

# Memorandum to the City of Markham Committee of Adjustment

June 18<sup>th</sup>, 2019

**File:** A/50/19  
**Address:** 15 Galsworthy Drive, Markham  
**Applicant:** Nicole Sgovio & Massimo Demarinis  
**Agent:** Gregory Designs (Shane Gregory)  
**Hearing Date:** Wednesday June 26, 2019

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, as it relates to a proposed two-storey detached dwelling on the subject property (15 Galsworthy Drive), to permit:

- a) **Infill By-law 99-90, Section 1.2 (vi):**  
a Net Floor Area Ratio (NFA) of 49.50 percent, whereas the By-law permits a maximum NFA of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 20.63 m, whereas the By-law permits a maximum building depth of 16.80 m; and
- c) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.61 m, whereas the By-law permits a maximum building height of 9.8 m.

## BACKGROUND

### Property Description

The 919.70 m<sup>2</sup> (9,899.56 ft<sup>2</sup>) subject property is located on the east side of Galsworthy Drive, north of Highway 7 East & and west of Main Street Markham North. There is an existing one-storey detached 129.50 m<sup>2</sup> (1,394 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the rear yard. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. A number of nearby homes have been redeveloped with newer infill housing.

### Proposal

The applicant is proposing to redevelop the subject site with a new two-storey detached dwelling. The proposed dwelling has an attached two-car garage and covered porches in the front and rear yards.

### 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. Section 8.2.3.5 of the 2014 Official Plan outlines infill development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' designation, including variance applications, infill development is required to meet the general intent of this criteria. 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.

#### Zoning By-Law 1229

The subject property is zoned 'Residential' (R1) under By-law 1229, as amended, which permits one single detached dwelling on a lot.

#### 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 by specifying 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 net 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 of front and rear covered porches and the grading of the property in comparison to the grade at the centerline of the road"*.

#### **Zoning Preliminary Review (ZPR) Not 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 a Net Floor Area Ratio of 49.50 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 379.31 m<sup>2</sup> (4,082.85 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 344.88 m<sup>2</sup> (3,712.25 ft<sup>2</sup>). This represents an increase of approximately 34.43 m<sup>2</sup> (370.60 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the Net Lot Area. The proposed dwelling will maintain the required setbacks and will be well under the required lot coverage. While the proposed dwelling will be larger than existing homes developed originally in the 1950s, it will be in keeping with the scale of newer residential infill developments in the surrounding neighbourhood.

**Increase in Maximum Building Height**

The applicant is requesting a maximum building height of 10.61 m (34.81 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of approximately 0.81 m (2.66 ft). Staff do not have concerns with the proposed building height.

**Increase in Maximum Building Depth**

The applicant is requesting a maximum building depth of 20.63 m (67.68 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.83 m (12.56 ft).

Building depth is measured from 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The proposed building depth includes front and rear covered porches, which add approximately 1.67 m (5.5 ft) and 1.17 m (3.83 ft) to the overall depth of the building, respectively. The proposed dwelling, excluding porches, has a depth of approximately 17.79 m (58.36 ft). Given that the covered porches are located on the first storey only, are unenclosed and maintain the required building setbacks, staff are of the opinion that the building depth is appropriate for the development and will not impact abutting properties.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of June 18<sup>th</sup>, 2019. It is noted that additional information may be received after the writing of this 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 I, East District

REVIEWED BY:

  
\_\_\_\_\_  
Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 19 121787 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/50/19**

