

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.

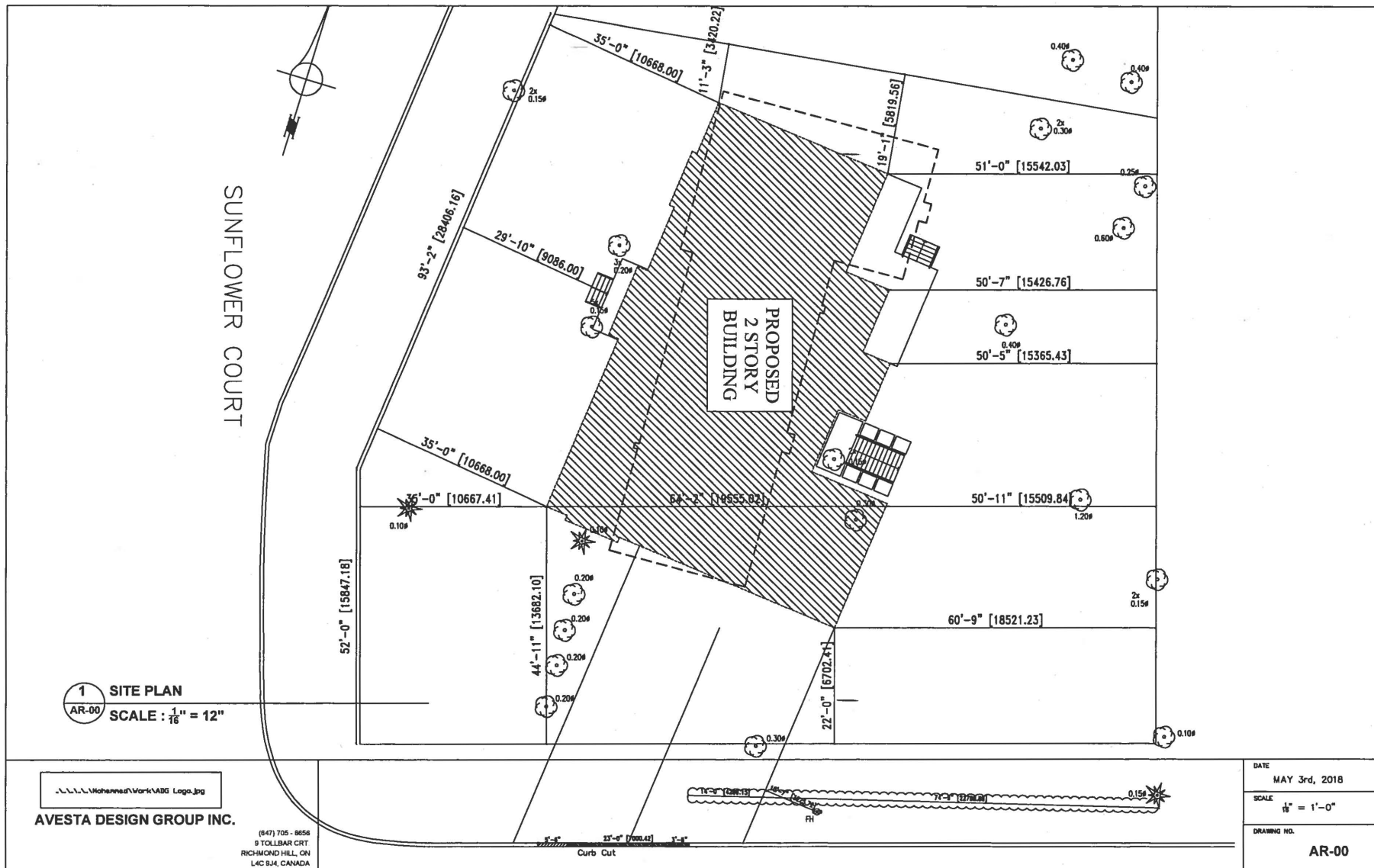
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

