Memorandum to the City of Markham Committee of Adjustment
November 20, 2018

File:	**A/167/18**
Address:	**41 Hawkridge Ave, Markham**
Applicant:	**Jie Zhou**
Agent:	**Vince Emam Jomeh**
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, Sec. 1.2 (vi):**
a maximum floor area ratio (FAR) of 51.62 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

BACKGROUND

Property Description

The 920.67 m^2 (9,910 ft^2) subject property is a corner lot located on the east side of Hawkridge Avenue, north of Highway 7 East and west of Main Street Markham. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 123.75 m^2 (1,332 ft^2) dwelling on the property, which according to assessment records was constructed in 1952. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two-storey detached 395.86 m^2 (4,261 ft^2) dwelling with a rear yard deck and a basement walkout. The proposal also includes a front covered porch and covered balcony and a rear covered balcony. The ground floor of the proposed dwelling will have a floor area of 217.39 m^2 (2,340 ft^2) while the second floor will have a floor area of 178.46 m^2 (1,921 ft^2)

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)" in 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 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 garage is included in FAR, since the owner has large family and their parant live with them. The permitted floor area doesn't need their needs".*

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 51.62 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 total floor area of 395.86 m^2 (4,261 ft^2), whereas the By-law permits a dwelling with a maximum floor area of 345.11 m^2 (3714.75 ft^2). This represents an increase of approximately 50.75 m^2 (546.27 ft^2).

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 5.92 m^2 (63.81 ft^2) 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. The proposed dwelling is also designed to include a front covered balcony on top of the garage and a rear covered balcony which, are unenclosed and excluded from the calculation of Floor Area Ratio. If the balconies were to be enclosed the proposed Floor Area Ratio would increase.

Excluding Floor Area Ratio, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the

proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

While the proposed dwelling will be larger than the existing homes developed originally in the 1950s-1960s, it is consistent with recent infill development on the street including a number of nearby infill homes that have obtained variance approval for a similar increase in floor area ratio ranging between 47.5 percent and 53 percent. Given that the balconies are unenclosed and, that the proposed floor area ratio is generally consistent with newer in-fill developments on the street, Staff are of the opinion that the proposal meets the general intent and purpose of the infill By-law and is appropriate for the lot.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 20, 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. Staff are of the opinion that the variance request for floor area ratio meets the four tests of the Planning Act 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:

Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 254581 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18

1. That the front and rear balcony 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 November 05, 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.

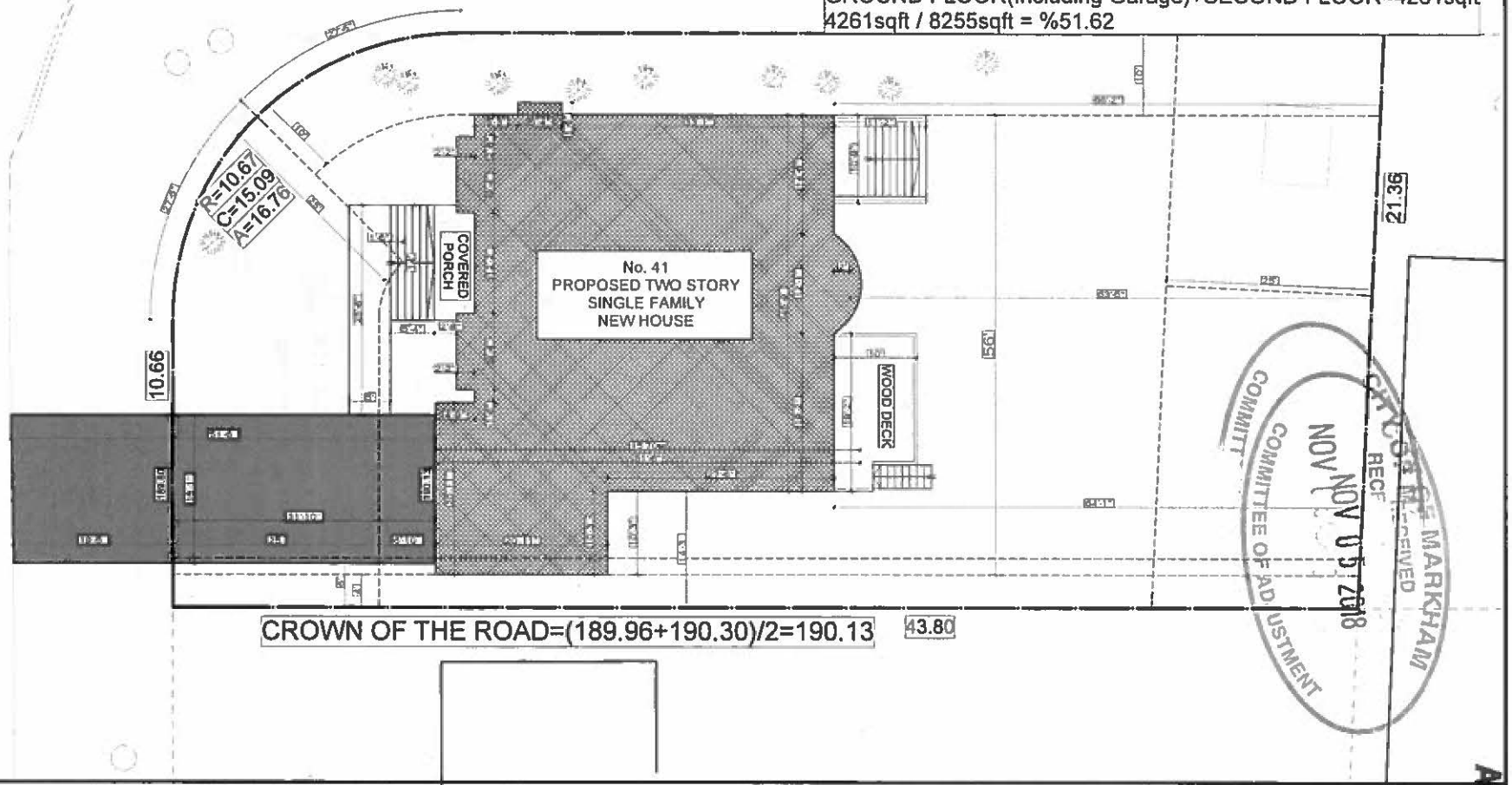
6. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:

Aqsa Malik, Planner, Zoning and Special Projects

LOT AREA: 9910SQFT/920.67 M²		LOT COVERAGE: 2404SQFT		NET FLOOR AREA RATIO: 51.62%		
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2340FT²	1921FT2	2409FT²	419 FT2	3842 FT2	24.26%

6600+(9910-6600/2)=8255sqft
GROUND FLOOR(Including Garage)+SECOND FLOOR=4261sqft
4261sqft / 8255sqft = %51.62



DATE:	ISSUED FOR:
NOVEMBER2018	FOR BUILDING PERMIT

THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER

VAHID EMAM JOMEH BCIN # 45213

DRAWN BY: V.E

SCALE: 1:150

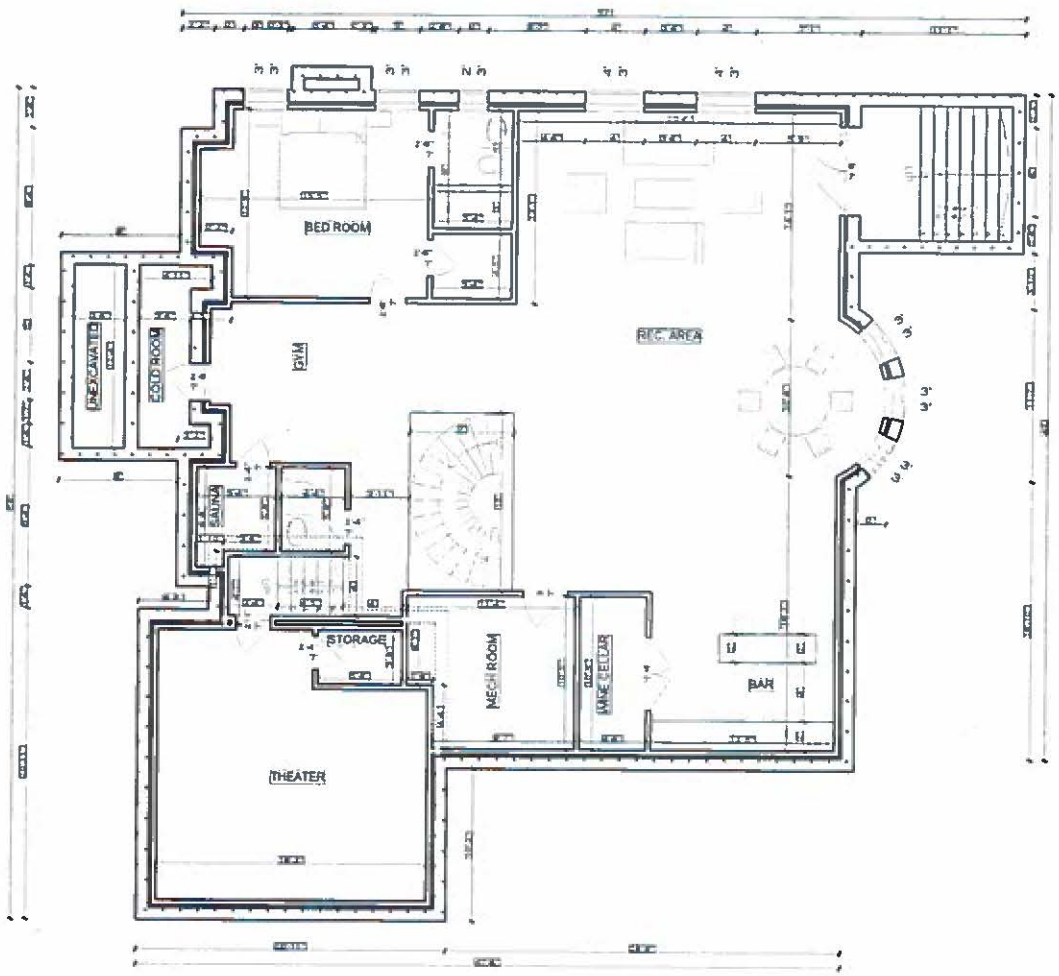
LAST MODIFIED ON: November 2, 2018

DRAWING TITLE: SITE PLAN

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM,ON

A.01

APPENDIX B



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NAME

ONLY FOR STRUCTURE

ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT CONTRACTORS-BUILDER MUST VERIFY ALL DIMENSIONS/SPECS-DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO PROHOME
DESIGN DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF PROHOME UNDER COPYRIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON OTHER THAN ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION

DATE:	ISSUED FOR:
	Building Permit

PROJECT TITLE/ADDRESS

41 HAWKRIDGE AVENUE, MARKHAM, ON

DRAWING TITLE

BASEMENT

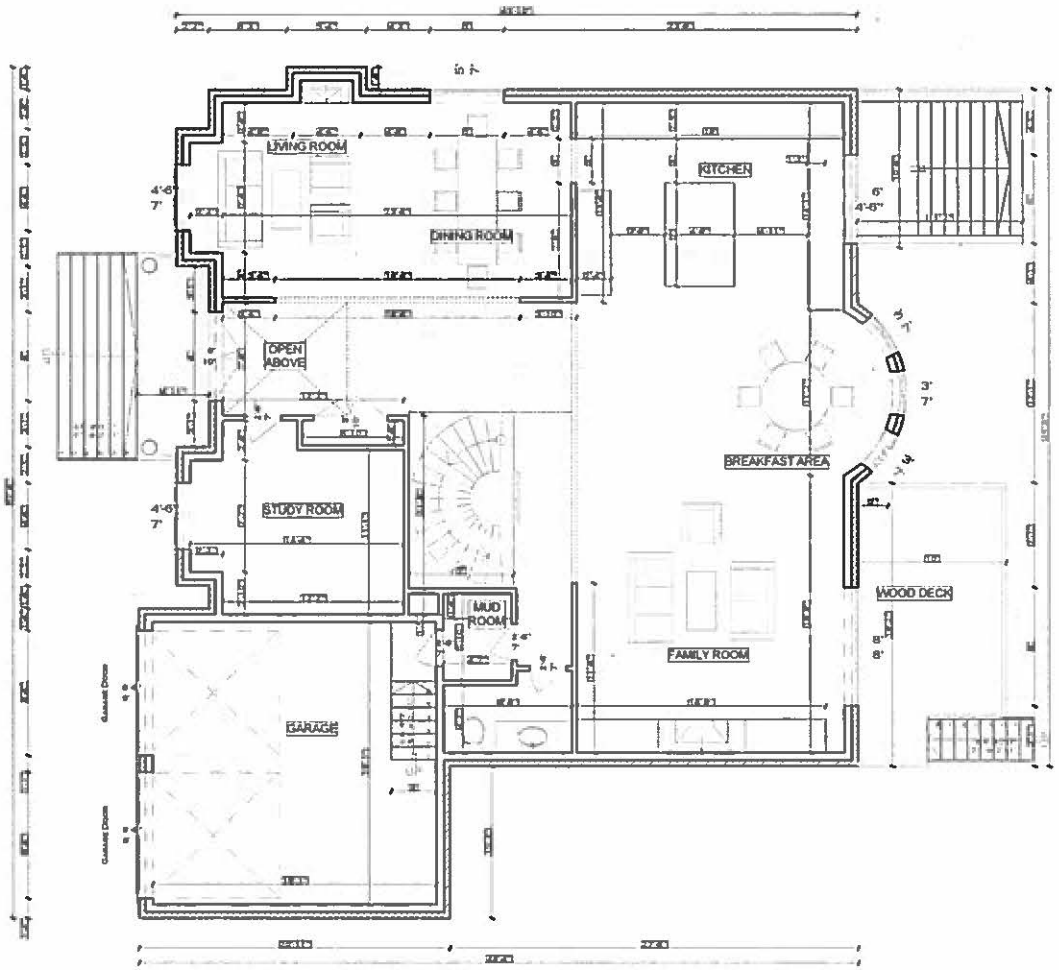
SCALE: 1:96

DRAWN BY	CHKD BY
VE	VE

LAST MODIFIED ON

NOVEMBER 2, 2018

A.02



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NAME

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41 HAWKRIDGE AVENUE, MARKHAM, ON

