

Memorandum to the City of Markham Committee of Adjustment

November 08, 2023

File: A/188/23
Address: 104 Ramona Boulevard, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday November 29, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed second storey addition to the existing dwelling. The variances requested are to permit:

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

a maximum floor area ratio of 49.75 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

b) By-law 1229, Section Table 11.1:

a side yard setback to a two-storey wall of 1.28 metres to a second storey, whereas the by-law requires a minimum 1.83 metre side yard setback to a second storey.

BACKGROUND

Property Description

The 628.41 m² (6,764.14 ft²) subject property is located on the north side of Ramona Boulevard, south of 16th Avenue and east of Markham Road. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half-storey detached dwellings.

The property currently contains a one-storey detached dwelling with an integral garage. Mature vegetation exists across the property include three large trees in the front yard and two large trees in the rear yard.

Proposal

The applicant is proposing to construct a 60.29 m² (649 ft²) second storey addition to the existing one-storey detached dwelling. The proposal also includes alterations to the interior of the existing dwelling.

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 retention of existing trees and vegetation, and the width of proposed garages and driveways.

Zoning By-Law 1229 as amended

The subject property is zoned "Residential 1 (R1)" under By-law 1229, as amended, 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 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 floor area.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant has revised the drawings since and has not conducted a Zoning Preliminary Review for the revised drawings. Consequently it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning 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 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 49.75 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a second storey addition to the existing dwelling with a total floor area of 309.26 m² (3,328.84 ft²), whereas the By-law permits a dwelling with a maximum floor area of 279.83 m² (3,012.06 ft²). This represents an increase of approximately 29.43 m² (316.78 ft²).

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 increase in floor area represents a relatively minor deviation from the By-law requirement and is in keeping with the intended scale of residential infill developments for this neighbourhood. Staff are satisfied that the requested floor area ratio will not result

in an overdevelopment of the site, and are of the opinion that the variance is generally consistent with what the By-law permits.

Reduced Side Yard Setback (two-storey portion)

The applicant is requesting a minimum east side yard setback of 4.19 ft (1.28 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) the two-storey portion of the dwelling.

The requested variance only applies to the two-storey portion of the building. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 20, 2023. 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.

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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

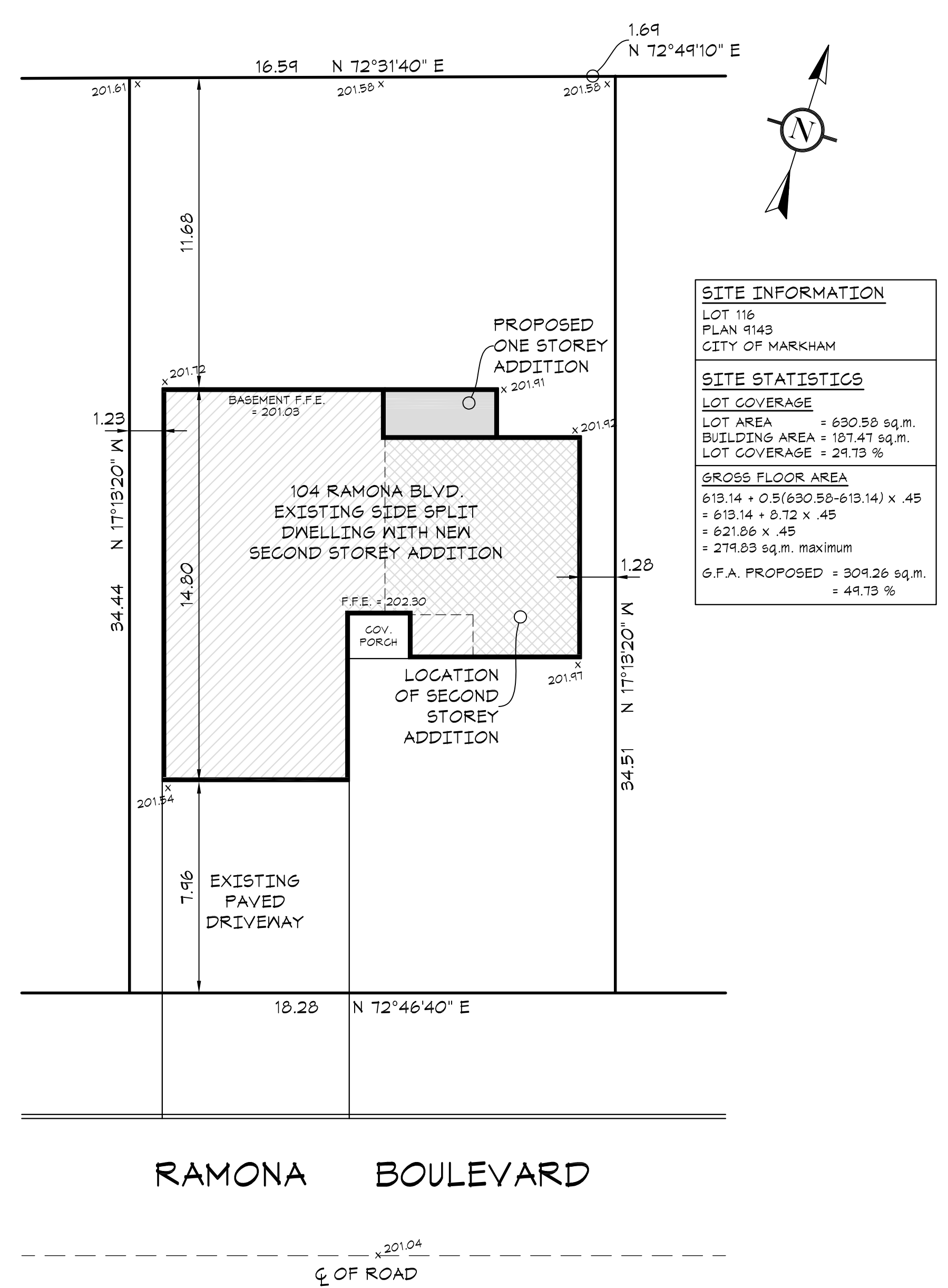
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/188/23

