Memorandum to the City of Markham Committee of Adjustment

February 07, 2018

File:

A/01/18

Address: Applicant: 25 Elm Street, Markham Ivana and Peter Venderis

Agent:

Ivana Venderis

Hearing Date:

Wednesday February 21, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, as amended, R1, to permit:

a) Infill By-law 99-90, Section 1.2 (i):

a maximum building height of 10.65 m (34.9 ft), whereas the By-law permits a maximum building height of 9.80 m (32.2 ft);

b) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 24.87 m (81.6 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.1 ft);

c) Infill By-law 99-90, Section 1.2 (vi):

a maximum net floor area ratio of 51.4 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent.

as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The subject property is located on the east side of Elm Street, east of Main Street Markham North and north of Highway 7 East. The surrounding neighbourhood includes a mixture of one- and two-storey dwellings, with predominantly two-storey dwellings on the east side of Elm Street. The subject property has an area of 1,017.8 sq. m (10,955.5 sq. ft), lot frontage of 20.2 m (66.3 ft), and depth of approximately 50.8 m (166.7 ft). There is an existing one-storey detached dwelling on the property, which was built in 1954 and has a gross floor area of 104.9 sq. m (1,129.1 sq. ft). The property features a mature tree in the front yard. Vehicular access is via a paved driveway from Elm Street.

Proposal

The applicant proposes to demolish the existing dwelling and construct a new two-storey single detached dwelling with attached two-car garage and interlock driveway. The total gross floor area of the proposed dwelling is 419.2 sq. m (4,512.2 sq. ft), with a ground floor area of 237.2 sq. m (2,553.2 sq. ft) and a second floor area of 182 sq. m (1,959 sq. ft).

Official Plan and Zoning

Official Plan 2014 (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 2017)

The Official Plan 2014 designates the subject property "Residential Low Rise," which provides for low rise housing forms including single detached dwellings. Within "Residential Low Rise" areas, infill development is required to meet the general intent of Section 8.2.3.5 with respect to lot frontage, lot area, height, massing and setbacks in order to ensure that it 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 By-law

The subject property is zoned R1 – Single Detached Dwelling under By-law 1229, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure that the built form of new residential development 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 building height, building depth, and net floor area ratio requirements of the Infill By-law.

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

The application form indicates, "Due to the skewed shape of the lot and in order to satisfy the family needs, we require more depth to achieve a workable layout. The roof height has been reduced as much as possible, while still achieving the desired elevation."

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. The plans have been revised since the ZPR was completed.

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 10.65 m (34.9 ft), whereas the By-law permits a maximum building height of 9.80 m (32.2 ft). This represents an increase of 0.85 m (2.8 ft) which in Staff's opinion is minor in nature.

The By-law defines building height as the vertical distance from the crown of the road to the highest point of the roof surface. It is noted that the crown of the road is approximately 0.43 m (1.4 ft) lower than the proposed grade at the front of the dwelling.

The proposed building height is similar in scale to nearby infill developments on Elm Street. Since 2015, five minor variances have been approved on the west side of Elm Street for building heights ranging from 10 to 11 metres. It is noted that the west side of Elm Street has a higher average grade than the east side, which could partially account for these variances. In 2011 and 2012, two nearby properties on the east side of Elm Street were approved for building heights of 10.8 and 10.9 metres.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 24.87 m (81.6 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.1 ft). This represents an increase of 8.07 m (26.5 ft).

The By-law defines building depth as including covered porches. It is noted that 6 m (19.7 ft) of the building depth is attributable to one-storey covered porches that are proposed at the front and rear of the property. Views from the street to the rear porch will be screened by the dwelling. The building depth variance should apply only to the proposed development with unenclosed porches and this is a recommended condition of approval.

