

# Memorandum to the City of Markham Committee of Adjustment

November 2, 2022

**File:** A/029/22  
**Address:** 28 Hawkridge Avenue – Markham, ON  
**Applicant:** Hua Lu  
**Agent:** TAES Architects Inc. (Shenshu Zhang)  
**Hearing Date:** November 9, 2022

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 (the “Zoning By-law”), as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) Amending By-law 99-90, Section 1.2(ii):**

a maximum depth of 17.17 m (56.33 ft), whereas the Zoning By-law permits a maximum depth of 16.80 m (55.12 ft); and

**b) Amending By-law 99-90, Section 1.2(vi):**

a maximum floor area ratio of 53.50%, whereas the Zoning By-law permits a maximum floor area ratio of 45.0%.

## PROPERTY DESCRIPTION

28 Hawkridge Avenue (the “Subject Property”) is located on the west side of the street, south of Bullock Drive, east of Galsworthy Drive, north of Highway 7 East, and is within an established residential neighbourhood which contains a mix of low rise dwellings. An existing one-storey detached dwelling currently exists on the 1,014.50 m<sup>2</sup> (10,920.0 ft<sup>2</sup>) Subject Property, which was built in 1953 according to assessment records. Mature vegetation is contained throughout. There are several examples along Hawkridge Avenue where newer dwellings have been developed and consist of different massing, shapes, sizes, heights, and depths.

## PROPOSAL

The applicant is proposing to demolish the existing dwelling, to construct a two-storey detached dwelling with a building depth of 17.17 m (56.33 ft) and a total gross floor area of 435.62 m<sup>2</sup> (4,689.0 ft<sup>2</sup>).

### 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. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties, and properties along the street, while accommodating diverse building styles. Regard shall be had for the retention of existing trees and vegetation, as well as the width of proposed garages and driveways.

### Zoning By-Law 1229, as amended

The Subject Property is zoned “Residential One (R1)” under the Zoning By-law, which permits one single detached dwelling.

#### 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 the Infill 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 and maximum floor area ratio.

#### **ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN**

The applicant completed a ZPR on March 3, 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on October 13, 2022, and has not conducted a new ZPR for the revised drawings. Staff advise that it is the Applicant's responsibility to ensure that the application has accurately identified all variances required for the proposed development. If the variances requested in this application contains errors, or if the need for additional variances is identified through the Building Permit process, further variance application(s) may be required to address any non-compliances.

#### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended* (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 a maximum depth of 17.17 m (56.33 ft), whereas the Zoning By-law permits a maximum depth of 16.80 m (55.12 ft). This is an increase of 0.37 m (1.21 ft).

Staff are of the opinion that the requested variance would be of minimal impact to adjacent properties, represents an appropriate development of the land, and maintains the general intent and purpose of the Zoning By-law.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 53.50%, whereas the Zoning By-law permits a maximum floor area ratio of 45.0%. The variance would facilitate the construction of a two-storey detached dwelling with a floor area of 435.62 m<sup>2</sup> (4,689.0 ft<sup>2</sup>), whereas the Zoning By-law permits a dwelling with a maximum floor area of 366.22 m<sup>2</sup> (3,942.0 ft<sup>2</sup>). This is an increase of 69.40 m<sup>2</sup> (747.0 ft<sup>2</sup>).

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 minor increase in building depth, the building layout meets all other zoning provisions that establish the prescribed building envelope, and assists in ensuring the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The requested variance is also consistent with infill

homes that have been granted variances for similar increases in floor area ratio ranging up to 55.30%, on lots that are similar in size along the street. In considering the context of the street as well as the surrounding area, staff are of the opinion that the requested variance is appropriate for the site, and maintains the general intent and purpose of the Zoning By-law.

#### Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted with any approval of this application, to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if necessary. It is also noted that property owners are required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in), or more.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 2, 2022. 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 variance request meets the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval 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, MCIP, RPP  
Planner II, East District

REVIEWED BY:



Stacia Muradali, MCIP, RPP  
Development Manager, East District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/22**

1. That the variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed 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.

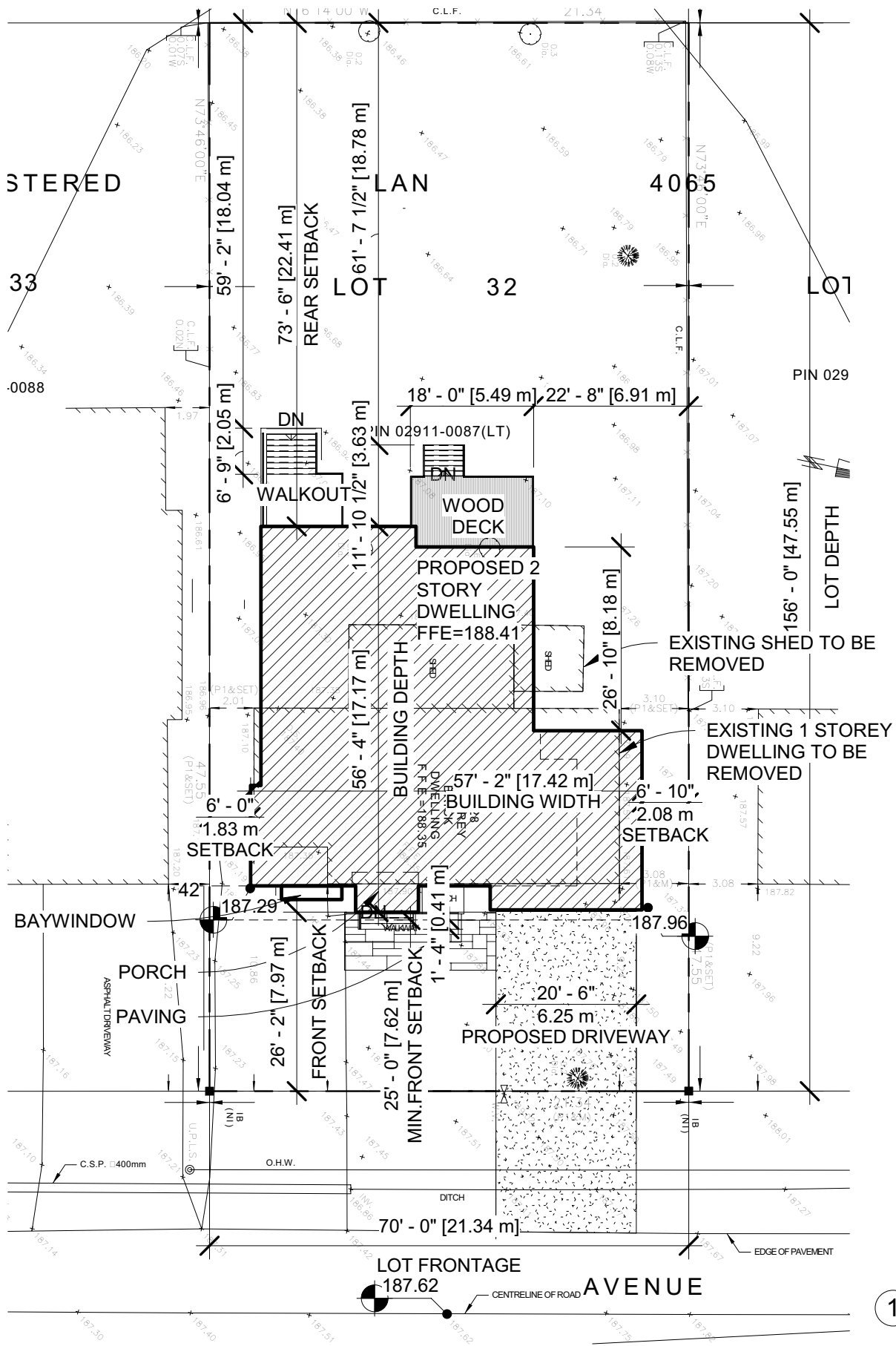
CONDITIONS PREPARED BY:

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

Aleks Todorovski, MCIP, RPP  
Planner II, East District

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/22**



|              |                      |           |                            |
|--------------|----------------------|-----------|----------------------------|
| ZONING       | R1 (BY-LAW 1229 )    | LOT NO.   | 32                         |
| PLAN NO.     | 4065                 | LOT AREA  | 10,920 SF<br>(1,014.47 SM) |
| LOT FRONTAGE | 70' - 0"<br>(21.34M) | LOT DEPTH | 156' - 0"<br>(47.55M)      |

