

Memorandum to the City of Markham Committee of Adjustment

January 12, 2018

File: A/156/17
Address: 70 Highland Park Boulevard, Thornhill
Applicant: Shabnam Mostafavi
Agent: F & A Associate Ltd. (Ali Shakeri)
Hearing Date: Wednesday January 24, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from By-law 2237, R4, as amended, to permit:

- a) **Infill By-law 101-90, Section 1.2 (vii):**
a maximum net floor area ratio of 53.9 percent, whereas the By-law permits a maximum net floor area ratio of 50 percent;
- b) **Infill By-law 101-90, Section 1.2 (i):**
a maximum building height of 9.3 m, whereas the By-law permits a maximum building height of 8.6 m;
- c) **Infill By-law 101-90, Section 1.2 (iv):**
a maximum building depth of 16.99 m, whereas the By-law permits a maximum building depth of 16.8 m,

as they relate to a proposed dwelling.

BACKGROUND

Property Description

The 649.89 m² (6,995.35 ft²) subject property is located at the north side of Highland Park Boulevard, north of Steeles Avenue and east of Yonge Street. The surrounding area consists of a mix of one and two-storey detached dwellings originally developed in the 1950s. The area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing 104.6 m² (1,126.9 ft²) detached bungalow with a detached garage on the subject property.

Proposal

The applicant is proposing to demolish the existing house, including the detached garage, and construct a 330.92 m² (3,562 ft²) two storey detached dwelling with an attached double-car garage.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks 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. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law

The subject property is zoned R4-Single Detached dwelling under By-law 2237, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 net floor area ratio, building height and building depth. The proposed development does not comply with the by-law requirement with respect to Net Floor Area Ratio, building depth and building height.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided on the application form, "*a desirable design won't be achieved without requested variances.*"

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken for the proposal. Consequently, 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 in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

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 to Maximum Floor Area Ratio

The applicant is requesting relief to permit a maximum net floor area ratio of 53.9%; whereas the By-law permits a maximum net floor area ratio of 50%. The proposed increase to the net floor area ratio will facilitate the construction of a dwelling with a gross floor area of 330.92 m² (3,562 ft²); whereas the By-law permits a dwelling with a maximum gross floor area of 307.7 m² (3,312 ft²). This represents an increase of 23.22 m² (249.93 ft²), which is an increase of approximately 7.54%.

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, atriiums and/or stairs). In addition to the area open to below associated with the stairs, there is an approximately 8.36 m² (89.98 ft²) open to below area above the foyer.

The neighbourhood is experiencing a noticeable transition towards larger, predominately two-storey detached dwellings. A number of new fill developments on Highland Park Boulevard have received minor variance approvals for floor area ratio increases between 53 percent and 55 percent. The proposed floor area ratio is generally consistent with the recent development trend on street and is in keeping with the character of the surrounding new infill homes with respect to lot coverage, building depth and building width.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.3 m (30.51 ft) whereas the By-law permits a maximum building height of 8.6 m (28.21 ft). This represents an increase of 0.7 m (2.29 ft) or approximately 8.1%. 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 0.67 m (2.19 ft) above the crown of road.

The proposed building height is similar in scale to several infill developments within the immediate vicinity, including the two new homes immediately to east at 72 and 74 Highland Park Boulevard, which obtained minor variance approvals for the same building height increase in 2014. It is the opinion of staff that the proposed building height is compatible with surrounding built form and reflects the evolving character of the neighbourhood.

Increase in Building Depth

The applicant is requesting relief to permit a maximum building depth of 16.99 m (55.74 ft); whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents a variance of 0.19 m (0.62 ft), which is an increase of approximately 1.1%.

The variance relates to a small portion of the front covered porch. The main component of the building, excluding the front covered porch, has a depth of 16.38 m (53.74 ft), which meets the by-law and is generally consistent with the other existing homes on the street.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 12th, 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.

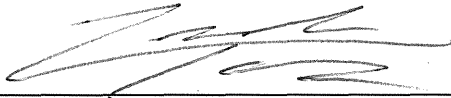
CONCLUSION

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 requests meet the four tests of the Planning Act and have no objection.

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.

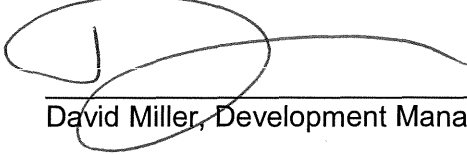
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District


File Path: Amanda\File\ 16 115691 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/17

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 and received on November 7, 2017 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate.
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 Director of Planning and Urban Design or designate;
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:



