

Memorandum to the City of Markham Committee of Adjustment

May 16, 2018

File: A/42/18
Address: 1 Sunflower Crt - Thornhill
Applicant: Mohammad Javad Nahri
Agent: Mohammad Ashouri
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the West Team. Staff have no objection to the application. The Applicant is requesting relief from By-law 1767, as amended

- a) **Infill By-law 100-90, Section 1.2(i):**
a maximum building height of 10.71 metres; whereas, the By-law permits a maximum building height of 9.8 metres;
- b) **Infill By-law 100-90, Section 1.2(iii):**
a maximum building depth of 17.62 metres; whereas, the By-law permits a maximum building depth of 16.8 metres;
- c) **Section 9(i):**
a maximum unenclosed roofed porch encroachment of 63"; whereas, the By-law permits a maximum encroachment of 18" into the required front yard;

as they relate to a proposed residential dwelling

The Committee of Adjustment deferred the application on May 09, 2018 to allow the applicant to reconfigure the driveway. The applicant submitted revised plans on May 16, 2018 which show a reduced driveway width of 7.0 m (22.96 ft) on city property. Thereby reducing the impact on the existing cedar hedge within the right-of-way in the boulevard and maintaining more than the 1.5 m (4.92 ft) from the existing Fire Hydrant. The drawings also show the originally proposed four car garage being reduced to a three car garage. Thus decreasing the building depth from 19.56 m (64.17 ft) to 17.62 m (57.81 ft). This represents a difference of approximately 0.82 m (2.69 ft) from the permitted 16.8 m (55.11 ft) maximum building depth, or 4.9%. These changes produce a product that is in keeping with the existing character of the neighbourhood and Staff have no objection to the approval of this application.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 16, 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. Based on the discussion above, Staff have no

objection to this application, subject to conditions outlined in Appendix "A" attached to this report. Staff recommend that the Committee consider public input in reaching a decision.

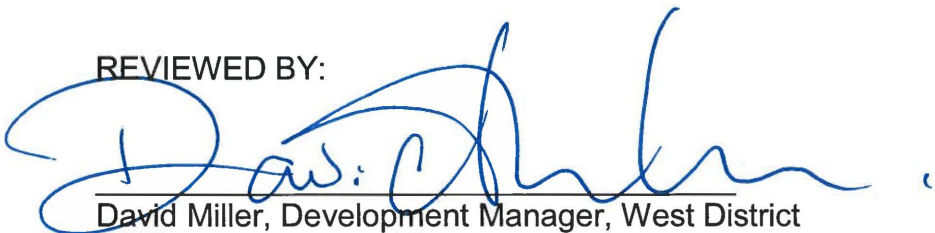
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District
File Path: Amanda\File\ 18 228587 \Documents\District Team Comments Memo

APPENDIX "A"

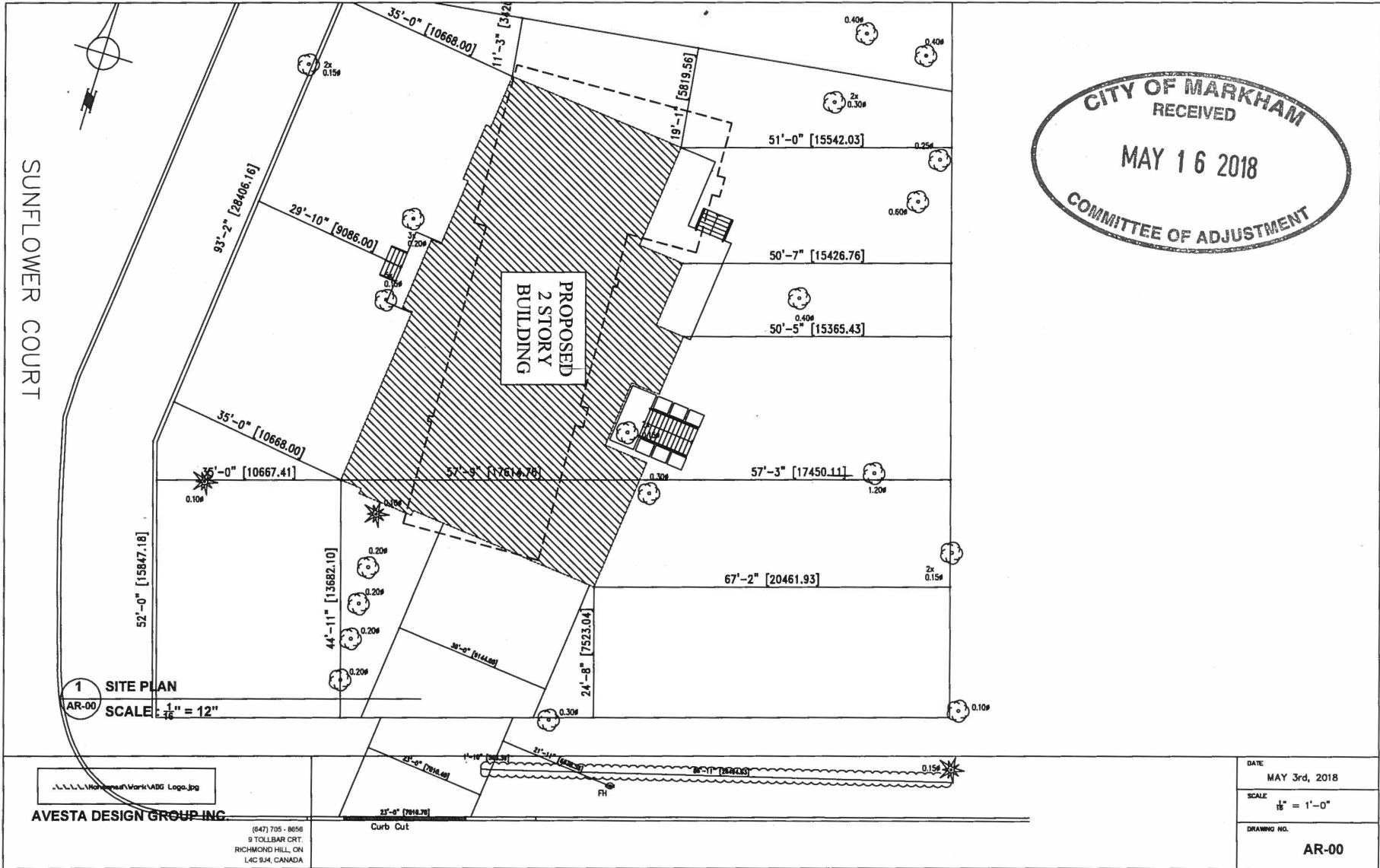
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/42/18

