

# Memorandum to the City of Markham Committee of Adjustment

January 09, 2018

**File:** A/171/18  
**Address:** 46 Woodward Ave, Thornhill  
**Applicant:** Saeed Tamiji & Shohreh Haghgooian  
**Agent:** Nahid Koohi  
**Hearing Date:** Wednesday January 23, 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) **By-law 101-90 Section 1.2(vii):**  
a maximum floor area ratio of 52.9 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;
- b) **Section 6.1:**  
a minimum west side yard setback of 1.51 metres and a minimum east side yard setback of 1.53 metres; whereas the By-law requires a minimum interior side yard setback of 1.8 metres on both sides;
- c) **By-law 101-90 Section 1.2(i):**  
a maximum building height of 8.9 metres, whereas the By-law permits a maximum building height of 8.6 metres;

as they relate to a proposed two storey residential dwelling.

## BACKGROUND

### Property Description

The 650.05 m<sup>2</sup> (6,997.08 ft<sup>2</sup>) subject property is located on the north side of Woodward Avenue, east of Yonge Street and north of Steeles Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings originally developed in the 1950s. The area 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 109 m<sup>2</sup> (1,177 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1950. Vegetation exists across the property including a hedge on the south-west side of the property.

### Proposal

The applicant is proposing to construct a new two-storey detached 325.52 m<sup>2</sup> (3,503.87 ft<sup>2</sup>) dwelling on the property. The proposal also includes a rear deck and a rear basement walkout.

### 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 2237

The subject property is zoned Fourth Density single Family Residential 'R4' in By-law 2237, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum side yard setbacks.

#### 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.

#### **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 owner needs more space for a growing family"*.

#### **Zoning Preliminary Review Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) 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.

#### **Reduction in Side Yard Setback**

The applicant is requesting relief to permit a minimum west side yard setback of 4.95 ft (1.51 m) and a minimum east side yard setback of 5.02 ft (1.53 m), whereas the By-law requires a minimum side yard setback of 6 ft (1.8 m). This represents a reduction of approximately 0.95 ft (0.29 m) and 0.88 ft (0.27 m) respectively. Staff are of the opinion that the request for side yard setbacks is generally consistent with what the by-law permits.

#### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 8.9 m (29.2 ft), whereas the By-law permits a maximum building height of 8.6 m (28.2 ft). This represents an increase of approximately 0.3 m (1 ft) or, approximately 3.49 percent.

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.

While the proposed dwelling will be taller than the existing one-storey detached dwelling to the west, it is similar in scale to the existing two-storey detached dwelling to the east and, generally in keeping with other infill homes in the immediate vicinity.

### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 52.91 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 325.52 m<sup>2</sup> (3,503.87 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 307.67 m<sup>2</sup> (3,311.73 ft<sup>2</sup>). This represents an increase of approximately 17.85 m<sup>2</sup> (192.14 ft<sup>2</sup>), or approximately 5.8 percent.

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). In addition to the space associated with the stairs, there is an approximately 17.22 m<sup>2</sup> (185.36 ft<sup>2</sup>) open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law. If the open to below area were to be enclosed, the floor area ratio would increase to approximately 55.7 percent.

A number of infill developments on the street have had similar increases in floor area ratio ranging from 53.9 to 59 percent. The proposed dwelling has a similar building height, floor area ratio and yard setbacks to neighbouring homes 42 and 48 Woodward Avenue which, have received variances for floor area ratio, side yard setbacks and height (in 2012) exceeding those requested by 46 Woodward Avenue. While the proposed home will be larger than existing one-storey detached homes constructed in the 1950s, it is generally consistent with new infill homes in the immediate vicinity. The proposed dwelling will also maintain the existing front and rear yard setback and, is generally consistent with the front yard setback pattern in relation to neighbouring homes. Staff are of the opinion that the proposed increase in gross floor area is appropriate and meets the general intent and purpose of the infill by-law.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 09, 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:



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Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



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David Miller, Development Manager, West District

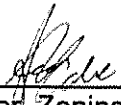
File Path: Amanda\File\ 18 257274 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/171/18**

1. That the front covered porch remain unenclosed;
2. That the rear deck and rear basement walkout remain uncovered;
3. The variances apply only to the proposed development as long as it remains;
4. 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 November 20, 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;
5. 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;
6. 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;
7. 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

