

Memorandum to the City of Markham Committee of Adjustment

March 01, 2019

File: A/169/18
Address: 3 Jonquil Cres, Markham
Applicant: Liu Jiayi
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday March 13, 2018

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 50.75 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.18 m, whereas the By-law permits a maximum building height of 9.8 m;

The Committee of Adjustment deferred the application on December 12, 2018, due to concerns regarding flooding and the visual massing and design of the proposed home. In response to the public and Committee of Adjustment's comments, the applicant submitted revised drawings on February 01, 2019 (Appendix 'B1') showing a reduced floor area ratio and building height.

The applicant is requesting relief to permit a maximum net floor area ratio 50.75 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent. This is a reduction from the original request for a floor area ratio of 51.90 percent. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of 403.78 m² (4,346.28 ft²), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m² (3,853.80 ft²). This represents an increase of approximately 45.75 m² (492.45 ft²).

The applicant is requesting relief to permit a maximum building height of 10.18 m (33.4 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.38 m (1.25 ft). Staff's comments dated December 12, 2018 (Appendix 'C1') remain applicable.

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, "*due to design constraints*".

Zoning Preliminary Review 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.

PUBLIC INPUT SUMMARY

As of February 15, 2019 the City received 1 letter of support and 1 letter expressing concerns over flooding, driveway damage, parking issues and design of the proposed dwelling. 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:



Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\ 18 256\11 \Documents\District Team Comments Memo

Appendices

- Appendix A1 – Conditions A/169/18
- Appendix B1 – Plans A/169/18
- Appendix C1 – Staff Report (December 12, 2018)

APPENDIX "A1"

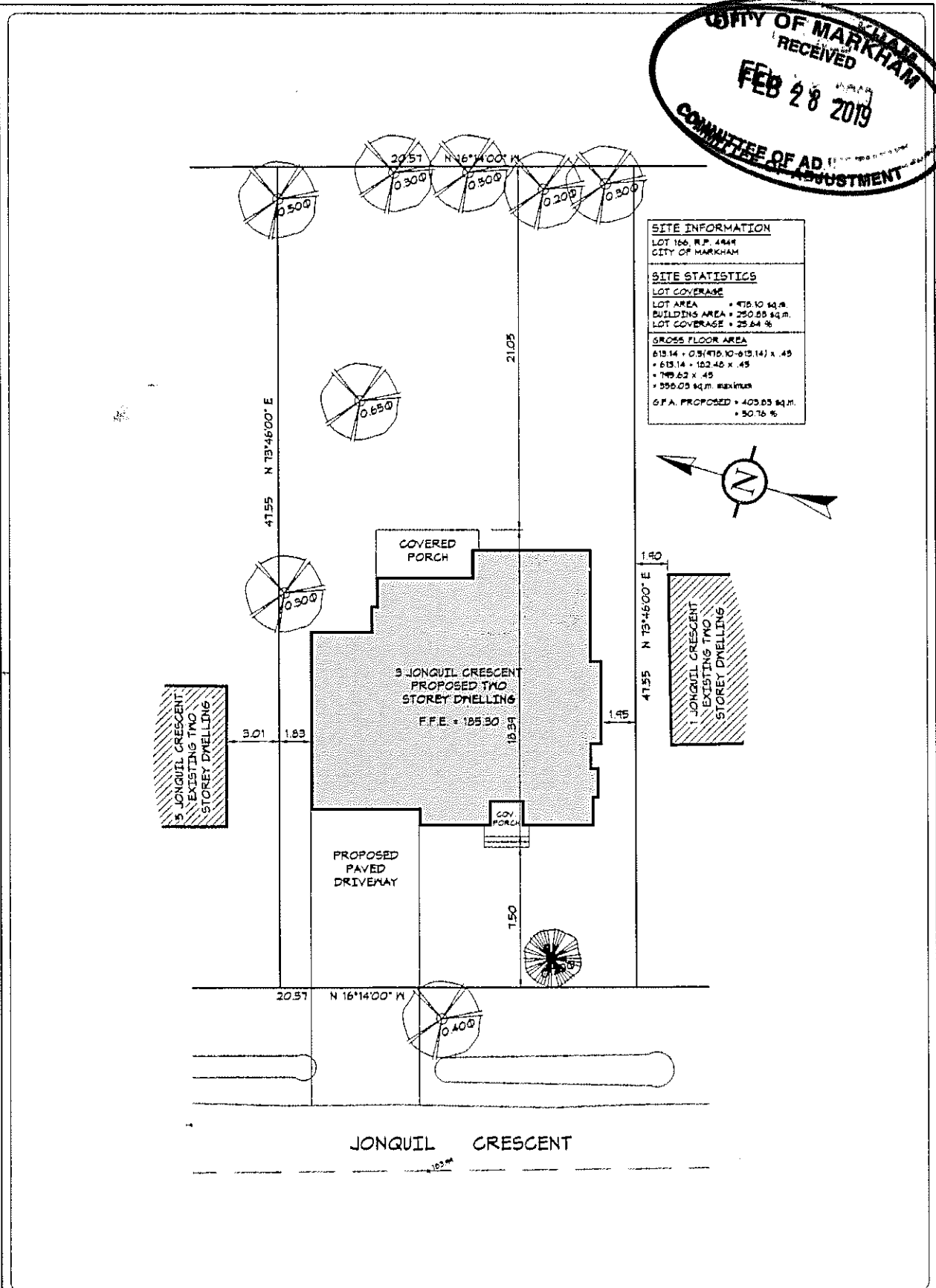
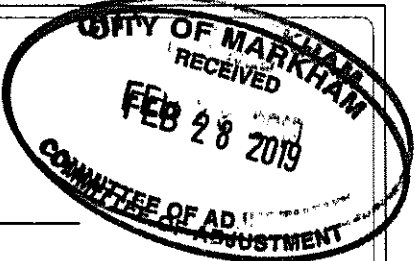
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18

1. That the front and rear 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 B1' to this Staff Report received by the City of Markham on February 28, 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



SITE INFORMATION	
LOT 156, R.P. 4844	CITY OF MARKHAM
SITE STATISTICS	
LOT COVERAGE	
LOT AREA = 418.10 sq.m.	BUILDING AREA = 250.89 sq.m.
LOT COVERAGE = 25.64 %	
GROSS FLOOR AREA	
613.14 = 0.51(418.10-0.13.14) x .45	
= 613.14 x 102.45 x .45	
= 789.62 x .45	
= 355.03 sq.m. maximum	
G.F.A. PROPOSED = 405.83 sq.m.	
= 90.76 %	



GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
- CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
- DO NOT SCALE DRAWINGS.
- OWNER / CONTRACTOR - DESIGNER IS RESPONSIBLE TO RE-CLASH AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
- THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

PROJECT TITLE

**SITE PLAN
3 JONQUIL CRESCENT
CITY OF MARKHAM**

**THE GREGORY
DESIGN GROUP**

50 MCINTOSH DRIVE, UNIT 140
MARKHAM, ONTARIO L3R 9T3
OFFICE (905) 479-4767
FAX (905) 479-6496
stane@gregorydesigngroup.net

SCALE: 1:200

DATE: 02/28/19

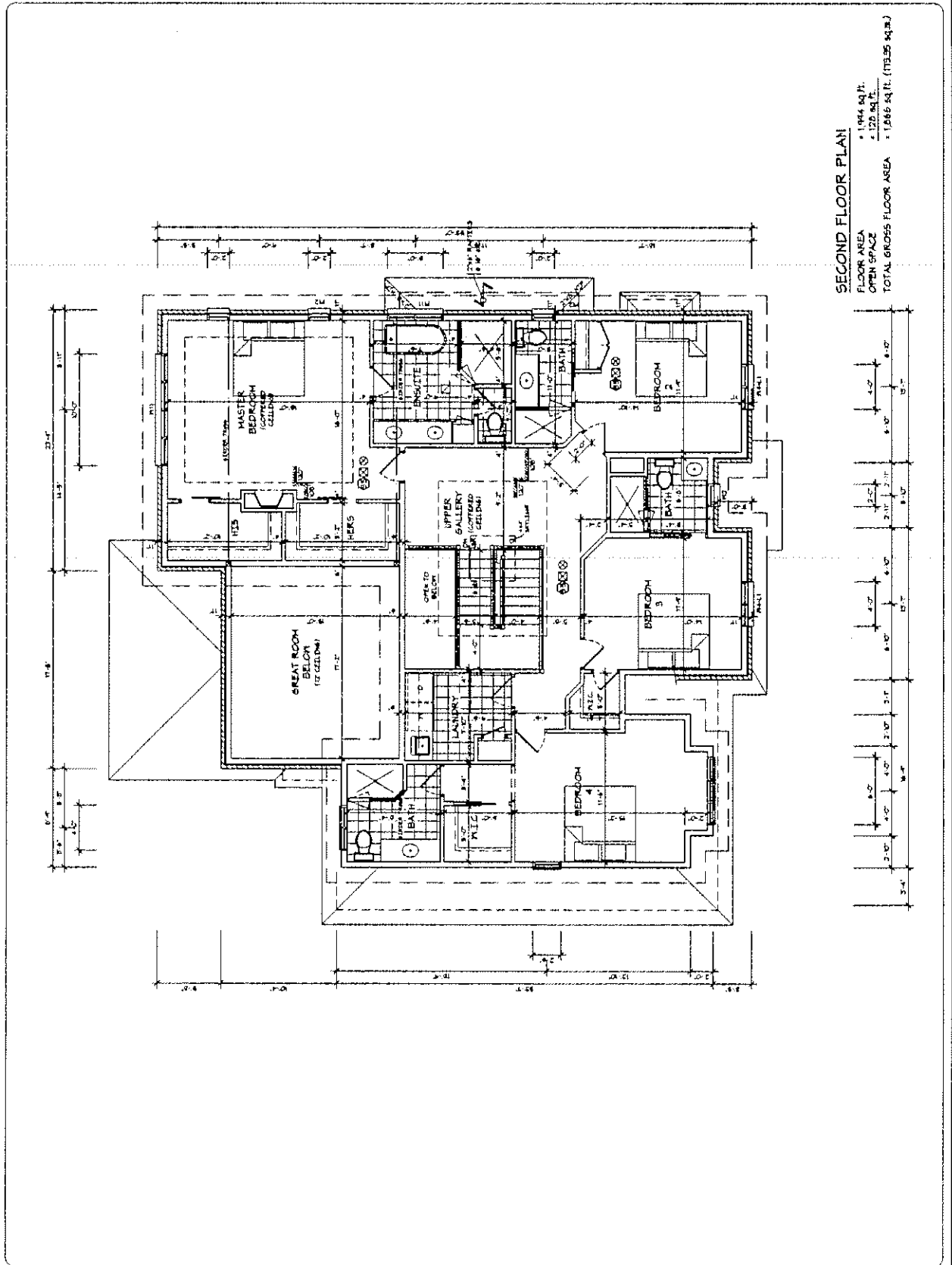
PROJECT NUMBER: 2101-18

SHEET NUMBER: SP-1

DRAWN BY: S.Gregory

CHECKED BY: R.G.

