

**Memorandum to the City of Markham Committee of Adjustment**  
January 17, 2018

**File:** A/120/17  
**Address:** 23 Sir Bodwin Place Markham  
**Applicant:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday January 24, 2018

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

- a) **Table 11.1:**  
A minimum front yard setback of 6.5 m (21.32 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum net floor area ratio of 50.32 percent whereas the By-law permits a maximum net floor area ratio of 45 percent;
- c) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.03 m (33.0 ft) whereas the By-law permits a maximum building height of 9.8 m (32.15 ft).

**BACKGROUND**

Application A/120/17 was deferred by the Committee of Adjustment on September 13, 2017 to provide the applicant an opportunity to reduce the overall size of the newly proposed single detached dwelling (see attached staff comments).

The applicant submitted revised plans on October 17, 2017 demonstrating that the overall size of the dwelling had been reduced (see attached staff report).

Application A/120/17 was deferred by the Committee of Adjustment for a second time on October 25, 2017 as Committee expressed concern with potential errors in measurements that were identified. This was in reference to information missing on the set of plans presented at the October 25, 2017 meeting. Specifically, several measurements were not included on the floor plan provided for the second floor of the newly proposed dwelling, meaning that the total net floor area could not be confirmed. Committee also stated that the proposed 20 foot setback was a concern.

The applicant submitted revised plans on November 21, 2017. Staff notes that upon review of the most recent plans submitted, that no floor area measurements appear to be missing.

At the September 13 meeting, the applicant had requested a maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent. This request has now been withdrawn and the proposed lot coverage has been reduced to 33.78% in order to meet the by-law requirement.

In the original application, the applicant had requested a net floor area ratio of 54.5%; whereas the By-law permits a maximum net floor area ratio of 45 percent. Committee had noted at the September 13, 2017 meeting that a further reduction to the floor area can be achieved. The applicant has now requested a maximum net floor area ratio of 50.32 percent, for the newly proposed dwelling. This was achieved by reducing the total net floor area from 335.6 m<sup>2</sup> (3612 ft<sup>2</sup>) to 309.91 m<sup>2</sup> (3336 ft<sup>2</sup>).

#### **Zoning Preliminary Review Not Undertaken**

A Zoning Preliminary Review (ZPR) has not been undertaken for the revised proposal. Consequently, 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

#### **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.*

#### **Front Yard Setback**

In response to committee's comments at the October 25 meeting, the applicant is now requesting relief from the By-law to permit a minimum front yard setback of 21.32 ft (6.5 m) whereas the by-law requires a minimum front yard setback of 25 ft (7.62 m). The dwelling is now setback 1.32 ft (0.40 m) further from the property line compared to what was originally requested. As detailed in the last staff report (attached as Appendix 'B'), the request for this variance is attributable due to the atypical shape of the lot.

As previously noted, staff are of the opinion that the requested variance is minor and in keeping with the general intent of the zoning by-law and have no concerns with the front yard setback variance request.

#### **Floor Area Ratio**

The by-law requirement would allow for a maximum total net floor area of 276.24 m<sup>2</sup> (2973.42 ft<sup>2</sup>). The variance request would allow for an additional 33.67 m<sup>2</sup> (362.42 ft<sup>2</sup>) of floor area

space. Staff are satisfied with the proposed change and are of the opinion that this reduction is in keeping with the intent of a minor variance approval. Staff have no further concerns with respect to Net Floor Area ratio.

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. stairwells, below grade storage space, etc.).

#### Building Height

The applicant has requested a maximum building height of 10.03 m (33.0 ft) whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). As indicated in the original staff report, in this case the crown of the street is approximately 2.42 ft lower than the grade at the foot of the building and the actual height of the proposed dwelling from grade is 30.58 ft, which meets the by-law requirement. Staff have no concerns with the proposed height of the dwelling.

#### **PUBLIC COMMENT SUMMARY**

As of January 12, two written submissions have been received expressing concern over the variance requests. The following discussion points were provided:

- The applicant has requested an increase to Net Floor Area 12% beyond the maximum by-law requirement which is not minor.
- Proposed height greatly exceeds all of the neighbouring homes. New construction will affect backyard lifestyle and vistas. The shadow study submitted was not legitimate nor was it accurate.
- The application does not conform with the 2014 Official Plan and the house is not in keeping with the character of the area.
- There are concerns with drainage.

Planning staff have taken into consideration all pertinent aspects of what has been proposed as well as what potential impact the requested variances may have on the subject property as well as the immediate surrounding area. Planning staff have prepared the following response to public comments received to date:

- The Infill by-law permits a maximum net floor area ratio of 45 percent. The applicant is now requesting 50.32 percent, which represents an increase of 5.32 percent beyond the by-law requirement. Staff are satisfied with the changes made in order to reduce the overall floor area of the newly proposed dwelling and are of the opinion that the variance request is minor in nature.
- The subject property is designated 'Residential Low Rise' under the 2014 City of Markham Official Plan which allows for a maximum building height of 3 storeys (Section 8.2.3.4). The applicant has proposed 2 storeys. As the proposal meets this Official Plan requirement and considering the fact that no requests have been made for a side yard setback variance, staff are of the opinion that the proposed height is appropriate and that a shadow study is not warranted.

- In addition to this proposal being reviewed in accordance with the criteria outlined in the infill by-law, this application was also reviewed in accordance with the development criteria outlined under the 2014 Official Plan. Staff are of the opinion that this dwelling has been designed in accordance with the criteria identified under Section 8.2.3.5 of the 2014 Official Plan (Development Criteria – Infill Development) and support the minor variances as requested.
- The City of Markham's Engineering Department have reviewed this application through the circulation which took place. At no point were any concerns raised by the Engineering Department with respect to potential issues pertaining to onsite drainage.

## CONCLUSION

Planning staff have reviewed this application with respect to Section 45 (1) of the Planning Act, R.S.O 1990, c. P.13, as amended and have no concerns with the requested variances for front yard setback, increased net floor area and building height. Staff are satisfied with the revisions made and 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.

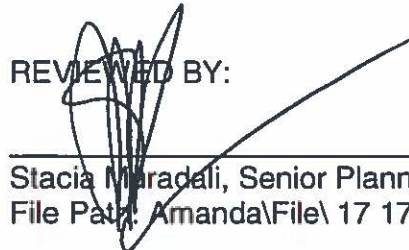
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Sean Lapenna, Planner, East District

REVIEWED BY:

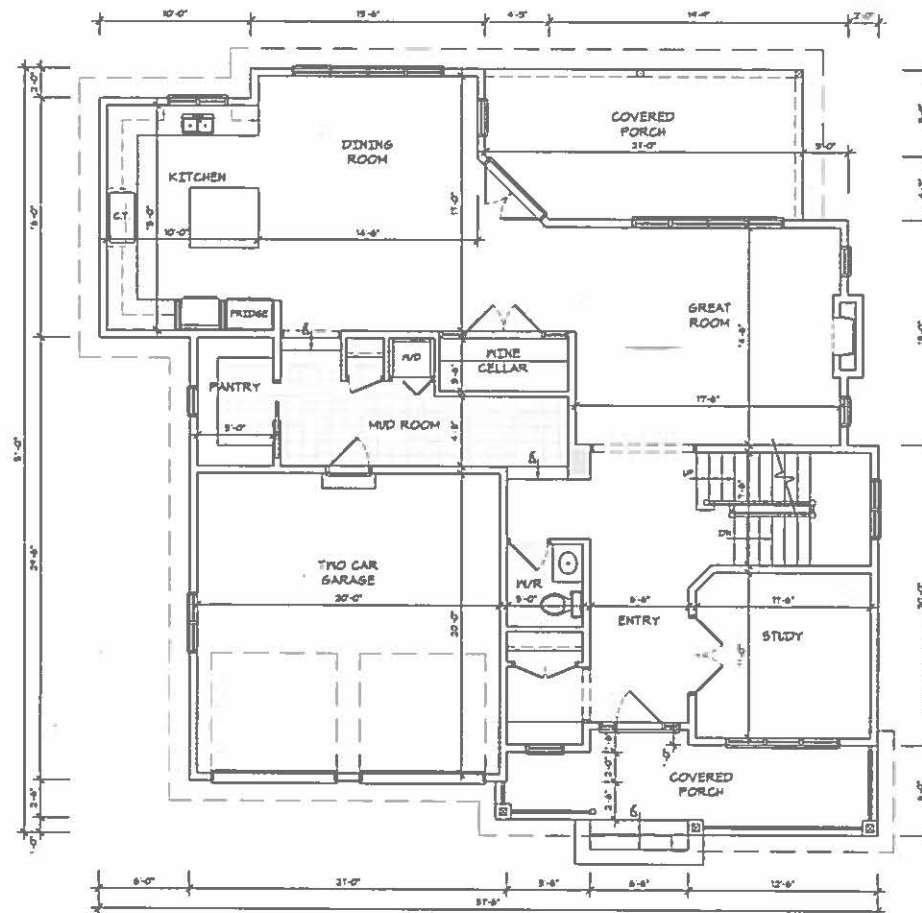


Stacia Maradali, Senior Planner, East District

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#### GROUND FLOOR PLAN

FLOOR AREA = 1,482 sq.ft.  
 GARAGE AREA = 421 sq.ft.  
 TOTAL G.F.A. = 1,903 sq.ft. (176.74 sq.m.)  
 TOTAL BUILDING AREA = 2,250 sq.ft. (209.02 sq.m.)  
 (INC. COVERED PORCHES)

#### GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "C" OF THE ONTARIO BUILDING CODE LATEST EDITION.

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLASH AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

#### REVISIONS AND DATA

The undersigned has reviewed and taken responsibility for his design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
 Required under 2.17.5.1 of the Ontario Building Code

Full Gregory NAME 25025 DCA

REGISTRATION INFORMATION  
 Required under 2.17.4.1 of the Ontario Building Code

Gregory Designers NAME 30506 DCA

#### PROJECT TITLE

HOUSE 2021  
 23 SIR BODWIN PLACE  
 CITY OF MARKHAM



50 MCINTOSH DRIVE, UNIT 140  
 MARKHAM, ONTARIO L3R 9T3  
 OFFICE (905) 473-4767  
 FAX (905) 473-8496  
 shane@gregorydesigngroup.net

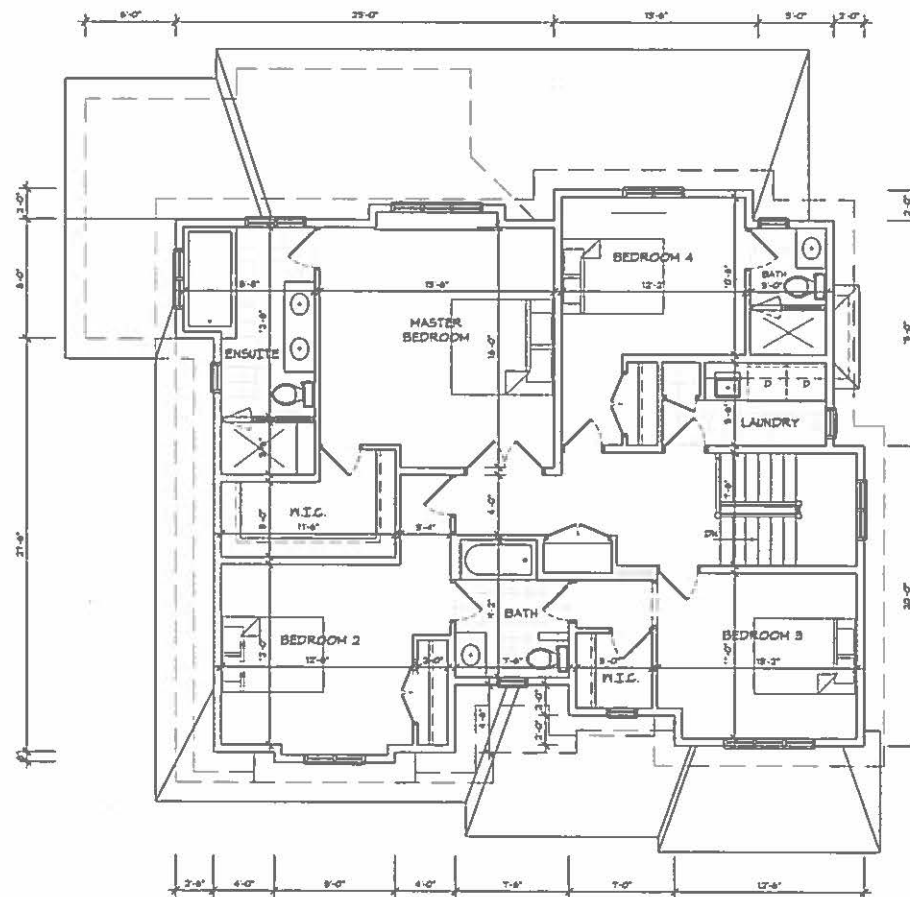
SCALE 1/8"=1'-0" DATE 11/13/17

PROJECT NUMBER 2021-17 SHEET NUMBER

DRAWN BY S.Gregory

CHECKED BY R.G.

A-2



### SECOND FLOOR PLAN

FLOOR AREA = 1,300 sq.ft.  
 OPEN SPACE = 67 sq.ft.  
 TOTAL FLOOR AREA = 1,433 sq.ft. (133.12 sq.m.)

#### GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION 4 OF THE ONTARIO BUILDING CODE (LATEST EDITION).

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REVISIONS AND DATA	DATE

The undersigned has reviewed and takes responsibility for his design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
 Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Ben Gregory 25035  
 TITLE DCN

REGISTRATION INFORMATION  
 Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Design 30506  
 TITLE DCN

#### PROJECT TITLE

HOUSE 2021  
 23 SIR BODWIN PLACE  
 CITY OF MARKHAM



50 MCINTOSH DRIVE, UNIT 140  
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 shane@gregorydesigngroup.net

SCALE	DATE
1/8"=1'-0"	11/13/17
PROJECT NUMBER	SHEET NUMBER
2021-17	A-3
DRAWN BY	S. Gregory
CHECKED BY	R.G.

