# Memorandum to the City of Markham Committee of Adjustment September 3, 2024

File: A/032/24

Address: 60 Chant Crescent, Markham
Agent: HJ Architects Inc (Joanne Ying)
Hearing Date: Wednesday, September 11, 2024

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

On January 31, 2024, City of Markham Council enacted the Comprehensive Zoning By-law 2024-19 ("By-law 2024-19"). As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (the "OLT"), any applications under Section 45 of the Planning Act that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the "Residential – Established Neighbourhood Low Rise (RES-ENLR)" zone requirements under By-law 2024-19 and the "Single Family Residential 3<sup>rd</sup> Density (R3)" zone requirements under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

#### By-law 2024-19

#### a) By-law 2024-19, Section 6.3.2.2(C):

a maximum second storey building coverage of 27.3 percent, whereas the by-law permits a maximum second storey building coverage of 20 percent;

### b) <u>By-law 2024-19</u>, <u>Section 6.3.2.2(E)</u>:

a maximum distance of 16.3 metres from the established building line for the second storey, whereas the by-law permits a maximum distance of 14.5 metres;

#### c) By-law 2024-19, Section 6.3.2.2(J):

a maximum outside wall height of 7.4 metres, whereas the by-law permits a maximum outside wall height of 7 metres;

#### d) By-law 2024-19, Section 6.3.2(K):

a maximum three storey dwelling, whereas the by-law permits a maximum two storey dwelling; and

# By-law 11-72

# a) By-law 11-72, Section 6.1:

a maximum building height of 27.5 feet, whereas the by-law permits a maximum building height of 25 feet.

#### BACKGROUND

#### **Property Description**

The 696 m² (7,491 ft²) subject property ("Subject Lands") is located on the south side of Chant Crescent, generally south of Carlton Road, west of Fred Varley Drive and east of Village Parkway (refer to Appendix "A" – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings as well as two and three-storey townhouse dwellings.

There is an existing one-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1972. Mature vegetation exists on the property including one large mature tree in the front yard.

### Proposal

The Applicant is proposing to demolish a portion of the existing dwelling and construct a ground floor and second storey addition to create a 505.10 m<sup>2</sup> (5,437 ft<sup>2</sup>) two-storey detached dwelling ("proposed dwelling") on the Subject Lands (refer to Appendix "B" – Plans).

Staff note that the Applicant revised their initial application and variance requests following comments received from Staff, as demonstrated in the following table:

Table 1 - Changes in V	Table 1 – Changes in Variances Comparison Chart					
Development Standard	By-law Requirement	Initial Variance Request	Current Variance Request			
Maximum roof projection above the permitted outside wall height for roofs with a pitch of less than 25 degrees	1.0 m (3.28 ft)	1.23 m (4.04 ft)	Variance eliminated			
Maximum second storey building coverage	20%	27.3%	27.3%			
Maximum distance from the established building line for the second storey	14.5 m (47.58 ft)	16.3 m (53.48 ft)	16.3 m (53.48 ft)			
Maximum outside wall height	7.0 m (24.28 ft)	7.7 m (25.27 ft)	7.4 m (22.97 ft)			
Maximum number of storeys	2	3	3			

Table 1 – Changes in Variances Comparison Chart					
Development Standard	By-law Requirement	Initial Variance Request	Current Variance Request		
Maximum building height	25 ft (7.62 m)	28.5 ft (8.69 m)	27.5 ft (8.39 m)		

#### Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands "Residential Low Rise", which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law 11-72, as amended

The Subject Lands are zoned R3 under By-law 11-72, as amended, which permits one single detached dwelling per lot.

The proposed dwelling does not comply with the by-law requirements as it relates to maximum height.

#### Comprehensive Zoning By-Law 2024-19

The Subject Lands are zoned RES-ENLR under By-law 2024-19, which permits a detached dwelling, home childcare, home occupation, and shared housing – small scale.

The Applicant is requesting relief from the requirements for the second storey building coverage and the maximum distance from the established building, as well as the maximum outside wall height in metres and the maximum number of storeys.

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

The Applicant has completed a Zoning Preliminary Review (ZPR) on June 19, 2024 to confirm the <u>initial</u> variances required for the proposed development. The Applicant submitted revised drawings on August 12, 2024 at the request of Planning Staff to reduce the requested variances for the outside wall height and

building height in metres. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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 dwelling. 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 Second Storey Building Coverage**

The Applicant is requesting relief to permit a maximum second storey building coverage of 27.3% (190.1 m² or 2,047 ft²), whereas By-law 2024-19 permits a maximum second storey building coverage of 20% (139.2 m² or 1,498 ft²). This variance will facilitate the construction of a second storey with the same gross floor area as the first storey. This represents an additional 7.3% (50.9 m² or 549 ft²) coverage for the second storey.

Staff note that the By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey maintains a lot coverage that is less than 30%, however the intent of the By-law is to regulate the massing of the dwelling by requiring a second storey that is smaller in size than the first storey. Although the Applicant has made revisions to the height and front elevation of the dwelling to ensure that the massing of the dwelling is compatible with dwellings along Chant Crescent, Staff recommend that the Committee consider public input and satisfy themselves on whether the requested second storey coverage variance meets the four tests of the *Planning Act*.

