

Memorandum to the City of Markham Committee of Adjustment

October 26, 2022

File: A/163/22
Address: 14 Wales Avenue, Markham ON
Applicant: Vince Wong
Agent: Vince Wong
Hearing Date: Wednesday, November 9, 2022

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 detached dwelling. The variance requested is to permit:

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

a maximum floor area ratio of 53.70 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent.

BACKGROUND

Property Description

The 803.02 m² (8,643.72 ft²) subject property is located on the west side of Wales Avenue, south of 16th Avenue and east of Markham Road. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half-storey detached dwellings.

The property currently contains a one-storey detached dwelling with a detached garage located in the rear yard. Mature vegetation exists on the property which includes one (1) mature tree in the front yard, and several mature trees on the north and south property lines.

On September 14, 2022 the Heritage Markham Committee considered and approved a request to remove the subject property from the Markham Register of Cultural Heritage Value or Interest. Heritage Staff have reviewed the proposed new detached dwelling and the related variance request, and are of the opinion that it is sufficiently distant from any built heritage resource and no adverse visual or physical impacts are anticipated on the cultural heritage value of the Markham Village Heritage Conservation District.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling to construct a new two-storey detached dwelling with an integral tandem three-car garage. The proposed dwelling will have an approximate gross floor area of 379.40 m² (4,084.10 ft²).

The applicant is requesting variances to the floor area ratio to facilitate the construction of the new two-storey detached dwelling.

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, the width of proposed garages and driveways.

Zoning By-Law 1229

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.

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:

“The technical habitable space is within the limits set out by By-law 1229. The excess is found in the double height areas which are there to enhance the visual experience of the home. There is a provision for a 3rd garage space as my daughter will need a parking space in the near future, as such it is more cost effective and less disruptive to the neighbourhood if construction is already in progress to finish the 3rd garage. There is no intention to fill in the OTB areas. This will allow us to build our dream home, the layout is something not seen in traditional subdivisions.”

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 19, 2022 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 53.70 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 an approximate total gross floor area of 379.40 m² (4,084.10 ft²), whereas the By-law permits a dwelling with a maximum floor

area of 318.01 m² (3,423.03 ft²). This represents an increase of approximately 61.39 m² (660.79 ft²).

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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half-storey detached dwellings. Although the proposed dwelling will be larger than the existing dwellings on the street, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

EXTERNAL AGENCIES

Metrolinx Requirements

The subject property is located within 300m of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on September 20, 2022 (Appendix “C”), requiring an environmental easement as per 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 October 26, 2022. 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. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/163/22

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped 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:



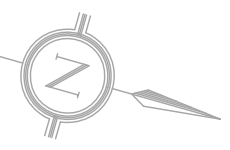
Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/163/22

Appendix B

File: 22.256482.000.00.MNV

Date: 11/03/22
MM/DD/YY

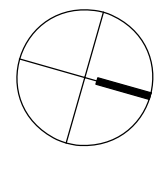


3"X5" CITY OF MARKHAM STAMP BOX



THIS PLAN WAS PREPARED FOR AFSHIN SHI THE UNDERSIGNED ASSUMES NO RESPONSIBILITY

Issued:	Issued:
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02 FOR CLIENT REVIEW	08 FOR COA
03 FOR CLIENT REVIEW	09 FOR CLIENT REVIEW
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05 FOR CLIENT SIGN-OFF	11 REISSUED FOR ZPR & COA



A1

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14 WALES AVE.
MARKHAM, ON

SITE PLAN
SCALE: 1/8" = 1'-0"

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LOT 18
P.I.N. 02919-0059 (LT)

LOT 20
P.I.N. 0058 (LT)

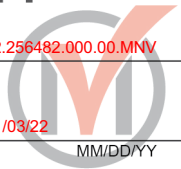
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14 WALES AVE.
C/L OF ROAD
AVG: (199.88)

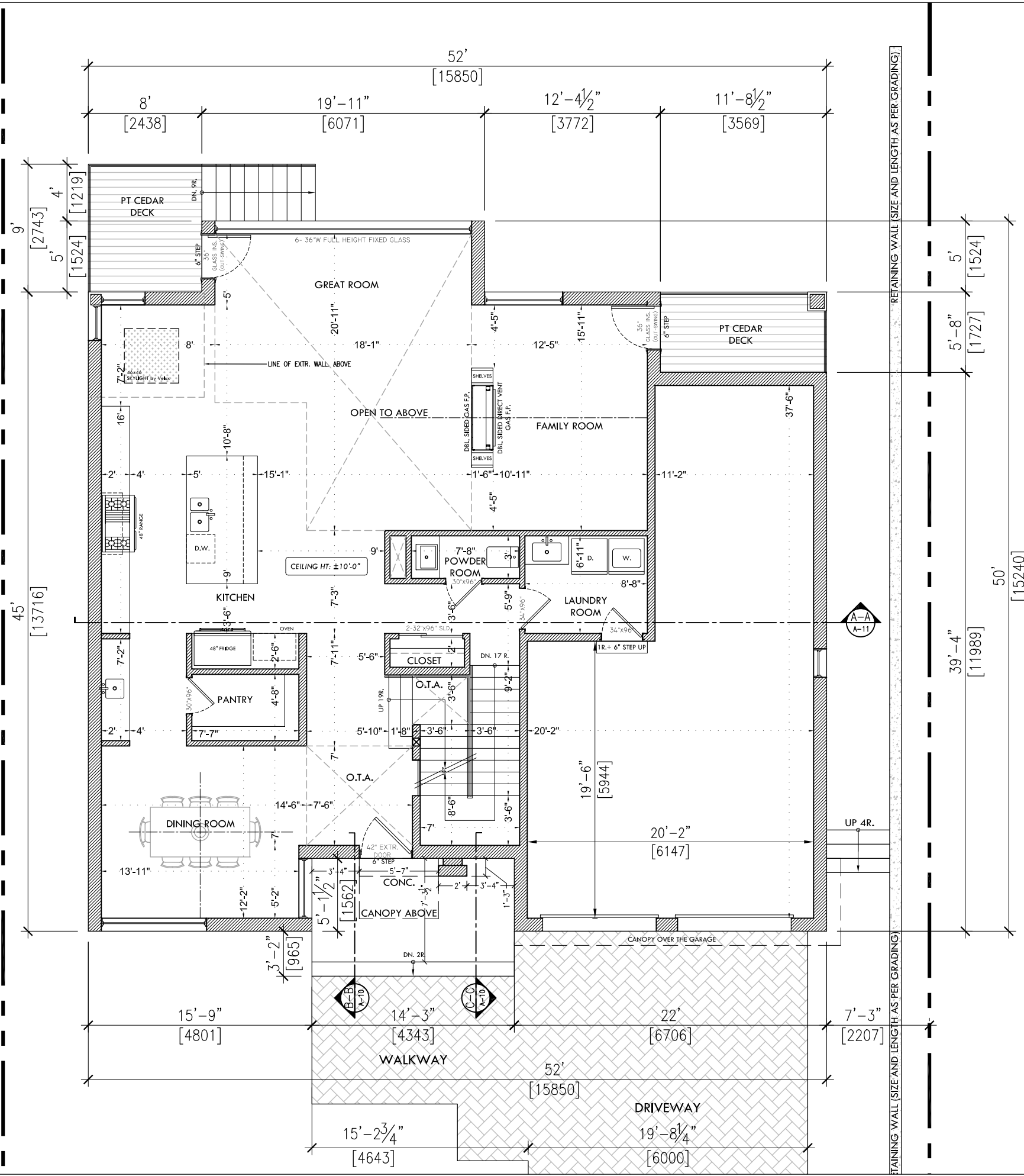
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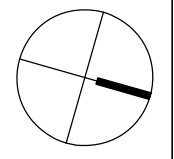


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05 FOR CLIENT REVIEW	MAY. 05, 2022
	AUG. 22, 2022
	SEPT. 29, 2022
	OCT. 11, 2022
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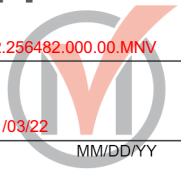


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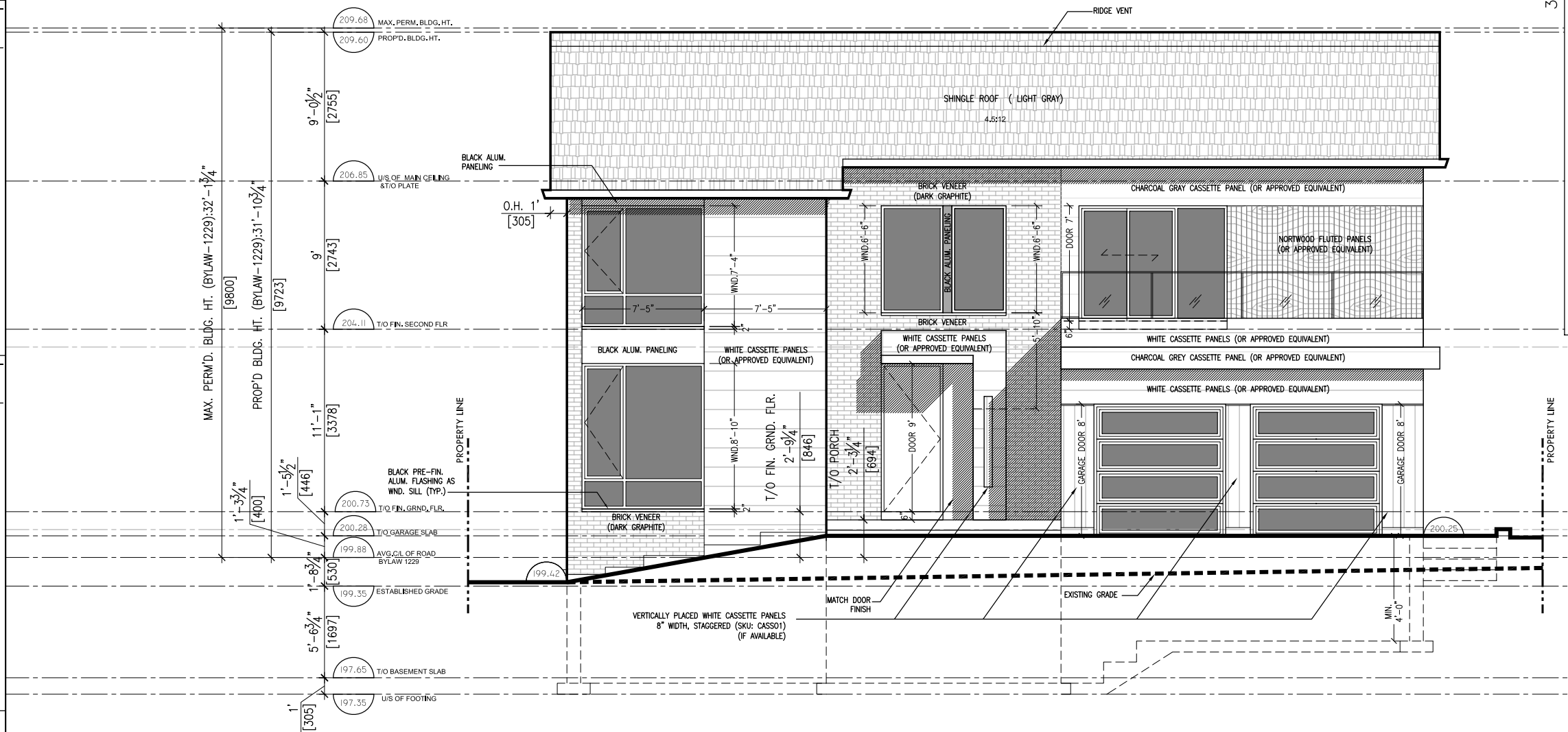
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14 WALES AVE.
MARKHAM, ON

FRONT (EAST) ELEVATION
SCALE: 1/8" = 1'-0"