Carlson Tsang, Planner, Zoning and Special Projects

REGISTERED

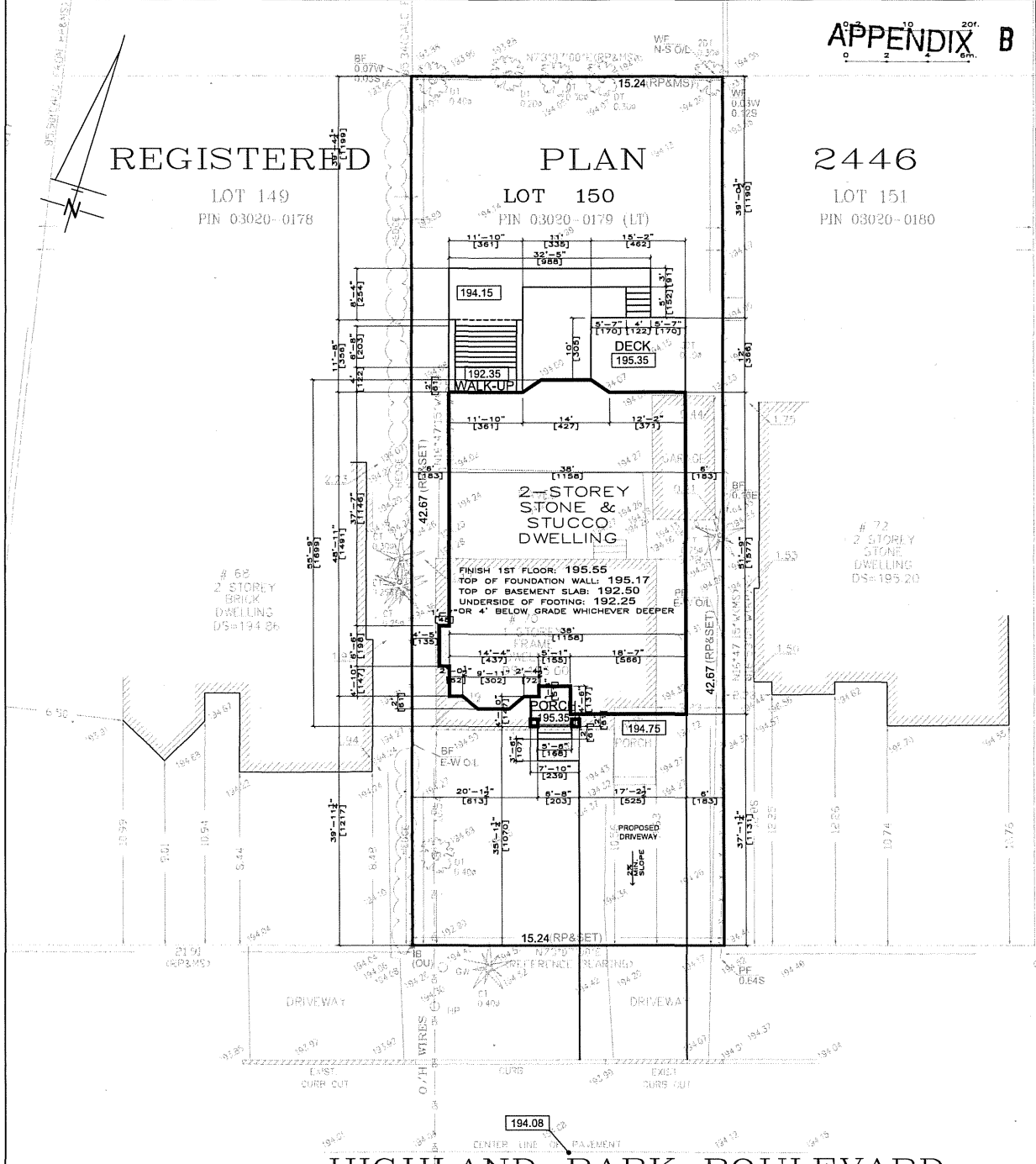
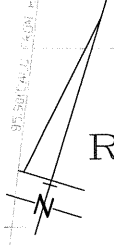
PLAN

2446

LOT 149
PIN 03020-0178

LOT 150
PIN 03020-0179 (LT)

LOT 151
PIN 03020-0180



HIGHLAND PARK BOULEVARD

(BY REGISTERED PLAN 2446)

PIN 03020-0503(LT)

FRONT YARD CALCULATIONS:

FRONT YARD AREA= 1920.87 SF
 DRIVEWAY AREA= 643.22 SF
 HARD LANDSCAPING AREA= 75.97 SF
 SOFT LANDSCAPING AREA= 1201.68 SF (94.05%)
 LANDSCAPE OPEN SPACE: 1277.65 S.F. (%66.51)

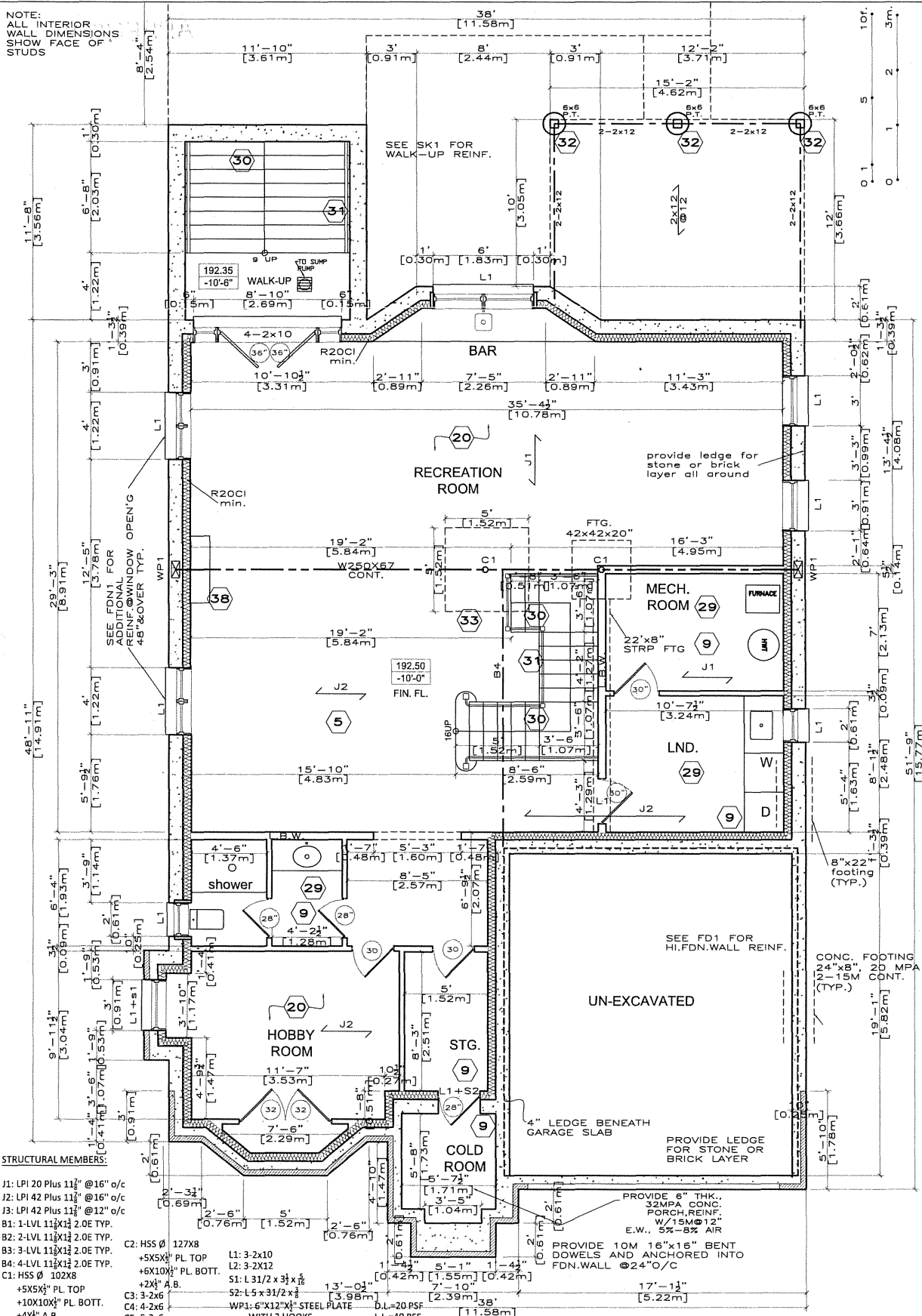
SITE DATA	
ZONING	R4
LOT #	150
PLAN #	2446
LOT AREA	650.29 S.M.
NET LOT AREA	7000 S.F. 615.48 S.M.
LOT FRONTAGE	6625 S.F. 15.24 M
LOT DEPTH	42.67 M

AREA	MAXIMUM	PROPOSED	
LOT COVERAGE	33%	184.17 S.M. 1982.45 S.F.	29.92%
G.F.A.	54%	330.92 S.M. 3562.08 S.F.	53.76%
NO. OF STORIES	2	2 STORIES	
HEIGHT	8.6 M	9.30 M	
WIDTH	16.8 M	AS SHOWN	16.99 M
PARKING	-	AS SHOWN	

designed by: ALI SHAKERI T.416 8166651 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 70 HIGHLAND PARK BOULEVARD	revisions: JUL. 05, 2017- ISSUED FOR COA	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: SITE PLAN	scale: 1/16"=1'	

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
 Ali Shakeri
 BCIN#24574
 F&A Associates Ltd.
 BCIN#30998

NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS



designed by:

ALI SHAKERI
T.416 8166651 F.416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST, M2N 3B4
TORONTO, ONTARIO, CANADA.

project:
70 HIGHLAND PARK BOULEVARD

drawing:
BASEMENT PLAN

scale:
3/16"=1'

