

Memorandum to the City of Markham Committee of Adjustment

November 05, 2018

File: A/154/18
Address: 24 Windridge Dr, Markham
Applicant: Mr. Tao Song
Agent: SHENSHU ZHANG
Hearing Date: Wednesday November 14, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

a) In-fill By-law 99-90, Section 1.2(I):

a maximum building height of 10.2, whereas the By-law permits a maximum building height of 9.8 m;

b) In-fill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 49.88 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as they relate to a proposed two storey dwelling.

BACKGROUND

Property Description

The 1,014.47 m² (10,920 ft²) subject property is located on the west side of Windridge Drive, west of Main Street Markham North of and north of Highway 7 East. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing shed and one-storey detached 221.7 m² (2,386.34 ft²) dwelling on the property, which according to assessment records was constructed in 1953. Mature vegetation exists across the rear of the property.

Proposal

The applicant is proposing to construct a new two-storey detached 405.98 m² (4370 ft²) dwelling with an attached two-car garage, rear yard deck and rear basement walk out.

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The subject property is zoned "One Family Detached Dwellings (R1)" in By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to the proposed side 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 height and maximum 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, *"to provide required bedrooms for the family"*.

Zoning Preliminary Review 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.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.20 m (33.46 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.4 m (1.31 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.12 m (0.39 ft) above the crown of road. Staff are of the opinion that the variance request is minor in nature and, is generally consistent with the intent of the By-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.88 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 405.98 m² (4370 ft²), whereas the By-law

permits a dwelling with a maximum floor area of 366.22 m² (3,942 ft²). This represents an increase of approximately 39.76 m² (428 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. 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). There is no open to below area on the second storey other than the space associated with the stairs.

A few homes along Windridge Drive have been redeveloped in the past couple of years, with a number of new infill construction that feature larger homes. Some have been constructed in accordance with the net floor area ratio requirement while others have included minor variance approvals for net floor area ratio increases ranging from approximately 48 to 50 percent.

The immediate vicinity is largely made up of single storey detached dwellings and some two-storey detached dwellings. The proposed dwelling will be larger in size than majority of the existing dwellings within the immediate vicinity. Notwithstanding this, Staff are of the opinion that the requested variance is minor in nature and generally consistent with other infill homes on the street.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 05, 2018. 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\18 252762 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/154/18

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 B' to this Staff Report received by the City of Markham on October 12 and October 30, 2018 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:

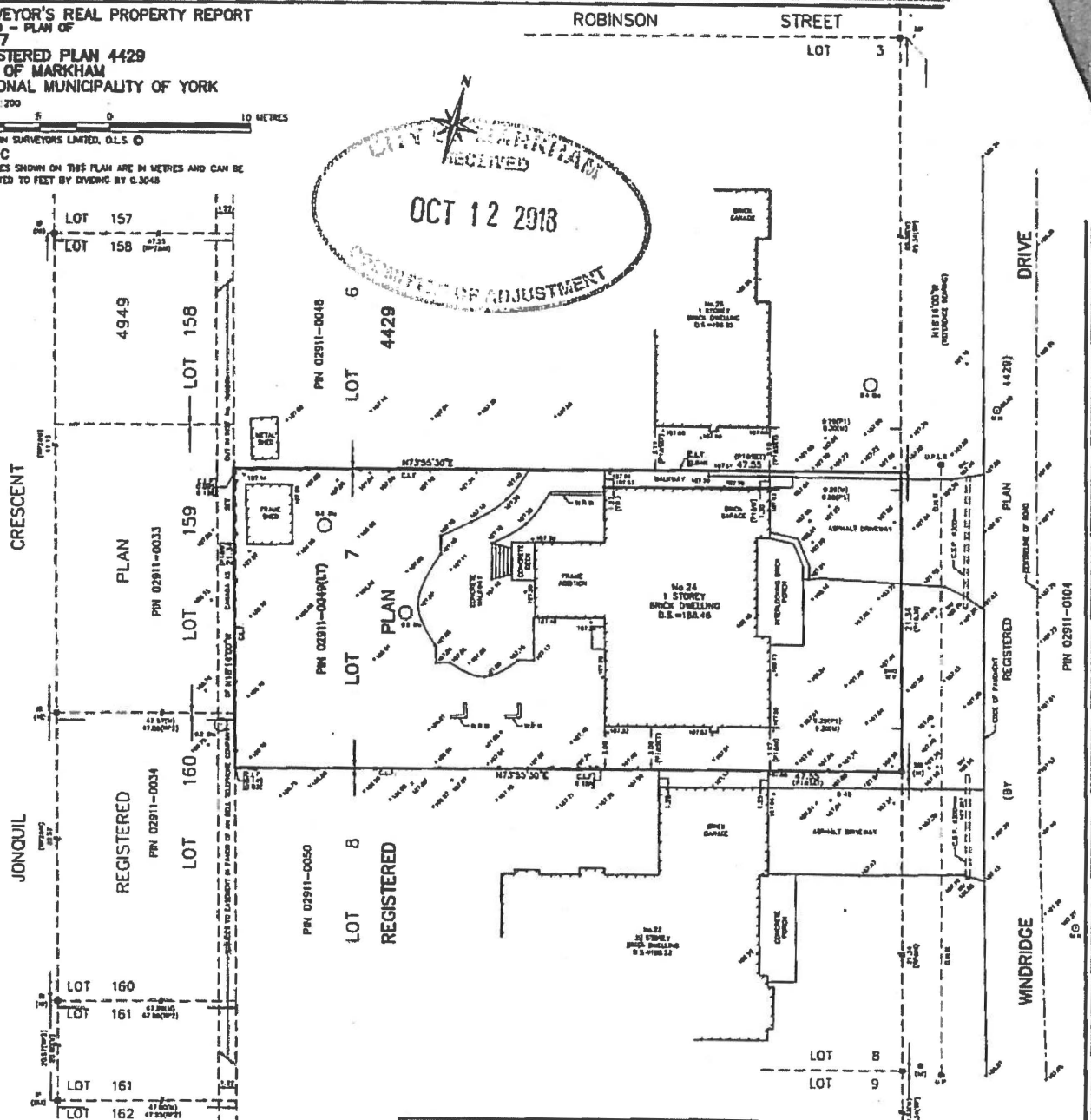
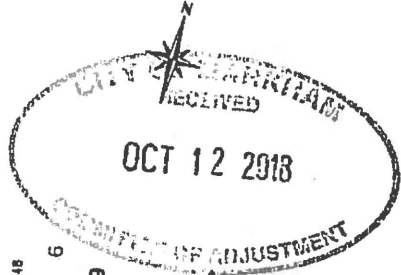


