

Memorandum to the City of Markham Committee of Adjustment

February 05, 2018

File: A/160/17
Address: 14 Sherwood Forest Drive, Markham
Applicant: Mi Fang
Agent: Shahram Khatibzadeh
Hearing Date: Wednesday February 21, 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) Infill By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 50.84 percent, whereas the By-law permits a maximum floor area ratio of 45 percent; as it relates to a proposed dwelling.

BACKGROUND

Property Description

The 630.84 m² (6,790.3 ft²) subject property is located on the south side Sherwood Forest Drive, south of Bullock Drive and east of McCowan Road. The surrounding area is an established residential neighbourhood comprised of a mix of one and two-storey detached and one-storey semi-detached dwellings. The site contains a 131 m² (1,410 ft²) one-storey detached dwelling, which according to assessment records was constructed in 1962. Mature vegetation exists across the site including two mature tree in the front yard.

Proposal

The applicant is proposing to demolish the existing home and construct a 315.69 m² (3,398 ft²) two-storey detached dwelling. One of the trees in the front yard is proposed to be removed. The Applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

Official Plan and Zoning

2014 Official Plan (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. 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

The subject property is zoned R1- Single Detached dwelling under By-law 1229, 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 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 net floor area ratio.

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

According to the information provided by the applicant, *"The by-law is too restrictive as it includes the garage in the GFA calculation and does not satisfy the owner's need."*

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken for the revised 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 in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 50.84 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 315.69 m² (3,398 ft²), whereas the By-law permits a dwelling with a maximum floor area of 279.9 m² (3,012.81 ft²). This represents an increase of 35.79 m² (385.24 ft²)

Floor Area Ratio is a measurement of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measurement 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). In addition to the area associated with the stairs, there is an open to below area of approximately 7.94 m² (85.46 ft²) above the foyer.

The building layout complies with all required setbacks ensuring appropriate separation between adjoining homes will be achieved. Notwithstanding the increase in gross floor area, the proposed lot coverage is 28.2 percent which is less than the maximum 35 percent coverage permitted by the by-law. The proposal also complies with the maximum building height and building depth requirements.

Although the proposed dwelling is larger in size than the majority of the existing homes on the street that were built in the 1960's, it meets all the zoning provisions that establish the prescribed building envelope. Staff are of the opinion that the overall scale and massing of the proposed dwelling is generally in keeping with the intended scale of infill residential developments for the neighbourhood and have no objection to the variance being requested.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 5th, 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.

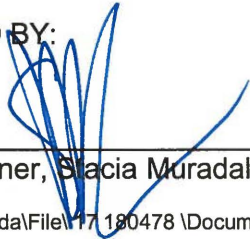
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Senior Planner, Stacia Muradali, East District

File Path: Amanda\Files\17180478 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/160/17

