

Memorandum to the City of Markham Committee of Adjustment
February 28, 2022

File: A/161/21
Address: 136 Grandview Avenue, Thornhill
Applicant: FDL Design and Construction Inc. (Lin Lan)
Hearing Date: Wednesday, March 9, 2022

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

The applicant is requesting relief from the following requirements of the Fourth Density Single Family Residential (R4) zone in By-law 2237, as amended, to permit:

- a) **By-law 101-90, Section 1.2 (I):**
a maximum building height of 9.45 m; whereas, the By-law permits a maximum building height of 8.6 m;
- b) **By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.2 percent (3,680 sqft); whereas, the By-law permits a maximum floor area ratio of 50.0 percent (3,229 sqft);

as it relates to a proposed detached dwelling.

COMMENTS

The Committee of Adjustment deferred this application sine die at their meeting on December 8, 2021. The Committee, as well as residents of the area, noted concerns with the location and massing of the dwelling. Committee requested that the applicant consider moving the dwelling forward on the lot, to better align with neighbouring dwellings. The applicant submitted revised plans on January 10, 2022 (See Revised Site Plan, Appendix C). No changes to the proposed variances have been requested and Staff's previous comments provided to the Committee of Adjustment dated November 30, 2021 remain applicable (See Staff Report, Appendix D).

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 variances requested meet the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

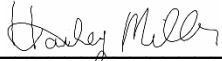
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

Appendices

- Appendix "A" - Conditions of Approval
- Appendix "B" - Original Plans
- Appendix "C" - Revised Plans
- Appendix "D" - November 30, 2021 Staff Report

PREPARED BY:



Hailey Miller, Planner I, West District

REVIEWED BY:




Rick Cefaratti, MCIP, RPP, Senior Planner, West District

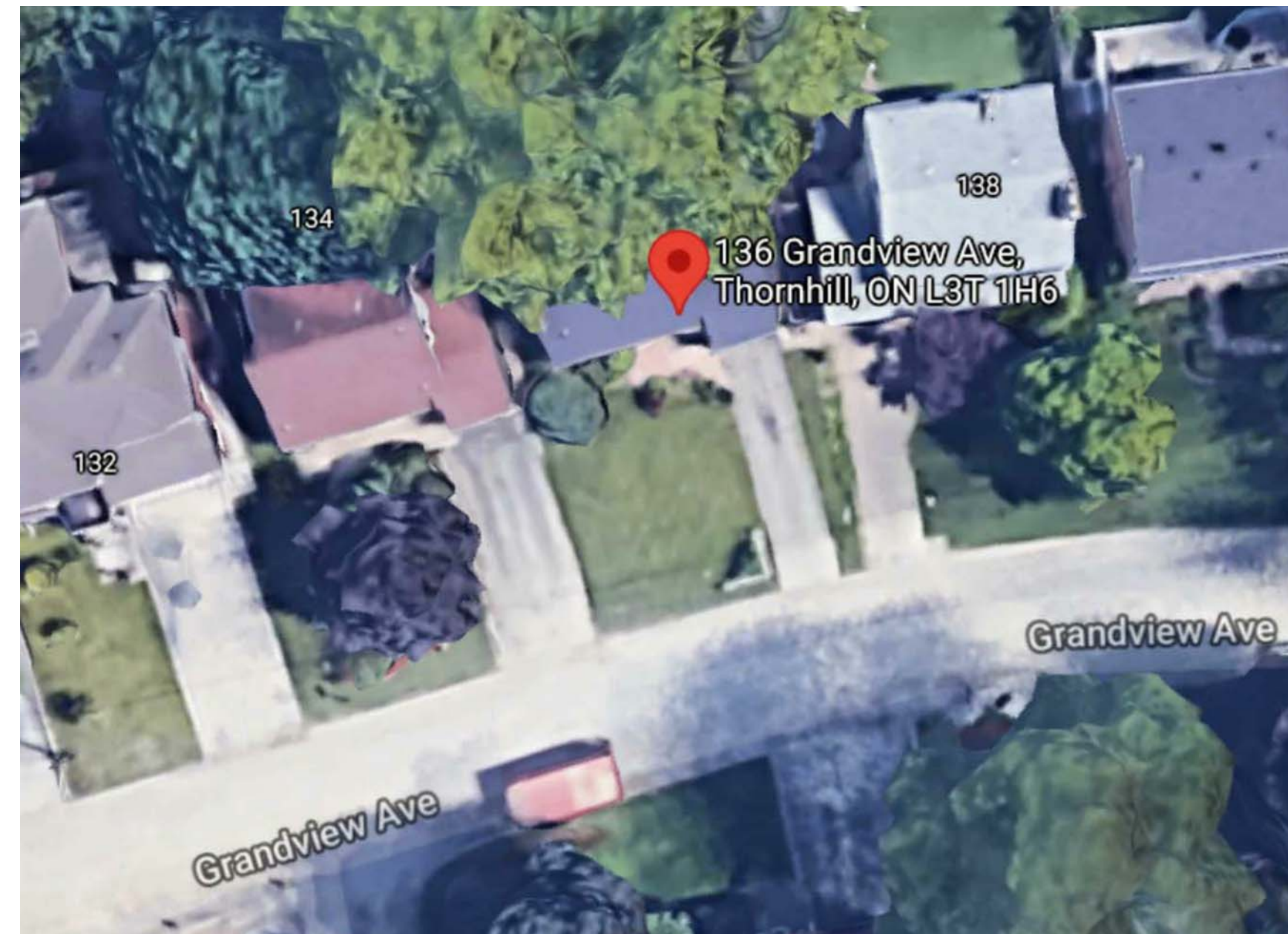
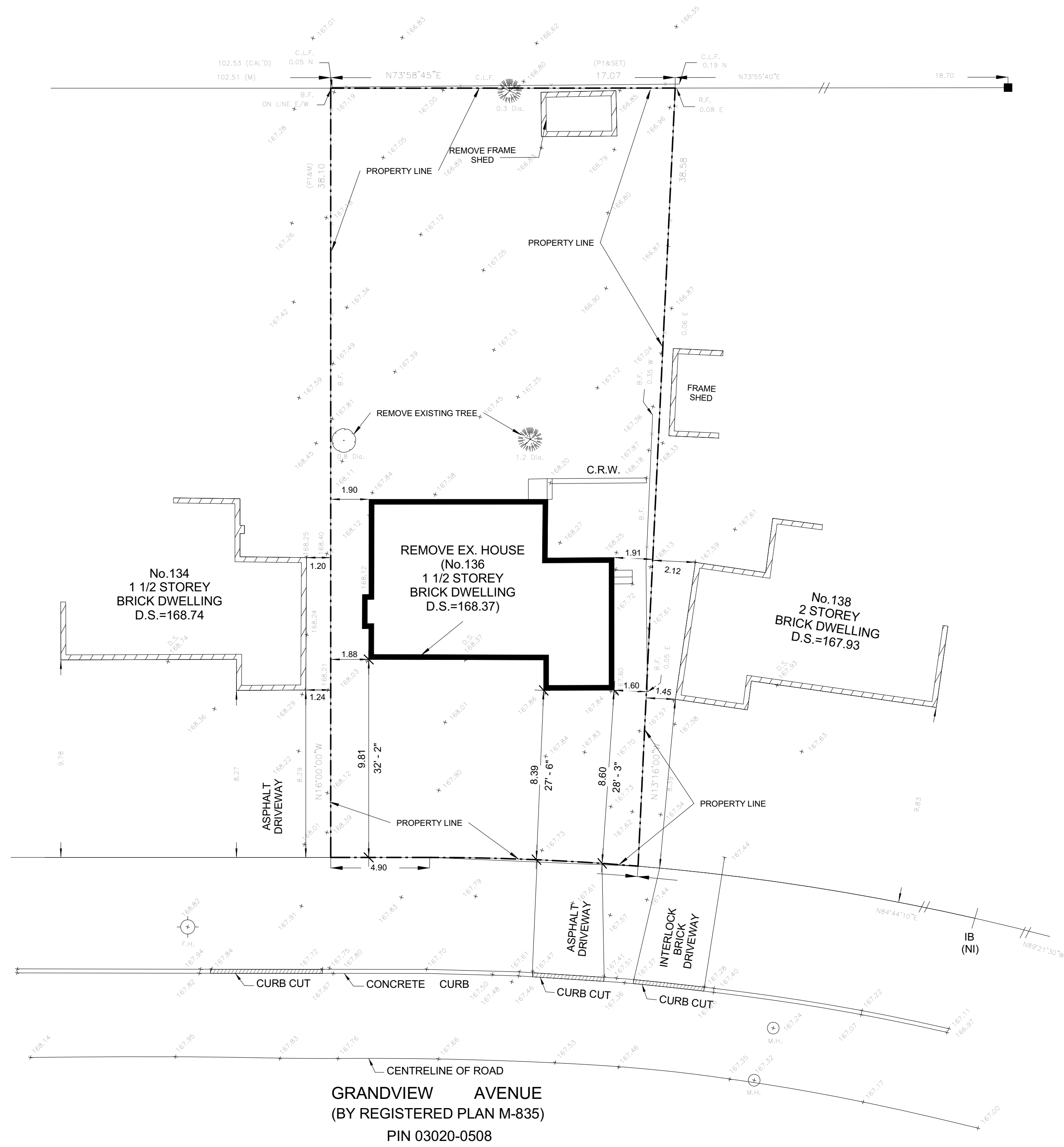
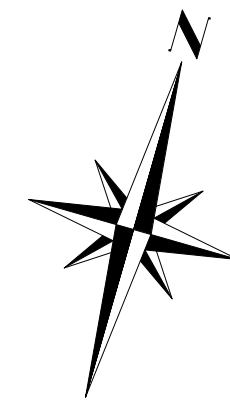
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/161/21

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) 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. 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:



Hailey Miller, Planner I, West District



1 EX. SITE PLAN
1:150

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address

FDL
DESIGN & CONSTRUCTION
FDL Design & Construction Inc.
100 Conallium Place, Suite 200
Toronto, ON M1H 3E3
Tel: 416.666.9810
Email: info@fdldesign.com

Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

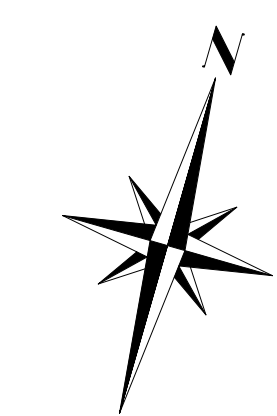
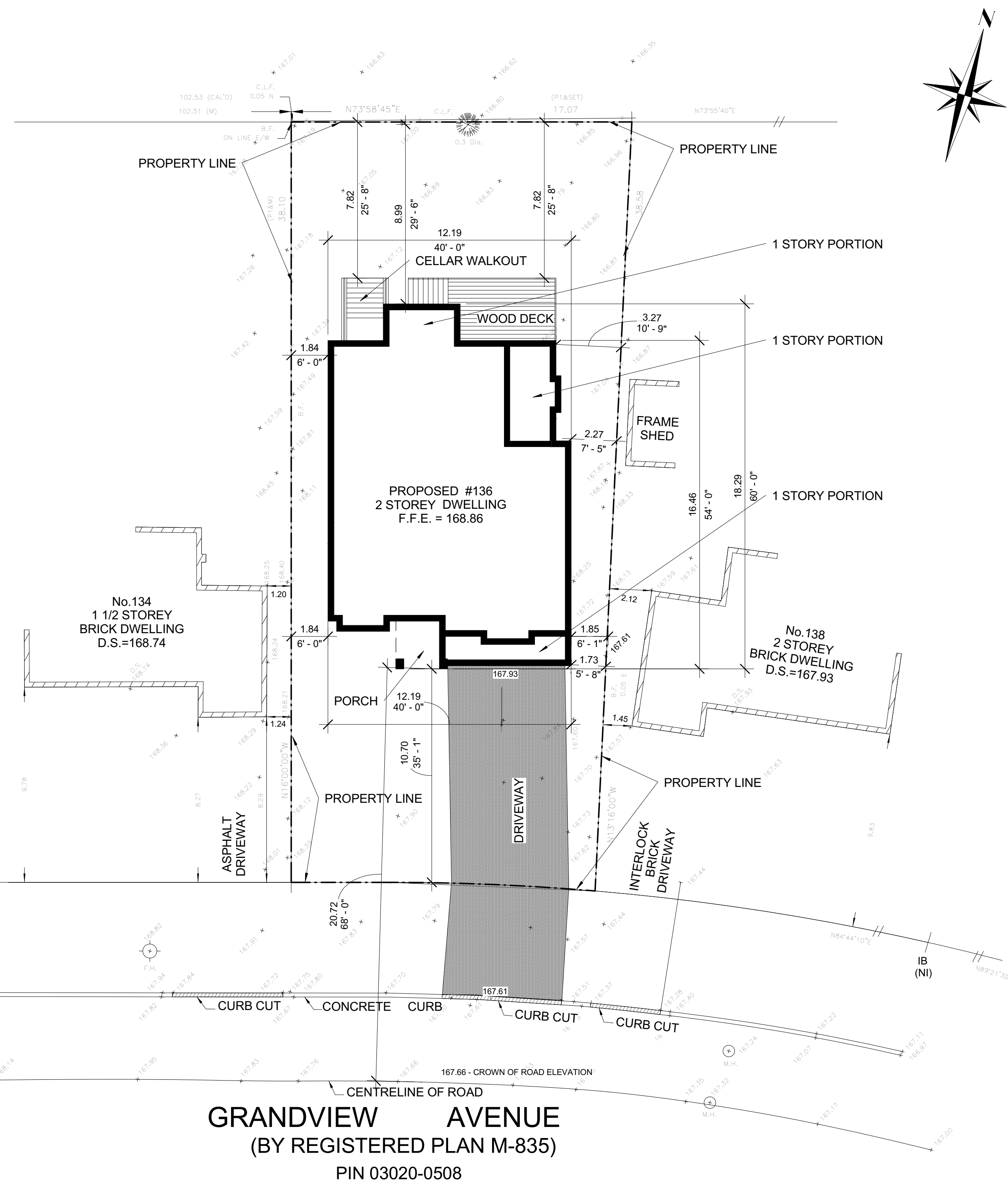
EX. SITE PLAN

Scale	Date
1 : 150	08/14/21
Drawing Number	A1.01



PROPOSED FRONT VIEW RENDERING

LOAT AREA : 616.80 SQM (6639.18 SF)
 PROPOSED BUILDING AREA : 196.66 SQM (1234.57 SF)



Address: 136 Grandview Avenue, Markham - Site Statistics

Zoning	Lot No.	Plan No.	Lot Area m2	Lot Frontage
R4	PART 7	M-835	616.8	15.24

Description	Proposed	%		
Lot Coverage, m2	196.66	31.88%		
	Ground floor	2nd floor%	Total	
Gross Floor Area, m2	189.69	157.16	347	
min. Lot Area	6250 sf		580.60	
Net Lot Area			599	
Floor Area Ratio			0.58	
No. of Story	2			
Height, m	9.45			
Building Depth mm	one story rear extension		18.29	
Building Depth mm			16.46	

Setback	Proposed mm
front yard	10.7
rear yard	25'
side yard east	1.82
side yard east	1.75
side yard west	1.88

two story
 one story

Parking Space	
Proposed	2

1 PROPOSED SITE PLAN
 1 : 100

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

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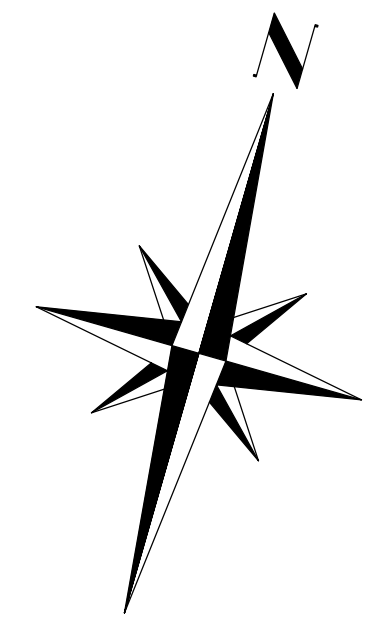
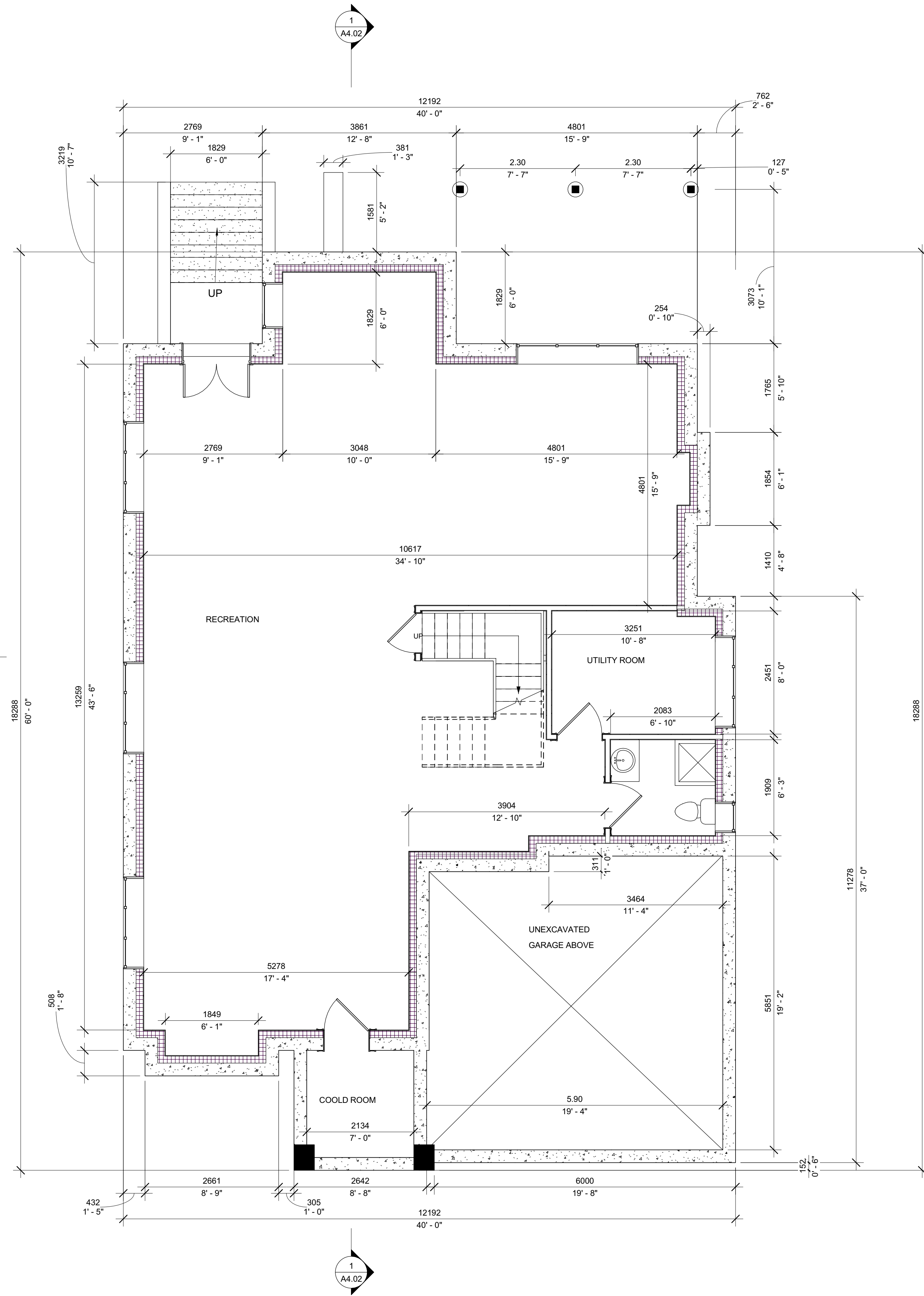
Project Name and Address

