

Memorandum to the City of Markham Committee of Adjustment

July 15, 2019

File: A/69/19
Address: 112 Robinson Street, Markham
Applicant: Yixian Ling
Agent: Paar Design
Hearing Date: Wednesday July 24, 2019

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

The applicant is requesting relief from the following requirements of the Residential (R1) zone in By-law 1229, as amended as they relate to a proposed two-storey single detached dwelling on the subject property:

- a) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.54 metres, including the front covered porch, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 15.46 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 50.5 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent.

BACKGROUND

Property Description

The 1067.46 m² (11,490.51 ft²) subject property is located on the west side of Robinson Street, which is west of Main Street Markham North. Although the property fronts the west side of Robinson Street, vehicle access is provided at the rear on city owned laneway, as shown in Figure 1. There is an existing one-storey 187.84 m² (2,021.89 ft²) detached dwelling on the property, which according to assessment records was constructed in 1950. Mature vegetation exists across the property.

The surrounding context can be characterized as 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.

Proposal

The applicant is proposing to construct a new two-storey 425.26 m² (4,577.43 ft²) detached dwelling on the subject property. The proposed dwelling includes an attached two car garage, a covered front porch and rear yard basement walkout. Plans of the proposed development are attached as Appendix 'A'

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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing

and setbacks. This criteria is established 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. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development criteria. 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.

Zoning By-Law 1229

The subject property is zoned 'Residential' (R1) 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 maximum building depth, maximum building height and maximum Net 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, "*Relief #1, 3: Design requirement. Relief #2: Measure from Robinson St for height doesn't allow for 2 storey dwelling*".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 24, 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 Building Depth

The applicant is requesting a maximum building depth of 17.54 m (57.55 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 0.74 m (2.43 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 nearest and the other through the point on the dwelling farthest from the front lot line.

The increase in building depth is to accommodate a front covered porch which adds approximately 1.17 m (3.83 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.37 m (53.71 ft) which complies with the by-law requirement. Staff have no objections to the proposed building depth.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 15.46 m (50.72 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 5.66 m (18.57 ft).

Infill By-law 99-90 defines Height as the vertical distance of a building or structure measured between the level of the crown (i.e. high point of the street) at the mid point of the Front Lot Line and the highest point of a pitched roof. Although the proposed dwelling (and surrounding homes on the laneway) appears to front the lane by design, the true frontage as defined by the zoning By-law is Robinson Street. This section of Robinson Street slopes downwards into a valley, whereas the subject property sits much higher, particularly where the proposed dwelling is to be located. Consequently, the Robinson Street crown of street is approximately 7.1 m (23.29) below the finished floor elevation of the proposed dwelling. Since the height variance is attributable to this significant grade difference and due to the unique nature of the property, staff are of the opinion that the proposed building height is in keeping with the intent of the zoning by-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 50.5 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 425.26 m² (4577.43 ft²), whereas the By-law permits a dwelling with a maximum floor area of 378.15 m² (4070.36 ft²). This represents an increase of approximately 47.11 m² (507.07 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, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

Although the proposed floor area ratio is larger than existing dwellings originally developed in the 1950s, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope. The proposed dwelling will also be comparable in size with other infill development within the broader surrounding area. Staff are of the opinion that the variance request is appropriate for the development.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 15, 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.

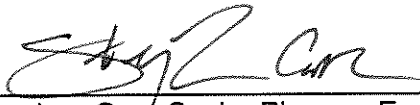
Please see Appendix "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

