

# Memorandum to the City of Markham Committee of Adjustment

January 20, 2023

**File:** A/235/22  
**Address:** 32 James Speight Road, Markham  
**Applicant:** Paar Design Inc. (Nikol Paar)  
**Agent:** Paar Design Inc. (Nikol Paar)  
**Hearing Date:** Wednesday, February 1, 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 two-storey detached dwelling. The variances requested are to permit:

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

a maximum floor area ratio of 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent

## **BACKGROUND**

### **Property Description**

The 752.56 m<sup>2</sup> (8,100.54 ft<sup>2</sup>) subject property is located on the west side of James Speight Road, west of Wootten Way South and south of Highway 7. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property currently contains a split-level detached dwelling with an integral garage. Mature vegetation exists on the property which includes a large tree in the front yard.

### **Proposal**

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two car garage. The proposed dwelling will have an approximate gross floor area of 347.45 m<sup>2</sup> (3,739.92 ft<sup>2</sup>).

The applicant is requesting a variance to the floor area ratio to facilitate the construction of the new two-storey detached 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

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 owner has completed a Zoning Preliminary Review (ZPR) on September 27, 2022 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 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate net floor area of 347.45 m<sup>2</sup> (3,739.92 ft<sup>2</sup>) where the By-law permits a dwelling with a maximum floor area of 307.00 m<sup>2</sup> (3,304.56 ft<sup>2</sup>). This represents an increase of approximately 40.45 m<sup>2</sup> (435.40 ft<sup>2</sup>).

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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. Staff are of the

opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 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:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject 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:



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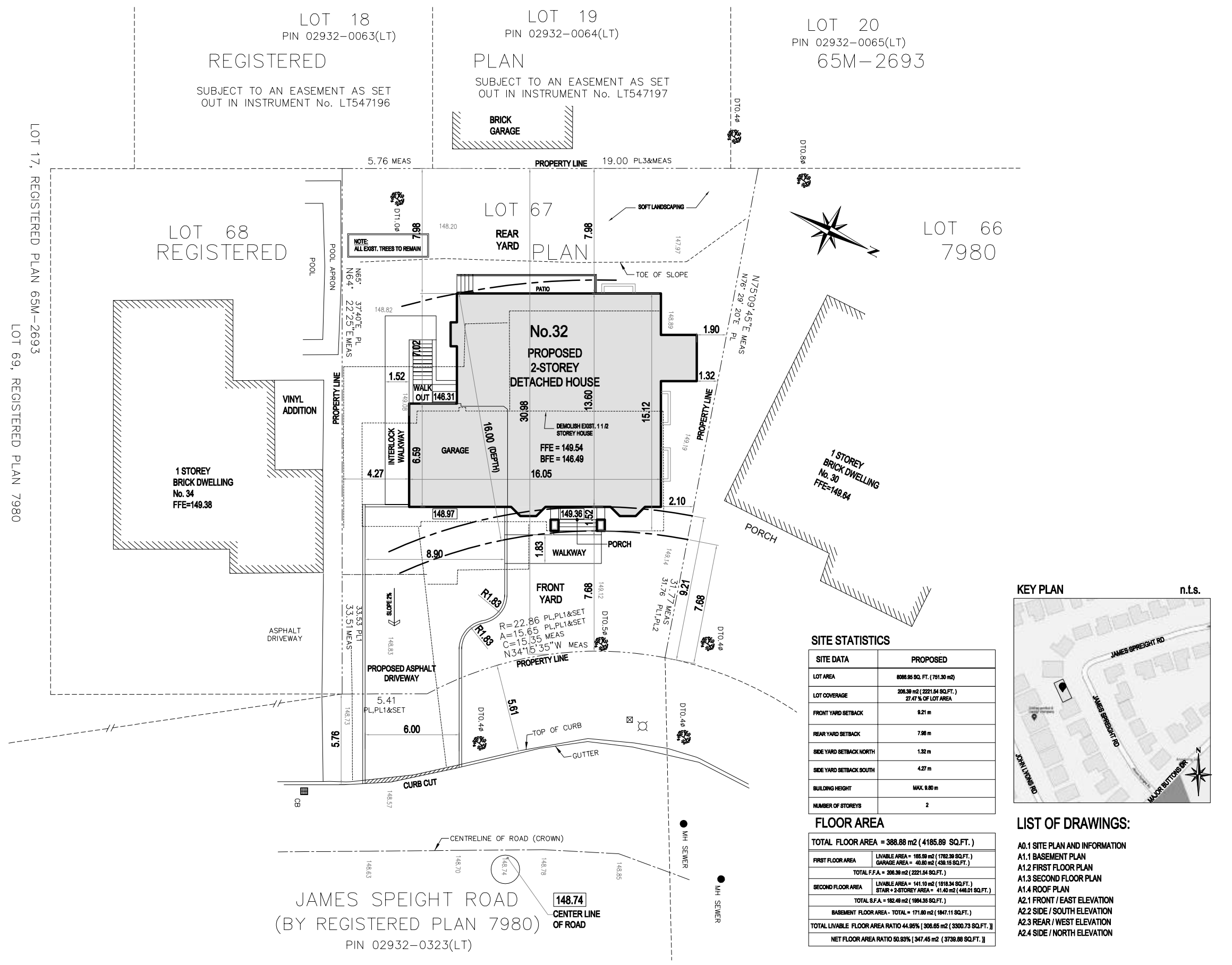
Brashanthe Manoharan, Planner II, East District

