

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

October 9, 2019

**File:** A/101/19  
**Address:** 51 Sprucewood Drive Thornhill  
**Applicant:** Chu Wang  
**Agent:** Brutto Consulting (Claudio Brutto)  
**Hearing Date:** Wednesday October 23, 2019

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 2237, as amended:

**a) Infill By-law 101-90, Section 1.2 (vii):**

to permit a maximum floor area ratio of 53.88 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

as it relates to a proposed two-storey single family dwelling.

## **BACKGROUND**

### **Property Description**

The 1120.60 m<sup>2</sup> (12,062.04 ft<sup>2</sup>) subject property is located on the east side of Sprucewood Drive, south of John Street and west of Bayview Avenue. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1950. 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. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to demolish the existing dwelling and construct a new 489.59 m<sup>2</sup> (5269.90 ft<sup>2</sup>) two-storey single detached dwelling with front covered porch.

### **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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established 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. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development criteria. 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.

### 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 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, *"The garage area is included in the net floor area, since we have 3 car garage, it added to the NFA. Furthermore, the owner got large family and live with their in-laws which require more living space."*

### **Zoning Preliminary Review (ZPR) 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 non-compliance.

### **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 53.88 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 489.59 m<sup>2</sup> (5269.90 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 454.34 m<sup>2</sup> (4890.51 ft<sup>2</sup>). This represents an increase of approximately 35.25 m<sup>2</sup> (379.43 ft<sup>2</sup>) or 7.76 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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff believe the proposed variance to be minor in nature, and comparable to development in the area.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 9, 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.

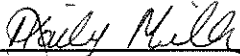
**CONCLUSION**

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.

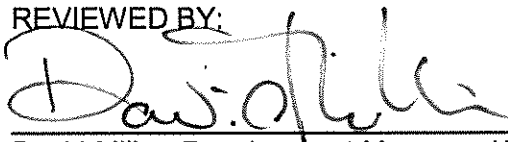
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

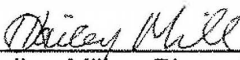
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## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/101/19**

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 October 1, 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 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Hailey Miller, Planner, Zoning and Special Projects

CITY OF MARKHAM  
RECEIVED  
OCT 01 2019  
COMMITTEE OF ADJUSTMENT

NO 34  
2 STOREY  
BRICK DWELLING  
D 34/10115

NO 48  
2 STOREY  
BLACK DWELLING  
TO THE FRONT  
D.S. 10125

No. 51  
PROPOSED TWO STORY  
SINGLE FAMILY  
NEW HOUSE

GARAGE ENTRANCE LEVEL=160.50

DRIVEN  
180.20  
DRIVE

SPRUCEWOOD

22.68

$$\frac{7500 + (12062 - 7500)/2}{5270 \text{ sqft} / 9781 \text{ sqft}} = 97.81 \text{ sqft}$$

|                               |                               |                      |   |                 |
|-------------------------------|-------------------------------|----------------------|---|-----------------|
| LOT AREA (CONVERT TO 110 SQM) | LOT COVERAGE                  | TRANSIT              | NET FLOOR AREA WATER                    | EQ BMS          |
| Q/A                           | Q/F FLOOR<br>INCLUDING DAMAGE | SECOND FLOOR<br>AREA | BASEMENT                                | LOT<br>COVERAGE |
| TOTAL                         | 300m <sup>2</sup>             | 210m <sup>2</sup>    | 140m <sup>2</sup>                       | 21.5%           |
|                               |                               |                      | BASE FLOOR                              | 21.5%           |
|                               |                               |                      | TOTAL GFA<br>W/ 110m <sup>2</sup> WATER | 21.5%           |

THE UNDERPINNINGS REQUIRED AND TAKEN RESPONSIBILITY FOR THE  
DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS  
FOR THE POSITION. THE CANDIDATE'S DESIGN SHOULD BE RELEVANT.

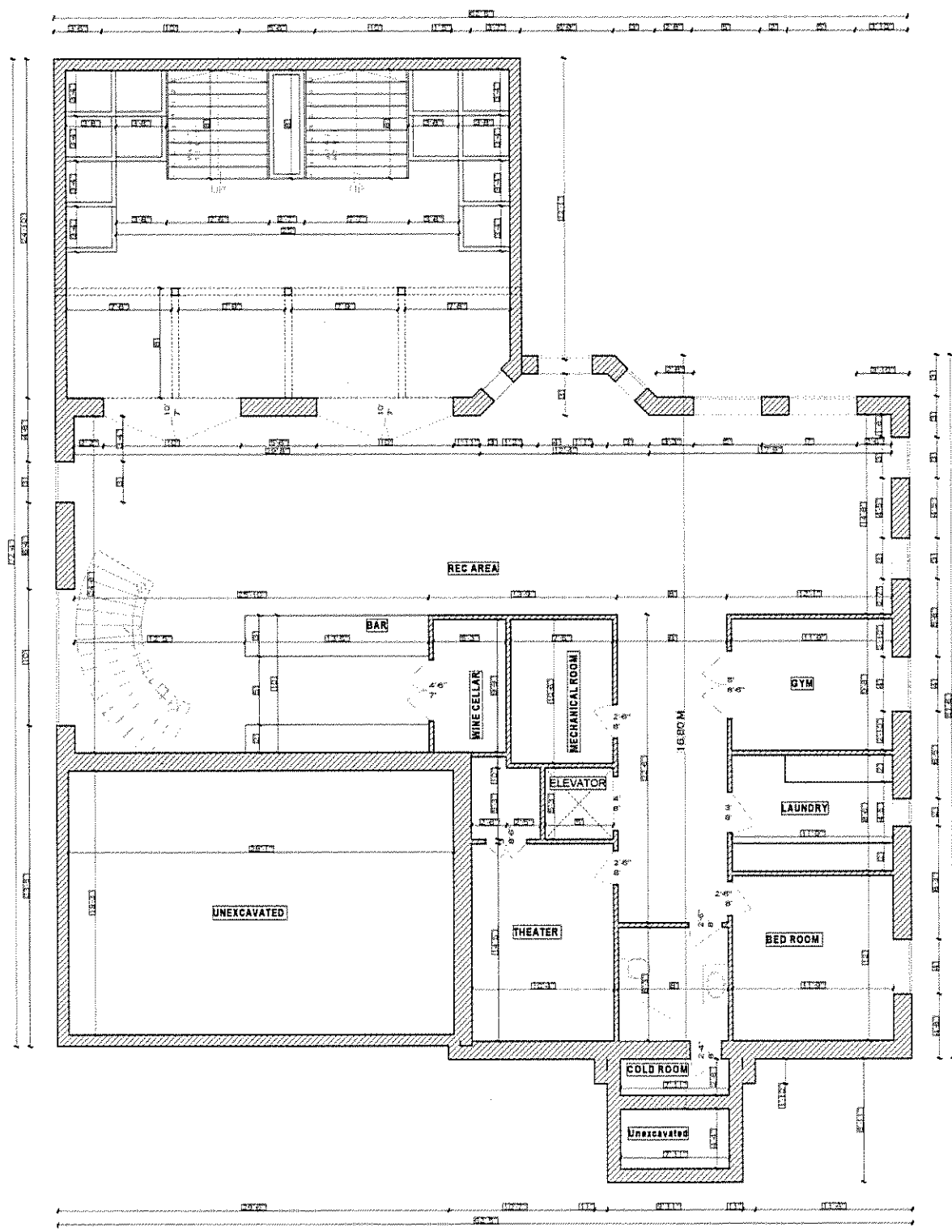
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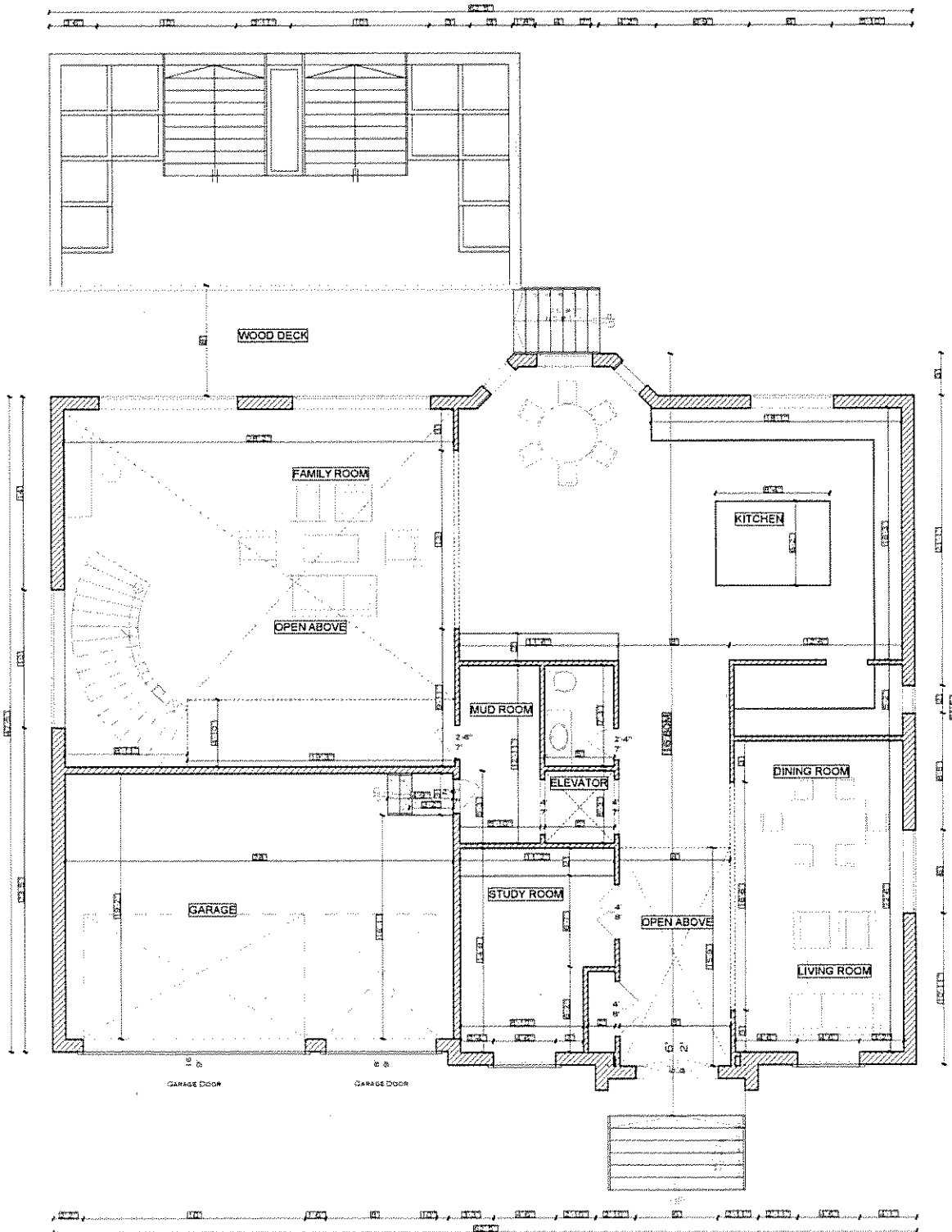
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| DRAWING TITLE         | SITE PLAN                          |
| PROJECT TITLE/ADDRESS | 51 SPRUCEWOOD DRIVE<br>MARKHAM, ON |

