

Memorandum to the City of Markham Committee of Adjustment

January 30, 2018

File: A/143/17
Address: 10 Windridge Drive Markham
Applicant: Sirlin Giller & Malek Architects (Lawrence Malek)
Owner: Haifeng Zhang
Hearing Date: Wednesday February 7, 2018

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

- a) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.05 m whereas the By-law permits a maximum building height of 9.8 m;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum net floor area ratio of 53.8 percent whereas the By-law permits a maximum net floor area ratio of 45 percent; as it relates to a proposed new residential dwelling.

BACKGROUND

Application A/143/17 was deferred by the Committee of Adjustment on November 29, 2017. Staff had recommended deferral of the application in order 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 January 3, 2018 (see attached).

In the original application, the applicant had requested a net floor area ratio of 58 percent; whereas the by-law permits a maximum net floor area ratio of 45 percent. The proposed increase to the net floor area ratio was intended to allow for the construction of a two-storey detached dwelling on the property with a total GFA of 592.56 m² (6,378.30 ft²) whereas the by-law permits a dwelling with a maximum total GFA of 366 m² (3,938.4 ft²). The GFA listed in the initial application included the floor area calculations for each floor (basement, ground and second floors).

According to the plans submitted on January 3, 2018 a GFA of 438 m² (4,713 ft²) has now been proposed. As indicated on the revised plans however, "the cellar portion is excluded in the total G.F.A calculation". The 438 m² (4,713 ft²) of Gross Floor Area proposed applies to the ground floor (2,421ft²) and the second floor (2,292 ft²) only.

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.

Building Height

In the original application, the applicant had requested a building height of 10.5 m (34.45 ft) whereas the by-law permits a maximum building height of 9.8 m (32.15 ft). The applicant has now requested a maximum building height of 10.05 m (33.0 ft).

The requested height variance is attributed to the fact that the crown of the street is approximately 0.19 m (0.62 ft) lower than the grade at the foot of the building. The actual height of the proposed dwelling from grade is 9.86 m (32.34 ft) which is an increase of 0.20 m (0.66 ft) beyond the by-law requirement. Staff consider this increase to be minor in nature and have no concerns with the proposed height of the dwelling.

Floor Area Ratio

As a zoning preliminary review has not been completed, Planning staff are unable to confirm whether or not any of the floor space for the basement needs to be included into the total Gross Floor Area calculation for the newly proposed dwelling.

Based on information presented on the revised plans, Planning staff are of the opinion that the proposed dwelling is not comparable in size with other new infill developments along Windridge Drive, including several homes that obtained minor variance approvals for net floor area ratio increases between 48 percent and 50.2 percent.

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.).

Staff are of the opinion that the requested variance should be reduced to ensure that the scale of the Single Detached Dwelling is appropriate in the context of the evolving character of the community and will meet the general intent of the zoning by-law.

PUBLIC COMMENT SUMMARY

No written submissions for the minor variance application has been received as of January 30, 2018.

CONCLUSION

Based on the discussion above, Staff requests that the application be deferred, so that Planning can work with the applicant to reduce the request made for net floor area ratio.

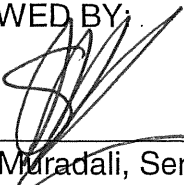
Staff recommends that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



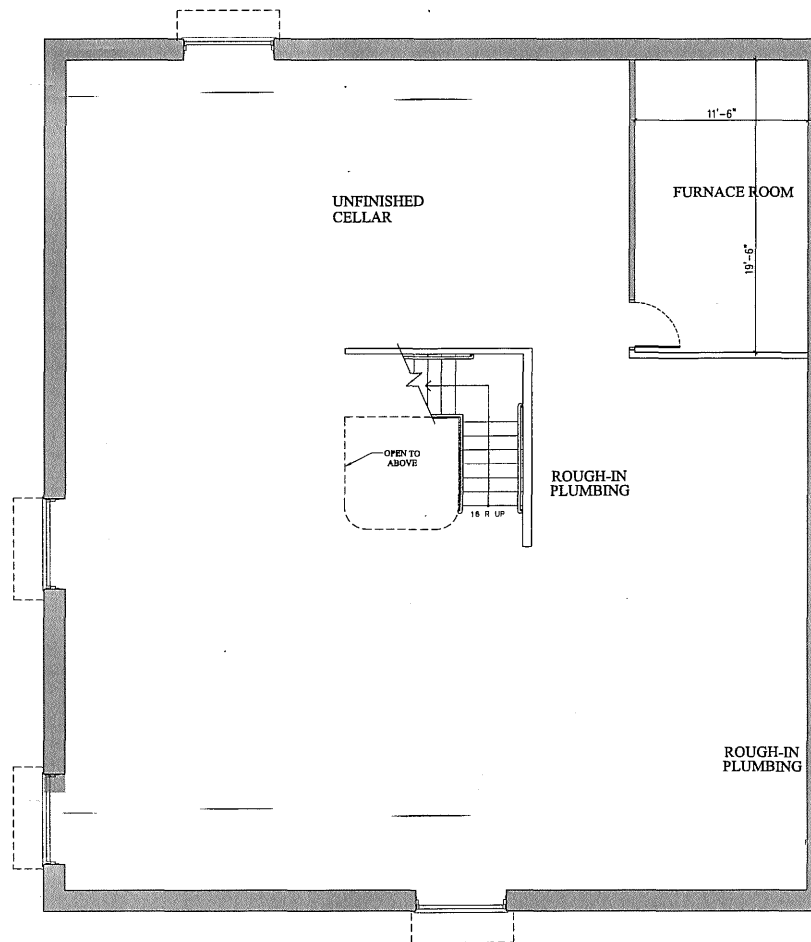
Sean Lapenna, Planner, East District

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 17 178622 \Documents\District Team Comments Memo



