

Memorandum to the City of Markham Committee of Adjustment

July 15, 2019

File: A/69/19
Address: 112 Robinson Street, Markham
Applicant: Yixian Ling
Agent: Paar Design
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:

- a) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.54 metres, including the front covered porch, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 15.46 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 50.5 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent.

BACKGROUND

Property Description

The 1067.46 m² (11,490.51 ft²) subject property is located on the west side of Robinson Street, which is west of Main Street Markham North. Although the property fronts the west side of Robinson Street, vehicle access is provided at the rear on city owned laneway, as shown in Figure 1. There is an existing one-storey 187.84 m² (2,021.89 ft²) detached dwelling on the property, which according to assessment records was constructed in 1950. Mature vegetation exists across the property.

The surrounding context can be characterized as an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to construct a new two-storey 425.26 m² (4,577.43 ft²) detached dwelling on the subject property. The proposed dwelling includes an attached two car garage, a covered front porch and rear yard basement walkout. 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.

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 building depth, maximum building height and maximum Net 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 #1, 3: Design requirement. Relief #2: Measure from Robinson St for height doesn't allow for 2 storey dwelling*".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 24, 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 Building Depth

The applicant is requesting a maximum building depth of 17.54 m (57.55 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 0.74 m (2.43 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 increase in building depth is to accommodate a front covered porch which adds approximately 1.17 m (3.83 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.37 m (53.71 ft) which complies with the by-law requirement. Staff have no objections to the proposed building depth.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 15.46 m (50.72 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 5.66 m (18.57 ft).

Infill By-law 99-90 defines Height as the vertical distance of a 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. Although the proposed dwelling (and surrounding homes on the laneway) appears to front the lane by design, the true frontage as defined by the zoning By-law is Robinson Street. This section of Robinson Street slopes downwards into a valley, whereas the subject property sits much higher, particularly where the proposed dwelling is to be located. Consequently, the Robinson Street crown of street is approximately 7.1 m (23.29) below the finished floor elevation of the proposed dwelling. Since the height variance is attributable to this significant grade difference and due to the unique nature of the property, staff are of the opinion that the proposed building height is in keeping with the intent of the zoning by-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 50.5 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 425.26 m² (4577.43 ft²), whereas the By-law permits a dwelling with a maximum floor area of 378.15 m² (4070.36 ft²). This represents an increase of approximately 47.11 m² (507.07 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, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

Although the proposed floor area ratio is larger than existing dwellings originally developed in the 1950s, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope. The proposed dwelling will also be comparable in size with other infill development within the broader surrounding area. Staff are of the opinion that the variance request is appropriate for the development.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 15, 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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:



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

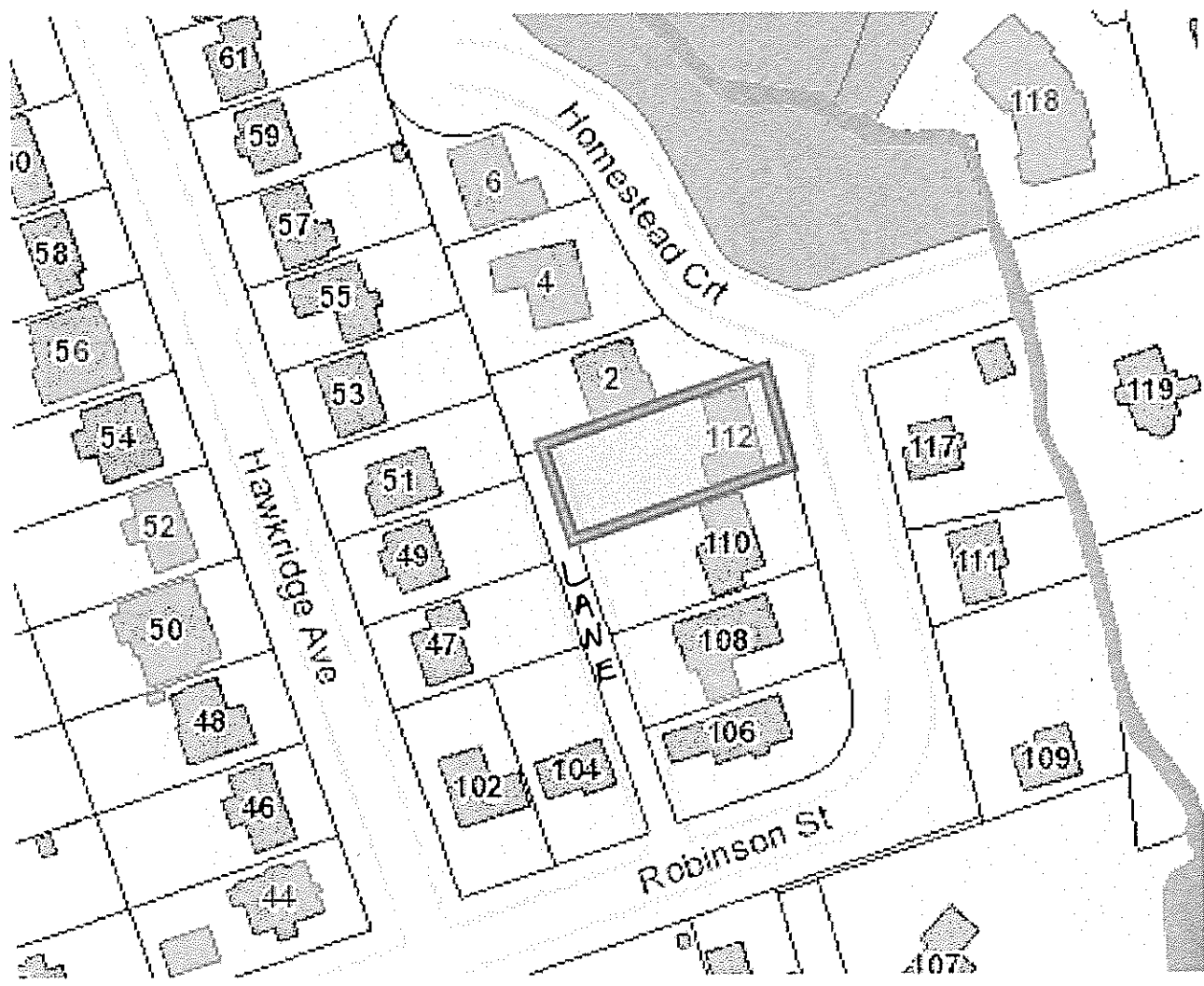
REVIEWED BY:



Stephen Corr, Senior Planner, East District

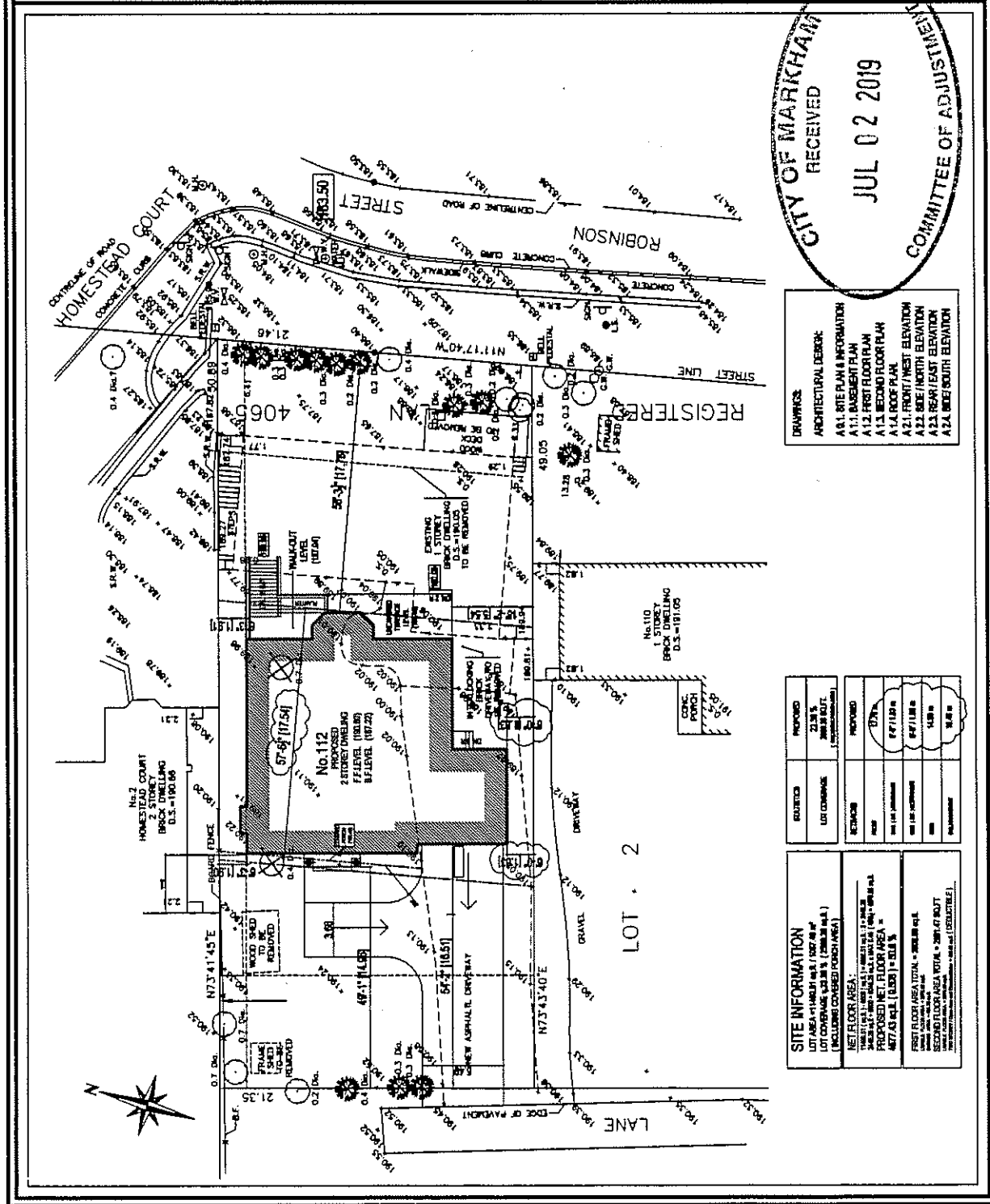
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FIGURE 1 – LOCATION MAP



