

# Memorandum to the City of Markham Committee of Adjustment

July 12, 2021

**File:** A/066/21  
**Address:** 219 Bayview Fairways Drive, Thornhill  
**Applicant:** Reza Sekaavati  
**Hearing Date:** July 21, 2021

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 1767, as amended:

**a) By-law 100-90, Section 1.2(vi):**

a maximum floor area ratio of 54.0 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;

as it relates to a proposed addition to an existing two storey single detached dwelling.

## **BACKGROUND**

### **Property Description**

The 696.77 m<sup>2</sup> (7,500 ft<sup>2</sup>) subject property is located on the south side of Bayview Fairways Drive, south of John Street and east of Bayview Avenue. There is an existing two storey detached dwelling on the property, which according to assessment records was originally constructed in 1972. A second storey addition was constructed in 2017. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

### **Proposal**

The applicant is proposing to construct an addition to the second storey of the existing two storey single detached dwelling.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and further 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 1767

The subject property is zoned R3 under By-law 1767, as amended, which permits single detached dwellings.

### Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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, 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 floor area ratio.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 maximum floor area ratio of 54 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate an addition to the existing two-storey single detached dwelling and a floor area of 375.77 m<sup>2</sup> (4,044.75 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 348.39 m<sup>2</sup> (3,750.04 ft<sup>2</sup>). This represents an increase of approximately 27.38 m<sup>2</sup> (294.71 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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are of the opinion the proposed maximum floor area ratio variance is minor in nature and have no concerns.

### **EXTERNAL AGENCIES**

#### Metrolinx Comments

The subject property is located in proximity (300 meters) to an active rail corridor (Bala Subdivision) which carries Richmond Hill GO passenger train service. As part of GO service expansion, the Richmond Hill corridor is expected to see a weekday rail volume increase in the coming years. Further service and track expansions may occur so long as GO service continues to run on the corridor, which may affect the living environment

of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). It should be noted that Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 12, 2021. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Development Manager, West District

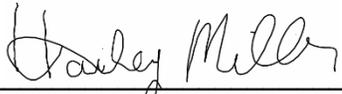
File Path: Amanda\File\ 21 121448 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/066/21**

