

# Memorandum to the City of Markham Committee of Adjustment

July 27, 2022

**File:** A/079/22  
**Address:** 24 Gladiator Road – Markham, ON  
**Applicant:** Yun-Ki Vicky Mac  
**Agent:** Paar Design Inc. (Nikol Paar)  
**Hearing Date:** August 10, 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, as they relate to a proposed two-storey single detached dwelling. The variances requested are to permit:

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

a maximum height of 10.13 m (33.23 ft), whereas the by-law permits a maximum height of 9.80 m (32.15 ft);

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

a maximum depth of 19.40 m (63.65 ft), whereas the by-law permits a maximum depth of 16.80 m (55.12 ft); and

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

a maximum floor area ratio of 50.92%, whereas the by-law permits a maximum floor area ratio of 45.0%.

## PROPERTY DESCRIPTION

The 742.87 m<sup>2</sup> (7,996.22 ft<sup>2</sup>) subject property is located on the north side of Gladiator Road, east of McCowan Road, south of Highway 7 East, and west of Conservation Avenue. There is an existing one-storey single detached dwelling on the property, with mature vegetation throughout. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation is a predominant characteristic within the neighbourhood.

## PROPOSAL

The applicant is proposing to demolish the existing dwelling, and construct a new two-storey detached dwelling with a ground floor area of 191.72 m<sup>2</sup> (2,063.62 ft<sup>2</sup>), and a second floor area of 153.56 m<sup>2</sup> (1,652.87 ft<sup>2</sup>) for a total gross floor area of 345.28 m<sup>2</sup> (3,716.49 ft<sup>2</sup>). The dwelling would also have a building height of 10.13 m (33.23 ft), and a building depth of 19.40 m (63.65 ft).

## 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. 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.

### 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 height, maximum depth, and maximum floor area ratio.

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

The owner completed a ZPR on April 1, 2022 to confirm the variances required for the proposed development, which includes all variances requested at the beginning of this memorandum, as well as a variance relating to a minor stair encroachment into the required front yard. The applicant has confirmed that no changes to the plans have been made upon receiving the ZPR, and has chosen to omit the identified non-compliance relating to a stair encroachment. In the event this application is approved, the applicant has agreed to comply with the stair encroachment at the Building Permit stage.

### **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.

### Increase in Maximum Height

The applicant is requesting a maximum building height of 10.13 m (33.23 ft), whereas the by-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.33 m (1.08 ft), which staff consider minor in nature.

### Increase in Maximum Depth

The applicant is requesting a maximum building depth of 19.40 m (63.65 ft), whereas the by-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of approximately 2.60 m (8.53 ft).

The variance includes a front and rear covered porch, which cumulatively add approximately 2.44 m (8.0 ft) to the overall depth of the building. These features are one-storey in height, generally oriented towards the centre of the lot, and are consistent with the minimum side yard setback requirements. Excluding the covered porches, the main component of the building has a depth of approximately 16.76 m (54.99 ft). Staff are of the opinion that the requested variance is minor in nature and maintains the general intent and purpose of the by-law.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 50.92%, 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 345.27 m<sup>2</sup> (3,716.49 ft<sup>2</sup>), whereas the by-law permits a dwelling with a maximum floor area of 305.11 m<sup>2</sup> (3,284.15 ft<sup>2</sup>). This is an increase of 40.17 m<sup>2</sup> (432.34 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 proposed building height and depth variances, 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. Staff are satisfied that the requested variance maintains the general intent of the by-law, and is an appropriate development of the subject property.

#### Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, if required. Staff also note 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. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 27, 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 variances requested meet the four tests. In reaching a decision, staff recommend that the Committee consider public input, and the subsequent conditions of approval. 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, RPP, MCIP  
Planner, Zoning and Special Projects

REVIEWED BY:



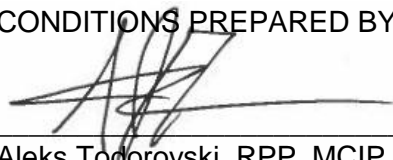
Stacia Muradali, RPP, MCIP  
Development Manager, East District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/079/22**

1. 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 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.