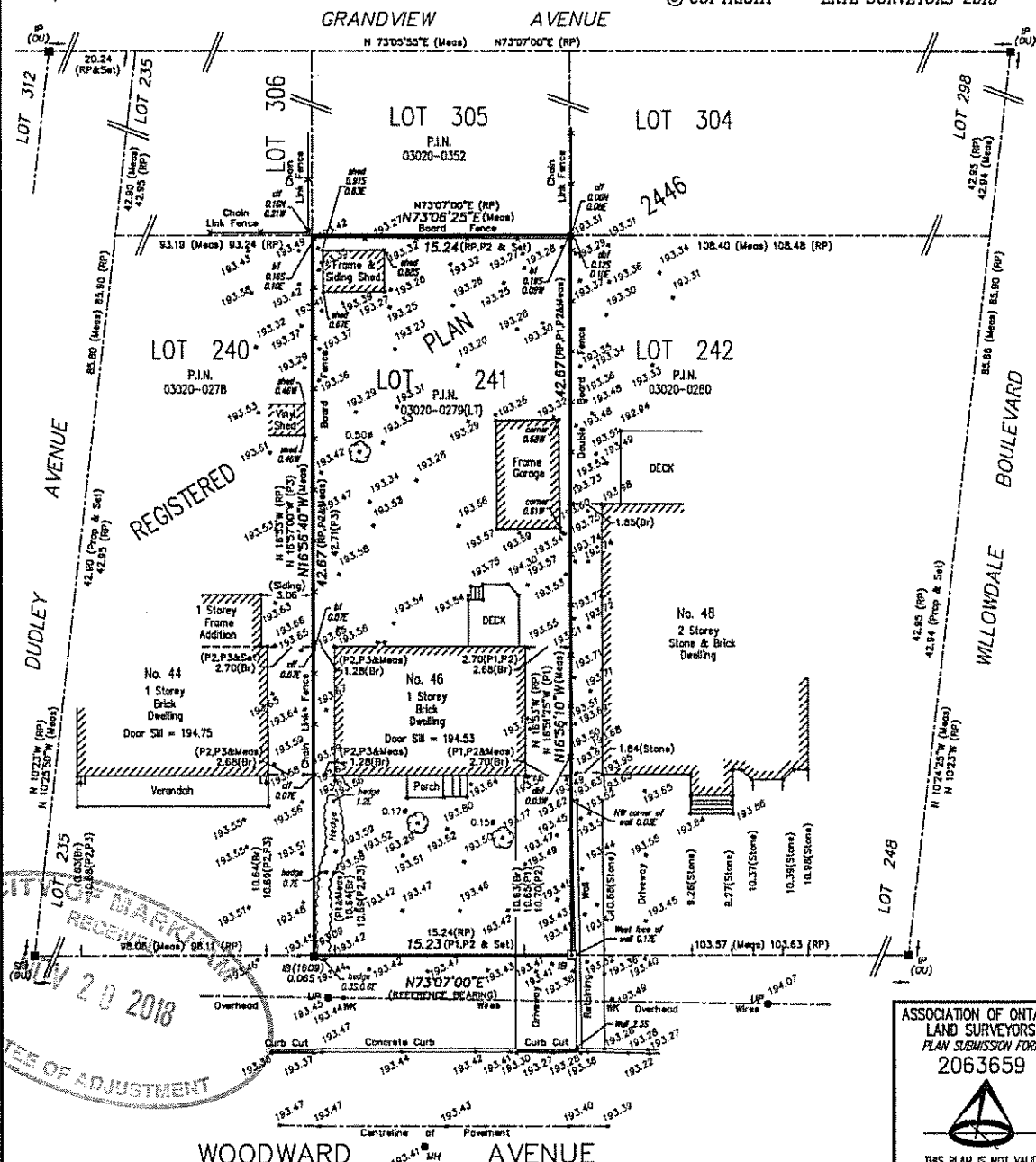
**Benchmark**  
 City of Markham  
 Benchmark No. M-01-015  
 Elevation 178.242

**Part 2**  
 Fences as shown.  
 No Registered Easements  
 or Rights of Way.  
 Survey prepared for, Mr. A. Rad.

**SURVEYOR'S REAL PROPERTY REPORT, PART 1**  
**PLAN OF LOT 241,**  
**REGISTERED PLAN 2446**  
**CITY OF MARKHAM**  
**REGIONAL MUNICIPALITY OF YORK**

**Metric**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE 1:250  
 0 1 2 3 4 5 10 20 metres  
 © COPYRIGHT ERTL SURVEYORS 2018



**Notes**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF WOODWARD AVENUE AS SHOWN ON REGISTERED PLAN 2446, HAVING A BEARING OF N 73°07'00"E.  
 (BY REGISTERED PLAN 2446)  
 P.I.N. 03020-0502

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB STANDARD IRON BAR
- IB IRON BAR
- IP IRON PIPE
- WT WITNESS
- Meas MEASURED
- RP REGISTERED PLAN 2446
- P1 SURVEY BY ERTL SURVEYORS, O.L.S. DATED SEPTEMBER 28th, 2012.
- P2 SURVEY BY W.S. GIBSON & SONS, O.L.S. DATED DECEMBER 8th, 1950.
- P3 SURVEY BY PAUL KIDD, O.L.S. DATED SEPTEMBER 9th, 1994.
- 1609 PAUL KIDD, O.L.S.
- Prop PROPORTIONED

**Surveyor's Certificate**

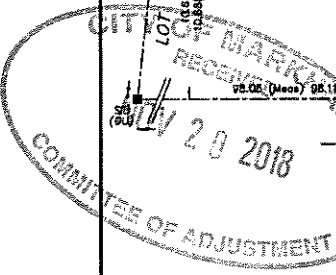
I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON SEPTEMBER 28th, 2018.

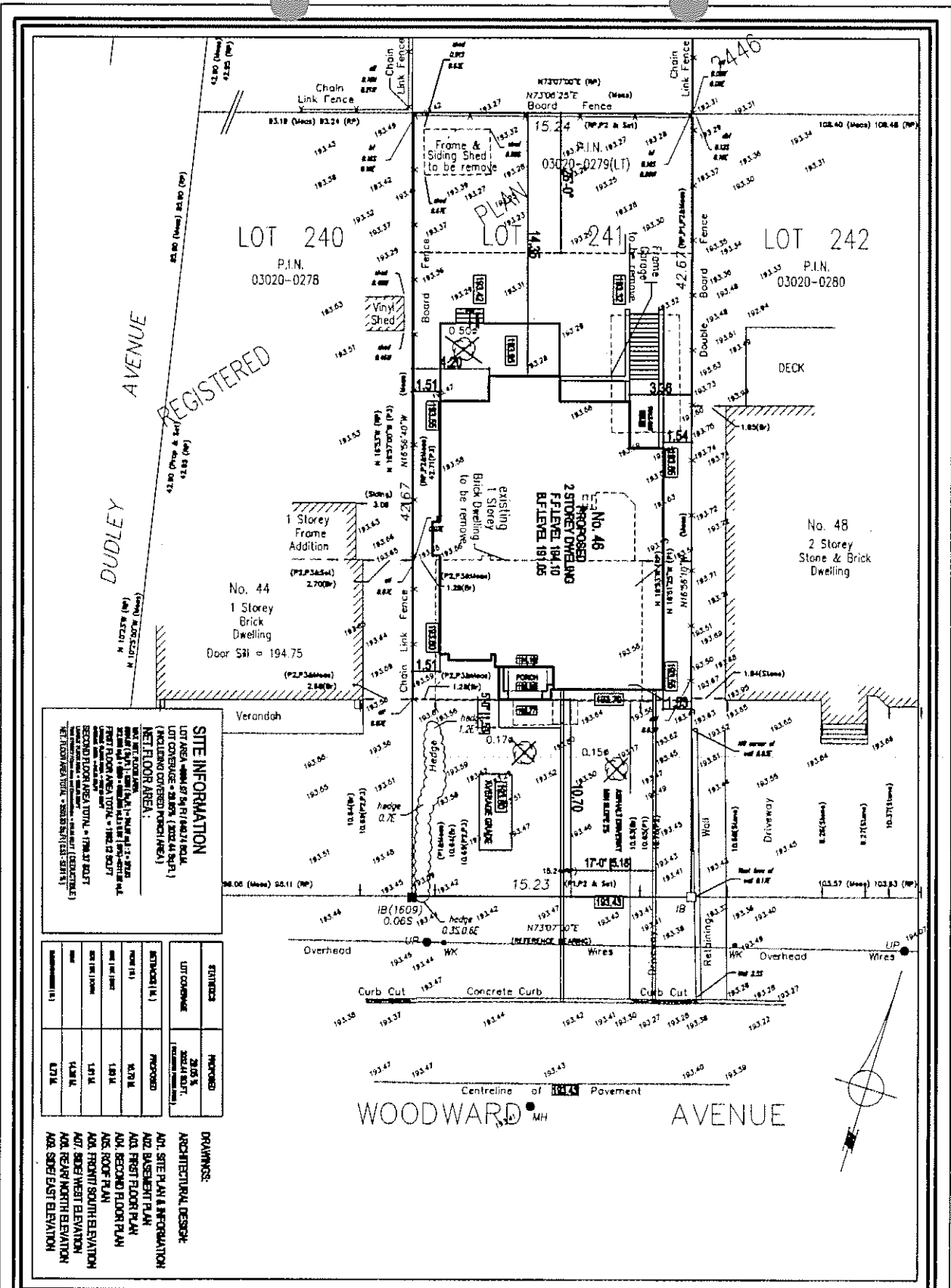
SEPTEMBER 29th, 2018. *S.M. Yadollahi*  
 Date S.M. YADOLLAHI  
 Ontario Land Surveyor

