

## Memorandum to the City of Markham Committee of Adjustment

June 11, 2020

**File:** A/045/20  
**Address:** 17 Jonquil Cres – Markham, ON  
**Applicant:** Lin Jian  
**Agent:** Brutto Consulting  
**Hearing Date:** Tuesday June 30, 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 it relates to a proposed two-storey detached dwelling. The variances requested are as follows:

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

a maximum floor area ratio of 49.84%; whereas the By-law permits a maximum of 45%.

### BACKGROUND

#### Property Description

The 978.08 m<sup>2</sup> (10,528 ft<sup>2</sup>) subject property municipally known as 17 Jonquil Crescent, is located on the east side of Jonquil Crescent, north of Highway 7 East, west of Hawkridge Avenue, south of Robinson Street, and east of Galsworthy Drive. There is an existing one-storey detached dwelling on the property, with mature vegetation throughout the site including a large mature tree in the front yard. The applicant proposes that all trees on the property will be preserved, as per the email in Appendix “C”. Jonquil Crescent is comprised of a housing mix of existing one-storey dwellings originally constructed in the 1960’s, and more recent infill housing in the form of one and two-storey dwellings. Infill development along the street includes dwellings that comply with the By-law, and dwellings which have obtained variance approvals, including increases to net floor area ratio as shown in *Table 1* below.

*Table 1, Surrounding Infill Homes & Approved FAR Increases*

Address	File Number	Lot Area	Gross Floor Area	Floor Area Ratio
3 Jonquil Crescent	A/169/18	978.1 m <sup>2</sup> (10,528.2 ft <sup>2</sup> )	391.1 m <sup>2</sup> (4,209.8 ft <sup>2</sup> )	49.15%
4 Jonquil Crescent	A/108/13	1,169.6 m <sup>2</sup> (12,589.4 ft <sup>2</sup> )	463.5 m <sup>2</sup> (4,989 ft <sup>2</sup> )	52%
6 Jonquil Crescent	A/159/16	1,169.6 m <sup>2</sup> (12,589 ft <sup>2</sup> )	470.73 m <sup>2</sup> (5,063 ft <sup>2</sup> )	52.8%
12 Jonquil Crescent	A/48/14	1,019.4 m <sup>2</sup> (10,972.7 ft <sup>2</sup> )	424.4 m <sup>2</sup> (4,568.2 ft <sup>2</sup> )	52%
17 Jonquil Crescent (Proposed)	A/045/20	978.1 m <sup>2</sup> (10,528.2 ft <sup>2</sup> )	396.51 m <sup>2</sup> (4,268 ft <sup>2</sup> )	49.84%
20 Jonquil Crescent	A/21/13	898.1 m <sup>2</sup> (9,667.1 ft <sup>2</sup> )	392.6 m <sup>2</sup> (4,225.9 ft <sup>2</sup> )	52%
22 Jonquil Crescent	A/157/15	900.2 m <sup>2</sup> (9,689.6 ft <sup>2</sup> )	378.2 m <sup>2</sup> (4,070.9 ft <sup>2</sup> )	50%
23 Jonquil Crescent	A/161/12	977.9 m <sup>2</sup> (10,526 ft <sup>2</sup> )	416.6 m <sup>2</sup> (4,451.9 ft <sup>2</sup> )	52%

### Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling, and construct a two-storey detached dwelling with an attached double car garage and front covered porch. The total gross floor area of the dwelling is approximately 396.51 m<sup>2</sup> (4,268 ft<sup>2</sup>) with 218.79 m<sup>2</sup> (2,355 ft<sup>2</sup>) on the ground floor, and a smaller second floor footprint of approximately 177.72 m<sup>2</sup> (1,913 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 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 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 maximum net floor area ratio.

## **Applicant’s Stated Reasons for Not Complying with Zoning**

According to the information provided by the applicant, the reasons for not complying with Zoning are because:

- “1. the owner has a large family and culturally live with their parents;*
- 2. the permitted floor area doesn’t meet their requirements; and*
- 3. the lot has an area of 10,500 ft<sup>2</sup> (975.48 m<sup>2</sup>) and a gross floor area of 3,803 ft<sup>2</sup> (353.31 m<sup>2</sup>) (excluding the garage) is pertinent for the lot.”*

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. 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 relief to permit a net floor area ratio of 49.84%, 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 396.51 m<sup>2</sup> (4,268 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum net floor area of 358.03 m<sup>2</sup> (3,853.8 ft<sup>2</sup>). This is an increase of approximately 38.03 m<sup>2</sup> (409.35 ft<sup>2</sup>) or 10.62% greater than the By-law permits.

