

Memorandum to the City of Markham Committee of Adjustment

June 5th, 2019

File: A/22/19
Address: 12 Sir Constantine Drive, Markham
Applicant: Usha & Emil Masilamany
Agent: Emil Masilamany
Hearing Date: Wednesday June 12th, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property (12 Sir Constantine Drive), to permit:

- a) Infill By-law 99-90, Section 1.2(vi): a maximum Floor Area Ratio (FAR) of 48.6 percent, whereas the By-law permits a maximum FAR of 45 percent.

The Committee of Adjustment deferred this application on April 10th, 2019, requesting the applicant reduce the proposed floor area and to receive the results of a submitted Zoning Preliminary Review. The applicant completed a Zoning Preliminary Review and submitted a revised application on May 13th, 2019 proposing a reduced net floor area ratio of 48.6%. Initially a floor area ratio of 49.31% was requested. The proposed variance will facilitate the construction of a two-storey 298.43 m² (3,212.40 ft²) detached dwelling, whereas the By-law permits a dwelling with a maximum floor area of 276.34 m² (2,974.46 ft²). This is an increase of approximately 22.11 m² (237.94 ft²). Staff's comments dated April 1st, 2019 remain applicable.

PUBLIC INPUT SUMMARY

As of June 5th, 2019 the City received one letter expressing support for the proposal. 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 "A1" for conditions to be attached to any approval of this application.

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX "A1"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/22/19

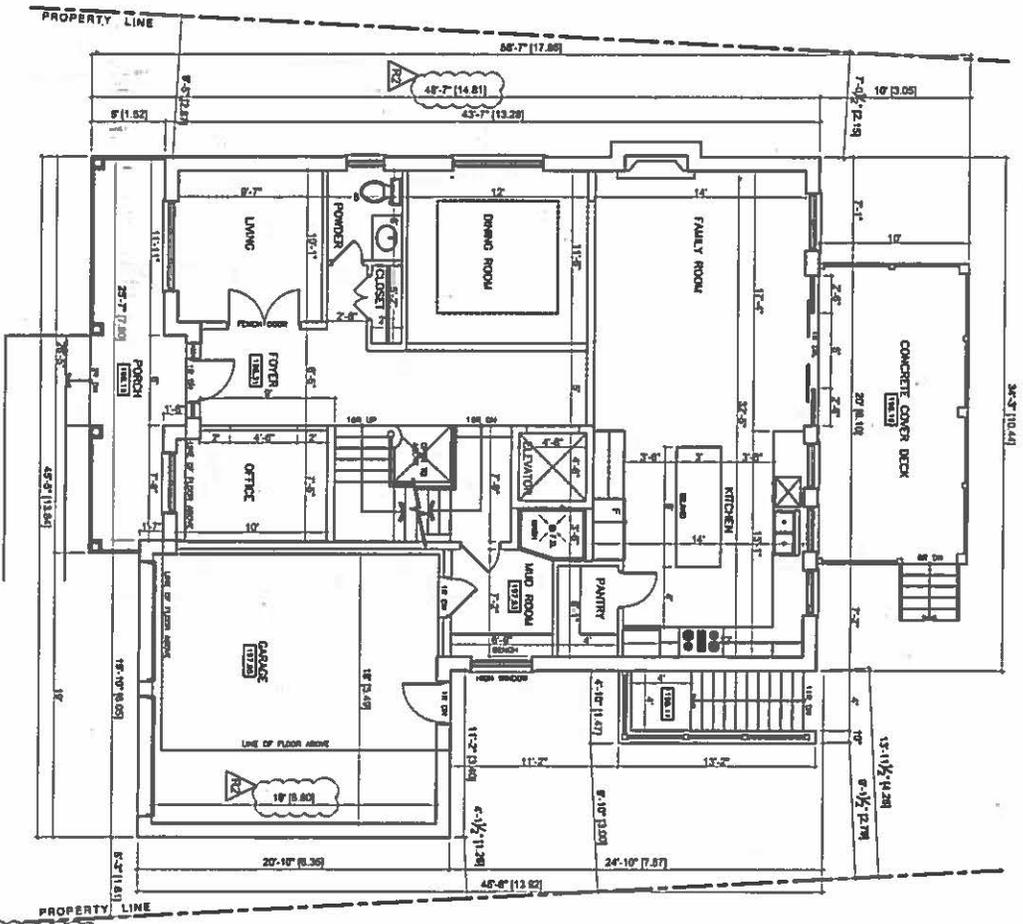
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B1' to this Staff Report and received by the City of Markham on *May 13th, 2019*, and that the Secretary-Treasurer 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 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; that the Secretary-Treasurer receive written confirmation from a 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;
4. 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;
5. 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