DRAWING TITLE

GROUND FLOOR

SCALE: 1:96

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LAST MODIFIED ON

NOVEMBER 2, 2018

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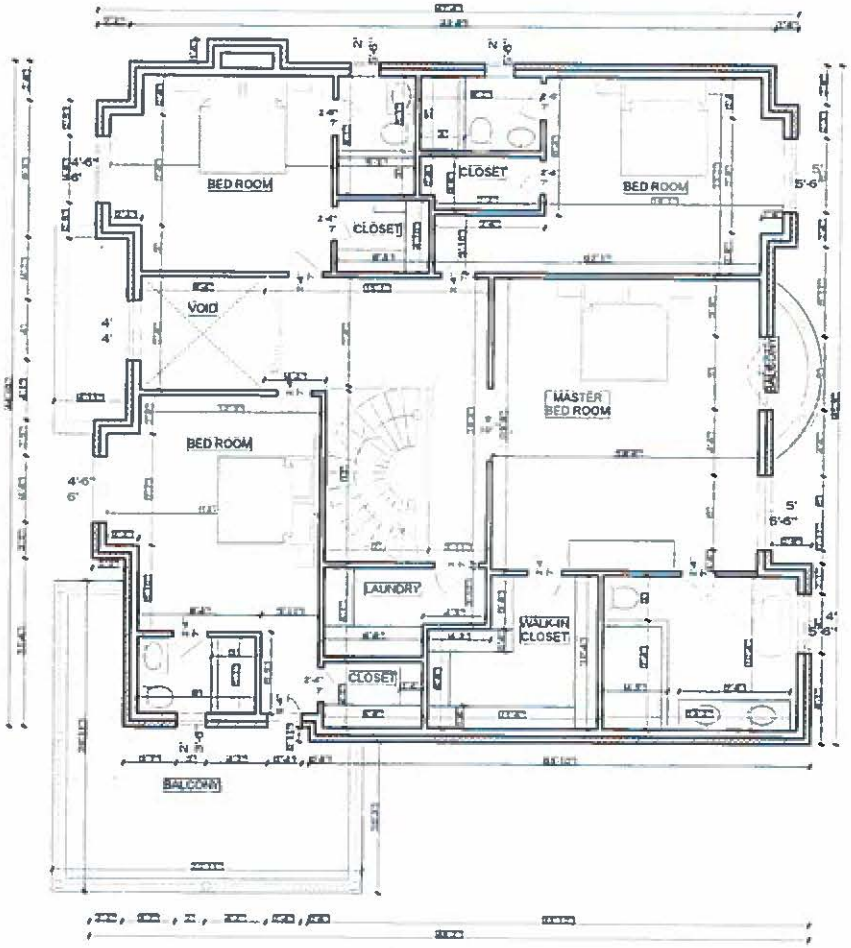

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VAHID EMAMJOMEH BCIN # 45213
NAME

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DATE.	ISSUED FOR:
[redacted]	Building Permit

PROJECT TITLE/ADDRESS

41 HAWKRIDGE AVENUE. MARKHAM, ON

DRAWING TITLE

SECOND FLOOR

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LAST MODIFIED ON

NOVEMBER 2, 2018

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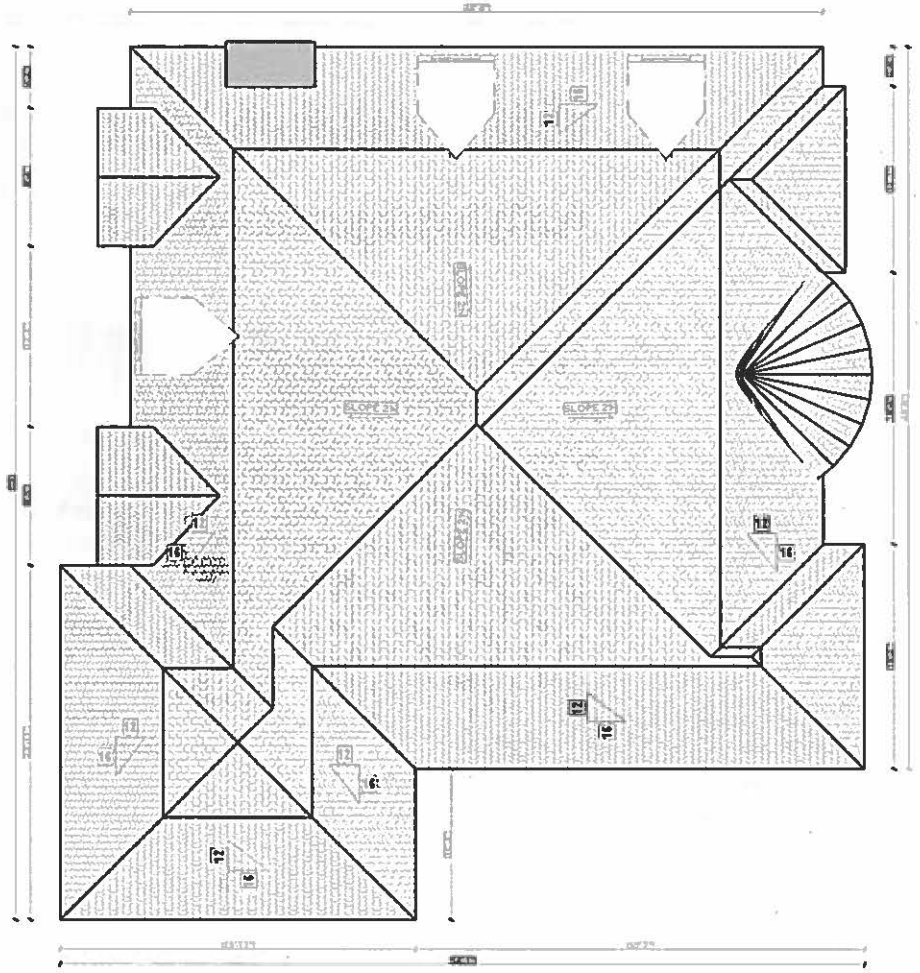

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YAHID EMAM KOHEH BCIN # 46213
NAME

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DATE:	ISSUED FOR:
NOVEMBER/2018	BUILDING PERMIT

PROJECT TITLE/ADDRESS

41 HAWKRIDGE AVENUE, MARKHAM, ON

DRAWING TITLE

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LAST MODIFIED ON

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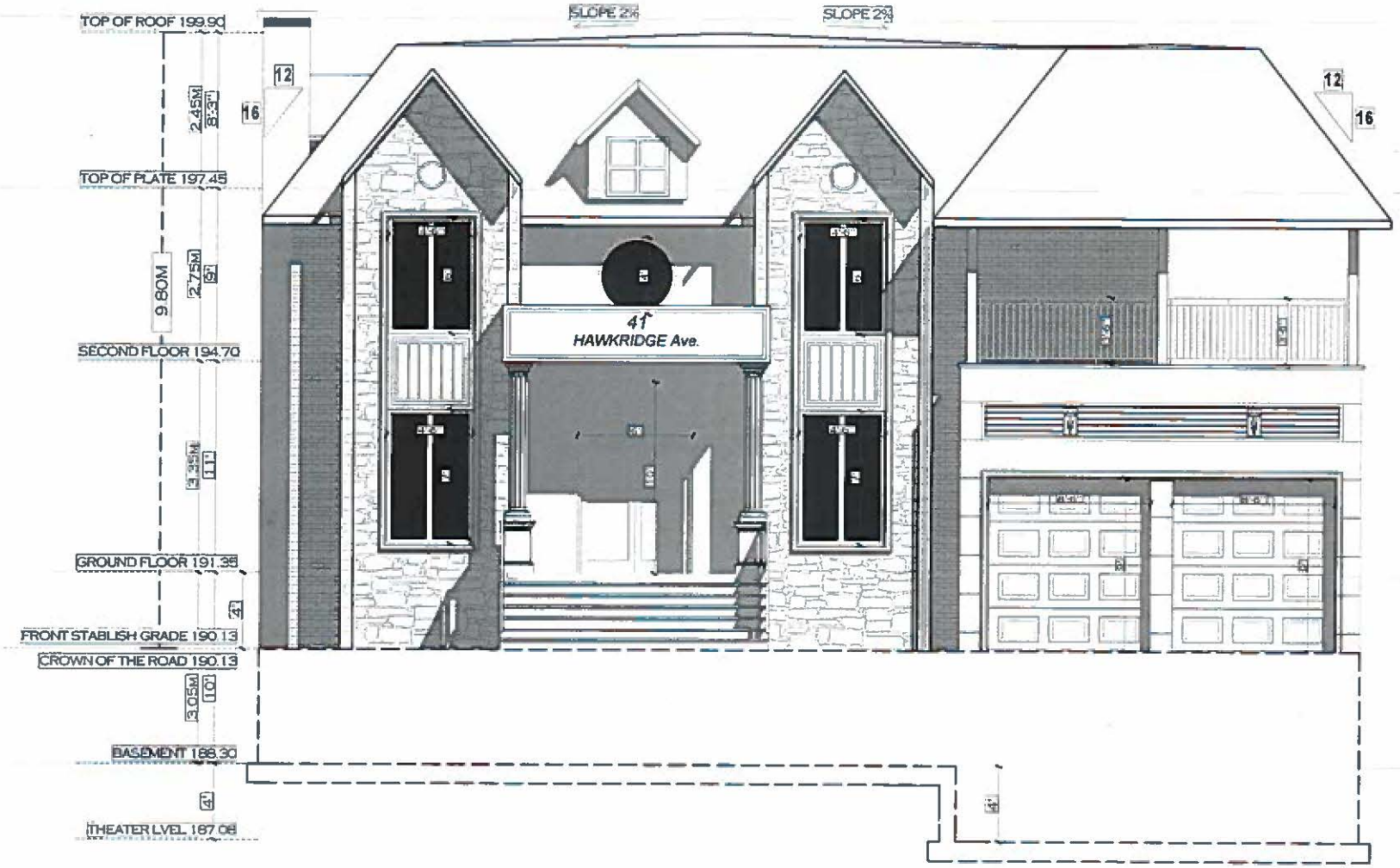

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VAHID EMAM JOMEH BCIN # 45213

DRAWN BY: V.E

SCALE: 1:64

LAST MODIFIED ON: November 2, 2018

DRAWING TITLE: FRONT ELEVATION

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM,ON

A.06

DATE:	ISSUED FOR:
NOVEMBER 2018	FOR BUILDING PERMIT

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VAHID EMAM JOMEH BCIN # 45213

DRAWN BY: V.E

SCALE: 1:64

LAST MODIFIED ON: November 2, 2018

DRAWING TITLE: REAR ELEVATION

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM,ON

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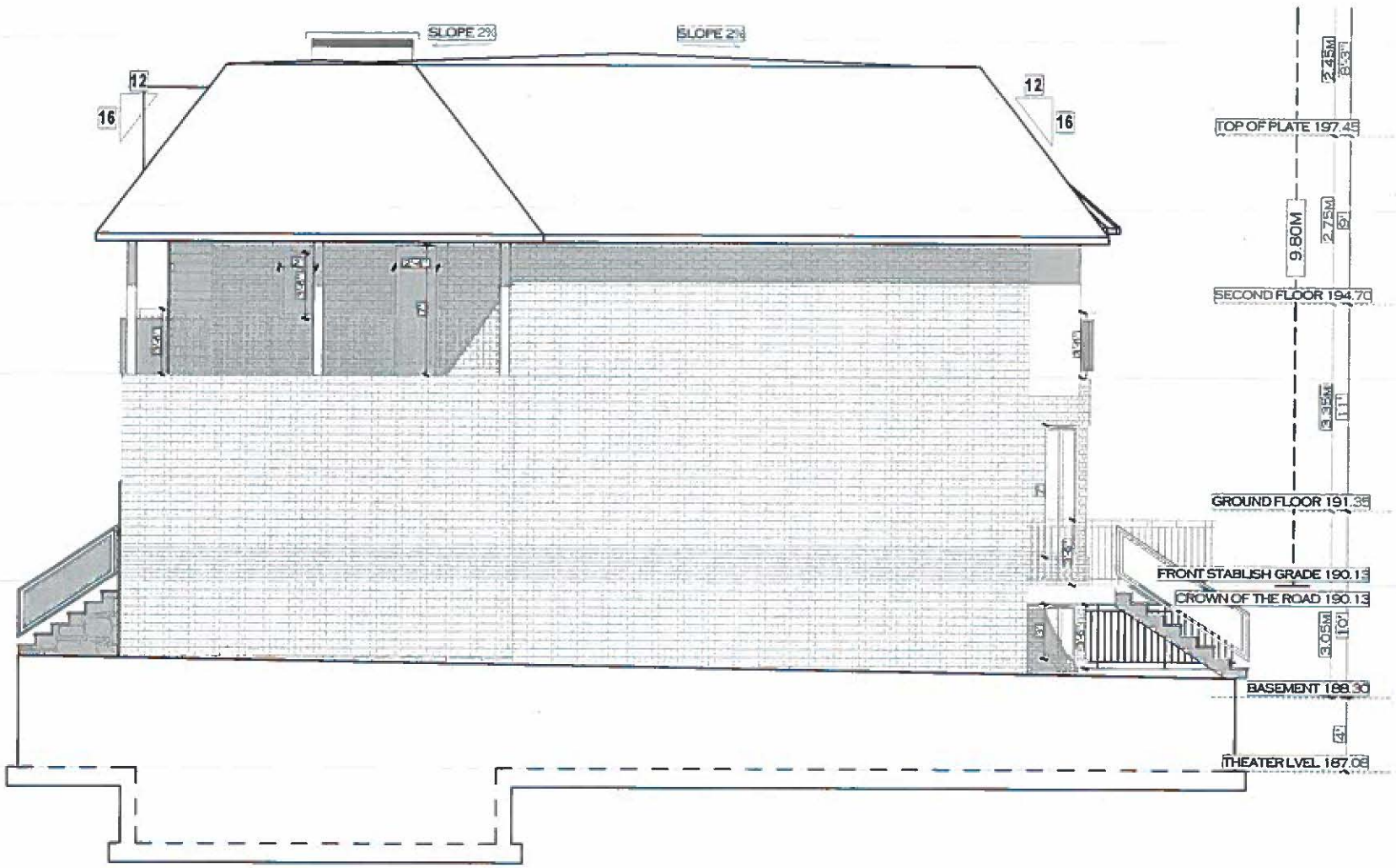

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NOVEMBER 2018	FOR BUILDING PERMIT

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VAHID EMAM JOMEH BCIN # 46213

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SCALE: 1:64

LAST MODIFIED ON: NOVEMBER 2, 2018

DRAWING TITLE: SIDE ELEVATION

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM ON

A.08

DATE:	ISSUED FOR:
NOVEMBER 2018	FOR BUILDING PERMIT

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VAHID EMAM JOMEH BCIN # 45213

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SCALE: 1:64

LAST MODIFIED ON: NOVEMBER 2, 2018

DRAWING TITLE: SIDE ELEVATION

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM,ON

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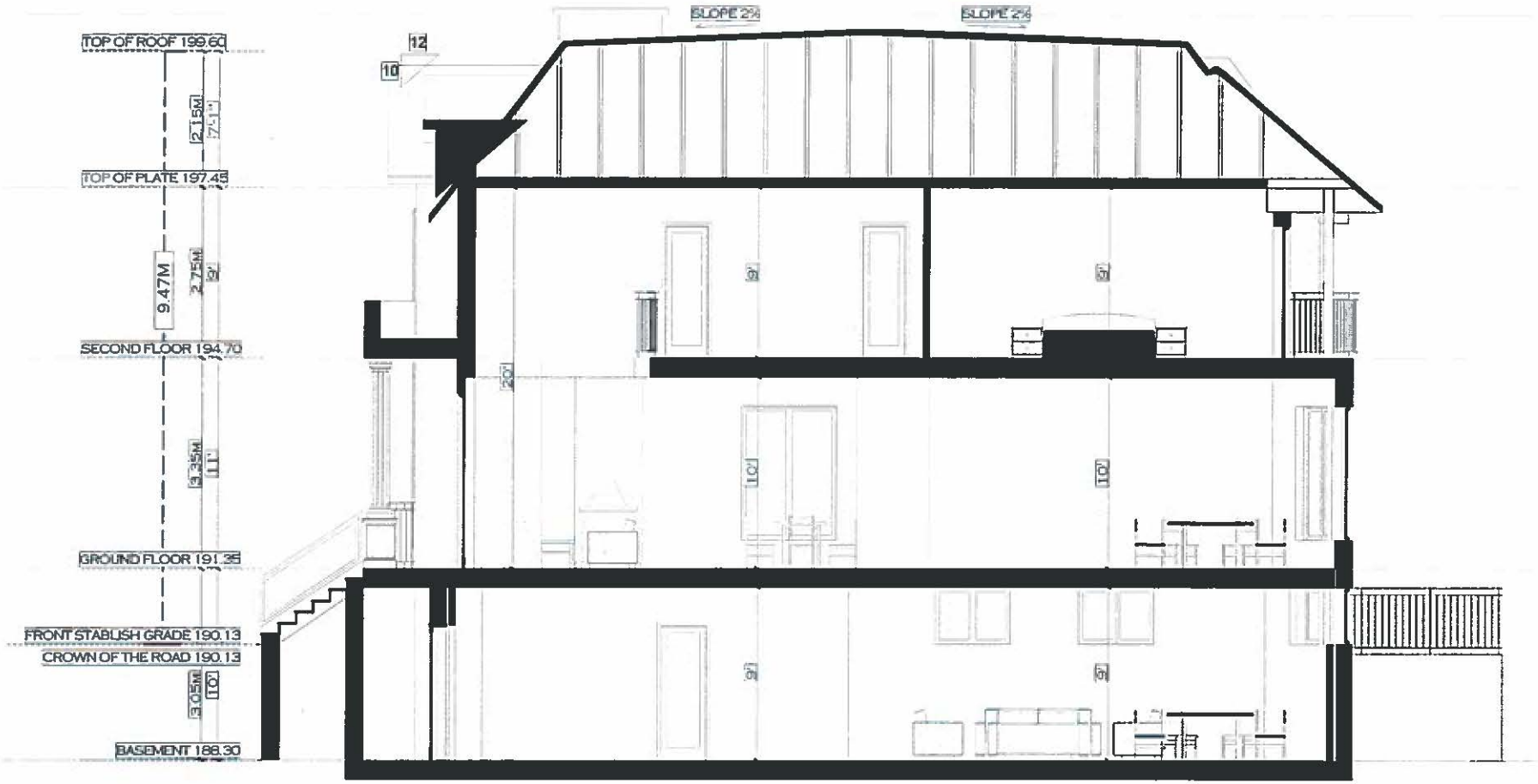

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VAHID EMAM JOMEH BCIN # 45213