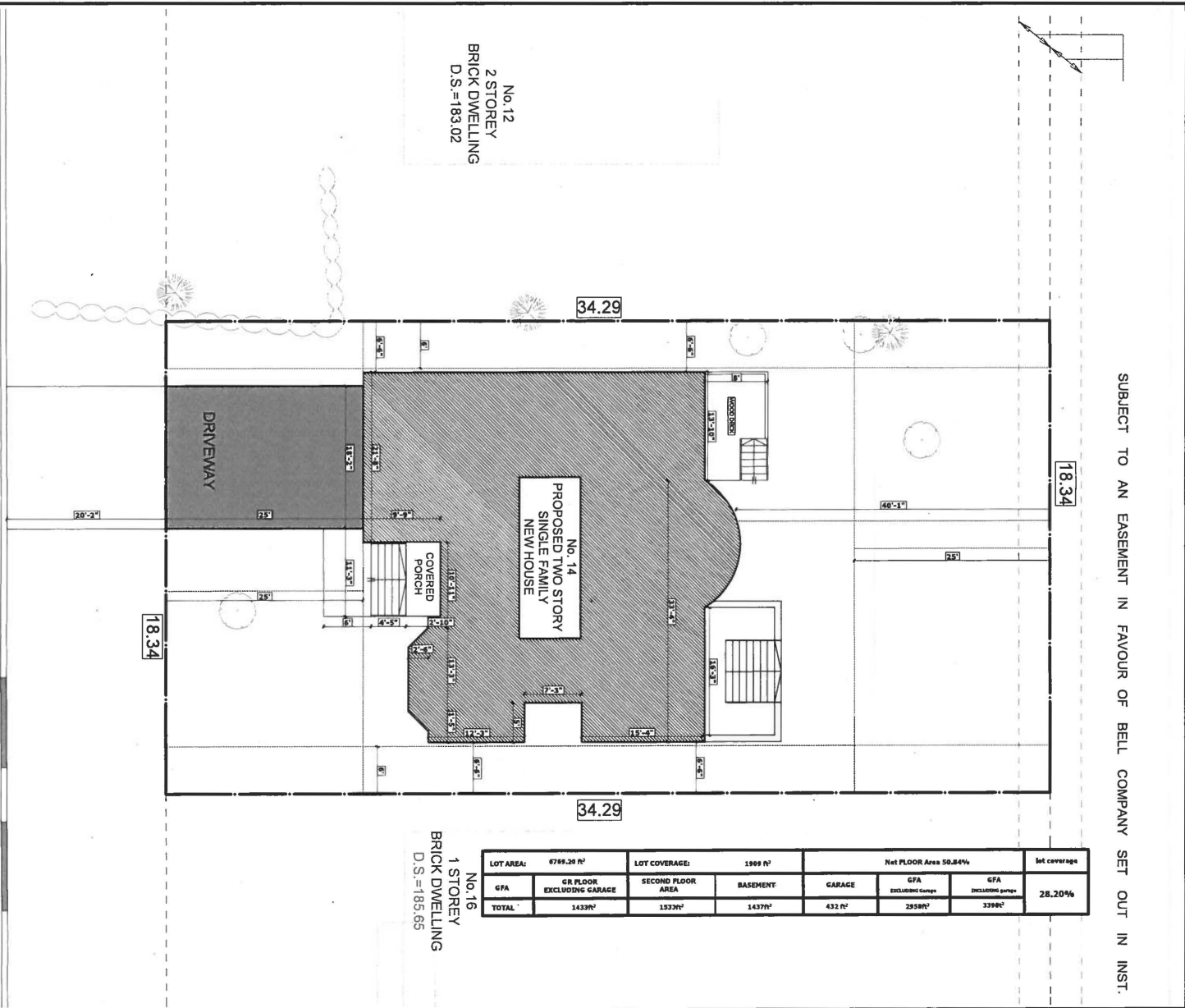
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received on January 19, 2018 and that the Secretary-Treasurer receive 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 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

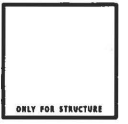
SHERWOOD FOREST DRIVE



LOT AREA: 6789.28 m ²		LOT COVERAGE: 1969 m ²		Net FLOOR Area 50.84%			lot coverage
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	GFA EXCLUDING GARAGE	GFA INCLUDING GARAGE	28.20%
TOTAL	1433m ²	1533m ²	1437m ²	432 m ²	2558m ²	3398m ²	

THE UNDERSIGNED HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.

NAME: VAHID EHMAN JOMEH BCIN # 45213



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DATE: 18-11-2017 ISSUED FOR: Building Permit