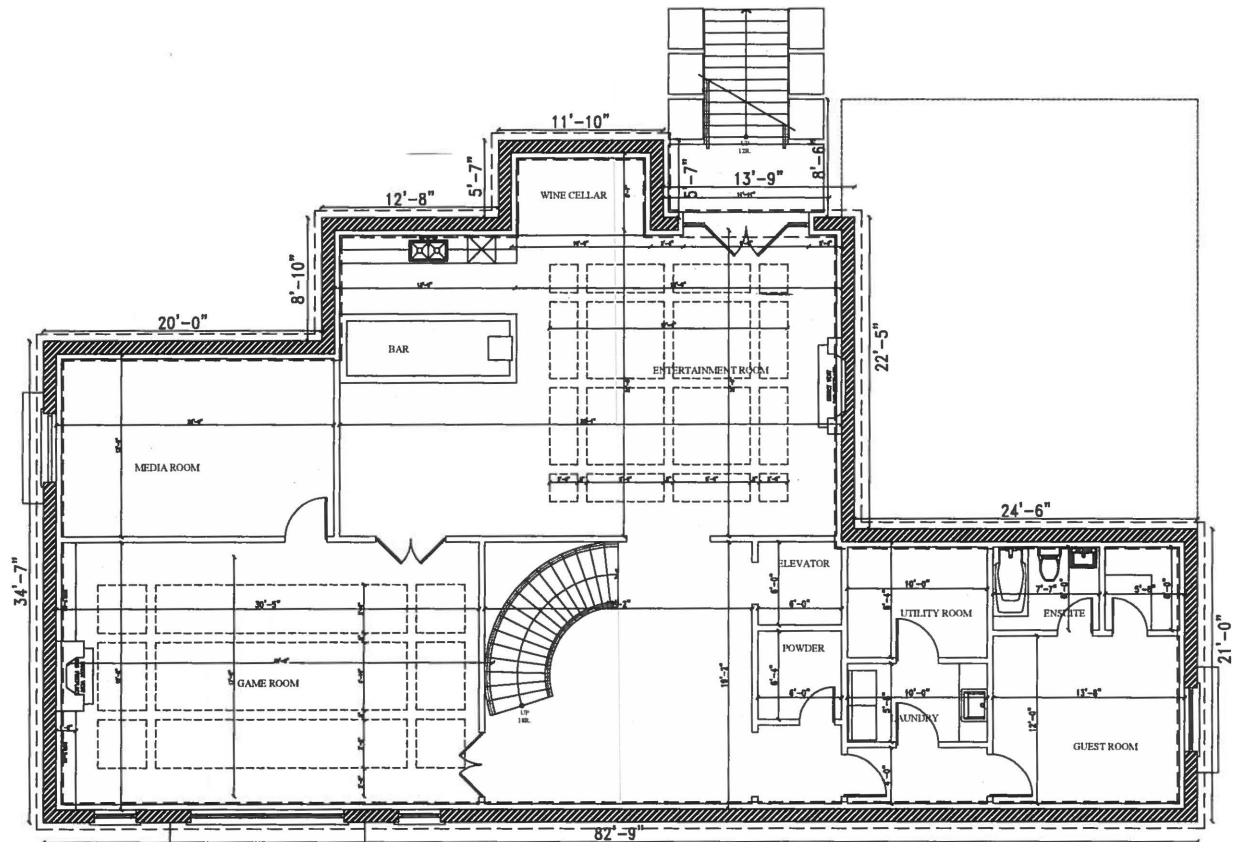
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated May 16, 2018 and that the Secretary-Treasurer receive written 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 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate;
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 Director of Planning and Urban Design or designate;
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate;
7. 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.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects





1 BASEMENT FLOOR PLAN
 AR-03 SCALE : $\frac{1}{8}" = 12"$


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THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK

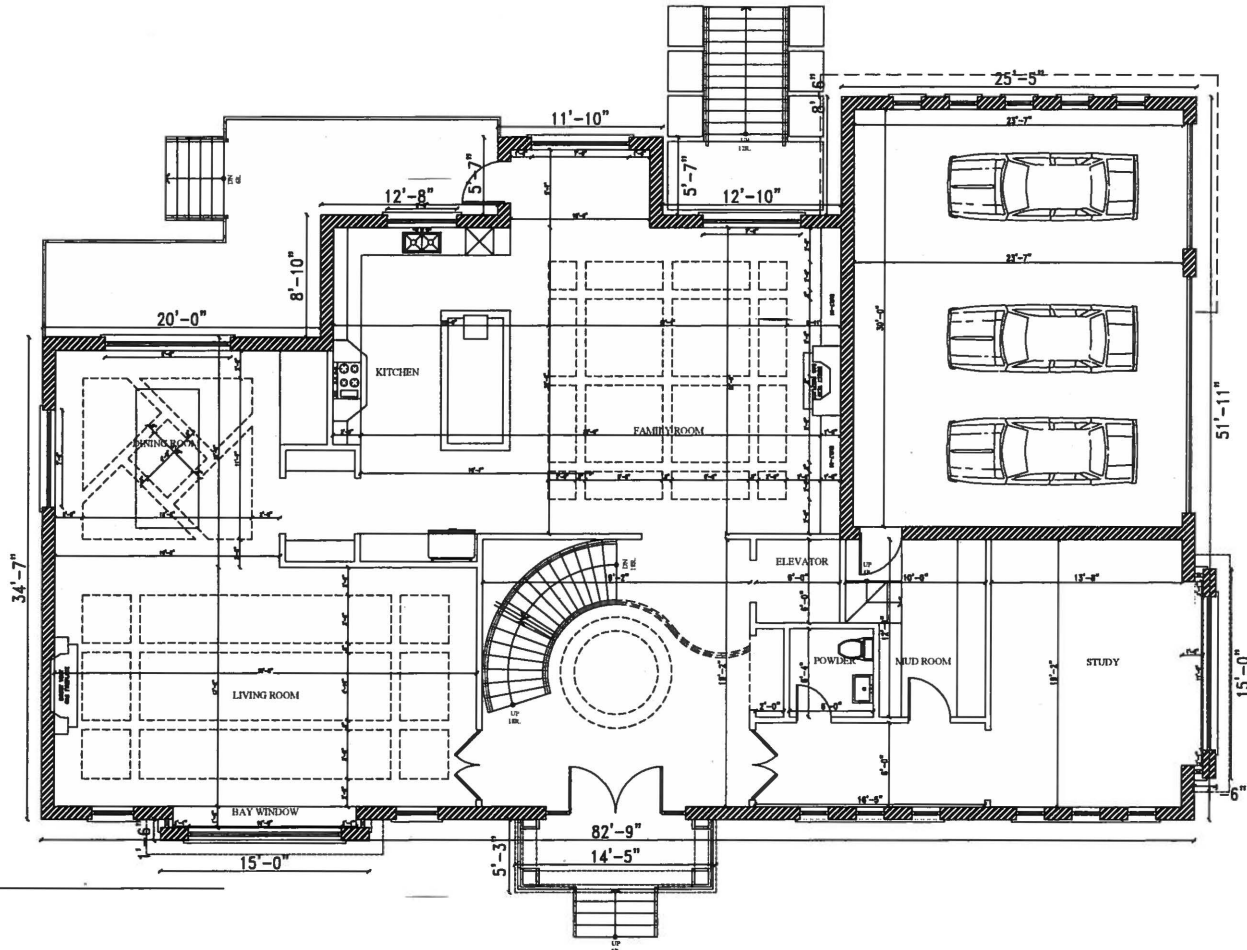
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DRAWINGS ISSUED	
DATE:	ISSUED FOR:

PROJECT TITLE			
1 SUNFLOWER CT.			
DRAWING TITLE			
PROPOSED FLOOR PLAN			
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE	JANUARY 19th, 2018
SCALE	$\frac{1}{8}" = 1'-0"$
DRAWING NO.	AR-03



1 MAIN FLOOR PLAN
AR-01 SCALE : $\frac{1}{8}'' = 12''$

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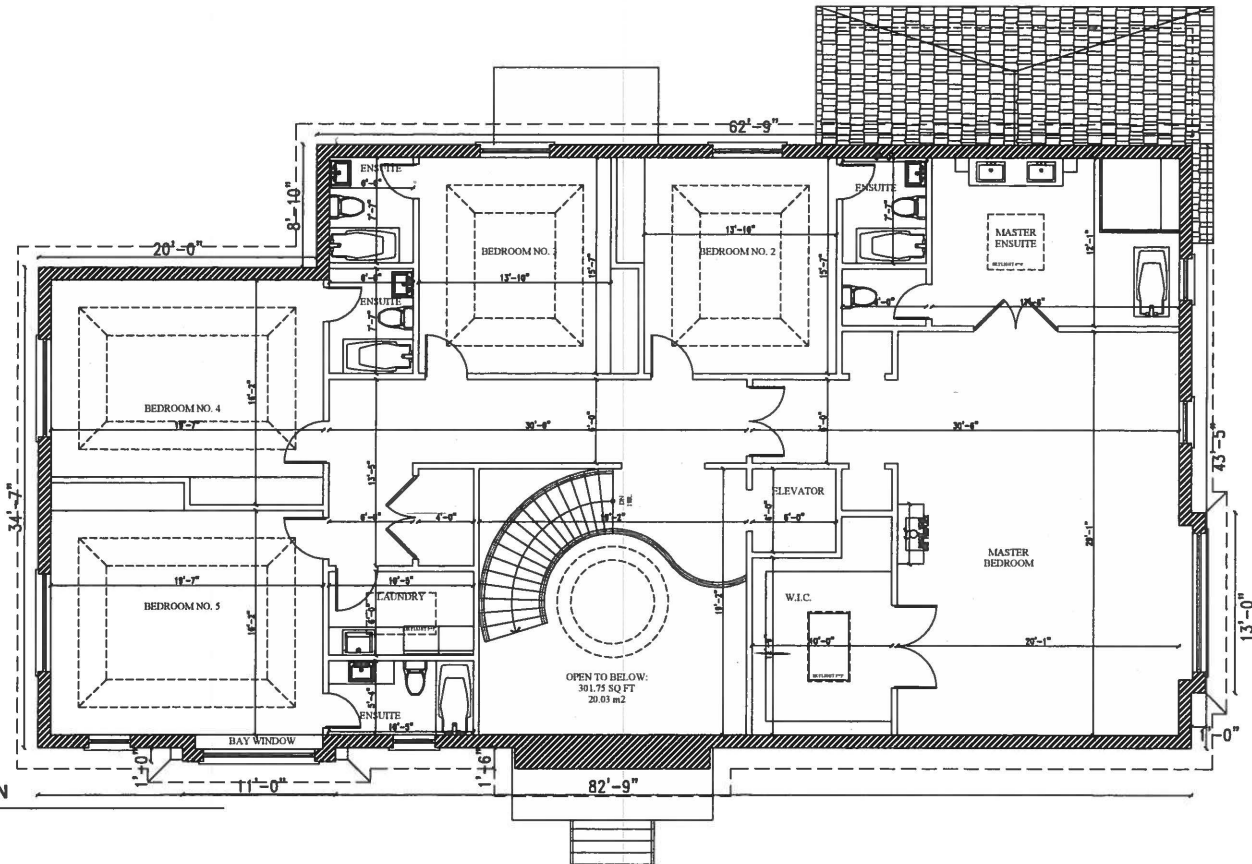
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DRAWING TITLE				PROPOSED FLOOR PLAN	
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY		

