Memorandum to the City of Markham Committee of Adjustment

May 30th, 2019

File:

A/26/19

Address:

24 Almond Ave, Thornhill

Applicant:

Anae Sobhani

Agent:

EZed architects (Elmira Zarrabi)

Hearing Date:

Wednesday June 12th, 2019

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

The applicant is requesting relief from the following requirements of By-law 2237, R4, as amended:

a) Amending By-law 101-90, Section 1.2 (i):

a maximum building height of 8.95 metres, whereas the By-law permits a maximum building height of 8.6 metres;

b) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 52.3 percent (3,266 sq. ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,125 sq. ft.);

as they relate to a proposed residential dwelling.

The Committee of Adjustment deferred this application on April 10th, 2019, due to public concerns with the interior height of the proposed dwelling, concerns with drainage issues, and compatibility with the character of the neighbourhood. In response to the public and Committee of Adjustment's comments, the applicant submitted a revised application on May 15th, 2019 (See Appendix 'B1') proposing a reduced building height, lowered eaves lines and a shallower roof design.

The applicant is requesting relief to permit a maximum building height of 8.95 m (29.36 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22 ft). This is a reduction from the original request for maximum building height of 9.29 m (30.48 ft) and, represents an increase of approximately 0.35 m (1.15 ft) from what the by-law permits. Staff's comments dated April 1st, 2019 remain applicable (Appendix C1).

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 is requested to construct a new dwelling and to accommodate the new integral 2 car garage".

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the <u>initial</u> variances required for the proposed development. The applicant submitted revised drawings on May 15th, 2019. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, 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

As of May 30th, 2019 the City received 2 letters expressing concerns over potential impacts to the existing retaining wall and neighbouring properties and concerns with the compatibility of the proposed dwelling. The City also received a letter expressing support from 7 residents. 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:

David Miller, Development Manager, West District

File Path: Amanda\File\ 19 114996 \Documents\District Team Comments Memo

Appendices

Appendix A1 - Conditions A/26/19

Appendix B1 - Plans A/26/19

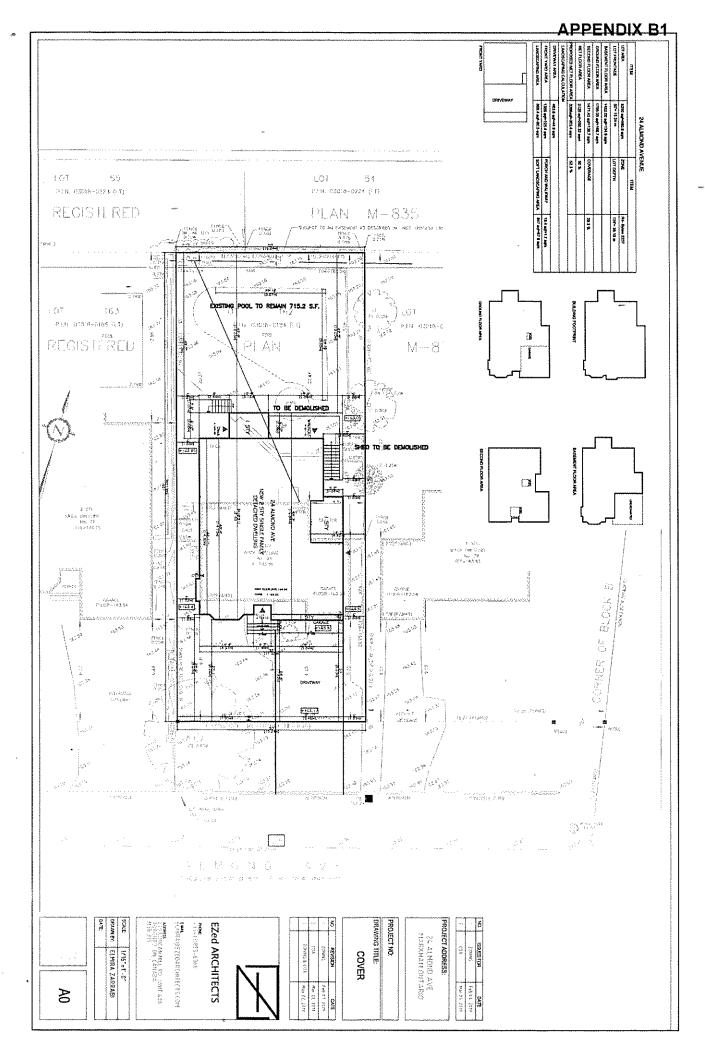
Appendix C1 – Staff Report (April 01, 2019)

APPENDIX "A1" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/26/19

- 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 B1' to this Staff Report and received by the City of Markham on *May 15th, 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 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;
- 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.

