

Memorandum to the City of Markham Committee of Adjustment
September 27, 2021

File: A/136/21
Address: 25 Dove Lane, Thornhill
Applicant: Sustain Design Architects Inc. (Cavin Cheung)
Hearing Date: Wednesday, October 06, 2021

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

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3) zone in By-law 2237, as amended, to permit:

a) Amending By-law 101-90, Section 1.2 (vii):

a floor area ratio of 52.8 percent (5,408 ft²), whereas the By-law permits a maximum floor area ratio of 50.0 percent (5,119 ft²);

as it relates to the addition of interior floor space in an existing single detached dwelling.

BACKGROUND

Property Description

The 1,206.25 m² (12,983.97 ft²) subject property is located on the east side of Dove Lane, south of John Street and west of Bayview Avenue. There is an existing 502.42 m² (5,408 ft²) two storey single-detached dwelling on the property, which according to assessment records was constructed in 1927. A Building Permit for interior and exterior alterations, including a second storey addition, was issued in 2016. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The subject property is located partially within TRCA's Regulated Area, as the rear portion of the site is traversed by a valley corridor associated with the Don River Watershed.

Proposal

The applicant is proposing to enclose 26.76 m² (288 ft²) of open to below area on the second floor of the existing dwelling (see A1.6 – Proposed Second Floor Plan, Appendix B). The additional floor area is interior only, with no changes to the exterior of the building being proposed.

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 2014 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. 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.

Zoning By-Law 2237

The subject property is zoned Third Density Single Family Residential (R3) under By-law 2237, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will generally 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 floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on September 1, 2021 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.8 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the addition of 26.76 m² (288 ft²) of floor area to the existing single-detached dwelling by enclosing open to below space. As noted above, the additional floor area is considered an interior alteration only, with no changes to the exterior of the building being proposed.

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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope. Given that there are no proposed additions or alterations to the exterior of the dwelling, Staff have no concerns with the requested variance.

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within TRCA's Regulated Area. A portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on September 22, 2021, indicating that they have no concerns subject to the conditions outlined in their letter (Appendix C).

PUBLIC INPUT SUMMARY

No written submissions were received as of September 27, 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 variance request meets the four tests of the Planning Act and have no objection. 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.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



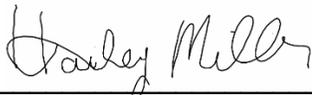
Mary Caputo, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/136/21

1. That 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. That the applicant satisfies the requirements of the *TRCA*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as 'Appendix C' to this Staff Report, to the satisfaction of the *TRCA*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *TRCA*.

CONDITIONS PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

Residential Interior Alteration

25 Dove Lane, Thornhill, ON L3T 1W1

SHEET INDEX	
A0.1	COVER SHEET + SITE PLAN
A1.1	EXISTING BASEMENT FLOOR PLAN
A1.2	EXISTING FIRST FLOOR PLAN
A1.3	EXISTING SECOND FLOOR PLAN
A1.4	PROPOSED BASEMENT FLOOR PLAN
A1.5	PROPOSED FIRST FLOOR PLAN
A1.6	PROPOSED SECOND FLOOR PLAN
A1.7	PROPOSED / EXISTING ROOF PLAN



