Memorandum to the City of Markham Committee of Adjustment

October 29, 2020

File: A/01/19

Address: 62 Sherwood Forest Drive, Markham

Applicant: SMDA Design Ltd.
Agent: SMDA Design Ltd.

Hearing Date: Wednesday November 04, 2020

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

The applicant is requesting relief from the following Residential (R2) zone requirements of Bylaw 1229, as amended, as they relate to a proposed two-storey detached dwelling that is currently under construction:

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

To permit a maximum building depth of 17.4 metres (57.1 ft), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 ft).

Comments

This application was previously heard at the March 13, 2019 Committee of Adjustment meeting, requesting variances to permit a maximum building depth of 17.55 m (57.6 ft) and a maximum floor area ratio of 49.9 percent. At the time, the Committee deferred the application due to concerns with the proposed building massing, roof design and compatibility with neighbouring properties. The applicant subsequently revised their plans to comply with the applicable by-law. A building permit was issued on September 24, 2019. During construction, the approved permit plans were not adhered to, requiring the applicant to submit revised plans, which are reflected in this current proposal.

The applicant is requesting a maximum building depth of 17.4 m (57.1 ft), whereas the by-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 0.6 m (1.97 ft). The proposed building depth includes a one-storey, front covered porch which adds approximately 0.91 m (3 ft) to the overall depth of the building. The main component of the two-storey dwelling, excluding the porch, has a depth of 16.23 m (53.25 ft) which complies with the by-law requirement. Staff's previous comments in the memorandum dated February 27th 2019 remain applicable (Appendix A'), and staff do not have concern with the revised building depth variance.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. 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.

PUBLIC INPUT SUMMARY

As of the initial circulation in 2019, Staff have received one letter of support and one letter of objection. 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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:

Aqsa Malik, Planner, East District

REVIEWED BY:

Stephen Corr, Development Manager, East District

File Path: Amanda\File\ 19 102988 \Documents\District Team Comments Memo

APPENDIX "B" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/01/19

- 1. The variances apply only to the proposed development as long as it remains; and
- 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix C' to this Staff Report 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.

CONDITIONS PREPARED BY:

Aqsa Malik, Planner, East District

Memorandum to the City of Markham Committee of

February 27, 2019

File:

A/01/19

Address:

62 Sherwood Forest Dr, Markham

Applicant: Agent:

Usha & Vishnu Doobay SMDA (Rick Mateljan)

Hearing Date:

Wednesday March 13, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R2, as amended:

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

a maximum building depth of 17.55 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

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

a maximum Net Floor Area Ratio of 49.9 percent; whereas the By-law permits a maximum Net Floor Area of 45percent.

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 836.1 m² (8,999.71 ft²) subject property is located on the west side of Sherwood Forest Drive, east of Laidlaw boulevard and north of Highway 7 E. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing split level brick detached 160.72 m² (1,730 ft²) dwelling on the property, which according to assessment records was constructed in 1966. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two-storey detached 362.5 m² (3902 ft²) dwelling with a basement walkout, a rear deck and second-storey balcony as well as a covered outdoor storage area on the south side of the proposed dwelling.

Official Plan and Zoning

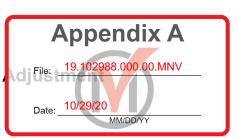
Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The subject property is zoned R2 – 'Residential' in By-law 1229, as amended, which permits a single detached dwelling.

1



Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 by-law with respect to maximum building depth and, maximum Net 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, "client special requirements dictate increased floor area and dwelling depth".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 14, 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.55 m (57.6 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.75 m (2.46 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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 relates to a front covered porch which adds approximately 2.74 m (9 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.22 m (53.22 ft) which complies with the by-law requirement. The proposed covered porch will be unenclosed and does not span the full length of the front of the dwelling. The proposed dwelling will exceed the minimum required front, rear and side yard setbacks. Staff are of the opinion that the requested variance is appropriate for the development.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 362.5 m² (3,902 ft²), whereas the By-law permits a dwelling with a maximum floor area of 326.6 m² (3,545.5 ft²). This represents an increase of approximately 35.9 m² (386.45 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measure of the mass of the dwelling, since it does not include

"open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs) and unenclosed exterior space indented into the proposed dwelling.

Records indicate that there is one (1) other home on Sherwood Forest Drive (160 Sherwood Forest Drive) which has been approved for an increase in maximum net floor area ratio of 49.8%. While the proposed dwelling will be larger than existing back split homes on the street, the building footprint meets other zoning provisions (such as setbacks, height and lot coverage) that establish the prescribed building envelope. The proposed dwelling is within the prescribed building footprint, except for building depth. The proposed increase in Floor Area Ratio is considered to be minor and, the proposed dwelling will be in keeping with the character of the neighbourhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 27, 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:

Agsa Malik, Planner Zoning and Special Projects

REVIEWED BY:

Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 19 102988 \Documents\District Team Comments Memo

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/01/19

- That the front covered porch 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 B' to this Staff Report and received by the City of Markham on March 01, 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;
- 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:

Agsa Malik, Planner, Zoning and Special Projects



SUMWYOR'S REAL PROPERTY REPORT-PART IN PLAN OF PART OF LOTS 198 AND 199
REGISTERED PLAN 5810
CITY OF MARKHAM (REGIONAL MUNICIPALITY OF YORK) eril surveyors 2018 Ontano Land Surveyors © COPYRIGHT HIS SITE PLAN BASED ON:

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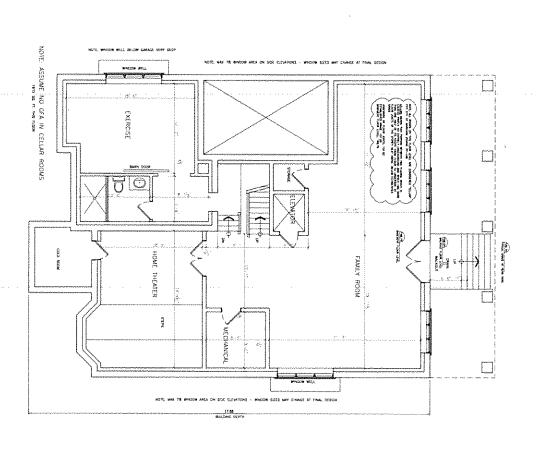
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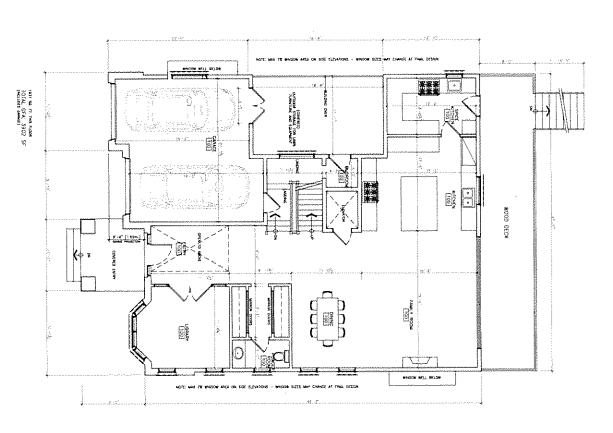
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New House At: 62 SHERWOOD FOREST DRIVE

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New House At: 62 SHERWOOD FOREST DRIVE

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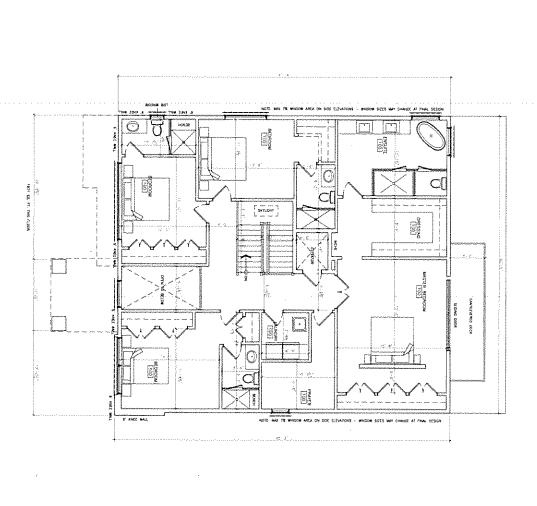
MAIN FLOOR PLAN

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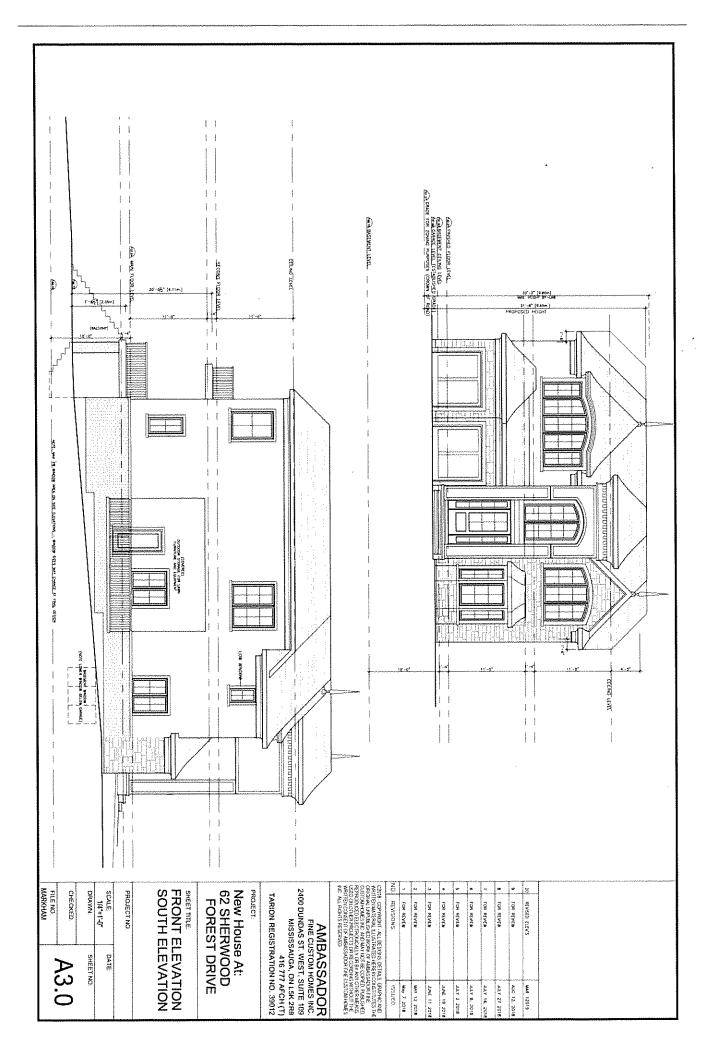
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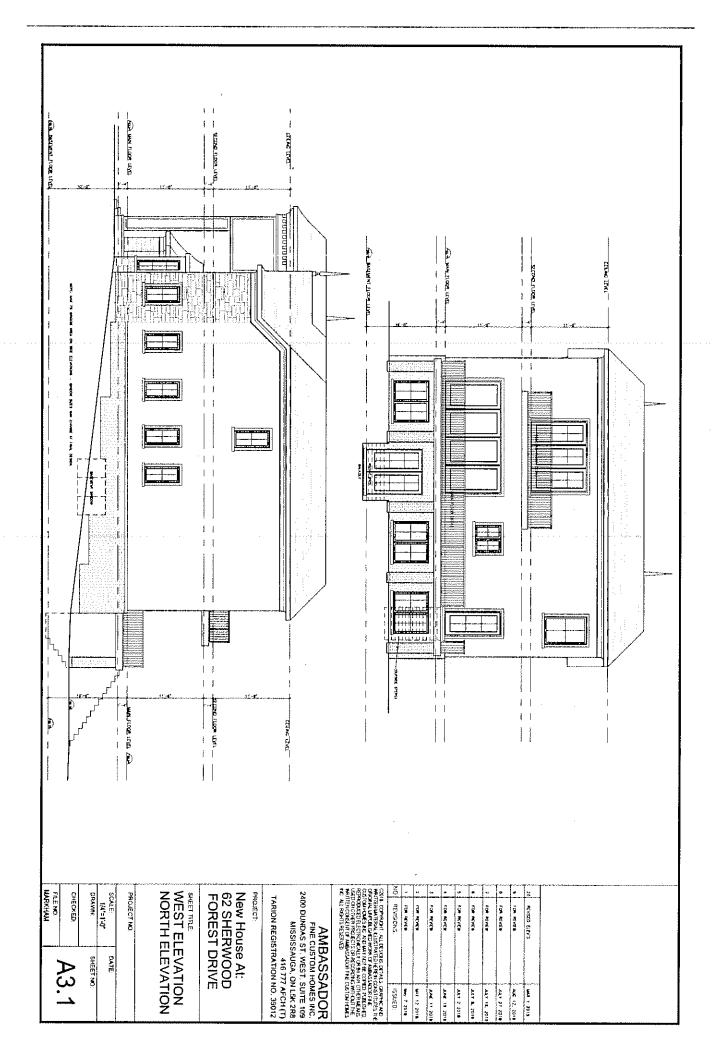
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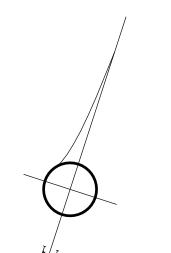
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THIS SITE PLAN BASED ON:

SURVEYOR'S REAL PROPERTY REPORT-PART 1 PLAN OF PART OF LOTS 198 AND 199 (REGIONAL MUNICIPALITY OF YORK) SCALE 1:200

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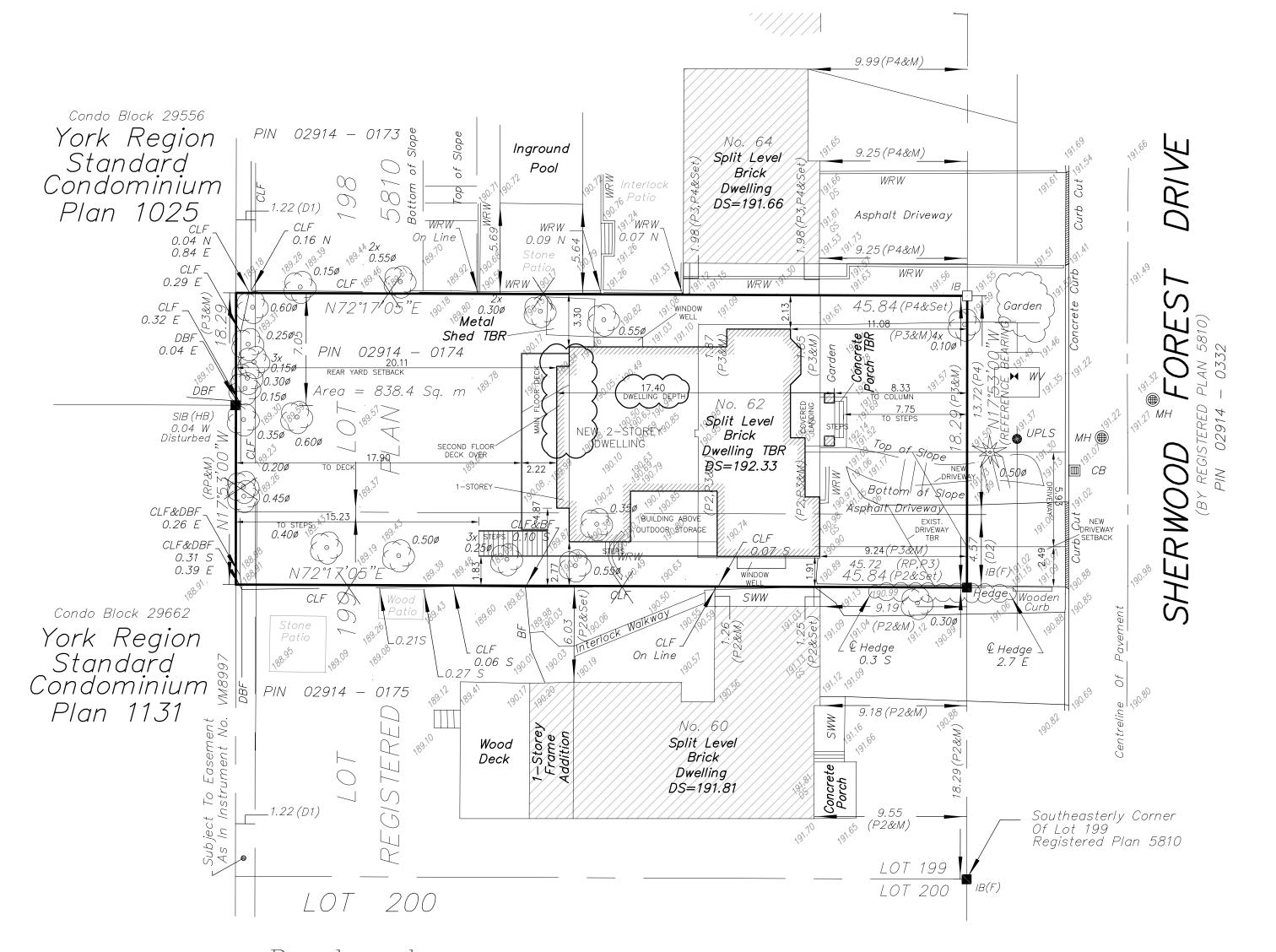
Ontario Land Surveyors

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

Notes BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF SHERWOOD FOREST DRIVE AS SHOWN ON REGISTERED PLAN 5810 HAVING A BEARING OF N17°53'00"W SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. VM8997

NO NOTICE OF CLAIM REGISTERED ON TITLE.
NOTE THE LOCATION OF THE CHAIN LINK FENCE AT THE
WESTERLY LIMIT WITHIN THE EASEMENT.
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               DATED DECEMBER 01, 1963
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      DATED DECEMBER 10, 1963
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      DENOTES HOLDING & BABBS, O.L.S.
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      DENOTES INSTRUMENT No. R463547
      DENOTES LIGHT STANDARD
      DENOTES OVERHEAD UTILITY WIRES
      DENOTES WATER VALVE/KEY
      DENOTES MAINTENANCE HOLE
      DENOTES CATCH BASIN
      DENOTES UTILITY POLE LIGHT STANDARD
      DENOTES STONE WALKWAY
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Benchmark ELEVATIONS HEREON ARE GEODETIC AND ARE DERIVED FROM CITY OF MARKHAM BM No. M-33-026; ELEVATION = 182.595 m



SITE STATISTICS:

ZONING: R2-Residential (By-law 1229)

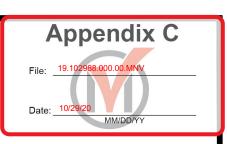
LOT AREA = 836.1 M2NET LOT AREA (PER BY-LAW): 725.8 M2

MAX GFA 45% = 326.6 M2(INCLUDES GARAGE)

PROPOSED GFA = 326.5 M2 (45.0%)

MAXIMUM LOT COVERAGE = 35.7%

PROPOSED LOT COVERAGE = 245.1 M2 (29.3%)



30	FOR PERMIT (4TH RESUB)	AUG 17 2020
9	FOR REVIEW	AUG 12, 2018
8	FOR REVIEW	JULY 27 2018
7	FOR REVIEW	JULY 16, 2018
6	FOR REVIEW	JULY 8, 2018
5	FOR REVIEW	JULY 2 2018
4	FOR REVIEW	JUNE 19 2018
3	FOR REVIEW	JUNE 11 2018
2	FOR REVIEW	MAY 12 2018
1	FOR REVIEW	May 7 2018
NO:	REVISIONS:	ISSUED:

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AMBASSADOR FINE CUSTOM HOMES INC. 2400 DUNDAS ST. WEST, SUITE 109 MISSISSAUGA, ON L5K 2R8

416 777 AFCH (T) TARION REGISTRATION NO. 39012

PROJECT:

New House At: 62 SHERWOOD FOREST DRIVE

SHEET TITLE:

SITE PLAN

PROJECT NO.

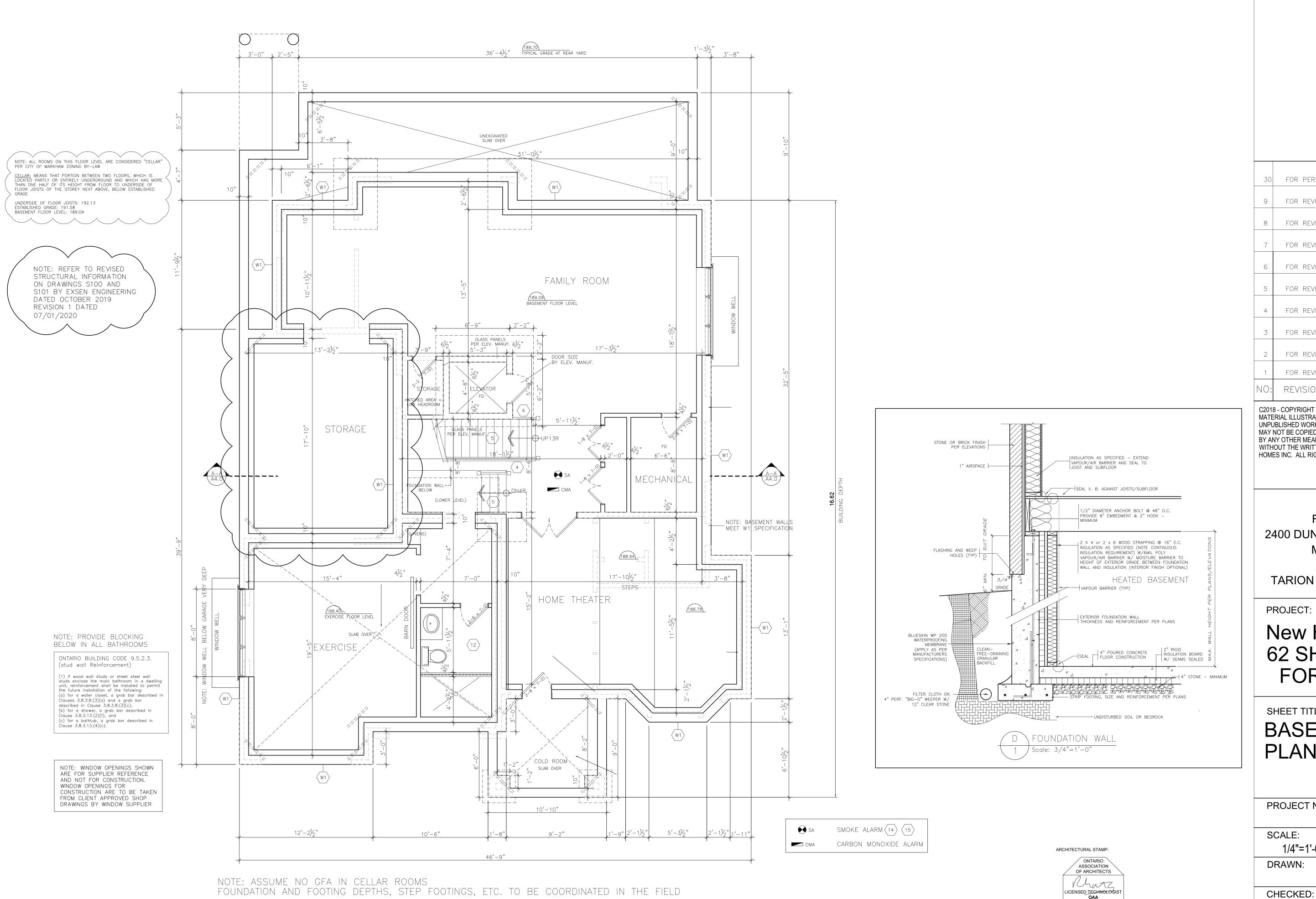
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30	FOR PERMIT (4TH RESUB)	AUG 17 2020
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4	FOR REVIEW	JUNE 19 2018
3	FOR REVIEW	JUNE 11 2018
2	FOR REVIEW	MAY 12 2018
1	FOR REVIEW	May 7 2018
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FINE CUSTOM HOMES INC. 2400 DUNDAS ST. WEST, SUITE 109 MISSISSAUGA, ON L5K 2R8 416 777 AFCH (T) TARION REGISTRATION NO. 39012

PROJECT:

New House At: 62 SHERWOOD FOREST DRIVE

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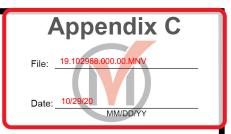
BASEMENT FLOOR PLAN

