

Memorandum to the City of Markham Committee of Adjustment

September 27, 2021

File: A/123/21
Address: 92 Meadowview Avenue – Markham, ON (Thornhill)
Applicant: Guizhen Shi
Agent: LB Mizrahi Architect (Limor Benmor-Mizrahi)
Hearing Date: October 6, 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.

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

a maximum height of 9.60 m (31.50 ft), whereas the By-law permits a maximum height of 8.60 m (28.22 ft);

b) By-law 101-90, Section 1.2 (iv):

a maximum depth of 18.63 m (61.12 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft);

c) By-law 101-90, Section 6.1:

a minimum front yard setback of 9.0 m (29.53 ft), whereas the By-law allows a minimum front yard setback of 10.70 m (35.11 ft);

d) By-law 2237, Section 3.7:

a maximum front yard unenclosed roof porch encroachment of 37.0 in (0.94 m), whereas the By-law permits an unenclosed roof porch to encroach a maximum of 18.0 in (0.46 m) into any required yard;

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

a maximum floor area ratio of 57.93%, whereas the By-law permits a maximum floor area ratio of 50.0%.

BACKGROUND

Property Description

The 580.70 m² (6250.60 ft²) subject property is located on the north side of Meadowview Avenue, east of Yonge Street, south of Doncaster Avenue, and west of Henderson Avenue. The subject property is currently developed with a one-storey detached dwelling with an attached garage, and a shed located in the rear yard. 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 street and surrounding community can be described as one that is in transition, with several examples of infill development developed as two-storey dwellings with various forms of massing, sizes, heights, and depths.

Proposal

The applicant is proposing to demolish the existing dwelling and shed, to construct a new two-storey detached dwelling which is proposed to be setback 9.0 m (29.53 ft) from the

front lot line, have a height of 9.60 m (31.50 ft), and a depth of 18.63 m (61.12 ft). Including the garage, the dwelling is proposed to have a ground floor area of 181.74 m² (1,956.23 ft²), and a second floor area of 153.95 m² (1,657.10 ft²), for a total gross floor area of 335.69 m² (3,613.33 ft²).

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 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 maximum permitted yard encroachment requirement.

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 maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the Infill By-law with respect to the maximum height, depth, floor area ratio, and minimum front yard setback requirements.

Previous Minor Variance Approval

According to City records, the Committee of Adjustment (“the Committee”) previously approved a minor variance application (A/66/86) on the subject property in 1986, subject to conditions. The applicant requested relief from the following “Fourth Density Single Family Residential – (R4)” zone requirement under By-law 2237 as it was related to the construction of a single storey garage addition to the single storey detached dwelling. The requested variance was to permit:

- A minimum side yard setback of 0.61 m (2.0 ft), whereas the By-law permits a minimum side yard setback of 1.22 m (4.0 ft).

The conditions of approval stated that the minor variance be:

- only as shown on a plan of survey prepared by C.E. Dotterill Ltd., Ontario Land Surveyors, dated March 27, 1986, submitted with the subject application; and
- in effect only as long as the subject shed remains on the lot.

The current variance application (A/123/21) proposes to demolish the existing dwelling, and shed located in the rear yard. Accordingly, the previously approved variance relating to a side yard setback would not apply to this variance application.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on September 13, 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:

- 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 Building Height

The applicant is requesting a maximum building height of 9.60 m (31.50 ft), whereas the By-law permits a maximum building height of 8.60 m (28.22 ft). This is an increase of 1.0 m (3.28 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.

Building heights within the surrounding area and along Meadowview Avenue range, and exceed 9.60 m (31.50 ft). The dwelling is proposed to be within range of other dwelling heights along the street, and the high point of the roof is located towards the centre of the property, which assists in minimizing impacts to adjacent properties. Staff are of the opinion the requested variance is minor in nature, and would be consistent with other dwellings along the street.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 18.63 m (61.12 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 1.83 m (6.0 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 covered porch, and cantilevered box bay window at the rear, which cumulatively adds 2.15 m (7.05 ft) to the overall building depth. Excluding the aforementioned projections, the main component of the dwelling has a depth of approximately 16.48 m (55.11 ft). The requested increase in building depth is primarily attributable to architectural features, which staff consider to be minor and limited projections to the dwelling. Staff are satisfied that the requested depth appropriately maintains the general intent of the By-law.

Reduction in Front Yard Setback

The applicant is requesting a minimum front yard setback of 9.0 m (29.53 ft), whereas the By-law requires a minimum front yard setback of 10.70 m (35.11 ft). This is a reduction of 1.70 m (5.58 ft).

The variance is partially attributable to the box bay window, which is a projection that is limited in width along the front building wall. The main front wall of the building provides for a front yard setback of 9.61 m (31.53 ft).

Dwellings adjacent to the subject property have front yard setbacks of approximately 8.50 m (27.89 ft), which appears to be consistent with other dwellings along Meadowview Avenue originally built prior to the Ontario Municipal Board approval of By-law 2237, on July 12, 1967. The Parent By-law previously required dwellings to have a minimum front yard setback of 8.23 m (27.0 ft), until such time that it was amended in 1990 by the Infill By-law which specifies that properties as shown on Schedule "A" (which includes properties along Meadowview Avenue) are required to have a minimum front yard setback of 10.70 m (35.11 ft). Staff are of the opinion that the proposed front yard setback would be generally consistent with the transitioning character of the street, and have no objections.

Increase in Maximum Encroachment for an Unenclosed Porch

The applicant is requesting that the unenclosed porch be permitted to encroach a maximum of 37.0 in (0.94 m) into the required front yard, whereas the By-law permits an unenclosed porch to encroach a maximum of 18.0 in (0.46 m) into any required yard.

