Memorandum to the City of Markham Committee of Adjustment

February 15, 2019

File:

A/178/18

Address:

25 Galsworthy Dr, Markham

Applicant:

49th Summit Investment Inc. (Zhang Tan Zheng)

Agent:

AND Architecture Inc. (Sam Wu)

Hearing Date:

Wednesday March 13, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended to construct a new two-storey detached dwelling:

a) Infill By-law 99-90, Section 1.2 (vi):

a maximum net floor area ratio of 49.7 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;

as it relates to a proposed new residential dwelling.

The Committee of Adjustment deferred the application on January 23, 2019, due to concerns regarding the massing of the proposed dwelling. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on February 12, 2019 (Appendix 'B1') showing a reduced maximum net floor area ratio. The applicant is requesting relief to permit a maximum net floor area ratio of 49.7 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. This is a reduction from the original request for a floor area ratio of 51.5 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of approximately 375.67 m² (4,043.6 ft²), whereas the By-law permits a dwelling with a maximum floor area of 340.14 m² (3,661.24 ft²). This represents an increase of approximately 35.53 m² (382.4 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). Staff's comments dated January 07, 2019 (Appendix 'C1') remain applicable.

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 design constraints".

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 13, 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. 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 "A1" for conditions to be attached to any approval of this application.

PREPARED BY:

Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 258549 \Documents\District Team Comments Memo

Appendices

Appendix A1 – Conditions A/178/18

Appendix B1 - Plans A/178/18

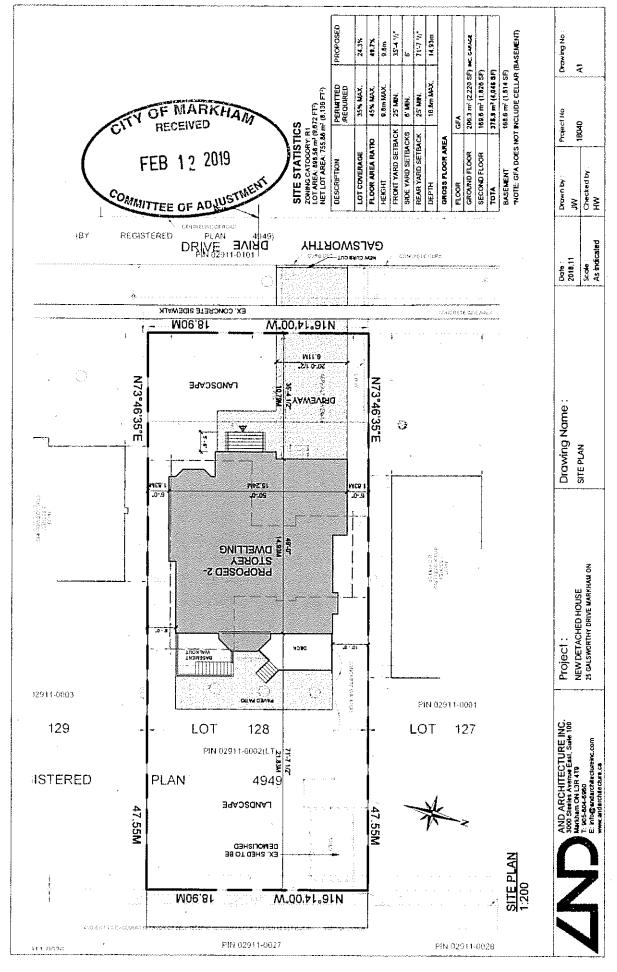
Appendix C1 - Staff Report (January 23, 2019)

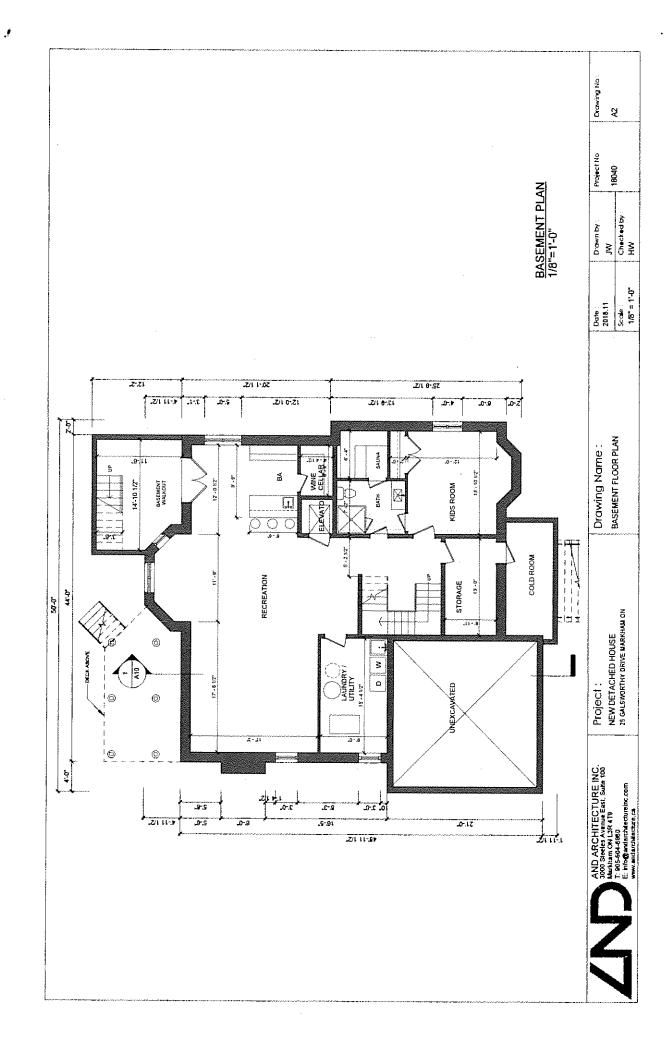
APPENDIX "A1" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/178/18

