

Memorandum to the City of Markham Committee of Adjustment

July 09, 2019

File: A/65/19
Address: 26 Hawkrigde Avenue, Markham
Applicant: Rafi & Lena Boudakian
Agent: Gregory Design Group
Hearing Date: Wednesday July 24, 2019

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, R1 as amended, as they relate to a proposed two-storey single detached dwelling on the subject property:

- a) **Section 11.1:**
a maximum lot coverage of 35.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 50.2 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- c) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 21.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- d) **Amending By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.76 metres, whereas the By-law permits a maximum building height 9.8 metres.

BACKGROUND

Property Description

The 1014.70 m² (10,922.14 ft²) subject property is located on the west side of Hawkrigde Avenue, which is east of Main Street Markham North and south of Robinson Street. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1953.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer residential infill development.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two-storey detached dwelling on the property. The proposed dwelling has a total gross floor area of 408.80 m² (4400.29 ft²). The proposed dwelling includes an attached two car garage, a front covered porch and rear covered terrace. Plans of the proposed development are attached as Appendix 'A'.

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, including 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 1229

The subject property is zoned 'Residential' (R1) under By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to maximum lot coverage.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 net floor area ratio, maximum building depth and maximum building height.

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, *"to construct a new brick, two storey house"*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is ultimately 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 Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 35.2 percent, whereas the By-law permits a maximum floor area ratio of 35 percent. This represents an increase of 2.03 m² (21.84 ft²) which is minor relative to the size of the lot.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 50.2 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of

a two-storey detached dwelling with a floor area of 408.80 m² (4400.29 ft²), whereas the By-law permits a dwelling with a maximum floor area of 366.30 m² (3942.82 ft²). This is an increase of 42.50 m² (457.47 ft²).

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. Although the proposed dwelling is larger than existing dwellings originally developed in the 1950s-1960s, the building layout meets all setback requirements ensuring adequate separation between dwellings and retention of soft landscape areas.

The proposed dwelling will also be comparable in size with other infill development along Hawkridge Avenue and within the broader surrounding area. Staff are of the opinion that the variance request is appropriate for the development.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.64 m (71.00 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 4.84 m (15.88 ft).

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 nearest and the other through the point on the dwelling farthest from the front lot line.

The building depth variance is largely attributable one-storey projections at the rear of the proposed dwelling which includes the master bedroom and an unenclosed covered terrace. These extend 5.03 m (16.5 ft) and 4.27 m (14.0 ft), respectively. With the exception of these one-storey projections, the majority of the proposed dwelling, has a total depth of 16.61 m (54.5 ft) which complies with the By-law. Staff are of the opinion that the variance request is appropriate for the development.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.76 m (35.30 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.96 m (3.15 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown (i.e. high point of the street) at the mid point of the Front Lot Line and the highest point of a pitched roof. It should be noted that the proposed grade of the front of the house is approximately 1.22 m (4.00 ft) above the crown of road and that the height variance is in part attributable to this. Staff do not have concerns with the requested height variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 17, 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 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:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 19 125669 \Documents\District Team Comments Memo

SURVEYOR'S REAL PROPERTY REPORT - PART 1
PLAN OF LOT 33
REGISTERED PLAN 4065
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

© COPYRIGHT
ertl surveyors 2019
 Ontario Land Surveyors

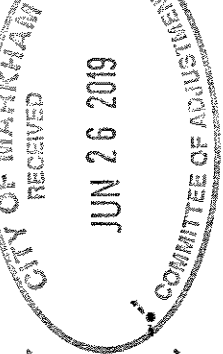
Metric

NO REGISTERED EASEMENTS OR RIGHTS OF WAY
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Part 2
 NOTE THAT TOWER CURB PROJECTIONS OVER THE SOUTHERLY
 TUNNEL LOCATION OF NORTHERLY PORTION OF CHAN LINK
 ARE SHOWN IN THIS PLAN.
 OTHER FINISHES AS SHOWN.
 SURVEY PREPARED FOR RUSS GREGORY.