As the unenclosed covered front porch is situated towards the centre of the building, staff do not anticipate that the requested variance would result in any adverse impacts, and are of the opinion that the request is minor in nature.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 57.93%, 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 336.38 m² (3,620.80 ft²), whereas the By-law permits a dwelling with a maximum floor area of 290.34 m² (3,125.15 ft²). This is an increase of 46.05 m² (495.65 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. In considering this, Planning staff's assessment as to whether the proposed increase in floor area ratio is appropriate is not solely based on assessment of the raw numbers in terms of interior floor space, but also the permitted buildable area and its potential impacts on where variances are requested. The proposed development meets the lot coverage requirement, which assists in ensuring the proposed dwelling will be in keeping with the intended scale of residential infill developments.

Staff have determined that there are also several examples of infill developments along the street, which consist of a mix of one and two-storey detached dwellings. Staff note that minor variance decisions are not precedent setting, and each variance application is to be assessed on its own individual merit. However, to assist in assessing whether a proposal may be appropriate and consistent with other developments along the street, staff also have regard for previous variance decisions, some of which have been granted similar

floor area ratios ranging up to 58.25%, or gross floor areas as high as 336.77 m² (3,625.0 ft²). These decisions assist staff in formulating an opinion on the development of a community's character.

As previously noted, staff have concluded that Meadowview Avenue contains a mix of detached dwellings with heights, depths, massing, and scale, all of which are considered to be generally consistent and compatible with one another. Meadowview Avenue is a street in transition, and for the reasons discussed above, staff are of the opinion that the requested variances, when assessed collectively with the floor area ratio, would result in a dwelling that is consistent and compatible with other dwellings along the street.

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 that 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 over. Following any approval of this minor variance application, further mitigation may be required to ensure sufficient tree protection zone(s) are maintained at the Residential Infill Grading and Servicing (RGS) stage for the appropriate protection of certain trees as advised by Operations staff.

PUBLIC INPUT SUMMARY

As of the writing of this report (September 27, 2021), one written submission in support of the proposed development was received. 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 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

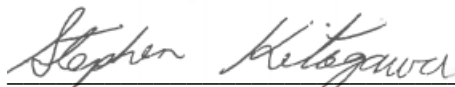
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/21

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 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:

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

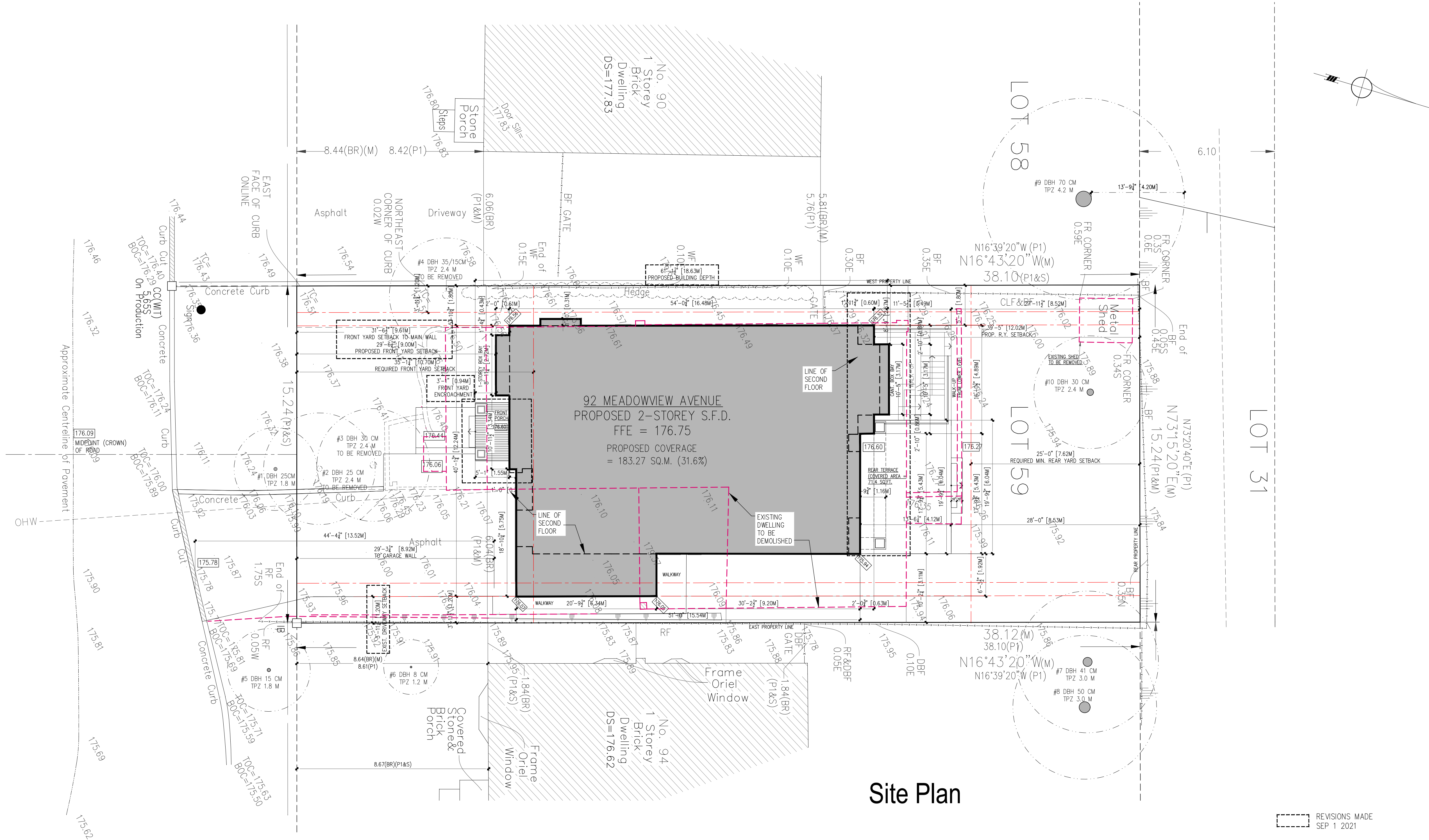
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