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 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.

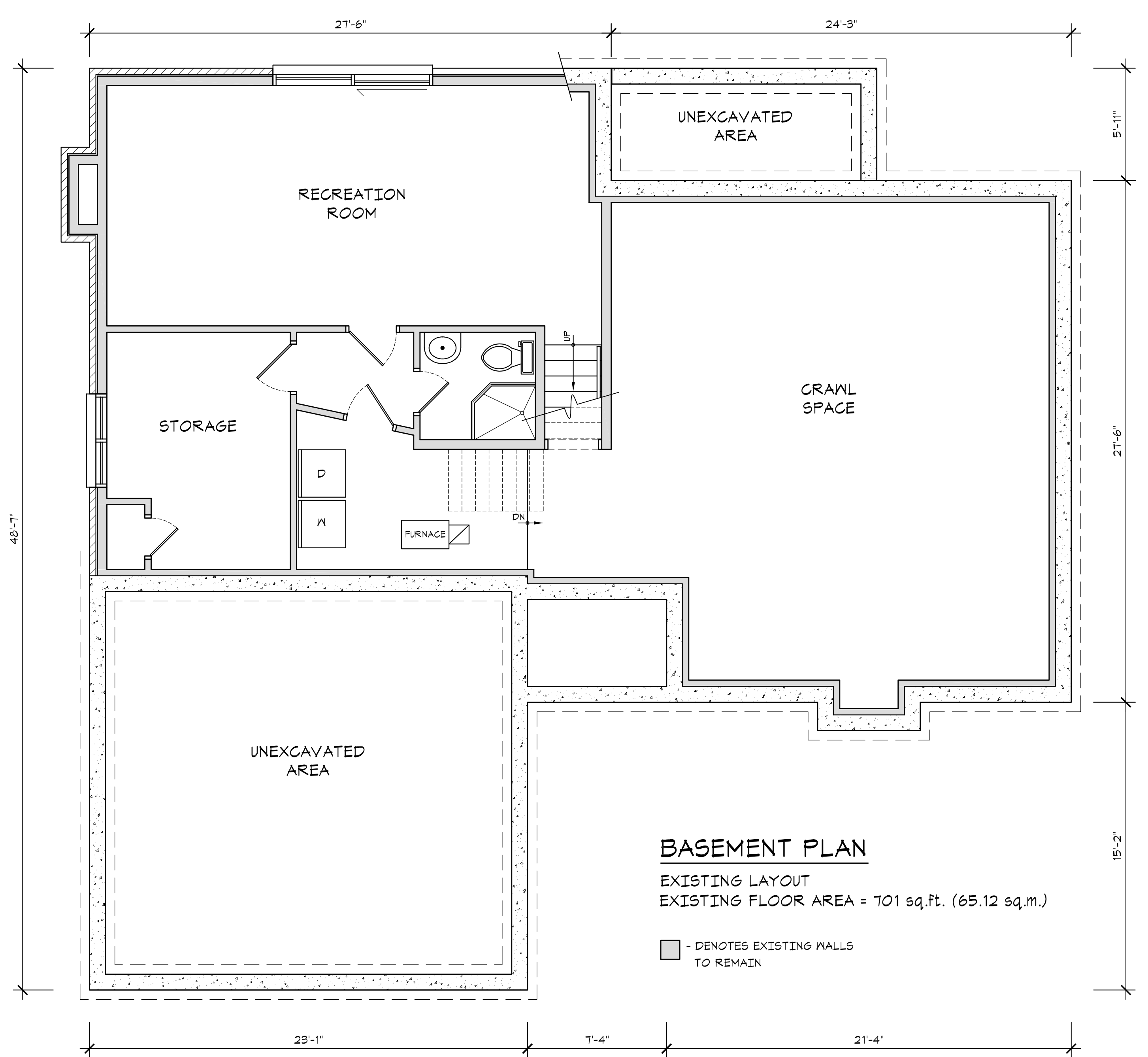
CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District