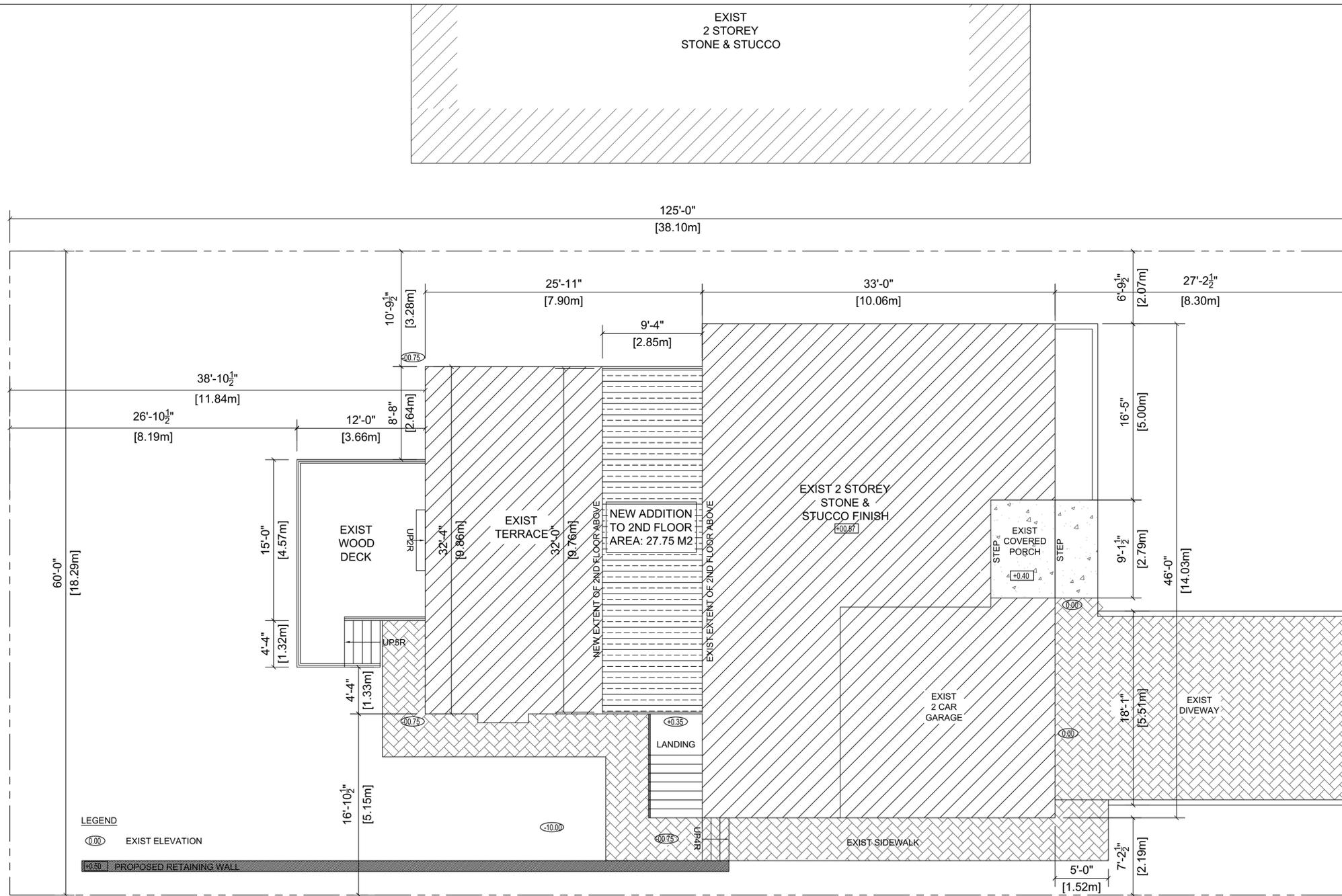
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the 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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Hailey Miller, Planner, Zoning and Special Projects



