#### Memorandum to the City of Markham Committee of Adjustment

May 17th, 2019

File:

A/20/19

Address:

28 Abercorn Rd, Markham

Applicant:

Anna Cirbari Kevin Cribari

Agent: **Hearing Date:** 

Wednesday May 29th, 2019

The applicant is requesting relief from the following requirements of the Residential One (R1) Zone in By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property (28 Abercorn Road).

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

a maximum Net Floor Area ratio of 49.6 percent, whereas the By-law permits a maximum Net Floor Area ratio of 45 percent:

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

a maximum building depth of 18.92 m, whereas the By-law permits a maximum building depth of 16.8 m.

The Committee of Adjustment deferred this application at the March 27th, 2019 hearing due to concerns with the visual massing and scale of the proposed dwelling. Subsequent to the deferral, the applicant has not revised the requested variances, but has revised the plans to show the height of the roof above the garage has been reduced by approximately 2 ft (0.61 m). Staff note the dwelling has a proposed height of 9.8 m (32.15 ft) measured from the crown (centre) of the road to the top of the roof. This complies with the zoning by-law and is not the subject of the variance application.

Staff provided comments on the application in a memo dated March 20th, 2019 which is attached as Appendix 'C1'. It is staff's opinion that the proposal meets the intent of the Zoning By-law, and is an appropriate development and use of land for the site. Staff comments outlined in the March 20th, 2019 report remain applicable.

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:** 

Stebhen Corr Senior Planner, East District

File Path: Amanda\File\ 19 114546 \Documents\District Team Comments Memo

### APPENDIX "A1" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/20/19

- 1. That the front covered porch as indicated on drawing A.100 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 May 9<sup>th</sup>, 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 the 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.

CONDITIONS PREPARED BY:

Agsa Malik, Planner, Zoning and Special Projects

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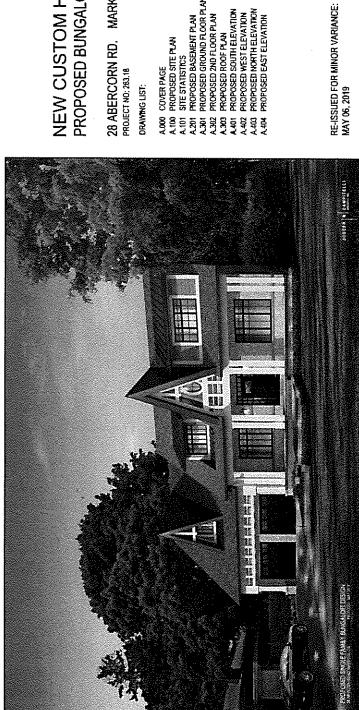
# PROPOSED BUNGALOW LOFT **NEW CUSTOM HOME**