NEW HOUSE
 136 Grandview Avenue,
 Thornhill, ON L3T 1H6

Drawing Title

PROPOSED SITE PLAN

Scale	Date
1 : 100	08/24/21
Drawing Number	A1.02



1 PROPOSED CELLAR FLOOR PLAN
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

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Project Name and Address

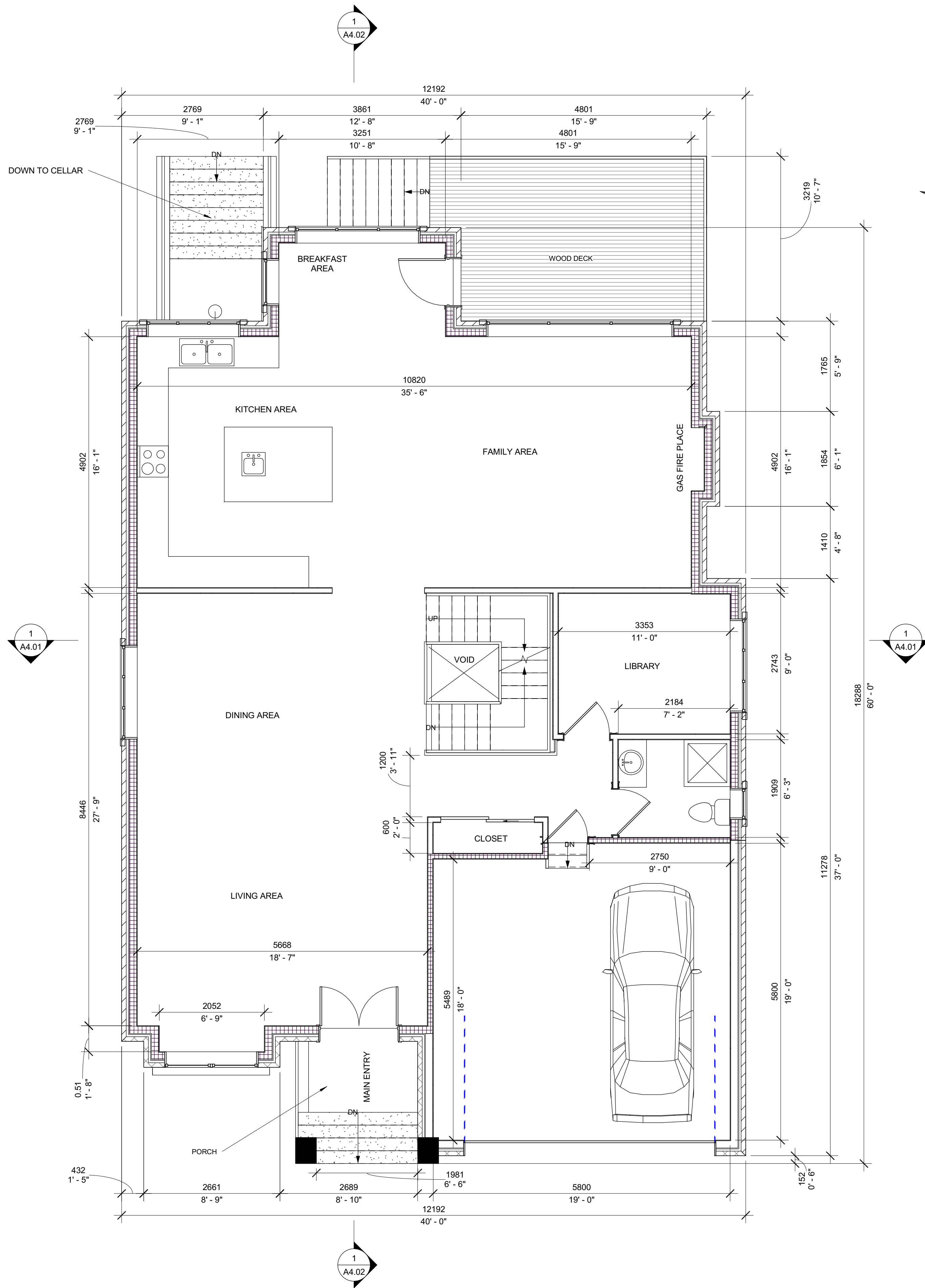
NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED CELLAR FLOOR PLAN