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 2063659

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3).

**ertl surveyors**  
 Ontario Land Surveyors  
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@ertl-ols.com  
 DRAWING : 18-337-TOPO.DWG PROJECT : 18-337





**SITE INFORMATION**  
 LOT AREA 884.87 SQ. METERS (21.75 ACRES)  
 LOT COVERED 24.5% (522.77 SQ. METERS)  
 LOT COVERED 24.5% (522.77 SQ. METERS)  
 NET FLOOR AREA:  
 GROUND FLOOR AREA TOTAL = 179.37 SQ. METERS (395.77 SQ. FEET)  
 SECOND FLOOR AREA TOTAL = 179.37 SQ. METERS (395.77 SQ. FEET)  
 TOTAL FLOOR AREA TOTAL = 358.74 SQ. METERS (791.54 SQ. FEET)

EXISTENCES	PROPOSED
LOT COVERED	24.5%
NET FLOOR AREA	358.74
GROUND FLOOR AREA	179.37
SECOND FLOOR AREA	179.37
TOTAL FLOOR AREA	358.74

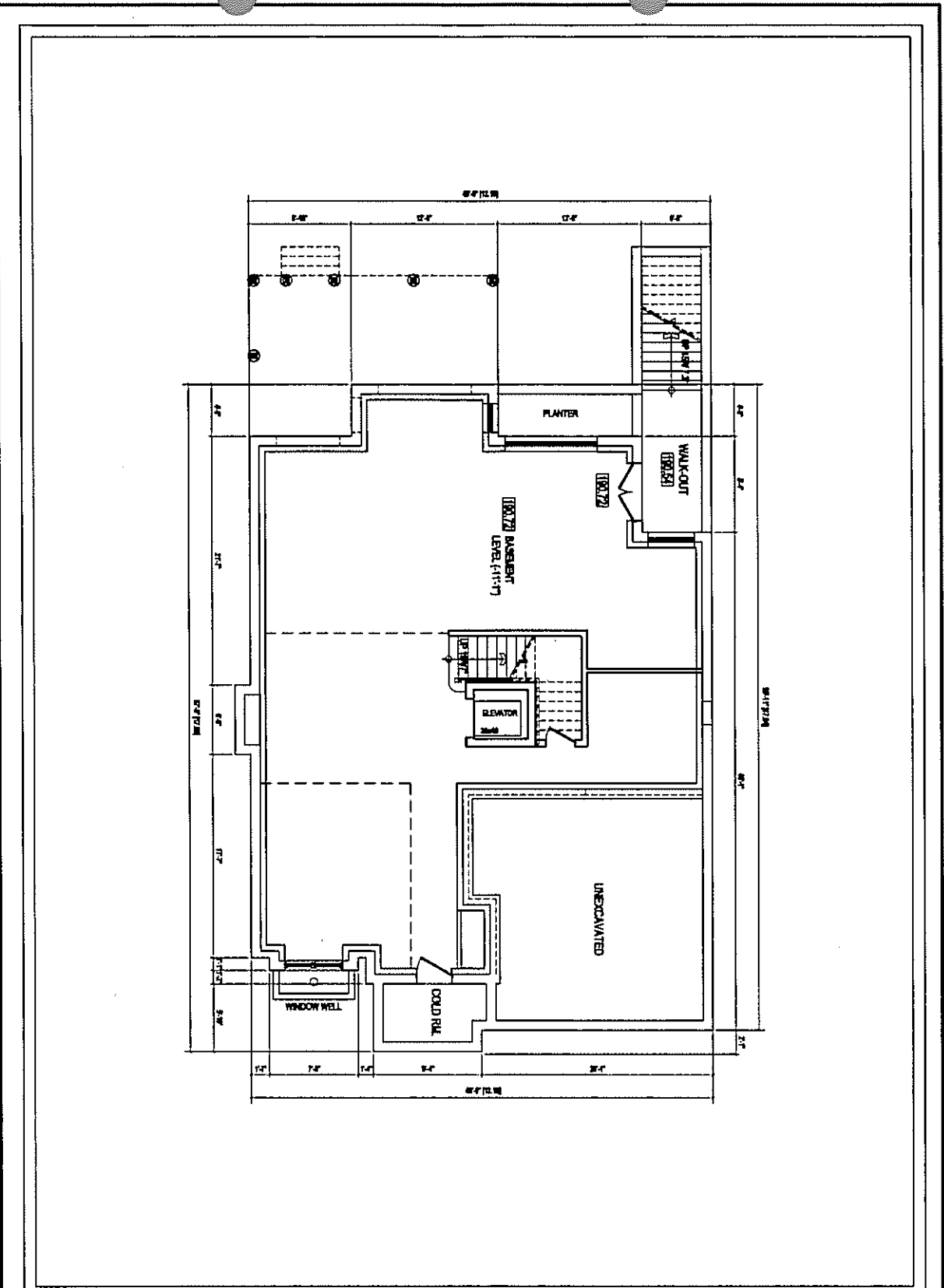
**DRAWINGS:**  
 ARCHITECTURAL DESIGN:  
 AN. SITE PLAN & INFORMATION  
 AN. BASEMENT PLAN  
 AN. FIRST FLOOR PLAN  
 AN. SECOND FLOOR PLAN  
 AN. ROOF PLAN  
 AN. FRONT SOUTH ELEVATION  
 AN. REAR NORTH ELEVATION  
 AN. SIDE EAST ELEVATION

**48 WOODWARD AVENUE**  
**2 STOREY DWELLING**  
**PAAR ARCHITECTURE**  
 25 BROAD STREET, SUITE 200  
 NEWTON, MASSACHUSETTS 02459  
 TEL: 617.552.1100 FAX: 617.552.1101  
 WWW.PAARARCHITECTURE.COM

**REVISION NOTES**

NO.	DATE	DESCRIPTION
1	18/11/2014	ISSUED FOR PERMITS
2	27/01/2015	REVISED PER PERMITS

**A 01**



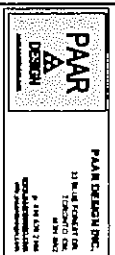
NO.	DATE	DESCRIPTION
1	10/11/2018	ISSUED FOR ESTIMATE REVIEW
2	09/11/2019	ISSUED FOR COA

**OWNER:**  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
 DRIV:

**PROJECT:**

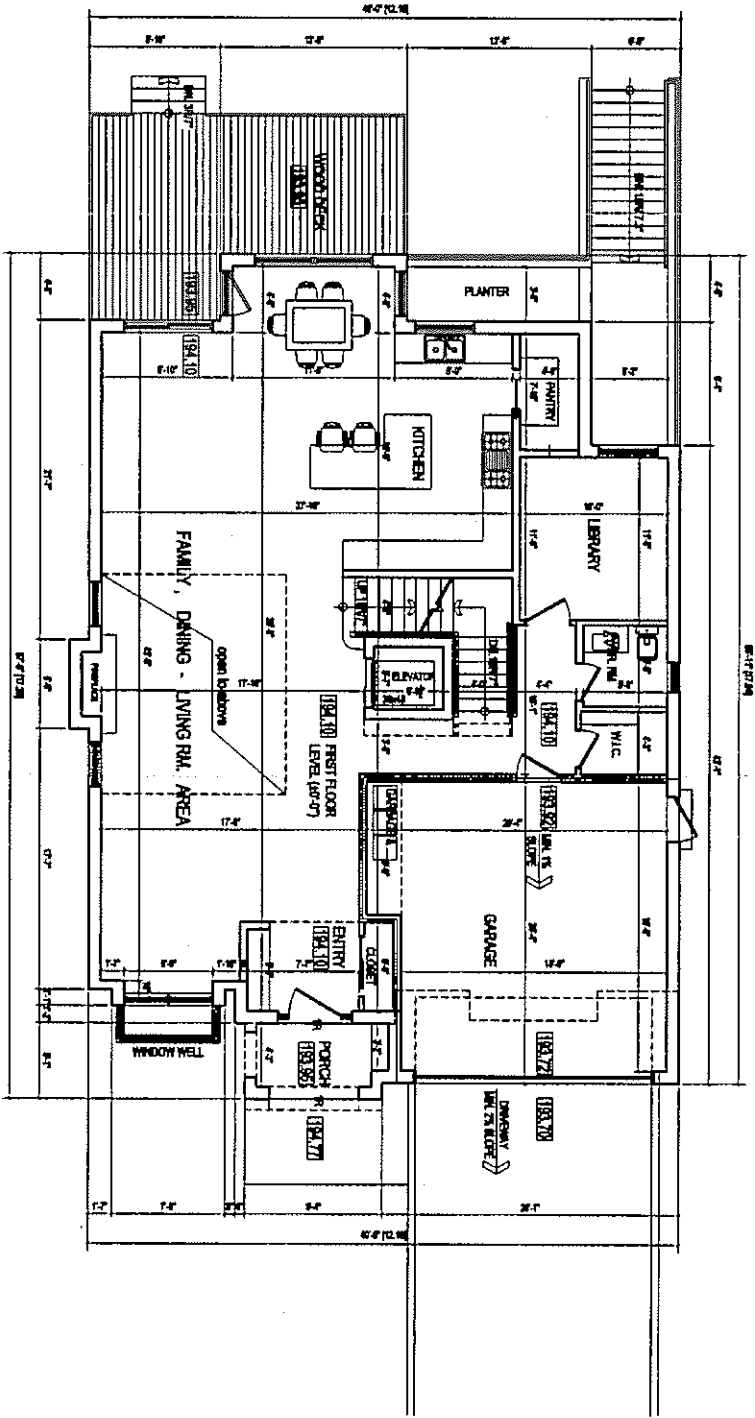
**DATE:** 10/11/2018

**SCALE:** 1/8" = 1'-0"



A02





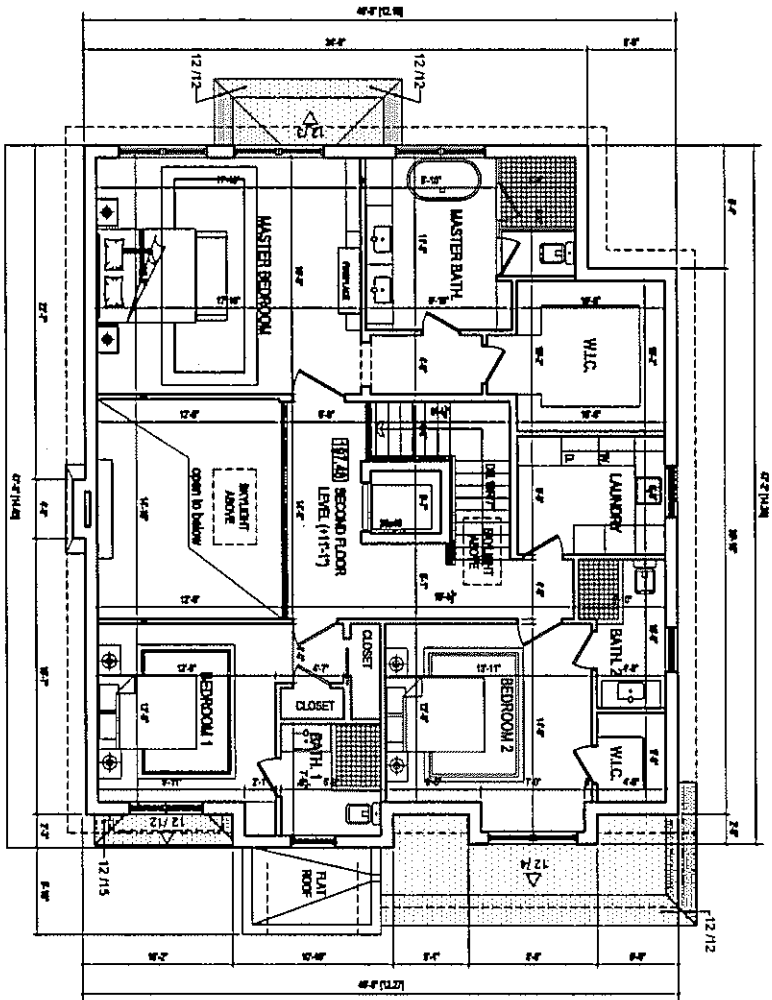
NO.	DATE	DESCRIPTION
1.	10.11.2014	ISSUED FOR PERMITS REVIEW
2.	28.11.2014	ISSUED FOR COA

This drawing was prepared for the purpose of the design of the building and is not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing. The client shall be responsible for the accuracy of the information provided to the architect. The architect shall not be responsible for any delays or costs incurred by the client as a result of the client's failure to provide the information in a timely manner. The architect shall not be responsible for any changes to the design of the building after the date of issue of this drawing. The architect shall not be responsible for any costs incurred by the client as a result of the client's failure to provide the information in a timely manner. The architect shall not be responsible for any delays or costs incurred by the client as a result of the client's failure to provide the information in a timely manner.

**PROJECT:**  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
 DRW:  
**FIRST FLOOR PLAN**  
 scale 1/8"=1'-0"

**PAAR DESIGN**  
 PLANNING DESIGN INC.  
 22 N.W. 103rd Ave.  
 Fort Lauderdale, FL 33324  
 Tel: 954.578.7777  
 Fax: 954.578.7778  
 Email: info@paardesign.com

A 03



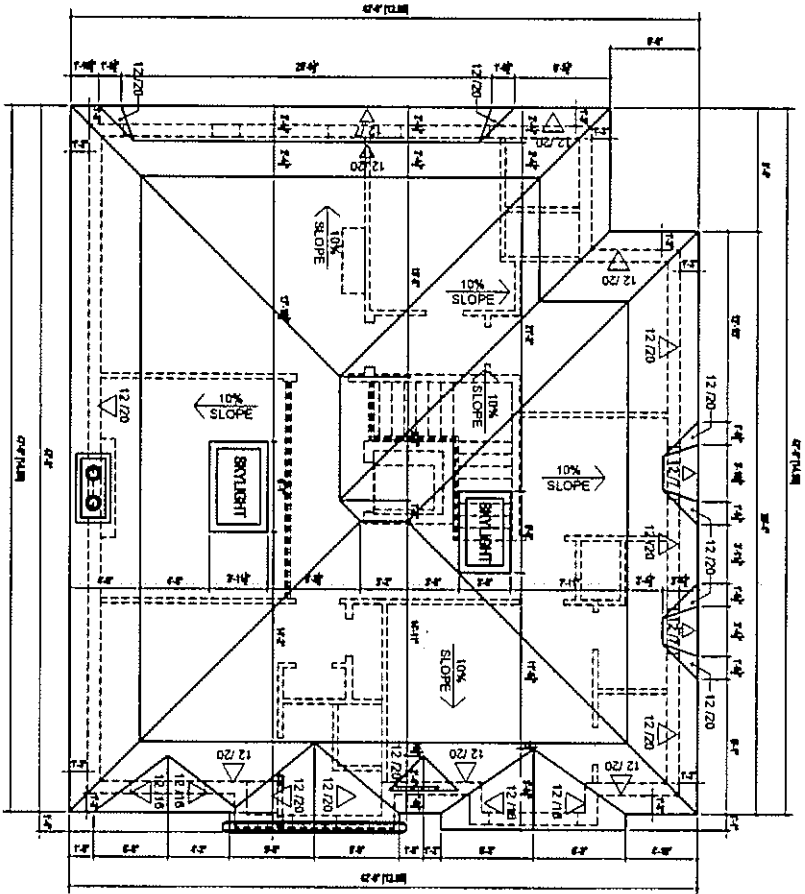
NO.	DATE	DESCRIPTION
1	10/11/2011	DESIGN FOR 2-STOREY DWELLING
2	10/11/2011	DESIGN FOR COA

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 5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
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 8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

PROJECT:  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
 DRAWN:  
 SECOND FLOOR PLAN  
 scale 1/8"=1'-0"

**PAAR DESIGN**  
 PAAR DESIGN INC.  
 1200 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 FAX: 303.733.1112  
 WWW.PAARDESIGN.COM

**A 04**



DATE	DESCRIPTION
1. 08.11.2018	ISSUED FOR BOARD REVIEW
2. 20.11.2018	ISSUED FOR COA

The undersigned hereby certifies that the drawings herein are the work of the undersigned or under the direct supervision and control of the undersigned and that the undersigned is a duly qualified and registered professional person in the profession of architecture in the Republic of South Africa.

