

Memorandum to the City of Markham Committee of Adjustment

September 18, 2019

File: A/06/18
Address: 15 Wales Avenue, Markham
Applicant: Trina & Dimitrios Kollis
Agent: Gregory Design Group
Hearing Date: Wednesday September 25, 2019

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229 as amended, as they relate to a proposed two-storey detached dwelling:

- a) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.50 m (57.41 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft); and
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 51.8 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent.

This application was first heard by the Committee of Adjustment on March 14th, 2018. At this hearing the applicant requested variances to increase the maximum floor area ratio, maximum building depth and maximum eave projection, and to reduce the minimum side and front yard setbacks. This application was deferred at the request of the applicant to address Staff's concerns with the requested floor area ratio and scale of the proposed dwelling.

The Application was then heard at the October 24th, 2018, April 10th 2019, and July 10th, 2019 Committee of Adjustment meetings where it was deferred due to Staff's, Committee's and the Public's concerns with the design, scale and massing of the proposed dwelling.

On September 3, 2019 the Applicant submitted a revised proposal and is now requesting variances to permit a maximum floor area ratio of 51.8% and maximum building depth of 17.5 m (57.41 ft). The revised submission is shown in Appendix A. Figure 1 shows the chronology of the requested variances considered at previous Committee of Adjustment meetings.

Figure 1

Variances	Previous Meetings				Current Request
	March 14 th 2018	October 24 th 2018	April 10 th , 2019	July 10 th , 2019	
Floor Area Ratio	57.2%	55.4%	55.4%	50.8%	51.8%
Building Depth	19.05 m	18.59 m	18.59 m	-	17.50
Side Yard Setback (Two Storey)	4ft	4ft (south)	4ft (south)	-	-
Eave Projection	23"	-	-	-	-
Front Yard Setback	24'7"	-	-	-	-

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 17.50 m (57.41 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This is an increase of 0.7 m (2.3 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The proposed building depth includes a front covered porch which adds approximately 0.91 m (3.0 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.59 m (54.43 ft) which complies with the by-law requirement.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 51.8 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 366 m² (3,939.6 ft²), whereas the By-law permits a dwelling with a maximum floor area of 318.2 m² (3,425.07 ft²). This is an increase of 48 m² (516.67 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 excludes "open to below" areas within a dwelling (e.g. two-storey foyers, atriums and/or stairs). In the proposed dwelling, there is approximately 47.03 m² (506.22 ft²) of "open to below" area on the second floor which is excluded from the gross floor area calculation under the by-law. If this was accounted as interior floor space, the resulting GFA would be approximately 413.03 m² (4,445.82), which would be a floor area ratio of 58%. While the applicant has reduced their original variance request of 57.2% to 51.8%, the design of the proposed dwelling has remained similar. Reductions to the floor area have largely been achieved through the removal of interior floor space rather than reducing the overall scale and mass of the dwelling. Staff also note that the majority of existing dwellings along Wales Avenue, south of Gleason Avenue, are modestly sized one and two-storey detached dwellings with floor areas which comply with the infill by-law requirement.

While variances are not precedent setting, there is one example of a comparatively sized dwelling within the vicinity where the Committee of Adjustment permitted a floor area ratio of 52.5% to facilitate an addition to a dwelling with a floor area of 294.76 m² (3172.8 ft²) and a 72.48 m² (780 ft²) detached garage at 28 Wales Avenue (A/65/18). Staff also note that with the exception of the requested building depth and floor area ratio variances, the proposed dwelling conforms to all other zoning provisions, including setbacks, lot coverage and building height. These provisions establish the prescribed building envelope, to ensure the proposed dwelling will be in keeping with the intended scale of residential infill developments. Committee should satisfy themselves as to whether the floor area ratio variance meets the intent of the zoning by-law and is appropriate for the subject lands.

Heritage Designation

The subject property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. On March 18, 2019 Development Services Committee (DSC) received a Staff Report recommending that the subject property be designated under Part IV of the *Ontario Heritage Act*. The purpose of this designation would be preserve the existing dwelling, constructed circa 1928, on the subject property. However, DSC resolved not to designate the subject property under the

Heritage Act, which will therefore allow the existing dwelling to be demolished. . Further details can be found in previous staff reports attached as **Appendix C** to this report.

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 do not object to the requested building depth variance. This variance application has been deferred by the Committee of Adjustment on four occasions, in which the latest submission proposes a floor area ratio of 51.8%, which has largely been achieved by removing interior floor space from the 2nd floor of the proposed dwelling. With the exception of the proposed floor area ratio and building depth variances, Staff acknowledge that the proposed dwelling complies with all other zoning standards and is therefore within the prescribed building envelope intended by the zoning by-law. Staff recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four test of the Planning Act.

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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 18 107821 \Documents\District Team Comments Memo

APPENDIX "B"

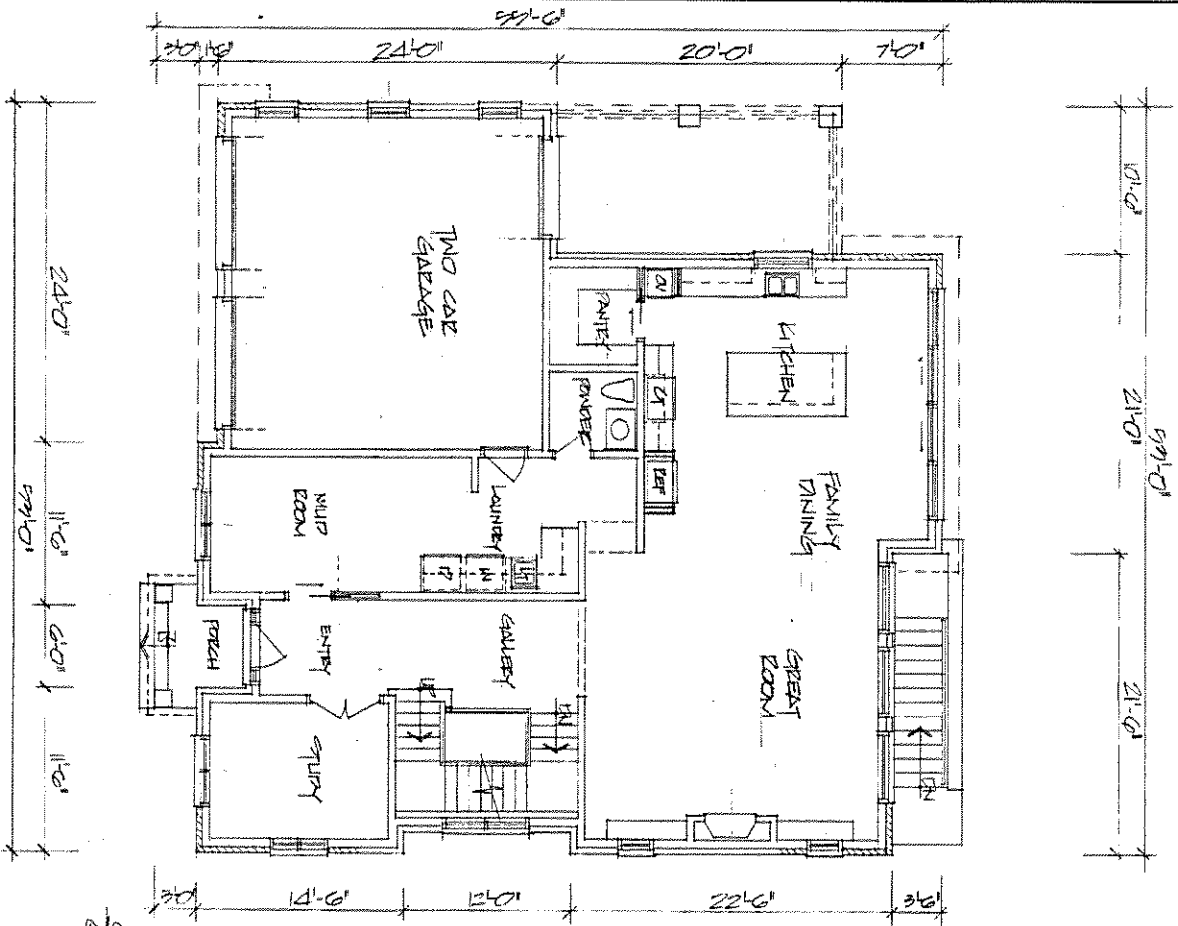
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/18

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 A' to this Staff Report and received by the City of Markham on September 3rd, 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; and
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.

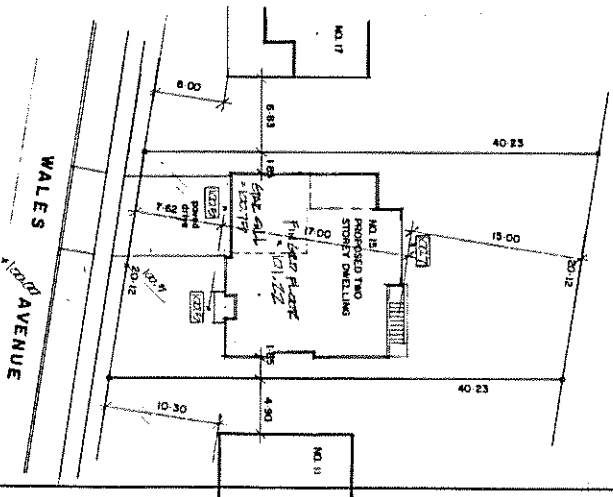
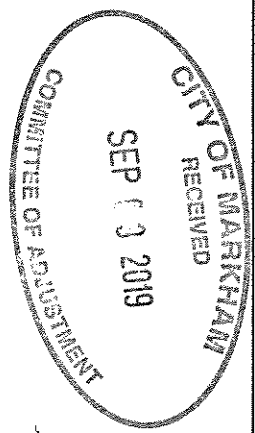
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, East District