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 building layout meets all other provisions of the R1 Zone that establishes the prescribed building envelope and maximum lot coverage which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of infill homes along the street and within the surrounding area that have obtained variance approvals for similar increases in floor area ratio (*Table 1*). Staff are of the opinion that the proposed dwelling is of a similar scale, size, and massing that maintains the street character, and therefore, have no concerns that the proposed variance will cause marked impacts on the surrounding lands.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 11, 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**

This application was initially scheduled to be heard on April 22, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal (LPAT).

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.

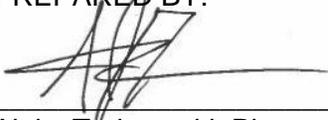
**APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Comments

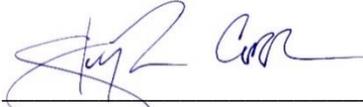
PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

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 on March 13, 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. That prior to the commencement of construction or demolition, tree protection be erected and maintained for the preservation of all trees on site in accordance with the e-mail received by the City of Markham on March 24, 2020 attached as Appendix "C" and 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.
4. That 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 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/045/20**

JONQUIL CRESCENT

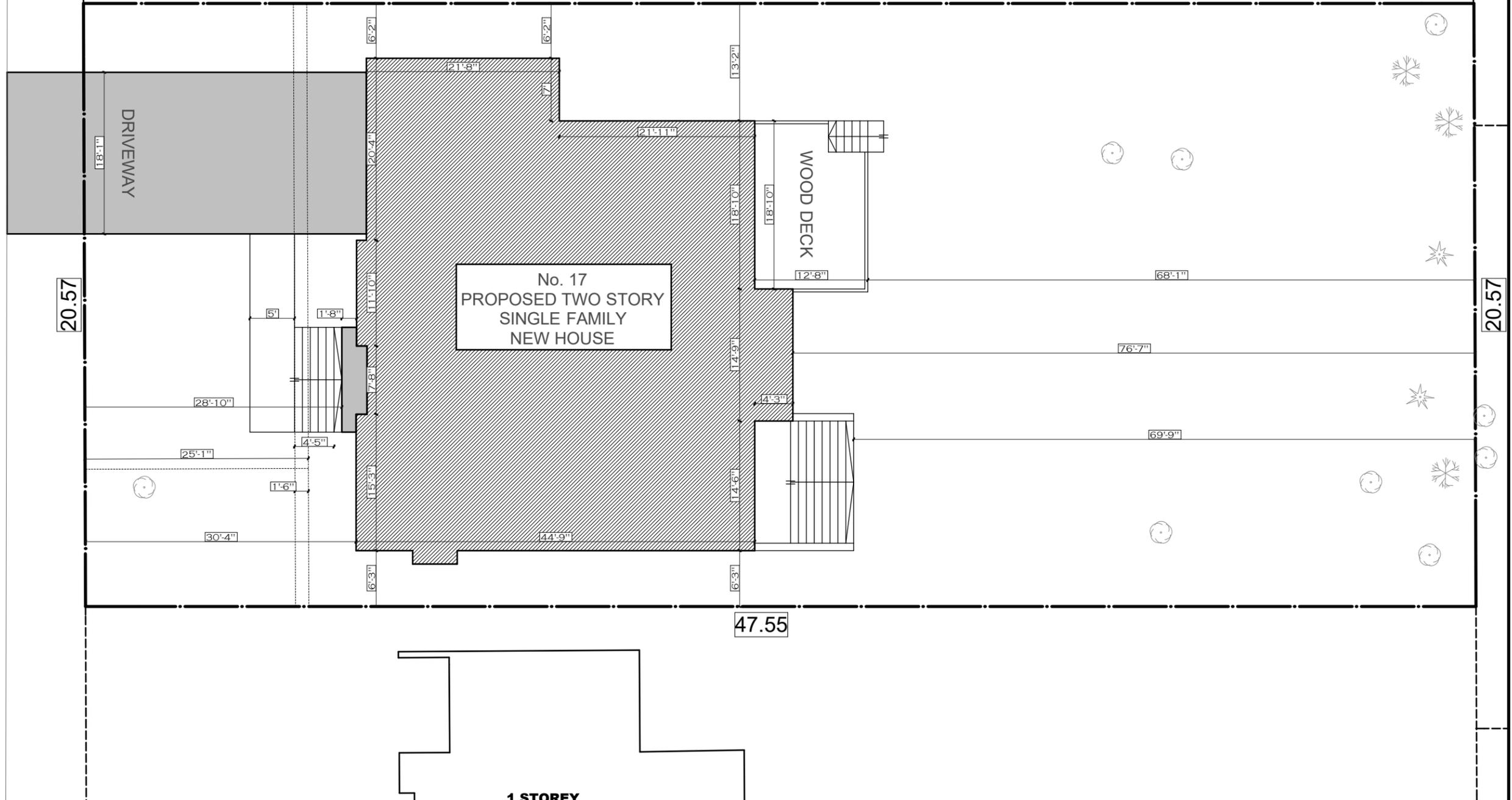
**BRICK BUILDING  
No. 19**

LOT AREA: 10528SQFT/978.08 M <sup>2</sup>		LOT COVERAGE: 2383QFT		NET FLOOR AREA RATIO: 49.84%		
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	CELLAR	GARAGE	TOTAL GFA NOT INCLUDING CELLAR AND PARKING	%
TOTAL	2355FT <sup>2</sup>	1913FT <sup>2</sup>	1967FT <sup>2</sup>	435 FT <sup>2</sup>	3887 FT <sup>2</sup>	22.6%

$((10528 \text{ SQFT} - 6600 \text{ SQFT}) / 2) + 6600 \text{ SQFT} = 8564 \text{ SQFT}$

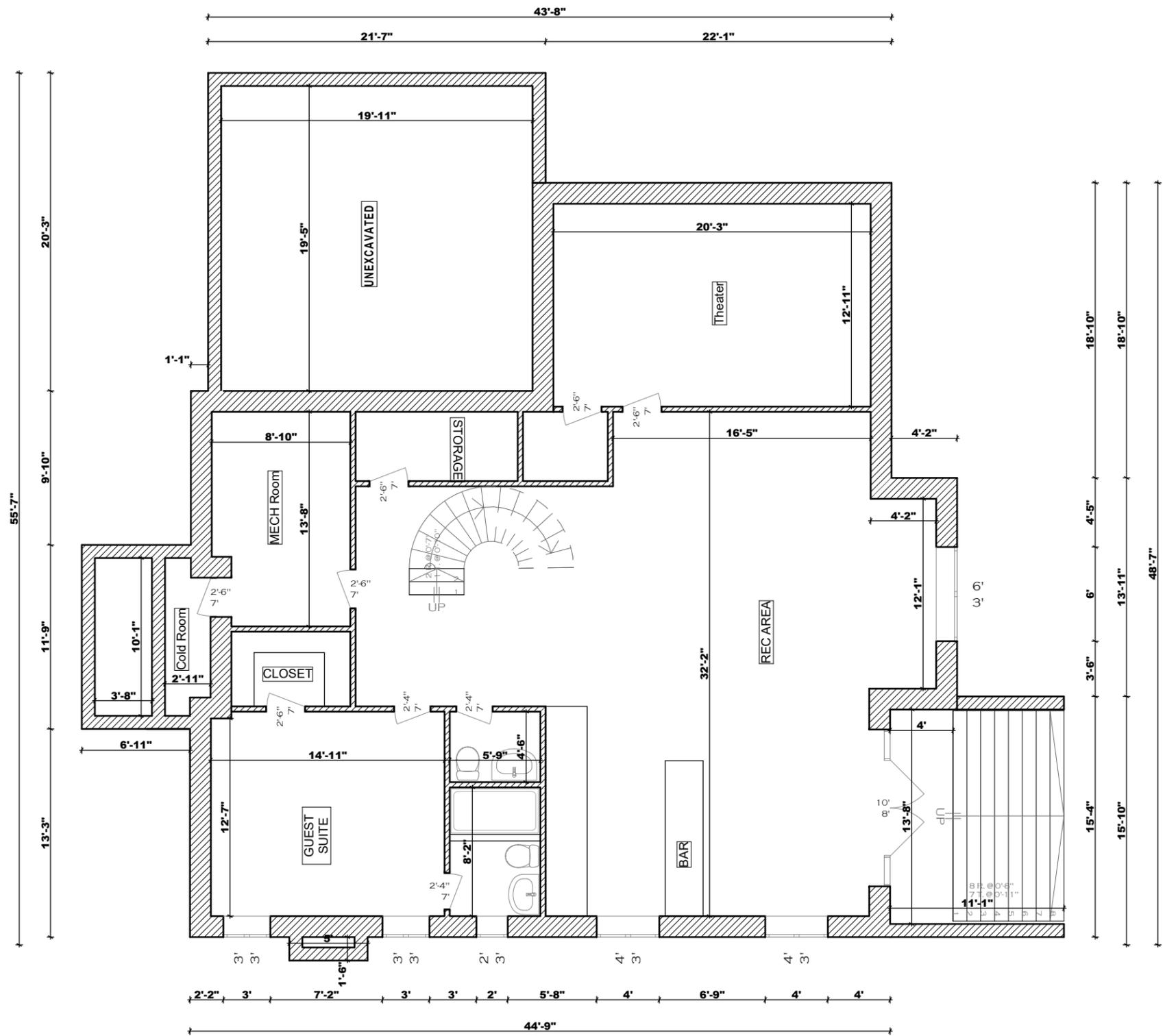
$2355 \text{ SQFT} + 1913 \text{ SQFT} = 4268 \text{ SQFT}$