Ground Floor Plan
 SCALE: 1/8"=1'-0"
 GROUND FLOOR AREA = 1738.57 FT² (161.33 M²)



LOT AREA = 6819.90 FT² (635.00 M²)
 COVERED AREA = 2076.18 FT² (192.87 M²) = (31.36%)
 NET LOT AREA = 4743.72 FT² (442.64 M²)
 GROSS FLOOR AREA = 1738.57 FT² (161.33 M²)
 SECOND FLOOR AREA = 1475.83 FT² (137.10 M²)
 TOTAL = 3214.40 FT² (298.43 M²)/6809.90 FT² (634.08 M²)=48.60%

CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
 100 UNIVERSITY AVENUE, SUITE 1000, TORONTO, ONTARIO M5G 1S7
 TEL: (416) 593-1111 FAX: (416) 593-1112

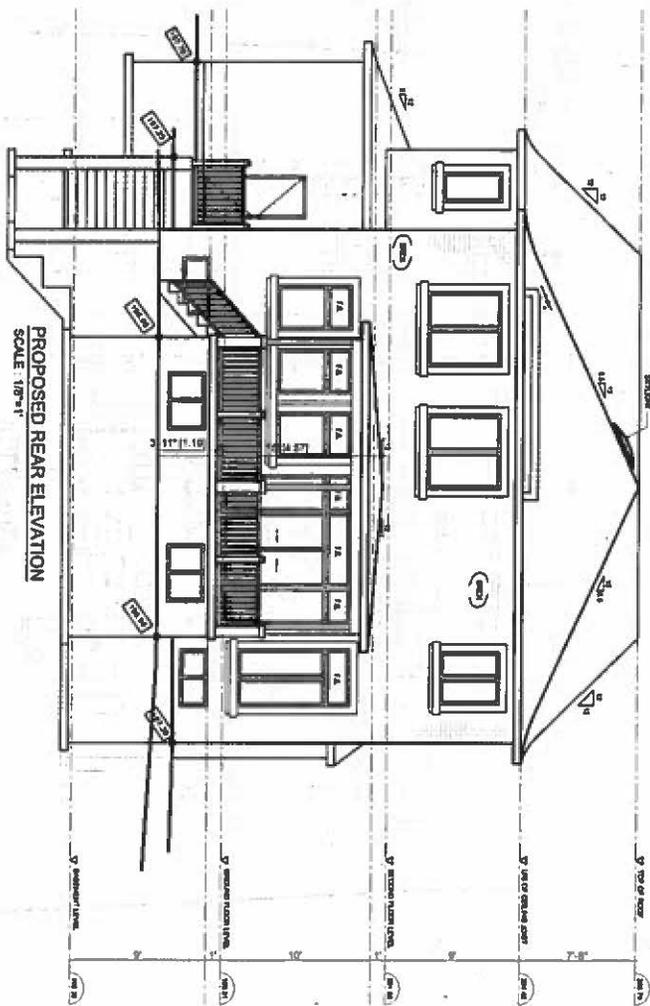
PROPOSED TWO STOREY RESIDENCE
 AT 12, SIR CONSTANTINE DRIVE
 MARKHAM, ON

PROPOSED GROUND FLOOR PLAN

DATE: 04/20/2010
 DRAWN BY: [Name]
 CHECKED BY: [Name]

