

Memorandum to the City of Markham Committee of Adjustment

May 16, 2019

File: A/38/19
Address: 112 Highland Park Blvd Thornhill
Applicant: MAX LUX INC (AMIR ADLI)
Agent: (none)
Hearing Date: Wednesday May 29, 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) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 54.2 percent (3,594 sq.ft), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.);
- b) **Amending By-law 101-90, Section 1.2 (i):**
a maximum building height of 9.40 m, whereas the By-law permits a maximum building height of 8.6 m;
- c) **Amending By-law 101-90, Section 1.2 (iv):**
a maximum building depth of 18.39 m, whereas the By-law permits a maximum building depth of 16.8 m;
- d) **Amending By-law 101-90, Section 6.1:**
a minimum west side yard setback of 1.2 m, whereas the By-law requires a minimum interior west side yard setback of 1.8 m;
- e) **Section 3.7:**
an unenclosed/unexcavated porch & eave front yard encroachment of 56 inches, whereas the By-law permits a maximum yard encroachment of 18 inches into the required yards;

as they relate to a proposed single detached dwelling.

BACKGROUND

Property Description

The 650.30 m² (7,000 ft²) subject property is located on the north side of Highland Park Boulevard, north of Steeles Avenue and east of Jewell Street. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings originally developed in the 1950s. A number of houses in the area have been developed as infill developments. There is an existing one-storey detached 90 m² (968.75 ft²) dwelling on the property, which according to assessment records was constructed in 1950. Vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two-storey detached dwelling with a rear yard deck and basement walkout at the east side of the proposed dwelling.

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. Section 8.2.3.5 of the 2014 Official Plan outlines

development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned R4 'Fourth Density Single Family Residential' under By-law 2237, as amended, which permits a single detached dwelling. The proposal does not comply with respect to the unenclosed/unexcavated porch and eave front yard encroachment.

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 floor area ratio, maximum building depth, maximum building height and minimum west side yard setback.

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, *"this is going to be our family dream home which is designed to give as minimum spaces we need for our 5 family members"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 3rd, 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 54.2 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 333.89 m² (3,594 ft²), whereas the By-law permits a dwelling with a maximum floor area of 307.8 m² (3,313 ft²). This represents an increase of approximately 26.10 m² (281.48 ft²) or, approximately 8.5 percent. Staff are of the opinion that the proposed increase in FAR will not result in adverse impacts to abutting property owners.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.6 m (28.22 ft), whereas the By-law permits a maximum building height of 9.4 m (30.84 ft). This represents an increase of 0.8 m (2.62 ft) or, approximately 9.3 percent. Staff are of the opinion that the requested variance is appropriate for the development of the site.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.39 m (60.33 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.59 m (5.22 ft) or, approximately 9.5 percent.

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 variance includes a front covered porch and rear projection (bay window) which add approximately 1.02 m (3.35 ft) and 1.22 m (4 ft) respectively to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.66 m (54.66 ft) which complies with the by-law requirement. Given that the porch is unenclosed and well setback from the permitted side yards and, that the rear bay window does not occupy the full length of the rear wall, Staff are of the opinion that the requested variance is appropriate for the development and meets the intent of the infill by-law.

Reduced West Side Yard Setback (two-storey portion)

The applicant is requesting a minimum west side yard setback of 4 ft (1.2 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m) the two-storey portion of the dwelling. This represents a difference of approximately 2 ft (0.61 m).

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

Increase in Maximum Eaves/roofed Encroachment

The applicant is requesting an unenclosed/unexcavated porch & eave front yard encroachment of 56 in (0.46 m) into a required yard, whereas the By-law permits a maximum unenclosed/unexcavated porch & eave front yard encroachment of 18 in (1.5 m). This represents an increase of approximately 38 inches. Staff are of the opinion that the requested variance is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 16th, 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.

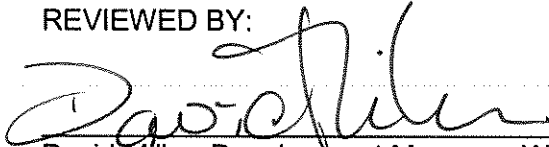
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District
File Path: Amanda\File\ 19 118100 \Documents\District Team Comments Memo

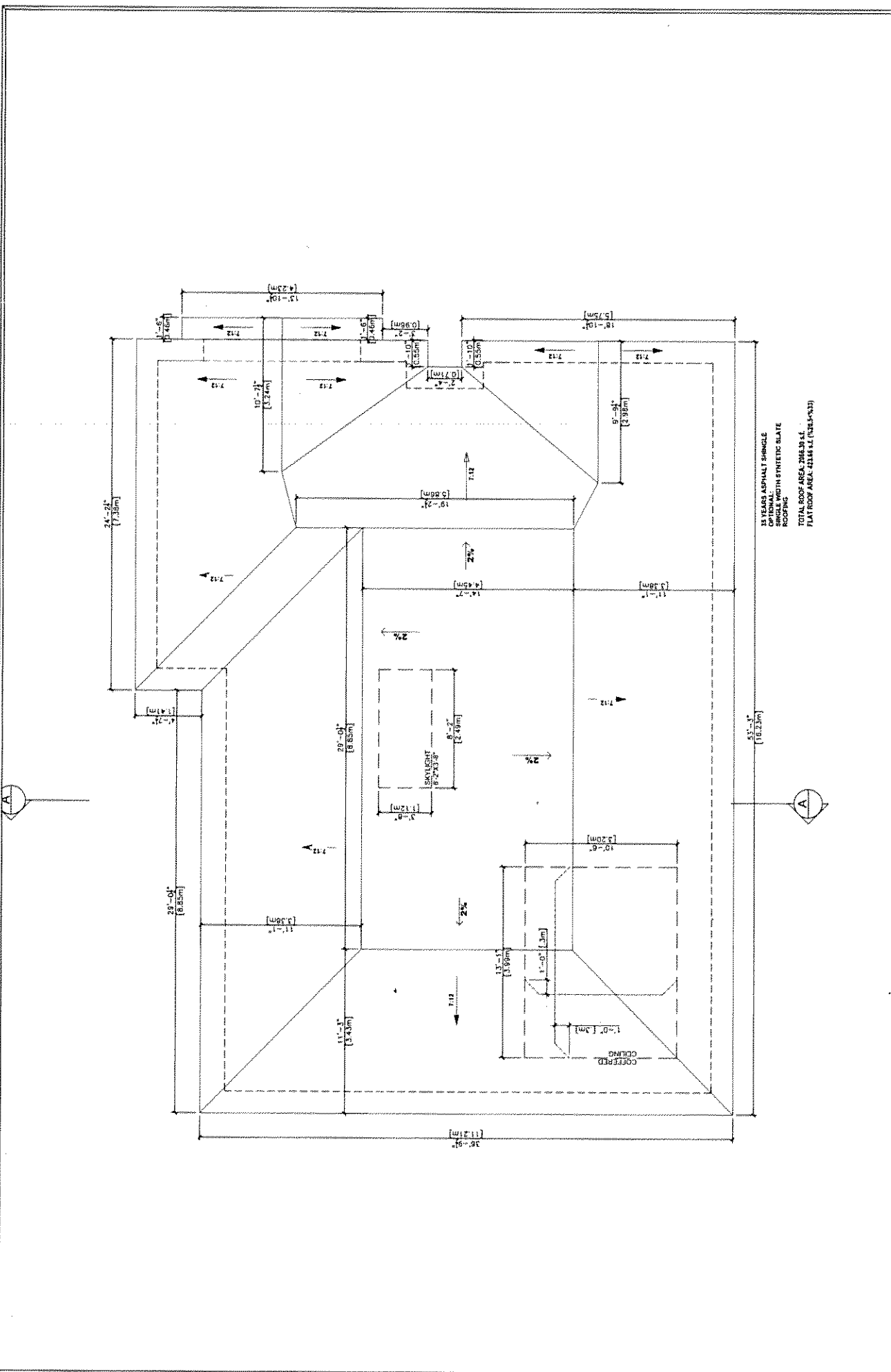
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/38/19

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 B1' to this Staff Report and received by the City of Markham on *May 10th, 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; and
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:

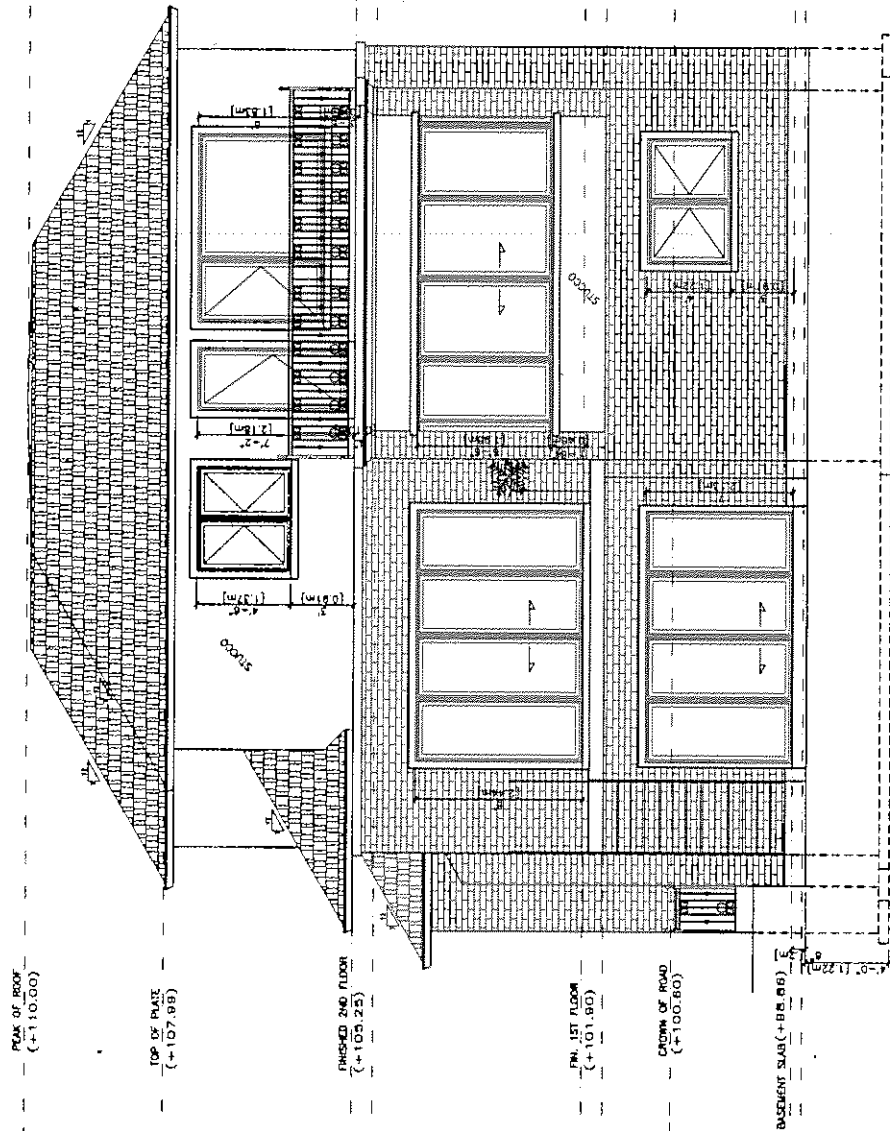


Aqsa Malik, Planner, Zoning and Special Projects



15 YEARS ASPHALT SHINGLE
 OPTIONAL
 WITHIN SYNTHETIC SLATE
 TOTAL ROOF AREA: 2464.41
 FLAT ROOF AREA: 4248.41 (2464.41)

<p>GENERAL NOTES:</p> <ul style="list-style-type: none"> CONSTRUCTION IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS. 		<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED</td> <td>10/10/2023</td> </tr> <tr> <td>2</td> <td>REVISION</td> <td>10/10/2023</td> </tr> <tr> <td>3</td> <td>REVISION</td> <td>10/10/2023</td> </tr> </tbody> </table>		No.	Description	Date	1	ISSUED	10/10/2023	2	REVISION	10/10/2023	3	REVISION	10/10/2023
No.	Description	Date													
1	ISSUED	10/10/2023													
2	REVISION	10/10/2023													
3	REVISION	10/10/2023													
<p>PROJECT INFORMATION:</p> <p>PROJECT: INDUSTRIAL BUILDING AT PARK HILLWARD</p> <p>CLIENT: ABC COMPANY</p> <p>ARCHITECT: AMRUC (P) LTD</p> <p>DATE: 10/10/2023</p> <p>SCALE: AS SHOWN</p>		<p>APL</p> <p>AMRUC (P) LTD</p> <p>REGISTERED ARCHITECTS</p> <p>10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 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</p>													
<p>DATE: 10/10/2023</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: INDUSTRIAL BUILDING AT PARK HILLWARD</p> <p>CLIENT: ABC COMPANY</p> <p>ARCHITECT: AMRUC (P) LTD</p> <p>DATE: 10/10/2023</p> <p>SCALE: AS SHOWN</p>		<p>AMRUC (P) LTD</p> <p>REGISTERED ARCHITECTS</p> <p>10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 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</p>													
<p>AMRUC (P) LTD</p> <p>REGISTERED ARCHITECTS</p> <p>10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 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</p>		<p>AMRUC (P) LTD</p> <p>REGISTERED ARCHITECTS</p> <p>10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 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</p>													



A2.2

THIS DRAWING IS THE PROPERTY OF ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, 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 ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT.

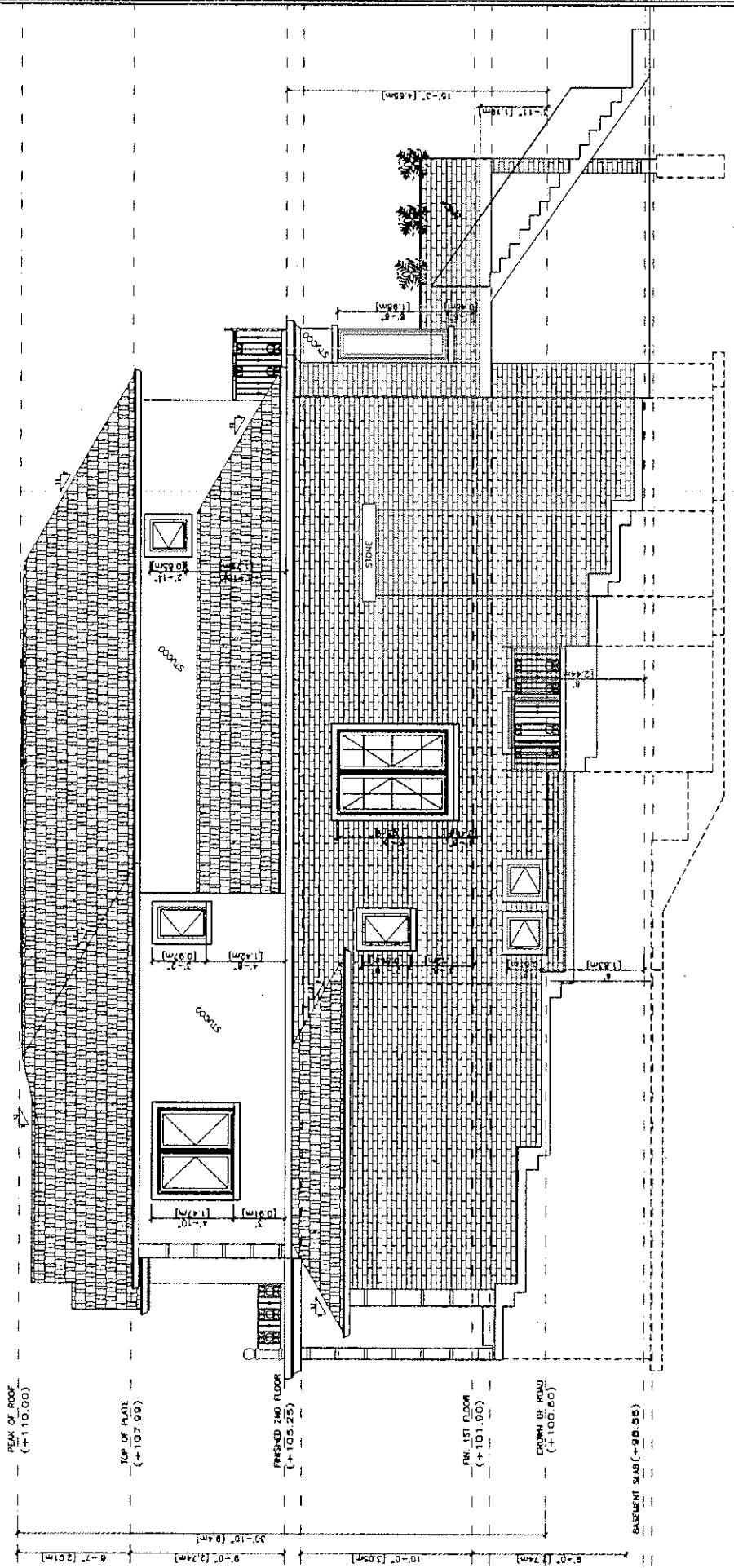
ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

ADLI ARCHITECTURAL DESIGN & CONSTRUCTION MANAGEMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.



ADLI
ARCHITECTURAL DESIGN & INTERIORS
1111 BROADWAY, SUITE 1000
NEW YORK, NY 10001
TEL: (212) 692-1234
WWW.ADLIARCH.COM

THE SUBMITTER'S NAME IS A TRADE REGISTERED FOR THIS PROJECT. THE SUBMITTER'S NAME IS A TRADE REGISTERED FOR THIS PROJECT. THE SUBMITTER'S NAME IS A TRADE REGISTERED FOR THIS PROJECT.

PROJECT: BLOOMSBURY
111 BROADWAY PLAZA
New York, NY 10001
Architect: ADLI
Scale: 1/8" = 1'-0"
Date: 1/2011
Title: 2ND FLOOR ELEVATION (PART)

A2.4

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	
2	REVISED	
3	REVISED	

DESIGNED AND DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

REMARKS:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. FINISHES ARE AS SHOWN ON THE FINISH SCHEDULE.
3. SEE OTHER SHEETS FOR DETAILS AND NOTES.

STRUCTURE OFFERED BY THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE.

THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE.

THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE.

THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURE.