

# Memorandum to the City of Markham Committee of Adjustment

August 15, 2023

**File:** A/139/23  
**Address:** 63 Hawkridge Avenue, Markham  
**Applicant:** Gregory Design Group (Shane Gregory)  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, August 30, 2023

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 addition to the existing dwelling. The variances requested are to permit:

- a) **By-law 1229, Table 11.1**  
a side yard setback of 4 feet whereas the by-law requires minimum of 6 feet;
- b) **By-law 99-90, Section 1.2(vi)**  
a maximum floor area ratio of 51.2 percent whereas the by-law requires 45 percent;
- c) **By-law 99-90, Section 1.2(iii)**  
a depth of 17.81m whereas the by-law requires 16.8m;
- d) **By-law 99-90, Section 1.2(i)**  
a height of 10.3m whereas the by-law requires 9.80m;
- e) **By-law 1229, Table 11.1**  
a front yard setback of 23.92 feet whereas the bylaw requires 25 feet.

## BACKGROUND

### Property Description

The 813.37 m<sup>2</sup> (8,755.04 ft<sup>2</sup>) subject property is located on the east side of Hawkridge Avenue, south of Bullock Drive and west of Highway 48. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

The property currently contains a two-storey dwelling with an attached garage. Mature vegetation exists on the property including one large mature tree in the front yard as well as vegetation in the rear yard.

### Proposal

The applicant is proposing to construct a two-storey addition to the existing two-storey detached dwelling with a total approximate gross floor area of 365.8 m<sup>2</sup> (3,937.43 ft<sup>2</sup>)

### 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 as amended

The subject property is zoned “Residential 1 (R1)” 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 floor area, building depth, and maximum building height.

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

The owner has completed a Zoning Preliminary Review (ZPR) on July 12, 2023 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.

#### **Reduced Side Yard Setback (two-storey portion)**

The applicant is requesting a minimum south side yard setback of 4 ft (1.21 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.82 m) for the two-storey portion of the dwelling.

The requested variance only applies to the two-storey front portion of the building. The main floor as well as the rear portion of the dwelling complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

#### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 51.2 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate an addition to an existing dwelling that results in a gross floor area of 365.8 m<sup>2</sup> (3,937.43 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 321.2 m<sup>2</sup> (3,457.36 ft<sup>2</sup>). This represents an increase of approximately 44.6 m<sup>2</sup> (480.07 ft<sup>2</sup>).

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 proposed increase in floor area represents a relatively minor deviation from the By-law requirement and is in keeping with the intended scale of residential infill developments for this neighbourhood. Staff are satisfied that the requested floor area ratio will not result in an overdevelopment of the site, and are of the opinion that the variance is generally consistent with what the By-law permits.

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

The applicant is requesting relief to permit a maximum building depth of 17.81 m (58.43 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 1.01 m (3.41 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.

Staff consider the proposed increase in building depth is minor in nature and are of the opinion that the variance meets the general intent and purpose of the Zoning By-law.

#### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.3 m (33.79 ft.), whereas a maximum building height of 9.80 m (32.15 ft.) is permitted. This represents an increase of 0.5 m (1.64 ft.).

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 0.6 m (2.0 ft) above the crown of road. Staff considers the proposed increase in height to be minor and consistent with existing infill development along Hawkridge Avenue.

Consequently, staff are of the opinion the proposed building height will not adversely impact the character of the neighbourhood and is appropriate for the subject property.

#### **Reduction in Minimum Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 23.92 feet (7.29 metres), whereas the By-law requires a minimum setback of 25 feet (7.62 metres). This represents a reduction of approximately 1.08 feet (0.32 metres).

The requested setback is attributed to the garage projection into the front yard and provides a front yard setback that is generally consistent with the established front yard setback pattern on the street. Staff are of the opinion that the proposed front yard setback is minor and have no concerns with the proposed variance.

#### **Tree Protection and Compensation**

Staff have had regard for tree protection for any trees located on the property in accordance with the City's Tree Preservation By-law. Tree Preservation staff have

expressed concern related to the tree located in the rear yard as it is assessed in good structure and health however is proposed for removal.

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.

