

Memorandum to the City of Markham Committee of Adjustment

November 6, 2020

File: A/051/20
Address: 3 Sir Ector Court – Markham, ON
Applicant: Sasha Lazarou
Agent: Building Experts Canada Ltd.
Hearing Date: November 18, 2020

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) Zone” under By-law 1229, as amended (“the By-law”), as it relates to the proposed construction of a new two-storey detached dwelling, to permit:

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

a maximum net floor area ratio of 49.97%; whereas the By-law permits a maximum net floor area ratio of 45.0%.

BACKGROUND

Property Description

The 613.26 m² (6601.08 ft²) subject property is located on the east side of Sir Ector Court, north of Parkway Avenue, south of Ramona Boulevard, and west of Wooten Way North. There is an existing single detached dwelling on the property, with existing mature vegetation across the property, including one street tree. Sir Ector Court can be described as a street that is generally stable consisting of the original housing stock built in the 1970’s. The surrounding area is undergoing a transition with newer dwellings being developed as infill redevelopments.

Proposal

The applicant is proposing to demolish the existing detached dwelling, and construct a new two-storey detached dwelling. As submitted by the applicant, the proposed dwelling would have an approximate ground floor area of 166.20 m² (1,789.61 ft²), a second floor area of approximately 158.19 m² (1,702.74 ft²), for a total gross floor area of 324.39 m² (3,491.71 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 2014 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229, as amended

The subject property is zoned “Residential One (R1)” under the By-law, which permits one single detached dwelling per lot.

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 general 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 the maximum floor area ratio of 45.0%.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a ZPR to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on October 30, 2020 to reduce the requested floor area ratio variance from 62.80% to 49.97%, but has chosen not to complete a second ZPR to confirm the accuracy of this revision. Staff have encouraged the applicant to complete a ZPR for the revised plans (Appendix “B”), as there may be inaccuracies as follows:

- the floor area ratio appears to not include the internal stairs area within the dwelling; and
- the stairs shown in the rear yard may require an additional variance to permit them to encroach within the required rear yard setback.

Notwithstanding, the applicant has confirmed that if the requested floor area ratio variance is approved, revisions to the plans would be made at the building permit stage to comply with the By-law.

It is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the 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 application to be granted approval 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 Area Ratio

The applicant is requesting a maximum floor area ratio of 49.97%, 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 maximum floor area of approximately 306.42 m²

(3,298.27 ft²), whereas the By-law permits a dwelling with a maximum floor area of 275.94 m² (2,970.23 ft²). This is an increase of 30.48 m² (328.04 ft²).

As noted, the proposed floor area ratio may be incorrect as it does not include internal stairs within the proposed dwelling. Inclusion of these stairs adds approximately 18.01 m² (193.85 ft²) to the total floor area. Should Committee approve the application, the applicant will be required to either make adjustments to the size of the dwelling to comply with any approved variance at the building permit stage, or make an additional variance application to address non-compliances.

Staff do not anticipate that the proposed development would adversely impact neighbouring properties, and do not object to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 6, 2020. 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 against the four tests under Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, are of the opinion that the proposed development meets the four tests of the *Planning Act*. Staff recommend that the Committee consider public input in reaching a decision.

Staff also remind Committee that the plans submitted (Appendix "B") may not correctly reflect the proposed floor area ratio, and that an additional variance may be required to permit stairs to encroach within a required rear yard setback. The applicant has requested this application to proceed. However, staff consider it appropriate to defer this application so that the applicant can resolve these technical matters, and ensure any approved variances accurately reflect the proposed development.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the 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.

APPENDICES

Appendix "A" – Conditions of Approval

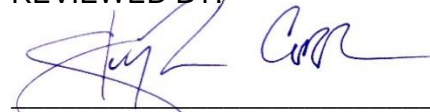
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/051/20

1. The variances apply only to the proposed development 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 from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
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 City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his or her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. 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 City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.
5. That tree replacements be provided to the City, 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 Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.

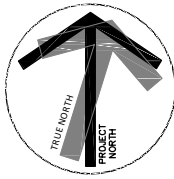
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/051/20



