

# Memorandum to the City of Markham Committee of Adjustment

June 9, 2020

**File:** A/057/20  
**Address:** 103 Parkway Ave – Markham, ON  
**Applicant:** Donghua Wu  
**Agent:** J-R Home Designer Inc.  
**Hearing Date:** Tuesday July 14, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the Residential – (R1) Zone requirements of By-law 1229, as amended, as it relates to a new two-storey detached dwelling with an attached garage. The requested variance is as follows:

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

a net floor area ratio of 51.30%, whereas a maximum net floor area ratio of 45% is permitted.

## **BACKGROUND**

### **Property Description**

The 613.30 m<sup>2</sup> (6,601.51 ft<sup>2</sup>) subject property is located on the south side of Parkway Avenue, north of Church Street and west of Wooten Way North. 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.

The property was formerly occupied by a one-storey detached dwelling, however is currently vacant due to recent demolition of the dwelling. The subject property presently contains construction fencing and existing trees.

### **Proposal**

The applicant is proposing to construct a new two-storey detached dwelling with a total gross floor area of 314.56 m<sup>2</sup> (3,385.9 ft<sup>2</sup>) on the subject property. The ground floor area of the proposed dwelling is approximately 168.43 m<sup>2</sup> (1,812.97 ft<sup>2</sup>) on the first storey, which includes the attached two-car garage. The proposed floor area on the second storey is approximately 146.13 m<sup>2</sup> (1,572.93 ft<sup>2</sup>).

The applicant is proposing to remove one tree on the property which was identified as a Crabapple tree in fair condition that has been “severely topped” according to the submitted arborist assessment. The applicant is proposing to preserve all other trees on the property (five trees) as indicated on the Site Plan provided in Appendix “B”. Staff are of the opinion that the proposed preservation plan is appropriate, and recommend that approval of this application be subject to the tree preservation and compensation conditions provided in Appendix “A”.

### **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 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 – (R1) zone 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 the net floor area ratio.

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

The applicant completed a ZPR to confirm the initial variances required for the proposed development, where a net floor area of 59.98% was proposed at the time. After discussions with planning staff, the applicant revised their proposal to reflect the new variance request. A second ZPR has not been conducted for the revised proposal. Consequently, it is the applicant'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 Net Floor Area Ratio**

The applicant is requesting a maximum net floor area ratio of 51.30%, whereas the By-law permits a maximum net floor area ratio of 45%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 314.56 m<sup>2</sup> (3,385.9 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 276.24 m<sup>2</sup> (2,973.0 ft<sup>2</sup>). This is an increase of approximately 38.32 m<sup>2</sup> (412.90 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 dwelling meets all other zoning provisions, including setbacks, building depth, height and lot coverage which establishes the prescribed building envelope.

In the opinion of staff, this assists in ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments in the neighbourhood. Staff are further of the opinion that the requested variance will not negatively impact abutting properties, is compatible with the surrounding context, and is therefore an appropriate development for the subject property.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 9, 2020. 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.

### **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.

### **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 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.

### **APPENDICES**

Appendix "A" – Conditions of Approval

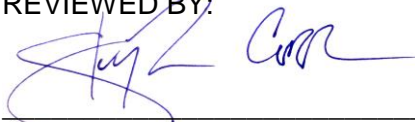
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



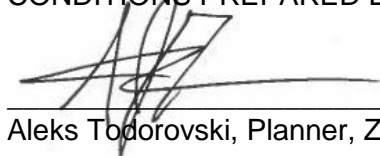
Stephen Corr, Senior Planner, East District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/20**

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 plans attached as Appendix "B" to this Staff Report and received by the City of Markham between the dates of May 22, 2020 and May 28, 2020, 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:

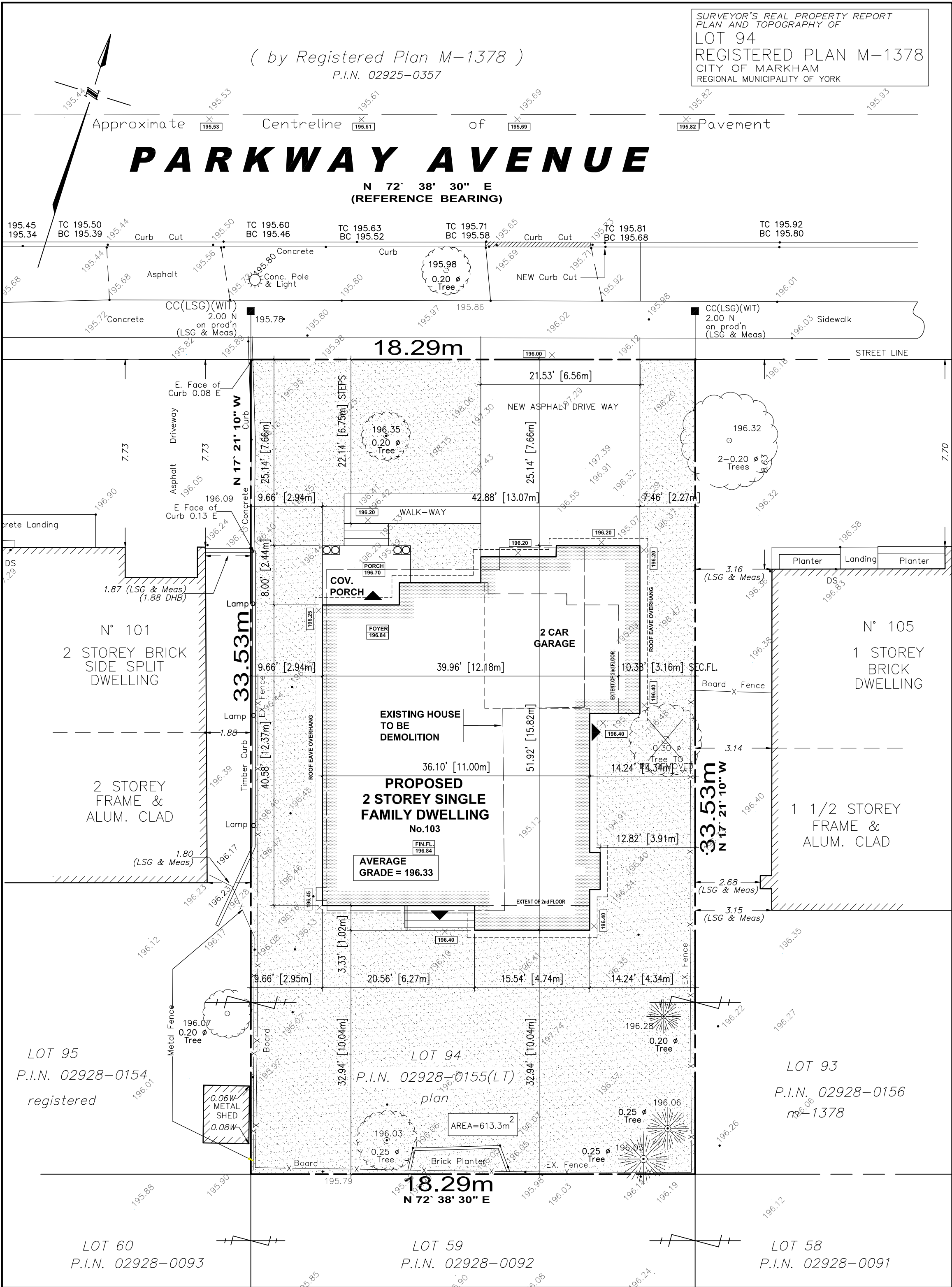


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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/20**



1 SITE PLAN
SCALE: 3/32" = 1'-0"

SURVEYOR'S REAL PROPERTY REPORT  
 PLAN AND TOPOGRAPHY OF  
 LOT 94  
 REGISTERED PLAN M-1378  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