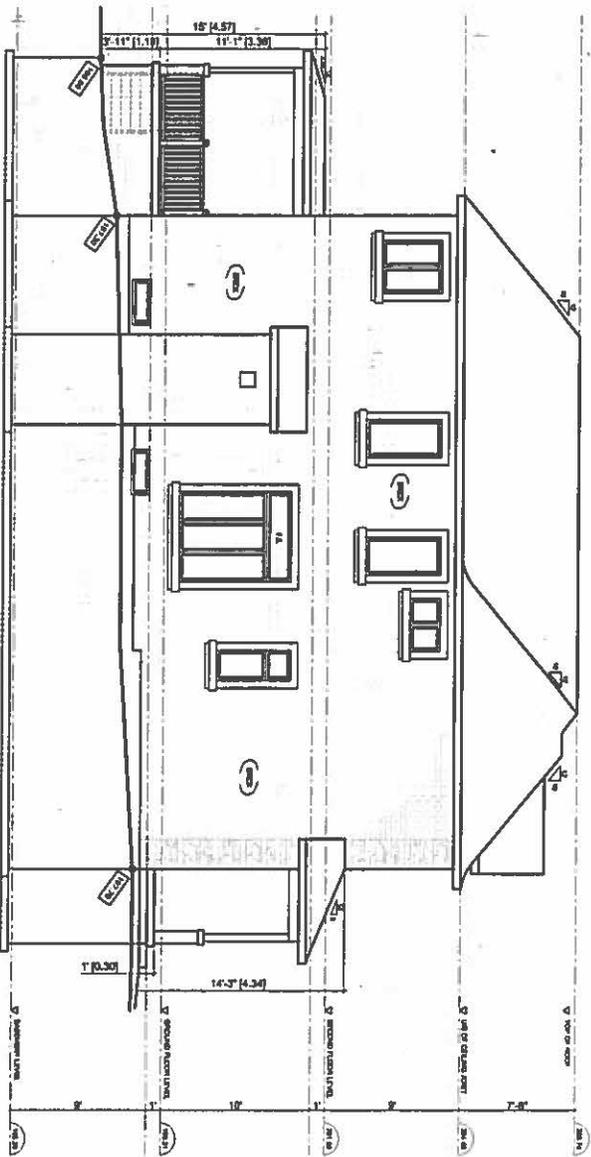
Scale: 1/8" = 1'-0"

A3



PROPOSED REAR ELEVATION
SCALE: 1/8" = 1'

<p>CANTAM <i>Group Ltd.</i></p> <p>PLANNING & BUILDING CONSULTANTS 12, SIR CONSTANTINE DRIVE MARGRAM, ONT. TEL: (905) 305-1122 • FAX: (905) 305-1785</p>		<p>PROJECT: PROPOSED REAR ELEVATION</p> <p>DATE: 11/14/2014</p> <p>SCALE: 1/8" = 1'</p> <p>PROJECT NO: A7</p>
<p>CONSTRUCTION AND OTHER CONDITIONS: ALL DIMENSIONS AND LOCATIONS SHOWN ON THIS PLAN SHALL BE AS SHOWN AND NOT TO SCALE UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS SHOWN ON THIS PLAN.</p>		<p>DATE: 11/14/2014</p> <p>BY: [Signature]</p>



PROPOSED LEFT ELEVATION
SCALE: 1/8"=1'

<p>CANTAM <i>Group Ltd.</i></p> <p>PLANNING & BUILDING CONSULTANTS 101 WILSON BLVD. UNIT 8 WILSONVILLE, OR 97148 TEL: (503) 261-7121 FAX: (503) 261-7122</p>		<p>PROJECT PROPOSED TWO STOREY RESIDENCE AT 12, SIR CONSTANTINE DRIVE MARRIQUAM, ONI</p>	
<p>DATE: 14 JAN 1998</p> <p>DRAWN BY: [blank]</p> <p>CHECKED BY: [blank]</p>		<p>PROJECT NO: [blank]</p> <p>PROJECT NAME: [blank]</p> <p>PROJECT ADDRESS: [blank]</p>	
<p>SCALE: 1/8"=1'</p>		<p>A9</p>	

Memorandum to the City of Markham Committee of Adjustment

April 01, 2019

File: A/22/19
 Address: 12 Sir Constantine Drive, Markham
 Applicant: Usha & Emilian Masilamany
 Agent: Emilian Masilamany
 Hearing Date: Wednesday April 10, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of the Residential One (R1) Zone in By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling:

- a) Infill By-law 99-90, Section 1.2(vi): a maximum Floor Area Ratio (FAR) of 49.31%, whereas the By-law permits a maximum FAR of 45%.

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 inside gross floor space coverage is exceeded as the calculation requires inclusion of the space taken by a double garage and mobility access elevator room, which is not livable space for the homeowner".

Zoning Preliminary Review (ZPR) 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

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the defined Net Lot Area. The applicant is requesting relief to permit a floor area ratio of 49.31%, whereas the By-law permits a maximum Floor Area Ratio of 45%. The variance will facilitate the construction of a two-storey 302.78 m² (3,259.13 ft²) detached dwelling, whereas the By-law permits a dwelling with a maximum floor area of 276.34 m² (2,974.46 ft²). This is an increase of approximately 26.44 m² (284.6 ft²).

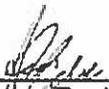
The proposed dwelling provides more than the required front, rear, and second storey setbacks and is under the permitted building height, depth and lot coverage. The proposed dwelling will be within the prescribed building envelope, which ensures it will be in keeping with the intended scale

APPENDIX "A"

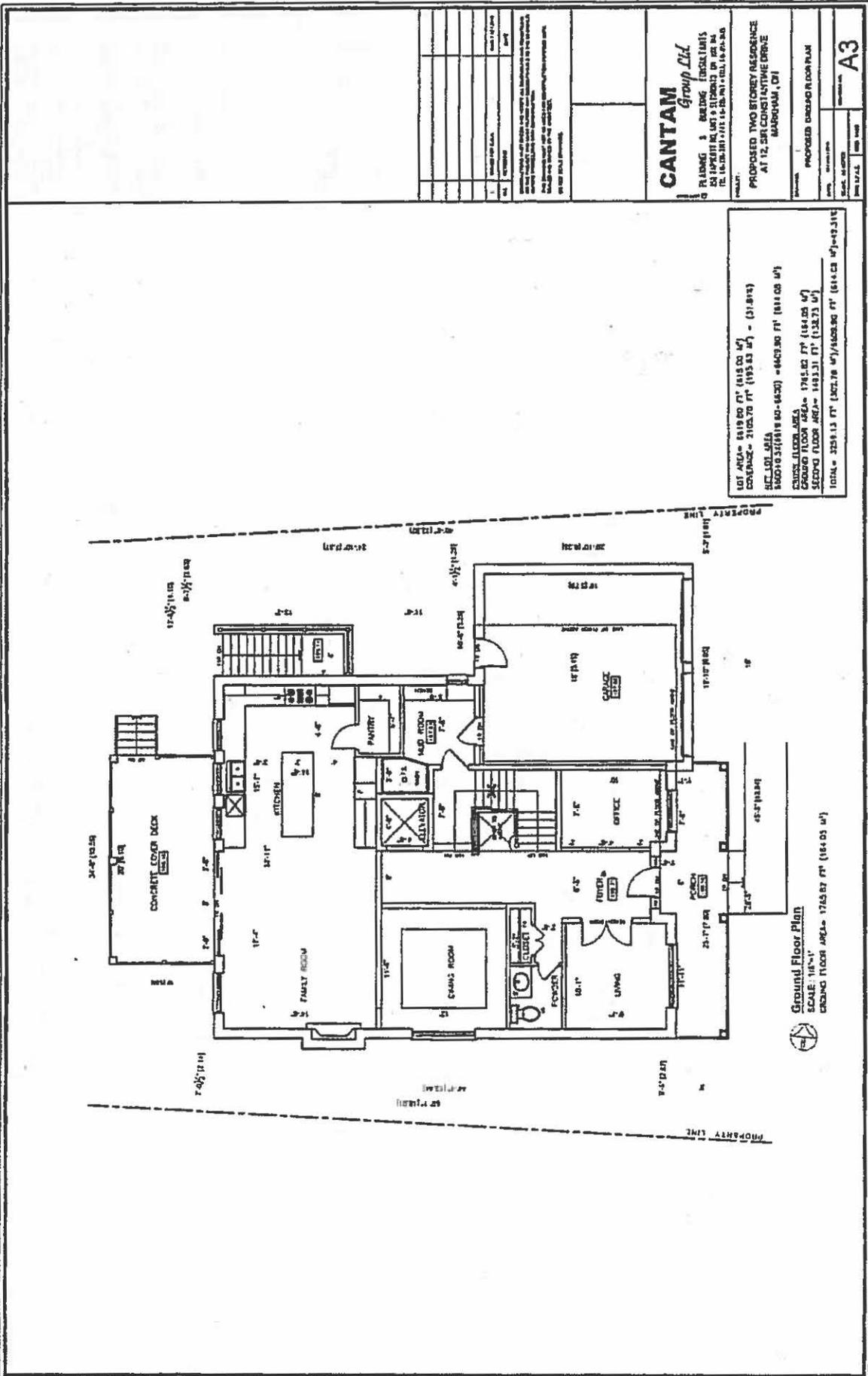
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/22/19

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 by the City of Markham on *March 13, 2019*, 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 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;
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CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



Ground Floor Plan
 SCALE: 1/8"=1'-0"
 GROUND FLOOR AREA= 1743.57 SF (161.03 M²)

LOT AREA= 6419.00 SF (595.00 M ²)
COVERED= 2102.70 SF (195.03 M ²) - (31.81%)
NET LOT AREA= 4316.30 SF (399.19 M ²)
HOUSE FLOOR AREA= 1743.57 SF (161.03 M ²)
GARAGE FLOOR AREA= 1433.31 SF (132.73 M ²)
TOTAL= 3176.88 SF (294.78 M ²)

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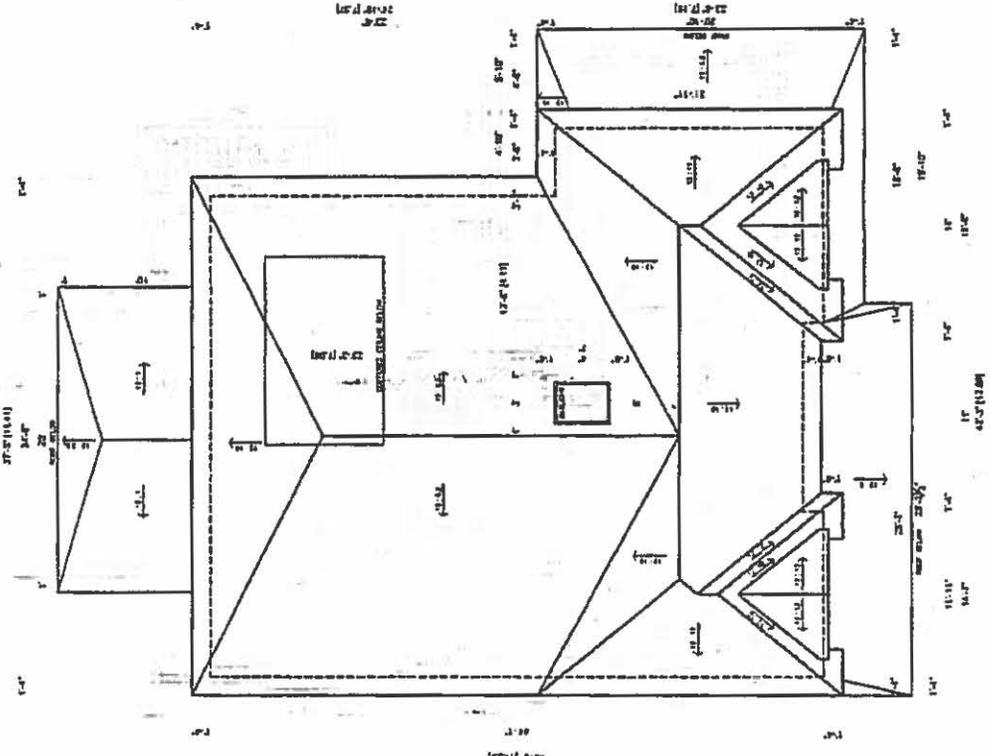
PLANNING & BUILDING CONSULTANTS
 2510 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202