PROJECT TITLE/ADDRESS: 14 SHERWOOD FOREST DRIVE, MARKHAM, ON

DRAWING TITLE: SITE PLAN

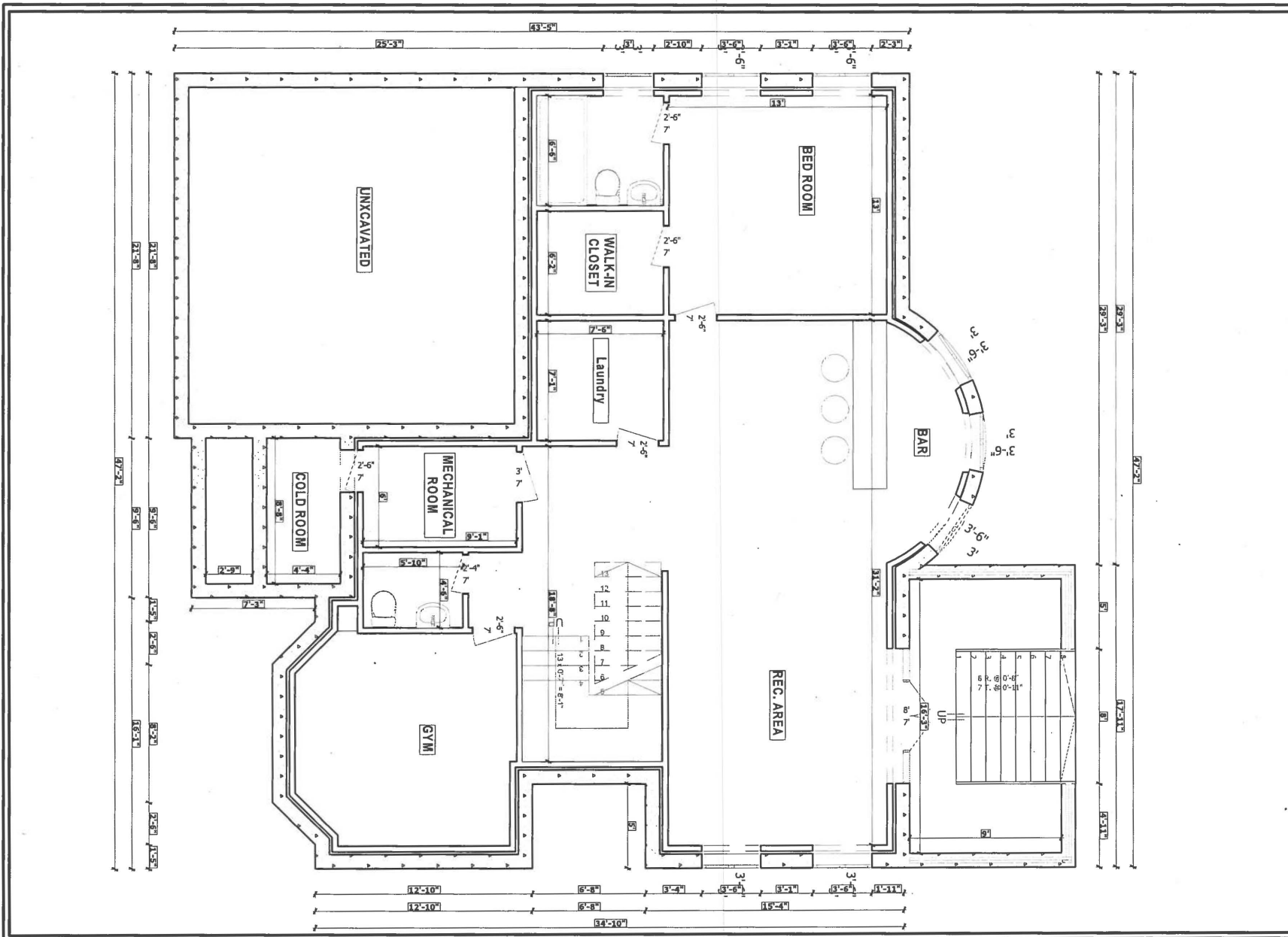
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DRAWN BY: V.E. CHKD BY: V.E.

LAST MODIFIED ON: January-18-18

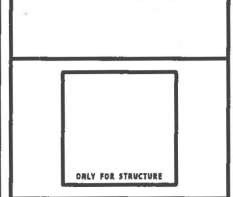
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SUBJECT TO AN EASEMENT IN FAVOUR OF BELL COMPANY SET OUT IN INST.



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NAME
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DATE:	ISSUED FOR:
NOV-17-2017	Building Permit

