

# Memorandum to the City of Markham Committee of Adjustment

August 30, 2022

**File:** A/172/21  
**Address:** 81 Meadowview Avenue, Thornhill  
**Applicant:** Afshin Baghaei  
**Agent:** Urbanscape Architects Inc. (Ali Malek-Zadeh)  
**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 requirements of By-law 2237, as amended, to permit:

**a) Amending By-law 101-90, Section 1.2 (vii):**

a maximum floor area ratio of 56.1 percent (3,462 square feet), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3,086 square feet);

**b) Amending By-law 101-90, Section 1.2 (i):**

a maximum building height of 9.53 m (31.27 ft), whereas the By-law permits a maximum building height of 8.60 m (28.22 ft); and

**c) Amending By-law 101-90, Section 1.2 (iv):**

a maximum building depth of 17.11 m (56.14 ft), whereas the By-law permits of depth of 16.80 m (55.12 ft).

## BACKGROUND

### Property Description

The subject property is located in Thornhill, generally northeast of Yonge Street and Steeles Avenue East. Specifically, the subject property is on the south side of Meadowview Avenue, rectangular in shape and is 573.39 m<sup>2</sup> (6,171.9 ft<sup>2</sup>) in size. The subject property is 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 developed as infill developments.

There is an existing one-storey single detached dwelling on the property, which according to assessment records, was constructed in 1951.

### Proposal

The applicant is proposing to demolish the existing home and construct a 328.5 m<sup>2</sup> (3,535.9 ft<sup>2</sup>) two-storey detached dwelling (See Appendix B).

### 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. 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 Section 8.2.3.5 of the 2014 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 same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways, and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law 2237

The subject property is zoned Fourth Density Single Family Residential (R4) under By-law 2237, as amended, which permits a single family detached dwelling.

#### Residential Infill Zoning By-law #101-90

The subject property is also subject to the Residential Infill Zoning By-law #101-90. 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 the above noted maximum floor area ratio, building height, and building depth.

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

The owner has completed a Zoning Preliminary Review (ZPR) in December 2021 to confirm the variances required for the proposed development. The applicant has also indicated that the drawings were not revised since that time which would have otherwise resulted in changing or removing the required variances identified.

#### **Applicant's Stated Reason(s) for Not Complying with Zoning**

The applicant has not provided any rationale for the proposed variances required other than to simply state that the proposed development does not comply with the permitted lot coverage, building height and building depth provisions.

#### **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 56.1 percent, whereas a maximum floor area ratio of 50 percent is permitted. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 328.47 m<sup>2</sup> (3,535.62

ft<sup>2</sup>), whereas a maximum floor area of 286.7 m<sup>2</sup> (3,086 ft<sup>2</sup>) is permitted. This represents an increase in gross floor area of approximately 41.77 m<sup>2</sup> (449.6 ft<sup>2</sup>) or 14.5 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. 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). In addition to the space associated with the stairs, there is an approximate open to below area of 134.7 m<sup>2</sup> (1,500 ft<sup>2</sup>) on the second floor above the dining room which is excluded from the gross floor area calculation under the by-law.

The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope. Compliance with provisions will ensure 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 in the surrounding area, including a number of nearby infill homes that have obtained variance approval for similar increase in floor area ratio ranging between approximately 52 percent and 58 percent.

#### Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.53 m (31.3 ft), whereas a maximum building height of 8.6 m (28.2 ft) is permitted. This represents an increase of 0.93 m (3.05 ft.) or approximately 10.8 percent.

The By-law calculates building height using the vertical distance of 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 1.46 m (4.8 ft) above the crown of road.

The proposed building height is also consistent with the recent infill development, including a number of nearby infill homes that have obtained variance approval for similar increases in height ranging between 9.84 metres and 10 metres.

#### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.11 m (56.14 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of 0.31 m (1.02 ft.) or approximately 10.8 percent.

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.

### **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 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:



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Nusrat Omer, MCIP, RPP  
Senior Planner, West District

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP  
Senior Planner II, West District

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/172/21**

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:



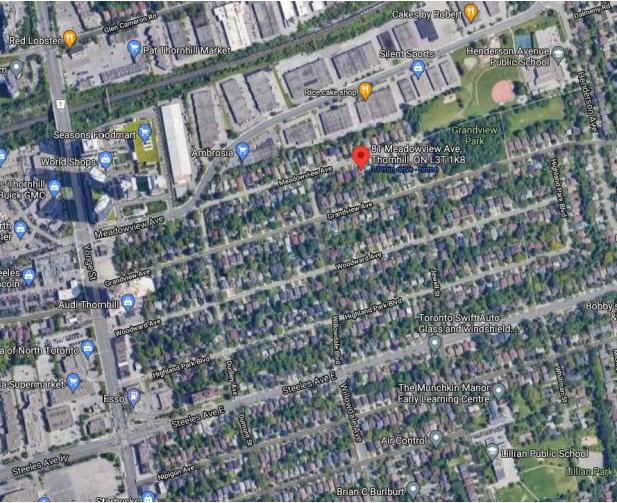
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Nusrat Omer, MCIP, RPP  
Senior Planner, West District

