

Memorandum to the City of Markham Committee of Adjustment

June 25, 2018

File: A/72/18
Address: 19 Talisman Crescent, Markham
Applicant: Elly Verdi
Agent: EPL Construction Ltd. (John Nassr)
Hearing Date: Wednesday June 27, 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 47.2 percent, whereas the By-law permits a maximum floor area ratio of 45 percent; as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The 696.52 m² (7497.28 ft²) subject property is located on the south side of Talisman Crescent, north of Ramona Boulevard and east of Main Street Markham North. 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 127.83 m² (1376 ft²) one-storey detached dwelling on the property, which according to assessment records was constructed in 1956. Mature vegetation exists across the property, including two coniferous trees in the front yard, which are proposed to be removed.

Proposal

The applicant is proposing to construct a new two-storey detached 309.08 m² (3327 ft²) 4 bedroom dwelling with an unfinished basement. The proposal also includes a unique open 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.

Zoning By-Law 1229

The subject property is zoned 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 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, "infill new house construction".

Zoning Preliminary Review (ZPR) not Undertaken

A Zoning Preliminary Review (ZPR) has not been undertaken for the proposal. 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 47.2 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 309.08 m² (3327 ft²), whereas the By-law permits a dwelling with a maximum floor area of 294.68 m² (3171.89 ft²). This represents an increase of approximately 14.41 m² (155.11 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 m² (202.60 ft²) 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 430 ft² to a floor area 349.12 m² (3758 ft²), resulting in a dwelling with a Floor Area Ratio of 53.3 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. The proposed gross floor area is also consistent with other the recent infill developments, including a number of nearby infill homes with variance approval for increases in floor area ratio ranging between 49 percent and 54 percent.

Staff note that the proposed dwelling will result in the removal of two mature coniferous trees in the front yard although it appears that both are heavily pruned at the base. The removal / replacement will be reviewed upon the submission of a Tree Preservation Plan, which is a recommended condition of any approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 25 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.

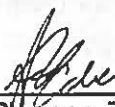
CONCLUSION

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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, 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/72/18

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 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
4. 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;
5. 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;
6. 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;
7. That the carport remain unenclosed.

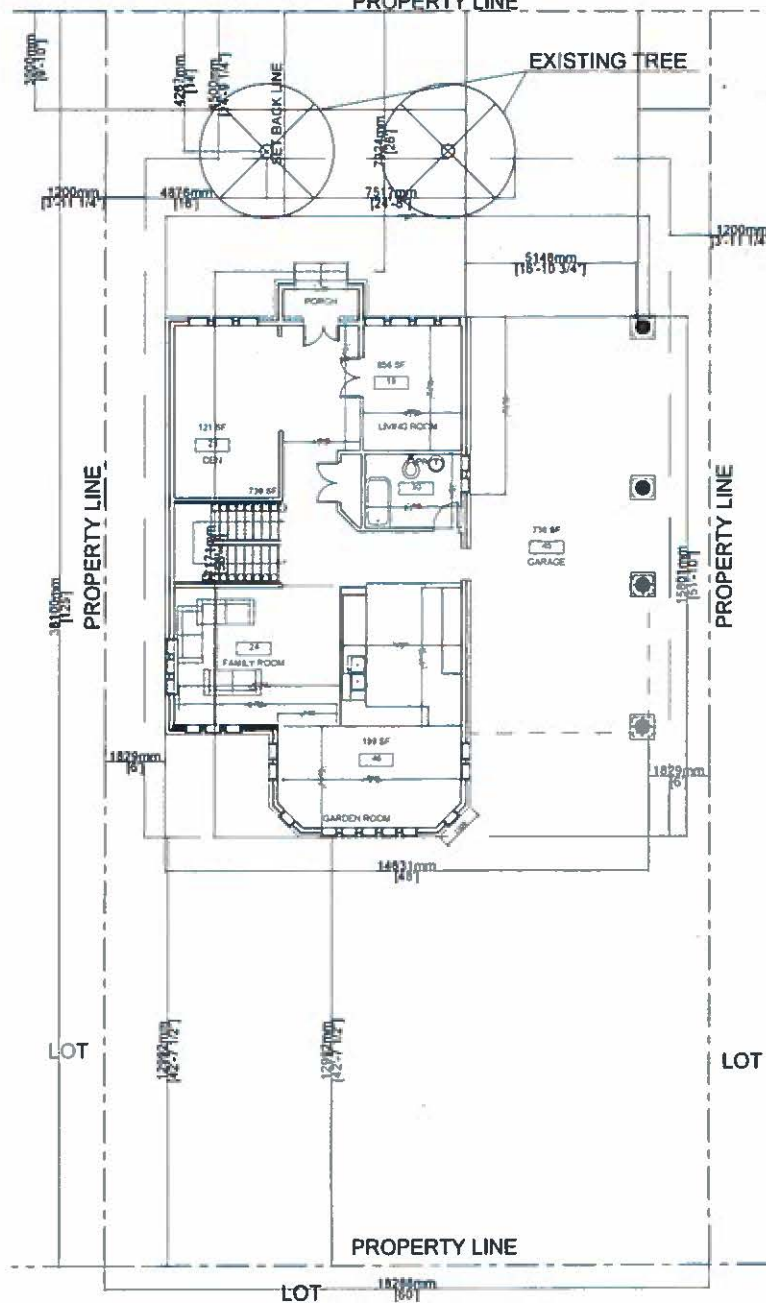
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

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GENERAL NOTES:
1. THE CONTRACT DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT. THE ARCHITECT MAKES NO RESPONSIBILITY FOR THE REPRESENTATIONS OF THESE DOCUMENTS BY THE CONTRACTOR, UNLESS WRITTEN APPLICATION BY THE ARCHITECT IS PROVIDED. WRITTEN GRAPHIC CLAIMS, LITIGATION OR SUPPLEMENTARY MATERIALS REGARDING THE INTERPRETATION OF THE CONTRACT DOCUMENTS, THE ARCHITECT WILL RECEIVE NO RESPONSIBILITY FOR THE CONTRACTOR'S FAILURE TO COMPLY WITH THE CONTRACT DOCUMENTS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE REQUIRED TO PERFORM THE WORK AND REPORT ANY DISCREPANCIES WITH THE CONTRACT DOCUMENTS TO THE ARCHITECT BEFORE COMMENCING WORK.
3. POSITIONS OF UTILITIES OR PREVIOUS MECHANICAL, ELECTRICAL, OR PLUMBING WORK ARE NOT SHOWN ON THIS ARCHITECTURAL DRAWING UNLESS SPECIFICALLY NOTED ON THE ARCHITECTURAL DRAWINGS. THE LOCATION OF ALL UTILITIES AND MECHANICAL, ELECTRICAL, OR PLUMBING WORK NOT SHOWN ON THIS ARCHITECTURAL DRAWING SHALL BE LOCATED AS DIRECTED BY THE ARCHITECT.