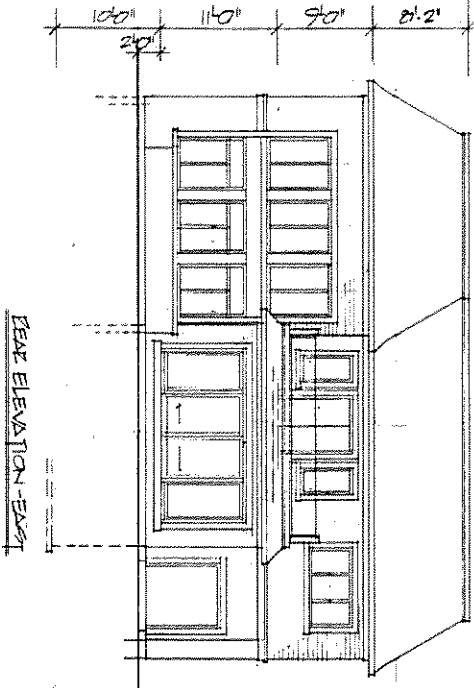


GROUND FLOOR PLAN
 GROUND FLOOR AREA = 1780 SQFT
 NET FLOOR AREA = 2792 SQFT
 BUILDING AREA = 2689 SQFT

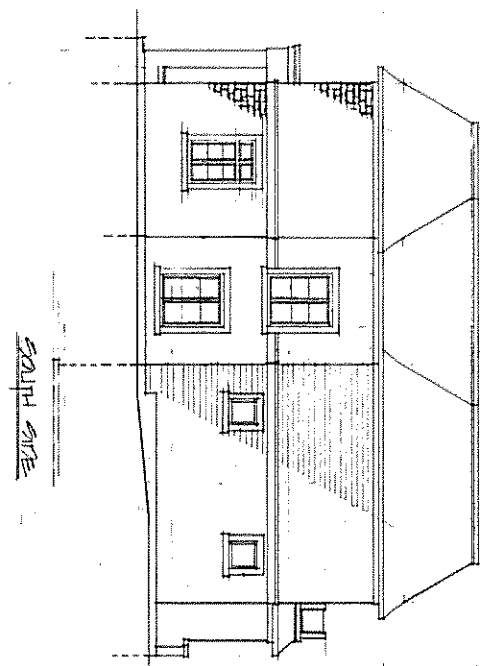


SITE PLAN
 SCALE: 1"=200'
 SITE INFORMATION DATA
 AREA OF LOT = 2809 M²
 AREA OF BUILDINGS = 2494 M²
 COVERAGE = 88.8%
 NET FLOOR AREA CALCULATION
 2171.4 + 0.09(2809 - 2171.4) x 0.47
 = 2011.0 x 0.47 = 946.27
 ALLOWABLE NFA = 946.27 M² (40%)
 PROPOSED NFA = 2689.0 M² (95%)

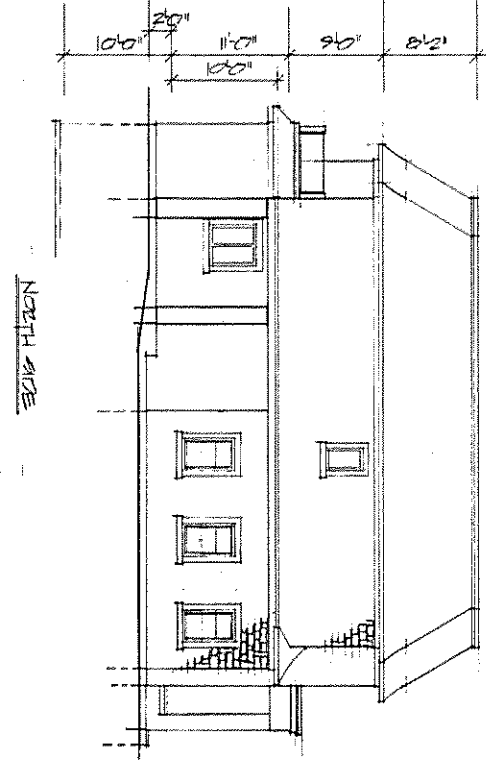
CLIENT NEW HOUSE DESIGN 177 WALE'S AVE CITY OF MARKHAM		DATE 07/30/19	
DESIGNER THE GREGORY DESIGN GROUP 18 CHURCH STREET MARKHAM, ONTARIO, L3P 1L8 (416) 720-1887 tsgs@gregorydesigngroup.net		PROJECT NO. 2102-19	
SCALE AS SHOWN		REVISIONS 1	



REAR ELEVATION - EAST



SOUTH SIDE



NORTH SIDE

PROJECT: NEW HOUSE DESIGN 17 WILLES AVE CITY OF MARKHAM	
THE GREGORY DESIGN GROUP 18 CHURCH STREET MARKHAM, ONTARIO, L3P 2L9 (416) 720-4887 usn@gregorydesigngroup.com	
SCALE: 1/4" = 1'-0"	PROJECT NO.: 2007
DATE: 2007	DRAWING NO.: 17