Memorandum to the City of Markham Committee of Adjustment June 30th, 2020

File:	A/034/20
Address:	47 Hawkridge Avenue, Markham
Applicant:	ARK Group
Agent:	Zhi Da Chen
Hearing Date:	July 7 th , 2020

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

The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property:

a) By-law, 1229, Section 11.2 (c):

to permit uncovered stairs to encroach 40 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into the required yard; and

b) Infill By-law 99-90, Section 1.2 (vi):

to permit a proposed net floor area ratio of 53.5 percent, whereas the By-law allows a maximum floor area ratio of 45 percent.

BACKGROUND

Property Description

The 814.5 m² (8,767 ft²) subject property is located on the east side of Hawkridge Avenue, north of Highway 7 East and west of Main Street Markham North. There is an existing one storey detached dwelling on the property, which according to the variance application form, was constructed in the 1970s. Mature vegetation exists across the property.

The property is located within an established residential neighbourhood comprised of one and two-storey detached dwellings. The surrounding context can be described as one that is in transition with several examples of newer infill homes that have been developed as larger two-storey dwellings with attached garages. There have been several homes in the area that have been approved for variances for increased floor area ratio including 44, 49, 56, 66 and 67 Hawkridge Avenue.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two storey 353.18 m^2 (3,801.6 ft²) detached dwelling with an attached garage on the subject property. The proposed dwelling also includes a walk out basement and rear deck. The attached garage has the appearance of a two-car garage from the Hawkridge Avenue however, is designed to accommodate a third vehicle parking space in tandem.

Official Plan and Zoning

<u>Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)</u> 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, 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned Residential One (R1) under By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to maximum encroachment into the required front yard.

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 maximum floor area ratio.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. 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 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 53.5 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 381.88 m^2 (4,110.6 ft²), whereas the By-law permits a dwelling with a maximum floor area of 321.22 m^2 (3,457.54 ft²). This represents an increase of approximately 60.66 m² (653 ft²).

The building layout meets all other zoning provisions (such as setbacks, lot coverage, height, building depth) that establishes the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill development in the neighbourhood. The proposed dwelling will be larger than existing one-storey dwellings in the surrounding area, which were originally constructed in the 1970s. However, the proposed dwelling is similar in size and scale to infill developments along Hawkridge Avenue, and staff are of the opinion that the proposed dwelling will be compatible with the newer homes on the street.

Increase in Maximum Uncovered Stair Encroachment

The applicant is requesting that the proposed uncovered stairs be permitted to encroach a maximum 40 inches (1 m) into required front yard, whereas the By-law permits a maximum uncovered stair encroachment of 18 inches (0.46 m) into the required yard. Staff do not have concerns with this requested variance.

Application Processing

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 3rd, 2020 when this report was finalized. Any additional public input received after the writing of the report will be provide by Secretary-Treasurer at the Committee of Adjustment 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. 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:

Aqsa Malik, Planner, East District

REVIEWED BY:

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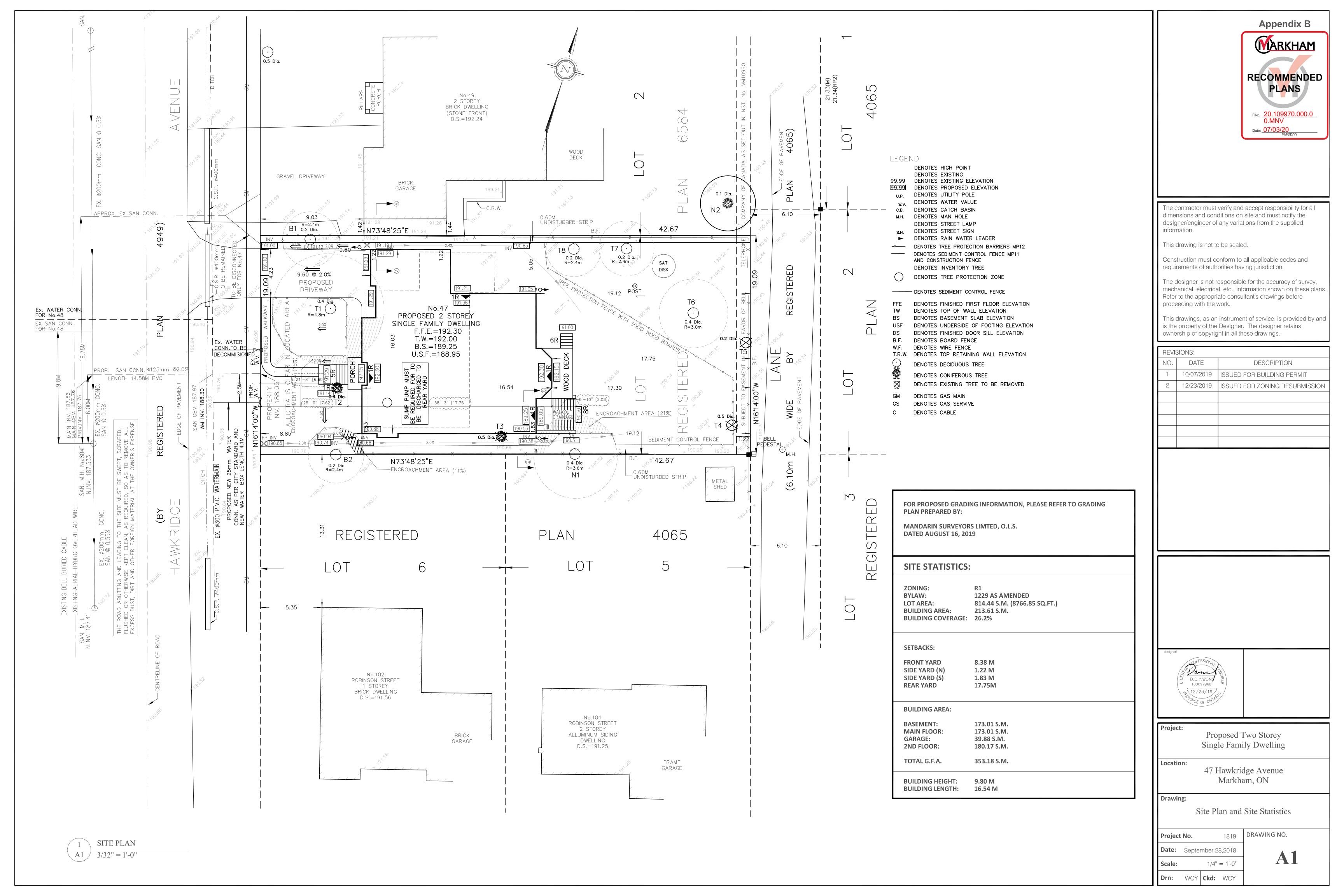
Stephen Corr, Senior Planner, East District File Path: Amanda\File\ 20 109970 \Documents\District Team Comments Memo