## **EXTERNAL AGENCIES**

### Metrolinx Requirements

The subject property is located within 300 m of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on August 11, 2023 (Appendix "C"), requiring that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Associate of Canada's Guidelines for New Development in Proximity to Railway Operations. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.

Staff recommend that the proposed development is subject to the associated condition of approval provided in Appendix "A".

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 22, 2023. 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.

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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Carlson Tsang, Senior Planner, East District

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/139/23**

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. That the Owner satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer, attached as Appendix “C” to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.
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.

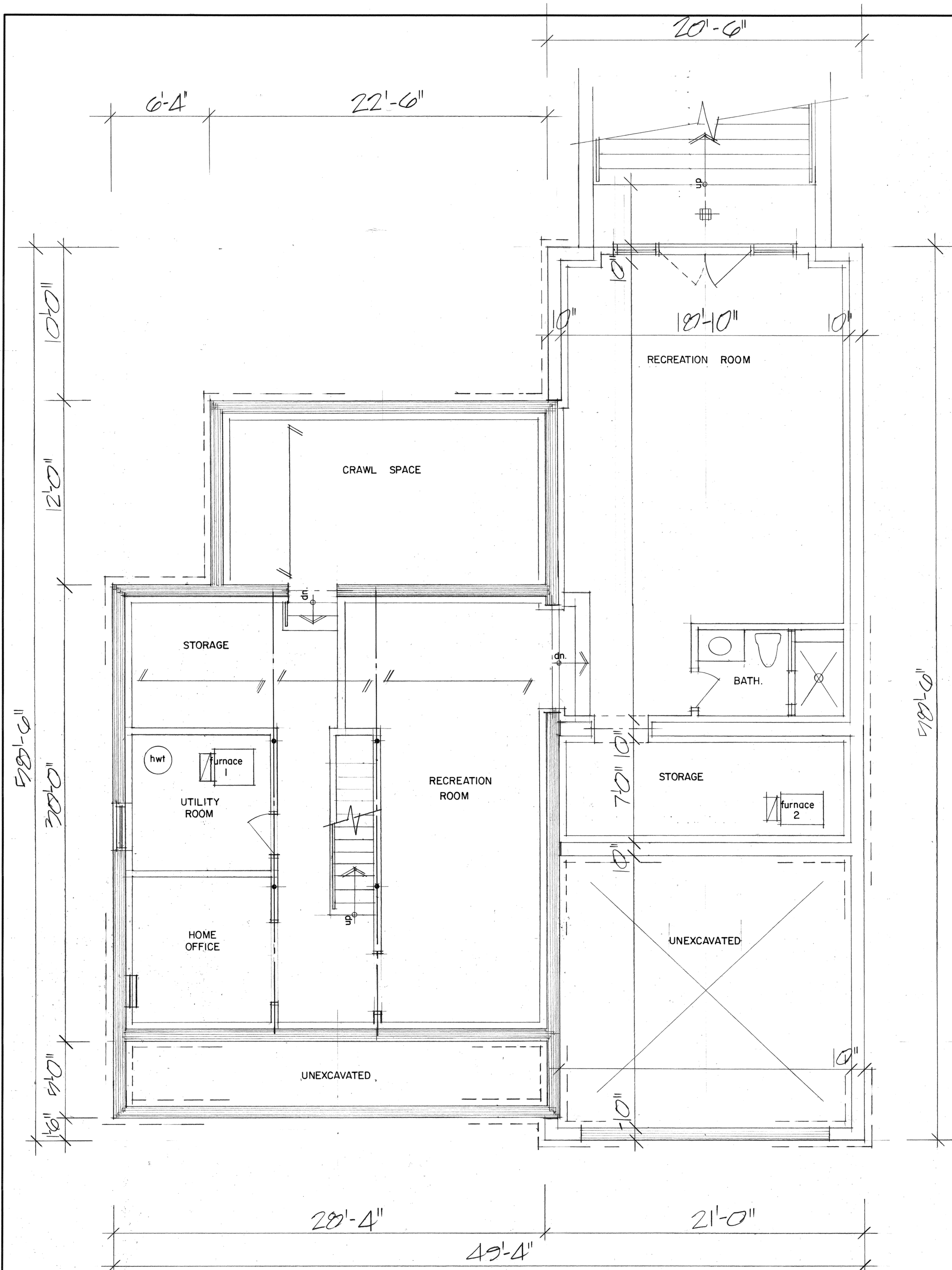
CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District





