

Memorandum to the City of Markham Committee of Adjustment

December 4, 2019

File: A/125/19
Address: 19 Wildrose Crescent – Markham (Thornhill), ON
Applicant: Edward & Mignonne Harold
Agent: SHDesign
Hearing Date: Wednesday December 11, 2019

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

The applicant is requesting relief from the following requirements of By-law 1767, 'Third Density Residential – R3' zone as amended, as it relates to a proposed two-storey single detached dwelling:

a) Infill By-law 100-90, Section 1.2(i) Max Building Height:

A maximum building height of 10.99 m (36.06 ft); whereas, the by-law permits a maximum building height of 9.8 m (32.15 ft);

b) Infill By-law 100-90, Section 1.2(iii) Max Building Depth:

A maximum building depth of 20.12 m (66.01 ft); whereas, the by-law permits a maximum building depth of 16.8 m (55.11 ft);

c) Infill By-law 100-90, Section 1.2(vi) Max Floor Area Ratio:

A maximum floor area ratio (FAR) of 54.2% (4,474 sq ft); whereas the by-law permits a maximum FAR of 50% (4,123 sq ft);

d) Section 12.(iv)(a):

Buildings Erected Between Existing Buildings: A front yard setback of 27 ft (8.23 m); whereas, the by-law requires a minimum front yard setback of 30.4 ft (9.27 m).

BACKGROUND

Property Description

The 837 m² (9,011 ft²) subject property is located in the community of Thornhill north of Steeles Avenue East, and east of Laureleaf Road. The property is on the east side of Wildrose Crescent and abuts the Metrolinx railway corridor located east of the property's rear yard. Currently existing on the property is a one-storey building with a walk-up entrance in the front yard.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition, with newer dwellings being developed as infill development. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing one-storey single detached dwelling, and to construct a new two-storey single detached dwelling with a building depth, building height, and floor area ratio (FAR) that exceed the maximum requirements of the by-law, along with a reduction of the minimum front yard setback as required by the by-law.

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.

In addition to policy 8.2.3.5, the property is located within the Thornhill Site Specific Policy Area. The intent of this is to provide for a set of development standards that limit the size and massing of new dwellings to ensure infill development respects and reflects the existing pattern and character of adjacent development. Staff are of the opinion that the proposed development size, scale, and massing is generally consistent and compatible with other infill development taking place within the Thornhill Site Specific Policy Area, and along Wildrose Crescent.

Zoning By-Law 1767

The subject property is zoned R3 under By-law 1767, as amended, which permits Single Detached Dwellings. The proposed development does not comply with the Parent Zoning By-law requirements with respect to the minimum front yard setback.

Residential Infill Zoning By-law 100-90

The 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, 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 the maximum height, depth, and FAR.

Tree Preservation By-law 2008-96 & 2008-97

Various mature trees currently exist across the property. In efforts to protect and preserve the trees on the property staff have provided comments, requesting that an arborist report be completed and submitted to the City of Markham by a certified arborist to further aid in identifying trees for protection, preservation, removal, and potential injury, and establishing appropriate mitigation measures through this process.

In the case the proposed variances are granted by Committee, staff recommend that the approval is subject to the applicant receiving written confirmation that the conditions related to tree preservation and protection provided in Appendix "A" have been fulfilled to the satisfaction of the City of Markham, and in accordance with the City of Markham's Tree By-laws.

Staff recommend that the existing trees/vegetation along the north property line are protected to maintain a visual buffer that helps maintain privacy, and protects the northerly property from overlook given the transition of the property's heights.

Applicant's Stated Reason(s) for Not Complying with Zoning

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

"it is not possible to comply with the height as the building height is measured at the crown of the road which is approximately 0.85m (2.79 ft) lower than the grade at the front wall of the house;

the building depth exceeds the required depth as it includes both the front porch and rear covered patio;

it is not possible to comply with the net floor area, as design and space are needed to accommodate homeowner's familial needs; and

the front yard setback is requested due to the shape of the lot's frontage which pushes the house structure into the front yard due to the rail corridor east of the property's rear yard."

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 28, 2019 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;
- 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 10.99 m (36.06 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 1.19 m (3.91 ft).

The By-law calculates building height using the vertical distance of the building or structure measured between the level of the crown of the street and the highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.85 m (2.79 ft) above the crown of road.

