

Memorandum to the City of Markham Committee of Adjustment

March 1st, 2018

File: A/11/18
Address: 5 Lakevista Avenue, Markham
Applicant: Shen Zhang & Yi Song
Agent: Rubinoff Design Group (Glenn Rubinoff)
Hearing Date: Wednesday March 14, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1129, R1, as amended:

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

a maximum net floor area ratio of 48 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;

b) Section 11.2 (c) (i):

a maximum front porch projection of 0.88 m (2.9 ft), whereas the By-law permits a maximum front porch projection of 0.46 m (18 inches);

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 615.58 m² (6,626 ft²) subject property is located on the east side of Lakevista Avenue, south of Highway 7 and east of McCowan Road. The surrounding area is an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The property is developed with a 132.39 m² (1,425 ft²) one-storey detached dwelling, which according to assessment records, was constructed in 1964. There is an easement along the rear lot line in favour of Bell Canada.

Proposal

The applicant is proposing to demolish the existing home and construct a two-storey detached dwelling with a gross floor area of 291.72 m² (3,140 ft²). One tree in the front yard is proposed to be removed. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. 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 Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks 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. 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 under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirement with respect to front porch projection.

Residential Infill Zoning By-law

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 net floor area ratio, building height and building depth. The proposed development does not comply with the by-law requirement with respect to floor area ratio.

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

According to the information provided by the applicant, "the variance is due to the property's irregular lot configuration and restriction of the zoning by-law."

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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 48 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 291.72 m² (3,140 ft²), whereas the By-law permits a dwelling with a maximum floor area of 276.47 m² (2975.85 ft²). This represents an increase of 15.25 m² (164.14 ft²).

Floor Area Ratio is a measurement of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measurement 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 area associated with the stairs, there is an open to below area of approximately 6.14 m² (66 ft²) above the foyer.

While the requested gross floor area is larger than the majority of homes on the street, the proposal meets all other zoning provisions that regulate the prescribed building envelope meaning the proposed dwelling will be in keeping with the intended scale of infill developments for the neighbourhood. Efforts have also been made to further lessen the impact of the development by providing side yard setbacks that are nearly twice as much as the adjacent homes to the north and south. It is the opinion of staff that the variance is unlikely to result in any demonstrable adverse impact on adjacent properties or the character of the street.

Increase in Maximum Front Porch Projection

The applicant is requesting relief to permit a maximum front porch projection of 34.8 in (0.88 m), whereas the By-law permits a maximum projection of 18 in (0.45 m). Staff do not anticipate the variance will negatively affect abutting homes and will in fact result in improved architectural animation of the building.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 1st, 2018. 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 variances meet the four tests of the Planning Act and have no objection. 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.

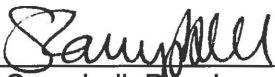
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/11/18

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 on February 23rd, 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. 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate.
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 Director of Planning and Urban Design or designate;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:

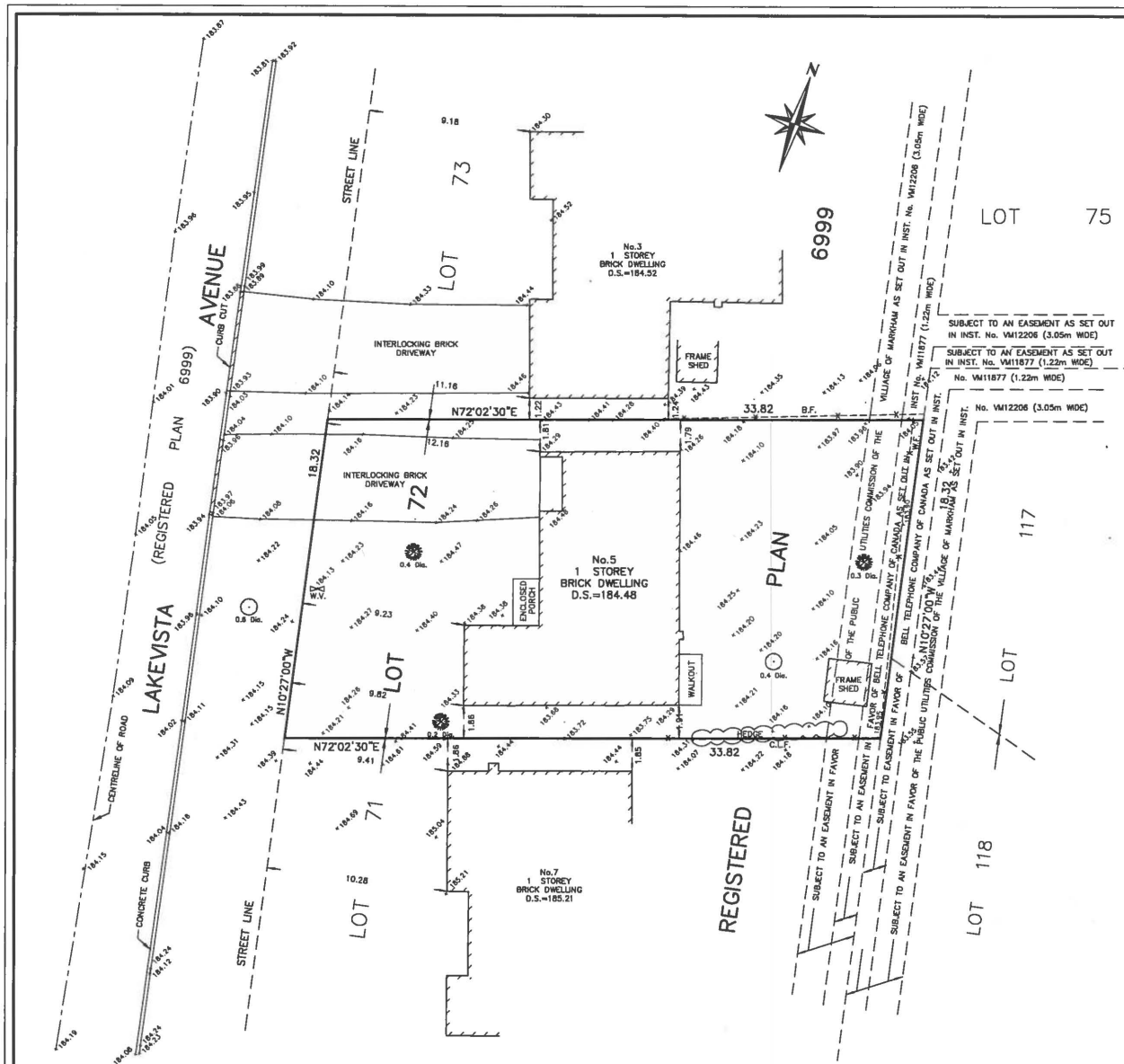


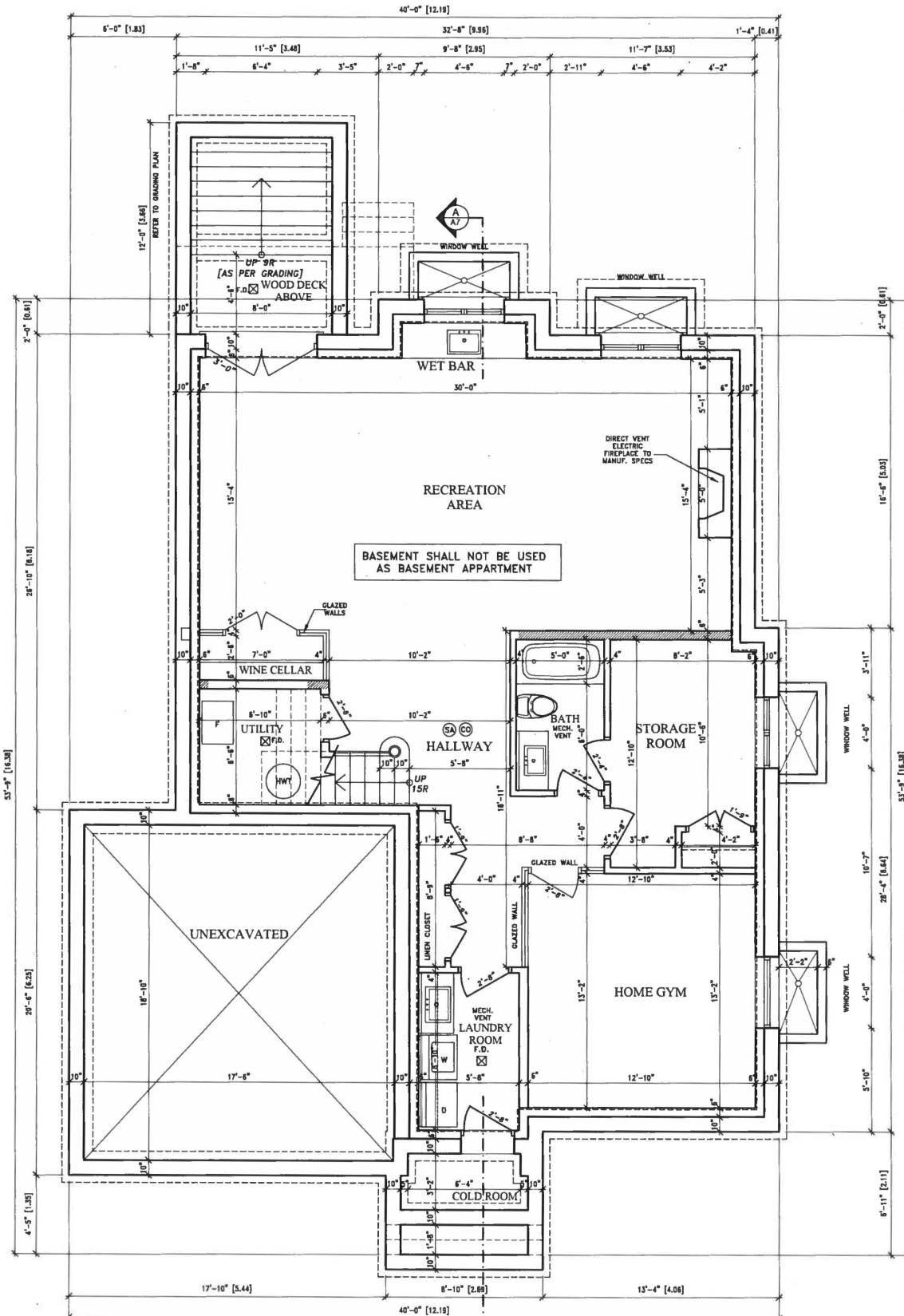
Carlson Tsang, Planner, Zoning and Special Projects

[illegible]

A

FRONT YARD SOFT LANDSCAPED AREA = 384 ft² [35.7m²]
(FRONT YARD AREA) - (DRIVEWAY) = 384 ft² [35.7m²]
PORCH, R.O.W. & STEPS & WALKWAY AREA = 87.5 ft² [8.1m²] (22.7%)
SOFT LANDSCAPED AREA = 296.5ft² [27.5m²] (77.3%) MIN 75% REQ'D





