

# Memorandum to the City of Markham Committee of Adjustment

September 1, 2022

**File:** A/102/22  
**Address:** 49 Wildrose Crescent – Markham, ON (Thornhill)  
**Applicant:** Jiaheng Wei  
**Agent:** Ali Shams  
**Hearing Date:** Wednesday, September 7, 2022

The following comments are provided on behalf of the West District team. The applicant is requesting relief from the following “Third Density Residential – (R3)” zone requirements under By-law 1767, as amended, as it relates to a proposed two-storey single detached dwelling. The variances requested are to permit:

**a) Amending By-law 100-90, Section 1.2 (iii):**

a maximum building depth of 18.67 metres, whereas the By-law permits a maximum building depth of 16.80 metres; and

**b) Amending By-law 100-90, Section 1.2 (vi):**

a maximum floor area ratio of 55.40 percent (4,564 square feet), whereas the By-law permits a maximum floor area ratio of 50.0 percent (4,117 square feet).

## BACKGROUND

### Property Description

The 832.72 m<sup>2</sup> (8,963.75 ft<sup>2</sup>) subject property is located on the north side of Wildrose Crescent, east of Laureleaf Road and south of Glencrest Park. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1966.

The surrounding area contains a mix of one and two-storey detached dwellings, and is undergoing a gradual transition with larger two-storey detached dwellings being developed as infill developments. Mature vegetation exists across the property including one large mature tree in the front yard.

### Proposal

The applicant is proposing to demolish the existing detached dwelling, and construct a new two-storey detached dwelling with a first floor area of approximately 231.31 m<sup>2</sup> (2,500.6 ft<sup>2</sup>) and, a second floor area of 191.90 m<sup>2</sup> (2,063.5 ft<sup>2</sup>), for a total gross floor area of 424.01 m<sup>2</sup> (4,564.10 ft<sup>2</sup>). The proposal also includes an increased depth of 18.67 metres (61.25 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 a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

### Zoning By-Law 1767

The subject property is zoned “Third Density Residential – (R3)” zone requirements under By-law 1767, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirement with respect to the maximum floor area ratio and maximum building depth.

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

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on May 24, 2022 to confirm the variances required for the proposed development, which includes all variances requested at the beginning of this memorandum.

### **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 Building Depth**

The applicant is requesting relief to permit a maximum building depth of 18.67 m (61.25 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.15 ft). This represents an increase of approximately 1.87 m (6.14 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. 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 relief to permit a floor area ratio of 55.40 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 424.04 m<sup>2</sup> (4,564.10 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 382.44 m<sup>2</sup> (4116.54 ft<sup>2</sup>). This represents an increase of approximately 41.60 m<sup>2</sup> (447.80 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 necessary. 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 (DBH) of 50.0 cm (19.68 in), or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

#### Metrolinx Comments

The subject property is located within 300 metres of the Metrolinx Uxbridge Subdivision. Metrolinx provided comments on August 2, 2022 noting that they have no concerns with the proposed Minor Variance application subject to the conditions outlined in their letter attached as Appendix B.

#### CN Rail Requirements

CN Rail provided comments on this application on August 30, 2022 requiring a list of mitigation measures be implemented to attenuate the impact generated by the railway located within 300m of the property. Staff recommend a condition be added requiring the applicant to satisfy CN Rail's requirements prior to the issuance of a building permit.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 30, 2022. 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*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets 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" – Aerial Photo

Appendix "B" – Conditions of Approval

Appendix "C" – Plans

Appendix "D" – Notice of Hearing

PREPARED BY:

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Hussnain Mohammad,  
Development Technician,  
Zoning and Special Projects

PREPARED BY:

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Clement Messere, MCIP, RPP,  
District Manager, West District



## Legend

- Parcel
- Park Facility
- Parks
  - Under Development
  - <all other values>

1: 1,128



57.3 0 28.65 57.3 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes

**APPENDIX “B”****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/102/22**

1. 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 plan(s) attached as 'Appendix C' 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. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as 'Appendix B' to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.
4. That the applicant satisfies the requirements of the CN Rail, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as 'Appendix B' to this Staff Report, to the satisfaction of the CN Rail, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of CN Rail.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:

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Hussnain Mohammad, Development Technician, Zoning and Special Projects



LOCATION MAP



LIST OF DRAWINGS:

- A-0.0 STATISTICS
- A-0.1 SITE PLAN
- A-1.1 BASEMENT FLOOR PLAN
- A-1.2 FIRST FLOOR PLAN
- A-1.3 SECOND FLOOR PLAN
- A-1.4 ROOF PLAN
- A-2.1 FRONT (SOUTH) ELEVATION
- A-2.2 REAR (NORTH) ELEVATION
- A-2.3 SIDE (EAST) ELEVATION
- A-2.4 SIDE (WEST) ELEVATION

CITY OF MARKHAM- BYLAW 1767	
49 WILDROSE CRESCENT THORNHILL ON L3T 1N6	
NEW 2-STOREY SINGLE-FAMILY DWELLING	
ZONING DESIGNATION	R3 – SINGLE DETACHED RESIDENTIAL

SITE STATISTICS	
MINIMUM LOT AREA	7500 ft <sup>2</sup>
EXISTING LOT AREA	8966.3 FT <sup>2</sup> [833.00 M <sup>2</sup> ]
NET LOT AREA <small>MIN. LOT AREA + ((EXIST. LOT AREA - MIN. LOT AREA)/2)</small>	(7500 + ((8966.3–7500)/2))= 8233.15 FT <sup>2</sup>
CROWN OF THE ROAD	167.54

LOT REQUIREMENTS		
	MAXIMUM PERMITTED	PROPOSED
LOT COVERAGE	33 1/3% OF NET LOT AREA 254.93 M <sup>2</sup> [2744.1 FT <sup>2</sup> ]	30.49% OF NET LOT AREA 254.93 M <sup>2</sup> [2744.1 FT <sup>2</sup> ]
HEIGHT (SLOPED ROOF)	9.80 M	9.77 M
NUMBER OF STOREYS	2 STOREYS	2 STOREYS
BUILDING DEPTH	16.80 M	18.67 M
FLOOR SPACE INDEX	0.50X NET LOT AREA 382.44 M <sup>2</sup> [4116.5 FT <sup>2</sup> ]	0.554X NET LOT AREA 424.0 M <sup>2</sup> [4564 FT <sup>2</sup> ]
DRIVEWAY	9.0 M	5.72 M
SETBACKS	MINIMUM REQUIRED	PROPOSED
FRONT (SOUTH) YARD	27 FT [8.22 M]	27’–3” [8.30 M]
REAR (NORTH) YARD	25 FT [7.62 M]	63’–1” [19.23 M]
SIDE (EAST) YARD	6 FT [1.83 M]	6’–1” [1.85 M]
SIDE (WEST) YARD	6 FT [1.83 M]	6’–1/2” [1.85 M]

GROSS FLOOR AREA CALCULATIONS	
	PROPOSED
GROUND FLOOR	232.31 M <sup>2</sup> [2500.6 FT <sup>2</sup> ]
SECOND FLOOR	191.70 M <sup>2</sup> [2063.5 FT <sup>2</sup> ]
TOTAL	424.01 M <sup>2</sup> [4564.1 FT <sup>2</sup> ]
BASEMENT	183.47 M <sup>2</sup> [1974.9 FT <sup>2</sup> ]

GROSS FLOOR AREA FRONT YARD LANDSCAPING CALCULATIONS	
AREA OF FRONT YARD:	163.43 M <sup>2</sup> [1759.2 FT <sup>2</sup> ]
AREA OF DRIVEWAY:	52.70 M <sup>2</sup> [567.3 FT <sup>2</sup> ]
AREA OF FRONT YARD LANDSCAPING:	110.73 M <sup>2</sup> [1191.9 FT <sup>2</sup> ] 67.75%
AREA OF SOFT YARD:	103.70 M <sup>2</sup> [1116.2 FT <sup>2</sup> ] 93.65%
AREA OF HARD YARD:	7.03 M <sup>2</sup> [75.7 FT <sup>2</sup> ] 6.35%

Appendix C

File: 22.243270.000.00.MNV

Date: 08/31/22MM/DD/YY

03	2022-05-30	ISSUED FOR COA	CITY
02	2022-05-09	REVISED FOR ZPR	CITY
01	2022-03-31	ISSUED FOR ZPR	CITY
NO.	DATE	DESCRIPTON	TO
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SHEET TITLE: STATISTICS SCALE: NTS			
SCALE.:			
DRWAING NO.:		A0-0	
STAMP		NORTH	

REGISTERED

PLAN

M-899

BLOCK PIN 03014-0061

A

PART 35

PLAN

PART 37

PLAN R-2319

SUBJECT TO EASEMENT AS IN LB146740 AND LB154333

SUBJECT TO EASEMENT IN FAVOR OF  
EASEMENT IN FAVOR OF THE HYDRO-

REGISTERED

BELL CANADA AS IN LB152796 AND SUBJECT TO  
ELECTRIC POWER COMMISSION OF ONTARIO AS IN LB146741

PLAN  
PIN 03014-0082(LT)

LOT

76

PLAN  
PIN 03014-0082(LT)

75

PIN 03014-0083  
M-899

TREELINE

PART 2  
PLAN R-2319

PIN 03014-0081

PART 1

PLAN R-2319

PART 3

PLAN R-2319

No.47  
1 STOREY  
BRICK DWELLING  
F.F.E.=169.02

No.51  
1 STOREY  
BRICK DWELLING  
F.F.E.=168.09

49 WILDROSE CRES.  
NEW 2- STOREY SINGLE  
FAMILY DWELLING

ASPHALT DRIVEWAY

INTERLOCKING BRICK  
DRIVEWAY

N53°11'50"E  
(REFERENCE BEARING)

18.27(M)  
18.29(P1)

CURB CUT

(BY

CONCRETE CURB

PLAN

M-899)

REGISTERED  
PIN 03014-1231

CENTRELINE OF ROAD

WILDROSE

CRESCENT

CONCRETE CURB

## Appendix C

File: 22.243270.000.00.MNV

Date: 08/31/22  
MM/DD/YY

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01	2022-03-31	ISSUED FOR ZPR	CITY

DESIGNED BY:

MINIMAL DESIGN STUDIO

PROJECT TITLE:

49 WILDROSE CRESCENT  
THORNHILL ON L3T 1N6

SHEET TITLE:

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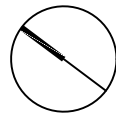
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A0-1

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Date: 08/31/22  
MM/DD/YY



DESIGNED BY:  
MINIMAL DESIGN STUDIO

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**49 WILDROSE CRESCENT  
THORNHILL ON L3T 1N6**

SHEET TITLE:

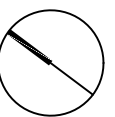
**BASEMENT FLOOR PLAN**

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SCALE.:

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STAMP	NORTH
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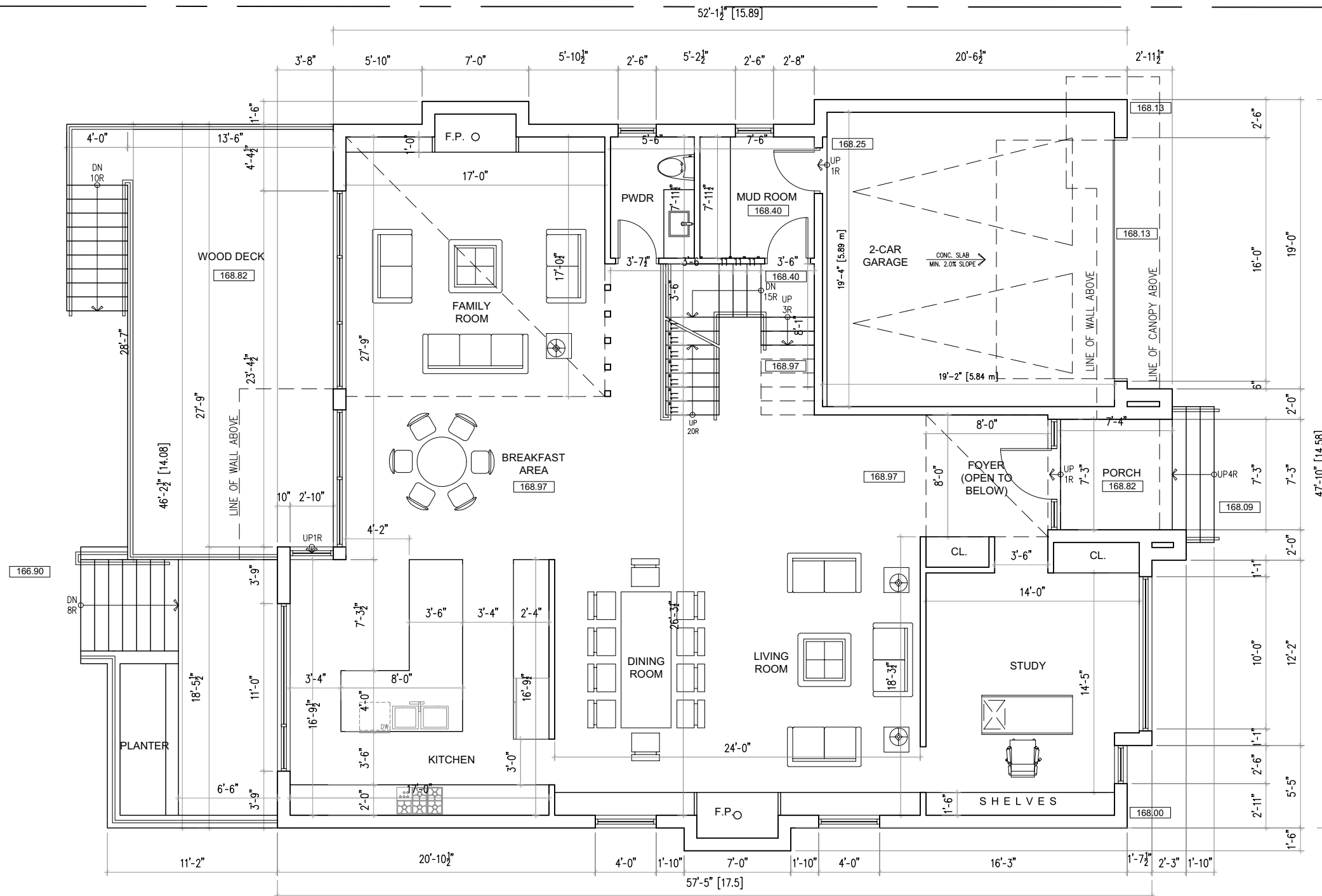


# Appendix C

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Date: 08/31/22  
MM/DD/YY

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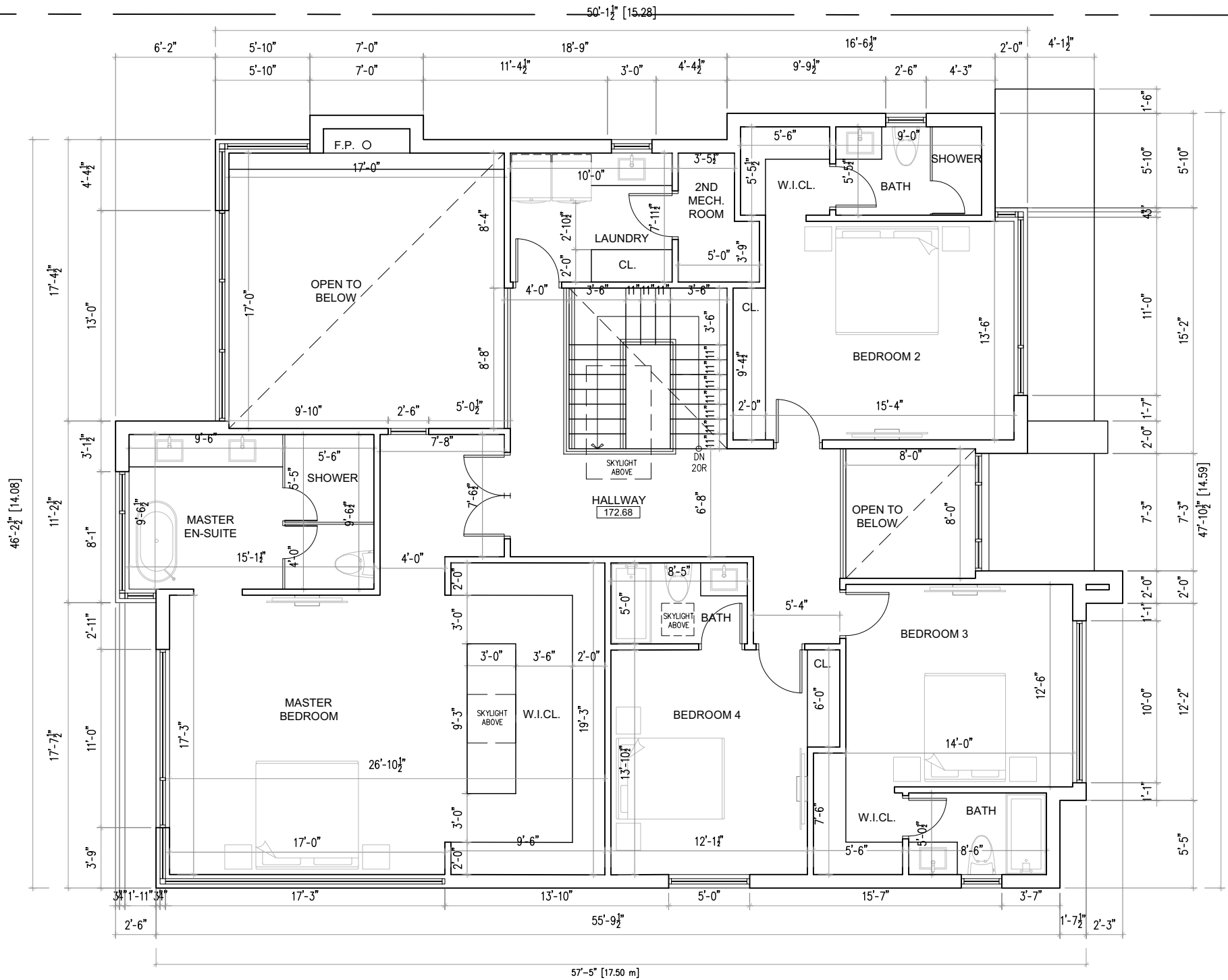


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DRAWING NO.:			A1-2
STAMP		NORTH	

Appendix C

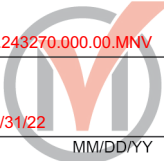
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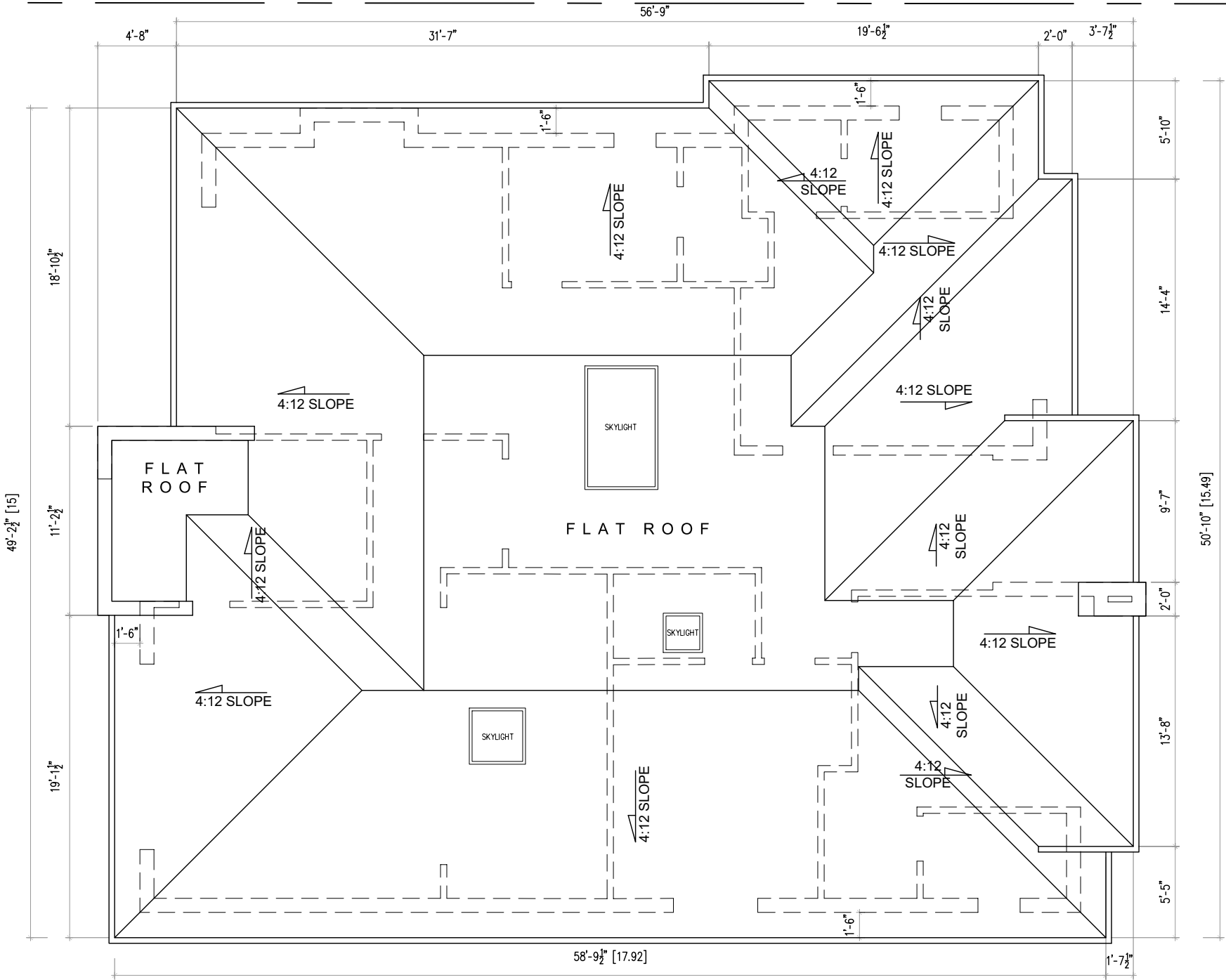
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Appendix C



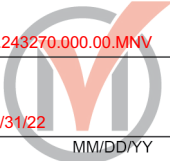
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Date: 08/31/22  
MM/DD/YY



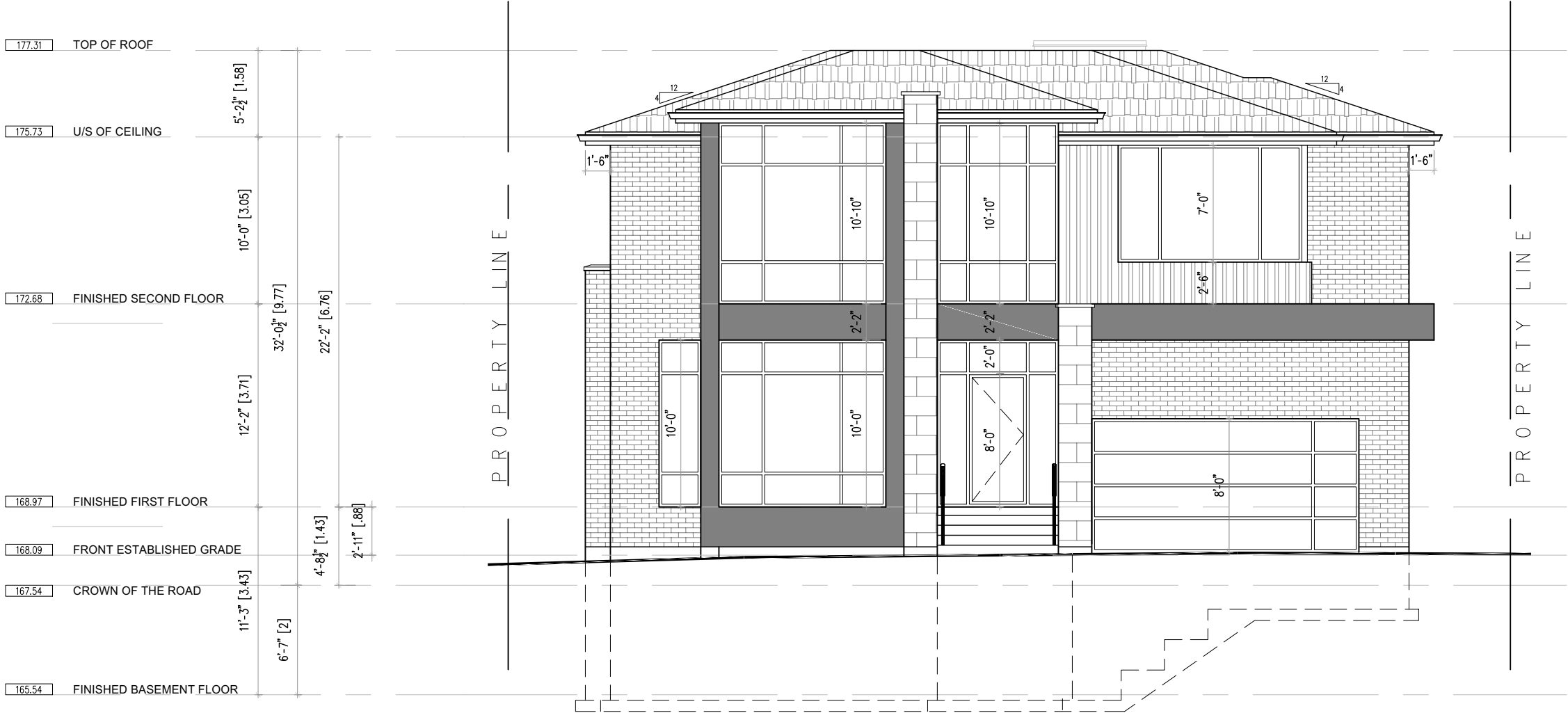
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49 WILDROSE CRESCENT THORNHILL ON L3T 1N6			
SHEET TITLE:			
ROOF PLAN SCALE: 1/8"=1'-0"			
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DRAWING NO.:		A1-4	
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Appendix C



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01	2022-03-31	ISSUED FOR ZPR	CITY
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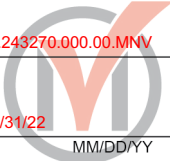
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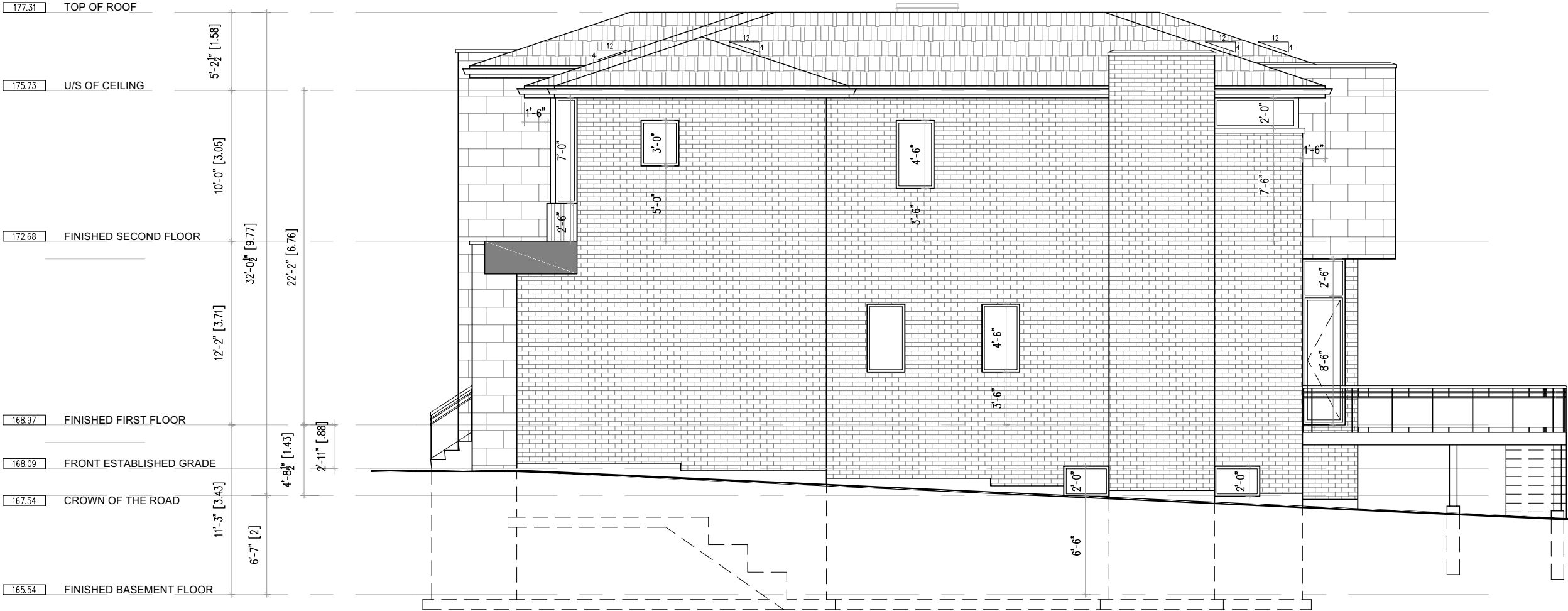


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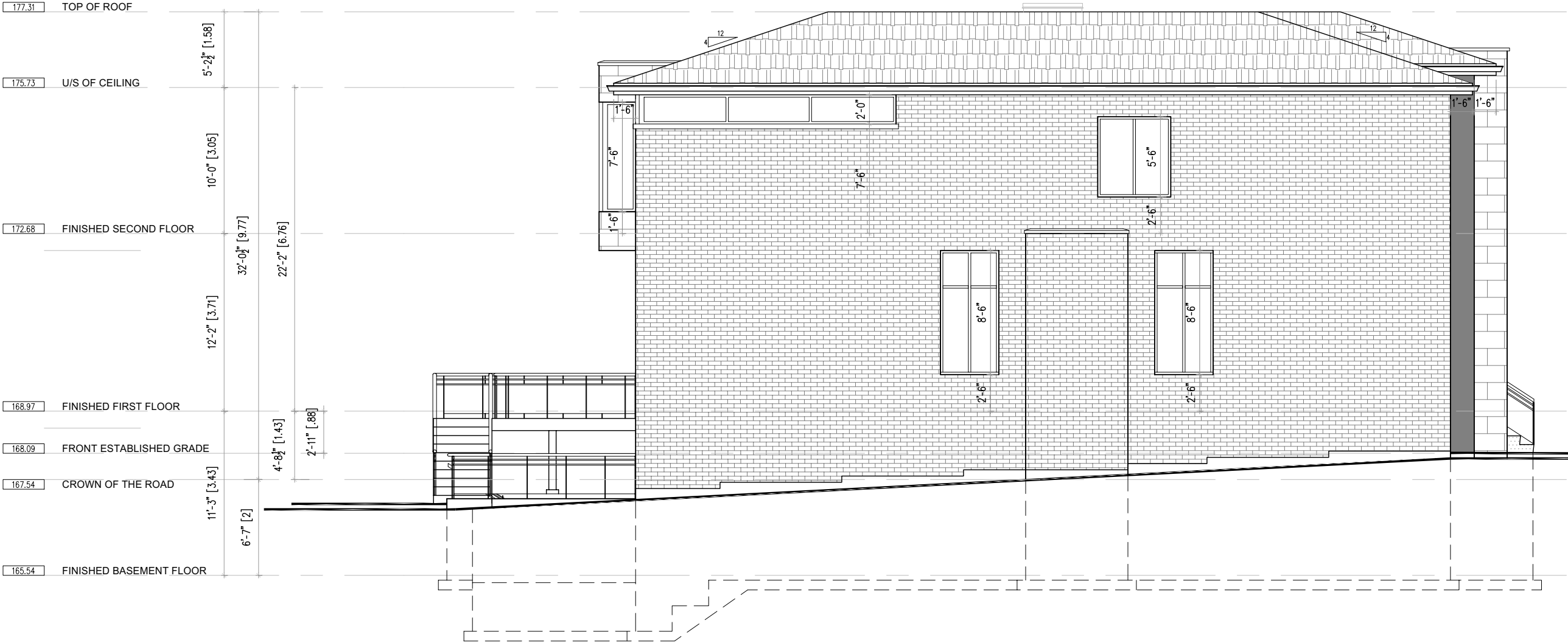


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NO.	DATE	DESCRIPTION	TO
DESIGNED BY: MINIMAL DESIGN STUDIO			
PROJECT TITLE: 49 WILDROSE CRESCENT THORNHILL ON L3T 1N6			
SHEET TITLE: SIDE (EAST) ELEVATION SCALE: 1/8"=1'-0"			
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01	2022-03-31	ISSUED FOR ZPR	CITY
NO.	DATE	DESCRIPTON	TO
DESIGNED BY: MINIMAL DESIGN STUDIO			
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SHEET TITLE: SIDE (WEST) ELEVATION SCALE: 1/8"=1'-0"			
SCALE.:			
DRWAING NO.:		A2-4	
STAMP		NORTH	

SURVEY BY: S.Z.	CAD No: 21-624SRPR	JOB No: 2021-624
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