**Sirlin
Giller
& Malek
Architects**

15 Lela road Tel: (416) 781-6125
Toronto, ON M5P 1E5 Fax: (416) 781-2874
sgmarch@sgm-arch.com



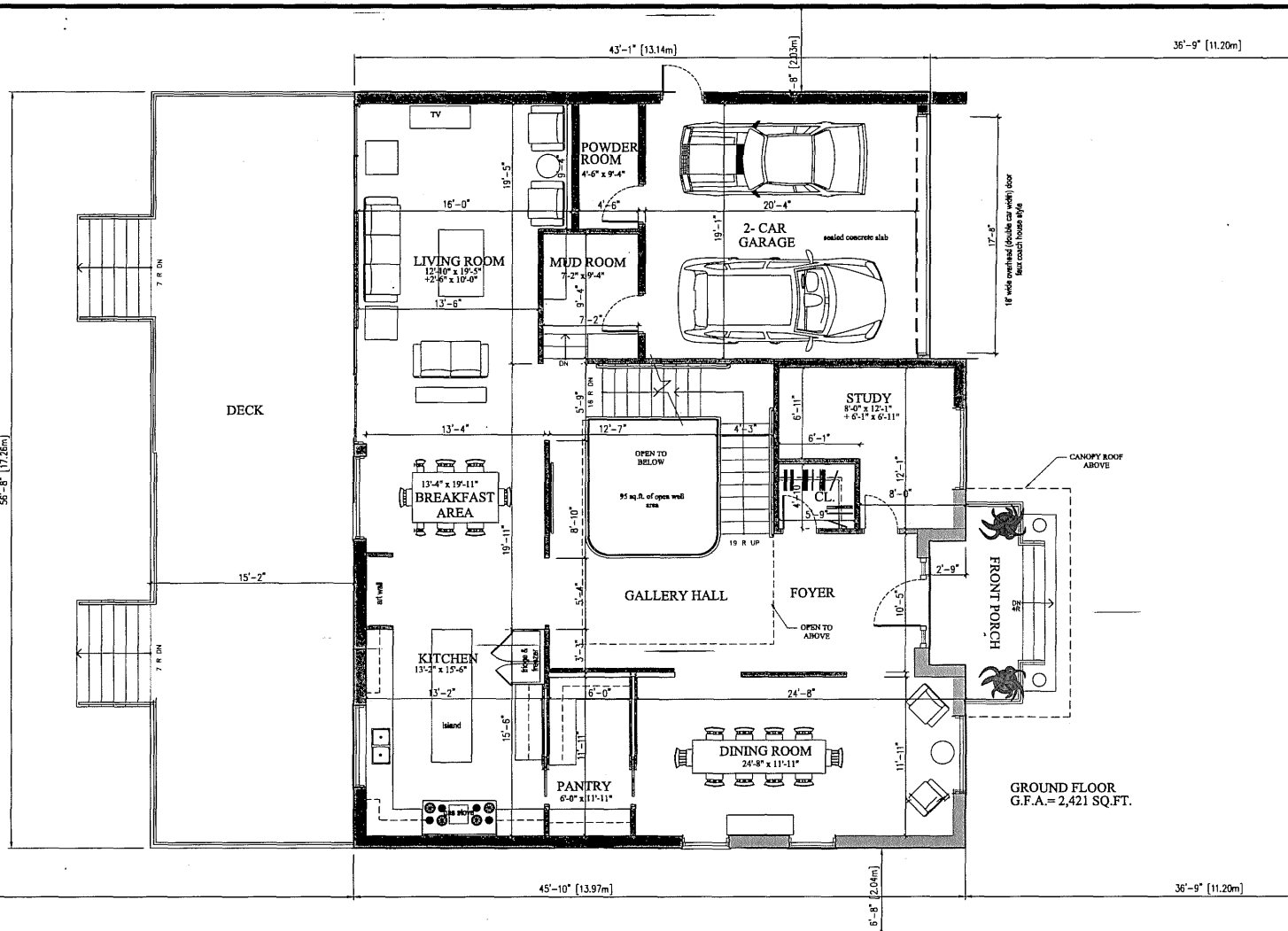
2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**CELLAR
PLAN**

A2-1

SCALE 1/8"=1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lola road Tel: (416) 781-6125
Toronto, ON M5P 1E5 Fax: (416) 781-2874
sgmarch@sgm-arch.com



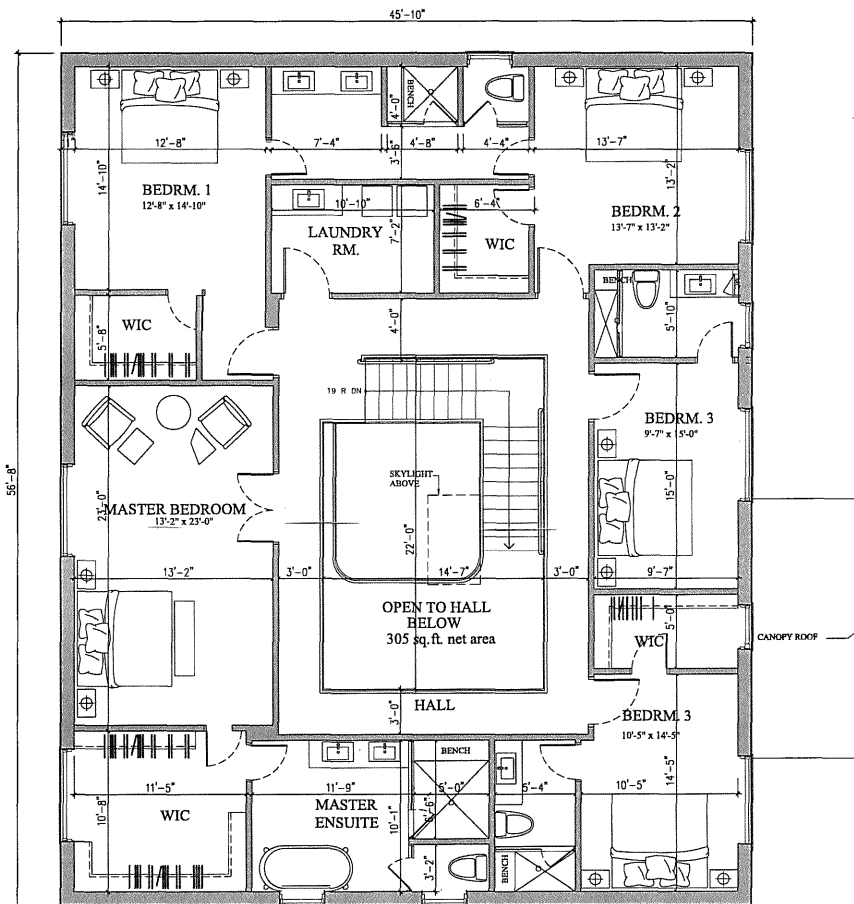
2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**GROUND
FLOOR PLAN**

A2-2

SCALE 1/8"=1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



2,292 square feet



**Sirlin
Giller
& Malek
Architects**

15 Lola road Tel: (416) 781-6125
Toronto, ON M5P 1E5 Fax: (416) 781-2874
sgmarch@sgm-arch.com



2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**SECOND
FLOOR PLAN**

A2-3

SCALE 1/8"=1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lola road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
sgmarch@sgm-arch.com



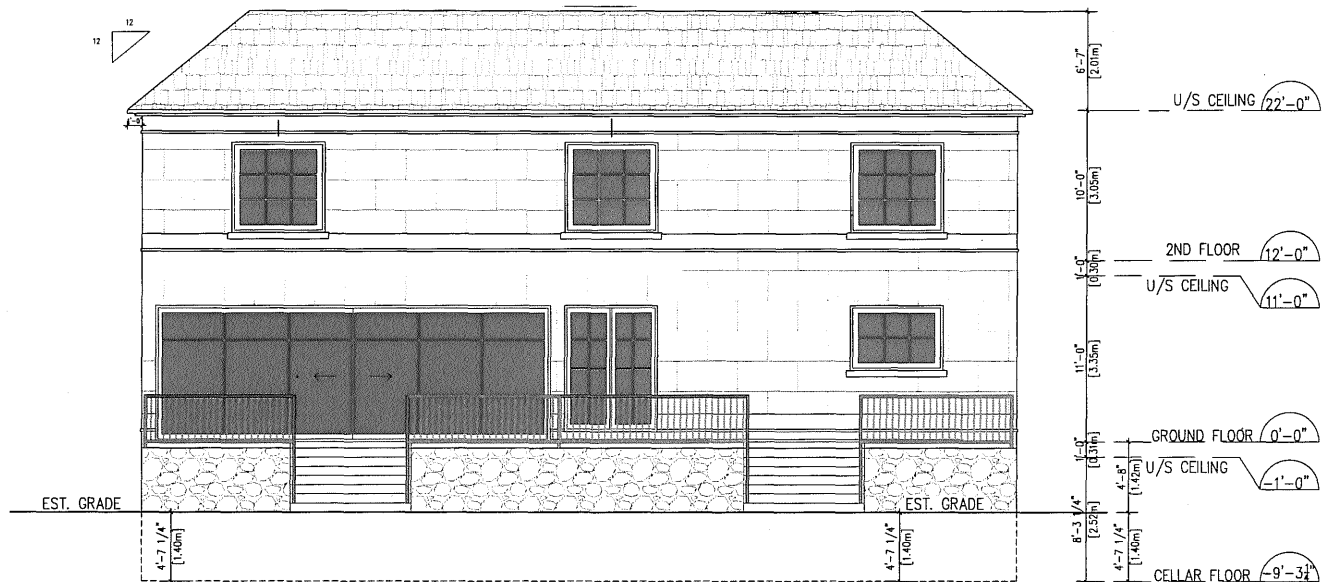
2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE EAST ELEVATION
MARKHAM, ONTARIO (FRONT ELEVATION)



A3-1

SCALE DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



SG & M
Sirlin Giller & Malek Architects

15 Lola road
 Toronto, ON M5P 1E5
 Tel: (416) 781-6125
 Fax: (416) 781-2874
 sgmarcho@sgm-arch.com



2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

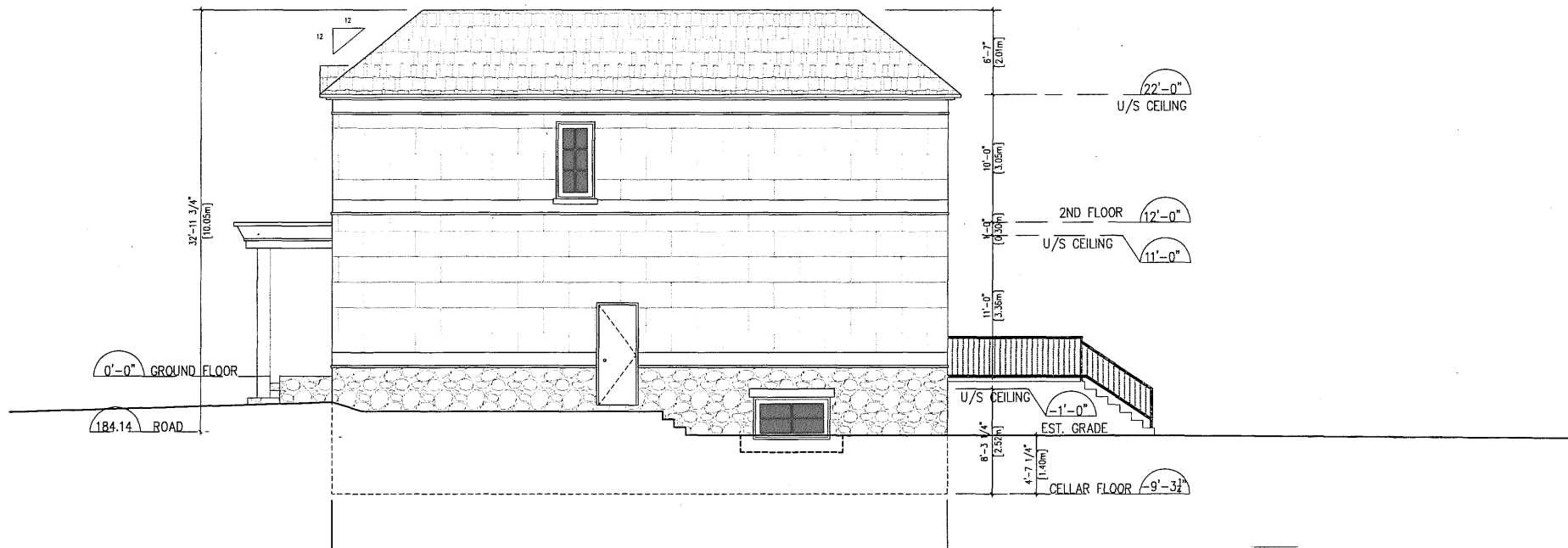
10 WINDRIDGE DRIVE
 MARKHAM, ONTARIO

WEST ELEVATION
(BACK ELEVATION)



A3-2

SCALE DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lola road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
sgmararch@sgm-arch.com



2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

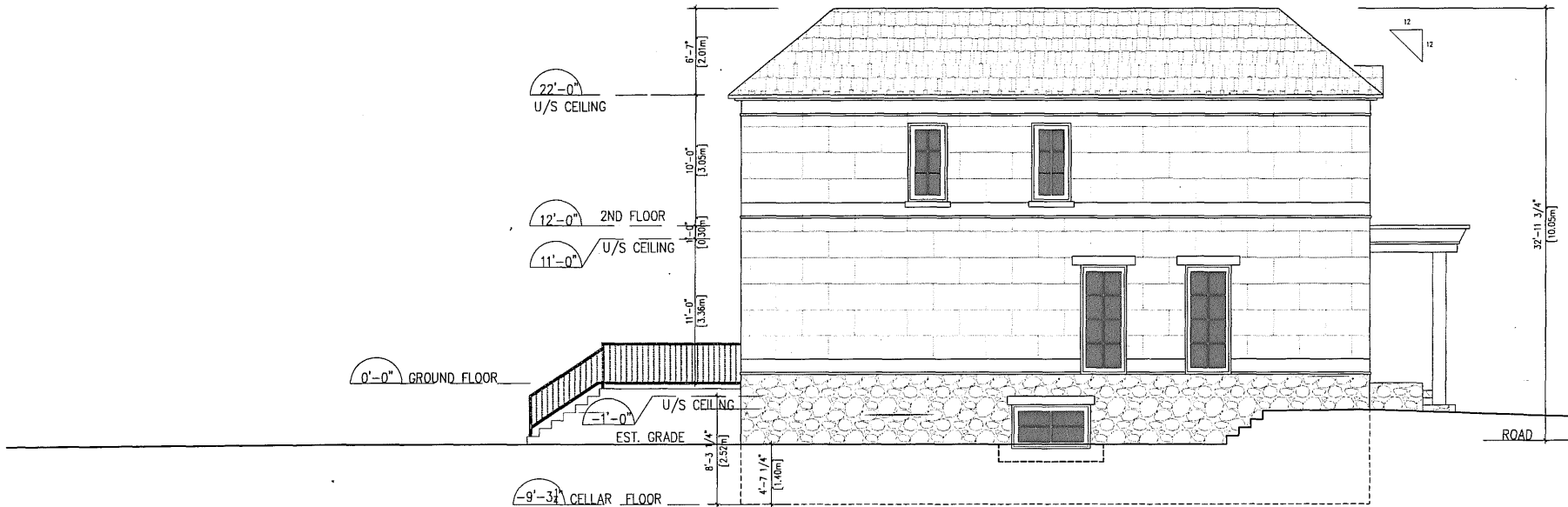
10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**NORTH ELEVATION
(SIDE ELEVATION)**



A3-3

SCALE DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lola road Tel: (416) 781-6125
Toronto, ON M5P 1E5 Fax: (416) 781-2874
sgmarch@sgm-arch.com



2017/12/28	2	RE-ISSUED FOR COA	LM
2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**SOUTH ELEVATION
(SIDE ELEVATION)**



A3-4

SCALE DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.

Memorandum to the City of Markham Committee of Adjustment

November 23, 2017

File: A/143/17
Address: 10 Windridge Drive Markham
Applicant: Sirlin Giller & Malek Architects (Lawrence Malek)
Owner: Haifeng Zhang
Hearing Date: Wednesday November 29, 2017

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

- a) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.5m whereas the By-law permits a maximum building height of 9.8m;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum net floor area ratio of 58 percent whereas the By-law permits a maximum net floor area ratio of 45 percent; as it relates to a proposed new residential dwelling.

BACKGROUND

Property Description

The subject property is located on the west side of Windridge Drive, which is north of Highway 7 and west of Markham Main Street North. The subject property has an area of 1013 m² (10,904 ft²), a frontage of 21.34 m (70.0 ft) and a depth of 47.55 m (156 ft). There is an existing one storey detached dwelling with attached one car garage that has a gross floor area of approximately 127 m² (1363 ft²) which according to assessment records was constructed in 1953.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two storey detached dwelling with attached double car garage. As per the submitted application, the total gross floor area of the proposed dwelling is 592.56 m² (6,378.30 ft²).

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- Single Detached Dwelling 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 building height and net floor area ratio.

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

In the application the following statement was made: "Function of the house design for a second floor to address the family's needs is not supported by the current net floor area ratio. Height of the house to allow for the appropriate ceiling height and exterior aesthetics can not be achieved with the current zoning building height allowed".

PUBLIC INPUT SUMMARY

No written submissions for the minor variance application have been received as of November 23, 2017.

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 Net Floor Area Ratio

The applicant is requesting relief from the By-law to permit a maximum net floor area ratio of 58 percent; whereas the By-law permits a maximum net floor area ratio of 45 percent. The proposed increase to the net floor area ratio would allow for the construction of a two-storey detached dwelling on the property with a total GFA of 592.56 m² (6,378.30 ft²) whereas the Bylaw permits a dwelling with a maximum total GFA of 366 m² (3938.4 ft²).

Increase in Building Height

The applicant is requesting relief to permit a maximum building height of 10.5m (34.45 ft) whereas the By-law permits a maximum building height of 9.8m (32.15 ft).

The variance request is in part due to how the dwelling was designed. Specifically, as per the submitted plans, the finished first floor is 0.69m (2.27 feet) higher than that of the proposed top of garage slab.

Planning staff are mindful of any potential negative impact that the proposed increase in building height as well as net floor area ratio could potentially have.

A 1.82m (6.00 ft) setback has been proposed along the side yard property line to the north abutting 14 Windridge Drive, which is currently occupied by a one storey single detached dwelling. Although this meets the minimum side yard setback requirement as identified under the infill bylaw, the proposed increase in height beyond the bylaw requirement in addition to the overall increase in massing resulting partially due to the increase in gross floor area, is of concern to Planning staff given the close proximity to the neighbouring property.

CONCLUSION

Based on the discussion above, Staff requests that the application be deferred, so that Planning can work with the applicant to reduce the requests made for building height as well as net floor area ratio.

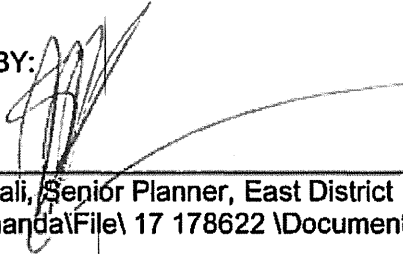
Staff recommends that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



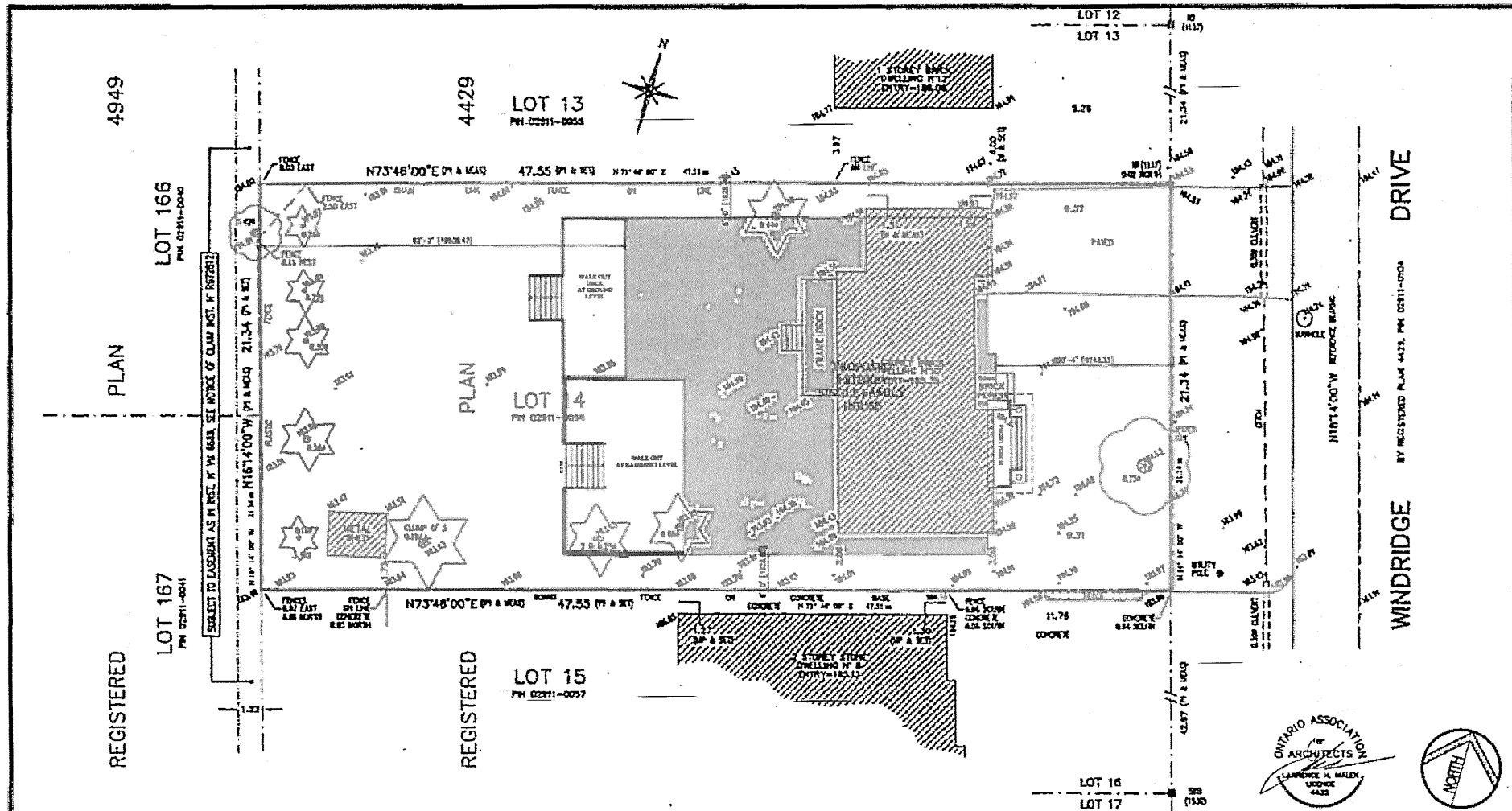
Sean Lapenna, Planner, East District

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 17 178622 \Documents\District Team Comments Memo



SG & M
**Sirlin
Giller
& Malek
Architects**

15 Lake road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
sgmarch@sgm-arch.com

DATE	NO.	DESCRIPTION	BY
2017/10/19	1	ISSUED FOR COA	LM

SCALE	1/16"=1'-0"	DRAWN	LM	CHECKED	LM	DATE	PROJ. NO.	2017-24	DRAWING NO.
-------	-------------	-------	----	---------	----	------	-----------	---------	-------------

4949

PLAN

REGISTERED

LOT 167

PM 02911-0041

LOT 166

PM 02911-0040

SUBJECT TO EASEMENT AS IN PART N° 1111, SEE RECORD OF CLAIM DIST. N° 857281

REGISTERED

LOT 15
PM 02911-0057

PLAN

LOT 14
PM 02911-0054

4429

LOT 13
PM 02911-0055

LOT 13

LOT 16

LOT 17

WINDRIDGE DRIVE

BY REGISTERED PLAN 4418, PM 02911-004



**Sirlin
Giller
& Malek
Architects**

15 Lala road
Toronto, ON M5P 1E5

Tel: (416) 781-6125
Fax: (416) 781-2874
syrin@sgm-arch.com

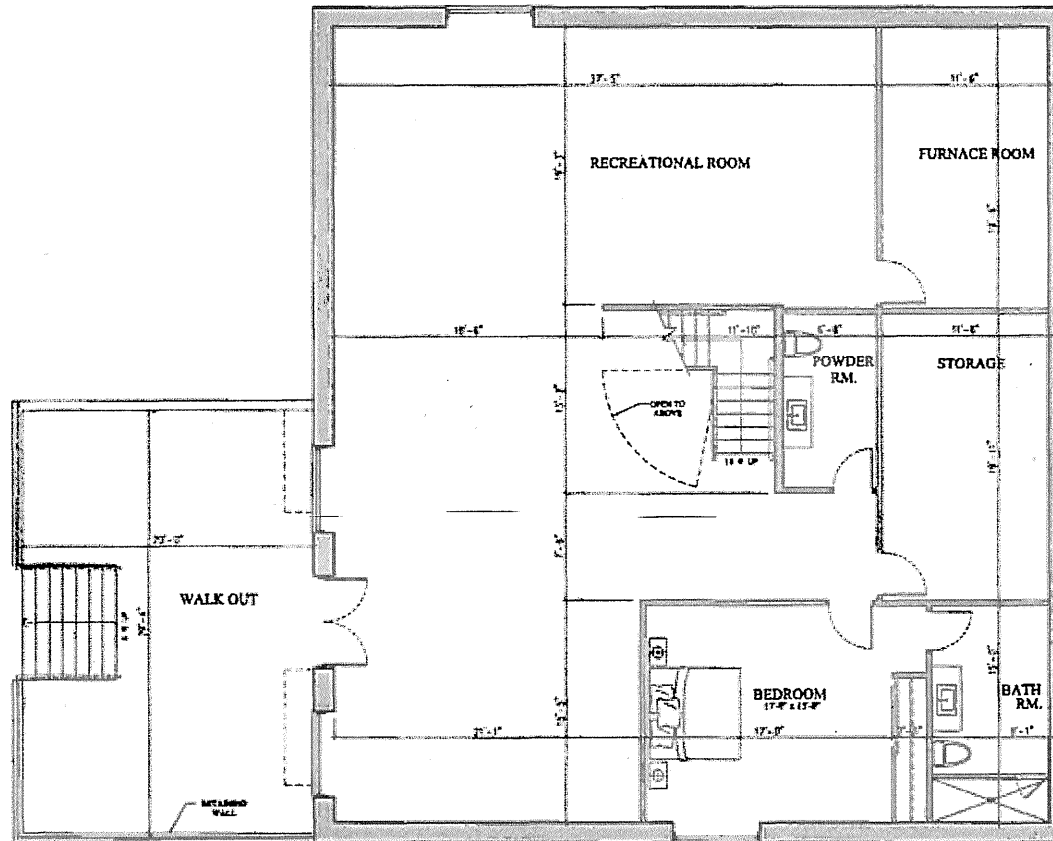
2017/10/19	1	ISSUED FOR COA	LM	
DATE	NO.	DESCRIPTION	BY	

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

SITE PLAN
(EXISTING)

A1-1E

SCALE 1/16"=1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



SG & M
Sirlin Giller & Malek Architects
 15 Lala road
 Toronto, ON M5P 1E5
 Tel: (416) 781-6125
 Fax: (416) 781-2874
 sgma@sgma-arch.com

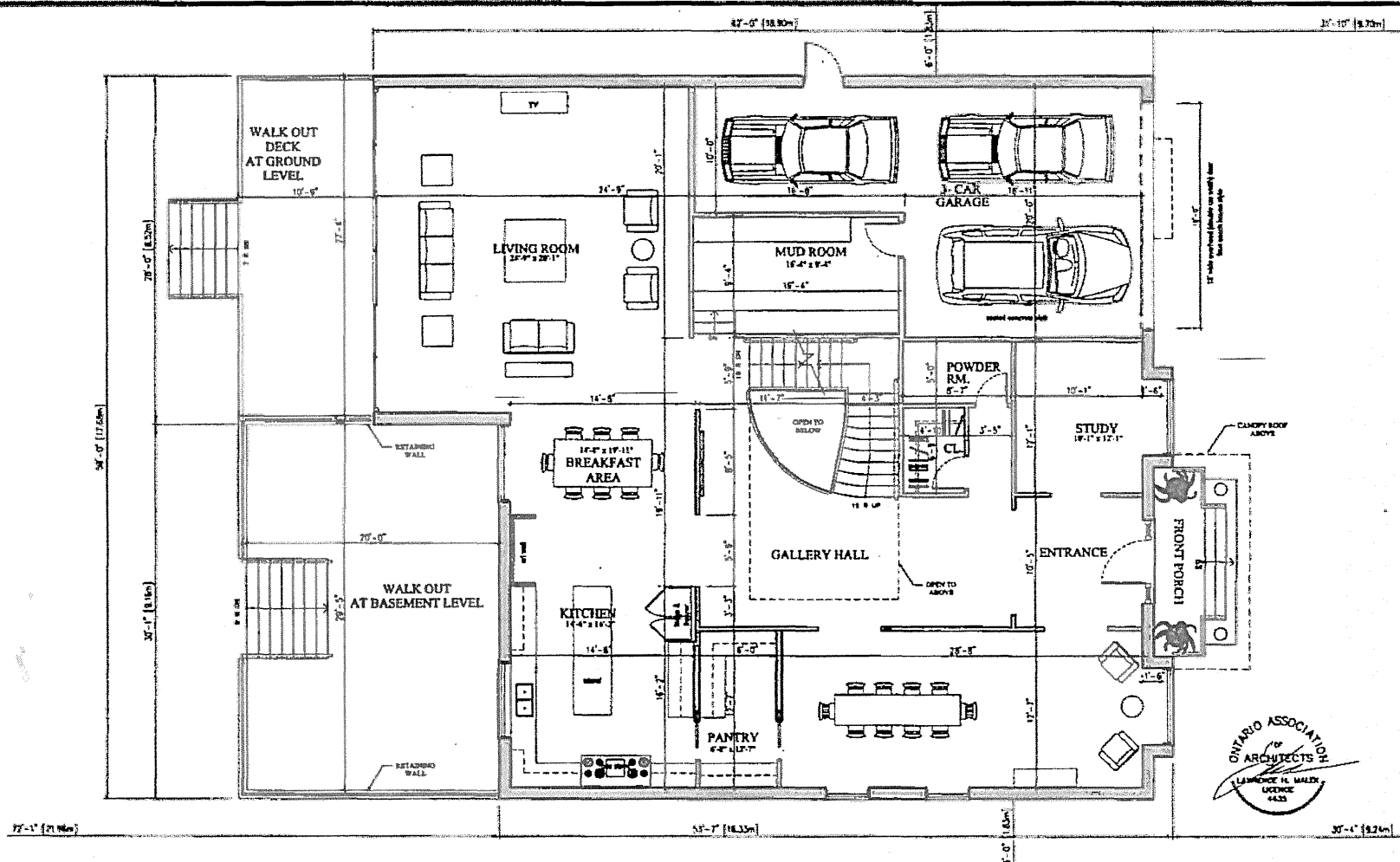
2017/10/19	3	ISSUED FOR COA	LM
2017/05/30	3	ISSUED FOR CLIENT'S REVIEW	LM
2017/05/08	2	ISSUED FOR CLIENT'S REVIEW	LM
2017/05/02	1	ISSUED FOR CLIENT'S REVIEW	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**BASEMENT
 FLOOR PLAN**

A2-1

SCALE: 1/8" = 1'-0" DRAWN: LM CHECKED: LM DATE: 2017-24 PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lala road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
sirmalek@sgm-arch.com

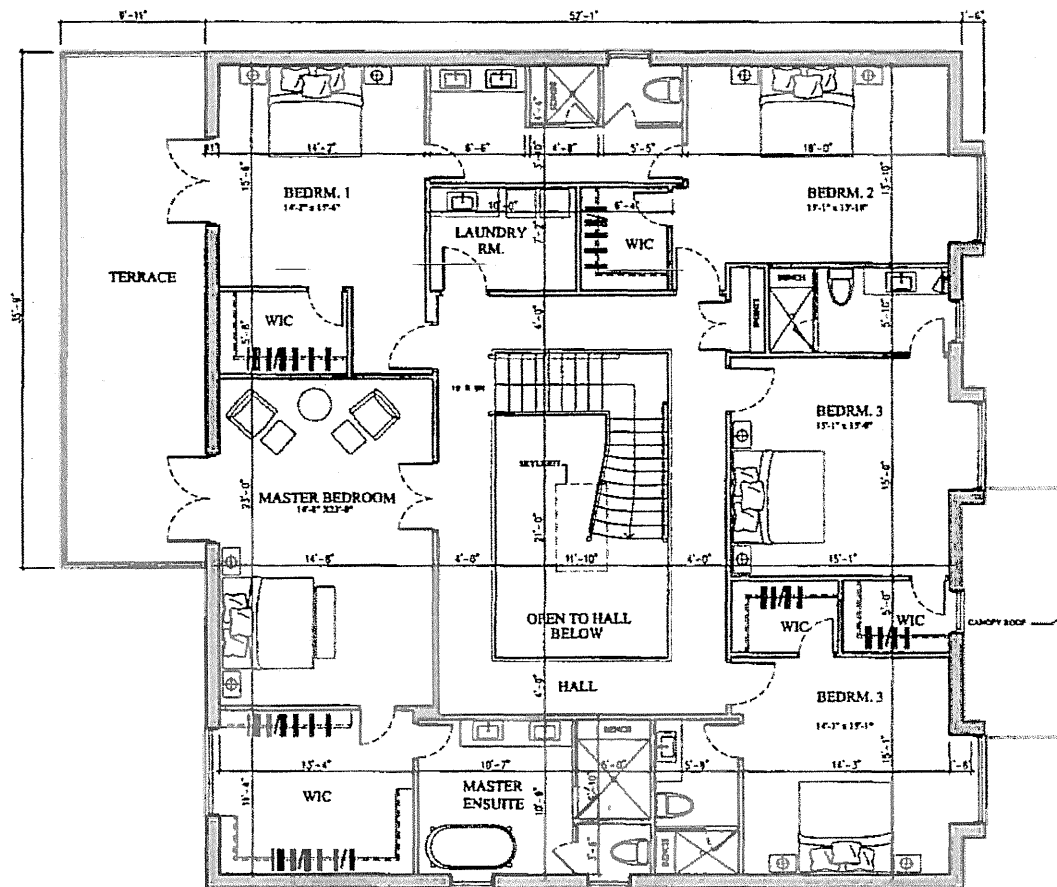
2017/10/19	1	ISSUED FOR COA	LM	
DATE	NO.	DESCRIPTION	BY	

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**GROUND
FLOOR PLAN**

A2-2

SCALE 1/8" = 1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lala road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
sgmarch@sgm-arch.com

2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**SECOND
FLOOR PLAN**

A2-3

SCALE 1/8"=1'-0" DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



**Sirlin
Giller
& Malek
Architects**

15 Lake road
Toronto, ON M5P 1E3
Tel: (416) 781-8125
Fax: (416) 781-2874
sgmarch@sgm-arch.com

2017/10/19	1	ISSUED FOR COA	LM	
DATE	NO.	DESCRIPTION	BY	

10 WINDRIDGE DRIVE EAST ELEVATION
MARKHAM, ONTARIO (FRONT ELEVATION)



A3-1

SCALE	DRAWN	LM	CHECKED	LM	DATE	PROJ. NO.	2017-24	DRAWING NO.
-------	-------	----	---------	----	------	-----------	---------	-------------



**SG
RM**

**Sirlin
Giller
& Malek
Architects**

15 Lolo road
Toronto, ON M5P 1E5
Tel: (416) 781-6125
Fax: (416) 781-2874
syrnarch@sgm-arch.com

2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

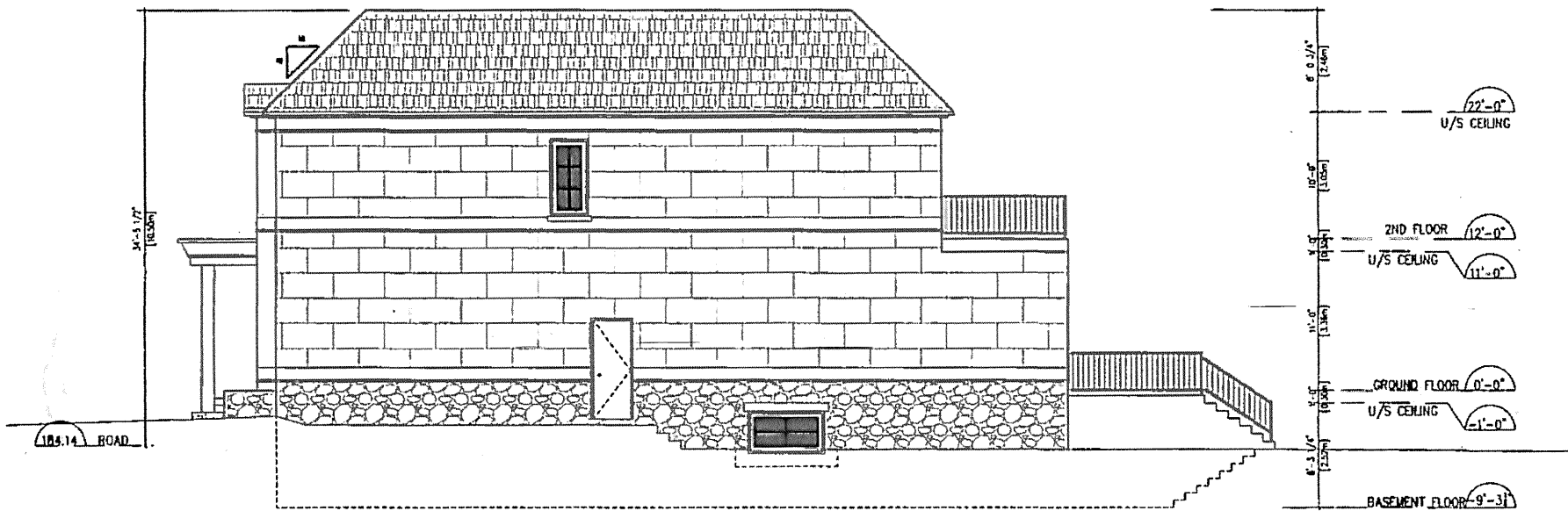
10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**WEST ELEVATION
(BACK ELEVATION)**



A3-2

SCALE	DRAWN	LM	CHECKED	LM	DATE	PROJ. NO.	2017-24	DRAWING NO.
-------	-------	----	---------	----	------	-----------	---------	-------------



**Sirlin
Giller
& Malek
Architects**

15 Lala road Tel: (416) 781-6125
Toronto, ON M5P 1E5 Fax: (416) 781-2874
sgmarch@sgs-arch.com

2017/10/19	1	ISSUED FOR COA	LM	
DATE	NO.	DESCRIPTION	BY	

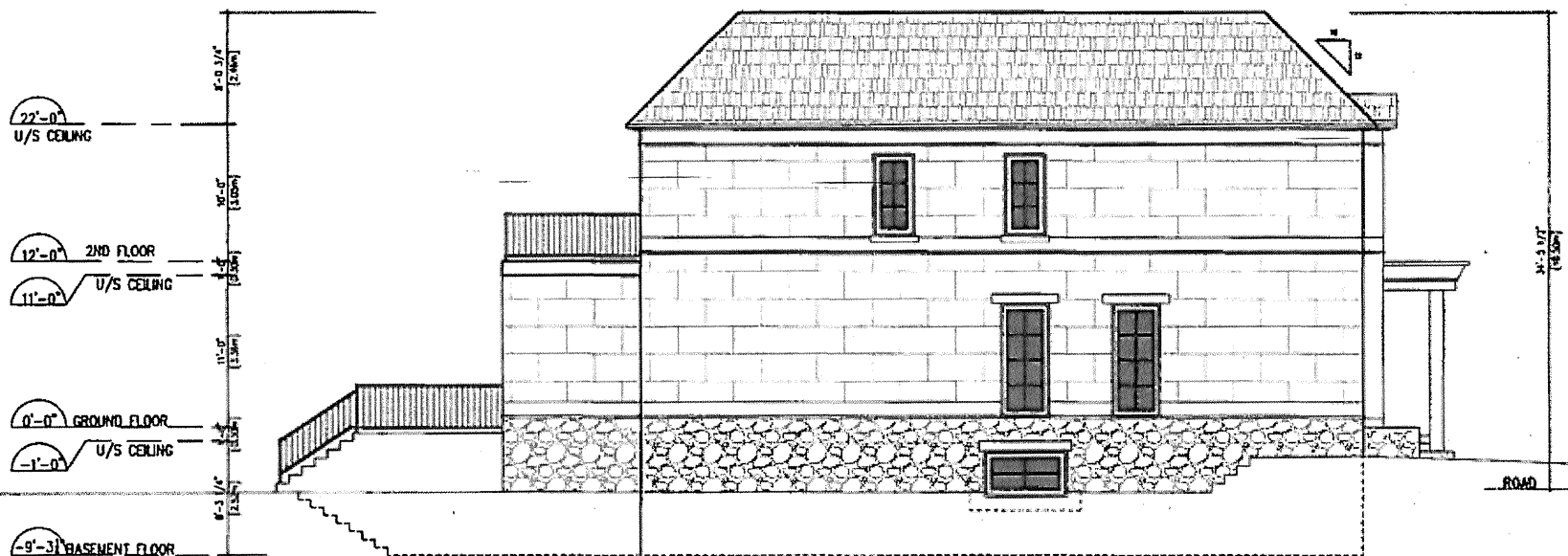
10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

**NORTH ELEVATION
(SIDE ELEVATION)**



A3-3

SCALE DRAWN LM CHECKED LM DATE PROJ. NO. 2017-24 DRAWING NO.



SG & M
Sirlin
Gillier
& Malek
Architects

15 Lake road
 Toronto, ON M5P 1E5

Tel: (416) 781-8125
 Fax: (416) 781-2874
sirlin-gillier-malek-arch.com

2017/10/19	1	ISSUED FOR COA	LM
DATE	NO.	DESCRIPTION	BY

10 WINDRIDGE DRIVE
MARKHAM, ONTARIO

SOUTH ELEVATION
(SIDE ELEVATION)



A3-4

SCALE	DRAWN	LM	CHECKED	LM	DATE	PROJ. NO.	2017-24	DRAWING NO.
-------	-------	----	---------	----	------	-----------	---------	-------------