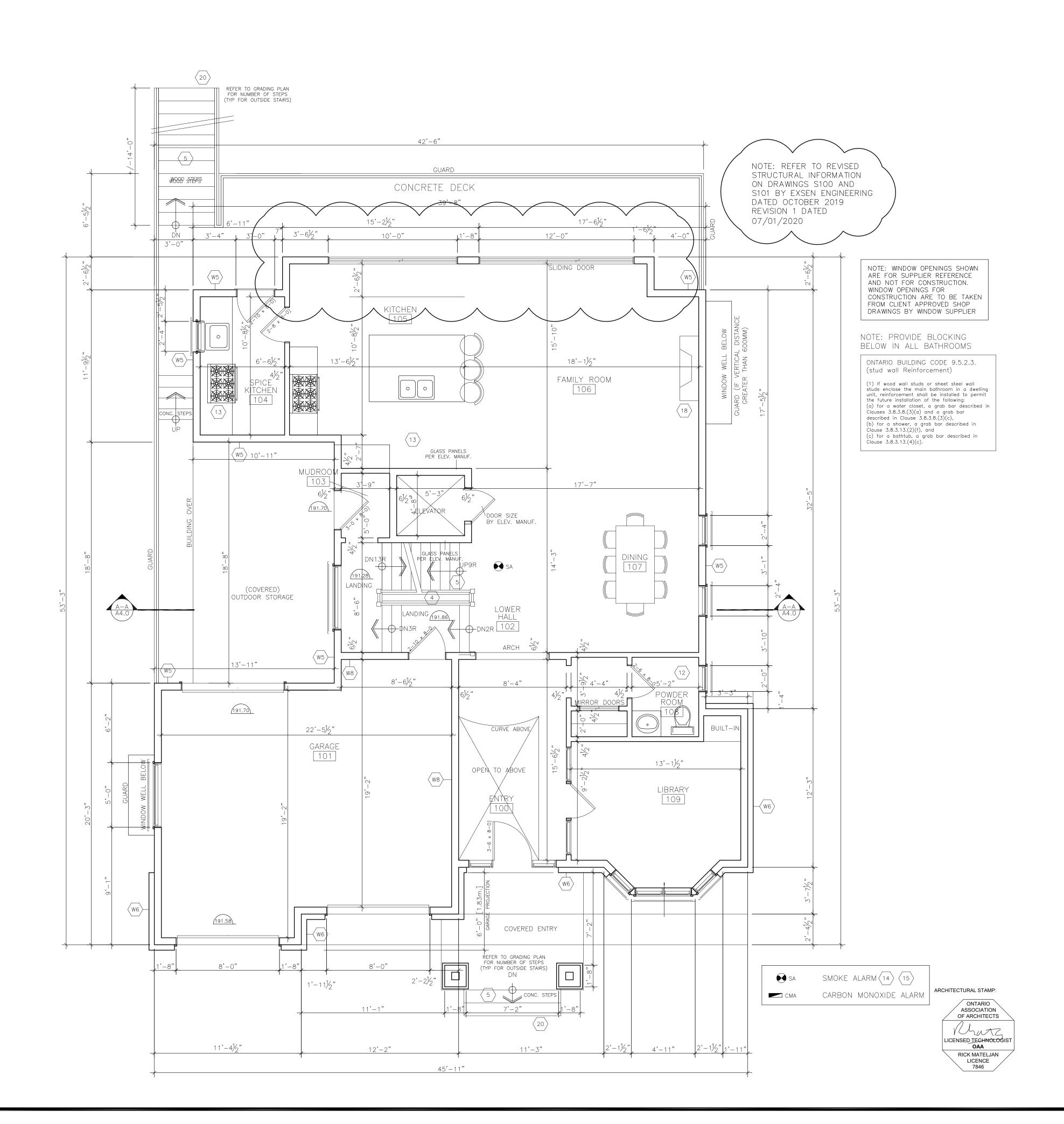
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4	FOR REVIEW	JUNE 19 2018
3	FOR REVIEW	JUNE 11 2018
2	FOR REVIEW	MAY 12 2018
1	FOR REVIEW	May 7 2018
NO:	REVISIONS:	ISSUED:

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FINE CUSTOM HOMES INC.
2400 DUNDAS ST. WEST, SUITE 109
MISSISSAUGA, ON L5K 2R8
416 777 AFCH (T)
TARION REGISTRATION NO. 39012

PROJECT:

New House At: 62 SHERWOOD FOREST DRIVE

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MAIN FLOOR PLAN

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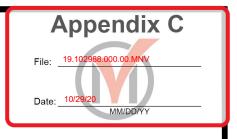
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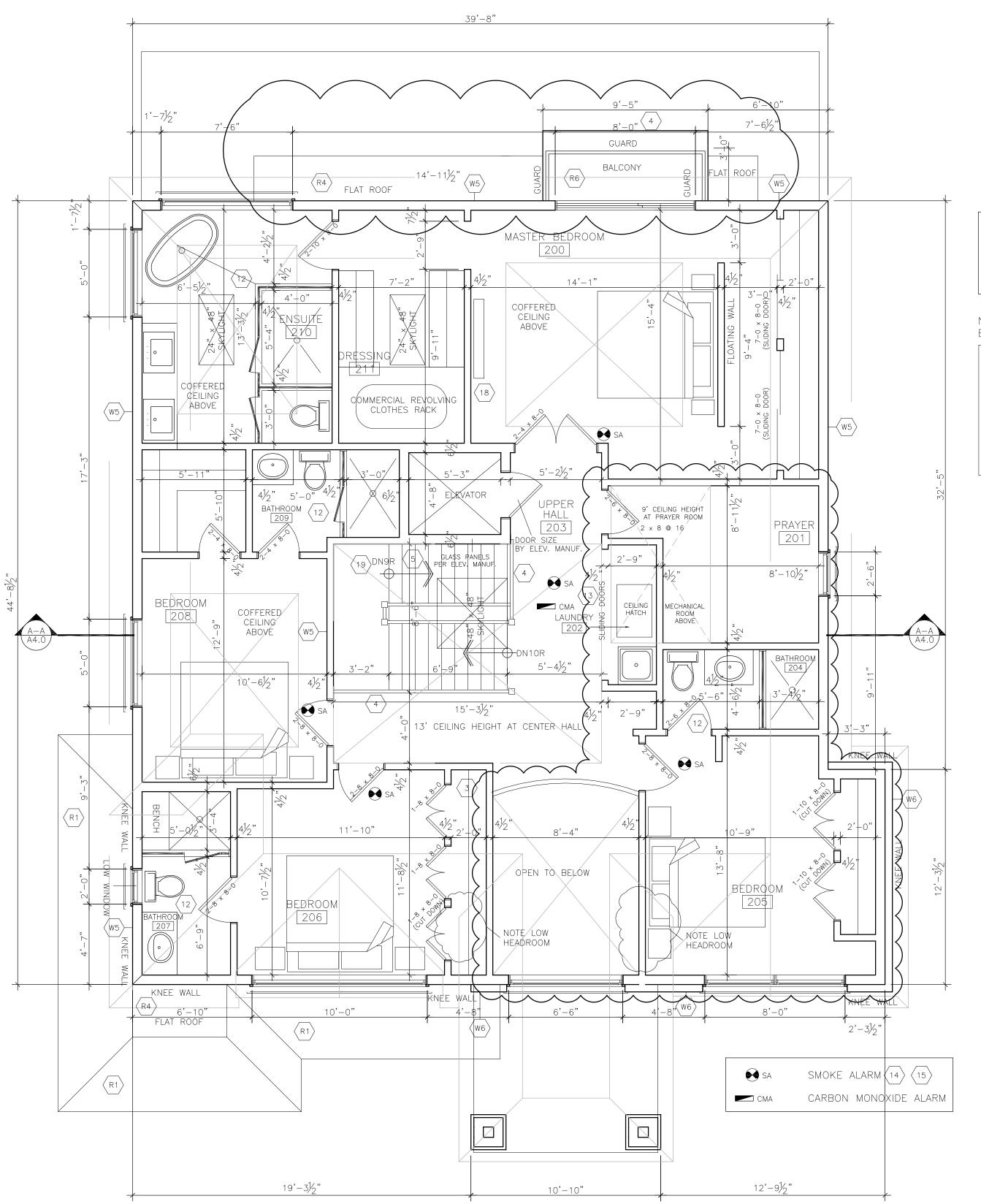
CHECKED:

FILE NO.

MARKHAM

_ A2.1





NOTE: WINDOW OPENINGS SHOWN ARE FOR SUPPLIER REFERENCE
AND NOT FOR CONSTRUCTION. WINDOW OPENINGS FOR CONSTRUCTION ARE TO BE TAKEN FROM CLIENT APPROVED SHOP DRAWINGS BY WINDOW SUPPLIER

NOTE: PROVIDE BLOCKING BELOW IN ALL BATHROOMS

ONTARIO BUILDING CODE 9.5.2.3. (stud wall Reinforcement)

(1) If wood wall studs or sheet steel wall studs enclose the main bathroom in a dwelling unit, reinforcement shall be installed to permit the future installation of the following:

(a) for a water closet, a grab bar described in Clauses 3.8.3.8.(3)(a) and a grab bar described in Clause 3.8.3.8.(3)(c), (b) for a shower, a grab bar described in Clause 3.8.3.13.(2)(f), and (c) for a bathtub, a grab bar described in Clause 3.8.3.13.(4)(c).

ARCHITECTURAL STAMP:

ONTARIO ASSOCIATION OF ARCHITECTS

LICENSED TECHNOLOGIST
OAA

RICK MATELJAN
LICENCE
7846

30	FOR PERMIT (4TH RESUB)	AUG 17, 2020
9	FOR REVIEW	AUG 12, 2018
8	FOR REVIEW	JULY 27 2018
7	FOR REVIEW	JULY 16, 2018
6	FOR REVIEW	JULY 8, 2018
5	FOR REVIEW	JULY 2 2018
4	FOR REVIEW	JUNE 19 2018
3	FOR REVIEW	JUNE 11 2018
2	FOR REVIEW	MAY 12 2018
1	FOR REVIEW	May 7 2018
NO:	REVISIONS:	ISSUED:
	9 8 7 6 5 4 3 2	9 FOR REVIEW 8 FOR REVIEW 7 FOR REVIEW 6 FOR REVIEW 4 FOR REVIEW 3 FOR REVIEW 2 FOR REVIEW

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AMBASSADOR

FINE CUSTOM HOMES INC. 2400 DUNDAS ST. WEST, SUITE 109 MISSISSAUGA, ON L5K 2R8 416 777 AFCH (T) TARION REGISTRATION NO. 39012

PROJECT:

New House At: 62 SHERWOOD FOREST DRIVE

SHEET TITLE:

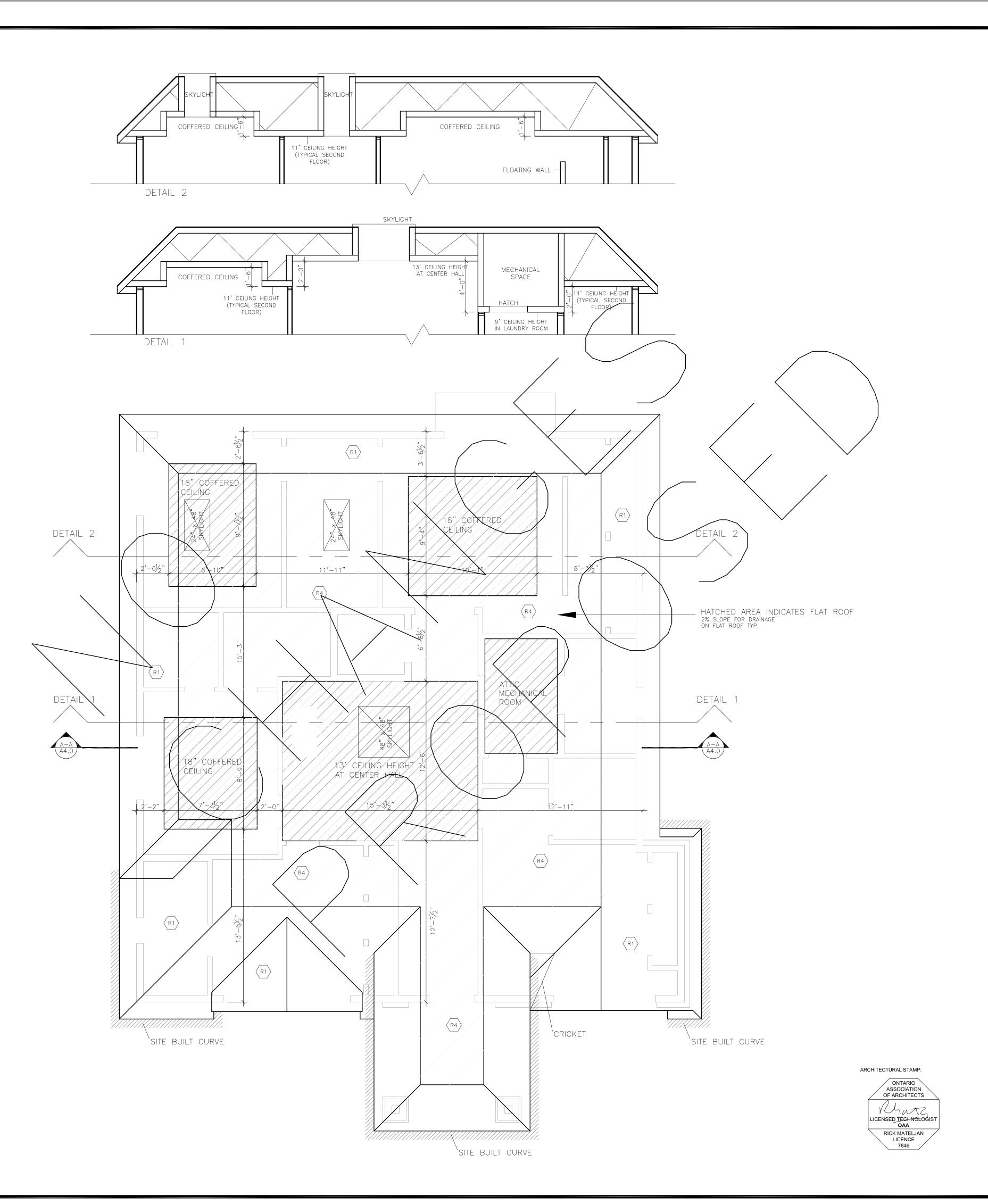
SECOND FLOOR PLAN

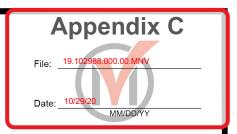
PROJECT	NO

SCALE: 1/4"=1'-0"	DATE:
DRAWN:	SHEET NO:

CHECKED: FILE NO.

MARKHAM





30	FOR PERMIT (4TH RESUB)	AUG 17, 2020
9	FOR REVIEW	AUG 12, 2018
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FINE CUSTOM HOMES INC.
2400 DUNDAS ST. WEST, SUITE 109
MISSISSAUGA, ON L5K 2R8
416 777 AFCH (T)
TARION REGISTRATION NO. 39012

PROJECT:

New House At: 62 SHERWOOD FOREST DRIVE

SHEET TITLE:

ROOF PLAN

SCALE: 1/4"=1'-0"	DATE:
DRAWN:	SHEET NO:

CHECKED:

FILE NO.
MARKHAM



