

Memorandum to the City of Markham Committee of Adjustment

June 6, 2018

File: A/49/18
Address: 36 Galsworthy Dr, Markham
Applicant: Sivarajan Sivanandarajah
Agent: (none)
Hearing Date: Wednesday June 13, 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, as amended:

- a) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 51.1 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.2 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- c) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 20.88 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 956.01 m² (10290.40 ft²) subject property is located on the west side of Galsworthy Drive north of Highway 7 East. The property is situated within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing one-storey detached 125.51 m² (1351 ft²) dwelling on the property, which according to assessment records was constructed in 1957. Mature vegetation exists on the property including two mature trees in the front yard.

Proposal

The applicant is proposing to demolish the existing home and construct a 263.19 m² (2833 ft²) two-storey detached dwelling with a two car garage (See Appendix B). The proposal also includes a rear yard covered terrace. A tree in the front yard and rear yard will be impacted as a result of the development.

Official Plan and 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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages

and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The subject property is zoned R1 'Residential' under By-law 1229 as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 99-90

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, building height, and building depth.

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

According to the information provided by the applicant, "*due to the nature of the design, layout and the optimum size of the home is such that the designer was unable to meet the by-law to avoid a variances*".

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, 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 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 51.1 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 401.61 m² (4323 ft²), whereas the By-law permits a dwelling with a maximum floor area of 353.18 m² (3801.6 ft²). This represents an increase of approximately 48.43 m² (521.29 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 approximately 19.5 m² (210 ft²) of open to below area, which is excluded from the gross floor area calculation under by-law.

The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with recent infill development trends, including a number of nearby infill homes that have obtained variance approval for similar increase in floor area ratio ranging between 49 percent and 51 percent. Staff are of the opinion that the requested variance is appropriate in the context of the evolving character of the community and meets the general intent of the zoning by-law.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.2 m (33.46 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 1.31 m (4.29 ft).

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 0.87 m (2.85 ft) above the crown of road. Adjacent homes on the street also follow this pattern and are typically above the crown of the road. Further, the proposed height is generally consistent with newer developments in the neighbourhood which range in height between 10.5 m (34.44 ft) and 10.8 m (35.43 ft). Staff are of the opinion that the proposed height, while larger than existing neighbouring homes, is generally compatible with the character of the area.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.88 m (68.50 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 4.08 m (13.39 ft).

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.

The variance includes a front covered porch and a rear yard covered terrace which adds approximately 0.61 m (2 ft) and 2.90 m (9.5 ft) to the overall depth of the building. The main component of the building, excluding the porch and rear yard covered terrace, has a depth of 17.37 m (56.99 ft), which represents a difference of approximately 0.93 m (3.05 ft) from the by-law requirement.

Given that the rear yard covered terrace will be unenclosed and that the minimum front yard setback of 25 ft will still be met, Staff are of the opinion that the requested variance is minor and should not have adverse impacts on neighbouring properties

PUBLIC INPUT SUMMARY

No written submissions were received as of June 6th 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 note that the proposed development will impact existing vegetation and that regard shall be had for retention of existing trees and vegetation and will be reviewed upon the submission of a Tree Preservation Plan, which is a recommended condition of any approval. 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:



Stada Muradali, Senior Planner, East District

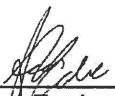
File Path: Amanda\File\ 18 229405 \Documents\District Team Comments Memo

APPENDIX "A"