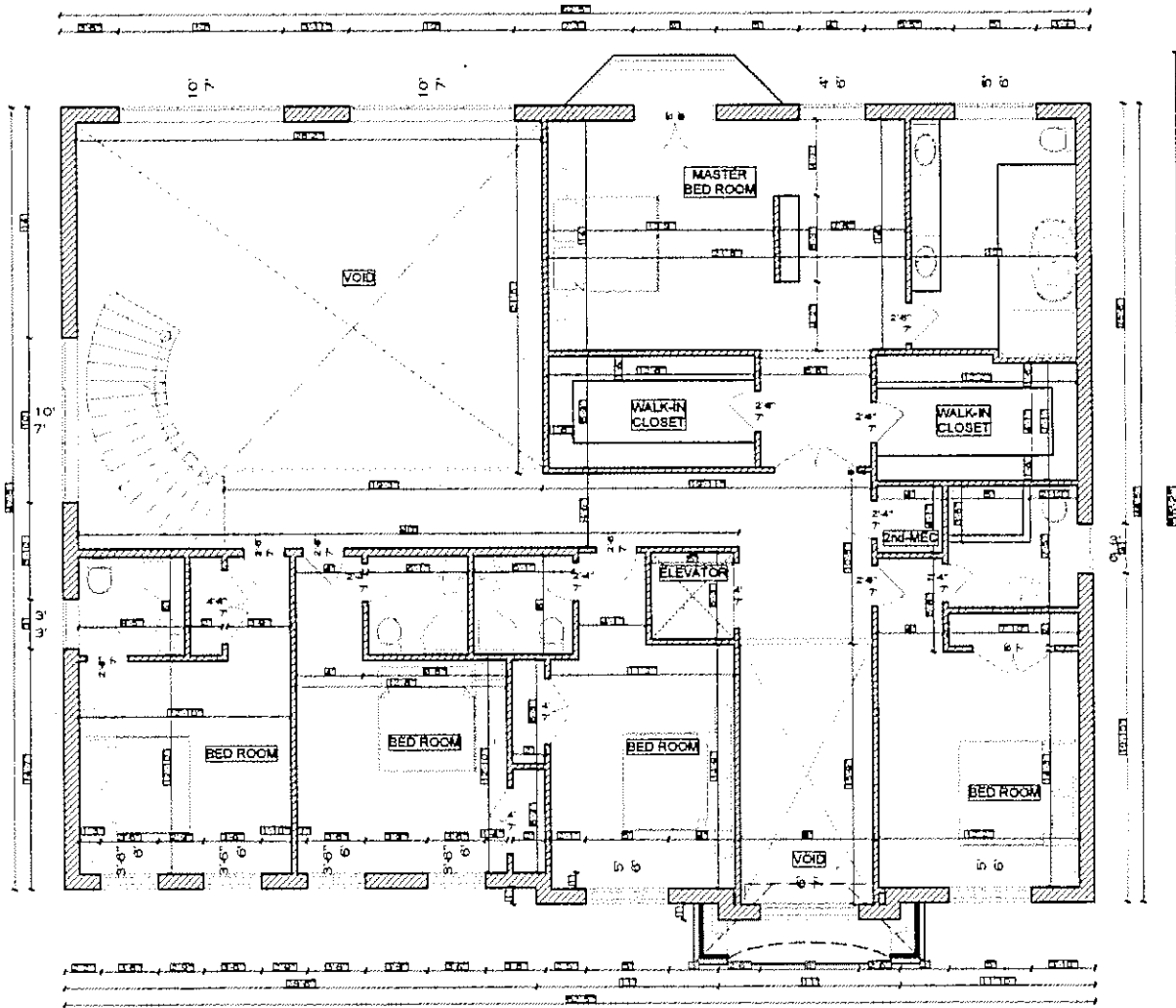
A.00