Reference Bearing
 THE SURVEY BEARING AND ARE REFERRED TO THE
 WESTERN LIMIT OF HAWKRIIDGE AVENUE AS SHOWN ON
 REGISTERED PLAN 4083 HAVING BEARING OF N107°00'00"
 P1 DENOTES SURVEY MONUMENT FOUND

- Legend**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES IRON BAR
 - DENOTES IRON PIPE
 - DENOTES IRON NAIL
 - DENOTES IRON TIE
 - DENOTES MEASURED
 - DENOTES UNMEASURED
 - DENOTES REGISTERED PLAN 4083
 - DENOTES REGISTERED PLAN 4459
 - DENOTES REGISTERED PLAN 4460
 - DENOTES REGISTERED PLAN 4461
 - DENOTES REGISTERED PLAN 4462
 - DENOTES REGISTERED PLAN 4463
 - DENOTES REGISTERED PLAN 4464
 - DENOTES REGISTERED PLAN 4465
 - DENOTES REGISTERED PLAN 4466
 - DENOTES REGISTERED PLAN 4467
 - DENOTES REGISTERED PLAN 4468
 - DENOTES REGISTERED PLAN 4469
 - DENOTES REGISTERED PLAN 4470
 - DENOTES REGISTERED PLAN 4471
 - DENOTES REGISTERED PLAN 4472
 - DENOTES REGISTERED PLAN 4473
 - DENOTES REGISTERED PLAN 4474
 - DENOTES REGISTERED PLAN 4475
 - DENOTES REGISTERED PLAN 4476
 - DENOTES REGISTERED PLAN 4477
 - DENOTES REGISTERED PLAN 4478
 - DENOTES REGISTERED PLAN 4479
 - DENOTES REGISTERED PLAN 4480
 - DENOTES REGISTERED PLAN 4481
 - DENOTES REGISTERED PLAN 4482
 - DENOTES REGISTERED PLAN 4483
 - DENOTES REGISTERED PLAN 4484
 - DENOTES REGISTERED PLAN 4485
 - DENOTES REGISTERED PLAN 4486
 - DENOTES REGISTERED PLAN 4487
 - DENOTES REGISTERED PLAN 4488
 - DENOTES REGISTERED PLAN 4489
 - DENOTES REGISTERED PLAN 4490
 - DENOTES REGISTERED PLAN 4491
 - DENOTES REGISTERED PLAN 4492
 - DENOTES REGISTERED PLAN 4493
 - DENOTES REGISTERED PLAN 4494
 - DENOTES REGISTERED PLAN 4495
 - DENOTES REGISTERED PLAN 4496
 - DENOTES REGISTERED PLAN 4497
 - DENOTES REGISTERED PLAN 4498
 - DENOTES REGISTERED PLAN 4499
 - DENOTES REGISTERED PLAN 4500



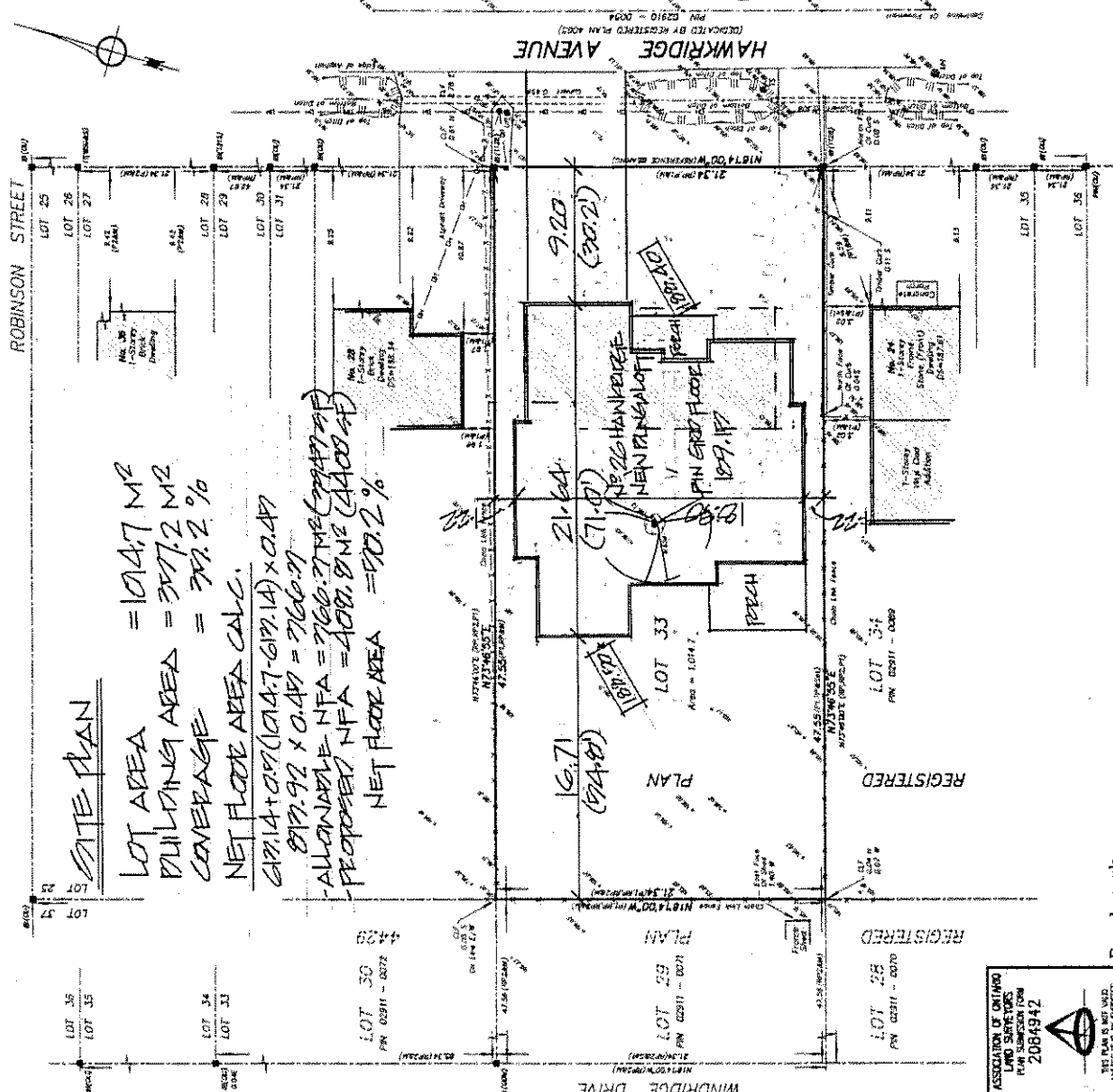
Surveyor's Certificate

I CERTIFY THAT:
 1. THIS PLAN AND CROSSER AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF APRIL 2019.

May 12, 2019
[Signature]
 Office Land Surveyor

ertl surveyors
 Ontario Land Surveyors
 www.ertl-surveyors.com

1324 REB STREET, UNIT 108, MARKHAM, ONTARIO L3R 0V4
 TEL: (905) 947-1111 FAX: (905) 947-1112
 DRAWING: 1918C-TLEJMG PROJECT: 1911S
 CAL: BY CH. DRUMBY REZA, CHECKED BY CT



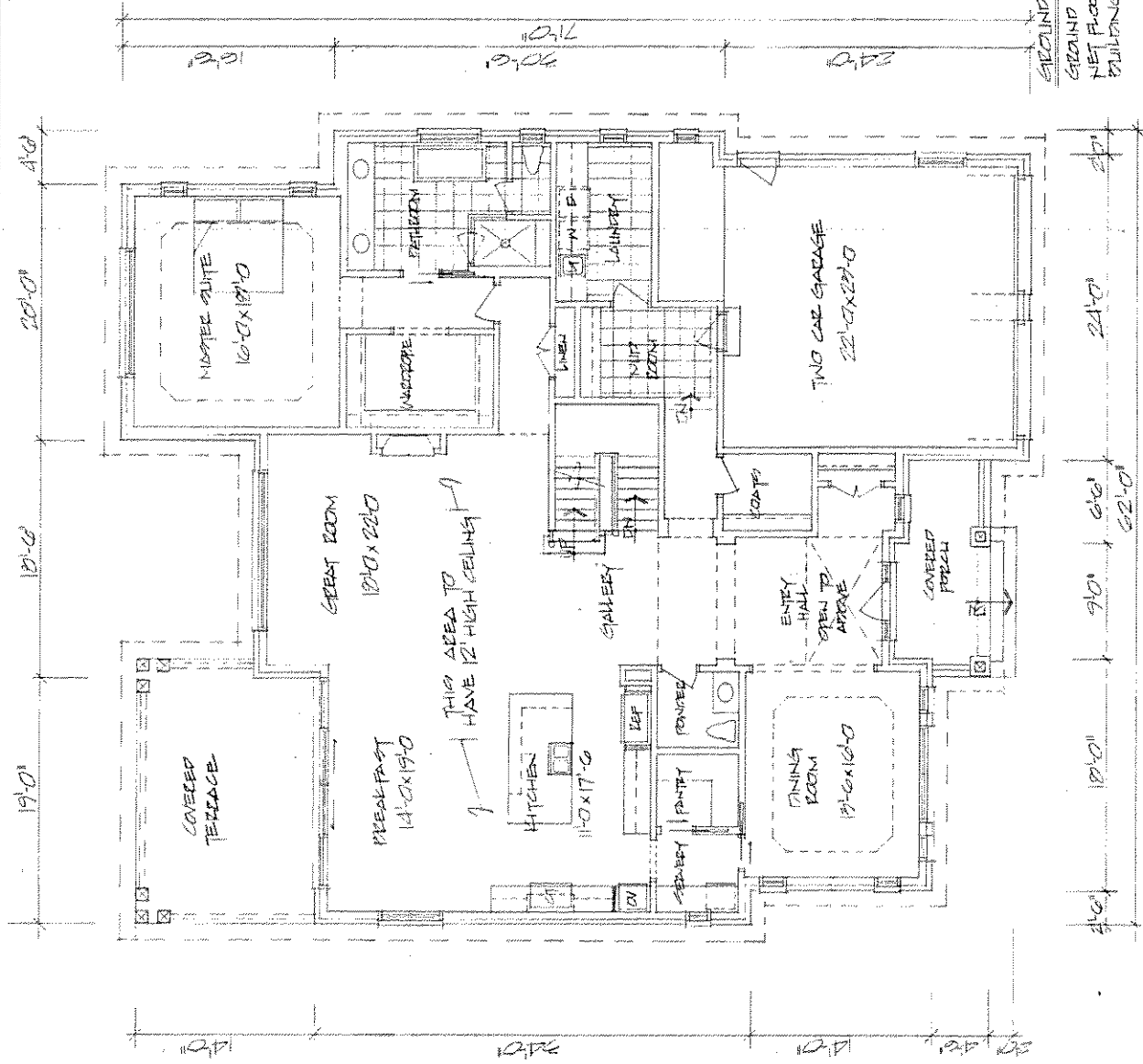
SITE PLAN

LOT AREA = 10147 M²
 BUILDING AREA = 3772 M²
 COVERAGE = 37.2 %
 NET FLOOR AREA CALC.
 10147 - 6371.14 = 3775.86
 3775.86 - 21.92 = 3753.94
 3753.94 x 0.491 = 1843.18
 - ALTERNATIVE NFA = 1843.18 M²
 - PROPOSED NFA = 1897.82 M²
 NET FLOOR AREA = 1897.82 %

Benchmark
 ELEVATIONS HEREIN ARE GEODETIC AND
 DERIVED FROM CITY OF MARKHAM GN
 DATUM. NAD 83 - CH. ELEVATION = 188.58 m

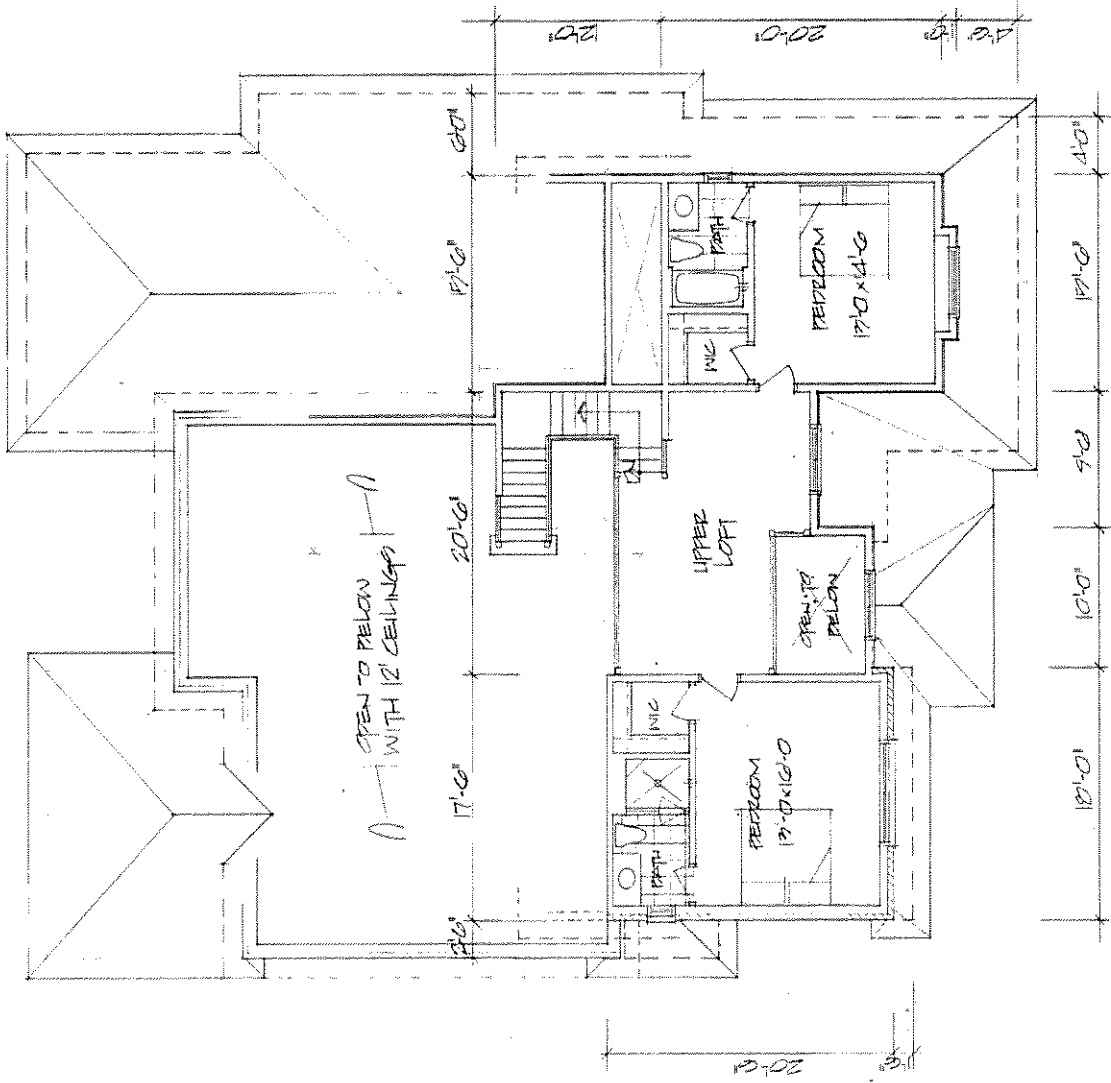
ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
2084942

THIS PLAN IS A REGISTERED
 PLAN UNDER THE SURVEYORS
 ACT AND THE REGULATIONS MADE
 UNDER THEM. IT IS SUBJECT TO
 THE SURVEYORS ACT AND THE
 REGULATIONS MADE UNDER THEM.



SECOND FLOOR PLAN
 GROUND FLOOR AREA = 2820 SF
 NET FLOOR AREA = 2410 SF
 BUILDING AREA = 3240 SF

PROJECT	NEW HOUSE DESIGN 26, HANCOCK AVE. CITY OF MARLBOROUGH THE GREGORY DESIGN GROUP
DATE	02/07/19
SCALE	1/4" = 1'-0"
GENERAL NOTES	1. SEE GENERAL NOTES ON SHEET 1. 2. SEE GENERAL NOTES ON SHEET 2. 3. SEE GENERAL NOTES ON SHEET 3. 4. SEE GENERAL NOTES ON SHEET 4. 5. SEE GENERAL NOTES ON SHEET 5. 6. SEE GENERAL NOTES ON SHEET 6. 7. SEE GENERAL NOTES ON SHEET 7. 8. SEE GENERAL NOTES ON SHEET 8. 9. SEE GENERAL NOTES ON SHEET 9. 10. SEE GENERAL NOTES ON SHEET 10.
DESIGNED BY	THE GREGORY DESIGN GROUP 18 CHURCH STREET MARLBOROUGH, MA 01501 (508) 750-4481 greg@gregorydesigngroup.net
DRAWN	1

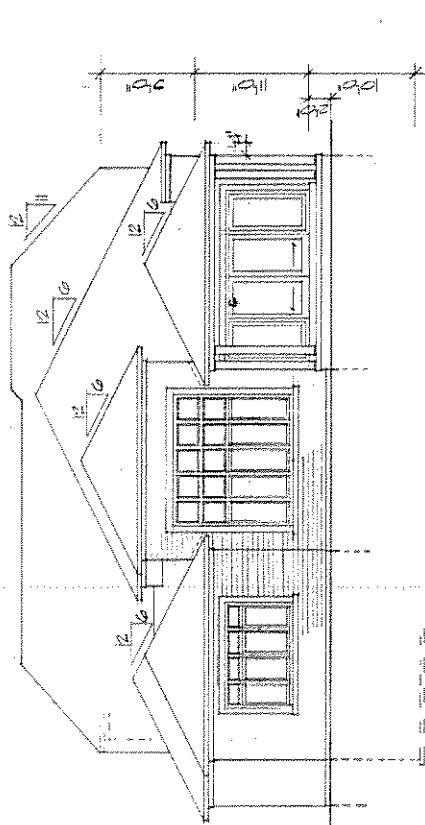


SECOND FLOOR PLAN

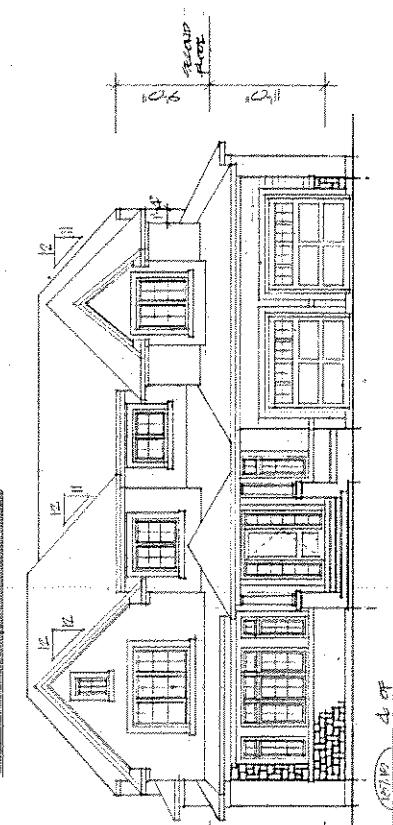
GROUND FLOOR AREA = 10700 SQ FT
 OPEN SPACE = 200
 NET FLOOR AREA = 9900

NET FLOOR AREA CALCULATION
 GROUND FLOOR = 9900
 TOTAL NFA = 4000 SQ FT

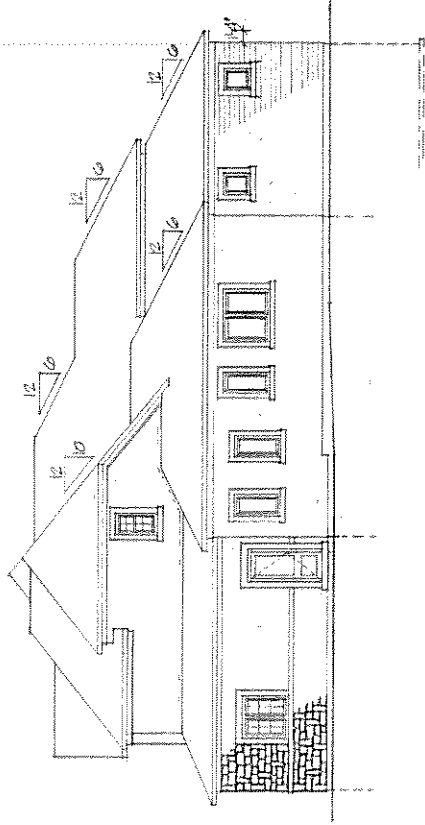
PROJECT	NEW HOUSE DESIGN 26 HANKEWISSE AVE CITY OF WARHAM
CLIENT	THE GREGORY DESIGN GROUP 16 CHURCH STREET MARRIOTT, ONTARIO, L1P 2L6 ross@gregorydesigngroup.net
DATE	
SCALE	1/8" = 1'-0"
SHEET #	2/2415
OWNER	
GENERAL NOTES	



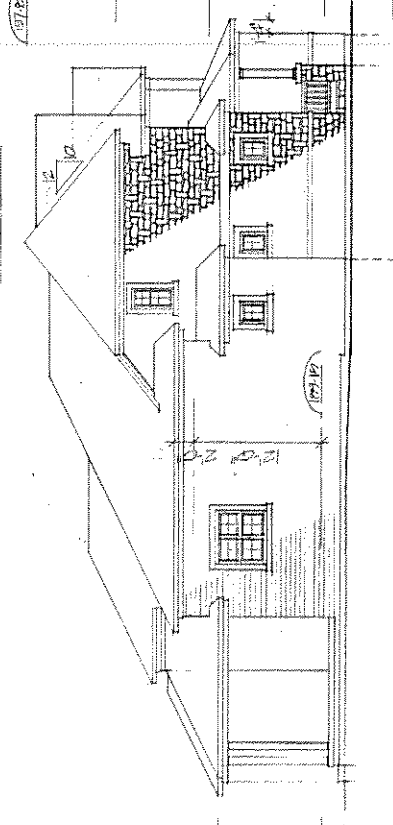
REAR ELEVATION - WEST



FRONT ELEVATION - EAST



NORTH SIDE



SOUTH SIDE

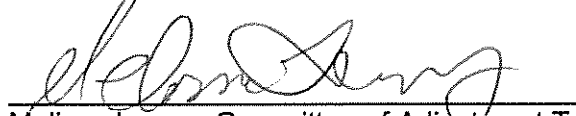
DRAWN CHECKED DATE	DESIGNED DATE	SCALE DATE	SHEET NO. DRAWING NO.
PROJECT NEW HOUSE DESIGN 26 HANWORTH AVE CITY OF MARKHAM	DESIGNER THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO L3P 2L6 (416) 720-4687 usg@gregorydesigngroup.net	CLIENT THE GREGORY DESIGN GROUP	SHEET NO. DRAWING NO.

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/65/19

1. That the front covered porch and rear covered terrace remains 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 A' to this Staff Report and received by the City of Markham on June 26, 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.
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:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

