

Memorandum to the City of Markham Committee of Adjustment

October 12, 2021

File: A/148/21
Address: 17 Talisman Crescent – Markham, ON
Applicant: Damien Bonaventure
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: October 20, 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 1229, Sec. 1.2(iii):

a maximum depth of 19.02 m (62.40 ft), whereas the by-law permits a maximum depth of 16.80 m (55.12 ft);

b) By-law 1229, Sec. 1.2(vi):

a maximum floor area ratio of 51.21%, whereas the by-law permits a maximum floor area ratio of 45.0%; and

c) By-law 1229, Sec. 6.1:

a secondary dwelling unit, whereas the by-law permits one dwelling unit.

BACKGROUND

Property Description

The 696.27 m² (7,494.59 ft²) subject property is located on the south side of Talisman Crescent, north of Ramona Boulevard, east of Main Street Markham North, and west of Paramount Road. The property is developed with a one-storey single detached dwelling. Mature vegetation exists across the property. The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached dwellings. Mature trees are a predominant characteristic along Talisman Crescent. The surrounding area can be described as one that is in transition with larger two-storey dwellings being redeveloped as infill development. The property is within close proximity to a mix of uses including places of worship, commercial (office, restaurant, and retail), residential, schools, and parks.

Proposal

The applicant is proposing to demolish the existing dwelling, to construct a new two-storey dwelling with a building depth of 19.02 m (62.40 ft). Including the garage, the dwelling would have a ground floor area of 197.70 m² (2,128.0 ft²), and a second floor area of 137.59 m² (1,481.0 ft²), for a total gross floor area of 335.29 m² (3,609.0 ft²).

The applicant is also requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a door at the south side (rear) of the new dwelling. The garage area and driveway would be able to accommodate a minimum of four parking spaces.

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including additional residential units to support complete communities.

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.

The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

“That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law including:

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*

- e) *the applicable parking standards; and,*
- f) *the external appearance of the main dwelling.”*

A “Secondary Suite” in the Official Plan is defined as:

“...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

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 floor area ratio, and maximum building depth.

Zoning Preliminary Review (ZPR) Undertaken

A ZPR was completed on September 14, 2021 to confirm the variances required for the proposed development.

The ZPR notes that compliance relating to certain development standards such as the proposed building height, and eaves encroachment could not be confirmed by Zoning staff based on the information provided by the applicant at the time of ZPR review. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances are identified at the Building Permit review stage, further variance application(s) may be required to address any non-compliances. The applicant has confirmed that the variances as noted above are in accordance with their request.

COMMENTS

The *Planning Act* 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 relief to permit a maximum building depth of 19.02 m (62.40 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 2.22 m (7.28 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 front and rear covered porch, which cumulatively adds 3.96 m (13.0 ft) to the overall building depth. Excluding the porches, the main component of the building has a depth of 15.06 m (49.41 ft), and staff are of the opinion that the general intent of the By-law is appropriately maintained.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 51.21%, 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 335.29 m² (3,609.0 ft²), whereas the By-law permits a dwelling with a maximum floor area of 294.62 m² (3,171.29 ft²). This is an increase of 40.67 m² (437.71 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, the proposed development meets all other zoning provisions that establish the prescribed building envelope which assist in ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff have no objections to the requested variance.

Secondary Suite

Fire and Emergency Services Department has no objections provided the secondary suite is registered with the City and complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite will be in compliance with Building Code and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the Official Plan for the establishment of a secondary suite, and support its approval.

Tree Protection and Compensation

Should the Committee approve this application, 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. Staff also note that the applicant is required to firstly apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees on the subject property or neighbouring properties which have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more.

Further mitigation may be required at the Residential Infill Grading and Servicing (RIGS) stage to ensure that the appropriate protection of certain trees is achieved.

Metrolinx Comments

The proximity of the subject property is located within 300.0 m (984.25 ft) of the rail corridor right-of-way, which is within the Zone of Influence. As such, Metrolinx requests that an environmental easement for operational emissions be registered on title against the subject property, and in favour of Metrolinx (Appendix "C").

