

Memorandum to the City of Markham Committee of Adjustment

February 21, 2023

File: A/249/22
Address: 9 Hoover Drive, Markham
Applicant: n Architecture Inc. (Nitin Malhotra)
Agent: n Architecture Inc. (Nitin Malhotra)
Hearing Date: Wednesday, March 8, 2023

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the “Third Density - Semi-Detached Residential (RSD3) Zone” of By-law 151-75, as amended, as it relates to an existing rear enclosed deck:

a) Section 8.2 (c):

To permit a lot coverage of 37.4 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent.

BACKGROUND

Property Description

The 390.3 m² (4,201.15 ft²) subject property is located on the south side of Hoover Drive, north of Green Lane and east of Bayview Avenue. The property is located within an established residential neighbourhood comprised of two-storey semi-detached dwellings. There is an existing semi-detached dwelling on the property, which according to assessment records was constructed in 1979.

Proposal

The applicant is seeking a minor variance to increase the maximum lot coverage to allow the existing rear enclosed deck to remain.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-detached dwellings. The Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

The property is also subject to the Thornhill Area and Site Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings and additions to existing dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development.

Zoning By-Law 151-75

The subject property is zoned “Third Density - Semi-Detached Residential (RSD3) Zone” of By-law 151-75, as amended, which permits one semi-detached dwelling per lot. The existing dwelling does not comply with the maximum lot coverage requirement due to the existing rear enclosed deck.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process for interior alterations to confirm that the requested variance is required.

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 Lot Coverage Variance

The applicant is requesting to permit a maximum lot coverage of 37.4 percent, whereas a maximum lot coverage of 33 1/3 percent is permitted. The lot coverage includes the existing rear enclosed deck which adds approximately 17.1 m² (185 ft²) of Gross Floor Area to the overall building area. Excluding the rear enclosed deck, the building has a lot coverage of 33 percent and would comply with the Zoning By-law. Staff are of the opinion that the above noted variance to increase the maximum permitted lot coverage is minor in nature as the existing enclosed deck does not significantly add to the scale and massing of the dwelling and the resultant dwelling is generally consistent with what the by-law permits.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 26, 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. 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 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.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Jennifer Kim, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDIX "A"