# <u>Increase in Maximum Second Storey Distance from the Established</u> <u>Building Line</u>

The Applicant is also requesting relief to permit a maximum distance of 16.3 m 53.48 ft) from the established building line for the second storey, whereas By-law 2024-19 permits a maximum distance of 14.5 m (47.58 ft). This represents an increase of 1.8 m (5.9 ft) of the second storey from the established building line.

Staff note that the established building line is defined as "a line that is the average distance between the front lot line and the nearest wall of the main

building facing the front lot line on the two neighbouring lots fronting the same street". The intent of this By-law provision is to regulate the building depth and massing in relation to the neighbouring dwellings.

The building layout meets all other zoning provisions (such as setbacks and overall lot coverage) that further 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. Furthermore, the increase of the second storey building depth will not extend beyond the footprint and established building line of the first storey.

Staff note that the proposed building depth remains to be consistent with the building depths of adjacent houses at 58 Chant Crescent and 62 Chant Crescent and have no strong objection to the variance sought for the maximum second storey distance from the established building line.

#### Increase in Maximum Outside Wall Height and Building Height in Metres

The Applicant is requesting relief to permit a maximum outside wall height of 7.4 m (24.28 ft), whereas By-law 2024-19 permits a maximum outside wall height of 7.0 metres (22.97 ft). This represents an increase of 0.4 m (1.31 ft). By-law 2024-19 calculates outside wall height as the vertical distance from established grade to the highest top plate of the outside wall of the upper most floor or storey.

The Applicant is also requesting relief to permit a building height of 27.5 ft (8.39 m), whereas By-law 11-72 permits a maximum building height of 25 feet (7.62 me). This represents a building height increase of 2.5 ft (0.77 m). By-law 11-72 calculates building height as the vertical distance in feet between the horizontal plane through grade level and a horizontal plane through the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees (20°) with the horizontal shall be considered a flat roof.

Staff worked with the Applicant to lower the outside wall height and building height variances. Staff appreciates the efforts made by the Applicant to address Staff comments including the revision to the roof design to eliminate the variance sought for the roof projection, and revision to the façade in consideration of the character of the street and existing dwellings in the surrounding area. Accordingly, Staff have no major concerns with the requested outside wall height and building height variances.

### **Increase in Maximum Number of Storeys**

The Applicant is requesting relief to permit a maximum three storey dwelling, where By-law 2024-19 permits a maximum two storey dwelling. By-law 2024-19 defines a storey as the portion of a building that is situated between the top of any floor and the top of the floor next above it. Where there is no floor above, storey means the portion of a building that is situated between the top of the floor and the ceiling above the floor. Any portion of a building partly below average

grade level shall be deemed a storey where its ceiling is at least 50% above average grade level.

The requested variance is attributed to the varying grading across the Subject Lands, resulting in more than 50% of the basement level being above-grade. The proposed above-grade basement is therefore considered an additional storey under By-law 2024-19. Staff are satisfied that the front elevation of the proposed dwelling visually presents itself as a two-storey dwelling and will have minimal impacts to the existing streetscape.

### Tree Protection and Compensation

Tree Preservation staff have no concerns with the Minor Variance requests. Full Tree Comments will be provided during the Residential Grading & Servicing application or Housing Permit application stage. Tree related conditions have been included in Appendix "C".

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 5, 2024. 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 variances b) to d) under By-law 2024-19, and variance a) under By-law 11-72 meets the four tests of the *Planning Act* and have no objection. Regarding variance a) with respect to the second storey coverage, Staff recommend that the Committee consider public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the *Planning Act*.

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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:

Barton Leung, Senior Planner, Central District

# **REVIEWED BY:**

Melissa Leung, RPP MCIP, Senior Planner, Central District

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# **APPENDICES**

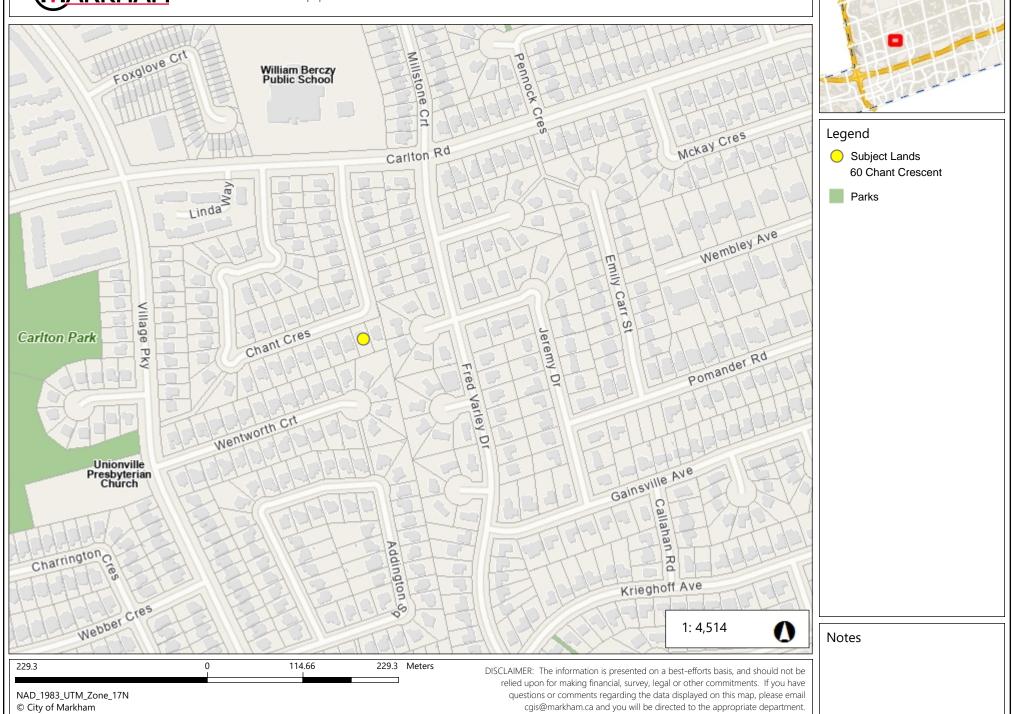
Appendix "A" - Aerial Photo

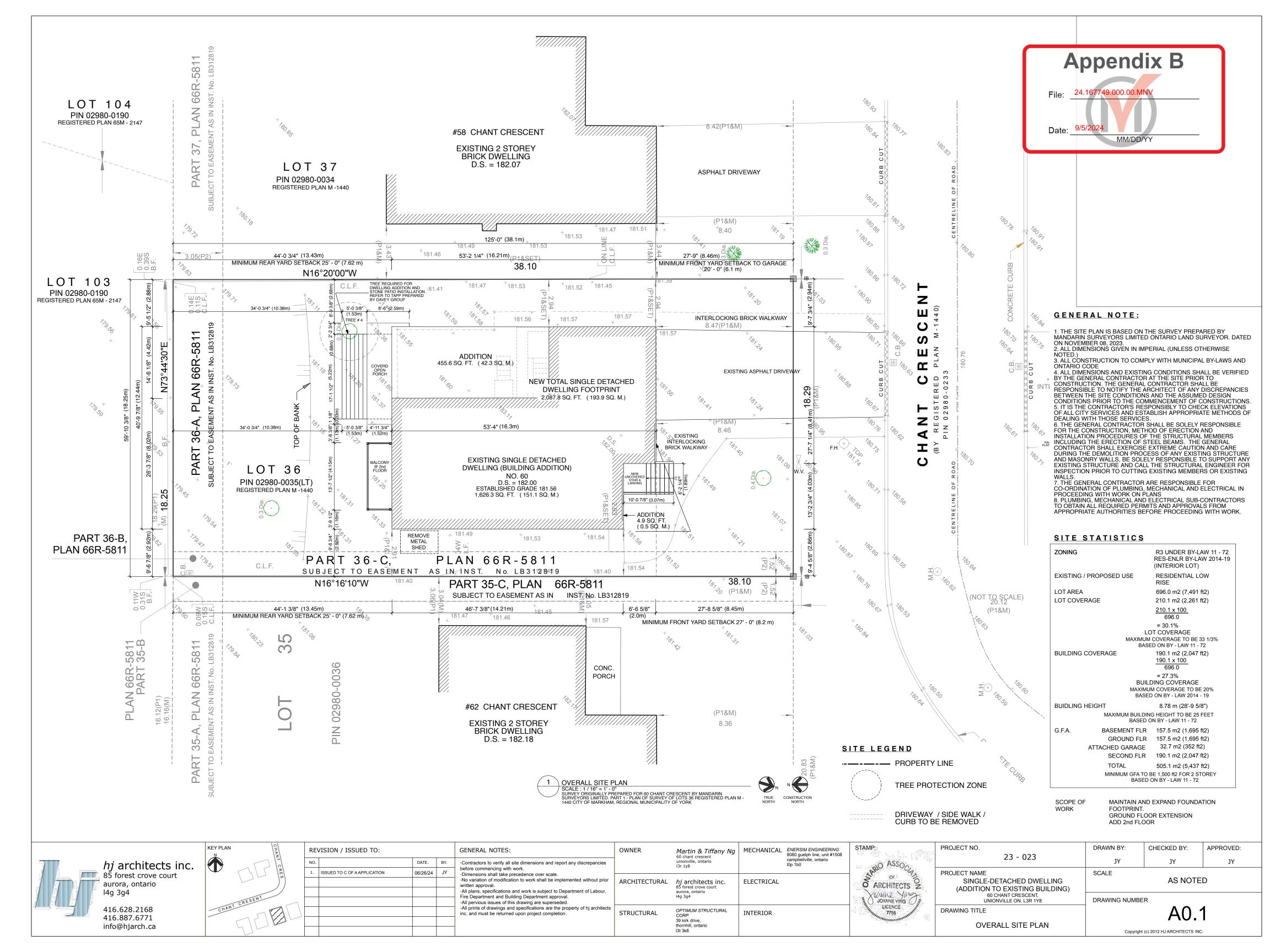
Appendix "B" – Plans

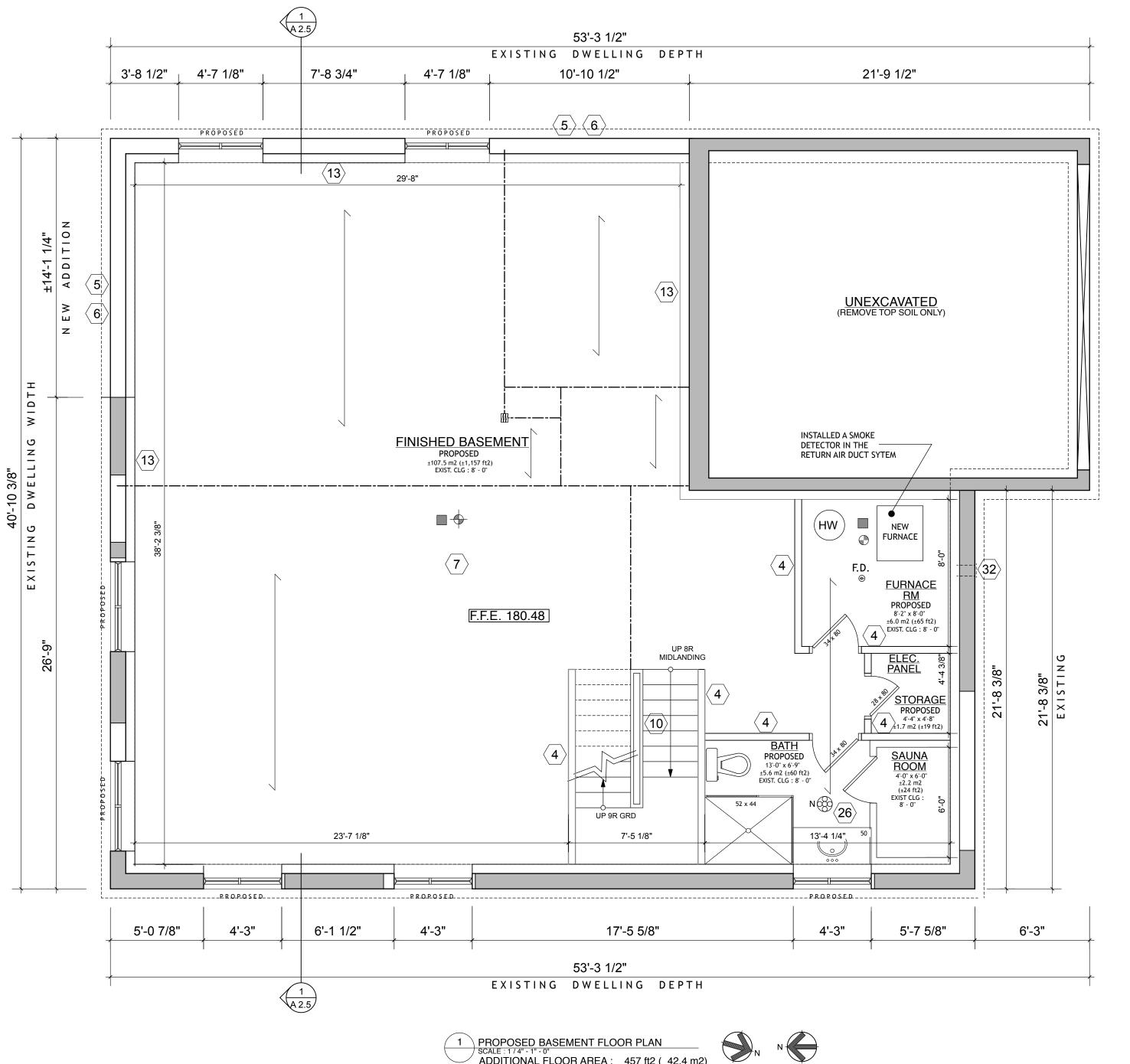
Appendix "C" – Conditions

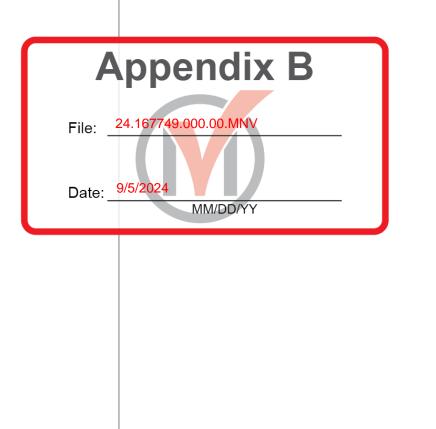


# Appendix "A" - Aerial Photo









# **WALL LEGEND**

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(EXG)

EXISTING DOOR TO REMAIN

# **CEILING LEGEND**

JOIST (FLOOR OR CEILING) ✓ DIRECTION

# **GENERAL NOTES:**

- 1. SUPPLY AIR GRILL SHALL BE LOCATED ADJACENT TO THE EXTERIOR WALLS. SUCH OUTLETS SHALL BE LOCATED SO AS TO BATHE AT LEAST ONE EXTERIOR WALL OR WINDOW WITH WARM AIR IN CONFORMANCE WITH OBC.
- 2. SUPPLY & RETURN AIR GRILLES IN HABITABLE FINISHED BASEMENT SHALL BE LOCATED ON LOW WALLS WITH 6" ABOVE FINISHED FLOOR LEVEL.

