Memorandum to the City of Markham Committee of Adjustment

November 21, 2018

File:

A/162/18

Address:

2 Brookfield Crt, Markham

Applicant:

Sylvia Angelone

Agent:

Gregory Design Group (Shane Gregory)

Hearing Date:

Wednesday November 28, 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) In-fill by-law 99-90, Section 1.2(iii):

To permit maximum building depth of 20.92 metres; whereas the by-law permits maximum building depth of 16.80 metres

b) In-fill by-law 99-90, Section 1.2 (vi);

To permit maximum net floor area ratio of 46.07 percent; whereas the by-law permits maximum net floor area ratio of 45percent

c) In-fill by-law 99-90, Section 1.2 (i):

To permit maximum building height of 10.16 metres; whereas the by-law permits maximum building height of 9.8 metres

as they relate to a proposed two-storey detached dwelling.

BACKGROUND

Property Description

The 1,060.63 m² (11,416.53 ft²) subject property is located on the north-east side of Brookfield Court, east of Main Street Markham and south of 16th Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing two-storey detached 217.48 m² (2,341 ft²) dwelling on the property, which according to assessment records was constructed in 1972. Vegetation exists across the property including hedges on the right and left sides of the dwelling.

Proposal

The applicant is proposing to construct a two-storey detached 385.63 m² (4,150.89 ft²) dwelling with a front and rear covered porch and a wood deck on the right side of the property.

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 "One Family Detached Dwellings (R1)" 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 building depth, maximum net floor area ratio and, maximum building height.

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, "Due to lot configuration and stepping house back to create larger side yard setbacks".

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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.92 m (68.64 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 4.12 m (13.52 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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 variance applies to a one-storey rear covered porch with a cold cellar in the basement which, adds approximately 3.95 m (12.96 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.97 m (55.67 ft), a difference of approximately 0.17 m (0.56 ft) from what the By-law permits. The proposed dwelling will be located on a lot that is more than 15.54 m (51 ft) deep providing adequate rear amenity space. Given that the rear covered porch is unenclosed, maintains a side yard setback of more than 3.05 m (10 ft) from the property to its west and does not span the full width of the rear wall of the proposed dwelling, Staff are of the opinion that the variance request is appropriate for the lot.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 46.07 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 385.63 m² (4,150.89 ft²), whereas the By-law permits a dwelling with a maximum floor area of 376.59 m² (4,053.58 ft²). This represents an increase of approximately 9.04 m² (97.30 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 approximately 11.80 m² (127 ft²) of open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law. Staff are of the opinion that the variance request for floor area ratio is minor in nature and have no objections.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.16 m (33.33 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.36 m (1.18 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.89 m (2.92 ft) above the crown of road. Staff are of the opinion that the proposed building height meets the general intent and purpose of the Zoning By-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 21, 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:

Agsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Stacia Muradali, Senior Planner, East District

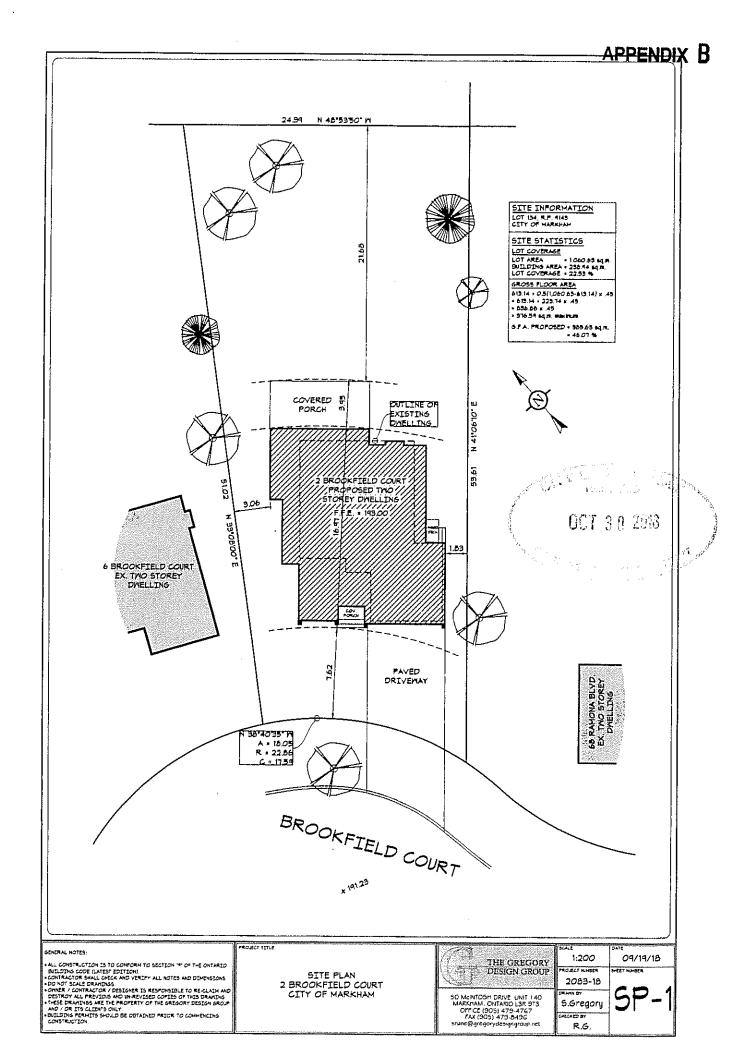
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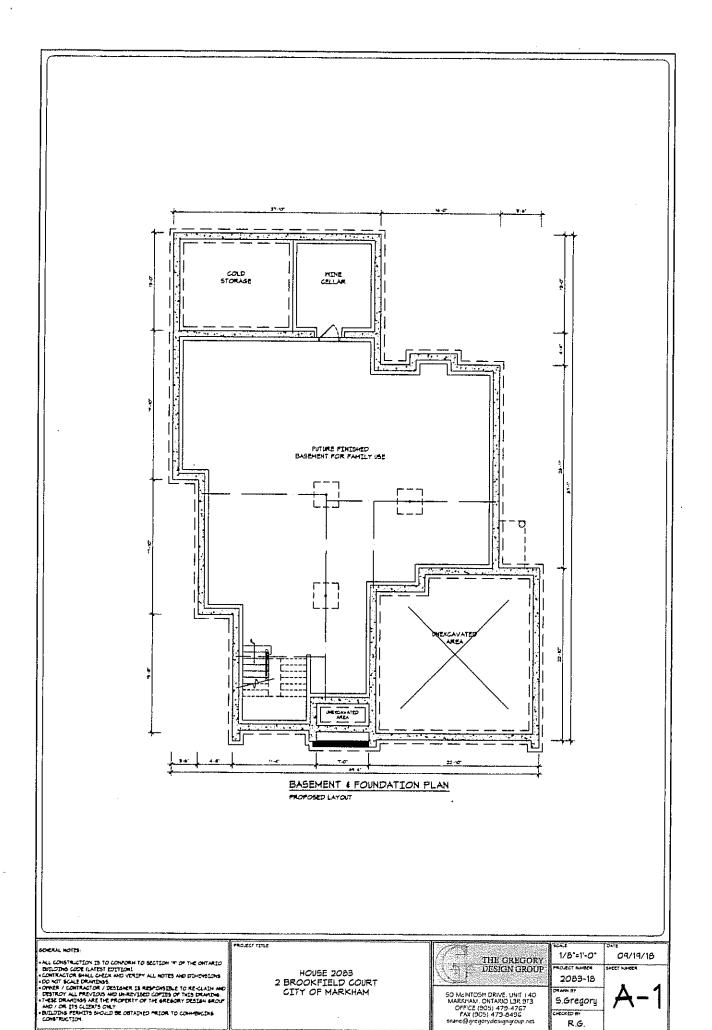
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/162/18

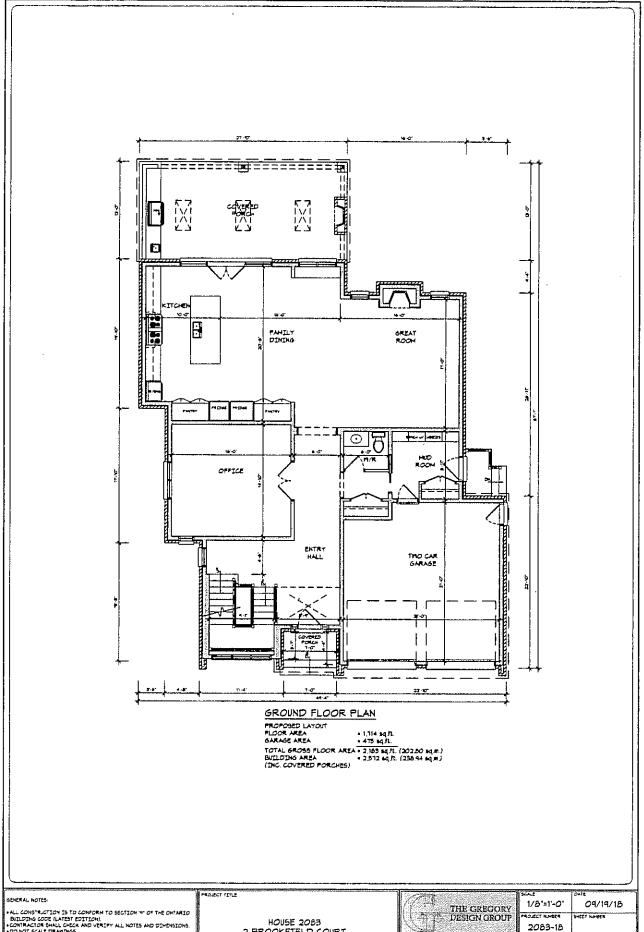
- 1. That the rear porch remain unenclosed;
- 2. The variances apply only to the proposed development as long as it remains;
- 3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on October 30, 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







*ALL CONSTRUCTION IS TO CONFORM TO SECTION *** OF THE ONTARIO BILLIDING CODE (LATEST EDITION).

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