

Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

File: A/109/21
Address: 62 Morgan Avenue – Markham, ON (Thornhill)
Applicant: Kenneth Nash
Agent: Nikol Paar
Hearing Date: August 25, 2021

The following comments are provided on behalf of the West District Team.

The applicant is requesting relief from the following “Fourth Density Single Family Residential - (R4)” zone requirements under By-law 2237, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

a) By-law 2237, Section 4.9:

a minimum flankage side yard setback of 3.91 m (12.83 ft), whereas the by-law requires a minimum flankage yard setback of 4.29 m (14.07 ft);

b) By-law 100-90, Section 1.2 (iv):

a maximum building depth of 19.0 m (62.34 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft); and

c) By-law 100-90, Section 1.2 (vii):

a maximum floor area ratio of 55.0%, whereas the By-law permits a maximum floor area ratio of 50.0%.

BACKGROUND

Property Description

The 603.80 m² (6,499.46 ft²) subject property is a corner lot situated at the northwest corner of Morgan Avenue and Willowdale Boulevard, east of Yonge Street, and south of Clark Avenue. The property is currently developed with a one-storey single detached dwelling, and single car garage. The garage is setback 1.22 m (4.0 ft) from the exterior (flankage) lot line. 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. The surrounding area contains some examples of developed infill housing.

Proposal

The applicant is proposing to demolish the existing dwelling and garage, to construct a new two-storey detached dwelling with an attached garage accessed from Morgan Avenue. The dwelling would have a ground floor area of 179.35 m² (1,930.55 ft²), and a second floor area of 146.47 m² (1,576.56 ft²), for a total gross floor area of 325.82 m² (3,507.11 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 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 the retention of existing trees and vegetation, and the width of proposed garages and driveways.

Zoning By-Law 2237

The subject property is zoned “Fourth Density Single Family Residential - (R4)” under By-law 2237, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law with respect to the minimum flankage yard setback requirement.

Residential Infill Zoning By-law 100-90

The subject 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, and number of storeys. The proposed development does not comply with the Infill By-law with respect to the maximum building depth, and floor area ratio requirements.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on July 14, 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.

Reduction in Minimum Flankage Yard Setback

The flankage yard is the side yard of a corner lot that abuts a street, and is measured from the exterior side lot line to the main wall of the building. Abutting the flankage yard is a city owned boulevard which does not contain a sidewalk.

The By-law requires a minimum flankage yard setback of 3.66 m (12.0 ft), or half of the height of the building, whichever is greater. As the applicant is proposing a building with a height of 8.60 m (28.22 ft), the minimum required flankage yard setback is 4.30 m (14.11 ft). The applicant is requesting a minimum flankage yard setback of 3.91 m (12.83 ft), which is a reduction of 0.38 m (1.24 ft) from the minimum By-law requirement.

The requested variance would apply to the one and two-storey portions of the dwelling which are setback 3.91 m (12.83 ft) and 3.99 m (13.09 ft) from the exterior lot line, respectively. Staff have considered that the abutting lands along Willowdale Boulevard are municipally owned, and that the majority of the second storey building wall complies

with the 4.30 m (14.11 ft) By-law requirement. Staff are of the opinion that the requested variance would not adversely impact the abutting lands.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 19.0 m (62.34 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 2.20 m (7.22 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 furthest from the front lot line.

The variance includes a front covered porch and one-storey canopy at the front of the dwelling which adds 1.63 m (5.35 ft) to the overall building depth. This results in a smaller second-storey floor plate stepped back from Morgan Avenue. Excluding the canopy and porch, the main component of the building has a depth of 17.37 m (56.99 ft) which in the opinion of staff, is generally consistent with the By-law requirement.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 55.0%, whereas the By-law permits a maximum floor area ratio of 50.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 325.73 m² (3,506.10 ft²), whereas the By-law permits a dwelling with a maximum floor area of 296.12 m² (3,187.37 ft²). This is an increase of 29.61 m² (318.73 ft²).

Floor area ratio is a measurement of the interior floor area of a dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. With the exception of the proposed increase in building depth, and reduction to the flankage yard setback, the building layout meets all other setback and lot coverage requirements, which are all components that form the buildable area of a dwelling. When considering the increase in floor area ratio individually, and cumulatively with the other requested variances, staff are of the opinion that the proposed building would be in keeping with the intended size and scale of infill developments within the neighbourhood, and have no objections.