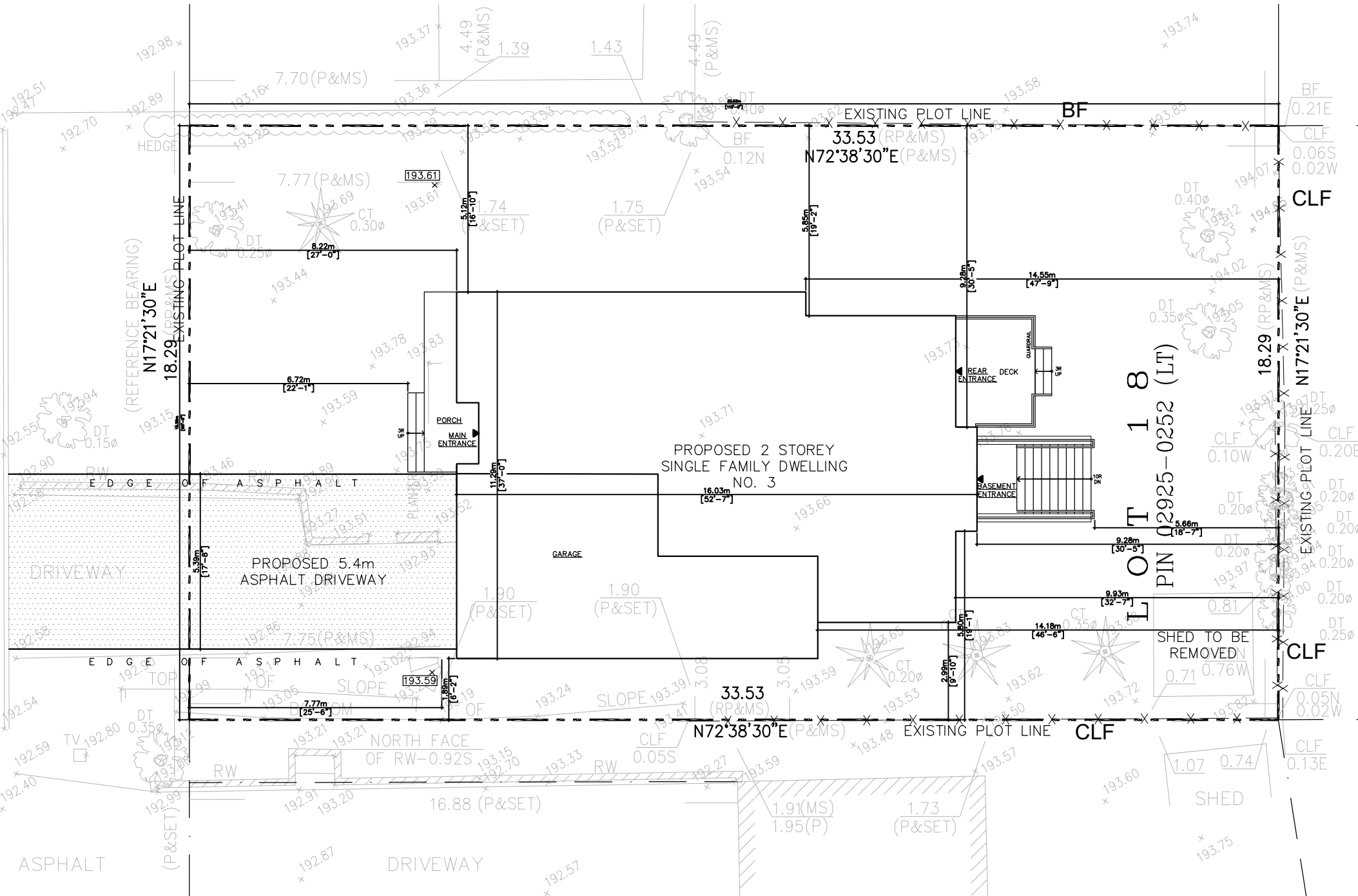
Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
MM/DD/YY

CROWN OF ROAD
192.62

CENTER LINE OF PAVEMENT



1
A-1.0

SITE PLAN
SCALE: 1:150

SITE STATISTICS:

LEGAL DESCRIPTION:	PLAN M-1377 LOT 18
LOT AREA:	613.26m ² (6601.1 ft ²)
LOT FRONTAGE:	18.29m
LOT DEPTH:	33.53m
ZONING CLASSIFICATION:	"R1" RESIDENTIAL INFILL HOUSING
ZONING BY-LAW:	BY-LAW 1229, AS AMENDED BY BY-LAW 99-90

PROPOSED BUILDING:

	MAXIMUM:	PROPOSED:
LOT COVERAGE:	35%	27.11%
BUILDING AREA:	214.64m ²	166.26m ²
BUILDING HEIGHT FROM CROWN OF ROAD	9.80m	9.75m
GROSS FLOOR AREA:	275.97m ²	306.45m ²
BUILDING DEPTH:	16.8m	16.03m
NET FLOOR AREA RATIO:	45%	49.97%

SITE SETBACK:

	MINIMUM:	PROPOSED:
FRONT YARD:	7.62m	8.22m
REAR YARD:	7.62m	9.28m
NORTH SIDE YARD	1.83m	5.12m
SOUTH SIDE YARD (2 STOREY - DWELLING)	1.83m	2.99m
SOUTH SIDE YARD (1 STOREY - GARAGE)	1.22m	1.89m
ENCROACHMENTS:		
FRONT YARD:	MAXIMUM 0.46m(18")	PROPOSED 0.89m
REAR YARD:	0.46m(18")	1.95m

2	ZONING REVIEW COMMENTS	07/06/20
1	ZONING REVIEW	05/22/20
NO.	ISSUED FOR	DATE

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STAMP:

PREPARED BY:
LAND & BUILDING EXPERTS
570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildx@gmail.com

PROJECT INFO:
**3 SIR ECTOR COURT
MARKHAM, ON.
L3P 2W6**

PROJECT NAME:
**PROPOSED TWO STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
SITE PLAN