page:
A2

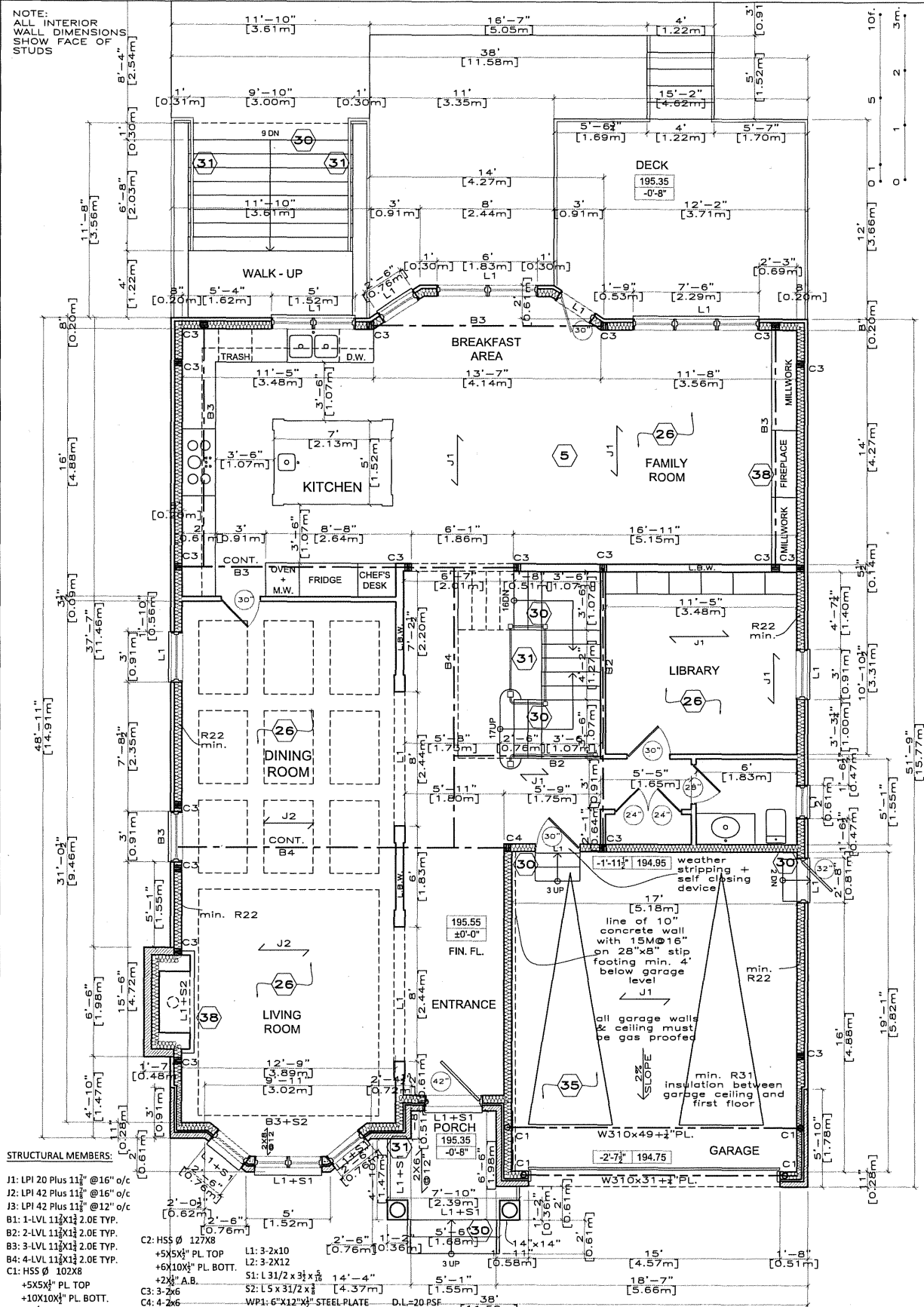
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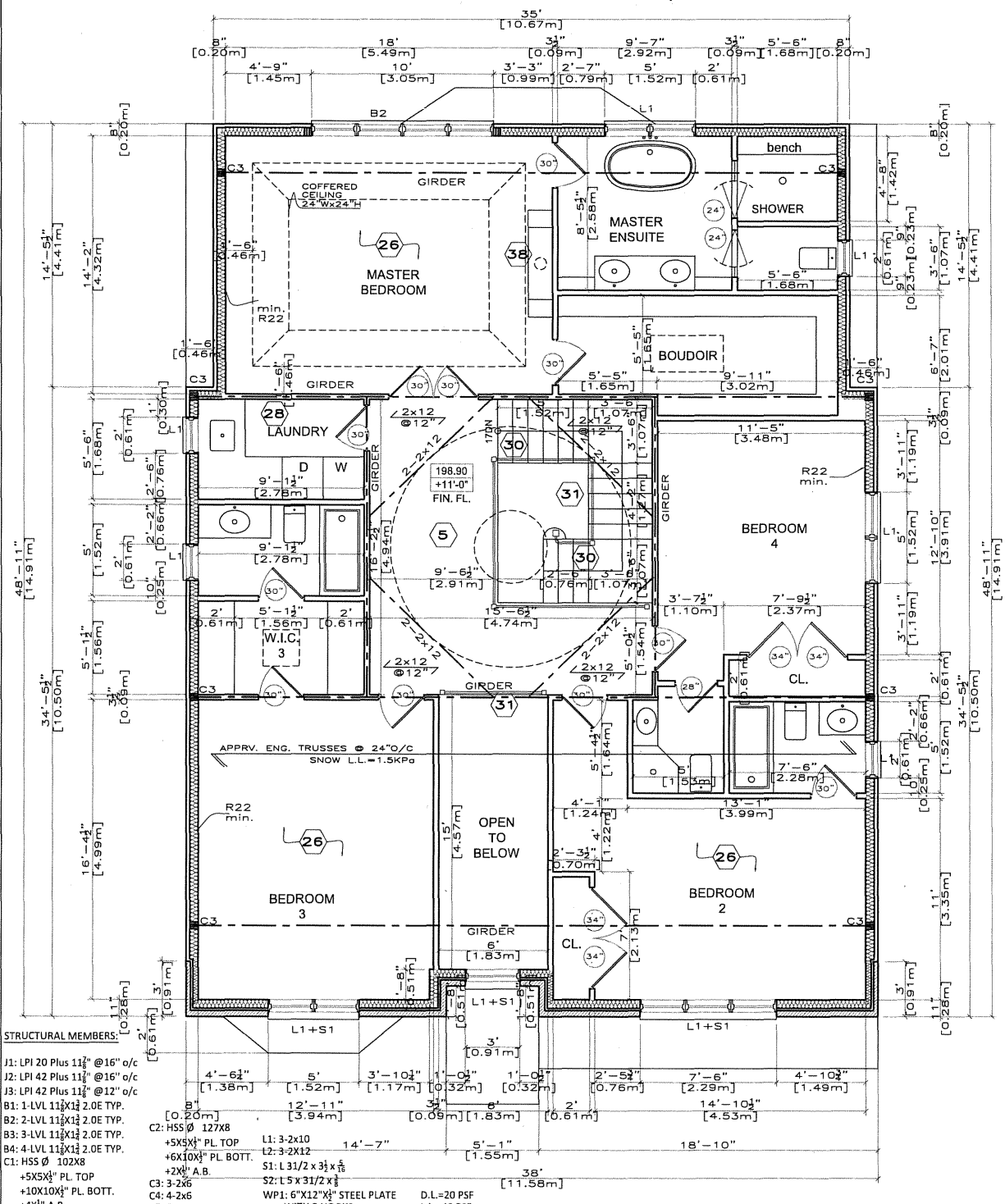
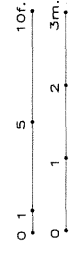
Ali Shakeri