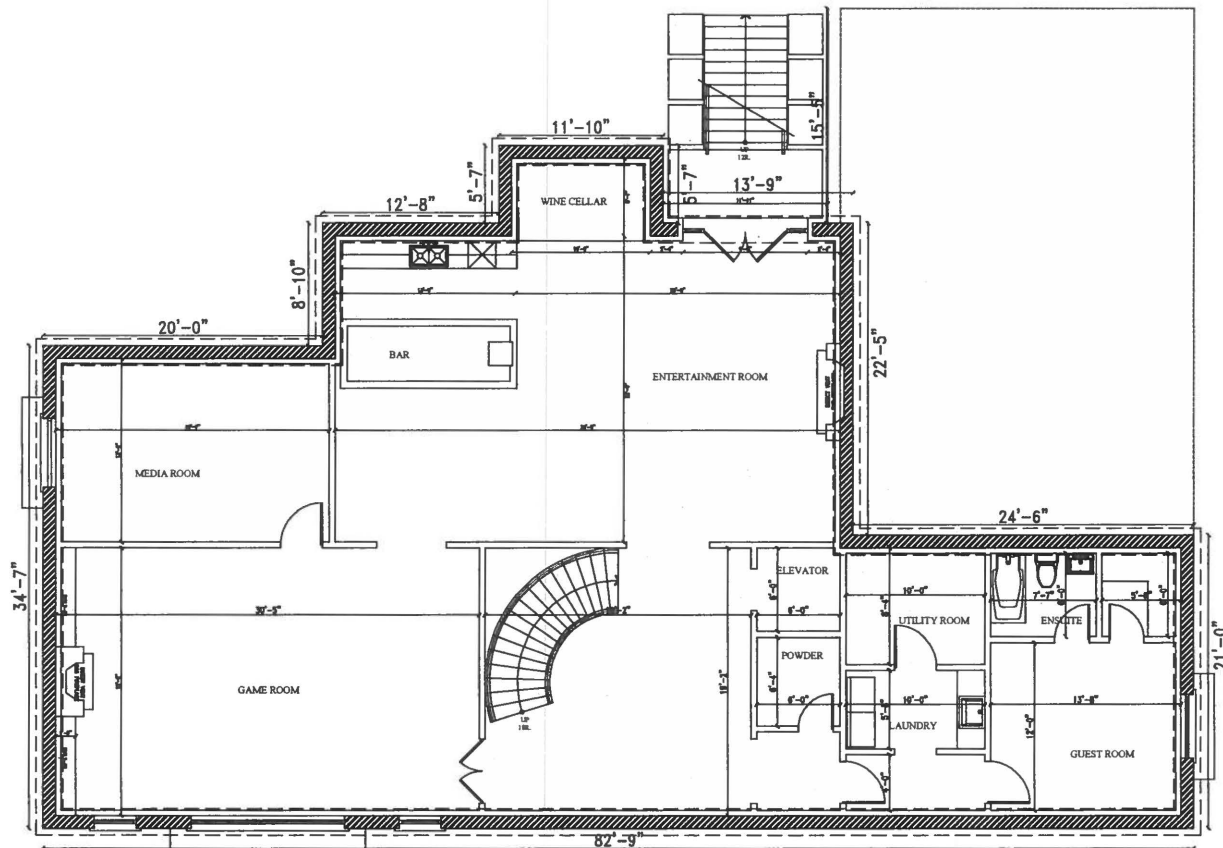
PREPARED BY:


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





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

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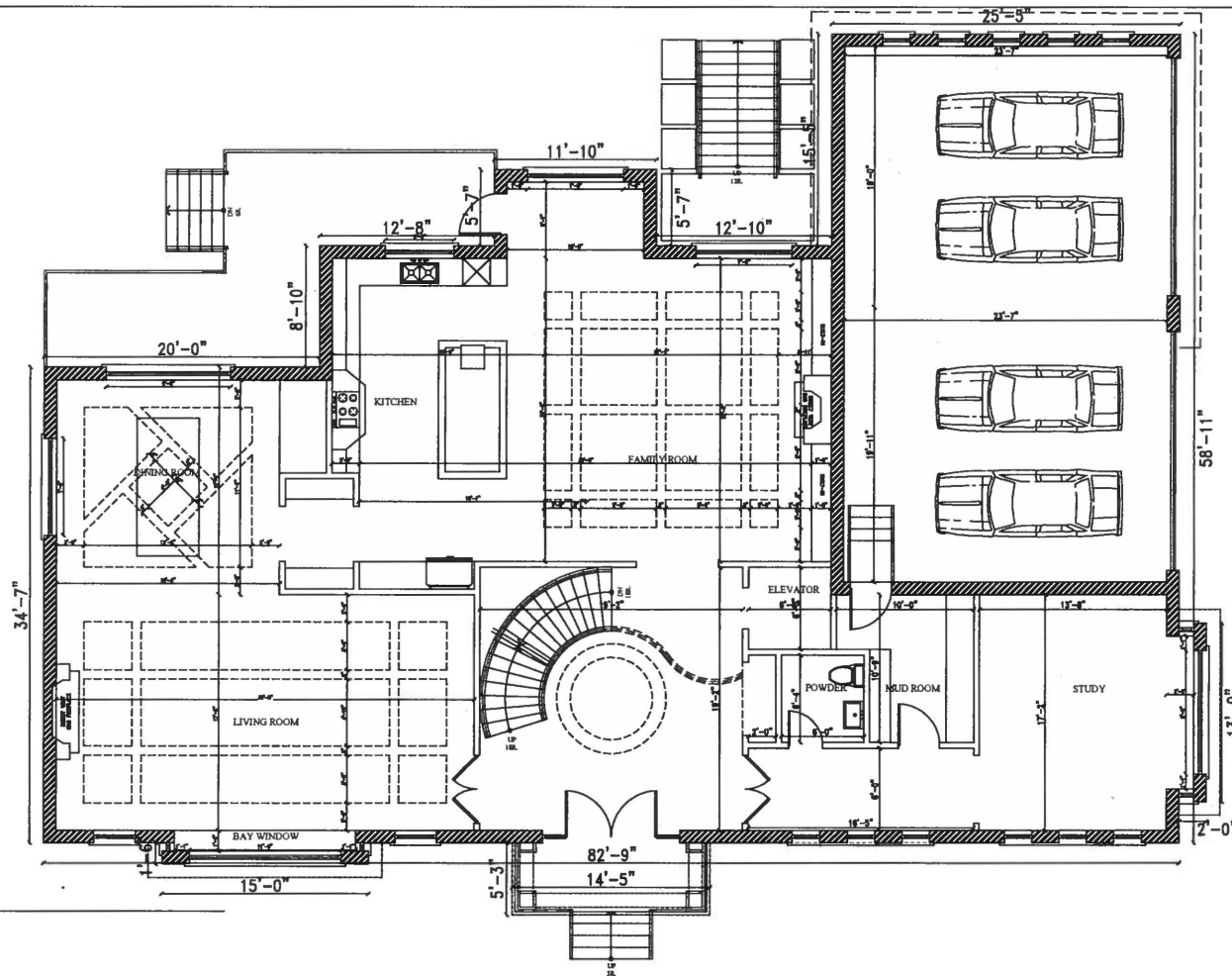
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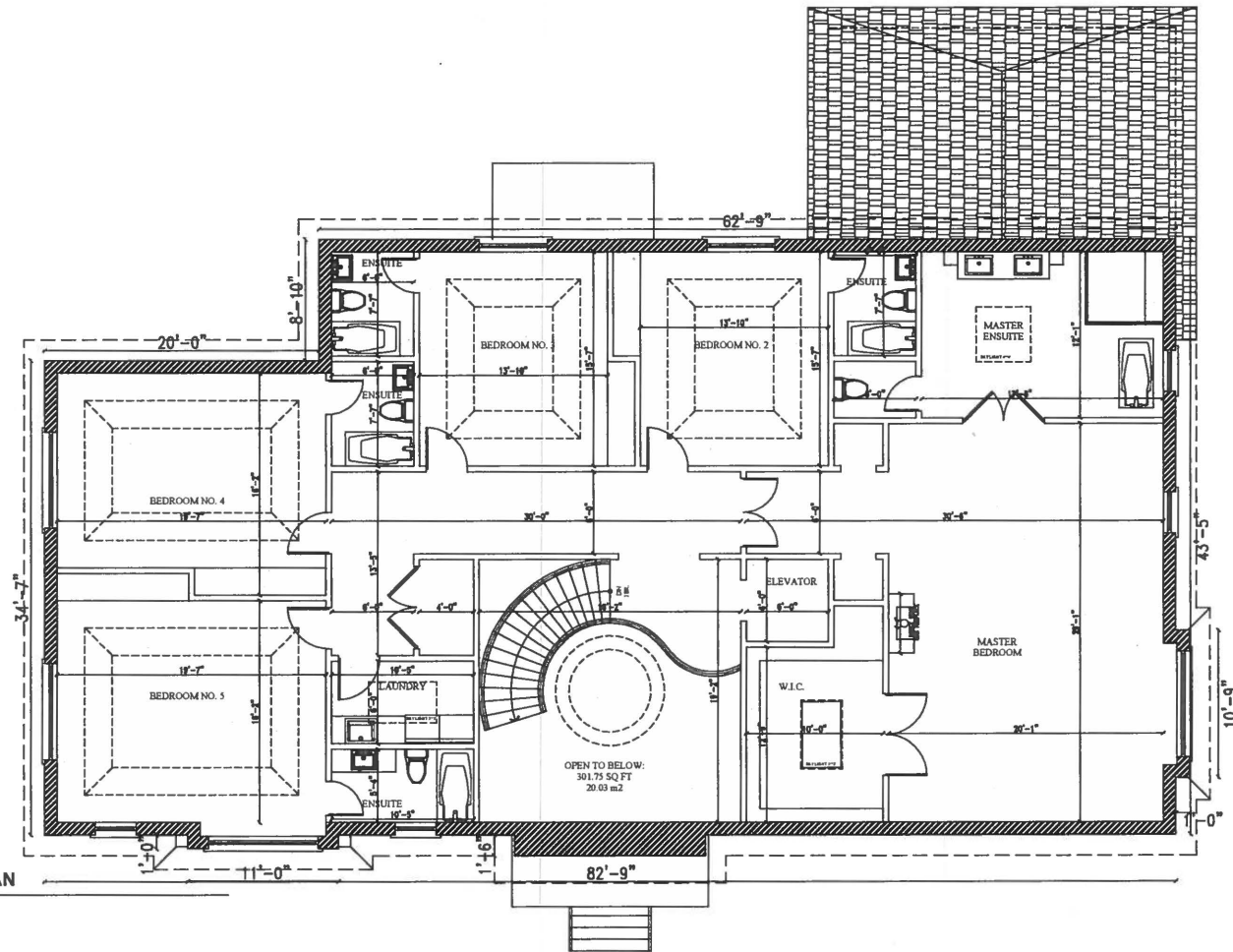
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1 SECOND FLOOR PLAN
AR-02 **SCALE : $\frac{1}{8}" = 12"$**