GENERAL NOTES: ALL CONSTRUCTION IS TO CONFORM TO SECTION 4 OF THE OBTAINED BUILDING CODE (LATEST EDITION). CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS. DO NOT SCALE DIMENSIONS. OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE FOR OBTAINING AND VERIFYING ALL PERMITS AND REGULATIONS AND PROVIDING COPIES OF THIS DRAWING. THESE REGULATIONS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY. BESTIMUM RESULTS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.	REVISIONS AND DATA DATE The undersigned has reviewed and approved this drawing and certifies that the information and specifications are correct and meet the requirements set out in the Ontario Building Code to the satisfaction of the Ontario Building Code.
	QUALIFICATION INFORMATION Registered Architect - Ontario, License No. 21751 of the Ontario Building Code
PROJECT TITLE NEW HOUSE DESIGN 3 JONGUIL CRESCENT CITY OF MARKHAM	PROJECT NUMBER 2101-18 DESIGN BY S. Gregory CHECKED BY R.G.
THE GREGORY DESIGN GROUP 50 MCINTOSH DRIVE, UNIT 140 MARKHAM, ONTARIO L3R 9T3 TEL: (905) 479-6435 FAX: (905) 479-6435 share@gregorydesigngroup.ca	SCALE 1/8" = 1'-0" DATE 02/28/19



SECOND FLOOR PLAN
 FLOOR AREA • 1,944 sq.ft.
 OPEN SPACE • 122 sq.ft.
 TOTAL GROSS FLOOR AREA • 1,822 sq.ft.

