

Memorandum to the City of Markham Committee of Adjustment

September 26, 2022

File: A/141/22
Address: 33 Windridge Drive, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, October 5, 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) Amending By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 52.40 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

a maximum building depth of 21.03 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

c) By-law 1229, Table 11.1:

a flankage yard of 7.51 ft whereas the By-law requires a flankage yard of 10 ft;

d) By-law 1229, Section 11.2 (c)(i):

eaves to encroach 24 inches into a required yard, whereas the By-law requires 18 inches; and

e) By-law 1229, Section 11.2 (c)(i):

a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches.

BACKGROUND

Property Description

The 1,104.60 m² (11,889.81 ft²) subject property is located on the east side of Windridge Drive, north of Highway 7 and west of Markham Road. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being constructed as infill developments.

The property currently contains a one-storey detached dwelling with an attached carport. Mature vegetation exists on the property which includes 2 large trees in the exterior side yard and several trees along the north and east property lines.

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 424.92 m² (4,573.80 ft²).

The applicant is requesting variances to the floor area ratio, building depth, flankage yard, eaves encroachment, and front porch stairs encroachment to facilitate the construction of the new two-storey detached dwelling.

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. 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, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” zone requirements 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 depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on July 20, 2022 to confirm the variances required for the proposed development.

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, and
- 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 52.40 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 424.92 m² (4,573.80 ft²), whereas the By-law permits a dwelling with a maximum floor area of 366.24 m² (3,942.17ft²). This represents an increase of approximately 58.68 m² (631.62 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. This is not a definitive measure of the mass of the dwelling, as 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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increases in floor area ratio ranging between 50.6 percent and 55.3 percent.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.03 m (68.99 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.11 ft). This represents an increase of approximately 4.23 m (13.87 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 applies mainly to the front and rear covered porches which adds approximately 5.97 m (19.59 ft) to the overall depth of the building. The main component of the building, excluding the front and rear porch, has a depth of approximately 16.52 m (54.2 ft), which complies with the by-law requirement.

Reduced Flankage Yard Setback

The applicant is requesting a flankage yard of 7.51 ft (2.28 m) whereas the By-law requires a flankage yard of 10 ft (3.04 m), which is a reduction of 2.51 ft (0.75 m).

The requested variance applies to the unenclosed porch on the south elevation, which represents a minor component of the dwelling. The flankage yard setback from the south property line to the main wall is 3.05 ft (1.02 m), which complies with the requirements of the By-law. As such, staff have no concerns with the requested variance.

Front Porch Stairs Encroachment

The applicant is requesting a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches, which is a reduction of 18 inches. Staff are of the opinion that the requested variance will facilitate an architectural element that will have an increased usability while not adversely impact the flankage yard. As such, it is the opinion of Staff that the variance is considered minor in nature and meets the general intent and purpose of the Zoning By-law.

Increase in Maximum Eaves Encroachment

The applicant is requesting a maximum eaves encroachment 24 inches into a required yard, whereas the By-law requires 18 inches, which is a reduction of 6 inches. Staff are of the opinion that the requested variance is technical in nature, and have no objections.

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 26, 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 variances requested meets the four tests of the Planning Act and have no objection. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanth Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22

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 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. That the flankage yard setback reduction apply to the one-storey portion of the dwelling only.
4. 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.
5. 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.
6. 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:



Brashanthe Manoharan, Planner II, East District

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22



SCALE = 1:150



CHECKED BY
R.G.

A-1

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

PROPOSED HOUSE
DESIGN
33 WINDRIDGE DRIVE
CITY OF MARKHAM



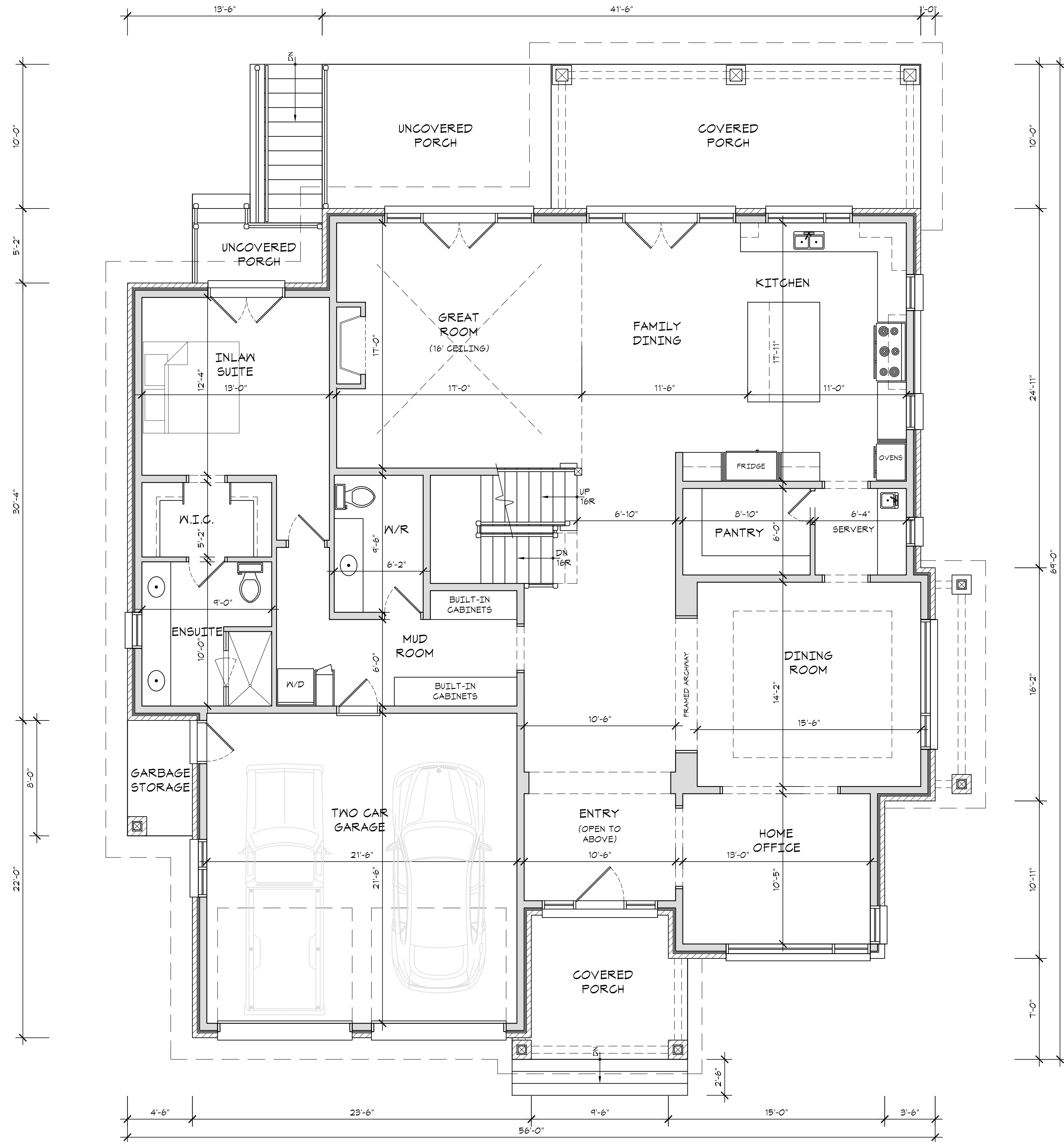
16 CHURCH STREET
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416-520-0978
shane@gregorydesigngroup.net

SCALE	DATE
1/4"=1'-0"	07/18/22

PROJECT NUMBER	SHEET NUMBER
2380-22	A-2

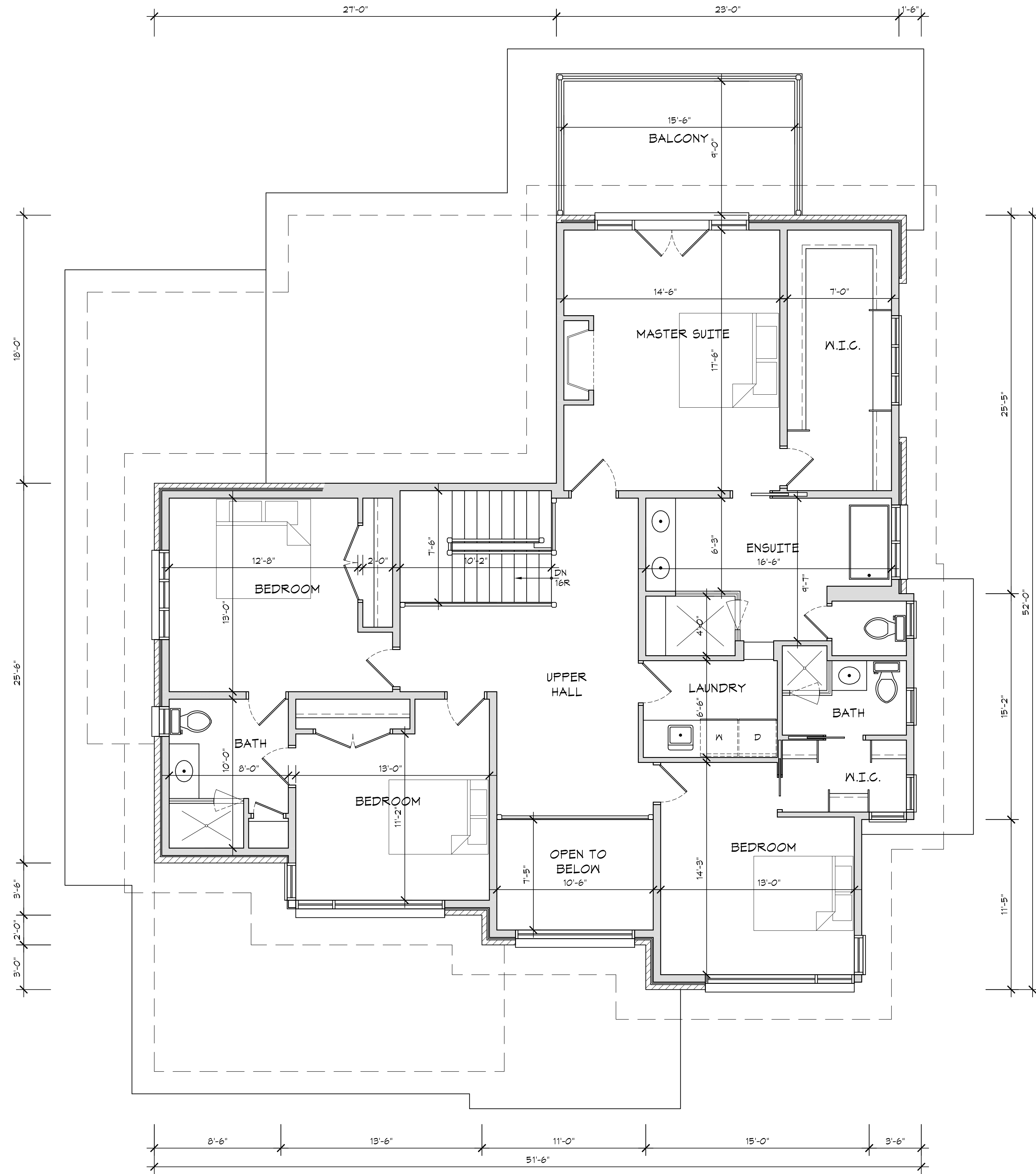
DRAWN BY S.Gregory

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GROUND FLOOR PLAN

FLOOR AREA = 2,291 sq.ft.
GARAGE AREA = 514 sq.ft.
TOTAL NFA = 2,805 sq.ft. (260.58 sq.m.)
BUILDING AREA = 3,242 sq.ft. (301.18 sq.m.)



SECOND FLOOR PLAN

FLOOR AREA = 1,923 sq.ft.
OPEN SPACE = 154 sq.ft.
TOTAL NFA = 1,769 sq.ft. (164.34 sq.m.)