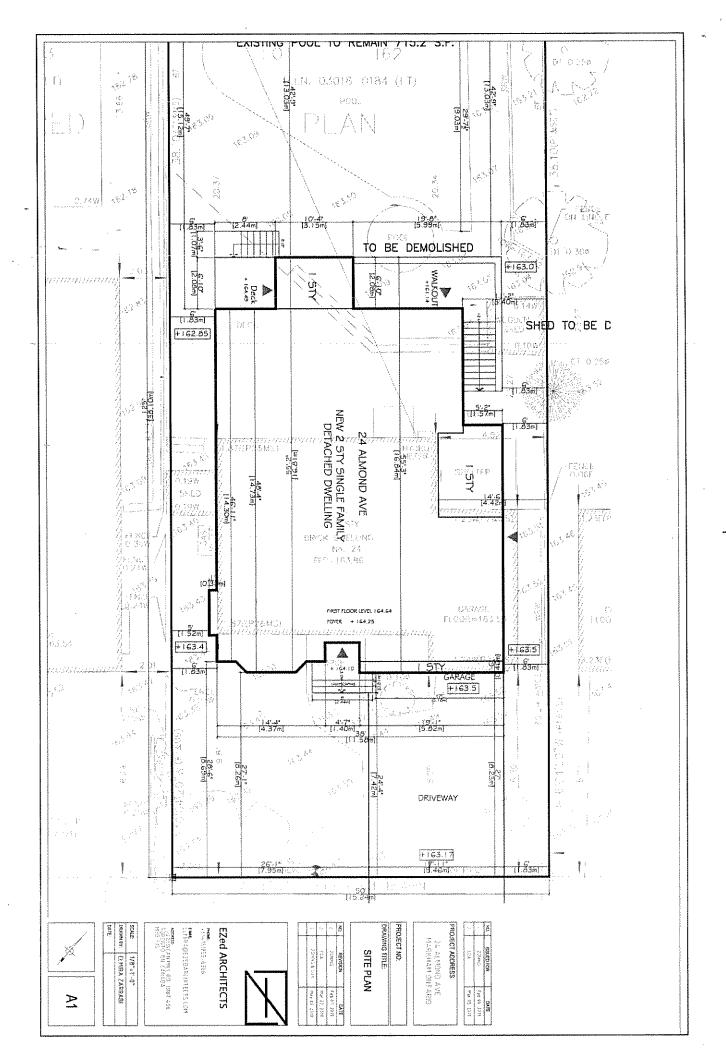
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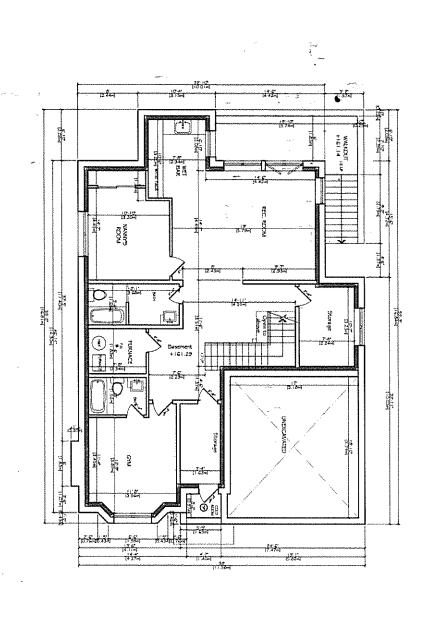
Aqsa Malik, Planner, Zoning and Special Projects



