

Memorandum to the City of Markham Committee of Adjustment

October 02, 2019

File: A/103/19
Address: 48 Grandview Avenue, Thornhill
Applicant: Paar Design (Nikol Paar)
Agent: (none)
Hearing Date: Wednesday October 23, 2019

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the Residential Fourth Density (R4) zone in By-law 2237, as amended:

- a. **Infill By-law 101-90, Section 1.2(i) - Building Height:**
a maximum building height of 8.9 metres, whereas the By-law permits a maximum building height of 8.6 metres;
- b. **Section 6.1 - Minimum Side Yard Setback:**
a minimum westerly side yard setback of 1.51 metres; whereas the By-law requires a minimum side yard setback of 1.8 metres;
- c. **Infill By-law 101-90, Section 1.2(vii) - Maximum Floor Area Ratio:**
a maximum floor area ratio of 54.8 percent (3,410.10 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,113 sq.ft.);

as it relates to a proposed two-storey detached dwelling.

BACKGROUND

Property Description

The 578.05 m² (6222.08 ft²) subject property is located on the north side of Grandview Avenue, west of Willowdale Boulevard and south of Meadowview Avenue. There is an existing one storey single detached dwelling on the property, which according to assessment records was constructed in 1950. 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 developed as infill developments. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new 316.81 m² (3410.10 ft²) two-storey single detached dwelling with a front covered porch and basement walkout.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2014 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, including 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 and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned Residential Fourth Density (R4) under By-law 2237, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to the minimum side yard setback.

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 maximum floor area ratio and height.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, "*Design requirement per client.*"

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on September 24, 2019 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;
- 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 54.8 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 316.80 m² (3410.10 ft²), whereas the By-law permits a dwelling with a maximum floor area of 289.21m² (3113 ft²). This represents an increase of approximately 27.59 m² (296.98 ft²) or 9.54 percent.

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. The building layout meets other zoning provisions that establish the prescribed building envelope such as front and rear yard setbacks and lot coverage. In Staff's opinion

the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.9 m (29.20 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22ft). This represents an increase of 0.3 m (0.98 ft). Staff believe the variance for maximum building height to be minor in nature and comparable to development in the surrounding area.

Reduced Side Yard Setback

The applicant is requesting a minimum west side yard setback of 1.51 m (4.95 ft), whereas the by-law requires a minimum side yard setback of 1.80 m (5.90 ft) for the two-storey portion of the dwelling. This represents a reduction of 0.29 m (0.95 ft). This reduction in side yard setback is minor in nature and does not appear to negatively impact neighbouring properties in terms of grading or landscaping.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 10, 2019. 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.

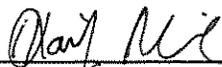
CONCLUSION

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:



Hailey Miller/Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/103/19

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 October 4, 2019, 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 Director of Operations 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 Director of Operations.
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 Director of Operations;

CONDITIONS PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

MEADOWVIEW ROAD

LOT 332
P.L.N. 03020-0432 (LT)

REGISTERED

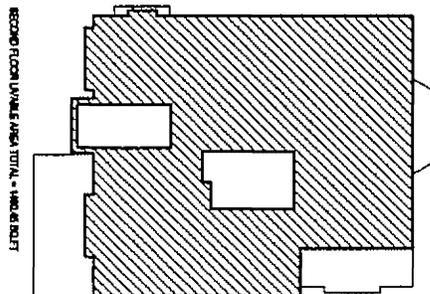
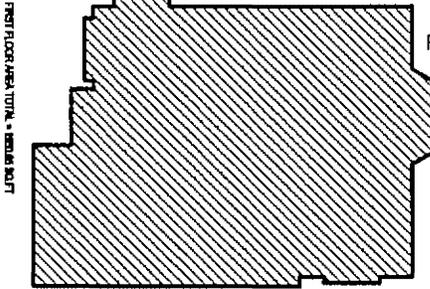
REGISTERED

LOT 380
P.L.N. 03020-0431 (LT)

PLAN

LOT 2446
P.L.N. 03020-0431 (LT)

