

Memorandum to the City of Markham Committee of Adjustment

February 27, 2019

File: A/01/19
Address: 62 Sherwood Forest Dr, Markham
Applicant: Usha & Vishnu Doobay
Agent: SMDA (Rick Mateljan)
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, R2, as amended:

- a) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.55 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 49.9 percent; whereas the By-law permits a maximum Net Floor Area of 45percent.

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 836.1 m² (8,999.71 ft²) subject property is located on the west side of Sherwood Forest Drive, east of Laidlaw boulevard and north of Highway 7 E. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing split level brick detached 160.72 m² (1,730 ft²) dwelling on the property, which according to assessment records was constructed in 1966 .Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two-storey detached 362.5 m² (3902 ft²) dwelling with a basement walkout, a rear deck and second-storey balcony as well as a covered outdoor storage area on the south side of the proposed dwelling.

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 R2 – 'Residential' in 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 by-law with respect to maximum building depth and, maximum Net 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, "*client special requirements dictate increased floor area and dwelling depth*".

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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.55 m (57.6 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.75 m (2.46 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through 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 relates to a front covered porch which adds approximately 2.74 m (9 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.22 m (53.22 ft) which complies with the by-law requirement. The proposed covered porch will be unenclosed and does not span the full length of the front of the dwelling. The proposed dwelling will exceed the minimum required front, rear and side yard setbacks. Staff are of the opinion that the requested variance is appropriate for the development.

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 362.5 m² (3,902 ft²), whereas the By-law permits a dwelling with a maximum floor area of 326.6 m² (3,545.5 ft²). This represents an increase of approximately 35.9 m² (386.45 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) and unenclosed exterior space indented into the proposed dwelling.

Records indicate that there is one (1) other home on Sherwood Forest Drive (160 Sherwood Forest Drive) which has been approved for an increase in maximum net floor area ratio of 49.8%. While the proposed dwelling will be larger than existing back split homes on the street, the building footprint meets other zoning provisions (such as setbacks, height and lot coverage) that establish the prescribed building envelope. The proposed dwelling is within the prescribed building footprint, except for building depth. The proposed increase in Floor Area Ratio is considered to be minor and, the proposed dwelling will be in keeping with the character of the neighbourhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 27, 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.

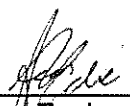
CONCLUSION

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.

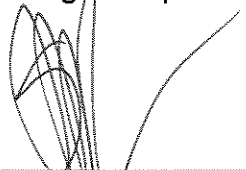
Please see Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District


File Path: Amanda\File\ 19 102988 \Documents\District Team Comments Memo

APPENDIX "A"

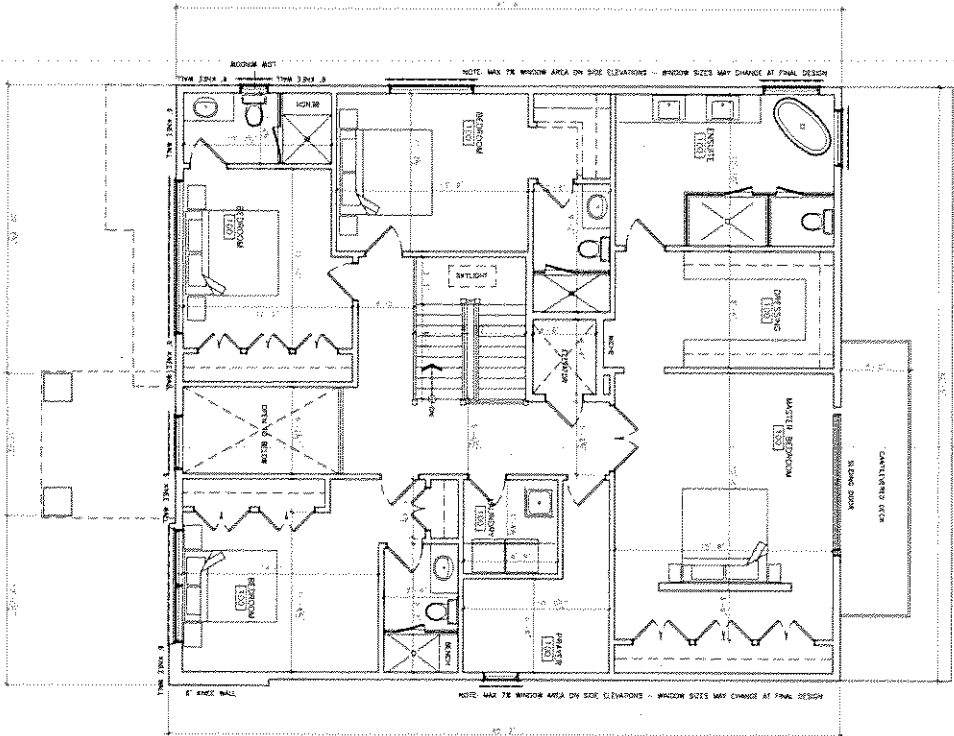
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/01/19

