
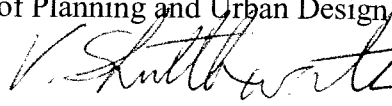


MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services 
Valerie Shuttleworth, Director of Planning and Urban Design 

DATE: June 8, 2006

RE: Wynberry Developments Inc. (Ballantry Homes)
Monkhouse Road
Wismer Commons Community
Implementing zoning by-law
File No's.: SU 01 119048 (19TM-01020) and ZO 01 119040

RECOMMENDATION:

That the attached draft zoning by-law be enacted.

BACKGROUND:

On April 18, 2006 Development Services Committee considered a staff report with respect to applications for draft plan approval and implementing zoning for a 12 lot residential plan of subdivision immediately north of Heritage Estates. Staff recommended approval of the applications subject to the Zoning By-law including a height restriction to limit permitted dwelling types to bungalows, a side yard setback provision between dwellings to allow a proper separation and ensure the new development does not give the appearance of a solid wall of new construction, and build-to provisions to ensure that the dwellings are sited as close as possible to the front lot line to maximize the rear yard setback. These restrictions were recommended to minimize the visual impact that the proposed development would have on the adjacent Heritage Estates.

In zoning by-law terms, building height is currently defined as the vertical distance measured from the established grade (average surface elevation around the outside walls) to the mean level between eaves and ridge of the roof. It was based on this definition that the April 18, staff report recommended a maximum 6.5 metres (21 ft.) height for the bungalows (the normal maximum by-law height for residential dwellings is 11 metres (36 ft.)).

On May 2, 2006, Development Services Committee referred consideration of these applications to the May 9, 2006 Committee of the Whole meeting to allow staff to provide elevation details of the proposed structures and the existing heritage structures at Markham Heritage Estates (see attached memo dated May 9, 2006).

On May 9, 2006 Council granted draft approval for the proposed plan of subdivision and approved for enactment the draft zoning by-law attached to the April 18, 2006 staff report, subject to certain modifications. The modifications to the by-law included the following:

- that the permitted dwelling types on the three most westerly lots (Lots 1, 2, and 3) be restricted to bungalows (this is where the lot grading is at the highest elevation)
- that two-storey dwellings on the remaining nine lots be restricted to a maximum height of 30 ft. (9.14m), measured from established grade to the highest point of the ridge of a pitched roof.
- that the minimum side yards be 1.8m (6 ft.) on one side and 1.2m (4 ft.) on the other side

The following additional modifications are recommended by staff to provide clarity and consistency in the By-law:

- that the maximum height for the bungalows and two-storey dwellings be measured the same way from established grade, at the front main wall of the dwelling, to the highest point of the ridge of a pitched roof (measuring from established grade at the front main wall of the dwelling will ensure that any variation in grade on the property is avoided)
- that the maximum height for a bungalow be revised from 6.5m (21 ft.) to 8m (26 ft.) to reflect the above method in measuring height to the highest point of the ridge of a pitched roof, to ensure adequate roof area for a loft and to allow for a 9 ft. first floor ceiling (the concept of a “bungaloft” unit was supported in the attached staff memo to Council dated April 25, 2006)
- that no part of the grade at the rear wall shall be lower than 0.8 metres than the average grade along the front wall (this is to prevent any changes to the existing grading)

The approximate floor area of dwellings that would be permitted is as follows:

Bungalows with lofts - up to 279m² (3,000 ft²)

Two-storey dwellings - up to 381m² (4,100 ft²)

For comparison purposes, attached are drawings of the existing dwellings on the north side of Monkhouse Road built by Ballantry Homes and on the east side of Spencer Avenue built by Great Gulf Homes. The Ballantry Homes dwellings are on 13.9m (46 ft.) lots, are approximately 8.5m (28 ft.) in height and have a floor area of approximately 249m² (2680 ft²). The Great Gulf Homes dwellings are on 18.3m (60 ft.) lots, range from approximately 8.8 to 9.8m (29 to 32 ft.) in height and have floor areas ranging from approximately 276 to 328m² (2977 to 3528 ft²).

Attached is the amended draft zoning by-law that incorporates the Council amendments and recommended staff amendments for enactment.

Attach.

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MEMORANDUM

TO: Committee of the Whole

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design

DATE: May 9, 2006

SUBJECT: Height Issue
Wynberry Developments Inc.
Wismer Commons Community
Proposed plan of subdivision and implementing zoning by-law amendment
File No.'s: SU 01 119048 (19TM-01020 [Phase 2]) and ZO 01 119040

On April 18, 2006, Staff recommended that the application submitted by Wynberry Developments Inc. to amend Zoning By-laws 304-87 and 177-76, as amended, be approved subject to the By-law including a height restriction to limit permitted dwelling types to bungalows, a side yard setback provision between dwellings to allow a proper separation and ensure the new development does not give the appearance of a solid wall of new construction, and build- to provisions to ensure that the dwellings are sited as close as possible to the front lot line to maximize the rear yard setback.

