

Memorandum to the City of Markham Committee of Adjustment

May 1st, 2018

File: A/17/18
Address: 54 Grandview Avenue, Thornhill
Applicant: Sohrab Khosraviani
Agent: Sohrab Khosraviani
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of By-law 2237, R4, as amended:

- a) **Infill By-law 101-90; Section 1.2(i):**
a maximum building height of 9.04 metres; whereas, the by-law permits a maximum building height of 8.6 metres;
- b) **Infill By-law 101-90; Section 1.2 (vii):**
a maximum floor area ratio of 54.79 percent; whereas, the by-law permits a maximum floor area ratio of 50 percent;
- c) **Section 6.1:**
a minimum interior side yard of 1.52 metres on both sides; whereas, the by-law permits a minimum interior side yard setback of 1.8 metres on both sides;

as they relate to a proposed residential dwelling.

Property Description

The 578 m² (6,221.54 ft²) subject property is located on the north side of Grandview Avenue, east of Yonge Street and north of Steeles Avenue. The surrounding area consists of a mix of one and two-storey detached dwellings originally developed in the 1960s. The area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing 87 m² (936.46 ft²) one-storey detached dwelling on the property constructed circa 1950. The rear yard contains several mature trees which will be preserved from the development.

Proposal

The applicant is proposing to demolish the existing house and construct a 316.92 m² (3,411.3 ft²) two storey detached dwelling on the subject property. No trees are proposed to be removed as a result of the development.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law

The subject property is zoned R4-Single Detached dwelling under By-law 2237, as amended, which permits single detached dwellings. The proposal does not comply with the by-law with respect to side yard setback for the two-storey portion of the building.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. The proposed development does not comply with the infill By-law requirements, with respect to floor area ratio and building height.

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

According to the information provided on the application form, *"the variance is due to existing lot conditions."*

Zoning Preliminary Review Undertaken

A Zoning Preliminary Review (ZPR) was completed for the first submission received on February 20, 2018. The drawings were later revised in response to staff's concerns relating to the massing of the proposed dwelling. The applicant made a resubmission on April 18, 2018 without undertaking a second Zoning Preliminary Review (ZPR). It is the owner's responsibility to ensure the second submission has accurately identified all the variances required for the revised proposal. If the variance request contains errors, or if the need for additional variances is identified during the Building Permit 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 Building Height

The applicant is requesting relief to permit a maximum building height of 9.04 m (29.65 ft), whereas the By-law permits a maximum building height of 8.6 m (28.21 ft). This represents an increase of 0.44 m (1.44 ft) or approximately 5.1%. There are a number of new infill developments on the street with similar building height, including the new home at 51 Grandview Avenue which obtained a minor variance approval in 2016 for an increased height of 9.61 m (31.52 ft). Staff are of the opinion that the proposed building height is respectful of surrounding built form and consistent with the recent infill development trend in the neighbourhood.

Increase to Maximum Floor Area Ratio

The applicant is requesting relief to permit a maximum Net Floor Area Ratio of 54.79%, whereas the By-law permits a maximum Net Floor Area Ratio of 50%. The proposed increase to the Net Floor Area Ratio will facilitate the construction of a dwelling with a gross floor area of 316.92 m² (3,411.3 ft²); whereas the By-law permits a dwelling with a maximum gross floor area of 289.12 m² (3,112 ft²). This represents an increase of 27.8 m² (299.23 ft²), which is an increase of approximately 9.6%.

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 area open to below associated with the stairs, there is an approximately 4.28 m² (46 ft²) "open to below" area above the foyer.

The neighbourhood is experiencing a noticeable transition towards larger two-storey detached dwellings. While the proposed dwelling is larger than the original homes developed in the 1950, it is similar in scale to many nearby infill homes in the area. Further, the building layout meets all other zoning provisions that establish the prescribed building envelope ensuring the proposed dwelling will be in keeping with the intended scale of infill residential development for the neighbourhood. It is the opinion of staff that the proposed floor area ratio allows for an appropriate scale of infill development that reflects the evolving character of the neighbourhood.