## BASEMENT & FOUNDATION PLAN

PROPOSED

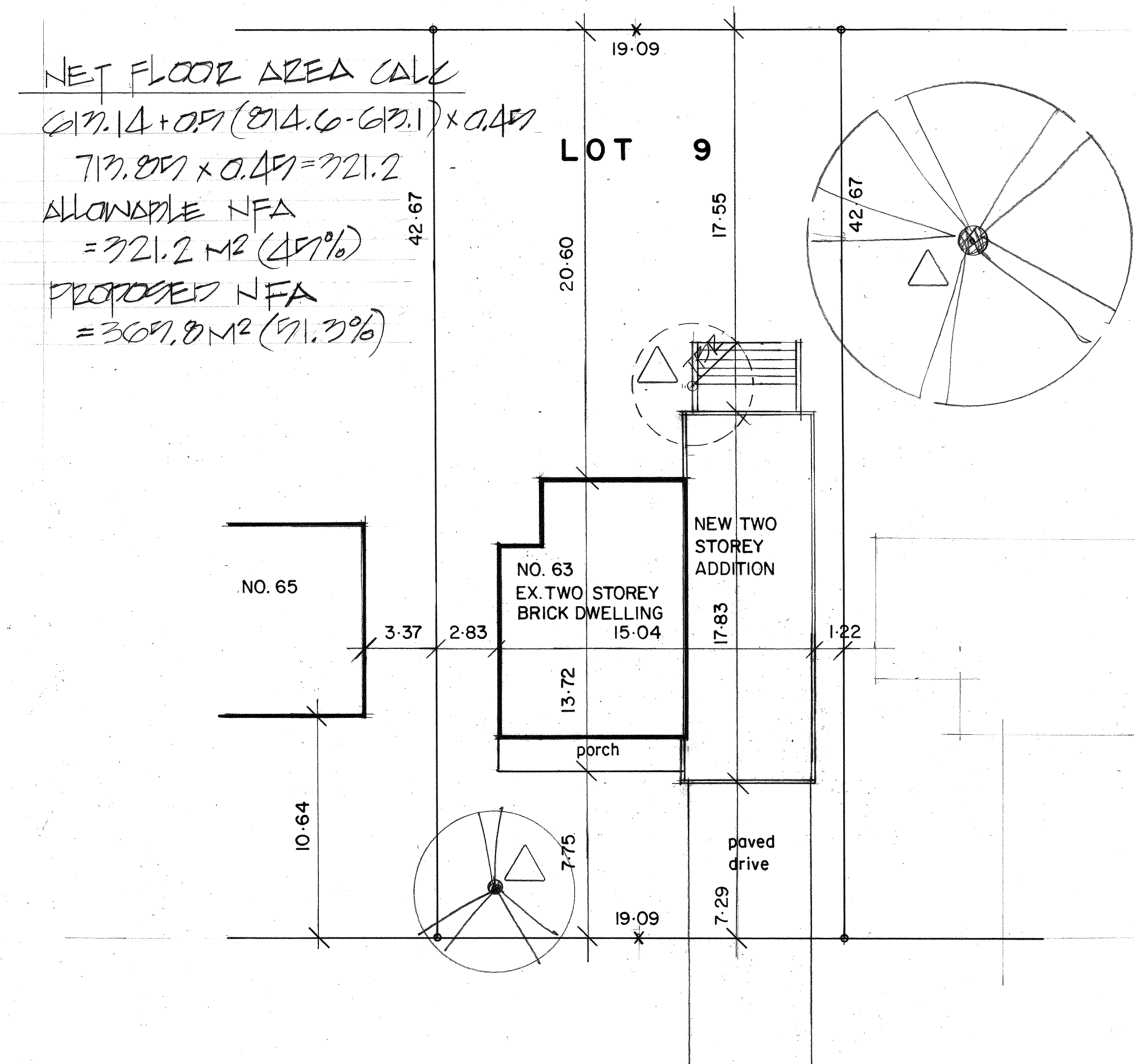
## SITE PLAN

SCALE - 1:200

AREA OF LOT = 214.6 m<sup>2</sup>

AREA OF PILING = 232.57 m<sup>2</sup>

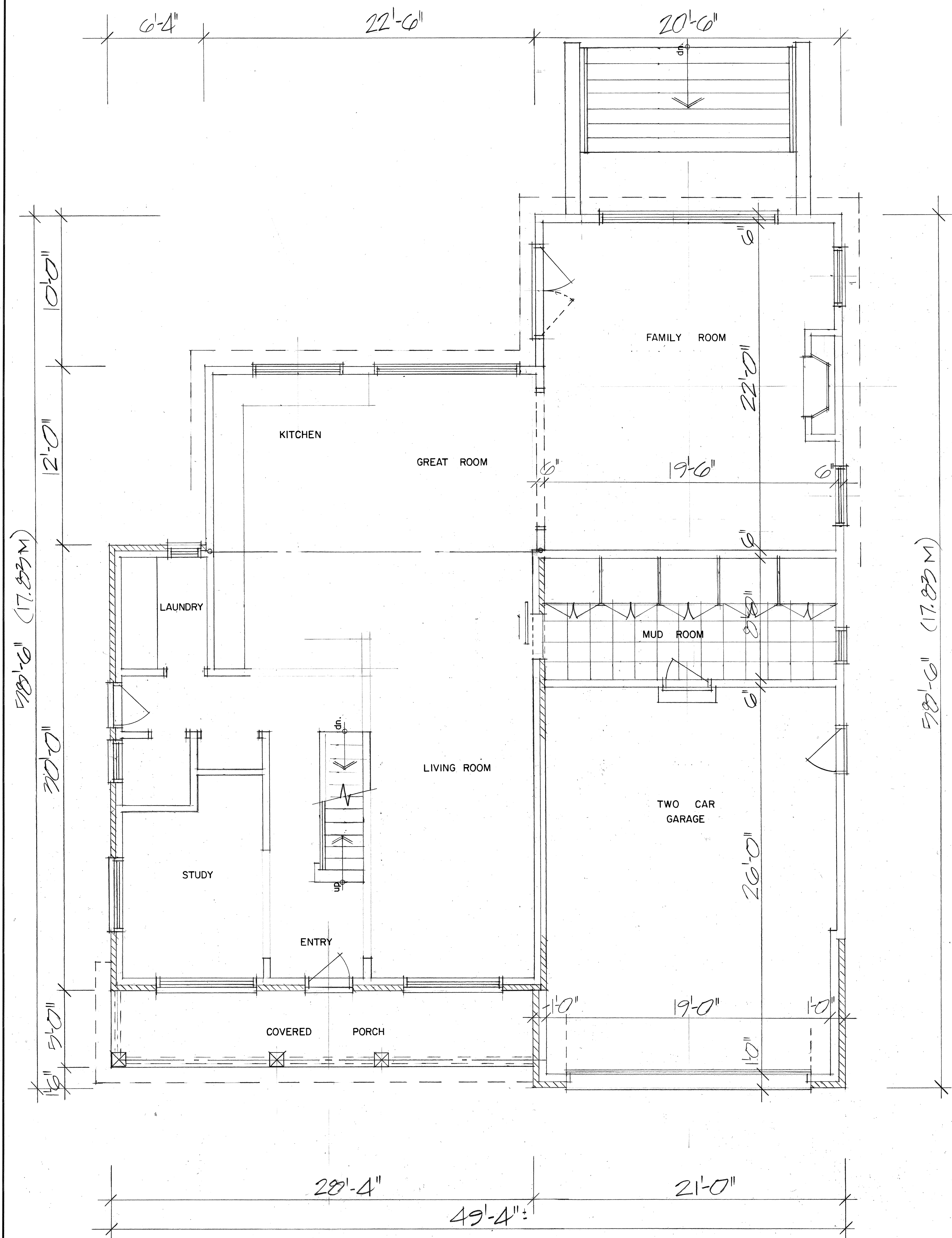
COVERAGE = 29.5%



HAWKRIDGE AVENUE

<b>PROJECT:</b> <b>PROPOSED RENOVATIONS</b>  <b>63 HAWKRIDGE AVE.</b> <b>CITY OF MARKHAM</b>	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 registered, in the appropriate classes/categories.	<b>DRAWN:</b> <b>R. GREGORY</b>
	INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30506	<b>DATE:</b> 7/1/2
	Russ Gregory	<b>SCALE:</b> 1/4"=1'-0"