2446

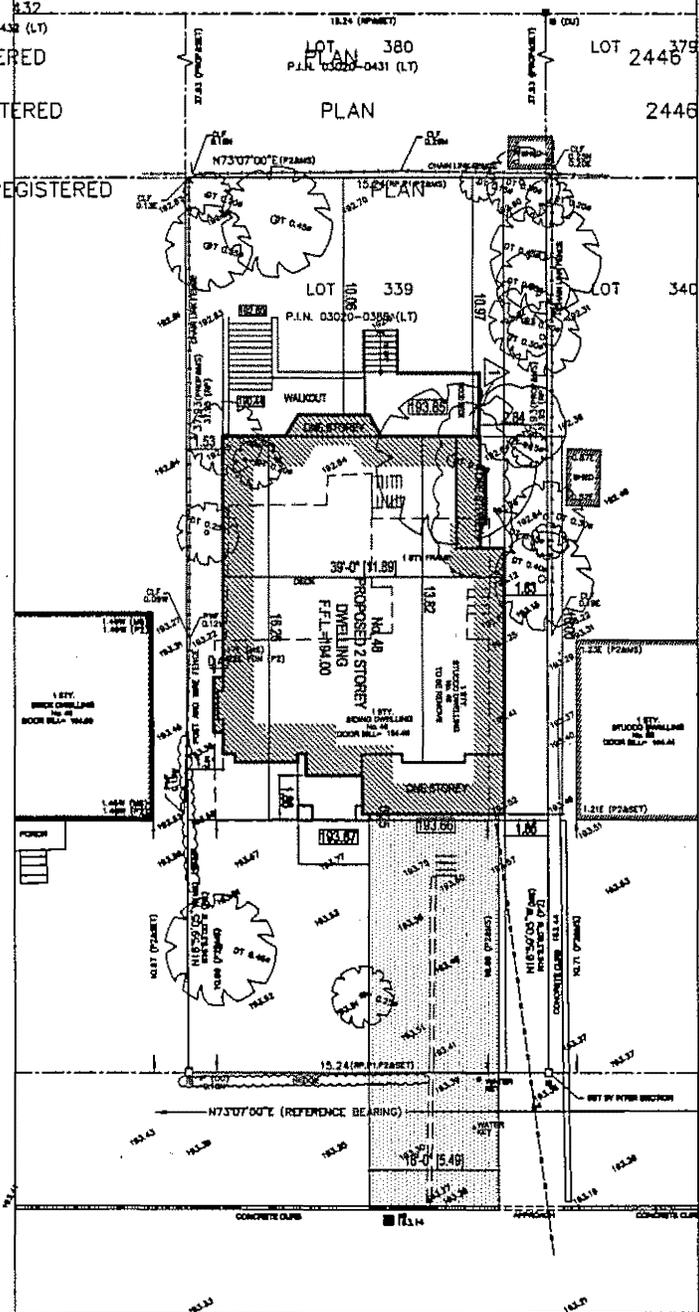


FIRST FLOOR AREA TOTAL - HATCHED SOLID

SECOND FLOOR AREA TOTAL - HATCHED SOLID

SITE INFORMATION
 LOT AREA - 60,000 SQ. FT. (1.37 AC. ±)
 LOT COVERED AREA - 15,000 SQ. FT. (0.34 AC. ±)
 (INCLUDING COVERED PORCH AREA)
NET FLOOR AREA:
 FIRST FLOOR AREA TOTAL - 10,000 SQ. FT.
 SECOND FLOOR AREA TOTAL - 10,000 SQ. FT.
 TOTAL FLOOR AREA TOTAL - 20,000 SQ. FT.
 (INCLUDING COVERED PORCH AREA)

EXISTENCE	PROPOSED
LOT COVERED AREA	15,000 SQ. FT. (0.34 AC. ±)
NET FLOOR AREA	20,000 SQ. FT. (0.46 AC. ±)
NET FLOOR AREA TOTAL	20,000 SQ. FT. (0.46 AC. ±)

