it should be noted that there has not been any variances approved for a floor area ratio increase as high as 54% on the street and immediate vicinity and therefore, the proposed dwelling will be one of the largest homes on the street.

As identified earlier in this memorandum, Staff request that the applicant demonstrate to the Committee that the FAR calculated in support of this variance requested, is accurate. Staff recommend that the Committee consider public input and satisfy themselves whether the variance meets the four tests of the Planning Act.

Increase in Maximum Eaves/roofed Encroachment

The applicant is requesting a variance to permit a covered porch and stairs to encroach 31 in (0.78 m) into the front yard, whereas the By-law permits a maximum yard encroachment of 18 in (0.45 m). This represents an increase of 13 in (0.33 m).

The proposed front covered porch and stairs will be appropriately setback from the adjacent properties and the street line. Staff do not anticipate the requested variance will adversely affect the streetscape or the adjacent homes. It is the opinion of staff that the front covered porch adds an architectural element to the front building elevation, which helps improve wall articulation and enhance the visual appearance of the façade. Staff consider the requested variance minor in nature and have no concern.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 1, 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 variances related to building height, building depth, and yard encroachment meet the four tests of the Planning Act. Regarding the variance for floor area ratio increase, staff recommend that the Committee consider public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/086/21

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. 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.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

Appendix B

File: 21.1261683.000.00.MNV

Date: 12/03/21

MM/DD/YY

GROSS LOT AREA= 9,470.00 SQ.FT.

NET LOT AREA= 1/2 (9470-6600) + 6,600.00 = 8,035.00 SQ.FT.

FIRST FLOOR AREA= 2,632.00 SQ.FT. SQ.FT.

SECOND FLOOR AREA = 2,410.00 SQ.FT.

TOTAL DWELLING GFA = 5,042.00 SQ.FT.

DEDUCTIBLE AREA= 682.00 SQ.FT.

TOTAL NET GFA=4,360.00 SQ.FT. / NET LOT AREA (8,035) = (0.54)

CABANNA AREA= 120.00 SQ.FT.

COVERGE

DWELLING - 2,728.00 SQ.FT.

CABANNA- 336.00 SQ.FT.

TOTAL COVERAGE - 3,064.00 SQ.FT. (32.35%)

PROJECT ADDRESS:

45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:

SITE PLAN

SCALE:

1:150

DATE:

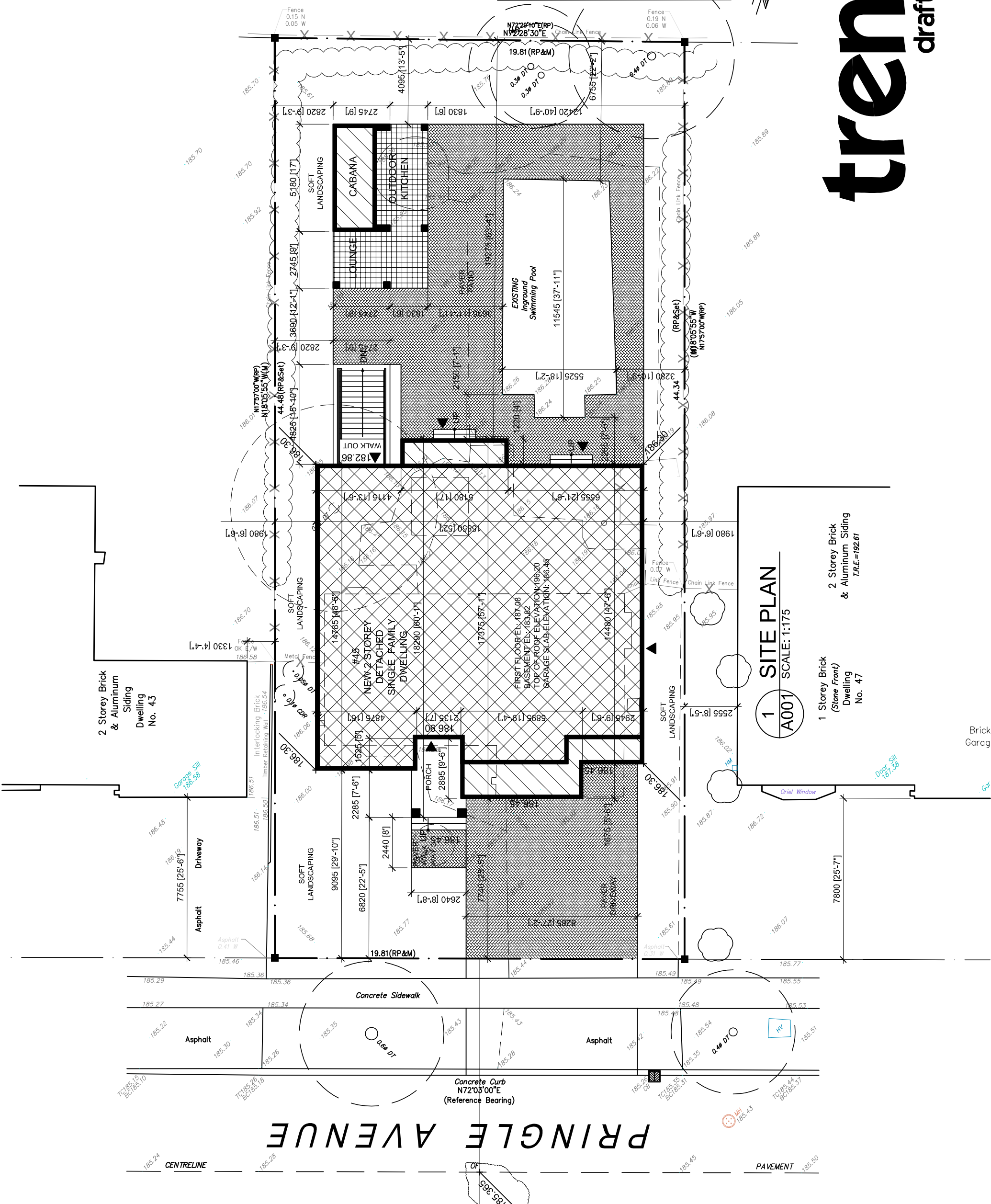
01-25-21

DRAWING NUMBER:

A001

trenton

drafting & design



PRINGLE AVENUE

CENTRELINE

PAVEMENT

1 SITE PLAN
A001 SCALE: 1:175

2 Storey Brick & Aluminum Siding Dwelling No. 43
T.R.E. #192.61

1 Storey Brick (Stone Front) Dwelling No. 47

Brick Garag

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21

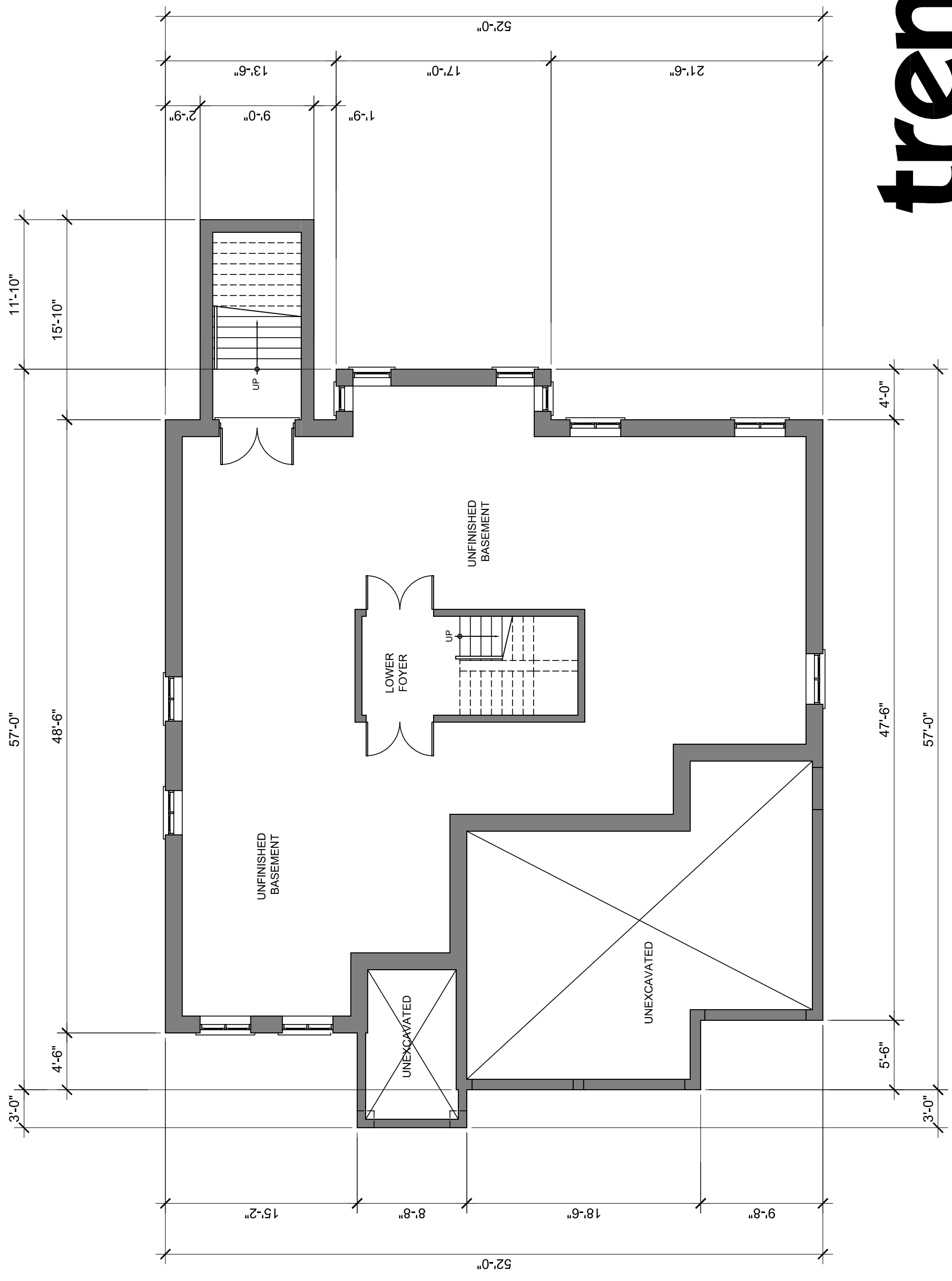
PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
**BASEMENT
FLOOR PLAN**

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A100



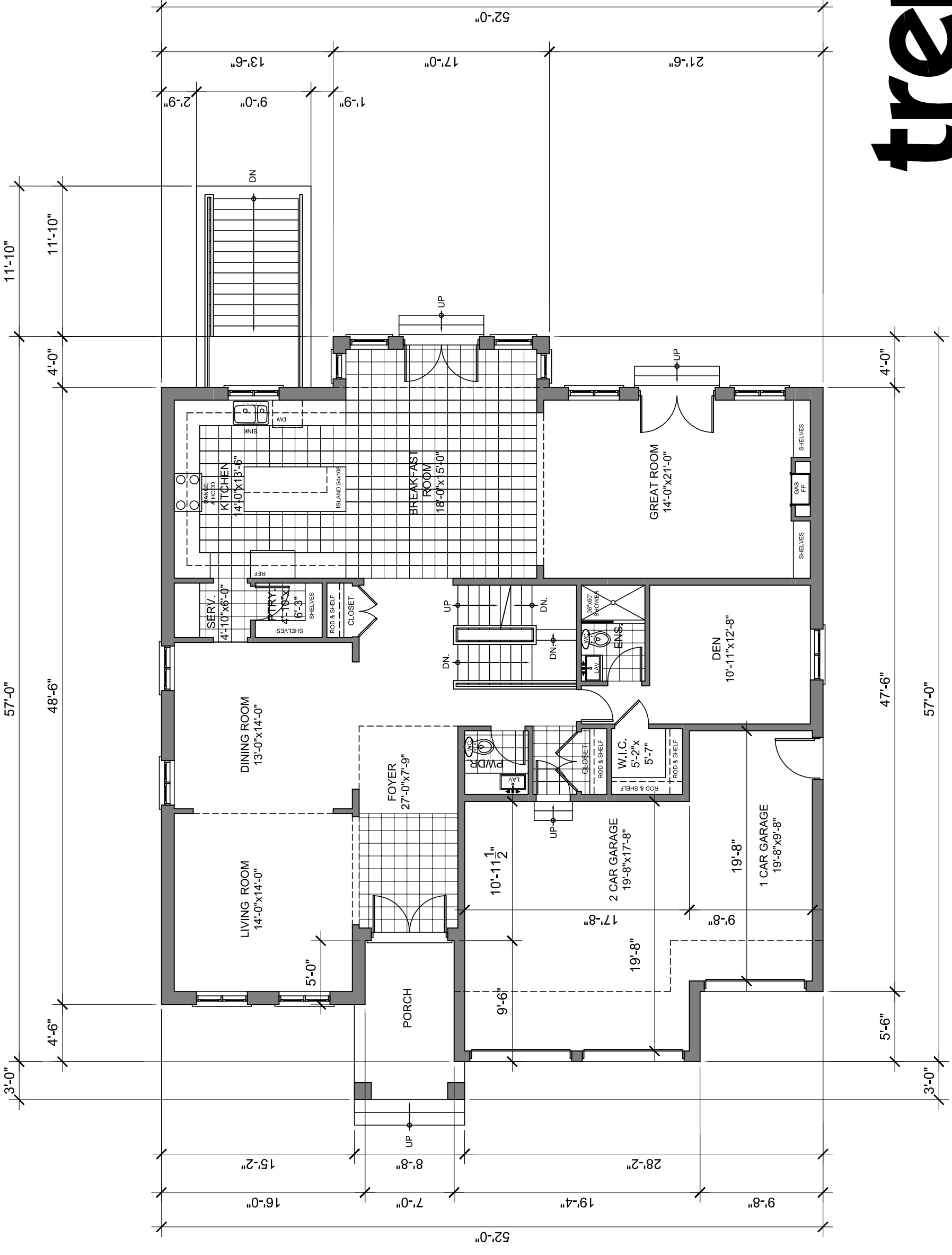
trenton
drafting & design

1 BASEMENT FLOOR PLAN
SCALE: 1/8"=1'-0"

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
FIRST FLOOR PLAN

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A101

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1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

Appendix B

File: 21.1261683.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

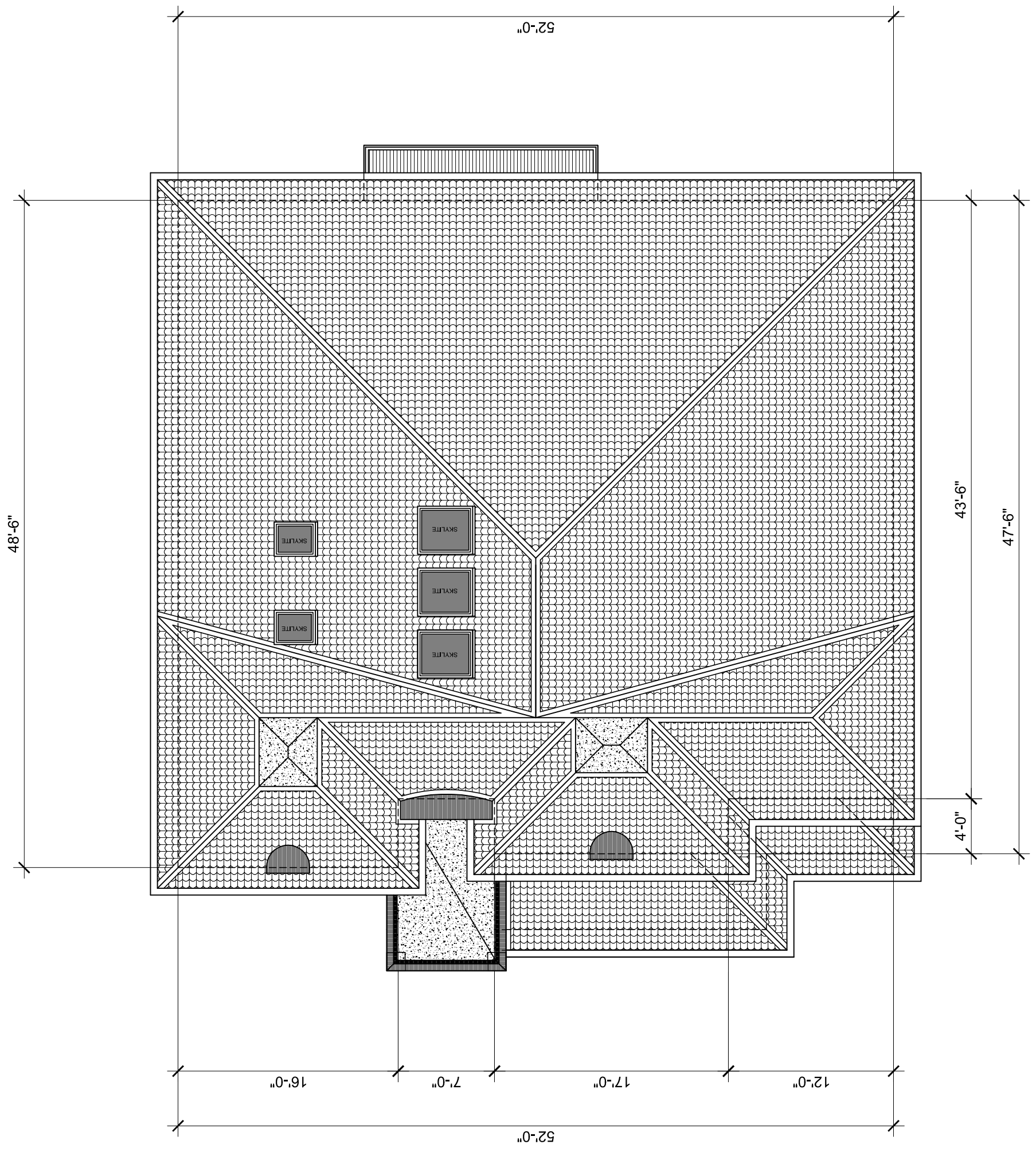
DRAWING TITLE:
ROOF PLAN

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A103

trenton
drafting & design

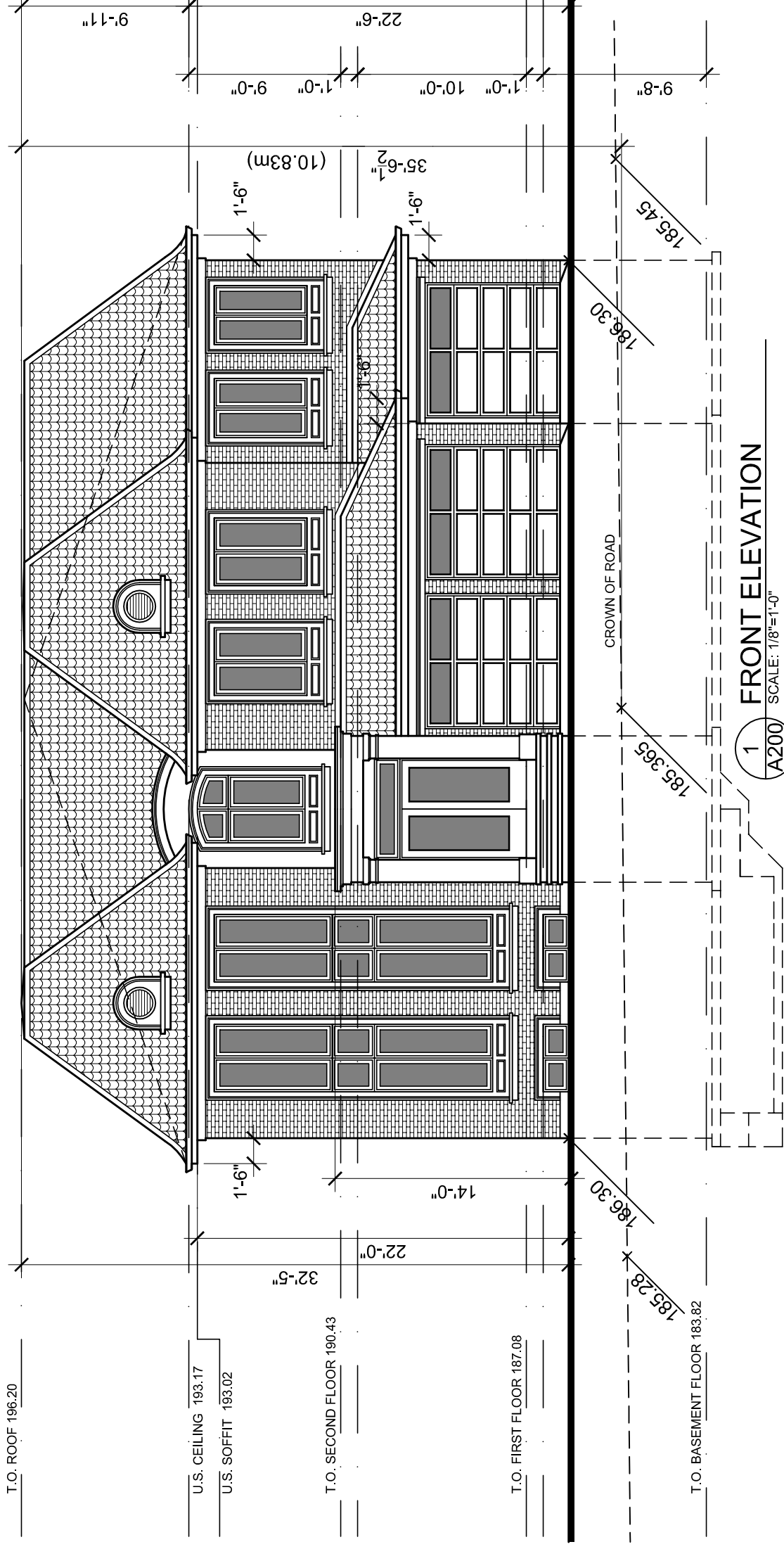


1 ROOF PLAN
A103
SCALE: 1/8"=1'-0"

Appendix B

File: 21.126183.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO	DRAWING TITLE: FRONT ELEVATION	SCALE: AS NOTED	DATE: 01-25-21	DRAWING NUMBER: A200
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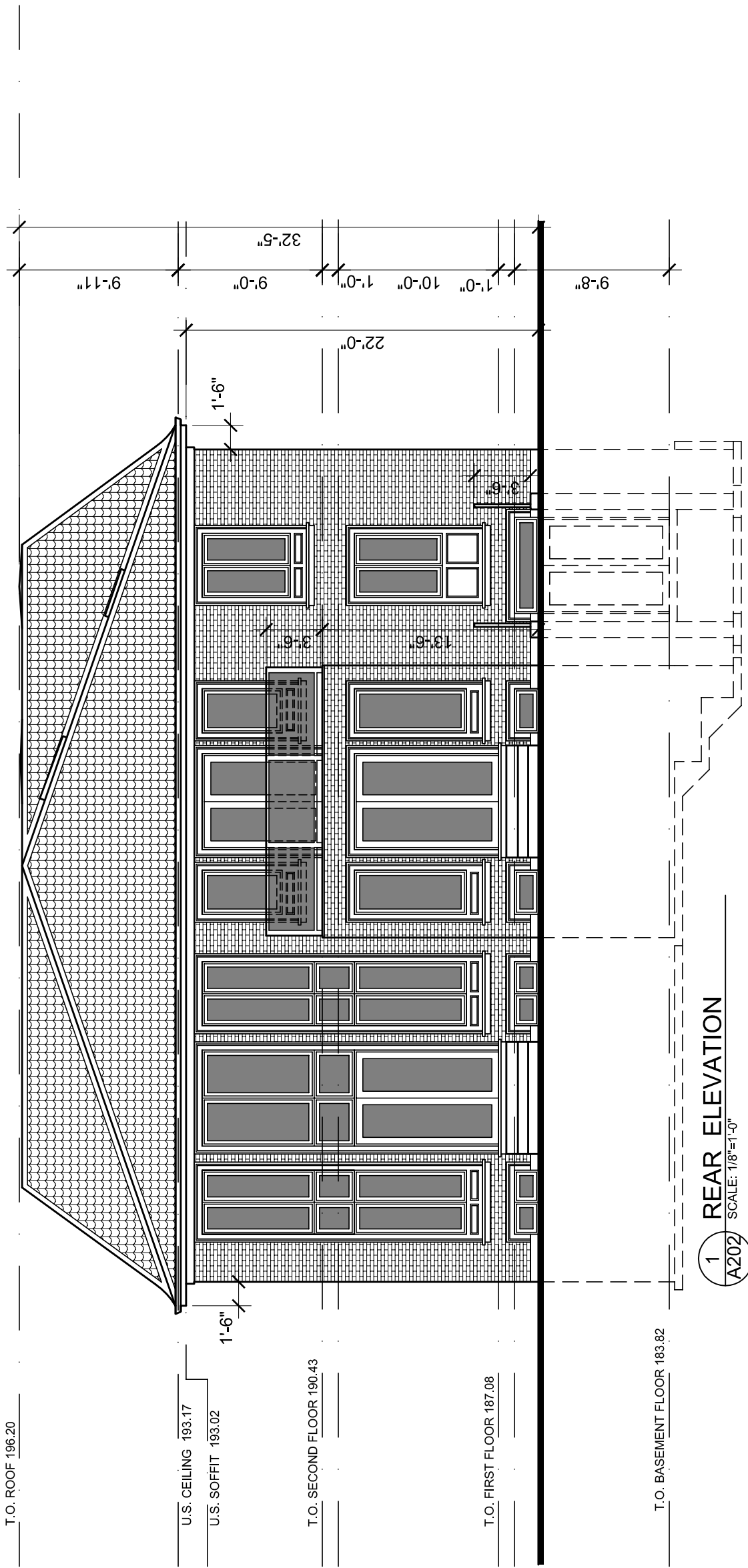
Appendix B

File: 21.126183.000.00.MNV

Date: 12/03/21

MM/DD/YY

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE: REAR ELEVATION
SCALE: AS NOTED
DATE: 01-25-21
DRAWING NUMBER: A202



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

A202

Appendix B

File: 21.126163.000.00.MNV

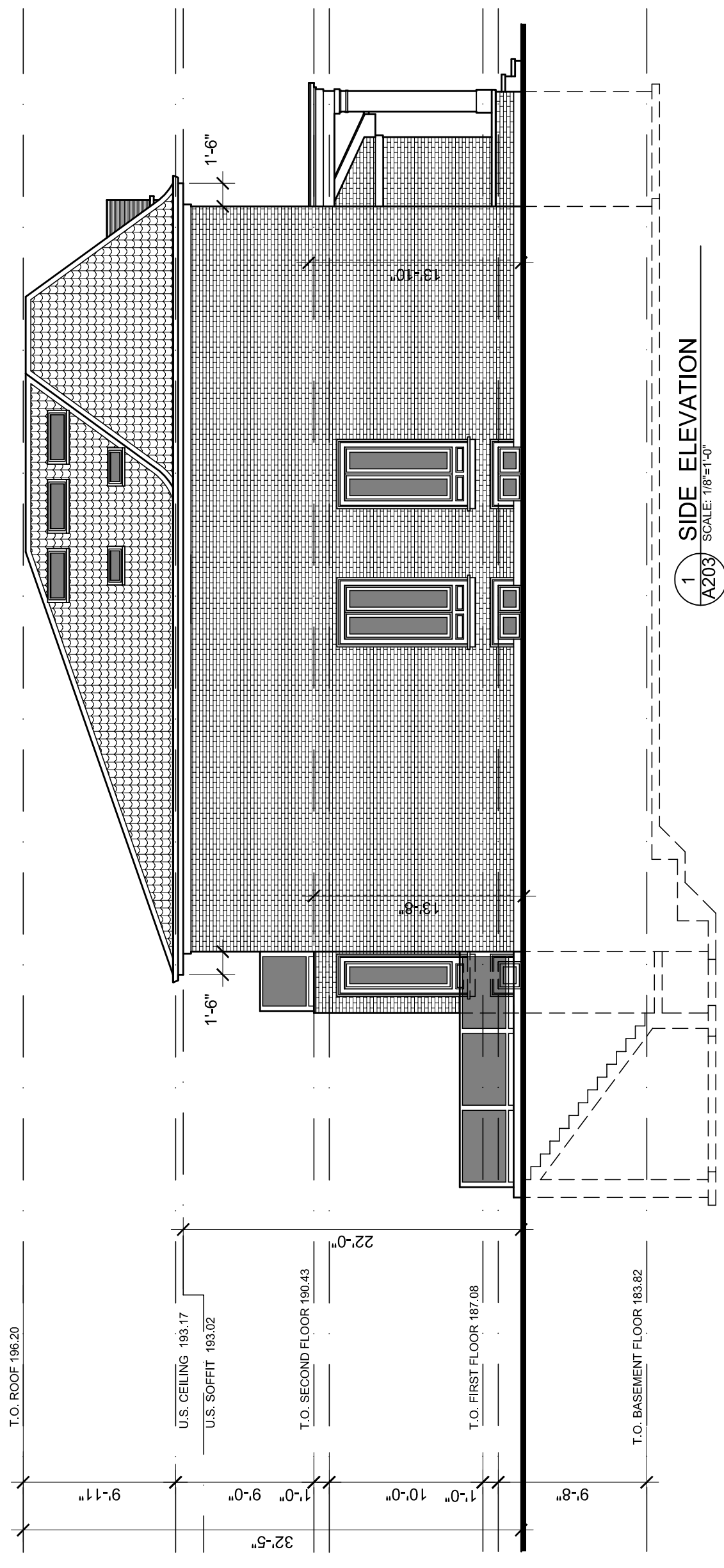
Date: 12/03/21

MM/DD/YY

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE: SIDE ELEVATION
SCALE: AS NOTED
DATE: 01-25-21
DRAWING NUMBER: A203

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drafting & design

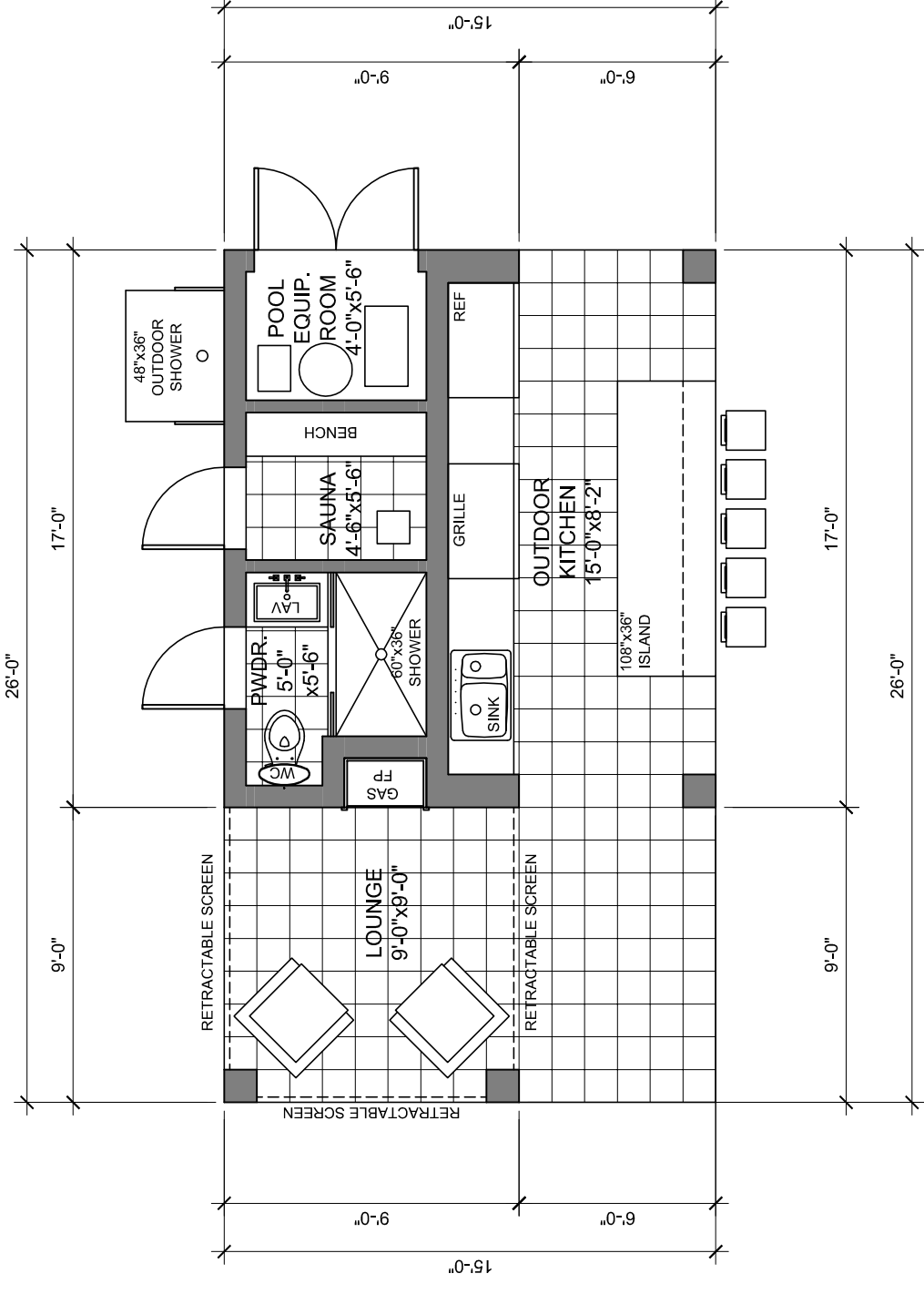


1 SIDE ELEVATION
A203 SCALE: 1/8"=1'-0"

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21



1 CABANA FLOOR PLAN
SCALE: 3/16"=1'-0"

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO	DRAWING TITLE: CABANA FLOOR PLAN	SCALE: AS NOTED	DATE: 01-25-21	DRAWING NUMBER: A300
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trenton

drafting & design

Appendix B

File: 21.126163.000.00.MNV

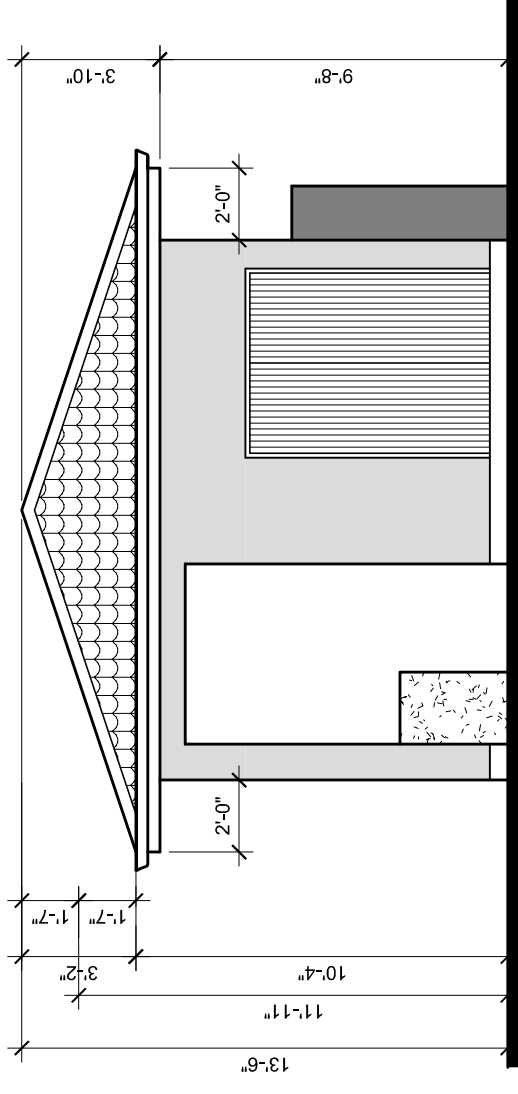
Date: 12/03/21

MM/DD/YY

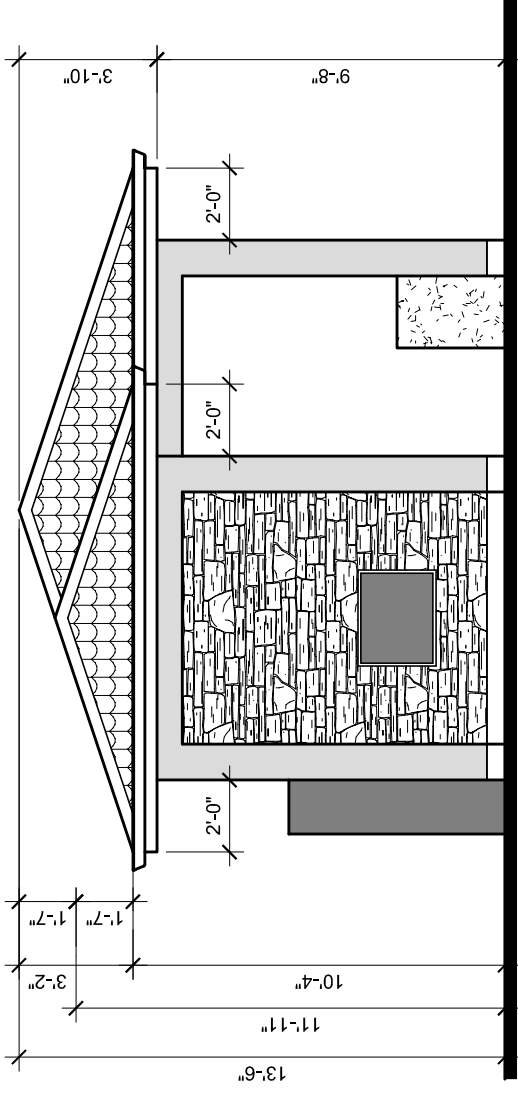
PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE: CABANA ELEVATIONS
SCALE: AS NOTED
DATE: 01-25-21
DRAWING NUMBER: A301

trenton

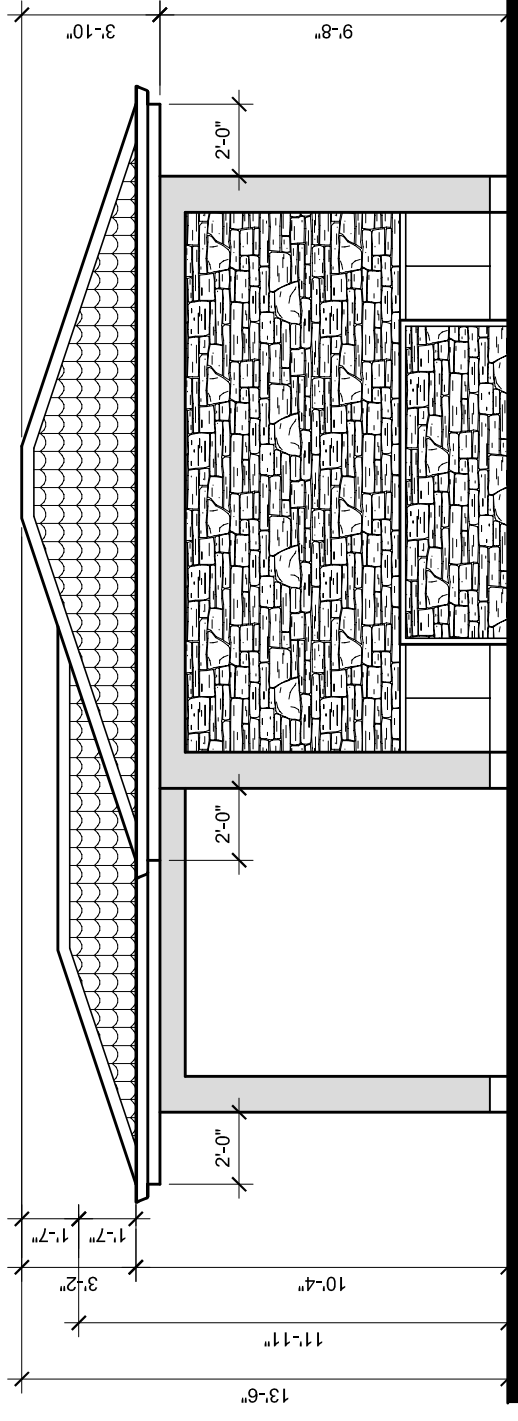
drafting & design



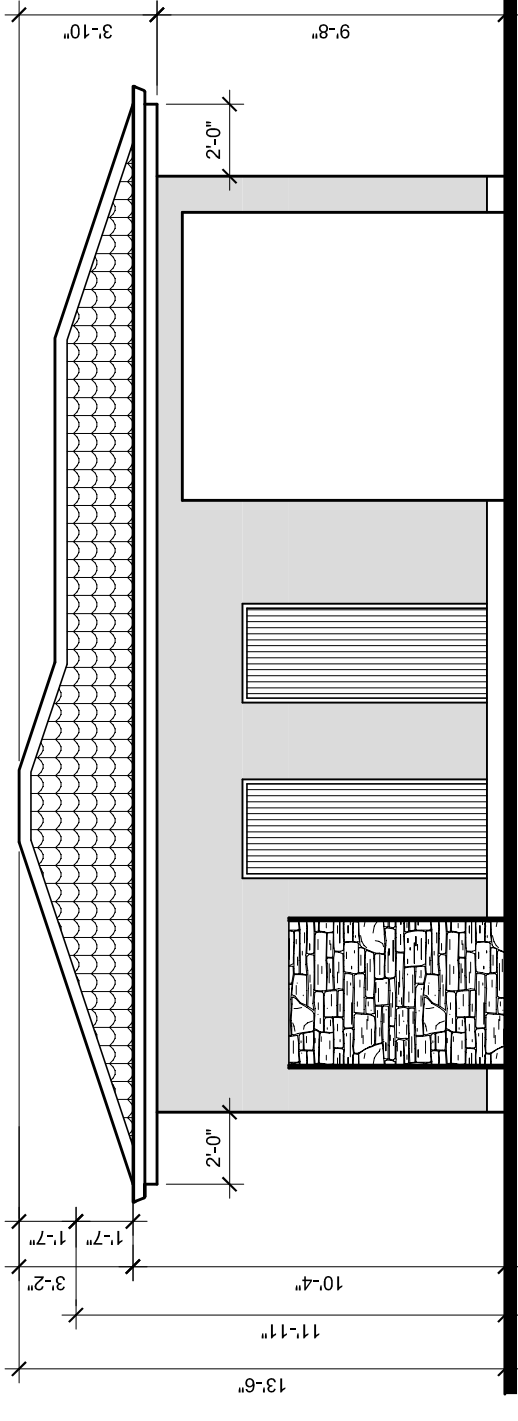
2 SIDE ELEVATION
SCALE: 3/16"=1'-0"
A301



4 SIDE ELEVATION
SCALE: 3/16"=1'-0"
A301



1 FRONT ELEVATION
SCALE: 3/16"=1'-0"
A301



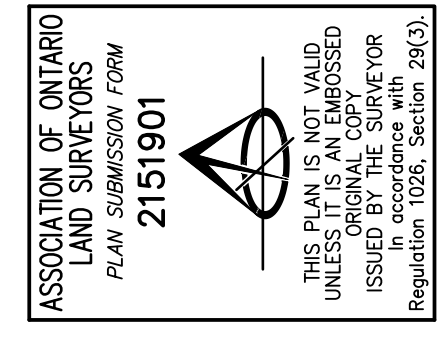
3 REAR ELEVATION
SCALE: 3/16"=1'-0"
A301

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE
 BEARINGS ARE ASTROMETRIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK NO. M39-JOB HAVING A N72°03'00"E ACCORDING TO REGISTERED PLAN M-1385.

ELEVATION NOTE
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK NO. M39-JOB HAVING A PUBLISHED ELEVATION OF 186.211 METRES.

- LEGEND**
- DENOTES SURVEY MONUMENT SET
 - RP — REGISTERED PLAN M-1385
 - PJ — PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.L. DATED JUNE 3, 1972
 - P/2 — PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.L. DATED JUNE 3, 1972
 - P/3 — PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.L. DATED JUNE 3, 1972
 - M — METRIC MEASUREMENTS
 - N.S.E.W. — NORTH SOUTHERLY EAST WEST
 - IB — IRON BAR
 - P.I.N. — PROPERTY IDENTIFIER NUMBER
 - B — BENCH MARK
 - BB — BELL BOX
 - BC — BOTTOM OF CURB
 - PC — TOP OF CURB
 - COR — CEDAR TREE
 - DT — DECIDUOUS TREE
 - CS — CONIFEROUS TREE
 - SM — SURVEY MARK
 - HW — HYDRO VAULT
 - MH — MANHOLE
 - T.R.E. — TOP OF ROOF ELEVATION

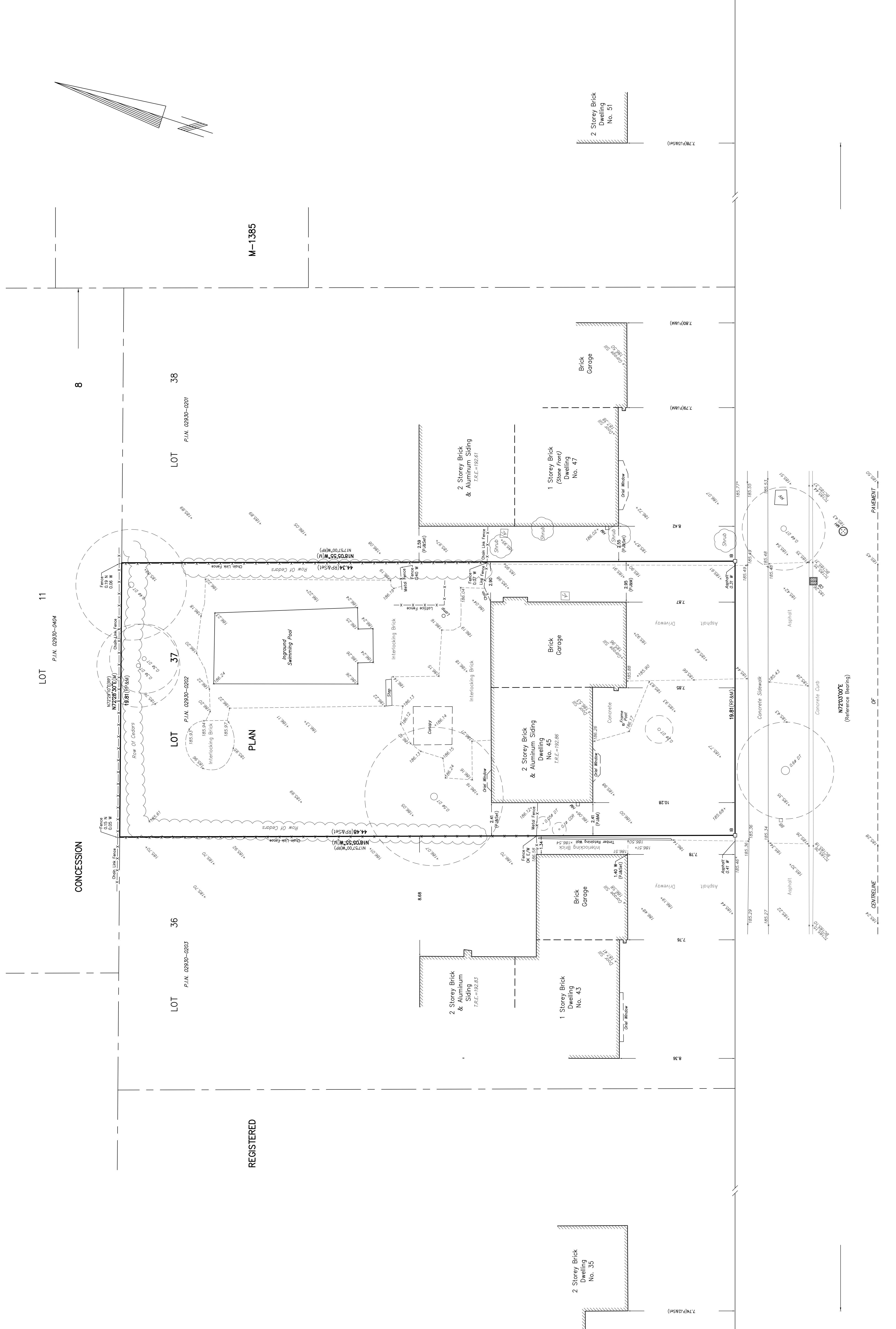
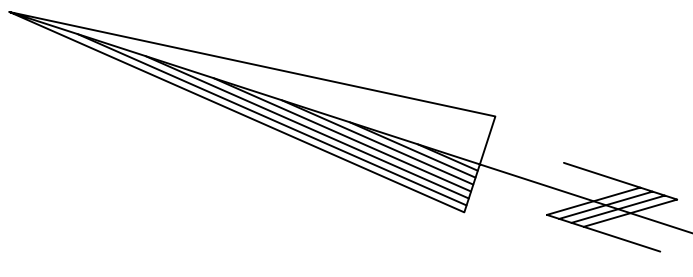


SURVEYOR'S CERTIFICATE
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF JANUARY, 2021.

FEBRUARY 1, 2021
 DATE
 JANEK WALCZAK
 ONTARIO LAND SURVEYOR

THIS PLAN WAS PREPARED FOR NERES SBAJARIAN

PART 2 - SURVEY REPORT
 1) PLEASE NOTE LOCATION OF FENCES
 2) REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY NONE
 3) THIS PLAN DOES NOT COMPLY WITH ZONING BY-LAWS



PRINGLE AVENUE
 (By Registered Plan M-1385)

PLAN 02930-0386

N72°03'00"E
 (Reference Bearing)

CONTRAILINE

PAVEMENT