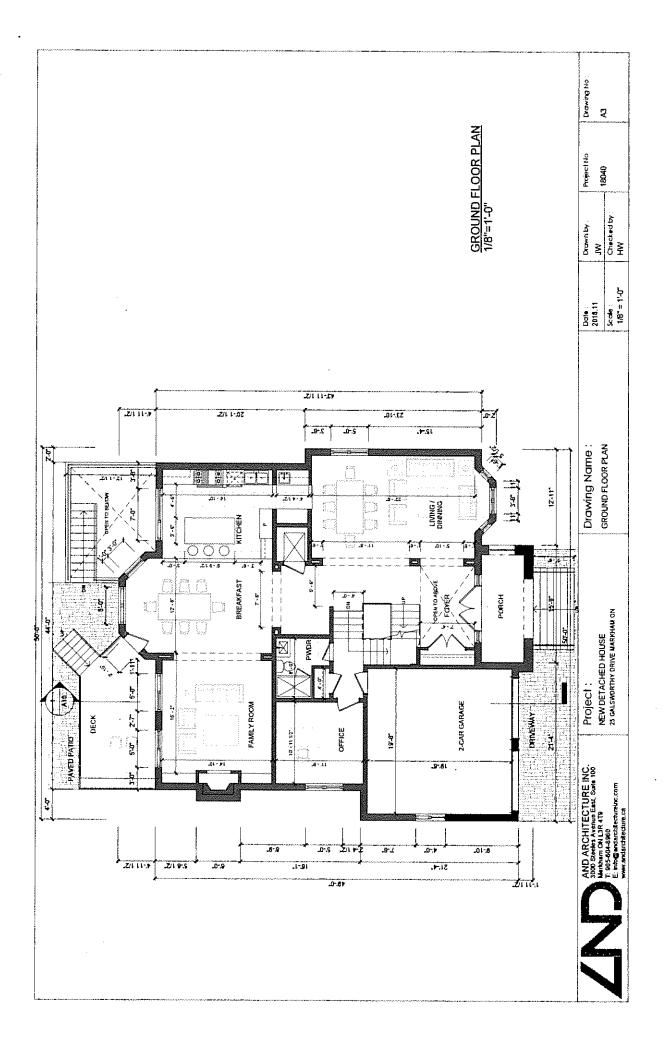
- 1. That the front covered porch remain unenclosed;
- 2. The variances apply only to the proposed development as long as it remains;
- 3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B1' to this Staff Report and received by the City of Markham on February 12, 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;
- 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 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;
- 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 Tree Preservation Technician or Director of Operations;
- 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 Tree Preservation Technician or Director of Operations.

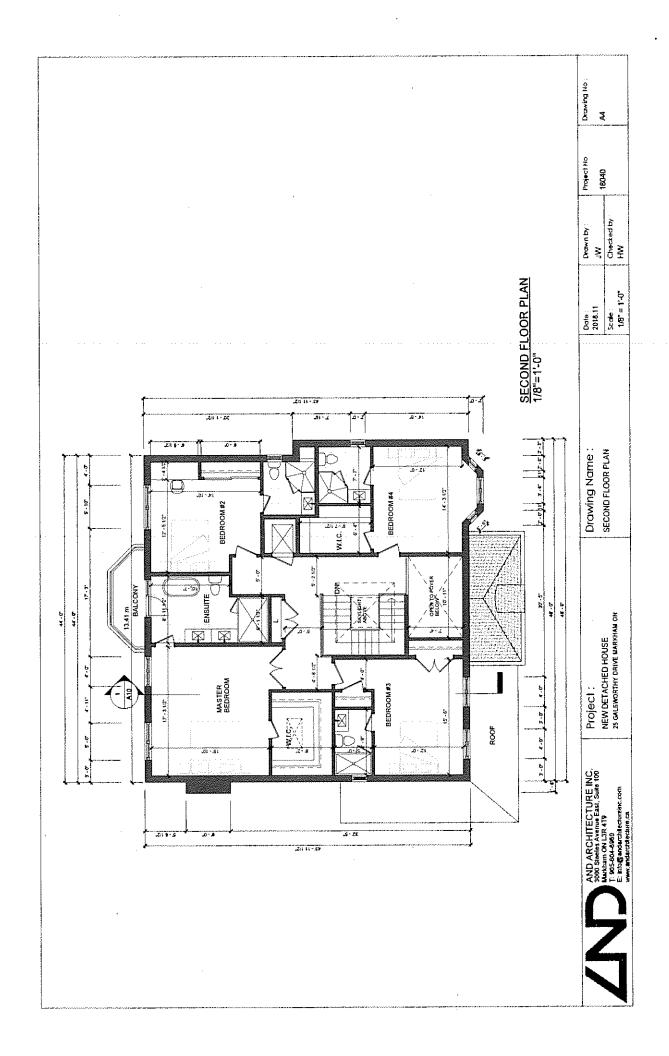
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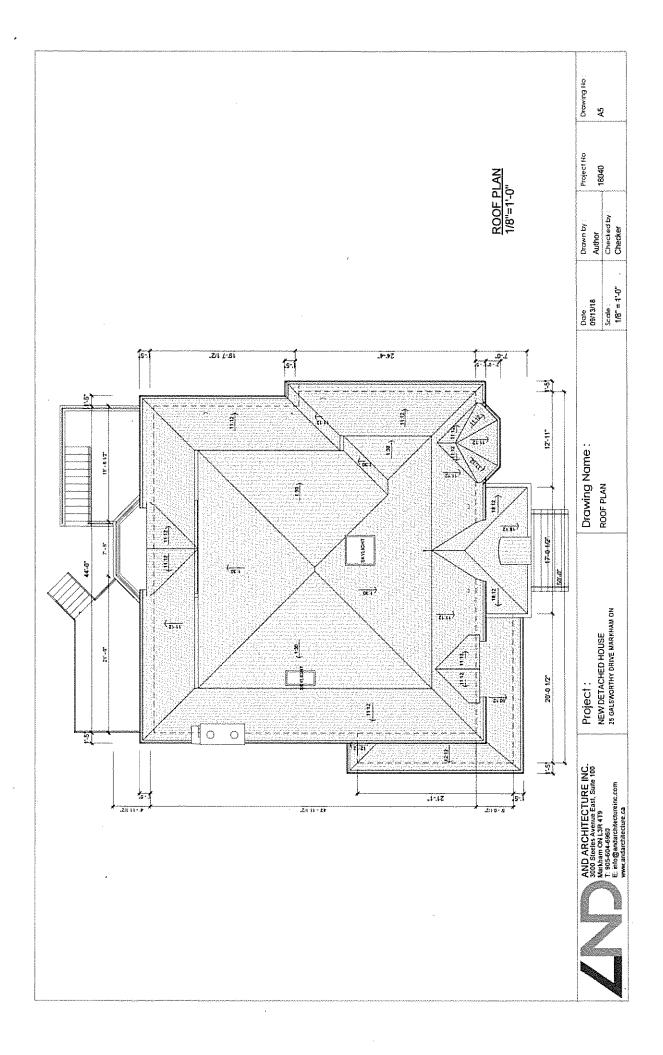
Aqsa Malik, Planner Zoning and Special Projects