$4268 \text{ SQFT} / 8564 \text{ SQFT} = 49.84\%$



**1 STOREY**

DATE: MARCH 2020	ISSUED FOR: FOR COA	<p><b>ECO-REVIVAL Consulting Ltd.</b></p> <p>5 Anvil Millway Toronto, ON. M2L 1P9 Tel: 416 428-5858</p>	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.01
FOR STRUCTURE ONLY			LAST MODIFIED ON: MARCH 12, 2020	PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON	

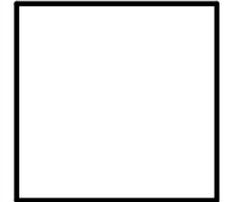


DATE:	ISSUED FOR:
MARCH 2020	FOR COA

FOR STRUCTURE ONLY

**ECO-REVIVAL Consulting Ltd.**

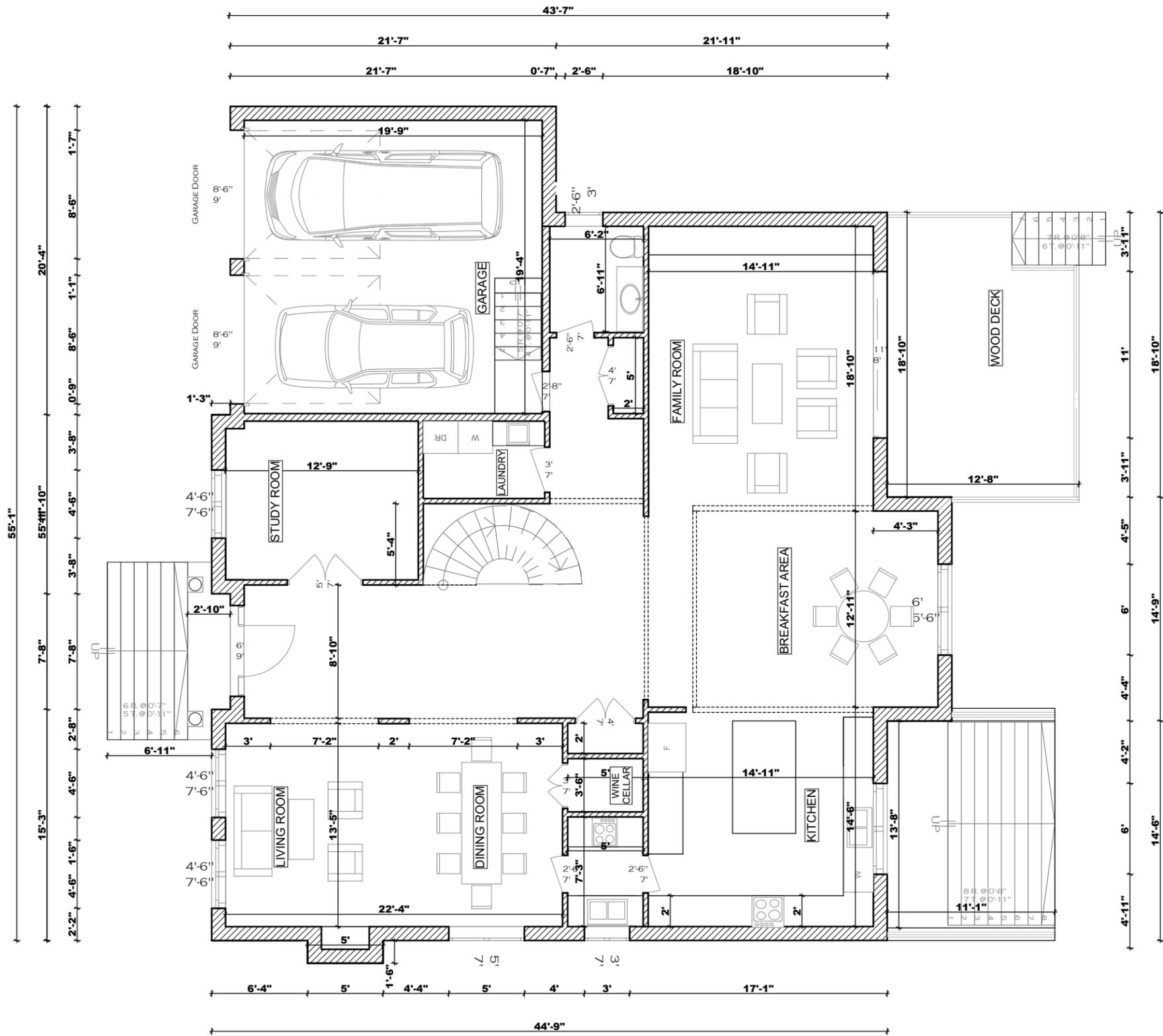
5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858



