Memorandum to the City of Markham Committee of Adjustment September 9, 2022

File:	A/132/22
Address:	6 Wignall Crescent, Markham
Applicant:	Vanle Architect Inc. (Tom Vanle)
Agent:	Vanle Architect Inc. (Tom Vanle)
Hearing Date:	Wednesday September 21, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following "Residential 1 (R1)" zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) <u>Amending By-law 99-90, Section 1.2 (ii):</u> a maximum depth of 17.04 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) <u>Amending By-law 99-90, Section 1.2 (vi):</u> a maximum floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and
- c) Amending By-law 99-90, Section 1.2 (i):

a maximum height of 11.27 metres, whereas the By-law permits a maximum height of 9.80 metres.

BACKGROUND

Property Description

The 838.45 m² (9,025.00 ft²) subject property is located on the north side of Wignall Crescent, west of Markham Road and south of Highway 7. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half-storey detached dwellings.

The property currently contains a one-storey detached dwelling with an attached carport and a deck in the rear yard. Mature vegetation exists on the property which includes 2 large trees and a cedar hedge in the front yard, and several mature trees in the rear yard.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling to construct a new two-storey detached dwelling with an integral two car garage. The proposed dwelling will have an approximate gross floor area of 384.07 m^2 (4,134.09ft²)

The applicant is requesting variances to the building height, building depth, and floor area ratio to facilitate the construction of the new two-storey detached dwelling.

Official Plan and Zoning

<u>Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)</u> 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 retention of existing trees and vegetation, the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned "Residential 1 (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, 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 building height, building depth, and floor area.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the <u>initial</u> variances required for the proposed development. The applicant submitted revised drawings on August 29, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate total gross floor area of 384.07 m² (4,134.09 ft²) where the By-law permits a dwelling with a maximum floor area of 326.08 m² (3,509.89 ft²). This represents an increase of approximately 57.99 m² (624.19 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, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. Although the proposed dwelling will be larger than the existing dwellings on the street, the proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.04 m (55.90 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 0.24 m (0.79 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes the front porch and a portion of the cellar area, which adds approximately 1.42 m (4.69 ft) representing a minor component of the overall depth of the building. Staff are satisfied that the proposed building depth will not adversely impact the lot pattern of the neighbourhood nor the rear yard amenity space of the subject property and abutting properties. Staff are of the opinion the proposed variance is minor in nature and have no concerns.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 11.27 m (36.97 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This represents an increase of 1.47 m (4.82 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 and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.21 m (0.68 ft) above the crown of road.

Staff acknowledge that the applicant has reduced the height from the initial submission by approximately 1.25 m (4.11 ft), however continue to have concerns relating to the impacts of the massing and scale of the proposed house as a result of the increased height to the streetscape.

Tree Protection and Compensation

Should the application be approved, staff recommend that the tree related conditions detailed in Appendix "A" be adopted to ensure that the applicant installs the appropriate

tree protection barriers, and provides appropriate compensation, if necessary. 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 that have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more on the subject property or neighbouring properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 9, 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 requested variances A and B meet the four tests of the Planning Act and have no objection. Staff are of the opinion that variance C does not meet the four tests of the Planning Act. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

APPENDICES

Appendix "A" – Conditions of Approval Appendix "B" – Plans

PREPARED BY:

ZSM

Brashanthe Manoharan, Planner II, East District

REVIEWED BY:

Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 22 247876 \Documents\District Team Comments Memo

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22

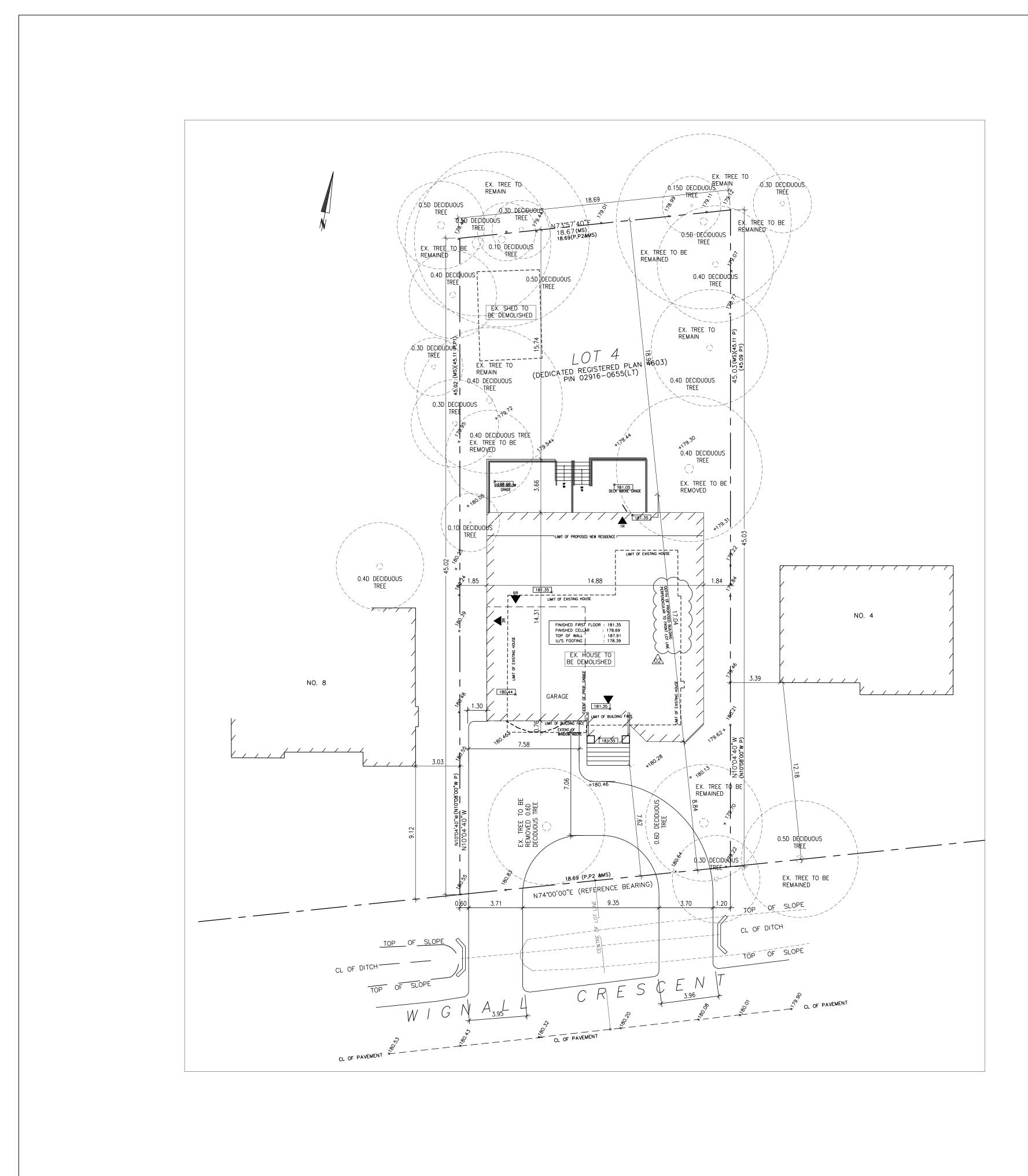
- 1. The variances apply only to the proposed development for as long as it remains.
- That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation 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 design, or their design, or their design.
- 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:

ZSM

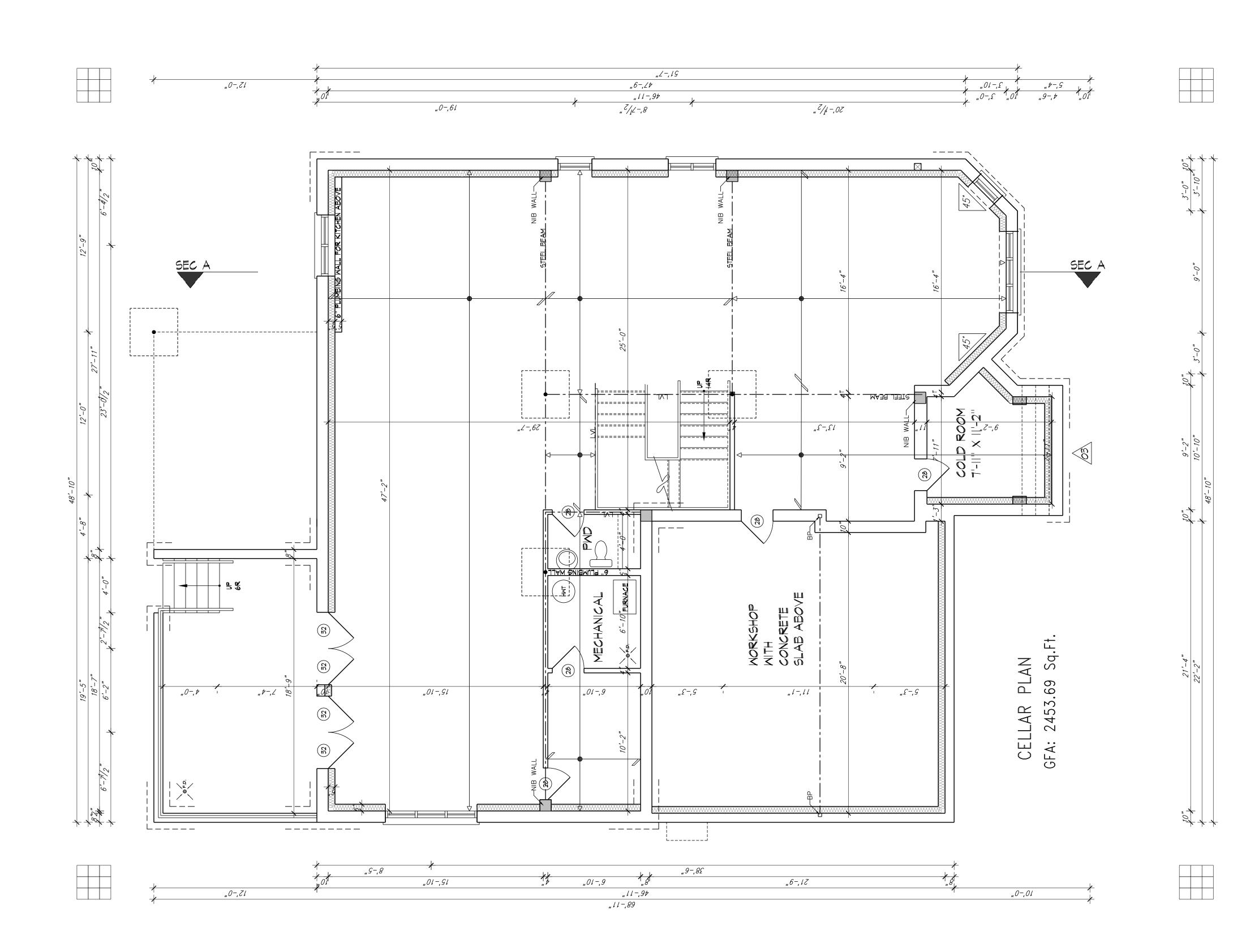
Brashanthe Manoharan, Planner II, East District

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22



SITE STATISTICS: PROPERTY CODE: INFILL HOUSI ZONING CATEGORY: R1 – RES ADDRESS: 6 WIGNALL CRES. CITY OF MARKHAM. ZONING BY	IDENTIAL	
	ALLOWED (M)	PROVIDED (m)
NET LOT AREA	N/A	724.64 m2
MIN. LOT FRONTAGE	18.29 m	18.66 m
MIN. LOT AREA	613.16 m2	836.04 m2
GROUND FLOOR G.F.A.: (including garage)	N/A	216.93 m2
SECOND FLOOR G.F.A.: (excluding balcony)	N/A	167.14 m2
CELLAR AREA	N/A	227.96 m2
GARAGE AREA	N/A	48.03 m2
DECK AREA	N/A	38.07 m2
MIN. FRONT YARD	7.62 m	8.84 m
MIN. SIDE YARD	1.83 m	1.83 m
MIN. REAR YARD	7.62 m	18.92 m
MAX. NUMBER OF STOREYS	2	2
MAX. BUILDING HEIGHT	9.8 m	(11.27 m) <u>A</u>
MAX. BUILDING DEPTH	16.8 m	17.04 m
MAX. LOT COVERAGE	35 %	32.54 %
DRIVEWAY WIDTH	6 m	6 m
MAX. NET FLOOR AREA RATIO	45 %	53.00 %
MAX. GARAGE WIDTH (frontage < 18.3m)	7.7 m	6.75 m
MIN. DWELLING UNIT FLOOR AREA	111.48 m2	384.07 m2

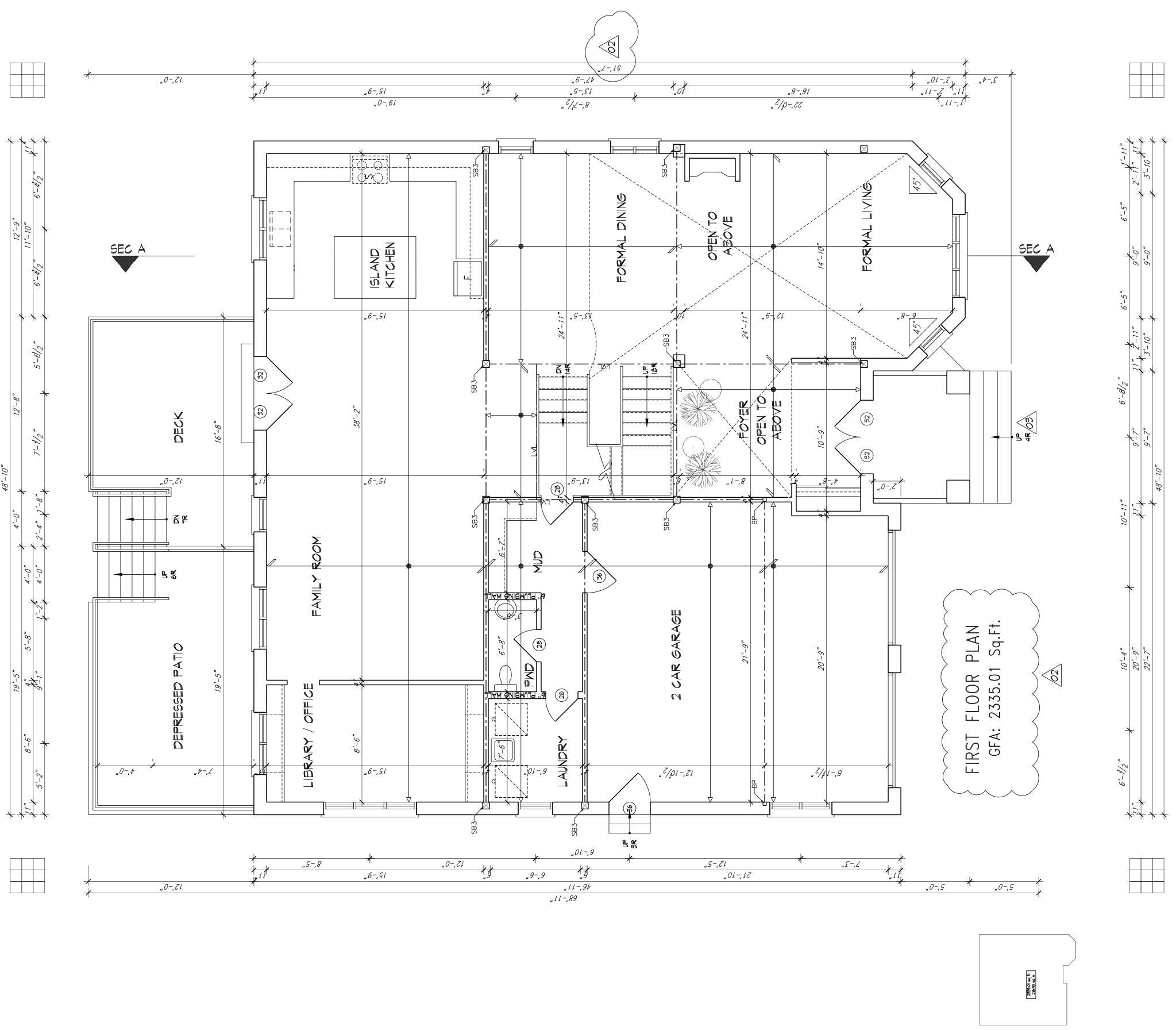
Appendix B
File: 22.247876.000.00.MNV Date: 09/15/22
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FOR ZONING REVIEW

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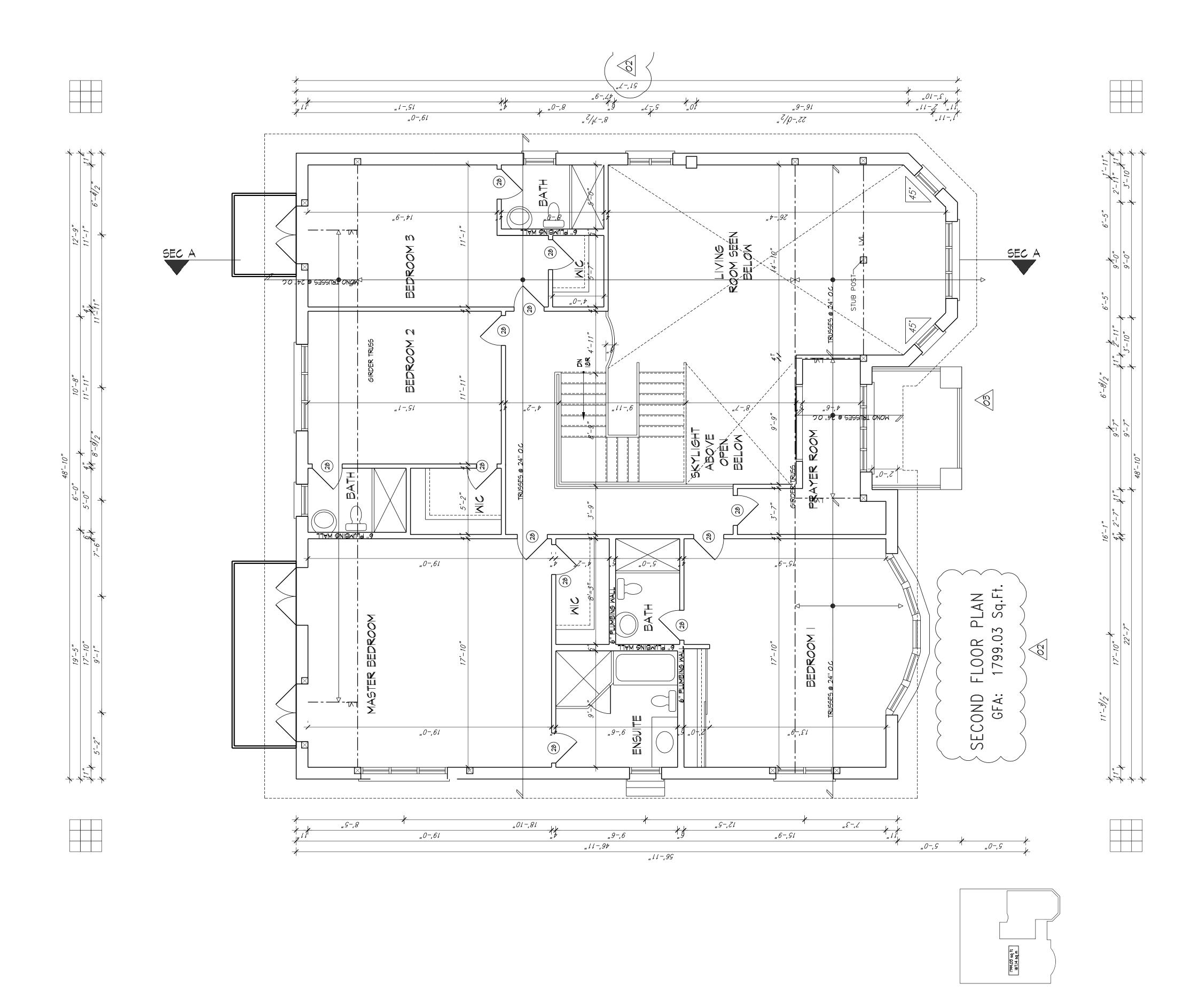
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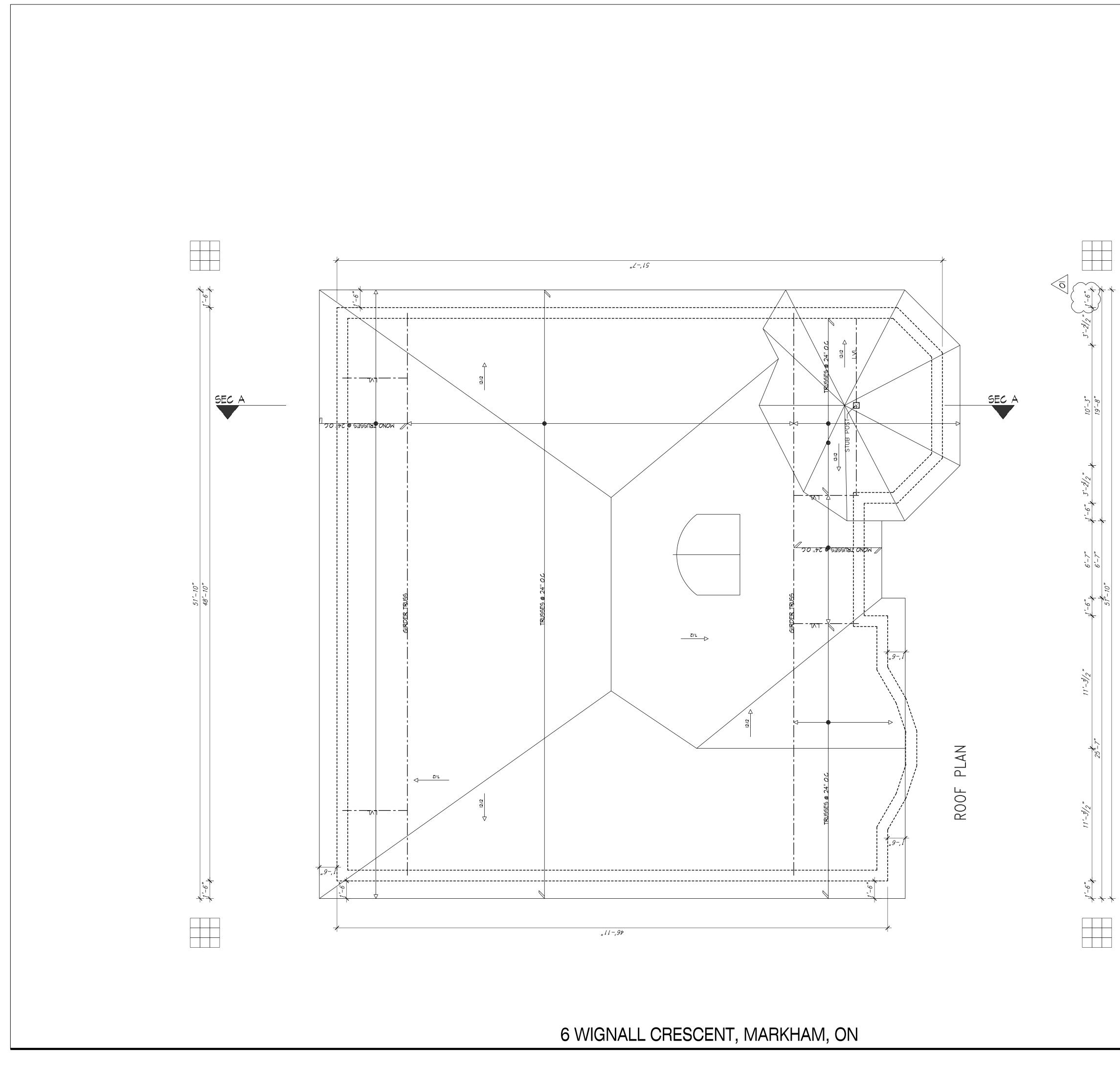
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FRONT ELEVATION (SOUTH)