Scale: 1 : 50
Date: 08/10/21
Drawing Number: A1.03



1 PROPOSED GROUND FLOOR PLAN
 1:50 AREA (GARAGE SPACE IS INCLUDED, VOID SPACE IS NOT INCLUDED) 189.69 SQM (2041.36 SF)

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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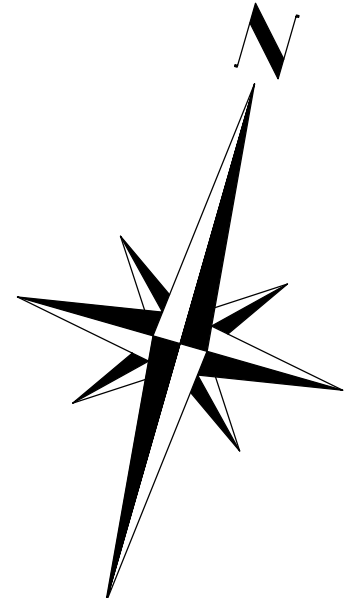
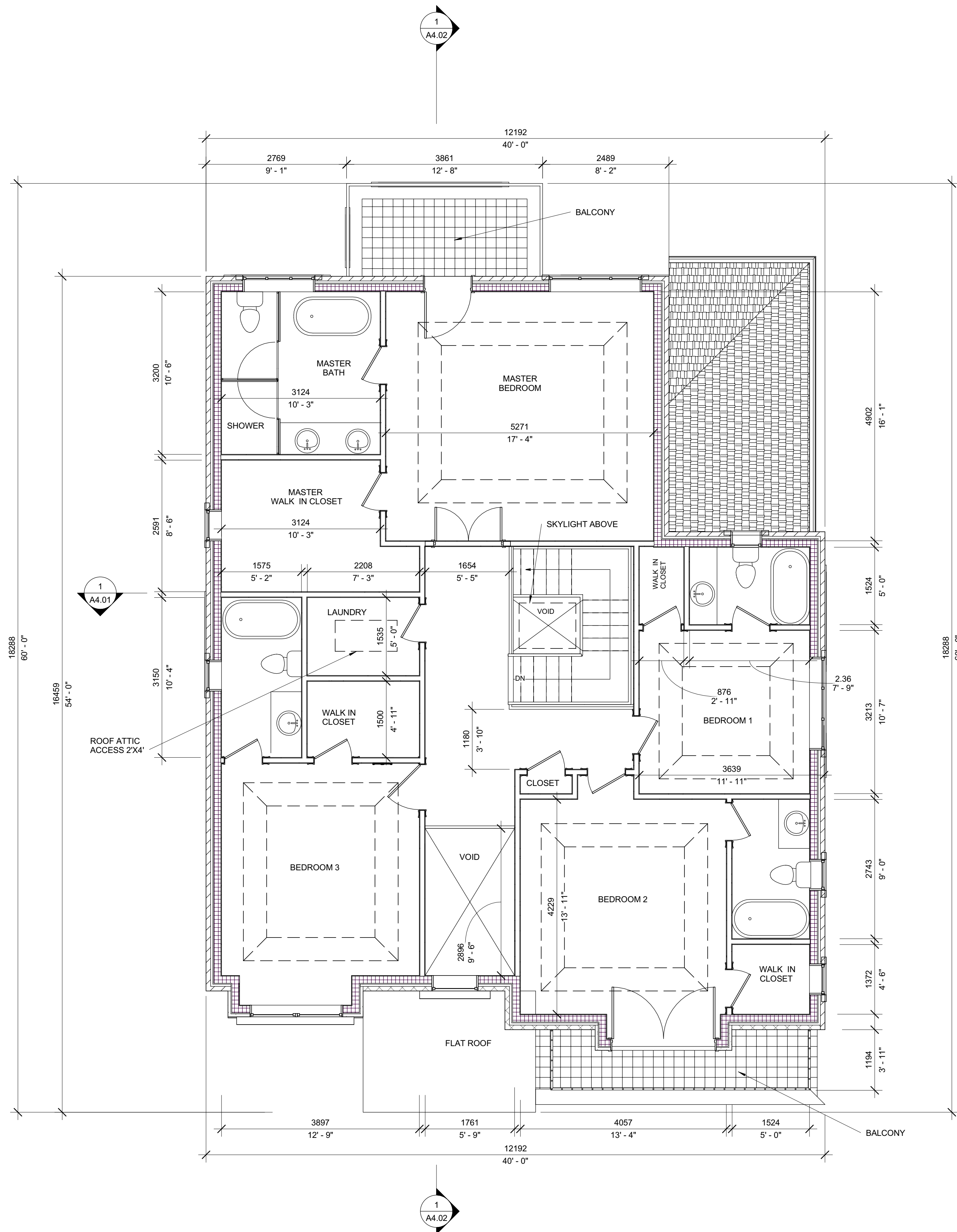
NEW HOUSE

136 Grandview Avenue,
 Thornhill, ON L3T 1H6

Drawing Title
PROPOSED GROUND FLOOR PLAN


Scale: **1 : 50** Date: **08/24/21**

Drawing Number: **A1.04**



No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

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Project Name and Address

NEW HOUSE

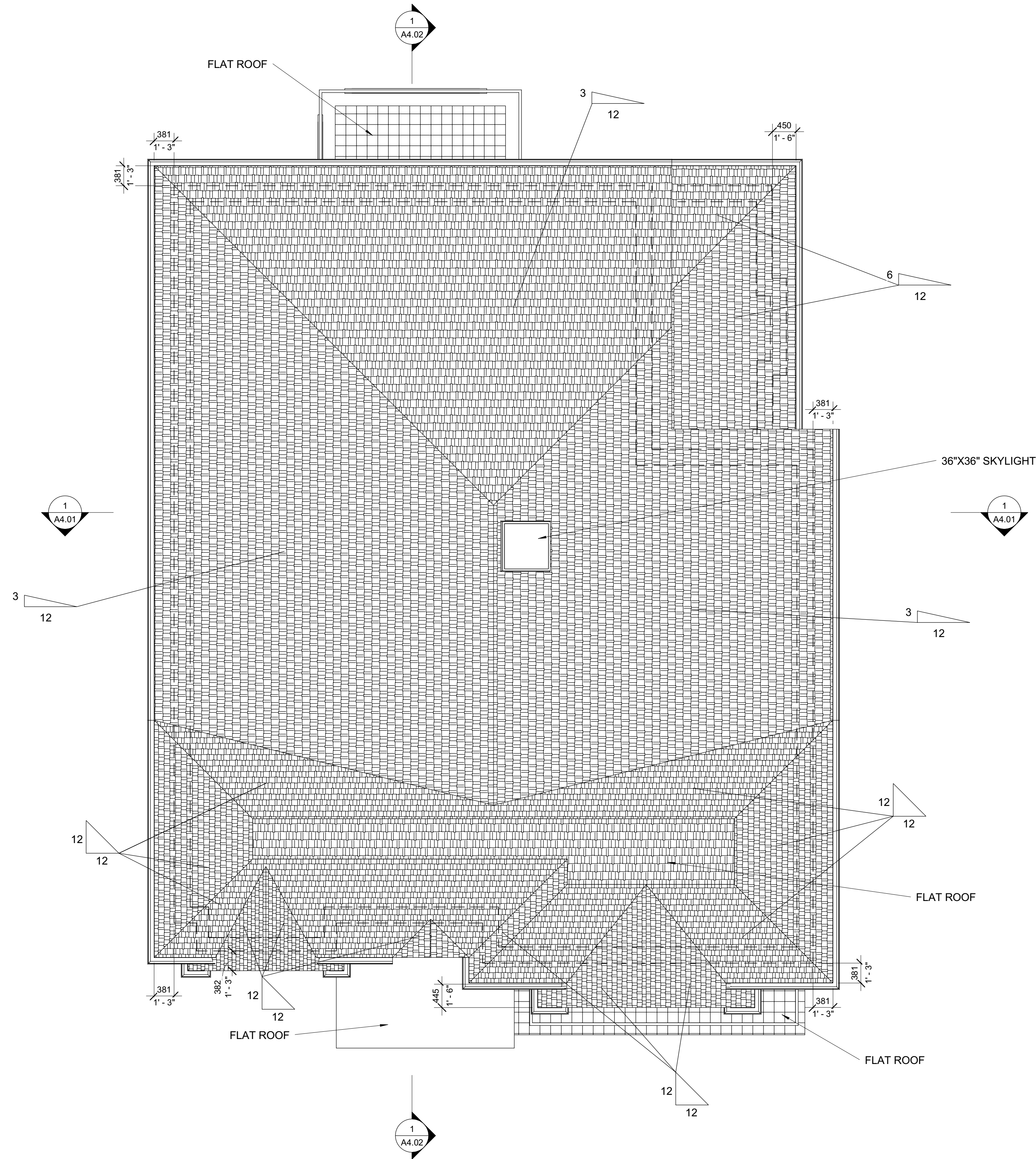
136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED SECOND FLOOR PLAN