The By-law defines building depth based on lines drawn parallel to the front lot line. The subject property's front lot line is angled when compared to the orientation of the building. The depth variance is therefore partly attributable to the angle of the front lot line. The orientation of the building is consistent with the majority of the nearby buildings on Elm Street. The main component of the dwelling, excluding the porches, measured between the front and rear wall, is 16.8 m (55.1 ft), which complies with the By-law requirement.

Increase in Maximum Net Floor Area Ratio

The applicant is requesting relief to permit a maximum net floor area ratio of 51.4 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent. This represents an increase of 52.2 sq. m (562.2 sq. ft).

The proposed net floor area ratio is similar to nearby infill developments on Elm Street. Since 2015, four minor variances have been approved in the area for net floor area ratios ranging from 46.4 percent to 52 percent. The proposed setbacks comply with the By-law requirements. It is staff's opinion that the proposed net floor area ratio will not impact surrounding development.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff are of the opinion that the variance request satisfies the four tests of the Planning Act and have no objection to approval of the application. It is recommended 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:

Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

REVIEWED BX:

Stacia Muradali, Senior Planner, East District

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/01/18

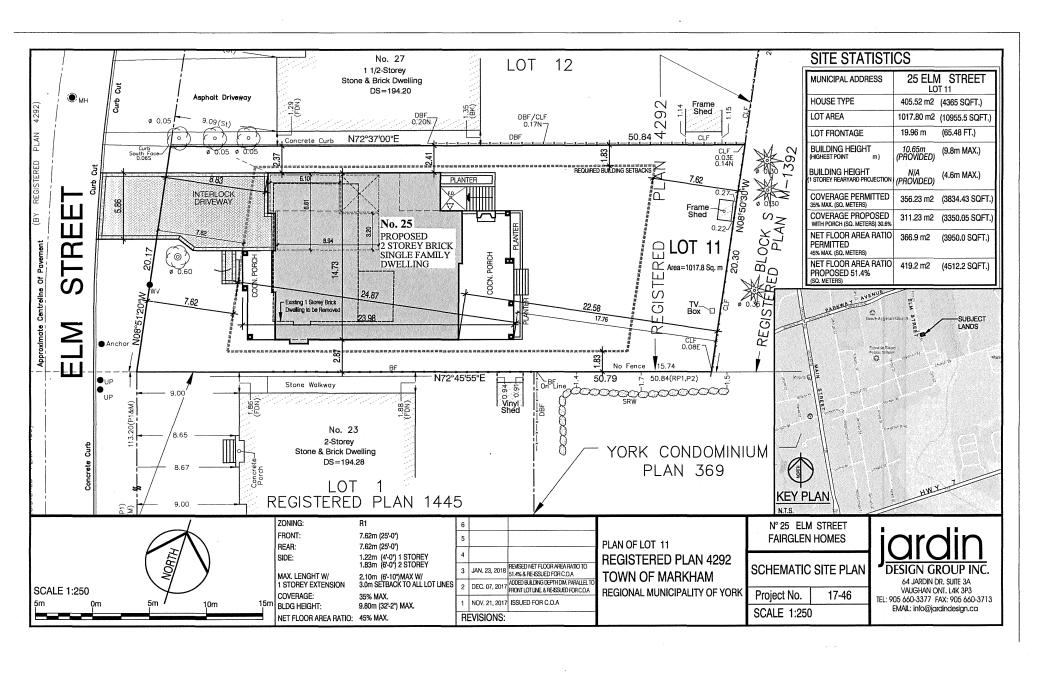
- 1. The variances apply only to the proposed development as long as it remains.
- 2. That the variances apply only to the subject development with unenclosed porches, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated January 23, 2018, January 25, 2018 and January 31, 2018, 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. That the Owner submits a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 4. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or their designate.