6 WIGNALL CRESCENT, MARKHAM, ON

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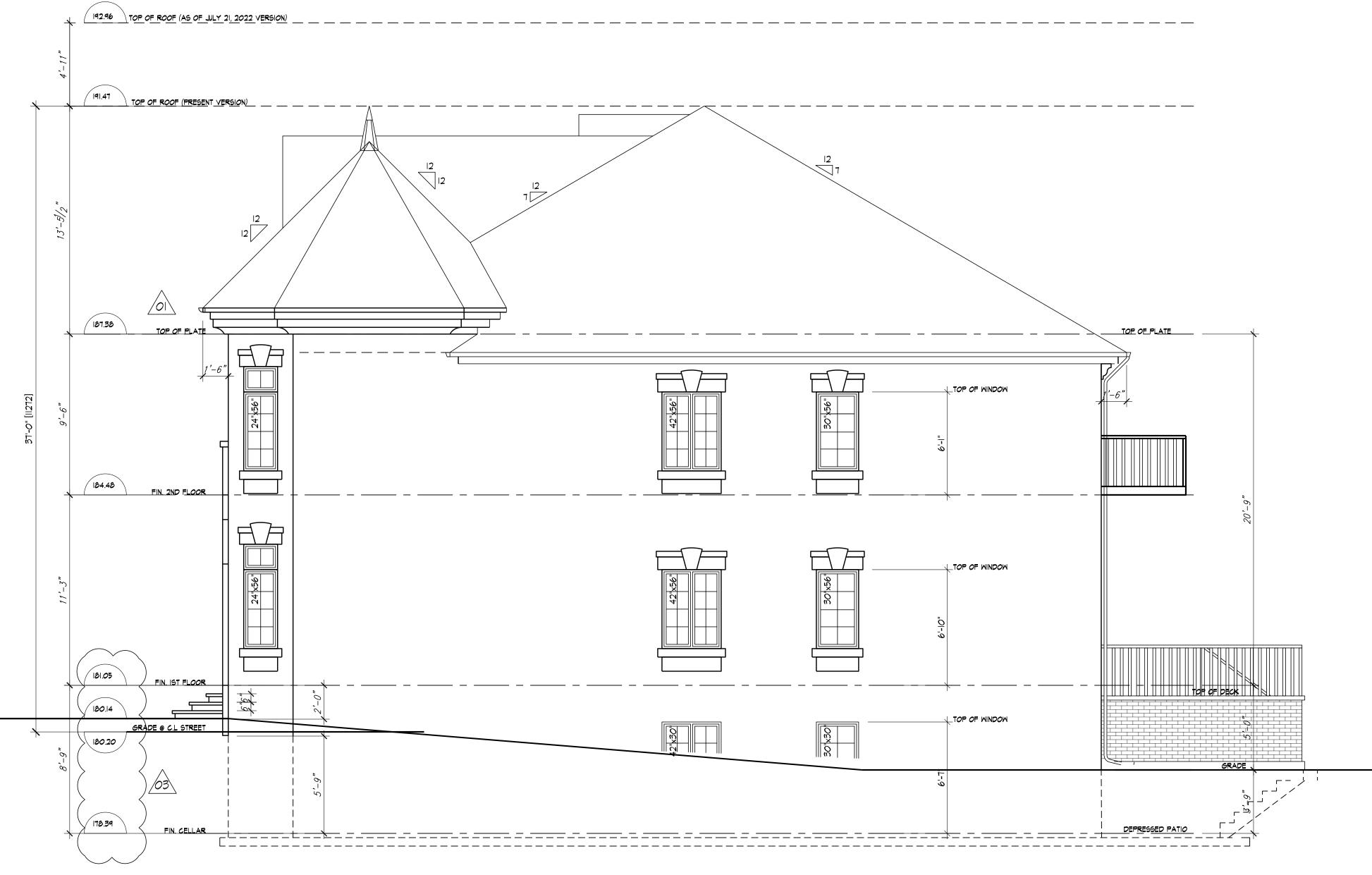




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# EAST ELEVATION

# FOR ZONING REVIEW

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<u>/01\</u>	AS PER CITY COMMENTS JUN 01/22 PV
<u>/62</u>	CITY COMMENTS/F.A.R. AUG 11/22 PV
<u>⁄03</u>	CITY COMMENTS/BLD HEIGHT AUG 26/22 TV
<u>/04</u>	CITY COMMENTS/BLD HEIGHT AUG 29/22 PV
<u>/05\</u> 	
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<u>/09\</u>	
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report aı proceedir are instr	or must verify all dimensions on the job and ny discrepancy to the architect before ng with the work. All drawings and specifications uments of service and the property of the which must be returned at the completion of
	ARCHITECTS 2 ARCHITECTS 2 TRUNG VAN LE LICENCE 45314
EAS [.]	
	info@vanle.ca VANLE ARCHITECT orate Drive, Suite. 206, Scarborough, Ontario M1H 3G5
Т: (	416) 467—4667 E: info@vanle.ca W: vanle.ca
Scale:	Project No:
/4" =  '-	<b>0</b> " 2021–17

A.08

Drawn By:

PV

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B.C.D.N.

Checked By:

TVL

179.82





# THREE-MEMBER SOLID WOOD BEARING

LEGEND

/04\

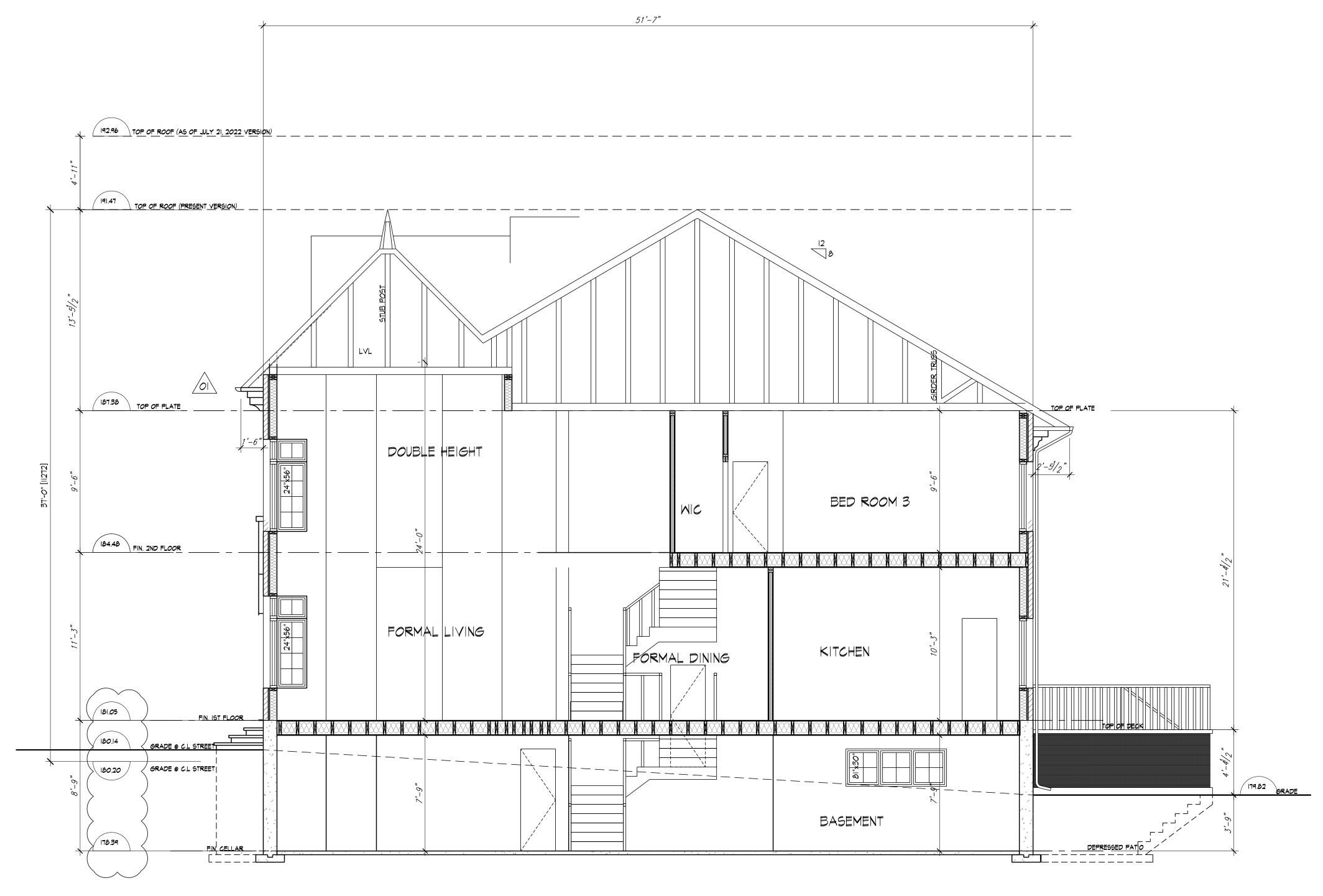
/03\

SIAMMESE FIRE HOSE		
WALL TYPE		
REVISION		
FINISHED FLOOR		
FLAT ARCH		
MEDICINE CABINET		
CONCRETE BLOCK WALL		
DOUBLE HEIGHT VOLUME W	ALL.	
FIRE RATED WALL		
PRESSURE TREATED LUMBER	2	
GIRDER TRUSS		
DOUBLE JOIST		
TRIPLE JOIST		
LAMINATED VENEER LUMBER		
SOLID BEAR'G FROM ABOVE		
POINT LOAD FROM ABOVE		
SPECIFICATION NUMBER (SE	E SPEC. SHE	ET)
Revision comments	DATE	BY
AS PER CITY COMMENTS	JUN 01/22	PV
CITY COMMENTS/F.A.R.	AUG 11/22	PV
CITY COMMENTS/BLD HEIGHT	AUG 26/22	TV
CITY COMMENTS/BLD HEIGHT	AUG 29/22	PV
for must verify all dimensions iny discrepancy to the archite ing with the work. All drawing ruments of service and the p t which must be returned at k.	ect before s and specif property of th	ications ne
iny discrepancy to the archite ing with the work. All drawing ruments of service and the p t which must be returned at	ect before s and specif property of th	ications ne
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	MEDICINE CABINET CONCRETE BLOCK WALL DOUBLE HEIGHT VOLUME W/ FIRE RATED WALL PRESSURE TREATED LUMBER GIRDER TRUSS DOUBLE JOIST TRIPLE JOIST LAMINATED VENEER LUMBER SOLID BEAR'G FROM ABOVE SOLID BEAR'G FROM ABOVE SPECIFICATION NUMBER (SE Revision comments AS PER CITY COMMENTS CITY COMMENTS/F.A.R.	MEDICINE CABINET CONCRETE BLOCK WALL DOUBLE HEIGHT VOLUME WALL. FIRE RATED WALL PRESSURE TREATED LUMBER GIRDER TRUSS DOUBLE JOIST TRIPLE JOIST LAMINATED VENEER LUMBER SOLID BEAR'G FROM ABOVE POINT LOAD FROM ABOVE SPECIFICATION NUMBER (SEE SPEC. SHE Revision comments DATE AS PER CITY COMMENTS JUN 01/22



# WEST ELEVATION

VANLE AF	o@vanle.ca RCHITECT
80 Corporate Drive, Suite. 206, Scar T: (416) 467-4667 E: info@v	
Scale:	Project No:
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Drawn By:	Checked By:
PV	TVL



SECTION A-A

# LEGEND

LEGEND			
<del>S</del> S	THREE-MEMBER SOLID WOOD BEARING		
<u></u>	DOOR NUMBER		
	SIAMMESE FIRE HOSE		
3	WALL TYPE		
3	REVISION		
779.33	FINISHED FLOOR		
I F.A.	FLAT ARCH		
	MEDICINE CABINET		
	CONCRETE BLOCK WALL		
<u> </u>	DOUBLE HEIGHT VOLUME WALL.		
	FIRE RATED WALL		
P.T.	PRESSURE TREATED LUMBER		
G.T.	GIRDER TRUSS		
LD	DOUBLE JOIST		
TJ	TRIPLE JOIST		
LVL	LAMINATED VENEER LUMBER		
<u> </u>	SOLID BEAR'G FROM ABOVE		
۵× ۶۰ ×	POINT LOAD FROM ABOVE		
<b>39.</b>	SPECIFICATION NUMBER (SEE SPEC. SHEET)		
No	Revision comments DATE BY		
<u>A</u>	AS PER CITY COMMENTS JUN 01/22 PV		
<u>62</u>	CITY COMMENTS/F.A.R. AUG 11/22 PV		
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<u>/64</u>	CITY COMMENTS/BLD HEIGHT AUG 29/22 PV		
<u>/05</u>			
<u>/66</u>			
<u>/67</u>			
<u>/08)</u> 			
<u></u>			
<u>/10</u>			
Contractor must verify all dimensions on the job and report any discrepancy to the architect before proceeding with the work. All drawings and specifications are instruments of service and the property of the architect which must be returned at the completion of the work.			
ARCHITECTS Z ARCHITECTS Z TRUNG VAN LE 4534 4534			
SECTION A-A			
	vanle 206, Scarborough, Ontario M1H 3G5 (416) 467-4667 E: info@vanle.ca W: vanle.ca		
Scale:  /4" =  '-	• Project No: 2021-17		

/4" =  '- <b>0</b> "	2021-17
Drawn By:	Checked By:
PV	TVL
B.C.D.N.	