SITE INFORMATION	
LOT 116	
PLAN 9143	
CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA = 630.58 sq.m.	
BUILDING AREA = 181.47 sq.m.	
LOT COVERAGE = 29.73 %	
GROSS FLOOR AREA	
613.14 + 0.5(630.58-613.14) x .45	
= 613.14 + 8.72 x .45	
= 621.86 x .45	
= 279.83 sq.m. maximum	
G.F.A. PROPOSED = 309.26 sq.m.	
= 49.73 %	



GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

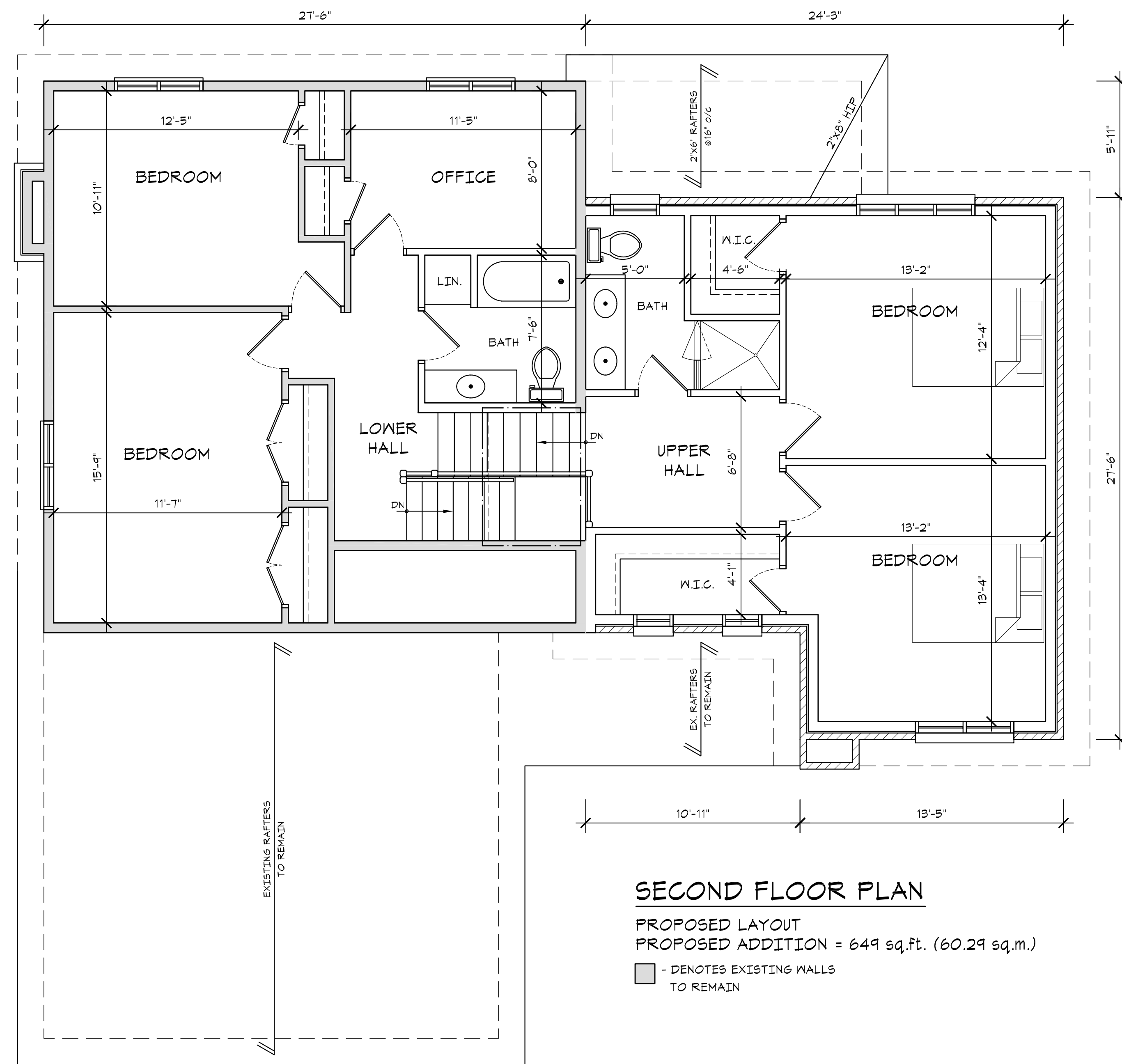
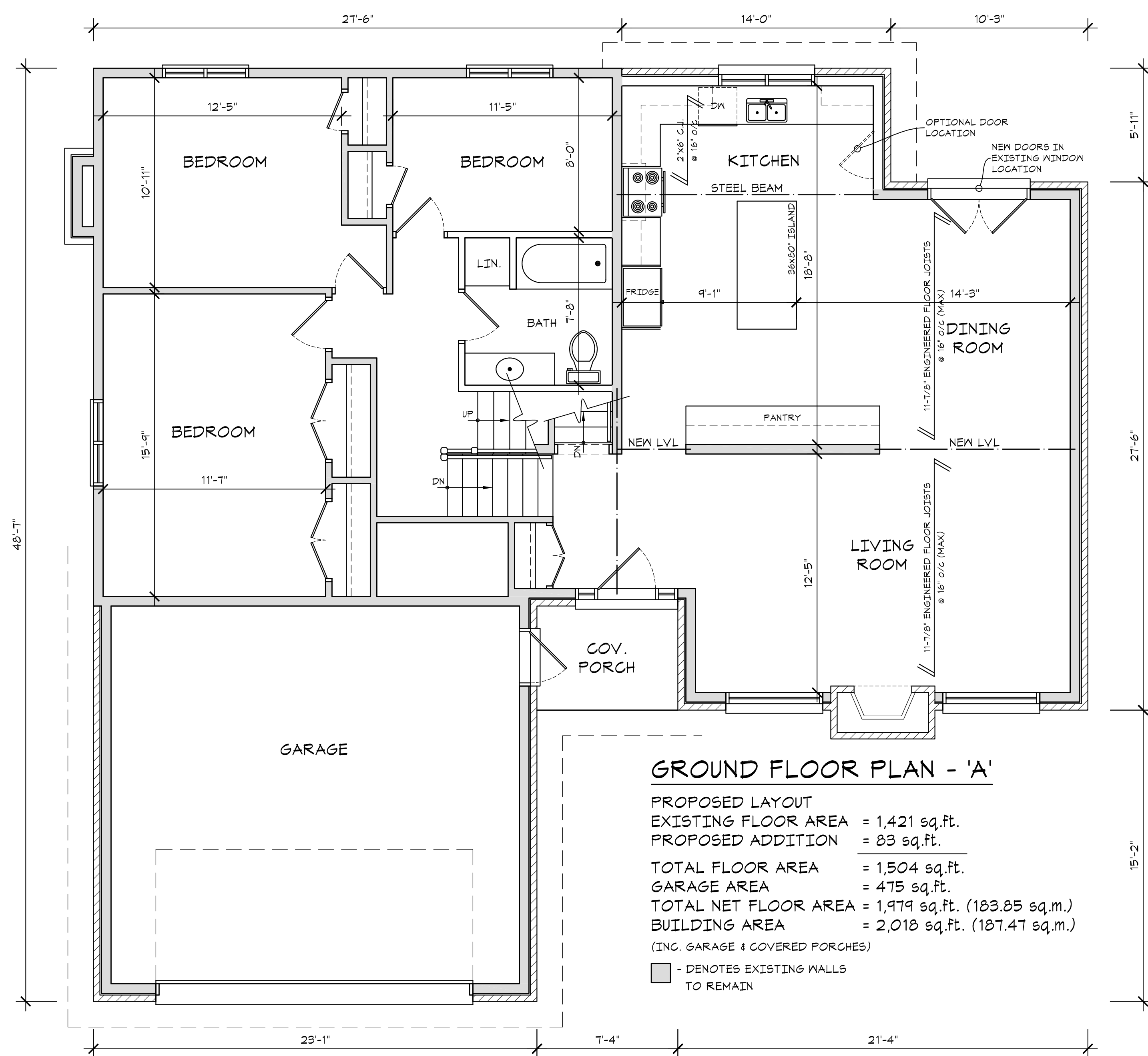
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
**PROPOSED ADDITION
 104 RAMONA BLVD.
 CITY OF MARKHAM**

