

Memorandum to the City of Markham Committee of Adjustment

May 15, 2019

File: A/43/19
Address: 89 Woodward Ave, Thornhill
Applicant: Elham Hassan Pour
Agent: Paar Design (Nikol Paar)
Hearing Date: Wednesday May 29, 2019

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

The applicant is requesting relief from the following requirements of By-law 2237, R4 as amended:

- a) **Amending By-law 101-90, Section 1.2(viii):**
a maximum floor area ratio of 55.3 percent (3,663 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.);
- b) **Amending By-law 101-90, Section 1.2(i):**
a maximum building height of 9.40 metres, whereas the By-law permits a maximum building height of 8.6 metres;
- c) **Amending By-law 101-90, Section 1.2(iv):**
a maximum building depth of 18.49 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- d) **Section 6.1:**
a minimum side yard setback of 1.52 metres on both sides, whereas the By-law requires a minimum side yard setback of 1.8 metres on both sides;

as they relate to a proposed single detached dwelling.

BACKGROUND

Property Description

The 650.29 m² (7,000 ft²) subject property is located on the south side of Woodward Avenue, west of Yonge Street between Willowdale Boulevard and Jewell Street. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 90 m² (968.75 ft²) dwelling on the property, which according to assessment records was constructed in 1950. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two storey detached dwelling with an attached two car garage, rear basement walkout and rear deck.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2237

The subject property is zoned R4 'Fourth Density Single Family Residential' under By-law 2237, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum side yard setback.

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, maximum building depth and maximum floor area ratio.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, *"design requirement as per client"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 16, 2019 to confirm the variances required for the proposed development.

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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 55.3 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 340.30 m² (3,663 ft²), whereas the By-law permits a dwelling with a maximum floor area of 307.78 m² (3,313 ft²). This represents an increase of approximately 32.52 m² (350 ft²) or, approximately 10.6 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. While the proposed floor area ratio is larger than what is permitted, it is comparable in size with other infill developments along Woodward Avenue and will be in keeping with the intended scale of infill development for the neighbourhood. The proposed dwelling will also be under the permitted lot coverage, provide more than the required rear yard setback and maintain the required front yard setback.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.4 m (30.84 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22 ft). This represents an increase of approximately 0.8 m (2.62 ft) or, approximately 9 percent. The proposed dwelling will replace the existing one-storey detached dwelling. It will be taller than dwellings originally developed in the 1950s however, similar in scale to other infill residential developments on Woodward Avenue between Jewell Street and Willowdale Boulevard. Staff are of the opinion that the variance request is minor in nature and will not cause adverse impacts to the street.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.49 m (60.66 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.69 m (5.54 ft) or, approximately 10 percent.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a one-storey rear projection, which adds approximately 1.83 m (6 ft) to the overall depth of the building. The main component of the building, excluding the minor one-storey rear, has a building depth of 16.66 m (54.66 ft) which complies with the by-law requirement.

Reduced Side Yard Setback (two-storey portion)

The applicant is requesting a minimum side yard setback of 5 ft (1.52 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m) the two-storey portion of the dwelling. This represents a decrease of approximately 1ft (0.28 m) or, approximately 16 percent.

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 15, 2019. 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 variance request meets the four tests of the Planning Act. 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.

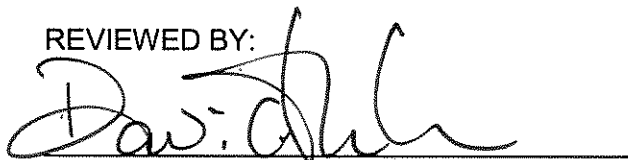
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

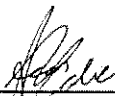
File Path: Amanda\File\ 19 119436 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/43/19

1. That the front covered porch as indicated on drawing A0.1 remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B1' to this Staff Report and received by the City of Markham on *May 10th, 2019*, 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;
4. 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;
5. 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
6. 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:



Aqsa Malik, Planner, Zoning and Special Projects

Benchmark
City of Markham
Benchmark No. M-01-015
Elevation 178.242

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Part 2

Fences as shown.
No Registered Easements
or Rights of Way.
Survey prepared for, Mr. A. Rad.

APPENDIX B
SURVEYOR'S REAL PROPERTY PART 1
PLAN OF LOT 241,
REGISTERED PLAN 2446
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:250

0 1 2 3 4 5 10 20 metres

© COPYRIGHT ERTL SURVEYORS 2018



Notes

BEARINGS ARE ASTROMOMIC AND ARE REFERRED
TO THE NORTH LIMIT OF WOODWARD AVENUE AS
SHOWN ON REGISTERED PLAN 2446, HAVING
A BEARING OF N 73°07'00"E.

■	DENOTES	SURVEY MONUMENT FOUND
□		SURVEY MONUMENT SET
SIB		STANDARD IRON BAR
IB		IRON BAR
IP		IRON PIPE
WT		WITNESS
Meas		MEASURED
RP		REGISTERED PLAN 2446
P1		SURVEY BY ERTL SURVEYORS, O.L.S. DATED SEPTEMBER 28th, 2012.
P2		SURVEY BY W.S. GIBSON & SONS, O.L.S. DATED DECEMBER 8th, 1950.
P3		SURVEY BY PAUL KIDD, O.L.S. DATED SEPTEMBER 9th, 1994.
1609		PAUL KIDD, O.L.S.
Prop		PROPORTIONED

(BY REGISTERED PLAN 2446)
P.I.N. 03020-0502

Surveyor's Certificate

I CERTIFY THAT :

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON SEPTEMBER 28th, 2018.

SEPTEMBER 29th, 2018.

Date

S.M. YADOLLAHI
S.M. YADOLLAHI
Ontario Land Surveyor

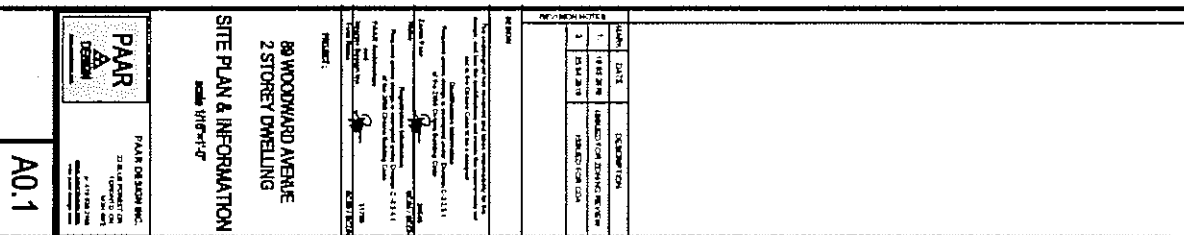
ertl surveyors
Ontario Land Surveyors

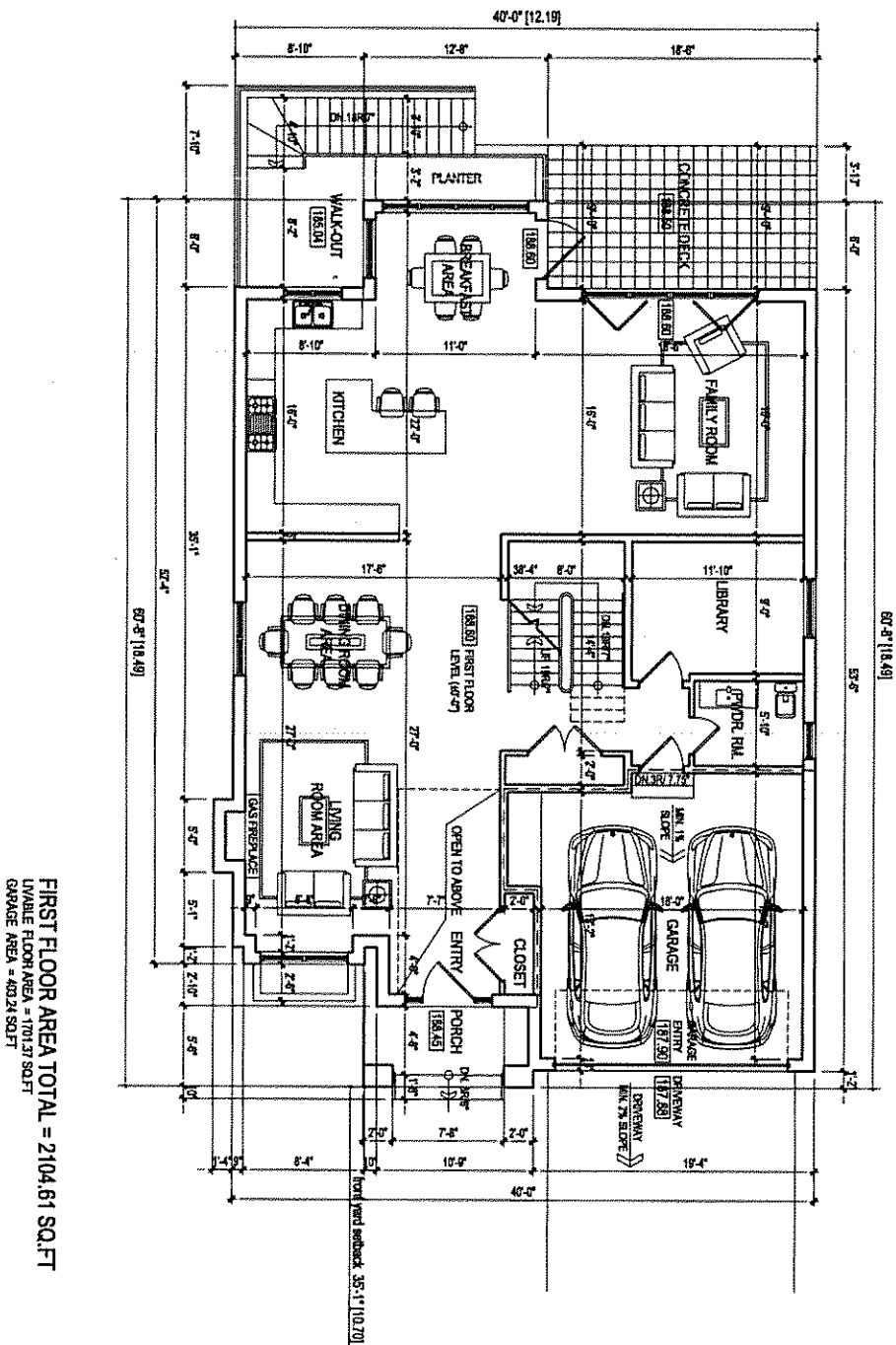
1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@ertl-sls.com
DRAWING : 18-337-TOPO.DWG PROJECT : 18-337

