

Memorandum to the City of Markham Committee of Adjustment

January 15, 2019

File: A/168/18
Address: 9 Lincoln Green Dr, Markham
Applicant: Yun Ling
Agent: AND Architecture Inc. (Sam Wu)
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) Infill By-law 99-90, Section 1.2(vi):

to permit a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

b) Section 11.2(c)(i):

to permit steps to encroach 2 feet 9 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into any required yard;

as they relate to a proposed residential 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'). The applicant is requesting relief to permit a floor area ratio of 49.9 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 51.5 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of approximately 307 m² (3,307 ft²), whereas the By-law permits a dwelling with a maximum floor area of 277.08 m² (2,982.46 ft²). This represents an increase of approximately 29.92 m² (322.06 ft²). Staff's comments dated November 21, 2018 (Appendix 'C1') remain applicable.

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on November 16, 2018. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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 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 January 15, 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.

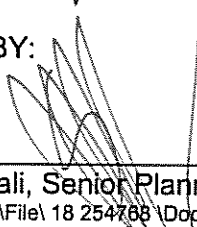
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



 Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



 Stacia Muradali, Senior Planner, East District
 File Path: Amanda\File\ 18 254768 \Documents\District Team Comments Memo

- Appendices
- Appendix A1 – Conditions
 - Appendix B1 – Plans
 - Appendix C1 – Staff Report (November 21, 2018)

APPENDIX "A1"

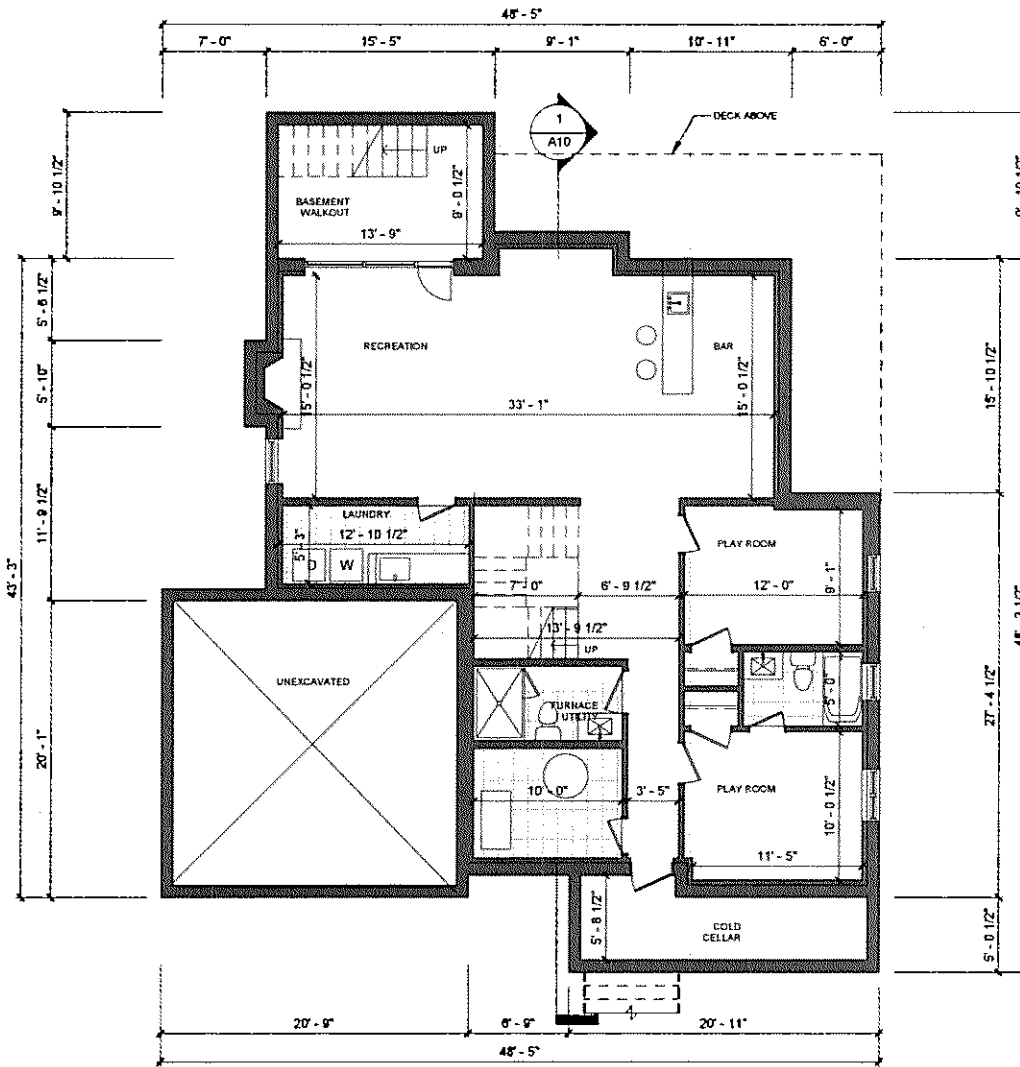
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/18

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 and dated December 06, 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 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



BASEMENT PLAN
1/8"=1'-0"

AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-604-6960
E: info@andarchitectureinc.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

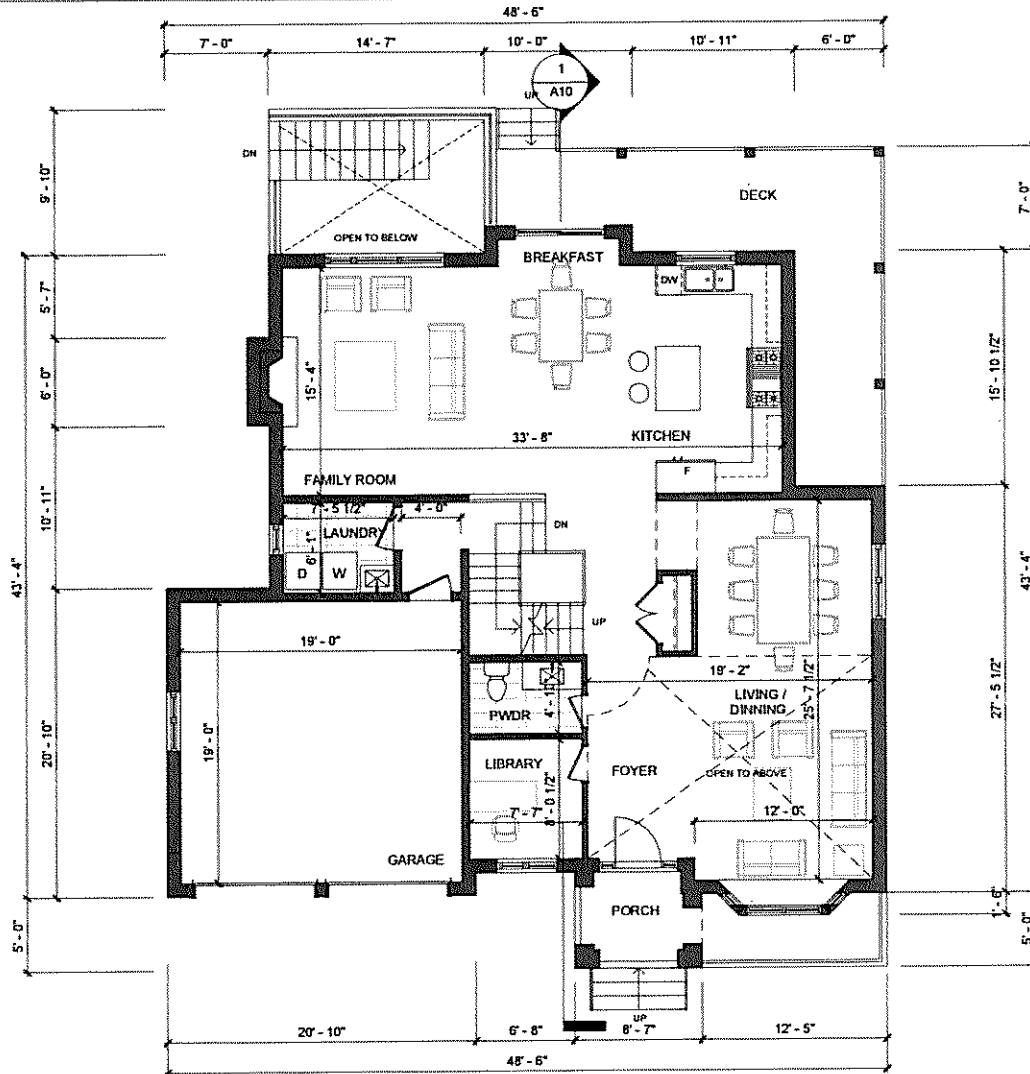
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Date :
12/04/18
Scale :
1/8" = 1'-0"