PROJECT TITLE/ADDRESS:
 14 SHERWOOD FOREST DRIVE, MARKHAM, ON

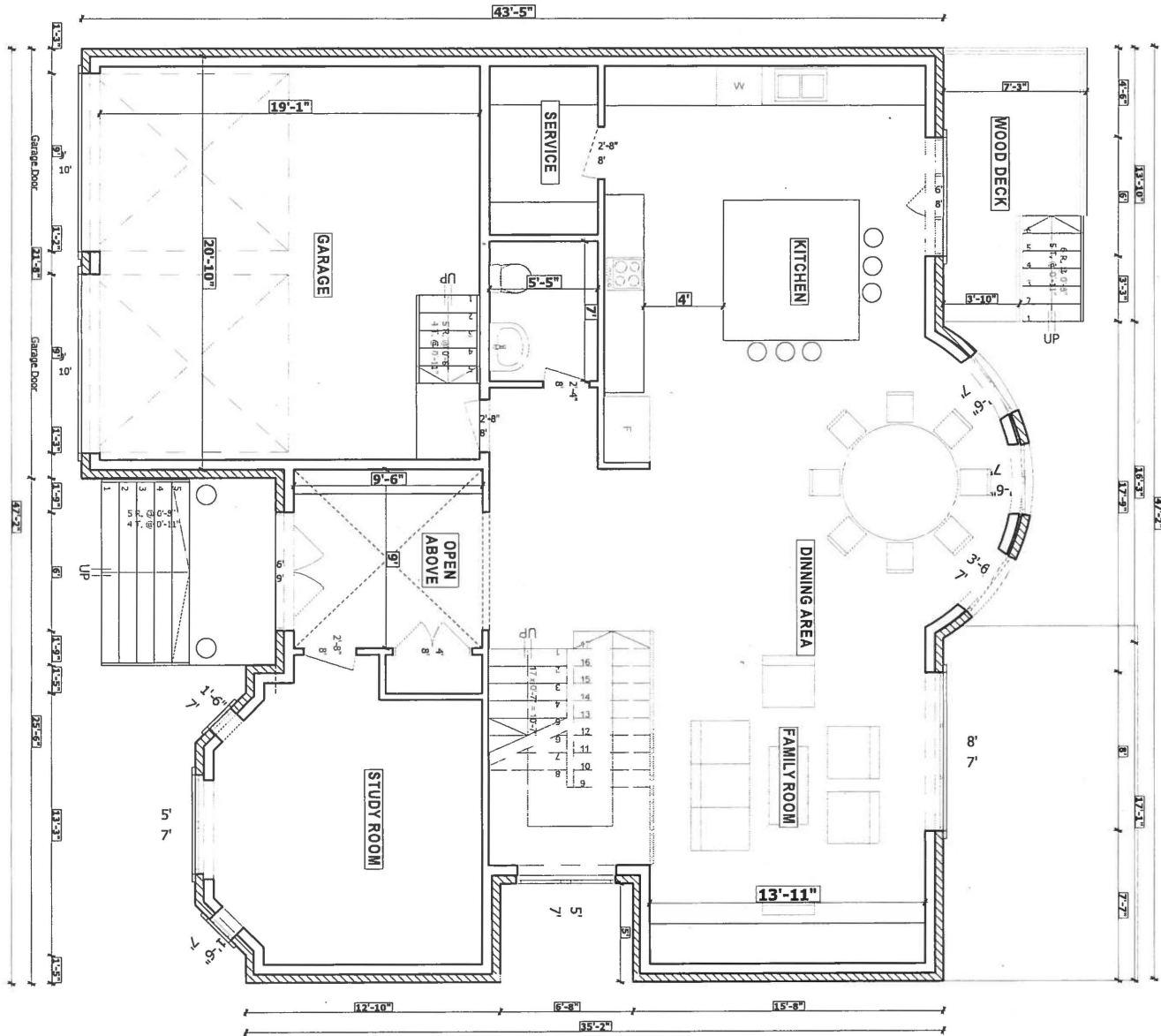
DRAWING TITLE:
 BASEMENT

SCALE: 3/16" = 1'-0"

DRAWN BY	CHKD BY
V.E	V.E

LAST MODIFIED ON:
 January-18-18

A.02



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NAME: VAHID GHAM JOHEH BCIN # 45213

[Signature]



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DATE:	ISSUED FOR:
NOV-17-2017	Building Permit