| DESCRIPTION               | EXISTING | PROPOSED                       | REQUIRED | SECTION               |
|---------------------------|----------|--------------------------------|----------|-----------------------|
| MIN.LOT FRONTAGE          |          | 70' - 0"<br>(21.34M)           | 60' - 0" |                       |
| MIN. LOT AREA             |          | 10,920 SF<br>(1014.47 SM)      | 6,600 SF |                       |
| MAX.BUILDING HEIGHT       |          | 9.8 M                          | 9.8 M    |                       |
| MAX.BUILDING DEPTH        |          | 56' -4"<br>(17.17 M) *         | 16.8 M   |                       |
| NO. OF STORIES            | 1        | 2                              | 2        |                       |
| DRIVEWAY WIDTH            |          | 20' - 6"<br>(6.25M)            |          |                       |
| BUILDING AREA             |          | 2,533 SF<br>(235.32 SM)        |          |                       |
| GROSS FLOOR AREA(INCL.GA) |          | 4,689 SF<br>(435.61 SM)        |          |                       |
| MAX. LOT COVERAGE         |          | 2,533 SF<br>(235.32 SM) 23.2%  | 35%      |                       |
| MAX. NET FLOOR AREA RATIO |          | 4,689 SF<br>(435.61 SM) 53.5%* | 45%      | NET LOT AREA :8760 SF |
| GARAGE AREA               |          | 545 SF<br>(50.63 SM)           |          |                       |

| SETBACK      | EXISTING | PROPOSED              | REQUIRED             |  |
|--------------|----------|-----------------------|----------------------|--|
| FRONT (EAST) |          | 26' - 2"<br>(7.97 M)  | 25' - 0"<br>(7.62 M) |  |
| SIDE (NORTH) |          | 6' - 10"<br>(2.08 M)  | 4' - 0"<br>(1.22 M)  |  |
| SIDE (SOUTH) |          | 6' - 0"<br>(1.83 M)   | 6' - 0"<br>(1.83 M)  |  |
| REAR (WEST)  |          | 73' - 6"<br>(22.41 M) | 25' - 0"<br>(7.62 M) |  |

1 Site Plan  
1 : 250

Appendix B

File: 22.112076.000.00.MNV

Date: 11/03/22  
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| No. | Revision                  | Date       | By |
|-----|---------------------------|------------|----|
| 1   | Zoning Preliminary Review | 2022-07-26 | EW |

TAES Architects Inc.

98 SCARSDALE ROAD  
TORONTO, ON M3B 2R7 CANADA  
T: 416 800 3284 F: 416 800 3485

28 Hawkridge Ave

Markham, ON

Project number T2021030  
As indicated

Drawn Scale

Checked Date

Site Plan & Statistics

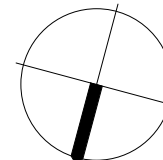
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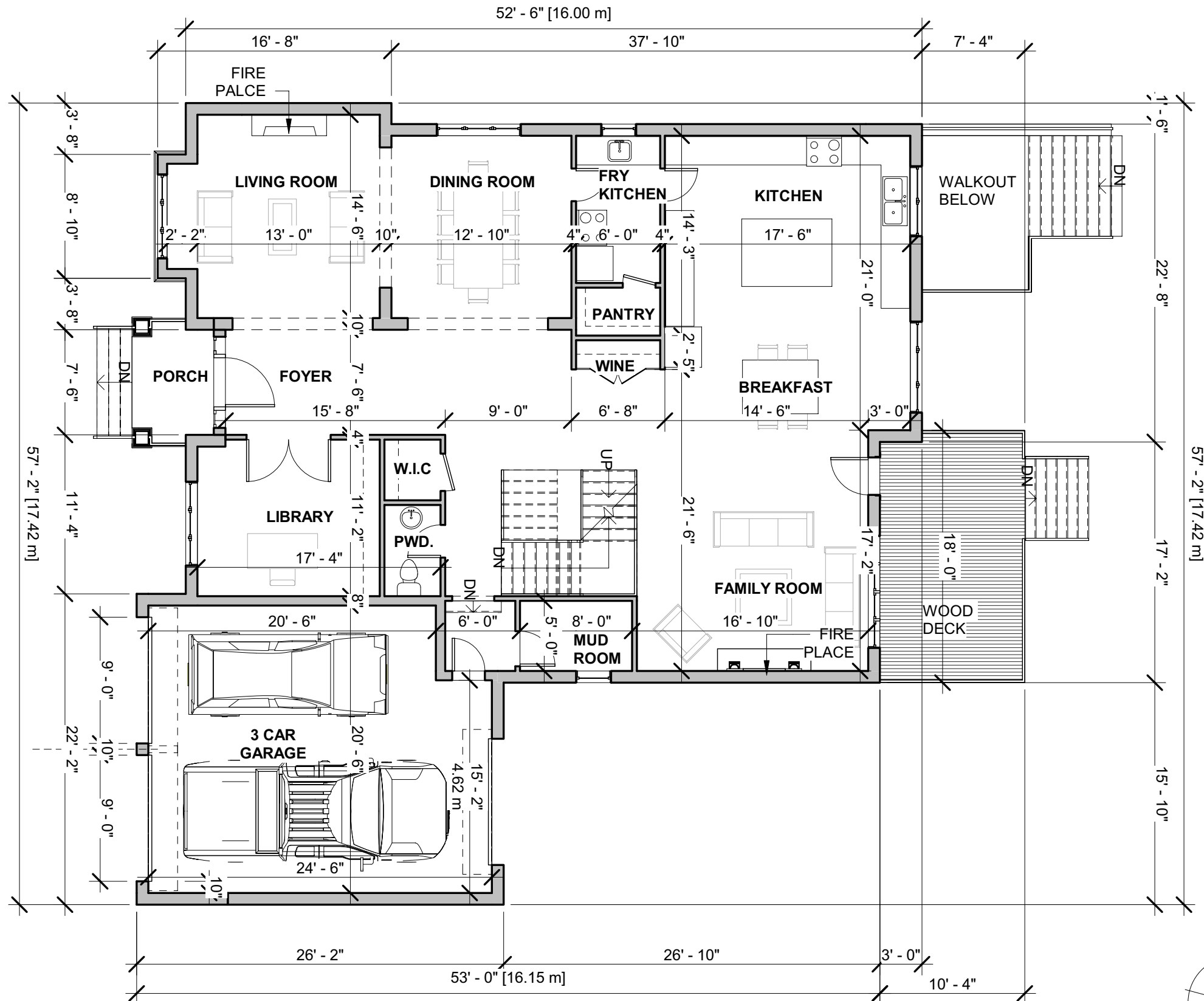
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A101

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1 : 100

Drawn Scale

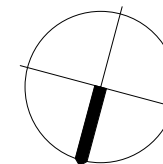
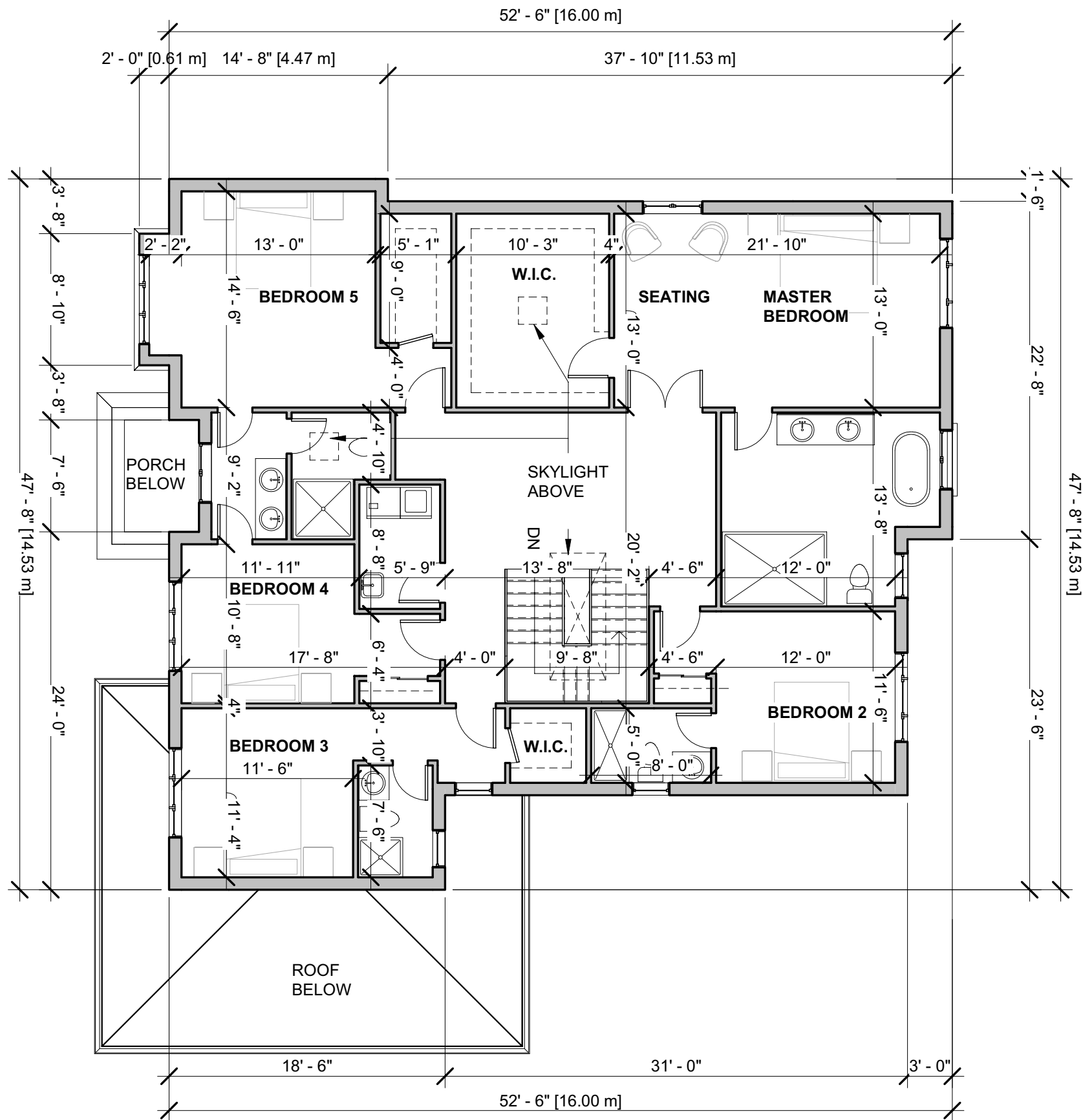
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Ground Floor Plan