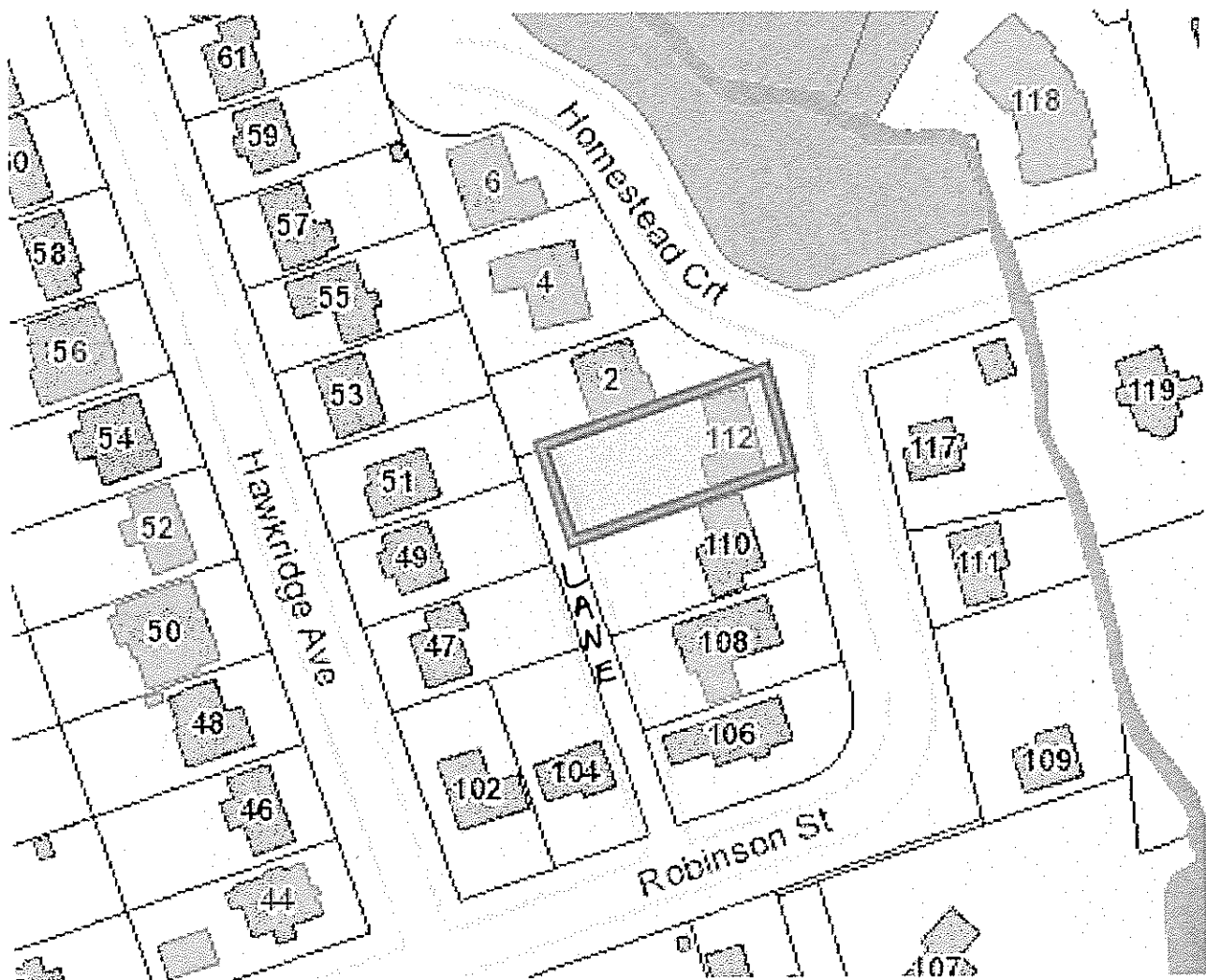
REVIEWED BY:

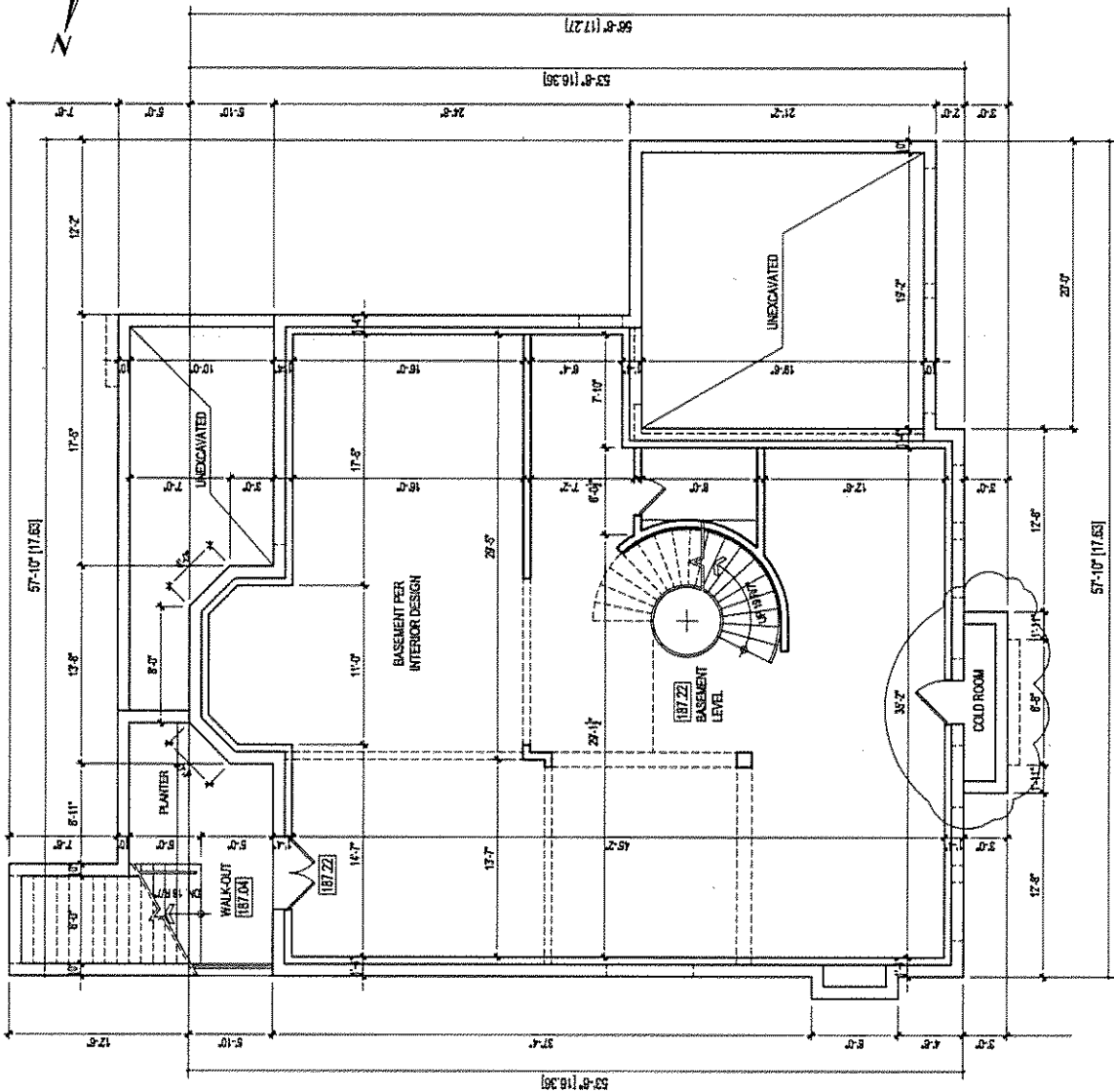


Stephen Corr, Senior Planner, East District

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FIGURE 1 – LOCATION MAP



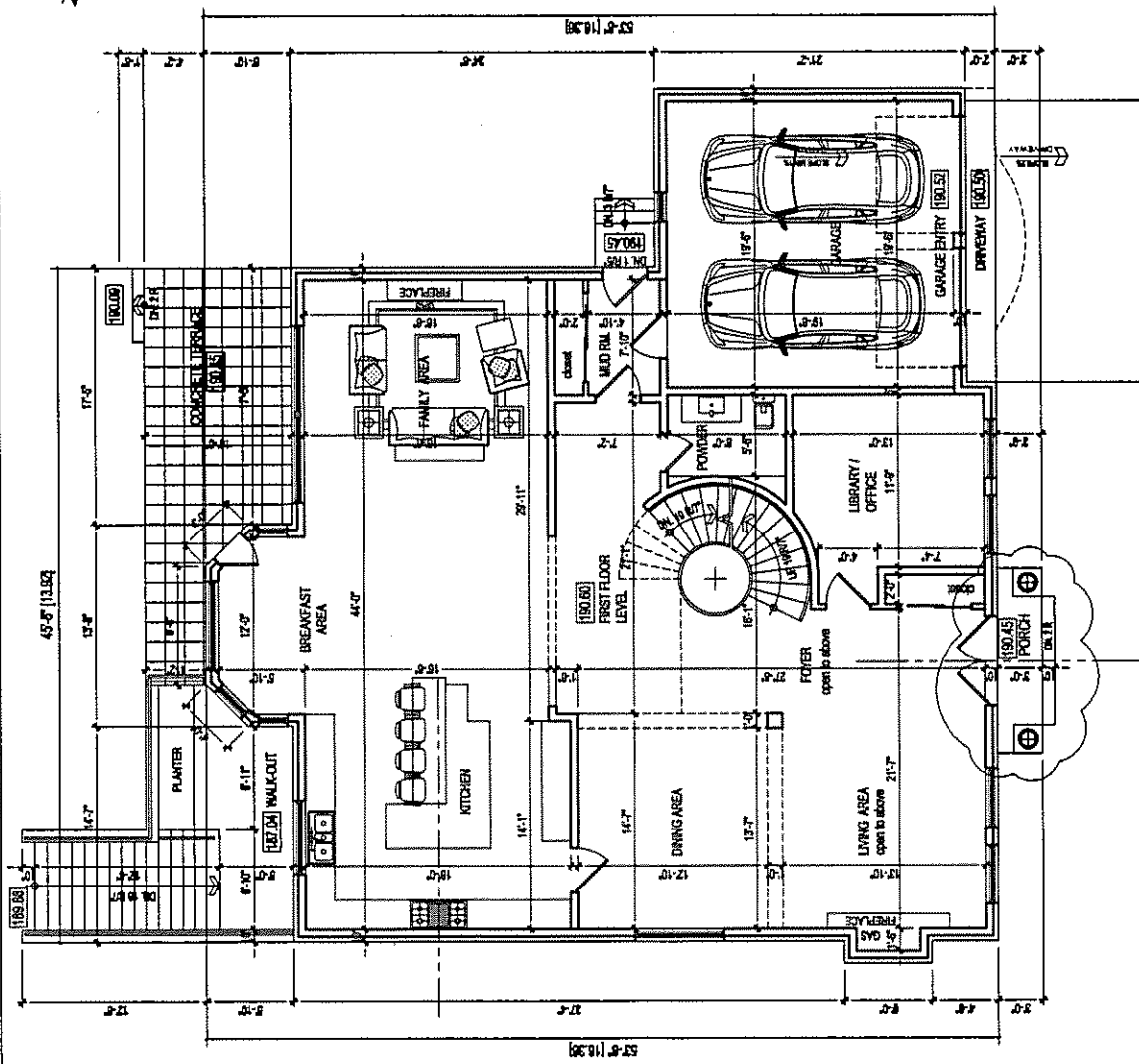


NO.	DATE	DESCRIPTION
1	21.04.2019	ISSUED FOR CLIENT REVIEW
2	02.05.2019	ISSUED FOR DOWNS
3	31.05.2019	REVISION
4	03.07.2019	ISSUED FOR C.I.A.