Tree Protection and Compensation

Mature trees exist across the subject property. In the event of approval, staff recommend that the tree related conditions detailed in Appendix "A" be adopted by the Committee to ensure that the applicant installs the appropriate tree protection, and provides any required compensation for trees proposed to be removed. It is noted that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury or removal of trees with a trunk diameter at breast height of over 0.20 m (0.66 ft). Following any approval of this minor variance application, further mitigation may be required at the Residential Infill Grading and Servicing (RIGS) stage to ensure the appropriate protection of certain trees.

PUBLIC INPUT SUMMARY

As of the writing of this report (August 16, 2021), one written submission was received in support of the proposed development. 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*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider 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.

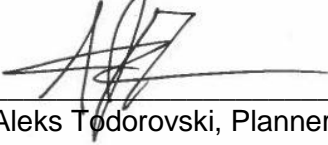
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

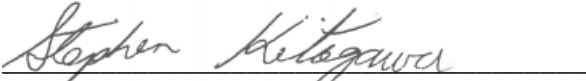
Appendix "B" – Plans

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Stephen Kitagawa', written over a horizontal line.

Stephen Kitagawa, Acting-Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/109/21

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 batch stamped plans attached as Appendix "B" to this Staff Report, 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.
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:



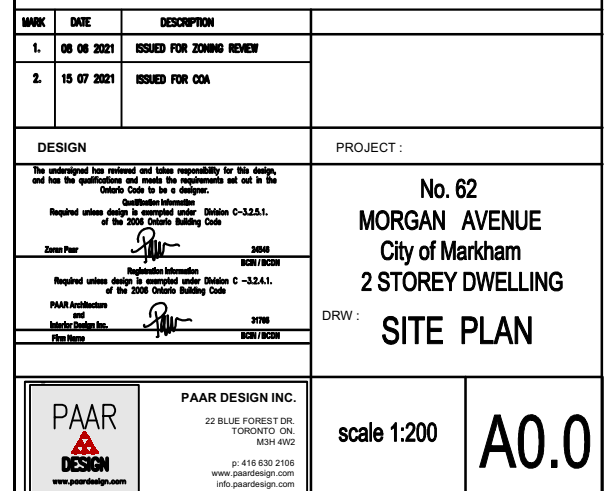
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/109/21