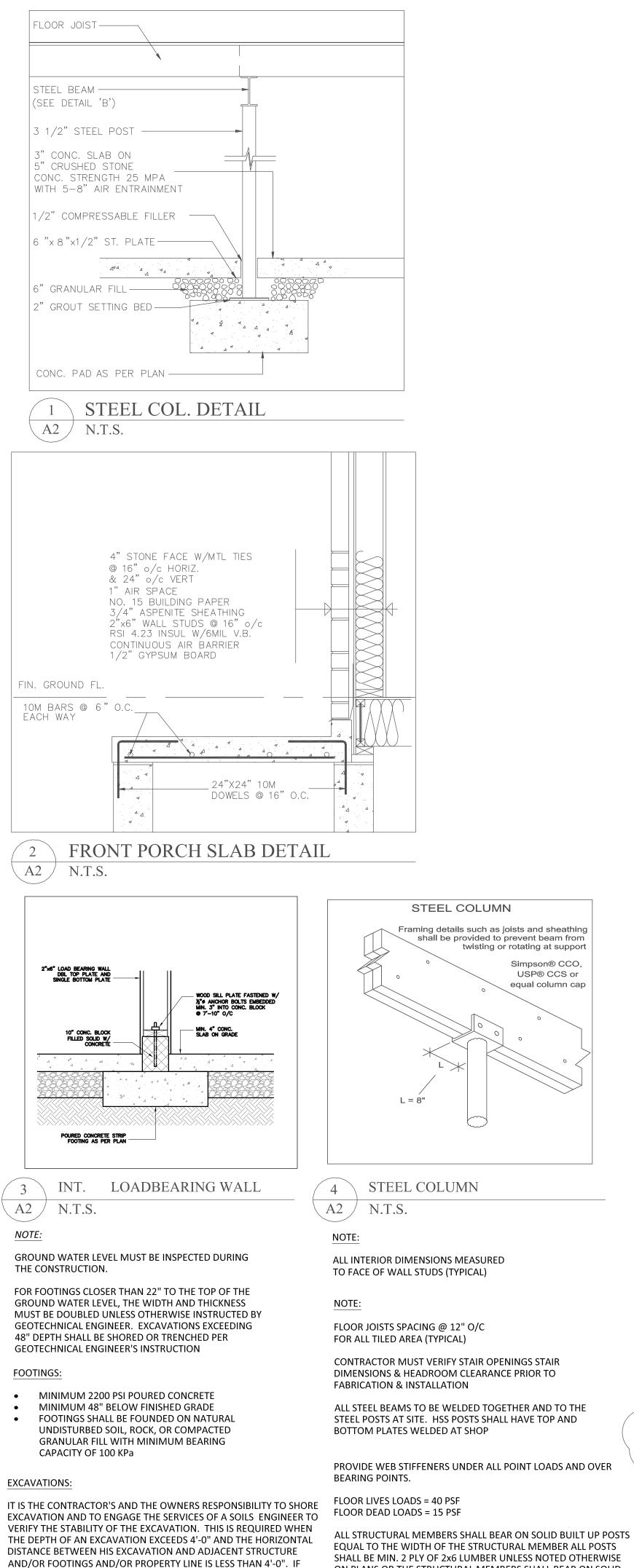
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/034/20

- 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) received by the City of Markham, 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; and
- 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:

Aqsa Malik, Planner, East District

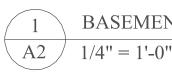




Legend S.A. INTERCONNECTED C.O. CARBON MON CARBON MONOXIDE \square DENOTES 3-2x6 POSTS DENOTES POINT LOAD ABOVE

LINTEL NOTE:

ALL STEEL LINTELS SIZES ARE BASED ON OBC TABLE 9.20.5.2.B FOR MASRONY VENEER



SHORING IS REQUIRED PROVIDE SHOP DRAWINGS SEALED BY A P.ENG.