DATE	JANUARY 19th, 2018
SCALE	$\frac{1}{8}'' = 1'-0''$
DRAWING NO.	AR-01



1 SECOND FLOOR PLAN
AR-02 SCALE : $\frac{1}{8}'' = 12''$

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DATE:	ISSUED FOR:

PROJECT TITLE

1 SUNFLOWER CT.

DRAWING TITLE

PROPOSED FLOOR PLAN

DRAWN BY

DESIGNED BY

CHECKED BY

APPROVED BY

DATE

JANUARY 19th, 2018

SCALE

$\frac{1}{8}'' = 1'-0''$

DRAWING NO.

AR-02



1 WEST ELEVATION
 AR-05 SCALE : $\frac{1}{8}'' = 12''$

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DRAWINGS ISSUED

DATE	ISSUED FOR:

PROJECT TITLE		1 SUNFLOWER CT.		DATE	JANUARY 19th, 2018
DRAWING TITLE		PROPOSED WEST ELEVATION		SCALE	$\frac{1}{8}'' = 1'-0''$
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY	DRAWING NO.	AR-05

172.33
ROOF PEAK

169.33
T/O EAVES

166.98
FIN SECOND FLOOR

163.32
FIN. FIRST FLOOR

162.41
EST. GRADE

161.63
CL. OF STREET

159.66
FIN BASEMENT FLOOR

10.70 m. FINISHING HEIGHT

2.74 m

0.38 m

3.38 m

0.63 m

3.86 m



1 SOUTH ELEVATION
AR-06 SCALE : 1/8" = 12"



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DRAWINGS ISSUED

DATE	ISSUED FOR:

PROJECT TITLE
1 SUNFLOWER CT.

DRAWING TITLE
PROPOSED SOUTH ELEVATION

DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE
JANUARY 19th, 2018

SCALE
1/8" = 1'-0"

DRAWING NO.
AR-06



1 EAST ELEVATION
 AR-07 SCALE : $\frac{1}{8}'' = 12''$

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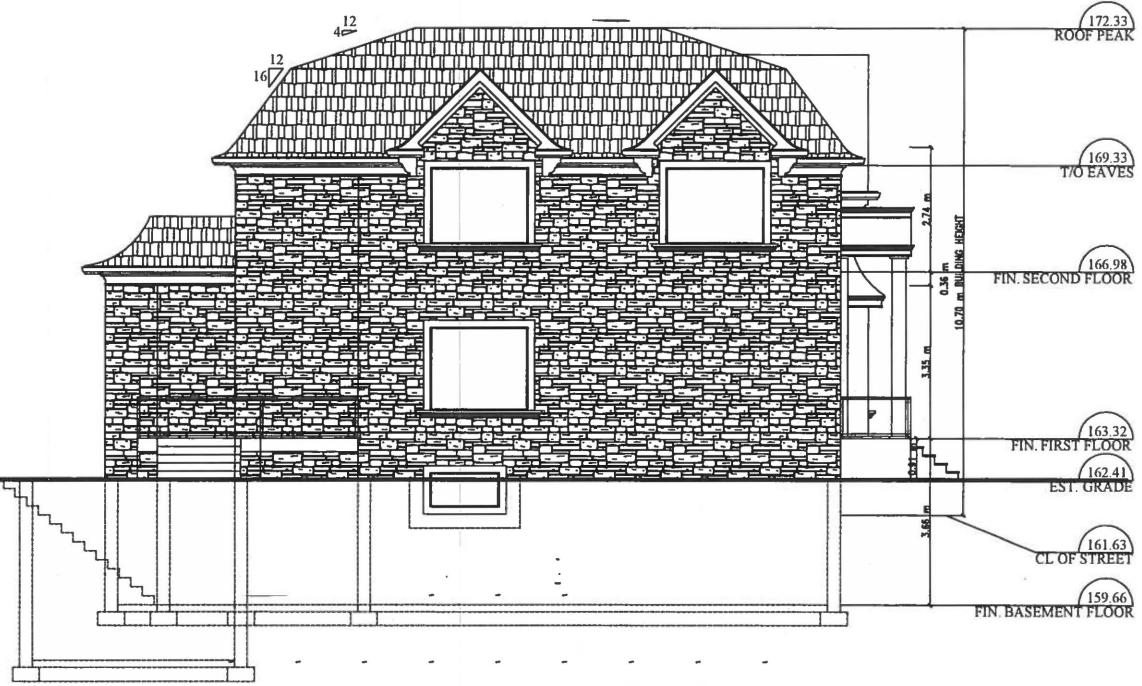
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DRAWINGS ISSUED	
DATE:	ISSUED FOR:

PROJECT TITLE 1 SUNFLOWER CT.			
DRAWING TITLE PROPOSED EAST ELEVATION			
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE JANUARY 19th, 2018
SCALE $\frac{1}{8}'' = 1'-0''$
DRAWING NO. AR-07



1 NORTH ELEVATION
 AR-08 SCALE : $\frac{1}{8}'' = 12''$

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DRAWINGS ISSUED	
DATE	ISSUED FOR

PROJECT TITLE 1 SUNFLOWER CT.			
DRAWING TITLE PROPOSED NORTH ELEVATION			
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE JANUARY 19th, 2018
SCALE $\frac{1}{8}'' = 1'-0''$
DRAWING NO. AR-08

Memorandum to the City of Markham Committee of Adjustment

May 7, 2018

File: A/42/18
Address: 1 Sunflower Crt - Thornhill
Applicant: Mohammad Javad Nahri
Agent: Mohammad Ashouri
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the West Team. The Applicant is requesting relief from By-law 1767, as amended

- a) **Infill By-law 100-90, Section 1.2(i):**
a maximum building height of 10.71 metres; whereas, the By-law permits a maximum building height of 9.8 metres;
- b) **Infill By-law 100-90, Section 1.2(iii):**
a maximum building depth of 19.56 metres; whereas, the By-law permits a maximum building depth of 16.8 metres;
- c) **Section 9(i):**
a maximum unenclosed roofed porch encroachment of 63"; whereas, the By-law permits a maximum encroachment of 18" into the required front yard; as they relate to a proposed residential dwelling

BACKGROUND

Property Description

The 1673.31 m² (18011.35 ft²) subject property is located on Sunflower Court, a cul-de-sac north of Steeles Avenue and east of Bayview Avenue. It is located in the north east corner of Sunflower Court and Daffodil Avenue. The property is located within an established residential neighbourhood comprised primarily of two-storey detached homes. There is an existing one-storey detached 248.79 m² (2678 ft²) dwelling on the property, which according to assessment records was constructed in 1963. Mature vegetation exists across the property and is a predominant characteristic off the neighbourhood.

Proposal

The applicant is proposing to demolish the existing home and a construct a 364.95 m² (3928 ft²) two-storey detached dwelling (See Appendix A). The proposed dwelling contains a four car garage and a rear yard deck. Several trees will be removed as a result of the development.