**GENERAL NOTES:**

ALL CONSTRUCTION IS TO CONFORM TO SECTION "C" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

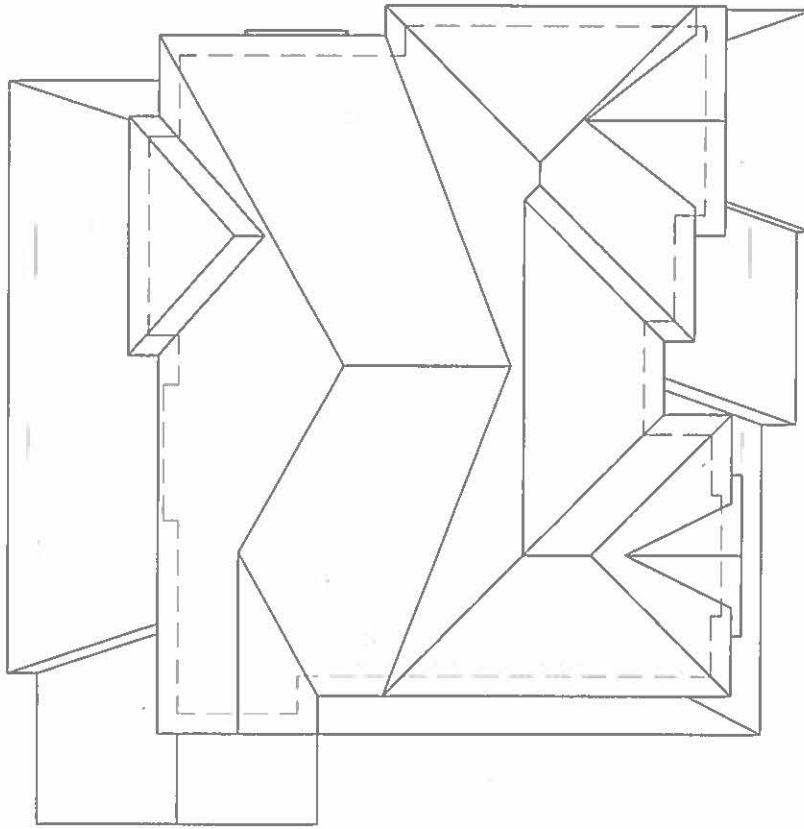
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**ROOF PLAN**

**REVISIONS AND DATA**

The undersigned has reviewed and takes responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Building Code for a designer.

**QUALIFICATION INFORMATION**  
Registered Professional Designer under 217.5 of the Ontario Building Code.

**DATE** 11/13/17  
**NAME** R.G.

**REGISTRATION INFORMATION**  
Registered under 217.4.1 of the Ontario Building Code.

**PROJECT NUMBER** 20005  
**PROJECT NAME** R.G.

**PROJECT TITLE**

**HOUSE 2021**  
**23 SIR BODWIN PLACE**  
**CITY OF MARKHAM**

**THE GREGORY DESIGN GROUP**

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share@gregorydesigngroup.net

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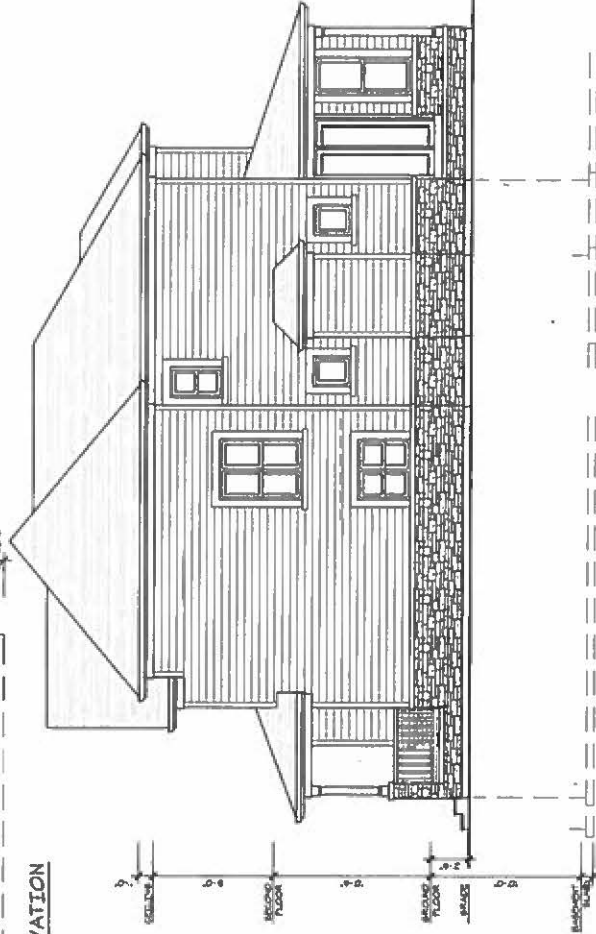
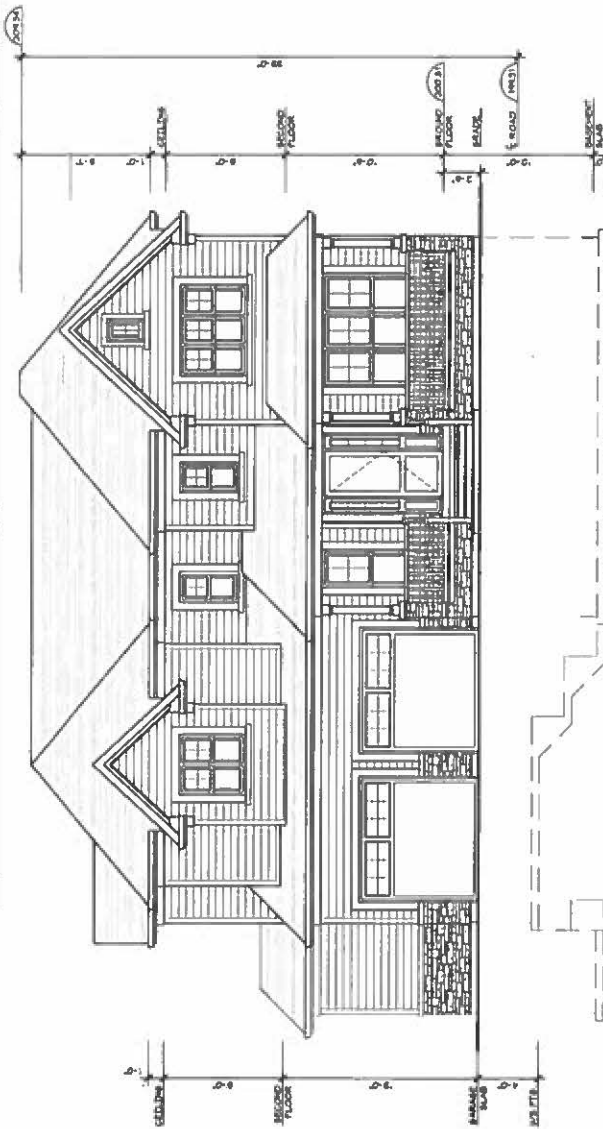
**DATE** 11/13/17

**PROJECT NUMBER** 2021-17

**DRAWN BY** S. Gregory

**CHECKED BY** R.G.

**SHEET NUMBER** A-4



GENERAL NOTES:

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BUILDING PRODUCTS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE
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The undersigned has reviewed and takes responsibility for his design, and has the qualifications and meets the requirements set out in

**QUALIFICATION INFORMATION**  
Required unless design is exempt under 2.17.5.1

Run Gregory	25025
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REGISTRATION INFORMATION

of the Orlando Stadium Case

Category	Score
Category 1	Score 1
Category 2	Score 2
Category 3	Score 3
Category 4	Score 4
Category 5	Score 5
Category 6	Score 6
Category 7	Score 7
Category 8	Score 8
Category 9	Score 9
Category 10	Score 10
Category 11	Score 11
Category 12	Score 12
Category 13	Score 13
Category 14	Score 14
Category 15	Score 15
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Category 93	Score 93
Category 94	Score 94
Category 95	Score 95
Category 96	Score 96
Category 97	Score 97
Category 98	Score 98
Category 99	Score 99
Category 100	Score 100

PROJECT TITLE

HOUSE 2021

2951K BODWIN PLACE  
CITY OF MARKHAM

Figure 1 is a line graph showing the percentage of total energy expenditure (TEE) for different activities over a 24-hour period. The Y-axis is 'Percentage of TEE' (0-100) and the X-axis is 'Time of Day' (0-24). The activities and their approximate percentages are:

Time of Day	Sleeping (%)	Resting (%)	Walking (%)	Standing (%)	Sitting (%)	Eating (%)
0	30	10	5	5	5	5
4	35	10	5	5	5	5
8	30	10	10	10	5	5
12	25	10	15	15	5	5
16	20	10	15	15	5	5
20	25	10	10	10	5	5
24	30	10	5	5	5	5


**THE GREGORY**

DESIGN GROUP

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MILBURN, CONNECTICUT 06028

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FAX (905) 479-8496

2101 2000

1/8"=1'-0"	11/13/17
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PROJECT NUMBER	SHEET NUMBER
2021-17	

DESIGNED BY  
C. C. C. C. C.

AS ORDERED BY	10/10/10
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R.G.



REAR (EAST) ELEVATION



LEFT SIDE (NORTH) ELEVATION

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BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA

DATE

The undersigned has reviewed and takes responsibility for his design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Russ Gregory 25625  
DATE DCN

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Design 30306  
FIRST ISSUE DCN

PROJECT TITLE

HOUSE 2021  
23 SIR BODWIN PLACE  
CITY OF MARKHAM



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shane@gregorydesigngroup.net

SCALE

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DATE

11/13/17

PROJECT NUMBER

2021-17

SHEET NUMBER

A-6

DRAWN BY

S. Gregory

CHECKED BY

R.G.

**Memorandum to the City of Markham Committee of Adjustment**  
October 19, 2017

**File:** A/120/17  
**Address:** 23 Sir Bodwin Place Markham  
**Applicant:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday October 25, 2017

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

- a) **Table 11.1:**  
A minimum front yard setback of 20ft, whereas the By-law requires a minimum front yard setback of 25 ft;
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum net floor area ratio of 50.5 percent whereas the By-law permits a maximum net floor area ratio of 45 percent;
- c) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.06 m whereas the By-law permits a maximum building height of 9.8 m.

Application A/120/17 was deferred by the Committee of Adjustment on September 13, 2017 to provide the applicant an opportunity to reduce the overall size of the newly proposed single detached dwelling.

The applicant submitted revised plans on October 17, 2017 which show that the overall size of the dwelling has been reduced.

The applicant had requested at the September 13, 2017 meeting relief from the By-law to permit a minimum front yard setback of 20 ft (6.1 m) whereas the by-law requires a minimum front yard setback of 25 ft (7.62 m). As detailed in the initial staff report (attached as Appendix 'B'), the request for this variance is attributable due to the atypical shape of the lot.

As previously noted, staff are of the opinion that the requested variance is minor and in keeping with the general intent of the zoning by-law and have no concerns with the front yard setback variance request.

The applicant had also initially requested a maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent. This request has now been withdrawn and the proposed lot coverage has been reduced to 34.9% in order to meet the bylaw requirement.

In the original application, the applicant had originally requested a net floor area ratio of 54.5%; whereas the By-law permits a maximum net floor area ratio of 45 percent. Committee had noted at the previous meeting that a further reduction to the floor area can

be achieved. The applicant has now requested a maximum net floor area ratio of 50.5 percent, for the newly proposed dwelling. This was achieved by reducing the total net floor area from 335.6 m<sup>2</sup> (3612 ft<sup>2</sup>) to 310.4 (3341 ft<sup>2</sup>). As noted in the initial staff report, the bylaw requirement would allow for a maximum total net floor area of 276.24 m<sup>2</sup> (2973.42 ft<sup>2</sup>). The variance request would allow for an additional 34.16 m<sup>2</sup> (367.58 ft<sup>2</sup>) of floor area space.

Staff are satisfied with the proposed change and are of the opinion that this reduction is in keeping with the intent of a minor variance approval. Staff have no further concerns with respect to Net Floor Area ratio.

Finally, the applicant has requested a maximum building height of 10.06 m whereas the By-law permits a maximum building height of 9.8 m. As indicated in the original staff report, in this case the crown of the street is approximately 0.85 m (2.8 ft) lower than the grade at the foot of the building and the actual height of the proposed dwelling from grade is 9.2 m (30.2 ft), which meets the by-law requirement. Staff have no concerns with the proposed height of the dwelling.

#### **PUBLIC COMMENT SUMMARY**

As of October 20, three written submissions were received expressing concern over what has been proposed. The following discussion points were provided:

- There are concerns with the validity of the submission given the errors, omissions and inconsistencies.
- The committee asked for a revision closer to 45% NFA ratio hence meaning something smaller in keeping with the community.
- The building mass does not appear to have changed in any significant way that would assist in its integration into the existing community.
- The additional height and mass of this proposed structure would clearly have a negative impact on the privacy to neighbouring properties.
- A shadow study should be completed.

Planning staff have taken into consideration all pertinent aspects of what has been proposed as well as what potential impact the requested variances may have on the subject property as well as the immediate surrounding area.

The request for a shadow study was made at the last committee meeting. A shadow study has not been prepared by the applicant. The subject property is designated 'Residential Low Rise' under the 2014 City of Markham Official Plan which allows for a maximum building height of 3 storeys (Section 8.2.3.4) and staff are of the opinion that a shadow study is not warranted.

#### **CONCLUSION:**

Planning staff have reviewed this application with respect to Section 45 (1) of the Planning Act, R.S.O 1990, c. P.13, as amended and have no concerns with the requested variances for front yard setback, increased net floor area and building height. Staff are satisfied with the revisions made and 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:

A handwritten signature in blue ink, appearing to read "Sean Lapenna", written over a horizontal line.

Sean Lapenna, Planner, East District

REVIEWED BY:

A handwritten signature in blue ink, appearing to read "Sally Campbell", written over a horizontal line.

Sally Campbell, Development Manager, East District

File Path: Amanda\file\ 17 158879 \Documents\District Team Comments Memo

**APPENDIX "A"**

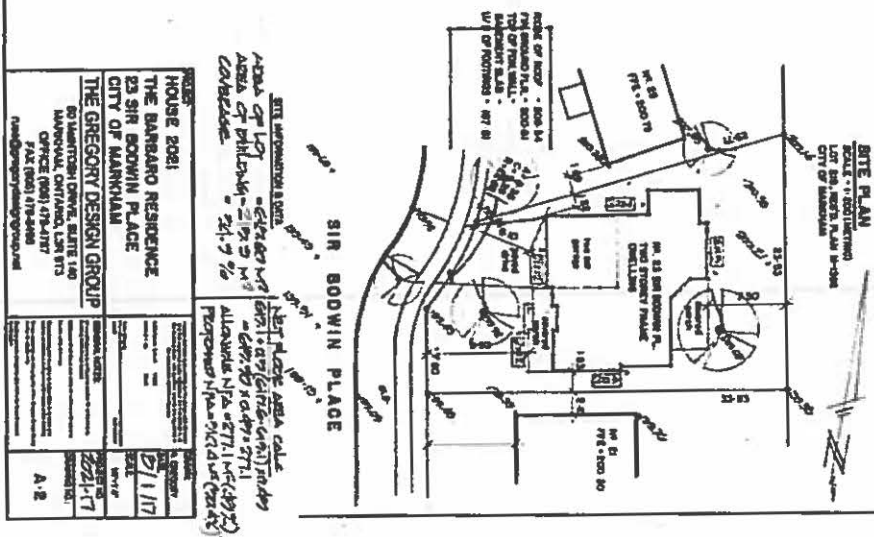
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/120/17**