Scale: **1 : 50** Date: **08/14/21**

Drawing Number: **A1.05**




1 PROPOSED ROOF PLAN
1:50

General Notes

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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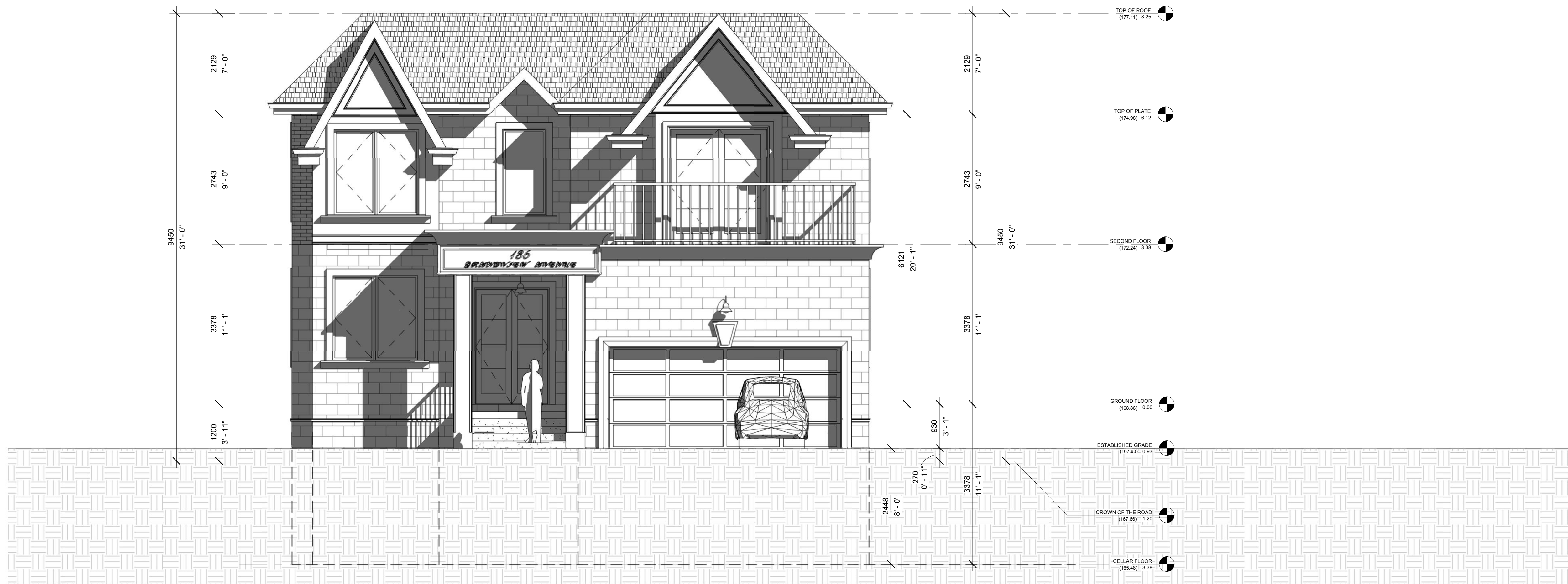
NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED ROOF PLAN

Scale	Date
1 : 50	08/25/21
Drawing Number	A1.06



1 PROPOSED SOUTH ELEVATION
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/19/2021

Firm Name and Address



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Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED SOUTH ELEVATIONS

Scale: 1 : 50
Date: 08/19/21
Drawing Number: A2.01



1 PROPOSED NORTH ELEVATION
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED NORTH ELEVATION

Scale: 1 : 50
Date: 08/24/21
Drawing Number: A2.02



1 PROPOSED EAST ELEVATION
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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Email: info@fdldesign.com

Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED EAST ELEVATION


Scale: 1 : 50
Date: 08/24/21
Drawing Number: A2.03



1 PROPOSED WEST ELEVATION
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title
PROPOSED WEST ELEVATION

Scale 1 : 50	Date 08/24/21
Drawing Number A2.04	



PROPOSED FRONT VIEW RENDERING

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 PROPOSED BUILDING AREA : 196.66 SQM (1234.57 SF)

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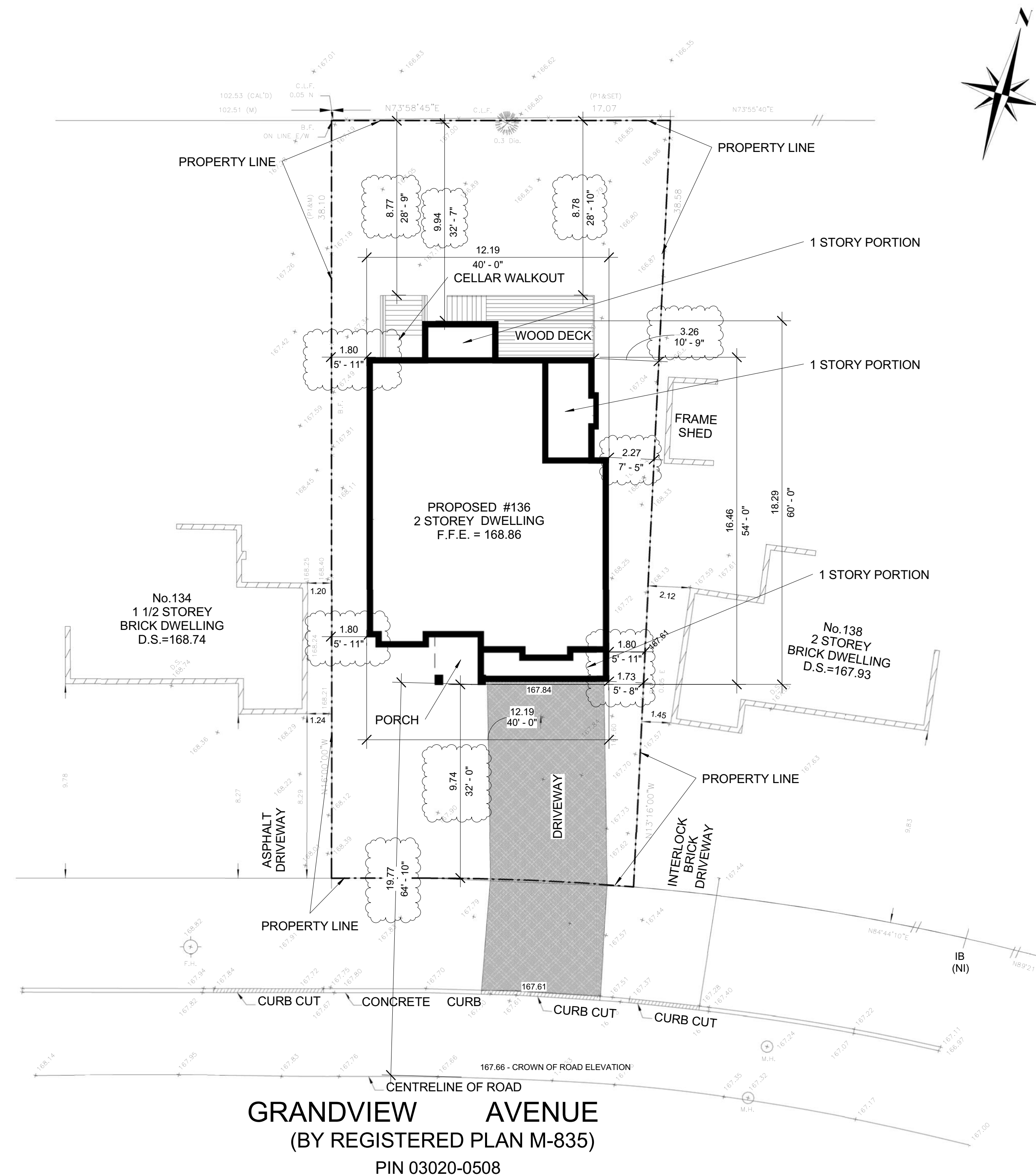
Zoning	Lot No.	Plan No.	Lot Area m2	Lot Frontage
R4	PART 7	M-835	616.8	15.24