CENTER LINE OF  
BAYVIEW FAIRWAYS DRIVE

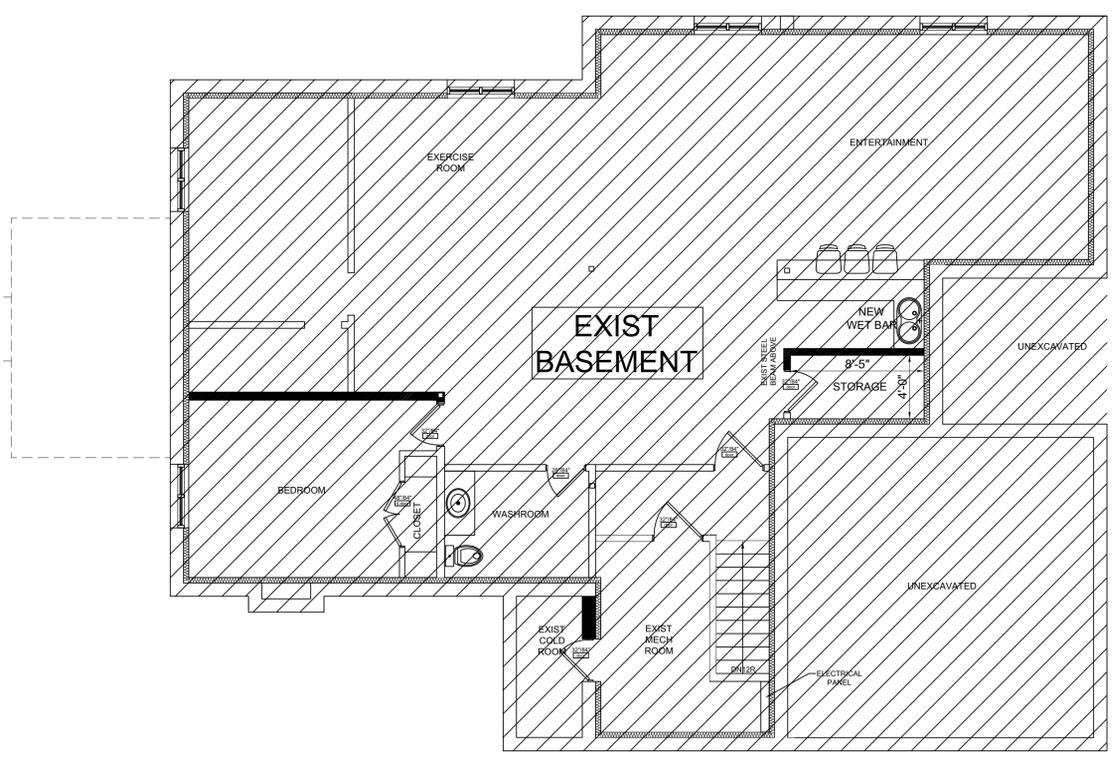
**SITE PLAN**

STATISTICS (RESIDENTIAL R3) BYLAW 1767	EXISTING M <sup>2</sup>	PROPOSED M <sup>2</sup>
LOT AREA	696.77	696.77
LOT COVERAGE (BUILDING +GARAGE+FRONT PORCH)	219.44 (31.49%)	219.44 (31.49%)
GARAGE AREA	37.76	37.76
FIRST FLOOR AREA	181.64	181.64
2ND FLOOR AREA	128.58	156.33
GFA TOTAL	348.02	375.77
FLOOR AREA RATIO	49.95%	53.93%

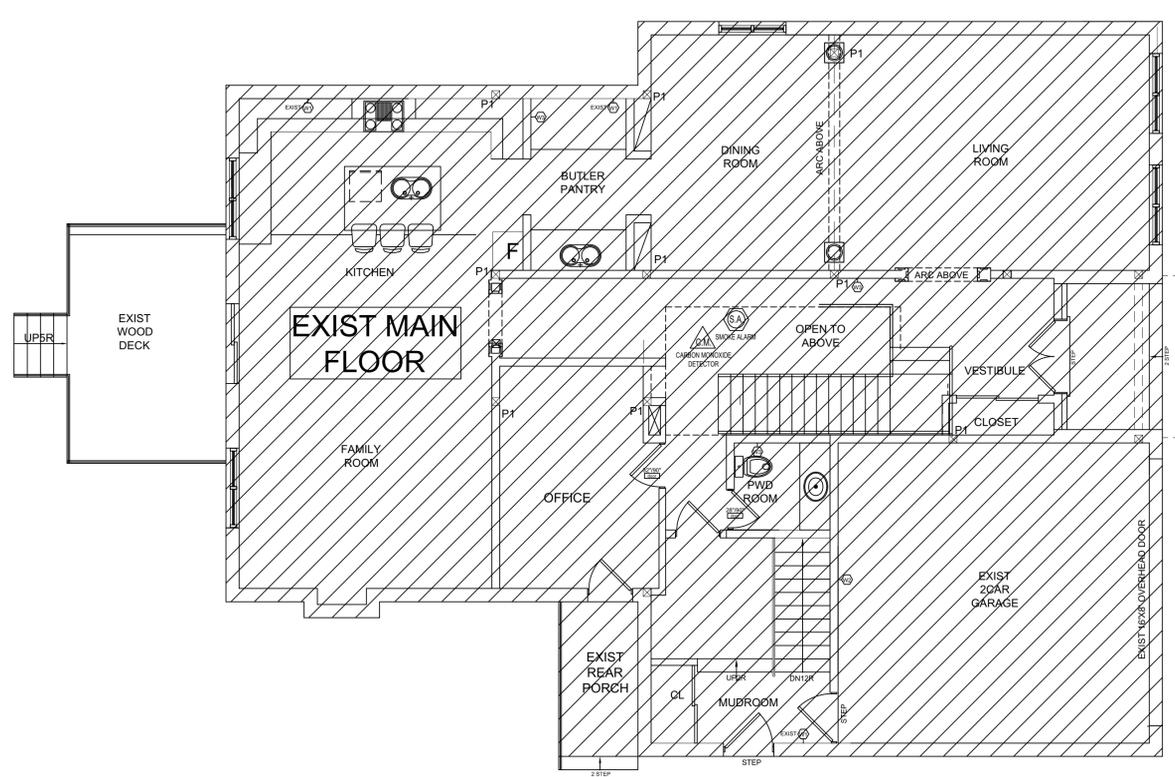
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MAY 2021	

