

Memorandum to the City of Markham Committee of Adjustment

July 28, 2021

File: A/029/21
Address: 34 Begonia Street – Markham, ON
Applicant: James Leung
Hearing Date: August 11, 2021

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

The applicant is requesting relief from the following “Residential Two Exception *421*483 (R2*421*483) Zone” requirements under By-law 177-96, as amended, to permit:

a) By-law 177-96, Section 6.2.1 (b) (iii):

the floor of a deck be located above the first storey, whereas the by-law requires that the floor of the deck is not higher than the floor level of the first storey of the main building.

BACKGROUND

Property Description

The 315.59 m² (3,397.0 ft²) subject property is located on the west side of Begonia Street, north of Castlemore Avenue, east of Roy Rainey Avenue, and south of Major Mackenzie Drive East. The property is developed with a three-storey detached dwelling built circa 2013, and is located within a residential neighbourhood which contains a mix of two and three-storey dwellings. Low rise housing forms include detached, semi-detached, and townhouse dwellings, some of which are lane based properties.

Proposal

The applicant is proposing to construct a new deck at the second-storey level, with an approximate area of 21.26 m² (228.84 ft²).

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, with building heights of up to three-storeys.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception *421 *483 (R2*421*483) Zone” under By-law 177-96, as amended, which permits various low rise housing forms, including single detached dwellings. Exceptions *421 and *483 include other site specific development standards for the property that do not impact the subject variance requests. The proposed development does not comply with the By-law requirement with respect to permissions for maximum deck height.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variance required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Deck Height

The applicant is requesting to permit the floor of the deck to be located above the first storey, whereas the by-law requires that the floor of a deck is not higher than the floor level of the first storey of the main building.

As previously noted, the property is developed with an existing three-storey dwelling. A review of the architectural plans approved by the City in 2012 shows that the first-storey floor level as defined by the By-law is occupied by a recreation room. This level is the lowest level of the dwelling, is not below grade, and provides for a walk-out into the rear yard. The kitchen/dining area is shown to be located above at the second-storey level next to the existing Juliette balcony.

Approval of the requested variance would allow for access from the kitchen area to the deck, providing alternate access to the rear yard. A reduction to the size of the deck floor would result in a smaller amenity space at the second-storey level, while still being able to maintain a deck platform as a connective feature to the rear amenity area. Notwithstanding the above, staff have reviewed this application giving consideration to other development standards of the By-law, which include permissions for balconies that project into a rear yard at the second-storey level. Staff have assessed the potential impacts as it relates to adjacent properties, and are of the opinion that there is no clear adverse, or demonstrable impact to these properties in principle. Accordingly, staff do not object to the proposed development, and recommend that in the event of approval, the conditions detailed in Appendix “A” are adopted to ensure that the height of the deck floor be level with that of the second-storey floor.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 28, 2021. Staff note 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*, and are of the opinion that the variance request meets the four tests. 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.

APPENDICES

Appendix “A” – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/21

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the proposed 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 Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

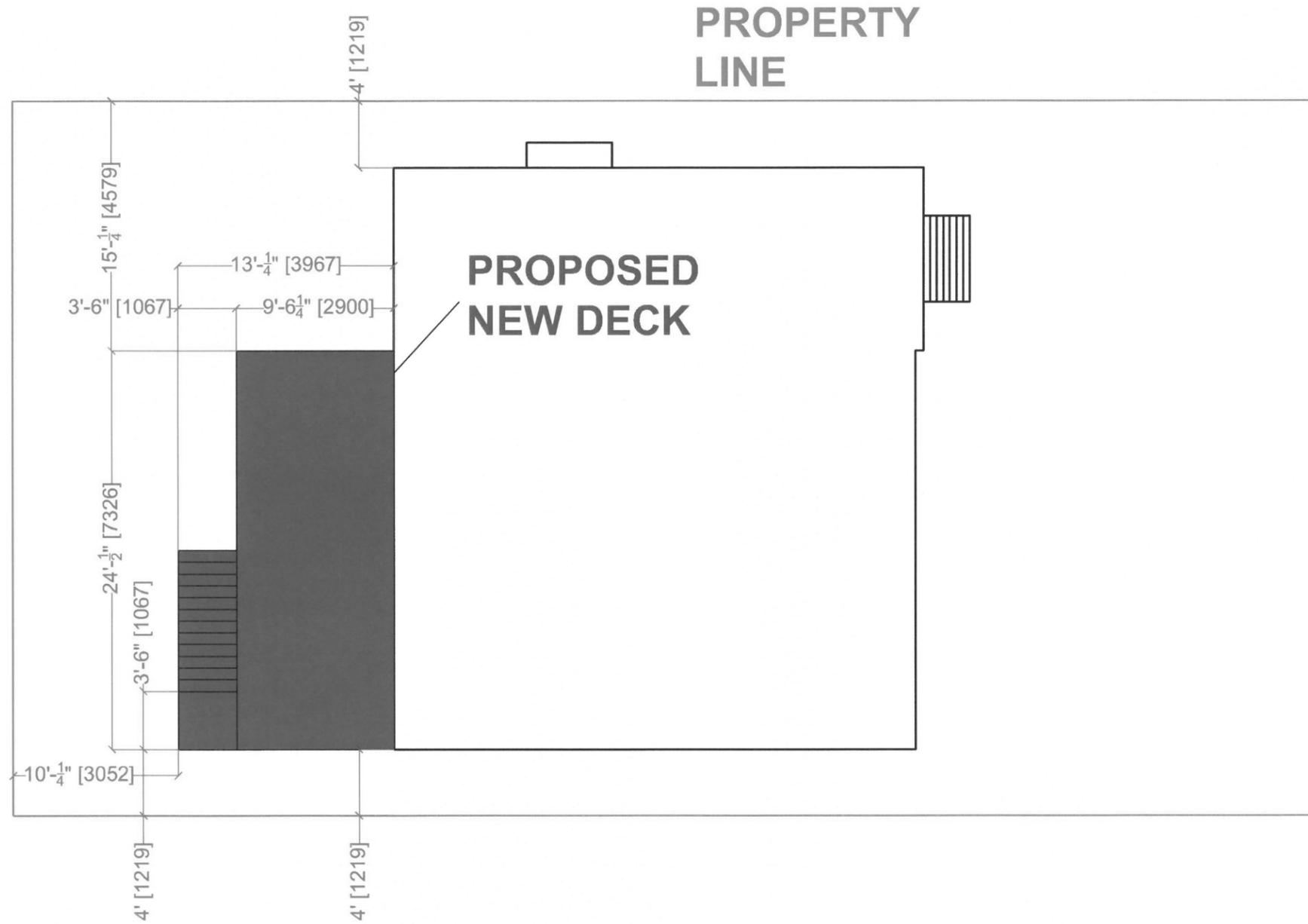
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/21

SITE PLAN

Appendix B

File: 21.110978.000.00.MNV

Date: 07/30/21
MM/DD/YY

0 1 5 FEET 10 FEET 15 FEET



PROPOSED SITE PLAN	34 Begonia St, Markham, ON L6E 0E1	01.2	19 July 2020
TITLE	ADDRESS	DWG #	DATE