Official Plan & 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. 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 1767

The subject property is zoned 'SR2-Single Detached Residential' under By-law 1767 as amended, which permits a single detached dwelling. The proposal does not comply with the By-law with respect to the porch encroachment.

Residential Infill Zoning By-Law

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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 building height and building depth.

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

According to the information provided by the Applicant the stated reason for not complying is: *"considering site specific conditions and the fact that the project is located in a corner lot, the minor variance is required to provide elevations and facades for the property that will allow the preservation of the present urban texture. Thus the depth and encroachment of the building is higher than the provisions in the By-laws"*.

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. 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 Building Height

The applicant is requesting relief to permit a maximum building height of 10.71 m (35.13 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.91 m (2.98 ft), or 9.3%.

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 0.78 m (2.56 ft) above the crown of road. It is the opinion of staff that the proposed building height fits in with the recent development trend in the community and is generally consistent with other new infill residential developments in the area.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.56 m (64.17 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of 2.76 m (9.05 ft), or approximately 16.4%.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building. The second storey component of the proposed building, has a building depth of 14.93 m (49.98 ft), which complies with the by-law requirements.

The request will, in part, facilitate the introduction of a four car garage, which is not in keeping with the character of the neighbourhood. A four car garage and driveway will also reduce the amount of soft landscaping on the property. Given this, staff does not support the increase in maximum building depth. Planning staff are aware that an alternative design with a four car garage in compliance with the Markham Building Department is possible.

The Engineering Department provided comments with respect to the maximum curb cut and minimum distance to an existing Fire Hydrant on Daffodil Avenue. The maximum curb cut is 7 m (22.96 ft), and the driveway must be set back at least 1.5 m (4.92 ft) from the existing Fire Hydrant. The distance between the existing edge of the driveway and Fire Hydrant is approximately 8.53 m (28 ft), as measured by City Staff.

Planning staff are also concerned that the four car garage and driveway will require a portion of an existing cedar hedge to be removed. The hedge is partially on private property and partially within the right-of-way in the boulevard. Staff have asked the applicant to explore options that leave the portion of the hedge within the right-of-way untouched. However, they still wish to remove a portion of the hedge from City lands. An updated arborist report was submitted to the City on May 6th 2018. It has been circulated to the Operations Department for review and comment.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 8, 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 does not meet the four tests of the Planning Act and recommend the application be denied.

Staff are not opposed to the request for building height or porch encroachment. However, staff do not support the request for an increase in building depth, as it will provide for a product, which is not in keeping with the existing character of the neighbourhood. Staff have spoken with the client regarding this matter. The applicant has expressed, that if the building depth is not approved, they may maintain the four car garage and re-design the home to eliminate the request for an increase in maximum building depth.

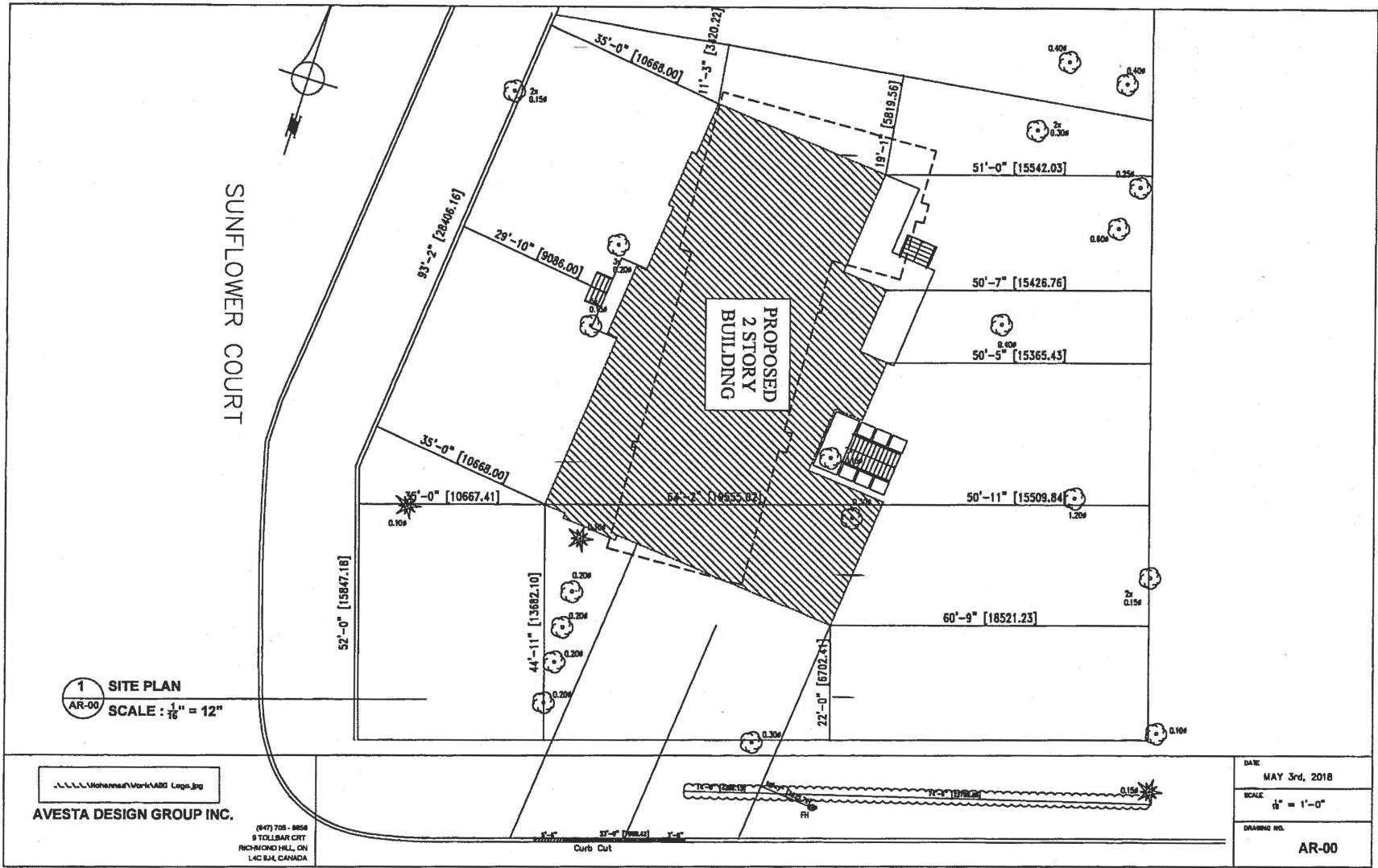
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District
File Path: Amanda\File\ 18 228587 \Documents\District Team Comments Memo



APPROVED BY THE BOARD OF SUPERVISORS
 PLAN OF LAND SUBDIVISION
 RECORDED PLAN M-600
 CITY OF MARKHAM
 MUNICIPALITY OF YORK

1. THE LANDS SHOWN ON THIS PLAN ARE THE PROPERTY OF THE CITY OF MARKHAM AND ARE BEING SUBDIVIDED INTO LOTS FOR THE PURPOSES OF THE CITY OF MARKHAM.

2. THE LOTS SHOWN ON THIS PLAN ARE BEING SUBDIVIDED INTO LOTS FOR THE PURPOSES OF THE CITY OF MARKHAM.

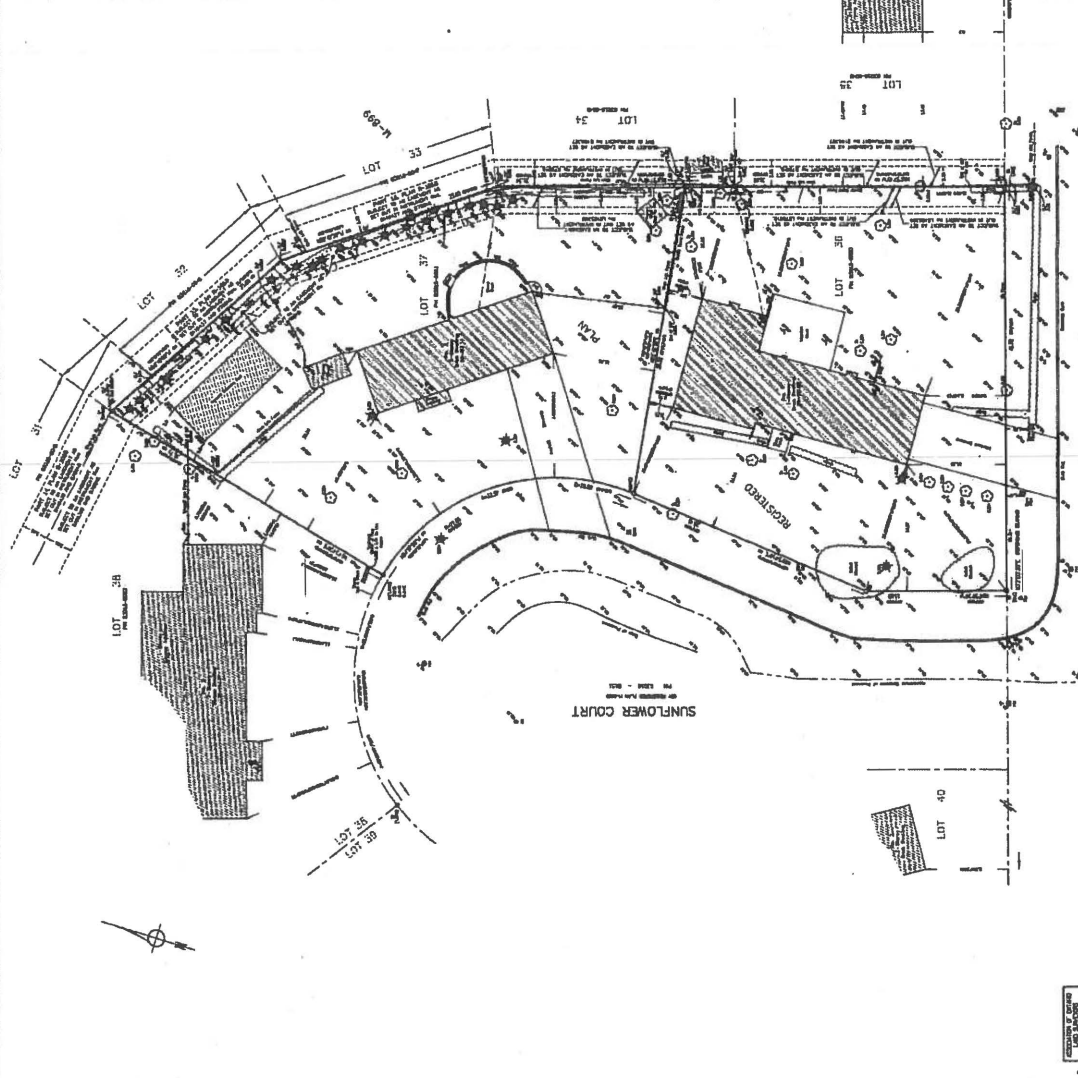
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7. THE LOTS SHOWN ON THIS PLAN ARE BEING SUBDIVIDED INTO LOTS FOR THE PURPOSES OF THE CITY OF MARKHAM.



Surveyor's Certificate
 I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office, and that the same has been approved by the Board of Supervisors of the City of Markham.

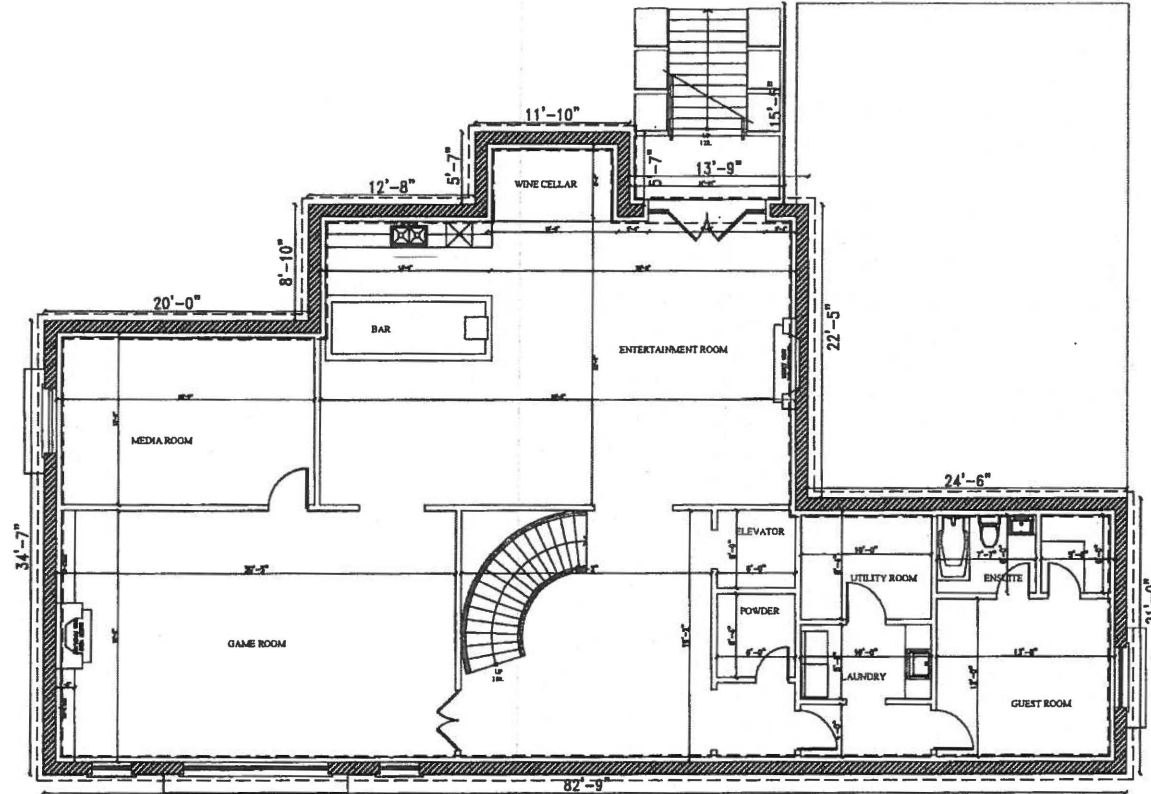
Surveyor's Name
 Date

City of Markham
 Board of Supervisors

City of Markham
 Board of Supervisors

City of Markham
 Board of Supervisors

City of Markham
 Board of Supervisors



1 BASEMENT FLOOR PLAN
AR-03 SCALE: $\frac{1}{8}'' = 12''$

\\\\\\vishveswar\work\AR03 Logo.jpg

AVESTA DESIGN GROUP INC.

(947) 705-8656
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RICHMOND HILL, ON
L4C 9A4, CANADA

