

Memorandum to the City of Markham Committee of Adjustment

October 29, 2019

File: B/20/19
Address: 20 Grandview Boulevard, Markham
Applicant: Han Feng Pu
Agent: Gregory Design Group
Hearing Date: Wednesday November 13, 2019

The following comments are provided on behalf of the East Development District:

The Applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 20.9 m and an approximate lot area of 856.1 sq. m, and;
- b) Retain a parcel of land with an approximate lot frontage of 20.9 m and an approximate lot area of 856.2 sq. m.

BACKGROUND

Property Description

The 1,715.3 m² (18,431 ft²) subject property is located on the northwest corner of Grandview Boulevard and Riverview Avenue, which is south of Highway 7 East and west of Main Street Markham South. The existing lot has a frontage of 41.8 m (137.1 ft) and a depth of 41.4 m (135.8 ft). The site is developed with two existing single detached dwellings which were built in 2018.

The surrounding area is developed with a mix of one and two storey single detached dwellings, originally built in the mid-1950s. There are also examples of newer residential infill developments within the vicinity. Milne Dam Conservation Area is located further to the south.

Previous Consent Application – B/22/14

This application proposes the same severance that was approved by the Committee of Adjustment on October 21, 2015. For reference the previous Committee of Adjustment decision is attached as Appendix 'A'. Staff comments were provided on the previous consent and related variance applications in a memorandum dated October 16, 2015, which are attached as Appendix 'B'. In these comments, staff noted that the proposed severance would result in two lots that comply with the minimum zoning by-law lot frontage and lot area requirements of 60 ft (18.3 m) and 6,600 ft² (613.2 m²); and would be compatible with the surrounding lot pattern. Staff considered the severance to be appropriate and recommended its approval, subject to the conditions noted in the staff memorandum and Committee of Adjustment decision.

Following the October 21, 2015 approval, the applicant cleared all of the consent conditions and was issued a Certificate of Consent from the Secretary Treasurer on October 20, 2016.

Section 53 (43) of the Planning Act states “a consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent”. The applicant did not finalize the transaction within the required

two years. Consequently, the consent approval has lapsed and the property owner is required to make another severance application.

Notwithstanding the consent approval lapsing, building permits have been issued for both the severed and retained lots. Approval of this current application is required to create two separate lots for each of these existing homes which are fully constructed, as shown in Appendix 'C'.

CONCLUSION

Staff remain of the opinion the proposed severance is appropriate, and have had regard for the criteria in Section 51 (24) of the Planning Act.

Staff note that previous consent conditions have been completed to the satisfaction of the City, including tree protection and replacement compensation, cash in lieu of parkland dedication and service connection fees. Staff therefore recommend minimal conditions of decision to approve this application, as outlined in Appendix 'D'

PREPARED BY:



Stephen Corr, Senior Planner, East District

REVIEWED BY:



Sally Campbell, Development Manager, East District

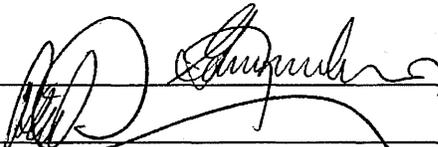
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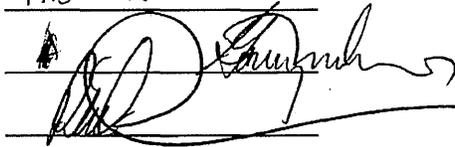
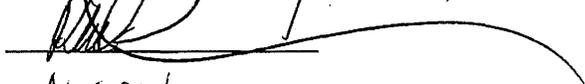


Committee of Adjustment Resolution

File Number: B/22/14
 Hearing Date: Wednesday October 21, 2015
 Owner(s): Han Feng Pu Jun Yao Pu
 Agent: Victor Rosa
 Property Address: 20 Grandview Blvd
 Legal Description: PLAN 4365 LOT 11
 Official Plan: Urban Residential
 Ward: 4

Last Date of Appeal: 20 Days from the date that the Notice of Decision is given

Moved by GM 
 Seconded by P.G.
 Concurrence:

- Keith Daunt Chair
- Lolita Bruneau Absent
- Bruno Tucciarone Absent
- Gary Muller 
- Philip Gunn 
- Peter Favot Absent

THAT Application No. B/22/14, submitted by Han Feng Pu Jun Yao Pu owner(s) of 20 Grandview Blvd, PLAN 4365 LOT 11, requesting provisional consent to:

sever and convey a parcel of land with an area of 856.1m2, and a frontage of 20.90m (Part 2) and retain a parcel of land with an area of 856.2m2 and a frontage of 20.90m (Part 1).

The consent request be **approved** subject to the following conditions:

Conditions of Consent Application B/22/14:

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the severed and retained parcels;
2. Submission to the Secretary-Treasurer of the required transfer, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;

3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application, as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot in accordance with the City of Markham Fee By-law 211-83, as amended;
5. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada respecting the proposed residential lot; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, 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 designate.
6. 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.
7. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, 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 designate;
8. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City if required, 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 designate;
9. That the Owner make an arrangement to pay and install separate service connections (sanitary, storm and water) for the severed parcel in accordance with the Ontario Building Code requirements, and to the satisfaction of the Director of Engineering. In the event the retained parcel requires alterations to the service connections in order to comply with Building Code, the owner is required to pay for any alteration as required by the City.
10. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.

MEMORANDUM

DATE: October 16, 2015
TO: Chairman and Members, Committee of Adjustment
COPY TO: Janelle Baldwin - copy by AMANDA comment
FILE: B/22/14, A/159/14 and A/160/14
ADDRESS: 20 Grandview Boulevard, Markham
HEARING DATE: October 21, 2015 - Tentative

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

Consent B/22/14

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate area of 856 m² (9,215 ft²) and an approximate frontage of 20.9 m (68.6 ft) (Part 2, as shown on Figure 1), while retaining a parcel of land with an approximate area of 856 m² (9,215 ft²) and an approximate frontage of 20.9 m (68.6 ft) (Part 1, as shown on Figure 1).

The applicant is also requesting relief from the requirements of Zoning By-law 1229, as amended, to facilitate the development of a new two-storey dwelling on both the conveyed and retained parcels. The requested variances are as follows:

Variance A/159/14 (Retained Lot, Part 1, Figure 1)

- a) a maximum floor area ratio of 50.0%, whereas the By-law permits a maximum floor area ratio of 45%;
- b) a maximum building height of 10.42 m (34.2 ft) whereas the By-law permits a maximum building height of 9.8 m (32.2 ft).

Variance A/160/14 (Conveyed Lot, Part 2, Figure 1)

- a) a maximum floor area ratio of 50.0%, whereas the By-law permits a maximum floor area ratio of 45%;
- b) a maximum building height of 10.14 m (33.3 ft) whereas the By-law permits a maximum building height of 9.8 m (32.2 ft).

BACKGROUND

Property Description & Surrounding Area Context

The 1,715.3 m² (18,431 ft²) "subject property", known municipally as 20 Grandview Boulevard, is located on the northwest corner of Grandview Boulevard and Riverview Avenue, which is south of Highway 7 East and west of

Main Street Markham South. The site is developed with an existing one-storey dwelling with a Gross Floor Area (GFA) of 187.0 m² (2013.0 ft²). According to assessment records the existing dwelling was built in 1955. Paved driveways provide vehicular access to both Grandview Boulevard and Riverview Avenue. The site slopes downwards towards the southwest and there is a grade difference of over 2.0 m between the front lot line and rear yard. Mature trees and vegetation are located throughout the site.

The surrounding area can be characterized as one that is transition, and is developed with a mix of one and two storey single detached dwellings, including the original homes built in the 1950s and several instances of newer residential infill developments built since the 2000s. The older dwellings tend to be modest in size, with GFAs generally under 186 m² (2,000 ft²), whereas the newer dwellings are significantly larger with GFAs up to 437 m² (4,700 ft²). The surrounding lot pattern varies with respect to size and configuration, as shown in Figure 2.

Proposal

The owner is proposing to sever the existing lot into two parcels to create two residential development lots, each to be developed with a new single detached dwelling. Each lot will have an approximate area of 856 m² (9,215 ft²) and frontage of approximately 20.9 m (68.6 ft).

Figure 2 shows a concept site plan of the proposed dwellings on the conveyed lot (Part 2) and the retained lot (Part 1). The dwelling on the conveyed lot is proposed to have a GFA of approximately 367.25 m² (3,956 ft²) and the dwelling on the retained lot is proposed to have a GFA of 367.14 m² (3,952 ft²). The noted GFAs include attached two-car garages. Each proposed dwelling will have a walkout basement to access the rear yard. Vehicle access for each proposed dwelling will be provided to Grandview Boulevard.

Official Plan and Zoning

The subject property is designated 'Urban Residential' in the in-force Official Plan (1987 Revised), as amended. The property is designated 'Residential Low Rise' in the Official Plan 2014 (not yet in force). These designations allow for single-detached dwellings.

The subject property is zoned Residential One (R1) under By-law 1229, as amended, which permits single-detached dwellings while requiring a minimum lot area of 6,600 ft² (613.2 m²) and minimum lot frontage of 60 ft (18.3 m). The property is subject to Residential Infill Zoning By-law 99-90, which specifies zoning standards for building depth, garage projection, garage width, net floor area ratio (which includes the garage), height, and number of storeys, with the intent of maintaining the character of existing neighbourhoods in the City.

COMMENTS/DISCUSSION

Consent applications are evaluated in the context Section 2.7 of the City's in force Official Plan (revised 1987), Section 10.3.2 of the 2014 Official Plan (not yet in force) and Section 51 (24) of the Planning Act. Additionally, Section 45.1 of the Planning Act outlines four tests that must be met in order for a variance to be granted by the Committee of Adjustment, summarized as follows:

1. The variance must be minor in nature;
2. The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
3. The general intent and purpose of the Zoning By-law must be maintained;
4. The general intent and purpose of the Official Plan must be maintained.

Consent Application (B/22/14)

The proposed severance, if approved, will facilitate the creation of two residential development lots, each with a lot area of approximately 856 m² (9,215 ft²) and a lot frontage of approximately 20.9 m (68.6 ft) along Grandview Boulevard. The proposed lots will both comply with the minimum lot area and lot frontage requirements for single detached properties within the R1 Zone of By-law 1229, as amended.

The existing lot pattern along Grandview Boulevard generally consists of properties of equal scale, which have lot frontages of approximately 100 ft (30.5 m) and lot areas of approximately 13,475 ft² (1,250 m²). The conveyed and retained lots will be smaller than existing properties along Grandview Boulevard. They will however, be comparable in size to a number of smaller properties that are also within the immediate vicinity, including residential lots abutting the site to the west (fronting Willowgate Drive), which have lot areas of approximately 6,600 ft² (613.2 m²) and frontages of approximately 60 ft (18.3 m). The proposed lot area and lot frontage of the conveyed and retained lots is considered generally consistent with existing lotting in the area and while at the lower end of the range of lot areas and widths seen along the street, this will not adversely disrupt the established lot pattern of mid-block properties located to the north along Grandview Boulevard. The proposed lot size and configuration will be compatible with smaller properties within the surrounding area and meets the By-law requirements regarding lot dimensions. Staff are satisfied that the proposed severance is an appropriate development for the subject land.

Increased Net Floor Area Ratio Variances (Files A/159/14 & A/160/14)

Net Floor Area Ratio (NFAR) is defined as the Gross Floor Area (GFA) of a detached dwelling expressed as a percentage of the Net Lot Area. GFA is calculated using the exterior measurement of a dwelling on all floors, including basements and garage areas, but excludes cellars and unfinished attic areas.

The applicant is requesting a NFAR of 50.0% for both the conveyed and retained lots, whereas the By-law permits a maximum NFAR of 45%. This will facilitate the development of two single detached dwellings, with proposed GFAs of approximately 367.25 m² (3,956 ft²) and 367.14 m² (3,952 ft²), whereas the By-law permits a maximum GFA of 330.6 m² (3558.4 ft²). These are increases of 36.7 m² (395.0 ft²) and 36.54 m² (393.3 ft²), which can also be expressed as increases of approximately 11%.

The surrounding area is a mix of older dwellings that are modest in size, and several instances of newer residential infill developments, which are larger in size. Several of these newer dwellings have been built in accordance with the maximum size permitted. Although variances are not precedent setting, it should be noted that some of these newer homes have received approval to permit NFARs ranging between 47% to 63.7%. Although the proposed GFA of each dwelling will be significantly larger than the GFA of several of the existing older dwellings within the vicinity, they will be compatible in scale with other infill developments in the area. Staff consider that the GFA of the two proposed dwellings will be of an appropriate scale in the context of the surrounding community and the subject lands.

Increased Building Height Variances (A/159/14 & A/160/14)

Height is measured between the level of the crown (i.e. highest point) of the street (Grandview Boulevard) at the mid-point of the front lot line and the highest point of the ridge or gable hip, gambrel or other type of pitched roof.

The applicant is requesting maximum building heights of 10.42 m (34.2 ft) and 10.14 m (33.3 ft), whereas the By-law permits a maximum height of 9.8 m (32.2) ft. These are increases of 0.62 m (2.03 ft) and 0.34 m (1.1 ft), or 6.3% and 3.5% respectively. Staff are of the opinion that the requested height variances represent marginal increases that will have minimal impact on surrounding properties.

Staff acknowledge however, that due to the change in grade from the front lot line to the rear, the rear elevations of both dwellings and the flankage elevation of the dwelling on the retained lot (part 1 – Figure 1) will give the appearance of a taller built form in comparison to the front elevation along Grandview Boulevard to which the variances pertain. To mitigate any potential visual impact associated with the rear and flankage yard elevations, staff recommend that any approval be conditional on the provision of increased landscaping within these yards, to the satisfaction of the Director of Planning and Urban Design, or his designate.

CONCLUSION

Having reviewed the proposed consent application within the context of the Official Plans and Section 51 (24) of the Planning Act staff consider that the proposal is appropriate. Staff are also of the opinion that the requested

variances relating to the increased Net Floor Area Ratio and building height for each proposed dwelling satisfies the four tests of the Planning Act. Staff recommend 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.

Should the Committee see merit in approving the requests, Planning staff recommend the following conditions of approval:

Conditions of Consent Application B/22/14:

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the severed and retained parcels;
2. Submission to the Secretary-Treasurer of the required transfer, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application, as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot in accordance with the City of Markham Fee By-law 211-83, as amended;
5. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada respecting the proposed residential lot; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, 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 designate.
6. 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.
7. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, 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 designate;

8. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City if required, 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 designate;
10. That the Owner make an arrangement to pay and install separate service connections (sanitary, storm and water) for the severed parcel in accordance with the Ontario Building Code requirements, and to the satisfaction of the Director of Engineering. In the event the retained parcel requires alterations to the service connections in order to comply with Building Code, the owner is required to pay for any alteration as required by the City.
11. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c,P.13

Conditions of Variance Applications A/159/14 & A/160/14

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 site plan attached as "Figure 1" to this Staff Report, to the satisfaction of the Director of Planning and Urban Design or his designate;
3. Submission and approval of a siting / grading plan of the property, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
4. That subject to the review and approval of a siting/grading plan, the owner demonstrate that the pre-existing drainage pattern within the property is not altered in such a way as to cause any adverse impact on the naturally occuing drainage from the site, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
5. That subject to the review and approval of a siting/grading plan, the owner demonstrate that there is no negative impact along any abutting

property respecting surface water drainage, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

6. That the Owner submits a landscape plan to provide adequate screening of the rear and/or flankage yards, 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 designate.