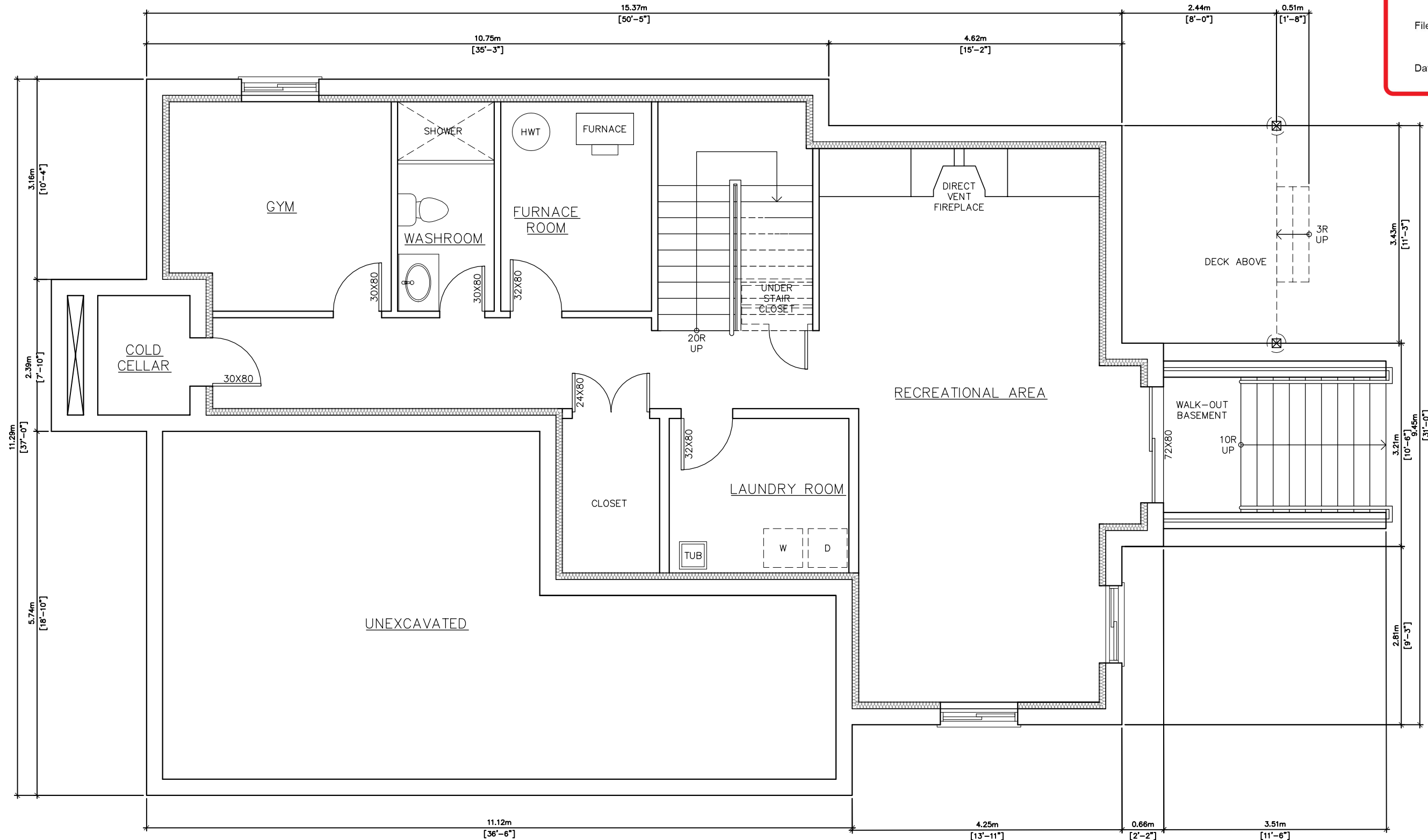
SCALE: AS NOTED
DRAWN BY: P.R.
CHECKED BY: E.L.
PROJECT NO.: 0520_35EC

DWG. NO.
A-01

Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
MM/DD/YY



1	CLIENT REVIEW	08/05/20
NO.	ISSUED FOR	DATE

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PREPARED BY:

**LAND
& BUILDING
EXPERTS**
570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildex@gmail.com

PROJECT INFO:

**3 SIR ECTOR COURT
CITY OF MARKHAM, ON.
L6B 1A8**

PROJECT NAME:

**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:

BASEMENT FLOOR PLAN

SCALE: AS NOTED

DRAWN BY: P.R.

CHECKED BY: E.L.

PROJECT NO.: 0820-03

DWG. NO.

A-02

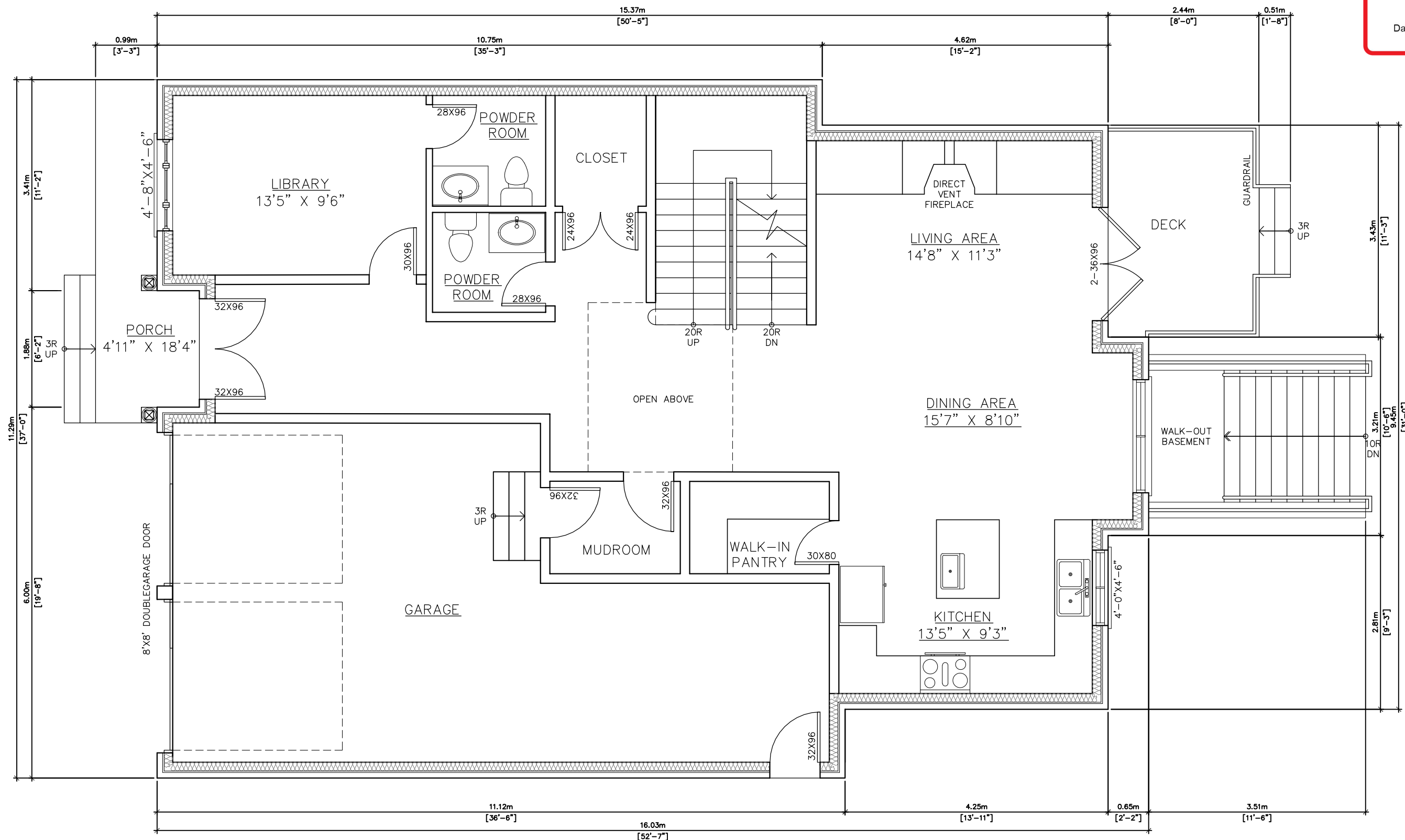
1
A-02 BASEMENT FLOOR PLAN
SCALE: 3/16" = 1'-0"

