# Memorandum to the City of Markham Committee of Adjustment June 25, 2018

File:	A/90/18
Address:	64 Pringle Avenue, Markham
Applicant:	Pasquale & Stella Racioppo
Agent:	SH Design (Samir Hinnawi)
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) <u>Section 11.2 (c) (i):</u>

a maximum front porch encroachment of 1.1 m (3'-6"), whereas the By-law permits a maximum encroachment of 18" (0.46 m) into a required yard for unenclosed porches;

- b) Infill By-law 99-90, Section 1.2 (iii): a maximum building depth of 17.48 m, whereas the By-law permits a maximum building depth of 16.8 m;
- Infill By-law 99-90, Section 1.2 (vi): a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- d) <u>Section 11.3 (a) (vi):</u>

a minimum rear yard setback 0.4 m to an accessory building, whereas the By-law requires a minimum rear yard setback of 4 ft (1.2 m) for accessory buildings;

as they relate to a proposed second storey addition to an existing residential dwelling.

### BACKGROUND

#### Property Description

The 614.65 m<sup>2</sup> (6616.03 ft<sup>2</sup>) subject property is located on the south side of Pringle Avenue, north of Highway 7 East 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 1 ½-storey detached 176.70m<sup>2</sup> (1902 ft<sup>2</sup>) 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 second storey addition to the existing 1 <sup>1</sup>/<sub>2</sub>-storey detached dwelling.

### Official Plan and Zoning

<u>Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)</u> 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. The proposed development does not comply with the by-law with respect to maximum porch encroachment and minimum rear yard setback for an accessory building.

### 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 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, "Not possible to comply based on design and space required in order to accommodate home owner and their needs. Not possible to comply with building depth as dimensions is taken [from] closest point parallel to front lot line, to the furthest point of dwelling. Shed at rear is exist and would like to legalize".

### Zoning Preliminary Review Not Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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 Front Porch Encroachment

The applicant is requesting a maximum front porch encroachment of 42 in (1.1 m) into the front yard, whereas the By-law permits a maximum front porch encroachment of 18 in (0.46 m). This represents a difference of approximately 25.19 inches (0.64 m). Staff note that the requested variance will facilitate the construction of a porch while still maintaining the existing front yard setback. Staff are of the opinion that the requested variance will have no adverse impacts.

#### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.48 m (57.34 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.68 m (2.23 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes a front covered porch which adds 0.88 m (2.88 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.6 m (54.46 ft) which complies with the by-law requirement.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.9 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 300.81 m<sup>2</sup> (3237.93 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 276.23 m<sup>2</sup> (2973.61 ft<sup>2</sup>). This represents an increase of approximately 264.32 m<sup>2</sup> (24.56 ft<sup>2</sup>).

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  $6.27 \text{ m}^2$  ( $67.53 \text{ ft}^2$ ) open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law.

Staff note that the proposed dwelling will increase the massing of the existing structure as a result of the second storey addition. However, the building layout meets other zoning provisions (such as lot coverage and building height) that establish the prescribed building envelope, which ensures the proposed dwelling will generally be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increases in floor area ratio up to 49.96 percent.

#### Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 1.31 ft (0.4 m) to an accessory building, whereas the By-law requires a minimum rear yard setback of 3.93 ft (1.2 m) to an accessory building. This represents a reduction of approximately 2.62 ft (0.8 m). Staff note that variance is requested in part, to legalize the existing accessory building and staff have no concerns.

### 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:

Aqsa Malik, Planner, Zoning and Special Projects

**REVIEWED BY:** /

Stacia Muradli, Senior Planner, East District File Path: Amanda\File\ 18 236613 \Documents\District Team Comments Memo

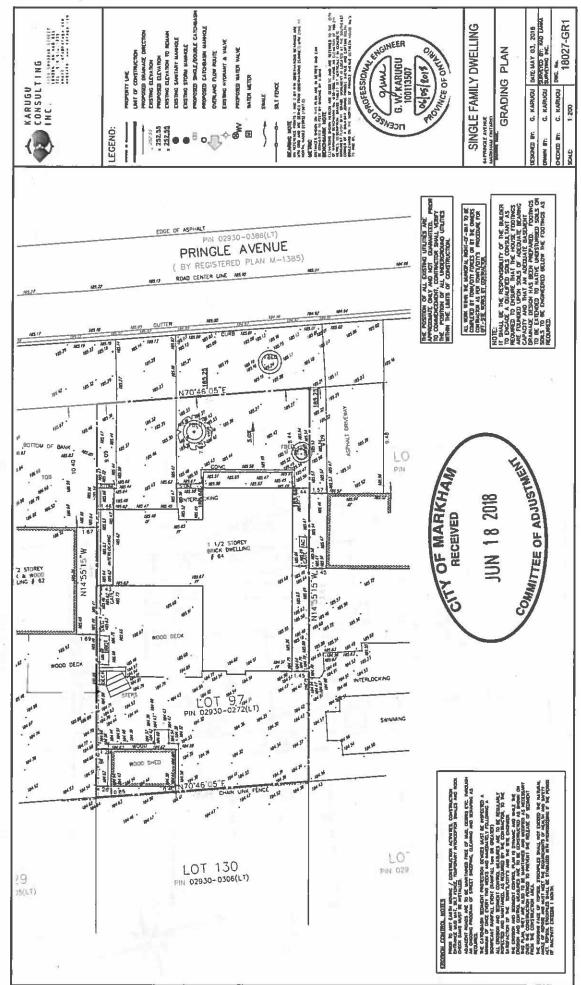
### APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/90/18

- 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;

CONDITIONS PREPARED BY:

Aqsa Malik, Planner, Zoning and Special Projects

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APPENDIX

