

Memorandum to the City of Markham Committee of Adjustment

November 26, 2019

File: A/126/19
Address: 69 Robinson St – Markham, ON
Applicant: Nimalharan Nagarajah & Bremshuya Sinnathamby
Agent: SHDesign
Hearing Date: Wednesday December 11, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling:

a) Infill By-law 99-90, Section 1.2(i):

a maximum building height of 10.92 metres, whereas the by-law permits a maximum building height of 9.80 metres;

b) Infill By-law 99-90, Section 1.2(vi):

a maximum Net Floor Area Ratio of 51.3 percent, whereas the by-law permits a maximum Net Floor Area Ratio of 45 percent; and

c) Infill By-law 99-90, Section(iii):

a maximum building depth of 19.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres.

BACKGROUND

Property Description

The 979.28 m² (10, 540.88 ft²) subject property is located on the south side of Robinson Street, which is north of Highway 7 East, west of Galsworthy Drive and east of Alanadale Avenue. The subject property is developed with a one-storey single detached dwelling, which according to assessment records was built in 1958. Mature vegetation exists on the property including a mature tree in both the front and rear yard.

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 several instances of newer dwellings in the form of infill development.

Proposal

The applicant is proposing to demolish the existing dwelling and to construct a 405.38 m² (4,363.47 ft²) two-storey single detached dwelling, inclusive of an attached two car garage. A covered concrete deck/patio and basement walk-up stairs are located at the rear of the dwelling. Interior living space is located below the concrete patio within the basement level, comprising a storage area and theatre room.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)
“2014 Official Plan”

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 development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established 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. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development 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 per 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. 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 net floor area, building height, and building depth.

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,

“Maximum Net Floor Area: as design and size are required in order to accommodate the homeowners familial needs.

Maximum Building Height: as height of building is measured from the crown of the road which is approximately 16” lower than the grade at the front wall of the house.

Maximum Building Depth: as both the front porch and rear covered patio are included and extend the depth of the building.”

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR dated November 6, 2019 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.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.92 m (35.83 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 1.12 m (3.68 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown (i.e. the highest point) of the street and the highest point of the roof surface. The proposed grade of the front of the house is approximately 0.41 m (1.33 ft) above the crown of road. Staff are of the opinion that the proposed height is generally compatible with that of other infill development within the area and do not have concerns with the proposed height variance.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 51.3 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 gross floor area of 405.38 m² (4,363.47 ft²), whereas the By-law permits a dwelling with a maximum floor area of 358.3 m². This is an increase of 47.08 m² (506.76 ft²).

Floor area ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; 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 (ex. two-storey foyers, atriums and/or stairs). With the exception of building height and building depth, it is noted that all other setbacks and lot coverage are met in accordance with the By-law and therefore the proposed dwelling is being built within the prescribed building envelope.

The proposed dwelling is comparable in size with other new infill developments within the surrounding area, including several that obtained variance approvals for net floor area ratio increases. Staff are of the opinion that the proposed dwelling will be in keeping with the scale of residential infill developments for the neighbourhood, and is appropriate for the development of the lot.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 19.1 m (62.66 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This is an increase of 2.3 m (7.54 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 two-storey portion of the dwelling, including the covered front porch has a total building depth of 15.09 m (49.5 ft) which complies with the maximum depth provision. The additional depth proposed through this variance is entirely attributable to the covered deck/patio (and below grade living space) within the rear yard, which adds an additional 3.96 m (13.0 ft).

Given that the covered deck/patio is limited to one storey in height, is unenclosed, maintains required building setbacks, and that the associated interior living space is entirely below grade, staff are of the opinion that the proposed building depth is

appropriate for the development and will have no adverse impact on neighbouring properties or the character of the street.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 26, 2019. 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.

APPENDICES

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

SITE PLAN TO BE ATTACHED TO ANY APPROVAL OF FILE A/126/19

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 November 8, 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
4. 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;
5. 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.
6. 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:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/126/19

SURVEYOR'S REAL PROPERTY REPORT-PART 1
 PLAN OF LOT 96
 REGISTERED PLAN 4949
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:300



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ertl surveyors 2019
 Ontario Land Surveyors