Appendix B

File: 22-231001-000-001.dwg
Date: 09/20/22
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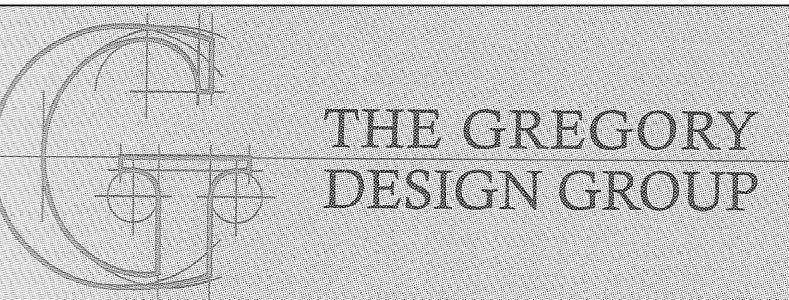
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SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-3
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CITY OF MARKHAM

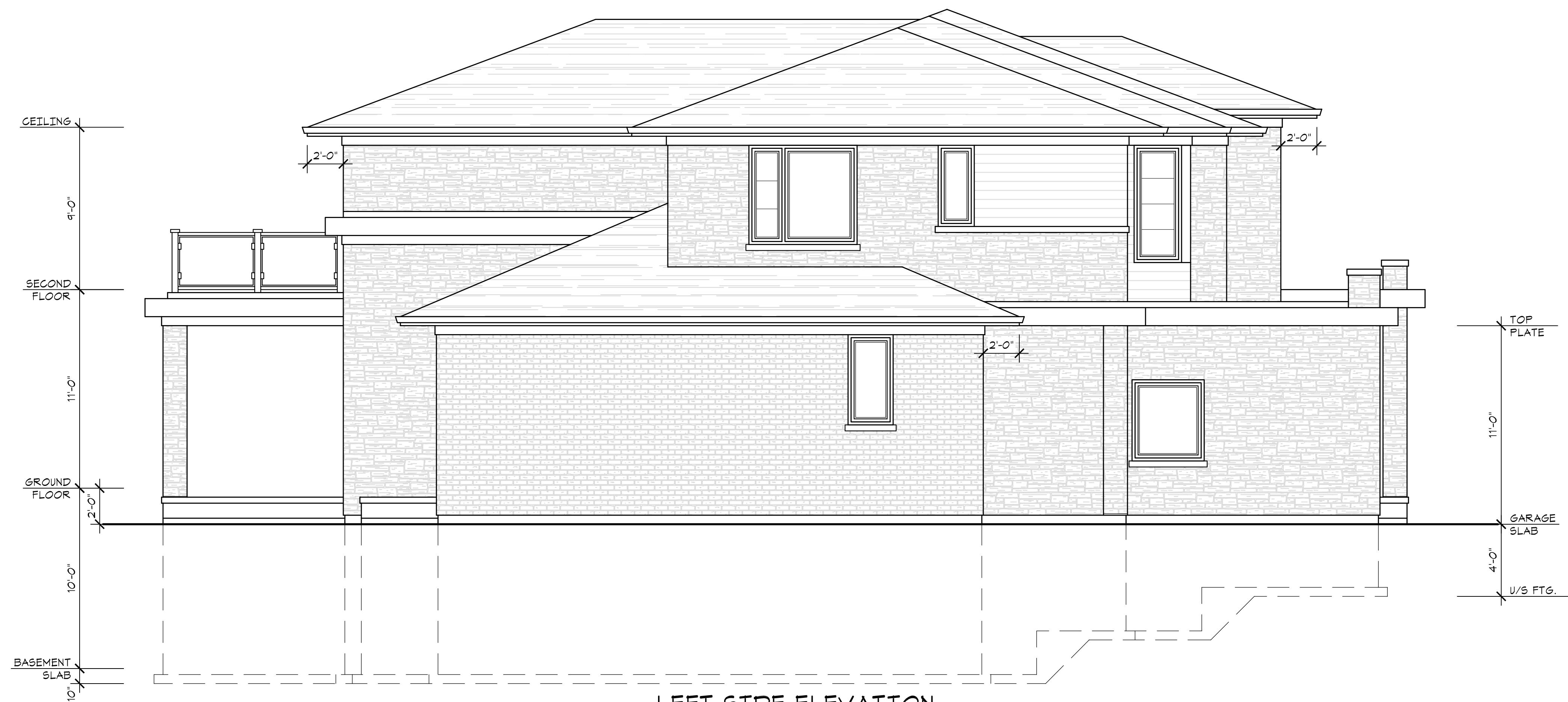
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REAR ELEVATION



LEFT SIDE ELEVATION

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SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-5
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