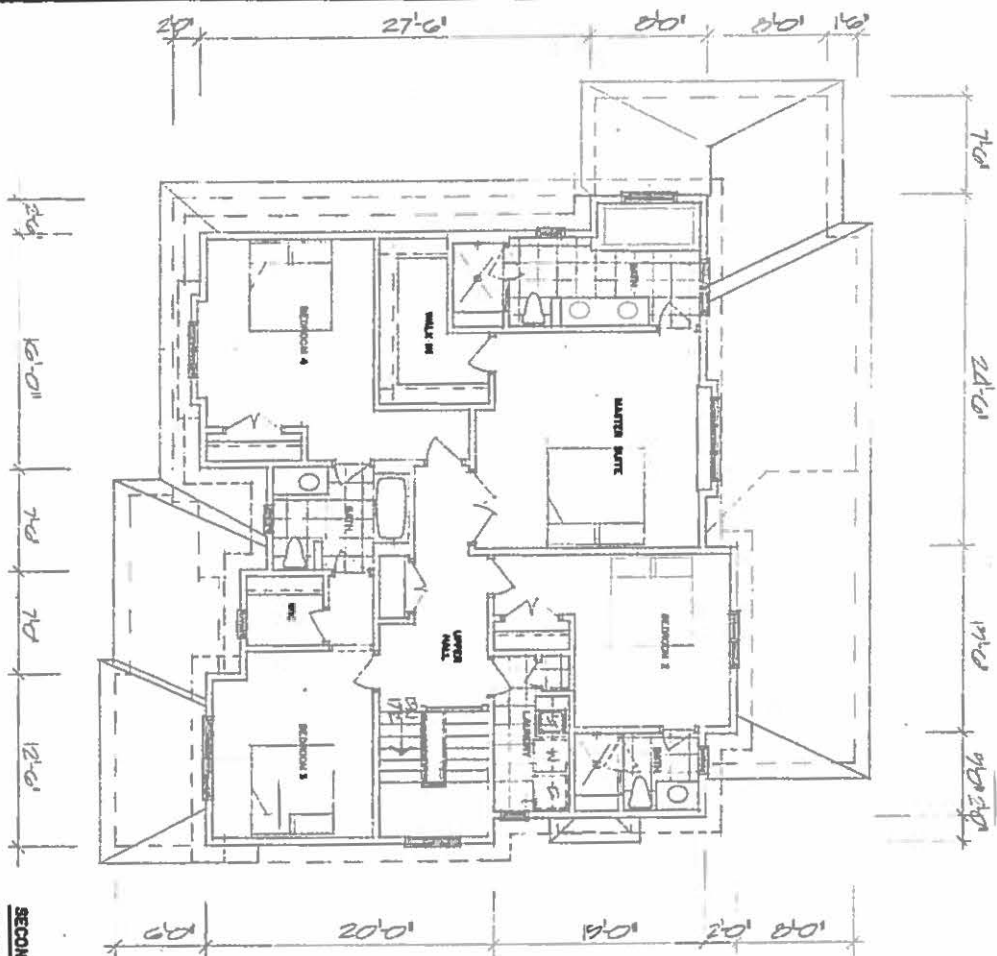
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as "Appendix A" to this Staff Report to the satisfaction of the Director of Planning and Urban Design or designate, 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.
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.

CONDITIONS PREPARED BY:

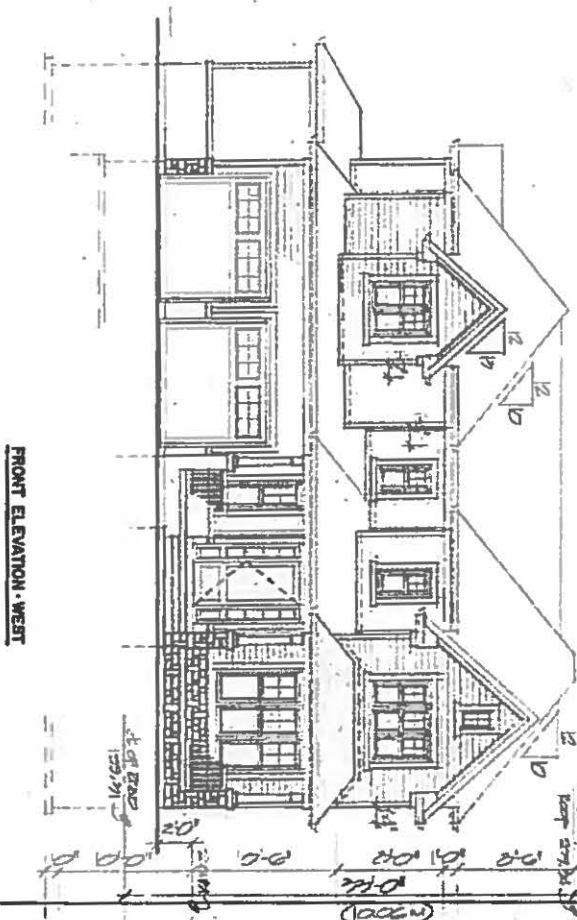
A handwritten signature in blue ink, appearing to read "Sean Lapenna", written over a horizontal line.

Sean Lapenna, Planner, East District





**SECOND FLOOR PLAN**  
 Second Floor Area = 1492 sq ft  
 Gross Area = 172 sq ft  
 Net Floor Area = 1492 sq ft (171.9 m²)



**FRONT ELEVATION - WEST**

<p>PROJECT HOUSE 2021</p> <p>THE GREGORY DESIGN GROUP          80 HAMILTON DRIVE, SUITE 100          MARKHAM, ONTARIO, L3R 9T3          OFFICE (905) 479-4777          FAX (905) 479-4448          info@gregorydesigngroup.com</p>	<p>DATE 1/22/17</p> <p>SCALE 1/8" = 1'-0"</p> <p>BY A.S.</p>
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**Memorandum to the City of Markham Committee of Adjustment**  
**September 7, 2017**

**File:** A/120/17  
**Address:** 23 Sir Bodwin Place Markham  
**Applicant:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday September 13, 2017

The following comments are provided on behalf of the East Team and it is recommended that the matter be deferred.

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

- a) **Table 11.1:**  
A minimum front yard setback of 20 ft, whereas the By-law requires a minimum front yard setback of 25 ft;
- b) **Table 11.1:**  
A maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- c) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum net floor area ratio of 54.5 percent whereas the By-law permits a maximum net floor area ratio of 45 percent;
- d) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.3 m whereas the By-law permits a maximum building height of 9.8 m.

**BACKGROUND**

**Property Description**

The subject property is located on the east side of Sir Bodwin Place, which is north of Highway 7 and west of Wooten Way North. The subject property has an area of 614.59 m<sup>2</sup> (6,615.40 ft<sup>2</sup>), a frontage of 18.28 m (60 ft) and a depth of 33.53 m (110 ft). There is an existing one and a half storey detached dwelling with a gross floor area of approximately 157 m<sup>2</sup> (1,692 ft<sup>2</sup>) which according to assessment records was constructed in 1972. There is a mature tree in the front and one in the rear yard and it appears from the submitted plans that the intent is to preserve both trees.

**Proposal**

The applicant is proposing to demolish the existing dwelling and construct a two storey detached dwelling with an attached double car garage, maintaining the existing driveway configuration at the north site of the property. As outlined in the submitted application, the total gross floor area of the proposed dwelling is 335.6 m<sup>2</sup> (3,612 ft<sup>2</sup>).

**Official Plan and Zoning**

The site is designated 'Residential – Low Rise' in the 2014 Official Plan (partially approved as of October 29, 2015, May 26, 2016, March 10, 2017 & April 21, 2017) which provides for a variety of grade related, low density housing types, including single-detached dwellings.

**Zoning By-law**

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

**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. The proposed development does not comply with the Infill By-law requirements with respect to front yard setback, lot coverage, net floor area ratio and building height.

**Applicant's Stated Reason(s) for Not Complying with by-law provisions**

In the application the following statement was made: "For the construction of a new two storey house with covered porches".

**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.

**Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 20 ft (6.1 m) whereas the by-law requires a minimum front yard setback of 25 ft (7.62 m). The variance request is due to the atypical shape of the lot, specifically the angle of the front property line. Sir Bodwin Place bends sharply to the west with a bulb in the road to provide the turning radius around the corner which effectively eats into the front yards of No. 23 and 25 Sir Bodwin Place. As demonstrated on the submitted site plan, the majority of the front property line of the subject property curves inward toward the existing driveway and garage.

The requested variance applies mainly to the garage component of the proposed dwelling with the main component of the dwelling meeting the minimum setback requirement. Staff are of the opinion that the requested variance is minor and in keeping with the general intent of the zoning by-law and have no concerns with the front yard setback variance request.

#### Increase in Building Height

The applicant is requesting relief to permit a maximum building height of 10.3 m (33.80 ft) whereas the By-law permits a maximum building height of 9.8 m (32.15 ft), which represents an increase of 0.50 m (1.65 ft). Height is defined as the vertical distance of a building or structure measured between the level of the crown (i.e. highest point) of the street at the mid-point of the front lot line and the highest point of the roof surface. In this case the crown of the street is approximately 0.9 m (2.9 ft) lower than the grade at the foot of the building and the actual height of the proposed dwelling from grade is 9.17 m (30.1 ft), which meets the by-law requirements.

Planning staff do not anticipate the increase in height to result in any negative impact on the character of the broader neighbourhood. The variance request in height maintains the intent and purpose of the zoning by-law and is considered to be minor in nature. Staff have no concerns with the proposed height.

#### Lot Coverage and Increase in Net Floor Area Ratio

The applicant is requesting an increase in lot coverage to 36.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent. The lot coverage increase would facilitate the construction of the proposed two storey dwelling with attached double car garage with a total gross floor area of 335.6 m<sup>2</sup> (3612 ft<sup>2</sup>) whereas the By-law would permit a dwelling with a maximum total gross floor area of 276.24 m<sup>2</sup> (2973.5 ft<sup>2</sup>). This represents an increase of 59.36 m<sup>2</sup> (638.5 ft<sup>2</sup>) in gross floor area, which also means that the permitted net floor area ratio is exceeded. Consequently, the applicant is requesting relief from the by-law to permit a maximum net floor area ratio of 54.5 percent, whereas the by-law permits a maximum net floor area ratio of 45 percent and the matters will be discussed together.

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 stairwells). However, when coupled with an increase in lot coverage, it is likely that the resulting dwelling exceeds the scale of infill development intended by the by-law.

Given the character of the area in general and more specifically the existing character along Sir Bodwin Place, Planning staff are mindful of the potential negative impact that may result from the proposed increase in lot coverage and floor area, as well as the other variances, beyond the by-law requirement.

The infill development policies in the 2014 Official Plan seek to ensure that new buildings have heights, massing and scale appropriate for the site and maintain the intent of the applicable zoning by-law provisions for adjacent properties and properties on the same street. The immediate neighbourhood and the street do not display the characteristics of an area under transition and whilst the design, architectural style and articulation of the proposed dwelling are considered appropriate, the building envelope will be exceeded to a point where the new dwelling will be out of scale with the adjacent properties and other properties along Sir Bodwin Place.

Planning staff are of the opinion that the lot coverage should be reduced to meet the bylaw requirement and in turn that the gross floor area be reduced. In addition to reducing the

overall scale of the dwelling, a lot coverage reduction is likely to result in a better relationship between the proposed dwelling and the two neighbouring homes.

#### **PUBLIC INPUT SUMMARY**

As of September 6, 2017, two written submissions were received in support of the minor variance application and three objecting to the proposal. The following is a summary of discussion points that were provided:

- We support the proposed design and variances. Please consider a permeable surface for the driveway such as interlocking brick to offset the increased footprint;
- We have a number of concerns with this application which we will bring to the Committee.
- We would like to express our feeling that we strongly don't want a monster house in our living area. So the building plan is not acceptable. Hope the committee can consider and respect our will.
- These variances would have a huge impact on the quality of our lives and compromise the integrity of our community. The proposed new build would not be in keeping with the other houses.

#### **CONCLUSION**

Based on the discussion above, Planning staff request that the application be deferred, so that staff can work with the applicant to reduce the extent of the variance requests made for lot coverage as well as net floor area ratio.

Staff recommends 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.

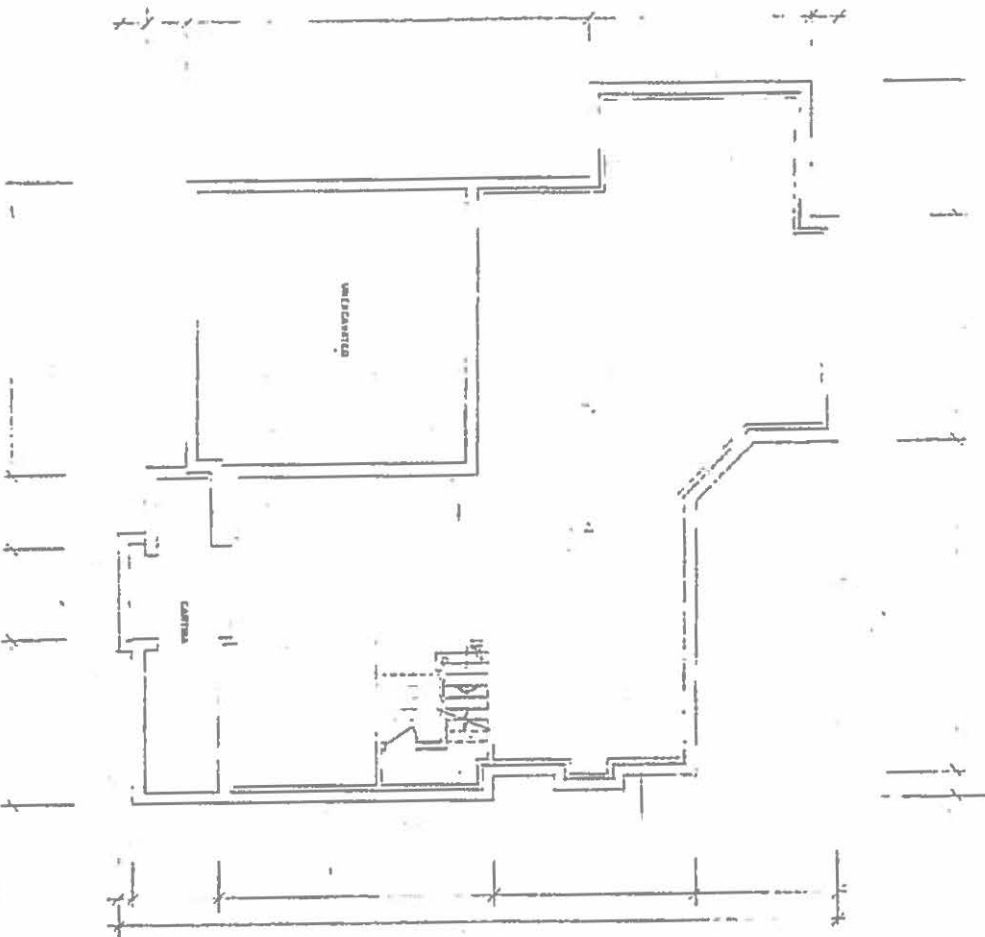
**PREPARED BY:**

  
Sean Lapenna, Planner, East District

**REVIEWED BY:**

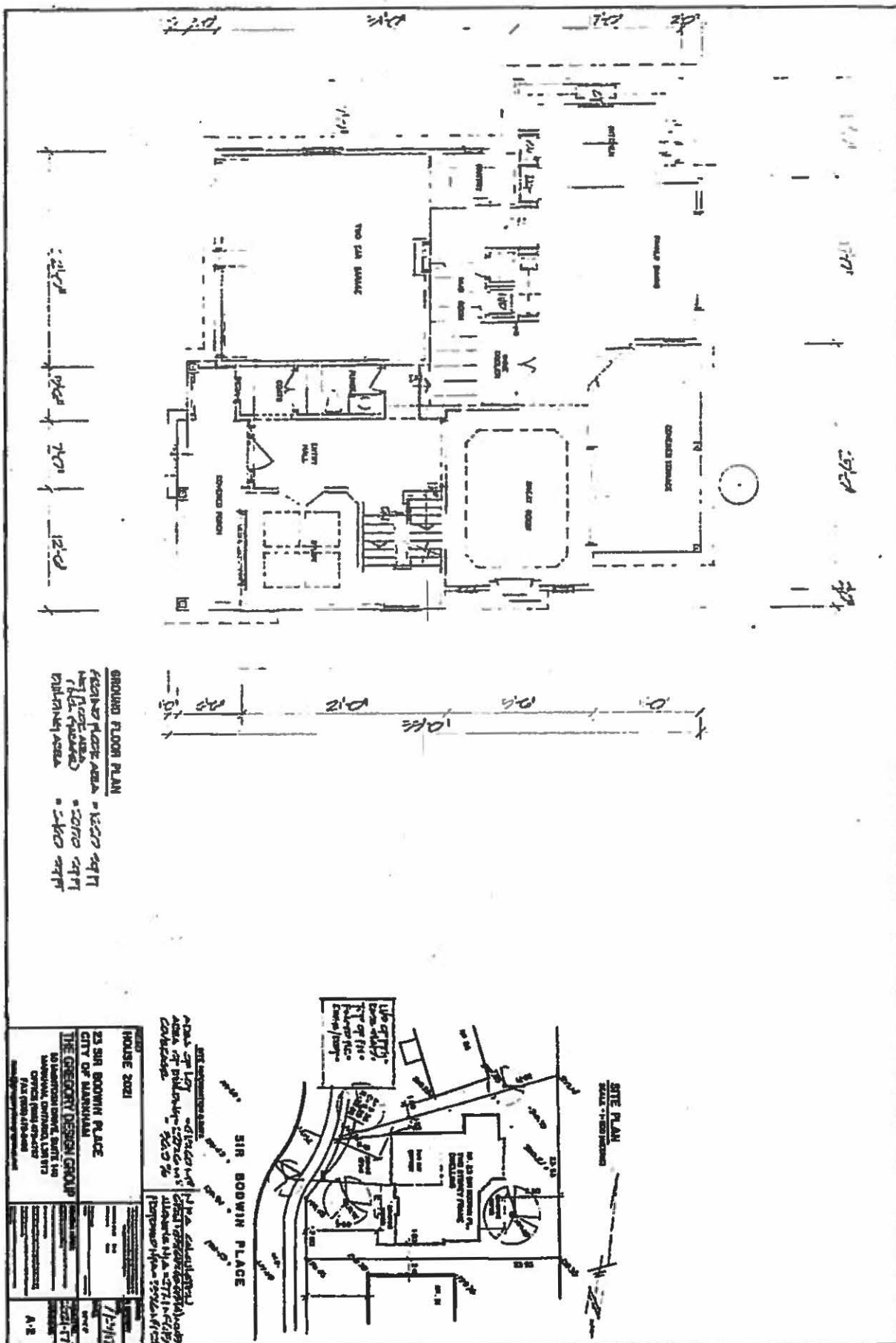
  
Sally Campbell, Development Manager, East District

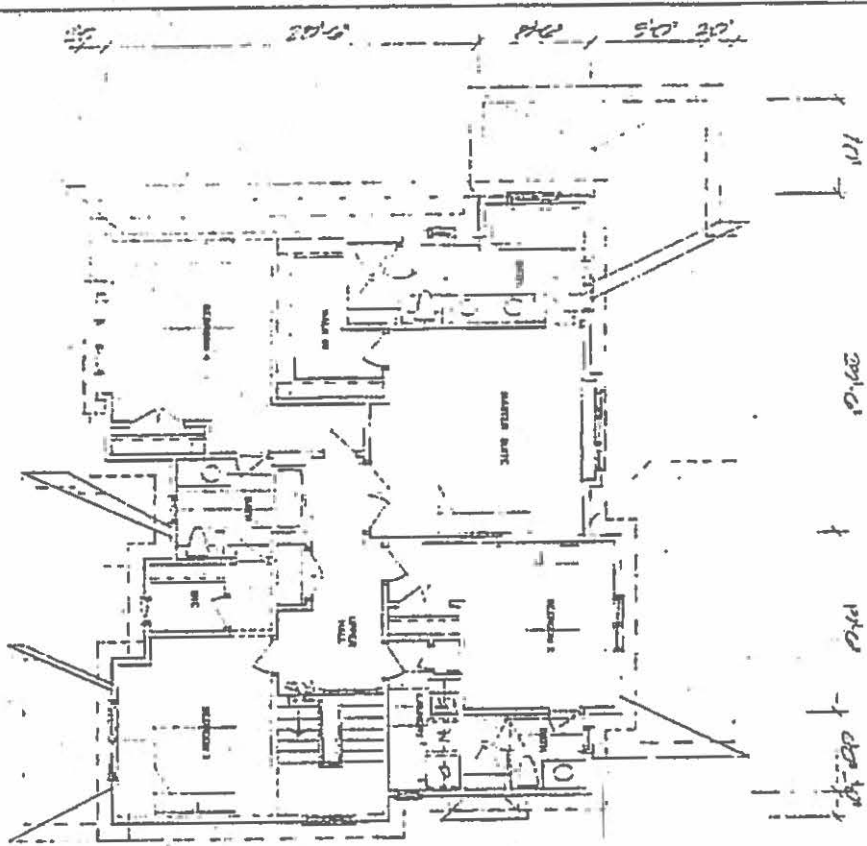
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BASEMENT & FOUNDATION PLAN