PUBLIC INPUT SUMMARY

No written submissions were received as of the writing of this report (October 12, 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 requested variances meet the four tests. 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" – Metrolinx Comments

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



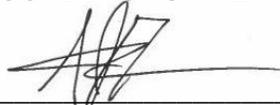
Carlson Tsang, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/148/21

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.
6. That the applicant satisfies the requirements of Metrolinx, as indicated in their comments provided via the City's submission ePlan platform attached as Appendix "C", and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



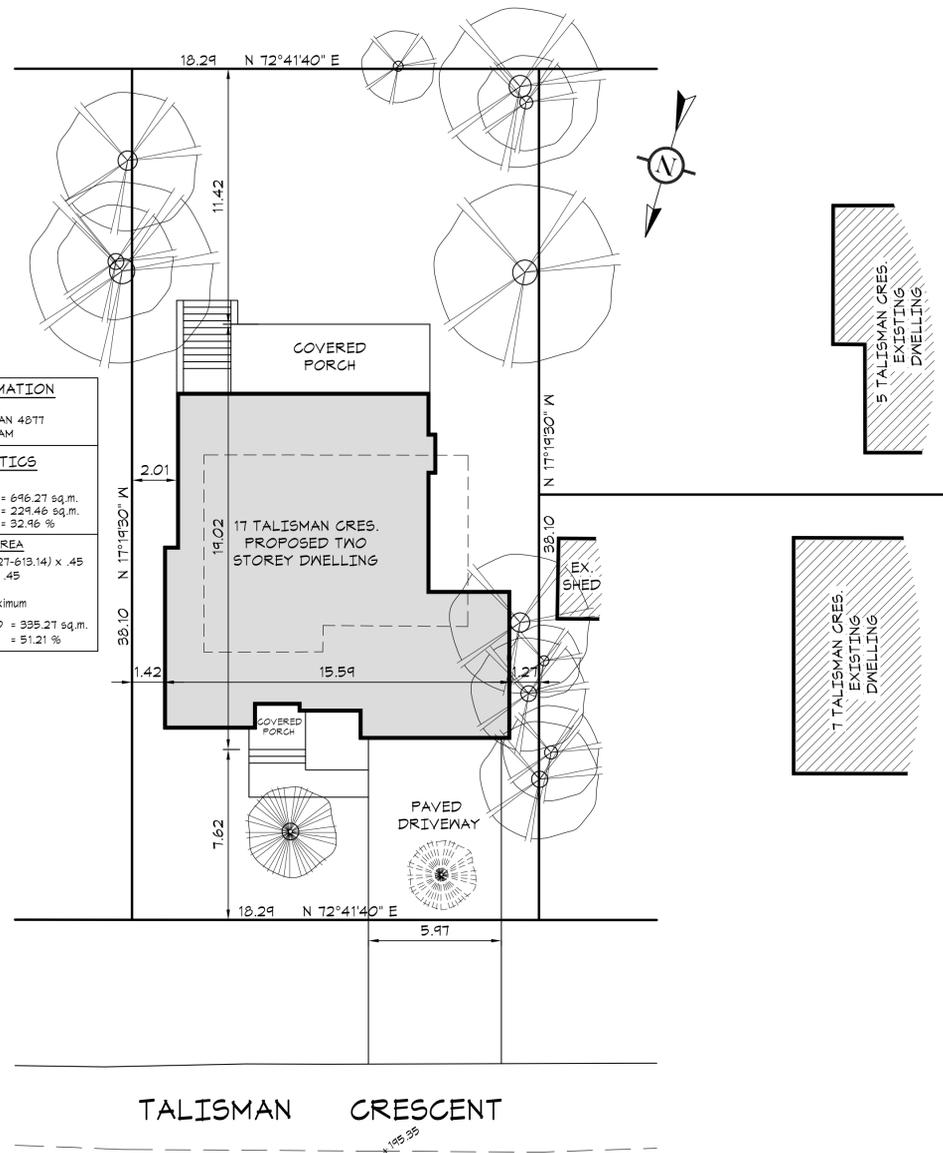
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/148/21