On May 2, 2006, Development Services Committee referred consideration of this matter to the meeting this date to allow staff to provide elevation details of the proposed structures and the existing heritage structures at Markham Heritage Estates.

In zoning by-law terms, building height is currently defined as the vertical distance measured from the established grade (average surface elevation around the outside walls) to the mean level between eaves and ridge of the roof. It was based on this definition that the April 18, staff report recommended a maximum 6.5 metres (21 ft) height for the row of lots on Monkhouse Road north of Heritage Estates (the normal maximum by-law height for residential dwellings is 11 metres). For simplicity the analysis in this memo and attached chart is based on "height" as measured from established grade (at the front wall) to the top of the roofline. For comparison to the April 18, recommendation a typical bungalow model submitted by Wynberry has a height to roofline of 7.3 metres (24 ft).

Staff has examined the grading and height of the existing developments on Monkhouse Road (north side) and on Spencer Avenue (located west of Markham Heritage Estates). The existing dwellings on the north side of Monkhouse Road, built by Ballantry Homes, are approximately 28 ft. in height. The grade at the front of the lots is generally consistent with the grade at the front of the proposed lots on the south side of Monkhouse Road.

The existing dwellings on the east side of Spencer Avenue adjacent to Heritage Estates, built by Great Gulf Homes, range in height from approximately 28 ft. to 32 ft. The grade at the front of the lots is generally higher than the grade at the front of the proposed lots on the south side of Monkhouse Road.

Staff has reviewed the grading plans for Markham Heritage Estates and six individual heritage lots backing onto the new development and the grading plan for the Wynberry development. The heights of each heritage dwelling was obtained from the individual site plan applications (heights range from 25 feet to 28 ft. 9 ins.), while the heights of the proposed new two storey dwellings and the proposed bungalow on Monkhouse Road were scaled from the designs submitted by the applicant.

The attached chart provides the height of each heritage dwelling as a geodetic elevation and the corresponding height of the proposed new dwellings as a geodetic elevation. The chart also provides the actual difference in height between the heritage dwelling and the new dwelling.

The analysis shows that the greatest difference in height between the heritage dwellings and the proposed new 2 storey dwellings is at the west end, where the grading in the new subdivision is highest. At this location there could be up to a 2 metre (6.4 foot) difference in building height (based on a 9 metre (30 ft) new house). There would be up to a 1.4 metre (4.5 ft) height difference related to new houses behind 14 and 16 David Gohn Circle and little (1.6ft) to no height difference behind 18 and 20 David Gohn Circle (eastern most lots on David Gohn).

If 24 ft (7.3m) bungalows were constructed, it appears that the height of the new development would be at or lower than the heights of existing dwellings at Markham Heritage Estates.

Options that could be considered by Council:

- 1) Require that only bungalows be constructed to ensure that the height of new development behind Markham Heritage Estates is kept below the building heights of the heritage buildings (as recommended in April 18, 2006 staff report).
- 2) "Controlled" two-storey dwellings in the order of 8.68 metres (28 ft. 6 inches) to 9.14 metres (30 feet), which would be less than normal by-law requirements and will result in the new development being higher than that of Markham Heritage Estates, as outlined in the attached chart.

Recommendation:

THAT Council provide direction on a desired height limit for new development located immediately north of Markham Heritage Estates.

Q:\Development\Heritage\MARKHAM HERITAGE ESTATES\Adjacent Development Issues\Memo to COmmittee of the WHole May 9th 2006.doc

wellings compared to proposed Two Storey Dwellings on Monkhouse Road

Heritage House Ground Elevation (1)	Height of Heritage House (2)	Elevation of (1)+(2) (5)	New House Ground Elevation (3)	Height of New House (4) Average Height of 28' 6" (8.68m) was used	Elevation of (3)+(4) (6)	Elevation at front of Lot (Monkhouse Road)	Difference between Heritage House ground elevation and New House ground elevation	Actual Difference in Height between Heritage House and New House Average (6)-(5)	Actual Difference in Height between Heritage House and New House at 30 ft (9.14m)
209.28	25' (7.62 m) [29' (8.83m) to gable]	216.90	209.73, 209.43, 209.12	27-30 ft (8.23 to 9.14m)	218.41	209.43 - 208.82	0.45m,	4.95 ft (1.51m)	6.46 ft (1.97m)
208.10	28' (8.53m)	216.63	208.97	27-30 ft (8.23 to 9.14m)	217.58	208.67 - 208.53	2.8 ft (0.87m)	3.1 ft (0.95m)	4.8 ft (1.48m)
207.90	28' 9" (8.76m)	216.66	208.83, 208.68	27-30 ft (8.23 to 9.14m)	217.38	208.38 - 208.19	3.1 ft (0.93m)	2.36 ft (0.72m)	4.3 ft (1.31m)
208.05	27' (8.23m)	216.28	208.49	27-30 ft (8.23 to 9.14m)	217.17	208.19 - 207.88	1.4 ft (0.44m)	2.91 ft (0.89m)	4.4 ft (1.35m)
208.30	28' (8.53m)	216.83	208.18, 207.87	27-30 ft (8.23 to 9.14m)	216.86	207.88 - 207.26	-0.4 ft (-0.12m)	.09 ft (0.03m)	1.6 ft (0.49m)
208.47	27' (8.23m)	216.70	207.56, 207.25	27-30 ft (8.23 to 9.14m)	216.18	207.26 - 206.64	-2.9 ft (0.91m)	-1.7 ft (-0.52m)	0 ft (0m)

ptions:

an elevations at Markham Heritage Estates reflect the actual on-site conditions.

ilding elevation drawings are accurate as the height of heritage buildings was scaled.

houses was scaled from proposed drawings of two storey product submitted by applicant. Heights were 27' and 30'.



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design

DATE: April 25, 2006

Re: **Wynberry Developments Inc. (Ballantry Homes)
Wismer Commons Community
Proposed plan of subdivision and implementing zoning by-law
amendment
File No.'s SU 01 119048 (19TM-01020 Phase 2) and ZO 01 119040**

On April 18, Development Services Committee considered a staff report with respect to the above-noted applications for a 12 lot residential plan of subdivision immediately north of Heritage Estates. The report recommended that the applications be approved subject to the inclusion of a height restriction to limit permitted dwelling types to bungalows to reduce the visual impact of the dwellings on Heritage Estates. The applicant spoke at the meeting to oppose the inclusion of the height limit. Committee deferred the report to its May 2, 2006 meeting to allow for further review and a site visit.

To assist Committee's consideration of appropriate development standards for the proposed plan of subdivision, the following additional information is provided:

1. **Size of bungalow dwellings:** Concerns were expressed that requiring all dwellings to be bungalows would be onerous to the applicant as it would restrict the subdivision to comparatively small homes. The proposed lots have frontages of 18.3m (60 ft.) and depths of 35m (115 ft.). Using the recommended setbacks [minimum rear yard – 15m (49 ft.), minimum side yards – 1.8m (6 ft.) and maximum front yard – 4.5m (15 ft.)], the maximum potential building envelope would be 228 m² (2,454 ft²). Excluding a double car garage of 36m² (388 ft²) and deducting exterior walls would allow a bungalow dwelling with a floor area of approximately 185 m² (1,991 ft²).
2. **Bungalow with loft option:** Staff have explored options to increase the potential floor area of the dwellings without increasing the visual impact on Heritage Estates. One option is "bungalow with loft" homes, which include a partial second floor contained within the roof structure. The recommended height restriction of 6.5m will allow a bungalow with loft home. Bungalow with loft homes have the master bedroom (and often one additional bedroom) on the

main floor, and two additional bedrooms and a bathroom in the loft. This is a very attractive model to many older families because it does not require them to use the stairs except to access the secondary bedrooms. The inclusion of a loft has the potential to increase the dwelling floor area by as much as fifty percent, bringing the total potential floor area to approximately 280 m² (3000 ft²).

3. **Side yard setbacks:** The report recommends minimum side yards of 1.8m (6 ft.) on both sides to ensure the new development does not give the appearance of a solid wall of new construction north of Heritage Estates. At the April 18 Committee meeting, the applicant expressed the view that 1.8m on both sides is onerous. Staff would support a reduction to 1.2m (4 ft.) on one side, which would still maintain an appropriate separation between dwellings. This would increase the potential floor area by 14 m² (150 ft²).

A correction is required to the size of the landscaping material to be provided at the rear of the proposed lots identified on page 5 of the staff report and associated condition of draft approval, as follows:

- 1.5m to 1.75m high cedar hedge along the rear property line
- 60mm to 70mm caliber deciduous trees at the top of the slope in the rear yard

EXPLANATORY NOTE

BY-LAW NO.

A By-law to amend By-law 177-96, as amended

Wynberry Developments Inc.

Part of Lot 17, Concession 7

The proposed by-law amendment applies to a 0.773 ha. (1.91 acre) parcel of land located on the south side of Monkhouse Road, east of Spencer Avenue, within the Wismer Commons community.

The lands are presently zoned Rural Residential (RR4) by By-law 304-87, as amended.

The purpose of the by-law amendment is to incorporate the lands into the designated area of By-law 177-96, and zone them Single detached Residential (R1-F18*308) Zone.

The effect of the by-law amendment will be to permit the lands to be developed for single detached residential purposes.

A by-law to amend Urban Expansion Area
Zoning By-law 177-96, as amended
(To incorporate lands into the designated area of this By-law)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

- I. THAT By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96 to include the lands in Lot 17, Concession 7, as shown on Schedule 'A' attached hereto.
 - 1.2 By zoning the lands

Single detached Residential (R1-F18*308) Zone

as shown on Schedule 'A' attached hereto.
 - 1.3 By adding the following Subsection 7.308 to Section 7 – EXCEPTIONS:

“7.308 WYNBERRY DEVELOPMENTS INC., WISMER COMMONS

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *308 on the Schedule to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.308.1 Zone Standards

The following specific Zone Standards apply:

- a) Minimum required *front yard* - 4.3 metres
- b) Minimum required *rear yard* - 15 metres
- c) Minimum required *interior side yard* - 1.8 metres on one side,
1.2 metres on the other side
- d) Maximum *height* for Lots 1, 2 and 3, as shown on Schedule 'A'
attached hereto – 8 metres
- e) Maximum *height* for Lots 4 to 12, inclusive, as shown on Schedule
'A' attached hereto – 9.14 metres
- f) Minimum width of *landscaping* adjacent to the rear lot line – 3.0
metres

7.308.2 Special Site Provisions

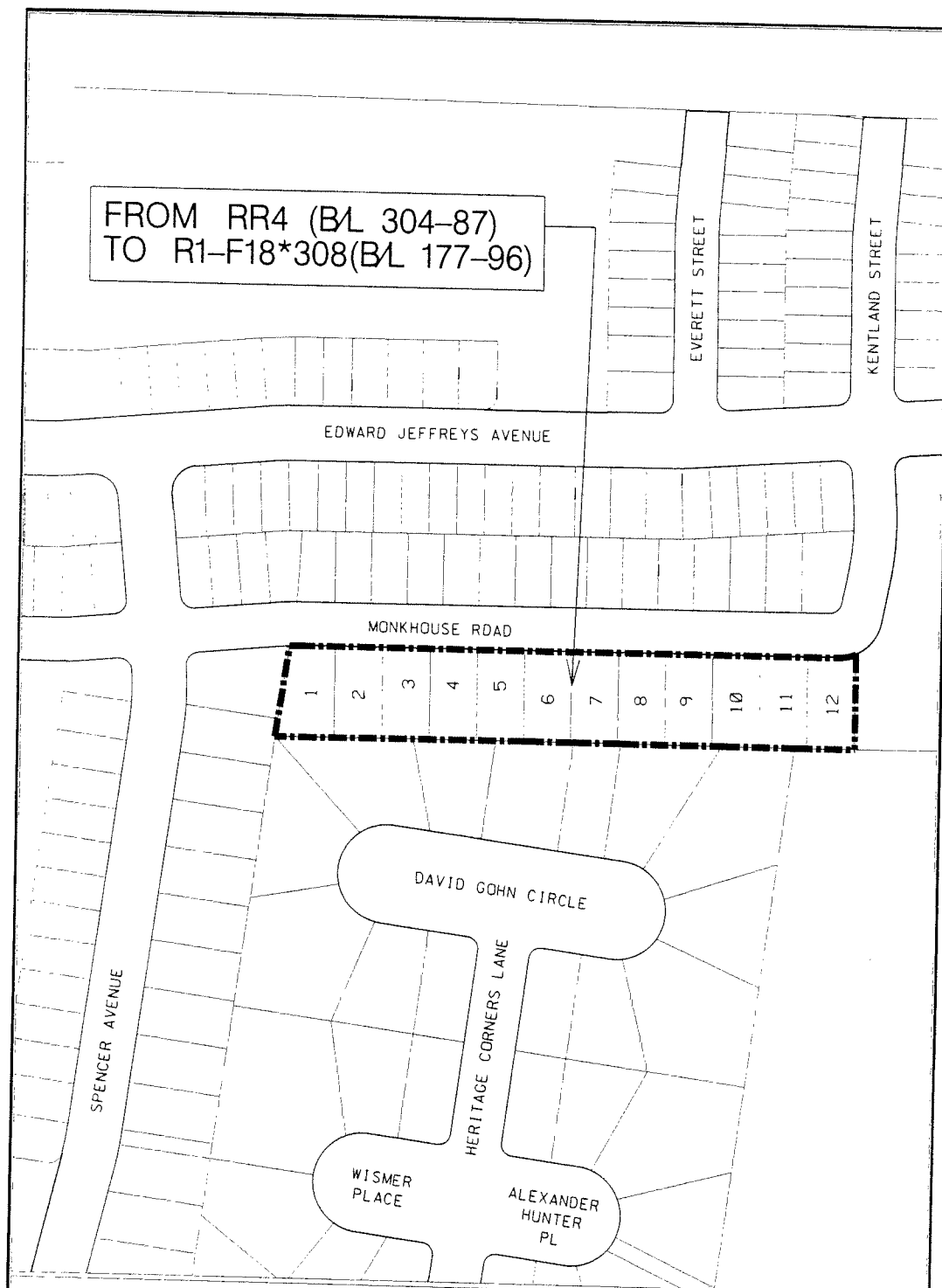
The following additional provisions apply:

- a) The *main wall* of a *dwelling* shall be setback no further than 4.5 metres from the front lot line.
- b) The *main wall* of an attached *private garage* that contains the opening for motor vehicle access shall be setback no further than 5.8 metres from the *front lot line*.
- c) Detached *private garages* are not permitted.
- d) The height of the dwellings on all lots shall be measured from the *established grade* at the front *main wall* to the highest point of the ridge of a gabled, hip, gambrel roof or other type of pitched roof.
- e) No part of the grade at the rear wall shall be lower than 0.8 metres than the average grade along the front wall.

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.”

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FROM RR4 (BL 304-87)
TO R1-F18*308(BL 177-96)



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ R1 RESIDENTIAL ONE

☐ RR4 RURAL RESIDENTIAL FOUR

☐ *No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

.....MAYOR

.....CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 2000

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EXPLANATORY NOTE

BY-LAW NO.

A By-law to amend By-law 304-87, as amended

Wynberry Developments Inc.

Part of Lot 17, Concession 7

The proposed by-law amendment applies to a 0.773 ha. (1.91 acre) parcel of land located on the south side of Monkhouse Road, east of Spencer Avenue, within the Wismer Commons community.

The lands are presently zoned Rural Residential (RR4) by By-law 304-87, as amended.

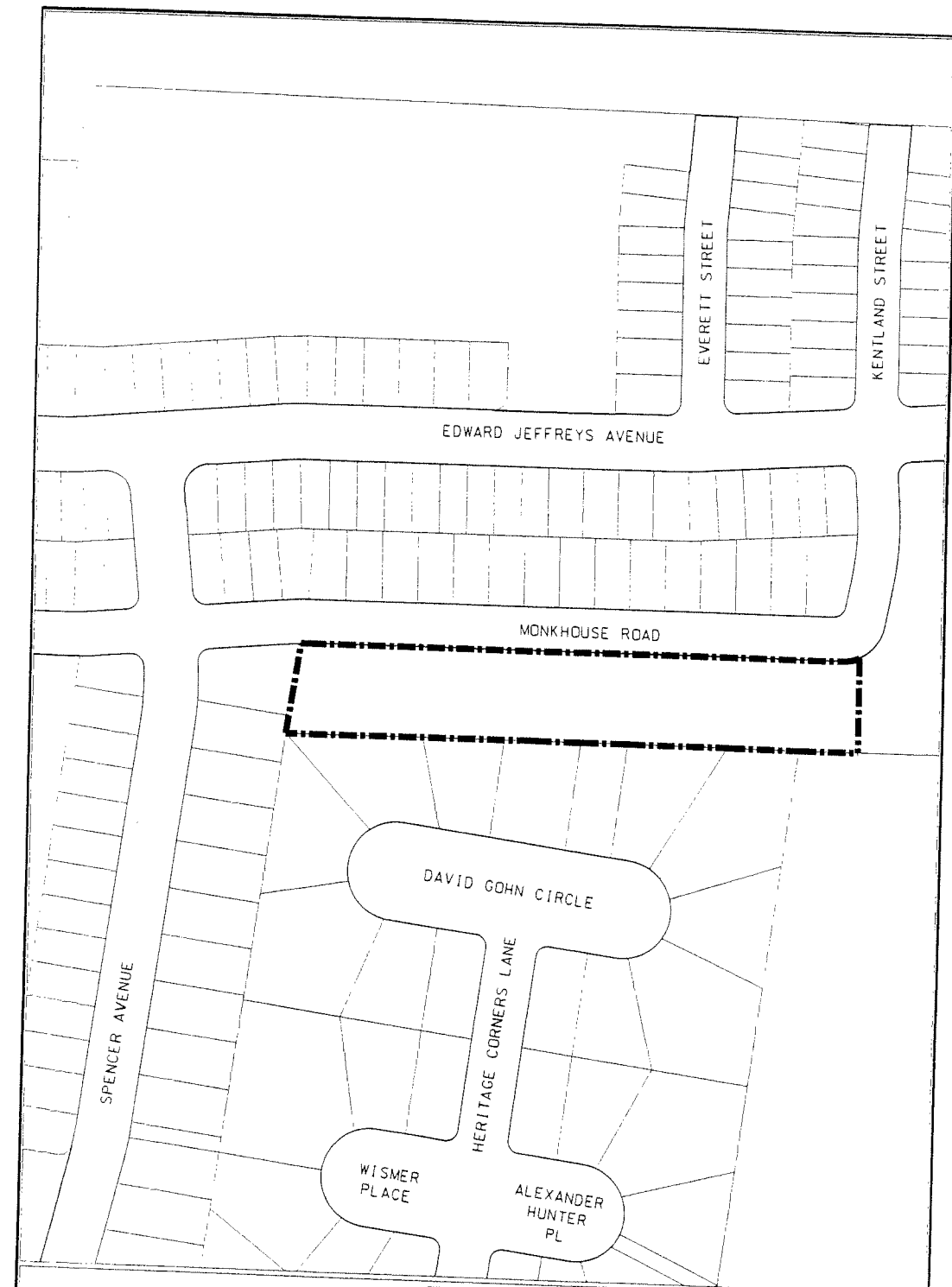
The purpose and effect of the by-law amendment is to delete the lands from the designated area of By-law 304-87.

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A by-law to amend Rural Area Zoning By-law 304-87, as amended
(To delete lands from the designated area of this By-law)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 304-87, as amended, is hereby further amended by deleting the lands in Lot 17, Concession 7, as shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.
2. This by-law shall not come into effect until By-law ~~XXXXX~~ amending By-law 177-96, as amended comes into effect and the lands, as shown on Schedule 'A' attached hereto, become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87



BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

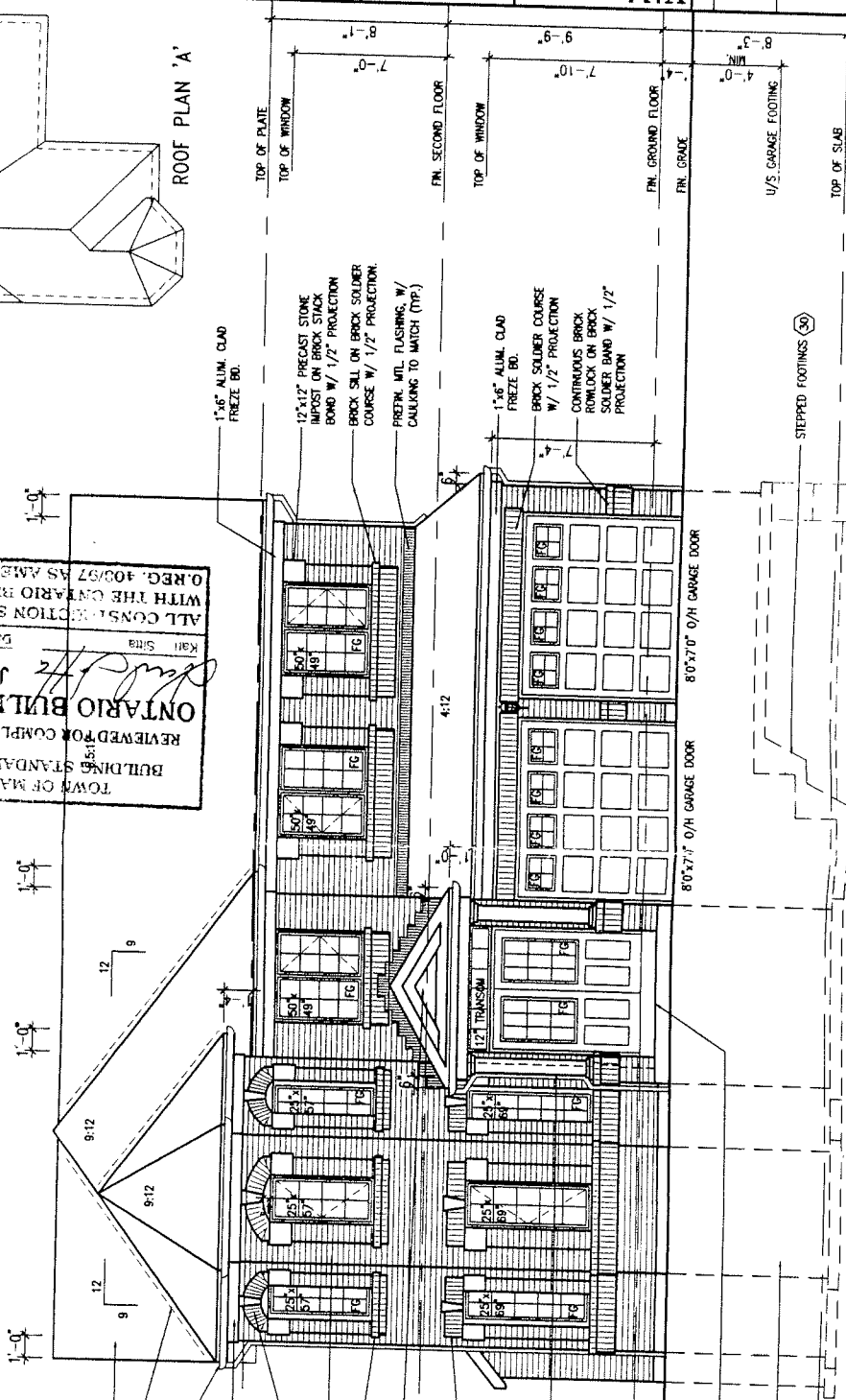
SCALE 1: 2000

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Ballantry Homes
 North side of Monkhouse Road
 Height - approx. 28 ft.
 Floor Area - approx. 2,680 sq ft
 Lot Frontage - 46 ft.
 Lot Depth - 59 ft.

TOWN OF MARKHAM
 BUILDING STANDARDS DIVISION
 REVIEWED FOR COMPLIANCE WITH THE
 ONTARIO BUILDING CODE
 JUN 05 2003
 Date: _____
 Kari Sita
 ALL CONSTRUCTION SHALL COMPLY
 WITH THE ONTARIO BUILDING CODE
 O.R.G. 400/97 AS AMENDED.

ASPHALT SHINGLES
 VALLEY FLASHING
 PRETN. ALUM. R.W.L.
 FASCIA GUTTER &
 VENTED SOFFIT (TYP.)
 1"x6" ALUM. CLAD
 FREEZE BD.
 BRICK SOLDIER ARCH
 & KEYSTONE W/ 1/2"
 PROJECTION
 FACE BRICK (TYP.)
 DOUBLE BRICK SILL
 FTD. PLYWOOD PANEL
 BRICK SOLDIER COURSE
 & KEYSTONE W/ 1/2"
 PROJECTION
 8" DIA. WD. POST (PAINTED)
 ANCHORED TO SOLID 14"x14"
 MASONRY PIER
 POURED CONC. PORCH
 SLAB AND DOOR SILL
 POURED CONC. FOUNDATION
 WALLS AND FOOTINGS TYP.

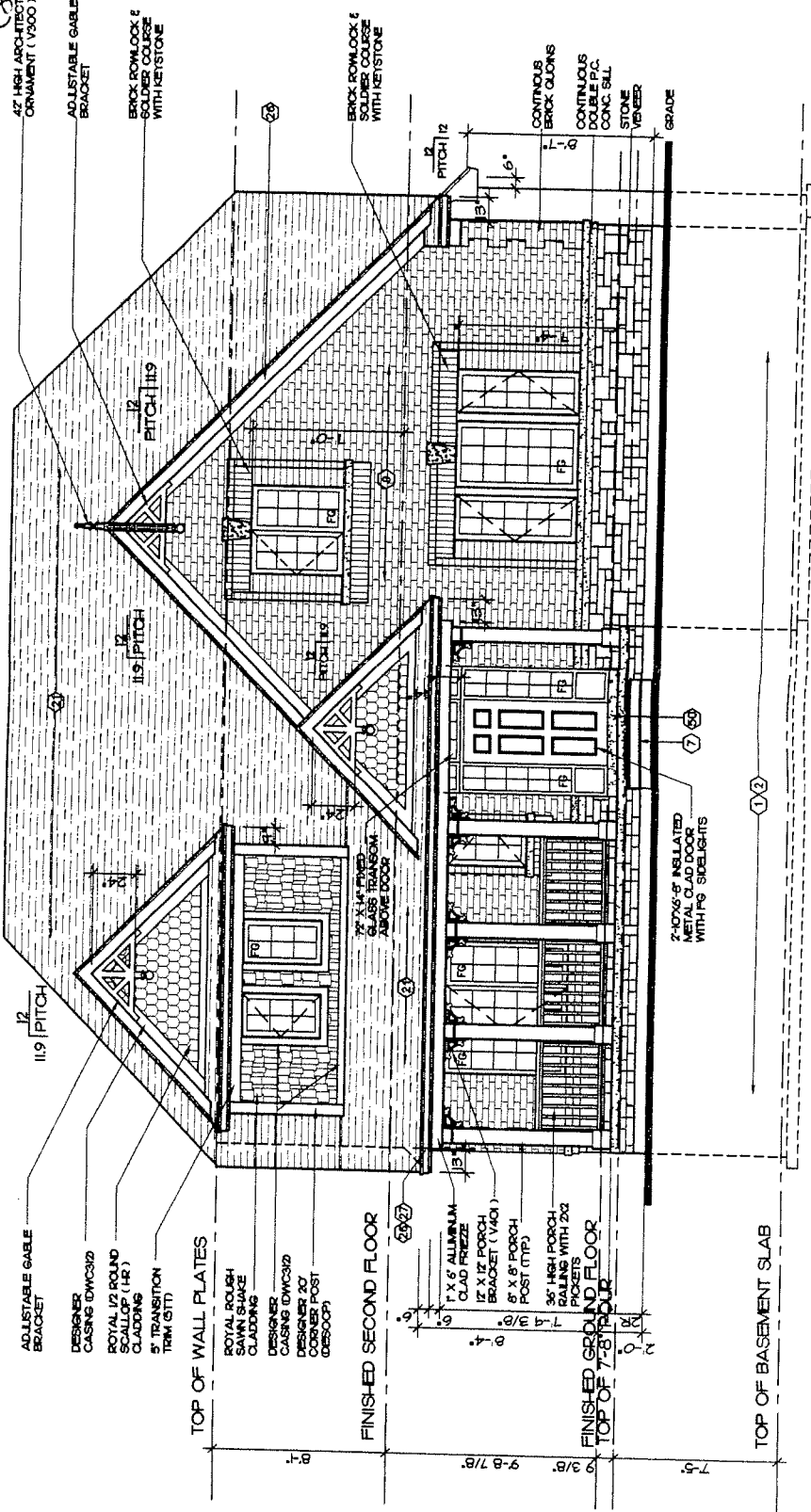


FRONT ELEVATION 'A'