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/172/21**

LOCATION MAP



BYLAW 2237

81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

SINGLE DETACHED 2 STOREY RESIDENTIAL DWELLING

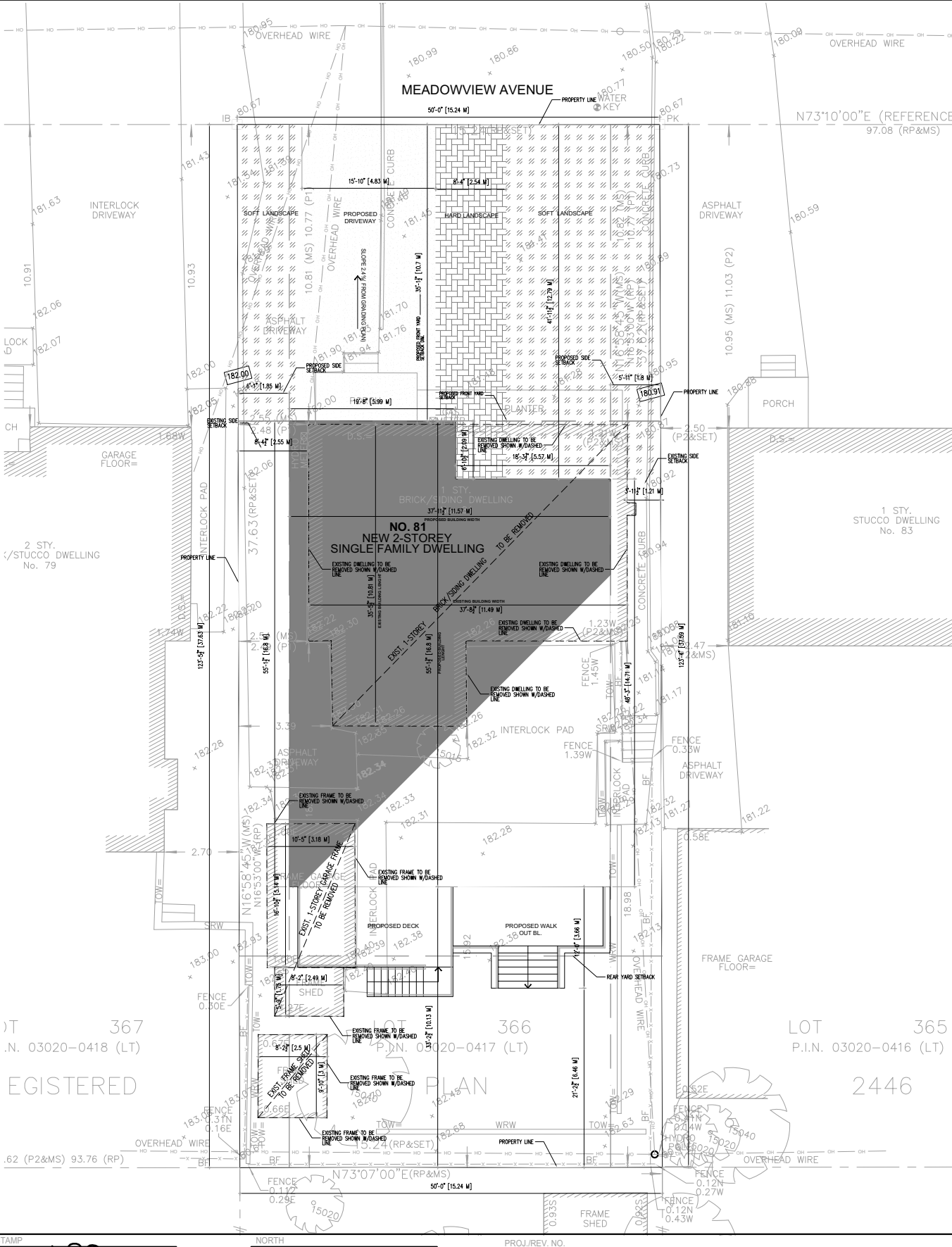
| SITE STATISTICS       |             |
|-----------------------|-------------|
| ZONING DESIGNATION    | R4          |
| MINIMUM LOT AREA      | 6,250 ft²   |
| EXISTING LOT AREA     | 6,171.9 ft² |
| NET LOT AREA          | 6,171.9 ft² |
| MINIMUM LOT FRONTAGE  | 50 ft       |
| EXISTING LOT FRONTAGE | 50 ft       |
| EXCEPTION : -         |             |

| COVERAGE   | MAX. PERMITTED | PROPOSED |
|--|----------------|----------|
| MAXIMUM LOT COVERAGE   | 33.3%          | 31.86%   |
| HEIGHT   | MAX. PERMITTED | PROPOSED |
| MAXIMUM BUILDING HEIGHT<br>(CROWN OF ROAD TO PEAK OF SLOPING ROOF) | 8.6 M          | 8.51 M   |
| FLAT ROOF  | 8.0 M          |          |

| SETBACKS                 | MIN. REQUIRED  | PROPOSED |
|--------------------------|----------------|----------|
| FRONT YARD SETBACK/NORTH | 10.7 M         | 10.7 M   |
| REAR YARD SETBACK /SOUTH | 25 FT - 7.62 M | 10.13 M  |
| SIDE YARD SETBACK /WEST  | 1.80 M         | 1.80 M   |
| SIDE YARD SETBACK /EAST  | 1.80 M         | 1.85 M   |

| GROSS FLOOR AREA CALCULATIONS | PROPOSED                |
|-------------------------------|-------------------------|
| MAXIMUM ALLOWED GFA           | 3,082 ft²               |
| GROUND FLOOR                  | 178.84 M² [1925.06 FT²] |
| SECOND FLOOR                  | 149.62 M² [1610.62 FT²] |
| TOTAL                         | 328.47 M² [3535.68 FT²] |
| CELLAR                        | 131.91 M² [1419.91 FT²] |

| FRONT YARD LANDSCAPE CALCULATIONS       |                                |
|---|--------------------------------|
| AREA OF FRONT YARD                      | 178.4 SQM [1920.35 SQF]        |
| AREA OF DRIVEWAY                        | 51.63 SQM [555.82 SQF]         |
| AREA OF HARD LANDSCAPE                  | 31 SQM [333.68 SQF]            |
| AREA OF FRONT YARD LANDSCAPE(HARD+SOFT) | 126.76 SQM [1364.53 SQF] 71%   |
| AREA OF SOFT LANDSCAPE                  | 95.76 SQM [1030.83 SQF] 53.67% |