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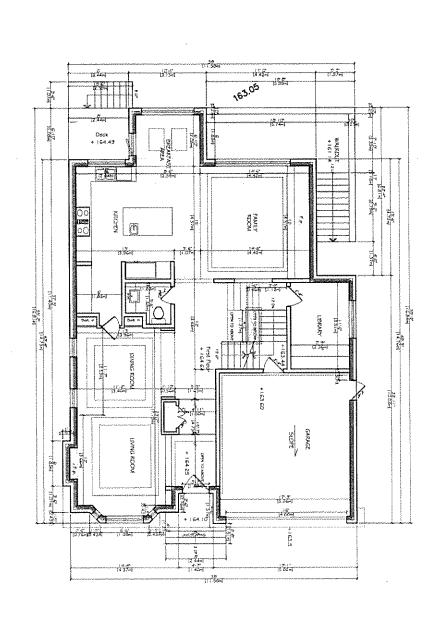
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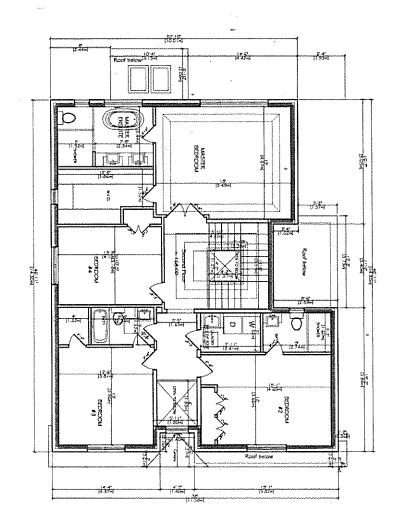
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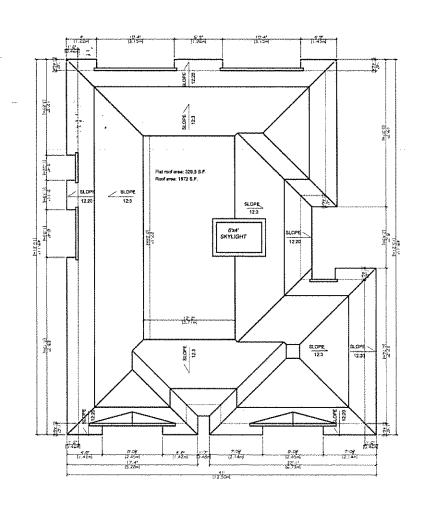


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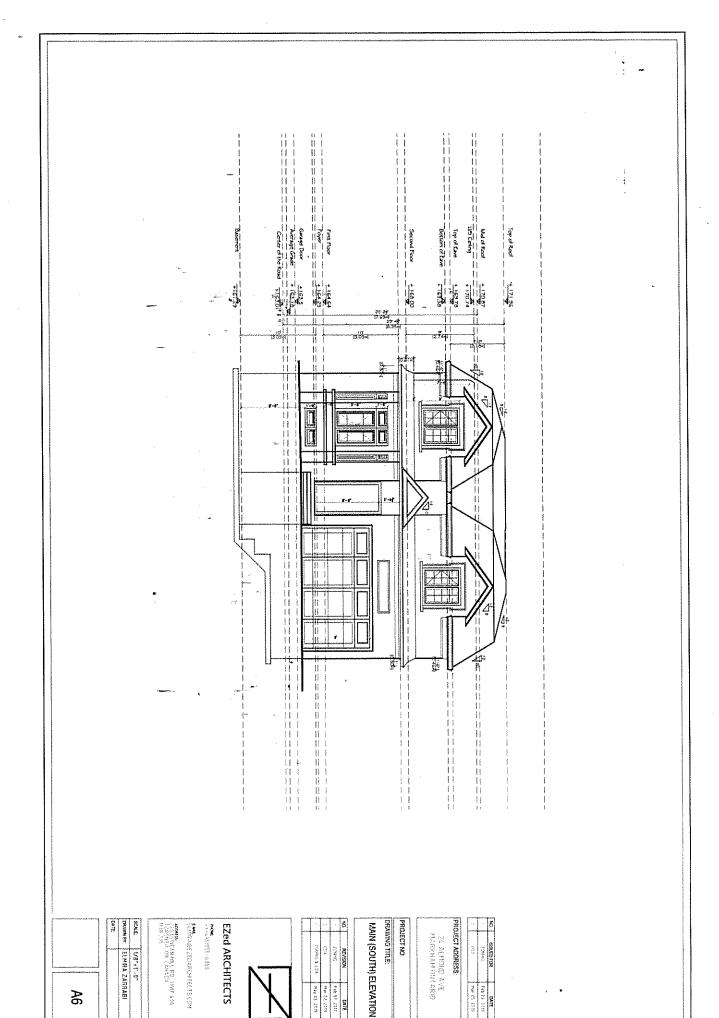


