

Memorandum to the City of Markham Committee of Adjustment

December 20, 2018

File: A/174/18
Address: 155 Fitzgerald Ave, Markham
Applicant: Parvin Rangchian
Agent: Manoush Hakimi
Hearing Date: Wednesday January 23, 2019

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

The applicant is requesting relief from the following requirements of By-law 11-72, R4, as amended to construct a new two-storey detached dwelling:

a) **Section 6.4, Schedule B1:**

a maximum building height of 26 feet, whereas the By-law permits a maximum building height of 25 feet;

b) **Section 6.4, Schedule B1:**

a maximum lot coverage of 33.7 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

as they relate to a proposed residential dwelling.

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, "*more space is required*".

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) on December 03, 2018, to confirm the variances required for the proposed development.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 7.92 m (26 ft), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of approximately 0.30 m (1 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 0.14 m (0.46 ft) above the crown of road. The height variance is in part attributed to the fact that the grade height of the centreline (crown) of the street is lower than the proposed average grade of the property. Staff are of the opinion that the variance for maximum building height is minor in nature and have no objection.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 33.70 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent. The proposed lot coverage includes the front covered porch which adds approximately 2.3 m² (24.71 ft²) to the overall building coverage. Excluding the front covered porch, the proposed dwelling has a lot coverage of approximately

33.32 percent and would comply with the by-law requirement. Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the massing of the dwelling and is generally consistent with what the by-law permits.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 20, 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 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 18 257789 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/174/18

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 December 07, 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:

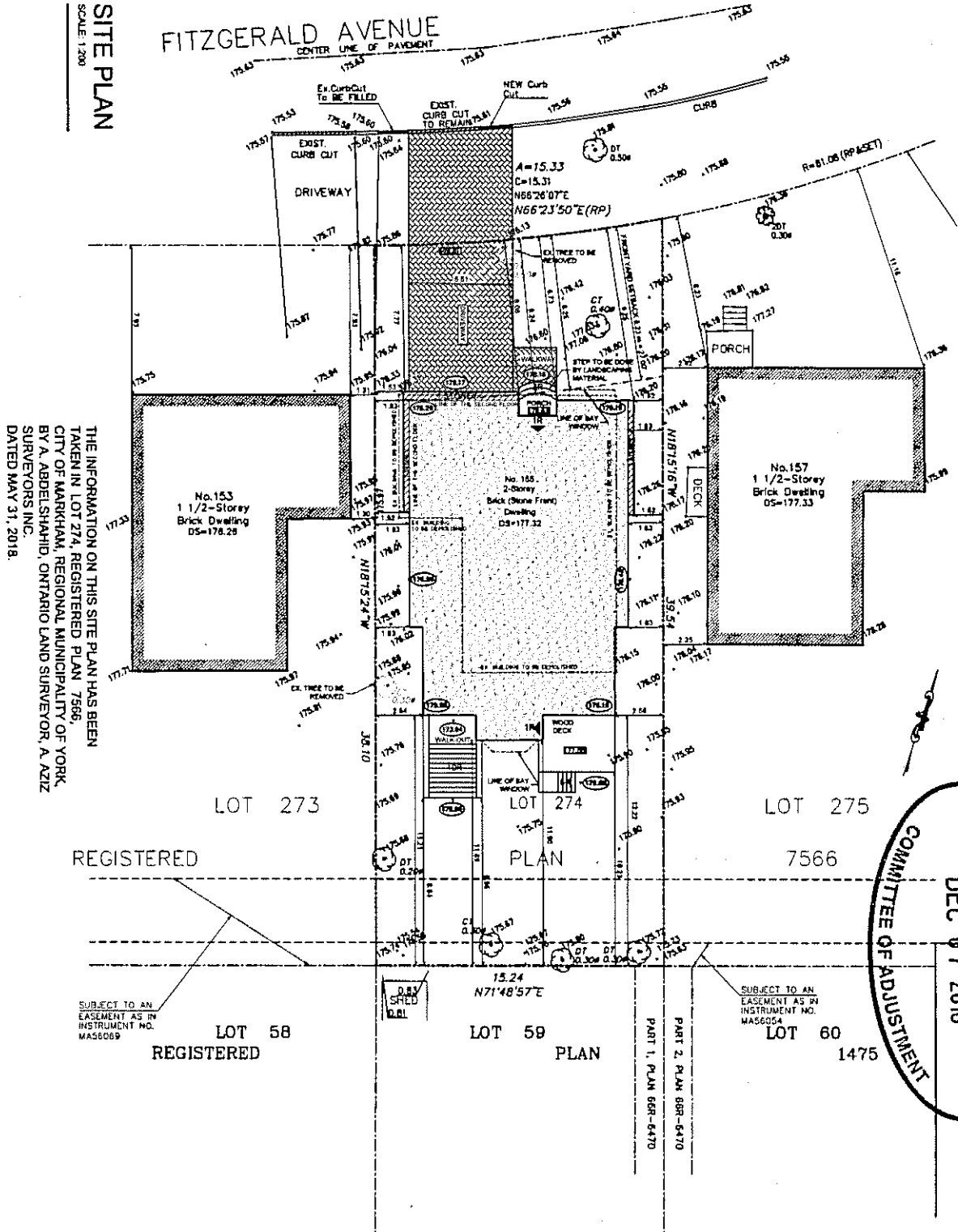


Aqsa Malik, Planner Zoning and Special Projects

APPENDIX B

SITE PLAN
SCALE: 1:200

FITZGERALD AVENUE
CENTER LINE OF PAVEMENT



THE INFORMATION ON THIS SITE PLAN HAS BEEN TAKEN IN LOT 274, REGISTERED PLAN 7566, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK, BY A. ABDEL SHAHID, ONTARIO LAND SURVEYOR, A. AZIZ SURVEYORS INC. DATED MAY 31, 2018.