Drawing No.

A102





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Second Floor Plan

Drawing No.

A103

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Drawn Scale

Checked Date

West (Front) Elevation

Drawing No. A201

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1 : 75

Drawn Scale

Checked Date

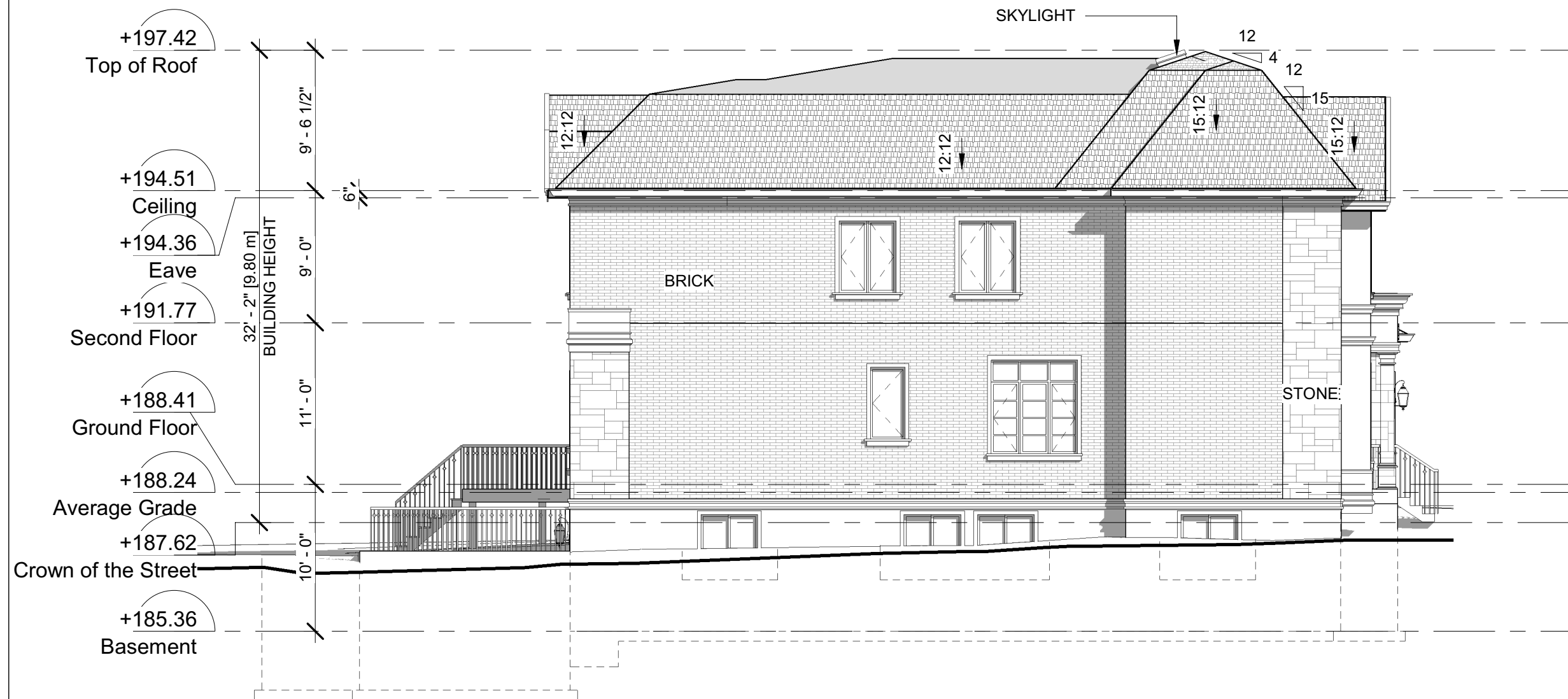