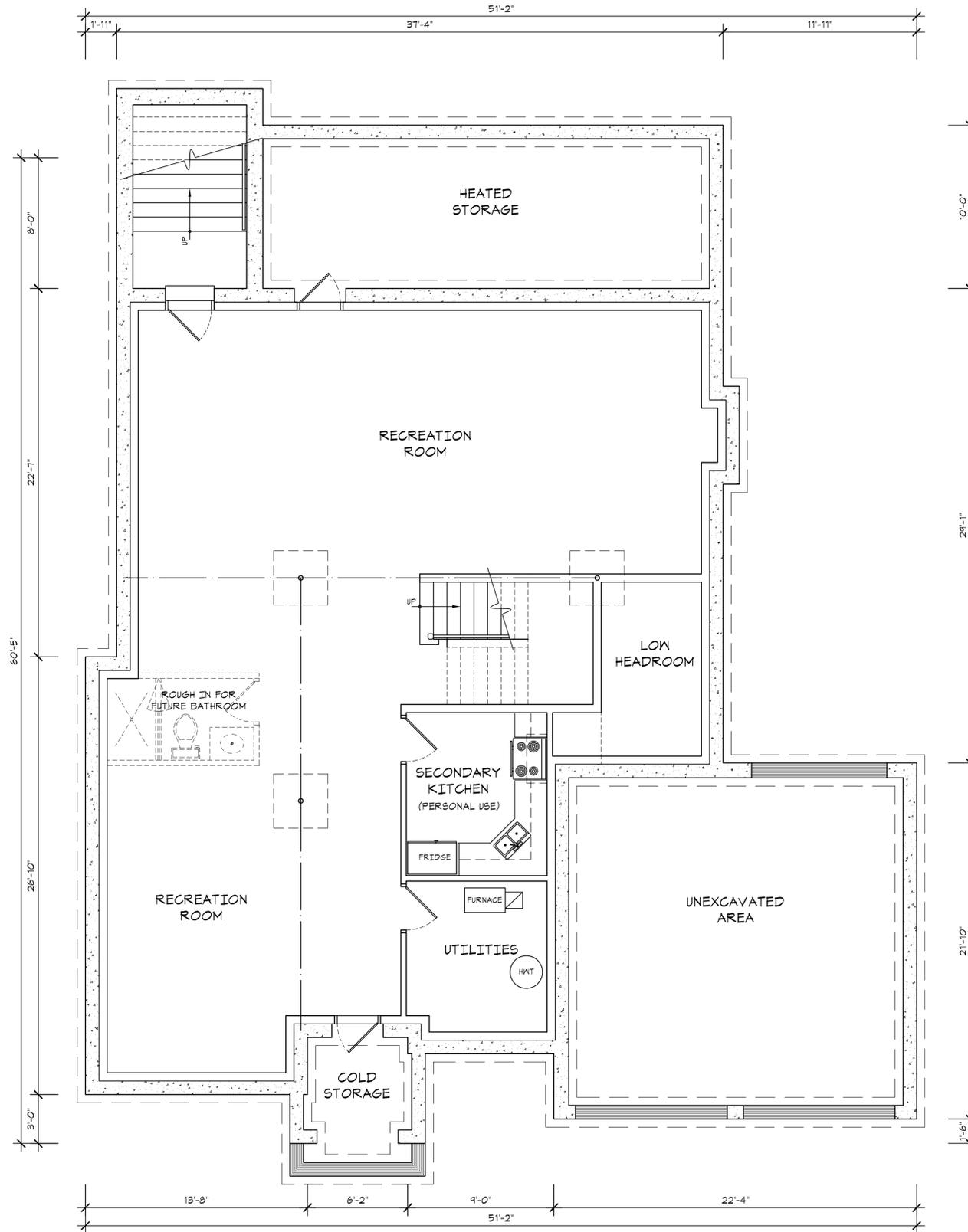
SITE INFORMATION
 LOT 42
 REGISTERED PLAN 4877
 CITY OF MARKHAM

SITE STATISTICS
 LOT COVERAGE
 LOT AREA = 696.27 sq.m.
 BUILDING AREA = 229.46 sq.m.
 LOT COVERAGE = 32.96 %

GROSS FLOOR AREA
 $613.14 + 0.5(696.27 - 613.14) \times .45$
 $= 613.14 + 41.56 \times .45$
 $= 654.70 \times .45$
 $= 294.61 \text{ sq.m. maximum}$
 G.F.A. PROPOSED = 335.27 sq.m.
 $= 51.21 \%$



