

Memorandum to the City of Markham Committee of Adjustment

January 17th, 2018

File: A/181/17
Address: 10 Rougecrest Drive, Markham
Applicant: Joseph Fera
Agent: Joseph Fera
Hearing Date: Wednesday January 24, 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, to permit:

a) Infill By-law 99-90, Section 1.2 (vi):

a maximum Floor Area Ratio of 49.79 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent,

as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The 988.27 m² (10,637.64 ft²) subject property is located on the north side of Rougecrest Drive, south of Highway 7 East and east of Main Street Markham South. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing 94.21 m² (1,014 ft²) one-storey detached dwelling on the property, which according to assessment records was constructed in 1954. Mature vegetation exist on the property. A 105 (cm) Norway Maple tree in the front yard was recently removed as approved by the City.

Previous Minor Variance Approval A/220/16

On May 10, 2017, the Committee of Adjustment granted the following minor variances as they relate to a proposed residential dwelling (See Appendix D):

- a) a maximum building height of 11.23 m, whereas the By-law permits a maximum building height of 9.8m.
- b) a maximum building depth of 21.95 m, whereas the By-law permits a maximum building depth of 16.8m.

The conditions related to lot grading and tree preservation/replacement arrangements have already been fulfilled (Appendix D – Conditions 3 to 6). However, later in the building permit review process, zoning staff identified that a variance is required for the proposed floor area ratio. As a result the applicant is now reapplying to the Committee of Adjustment for an increase in the maximum allowable floor area ratio.

Proposal

The applicant is proposing to demolish the existing home and a construct a 398.56 m² (4,290 ft²) two-storey detached dwelling (See Appendix B). Other than the elimination of the third-car garage originally proposed on the east side of the building (See Appendix C), the overall design of the dwelling remains generally the same as the previous submission.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

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. 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 floor area ratio.

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

According to the information provided by the applicant on the application form, "*to accommodate the house design for family needs.*"

Zoning Preliminary Review (ZPR)

Although a Zoning Preliminary Review (ZPR) has not been formally undertaken for the proposal, the applicant has been working closely with zoning staff to confirm the floor area ratio calculation. However, it is still 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.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.79 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey dwelling with a floor area of 398.56 m² (4,290 ft²), whereas the By-law permits a dwelling with a maximum floor area of 360.32 m² (3,878.45 ft²). This represents an increase of approximately 38.24 m² (411.61 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 an approximately 18.05 m² (194.28 ft²) 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 elimination of the third-car garage increases the separation from the adjacent home to the east and helps reduce the visual impact on the street. All the other setback and lot coverage requirements are being met in accordance with the by-law, meaning the proposed dwelling will be built within the prescribed building envelope.

Staff have had regard for the previously approved variances for building height and building depth and are of the opinion that the cumulative impact are acceptable in the context of the neighbourhood. Given the size of the property, the relationship with adjoining homes and the overall scale and massing of the proposed dwelling, staff consider the proposed floor area ratio to be in keeping with the intended scale of infill developments for the neighbourhood and have no objection to the variance request.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 17th, 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 and have no objection. 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:


Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:


Sally Campbell, Development Manager, East District
File Path: Amanda\Files\16 151232 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/181/17

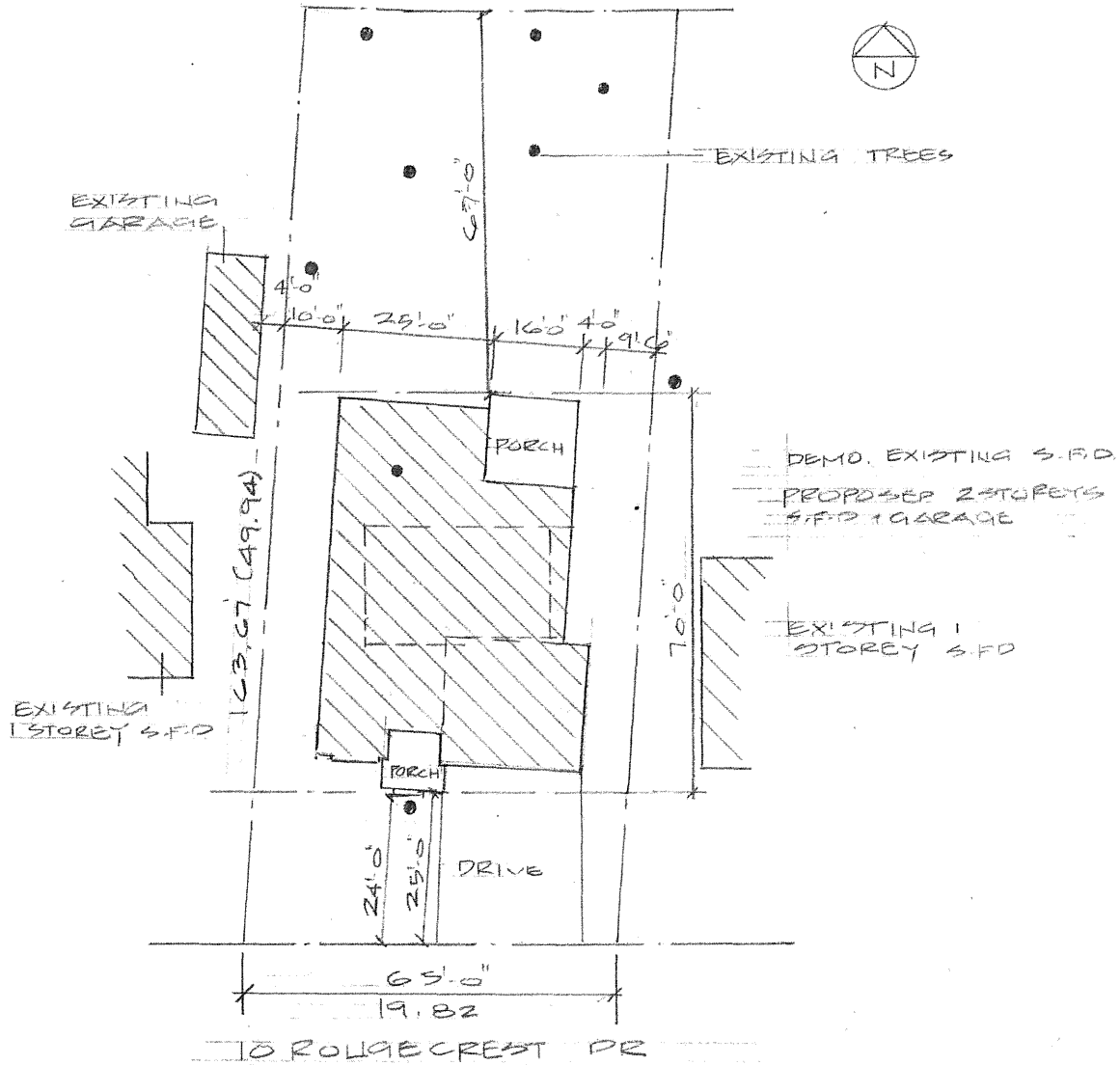
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received on January 4th, 2018, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a revised detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect, to reflect the new proposal attached as 'Appendix B' to this staff report, to the satisfaction of the Director of Engineering or their designate, and that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