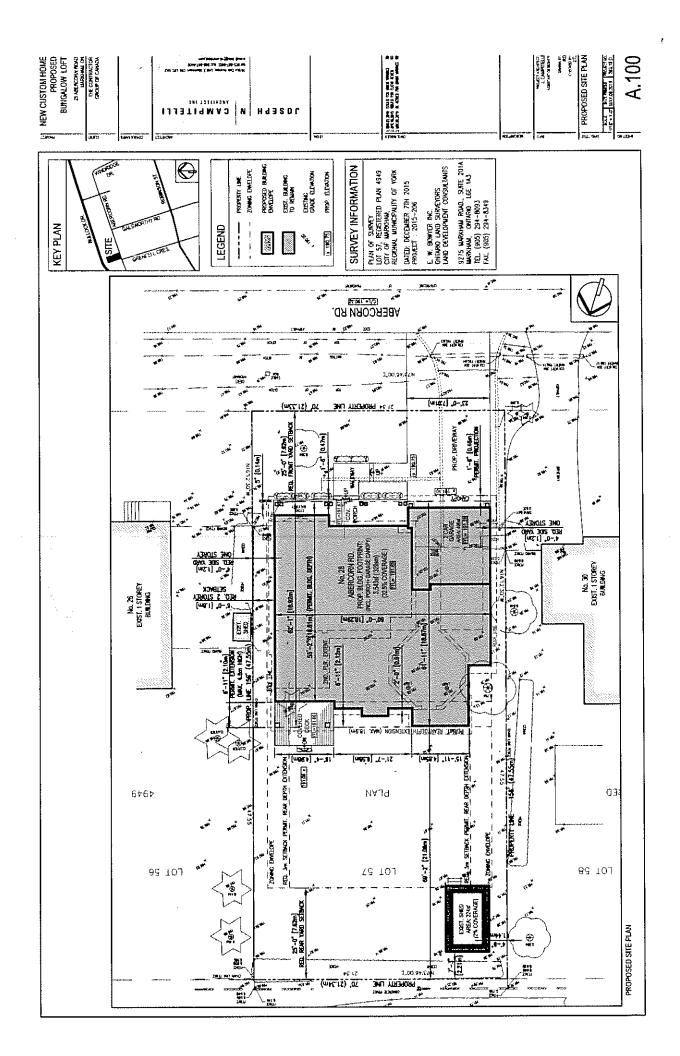
28 ABERCORN RD. MARKHAM, ON PROJECT NO. 283.18

DRAWING LIST:

A 000 COVER PAGE
A 100 PROPOSED SITE PLAN
A 201 SITE STATISTICS
A 201 PROPOSED BASEMENT PLAN
A 302 PROPOSED BASEMENT PLAN
A 302 PROPOSED BOOF PLOOR PLAN
A 303 PROPOSED SOUTH ELEVATION
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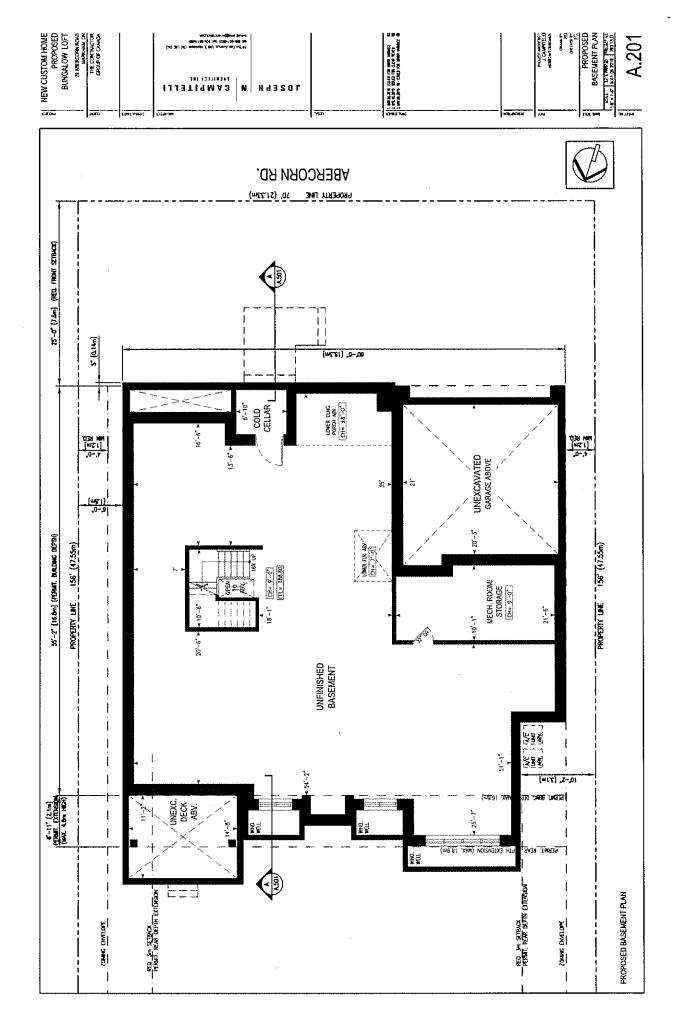


