Memorandum to the City of Markham Committee of Adjustment

November 09, 2020

File: A/104/20

Address: 102 Highland Park Boulevard, Thornhill

Applicant: Orang Yazdani Agent: Orang Yazdani

Hearing Date: Wednesday, November 18, 2020

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of the "Residential Four (R4)" zone requirements of By-law 2237, as amended, to permit:

a) Infill By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 53.3 percent (3,528 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.).

The variance request relates to a proposed two storey detached dwelling.

BACKGROUND

Property Description

The 650.29 m² (6,999.64 ft²) subject property is located on the north side of Highland Park Boulevard, north of Steeles Avenue East and east of Henderson Avenue. The property is located within an established residential neighbourhood, which contains a mix of one and two-storey single detached dwellings. A one-storey dwelling with an attached two car garage, circa 1950, exists on the property. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling, and construct a two-storey detached dwelling with an attached two car garage and front covered porch. The total gross floor area of the proposed dwelling is approximately 327.76 m² (3,528 ft²) with 171.96 m² (1,851 ft2) on the ground floor, and a smaller second floor footprint of approximately 155.80 m² (1,677 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further updated by the LPAT 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 2237

The subject property is zoned Residential Four (R4) under By-law 2237, as amended, which permits single detached dwellings.

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 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 maximum net floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 5, 2020 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.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 53.3 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 327.76 m² (3,528 ft²), whereas the By-law permits a dwelling with a maximum floor area of 307.79 m² (3313 ft²). This represents an increase of approximately 19.97 m² (215 ft²) or 6.5 percent.

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. The proposed dwelling meets all other zoning provisions, including setbacks, building depth, height and lot coverage which establishes the prescribed building envelope.

The intent of maximum floor area provision in the By-law is to ensure that the overall size of the proposed dwelling will be in keeping with the intended scale of residential infill developments in the neighbourhood. Staff are of the opinion that the requested variance will not negatively impact abutting properties, is compatible with the surrounding context, and is therefore, an appropriate development for the subject property.

PUBLIC INPUT SUMMARY

As of November 12, 2020 the City received one letter expressing support over the proposed detached dwelling. 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 requested variance to permit a maximum floor area ratio of 53.3 percent 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 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:

Justin Moth

Justin Mott, Planner, Zoning and Special Projects

REVIEWED BY:

Stephen Ketagawa

Stephen Kitagawa, Development Manager, West District

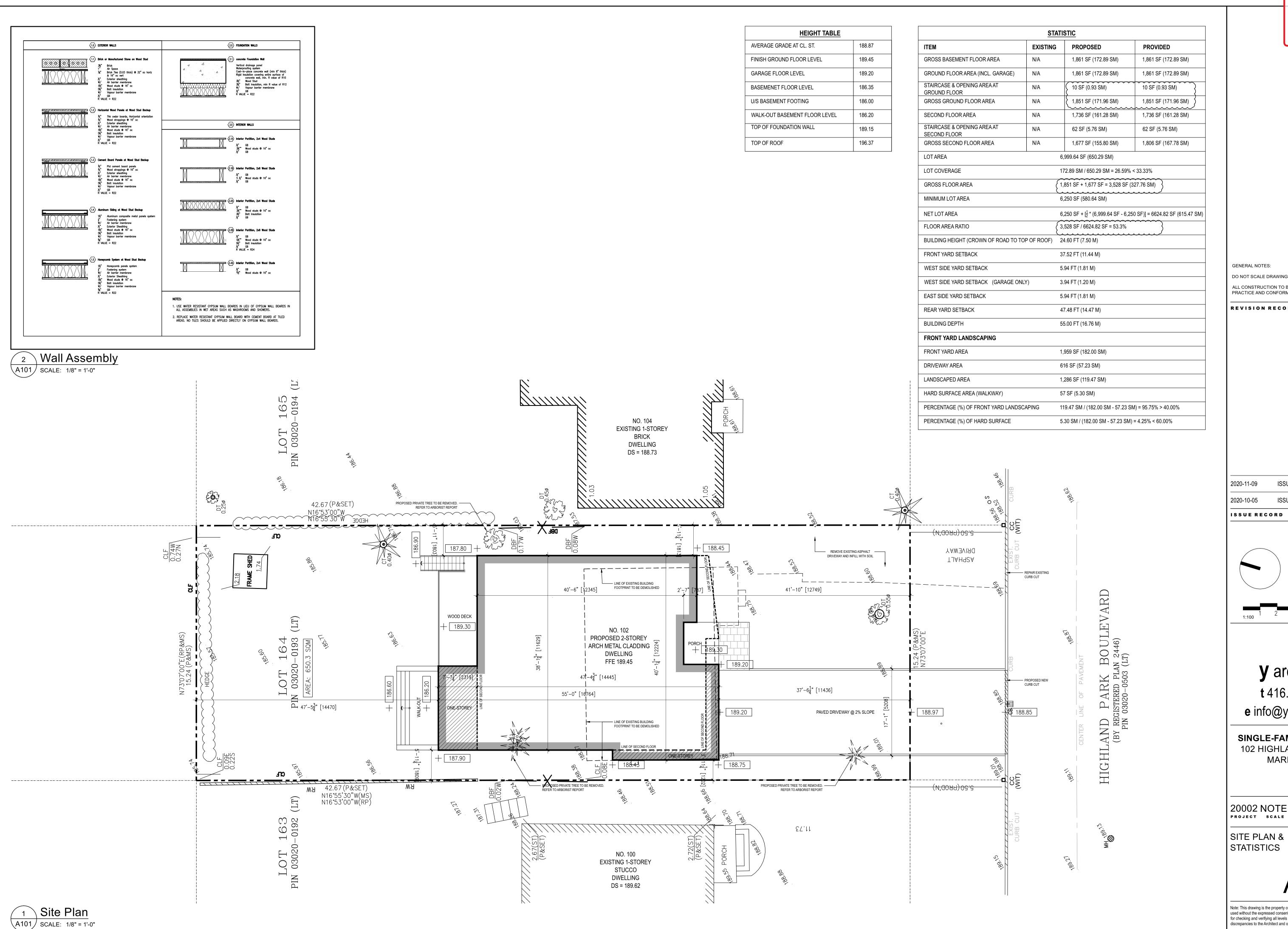
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/104/20

