

## Memorandum to the City of Markham Committee of Adjustment

February 1, 2018

**File:** A/174/17  
**Address:** 65 Proctor Avenue Thornhill  
**Applicant:** Paar Design (Nikol Paar)  
**Owner:** Haixia Li  
**Hearing Date:** Wednesday February 7, 2018

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

The applicant is requesting relief from the requirements of By-law 2237, as amended by Infill By-law 101-90, as it relates to a proposed two-storey detached dwelling.

### Requested Variances to the Zoning By-law:

- a) **Infill By-law 101-90; Section 1.2(i):**  
to permit a maximum building height of 10.8 m (35.43 ft.); whereas the by-law permits a maximum building height of 9.8 (32.15 ft.) metres;
- b) **Infill By-law 101-90; Section 1.2(iv):**  
to permit a maximum building depth of 21.08 m (69.16 ft.); whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft.);

## BACKGROUND

### Property Description

The 0.40 ha. (1.01 ac.) subject property is located on the south side of Proctor Avenue, across the street from Lion's Gate Court and approximately 60 metres west of Sprucewood Drive. The surrounding area is a mature residential neighbourhood comprised of large single detached dwellings to the north, south, east and west of the property on large vegetated lots.

### Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a gross floor area of 936.31 m<sup>2</sup> (10,369 ft<sup>2</sup>).

### Official Plan and Zoning

#### Markham Official Plan 2014

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances and variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to lot frontage, lot area, height, massing and setbacks 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. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning

The subject property is zoned R2 – Single Residential Zone under By-law 2337, as amended, which permits single detached dwellings.

### Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of the 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, 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 building depth.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant on the application form, the applicant's reason for not complying with zoning is due to "design requirement as per client".

### **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.

### Maximum Building Height Variance

The applicant is requesting relief to permit a maximum building height of 10.8 metres, whereas the by-law permits a maximum building height of 9.8 metres. This represents an increased height of 1.0 m (3.28 ft.) or approximately 10 percent. It is noted that the proposed dwelling will be setback approximately 54 m (177 ft.) from the Proctor Avenue street line. In addition, no dwellings are located within a 20 m (65 ft.) radius of the proposed dwelling. Consequently, staff does not anticipate any adverse impacts to adjacent property owners as a result of the requested variance.

### Maximum Building Depth Variance

The applicant is requesting relief to permit a maximum building depth of 21.08 m (69.16 ft.), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft.). The variance relates to the one-storey bedroom at the rear of the dwelling and a second storey library/office at the front of the dwelling. Staff further note that the building depth of the proposed residence varies from 16.46 m (54.00 ft.) to 21.08 m (69.16 ft.). Staff are of the opinion that the variance will result in a dwelling that will not create an adverse impact on the character of the neighbourhood due to the variations in the building depth outlined above, the size of the lot, and significant distance between the proposed dwelling and other adjacent dwellings.



