

Memorandum to the City of Markham Committee of Adjustment

July 30, 2019

File: A/67/19
Address: 115 Senator Reesor's Drive Markham
Applicant: Polina Petkova & Dimitar Teodosiev
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 requirements of the Residential (R1) zone in By-law 1229, as amended, as they relate to a proposed two-storey single detached dwelling on the subject property, to permit:

- a) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 53.1 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) **Section 11.1:**
minimum front yard setback (to porch) of 5.35 metres, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);
- c) **Amending By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.0 metres, whereas the By-law permits a maximum building height 9.8 metres;

BACKGROUND

Property Description

The 613.3 m² (6601.50 ft²) subject property is located on the north side of Senator Reesor's Drive, which is south of Highway 7 and west of 9th Line. There is an existing 245 m² (2638 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1970. Two mature trees are located in the front yard, one of which is a City owned tree in the boulevard.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings constructed in the late 1960's and early 1970's. This community can be described as being stable, with no examples of new infill development within the surrounding vicinity.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new 325.6 m² (3,505 ft²) two-storey detached dwelling on the subject property. The proposed dwelling has an attached two-car garage and also includes front and rear-yard covered porches.

To facilitate the proposed two-storey dwelling, the applicant has submitted a variance application requesting relief from the requirements of By-law 1229, as described above. Plans for the proposed dwelling are shown in 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 the minimum front yard setback requirement.

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 Floor Area Ratio 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 two-storey home to be constructed on existing foundations"*.

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 variances requested in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) or revisions 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

The applicant is requesting a Floor Area Ratio of 53.1%, whereas the By-law permits a maximum Floor Area Ratio of 45%. Approval of this variance will permit the construction of a two-storey detached dwelling with a floor area of 325.6 m² (3,505 ft²), whereas the By-law permits a dwelling with a maximum floor area of 275.98 m² (2,971 ft²). This is an increase of 49.62 m² (534 ft²). Floor

Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area, inclusive of garage space.

The subject property is located within an established and stable residential neighbourhood, in which the existing surrounding dwellings consist of the original housing stock built in the late 1960s and early 1970s. There are no instances of newer infill replacement dwellings in the vicinity. In considering the Floor Area Ratio variance, staff surveyed Municipal Assessment Records of the floor areas of existing homes surrounding the subject property on both sides of Senator Reesor's Drive. Staff note that these floor areas (including attached garage space) range from 201 m² (2164 ft²) to 322.9 m² (3476 ft²), with an average of 252.8 m² (2720.6 ft²). While the proposed dwelling has a floor area comparable to the largest home within the surveyed properties (109 Senator Reesor's Drive) it will be considerably larger than the majority. Staff are of the opinion that the requested Floor Area Ratio variance does not meet the intent of the infill zoning by-law, and if approved, will result in a dwelling that does not maintain the established character and scale of housing in the community.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.0 m (32.8 ft), whereas the By-law permits a maximum building height of 9.8 m (32.1 ft). This represents an increase of approximately 0.2 m (0.66 ft). Staff consider this to be a marginal increase that will not impact abutting properties and do not have concerns with the proposed building height.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 17.6 ft (5.35 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This is a reduction of 7.4 ft (2.25 m).

As shown in Appendix 'A' the garage of the proposed dwelling has a front yard setback of 7.0 m (22.97 ft) which staff consider to be of minimal impact to abutting properties. The requested 5.35 m (17.6 ft) is the front yard setback to the proposed one-storey covered porch which projects further into the front yard than the garage. Staff are of the opinion that the proposed porch is an architectural element that enhances the appearance of the proposed dwelling. Additionally the requested variance contributes to the usability of the porch which is between 1.83 (6.0 ft) and 2.13 m (7.0 ft) wide. It should be noted that the remaining portion of the dwelling, including second storey above, maintains a front yard setback of at least 7.79 m (25.55 m) which complies with the by-law. Staff do not have concerns with the requested front yard setback variance.

PUBLIC INPUT SUMMARY

One written submission has been received as of July 29, 2019, indicating objection to the overall size of 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. Based on the discussion above, staff do not have concerns with the requested variances to increase the maximum building height and minimum required front yard setback. Staff however do have concerns with the requested floor area ratio variance and are of the opinion that its approval will result in a dwelling that is not compatible with the scale and mass with the majority of existing homes. 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.

Should the Committee of Adjustment see merit in approving the applications, the conditions in Appendix "B" should be attached to any approval decision.

PREPARED BY:



Hailey Miller, Development Technician, Zoning and Special Projects

REVIEWED BY:

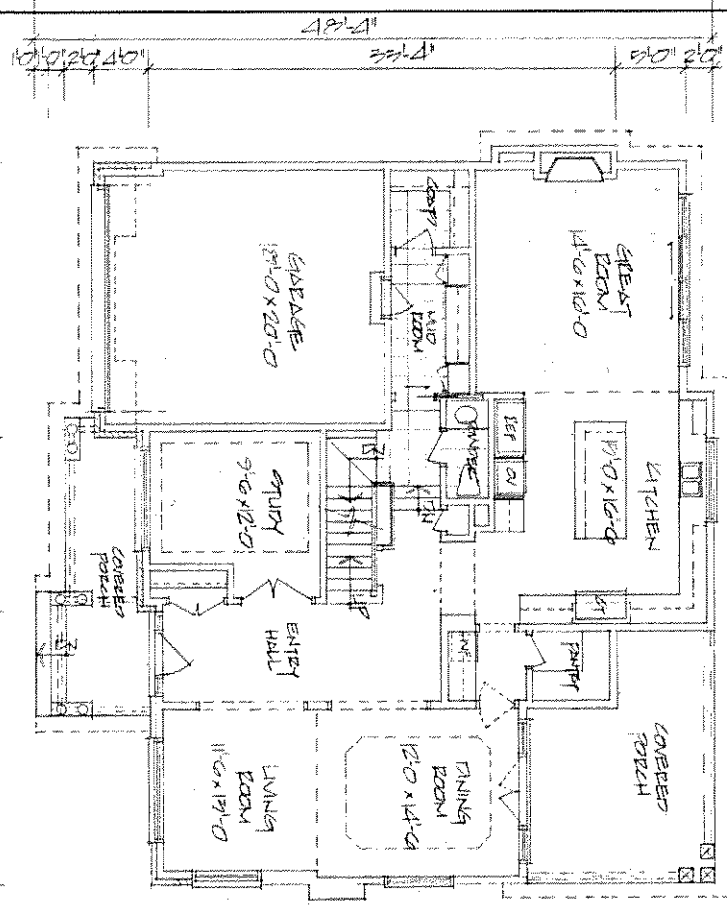


Stephen Coff, Senior Planner, East District

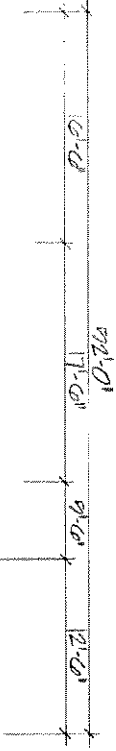
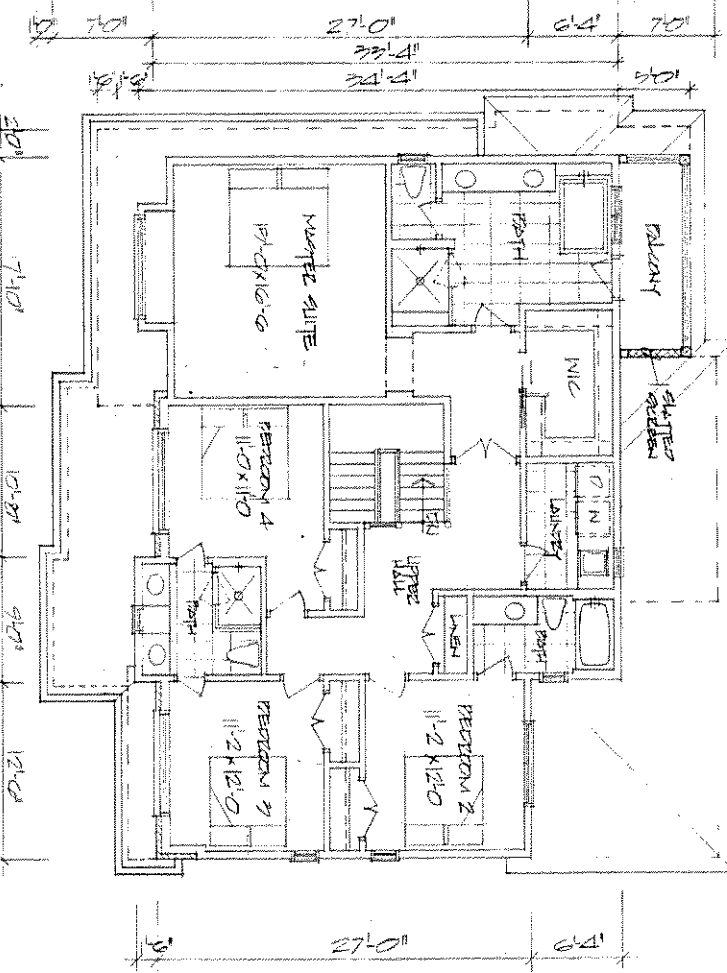
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APPENDIX A

FIRST FLOOR PLAN
 GAZING FLOOR AREA = 1997 SQ FT (144.9 MS)
 NET FLOOR AREA = 1997 (187.9 MS)
 PULLING AREA = 2290 (212.7 MS)



SECOND FLOOR PLAN
 SECOND FLOOR AREA = 1020 SQ FT
 OPEN SPACE = 70
 NET FLOOR AREA = 1990



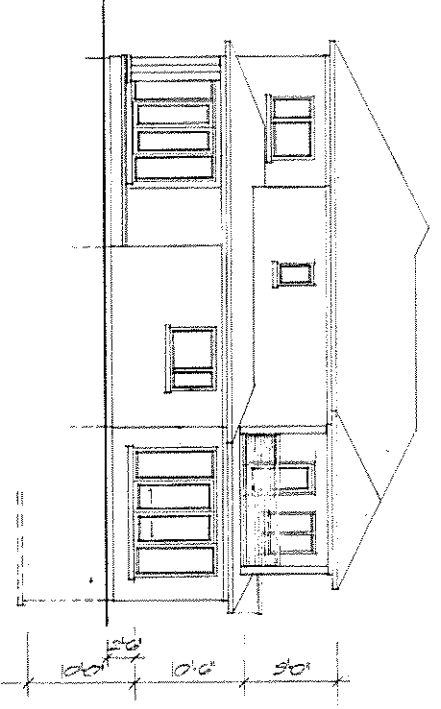
CITY OF MARKHAM
 RECEIVED
JUL 25 2019
 COMMITTEE OF ADJUSTMENT

THE GREGORY DESIGN GROUP 18 CHURCH STREET MARKHAM, ONTARIO L3P 2L6 (416) 730-8867 nas@gregorydesigngroup.net	CLIENT NEW HOME DESIGN 1197 SERVICE DESIGN & 3D CITY OF MARKHAM	DATE 7/20/19	SCALE 1/8" = 1'-0"
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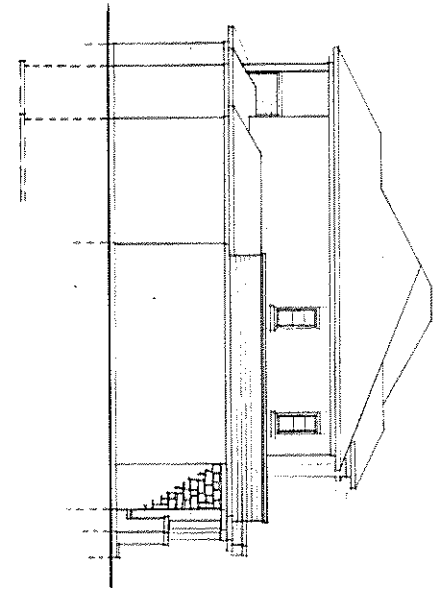
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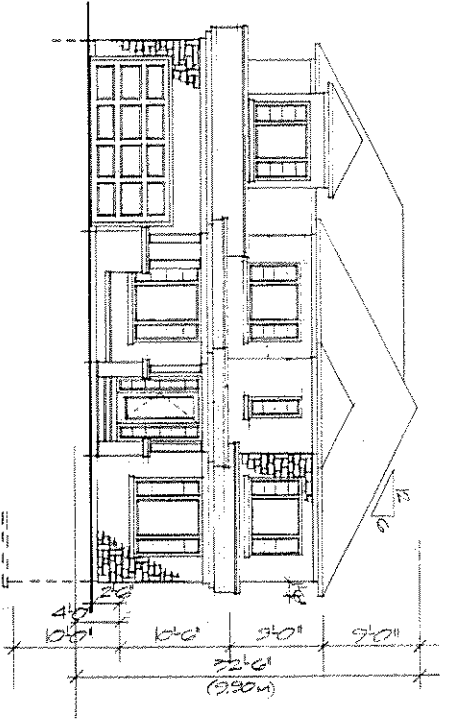
COMMITTEE OF ADJUSTMENT



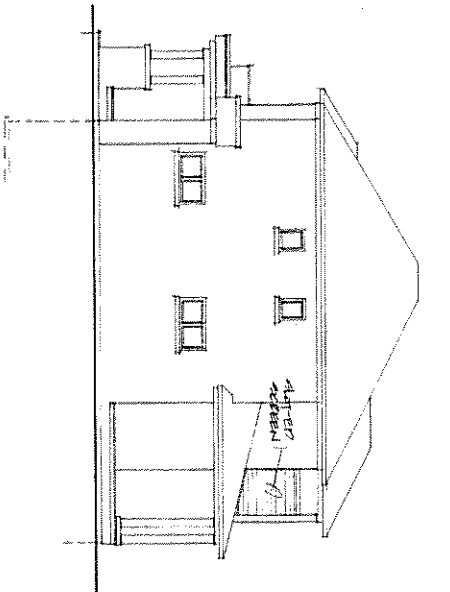
REAR ELEVATION - NORTH



WEST SIDE



FRONT ELEVATION - SOUTH

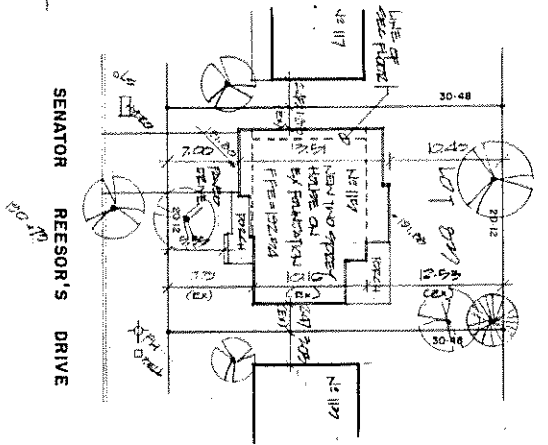


EAST SIDE

SITE PLAN
SCALE - 1/8"=1'-0"

SITE INFORMATION DATA
 AREA OF LOT = 6197 M²
 AREA OF BUILDING = 212.7 M²
 COVERAGE = 34.3 %

NET FLOOR AREA CALCULATION
 GFLA + GFLA - GFLA(D) x 0.10
 = 619.2 + 0.44 = 219.64
 ALLOWABLE FFA = 219.64 (40% OF 549.10)
 PROPOSED FFA = 220.1 GNF (99.1%)



PROJECT NEW HOUSE DESIGN 1177 SENATOR RESOR'S DR CITY OF MARKHAM	DESIGNER THE GREGORY DESIGN GROUP	DATE 2/27/19
18 CHURCH STREET MARKHAM ONTARIO L3R 9V6 416-321-7000 info@gregorydesigngroup.com	CLIENT [Redacted]	SCALE 1/8"=1'-0"
SHEET NO. 2		TOTAL SHEETS 2

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/67/19

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 A' to this Staff Report and received by the City of Markham on July 25, 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;
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:



Hailey Miller, Development Technician, Zoning and Special Projects