APPENDIX A

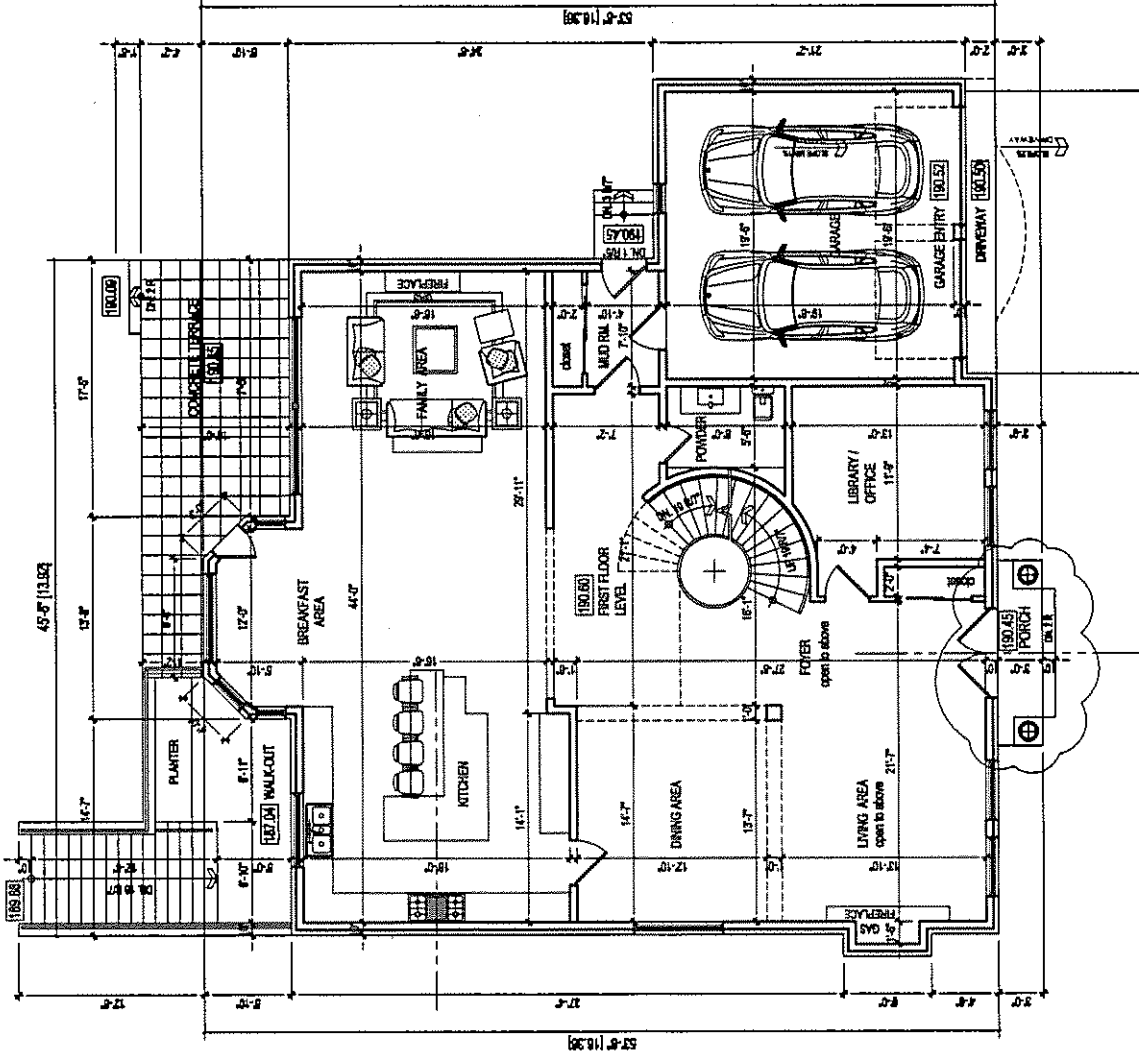
		PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING SITE PLAN & INFORMATION 2018 304-1107
		A0.1



DRAWING:
 ARCHITECTURAL DESIGN:
 A0.1. SITE PLAN & INFORMATION
 A1.1. BASEMENT PLAN
 A1.2. FIRST FLOOR PLAN
 A1.3. SECOND FLOOR PLAN
 A1.4. ROOF PLAN
 A2.1. FRONT / WEST ELEVATION
 A2.2. SIDE / NORTH ELEVATION
 A2.3. REAR / EAST ELEVATION
 A2.4. SIDE / SOUTH ELEVATION

EXISTING	PROPOSED	REMARKS	DATE
LOT COVERAGE	23.3% (286.8 SQ. FT.)		

SITE INFORMATION	
LOT AREA (14,800 SQ. FT.)	23.3% (286.8 SQ. FT.)
PROPOSED NET FLOOR AREA = 4877.63 SQ. FT. (11,300 SQ. FT.)	
NET FLOOR AREA:	
FIRST FLOOR AREA TOTAL = 2888.00 SQ. FT.	
SECOND FLOOR AREA TOTAL = 2089.63 SQ. FT.	