PROJECT TITLE/ADDRESS:
14 SHERWOOD FOREST DRIVE, MARKHAM, ON

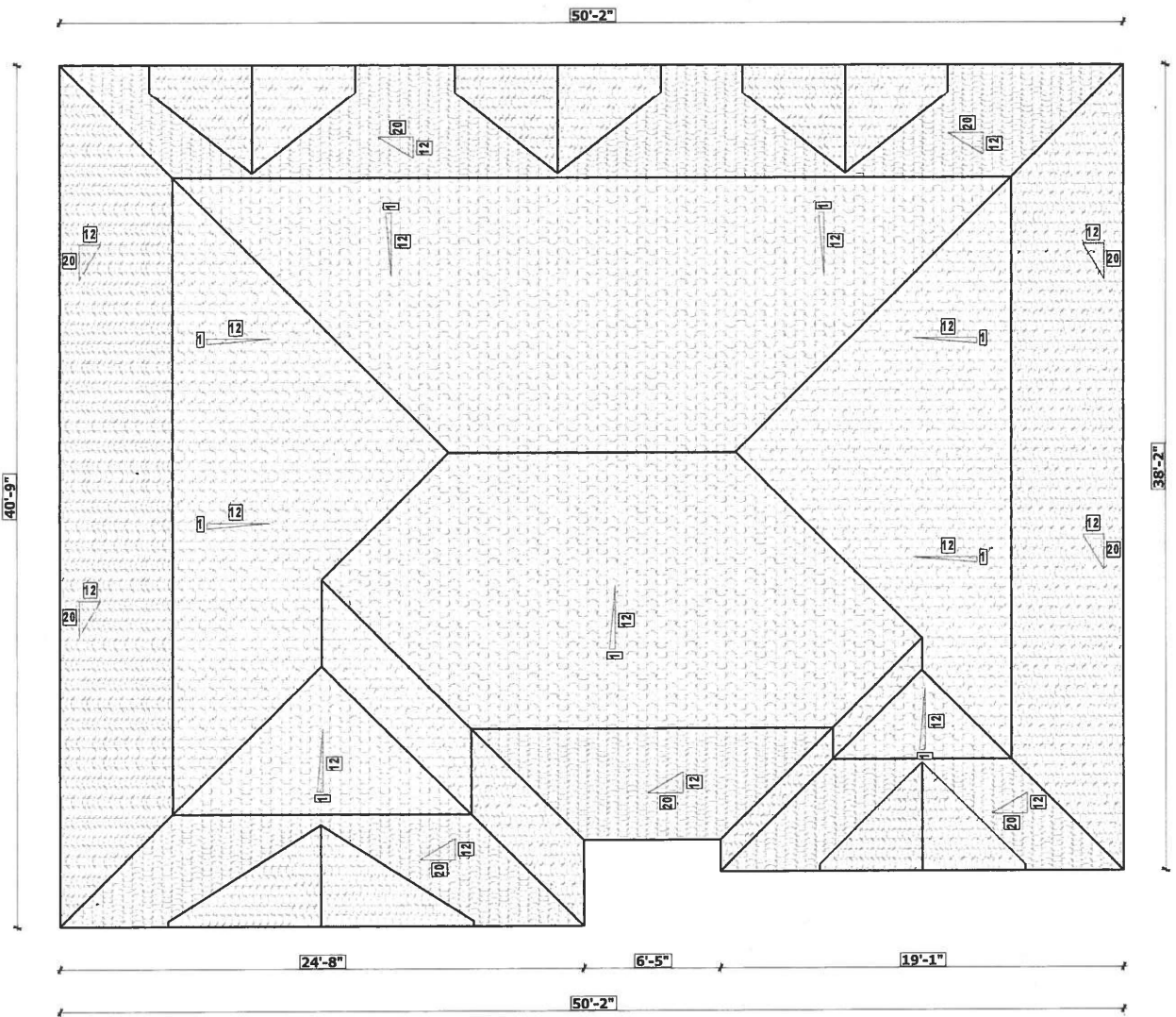
DRAWING TITLE:
GROUND FLOOR

SCALE: **3/16" = 1'-0"**

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V.E	V.E

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January-18-18

A.03



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NAME: VAHID EMAM JOMEH BCIN # 45213

[Signature]



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NOV-17-2017	Building Permit

PROJECT TITLE/ADDRESS:
14 SHERWOOD FOREST DRIVE, MARKHAM, ON

DRAWING TITLE:
ROOF

SCALE: **3/16" = 1'-0"**

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Signature

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DATE: NOV-17-2017	ISSUED FOR: Building Permit
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PROJECT TITLE/ADDRESS:
14 SHERWOOD FOREST DRIVE, MARKHAM, ON