**RECON CONSULTING**  
 1115 WILLOWBROOK ROAD,  
 MARKHAM, ON, L3T 5N9.  
 TEL: 905 597 8222  
 EMAIL: CTC02@YAHOO.COM  
 WEB: RE-CONSULTING.CA

Designed By: R.S  
 Project: PROPOSED 2ND STORY ADDITION  
 IN EXIST 2 STOREY SFD  
 Location: 219 BAYVIEW FAIRWAYS, DRIVE,  
 MARKHAM, ON  
 Drawing: PROPOSED SITE PLAN  
 Date: 15 MAY 2021 Scale: 3/16" = 1'  
 Drawing No. Page: A01

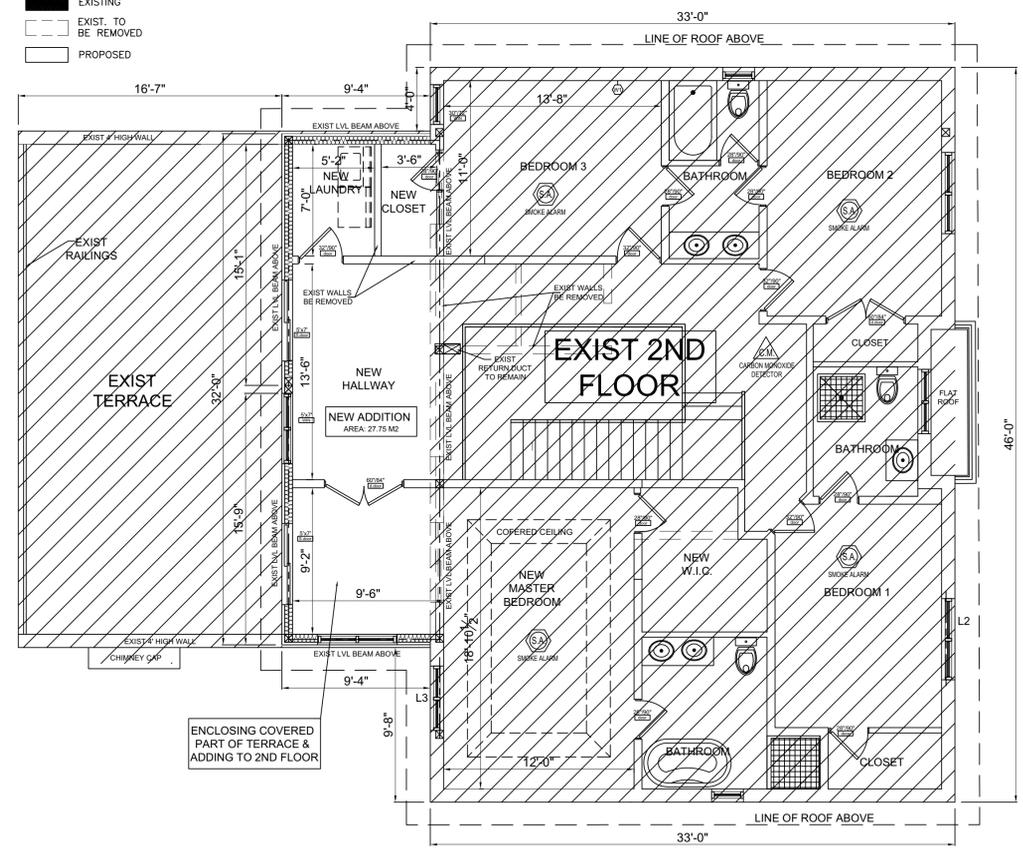


**EXIST BASEMENT PLAN**

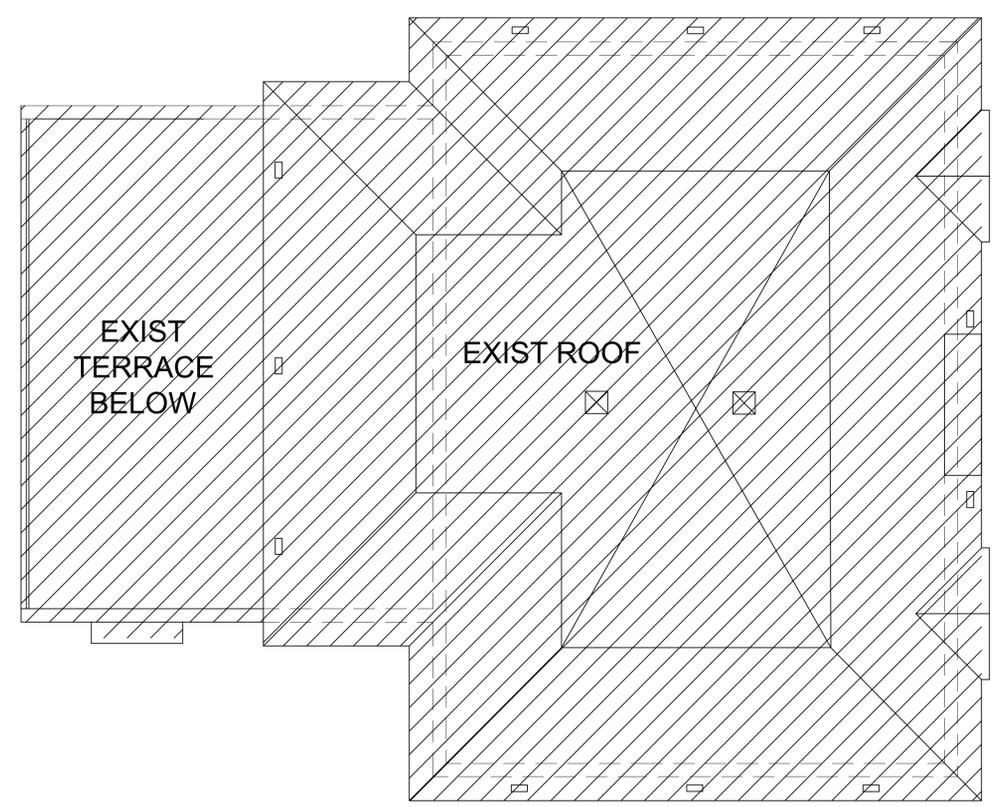