1.130930.000.00.MNV
3/18/21
MM/DD/YY

Date: 08/18/21

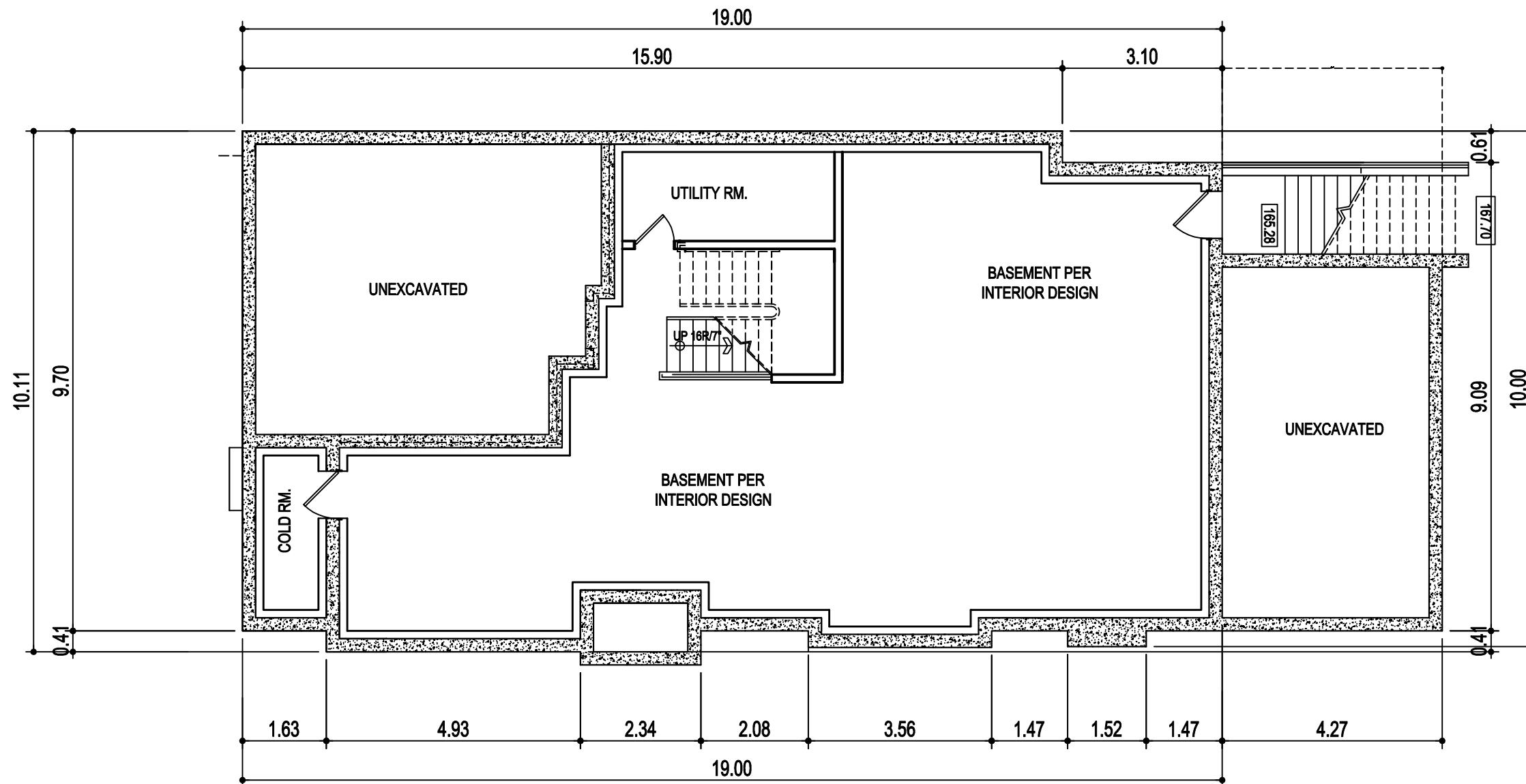


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Appendix B

File: 21.130930.000.00.MNV

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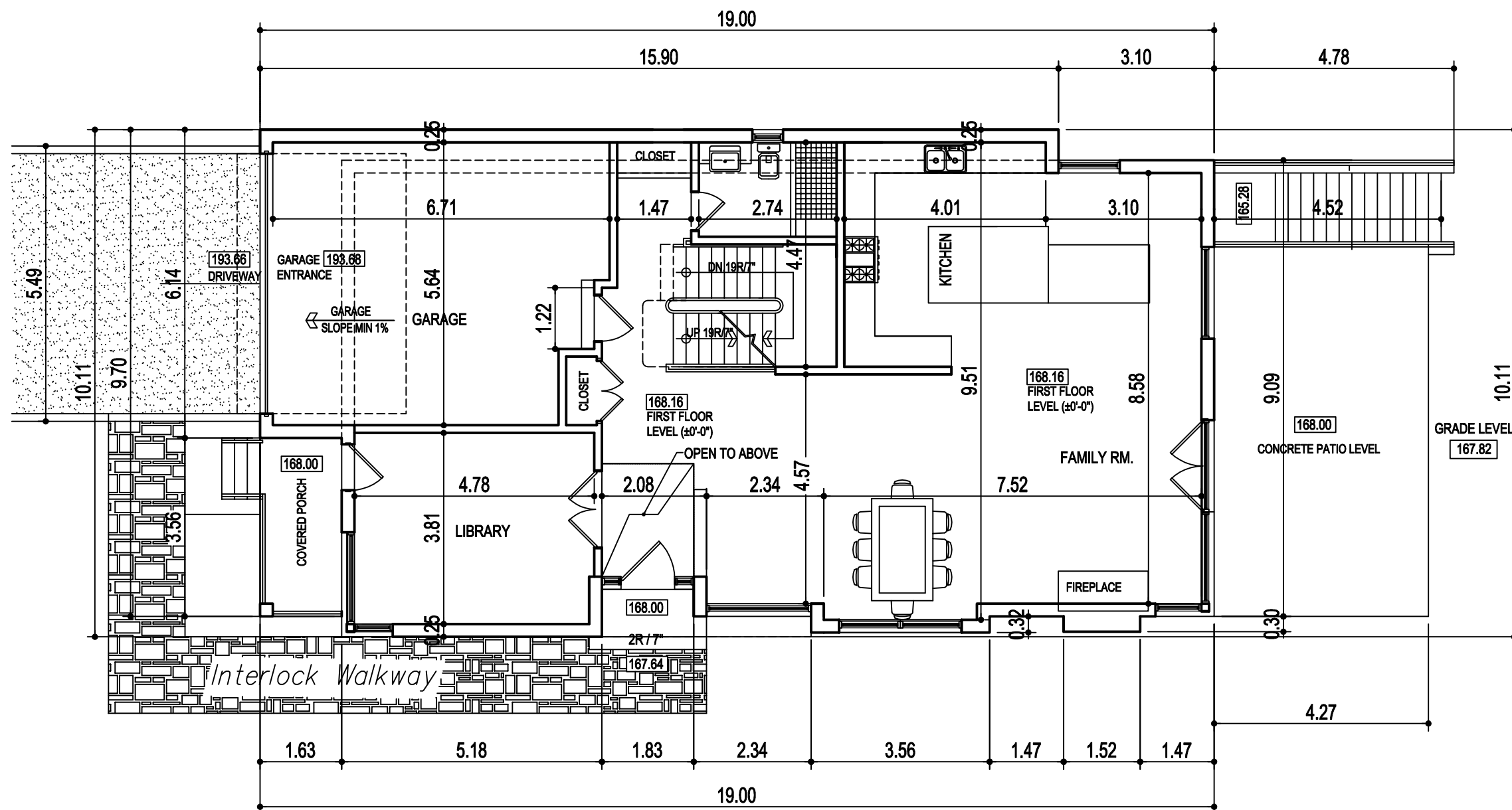


