

Memorandum to the City of Markham Committee of Adjustment

September 27, 2024

File: A/079/24
Address: 31 Sir Brandiles Place, Markham ON
Agent: Caricari Lee Architects (Joseph Caricari)
Hearing Date: Wednesday, October 9, 2024

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed ground floor and second floor addition. The variance requested is to permit:

a) By-law 1229, Amending By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 53.29 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

BACKGROUND

Property Description

The 612.88 m² (6,596.98 ft²) subject property is located on the east side of Sir Brandiles Place, west of Ninth Line, and north of Church Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property currently contains a one-and-a half storey detached dwelling with an integral garage. Vegetation exists on the property which includes one mature tree in the front yard and a shared hedge with the property to the south.

Proposal

The applicant is proposing to construct a ground floor and second floor addition to the existing dwelling. The proposed dwelling will have an approximate floor area of 326.92 m² (3,519 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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 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, which includes 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, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the Floor Area Ratio By-law requirement.

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 floor area.

By-law 2024-19

The Subject Lands are also Zoned “RES-ENLR (Residential – Established Neighbourhood Low Rise), under By-law 2024-19, which permits detached dwellings. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of this by-law. A permit application (23.148308 HP) was accepted prior to the passing of By-law 2024-19, and as such, the provisions of By-law 2024-19 shall not apply to this application.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on September 11, 2024. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently 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 relief to permit a floor area ratio of 53.29 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 326.92 m² (3,519 ft²), whereas the By-law permits a dwelling with a maximum floor area of 275.90 m² (2,970 ft²). This represents an increase of approximately 54.02 m² (581.46 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. The subject property is located within an established residential area that

consists of predominately one and one and a half storey detached dwellings. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. Staff are of the opinion that the proposed increase in floor area ratio will not significantly impact the streetscape and will have minimal impact on adjacent properties. The requested floor area ratio will not result in an overdevelopment of the site, and therefore staff have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 30, 2024. 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. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

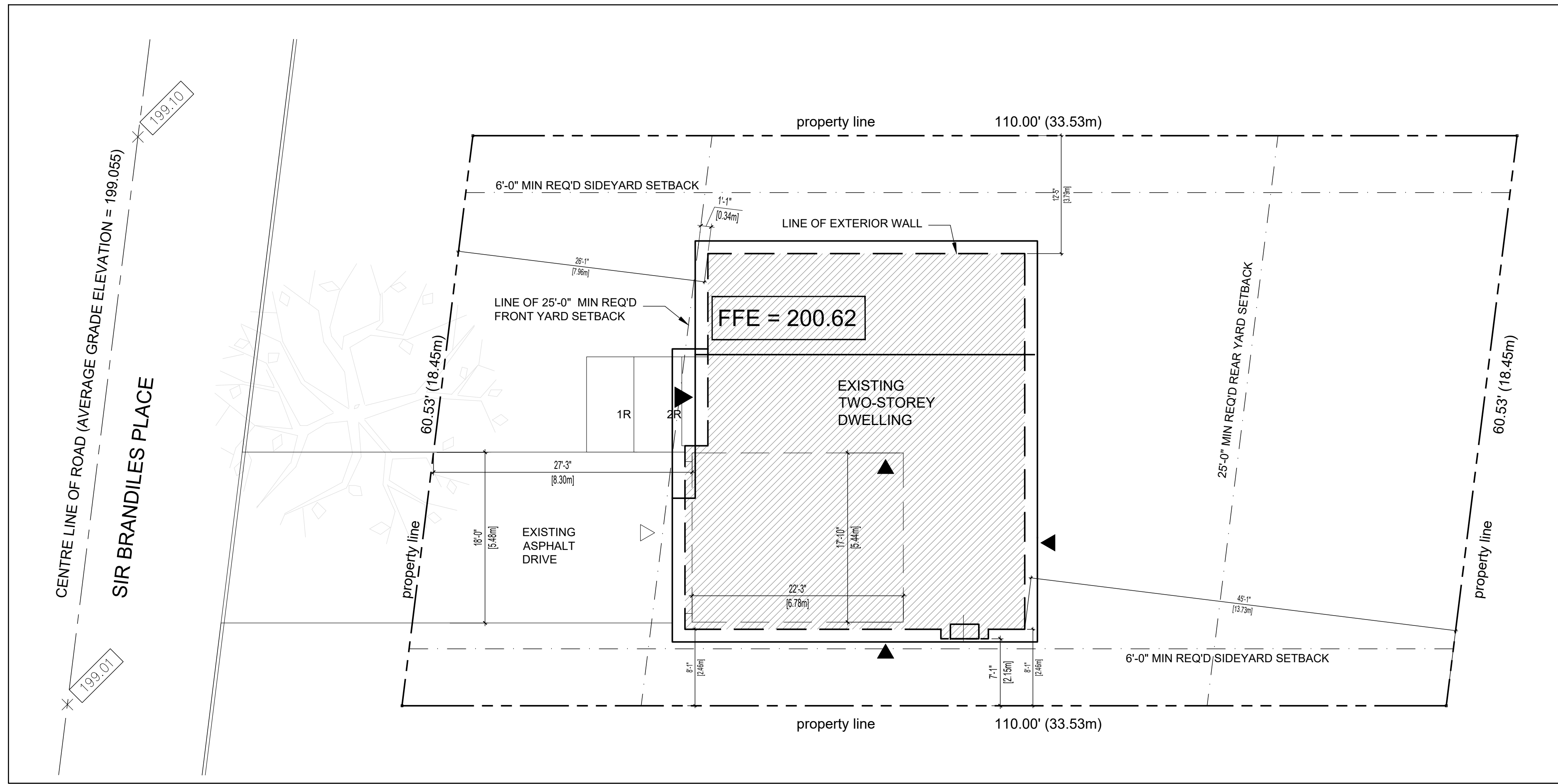
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/079/24

