

# Memorandum to the City of Markham Committee of Adjustment

February 6, 2019

**File:** A/167/18  
**Address:** 41 Hawkrigde Ave, Markham  
**Applicant:** Jie Zhou  
**Agent:** Vince Emam Jomeh  
**Hearing Date:** Wednesday February 20, 2019

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, Sec. 1.2 (vi):**

a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

The Committee of Adjustment deferred the application on January 23, 2019, due to concerns regarding the roof design of the proposed dwelling. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on January 30, 2019 (Appendix B2) showing a revised design of the roof and removal of the front balcony. Staff comments dated November 20, 2018 (Appendix 'C2') are still applicable.

### **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.

### **PUBLIC INPUT SUMMARY**

As of February 6, 2019 the City received 1 letter expressing concerns over the massing of the proposed dwelling. 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.

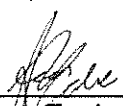
### **CONCLUSION**


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. 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 "A2" 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 254581 \Documents\District Team Comments Memo

Appendices

Appendix A2 – Conditions

Appendix B2 – Plans

Appendix C2 – Staff Report (January 23, 2019 & November 20, 2018)

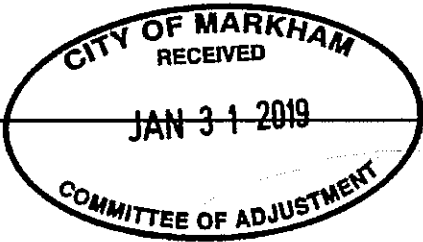
**APPENDIX "A2"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B2' to this Staff Report received by the City of Markham on *January 31, 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;
4. 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;
5. 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;
6. 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;

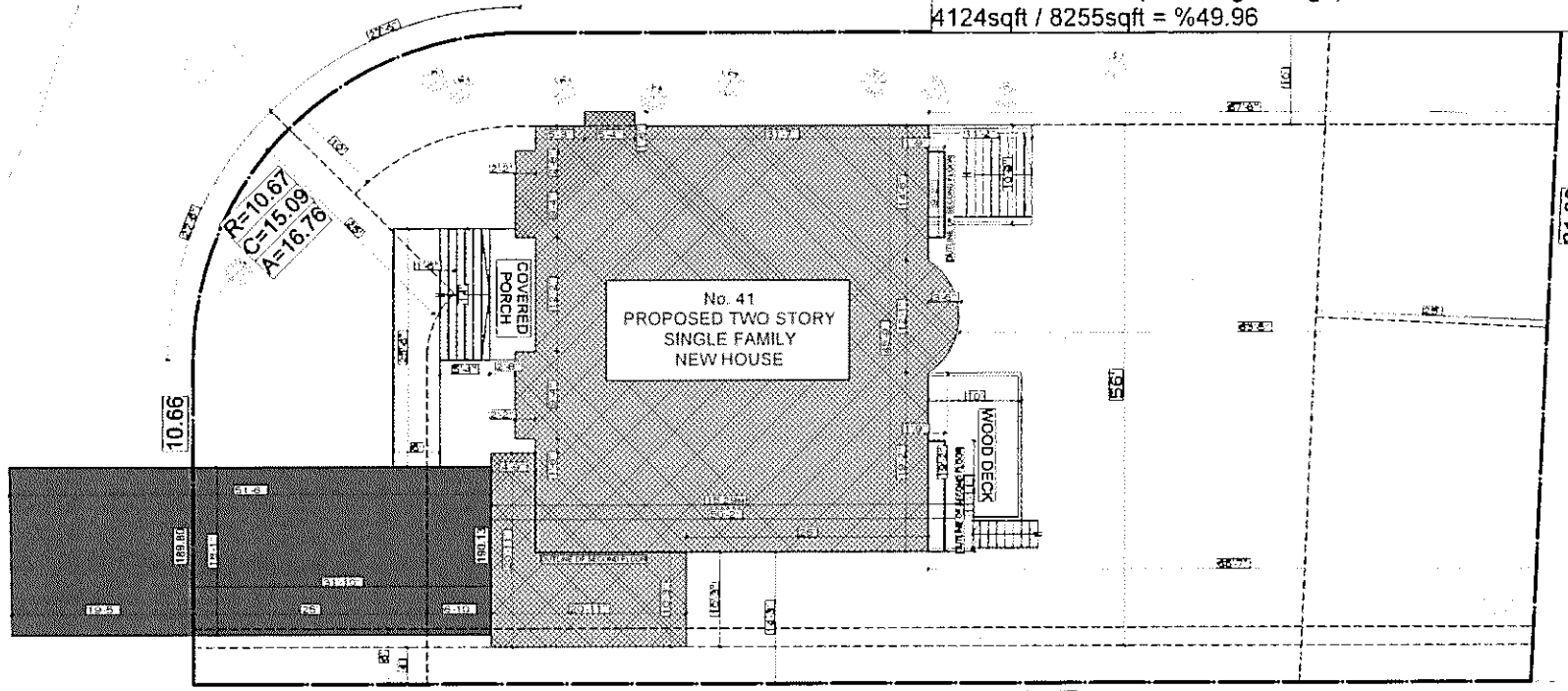
CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



LOT AREA: 9910SQFT/920.67 M <sup>2</sup>		LOT COVERAGE: 2335SQFT		NET FLOOR AREA RATIO: 49.96%		
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2271 M <sup>2</sup>	1853 M <sup>2</sup>	234 M <sup>2</sup>	419 M <sup>2</sup>	3705 M <sup>2</sup>	23.96%

$6600 + (9910 - 6600 / 2) = 8255 \text{sqft}$   
 GROUND FLOOR (Including Garage) + SECOND FLOOR = 4124sqft  
 $4124 \text{sqft} / 8255 \text{sqft} = \%49.96$



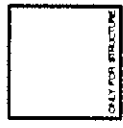
CROWN OF THE ROAD =  $(189.96 + 190.30) / 2 = 190.13$     43.80

DATE: NOVEMBER 2018	ISSUED FOR: FOR BUILDING PERMIT	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 A REGISTERED PROFESSIONAL ENGINEER.  VAHD EHAM JOMEH    BCIN #    45213 PRICHME DESIGN INC.    BCIN #    102220	DRAWN BY: V.E	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.01
				LAST MODIFIED ON: JANUARY 31, 2019	PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM, ON	

APPENDIX B2

THE UNDERSIGNED HAVE REVIEWED AND FOUND THIS DRAWING TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING CODE AND THE CITY OF MARKHAM, ONTARIO. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

MARKHAM, ONTARIO  
 NAME: [Signature]  
 FIRM: [Signature]



ALL DIMENSIONS ARE IN METERS. THE ARCHITECT HAS REVIEWED AND FOUND THIS DRAWING TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING CODE AND THE CITY OF MARKHAM, ONTARIO. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

PROJECT TITLE/ADDRESS  
 41 HAWKBRIDGE AVENUE, MARKHAM, ON

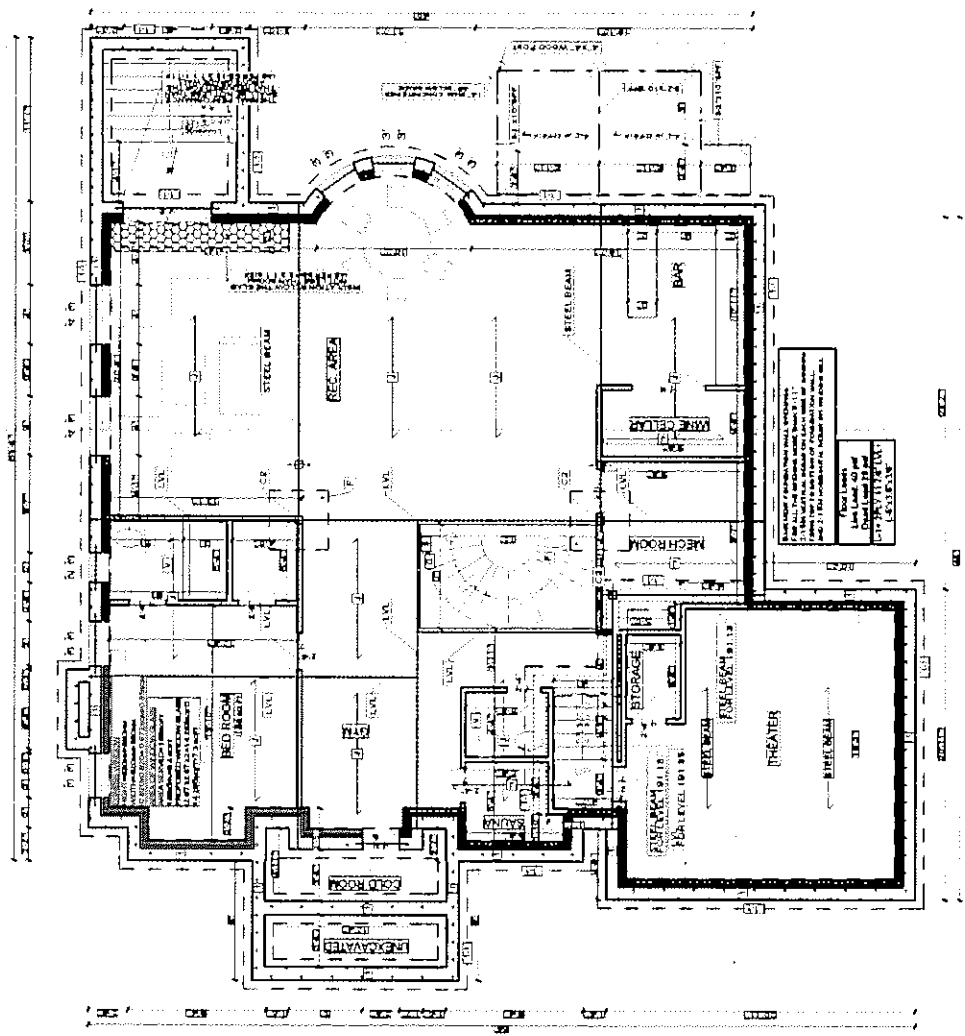
DRAWING TITLE  
 BASEMENT

SCALE 1/8" = 1'-0"

CHECKED BY: VE  
 DRAWN BY: VE

LAST MODIFIED ON:  
 JANUARY 31, 2019

A.02



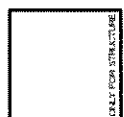




THE UNDERSIGNED HAS REVIEWED AND TAKES NOTICE THAT THE ABOVE DRAWING IS A TRUE AND CORRECT COPY OF THE ORIGINAL DRAWING AS SET OUT IN THE ONTARIO BUILDING CODE TO BE REPRODUCED.

