# **Memorandum to the City of Markham Committee of Adjustment** July 27, 2018

File:

A/66/18

Address:

30 Sir Brandiles Place, Markham

Applicant: Agent:

John Nassr John Nassr

**Hearing Date:** 

Wednesday August 08, 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) <u>Infill By-law 99-90, Section 1.2 (vi):</u>

a maximum floor area ratio of 50 percent, whereas the By-law permits a maximum floor area ratio of 45 percent; as it relates to a proposed two storey single detached dwelling.

The application was first heard at the Committee of Adjustment on July 11, 2018. At that time, the applicant had requested a variance to allow a maximum floor area ratio of 50.4 percent whereas, the by-law permits a maximum floor area ratio of 45 percent (Appendix C). The Committee of Adjustment deferred the application because of concerns relating to the proposed carport and massing of the proposed dwelling.

The applicant submitted revised plans on July 24, 2018 which replaced the carport with an attached two car garage. The applicant also revised the layout of the proposed dwelling to relocate the master bedroom from the second floor to the main floor with a ceiling height of 13ft. The lowered height at the rear of the dwelling combined with the elimination of the carport reduces the overall massing of the building, thereby decreasing the previously requested variance. Further, excluding floor area ratio, the proposed dwelling meets all other zoning by-law provisions, including setbacks, height and lot coverage thus maintaining the building envelope. Staff are of the opinion that the changes result in a house that is in keeping with the existing character of the neighbourhood and have no objection to the approval of this application.

#### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. Consequently, 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.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 1, 2018. It is noted that additional information may be received after the writing of this report. If so, the Secretary-Treasurer will provide additional information at the meeting of the Committee of Adjustment.

#### 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 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, Ranner, Zoning and Special Projects

REVIEWED BY:

Stacia Muradal, Senior Planner, East District

File Path: Amanda\File\ 18 235107 \Documents\District Team Comments Memo

## APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/35/18

- 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 received by the City of Markham on July 18, 2018 and July 24, 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:** 

Agsa Malik, Planner Zoning and Special Projects

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## **BUILDING CODE MATRIX**

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[AS PER ORC 0.13.4.1 AND 0.13.4.2]

A. PROYOE CONSTRUCTION TO PREVENT LEAKAGE OF SOL CAS NOTO THE BUILDING IF REQUIRED.

ADDRESS: 30 SIR BRANDILES PL, MARKHAM ON L3P 275 PROPERTY ROLL #:1936040351327200000 REGISTERED PLAN BY-LAW 1229 AS AMENDED R1 (0.35) LOT AREA 613.16 sqm 16600 sm\AI I OWARI E ESI IS 35% - 214 60 som sqf)= 49.98% SETBACKS - PROPOSED AND ALLOWED:

FRONT YARD: 7.92m PERMITTED, 10.01m

PROPOSED SIDE YARDS: 1,8 m REAR YARD 7.5 mMAX. BUILDING LENGTH PERMITTED: 17m PROPOSED BUILDING LENGTH: 9.80m MAX. BUILDING HEIGHT: 9.8 m ROOF PROPOSED BUILDING HEIGHT: 9,80m BUILDING AREA: GROUND FLOOR: 196.85 som

SECOND FLOOR: 108,5 Sqm (1166,26 sqf) FINISHED BASEMENT: 167.88 sqm (1807.05 sqf) ALLOWABLE BALCONY AREA 3.85M PROPOSED BALCONY 6 SMSF) LANDSCAPE: AREA OF FRONT YARD: 121.3 SM (1306 SF) DRIVEWAY: 52.3SM (563SF) 121.3-52.3 = 69 \* .75= 51.75SM (557SF) SOFT LANDSCAPE REQUIREMENT PROPOSED SOFT LANDSCAPING 56,8SM (612SF) SCOPE OF WORK: DEMOLISH EXISTING DWELLING AND BUILD NEW 2 STOREY DWELLING.

