

Memorandum to the City of Markham Committee of Adjustment

July 05, 2019

File: A/68/19
Address: 17 Ida Street Thornhill
Applicant: Walter Ribeiro
Agent: IAN ROBERTSON DESIGN
Hearing Date: Wednesday, July 24, 2019

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2237, R3 as amended:

a) Amending By-law 101-90, Section 1.2 (iv):

a maximum building depth of 18.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 50.5 percent (4,222 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (4,177 sq.ft);

as it relates to a proposed two-storey single detached dwelling.

BACKGROUND

Property Description

The 855.28 m² (9206.16 ft²) subject property is located on the south side of Ida Street, west of Bayview Avenue and south of John Street. The property is located 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 two-storey detached dwelling on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two-storey detached 392.23 m² (4221.92 ft²) dwelling with a basement walkout.

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 2237

The subject property is zoned R3 under By-law 2237, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 maximum building depth and maximum 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, *"Due to grading conditions it was not possible for the rear yard porch to fit within the guidelines of a one storey projection set out in the By-law. The owner requires a larger garage space to allow parking for his vehicles. This increased the overall Floor Space Index."*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 14, 2019 to confirm the variances required for the proposed development.

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 50.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 392.23 m² (4222 ft²), whereas the By-law permits a dwelling with a maximum floor area of 388.05 m² (4177 ft²). This represents an increase of approximately 4.18 m² (45 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The building layout meets other zoning provisions (such as setbacks, height, 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 increase in Floor Area Ratio is considered to be minor, and the proposed dwelling will be in keeping with the character of the neighbourhood.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.9 m (62 ft), whereas the By-law permits a maximum building depth of 16.8 m (55 ft). This represents an increase of approximately 2.1 m (6.9 ft).

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/68/19

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 June 28, 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:


Hailey Miller, Planner, Zoning and Special Projects

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 rear covered porch which adds approximately 3.35 m (11 ft) to the overall depth of the building. The main component of the building, excluding the rear porch, has a depth of 15.55 m (51 ft) which complies with the by-law requirement.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 9, 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.

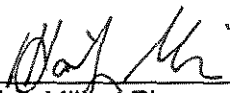
CONCLUSION

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 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:


Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District

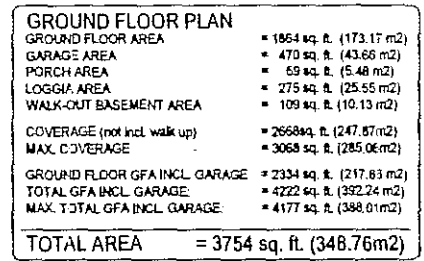
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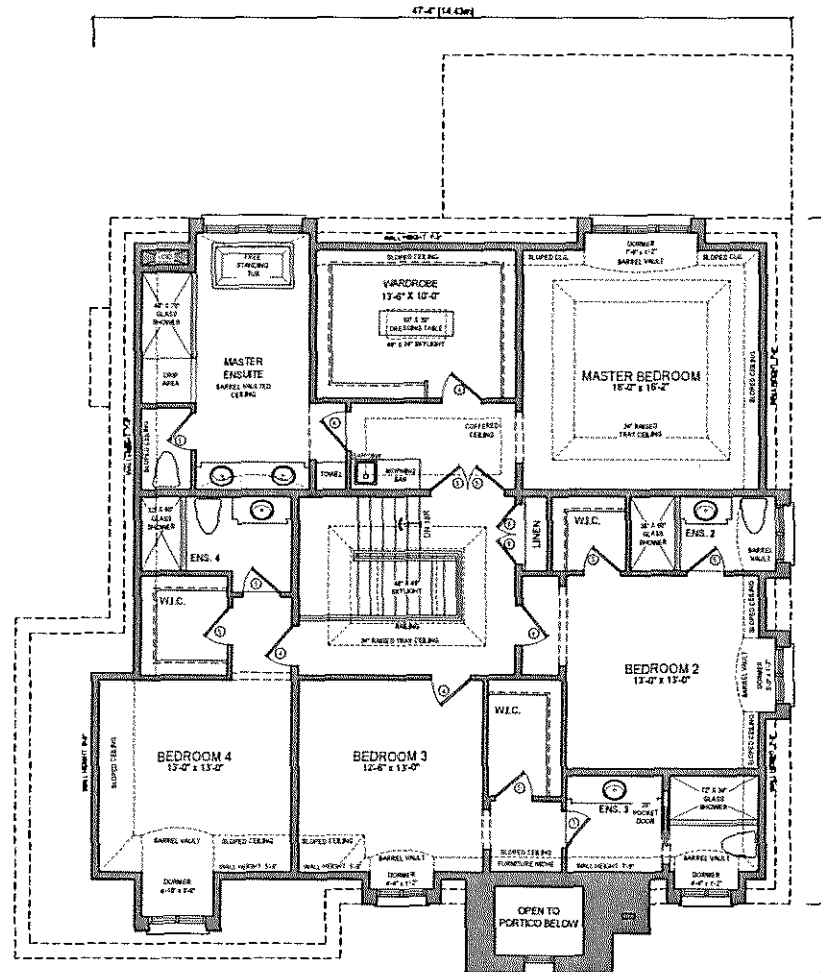
WALTER RIBEIRO	
PART OF LOT 25	
17 IDA STREET CITY OF MARKHAM	
BASEMENT PLAN	
MG	06/20/19
18-07	
1/2" = 1'-0"	1 OF 7