OF ONTARIO FOR REVIEW AND COMMENTS PRIOR TO

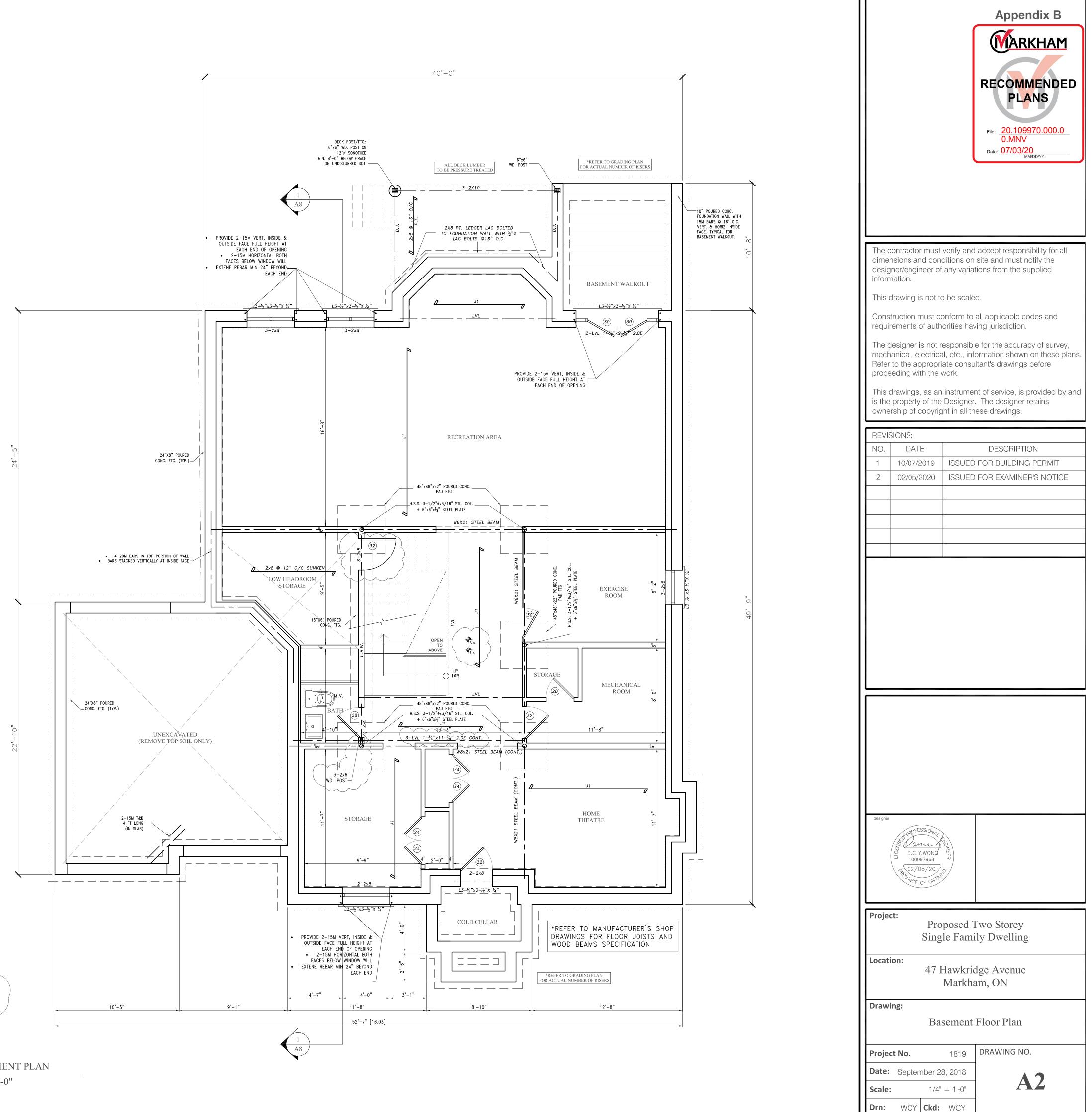
COMMENCEMENT OF CONSTRUCTION

CONTRACTOR MUST VERIFY STAIR OPENINGS STAIR DIMENSIONS & HEADROOM CLEARANCE PRIOR TO

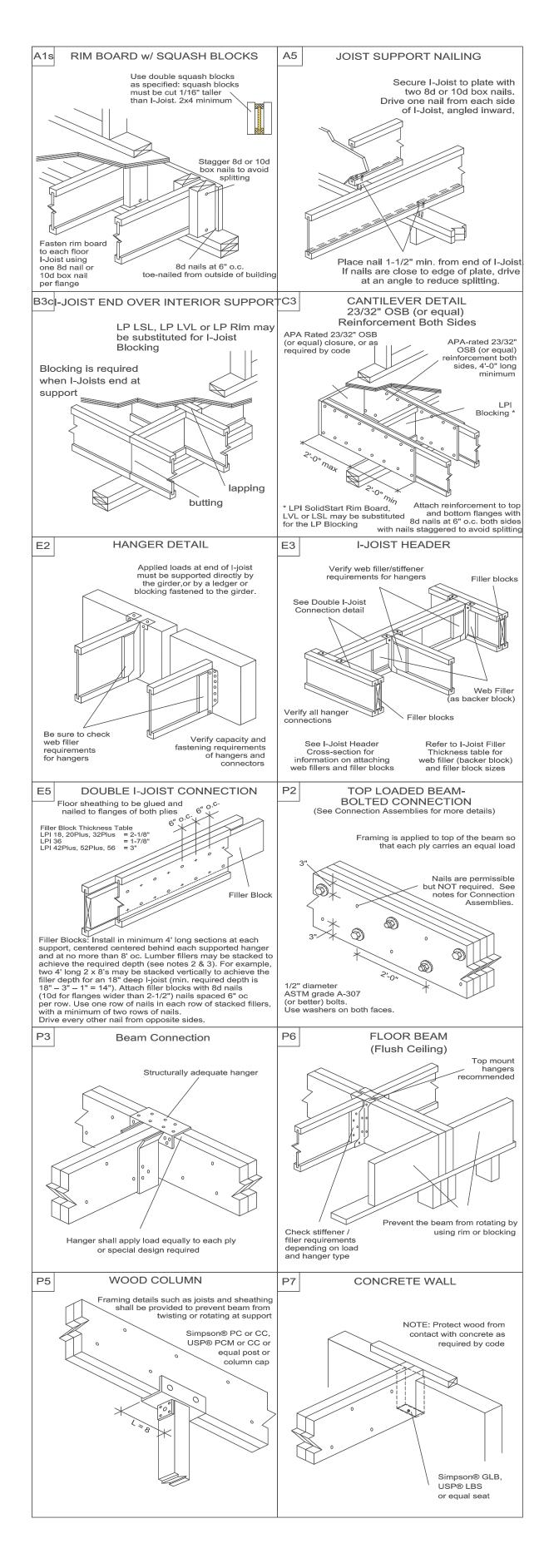
ALL STEEL BEAMS TO BE WELDED TOGETHER AND TO THE STEEL POSTS AT SITE. HSS POSTS SHALL HAVE TOP AND

PROVIDE WEB STIFFENERS UNDER ALL POINT LOADS AND OVER

EQUAL TO THE WIDTH OF THE STRUCTURAL MEMBER ALL POSTS SHALL BE MIN. 2 PLY OF 2x6 LUMBER UNLESS NOTED OTHERWISE ON PLANS OR THE STRUCTURAL MEMBERS SHALL BEAR ON SOLID MASONRY



BASEMENT PLAN



NOTE:

ALL INTERIOR DIMENSIONS MEASURED TO FACE OF WALL STUDS (TYPICAL)

NOTE:

FLOOR JOISTS SPACING @ 12" O/C FOR ALL TILED AREA (TYPICAL)

CONTRACTOR MUST VERIFY STAIR OPENINGS STAIR DIMENSIONS & HEADROOM CLEARANCE PRIOR TO FABRICATION & INSTALLATION

ALL STEEL BEAMS TO BE WELDED TOGETHER AND TO THE STEEL POSTS AT SITE. HSS POSTS SHALL HAVE TOP AND BOTTOM PLATES WELDED AT SHOP

PROVIDE WEB STIFFENERS UNDER ALL POINT LOADS AND OVER BEARING POINTS.