SCALE:
1/8" = 1'-0"
LAST MODIFIED ON:
MARCH 12, 2020

DRAWING TITLE:	BASEMENT
PROJECT TITLE/ADDRESS:	17 JONQUIL CRESCENT, MARKHAM, ON

A.02



DATE:	ISSUED FOR:
MARCH 2020	FOR COA

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**ECO-REVIVAL Consulting Ltd.**  
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 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858



SCALE:
1/8" = 1'-0"
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MARCH 12, 2020

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A.03

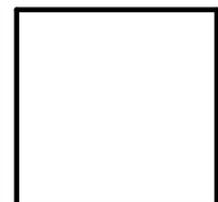




DATE:	ISSUED FOR:
MARCH 2020	FOR COA

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 5 Anvil Millway  
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 Tel: 416 428-5858



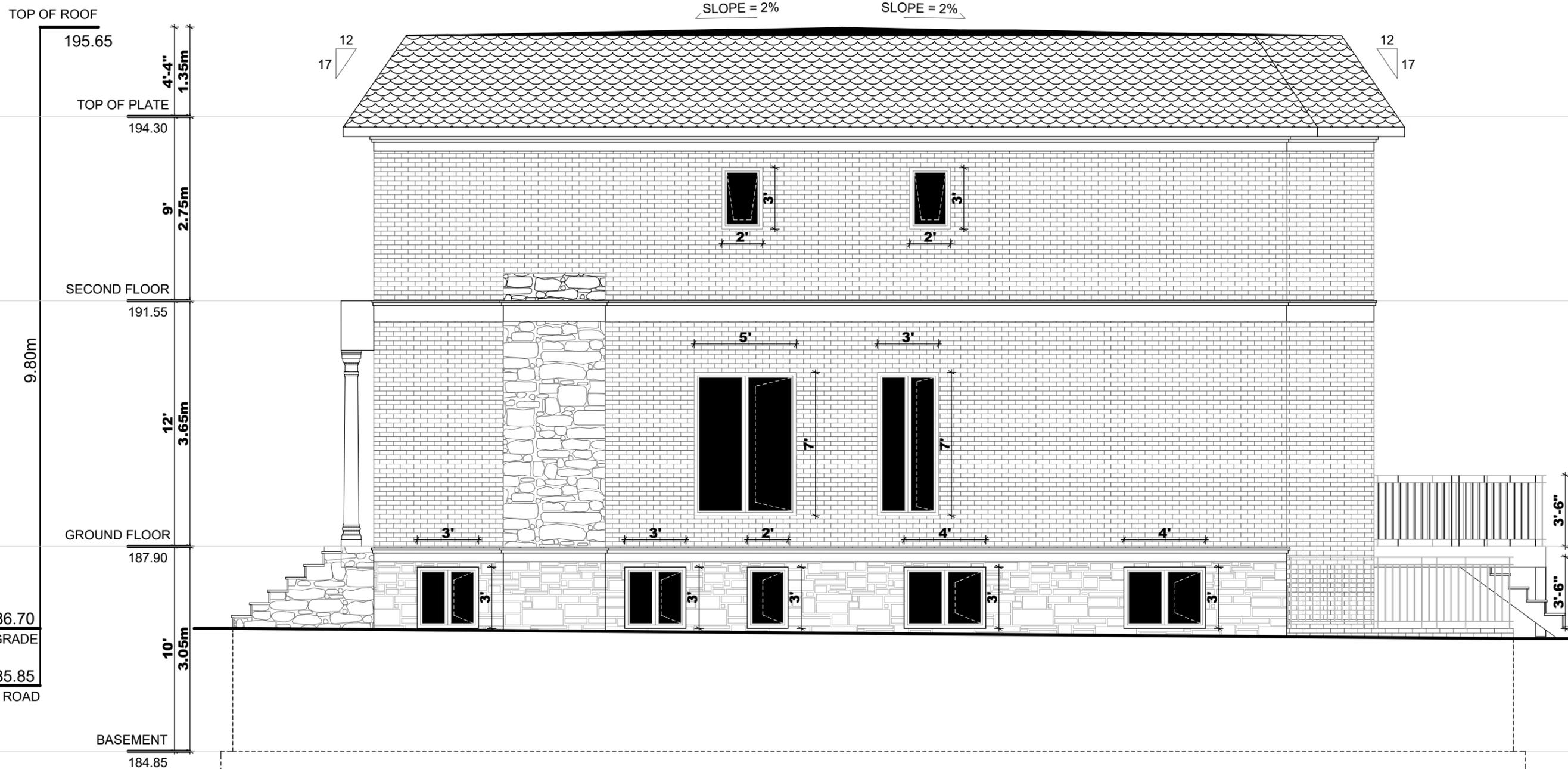
SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
MARCH 12, 2020

DRAWING TITLE:	FRONT ELEVATION
PROJECT TITLE/ADDRESS:	17 JONQUIL CRESCENT, MARKHAM, ON

A.05



DATE: MARCH 2020	ISSUED FOR: FOR COA		SCALE: 3/16" = 1'-0"	DRAWING TITLE: REAR ELEVATION	PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON	A.06
FOR STRUCTURE ONLY						