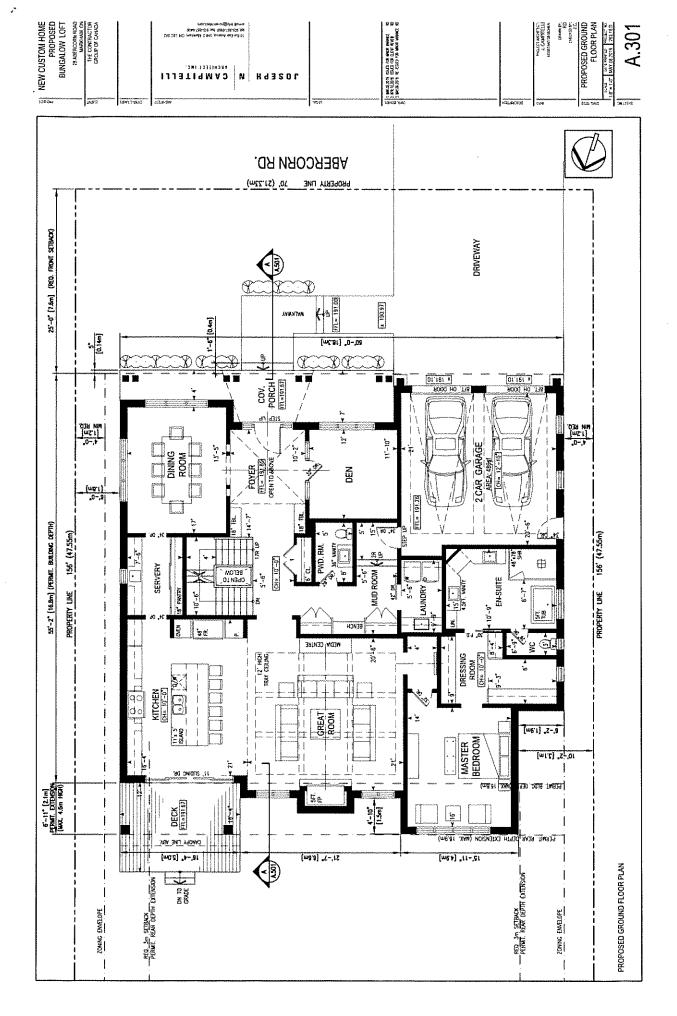
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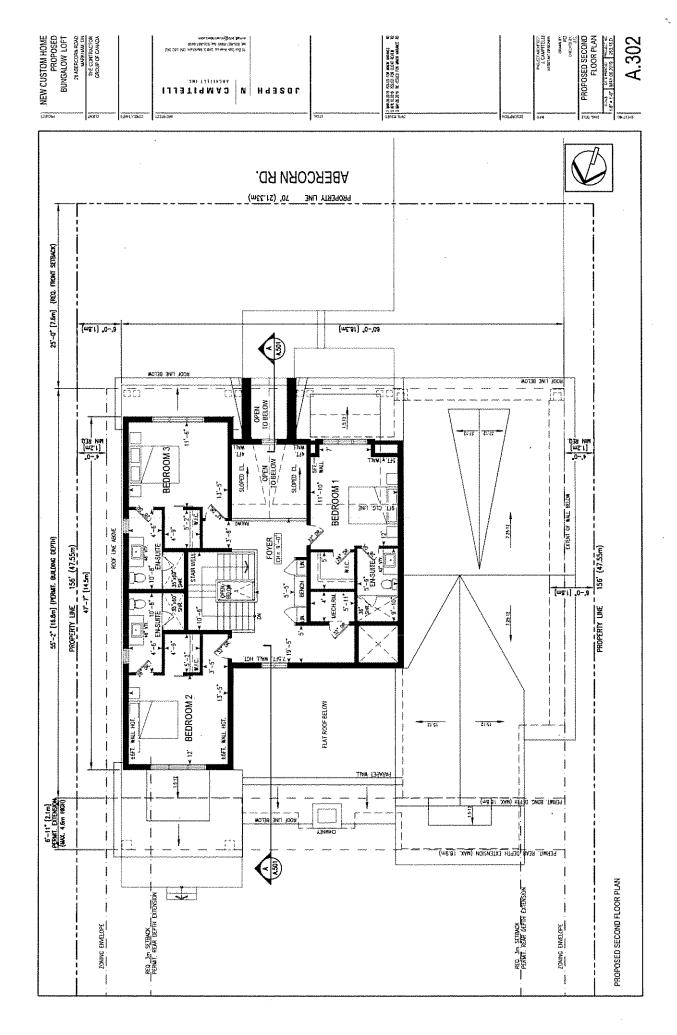
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7. BURDING DEPTH	WX. 16.8 m (+2.1m ONE-STRY. BLDG DYTH OVER 16.8m, WX. WORH 