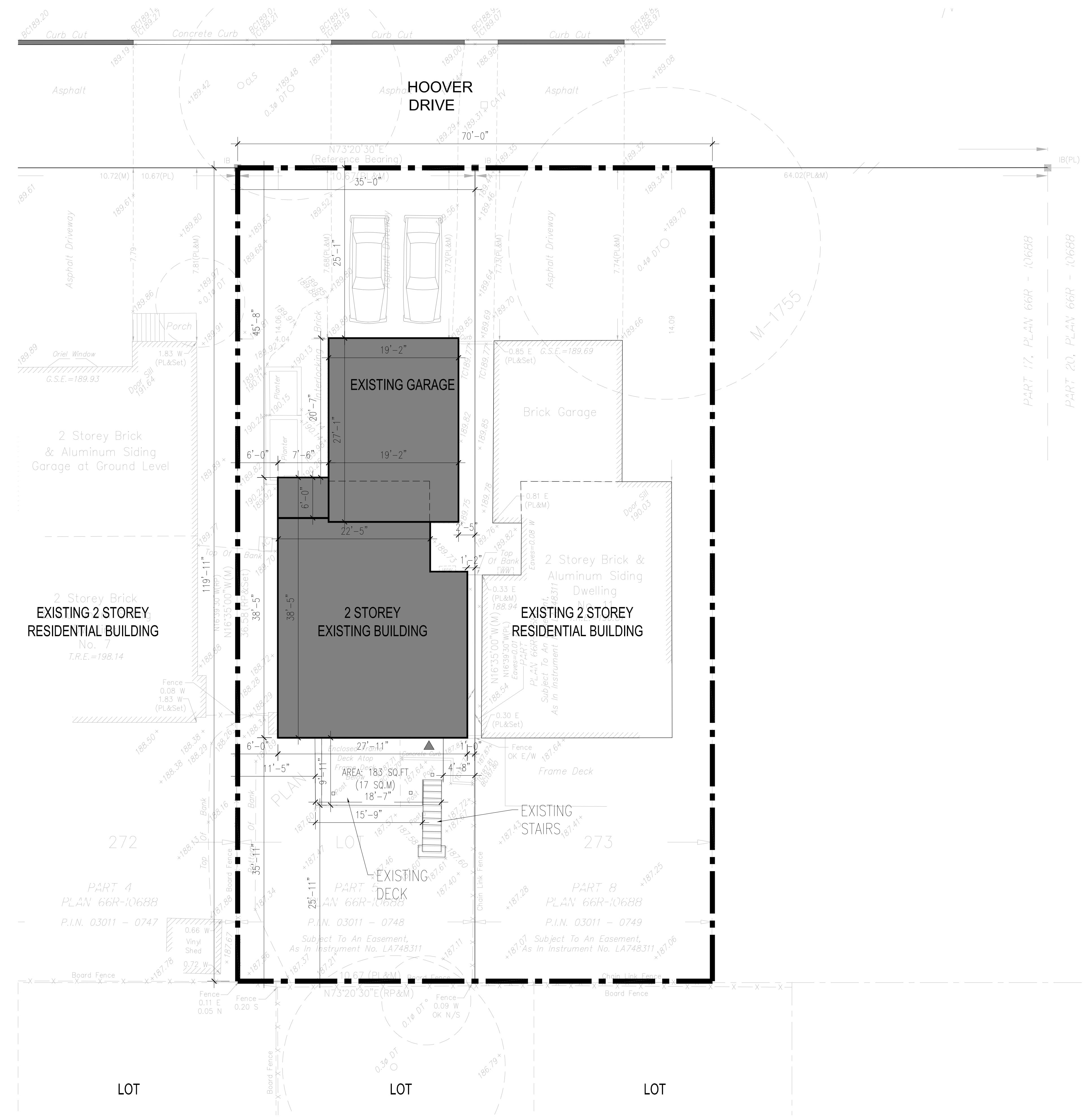
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/249/22

1. The variance applies only to the existing development as long as it remains;
2. That the variances apply only to the subject 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:

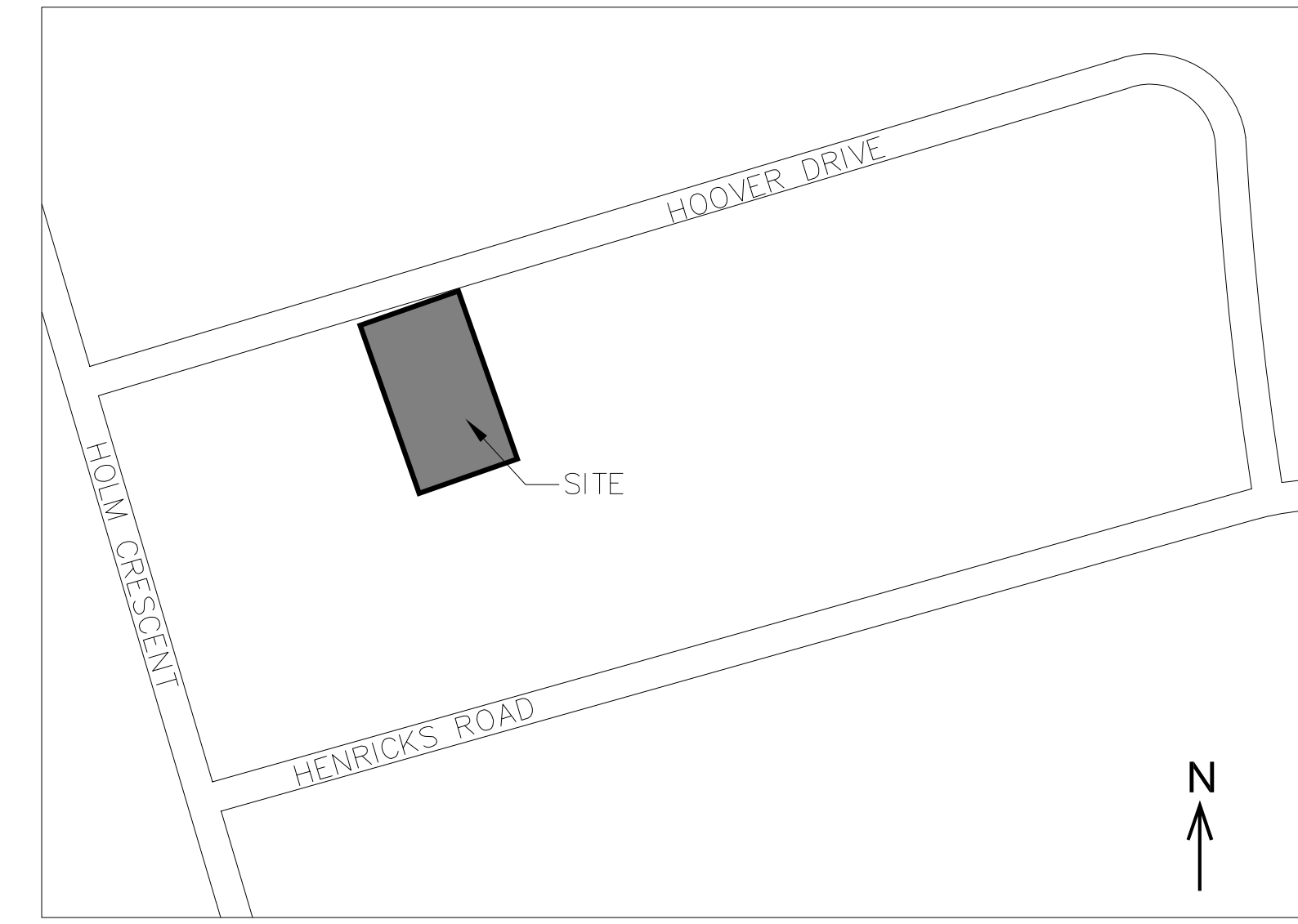


Jennifer Kim, Senior Planner, West District



1 SITE PLAN
 A-1.0 SCALE - 1/8"=1'-0"

SCOPE OF WORK
 INTERIOR RENOVATION OF:
 BASEMENT: PROPOSED A NEW WASHROOM AND NEW LAYOUT FOR LAUNDRY.
 FIRST FLOOR: PROPOSED A NEW LAYOUT FOR THE KITCHEN AND SITTING AREA.



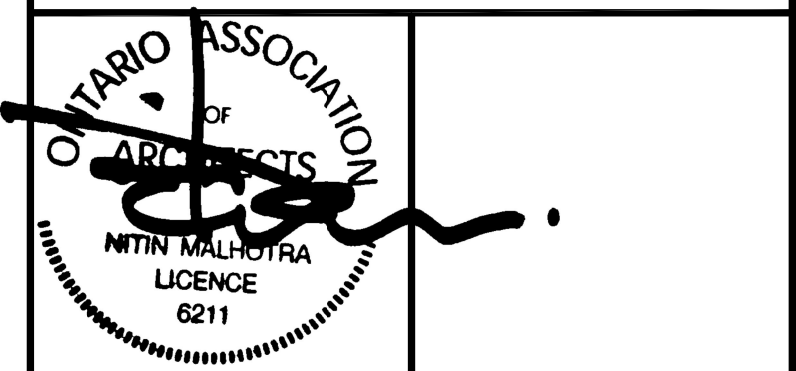
KEY PLAN
 SCALE - N.T.S

PROJECT STATISTICS		
ADDRESS: RESIDENCE 9 HOOVER DRIVE		
ZONING :		
	REQUIRED	PROVIDED (EXISTING)
LOT(SITE) AREA (SQ.FT)	6900.00 SQ.FT	4201.15 SQ.FT (390.30 SQ.M)
MINIMUM LOT FRONTAGE	60' 0"	35' 0"(10.67 M)
MINIMUM LOT DEPTH	-	119' 11"(36.58 M)
MAXIMUM COVERAGE (INCLUDING EXISTING DECK)	33.33 %	38.0 %
TOTAL GFA (INCLUDING EXISTING DECK)	-	2194.22 SQ.FT (203.85 SQ.M) EXISTING
BUILDING HEIGHT	25' 0"	23'9"
DRIVEWAY AREA	-	463.09 SQ.FT (EXISTING)
HARD SURFACE AREA	-	446.14 SQ.FT (EXISTING)
SOFT SURFACE AREA	-	1874.73 SQ.FT (EXISTING)
PARKING	02	04

BUILDING SETBACKS		
	REQUIRED	PROVIDED (EXISTING)
MIN. FRONT YARD SETBACK/GARAGE	27'0" / 20'0"	25'-1" (EXISTING)
MIN. EXTERIOR SIDE YARD SETBACK	6' 0"	6'-0"(EXISTING)
MIN. REAR YARD SETBACK	25' 0"	25' 11"(EXISTING)

SURVEY INFORMATION TAKEN FROM:
 GREATER TORONTO ACRES SURVEYING INC.
 7003 STEELES AVE. WEST, UNIT 12, TORONTO ONTARIO M9W 0A1
 PHONE: (416) 679-0572
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08 DEC. 2022

No.	Date	Version	Dwn.
04.	08 DEC. 2022	ISSUED FOR MINOR VARIANCE	NM2
03.	12 SEPT. 2022	RE-ISSUED FOR B.P.	NM
02.	23 FEB. 2022	ISSUED FOR B.P.	NM
01.	14 JAN. 2022	ISSUED FOR B.P.	NM

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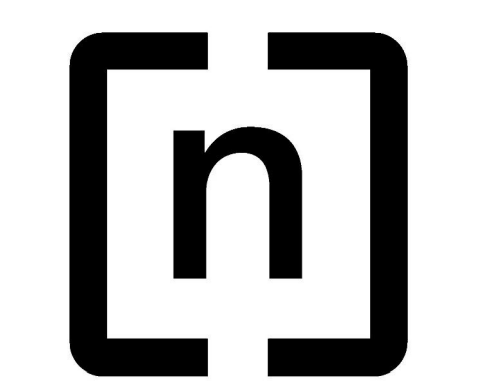
PROJECT:
RESIDENCE 9 HOOVER DRIVE

DRAWING TITLE:
EXISTING SITE PLAN

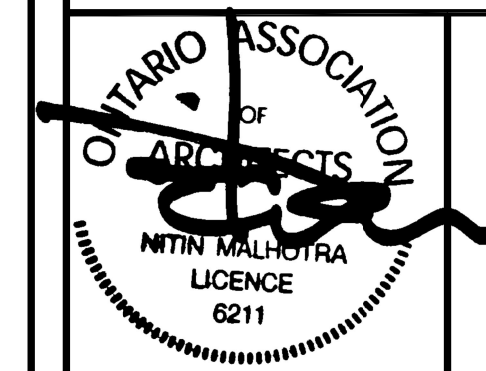
DRAWN BY: NM2	DATE: 2021 JULY 30
CHECKED BY: NM	SCALE: AS NOTED
PROJECT NO.:	DRAWING NO.:
22-38	A-1.0