ADDITIONAL FLOOR AREA: 457 ft2 (42.4 m2) NEW TOTAL FLOOR AREA: 1,695 ft2 (157.5 m2) FOR STRUCTURAL DETAILS, REFER TO DWGS S1 - S7



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*hj* architects inc. 85 forest crove court aurora, ontario 14g 3g4 416.628.2168

416.887.6771

info@hjarch.ca

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		·All pervious issues of this drawing are superseded.	
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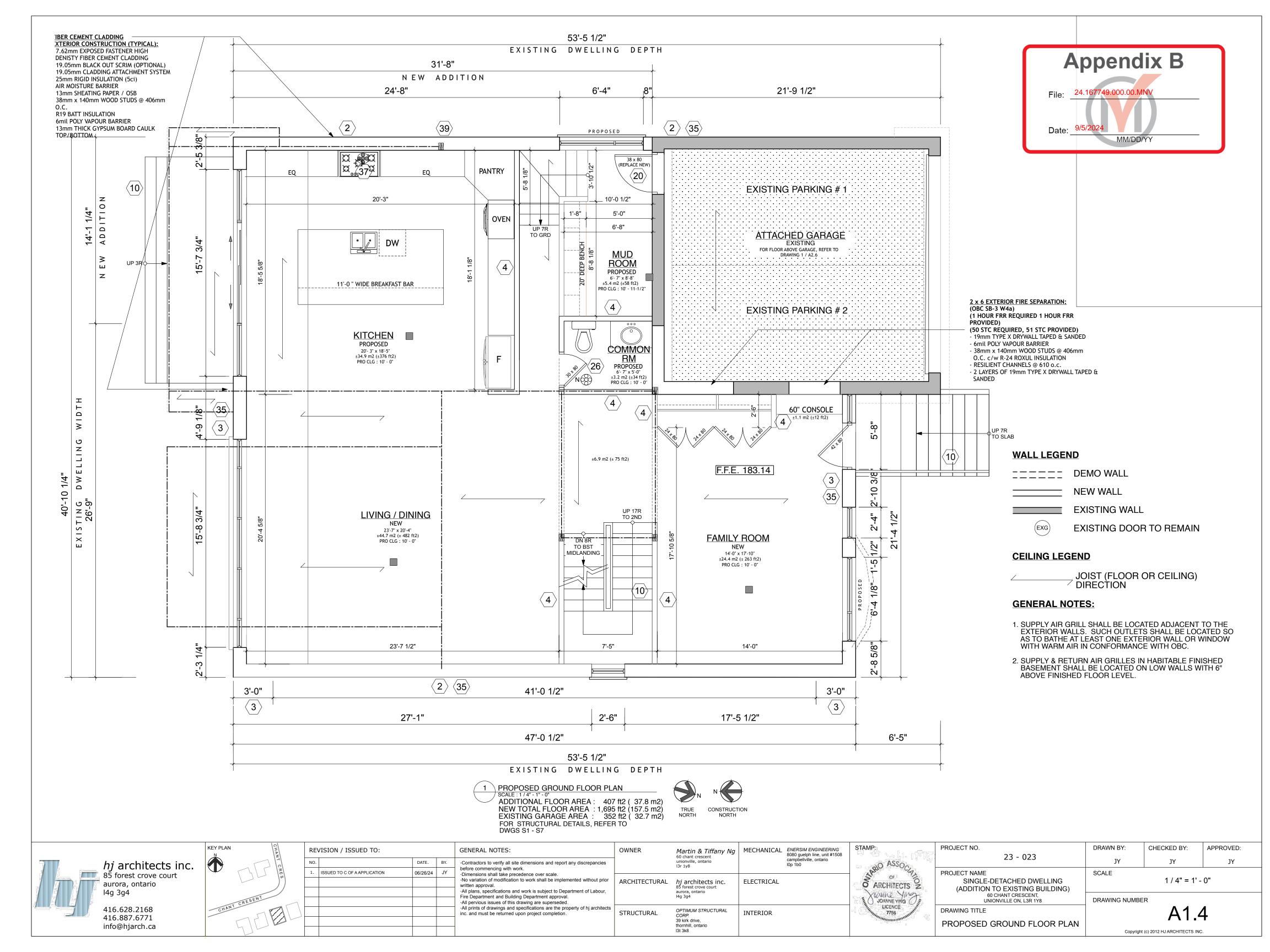
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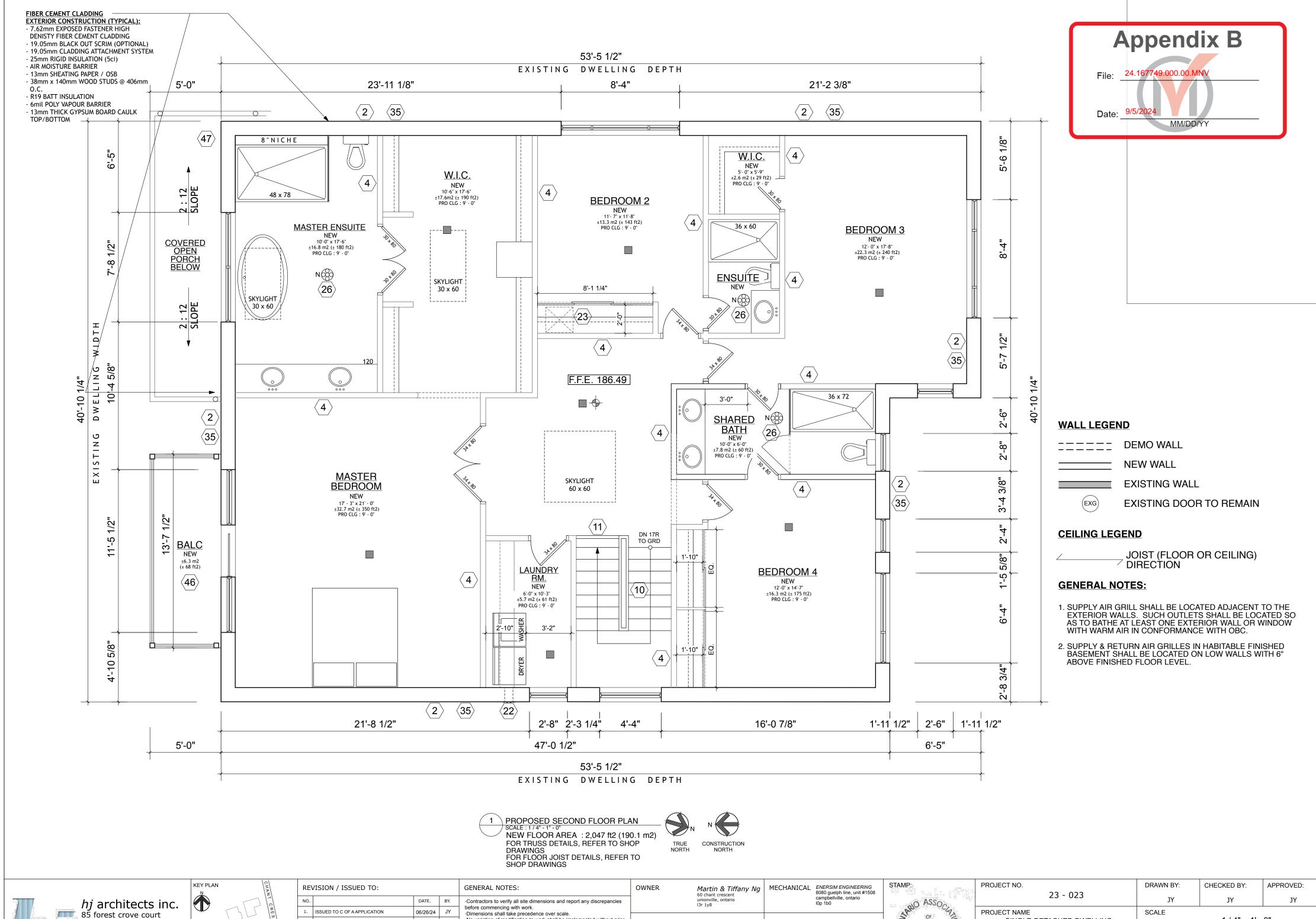
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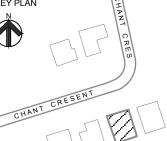