MARK	DATE	DESCRIPTION		
1.	08 08 2021	ISSUED FOR ZONING REVIEW		
2.	15 07 2021	ISSUED FOR COA		
DESIGN			PROJECT :	
The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code Zoning Per: [Signature] 24048 Registration Information: BCN / BCN Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code PAAR Architects and Interior Design Inc. [Signature] 16796 Firm Name: BCN / BCN			No. 62 MORGAN AVENUE City of Markham 2 STOREY DWELLING DRW : BASEMENT PLAN	
PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com			scale 1:100	A1.1





Appendix B

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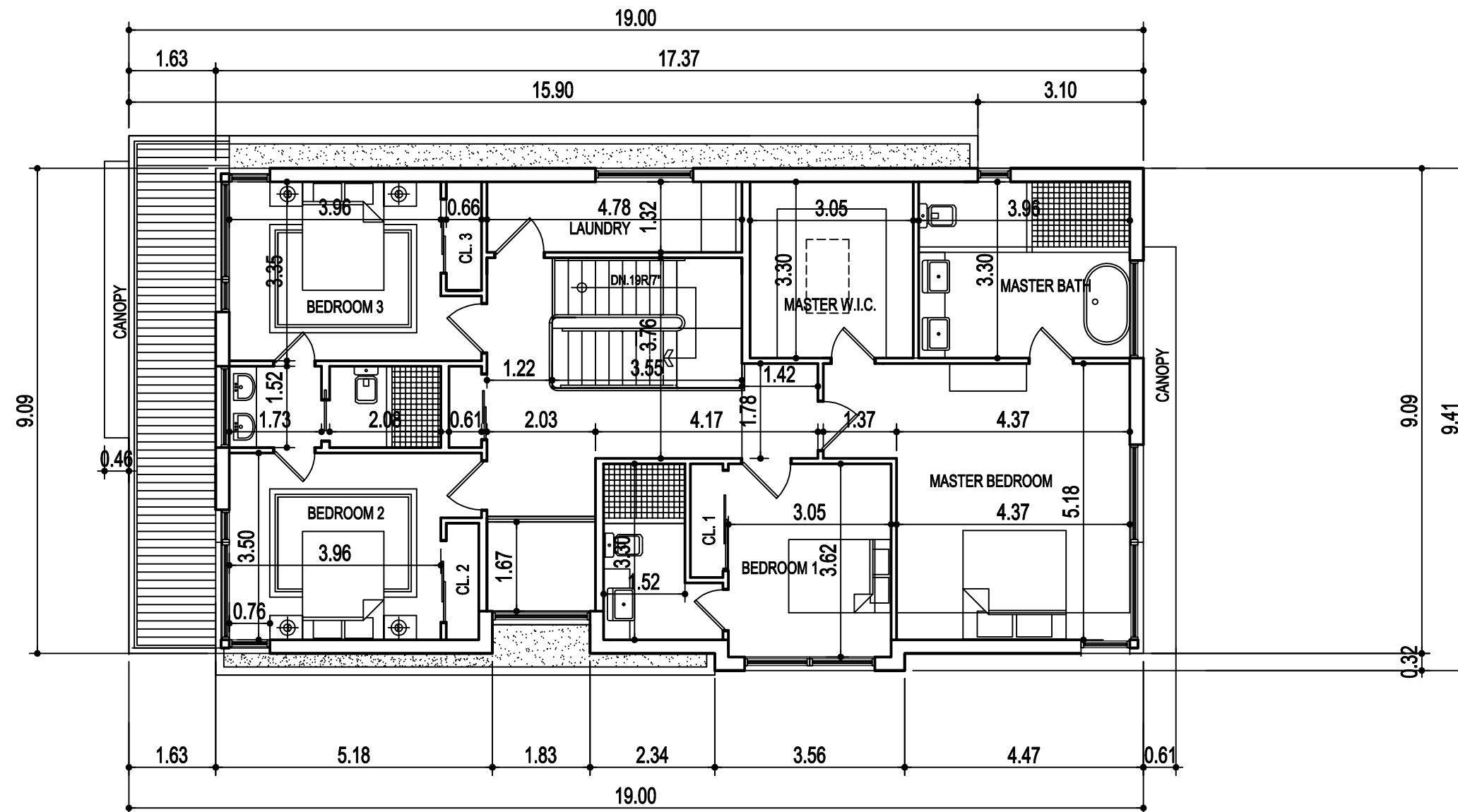
FIRST FLOOR AREA TOTAL = 1930.55 SQ.FT