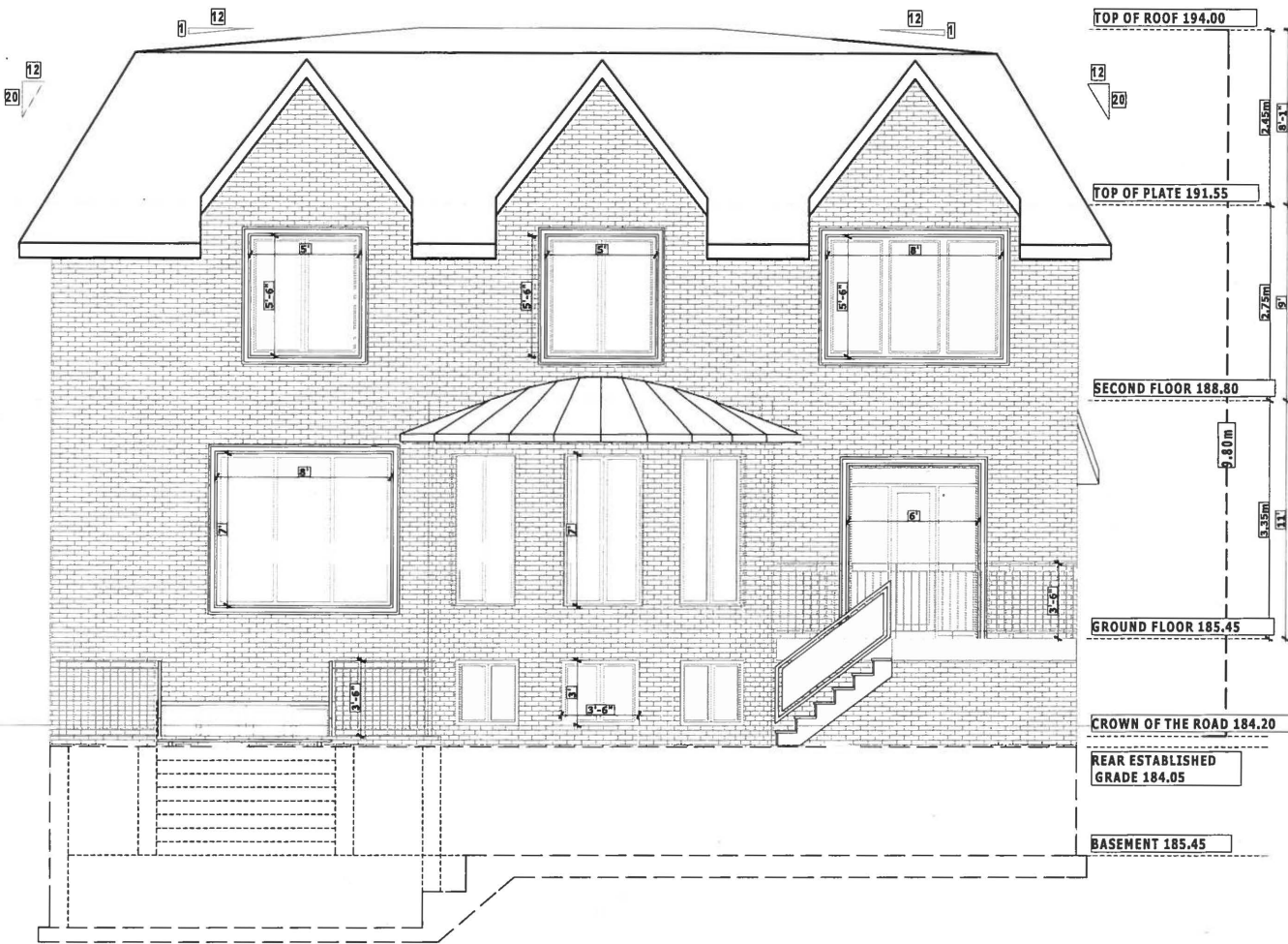
DRAWING TITLE:
FRONT ELEVATION

SCALE: **3/16" = 1'-0"**

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NAME
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A. Jomeh



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DATE:	ISSUED FOR:
NOV-17-2017	Building Permit