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22**

# Appendix B

File: 22.264187.000.00.MNV

Date: 01/27/23  
MM/DD/YY

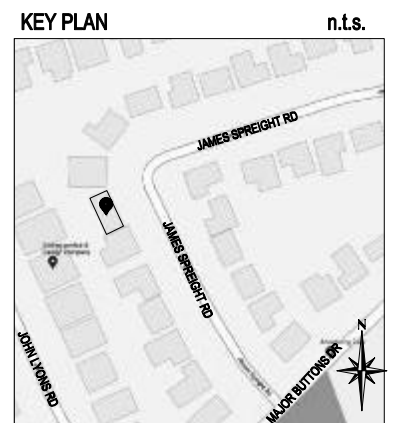


### SITE STATISTICS

SITE DATA	PROPOSED
LOT AREA	8006.95 SQ. FT. (781.30 m <sup>2</sup> )
LOT COVERAGE	200.39 m <sup>2</sup> (2221.54 SQ.FT.) 27.47 % OF LOT AREA
FRONT YARD SETBACK	8.21 m
REAR YARD SETBACK	7.98 m
SIDE YARD SETBACK NORTH	1.32 m
SIDE YARD SETBACK SOUTH	4.27 m
BUILDING HEIGHT	MAX. 8.80 m
NUMBER OF STOREYS	2

### FLOOR AREA

TOTAL FLOOR AREA = 388.88 m <sup>2</sup> (4185.89 SQ.FT.)	
FIRST FLOOR AREA	LIVABLE AREA = 185.89 m <sup>2</sup> (1782.39 SQ.FT.) GARAGE AREA = 40.80 m <sup>2</sup> (438.15 SQ.FT.) TOTAL F.F.A. = 206.69 m <sup>2</sup> (2221.54 SQ.FT.)
SECOND FLOOR AREA	LIVABLE AREA = 141.10 m <sup>2</sup> (1518.34 SQ.FT.) STAR + 2-STOREY AREA = 41.40 m <sup>2</sup> (448.01 SQ.FT.) TOTAL S.F.A. = 182.49 m <sup>2</sup> (1966.35 SQ.FT.)
BASEMENT FLOOR AREA - TOTAL = 171.89 m <sup>2</sup> (1847.11 SQ.FT.)	
TOTAL LIVABLE FLOOR AREA RATIO 44.95% [305.85 m <sup>2</sup> (3300.73 SQ.FT.)]	
NET FLOOR AREA RATIO 50.83% [347.45 m <sup>2</sup> (3739.88 SQ.FT.)]	