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2.	15 07 2021	ISSUED FOR COA		
DESIGN			PROJECT :	
<p>The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.</p> <p>Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code</p> <p>Zoning Permit  30608</p> <p>Registration Information Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code</p> <p>PAAR Architects and Interior Design Inc.  31796</p> <p>Firm Name  BCIM / BCIM</p>			No. 62 MORGAN AVENUE City of Markham 2 STOREY DWELLING	
			DRW : FIRST FLOOR PLAN	
<div><div>PAAR  DESIGN www.paardesign.com</div><div><div>PAAR DESIGN INC.</div><div>22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com</div></div></div>			scale 1:100	
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SECOND FLOOR AREA TOTAL = 1576.56 SQ.FT

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DESIGN			PROJECT :	
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Zoning Permit PAAR Architects and Interior Design Inc. Firm Name			DRW : SECOND FLOOR PLAN	
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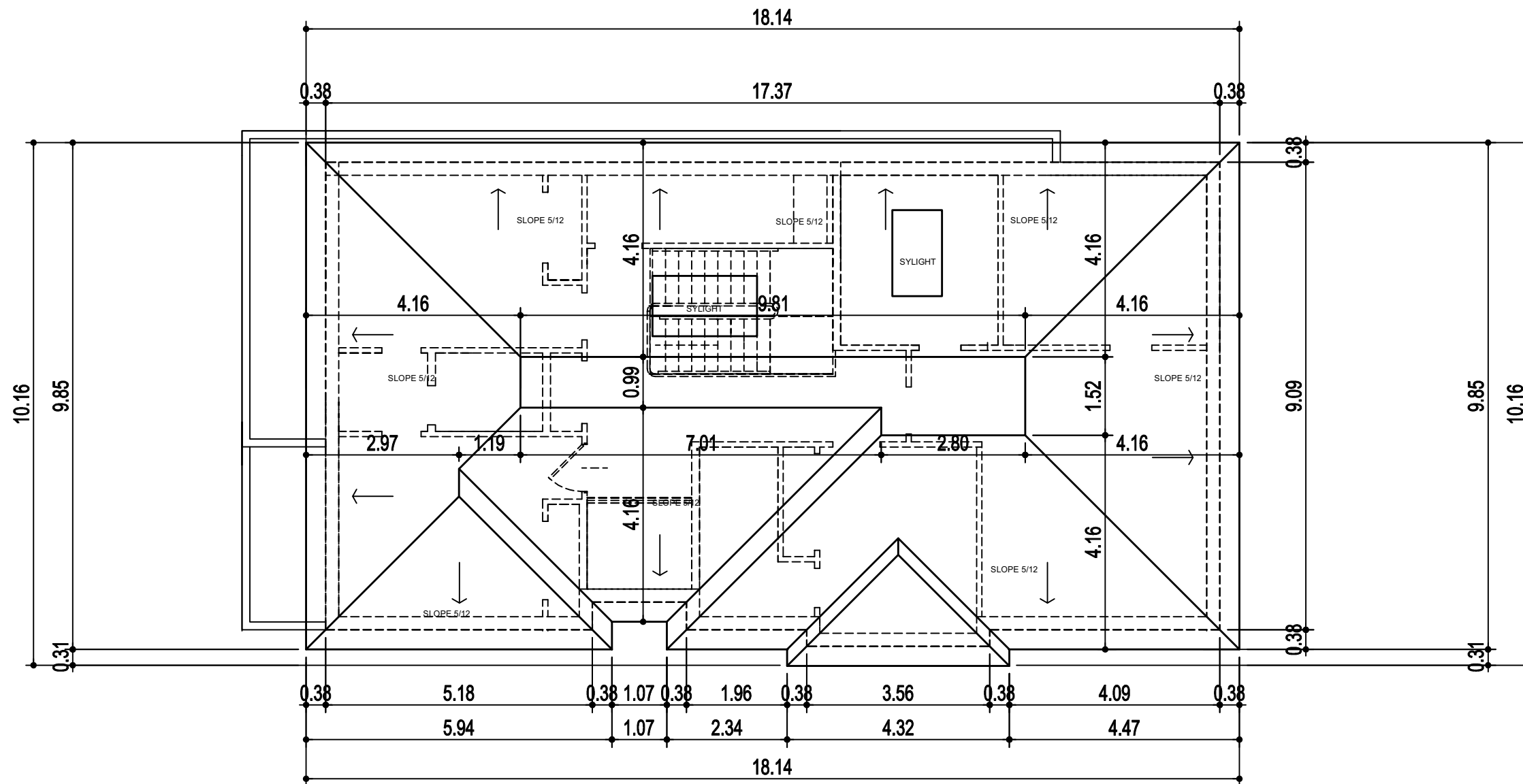
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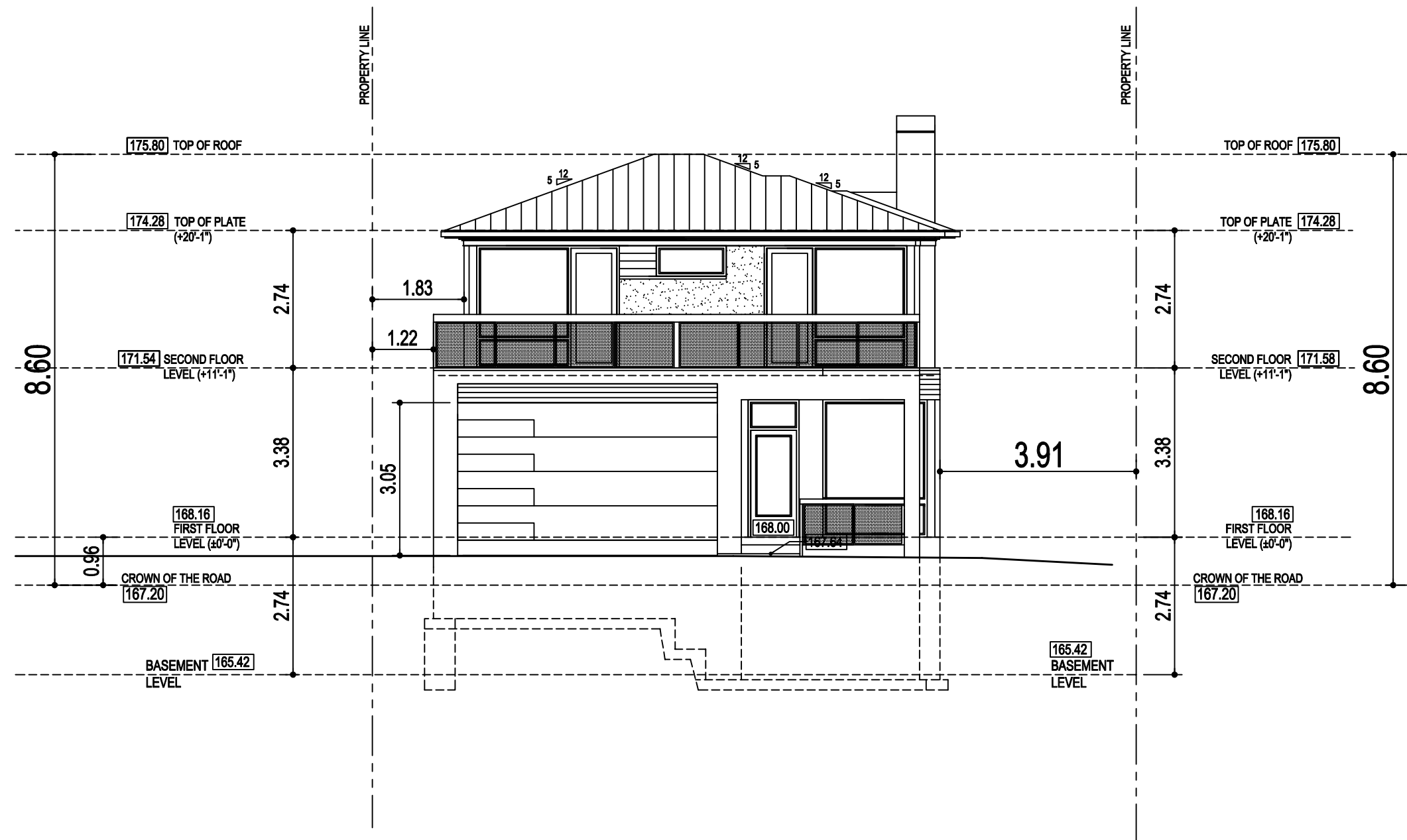