**APPENDIX "A"**

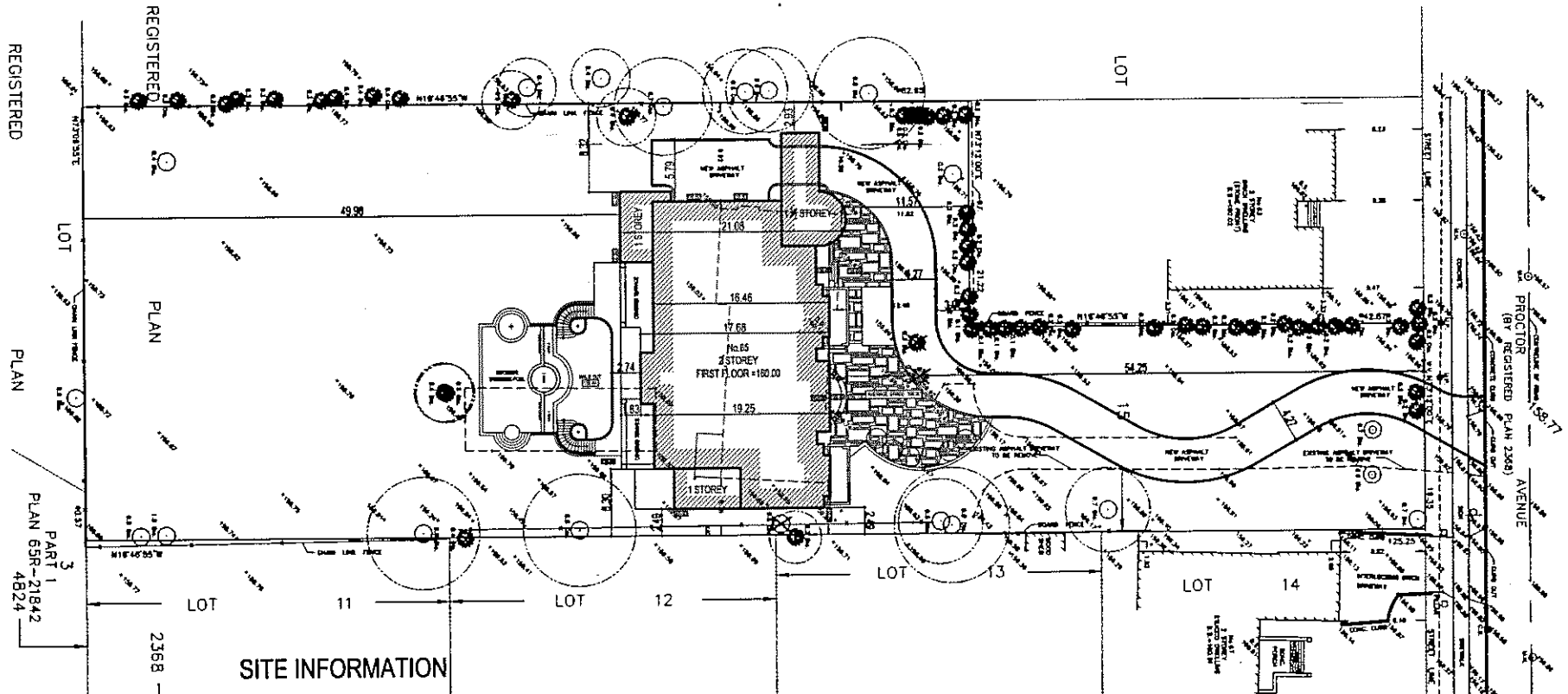
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/174/17**

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 A' to this Staff Report and dated November 23<sup>rd</sup>, 2017, 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate;
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 Director of Planning and Urban Design or designate; and,

CONDITIONS PREPARED BY:



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



**SITE INFORMATION**

LOT AREA = 44973.61 Sq Ft  
 NET LOT AREA :  
 9750.0 Sq Ft + (1/2 LOT AREA Sq Ft) = 27361.80 Sq Ft  
 MAX = 50 % OF NET LOT AREA = 13680.90 Sq Ft

- LOT COVERAGE = 5839.75 SQ.FT. 12.98 % < MAX = 33.33 % 10016 SQ FT.
- FRONT YARD SETBACK = 54.25 M.
  - SIDE YARD SETBACK = 2.49 M / EAST and 2.93 M / WEST
  - HEIGHT OF THE BUILDING = proposed 10.8 M
  - BUILDING DEPTH = 19.25 M + LOWER LEVEL EXTENSION 1.83 M

FIRST FLOOR AREA TOTAL = 5324.00 SQ.FT  
 LIVABLE FLOOR AREA = 4593.25 SQ.FT  
 GARAGE AREA = 730.75 SQ.FT

SECOND FLOOR AREA TOTAL = 5045 SQ.FT  
 LIVABLE FLOOR AREA = 3968.00 SQ.FT  
 TWO STOREY / OPEN AREA = 1057.00 SQ.FT

CELLAR FLOOR AREA TOTAL = 4914.96 SQ.FT  
 TOTAL FLOOR AREA = 10369.00 SQ.FT < MAX. 50% of NET.  
 TOTAL LIVABLE FLOOR AREA = 8581.25 SQ.FT



NO.	DATE	DESCRIPTION
1	03-11-2017	ACCEPTED BY CLIENT
2	04-11-2017	REVISED FOR C.D.A.

Registered under the Professional Engineers Act of the 20th Century Statute Code  
 P.E. No. 12345  
 PAAR DESIGN INC.  
 12345 Main Street  
 Toronto, Ontario M5H 1A5  
 Tel: (416) 123-4567  
 Fax: (416) 987-6543  
 Website: www.paar.com

The undersigned has prepared and issues responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Code of Ethics for a Designer  
 Registered under the Professional Engineers Act of the 20th Century Statute Code  
 C-12.8.1  
 Design Firm: PAAR DESIGN INC.  
 License No. 12345  
 Expiry Date: 03/31/2018