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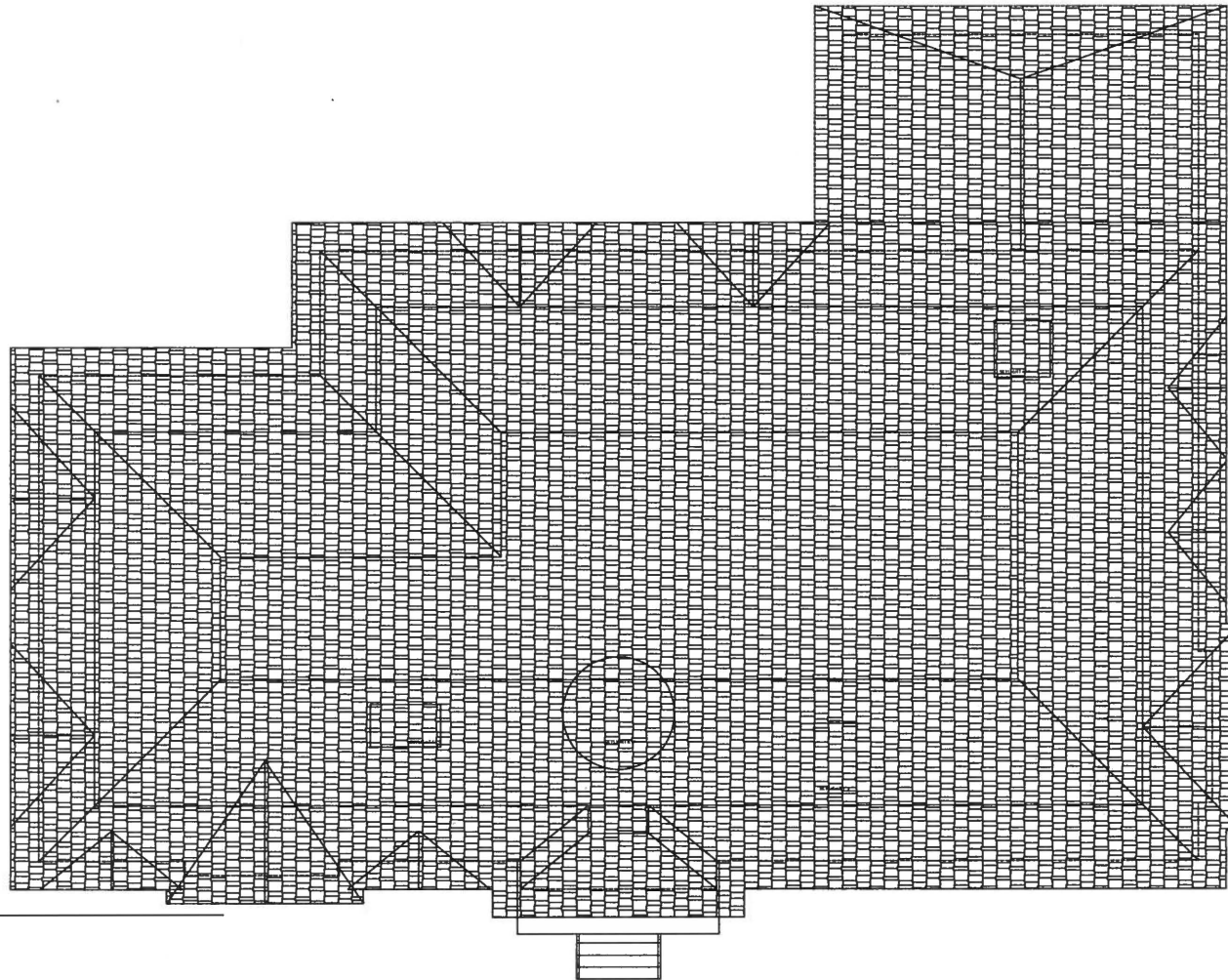
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AR-02