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DESIGN			PROJECT :
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Required unless design is exempted under Division C-3.2.5.1 of the 2008 Ontario Building Code			
Qualified Information 24608  BCOR / BCOR			
Required unless design is exempted under Division C-3.2.4.1 of the 2008 Ontario Building Code			
PAAR Architectural and Interior Design Inc.  Firm Name			DRW : ROOF PLAN
PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com			scale 1:100 A1.4

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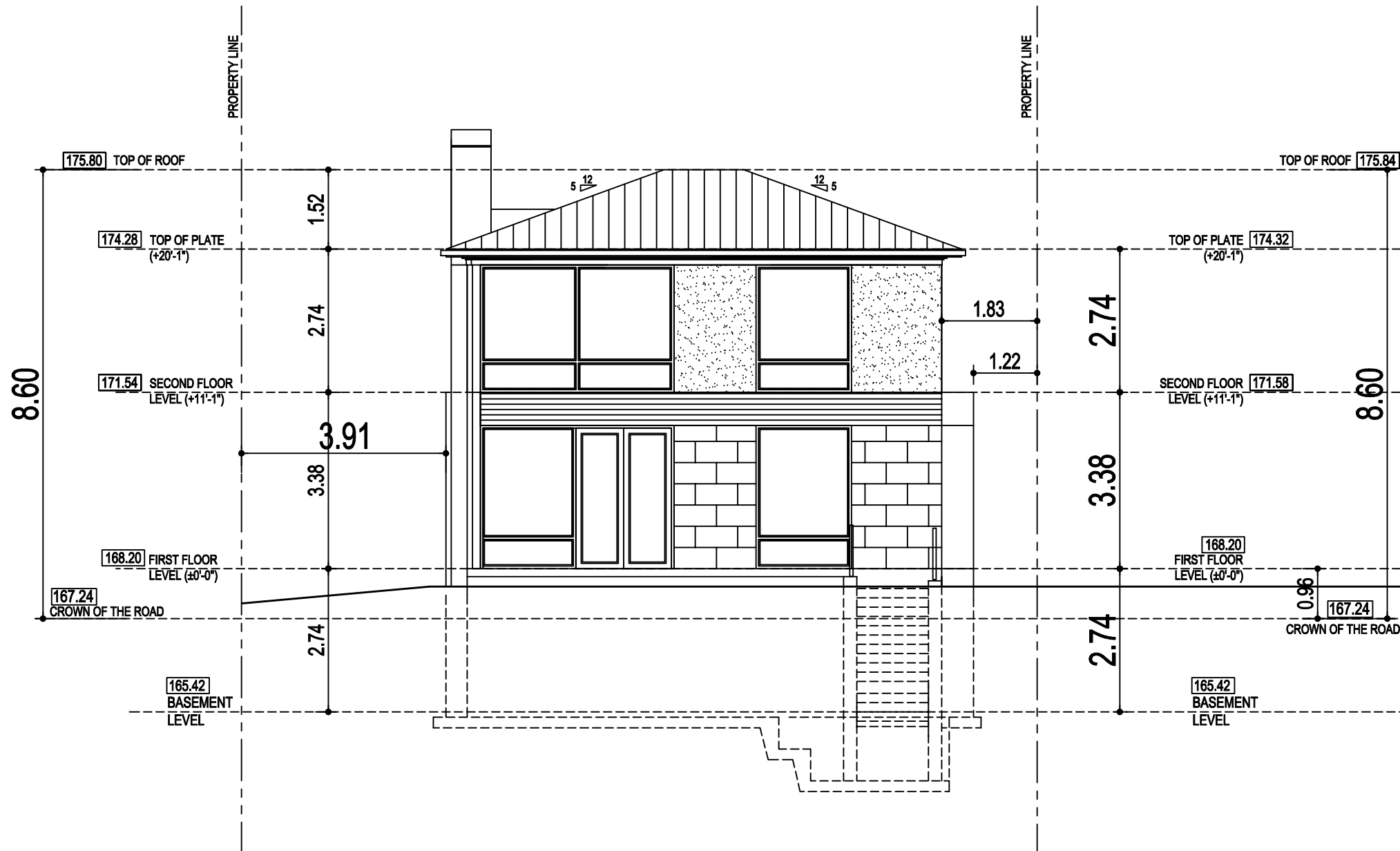