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction.

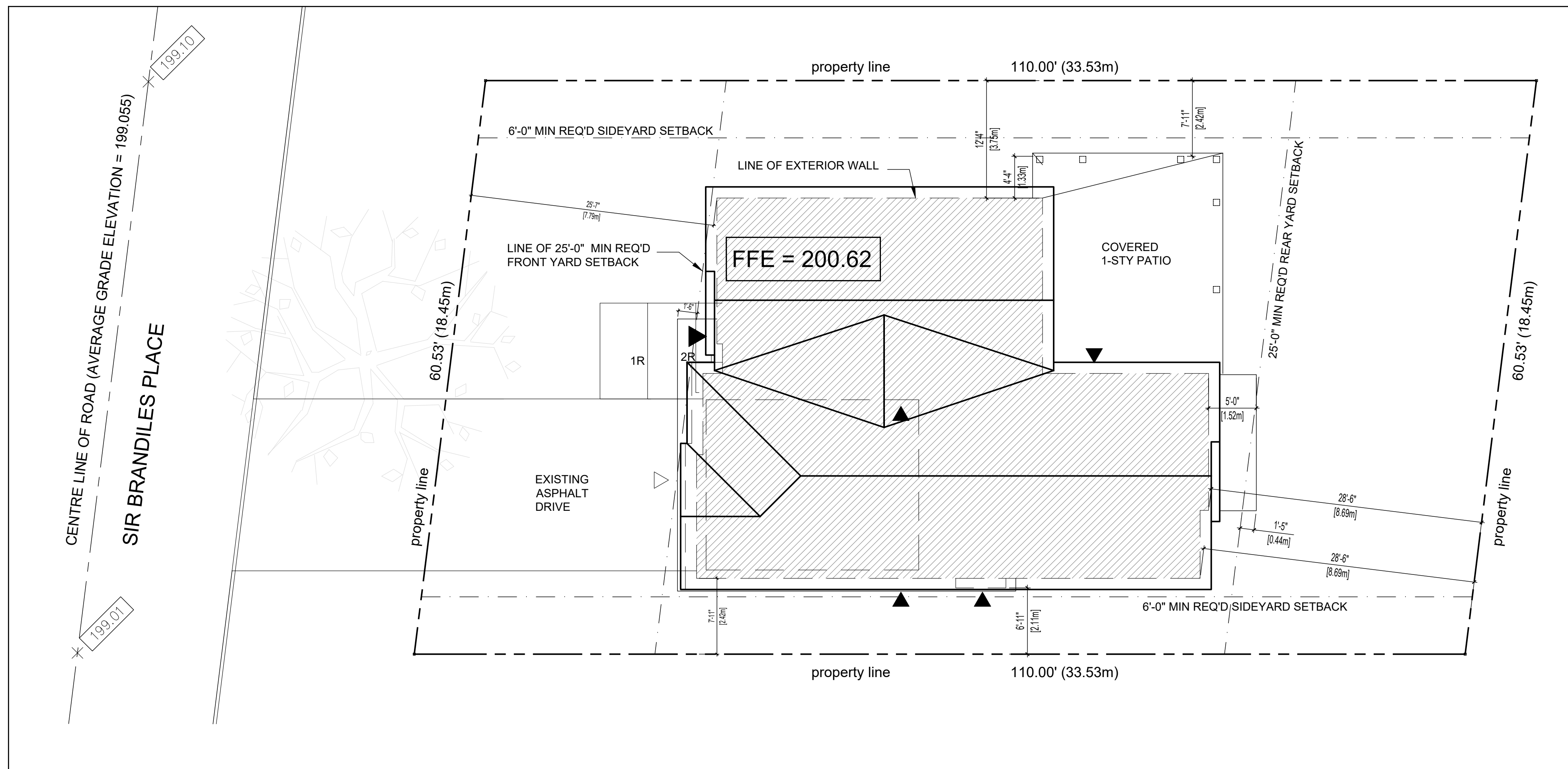
CONDITIONS PREPARED BY:



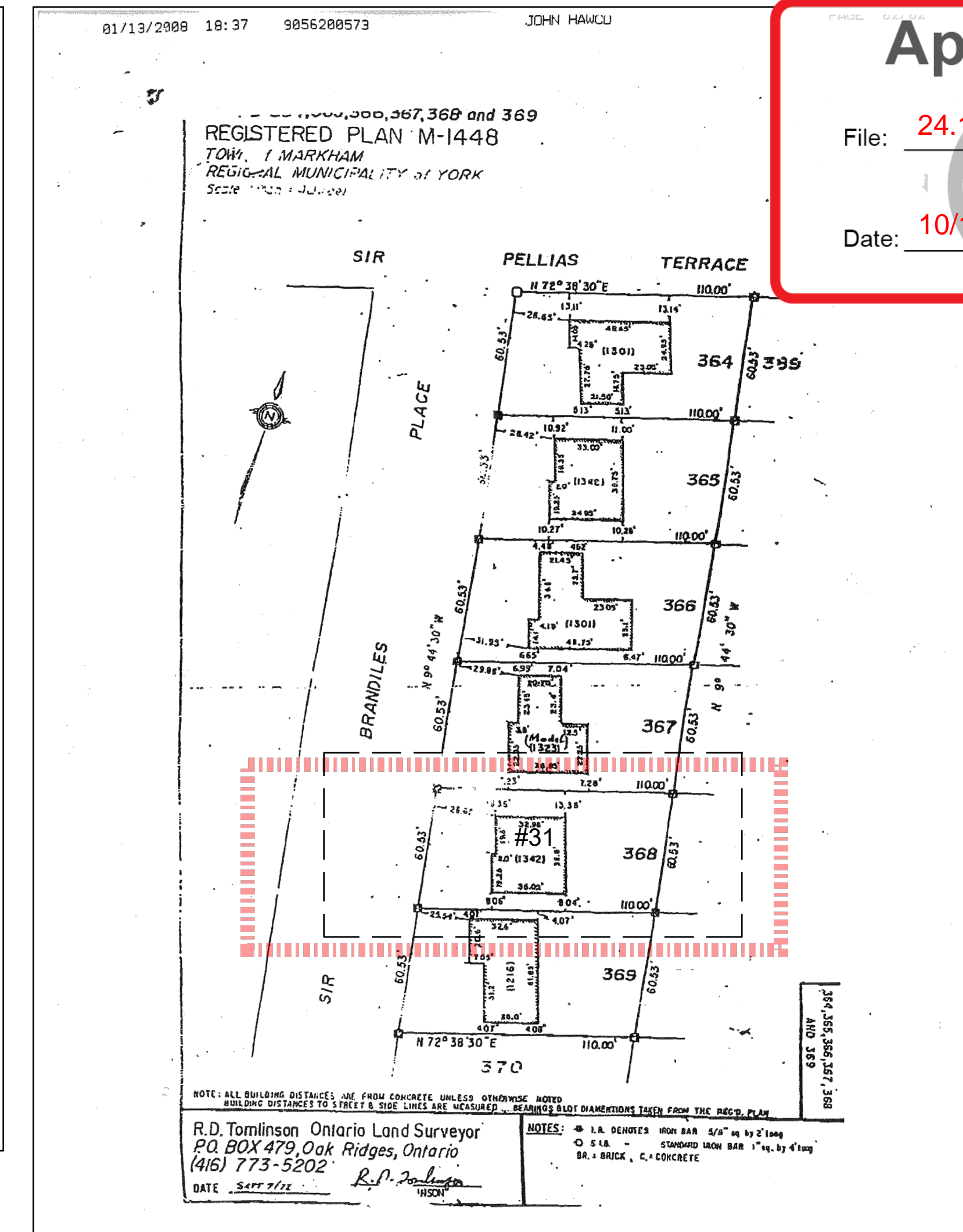
Brashanthe Manoharan, Planner II, East District



02 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



01 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



03 SURVEY
SCALE: NTS

STATISTICS

MUNICIPAL ADDRESS: 31 SIR BRANDILES PLACE, MARKHAM

ZONING: R1-RESIDENTIAL

	REQUIRED	EXISTING	PROPOSED
LOT FRONTAGE:	60' min	60.53'	60.53'
LOT AREA:	6,600sf min.	6,607sf	6,607sf
SETBACKS			
FRONT YARD	25' min.	26'-1"	25'-7"
SIDE YARD (NORTH)	6' min.	12'-5"	12'-5"
SIDE YARD (SOUTH)	6' min.	7'-1"	6'-11"
REAR YARD	25' min.	45'-1"	28'-6"
NUMBER OF STOREYS	2	2	2
BUILDING HEIGHT	9.8m	7.23m	7.74m
BUILDING DEPTH	16.8m	10.9m	16.8m
LOT COVERAGE	35%	21%	33.48%

FLOOR AREA			
GROUND FLOOR	1757 SF		
SECOND FLOOR	1762 SF		
TOTAL	3519 SF		
NET FLOOR AREA	45%	32%	53.29%

FLOOR AREA WITHOUT EXTERIOR EIFS ON EXISTING WALLS			
GROUND FLOOR	1733 SF		
SECOND FLOOR	1747 SF		
TOTAL	3480 SF		
NET FLOOR AREA	45%	32%	52.70%

Appendix B

File: **24.183908.000.00.MNV**

Date: **10/1/2024**

MM/DD/YYYY

CONTRACTOR TO VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF WORK.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED.

DATE: _____ REVISION: _____

2024-08-28	RE-ISSUED C of A
2024-07-22	COMMITTEE OF ADJUSTMENTS
2023-09-21	ZONING REVIEW
2023-05-02	ZONING REVIEW

DATE: _____ ISSUE: _____

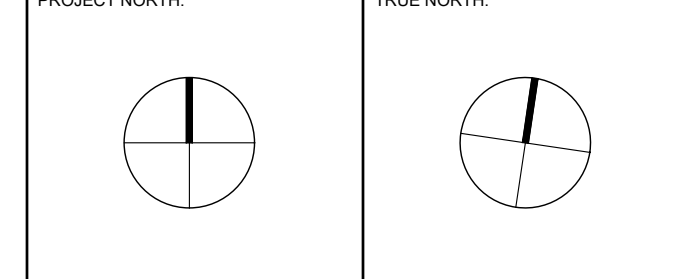


CARICARI ARCHITECTS
113 Brimley Avenue
Toronto, ON M6G 3R8
T: 416 963 3671
F: 416 963 3671
E: info@caricari.com

CL/A

PROJECT NAME:
LEE-CRUZ RESIDENCE RENOVATION & ADDITION
31 SIR BRANDILES PLACE, MARKHAM, ON

SHEET TITLE:
EXISTING SITE PLAN, SURVEY, & STATISTICS



SCALE: AS NOTED REVISION NO. _____

PROJECT NO. 220622 DRAWING NO. _____

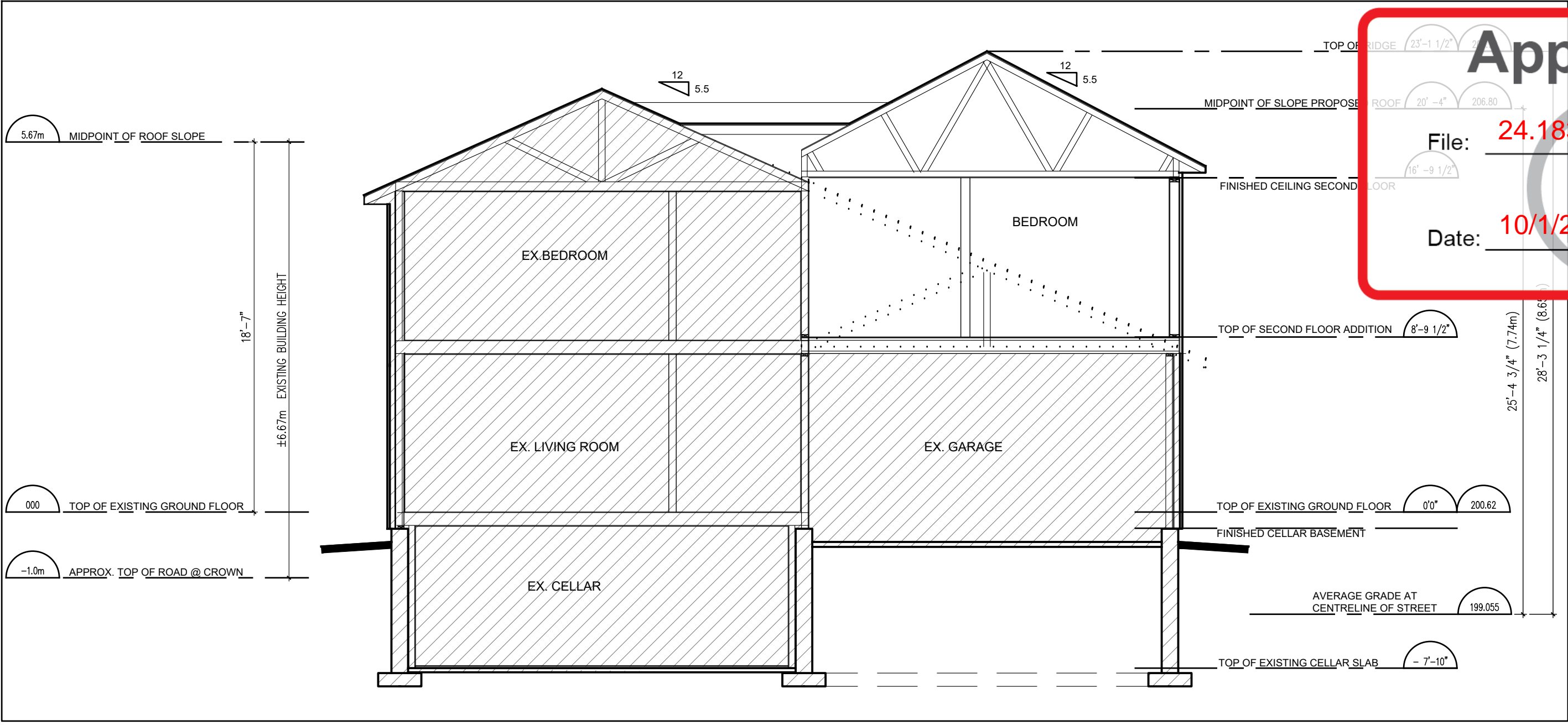
DATE: JANUARY 2023 DRAWN: JC CHECKED: GC

Appendix B

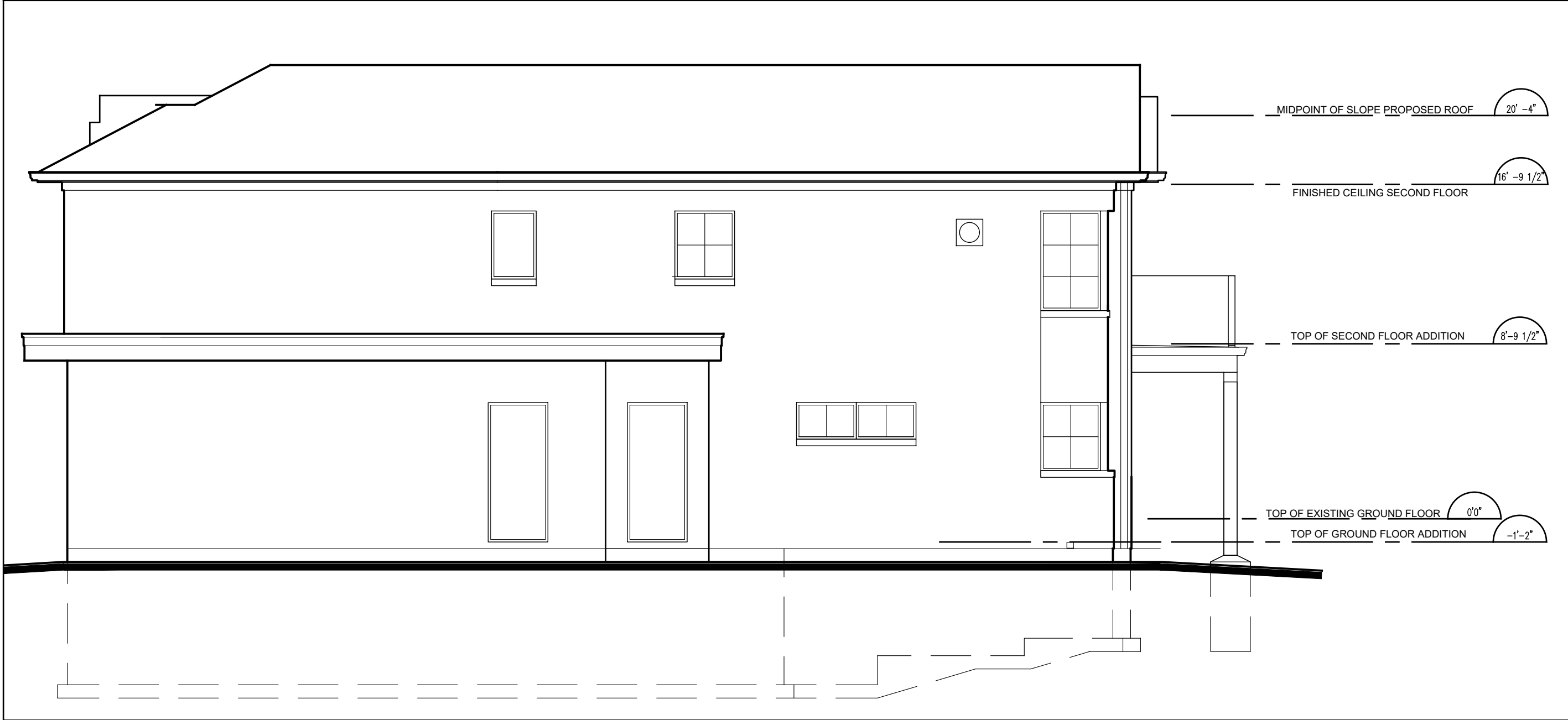
File: **24.183908.000.00.MNV**

Date: **10/1/2024**

MM/DD/YYYY



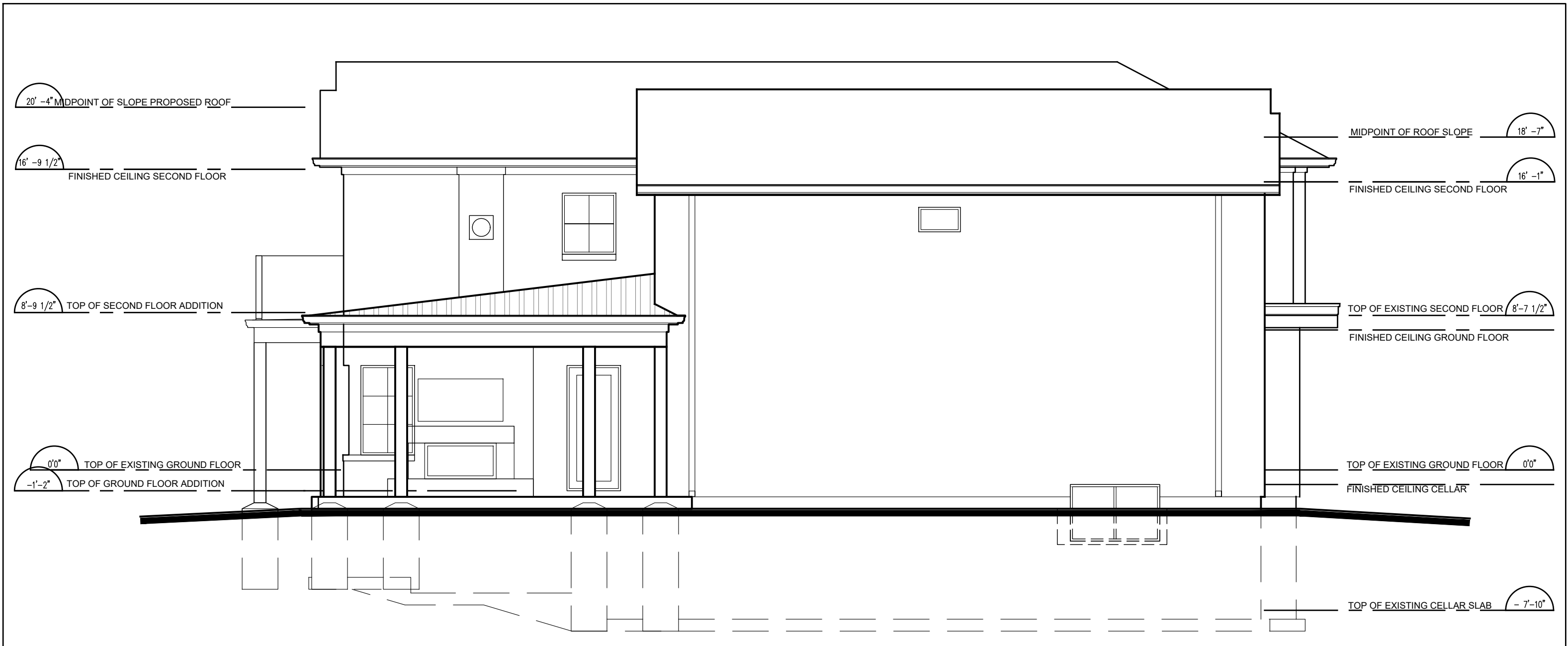
05 PROPOSED BUILDING SECTION
SCALE: 3/16" = 1'-0"



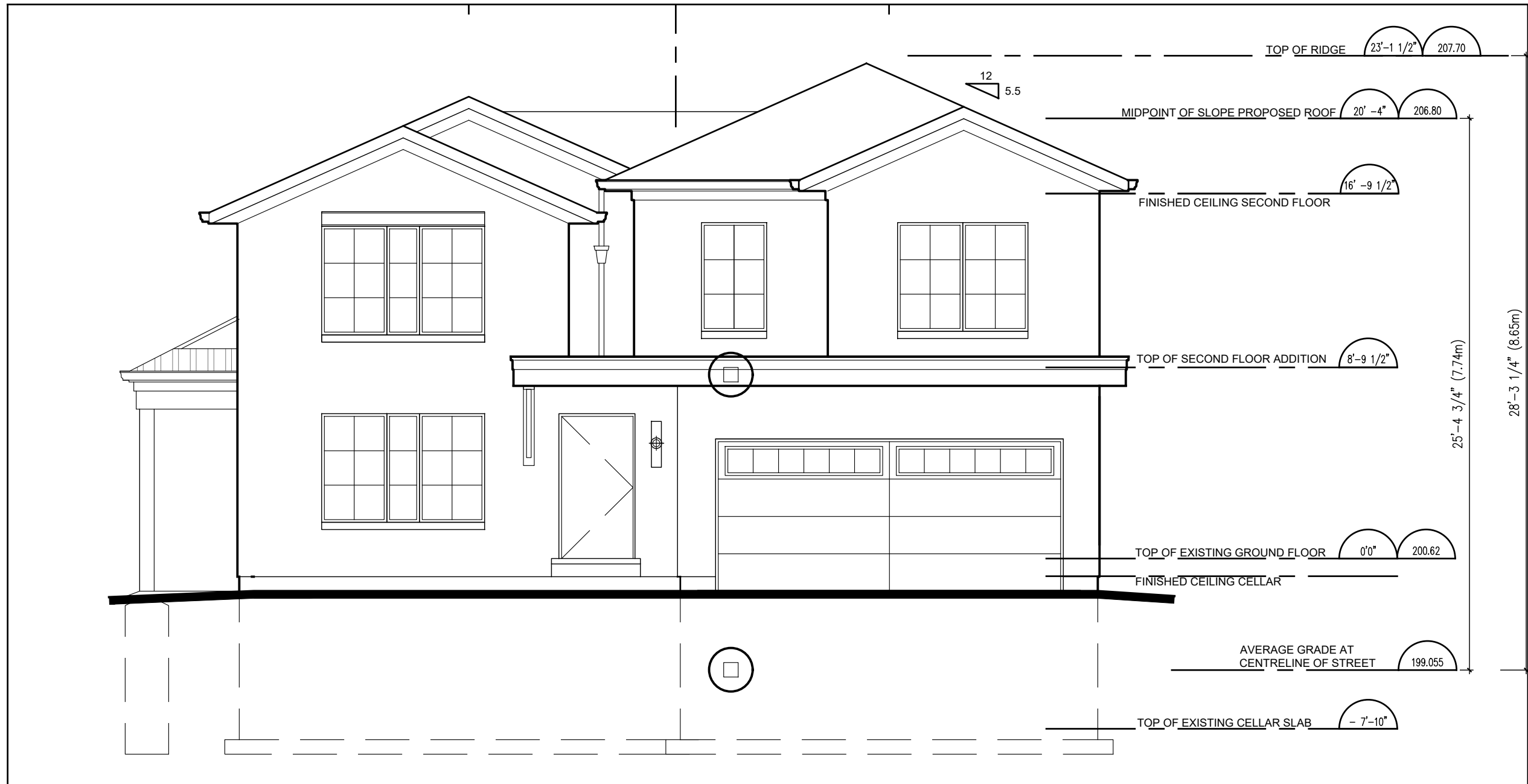
04 PROPOSED SOUTH (SIDE) ELEVATION
SCALE: 3/16" = 1'-0"



03 PROPOSED REAR ELEVATION
SCALE: 3/16" = 1'-0"



02 PROPOSED NORTH (SIDE) ELEVATION
SCALE: 3/16" = 1'-0"

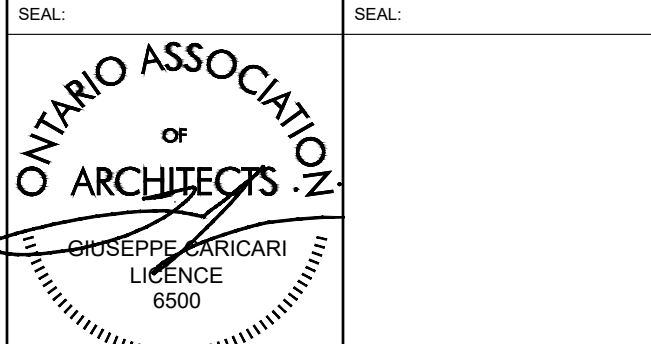


01 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

CONTRACTOR TO VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF WORK. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED.

DATE:	REVISION:

2024-08-28	RE-ISSUED C of A
2024-07-22	COMMITTEE OF ADJUSTMENTS
2024-01-13	ZONING REVIEW
2023-11-10	ZONING REVIEW
2023-09-21	ZONING REVIEW
2023-05-02	ZONING REVIEW
DATE:	ISSUE:



CARICARI LEE ARCHITECTS
113 Miranda Avenue
Toronto, ON M6G 3R8
T: 416 963 3671
F: 416 963 3671
E: info@caricari.com

PROJECT NAME:
LEE-CRUZ RESIDENCE RENOVATION & ADDITION
31 SIR BRANDILES PLACE, MARKHAM, ON

SHEET TITLE:
PROPOSED ELEVATIONS & BUILDING SECTION

PROJECT NORTH: TRUE NORTH

SCALE:	AS NOTED	REVISION NO.:
PROJECT NO.:	220622	DRAWING NO.:
DATE:	JANUARY 2023	DRAWN:
DRAWN:	JC	CHECKED:
CHECKED:	GC	

A300