

Memorandum to the City of Markham Committee of Adjustment

April 11, 2019

File: A/168/18
Address: 9 Lincoln Green Drive, Markham
Applicant: Yun Ling
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday April 24, 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):

a maximum Net Floor Area Ratio of 48.8 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent; as it relates to a proposed residential dwelling.

The Committee of Adjustment deferred the application on March 27, 2019, stating that the proposal did not meet the 4 tests. The Committee requested that the applicant reduce the net floor area ratio, use sympathetic building materials and eliminate the porch encroachment. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on April 10, 2019 (Appendix 'B3'). The applicant removed the variance for steps encroachment and reduced their request for maximum net floor area ratio. The applicant is requesting relief to permit a floor area ratio of 48.8 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 49.8 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of approximately 299.5 m² (3,236 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 22.42 m² (241.33 ft²). Staff's comments with respect to the proposed net floor area ratio dated January 23, 2019 (Appendix 'C3') remain applicable.

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, "*due to design constraints*".

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 April 04, 2019. 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.

PUBLIC INPUT SUMMARY

As of April 04, 2019, the City received 1 letter regarding the Initial minor variance proposal and expressing concerns with 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 "A3" 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 A3 – Conditions

Appendix B3 – Plans

Appendix C3 – Previous Staff Reports (March 27, 2019, January 23, 2019 & November 28, 2018)

APPENDIX "A3"

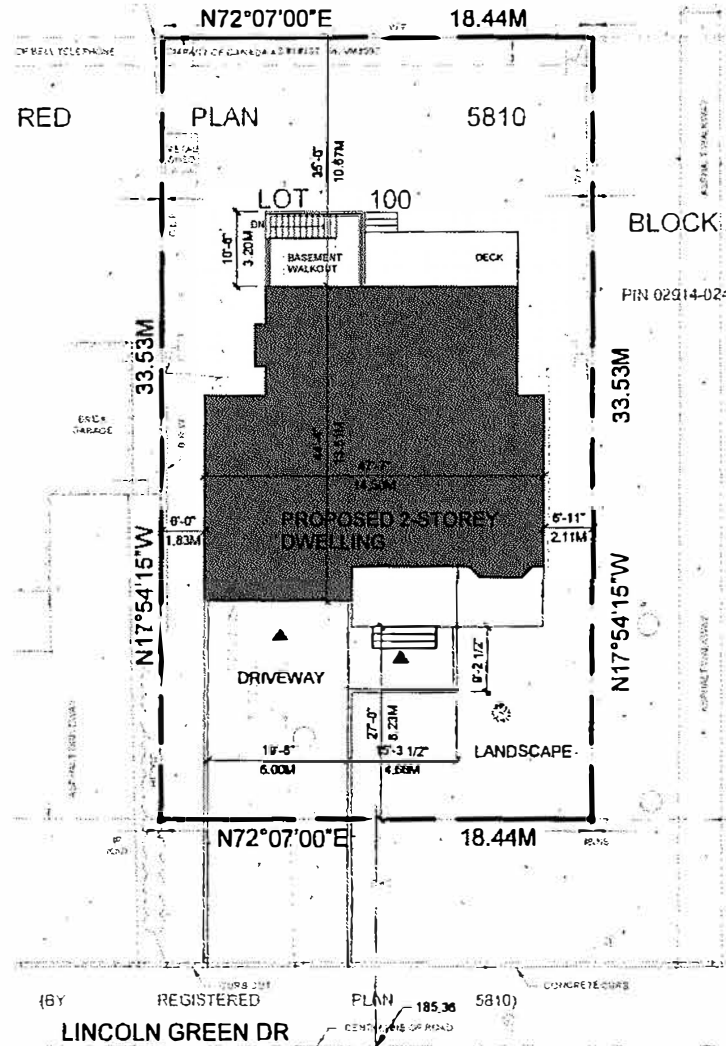
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/18

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 B3' to this Staff Report and received by the City of Markham on April 10, 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;
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



SITE PLAN
1:200

SITE STATISTICS

ZONING CATEGORY: R1
LOT AREA: 618.3 m² NET LOT AREA: 615.73 m²

DESCRIPTION	PERMITTED / REQUIRED	PROPOSED
LOT COVERAGE	35% MAX.	32.8%
FLOOR AREA RATIO	45% MAX.	42.2%
HEIGHT	9.0m MAX.	9.8m
FRONT YARD SETBACK	25' MIN.	27'
SIDE YARD SETBACKS	6' MIN.	6' / 5'-11"
REAR YARD SETBACK	25' MIN.	35'
DEPTH	18.8m MAX.	13.51m
GROSS FLOOR AREA		
FLOOR	GFA	
GROUND FLOOR	167.6 m ² (1,805 SF) INCLUDING GARAGE	
SECOND FLOOR	132.9 m ² (1,431 SF)	
TOTAL	300.5 m² (3,236 SF)	
BASEMENT	148.1 m ² (1,594 SF)	

*NOTE: GFA DOES NOT INCLUDE CELLAR (BASEMENT)

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
LINCOLN GREEN DR MARKHAM ON

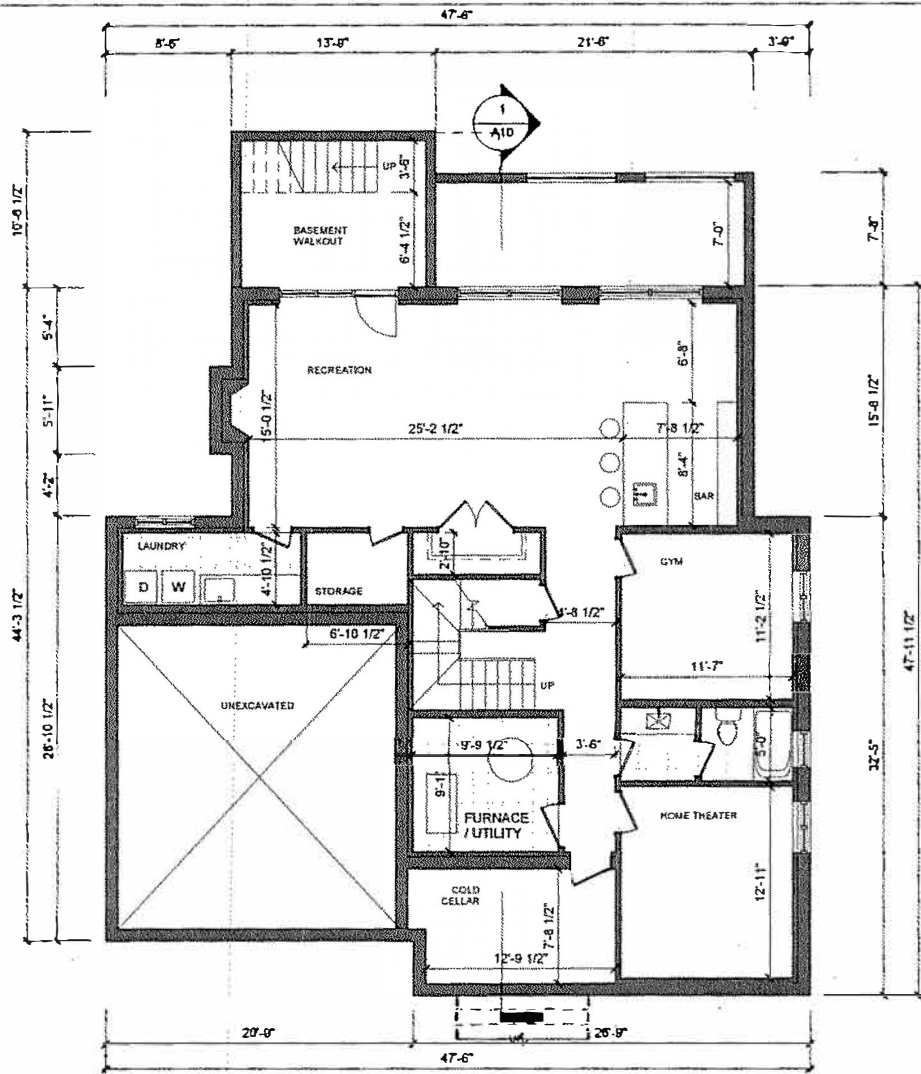
Drawing Name :
SITE PLAN

Date :
12/04/18
Scale :
As indicated

Drawn by :
JW
Checked by :
HW

Project No :
18023

Drawing No :
A1



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

AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-604-8960
E: info@andarchitectureinc.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

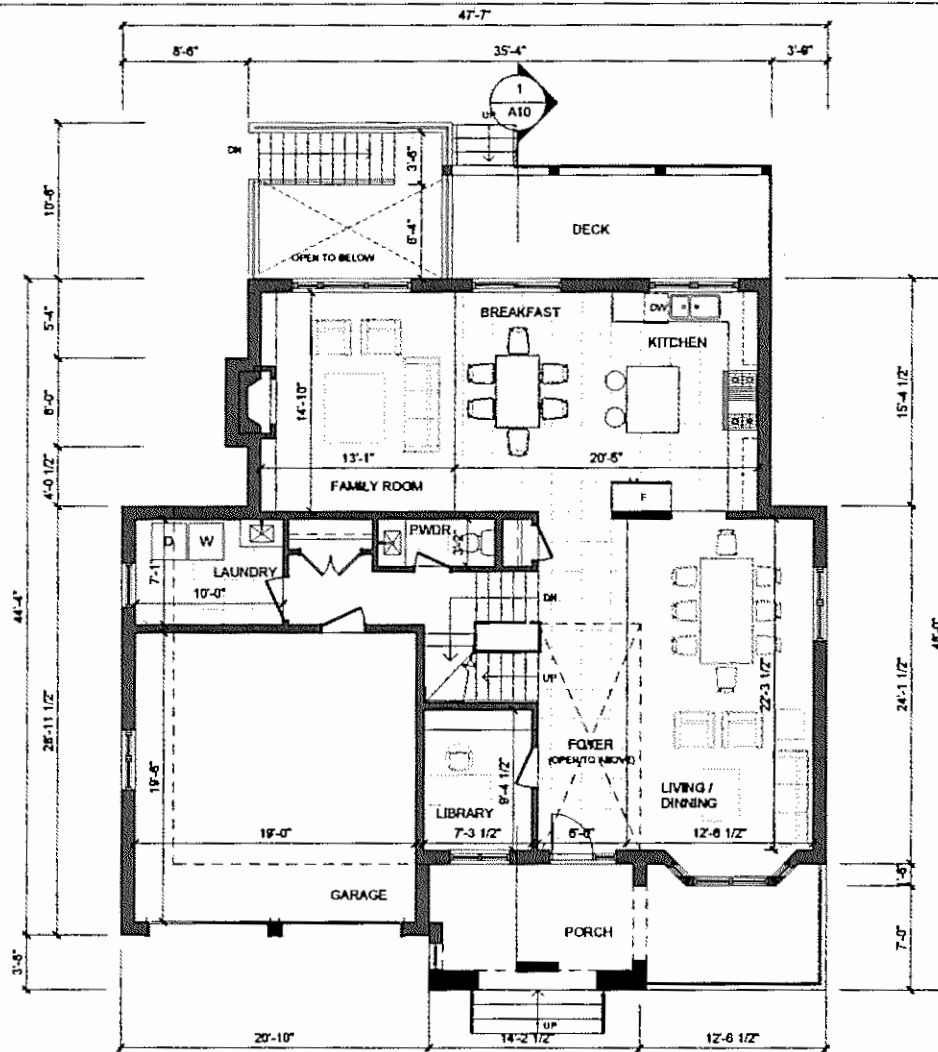
Drawing Name :
BASEMENT FLOOR PLAN

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"

AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-604-6980
E: info@andarchitectureinc.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

Drawing Name :
GROUND FLOOR PLAN

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

Drawn by :
JW
Checked by :
HW

Project No
18023

Drawing No
A3

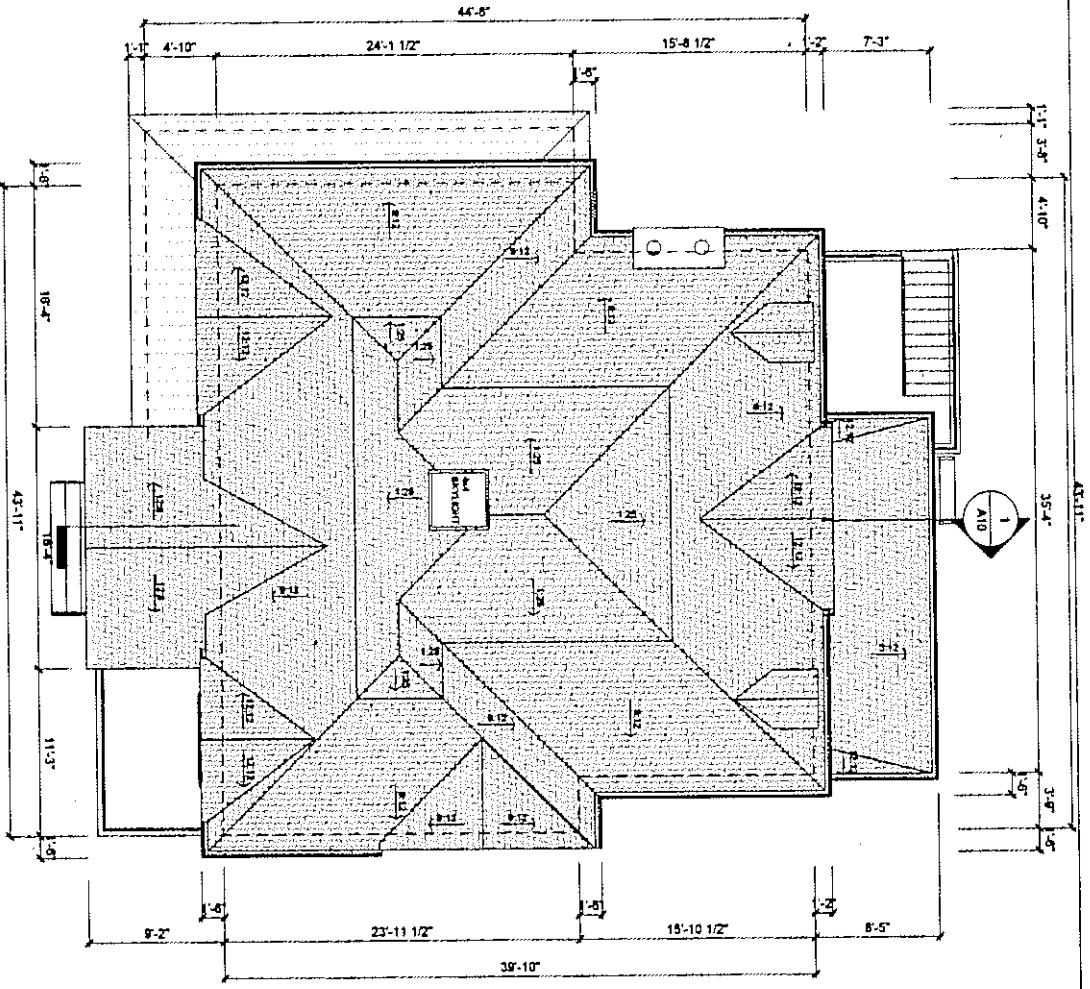


AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-904-8980
E: info@andarchitecture.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN DR MARKHAM ON

Drawing Name :
ROOF PLAN

Date:	12/04/18	Drawn by:	Author	Project No:	18023	Drawing No:	A5
Scale:	1/8" = 1'-0"	Checked by:	Checker				



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



AND ARCHITECTURE INC.
 3000 Steeles Avenue East, Suite 100
 Markham ON L3R 4T9
 E: 905-944-4980
 F: 905-944-4981
 www.andarchitecture.com

Project :
 NEW DETACHED HOUSE
 9 LINCOLN GREEN DR MARKHAM ON

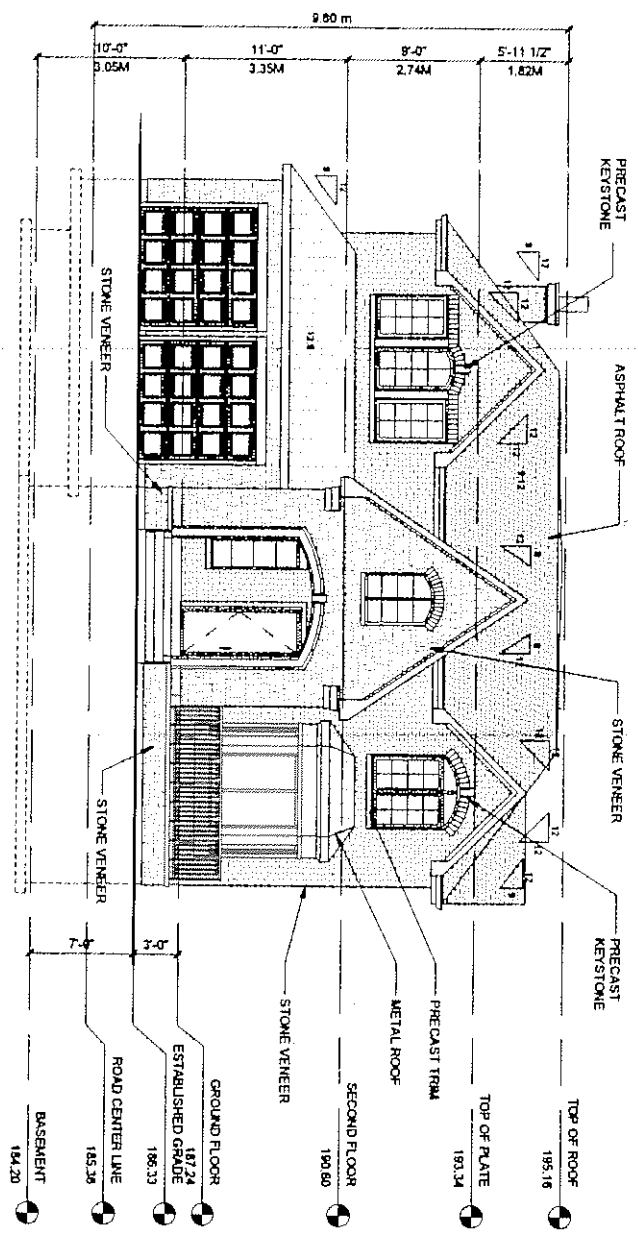
Drawing Name :
 SOUTH ELEVATION

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

Drawn by :
 Author
 Checked by :
 Checker

Project No
 18023

Drawing No
 A6



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

AND
AND ARCHITECTURE INC.
 3000 Steeles Avenue East, Suite 100
 Markham, ON L3R 4T9
 T: 905-804-6000
 E: info@andarchitect.com
 www.andarchitect.com

Project :
 NEW DETACHED HOUSE
 9 LINCOLN GREEN DR MARKHAM ON

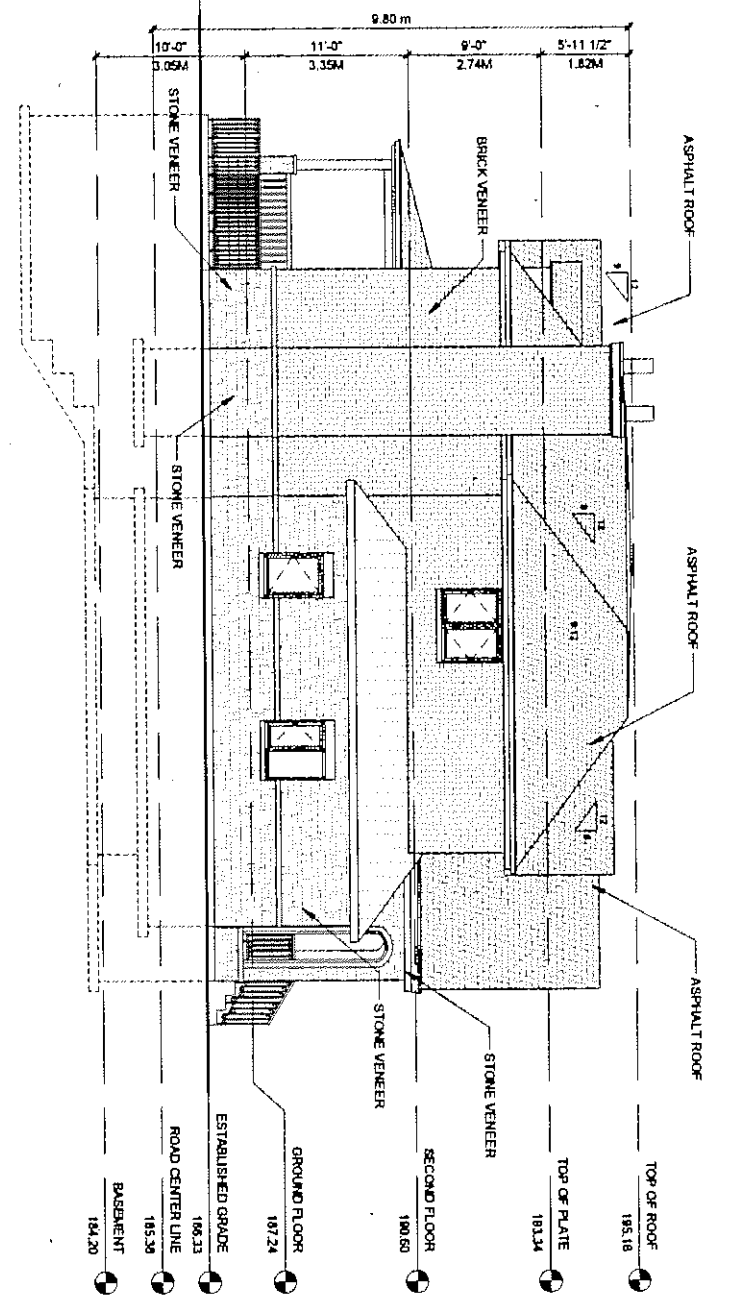
Drawing Name :
 WEST ELEVATION

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

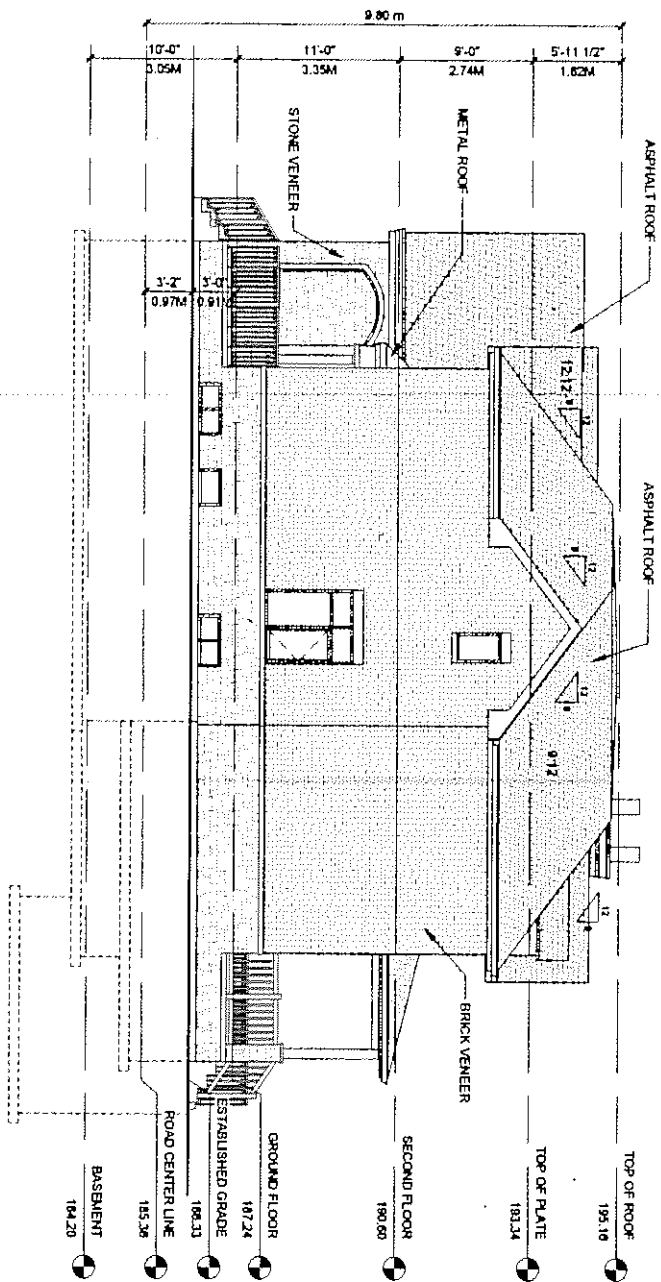
Drawn by :
 Author
Checked by :
 Checker

Project No
 18023

Drawing No
 A7



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



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

AND ARCHITECTURE INC.
 3000 Steeles Avenue East, Suite 100
 Markham ON L3R 4T9
 T: 905-504-4360
 E: info@andarchitecture.com
 www.andarchitecture.ca

Project :
 NEW DETACHED HOUSE
 8 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
 A8



AND ARCHITECTURE INC.
 2090 Steeles Avenue East, Suite 100
 Markham ON L3R 4T9
 T: 905-604-8900
 E: info@andarchitect.com
 www.andarchitect.ca

Project :
 NEW DETACHED HOUSE
 8 LINCOLN GREEN DR MARKHAM ON

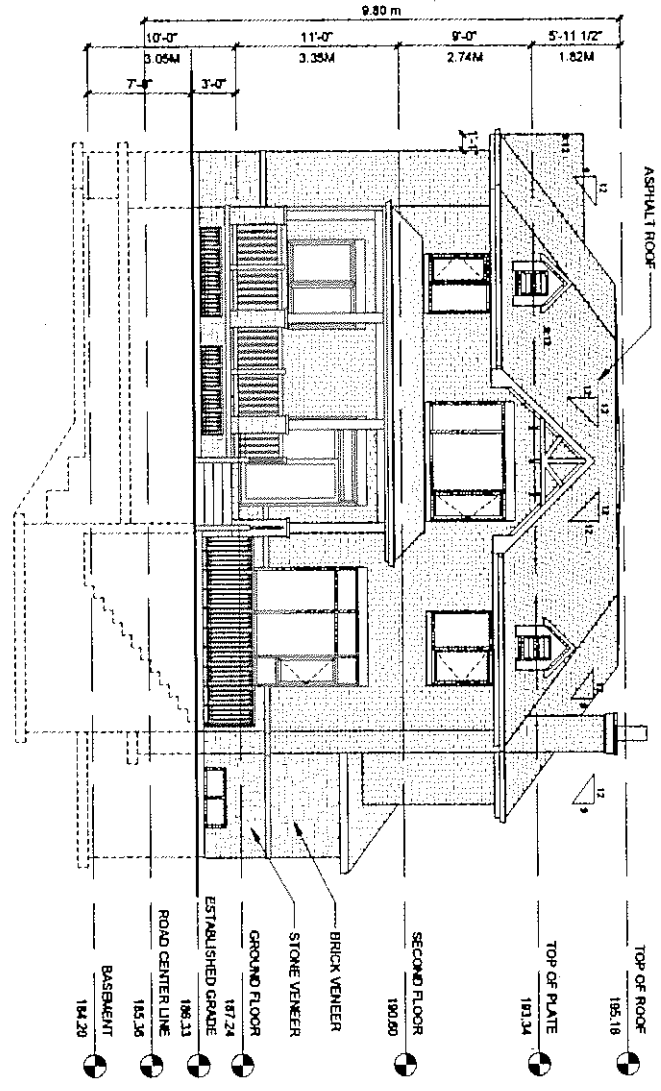
Drawing Name :
 NORTH ELEVATION

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"

AND
 AND ARCHITECTURE INC.
 AND Studio 1125
 1125 Olive Park, Suite 100
 T. 905.401.4990
 E. info@andarchitecture.com
 www.andarchitecture.ca

Project :
 NEW DETACHED HOUSE
 8 LINCOLN GREEN DR MARKHAM ON

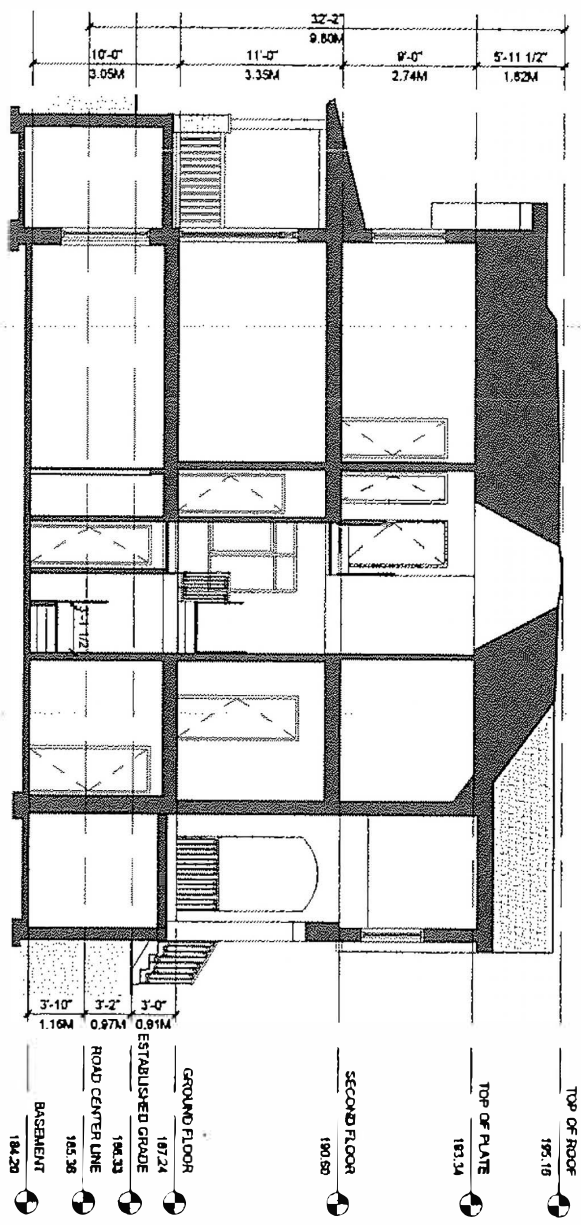
Drawing Name :
 BUILDING SECTION

Date :
 12/9/16
Scale :
 1/8" = 1'-0"

Drawn by :
 Author
Checked by :
 Checker

Project No
 18023

Drawing No
 A10



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

Memorandum to the City of Markham Committee of Adjustment

March 05, 2019

File: A/168/18
Address: 9 Lincoln Green Drive, Markham
Applicant: Yun Ling
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday March 27, 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):**
a maximum Net Floor Area Ratio of 49.8 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- a) **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.

The Committee of Adjustment deferred the application on January 23, 2019, 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 February 22, 2019 (Appendix 'B2'). The applicant is requesting relief to permit a floor area ratio of 49.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. This is a reduction from the previous request for a floor area ratio of 49.9 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of approximately 306.9 m² (3,303 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 29.82 m² (321 ft²). Staff's comments dated January 23, 2019 (Appendix 'C2') remain applicable.

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, "*due to design constraints*".

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 February 22, 2019. 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.

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 A2 – Conditions
- Appendix B2 – Plans
- Appendix C2 – Previous Staff Reports (January 23, 2019 & November 28, 2018)

APPENDIX "A2"

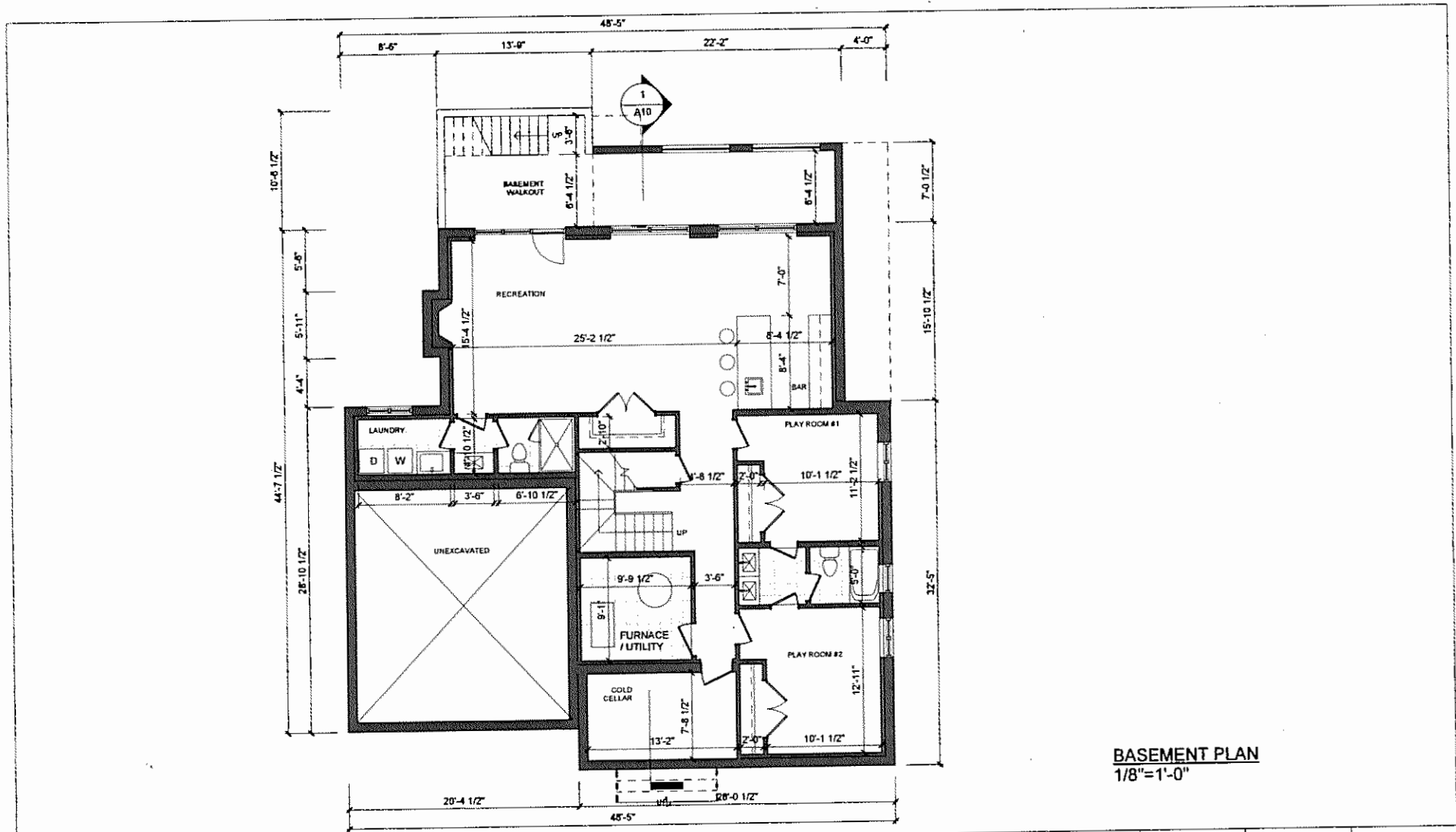
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/18

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 B2' to this Staff Report and received by the City of Markham on February 22, 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;
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



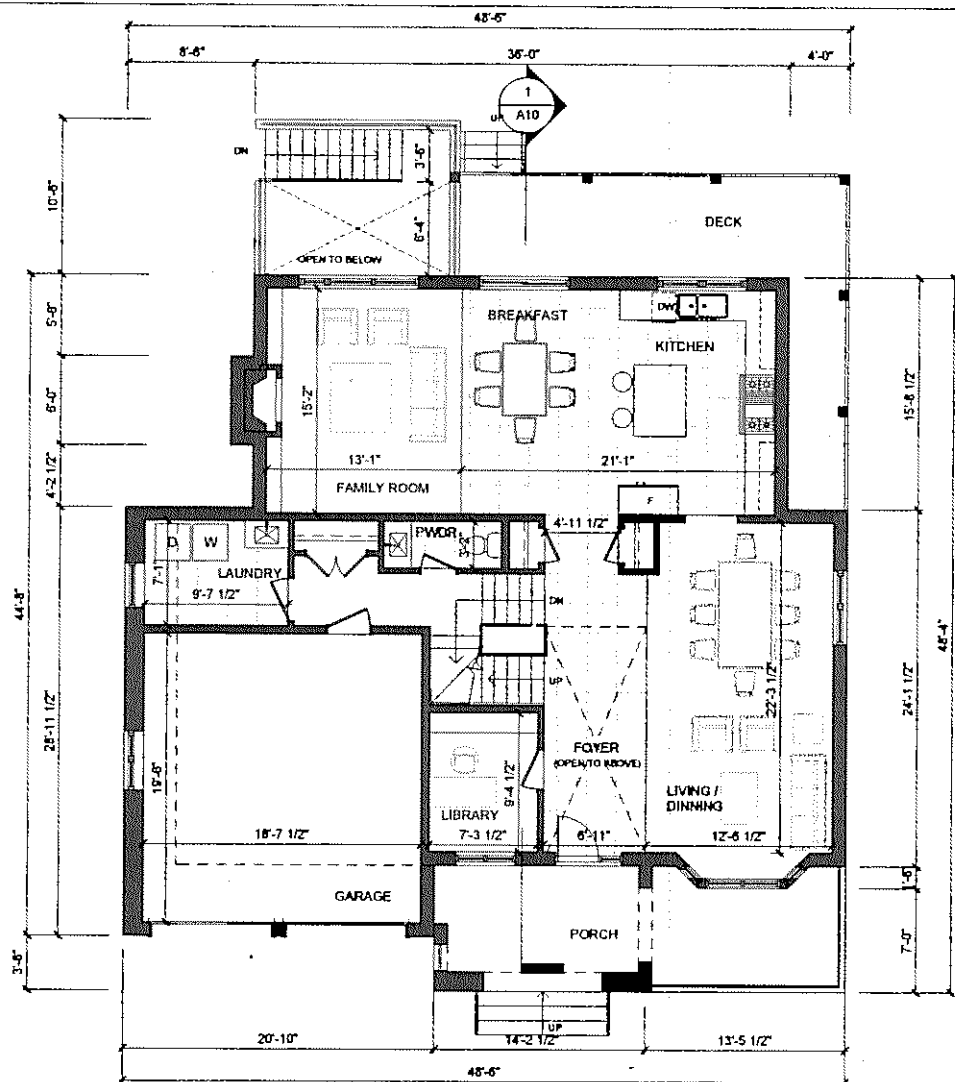
BASEMENT PLAN
 1/8" = 1'-0"

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

Drawing Name :
 BASEMENT FLOOR PLAN

Date : 12/04/18	Drawn by : JW	Project No 18023	Drawing No : A2
Scale : 1/8" = 1'-0"	Checked by : HW		



GROUND FLOOR 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

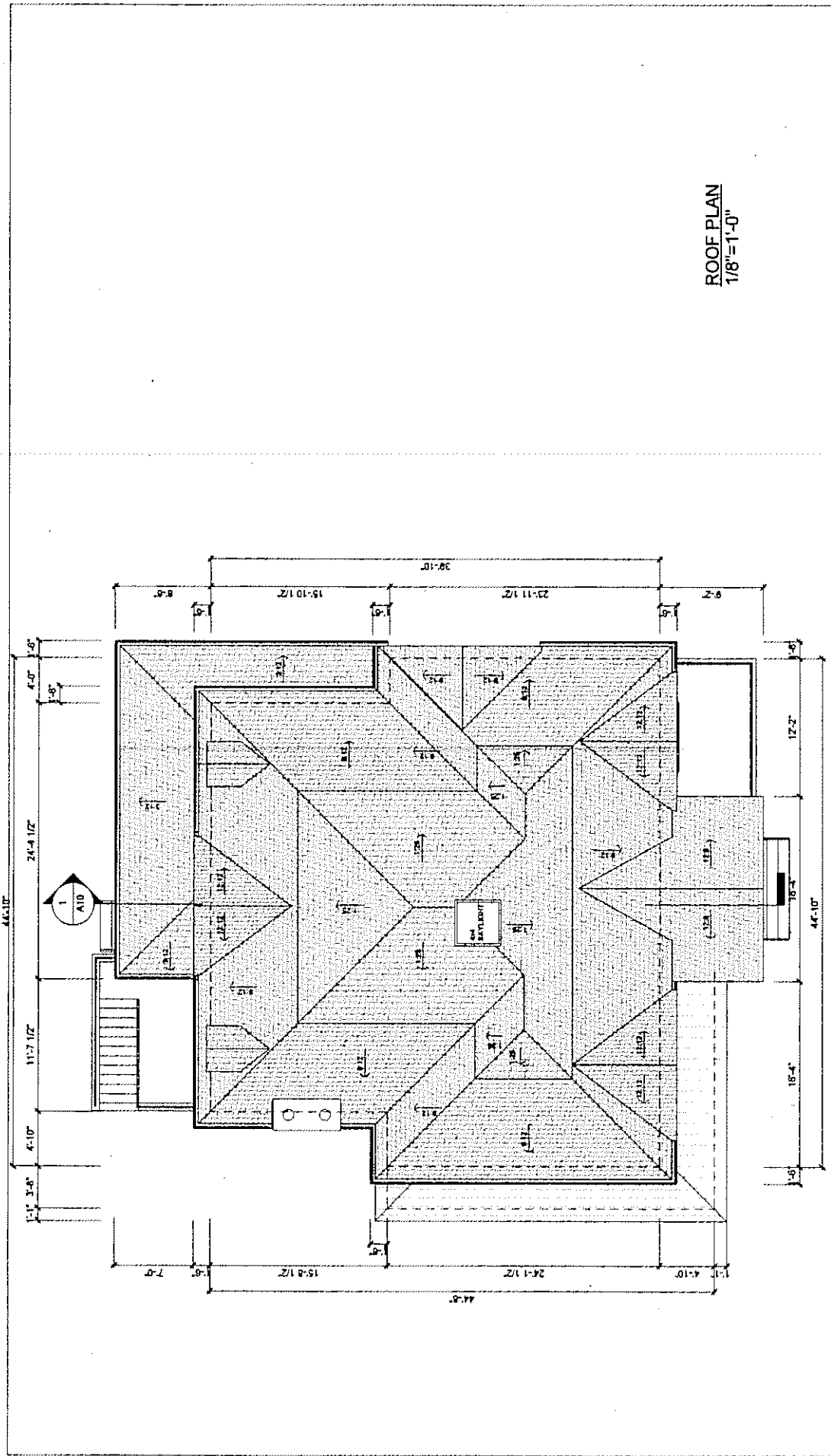
Drawing Name :
GROUND FLOOR PLAN

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

Drawn by
JW
Checked by
HW

Project No
18023

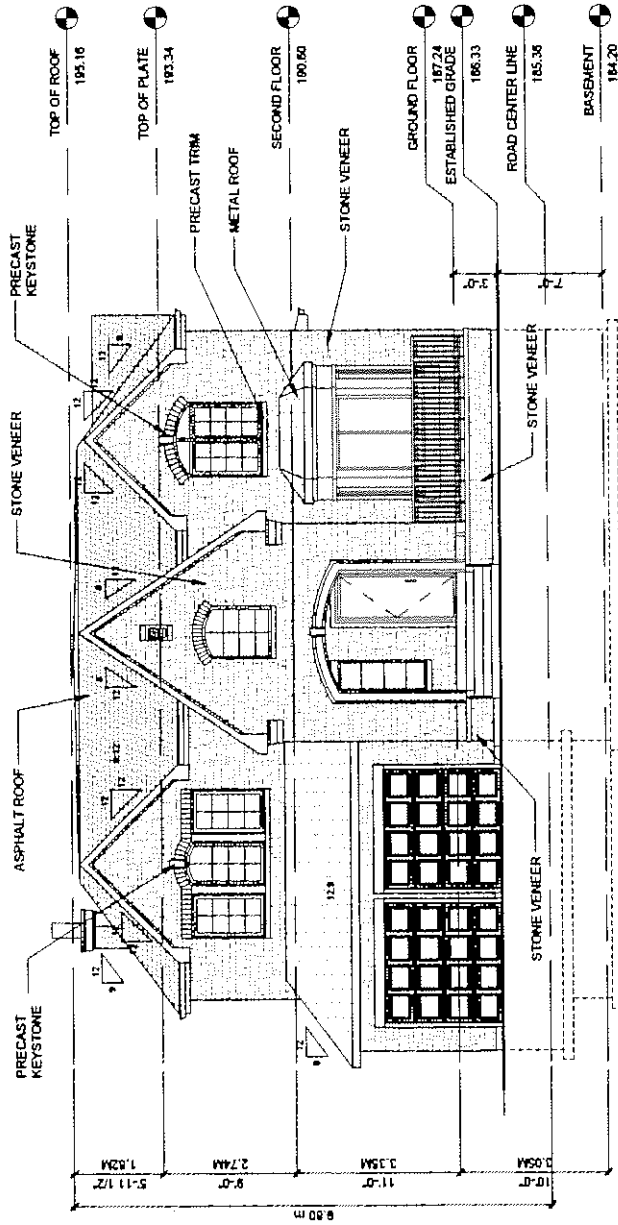
Drawing No.
A3



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

AND ARCHITECTURE INC. 3000 Steeles Avenue East, Suite 100 Scarborough, Ontario M1V 4S7 T: 416-291-8800 F: 416-291-8801 E: info@andarchitectureinc.com www.andarchitectureinc.ca	Project : NEW DETACHED HOUSE 9 LINCOLN GREEN DR MARKHAM ON		Drawing Name : ROOF PLAN		Date : 12/04/18	Drawn by : Author	Project No 18023	Drawing No : A5
					Scale : 1/8" = 1'-0"	Checked by : Checker		



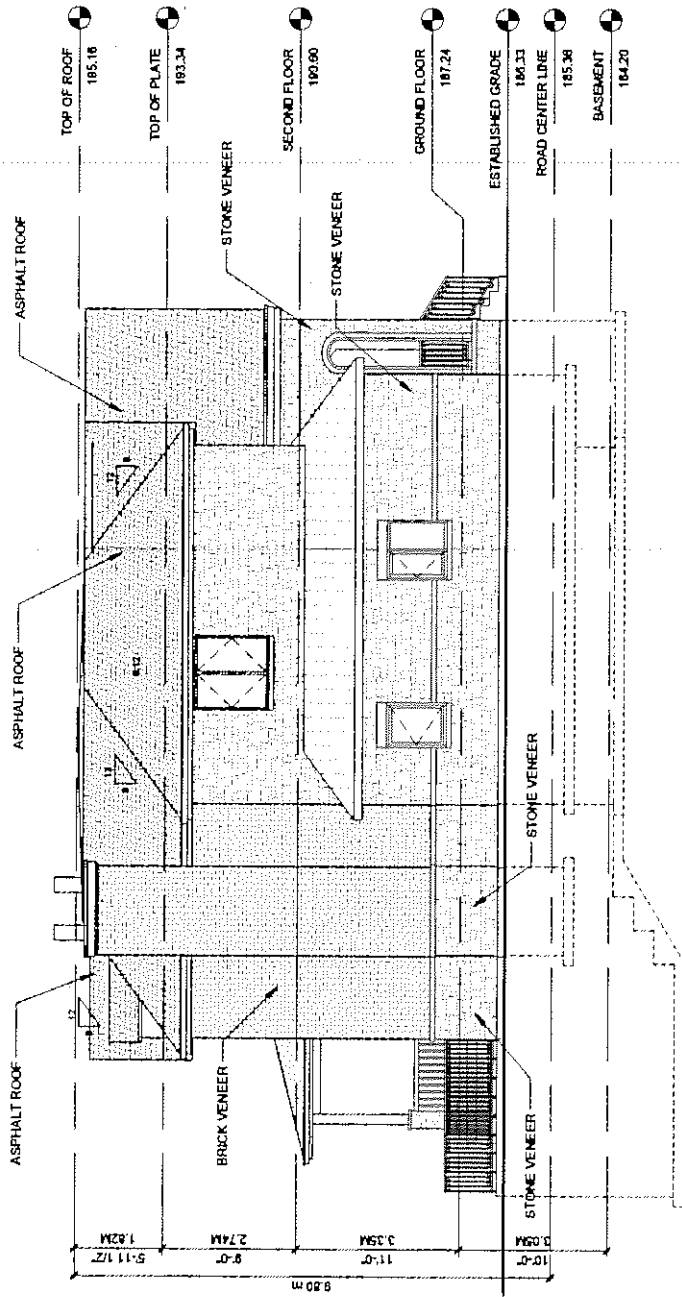


1 SOUTH ELEVATION
1/8" = 1'-0"

Project: NEW DETACHED HOUSE 9 LINCOLN GREEN DR MARKHAM ON	Drawing Name: SOUTH ELEVATION	Date: 12/04/18	Project No: 18023	Drawing No: A6
		Scale: 1/8" = 1'-0"	Drawn by: Author	Checked by: Checker

AND ARCHITECTURE INC.
 3000 Steeles Avenue East, Suite 100
 Markham ON L3R 4T9
 T: 905-604-0960
 E: info@andarchitecture.com
 www.andarchitecture.ca





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

AND ARCHITECTURE INC.
3000 Sherrill Avenue East, Suite 100
Marlham ON L3R 4T9
T: 905-504-8980
E: info@andarchitecture.com
www.andarchitecture.ca

Project:
NEW DETACHED HOUSE
LINCOLN GREEN DR MARHAM ON

Drawing Name:
WEST ELEVATION

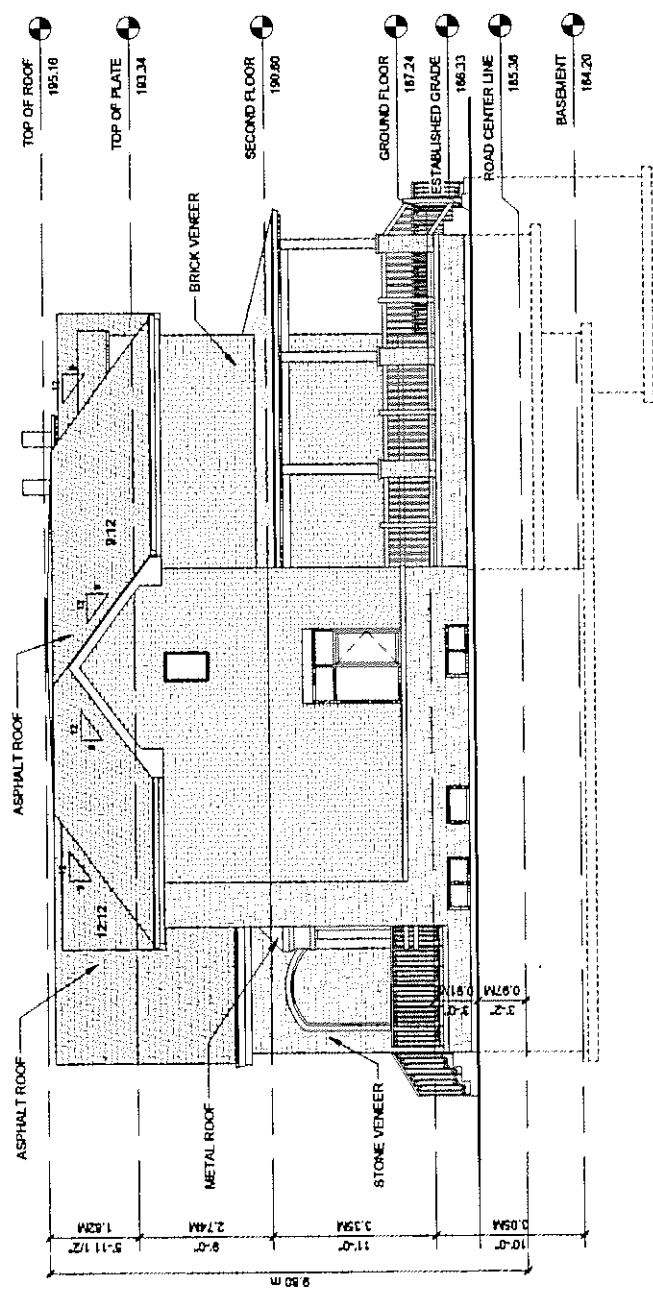
Date: 12/04/18
Scale: 1/8" = 1'-0"

Drawn by: Author
Checked by: Checker

Project No: 18023

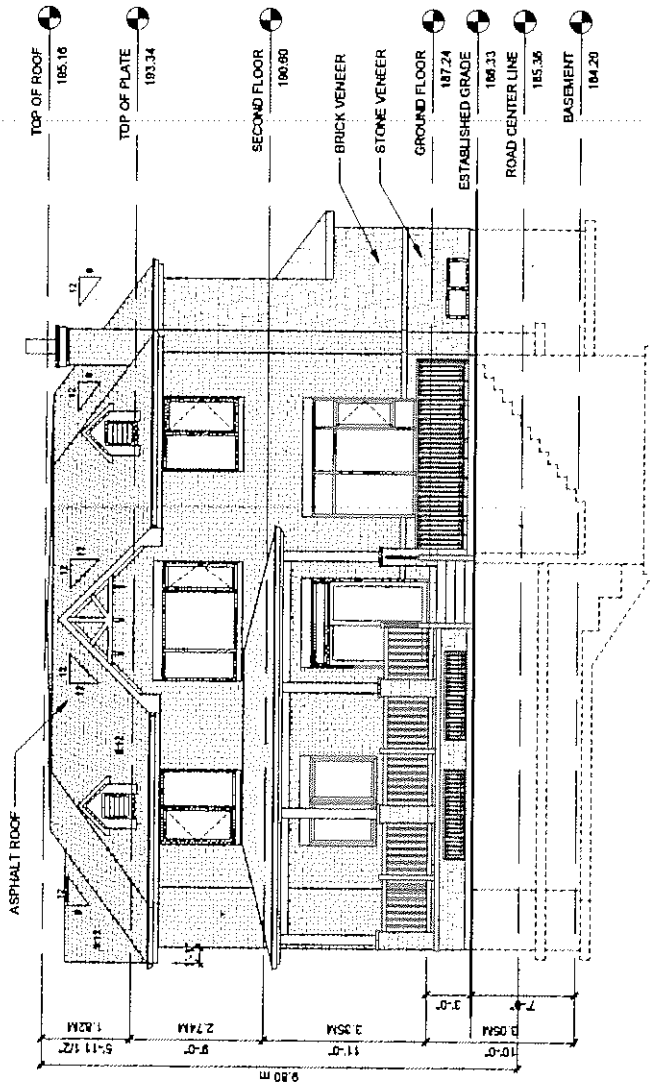
Drawing No: A7





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

Project: NEW DETACHED HOUSE 8 LINCOLN GREEN DR MARKHAM ON	Drawing Name: EAST ELEVATION		Date: 12/04/18	Project No: 18023	Drawing No: A8
	Project: AND ARCHITECTURE INC. 3000 Steeles Avenue East, Suite 100 Markham ON L3R 4T9 T: 905-604-8800 E: info@andarchitectureinc.com www.andarchitecture.ca	Drawn by: Author	Checked by: Checker	Scale: 1/8" = 1'-0"	



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

AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
T: 905-604-9860
E: info@andarchitecture.com
www.andarchitecture.ca

Project :
NEW DETACHED HOUSE
9 LINCOLN GREEN OF MARKHAM ON

Drawing Name :
NORTH ELEVATION

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

Drawn by :
Author
Checked by :
Checker

Project No
18023

Drawing No
A9

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\Files\18 254738 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

APPENDIX B 1

SITE PLAN
1:200



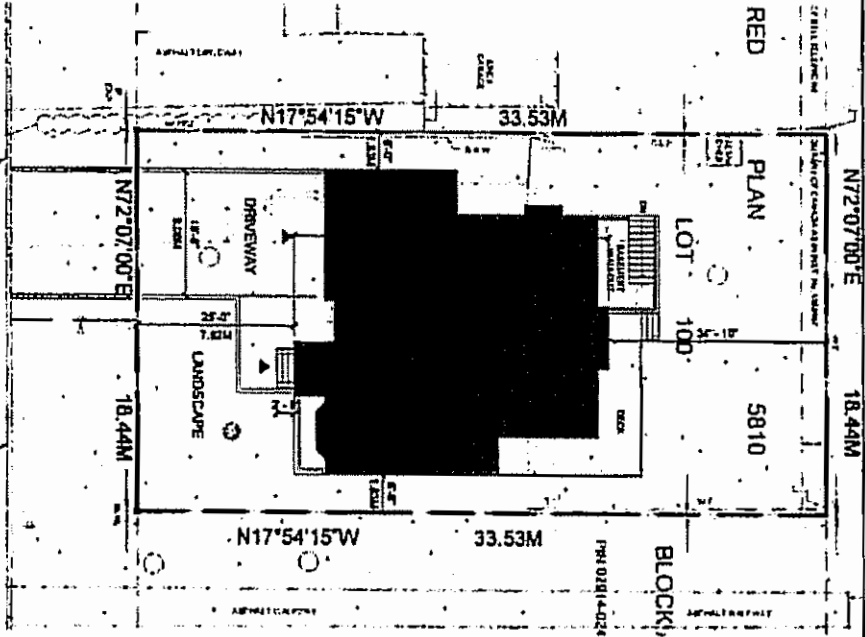
AND ARCHITECTURE INC.
2300 BROADWAY 8TH FLOOR
DOWNTOWN CHICAGO IL 60604
Tel: 312.467.1100
www.andarchitecture.com

Project: NEW DETACHED HOUSE
1 LINCOLN GREEN DR WASHINGTON

Drawing Name: SITE PLAN

Date:	12/06/18	Priority:	NH	Project No:	18023	Drawing No:	A1
Code:	As Per Call	Checked by:	HW				

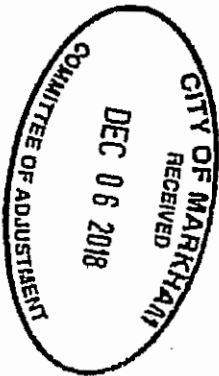
BY REGISTERED PLM 18336 (S110)
LINCOLN GREEN DR PH1023140315



SITE STATISTICS
TOTAL LOT AREA: 5810 SQ FT
TOTAL AREA: 11,241 SQ FT

DESCRIPTION	PERMITTED	PROPOSED
LOT COVER	31%	12%
FLOOR AREA RATIO	43%	43%
HEIGHT	8' 6\"/>	
FRONT YARD SETBACK	25' 0\"/>	
SIDE YARD SETBACK	6' 0\"/>	
REAR YARD SETBACK	25' 0\"/>	
DEPTH	18.44M	13.18M
GENERAL FLOOR AREA		
FLOOR	G/A	
GROUND FLOOR	1111 SQ FT (1,241 SQ FT)	Ground Level
SECOND FLOOR	144.2 SQ FT (1,548 SQ FT)	
TOTAL	2555.2 SQ FT (2,789 SQ FT)	

BASELINES: 144.8 FT (1,548 SQ FT)
NOTE: G/A DOES NOT INCLUDE CELLAR/GARDEN





AND ARCHITECTURE INC.
 5200 Steeles Avenue East, Suite 100
 Markham, Ontario L3R 9V7
 Tel: 905-504-4160
 Fax: 905-504-4160
 www.andarchitect.com

Project:
 NEW DETACHED HOUSE
 1300010001 OR 1300100100 OR

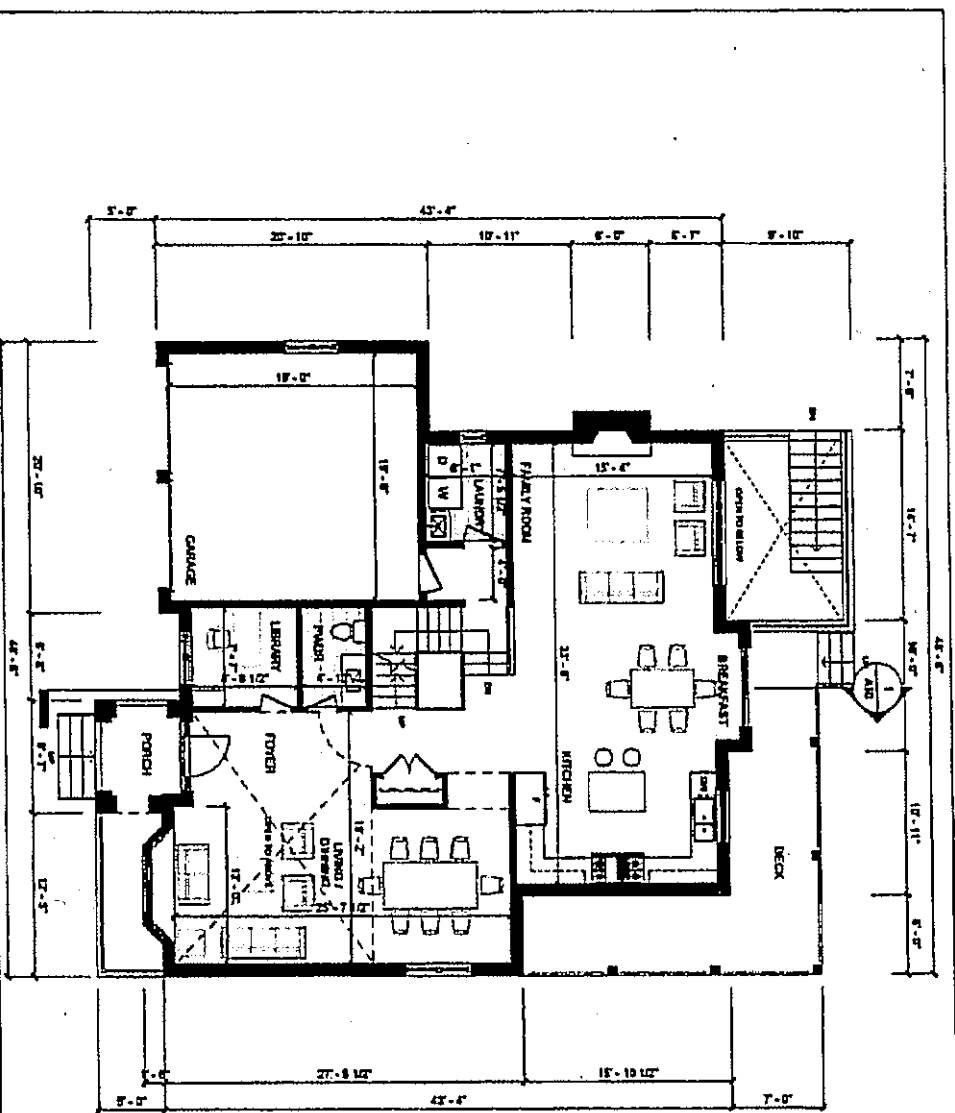
Drawing Name:
 GROUND FLOOR PLAN

Date:
 12/20/18
Scale:
 1/8" = 1'-0"

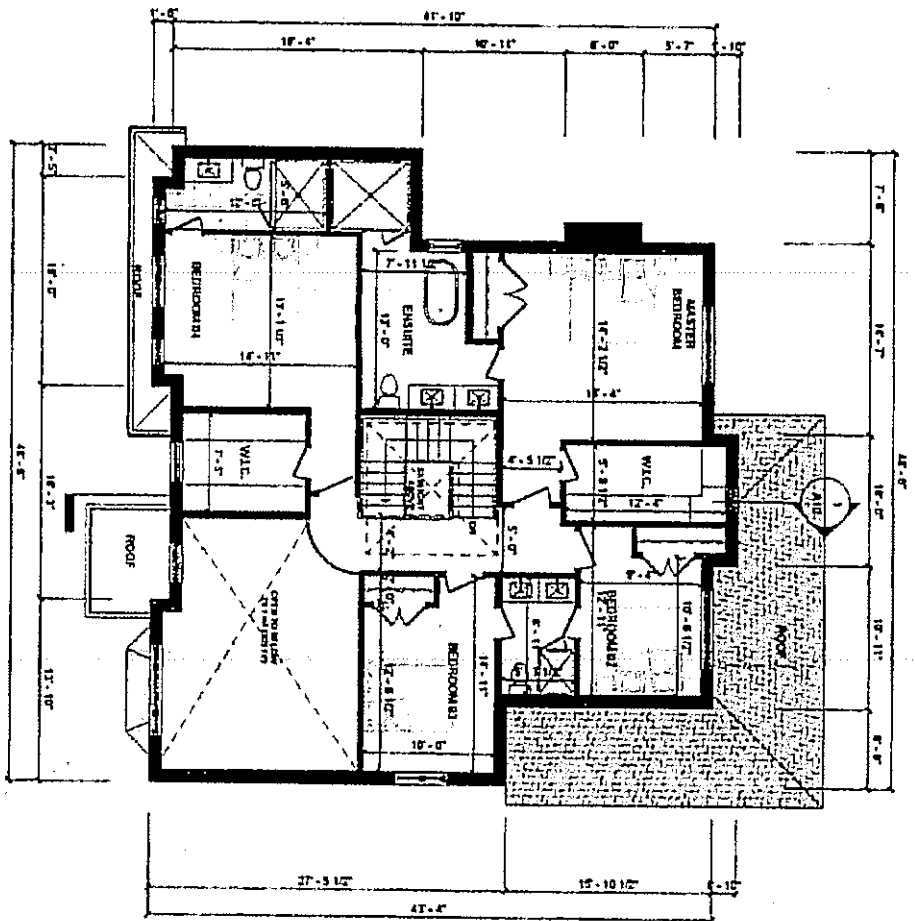
Drawn by:
 JW
Checked by:
 HW

Project No:
 18003

Drawing No:
 A3



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



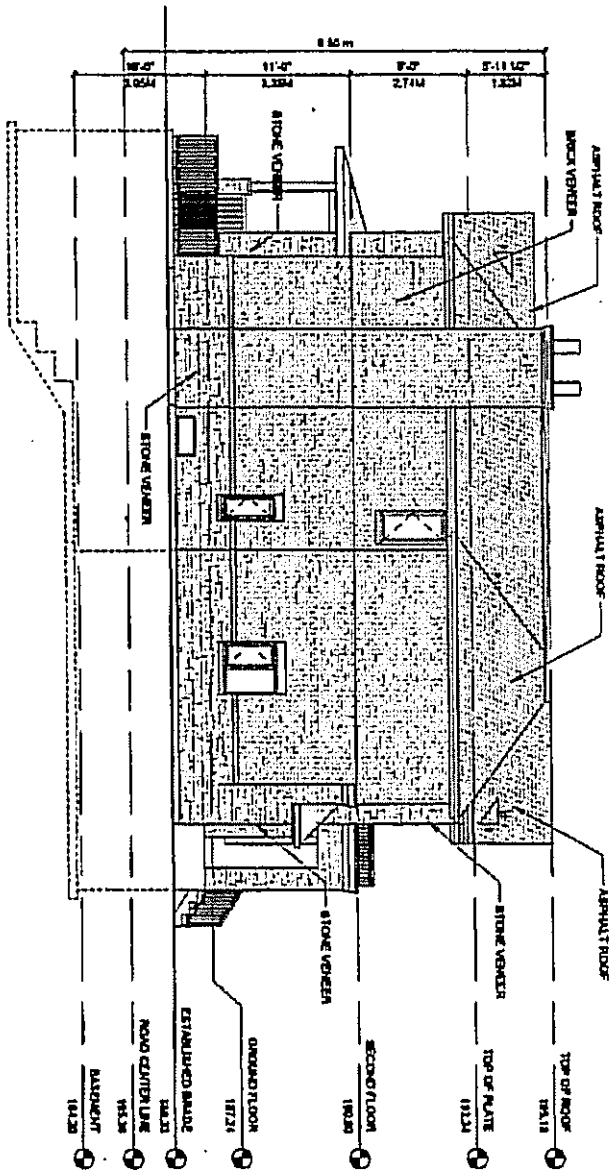
SECOND FLOOR PLAN
1/8"=1'-0"

AND ARCHITECTURE INC.
 2000 Grandview Avenue East, Suite 100
 Edmonton, Alberta T6C 1T7
 Tel: (780) 443-1111
 Fax: (780) 443-1112
 www.andarchitecture.com

Project: NEW DETACHED HOUSE
 2 LINDCOLN CREEK DR WAINMAN DR

Drawing Name: SECOND FLOOR PLAN

DATE	12/20/18	DESIGNED BY	JV	PROJECT NO.	18023	DRAWN BY	AM
SCALE	1/8" = 1'-0"	CHECKED BY	HRV				



① WEST ELEVATION
1/8" = 1'-0"



AND ARCHITECTURE INC.
 3802 Gardner Avenue, Suite 100
 Nashville, TN 37217-4119
 P: 615.444.4400
 C: 615.444.4400
 www.andarchitect.com

Project :
 NEW DETACHED HOUSE
 4 LINCOLN GREEN DR BIRMINGHAM, OH

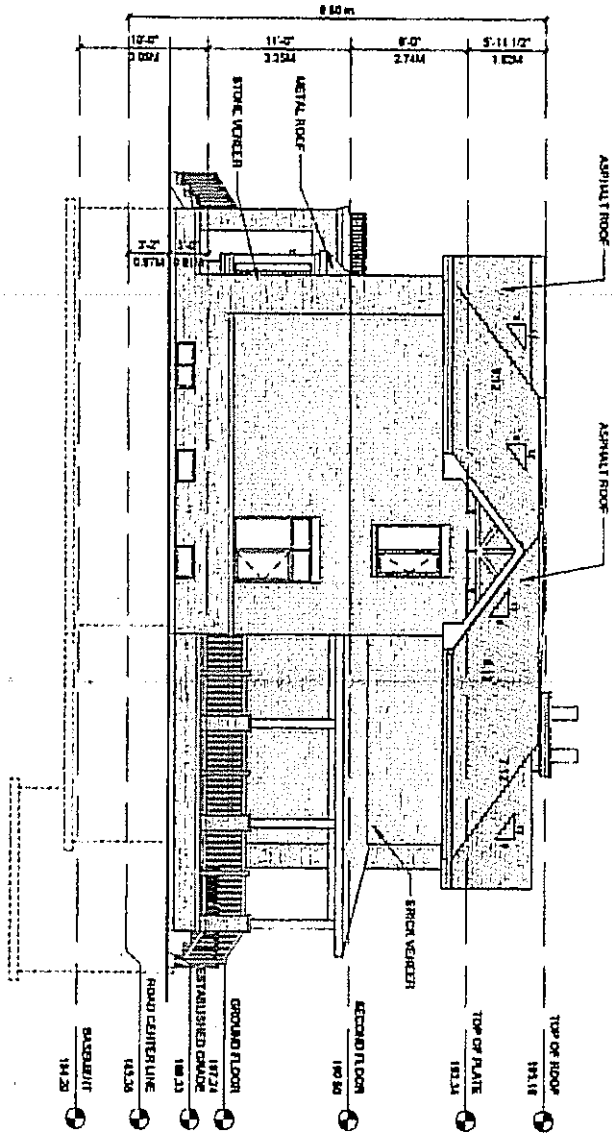
Drawing Name :
 WEST ELEVATION

Date : 12/24/18
Scale : 1/8" = 1'-0"

Drawn by : AJR
Checked by : CJK

Project No : 18023

Drawn by : AJ



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

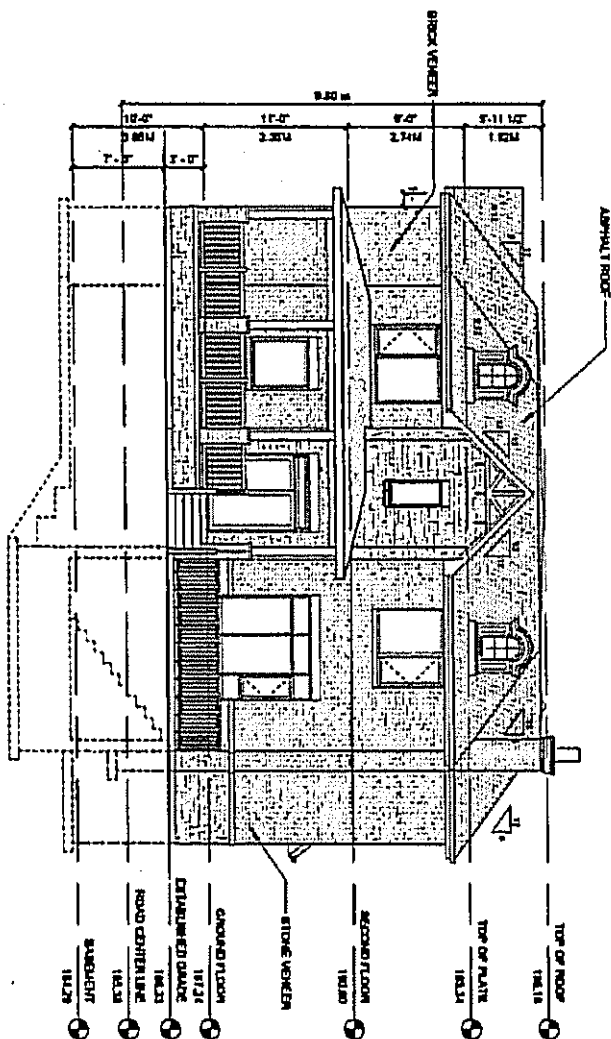


AND ARCHITECTURE INC.
 2300 Zanden Avenue East Suite 100
 Edmonton, Alberta T6E 6E7
 Tel: 780-442-2300
 Fax: 780-442-2301
 www.andarchitecture.com

Project:
 NEW DETACHED HOUSE
 1 LONDON CENTER ON UNIVERSITY DR

Drawing Name:
 EAST ELEVATION

Date	Drawn by	Project No.	Drawn by
10/20/18	AMR	18023	AMR
Scale	Checked by		
1/8" = 1'-0"	Checker		



① NORTH ELEVATION
1/8" = 1'-0"

ZND

ZND ARCHITECTURE, INC.
 1000 West Franklin Avenue, Suite 100
 Madison, WI 53718
 Tel: 608.441.4400
 Fax: 608.441.4401
 www.zndarchitect.com

Project:
 NEW DETACHED HOUSE
 3150 SOUTH CENTER ST, MADISON, WI

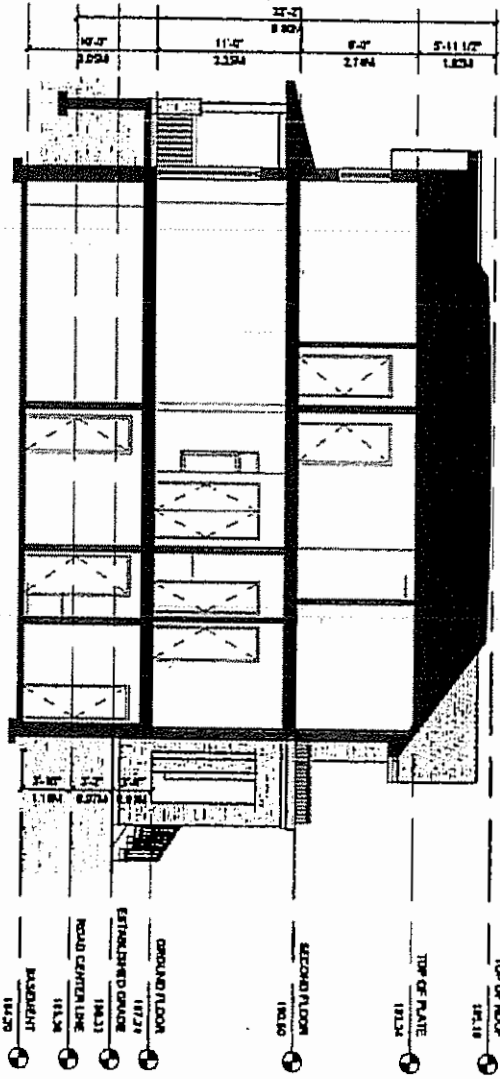
Drawing Name:
 NORTH ELEVATION

Date:
 12/9/13
Scale:
 1/8" = 1'-0"

Drawn by:
 Author
Checked by:
 Checker

Project No:
 18023

Drawn by:
 AS



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

AND

AND ARCHITECTURE INC.
1000 W. 10th St., Suite 100
Lincoln, NE 68502
P: 402-441-1111
F: 402-441-1112
E: info@andarchitecture.com
www.andarchitecture.com

Project: NEW DETACHED HOUSE
1 LINCOLN CENTER DR WARRIQUA NE

Drawing Name: BUILDING SECTION

Date	12/31/18	Drawn by	ALDRIN	Project No.	18022	Company No.	A18
Scale	1/8" = 1'-0"	Checked by					
		Checked by					

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

APPENDIX "A"

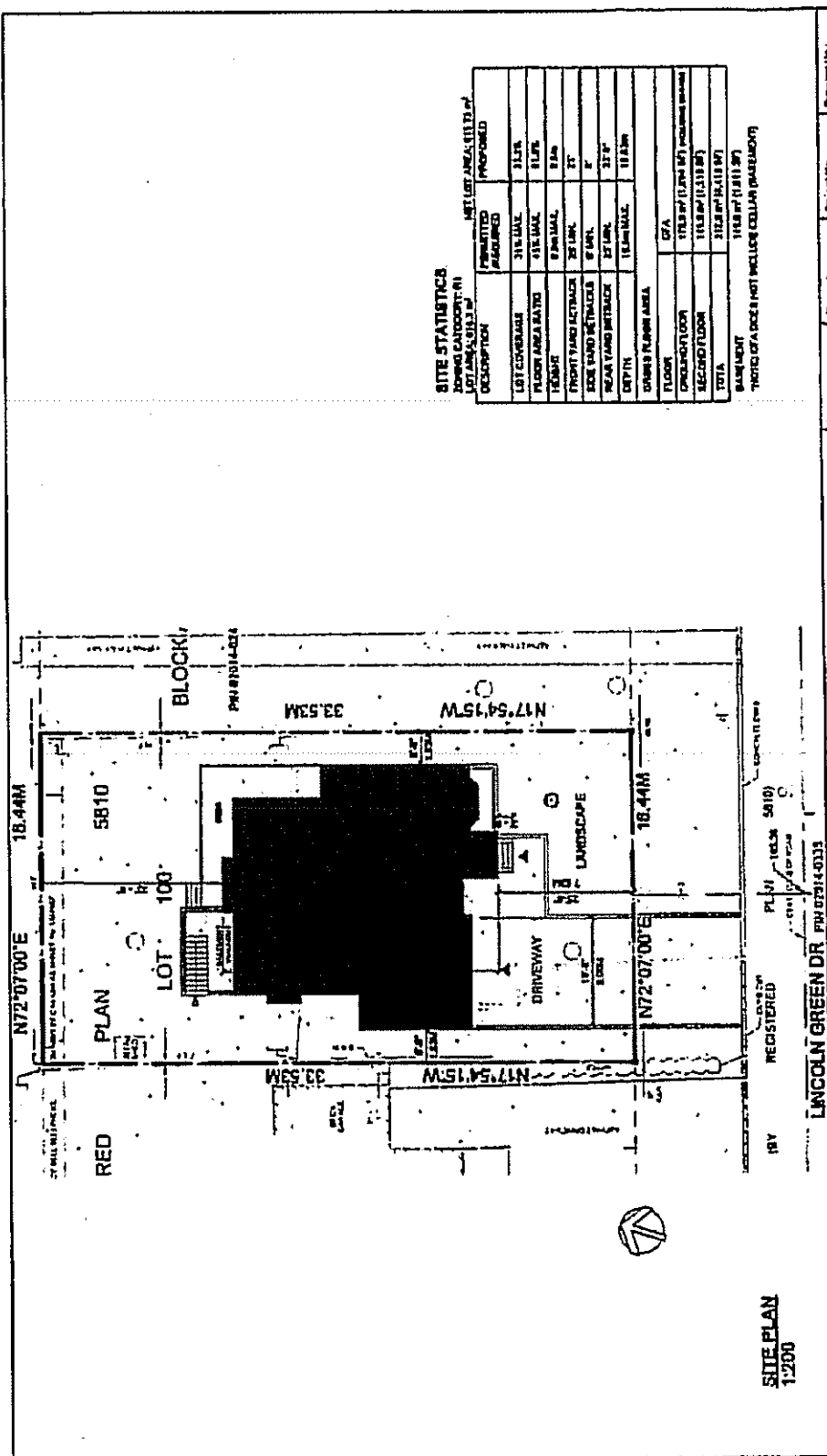
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/18

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



SITE STATISTICS
 LOT AREA: 613.12 sq ft
 LOT AREA: 613.12 sq ft

DESCRIPTION	PERMITTED	PROPOSED
LOT COVERAGE	31.00%	31.00%
FLOOR AREA RATIO	0.15	0.15
FRONT YARD SETBACK	3.00M	3.00M
REAR YARD SETBACK	0.90M	0.90M
SIDE YARD SETBACK	0.90M	0.90M
MAXIMUM HEIGHT	10.00M	10.00M
MAXIMUM FLOOR AREA	92.07 sq m	92.07 sq m
FLOOR	0.00	0.00
GROUND FLOOR	0.00	0.00
SECOND FLOOR	0.00	0.00
TOTAL	0.00	0.00

DATE: 11/11/11
 DRAWN BY: JH
 CHECKED BY: HW

DATE: 11/11/11
 DRAWN BY: JH
 CHECKED BY: HW

AND ARCHITECTURE INC.
 1000 BROADWAY, SUITE 1000, NEW YORK, NY 10018
 TEL: 212-692-1234 FAX: 212-692-1234
 WWW.ANDARCHITECTURE.COM

PROJECT:
 NEW DETACHED HOUSE
 187 LINCOLN GREEN DR. PH: 2014-033

DRAWING NAME:
 SITE PLAN

DATE: 11/11/11
PROJECT NO: 18023
DRAWING NO: A1



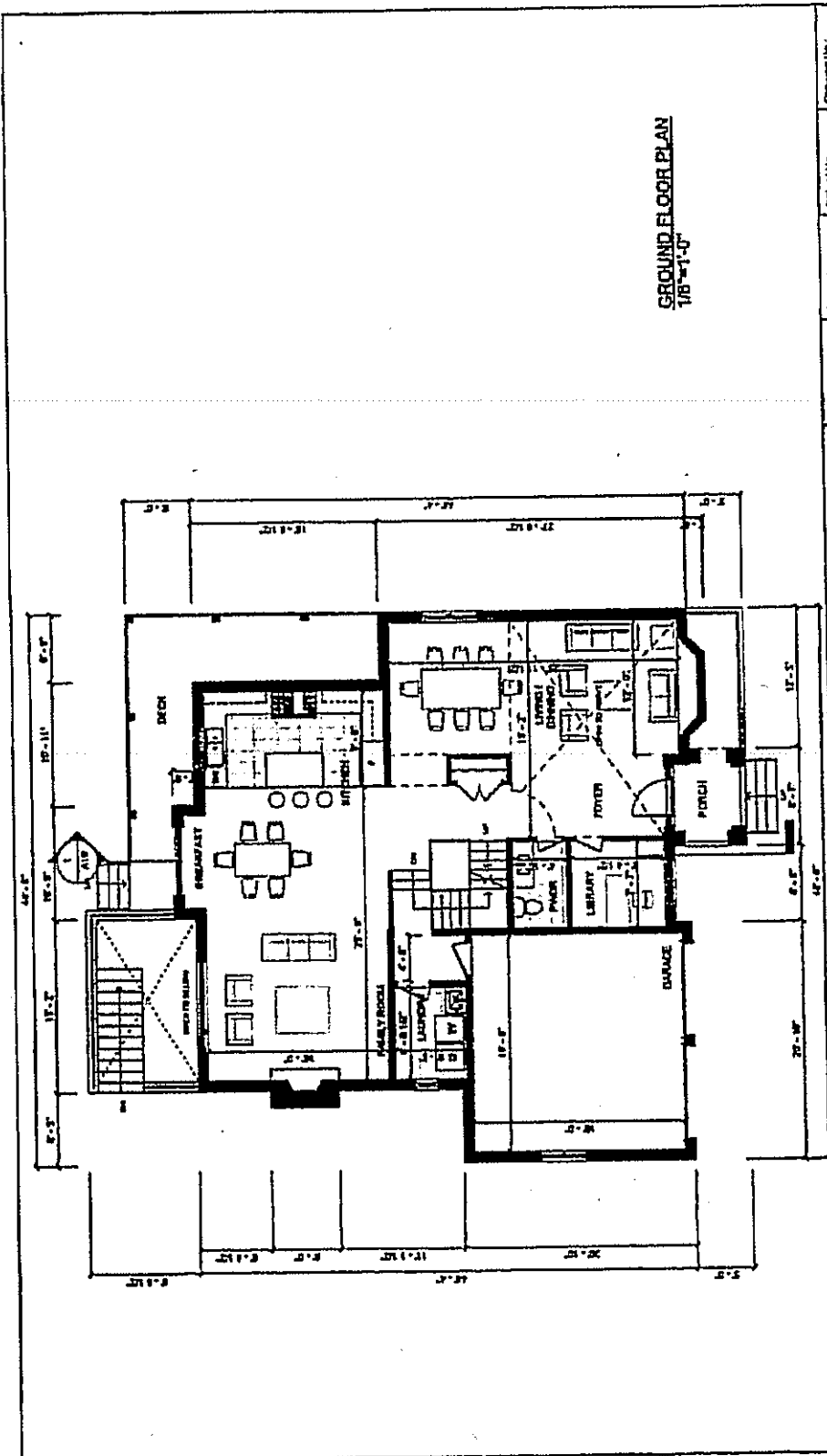
SITE PLAN
 1/200

REGISTERED
 PLM 16258 5010

187
 REGISTERED
 PLM 16258 5010

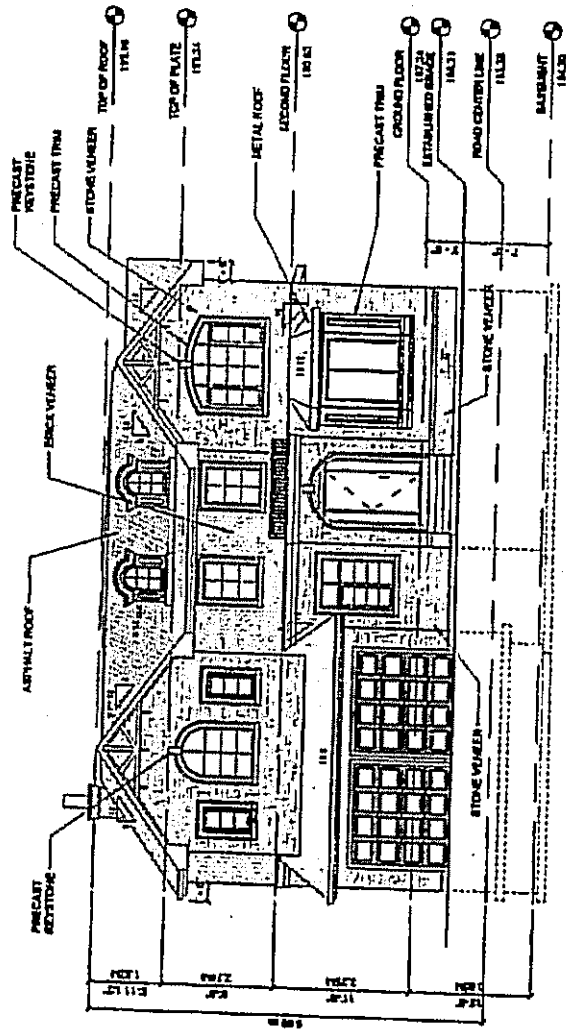
187
 REGISTERED
 PLM 16258 5010

187
 REGISTERED
 PLM 16258 5010



Project : NEW DETACHED HOUSE LINCOLN DRIVE ON BELLEVUE CV	Drawing Name : GROUND FLOOR PLAN		Client : BERTSIS 1/8" = 1'-0"	Drawn by : JH	Project No : 90023	Drawing No : A3
	Project : AND ARCHITECTURE INC 2000 W. 17TH AVE. SUITE 100 DENVER, CO 80202 T: 303-264-4288 E: info@andarchitecture.com www.andarchitecture.com	Checked by : HW				

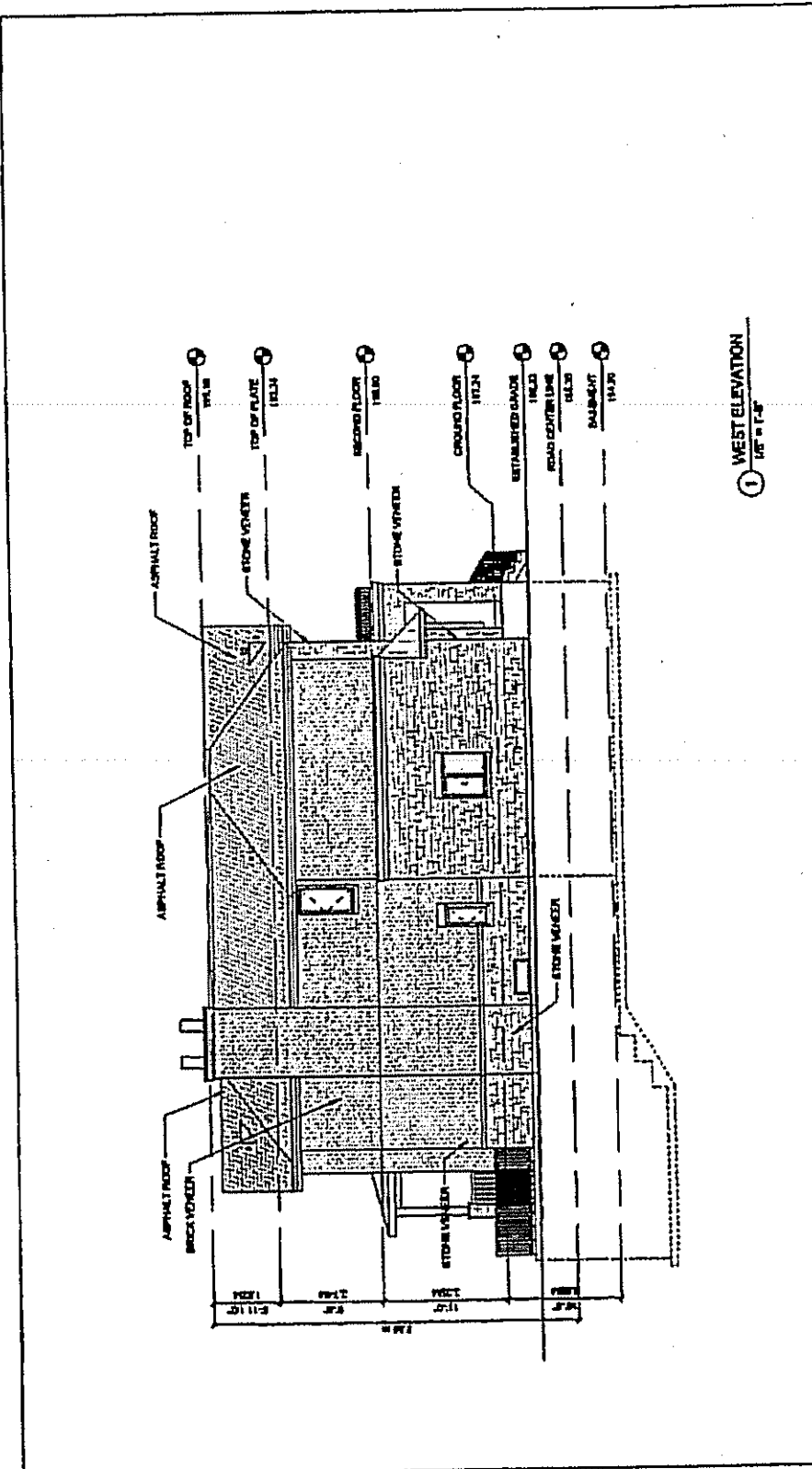




1 SOUTH ELEVATION
1/8" = 1'-0"

AND ARCHITECTURE INC. 1000 Woodside Avenue East, Suite 100 11800 49th Avenue NW N. Shore www.andarchitecture.com	Project: NEW DETACHED HOUSE 11800 49th Avenue NW, Edmonds, WA		Drawing Name: SOUTH ELEVATION		Date: 08/13/13	Drawn by: Author	Project No: 18220	Drawn by: JB
	Scale: 1/8" = 1'-0"		Checked by: Checker		Date: 08/13/13		Project No: 18220	

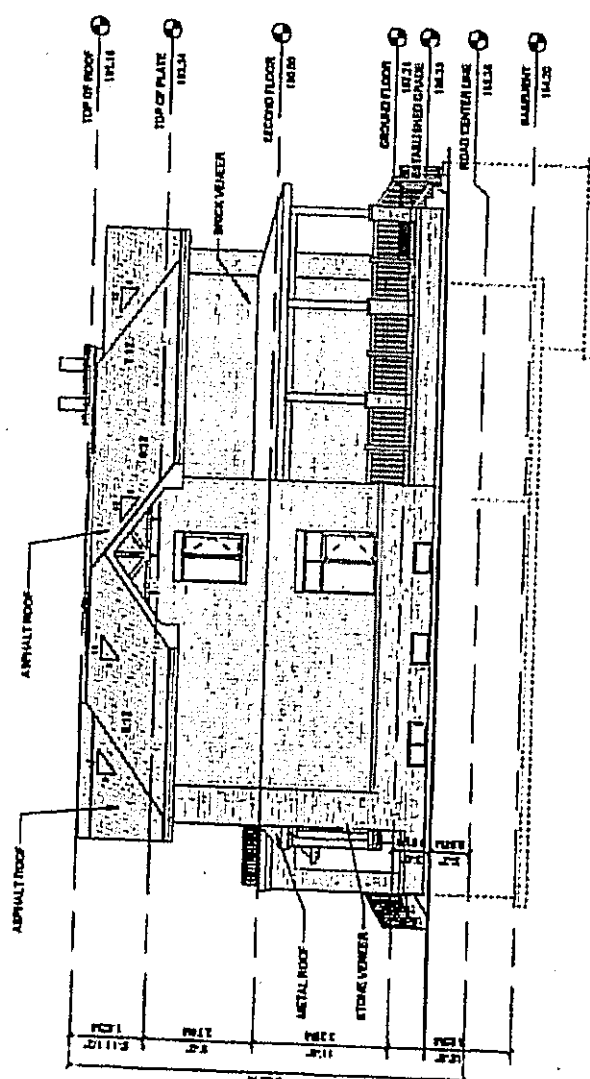




① WEST ELEVATION
1/8" = 1'-0"

AND ARCHITECTURE INC. 3000 LINDEN DR. LINCOLN, NE 68503 P: 402-441-4444 F: 402-441-4444 www.andarchitect.com	Project: NEW DETACHED HOUSE 9 LINCOLN SQUARE DR. LINCOLN, NE		Drawing Name: WEST ELEVATION	Project No: 10003	Drawing No.: A7
	Drawn by: Author	Checked by: Checker	Date: 09/15/11	Scale: 1/8" = 1'-0"	





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

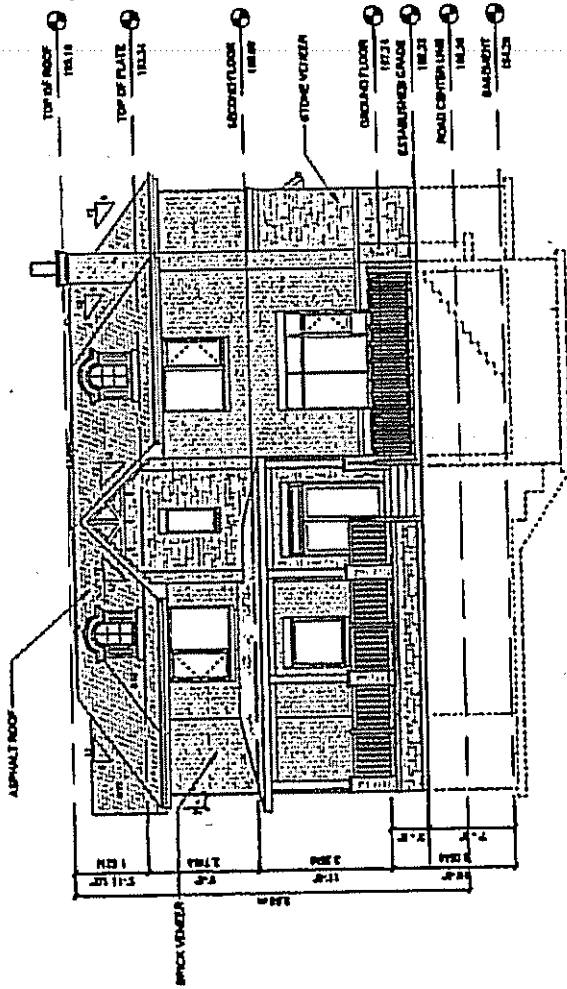
AND ARCHITECTURE, INC.
 2500 BRADLEY AVENUE, SUITE 100
 LINCOLN, NE 68504
 T: 402.441.1800
 F: 402.441.1801
 www.andarchitecture.com



Project:
 NEW DETACHED HOUSE
 1 LINCOLN STREET DE WASHINGTON

Drawing Name:
 EAST ELEVATION

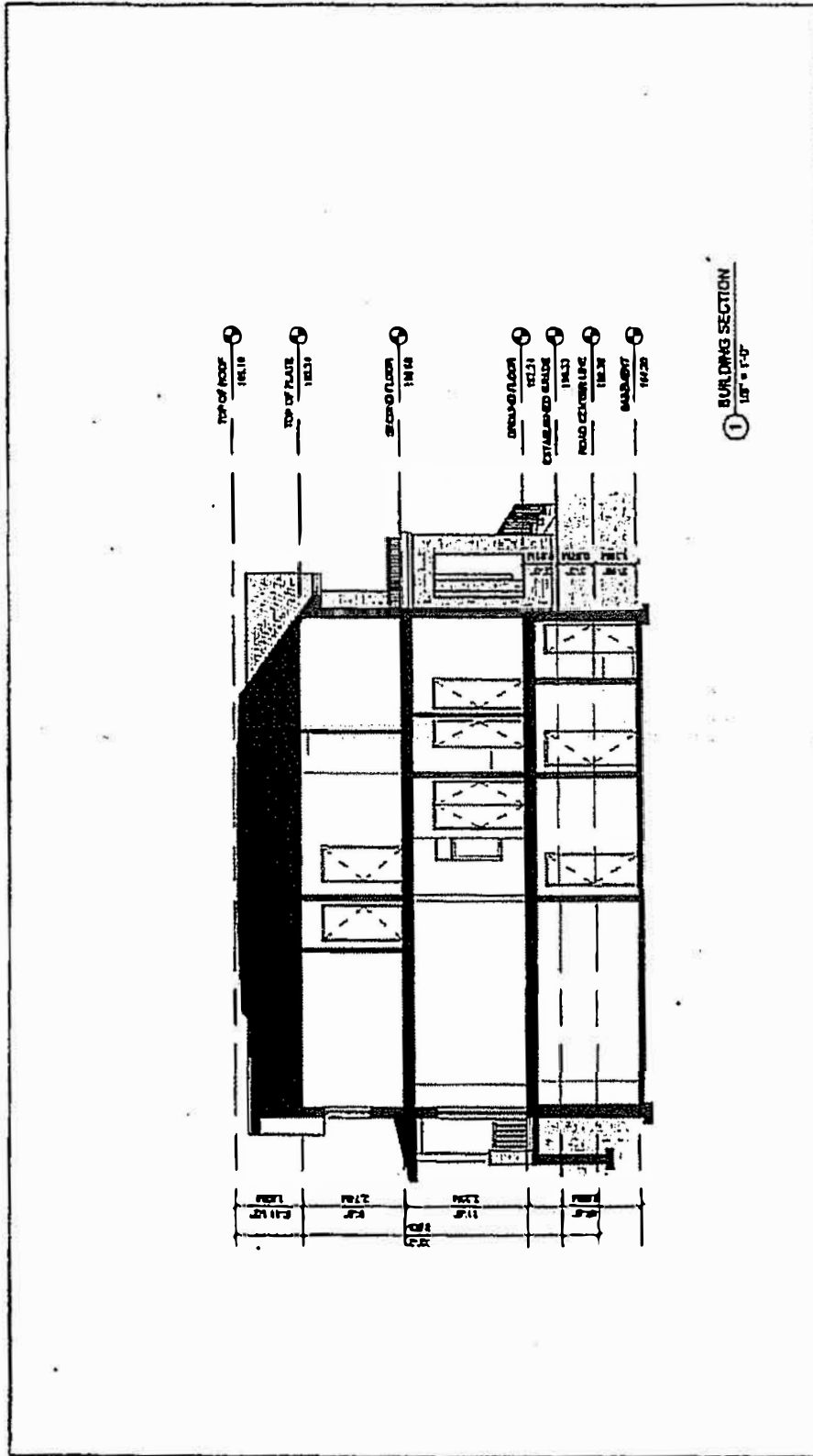
Date:	02/13/18	Drawn by:	Project No:	Drawing No:
Scale:	1/8" = 1'-0"	Author:	1600	AS
		Checked by:		
		Checked by:		



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

AND ARCHITECTURE INC. 1000 S. 10th St., Suite 100 Lincoln, NE 68502 T: 402-441-1111 F: 402-441-1111 www.andarchitecture.com	Project: NEW DETACHED HOUSE 1 LINCOLN SQUARE DR. LINCOLN, NE	Drawing Name: NORTH ELEVATION		Date: 08/28/13	Drawn by: Author	Project No: 18003	Drawing No: A8
		Scale: 1/8" = 1'-0"		Checked by: Checker			





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

AND ARCHITECTURE INC. 1000 BROADWAY, SUITE 100 NEW YORK, NY 10003 TEL: 212-691-1000 FAX: 212-691-1001 WWW.ANDARCHITECTURE.COM	Project: NEW DETACHED HOUSE 1 LINDCOLN DRIVE ON 64th STREET	Drawing Name: BUILDING SECTION	Date: 08/23/18 Author: J. AND 1/8" = 1'-0"	Drawn by: Author Checked by: J. AND	Project No: 18003	Drawing No: A10
---	--	--	--	--	-------------------	-----------------