**THE GREGORY
 DESIGN GROUP**
 48 CHURCH STREET
 MARKHAM, ONTARIO L3P 2R7
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 10/20/23
PROJECT NUMBER 23-09	SHEET NUMBER A-1
DRAWN BY S.Gregory	A-1
CHECKED BY R.G.	



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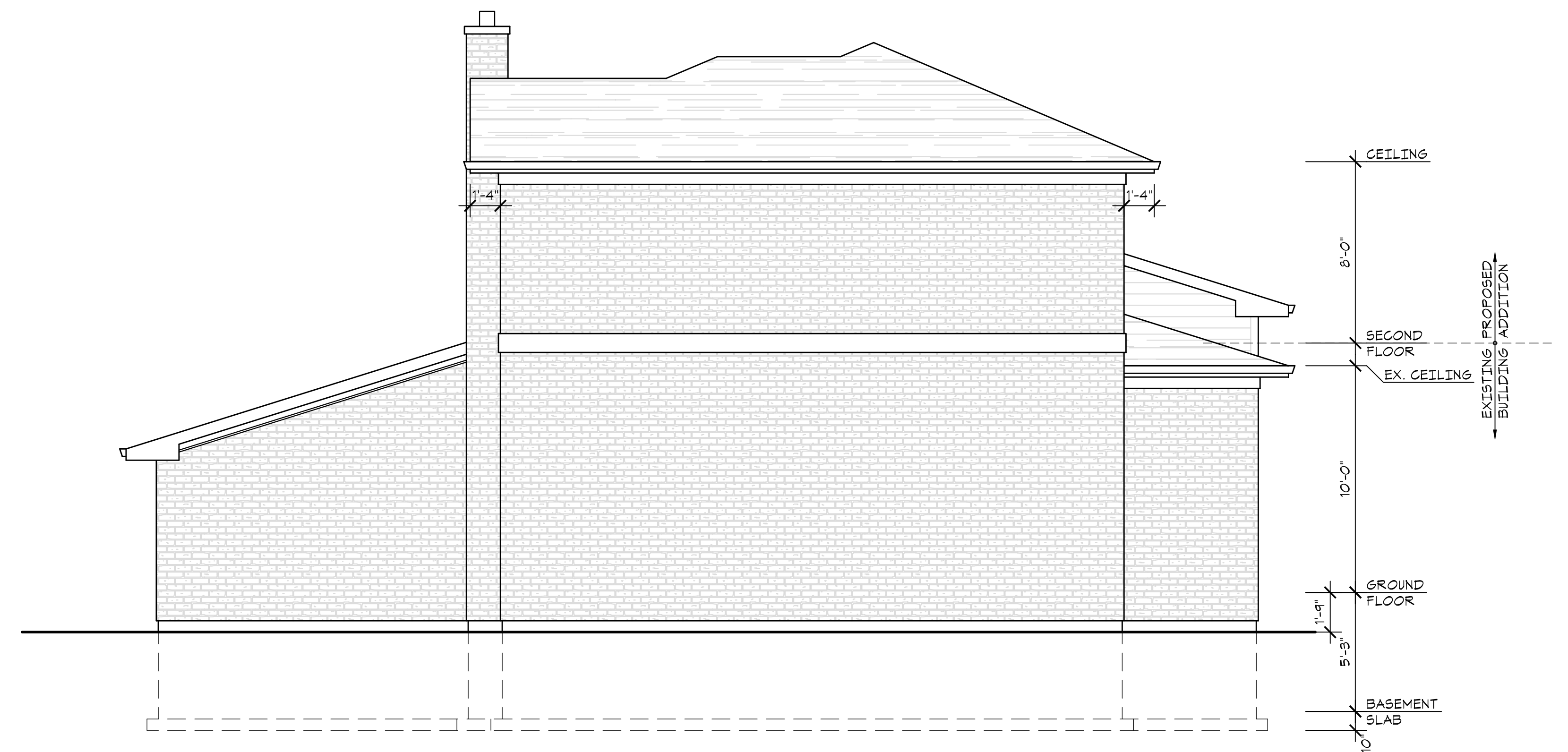
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DRAWN BY S.Gregory	CHECKED BY R.G.