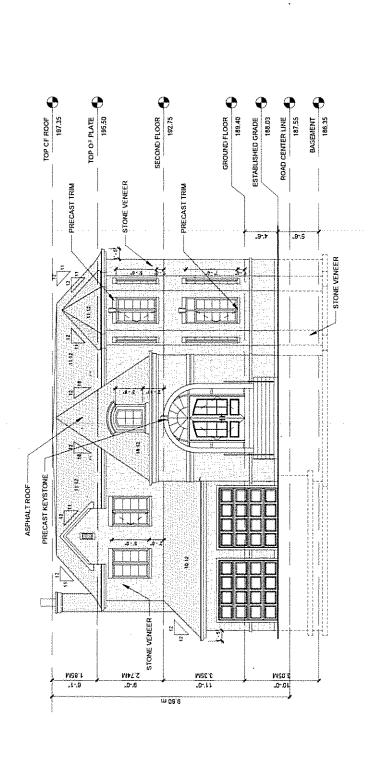












WEST ELEVATION

AND ARCHITECTURE INC.
3000 Stolens Avenue East, Suite 100
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T. 905-604-6560
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Project : NEW DETACHED HOUSE 25 GALEWORTHY DRIVE MARKHAM ON

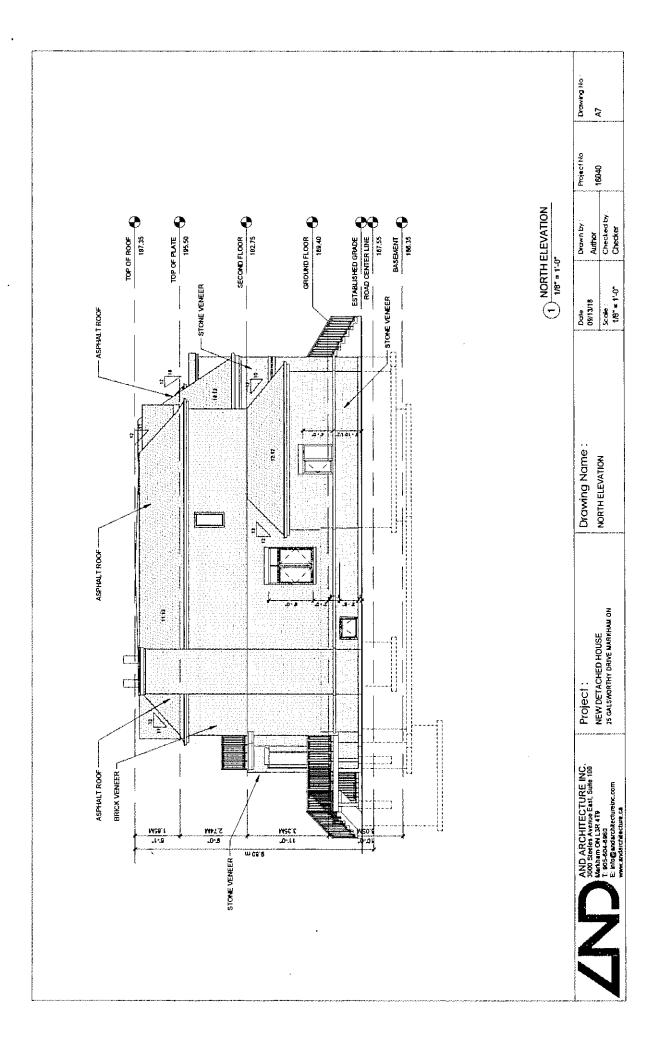
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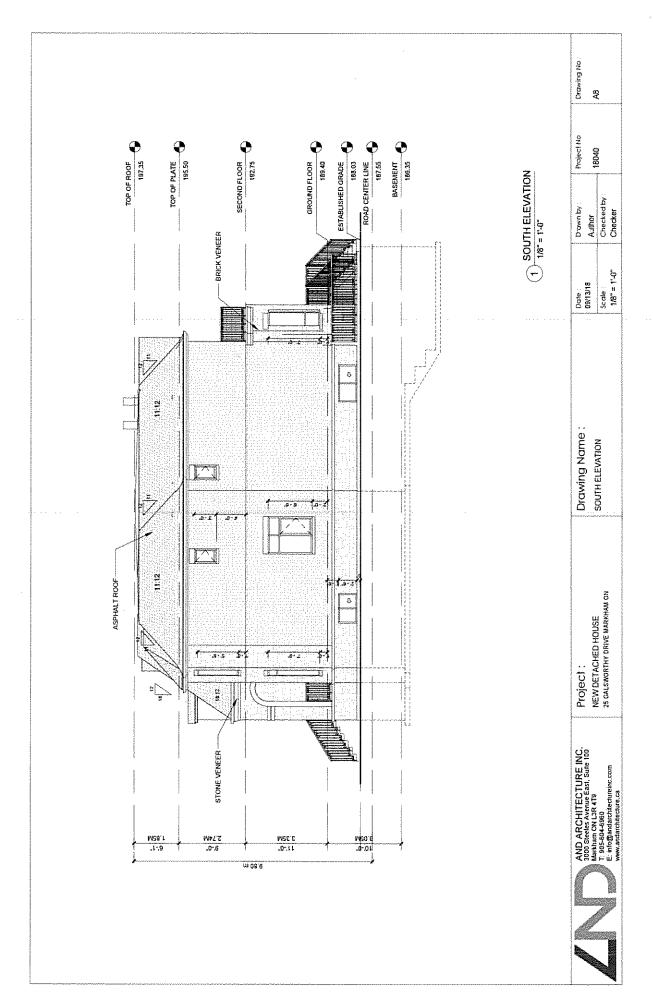
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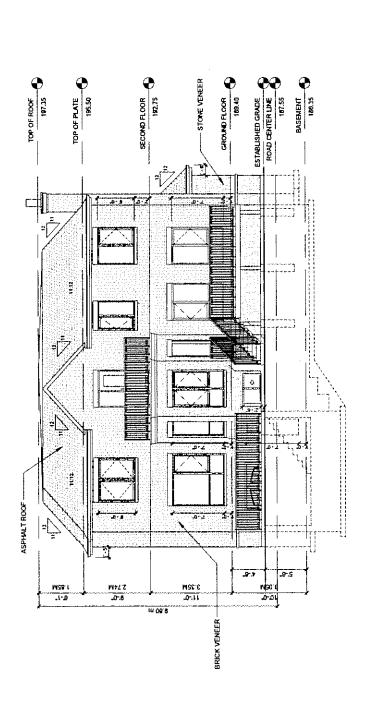
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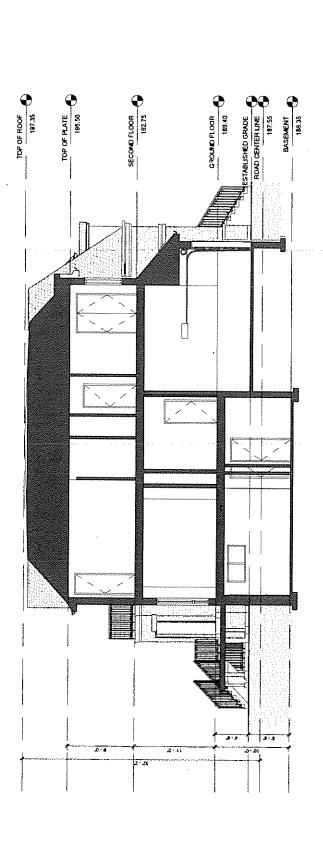




EAST ELEVATION

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Memorandum to the City of Markham Committee of Adjustment January 07, 2019

File:

A/178/18

Address:

25 Galsworthy Dr. Markham

Applicant:

49th Summit Investment Inc. (Zhang Tan Zheng)

Agent:

AND Architecture Inc. (Sam Wu)

Hearing Date:

Wednesday January 23, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended to construct a new two-storey detached dwelling:

a) Infill By-law 99-90, Section 1.2 (vi):

a maximum net floor area ratio of 51.5 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;

as it relates to a proposed new residential dwelling.

Applicant's Stated Reason(s) for Not Complying with Zoning

The applicant has not provided a reason for not complying with Zoning.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the noncompliance.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 51.5 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 389.27 m² (4,190.04 ft²), whereas the By-law permits a dwelling with a maximum floor area of 340.14 m² (3,661.2 ft²). This represents an increase of approximately 49.13 m² (528.84 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 15.1 m2 (162.54 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.