CONDITIONS PREPARED BY:

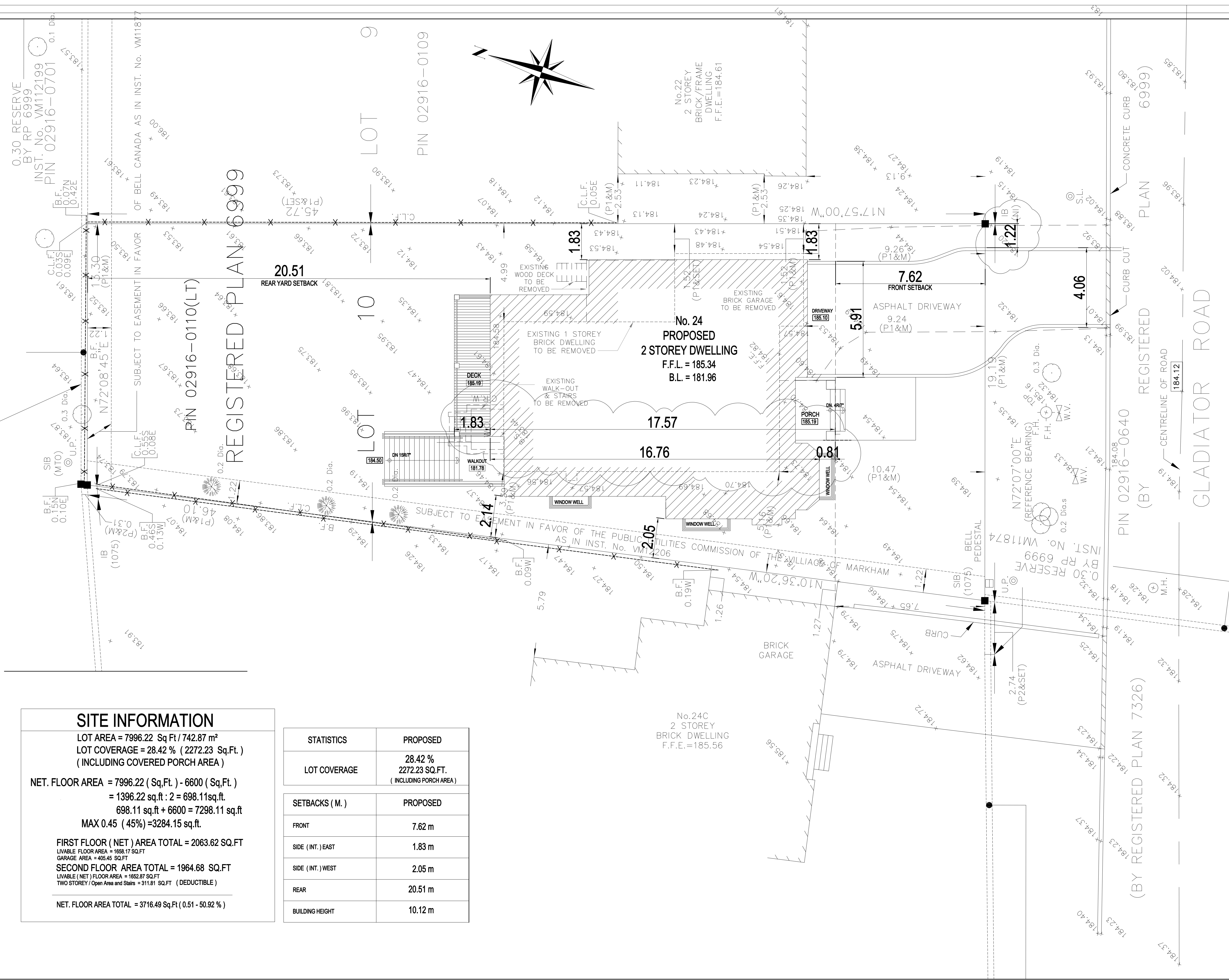


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Aleks Todorovski, RPP, MCIP  
Planner, Zoning and Special Projects

