

# Memorandum to the City of Markham Committee of Adjustment

March 10, 2023

**File:** A/014/23  
**Address:** 93 Highland Park Boulevard, Markham  
**Applicant:** Smart Structural Solutions Ltd. (Mobina Farahani)  
**Agent:** Smart Structural Solutions Ltd. (Mobina Farahani)  
**Hearing Date:** Wednesday March 22, 2023

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

The applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” of By-law 2237, as amended, as it relates to a proposed rear addition (attached garage and addition) and minor exterior alterations:

**a) By-law 2237, Section 4.9:**

To permit a flankage yard setback of 3.15 m (10 ft. 4 in.), whereas the By-law requires a minimum flankage yard setback of 4.29 m (14 ft. 1 in.).

**b) By-law 2237, Section 3.7:**

To permit an unenclosed roofed porch encroachment of 1.52 m (60 in.), whereas the By-law permits a maximum encroachment of 0.46 m (18 in.) into the required flankage yard setback.

**c) By-law 2237, Section 3.7:**

To permit an egress window well encroachment of 1.09 m (43 in.), whereas the By-law permits a maximum encroachment of 0.46 m (18 in.) into the required front yard setback.

## BACKGROUND

### Property Description

The 609.33 m<sup>2</sup> (6,558.77 ft<sup>2</sup>) subject property is located on the south side of Highland Park Boulevard, north of Steeles Avenue E and east of Yonge Street. 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 single detached dwelling on the property, which according to assessment records was constructed in 1950. Mature vegetation exists across the property.

### Proposal

The applicant is proposing to construct a rear addition to the existing dwelling which includes an attached single car garage and enclosure of a portion of the existing rear deck and second storey balcony. Currently, there is no garage and parking is provided on a paved driveway at the rear of the site. The applicant also proposes some minor exterior alterations including a new egress window well and an unenclosed cover to the existing porch.

## **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “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 to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

The proposed is also subject to the Thornhill Area and Site Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings and additions to existing dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development.

### Zoning By-Law 2237

The subject property is zoned “Fourth Density Single Family Residential (R4) Zone” under By-law 2237, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the minimum flanking side yard setback requirements and maximum encroachment requirements for the dwelling.

### Residential Infill Zoning By-law 101-90

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 building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development complies with the infill By-law requirements.

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted for the latest iteration of the proposed drawings. However, the applicant has received comments from the building department through their permit process 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.

### Reduced Side Yard Setback Variance

The applicant is requesting a minimum flankage side yard setback of 3.15 m (10 ft. 4 in.), whereas a minimum of 4.29 m (14 ft. 1 in.) is required. The requested variance is due to the enclosure of the second storey balcony as part of the rear addition. However, the portion below on the ground level is left unenclosed. The overall massing and roof coverage of the dwelling itself is unchanged. Staff are of the opinion that the requested reduction to the required flankage side yard will not significantly add to the scale and

massing of the dwelling and the resultant dwelling is generally consistent with what the by-law permits, and have no objections to the requested variance.

#### Increase in Maximum Permitted Encroachment Variance

The applicant is requesting an unenclosed roofed porch encroachment of 1.52 m. (60 in.), into the required flankage side yard as well as an egress window well encroachment of 1.09 m (43 in.) into the required front yard, whereas a maximum encroachment of 0.46 m (18 in.) is permitted in both instances. The covered unenclosed porch encroachment is considered to have minimal impact as the porch is existing and only requires an encroachment variance due to the proposed porch roof. Furthermore, the encroachment is taken from the existing required flankage side yard whereas the encroachment variance would not be required if taken from the new required flankage side yard as requested in this report. Staff are of the opinion that the requested increase to the maximum permitted encroachment to the flankage side yard and front yard is considered to be minor and will not adversely impact the neighbouring properties.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 16, 2023. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

#### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



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Jennifer Kim, Senior Planner, West District

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Rick Cefaratti". The signature is written in a cursive style with a prominent loop at the beginning.

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Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/014/23**

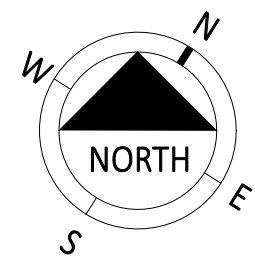
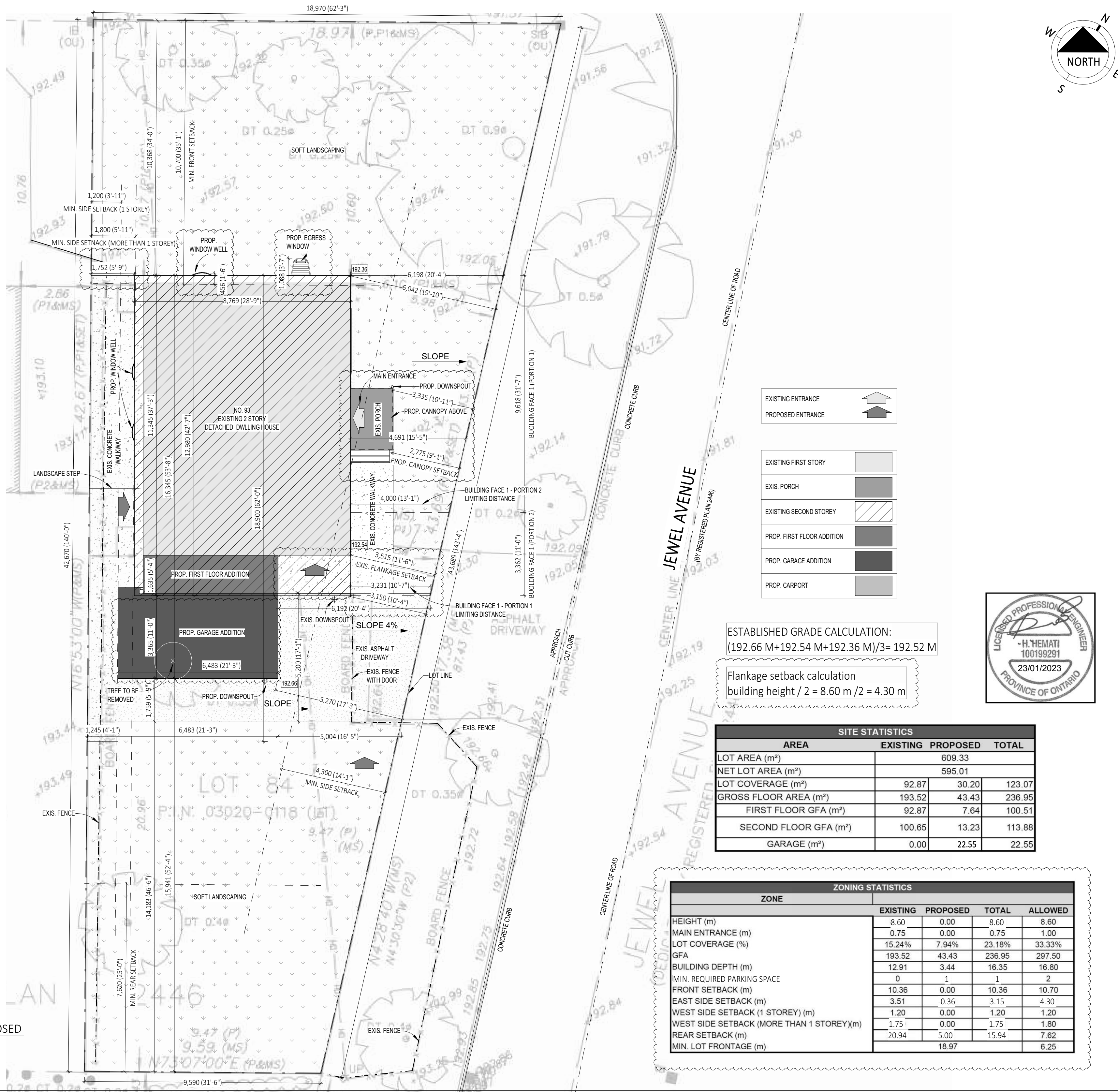
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as 'Appendix B' to this Staff Report and that the Secretary-Treasurer receive written confirmation from the Director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

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to be 'JK', written in a cursive style.

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Jennifer Kim, Senior Planner, West District



**Appendix B**

File: 23.112329.000.MNV

Date: 03/13/23

- GENERAL NOTE:**
- 1- THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF SMART GROUP.
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EXISTING ENTRANCE

PROPOSED ENTRANCE

EXISTING FIRST STORY

EXIS. PORCH

EXISTING SECOND STOREY

PROP. FIRST FLOOR ADDITION

PROP. GARAGE ADDITION

PROP. CARPORT

ESTABLISHED GRADE CALCULATION:  
 $(192.66 M + 192.54 M + 192.36 M) / 3 = 192.52 M$

Flankage setback calculation  
 $building\ height / 2 = 8.60\ m / 2 = 4.30\ m$



SITE STATISTICS			
AREA	EXISTING	PROPOSED	TOTAL
LOT AREA (m <sup>2</sup> )	609.33		
NET LOT AREA (m <sup>2</sup> )	595.01		
LOT COVERAGE (m <sup>2</sup> )	92.87	30.20	123.07
GROSS FLOOR AREA (m <sup>2</sup> )	193.52	43.43	236.95
FIRST FLOOR GFA (m <sup>2</sup> )	92.87	7.64	100.51
SECOND FLOOR GFA (m <sup>2</sup> )	100.65	13.23	113.88
GARAGE (m <sup>2</sup> )	0.00	22.55	22.55

ZONING STATISTICS				
ZONE	EXISTING	PROPOSED	TOTAL	ALLOWED
HEIGHT (m)	8.60	0.00	8.60	8.60
MAIN ENTRANCE (m)	0.75	0.00	0.75	1.00
LOT COVERAGE (%)	15.24%	7.94%	23.18%	33.33%
GFA	193.52	43.43	236.95	297.50
BUILDING DEPTH (m)	12.91	3.44	16.35	16.80
MIN. REQUIRED PARKING SPACE	0	1	1	2
FRONT SETBACK (m)	10.36	0.00	10.36	10.70
EAST SIDE SETBACK (m)	3.51	-0.36	3.15	4.30
WEST SIDE SETBACK (1 STOREY) (m)	1.20	0.00	1.20	1.20
WEST SIDE SETBACK (MORE THAN 1 STOREY) (m)	1.75	0.00	1.75	1.80
REAR SETBACK (m)	20.94	5.00	15.94	7.62
MIN. LOT FRONTAGE (m)	18.97			6.25

① SITE - PROPOSED  
1 : 100

No.	DATE	ISSUED FOR	APVD
1	Date 1	Revision 1	

REVISIONS

DESIGNER:

296-7250 KEELE ST., VAUGHAN, ON L4K 1Z8  
289-212-3388, info@smartg.ca

CLIENT:  
**Shirin Ahmadizadeh**

PROJECT NAME:  
**Addition & Renovation**

PROJECT ADDRESS:  
93 Highland Park Blvd, Thornhill, ON L3T 1B6

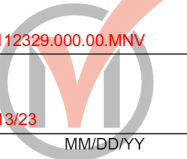
SHEET NAME:  
**SITE PLAN PROPOSED**

DATE:	PROJECT No.:
SCALE: 1 : 100	SSS-141-02
DESIGNER: B.ENTEZARIAN	SHEET No:
CHECKER: A.PIROOZ	A0-03

**Appendix B**

File: 23.112329.000.00.MNV

Date: 03/13/23



TOTAL AREA OF EXPOSING BUILDING FACE 1: 68.33 M<sup>2</sup>

PORTION 1:  
 BUILDING FACE AREA: 14.63 M<sup>2</sup>  
 LIMITING DISTANCE: 3.23 M  
 ALLOWED OPENING: 18% (2.63 M<sup>2</sup>)  
 OPENING: 16.88% (2.47 M<sup>2</sup>)

PORTION 2:  
 BUILDING FACE AREA: 53.70 M<sup>2</sup>  
 LIMITING DISTANCE: 4.00 M  
 ALLOWED OPENING: 28% (15.03 M<sup>2</sup>)  
 OPENING: 18.3% (9.84 M<sup>2</sup>)

BUILDING FACE 2: 5.30 M<sup>2</sup>  
 OPENING: 46.60% (2.47 M<sup>2</sup>)  
 LIMITING DISTANCE: 6.19 M  
 ALLOWED OPENING: 100% (5.30 M<sup>2</sup>)

BUILDING FACE 3: 3.85 M<sup>2</sup>  
 OPENING: 91.43% (3.52 M<sup>2</sup>)  
 LIMITING DISTANCE: 5.31 M  
 ALLOWED OPENING: 96% (3.69 M<sup>2</sup>)

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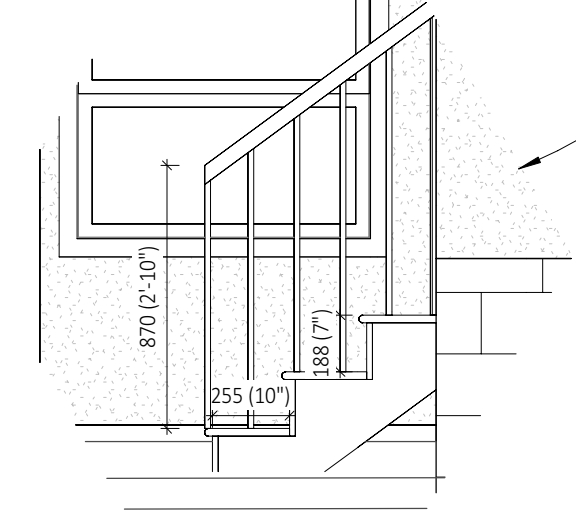
PROJECT ADDRESS:

93 Highland Park Blvd, Thornhill, ON L3T 1B6

SHEET NAME:

PROP. EAST ELEVATION

DATE:	PROJECT No.:
SCALE: As indicated	SSS-141-02
DESIGNER: B.ENTEZARIAN	SHEET No.:
CHECKER: A.PIROOZ	A2-05



2 PROP. WOOD STAIR DETAIL  
1 : 25

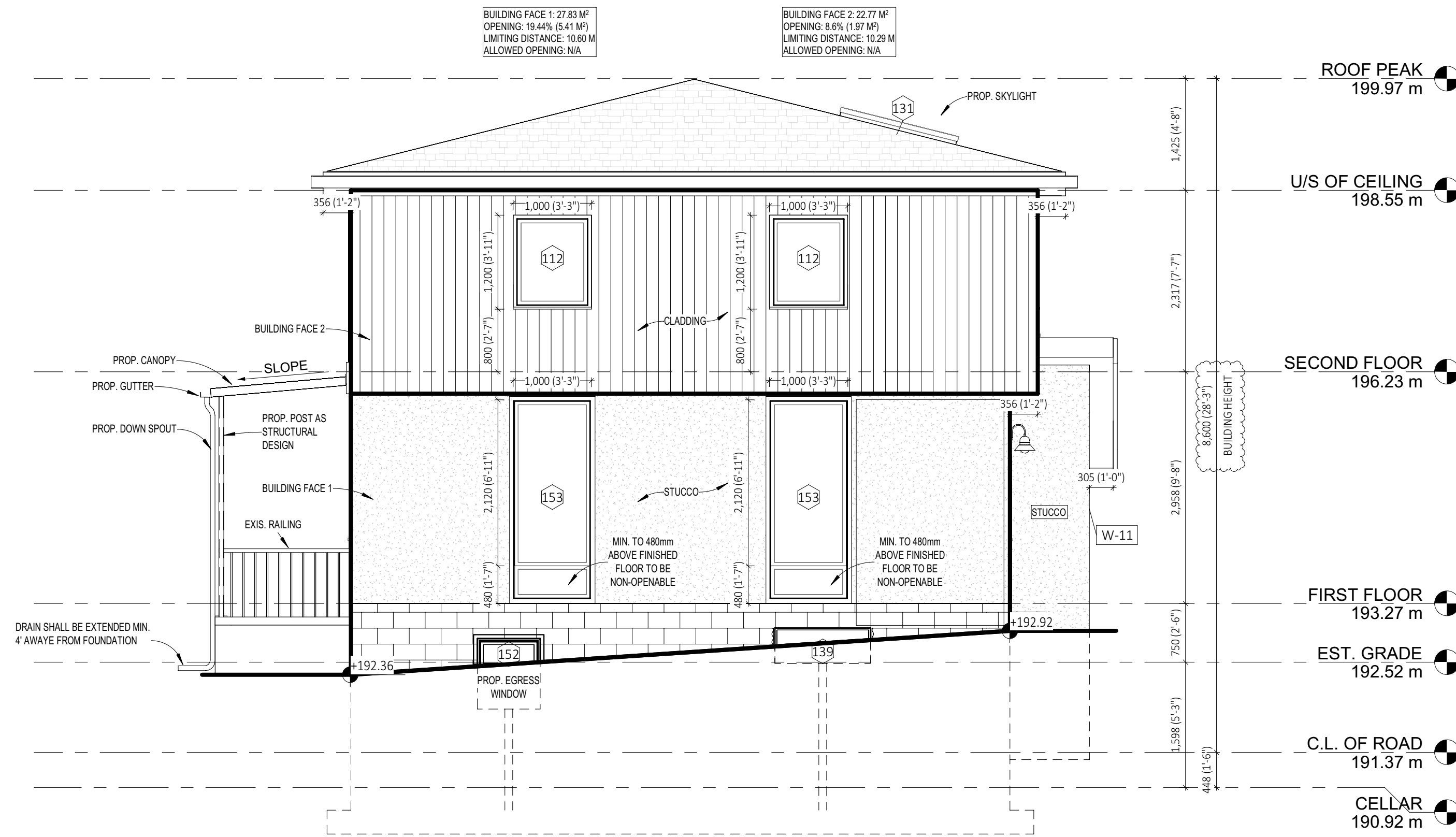
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1 : 50



**Appendix B**

File: 23.112329.000.00.MNV

Date: 03/13/23 MMDDYY



1 PROP. NORTH ELEVATION  
1 : 50

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1	Date 1	Revision 1	

DESIGNER:



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CLIENT:

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PROJECT NAME:

Addition & Renovation

PROJECT ADDRESS:  
 93 Highland Park Blvd, Thornhill, ON L3T 1B6

SHEET NAME:

PROP. NORTH ELEVATION

DATE:	PROJECT No.:
SCALE: 1 : 50	SSS-141-02
DESIGNER: B.ENTEZARIAN	SHEET No.:
CHECKER: A.PIROOZ	A2-06

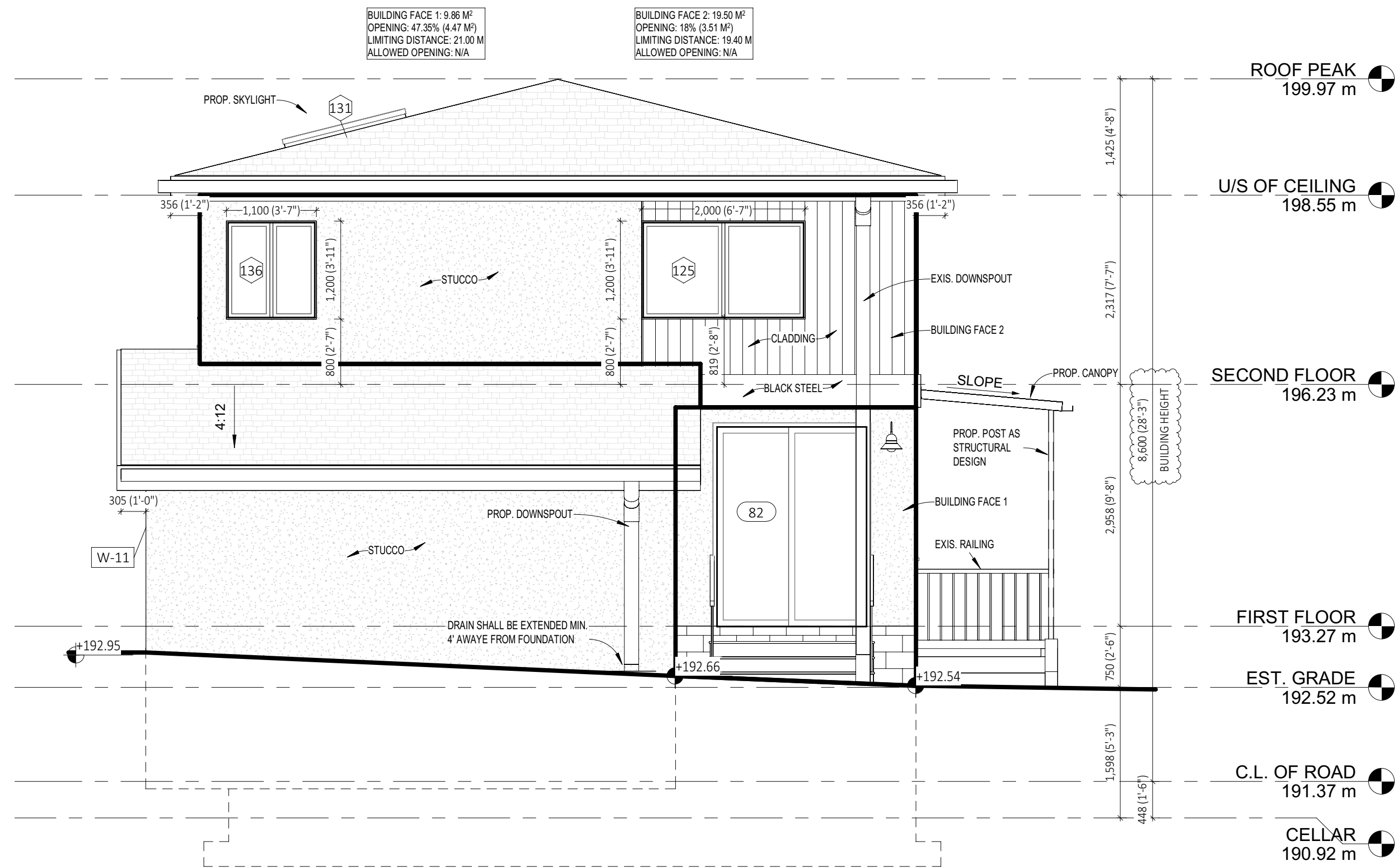
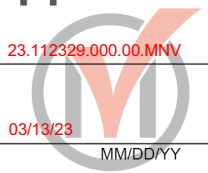




**Appendix B**

File: 23.112329.000.00.MNV

Date: 03/13/23



BUILDING FACE 1: 9.86 M<sup>2</sup>  
OPENING: 47.35% (4.47 M<sup>2</sup>)  
LIMITING DISTANCE: 21.00 M  
ALLOWED OPENING: N/A

BUILDING FACE 2: 19.50 M<sup>2</sup>  
OPENING: 18% (3.51 M<sup>2</sup>)  
LIMITING DISTANCE: 19.40 M  
ALLOWED OPENING: N/A

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No.	Date	Revision	Issued For	APVD
1		Revision 1		

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**Addition & Renovation**

PROJECT ADDRESS:

93 Highland Park Blvd, Thornhill, ON L3T 1B6

SHEET NAME:

**PROP. SOTUH ELEVATION**

DATE:	PROJECT No.:
SCALE: 1 : 50	SSS-141-02
DESIGNER: B.ENTEZARIAN	SHEET No:
CHECKER: A.PIROOZ	<b>A2-07</b>

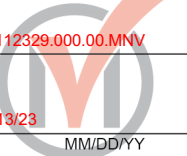
1 PROP. SOUTH ELEVATION  
1 : 50



**Appendix B**

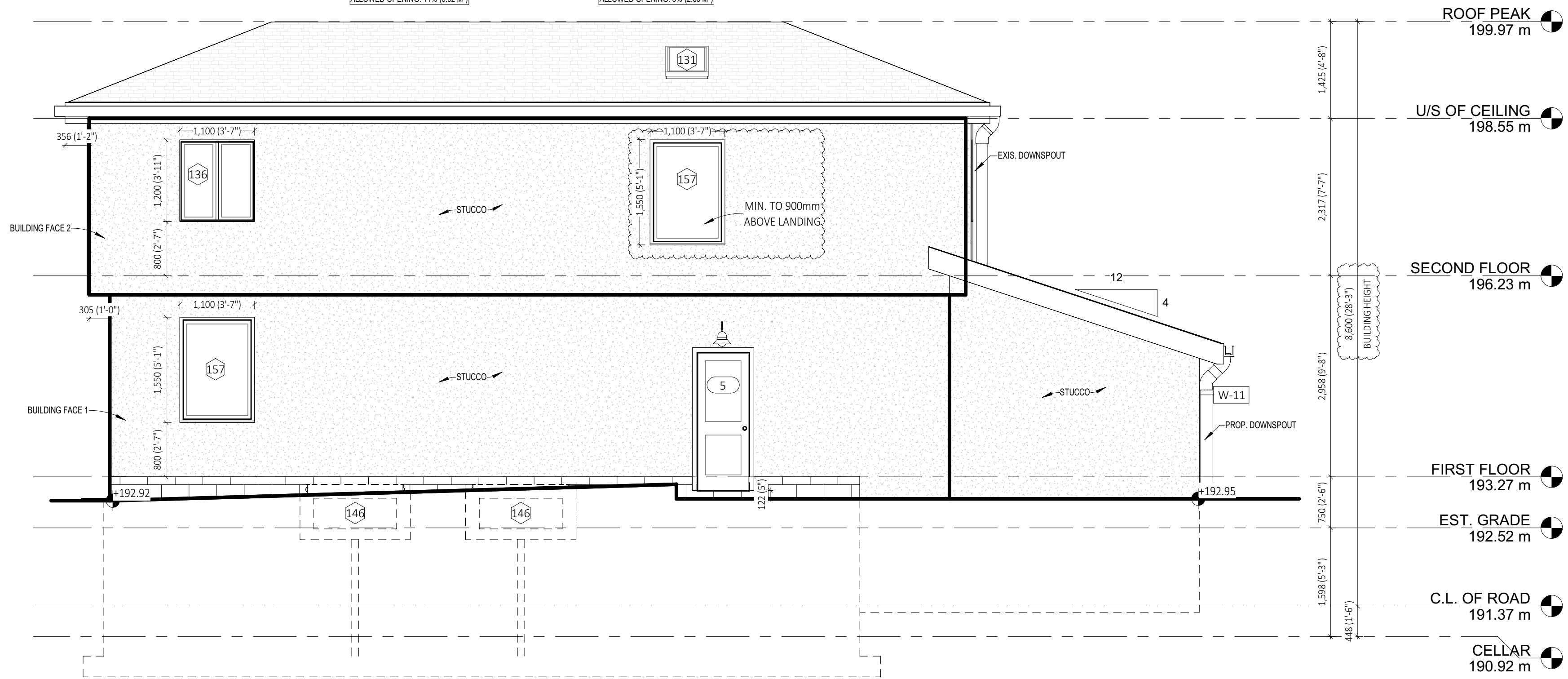
File: 23.112329.000.00.MNV

Date: 03/13/23



BUILDING FACE 1: 36.31 M<sup>2</sup>  
OPENING: 8.3% (3.02 M<sup>2</sup>)  
LIMITING DISTANCE: 2.11 M  
ALLOWED OPENING: 11% (3.92 M<sup>2</sup>)

BUILDING FACE 2: 33.50 M<sup>2</sup>  
OPENING: 8% (2.68 M<sup>2</sup>)  
LIMITING DISTANCE: 1.69 M  
ALLOWED OPENING: 8% (2.68 M<sup>2</sup>)



1 PROP. WEST ELEVATION  
1 : 50

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289-212-3388, info@smartg.ca

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Shirin Ahmadizadeh

PROJECT NAME:  
  
Addition & Renovation

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SHEET NAME:  
  
PROP. WEST ELEVATION

DATE:	PROJECT No.:
SCALE: 1 : 50	SSS-141-02
DESIGNER: B. ENTEZARIAN	SHEET No.:
CHECKER: A. PIROOZ	A2-08