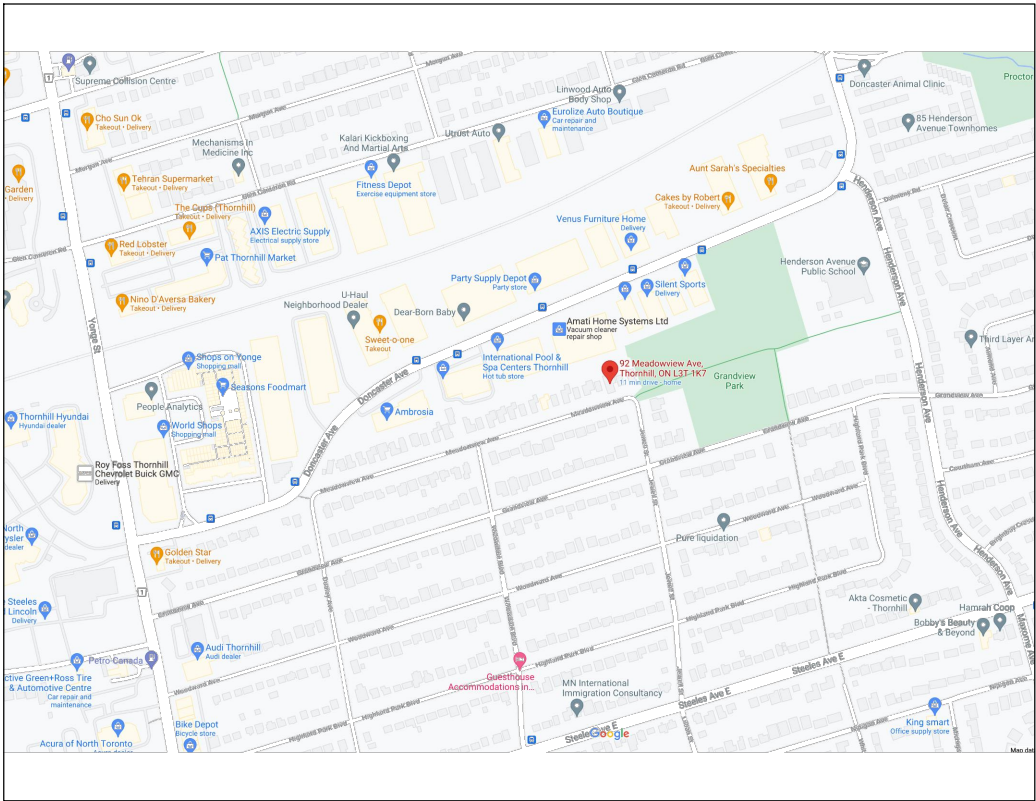
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/21

MEADOWVIEW AVENUE

PN 03020 - 0500



Site Plan



LOCATION MAP

TREE LEGEND	
	EXISTING TREE TO BE INJURED:
	EXISTING TREE TO BE REMOVED:
	EXISTING TREE TO REMAIN
	DENOTES REQUIRED TREE PROTECTION ZONE
	DENOTES TREE PROTECTION SNOW FENCE ON PUBLIC PROPERTY
	DENOTES TREE PROTECTION ON PRIVATE PROPERTY IN FRAMED PLYWOOD
	HORIZONTAL HOARDING (2 LAYERS OF 3/4" THICK SOLID PLYWOOD INTERLOCKED AND SECURED TO THEMSELVES)
	HAND EXCAVATION AREAS
	DENOTES NEW TREES TO BE PLANTED

92 MEADOWVIEW AVE MARKHAM, ON – ZONING INFORMATION (BY-LAW 2237)			
ZONING:	R4 FOURTH DENSITY SINGLE FAMILY RESIDENTIAL		
LOT AREA:	6250.60 sq.ft.	580.70 sq.m.	
LOT FRONTAGE:	50 feet	15.24 meters	
MINIMUM LOT AREA:	6250.60 sq.ft.	580.70 sq.m.	
MAXIMUM ALLOWABLE FLOOR AREA RATIO: (50% OF LOT AREA)	3125.00 sq.ft.	290.32 sq.m.	
MAXIMUM ALLOWABLE COVERAGE 33 1/3 %:	2081 sq.ft.	193.33 sq.m.	
PROPOSED MAIN FLOOR (INCL. ATTACHED GARAGE + CANTILEVERED BOX BAYS)	1956.24 sq.ft.	181.74 sq.m.	
PROPOSED COVERED FRONT PORCH	43.8 sq.ft.	4.07 sq.m.	
PROPOSED COVERED REAR TERRACE	77.4 sq.ft.	6.63 sq.m.	
PROPOSED 2ND FLOOR	1657.1 sq.ft.	153.95 sq.m.	
CELLAR LEVEL	1565.16 sq.ft.	145.41 sq.m.	
PROPOSED GROSS FLOOR AREA :	13613.74 sq.ft.	1258.69 sq.m.	
PROPOSED COVERAGE :	1192.44 SQ.M. / 580.70 SQ.M. X 100% = 33.1%		
PROPOSED FLOOR AREA RATIO :	1335.69 SQ.M. / 580.70 SQ.M. X 100% = 57.8% *VARIANCE		
SETBACKS	ALLOWABLE	PROPOSED	
FRONT YARD SETBACK	10.7 M	9.00 M to box bay (front wall) 9.61 M to main wall 9.00 M	*VARIANCE
REAR	25 FEET		
SIDE (EAST)	1.2 M (ONE-STORY)	1.2 M (ONE-STORY)	
	1.8 M (TWO-STORY)	3.11 M (TWO-STORY)	
SIDE (WEST)	1.8 M (TWO-STORY)	1.80 M (TWO-STORY)	
BUILDING HEIGHT	8.6 M	9.60 M	*VARIANCE
BUILDING DEPTH	16.8 M + 2.1 ONE-STORY EXTENSION	18.63 M (INCL. 0.6 M ONE-STORY EXTENSION (CANTILEVERED BOX-BAY) + FRONT AND REAR TERRACE (COVERED))	*VARIANCE