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1000 WALTER RIBEIRO	
100 PART OF LOT 25	
1000 17 IDA STREET CITY OF MARKHAM	
1000 GROUND FLOOR PLAN	
1000 M/G	1000 06/23/19
1000 19-07	1000 2 OF 7
1000 1/8" = 1'-0"	

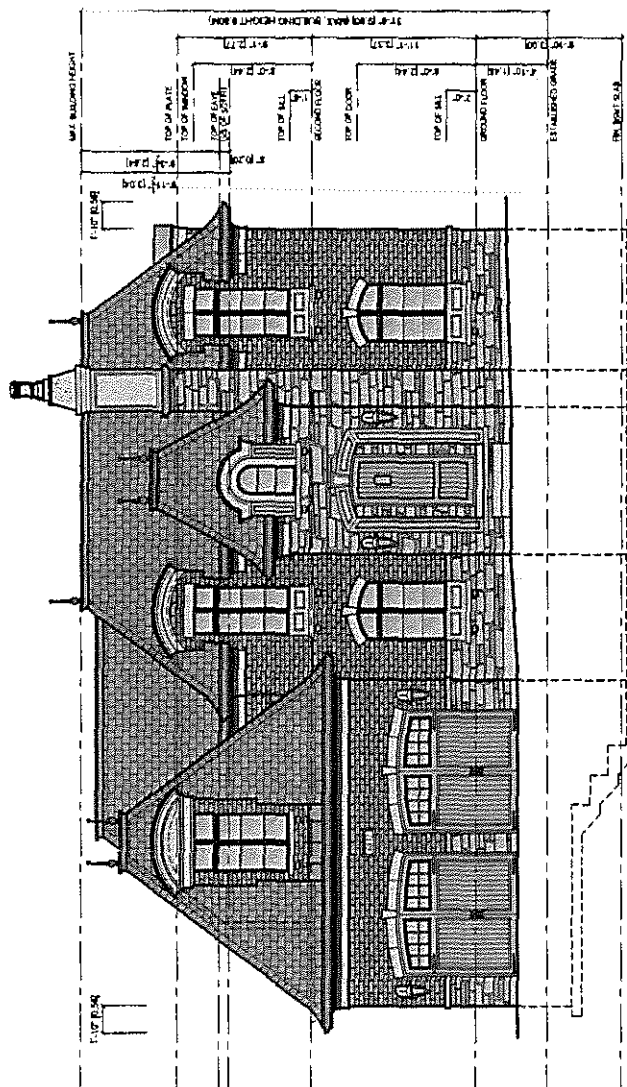
PART OF LOT 25 - 17 IDA STREET



SECOND FLOOR PLAN
 SECOND FLOOR AREA = 1863 sq. ft. (182.37m²)
 OPEN TO BELOW (incl.) = 75 sq. ft.

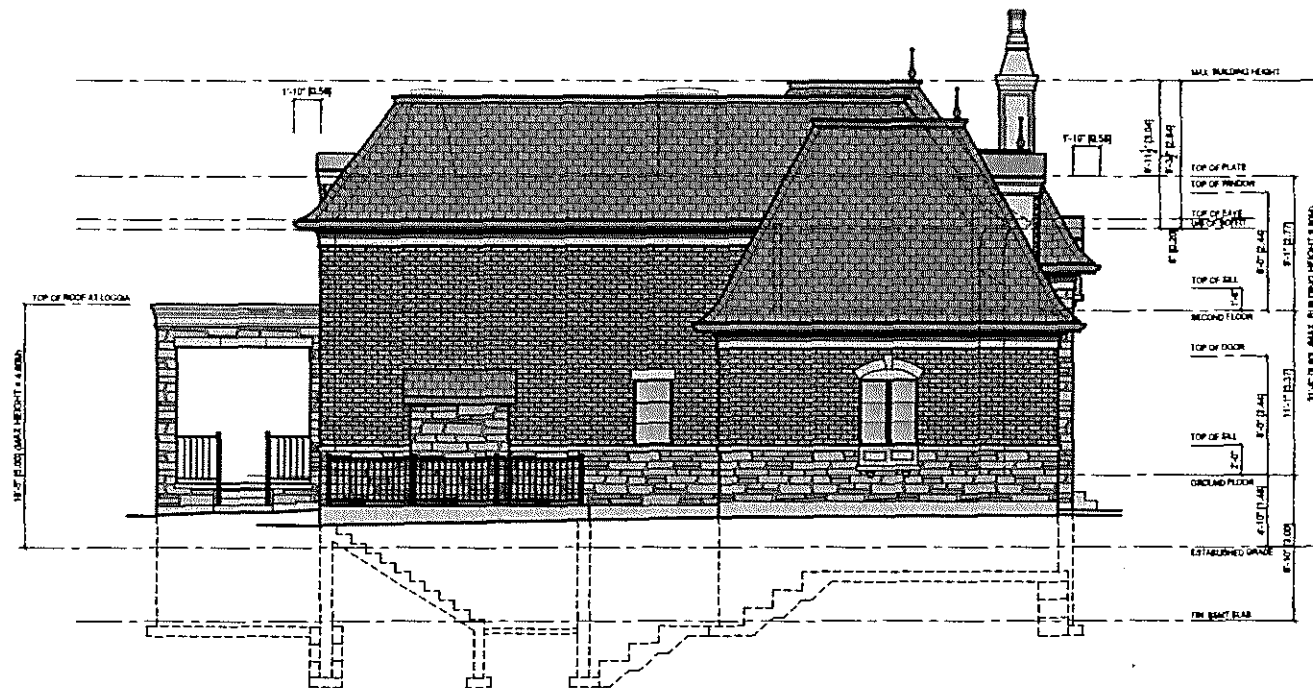
WALTER RIBEIRO	
PART OF LOT 25	
17 IDA STREET CITY OF MARKHAM	
SECOND FLOOR PLAN	
DATE: 19-07	DATE: 08/20/19
SCALE: 1/8" = 1'-0"	3 OF 7