VAHELEHAM JOMEN... BORN A... 45111...  
NAME  
PROHOME DESIGN INC... BORN A... 12212...  
FIRM

*Signature*



ALL CHANGES AND DIMENSIONS NOT SHOWN SHALL BE AS APPROVED BY THE CITY AND MUNICIPALITY. THE UNDERSIGNED HAS REVIEWED AND TAKES NOTICE THAT THE ABOVE DRAWING IS A TRUE AND CORRECT COPY OF THE ORIGINAL DRAWING AS SET OUT IN THE ONTARIO BUILDING CODE TO BE REPRODUCED.

DATE: ISSUED FOR: BUILDING PERMIT: NO. 123456789

PROJECT TITLE/ADDRESS  
41 HAWKRIDGE AVENUE, MARKHAM, ON

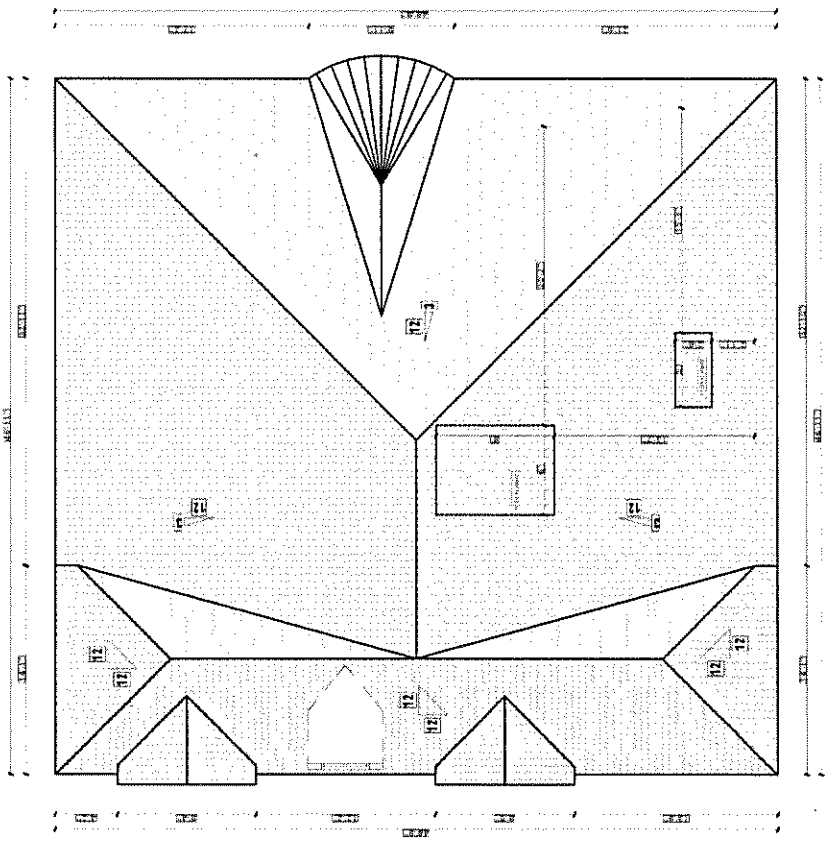
DRAWING TITLE  
ROOF

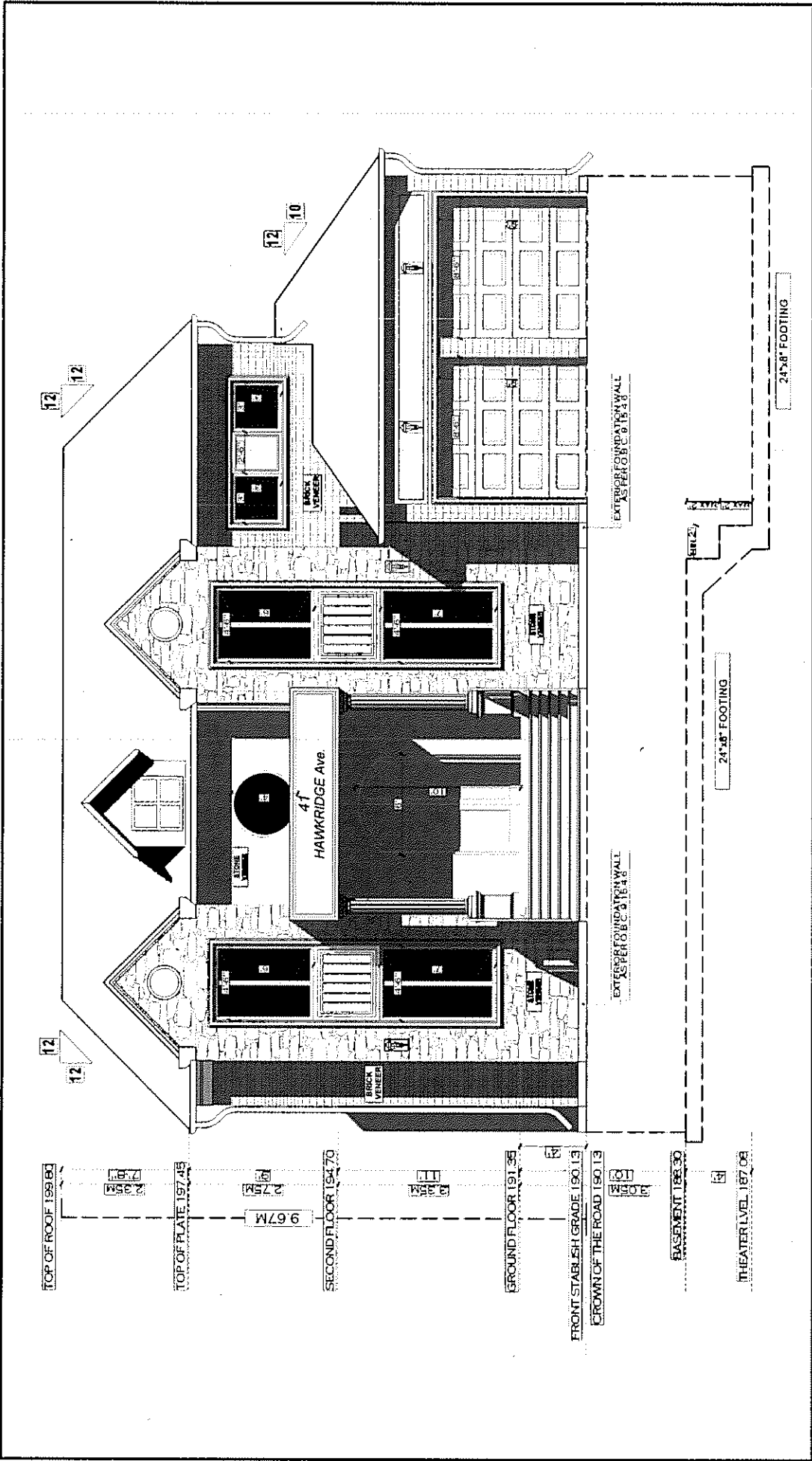
SCALE: 1/8" = 1'-0"

DRAWN BY: VE  
CHECKED BY: VE

LAST MODIFIED ON  
JANUARY 31, 2019

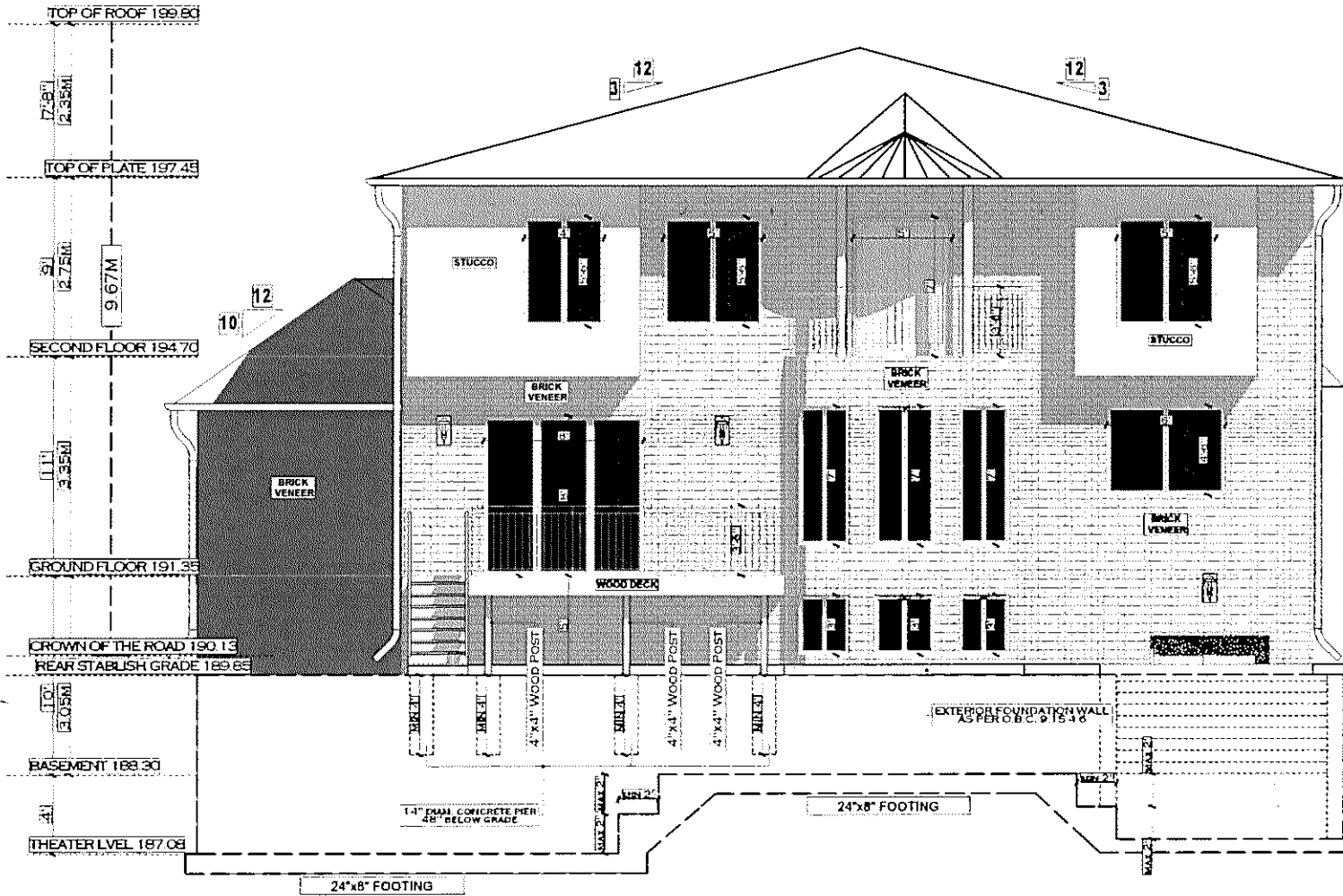
A.05





DATE: _____	ISSUED FOR: _____	DRAWING TITLE: <b>FRONT ELEVATION</b>	DRAWING BY: V.E.	SCALE: 3/16" = 1'-0"	PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM, ON
PROJECT # _____	FOR BUILDING PERMIT				
DATE: _____	ISSUED FOR: _____	THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SET OUT IN THIS BUILDING CODE TO BE USED IN THE CITY OF MARKHAM.			
DATE: _____	ISSUED FOR: _____	VANDI EDLUND-JONES    BCIN # 48213    SIGNATURE: <i>[Signature]</i> PROJECT DESIGNING: _____    BCIN # 102220			
DATE: _____	ISSUED FOR: _____	FOR STRUCTURE ONLY			