Aqsa Malik, Planner, Zoning and Special Projects

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
LOT 7
REGISTERED PLAN 4429
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
0m 5 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048



- LEGEND**
- DENOTES MONUMENT SET
 - SB DENOTES MONUMENT FOUND
 - SB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - IP DENOTES IRON PIPE
 - PS DENOTES PLAN OF SURVEY BY W. S. GIBSON & SONS, O.L.S. DATE JULY 6, 1954
 - RP DENOTES REGISTERED PLAN 4429
 - RP2 DENOTES REGISTERED PLAN 4948
 - NT DENOTES NOTICES
 - PN DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
 - CL.F. DENOTES CHAIN LINK FENCE
 - CU DENOTES ORIGINAL UNDERPIN
 - NI DENOTES NOT IDENTIFIABLE
 - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
 - C.S.P. DENOTES CORRUGATED STEEL PIPE
 - INT. DENOTES INVERT ELEVATION
 - W.R.W. DENOTES WOOD RETAINING WALL
 - O.H.W. DENOTES OVERHEAD WIRE
 - FR DENOTES THE FRAME FROM FRAME
 - UT. DENOTES UTILITY POLE
 - U.P.L.S. DENOTES UTILITY POLE WITH LIGHT STANDARD
 - W.V. DENOTES WATER VALVE
 - B.B.S. DENOTES BATCH BASIN
 - DENOTES CONIFEROUS TREE
 - DENOTES DECIDUOUS TREE

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2061793



THIS PLAN IS NOT VALID
UNLESS IT IS AN ENDORSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
IN ACCORDANCE WITH
REGULATION 1224, SECTION 25(3)

BENCHMARK NOTE
ELEVATIONS SHOWN HEREON ARE CELESTIAL AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK M.A.02023036 HAVING AN ELEVATION OF 100.100 M BRASS CAP SET IN CONCRETE SIDEWALK, 8 M NORTH OF THE CENTERLINE OF ROBINSON STREET AND 8 M EAST OF THE CENTERLINE OF WINDRIDGE DRIVE.

THIS REPORT WAS PREPARED FOR SELF-HOME DEVELOPMENT AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

- PART 2 (SURVEY REPORT)**
- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NONE.
 - ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, SOUTHERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
 - THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