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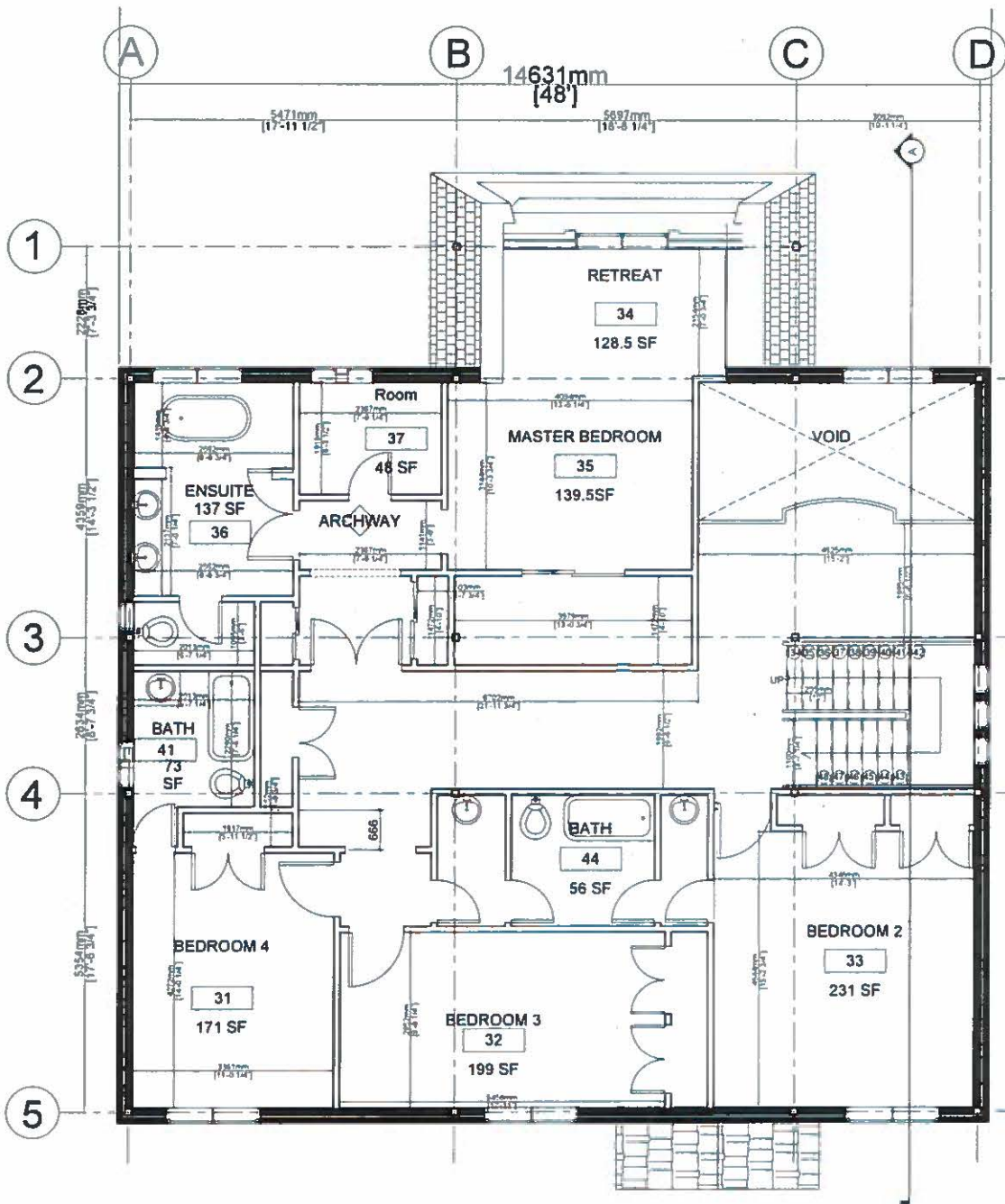
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19 Talisman Crescent