Memorandum to the City of Markham Committee of Adjustment

December 03, 2018

File: A/169/18
 Address: 3 Jonquil Cres, Markham
 Applicant: Liu Jiayi
 Agent: Gregory Design Group (Russ Gregory)
 Hearing Date: Wednesday December 12, 2018

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 50.90 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (iii):**
 a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) **Infill By-law 99-90, Section 1.2 (i):**
 a maximum building height of 10.40 m, whereas the By-law permits a maximum building height of 9.8 m;

as it relates to a proposed two storey residential dwelling.

BACKGROUND

Property Description

The 978.10 m² (10,528.18 ft²) subject property is located on the east side of Jonquil Crescent, North of Highway 7 and west of Main Street Markham. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The street has experienced some infill development in the form of individual homes being demolished and redeveloped with newer homes. There is an existing one-storey detached 358.03 m² (3,853.80 ft²) dwelling on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with an attached garage and, front and rear covered porches. While the garage has the appearance of a two-car garage from the street, it can accommodate a third vehicle parking in tandem. The total GFA of the proposed dwelling is 404.85 m² (4,358 ft²) with 230.48 m² (2,481 ft²) on the ground floor and 174.37 m² (1,877 ft²) on the second floor (excluding open space).

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 "One Family Detached Dwellings (R1)" 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 infill By-law requirements with respect to maximum floor area ratio, maximum building depth and maximum building height.

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, "*due to design constraints*".

Zoning Preliminary Review 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 50.90 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 404.85 m² (4,358 ft²), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m² (3,853.80 ft²). This represents an increase of approximately 46.82 m² (503.97 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).

The street is made up of single storey detached dwellings developed around the late 1950s. There are also a number of two-storey detached dwellings constructed as infill developments over the past decade. The majority of the new infill homes are larger than existing homes on the street and, have included minor variance approvals for net floor rear ratio increases ranging from approximately 50.6 to 52 percent. While the proposed building will be larger than neighbouring single-storey detached dwellings, it will be similar in scale to recent infill developments across the street which have had minor variances approved in the last 5 years.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.4 m (60.37 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.6 m (5.25 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 proposed front and rear covered porches add approximately 1.02 m (3.35 ft) and 0.61 m (2 ft) respectively to the overall depth of the building. The proposed porches occupy a small portion of the front and rear walls and maintain adequate distance from neighbouring properties, including providing the minimum front and rear yard setbacks. The proposal does not include variances for any setbacks and provides adequate rear amenity space. The main component of the building, excluding the porches, has a depth of approximately 16.77 m (55.02 ft) which complies with the by-law requirement. Given that the porches will be unenclosed and that both the front and rear porch and, do not extend the full width of the main dwelling, Staff are of the opinion that the proposed building depth meets the intent of the zoning By-law.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.4 m (34.12 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.6 m (1.97 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 0.52 m (1.71 ft) above the crown of road.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 03, 2018. 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.

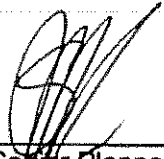
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District


File Path: AmandalFile\18 256111 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18