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			DRW :
			FRONT / SOUTH ELEVATION
<div><div><div>PAAR  DESIGN</div><div><p>www.paardesign.com</p></div></div><div><p>PAAR DESIGN INC.</p><p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com</p></div></div>			scale 1:100 A2.1

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			DRW : REAR / NORTH ELEVATION	
<p>PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com</p>			scale 1:100	A2.3

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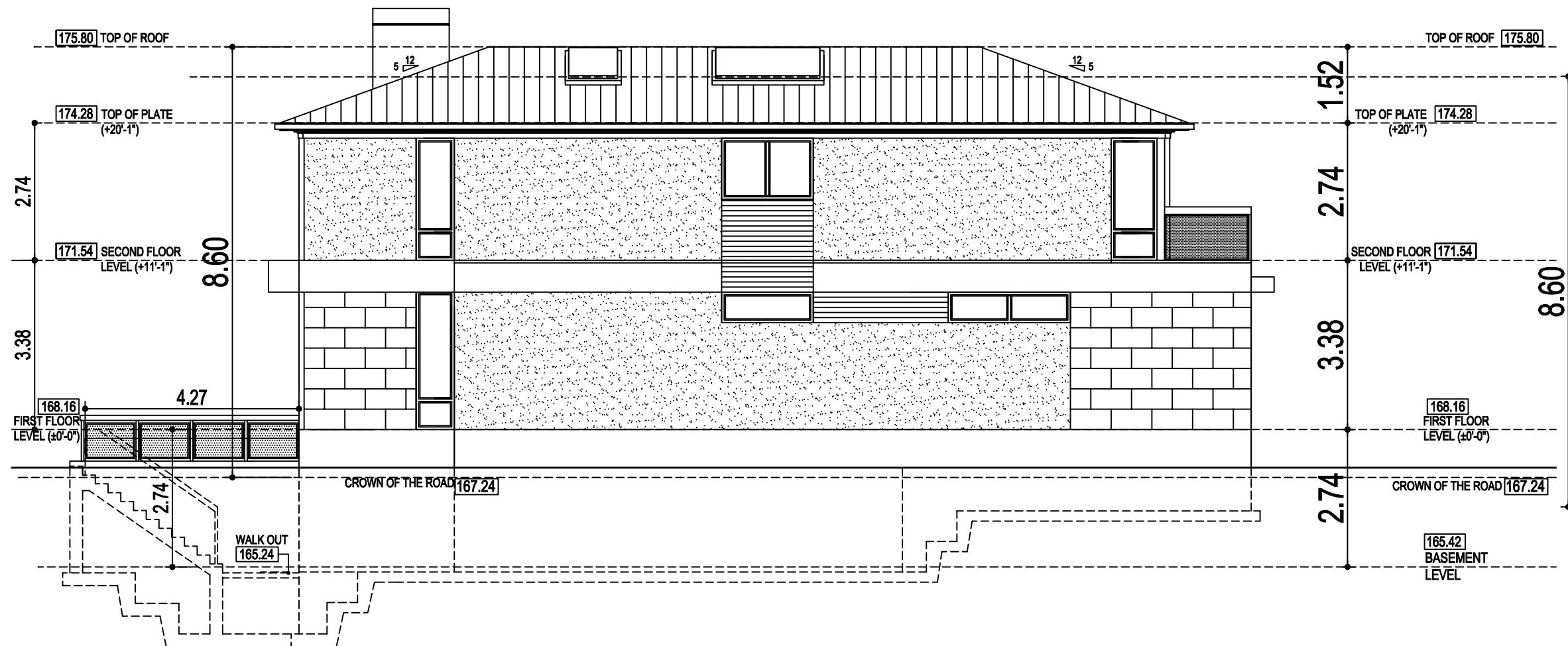




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			DRW : SIDE / EAST ELEVATION	
 PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com			scale 1:100	A2.2

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<p><u>Registration Information</u> Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code</p> <p>PAAR Architects and Interior Design Inc.  21795</p> <p>Firm Name: BCN / BCN</p>				
			DRW :	
			SIDE / WEST ELEVATION	
<div><div>PAAR DESIGN</div><div>www.paardesign.com</div></div>			scale 1:100	A2.4
<div>PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com</div>				