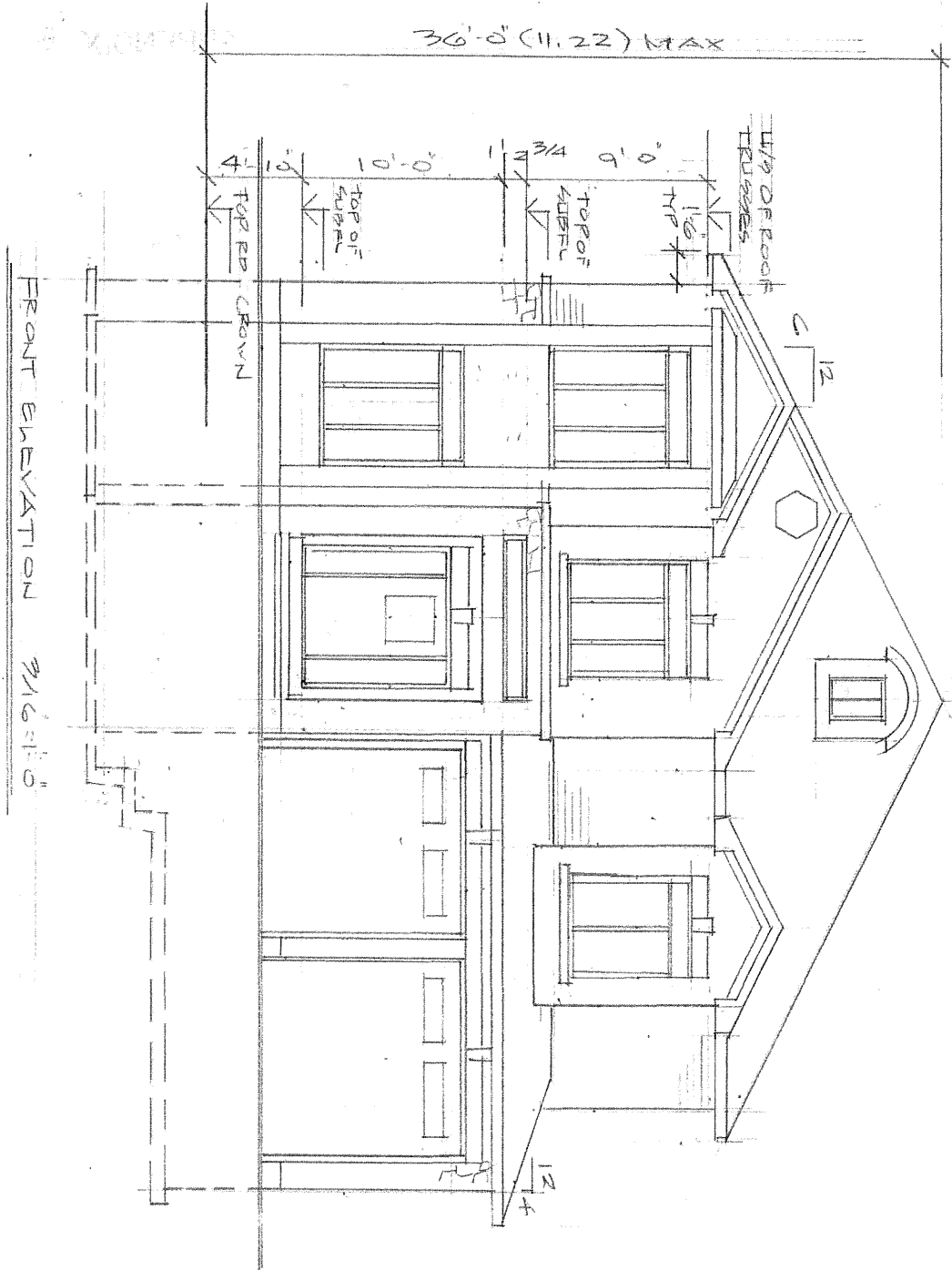
APPENDIX B



SITE PLAN 1-20

INFO. FROM SURVEY BY HORTON, CARR-HAYNES DATED AUG 24/1994
 LOT 5 RP 4427
 LOT AREA 10631.65 S.F.
 LOT COVERAGE 2723 S.F. 25.61%
 NET FLOOR AREA RATIO 4296 S.F. 49.79%

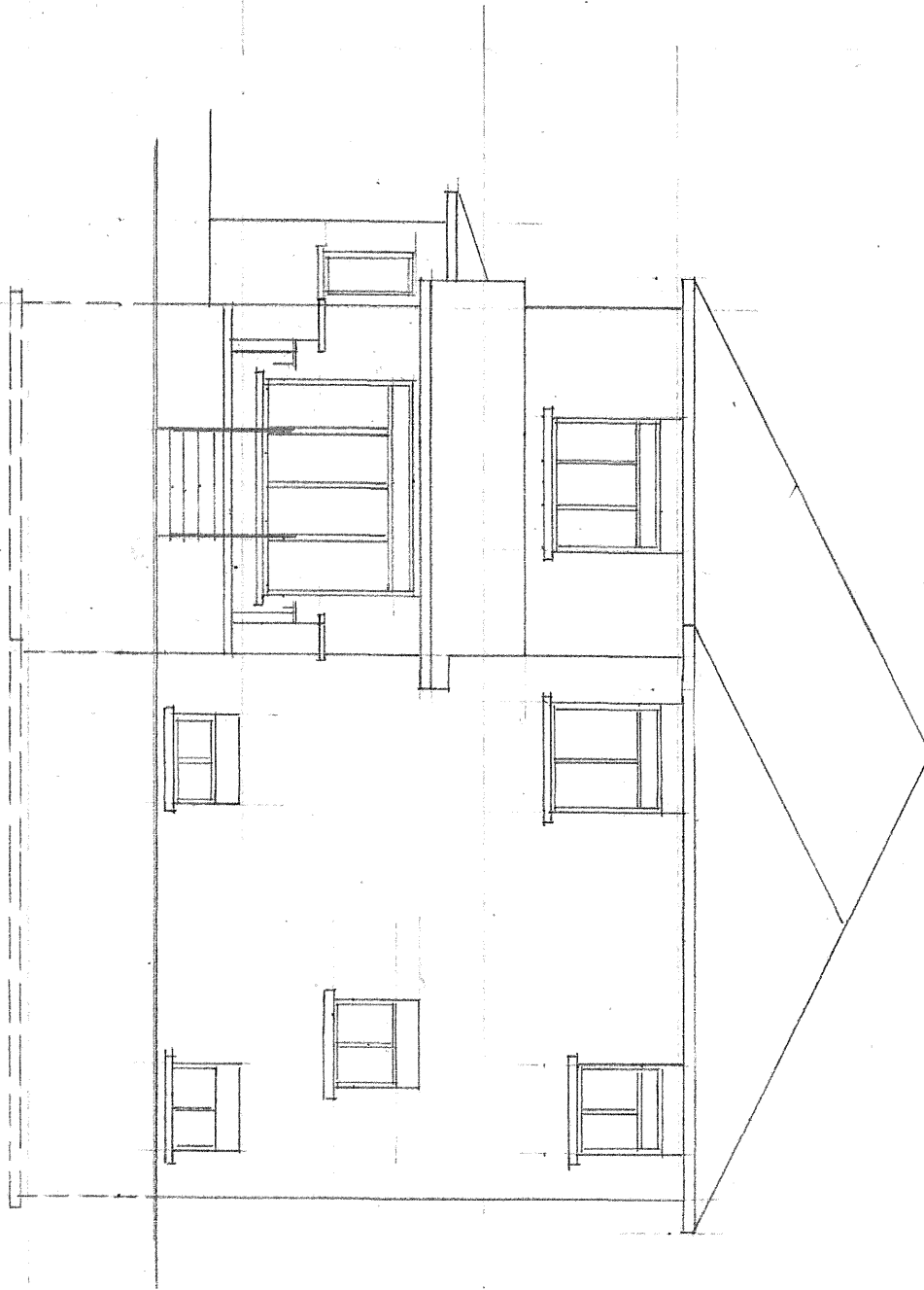
JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 1-20	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer. Joe Bonura 19503 NAME SIGNATURE BCIN Joe Bonura 29704 FIRM NAME BCIN	PROJECT PROPOSED S.F.D. JOSEPH PERA TO ROUGE CREST DR MARKHAM	PROJECT NO.
	DRAWN J.B.	CHECKED BY		DRAWING NO.	
	JAN 9/18	ISSUE FOR COA		SHEET TITLE SITE PLAN	SHT 1 OF 8



FRONT ELEVATION 3/16/15

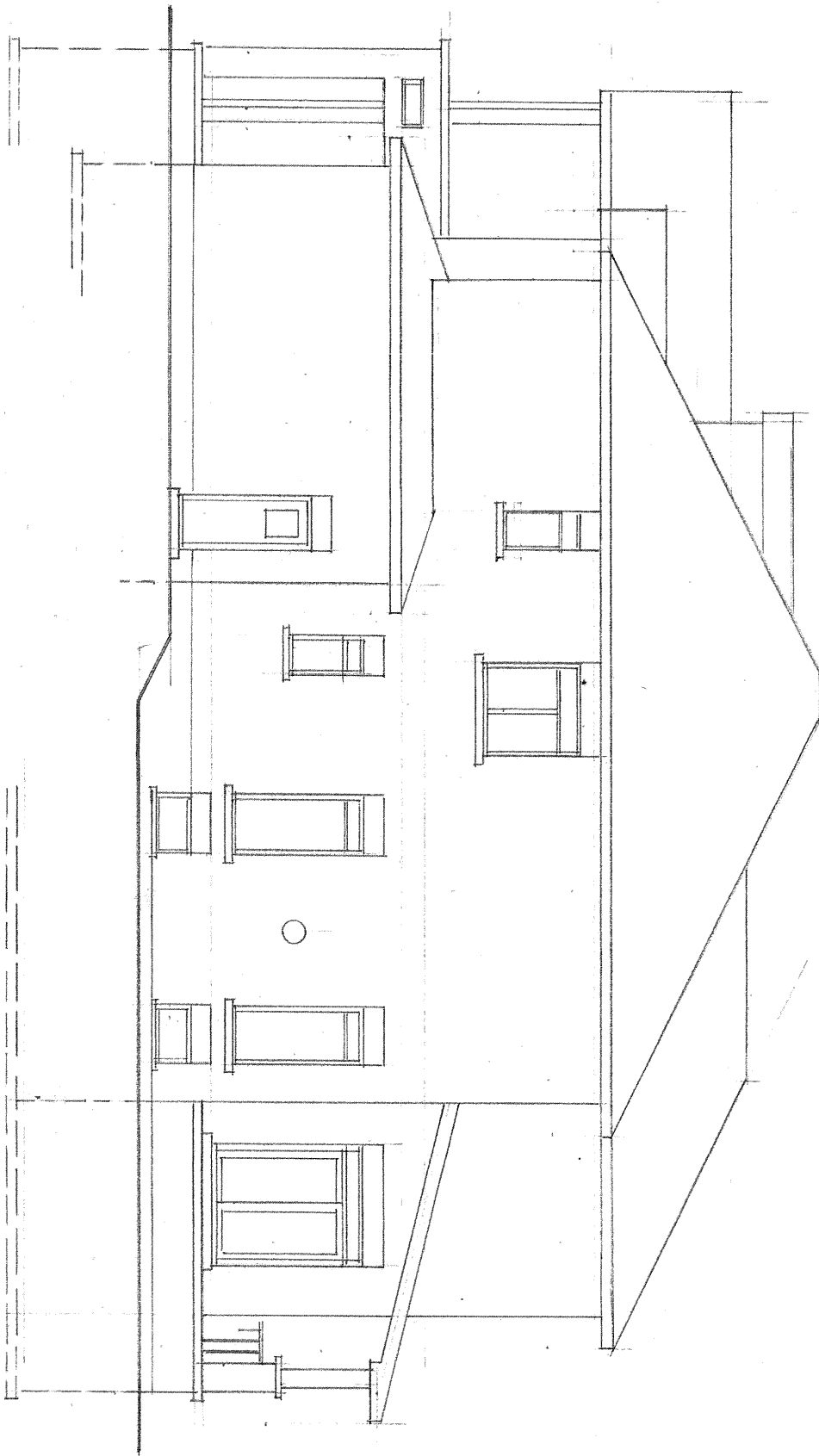
JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 1/8" = 1'-0"	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED SFD	PROJECT NO.
	DRAWN J.B.	CHECKED BY		JOSEPH FERA	DRAWING NO.
	JAN 2015	MARKIE FOR COA		10 ROYAL CREST DR MARKHAM	
				Joe Bonura 19503 NAME SQUARE BCIN	
		Joe Bonura 29704 FIRM NAME BCIN	SHEET TITLE FRONT ELEV.	SHT 2 OF 2	

REAR ELEVATION 3/4" = 1'-0"



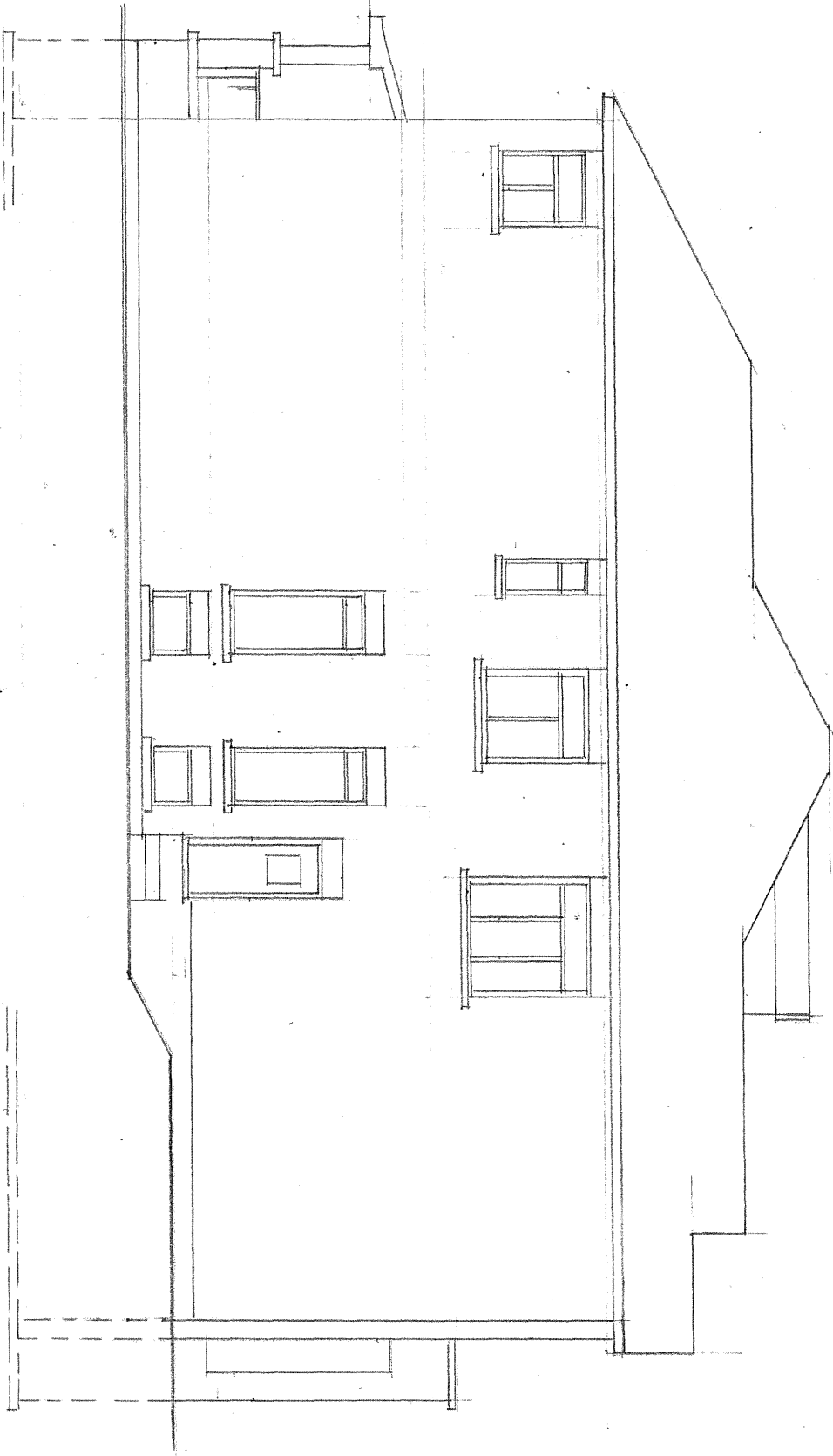
JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 3/4" = 1'-0"	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED SEP JOSEPH FERA 10 ROUGE CREST DR MARKHAM	PROJECT NO.
	DRAWN J.B.	CHECKED BY		NAME Joe Bonura	DRAWING NO.
	JAN 5/03	199 LIE COA		SIGNATURE Joe Bonura	SHEET TITLE REAR ELEV.
			FIRM NAME Joe Bonura		