FRONT ELEVATION



RIGHT SIDE ELEVATION

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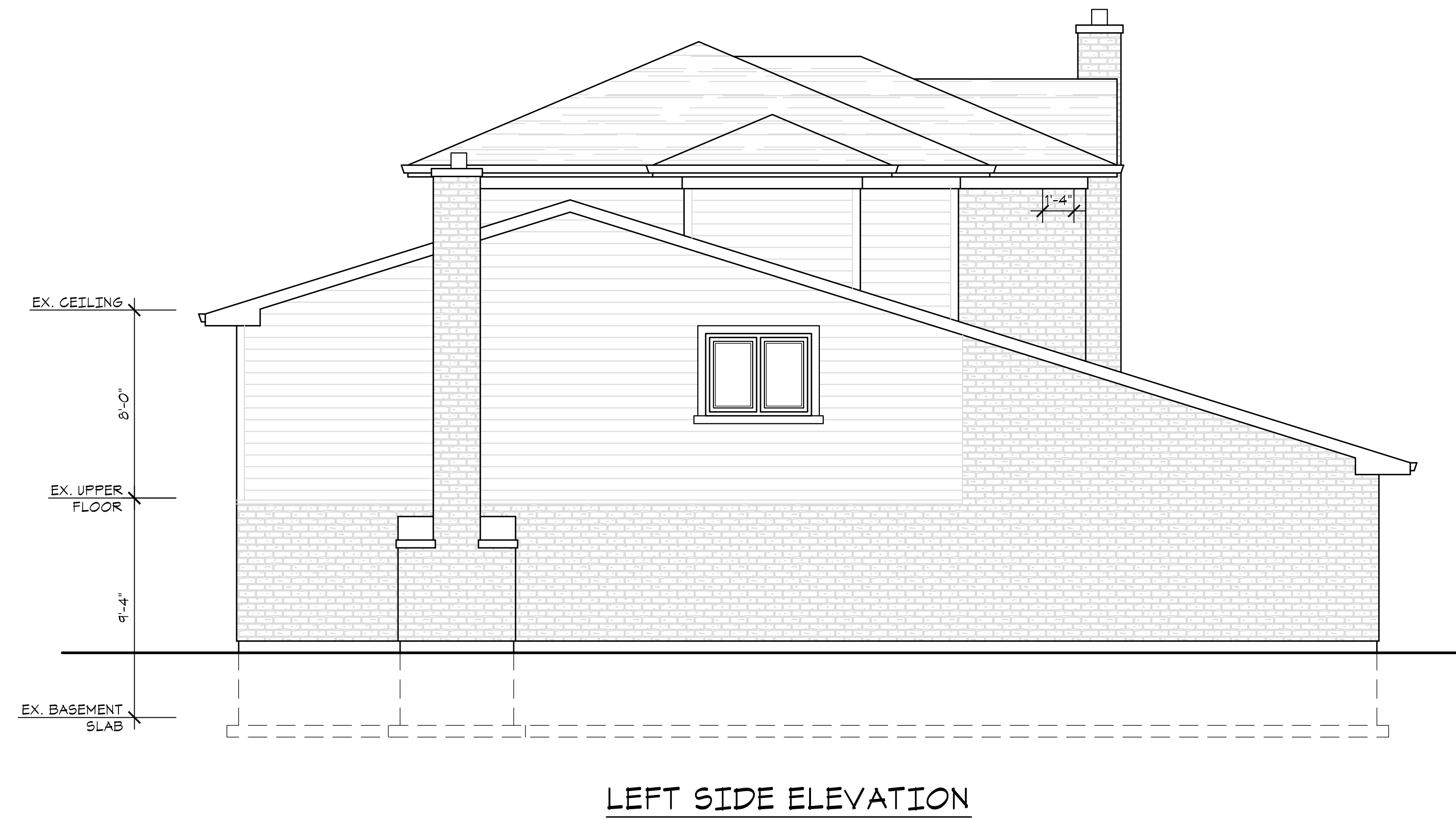
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 CITY OF MARKHAM**

**THE GREGORY
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SCALE 1/4"=1'-0"	DATE 10/20/23
PROJECT NUMBER 23-09	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.



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SCALE 1/4"=1'-0"	DATE 10/20/23
PROJECT NUMBER 23-09	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.