

Memorandum to the City of Markham Committee of Adjustment

April 01, 2019

File: A/26/19
Address: 24 Almond Ave, Thornhill
Applicant: Anae Sobhani
Agent: EZed architects (Elmira Zarrabi)
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 By-law 2237, R4, as amended:

- a) **Amending By-law 101-90, Section 1.2 (i):**
a maximum building height of 9.29 metres, whereas the By-law permits a maximum building height of 8.6 metres;
- b) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 52.3 percent (3,266 sq. ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,125 sq. ft.);

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 580.6 m² (6,250 ft²) subject property is located on the north side of Almond Ave, north of Steeles Avenue E, east of Henderson Avenue and west of Bayview Avenue. According to assessment records collected in 1999, there is an existing two-storey detached 191.82 m² (2,064.73 ft²) dwelling located on the property. One mature tree exists at the front of the property.

Proposal

The applicant is proposing to construct a new two-storey detached 303.4 m² (3,266 ft²) dwelling with an attached garage, rear basement walkout and a rear uncovered deck.

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 R4 – "Fourth Density Single Family Residential" under By-law 2237, as amended, which permits a single detached dwelling.

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.

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, "Relief is requested to construct a new dwelling and to accommodate the new integral 2 car garage".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 14, 2019, 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.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.3 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 303.4 m² (3,266 ft²), whereas the By-law permits a dwelling with a maximum floor area of 290.32 m² (3,125 ft²). This represents an increase of approximately 13.08 m² (140.8 ft²) or, approximately 4.5 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. While the proposed dwelling is larger than existing dwellings, it will comply with the minimum setbacks. The proposed lot coverage is approximately 23.5 percent, which complies with the maximum 35 percent lot coverage. Staff are of the opinion that the proposed floor area ratio is minor in nature and will not result in demonstrable adverse impacts on neighbouring homes.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.29 m (30.48 ft), whereas the By-law permits a maximum building height of 8.6 m (28.22 ft). This represents an increase of 0.69 m (2.26 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 0.17 m (0.56 ft) above the crown of road.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 01, 2019. 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:



David Miller, Development Manager, West District
File Path: Amanda\File\ 19 114996 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/26/19

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 22, 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. 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;
4. 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

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
LOT 162
REGISTERED PLAN M-835
IN THE
CITY OF MARKHAM

SCALE & NOTES
 1:500
 10 METERS

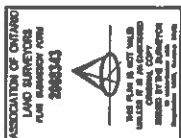
BARICH GRENKIE SURVEYING LTD.
 A DIVISION OF GEMMAPLE
 © COPYRIGHT 2016

METRIC
 DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE
 ALL ELEVATIONS REFERRED TO A NAIL IN FRONT OF SUBJECT LAND
 HAVING AN ELEVATION OF 182.00M

BEARING NOTE
 BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE NORTHERLY LIMIT
 OF AN ANGLE AS SHOWN ON PLAN UNLESS INDICATED A BEARING
 OF INTERSECTION

- LEGEND**
- 1 DENOTES SURVEY MONUMENT FOUND
 - 2 DENOTES SURVEY MONUMENT PLANTED
 - 3 DENOTES IRON BAR
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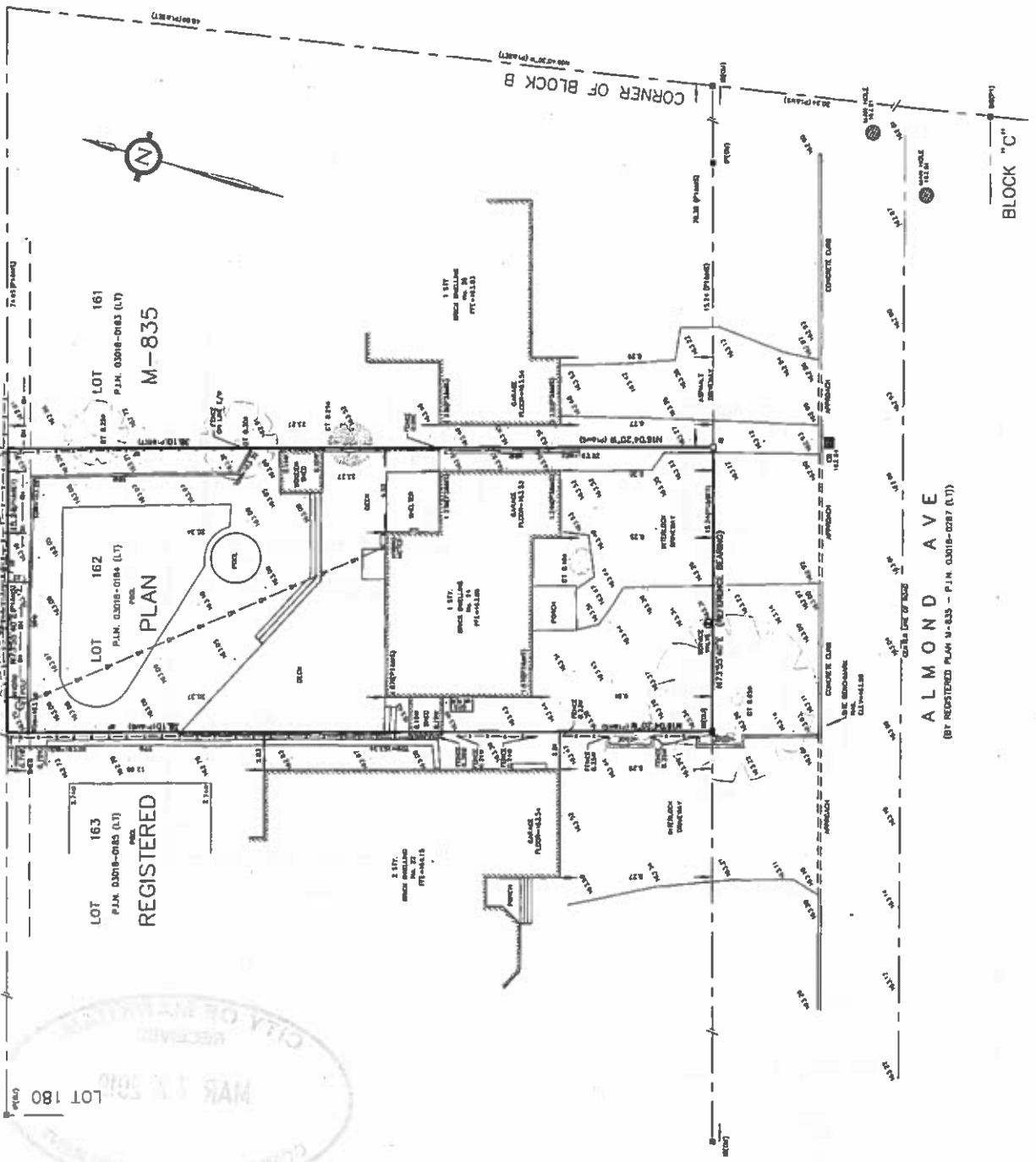
PART 2
REGISTERED EASEMENTS/RIGHTS-OF-WAY - AS
SHOWN IN WITHIN THE LOT 162
ADDITIONAL REMARKS MAKE NOTE OF THE LOCATION OF FENCES AND
 PHYSICAL FEATURES AS SHOWN ON THE FACE OF THIS PLAN
 THIS PLAN WAS PREPARED FOR MUD SUDHAM AND THE UNDERSIGNED
 ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THIS PLAN WAS PREPARED AND IN ACCORDANCE WITH THE SURVEY
 ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON OCTOBER 15, 2016.

Signature of Surveyor
 OCTOBER 15, 2016
 CHIEF LAND SURVEYOR

Barich Grenkie
 Surveying Ltd.
 1000 V. CONSOUL
 CHIEF LAND SURVEYOR

FORM B.P. 54-TP
 CHK BY: GYC
 JOB No. 18-0115



REGISTERED

REGISTERED

ALMOND AVE
 (BY REGISTERED PLAN M-835 - P.I.N. 03018-0287 (L.T))



GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF THE EXISTING AND NEW WORK.
2. THESE DIMENSIONS ARE FOR PERMIT ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS BY JUMP AND CHECK ALL APPLICABLE BY-LAWS AND REGULATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
4. DO NOT SCALE DIMENSIONS.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
6. ALL STRUCTURAL CHANGES MUST BE APPROVED BY THE STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	FEB 14, 2019
2	ISSUED FOR PERMIT	FEB 15, 2019

PROJECT ADDRESS:
 24 ALHOND AVE
 MARKHAM, ONTARIO

PROJECT NO.:
DRAWING TITLE:
 MAIN FLOOR PLAN

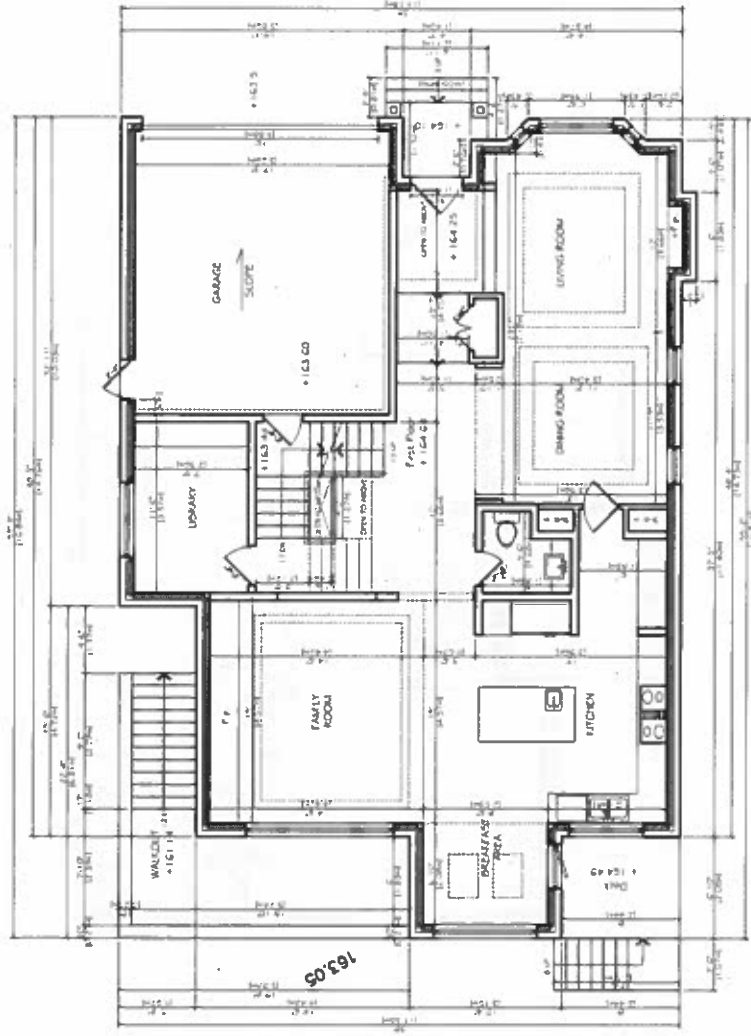
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	FEB 14, 2019



EZed ARCHITECTS
 PHONE: 416-495-6186
 EMAIL: EZEDARCHITECTS@GMAIL.COM
 278 DUNDAS ST. W. UNIT 406
 TORONTO, ONT. CANADA
 M5G 1R5

SCALE:	1/8" = 1'-0"
DRAWN BY:	ELMIRA ZARRABI
DATE:	

A3



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NO.	ISSUED FOR	DATE
1	Permit	Feb 11, 2019
2	(ca)	Mar 15, 2019

PROJECT ADDRESS:
 24 ALMOND AVE
 MARKHAM ONTARIO

PROJECT NO.:
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 SECOND FLOOR PLAN

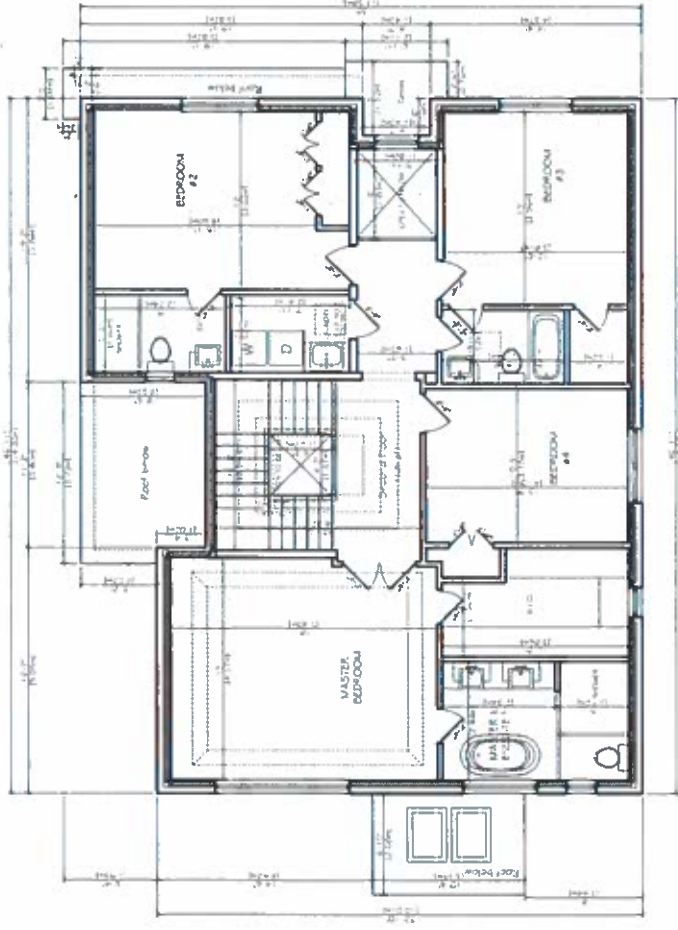
NO.	REVISION	DATE
1	Permit	Feb 11, 2019



Ezed ARCHITECTS
 1111 SHEPPARD AVE. E. SUITE 101
 MARKHAM, ONTARIO L3R 9V4
 TEL: 416-491-6366
 EMAIL: EZEDEDARCHITECTS.COM

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

A4



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NO.	REVISION	DATE
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PROJECT ADDRESS:
74 ALMOND AVE
MARKHAM ONTARIO

PROJECT NO.:
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ROOF PLAN

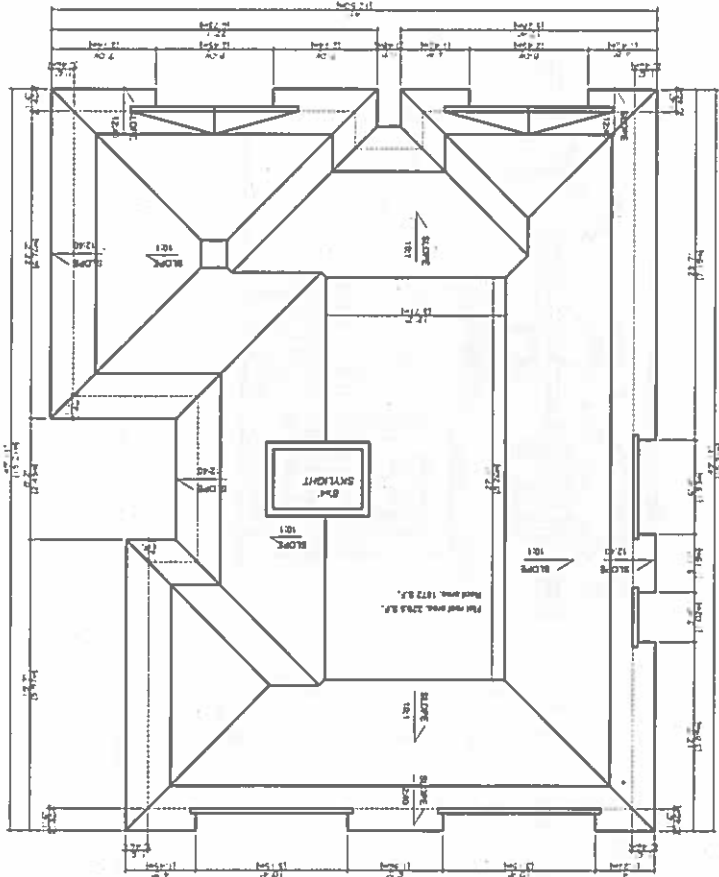
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10	FOR PERMIT	FEB 14, 2019



Ezed ARCHITECTS
112 LESLIE ST. #308
ETOBICOKE, ONTARIO M9B 1P5
TEL: 416-491-1111
WWW.EZEDARCHITECTS.COM

SCALE:	1/8" = 1'-0"
DRAWN BY:	ELMIRA ZARRABI
DATE:	

A5



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4. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE.
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NO.	ISSUED FOR	DATE
1	zoning	Feb 11, 2019
2	(O.A.)	Mar 19, 2019

PROJECT ADDRESS:
74 ALMOND AVE
MARKHAM, ONTARIO

PROJECT NO.:
DRAWING TITLE:
MAIN (SOUTH) ELEVATION

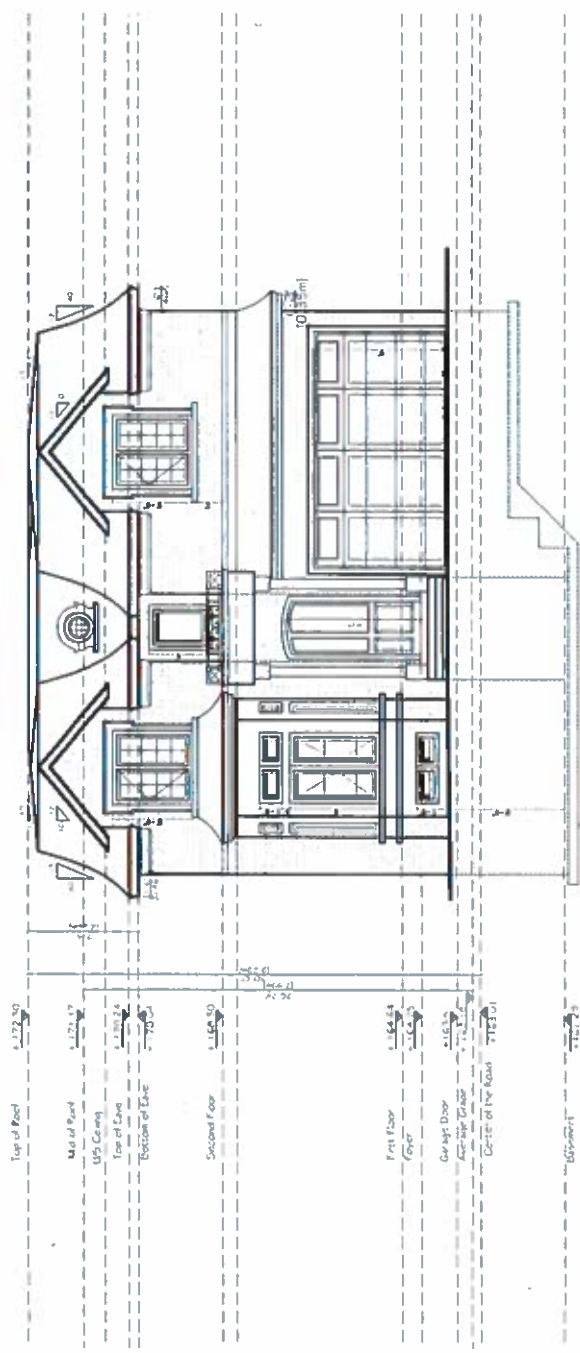
NO.	REVISION	DATE
1	zoning	Feb 17, 2019



EZed ARCHITECTS
116-60855-6366
EZEDARCHITECTS.COM
1000 SHEPPARD AVENUE EAST, SUITE 406
MARKHAM, ONTARIO, CANADA
M3B 3T5

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DATE:

A6



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NO.	ISSUED FOR	DATE
1	Zoning	Feb 14, 2019
2	CGA	Mar 15, 2019

PROJECT ADDRESS:
 74 ALMOND AVE
 MARKHAM, ONTARIO

PROJECT NO.:
DRAWING TITLE:
 REAR (NORTH) ELEVATION

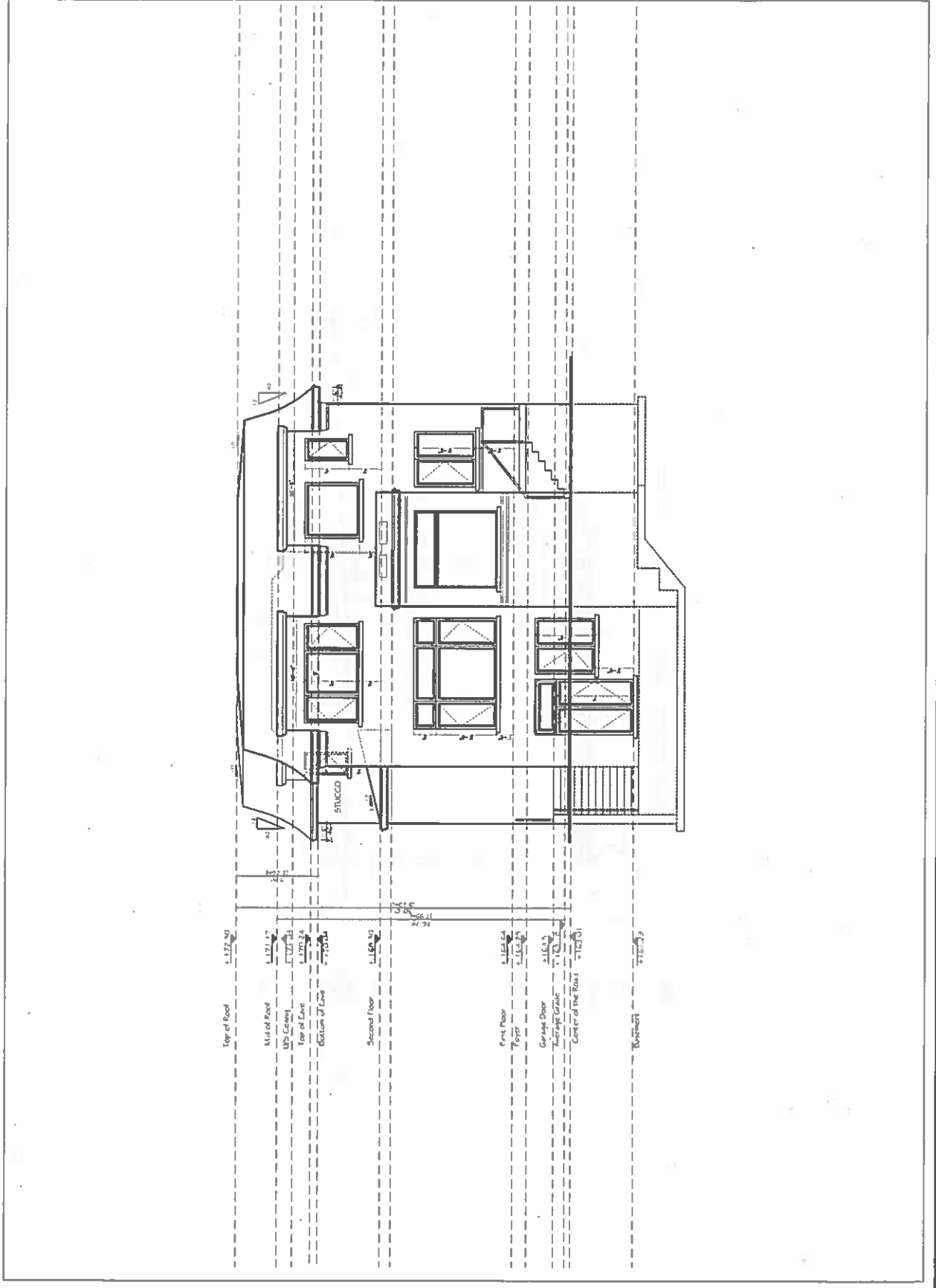
NO.	REVISION	DATE
1	Zoning	Feb 07, 2019



EZED ARCHITECTS
 110 GIBBS ST. #306
 MARKHAM, ONTARIO L3R 0K7
 TEL: (905) 477-8888
 WWW.EZEDARCHITECTS.COM

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

A7



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PROJECT ADDRESS:
 74 ALMOND AVE
 MARKHAM, ONTARIO

PROJECT NO.:
DRAWING TITLE:
 EAST SIDE ELEVATION

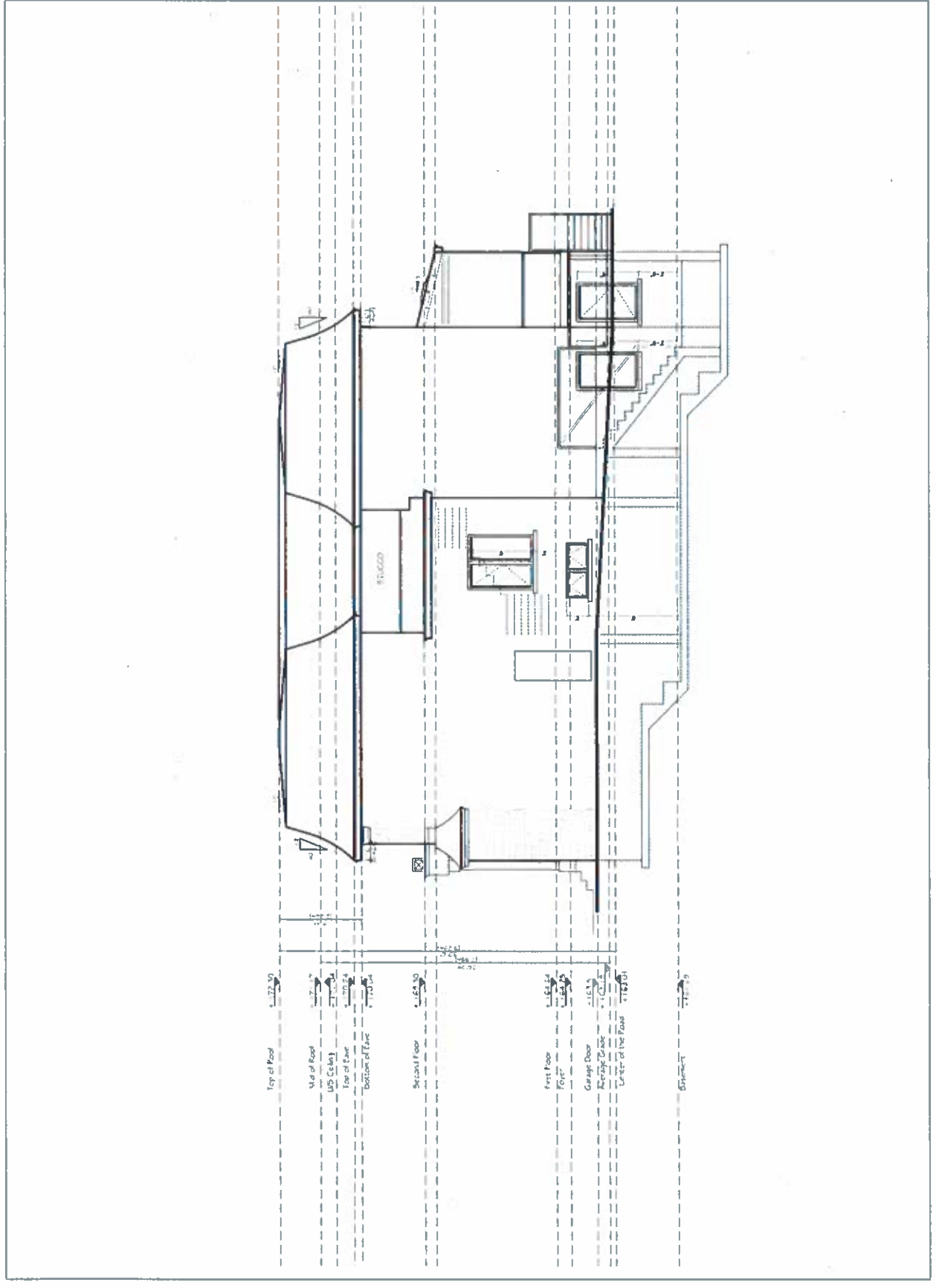
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Ezed ARCHITECTS
 PHONE: 416-495-6346
 EMAIL: EZEDARCHITECTS.COM
 1275 SHEPPARD AVENUE EAST, SUITE 406
 MARKHAM, ONTARIO, CANADA
 M1B 3Y5

SCALE:	1/8"=1'-0"
DRAWN BY:	ELMIRA ZARRARI
DATE:	

A8



GENERAL NOTES:

1. THESE DIMENSIONS ARE THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE PRODUCED WITHOUT WARRANTY.
2. THESE DIMENSIONS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR MUST OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. DO NOT SCALE DIMENSIONS.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
5. VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK.
6. ALL STRUCTURAL CHANGES MUST BE APPROVED BY THE STRUCTURAL ENGINEER.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, OR MECHANICAL INFORMATION SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCEMENT OF WORK.

NO.	REVISION	DATE
1	2016.02.19	Feb 19, 2016
2	2016.02.19	Feb 19, 2016

PROJECT ADDRESS:
 24 ALMOND AVE
 MARKHAM, ONTARIO

PROJECT NO.:
DRAWING TITLE:
 WEST SIDE ELEVATION

NO.	REVISION	DATE
1	2016.02.19	Feb 19, 2016



Ezed ARCHITECTS
 PHONE: +1(416)885-6346
 EMAIL: info@ezedarchitects.com
 770 DUNDAS ST. W. UNIT 416
 TORONTO, ON CANADA
 M5G 1B5

SCALE:	1/8" = 1'-0"
DRAWN BY:	ELHRA ZARRABI
DATE:	

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