- 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 October 19, 2020, 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 Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/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 in accordance with the City's Streetscape Manual, 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.
- 5. That tree replacements be provided and/or tree replacement fees be paid 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;
- 6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITIONS PREPARED BY:

Justin Mott, Planner, Zoning and Special Projects

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/104/20





GENERAL NOTES:

DO NOT SCALE DRAWINGS.

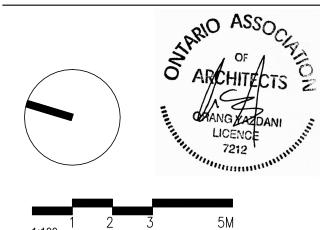
ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

REVISION RECORD

2020-11-09 ISSUED FOR COA REV. 1

ISSUED FOR ZONING REVIEW

ISSUE RECORD



y architects **t** 416.230.9130 e info@yarchitects.ca

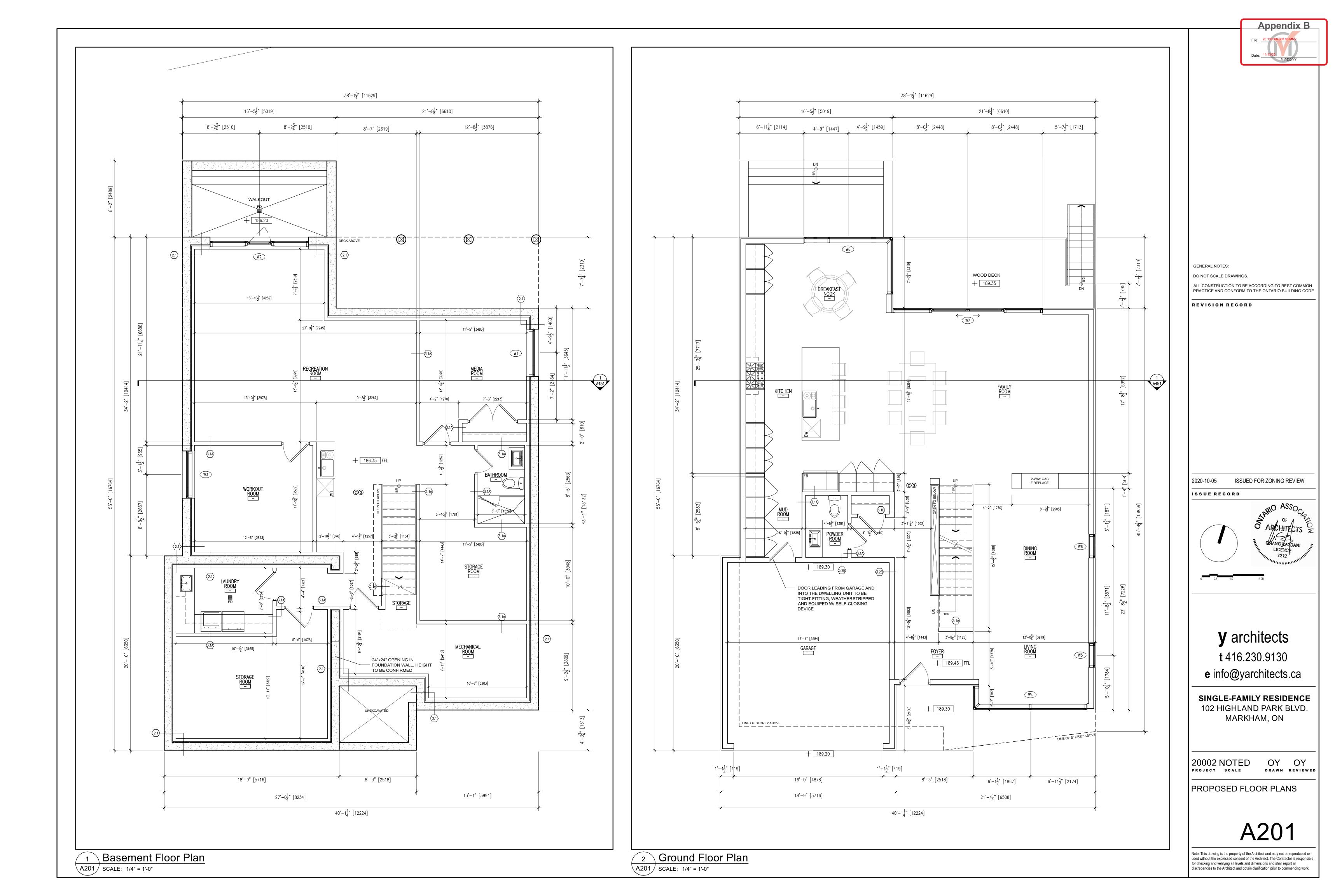
SINGLE-FAMILY RESIDENCE 102 HIGHLAND PARK BLVD. MARKHAM, ON

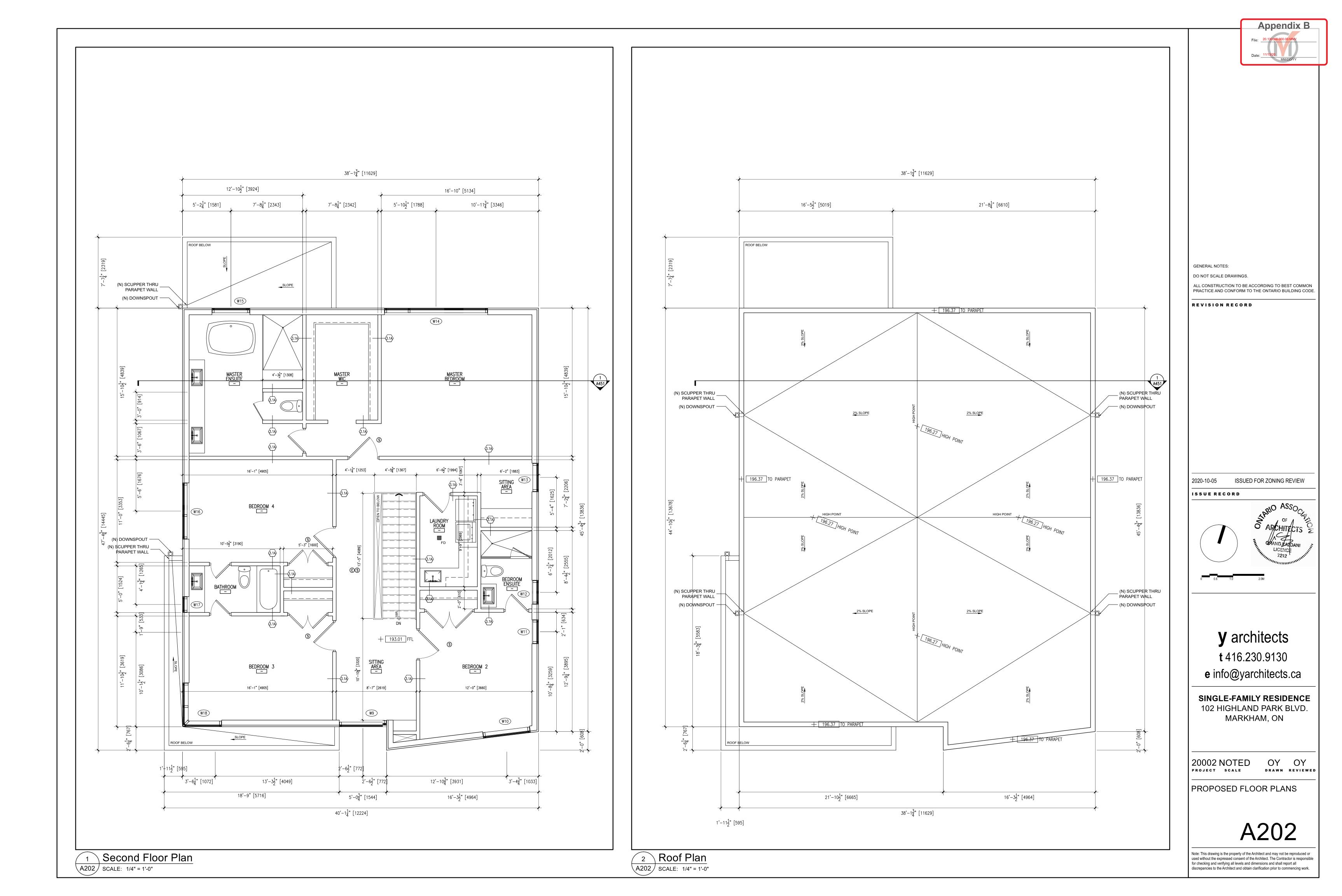
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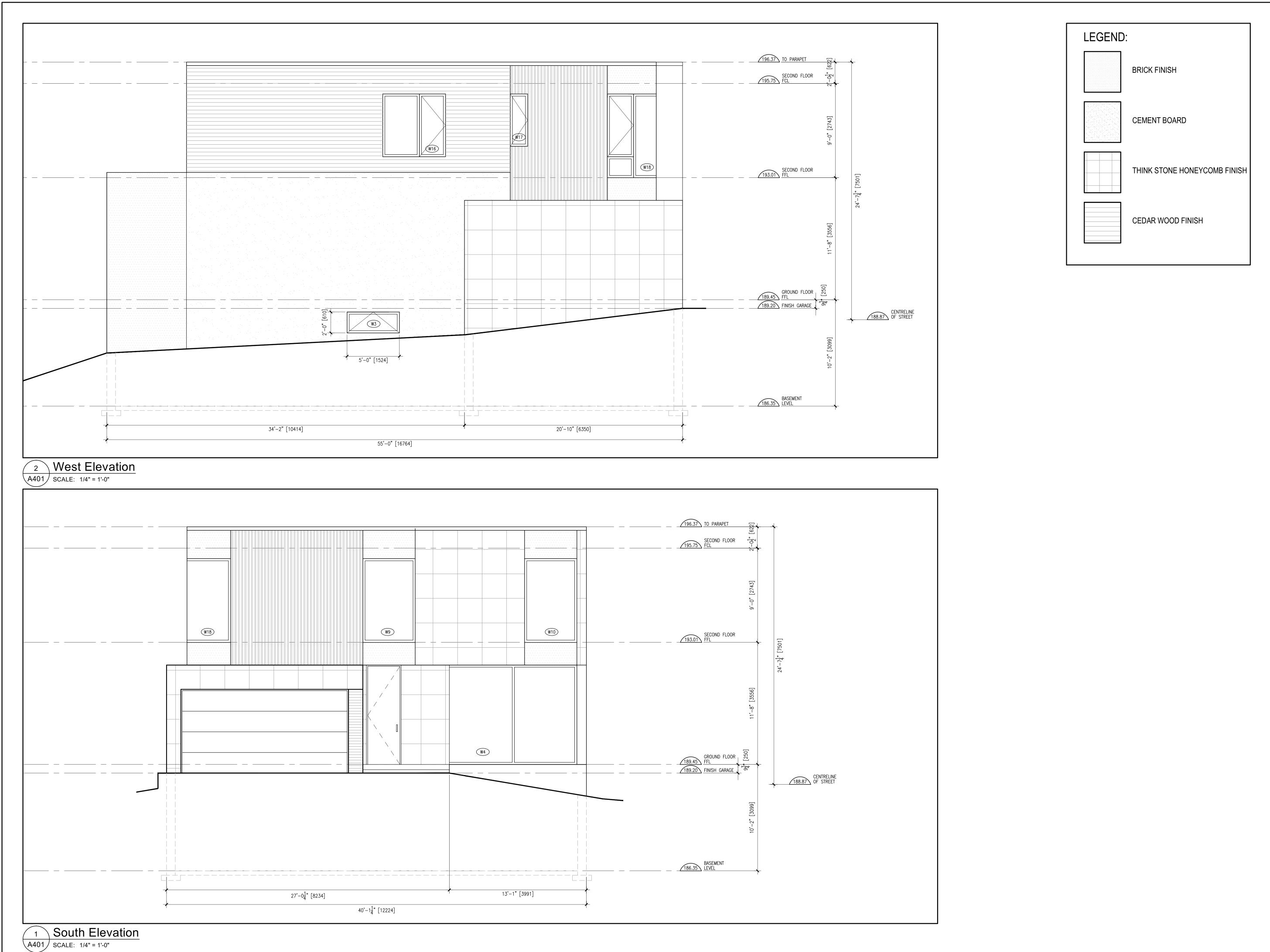
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STATISTICS

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DO NOT SCALE DRAWINGS.

GENERAL NOTES:

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REVISION RECORD

ISSUED FOR ZONING REVIEW

ISSUE RECORD



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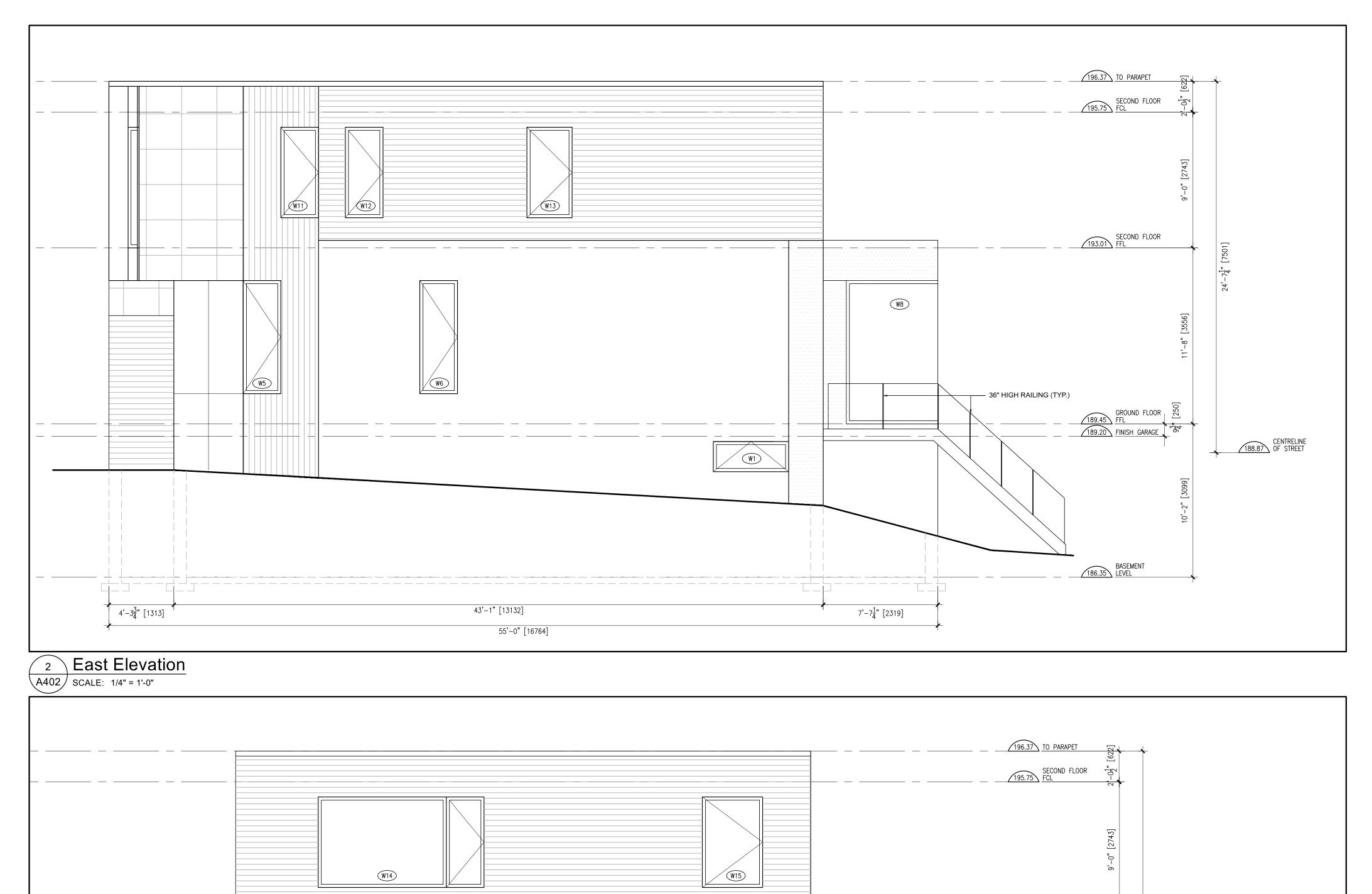
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20002 NOTED PROJECT SCALE

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ELEVATIONS

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LEGEND:

BRICK FINISH

CEMENT BOARD

THINK STONE HONEYCOMB FINISH

CEDAR WOOD FINISH

Appendix B

File: 20.130368.000.00.MNV

Date: 11/13/20

MM/DD/YY

GENERAL NOTES:

DO NOT SCALE DRAWINGS.

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

REVISION RECORD

2020-10-05 ISSUED FOR ZONING REVIEW

ISSUE RECORD



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SINGLE-FAMILY RESIDENCE 102 HIGHLAND PARK BLVD. MARKHAM, ON

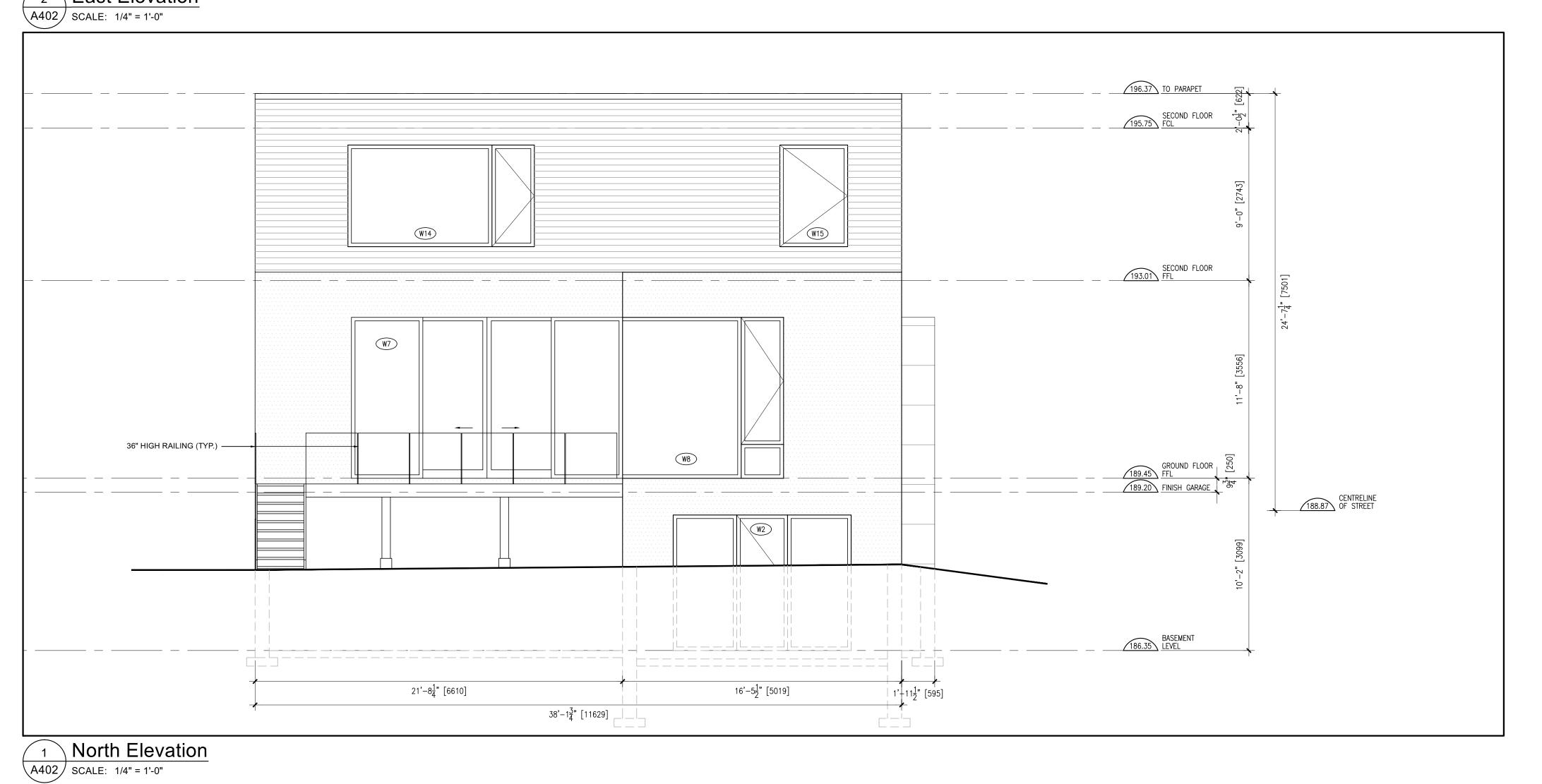
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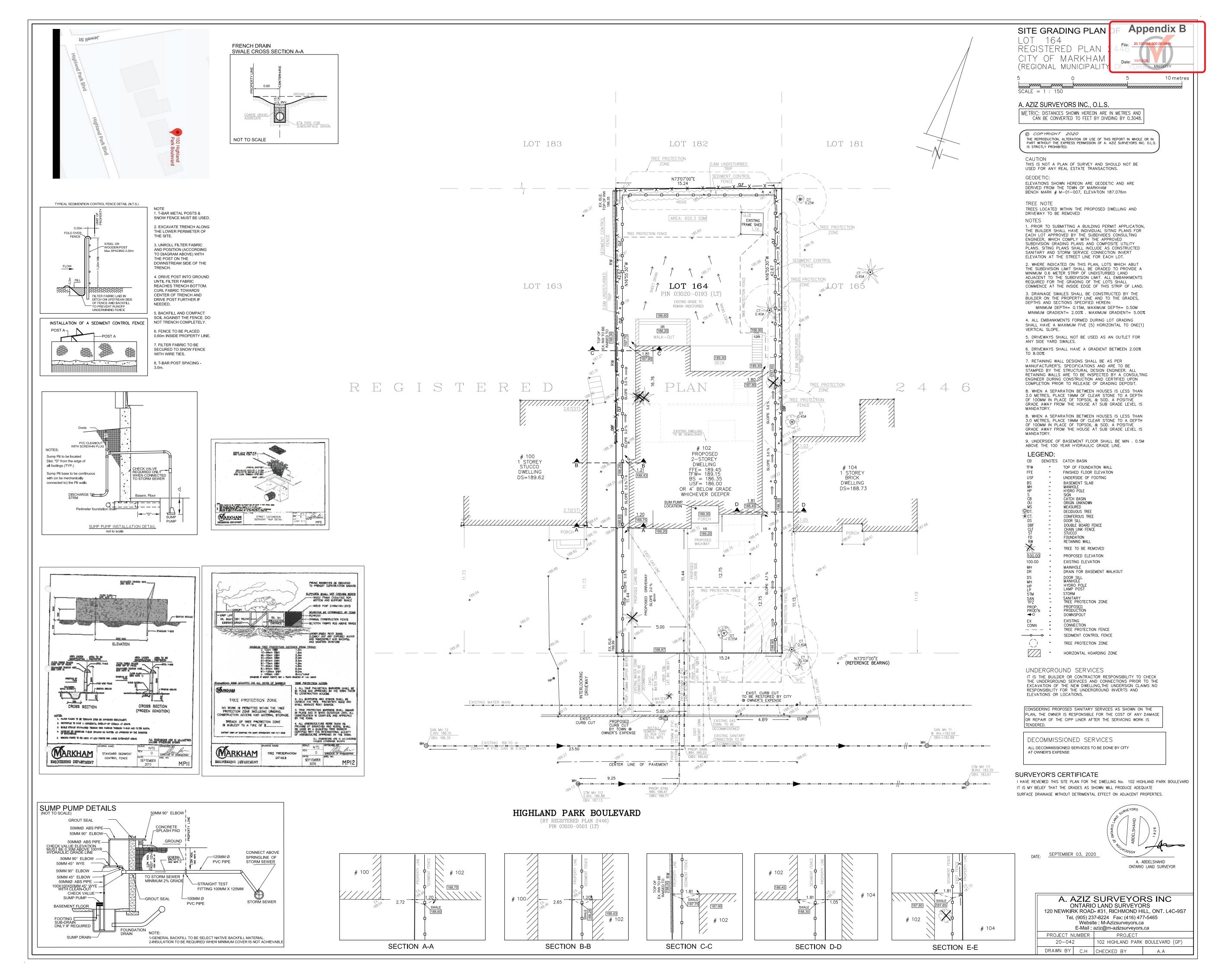
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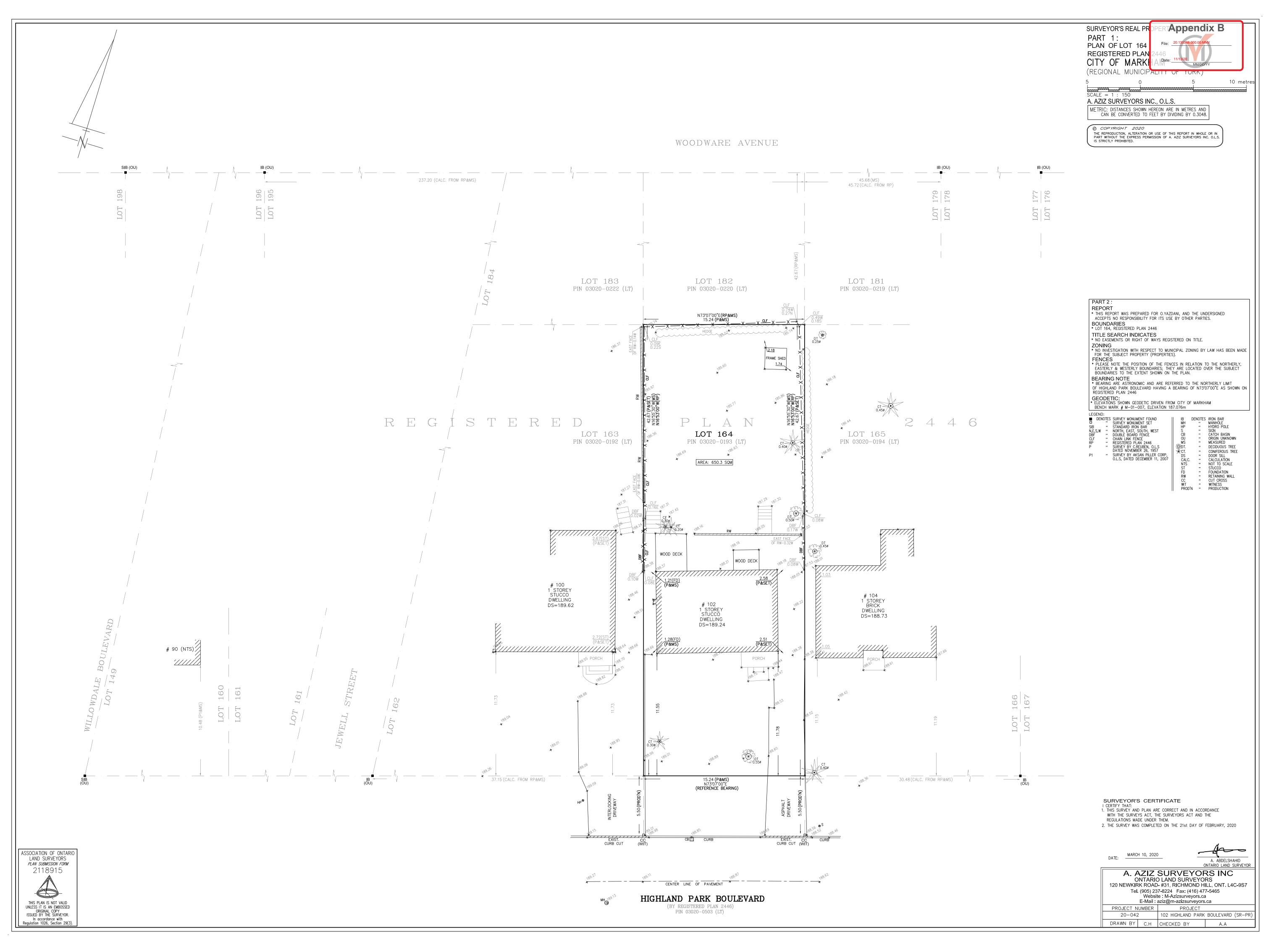
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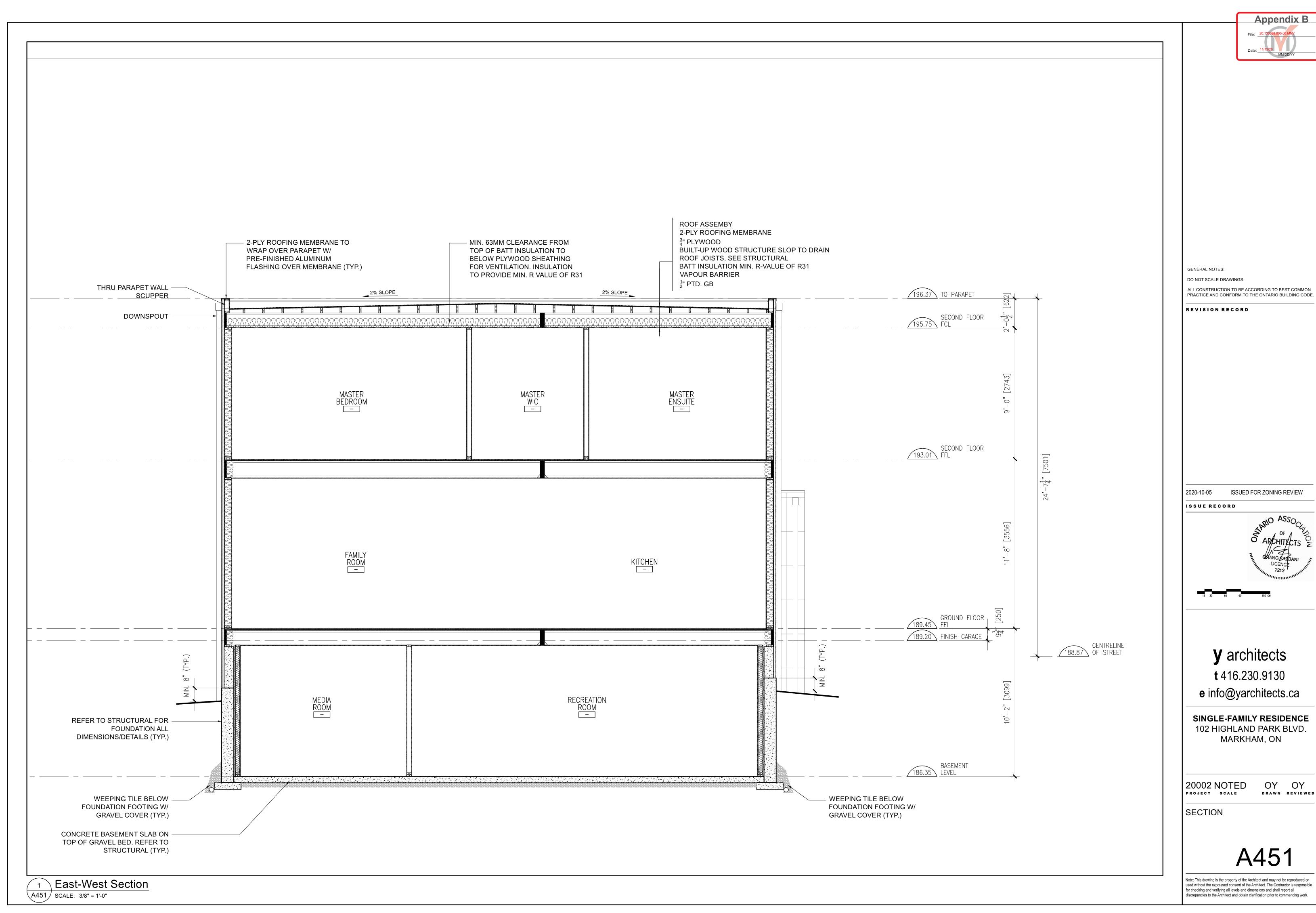
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