- ### LIST OF DRAWINGS:
- A0.1 SITE PLAN AND INFORMATION
  - A1.1 BASEMENT PLAN
  - A1.2 FIRST FLOOR PLAN
  - A1.3 SECOND FLOOR PLAN
  - A1.4 ROOF PLAN
  - A2.1 FRONT / EAST ELEVATION
  - A2.2 SIDE / SOUTH ELEVATION
  - A2.3 REAR / WEST ELEVATION
  - A2.4 SIDE / NORTH ELEVATION

MARK	DATE	DESCRIPTION
1.	08 08 2022	ISSUED FOR ZONING REVIEW
2.	11 11 2022	RE-ISSUED FOR ZONING REVIEW

DESIGN	PROJECT:
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code Zoran Paar [Signature] 24546 Registration Information BCIN / BCDN Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code PAAR Architecture and Interior Design Inc. [Signature] 31785 Firm Name BCIN / BCDN	<b>No. 32 JAMES SPEIGHT RD. City of Markham 2 STOREY DWELLING</b>
DRW:	<b>SITE PLAN AND INFORMATION</b>

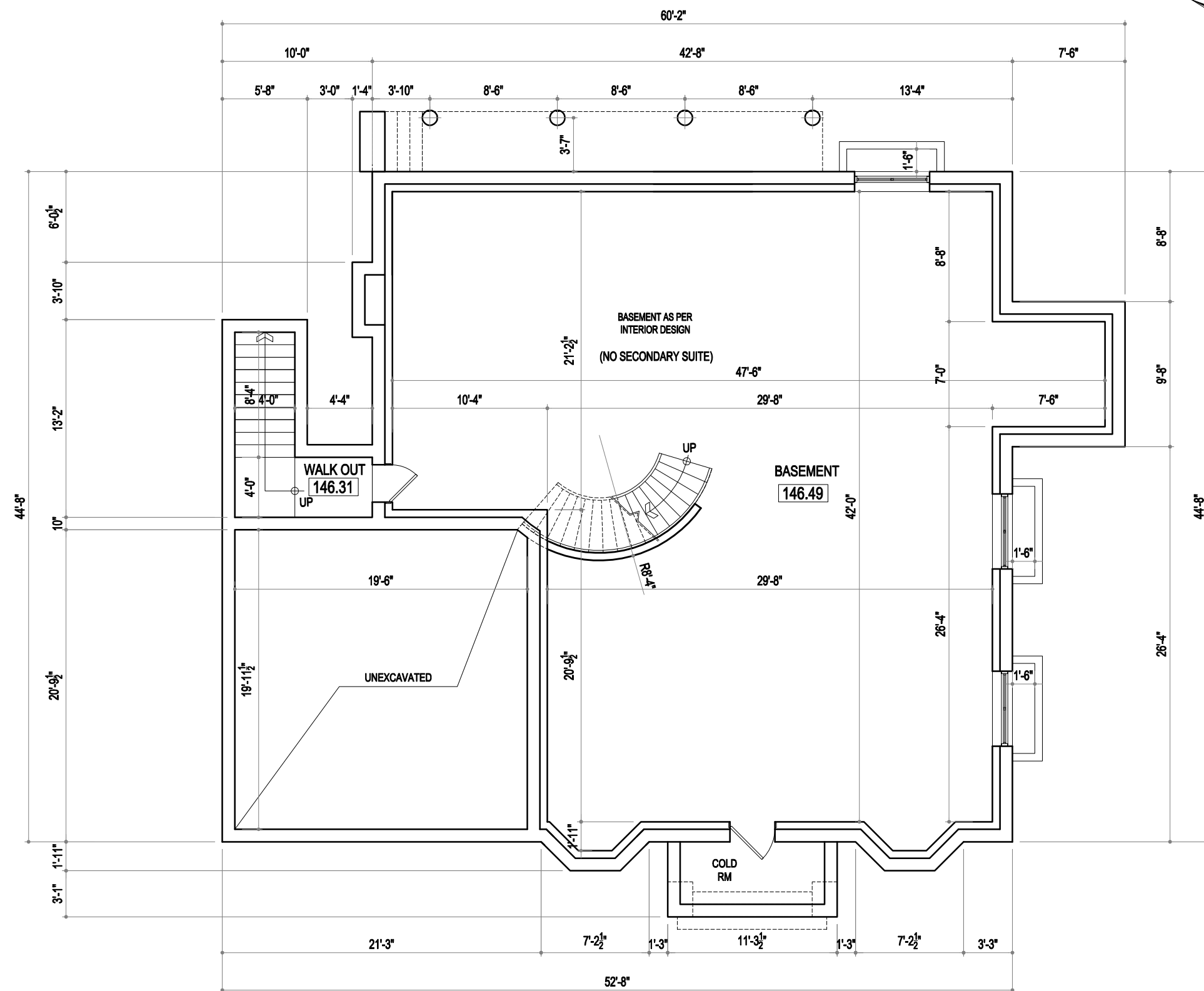
  

<b>PAAR DESIGN</b> www.paardesign.com	<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 830 2106 www.paardesign.com info.paardesign.com	scale 3/64"=1'-0"	<b>A0.1</b>
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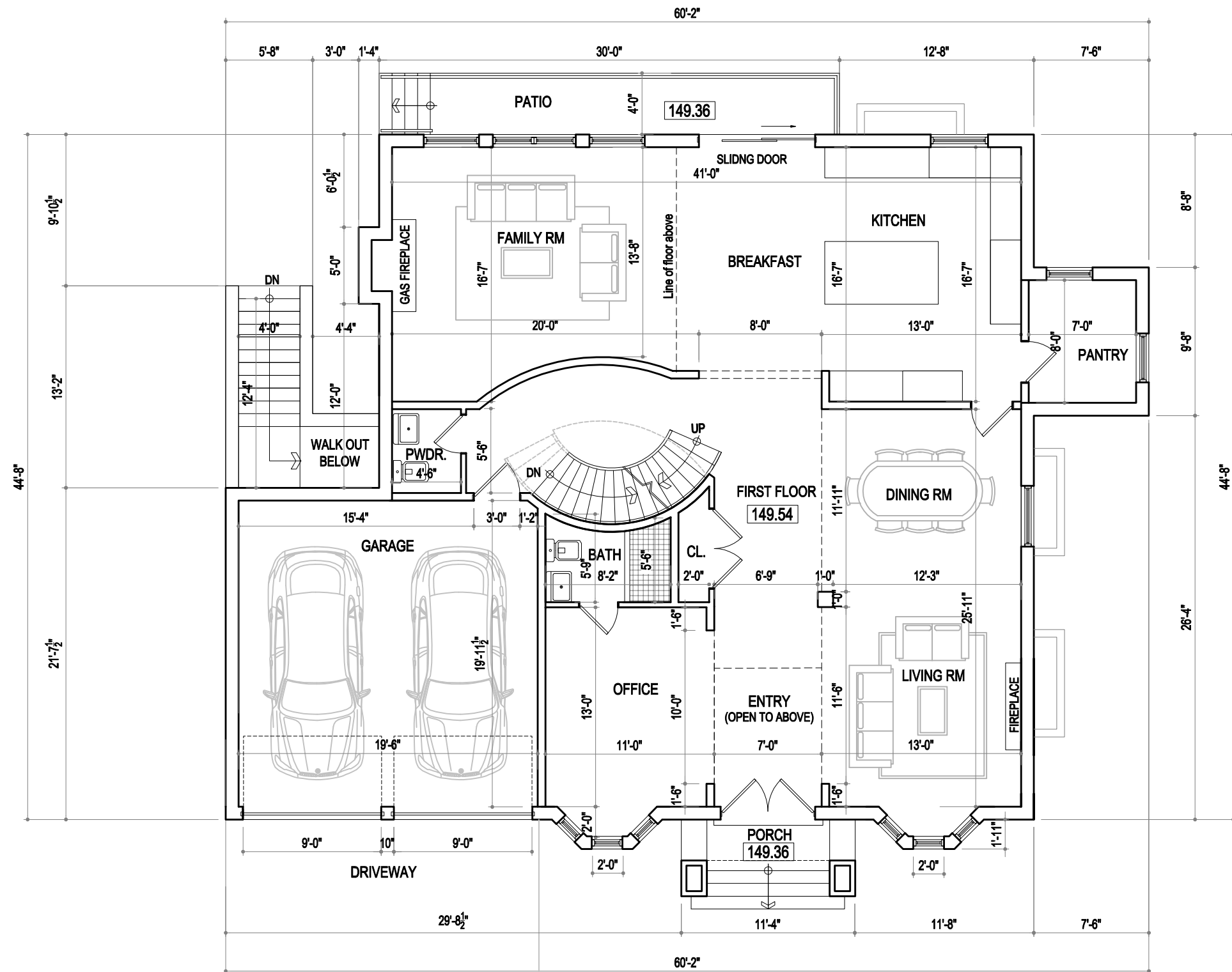
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	<p><b>PAAR DESIGN INC.</b></p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p. 416 630 2105 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A1.1</h1>
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BCIN / BCDN  
Registration Information  
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PAAR Architecture and Interior Design Inc. 31785  
Firm Name BCIN / BCDN

**PROJECT:**

No. 32  
JAMES SPEIGHT RD.  
City of Markham  
2 STOREY DWELLING

DRW :  
FIRST FLOOR PLAN

**PAAR DESIGN INC.**  
22 BLUE FOREST DR.  
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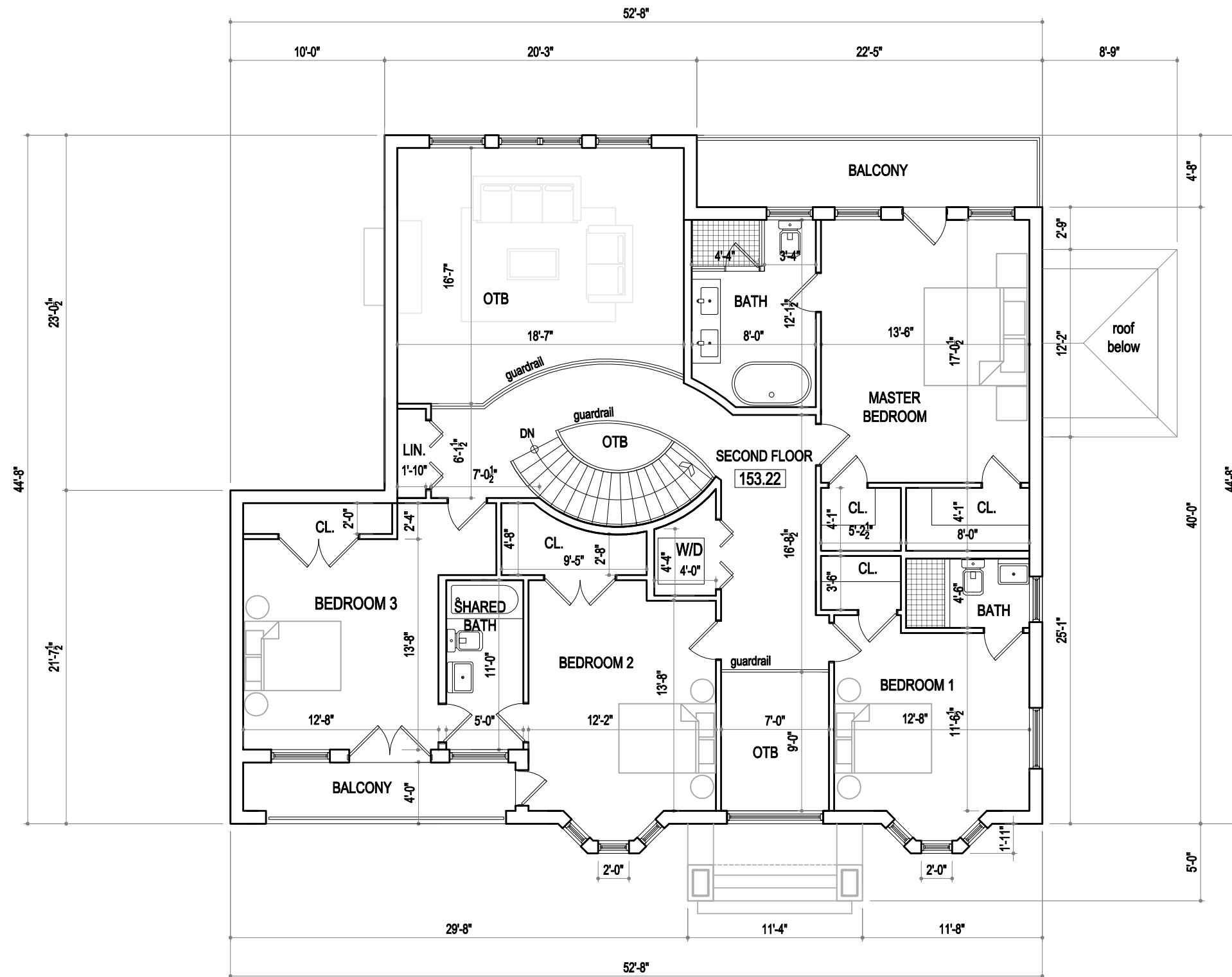
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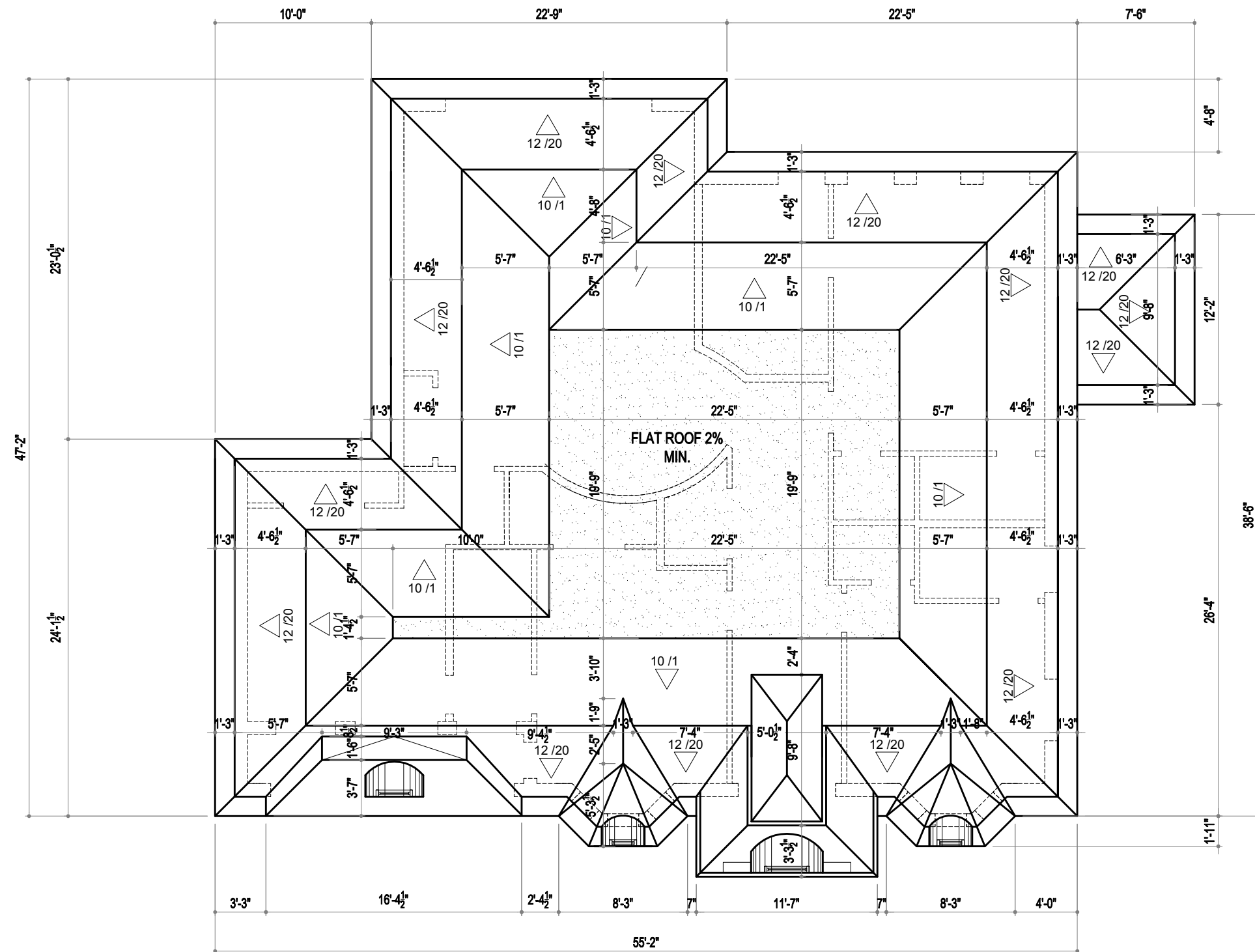
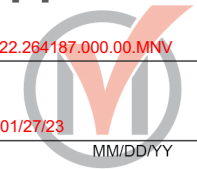
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Zoran Paar  24546 <b>Registration Information</b> BCIN / BCDN Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code	
PAAR Architecture and Interior Design Inc.  31785 <b>Firm Name</b> BCIN / BCDN	<b>DRW:</b> <b>ROOF PLAN</b>

	<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0"	<h1>A1.4</h1>

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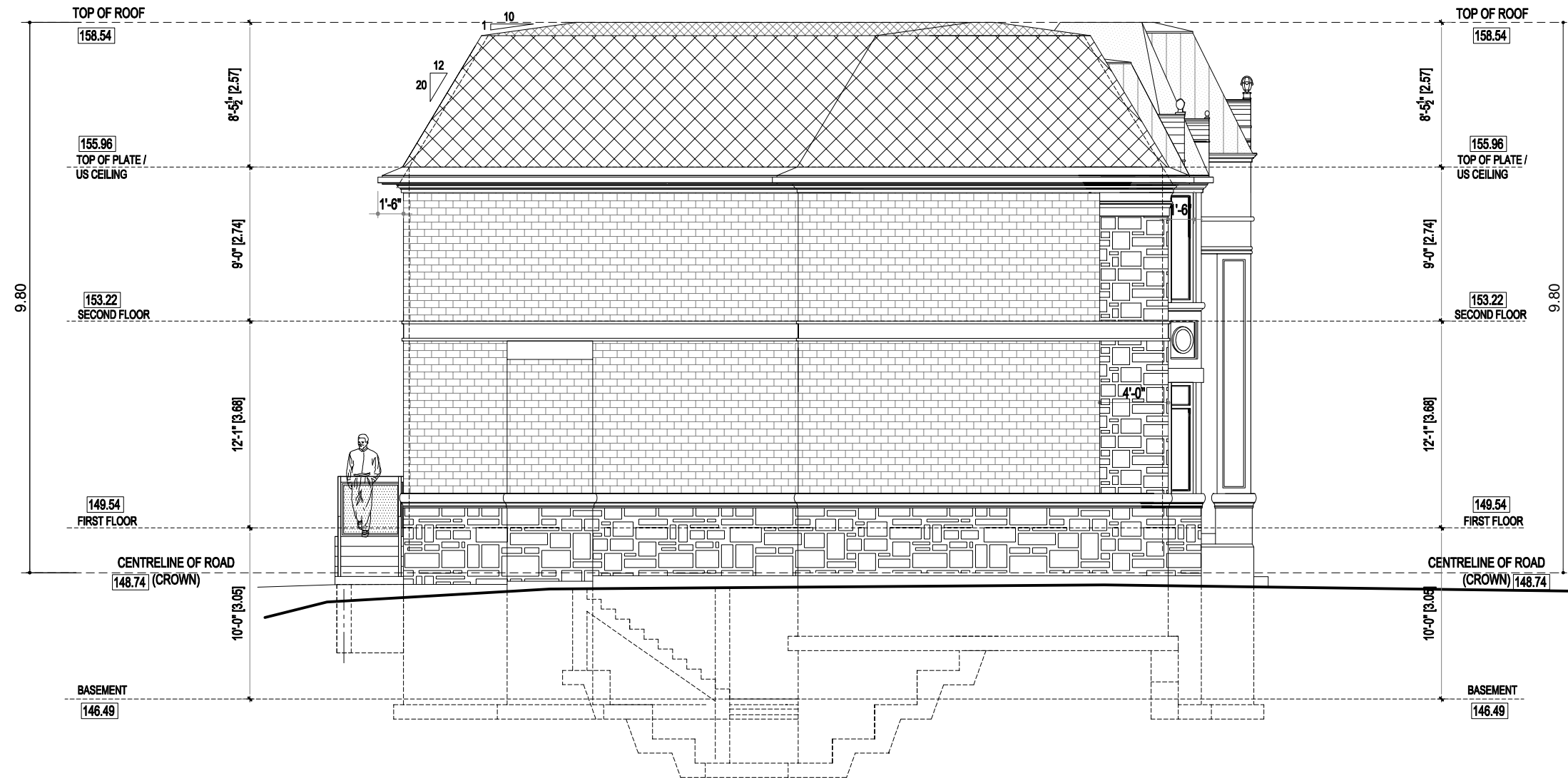
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Zoran Paar  Registration Information BCIN / BCDN 24546	<b>DRW:</b> FRONT / EAST ELEVATION
PAAR Architecture and Interior Design Inc.  Firm Name BCIN / BCDN 31785	

	<b>PAAR DESIGN INC.</b> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0"	<b>A2.1</b>
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PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN  
Firm Name

**PROJECT:**  
No. 32  
JAMES SPEIGHT RD.  
City of Markham  
2 STOREY DWELLING

DRW :  
SIDE / NORTH ELEVATION

**PAAR**  
DESIGN

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


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