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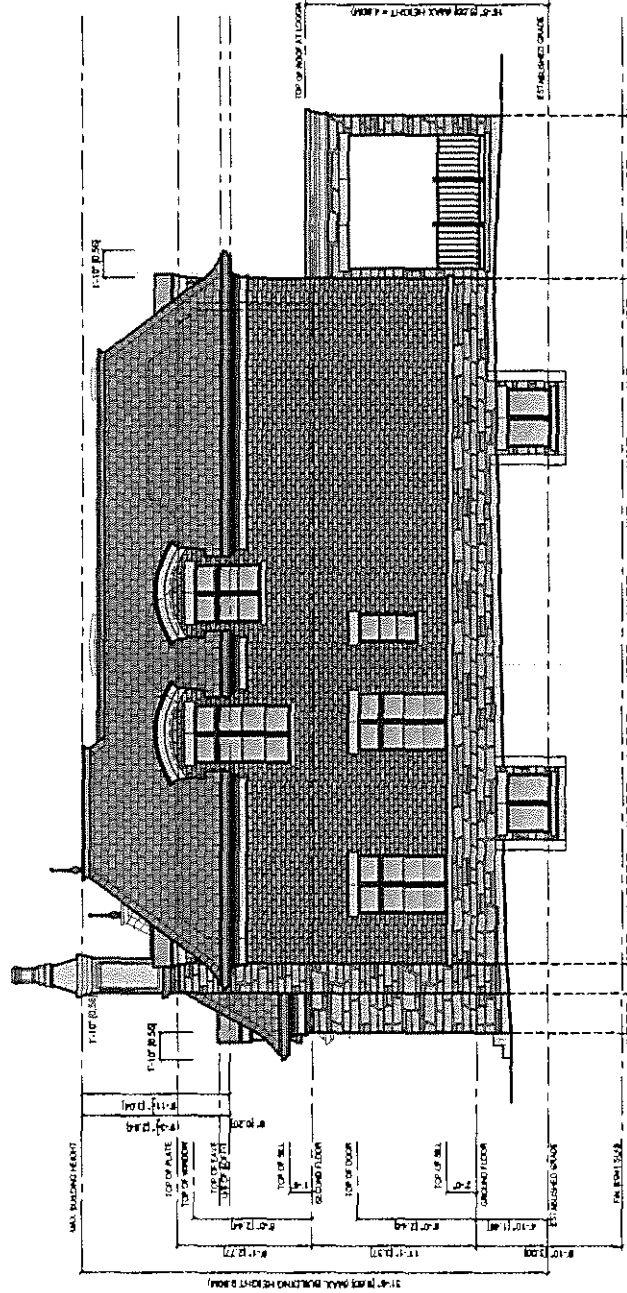
OWNER	WALTER RIBEIRO	DATE	06/22/19
LOT	PART OF LOT 25	DATE	19-07
SECTION	17 IDA STREET CITY OF MARKHAM	DATE	18-07
SCALE	FRONT ELEVATION	DATE	19-07

PART OF LOT 25 - 17 IDA STREET



WALTER RIBEIRO	
PART OF LOT 25	
17 IDA STREET CITY OF MARKHAM	
LEFT SIDE ELEVATION	
MG	06/20/19
19-07	5 OF 7
1/8" = 1'-0"	

PART OF LOT 25 - 17 IDA STREET



WALTER RIBEIRO	
PART OF LOT 25	
17 IDA STREET CITY OF MARKHAM	
RIGHT SIDE ELEVATION	
DATE	08/20/19
BY	19-07
SCALE	1/8" = 1'-0"
6 OF 7	

JAN ROBERTSON DESIGN

