

Memorandum to the City of Markham Committee of Adjustment

November 15, 2021

File: A/128/21
Address: 8 Jonquil Crescent – Markham, ON
Applicant: Meng Cui
Agent: Custom CADD Inc. (Philippe Lamadeleine)
Hearing Date: November 24, 2021

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a new two-storey detached dwelling. The variances requested are to permit:

a) By-law 99-90, Table C (b):

a maximum depth of 24.35 m (79.89 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and

b) By-law 99-90, Section 1.2 (l):

a maximum height of 11.10 m (36.42 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft).

c) By-law 99-90, Table C (d):

a maximum floor area ratio of 49.0%, whereas the By-law permits a maximum floor area ratio of 45.0%;

BACKGROUND

Property Description

The 1,089.86 m² (11,731.10 ft²) subject property is located on the west side of Jonquil Crescent, north of Highway 7 East, east of Galsworthy Drive, and south of Robinson Street. The property is currently developed with a one-storey single detached dwelling, with mature trees located in the rear yard. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached and semi-detached dwellings. There are several examples of newer infill development along the street, and within the surrounding area.

Proposal

The applicant is proposing to demolish the existing one-storey dwelling, to construct a new two-storey dwelling with an attached garage, and front and rear covered porches. Including the garage, the dwelling would have a ground floor area of 232.89 m² (2,506.83 ft²), a second floor area of 181.87 m² (1,957.65 ft²) for a total gross floor area of 414.76 m² (4,464.48 ft²).

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. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning

requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

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 Infill By-law requirements with respect to the maximum depth, maximum height, and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on October 19, 2021 to confirm the variances required for the proposed development.

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 Building Depth

The applicant is requesting a maximum building depth of 24.35 m (79.89 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 7.55 m (24.77 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 front and rear covered porches that are one-storey in height. Cumulatively, the covered porches add approximately 8.75 m (28.71 ft) to the overall building depth. Excluding the covered porches, the main component of the building has a depth of 15.51 m (50.89 ft) which would meet the maximum building depth. Staff are of the opinion that the requested extension to the maximum building depth is attributable to the covered porches, which are oriented towards the centre of the lot, and would not adversely impact neighbouring lots.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 11.10 m (36.42 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 1.30 m (4.27 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 the highest point of the ridge of a gable, hip, gambrel or other type of pitched roof.

Measured from the crown of the road: the top of roof has a height of 11.10 m (36.42 ft), which does not span across the entire roofline; stepped down, the lower ridge of the roof has a height of 10.49 m (34.41 ft). Staff have given consideration to the grade at the front of the house, which is approximately 1.36 m (4.46 ft) above the crown of the street at the mid-point, the balance of which the applicant is seeking relief to permit an increase in height. Therefore, the height of the building from grade at the mid-point of the property to the high point of the roof is approximately 9.77 m (32.05 ft). Staff are of the opinion that the variance maintains the general intent of the By-law, is an appropriate development for the lot, and is minor in nature.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 49.0%, 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 414.76 m² (4,464.48 ft²), whereas the By-law permits a dwelling with a maximum floor area of 383.18 m² (4,124.50 ft²). This is an increase of 31.59 m² (339.98 ft²).

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. With exception to the requested building depth, and building height, the proposed development meets all other zoning provisions that establish the prescribed building envelope which assist in ensuring that the dwelling will be in keeping with the intended scale of residential infill development for the neighbourhood, and street. Staff are of the opinion that the proposed development is compatible, and generally in keeping with the scale of dwellings along Jonquil Crescent.