SITE PLAN
 SCALE = 1:150



BASEMENT & FOUNDATION PLAN
 PROPOSED LAYOUT

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506

Russ Gregory
 NAME SIGNATURE

PROJECT TITLE

HOUSE 2308
17 TALISMAN CRESCENT
CITY OF MARKHAM

THE GREGORY DESIGN GROUP

16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

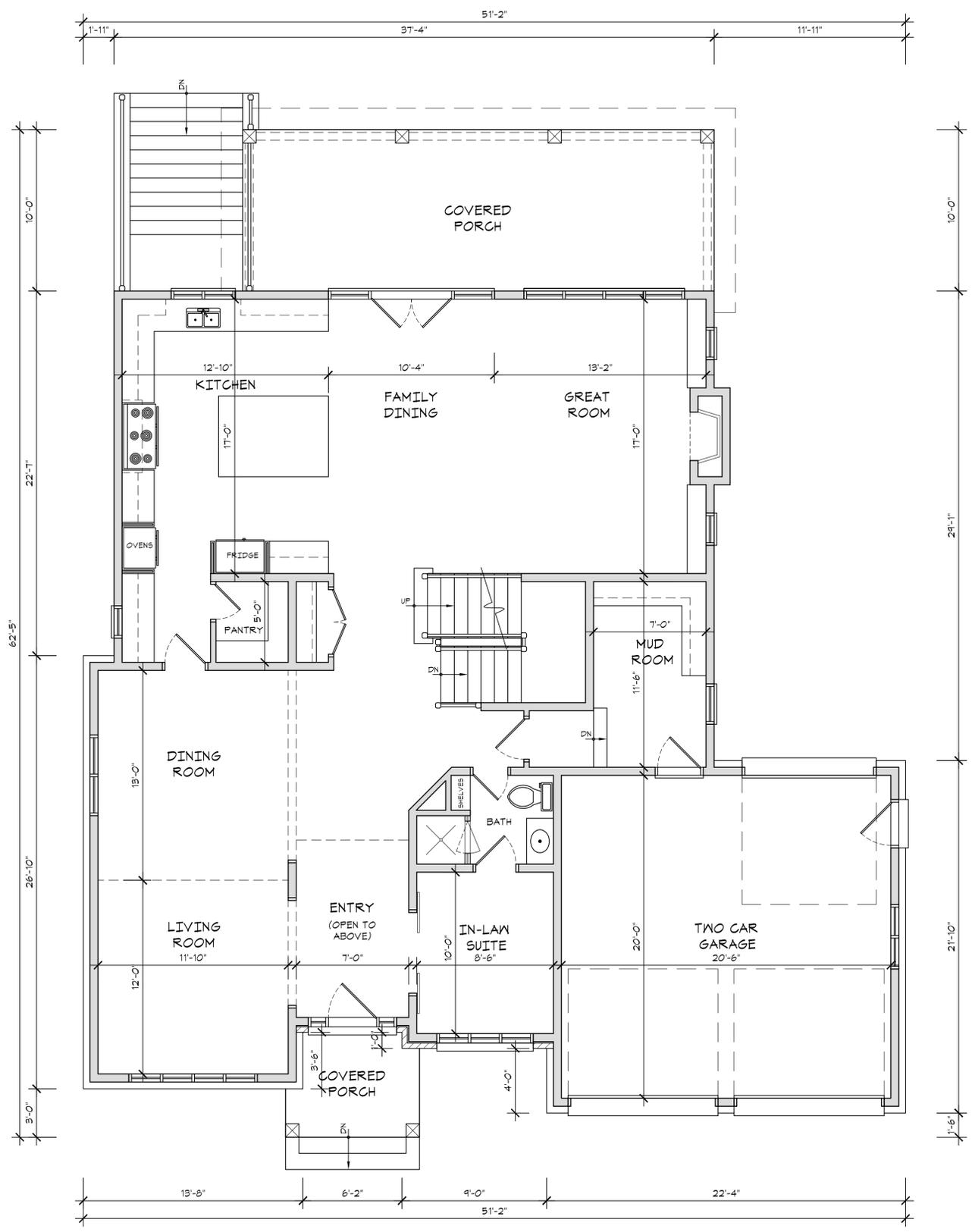
SCALE 1/4"=1'-0" DATE 08/31/21

PROJECT NUMBER 2308-21 SHEET NUMBER