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/079/22**



## SITE INFORMATION

LOT AREA = 7996.22 Sq Ft / 742.87 m<sup>2</sup>  
LOT COVERAGE = 28.42 % ( 2272.23 Sq.Ft. )  
( INCLUDING COVERED PORCH AREA )



NET. FLOOR AREA = 7996.22 ( Sq.Ft. ) - 6600 ( Sq.Ft. )  
= 1396.22 sq.ft : 2 = 698.11sq.ft.  
698.11 sq.ft + 6600 = 7298.11 sq.ft  
MAX 0.45 ( 45% )=3284.15 sq.ft.

FIRST FLOOR ( NET ) AREA TOTAL = 2063.62 SQ.FT  
LIVABLE FLOOR AREA = 1658.17 SQ.FT  
GARAGE AREA = 405.45 SQ.FT

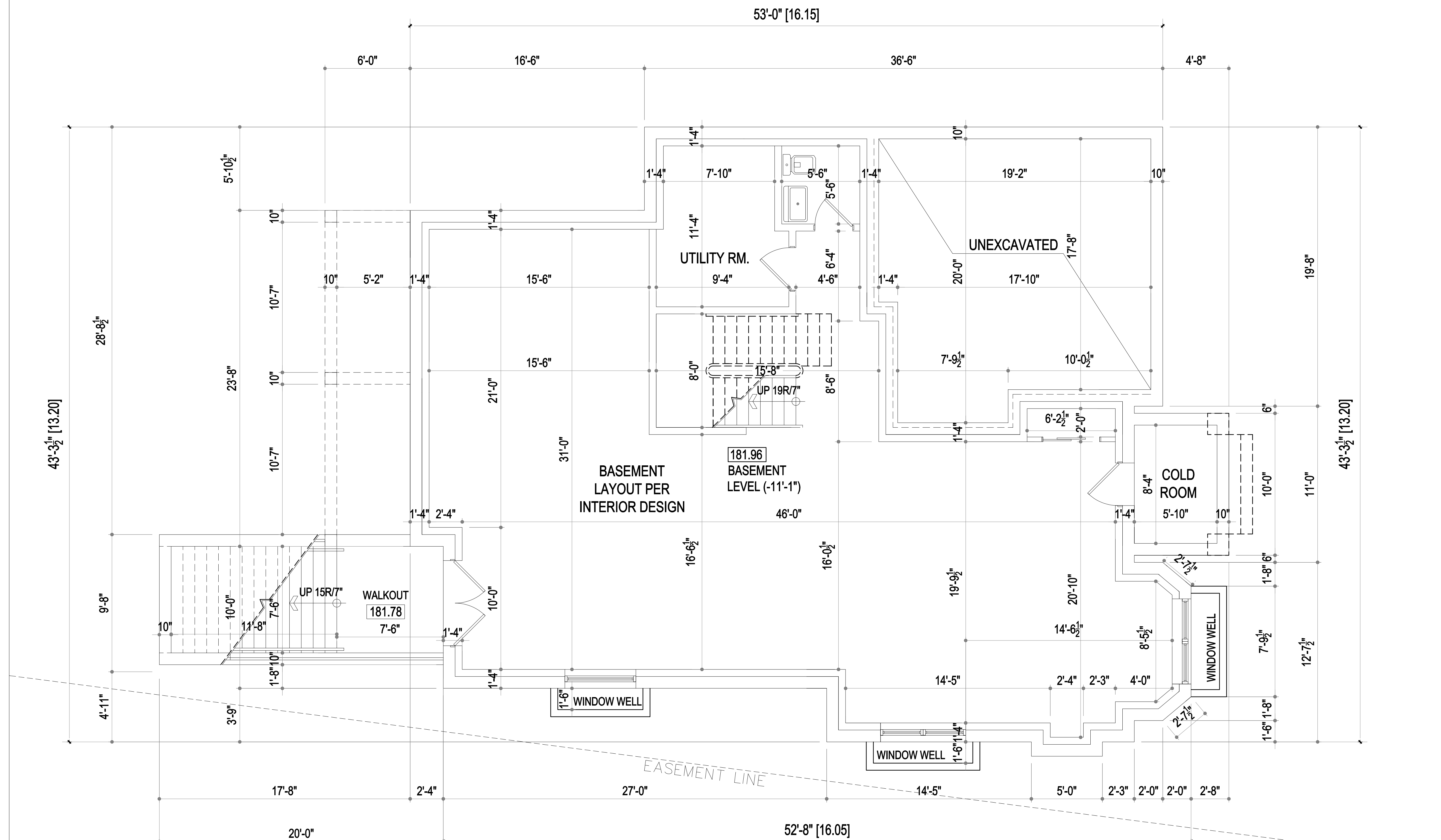
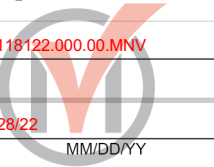
SECOND FLOOR AREA TOTAL = 1964.68 SQ.FT  
LIVABLE ( NET ) FLOOR AREA = 1652.87 SQ.FT  
TWO STOREY / Open Area and Stairs = 311.81 Sq.FT ( DEDUCTIBLE )

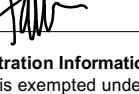
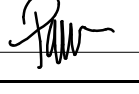

NET. FLOOR AREA TOTAL = 3716.49 Sq.Ft ( 0.51 - 50.92 % )

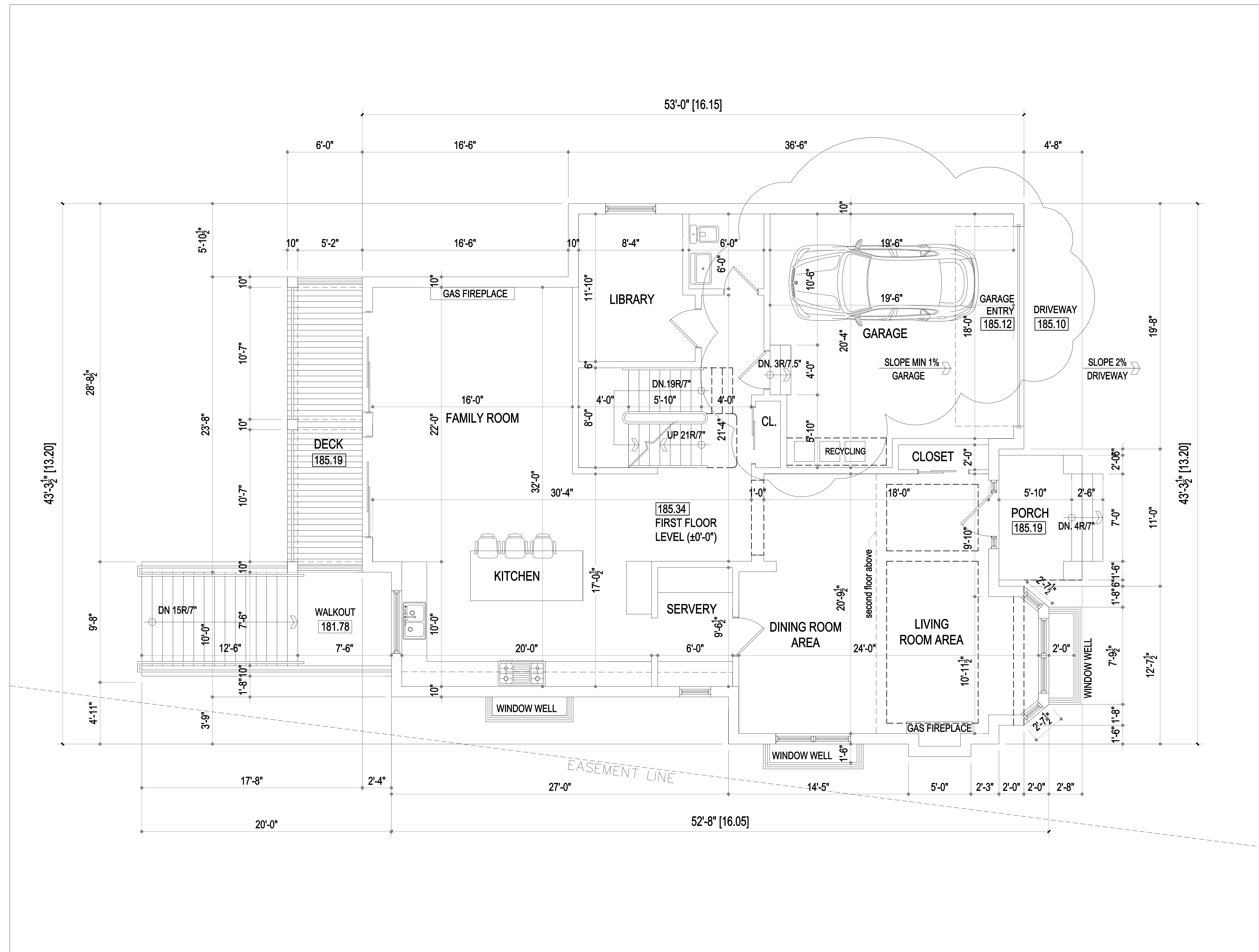
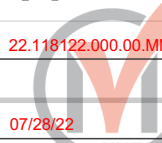
STATISTICS	PROPOSED
LOT COVERAGE	28.42 % 2272.23 SQ.FT. ( INCLUDING PORCH AREA )
SETBACKS ( M. )	PROPOSED
FRONT	7.62 m
SIDE ( INT. ) EAST	1.83 m
SIDE ( INT. ) WEST	2.05 m
REAR	20.51 m
BUILDING HEIGHT	10.12 m

MARK	DATE	DESCRIPTION	PROJECT :
1.	16 02 2022	ISSUED FOR ZONING REVIEW	
2.	22 03 2022	DRIVEWAY SETBACK BUILDING DEPTH	No. 24 GLADIATOR ROAD CITY OF MARKHAM 2 STOREY DWELLING
<b>DESIGN</b> The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code  Zoran Paar 24546 BCIN / BCDN Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code PAAR Architecture and Interior Design Inc. 31765  Firm Name BCIN / BCDN			
<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com			scale 1/16"=1'-0" A0.1

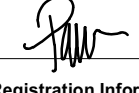
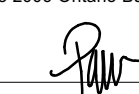





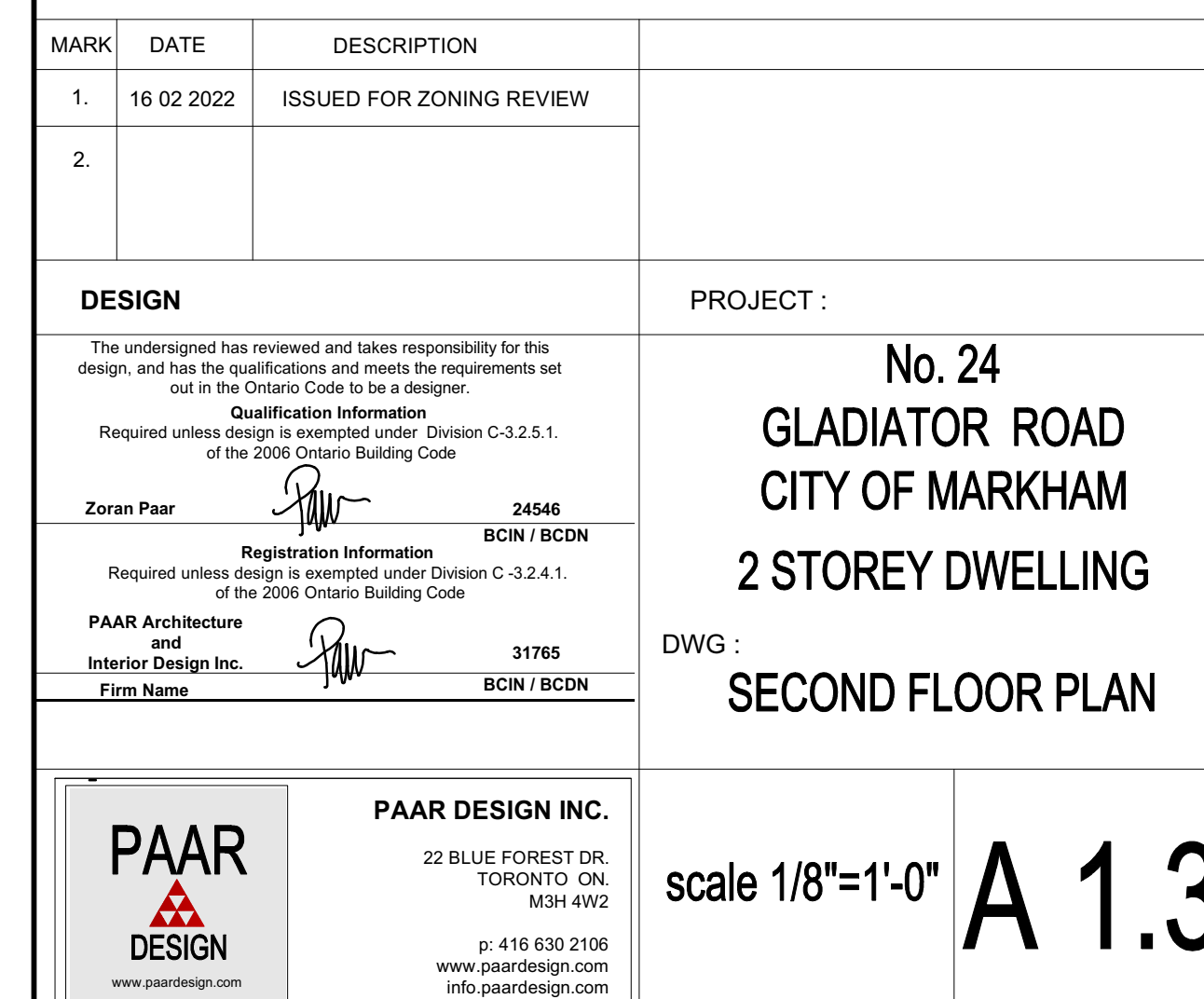
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 <b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com			scale 1/8"=1'-0"	<b>A 1.1</b>






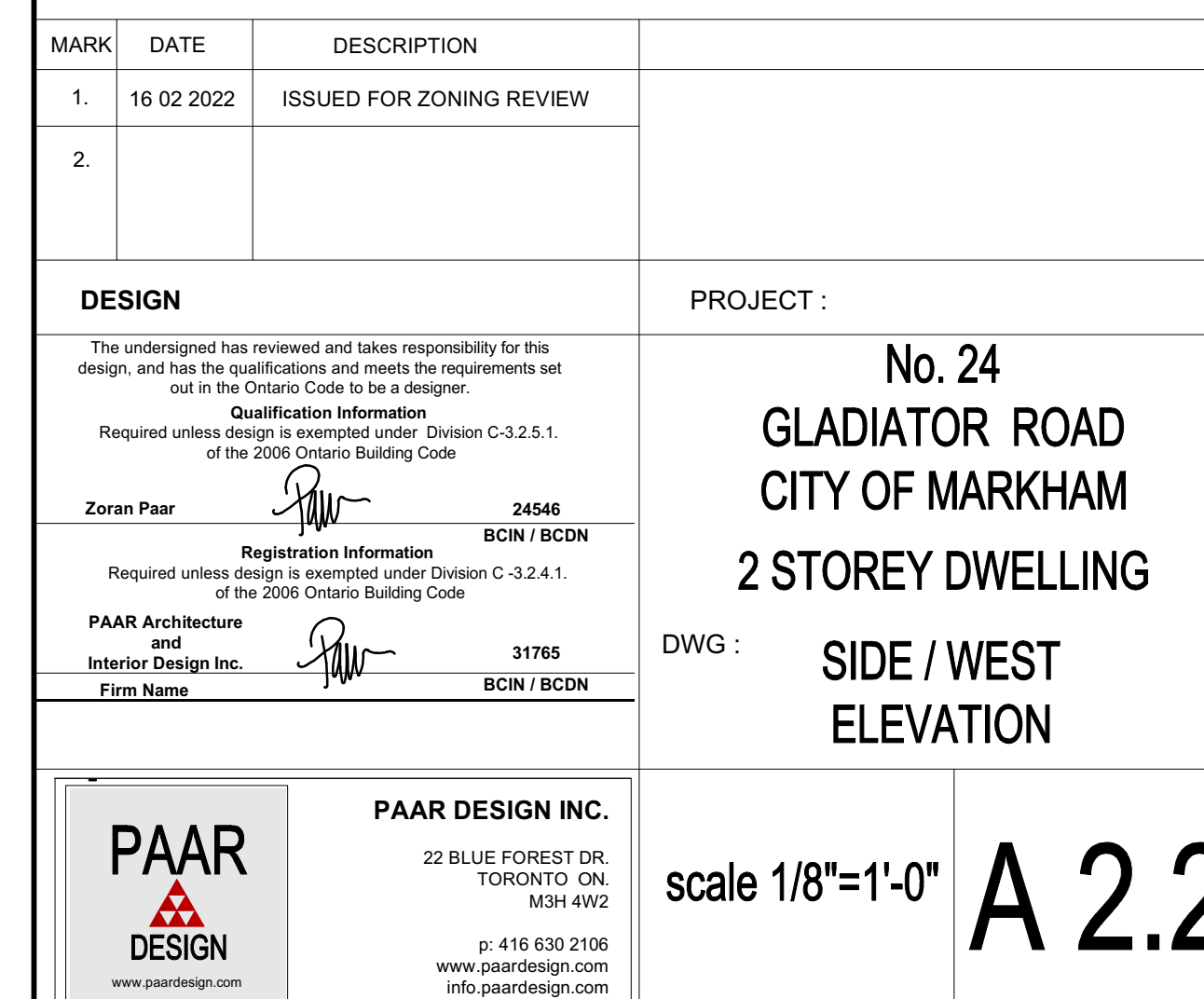
MARK	DATE	DESCRIPTION	
1.	16 02 2022	ISSUED FOR ZONING REVIEW	
2.	22 03 2022	GARAGE DIMENSION	

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 www.paardesign.com	<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0"	<b>A 1.2</b>

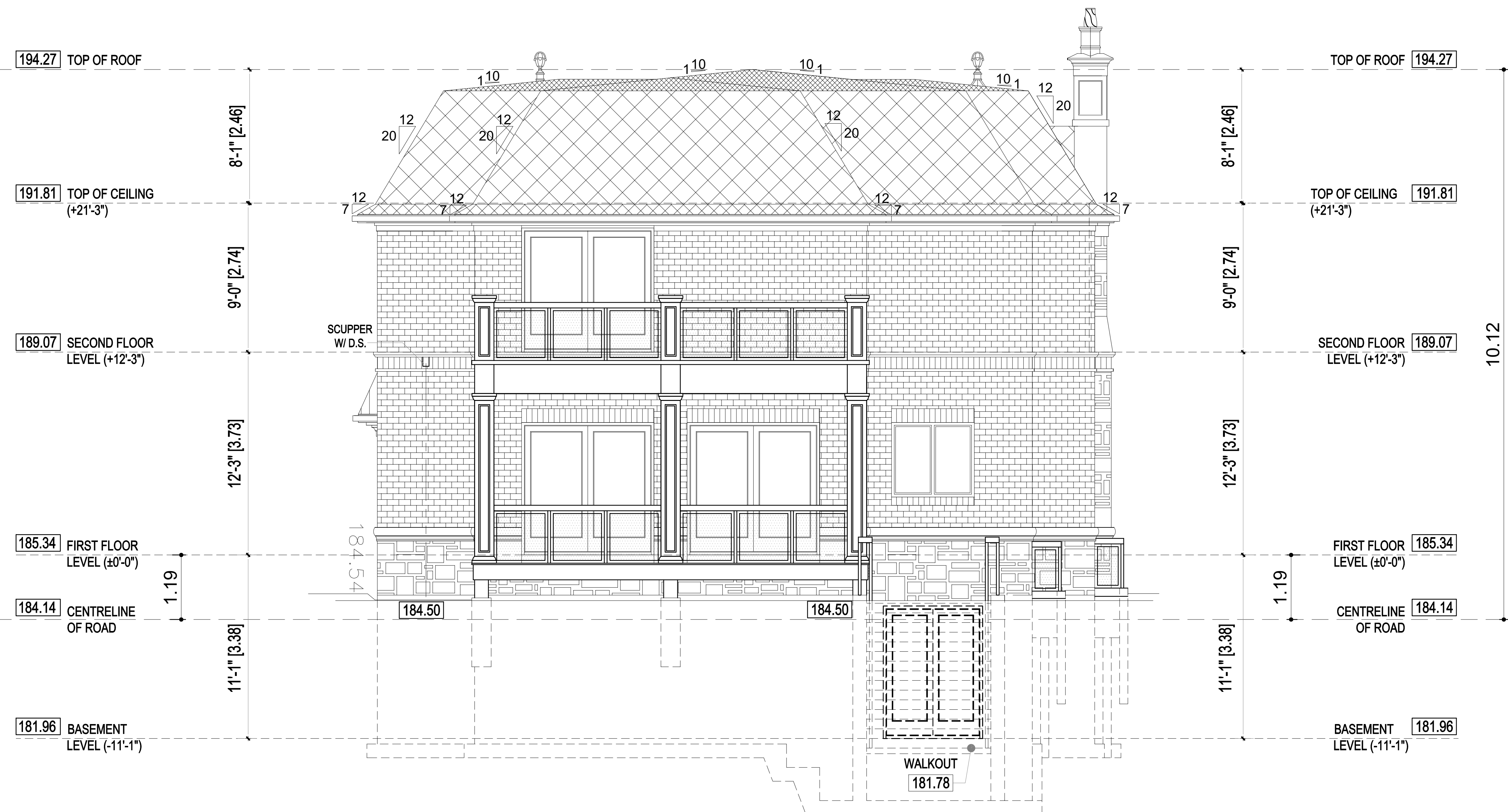
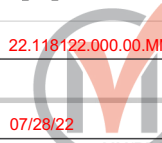


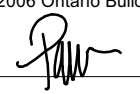




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<b>PAAR</b>  <b>DESIGN</b> www.paardesign.com			<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com







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 <b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com			scale 1/8"=1'-0" <b>A 2.3</b>

