

# 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)r The variance must be minor in nature;r
- b)r The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;r
- c)r The general intent and purpose of the Zoning By-law must be maintained;r
- d)r The general intent and purpose of the Official Plan must be maintained.r

## **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 m<sup>2</sup> (3,259.13 ft<sup>2</sup>) detached dwelling, whereas the By-law permits a dwelling with a maximum floor area of 276.34 m<sup>2</sup> (2,974.46 ft<sup>2</sup>). This is an increase of approximately 26.44 m<sup>2</sup> (284.6 ft<sup>2</sup>).

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

of residential infill developments for the neighbourhood. Staff are of the opinion that the requested variance for maximum floor area ratio is minor in nature.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of April 01, 2019. 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.

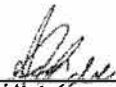
### **CONCLUSION**

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:

  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


  
Stephen Corr, Senior Planner, East District  
File Path: Amanda\File 19 114624 \Documents\District Team Comments Memo

## 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;
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:

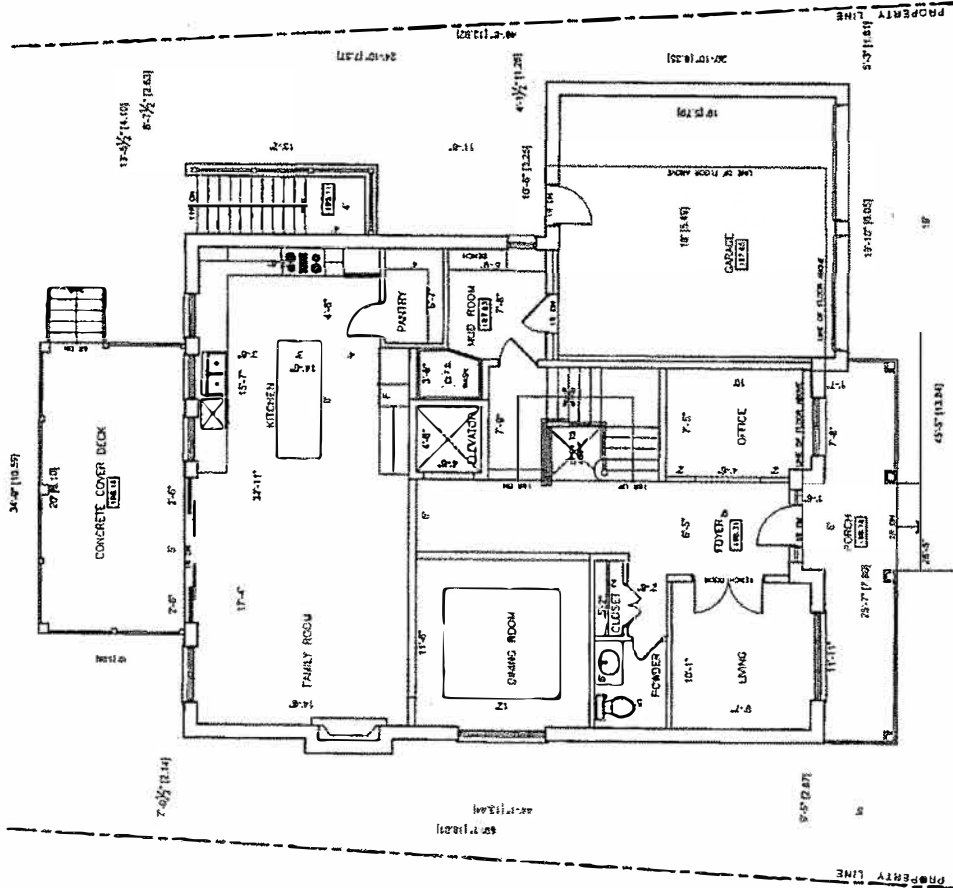
  
Aqsa Malik, Planner, Zoning and Special Projects







A2



LOT AREA = 6519.80 FT <sup>2</sup> (615.80 M <sup>2</sup> )
COVERED = 2103.70 FT <sup>2</sup> (195.83 M <sup>2</sup> ) = (31.87%)
NET LOT AREA = 4416.10 FT <sup>2</sup> (410.93 M <sup>2</sup> )
GROUND FLOOR AREA = 1765.82 FT <sup>2</sup> (164.05 M <sup>2</sup> )
SECOND FLOOR AREA = 1483.33 FT <sup>2</sup> (138.73 M <sup>2</sup> )
TOTAL = 3259.13 FT <sup>2</sup> (302.78 M <sup>2</sup> ) / 6609.90 FT <sup>2</sup> (614.83 M <sup>2</sup> ) = 49.31%

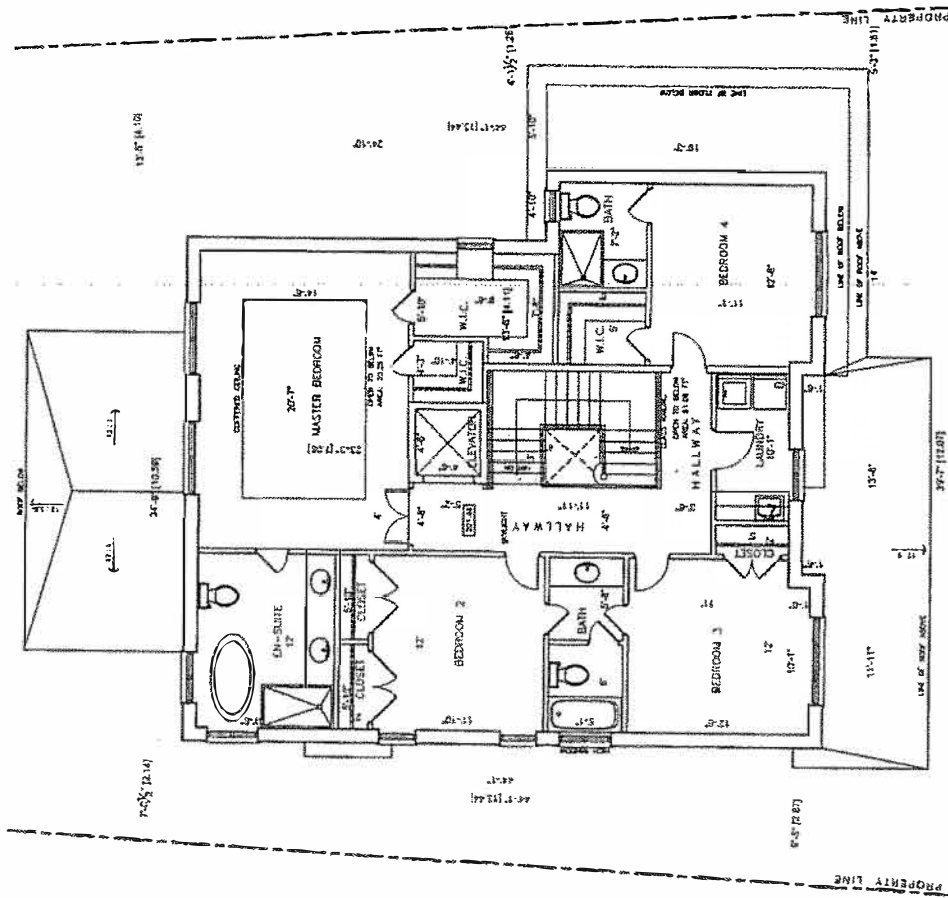
**CANTAM**  
Group Ltd.

PLANNING & BUILDING CONSULTANTS  
101 IMPERIAL BLVD. SUITE 100  
SCARBOROUGH, ONTARIO M1V 4Y4  
TEL: (416) 291-1111 FAX: (416) 291-1115

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

PROPOSED GROUND FLOOR PLAN

A3



**Second Floor Plan**

SCALE: 1/8"=1'

SECOND FLOOR AREA = 1624.62 FT<sup>2</sup> - (91.08 FT<sup>2</sup> x 20.25 FT<sup>2</sup>) = 1493.33 FT<sup>2</sup> (138.75 M<sup>2</sup>)

OPEN BELOW

**CANTAM**

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PLANS: 1. SECOND FLOOR

FOR ARCHITECTURAL RECORD

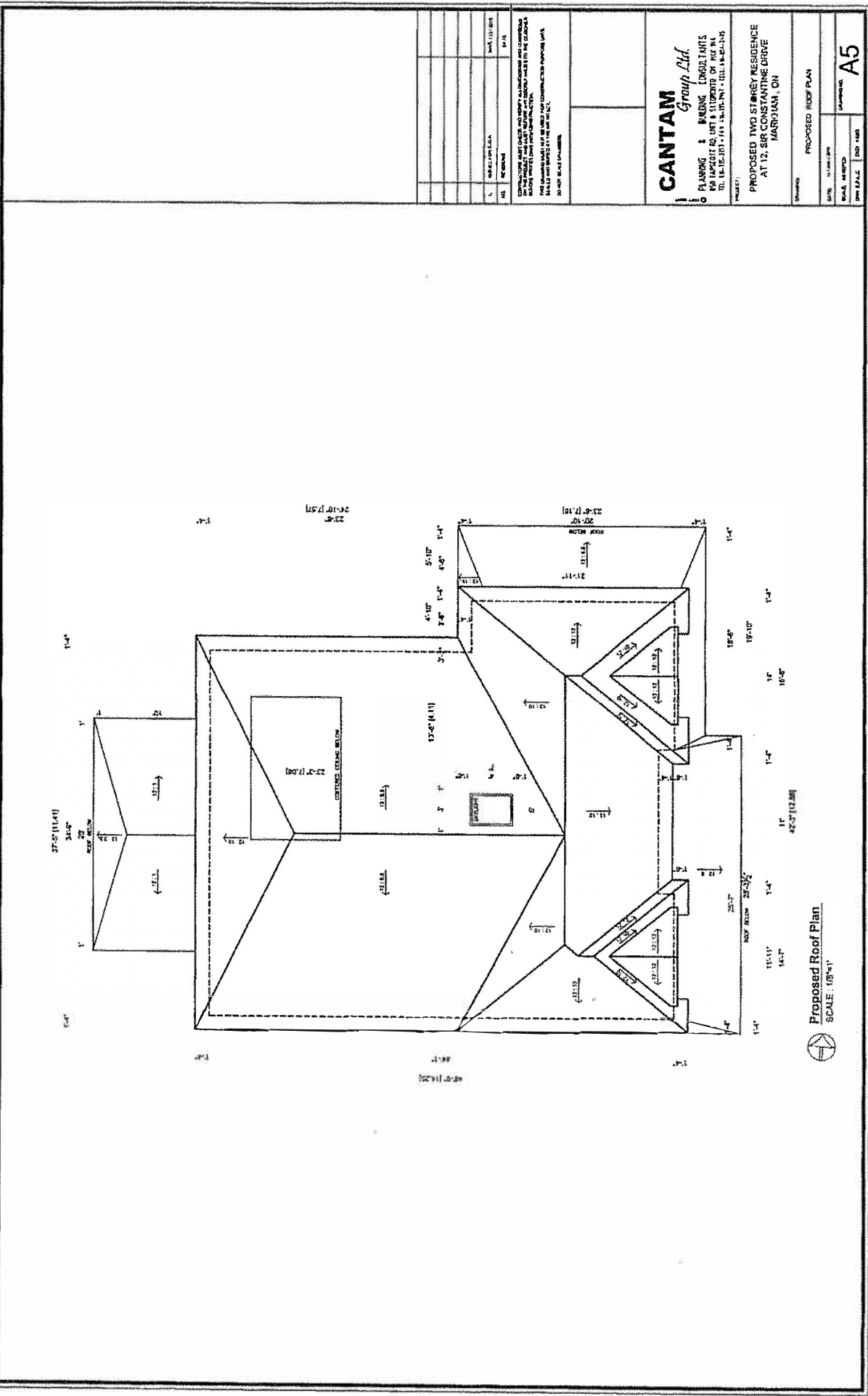
10. 18.10.2011 - 18.10.2011 - 18.10.2011

PROPOSED TWO STOREY RESIDENCE  
AT 12, SIR CONSTANTINE DRIVE  
MANAMA, BN

PROPOSED SECOND FLOOR PLAN

A4





Proposed Roof Plan  
SCALE: 1/8" = 1'-0"

**CANTAM**  
*Group Ltd.*

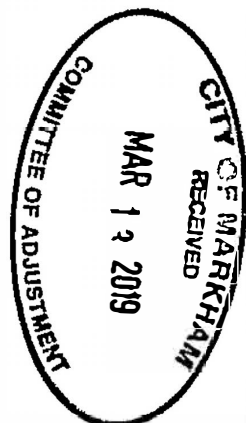
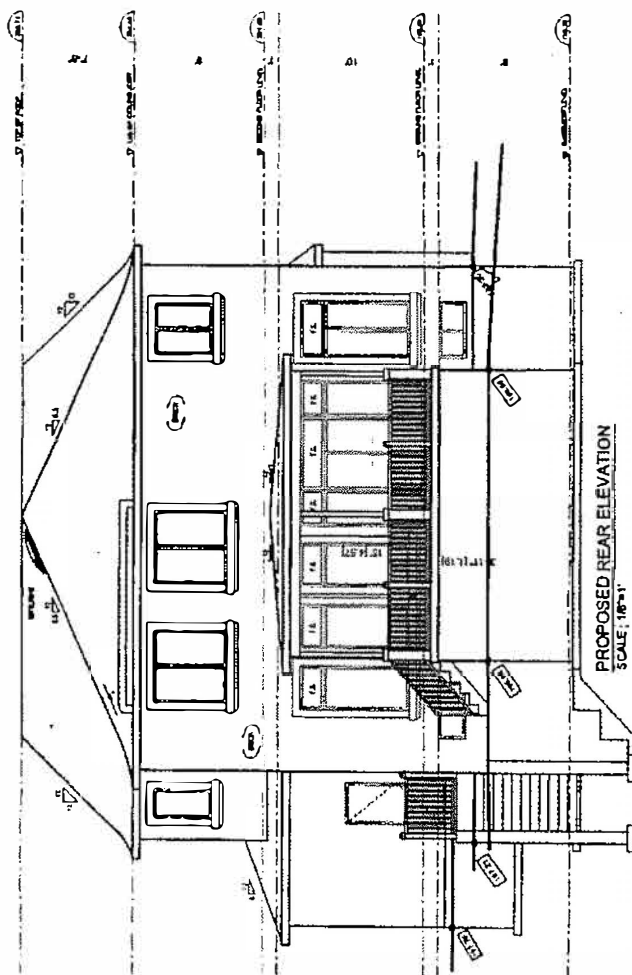
PLANNING & BUILDING CONSULTANTS  
100, WEST 4TH STREET, SUITE 100  
TORONTO, ONTARIO M5T 1C1

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

PROPOSED ROOF PLAN	
DATE: 11/11/2011	SCALE: 1/8" = 1'-0"
BY: J.P.A.	DATE: 11/11/2011
PROJECT: 12, SIR CONSTANTINE DRIVE	PROJECT: 12, SIR CONSTANTINE DRIVE