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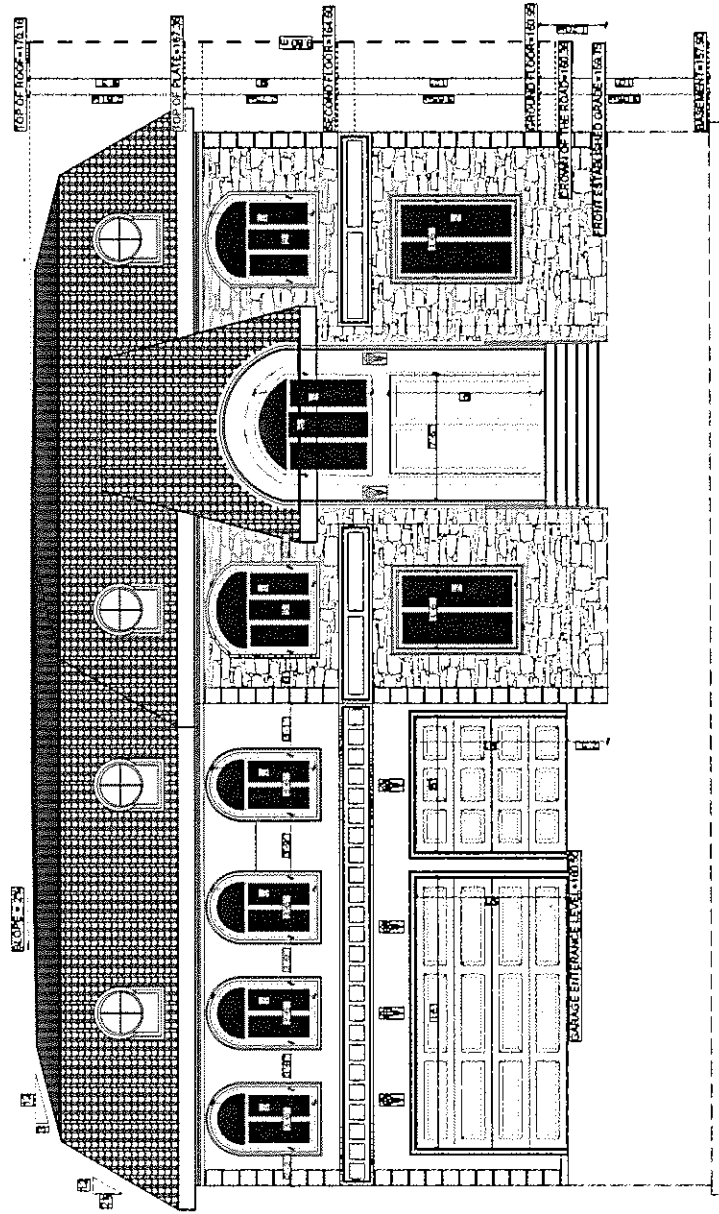