Part 2: Report

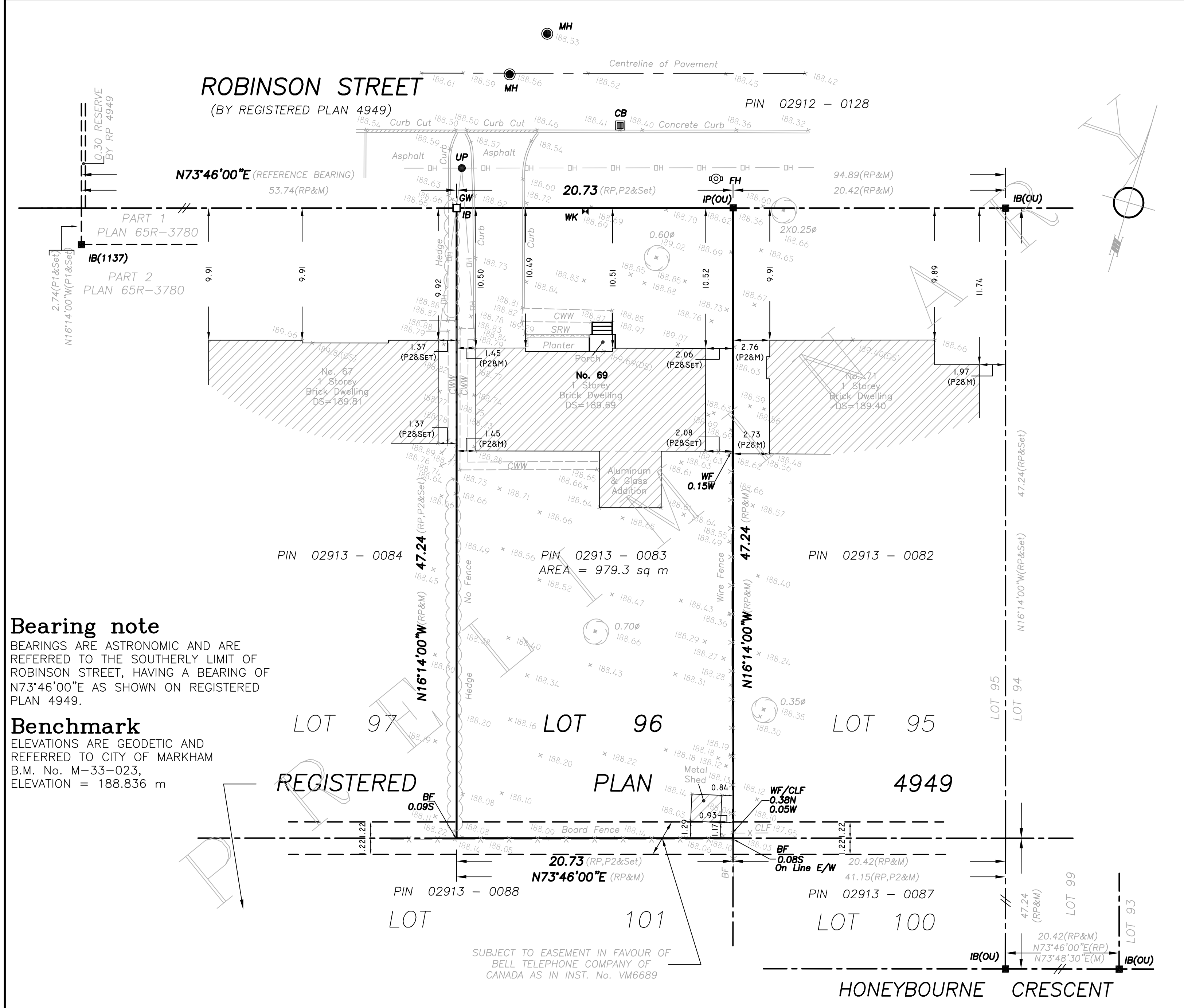
SUBJECT TO EASEMENT AS IN INST. No. VM6689.
 FENCES AS SHOWN.
 SURVEY PREPARED FOR BLOOMFIELD HOMES

Metric

DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Legend

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- RP DENOTES REGISTERED PLAN 4949
- P1 DENOTES PLAN 65R-3780
- P2 DENOTES PLAN BY S. J. BIRD, O.L.S. DATED JUNE 09, 1958
- 1137 DENOTES R. G. MCKIBBON, O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- M DENOTES MEASURED
- DS DENOTES DOOR SILL ELEVATION
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- WF DENOTES WIRE FENCE
- SRW DENOTES STONE RETAINING WALL
- CWW DENOTES CONCRETE WALKWAY
- OH- DENOTES OVERHEAD UTILITY WIRES
- MH DENOTES MAINTENANCE HOLE
- UP DENOTES UTILITY POLE
- DENOTES UTILITY POLE
- ✕ DENOTES WATER KEY
- FH DENOTES FIRE HYDRANT
- CB DENOTES CATCH BASIN
- ↑ DENOTES GUY WIRE
- ⊙ DENOTES DECIDUOUS TREE W/TRUNK DIAMETER



Bearing note

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF ROBINSON STREET, HAVING A BEARING OF N73°46'00"E AS SHOWN ON REGISTERED PLAN 4949.