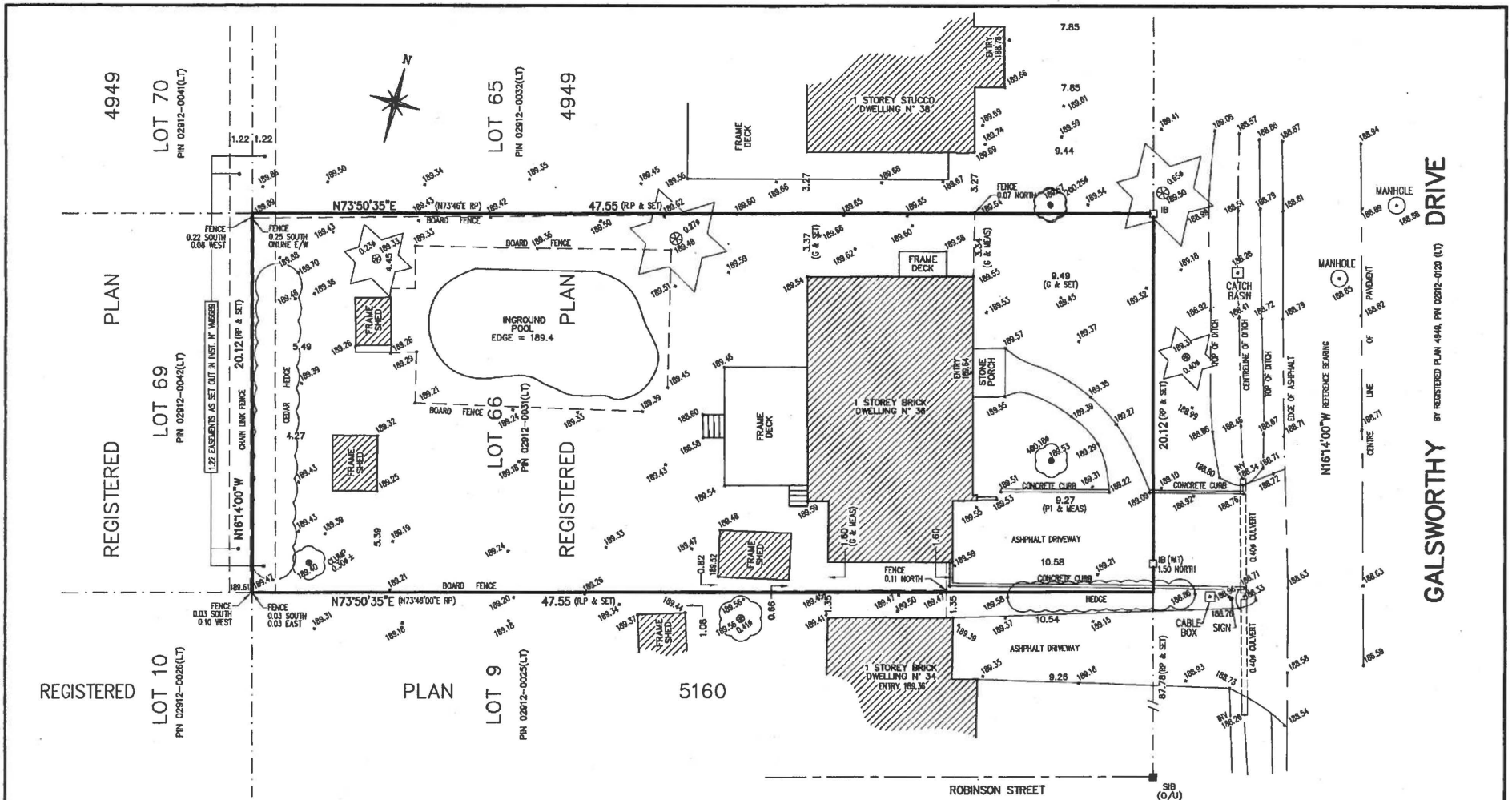
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/49/18

1. The variances apply only to the proposed development as long as it remain;
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 *April 23 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.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



SURVEYOR'S REAL PROPERTY REPORT

PART 1: PLAN OF LOT 66 REGISTERED PLAN 4949 CITY OF MARKHAM
 GEOGRAPHIC TOWNSHIP OF MARKHAM
E.W. BOWYER B.Sc., O.L.S.

© COPYRIGHT 2018, E. W. BOWYER INC. THE REPRODUCTION, ALTERATION, OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF E.W. BOWYER INC., IS STRICTLY PROHIBITED.