No. 65  
 PROCTOR AVENUE  
 CITY of MARIHAM  
 2 STOREY DWELLING

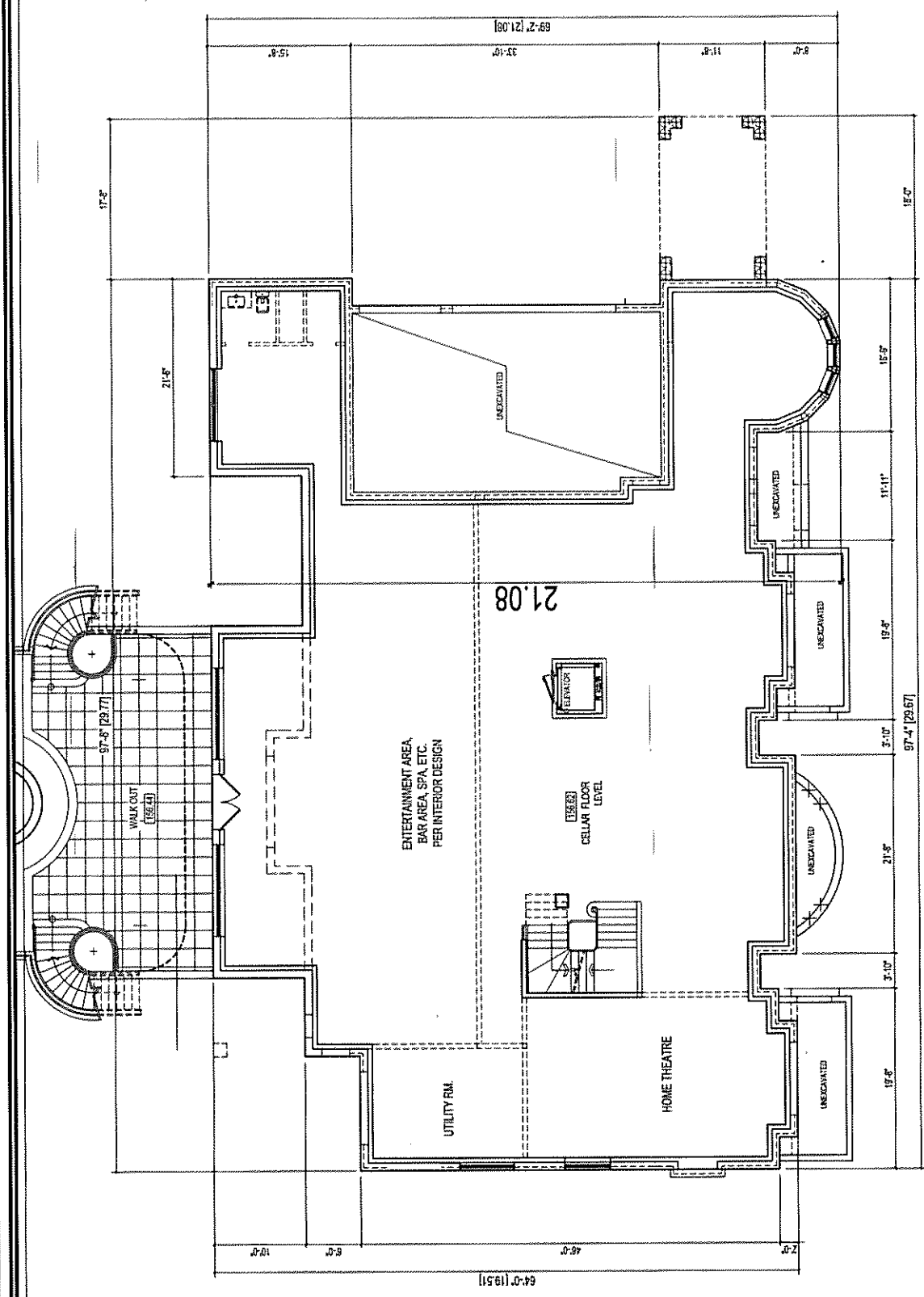
SITE PLAN  
 scale 1/32"=1'-0"



PAAR DESIGN INC.  
 12345 Main Street  
 Toronto, Ontario M5H 1A5  
 Tel: (416) 123-4567  
 Fax: (416) 987-6543  
 Website: www.paar.com

A 01

Appendix A



PAAR DESIGN INC.  
 21 BLUE LIONS DR  
 SUITE 100  
 WILSONVILLE, OR 97150  
 503.683.7300  
 www.paardesign.com