The property is located between two detached dwellings which range between one to two-storeys. Staff are of the opinion that the applicant's request for relief to permit the proposed height is appropriate and within the context of the site, street, and overall character of the neighbourhood.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.12 m (66.01 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 3.32 m (10.90 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a one-storey rear covered porch with unenclosed sides which adds approximately 3.96 m (12.99 ft) to the overall depth of the building. The portion of the building from the main front wall to the main rear wall has a depth of approximately 16.16 m (53.02 ft) which complies with the by-law requirement.

Staff are of the opinion that the applicant's request to permit a maximum building depth of 20.12 m (66.01 ft) including the one-storey rear covered porch should not have adverse impacts to neighbouring properties. This is in part due to its location in the rear yard.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 54.2%, whereas the By-law permits a maximum floor area ratio of 50%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 4,474 ft² (415.65 m²), whereas the By-law permits a dwelling with a maximum floor area of 4,123 ft² (383.04 m²). This represents an increase of approximately 351 ft² (32.61 m²) or 8.51%.

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 since it does not include "open to below/above" areas that may exist within the dwelling (ex. two-storey foyers, atriums, and stairs). There is approximately 234.55 ft² (21.79 m²) of "open to below" area.

With exception of the requested variances, the building layout meets all other zoning provisions (such as side & rear yard 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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 27 ft (8.23 m), whereas the By-law requires a minimum front yard setback of 30.41 ft (9.27 m) as "*buildings erected between existing buildings shall comply with the corresponding yards of the two existing buildings.*" This represents a reduction of approximately 3.41 ft (1.04 m). The main front wall of the building provides a front yard setback of 27 ft (8.23 m) which is generally consistent with the established front yard setback pattern on the street.

Metrolinx Comments

As previously mentioned, the property is east of and adjacent to the Metrolinx Railway Corridor. Metrolinx has expressed concern, and objects to the proposed infill development. City staff recommend that the applicant work with Metrolinx staff to appropriately address their concerns expressed on their e-mail dated December 4, 2019. Further, it is recommended that Committee the Owner enters into an infill development agreement with Metrolinx registered on title as indicated by Metrolinx, should the applicant wish to proceed with the proposed design.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 4, 2019. 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. 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.

APPENDICES

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



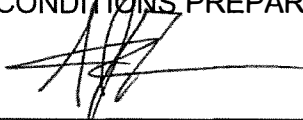
David Miller, Development Manager, West District

APPENDIX "A"

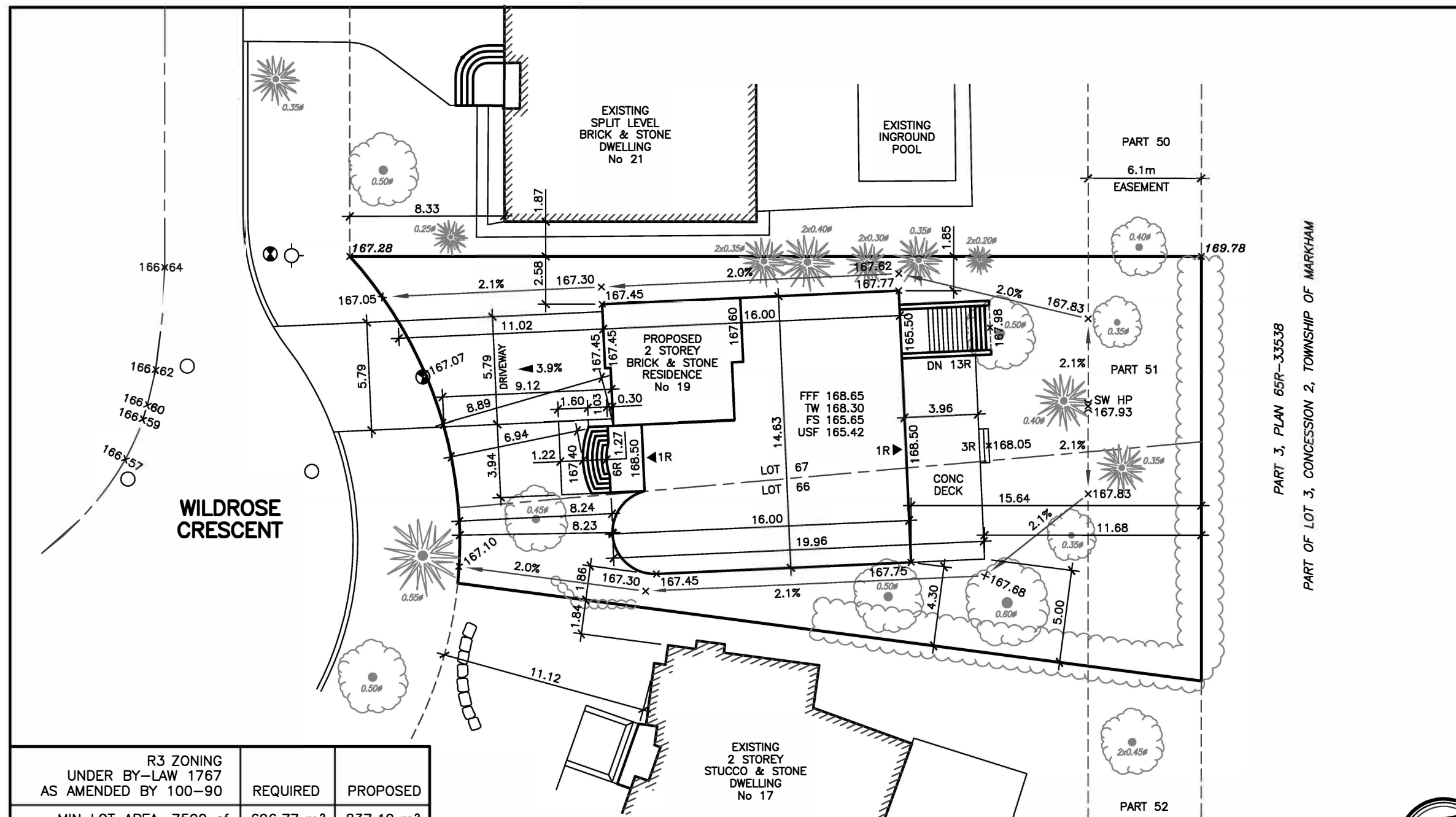
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/19

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 plans attached as 'Appendix B' to this Staff Report and received by the City of Markham on November 8, 2019, 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 owner implement and maintain all of the works required in accordance with the conditions of this variance;
4. 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 the 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;
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;
6. 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;
7. That the applicant satisfies the requirements of *Metrolinx*, financial or otherwise, as indicated in their e-mail sent to the Secretary-Treasurer on December 4, 2019, to the satisfaction of *Metrolinx*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Metrolinx*.
8. That the owner executes a *Metrolinx* Infill Development Agreement registered on title which stipulates that *Metrolinx* and/or any other railway organization shall not be responsible for any complaints or claims arising from the facilities and operations.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

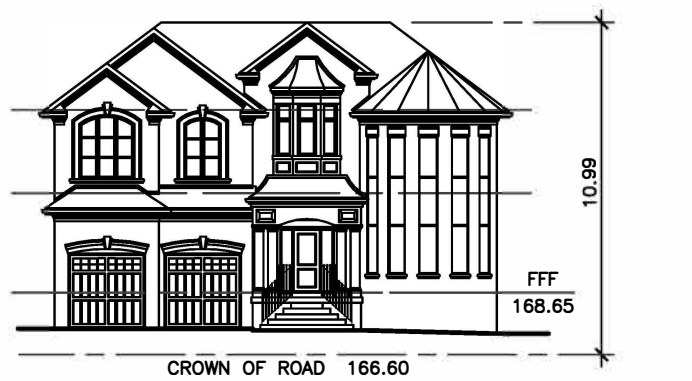


PART 3, PLAN 65R-33538
PART OF LOT 3, CONCESSION 2, TOWNSHIP OF MARKHAM

R3 ZONING UNDER BY-LAW 1767 AS AMENDED BY 100-90	REQUIRED	PROPOSED
MIN LOT AREA, 7500 sf	696.77 m ²	837.19 m ²
MIN FRONT YARD, 27 ft	8.23 m	8.23 m
MIN SIDE YARD, NORTH, 6 ft	1.83 m	1.85 m
MIN SIDE YARD, SOUTH, 6 ft	1.83 m	1.86 m
MIN REAR YARD, 25 ft	7.62 m	15.64 m
BUILDING AREA		224.49 m ²
MAX LOT COVERAGE	33.33 %	26.81 %
MAX BUILDING DEPTH	16.80 m	16.00 m
MAX GARAGE WIDTH	7.70 m	5.61 m
GROSS FLOOR AREA		412.19 m ²
NET LOT AREA		766.98 m ²
MAX NET FLOOR AREA RATIO	50.00 %	53.74 %
MAX BUILDING HEIGHT	9.80 m	10.99 m