Tree Protection and Compensation

Should the application be approved, staff recommend that the tree related conditions detailed in Appendix "A" be adopted to ensure that the applicant installs the appropriate tree protection barriers, and provides appropriate compensation, if necessary. Staff also note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more on the subject property or neighbouring properties. Further mitigation may be required to ensure the appropriate protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

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

CONCLUSION

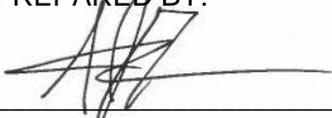
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input and the conditions of approval attached as Appendix “A” in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix “A” – Conditions of Approval

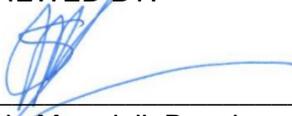
Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



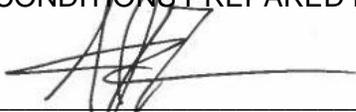
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/21

1. The variances apply only to the proposed development for 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 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. 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 the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



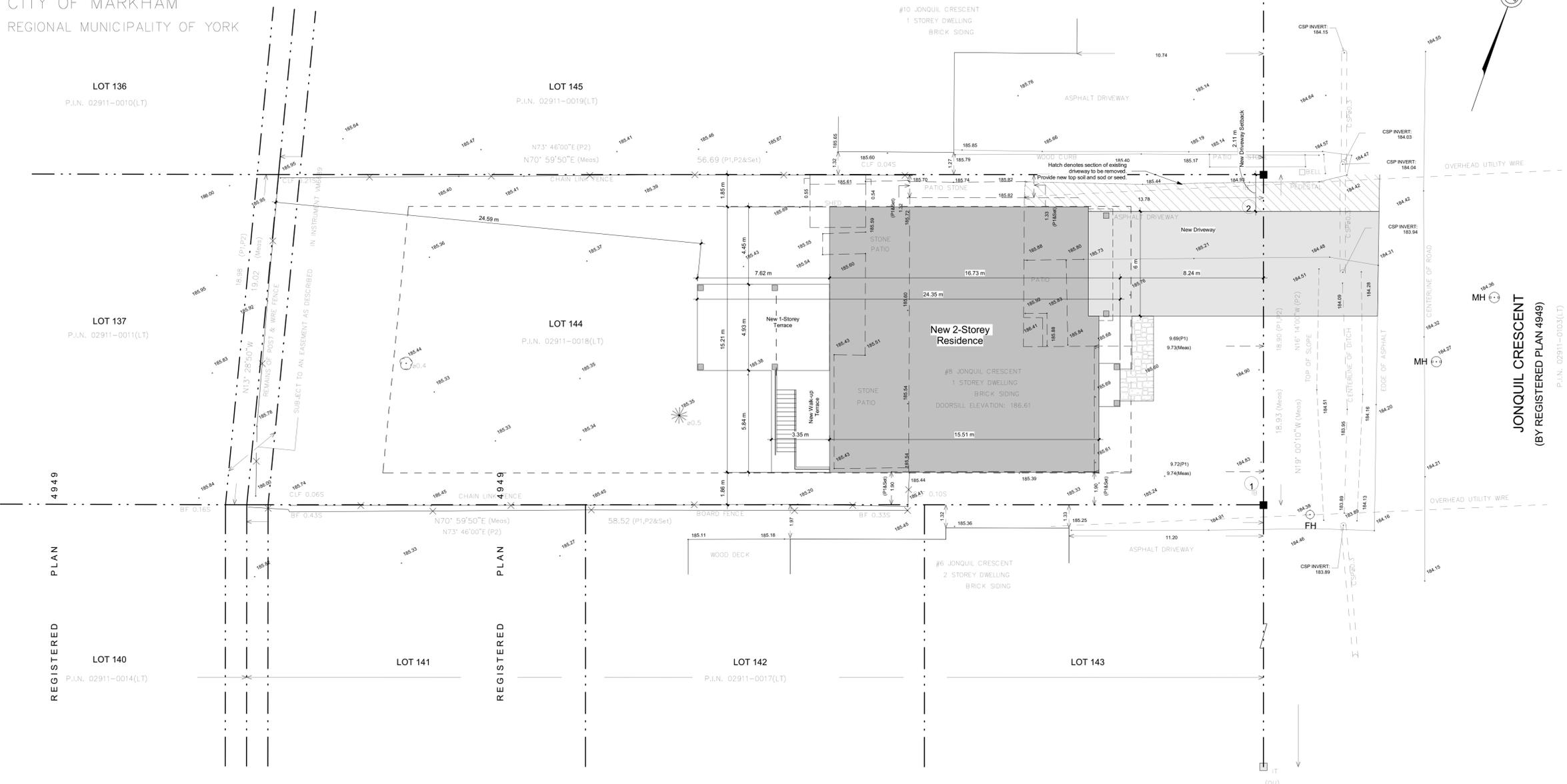
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/21

SURVEYOR'S REAL PROPERTY REPORT OF
 LOT 144, REGISTERED PLAN 4949
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

Lot Area:	11,731.10 sq.ft.	1,089.85 sq.m
Max Lot Coverage (35%):	4,105.85 sq.ft.	381.44 sq.m
Actual Lot Coverage:	3,145.76 sq.ft.	292.25 sq.m
Net Floor Area Calculation:		
11,731.10 sq.ft. - 6,600 sq.ft. = 5,131.10 sq.ft.		
5,131.10 sq.ft. / 2 = 2,565.55 sq.ft.		
6,600 sq.ft. + 2,565.55 sq.ft. = 9,165.55 sq.ft.		
	9,165.55 sq.ft.	851.50 sq.m
Max Floor Area (45%):	4,124.5 sq.ft.	383.18 sq.m
Gross Floor Area:		
Basement (Classified as Cellar):	1,889.20 sq.ft.	175.5 sq.m
Main Floor:	2,506.83 sq.ft.	232.9 sq.m
Second Floor:	1,957.65 sq.ft.	181.9 sq.m
Total:	4,464.48 sq.ft.	414.8 sq.m
Floor Area: 4,464.48 sq.ft. / 9,165.55 sq.ft. = 48.71%		
Max Building Height:	9.80 m	
Actual Building Height:	11.1 m	
Max Building Depth:	16.80 m	
Building Depth Provided:	16.73 m	
Max Increased Depth:	19.80 m	
Proposed Depth:	24.35 m	

Building/Structure Particulars	Existing	Proposed
Building (list all structures):		
Ground Floor Area (including Garage)	133 sq.m	232.9 sq.m
Second Floor Area:	N/A	181.9 sq.m
Basement or Cellar Floor Area:	109.5 sq.m	175.5 sq.m
Total Gross Floor Area:	133 sq.m	414.8 sq.m
Height:	+/- 5.0 m	11.1 m
Width:	15.7 m	15.21 m
Length:	10.7 m	16.73 m
Number of Storeys:	1	2
Front yard Setback:	9.73 m	8.24 m
Rear yard Setback:	31.5 m	24.59 m
Side yard Setback (North):	1.32 m	1.85 m
Side yard Setback (South):	1.90 m	1.86 m
Other:		
Rear Terrace:		37.6 sq.m
Walk-up Basement:		19.6 sq.m



Custom CADD Inc. is not responsible for the accuracy of survey, structural, mechanical, electrical or any engineering information shown on the drawing.

Refer to the appropriate engineering drawings before proceeding with the work. Report any discrepancies between architectural and engineering drawings to Custom CADD Inc. before proceeding with the work.

The General Contractor shall check and verify all dimensions and report all errors and omissions to Custom CADD Inc.

Construction must conform to all applicable codes and Requirements of Authorities having jurisdiction.

All drawings are not to be scaled.

1	Issued for Minor Variance	29.09.2021
No.	Description	dd.mm.yyyy
Revision Schedule		

CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS.

Custom CADD Inc.
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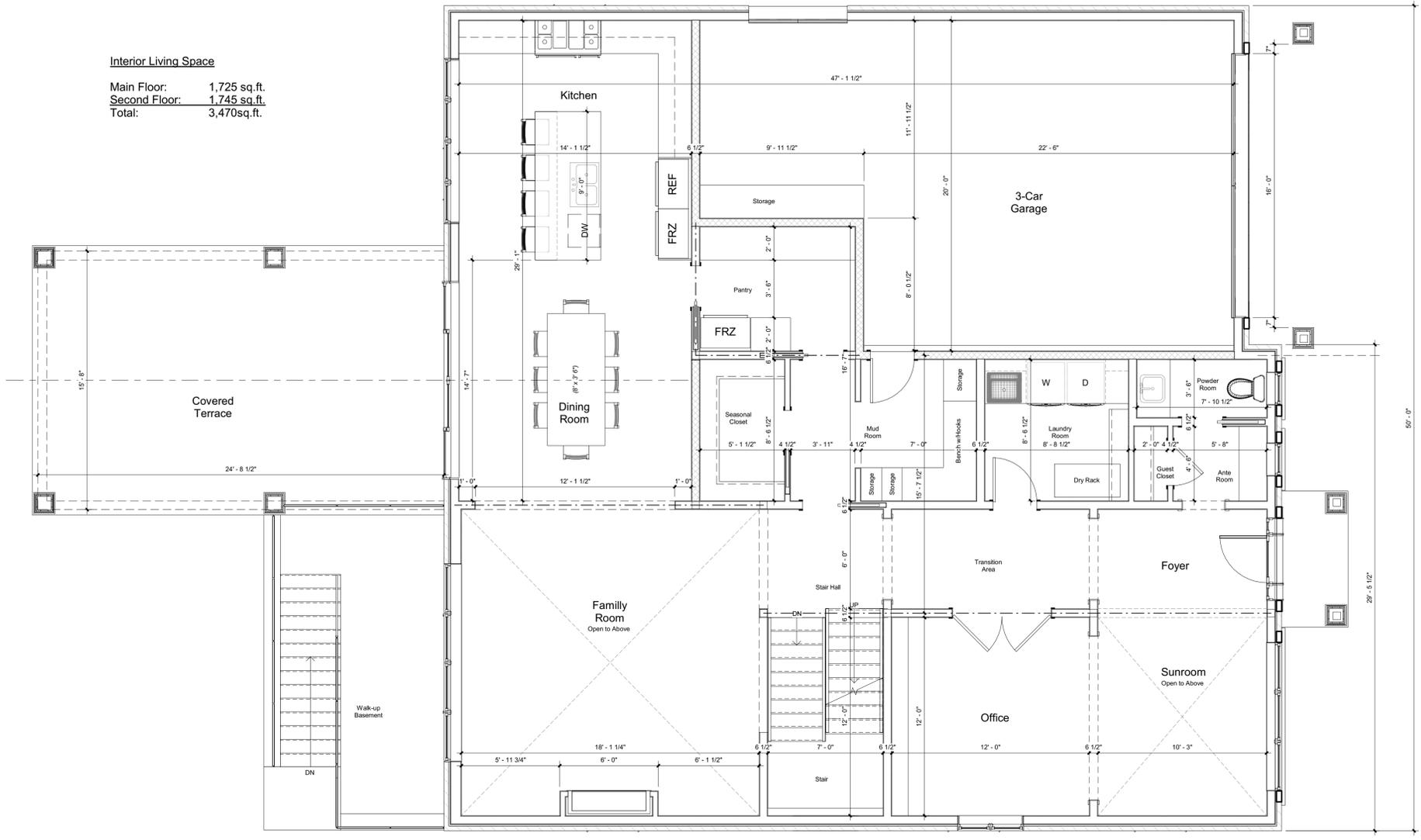
PROJECT NAME:
Meng Cui
New 2-Storey Residence
 8 Jonquil Crescent
 Markham, Ontario

DRAWING TITLE:
Site Plan and General Notes

SCALE:	3/32" = 1'-0"	PROJECT NUMBER:	21-112
START DATE:	July 1st, 2021	DRAWN BY:	P.L.
		CHECKED BY:	P.L.
			A0.1

Interior Living Space

Main Floor: 1,725 sq.ft.
 Second Floor: 1,745 sq.ft.
 Total: 3,470sq.ft.



1 First Floor - Plan
 A1.2 1/4" = 1'-0"

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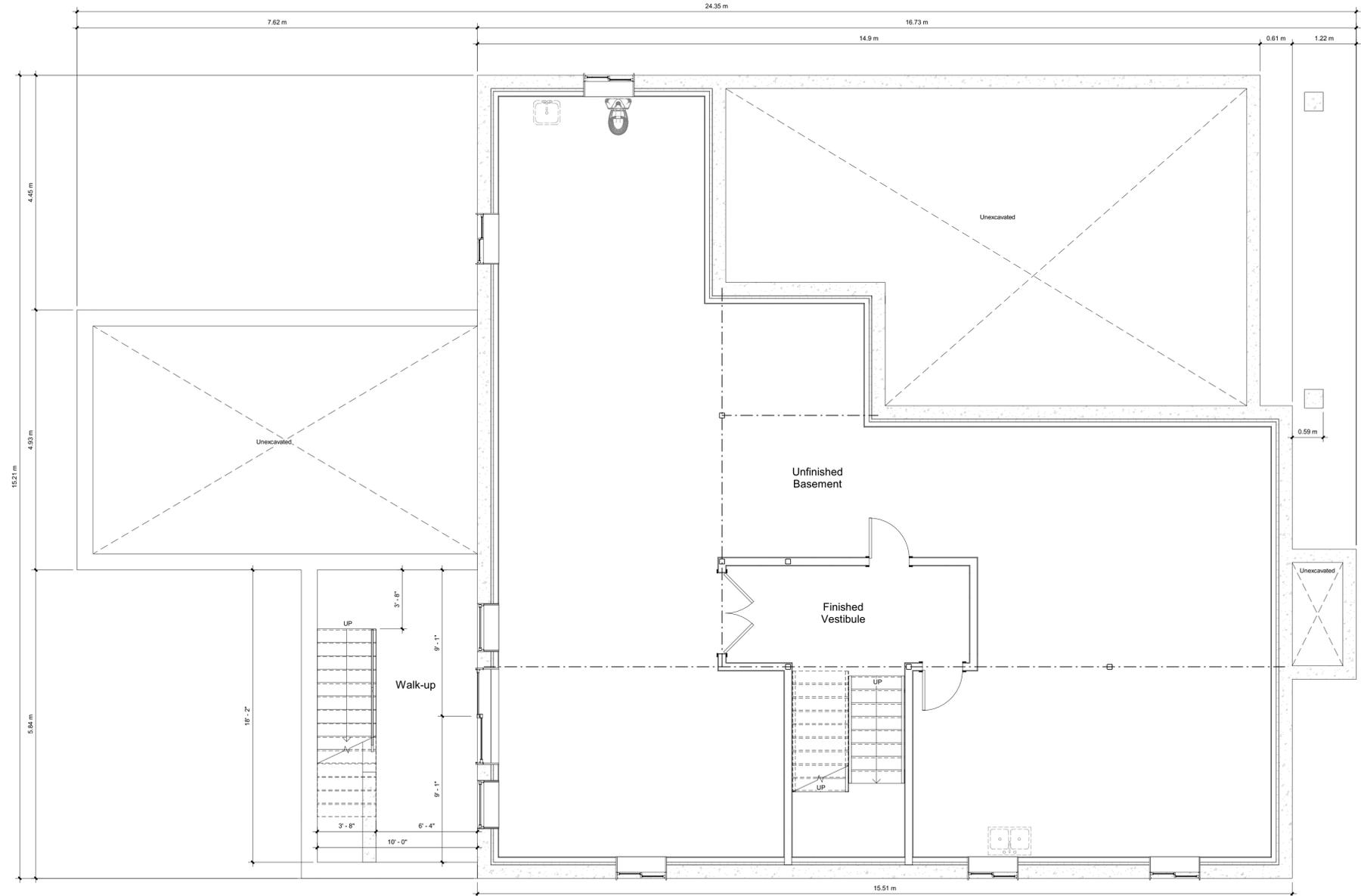


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PROJECT NAME:
Meng Cui
New 2-Storey Residence
 8 Jonquil Crescent
 Markham, Ontario

DRAWING TITLE:
First Floor Plan

SCALE: 1/4" = 1'-0"	PROJECT NUMBER: 21-112
START DATE: July 1st, 2021	DRAWING NUMBER: A1.2
DRAWN BY: P.L.	
CHECKED BY: P.L.	



1 Basement Floor - Plan
 A1.1 1/4" = 1'-0"

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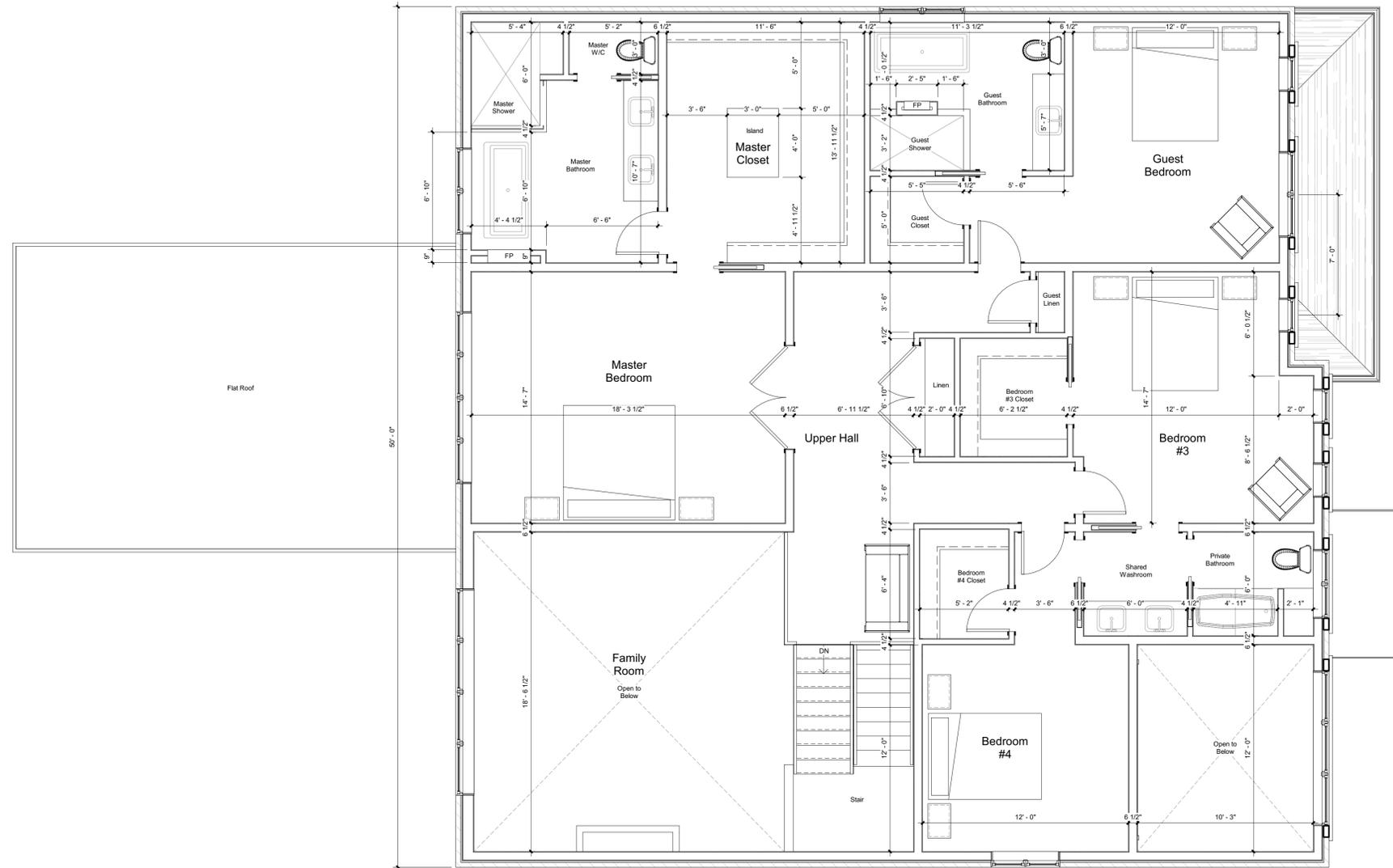
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PROJECT NAME:
Meng Cui
New 2-Storey Residence
 8 Jonquil Crescent
 Markham, Ontario

DRAWING TITLE:
Basement Plan

SCALE:	1/4" = 1'-0"	PROJECT NUMBER:	21-112
START DATE:	July 1st, 2021	DRAWING NUMBER:	A1.1
DRAWN BY:	P.L.	CHECKED BY:	P.L.



1 Second Floor - Plan
A1.3 1/4" = 1'-0"

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1	Issued for Minor Variance	29.09.2021
Revision Schedule		

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PROJECT NAME:
**Meng Cui
New 2-Storey Residence**
8 Jonquil Crescent
Markham, Ontario

DRAWING TITLE:
Second Floor Plan

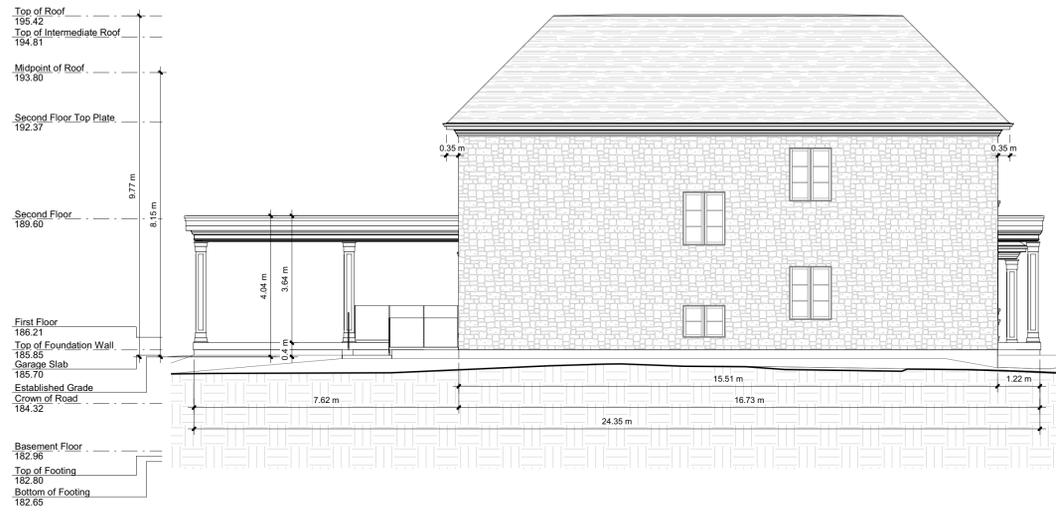
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START DATE:	July 1st, 2021	DRAWING NUMBER:	A1.3
DRAWN BY:	P.L.		
CHECKED BY:	P.L.		



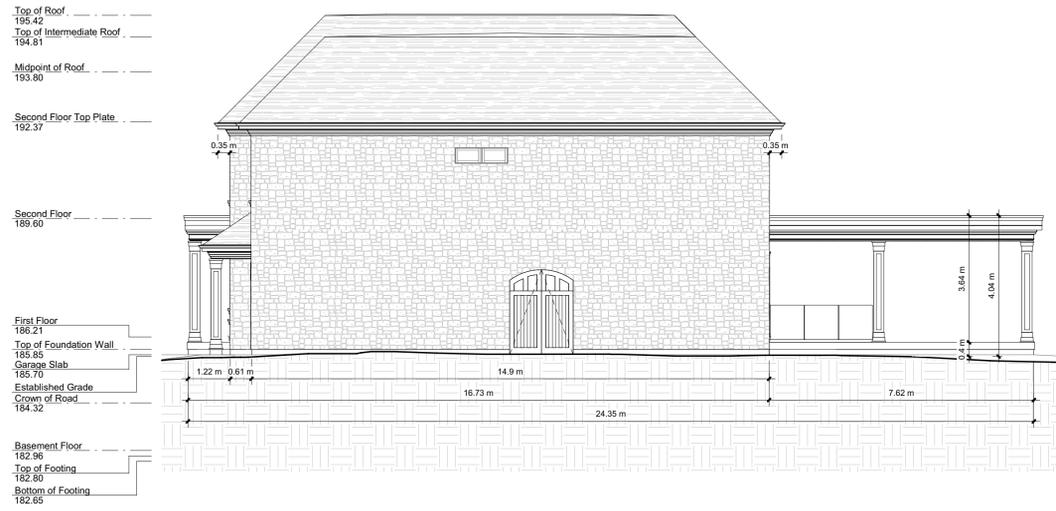
1 East Elevation
A2.1 1/8" = 1'-0"



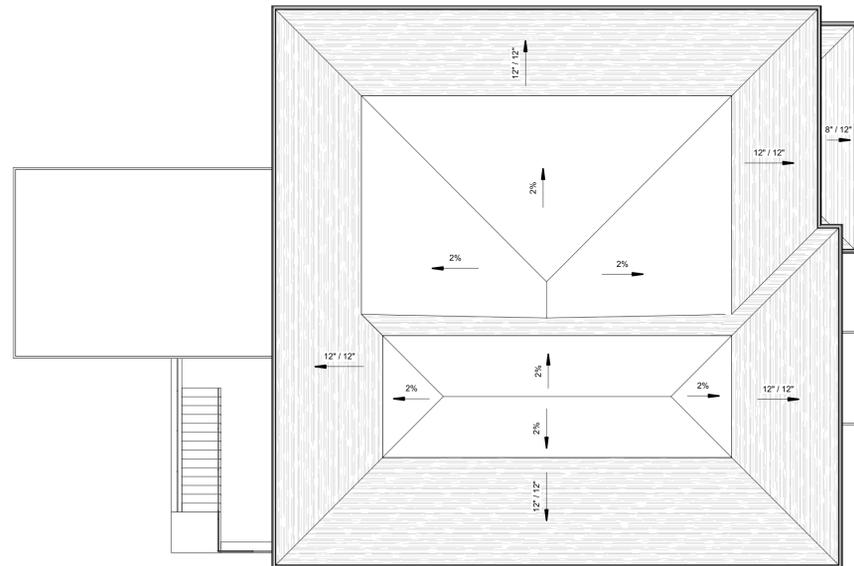
3 West Elevation
A2.1 1/8" = 1'-0"



2 South Elevation
A2.1 1/8" = 1'-0"



4 North Elevation
A2.1 1/8" = 1'-0"



5 Roof - Plan
A2.1 1/8" = 1'-0"

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No.	Description	dd.mm.yyyy
1	Issued for Minor Variance	29.09.2021
Revision Schedule		

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PROJECT NAME:
Meng Cui
New 2-Storey Residence
8 Jonquil Crescent
Markham, Ontario

DRAWING TITLE:
Elevations & Roof Plan

SCALE:	PROJECT NUMBER:
1/8" = 1'-0"	21-112
START DATE:	DRAWING NUMBER:
July 1st, 2021	A2.1
DRAWN BY:	
P.L.	
CHECKED BY:	
P.L.	