

Memorandum to the City of Markham Committee of Adjustment

January 09, 2018

File: A/171/18
Address: 46 Woodward Ave, Thornhill
Applicant: Saeed Tamiji & Shohreh Haghgooian
Agent: Nahid Koochi
Hearing Date: Wednesday January 23, 2019

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) **By-law 101-90 Section 1.2(vii):**
a maximum floor area ratio of 52.9 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;
- b) **Section 6.1:**
a minimum west side yard setback of 1.51 metres and a minimum east side yard setback of 1.53 metres; whereas the By-law requires a minimum interior side yard setback of 1.8 metres on both sides;
- c) **By-law 101-90 Section 1.2(i):**
a maximum building height of 8.9 metres, whereas the By-law permits a maximum building height of 8.6 metres;

as they relate to a proposed two storey residential dwelling.

BACKGROUND

Property Description

The 650.05 m² (6,997.08 ft²) subject property is located on the north side of Woodward Avenue, east of Yonge Street and north of Steeles Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings originally developed in the 1950s. The area 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 109 m² (1,177 ft²) dwelling on the property, which according to assessment records was constructed in 1950. Vegetation exists across the property including a hedge on the south-west side of the property.

Proposal

The applicant is proposing to construct a new two-storey detached 325.52 m² (3,503.87 ft²) dwelling on the property. The proposal also includes a rear deck and a rear 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 2237

The subject property is zoned Fourth Density single Family Residential 'R4' in By-law 2237, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum side yard setbacks.

Residential Infill Zoning By-law 101-90

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. 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 building height and, maximum floor area ratio.

Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *"the owner needs more space for a growing family"*.

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

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.

Reduction in Side Yard Setback

The applicant is requesting relief to permit a minimum west side yard setback of 4.95 ft (1.51 m) and a minimum east side yard setback of 5.02 ft (1.53 m), whereas the By-law requires a minimum side yard setback of 6 ft (1.8 m). This represents a reduction of approximately 0.95 ft (0.29 m) and 0.88 ft (0.27 m) respectively. Staff are of the opinion that the request for side yard setbacks is generally consistent with what the by-law permits.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.9 m (29.2 ft), whereas the By-law permits a maximum building height of 8.6 m (28.2 ft). This represents an increase of approximately 0.3 m (1 ft) or, approximately 3.49 percent.

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 0.17 m (0.56 ft) above the crown of road.

While the proposed dwelling will be taller than the existing one-storey detached dwelling to the west, it is similar in scale to the existing two-storey detached dwelling to the east and, generally in keeping with other infill homes in the immediate vicinity.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.91 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 325.52 m² (3,503.87 ft²), whereas the By-law permits a dwelling with a maximum floor area of 307.67 m² (3,311.73 ft²). This represents an increase of approximately 17.85 m² (192.14 ft²), or approximately 5.8 percent.

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 an approximately 17.22 m² (185.36 ft²) open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law. If the open to below area were to be enclosed, the floor area ratio would increase to approximately 55.7 percent.

A number of infill developments on the street have had similar increases in floor area ratio ranging from 53.9 to 59 percent. The proposed dwelling has a similar building height, floor area ratio and yard setbacks to neighbouring homes 42 and 48 Woodward Avenue which, have received variances for floor area ratio, side yard setbacks and height (in 2012) exceeding those requested by 46 Woodward Avenue. While the proposed home will be larger than existing one-storey detached homes constructed in the 1950s, it is generally consistent with new infill homes in the immediate vicinity. The proposed dwelling will also maintain the existing front and rear yard setback and, is generally consistent with the front yard setback pattern in relation to neighbouring homes. Staff are of the opinion that the proposed increase in gross floor area is appropriate and meets the general intent and purpose of the infill by-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 09, 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.

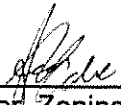
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/171/18

1. That the front covered porch remain unenclosed;
2. That the rear deck and rear basement walkout remain uncovered;
3. The variances apply only to the proposed development as long as it remains;
4. 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 received by the City of Markham on November 20, 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;
5. 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;
6. 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;
7. 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