RIGHT SIDE ELEVATION 3/16/10

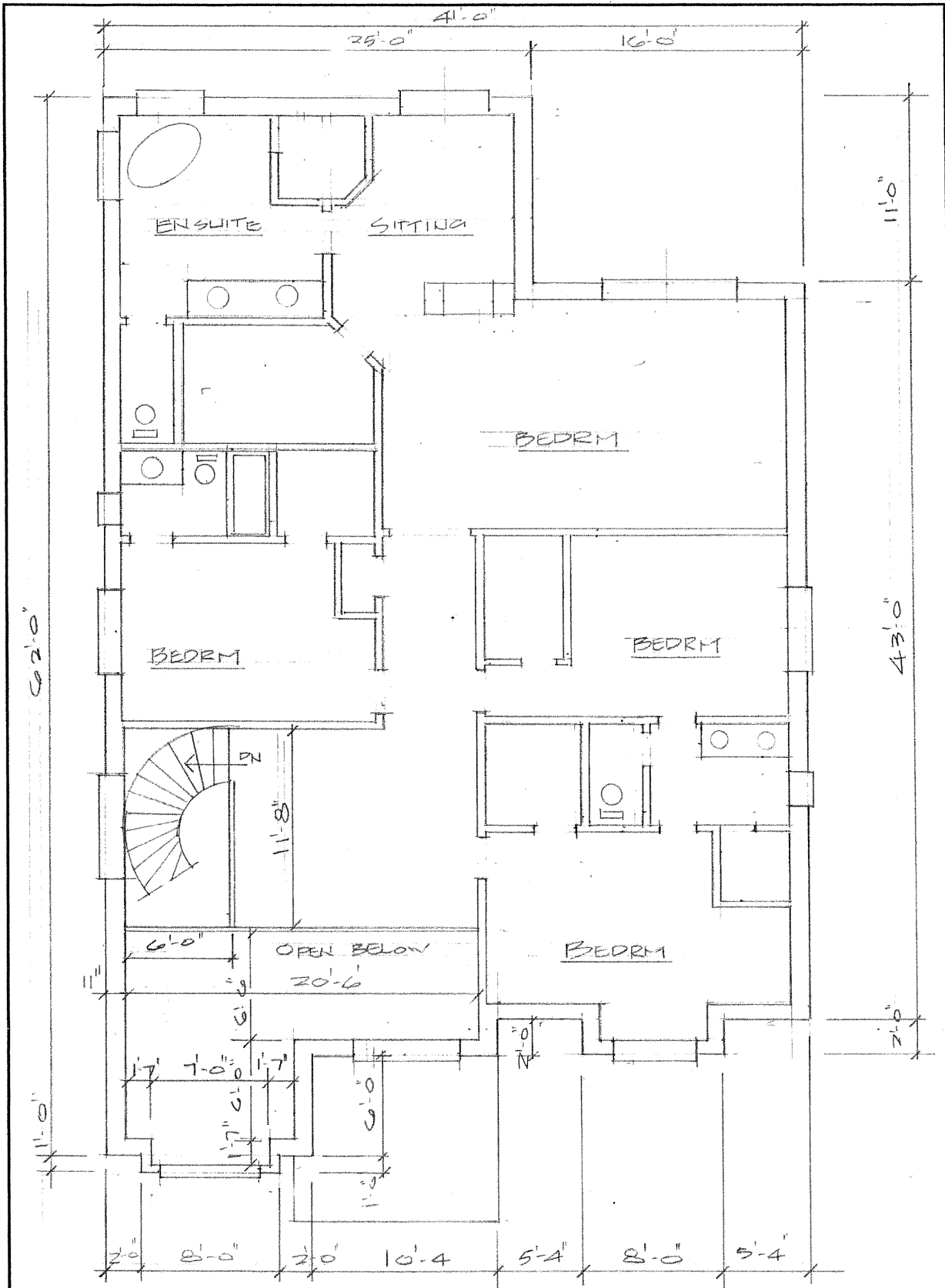


JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH: 905-591-4625 email: j_bonura@hotmail.com	SCALE	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT	PROJECT NO.	
	DRAWN	CHECKED BY		PROPOSED SFD JOSEPH PERA 10 FALCONER ST MARKHAM	DRAWING NO.	
	JAN 31/10 3/16	19916 CDA		Joe Bonura 19905 NAME SIGNATURE BCIN	SHEET TITLE	SHT
				Joe Bonura 29704 FIRM NAME BCIN	R.S. Elev.	4 OF 3

LEFT SIDE ELEVATION 3/10/10

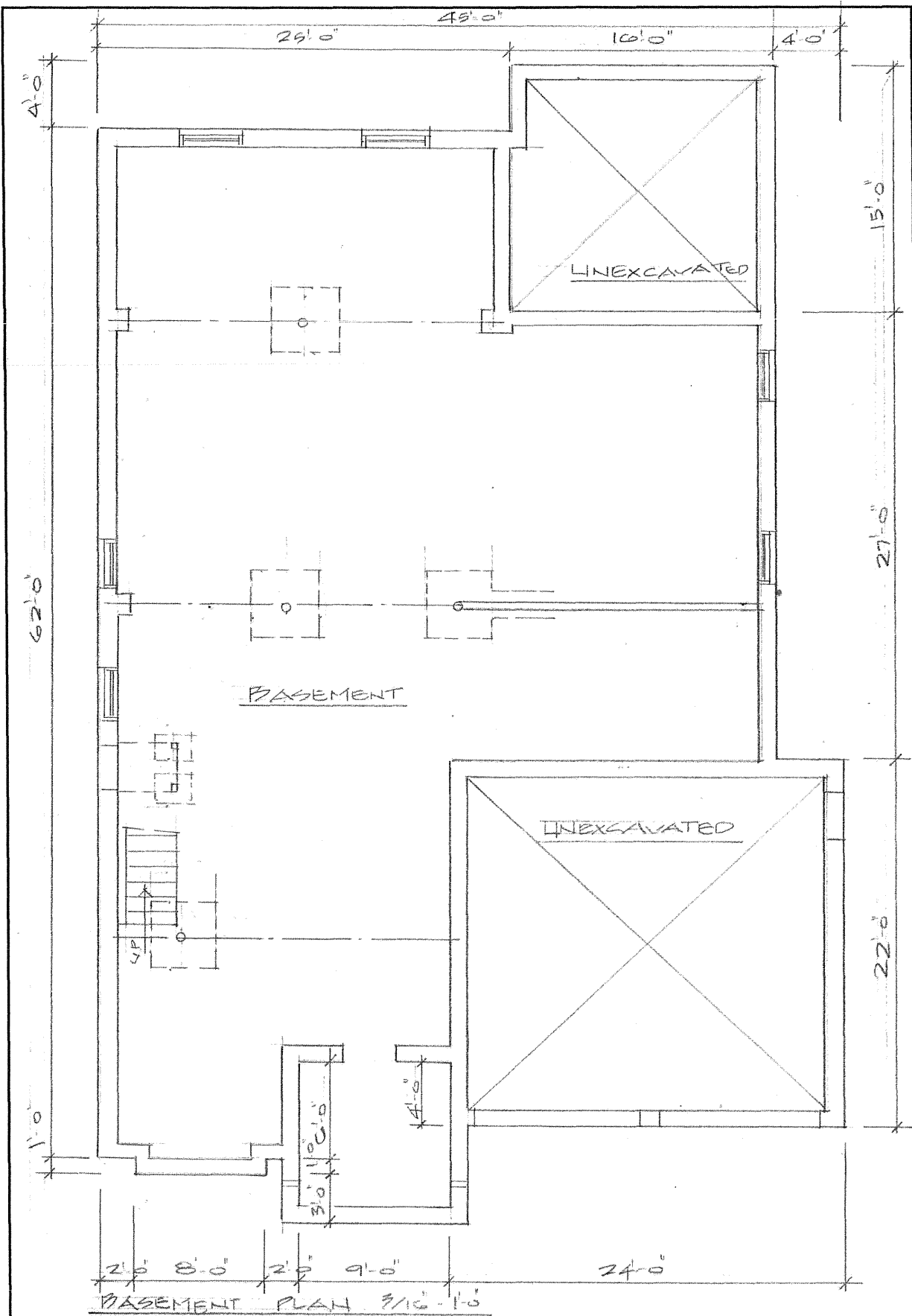


JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT	PROJECT NO.
	DRAWN	CHECKED BY		JOSEPH FERA (DROUGE-POST DR MARKHAM	DRAWING NO.
	JAY 9/10	10/10/10 FOR COA	Joe Bonura	19503	SHEET TITLE
		NAME SIGNATURE	PCIN	W.S. COV	5 OF 8
		Joe Bonura	29704		
		FIRM NAME	PCIN		



SECOND FLOOR PLAN 716'-10" FLOOR AREA 1903 S.F.

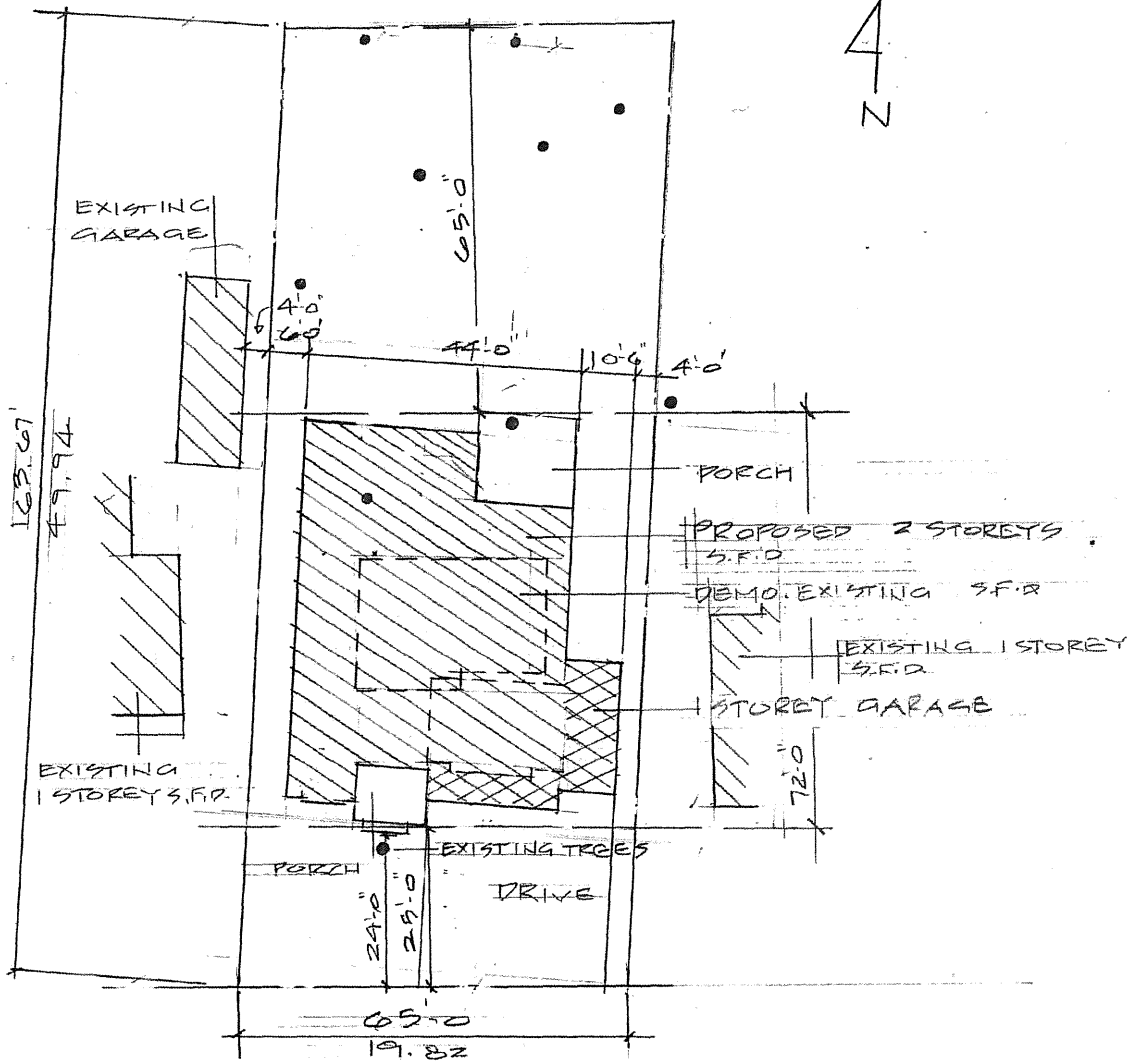
JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 3/16" = 1'-0"	DATE	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED 4ED JOSEPH FORA 12 ROUGHCREST MARCHAM	PROJECT NO.	
	DRAWN J.B.	CHECKED BY		NAME Joe Bonura	DRAWING NO.	
	JAN 8/18	ISSUE FOR COA	19503 BCIN	SIGNATURE	SHEET TITLE SECOND FL./PL	SHT 7
			29704 BCIN	FIRM NAME	OF 8	



BASEMENT PLAN 3/10-1-0

JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 1/8" = 1'-0"	DATE 1/12/10	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED 3RD FLOOR JOSEPH LEGG & TORONTO OFFICE OF MARKHAM	PROJECT NO.
	DRAWN J.B.	CHECKED BY J.B.		NAME Joe Bonura	DRAWING NO.
	JAN 7/10	19503		SIGNATURE Joe Bonura	SHEET TITLE BASEMENT PL
		29704		FIRM NAME Joe Bonura	SHT 8 OF 10