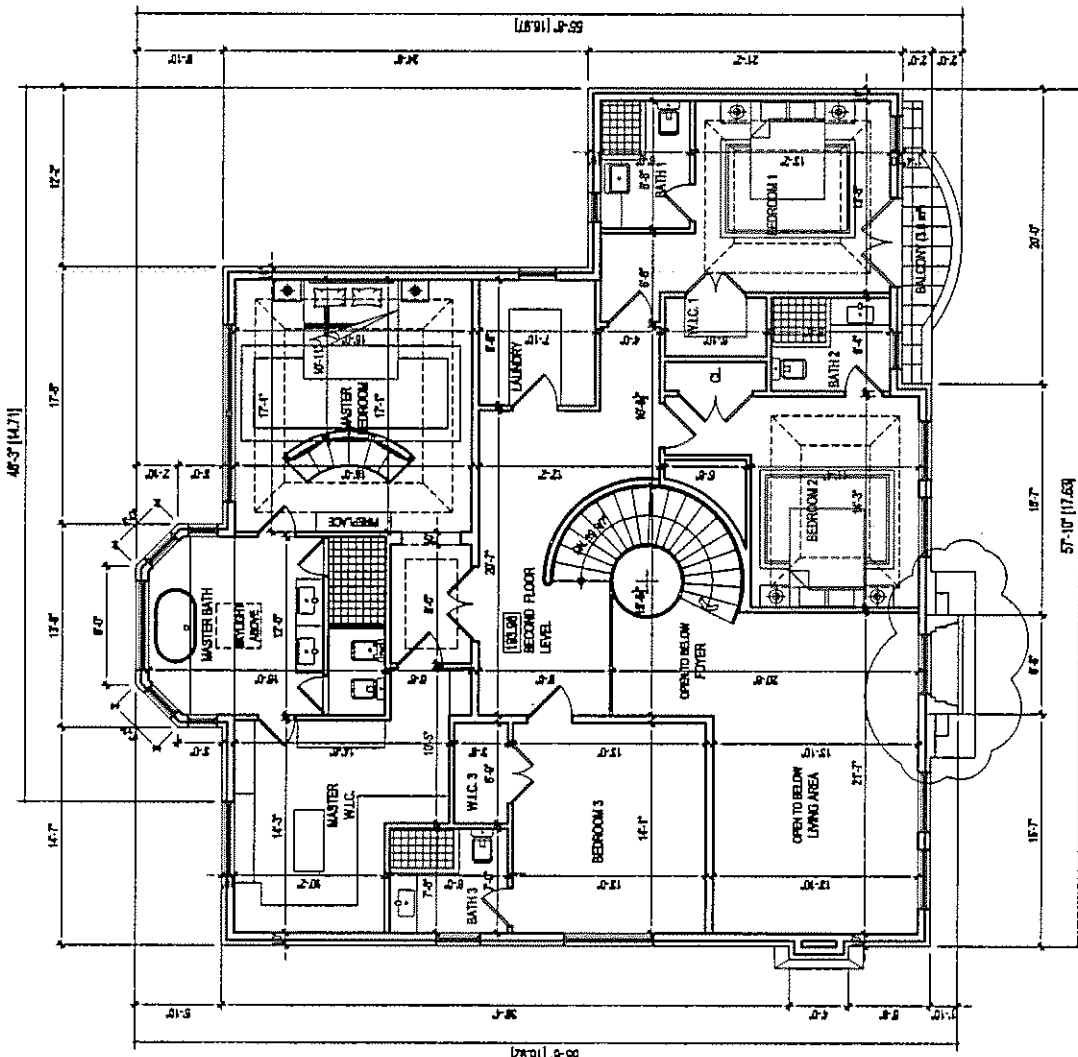


NO.	DATE	DESCRIPTION
1	21.04.2018	BASED ON CLIENT REVIEW
2	12.08.2018	REVISION FOR ZEMBO
3	21.08.2018	REVISION
4	08.07.2019	REVISION FOR CEA

PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING
 SCALE: 1/8"=1'-0"
 PAAR DESIGN INC.
 2115 LIVING ST. #101
 VANCOUVER, BC V6M 2K1
 TEL: 604.278.1111
 WWW.PAARDDESIGN.COM



A1.2



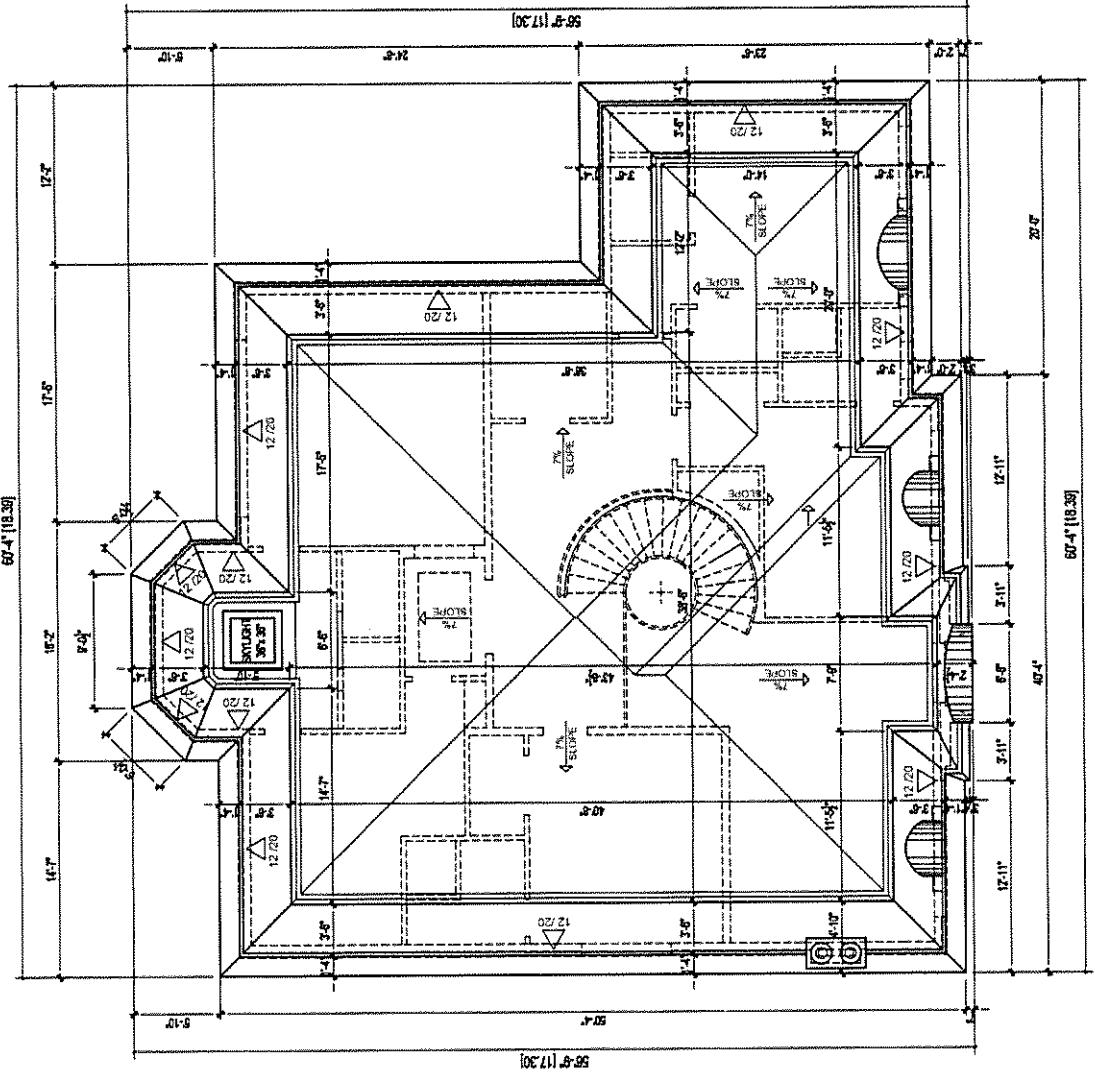
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1	27.04.2018	ISSUED FOR CLIENT REVIEW
2	02.06.2018	ISSUED FOR ZONING
3	21.02.2019	REVISED
4	05.02.2020	ISSUED FOR C.C.A.

PROJECT:
 No. 112
 ROBINSON STREET
 2 STOREY DWELLING
 SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"

PAAR DESIGN

PAAR DESIGN INC.
 25 BALMAIN RD.
 BALMAIN NSW 1510
 PH: 02 9550 1111
 WWW.PAARDDESIGN.COM

A1.3



MARK	DATE	DESCRIPTION
1	21.04.2018	ISSUED FOR CLIENT REVIEW
2	03.05.2018	ISSUED FOR PERMITS
3	03.07.2018	ISSUED FOR PERMITS

PROJECT:
**No. 112
 ROBINSON STREET
 2 STOREY DWELLING**
ROOF PLAN
 scale 1/8"=1'-0"

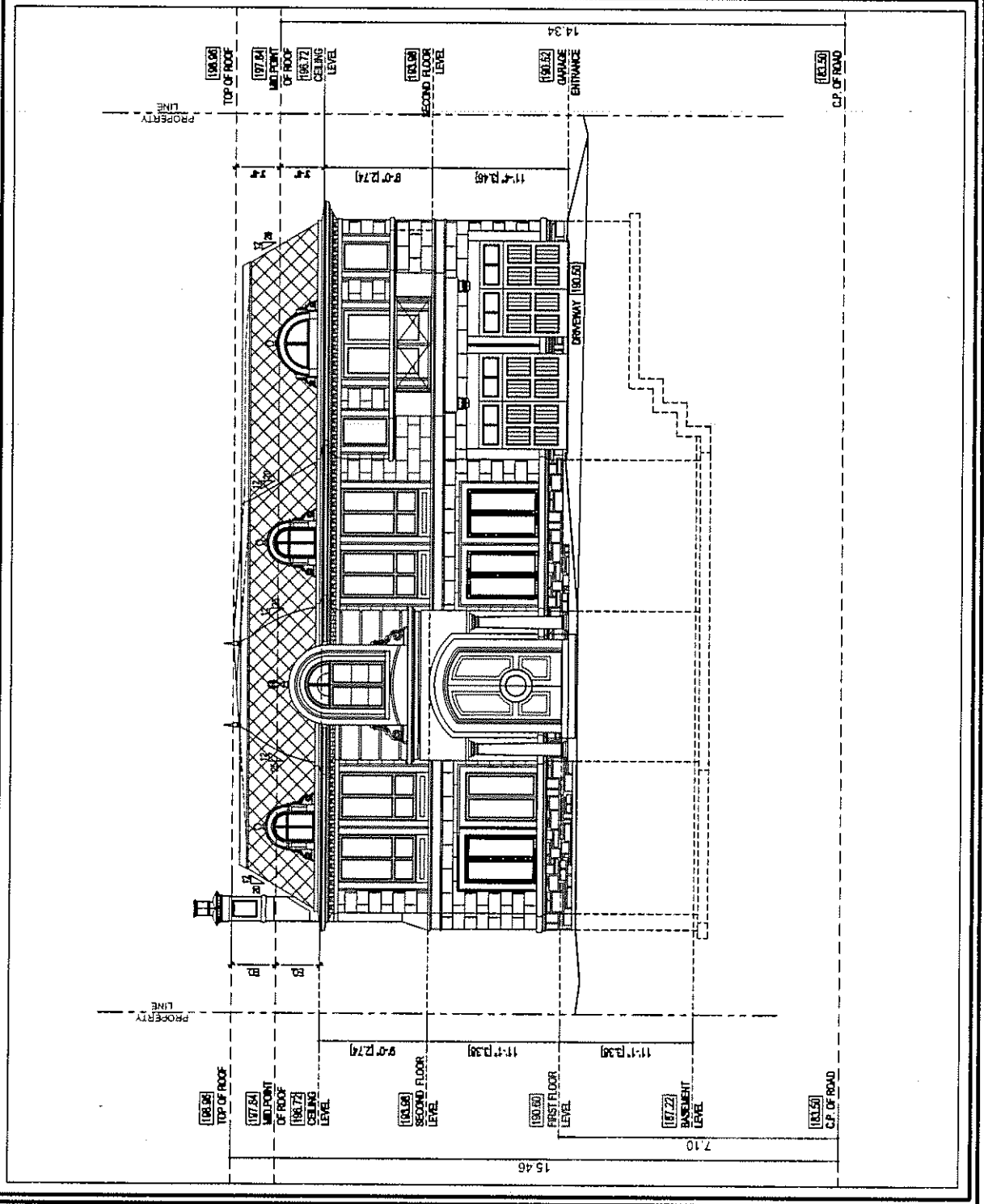
A 1.4

DESIGNER:
 PAAR DESIGN INC.
 3788 152 STREET SW
 TORONTO, ON
 M3J 1K6
 TEL: 416-291-1111
 WWW.PAARDDESIGN.COM

PAAR DESIGN

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 WWW.PAARDDESIGN.COM

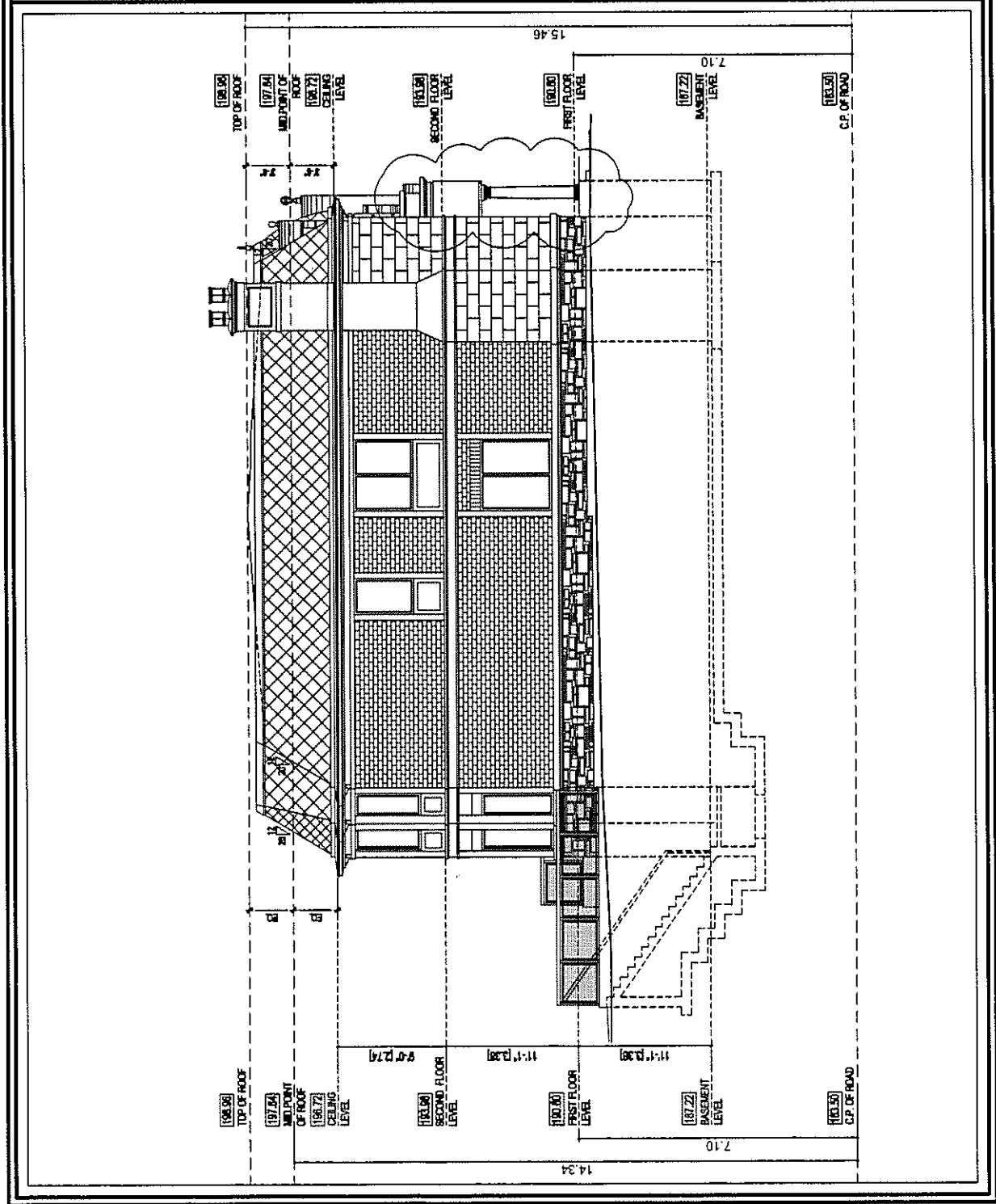
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2	04.01.12	ISSUED FOR BOARD											
3	02.11.12	ISSUED FOR C.C.A.											
DESIGNER: PAAR DESIGN INC. 10/100 ROBINSON STREET SYDNEY NSW 2000 PH: (61) 2 9550 1111 WWW.PAARDDESIGN.COM.AU		PAAR DESIGN INC. ARCHITECTS 10/100 ROBINSON STREET SYDNEY NSW 2000 PH: (61) 2 9550 1111 WWW.PAARDDESIGN.COM.AU											



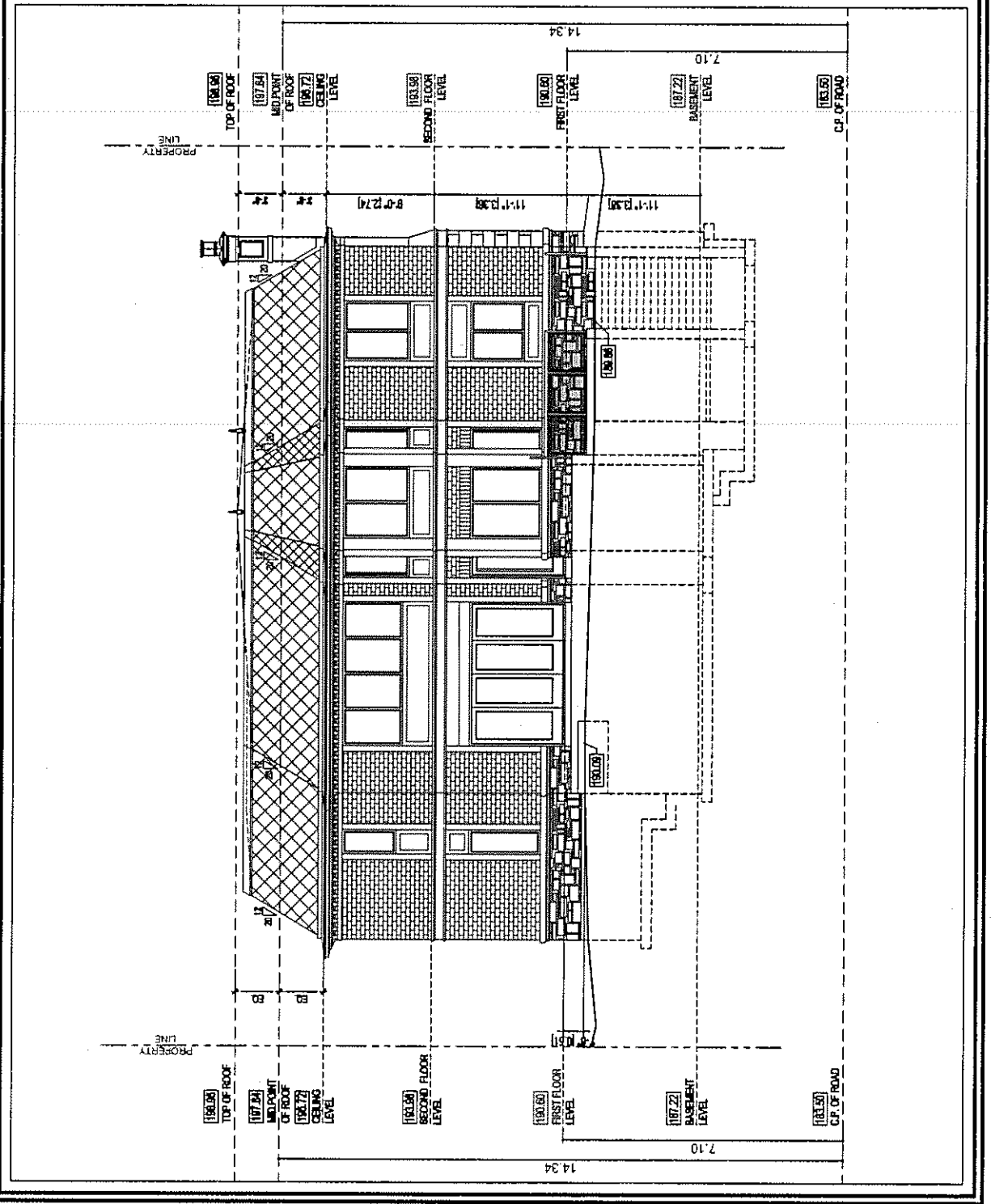
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2	02 APR 2018	ISSUED FOR PERMITS
3	21 MAR 2018	REVISION
4	02 APR 2018	ISSUED FOR C.O.A.

PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING SIDE/NORTH ELEVATION SCALE 1/8"=1'-0"	REVISION: 1. 21 MAR 2018 2. 02 APR 2018 3. 21 MAR 2018 4. 02 APR 2018
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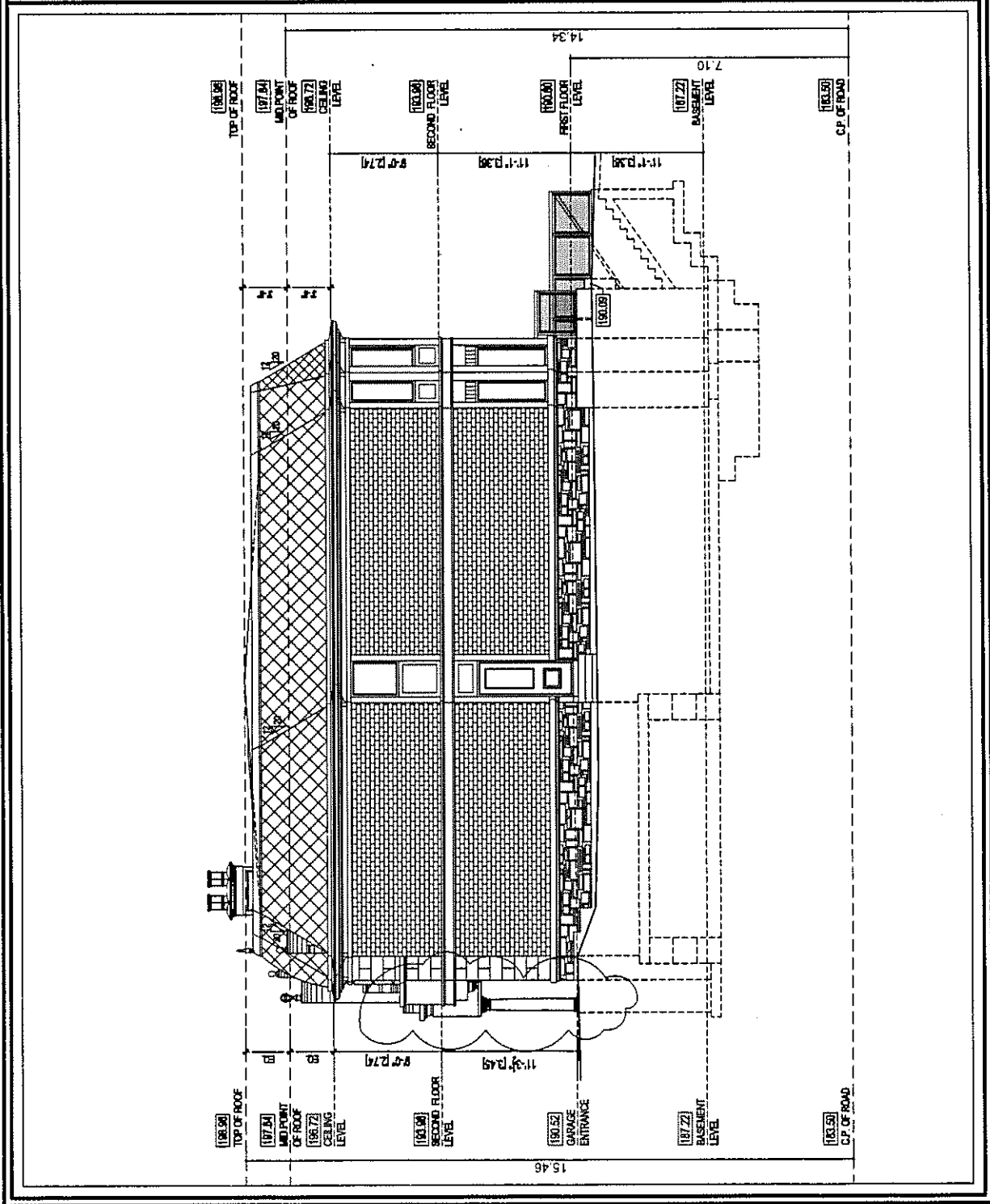
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PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING REAR EAST ELEVATION SCALE 1/8"=1'-0"		PAAR DESIGN INC. 25 BRIMLEY RD. SCARBOROUGH, ONT. M1B 4Y9 TEL: (416) 291-1111 FAX: (416) 291-1112 WWW.PAARD.COM											
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2	02.06.2018	ISSUED FOR PERMITS											
3	03.07.2018	ISSUED FOR C.O.A.											



PROJECT: No. 112 ROBINSON STREET 2 STOREY DWELLING SIDE/SOUTH ELEVATION SCALE: 1/8"=1'-0"		A2.4
DRAWING NO.: DATE:		
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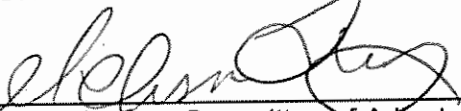


APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/69/19

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 02, 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;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.

CONDITIONS PREPARED BY:



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