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| A.02  |                                      |
| GROUND FLOOR  |                                      |
| 51 SPRUCEWOOD DRIVE<br>MARKHAM, ON  |                                      |
| DRAWING TITLE   | PROJECT TITLE/ADDRESS                |
| SCALE:<br>3/16" = 1'-0"   | LAST MODIFIED ON:<br>OCTOBER 1, 2019 |
| DRAWN BY:<br>V.E.   |                                      |
| <p>THE UNDERSIGNED HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.</p> <p>FOR SIGNATURE ONLY</p> |                                      |
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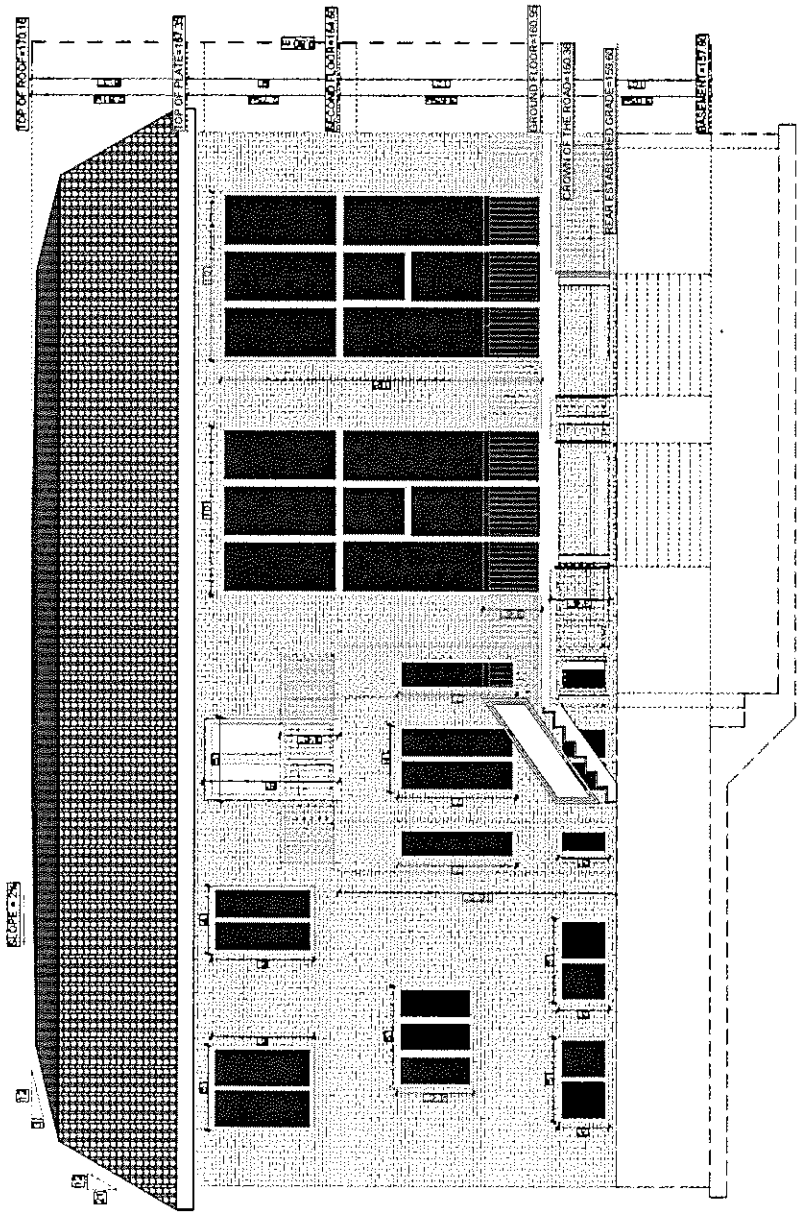


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| DATE: SEPTEMBER 2018                                   |  | ISSUED FOR: FOR CCA               |  | FOR REVIEW (DATE ONLY)  |  |
| DRAWING TITLE: SECOND FLOOR                            |  | SCALE: 3/16" = 1'-0"              |  | DRAWN BY: V.E.  |  |
| PROJECT TITLE/ADDRESS: 51 SPRUCEWOOD DRIVE MARKHAM, ON |  | LAST MODIFIED ON: OCTOBER 1, 2018 |  | THE DESIGNER HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALITY FOR AND MEETS THE REQUIREMENTS SET OUT IN THE OFFICIAL BUILDING CODE TO BUILDING |  |
| A.03   |  |                                   |  |   |  |





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| SCALE: 3/16" = 1'-0"<br>LAST MODIFIED ON: OCTOBER 1, 2019 |  | DRAWN BY: V.E.  |  | FOR THE ARCHITECT ONLY   |  | FOR THE ARCHITECT ONLY |  |