Description	Proposed	%	
Lot Coverage, m2	196.66	31.88%	
	Ground floor	2nd floor%	Total
Gross Floor Area, m2	189.69	157.16	347
min. Lot Area	6250 sf		580.60
Net Lot Area			599
Floor Area Ratio			0.58
No. of Story	2		
Height, m	9.45		
Building Depth mm	one story rear extension		18.29
Building Depth mm			16.46

Setback	Proposed mm
front yard	10.7
rear yard	32'7"
side yard east	1.8
side yard east	1.73
side yard west	1.8

two story
one story

Parking Space	
Proposed	2

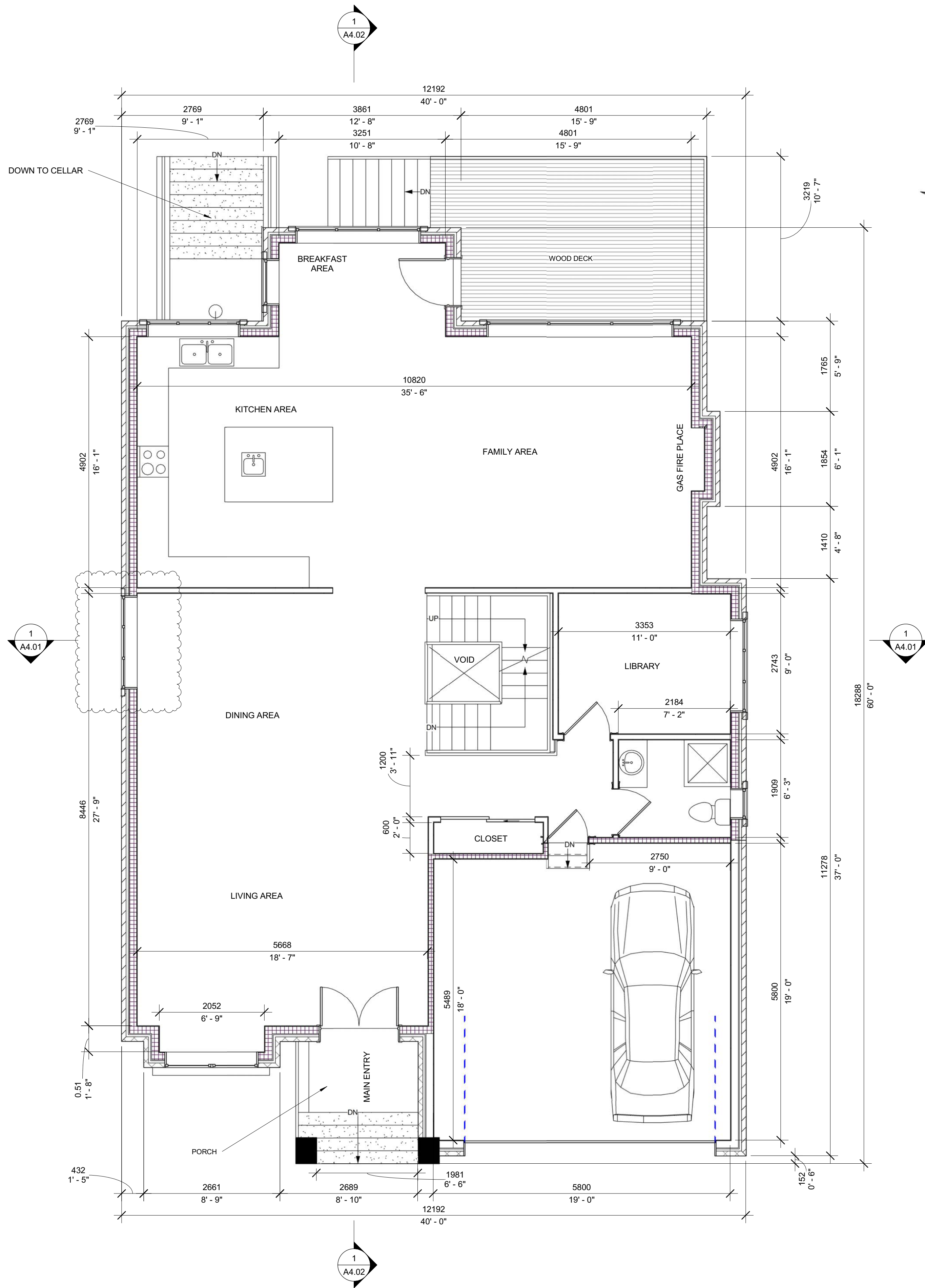


No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	12/9/2021

Firm Name and Address
FDL
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 Email: info@fdl-design.com

Project Name and Address
NEW HOUSE
 136 Grandview Avenue,
 Thornhill, ON L3T 1H6

Drawing Title
PROPOSED SITE PLAN
 Scale: 1 : 100
 Date: 12/09/21
 Drawing Number: A1.02