PART 2: REPORT

- THIS REPORT WAS PREPARED FOR R. SIVANANDARAJAH.
- BOUNDARIES CONFORM TO REGISTERED PLAN 4949.
- ONE EASEMENT IS RECORDED ON TITLE.
- FENCES VARY FROM PROPERTY LINES AS SHOWN.
- NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BENCHMARK
 ELEVATIONS ARE REFERRED TO CITY OF MARKHAM BENCH MARK N° M-33-023 WITH A PUBLISHED ELEVATION = 187.92 METRES (1978 G.S.C.) BRASS TABLET SET IN WEST WALL OF JAMES PUBLIC SCHOOL AT SOUTHWEST CORNER.

NOTE: THIS REPORT CAN BE UPDATED BY THIS OFFICE. NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION.

LEGEND

- IB DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES SURVEY MONUMENT PLANTED
- STANDARD IRON BAR
- CUT CROSS
- W. S. GIBSON, O.L.S. (21/08/1957)
- REGISTERED PLAN 4949
- MEASURED
- WITNESS
- DECIDUOUS TREE
- CONFEROUS TREE

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1003331

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBESSED ORIGINAL COPY ISSUED BY THE SURVEYOR

In accordance with Reg. 1004, Sec. 28(3).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYOR'S ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON 30 JANUARY 2017.

DATE: 9 APRIL 2018

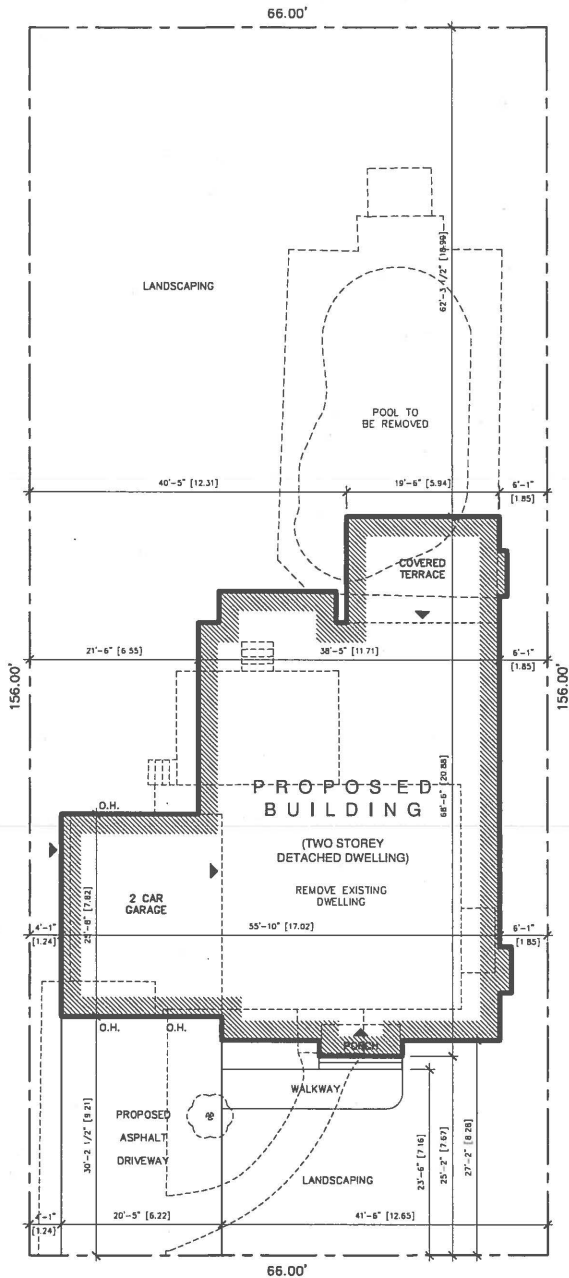
E. W. BOWYER B.Sc., O.L.S.

BEARING NOTE: BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF GALSWORTHY DRIVE AS SHOWN ON REGISTERED PLAN 4949 HAVING A BEARING OF N 16° 14' 00" W.