Reduced West Side Yard Setback

The applicant is requesting a minimum west and east side yard setback of 1.52 m (4.98 ft) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.8 m (5.9 ft) for the two-storey portion of the dwelling. This represents a reduction of 0.28 m (0.91 ft) or approximately 15.5 percent. The variance only applies to the second floor of the building. The ground floor component meets the minimum setback requirement meaning sufficient room will be provided between adjacent homes for access and drainage.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 1st, 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 requests meet the four tests of the Planning Act and have no objection.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 18 109550 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/17/18

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" received on April 18, 2018 to this Staff Report, to the satisfaction of the Director of Planning and Urban Design or designate;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction of, 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 around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

PREPARED BY:



Carlson Tsang, Planner II, West District

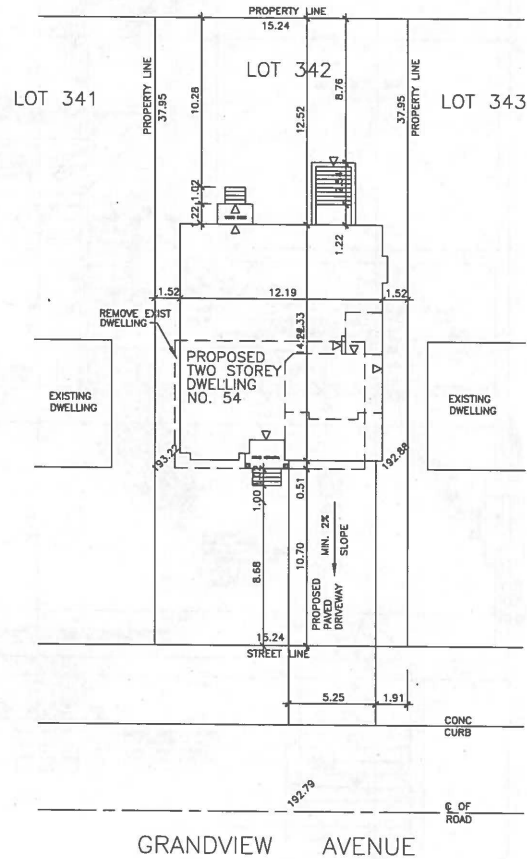
SITE PLAN 1:200

THIS SITE PLAN IS BASED ON PLAN OF SURVEY OF LOT 342, R. PLAN 2446 CITY OF MARKHAM

SURVEY PREPARED BY:
BAIRD, MUCKLESTONE
ONTARIO LAND SURVEYORS

SITE INFO

LOT AREA = 578.36m²
 33% LOT COVERAGE = 190.86m²
 ACTUAL COVERAGE INCLUDING FRONT YARD = 174.36m² (30.15%)
 MAX. 50.00% FL AREA INCLUDING GARAGE = 289.18m² (50.00%)
 FIN. 1ST FLOOR INCLUDING GARAGE = 170.32m²
 FIN 2ND FLOOR = 154.88m²
 OPEN TO BELOW AREAS = -8.30m²
 ACTUAL 2ND FLOOR = 146.58m²
 TOTAL FLOOR AREA INCLUDING GARAGE = 316.90m² (54.79%)
 MAX. HEIGHT = 8.60m (TOP OF ROOF)
 ACTUAL HEIGHT = 9.04m



NO.	REVISIONS	DATE
1	REVISED AS PER PLANNING DEPT. COMMENTS	MARCH 9 2018
2	REVISED AS PER PLANNING DEPT. COMMENTS NO. 2	MARCH 26 2018

THE UNDERSIGNED HAS REVIEWED & TAKEN RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION
 REMOVED UNLESS DESIGN IS DEEMED UNDER 12.1.1(3) OF DIV. C OF THE BUILDING CODE

M. PERGER *[Signature]* 25117
 NAME SIGNATURE BCIN#

MP DESIGN & ASSOCIATES 31263
 COMPANY BCIN#

PRIOR TO PERMIT APPLICATION OWNER/APPLICANT SHOULD HAVE PPR (PRELIMINARY PROJECT REVIEW) AND BE RESPONSIBLE FOR SAME.
 CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE SITE, REPORTING ANY DISCREPANCY TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.
 ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT HIS WRITTEN PERMISSION.
 ONLY FINAL APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.
 DO NOT SCALE DRAWINGS.

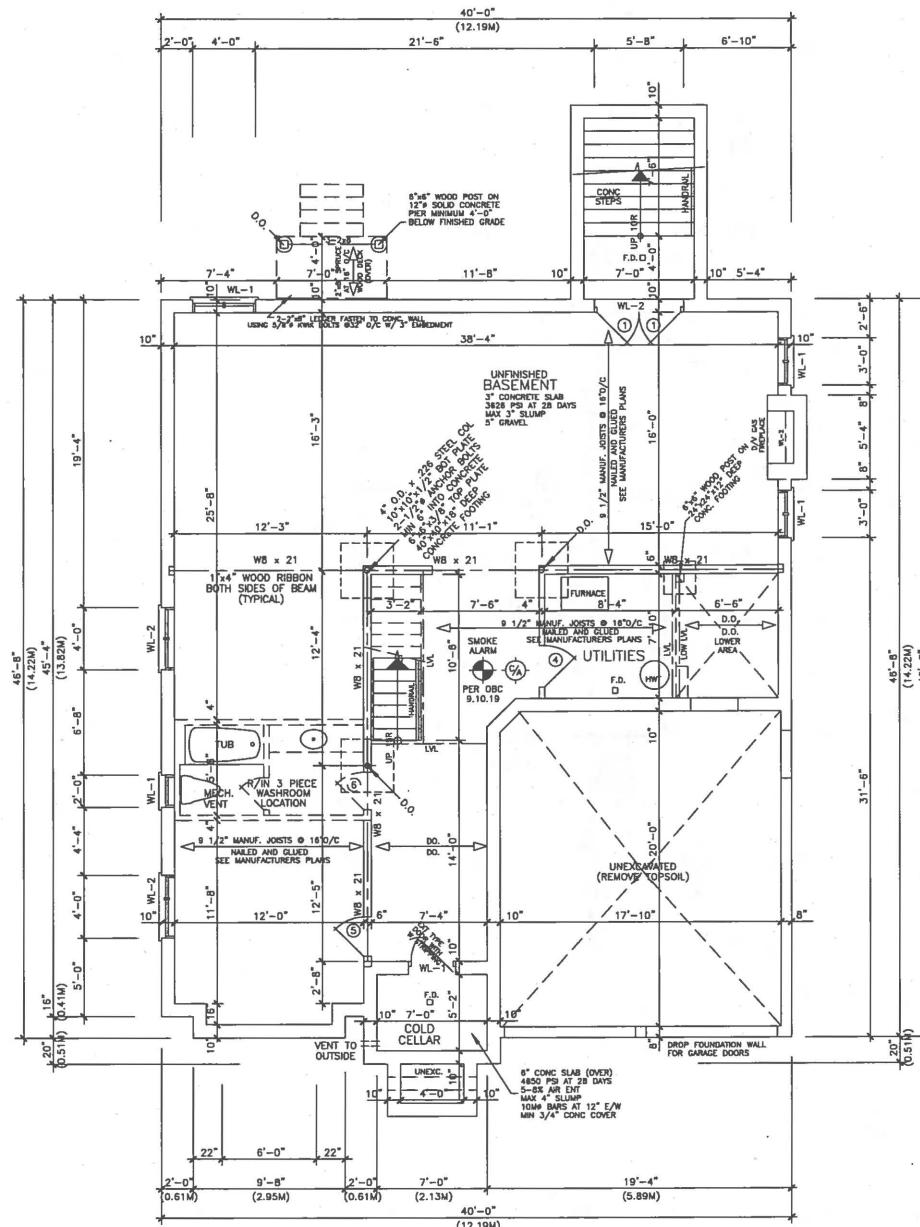
MP DESIGN & ASSOCIATES

44 GOODMARK PL. UNIT #1 TEL (416) 675-2997
 TORONTO, ONT. M9W 6S9 FAX (416) 675-4574

PROJECT
 PROPOSED
 TWO STOREY DWELLING
 FOR: MR. SOHRAB KHOSRAVANI
 AT: 54 GRANDVIEW AVENUE
 CITY OF MARKHAM

DRAWING
 SITE PLAN

DRAWN MSP	DATE NOV 2017
CHECKED _____	SCALE 1:200
PROJECT NO 17-178	DRAWING NO SP



BASEMENT FLOOR PLAN

NO.	REVISIONS	DATE
1	REVISED AS PER PLANNING DEPT. COMMENTS	MARCH 9 2018
2	REVISED AS PER PLANNING DEPT. COMMENTS NO 2	MARCH 26 2018

THE UNDERSIGNED HAS REVIEWED & TAKEN RESPONSIBILITY FOR THE 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 DONE UNDER 32.1(3) OF O.C. OF THE BUILDING CODE

S. PERGER 25115
 NAME SIGNATURE BCIN#

MP DESIGN & ASSOCIATES 31263
 COMPANY BCIN#

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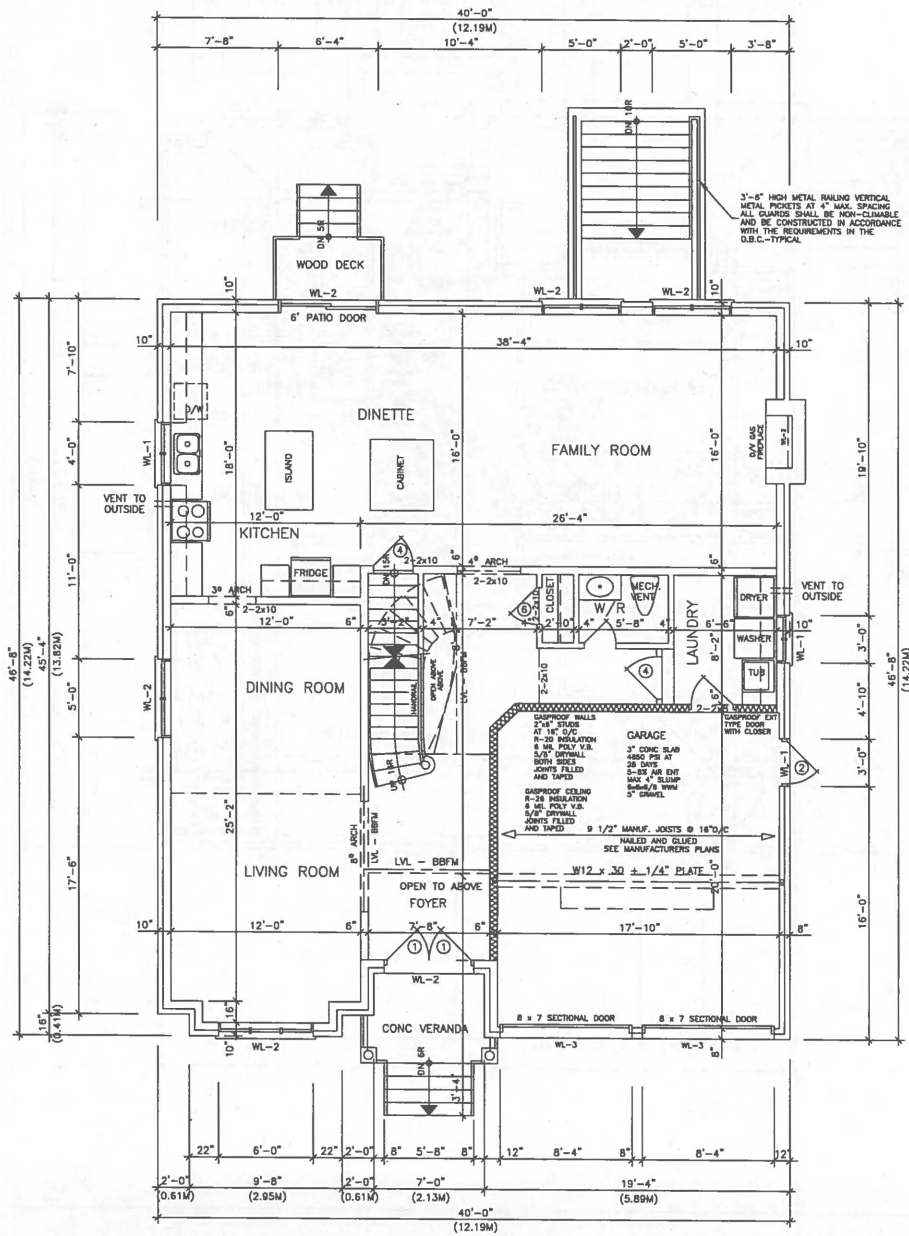
MP DESIGN & ASSOCIATES

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PROJECT
 PROPOSED
 TWO STOREY DWELLING
 FOR: MR. SOHRAB KHOSRAVANI
 AT: 54 GRANDVIEW AVENUE
 CITY OF MARKHAM

DRAWING
 BASEMENT FLOOR PLAN

DRAWN MSP	DATE NOV 2017
CHECKED _____	SCALE 3/16"=1'-0"
PROJECT NO 17-178	DRAWING NO A-1



NO.	REVISIONS	DATE
1	REVISED AS PER PLANNING DEPT. COMMENTS	MARCH 9 2018
2	REVISED AS PER PLANNING DEPT. COMMENTS NO 2	MARCH 28 2018

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QUALIFICATION INFORMATION
 MEMBER UNDER REG. NO. 12345 OF O.A.C. OF THE BUILDING CODE

S. PERGER
 NAME SIGNATURE BCIN# 25116

MP DESIGN & ASSOCIATES
 COMPANY 31263 BCIN#

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44 GOODMARK PL. UNIT #1 TEL: (416) 675-2907
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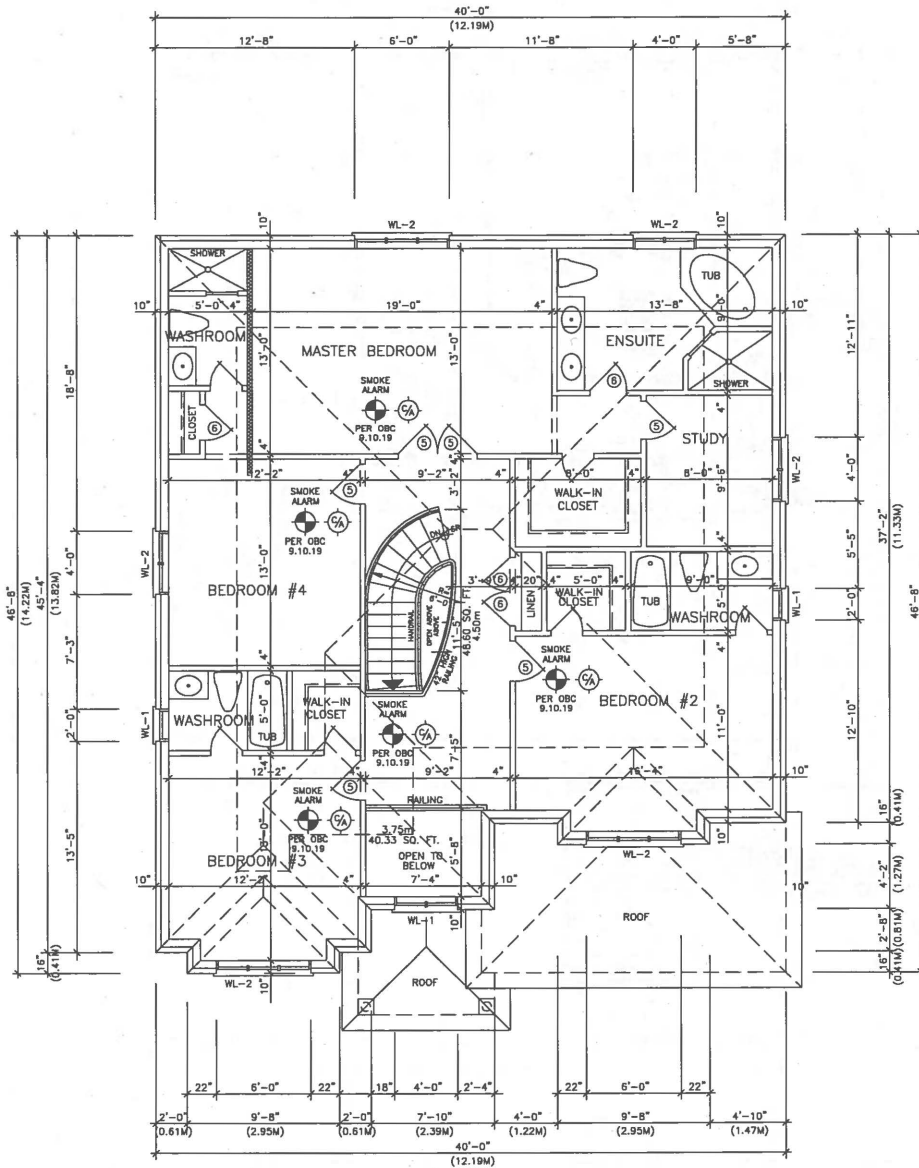
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 TWO STOREY DWELLING
 FOR: MR. SOHRAB KHOSRAVIANI
 AT: 54 GRANDVIEW AVENUE
 CITY OF MARKHAM

DRAWING
 FIRST FLOOR PLAN

DRAWN MSP DATE NOV 2017

CHECKED _____ SCALE 3/16"=1'-0"