APPENDIX C



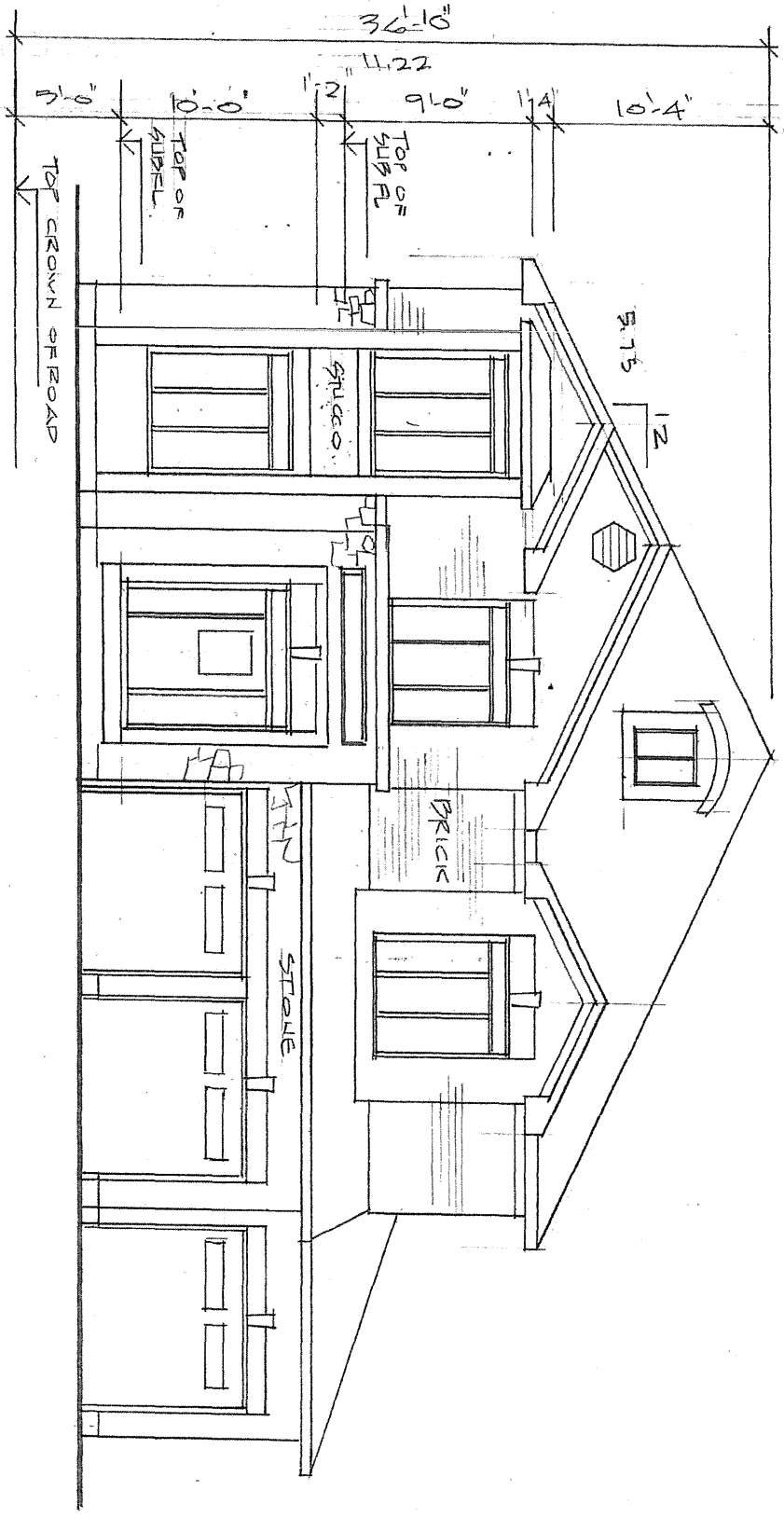
10 ROLLCREST DR
SITE PLAN 1-20

INFO. FROM SURVEY BY
 HORTON GARR & HAINES AND J.D. BARNES
 DATED AUG. 24, 1954 MARCH 10/17 (PREL.)
 LOT 5 RP 4427
 LOT AREA 10638 S.F.
 LOT COVERAGE 3190 S.F. 29.42%

A14/17 ADDED TREES

JOE BONURA M.A.A.T.O. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 1/20	DATE DEC 24/16	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED SEP FOR JOE FEFA IS ROUGE CREST MARKHAM	PROJECT NO.
	DRAWN J.B.	CHECKED BY		NAME Joe Bonura	DRAWING NO.
	FEB 26 DIMENSIONS	MAR 18 ADD ADJ. PROP.	19505 PCN	SHEET TITLE SITE PLAN	SHT 1 OF 9
			29704 PCN		

FRONT ELEVATION 31'6" x 11'0"

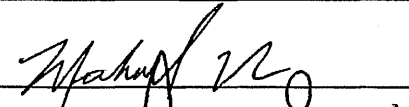



JOE BONURA MAATC. ARCHITECTURAL TECHNOLOGIST 25 Jacob Way Stouffville, Ontario L4A 1L1 PH. 905-591-4625 email: j_bonura@hotmail.com	SCALE 3/16" = 1'-0"	DATE APR 17	The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	PROJECT PROPOSED S.F.D. FOR JOE FERRA 15 ROUGECREST DR MARKHAM	PROJECT NO.
	DRAWN J.B.	CHECKED BY		Joe Bonura 19503 NAME SIGNATURE BCIN Joe Bonura 29704 FIRM NAME BCIN	DRAWING NO.
				SHEET TITLE FRONT ELEV.	SHT 29 OF

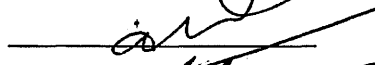
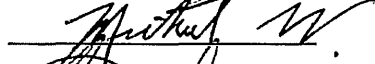
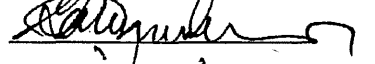

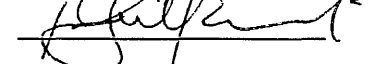
Committee of Adjustment Resolution

File Number: A/220/16
Hearing Date: Wednesday, May 10, 2017
Owner(s): Joseph Fera
Agent: Joseph Fera
Property Address: 10 Rougecrest Drive Markham
Legal Description: PLAN 4427 LOT 5
Zoning: By-law 1229, as amended, R1 - SINGLE DETACHED DWELLING
Official Plan: Urban Residential
Ward: 4

Last Date of Appeal: Tuesday, May 30, 2017

Moved by Michael 

Seconded by Arun 

- Arun Prasad 
- Michael Visconti 
- Gary Muller 
- Jeannie Reingold 
- Tom Gutfreund 
- Gregory Knight Not present

THAT Application No. A/220/16, submitted by Joseph Fera owner(s) of 10 Rougecrest Drive Markham, PLAN 4427 LOT 5, requesting relief from the requirements of By-law No. 1229, as amended, to permit the following:

- a) Infill By-law 99-90, Section 1.2 (i): a maximum building height of 11.23m whereas the By-law permits a maximum building height of 9.8m;
- b) Infill By-law 99-90, Section 1.2 (iii): a maximum building depth of 21.95m whereas the By-law permits a maximum building depth of 16.8m;

as they relate to a proposed residential dwelling. These variance requests be **approved** for the following reasons:

- (a) In the opinion of the Committee, the general intent and purpose of the By-law will be maintained;
- (b) In the opinion of the Committee, the general intent and purpose of the Official Plan will be maintained;
- (c) In the opinion of the Committee, the granting of the variance is desirable for the appropriate development of the lot;

(d) In the opinion of the Committee, the requested variance is minor in nature.

Subject to the following conditions:

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/220/16

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 B" to the Staff Report and dated December 24, 2016, 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.
4. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, 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;
5. Subject to the review and approval of the Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City if required, 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;
 - a) ***That the removal of the tree within the front yard be replaced with two trees of an equal or similar DBH, to the satisfaction of the Director of Planning and Urban Design or designate.***
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

The Committee, in making its decision on this matter, took into consideration the oral and written comments submitted on the application. The Committee was satisfied with the added condition (5a) to address the tree concerns of residents that spoke on the matter.

Resolution Carried

SPECIAL NOTE TO OWNERS AND AGENTS: It is the responsibility of the owner and/or agent to ensure that all conditions of approval are met through the respective departments noted therein. Failure to do so may result in additional approvals being required.