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 01, 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



AMBASSADOR
 FINE CUSTOM HOMES INC.
 2400 DUNDAS ST. WEST, SUITE 109
 MISSISSAUGA, ON L5K 2R8
 416.777.ARCH.(T)
 TARIION REGISTRATION NO. 39012

PROJECT:
**New House At:
 62 SHERWOOD
 FOREST DRIVE**

SHEET TITLE:
**SECOND FLOOR
 PLAN**

PROJECT NO.	DATE
SCALE: 1/4" = 1'-0"	
DRAWN:	SHEET NO.:
CHECKED:	
FILE NO.	A2.2
MARKHAM	

NO.	REVISIONS	ISSUED
1	FOR REVIEW	MAY 13 2018
2	FOR REVIEW	MAY 13 2018
3	FOR REVIEW	MAY 13 2018
4	FOR REVIEW	MAY 13 2018
5	FOR REVIEW	MAY 13 2018
6	FOR REVIEW	MAY 13 2018
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8	FOR REVIEW	MAY 13 2018
9	FOR REVIEW	MAY 13 2018
10	FOR REVIEW	MAY 13 2018

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MEMORANDUM

DATE: March 12, 2019
TO: Chairman and Members, Committee of Adjustment
FILE: A/01/19
ADDRESS: 62 Sherwood Forest Dr, Markham
HEARING DATE: Wednesday March 13, 2019

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as they relate to a proposed residential dwelling.

Comments

The applicant submitted revised drawings to staff on March 3, 2019 showing further architectural articulation of the proposed dwelling. The applicant has not made any changes to the requested variances. Staff's comments dated February 27, 2019 remain applicable. Should the Committee choose to approve the minor variance application, the conditions attached as Appendix 'A1' and drawings attached as Appendix 'B1' shall apply.

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\19 102988 \Documents\District Team Comments Memo

MEMORANDUM

APPENDIX "A1"

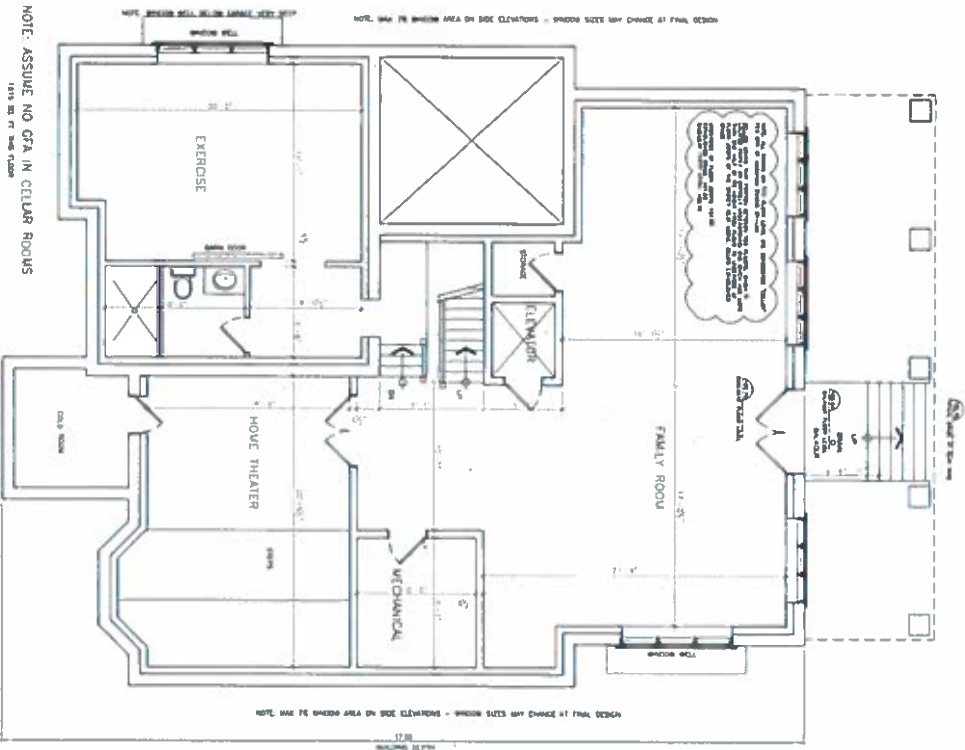
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/01/19