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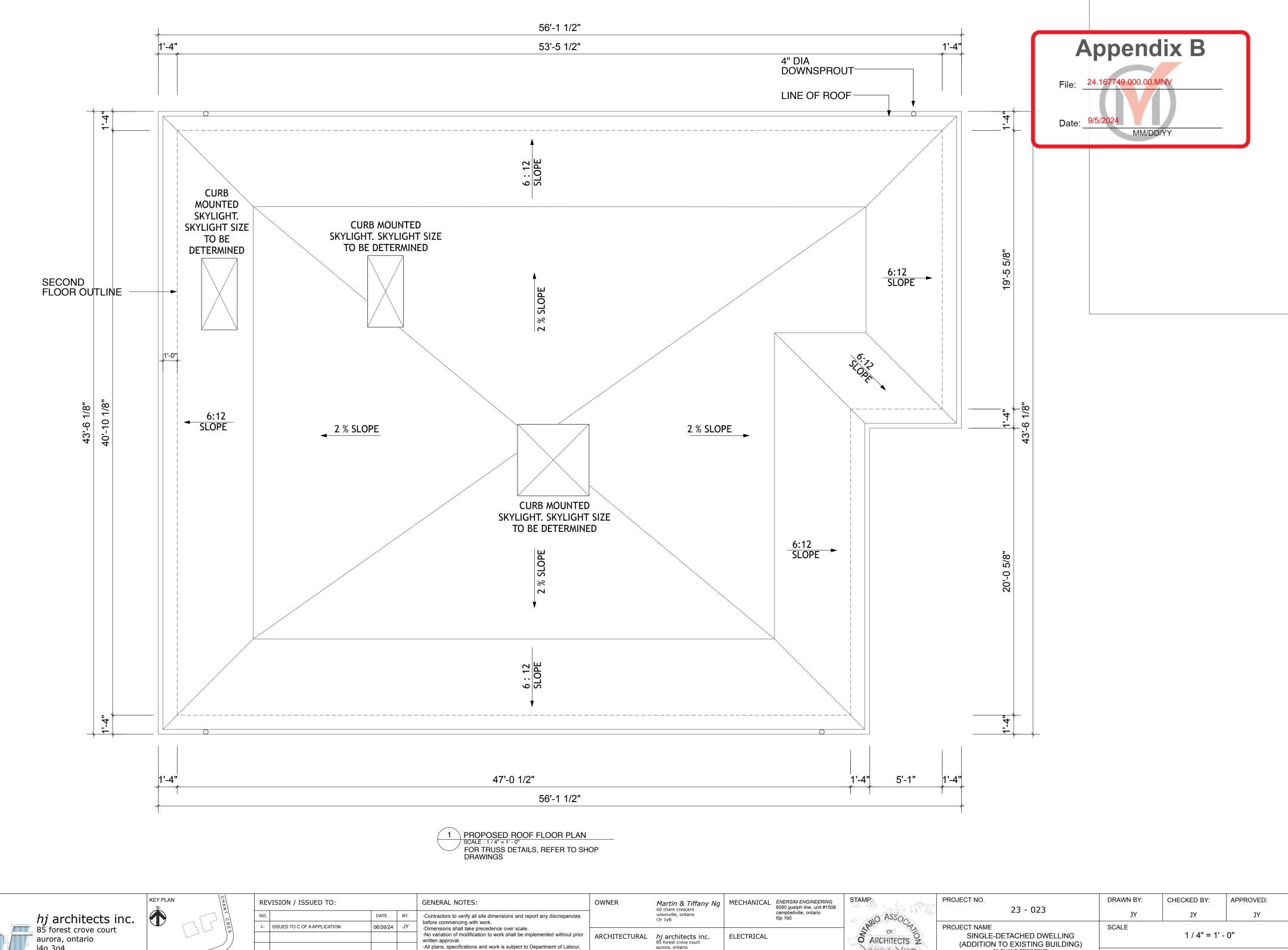