PROJECT:
No. 112
ROBINSON STREET
2 STOREY DWELLING
BASEMENT PLAN
Scale 1/8"=1'-0"

A11

PAAR DESIGN INC.
22 BELLAIR AVENUE
SUITE 402
MONTREAL, QUEBEC H3T 1Y1
TEL: 514-352-7700
WWW.PAARDDESIGN.COM

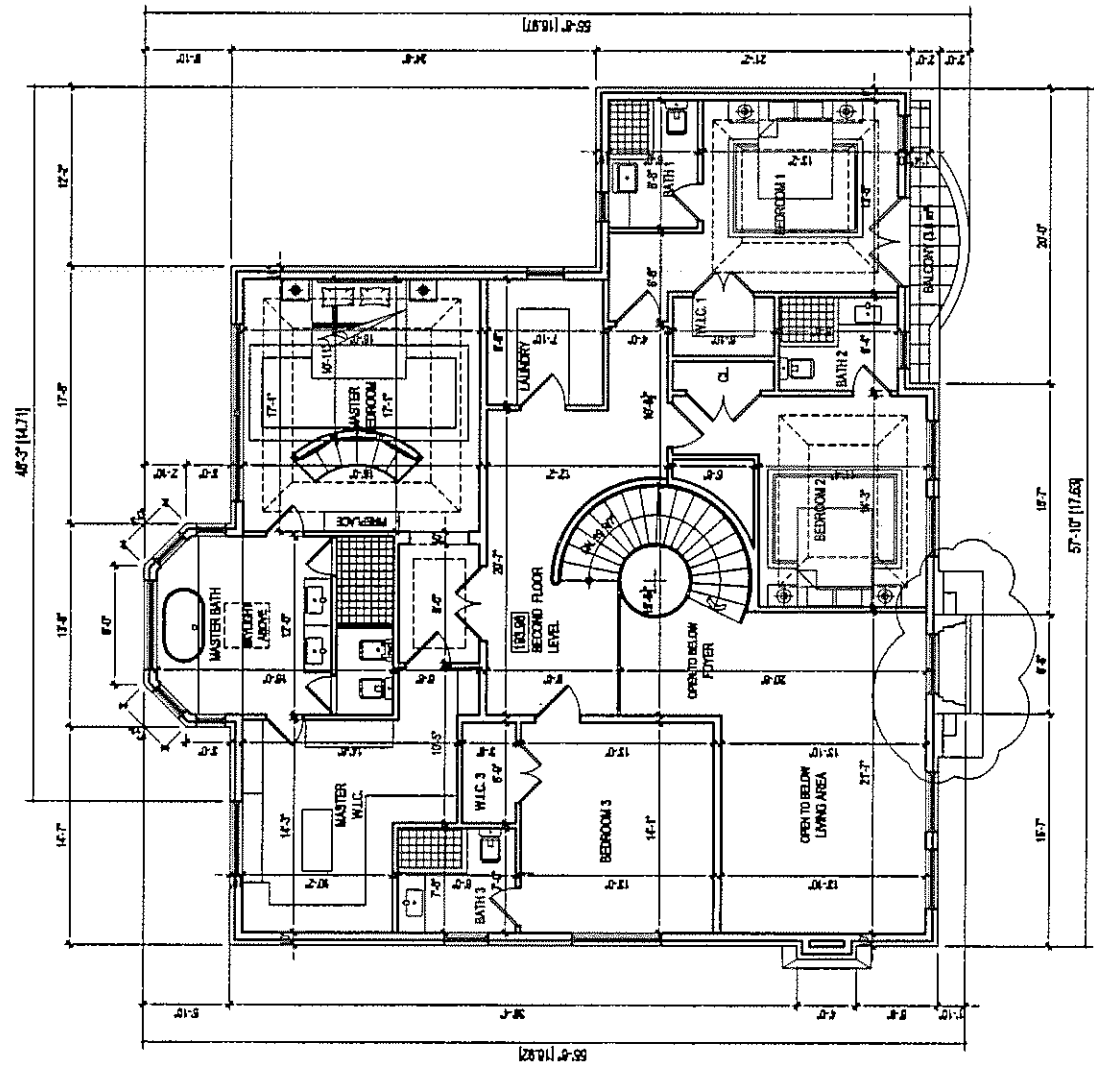


NO.	DATE	DESCRIPTION
1	21.04.2018	BASED ON CLIENT REVIEW
2	02.08.2018	REVISION FOR REVISION
3	21.08.2018	REVISION
4	02.07.2018	REVISION FOR C.D.A.