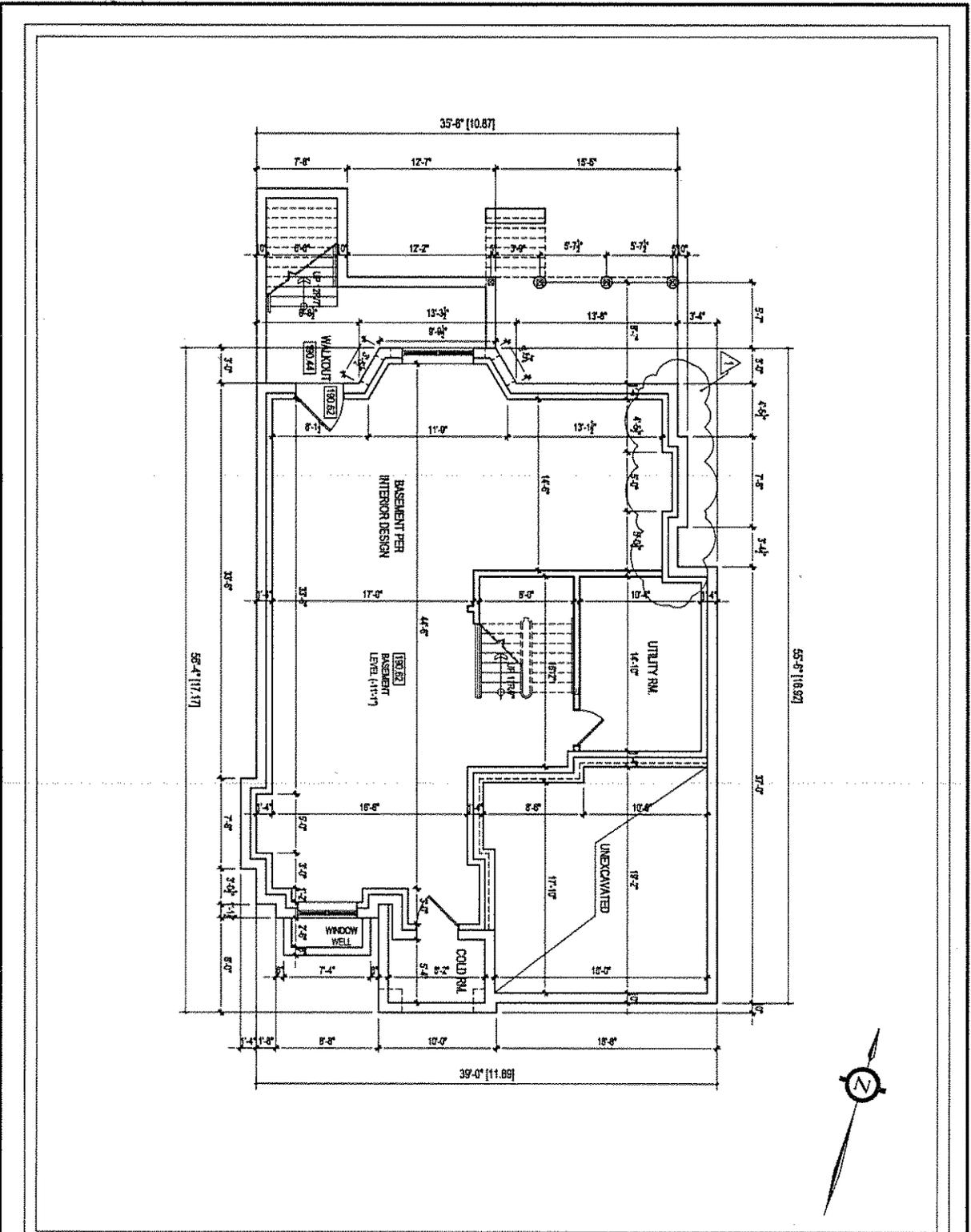


GRANDVIEW AVENUE
 (DEDICATED BY REGISTERED PLAN 2446)
 (P.L.N. 03020-0501 (LT))

CITY OF MARKHAM
 RECEIVED
 OCT 04 2019
 COMMITTEE OF ADJUSTMENT

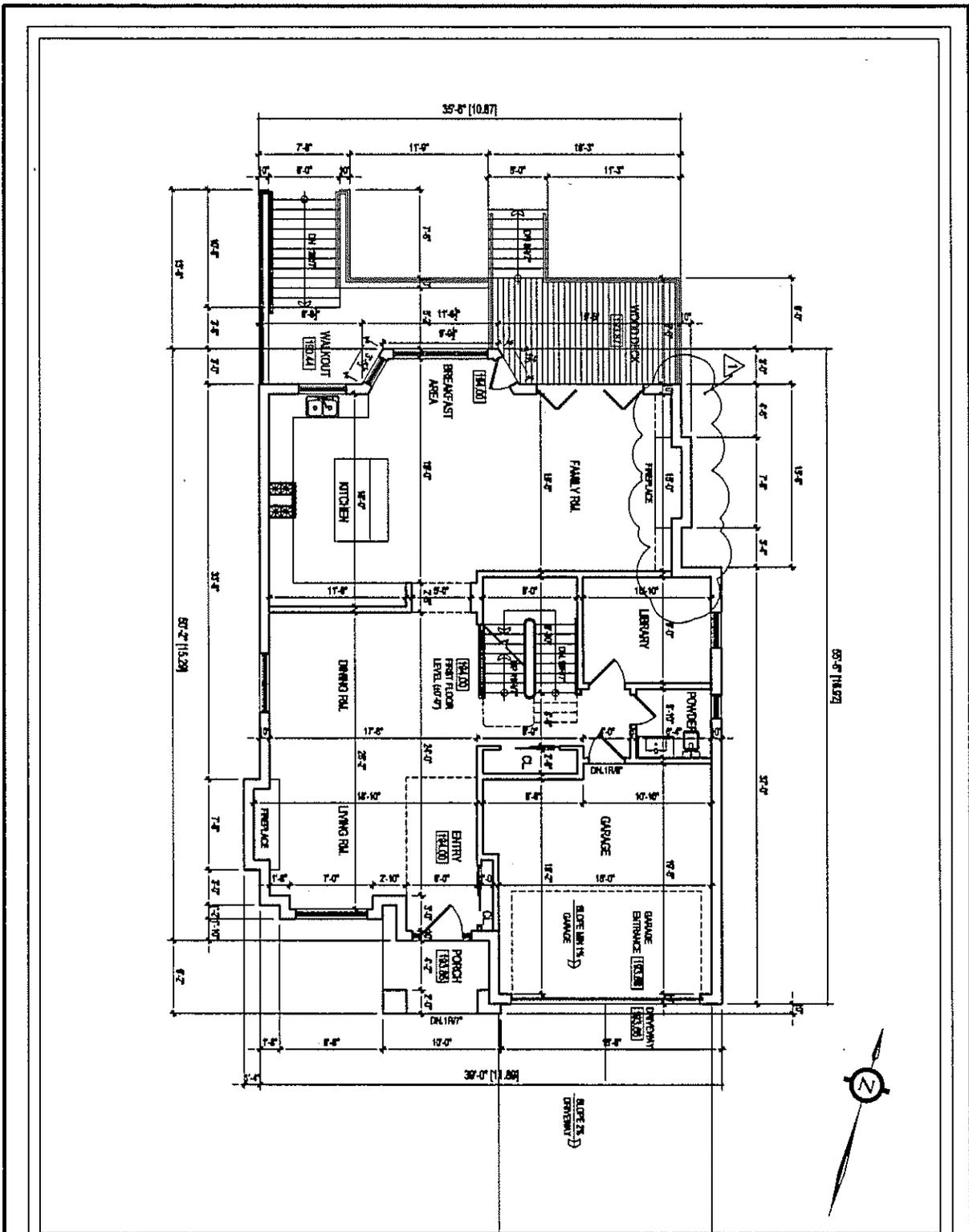
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<p>10/1/2019 10/1/2019</p>	<p>10/1/2019 10/1/2019</p>	<p>10/1/2019 10/1/2019</p>	<p>10/1/2019 10/1/2019</p>

AO.1



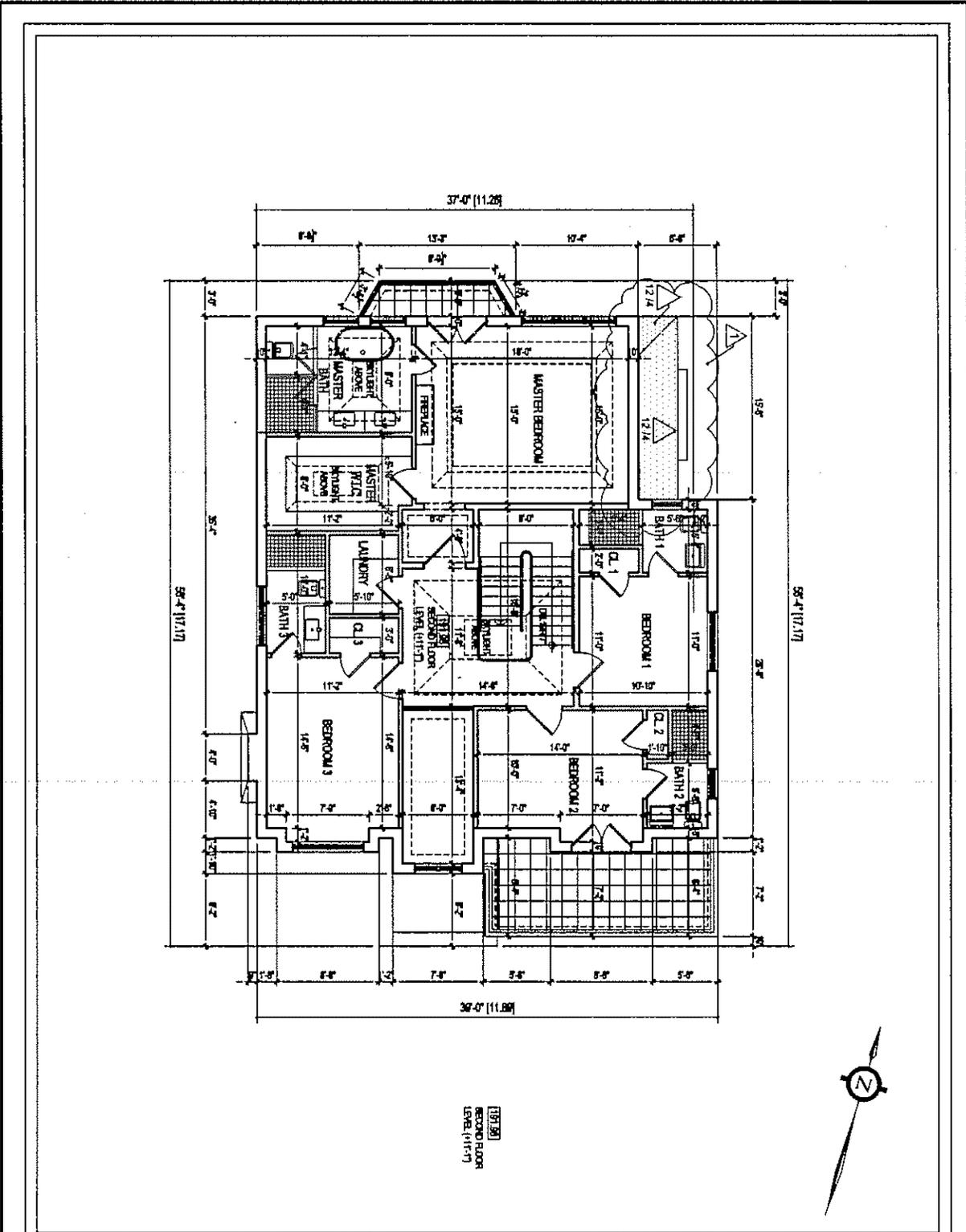
NO.	DATE	DESCRIPTION
1	10/10/11	ISSUED FOR PERMITS
2	10/10/11	REVISIONS
3	10/10/11	REVISIONS
4	10/10/11	REVISIONS

PAAR PLANNING ARCHITECTURE 1000 W. 10TH AVENUE SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 FAX: 303.733.1112 WWW.PAARARCHITECTS.COM	PAAR DESIGN INC. 1000 W. 10TH AVENUE SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 FAX: 303.733.1112 WWW.PAARARCHITECTS.COM	No. 43 GRANDVIEW AVENUE CITY OF BARRAHAM 2 STOREY DWELLING BASEMENT PLAN	Scale: 1/8"=1'-0" A1.1
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NO.	DATE	REVISIONS
1	12-15-10	ISSUED FOR PERMITS
2	01-10-11	REVISED PER COMMENTS
3	02-10-11	REVISED PER COMMENTS
4	03-10-11	REVISED PER COMMENTS