1. That the front covered porch remain unenclosed;
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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 *March 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;
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Aqsa Malik, Planner, Zoning and Special Projects



NO.	REVISIONS	ISSUED
1	FOR REVIEW	May 7 2018
2	FOR REVIEW	May 12 2018
3	FOR REVIEW	June 11 2018
4	FOR REVIEW	June 18 2018
5	FOR REVIEW	July 2 2018
6	FOR REVIEW	July 6, 2018
7	FOR REVIEW	July 16, 2018
8	FOR REVIEW	Aug 27 2018
9	FOR REVIEW	Aug 12, 2018
10	FOR REVIEW	Aug 12 2018

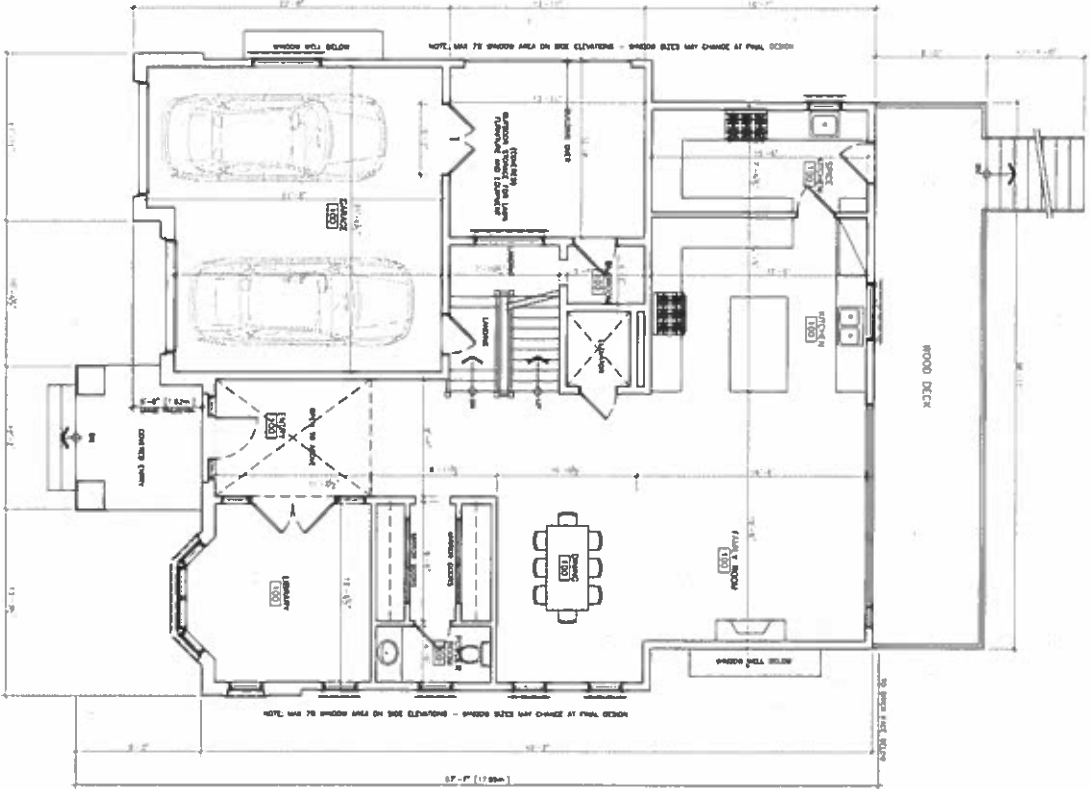
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416.777.7742
TARIION REGISTRATION NO. 39012

PROJECT:
**New House At:
62 SHERWOOD
FOREST DRIVE**

SHEET TITLE:
**BASEMENT FLOOR
PLAN**

PROJECT NO.	DATE
SCALE: (1/8"=1'-0")	
DRAWN:	SHEET NO.:
CHECKED:	
FILE NO.:	A2.0
MARKHAM	



21	NEW PLAN/REV'S	MAR 12 2018
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8	FOR REVIEW	MAR 27 2018
7	FOR REVIEW	MAR 16 2018
6	FOR REVIEW	MAR 8 2018
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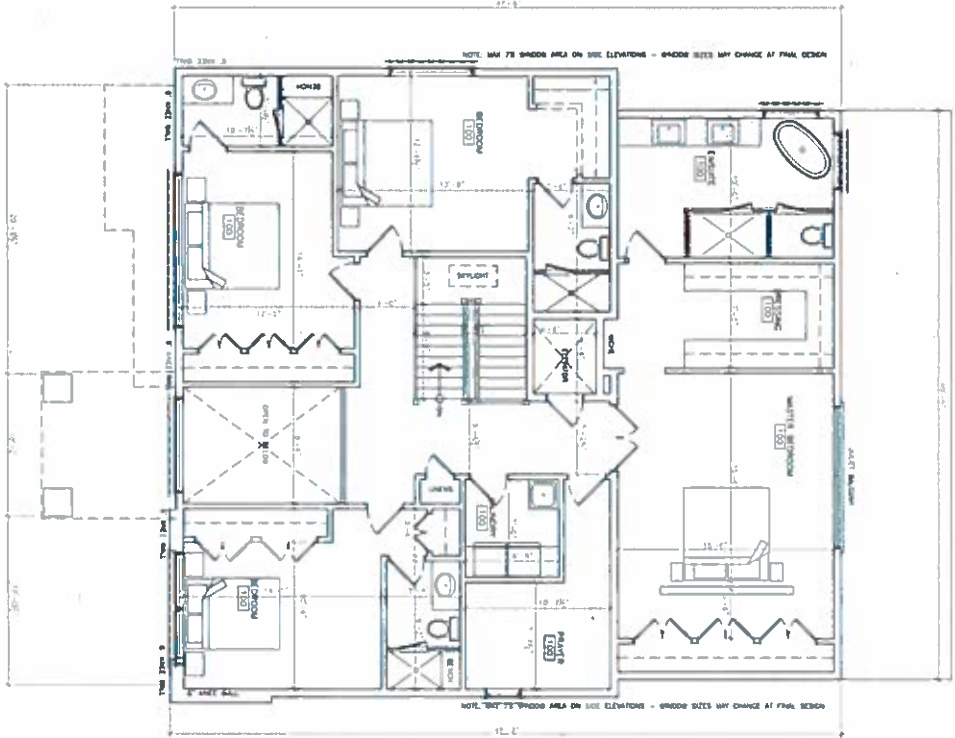
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PROJECT:
**New House At:
 62 SHERWOOD
 FOREST DRIVE**

SHEET TITLE:
**MAIN FLOOR
 PLAN**

PROJECT NO: _____ DATE: _____
 SCALE: 1/4"=1'-0"
 DRAWN: _____ SHEET NO: _____
 CHECKED: _____
 FILE NO: **A2.1**
 DRAWN BY: MARGARITA



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3	FOR REVIEW	MAY 11 2018
4	FOR REVIEW	JUNE 18 2018
5	FOR REVIEW	JULY 2 2018
6	FOR REVIEW	AUG 8 2018
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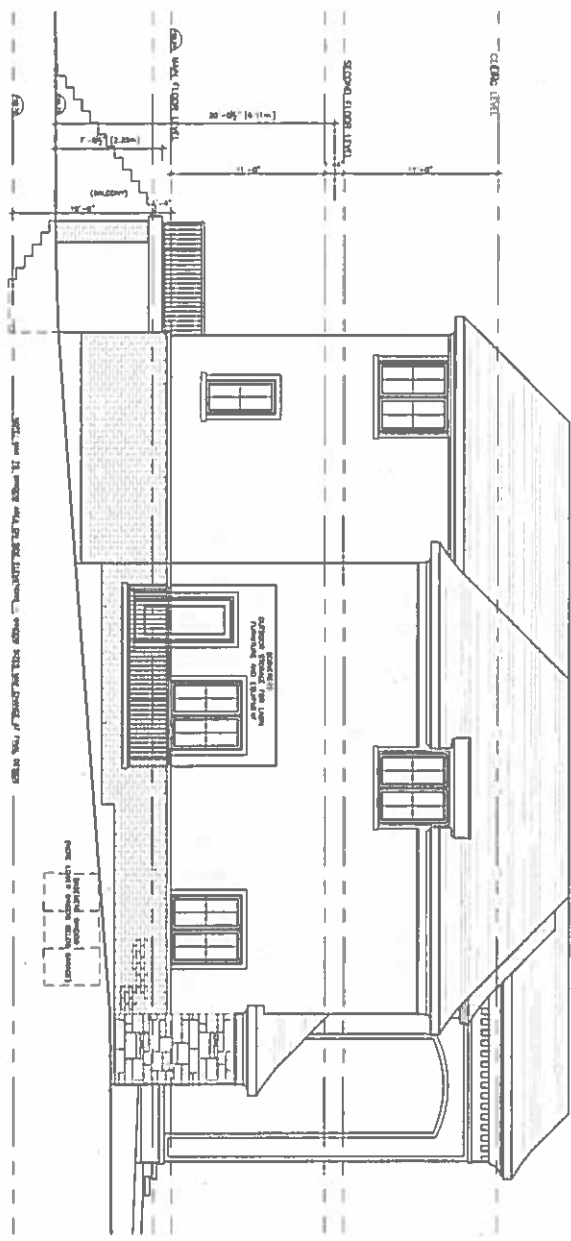
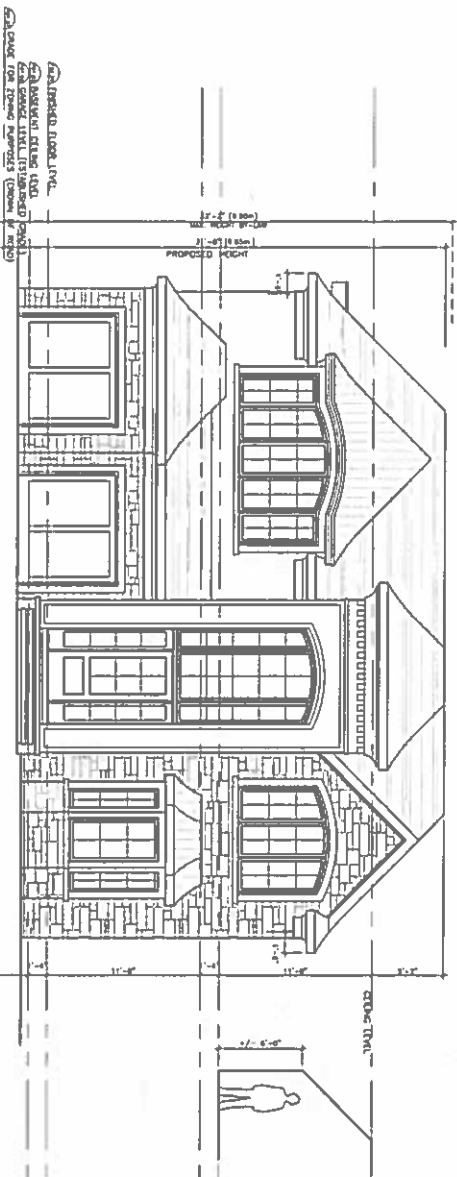
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PROJECT
New House At:
62 SHERWOOD
FOREST DRIVE

SHEET TITLE
SECOND FLOOR
PLAN

PROJECT NO.		DATE
SCALE 1/4" = 1'-0"		
DRAWN	SHEET NO.	
CHECKED		
FILE NO. MARKHAM	A2.2	



PROPOSED HEIGHT
21'-05 1/2"
PROPOSED HEIGHT

PROPOSED HEIGHT

PROPOSED HEIGHT
21'-05 1/2"
PROPOSED HEIGHT

NO.	REVISIONS	DATE
1	FOR REVIEW	May 2 2011
2	FOR REVIEW	Apr 13 2011
3	FOR REVIEW	June 11 2011
4	FOR REVIEW	June 19 2011
5	FOR REVIEW	June 2 2011
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8	FOR REVIEW	May 27 2011
9	FOR REVIEW	June 15 2011
10	FOR REVIEW	June 12 2011

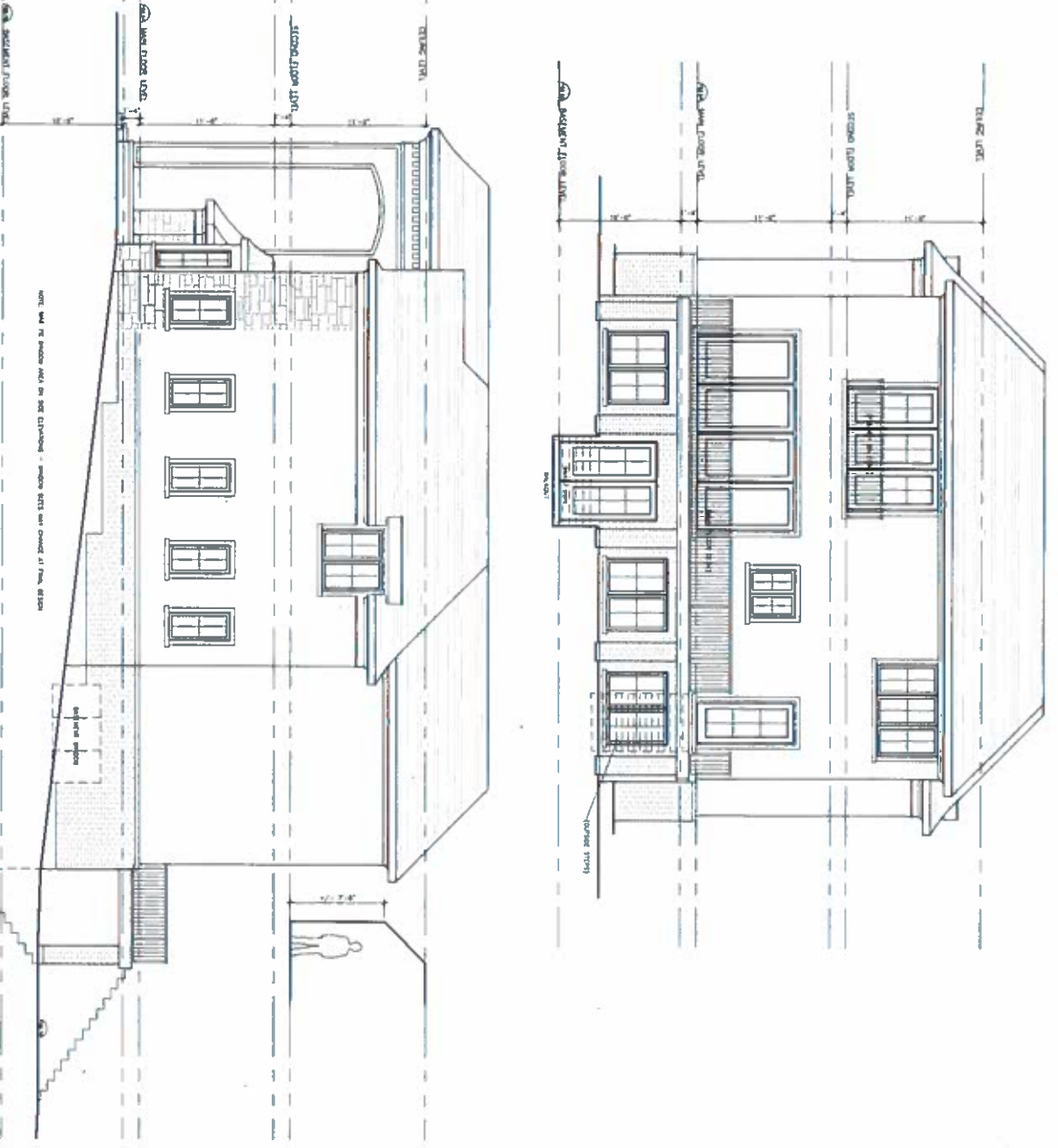
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TARIION REGISTRATION NO. 39012

PROJECT
**New House At:
62 SHERWOOD
FOREST DRIVE**

SHEET TITLE
**FRONT ELEVATION
SOUTH ELEVATION**

PROJECT NO.
SCALE: 1/4" = 1'-0"
DRAWN: [Name]
CHECKED: [Name]
FILE NO.
DRAWING SHEET NO.
A3.0
MARKHAM



211	NEW FOUNDATION	MAY 12 2018
9	FOR REVIEW	MAY 12 2018
8	FOR REVIEW	MAY 12 2018
7	FOR REVIEW	MAY 12 2018
6	FOR REVIEW	MAY 12 2018
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4	FOR REVIEW	MAY 12 2018
3	FOR REVIEW	MAY 12 2018
2	FOR REVIEW	MAY 12 2018
1	FOR REVIEW	MAY 12 2018
NO.	REVISIONS	ISSUED

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 TARIION REGISTRATION NO. 39012

PROJECT:
 New House At:
 62 SHERWOOD
 FOREST DRIVE

SHEET TITLE:
 WEST ELEVATION
 NORTH ELEVATION

PROJECT NO.	DATE
SCALE: 1/4" = 1'-0"	
DRAWN	SHEET NO.:
CHECKED	A3.1
FILE NO. MARKHAM	