PROJECT:
No. 112
ROBINSON STREET
2 STOREY DWELLING
FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

PAAR
DESIGN

PAAR DESIGN INC.
2111 LIVINGSTON ST.
VANCOUVER, BC
V6M 2K6
TEL: 604.271.1111
WWW.PAARDDESIGN.COM

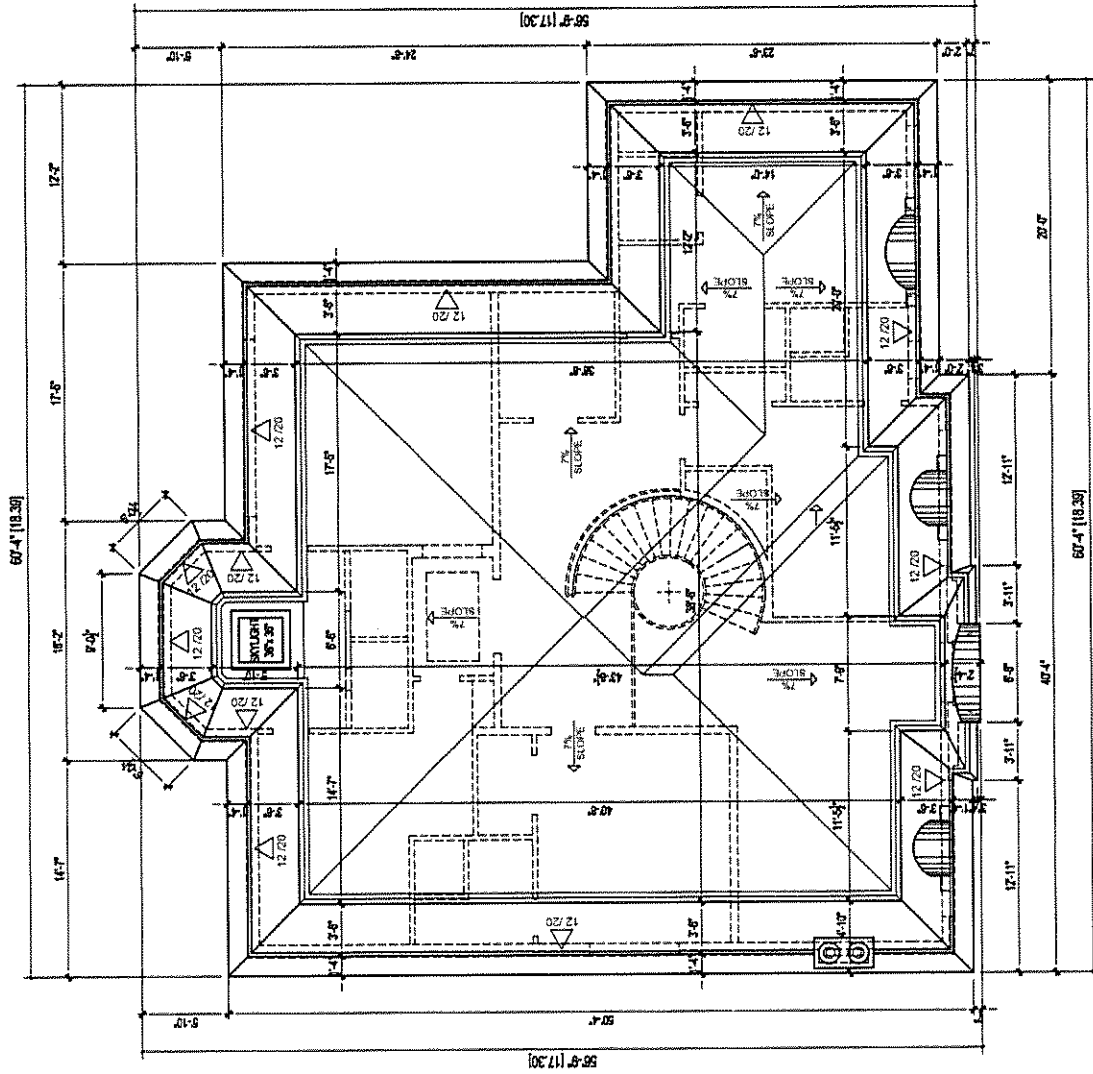


NO.	DATE	DESCRIPTION
1	27.04.2019	ISSUED FOR CLIENT REVIEW
2	02.06.2019	FOR REVIEW FOR 2D DRAWING
3	31.05.2019	REVISED
4	02.07.2019	ISSUED FOR CONSTRUCTION

PROJECT:
No. 112
ROBINSON STREET
2 STOREY DWELLING
SECOND FLOOR PLAN
Scale: 1/8"=1'-0"

A13

PAAR DESIGN
ARCHITECTS
21 B. J. L. ROAD, #10-11
SINGAPORE 119200
TEL: 6733 1111
FAX: 6733 1112
WWW.PAARDESIGN.COM



WARR	DATE	DESCRIPTION
1	21 04 2018	ISSUED FOR CLIENT REVIEW
2	02 05 2018	ISSUED FOR JOMMO
4	02 07 2018	ISSUED FOR C.A

15104

1997-1998

No. 112
ROBINSON STREET
2 STOREY DWELLING

ROOF PLAN

scale 18"=1'-0"