SURVEYOR'S CERTIFICATE

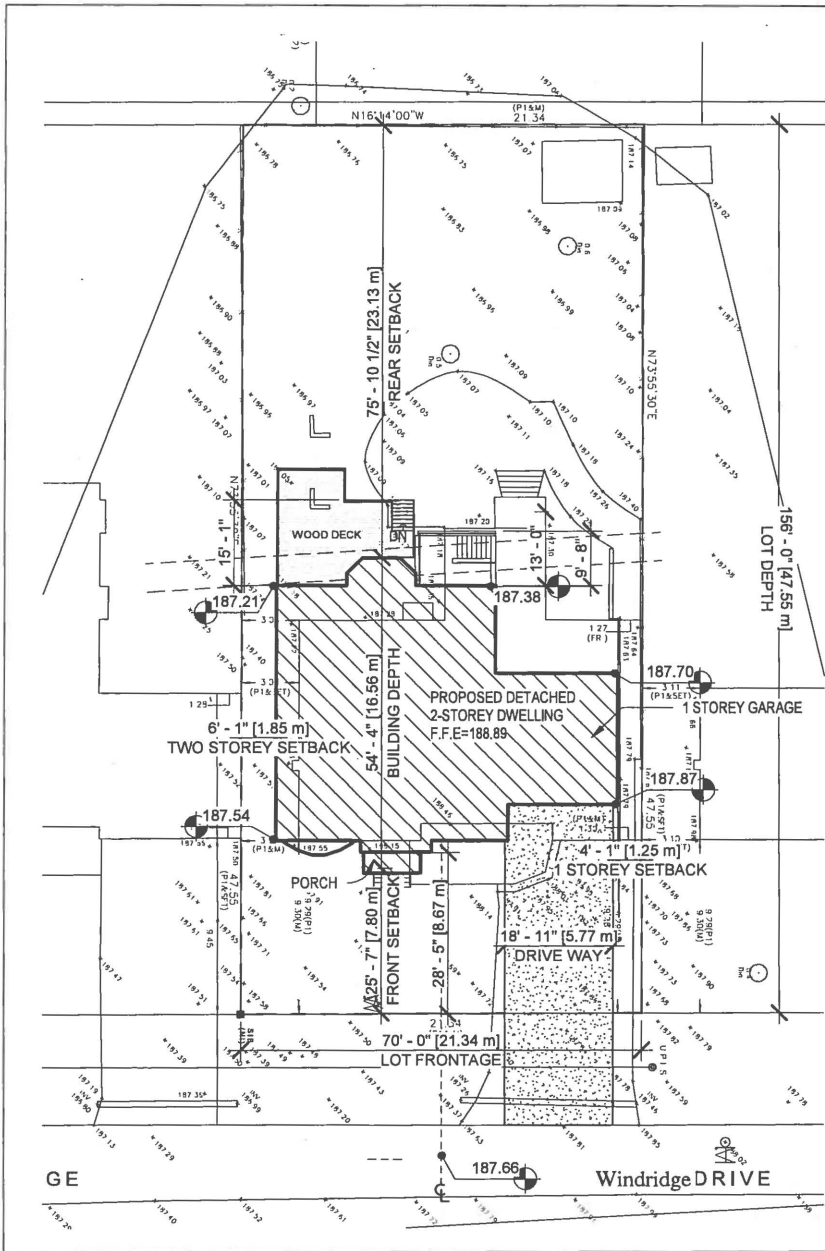
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
- THE SURVEY WAS COMPLETED ON THE 29th DAY OF AUGUST, 2018

SEPTEMBER 12, 2018 DATE *Z. ZENG* Z. ZENG ONTARIO LAND SURVEYOR

MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM
2400 MIDLAND AVE., #211 PHONE: (847)430-1568 FAX: (847)799-4068
SCARBOROUGH, ONTARIO, M1S 1K7 E-MAIL: MANDARIN.SURVEYOR@GMAIL.COM
SURVEY BY: Z.Z. CAD No. 18-2685PR JOB No. 2018-268

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.
BEARINGS SHOWN HEREON ARE ASTROMONIC AND ARE REFERRED TO THE WESTERLY OF WINDRIDGE DRIVE AS SHOWN ON REGISTERED PLAN 4429, HAVING A BEARING OF N15°14'00"W



ZONING	BY-LAW 1229/99-90	LOT NO.	07
PLAN NO.	4429	LOT AREA	10920 SF (1014.47M ²)
LOT FRONTAGE	70' - 0" (21.34 M)	LOT DEPTH	156' - 0" (47.55 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN. LOT FRONTAGE	70' - 0" (21.34 M)	70' - 0" (21.34 M)	60' - 0" (18.29 M)	
MIN. LOT AREA	10920 SF (1014.47M ²)	10920 SF (1014.47M ²)	6600 SF (613.14 M ²)	
MAX. BUILDING HEIGHT		10.20 M*	9.8 M	
NO. OF STORIES	1	2	2	
BUILDING DEPTH		16.56 M (54' - 4")	16.8 M	
FLOOR AREA, GROSS		4370 SF (405.98 M ²)		
MAX LOT COVERAGE		2301 SF (213.76 M ²)	21.07%	35%
NET LOT AREA		8760 SF (813.80 M ²)		
MAX FLOOR AREA RATIO		4370 SF (405.98 M ²)	49.88%*	45%

SETBACK	EXISTING	PROPOSED	REQUIRED
FRONT (EAST)	30' - 6" (9.29 M)	25' - 7" (7.80 M)	25' - 0" (7.62 M)
SIDE (NORTH)	4' - 2" (1.27 M)	4' - 1" (1.25 M)	4' - 0" (1.22 M)
SIDE (SOUTH)	10' - 0 1/2" (3.06 M)	6' - 1" (1.85 M)	6' - 0" (1.83 M)
REAR (WEST)		75' - 10 1/2" (23.13 M)	25' - 0" (7.62 M)

① Site Plan
1 : 250

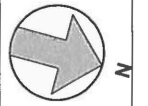


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No.	Revision	Date	By
1	Variance Application	2018-10-11	EW
2	Variance Application	2018-10-30	NG



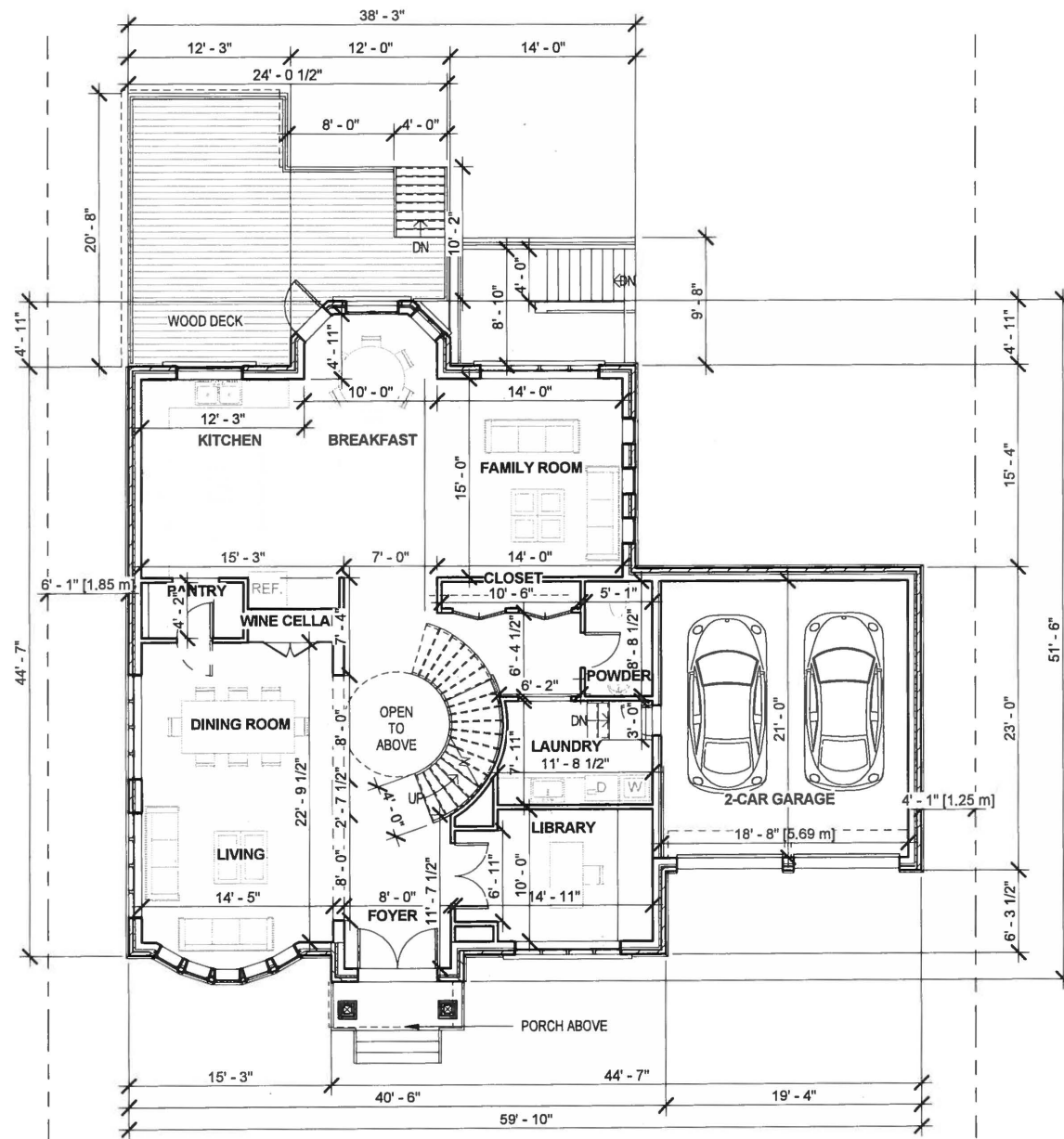
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Residence
24 Windridge Dr
Markham, ON