East (Rear) Elevation

Drawing No. A202

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Project number T2021030  
1 : 100

Drawn Scale

Checked Date

South Elevation

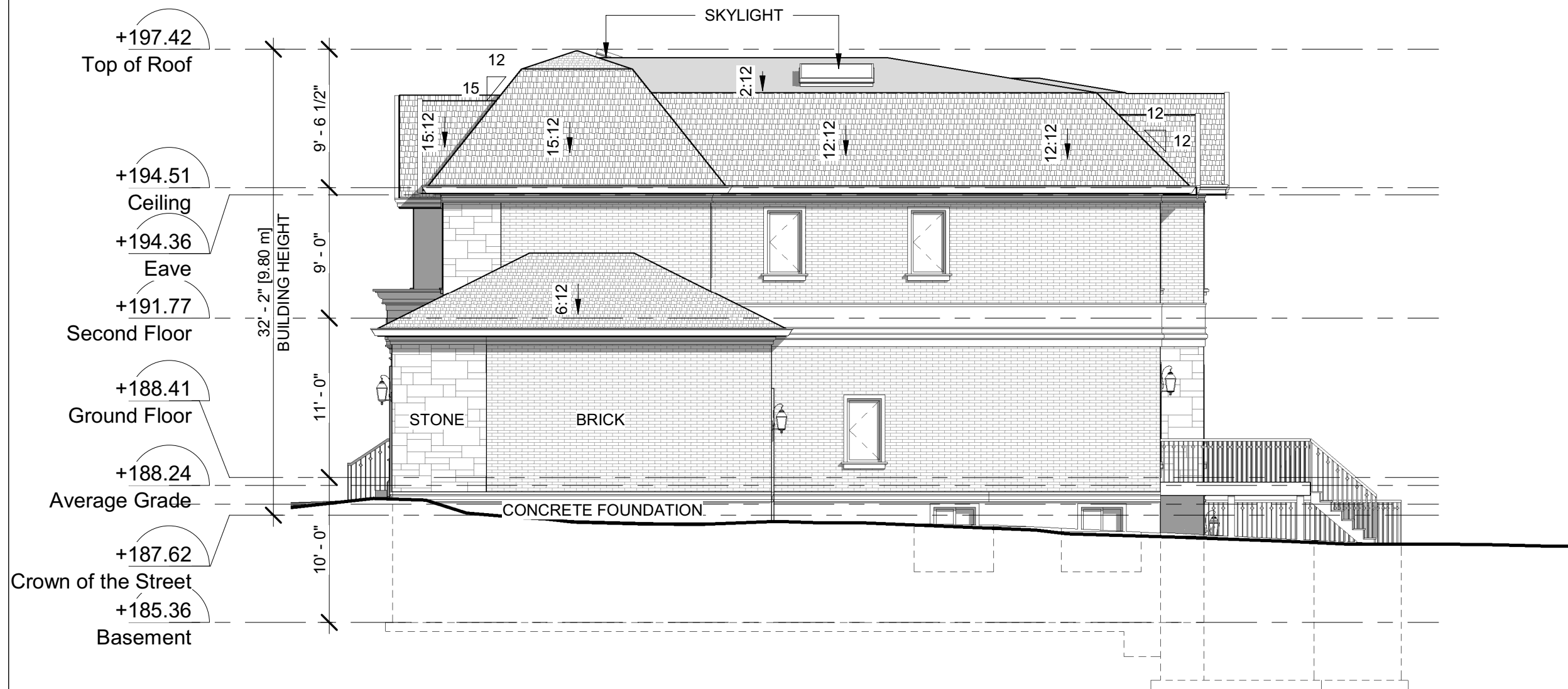
Drawing No.

A203

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Project number T2021030  
1 : 100

Drawn Scale

Checked Date

North Elevation

Drawing No.

A204