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SECOND FLOOR PLAN 03
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2. DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION CONTRACTS TO VERIFY ALL EXISTING CONDITIONS AND CONDITIONS RELATED TO PERFORMANCE AND SUPPORT AND DISCREPANCIES WITH THE CONTRACT DOCUMENTS TO THE ARCHITECT BEFORE COMMENCING WORK.
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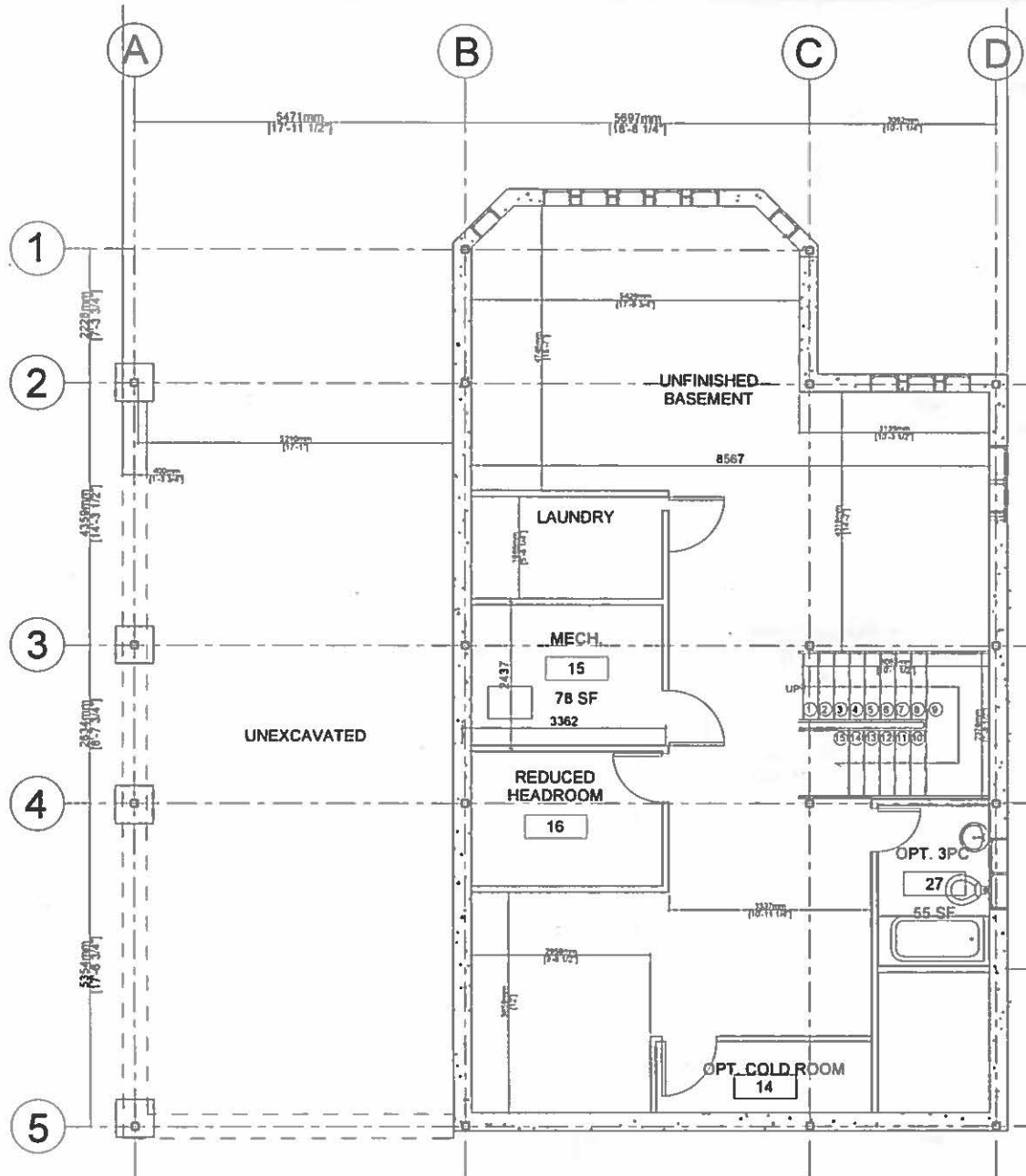
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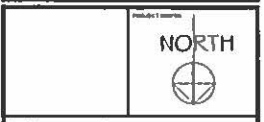
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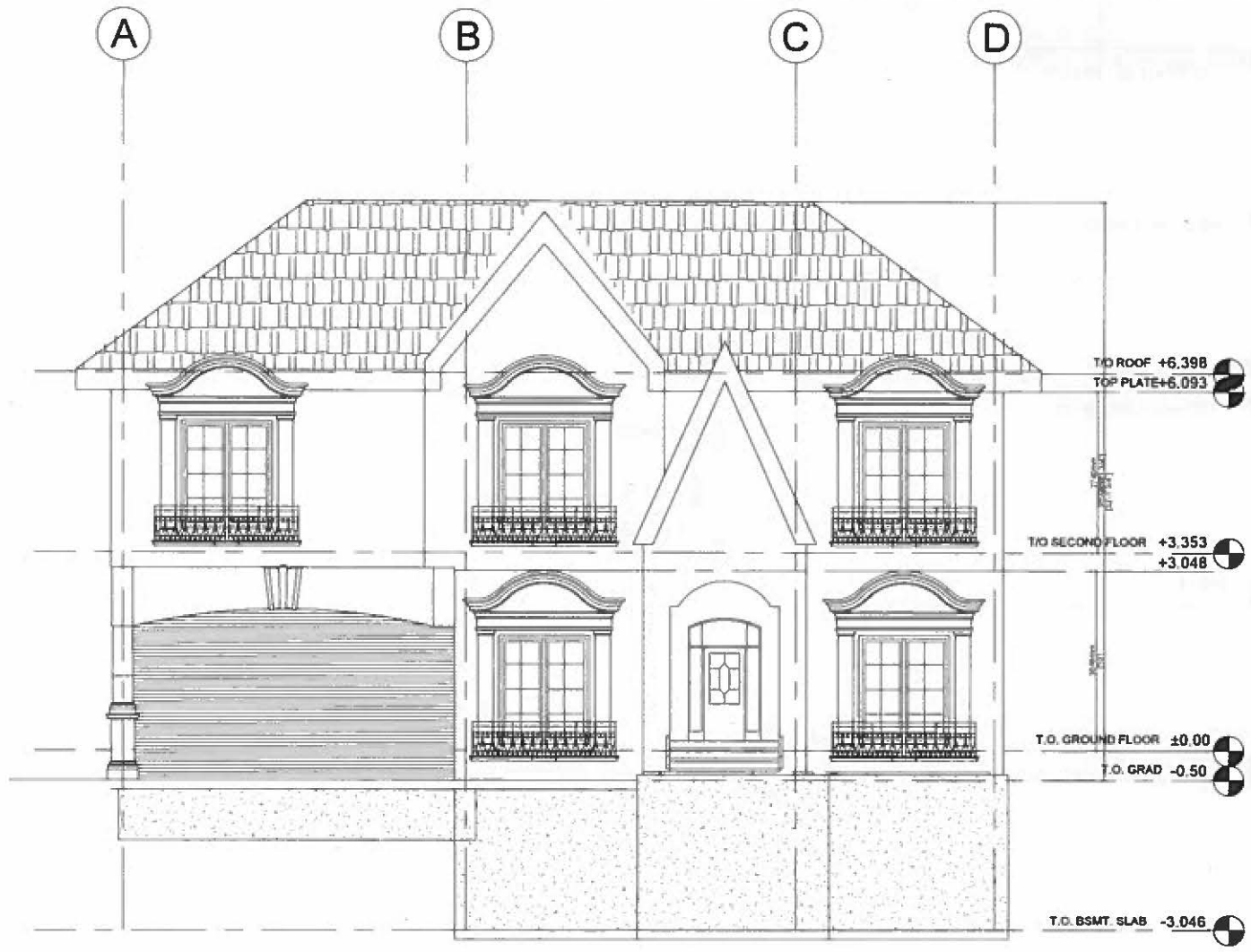
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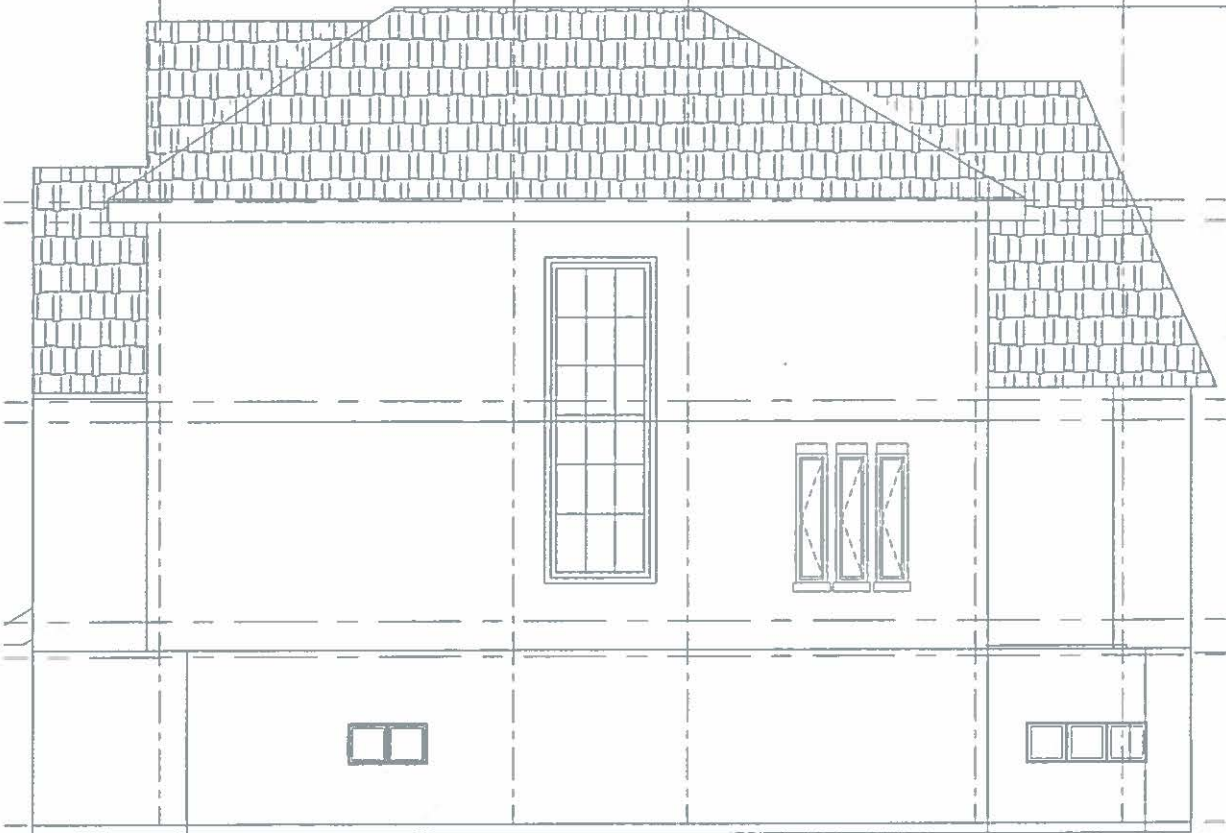
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3. PORTIONS OF LAPPED OR PARTIALLY MECHANICAL OR ELECTRICAL SERVICE NETWORKS AND DETAILS ARE DETAIL ON THE ARCHITECTURAL DRAWINGS. THE LOCAL SERVICE PROVIDER OR ARCHITECT SHALL PROVIDE DETAILS FOR THE MECHANICAL AND ELECTRICAL SERVICES. THESE DETAILS MUST BE CLEARLY LOCATED AND BE LOCATED AS DIRECTED BY THE ARCHITECT.