CITY OF MARKHAM
RECEIVED
COMMITTEE OF ADJUSTMENT
DEC 07 2018

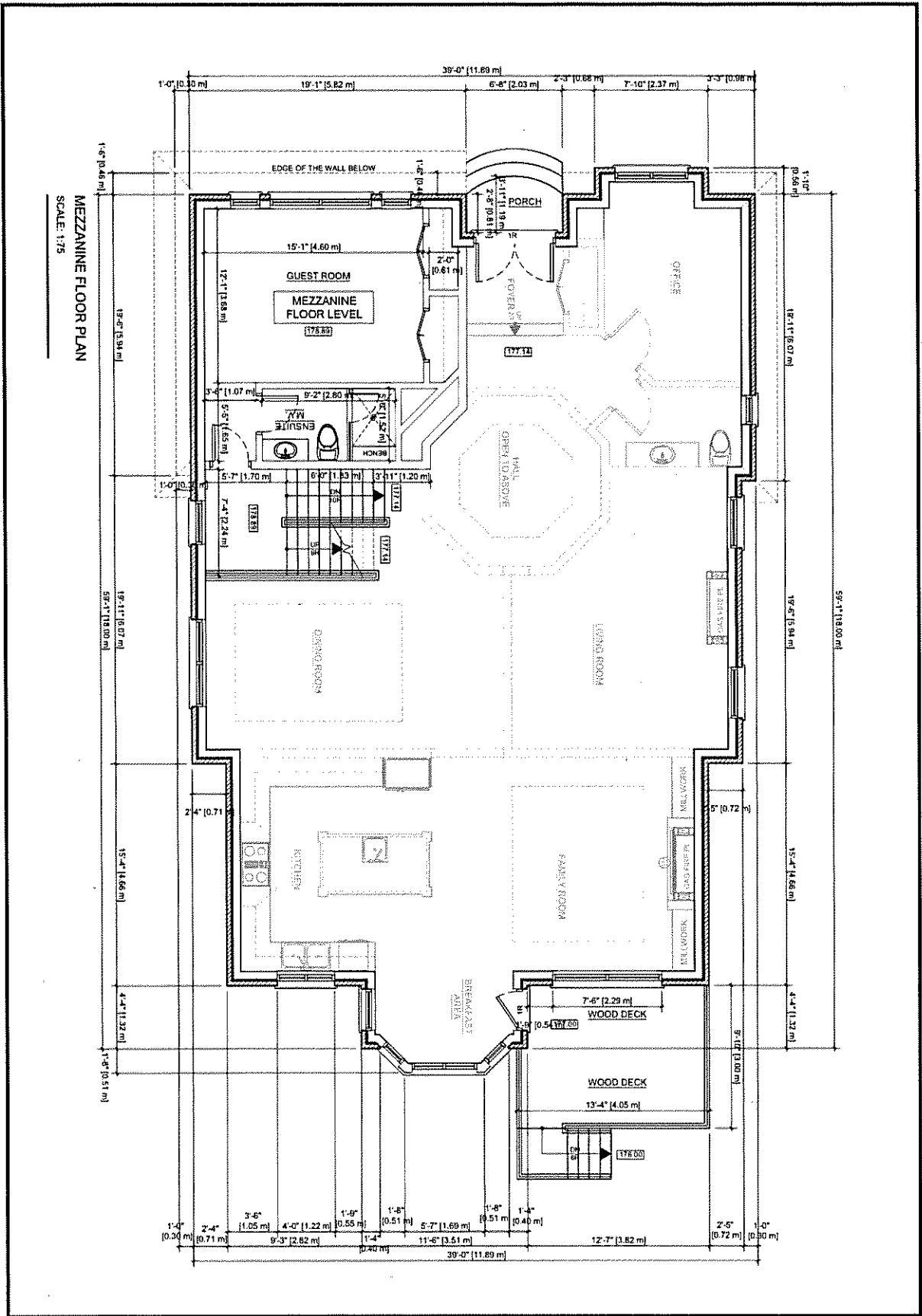
LEGEND 158.17 EXISTING ELEVATION 158.17 PROPOSED ELEVATION 158.17 AVERAGE GRADE 158.00 ESTABLISHED GRADE	
ADDRESS: 155 FITZGERALD AVENUE, MARKHAM, ONTARIO	
DRAWING TITLE: SITE PLAN	
SCALE: AS NOTED	
DATE: DEC 04 2018	
PROJECT NO.: A1	
FILE NO.:	
DATE:	NO. / DESCRIPTION:
REVISIONS:	

HEIGHT TABLE	
AVERAGE GRADE AT CL. ST.	175.82
FINISH GROUND FLOOR LEVEL	176.78
FINISH UPPER GROUND FLOOR LEVEL	177.14
GARAGE FLOOR LEVEL	176.17
US GARAGE FOOTING	174.95
BASEMENT FLOOR LEVEL	174.09
US BASEMENT FOOTING	173.79
WALK-OUT BASEMENT FLOOR LEVEL	173.94
US WALK-OUT BASEMENT FOOTING	172.72
TOP OF THE FOUNDATION WALL	176.42

AVERAGE GRADE CALCULATION = $(176.15 + 173.16 + 176.17 + 176.29 + 176.50 + 175.95 + 175.80 + 173.94 + 176.00 + 176.15 + 176.43) / 11 = 1935.54 / 11 = 175.99$

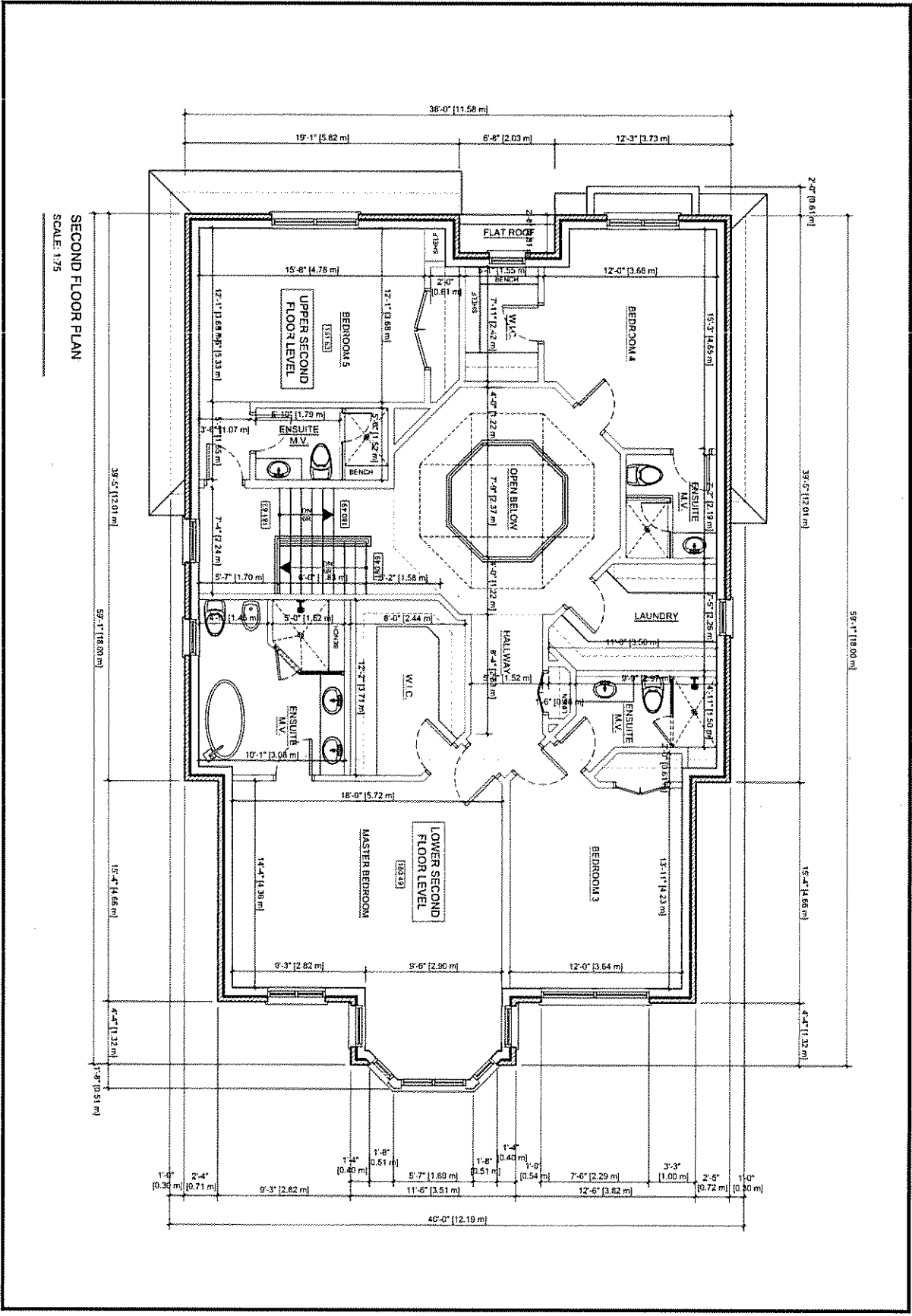
STATISTICS			
ITEM	EXISTING	PROPOSED	PROVIDED
BASEMENT FLOOR AREA	N/A	1729.73 ft ² = 160.70 m ²	1729.73 ft ² = 160.70 m ²
GROUND FLOOR AREA (GARAGE & BAY WINDOWS INCLUDED)	N/A	2136.14 ft ² = 198.45 m ²	2136.14 ft ² = 198.45 m ²
BAY WINDOWS AREA	N/A	27.62 ft ² = 2.56 m ²	27.62 ft ² = 2.56 m ²
GROUND FLOOR AREA (WITHOUT BAY WINDOWS)	N/A	2108.52 ft ² = 195.89 m ²	2108.52 ft ² = 195.89 m ²
COVERED PORCH AREA	N/A	24.71 ft ² = 2.30 m ²	24.71 ft ² = 2.30 m ²
MEZZANINE FLOOR AREA	N/A	356.81 ft ² = 33.15 m ²	356.81 ft ² = 33.15 m ²
SECOND FLOOR AREA (BAY WINDOW INCLUDED)	N/A	2051.02 ft ² = 190.54 m ²	2051.02 ft ² = 190.54 m ²
LOT AREA			6329.02 ft ² = 587.98 m ²
COVERAGE		$(2108.52 + 24.71) / 6329.02 = 2133.23 / 6329.02 = 33.70\% > 33.33\%$	
BUILDING HEIGHT (AVERAGE GRADE TO M.P. OF THE ROOF)			26.00' = 7.92 m
FRONT YARD SETBACK			27.00' = 8.23 m
WEST SIDE YARD SETBACK (SECOND STOREY)			6.00' = 1.83 m
WEST SIDE YARD SETBACK (FIRST STOREY)			4.99' = 1.52 m
EAST SIDE YARD SETBACK (SECOND STOREY)			6.00' = 1.83 m
EAST SIDE YARD SETBACK (FIRST STOREY)			4.99' = 1.52 m
REAR YARD SETBACK			29.00' = 8.84 m
FRONT YARD LANDSCAPING			
FRONT YARD AREA			1357.23 ft ² = 126.09 m ²
DRIVEWAY AREA			488.74 ft ² = 45.34 m ²
HARD SURFACE AREA (WALKWAY)			60.04 ft ² = 5.58 m ²
SOFT SURFACE AREA			828.50 ft ² = 76.97 m ²

ADDRESS: 155 FITZGERALD AVENUE, MARKHAM, ONTARIO	
DRAWING TITLE: NOTES	
SCALE: AS NOTED	DRAWN:
DESIGN: _____	CHECKED: _____
DATE: DEC. 04, 2018	DRAWING NO:
PROJECT NO:	
FILE NO:	A2



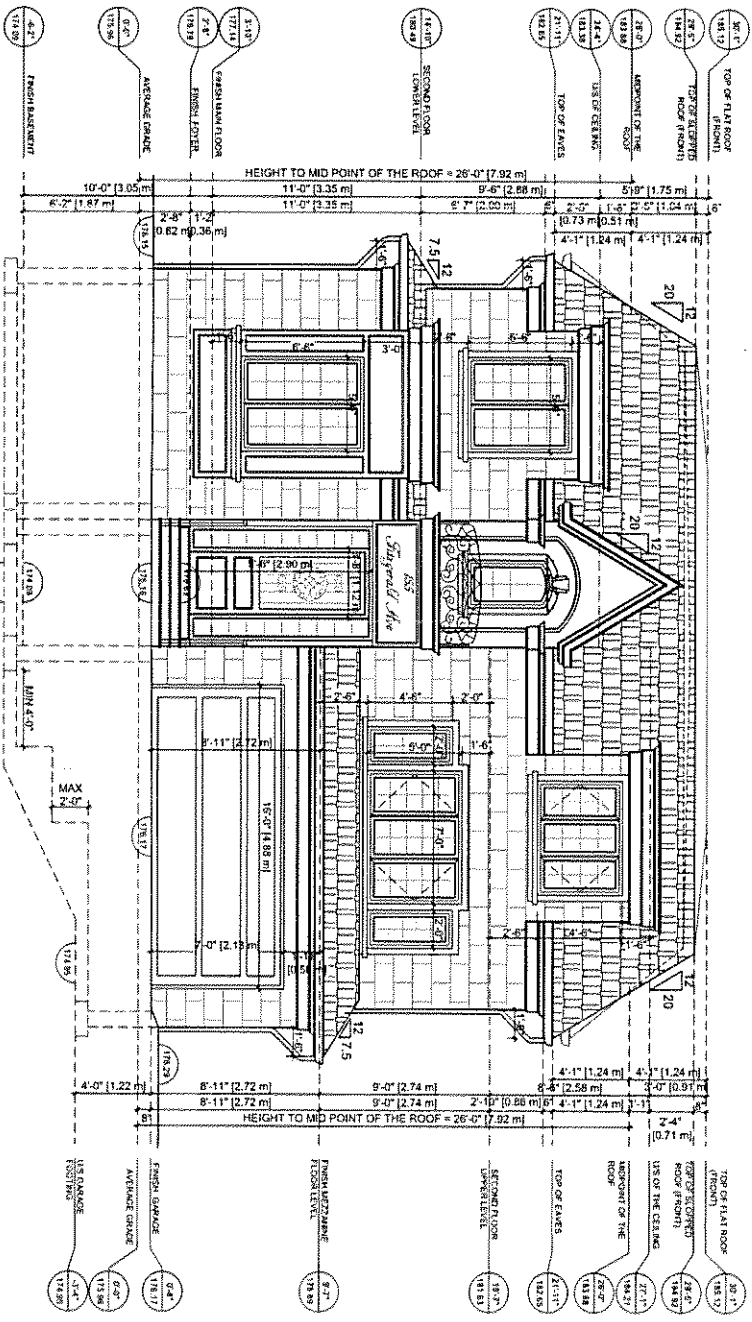
MEZZANINE FLOOR PLAN
SCALE: 1/16

ADDRESS: 155 FITZGERALD AVENUE, MARKHAM, ONTARIO.	
DRAWING TITLE: FLOOR PLAN	
SCALE: AS NOTED	DRAWN:
DESIGN:	CHECKED:
DATE: DEC. 04, 2018	EXAMINED:
PROJECT NO.:	FILE NO.:
<h1>A5</h1>	
REVISIONS:	
DATE	NO. DESCRIPTION BY



SECOND FLOOR PLAN
SCALE: 1/75

ADDRESS: 155 FITZGERALD AVENUE MARKHAM, ONTARIO	
DRAWING TITLE: FLOOR PLAN	
SCALE: AS NOTED	DRAWN:
DATE: DEC. 04 2018	CHECKED:
PROJECT NO.:	DRAWING NO.:
FILE NO.:	A6
REVISIONS:	
DATE	NO. DESCRIPTION BY
DATE	NO. DESCRIPTION BY
DATE	NO. DESCRIPTION BY

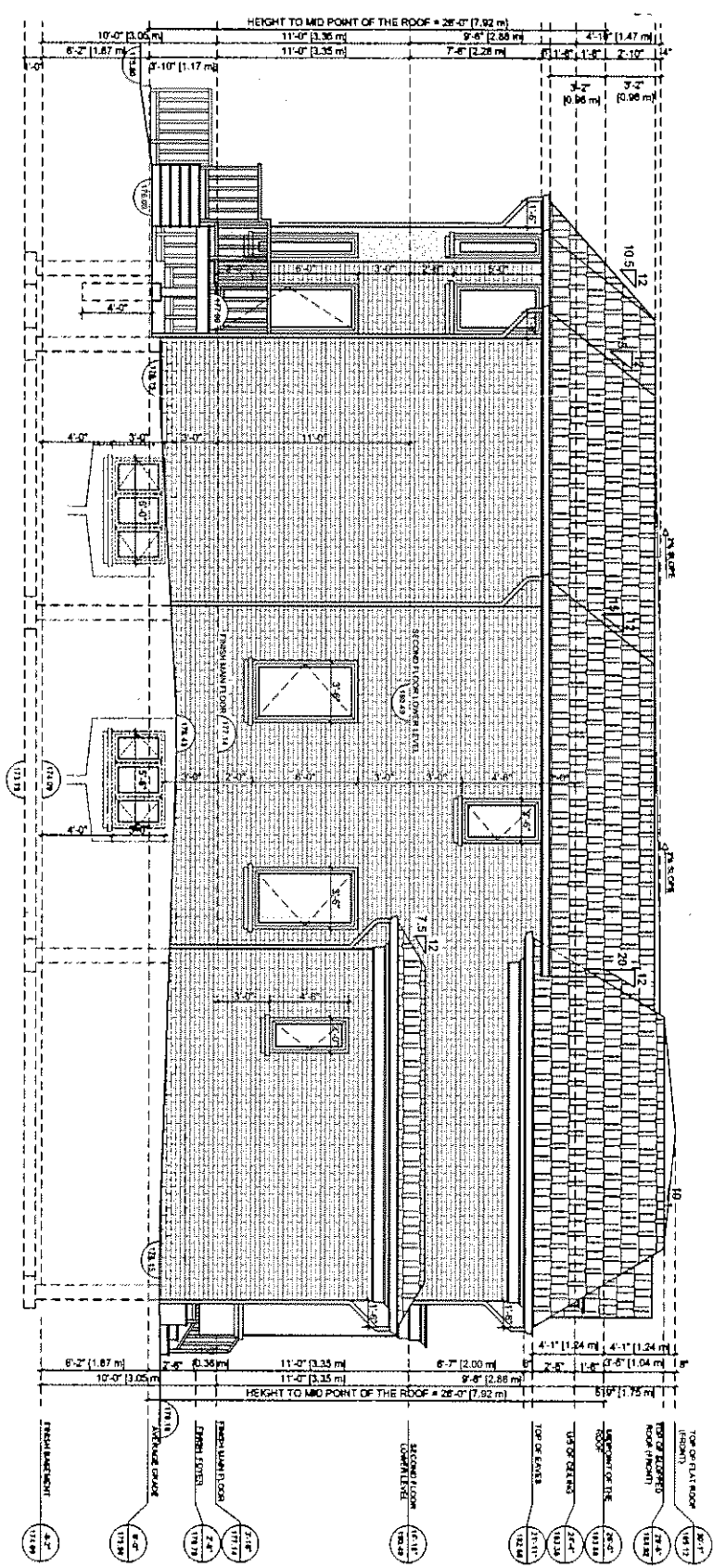


NORTH ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"

ADDRESS:	155 FITZGERALD AVENUE, MARIETTA, OHIO 45750
DRAWING TITLE:	ELEVATION
SCALE:	AS NOTED
DATE:	DEC. 04, 2018
PROJECT NO.:	A8

NO.	DESCRIPTION	BY

DATE:	NOV. 17, 2018
DESIGN:	AS NOTED
CHECKED:	AS NOTED
DRAWN:	AS NOTED
SCALE:	AS NOTED
PROJECT NO.:	A8



EAST ELEVATION (SIDE)
SCALE: 1/75

ADDRESS: 155 FITZGERALD AVENUE, MARKHAM, ONTARIO.	
DRAWING TITLE: ELEVATION	
SCALE: AS NOTED	DRAWN: []
DESIGN: []	CHECKED: []
DATE: DEC. 04, 2018	DRAWING NO. []
PROJECT NO. []	FILE NO. []
A10	

DATE	NO.	DESCRIPTION	BY

REVISIONS

155 FITZGERALD AVENUE, MARKHAM, ONTARIO.