1 EXISTING REAR ELEVATION
 A-3.0 SCALE - 3/8"=1'-0"



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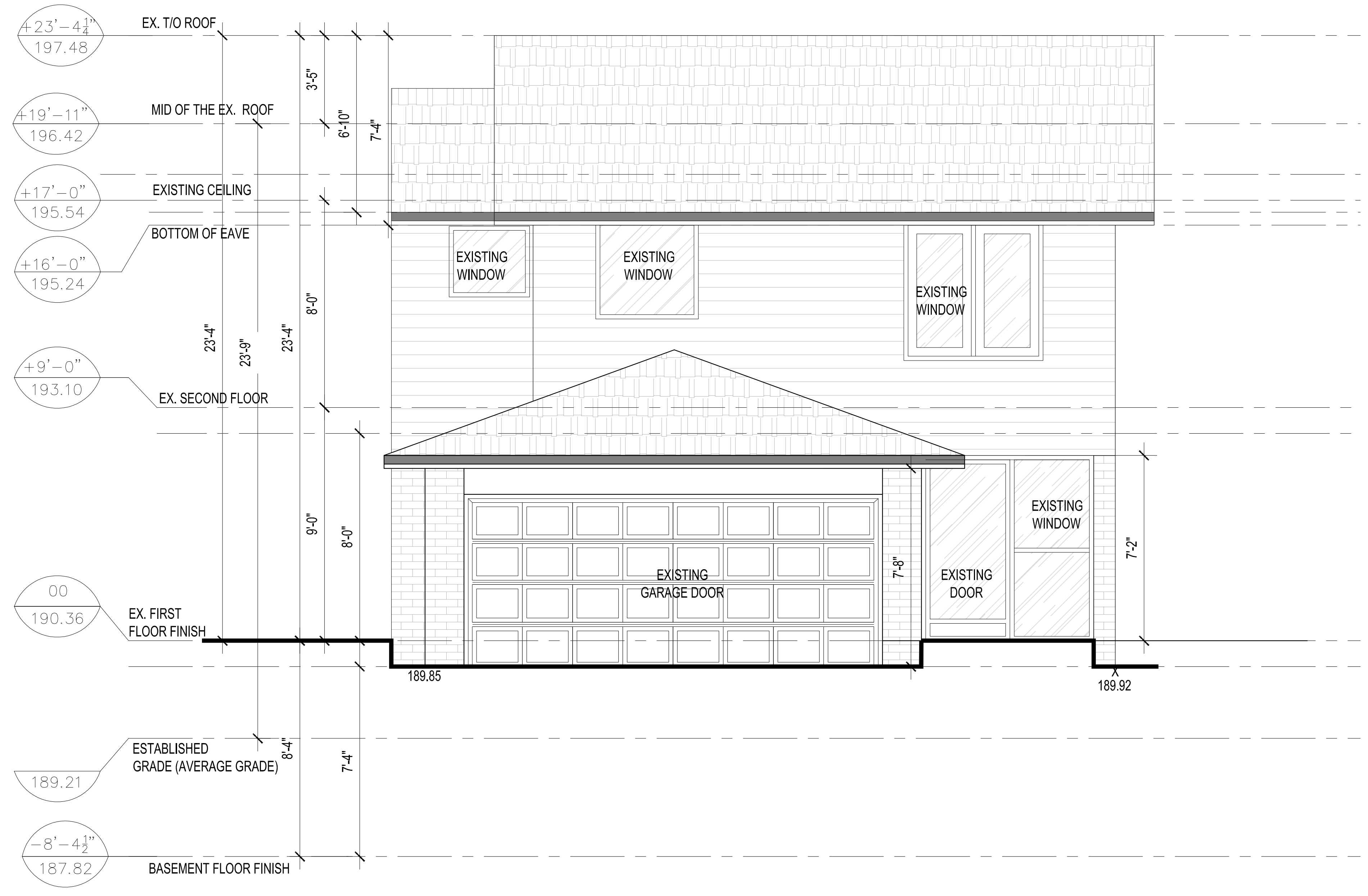
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PROJECT:
**RESIDENCE
 9 HOOVER DRIVE**

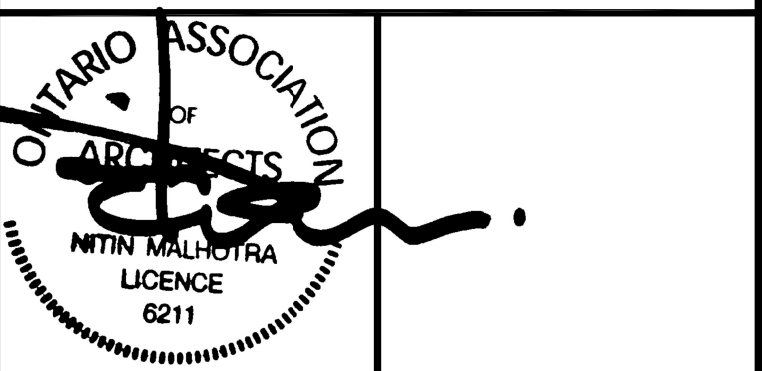
DRAWING TITLE:
**EXISTING REAR
 ELEVATION**

DRAWN BY: NM2	DATE: 2021 JULY 30
CHECKED BY: NM	SCALE: AS NOTED
PROJECT NO.: 22-38	DRAWING NO.: A-3.0



1 EXISTING SOUTH ELEVATION
 A-3.1 SCALE - 3/8"=1'-0"

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PROJECT:
**RESIDENCE
 9 HOOVER DRIVE**

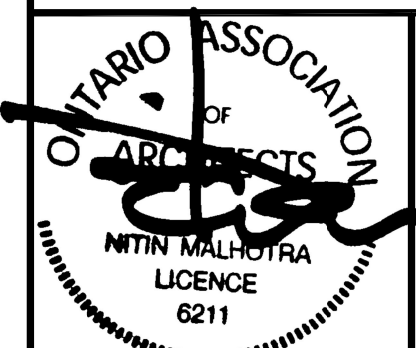
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**EXISTING SOUTH
 ELEVATION**

DRAWN BY: NM2	DATE: 2021 JULY 30
CHECKED BY: NM	SCALE: AS NOTED
PROJECT NO.: 22-38	DRAWING NO.: A-3.1



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PROJECT:
**RESIDENCE
 9 HOOVER DRIVE**

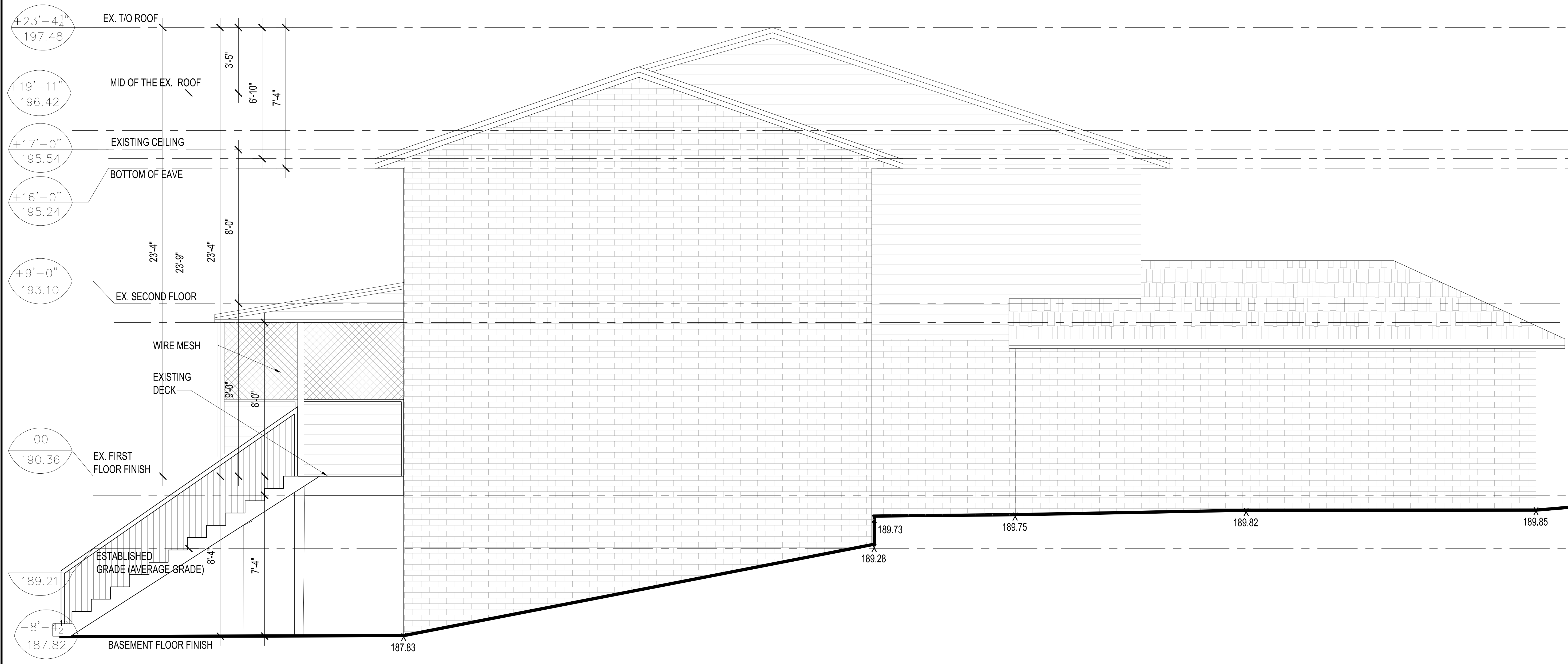
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EXISTING EAST ELEVATION

DRAWN BY: NM2 DATE: 2021 JULY 30

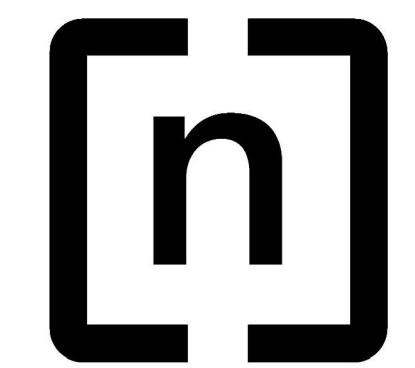
CHECKED BY: NM SCALE: AS NOTED

PROJECT NO.: DRAWING NO.:

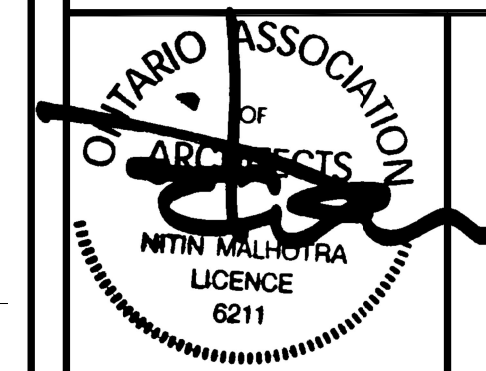
22-38 A-3.2



1 EXISTING EAST ELEVATION
 A-3.2 SCALE - 3/8"=1'-0"



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PROJECT:
**RESIDENCE
 9 HOOVER DRIVE**

DRAWING TITLE:
**EXISTING WEST
 ELEVATION**

DRAWN BY: NM2	DATE: 2021 JULY 30
CHECKED BY: NM	SCALE: AS NOTED
PROJECT NO.:	DRAWING NO.:

22-38 A-3.3

1 EXISTING WEST ELEVATION
 A-3.3 SCALE - 3/8"=1'-0"