LOT AREA: 613.26sq.m. (6601.08sq.ft.)
BUILDING AREA: 171.14sq.m.(1842.14ft²)
COVERAGE: 27.91%

Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
MM/DD/YY



1 FIRST FLOOR PLAN
A-03 SCALE: 3/16" = 1'-0"

FIRST FLOOR TOTAL AREA: 166.26 sq. m. (1789.61 ft²)
STAIRS AREA: 9.04 sq. m.(97.31 ft²)
FIRST FLOOR AREA: 166.26-9.04 sq. m. =157.22 sq. m.(1692.30 ft²)

1	CLIENT REVIEW	08/05/20
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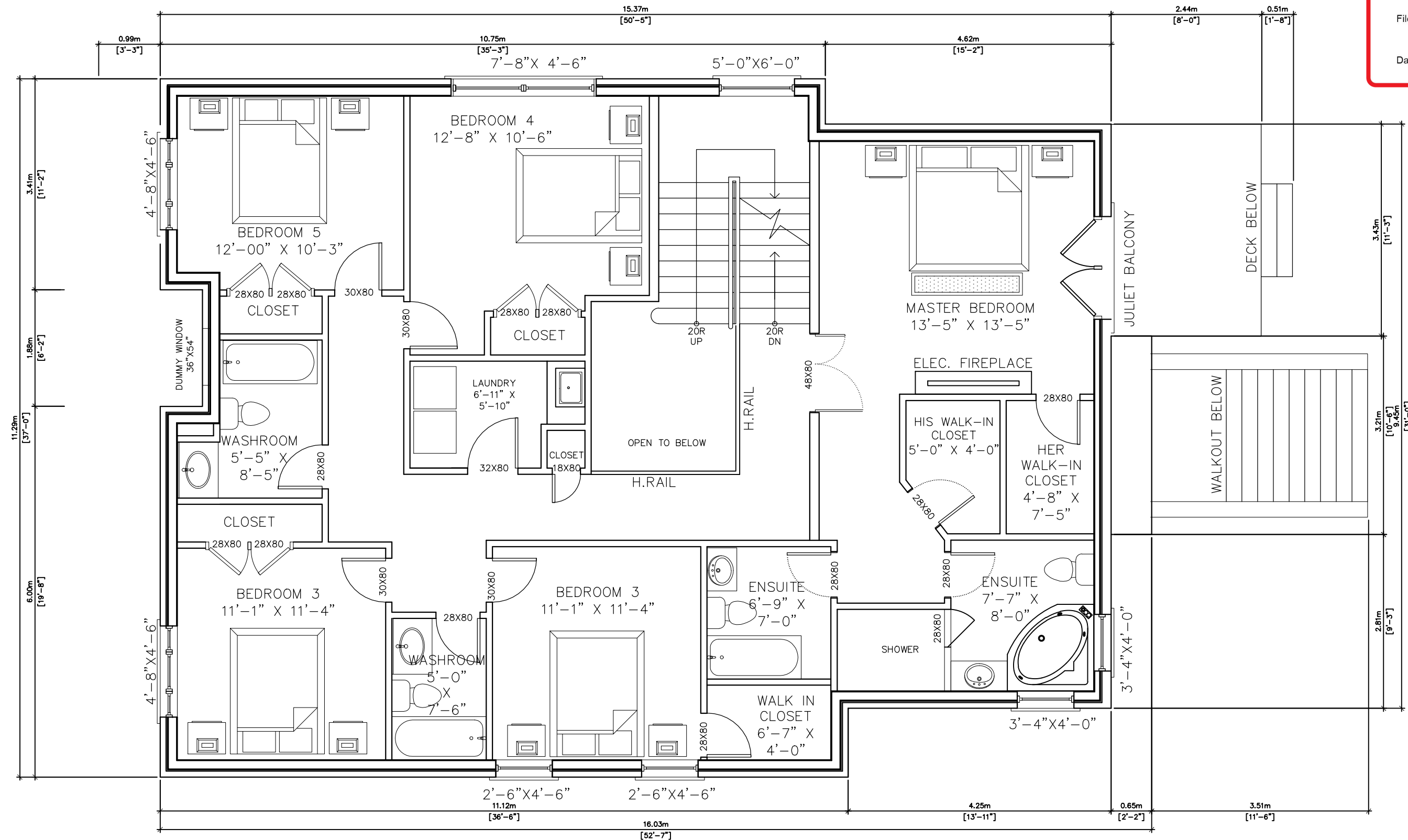
PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
FIRST FLOOR PLAN

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-03
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

Appendix B

File: 20.111614.000.00.MNV
Date: 11/12/20
MM/DD/YY



1 SECOND FLOOR PLAN
A-04 SCALE: 3/16" = 1'-0"

SECOND FLOOR TOTAL AREA: 164.15 sq. m. (1766.89ft²)
STAIRS AREA: 8.97 sq. m. (96.55ft²)
OPEN TO BELOW: 5.96 sq. mm (64.15ft²)
SECOND FLOOR AREA: (164.15-8.97-5.96)=149.22 sq. m. (1606.19ft²)