Majority of the homes on Galsworthy Drive between Robinson Street and Highway 7 are single storey detached dwellings developed around the late 1950s. The surrounding streets include a number of new infill homes that are larger than existing homes on the street and have included minor variance approvals for net floor rear ratio increases ranging from approximately 50.6 to 52 percent. While the proposed building will be larger than homes in the immediate vicinity, it will be similar in scale to infill development to its east on Jonquil Crescent and on Galsworthy Drive north of Robinson Street. All other building setbacks and development standards are being achieved in accordance with the by-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 07, 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. 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:

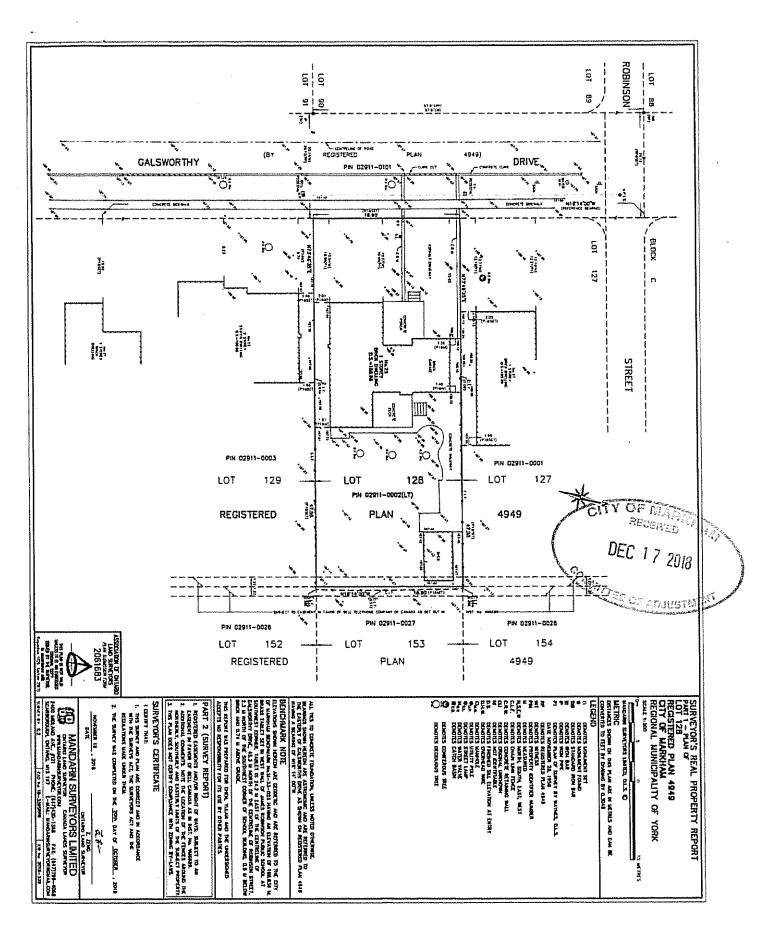
Sally Campbell, Development Manager, East District
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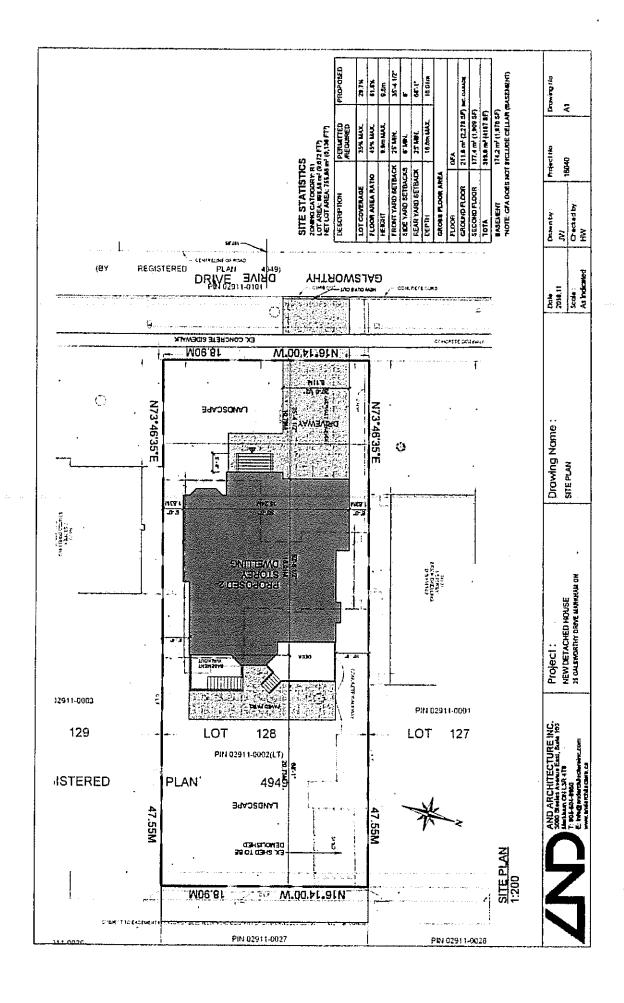
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/178/18