Benchmark
 City of Markham
 Benchmark No. M-01-015
 Elevation 178.242

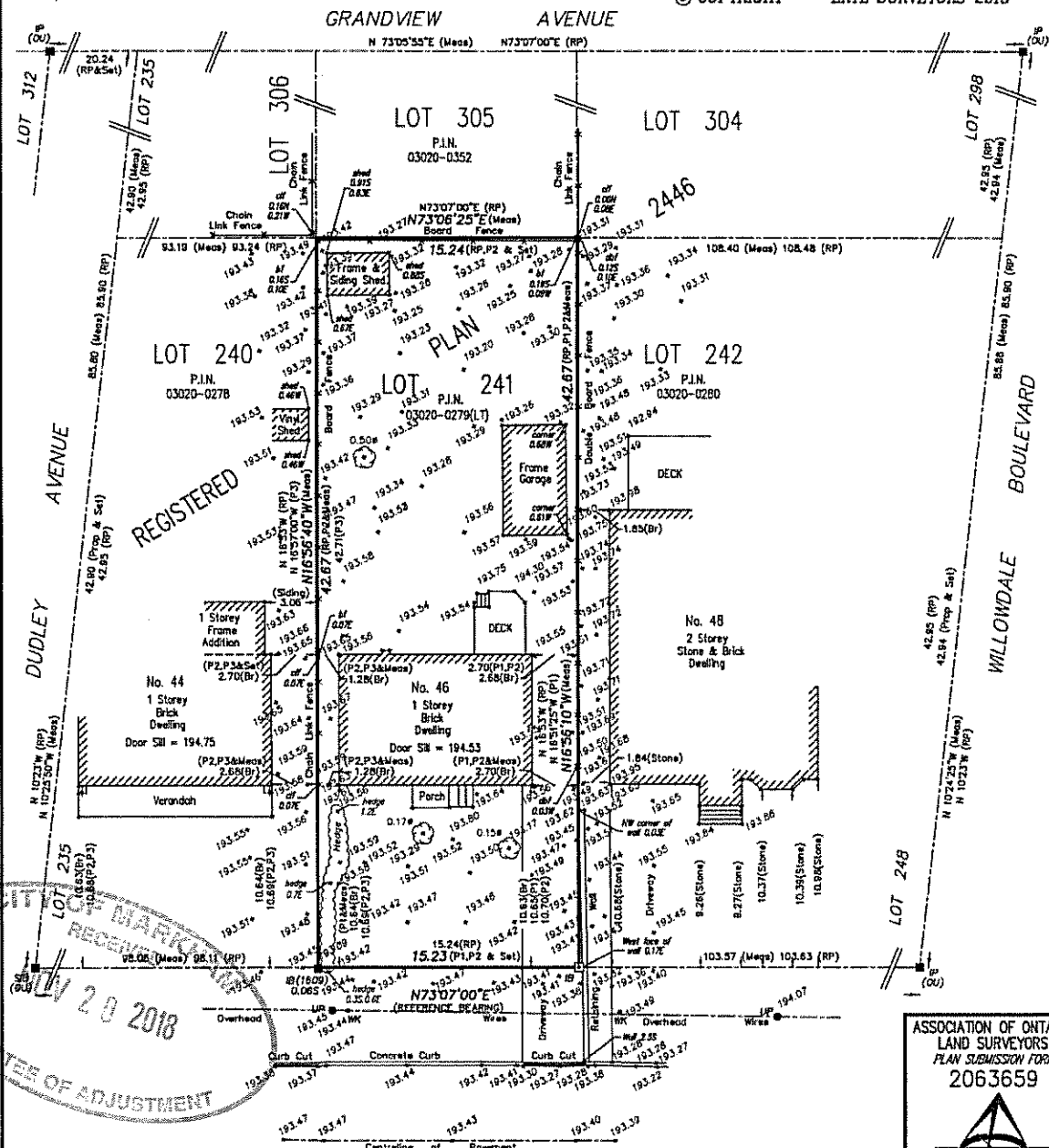
Part 2
 Fences as shown.
 No Registered Easements
 or Rights of Way.
 Survey prepared for, Mr. A. Rad.

SURVEYOR'S REAL PROPERTY REPORT, PART 1
PLAN OF LOT 241,
REGISTERED PLAN 2446
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

Metric
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE 1:250

 © COPYRIGHT ERTL SURVEYORS 2018



CITY OF MARKHAM
REGISTERED PLAN 2446
SEP 28 2018
COMMITTEE OF ADJUSTMENT

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2063659

 THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR.
 In accordance with
 Regulation 1026, Section 29(3).

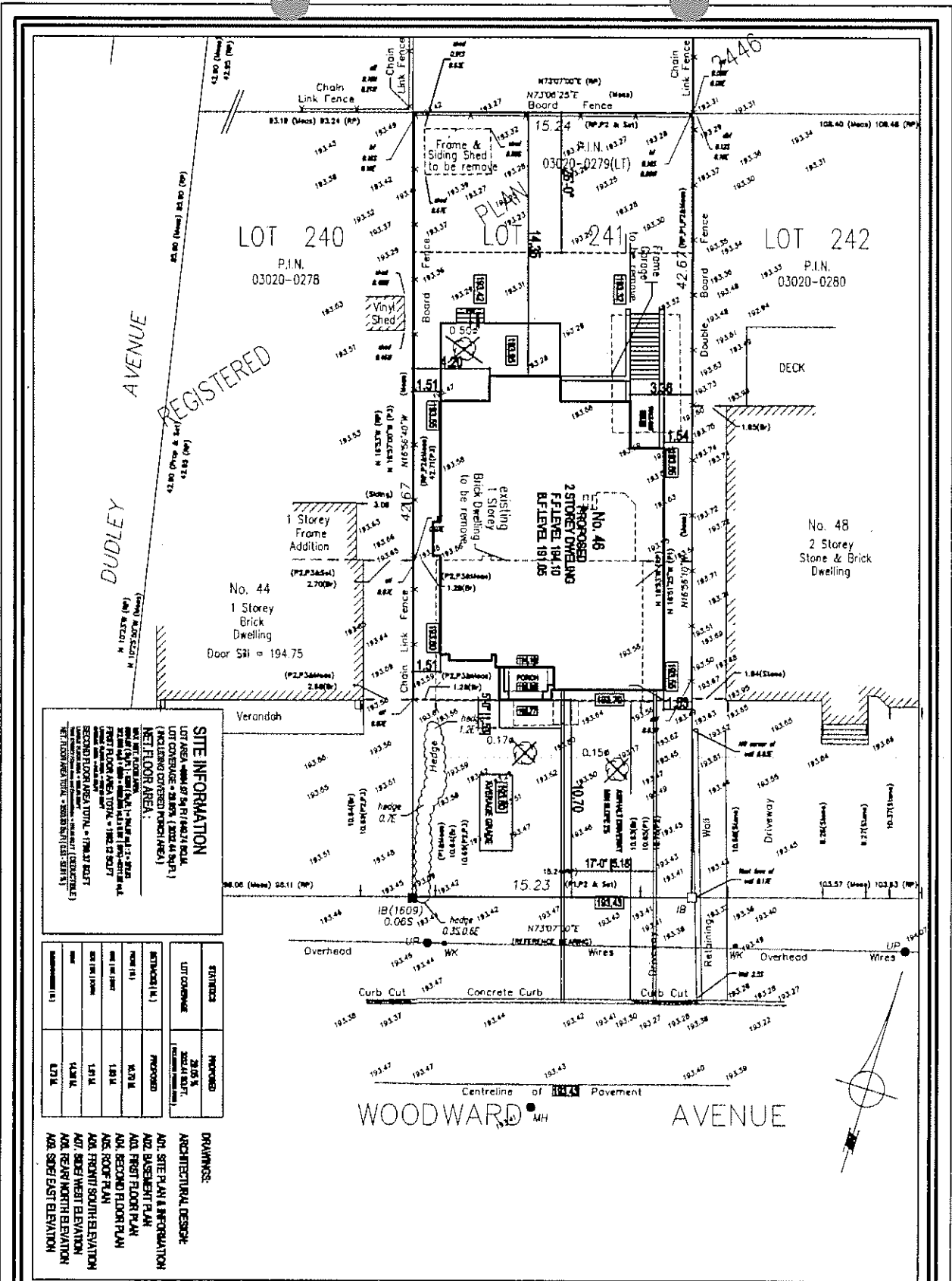
Notes
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED
 TO THE NORTH LIMIT OF WOODWARD AVENUE AS
 SHOWN ON REGISTERED PLAN 2446, HAVING
 A BEARING OF N 73°07'00"E.
 (BY REGISTERED PLAN 2446)
 P.I.N. 03020-0502

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB STANDARD IRON BAR
- IB IRON BAR
- IP IRON PIPE
- WT WITNESS
- Meds MEASURED
- RP REGISTERED PLAN 2446
- P1 SURVEY BY ERTL SURVEYORS, O.L.S.
DATED SEPTEMBER 28th, 2012.
- P2 SURVEY BY W.S. GIBSON & SONS, O.L.S.
DATED DECEMBER 8th, 1950.
- P3 SURVEY BY PAUL KIDD, O.L.S.
DATED SEPTEMBER 9th, 1994.
- 1609 PAUL KIDD, O.L.S.
- Prop PROPORTIONED

Surveyor's Certificate
 I CERTIFY THAT :
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE
 UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON SEPTEMBER 28th, 2018.

SEPTEMBER 29th, 2018. *S.M. Yadollahi*
 Date S.M. YADOLLAHI
 Ontario Land Surveyor

ertl surveyors
 Ontario Land Surveyors
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@ertl-ols.com
 DRAWING : 18-337-TOPO.DWG PROJECT : 18-337



SITE INFORMATION
 LOT AREA 894.00 SQ M (218,750 SQ FT)
 LOT COVERED - 24.8% (220.44 SQ M)
 NET FLOOR AREA:
 GROUND FLOOR AREA TOTAL = 179.37 SQ M
 SECOND FLOOR AREA TOTAL = 179.37 SQ M
 TOTAL FLOOR AREA = 358.74 SQ M

EXISTENCES	PROPOSED
LOT COVERED	24.8%
NET FLOOR AREA	358.74 SQ M
GROUND FLOOR AREA	179.37 SQ M
SECOND FLOOR AREA	179.37 SQ M
TOTAL FLOOR AREA	358.74 SQ M

- DRAWINGS:**
- ARCHITECTURAL DESIGN
 - SITE PLAN & INFORMATION
 - GROUND FLOOR PLAN
 - FIRST FLOOR PLAN
 - SECOND FLOOR PLAN
 - ROOF PLAN
 - FRONT SOUTH ELEVATION
 - FRONT NORTH ELEVATION
 - REAR NORTH ELEVATION
 - REAR EAST ELEVATION

PAAR
 ARCHITECTS
 22 BROAD STREET, 10/F
 SINGAPORE 048700
 TEL: 6733 8888
 FAX: 6733 8889
 WWW.PAARARCHITECTS.COM

A01

SITE PLAN & INFORMATION
 48 WOODWARD AVENUE
 2 STOREY DWELLING

PROJECT:

DATE:

SCALE:

PROJECT NO.:

CLIENT:

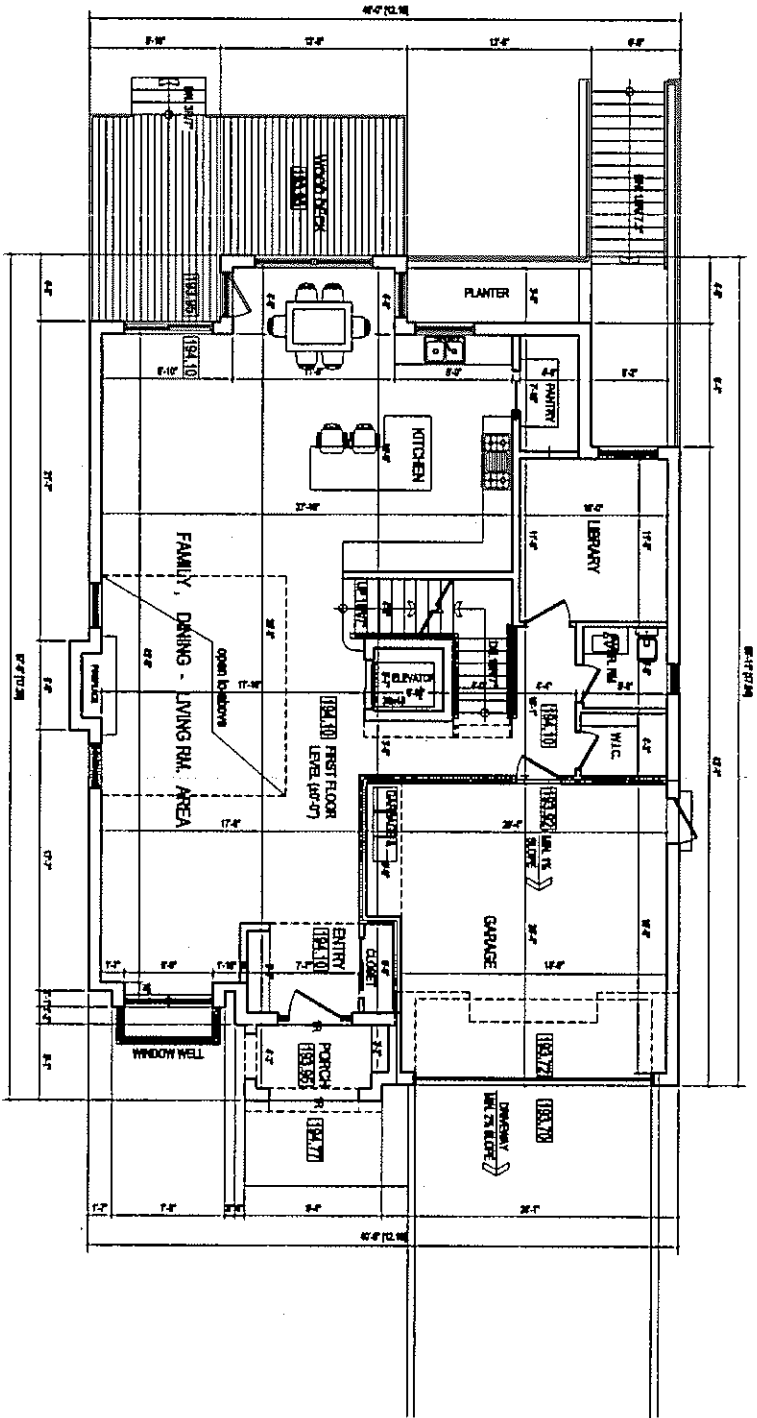
DESIGNER:

APPROVED:

DATE:

REVISION NOTES

NO.	DATE	DESCRIPTION
1	14.11.2014	ISSUED FOR PERMITS
2	20.11.2014	ISSUED FOR PERMITS

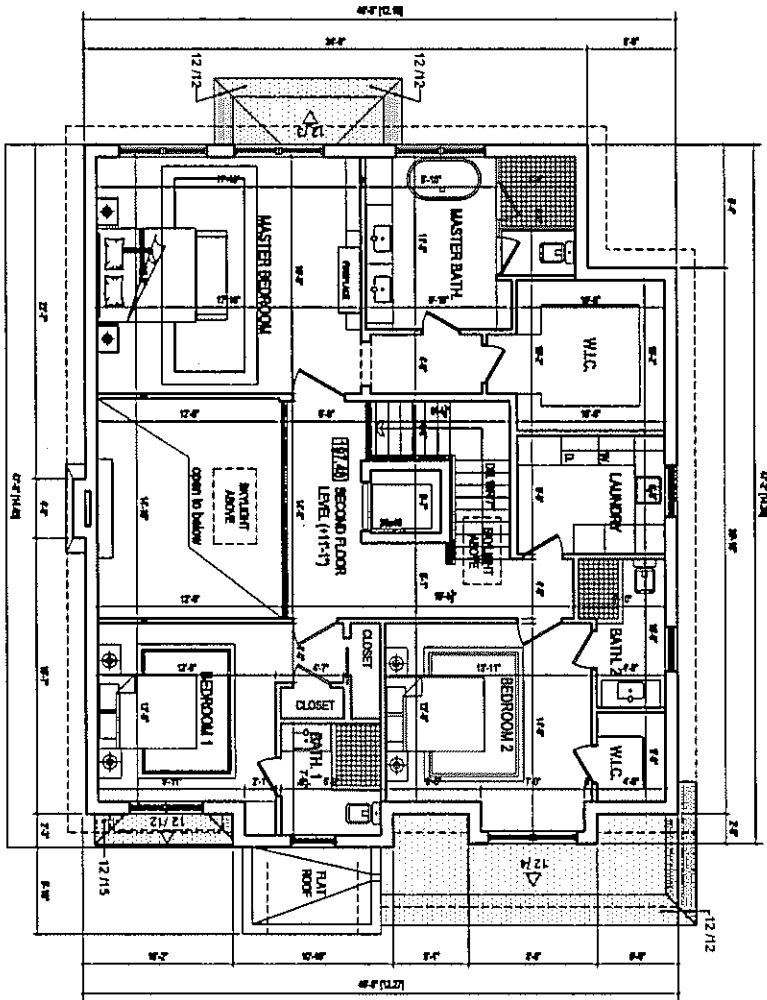


NO.	DATE	DESCRIPTION
1.	10/11/2018	ISSUED FOR PERMITS REVIEW
2.	10/11/2018	ISSUED FOR CON.

PROJECT:
 46 WOODWARD AVENUE
 2 STOREY DWELLING
 DRW
 FIRST FLOOR PLAN
 Scale 1/8"=1'-0"

PAAR DESIGN
 PAAR DESIGN INC.
 22 N.W. CORCORAN BLVD.
 SUITE 200
 MIAMI, FL 33136
 TEL: 305.575.1100
 WWW.PAARDDESIGN.COM

A 03



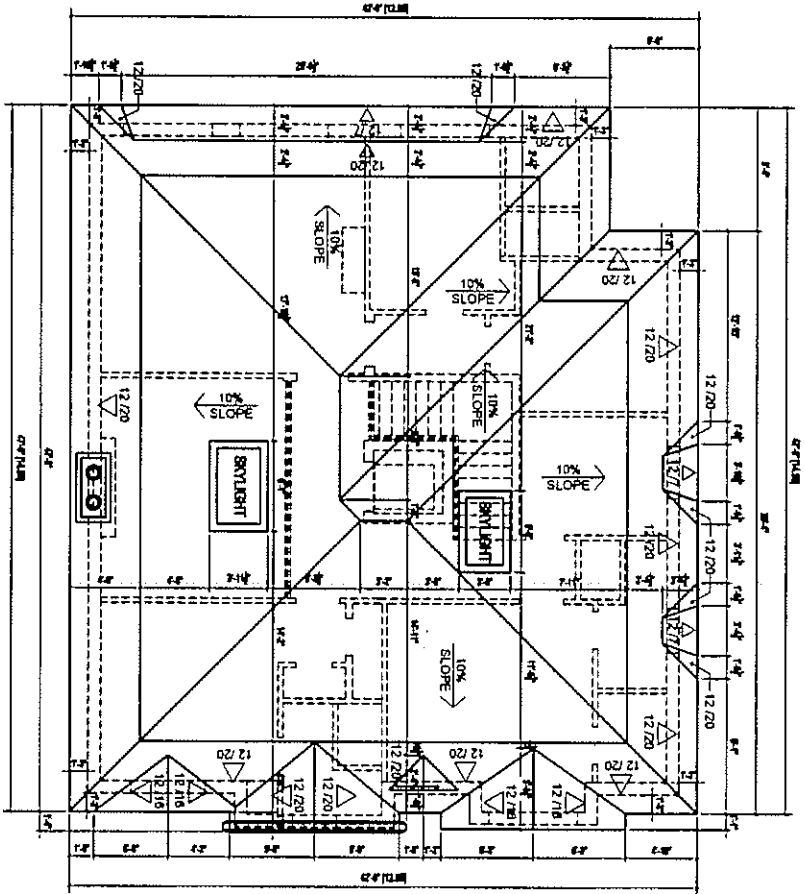
NO.	DATE	DESCRIPTION
1	10/11/2011	DESIGN FOR CONCEPT REVIEW
2	20/11/2011	DESIGN FOR O.A.

NOTES:
 1. THE DRAWING IS THE PROPERTY OF PAAR DESIGN INC. AND SHALL REMAIN THE PROPERTY OF PAAR DESIGN INC. IF THE DRAWING IS TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAAR DESIGN INC.
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PROJECT:
46 WOODWARD AVENUE
2 STOREY DWELLING
 DRAWN:
SECOND FLOOR PLAN
 scale 1/8"=1'-0"

PAAR DESIGN
 PAAR DESIGN INC.
 12 RUF. COURT LN.
 TORONTO, ON M6H 1S5
 TEL: 416-291-1111
 WWW.PAARDDESIGN.COM

A 04



DATE	DESCRIPTION
1. 08.12.2018	ISSUED FOR BOARD REVIEW
2. 10.11.2018	ISSUED FOR CDA

NOTES

1. The information on this drawing is provided for your information only. It is not to be used for any other purpose without the written consent of the design professional.

2. The design professional is not responsible for the accuracy of the information provided on this drawing.

3. The design professional is not responsible for the accuracy of the information provided on this drawing.

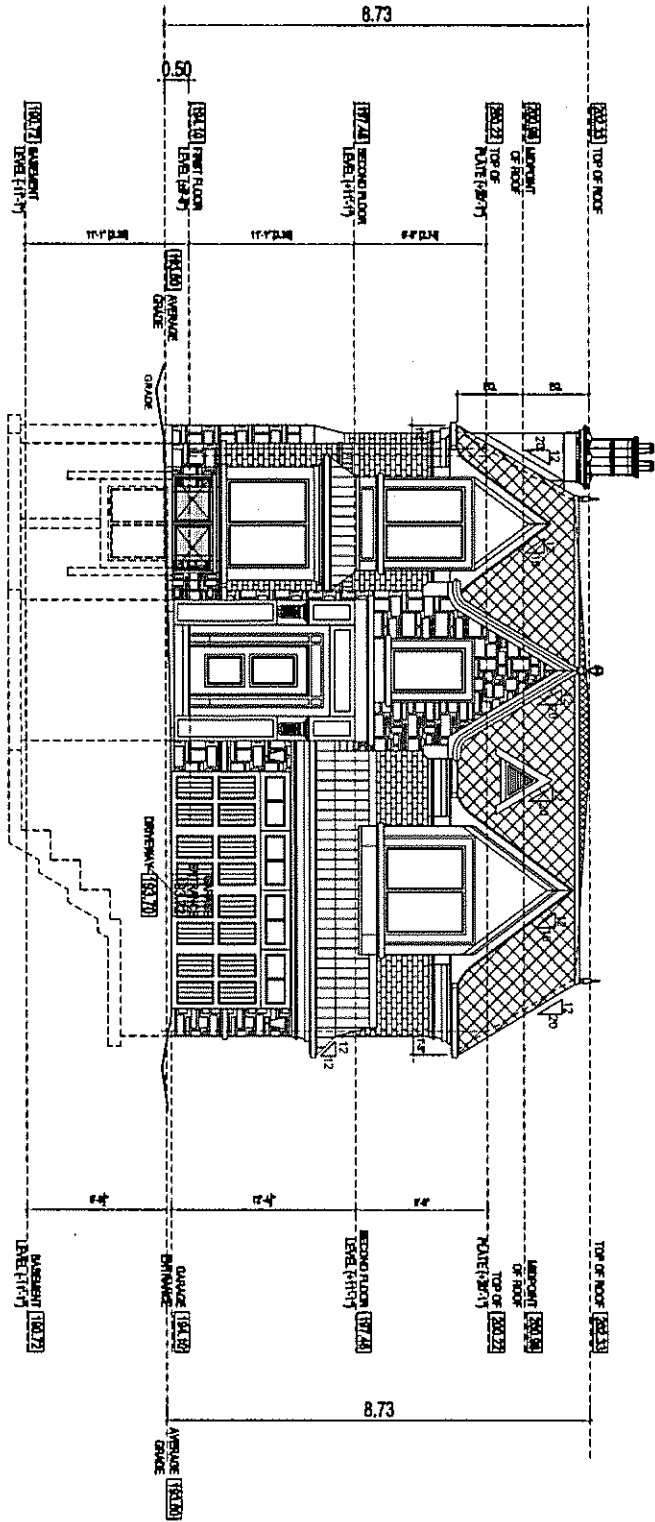
4. The design professional is not responsible for the accuracy of the information provided on this drawing.

PROJECT:
 46 WOODWARD AVENUE
 2 STOREY DWELLING
 DRW:

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

PAAR DESIGN
 PLANNING DESIGN INC.
 22 W. 4th Street, Suite 200
 Toronto, Ontario M5W 1C6
 Tel: 416-593-1111
 Fax: 416-593-1112
 www.paardesign.com

A 05



NO.	DATE	DESCRIPTION
1.	10/11/2018	ISSUED FOR ZONING REVIEW
2.	04/11/2019	ISSUED FOR CON.

