

Memorandum to the City of Markham Committee of Adjustment

November 20, 2019

File: A/06/18
Address: 15 Wales Avenue, Markham
Applicant: Trina & Dimitrios Kollis
Agent: Gregory Design Group
Hearing Date: Wednesday November 27th, 2019

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

The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229 as amended, as they relate to a proposed two-storey detached dwelling:

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

a maximum building depth of 20.6 m (67.58 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft); and

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

a maximum Floor Area Ratio of 50 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent.

This application was heard by the Committee of Adjustment on September 25th, 2019. At this hearing the applicant requested variances to increase the maximum floor area ratio and maximum building depth. This application was deferred because of concerns over the visual impact and massing of the proposed dwelling.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 20.6 m (67.58 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This is an increase of approximately 3.8 m (12.46 ft).

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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The proposed building depth includes a front covered porch and a rear covered terrace, which add approximately 0.91 m (3 ft) and 3.6 m (12 ft) respectively to the overall depth of the building. The main component of the building, excluding the porch and covered terrace, has a depth of 16.09 m (52.8 ft) which complies with the by-law requirement. Staff note that the previous submission presented to the Committee of Adjustment on September 25, 2019 did not include a covered terrace in the rear yard which is now being proposed. This has resulted in the proposed depth increasing from 17.5 m (57.41 ft) to 20.6 m (67.58 ft).

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 50 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 353.5 m² (3,805.04 ft²), whereas the By-law permits a dwelling with a maximum floor area of 318.2 m² (3,425.07 ft²). This is an increase of 35.3 m² (380 ft²).

The applicant has reduced their previous September 25, 2019 variance request of 51.8 % to 50%. The proposed dwelling still includes a 47.03 m² (506.22 ft²) 'open to below' area on the 2nd storey. While 'open to below' areas are excluded from the gross floor area calculation under the by-law, it still adds to the overall bulk and mass of the dwelling. With the exception to the requested building depth and floor area ratio variances, the proposed dwelling conforms to all other zoning provision including setbacks, lot coverage, and building height. Staff also note that this is the seventh time this application has presented to the Committee of Adjustment and the Committee should satisfy themselves as to whether the floor area ratio variance is appropriate.

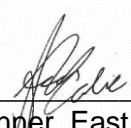
CONCLUSION

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 do not object to the requested building depth variance. This variance application has been deferred by the Committee of Adjustment on six occasions, in which the latest submission proposes a floor area ratio of 50%, which has been achieved by reducing the area of the proposed dwelling. Staff recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four test 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 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, Senior Planner, East District

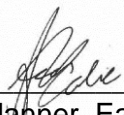
File Path: Amanda\File\ 18 107821 \Documents\District Team Comments Memo

APPENDIX “B”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/18

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix A’ to this Staff Report and received by the City of Markham on September 3rd, 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;
3. 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;
4. 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
5. 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, East District