	NAME _____ SIGNATURE _____	<b>PROJECT NO.:</b> 2442 - 23
<b>THE GREGORY DESIGN GROUP</b> 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	<b>GENERAL NOTES:</b> All construction is to conform to section "R" of the Ontario (Building Code (latest edition)). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	<b>DRAWING NO.:</b>  <b>A.1</b>





GROUND FLOOR PLAN

PROPOSED

EXISTING GROUND FLOOR AREA = 1157 SQ FT  
AREA OF PROPOSED ADDITION = 642 " " "  
TOTAL FLOOR AREA = 1797 " " "  
NET FLOOR AREA (INCL GARAGE) = 2342 SQ FT  
BUILDING AREA (COVERAGE) = 2502 SQ FT

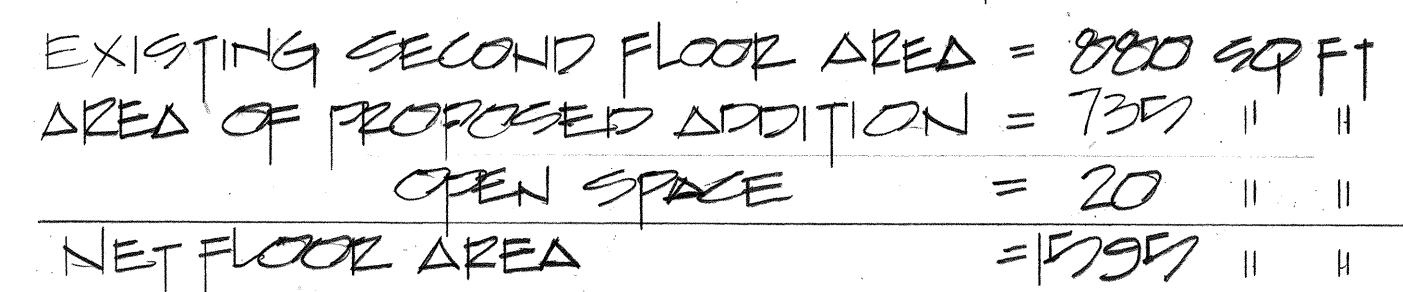


FRONT ELEVATION - WEST

PROPOSED

<b>PROJECT:</b> <b>PROPOSED RENOVATIONS</b>	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 registered, in the appropriate classes/categories.  INDIVIDUAL B.C.I.N. - 25625 FIRM B.C.I.N. - 30506  Russ Gregory NAME  SIGNATURE	<b>DRAWN:</b> R. GREGORY <b>DATE:</b>  <b>SCALE:</b> 1/4"=1'-0"
<b>THE GREGORY DESIGN GROUP</b> 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	<b>GENERAL NOTES:</b> All construction is to conform to section "B" of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	<b>PROJECT NO.:</b> 2442-23 <b>DRAWING NO.:</b> A-2