**EXIST MAIN FLOOR PLAN**

**LEGEND:**  
 ■ EXISTING  
 - - - EXIST. TO BE REMOVED  
 □ PROPOSED



**PROPOSED 2ND FLOOR PLAN**

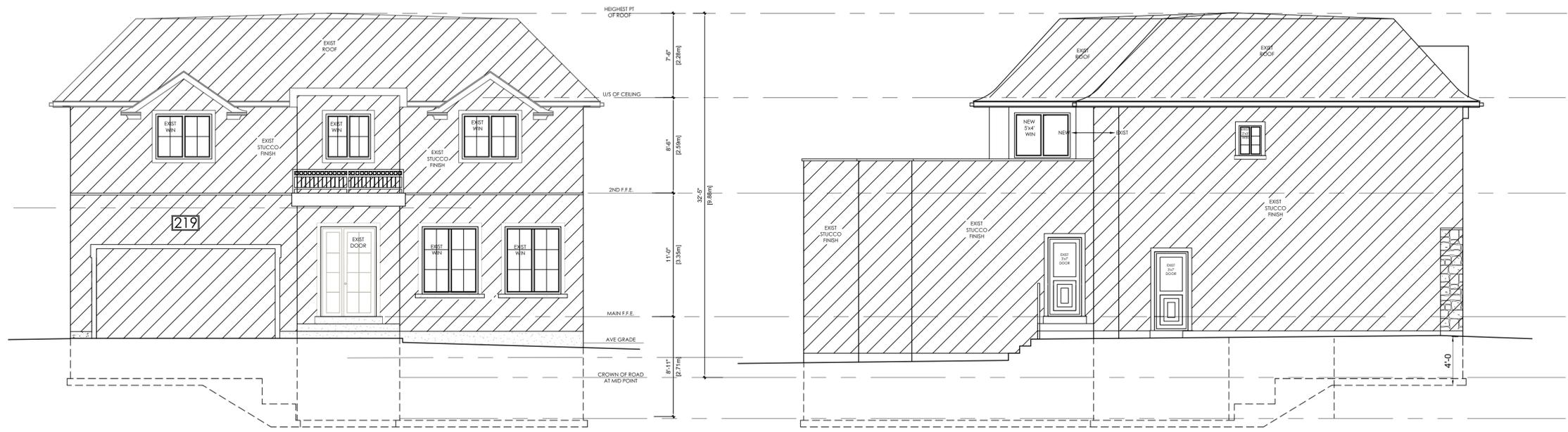


**EXIST ROOF PLAN**

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 Drawing: PROPOSED FLOOR & ROOF PLANS  
 Date: 15 MAY 2021 Scale: 3/16" = 1'  
 Drawing No. Page: A02



EXIST FRONT ELEVATION

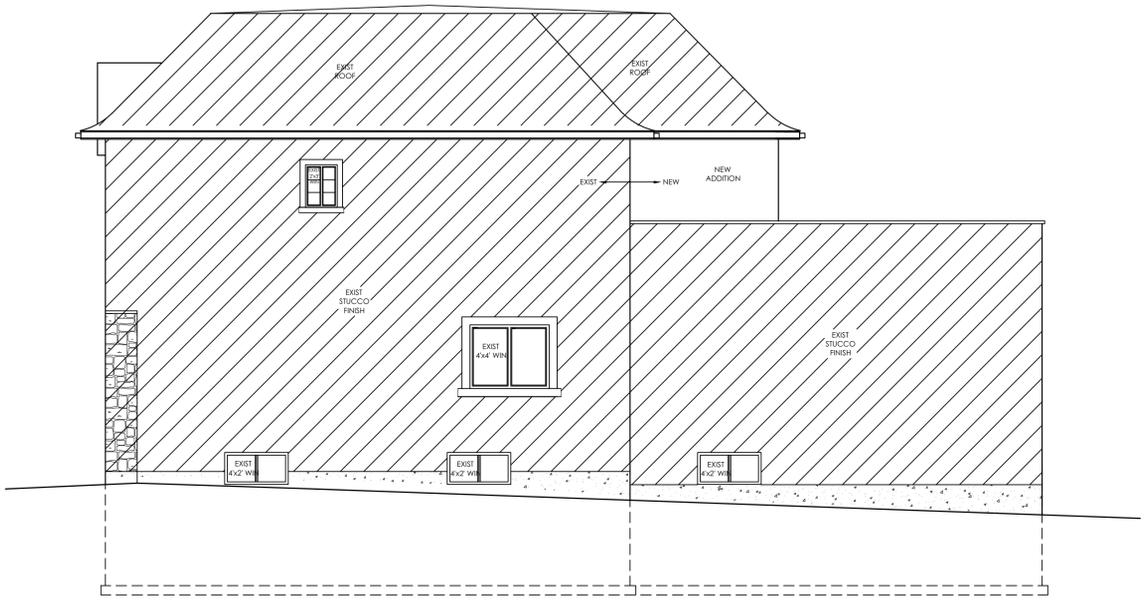
PROPOSED SIDE ELEVATION ( EAST )

- EXISTING
- EXIST. TO BE REMOVED
- PROPOSED

UNPROTECTED OPENINGS  
 GARAGE FACE SETBACK : 2.19 m ( 7'-2.5" ft.)  
 WALL AREA : 1123.00 sq.ft. 100 %  
 UNPROTECTED OPENINGS : 78.00 sq.ft. 6.95% <(8.0% max)



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION ( WEST )

UNPROTECTED OPENINGS  
 BUILDING FACE SETBACK : 2.07 m ( 6'-9.5" )  
 WALL AREA : 1148.00 sq.ft. 100 %  
 UNPROTECTED OPENINGS : 46.00 sq.ft. 4.01% <(8% max)

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 Drawing No. Page: A03