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PROPOSED 2nd FLOOR PLAN

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Appendix B

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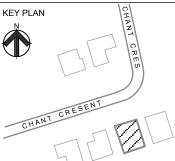
1 NORTH (FRONT YARD) ELEVATION

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85 forest crove court
aurora, ontario
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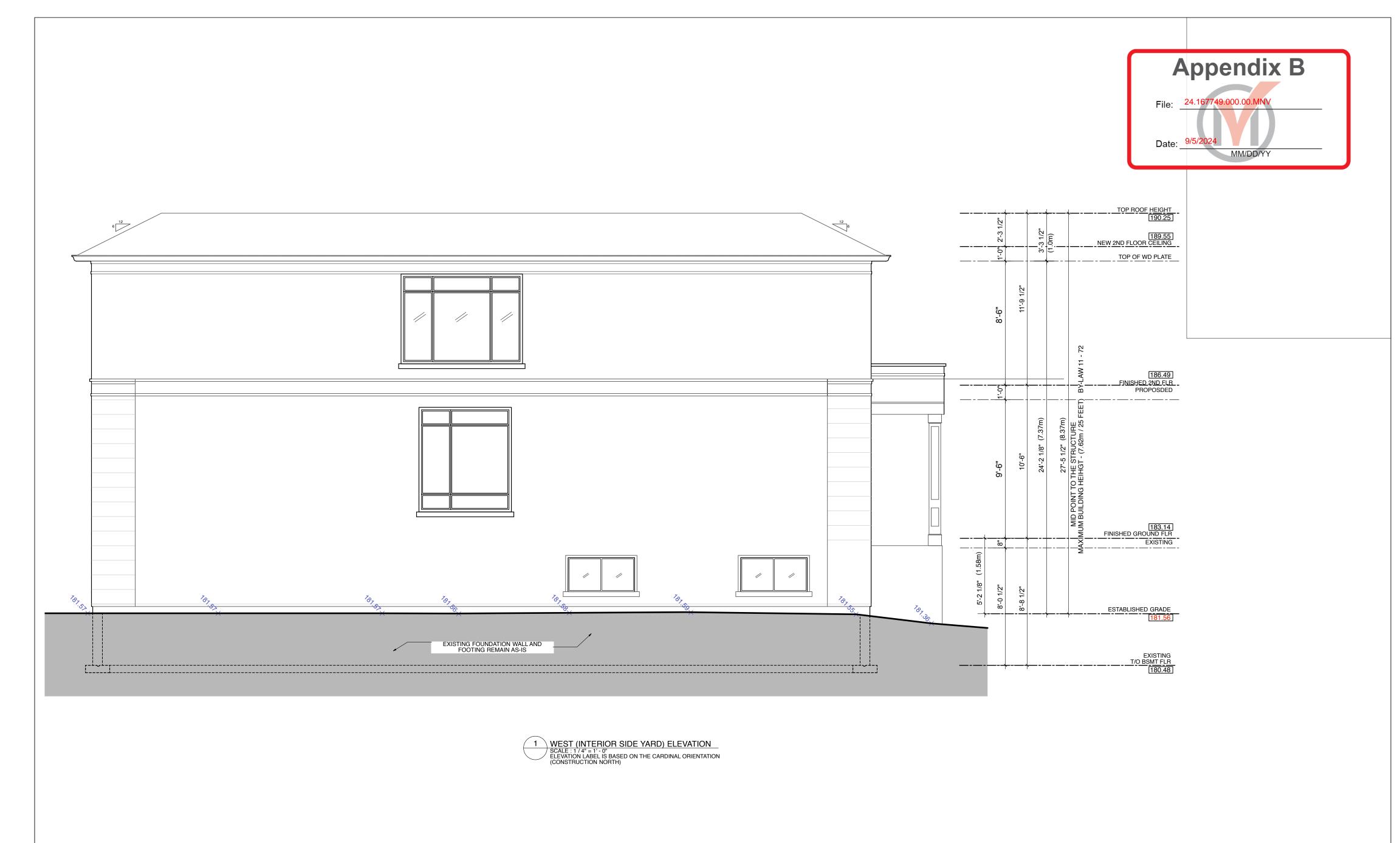
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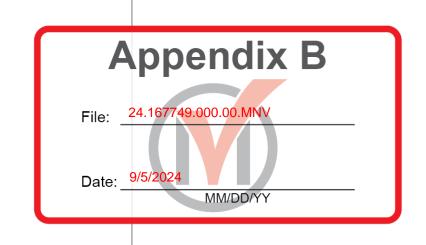
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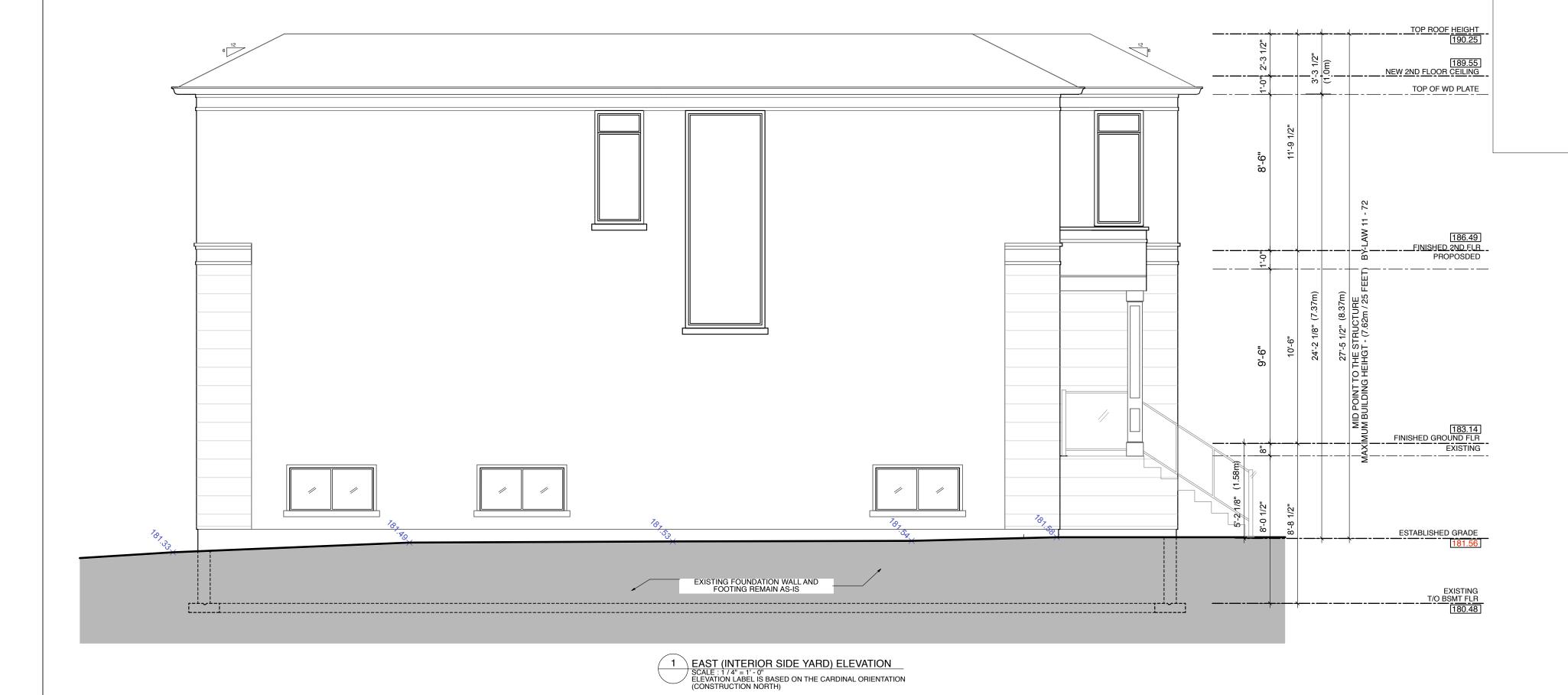
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REVISION / ISSUED TO: DATE. BY. ISSUED TO C OF A APPLICATION 06/26/24 JY