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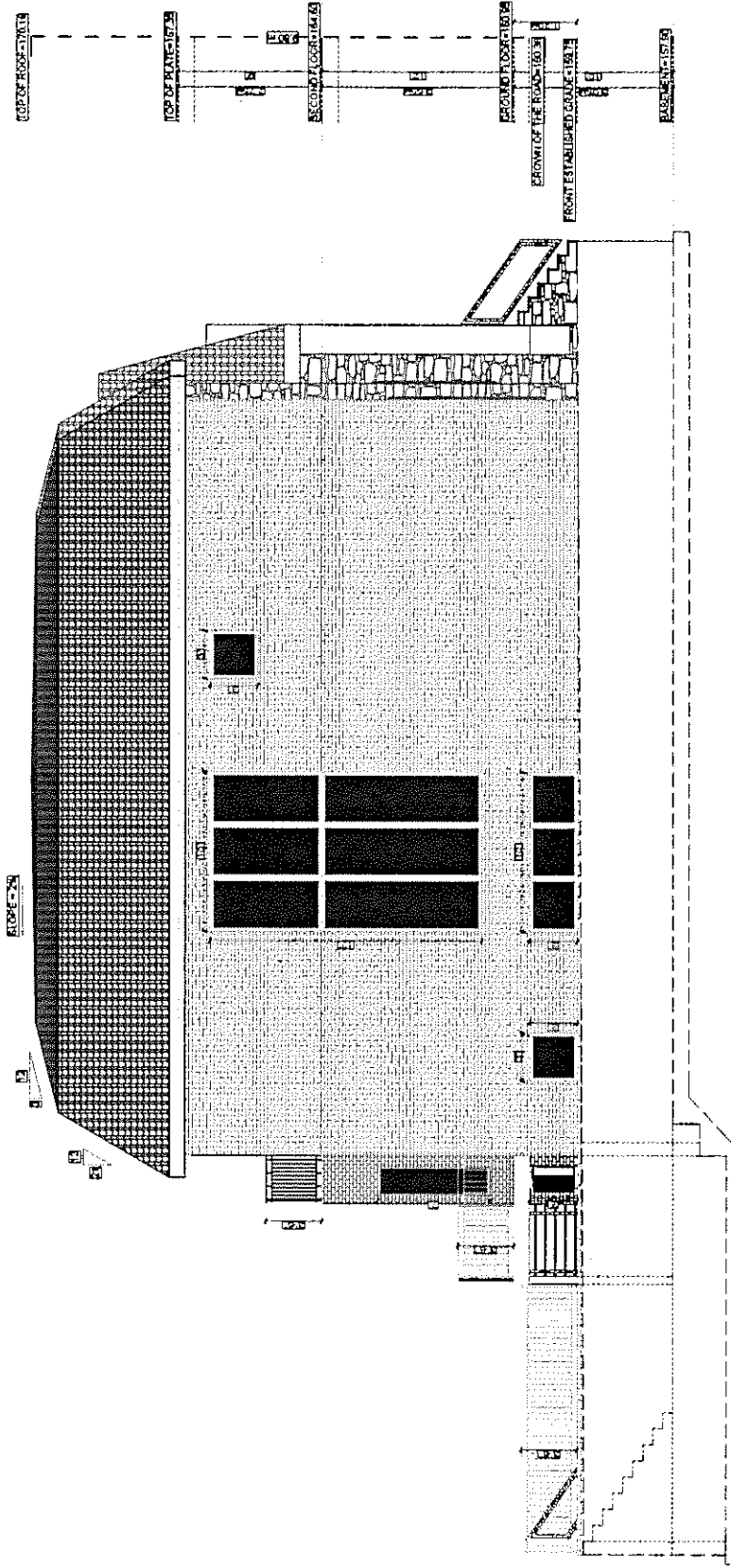
3A  
CRANBY

SCALE: 3/16" = 1'-0"

LAST MODIFIED ON: OCTOBER 1, 2019

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| DRAWING TITLE         | SIDE ELEVATION                  |
| PROJECT TITLE/ADDRESS | 51 SPRUCEWOOD DR<br>MARKHAM, ON |

A.06



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| DATE<br>SEPTEMBER 2019<br>FOR COA |  | ISSUED FOR<br>FOR COA |  | THE UNDERSIGNED HAVE REVIEWED AND TAKEN RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND THE REQUIREMENTS SET FORTH IN THE CITY OF MARKHAM ZONING BY-LAW. |  | DRAWN BY<br>V.E. |  | SCALE:<br>3/16" = 1'-0"<br>LAST MODIFIED ON:<br>OCTOBER 1, 2019 |  | DRAWING TITLE<br>SIDE ELEVATION<br>PROJECT TITLE / ADDRESS<br>51 SPRUCEWOOD DRIVE<br>MARKHAM, ON |  | A.07 |  |
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