CITY OF MARKHAM JUL 2 4 2018 COMMITTEE OF ADJUSTMENT

## CONSULTING INC. NORDICON

NORDICON CONSULTING INC #1259 251 Consumer Road North York, ON M2J 1R3 Bus: 888 774 2606 Cell : 416 302 8776

EXEMBLA NOTES.

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PERFORM THE WORK AND REPORT ANY DISCREPANCES WITH THE
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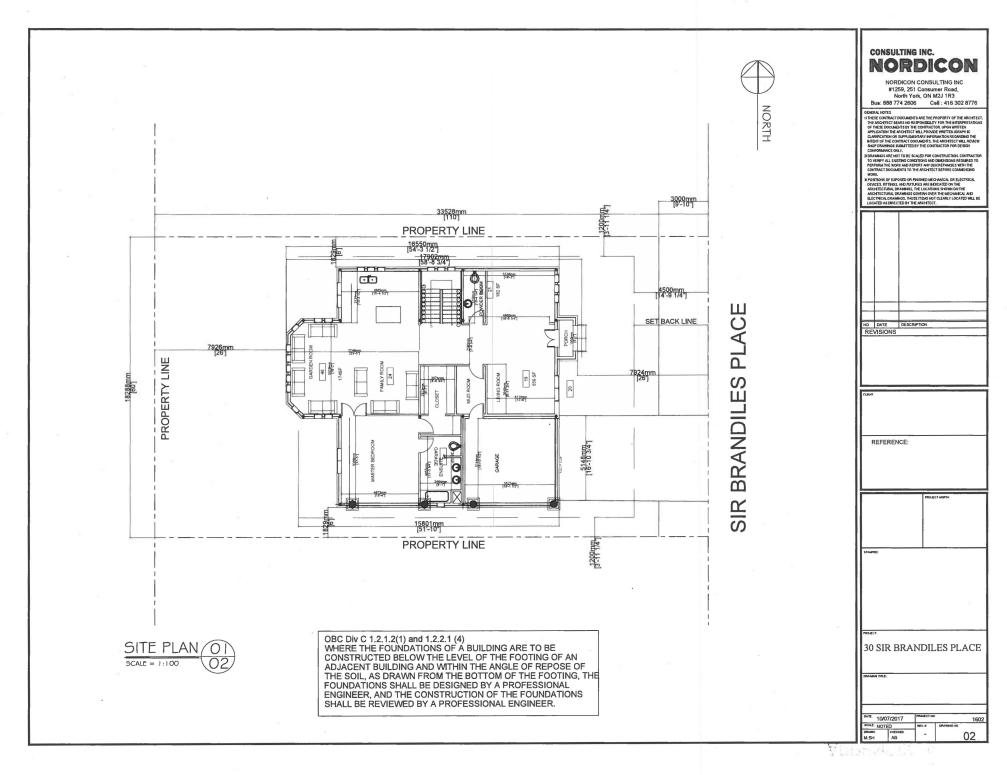
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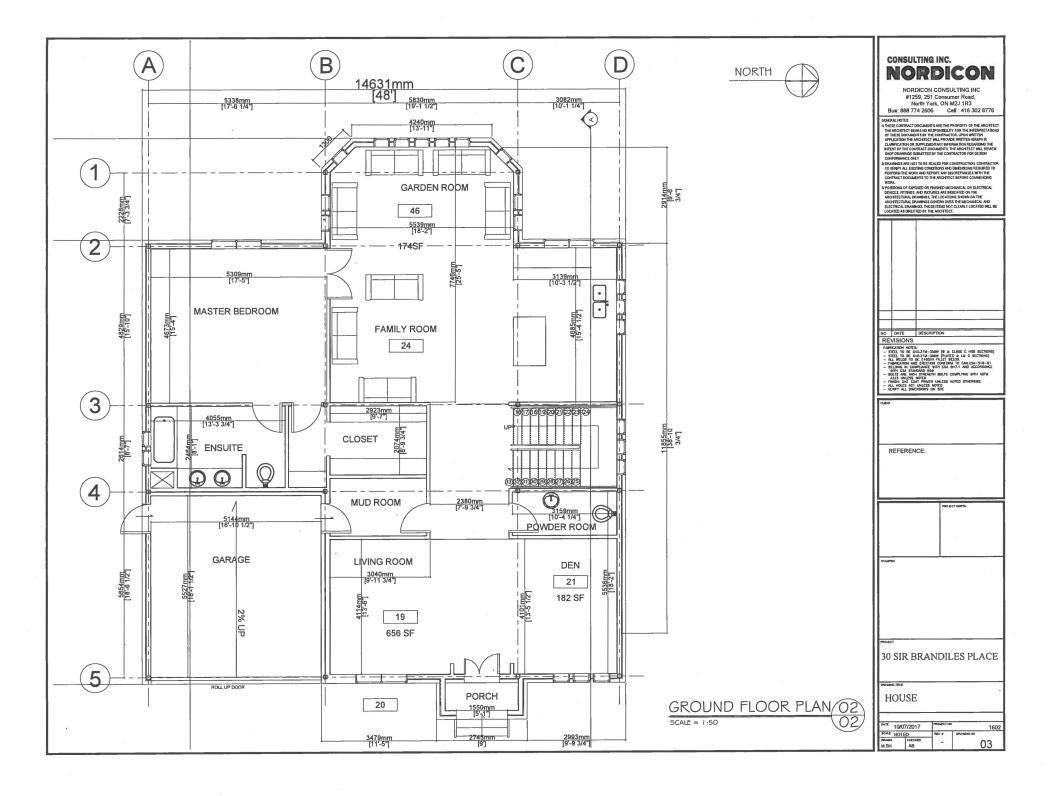
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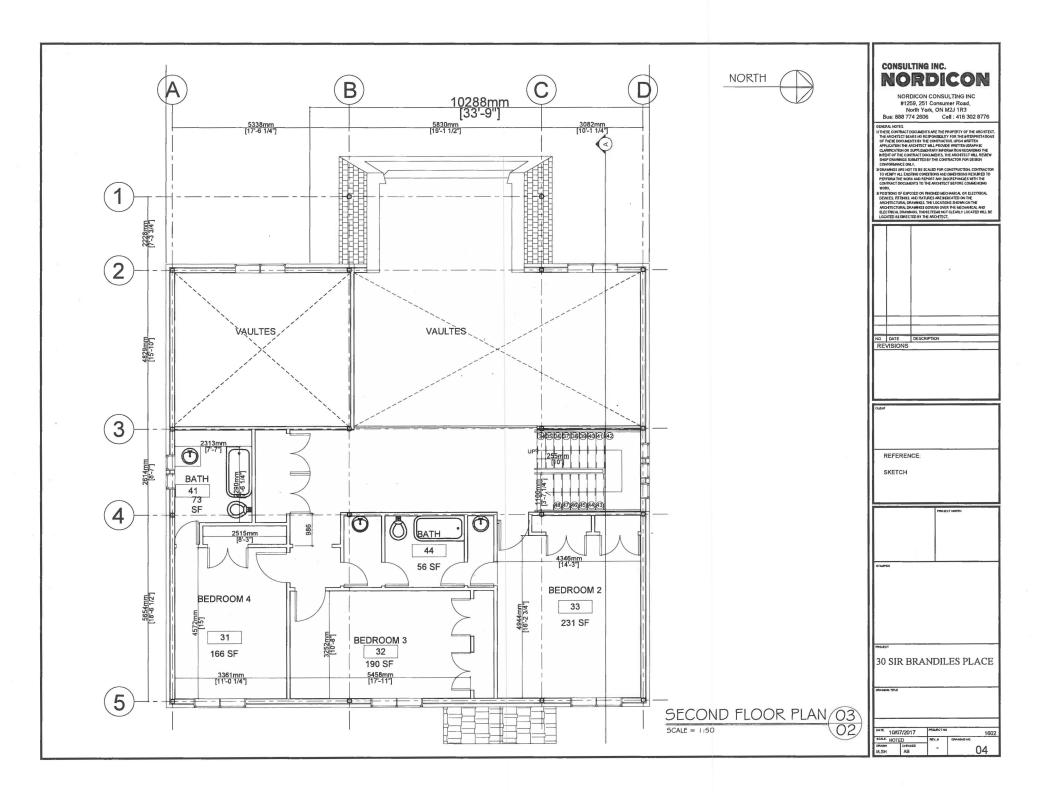
30 SIR BRANDILES PLACE