A.06

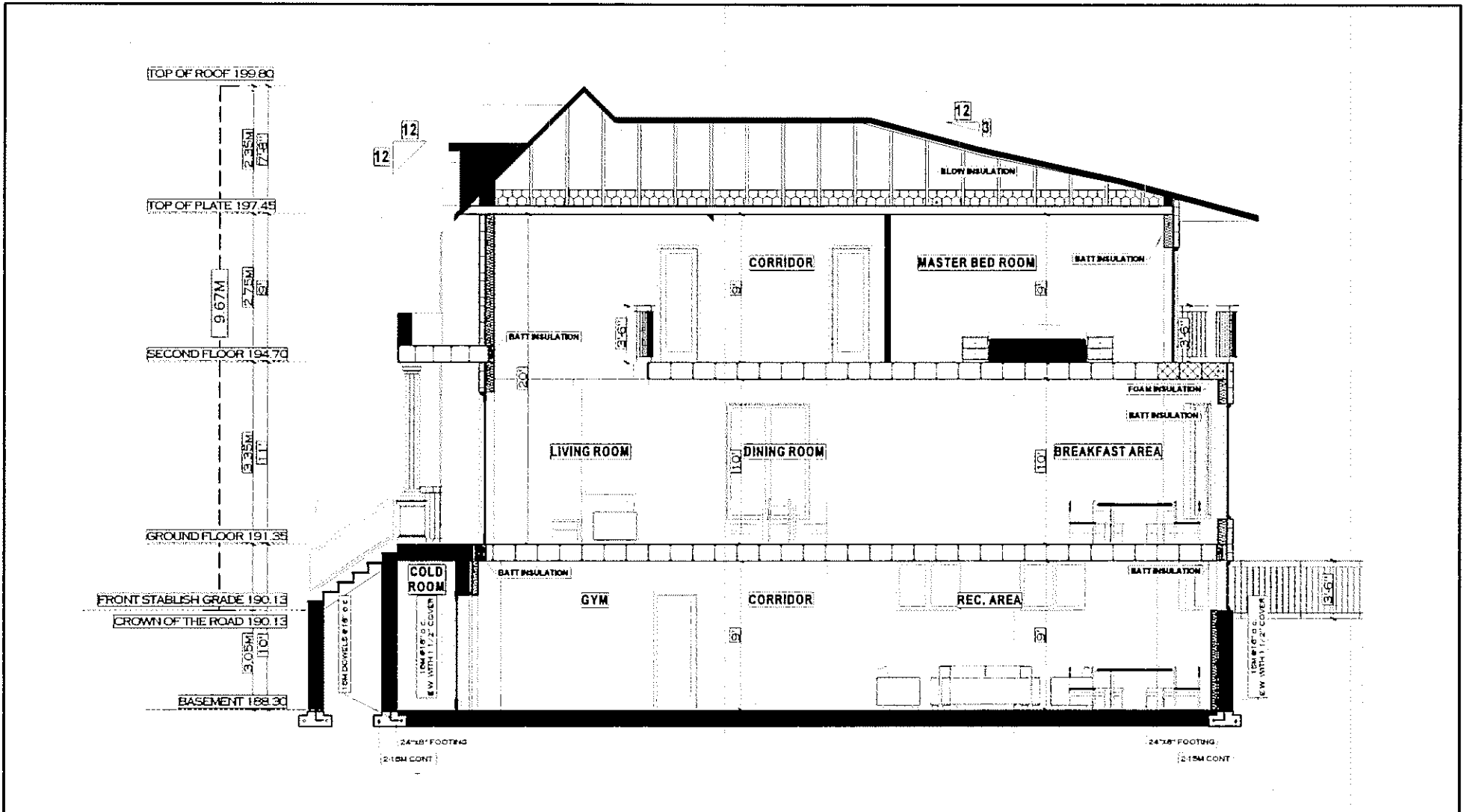


DATE: NOVEMBER 2018	ISSUED FOR: FOR BUILDING PERMIT	THE UNDERSIGNED HAVE REVIEWED AND TAKEN RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.  VAHD ELIAM JOMEH BCIN # 45213 PROHOME DESIGN INC. BCIN # 102220	DRAWN BY: V.E.	SCALE: 3/16" = 1'-0"	DRAWING TITLE: REAR ELEVATION
			FOR STRUCTURE ONLY	LAST MODIFIED ON: JANUARY 31, 2018	PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM, ON

A.07







DATE: NOVEMBER 2018	ISSUED FOR: FOR BUILDING PERMIT	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 VAHED EMAM JOMEH BCIN # 48213 PROHOME DESIGN INC. BCIN # 102220	DRAWN BY: V.E.	SCALE: 3/16" = 1'-0"	DRAWING TITLE: SECTION	A.10
				LAST MODIFIED ON: JANUARY 31, 2019	PROJECT TITLE/ADDRESS: 41 HAWKCRIDGE AVENUE, MARKHAM, ON	

## Memorandum to the City of Markham Committee of Adjustment

December 10, 2018

File: A/167/18  
 Address: 41 HawkrIDGE Ave, Markham  
 Applicant: Jie Zhou  
 Agent: Vince Emam Jomeh  
 Hearing Date: Wednesday January 23, 2019

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, Sec. 1.2 (vi):

a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

### Comments

The Committee of Adjustment deferred the application on November 28, 2018, due to concerns regarding the size of the proposed dwelling. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on December 06, 2018 (Appendix 'B1') showing a reduced height of the front balcony roof and reduced floor area ratio. The applicant is requesting relief to permit a floor area ratio of 49.96 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. This is a reduction from the original request for a floor area ratio of 51.62 percent. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of approximately 383.15 m<sup>2</sup> (4,124.2 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 345.11 m<sup>2</sup> (3714.75 ft<sup>2</sup>). This represents an increase of approximately 38.04 m<sup>2</sup> (409.45 ft<sup>2</sup>). Staff's comments dated November 20, 2018 (Appendix 'C1') remain applicable.

### 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.

**PUBLIC INPUT SUMMARY**

As of December 10, 2018, the City received 1 letter expressing concerns over the massing of the proposed dwelling. 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.

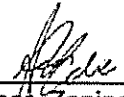
**CONCLUSION**

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 are of the opinion that the variance request for floor area ratio meets the four tests of the Planning Act and, 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 254581 \Documents\District Team Comments Memo

Appendices

Appendix A1 – Conditions

Appendix B1 – Plans

Appendix C1 – Staff Report (November 20, 2018)

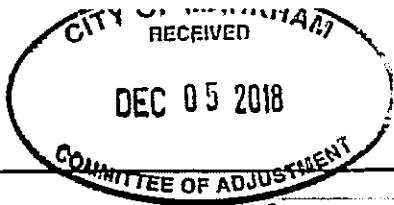
**APPENDIX "A1"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. 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 December 05, 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.
4. 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.
5. 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.
6. 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:

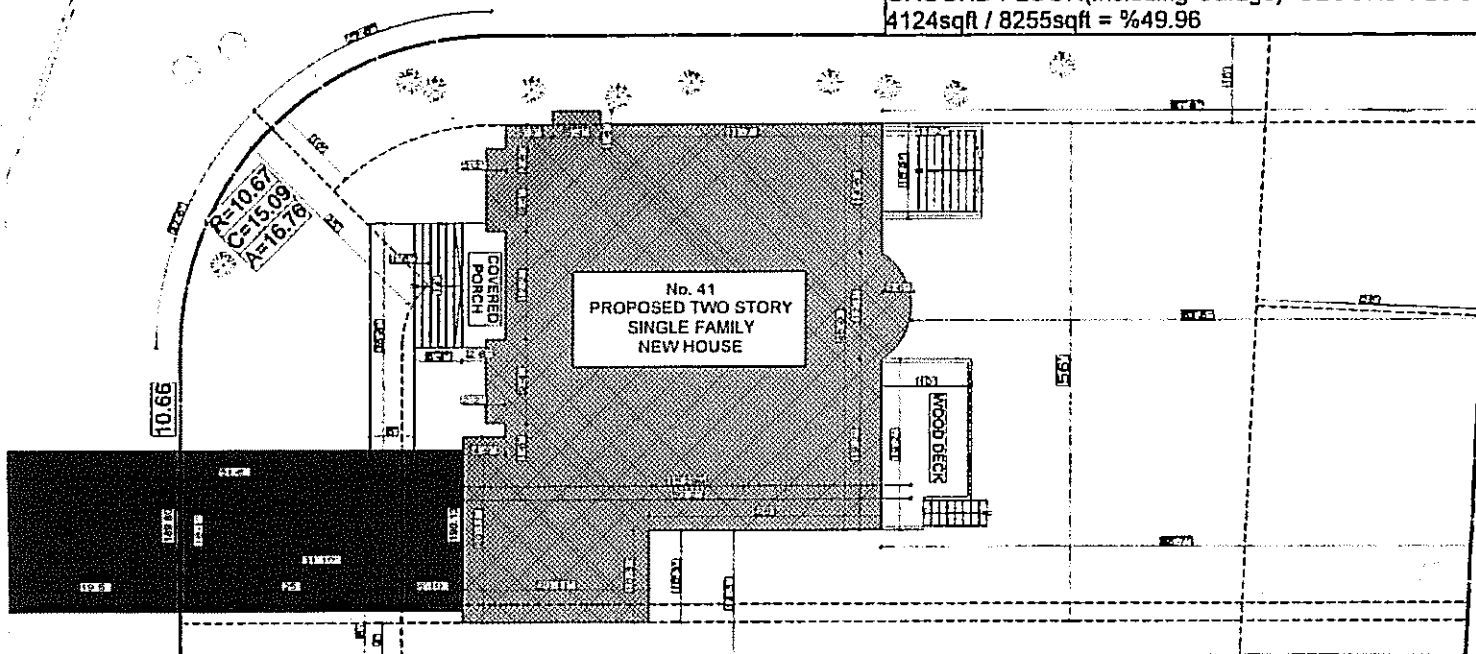
  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



APPENDIX B 4

LOT AREA: 88105SQFT/82067 M <sup>2</sup>		LOT COVERAGE: 23355SQFT		NET FLOOR AREA RATIO: 49.06%		
OFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING PORCH	%
TOTAL	23711 M <sup>2</sup>	18527 M <sup>2</sup>	2341 M <sup>2</sup>	410 M <sup>2</sup>	27058 M <sup>2</sup>	23.96%

$6600 + (9910 - 6600 / 2) = 8255 \text{sqft}$   
 GROUND FLOOR (Including Garage) + SECOND FLOOR = 4124sqft  
 $4124 \text{sqft} / 8255 \text{sqft} = \%49.96$



CROWN OF THE ROAD =  $(189.96 + 190.30) / 2 = 190.13$     43.80

DATE	ISSUED FOR
	FOR BUILDING PERMIT

THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN AND HAVE THE QUALIFICATIONS AND MEET THE REQUIREMENTS SET OUT IN THE CITY AND MUNICIPAL CODES TO BE COMPLIED WITH.  
 VAHED EMAM JOMH    BCIN # 48215  
 PROHOME DESIGNING INC.    BCIN # 102220

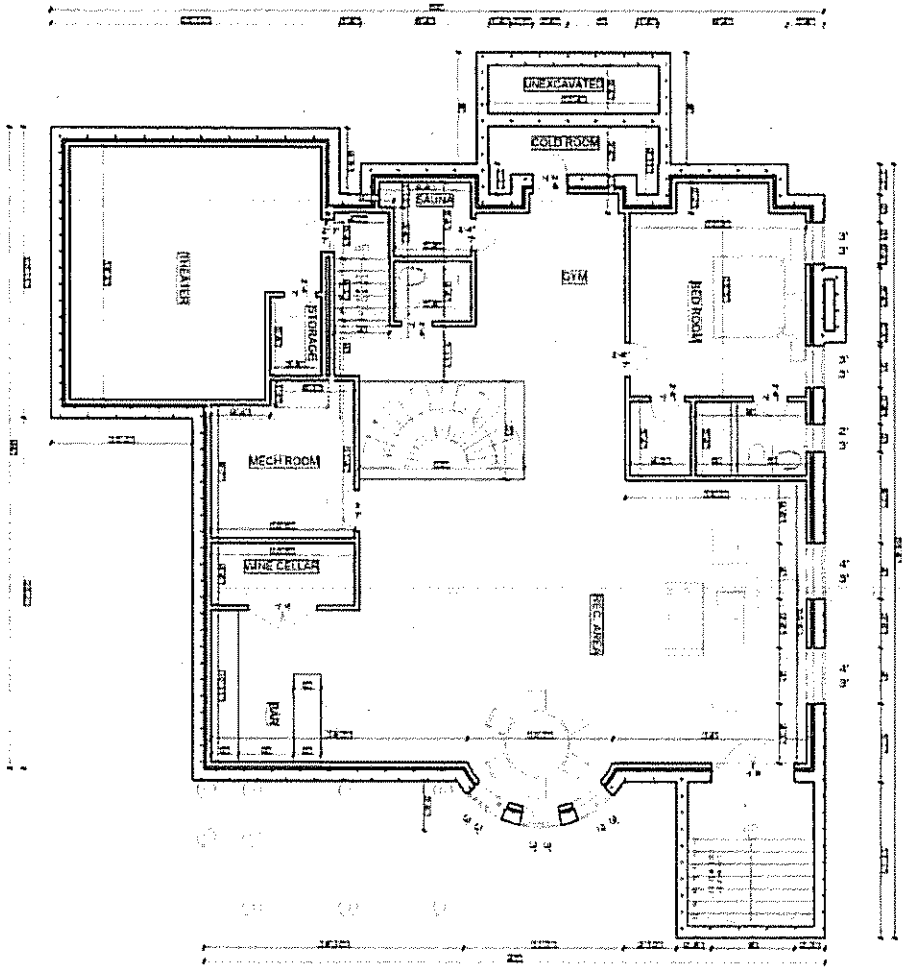


DRAWN BY  
 V.E.

SCALE:  
 1:150  
 LAST MODIFIED ON:  
 DECEMBER 8, 2018

DRAWING TITLE  
 SITE PLAN  
 PROJECT TITLE/ADDRESS  
 41 HAWKRIDGE AVENUE, MARKHAM, ON

A.01



PROHOME DESIGN INC. 2024 A. 2022  
 11111  
 11111  
 11111

DATE: 11/11/11  
 DRAWN BY: [Signature]



PROJECT TITLE/ADDRESS  
 41 HAWKRI  
 AVENUE  
 MARRHAM, ON

DRAWING TITLE  
 BASEMENT

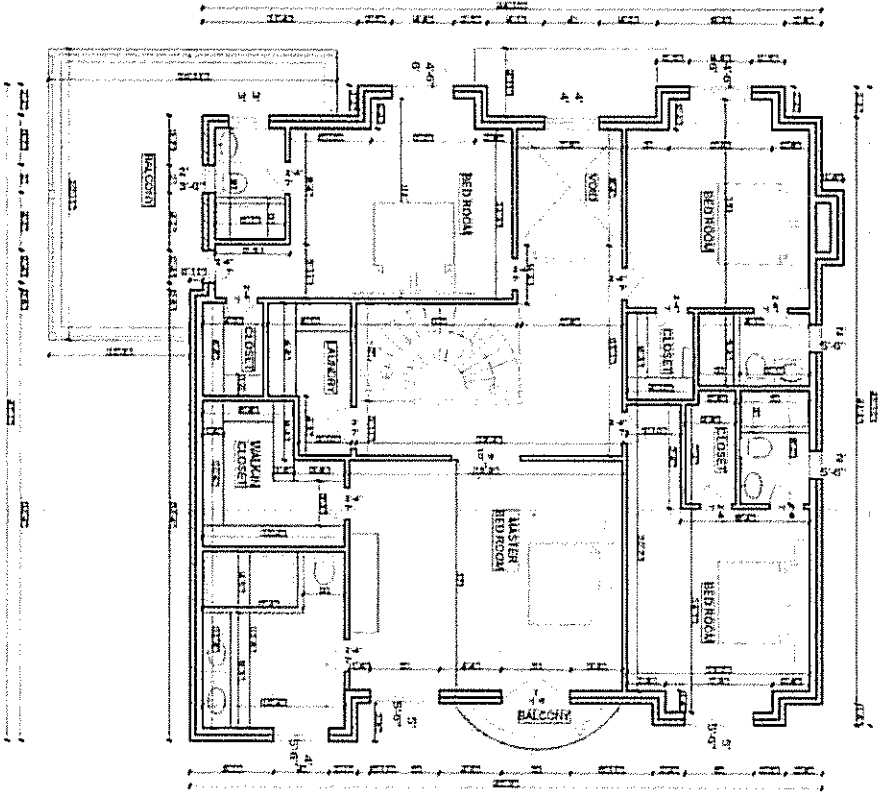
SCALE  
 1:96

DRAWN BY  
 VE

DATE  
 DECEMBER 5, 2018

A.02





THE LICENSED REALTOR AND THE  
 COMPANY HAVE MADE THE NECESSARY  
 INVESTIGATION AND BELIEVE THE  
 INFORMATION IS CORRECT AND  
 COMPLETE AS OF THE DATE OF  
 THIS REPORT.

PROPERTY ADDRESS: 4111  
 MARKET STREET, N.W. 10000  
 DATE: 12/15/18

DATE: 12/15/18  
 DRAWN BY: [Signature]

PROJECT TITLE/ADDRESS  
 411 HAWKBRIDGE  
 AVENUE,  
 MARKHAM, ON

DRAWING TITLE  
 SECOND FLOOR

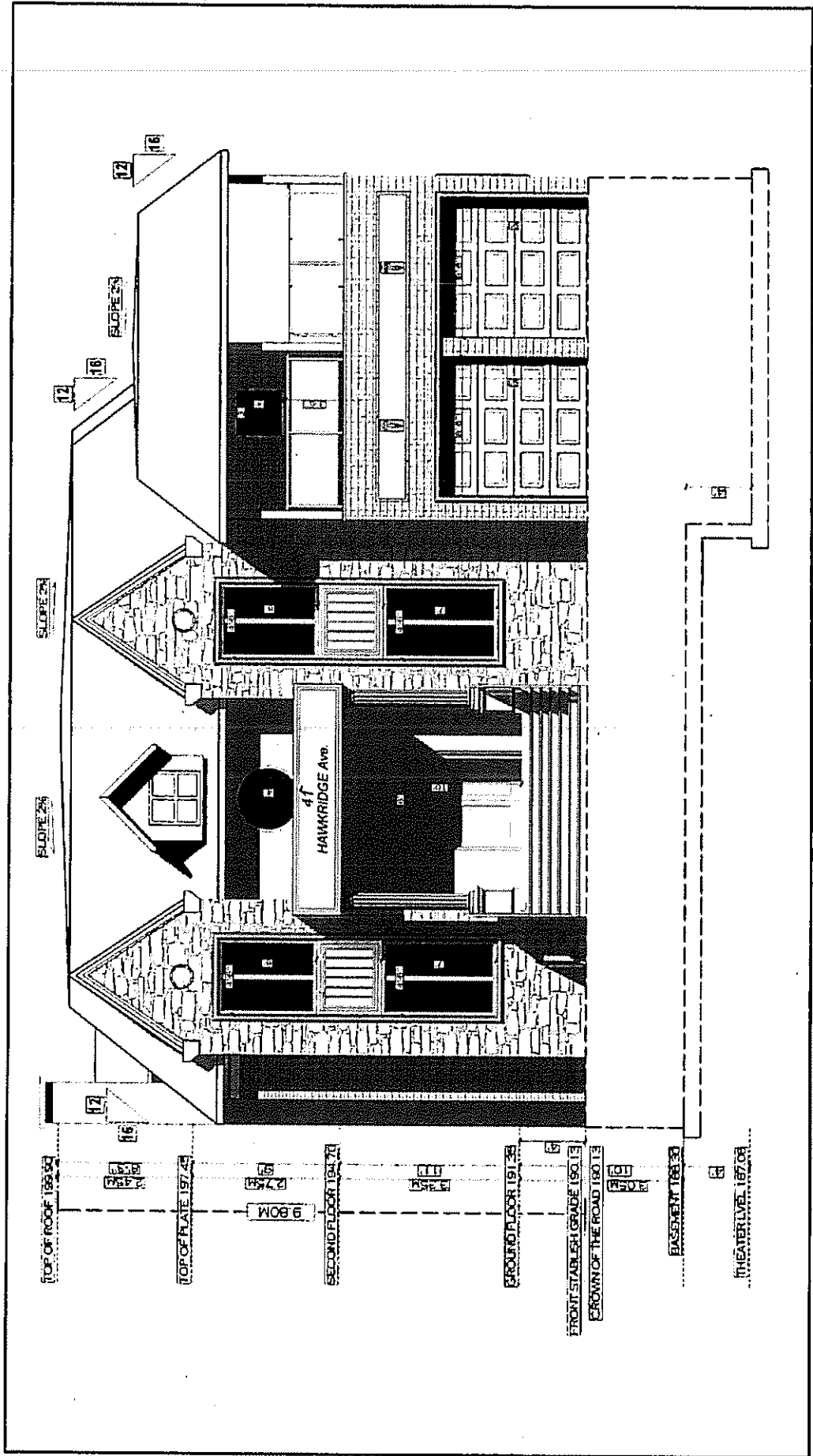
SCALE: 1:96

DESIGNER: [Signature]  
 VE VE

LAST MODIFIED:  
 DECEMBER 5, 2018

A.04

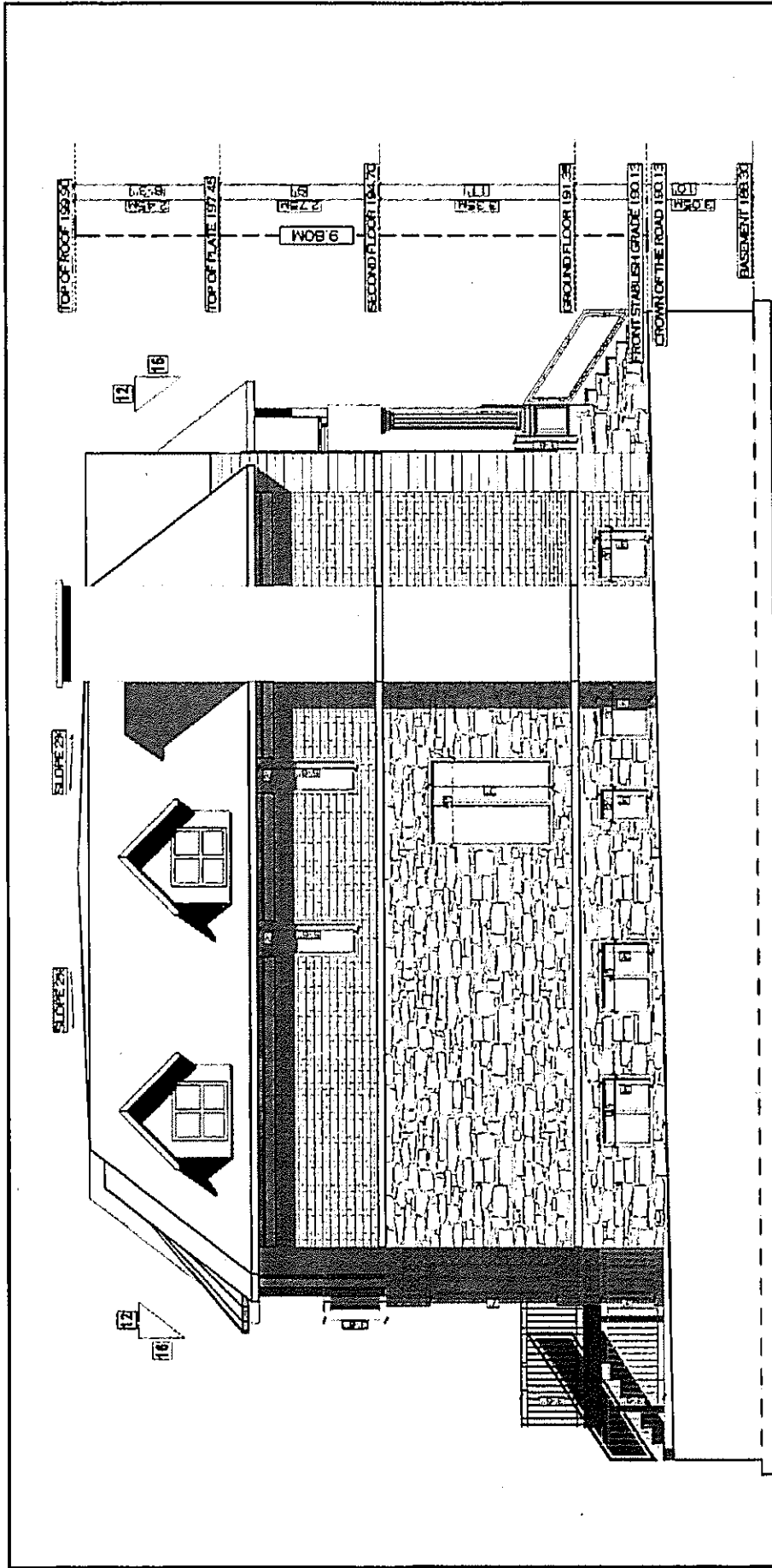




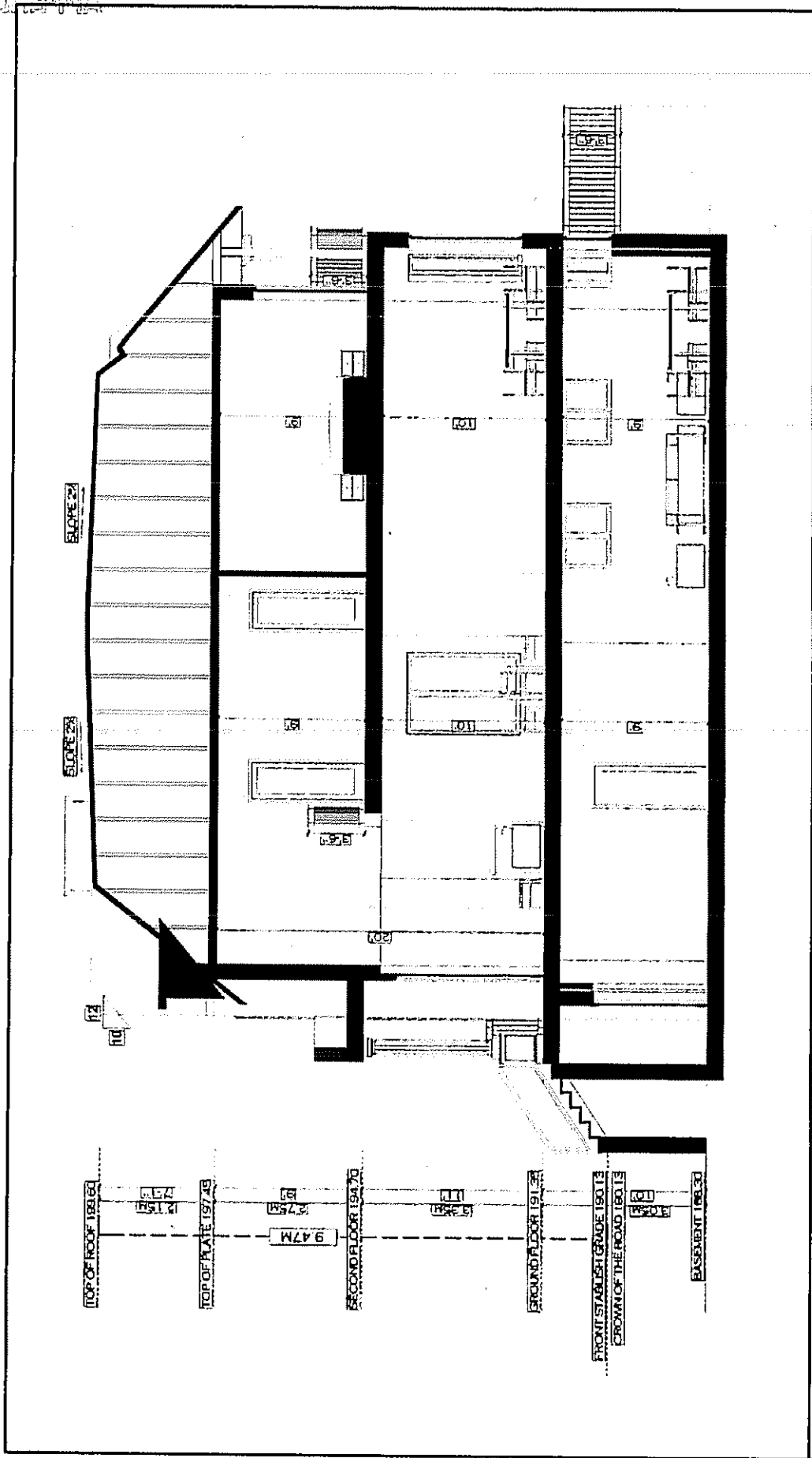
DATE: 12/28/2018	DESIGN FOR: FOR BUILDING PERMIT	<p>THE USER HAS AGREED TO HOLD PRO-HOME INC. RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. PRO-HOME INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.</p> <p>VAHID EDJAN POURDI    BC718 41213          PRO-HOME CONSULTING    BC618 102220</p>	<p>DRAWN BY: V/E</p> <p><b>ProHome</b></p>	<p>SCALE: 1:54</p> <p>LAST MODIFIED ON: December 8, 2018</p>	<p>DRAWING TITLE: FRONT ELEVATION</p> <p>PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM, ON</p>	A.06
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DATE	REVISION	FOR BUILDING PERMIT		DRAWN BY V.E.	SCALE: 1/8" = 1'-0" LAST MODIFIED ON: DECEMBER 8, 2019	DRAWING TITLE: SIDE ELEVATION PROJECT TITLE/ADDRESS: 41 HAWKRIIDGE AVENUE, MARKHAM, ON	A.09
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF PROHOME DESIGN INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF PROHOME DESIGN INC.	VJHD 8/20/19 J001 VJHD 8/20/19 J001 PROHOME DESIGN INC. 8/20/19 1021330	DATE: _____ REVISION: _____ FOR BUILDING PERMIT: _____					



DATE: 1/20/2018	DESIGNED FOR: BUILDING PERMIT		DRAWING TITLE: SECTION PROJECT TITLE/ADDRESS: 41 HAWKRIIDGE AVENUE, MARKHAM, ON	A.10
			SCALE: 1/8" = 1'-0" LAST MODIFIED ON: DECEMBER 8, 2018	DRAWN BY: V.E.
THE USER SHALL RETAIN AND TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE PROFESSIONAL ENGINEER AND ARCHITECT FOR THE DESIGN OF THIS PROJECT.		VANDERKAM ENGINEERING ARCHITECTS 1000 SHEPPARD AVENUE EAST, SUITE 1000, MARKHAM, ON L3R 9V7 TEL: (905) 477-8888 WWW.VANDERKAMENGINEERING.COM		

**Memorandum to the City of Markham Committee of Adjustment**

November 20, 2018

**File:** A/167/18  
**Address:** 41 Hawkridge Ave, Markham  
**Applicant:** Jie Zhou  
**Agent:** Vince Emam Jomeh  
**Hearing Date:** Wednesday November 28, 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, Sec. 1.2 (vi):

a maximum floor area ratio (FAR) of 51.62 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

**BACKGROUND****Property Description**

The 920.67 m<sup>2</sup> (9,910 ft<sup>2</sup>) subject property is a corner lot located on the east side of Hawkridge Avenue, north of Highway 7 East and west of Main Street Markham. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 123.75 m<sup>2</sup> (1,332 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1952. Mature vegetation exists across the property.

**Proposal**

The applicant is proposing to construct a new two-storey detached 395.86 m<sup>2</sup> (4,261 ft<sup>2</sup>) dwelling with a rear yard deck and a basement walkout. The proposal also includes a front covered porch and covered balcony and a rear covered balcony. The ground floor of the proposed dwelling will have a floor area of 217.39 m<sup>2</sup> (2,340 ft<sup>2</sup>) while the second floor will have a floor area of 178.46 m<sup>2</sup> (1,921 ft<sup>2</sup>).

**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.

### 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 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, *"the garage is included in FAR, since the owner has large family and their parent live with them. The permitted floor area doesn't need their needs"*.

### **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 Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 51.62 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 total floor area of 395.86 m<sup>2</sup> (4,261 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 345.11 m<sup>2</sup> (3714.75 ft<sup>2</sup>). This represents an increase of approximately 50.75 m<sup>2</sup> (546.27 ft<sup>2</sup>).

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). In addition to the space associated with the stairs, there is approximately 5.92 m<sup>2</sup> (63.81 ft<sup>2</sup>) of open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law. The proposed dwelling is also designed to include a front covered balcony on top of the garage and a rear covered balcony which, are unenclosed and excluded from the calculation of Floor Area Ratio. If the balconies were to be enclosed the proposed Floor Area Ratio would increase.

Excluding Floor Area Ratio, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the

proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

While the proposed dwelling will be larger than the existing homes developed originally in the 1950s-1960s, it is consistent with recent infill development on the street including a number of nearby infill homes that have obtained variance approval for a similar increase in floor area ratio ranging between 47.5 percent and 53 percent. Given that the balconies are unenclosed and, that the proposed floor area ratio is generally consistent with newer in-fill developments on the street, Staff are of the opinion that the proposal meets the general intent and purpose of the infill By-law and is appropriate for the lot.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 20, 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. Staff are of the opinion that the variance request for floor area ratio meets the four tests of the Planning Act and, 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\Files\18 254581\Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

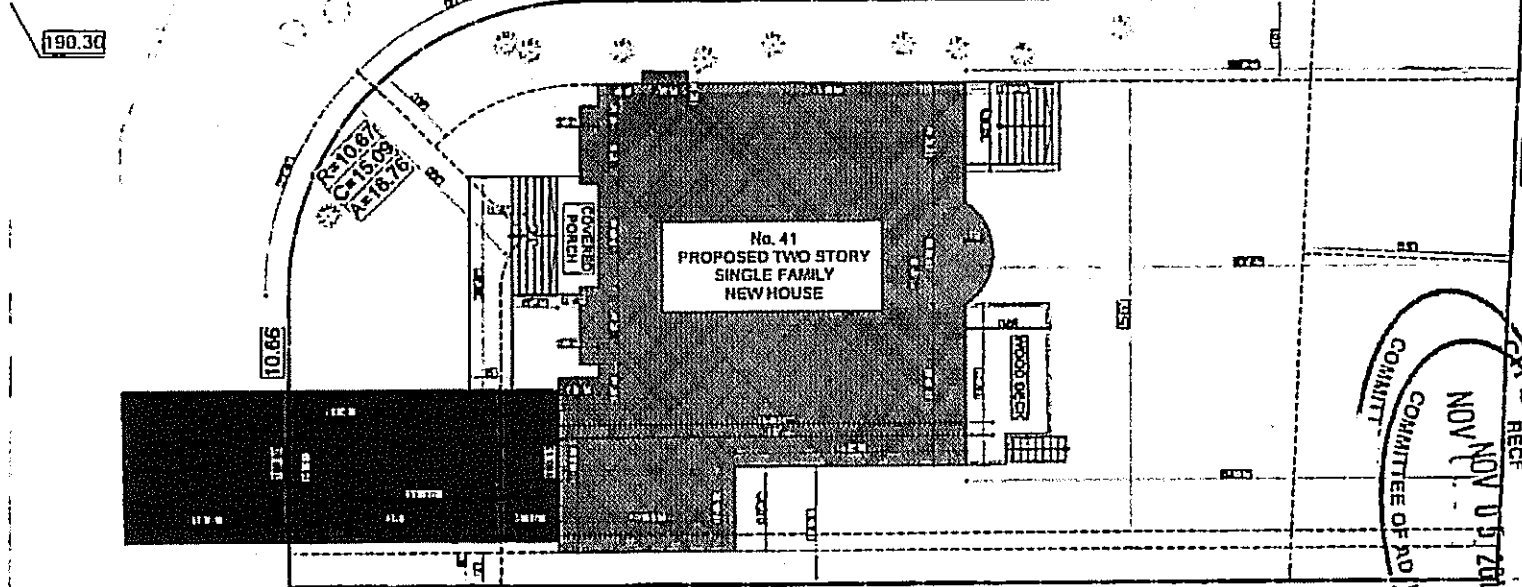
1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on November 05, 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.
4. 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.
5. 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.
6. 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

LOT AREA: 9910 SQFT / 226 FT x 43 FT		LOT COVERAGE: 2140 SQFT		NET FLOOR AREA RATIO: 51.62%	
OPA	ON FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL OPA NET INCLUDING BELL
TOTAL	23400*	18217*	2000*	4134*	20451*

$6600 + (9910 - 6600 / 2) = 8255 \text{ sqft}$   
 GROUND FLOOR (including Garage) + SECOND FLOOR = 4261 sqft  
 $4261 \text{ sqft} / 8255 \text{ sqft} = \%51.62$



DATE	ORDER FOR
10-08-2018	FOR BUILDING PERMIT

THE DIMENSIONS AND LOCATIONS OF THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA PROVIDED TO THE ENGINEER BY THE CLIENT. THE ENGINEER HAS CONDUCTED A VISUAL CHECK OF THE RECORD PLANS AND SURVEY DATA AND HAS FOUND THEM TO BE ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

YANIK DUMAIS ENGINEERING INC. 48215

DESIGNER:  
 V.E.

SCALE:  
 1:150

LAST MODIFIED BY:  
 JANUARY 2, 2018

DRAWING TITLE:  
 SITE PLAN

PROJECT TITLE/ADDRESS:  
 41 HAWKBRIDGE AVENUE, MARCHAM, ON

A.01

APPENDIX B

ALL DIMENSIONS ARE APPROXIMATE AND NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE BEGINNING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

ASHT

CELLS FOR STRUCTURE

DATE: 11/21/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT TITLE: [Name]

PROJECT TITLE / ADDRESS  
 41 HAYBRIDGE AVENUE  
 MARSHFIELD, ON

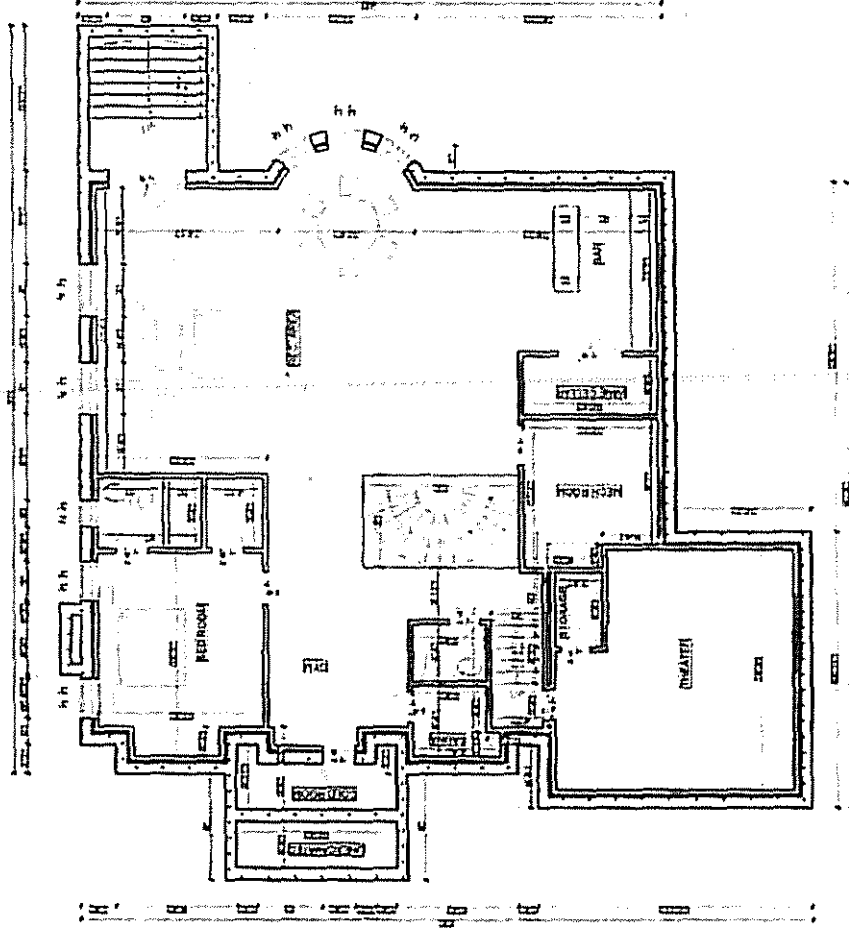
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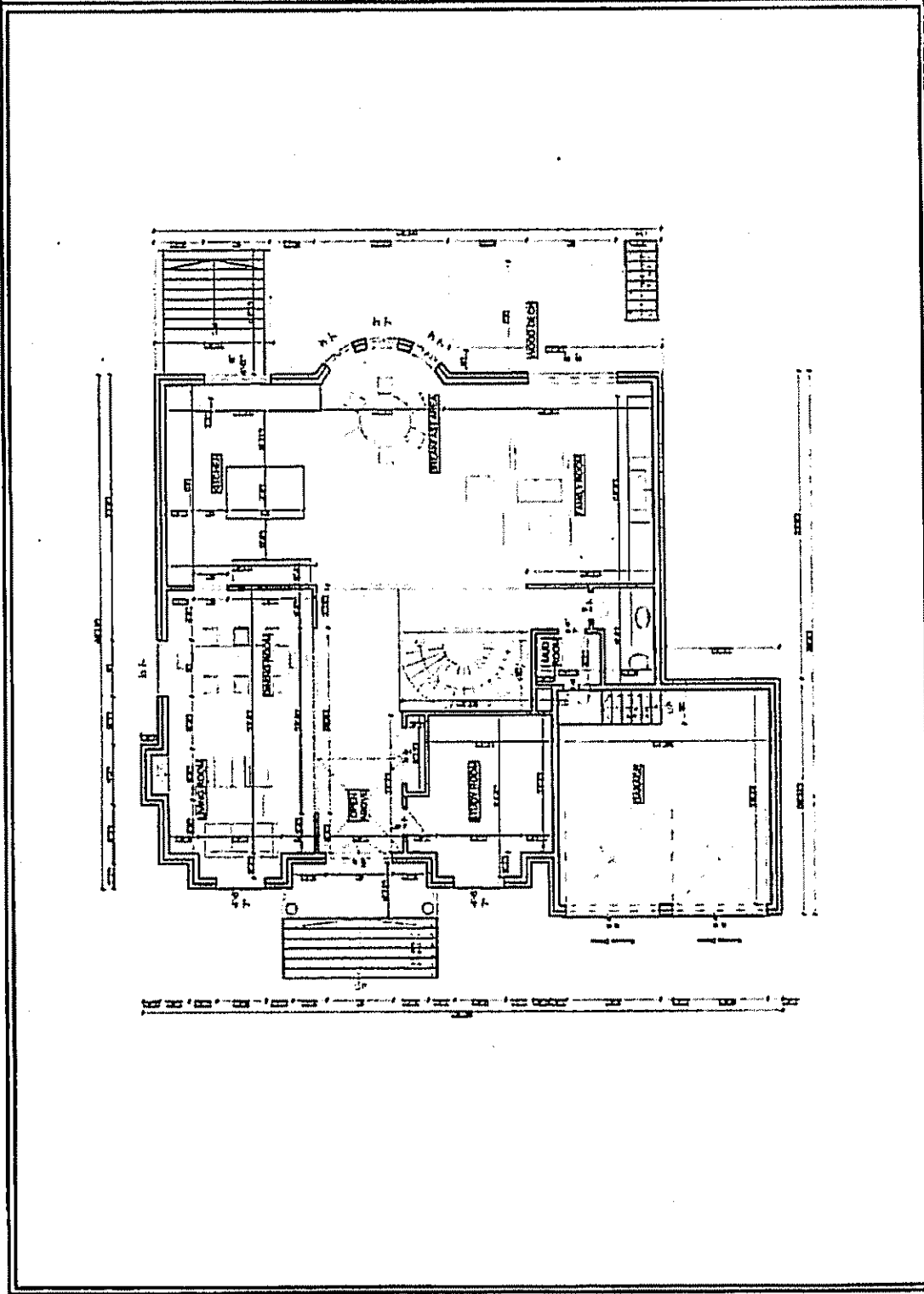
DATE: [Date]  
 BY: [Name]

LAST MODIFIED ON  
 NOVEMBER 21, 2018

A.02



<p>ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.</p>	
<p>DATE: 11/02/2018          DRAWN BY: [Signature]          CHECKED BY: [Signature]</p>	<p>PROJECT TITLE/ADDRESS  <b>41 HARRIDGE AVENUE          HARRISBURG, ON</b></p>
<p>SCALE: 1:96</p>	<p>DRAWING TITLE  <b>GROUND FLOOR</b></p>
<p>DATE: 11/02/2018          DRAWN BY: [Signature]          CHECKED BY: [Signature]</p>	<p>LAST MODIFIED ON:          NOVEMBER 2, 2018</p>
<p style="text-align: right;">A.03</p>	



THE ARCHITECT AND ENGINEER HAS PREPARED THIS PLAN FOR THE PROJECT DESCRIBED HEREIN. IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECT AND ENGINEER. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

DATE: 11/02/18  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

PROJECT TITLE/ADDRESS  
 41 HAWKBRIDGE AVENUE  
 MARRHAM, ON

SCALE: 1:100  
 ORIENT: N/E  
 LAST MODIFIED BY: NOVEMBER 2, 2018

CLIENT: [Signature]  
 DATE: 11/02/18

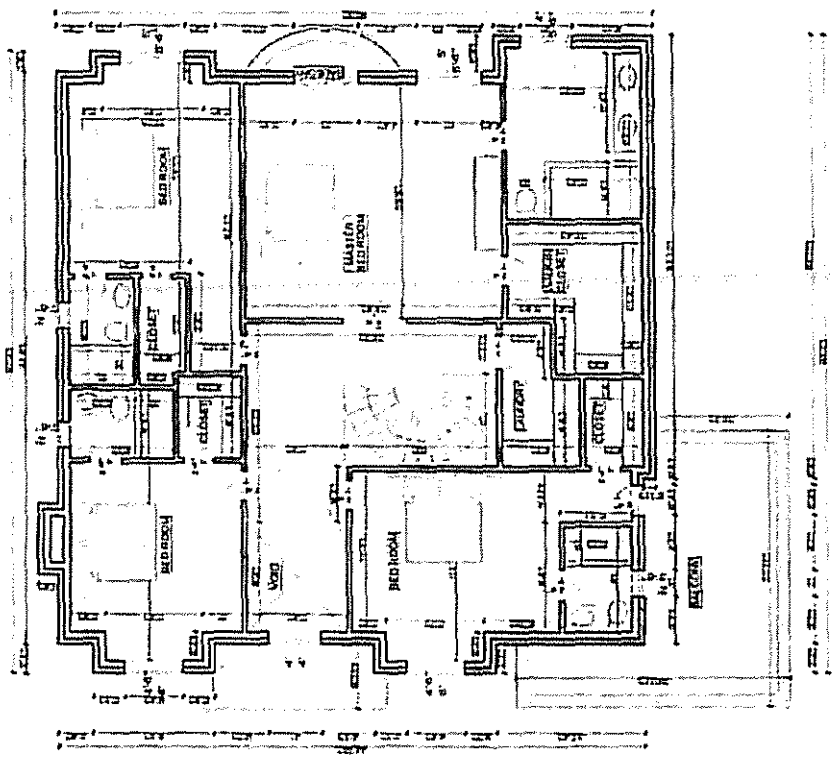
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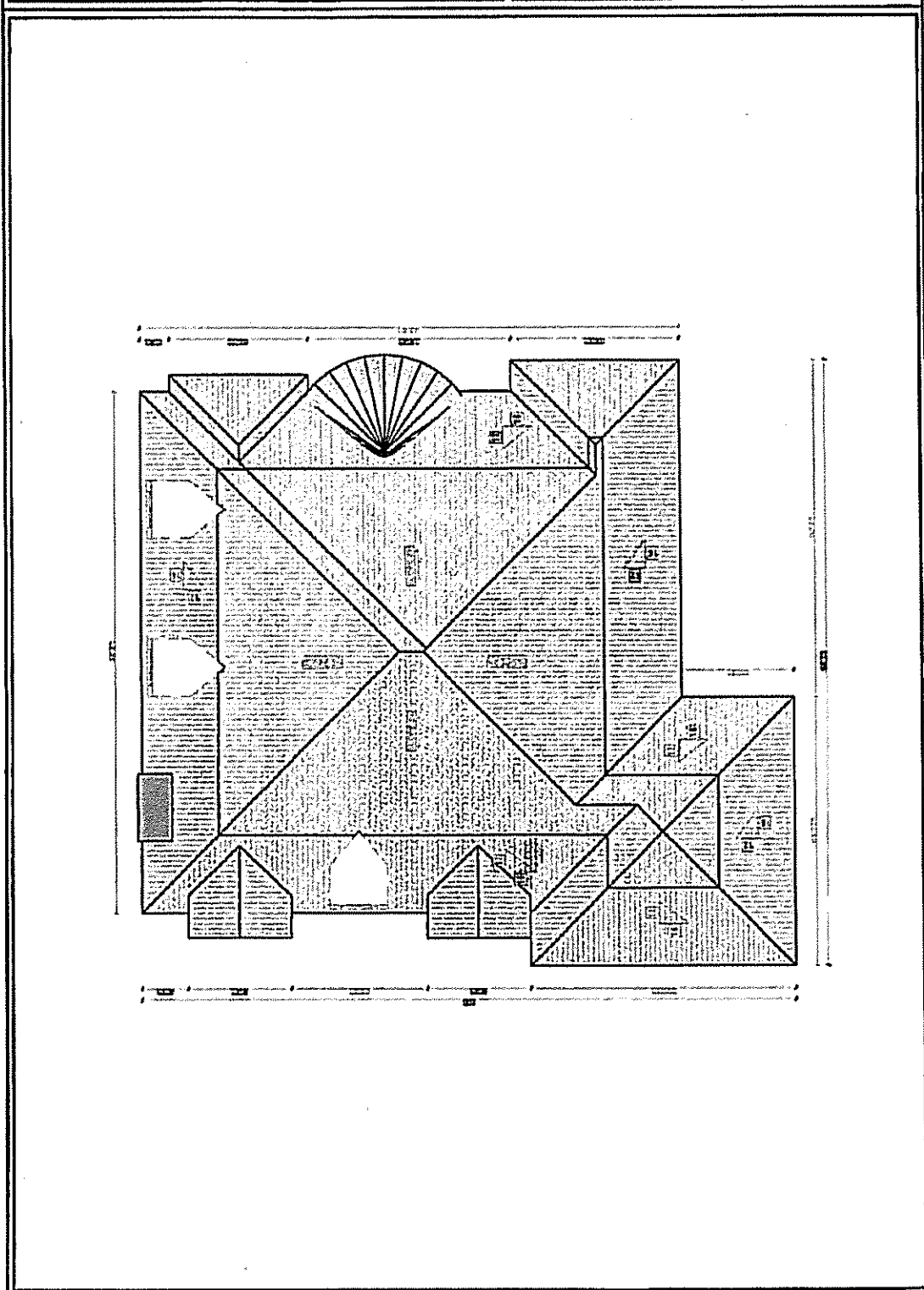
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LAST MODIFIED BY: NOVEMBER 2, 2018

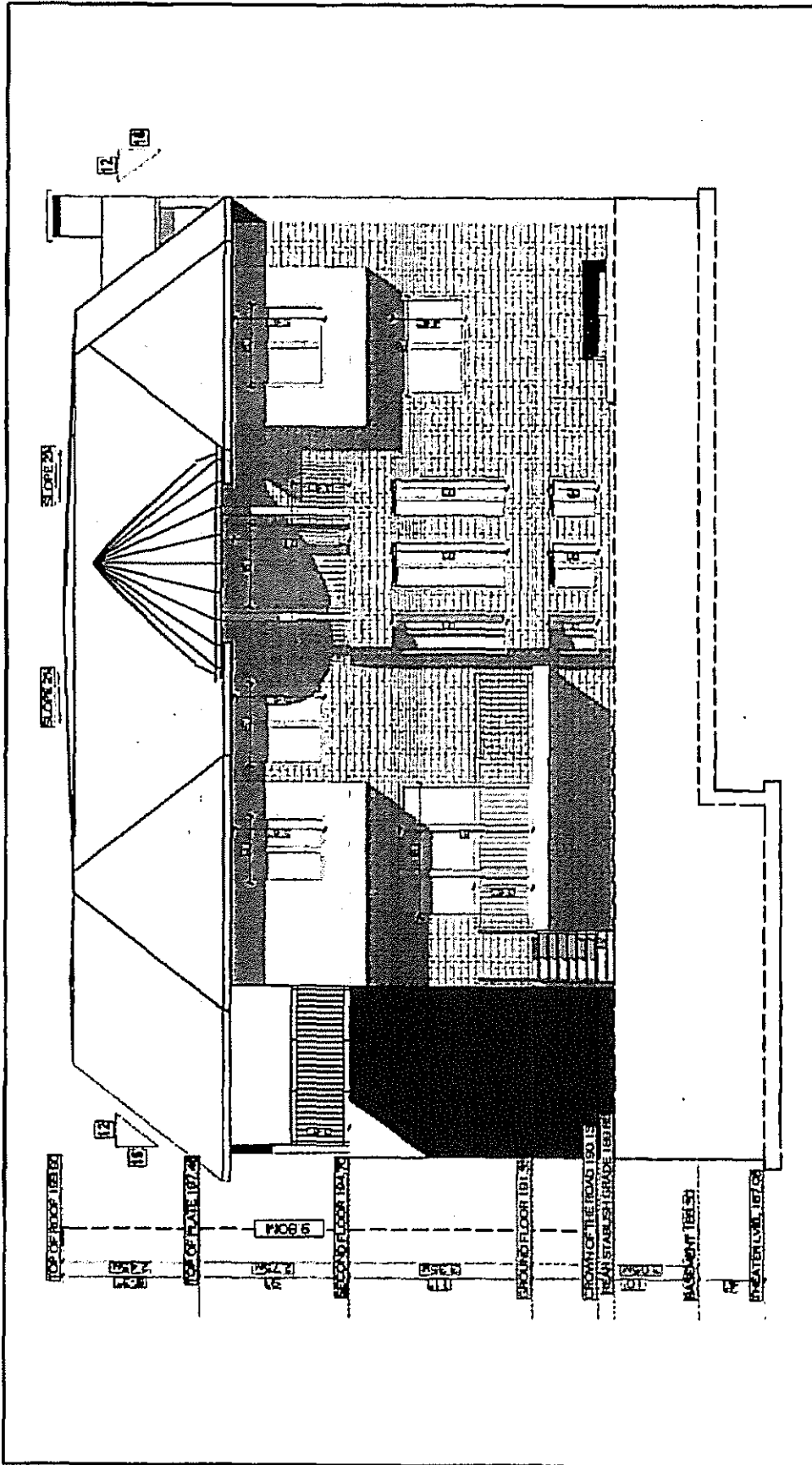
A.04



<p>THE ARCHITECTURE, ENGINEERING, INTERIOR DESIGN, LANDSCAPE ARCHITECTURE AND ENVIRONMENTAL DESIGN DIVISION OF HOK COMPANY (HOK) HAS BEEN SELECTED BY THE CLIENT TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PROJECT. HOK'S SERVICES WILL BE PROVIDED UNDER THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AND ENGINEERING AGREEMENT SIGNED BY THE CLIENT AND HOK.</p>	<p>DATE: 11/02/2010          DRAWN BY: [Name]          CHECKED BY: [Name]</p>	<p>PROJECT TITLE / ADDRESS  <b>41 HAWKBRIDGE AVENUE          HARTFORD, CT</b></p>	<p>DRAWING TITLE  <b>ROOF</b></p>	<p>SCALE  <b>1:36</b></p>	<p>DATE  <b>NOVEMBER 2, 2010</b></p>	<p>LAST MODIFIED ON  <b>NOVEMBER 2, 2010</b></p>	<p>PROJECT NO.  <b>A.05</b></p>

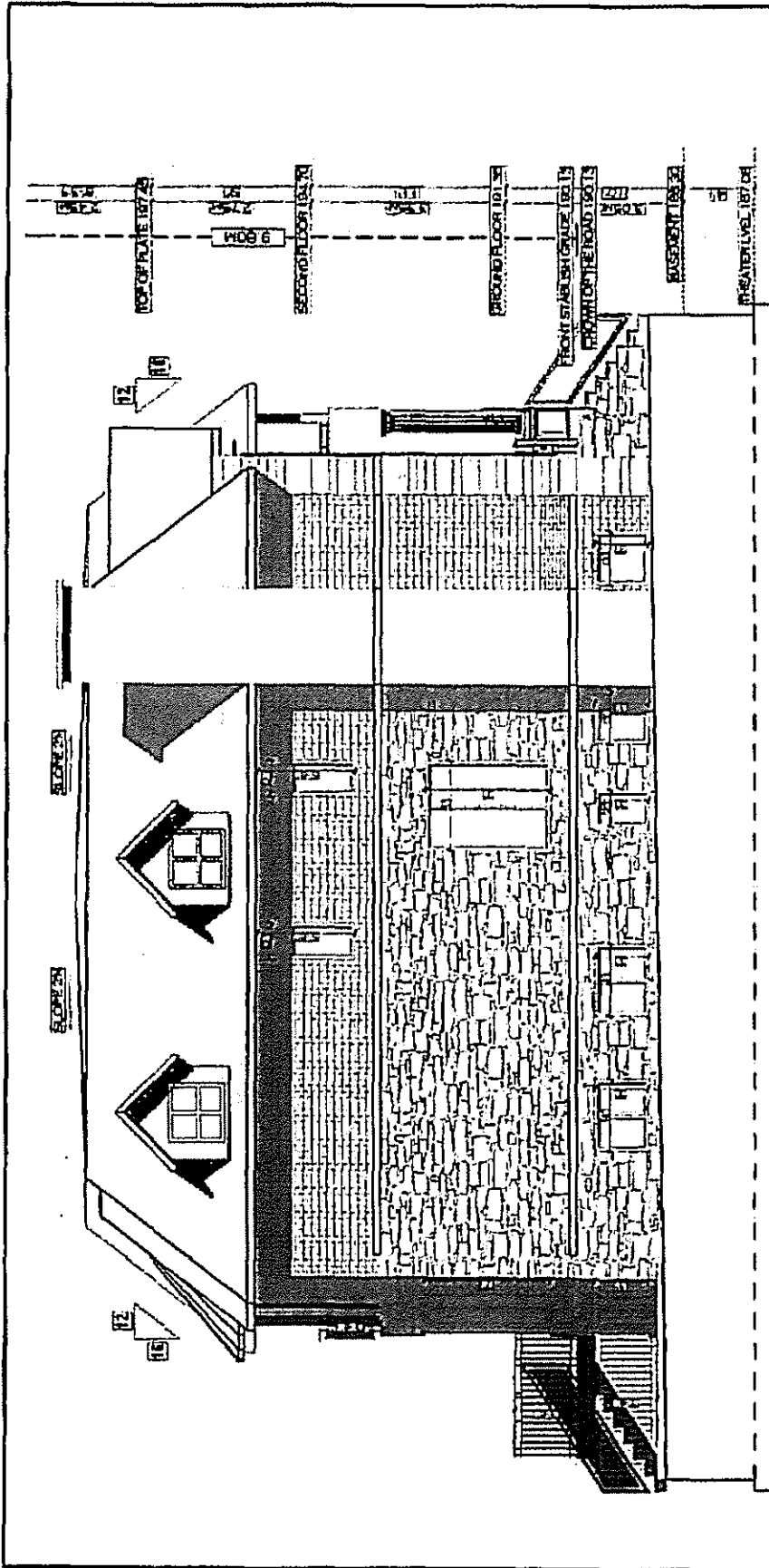






DATE	PROJECT NO.	SCALE:	BY / DRAWN BY	A.07
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100		REAR ELEVATION		
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V E		10/10/2018		
<p>THE ARCHITECT HAS REVIEWED AND APPROVED THIS DRAWING FOR THE PURPOSES OF THE PERMITTING PROCESS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE CONSULTANTS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.</p>				
DRAWN BY		CHECKED BY		PROJECT NO.
V E		10/10/2018		
<p>PROJECT NO. 100</p>				





DATE	DESIGNED BY	PROJECT TITLE	A.09
DRAWN BY	CHECKED BY	PROJECT NO./ADDRESS	
SCALE	DATE		
1/8" = 1'-0"	LAST MODIFIED ON		
	NOVEMBER 2, 2018		
DRAWN BY		VE	
<p>THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</p>			
ARCHITECT		DESIGN	
<p>41 HAWKBRIDGE AVENUE, HARRINGTON</p>			