BASEMENT FLOOR PLAN

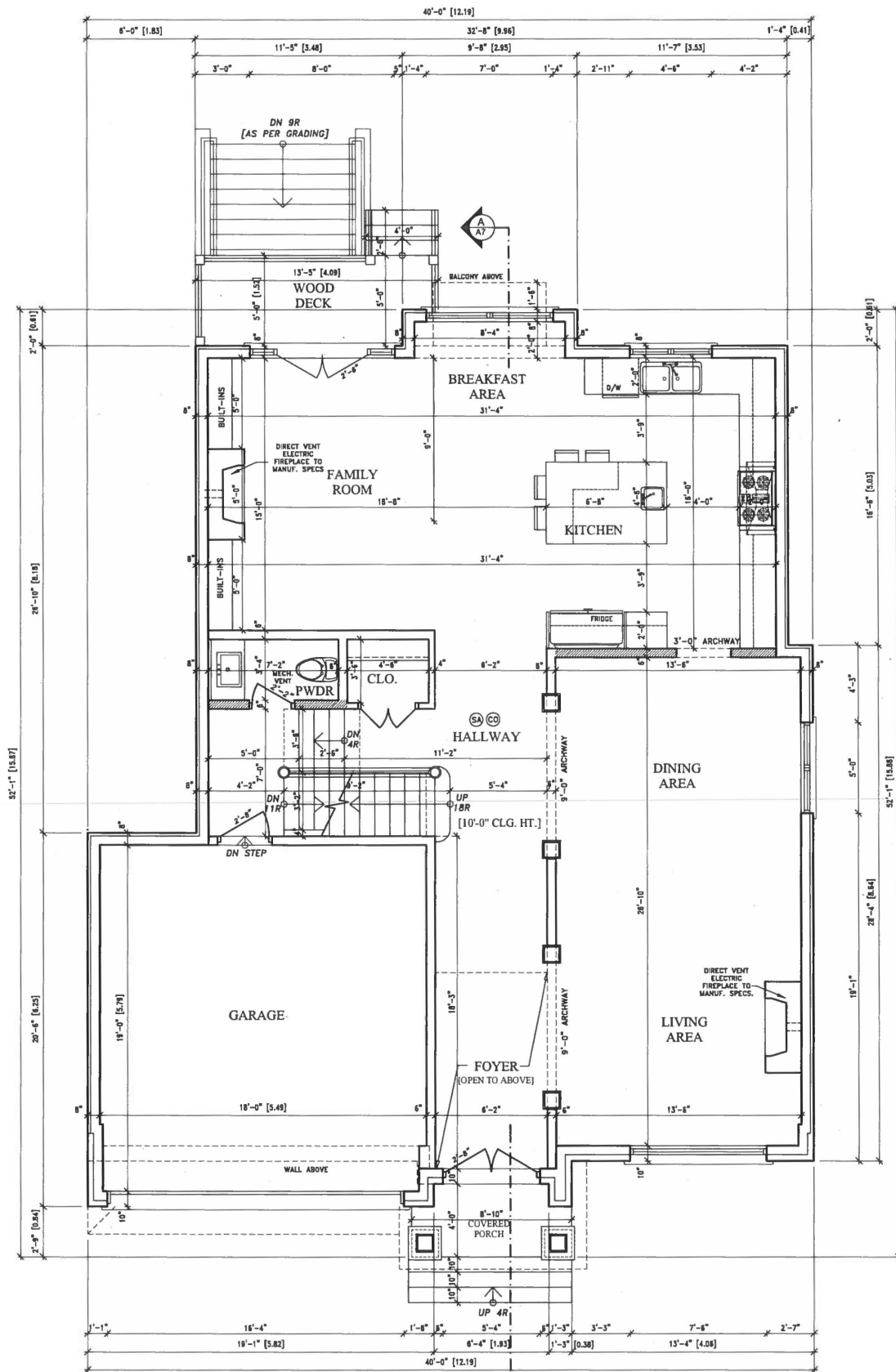
- 5 LAKEVISTA AVE -

Rubinoff Design Group

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5 LAKEVISTA AVE.

SCALE: $\frac{1}{8}" = 1'-0"$ OCT 24, 2017



MAIN FL. (INCL. BAY WINDOWS) = 1284 ft² [119.3 m²]

COVERED PORCH = 32 ft² [2.97 m²]

GARAGE AREA = 371 ft² [34.5 m²]

TOTAL COVERAGE = 1687 ft² [156.7 m²] [25.5%]

TOTAL GFA = 2769 ft² [257.2 m²]

TOTAL FLOOR AREA RATIO = 3172 ft² [294.7 m²] [48.0%]