**PAAR**  
 DESIGN

**CELLAR / BASEMENT  
 PLAN**  
 Scale: 1/32"=1'-0"

No. 65  
**PROCTOR AVENUE**  
 CITY OF MARKHAM  
 2 STOREY DRELLING

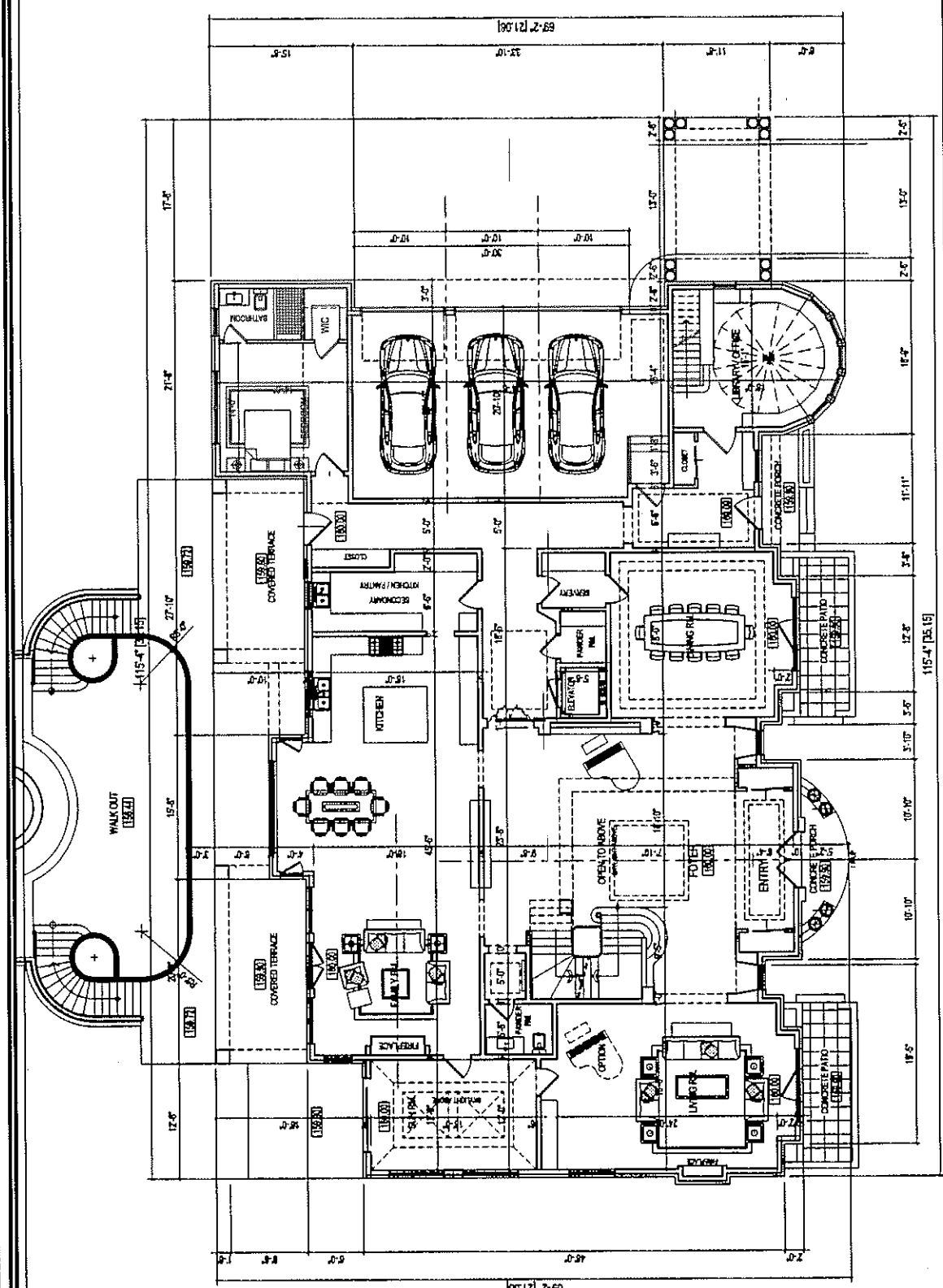
This drawing has been prepared and issued by the undersigned in accordance with the provisions of the Professional Engineers Act, R.S.O. 1990, Chapter 196, and the Professional Engineers Act, R.S.O. 1990, Chapter 196, and the Professional Engineers Act, R.S.O. 1990, Chapter 196.

Professional Engineer  
 of the Province of Ontario  
 License No. 12321

PAAR DESIGN INC.  
 21 BLUE LIONS DR  
 SUITE 100  
 WILSONVILLE, OR 97150  
 503.683.7300  
 www.paardesign.com

MARK	DATE	DESCRIPTION
1	13.11.2017	ACCEPTED BY CLIENT
2	23.11.2017	ISSUED FOR CONSTRUCTION

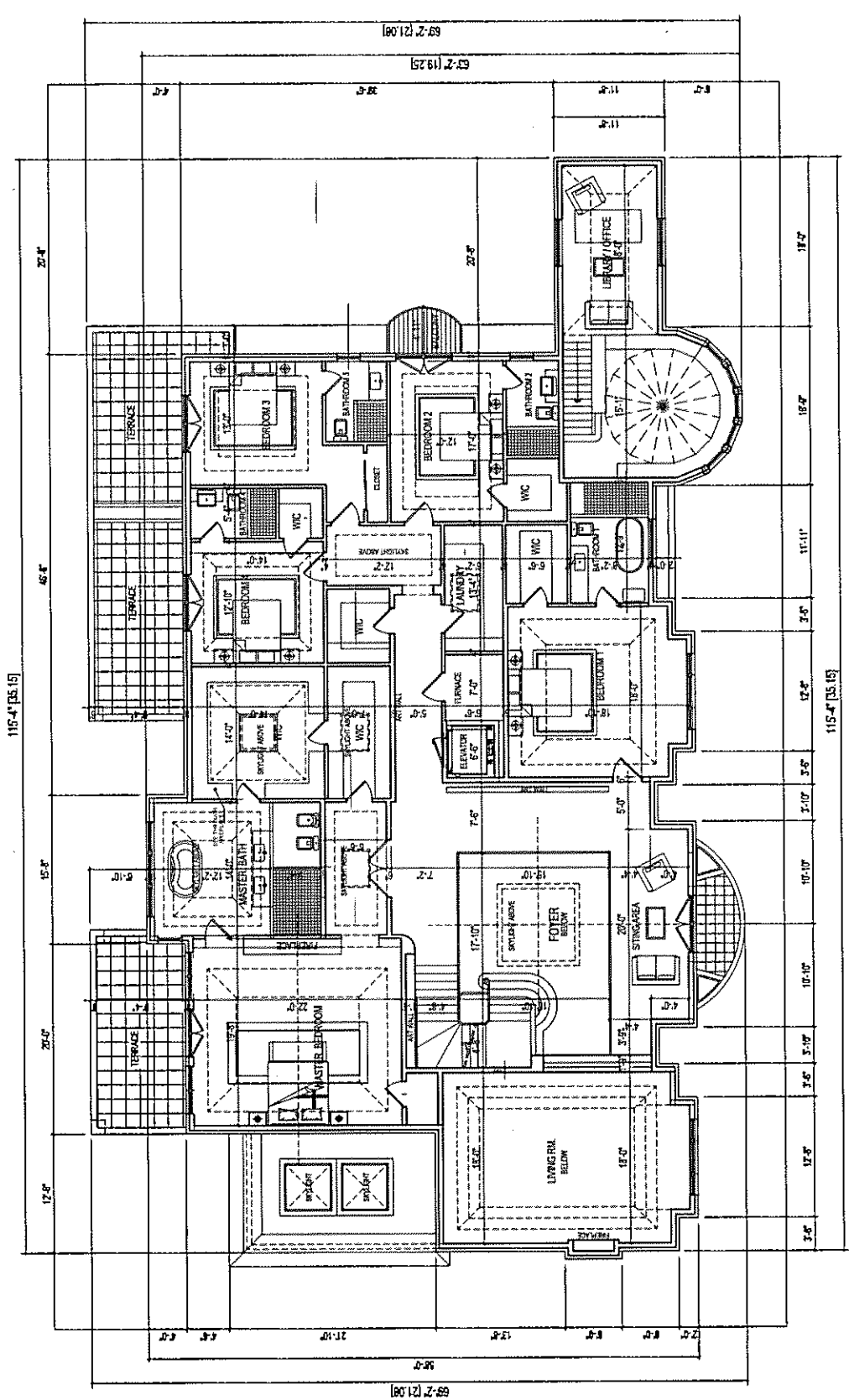
REVISIONS



This drawing was prepared by the Architect for the Client. It is the Client's responsibility to provide all necessary information and to verify the accuracy of the information provided. The Architect is not responsible for any errors or omissions in this drawing. The Client is advised that this drawing is not to be used for any other purpose without the written consent of the Architect.

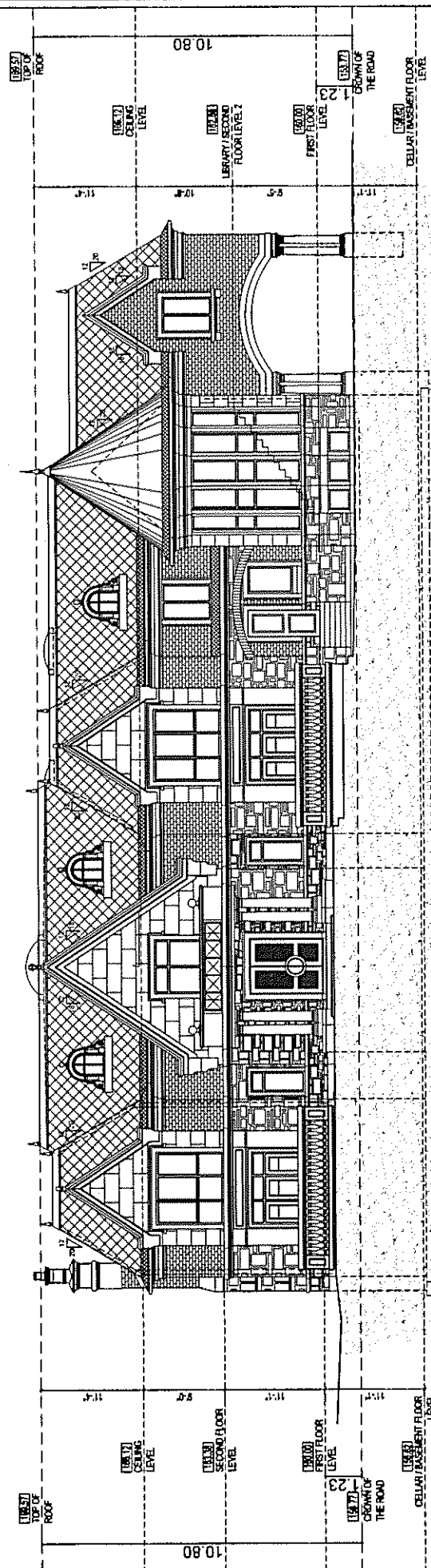
Project No. 65  
 Proctor Avenue  
 City of Wilmington  
 2 Story Dwelling  
 Date: 05/15/15  
 Scale: 3/32"=1'-0"

NO.	DATE	DESCRIPTION
1	05/15/15	ACCEPTED BY CLIENT
2	05/15/15	REVISIONS



NO.	DATE	DESCRIPTION
1	01/15/2011	AS NOTED BY CLIENT
2	01/17/2011	REVISIONS





PAAR ENGINEERING INC.  
 11000 140th Ave S.E.  
 Bellevue, WA 98007  
 (206) 453-1100  
 www.paar-engineering.com

**PAAR**  
 ENGINEERING

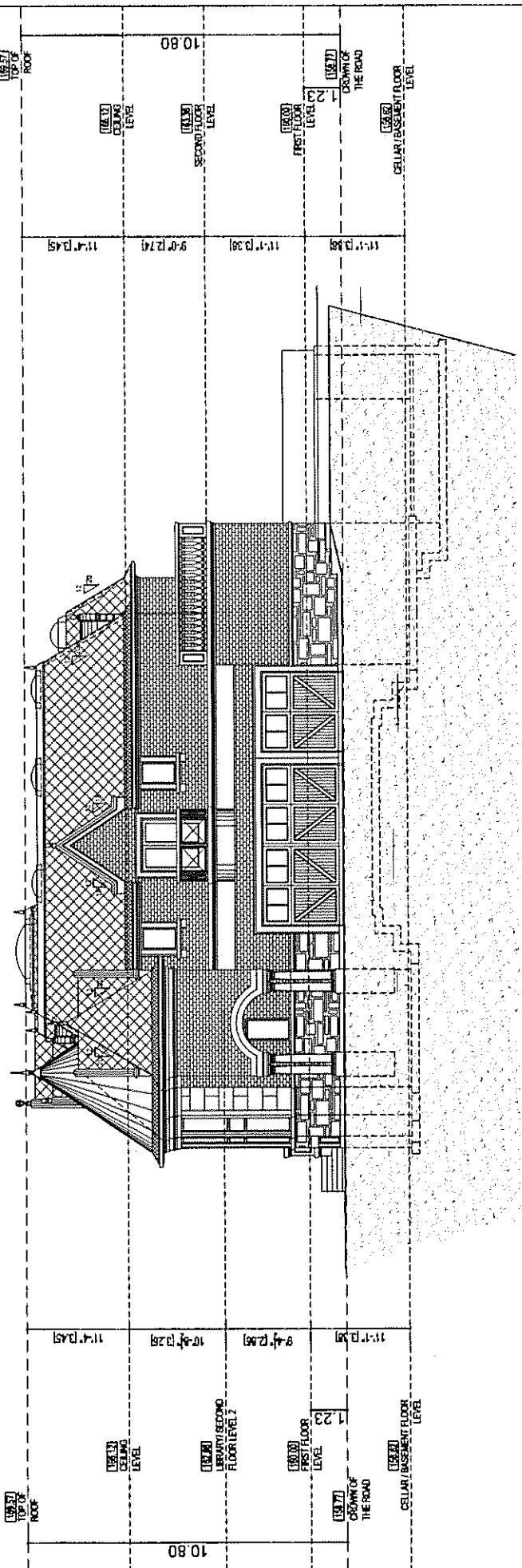
No. 65  
 PROCTOR AVENUE  
 CITY OF ALABAMA  
 2 STORY DWELLING

FRONT / NORTH ELEVATION  
 SCALE: 3/32"=1'-0"

PAAR ENGINEERING INC.  
 11000 140th Ave S.E.  
 Bellevue, WA 98007  
 (206) 453-1100  
 www.paar-engineering.com

DATE	DESCRIPTION
08/11/2017	ACCEPTED BY CLIENT
12/11/2017	REBUILT FOR ALABAMA REVIEW

10/20/2017 10:00 AM



PAAR DESIGN INC.  
 2140 COLLETT DR.  
 SUITE 100  
 WASHINGTON, DC 20008  
 (703) 433-1100  
 www.paardesign.com

**PAAR**  
 DESIGN  
 INC.

**SIDE / WEST ELEVATION**

No. 85  
**PROCTOR AVENUE**  
 CITY OF MARYLAND  
 2 STORY DWELLING

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

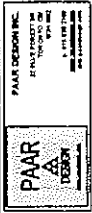
DATE: 11/11/11  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT NO.: 11-001

10.80  
 11'-11" (3.38)  
 9'-0" (2.74)  
 11'-11" (3.38)  
 11'-11" (3.38)

10.80  
 11'-11" (3.38)  
 9'-0" (2.74)  
 11'-11" (3.38)  
 11'-11" (3.38)

NO.	DATE	DESCRIPTION
1	11/11/11	ACCEPTED BY CLIENT
2	11/11/11	ISSUED FOR CONSTRUCTION

10.80  
 11'-11" (3.38)  
 9'-0" (2.74)  
 11'-11" (3.38)  
 11'-11" (3.38)



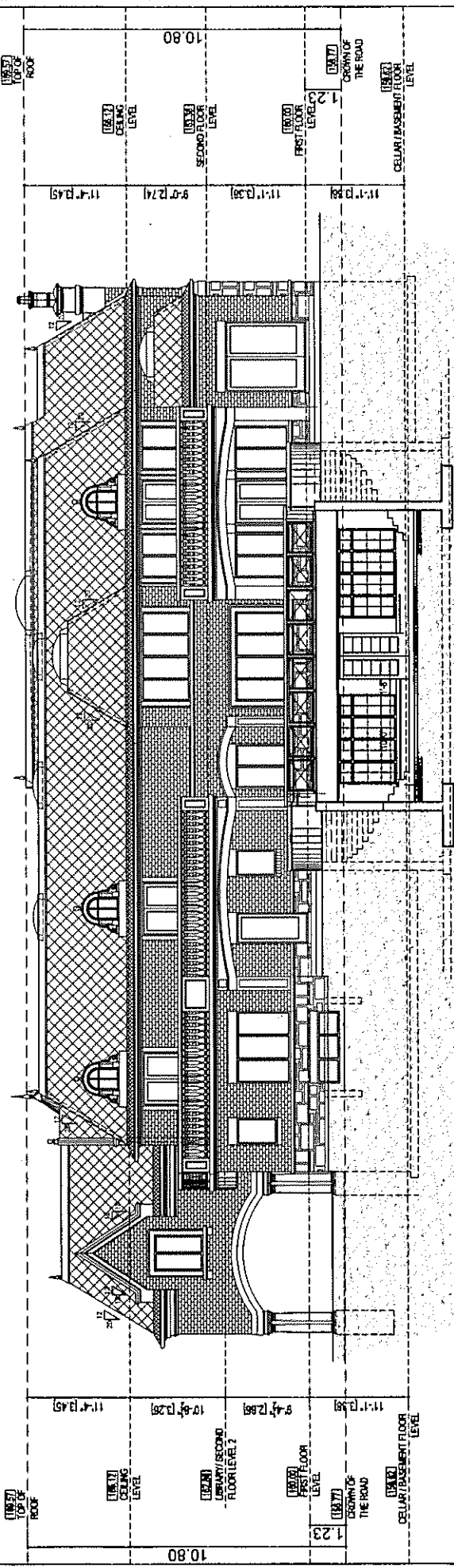
REAR / SOUTH ELEVATION  
SCALE 3/32" = 1'-0"

