

Memorandum to the City of Markham Committee of Adjustment

September 9, 2021

File: A/031/21
Address: 2 Sir Ector Court – Markham, ON
Applicant: Santajirao Patankar
Agent: KBK Studios Inc. (Kyle Khadra)
Hearing Date: September 22, 2021

The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

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

a maximum depth of 18.31 m (60.07 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft);

b) Section 11.2 (c)(i):

stairs to encroach 21.0 in (0.53 m) into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 in (0.46 m) into any required yard; and

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

a maximum floor area ratio of 49.96%, whereas the By-law permits a maximum floor area ratio of 45.0%.

BACKGROUND

Property Description

The 620.57 m² (6,679.75 ft²) subject property is located on the west side of Sir Ector Court, north of Parkway Avenue, south of Ramona Boulevard, and west of Wooten Way North. The property is currently developed with a one-storey single detached dwelling with two mature trees that are located within the municipal street allowance along Sir Ector Court. The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached dwellings. There are examples of infill development within the surrounding area.

Proposal

The applicant is proposing to demolish the existing detached dwelling, to construct a new two-storey detached dwelling. The proposed dwelling would have a ground floor area of 182.80 m² (1,967.64 ft²), and a second floor area of 125.38 m² (1,349.58 ft²), for a total gross floor area of 308.18 m² (3,317.22 ft²). The applicant is also requesting variances to permit a building depth of 18.31 m (60.07 ft), and a stair encroachment of 21.0 in (0.53 m) into the front yard.

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 the retention of existing trees and vegetation, and the width of proposed garages and driveways within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law with respect to the maximum encroachment for stairs into a required yard.

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, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum depth and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR to confirm the initial variances required. The applicant submitted revised drawings on August 25, 2021, and completed a second ZPR to confirm the variances required for the drawings attached to this report (see Appendix “B”).

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 Building Depth

The applicant is requesting a maximum building depth of 18.31 m (60.07 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 1.51 m (4.95 ft).

The variance includes a front covered porch, which adds approximately 2.35 m (7.71 ft) to the depth of the building at the first-storey. Excluding the front porch, the main component of the building has a depth of approximately 15.86 m (52.03 ft) which generally complies with the depth requirement for a two-storey building. Staff are of the opinion that the requested variance appropriately maintains the general intent of the Official Plan and By-law, and would not adversely impact neighbouring properties. Accordingly, staff have no objections.

Increase in Maximum Stairs Encroachment

The applicant is requesting a maximum stairs encroachment of 21.0 in (0.53 m) into the front yard, whereas the By-law permits a maximum stair encroachment of 18.0 in (0.46 m)

into any required yard. This is an increase of 3.0 in (0.08 m). Staff are of the opinion that the requested variance is minor, and have no objections.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 49.96%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 308.18 m² (3,317.22 ft²), whereas the By-law permits a dwelling with a maximum floor area of 277.59 m² (2,987.95 ft²).

This is an increase of 30.59 m² (329.27 ft²). Floor area ratio is a measure of the interior floor area of the dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. With exception to the requested increase in building depth and minor stair encroachment, the proposed development meets all other zoning provisions that establish the prescribed building envelope such as yard setbacks and lot coverage which assist in ensuring the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff have no objections to the requested floor area ratio.

Tree Protection and Compensation

Two mature trees are located within the municipal street allowance along Sir Ector Court. In the event of approval, staff recommend that tree related conditions detailed in Appendix "A" be implemented by the Committee to ensure that the applicant installs the appropriate tree protection. It is noted that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees with a diameter at breast height (DBH) of 0.20 m (0.66 ft), or over. Following any approval of this minor variance application, further mitigation may be required to ensure a sufficient tree protection zone is maintained at the Residential Infill Grading and Servicing (RGS) stage for the appropriate protection of certain trees as advised by Operations staff.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 9, 2021. 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*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the conditions of approval attached as Appendix "A" in reaching a decision. The onus is ultimately on the applicant to demonstrate 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:



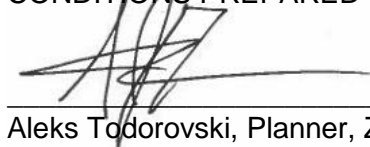
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/031/21

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or their designate.
3. 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/031/21

Appendix B

File: 21.11023.000.00.MW

Date: 09/17/21 MMDDYY

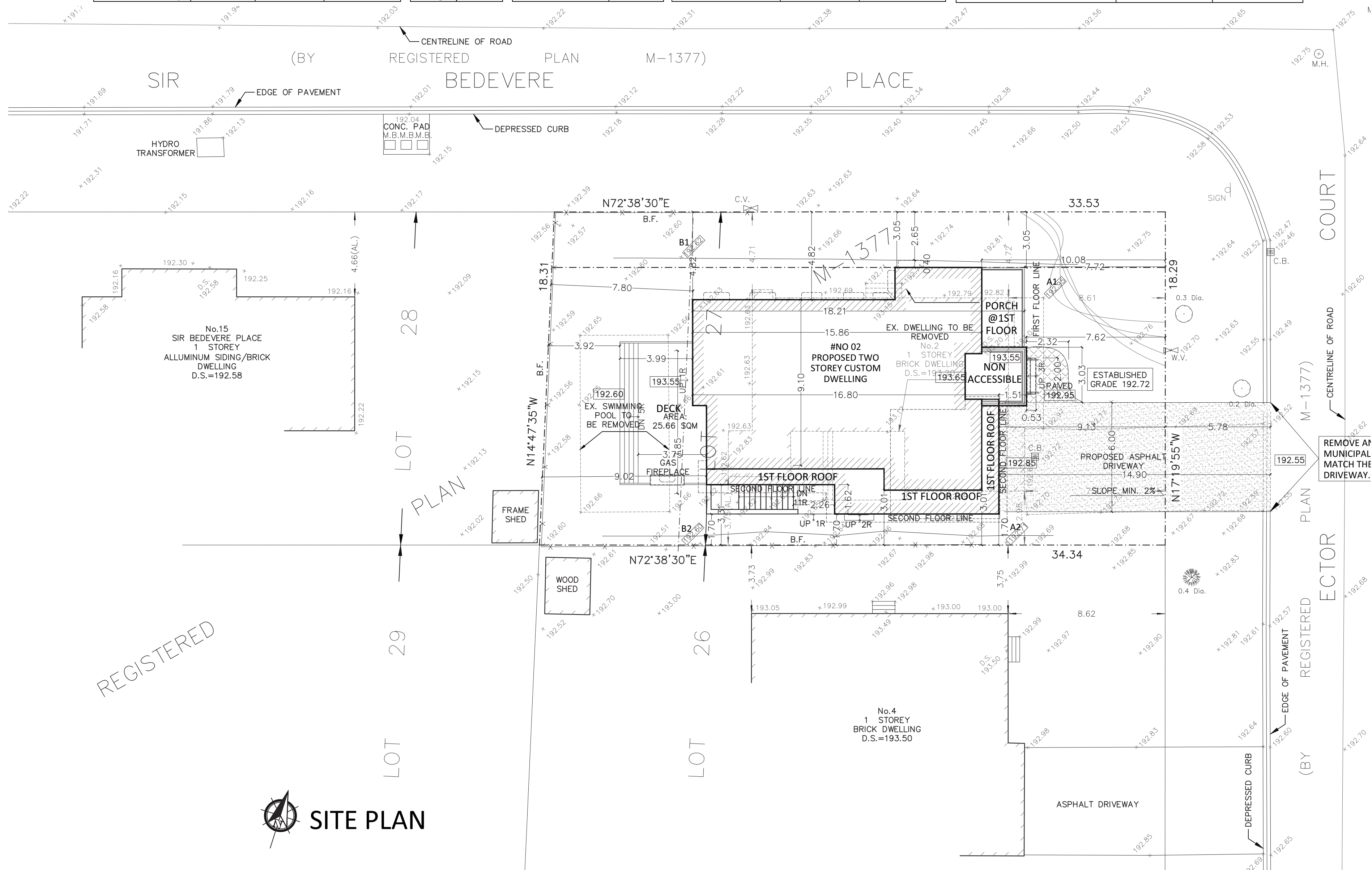
Landscaped Area		
	Area (sq.m)	Percentage
Front Yard Area	159.76	100%
Driveway	54.76	34.28%
Landscaped Area	105	65.72%
Steps & Walkway	6.89	6.56%
Soft Landscape	98.11	93.44%
		% of Total Yard
		61.41%

Established Grade	
A1	192.95
A2	192.71
B1	192.62
B2	192.6
Total	770.880
Average	192.720

Lot Coverage	
Lot Area	620.57
Dwelling Footprint	182.8
Porch Canopy	9.79
Total	192.59
Percentage	31.03%
Allowable	35%

Proposed	sqm	sqft
Lot Area	620.57	6,679.75
Net Lot Area (As per zoning) 6600+ 1/2 x (6679.75-6600)	616.87	6,639.88
Proposed		
	sqm	sqft
First Floor Area	149.16	1,605.54
Garage	33.64	362.10
Second Floor Area	132.65	1,427.83
Stair well (deductible)	7.27	
Net GFA	308.18	3,317.22
FSI	49.96%	sqm
Basement	169.37	1,823.08

Zoning Information		Zone: R1 (BY-LAW 1229 as amended)	
Lot area		620.57	sqm
Net Lot Area (As per zoning) 6600+ 1/2 x (6679.75-6600)		616.87	sqm
		Allowed	Provided
Max Height		9.8m	9.8
Max Height (Flat roof)		8.0m	N/A
Max Coverage (Net)		35%	31.03%
Max. FSI (Net Lot area) x 45%		45.00%	49.96%
Building depth		16.8m	18.21M
Setbacks			
Front Yard		7.62M	7.62m
Encroachment by the stair in front		0.45m	0.53m
Rear Yard		7.62M	7.82m
Interior Side Yard 1 Storey portion		1.21m	1.70m
Interior Side Yard 2 Storey portion		1.82m	3.01m
Exterior Side Yard		3.05m	3.05m



DESIGNER'S STAMP



GENERAL NOTES

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ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

NO.	ISSUED FOR	DATE
1	REVIEW	JUL 16, 2021



KBK ARCHITECTS INC.

T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

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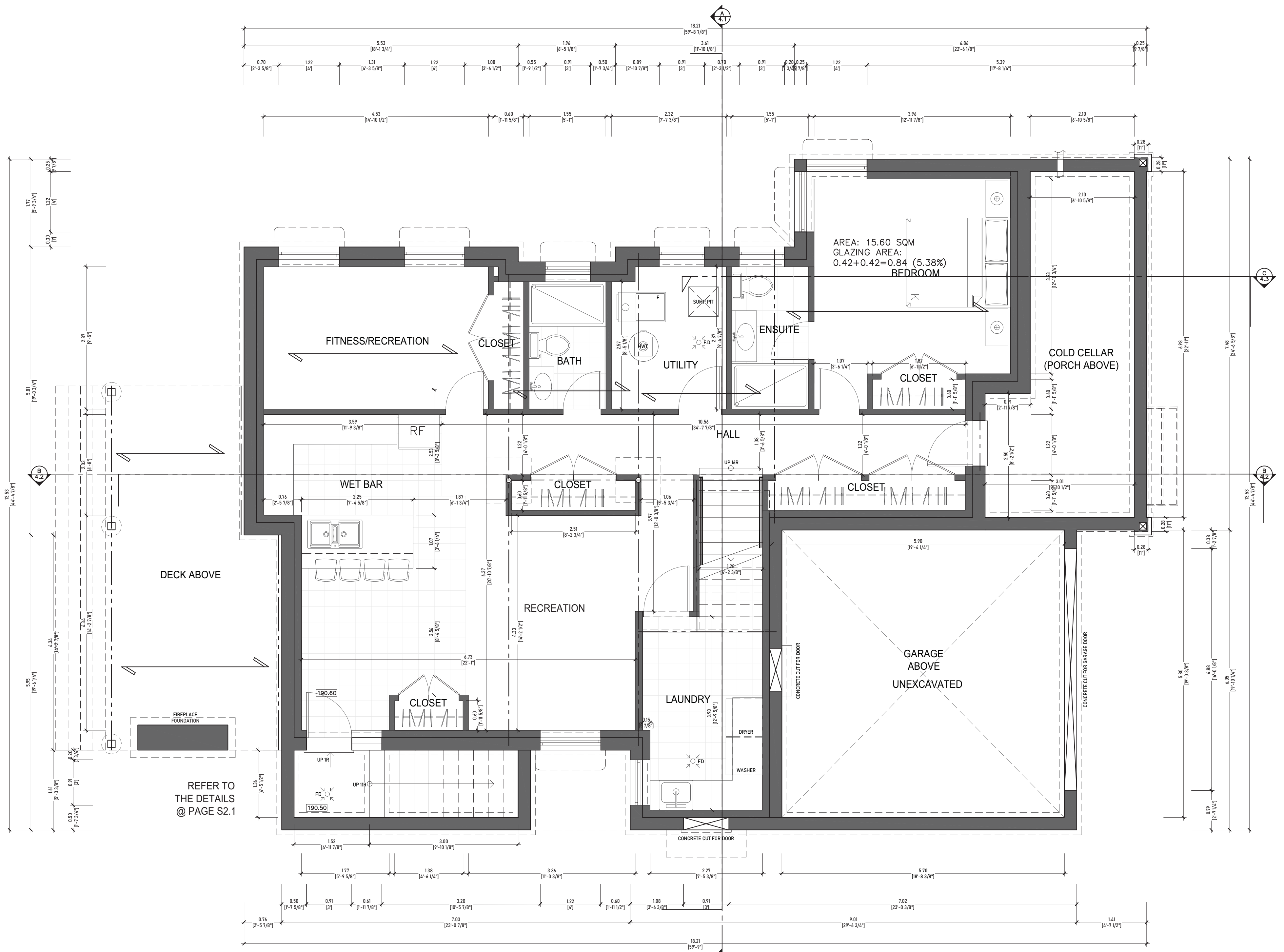
DRAWING
SITE PLAN

DRAWN TIN	MRGR. RUM	PROJECT NO. MDD-01
PLOTTED DATE JUL 14, 2021		DRAWING NO. A0.3
SCALE 1 : 150		
CHECKED KYLE KHADRA		

Appendix B

File: 21-111023.000.00.MNV

Date: 09/17/21 MM/DD/YY



BASEMENT FLOOR PLAN
AREA: 169.37 SQM (1,823.08 SFT)

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T: 1 (800)-203-7010
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 Suite 300, 25 Sheppard Ave. West
 Toronto M2N 6S6 Ontario

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DRAWING
 BASEMENT FLOOR PLAN

DRAWN	MNGR.	PROJECT NO.
TIN	RUM	MIDD-01

PLOTTED DATE
 JUL 14, 2021

SCALE 1 : 50

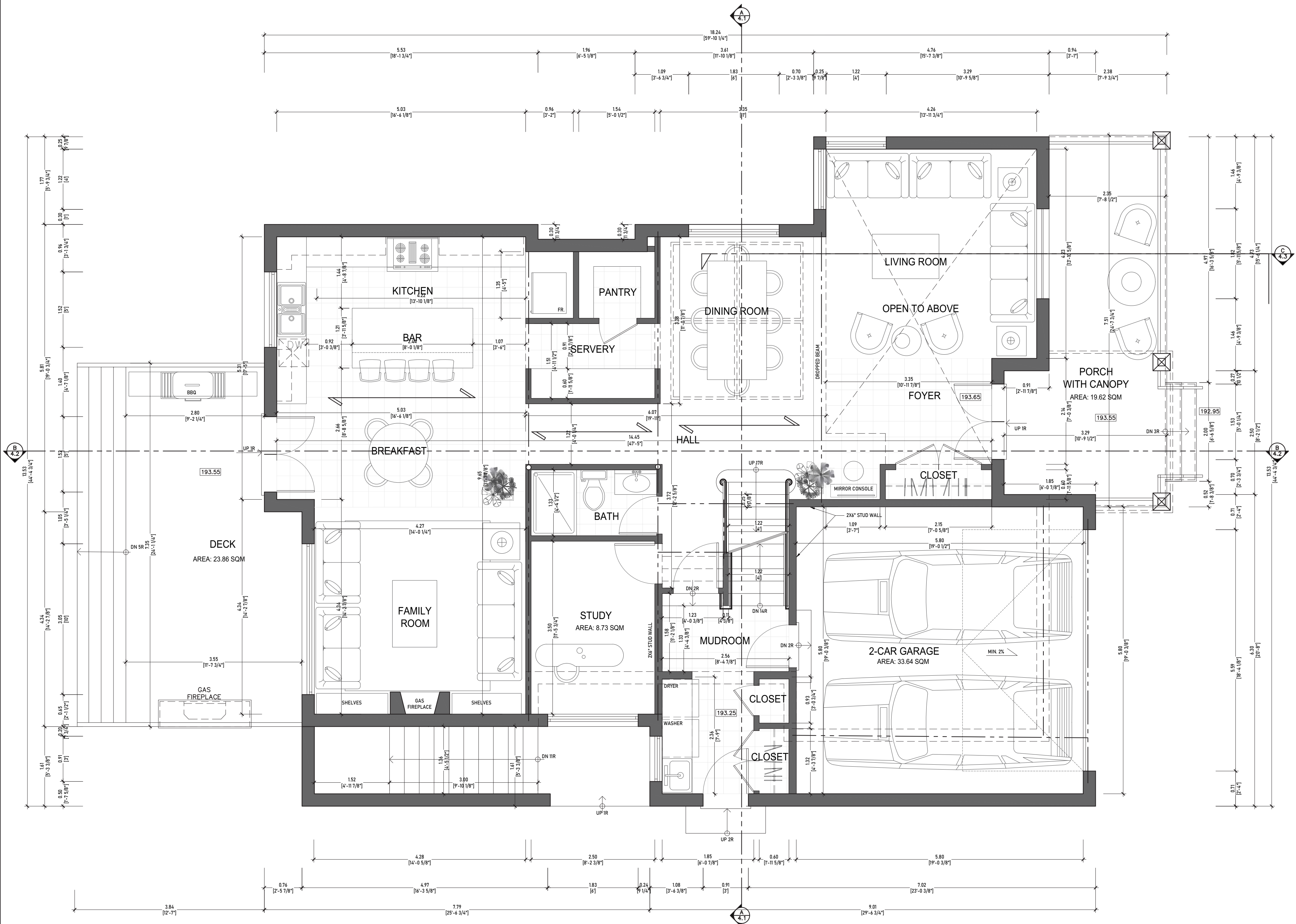
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Appendix B

File: 21.11.023.000.00.MNV

Date: 09/17/21 MMDDYY



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FIRST FLOOR PLAN

DRAWN

TIN

PLOTTED DATE

JUL 14, 2021

SCALE

1 : 50

CHECKED

KYLE KHADRA

PROJECT NO.

MDD-01

DRAWING NO.

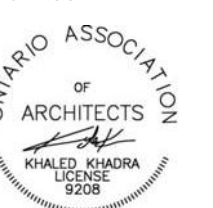
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Appendix B

File: 21.11.1023.000.00.MNV

Date: 09/17/21 MM/DD/YY

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KBK ARCHITECTS INC.

T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

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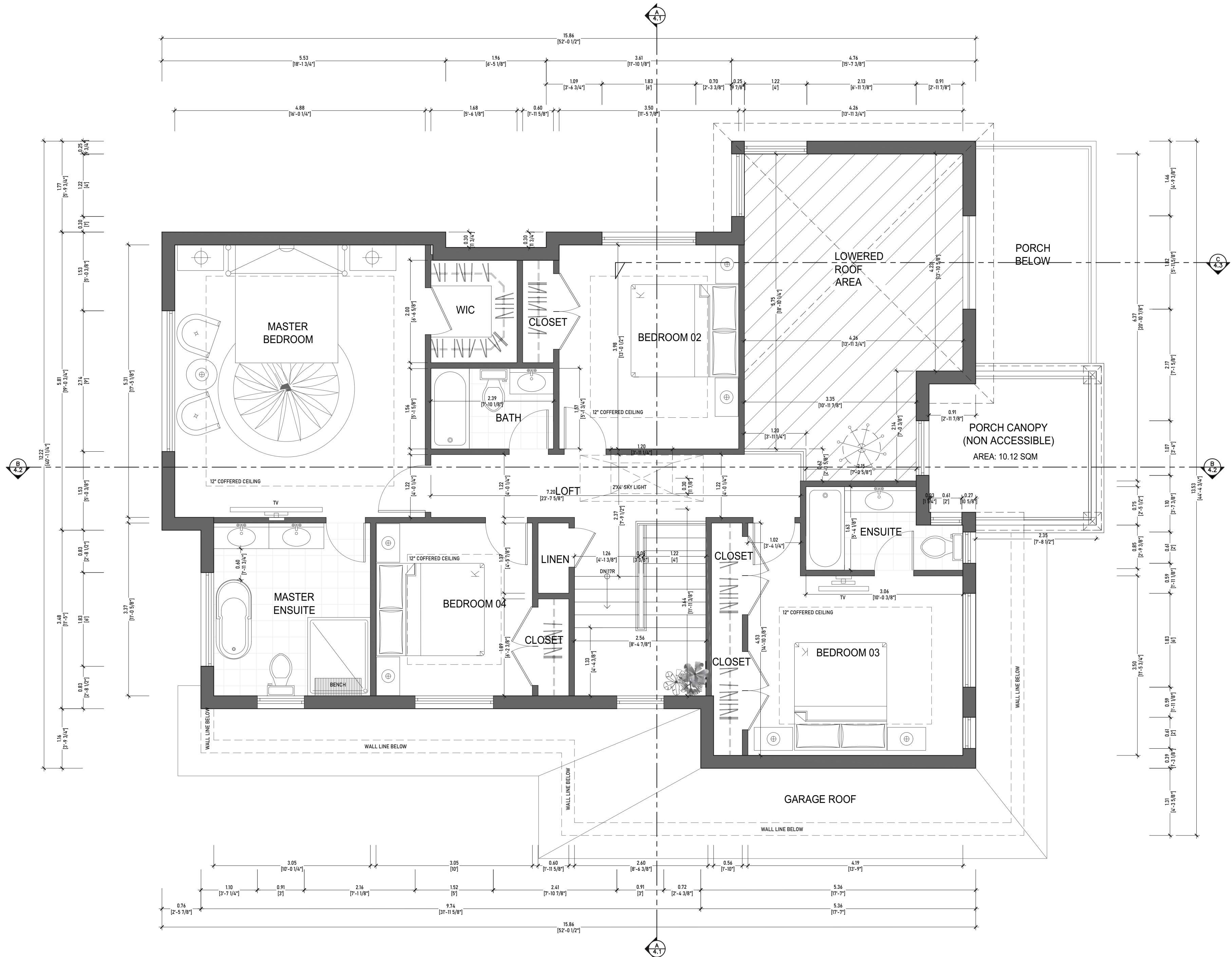
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SECOND FLOOR PLAN

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PLOTTED DATE JUL 14, 2021

SCALE 1/8"=1'-0" 1 : 50

CHECKED KYLE KHADRA DRAWING NO. A1.3



SECOND FLOOR PLAN AREA: 132.65 SQM (1,578.63 SFT)



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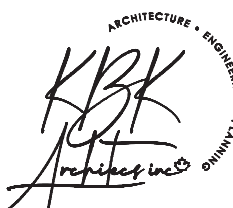
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T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

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DRAWING
ROOF PLAN

DRAWN IN	MNGR. RUM	PROJECT NO. MIDD-01
PLOTTED DATE JUL 14, 2021		DRAWING NO
SCALE	18"x24"	A1.4
1 : 50		
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 OF
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 KHALED KHADRA
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T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

PROJECT ADDRESS
02 SIR ECTOR COURT
MARKHAM, ON

DRAWING
EAST ELEVATION
(FRONT)

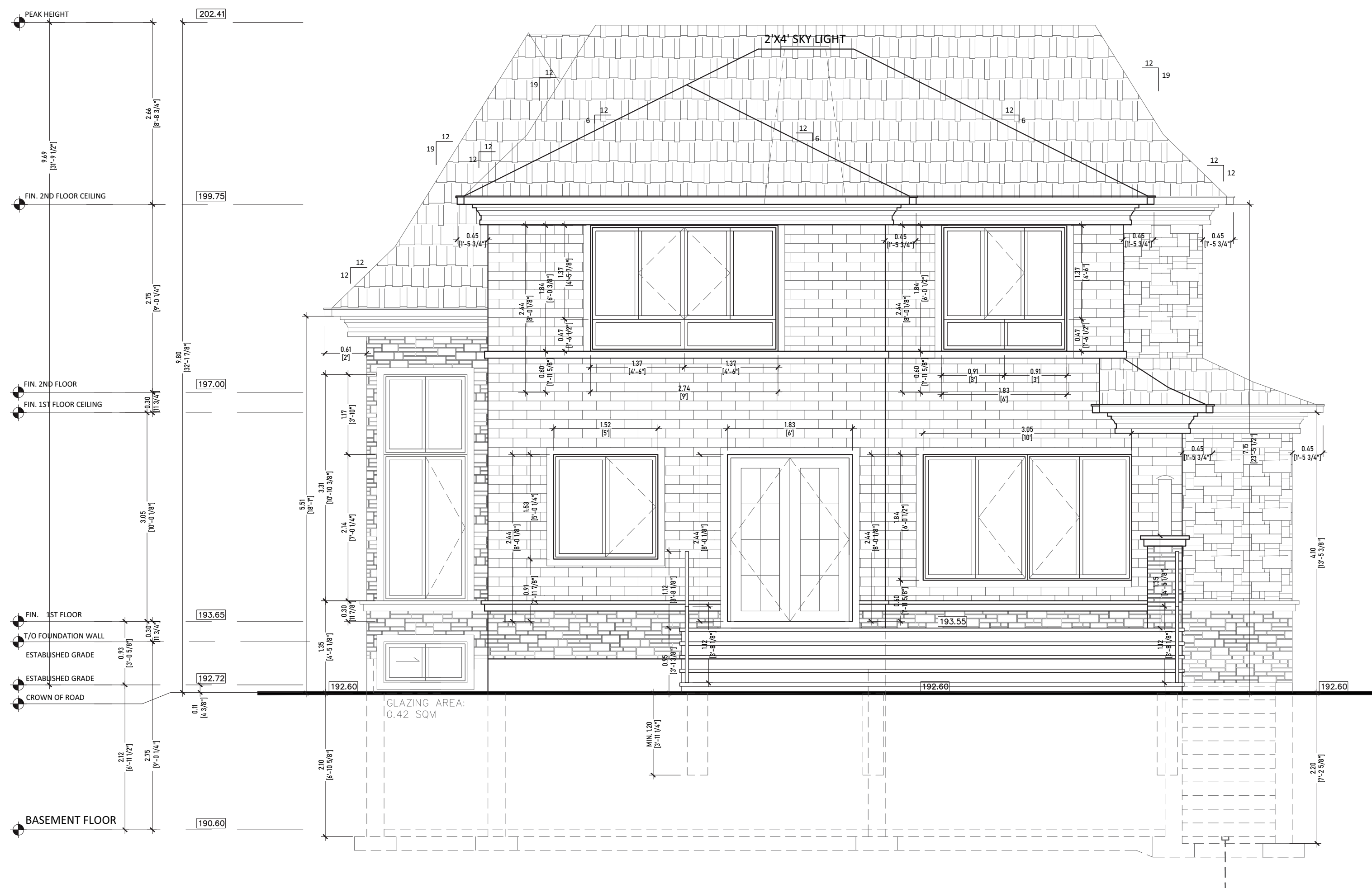
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PLOTTED DATE JUL 14, 2021		DRAWING NO
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CHECKED BY: KHADRA		

A2.1

Appendix B

File: 21.11.1023.000.00.MW

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WEST ELEVATION (REAR)

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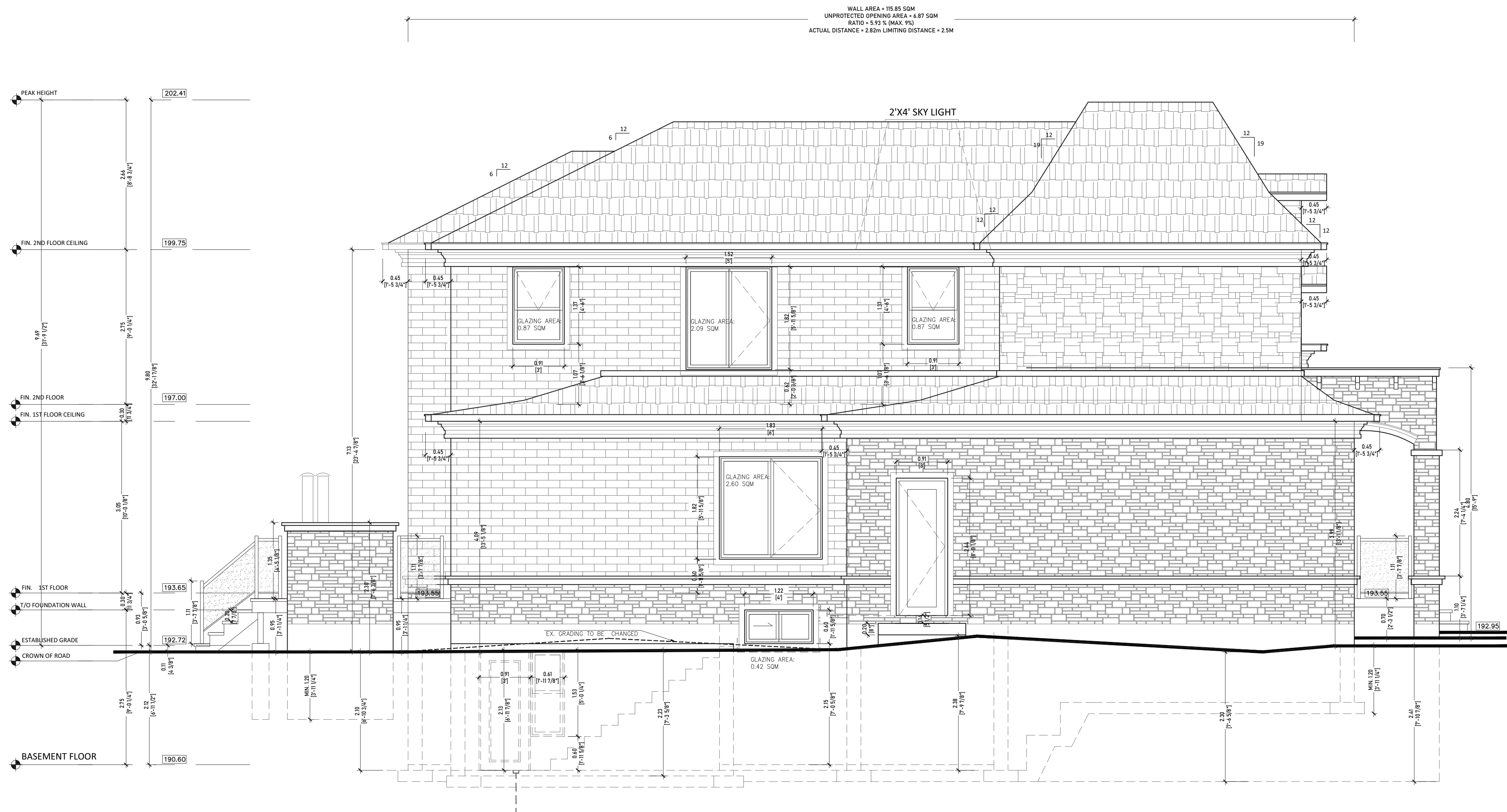
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DRAWING
WEST ELEVATION (REAR)

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PLOTTED DATE JUL 14, 2021		
SCALE 1 : 50		
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DRAWING NO. A2.4		

Appendix B

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Date: 09/17/21
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SOUTH ELEVATION (EXTERIOR SIDE)

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KBK ARCHITECTS INC.

T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

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MARKHAM, ON

DRAWING
SOUTH ELEVATION
(EXTERIOR SIDE)

DRAWN	MNGR.	PROJECT NO.
TIN	RUM	MIDD-01

PLOTTED DATE
JUL 14, 2021

SCALE 1 : 50

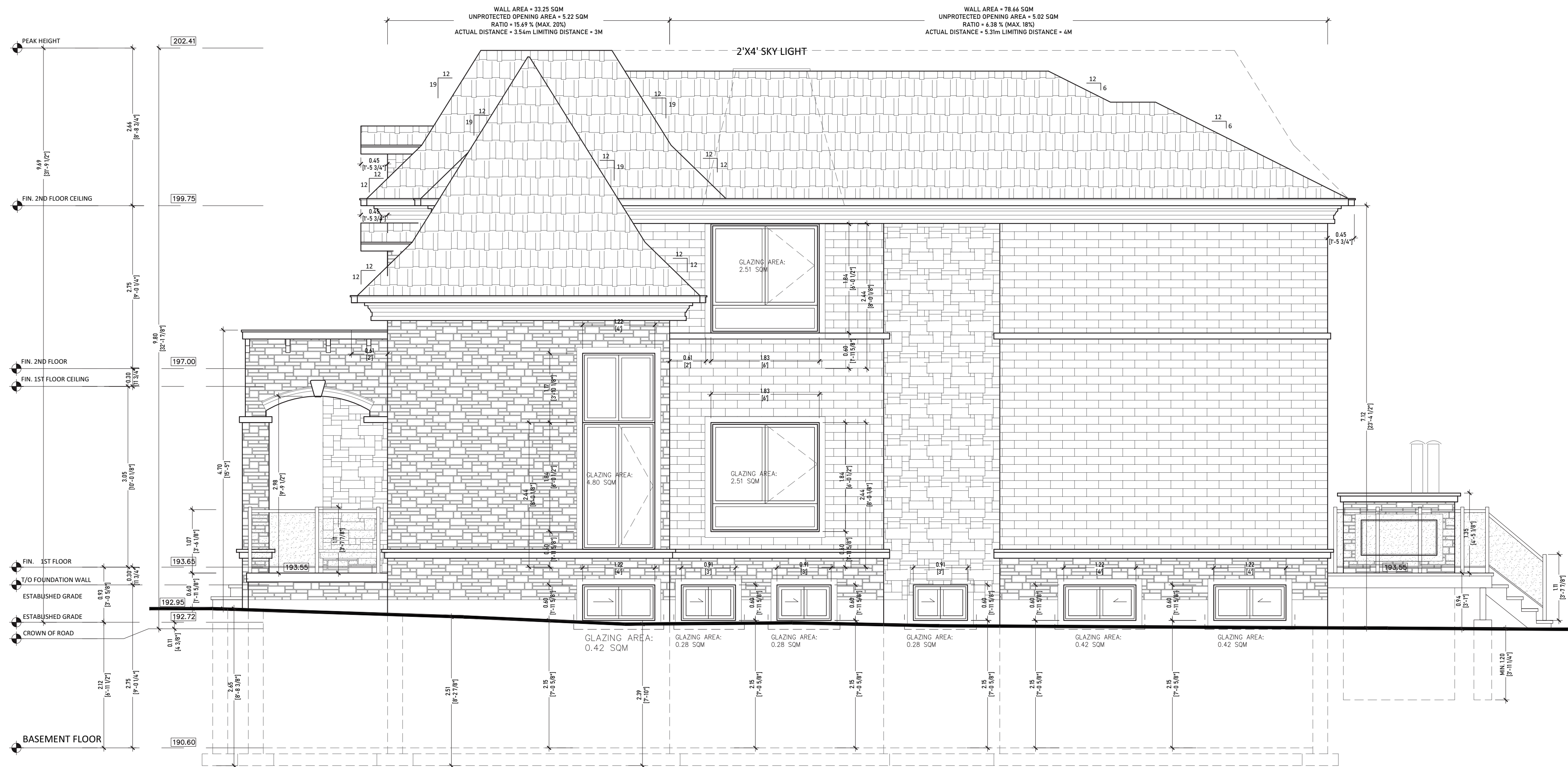
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KYLE KHADRA

DRAWING NO
A2.2

Appendix B

File: 21.11.023.000.00.MW

Date: 09/17/21 MMDDYY



NORTH ELEVATION (INTERIOR SIDE)

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KBK ARCHITECTS INC.

T: 1 (800)-203-7010
INFO@KBKARCHITECTS.CA
Suite 300, 25 Sheppard Ave. West
Toronto M2N 6S6 Ontario

PROJECT ADDRESS
02 SIR ECTOR COURT
MARKHAM, ON

DRAWING
NORTH ELEVATION
(INTERIOR SIDE)

DRAWN TIN	MNGR. RUM	PROJECT NO. MIDD-01
PLOTTED DATE JUL 14, 2021		DRAWING NO. A2.3
SCALE 1 : 50		
CHECKED KYLE KHADRA		