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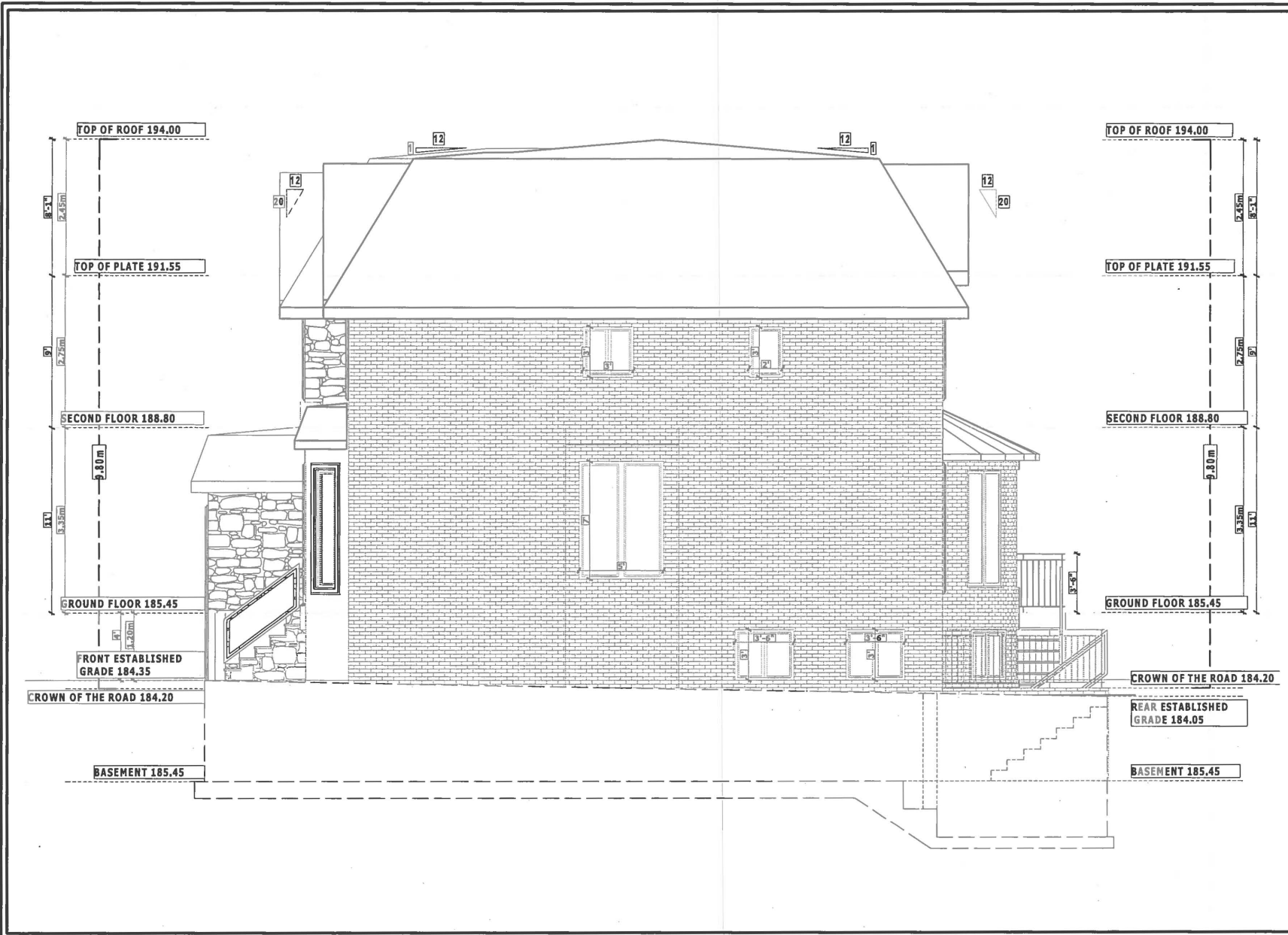
DRAWING TITLE:
 REAR ELEVATION

SCALE: 3/16" = 1'-0"

DRAWN BY V.E	CHKD BY V.E
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 January-18-18

A.07



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NOV-17-2017	Building Permit

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14 SHERWOOD FOREST DRIVE, MARKHAM, ON