Statistics

Property Information: 103 PARKWAY AVE, CITY OF MARKHAM, ONTARIO - Lots 94 - REG. PLAN 1378		
Zoning Designation:	R1 - RESIDENTIAL	Total Lot Area: 6,601 sq.ft. 613.3 sq.m.
	Requirements	Proposed
Lot Coverage	214.63 sq.m. (2,310 sqft) 35% MAX	203.92 sq.m. (2195 sqft) 33.2%
Lot Frontage	18.28m (60.00 ft)	18.28m (60.00 ft)
Max. Building Depth	16.80m (55.11 ft)	17.04m (55.92 ft)
Max. Garage Projection	2.1m (6.88 ft)	1.52m (5.00 ft)
Gross Floor Area - Basement Floor	N.A.	127.27 sq.m. (1370 sqft)
Gross Floor Area - Ground Floor	N.A.	126.44 sq.m. (1361 sqft)
Gross Floor Area - Garage	N.A.	41.99 sq.m. (452 sqft)
Gross Floor Area - Second Floor	N.A.	146.13 sq.m. (1573 sqft)
Gross Floor Area - Total	45% MAX. OF THE TOTAL NET LOT AREA	272.57 sq.m. (2,934 sqft) 44.4%
Gross Floor Area - Total (Including Garage Area)	N.A.	314.57 sq.m. (3,386 sqft) 51.3%
Max. Number of Storey	2 Storey	2 Storey
Parking	2 Stalls	2 Stalls
Height,	9.8m (32.15ft)	9.8m (32.15ft)
Setback, Front Yard ( NORTH )	7.62m (25.00ft)	7.66m (25.14ft)
Setback, Rear Yard ( SOUTH )	7.62m (25.00ft)	10.04m (32.94ft)
Setback, Side Yard ( EAST )	1.21m (4.00ft)/ SEC. FL.1.83m (6.00ft)	2.26m (7.42ft)/SEC. FL. 3.16m (10.38ft)
Setback, Side Yard ( WEST )	1.83m (6.00ft)	2.94m (9.66ft)

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Appendix B

File: 20.112973.00.00.MW

Date: 07/10/20

DRAWINGS MUST NOT BE SCALED  
 DRAWINGS TO BE READ IN CONJUNCTION WITH GENERAL NOTES AND O.B.C  
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 all dimensions are given in imperial units unless otherwise indicated.

Note:

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3.	REVISED DESIGN TO 51% GFA	2020.05.22	JR
2.	REVISED BUILDING LENGTH AND BUILDING HEIGHT	2020.04.15	JR
1.	ISSUED FOR DEMOLITION PERMIT	2020.02.19	JR
No.	Description	YYYY.MM.DD	By

REVISIONS  
 THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.  
 QUALIFICATION INFORMATION:

NAME SIGNATURE BCIN  
 REGISTRATION INFORMATION  
 JR DESIGN + CONSTRUCTION BCIN

COMPANY NAME:

J-R Home Designer

J-R Home Designer Inc.  
371 Strawberry Crest, Waterloo, ON N2K 3J3, T:416.737.9413  
E: john@jrhomedesigner.com, www.jrhomedesigner.com