1 PROPOSED GROUND FLOOR PLAN
1:50 AREA (GARAGE SPACE IS INCLUDED, VOID SPACE IS NOT INCLUDED) 189/69 SQM (2041.36 SF)

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address

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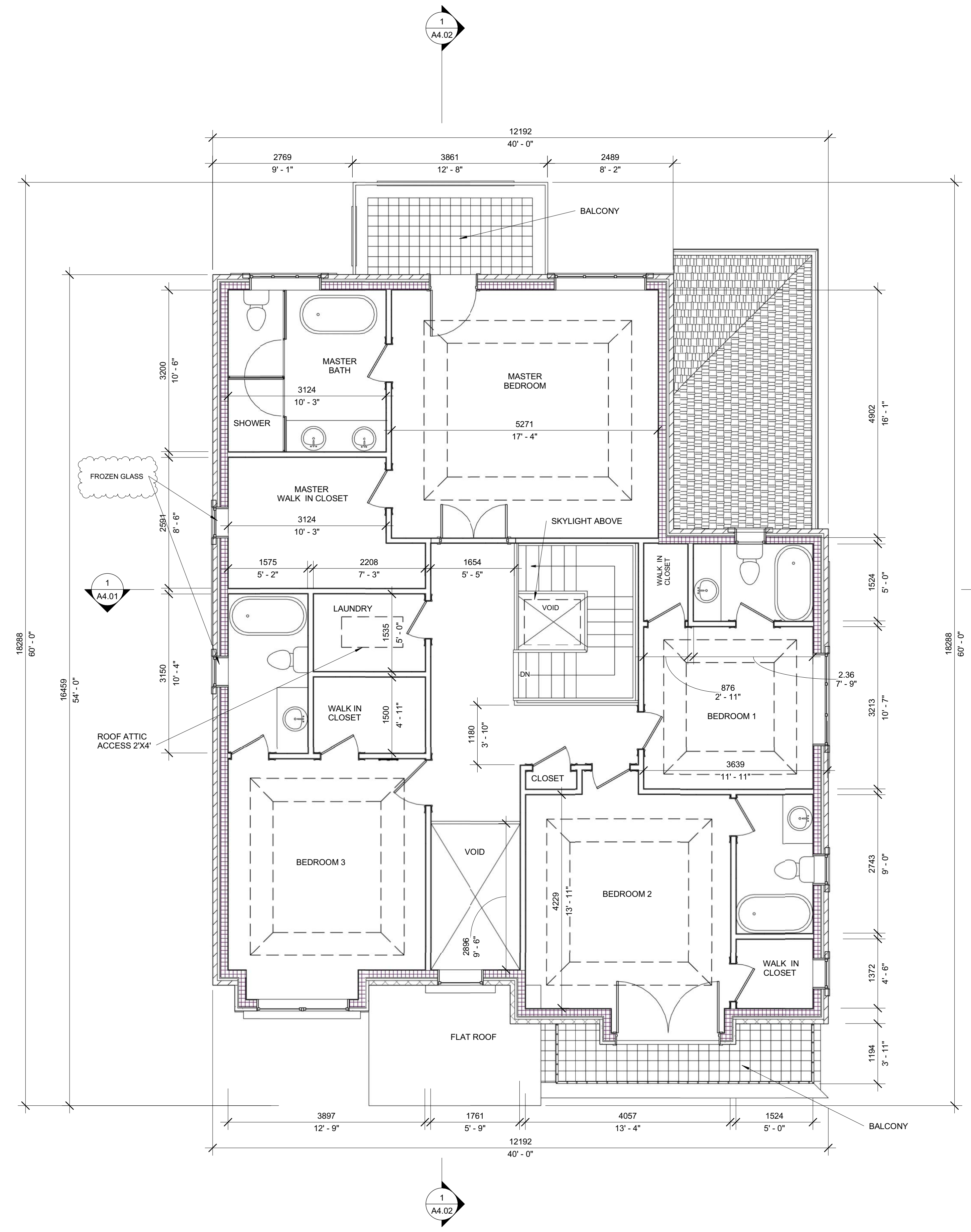
NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title
PROPOSED GROUND FLOOR PLAN

Scale: **1 : 50** Date: **08/24/21**

Drawing Number: **A1.04**



1 PROPOSED SECOND FLOOR PLAN
 1:50 AREA (VOID SPACE IS NOT INCLUDED): 157.16 SQM (1681.65 SF)

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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Project Name and Address

NEW HOUSE

136 Grandview Avenue,
 Thornhill, ON L3T 1H6

Drawing Title

PROPOSED SECOND FLOOR PLAN

Scale: 1 : 50 Date: 08/14/21

Drawing Number: **A1.05**



1 PROPOSED WEST ELEVATION
1:50

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	8/15/2021

Firm Name and Address



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Project Name and Address

NEW HOUSE

136 Grandview Avenue,
Thornhill, ON L3T 1H6

Drawing Title

PROPOSED WEST ELEVATION

Scale	Date
1 : 50	08/24/21
Drawing Number	A2.04

Appendix D

File: 21.142301.000.00.MNV

Date: 03/04/22
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment November 30, 2021

File: A/161/21
Address: 136 Grandview Avenue, Thornhill
Applicant: FDL Design and Construction Inc. (Lin Lan)
Hearing Date: Wednesday, December 08, 2021

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

The applicant is requesting relief from the following requirements of the Fourth Density Single Family Residential (R4) zone in By-law 2237, as amended, to permit:

a) By-law 101-90, Section 1.2 (I):

a maximum building height of 9.45 m; whereas, the By-law permits a maximum building height of 8.6 m;

b) By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 55.2 percent (3,680 sqft); whereas, the By-law permits a maximum floor area ratio of 50.0 percent (3,229 sqft);

as it relates to a proposed detached dwelling.

BACKGROUND

Property Description

The 616.8 m² (6,639.18 ft²) subject property is located on the north side of Grandview Avenue, north of Steeles Avenue East and west of Henderson Avenue. There is an existing one storey single-detached dwelling on the property, which according to assessment records was constructed in 1961. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing single detached dwelling and construct a new 341.88 m² (3,680 ft²) two storey single 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 2014 Official Plan outlines infill development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that infill 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 2237 as amended

The subject property is zoned Fourth Density Single Family Residential (R4) under By-law 2237 as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 building height and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 15, 2021 to confirm the variances required for the proposed development.

Tree Preservation

The applicant is proposing to remove two trees in the rear yard. The applicant will be required to submit a Tree Inventory and Preservation Plan as part of their Residential Infill Grading and Servicing application. Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix A.

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 Building Height

The applicant is requesting relief to permit a maximum building height of 9.45 m (31 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22 ft). This represents an increase of 0.85 m (2.78 ft).

The By-law calculates building height using the vertical distance of a 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 0.28 m (0.92 ft) above the crown of road. Staff are of the opinion the proposed building height variance is minor in nature and have no concerns.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 55.2 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 341.88 m² (3,680 ft²), whereas the By-law permits a dwelling with a maximum floor area of 299.98 m² (3,229 ft²). This represents an increase of approximately 41.90 m² (451 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. The building

layout meets other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff are of the opinion that the proposed floor area ratio will not adversely impact the character of the neighbourhood, and have no objection to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 30, 2021. 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.

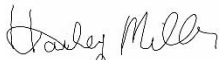
CONCLUSION

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 variances requested meet 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner I, West District

REVIEWED BY:




Mary Caputo, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/161/21

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) 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. 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,
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