

Memorandum to the City of Markham Committee of Adjustment

February 12, 2019

File: A/06/19
Address: 25 Talisman Cres, Markham
Applicant: Kevin & Anita Guidolin
Agent: Memar Architects INC (Lucy Mar Guzman)
Hearing Date: Wednesday February 20, 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, R1, as amended:

- a) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Section 11.2 (c) (i):**
a maximum front step encroachment of 5.3 feet into the minimum front yard setback, whereas the By-law permits a maximum 18 inch encroachment for steps into any required yard;
- c) **Section 11.1:**
a maximum lot coverage of 36.7 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 54.1 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 696.85 m² (7,500.83 ft²) subject property is located on the south side of Talisman Crescent, north of Ramona Boulevard and east of Main Street Markham North. 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 100.40 m² (1,080.7 ft²) dwelling on the property, which according to assessment records was constructed in 1956. Mature vegetation exists across the front and rear of the property.

Proposal

The applicant is proposing to construct a new two-storey detached 351.21 m² (3,780.4 ft²) dwelling with a finished basement, rear covered deck and rear walkout.

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 R1 'Residential' in By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to maximum front step encroachment and maximum lot coverage.

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 infill By-law requirements 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, "*design restriction*".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on November 28, 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 18.64 m (61.2 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.84 m (6.04 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.

The proposed dwelling includes a front covered porch and a garage projection which add approximately 1.25 m (4.1 ft) to the overall depth of the building, which Staff are of the opinion is minor in nature.

The proposal also includes a rear unenclosed covered one-storey deck which adds approximately 3.35 m (11 ft) to the overall depth of the building. The main building however has a depth of approximately 14.04 m (46.06 ft) which complies with the by-law requirement.

Given that the rear covered deck and front covered porch are both unenclosed, one-storey, and maintain adequate separation from neighbouring properties, and that the main building complies with the maximum building depth requirement, Staff are of the opinion that the variance request is appropriate for the development.

Increase in Maximum Front Step Encroachment

The applicant is requesting a maximum front step encroachment of 5.3 ft (1.62 m) into the front yard, whereas the By-law permits a maximum front step encroachment of 1.5 ft (0.46 m). This represents a difference of approximately 3.8 ft (1.12 m). Six steps are proposed between the first floor elevation and grade at the front of the house. Staff are of the opinion that the requested variance will not impact the street.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 36.7 percent, whereas the By-law permits a maximum lot coverage of 35 percent. Even though there have been no other variance requests to increase the maximum lot coverage on the street, the increase is minor in nature and still maintains sufficient amenity and green space and setbacks from the property lines.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 54.1 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 351.21 m² (3,780.4 ft²), whereas the By-law permits a dwelling with a maximum floor area of 294.75 m² (3,172.66 ft²). This represents an increase of approximately 56.64 m² (607.73 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). In addition to the space associated with the stairs, there is an approximately 6.61 m² (71.15 ft²) open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law.

The subject property is located within a residential area that consists of predominantly modest sized one-storey detached dwellings. The requested variance for maximum floor area ratio will facilitate the development of a dwelling that is larger than existing dwellings originally developed in the 1950s. There is only one other property on the street (19 Talisman) that has received a variance for maximum floor area ratio of 46.79 percent. Staff have discussed concerns over the floor area ratio variance with the applicant and to date revised plans and an amended variance application have not been received.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 12, 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 for maximum building depth, maximum front step encroachment and maximum lot coverage meets the four tests of the Planning Act. However, Staff are of the opinion that the variance request for maximum floor area ratio is not minor in nature. 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:

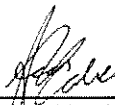

Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\ 19 110645 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/19

1. That the rear covered deck 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 *January 22, 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:

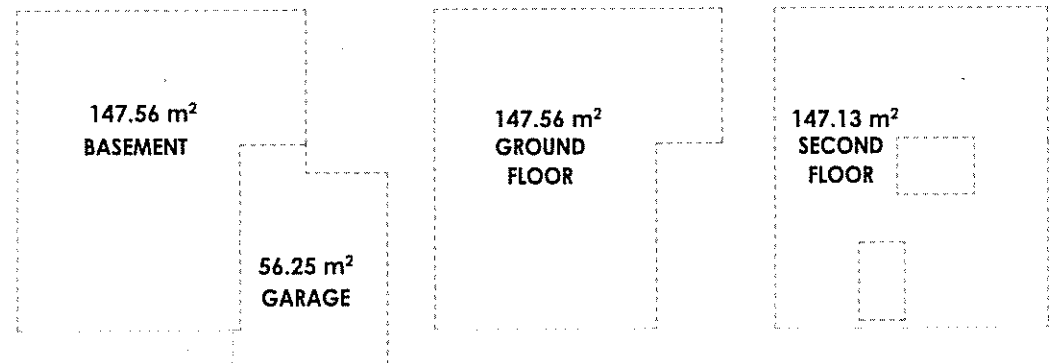
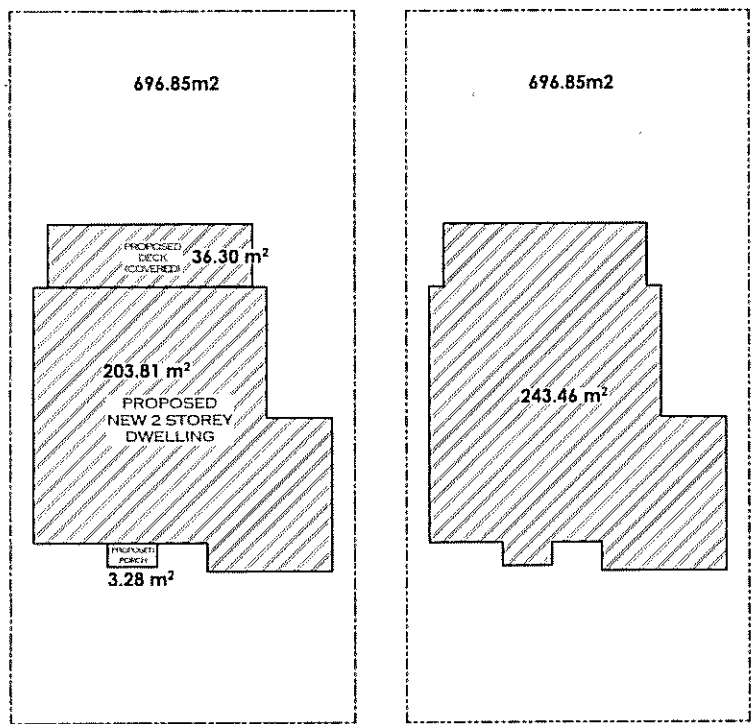


Aqsa Malik, Planner, Zoning and Special Projects

REGISTERED

NEW HOUSE

| | | | | | | |
|----------------------------------|---|---|-----------------------|----------------------|----------------------------------|-------|
| LOT AREA: 696.85 m ² | | | | | | |
| NET LOT AREA: 655 m ² | | LOT COVERAGE: 243.46m ² (36.70%) | | | | |
| GFA | FIRST FLOOR AREA NOT INCLUDING PORCH | SECOND FLOOR AREA | BASEMENT | GARAGE | TOTAL GFA NOT INCLUDING BSMNT | % |
| TOTAL | 147.56 m ² | 147.13 m ² | 147.56 m ² | 56.52 m ² | 351.21 m ² | 54.1% |



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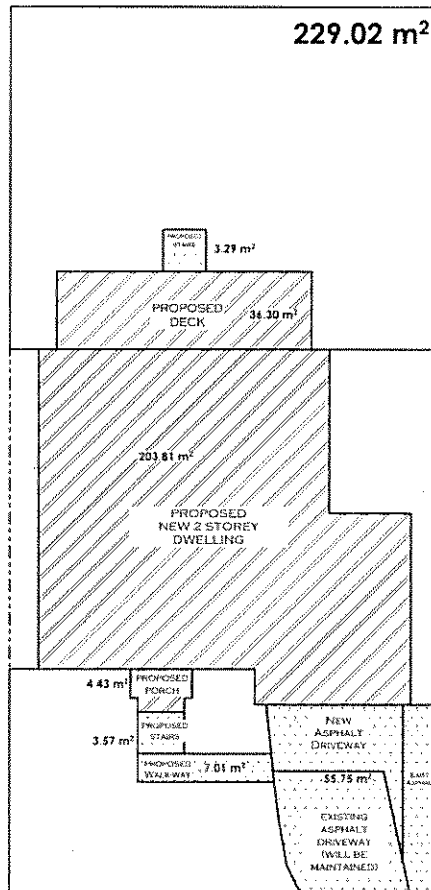
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| DRAWING TITLE: |
| AREA CALCULATIONS |
| PROJECT TITLE/ADDRESS: |
| 25 TALISMAN CRES. MARKHAM |