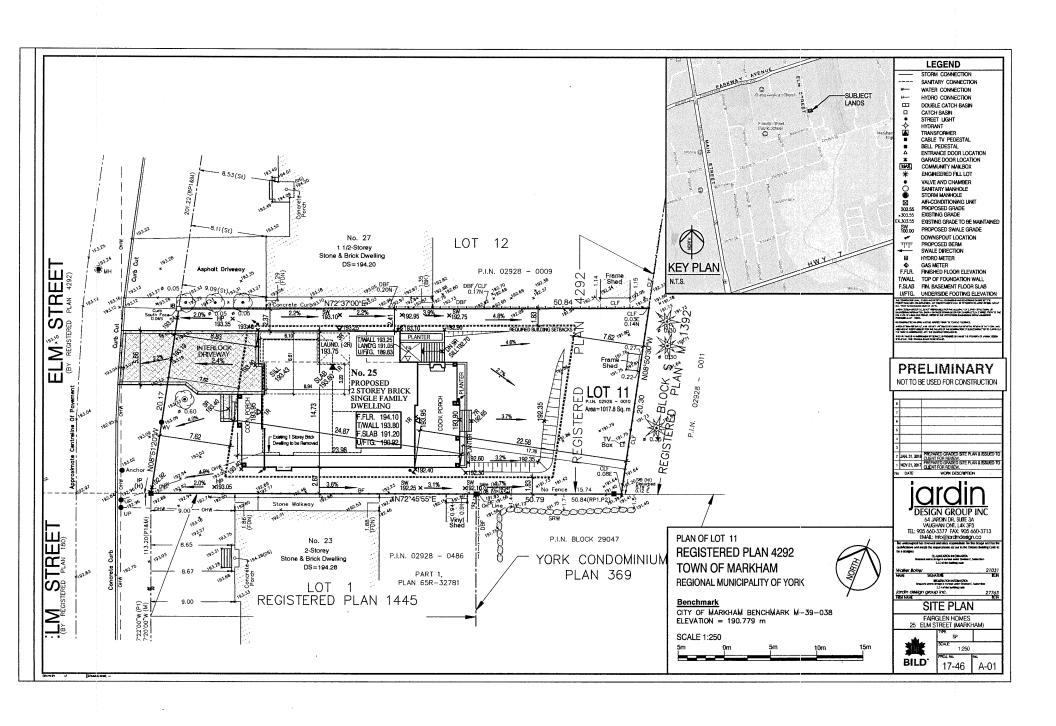
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CONDITIONS PREPARED BY:

Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

APPENDIX "B" PLANS SUBMITTED WITH APPLICATION A/01/18







CENTERLINE OF COLUMN 181 F.

ESTABLISHED GRADE



No. 23 ELM ST.

No. 25 ELM ST.

No. 27 ELM ST.

ELM STREET

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3 JAN. 31, 2018 ADDEDSTABLED GRACE & CONTIENTE
6 PROVIDE MATINE RESSED FOR CO.A
2 JAN. 23, 2018 PRISED NET FLOOR AREA RATIO TO
51.4% & RE-SSUED FOR C.O.A
1 NOV. 21, 2017 ISSUED FOR C.O.A

REVISIONS:

PLAN OF LOT 11
REGISTERED PLAN 4292
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

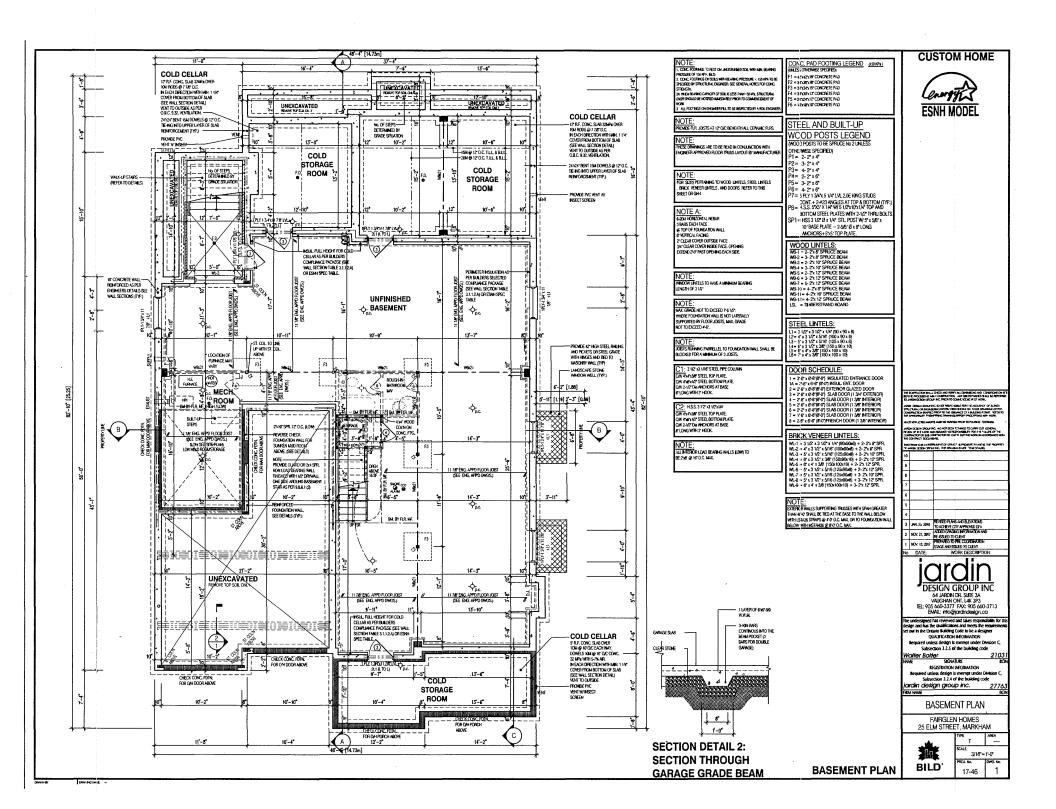
TOP OF ROOF

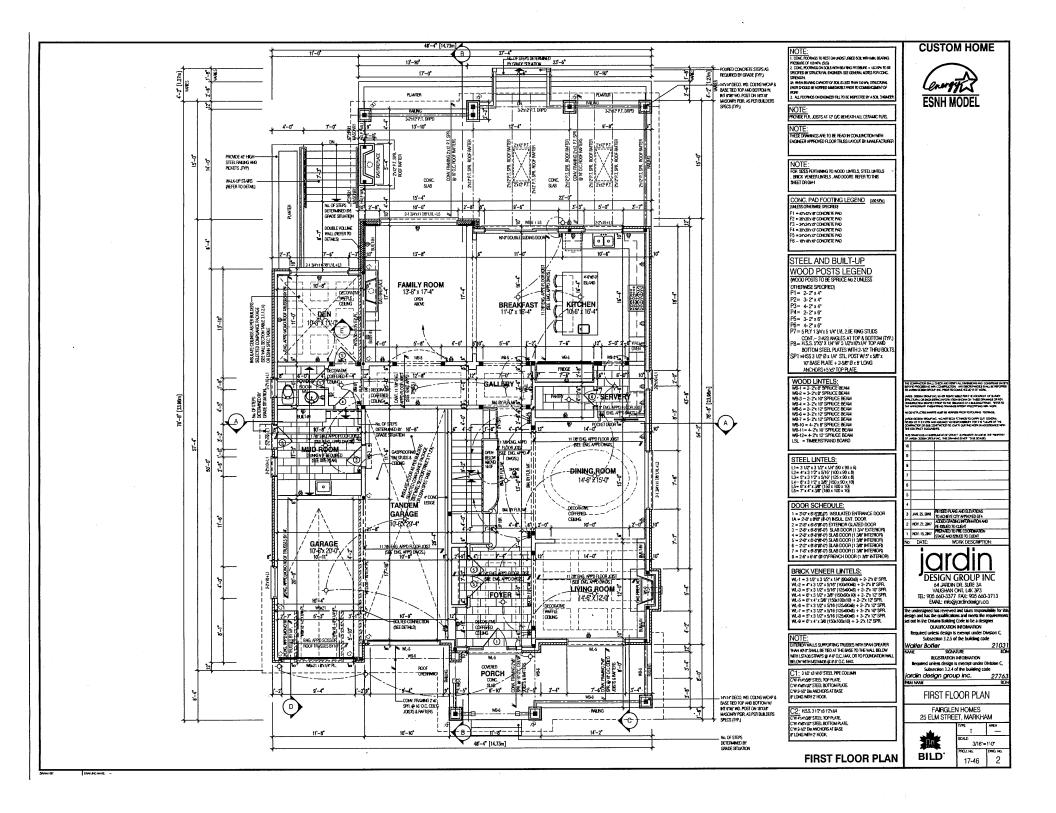
N° 25 ELM STREET FAIRGLEN HOMES

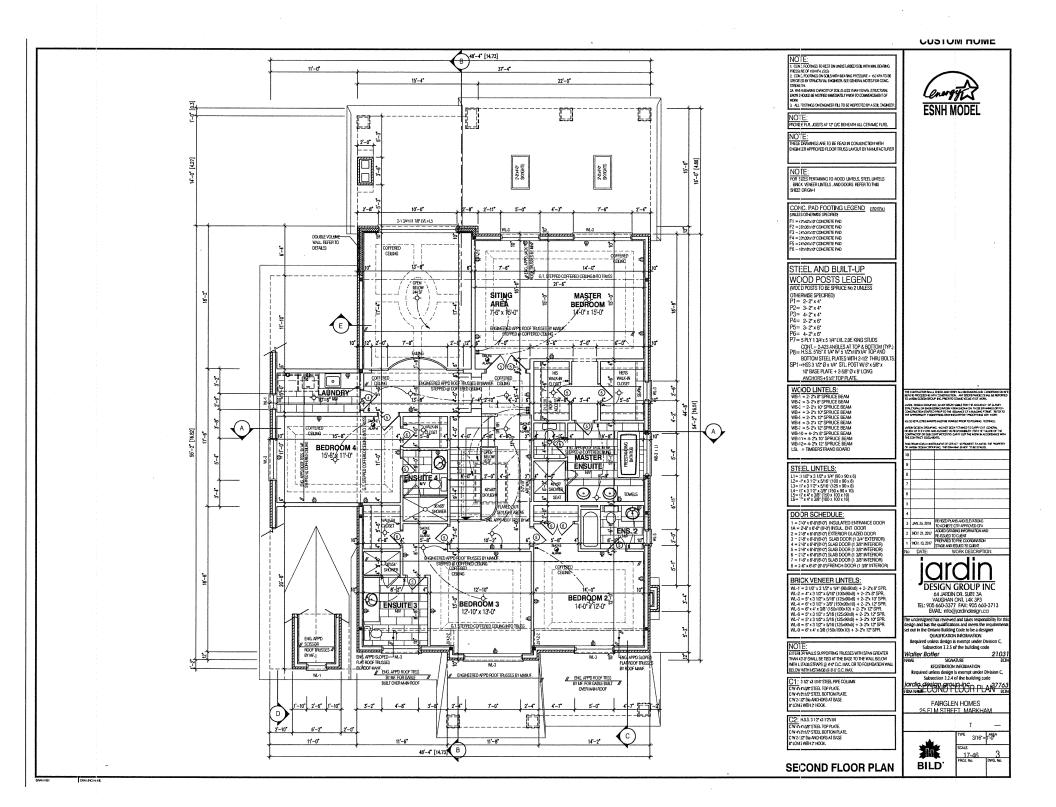
SCHEMATIC ELEVATIONS

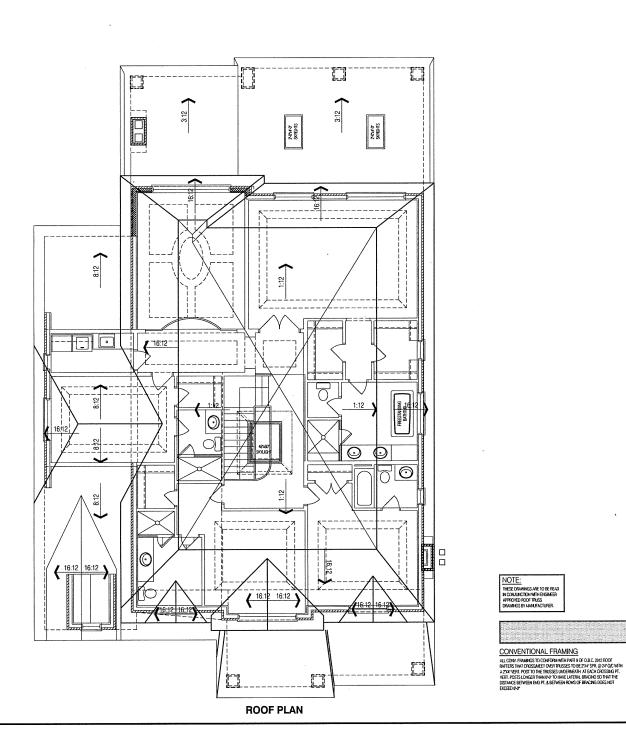
Project No. 17-46 SCALE N.T.S. <u>jardin</u> DESIGN GROUP INC

64 JARDIN DR. SUITE 3A VAUGHAN ONT, L4K 3P3 TEL: 905 660-3377 FAX: 905 660-3713 EMAIL: info@jardindesign.ca









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The undersigned has reviewed and takes responsibility design and has the qualifications and meets the require set out in the Ontario Building Code to be a designer QUALIFICATION INFORMATION

NOTE: THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEER APPROVED ROOF TRUSS DRAWINGS BY MANUFACTURER.

Walter Botter REGISTRATION INFORMATION

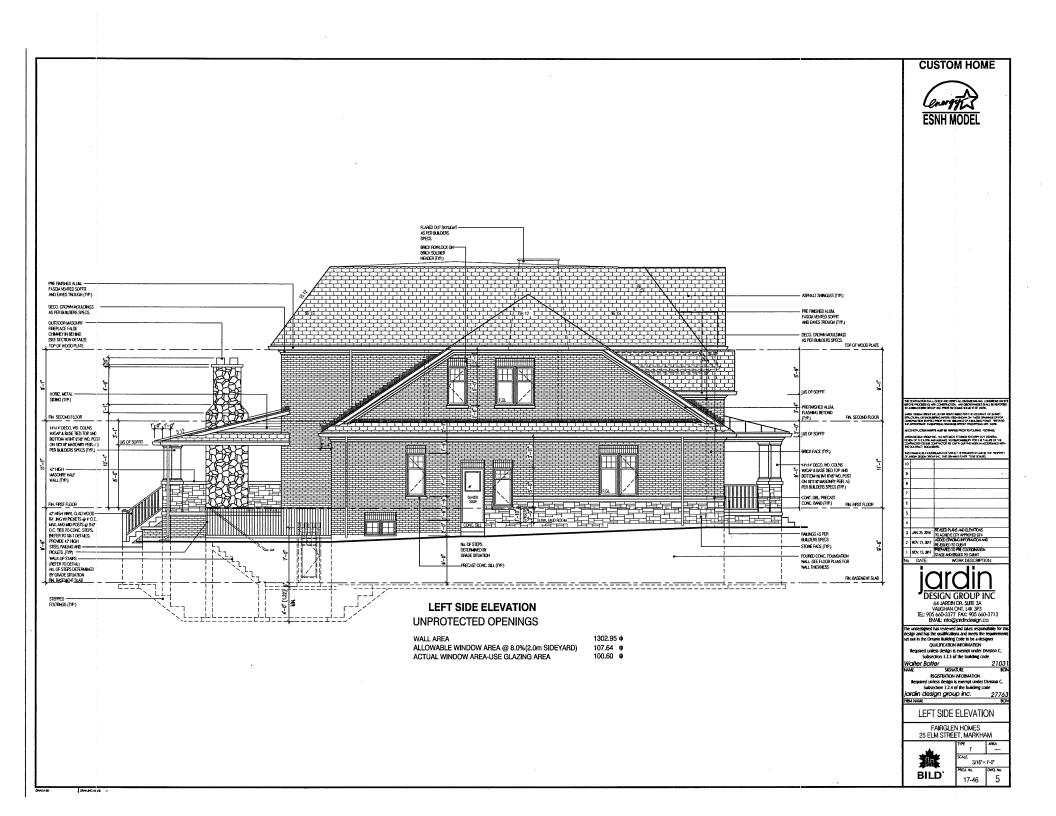
Required universities design is exempt under Division C,
Seubsection 3.2.4 of the building code

jardin design group inc. 27763 **ROOF PLAN**

FAIRGLEN HOMES 25 ELM STREET, MARKHAM



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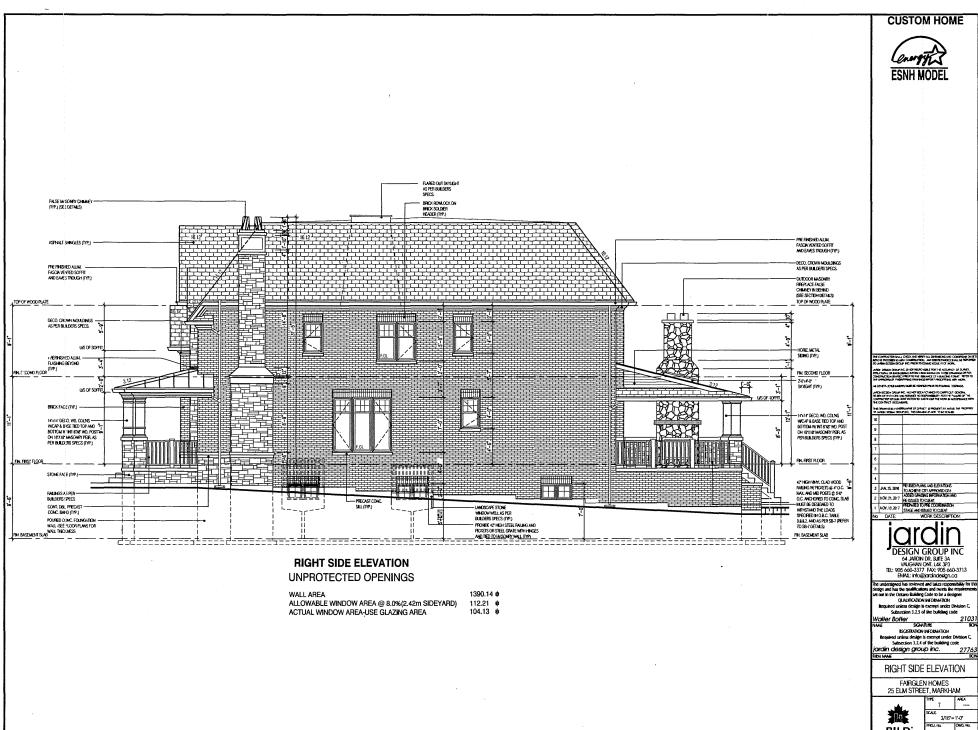
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FAIRGLEN HOMES 25 ELM STREET, MARKHAM







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