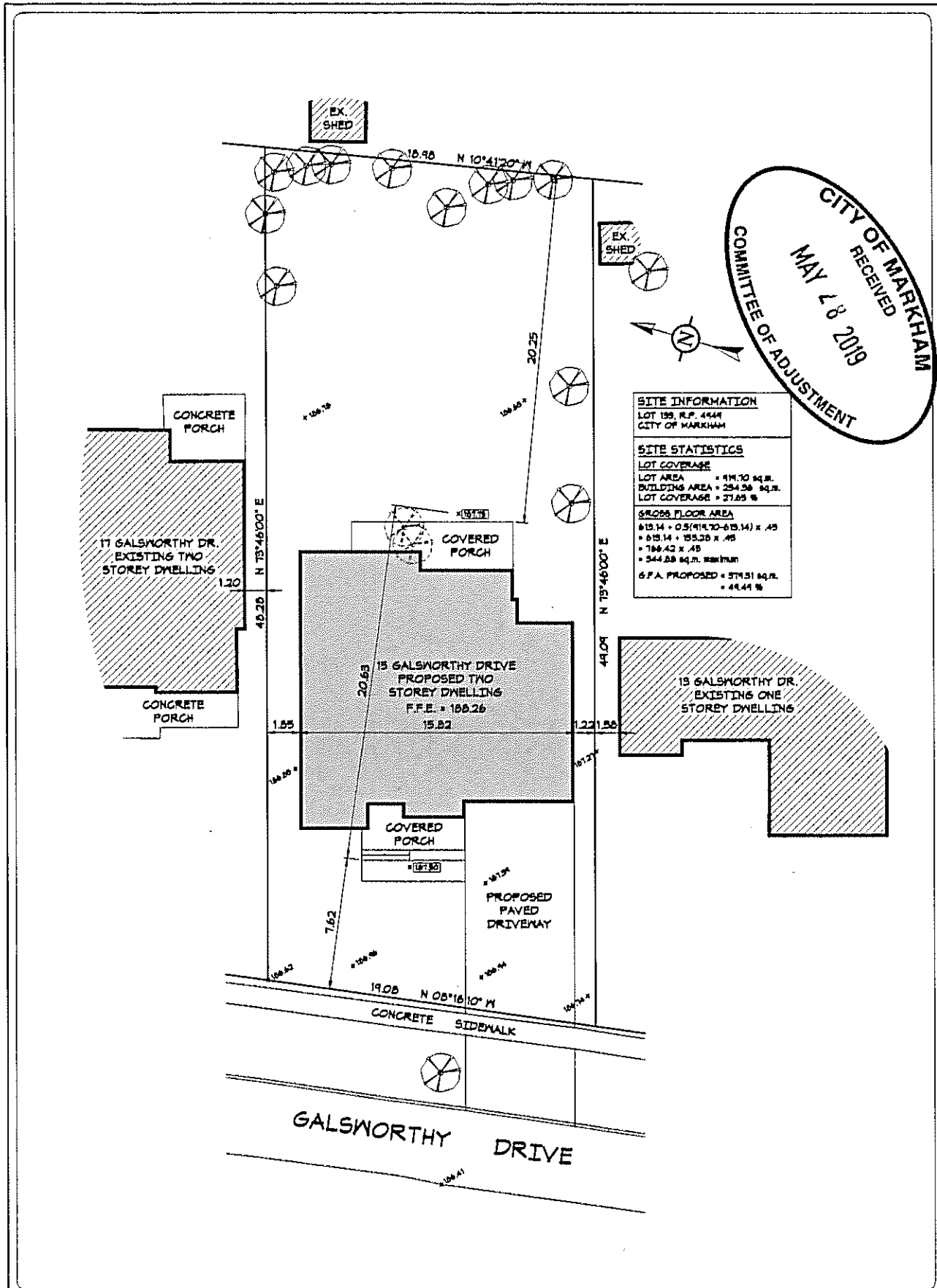
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *May 28, 2019*, and that the Secretary-Treasurer 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 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 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;
4. 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;
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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



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Aqsa Malik, Planner I, East District



|                                       |
|---------------------------------------|
| <b>SITE INFORMATION</b>               |
| LOT 138, R.P. 4441<br>CITY OF MARKHAM |
| <b>SITE STATISTICS</b>                |
| <b>LOT COVERAGE</b>                   |
| LOT AREA = 411.10 sq.m.               |
| BUILDING AREA = 254.58 sq.m.          |
| LOT COVERAGE = 61.93 %                |
| <b>GROSS FLOOR AREA</b>               |
| 613.14 = 0.5(411.10 + 613.14) x .45   |
| = 613.14 + 153.28 x .45               |
| = 766.42 x .45                        |
| = 344.89 sq.m. maximum                |
| G.F.A. PROPOSED = 574.51 sq.m.        |
| = 49.41 %                             |

CITY OF MARKHAM  
RECEIVED  
MAY 28 2019  
COMMITTEE OF ADJUSTMENT

**GENERAL NOTES:**

- ALL CONSTRUCTION IS TO CONFORM TO SECTION "M" 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-CLAD AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
- THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