PROJECT NO 17-178 DRAWING NO A-2



SECOND FLOOR PLAN
M. BEDROOM AT REAR

NO.	REVISIONS	DATE
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2	REVISED AS PER PLANNING DEPT. COMMENTS NO 2	MARCH 26 2018

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S. PERGER 25116
NAME SIGNATURE BCIN#

MP DESIGN & ASSOCIATES 31263
COMPANY BCIN#

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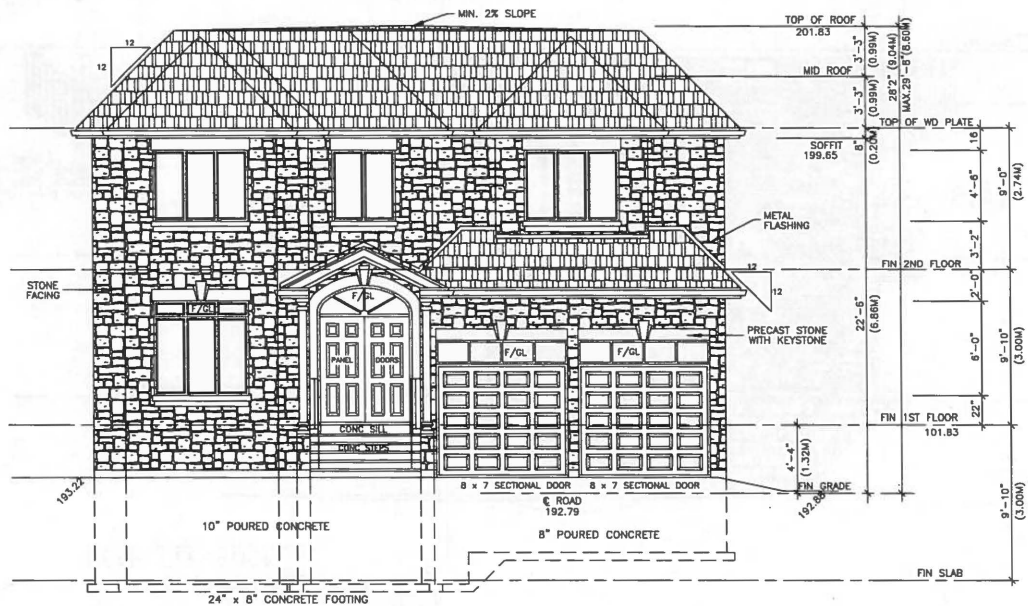
PROJECT
TWO STOREY DWELLING
FOR: MR. SOHRAB KHOSRAVIANI
AT: 54 GRANDVIEV AVENUE
CITY OF MARKHAM

DRAWING
SECOND FLOOR PLAN

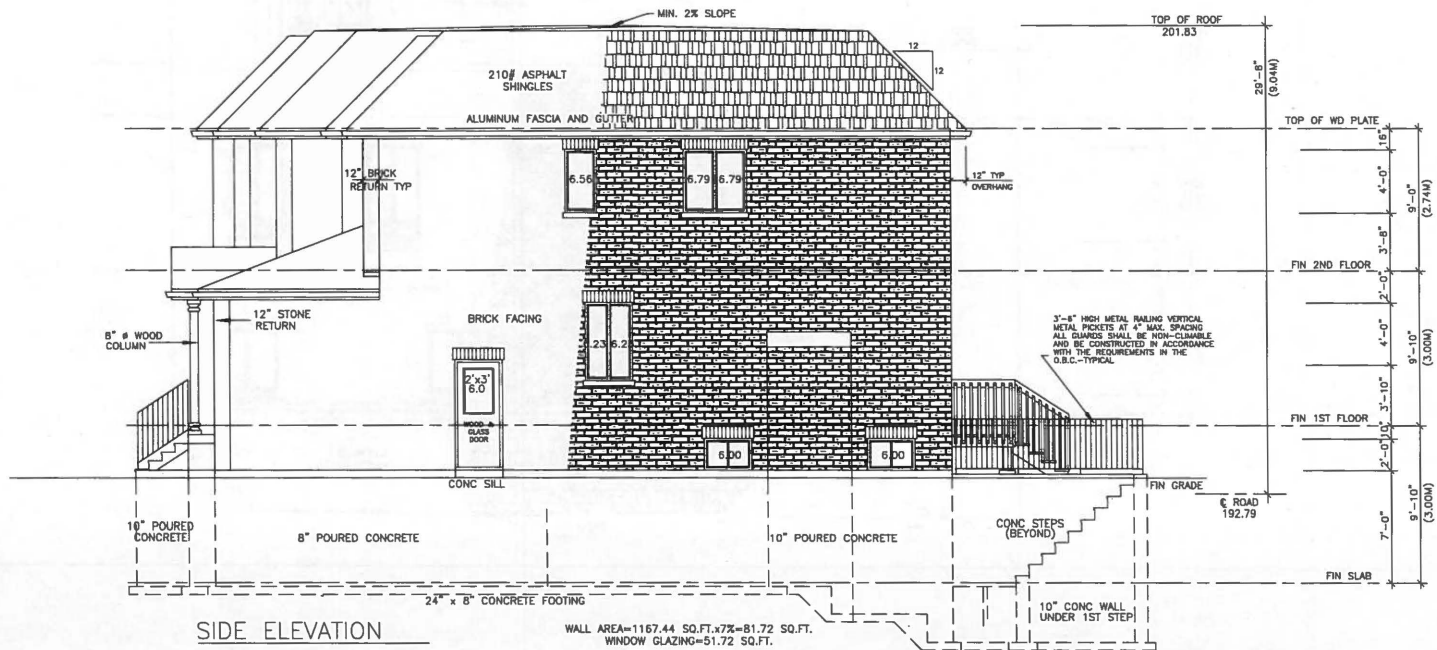
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CHECKED SCALE 3/16"=1'-0"

PROJECT NO 17-178 DRAWING NO A-3



FRONT ELEVATION



SIDE ELEVATION

WALL AREA=1167.44 SQ.FT.x7% \times 81.72 SQ.FT.
WINDOW GLAZING=51.72 SQ.FT.

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QUALIFICATION INFORMATION
REQUIRES UNDER DESIGN & DEPT UNDER 31.1(1)(b) OF THE C OF THE BUILDING CODE

S. PERGER
NAME SIGNATURE 25116 BCIN#

MP DESIGN & ASSOCIATES 31263
COMPANY BCIN#

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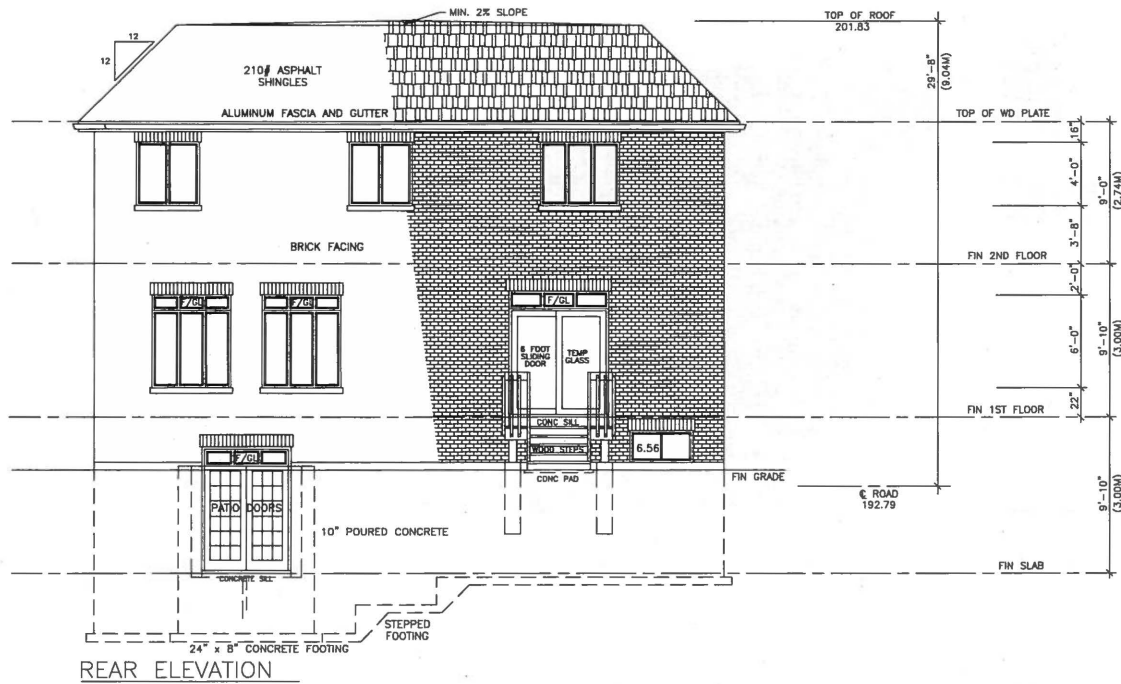
44 COORNARKE PL UNIT #1 TEL: (416) 675-2897
TORONTO, ONT. M9W 6H6 FAX: (416) 675-4574

PROJECT
PROPOSED
TWO STOREY DWELLING
FOR: MR. SOHRAB KHOSRAVANI
AT: 54 GRANDVIEW AVENUE
CITY OF MARKHAM

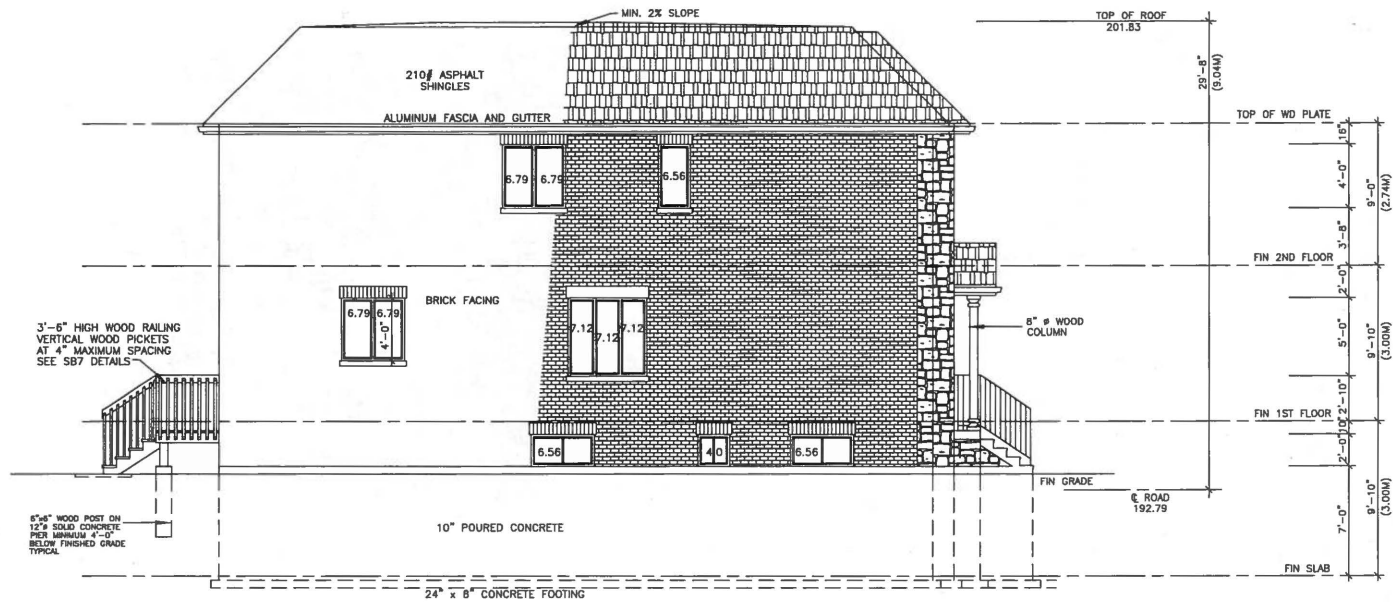
DRAWING
ELEVATIONS

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PROJECT NO 17-178
DRAWING NO A-4



REAR ELEVATION



SIDE ELEVATION

WALL AREA=1034.44 SQ.FT. x 7% = 72.41 SQ.FT.
WINDOW GLAZING=71.40 SQ.FT.

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QUALIFICATION INFORMATION
REGISTERED (UNLESS DESIGNER'S ID NUMBER IS 12345678) BY ON. C. OF THE BUILDING CODE

S. PERGER 25116
NAME SIGNATURE BCIN#

MP DESIGN & ASSOCIATES 31263
COMPANY BCIN#

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MP DESIGN & ASSOCIATES

44 GOORMAN PL. UNIT #1 TEL: (416) 675-2997
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PROJECT
PROPOSED
TWO STOREY DWELLING
FOR: MR. SOHRAB KHOSRAVANI
AT: 54 GRANDVIEW AVENUE
CITY OF MARKHAM

DRAWING
ELEVATIONS

DRAWN MSP DATE NOV 2017
CHECKED _____ SCALE 3/16"=1'-0"

PROJECT NO DRAWING NO
17-178 A-5