PROPOSED TWO STORY RESIDENCE
 AT 12, 5TH CONSTITUTION DRIVE
 MARSHFIELD, CO

PROPOSED ONE AND A HALF STORY FLOOR PLAN

DATE: 10/11/11
 DRAWN: JLD
 CHECKED: JLD
 SCALE: AS SHOWN

A3



NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

CANTAM
Group Ltd

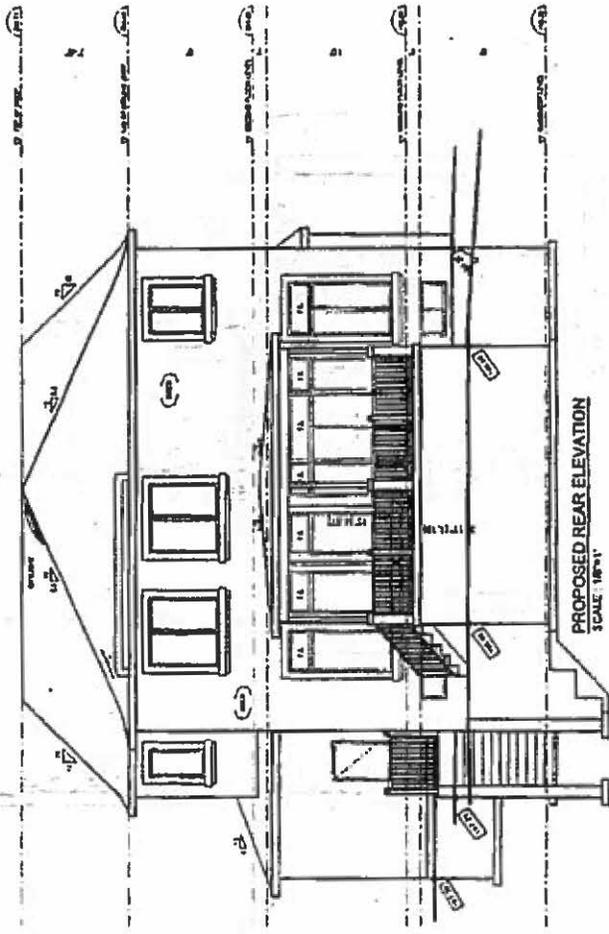
PLANNING & BUILDING CONSULTANTS
100 LAUREL STREET, SUITE 1000, BALTIMORE, MD 21201
TEL: 410-528-2000 • FAX: 410-528-2001

PROPOSED TWO STORY RESIDENCE
AT 12 MARCONI DRIVE
MANNINGHAM, OH

PROPOSED ROOF PLAN

DATE: 04/20/00
DRAWN BY: J.A.C.
SCALE: 1/8"=1'

A5



PROPOSED REAR ELEVATION
SCALE: 1/8" = 1'-0"

CANTAM
Group, Ltd.
PLANNING & BUILDING CONSULTANTS
200 SPENCER UNIT 111 MARKHAM, ONT. L3R 9V4
TEL: (905) 947-1111 FAX: (905) 947-1112

PROPOSED TWO STOREY RESIDENCE
AT 12, SET CONSTANTINE DRIVE
MARKHAM, ON

PROPOSED REAR ELEVATION	
DATE: 03/19/2019	PROJECT: 12 SET CONSTANTINE DRIVE
DRAWN BY: J. BROWN	CHECKED BY: J. BROWN
DATE: 03/19/2019	SCALE: 1/8" = 1'-0"

LA
A7

CITY OF MARKHAM
RECEIVED
MAR 19 2019
COMMITTEE OF ADJUSTMENT

