

# Memorandum to the City of Markham Committee of Adjustment

November 10, 2022

**File:** A/153/22  
**Address:** 11 Drakefield Road, Markham  
**Applicant:** Fasheng Zhou  
**Agent:** Alit Design  
**Hearing Date:** Wednesday, November 23, 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 detached dwelling. The requested variances are to permit:

- a) **Amending By-law 99-90, Section 1.2(vi):**  
a maximum floor area ratio of 54.9%, whereas the By-law permits a maximum of 45.0%.
- b) **Amending By-law 99-90, Section 1.2(vi):**  
a maximum building depth of 17.88 m (58.66 ft), whereas the By-law permits a building depth of 16.80 m (55.11 ft).

## BACKGROUND

### Property Description

The 888.6 m<sup>2</sup> (9,564.8 ft<sup>2</sup>) subject property is located on the south side of Drakefield Road, which is south of Highway 7 East, and west of Willowgate Drive and Grandview Boulevard. It is developed with a one-storey detached dwelling and attached one-car garage, which according to assessment records was constructed in 1963. It is irregular in shape at the rear; contains a mature tree within the front yard; and mature trees and vegetation in the rear yard. It slopes to the south towards a valley system in the abutting Milne Dam Conservation Park.

The subject property is located in an established and relatively stable residential neighbourhood comprising one and two-storey detached dwellings to the north, east and west. Homes within the immediate vicinity of the site along Drakefield Road are modestly sized, consisting of the original housing stock built in the early to mid 1960s. There are examples of newer and larger infill homes in the area, further east on Riverview Avenue and Grandview Boulevard. As noted, Milne Dam Conservation Park, a conservation area owned by the Toronto Region Conservation Authority (TRCA) abuts the site to the south.

### Proposal

The applicant is proposing to redevelop the subject property with a new two-storey detached dwelling with an attached two-car garage (refer to Appendix ‘B’). The total Gross Floor Area (GFA) of the proposed dwelling is 455.0 m<sup>2</sup> (4,897.6 ft<sup>2</sup>). It has a proposed height of 9.8 m (32.2 ft), an uncovered deck in the rear yard and a 5.81 m<sup>2</sup> (62.56 ft<sup>2</sup>) balcony in the rear yard of the second storey. Vehicular access to the property is provided via a two-car driveway. To facilitate this proposal, the applicant has submitted variances to permit increases to the maximum permitted floor area ratio and building depth as described above.

The applicant has reduced the requested variances from the original submission which requested:

- A maximum floor area ratio of 56.93%;
- A maximum building depth of 18.34 m (60.17 ft)
- Eaves to encroach 19 inches (0.48 m) into a required yard, whereas the By-law permits a maximum eaves encroachment of 18 inches (0.46 m).

Staff had concern with the original request to permit a floor area ratio of 56.93%. In response, the applicant revised the proposal with design modifications, including reducing the proposed building depth from 18.34 m (60.17 ft) to 17.88 m (58.66 ft), consequently reducing the floor area ratio to 54.9%. The applicant also revised the eaves to comply with the by-law, eliminating that variance.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, & 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 and purpose 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 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development complies with the general R1 zone provisions, such as minimum lot area, minimum lot frontage, minimum building setbacks (front, rear and side yards), and maximum lot coverage.

### Residential Infill Zoning By-law 99-90

The subject property is also subject to Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will generally 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 floor area ratio and building depth.

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

The applicant completed a Zoning Preliminary Review (ZPR) on August 2<sup>nd</sup> 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised plans to reflect the current proposal with reduced floor area ratio and building depth variances, but did not conduct a follow up ZPR for the revised plans. 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 revised 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 a floor area ratio of 54.9%, whereas the By-law permits a maximum floor area ratio of 45%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 455.0 m<sup>2</sup> (4,897.6 ft<sup>2</sup>), whereas the by-law permits a dwelling with a floor area of 337.9 m<sup>2</sup> (3,637.1 ft<sup>2</sup>). This is an increase of 117.1 m<sup>2</sup> (1,260.5 ft<sup>2</sup>) above what is permitted by the By-law.

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. This is because the floor area ratio provision only includes interior floor space and not any open areas within the dwelling. Consequently an applicant could remove interior floor space to reduce the floor area ratio percentage, but still maintain the same scale and mass of building form.

The applicant has reduced the requested floor area ratio variance from 56.93% to 54.9%. Staff, are of the opinion that 54.9% floor area ratio still does not maintain the general intent of the zoning by-law, which is to minimize floor area of dwellings so that the size of larger infill homes is appropriately balanced with the existing and established community fabric. As noted, the surrounding context predominantly consists of modestly sized dwellings, constructed in the mid 1960s. In that regard staff also opine that the requested floor area ratio variance is not 'minor' or appropriate development for the site.

### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.88 m (58.66 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.2 ft). This is an increase of approximately 1.08 m (3.54 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

Staff opine that the proposed building depth of 17.88 m will not impact abutting properties, is a moderate increase within the rear yard, and satisfies the general intent of both the Official Plan and Zoning By-law. Staff do not object to this requested variance.

### **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.

#### TRCA Comments

The subject property is located within (TRCA)'s Regulated Area as it is within a valley corridor associated with the Rouge River watershed. The TRCA provided comments in a letter dated September 29, 2022 advising that TRCA staff have no objection to this minor variance application, subject to conditions that the Applicant pay the \$875.00 TRCA review fee and obtain a TRCA permit under Regulation 166/06, as amended.

In an email dated October 13, 2022, the TRCA advised that the review has been paid. The condition to require a TRCA permit is included in Appendix 'A'.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 14, 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 have no objection to the proposed building depth variance. Staff however opine, that the requested floor area ratio variance of 54.9% is not appropriate for the site, is not 'minor' and does not maintain the general intent of the zoning by-law.

Should the Committee defer this application, staff will work with the applicant on potentially reducing the floor area ratio further and report back to Committee at a future hearing. Should the Committee see merit approving the application, please refer to Appendix "A" for conditions to be attached to any approval of this application.

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.

PREPARED BY:



---

Stephen Corr, Senior Planner II, East District

REVIEWED BY:



---

Stacia Muradali, Development Manager, East District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/153/22**

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 B' to this Staff Report and received by the City of Markham on November 10, 2022, 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. 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 Manager of By-law Enforcement & Regulatory Services Division.
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division;
6. That the applicant obtains a permit from the Toronto Regionm Conservation Authority (TRCA), as requested in their letter dated September 29, 2022, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



---

Stephen Corr, Senior Planner II, East District

2.254661.000.00.MNV  
/17/22  
MM/DD/YY

Date: 11/17/22  
MM/DD/YY



STATISTICS	PROPOSED METRIC [IMPERIAL]
FRONT YARD AREA	159.5 m <sup>2</sup> [ 1717 ft <sup>2</sup> ]
DRIVEWAY AREA	23.1 m <sup>2</sup> [ 249 ft <sup>2</sup> ]
WALKWAY AREA	4.1 m <sup>2</sup> [ 45 ft <sup>2</sup> ]
PORCH & STEPS AREA	3.7 m <sup>2</sup> [ 40 ft <sup>2</sup> ]
PORCH & STEPS AREA	3.7 m <sup>2</sup> [ 40 ft <sup>2</sup> ]
SOFT LANDSCAPING AREA	96.2 m <sup>2</sup> [ 1036 ft <sup>2</sup> ]
SOFT LANDSCAPING %	60%

STATISTICS	PROPOSED METRIC [IMPERIAL]
LOT AREA	888.6 m <sup>2</sup> [ 9566 ft <sup>2</sup> ]
NET LOT AREA	750.8 m <sup>2</sup> [ 8082.5 ft <sup>2</sup> ]
GROUND FLOOR AREA	223.8 m <sup>2</sup> [ 2411 ft <sup>2</sup> ]
GARAGE AREA	42.7 m <sup>2</sup> [ 460 ft <sup>2</sup> ]
2ND FLOOR AREA	188.5 m <sup>2</sup> [ 2031 ft <sup>2</sup> ]
BASEMENT AREA	223.8 m <sup>2</sup> [ 2411 ft <sup>2</sup> ]
FLOOR AREA RATIO <small>(FLOOR AREA / LOT AREA)</small>	0.45 (96.5% / SdR)
HEIGHT	9.8 m
COVERAGE MAX. 35%	25.8% = 19. ROOFED PORCH
PROPOSED FSI / FAR	0.549