4, BLDG, WOTH, WX. HSDRI 4,6m)	W/A	18.92m (82'-1') (MCL. 2.12m ONE STOREY NEAR EATENGRAW)
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2. SETBACKS	REAR, SIDE VARD = 4-6" (1.2m)	SUE YARD= 4'-9" (1.44m) REAR YARD= 7'-4" (2.21m)	2/8
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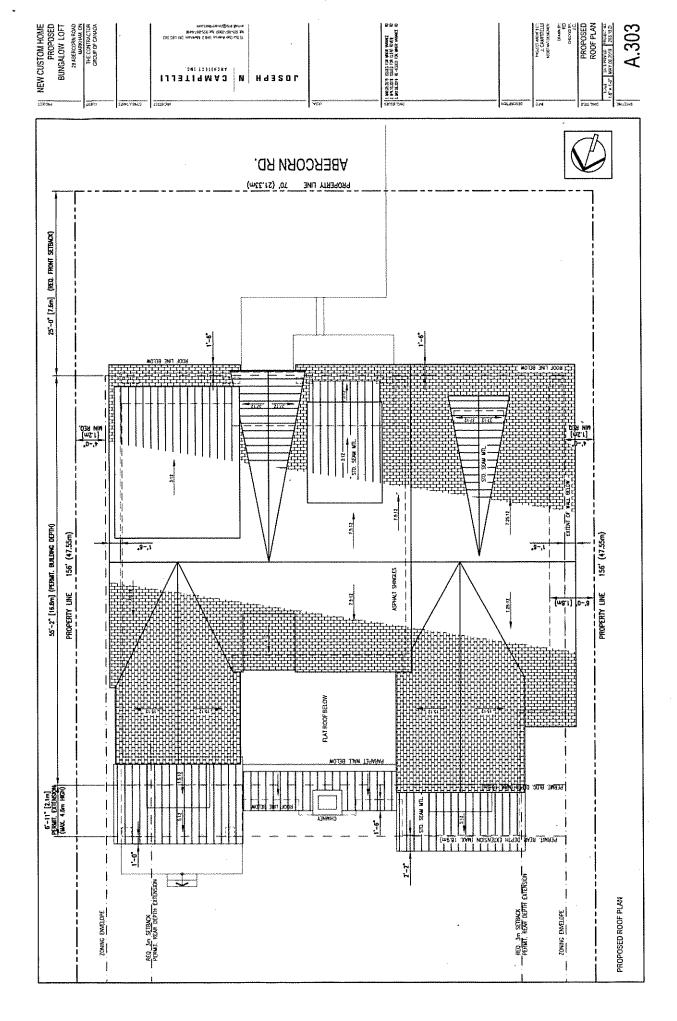
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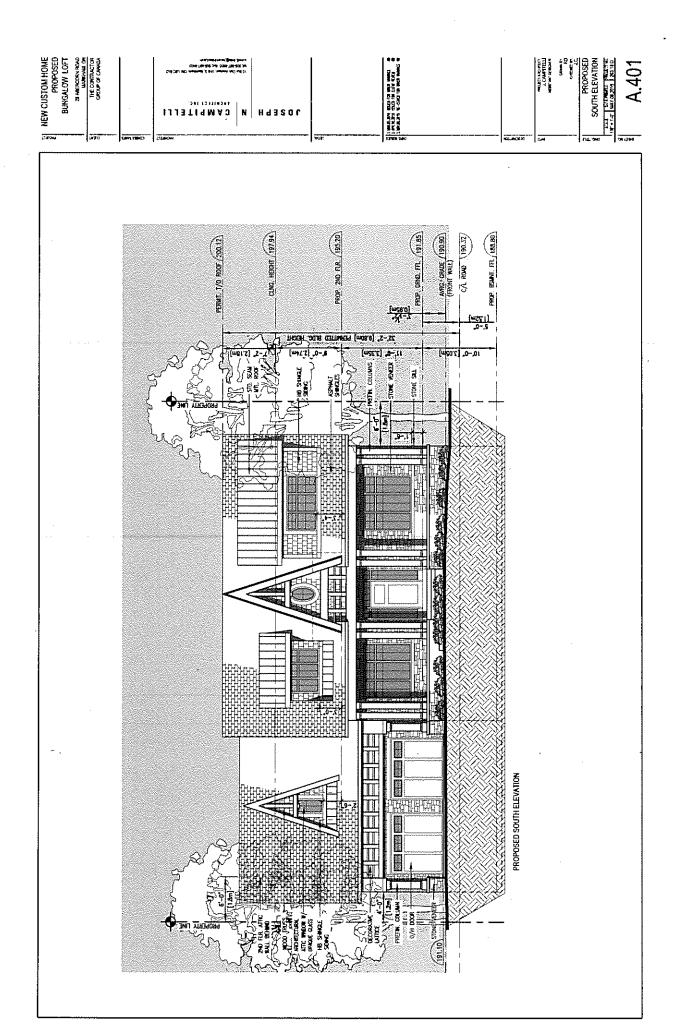
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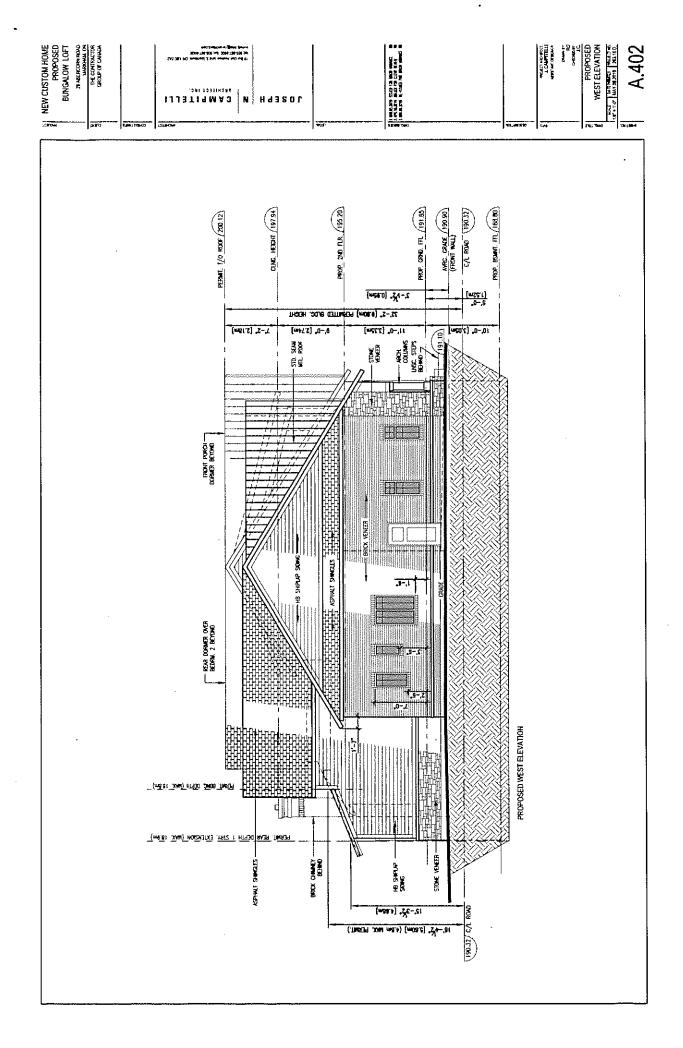