METRIC / IMPERIAL DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

E. W. BOWYER INC.
 ONTARIO LAND SURVEYORS
 LAND DEVELOPMENT CONSULTANTS
 9275 MARKHAM ROAD, SUITE 204
 MARKHAM, ONTARIO L3B 1A3
 PH 905-294-8094, FAX 905-294-8349

PN 02912-0031 DWG No: A-3345 C:\OLD\2017\17-1817.DWG



GALSWORTHY DRIVE

SITE PLAN

SITE INFORMATION:

TOTAL LOT AREA:	= 10296 SQ.FT.
NET LOT AREA:	= 8448 SQ.FT.
PROPOSED BUILDING FOOTPRINT:	= 2833 SQ.FT.
PROPOSED DWELLING:	= 2833 SQ.FT.
MAXIMUM LOT COVERAGE:	= 35 %
PROPOSED LOT COVERAGE:	= 27.5 %
MIN. LOT FRONTAGE:	= 60'-0"
PROVIDED LOT FRONTAGE:	= 66'-0"
MAX. HEIGHT OF DWELLING:	= 9.8M
PROVIDED HEIGHT OF DWELLING:	= 10.2M
MAX. BUILDING DEPTH:	= 16.8M
PROVIDED BUILDING DEPTH:	= 17.96M
INCREASED MAX. BUILDING DEPTH:	= 18.9M
PROVIDED INCREASED DEPTH:	= 20.88M
MAX. NET FLOOR AREA:	= 45%
PROPOSED NET FLOOR AREA:	= 51.1%

NET FLOOR AREA CALCULATIONS:

FIRST FLOOR NET AREA = 2513 SQ.FT.
 NOT INCLUDED IN NFA:
 COVERED PORCH = 41 SQ.FT.
 COVERED TERRACE = 263 SQ.FT.

SECOND FLOOR NET AREA = 1810 SQ.FT.
 NOT INCLUDED IN NFA:
 OPEN TO BELOW/ STAIR OPN'G = 138 SQ.FT.

1ST FLR. (2408.5) + 2ND FLR. (1989.5)
 = 4398 SQ.FT (TOTAL NET FLOOR AREA)

4323 (NFA) / 8448 (NLA) = .511

PROPOSED NFA = 51.1%

SETBACKS:

FRONT YARD REQUIRED	= 25'-0"
FRONT YARD PROVIDED	= 25'-2"
SIDE YARD REQUIRED	= 4'-0"
SIDE YARD PROVIDED	= 4'-1"
SIDE YARD REQUIRED	= 6'-0"
SIDE YARD PROVIDED	= 6'-1"
REAR YARD REQUIRED	= 25'-0"
REAR YARD PROVIDED	= 62'-3"
ATTACHED GARAGE:	
SIDE YARD REQUIRED	= 4'-0"
SIDE YARD PROVIDED	= 4'-1"
DRIVEWAY:	
SIDE YARD REQUIRED	= 4'-0"
SIDE YARD PROVIDED	= 4'-1"



D.A. drafting & design has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements as a designer as per the ONTARIO BUILDING CODE.

QUALIFICATION INFORMATION
 Requires unless design is exempt under Div. C-32.4.1. of the building code

DEREK ALLEN 3457
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
 Requires unless design is exempt under Div. C-32.4.1. of the building code

D.A. DRAFTING & DESIGN 3799
 FIRM NAME BCIN

D.A. DRAFTING & DESIGN
 CUSTOM HOMES • COTTAGES • GARAGES • ADDITIONS • RENOVATIONS

 Durham Region (905) 432-1119 | da@dadrfting.com
 Kawartha Lakes (705) 344-1835 | www.dadrfting.com

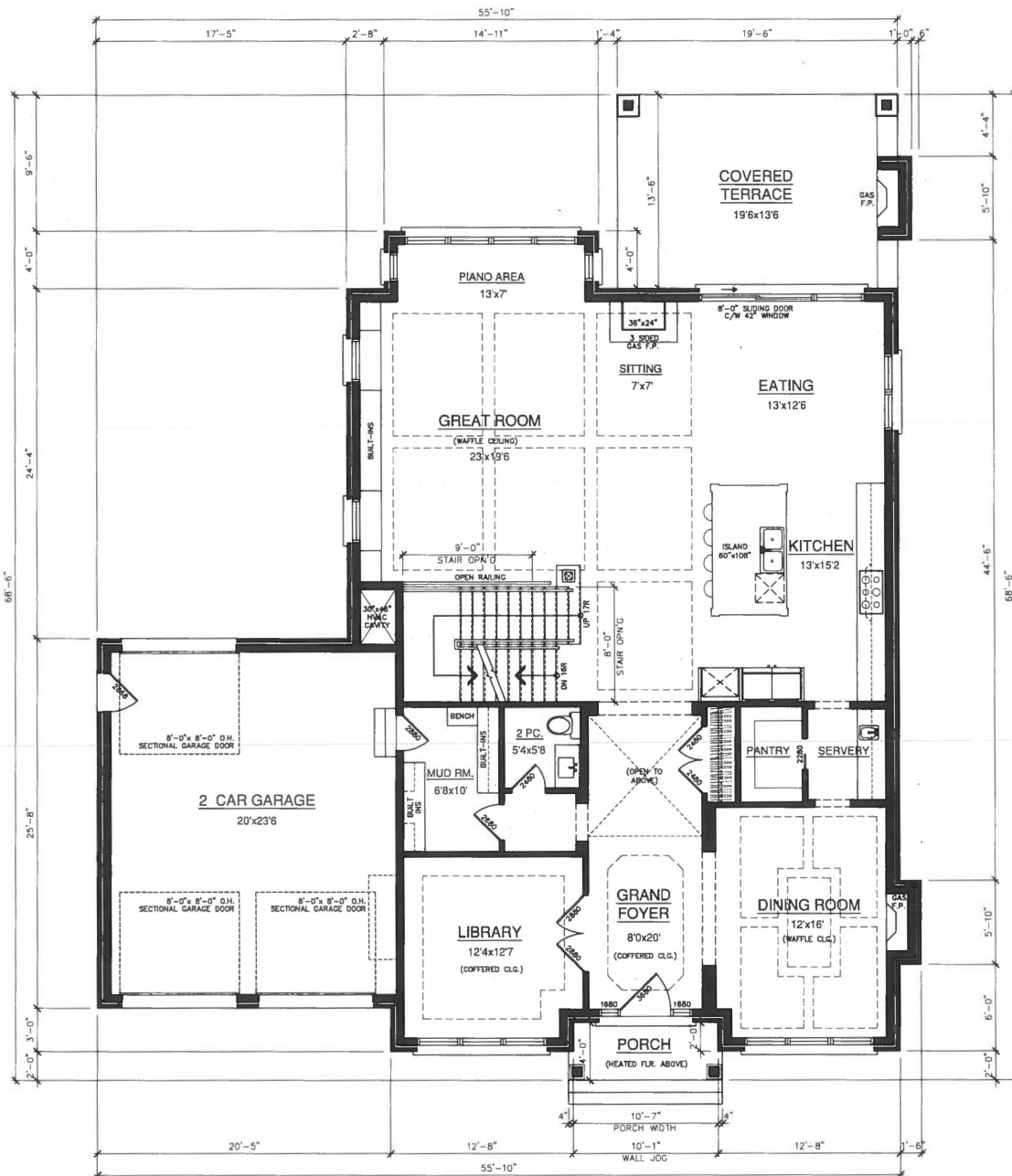
SITE PLAN	
DATE:	MARCH 2018
SCALE:	3/32"=1'-0"
DRAWN BY:	D.A.
CHECKED BY:	D.A.

PROPOSED 2 STOREY FOR:

**36 GALSWORTHY DR.
 MARKHAM, ON**

SP-1

FILE NO.: 2018-14



FIRST FLOOR PLAN

FLOOR AREA:	
FIRST FLOOR AREA	= 1810 sq./ft.
SECOND FLOOR AREA	= 1740 sq./ft.
TOTAL FLOOR AREA:	= 3550 sq./ft.

NOT INCLUDED IN AREA:	
STAIR OPENING & OPEN TO BELOW	= 210 sq./ft.

D.A. Drafting & Design has reviewed and takes responsibility for this design and has the qualifications and meets the requirements as a designer as per the ONTARIO BUILDING CODE.

QUALIFICATION INFORMATION
Required unless design is exempt under Div. C-12.5.1. of the building code

DESIGN ALLEYS: 34457
NAME: SIGNATURE: BCIN

REGISTRATION INFORMATION
Required unless design is exempt under Div. C-12.4.1. of the building code

D.A. DRAFTING & DESIGN 37969
FIRM NAME: BCIN

D.A. DRAFTING & DESIGN

CUSTOM HOMES • COTTAGES • GARAGES • ADDITIONS • RENOVATIONS



Durham Region (905) 432-1119 da@dadrfting.com
Kawartha Lakes (705) 344-1635 www.dadrfting.com

FIRST FLOOR PLAN

DATE: MARCH 2018

SCALE: 3/16"=1'-0"

DRAWN BY: D.A.

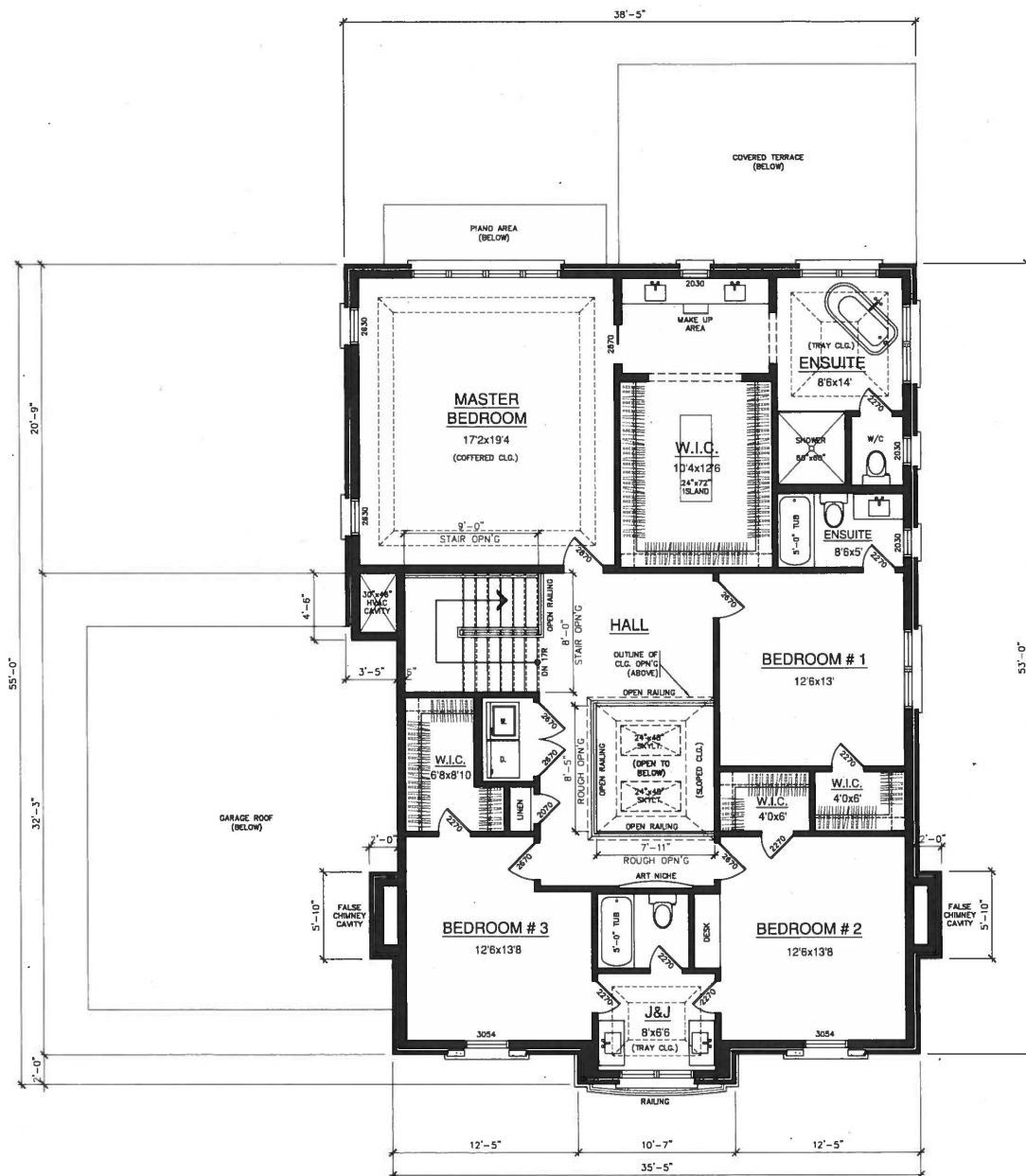
CHECKED BY: D.A.

A-2

FILE NO.: 2018-14

PROPOSED 2 STOREY FOR:

**36 GALS WORTHY DR.
MARKHAM, ON**



SECOND FLOOR PLAN

D.A. Drafting & Design has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements as a designer as per the ONTARIO BUILDING CODE.

QUALIFICATION INFORMATION
 Regular unless design is exempt under Div. C-3.2.2.1. of the building code

DEREK ALLEN SIGNATURE 34457
 NAME BCIN

REGISTRATION INFORMATION
 Readied unless design is exempt under Div. C-3.2.2.1. of the building code

D.A. DRAFTING & DESIGN 37969
 FIRM NAME BCIN

D.A. DRAFTING & DESIGN

CUSTOM HOMES • COTTAGES • GARAGES • ADDITIONS • RENOVATIONS



Durham Region (905) 432-1119 da@dadrfting.com
 Kewartha Lakes (705) 344-1635 www.dadrfting.com

SECOND FLOOR PLAN

DATE: MARCH 2018
 SCALE: 3/16"=1'-0"
 DRAWN BY: D.A.
 CHECKED BY: D.A.

A-3

FILE NO.: 2018-14

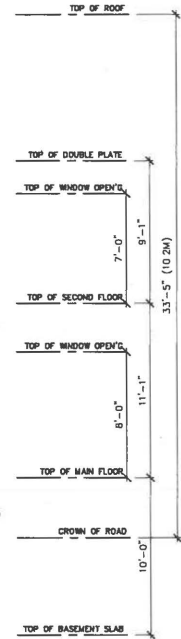
PROPOSED 2 STOREY FOR:

**36 GALSWORTHY DR.
 MARKHAM, ON**

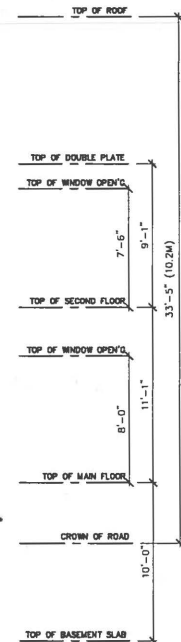


FRONT ELEVATION

36 GALSWORTHY DRIVE



REAR ELEVATION



D.A. drafting & design has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements as a designer as per the ONTARIO BUILDING CODE.

QUALIFICATION INFORMATION
Readers unless design is exempt under Div. C-32.6.1. of the building code

DEREK ALLEN SIGNATURE 34437 BCIN

REGISTRATION INFORMATION
Readers unless design is exempt under Div. C-32.6.1. of the building code

D.A. DRAFTING & DESIGN 37969 FIRM NAME BCIN

D.A. DRAFTING & DESIGN

CUSTOM HOMES • COTTAGES • GARAGES • ADDITIONS • RENOVATIONS



Durham Region (905) 432-1119 | da@dadrfting.com
Kawartha Lakes (705) 344-1635 | www.dadrfting.com

FRONT & REAR ELEV.

DATE: MARCH 2018

SCALE: 3/16"=1'-0"

DRAWN BY: D.A.

