

Memorandum to the City of Markham Committee of Adjustment

January 19, 2022

File: A/169/21
Address: 4 John Dexter Pl Markham
Applicant: Zahra Falamarzi
Agent: Zahra Falamarzi
Hearing Date: Wednesday January 19, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the Residential One (R1) provisions of By-law 1229, as amended, as it relates to a proposed addition on the second floor of an existing detached dwelling. The variances requested are to permit:

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- b) **By-law 99-90, Section 1.2 (ii):**
a building depth of 19.2 m, whereas the By-law permits a maximum building depth of 16.8 m; and
- c) **By-law 1229, Section Table 11.1:**
a lot coverage of 35.3 percent, whereas the By-law permits a maximum lot coverage of 35.0 percent.

BACKGROUND

Property Description

The 617 m² (7,223 ft²) subject property is located on the west side of John Dexter Place, north of Senator Reesor's Drive and east of Wootten Way South. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing back split style single detached dwelling located on the property, which according to assessment records was constructed in 1969. The site also contains a swimming pool, a shed, and covered rear patio within the rear yard. Vegetation on the property includes shrubs and a few small trees in the front yard.

According to City's records:

- A Building Permit was approved in August 1975 for an addition to the dwelling. There is no additional information on record as to the nature of the approved addition from 1975.
- A one-storey 57.66 m² (620 ft²) addition at the rear and a front entrance feature/covered porch of 10 m² (107 ft²) was approved in August 2010.

NOTE: There is no record of any approved building permits on file for the shed and the covered rear patio located within the rear yard. As it is the intent of the applicant to remove the shed and the covered rear patio as part of the proposed construction work, these structures have been excluded from the

lot coverage and building depth variances requested through this application.

Proposal

The original application proposed to construct a 56.32 m² (606.22 ft²) addition to the second floor of the existing detached dwelling which would have resulted in a Floor Area Ratio (FAR) of approximately 53.43%. In order to address staff concerns regarding massing and maintaining the character of the area, the applicant worked with staff and has since reduced the size of the proposed addition to 45.1 m² (485.45 ft²), resulting in the current request of a FAR of 51.0%. The relief to the maximum floor area ratio requested has been updated to reflect this change.

The revised application, which proposes to construct a 45.1 m² (485.45 ft²) addition to the second floor of the existing detached dwelling. No changes are being proposed for the first floor or to the building footprint.

The applicant's proposal to permit an addition to the second floor results in an FAR increase from 44.44% to 51%, which translates to an increase of 45.1 m² (485.5 ft²) or an increase in overall floor area from 298.5 m² (3,213 ft²) to 343.6 m² (3,698.5 ft²). While there are no changes proposed to the first floor or the building footprint of the existing detached dwelling, the applicant is requesting relief to the maximum building depth and maximum lot coverage to retrospectively capture and recognize the non-compliances previously mentioned.

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.

Zoning By-Law 1229

The subject property is zoned (R1) "One-Family Detached Dwellings" under By-law 1229, as amended, which permits a detached dwelling and accessory building(s). The existing dwelling does not comply with the 35% maximum lot coverage, as required by the By-law.

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 floor area ratio. In addition, the recent building permit review reveals that the existing building does not comply with the infill By-law requirement with respect to maximum building length.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variances required for the proposed development as well as to retrospectively capture and reflect the variances required for the existing addition to the rear of the building and the front entrance feature/covered porch.

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 51%, whereas the By-law permits a maximum floor area ratio of 45%. The variance will facilitate the construction of an addition on the second floor resulting in an overall floor area of 343.6 m² (3,698.5 ft²), whereas the By-law permits a dwelling with a maximum floor area of 302 m² (3,250.7 ft²). This represents an increase of approximately 41.6 m² (441 ft²) from the maximum floor area allowed.

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.

Taking into consideration that the area is characterized by split level detached dwellings, the applicant has reduced the size of the second floor addition from 56.32 m² (606.22 ft²) in the original proposal to 45.1 m² (485.5 ft²), and designed the addition to step back from the north façade in order to reduced the mass of the building.

Further, the dwelling meets all other zoning provisions such as setbacks and lot coverage that establishes the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff have no concerns with the proposed increase in FAR.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.2 m (63 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 2.4 m (7.87 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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 applies mainly to the front covered porch which adds approximately 3.34 m (11 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 15.84 m (52 ft) which complies with the by-law requirement. Given the front covered porch is unenclosed, staff are of the opinion that the proposed increase in building length 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.

Increase in Maximum Lot Coverage

The applicant is requesting relief to permit a maximum lot coverage of 35.3%, whereas the By-law permits a maximum floor area ratio of 35%.

The proposed lot coverage includes the front covered porch which adds approximately 1.5% or 10 m² (107 ft²) to the overall building area. Given the proposed addition is at the rear of the dwelling and, that the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 14, 2022. 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.

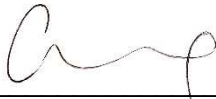
CONCLUSION

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:



Carman Yeung, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/21

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 January 10, 2022, 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:

Carman Yeung, Senior Planner, East District

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/169/21