Revisions		
No.	Date	Description

Drawing Issue		
No.	Date	Issued
1	July 13 2021	Issued for Zoning Preliminary Review
2	Aug 5 2021	Issued to Committee of Adjustment
3	Sep 1 2021	Revised + Re-issued for Zoning Preliminary Review
4	Sep 14 2021	Re-issued to Committee of Adjustment

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Project:	
New Residence at:	
92 Meadowview Ave Markham, ON	
Scale: 1/8" = 1'-0"	Project Number: 21-002
Drawn by: LBM	Reviewed By: LBM
Drawing:	

SITE PLAN
SITE STATS
TREE LEGEND
LOCATION PLAN

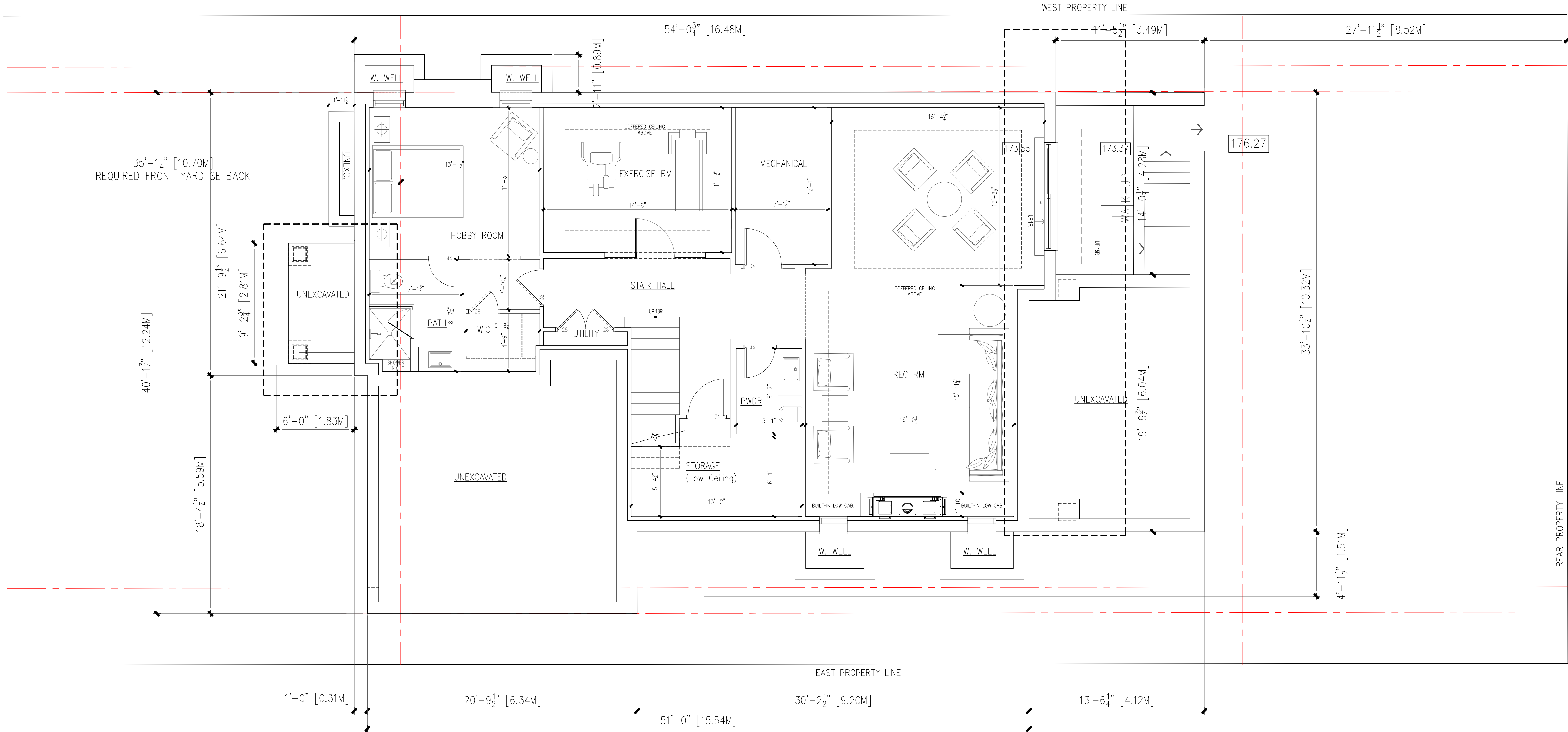
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Lower Floor Plan