Project number	T2018080
Drawn	Scale As indicated
Checked	Date

Site Plan, Site Statistics & OBC Matrix

Drawing No. A001



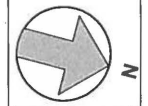
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1	Variance Application	2018-10-11	EW
2	Variance Application	2018-10-30	INQ



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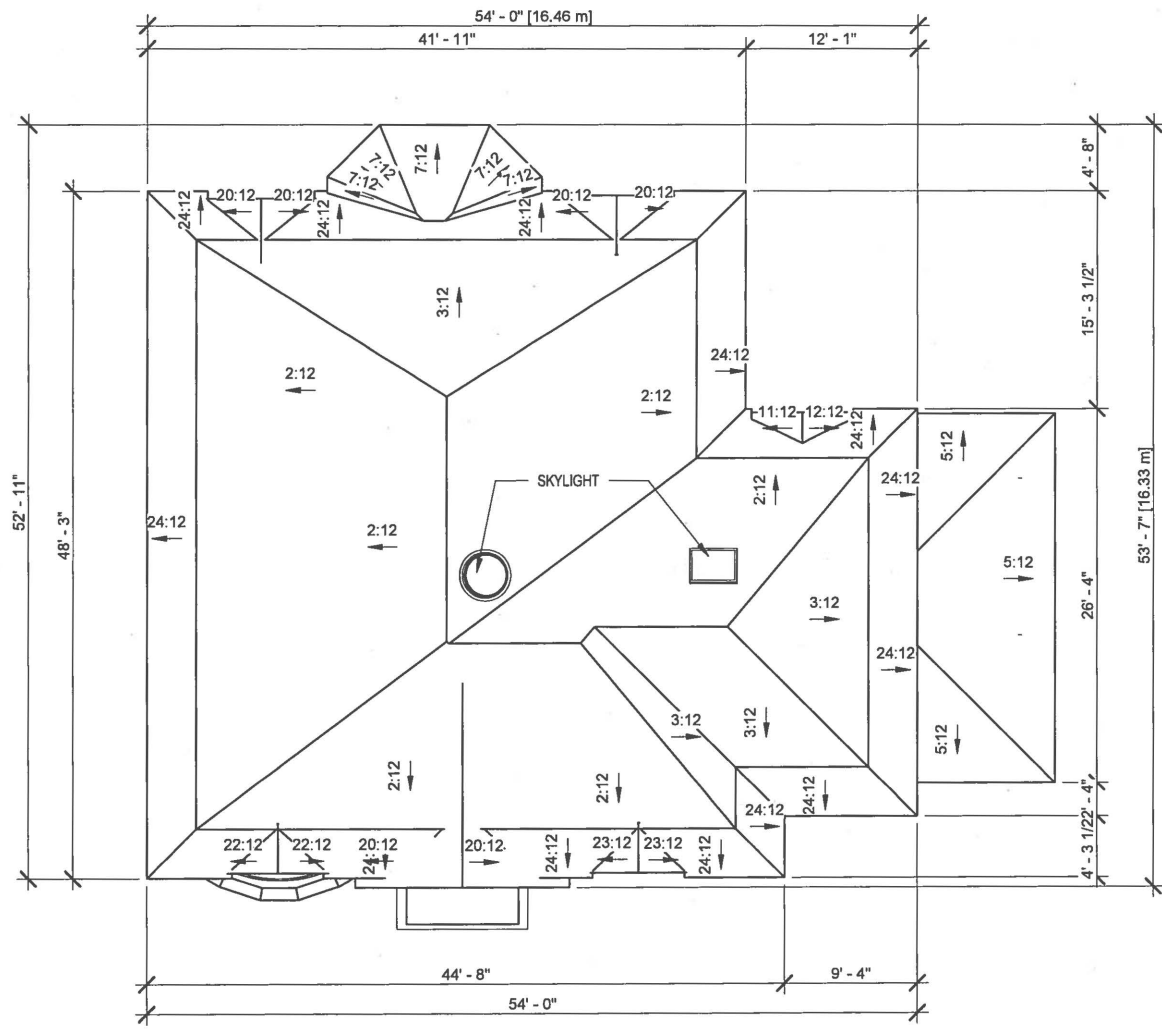
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Ground Floor Plan