FLOOR LIVES LOADS = 40 PSF FLOOR DEAD LOADS = 15 PSF

ALL STRUCTURAL MEMBERS SHALL BEAR ON SOLID BUILT UP POSTS EQUAL TO THE WIDTH OF THE STRUCTURAL MEMBER ALL POSTS SHALL BE MIN. 2 PLY OF 2x6 LUMBER UNLESS NOTED OTHERWISE ON PLANS OR THE STRUCTURAL MEMBERS SHALL BEAR ON SOLID MASONRY

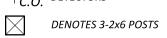
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LINTEL NOTE: ALL STEEL LINTELS SIZES ARE BASED ON OBC TABLE 9.20.5.2.B FOR MASRONY VENEER

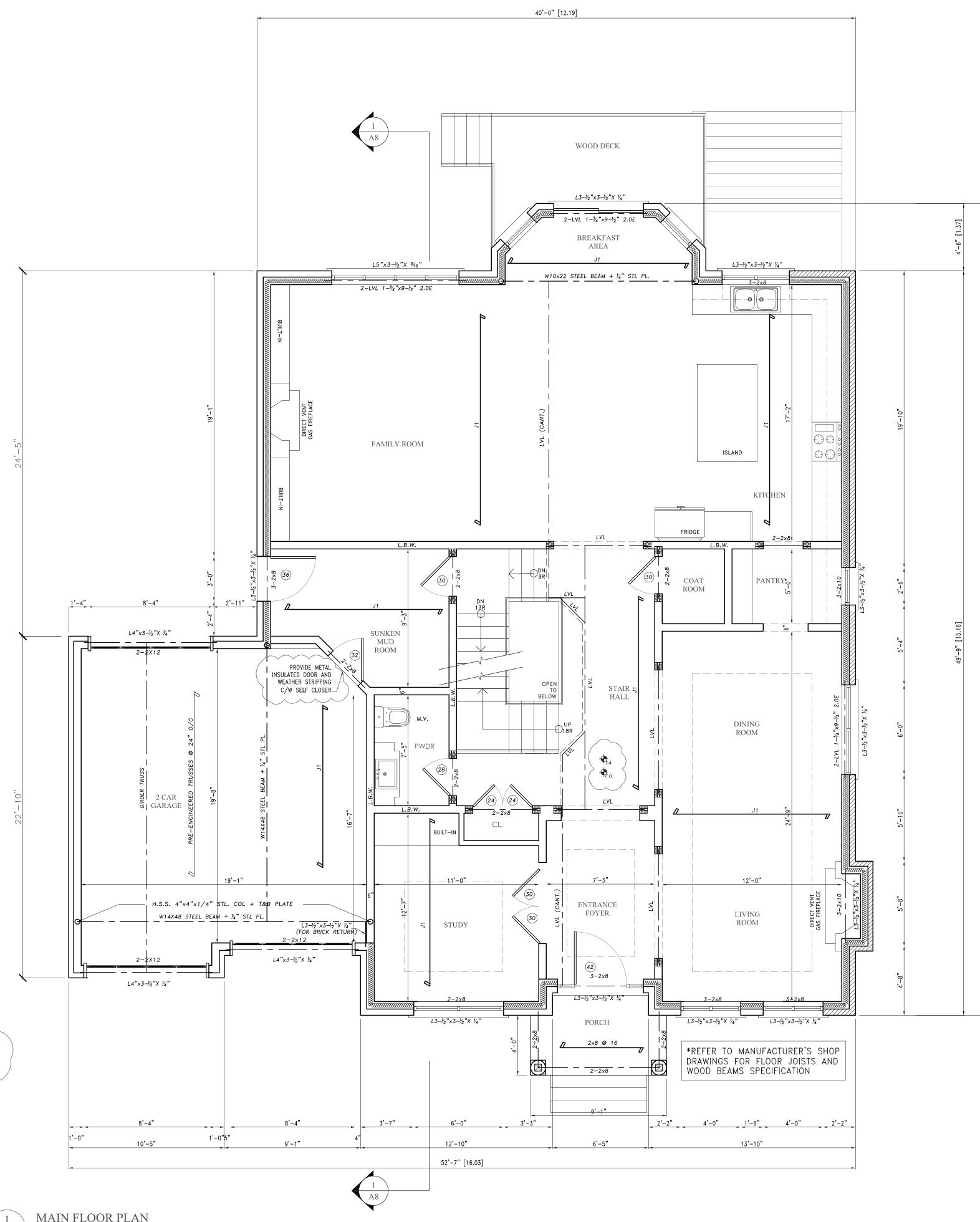
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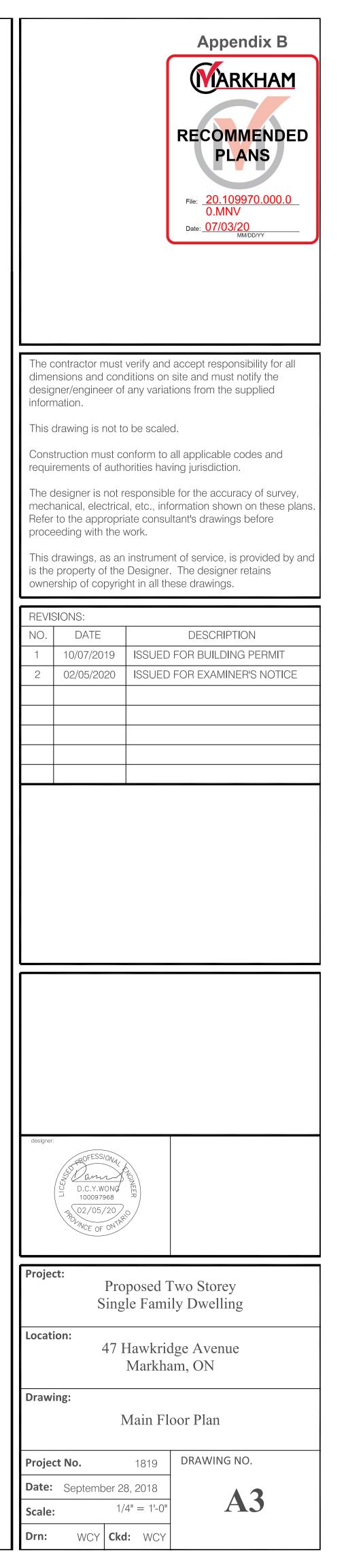
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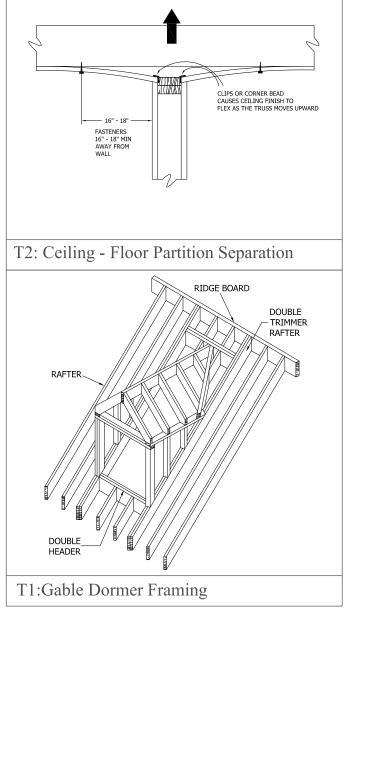


