

Memorandum to the City of Markham Committee of Adjustment

October 2nd, 2018

File: A/138/18
Address: 76 Walkerton Dr, Markham
Applicant: Liang Jihong
Agent: Zero Degree Studio Inc. (Kelvin Lo)
Hearing Date: Wednesday October 10, 2018

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 (vi):

a maximum Net Floor Area Ratio of 47.5 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent; as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The 613.26 m² (6,601 ft²) subject property is located on the east side of Walkerton Drive, south of Southdale Drive and east of McCowan Road. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached house approximately 211.17 m² (2,273 ft²) on the property, which according to assessment records was constructed in 1966. Vegetation exists on the property including one large mature tree in the front yard.

Proposal

The applicant is proposing to construct a new two storey detached 251.44 m² (2,706.47 ft²) dwelling with a basement 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' under By-law 1229 as amended, which permits a single detached dwelling.

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 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, *"The client need more space for their in laws"*.

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 47.5 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 approximately 291.29 m² (3,135.46 ft²), whereas the By-law permits a dwelling with a maximum floor area of approximately 275.94 m² (2970.24 ft²). This represents an increase of approximately 15.35 m² (165.22 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). Other than the space associated with the stairs, there is no other open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law.

Records indicate that no other dwelling on the street has applied for a net floor area ratio variance. While the requested net floor area is larger than the majority of homes on the street, the proposal meets all other zoning provisions (such as setbacks, height and lot coverage), and in some instances exceeds the minimum required provisions (side yard setback for one and two-storey portion, front and rear yard setbacks). These setbacks establish the prescribed building envelope. The proposed dwelling is within the prescribed building envelope except for the floor area ratio. Given this, Staff are of the opinion that the increase in floor area ratio is minor and, still in keeping with the character of the neighbourhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 2nd, 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 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradan, Development Manager, East District

File Path: Amanda\file\ 18 250010 \Documents\District Team Comments Memo

APPENDIX "A"

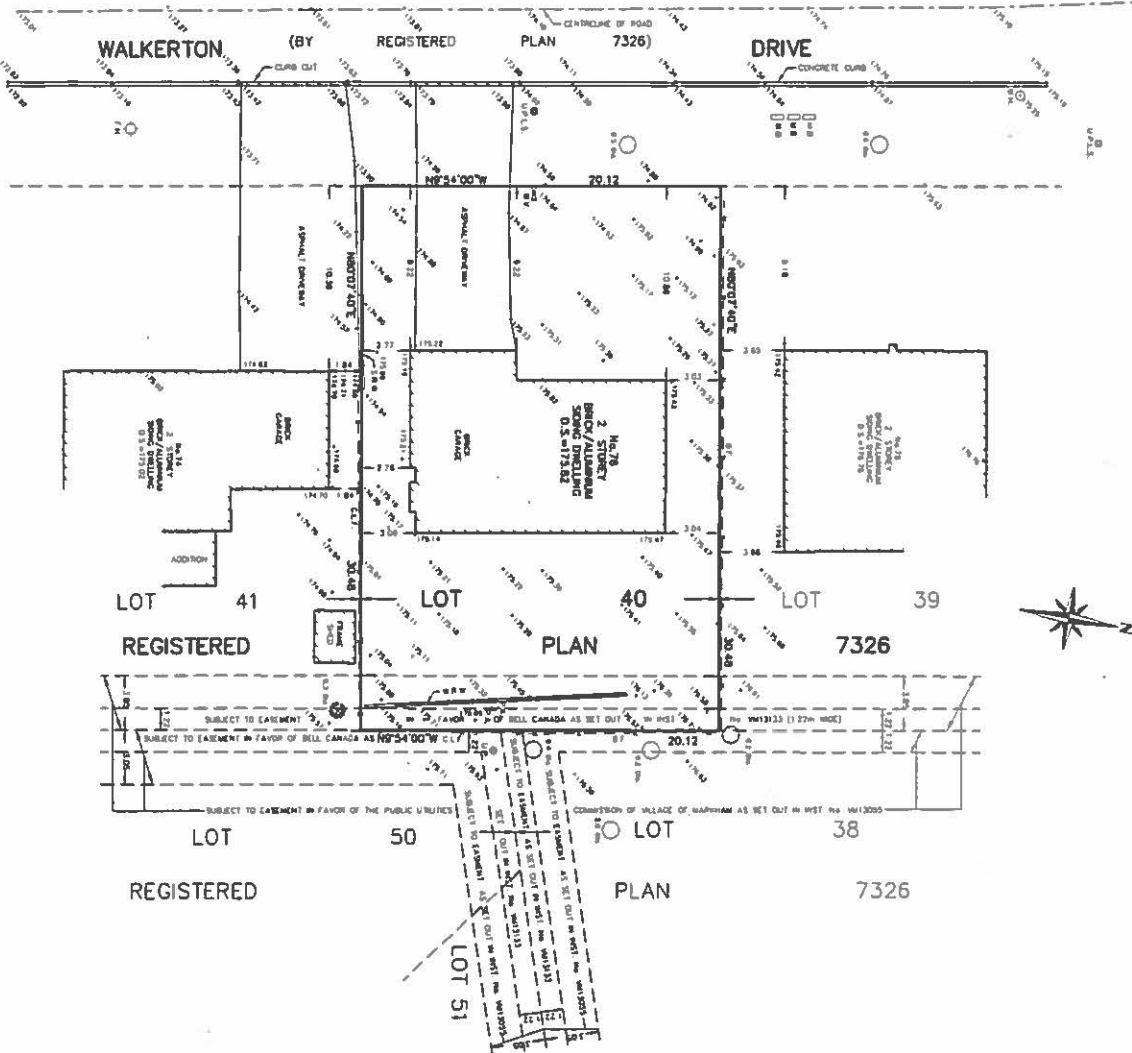
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/18

1. That the rear patio 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 dated September 07, 2018 and October 1, 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;
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



TOPOGRAPHIC SURVEY OF
LOT 40, REGISTERED PLAN 7326
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND
 P.M. DENOTES PROPERTY IDENTIFIER NUMBER
 D.S. DENOTES PROPERTY IDENTIFIER NUMBER
 N.S.E.W. DENOTES NORTH, SOUTH, EAST, WEST
 B.F. DENOTES BOUNDARY FENCE
 C.L.F. DENOTES CHAIN LINK FENCE
 W.R.W. DENOTES WOOD RETAINING WALL
 S.R.W. DENOTES STONE RETAINING WALL
 P.A. DENOTES POLE ANCHOR
 P.H. DENOTES POLE HUBBARD
 U.P. DENOTES UTILITY POLE
 L.S. DENOTES LIGHT STANDARD
 M.H. DENOTES MAN HOLE
 C.B. DENOTES CATCH BASIN
 M.B. DENOTES MAIL BOX
 C.D. DENOTES CONCRETE DRIVE
 D.D. DENOTES DECIDUOUS TREE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE
CITY OF MARKHAM BENCHMARK (ELEVATION 100.00 METRES) HAVING AN ELEVATION
OF 100.00 METRES DETERMINED BY SURVEY OF THE CITY OF MARKHAM
DRIVE AND 400 METRES EAST OF INDEPENDENT DRIVE

CERTIFICATE

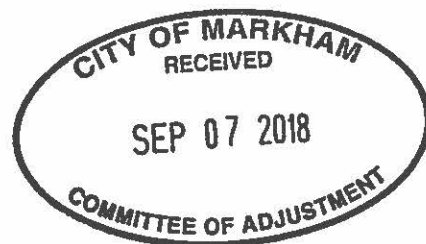
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE
COMPLETED ON THE 08th DAY OF SEPTEMBER, 2017

SEPTEMBER 15, 2017
DATE
2. ZENG
ONTARIO LAND SURVEYOR

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR
MORTGAGE OR TRANSACTION PURPOSES.

MANDARIN SURVEYORS LIMITED
 42 RIVERVIEW AVENUE, SUITE 100, MARKHAM, ONTARIO L3R 9V7
 TEL: (905) 477-1100 FAX: (905) 477-1101
 TOLL FREE: 1-800-461-1100 C-9444 MANDARINSURVEYORS.COM



(BY REGISTERED DRIVER)

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PLAN 7326

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PLAN 7326



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KEY PLAN
N.T.S.

**FOR PROPOSED BUILDING OF OMAHA TOWER
REFER TO PROPOSED OMAHA TOWER PLAN PROVIDED BY
MILWAUKEE SUBMITTER LIMITED
ONTARIO LAND DEVELOPMENTS**

41 Grandview Circle West
Toronto, Ontario M7T 1A5
Tel: (416) 461-1100 Fax: (416) 461-1101
Web: <http://www.milwaukee.com>

408 Ave. 201 E. 2nd
Calgary, Alberta T2C 1P4

SITE INFORMATION TAKEN FROM
TOPOGRAPHIC MAPS OF LOT 46
REGON FIELD PLANS 1735
CITY OF BANGOR
AND ORDINANCE 66.000.0047 & CITY CODE,
PREFACE D. 6
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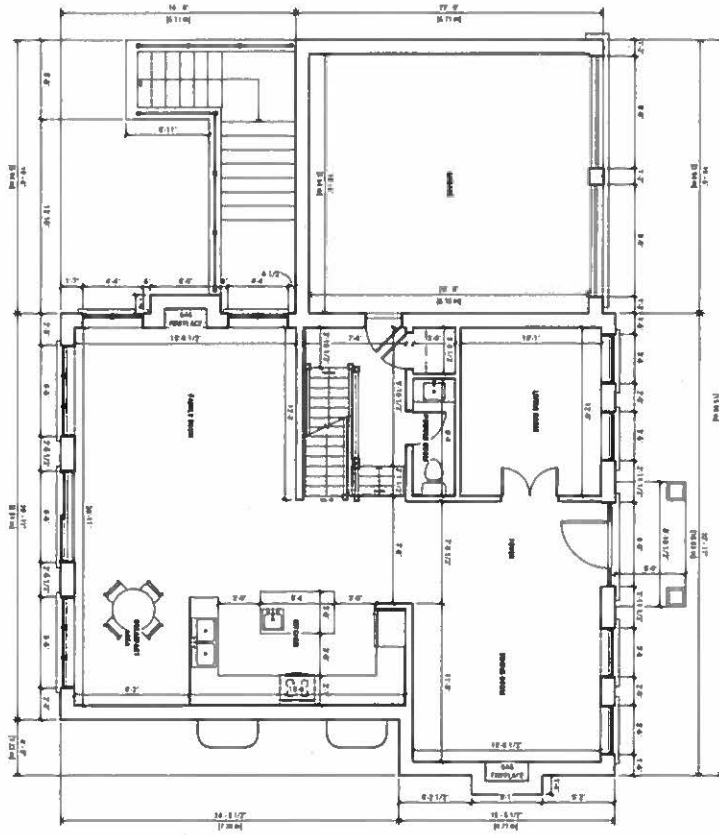
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PROPOSED TWO STOREY SINGLE FAMILY DWELLING
76 WALKERTON DRIVE
MARKHAM, ON, L3P 1H8

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1. FIRST FLOOR PLAN
1/4" = 1'-0"



2. BASEMENT PLAN
1/4" = 1'-0"