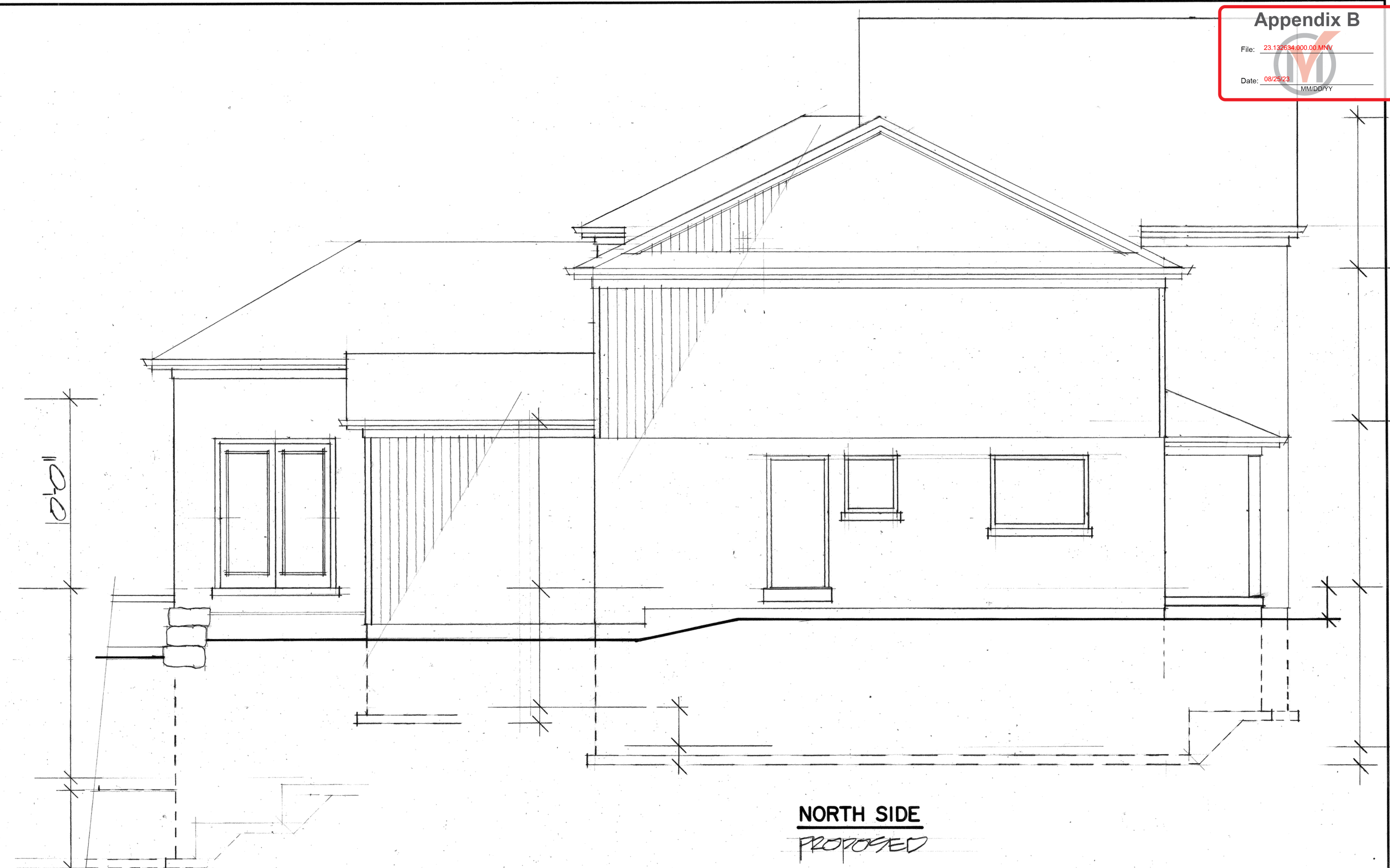
PROPOSED



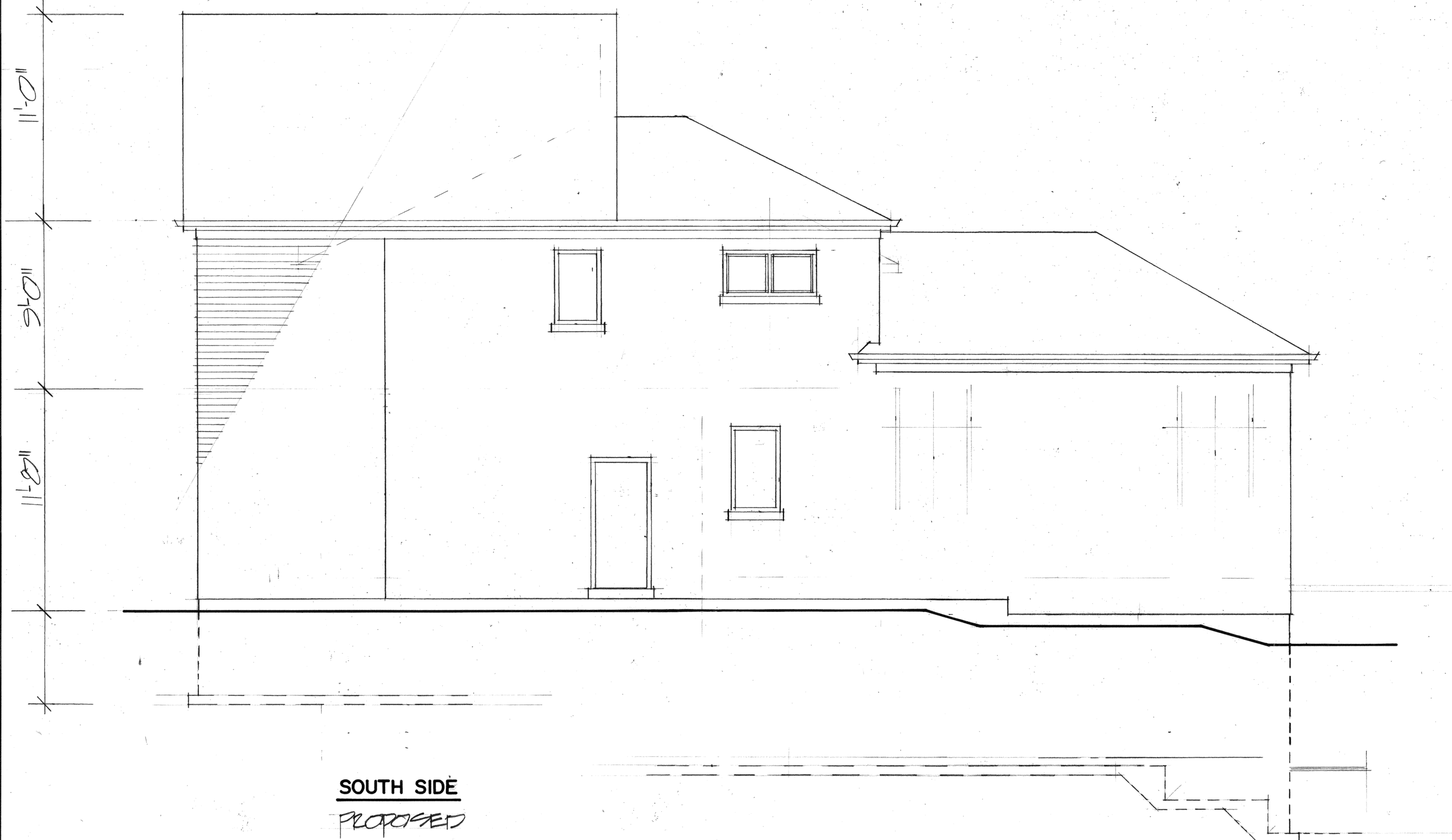




PROPOSED



PROPOSED



PROPOSED

<b>PROJECT:</b> <b>PROPOSED RENOVATIONS</b>	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.2 of Division C of the Building Code. I am qualified, and the firm registered, in the appropriate classes/categories.	<b>DRAWN:</b> <b>R. GREGORY</b>
	INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30506	<b>DATE:</b>
<b>THE GREGORY DESIGN GROUP</b>  16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6  (416) 720-4667  russ@gregorydesigngroup.net	Russ Gregory  NAME _____ SIGNATURE _____	<b>SCALE:</b>  1/4"=1'-0"
	<b>GENERAL NOTES:</b> All construction is to conform to section "10" of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	<b>PROJECT NO.:</b> 2442 - 23'
		<b>DRAWING NO.:</b>  <b>A • 4</b>



**To:** Shawna Houser, Secretary-Treasurer, Committee of Adjustment

File: 23.132634.000.00.MNV

**From:** Adjacent Developments GO Expansion and LRT - Third Party Projects Review - Metrolinx

**Date:** August 11<sup>th</sup>, 2023

Date: 08/25/23  
MM/DD/YY

**Re:** A/139/23 - 63 HawkrIDGE Ave, Markham

Metrolinx is in receipt of the Minor Variance application for 63 HawkrIDGE Ave, Markham. Metrolinx understands that the proposal is for the construction of a new two-storey addition to an existing house. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offer to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,  
Farah Faroque  
Project Analyst, Third Party Projects Review  
Metrolinx  
10 Bay Street | Toronto | Ontario | M5J 2N8