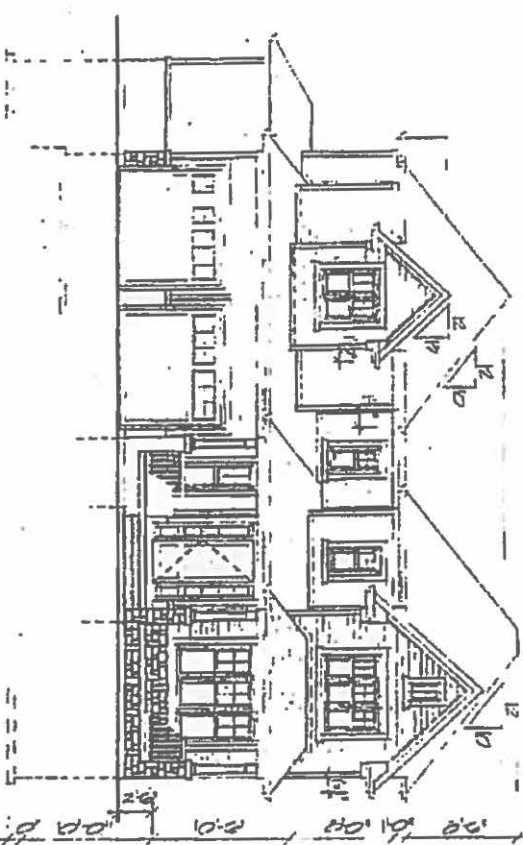
<b>CITY OF MANHATTAN</b> <b>THE GREGORY DESIGN GROUP</b> 300 WEST 11TH STREET, SUITE 100 MANHATTAN, NEW YORK 10011 TEL: (212) 476-1111 FAX: (212) 476-1112 www.gregorydesign.com	
PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	SHEET NO. TOTAL SHEETS SCALE NOTES
A-1	A-1



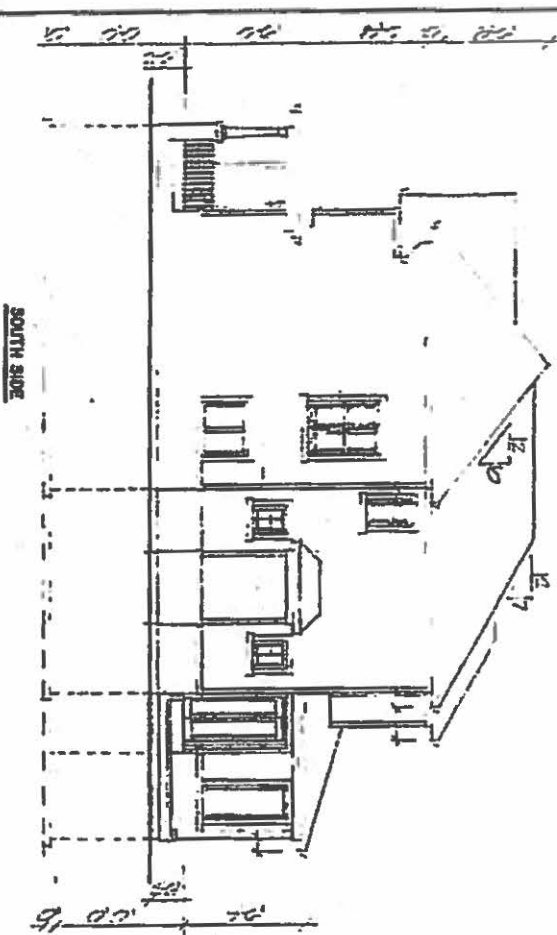
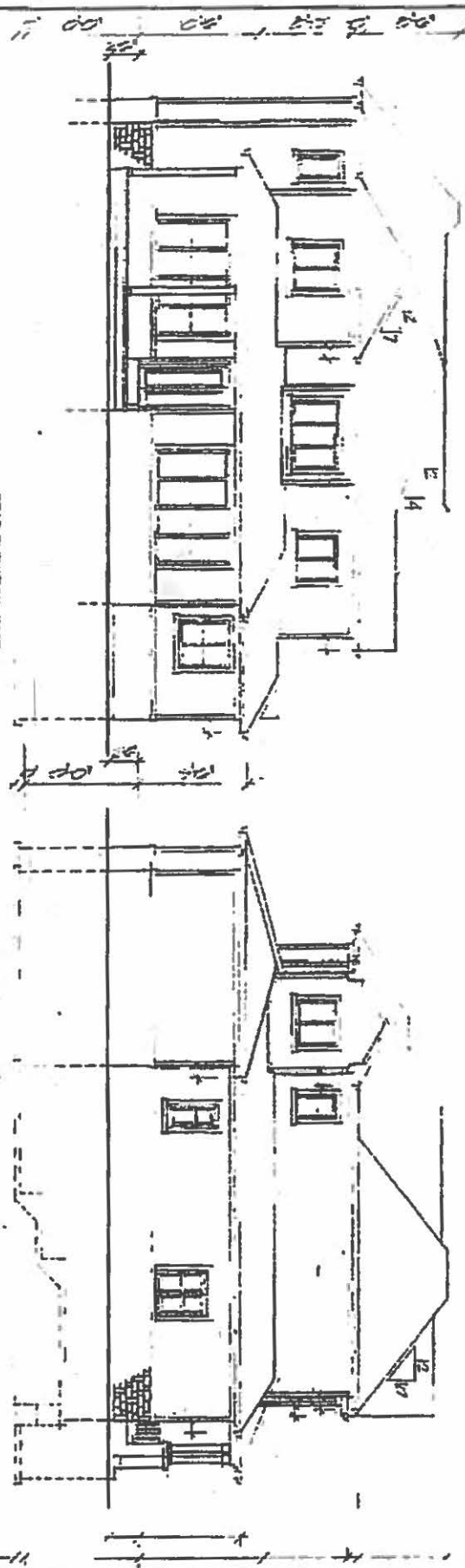


SECOND FLOOR PLAN  
 TOTAL FLOOR AREA = 1623 SQ FT  
 TOTAL AREA = 772 SQ FT  
 TOTAL FLOOR AREA = 1623 SQ FT

FRONT ELEVATION - WEST



HOUSE 2021		DATE	
THE GREGORY DESIGN GROUP		DATE	
40 LAMINGTON DRIVE, SUITE 100		DATE	
BAYBRIDGE, ONTARIO, CANADA		DATE	
OFFICE (905) 478-4187		DATE	
FAX (905) 478-4186		DATE	
www.thegregorydesigngroup.com		DATE	
A-3		DATE	



<p><b>HOUSE 3001</b></p> <p><b>THE GREYCOAT DESIGN GROUP</b></p> <p>80 HANCOCK DRIVE, SUITE 100          LAWRENCE, MASSACHUSETTS 01840          OFFICE 978-687-4497          FAX 978-687-4448  <a href="mailto:info@greycoat.com">info@greycoat.com</a></p>	<p>DATE: 11/11/2011</p> <p>TIME: 11:00 AM</p> <p>BY: [Signature]</p> <p>FOR: [Signature]</p> <p>PROJECT: [Signature]</p> <p>REVISION: [Signature]</p> <p>DATE: 11/11/2011</p> <p>TIME: 11:00 AM</p> <p>BY: [Signature]</p> <p>FOR: [Signature]</p> <p>PROJECT: [Signature]</p> <p>REVISION: [Signature]</p>	<p>DATE: 11/11/2011</p> <p>TIME: 11:00 AM</p> <p>BY: [Signature]</p> <p>FOR: [Signature]</p> <p>PROJECT: [Signature]</p> <p>REVISION: [Signature]</p>
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