Drawing No. A102

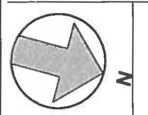


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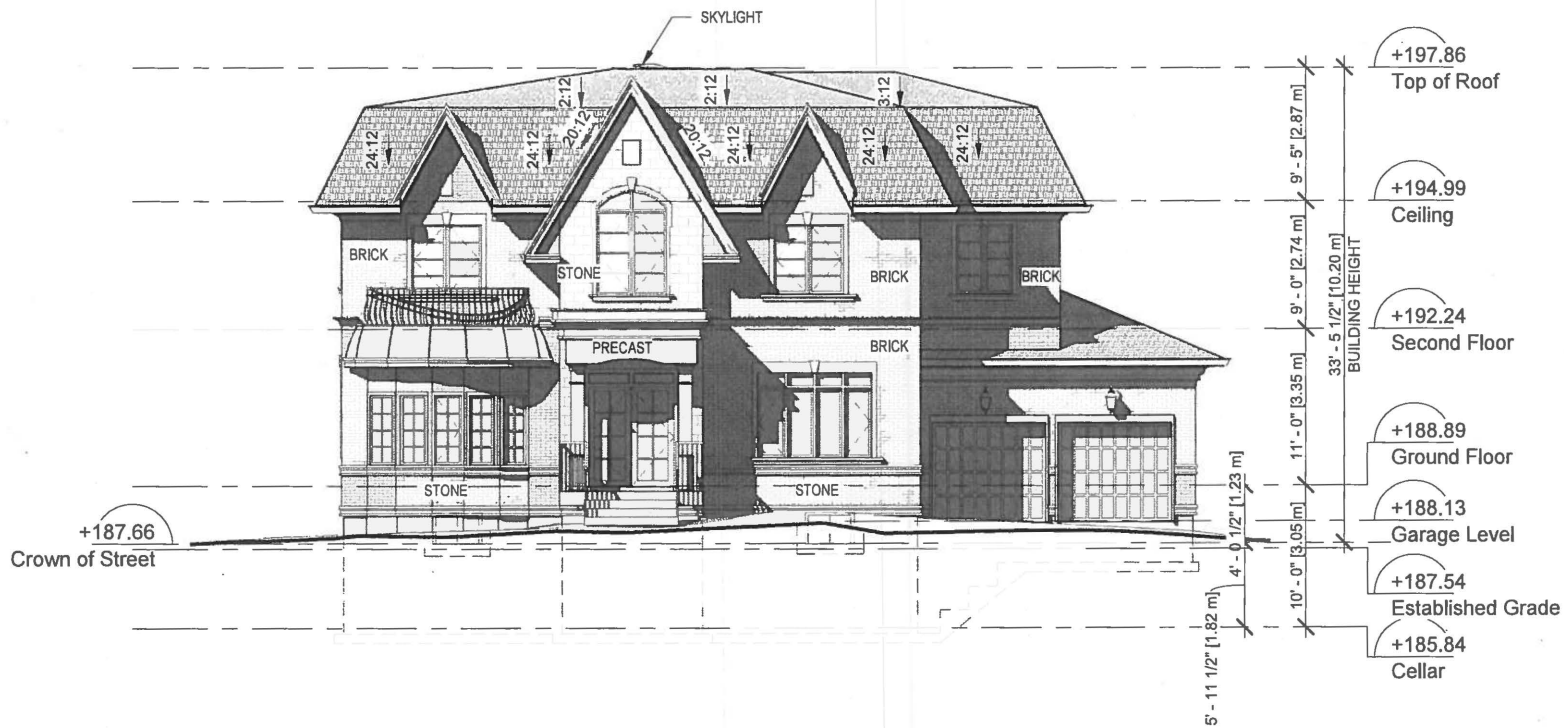
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Roof Plan

Drawing No. **A104**



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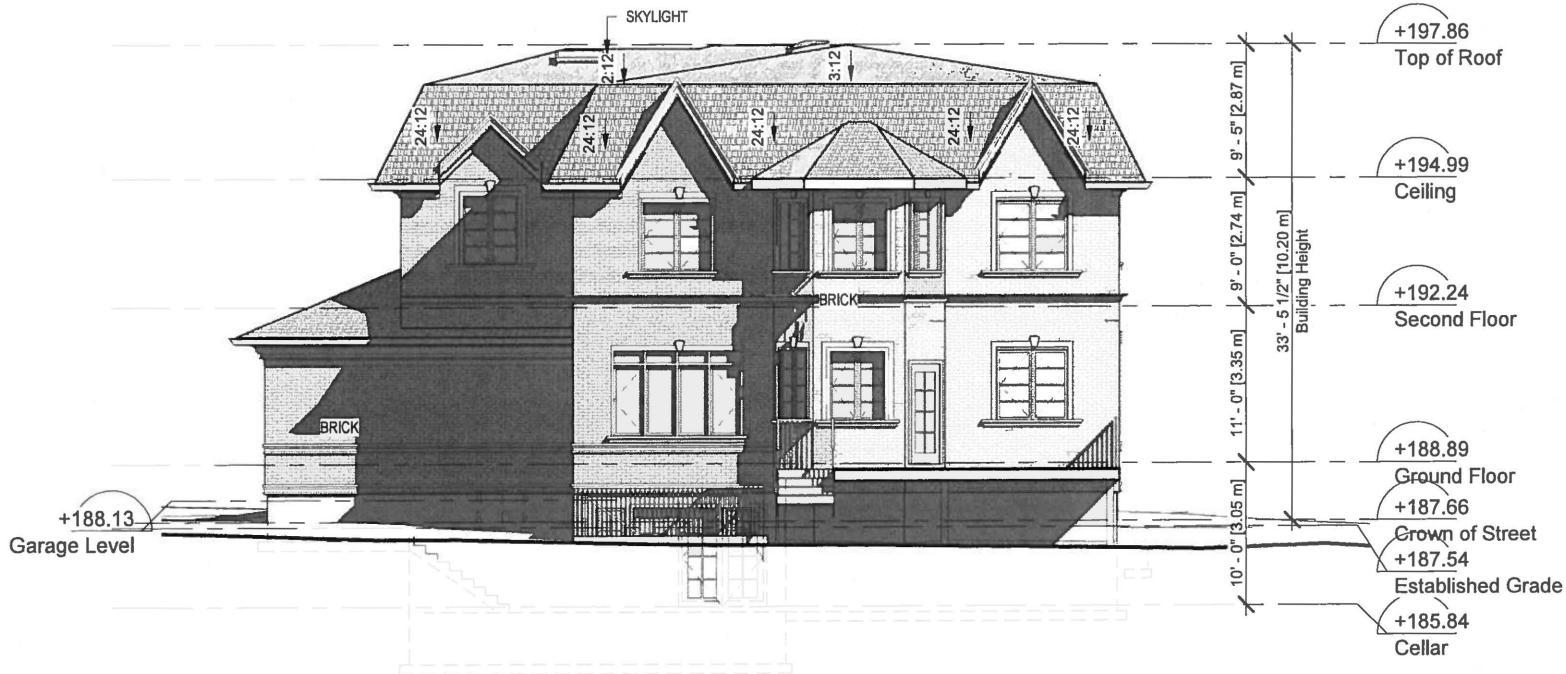
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East (Front) Elevation

Drawing No. A201



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No.	Revision	Date	By
1	Variance Application	2018-10-11	EW
2	Variance Application	2018-10-30	NQ

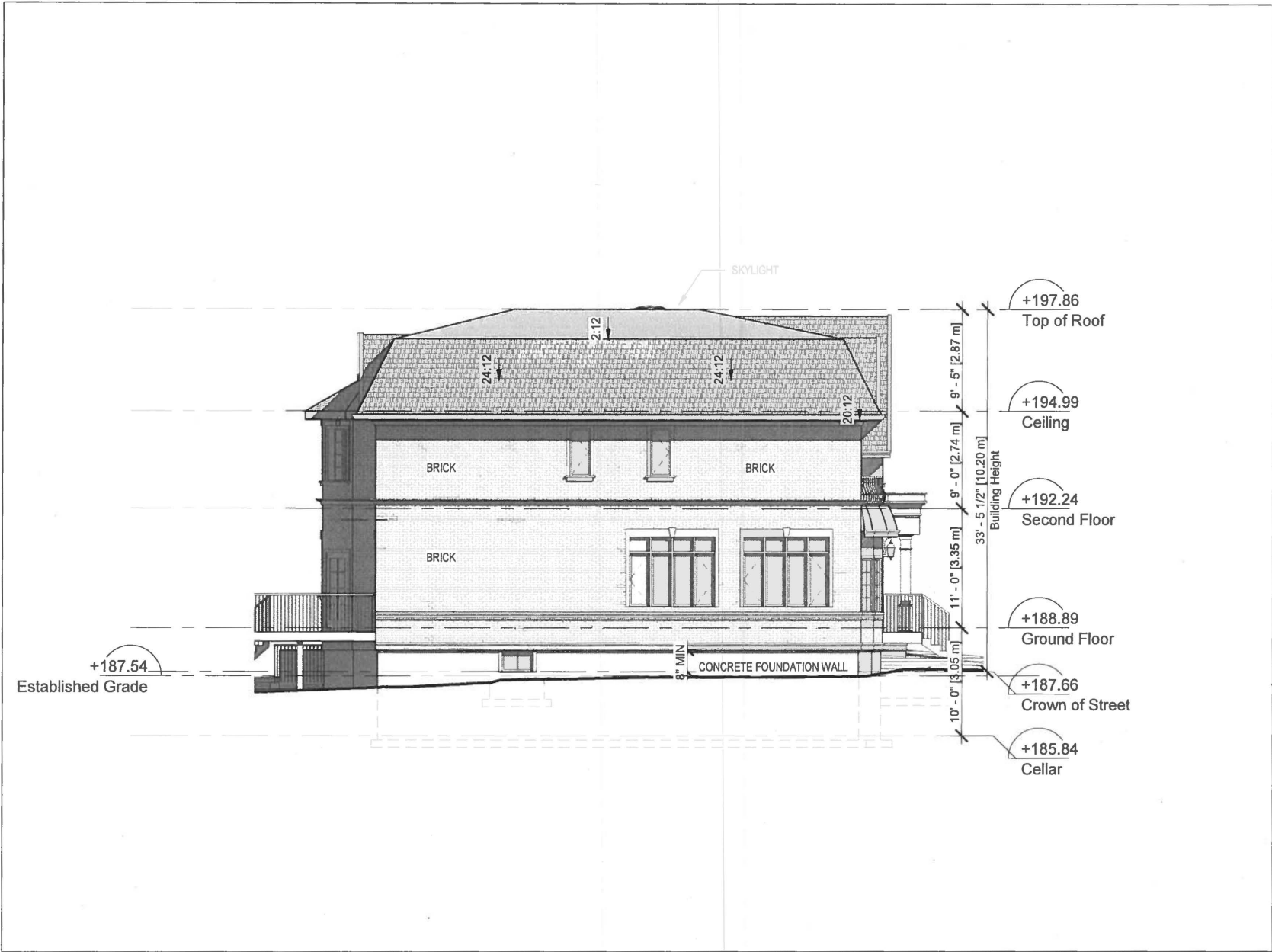
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Project number: T2018060
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West (Rear) Elevation