1 ROOF PLAN
AR-04
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1 WEST ELEVATION
AR-05 SCALE : $\frac{1}{8}" = 12"$

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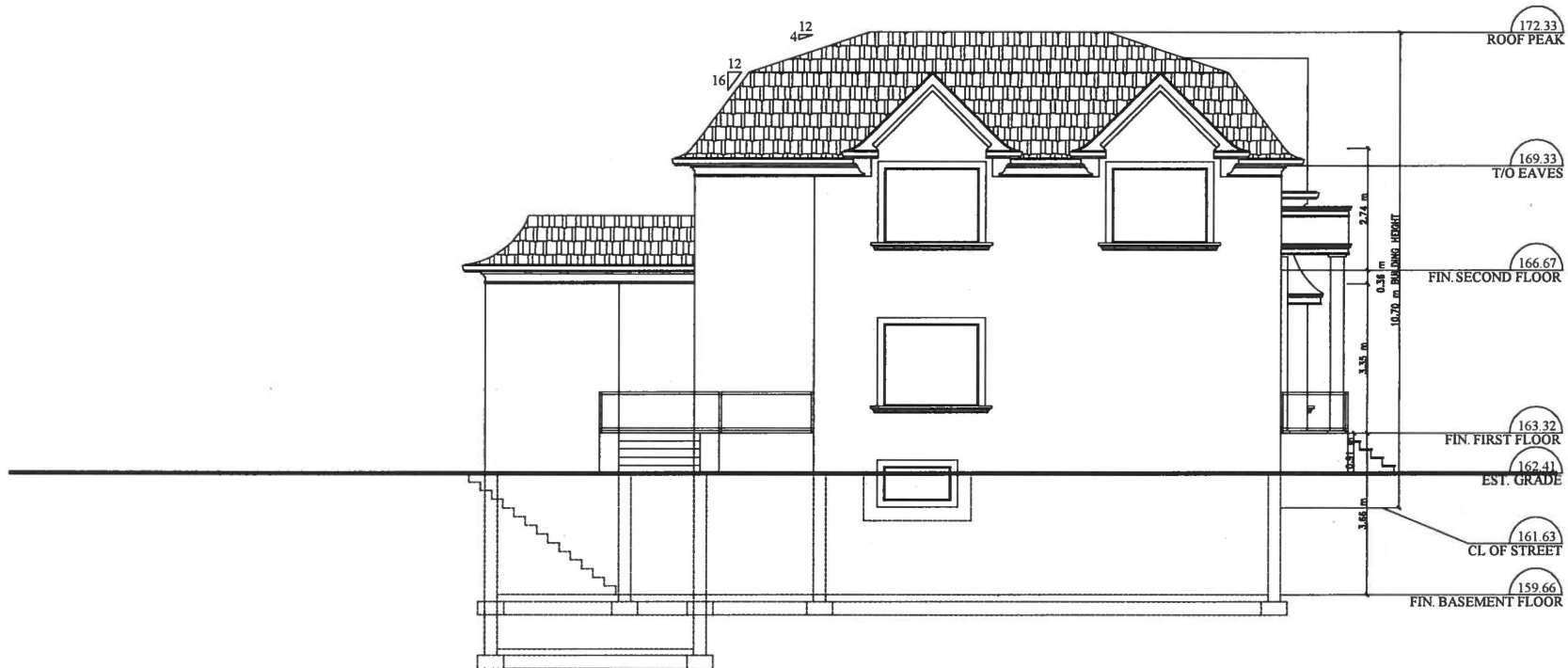
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