PROJECT FOR INTERIOR ALTERATION ONLY NO CHANGE TO EXISTING DWELLING FOOTPRINT



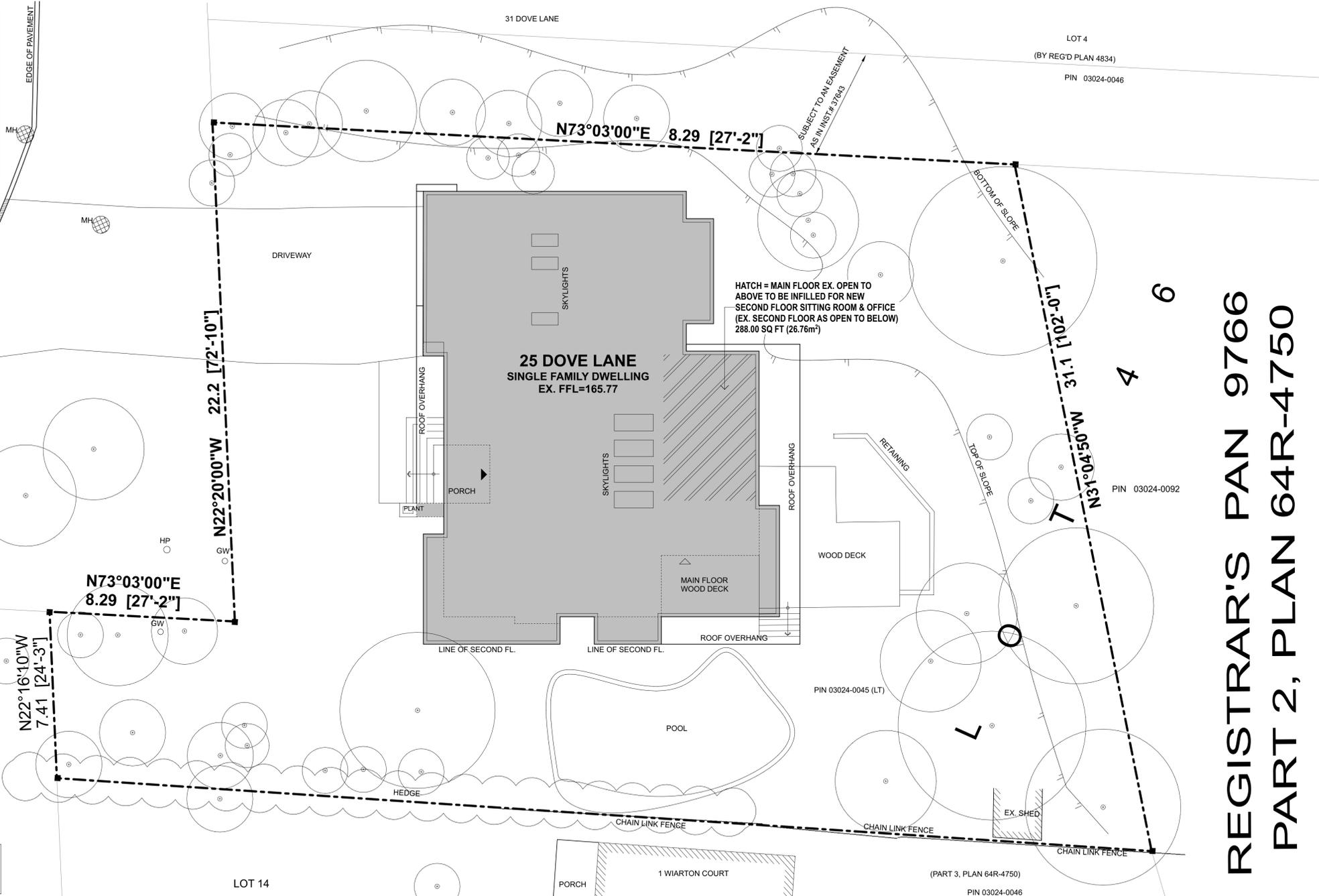
Existing Front View



Existing Rear View

PROJECT FOR INTERIOR ALTERATION ONLY ALL ELEMENTS SHOWN ARE EXISTING WITH NO CHANGE UNLESS SPECIFICALLY NOTED

- NO CHANGE TO EXISTING EXTERIOR FOOTPRINT & EXISTING SETBACKS
- NO CHANGE TO BUILDING LENGTH, WIDTH & HEIGHT
- NO CHANGE TO EXISTING GRADES & COVERAGES
- NO CHANGE TO EXISTING DRIVEWAY, PARKING ARRANGEMENTS, EXISTING DECKS & LANDSCAPING FEATURES