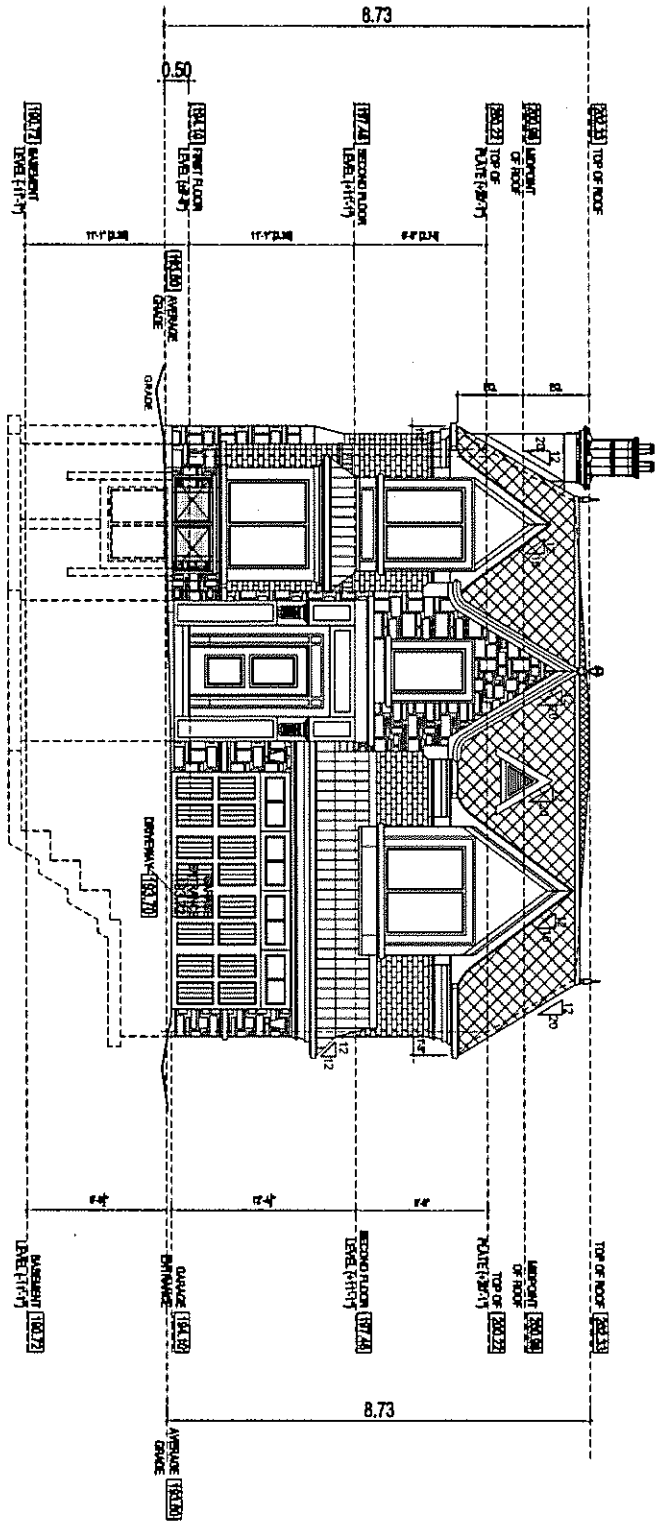
I hereby certify that the drawings herein are the work of the undersigned or under the direct supervision and control of the undersigned and that the undersigned is a duly qualified and registered professional person in the profession of architecture in the Republic of South Africa.

Name: **PAAR DESIGN**  
 Address: **22 M. J. CLIFTON ST. TORRENTIA, 1901**  
 Telephone: **021 959 1000**  
 Fax: **021 959 1001**  
 Email: **info@paardesign.co.za**  
 Website: **www.paardesign.co.za**

**PROJECT:**  
**46 WOODWARD AVENUE**  
**2 STOREY DWELLING**  
**DRW:**  
**ROOF PLAN**  
**Scale 1/8"=1'-0"**

**PAAR DESIGN INC.**  
 22 M. J. CLIFTON ST.  
 TORRENTIA, 1901  
 TEL: 021 959 1000  
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**A 05**