GENERAL NOTES: ·Contractors to verify all site dimensions and report any discrepancies before commencing with work. Dimensions shall take precedence over scale.

No variation of modification to work shall be implemented without prior No variation of modification to work shall be implemented analysis.

All plans, specifications and work is subject to Department of Labour, Fire Department and Building Department approval.

All pervious issues of this drawing are superseded.

All prints of drawings and specifications are the property of hj architects inc. and must be returned upon project completion.

Martin & Tiffany Ng
60 chant crescent
unionville, ontario
13r 1y8

MECHANICAL

ENERSIM ENGINEERING
8080 guelph line, unit #1508
campbellville, ontario
10p 1b0 OWNER hj architects inc. 85 forest crove court aurora, ontario 14g 3g4 ARCHITECTURAL ELECTRICAL OPTIMUM STRUCTURAL CORP. 39 kirk drive, thornhill, ontario 13t 3k8 STRUCTURAL INTERIOR

STAMP: ARCHITECTS 2 JOANNE YING SELICENCE

DRAWING TITLE

INTERIOR SIDE ELEVATION

PROJECT NO. DRAWN BY: APPROVED: CHECKED BY: 23 - 023 JΥ PROJECT NAME SCALE AS NOTED SINGLE-DETACHED DWELLING (ADDITION TO EXISTING BUILDING)
60 CHANT CRESCENT,
UNIONVILLE ON, L3R 1Y8

DRAWING NUMBER

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*hj* architects inc. 85 forest crove court aurora, ontario 14g 3g4 416.628.2168

416.887.6771

info@hjarch.ca

# APPENDIX "C" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/032/24

- 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 Supervisor of the Committee of Adjustment or their 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 Tree Expert in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator 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, neighbouring properties, and 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 By-law Administrator; and
- 5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:

Barton Leung, Senior Planner, Planning and Urban Design Department