

Memorandum to the City of Markham Committee of Adjustment

May 15, 2018

File: A/45/18
Address: 72 Robinson St, Markham
Applicant: Jie Liu
Agent: SH Design (Samir Hinnawi)
Hearing Date: Wednesday May 30, 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, as amended:

- a) **Table 11.1:**
a minimum two-storey side yard setback (west) of 4.53 feet, whereas the By-law requires a minimum two-storey side yard setback of 6 feet;
- b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 21.23 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- c) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.43 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 49.5 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 898.22 m² (9668.35 ft²) subject property is located on the east side of Grenfell Crescent, north of Highway 7 and west of Galsworthy drive. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing one-storey detached 132.6 m² (1428 ft²) dwelling on the property, which according to assessment records was constructed in 1959. Mature vegetation exists across the rear of the property

Proposal

The applicant is proposing to demolish the existing home and construct a 220.62 m² (2374.77 ft²) two-storey detached dwelling (See Appendix B). A number of trees will be impacted as a result of the proposed development.

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. 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 1229

The subject property is zoned R1 'Residential' under By-law 1229, as amended, which permits a single detached dwelling and implements some development standards including side yard setback. The proposed house will not comply with the minimum side yard setback.

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 building depth, building height and net floor area ratio.

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

According to the information provided by the applicant, *"it's not possible to comply based on the design and space required in order to accommodate the home owner and their family's needs. It's not possible to comply with height as the height is taken from the crown of the road, which is lower than the grade by approximately 2'3". Building length includes both the one storey front porch and rear covered patio"*.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. However, it is still 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 variances in 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.

Reduced Side Yard Setback (two-storey portion)

The applicant is requesting a minimum side yard setback (west) of 4.53 ft (1.38 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m) for the two-storey portion. This is a difference of approximately 1.47 ft (0.44 m). The requested variance only applies to the two-storey portion of the building while the main floor

complies with the minimum side yard setback requirement. The two-storey portion of the proposed development abuts the rear yard for the property to its west however, limited openings in the form of windows coupled with separation between lots minimizes any potential impact. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.23 m (69.65 ft), whereas the by-law permits a maximum building depth of 16.8 m (55.1 ft). This represents an increase of approximately 4.43 m (14.53 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through 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 variance includes a front covered porch and rear patio which add approximately 1.47 m (4.82 ft) and approximately 4.27 m (14 ft) to the overall depth of the building. The main component of the building, excluding the porch and patio, has a depth of 16.8 m (55.1 ft) which complies with the by-law requirement. Given that the patio is located in the rear yard of the property and that both porch and patio are unenclosed, staff are of the opinion that the requested variance will have no adverse impacts on neighbouring properties.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.43 m (34.21 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.63 m (2.06 ft).

The By-law calculates building height using the vertical distance of a 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 0.63 m (2.06 ft) above the crown of road. This is generally consistent with newer developments in the neighbourhood which range in height between 10.5 m (34.44 ft) and 10.8 m (35.43 ft). Staff are of the opinion that the requested variance is appropriate in the context of the evolving character of the neighbourhood and will have minimal impact.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.5 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 371.83 m² (4002.35 ft²), whereas the By-law permits a dwelling with a maximum floor area of 340.17 m² (3661.56 ft²). This represents an increase of approximately 31.66 m² (340.78 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 an approximately 39.0 m² (419.8 ft²) open to below area on the second floor above the family room which is excluded from the gross floor area calculation under the by-law.

The building layout meets all other zoning provisions (such as lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor

area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increase in floor area ratio ranging between 49 percent and 50.9 percent.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 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 and have no objection. 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:



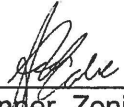
Stacia Muradali, Senior Planner, East District
File Path: Amanda\Files\18 229077 \Documents\District Team Comments Memo

APPENDIX "A"

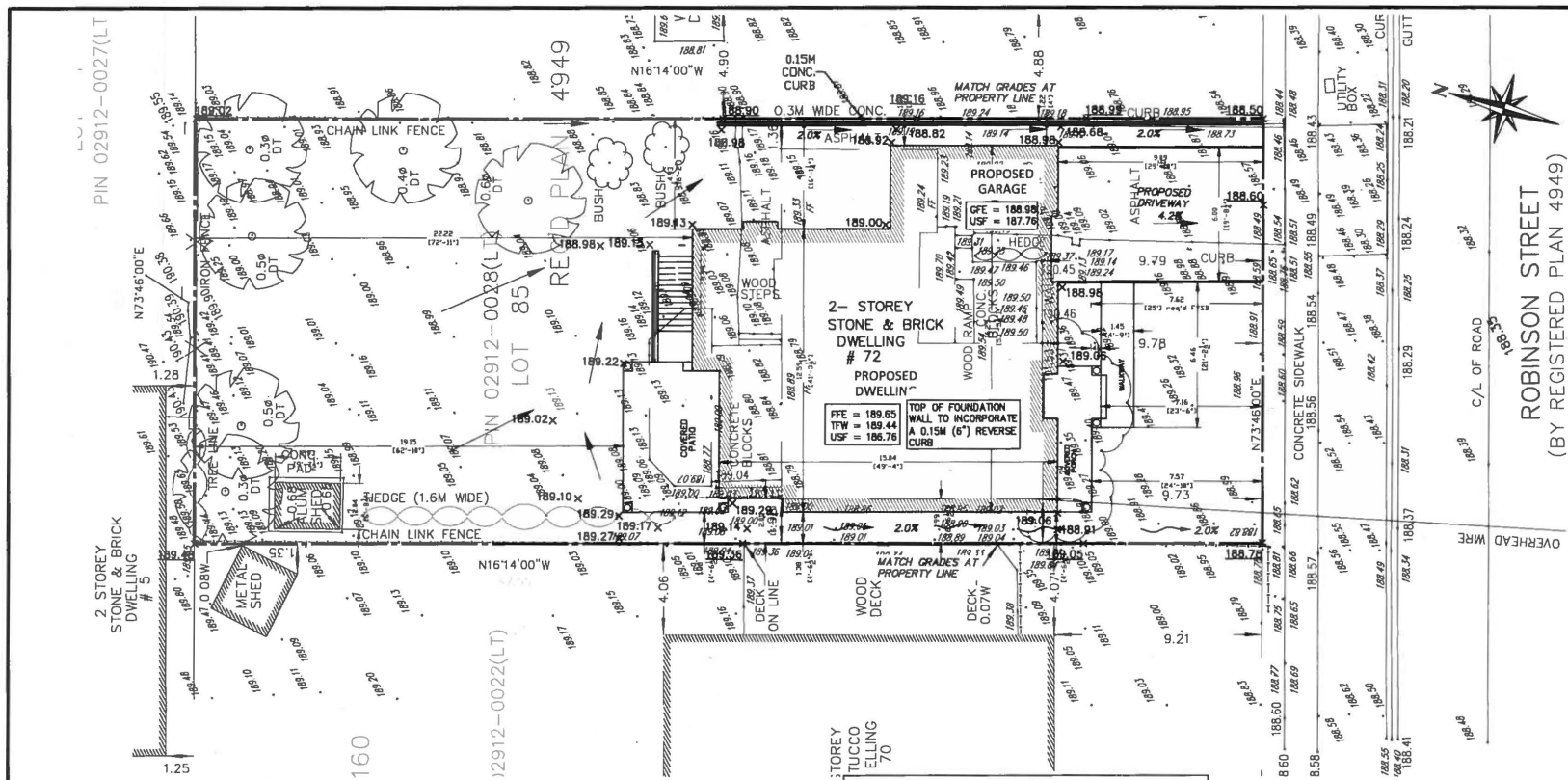
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/45/18

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 A' to this Staff Report and dated *April 11 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 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.
4. That the front and rear porches shown on the plan(s) attached as 'Appendix B' to this Staff Report and dated *April 11 2018*, remain unenclosed.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



KARUGU CONSULTING INC.
 1158 SANDBAR STREET
 LONDON, ON N6G 3G5
 TEL: 519 474-1755
 EMAIL: info@karugu.com
 WEBSITE: www.karugu.com

- LEGEND:**
- PROPERTY LINE
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 - OVERLAND FLOW ROUTE
 - EXISTING HYDRANT & VALVE
 - PROPOSED WATER VALVE
 - WATER METER
 - SWALE
 - SILT FENCE

BEARING NOTE
 BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF ROBINSON STREET, AS SHOWN ON REGISTERED PLAN 5160, HAVING A BEARING OF N73°46'00\"/>

LICENSED PROFESSIONAL ENGINEER

G. KARUGU
 100113507
 25/03/2018
 PROVINCE OF ONTARIO

SINGLE FAMILY DWELLING

72 ROBINSON STREET
 MARKHAM, ONTARIO

GRADING PLAN

DESIGNED BY: G. KARUGU	DATE: MAR 04, 2018
DRAWN BY: G. KARUGU	SURVEYED BY: KAD LANKA SURVEYING INC.
CHECKED BY: G. KARUGU	DWG. No. 18012-GR1
SCALE: 1:200	

EROSION CONTROL NOTES

PRIOR TO ANY EARTH MOVING / CONSTRUCTION ACTIVITIES, CONSTRUCTION ENTRANCE MUD MAT, SILT FENCE, TEMPORARY INTERCEPTOR SWALES AND ROCK CHECK DAMS MUST BE INSTALLED.

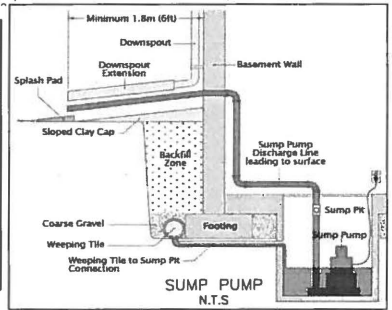
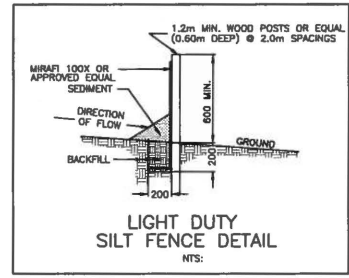
ADJACENT ROADS ARE TO BE MAINTAINED FREE OF MUD, DEBRIS ETC. THROUGH AN ONGOING PROGRAM OF STREET SWEEPING, CLEANING AND SCRAPING AS REQUIRED.

THE CATCHBASIN SEDIMENT PROTECTION DEVICES MUST BE INSPECTED A MINIMUM OF ONCE EVERY TWO WEEKS AND IMMEDIATELY FOLLOWING A SIGNIFICANT RAINFALL EVENT (RAINFALL 1cm OR GREATER)

ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED, AS REQUIRED BY THE CONTRACTOR, TO THE SATISFACTION OF THE TOWN'S/CITY'S AND THE SITE ENGINEER.

THE EROSION AND SEDIMENT CONTROL PLAN IS DYNAMIC AND WHILE THE EROSION AND CONTROL MEASURES ARE TO BE CONSTRUCTED AS SHOWN ON THIS PLAN, THEY ARE ALSO TO BE MAINTAINED AND MODIFIED AS NECESSARY OVER THE CONSTRUCTION PERIOD TO PREVENT THE RELEASE OF SEDIMENT FROM THE CONSTRUCTION AREA.

THE WORKING FACE OF TOPSOIL STOCKPILES SHALL NOT EXCEED THE NATURAL ANGLE OF REPOSE AND MUST MEET THE REQUIREMENTS OF HEALTH AND SAFETY ACT. TOPSOIL STOCKPILES SHALL BE STABILIZED WITH HYDROSEEDING IF THE PERIOD OF INACTIVITY EXCEEDS 1 MONTH.



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NOTE:
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REFER TO GRADING PLAN FOR GRADES
SWALES

REG'D PLAN 5160

LOT 11

PIN 02912-0027(LT)

LOT 8

T2 ROBINSON STREET

LOT AREA = 898.7 sq.m (9673.63 sq.ft.)

LOT COVERAGE (CALCS) MAX 35%

- DWELLING (incl. GARAGE) = 2374.71 sq.ft. (22062 sq.m)
- COVERED FRONT PORCH = 131.4 sq.ft. (12.1 sq.m)
- COVERED REAR PATIO = 304.85 sq.ft. (28.32 sq.m)

TOTAL = 2,811.02 sq.ft. (261.15 sq.m)
PROVIDED 29.06%

NET FLOOR AREA - 8,136.8 sq.ft

MAX FLOOR AREA RATIO - 45%

- FIRST FLOOR AREA (incl. garage) = 2366.27 sq.ft. excludes open to below (first floor) (850 sq.ft.)
- SECOND FLOOR AREA = 1636.08 sq.ft. excludes 2-storey family room (3431 sq.ft.) excludes STAIRS (second floor) (76.7 sq.ft.)
- TOTAL = 4,002.35 sq.ft. (371.83 sq.m)
PROVIDED 49.20%
- FIN. BASEMENT AREA = 1547.6 sq.ft.

LOT 6
REG'D PLAN 5160

PIN 02912-0022(LT)

1 STOREY
STUCCO
DWELLING
70

LOT 85 REGISTERED PLAN 4949
CITY OF MARKHAM

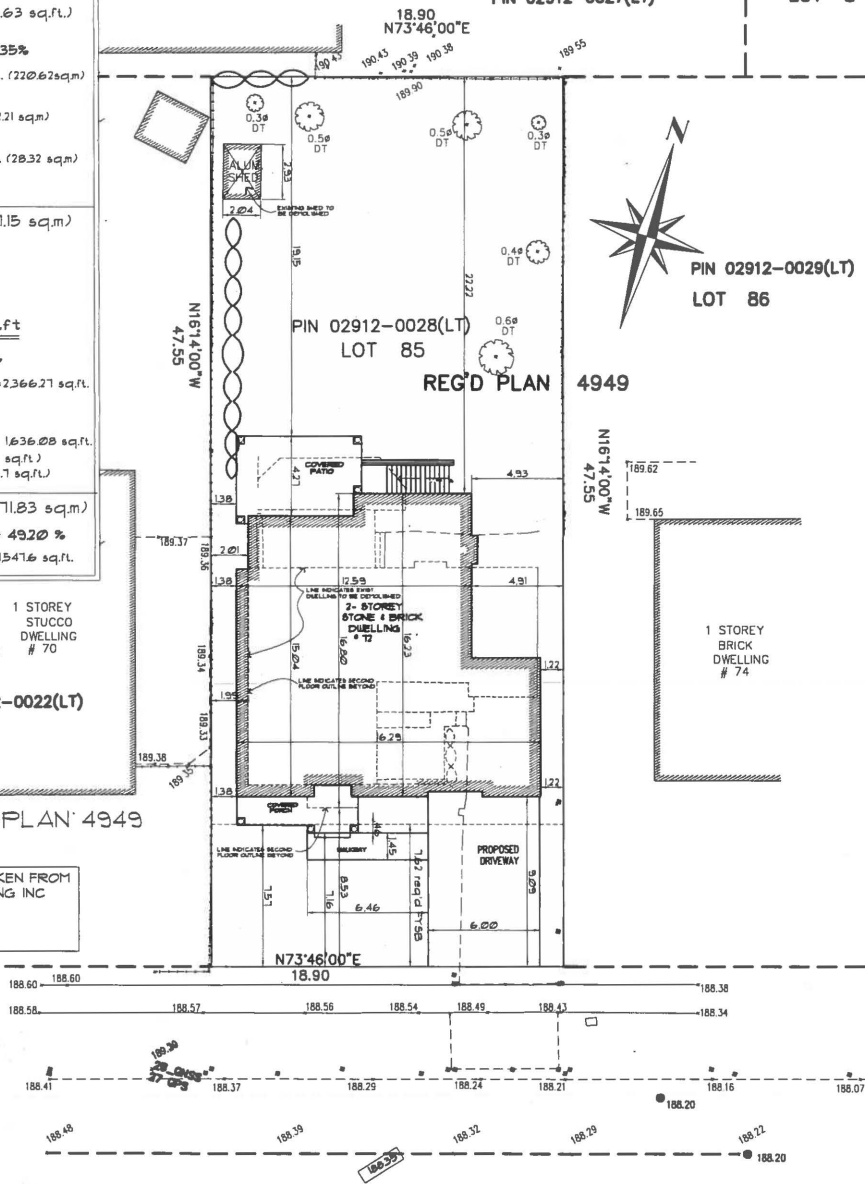
ALL SITE PLAN INFORMATION IS TAKEN FROM
SERVEYOR'S KAD LANKA SURVEYING INC
ONTARIO LAND SERVEYORS
DATED OCTOBER 12, 2017



PIN 02912-0029(LT)
LOT 86

REG'D PLAN 4949

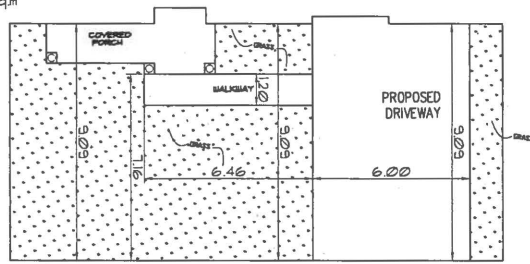
1 STOREY
BRICK
DWELLING
74



FRONT YARD AREA: - 173.87 sq.m

- FRONT PORCH AREA = 12.21 sq.m
- WALKWAY & STAIRS = 9.37 sq.m
- DRIVEWAY = 54.54 sq.m
- TOTAL (HARD) = 76.12 sq.m
- = 43.78%

ROBINSON STREET
(BY REGISTERED PLAN 4949)
PIN 02912-0128(LT)



DATE	SCALE	TYPE
1/20/18	1/8" = 1'-0"	PLAN

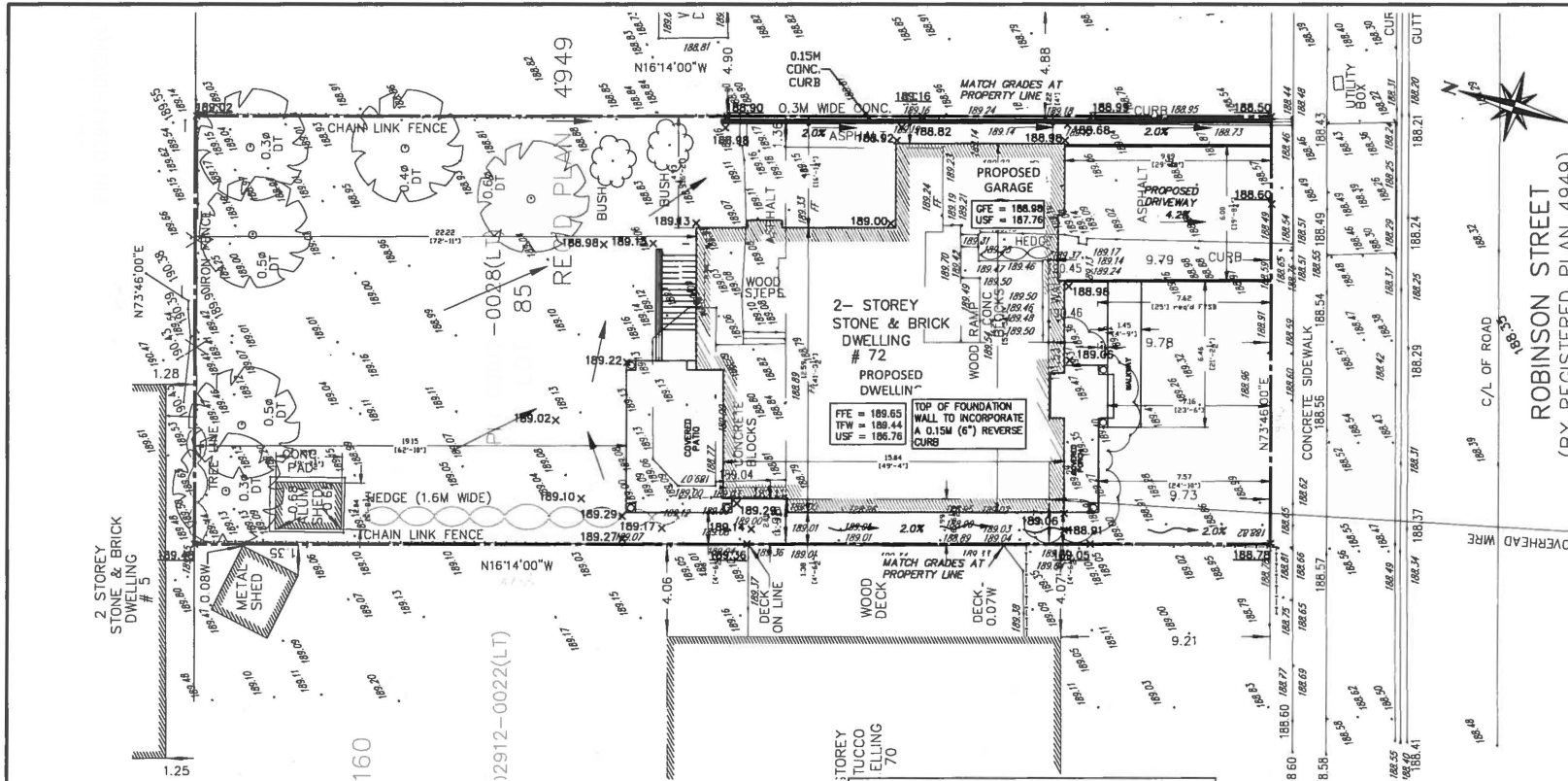
NO.	DATE	DESCRIPTION
1	1/20/18	ISSUED FOR PERMIT
2	1/20/18	REVISED PER CITY COMMENTS
3	1/20/18	REVISED PER CITY COMMENTS

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 - SWALE
 - SILT FENCE

BEARING NOTE
 BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF ROBINSOIN STREET, AS SHOWN ON REGISTERED PLAN S160, HAVING A BEARING OF N73°45'00"E.
METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
BENCHMARK NOTE
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No. 02223023, HAVING AN ELEVATION OF 182.281 METRES. LOCATION: BRASS CAP SET IN CONCRETE BOX MAX 8.3M NORTH OF THE CENTERLINE OF ROBINSOIN STREET AND 34M EAST OF THE CENTERLINE OF SHERWOOD FOREST DRIVE.

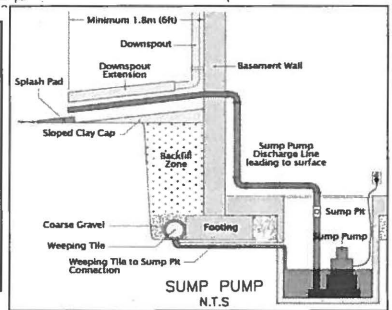
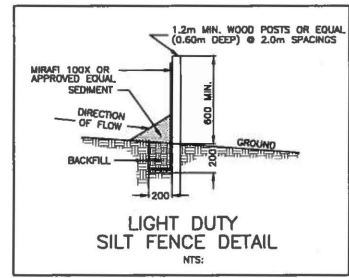


SINGLE FAMILY DWELLING

72 ROBINSOIN STREET
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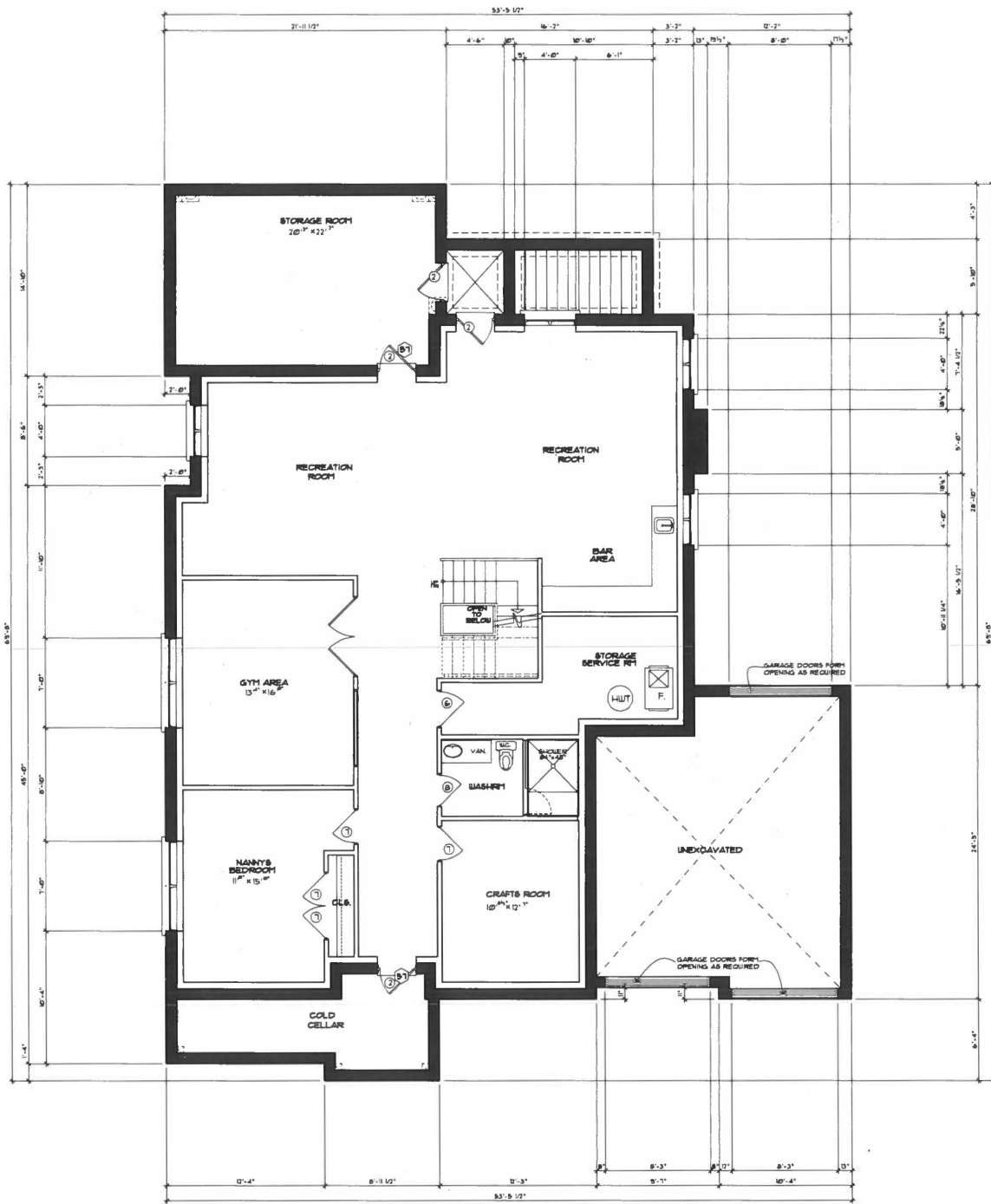
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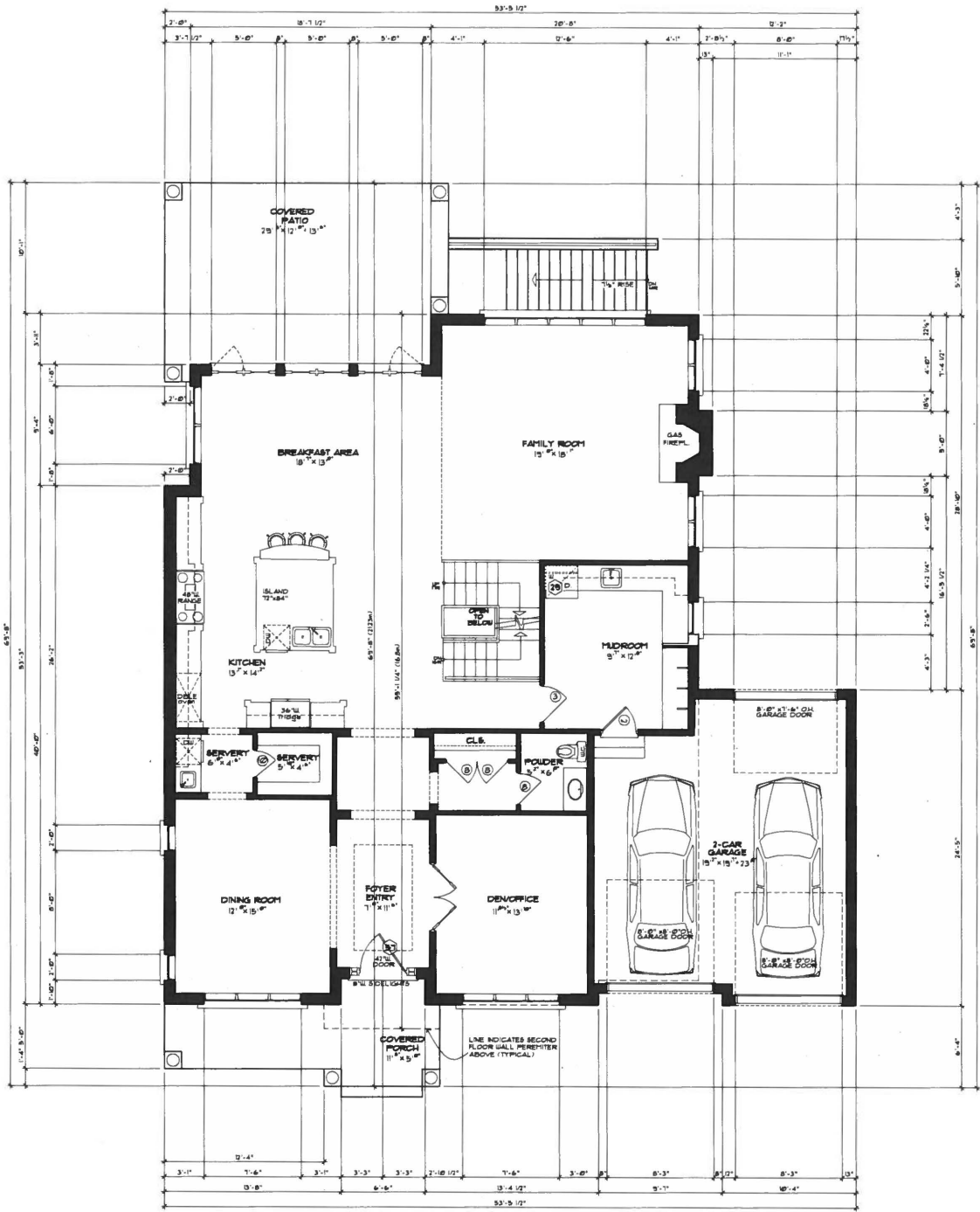
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NOTE:-
 BASEMENT TO BE USED AS
 PART OF A SINGLE FAMILY DWELLING
 ONLY AND NOT AS A SECOND SUITE

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<p>PROPOSED 1-STOREY DWELLING 72 ROBINSON STREET MARKHAM, ONTARIO</p>																	
<p>BASEMENT FLOOR PLAN</p> <table border="1"> <tr> <td>DRAWN BY:</td> <td>DATE:</td> <td>SCALE:</td> </tr> <tr> <td>CHECKED BY:</td> <td>DATE:</td> <td>SCALE:</td> </tr> <tr> <td>DATE:</td> <td>SCALE:</td> <td>SCALE:</td> </tr> </table>			DRAWN BY:	DATE:	SCALE:	CHECKED BY:	DATE:	SCALE:	DATE:	SCALE:	SCALE:						
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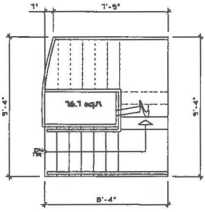


FIRST FLOOR AREA

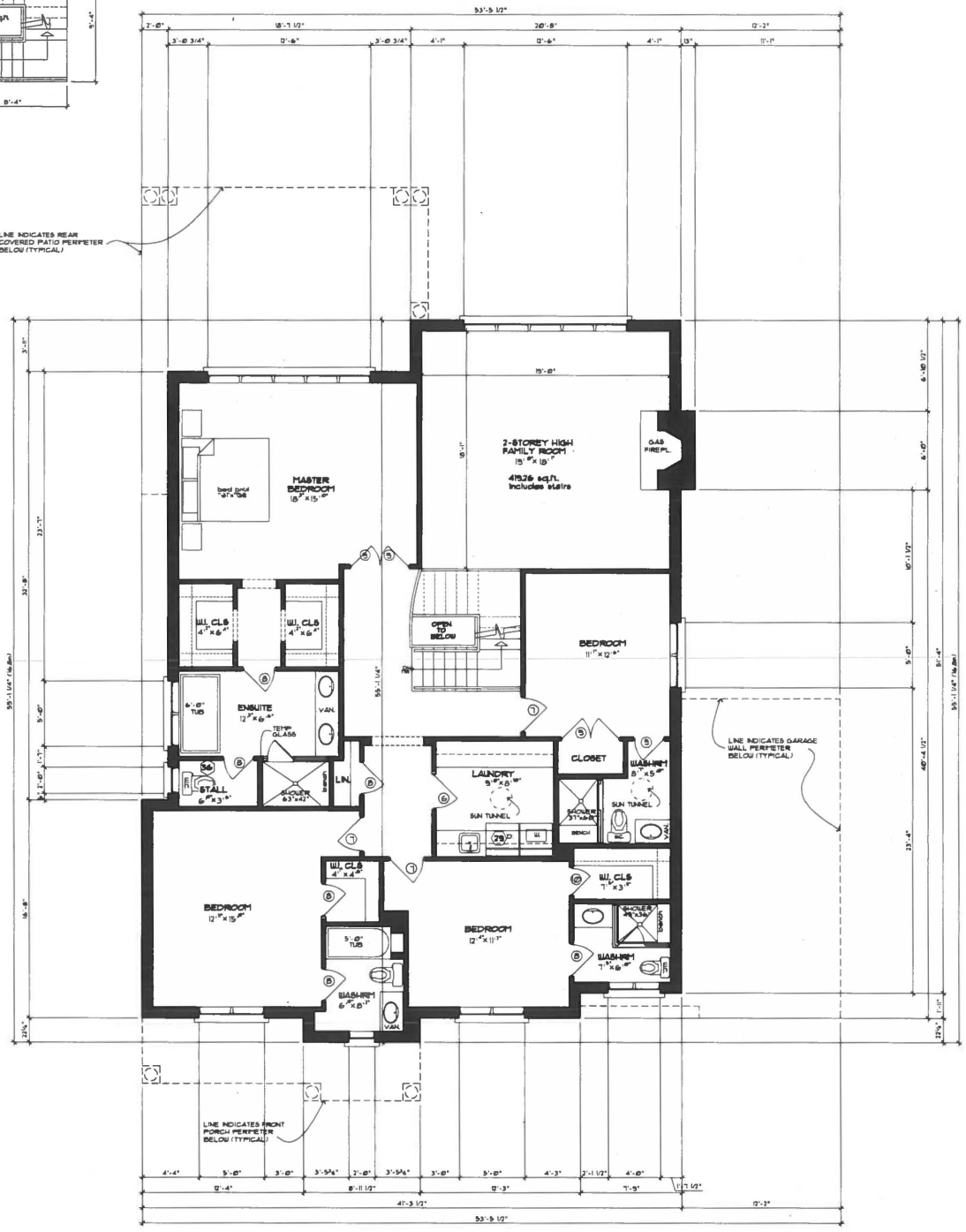
SH DESIGN 1000 VICTORIA PARK DRIVE SUITE 100 MISSISSAUGA, ONTARIO L4X 1L3 TEL: (905) 270-8888 FAX: (905) 270-8889 WWW.SHDESIGN.COM	
REVISIONS	DATE
1	ISSUED FOR BIDDING REVIEW (CHECK & SIGN)
2	AS PER COMMENTS
3	FOR PERMITTING
4	FOR CONSTRUCTION (AS APPROVED)
5	FOR CONSTRUCTION (AS APPROVED)
6	FOR CONSTRUCTION (AS APPROVED)
7	FOR CONSTRUCTION (AS APPROVED)
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FIRST FLOOR PLAN
 PROPOSED 2-STORY
 DWELLING
 72 ROBINSON STREET
 MARKHAM, ONTARIO

PROJECT NO.:
 DATE:
 SCALE:
 DRAWN BY:
 CHECKED BY:
 APPROVED BY:
 PROJECT NO.:
 DATE:
 SCALE:
 DRAWN BY:
 CHECKED BY:
 APPROVED BY:



LINE INDICATES REAR COVERED PATIO PERIFER BELOW (TYPICAL)

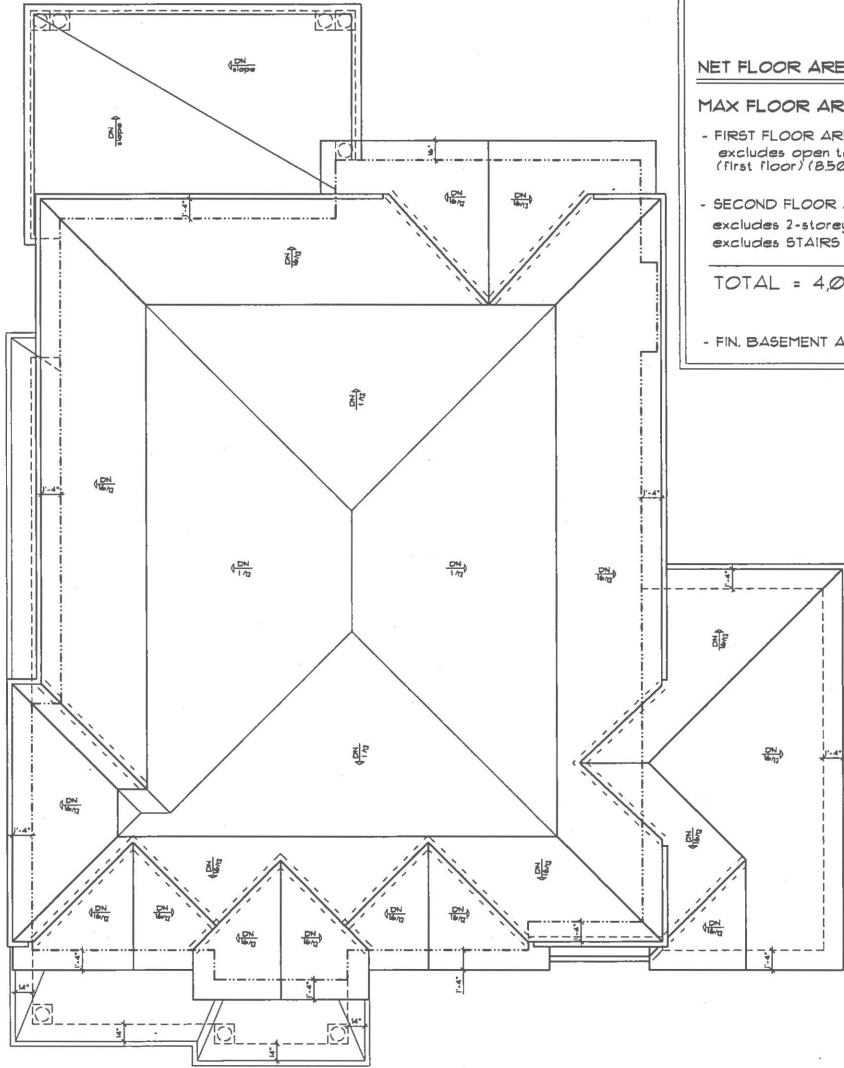
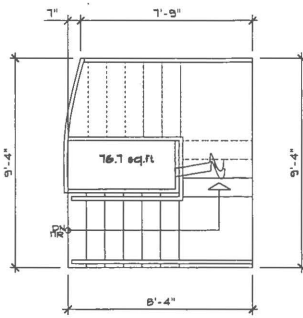


LINE INDICATES GARAGE WALL PERIFER BELOW (TYPICAL)

LINE INDICATES FRONT PORCH PERIFER BELOW (TYPICAL)

SECOND FLOOR AREA

<p>SH DESIGN YOUR VISION. OUR EXPERIENCE. DESIGN CONSULTING SERVICES • ARCHITECTURE • INTERIORS • EXTERIORS • LANDSCAPE ARCHITECTURE • PROJECT MANAGEMENT • CONSTRUCTION ADMINISTRATION • DESIGN-BUILD • DESIGN-BID-BUILD • GENERAL CONTRACTING • PROJECT MANAGEMENT • CONSTRUCTION ADMINISTRATION • DESIGN-BUILD • DESIGN-BID-BUILD • GENERAL CONTRACTING • PROJECT MANAGEMENT • CONSTRUCTION ADMINISTRATION</p>		<p>DATE: 10/15/2018 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1/8" = 1'-0" SHEET NO.: 208</p>
<p>PROPOSED 2-STORY DWELLING 12 ROBINSON STREET MARKHAM, ONTARIO</p>		<p>SECOND FLOOR PLAN</p>



ROOF PLAN

72 ROBINSON STREET	
LOT AREA = 898.7 sq.m (9,673.63 sq.ft.)	
LOT COVERAGE (CALCS) MAX 35%	
- DWELLING (incl. GARAGE)	= 2,374.71 sq.ft. (220.62sq.m)
- COVERED FRONT PORCH	= 131.4 sq.ft. (12.21 sq.m)
- COVERED REAR PATIO	= 304.85 sq.ft. (28.32 sq.m)
TOTAL = 2,811.02 sq.ft. (261.15 sq.m)	
PROVIDED 29.06%	
NET FLOOR AREA - 8,136.8 sq.ft.	
MAX FLOOR AREA RATIO - 45%	
- FIRST FLOOR AREA (incl. garage)	= 2,366.27 sq.ft. excludes open to below (first floor) (830 sq.ft.)
- SECOND FLOOR AREA	= 1,636.08 sq.ft. excludes 2-storey family room (343.1 sq.ft.) excludes STAIRS (second floor) (76.7 sq.ft.)
TOTAL = 4,002.35 sq.ft. (371.83 sq.m)	
PROVIDED 49.20 %	
- FIN. BASEMENT AREA	= 1,547.6 sq.ft.

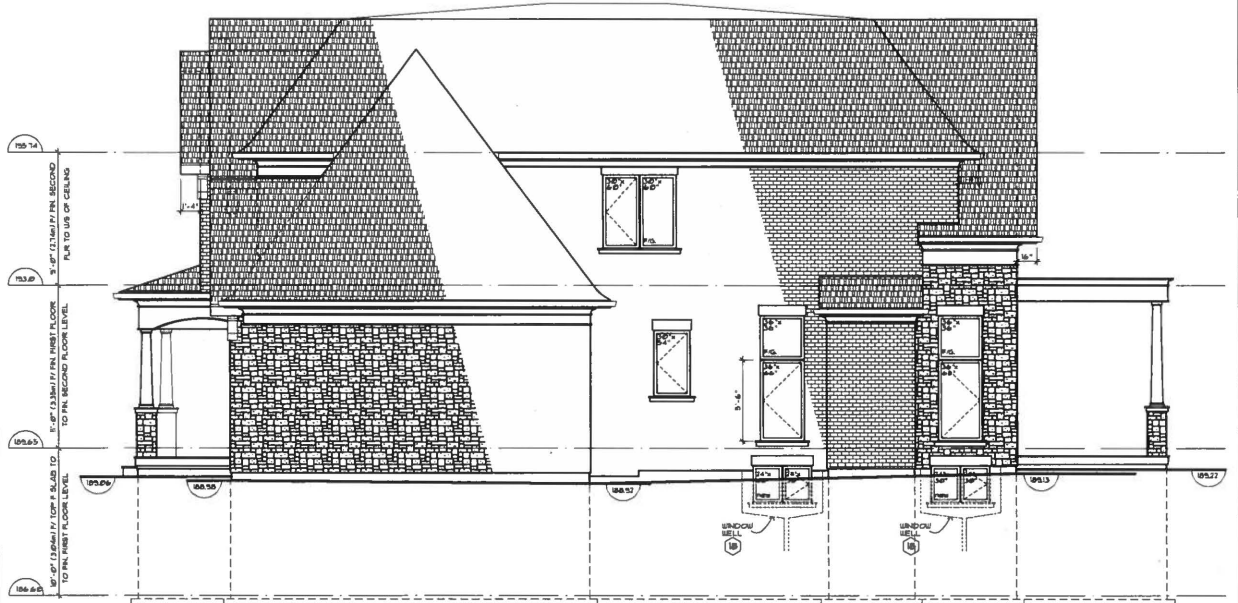
		SH DESIGN YOUR VISION. OUR EXPERIENCE. DESIGN, ARCHITECTURE, INTERIORS - RENOVATIONS, DEMOLITION - ADDITIONS & RENOVATIONS SALTER HANNAH CALL: (416) 344-5715 EMAIL: SAH@SHDESIGN.COM	
NO.	DATE	REVISIONS	DATE
1	March 9, 2008	BASED FOR ISSUING AND VIEW	March 9, 2008
2	March 10, 2008	AS PER COMMENTS	March 10, 2008
3	March 11, 2008	PREPARED FOR CITY APPROVAL	March 11, 2008
PREPARED FOR CITY APPROVAL (Per 1, 2, 3)			
ROOF PLAN			
PROPOSED 2-STORY DWELLING 72 ROBINSON STREET HARBURTON, ONTARIO			
DESIGNED BY	DATE	CHECKED BY	SCALE
SAH	MARCH, 2008	SAH	1/8" = 1'-0"



LEFT SIDE ELEVATION
SB-2 - ENERGY EFFICIENCY INFO
 WALL AREA = 1075.4 sqm
 WINDOW GLASS AREA = 85.4 sqm

LEFT SIDE ELEVATION

LEFT SIDE ELEVATION
 WALL AREA (1) = 1075.4 sqm
 LIMITING DISTANCE = 140m
 COVERAGE ALLOWED = MAX 7.0%
 UNPROTECTED OPENINGS AVAILABLE
 = 8.33 sqm (68.6 sqft)
 = 9.88%



RIGHT SIDE ELEVATION
SB-2 - ENERGY EFFICIENCY INFO
 WALL AREA = 1114.0 sqm
 WINDOW GLASS AREA = 86.4 sqm

RIGHT SIDE ELEVATION

RIGHT SIDE ELEVATION
 WALL AREA (1) = 1114.0 sqm
 LIMITING DISTANCE = 120m
 COVERAGE ALLOWED = MAX 7.0%
 UNPROTECTED OPENINGS AVAILABLE
 = 6.61 sqm (71.0 sqft)
 = 5.94%

DATE	SCALE	FILE
MARCH, 2008	1/8" = 1'-0"	14

LEFT AND RIGHT SIDE ELEVATIONS
 12 ROBINSON STREET
 MARKHAM, ONTARIO

PROPOSED 2-STORY DWELLING

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	MARCH 1, 2008
2	AS PER COMMENTS	MARCH 11, 2008
3	ADDED VENT FLOW CALCULATION	MARCH 11, 2008

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 • INTERIORS
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 • LANDSCAPE ARCHITECTURE
 • LIGHTING DESIGN
 2200 SHEPPARD AVENUE EAST, SUITE 100
 MARKHAM, ONTARIO L3R 9V7
 TEL: (416) 414-5116
 FAX: (416) 414-5117
 WWW.SHDESIGN.COM

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	MARCH 1, 2008
2	AS PER COMMENTS	MARCH 11, 2008
3	ADDED VENT FLOW CALCULATION	MARCH 11, 2008