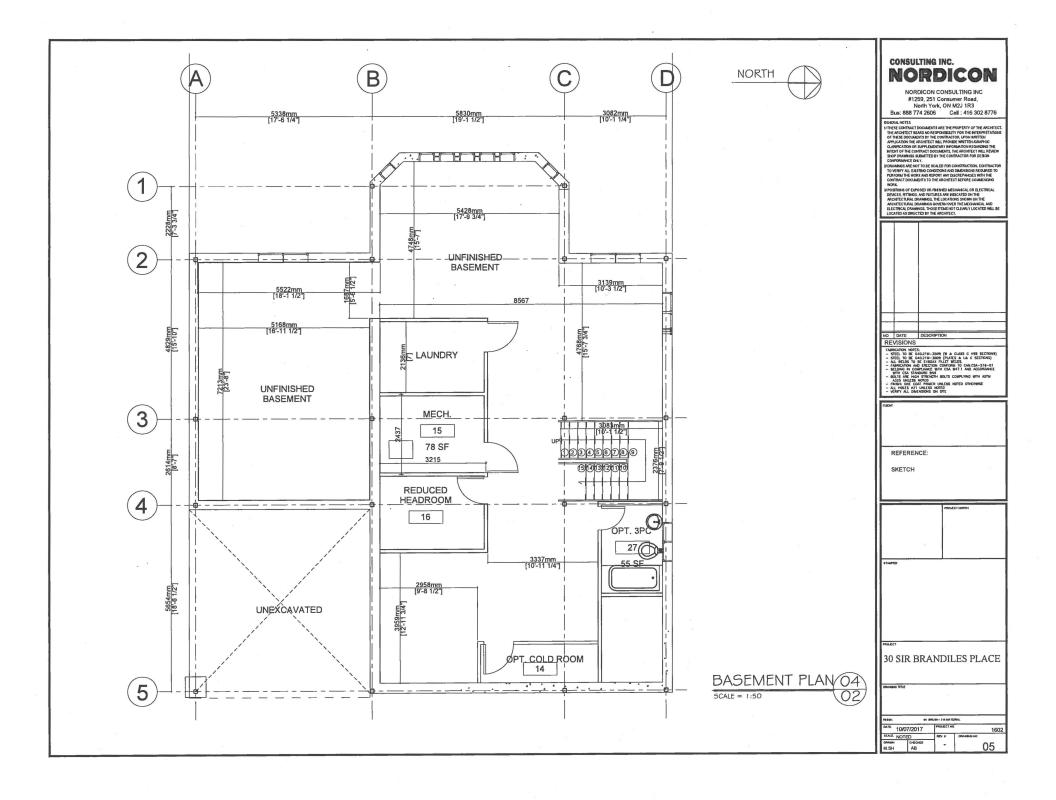
**GENERAL NOTES** 

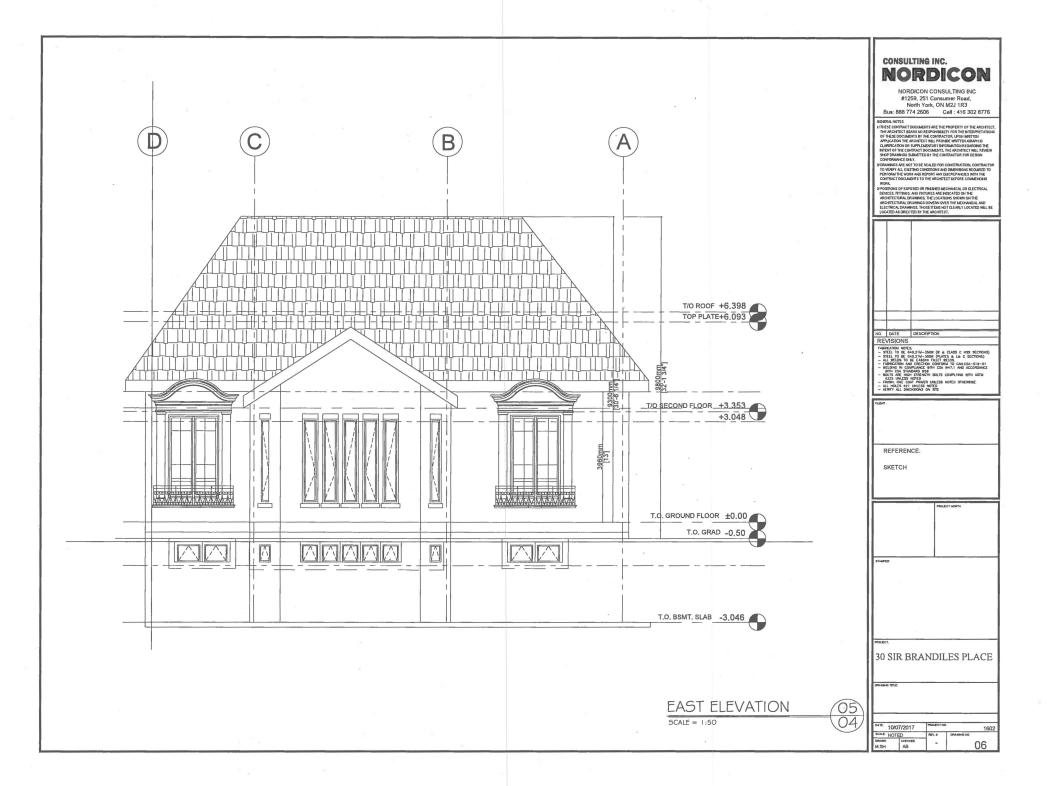