Project Name BALLANTRY HOMES Project No. HERITAGE MEADOWS Markham, Ontario	Date OCTOBER 2002 Project No. 02051 Drawn By PETER CSORNA Checked By XX Scale 3/16" = 1'-0" Drawing No. C	Viljoen Architect Inc. 300 A Wilson Avenue North York, Ontario M2H 3S8 TEL: (416) 630-2255 FAX: (416) 630-7703	REVISIONS NO. DESCRIPTION 1. ISSUED FOR CLIENT REVIEW 2. REVISED AS CLIENT COMMENTS
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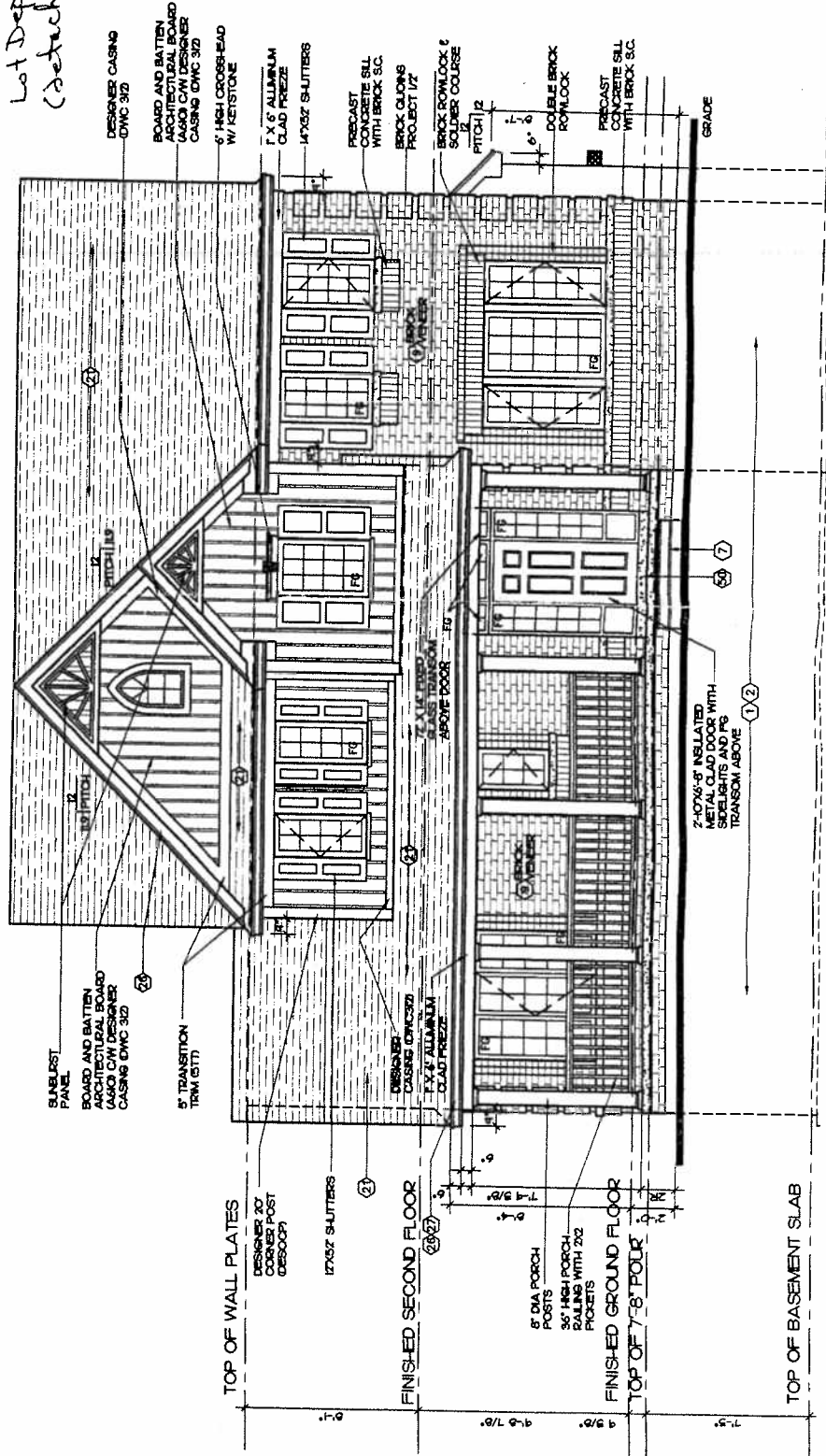
Great Gulf Homes
 East Side of Spencer Ave.
 Height - approx. 29 ft.
 Footprint - approx. 29' x 42'
 Lot Frontage - 60 ft.
 Lot Depth - 115 ft.
 Detached rear yard
 garaged

Example of a
 "Bungalow"



Front Elevation B

Great Gulf Homes
 East Side of Spencer Ave.
 Height - approx. 31 ft. - 2
 Floor Area - approx. 3363 Ft.
 Lot Frontage - 60 ft.
 Lot Depth - 115 ft.
 (detached rear yard garage)



[illegible]

Front Elevation A

DESIGNER
- CASING (DWG312)