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TOP PLATE+6.093

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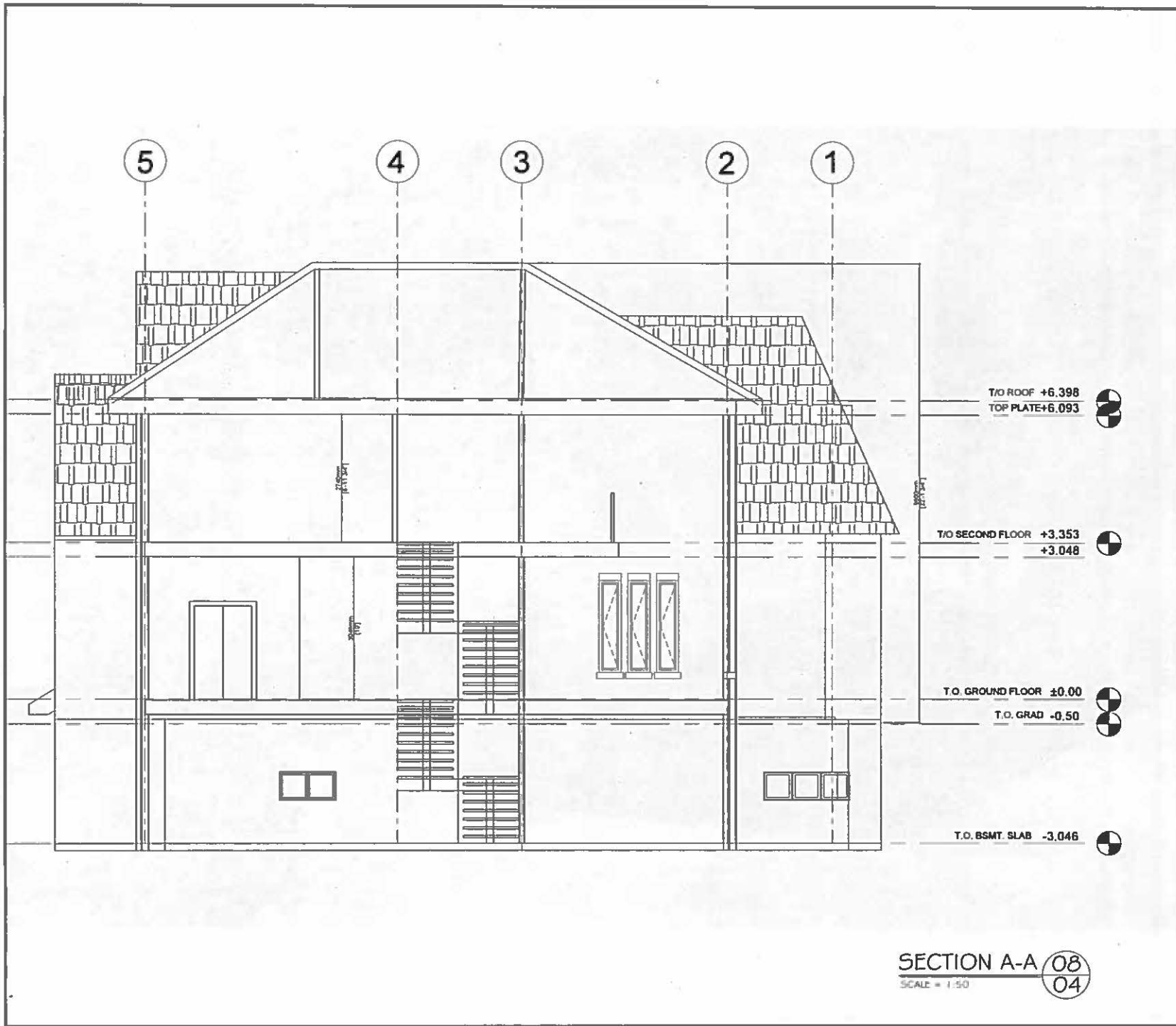
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GENERAL NOTE:
IN THE CONTRACT DOCUMENTS AND THE PROPERTY OF THE ARCHITECT,
THE ARCHITECT SHALL BE RESPONSIBLE FOR THE SUPPLEMENTAL WORK
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