Drawing No. A202



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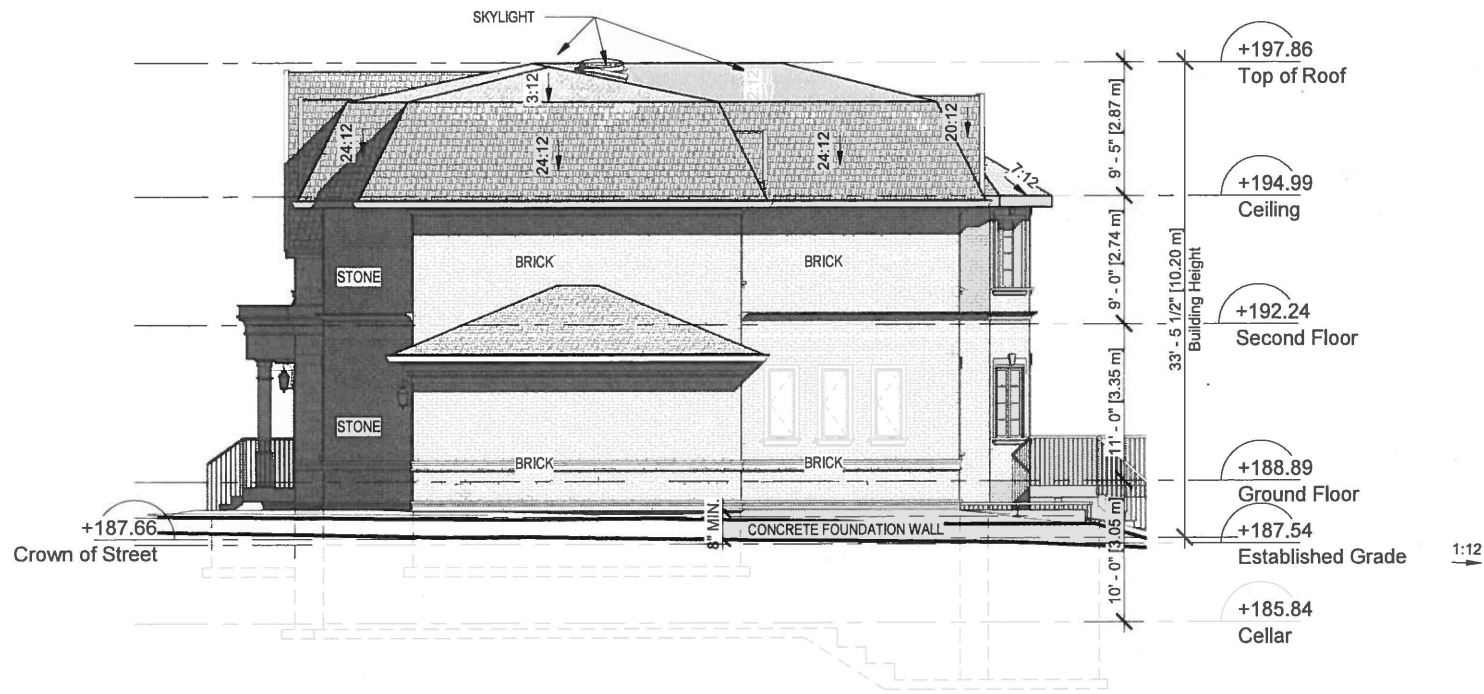
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South (Side) Elevation

Drawing No. **A203**



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Residence
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Project number: T2018050
 Drawn: Scale 1:100
 Checked: Date

North (Side) Elevation

Drawing No. **A204**