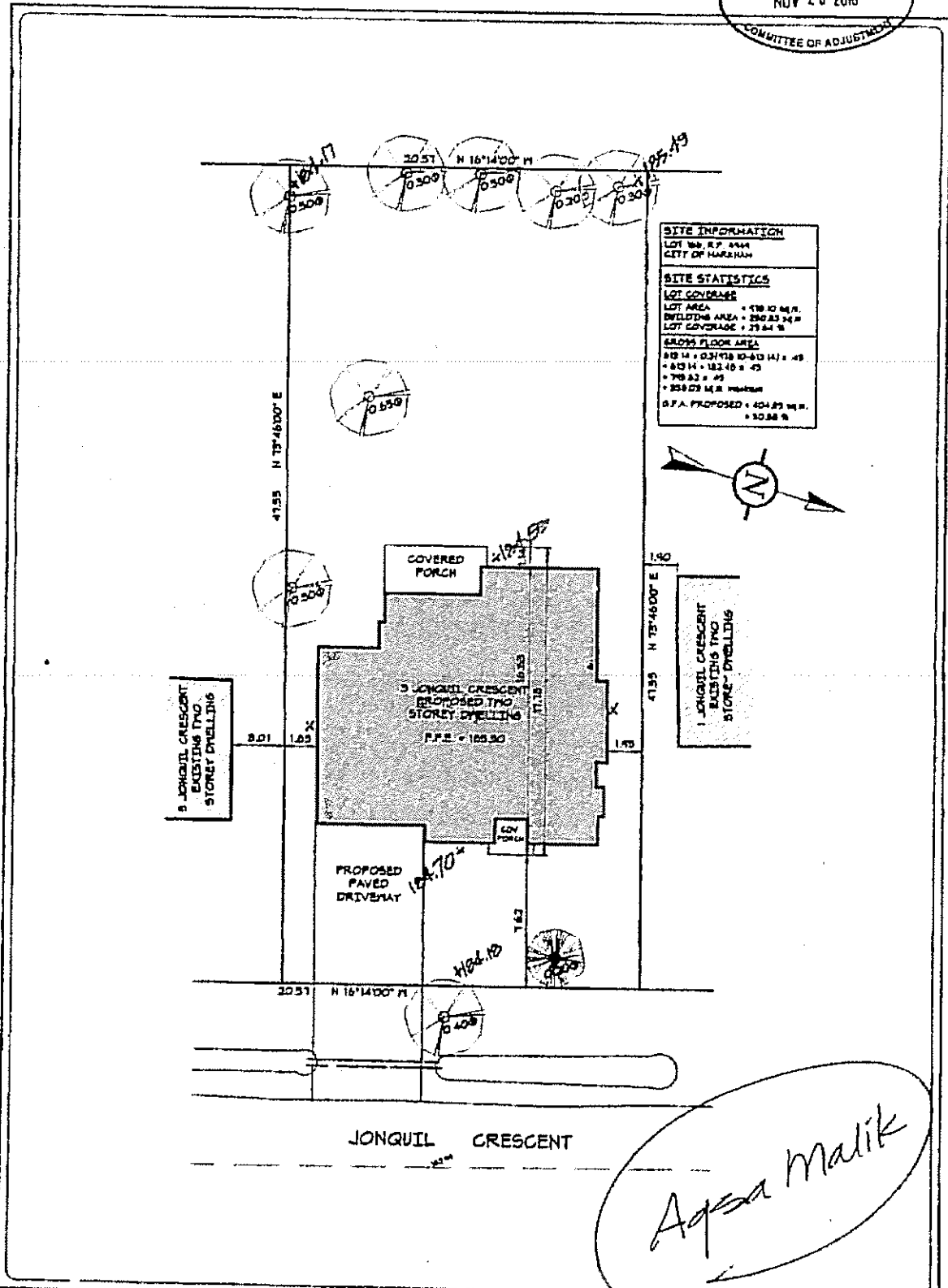
1. That the front and rear porches remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on October 30, 2018 and November 28, 2018, 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

CITY OF MARKHAM RECEIVED
 NOV 28 2018
 COMMITTEE OF ADJUSTMENT



SITE INFORMATION	
LOT NO. R.P. 2444	
CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 478.10 sq. ft.
BUILDING AREA	= 290.83 sq. ft.
LOT COVERAGE	= 29.44 %
GROSS FLOOR AREA	
810 sq. ft. (23'11\"/>	
813 sq. ft. (23'11\"/>	
795.82 sq. ft.	
259.07 sq. ft. (32.74 %)	
G.F.A. PROPOSED	= 404.87 sq. ft.
	= 30.88 %



Adisa Malik

GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION 47 OF THE ONTARIO BUILDING CODE (LATEST EDITION).
- CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
- DO NOT SCALE DIMENSIONS.
- OWNER / CONTRACTOR / BUILDER IS RESPONSIBLE TO RE-CLAY AND DESTROY ALL PIV. PLANS AND OR REVISED COPIES OF THIS DRAWING.
- PLANS OR INSTRUMENT ARE THE PROPERTY OF THE ARCHITECT DESIGN GROUP AND / OR ITS CLIENTS ONLY.
- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

TITLE

SITE PLAN
 3 JONQUIL CRESCENT
 CITY OF MARKHAM

THE GREGORY DESIGN GROUP

30 MCNICOLL DRIVE, UNIT 140
 MARKHAM, ONTARIO L3R 9T3
 OFFICE (905) 475-4167
 FAX (905) 475-0496
 shah@gregorydesigngroup.net

SCALE
 1:200

PROJECT NUMBER
 2101-18

DRAWN BY
 S. Gregory

CHECKED BY
 R.G.

DATE
 10/16/18

PROJECT NUMBER
 SP-1