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| DRAWN BY | SCALE: |
| L.M. | 1:200, 1:50, 1:250 |
| CHECKED BY | LAST MODIFIED ON: |
| S.T. | Friday, January 18, 2019 |



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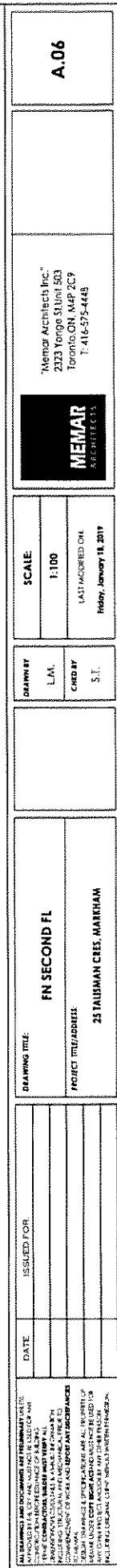
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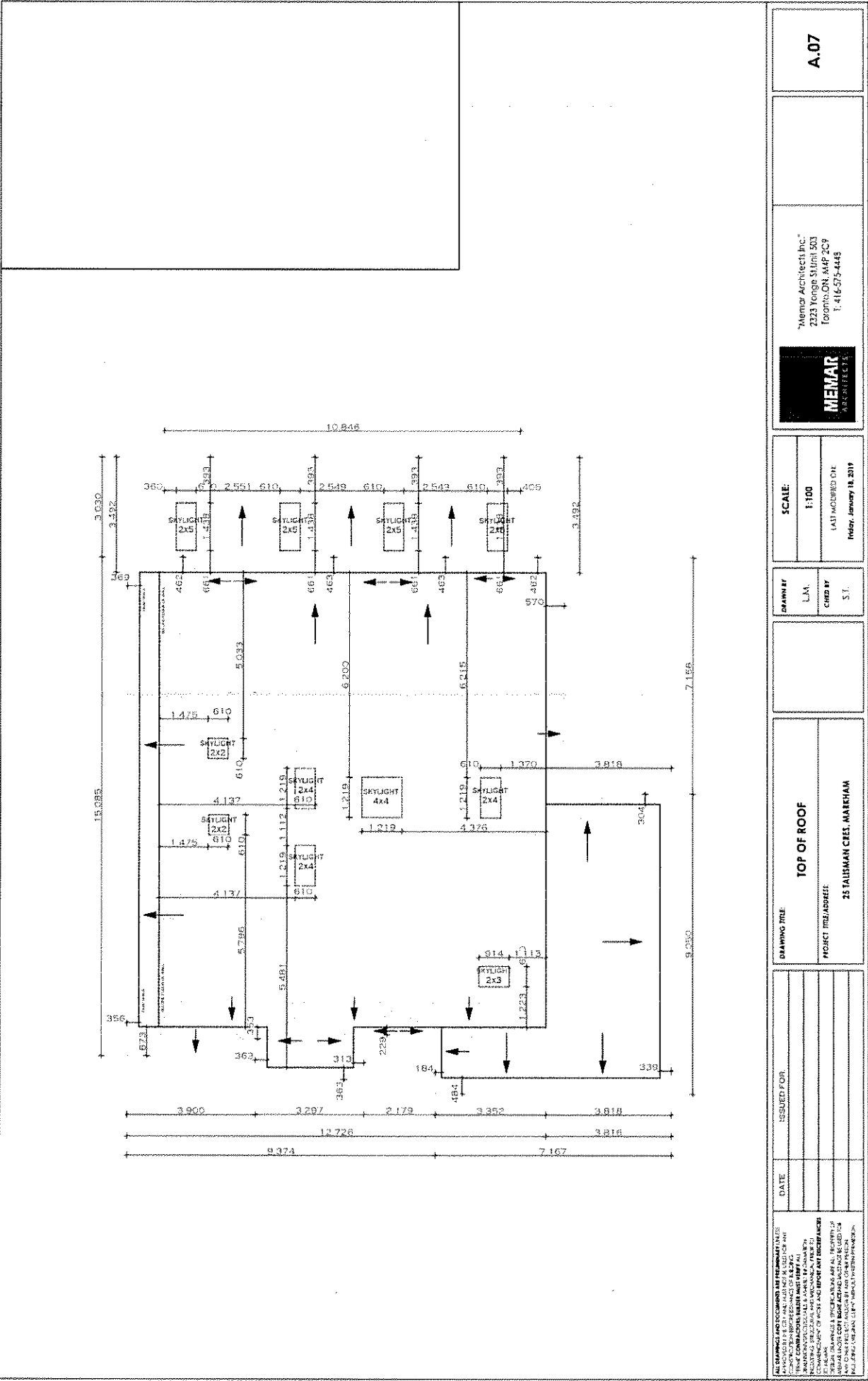