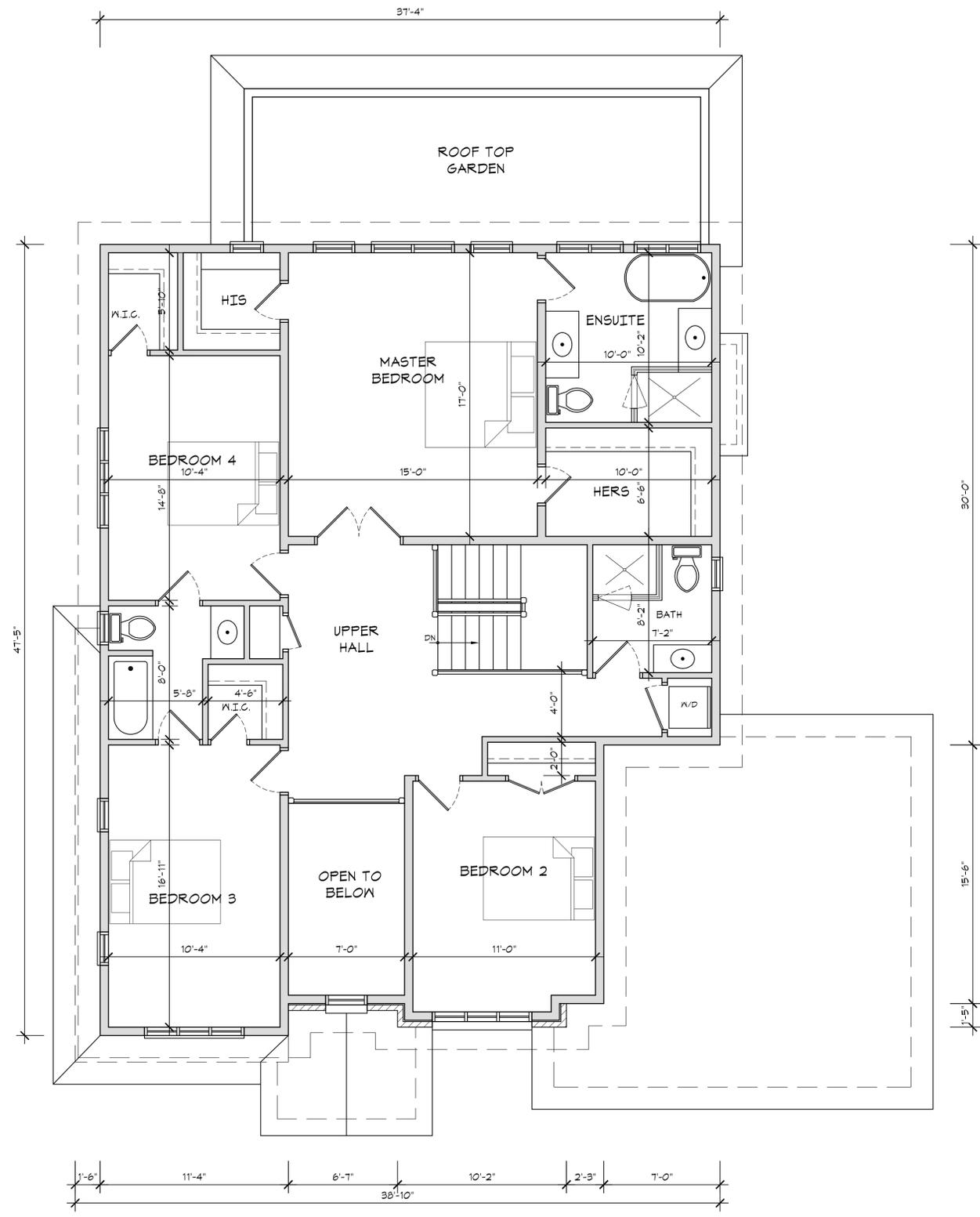
DRAWN BY S.Gregory

CHECKED BY R.G.

A-1



GROUND FLOOR PLAN
 PROPOSED LAYOUT
 FLOOR AREA = 1,665 sq.ft.
 GARAGE AREA = 463 sq.ft.
 TOTAL NET FLOOR AREA = 2,128 sq.ft. (197.69 sq.m.)
 BUILDING AREA = 2,470 sq.ft. (229.46 sq.m.)
 (INC. COVERED PORCHES)



SECOND FLOOR PLAN
 PROPOSED LAYOUT
 FLOOR AREA = 1,629 sq.ft.
 OPEN SPACE = 148 sq.ft.
 TOTAL NET FLOOR AREA = 1,481 sq.ft. (137.58 sq.m.)