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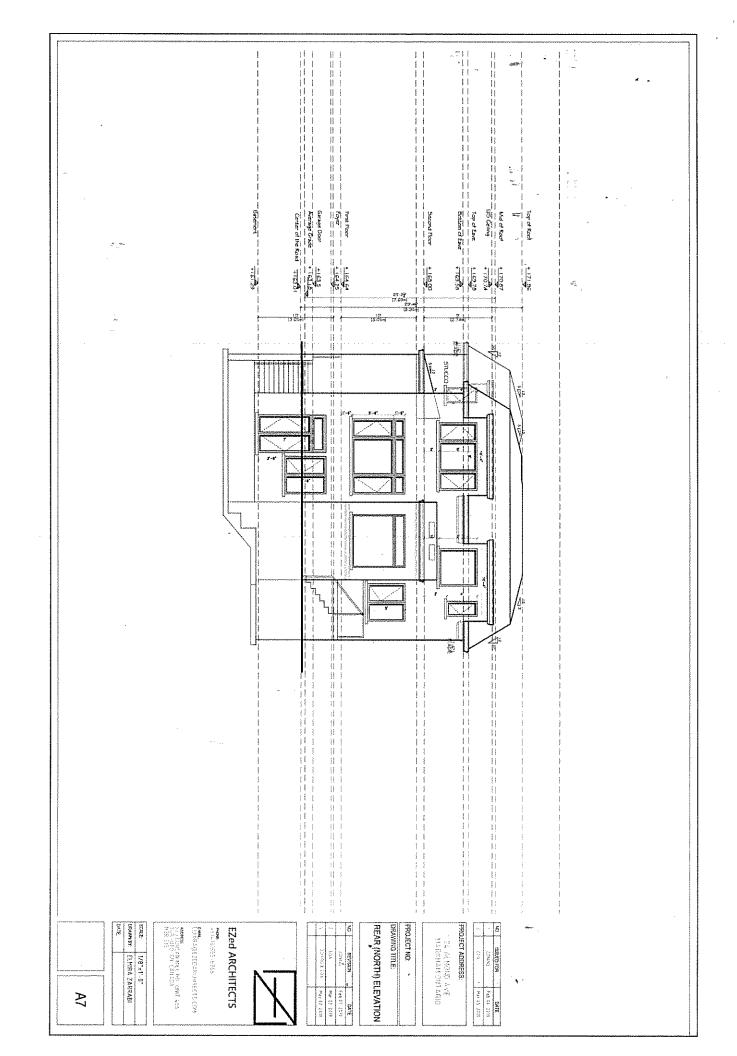
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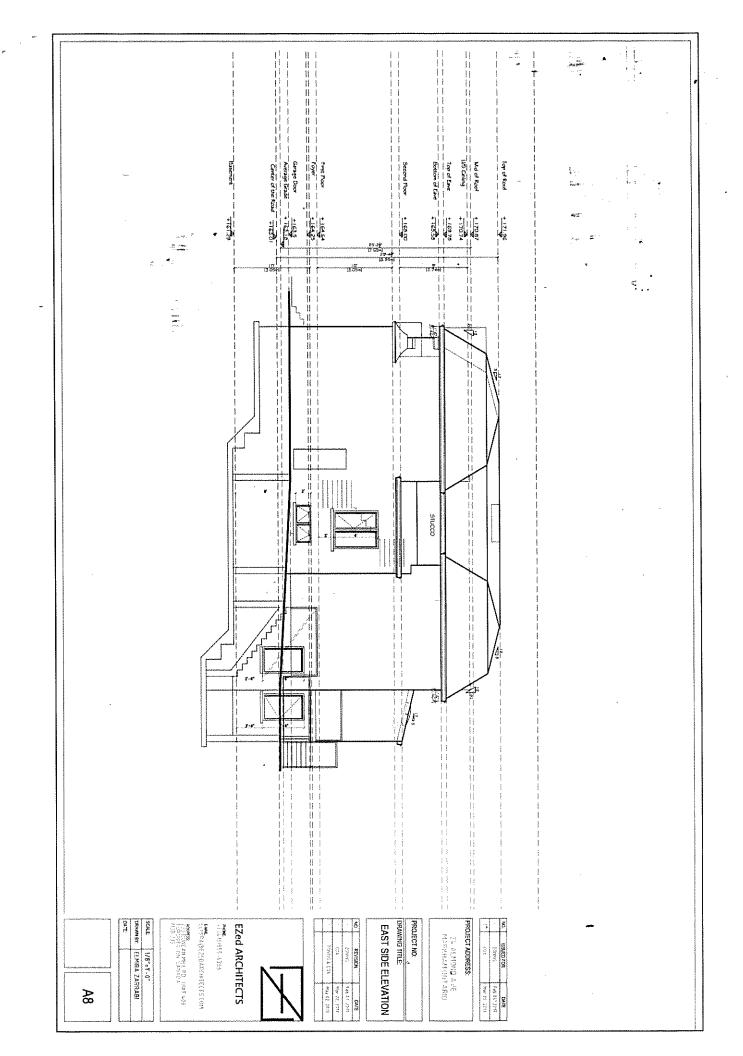