No. 65  
PROCTOR AVENUE  
CITY OF MARSHALL  
2 STORY DWELLING

This architectural drawing was prepared and issued by the architect for the purpose of showing the proposed construction to the City of Marshall. It is not to be used for any other purpose without the written consent of the architect.

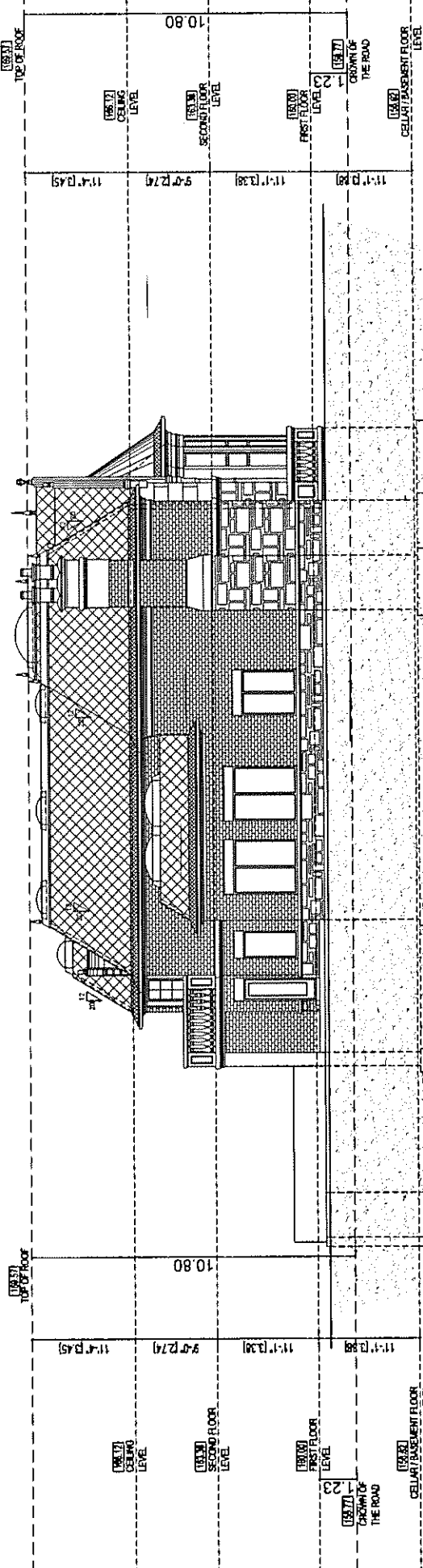
PAAR DESIGN INC.  
1000 10th Street  
Marshall, WV 24601  
304.263.1100

DATE	DESCRIPTION
11/11/2011	AS PER CITY CLERK
11/11/2011	REVISIONS FOR ZONING REVIEW



10.80

1.23



PAAR DESIGN INC.  
 2140 LINDSEY DR.  
 SUITE 100  
 FARMINGTON, CT 06030  
 (860) 671-1111  
 www.paardesign.com

**PAAR DESIGN**  
 ARCHITECTS

No. 65  
**PROCTOR AVENUE**  
 CITY OF HARTFORD  
 2 STOREY DWELLING

**SIDE / EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

The architect has prepared and shall be responsible for the drawings and specifications for the work shown on these drawings. The architect shall be responsible for the design and construction of the work shown on these drawings. The architect shall be responsible for the design and construction of the work shown on these drawings.

PAAR DESIGN INC.  
 2140 LINDSEY DR.  
 SUITE 100  
 FARMINGTON, CT 06030  
 (860) 671-1111  
 www.paardesign.com

NO.	DATE	DESCRIPTION
1	08/11/2011	AS PER CITY CODE
2	12/11/2011	REVISIONS TO CORRECT CITY