

# Memorandum to the City of Markham Committee of Adjustment

March 28, 2018

**File:** A/27/18  
**Address:** 7 Brightbay Cres Thornhill  
**Applicant:** Soundra & Sripriya Dinesh Rajan  
**Agent:** ProHome Consulting Inc. (Vincent Emam Jomeh)  
**Hearing Date:** Wednesday, April 11, 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, to permit:

- a) **Infill By-law 101-90, Section 1.2 (vii):**  
a maximum Floor Area Ratio of 53.92 percent, whereas the By-law permits a maximum Floor Area Ratio of 50 percent;

as it relates to a proposed residential dwelling.

## BACKGROUND

### Property Description

The 594.39 m<sup>2</sup> (6398 ft<sup>2</sup>) subject property is located at the south side of Brightbay Crescent, north of Steeles Avenue and west of Bayview Avenue between Henderson Avenue and Grandview Avenue. The surrounding area consists of a mix of one and two-storey detached dwellings originally developed in the early 1960s. The area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing 164.81 m<sup>2</sup> (1,774 ft<sup>2</sup>) detached two-storey dwelling with an attached double car garage and swimming pool on the subject property. According to assessment records, the house was constructed in 1961.

### Proposal

The applicant is proposing to demolish the existing house, including the deck and swimming pool, and construct a 316.8 m<sup>2</sup> (3,410 ft<sup>2</sup>) two-storey detached dwelling with an attached double car garage.

### 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, including 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. This is 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.

#### 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. It specifies development standards for net floor area ratio, building height and building depth. The proposed development does not comply with the by-law requirement with respect to net floor area ratio.

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

According to the information provided on the application form, "*The garage area is included in the FAR. Since the owner has a large family and their parents live with them, the permitted floor area [ratio] does not meet their needs*".

#### **Zoning Preliminary Review**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken for the proposal. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variance listed on the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

#### **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 to Maximum Floor Area Ratio

The applicant is requesting relief from the By-law to permit a maximum net floor area ratio of 53.92 percent; whereas the By-law permits a maximum net floor area ratio of 50 percent. The proposed increase to the net floor area ratio will facilitate the construction of a dwelling with a gross floor area of 316.80 m<sup>2</sup> (3,410 ft<sup>2</sup>); whereas the By-law permits a dwelling with a maximum gross floor area of 293.76 m<sup>2</sup> (3162 ft<sup>2</sup>). This represents an increase of 23.04 m<sup>2</sup> (248 ft<sup>2</sup>), which is an increase of approximately 7.84 percent.

Floor area ratio (FAR) is a measure of the interior square footage of the dwelling as a percentage of the net lot area. FAR is not a definitive measure of the mass of the dwelling, as it does not include "open to below" areas that may exist within the dwelling (i.e. two-storey foyers, atriums, and/or stairs). In addition to the "open to below" area above the

staircase, there is an approximate 25.94 m<sup>2</sup> (279.21 ft<sup>2</sup>) "open to below" area above the family room and foyer.

The neighbourhood is experiencing a noticeable transition towards larger, predominately two-storey detached dwellings. An infill development on adjacent Henderson Avenue received a minor variance approval for a floor area ratio increase of 53.9 percent in 2016. Additionally, a number of new infill developments on neighbouring Highland Park Boulevard and Woodward Avenue have received minor variance approvals for floor area ratio increases between 53 percent and 55 percent. Staff have had regard for the previously approved variances and are of the opinion that the proposed increase in floor area ratio will facilitate the construction of a dwelling that is generally consistent with the character of the surrounding new infill homes in terms of overall scale and massing.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 29<sup>th</sup>, 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.

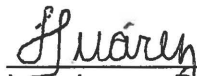
### **CONCLUSION**

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 requested meets 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:



Luis Juarez, Development Technician

REVIEWED BY:




David Miller, Development Manager, West District

**APPENDIX "A"**

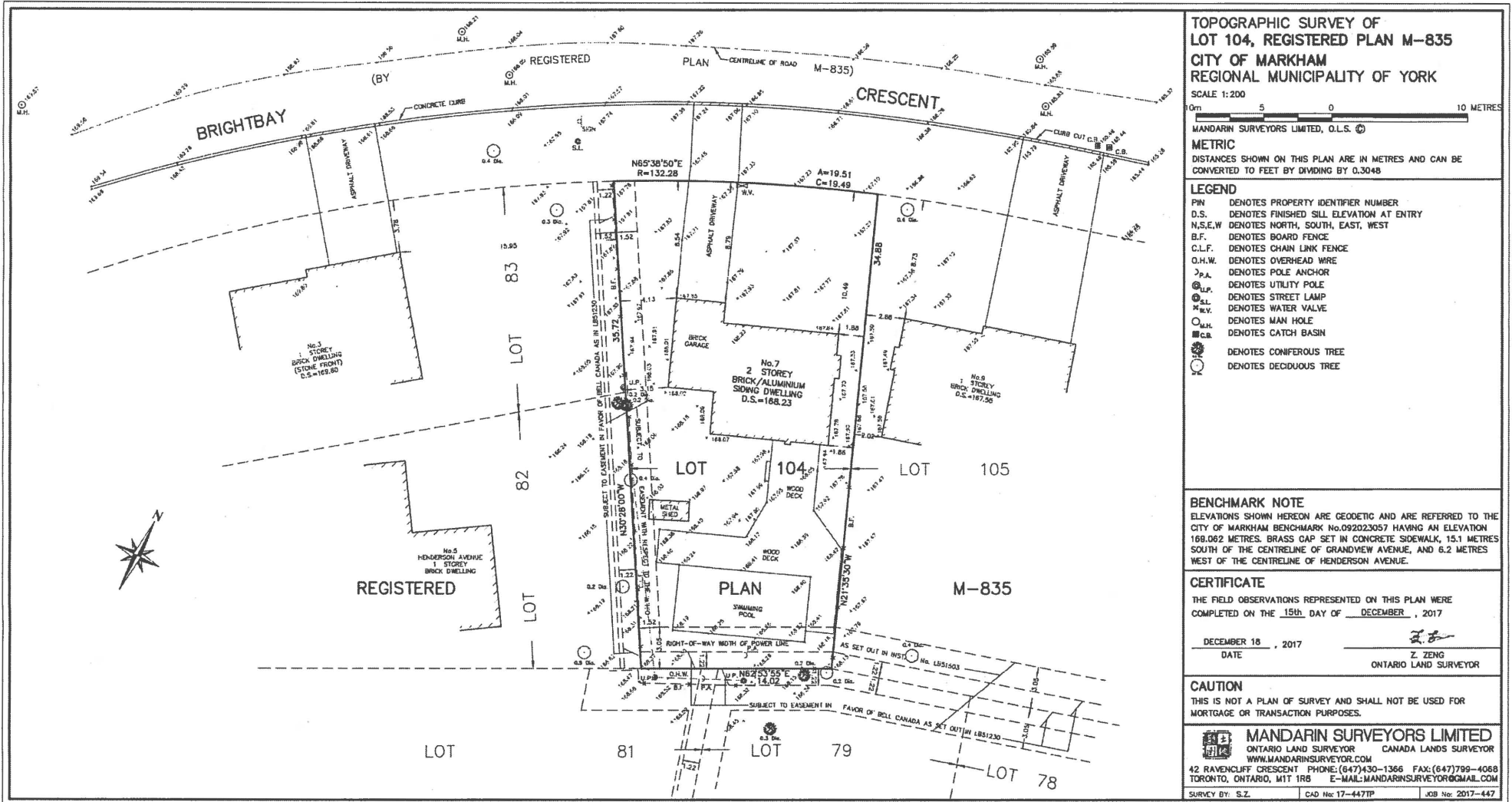
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/27/18**

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 received on March 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. That the owner submit a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time, to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing be erected and maintained around all trees on site in accordance with the City's Streetscape Manual (2009) as amended from time to time, and inspected to the satisfaction of the Director of Planning and Urban Design or their designate;
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City, if required by 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.

CONDITIONS PREPARED BY:



\_\_\_\_\_  
Luis Juarez, Development Technician



**TOPOGRAPHIC SURVEY OF  
LOT 104, REGISTERED PLAN M-835  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
0m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. (S)

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

**LEGEND**

PIN	DENOTES PROPERTY IDENTIFIER NUMBER
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
N.S.E.W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
C.L.F.	DENOTES CHAIN LINK FENCE
O.H.W.	DENOTES OVERHEAD WIRE
P.A.	DENOTES POLE ANCHOR
U.P.	DENOTES UTILITY POLE
S.L.	DENOTES STREET LAMP
W.V.	DENOTES WATER VALVE
M.H.	DENOTES MAN HOLE
C.B.	DENOTES CATCH BASIN
CT	DENOTES CONIFEROUS TREE
DT	DENOTES DECIDUOUS TREE

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092023057 HAVING AN ELEVATION 169.062 METRES. BRASS CAP SET IN CONCRETE SIDEWALK, 15.1 METRES SOUTH OF THE CENTRELINE OF GRANDVIEW AVENUE, AND 6.2 METRES WEST OF THE CENTRELINE OF HENDERSON AVENUE.

**CERTIFICATE**  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED ON THE 15th DAY OF DECEMBER, 2017

DECEMBER 18, 2017  
DATE

Z. ZENG  
ONTARIO LAND SURVEYOR

**CAUTION**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES.

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM  
42 RAVENCLIFF CRESCENT PHONE: (647) 430-1366 FAX: (647) 799-4068  
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 17-447TP JOB No: 2017-447





THE UNDERSIGNED HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.

VAHED EMAM JOHEH BCIN # 45213  
NAME

PROHOME DESIGN INC. BCIN # 102220  
FIRM

*[Signature]*



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE THE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/AGENCIES MUST VERIFY ALL DIMENSIONS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO PROHOME DESIGN. DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF PROHOME DESIGN COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON OTHER THAN ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
OCTOBER-2016	Building Permit

PROJECT TITLE/ADDRESS:  
**7 BRIGHTBAY Cres.  
THORNHILL, ON**

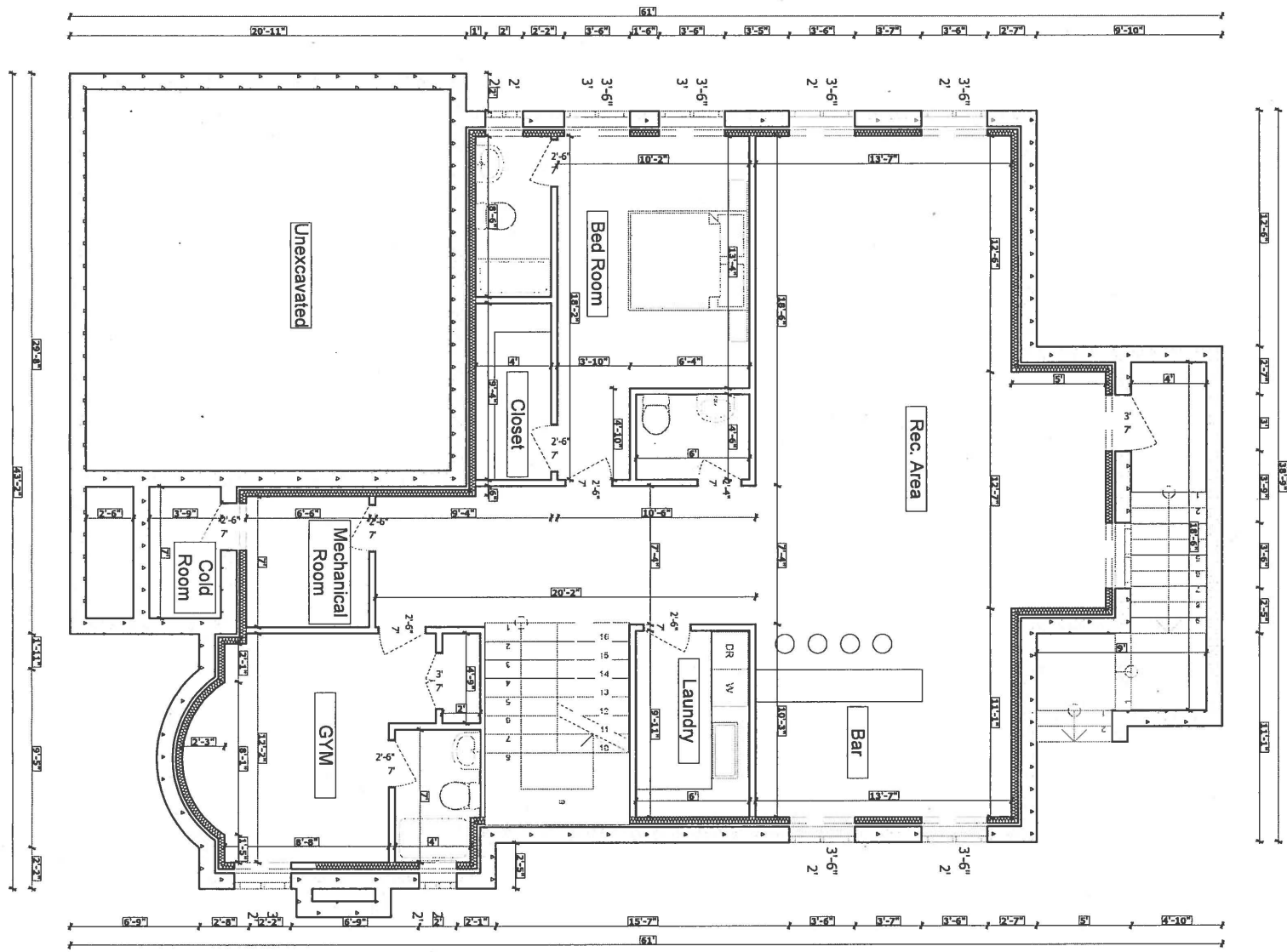
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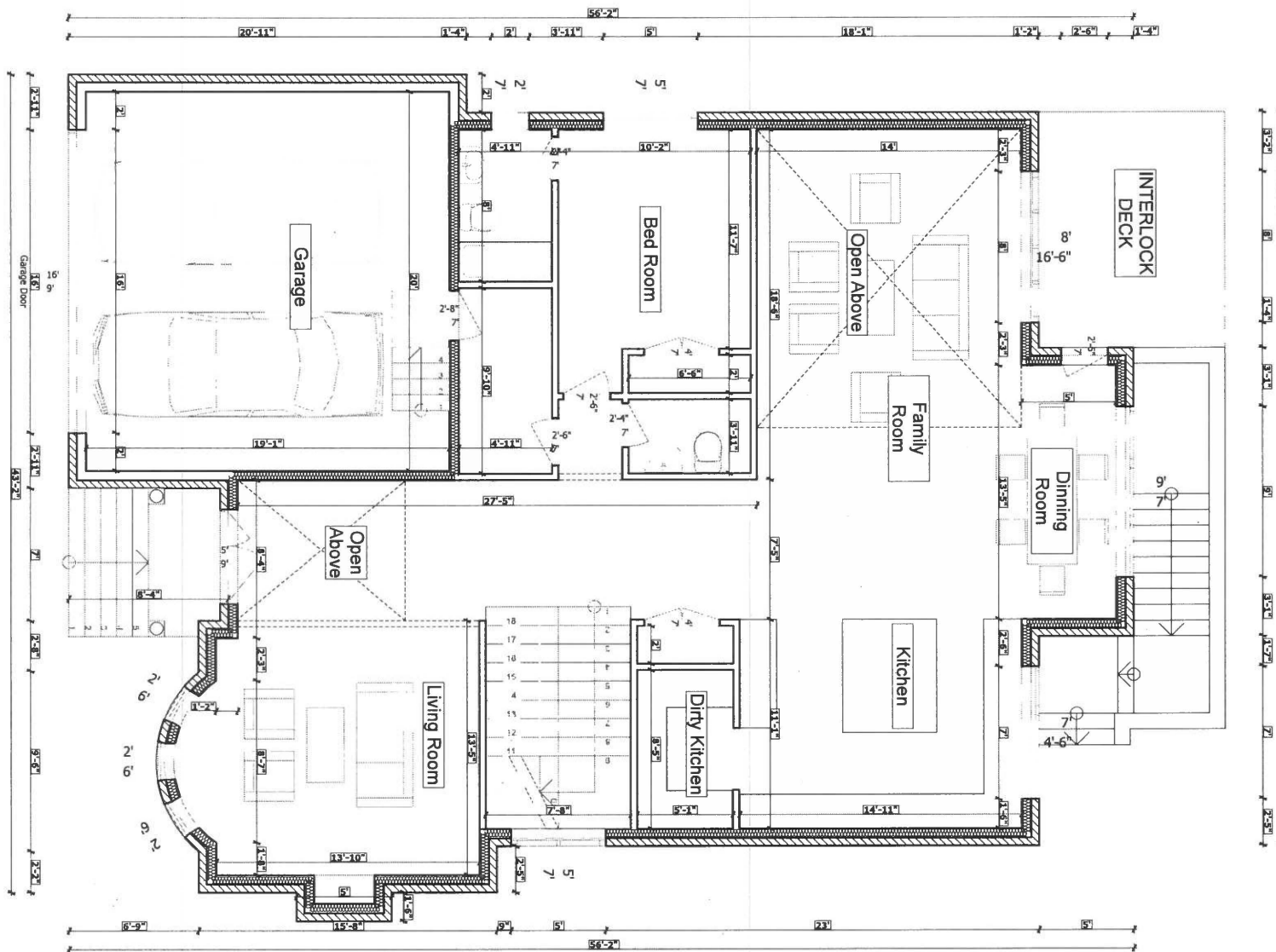
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DRAWN BY:	CHKD BY:
V.E	V.E

LAST MODIFIED ON:  
**March-06-18**

**A.01**





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DATE: OCTOBER-2018	ISSUED FOR: Building Permit
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PROJECT TITLE/ADDRESS:  
**7 BRIGHTBAY Cres.  
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**March-06-18**

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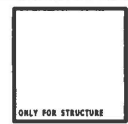


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*[Signature]*



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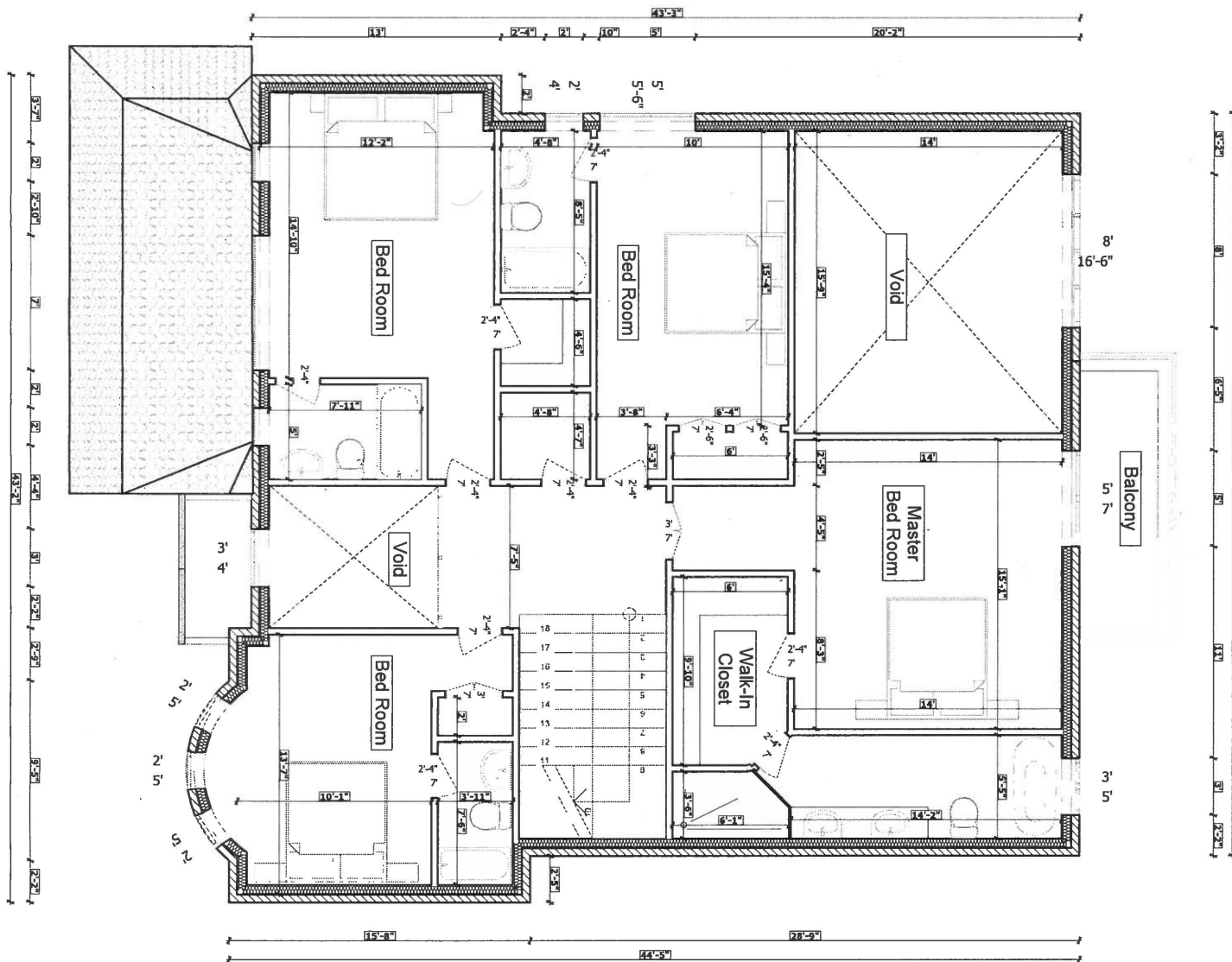
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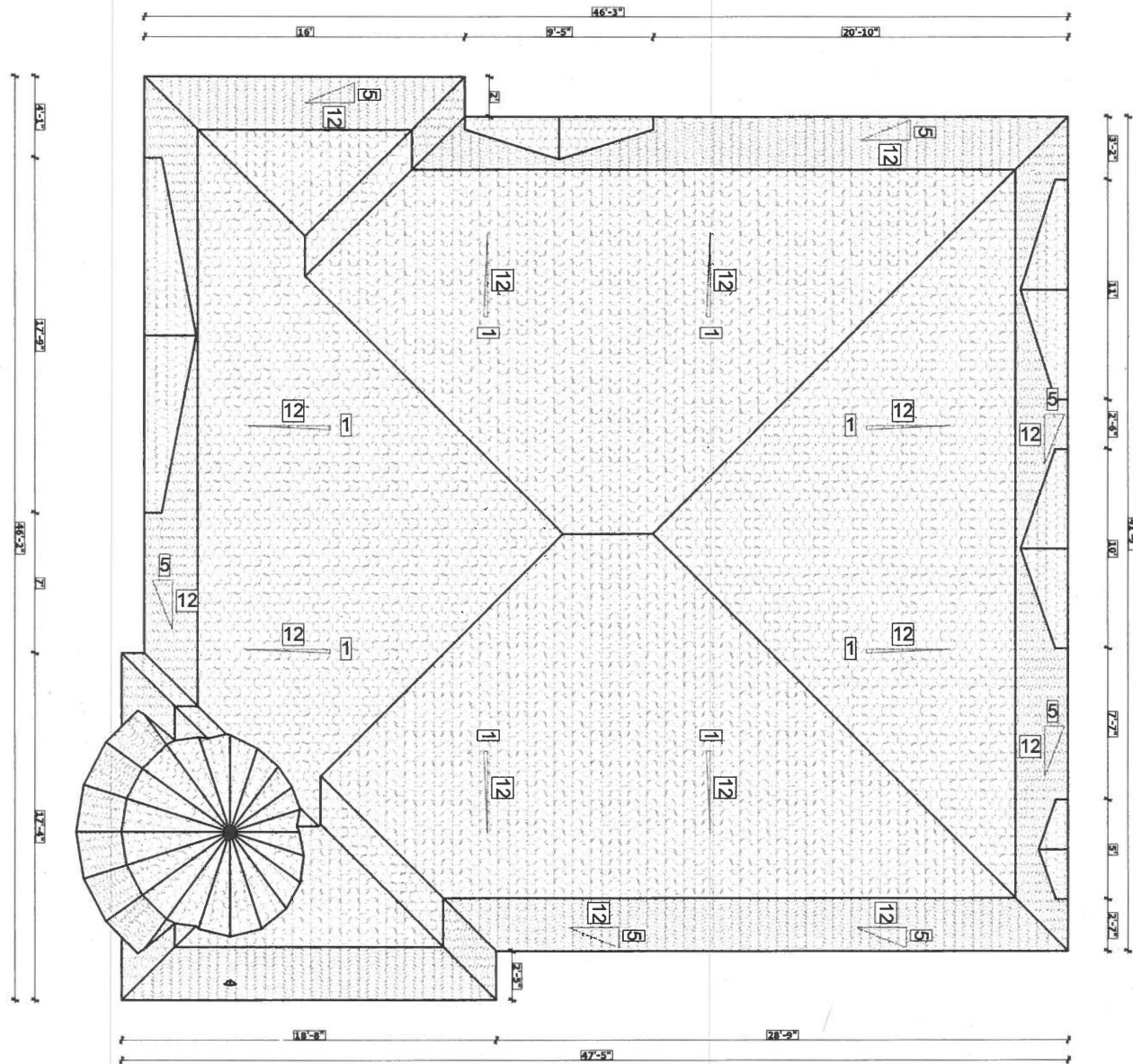
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V.E	V.E

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**March-06-18**

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THORNHILL, ON**

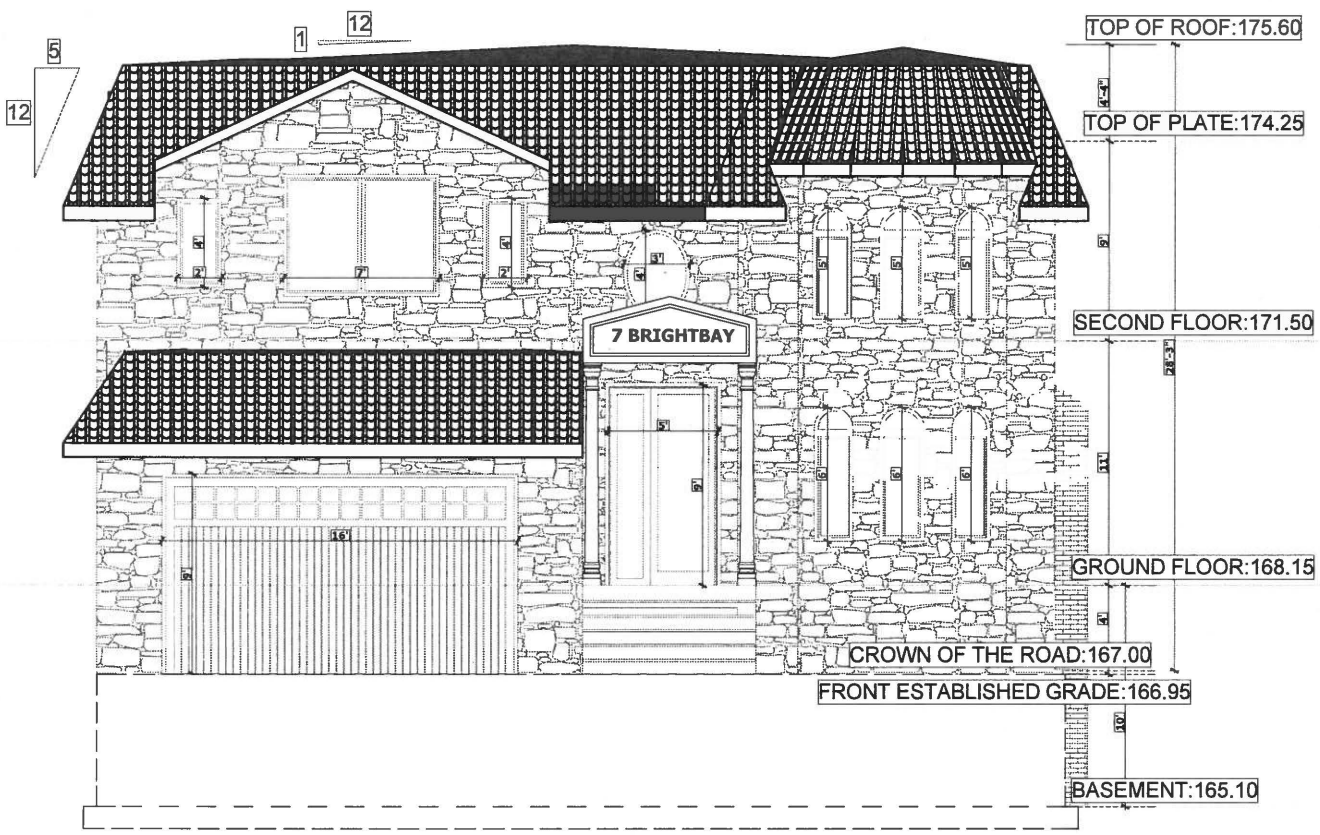
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V.E	V.E

LAST MODIFIED ON:  
**March-06-18**

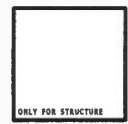
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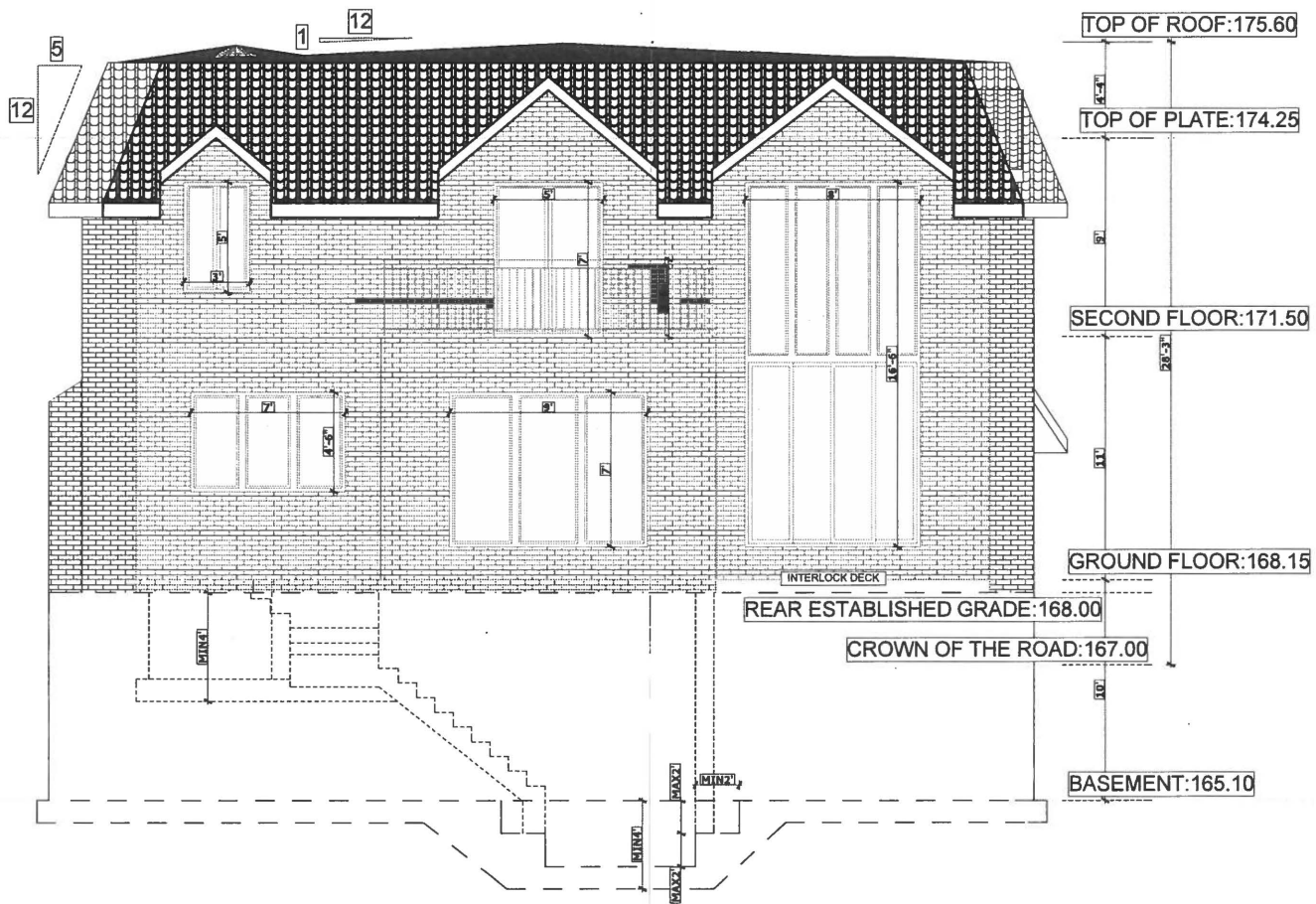
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LAST MODIFIED ON:  
**March-06-18**

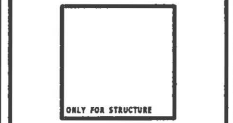
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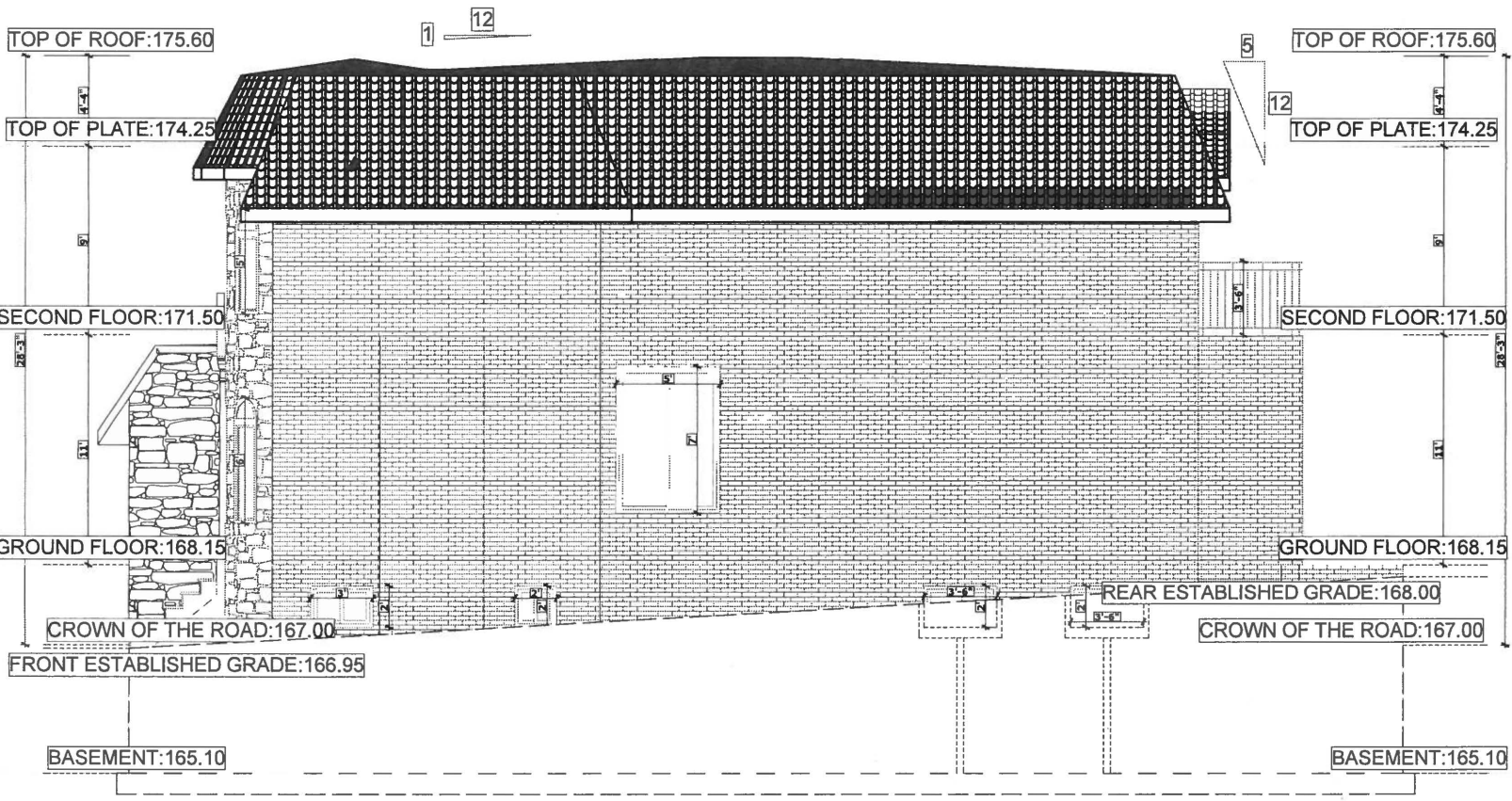
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V.E	V.E

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**March-06-18**

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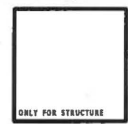


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*A. J. J.*



ONLY FOR STRUCTURE

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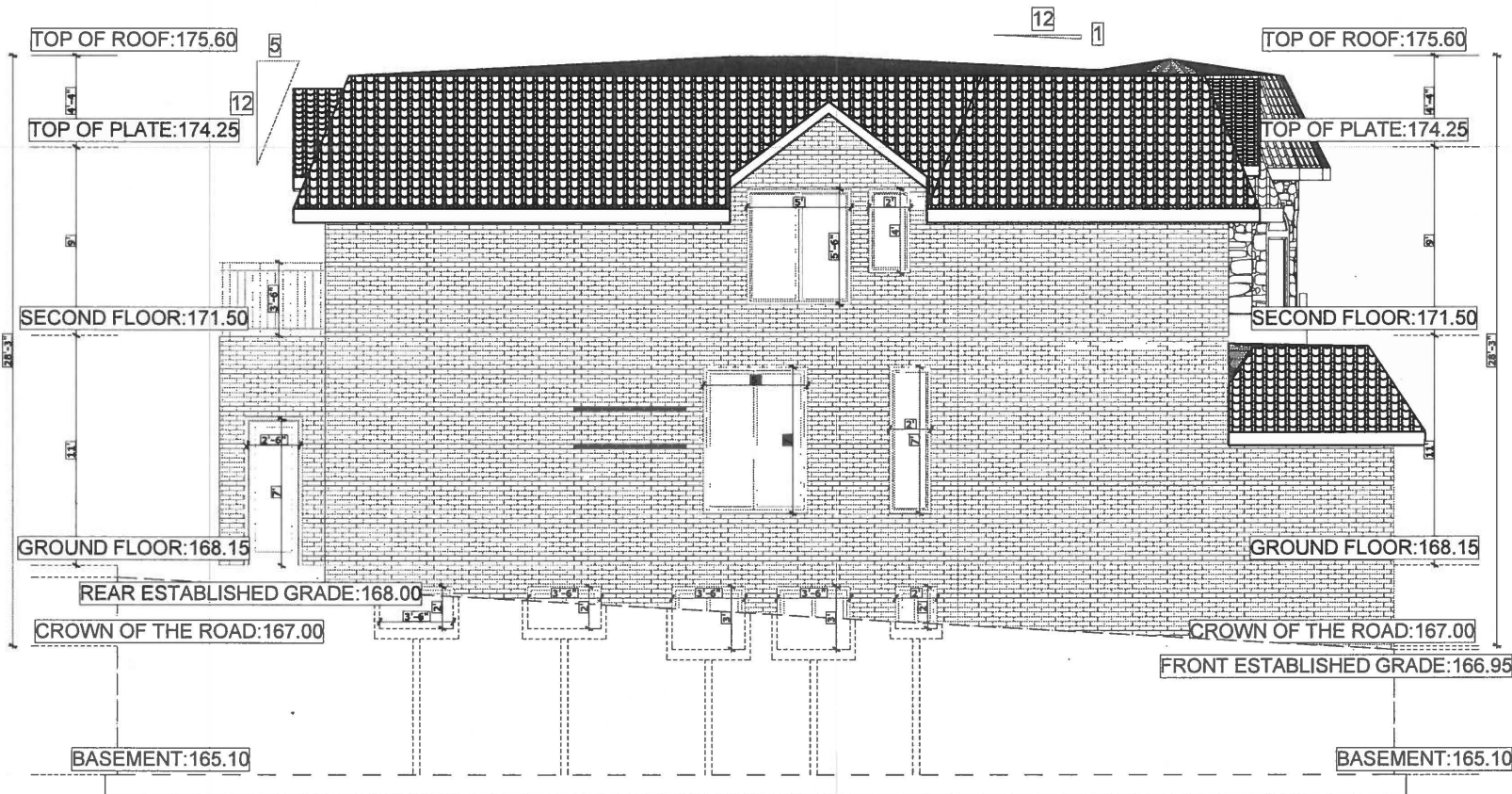
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SCALE: **3/16" = 1'-0"**

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V.E	V.E

LAST MODIFIED ON:  
**March-06-18**

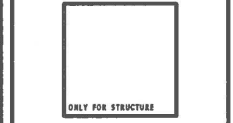
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THORNHILL, ON**

DRAWING TITLE:  
**SIDE ELEVATION**

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LAST MODIFIED ON:  
**March-06-18**

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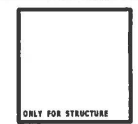


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VAHID EMAM JOMEH BCIN # 45213  
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PROHOME DESIGN INC. BCIN # 102220  
FIRM

*[Signature]*



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DATE:	ISSUED FOR:
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PROJECT TITLE/ADDRESS:  
**7 BRIGHTBAY Cres.  
THORNHILL, ON**

DRAWING TITLE:  
**SECTION**

SCALE: **3/16" = 1'-0"**

DRAWN BY:	CHKD BY:
V.E	V.E

LAST MODIFIED ON:  
**March-06-18**

**A.09**