A1.4


The conference has members and you are voluntarily to the
 thought, and that the conference will make the requirements set
 out in the Ontario Code to be a language

Qualifications Information
 Required means change is required under Division C.1.1.1
 of the 2018 Ontario Building Code

NAME _____
 ADDRESS _____
 CITY _____
 STATE _____
 ZIP _____
 PHONE _____
 FAX _____
 E-MAIL _____
 SIGNATURE _____
 DATE _____

PAAR Architecture
and
Interior Design
31986

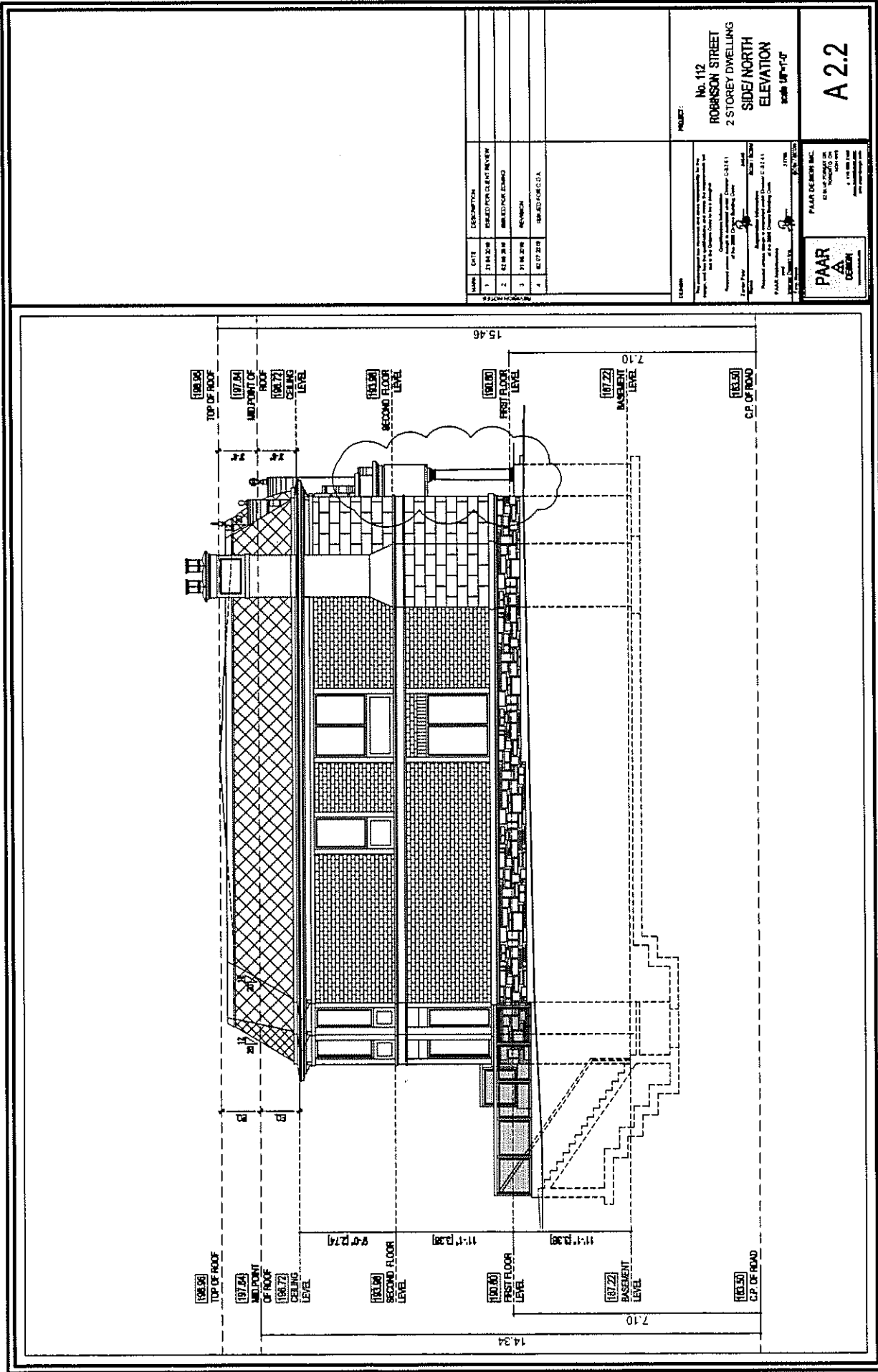
PAAR DESIGN INC. 10000 15TH AVE. S.W. SUITE 1000 BURNOCK, ALABAMA 36822-4400 TEL: 205/833-1100 FAX: 205/833-1101

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A
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PAAR DESIGN INC.
22111 E. HANCOCK DR.
TULSA, OK 74117
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Toll free 1-800-875-2828

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NO.	DATE	DESCRIPTION
1	21.04.2018	DESIGN FOR CLIENT REVIEW
2	02.06.2018	AMEND FOR COMMENTS
3	21.06.2018	REVISION
4	02.07.2018	ISSUED FOR C.I.A.

PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING SIDE/NORTH ELEVATION Scale 1/8"=1'-0"

DESIGNER: PAAR DESIGN INC. 410-A, ROYAL OAK BLVD, SUITE 101, RICHMOND, BC V6X 1A1

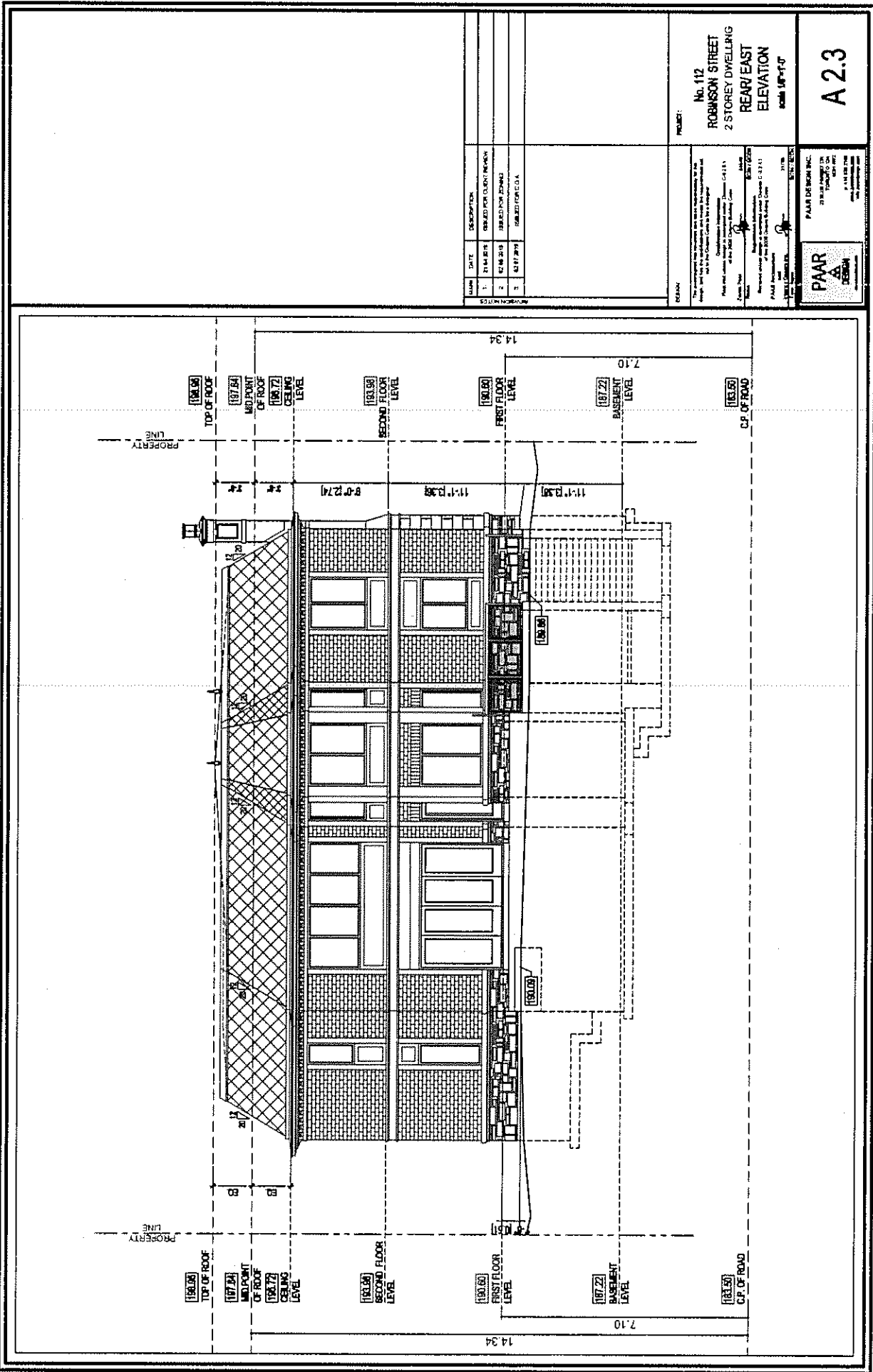
DATE: 02.07.2018

PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING SIDE/NORTH ELEVATION Scale 1/8"=1'-0"