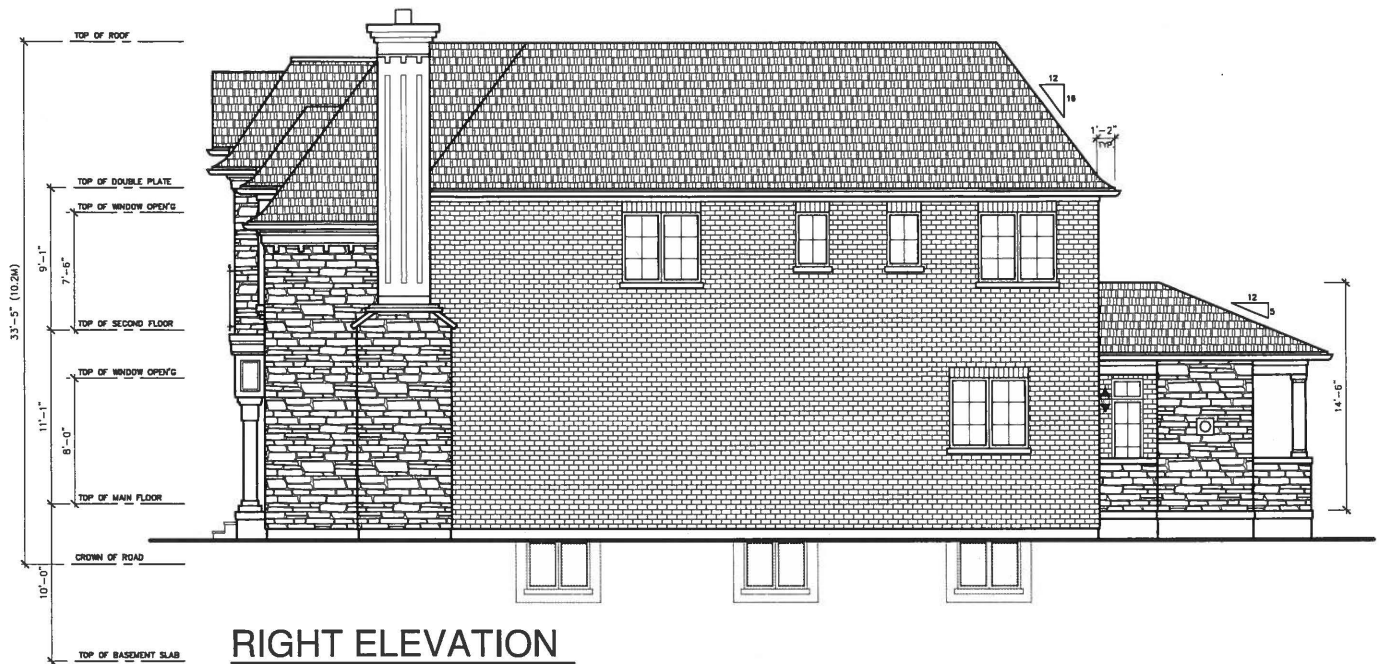
CHECKED BY: D.A.

A-4

FILE NO.: 2018-14

PROPOSED 2 STOREY FOR:

**36 GALSWORTHY DR.
MARKHAM, ON**



RIGHT ELEVATION



LEFT ELEVATION

D.A. Drafting & Design has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements as a designer as per the ONTARIO BUILDING CODE.

QUALIFICATION INFORMATION
 Required unless design is exempt under Div. C-3.2.3.1, of the building code

DEREK ALLEN 34457
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
 Required unless design is exempt under Div. C-3.2.4.1, of the building code

D.A. DRAFTING & DESIGN 37969
 FIRM NAME BCIN

D.A. DRAFTING & DESIGN

CUSTOM HOMES • COTTAGES • GARAGES • ADDITIONS • RENOVATIONS



Durham Region (805) 432-1119 da@dadrfting.com
 Kawartha Lakes (705) 344-1635 www.dadrfting.com

RIGHT & LEFT ELEV.

DATE: MARCH 2018

SCALE: 3/16"=1'-0"

DRAWN BY: D.A.

CHECKED BY: D.A.

A-5

FILE NO.: 2018-14

PROPOSED 2 STOREY FOR:

**36 GALSWORTHY DR.
 MARKHAM, ON**