Revisions		
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Project:
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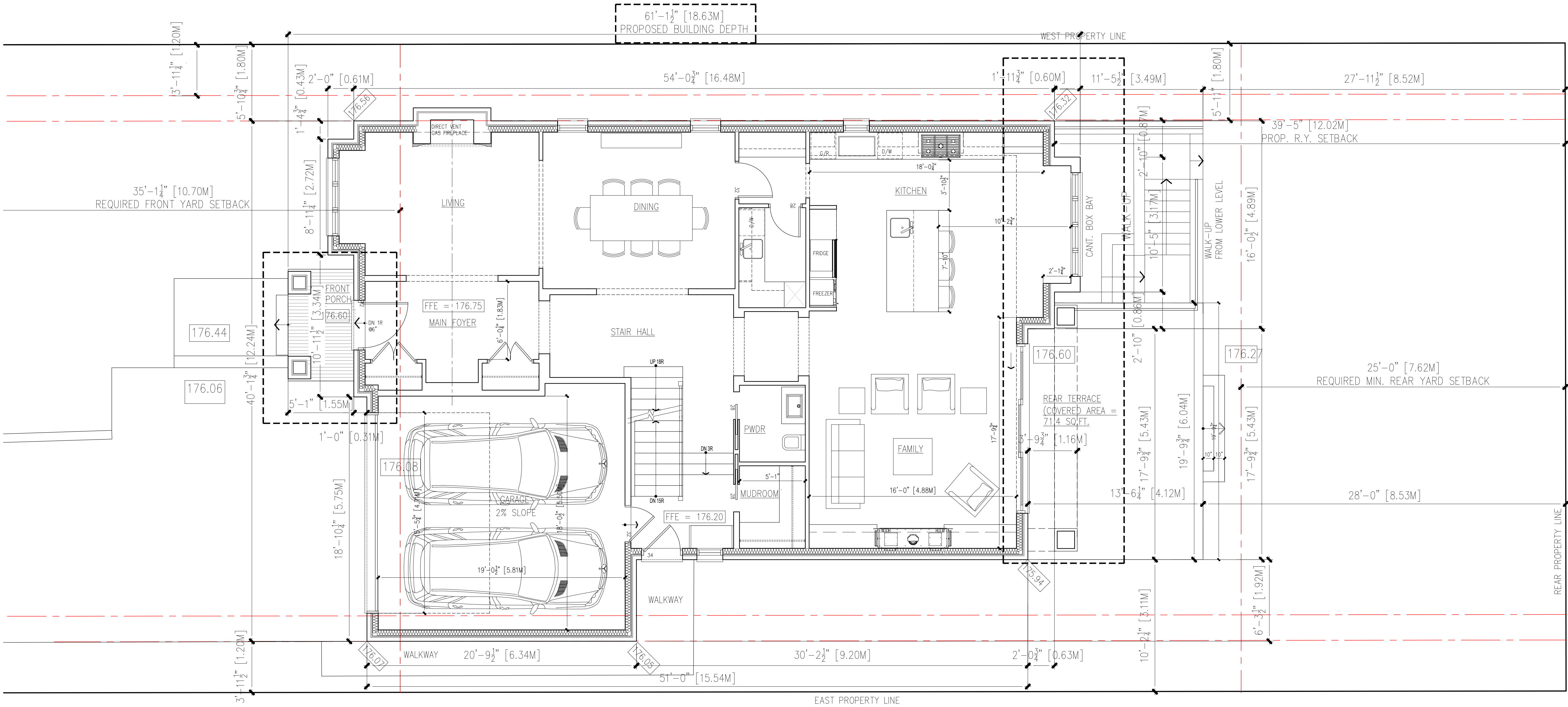
Scale: 1/4" = 1'-0" Project Number: 21-002

Drawn by: LBM Reviewed By: LBM

Drawing:
LOWER FLOOR PLAN

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Main Floor Plan

REVISIONS MADE SEP 1 2021

Revisions		
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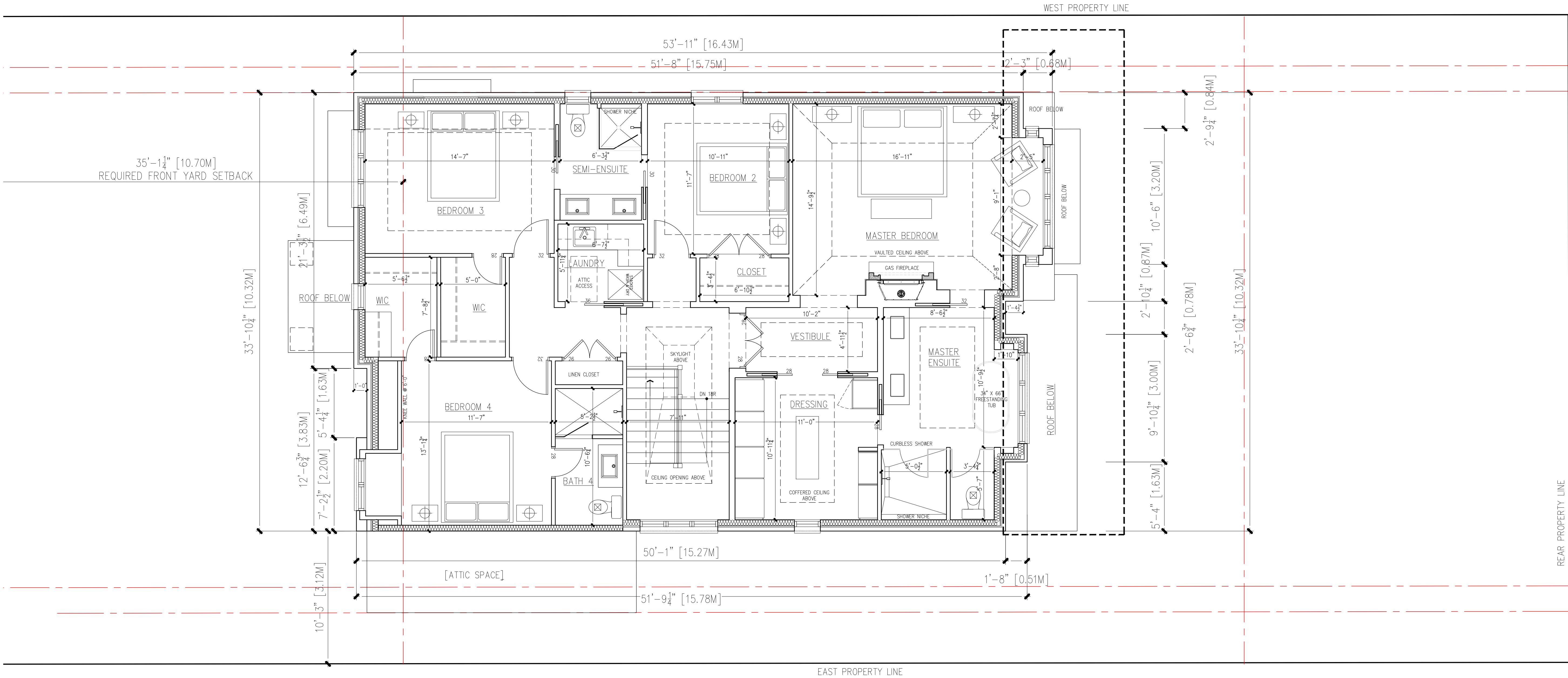
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Drawing:
MAIN FLOOR PLAN