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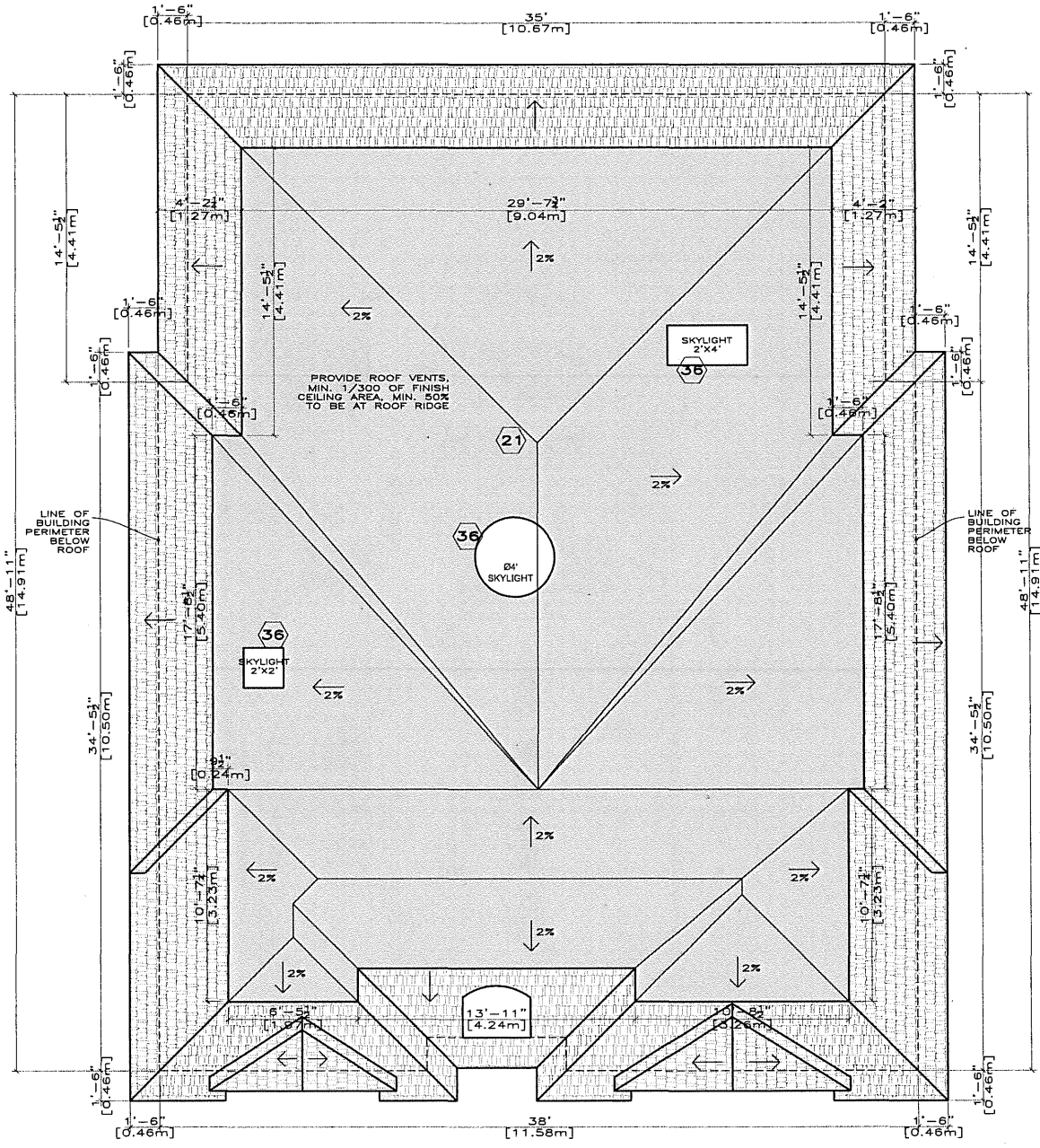
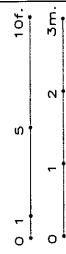
<p>NOTE: ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS</p> <p>designed by: ALI SHAKERI T.416 8166551 F.416 2508900</p> <p>ARCICA INC. 325 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA</p>	<p>project: 70 HIGHLAND PARK BOULEVARD</p> <p>drawing: GROUND FLOOR PLAN</p> <p>scale: 3/16"=1'</p> <p>page: A3</p>	<p>revisions: JUL. 05, 2017- ISSUED FOR COA</p> <p>THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER</p> <p>All Shakeri BCIN#24574 P&A Associates Ltd. BCIN#30998</p> <p><i>Ali Shakeri</i></p>	<p>1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.</p> <p>2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</p> <p>3. DO NOT SCALE DRAWINGS.</p> <p>4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO P&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</p> <p>5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".</p> <p>6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.</p>
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NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS



- STRUCTURAL MEMBERS:
- J1: LPI 20 Plus 11 $\frac{1}{2}$ " @ 16" o/c
 - J2: LPI 42 Plus 11 $\frac{1}{2}$ " @ 16" o/c
 - J3: LPI 42 Plus 11 $\frac{1}{2}$ " @ 12" o/c
 - B1: 1-LVL 11 $\frac{1}{2}$ "x11 $\frac{1}{2}$ " 2.0E TYP.
 - B2: 2-LVL 11 $\frac{1}{2}$ "x11 $\frac{1}{2}$ " 2.0E TYP.
 - B3: 3-LVL 11 $\frac{1}{2}$ "x11 $\frac{1}{2}$ " 2.0E TYP.
 - B4: 4-LVL 11 $\frac{1}{2}$ "x11 $\frac{1}{2}$ " 2.0E TYP.
 - C1: HSS \emptyset 102X8
 - +5XS $\frac{1}{2}$ " PL TOP
 - +10X10X $\frac{1}{2}$ " PL BOTT.
 - +4X $\frac{1}{2}$ " A.B.
 - C2: HSS \emptyset 127X8
 - +5XS $\frac{1}{2}$ " PL TOP
 - +6X10X $\frac{1}{2}$ " PL BOTT.
 - +2X $\frac{1}{2}$ " A.B.
 - C3: 3-2x6
 - C4: 4-2x6
 - C5: 5-2x6
 - L1: 3-2x10
 - L2: 3-2x12
 - S1: L 31/2 x 3 $\frac{1}{2}$ x $\frac{1}{2}$
 - S2: L 5 x 31/2 x $\frac{1}{2}$
 - WP1: 6"X12"X $\frac{1}{2}$ " STEEL PLATE WITH 2 HOOKS
 - D.L.=20 PSF
 - LL=40 PSF

<p>designed by: ALI SHAKERI T.416 8166651 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA.</p>	<p>project: 70 HIGHLAND PARK BOULEVARD</p> <p>drawing: SECOND FLOOR PLAN</p> <p>scale: 3/16"=1'</p> <p>page: A4</p>	<p>revisions: JUL. 05, 2017- ISSUED FOR COA</p> <p>THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998</p>	<p>1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.</p> <p>2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</p> <p>3. DO NOT SCALE DRAWINGS.</p> <p>4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</p> <p>5. USE ONLY LATEST REVISION DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".</p> <p>6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.</p>
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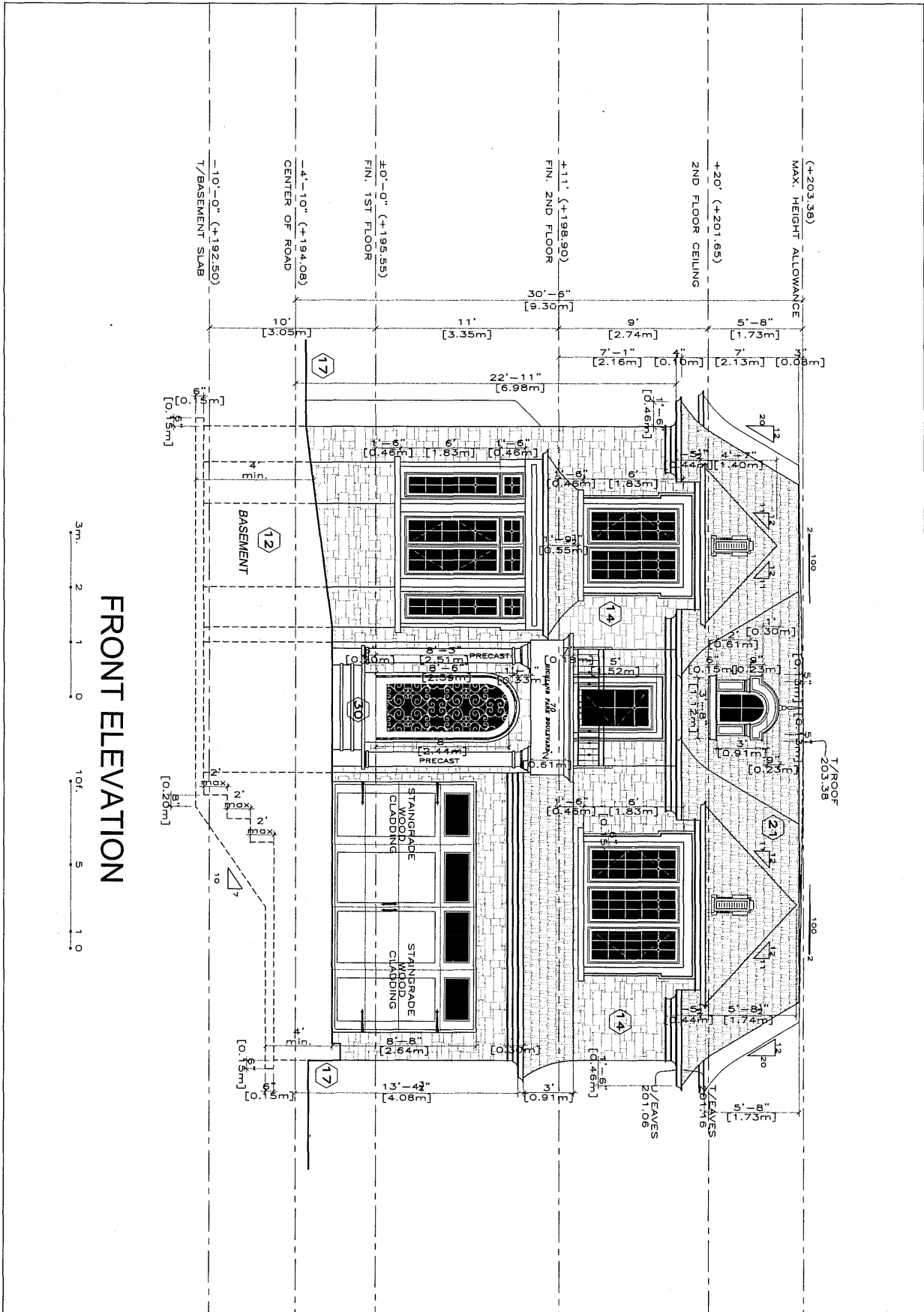