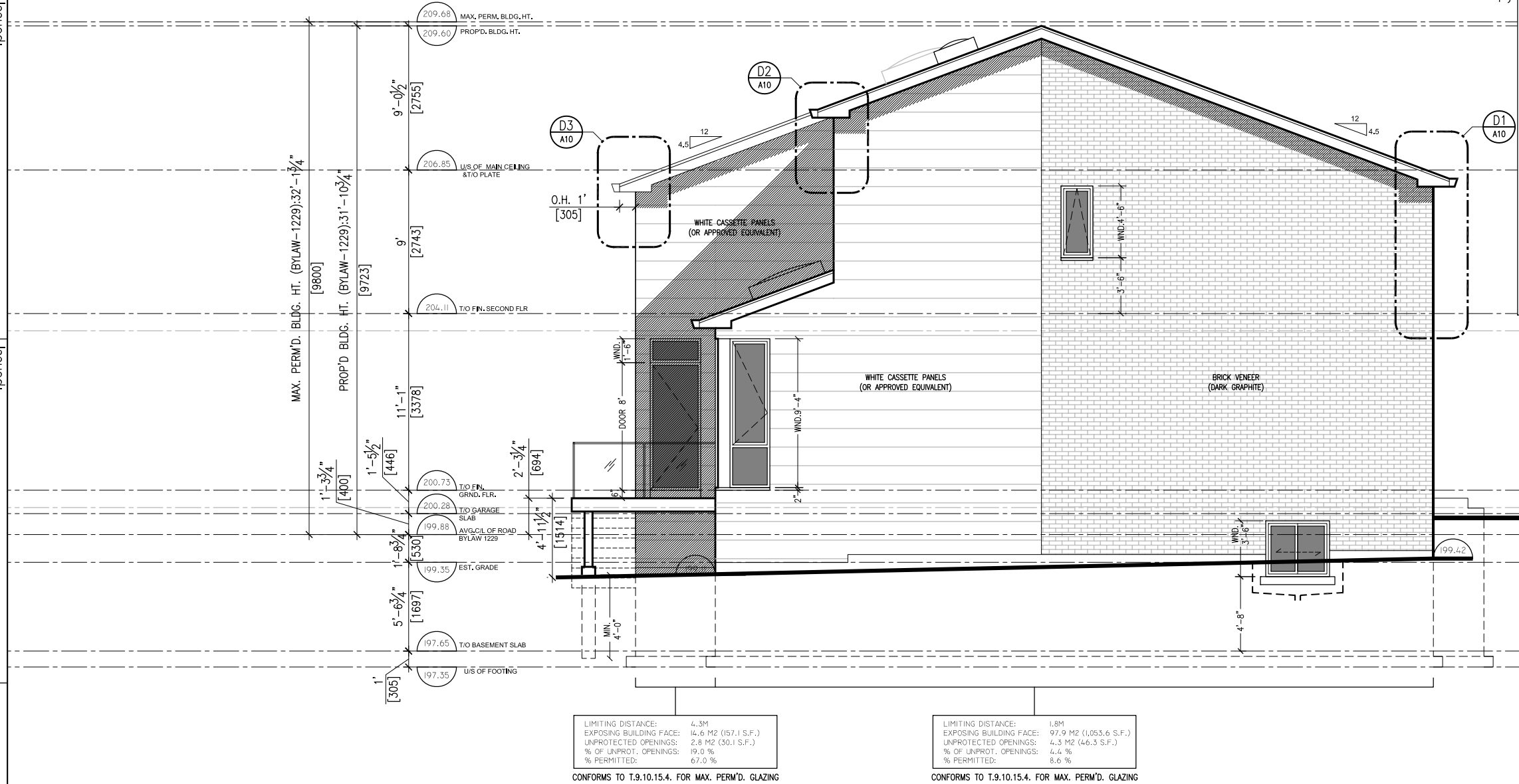
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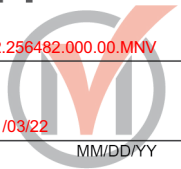
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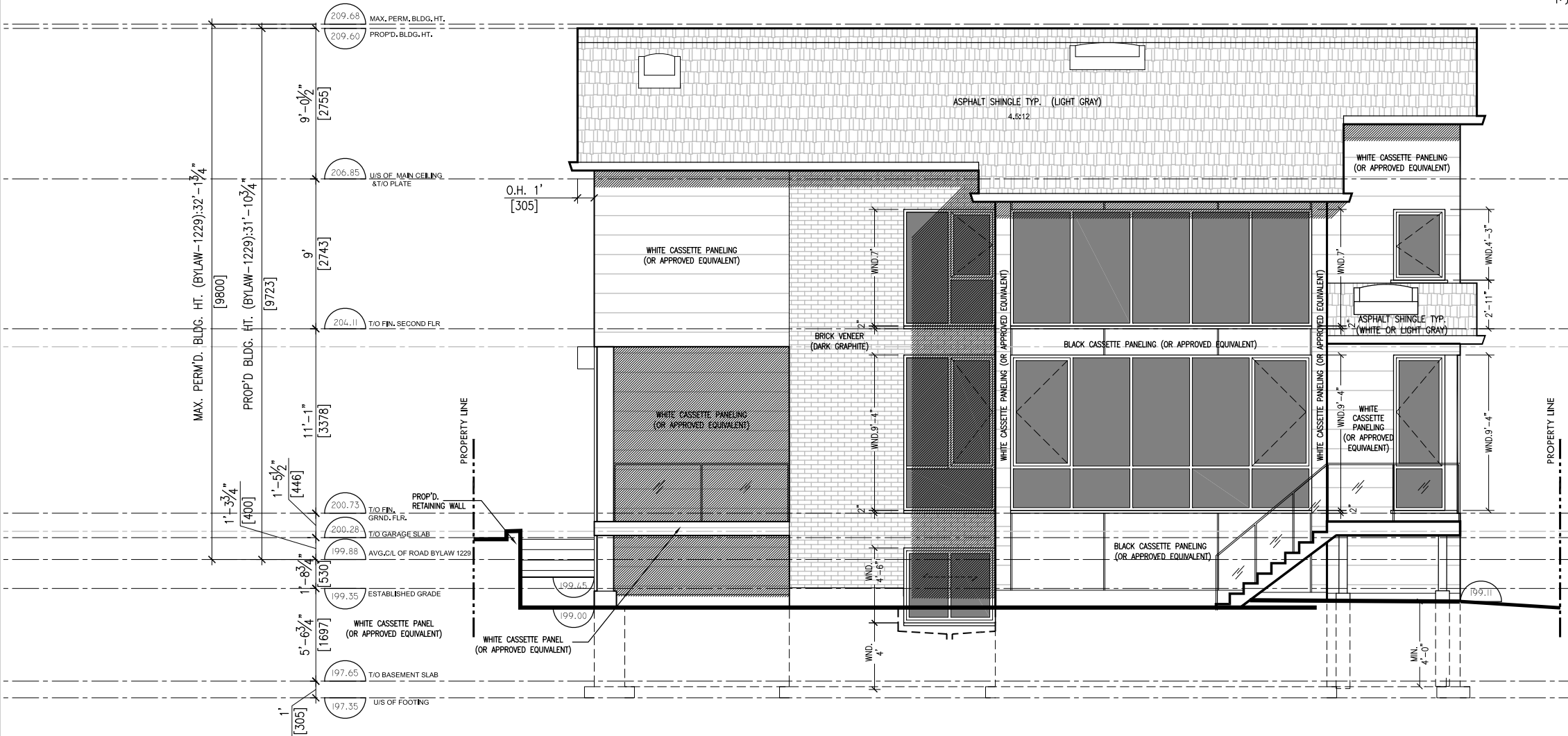