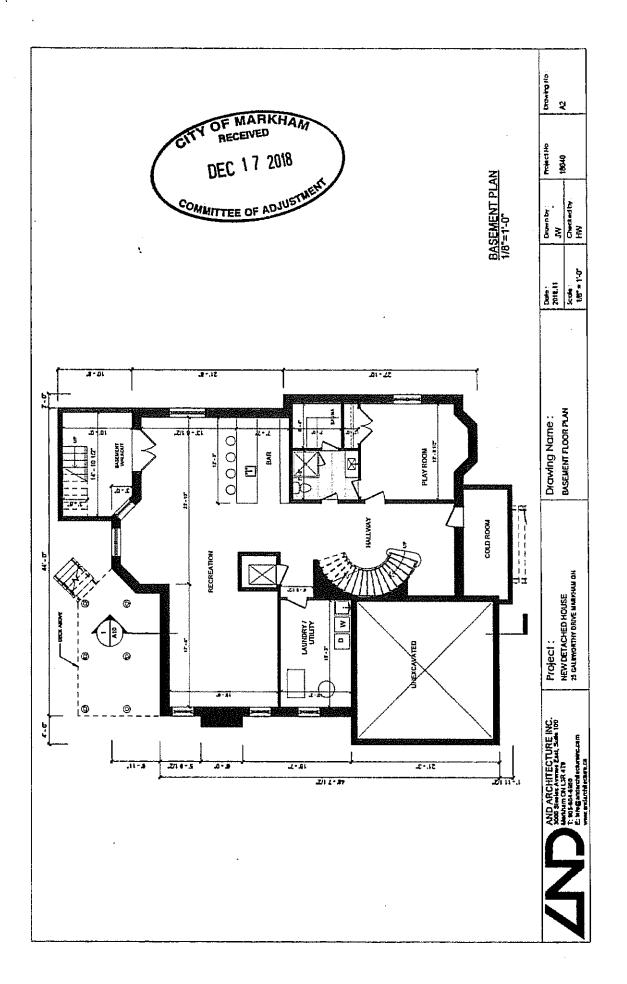
- 1. That the front covered porch remain unenclosed;
- 2. The variances apply only to the proposed development as long as it remains;
- 3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on December 17, 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.
- 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 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.