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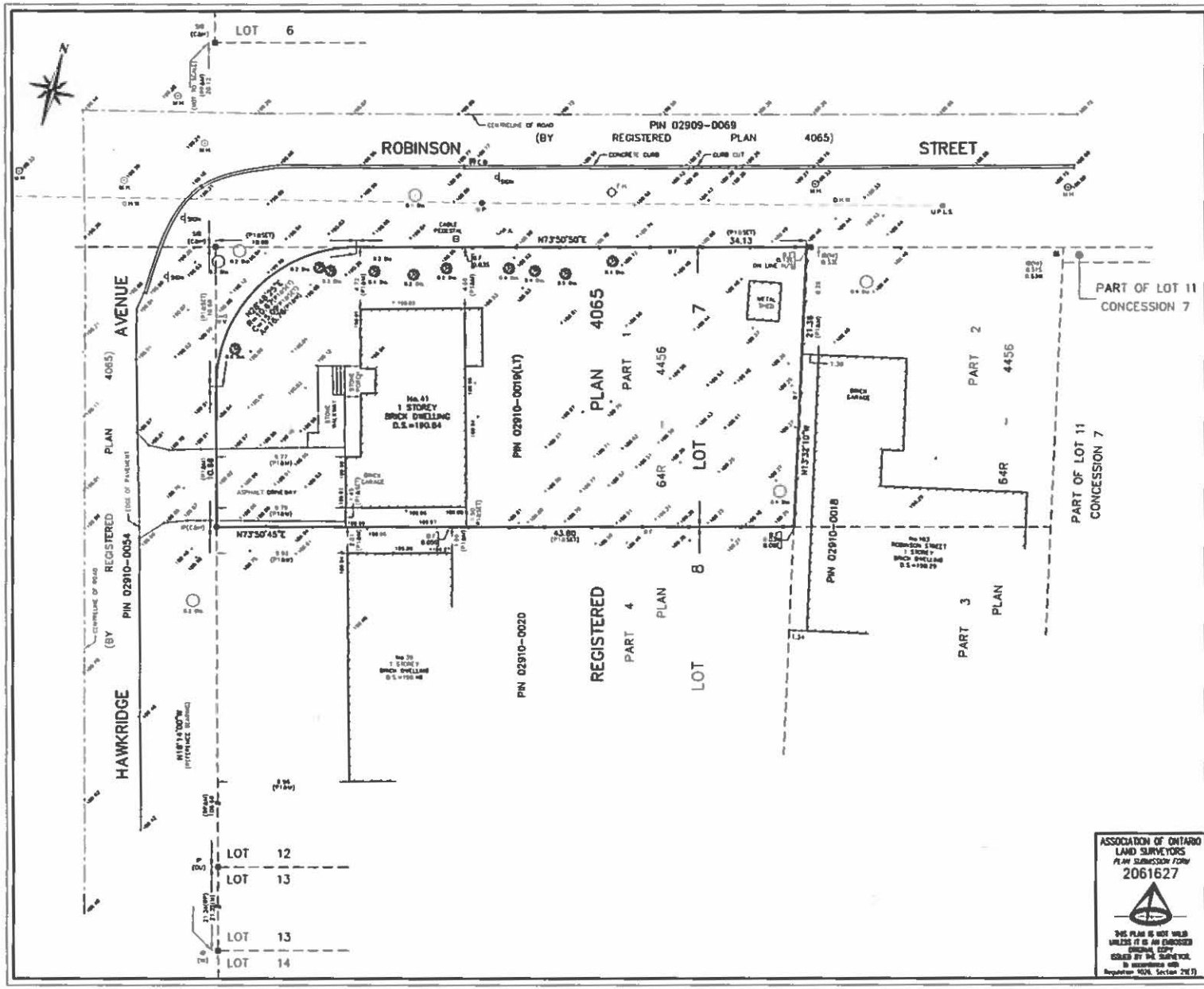
SCALE: 1:64

LAST MODIFIED ON: NOVEMBER 2, 2018

DRAWING TITLE: SECTION

PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE. MARKHAM,ON

A.10



SURVEYOR'S REAL PROPERTY REPORT
PART 1 – PLAN OF
PART OF LOT 7
REGISTERED PLAN 4065
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

0m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

○	DENOTES MONUMENT SET
●	DENOTES MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
IP	DENOTES IRON PIPE
PS	DENOTES PLAN BAR-4456
RP	DENOTES REGISTERED PLAN 4065
WIT	DENOTES WITNESS
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
C&H	DENOTES CARTER HORWOOD LIMITED, O.L.S.
OU	DENOTES ORIGINAL UNKNOWN
NI	DENOTES NOT IDENTIFIABLE
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
O.H.W.	DENOTES OVERHEAD WIRE
FR.	DENOTES TIE TAKEN FROM FRAME
F.H.	DENOTES FIRE HYDRANT
M.H.	DENOTES MANHOLE
P.A.	DENOTES POLE ANCHOR
U.P.	DENOTES UTILITY POLE
U.P.L.S.	DENOTES UTILITY POLE WITH LIGHT STANDARD
W.V.	DENOTES WATER VALVE
C.B.	DENOTES CATCH BASIN
	DENOTES CONIFEROUS TREE
	DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY OF HAWKRIDGE AVENUE AS SHOWN ON REGISTERED PLAN 4065 HAVING A BEARING OF N18° 14' 00"W.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.0R2023037 HAVING AN ELEVATION OF 180.225 M. BRASS CAP SET IN CONCRETE SIDEWALK, 3.1 M NORTH OF THE CENTRELINE OF ROBINSON STREET AND 14 M EAST OF THE CENTRELINE OF HAWKRIDGE AVENUE.

THIS REPORT WAS PREPARED FOR ZHAO, YINGWEI AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

PART 2 (SURVEY REPORT)

1. REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NONE.
2. ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, SOUTHERLY AND EASTERLY LIMITS OF THE SUBJECT PROPERTY.
3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 10th DAY OF OCTOBER, 2018

OCTOBER 12, 2018
DATE

Z. ZENG
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2061627

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with Regulation 1026, Section 29(3)

MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM
2400 MIDLAND AVE., #121 PHONE: (647)430-1368 FAX: (647)799-4088
SCARBOROUGH, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. | CAD No: 18-307SRPR | JOB No: 2018-307