Memorandum to the City of Markham Committee of Adjustment
December 03, 2018

File: **A/169/18**
Address: **3 Jonquil Cres, Markham**
Applicant: **Liu Jiayi**
Agent: **Gregory Design Group (Russ Gregory)**
Hearing Date: **Wednesday December 12, 2018**

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

a) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 50.90 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;
c) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.40 m, whereas the By-law permits a maximum building height of 9.8 m;

as it relates to a proposed two storey residential dwelling.

BACKGROUND

Property Description

The 978.10 m^2 (10,528.18 ft^2) subject property is located on the east side of Jonquil Crescent, North of Highway 7 and west of Main Street Markham. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The street has experienced some infill development in the form of individual homes being demolished and redeveloped with newer homes. There is an existing one-storey detached 358.03 m^2 (3,853.80 ft^2) dwelling on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with an attached garage and, front and rear covered porches. While the garage has the appearance of a two-car garage from the street, it can accommodate a third vehicle parking in tandem. The total GFA of the proposed dwelling is 404.85 m^2 (4,358 ft^2) with 230.48 m^2 (2,481 ft^2) on the ground floor and 174.37 m^2 (1,877 ft^2) on the second floor (excluding open space).

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, maximum building depth and maximum building height.

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 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 50.90 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 is 404.85 m^2 (4,358 ft^2), whereas the By-law permits a dwelling with a maximum floor area of 358.03 m^2 (3,853.80 ft^2). This represents an increase of approximately 46.82 m^2 (503.97 ft^2).

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).

The street is made up of single storey detached dwellings developed around the late 1950s. There are also a number of two-storey detached dwellings constructed as infill developments over the past decade. The majority of the new infill homes are larger than existing homes on the street and, have included minor variance approvals for net floor rear ratio increases ranging from approximately 50.6 to 52 percent. While the proposed building will be larger than neighbouring single-storey detached dwellings, it will be similar in scale to recent infill developments across the street which have had minor variances approved in the last 5 years.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.4 m (60.37 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.6 m (5.25 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The proposed front and rear covered porches add approximately 1.02 m (3.35 ft) and 0.61 m (2 ft) respectively to the overall depth of the building. The proposed porches occupy a small portion of the front and rear walls and maintain adequate distance from neighbouring properties, including providing the minimum front and rear yard setbacks. The proposal does not include variances for any setbacks and provides adequate rear amenity space. The main component of the building, excluding the porches, has a depth of approximately 16.77 m (55.02 ft) which complies with the by-law requirement. Given that the porches will be unenclosed and that both the front and rear porch and, do not extend the full width of the main dwelling, Staff are of the opinion that the proposed building depth meets the intent of the zoning By-law.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.4 m (34.12 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.6 m (1.97 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.52 m (1.71 ft) above the crown of road.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 03, 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 256111 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/18

1. That the front and rear porches 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 October 30, 2018 and November 28, 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

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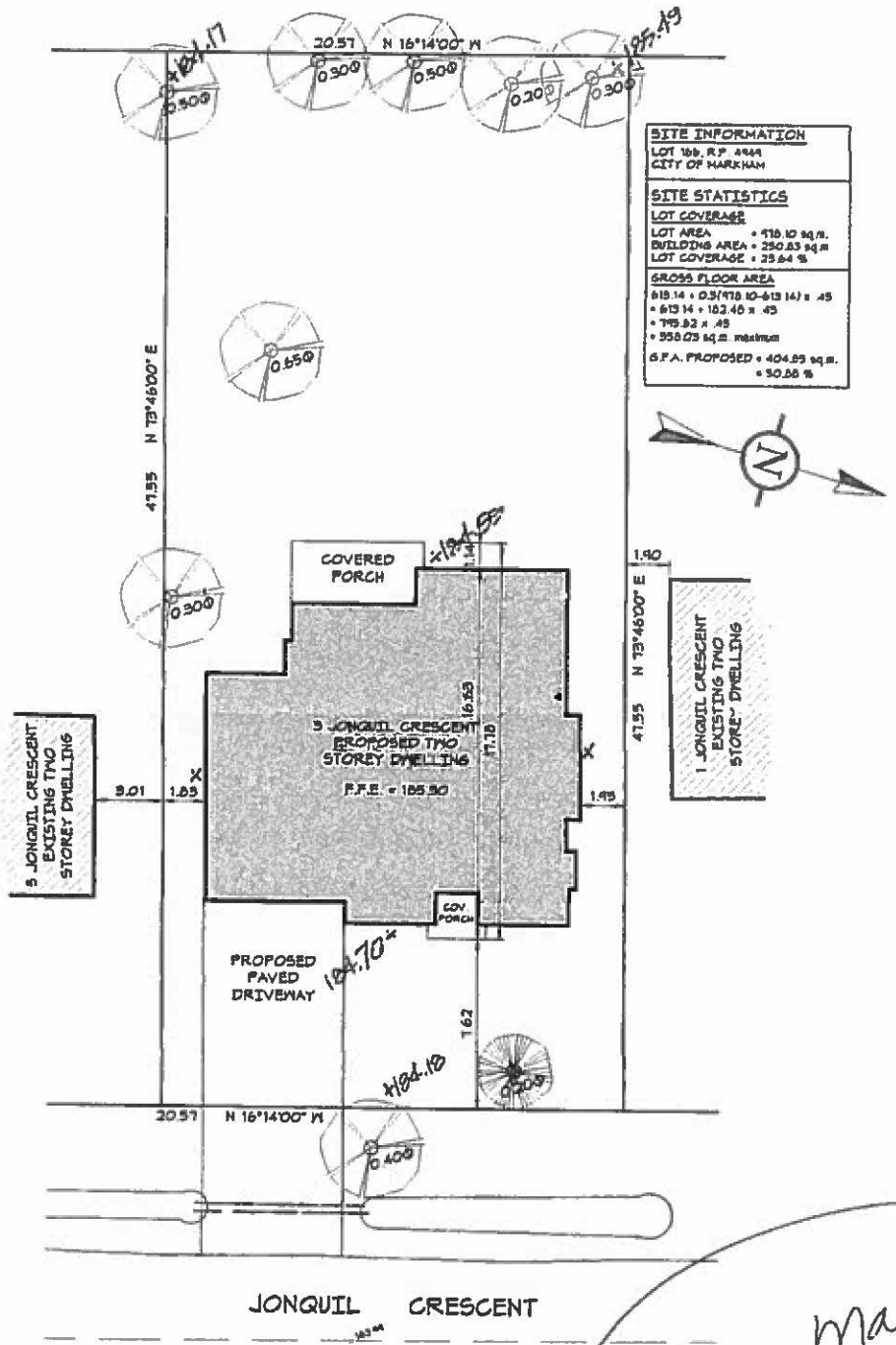
COMMITTEE OF ADJUSTMENT



SITE INFORMATION
LOT 186, R.P. 4944
CITY OF MARKHAM

SITE STATISTICS

LOT COVERAGE
LOT AREA = 918.10 sq.ft.
BUILDING AREA = 230.83 sq.m
LOT COVERAGE = 25.64 %

GROSS FLOOR AREA
613.14 + 0.3(918.10-613.14) x .45
= 613.14 + 182.46 x .45
= 795.82 x .45
= 358.03 sq.m. maximum
G.F.A. PROPOSED = 404.85 sq.m.
= 50.86 %

Aqsa Malik

GENERAL NOTES:
- ALL CONSTRUCTION IS TO CONFORM TO SECTION 'K' OF THE ONTARIO BUILDING CODE (LATEST EDITION).
- CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
- DO NOT SCALE DRAWINGS
- OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PRELIMS AND UN-REVISED COPIES OF THIS DRAWING.
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- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

PROJECT TITLE
SITE PLAN
3 JONQUIL CRESCENT
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
50 McINTOSH DRIVE, UNIT 140
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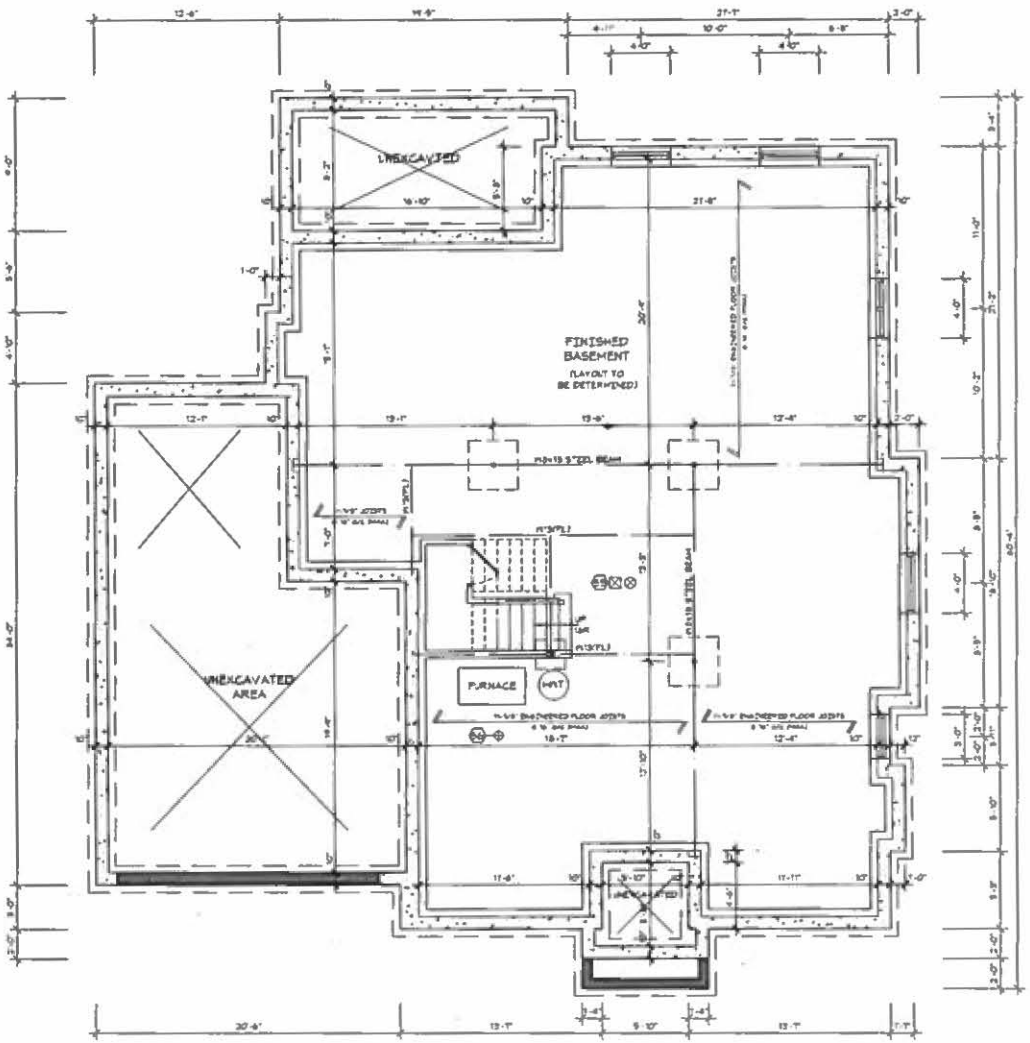
SCALE: 1:200
DATE: 10/16/18
PROJECT NUMBER: 2101-18
SHEET NUMBER: SP-1
DRAWN BY: S.Gregory
CHECKED BY: R.G.



BASEMENT & FOUNDATION PLAN

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

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REVISIONS AND DATA	DATE

The undersigned has 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 designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Ryan Gregory — 25023
Name — BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Designs — 30706
Firm Name — BCIN

PROJECT TITLE

NEW HOUSE DESIGN
3 JONQUIL CRESCENT
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THE GREGORY DESIGN GROUP
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1/8"=1'-0"	10/16/18
PROJECT NUMBER	SHEET NUMBER
2101-18	A-1
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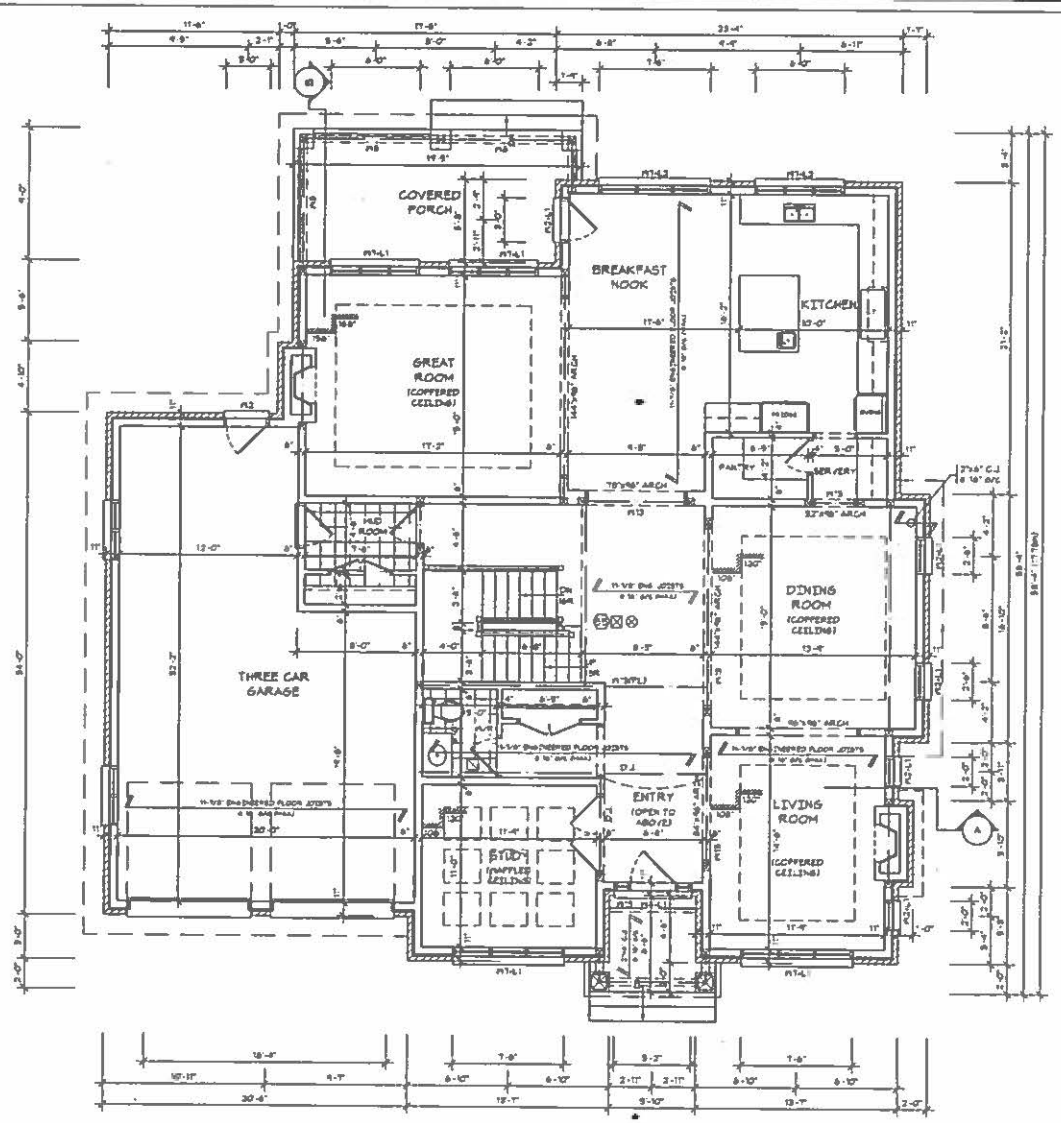

GROUND FLOOR PLAN

FLOOR AREA	= 1,878 sq.ft.
GARAGE AREA	= 603 sq.ft.
TOTAL GROSS FLOOR AREA	= 2,481 sq.ft. (230.48 sq.m.)
COVERED PORCHES/CHIMNEYS	= 219 sq.ft.
TOTAL BUILDING AREA	= 2,700 sq.ft. (250.83 sq.m.)

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Farm Gregory — 25,025
ISSUE — RSCN

REGISTRATION INFORMATION
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Gregory Farmer — 30506
FIRM NAME — BCIN

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PROJECT NUMBER: 2101-18	SHEET NUMBER: A-2
DRAWN BY: S.Gregory	
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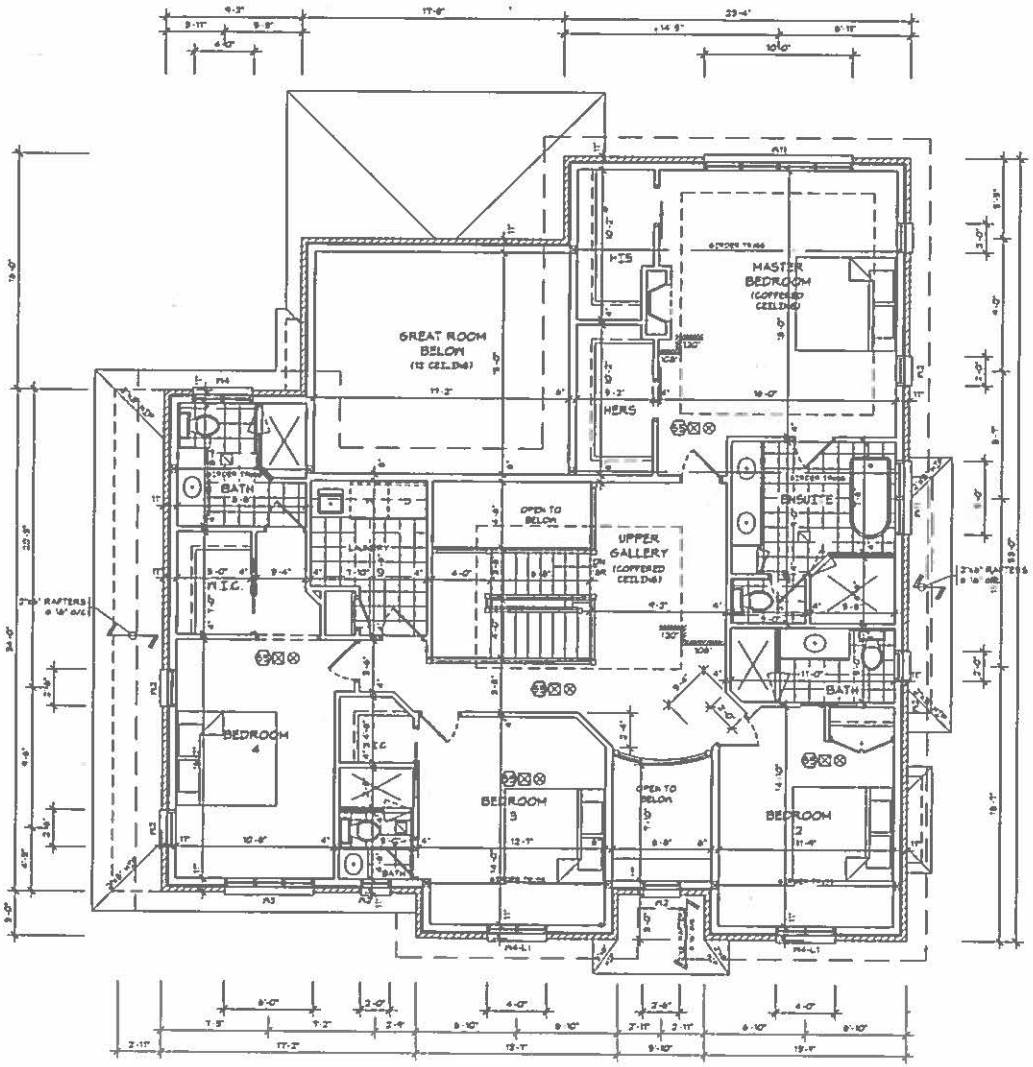

SECOND FLOOR PLAN

FLOOR AREA	= 2,058 sq.ft.
OPEN SPACE	= 181 sq.ft.
TOTAL GROSS FLOOR AREA	= 1,877 sq.ft. (174.37 sq.m.)

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Pam Gregory	25029
NAME	BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Designs	30506
FIRM NAME	BCIN

PROJECT TITLE

NEW HOUSE DESIGN
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CITY OF MARKHAM

THE GREGORY DESIGN GROUP
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PROJECT NUMBER: 2101-18	SHEET NUMBER: A-3
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FRONT ELEVATION

GENERAL NOTES:

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Ryan Gregory — 25329
NAME — BCIN

REGISTRATION INFORMATION
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Gregory Design Group — 30506
FIRM NAME — BCIN

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1/8"=1'-0"	10/16/18
PROJECT NUMBER	SHEET NUMBER
2101-18	A-4
DRAWN BY: S.Gregory	
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RIGHT SIDE ELEVATION

UNPROTECTED OPENINGS

AREA OF WALL	= 1,166 sq.ft.
AREA OF OPENINGS (-20%)	= 81 sq.ft.
PERCENTAGE OF OPENINGS	= 6.69 %
PERCENTAGE ALLOWED	= 8.00 %

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Ryan Gregory	29625
FIRM NAME	BCIN

REGISTRATION INFORMATION
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Gregory Designs	30506
FIRM NAME	BCIN

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REAR ELEVATION

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Ryan Gregory — 29029 — BCIN

REGISTRATION INFORMATION
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Gregory Design Group — 30506 — BCIN

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1/8"=1'-0"	10/16/18
PROJECT NUMBER	SHEET NUMBER
2101-18	A-6
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R.G.	

LEFT SIDE ELEVATION

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Farm Gregory — 25825
NAME — SIGNATURE

REGISTRATION INFORMATION
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Gregory Farmer — 30506
FIRM NAME — BCIN

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SCALE	DATE
1/8"=1'-0"	10/16/18
PROJECT NUMBER	SHEET NUMBER
2101-18	A-7
DRAWN BY: S.Gregory	
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