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Second Floor Plan

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Project: New Residence at: 92 Meadowview Ave Markham, ON	
Scale: 1/4" = 1'-0"	Project Number: 21-002
Drawn by: LBM	Reviewed By: LBM

Drawing:
SECOND FLOOR PLAN

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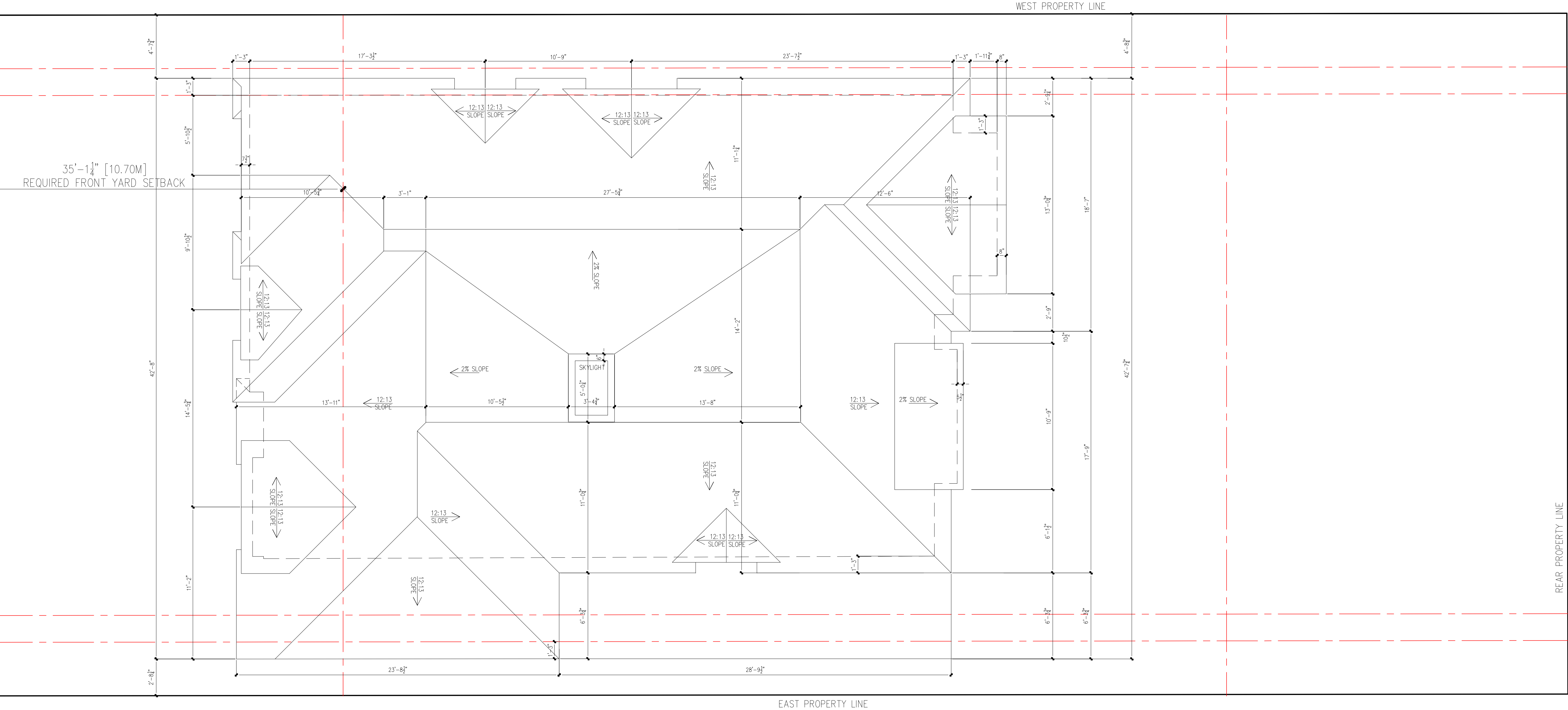
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Roof Plan

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Project:
New Residence at:
92 Meadowview Ave Markham, ON