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Russ Gregory
 NAME SIGNATURE

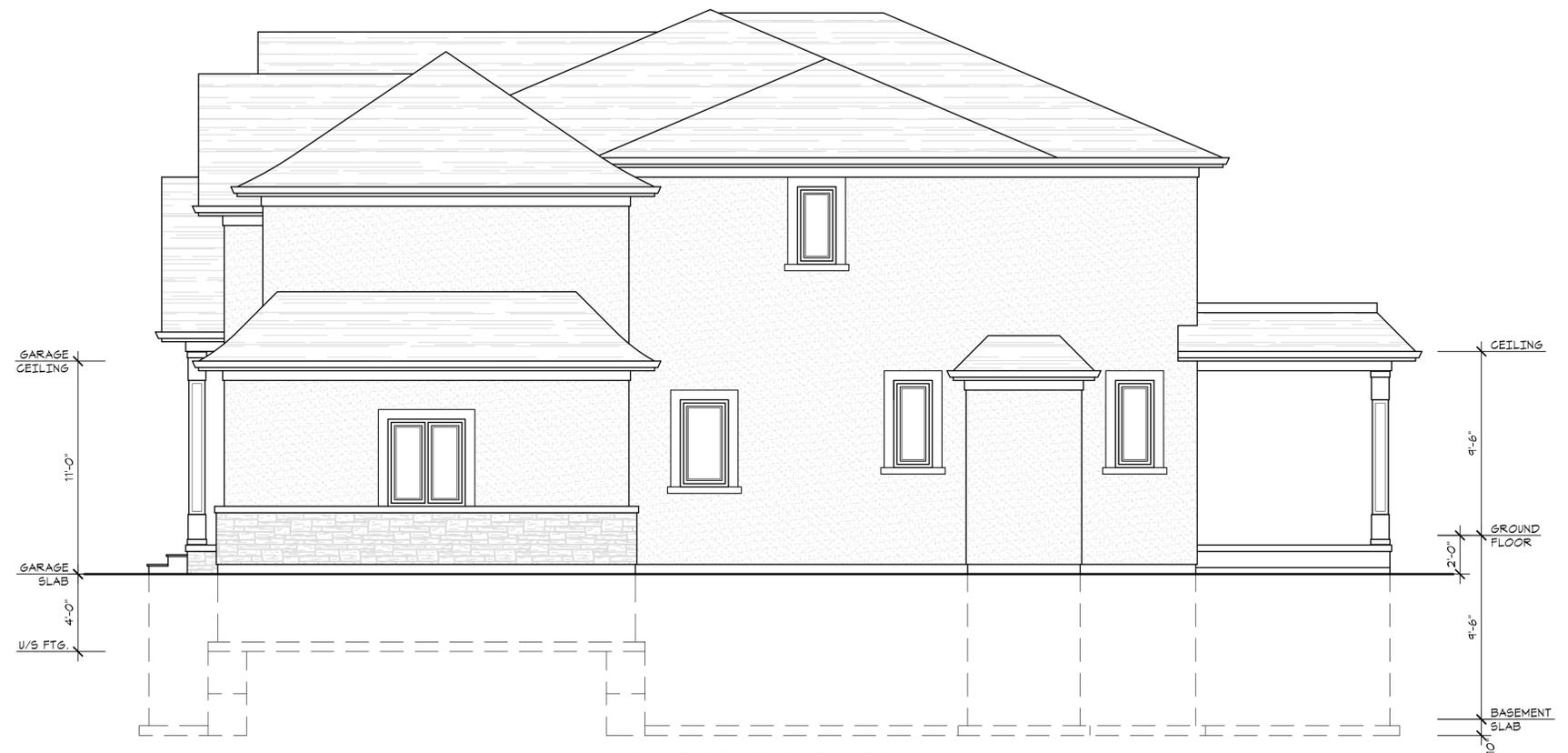
PROJECT TITLE
HOUSE 2308
17 TALISMAN CRESCENT
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
 16 CHURCH STREET
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 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 08/31/21
PROJECT NUMBER 2308-21	SHEET NUMBER A-2
DRAWN BY S.Gregory	CHECKED BY R.G.



FRONT ELEVATION



RIGHT SIDE ELEVATION

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 CITY OF MARKHAM

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SCALE 1/4"=1'-0"	DATE 08/31/21
PROJECT NUMBER 2308-21	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR ELEVATION



LEFT SIDE ELEVATION

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REVISIONS AND DATA	DATE

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 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

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SCALE 1/4"=1'-0"	DATE 08/31/21
PROJECT NUMBER 2308-21	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.

APPENDIX "C"
METROLINX COMMENTS