PROJECT ADDRESS: 103 PARKWAY AVE  
 CITY OF MARKHAM - ONTARIO

PROJECT TITLE: NEW 2 STOREY HOUSE

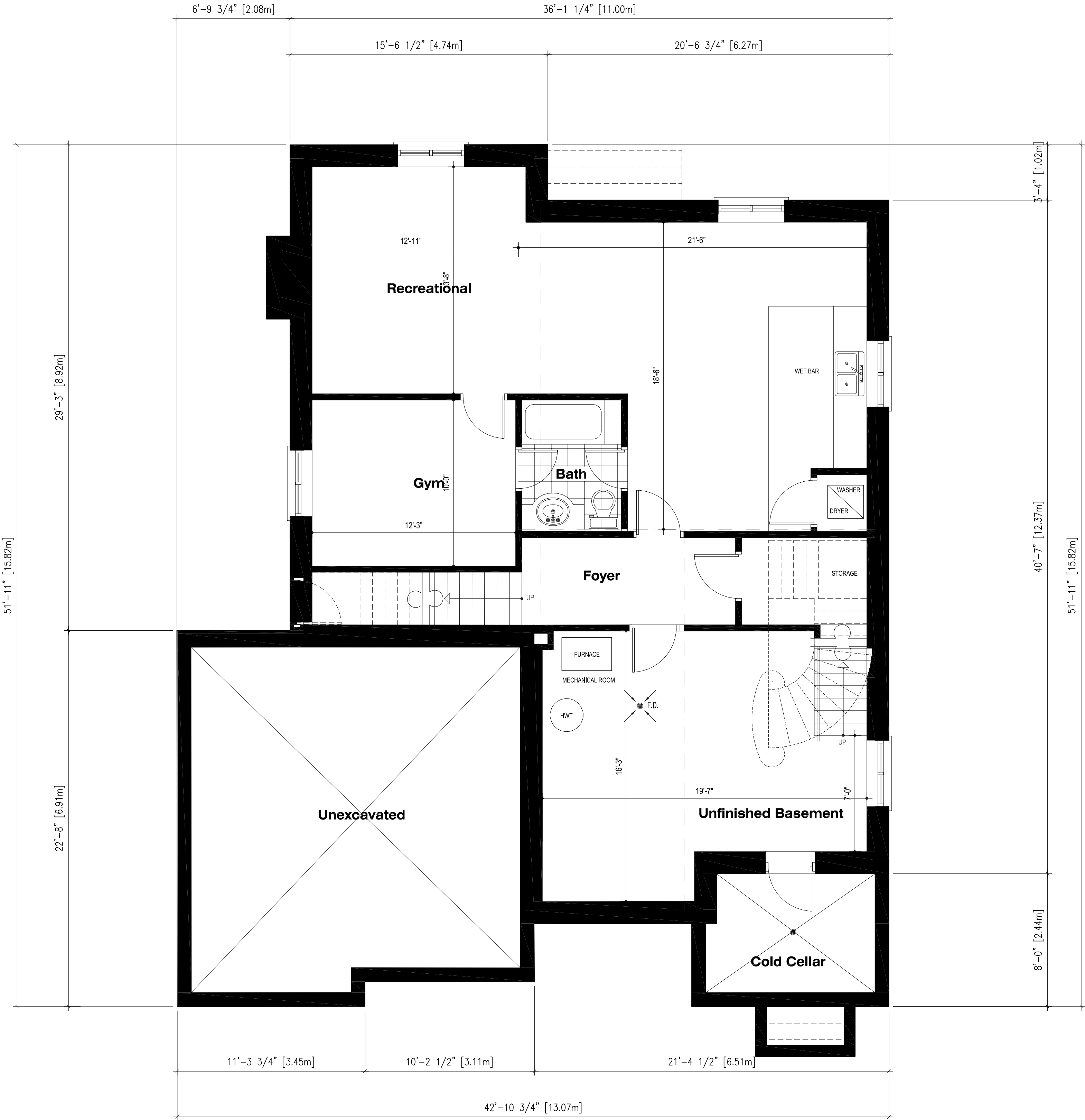
DRAWING SHEET: SITE PLAN

Scale: AS NOTED  
 Drawn By: JOHN RAMIREZ  
 Checked By: JOHN RAMIREZ  
 Page Number

NORTH ARROW

A01





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Appendix B

File: 20.112978.000.00.MW

Date: 07/10/20

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QUALIFICATION INFORMATION

JOHN RAMIREZ	32125
NAME	SIGNATURE
REGISTRATION INFORMATION	110313
J-R HOME DESIGNER INC.	BCIN

COMPANY NAME:

JR

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PROJECT ADDRESS: 103 PARKWAY AVE  
MARKHAM, ONTARIO

PROJECT TITLE: NEW 2 STOREY HOUSE

DRAWING SHEET: BASEMENT FLOOR PLAN

Scale: 1/4"=1'-0"