**PROJECT TITLE**

SITE PLAN  
15 GALSWORDY DRIVE  
CITY OF MARKHAM

**THE GREGORY DESIGN GROUP**

16 CHURCH STREET  
MARKHAM, ONTARIO L3P 2L6  
CELL (416) 520-0978  
shane@gregorydesigngroup.net

**SCALE** 1:200

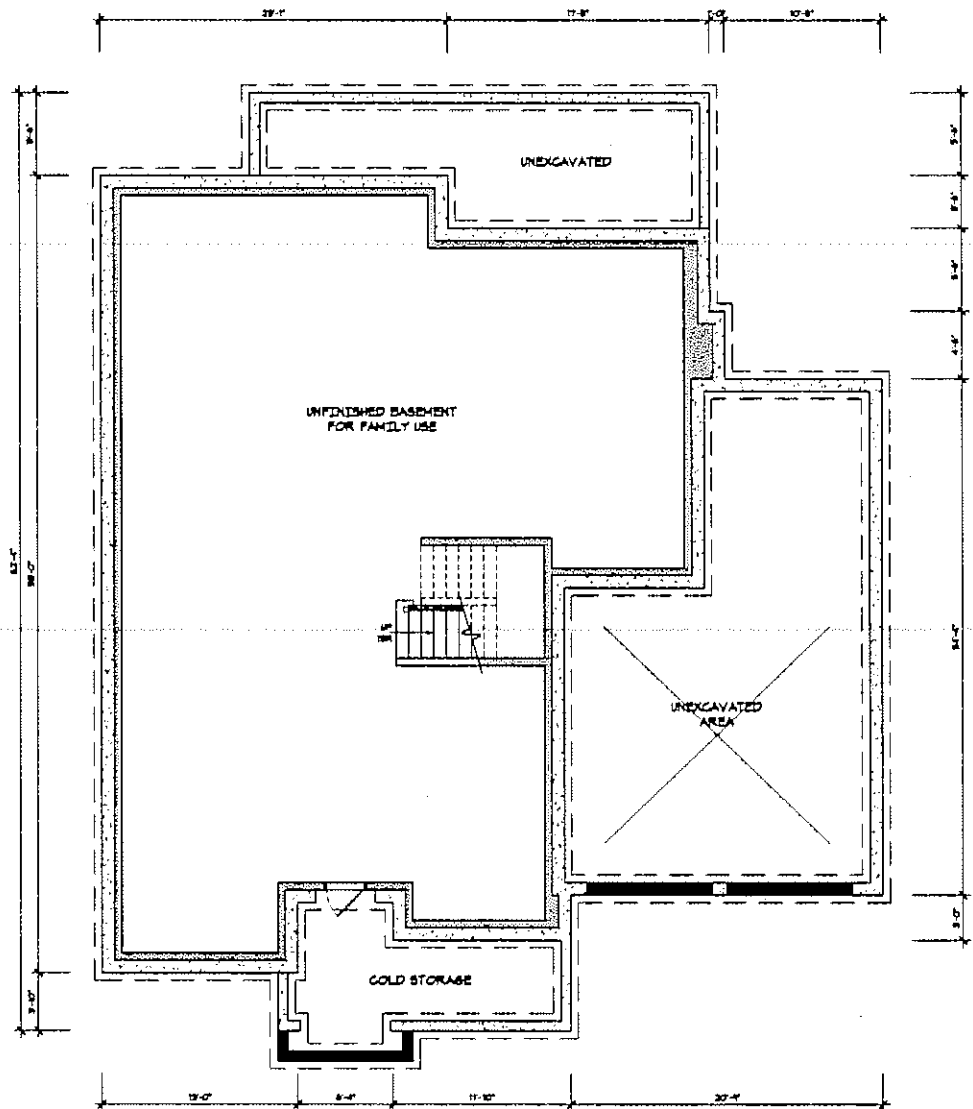
**DATE** 05/22/19

**PROJECT NUMBER** 2145-19

**DRAWN BY** S.Gregory

**CHECKED BY** R.G.

SP-1



**BASEMENT & FOUNDATION PLAN**

**GENERAL NOTES:**

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**PROJECT TITLE**

**PROPOSED HOUSE DESIGN  
15 GALSMORTHY DRIVE  
CITY OF MARKHAM**

**THE GREGORY  
DESIGN GROUP**

16 CHURCH STREET  
MARKHAM, ONTARIO L3P 2L6  
CELL (416) 520-0478  
shane@gregorydesigngroup.net

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

**PROJECT NUMBER**  
2143-19

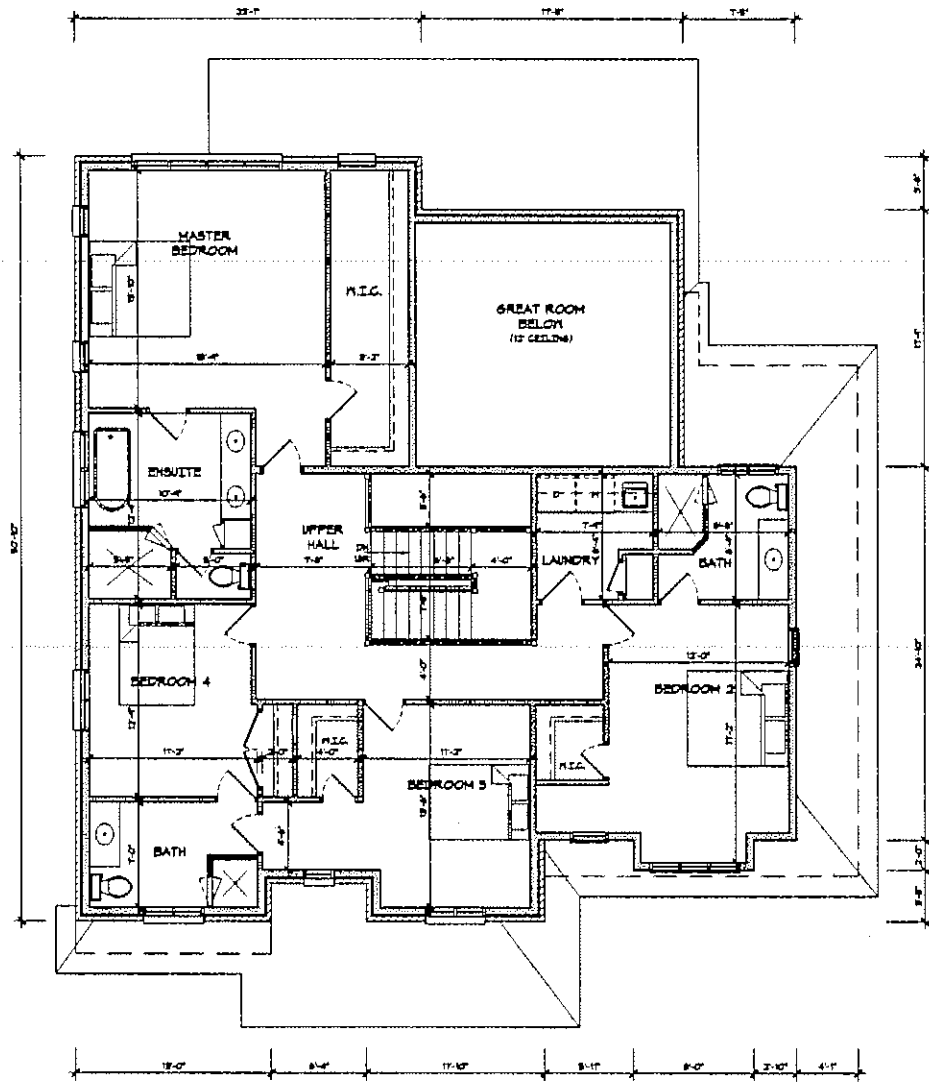
**DRAWN BY**  
S. Gregory

**CHECKED BY**  
R.G.

**DATE**  
05/22/19

**SHEET NUMBER**  
A-1





**SECOND FLOOR PLAN**  
 FLOOR AREA = 1,621 sq.ft.  
 OPEN SPACE = 117 sq.ft.  
 TOTAL GROSS FLOOR AREA = 1,710 sq.ft. (158.66 sq.m.)

**GENERAL NOTES**

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**PROJECT TITLE**

PROPOSED HOUSE DESIGN  
 15 GALS WORTHY DRIVE  
 CITY OF MARKHAM

**THE GREGORY DESIGN GROUP**

16 CHURCH STREET  
 MARKHAM, ONTARIO L3P 3L6  
 CELL (416) 520-0478  
 shane@gregorydesigngroup.net

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

**PROJECT NUMBER** 2143-19

**DRAWN BY** S. Gregory

**CHECKED BY** R.G.

**DATE** 05/22/19

**SHEET NUMBER** A-3