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	drawing: ROOF PLAN	scale: 3/16"=1'	

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ARCICA INC.
 328 SHEPPARD AVENUE EAST, M2N 3B4
 TORONTO, ONTARIO, CANADA.

project:
70 HIGHLAND PARK BOULEVARD

drawing:
FRONT ELEVATION

scale:
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page:
A6

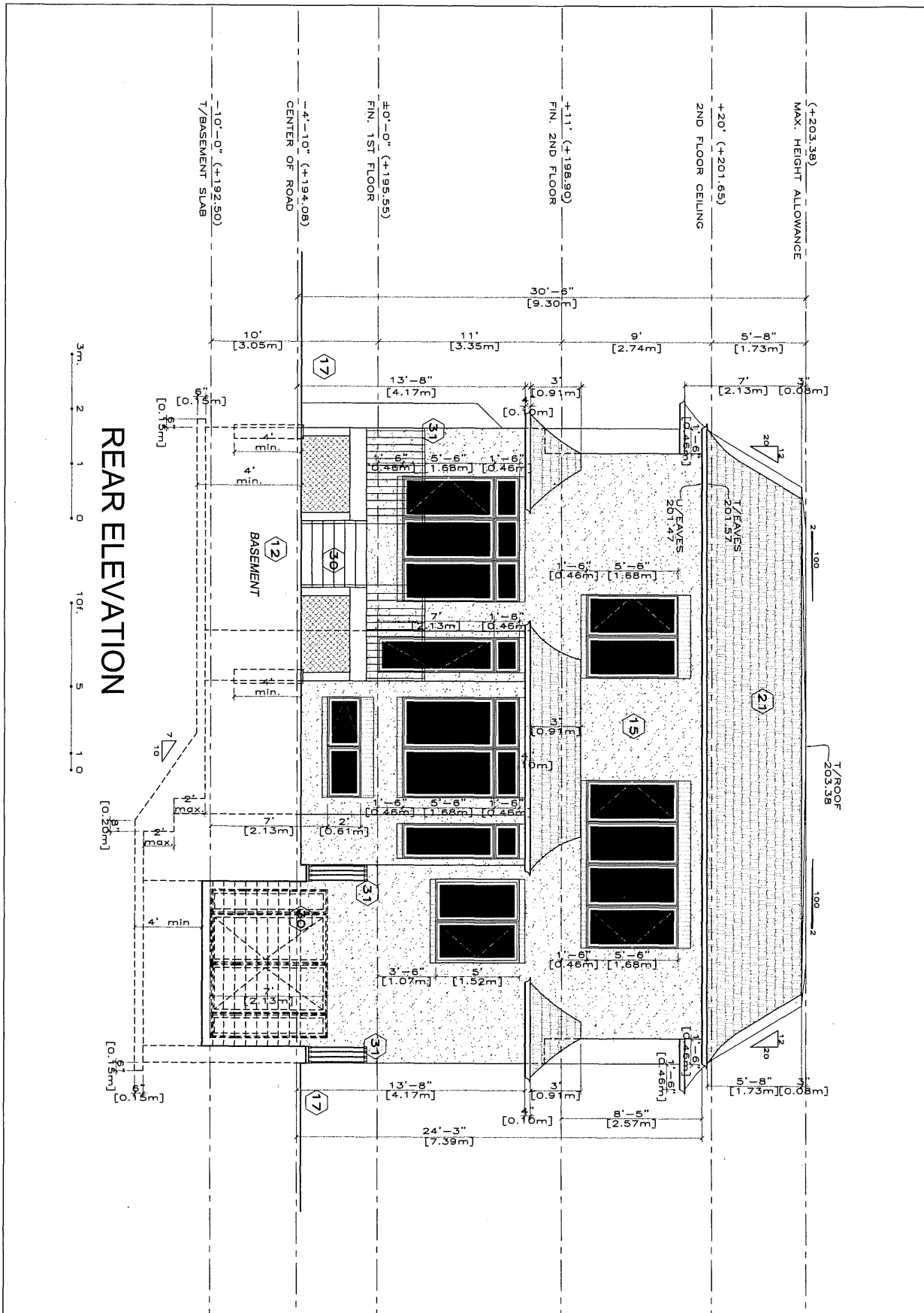
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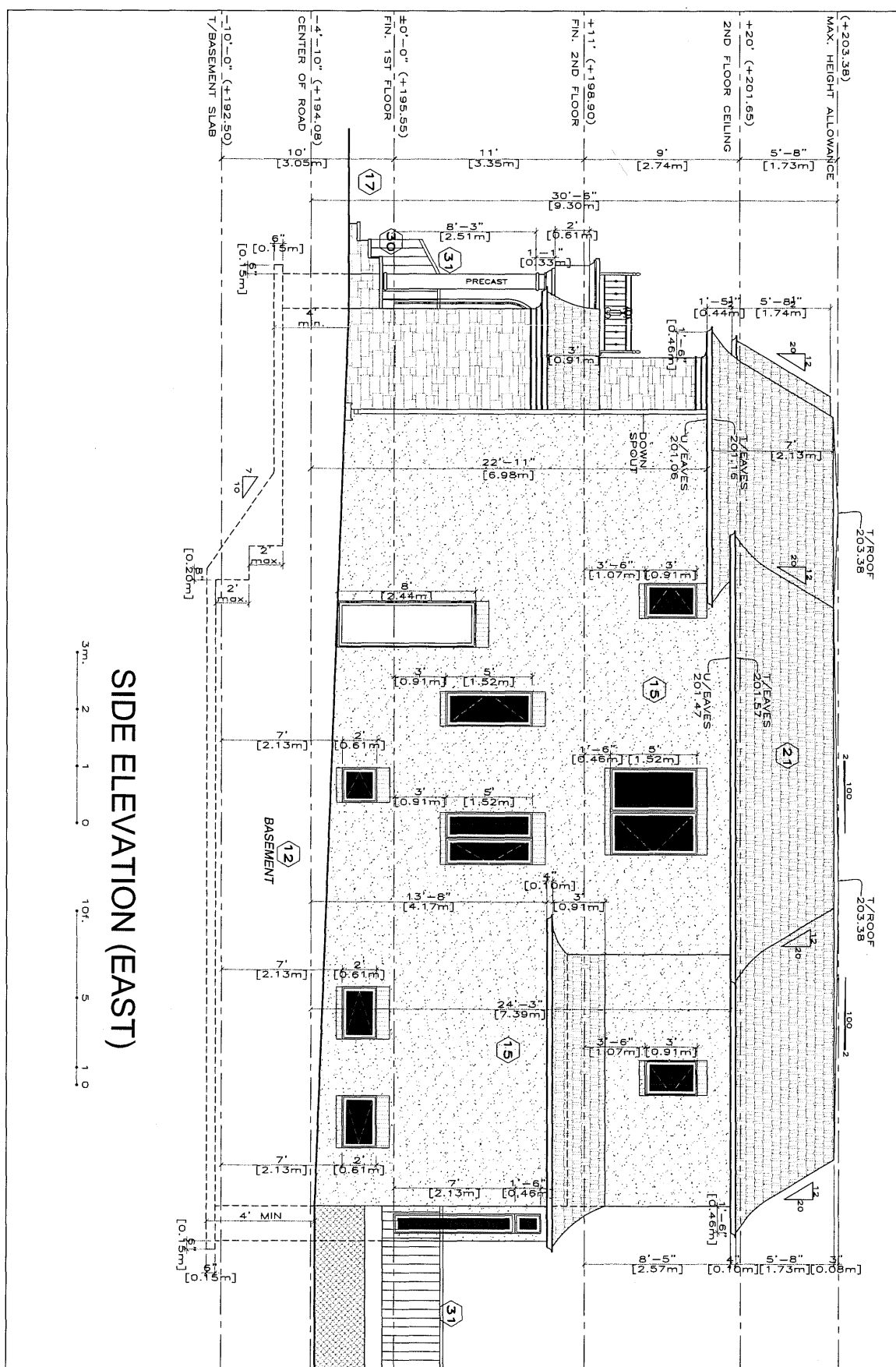
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	drawing: REAR ELEVATION	scale: 3/16"=1'	

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GLAZED AREAS:
 1. AREA OF EXPOSED BUILDING FACE: 1163.57 SQ.FT.
 2. PROPOSED GLAZED AREA: 76.75 SQ.FT. (26.75)



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	drawing: SIDE ELEVATION	scale: 3/16"=1'	

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