Drawn By: JOHN RAMIREZ Checked By: JOHN RAMIREZ

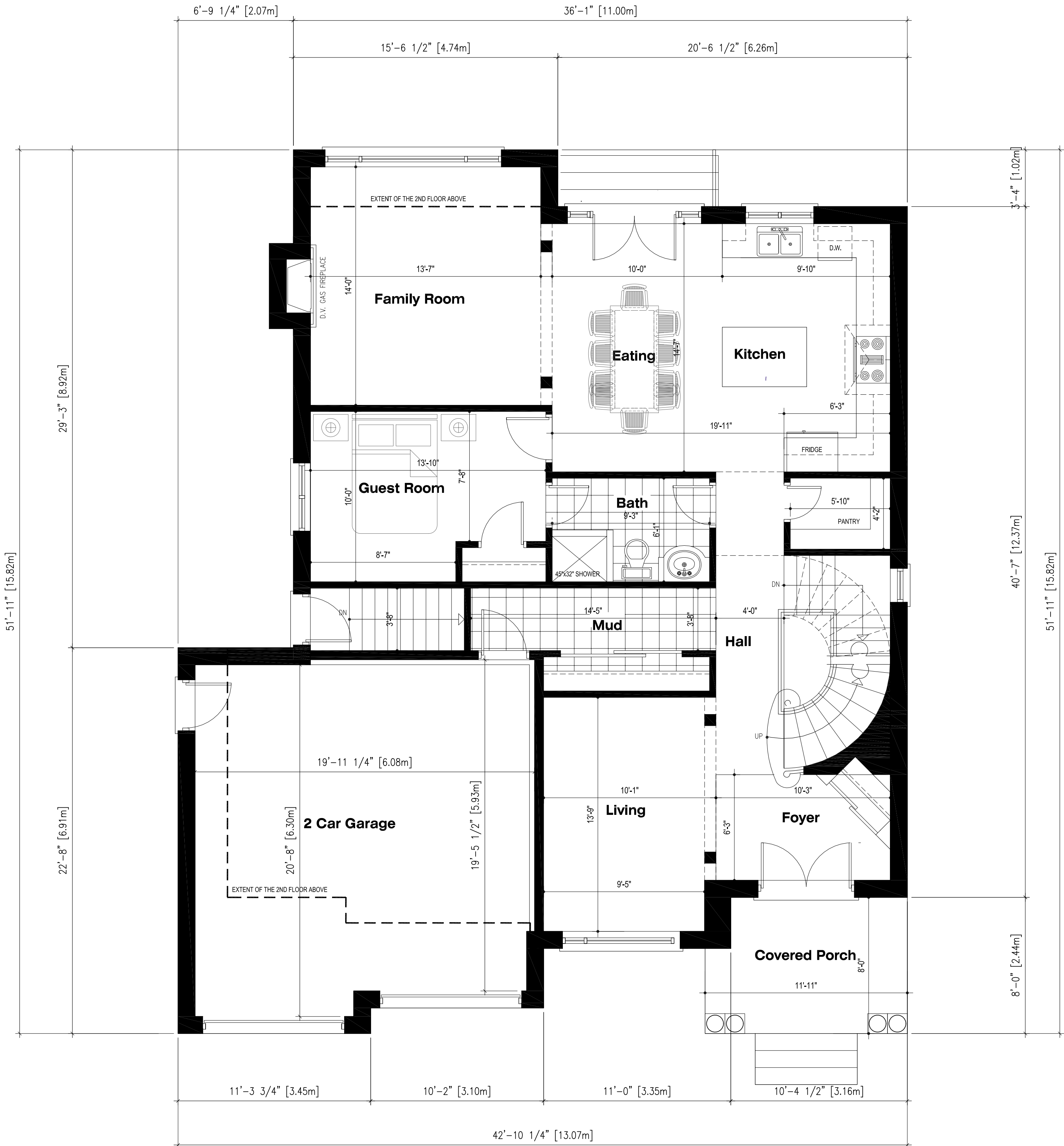
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Appendix B

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REVISIONS

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QUALIFICATION INFORMATION

JOHN RAMIREZ 32125

NAME SIGNATURE BCIN

REGISTRATION INFORMATION 110313

J-R HOME DESIGNER INC. BCIN

COMPANY NAME:

JR

Home Designer

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E: john@jrhomedesigner.com, www.jrhomedesigner.com

PROJECT ADDRESS:

103 PARKWAY AVE  
MARKHAM, ONTARIO

PROJECT TITLE:

NEW 2 STOREY HOUSE

DRAWING SHEET:

GROUND FLOOR PLAN

Scale:

1/4"=1'-0"

Drawn By:

JOHN RAMIREZ

Checked By:

JOHN RAMIREZ

Page Number

A03

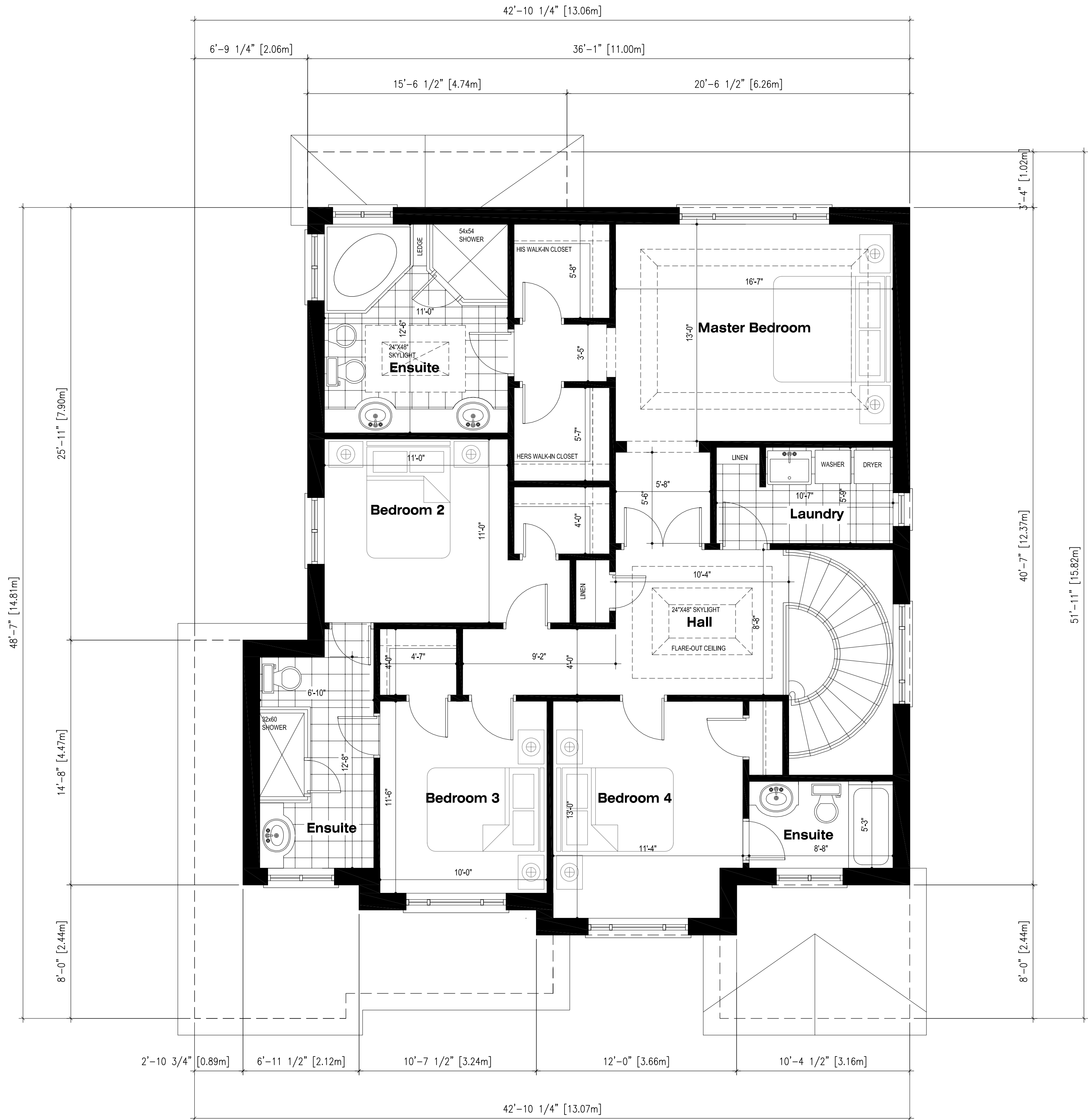
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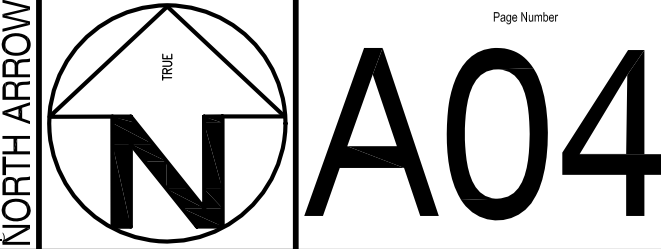
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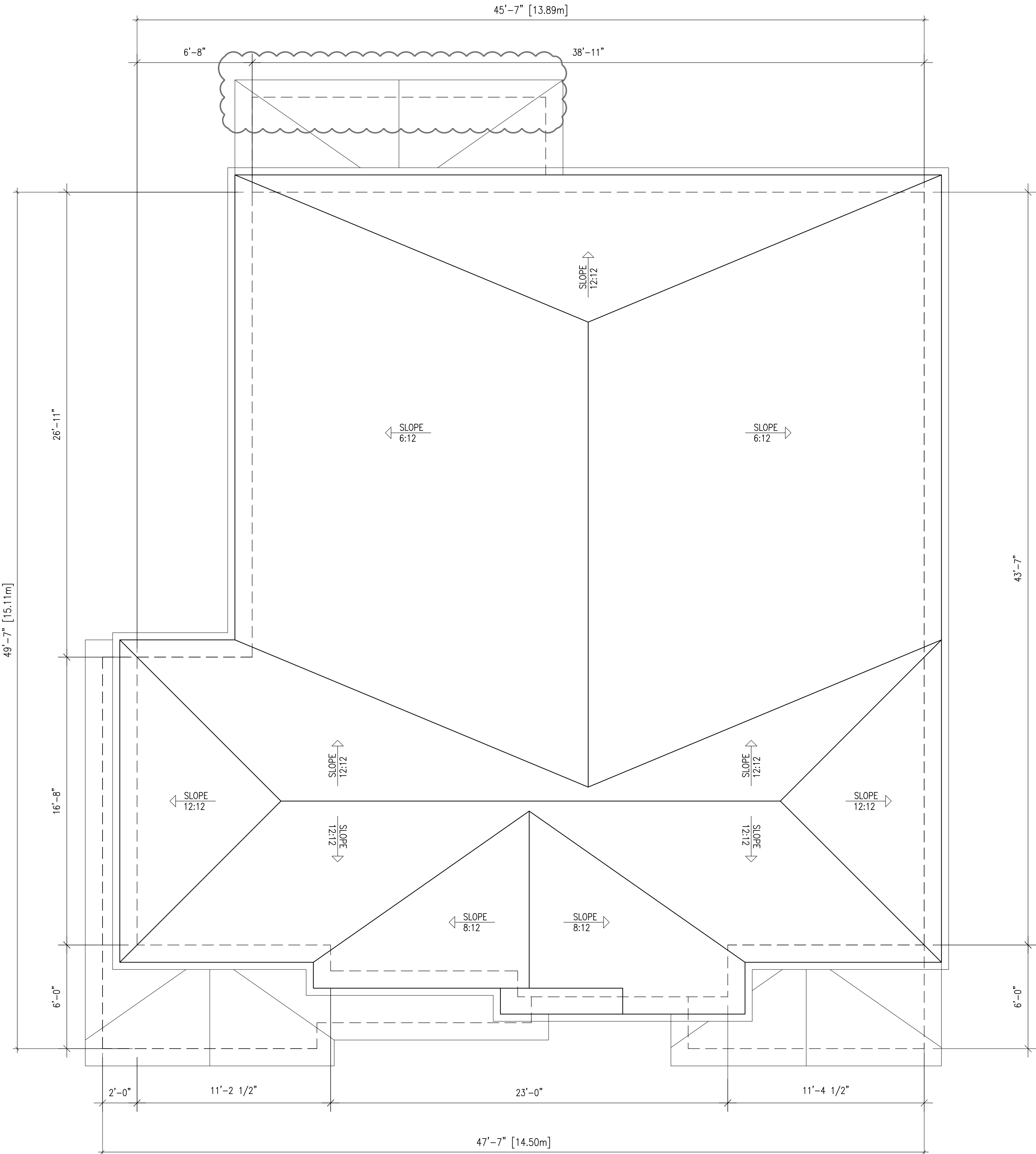
DRAWING SHEET: **SECOND FLOOR PLAN**

Scale: **1/4"=1'-0"**

Drawn By: **JOHN RAMIREZ** Checked By: **JOHN RAMIREZ**

Page Number





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PROJECT ADDRESS:	103 PARKWAY AVE MARKHAM, ONTARIO
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PROJECT TITLE:	NEW 2 STOREY HOUSE
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DRAWING SHEET:	ROOF PLAN
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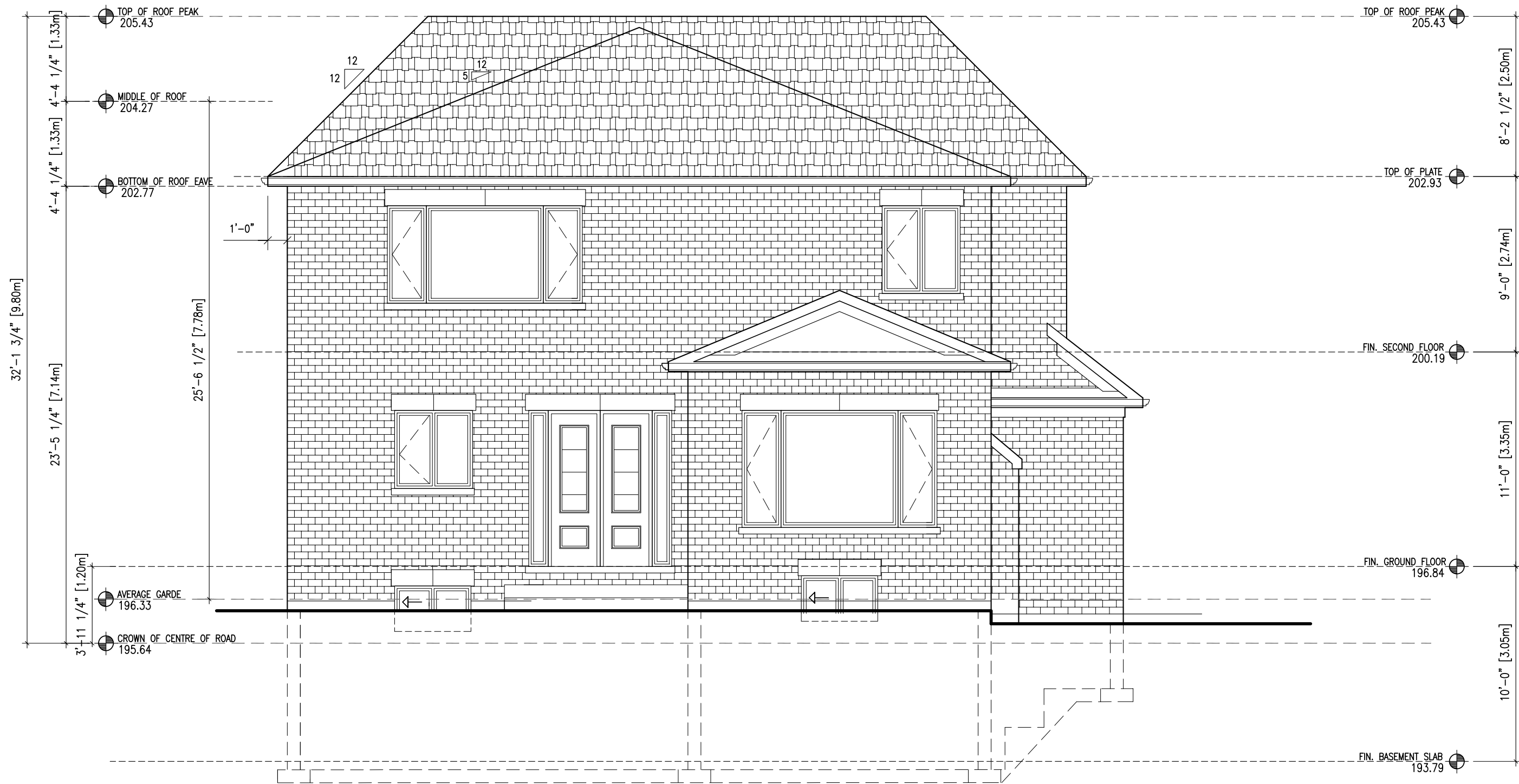
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2 NORTH ELEVATION SCALE: 3/16" = 1'-0"



1 SOUTH ELEVATION SCALE: 3/16" = 1'-0"

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## Appendix B

File: 20.112978.000.00.MKV

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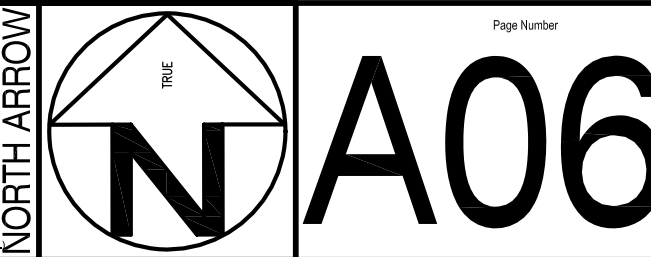
PROJECT TITLE: **NEW 2 STOREY HOUSE**

DRAWING SHEET: **NORTH & SOUTH ELEVATIONS**

Scale: **1/4"=1'-0"**

Drawn By: **JOHN RAMIREZ** Checked By: **JOHN RAMIREZ**

Page Number





2 EAST SIDE ELEVATION SCALE: 3/16" = 1'-0"



1 WEST SIDE ELEVATION SCALE: 3/16" = 1'-0"

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MARKHAM, ONTARIO

PROJECT TITLE: NEW 2 STOREY HOUSE

DRAWING SHEET: EAST & WEST ELEVATIONS

Scale: 1/4"=1'-0"

Drawn By: JOHN RAMIREZ Checked By: JOHN RAMIREZ

Page Number