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2063659



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).





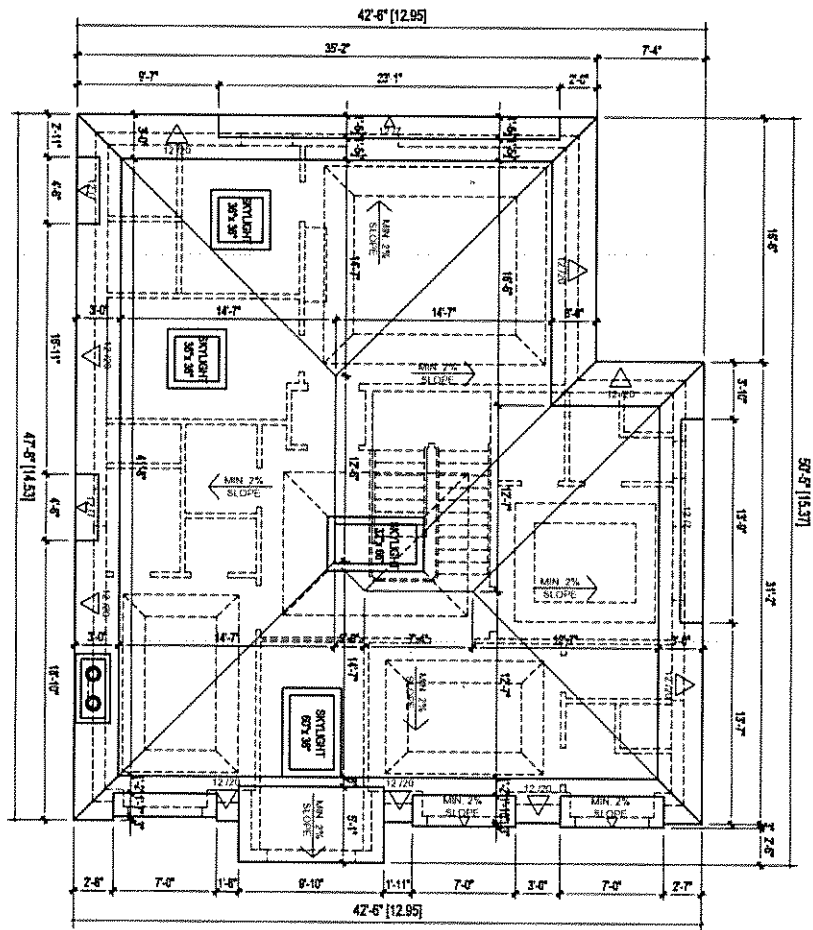
FIRST FLOOR AREA TOTAL = 2104.61 SQ.FT
 LIVABLE FLOOR AREA = 1701.37 SQ.FT
 GARAGE AREA = 403.24 SQ.FT

NO.	DATE	DESCRIPTION
1.	19.03.2019	ISSUED FOR ZONING REVIEW
2.	23.04.2019	ISSUED FOR COA

PAAR DESIGN INC.
 22 BALDWIN PLAZA
 TOWSON, MD 21204
 TEL: 410.483.2100
 WWW.PAARDDESIGN.COM

PROJECT:
 89 WOODWARD AVENUE
 2 STOREY DWELLING
 DRW:
FIRST FLOOR PLAN
 scale 1/8"=1'-0"

A1.2



NO.	DATE	REVISIONS
1	18.03.2018	ISSUED FOR ZONING REVIEW
2	25.04.2018	ISSUED FOR CMA

NOTES

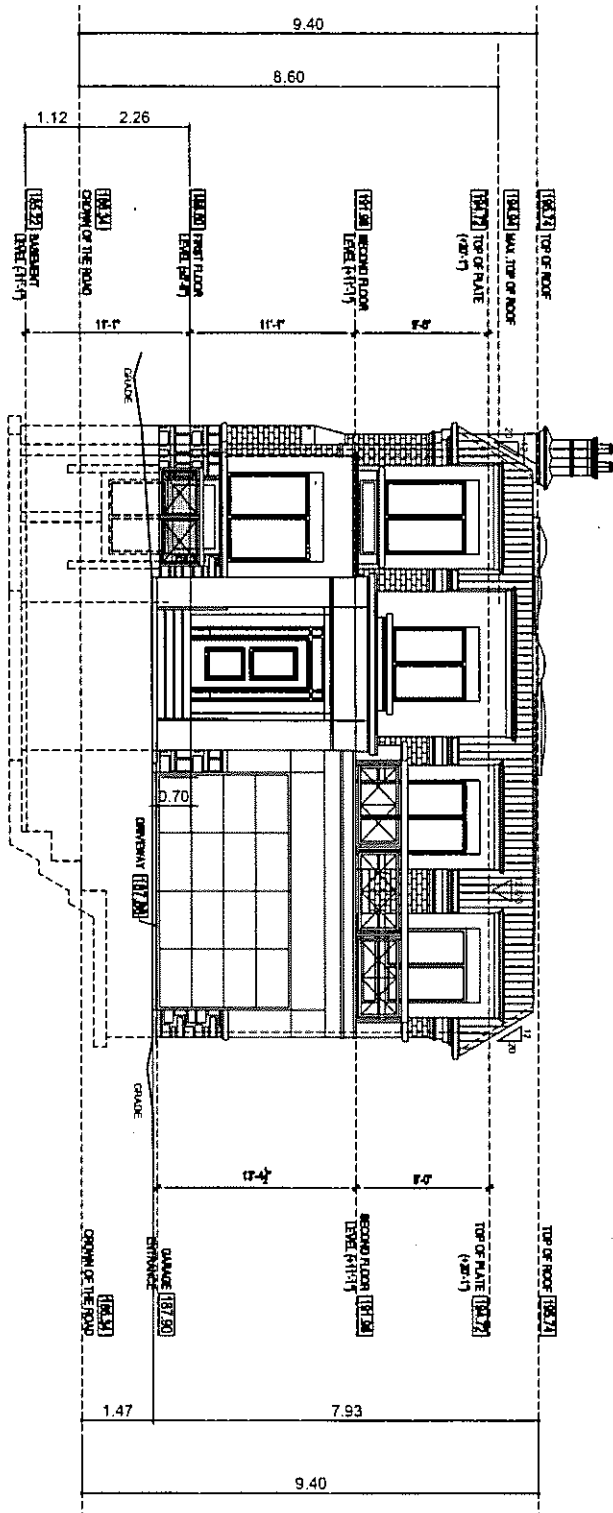
1. For information only, this drawing is not a contract. The contract is the approved set of drawings and the approved set of specifications. The contract is the approved set of drawings and the approved set of specifications. The contract is the approved set of drawings and the approved set of specifications.

Project Name: 89 WOODWARD AVENUE
 2 STOREY DWELLING
 1/18/2018
 1/18/2018
 1/18/2018

PROJECT
 89 WOODWARD AVENUE
 2 STOREY DWELLING
 DRIV
 ROOF PLAN
 scale 1/8"=1'-0"