DATE:	ISSUED FOR:
MARCH 2020	FOR COA

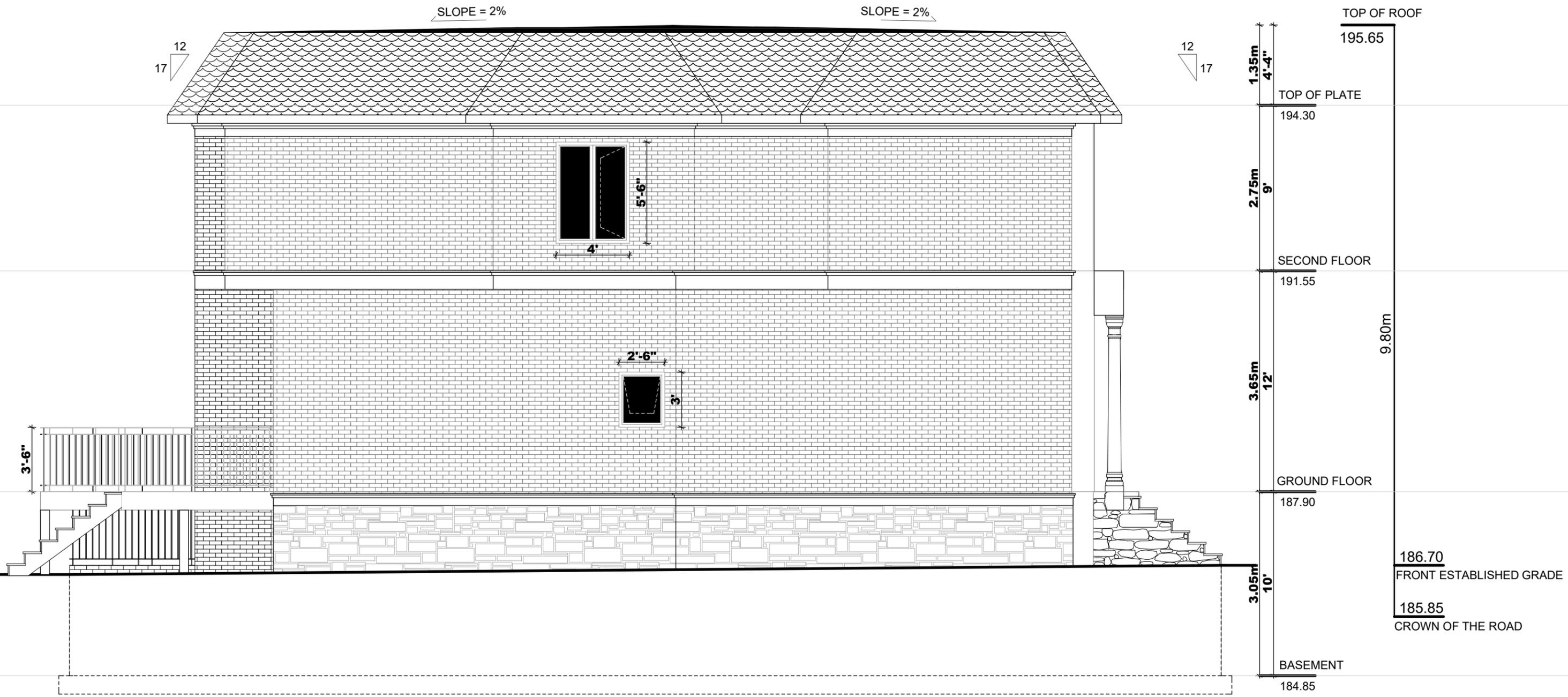
FOR STRUCTURE ONLY

**ECO-REVIVAL Consulting Ltd.**  
 5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858

SCALE:  
 3/16" = 1'-0"  
 LAST MODIFIED ON:  
 MARCH 12, 2020

DRAWING TITLE:  
 SIDE ELEVATION  
 PROJECT TITLE/ADDRESS:  
 17 JONQUIL CRESCENT, MARKHAM, ON

A.07

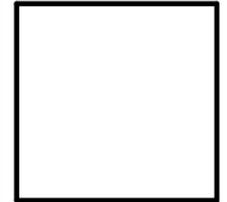


DATE:	ISSUED FOR:
MARCH 2020	FOR COA

FOR STRUCTURE ONLY

**ECO-REVIVAL Consulting Ltd.**

5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858



SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
MARCH 12, 2020

DRAWING TITLE:	SIDE ELEVATION
PROJECT TITLE/ADDRESS:	17 JONQUIL CRESCENT, MARKHAM, ON

A.08

**APPENDIX "C"**  
**COMMENTS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

## Todorovski, Aleks

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**From:** Claudio Brutto <cbrutto@bruttoconsulting.ca>  
**Sent:** Tuesday, March 24, 2020 1:16 PM  
**To:** Todorovski, Aleks  
**Cc:** Francesco Fiorani  
**Subject:** RE: A.045.20-17 Jonquil Crescent

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hello Aleks.  
A TAPP was not prepared as no trees on site will be removed.  
We trust that this is satisfactory to you.  
Regards.

Claudio Brutto MCIP, RPP  
Brutto Consulting  
999 Edgeley Blvd. Unit 6  
Vaughan ON L4K 5Z4  
Mobile: 416.453.6197

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**From:** Todorovski, Aleks <ATodorovski@markham.ca>  
**Sent:** Tuesday, March 24, 2020 10:56 AM  
**To:** Claudio Brutto <cbrutto@bruttoconsulting.ca>  
**Subject:** A.045.20-17 Jonquil Crescent

Hi Claudio,

Could you confirm whether a TAPP been completed for the above noted property?

Regards,  
Aleks

**Aleks Todorovski**  
Planner | Planning & Urban Design | Development Services Commission  
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON, L3R 9W3  
T: 905.477.7000 ext. 2944 | [www.markham.ca/ePLAN](http://www.markham.ca/ePLAN)



Committee of Adjustment is now accepting ePLAN (digital application) submissions!  
Note: By 2020, all applications are required to be submitted online in digital format.  
Please visit our ePLAN page for more information.

*Please note that due to the current COVID-19 crisis, our office will be adopting a "Work From Home" protocol until further notice. We will be keeping in touch via email and will use best efforts to continue to move projects forward.*



Connect with us:



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