NO.	DATE	DESCRIPTION
1.	10/11/2018	ISSUED FOR ZONING REVIEW
2.	01/11/2018	ISSUED FOR COA

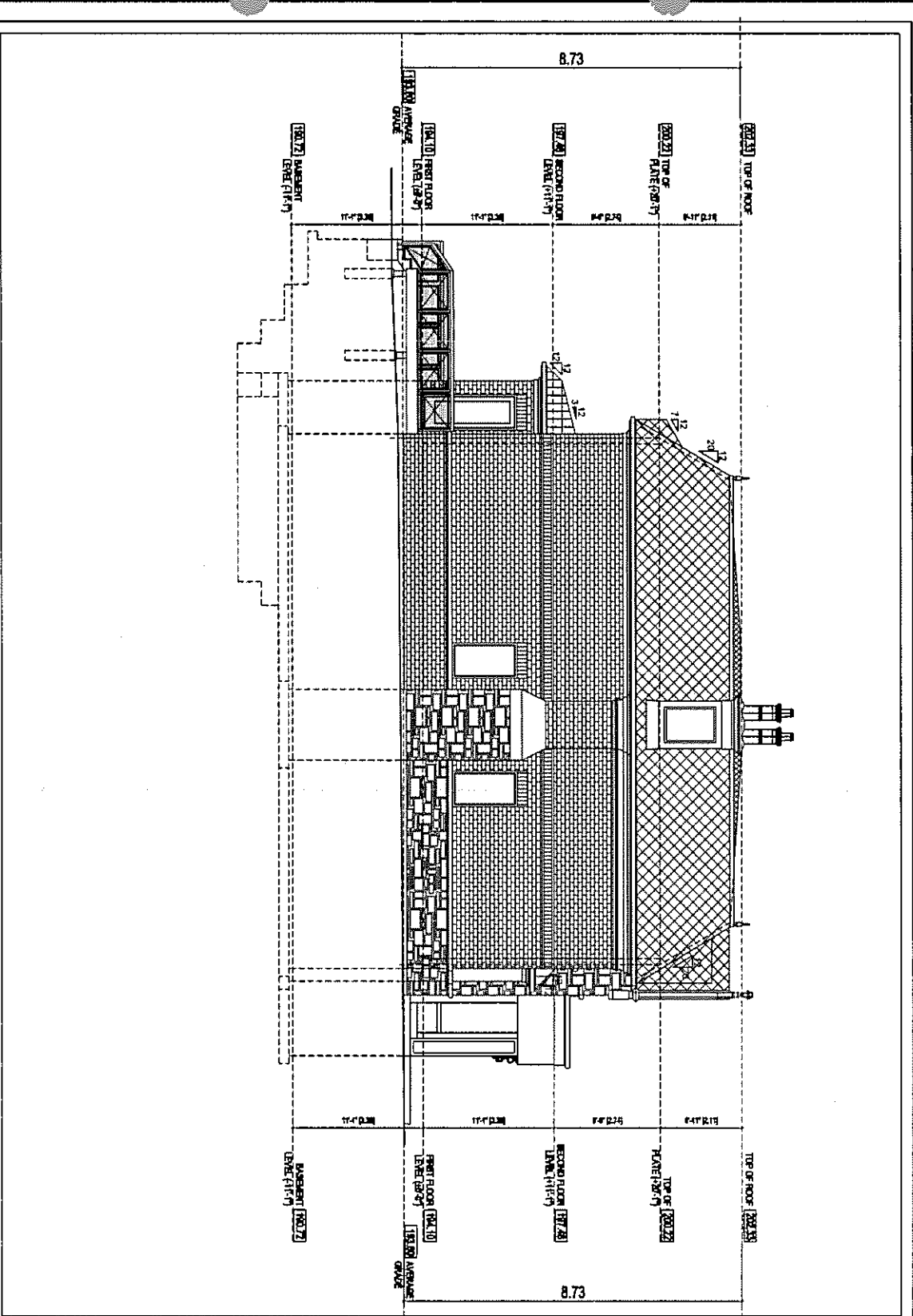
PAAR DESIGN INC.  
 22 BIRCH STREET, SUITE 200  
 TORONTO, ONTARIO M5S 1A6  
 TEL: 416-461-1100  
 WWW.PAARDDESIGN.COM

**PROJECT:**  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
**DRW:**  
 FRONT/ SOUTH  
 ELEVATION  
 scale 1/8"=1'-0"

**PAAR**  
DESIGN

PAAR DESIGN INC.  
22 BIRCH STREET, SUITE 200  
TORONTO, ONTARIO M5S 1A6  
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A 06



NO.	DATE	DESCRIPTION
1.	10/11/2016	ISSUED FOR EXHIBIT REVIEW
2.	09/11/2016	ISSUED FOR COA

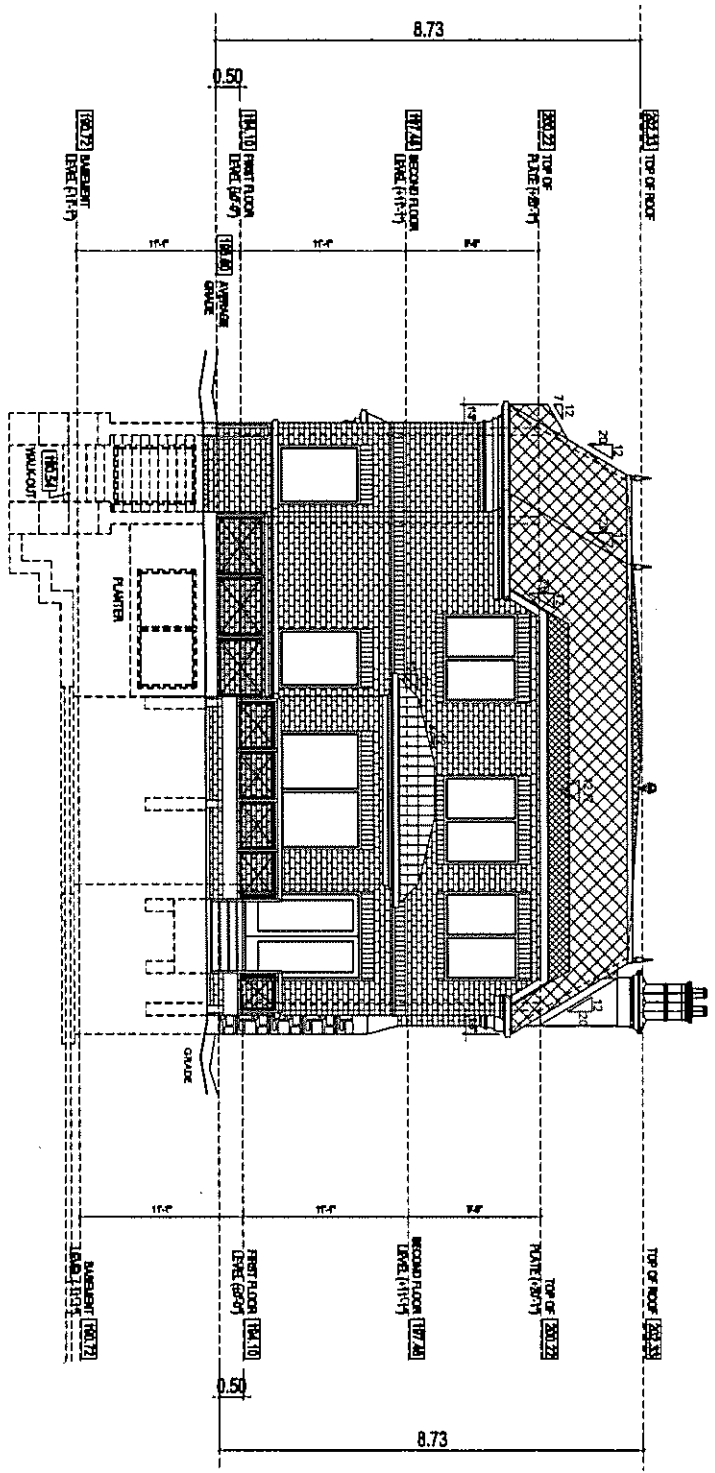
PAAR DESIGN INC.  
 71 WOOD STREET  
 SUITE 100  
 WILMINGTON, DE 19804  
 TEL: 302.486.1111  
 WWW.PAARDDESIGN.COM