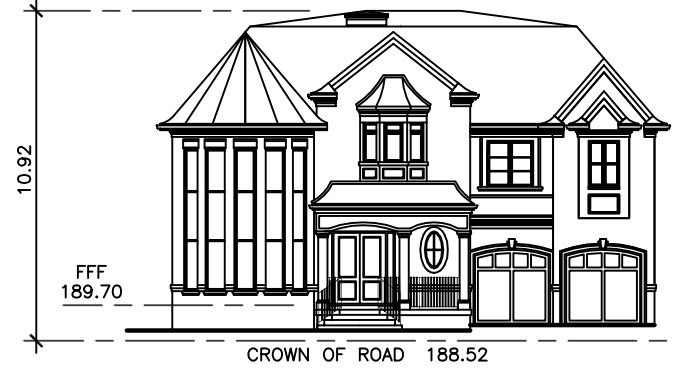
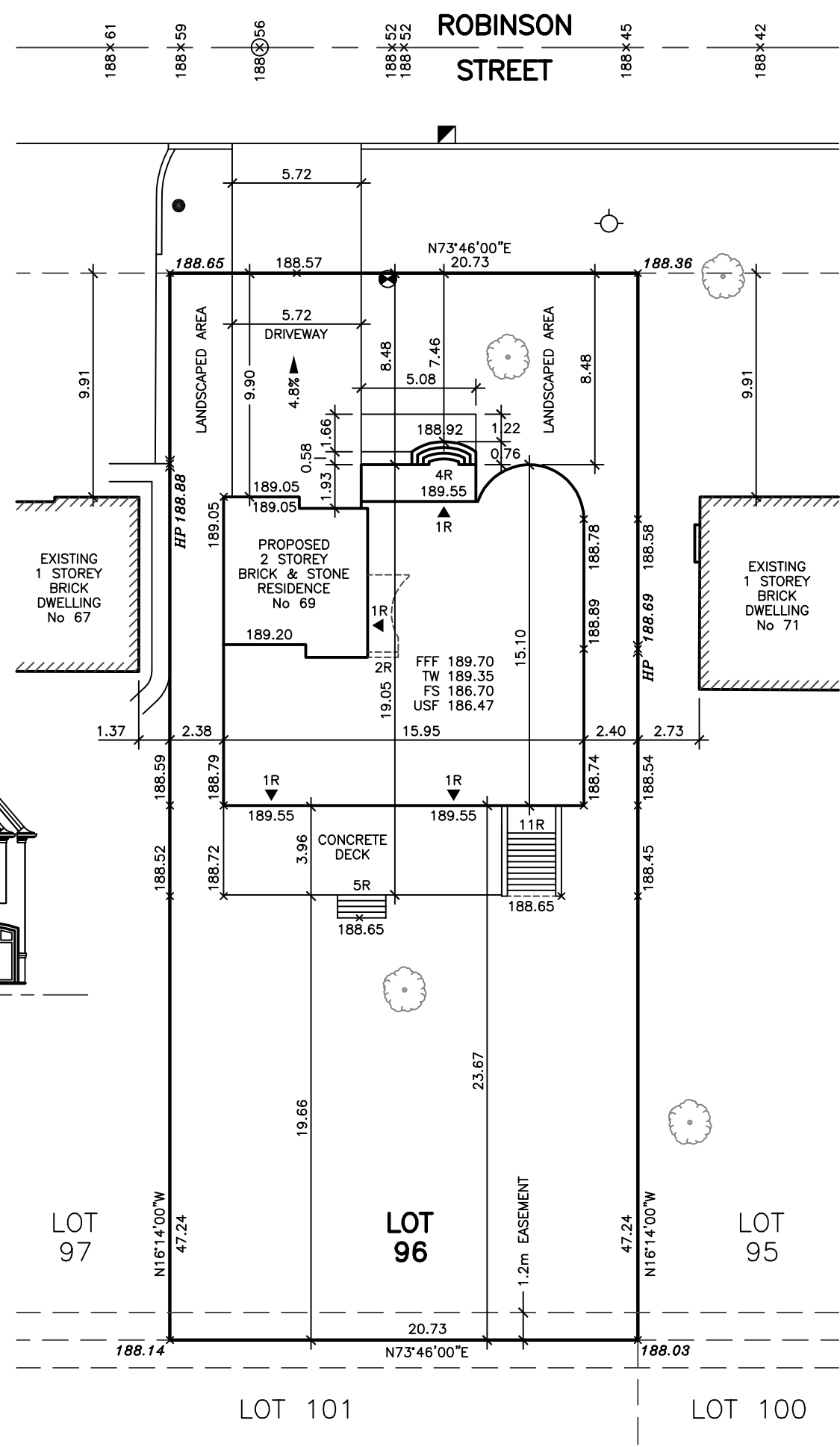
Benchmark

ELEVATIONS ARE GEODETIC AND REFERRED TO CITY OF MARKHAM B.M. No. M-33-023, ELEVATION = 188.836 m

SUBJECT TO EASEMENT IN FAVOUR OF BELL TELEPHONE COMPANY OF CANADA AS IN INST. No. VM6689

R1 ZONING UNDER BY-LAW 1229 AS AMENDED BY 99-90	REQUIRED	PROPOSED
MIN LOT AREA, 6600 sf	613.16 m ²	979.29 m ²
MIN LOT FRONTAGE, 60 ft	18.29 m	20.73 m
MIN FRONT YARD, 25 ft	7.62 m	8.48 m
MIN SIDE YARD, WEST, 6 ft	1.83 m	2.38 m
MIN SIDE YARD, EAST, 6 ft	1.83 m	2.40 m
MIN REAR YARD, 25 ft	7.62 m	23.67 m
MAX BUILDING DEPTH	16.80 m	15.10 m
BUILDING AREA	219.96 m ²	219.96 m ²
MAX LOT COVERAGE	35.00 %	22.46 %
GROSS FLOOR AREA		405.38 m ²
NET LOT AREA		796.22 m ²
MAX NET FLOOR AREA RATIO	45.00 %	50.91 %
MAX BUILDING HEIGHT	9.80 m	10.92 m

REVISIONS	DATE
- ISSUED FOR CLIENT REVIEW	JL 29 19
1 ISSUED FOR MINOR VARIANCE APPLICATION	SE 03 19
2 REVISED PER CITY COMMENTS	SE 27 19



SITE INFORMATION
 THIS PLAN IS BASED ON SURVEYOR'S REAL PROPERTY REPORT-PART 1 PLAN OF LOT 96 REGISTERED PLAN 4949 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK
 SURVEY PREPARED BY ERTL SURVEYORS, O.L.S. DATED 2019

FRONT YARD AREAS
 GRASS AREA 117.23 m² = 66.71 %
 DRIVEWAY 48.45 m² = 27.57 %
 WALKWAY & STAIRS 10.06 m² = 5.72 %
 TOTAL FRONT YARD 175.74 m² = 100 %

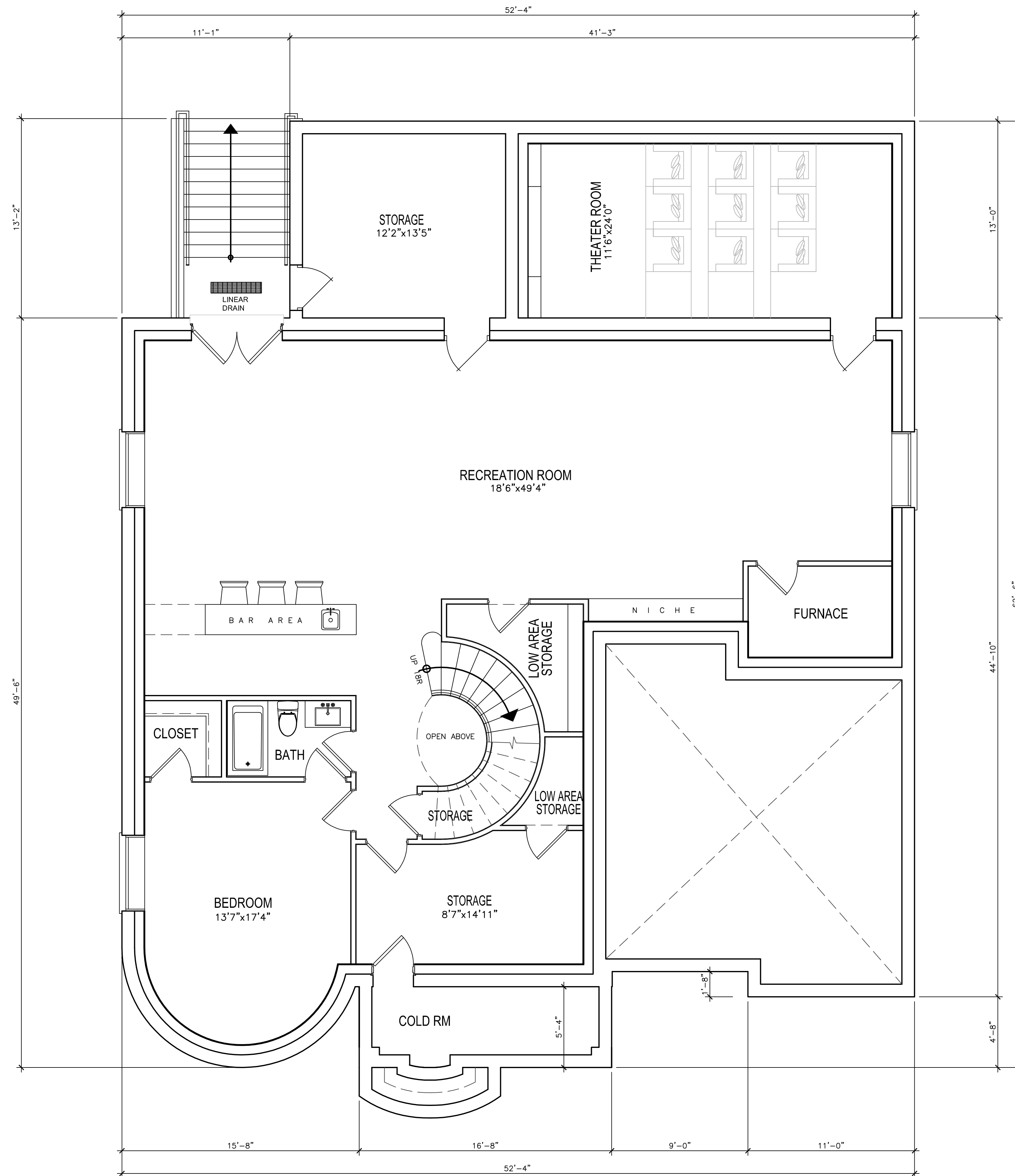
ARCHITECTURAL DESIGN INC.
 56 PENNSYLVANIA AVE. UNIT 1
 CONCORD, ONT. L4K 3V9
 TEL 905 660-9393
 FAX 905 660-9419

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 LEO ARIEMMA LICENCE 7561
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 DRAWINGS MUST NOT BE SCALED

PROJECT
PROPOSED RESIDENCE
 FOR: NIMALHARAN NAGARAJAH
 AT: 69 ROBINSON ST
 MARKHAM

DRAWING
 LOT 96, REGISTERED PLAN 4949
 MINOR VARIANCE DATA

DATE	JUL '19	PROJECT NO
DRAWN	T.P.	DRAWING NO
SCALE	1:250	A-1



BASEMENT FLOOR PLAN

REVISIONS	
#	DATE

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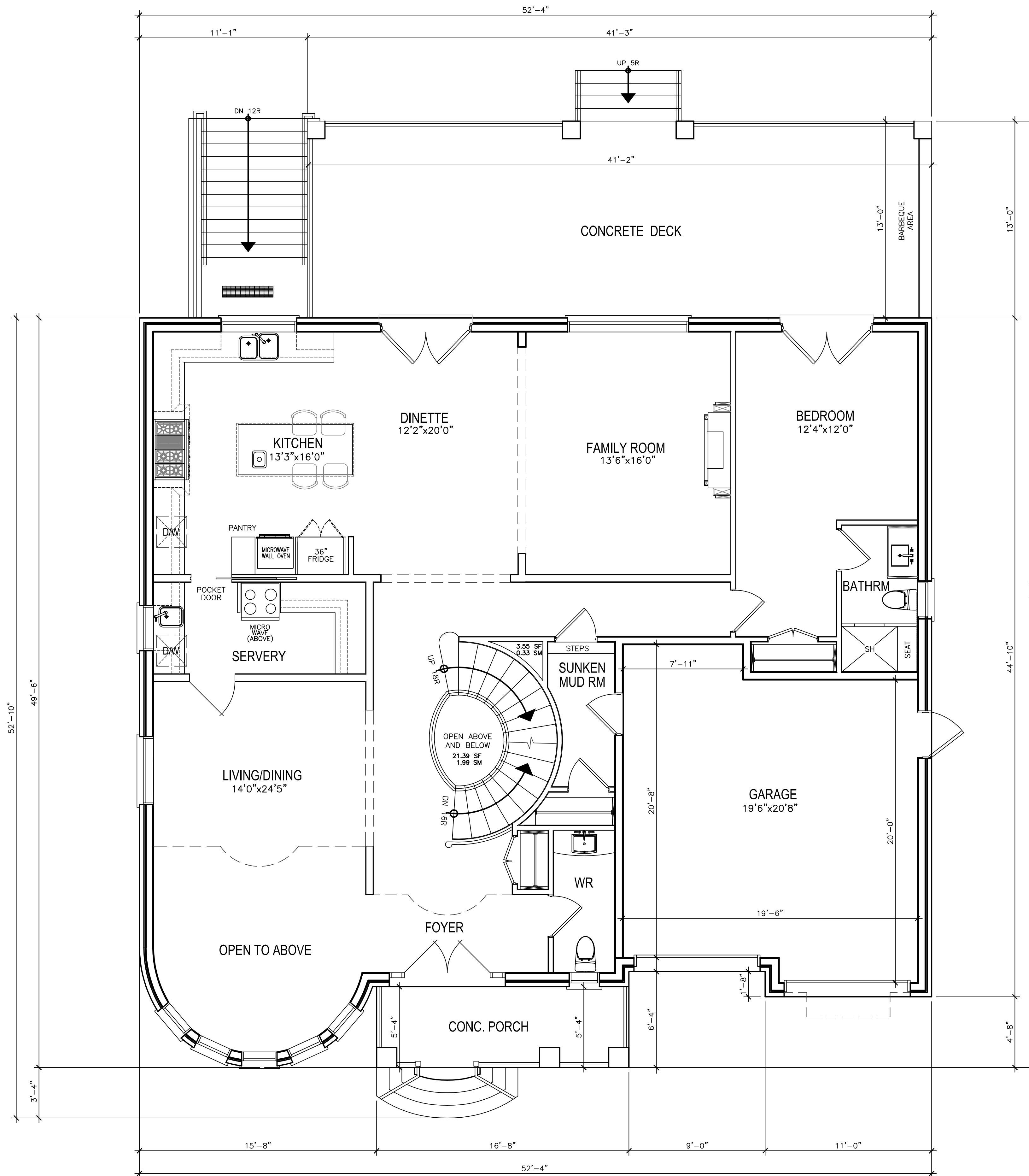
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PROJECT
 PROPOSED
 ADDITION

 FOR: MR & MRS NIMAL NAGARAJ
 AT: 69 ROBINSON STREET
 MARKHAM

DRAWING
 BASEMENT FLOOR PLAN

DATE	JUL '19	PROJECT NO	
DRAWN	L.A.	DRAWING NO	A-2
CHECKED			
SCALE	1/4" = 1'-0"		



FIRST FLOOR PLAN

REVISIONS	
#	DATE
1	ISSUED FOR CLIENT REVIEW JUN 18 19
2	REVISED PER CLIENT REVIEW JUN 28 19
3	ISSUED FOR CLIENT REVIEW JUL 16 19
4	REVISED AS PER SITE PLAN JUL 19 19
5	REVISED PER CLIENT REVIEW JUL 24 19
6	REVISED PER CLIENT REVIEW JUL 25 19
7	REVISED GRADE AS PER SITE PLAN JUL 30 19
8	REVISED PER CLIENT REVIEW SE 03 19

ABOVE-GRADE MASONRY SHALL BE IN ACCORDANCE WITH O.B.C. SECTION 9.20

WOOD FRAME CONSTRUCTION SHALL BE IN ACCORDANCE WITH O.B.C. SECTION 9.23

FLOOR AREA AND COVERAGE	
1st FLOOR	= 1938.47 SF
	= 180.09 SM
2nd FLOOR	= 2324.14 SF
	= 215.92 SM
(-OPENINGS)	= -255.00 SF
	= -23.69 SM
FLOOR AREA	= 4007.62 SF
	= 372.32 SM
COVERAGE	= 2367.63 SF
	= 219.96 SM

GROSS FLOOR AREA	
1st FLOOR	= 2367.52 SF
(INCL GARAGE)	= 219.95 SM
2nd FLOOR	= 2324.14 SF
	= 215.92 SM
(-STAIRS AND OPENINGS)	= -328.25 SF
	= -30.49 SM
GFA	= 4363.41 SF
	= 405.38 SM

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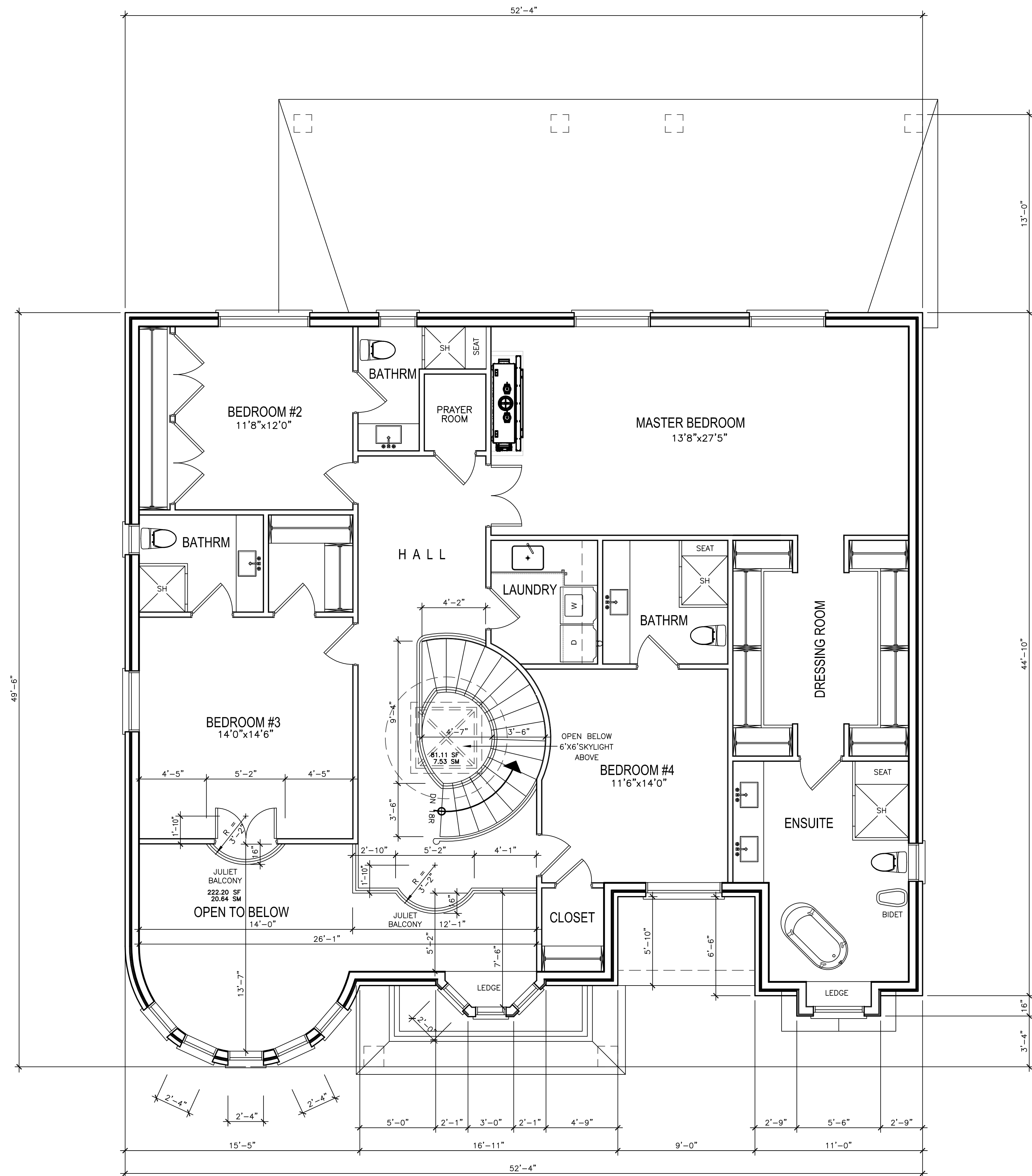
56 PENNSYLVANIA AVE.
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PROJECT
PROPOSED ADDITION

FOR: MR & MRS NIMAL NAGARAJ
AT: 69 ROBINSON STREET
MARKHAM

DRAWING
FIRST FLOOR PLAN

DATE JUL '19	PROJECT NO
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SCALE 1/4" = 1'-0"	A-3



SECOND FLOOR PLAN

REVISIONS	
#	DATE

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LICENCE
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PROJECT
PROPOSED
ADDITION

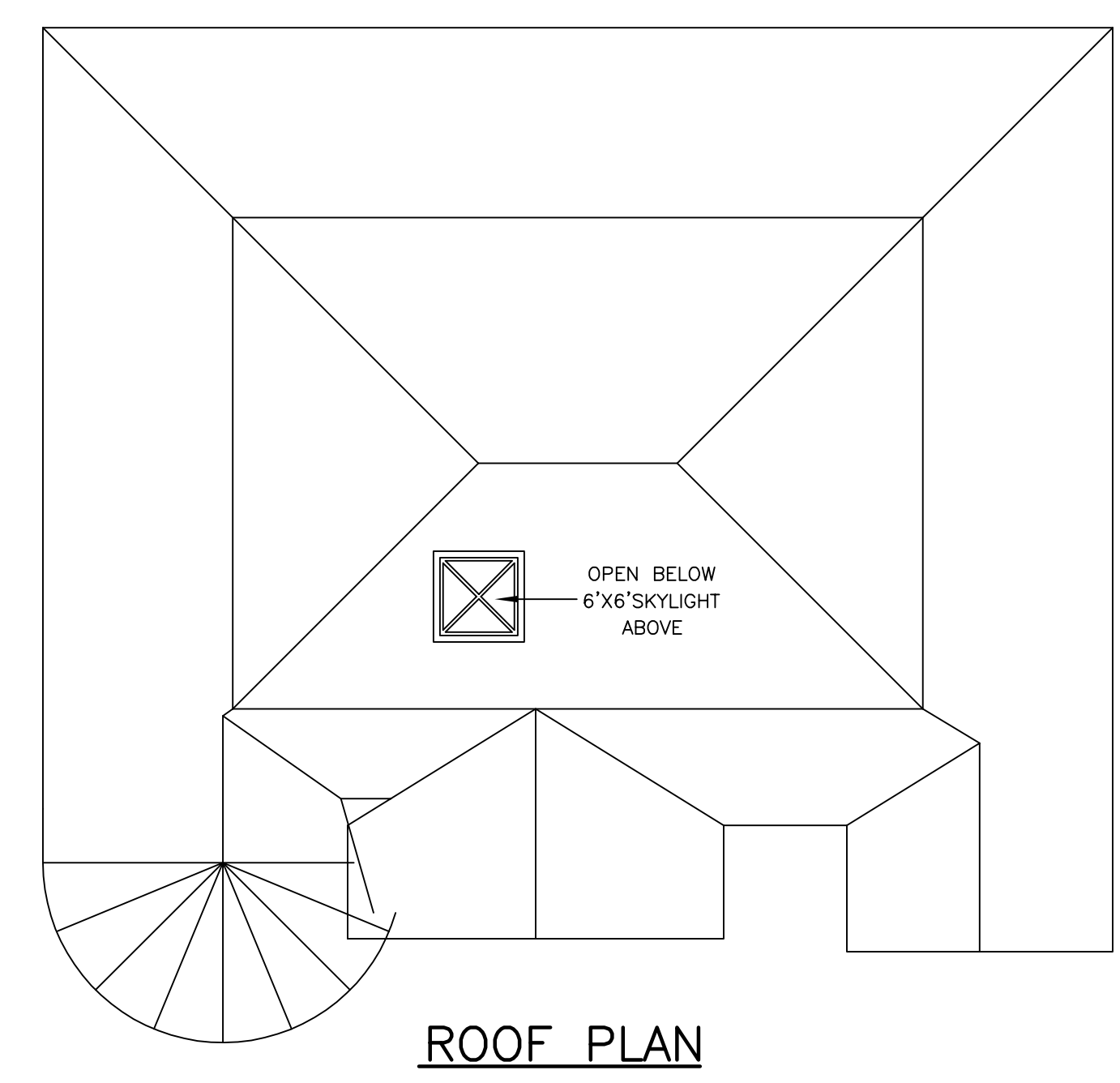
FOR: MR & MRS NIMAL NAGARAJ
AT: 69 ROBINSON STREET
MARKHAM

DRAWING
SECOND FLOOR PLAN

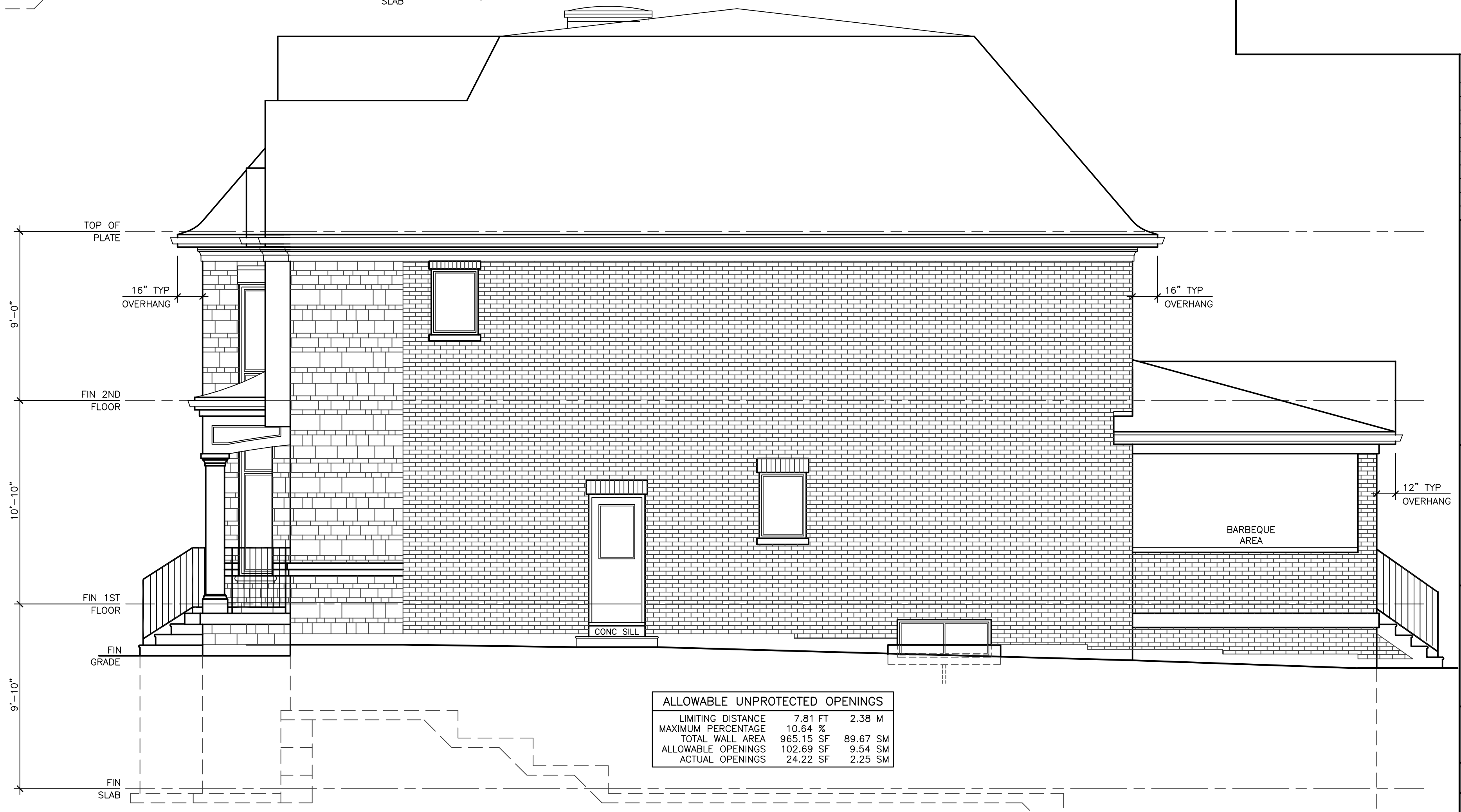
DATE JUL '19	PROJECT NO
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SCALE 1/4" = 1'-0"	



FRONT ELEVATION



ROOF PLAN



RIGHT SIDE ELEVATION

ALLOWABLE UNPROTECTED OPENINGS			
LIMITING DISTANCE	7.81 FT	2.38 M	
MAXIMUM PERCENTAGE	10.64 %		
TOTAL WALL AREA	965.15 SF	89.67 SM	
ALLOWABLE OPENINGS	102.69 SF	9.54 SM	
ACTUAL OPENINGS	24.22 SF	2.25 SM	

REVISIONS	
#	DATE

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 FOR: MR & MRS NIMAL NAGARAJ
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DRAWING
 ELEVATIONS

DATE	JUL '19	PROJECT NO	
DRAWN	L.A.	DRAWING NO	
CHECKED			
SCALE	1/4" = 1'-0"		A-5



REAR ELEVATION



LEFT SIDE ELEVATION

ALLOWABLE UNPROTECTED OPENINGS			
LIMITING DISTANCE	7.87 FT	2.40 M	
MAXIMUM PERCENTAGE	10.60 %		
TOTAL WALL AREA	987.23 SF	91.72 SM	
ALLOWABLE OPENINGS	104.65 SF	9.72 SM	
ACTUAL OPENINGS	80.30 SF	7.46 SM	

REVISIONS	
#	DATE

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