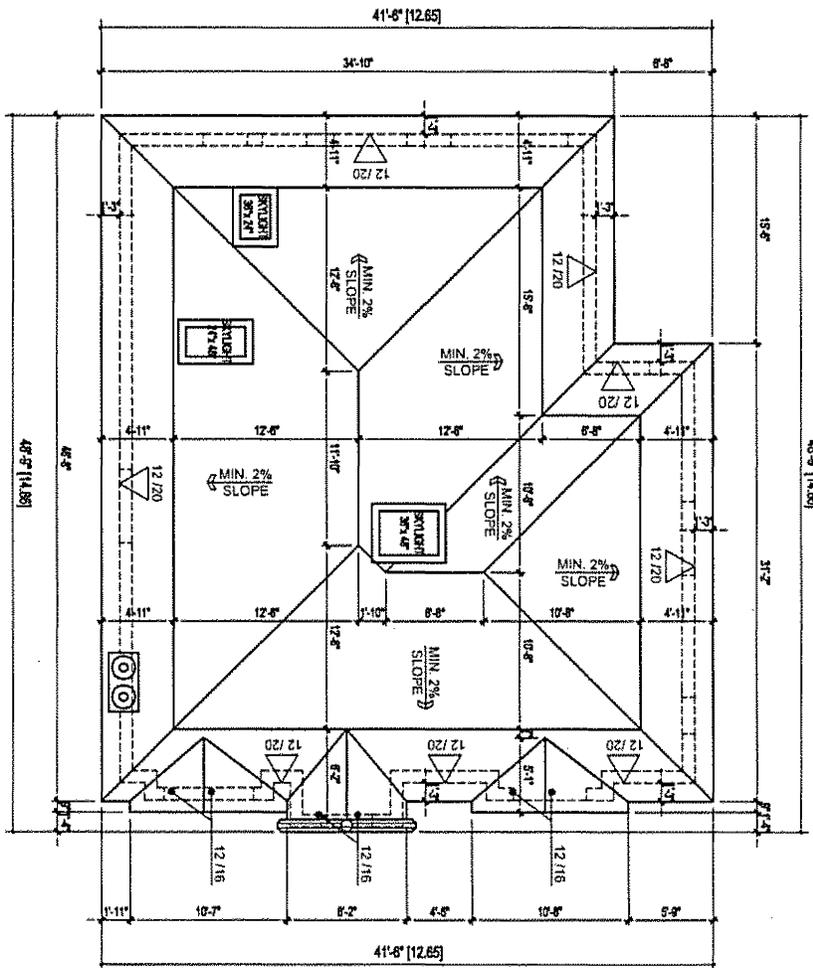
PAAR ARCHITECTS 1000 W. 10th St. Suite 100 Fargo, ND 58103 (701) 785-1100 www.paararchitects.com	PROJECT No. 48 GRANDVIEW AVENUE CITY OF HARRINGHAM 2 STOREY DWELLING FIRST FLOOR PLAN	SCALE 1/8" = 1'-0" A1.2
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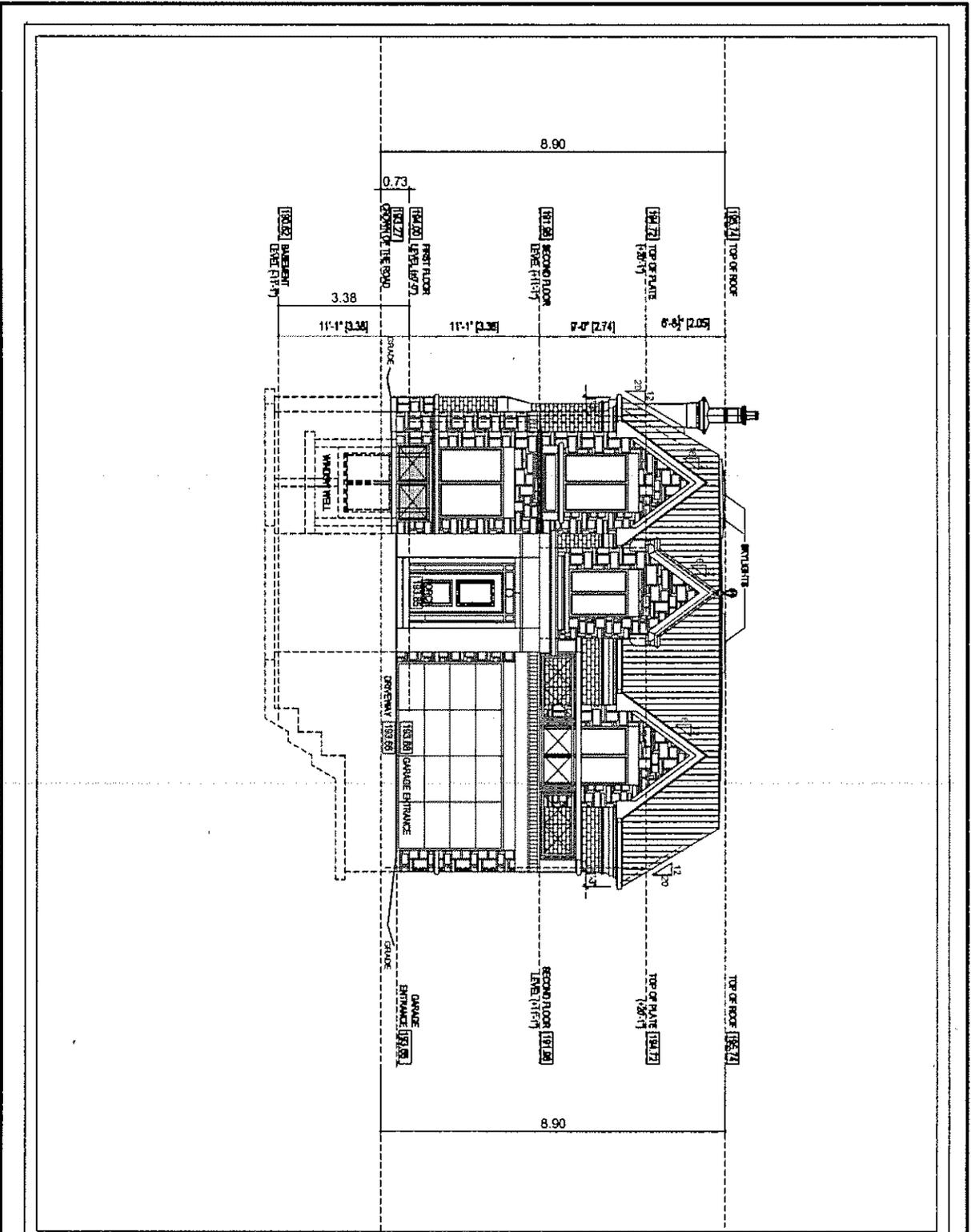
NO.	DATE	DESCRIPTION
1	10/10/11	ISSUED FOR PERMIT
2	10/10/11	ISSUED FOR PERMIT
3	10/10/11	ISSUED FOR PERMIT

<p>PAAR ARCHITECTS 1111 1/2 ST SUITE 100 VANCOUVER, BC V6E 2E6 TEL: 604-271-1111 WWW.PAARARCHITECTS.COM</p>	<p>7445 ORDENANCE NO. 11111/11/11</p>	<p>Scale 1/8"=1'-0" A1.3</p>
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<p>NO. 49 GRANDVIEW AVENUE CITY OF MARCHAM 2 STOREY DWELLING SECOND FLOOR PLAN</p>
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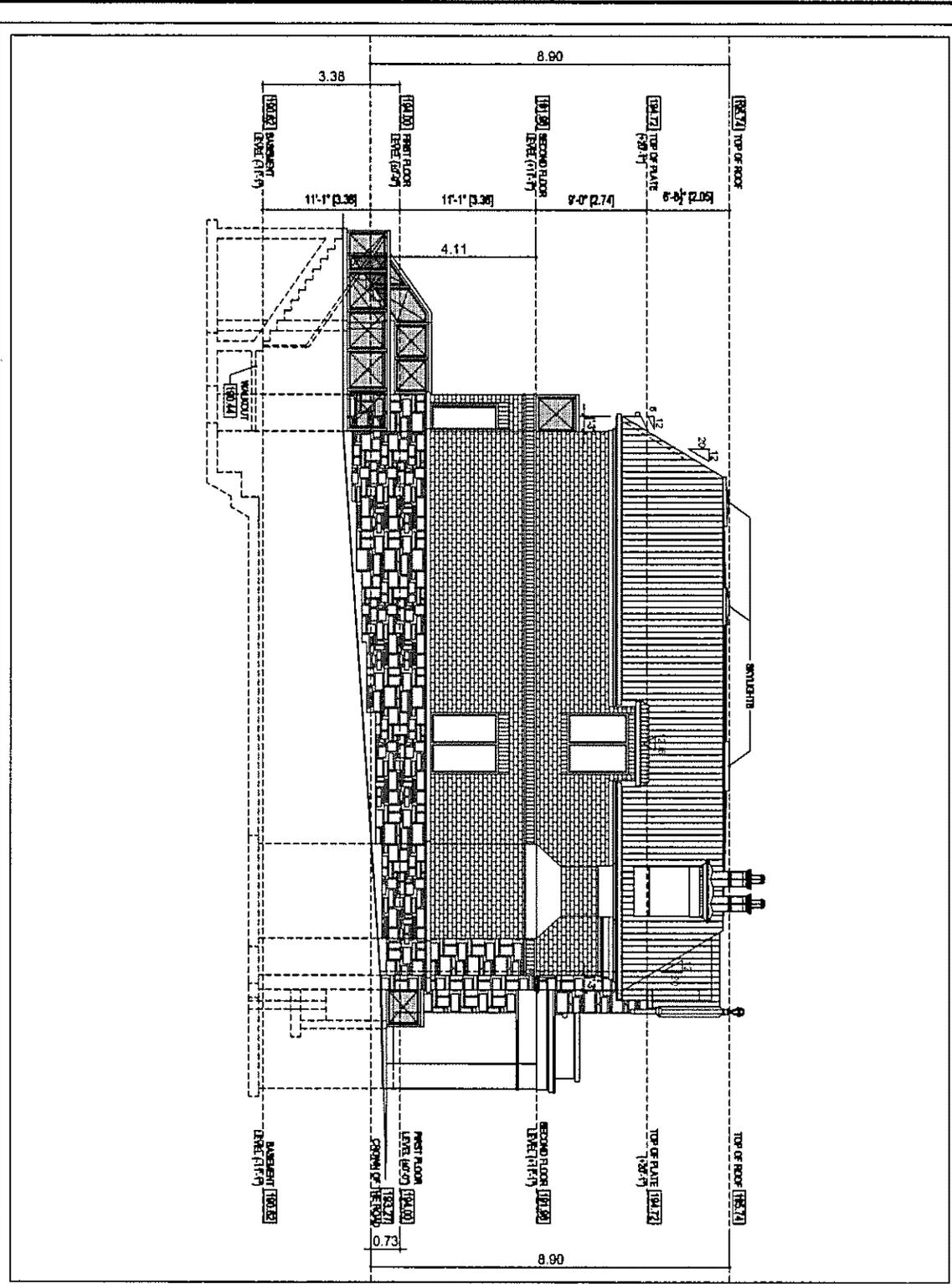


		PAAR DESIGN 11770 Grandview Avenue, Suite 100 Grandview, Colorado 80031 Phone: (303) 440-1177 Fax: (303) 440-1178 Email: info@paardesign.com	
PROJECT:		No. 48 GRANDVIEW AVENUE CITY OF MARGRAH 2 STOREY DWELLING ROOF PLAN	
SCALE:		scale 1/8"=1'-0" A1.4	
SHEET:		1 OF 2 SHEETS	
DATE:		12/15/20	
DRAWN BY:		[Signature]	
CHECKED BY:		[Signature]	
APPROVED BY:		[Signature]	



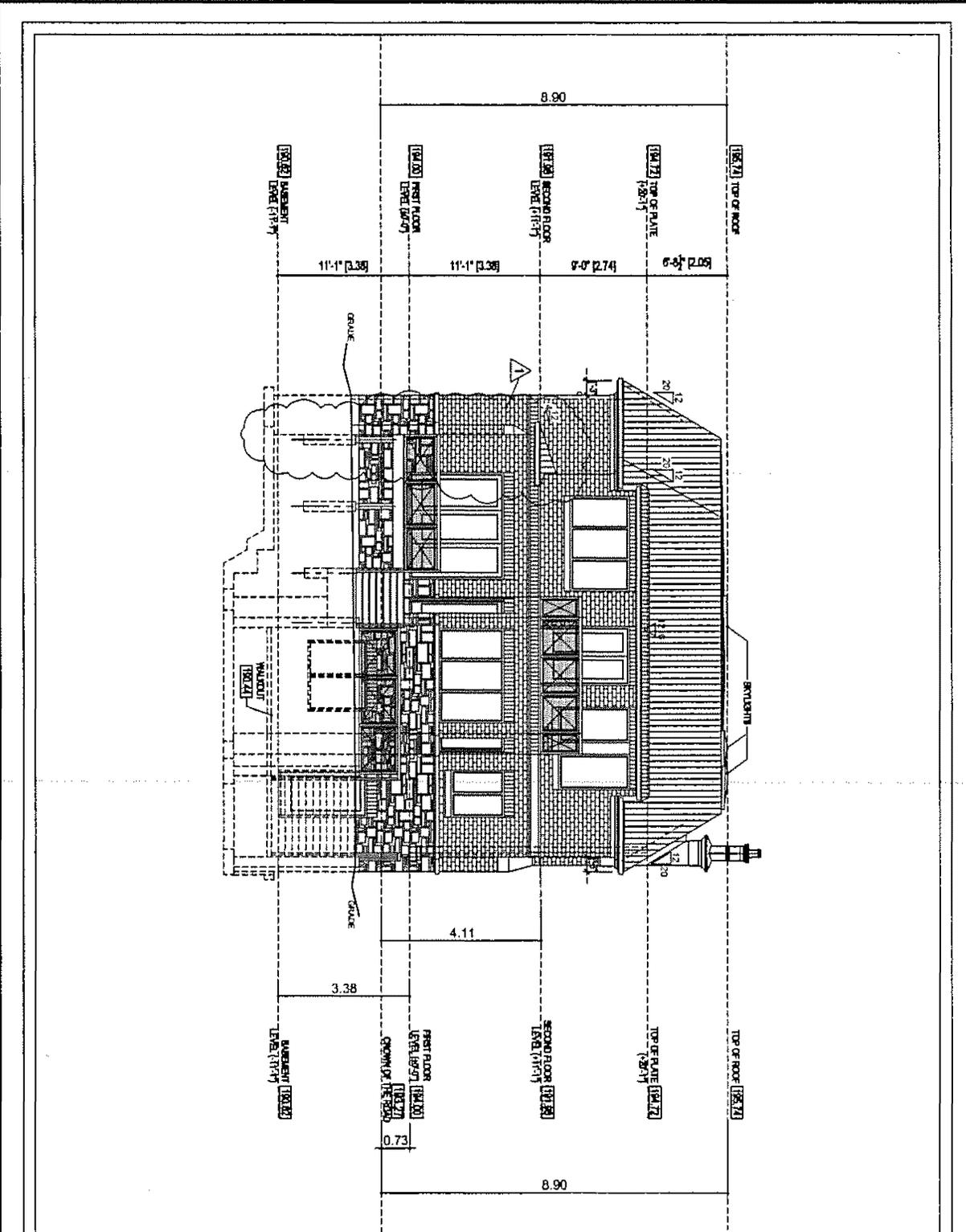
NO.	DATE	DESCRIPTION
1	18.08.20	PRELIMINARY DRAWING
2	18.09.20	REVISIONS TO DRAWING
3	18.10.20	FINAL DRAWING

PAAR ARCHITECTS 10/11 BARRACK STREET SYDNEY NSW 2000 TEL: (02) 9550 1111 FAX: (02) 9550 1112 WWW.PAARARCHITECTS.COM.AU	No. 40 GRANDVIEW AVENUE CITY OF BARRBRA 2 STOREY DWELLING FRONT SOUTH ELEVATION	Scale 1/8"=1'-0" A2.1
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NO.	DATE	DESCRIPTION
1	10-10-19	ISSUED FOR PERMITS
2	11-10-19	ISSUED FOR CONSTRUCTION
3	12-10-19	ISSUED FOR CONSTRUCTION

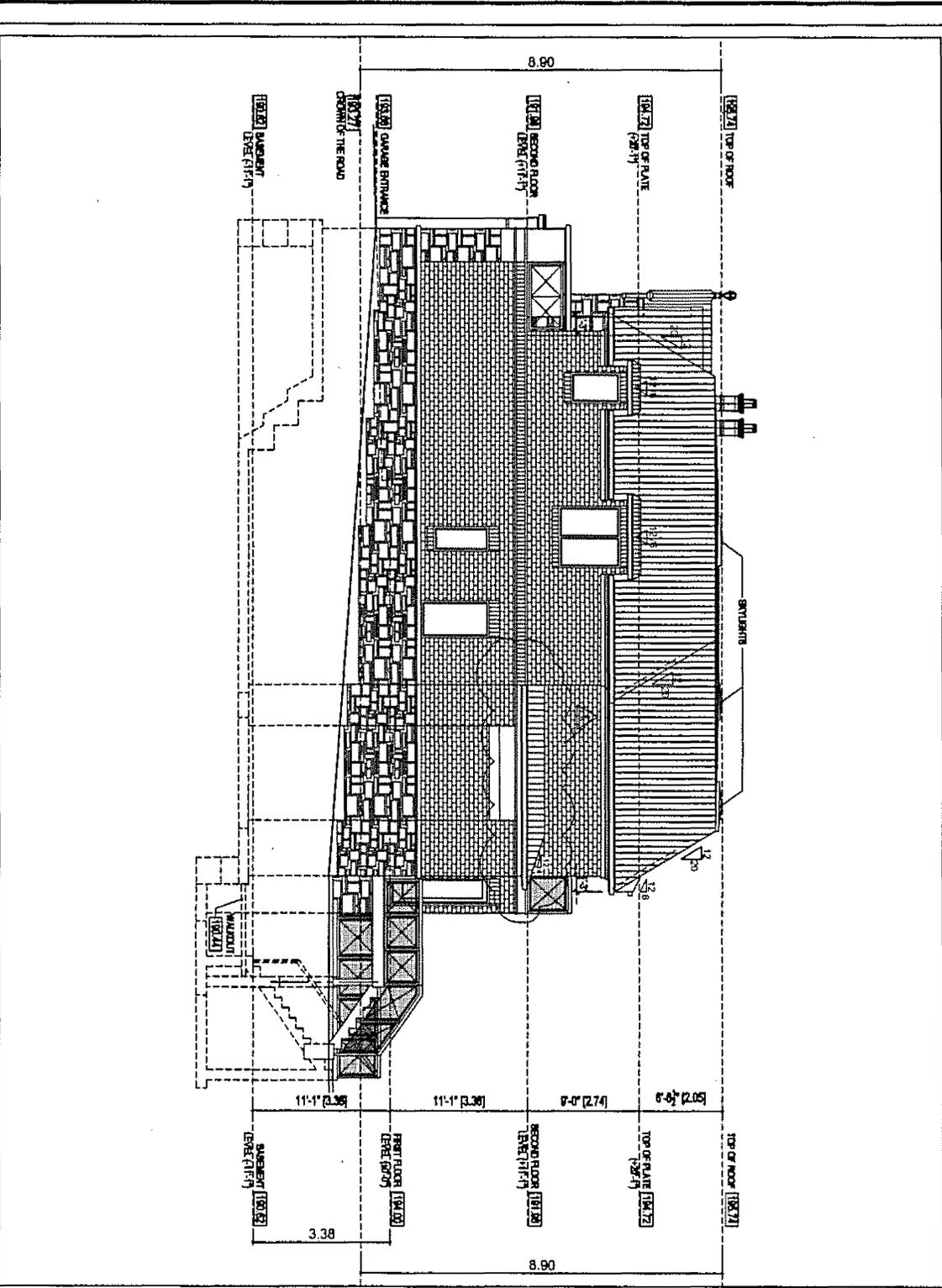
PMAR PROFESSIONAL ARCHITECTS 1110 14th Street, N.E. Atlanta, Georgia 30309 Phone: (404) 525-1111 Fax: (404) 525-1112 www.pmar.com	No. 48 GRADWELL AVENUE CITY OF MARIETTA 2 STOREY DWELLING SIDE WEST ELEVATION	Scale 1/8"=1'-0" A2.2
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NO.	DATE	DESCRIPTION
1	10/27/20	ISSUED FOR PERMITS
2	11/10/20	REVISIONS
3	11/10/20	REVISIONS

PROJECT: GRANDVIEW AVENUE CITY OF MARYSHAM 2 STOREY DWELLING REAR/NORTH ELEVATION	SCALE: 1/8"=1'-0" A2.3
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PAAR
 ARCHITECTS
 11111 15th Avenue S.E.
 Suite 100
 Bellevue, WA 98004
 Phone: 206.453.1111
 Fax: 206.453.1112
 Email: info@paar.com



NO.	DESCRIPTION	DATE
1	PREPARED FOR SUBMITTAL	10/10/2010
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	

PROJECT No. 48 GRANDVIEW AVENUE CITY OF WARRAHAM 2 STOREY DWELLING SIDE/EAST ELEVATION	SCALE 1/8"=1'-0"	DATE A2.4
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PAAR ARCHITECT 1000 W. 10th St. Vancouver, BC V6H 2G6 TEL: 604-275-1111 FAX: 604-275-1112 WWW.PAARARCHITECT.COM	PAAR DESIGN INC. 1000 W. 10th St. Vancouver, BC V6H 2G6 TEL: 604-275-1111 FAX: 604-275-1112 WWW.PAARARCHITECT.COM
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