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Drawing:
ROOF PLAN

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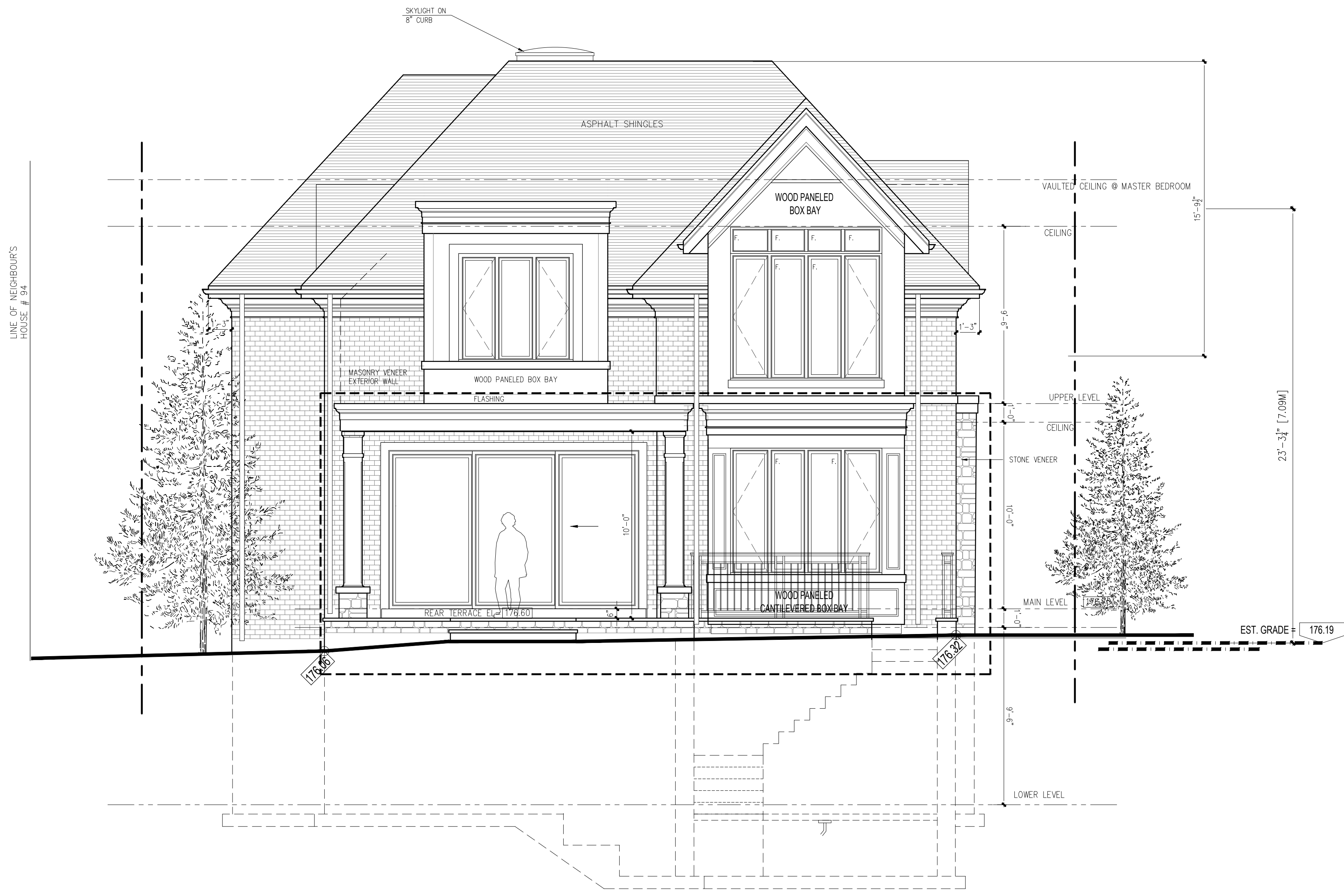
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North (Rear) Elevation

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Drawing:
NORTH (REAR) ELEVATION

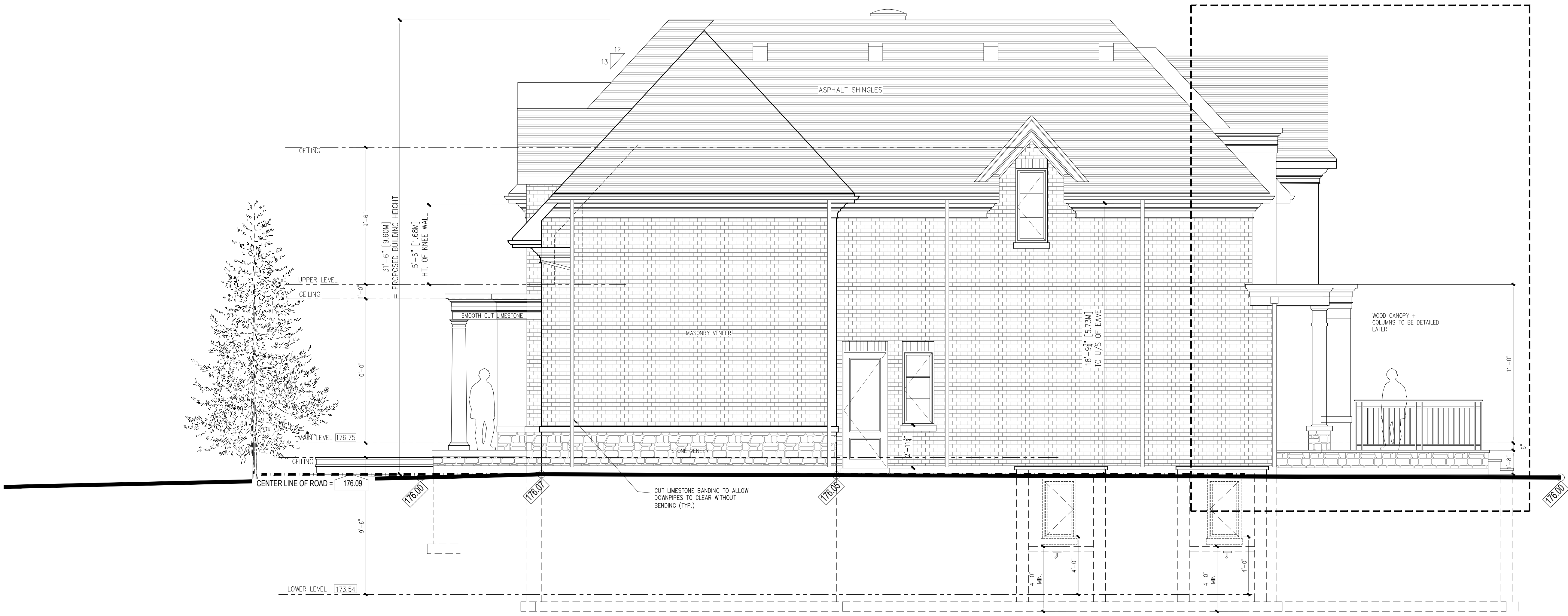
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ALL POSTS ARE 3-2x6 IN 2x6 WALL AND 3-2x4 IN 2x4 WALL UNLESS OTHERWISE NOTED
ALL LVL BEAMS MUST BE 2.0E