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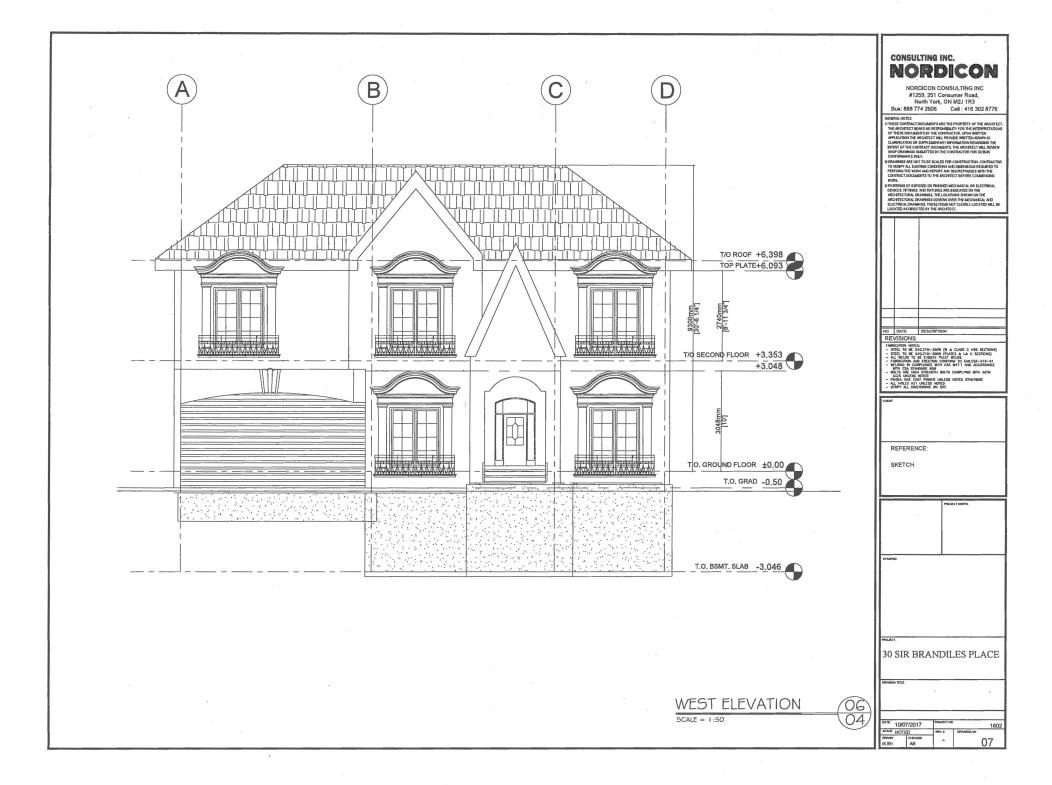


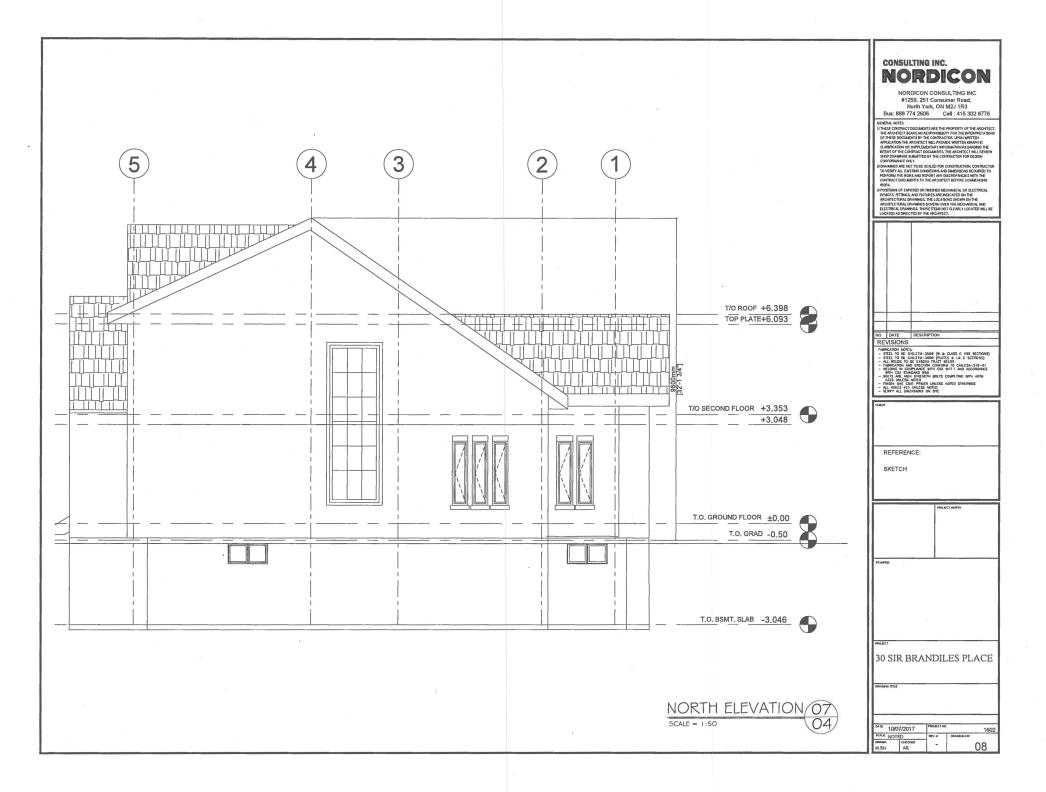


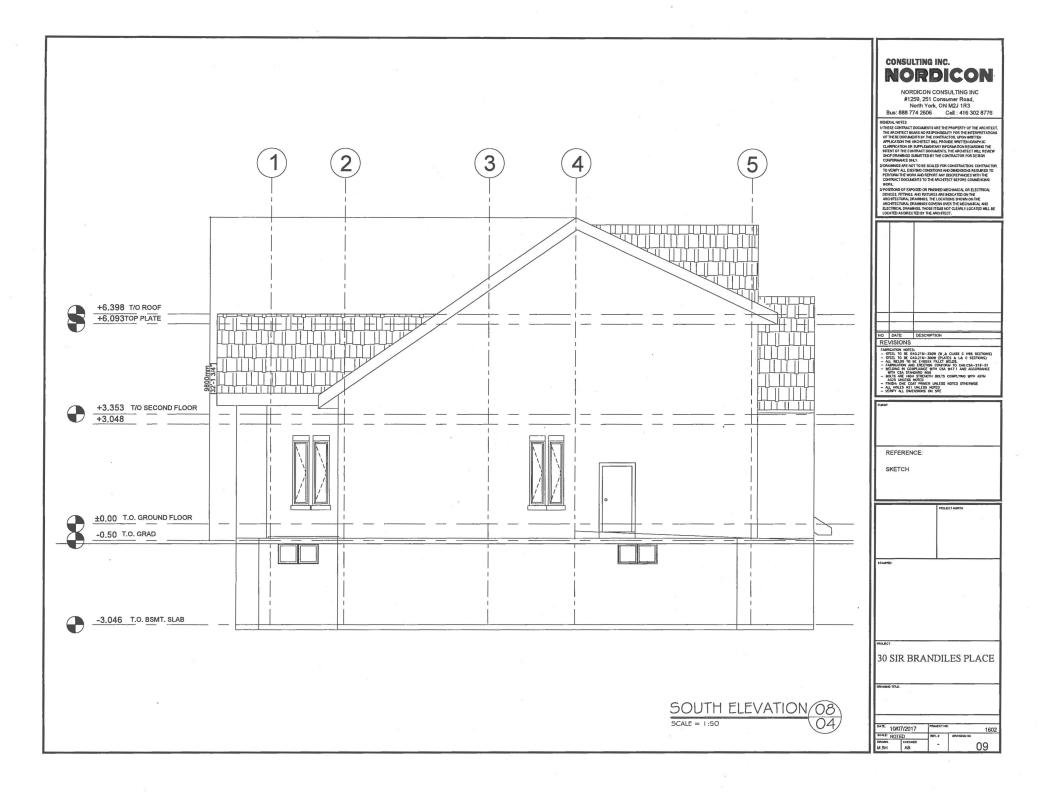


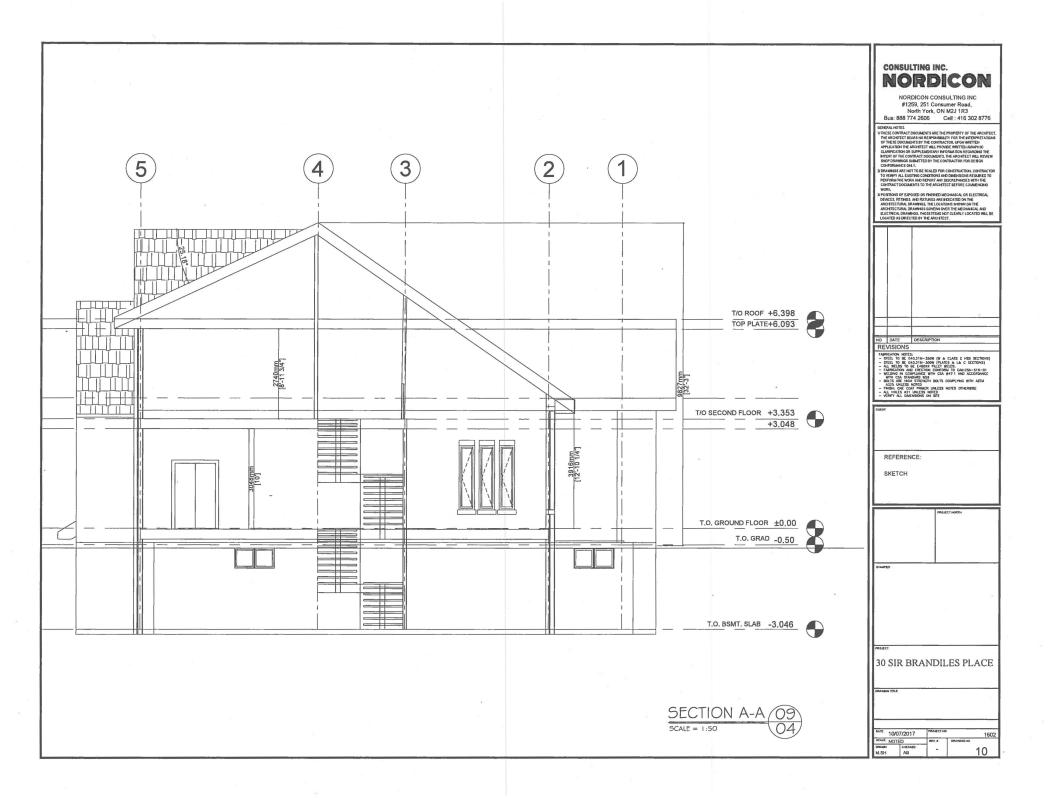












# **Memorandum to the City of Markham Committee of Adjustment**July 11, 2018

File:

A/66/18

Address:

30 Sir Brandiles Place, Markham

Applicant: Agent:

John Nassr John Nassr

Hearing Date:

Wednesday July 11, 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 50.4 percent, whereas the By-law permits a maximum floor area ratio of 45 percent; as it relates to a proposed two storey single detached dwelling.

#### **BACKGROUND**

#### **Property Description**

The 612.94 m² (6597.63 ft²) subject property is located on the west side of Sir Brandiles Place, north of Church Street, west of 9<sup>th</sup> Line. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is limited other new infill development along the street signalling that this neighbourhood is not under transition. There is an existing two-storey detached 178.84 m² (1925 ft²) dwelling on the property, which according to assessment records was constructed in 1972. Mature vegetation exists across the property.

#### **Proposal**

The applicant is proposing to construct a new two-storey detached 308.97 m<sup>2</sup> (3325.80 ft<sup>2</sup>) four bedroom dwelling with an unfinished basement. The proposal also includes a unique carport design with slender steel columns (See Appendix B).

### 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. 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 1229

The subject property is zones 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.

## 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, "exceed floor space coverage".

## **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 50.4 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 308.97 m² (3325.80 ft²), whereas the By-law permits a dwelling with a maximum floor area of 275.97 m² (2969.46ft²). This represents an increase of approximately 33.11 m² (356.34 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 an approximately 18.82 m<sup>2</sup> (202.60 ft<sup>2</sup>) open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law.

The proposal includes an open carport, which according to the by-law definition is not included in the calculation for Floor Area Ratio. If the carport were fully enclosed the floor area for the dwelling would increase by approximately 738 ft² to a floor area 377.53 m² (4063.8 ft²), resulting in a dwelling with a Floor Area Ratio of 61.6 percent. However planning staff consider the unique design of the carport with its slender cylindrical columns deliberate and would not lend itself to be enclosed.

The proposed dwelling meets all other zoning provisions, including setbacks, height and lot coverage meaning that the building envelope is being maintained, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. There is limited other new infill development along the street however staff note that neighbouring streets are undergoing a transition.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 25<sup>th</sup>, 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 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:

Agsa Malik, Plander, Zoning and Special Projects

**REVIEWED BY:** 

Tamphell

Sally Campbell, Development Manager, East District

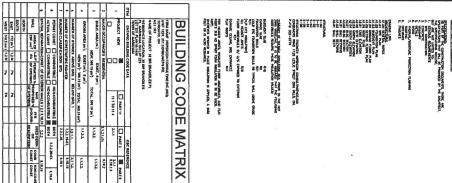
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## APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/66/18

- 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 received by the City of Markham on June 18, 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 carport remain unenclosed.

CONDITIONS PREPARED BY:

Aqsa Malik, Planner, Zoning and Special Projects



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