

Memorandum to the City of Markham Committee of Adjustment

June 5th, 2019

File: A/22/19
Address: 12 Sir Constantine Drive, Markham
Applicant: Usha & Emil Masilamany
Agent: Emil Masilamany
Hearing Date: Wednesday June 12th, 2019

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

The applicant is requesting relief from the requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property (12 Sir Constantine Drive), to permit:

- a) Infill By-law 99-90, Section 1.2(vi): a maximum Floor Area Ratio (FAR) of 48.6 percent, whereas the By-law permits a maximum FAR of 45 percent.

The Committee of Adjustment deferred this application on April 10th, 2019, requesting the applicant reduce the proposed floor area and to receive the results of a submitted Zoning Preliminary Review. The applicant completed a Zoning Preliminary Review and submitted a revised application on May 13th, 2019 proposing a reduced net floor area ratio of 48.6%. Initially a floor area ratio of 49.31% was requested. The proposed variance will facilitate the construction of a two-storey 298.43 m² (3,212.40 ft²) detached dwelling, whereas the By-law permits a dwelling with a maximum floor area of 276.34 m² (2,974.46 ft²). This is an increase of approximately 22.11 m² (237.94 ft²). Staff's comments dated April 1st, 2019 remain applicable.

PUBLIC INPUT SUMMARY

As of June 5th, 2019 the City received one letter expressing support for the proposal. 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

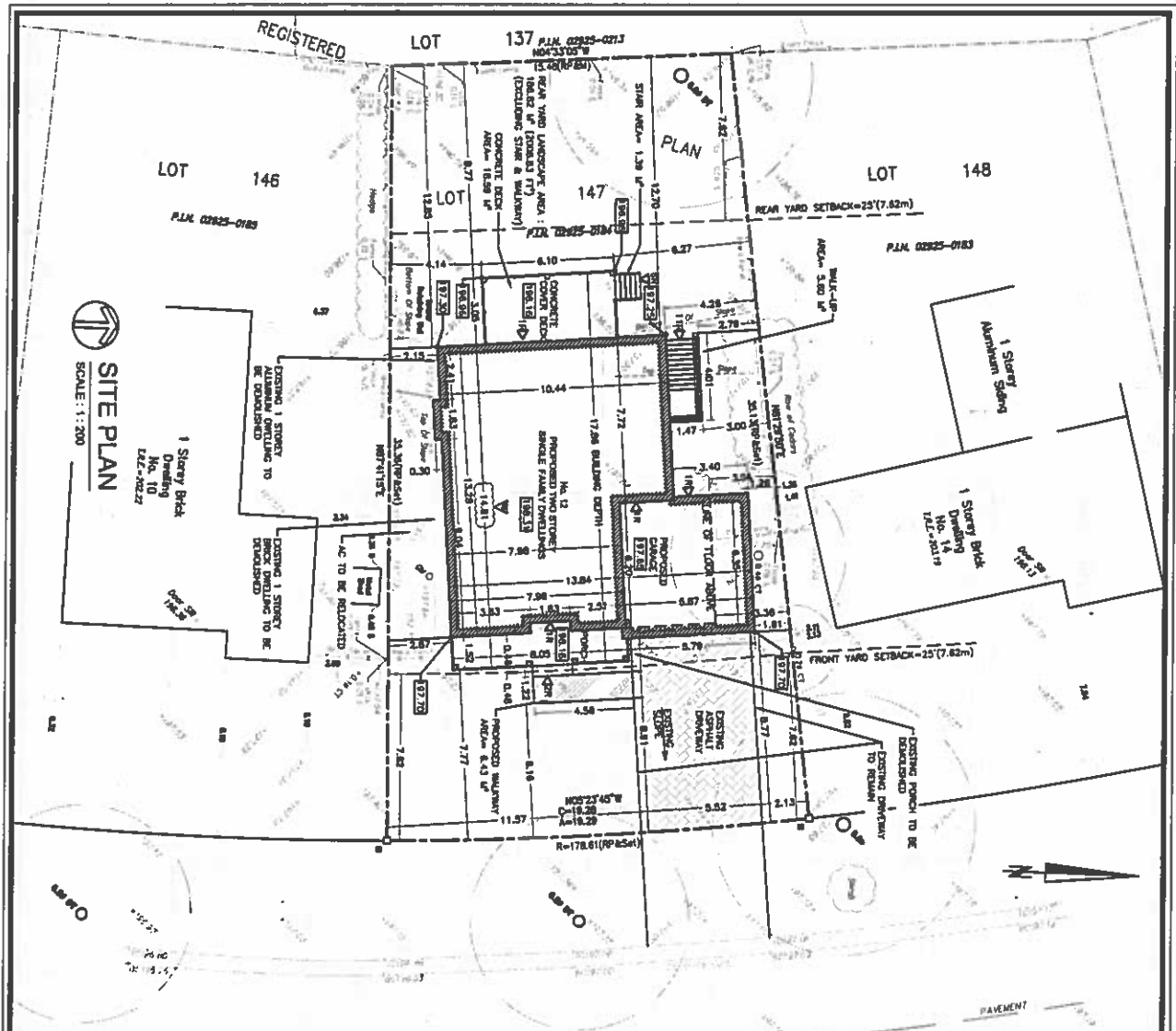
APPENDIX "A1"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/22/19

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 B1' to this Staff Report and received by the City of Markham on *May 13th, 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; that the Secretary-Treasurer receive written confirmation from a 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;
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, Zoning and Special Projects



SITE PLAN
SCALE: 1:200

LANDSCAPE LEGEND

[Symbol]	WALK WAY
[Symbol]	DRIVE
[Symbol]	SALE PAVING

SIR CONSTANTINE DRIVE
(By Registered Plan M-1392)

P.L.N. 02825-0300

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NOTE:
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49. EXISTING SHEDS
50. EXISTING OUTBUILDINGS

PLANNING & BUILDING CONSULTANTS
CANTAM Group Ltd
150 WILSON BLVD UNIT 8 STEWART ONTARIO M1S 1W5
TEL: (416) 291-1111 FAX: (416) 291-1111 • CELL: (416) 291-1111



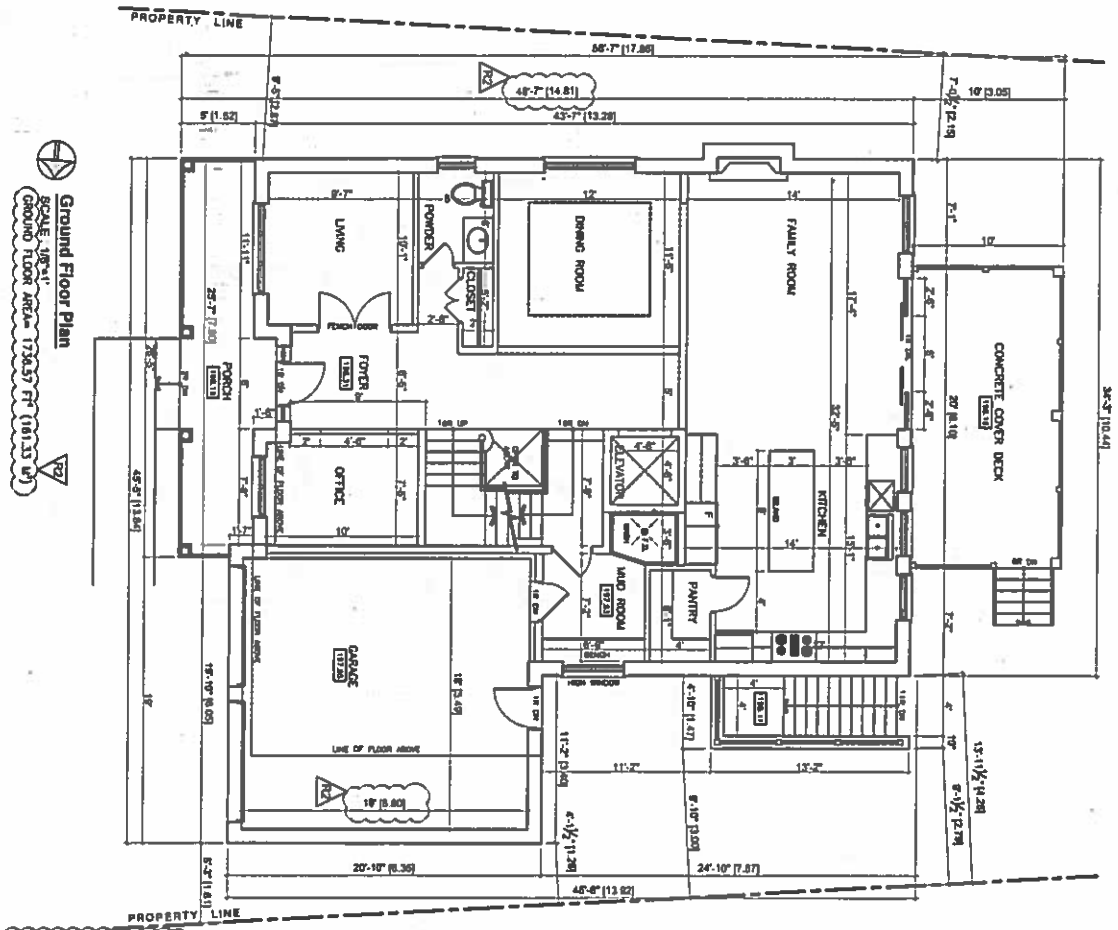
SITE PLAN
DATE: 11/11/11
DRAWN BY: J. SMITH
CHECKED BY: J. SMITH
SCALE: 1:200

PROPOSED TWO STOREY RESIDENCE
AT 17, SIR CONSTANTINE DRIVE
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CANTAM Group Ltd
PLANNING & BUILDING CONSULTANTS
150 WILSON BLVD UNIT 8 STEWART ONTARIO M1S 1W5
TEL: (416) 291-1111 FAX: (416) 291-1111 • CELL: (416) 291-1111

NO.	REVISION	DATE
1	ISSUED FOR PERMITTING	11/11/11
2	ISSUED FOR CONSTRUCTION	11/11/11

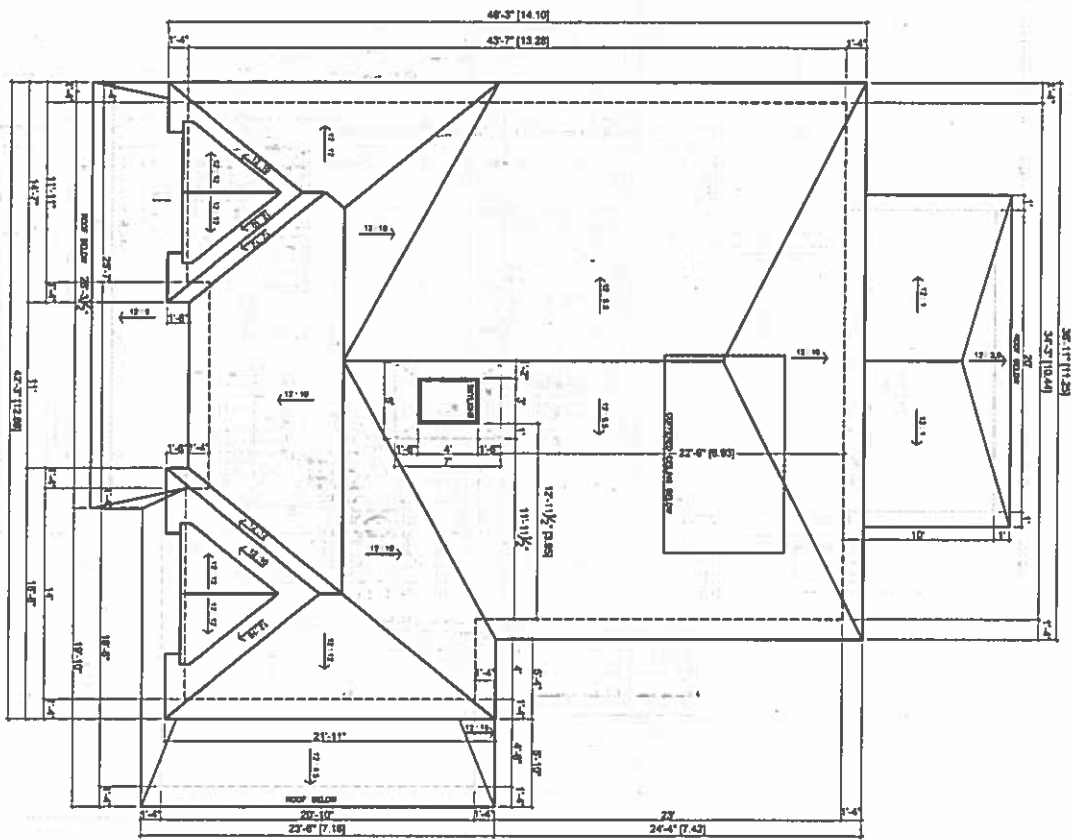
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Ground Floor Plan
 SCALE: 1/8"=1'-0"
 GROUND FLOOR AREA = 1738.57 FT² (161.33 M²)

LOT AREA = 6819.00 FT² (631.00 M²)
 NET LOT AREA = 6800.15 (630.15) - 6800 = 6609.90 FT² (614.08 M²)
 COVERED = 2076.18 FT² (192.87 M²) = (31.36%)
 GROSS FLOOR AREA = 1738.57 FT² (161.33 M²)
 SECOND FLOOR AREA = 1475.83 FT² (137.10 M²)
 TOTAL = 3214.40 FT² (298.43 M²)/6609.90 FT² (614.08 M²) = 48.60%

<p>CANTAM <i>Group Ltd.</i></p> <p>PLANNING & BUILDING CONSULTANTS 89 TORBONIC DR. SUITE 8 STONEMOUNT ON THE ME TEL: (905) 331-1111 • FAX: (905) 331-1111 • CELL: (416) 292-1145</p>		<p>PROJECT PROPOSED TWO STOREY RESIDENCE AT 12, SIR CONSTANTINE DRIVE MARKHAM, ON</p>
<p>DATE: 04/27/11 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>DATE: 04/27/11 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>SCALE: 1/8"=1'-0"</p>
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<p>DO NOT SCALE DIMENSIONS.</p>		



Proposed Roof Plan
SCALE: 1/8"=1'

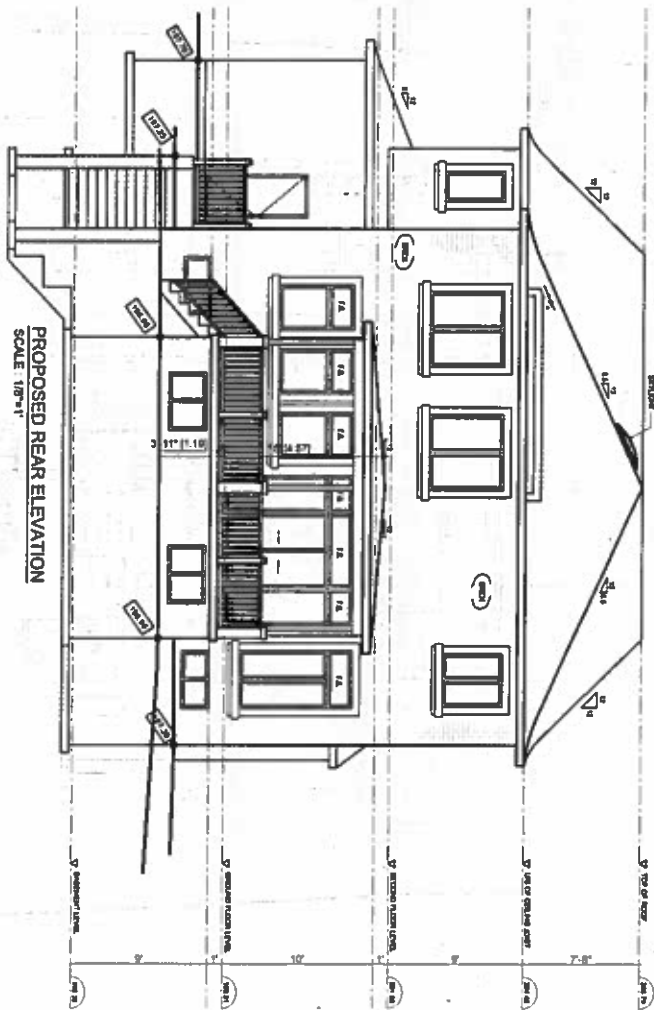
CANTAM
Group Ltd.
PLANNING & BUILDING CONSULTANTS
801 WEST 14TH STREET, SUITE 1000
WINDSOR, ONTARIO, CANADA N9A 7P5
TEL: 519-253-1111 FAX: 519-253-1112

PROJECT:
PROPOSED TWO STOREY RESIDENCE
AT 12, SIR CONSTANTINE DRIVE
MARRHAM, ON

DATE: 11/11/2011
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]

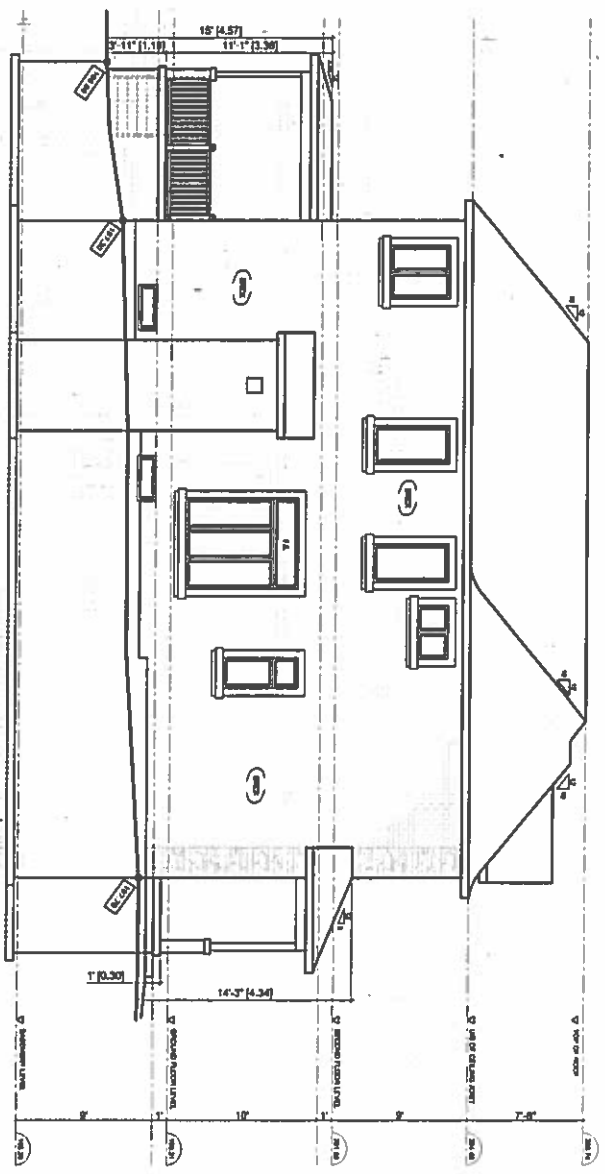
PROJECT NO: [Number]
DRAWING NO: **A5**

CONSTRUCTION AND SITE CANNOT BE GUARANTEED. ALL DIMENSIONS AND CONDITIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE SUBJECT TO THE DISCRETION OF THE ARCHITECT AND SHALL BE SUBJECT TO THE DISCRETION OF THE ARCHITECT AND SHALL BE SUBJECT TO THE DISCRETION OF THE ARCHITECT.



PROPOSED REAR ELEVATION
SCALE: 1/8"=1'

<p>CANTAM <i>Group Ltd.</i></p> <p>PLANNING & BUILDING CONSULTANTS FOR ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS AND INTERIORS DESIGNERS 1111 BAYVIEW AVE. SUITE 1000 SCARBOROUGH, ONTARIO M1B 2Y1 TEL: (416) 291-1111 FAX: (416) 291-1112</p>	
<p>PROJECT: PROPOSED TWO STOREY RESIDENCE AT 12, SIR CONSTANTINE DRIVE MARKHAM, ON</p>	
<p>DATE: 11/11/11</p> <p>SCALE: 1/8"=1'</p> <p>PROJECT NO: A7</p>	<p>DATE: 11/11/11</p> <p>PROJECT NO: A7</p>



PROPOSED LEFT ELEVATION
SCALE: 1/8"=1'

<p>CANTAM <i>Group Ltd.</i></p> <p>PLANNING & BUILDING CONSULTANTS 101 WILSON BLVD. SUITE 100 MISSISSAUGA, ONT. L4X 1L1 TEL: (905) 276-1111 • FAX: (905) 276-1112 • WWW.CANTAM.COM</p>	
<p>PROJECT: PROPOSED TWO STOREY RESIDENCE AT 12, SIR CONSTANTINE DRIVE MARKHAM, ON</p>	
<p>DATE: 11/11/10</p> <p>SCALE: 1/8"=1'</p> <p>PROJECT NO: A9</p>	<p>DATE: 11/11/10</p> <p>PROJECT NO: A9</p>

Memorandum to the City of Markham Committee of Adjustment

April 01, 2019

File: A/22/19
 Address: 12 Sir Constantine Drive, Markham
 Applicant: Usha & Emilian Masilamany
 Agent: Emilian Masilamany
 Hearing Date: Wednesday April 10, 2019

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

The applicant is requesting relief from the following requirements of the Residential One (R1) Zone in By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling:

- a) Infill By-law 99-90, Section 1.2(vi): a maximum Floor Area Ratio (FAR) of 49.31%, whereas the By-law permits a maximum FAR of 45%.

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, *"The inside gross floor space coverage is exceeded as the calculation requires inclusion of the space taken by a double garage and mobility access elevator room, which is not livable space for the homeowner"*.

Zoning Preliminary Review (ZPR) Not 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

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the defined Net Lot Area. The applicant is requesting relief to permit a floor area ratio of 49.31%, whereas the By-law permits a maximum Floor Area Ratio of 45%. The variance will facilitate the construction of a two-storey 302.78 m² (3,259.13 ft²) detached dwelling, whereas the By-law permits a dwelling with a maximum floor area of 276.34 m² (2,974.46 ft²). This is an increase of approximately 26.44 m² (284.6 ft²).

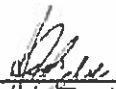
The proposed dwelling provides more than the required front, rear, and second storey setbacks and is under the permitted building height, depth and lot coverage. The proposed dwelling will be within the prescribed building envelope, which ensures it will be in keeping with the intended scale

APPENDIX "A"

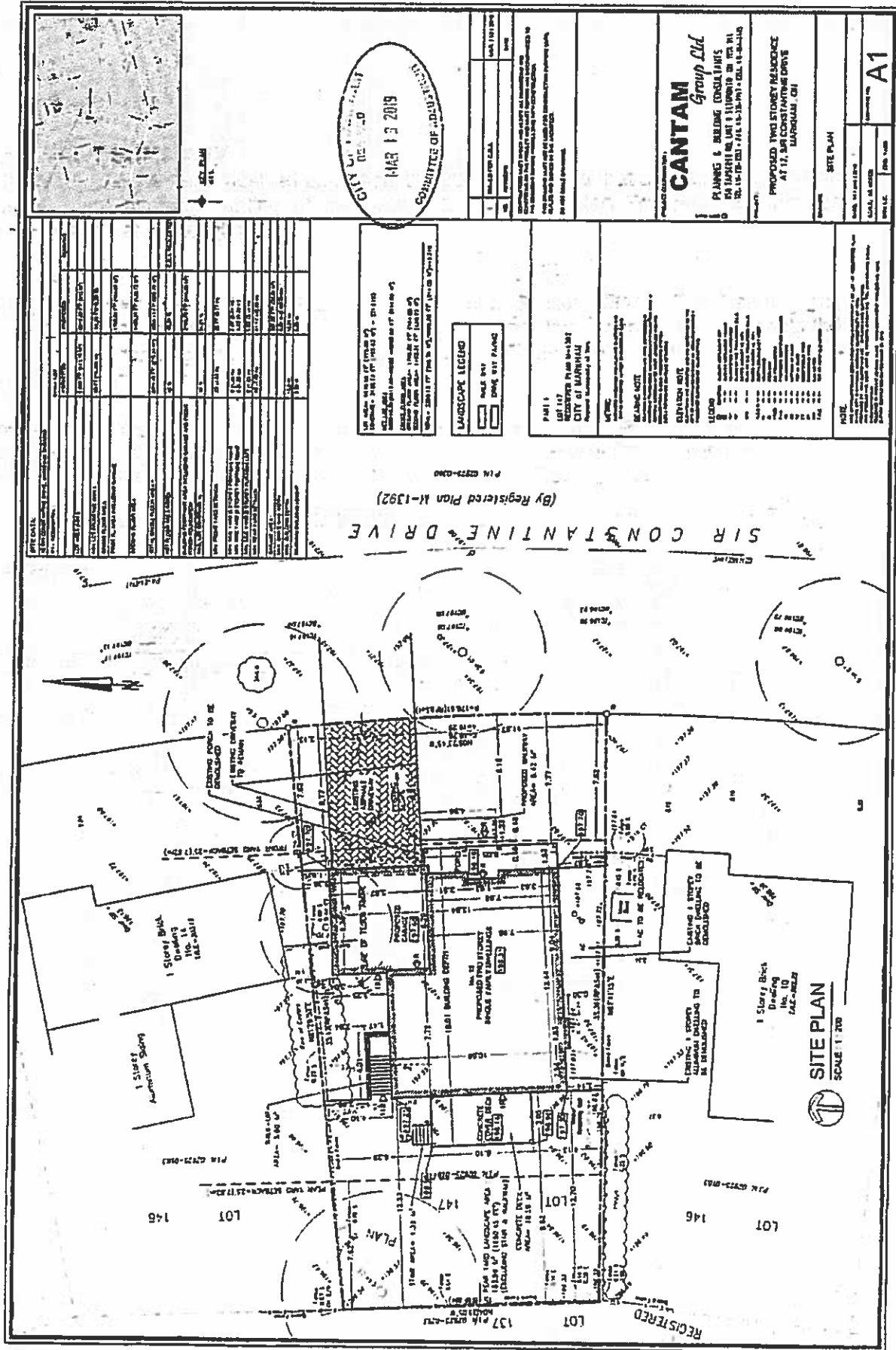
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/22/19

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 B' to this Staff Report and received by the City of Markham on *March 13, 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;
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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, Zoning and Special Projects



(By Registered Plan M-1392)
P.L.N. 0273-030

SIR CONSTANTINE DRIVE

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	GRAVEL DRIVE	100	SQ. M.	
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APPROVED
MAR 13 2019
COMMITTEE OF ADJUSTERS

CANTAM
Group Ltd
PLANNING & BUILDING CONSULTANTS
500 MARKET STREET SUITE 1100
TORONTO, ONTARIO M5G 1S1
TEL: 416-593-8888 FAX: 416-593-8889
WWW.CANTAM.COM

PROPOSED TWO STOREY RESIDENCE
AT 17, SIR CONSTANTINE DRIVE
TORONTO, ONTARIO

SITE PLAN
SCALE 1:200
DATE: 12/15/18
DRAWN BY: [Name]
CHECKED BY: [Name]
PROJECT NO.: A1

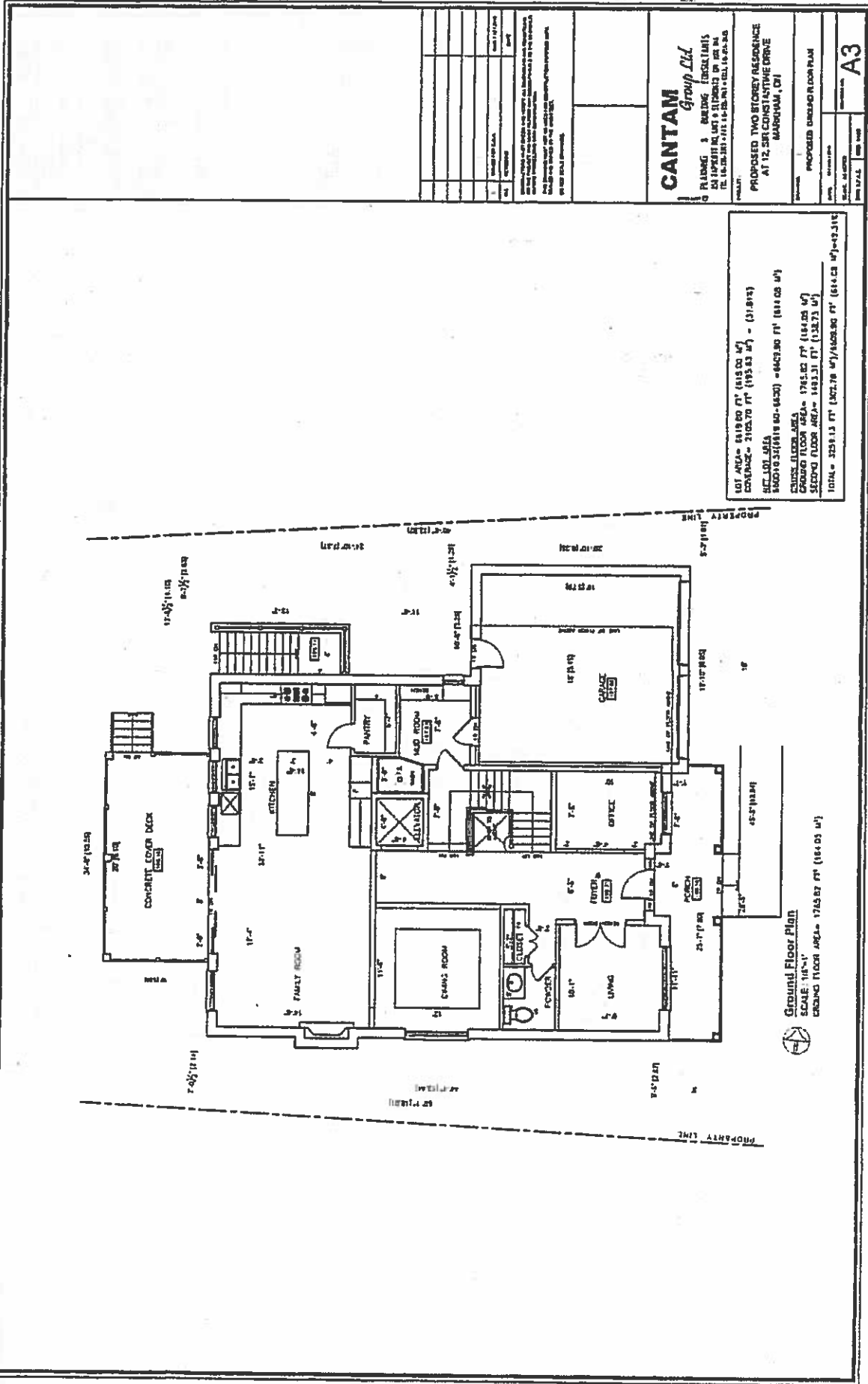
LANDSCAPE LEGEND
[Symbol] Single Tree
[Symbol] Double Tree
[Symbol] Shrub

PART 1
LOT 117
RESIDENTIAL PLAN M-1392
CITY OF TORONTO
PLANNING & BUILDING DEPARTMENT

NOTES
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO PLANNING & BUILDING DEPARTMENT.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ADJACENT PROPERTY OWNERS.
4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ADJACENT PROPERTY OWNERS.

LEGEND
[Symbol] Proposed Building Footprint
[Symbol] Proposed Driveway
[Symbol] Proposed Parking Area
[Symbol] Proposed Landscaping
[Symbol] Proposed Fencing
[Symbol] Proposed Retaining Wall
[Symbol] Proposed Storm Drain
[Symbol] Proposed Sewer Line
[Symbol] Proposed Water Line
[Symbol] Proposed Gas Line
[Symbol] Proposed Electric Line
[Symbol] Proposed Telephone Line
[Symbol] Proposed Cable Line
[Symbol] Proposed Fire Hydrant
[Symbol] Proposed Fire Alarm
[Symbol] Proposed Fire Extinguisher
[Symbol] Proposed Fire Escape
[Symbol] Proposed Fire Exit
[Symbol] Proposed Fire Exit Sign
[Symbol] Proposed Fire Exit Door
[Symbol] Proposed Fire Exit Window
[Symbol] Proposed Fire Exit Staircase
[Symbol] Proposed Fire Exit Ramp
[Symbol] Proposed Fire Exit Lift
[Symbol] Proposed Fire Exit Elevator
[Symbol] Proposed Fire Exit Escalator
[Symbol] Proposed Fire Exit Staircase
[Symbol] Proposed Fire Exit Ramp
[Symbol] Proposed Fire Exit Lift
[Symbol] Proposed Fire Exit Elevator
[Symbol] Proposed Fire Exit Escalator

SCALE 1:200
[Symbol] North Arrow



Ground Floor Plan
 SCALE 1/8" = 1'
 GROUND FLOOR AREA = 1745.87 SF (164.03 m²)

LOT AREA = 8119.00 SF (811.00 m²)
 COVERED = 2105.76 SF (193.53 m²) - (31.91%)
 UNCOVERED AREA = 6013.24 SF (567.47 m²)
 COVERED FLOOR AREA = 1745.87 SF (164.03 m²)
 UNCOVERED FLOOR AREA = 1493.31 SF (138.73 m²)
 TOTAL = 3239.18 SF (302.76 m²) / 14208.90 SF (614.03 m²) = 42.31%

CANTAM Group, Ltd
 PLANNING & BUILDING ENGINEERS
 200 SPENCER STREET, SUITE 200, TORONTO, ONT. M5S 2C4
 TEL: (416) 593-8811 FAX: (416) 593-8812
 WWW.CANTAM.COM

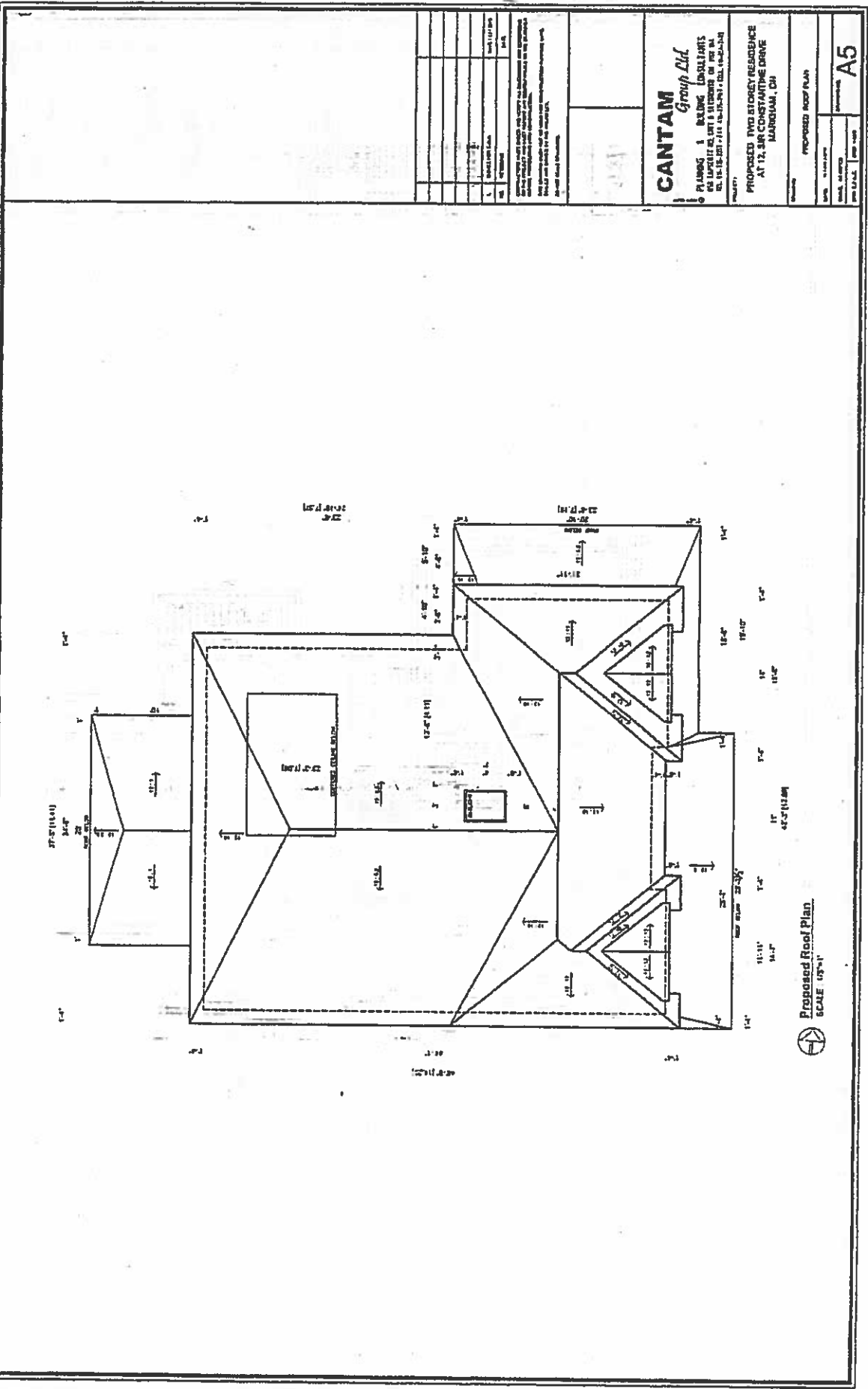
PROPOSED TWO STOREY RESERVAIR
 AT 12, 13 & 14 CONSTANTINE DRIVE
 MISSISSAUGA, ON

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	08/11/2011	MM
2	REVISED	08/11/2011	MM

NOTES:
 1. THIS PLAN IS THE PROPERTY OF CANTAM GROUP, LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CANTAM GROUP, LTD.
 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND CONNECTIONS.
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY INFORMATION AND CONNECTIONS.
 5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL INFORMATION AND CONNECTIONS.
 6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL INFORMATION AND CONNECTIONS.
 7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE INFORMATION AND CONNECTIONS.
 8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX INFORMATION AND CONNECTIONS.
 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOUNTING INFORMATION AND CONNECTIONS.
 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL INFORMATION AND CONNECTIONS.

PROPOSED DRINKING WATER PLAN
 SHEET NO. 12.1
 DATE: 08/11/2011
 SCALE: AS SHOWN
 DRAWN BY: MM
 CHECKED BY: MM
 PROJECT NO.: 12.1
 CLIENT: CANTAM GROUP, LTD.

A3



Proposed Roof Plan
SCALE 1/8" = 1'-0"

CANTAM
Group Ltd

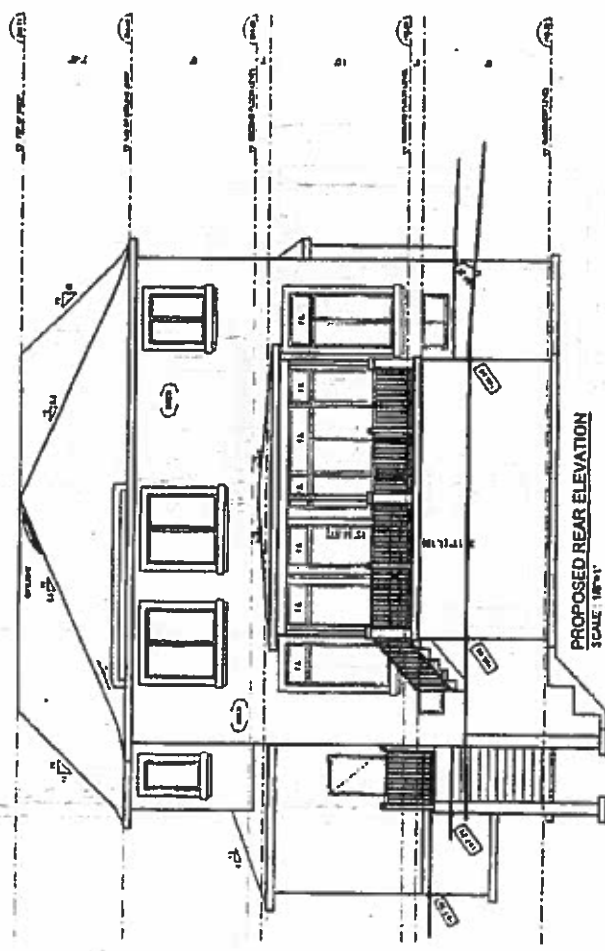
PLANS & BUILDING CONSULTANTS
1100 SHEPPARD AVENUE EAST
SUITE 101
SCARBOROUGH, ONTARIO M1B 3Y1

PROPOSED TWO STORY RESIDENCE
AT 12, JUP CONSTANTINE DRIVE
MARIETTA, OH

DATE: 10/10/10	PROJECT: PROPOSED ROOF PLAN
DRAWN: [Name]	CHECKED: [Name]
SCALE: 1/8" = 1'-0"	SHEET NO: A5

NO.	REVISION	DATE
1	ISSUE FOR PERMITS	10/10/10
2	ISSUE FOR CONSTRUCTION	10/10/10

NOT TO SCALE
ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS IN FEET AND INCHES
ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED

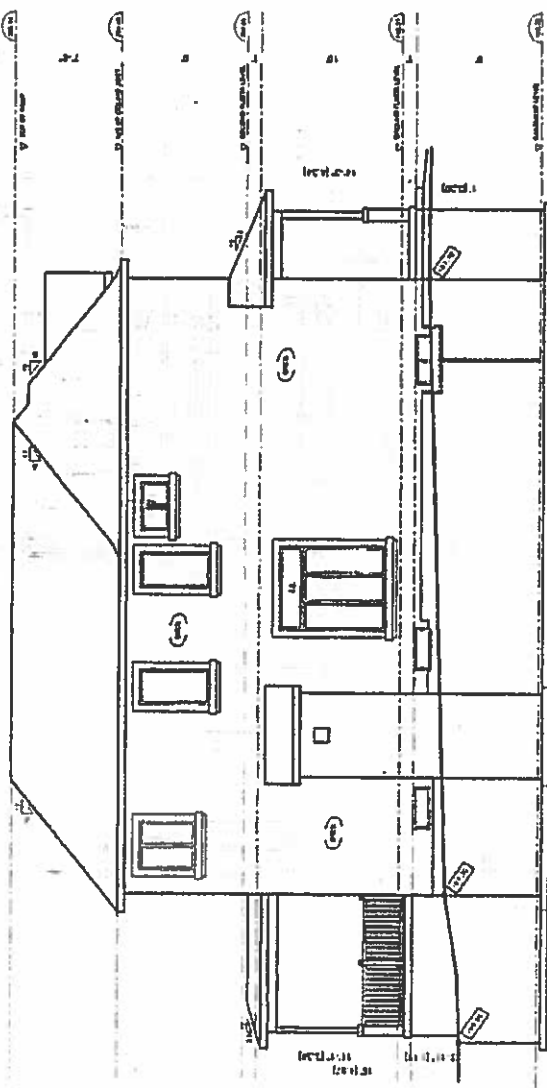


CANTAM
Group Ltd
PLANS & BUILDING REGULATIONS
PROJECT NO: 17-2019-001
11, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

PROPOSED TWO STOREY RESIDENCE
AT 17, 387 CONSTANCE DRIVE
MUSKOGEE, ON

DATE	DESCRIPTION
17/03/2019	PROPOSED REAR ELEVATION
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31/12/2019	REVISIONS

RECEIVED
MAR 19 2019
CITY OF MARKHAM
COMMITTEE OF ADJUSTMENT



PROPOSED LEFT ELEVATION
SCALE: 1/8"=1'-0"

NO.	DESCRIPTION	DATE	BY
1.	DATE PLOT MADE		
2.	DATE PLOT MADE		

THIS DRAWING IS A PART OF A SET OF ARCHITECTURAL DRAWINGS FOR THE PROPOSED TWO STORY RESIDENCE AT 12.

CANTAM Group, Ltd.
 PLANNING & BUILDING CONSULTANTS
 100 MARKET AVENUE, SUITE 2000
 TORONTO, ONTARIO M5X 1C7
 TEL: (416) 593-1111 FAX: (416) 593-1112

PROPOSED TWO STORY RESIDENCE
 AT 12.

PROPOSED LEFT ELEVATION

DATE:

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

FIG. NO.:

SHEET NO.:

A9