PAAR
 DESIGN
 22 BLADE COURT, SUITE 100
 TOWSON, MD 21204
 TEL: 410-251-1100
 WWW.PAARDDESIGN.COM

A1.4

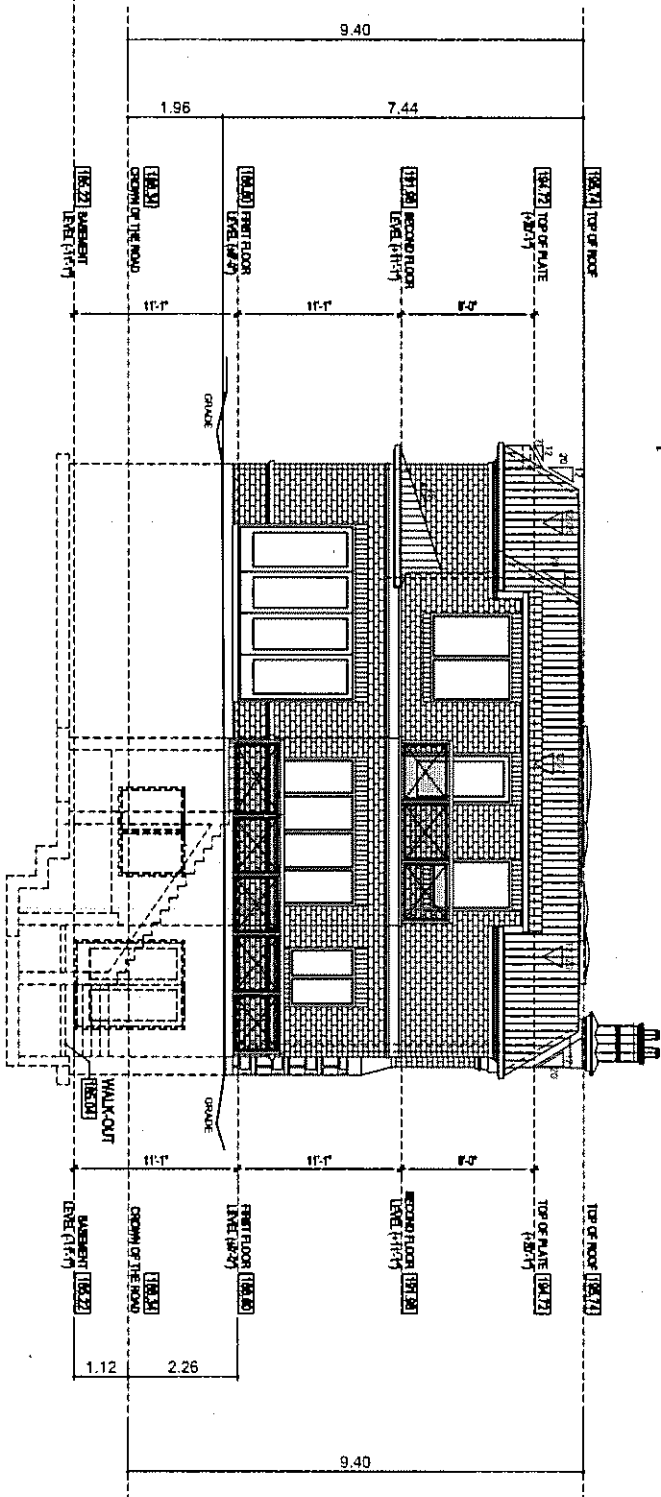


NO.	DATE	DESCRIPTION
1	10.10.2016	ISSUED FOR TOWN ENGINEER
2	20.04.2018	ISSUED FOR C.A.

DESIGNED AND DRAWN BY: **PAAR DESIGN**
 PROJECT: **89 WOODWARD AVENUE**
 DRAWING: **FRONT/NORTH ELEVATION**
 SCALE: **1/8"=1'-0"**

PAAR DESIGN
 22 W. 10th St. Suite 100
 Minneapolis, MN 55402
 Tel: 612.338.1111
 Fax: 612.338.1112
 Email: info@paardesign.com

A2.1



NO.	DATE	DESCRIPTION
1	19.03.2019	ISSUED FOR ZONING REVIEW
2	29.04.2019	ISSUED FOR COA

NOTES:
 1. The drawings were prepared and shall conform to the requirements of the City of Chicago, Illinois, and the State of Illinois, and shall be in accordance with the provisions of the Chicago Building Code, 2015 Edition, and the State Building Code, 2015 Edition.

Legend:
 1. Architect: PAAR DESIGN INC.
 2. Engineer: PAAR DESIGN INC.
 3. Surveyor: PAAR DESIGN INC.
 4. Designer: PAAR DESIGN INC.
 5. Drafter: PAAR DESIGN INC.

PROJECT:
 89 WOODWARD AVENUE
 2 STOREY DWELLING
 REAR SOUTH
 ELEVATION
 Scale 1/8"=1'-0"

PAAR DESIGN INC.
 22 W. 18th Street
 Chicago, IL 60611
 Tel: 312.467.1100
 Fax: 312.467.1101
 Email: info@paardesign.com

A2.2