MAIN FLOOR PLAN

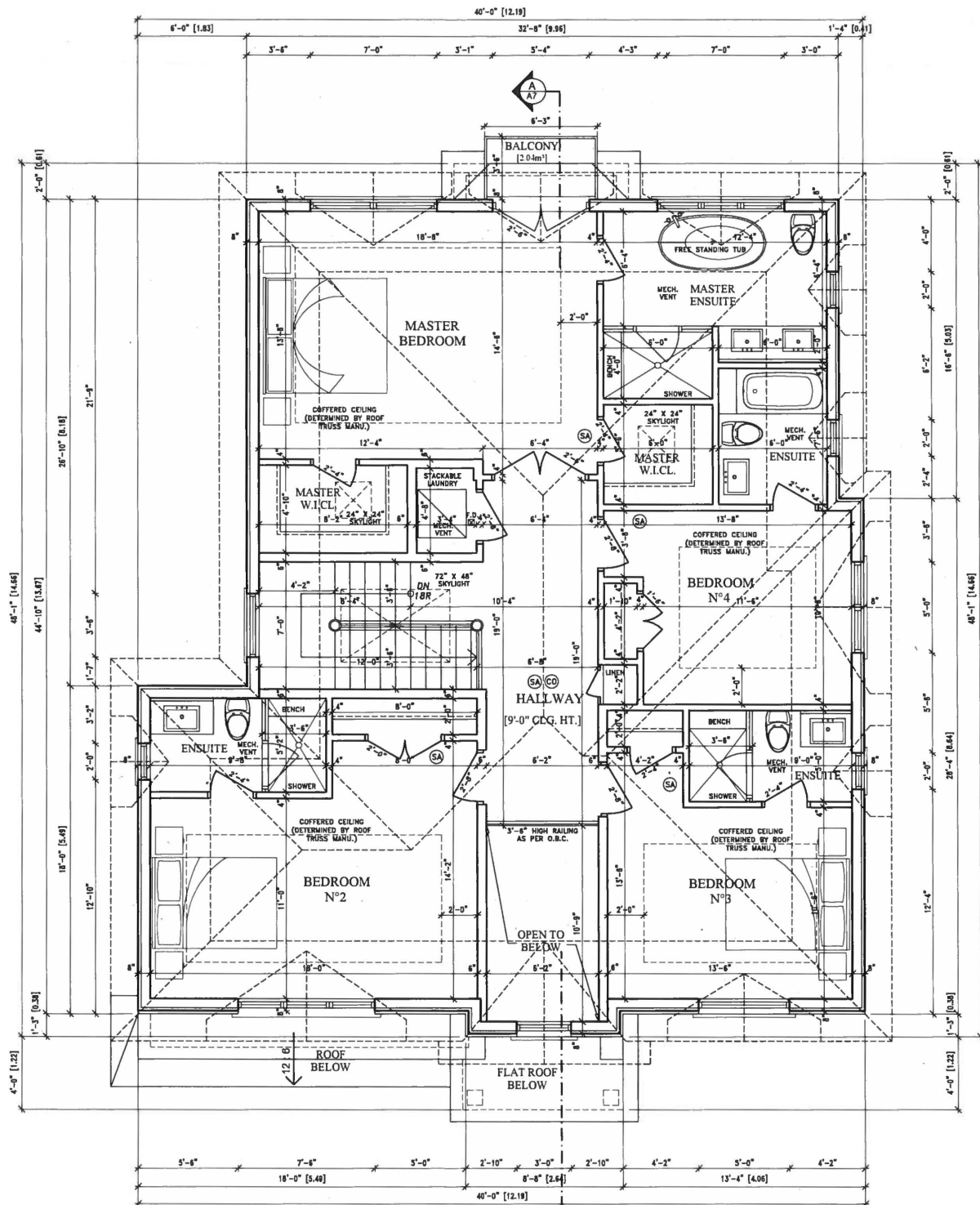
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SCALE: 3/16" = 1'-0" OCT 24, 2017



SECOND FLOOR AREA = 1485 ft² [138.0 m²]
 [DOES NOT INCLUDE OPEN TO BELOW AREA 66 ft²]
 [DOES NOT INCLUDE OPEN 2ND FLOOR STAIR AREA 70 ft²]

SECOND FLOOR PLAN

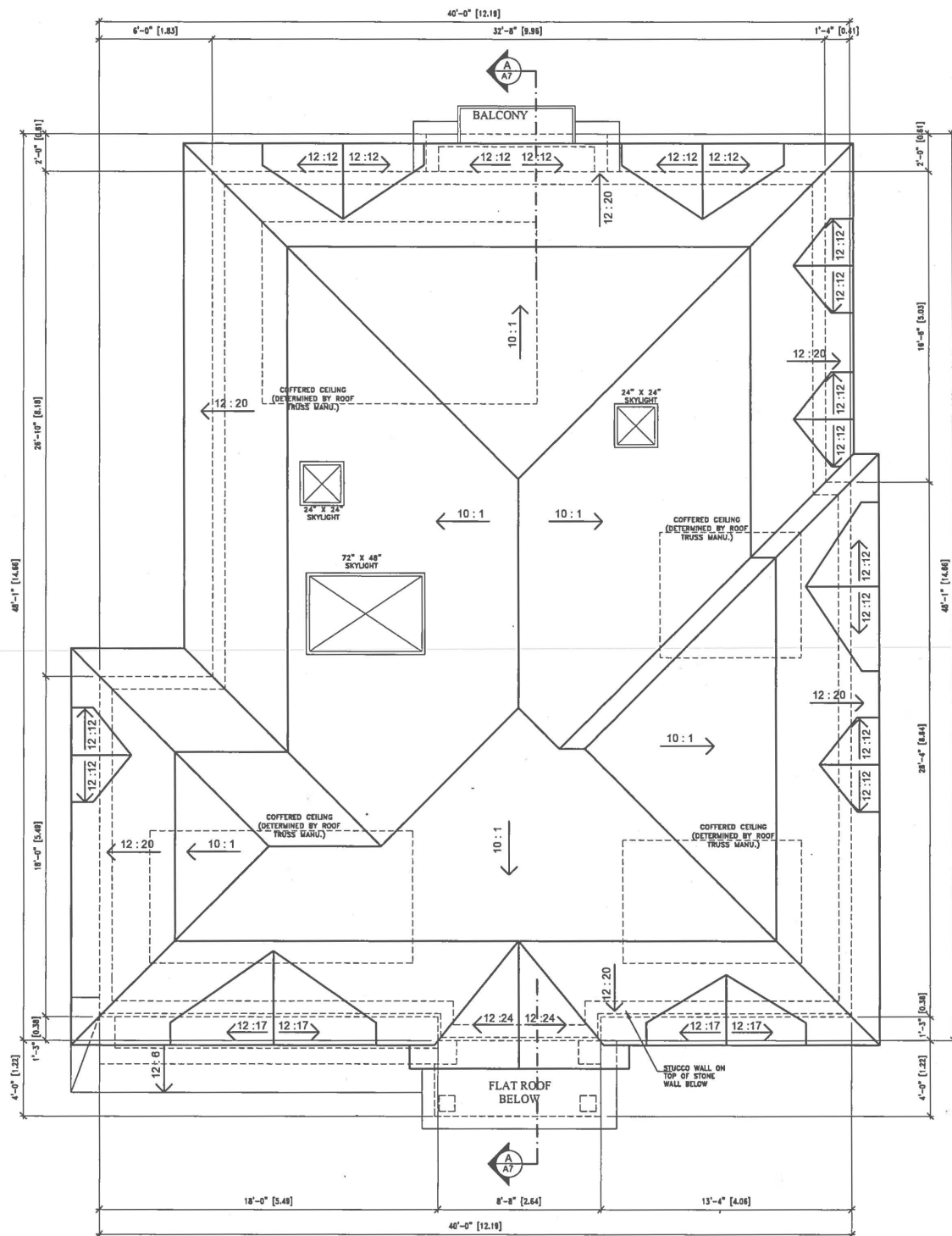
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SCALE: $\frac{3}{8}" = 1'-0"$ OCT 24, 2017

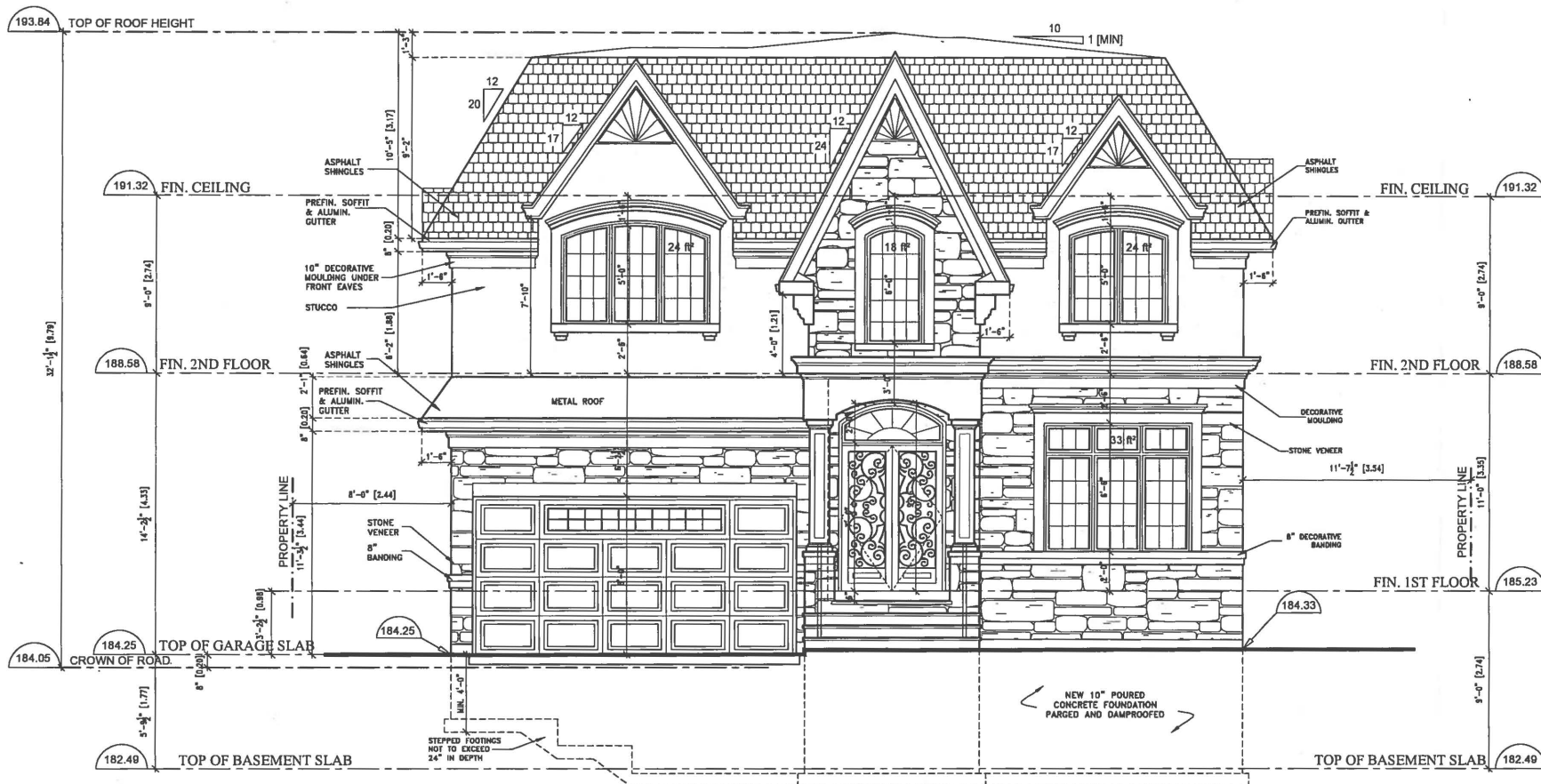


ROOF FRAMING PLAN
- 5 LAKEVISTA AVE -

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5 LAKEVISTA AVE.

SCALE : $\frac{1}{16}" = 1'-0"$ OCT 24, 2017



FRONT (WEST) ELEVATION

- 5 LAKEVISTA AVE -

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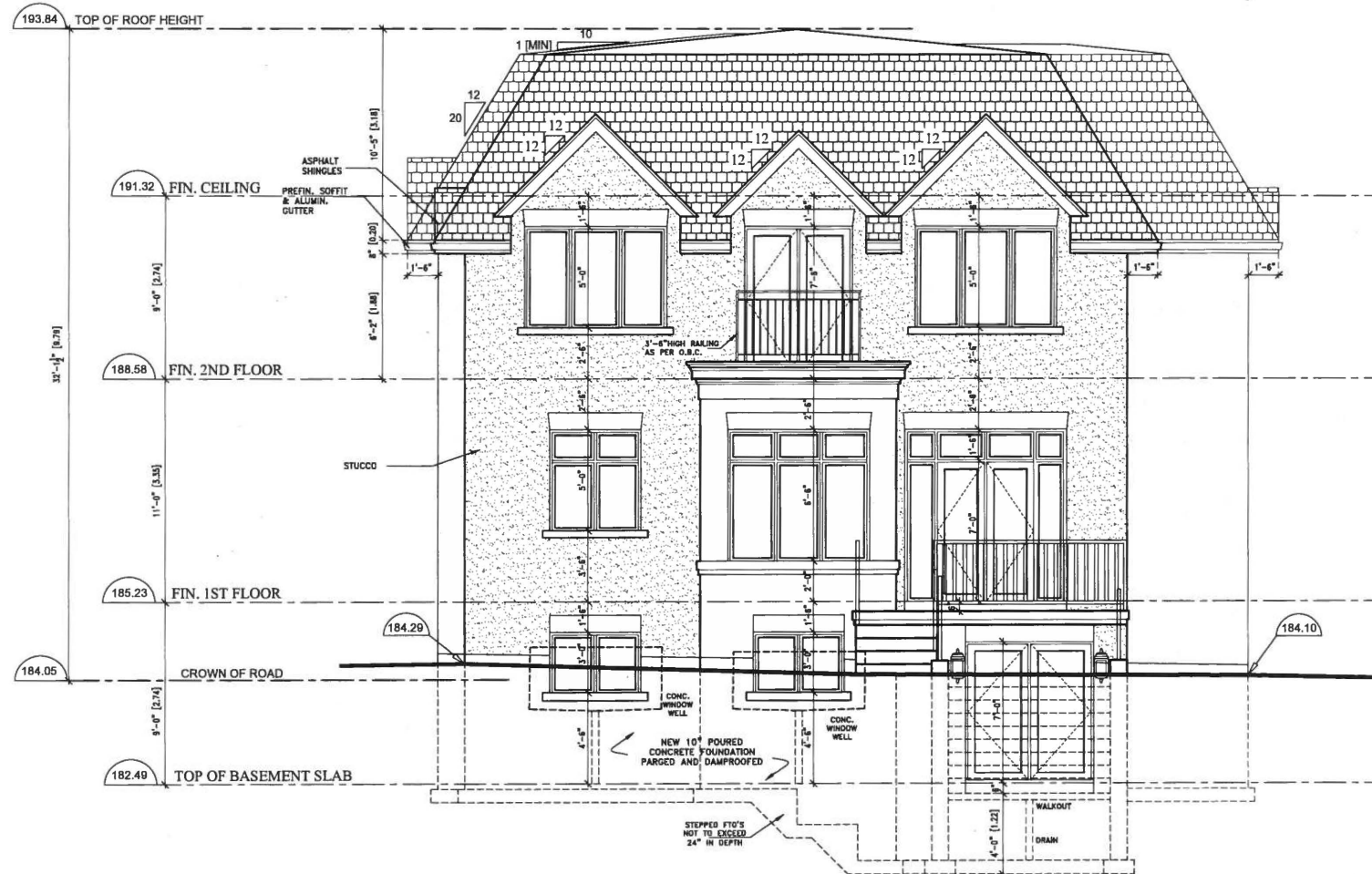
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REAR (EAST) ELEVATION

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