Drawn by :
JW
Checked by :
HW

Project No
18023

Drawing No.
A2



GROUND FLOOR PLAN
1/8"=1'-0"



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Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

Drawing Name :
GROUND FLOOR PLAN

Date :
12/04/18

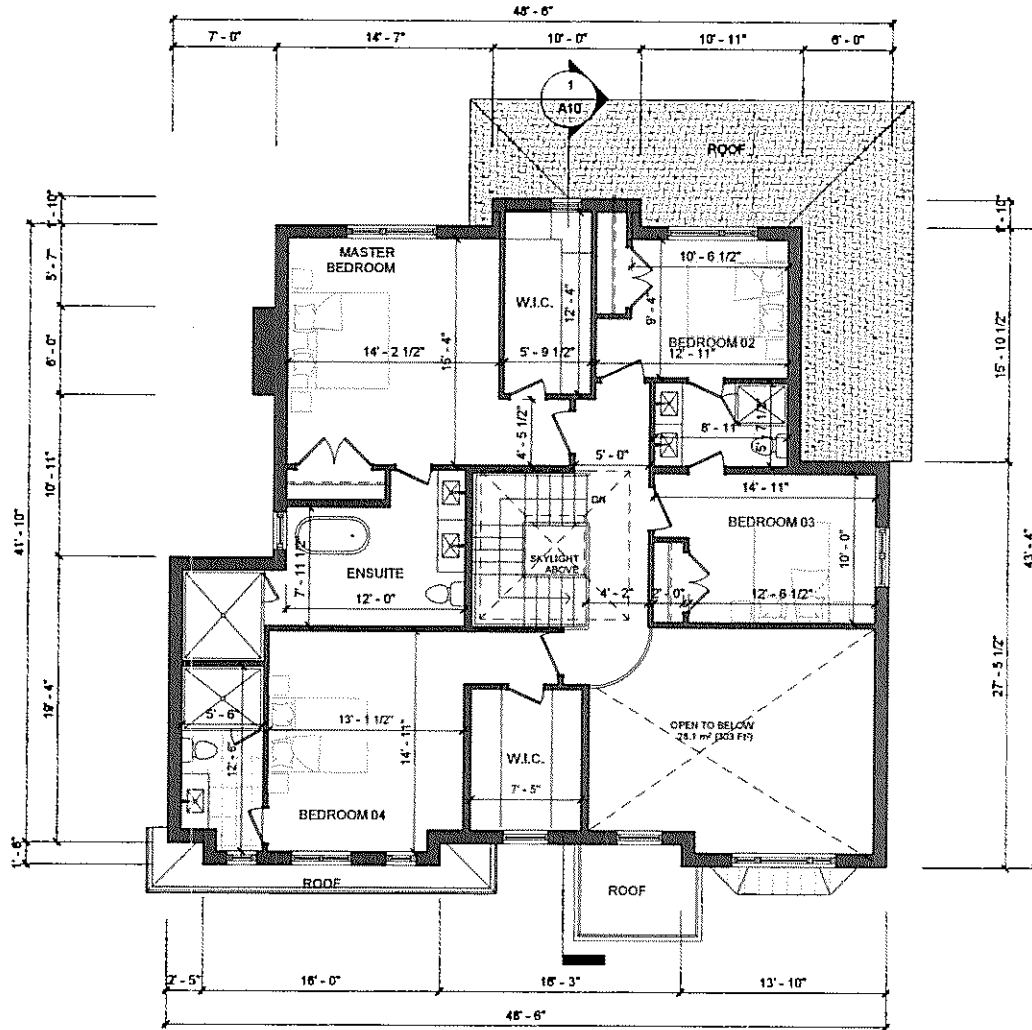
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1/8" = 1'-0"

Drawn by :
JW

Checked by :
HW

Project No
18023

Drawing No :
A3



SECOND FLOOR PLAN
1/8" = 1'-0"

AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-604-6900
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www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

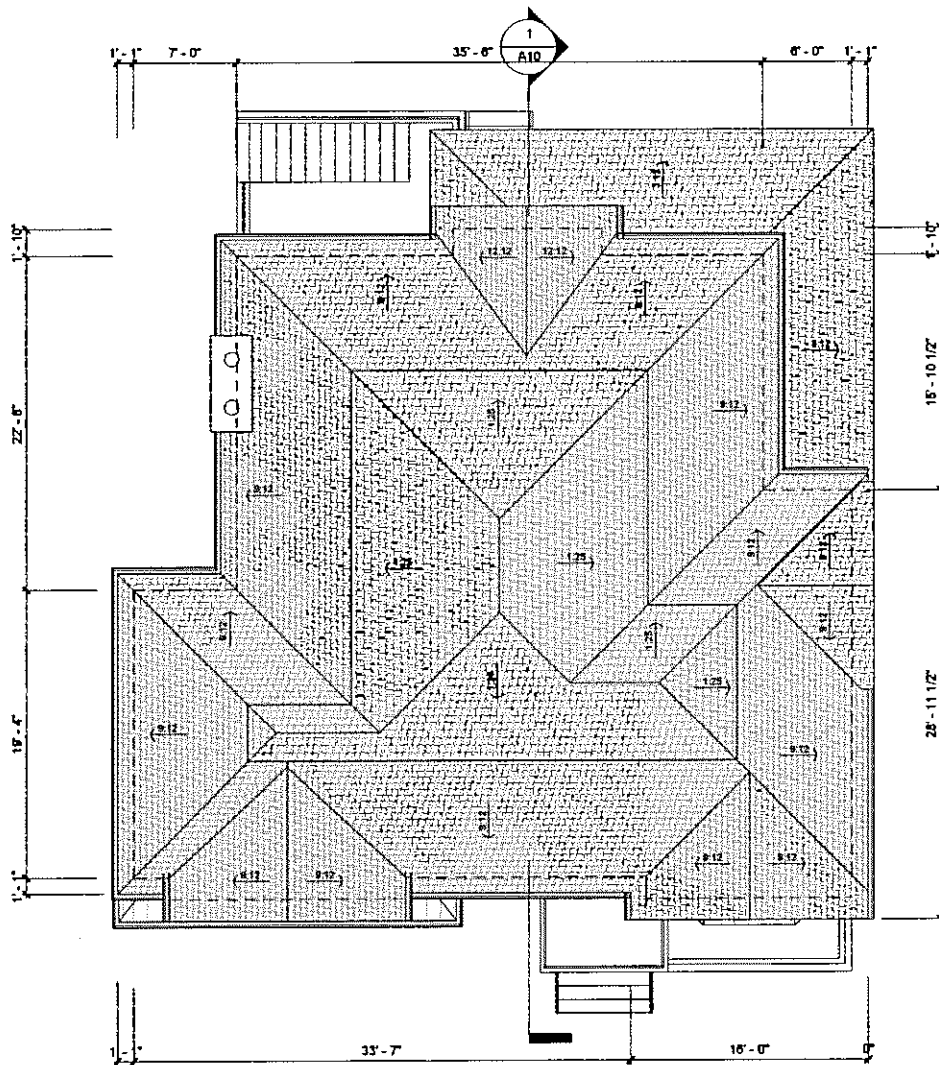
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Date :
12/04/18
Scale :
1/8" = 1'-0"

Drawn by :
JW
Checked by :
HW

Project No
18023

Drawing No :
A4



ROOF PLAN
1/8"=1'-0"

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T: 905-604-8960
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Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

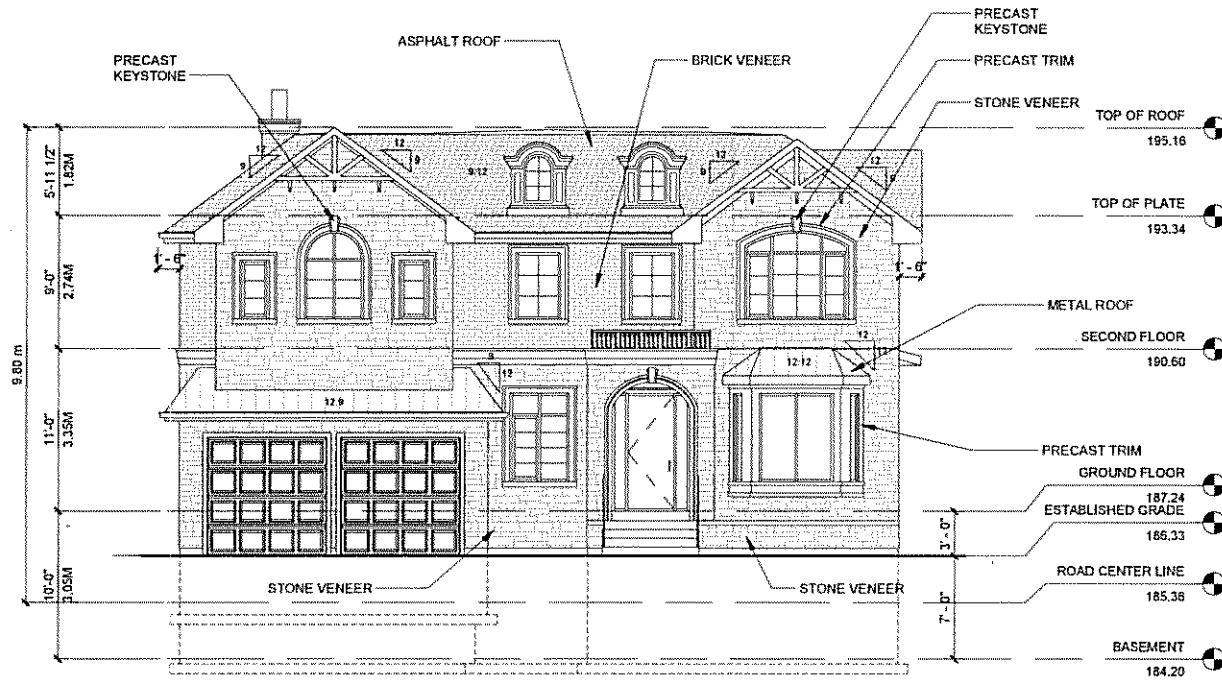
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ROOF PLAN

Date :
12/04/18
Scale :
1/8" = 1'-0"

Drawn by :
Author
Checked by :
Checker

Project No
18023

Drawing No :
A5



1 SOUTH ELEVATION
1/8" = 1'-0"



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Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

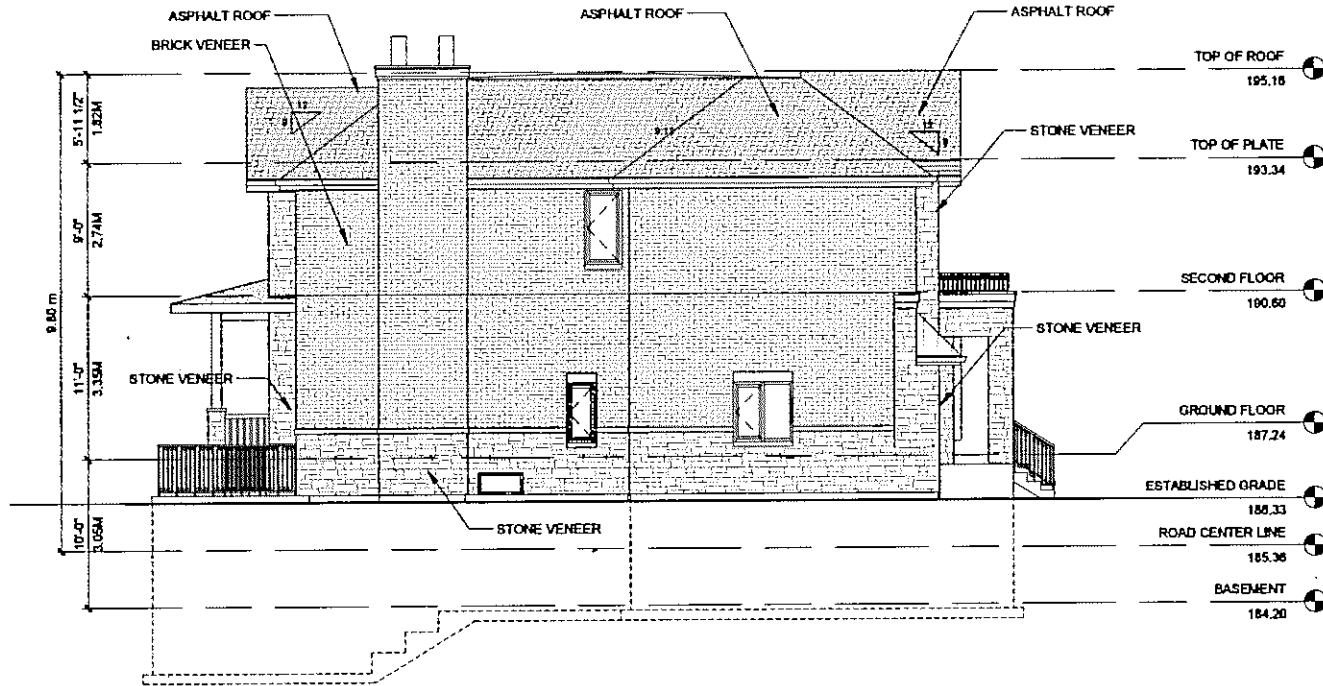
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12/04/18
Scale :
1/8" = 1'-0"

Drawn by :
Author
Checked by :
Checker

Project No
18023

Drawing No :
A6



① WEST ELEVATION
1/8" = 1'-0"

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Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

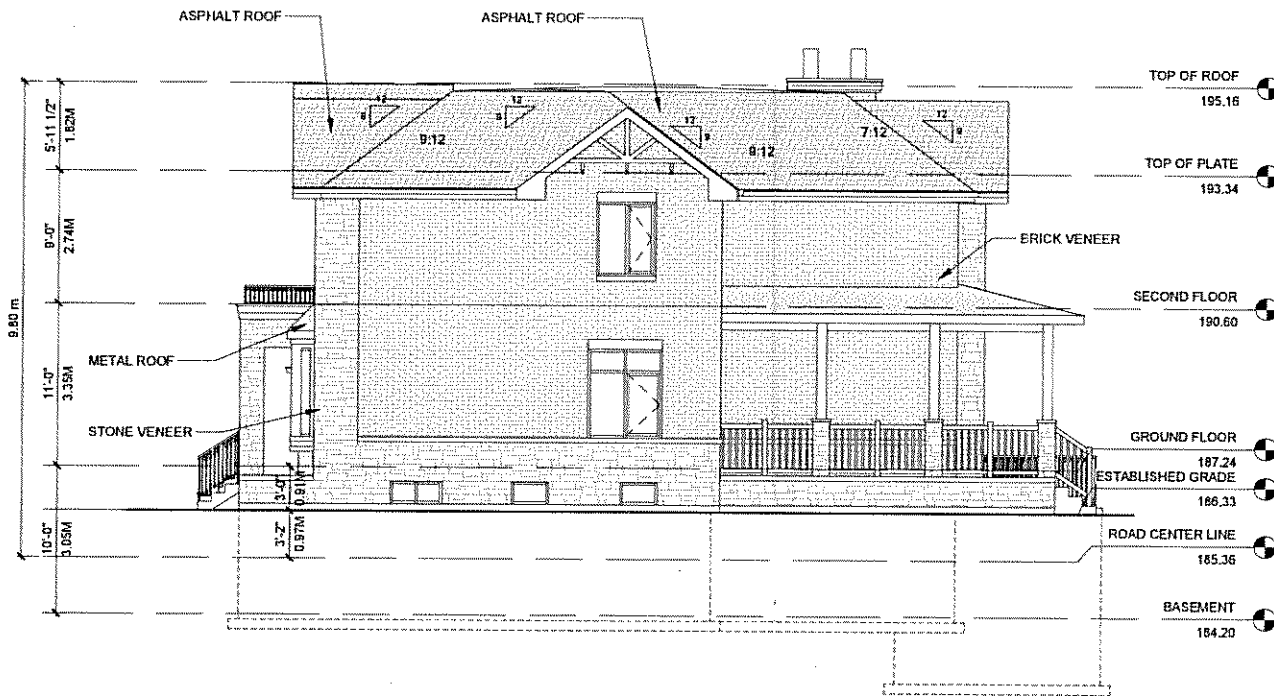
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12/04/18
Scale :
1/8" = 1'-0"

Drawn by :
Author
Checked by :
Checker

Project No
18023

Drawing No :
A7



1 EAST ELEVATION
1/8" = 1'-0"

AND ARCHITECTURE INC.
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 T: 905-604-6960
 E: info@andarchitectureinc.com
 www.andarchitecture.ca

Project :
 NEW DETACHED HOUSE
 9 LINCOLN GREEN DR MARKHAM ON

Drawing Name :
 EAST ELEVATION

Date :
 12/04/18
 Scale :
 1/8" = 1'-0"

Drawn by :
 Author
 Checked by :
 Checker

Project No
 18023

Drawing No :
 AB



AND ARCHITECTURE INC.
 3000 Steeles Avenue East, Suite 100
 Markham ON L3R 4T9
 T: 905-944-8900
 E: info@andarchitecture.com
 www.andarchitecture.ca

Project :
 NEW DETACHED HOUSE
 9 LINCOLN GREEN DR MARKHAM ON

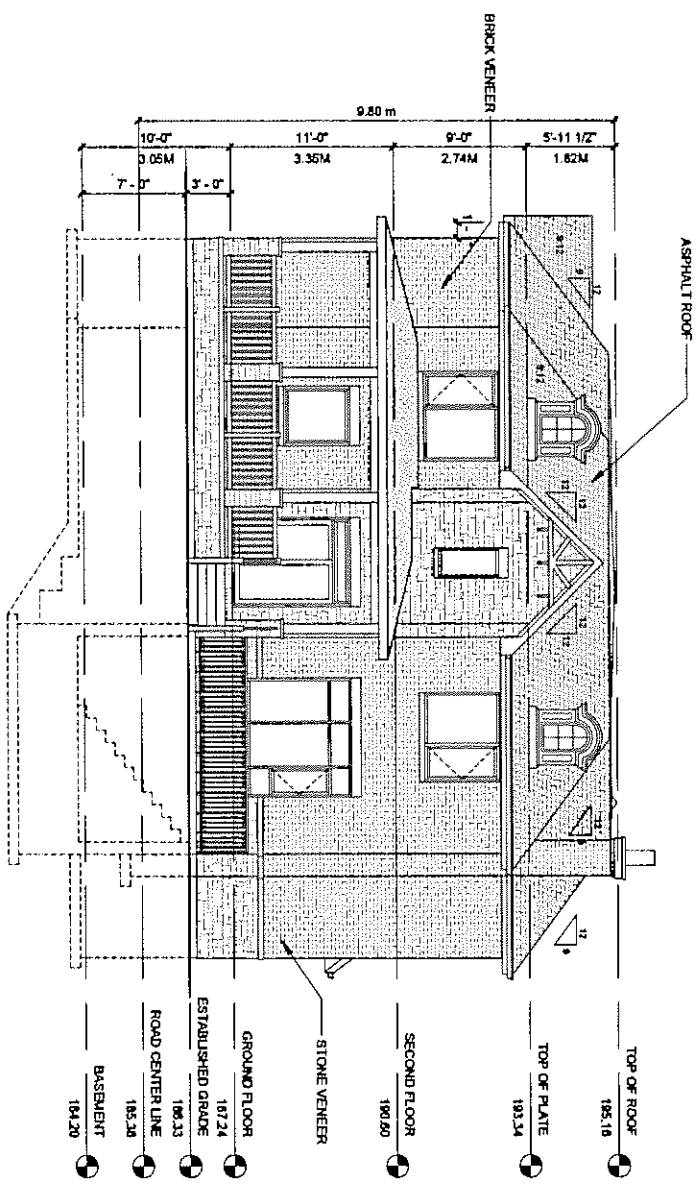
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Date :
 12/04/18
 Scale :
 1/8" = 1'-0"

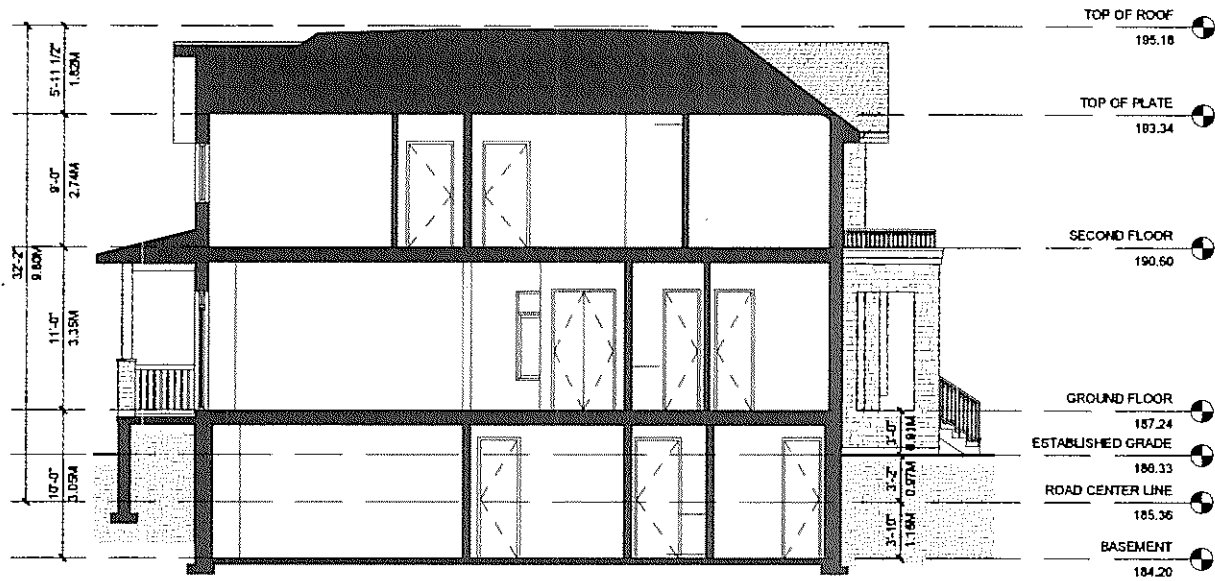
Drawn by :
 Author
 Checked by :
 Checker

Project No
 18023


Drawing No :
 A9



1 NORTH ELEVATION
 1/8" = 1'-0"



1 BUILDING SECTION
1/8" = 1'-0"

 AND ARCHITECTURE INC. 3000 Steeles Avenue East, Suite 100 Markham ON L3R 4T9 T: 905-604-8980 E: info@andarchitectureinc.com www.andarchitecture.ca	Project : NEW DETACHED HOUSE 9 LINCOLN GREEN DR MARKHAM ON	Drawing Name : BUILDING SECTION	Date : 12/04/18	Drawn by : Author	Project No 18023	Drawing No : A10
			Scale : 1/8" = 1'-0"	Checked by : Checker		

Memorandum to the City of Markham Committee of Adjustment

November 21, 2018

File: A/168/18
Address: 9 Lincoln Green Dr, Markham
Applicant: Yun Ling
Agent: AND Architecture Inc. (Sam Wu)
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) **Infill By-law 99-90, Section 1.2(vi):**
to permit a maximum floor area ratio of 51.5 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Section 11.2(c)(i):**
to permit steps to encroach 2 feet 9 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into any required yard;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 618.3 m² (6655.32 ft²) subject property is located on the north side of Lincoln Green Drive, east of Laidlaw Boulevard and north of Highway 7 East. The property backs onto Robinson Park and is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 117.15 m² (1261 ft²) dwelling on the property, which according to assessment records was constructed in 1995. Vegetation exists across the property.

Proposal

The applicant is proposing to construct a two-storey detached 317 m² (3,412 ft²) dwelling with a rear yard deck and a basement walkout.

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)" under By-law 1229, as amended, which permits a residential detached dwelling. The proposed development does not comply with the by-law with respect to the maximum step encroachment.

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, "want to increase the living area".

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on November 16th, 2018. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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 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 51.5 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 317 m² (3,412 ft²), whereas the By-law permits a dwelling with a maximum floor area of 277.08 m² (2,982.46 ft²). This represents an increase of approximately 39.92 m² (429.69 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). In addition to the space associated with the stairs, there is 28.2 m² (304 ft²) 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.

Lincoln Green Drive is characterized by modest one and two-storey detached dwellings. While the proposed dwelling is larger than existing homes on the street, the proposed Floor Area Ratio is similar in scale with recent infill home developments along the street. Except for the floor area ratio and front step encroachment, it is within the prescribed building envelope and complies with setbacks, height and lot coverage. Given this, Staff are of the opinion that the proposal is in keeping with the intended scale of infill development for the neighbourhood and meets the intent and purpose of the Zoning By-law.

Increase in Maximum Step Encroachment

The applicant is requesting a maximum step encroachment of 2.75 ft (0.84 m) into the required front yard, whereas the By-law permits a maximum step encroachment of 18 in (0.46 m). This represents a difference of approximately 1.25 ft (0.38 m) Given that the minimum front yard setback will be maintained, Staff are of the opinion that the variance request is minor in nature and will not result in adverse impacts to the character of the streetscape.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 15, 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. 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 254768 \Documents\District Team Comments Memo

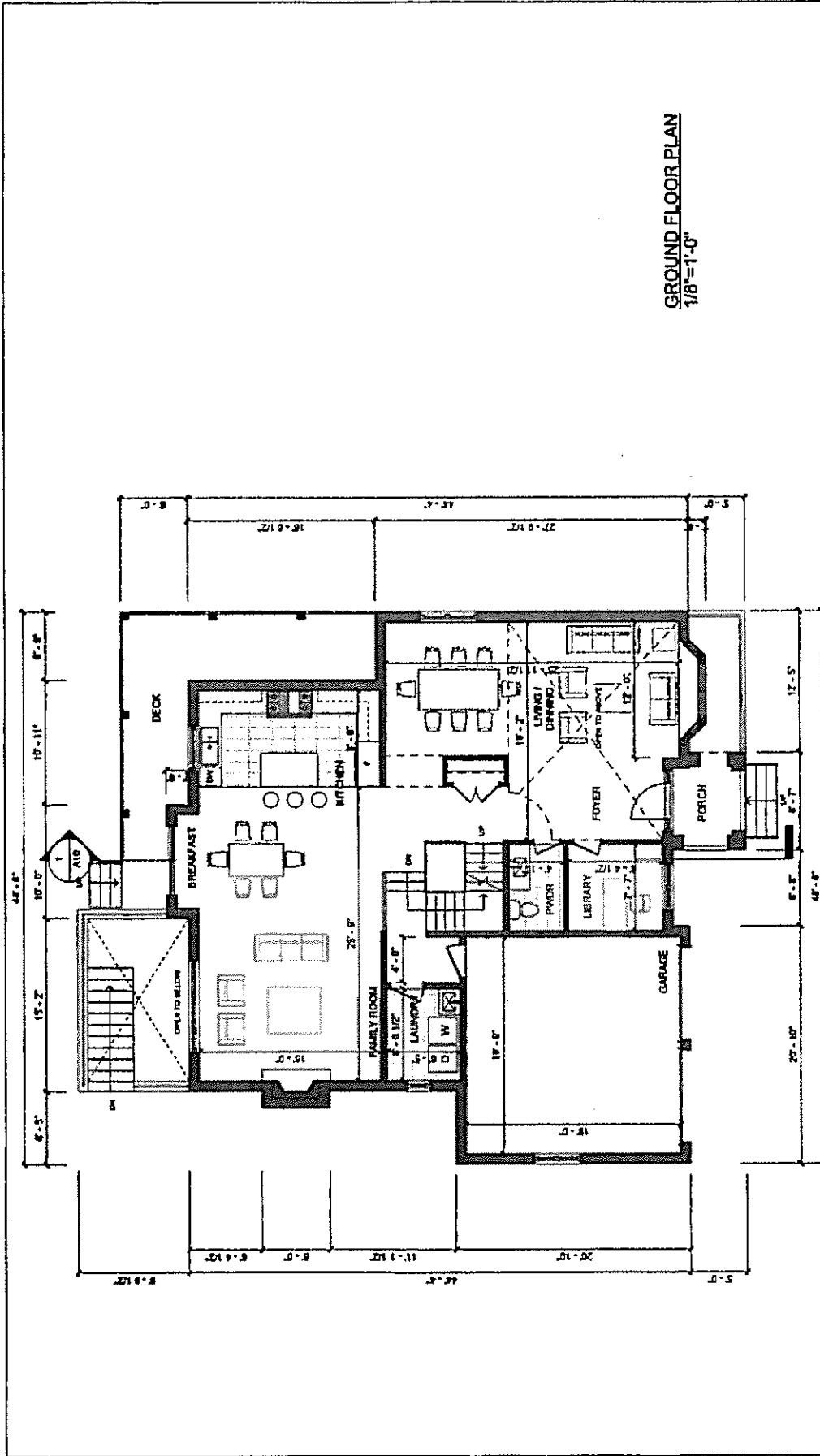
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/18

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 and dated November 16, 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 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

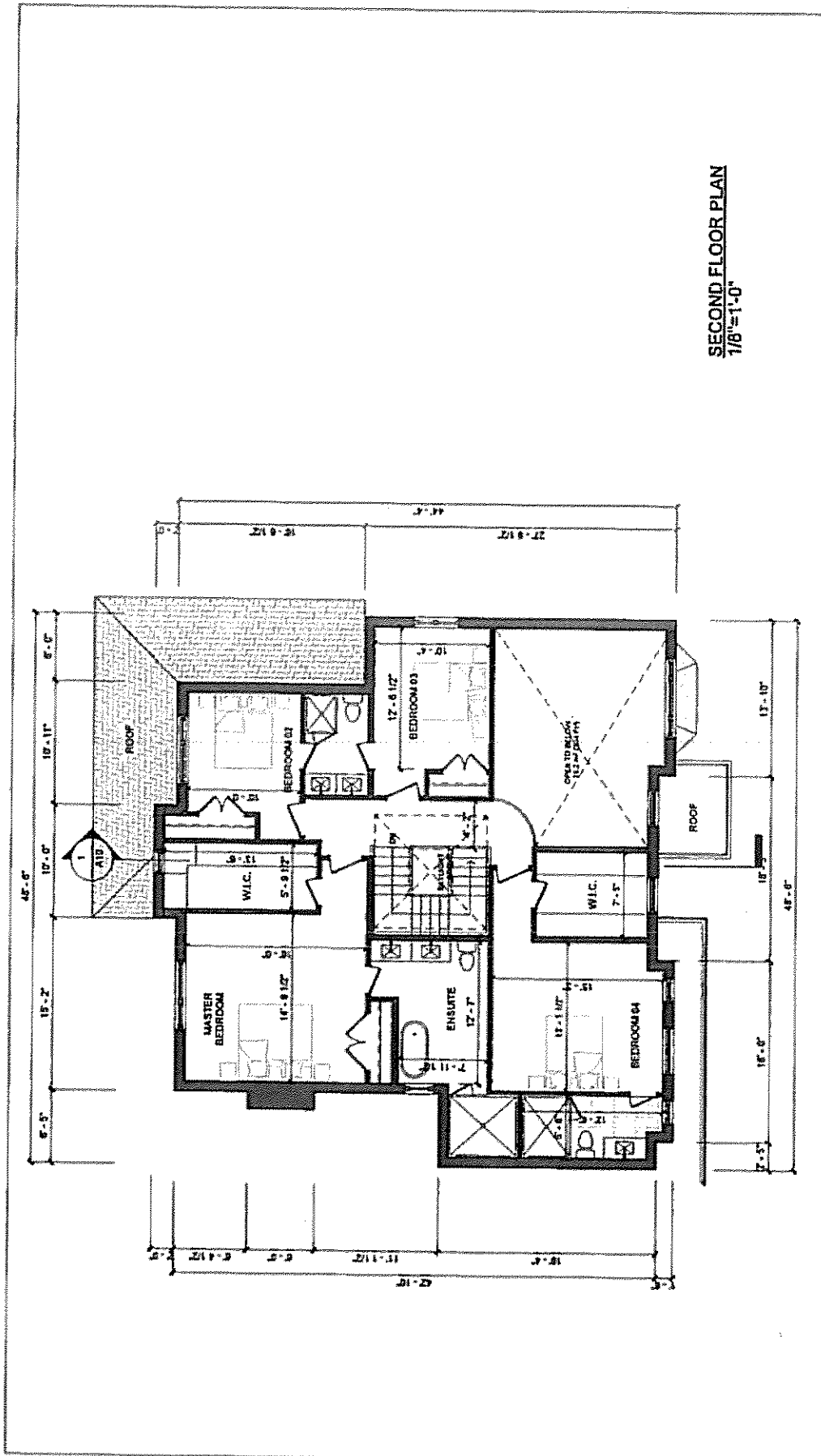


GROUND FLOOR PLAN
1/8"=1'-0"

Project: NEW DETACHED HOUSE 8 LINCOLN GREEN DR MARKHAM ON	Drawing Name: GROUND FLOOR PLAN		Date: 09/12/18	Drawn by: JW	Project No: 18023	Drawing No: A3
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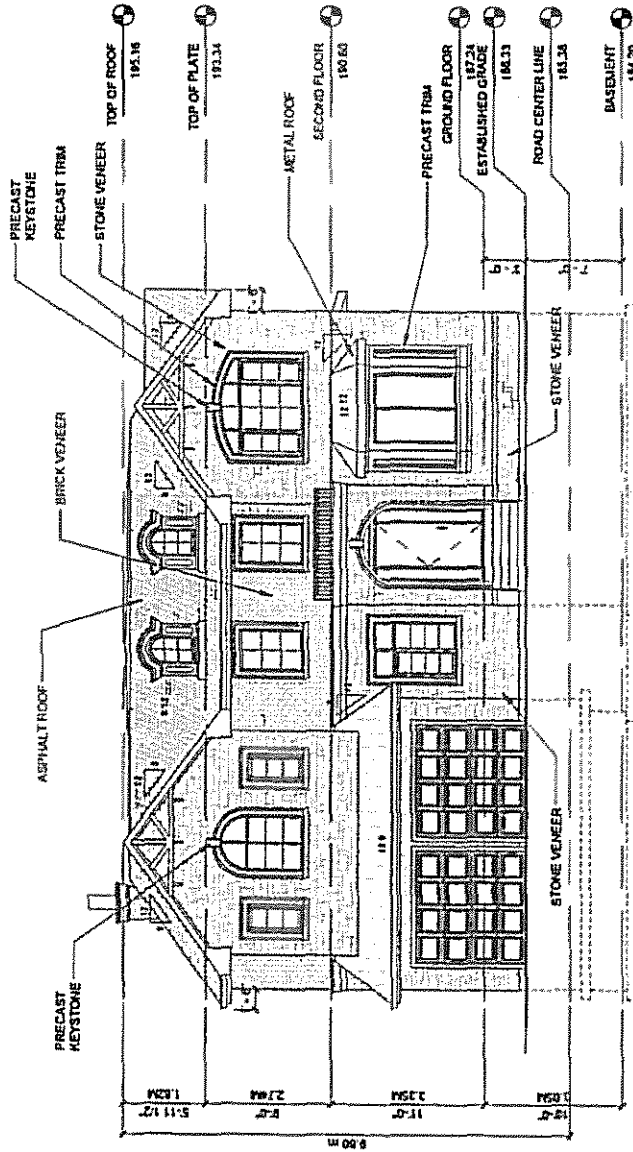


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 www.andarchitecture.ca



SECOND FLOOR PLAN
1/8" = 1'-0"

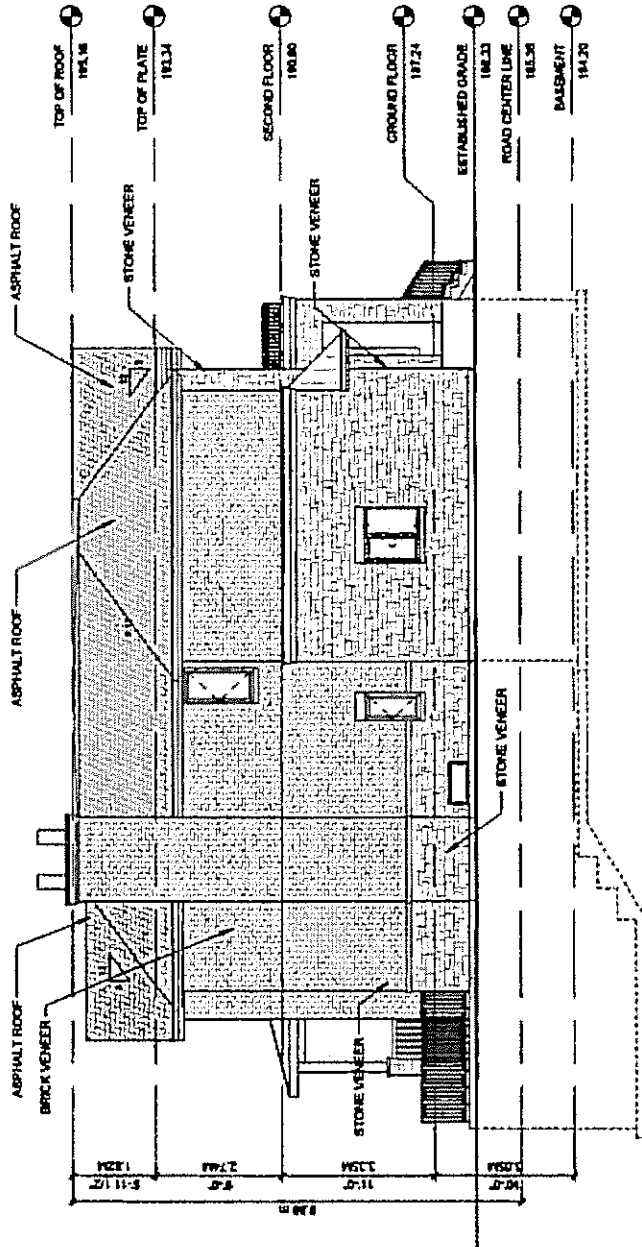
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1 SOUTH ELEVATION
1/8" = 1'-0"

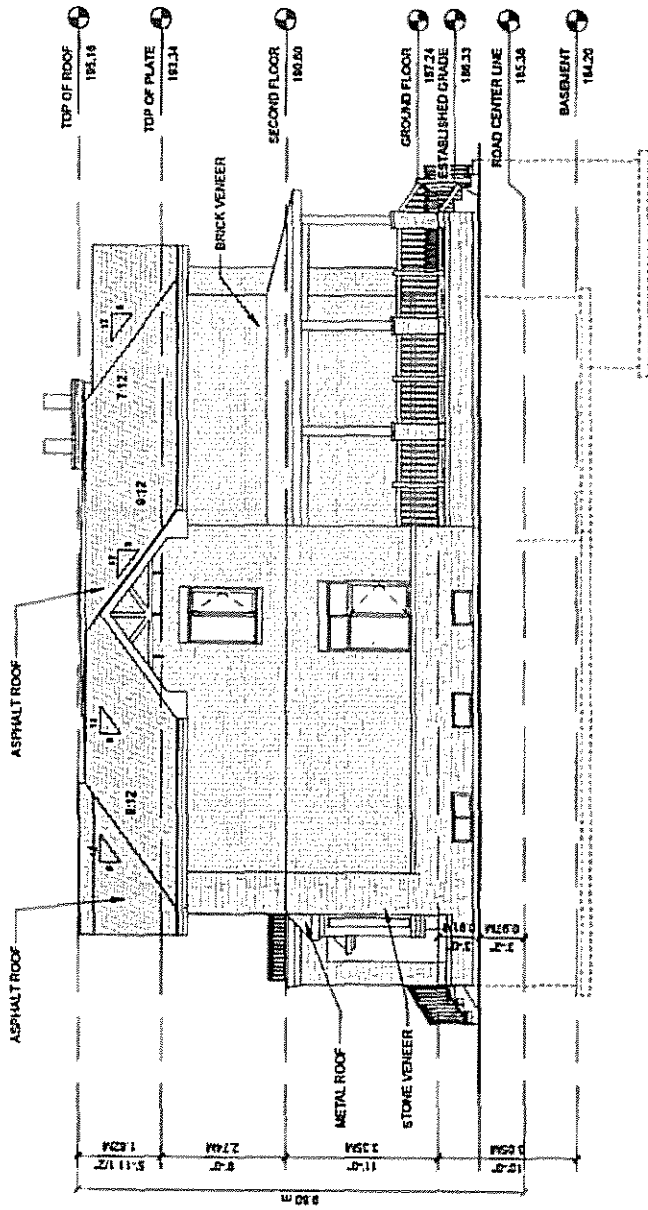
AND ARCHITECTURE INC. 2003 Steeles Avenue East, Suite 100 Markham ON L3R 4T9 T: 905-464-8860 E: info@andarchitecture.com www.andarchitecture.ca	Project: NEW DETACHED HOUSE 9 LINCOLN GREEN DR MARKHAM ON	Drawing Name: SOUTH ELEVATION		Date: 09/13/18	Drawn by: Author	Project No: 18023	Drawing No: A0
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① WEST ELEVATION
1/8" = 1'-0"

AND ARCHITECTURE INC. 3000 Shiloh Avenue East, Suite 100 Tallahassee, FL 32310 Tel: 904.438.4179 Fax: 904.438.4144 E: info@andarchitecture.com www.andarchitecture.com	Project: NEW DETACHED HOUSE 9 LINCOLN GREEN DR BARBUDAM OH		Drawing Name: WEST ELEVATION		Date 09/13/18	Drawn by Author	Project No. 18023	Drawing No. A7
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1 EAST ELEVATION
1/8" = 1'-0"



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3002 Sherwin Avenue East, Suite 100
Markham, ON L3R 4T8
T: 905-944-6980
E: info@andarchitecture.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
1 LINCOLN GREEN DR MARKHAM ON

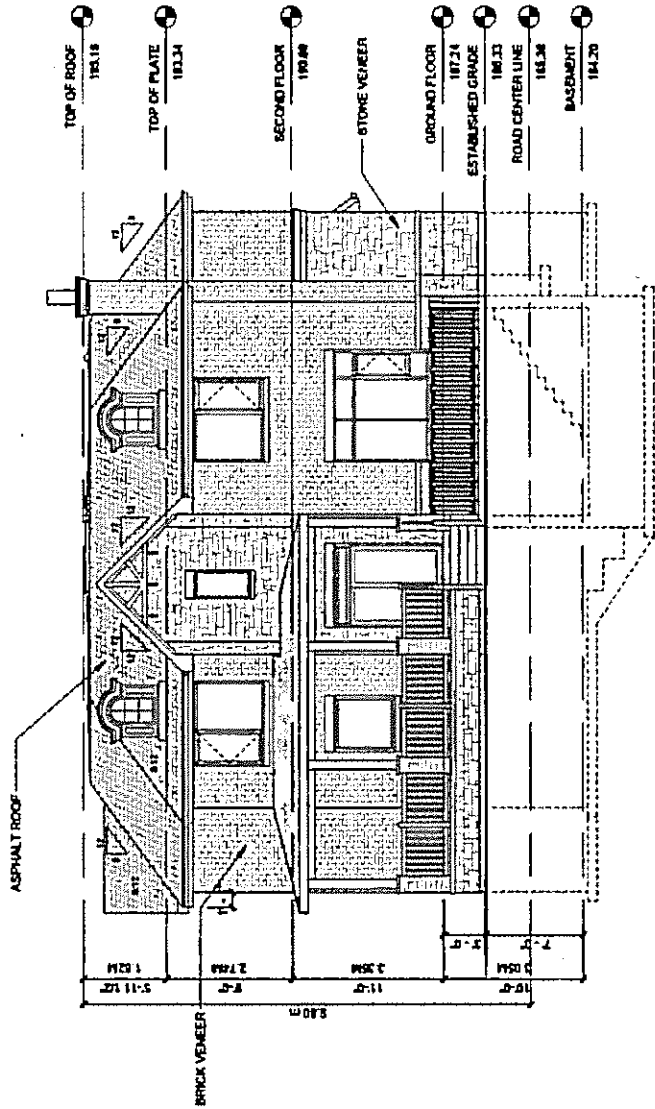
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Date: 09/13/16
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Drawn by:
Author
Checked by
Checker

Project No
18023

Drawing No:
AB



1 NORTH ELEVATION
1/8" = 1'-0"

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www.andarchitect.com

Project:
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

Drawing Name:
NORTH ELEVATION

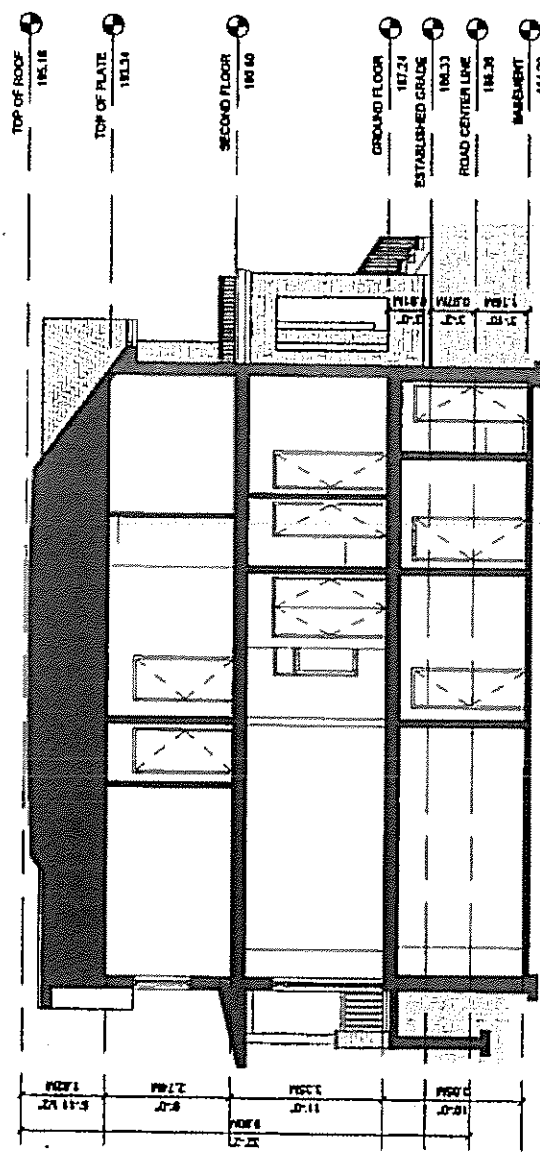
Date: 09/29/18
Scale: 1/8" = 1'-0"

Drawn by:
Author:
Checked by:
Checker:

Project No:
18023

Drawing No:
A9





1 BUILDING SECTION
1/8" = 1'-0"

AND ARCHITECTURE INC.
3000 Beckett Avenue East, Suite 100
Markham ON L3M 4T9
T: 905-941-9160
E: info@andarchitecture.com
www.andarchitecture.com



Project :
NEW DETACHED HOUSE
3 LINCOLN GREEN DR MARKHAM ON

Drawing Name :
BUILDING SECTION

Date : 09/13/11
Scale : 1/8" = 1'-0"

Drawn by : Author
Checked by : Checker

Project No : 10023

Drawing No : A10