REVISIONS	DATE
- ISSUED FOR CLIENT REVIEW	JL 30 19
1 ISSUED FOR MINOR VARIANCE APPLICATION	SE 03 19
2 REVISED PER CITY COMMENTS	SE 27 19

SITE INFORMATION
THIS PLAN IS BASED ON SURVEYOR'S REAL PROPERTY REPORT--PART 1 PLAN OF PARTS OF LOT 66 AND LOT 67 REGISTERED PLAN M-899 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK
SURVEY PREPARED BY ERTL SURVEYORS, O.L.S. DATED 2019



ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND CANNOT BE USED OR REPRODUCED WITHOUT HIS APPROVAL
THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT
DRAWINGS MUST NOT BE SCALED

FRONT YARD AREAS

LANDSCAPED AREA	106.67 m ² = 61.57 %
DRIVEWAY	56.57 m ² = 32.65 %
WALKWAY & STAIRS	10.01 m ² = 5.78 %
TOTAL FRONT YARD	173.25 m² = 100 %

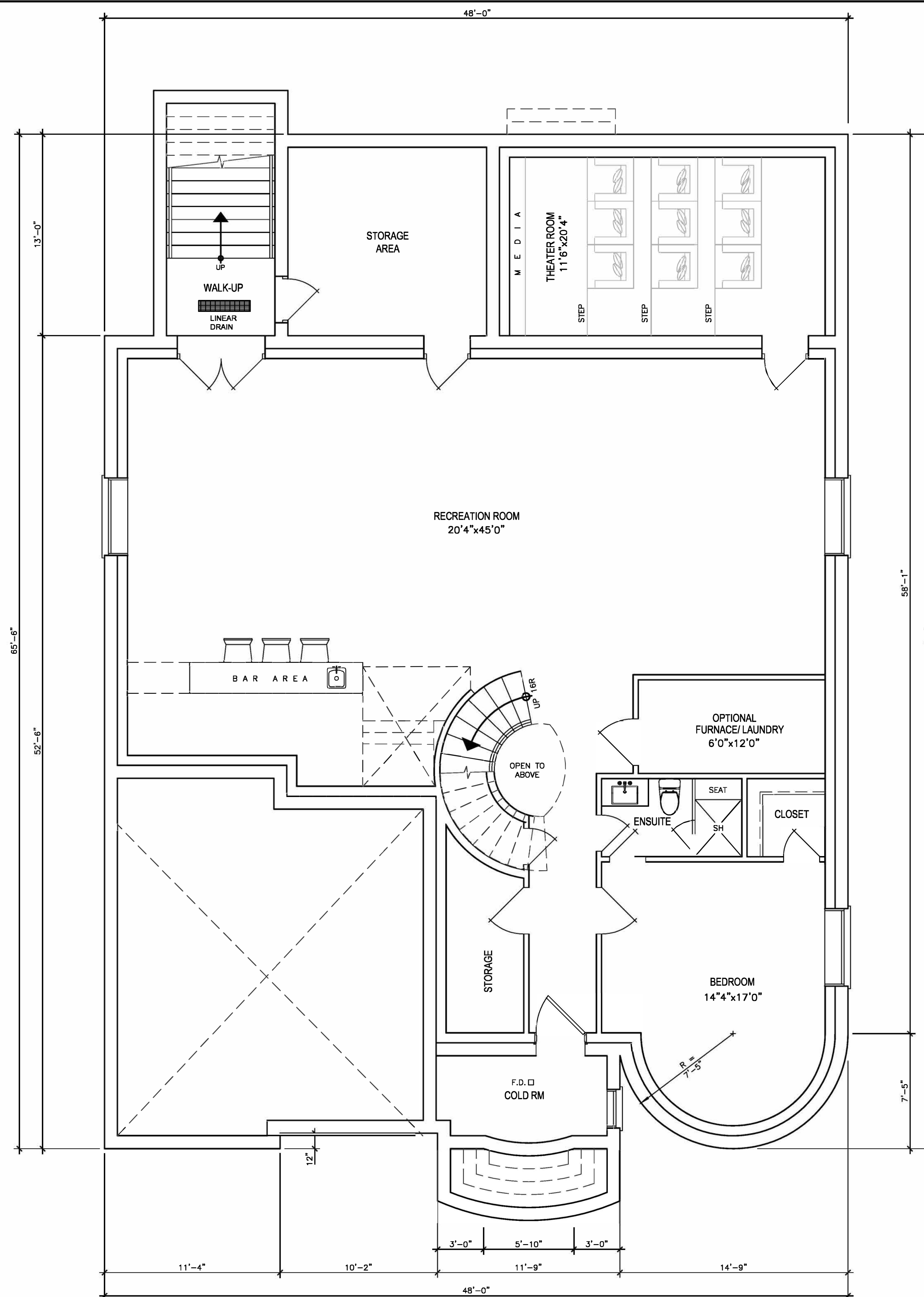
PROJECT
PROPOSED RESIDENCE
FOR: EDWARD HAROLD
AT: 19 WILDROSE CRESCENT
MARKHAM

ARCHITECTURAL DESIGN INC.

56 PENNSYLVANIA AVE.
UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419

DRAWING
PART OF LOTS 66 AND 67
REGISTERED PLAN M-899

DATE	JUL '19	PROJECT NO
DRAWN	T.P.	DRAWING NO
SCALE	1:250	A-1



BASEMENT FLOOR PLAN

REVISIONS

#	DATE
1	ISSUED FOR ZONING REVIEW SE 19 19



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ARCHITECTURAL DESIGN INC.

56 PENNSYLVANIA AVE.
UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419

PROJECT
PROPOSED DWELLING
FOR: MR & MRS EDWARD HAROLD
AT: 19 WILDROSE CRESCENT
MARKHAM

DRAWING
BASEMENT FLOOR PLAN

DATE	AUG '19	PROJECT NO
DRAWN	L.A.N.L.	DRAWING NO
CHECKED		
SCALE	1/4" = 1'-0"	A-2



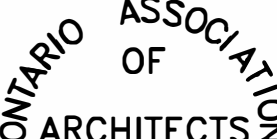
FRONT ELEVATION



RIGHT SIDE ELEVATION

ALLOWABLE UNPROTECTED OPENINGS		
LIMITING DISTANCE	6.10 FT	1.86 M
MAXIMUM PERCENTAGE	7.60 %	
TOTAL WALL AREA	1247.25 SF	115.87 SM
ALLOWABLE OPENINGS	94.79 SF	8.81 SM
ACTUAL OPENINGS	69.43 SF	6.43 SM

REVISIONS	
#	DATE


 ONTARIO ASSOCIATION
 OF
 ARCHITECTS

 LEO ARIEMMA
 LICENCE
 7361

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**ARCHITECTURAL
 DESIGN INC.**
 56 PENNSYLVANIA AVE.
 UNIT 1
 CONCORD, ONT. L4K 3V9
 TEL 905 660-9393
 FAX 905 660-9419

PROJECT
 PROPOSED
 DWELLING

 FOR: MR & MRS EDWARD HAROLD
 AT: 19 WILDROSE CRESCENT
 MARKHAM

DRAWING
 ELEVATIONS

DATE	AUG '19	PROJECT NO	
DRAWN	L.A.N.L.	DRAWING NO	
CHECKED			
SCALE	1/4" = 1'-0"		A-5



REAR ELEVATION



LEFT SIDE ELEVATION

ALLOWABLE UNPROTECTED OPENINGS			
LIMITING DISTANCE	6.07 FT	1.85 M	
MAXIMUM PERCENTAGE	7.60 %		
TOTAL WALL AREA	1145.50 SF	106.42 SM	
ALLOWABLE OPENINGS	87.06 SF	8.09 SM	
ACTUAL OPENINGS	72.00 SF	6.69 SM	

REVISIONS

#	DATE

ONTARIO ASSOCIATION OF ARCHITECTS

LEO ARIEMMA LICENCE 7961

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ARCHITECTURAL DESIGN INC.

56 PENNSYLVANIA AVE. UNIT 1 CONCORD, ONT. L4K 3V9 TEL 905 660-9393 FAX 905 660-9419

PROJECT PROPOSED DWELLING FOR: MR & MRS EDWARD HAROLD AT: 19 WILDROSE CRESCENT MARKHAM

DRAWING ELEVATIONS

DATE	AUG '19	PROJECT NO	
DRAWN	L.A.N.L.	DRAWING NO	A-6
CHECKED			
SCALE	1/4" = 1'-0"		