East (Side) Elevation

Revisions		
No.	Date	Description

Drawing Issue		
No.	Date	Issued
1	July 13 2021	Issued for Zoning Preliminary Review
2	Aug 5 2021	Issued to Committee of Adjustment
3	Sep 1 2021	Revised + Re-issued for Zoning Preliminary Review
4	Sep 14 2021	Re-issued to Committee of Adjustment

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PROJECT NORTH

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Project:
New Residence at:
92 Meadowview Ave Markham, ON

Scale: 1/4" = 1'-0" Project Number: 21-002

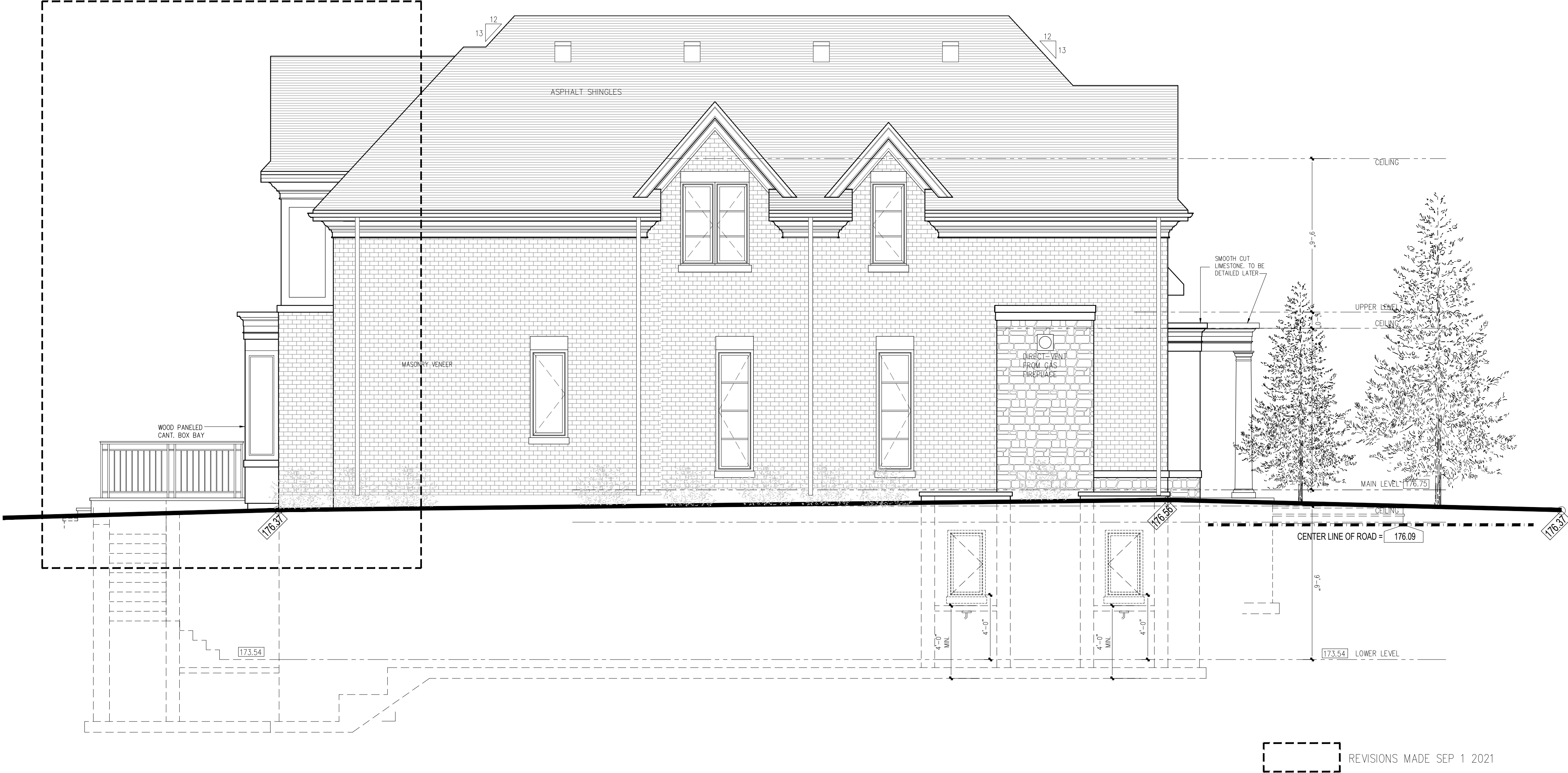
Drawn by: LBM Reviewed By: LBM

Drawing:
EAST (SIDE) ELEVATION

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West (Side) Elevation

Revisions		
No.	Date	Description

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Scale: 1/4" = 1'-0" Project Number: 21-002

Drawn by: LBM Reviewed By: LBM

Drawing:
WEST (SIDE) ELEVATION

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