REGISTRAR'S PAN 9766
PART 2, PLAN 64R-4750

SITE PLAN INFORMATION IS TAKEN FROM SURVEYOR'S REAL PROPERTY REPORT PART 1- PLAN OF LOT 46, REGISTERED PLAN 9766, CITY OF MARKHAM, PREPARED BY MITSCHÉ & AZIZ INC. ENGINEERING DESIGN CONSTRUCTION SURVEY, OCT. 17, 2014

SITE PLAN
SCALE: 1:100

Appendix B

File: 2115774600.001.dwg

Date: 09/20/21

- Copyright of this drawing is reserved by the Architect. The drawing and all associated documents are an instrument of service by the Architect. The drawing and the information contained therein may not be reproduced in whole or in part without prior written permission of the Architect.
- These Contract Documents are the property of the Architect. The Architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application, the Architect will provide written graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for design conformance only.
- Drawings are not to be scaled for construction. The Contractor is to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing any work.
- Positions of exposed finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Architect.
- These drawings are not to be used for construction unless noted below as "Issuance For Construction"
- All work is to be carried out in conformance with the Code and Bylaws of the authorities having jurisdiction.
- The Architect of these plans and specifications gives no warranty or representation to any party about the constructability of the buildings represented by them. All contractors or subcontractors must satisfy themselves when bidding and at all times ensure that they can properly construct the work represented by these plans.
- Sustain Design Architects Inc. 2021

MARK	DATE	DESCRIPTION

PROJECT FOR INTERIOR ALTERATION ONLY ALL ELEMENTS SHOWN ARE EXISTING WITH NO CHANGE UNLESS SPECIFICALLY NOTED

-VERIFY EXISTING DIMENSIONS ON SITE



Sustain Design Architects Inc.
1724 Queen Street West,
Toronto, ON M6R 1B3
t: (416) 516-7772
e: contact@altius.net

Architect



Dove Lane Renovation

25 Dove Lane
Thornhill, ON

COVER SHEET + SITE PLAN

Drawn:	A0.1
Checked:	
Date: 2021-08-12	
Project No.: 2021-17	

NO ZONING RELATED CHANGE TO EX. UNLESS SPECIFICALLY NOTED



W WEST [FRONT] ELEVATION

SCALE: 1/4" = 1'-0"

NO ZONING RELATED CHANGE TO EX. UNLESS SPECIFICALLY NOTED



E EAST [REAR] ELEVATION

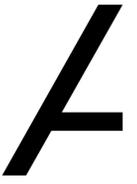
SCALE: 1/4" = 1'-0"

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8. Sustain Design Architects Inc. 2021