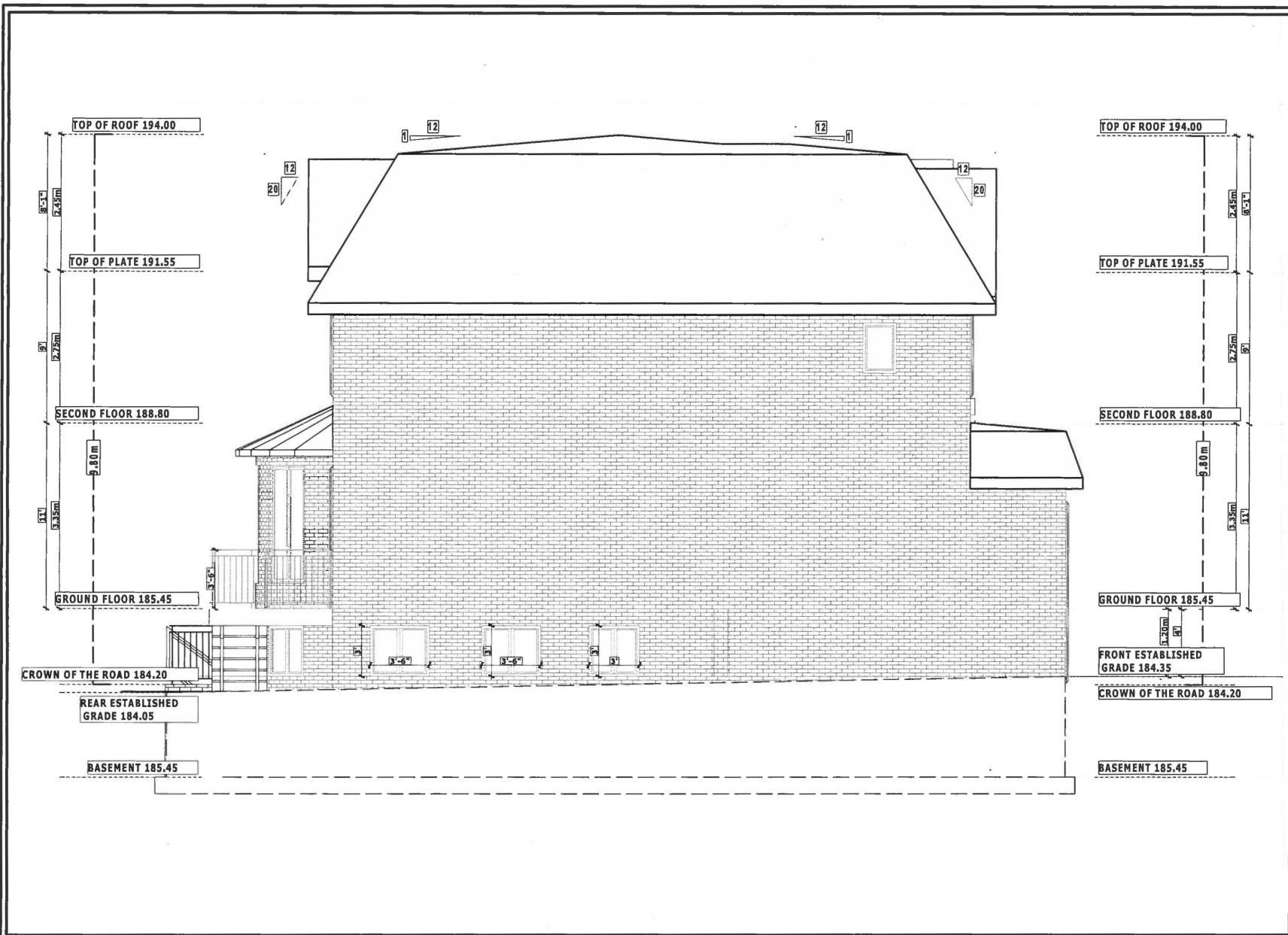
DRAWING TITLE:
SIDE ELEVATION

SCALE: 3/16" = 1'-0"

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DRAWING TITLE:
 SIDE ELEVATION

SCALE: 3/16" = 1'-0"

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