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- 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 Tree Preservation Technician or Director of Operations

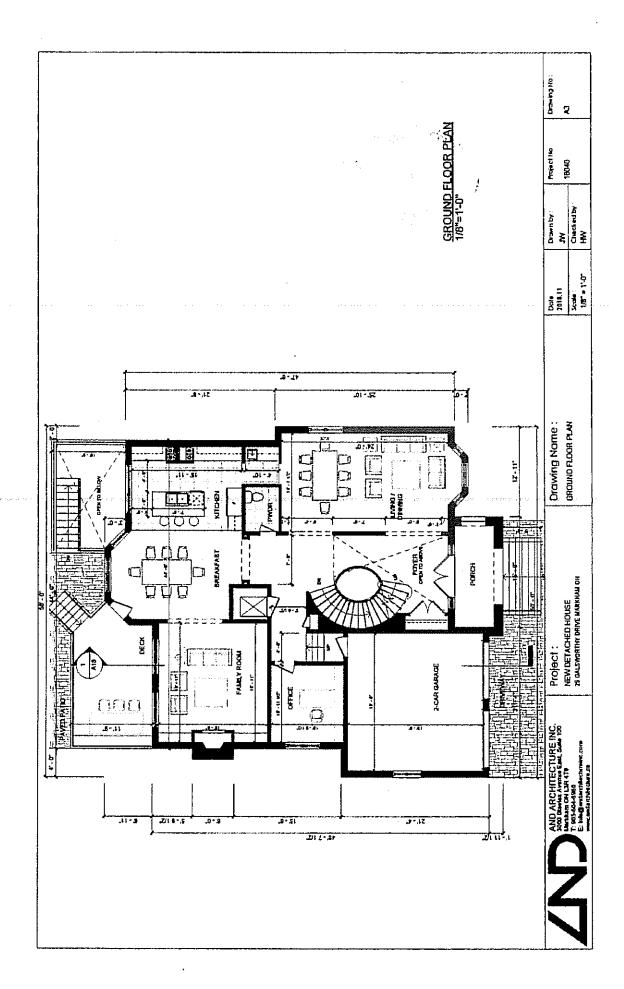
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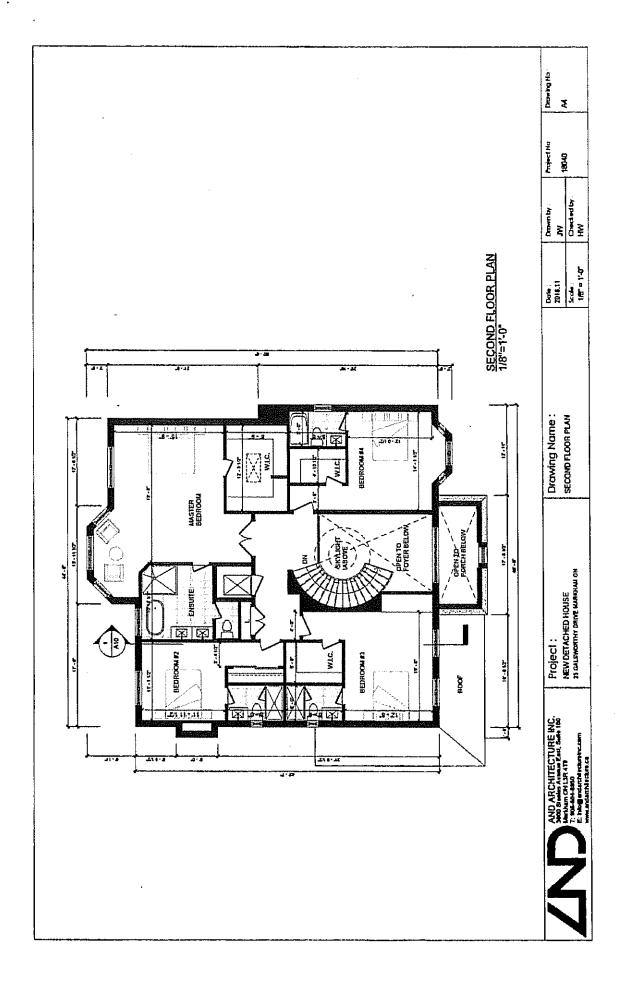
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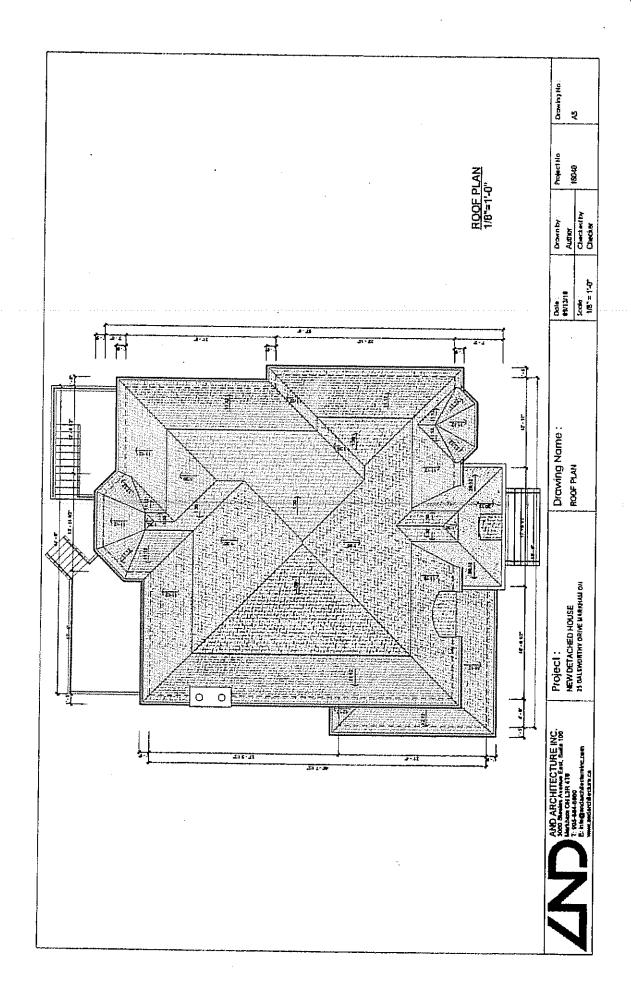


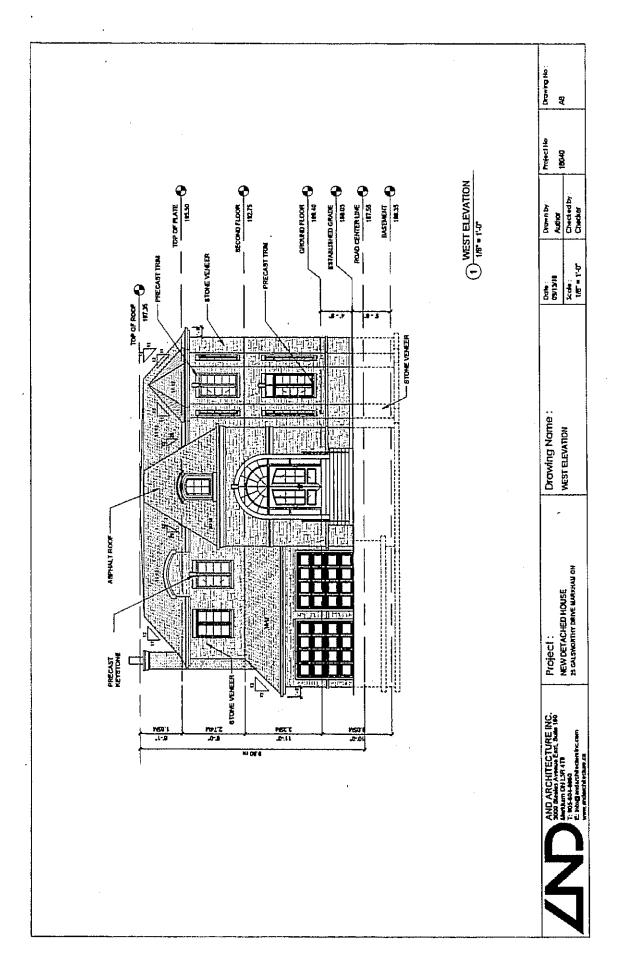


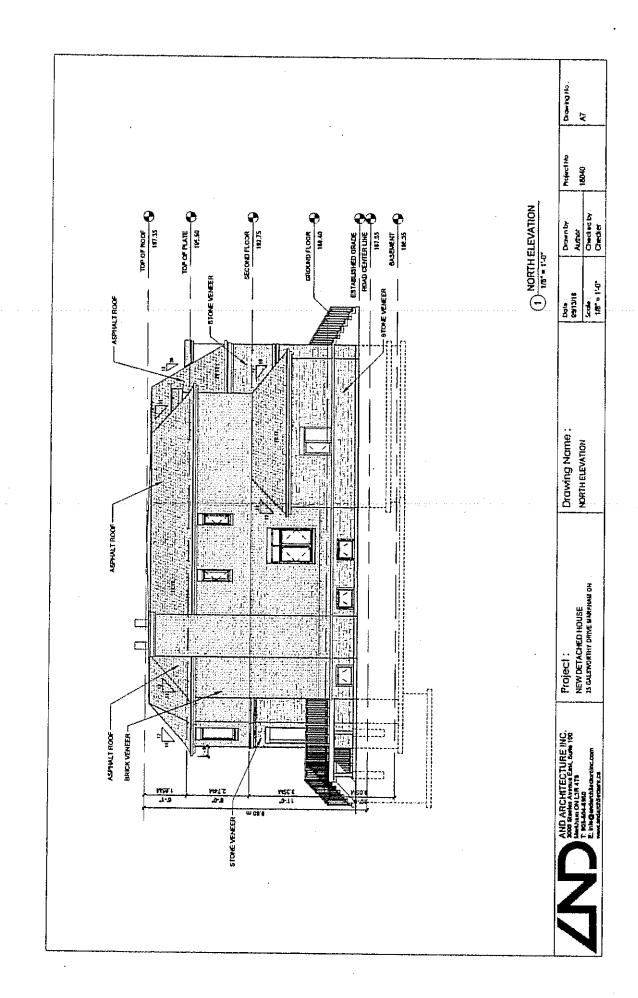


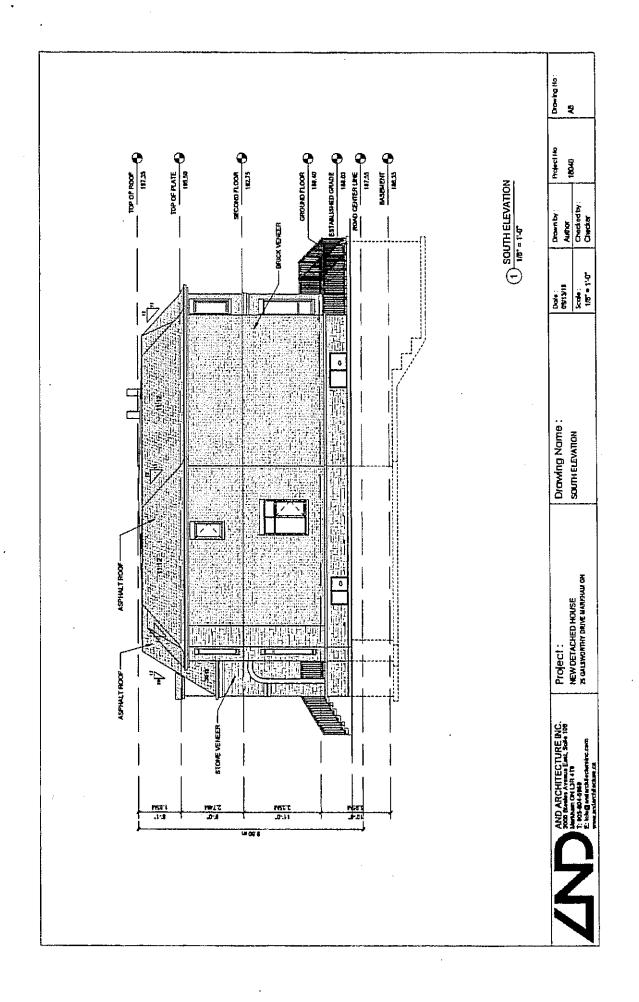


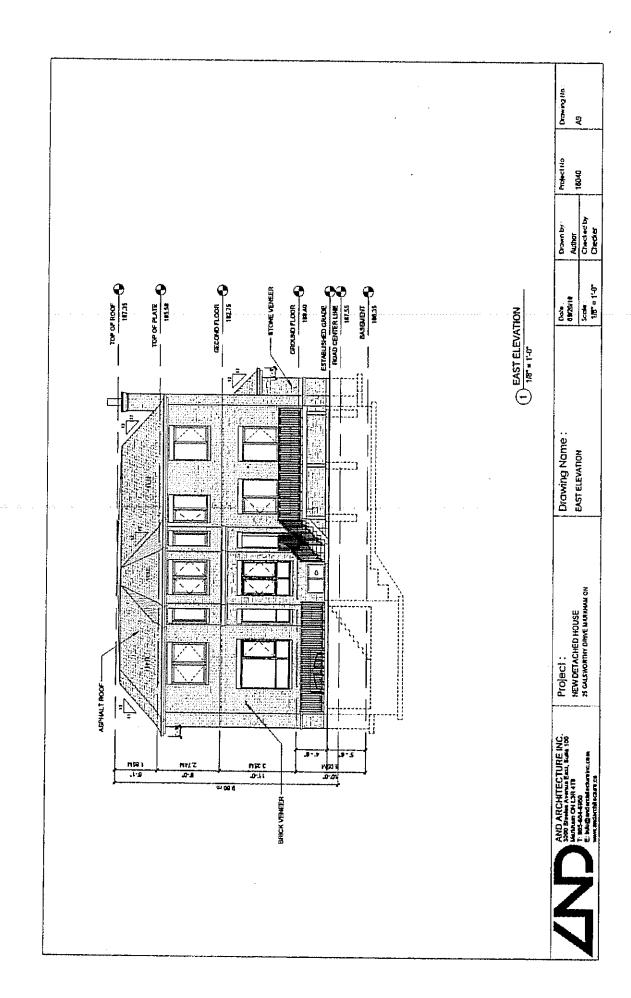


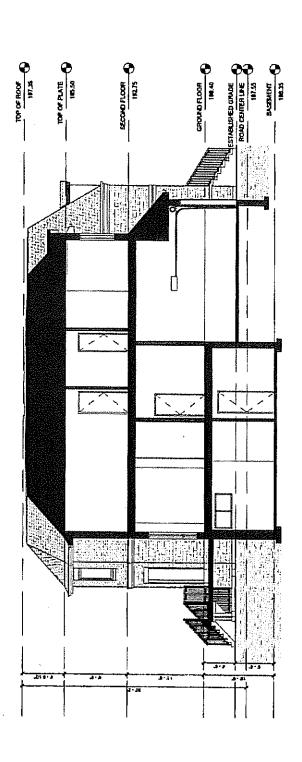












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