

Memorandum to the City of Markham Committee of Adjustment

November 2, 2021

File: A/130/21
Address: 8 Galsworthy Drive – Markham, ON
Applicant: Mark Li
Agent: Yinghuan Weng
Hearing Date: November 10, 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, Sec. 1.2(ii):

a maximum depth of 20.72 m (67.98 ft), whereas the by-law permits a maximum depth of 16.80 m (55.12 ft);

b) By-law 99-90, Sec. 1.2(i):

a maximum height of 10.51 m (34.48 ft), whereas the by-law permits a maximum height of 9.80 m (32.15 ft); and

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

a maximum floor area ratio of 52.90%, whereas the by-law permits a maximum floor area ratio of 45.0%.

BACKGROUND

Property Description

The 990.41 m² (10,660.68 ft²) subject property is located on the west side of Galsworthy Drive, north of Highway 7 East, east of Hawkridge Avenue, and south of Bullock Drive. The property is developed with a one-storey single detached dwelling, with an attached garage which is accessed by a circular driveway. According to City records, the dwelling was constructed circa 1957. Mature vegetation exists across the property. The property’s irregular shape is due to the front and rear lot lines that are situated on an angle in relation to the side lot lines (Appendix “C”), which follows a similar trajectory for other properties along the west side of Galsworthy Drive located between the local intersections of Honeybourne Crescent and Galsworthy Drive.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached and semi-detached dwellings, and commercial plazas that front onto Highway 7 East. Newer dwellings are being developed as infill developments along Galsworthy Drive, and within the surrounding area. The dwellings are low-rise and vary in terms of their mass, shapes, sizes, heights, and depths.

Proposal

The applicant is proposing to demolish the existing one-storey dwelling, to construct a new two-storey single detached dwelling with a building depth of 20.72 m (67.98 ft), a height of 10.51 m (34.48 ft), and a floor area ratio of 52.90%. Including the two separate garage areas, the proposed dwelling would have a ground floor area of 239.65 m² (2,579.57 ft²), a second floor area of 184.55 m² (1,986.48 ft²), for a total gross floor area of 424.20 m² (4,566.08 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 building depth, building height, and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

A ZPR was completed on August 16, 2021 to confirm the variances required for the proposed development.

COMMENTS

Section 45(1) of 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 20.72 m (67.98 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 3.92 m (12.86 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.

Staff have reviewed the proposed development, and determined that the two-storey portion of the dwelling has an approximate depth that ranges between 6.71 m (22.01 ft) along the north side, and 15.93 m (52.26 ft) along the south side which:

- meet the minimum side yard setback requirements.

The By-law also permits a building depth of up to 18.90 m (62.01 ft) by an extension to the rear of the dwelling, if such an extension complies with the following criteria:

- the extension does not exceed one storey;
- the extension does not exceed 4.60 m (15.09 ft) in height;
- the extension is setback from all lot lines a minimum distance of the greater of 3.0 m (9.84 ft), or the minimum required setback; and
- the extension is not wider than one-half of the width of the dwelling at its widest point.

As the property's front and rear lot lines are angled, the building depth measures 20.62 m (67.65 ft) as shown in the Site Plan (Appendix "B"). Staff are of the opinion that the rear balcony appropriately maintains the intent of the By-law, as it generally meets the criteria for extensions. Staff have also given consideration to other elements which assist in breaking up the mass of a building, including stepbacks, setbacks, and the location of the front covered porch which extends beyond the maximum permitted building depth. Staff have no objections to the requested variance.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.51 m (34.48 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.71 m (2.33 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street at the mid-point of the front lot line and the highest point of the ridge of a gable, hip, gambrel, or other type of pitched roof.

Staff note that the grade at the front of the house is approximately 1.41 m (4.63 ft) above the crown of the street at the mid-point. Therefore, the height from grade at the mid-point of the property is approximately 9.49 m (29.86 ft), and staff are of the opinion that the general intent of the By-law is maintained as the requested variance can be considered to be partially attributable to the higher grade of the subject property at the front elevation. Other examples of existing infill developments along Galsworthy Drive, and within the surrounding area have obtained variance approvals for similar increases to building heights. While staff note that minor variance decisions are not precedent setting, and each variance application is assessed on its own individual merit, reviewing existing infill development assist staff in formulating an opinion on the development of a community's character. The proposed development also meets the minimum side yard setback requirement of 1.22 m (4.0 ft) for a one-storey portion, and 1.83 m (6.0 ft) for a two-storey portion on either side of the dwelling. Staff are of the opinion that the neighbourhood is in transition, and that any impacts from the requested variance to adjacent properties would be minimal.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 52.90%, 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 424.20 m² (4,566.05 ft²), whereas the By-law permits a dwelling with a maximum floor area of 360.81 m² (3,883.73 ft²). This is an increase of 63.39 m² (682.32 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 maximum building depth, and maximum building height, the building layout meets all other zoning provisions, including yard setbacks and lot coverage that assist in establishing the prescribed building envelope. Staff are of the opinion that the proposed dwelling is in keeping with the intended scale and size of residential infill developments for the neighbourhood, and that the requested variance maintains the general intent of the By-law.

Tree Protection and Compensation

In any event where this application is approved by the Committee, staff recommend that tree related conditions detailed in Appendix "A" be adopted to ensure the applicant installs the appropriate tree protection. 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 with a diameter at breast height (DBH) of 0.20 m (0.66 ft), or more. Following any approval of this minor variance application, further mitigation may be required to ensure sufficient tree protection zone(s) are maintained for the appropriate protection of certain trees.

