

Memorandum to the City of Markham Committee of Adjustment

August 15, 2019

File: A/77/19
Address: 43 Rougecrest Drive, Markham
Applicant: Antonio Ferlenda
Agent: Gregory Design Group
Hearing Date: Wednesday August 28, 2019

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

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

- a) **Section 11.1:**
a maximum lot coverage of 40.1 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) **Section 11.1:**
minimum front yard setback of 7.0 m (22.96 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- c) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.80 m (61.67 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft);
- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 52.7 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

BACKGROUND

Property Description

The 714.0 m² (7,685.43 ft²) subject property is located on the west side of Rougecrest Drive, which is south of Highway 7 and east of Main Street Markham. Mature vegetation exists across the property. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1955. Mature vegetation exists across the property. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings originally developed in the mid 1950s. The surrounding area has seen a few instances of newer residential infill developments.

Proposal

The applicant is proposing to construct a new detached 350.2 m² (3,769.52 ft²) dwelling with an attached two car garage as shown in Appendix A. The proposed dwelling is designed predominantly as a one-storey bungalow, with loft space on the 2nd storey containing a washroom and two bedrooms.

Staff had concerns with the original proposal, which initially requested the following variances:

- A maximum lot coverage of 40.9;
- A front yard setback of 6.70 m;
- A maximum building depth of 19.05 m; and,
- A maximum net floor area ratio of 53.1%

Staff met with the applicant to discuss concerns with the original proposal and related variances. In response, the applicant revised the configuration of the proposed dwelling, which resulted in reductions to the variances being requested and detailed throughout this report.

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 infill 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 as well as properties located along the same side of the 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 this 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 R1 (Residential) under By-law 1229, as amended, which permits one single detached dwelling on a lot. The proposed development does not comply with the infill By-law requirements with respect to maximum lot coverage and minimum front yard setback.

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 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, *"for the construction of a new 'bungalow' dwelling"*.

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 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.

Reduction in Front Yard Setback

The applicant is requesting a minimum front yard setback of 22.96 ft (7.00 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This is a reduction of 2.03 ft (0.62 m). The proposed 7.0 m front yard setback is measured to the front of the proposed garage. Staff consider the requested variance to be a marginal reduction that will not impact abutting properties. While the reduced front yard will permit the garage to be located closer to Rougecrest Drive than typically permitted; staff note that this structure is generally in line with an adjacent 1.83 m (6.0 ft) deep front porch and stairs to access the dwelling, Staff are of the opinion that the reduced front yard will not result in a garage projection that will dominate the streetscape and do not have concerns with the requested variance.

Proposed Dwelling Design and Related Building Depth, Lot Coverage and Floor Area Ratio Variances

The proposed dwelling is designed predominantly as a one-storey bungalow with the majority of the floor space provided on the ground level, with the exception of a proportionately smaller 2nd storey containing two bedrooms and a washroom. Overall the design of the proposed dwelling will have a reduced visual impact than a typical two-storey detached dwelling. Notwithstanding, to facilitate the proposed dwelling the applicant is requesting variances to increase the maximum building depth, lot coverage and floor area ratio, as described below:

- A maximum building depth of 18.80 m (61.68 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). (An increase of 2.0 m (6.56 ft).);
- A maximum lot coverage of 40.1%, whereas the By-law permits a maximum lot coverage of 35%. (An increase of 36.7 m² (395 ft²).); and
- A floor area ratio of 52.7%, whereas the By-law permits a maximum floor area ratio of 45% (An increase by approximately 51.6 m² (555.42 ft²).)

While the above variances when assessed individually appear to be marginal increases to the by-law requirements, staff are of the opinion that there is a cumulative effect of increasing the proposed building depth, coverage and floor area ratio. The intent of the infill zoning by-law is to limit the scale and mass of homes so that they have an appropriate relationship to the established neighbourhood context. Staff are of the opinion that the combination of these three requested variances do not maintain the intent of the Infill zoning by-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 12th, 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. Staff worked with the applicant to reduce the massing and impact of the overall dwelling. While the variances have been reduced from their original request, Staff remain of the opinion that the building depth, floor area ratio and lot coverage variances should be reduced to meet the intent of the Infill by-law.. Staff recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four test of the Planning Act.

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:



Aqsa Malik, Planner I, East District

REVIEWED BY:



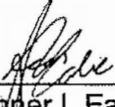
Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 19 127747 \Documents\District Team Comments Memo

APPENDIX "B"

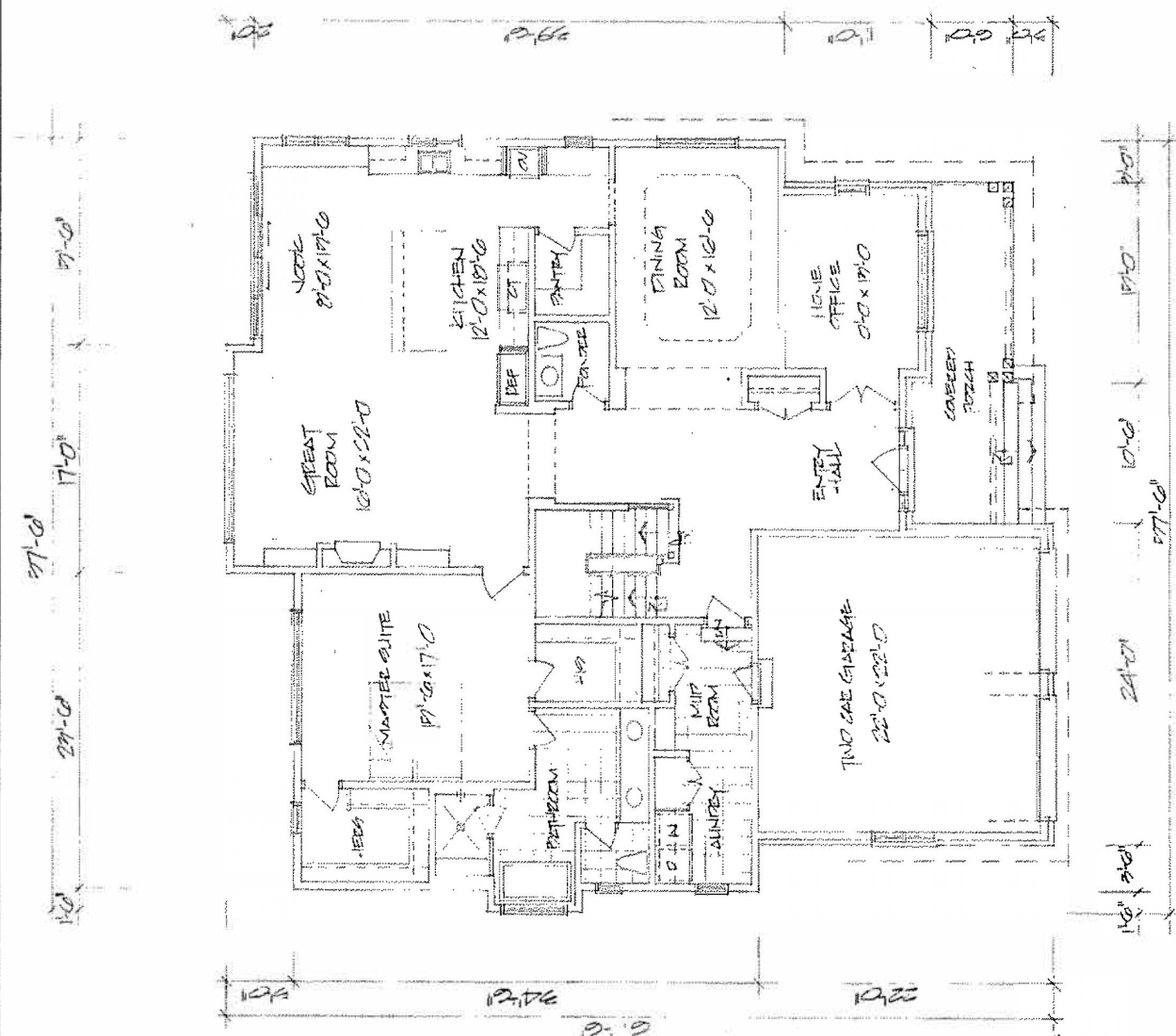
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/77/19

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 23, 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:



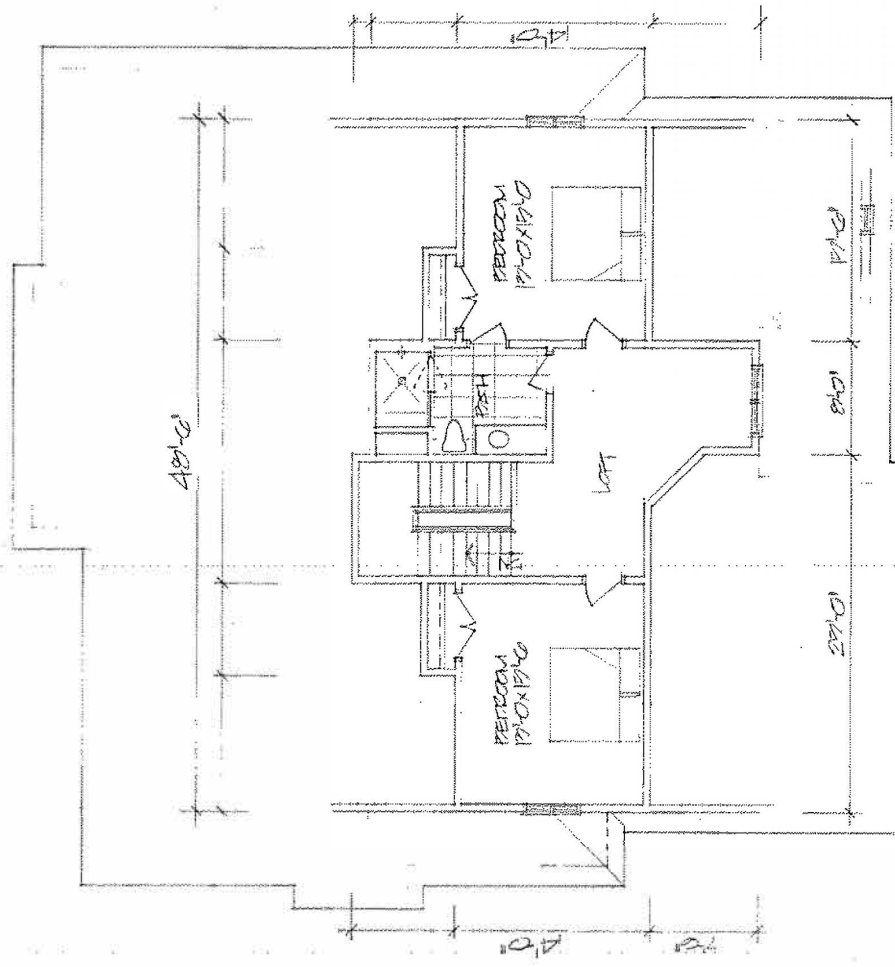
Aqsa Malik, Planner I, East District



GROUND FLOOR PLAN
 GROUND FLOOR AREA = 2410 SF
 NET FLOOR AREA = 2270 SF
 BUILDING AREA = 2089 SF

CITY OF MARKHAM
 RECEIVED
 JUL 23 2019
 COMMITTEE OF ADJUSTMENT

NEW HOUSE DESIGN
 43 ROUSSELET AVE
 CITY OF MARKHAM

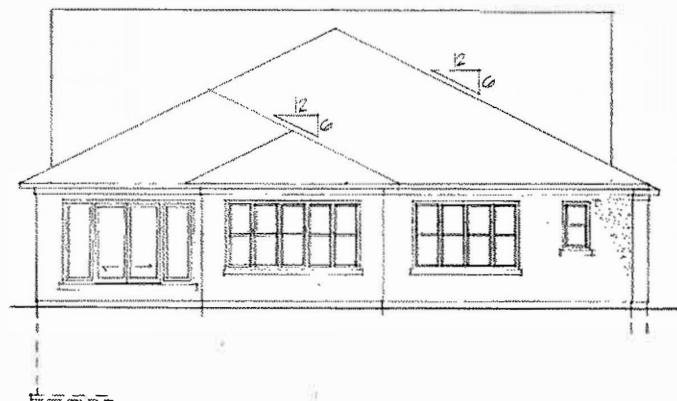


SECOND FLOOR PLAN
 SECOND FLOOR AREA = 890 SQFT
 OPEN SPACE = 90
 NET FLOOR AREA = 800

DRAWN BY GREGORY DATE	SCALE 1/4" = 1'-0"	PROJECT NO. 210019	DRAWING NO. 2
PROJECT NEW HOUSE DESIGN 471 ROUGECREST AVE CITY OF MARKHAM		GENERAL NOTES THE GREGORY DESIGN GROUP 18 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 nusa@gregorydesigngroup.net	



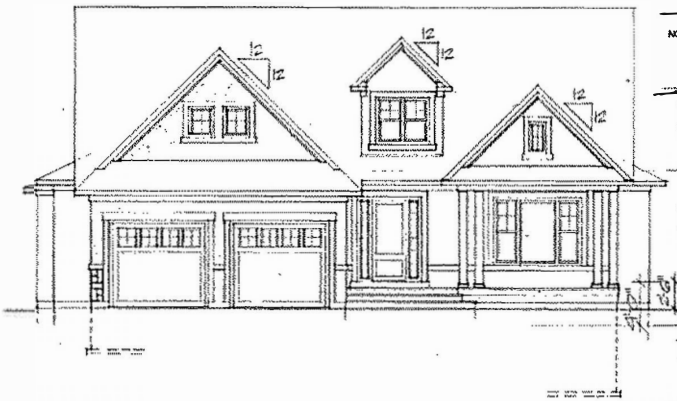
NORTH SIDE



REAR ELEVATION - WEST



SOUTH SIDE



FRONT ELEVATION - EAST

SITE PLAN
 SCALE - 1:200
 SITE INFORMATION & DATA
 AREA OF LOT = 714.0 M²
 AREA OF BUILDING = 226.6 M²
 COVERAGE = 31.74%
 NET FLOOR AREA CALCULATION
 G.P.L.A. = 0.07 (714.0 - 617.4) x 0.871
 C.P.P.G. = 0.871 = 292.6
 ALLOWABLE N.F.A. = 292.6 M² (41%)
 PROPOSED N.F.A. = 226.6 M² (31.7%)



ROUGECREST AVENUE

NEW HOUSE DESIGN 47 ROUGECREST AVE CITY OF MARKHAM		DRAWN R. GREGORY DATE
THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4867 rcss@gregorydesigngroup.net		CHECKED DATE 2/22/19 DRAWING NO. A37