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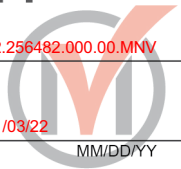
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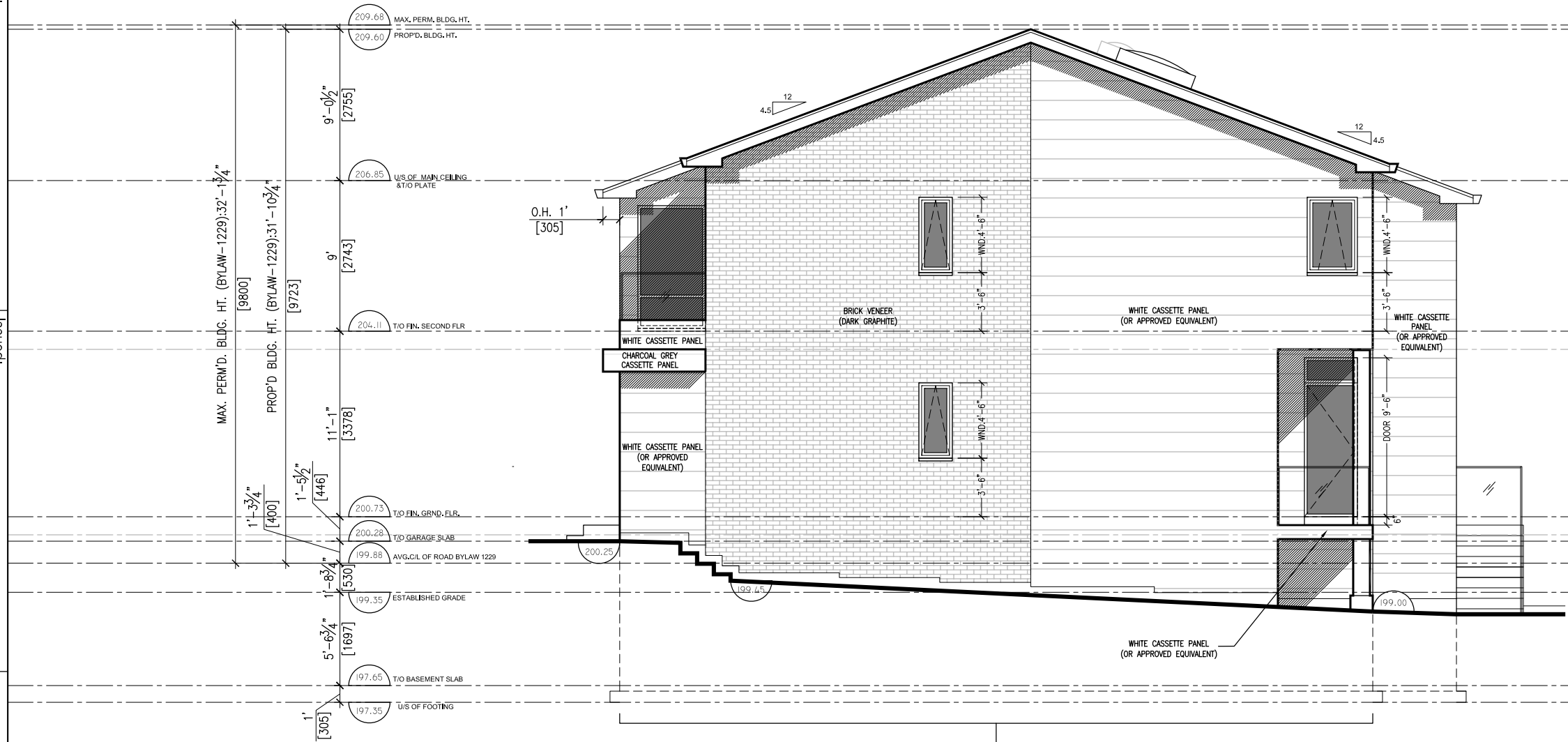
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LIMITING DISTANCE: 2.2 M
 EXPOSING BUILDING FACE: 102.0 M² (1,098 S.F.)
 UNPROTECTED OPENINGS: 8.0 M² (86.3 S.F.)
 % OF UNPROT. OPENINGS: 7.8 %
 % PERMITTED: 9.8 %

CONFORMS TO T.9.10.15.4. FOR MAX. PERM'D. GLAZING

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04	RE-ISSUED FOR ZPR		
05	FOR COA		

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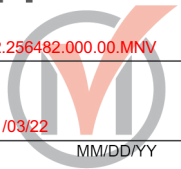
14 WALES AVE.
 MARKHAM, ON

SIDE (NORTH) ELEVATION
 SCALE: 1/8" = 1'-0"

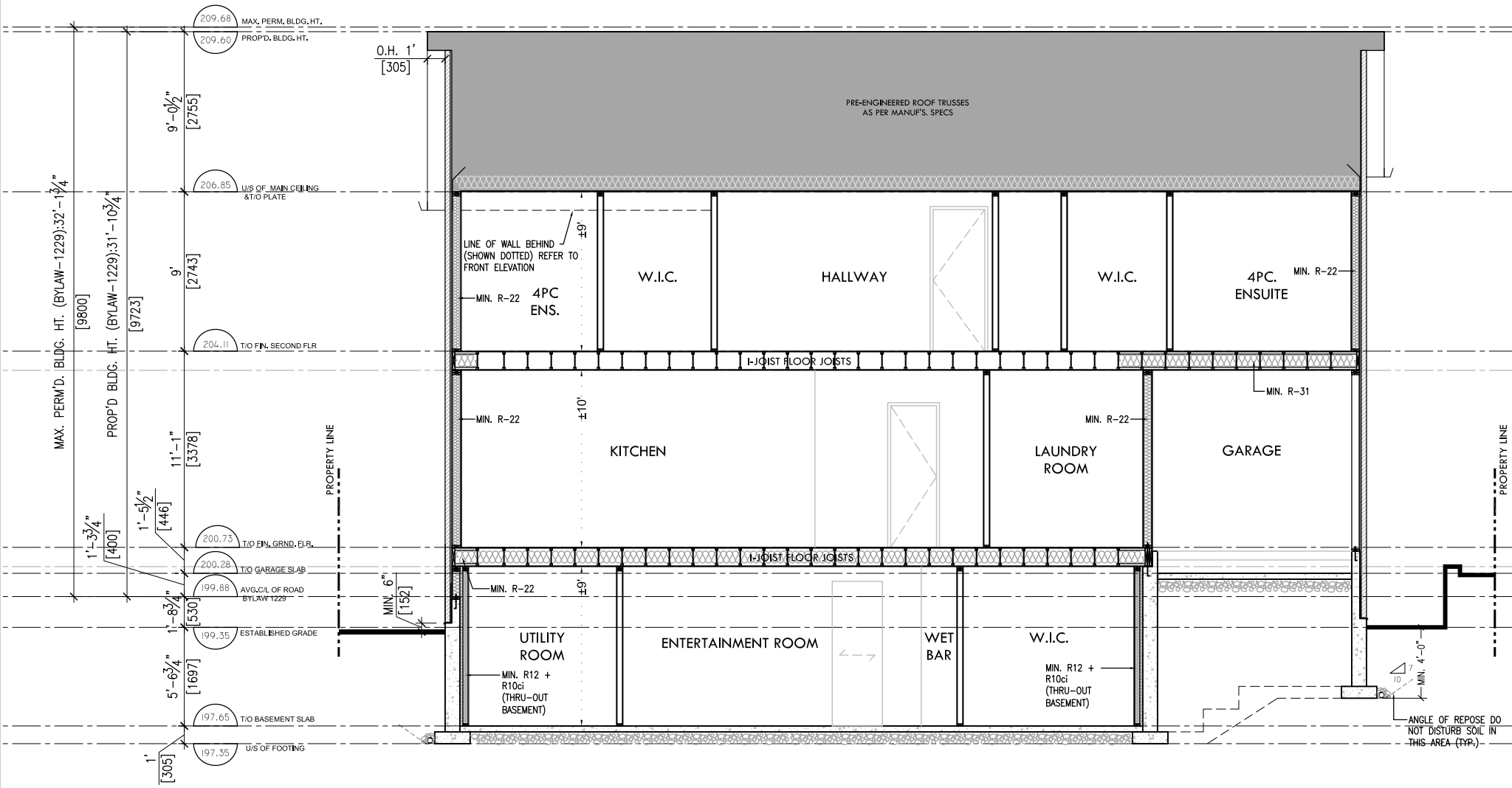
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