PUBLIC INPUT SUMMARY

Six written submissions in support of the proposed development were received as of the writing of this report (November 2, 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, and are of the opinion that the variance request meets the four tests under Section 45(1) of the *Planning Act*. Staff recommend that the Committee consider the conditions of approval detailed in Appendix "A", and public input 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

Appendix "C" – Parcel Configuration: Galsworthy Drive

PREPARED BY:



Aleks Todorovski, Planner, Zoning and
Special Projects

REVIEWED BY:



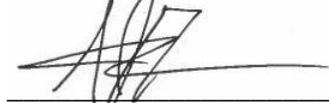
Carlson Tsang, Senior Planner, East
District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/130/21

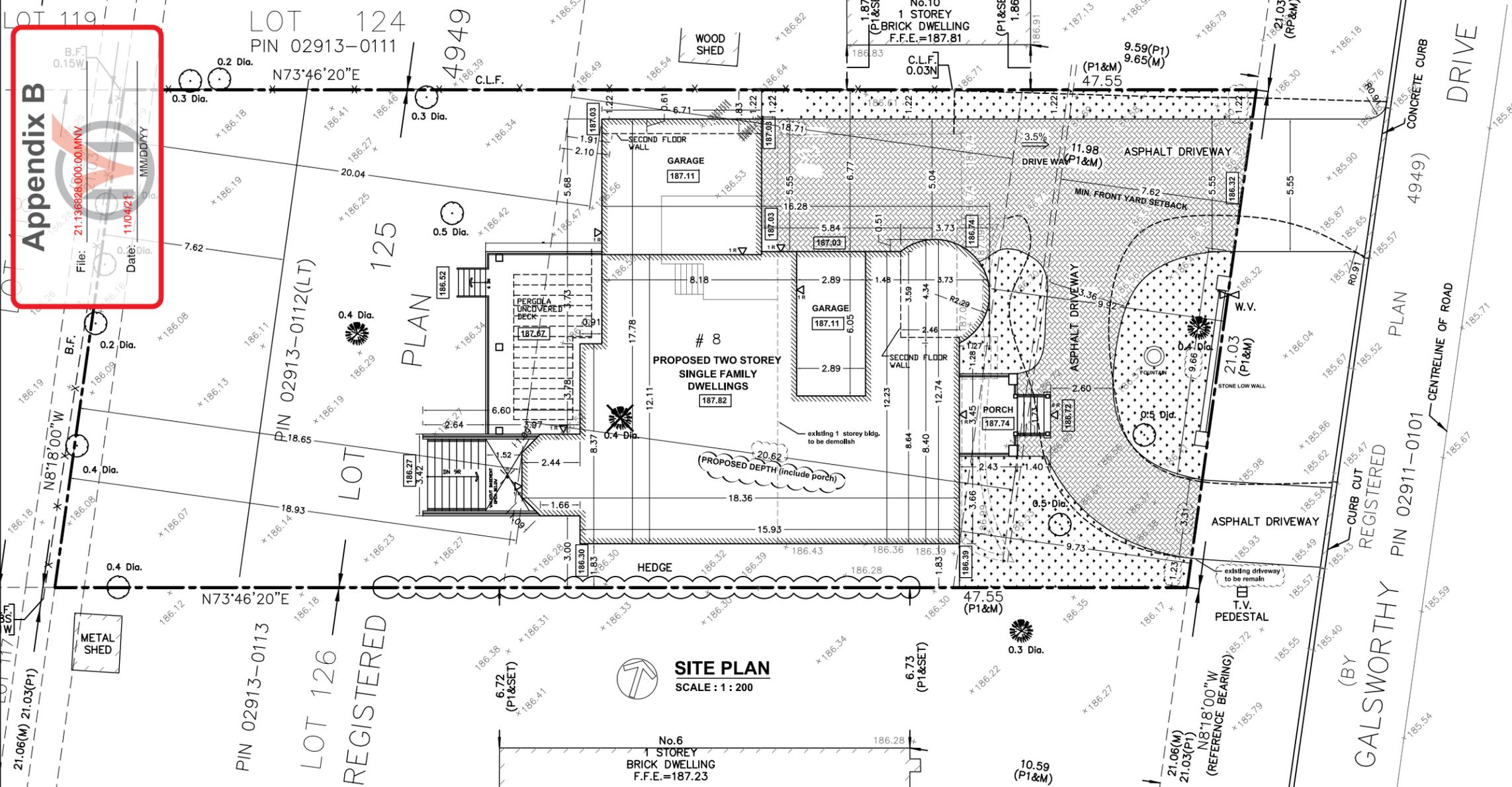
1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation 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 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/130/21



Appendix B
 File: 21-136628-000-00.MNV
 Date: 11/04/21
 MMIDDY

SITE DATA: 8, GALSWORTHY DRIVE

ZONING TOWN OF MARKHAM :

	PERMITTED	PROPOSED
MIN. LOT AREA:	613.16 sq. m.	990.41 sq. m.
MIN. LOT FRONTAGE:	18.288 m	21.03 m
GROSS FLOOR AREA :		239.65 sq. m.
GROUND FLOOR AREA INCLUDING GARAGE, EXCLUDING FRONT PORCH & OPEN TO BELOW		184.55 sq. m.
SECOND FL. AREA EXCLUDING OPEN TO BELOW:		184.55 sq. m.
TOTAL GROSS FLOOR AREA =	360.79 sq. m. (3883.7sqft)	424.20 sq. m. (4566.08 sqft)
MAX. NET FLOOR AREA RATIO: 45% 8630.5x45% = 3883.70 SQ.FT.(360.79 SQ.MT.)	45 %	52.90%
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH, & GARAGE.		249.67 sq. m.
MAX LOT COVERAGE:	35 %	25.21 %
GARAGE AREA :		55.57 sq. m.
PORCH AREA :		8.41 sq. m.
MIN. FRONT YARD SETBACK:	7.62 m(25')	9.73 m
MIN. SIDE YARDS (north side) GROUND FL.	1.2192 m(4')	1.22 m
SECOND FL.	1.8288 m(6')	1.83 m
MIN. SIDE YARDS (south side)	1.8288 m	1.83 m
MIN. REAR YARD SETBACK:	7.62 m(25')	18.65 m
MAXIMUM HEIGHT - FROM THE CENTRE LINE OF THE ROAD	9.80 m	10.51 m
MAX. BUILDING DEPTH:	16.80 m	20.62 m
STAIRWELL AREA (GROUND FL. + SECOND FL.):		32.62 sq. m.

LANDSCAPE LEGEND

- GREEN LANDSCAPE
- HARD LANDSCAPE
- DRIVE WAY PAVING

LANDSCAPE CALCULATION FOR FRONT YARD

Code	Description	Area (SQ. FT)	Area (sq. m.)
A	TOTAL FRONT YARD	2935.77	272.7498
B	DRIVEWAY AREA	1733.65	161.066
C	% OF TOTAL FRONT YARD AREA(A) =	59.05 %	
D	TOTAL LANDSCAPE AREA =	1202.12	111.6338
E	SOFT LANDSCAPE AREA =	1175.43	109.2042
F	HARD LANDSCAPE AREA = (STEPS, WALK WAY)	26.69	2.479354
G	% OF TOTAL LANDSCAPE AREA(D) =	2.27 %	

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- P1 DENOTES PLAN OF SURVEY BY B. J. HAYNES, O.L.S. DATE DECEMBER 23, 1957
- RP DENOTES REGISTERED PLAN 4949
- WT DENOTES WITNESS
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- M DENOTES MEASURED
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- C.L.F. DENOTES CHAIN LINK FENCE
- OU DENOTES ORIGINAL UNKNOWN
- NI DENOTES NOT IDENTIFIABLE
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- U.P. DENOTES UTILITY POLE
- M.H. DENOTES MANHOLE
- W.V. DENOTES WATER VALVE
- C.B. DENOTES CATCH BASIN
- ☙ DENOTES CONIFEROUS TREE
- DENOTES DECIDUOUS TREE

SURVEY INFORMATION TAKEN FROM SURVEY BY:

MANDARIN SURVEYORS LIMITED
 ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
 WWW.MANDARINSURVEYOR.COM
 2400 MIDLAND AVE., #121 PHONE: (647)430-1366 FAX: (647)799-4068
 SCARBOROUGH, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM
 SURVEY BY: S.Z. CAD No: 20-356SRPR JOB No: 2020-356

SURVEYOR'S REAL PROPERTY REPORT PART 1 - PLAN OF SURVEY OF LOT 125

REGISTERED PLAN 4949
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:200

10m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. METRIC

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

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE. BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY OF GALSWORTHY DRIVE AS SHOWN ON REGISTERED PLAN 4949 HAVING A BEARING OF N8° 18' 00"W.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092883035 HAVING AN ELEVATION OF 187.920 M. LOCATED AT NORTHEAST CORNER OF ROBINSON STREET AND GALSWORTHY DRIVE.

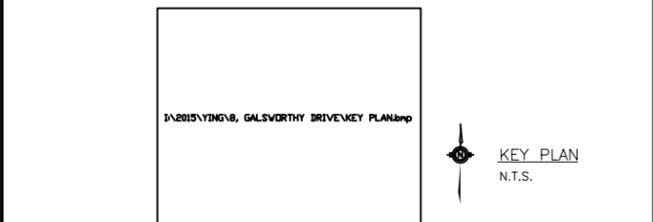
THIS REPORT WAS PREPARED FOR LI, XIANG AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO AN EASEMENT IN FAVOR OF BELL CANADA AS IN INST. No. VM6689.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM 2144966

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3).



1.	ISSUED FOR ZONING CERTIFICATE	JUNE/ 30 / 2021
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

PROJECT:

PROPOSED TWO STOREY RESIDENCE
 AT 8, GALSWORTHY DRIVE,
 MARKHAM , ON

DRAWING: Site Plan

DATE: -- APRIL 2021

SCALE: AS NOTED

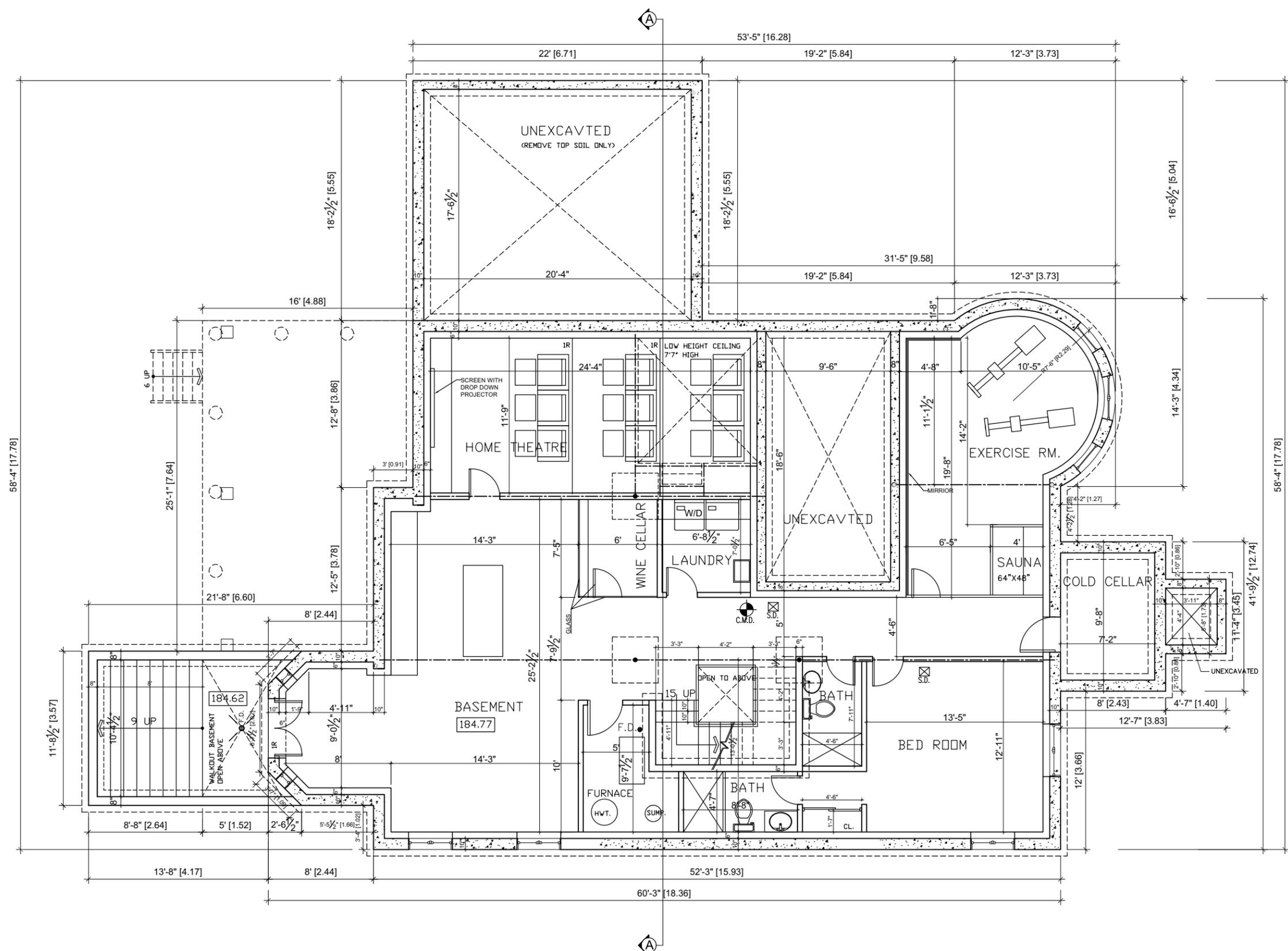
DRN: CKD:

DRAWING NO. **A1**

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



Basement plan

SCALE : 1/8"=1'

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ - / 2021
NO.	REVISIONS	DATE

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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE,
MARKHAM , ON**

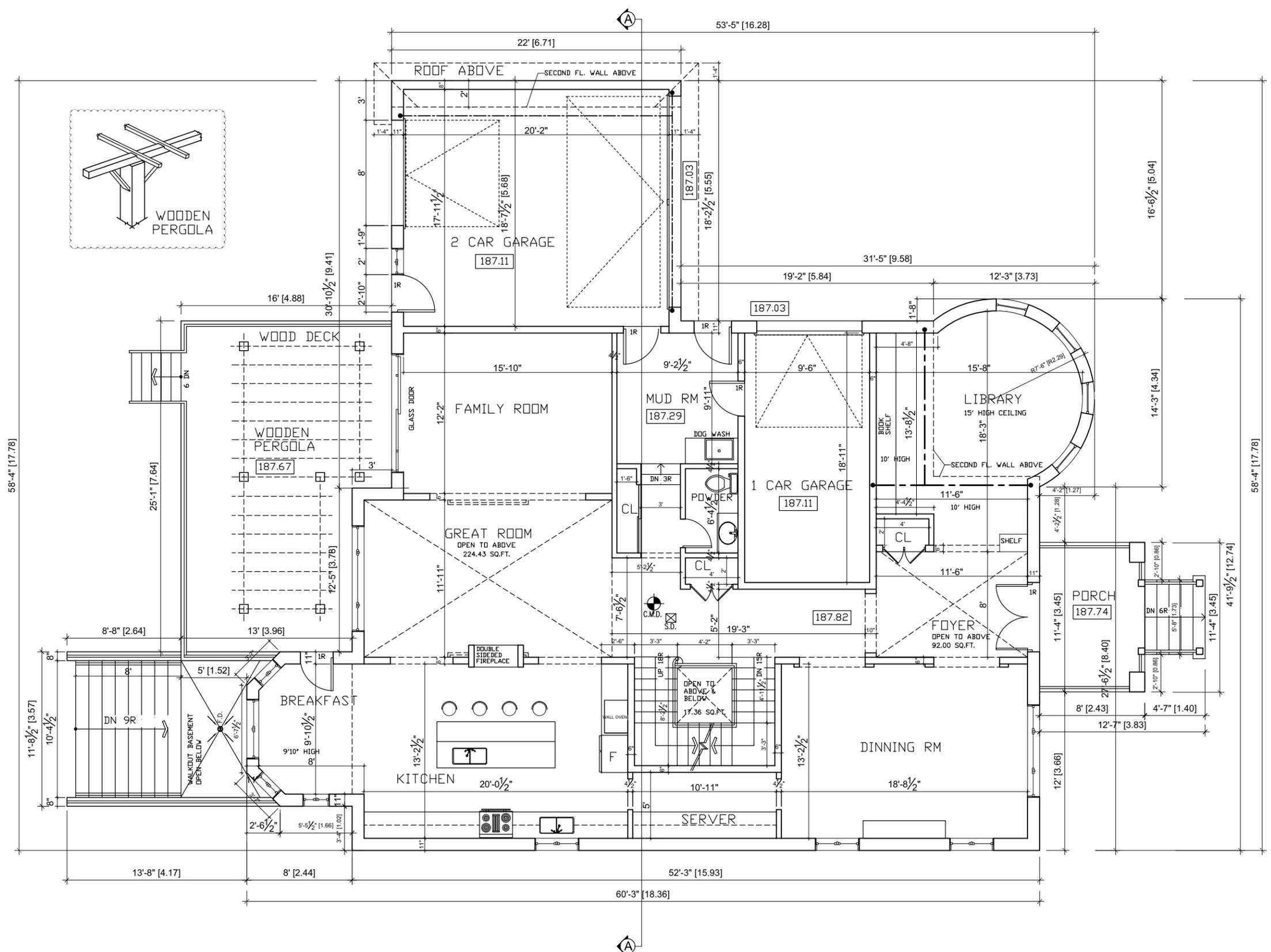
DRAWING:
Basement Plan

DATE: -- APRIL 2021	DRAWING NO. A2
SCALE: AS NOTED	
DRN: CKD:	

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



Ground Floor plan

SCALE : 1/8"=1'

1.	ISSUED FOR ZONING CERTIFICATE	JUNE/ 30 / 2021
NO.	REVISIONS	DATE

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PROJECT :

**PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON**

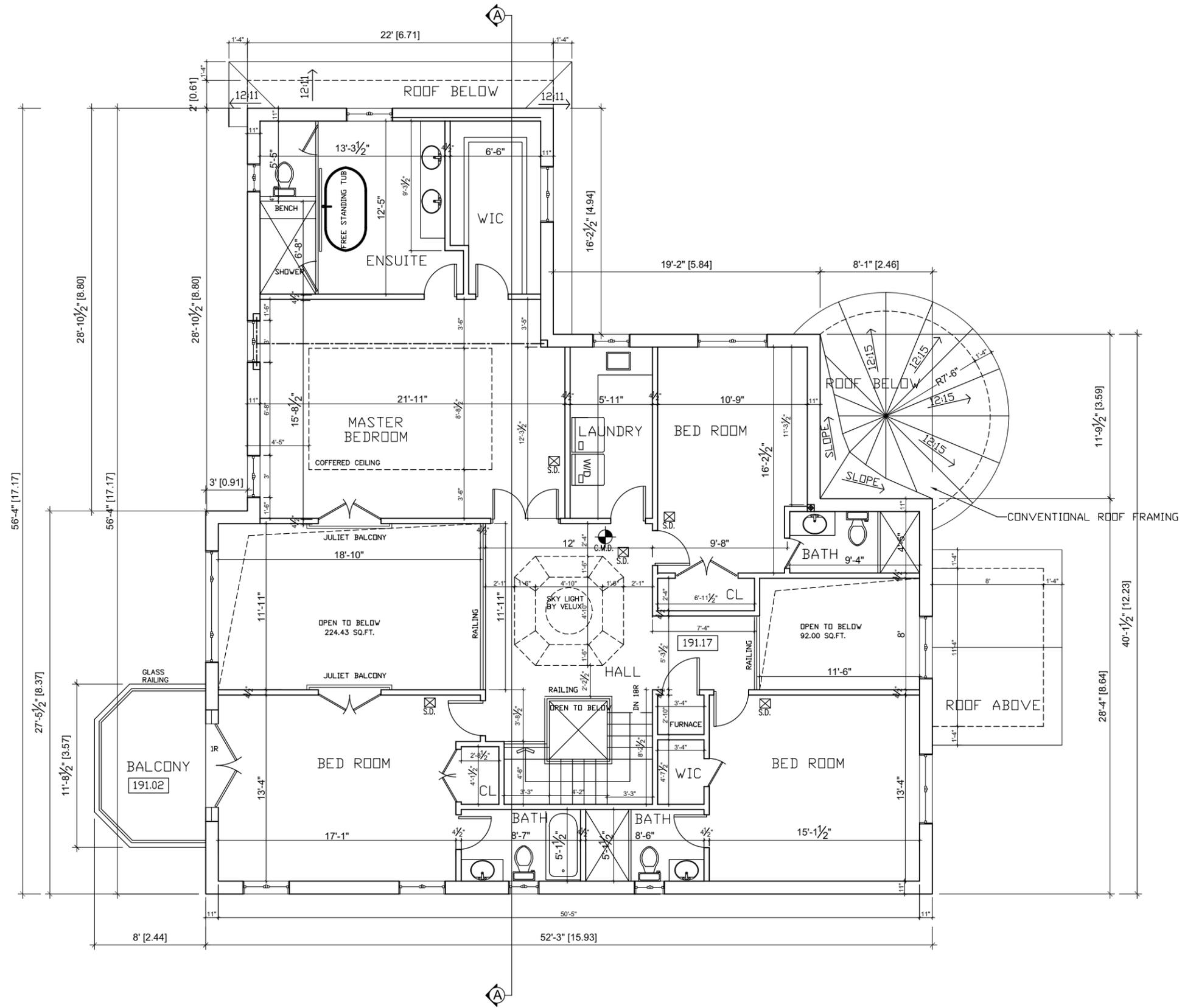
DRAWING: Ground Floor Plan

DATE: -- APRIL 2021	<h1>A3</h1>
SCALE: AS NOTED	
DRAWING NO.	

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



Second Floor plan

SCALE : 1/8"=1'

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ - / 2021
NO.	REVISIONS	DATE

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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON**

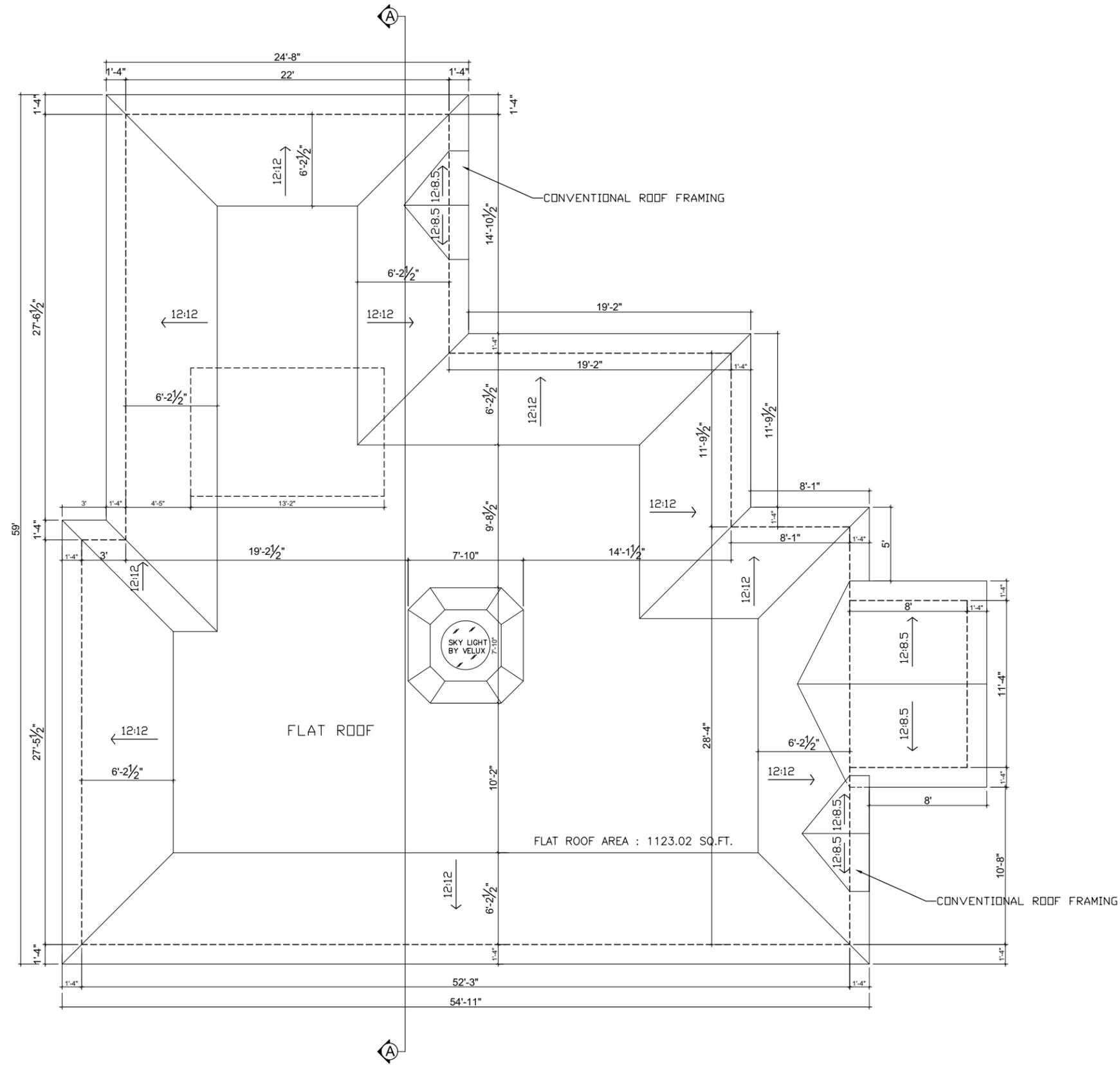
DRAWING:
Second Floor Plan

DATE: -- APRIL 2021	DRAWING NO. A4
SCALE: AS NOTED	
DRN: CKD:	

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



FLAT ROOF AREA : 1123.02 SQ.FT.



Roof plan

SCALE : 1/8"=1'

TOTAL ROOF AREA : 2728.65 SQ.FT.
FLAT ROOF AREA : 1123.02 SQ.FT.

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ - / 2021
NO.	REVISIONS	DATE

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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON**

DRAWING:
Roof Plan

DATE: -- APRIL 2021
SCALE: AS NOTED
DRAWING NO. **A5**

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



East Elevation

SCALE : 1/8" = 1'

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ -- / 2021
NO.	REVISIONS	DATE

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PROJECT :
PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON

DRAWING:
East Elevation

DATE: -- APRIL 2021

SCALE: AS NOTED

DRN: CKD:

DRAWING NO. **A6**

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



West Elevation

SCALE : 1/8" = 1'

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ -- / 2021
NO.	REVISIONS	DATE

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PROJECT :
PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON

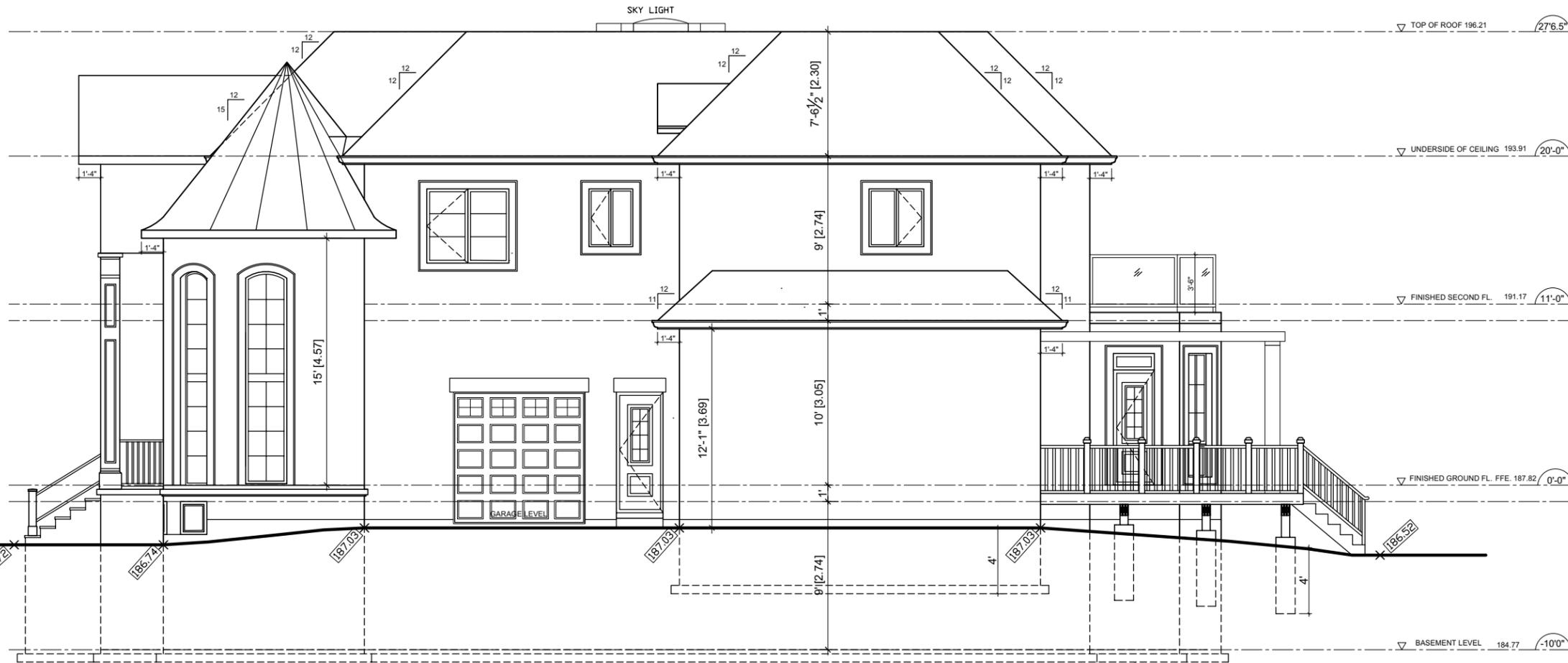
DRAWING:
West Elevation

DATE: -- APRIL 2021	DRAWING NO. A9
SCALE: AS NOTED	
DRN:	CKD:

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



North Elevation

SCALE :1/8" = 1'

1.	ISSUED FOR ZONING CERTIFICATE	MAY/ -- / 2021
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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON**

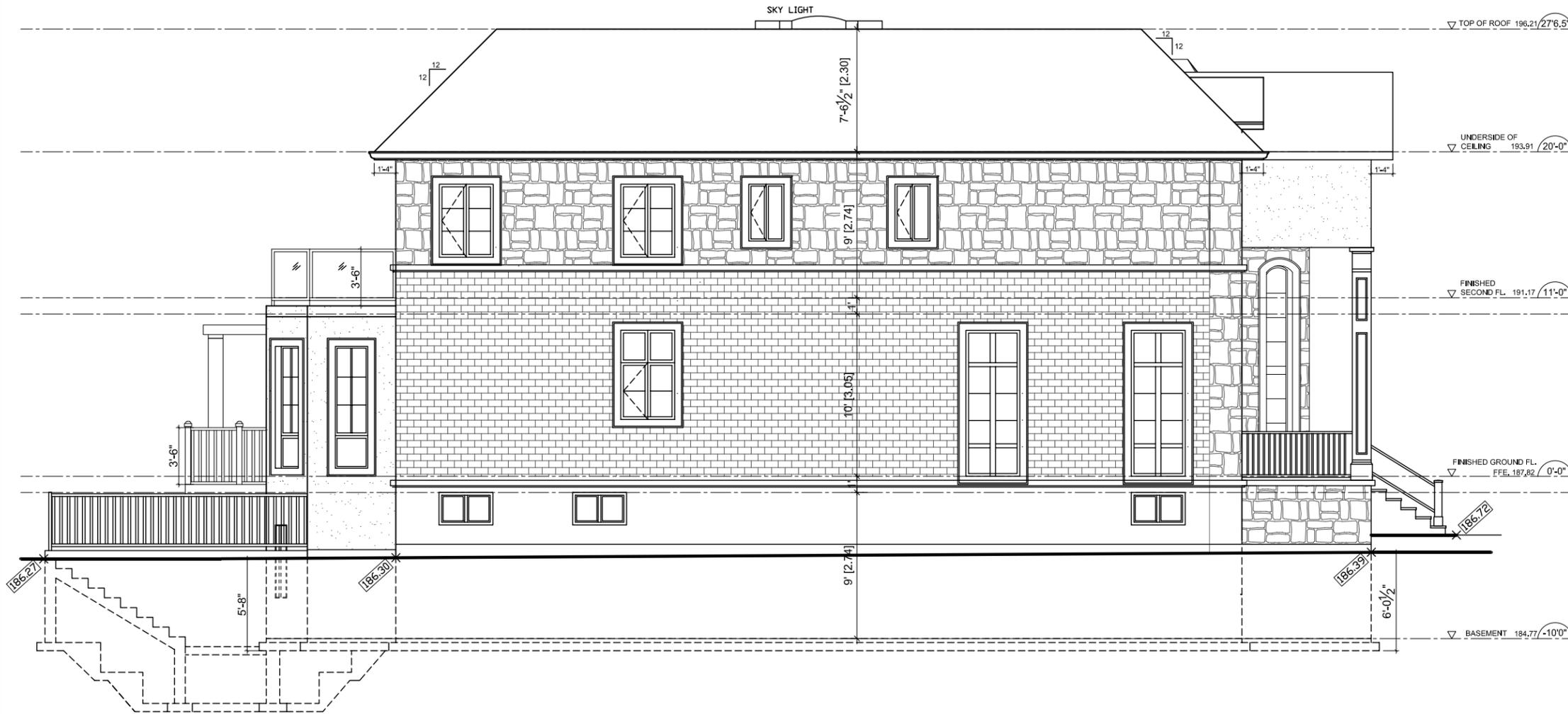
DRAWING:
North Elevation

DATE: -- APRIL 2021	DRAWING NO. A7
SCALE: AS NOTED	
DRN: CKD:	

Appendix B

File: 21.136828.000.00.MNV

Date: 11/04/21
MM/DD/YY



South Elevation

SCALE :1/8" = 1'

NO.	REVISIONS	DATE
1.	ISSUED FOR ZONING CERTIFICATE	JUNE/ 30 / 2021

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PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 8, GALSWORTHY DRIVE.
MARKHAM , ON

DRAWING:

South Elevation

DATE: -- APRIL 2021

SCALE: AS NOTED

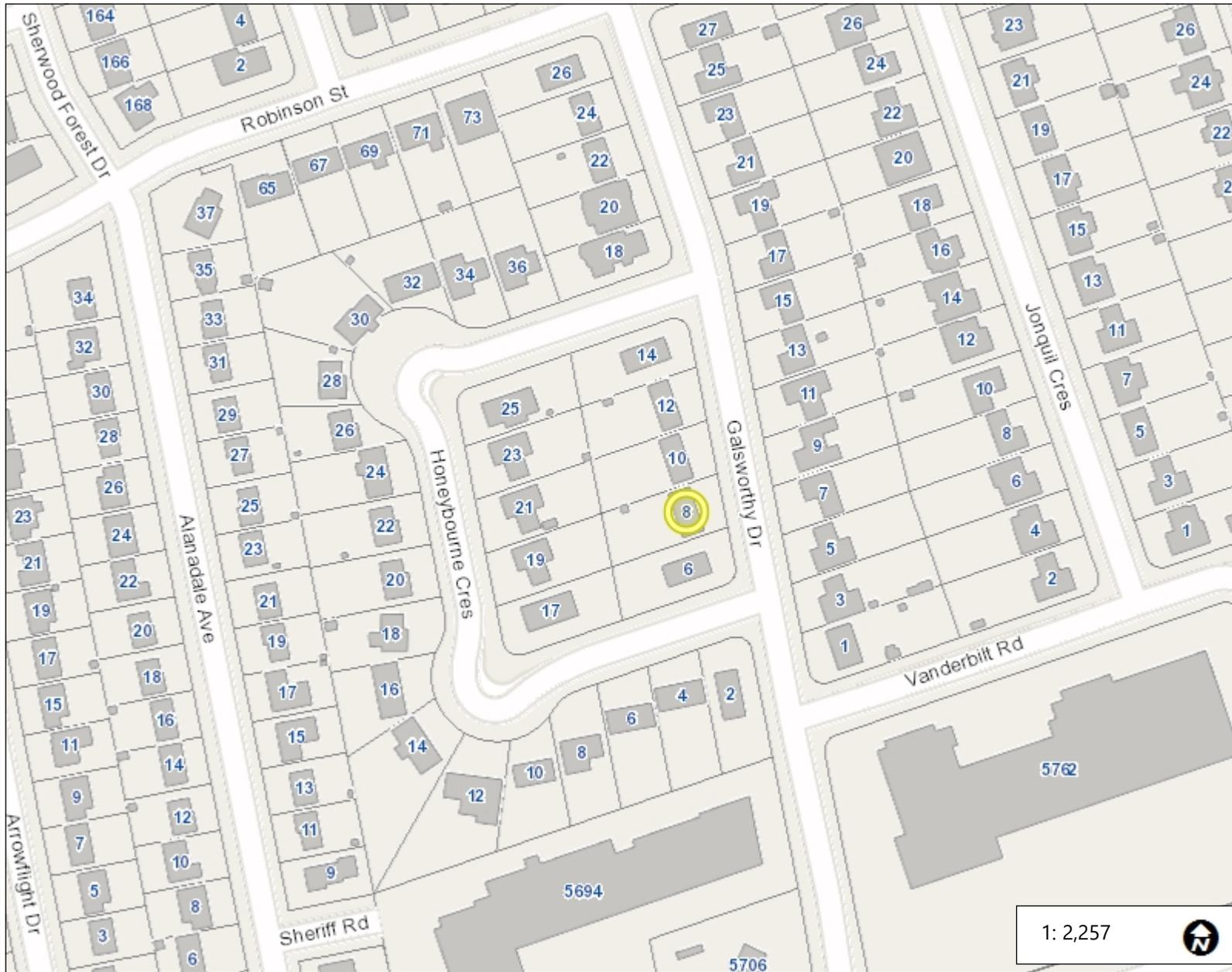
DRN:

CKD:

DRAWING NO.

A8

APPENDIX "C"
PARCEL CONFIGURATION: GALSWORTHY DRIVE



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 2,257



114.7 0 57.33 114.7 Meters

Notes