GROSS FLOOR AREA: (157.22+149.22)=306.44 sq. m. (3298.49ft²)
NET FLOOR AREA RATIO(306.44/613.26)X100=49.97%

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570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildex@gmail.com

PROJECT INFO:
3 SIR ECTOR COURT
CITY OF MARKHAM, ON.
L6B 1A8

PROJECT NAME:
PROPOSED 2 STOREY
SINGLE FAMILY DWELLING

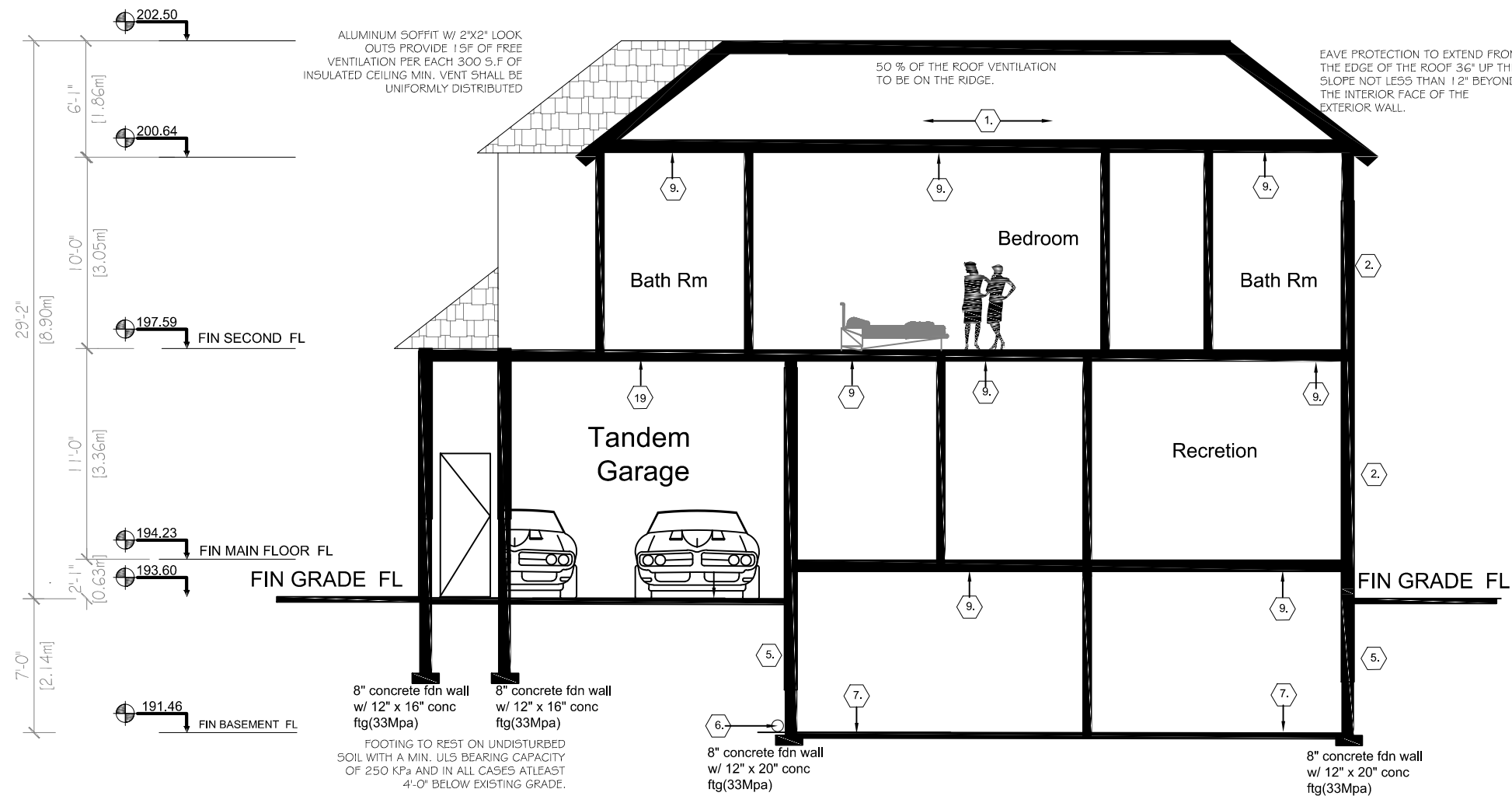
DRAWING TITLE:
SECOND FLOOR PLAN

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-04
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
MM/DD/YY



SECTION A-A

SECOND FLOOR

Project Address:
RESIDENCE AT 3 SIR ECTOR COURT,
MARKHAM, ONTARIO

Client name:
Sasha

Sheet no.	Scale	Printed
A-3	3/16" = 1'-00"	11"x17"
DATE	DATE	DATE
20-02-2020	20-02-2020	20-02-2020
DESIGNED	BY	CHECKED
B.V.		



No.	Description	Date
01	ISSUED FOR CLIENT COMMENTS	20/02/17
02	ISSUED FOR CLIENT COMMENTS	20/02/19
03	ISSUED FOR CLIENT COMMENTS	20/02/21
04	ISSUED FOR CLIENT COMMENTS	20/02/23
05	ISSUED FOR CLIENT COMMENTS	20/02/26
06	ISSUED FOR CLIENT COMMENTS	20/02/28
07	ISSUED FOR CLIENT COMMENTS	20/02/28
08	ISSUED FOR CLIENT COMMENTS	20/02/29



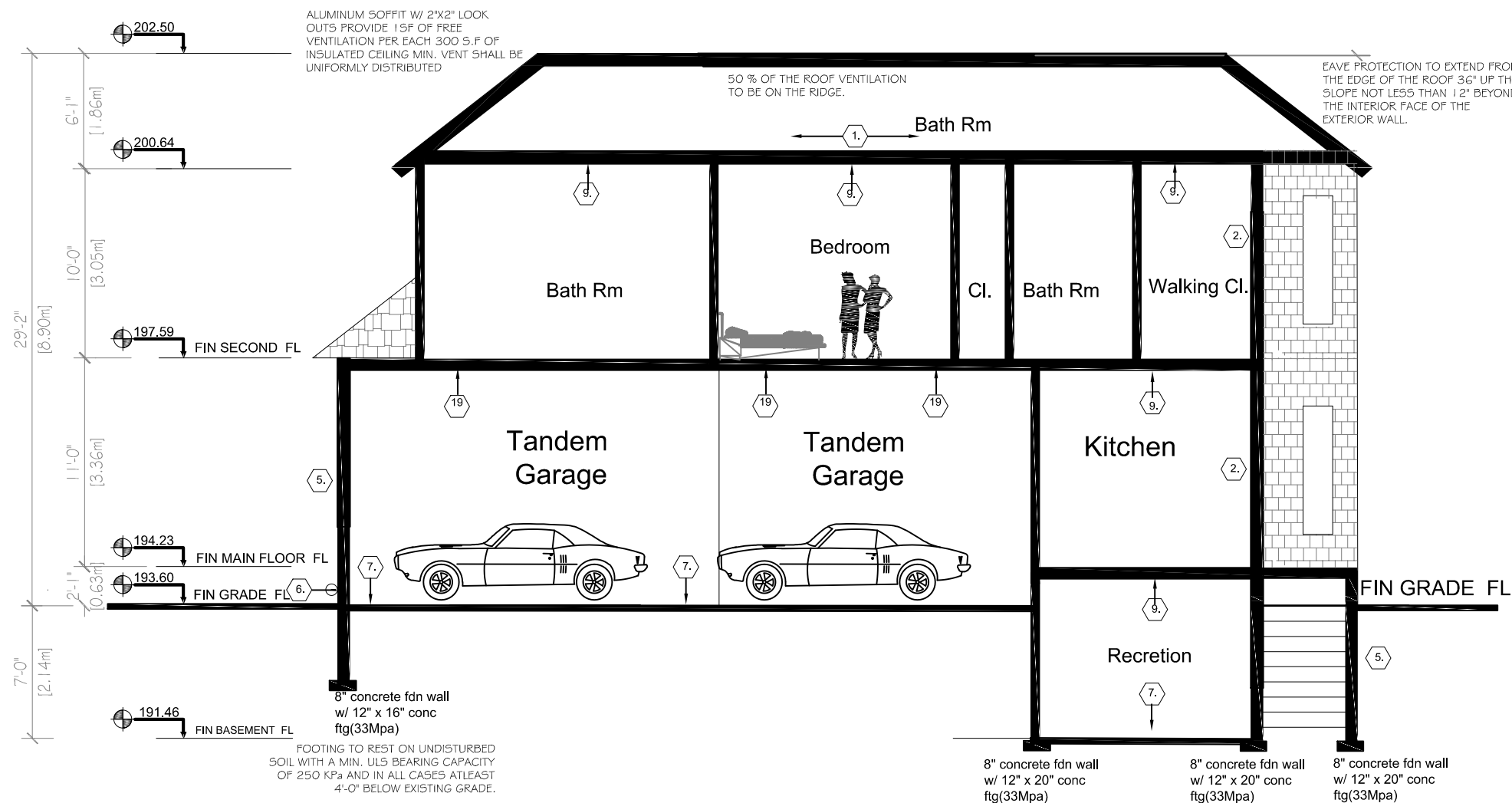
Design Professional Engineering Inc.
23 LORRAINE DR. NORTH YORK C of A#100548925
Call: (416) 739-8653
permits@dpeng.ca

NOTES
1. The Contractor must verify all dimensions and achieve/report any discrepancies to the consultant before any executions.
2. All drawings and specifications remain the property of DPE consultants.
3. No Variations or modifications to work shown shall be implemented without prior written approval.
4. This drawing must not be used for construction until the stamp and sign appearing and dated by the Engineer on drawing.

Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
MM/DD/YY



SECOND FLOOR

Project Address:
RESIDENCE AT 3 SIR ECTOR COURT,
MARKHAM, ONTARIO

Client name:
Sasha

Sheet no.	Scale	Printed
A-4	3/16" = 1'-00"	@11"x17"
DESIGNED BY	CHKD BY	DATE
B.V.	CHOPED	20/02/2020



No.	Description	Date
01	ISSUED FOR CLIENT COMMENTS	20/02/17
02	ISSUED FOR CLIENT COMMENTS	20/02/19
03	ISSUED FOR CLIENT COMMENTS	20/02/21
04	ISSUED FOR CLIENT COMMENTS	20/02/23
05	ISSUED FOR CLIENT COMMENTS	20/02/25
06	ISSUED FOR CLIENT COMMENTS	20/02/26
07	ISSUED FOR CLIENT COMMENTS	20/02/28
08	ISSUED FOR CLIENT COMMENTS	20/02/29



Design Professional Engineering Inc.
23 LORRAINE DR. NORTH YORK ONT. M2H 1C5
Call (647) 7398653
permits@yashoo.ca

NOTES

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NO.	ISSUED FOR	DATE
1	CLIENT REVIEW	08/05/20

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PREPARED BY:

**LAND
& BUILDING
EXPERTS**

570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildexp@gmail.com

PROJECT INFO:

**3 SIR ECTOR COURT
CITY OF MARKHAM, ON.
L6B 1A8**

PROJECT NAME:

**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:

FRONT ELEVATION

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-06
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

1
A-06

FRONT ELEVATION
SCALE - 1:75

Appendix B

File: 20.111614.000.00.MNV

Date: 11/12/20
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1 REAR ELEVATION
A-07 SCALE - 1:75

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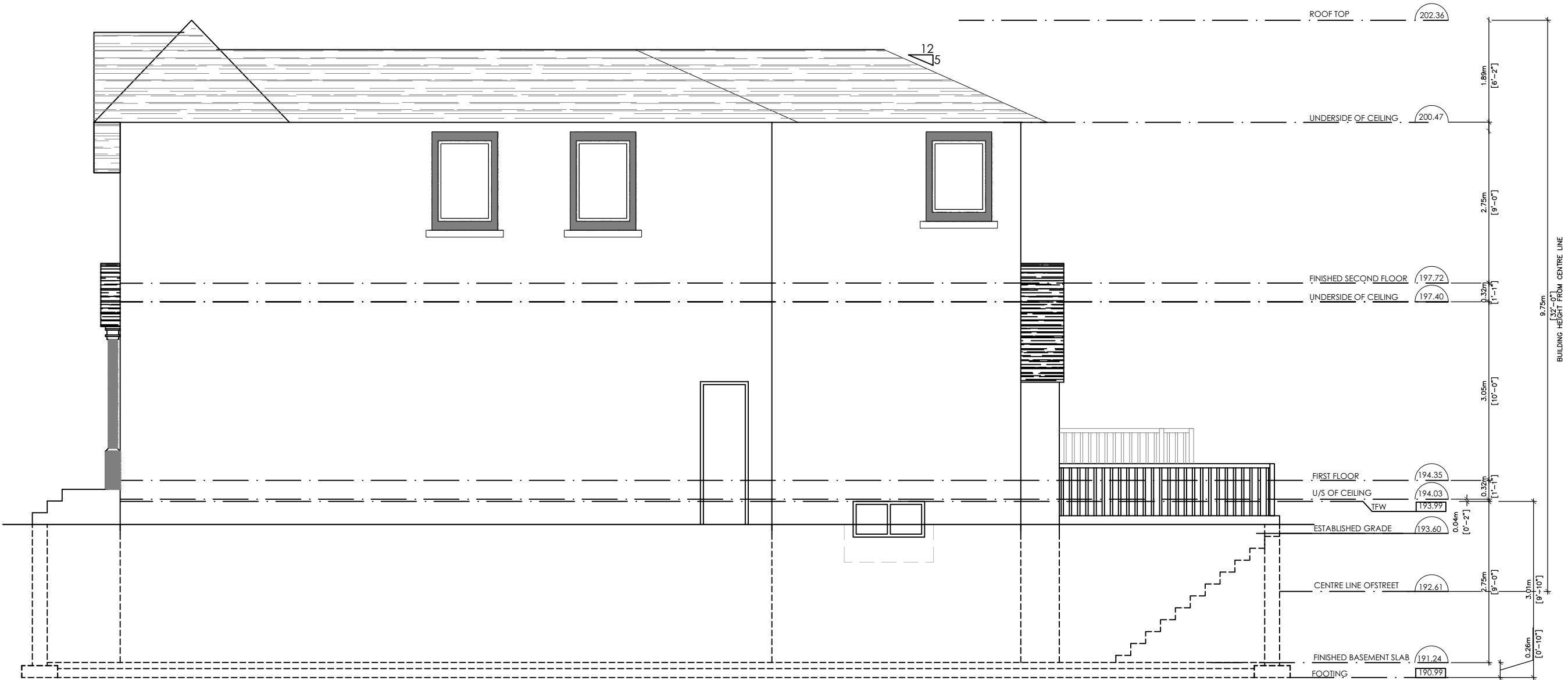
PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
REAR ELEVATION

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-07
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

Appendix B

File: 20.111614.000.00.MNV
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MM/DD/YY



1
A-08
RIGHT SIDE ELEVATION
SCALE - 1:75

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L6B 1A8**

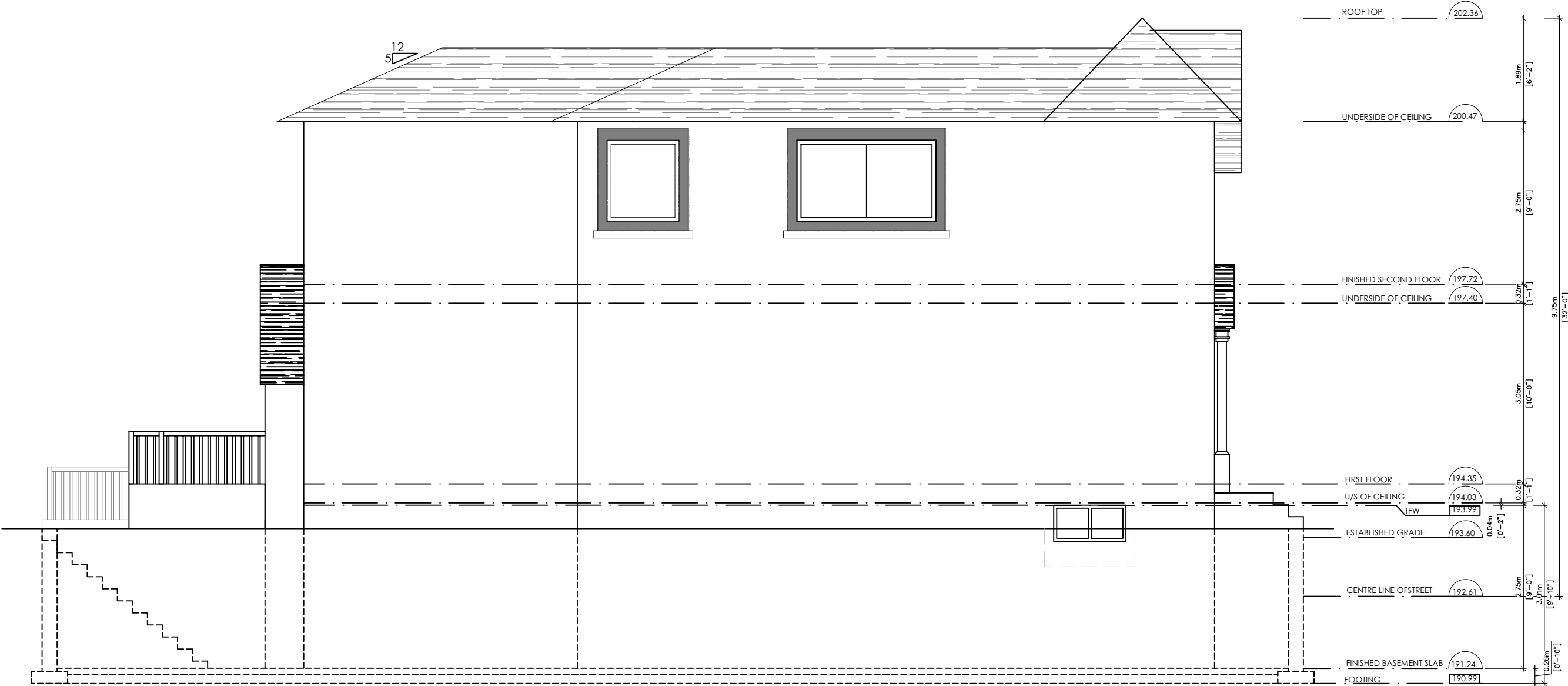
PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
RIGHT SIDE ELEVATION

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-08
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

Appendix B

File: 20.111614.000.00.MNV
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1 LEFT SIDE ELEVATION
A-09 SCALE - 1:75

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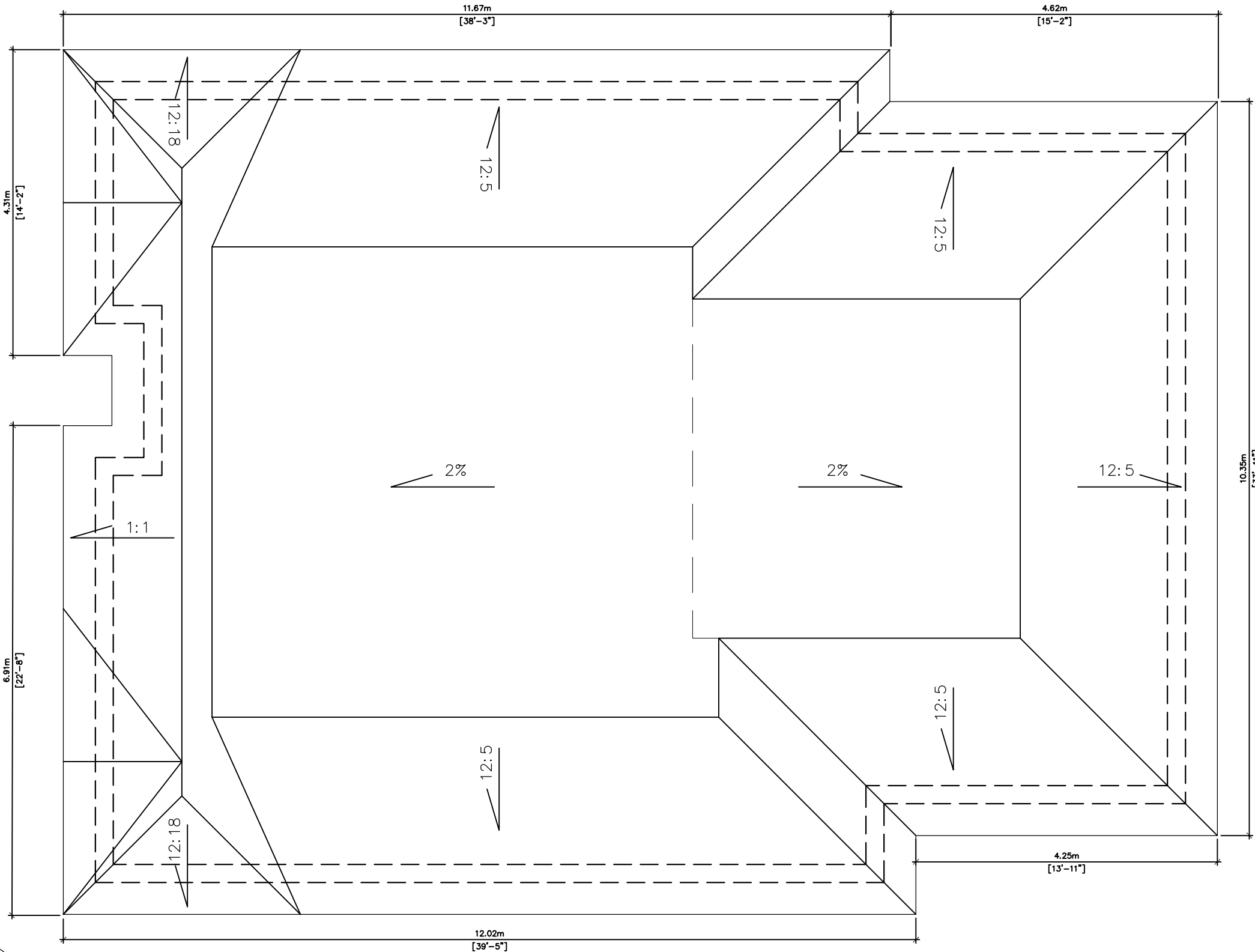
DRAWING TITLE:
LEFT SIDE ELEVATION

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-09
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	

Appendix B

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1 ROOF PLAN
A-05 SCALE: 3/16" = 1'-0"

SLOPED ROOF AREA: 189.58 m²
FLAT ROOF AREA: 67.42 m² = 35.5% OF SLOPED ROOF AREA

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(647) 340-8649 landbuildex@gmail.com

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PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
ROOF PLAN

SCALE: AS NOTED	DWG. NO.
DRAWN BY: P.R.	A-05
CHECKED BY: E.L.	
PROJECT NO.: 0820-03	