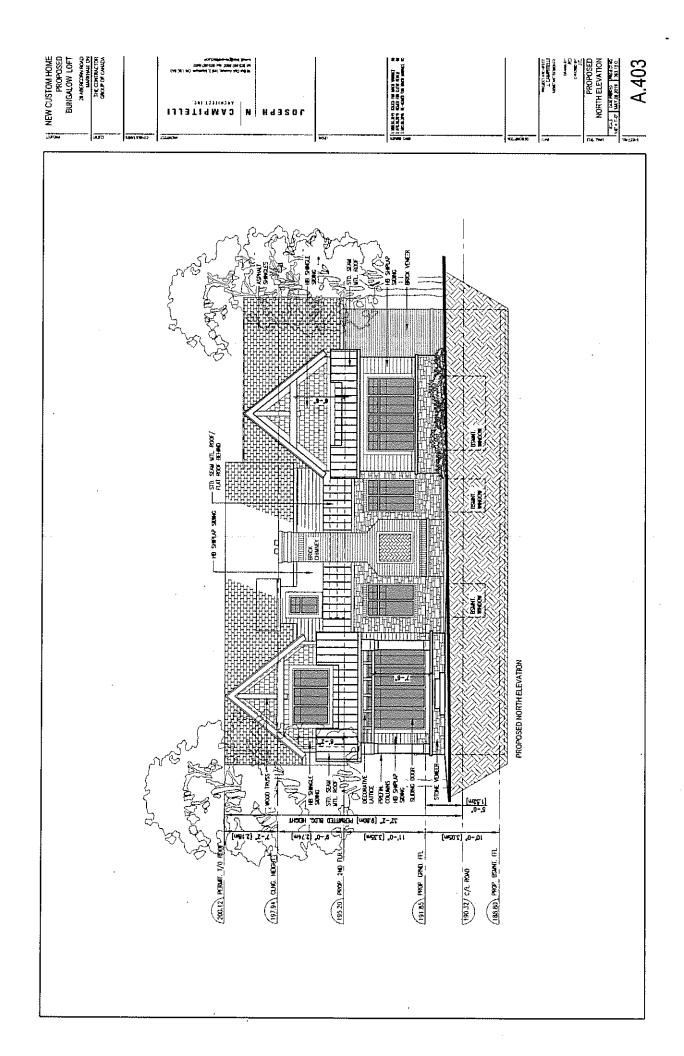


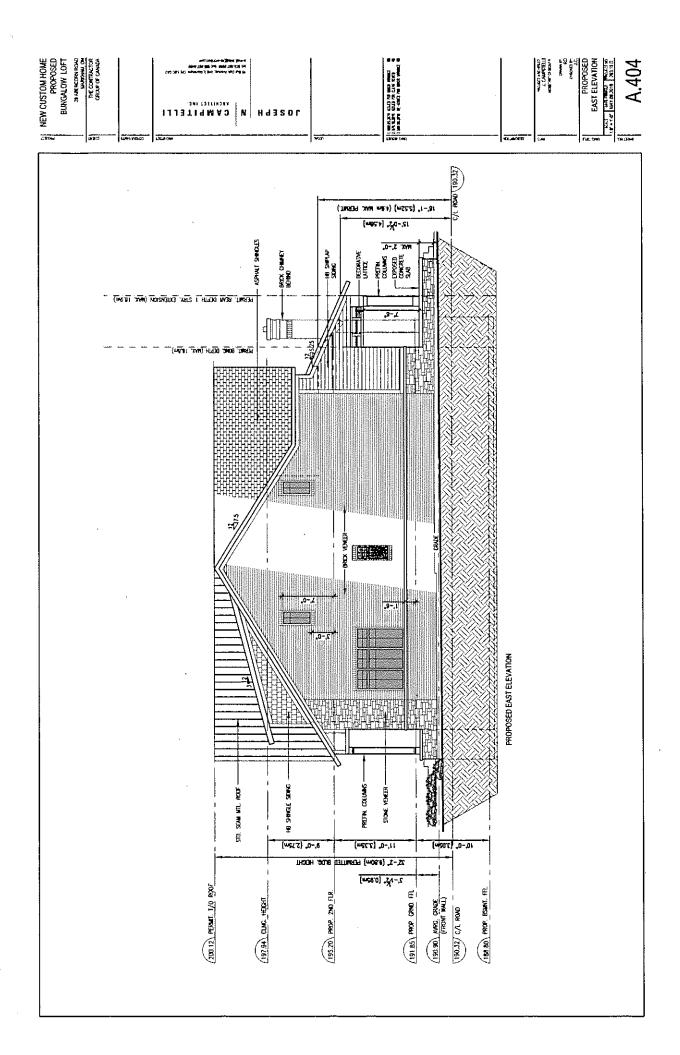
















# Memorandum to the City of Markham Committee of Adjustment March 20, 2019

File:

A/20/19

Address:

28 Abercorn Rd, Markham

Applicant: Agent:

Anna Cirbari Kevin Cribari

Hearing Date:

Wednesday March 27, 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:

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

a maximum Net Floor Area ratio of 49.6 percent, whereas the By-law permits a maximum Net Floor Area ratio of 45 percent;

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

a maximum building depth of 18.92 m, whereas the By-law permits a maximum building depth of 16.8m;

as they relate to a proposed new residential dwelling.

#### **BACKGROUND**

The 1,014.5  $m^2$  (10,920  $ft^2$ ) subject property is located on the north side of Abercorn road, north of Highway 7 and west of Main Street Markham North. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwelling. There is an existing one-storey detached 108.7  $m^2$  (1,170  $ft^2$ ) dwelling on the property, which according to assessment records was constructed in 1956. Mature vegetation exists across the property.

#### **Proposal**

The applicant is proposing to demolish the existing home and a construct a two-storey detached 404 m<sup>2</sup> (4,348 ft<sup>2</sup>) dwelling with a rear covered deck.

#### 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 1229

The subject property is zoned R1 – 'Residential' 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 Net Floor Area Ratio and maximum Building Depth.

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

According to the information provided by the applicant, "with current re-development in the area it is extremely difficult to comply with the dated by-laws as people's dream home ideals have changed from 30 years ago".

#### Zoning Preliminary Review (ZPR) not Undertaken

A Zoning Preliminary Review (ZPR) has <u>not</u> been formally undertaken for the proposal. 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 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 49.6 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 403.93 m² (4,348 ft²), whereas the By-law permits a dwelling with a maximum floor area of 366.2 m² (3,942 ft²). This represents an increase of approximately 37.73 m² (406 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. Although the proposed dwelling is larger than existing dwellings originally developed in the 1950s, the site layout meets all setback requirements ensuring adequate separation between dwellings and retention of soft landscape areas. The proposed dwelling will also be comparable in size with other infill development along Abercorn Road, including several homes that have obtained minor variance approvals for maximum net floor area ratio increases between 51 and 53 percent over the past decade. Staff are of the opinion that the requested variance meets the general intent of the zoning By-law.

#### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.92 m (62.08 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 2.1 m (6.92 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.

The variance includes a rear one storey projection which adds approximately 2.10 m (6.92 ft) to the overall depth of the building. The rear one-storey projection will maintain a west side yard setback of approximately 3.1 m (10.2 ft) and a rear yard setback of 21.08 m (69.17 ft), more than the minimum required setbacks from the property line. The main component of the building, excluding the rear one-storey projection, has a depth of approximately 16.8 m (55.12 ft) which complies with the by-law requirement. Given that the variance is attributable to a minor projection at the rear of the proposed dwelling, will maintain more than the required side yard setback and rear yard setback and is one-storey in height, Staff are of the opinion that the variance request is appropriate for the development.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 20, 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:

Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Stacia Muradali, Development Manager, East District File Path: Amanda\File\ 19 114546 \Documents\District Team Comments Memo



## APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/20/19

- 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 March 06, 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.

**CONDITIONS PREPARED BY:** 

Aqsa Malik, Planner, Zoning and Special Projects

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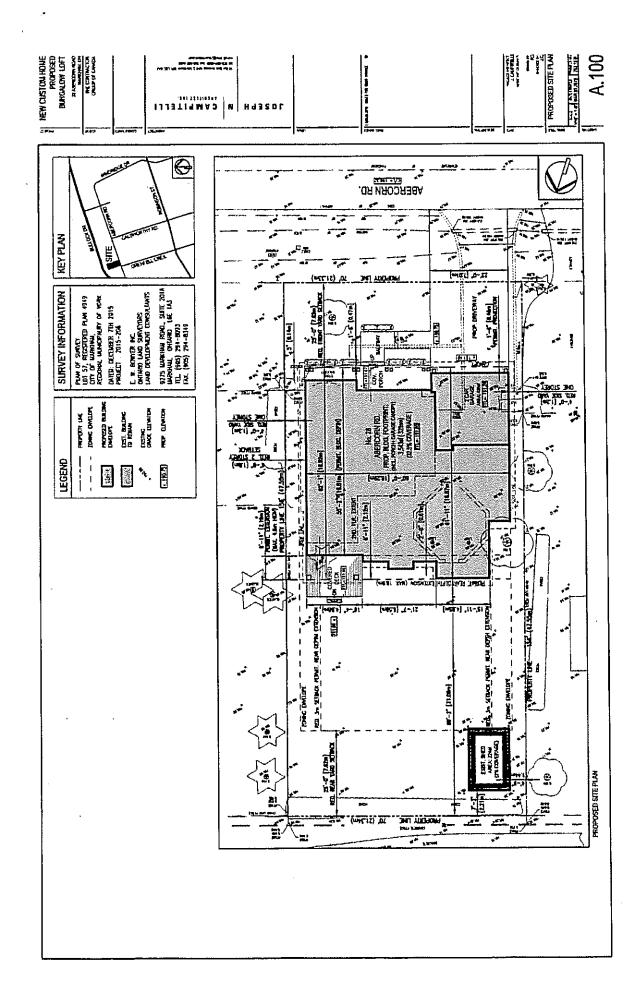
# NEW CUSTOM HOME PROPOSED BUNGALOW LOFT

28 ABERCORN RD. MARKHAM, ON MORECT NO. 263.18

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A.101 PROPOSED BACELER! PLAN
A.201 PROPOSED BACELER! PLAN
A.201 PROPOSED SOUTH ELEVATION
A.401 PROPOSED SOUTH ELEVATION
A.403 PROPOSED WEST ELEVATION
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A.405 PROPOSED EAST ELEVATION
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A.407 PROPOSED BUILDING SECTION AA

ISSUED FOR MINOR VARIANCE - MAR.05, 2019



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