Appendix B

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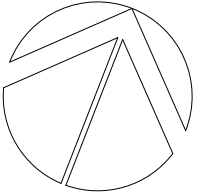
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LIST OF DRAWINGS

- A0-0 STATISTICS
- A0-1 SITE PLAN
- A1-1 BASEMENT FLOOR PLAN
- A1-2 GROUND FLOOR PLAN
- A1-3 SECOND FLOOR PLAN
- A1-4 ROOF PLAN
- A2-1 FRONT (SOUTH) & REAR (NORTH) ELEVATION
- A2-2 SIDE (WEST) ELEVATION
- A2-3 SIDE (EAST) ELEVATION

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| PROJ./REV. NO.<br>335-21 MEADOWVIEW                     | DWG. NO.<br>A0.1<br>11"x17" SHEET SIZE |
| SHEET TITLE<br>SITE PLAN / STATISTICS<br>SC: 1/16"=1'-0 |  |

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DESIGN



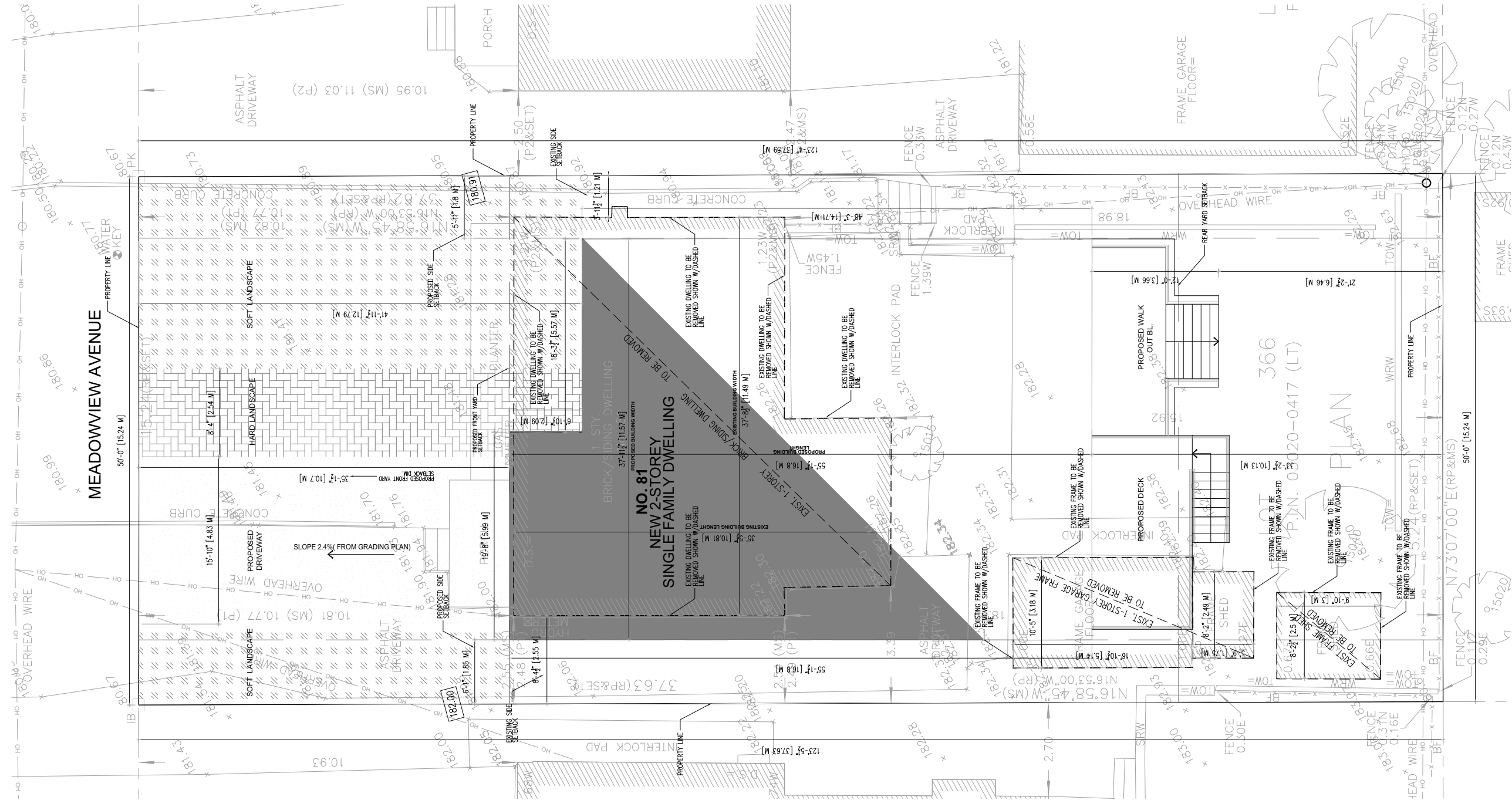
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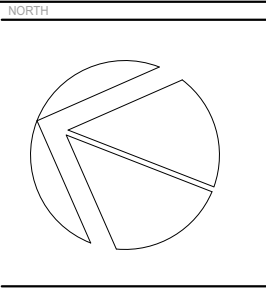
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
SITE PLAN  
SC: 3/32"=1'-0

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG. NO.

