

# MEMORANDUM

**DATE:** July 6<sup>th</sup>, 2020  
**TO:** Chairman and Members, Committee of Adjustment  
**FILE:** A/034/20  
**ADDRESS:** 47 Hawkrigde Avenue, Markham  
**HEARING DATE:** July 7<sup>th</sup>, 2020

The following supplementary comments are provided on behalf of the East Team:

The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property:

- a) **By-law, 1229, Section 11.2 (c):**  
to permit uncovered stairs to encroach 40 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into the required yard; and
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
to permit a proposed net floor area ratio of 53.5 percent, whereas the By-law allows a maximum floor area ratio of 45 percent.

## COMMENTS

The purpose of this memorandum is to clarify information on the previous staff memorandum dated June 30<sup>th</sup> 2020 specifically with respect to the requested variance to increase the floor area ratio from 45% to 53.5% and proposed garage configuration. The Site Statistics on the site plan submitted by the applicant inaccurately show the proposed gross floor area to be 3,801.6 ft<sup>2</sup> (353.18 m<sup>2</sup>). Based on Staff's calculation the proposed gross floor area is actually 4,110.6 ft<sup>2</sup> (381.88 m<sup>2</sup>), which reflects the requested floor area ratio variance of 53.5%. Both the incorrect gross floor area and accurate gross floor area were referenced in the June 30<sup>th</sup> staff memorandum. The report also indicated the proposed dwelling has a three car garage, which is actually a two car garage with access to the rear.

The applicant has not conducted a Zoning Preliminary Review however, it has been confirmed through their building permit review (19 136992 HP) that the proposed net floor are ratio of 53.5 % is accurate. Further, the site and elevation plans submitted with the variance application reflect the accurate variance of 53.5% and do not require revisions. Staff's position to support the proposed variance remains unchanged, and as outlined in the previous memorandum, staff have no objection to both variance requests. 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 granting of minor variances.

PREPARED BY:

  
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