PREPARED BY:



Stephen Corr, Planner, East District

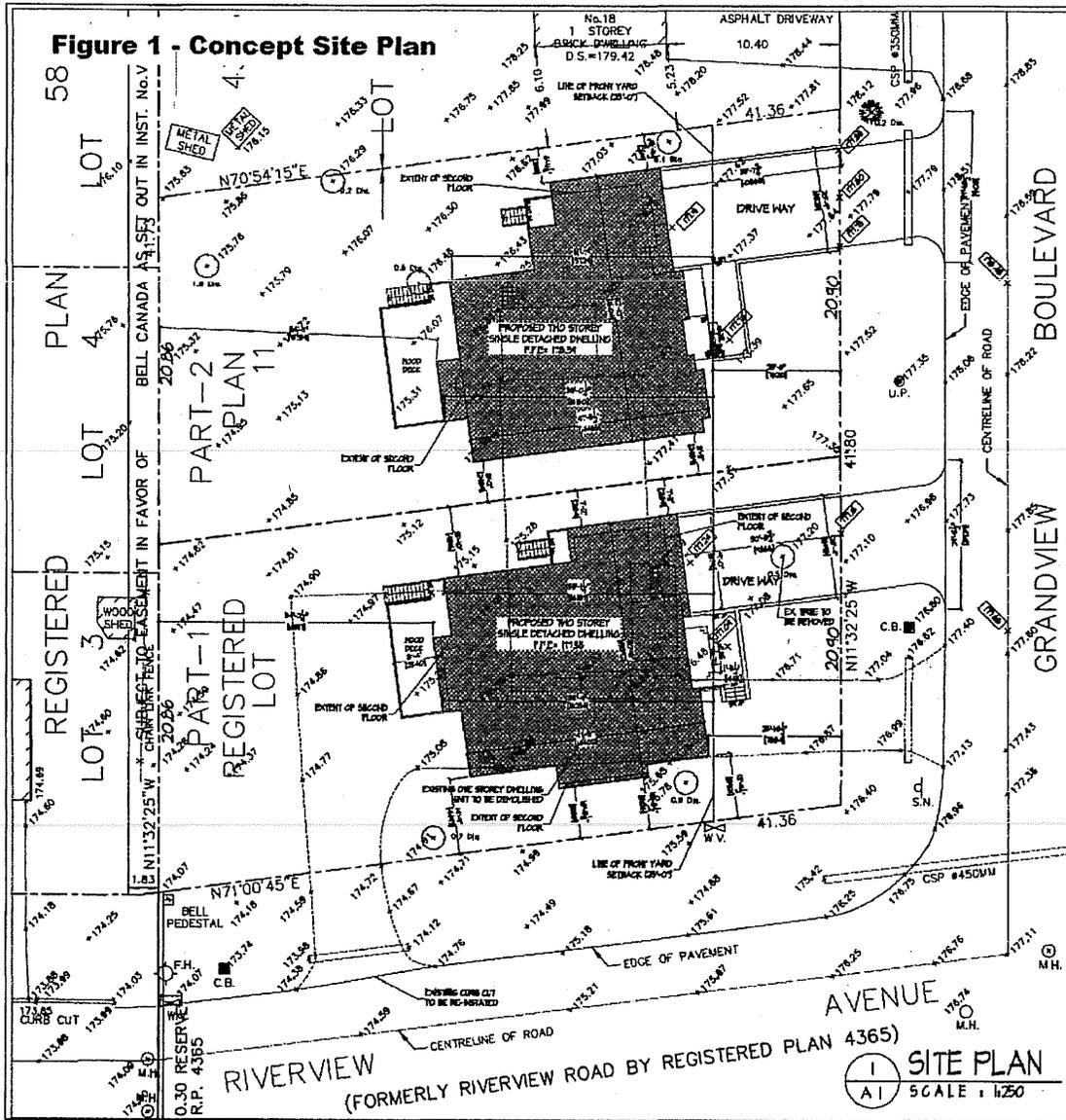
REVIEWED BY:



Sally Campbell, Manager

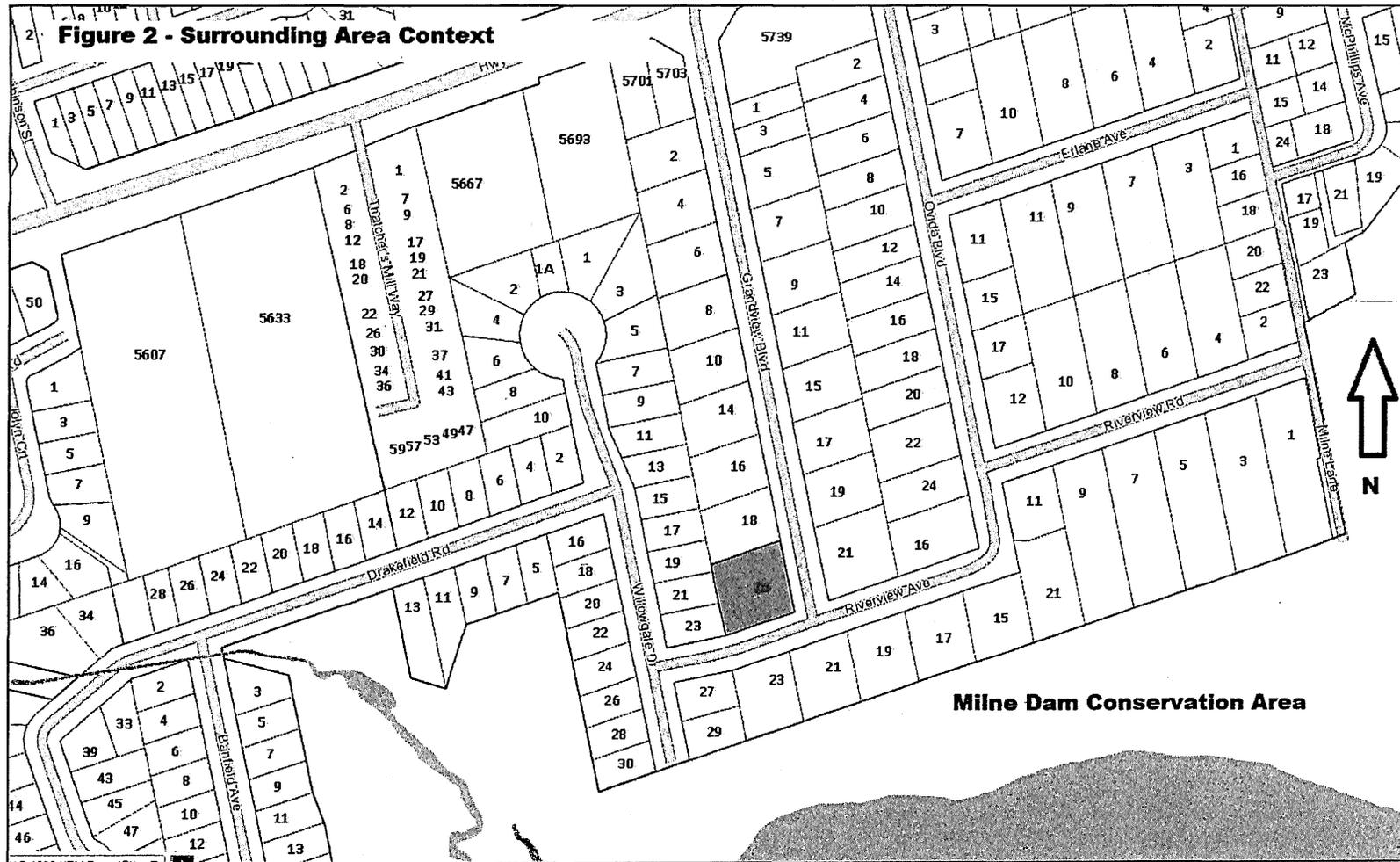
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Figure 1 - Concept Site Plan

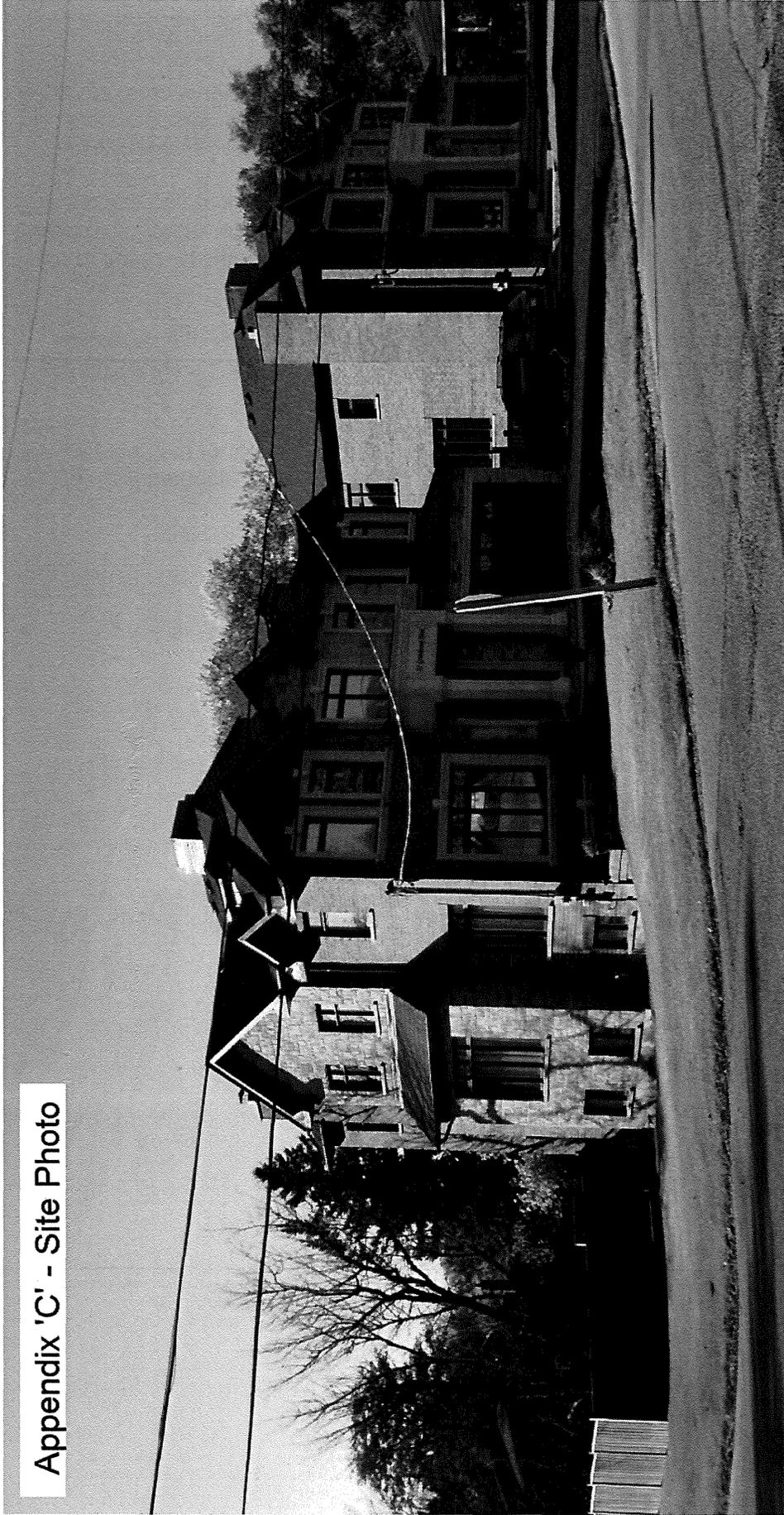


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Figure 2 - Surrounding Area Context



Appendix 'C' - Site Photo



Appendix 'D' – Conditions of Approval

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/20/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Stephen Corr, Senior Planner, East District