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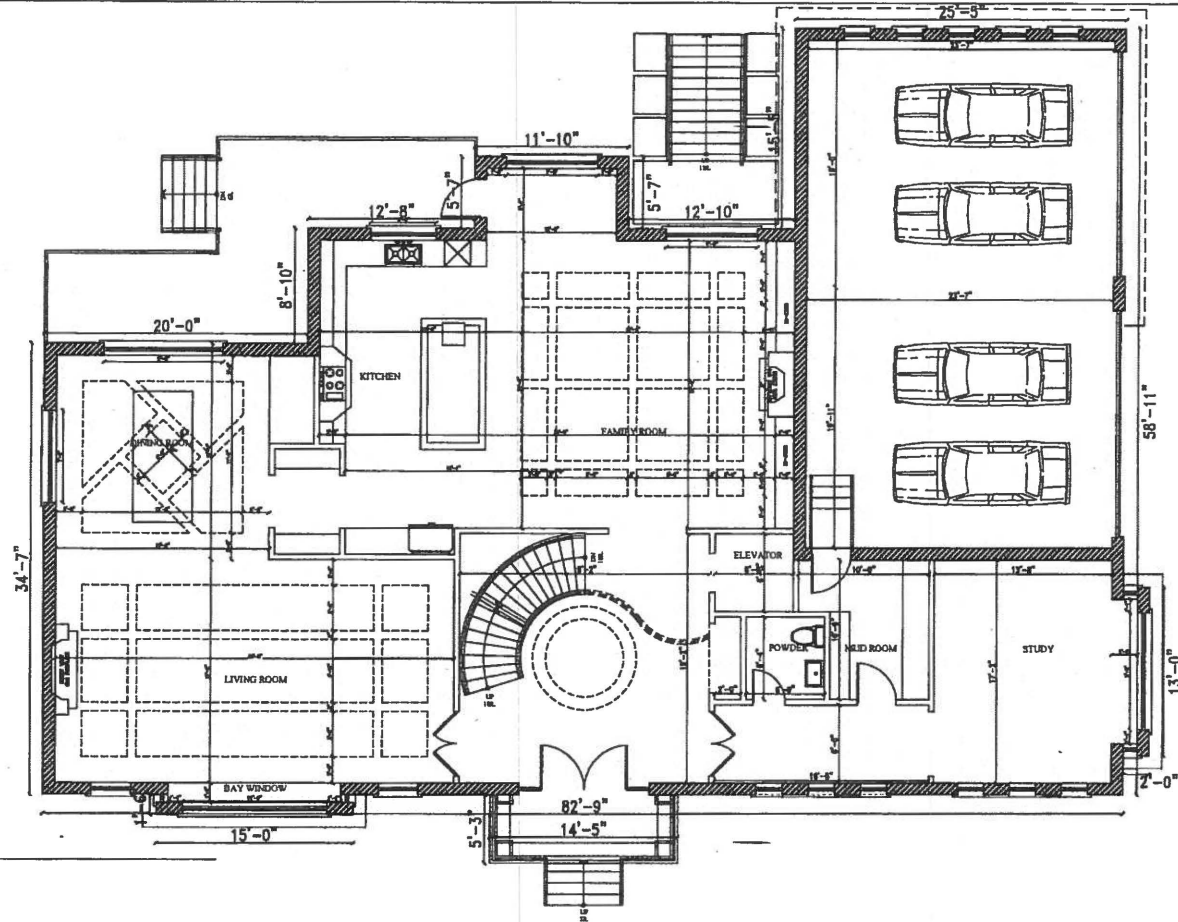
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DRAWN BY DESIGNED BY CHECKED BY APPROVED BY

DATE
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DRAWING NO.
AR-03



1 MAIN FLOOR PLAN
 AR-01 SCALE : $\frac{3}{8}" = 12"$

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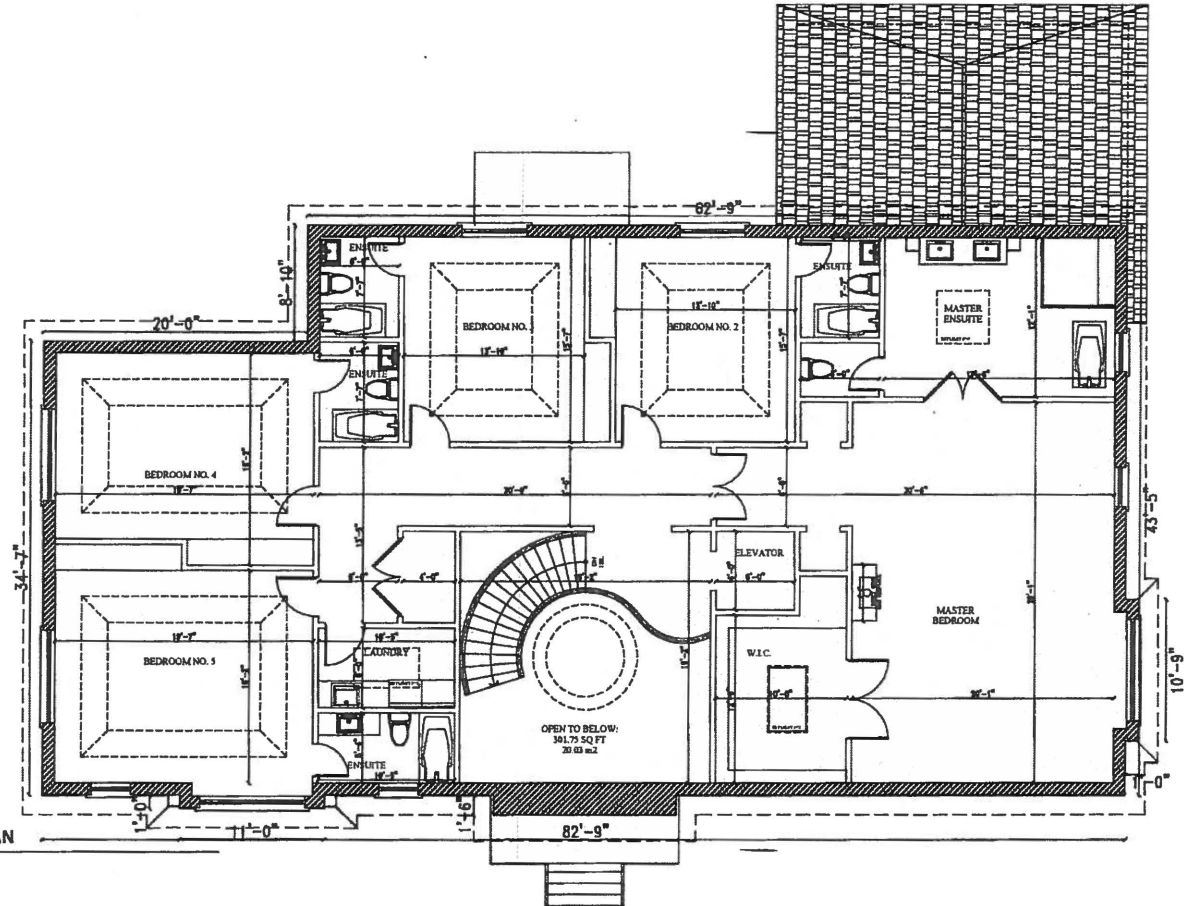
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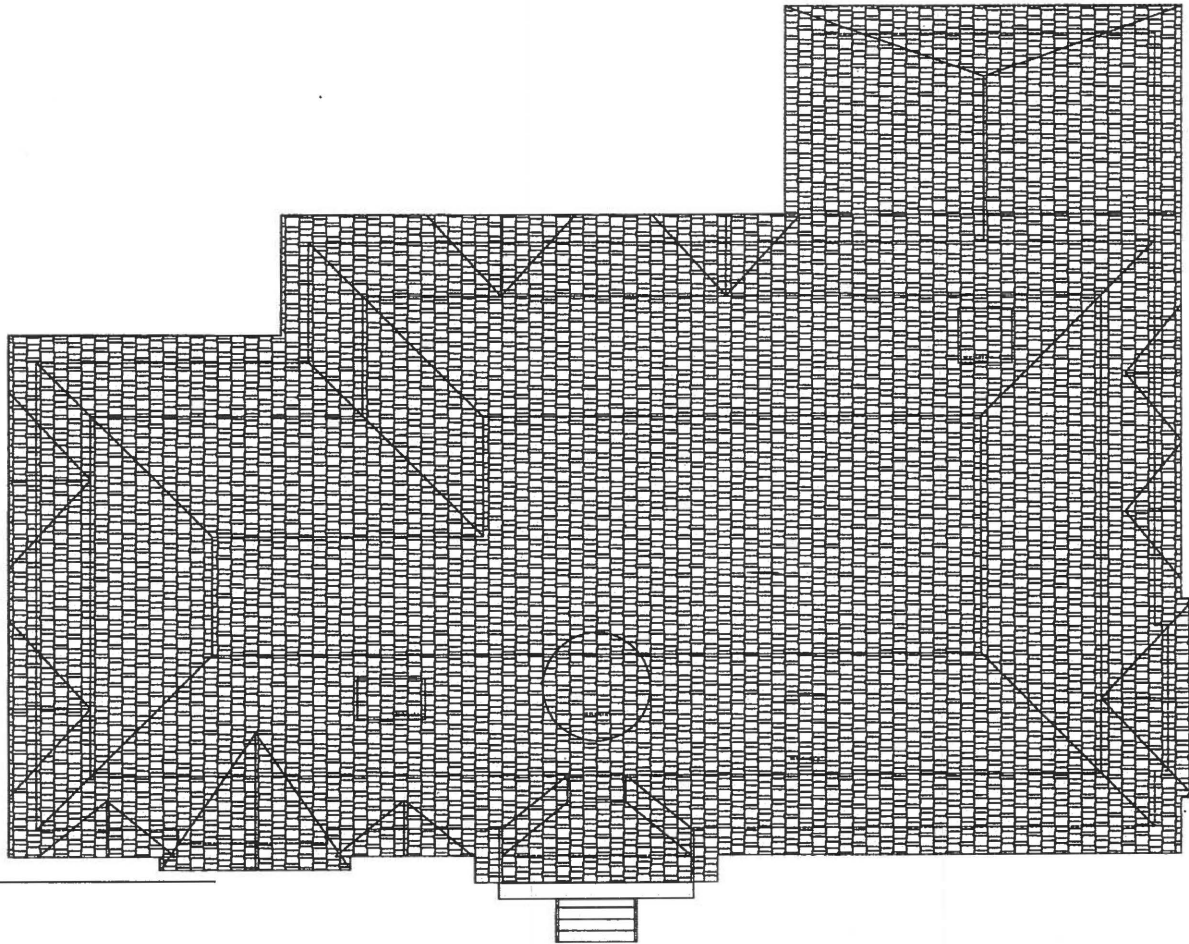
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DRAWING TITLE PROPOSED FLOOR PLAN			
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE JANUARY 19th, 2018
SCALE $\frac{1}{8}$ " = 1'-0"
DRAWING NO. AR-02



1 ROOF PLAN
AR-04 SCALE : $\frac{1}{8}'' = 12''$

AVESTA DESIGN GROUP INC.

(847) 705-8856
8 TOLLBAR CRT
RICHMOND HILL, ON
L4C 8M4, CANADA

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE, PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK

DO NOT SCALE DRAWINGS

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DRAWINGS ISSUED

DATE	ISSUED FOR

PROJECT TITLE

1 SUNFLOWER CT.

DRAWING TITLE

PROPOSED ROOF PLAN

DRAWN BY

DESIGNED BY

CHECKED BY

APPROVED BY

DATE

JANUARY 19th, 2018

SCALE

$\frac{1}{8}'' = 1'-0''$

DRAWING NO.

AR-04



1 WEST ELEVATION
AR-05 SCALE: $\frac{1}{8}'' = 12''$

.....\Mohammed\Work\AR05 Logo.jpg

AVESTA DESIGN GROUP INC.

(547) 705-8056
 9 TOLLBAR CRT
 RICHMOND HILL, ON
 L4C 9A4, CANADA

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK

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DRAWINGS ISSUED

DATE	ISSUED FOR:

PROJECT TITLE
1 SUNFLOWER CT.

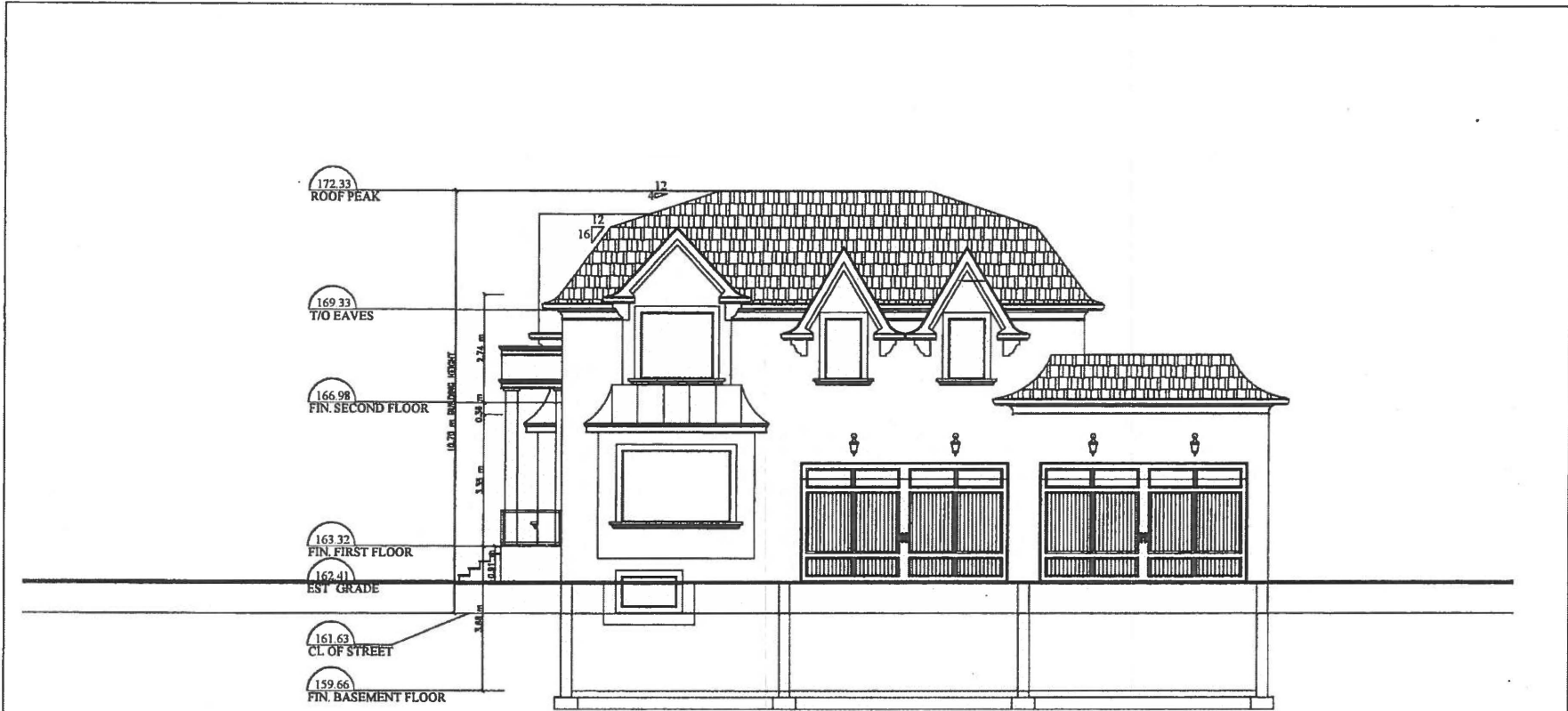
DRAWING TITLE
PROPOSED WEST ELEVATION

DRAWN BY DESIGNED BY CHECKED BY APPROVED BY

DATE
JANUARY 19th, 2018

SCALE
 $\frac{1}{8}'' = 1'-0''$

DRAWING NO.
AR-05



1 MAIN FLOOR _ PROPOSED PLAN
 AR-01 SCALE : $\frac{1}{8}$ " = 12"

.....\Mohammed\Work\AIG Logo.jpg
AVESTA DESIGN GROUP INC.

(947) 706 - 8956
 8 TOLLSON CRT.
 RICHMOND HILL, ON
 L4C 9M4, CANADA

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK

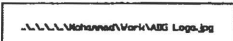
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DRAWINGS ISSUED	
DATE	ISSUED FOR

PROJECT TITLE		DATE	
1 SUNFLOWER CT.		JANUARY 19th, 2018	
DRAWING TITLE		SCALE	
PROPOSED FLOOR PLAN		$\frac{1}{8}$ " = 1'-0"	
DRAWING NO.		DRAWING NO.	
AR-01		AR-01	
DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY



1 MAIN FLOOR _ PROPOSED PLAN
 AR-01 SCALE : 1/8" = 12"



AVESTA DESIGN GROUP INC.