DENOTES POINT LOAD ABOVE



A3 / 1/4" = 1'-0"





SUBFLOORING

METAL STRA

to Rafters

T3: Roof Framing, Ceiling Joists Perpendicular

TRUSS MOVEMENT

Legend

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S.A. INTERCONNECTED C.O. CARBON MONOXIDE DENOTES 3-2x6 POSTS DENOTES POINT LOAD ABOVE

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ROOF DESIGN LOADS:	
TOP CHORDS:	
	LL = 23.0 PSF
	DL= 10.0 PSF
BOTTOM CHORD	S:
	LL= 11 PSF
	DL= 7.0 PSF

ROOF TRUSS NOTES:

TRUSSES TO COMPLY WITH TRUSS DESIGNERS PLAN STAMPED BY P.ENG OF ONTARIO AND PROVIDE STAMPED PLANS FOR BUILDING INSPECTOR'S REVIEW.

TRUSS LAYOUT IS FOR ILLUSTRATION ONLY, TRUSS COMPANY SHALL PROVIDE THE LAYOUT BASED ON THEIR

DESIGN AND RESTRICTION ON TRUSS SIZES.

WHEN SOLID BEARING OF GIRDER TRUSS IS SITTING ON WINDOW'S LINTEL, LINTEL SHALL BE DESIGNED BY TRUSS MANUFACTURER.

TRUSS IS TO BEAR ON MIN. 3-2x6 POSTS, UNLESS SPECIFIED OTHERWISE.

NOTE:

CONTRACTOR MUST ENSURE ALL GABLES TO LINE UP WITH NEW WINDOWS/DOORS BELOW AS PER ELEVATINS VERFIY ALL DIMENSIONS PRIOR TO CONSTRUCTION

NOTE:

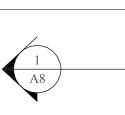
ALL INTERIOR DIMENSIONS MEASURED TO FACE OF WALL STUDS (TYPICAL)