LOT 55  
P.I.N. 02916-0373 (LT)  
REGISTERED

PLAN

LOT 57  
P.I.N. 02916-0375 (LT)  
5880

## REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

A1.1 Site Plan  
SC: 1/250

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



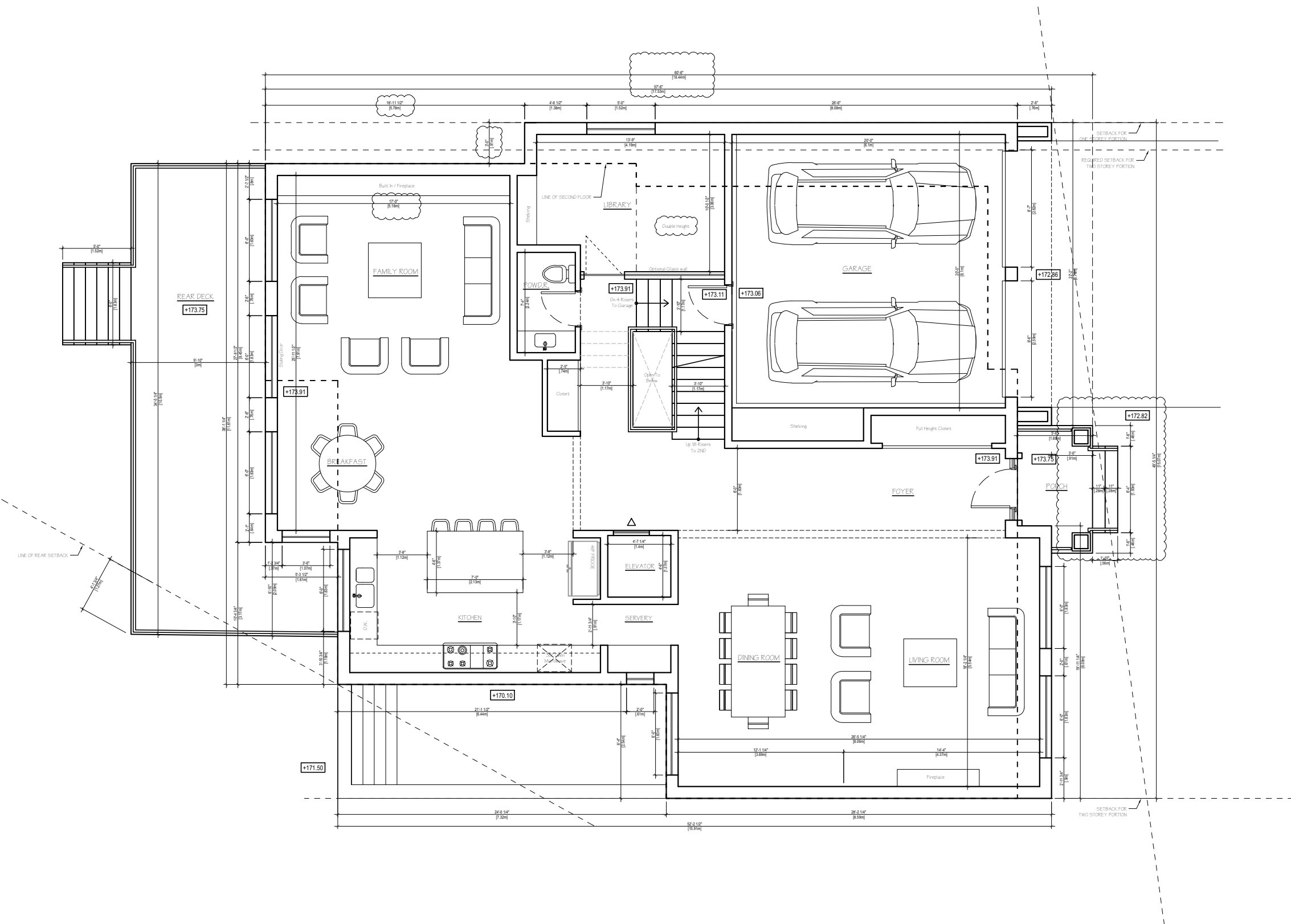
NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

## Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



### NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

### REVISIONS

NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2		
3		
4		

### A1.2 Ground Floor Plan

SC:  $\frac{1}{8}'' = 1'$

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

### ALIT DESIGN INC.

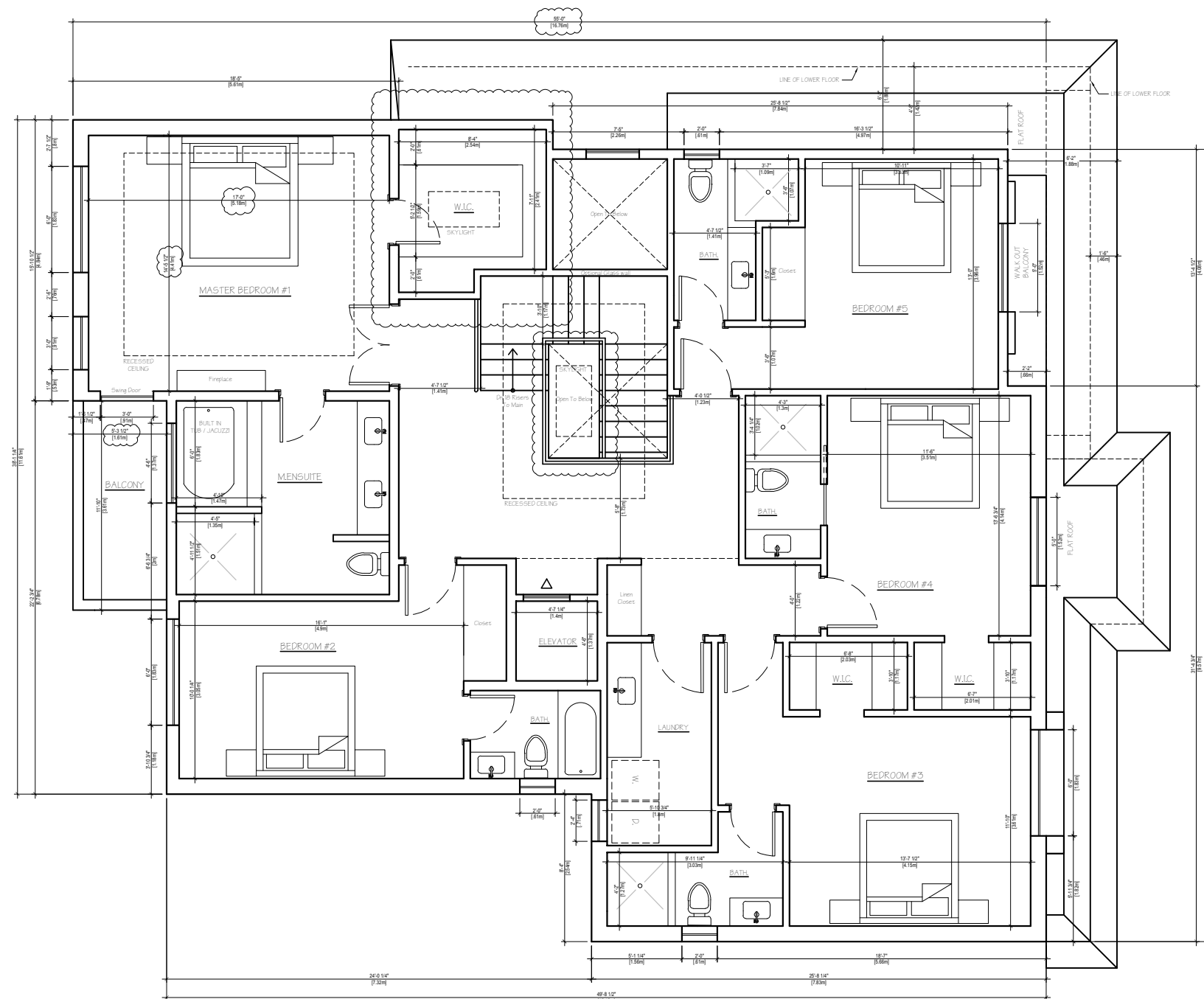
T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.COM



# Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



## NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

## REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

## A1.3 Second Floor Plan

SC:  $\frac{1}{8}" = 1'$

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com

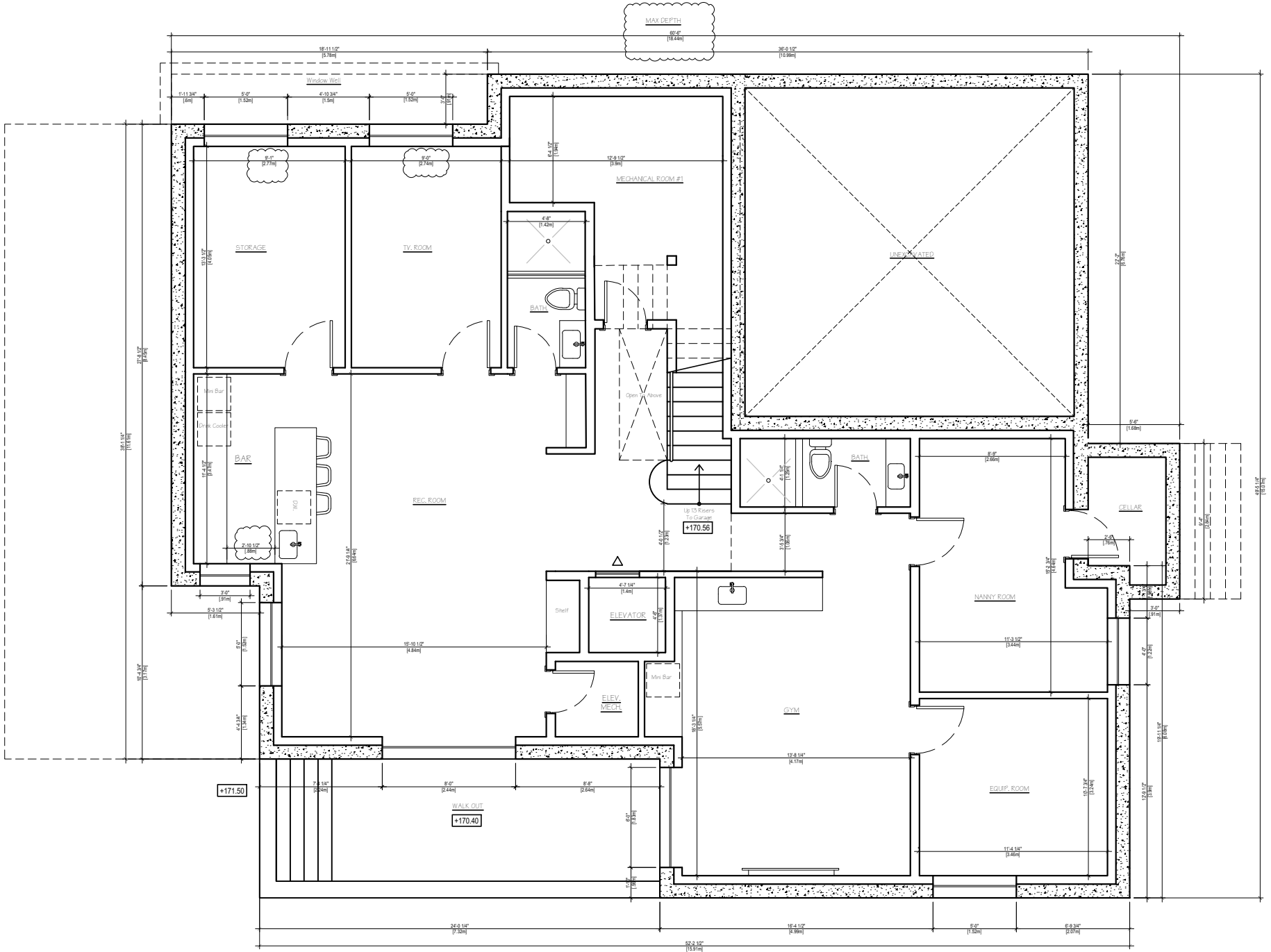




Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

A1.4 Basement Floor Plan  
SC: 1/8" = 1'

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

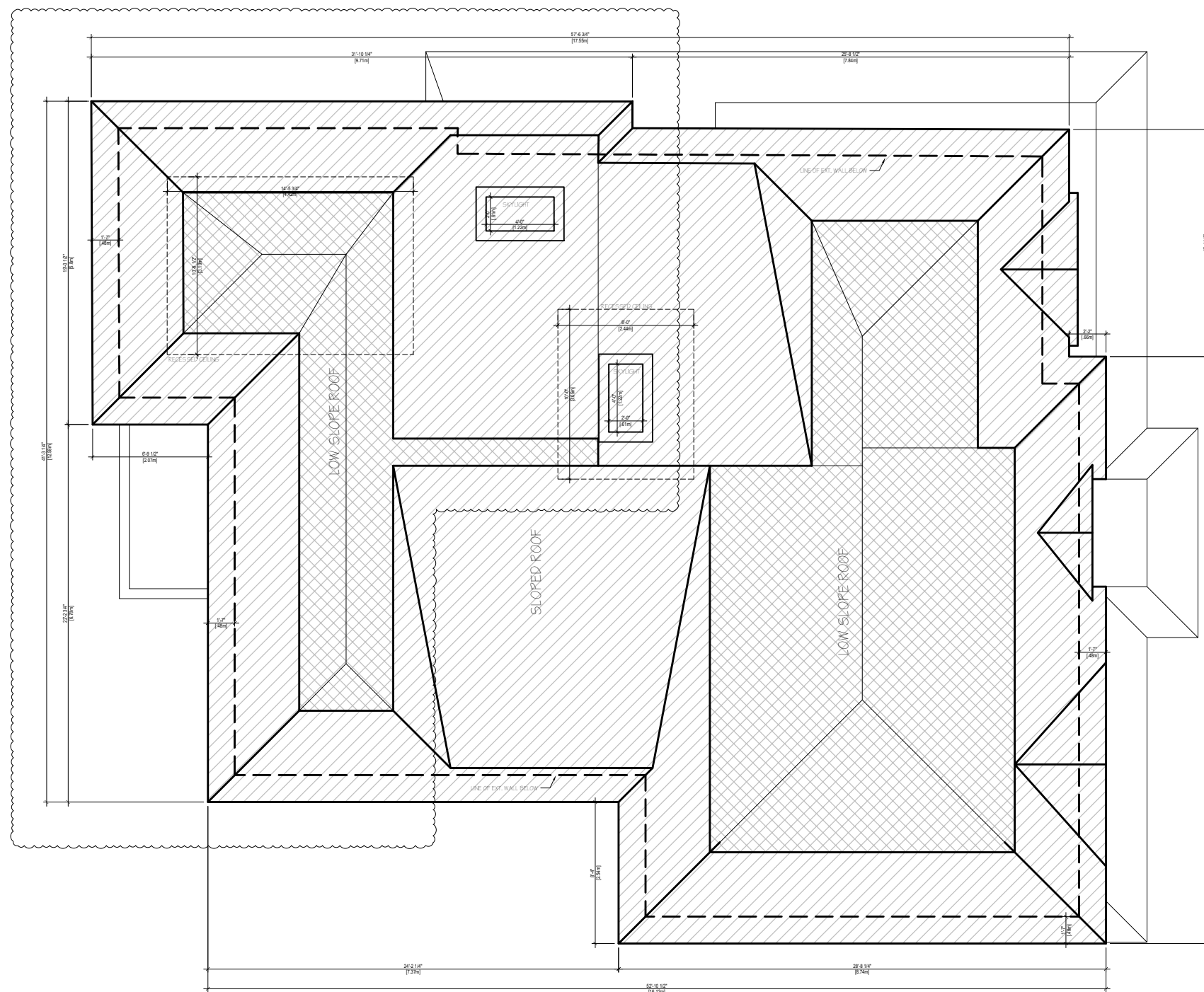
T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



## Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



### NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

### REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

### A1.5 Roof Plan

SC:  $\frac{1}{8}" = 1'$

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

### ALIT DESIGN INC.

T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

REVISIONS		
NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2		
3		
4		

A1.6 Main Elevation	
SC: 1/100	
PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

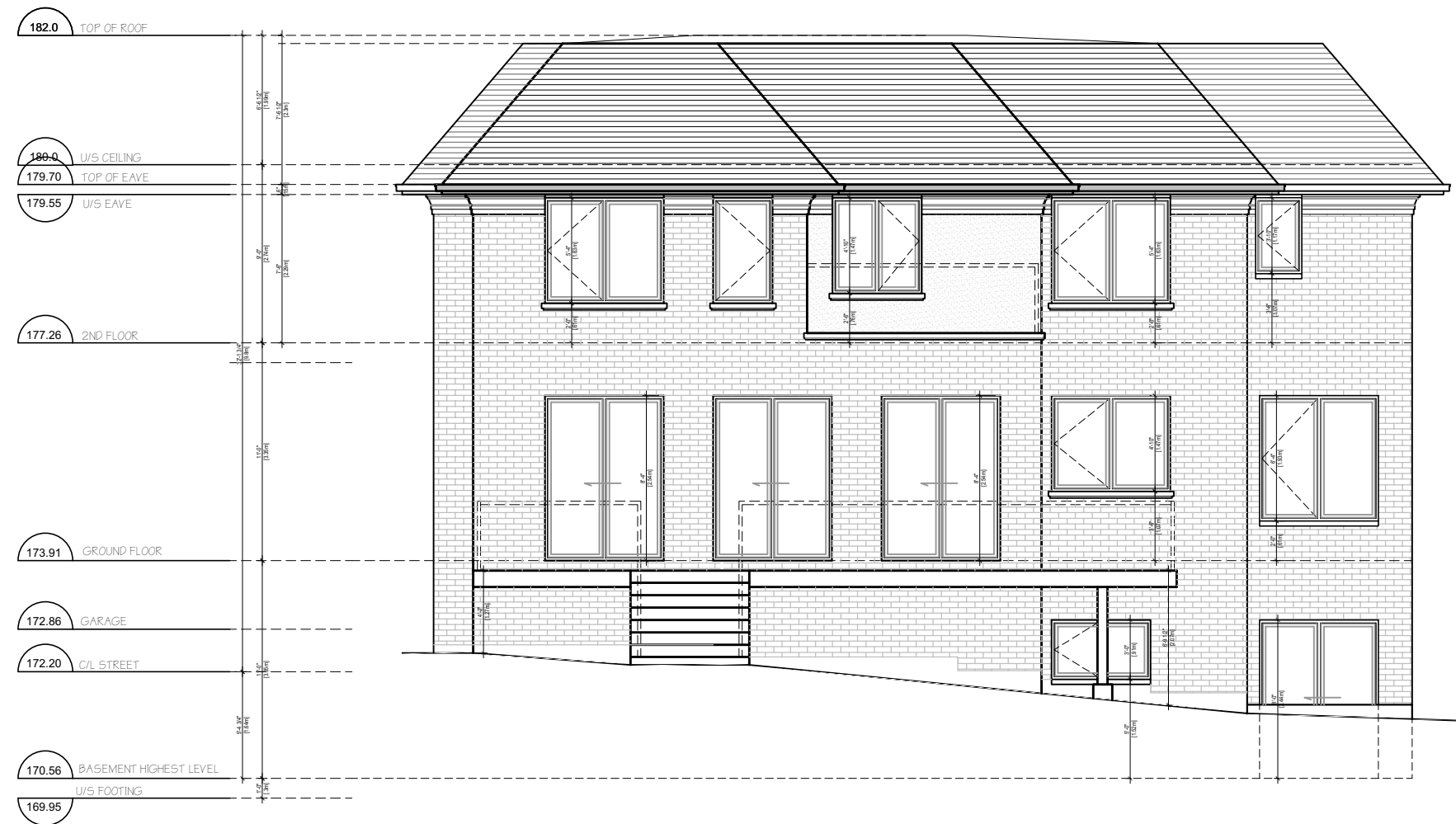
T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



## Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



### NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

### REVISIONS

NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2		
3		
4		

A1.7 Rear Elevation  
SC: 1/100

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

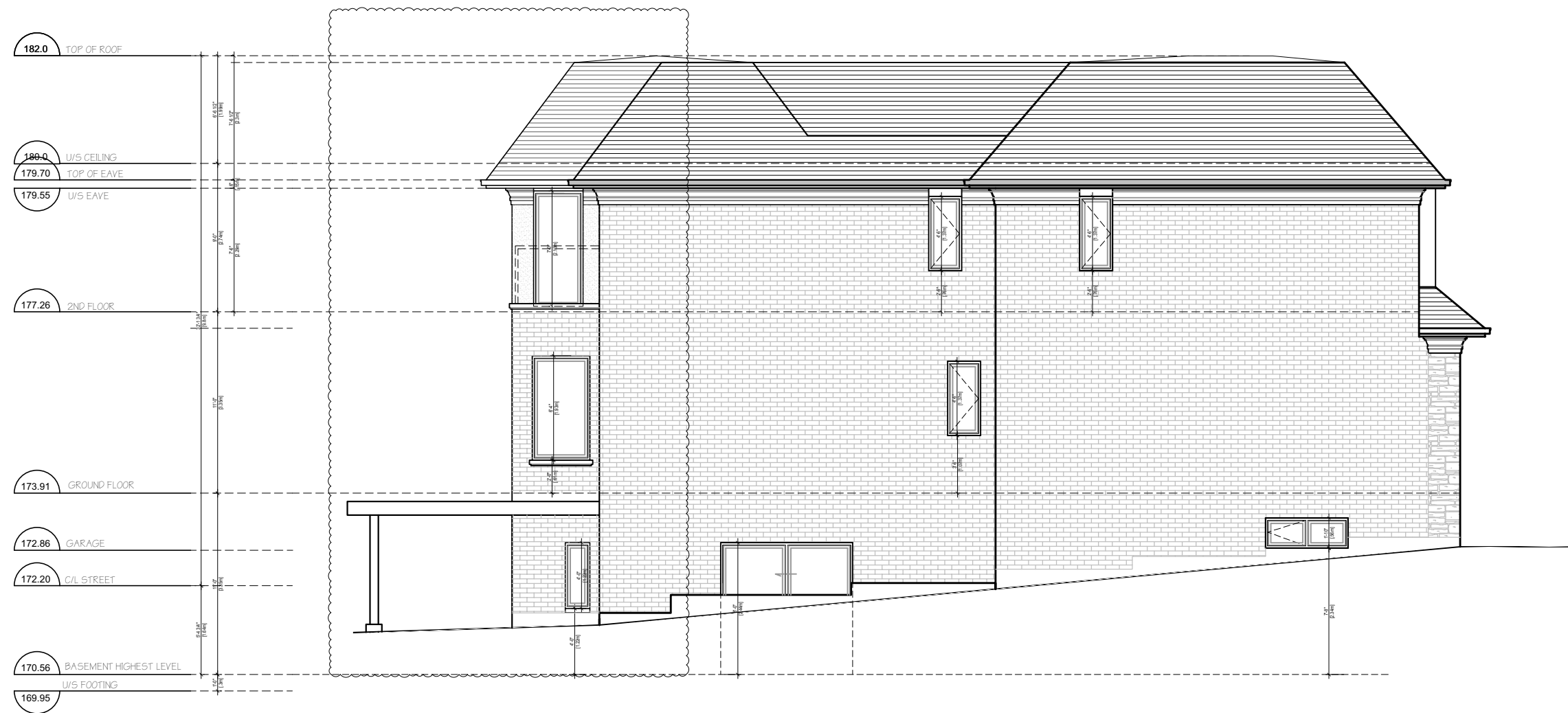
T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



## Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



### NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

### REVISIONS

NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2		
3		
4		

A1.8 East Elevation  
SC: 1/100

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

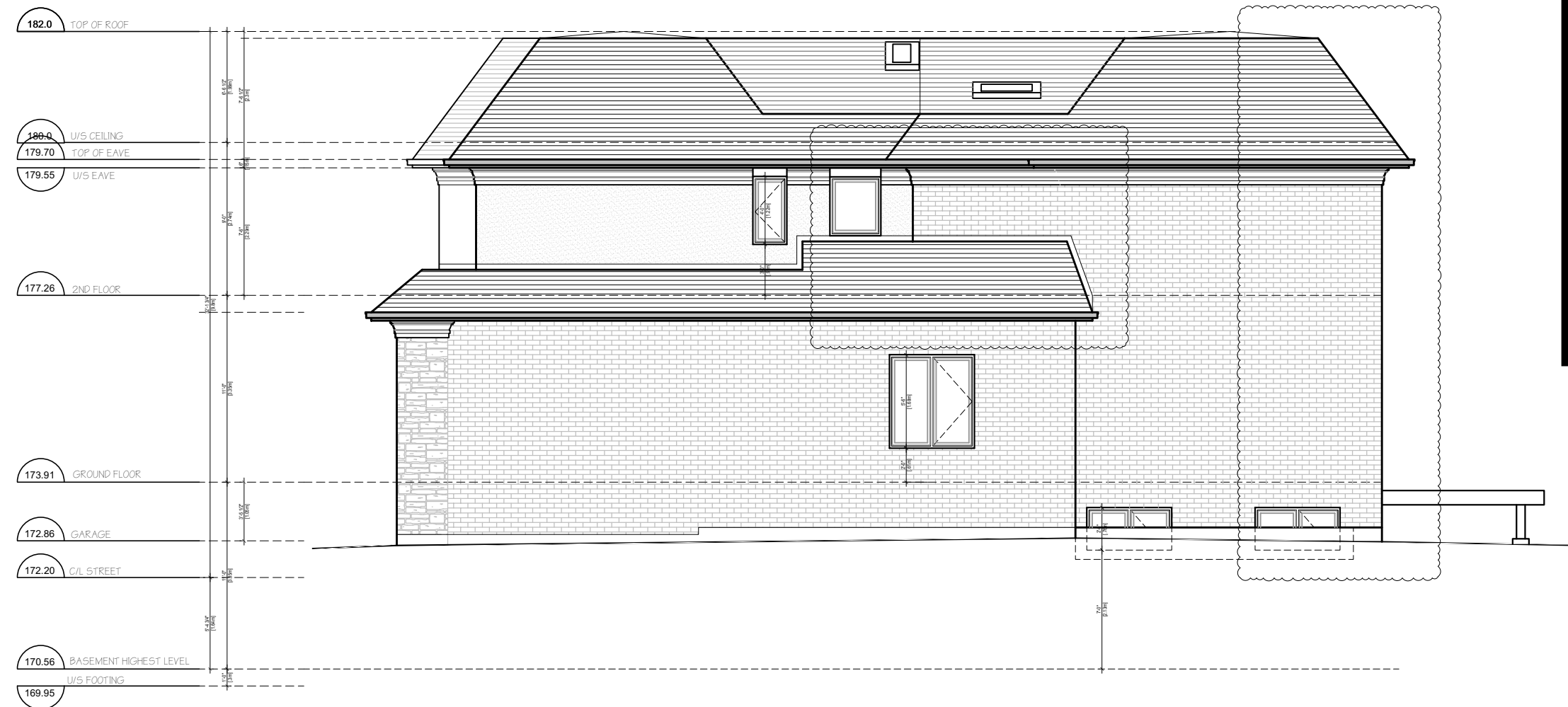
T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com



## Appendix B

File: 22.254661.000.00.MNV

Date: 11/17/22  
MM/DD/YY



### NOTE:

- THIS DRAWING IS NOT FINAL AND/OR CAN NOT BE USED FOR ANY CONSTRUCTION PURPOSES. THE MEASUREMENTS CAN CHANGE WITHOUT A NOTICE.
- DO NOT SCALE DRAWINGS.
- THE PAPER SIZE FOR PRINTING PURPOSES IS 11" x 17".

### REVISIONS

NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2		
3		
4		

A1.9 West Elevation  
SC: 1/100

PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

T: 647 979 (ALIT)  
info@alitdesign.com  
www.ALITDESIGN.com