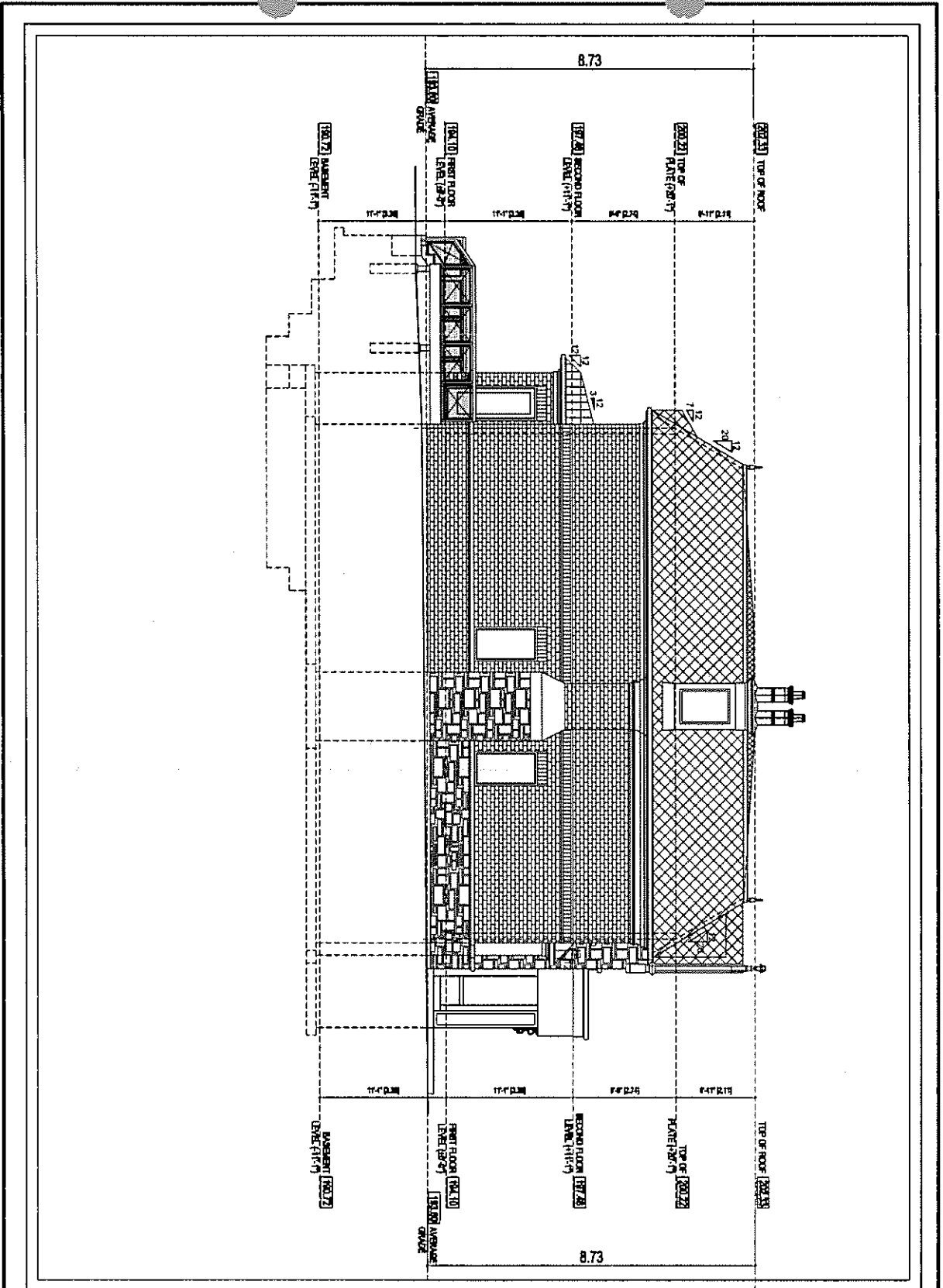
The undersigned hereby certifies that the drawings herein were prepared by the undersigned or under the direct supervision and control of the undersigned, who is a duly Licensed Professional Engineer in the State of Ontario, Canada, and that the undersigned is duly Licensed Professional Engineer in the State of Ontario, Canada, and that the undersigned is duly Licensed Professional Engineer in the State of Ontario, Canada.

PAAR DESIGN INC.
 22 BIRCH STREET, SUITE 101
 MISSISSAUGA, ONTARIO L4V 1P4
 TEL: (905) 270-1111
 FAX: (905) 270-1112
 WWW.PAARDDESIGN.COM

PROJECT:
 46 WOODWARD AVENUE
 2 STOREY DWELLING
DRW:
 FRONT/ SOUTH
 ELEVATION
 scale 1/8"=1'-0"

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 FAX: (905) 270-1112
 WWW.PAARDDESIGN.COM

A 06



NO.	DATE	DESCRIPTION
1.	11/11/2016	ISSUED FOR EXHIBIT REVIEW
2.	11/11/2016	ISSUED FOR COA

NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL FIRE DEPARTMENT.

PAAR DESIGN INC.
 71 BROAD STREET
 SUITE 200
 NEWTON, MA 02459
 TEL: 617.552.1234
 WWW.PAARDDESIGN.COM

PROJECT:
 48 WOODWARD AVENUE
 2 STOREY DWELLING

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

SIDE/WEST ELEVATION

DRW:



A07