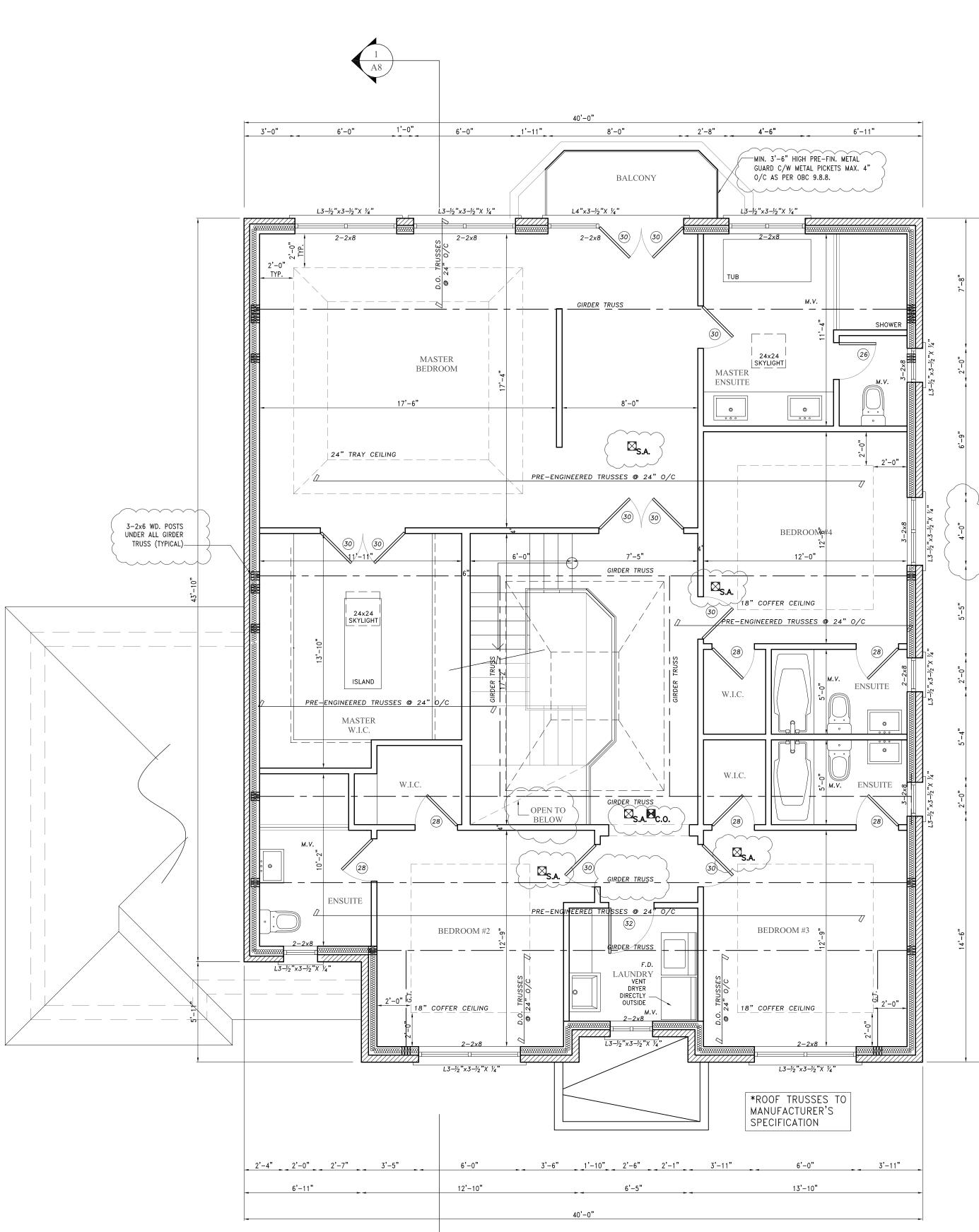
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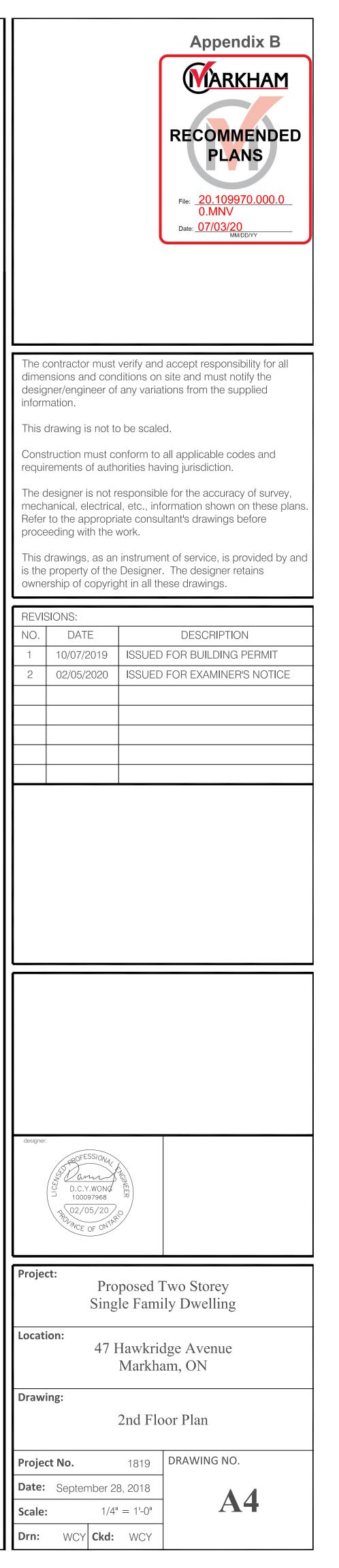
ALL STEEL LINTELS SIZES ARE BASED ON OBC TABLE 9.20.5.2.B FOR MASRONY VENEER

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2ND FLOOR PLAN A4 / 1/4" = 1'-0"







ALL INTERIOR DIMENSIONS MEASURED TO FACE OF WALL STUDS (TYPICAL)

NOTE:

ROOF TRUSS NOTES:

MANUFACTURER.

SPECIFIED OTHERWISE.

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DESIGN AND RESTRICTION ON TRUSS SIZES.

COMPANY SHALL PROVIDE THE LAYOUT BASED ON THEIR

WHEN SOLID BEARING OF GIRDER TRUSS IS SITTING ON

WINDOW'S LINTEL, LINTEL SHALL BE DESIGNED BY TRUSS



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Legend S.A. INTERCONNECTED C.O. CARBON MONOXIDE DENOTES 3-2x6 POSTS DENOTES POINT LOAD ABOVE

ROOF DESIGN LOADS:

BOTTOM CHORDS:

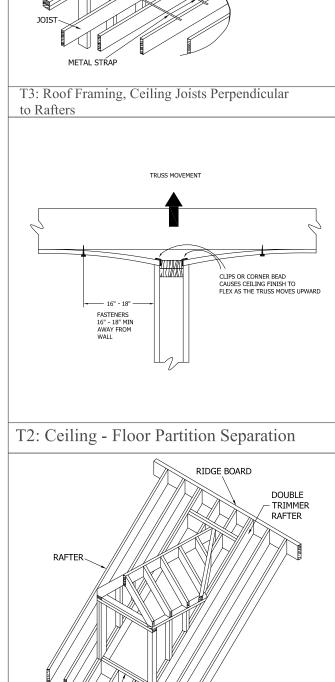
LL = 23.0 PSF

DL= 10.0 PSF

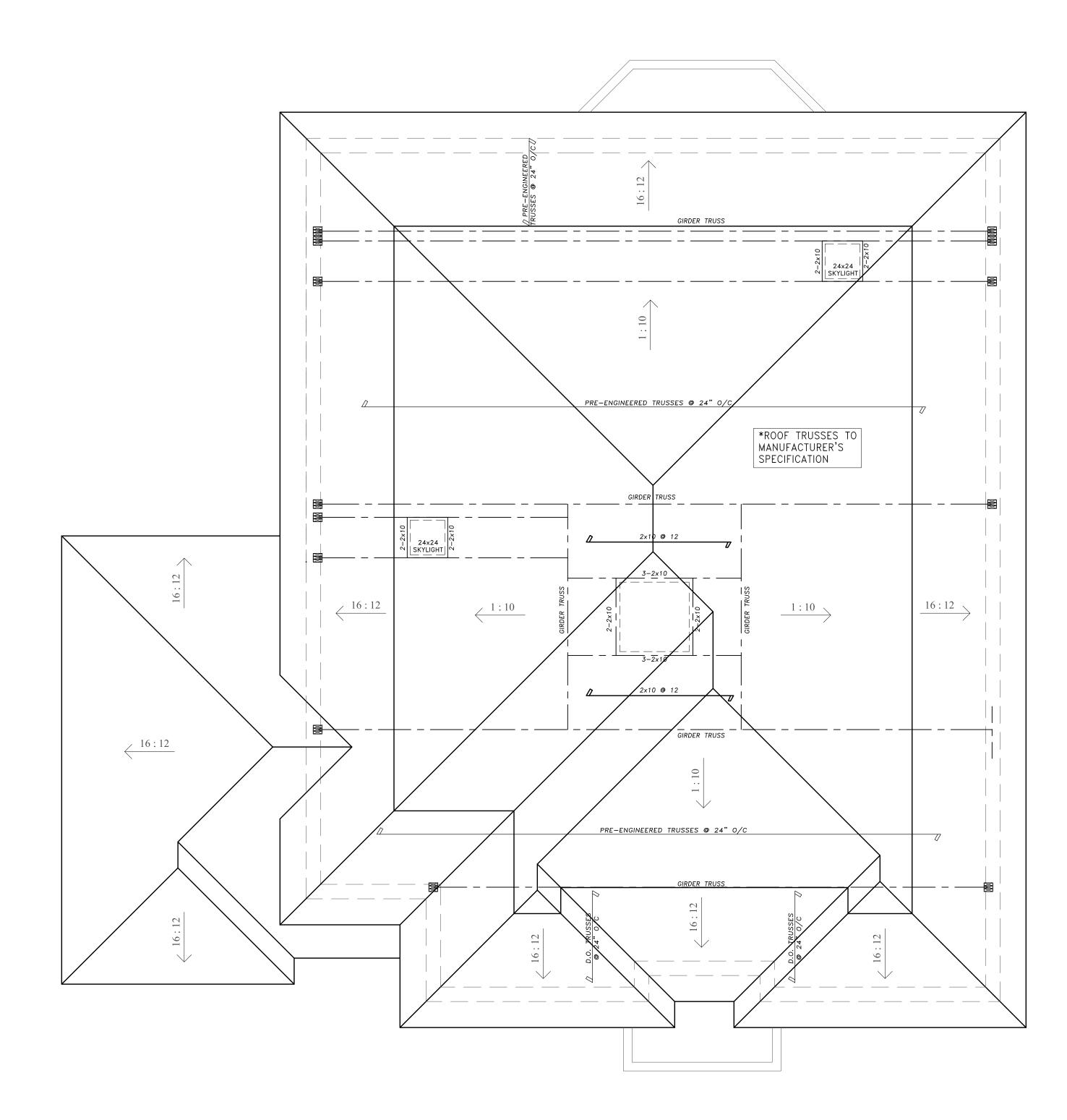
LL= 11 PSF DL= 7.0 PSF

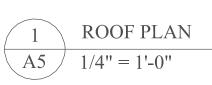
TOP CHORDS:

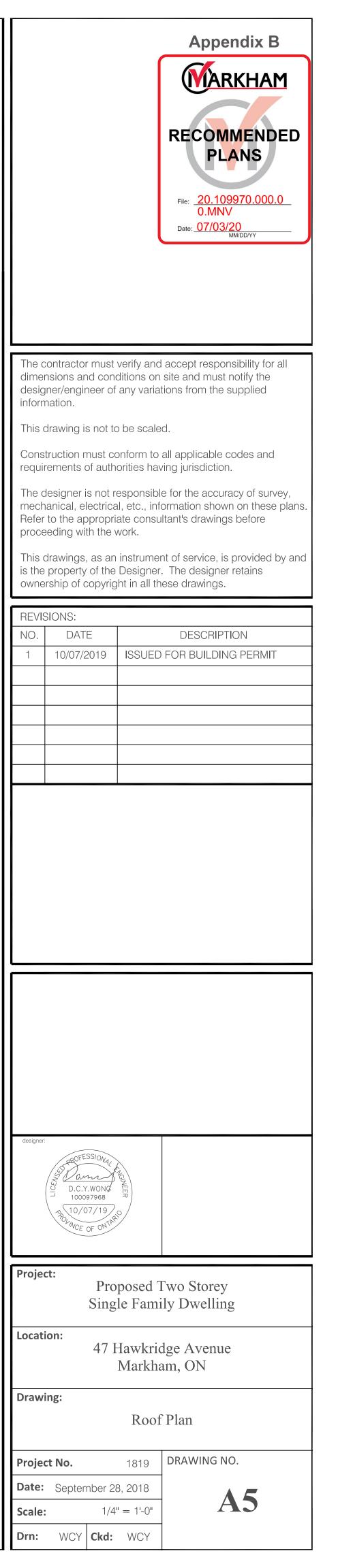
RAFTER DOUBLE___ HEADER T1:Gable Dormer Framing



SUBFLOORING

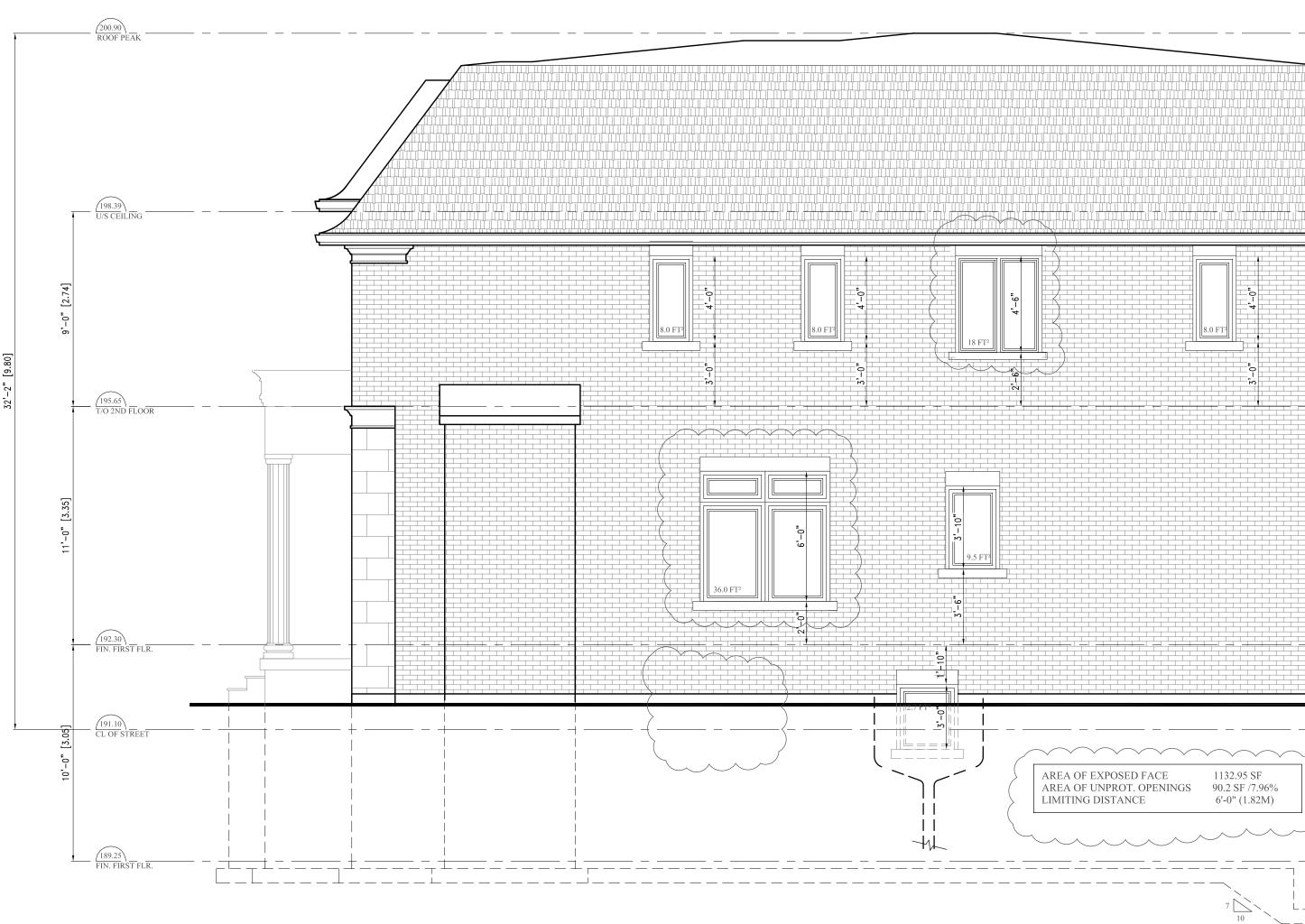




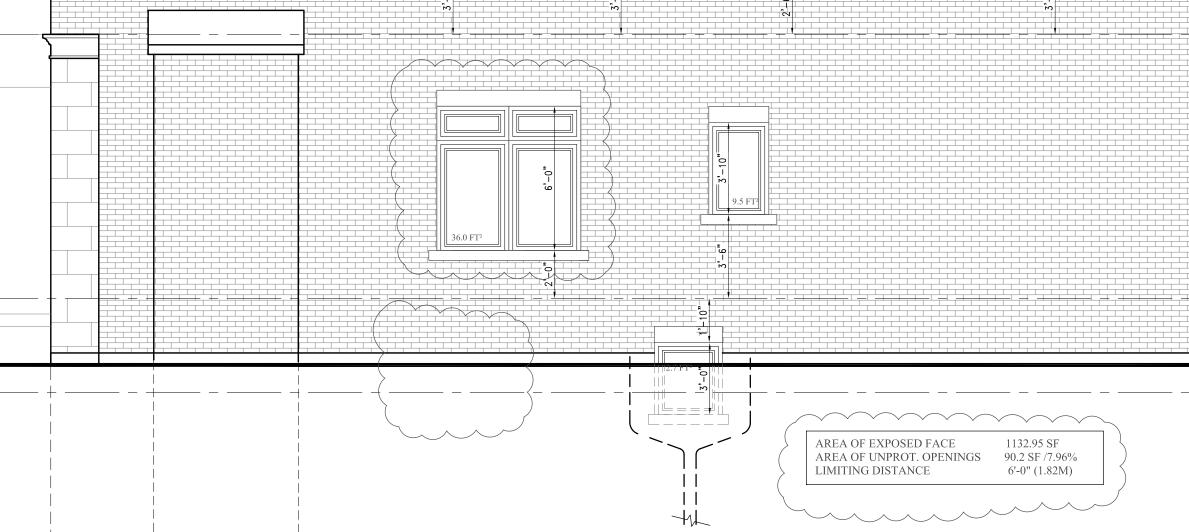




A6 1/4" = 1'-0"



SOUTH ELEVATION A6 1/4" = 1'-0"



	Appendix B	
	MARKHAM	
	RECOMMENDED PLANS File: 20.109970.000.0 0.MNV Date: 07/03/20 MM/DD/YY	
dimensions and cond designer/engineer of information. This drawing is not to Construction must co requirements of auth The designer is not re mechanical, electrica	verify and accept responsibility for all ditions on site and must notify the any variations from the supplied be scaled. onform to all applicable codes and orities having jurisdiction. esponsible for the accuracy of survey, al, etc., information shown on these plans. ate consultant's drawings before	
proceeding with the v	work.	
This drawings, as an instrument of service, is provided by and is the property of the Designer. The designer retains ownership of copyright in all these drawings.		
REVISIONS:		
NO. DATE 1 10/07/2019 2 02/05/2020	DESCRIPTION ISSUED FOR BUILDING PERMIT ISSUED FOR EXAMINER'S NOTICE	
designer:		
D.C.Y.WONG 100097968 02/05/20 WCE OF ONTA	CHAMEER	
	posed Two Storey le Family Dwelling	
	Hawkridge Avenue Markham, ON	
Drawing: South & West Elevations		
Project No.	1819 DRAWING NO.	
Date: September 28	8, 2018 4" = 1'-0" A6	
Scale: 1/4 Drn: WCY Ckd:	$\frac{1}{WCY}$	