(847) 705-8868
 9 TOLLBAR CRT
 RICHMOND HILL, ON
 L4C 6L4, CANADA

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DATE	ISSUED FOR:

PROJECT TITLE

1 SUNFLOWER CT.

DRAWING TITLE

PROPOSED FLOOR PLAN

DRAWN BY

DESIGNED BY

CHECKED BY

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DATE

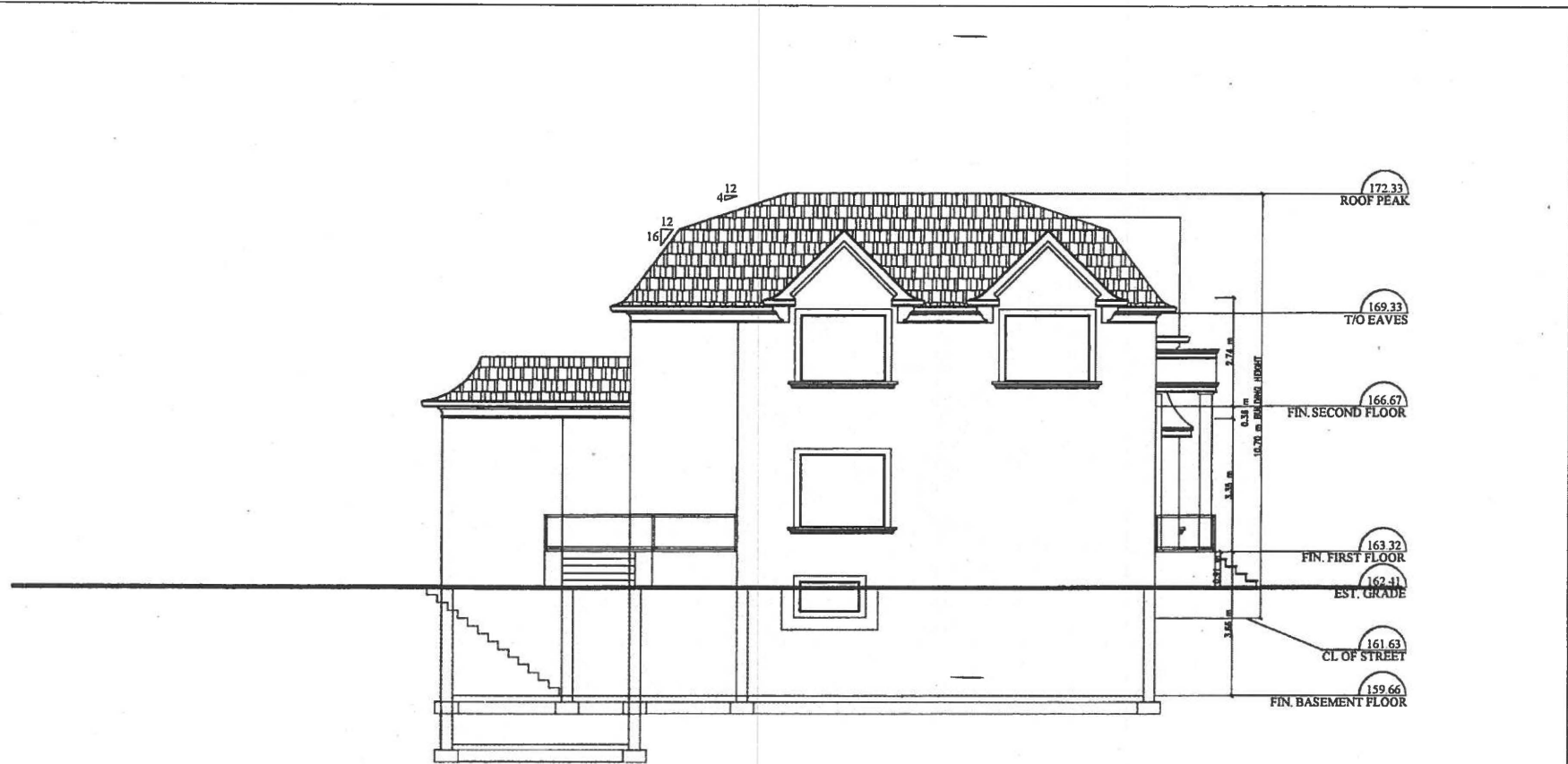
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SCALE

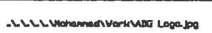
1/8" = 1'-0"

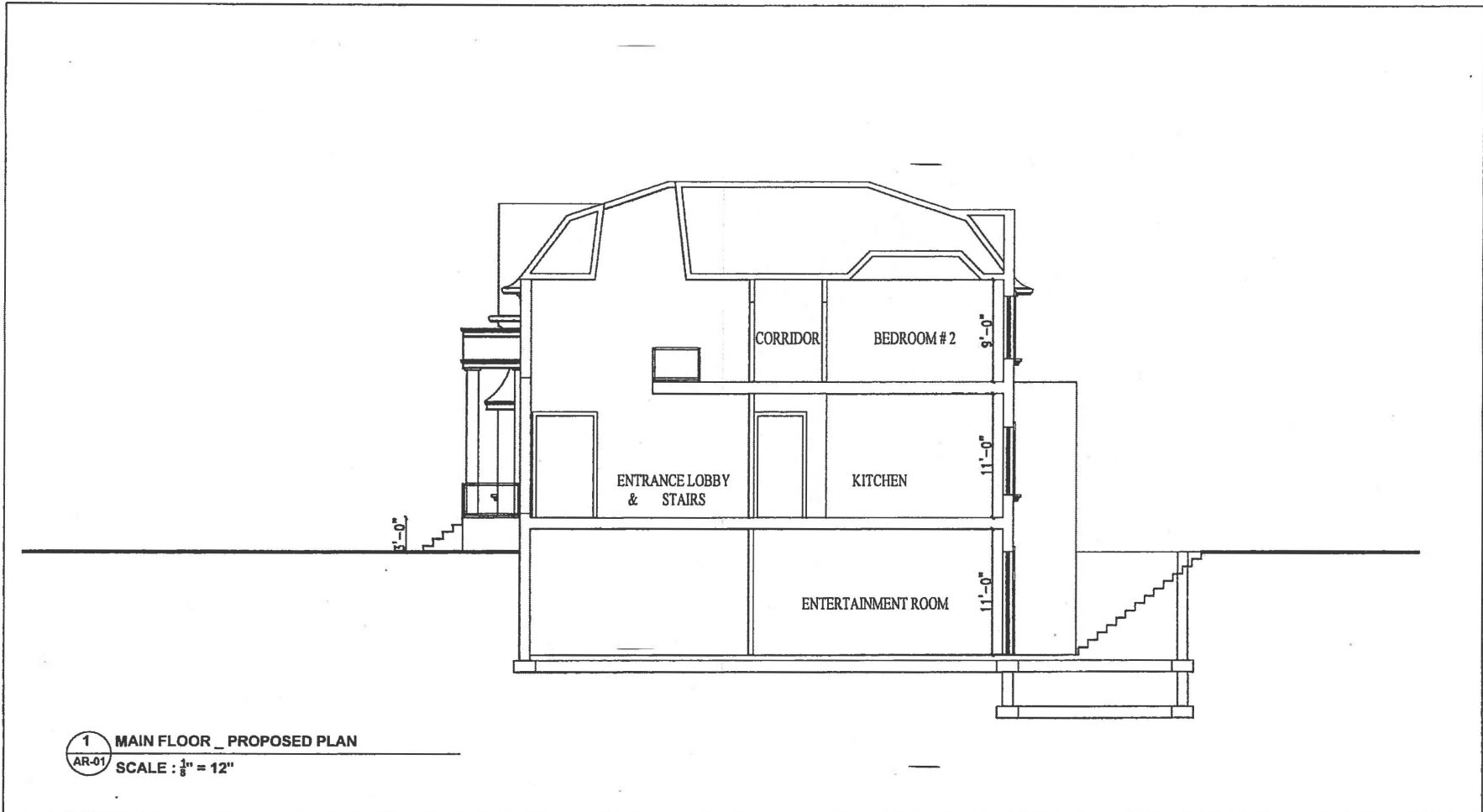
DRAWING NO.

AR-01




1 MAIN FLOOR _ PROPOSED PLAN
 AR-01 SCALE : $\frac{1}{8}" = 12"$

 AVESTA DESIGN GROUP INC. (647) 706-8856 8 TOLLBAR CRT RICHMOND HILL, ON L4C 5H4, CANADA	THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK.	DRAWINGS ISSUED DATE: _____ ISSUED FOR: _____ _____ _____ _____	PROJECT TITLE 1 SUNFLOWER CT.	DATE JANUARY 19th, 2018
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			DRAWN BY _____ DESIGNED BY _____ CHECKED BY _____ APPROVED BY _____	DRAWING NO. AR-01



1 MAIN FLOOR _ PROPOSED PLAN
AR-01 SCALE : $\frac{1}{8}$ " = 12"

 AVESTA DESIGN GROUP INC. (417) 706 - 8858 9 TOLLBAR CRT RICHMOND HILL, ON L4C 8J4, CANADA	THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS. ALL DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF DESIGN AND CONSTRUCTION ARE PROPERTY OF AVESTA DESIGN GROUP, AND MAY NOT BE USED, DUPLICATED OR ISSUED WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGNER.	DRAWINGS ISSUED		PROJECT TITLE 1 SUNFLOWER CT.		DATE JANUARY 19th, 2018									
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