A1.0

11"x17" SHEET SIZE

DESIGN

URBANSCAPE  
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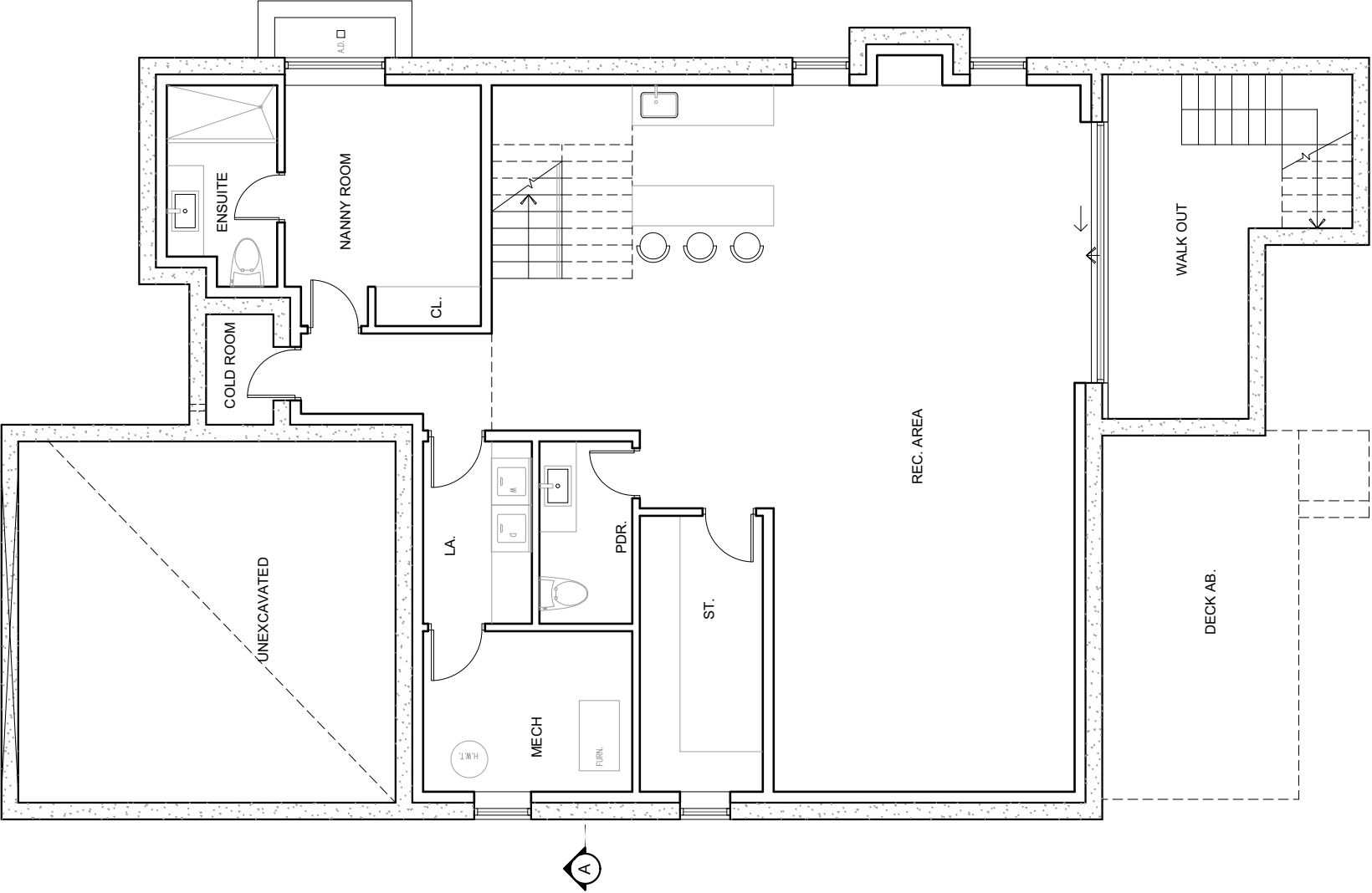
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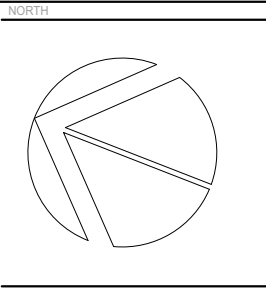
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
BASEMENT FLOOR PLAN

SC:  $\frac{1}{8}'' = 1'-0$

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG NO.  
**A1.1**

11"x17" SHEET SIZE

DESIGN

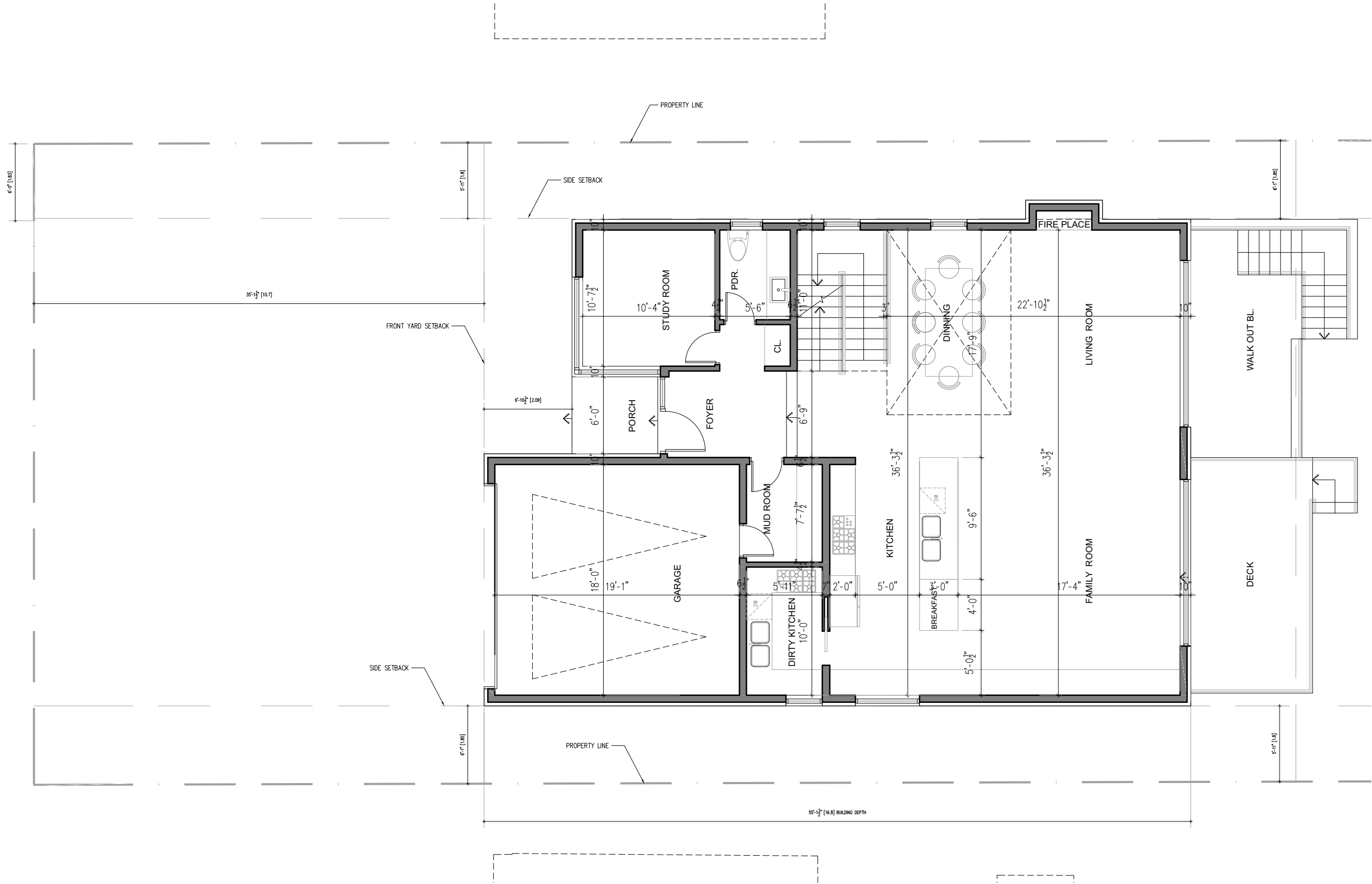
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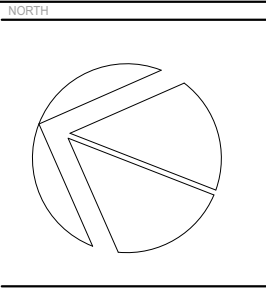
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
GROUND FLOOR PLAN  
SC: 1/8"=1'-0"

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG NO.  
**A1.2**  
11"x17" SHEET SIZE

DESIGN

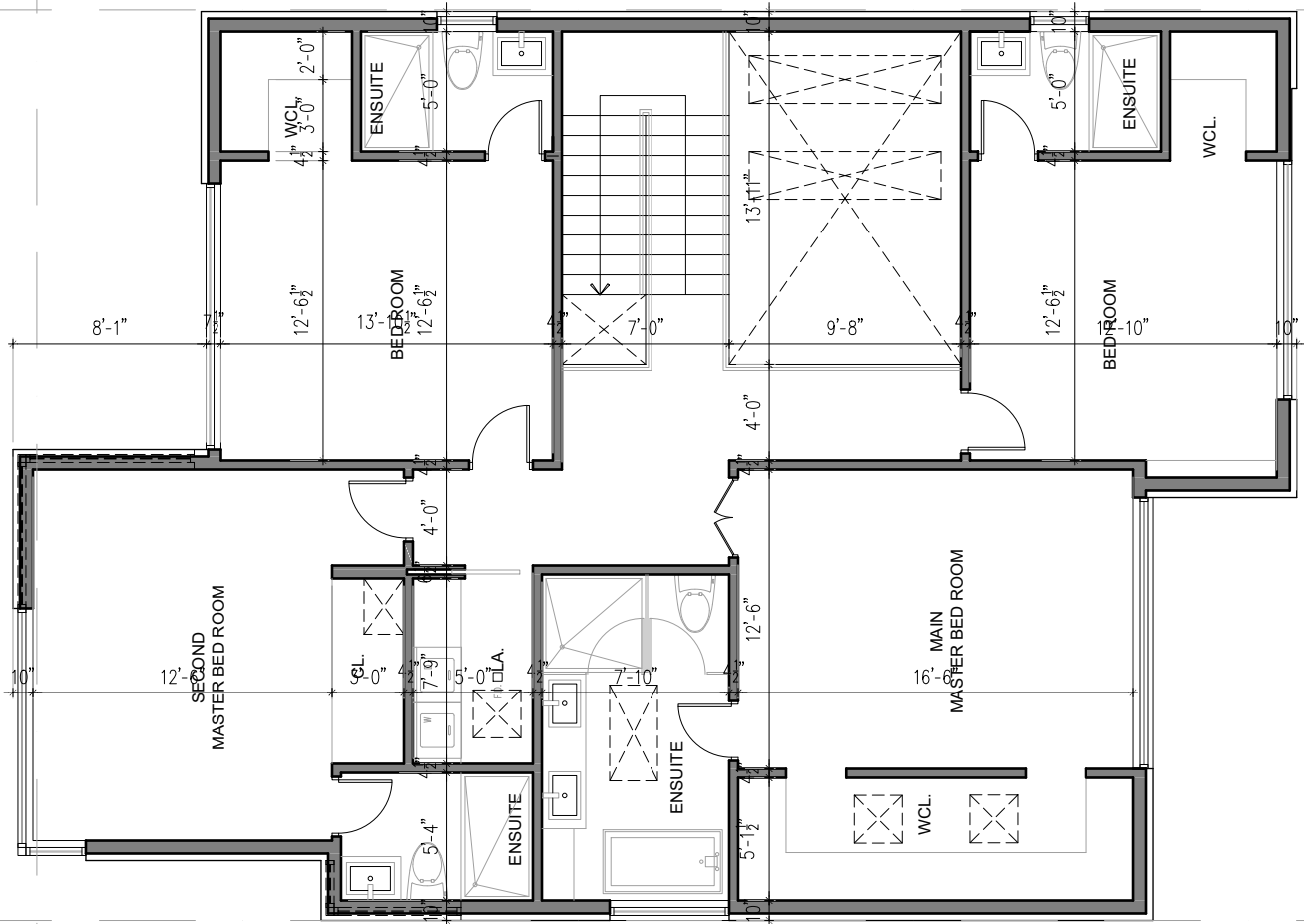
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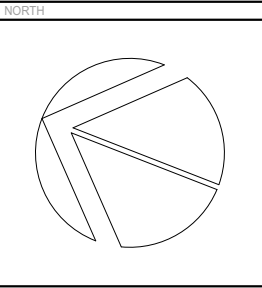
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
SECOND FLOOR PLAN

SC: 1/8"=1'-0"

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

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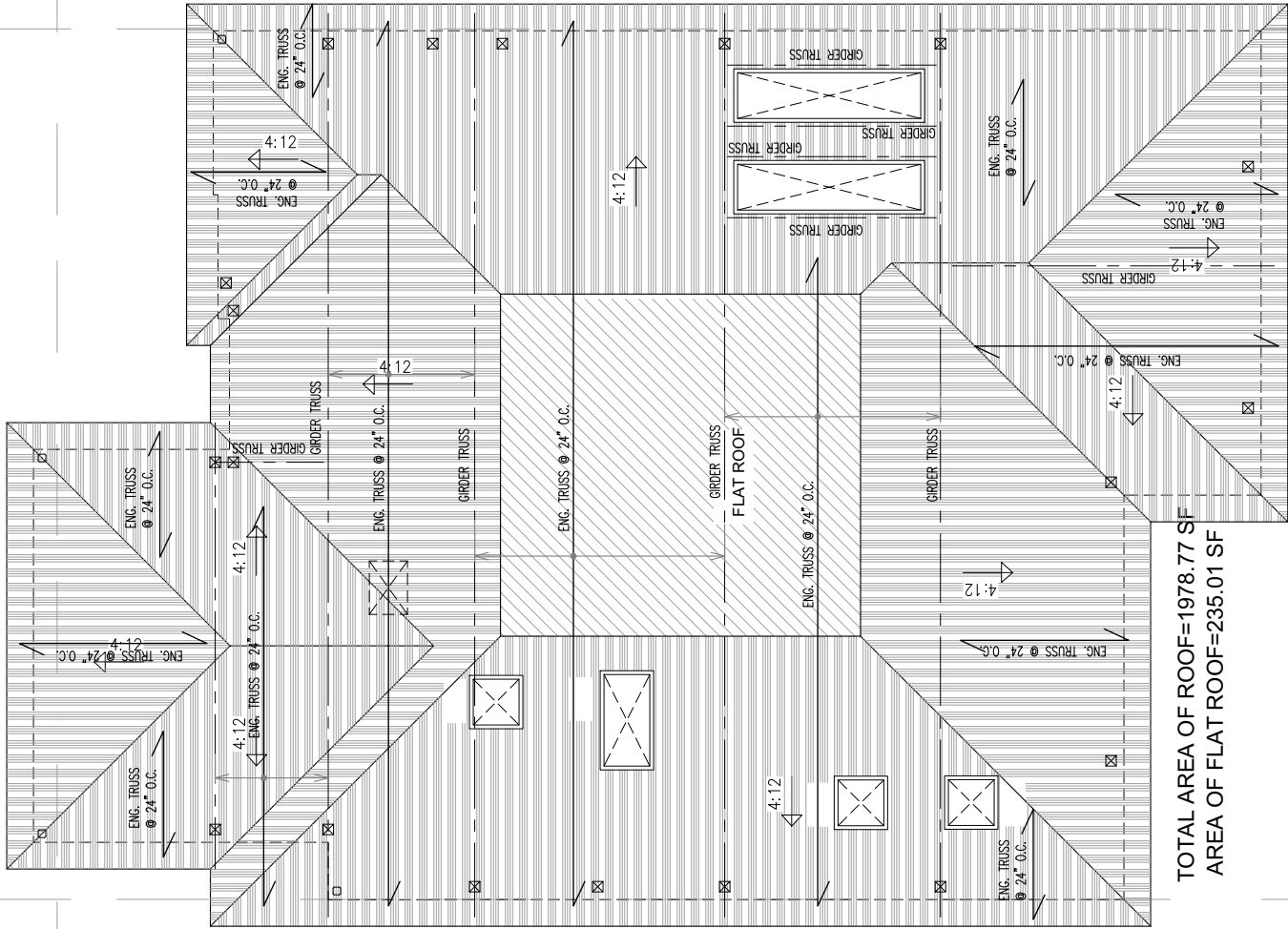
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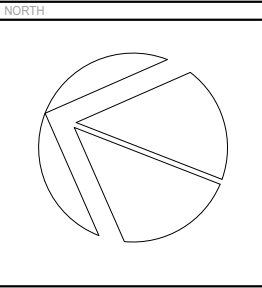
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TOTAL AREA OF ROOF=1978.77 SF  
AREA OF FLAT ROOF=235.01 SF

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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE

ROOF PLAN  
SC: 1/8" = 1'-0"

PROJECT

81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG NO.

A1.4

11"x17" SHEET SIZE

DESIGN

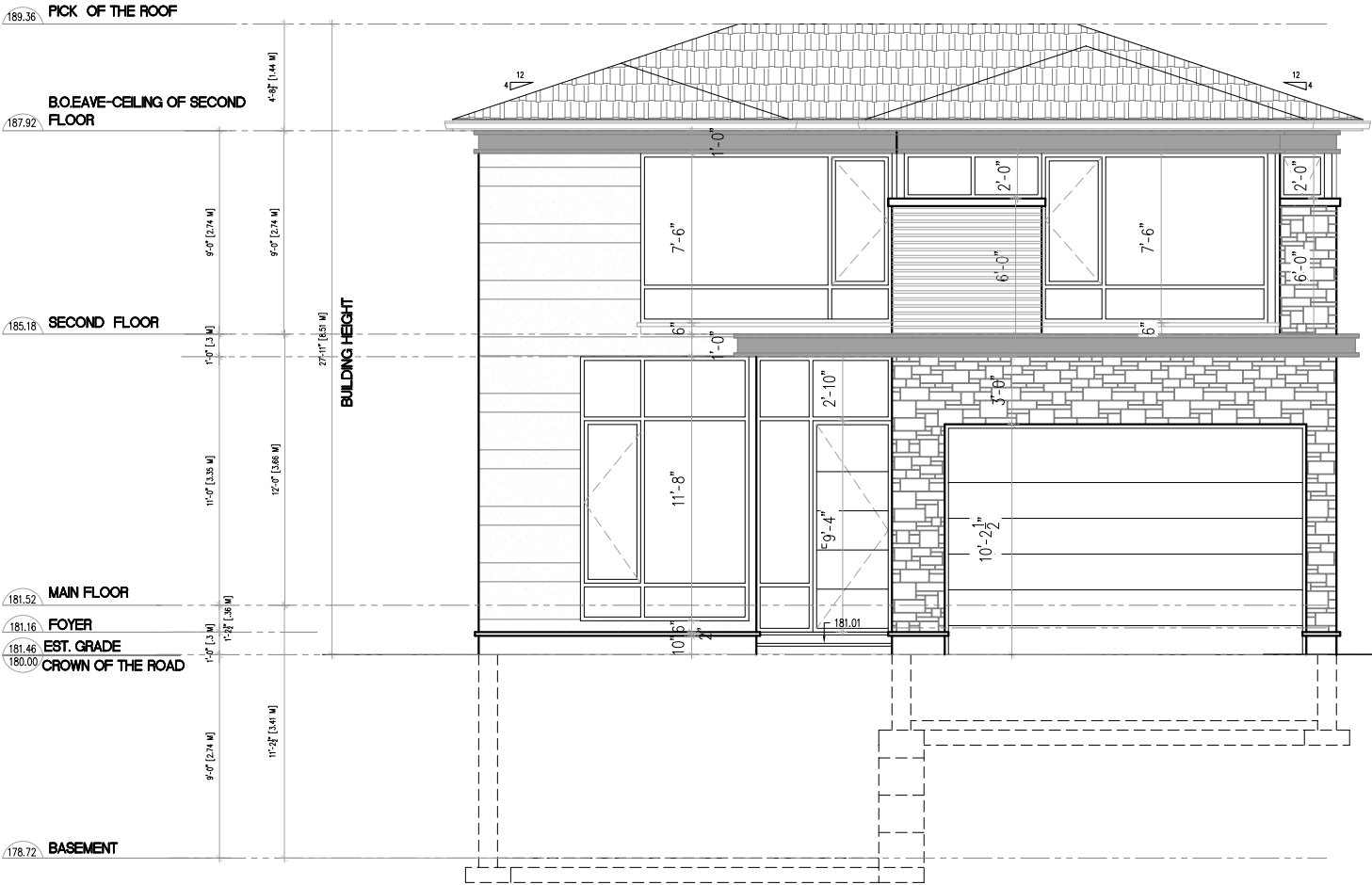


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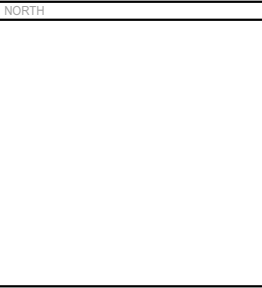
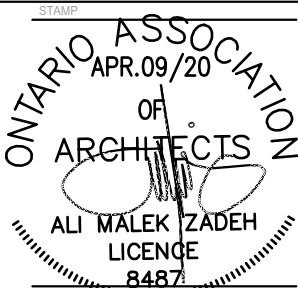
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
FRONT (NORTH) & REAR (SOUTH) ELEVATION  
SC. 1/8"=1'-0"

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG NO.  
A2.1  
11"x17" SHEET SIZE

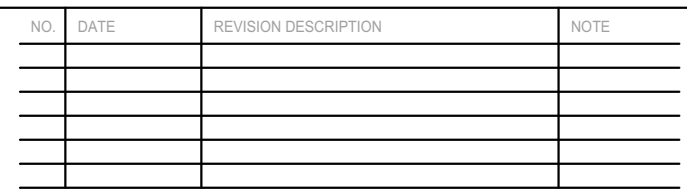
DESIGN

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| PROJ./REV. NO.                             |  |
| 335-21 MEADOWVIEW                          |  |
| SHEET TITLE                                |  |
| SIDE (WEST) ELEVATION                      |  |
| SC: $\frac{1}{8}$ " = 1'-0"                |  |
| PROJECT                                    |  |
| 81 MEADOWVIEW AVE<br>THORNHILL, ON L3T 1K8 |  |

DESIGN

 **URBANSCAPE**  
ARCHITECTS

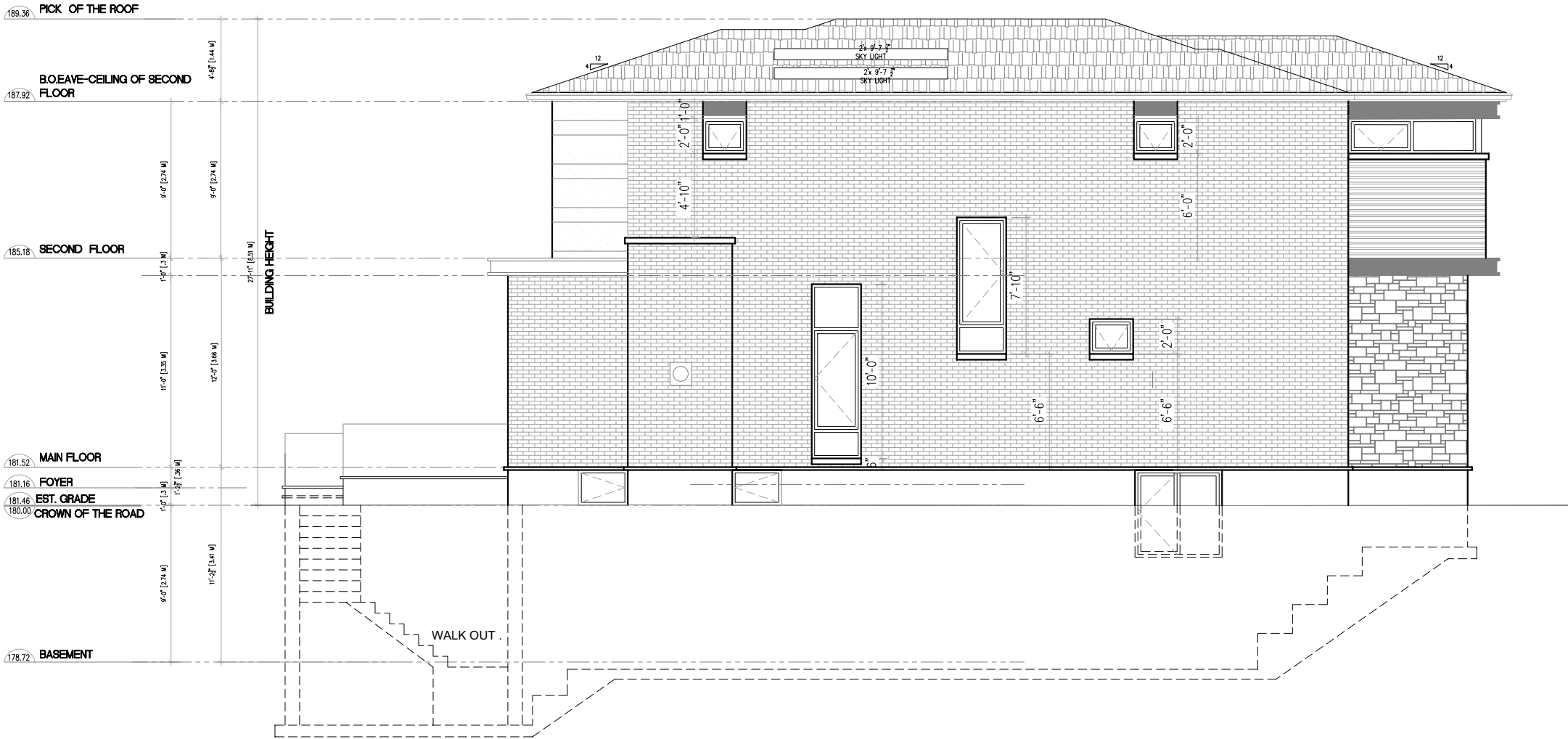
236 LESMILL ROAD, TORONTO, ON, M3B 2T5  
phone: 416.850.0021  
info@urbanscaarchitect.com | www.urbanscapearchitect.com



Appendix B

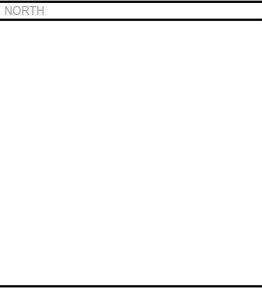
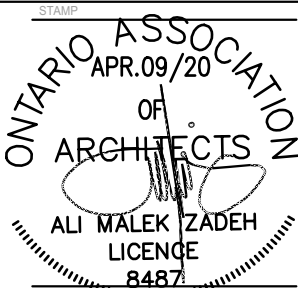
File: 21.143404.000.00.MNV

Date: 08/26/22  
MM/DD/YY



| NO. | DATE | REVISION DESCRIPTION | NOTE |
|-----|------|----------------------|------|
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PROJ./REV. NO.  
335-21 MEADOWVIEW

SHEET TITLE  
SIDE (EAST) ELEVATION  
SC: 1/8"=1'-0"

PROJECT  
81 MEADOWVIEW AVE  
THORNHILL, ON L3T 1K8

DWG NO.  
**A2.3**  
11"x17" SHEET SIZE

DESIGN

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