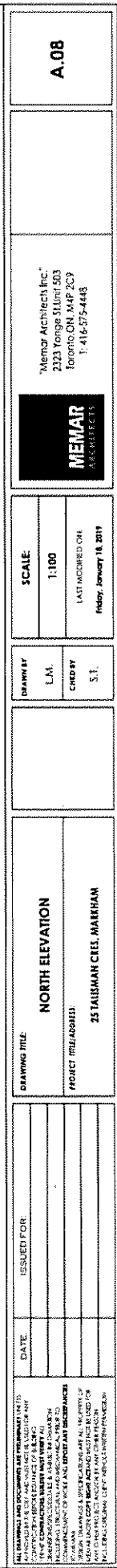
FRONT YARD AREA: 156.38 m²

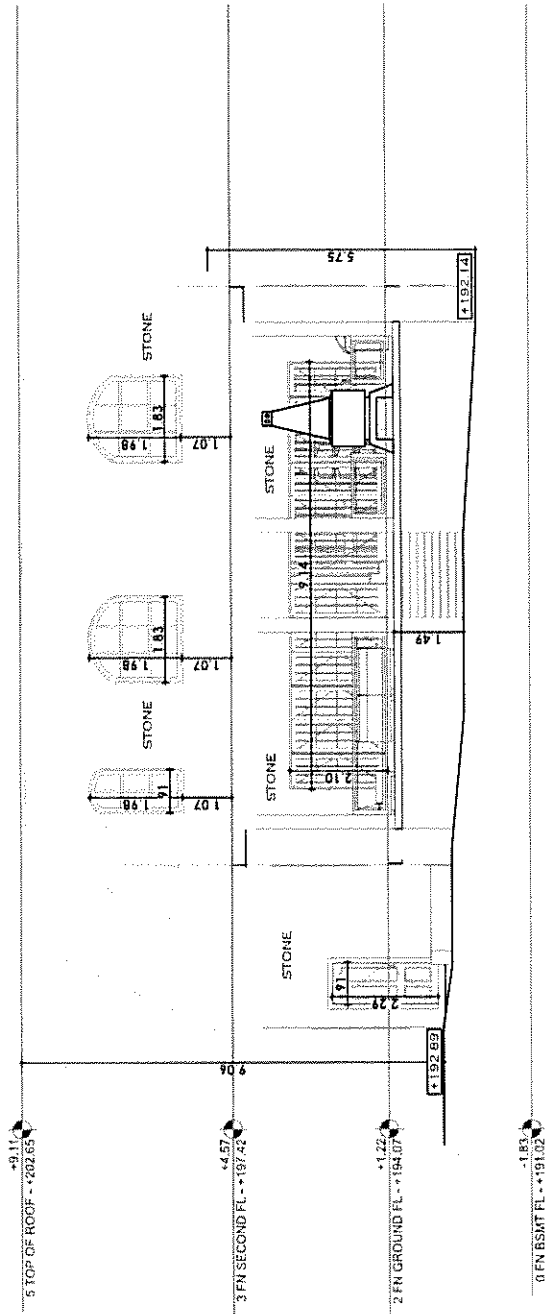
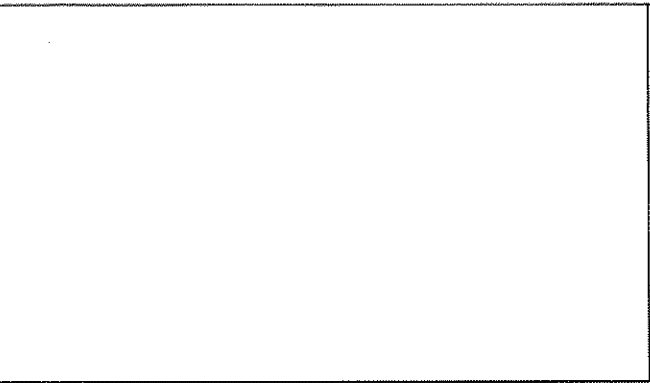
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