A5





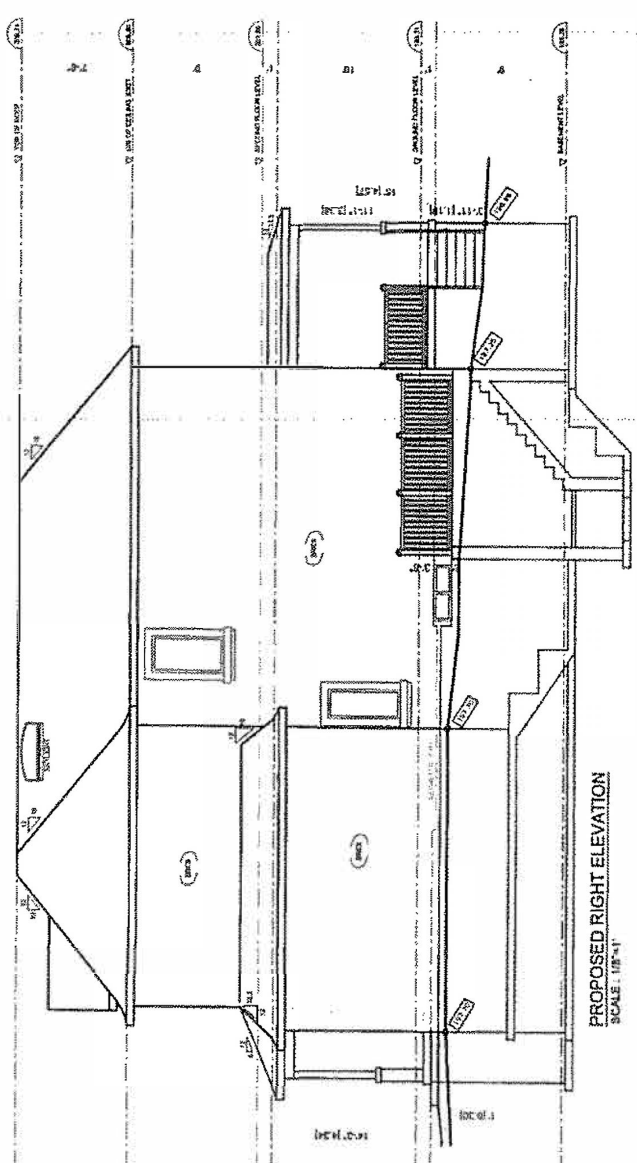
**CANTAM**  
Group Ltd.  
PLANNING & BUILDING CONSULTANTS  
1100 SHEPPARD AVENUE EAST, SUITE 100  
MARKHAM, ONTARIO L3R 9V4  
TEL: (905) 947-1111 FAX: (905) 947-1112  
WWW.CANTAM.COM

PROJECT:  
PROPOSED TWO STOREY RESIDENCE  
AT 12, SEE CONSTATINE DRIVE  
MARKHAM, ON

PROPOSED REAR ELEVATION

DATE: 04/02/2019  
DRAWN BY: J.A.L.  
CHECKED BY: J.A.L.  
SCALE: 1/8\"/>

A7



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

NO.	DESCRIPTION	DATE
1.	REVISION	10/11/11
2.	REVISION	10/11/11
3.	REVISION	10/11/11
4.	REVISION	10/11/11
5.	REVISION	10/11/11
6.	REVISION	10/11/11
7.	REVISION	10/11/11
8.	REVISION	10/11/11
9.	REVISION	10/11/11
10.	REVISION	10/11/11

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 PLANNING & BUILDING CONSULTANTS  
 105 IMPROVEMENT RD • SUITE 101 • WILLOWDALE, ON M2H 1A5  
 TEL: 416-491-1111 • FAX: 416-491-1112 • WWW.CANTAM.COM

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

DRAWING: PROPOSED RIGHT ELEVATION SHEET: 11 OF 11 SCALE: 1/8" = 1'-0" DATE: 10/11/11 DRAWN BY: [Signature] CHECKED BY: [Signature]	
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A8