PROJECT:  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
 DRAWN:  
 SIDE/WEST  
 ELEVATION  
 SCALE: 1/8"=1'-0"

DATE: 10/11/2016  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO.: 1704

**PAAR**  
**DESIGN**  
ARCHITECTURE  
INTERIOR DESIGN  
LANDSCAPE ARCHITECTURE

A07



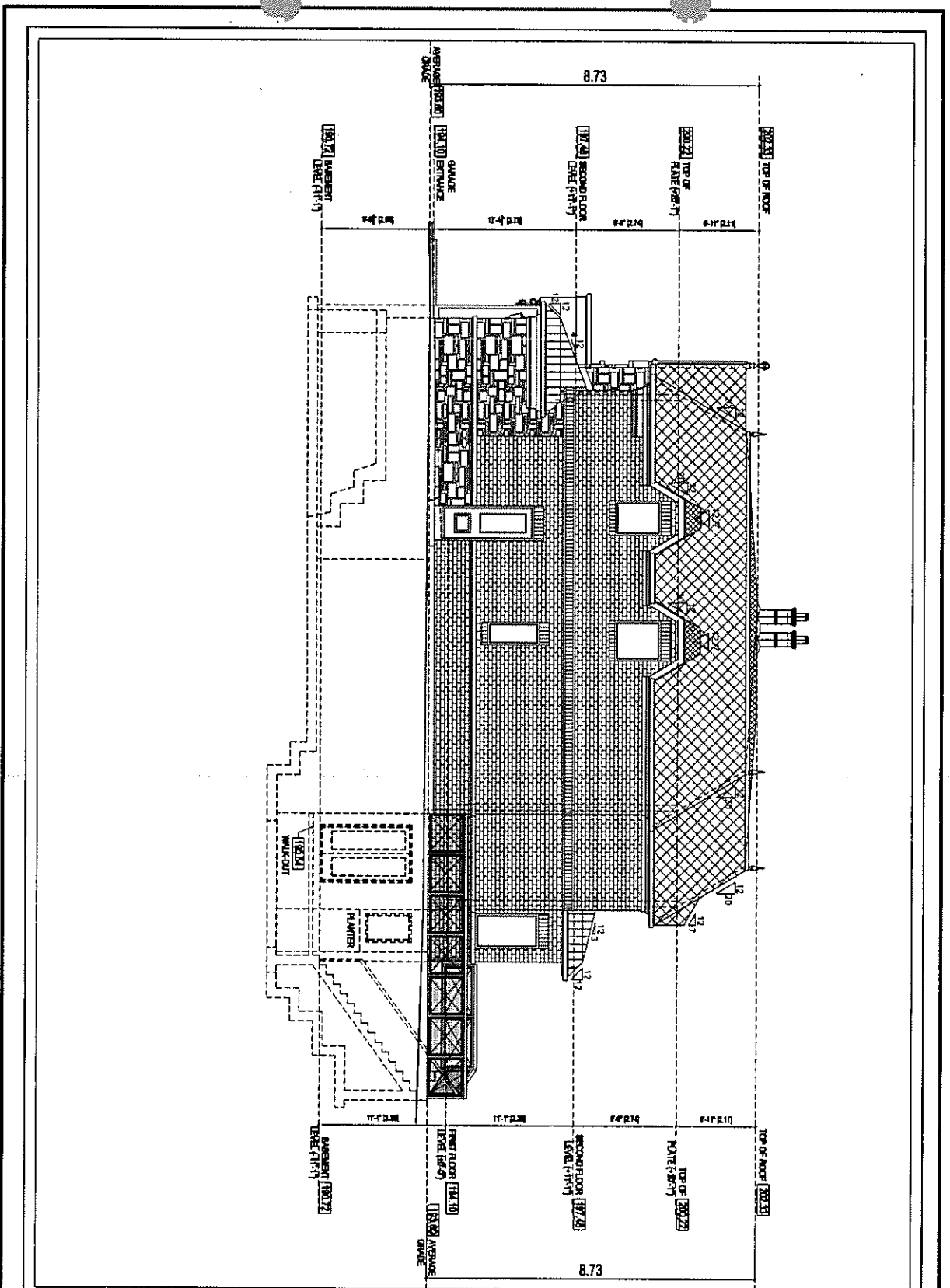
DATE	DESCRIPTION
11/11/2018	ISSUED FOR ZONING REVIEW
11/11/2018	ISSUED FOR COA

PAAR DESIGN INC.  
 22 N.W. CORNELL DR.  
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 TEL: 561-833-1100  
 FAX: 561-833-1101  
 WWW.PAARDESIGN.COM

**PROJECT:**  
 48 WOODWARD AVENUE  
 2 STOREY DWELLING  
 DRAWN BY:  
 REAR/NORTH  
 ELEVATION  
 SCALE 1/8"=1'-0"

**PAAR**  
 DESIGN  
 PAAR DESIGN INC.  
 22 N.W. CORNELL DR.  
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 WEST PALM BEACH, FL 33411  
 TEL: 561-833-1100  
 FAX: 561-833-1101  
 WWW.PAARDESIGN.COM

**A 08**



NO.	DATE	DESCRIPTION
1.	18.11.2018	ISSUED FOR EXHIBIT REVIEW
2.	28.11.2018	ISSUED FOR COA

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 Fax: (773) 462-1112  
 Email: info@paardesign.com

**PROJECT:**  
 46 WOODWARD AVENUE  
 2 STOREY DWELLING  
 SIDE/EAST  
 ELEVATION  
 Scale 1/8"=1'-0"

**PAAR DESIGN**  
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A 09