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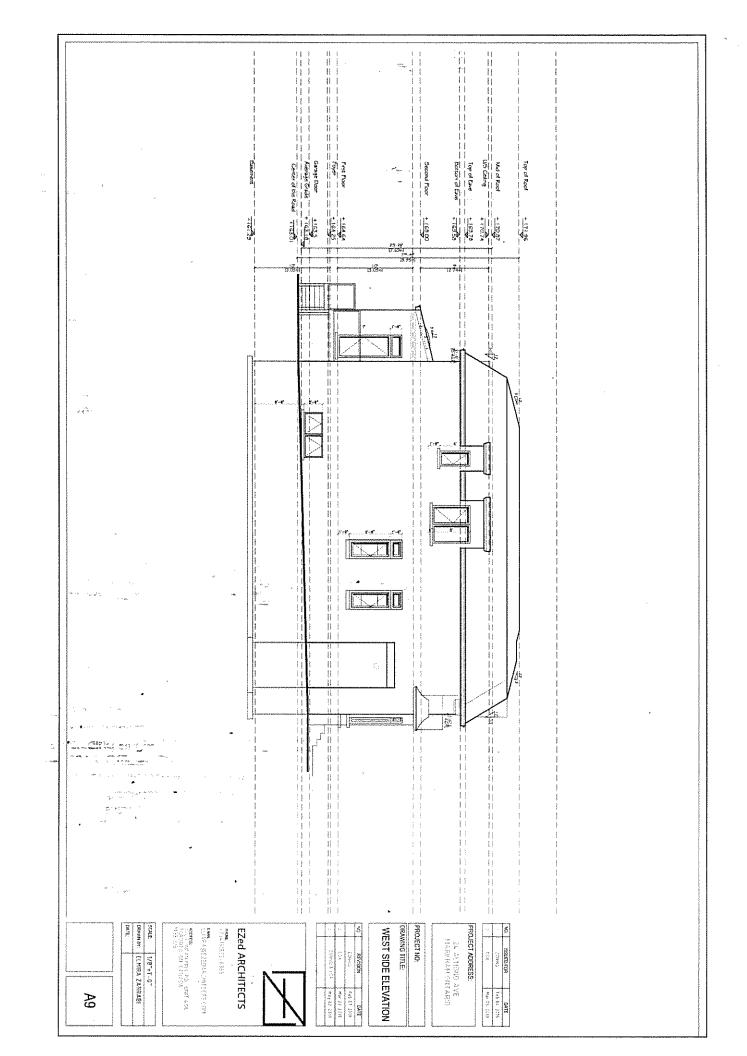
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Memorandum to the City of Markham Committee of Adjustment April 01, 2019

File:

A/26/19

Address:

24 Almond Ave, Thornhill

Applicant:

Anae Sobhani

Agent:

EZed architects (Elmira Zarrabi)

Hearing Date:

Wednesday April 10, 2019

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

The applicant is requesting relief from the following requirements of By-law 2237, R4, as amended:

a) Amending By-law 101-90, Section 1.2 (i):

a maximum building height of 9.29 metres, whereas the By-law permits a maximum building height of 8.6 metres;

b) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 52.3 percent (3,266 sq. ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,125 sq. ft.);

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 580.6 m² (6,250 ft²) subject property is located on the north side of Almond Ave, north of Steeles Avenue E, east of Henderson Avenue and west of Bayview Avenue. According to assessment records collected in 1999, there is an existing two-storey detached 191.82 m² (2,064.73 ft²) dwelling located on the property. One mature tree exists at the front of the property.

Proposal

The applicant is proposing to construct a new two-storey detached 303.4 m² (3,266 ft²) dwelling with an attached garage, rear basement walkout and a rear uncovered 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 R4 – "Fourth Density Single Family Residential" under By-law 2237, as amended, which permits a single detached dwelling.

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Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 height 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, "Relief is requested to construct a new dwelling and to accommodate the new integral 2 car garage".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 14, 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.3 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 303.4 m² (3,266 ft²), whereas the By-law permits a dwelling with a maximum floor area of 290.32 m² (3,125 ft²). This represents an increase of approximately 13.08 m² (140.8 ft²) or, approximately 4.5 percent.

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. While the proposed dwelling is larger than existing dwellings, it will comply with the minimum setbacks. The proposed lot coverage is approximately 23.5 percent, which complies with the maximum 35 percent lot coverage. Staff are of the opinion that the proposed floor area ratio is minor in nature and will not result in demonstrable adverse impacts on neighbouring homes.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.29 m (30.48 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22 ft). This represents an increase of 0.69 m (2.26 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.17 m (0.56 ft) above the crown of road.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 01, 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, Plannel, Zoning and Special Projects

REVIEWED BY:

David Miller, Development Manager, West District

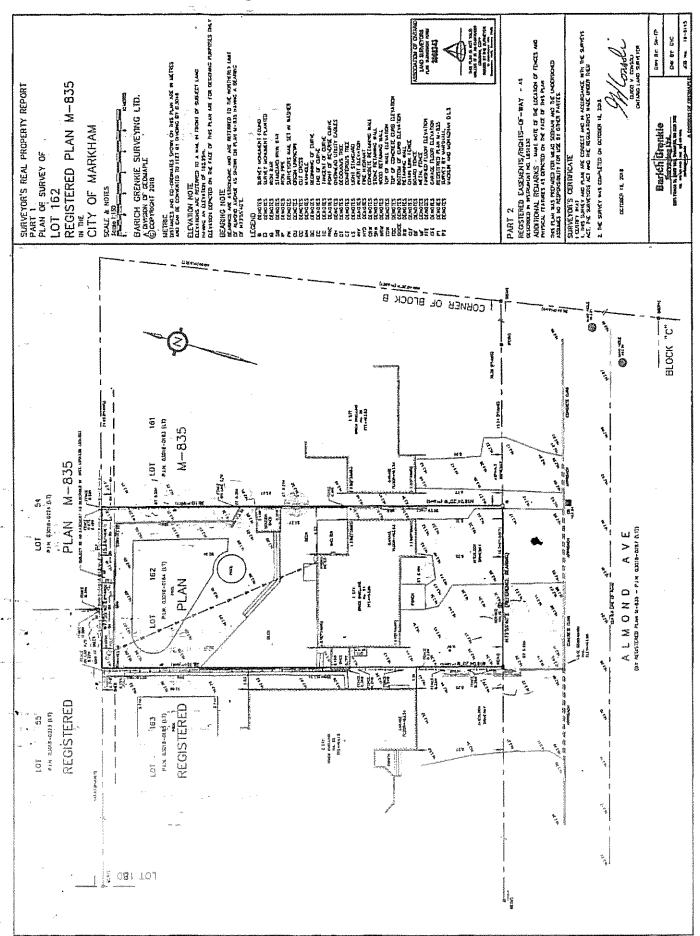
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APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/26/19

- 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 B' to this Staff Report and received by the City of Markham on *March 22, 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. 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;
- 4. 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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