MARK	DATE	DESCRIPTION

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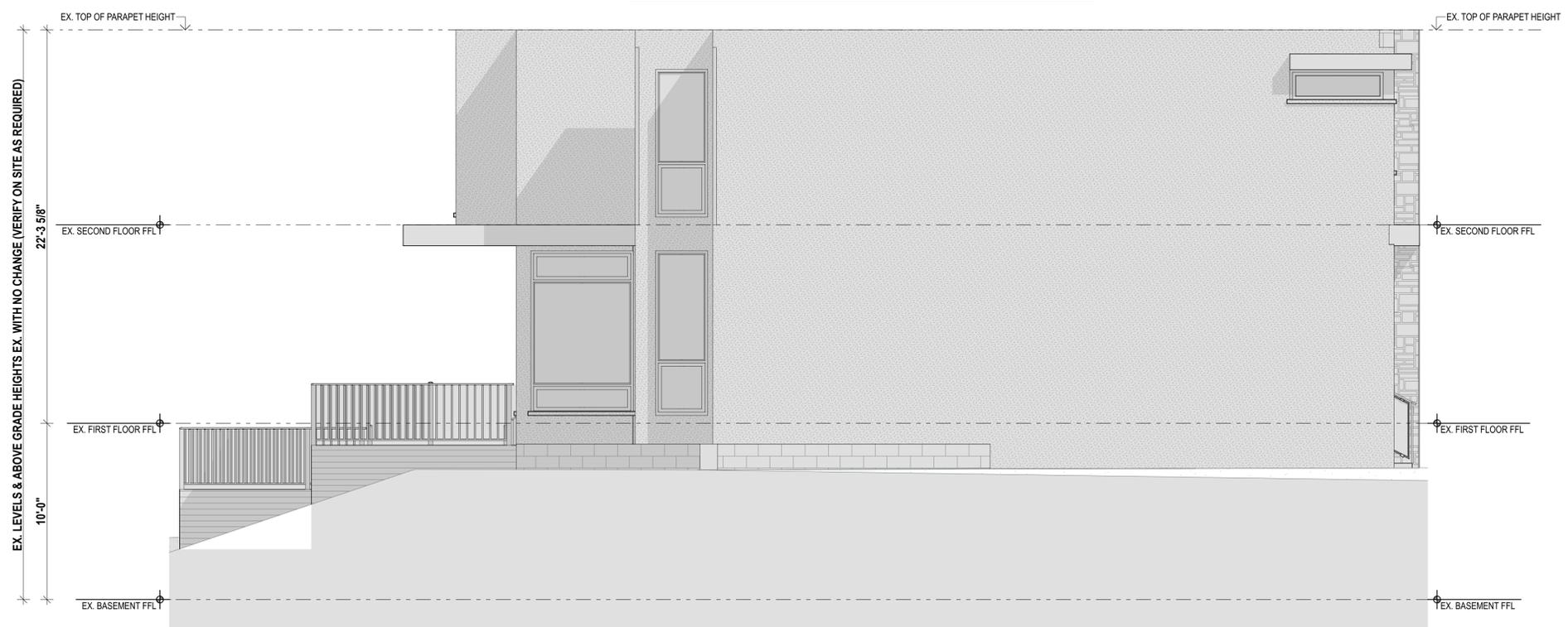


Dove Lane Renovation
 25 Dove Lane
 Thornhill, ON

PROPOSED ELEVATIONS

Drawn:	A2.1
Checked:	
Date: 2021-09-10	
Project No.: 2021-17	

NO ZONING RELATED CHANGE TO EX. UNLESS SPECIFICALLY NOTED



N NORTH [SIDE] ELEVATION
 SCALE: 1/4" = 1'-0"

NO ZONING RELATED CHANGE TO EX. UNLESS SPECIFICALLY NOTED

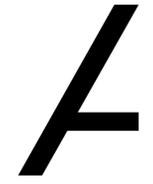


S SOUTH [SIDE] ELEVATION
 SCALE: 1/4" = 1'-0"

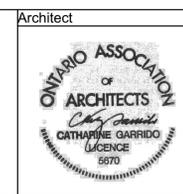
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8. Sustain Design Architects Inc. 2021

MARK	DATE	DESCRIPTION

PROJECT FOR INTERIOR ALTERATION ONLY
ALL ELEMENTS SHOWN ARE EXISTING WITH NO CHANGE UNLESS SPECIFICALLY NOTED
 -VERIFY EXISTING DIMENSIONS ON SITE



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Dove Lane Renovation
 25 Dove Lane
 Thornhill, ON

PROPOSED ELEVATIONS

Drawn:	A2.2
Checked:	
Date: 2021-09-10	
Project No.: 2021-17	



Toronto and Region
Conservation Authority

Appendix C

File: 21.137774.000.00.MNV

Date: 09/29/21
MM/DD/YY

September 22, 2021

CFN 64187.15

Uploaded to E-Plan

Justin Leung
Secretary-Treasurer – Committee of Adjustment
City of Markham
101 Town Centre Blvd
Markham ON L3R 9W3

Dear Mr. Leung:

**Re: Minor Variance Application A/136/21
25 Dove Lane
Owner: Christina Henninger
Agent: Calvin Cheung – Sustain Design Architects Inc.**

This letter acknowledges receipt of the above noted Minor Variance Application in the City of Markham, circulated to Toronto and Region Conservation Authority (TRCA) on September 9, 2021. TRCA staff have reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA’s jurisdiction. A list of the documents received and reviewed can be found in Appendix ‘A’ of this letter.

Purpose of the Application

It is our understanding that the purpose of the application is to request relief from By-law 2237, as amended, as it relates to a proposed new second floor infill within the existing dwelling.:

- a) **Amending By-law 101-90; Section 1.2 (vii):** a floor area ratio of 52.8 percent (5,408 square feet) whereas, the By-law permits a maximum floor area ratio of 50 percent (5,119 square feet).

Applicable Policies and Regulations Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the *Planning Act*, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

Section 2.1 provides policies for the protection of natural features and areas. It is of note that Section 2.1.8 of the PPS states that development and site alteration shall not be permitted on lands adjacent to certain natural features or areas unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved. TRCA staff note that Section 3.1 of the PPS generally directs development and site alteration to locations outside of hazardous lands that would be impacted by flooding hazards and/or erosion hazards and prohibits development in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, unless it has been demonstrated that the site has safe access. The PPS also directs planning authorities to consider the potential impacts of climate change that may increase the risk associated with natural hazards.

Ontario Regulation 166/06

Based on the available information at this time, the majority of the subject property is located within TRCA's Regulated Area under Ontario Regulation 166/06 as it is adjacent to a valley associated with the Don River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

'Development' is defined as:

- i) the construction, reconstruction, erection or placing of a building or structure of any kind,
- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- iii) site grading, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Living City Policies

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. These policies describe a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The LCP recommends that development, infrastructure and site alteration not be permitted within the Natural System, and that these lands be conveyed into public ownership for their long-term protection and enhancement. It is these policies, along with those found in other provincial and municipal plans, documents and guidelines that guide TRCA's review of the subject applications.

Application-Specific Comments

The subject property is within a TRCA Regulated Area as it is within a valley corridor, an erosion hazard, of the Don River Watershed. TRCA staff understand the proposal is create additional living space within the footprint of the existing dwelling by extending the second floor over a 26.75 m² area that is currently open to below. We note that TRCA Permit No. C-180511 was issued in June of 2018 for the construction of several additions to the dwelling. As part of this project, the proponent provided a geotechnical report which determined that the dwelling and additions were outside of the Long-Term Stable Top of Slope (erosion hazard) associated with the valley corridor.

Considering the above, TRCA staff have no objections to this Minor Variance Application. We advise the applicant that a permit from TRCA under Ontario Regulation 166/06 will be required as the existing dwelling is within our Regulated Area and a permit is required for any increase in size of the building or structure.

Review Fees

Please be advised that the TRCA has implemented a fee schedule for our planning application review services. The fee for our review of Minor Variance Applications is \$610 (2021 TRCA Planning Fee Schedule – Minor Variance Residential - Minor).

An electronic invoice will be sent via email to the property owner for processing of fees through online payment.

Conclusion

Based on our review of this submission, TRCA staff have no objection to this Minor Variance Application, subject to the following conditions:

1. That the applicant remit TRCA's review fee of \$610 for the subject application; and,
2. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

TRCA also requests notification of any decisions made by the City on this application and, if applicable, any appeals that may be made to the Local Planning Appeal Tribunal by any party in respect to this application.

We trust these comments are of assistance. Should you have any questions, please contact the undersigned.

Sincerely,

Dan Nguyen
Planner I, Development Planning and Permits
dan.nguyen@trca.ca, 416-661-6600 ext. 5306

DN/mb