PAAR DESIGN INC. 410-A, ROYAL OAK BLVD, SUITE 101, RICHMOND, BC V6X 1A1

PAAR DESIGN INC. 410-A, ROYAL OAK BLVD, SUITE 101, RICHMOND, BC V6X 1A1

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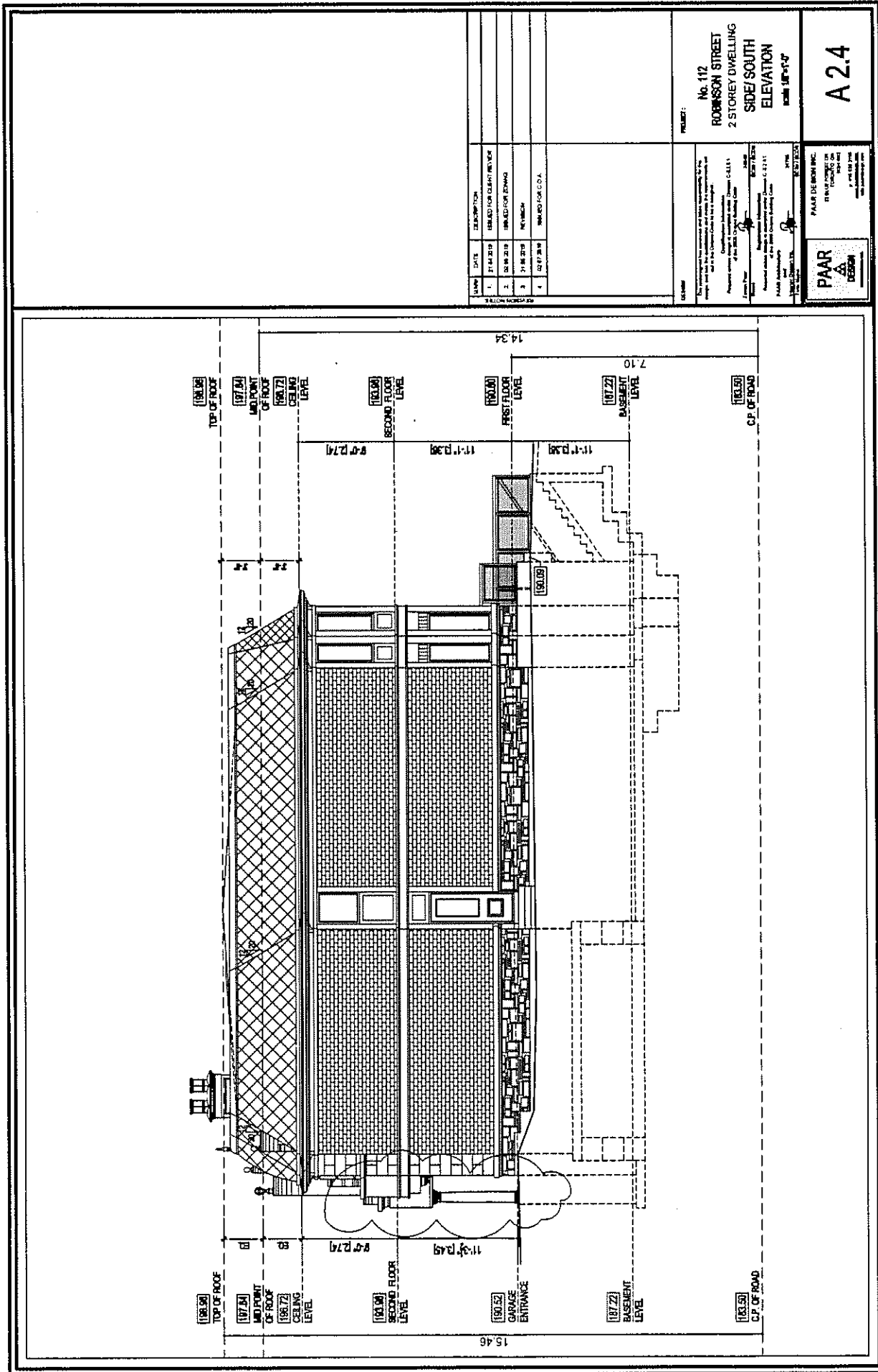
LINE	DATE	DESCRIPTION
1	21 MAR 2018	ISSUED FOR CLIENT REVIEW
2	02 APR 2018	ISSUED FOR PERMIT
3	03 JUL 2018	ISSUED FOR C.O.A.

PROJECT: No. 112 ROBINSON STREET 2-STORY DWELLING REAR/EAST ELEVATION SCALE 1/8\"=1'-0"

PAAR DESIGN INC. 25 WEST 14TH ST. NEW YORK, NY 10011-3208 TEL: 212-691-1000 FAX: 212-691-1001

PAAR DESIGN INC. 25 WEST 14TH ST. NEW YORK, NY 10011-3208 TEL: 212-691-1000 FAX: 212-691-1001

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SLAB	DATE	DESCRIPTION
1	27 APR 2019	ISSUED FOR CLAY REVIEW
2	28 APR 2019	ISSUED FOR PERMITS
3	27 APR 2019	PERMITS
4	22 OCT 2019	ISSUED FOR C.O.A.

PROJECT:
No. 112
ROBINSON STREET
2 STOREY DWELLING
SIDE/SOUTH
ELEVATION
Scale: 1/8"=1'-0"

PAAR DESIGN INC.
REGISTERED ARCHITECT
1000 10th Ave S.
Calgary, Alberta T2G 1P7
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A2.4

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/69/19

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 A' to this Staff Report and received by the City of Markham on July 02, 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;
6. 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:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects