

# Memorandum to the City of Markham Committee of Adjustment

January 25, 2019

**File:** A/03/19  
**Address:** 154 Ramona Blvd, Markham  
**Applicant:** Darya & Ardevan Bakhtari  
**Agent:** Markham High Tech Inc. Architects (Michael Forte)  
**Hearing Date:** Wednesday February 06, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

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

a maximum Net Floor Area Ratio of 53 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

as it relates to a proposed addition at the rear of an existing residential dwelling.

## **BACKGROUND**

### **Property Description**

The 615.27 m<sup>2</sup> (6,622.71 ft<sup>2</sup>) subject property is located on the north side of Ramona Boulevard, south of 16<sup>th</sup> Avenue and west of 9<sup>th</sup> line. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings built in the early 1970s. There is an existing back-split detached 280.2 m<sup>2</sup> (3,016 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1973. Mature vegetation exists on the property.

### **Proposal**

The applicant is proposing a 44.35 m<sup>2</sup> (477.38 ft<sup>2</sup>) second storey addition at the rear of the existing back-split 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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 1229

The subject property is zoned 'R1' – Residential in By-law 1229, as amended, which permits a single detached dwelling.

### 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 maximum Net Floor Area ratio.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, *"trying to add top up in line with building footprint"*.

### **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 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 53 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a 44.35 m<sup>2</sup> (477.38 ft<sup>2</sup>) second-storey addition at the rear of the existing back-split dwelling, resulting in a maximum floor area of 324.55 m<sup>2</sup> (3,493.43 ft<sup>2</sup>) whereas the By-law permits a dwelling with a maximum floor area of 276.39 m<sup>2</sup> (2,975.04 ft<sup>2</sup>). This represents an increase of approximately 48.16 m<sup>2</sup> (518.4 ft<sup>2</sup>).

The building layout meets all other zoning provisions (such as setbacks, height 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. The increased mass of the dwelling, resulting from the increased floor space, will not extend the building beyond the front or rear yards of the two adjacent dwelling to the east and west. The proposed addition will also maintain existing side yards of 2.34 m (7.68 m) to the east and 4.3 m (14.1 ft) to the west which will minimize potential impacts resulting from the increased floor area.

The rear second storey addition will result in a net floor area ratio larger than neighbouring homes. There is one other property (184 Ramona Boulevard) in the immediate vicinity (between Wooten Way North and Woodside Court) that has received a minor variance for a maximum floor are ratio of 51.4 percent to permit an addition to an existing home. While the net floor area ratio is larger than neighbouring homes, the sloped design of the roof of the proposed addition reduces the massing of the overall dwelling and impacts on adjoining neighbours. Given that the addition is at

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/03/19**

1. The variances apply only to the proposed one-storey addition at the rear of the existing dwelling 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 received by the City of Markham on January 10, 2019, 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.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

the rear above the one-storey portion of the existing home, and does not extend beyond the existing building footprint, Staff are of the opinion that the variance is appropriate.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of January 11, 2019. 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. 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:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

  
\_\_\_\_\_  
Stacia Muradali, Development Manager, East District  
File Path: Amanda\File\19 109811 \Documents\District Team Comments Memo

**APPENDIX B**  
**BUILDING LOCATION SURVEY ON**  
**LOT 92 PLAN OF 9143**  
 (GEOGRAPHIC TOWNSHIP OF MARKHAM)  
**CITY OF MARKHAM**  
 REGIONAL MUNICIPALITY OF YORK  
 SCALE 1 : 200

**SITE STATISTICS**

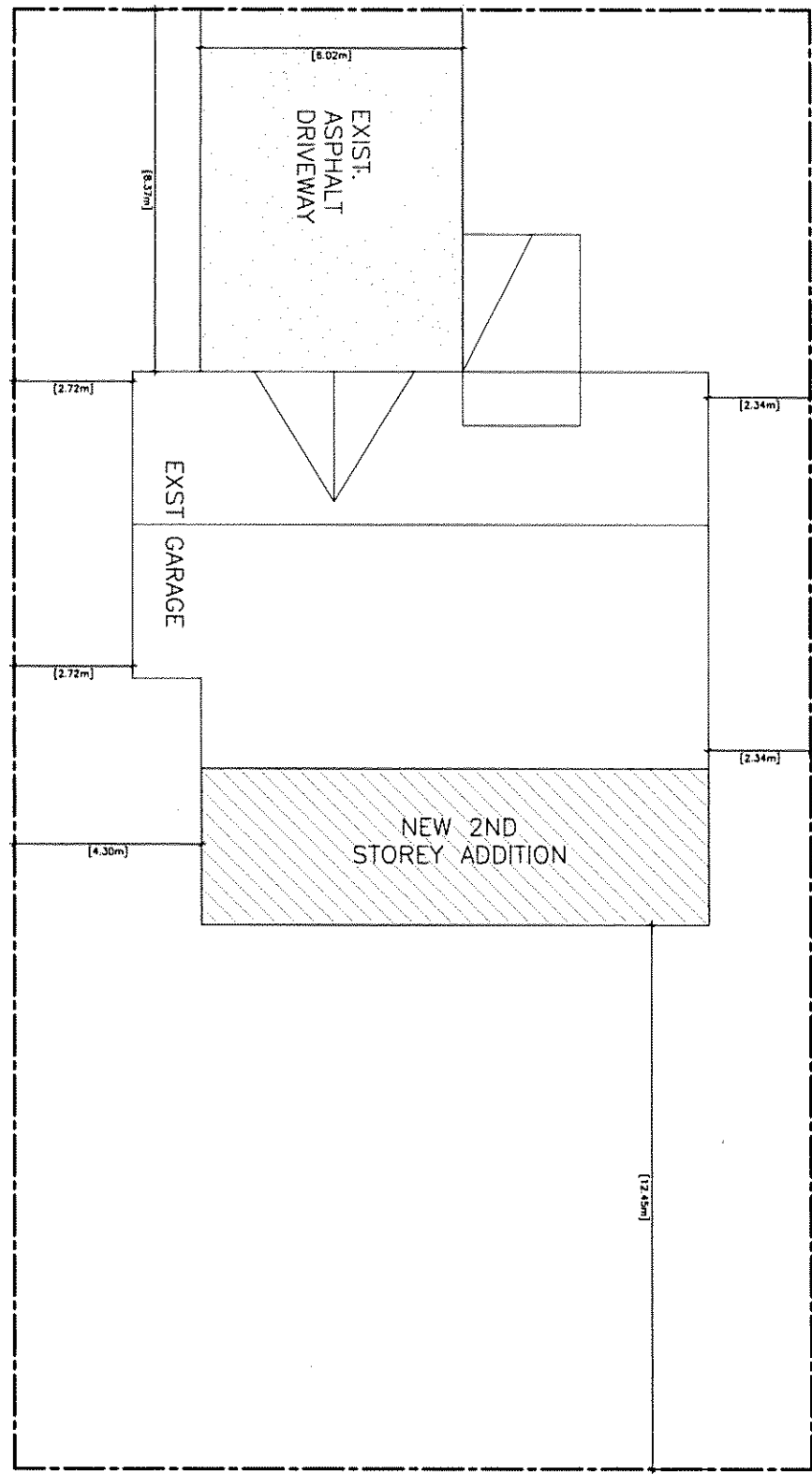
AREA OF LOT 615.27SM  
 EXIST BLD AREA 158.215M  
 NET LOT AREA 614.215M  
 NET GFA RATIO ALLOWED : 45%  
 276.399m ALLOWED  
 PROPOSED NET GFA RATIO: 53%

**SITE STATISTICS**

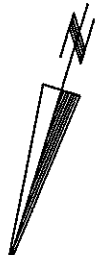
EXIST GROUND FLOOR 153.75M  
 EXIST 2ND FLR 126.55M  
 PROP 2ND FLR 44.35SM  
 GFA WITH GARAGE 324.55SM

APPROX 33.64 M

APPROX 18.28 M

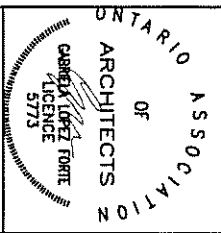


PROPERTY LINE



**GENERAL NOTES**  
 ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH INC ARCHITECTS  
 REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM MARKHAM HIGH TECH INC ARCHITECTS.  
 CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING CONSTRUCTION TO MARKHAM HIGH TECH INC ARCHITECTS.  
 DO NOT SCALE DRAWINGS.  
 ALL CONSTRUCTION TO BE ACCORDING TO THE CITY OF MARKHAM BUILDING CODE TO THE OREGON BUILDING CODE.

ID	BLDG PERMIT ISSUED FROM	19.08.15 DATE
1.0		



MARKHAM HIGH TECH INC  
 Architects  
 50 Power Street  
 3rd Flr  
 Markham, Ontario  
 (905) 477-8800 - Phone  
 (905) 477-8800 - Fax

PROJECT NAME:  
**PROPOSED 2ND STOREY ADDITION AND RENO**

ADDRESS:  
**154 RAINDA BLVD  
 MARKHAM, ON**

DRAWING:  
**SITE PLAN, SITE STATISTICS**

SCALE:  
**1:100**

DESIGN DATE:  
**NOV 2018**

DESIGNED BY:  
**MHT**

CHECKED BY:  
**MHT**

DRAWN BY:  
**MHT**

PROJECT NO:  
**M30113**

SHEET NO:  
**A-0**

REVISION NO:  
**-**

DATE FILE LOCATED:  
**M30113**

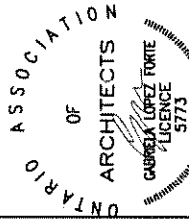
**GENERAL NOTES**

ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH INC ARCHITECTS AND SHALL REMAIN THEIR ARCHITECTS PROPERTY. ANY REPRODUCTION OR PARTIAL REPRODUCTION IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM MARKHAM HIGH TECH INC ARCHITECTS, CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK. ANY DISCREPANCIES TO MARKHAM HIGH TECH INC ARCHITECTS.

DO NOT SCALE DRAWINGS.

ALL CONSTRUCTION TO BE ACCORDING TO THE CITY OF MARKHAM CONFORM TO THE OFFICIAL BUILDING CODE.

NO.	DESCRIPTION	DATE
1.0	BLDG PERMIT	15.03.16
1.0	ISSUED FOR	



MARKHAM HIGH TECH INC  
Architects  
50 Peter Street  
Unit 204  
Markham, Ontario  
L3R 9W6  
(905) 471-1822 FAX  
(905) 471-1828 FAX

PROJECT NAME  
**PROPOSED 2ND STOREY  
ADDITION & RENO**

ADDRESS

154 RAMONA BLVD  
MARKHAM, ON

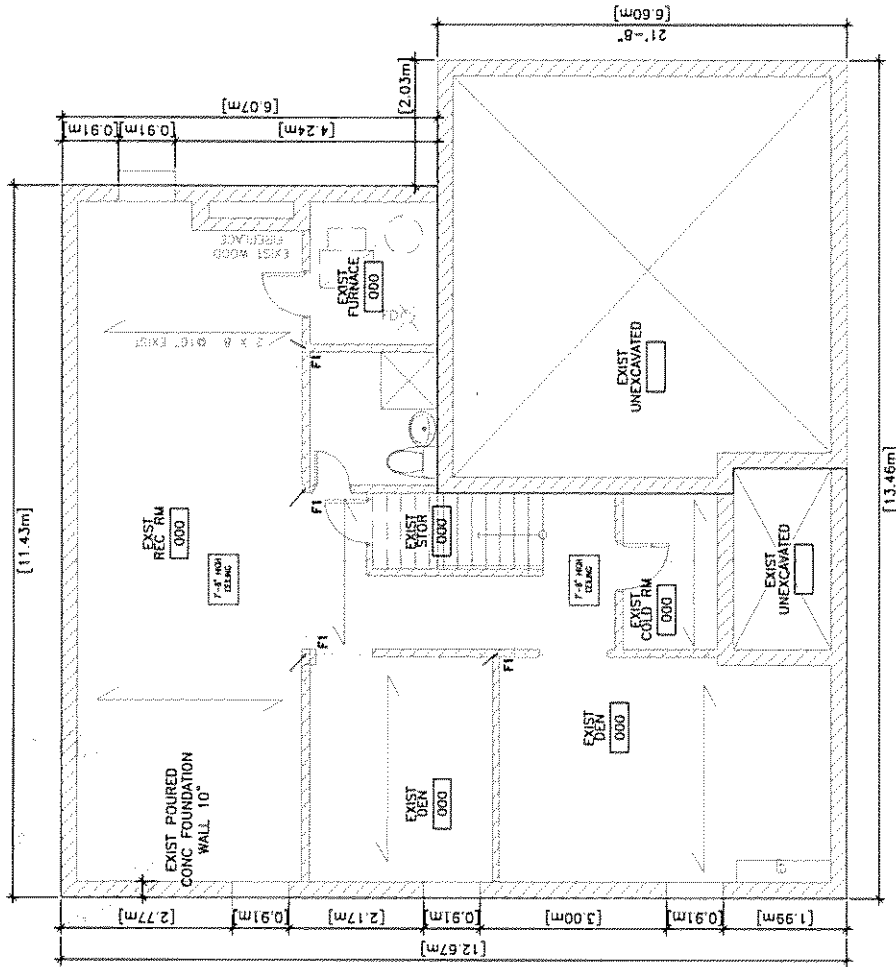
DRAWING

BASEMENT PLAN  
EXIST

SCALE	DRAWN DATE	CHECKED BY	DESIGN BY	DRAWN BY	REVISIONS BY
1:75	NOV 2018	MHT	MHT	MHT	

CAD FILE LOCATION

PROJECT NO	SHEET NO	REVISION NO
M130113	A-1	-



- DRAWING LEGEND**
- NEW BEAM
  - DENOTES EXISTING TO REMAIN (SHOWN GREY/SOLID)
  - DENOTES EXISTING TO BE DEMOLISHED (SHOWN GREY/DASHED)
  - DENOTES NEW CONSTRUCTION (SHOWN BLACK/SOLID)
- CONSTRUCTION KEY NOTE. SEE PAGE 401 FOR KEY NOTE LEGEND AND GENERAL NOTES.
- 1 ELEVATION DATUM
- 0'-0"

**GENERAL NOTES**

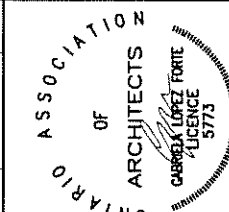
ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF MARKHAM HIGH TECH ARCHITECTS.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO MARKHAM HIGH TECH ARCHITECTS.

DO NOT SCALE DRAWINGS.

ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

TO	BLDG PERMIT	15.03.16	DATE
1.0			



MARKHAM HIGH TECH INC  
A r c h i t e c t s  
130 JAY  
Markham, Ontario  
[905] 471-5801 - PHONE  
[905] 471-1331 - FAX

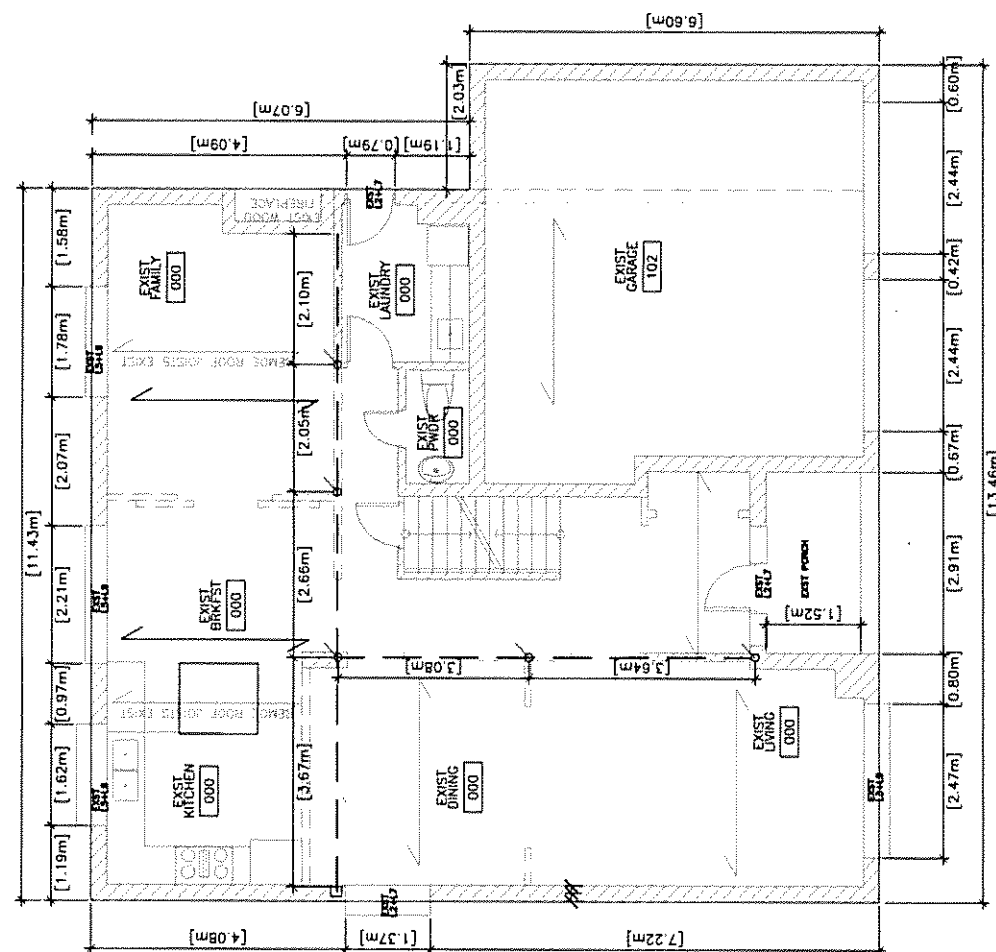
PROJECT NAME:  
**PROPOSED 2ND STOREY  
ADDITION & RENOV**

ADDRESS:  
**154 RAMONA BLVD  
MARKHAM, ON**

DRAWING:  
**GROUND FLOOR PLAN**

SCALE:	1:75	DRAWN BY:	MHT
DESIGN BY:	MHT	CHECKED BY:	MHT
DRAWN BY:	MHT	REVISIONS BY:	-
DATE FILE LOCATION:			

PROJECT NO.	SHEET NO.	REVISION NO.
M130113	A-1.1	-

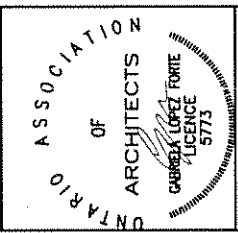


- DRAWING LEGEND**
- NEW BEAM, (SHOWN GREY/SOLID)
  - DEROTES EXISTING TO REMAIN (SHOWN GREY/DASHED)
  - DEROTES EXISTING TO BE DEMOLISHED (SHOWN GREY/DASHED)
  - DEROTES NEW CONSTRUCTION (SHOWN BLACK/SOLID)
- CONSTRUCTION KEY NOTE, SEE PAGE A0.1 FOR KEY NOTE LEGEND AND GENERAL NOTES.
- ELEVATION DATUM
- 0'-0"

GENERAL NOTES  
 ALL DRAWINGS ARE THE PROPERTY OF  
 MARKHAM HIGH TECH INC ARCHITECTS  
 AND THEY ARE NOT TO BE  
 REPRODUCED IN WHOLE OR IN PART  
 WITHOUT THE WRITTEN PERMISSION OF  
 MARKHAM HIGH TECH INC ARCHITECTS.  
 CONTRACTORS TO CHECK AND VERIFY  
 ALL DIMENSIONS BEFORE COMMENCING  
 WORK AND TO REPORT ANY  
 DISCREPANCIES TO MARKHAM HIGH  
 TECH INC ARCHITECTS.

DO NOT SCALE DRAWINGS.  
 ALL CONSTRUCTION TO BE ACCORDING  
 TO BEST COMMON PRACTICE AND  
 CONFORM TO THE ONTARIO BUILDING  
 CODE.

TO	ISSUED FOR	DATE
1.0	BIDS PERMIT	15.01.16



MARKHAM HIGH TECH INC  
 Architects  
 50 Park Street  
 Markham, Ontario  
 (905) 471-5002 - PHONE  
 (905) 471-1529 - FAX

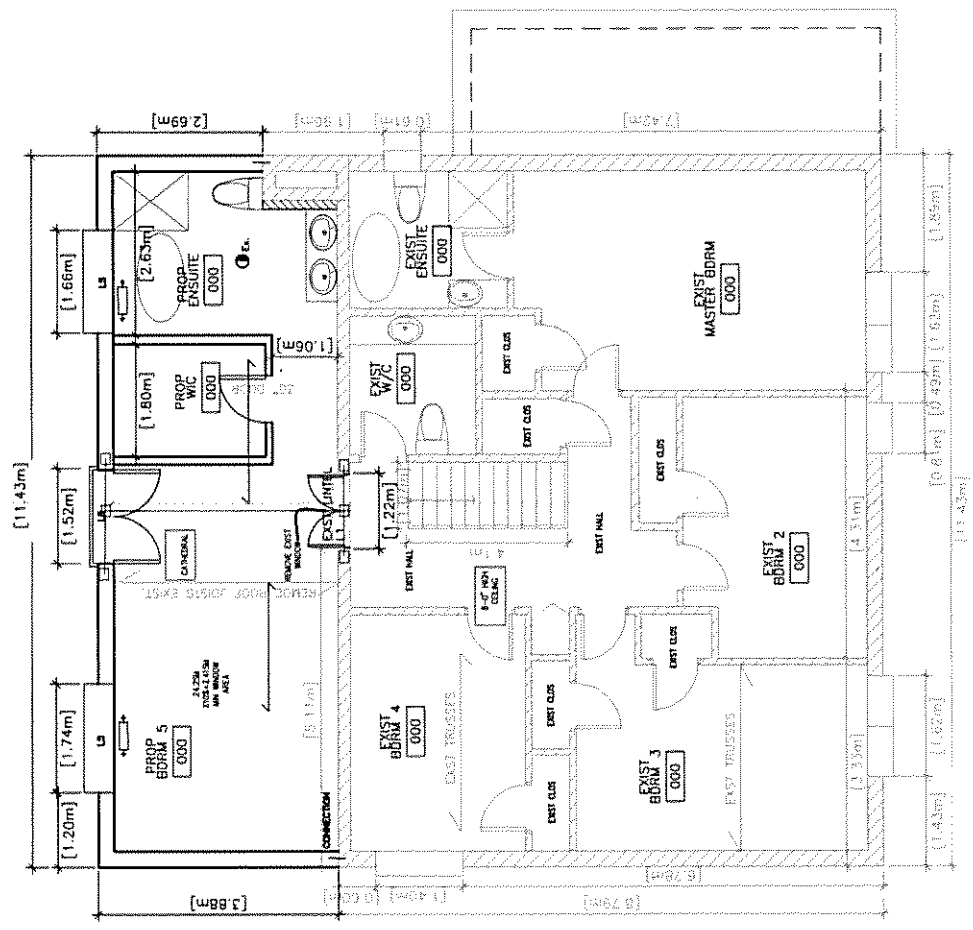
PROJECT NAME:  
**PROPOSED 2ND STOREY  
 ADDITION & RENO**

ADDRESS:  
**154 RAMONA BLVD  
 MARKHAM, ON**

DRAWING:  
**SECOND FLOOR PLAN**

SCALE:	1:75	ISSUE DATE:	NOV 2018
DESIGN BY:	MHT	ORIGINATOR:	MHT
DRAWN BY:	MHT	REVISIONS BY:	
CAD FILE LOCATION:			

PROJECT NO.	M130113	SHEET NO.	A-2	REVISION NO.	-
-------------	---------	-----------	-----	--------------	---



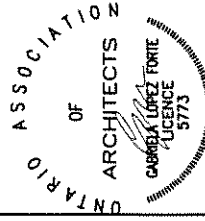
- DRAWING LEGEND**
- NEW BEAM (SHOWN GREY/SOLID)
  - EXISTING TO REMAIN (SHOWN GREY/DASHED)
  - TO BE DEMOLISHED (SHOWN GREY/DASHED)
  - NEW CONSTRUCTION (SHOWN BLACK/SOLID)
- CONSTRUCTION KEY NOTE: SEE PAGE 10 FOR CONSTRUCTION KEY NOTE LEGEND AND GENERAL NOTES.
- ELEVATION DATUM  
 0'-0"



**GENERAL NOTES**

ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH INC ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF MARKHAM HIGH TECH INC ARCHITECTS. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO MARKHAM HIGH TECH INC ARCHITECTS. DO NOT SCALE DRAWINGS. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

DATE	19/03/18
ISSUED FOR	BLDG PERMIT
TO	L.O.



MARKHAM HIGH TECH INC  
Architects  
154 RAMONA BLVD  
MARKHAM, ON  
L3P 2J6  
(905) 471-1525 - PHONE  
(905) 471-1529 - FAX

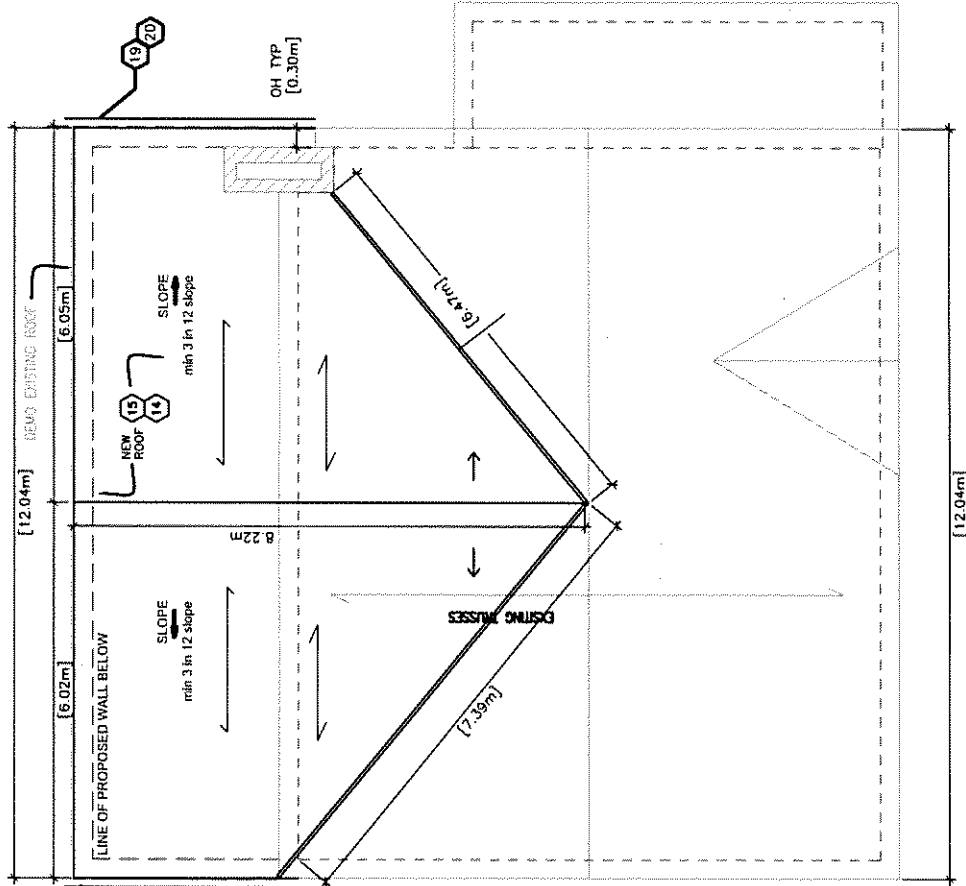
PROJECT NAME:  
**PROPOSED 2ND STOREY  
ADDITION & RENO**

ADDRESS:  
**154 RAMONA BLVD  
MARKHAM, ON**

DRAWING:  
**ROOF PLAN**

SCALE:	1:75	DRAWN DATE:	NOV 2018
DESIGN BY:	MHT	CHECKED BY:	MHT
DRAWN BY:	MHT	REVISIONS BY:	-
CAD FILE LOCATION:			

PROJECT NO.	M130113	SHEET NO.	A-2.1	REVISION NO.	-
-------------	---------	-----------	-------	--------------	---



**DRAWING LEGEND**

- NEW BEAM, DENOTES EXISTING TO REMAIN (SHOWN GREY/SOLID)
- DENOTES EXISTING TO BE DEMOLISHED (SHOWN GREY/DASHED)
- == DENOTES NEW CONSTRUCTION (SHOWN BLACK/SOLID)
- ① CONSTRUCTION KEY NOTE. SEE PAGE A0.1 FOR KEY NOTE LEGEND AND GENERAL NOTES.
- ⊕ ELEVATION DATUM

**GENERAL NOTES**

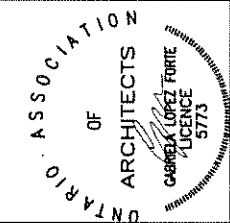
ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH INC ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM MARKHAM HIGH TECH INC ARCHITECTS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS OF WORK AND TO REPORT ANY DISCREPANCIES TO MARKHAM HIGH TECH INC ARCHITECTS

DO NOT SCALE DRAWINGS.

ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE OHIAFO BUILDING CODE.

NO.	DESCRIPTION	DATE
1.0	BLDG PERMIT	02.16.16
	ISSUED FOR	



**MARKHAM HIGH TECH INC Architects**  
 154 RAKONIA BLVD  
 MARKHAM, OH 44130  
 (216) 471-8800 - PHONE  
 (216) 471-1828 - FAX

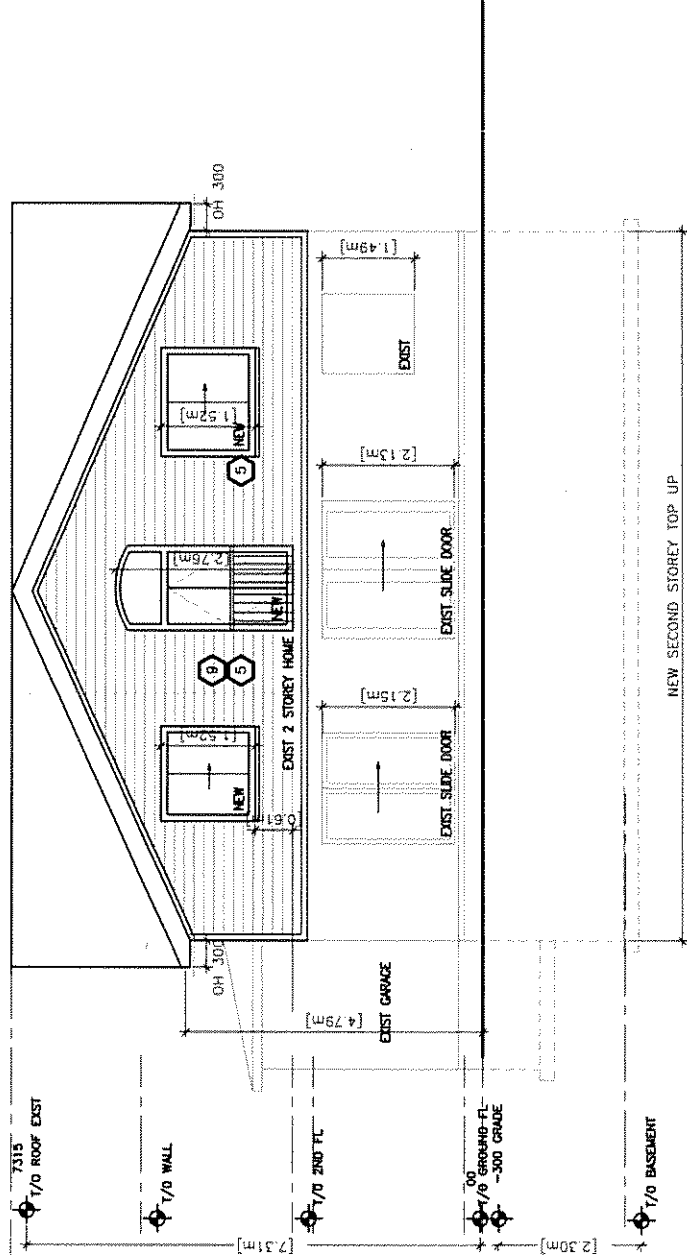
**PROJECT NAME:**  
 PROPOSED 2ND STOREY  
 ADDITION & RENO

**ADDRESS:**  
 154 RAKONIA BLVD  
 MARKHAM, OH

**DRAWING:**  
 WEST ELEVATION

SCALE:	1:75	DRAWN DATE:	NOV 2018
DESIGN BY:	MHT	CHECKED BY:	MHT
DRAWN BY:	MHT	REVISIONS BY:	-
CAD FILE LOCATION:			

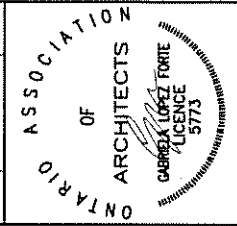
PROJECT NO:	M130113	SHEET NO:	A-5	REVISION NO:	-
-------------	---------	-----------	-----	--------------	---



**GENERAL NOTES**

ALL DRAWINGS ARE THE PROPERTY OF ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF MARKHAM HIGH TECH INC ARCHITECTS. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO MARKHAM HIGH TECH INC ARCHITECTS. DO NOT SCALE DRAWINGS. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

1.0	BLDG PERMIT	09.19.15
TO	ISSUED FOR	DATE



MARKHAM HIGH TECH INC  
Architects  
Markham Office  
130 2nd St  
Markham, ON L3R 9V5  
(905) 477-1888 - PHONE  
(905) 477-1839 - FAX

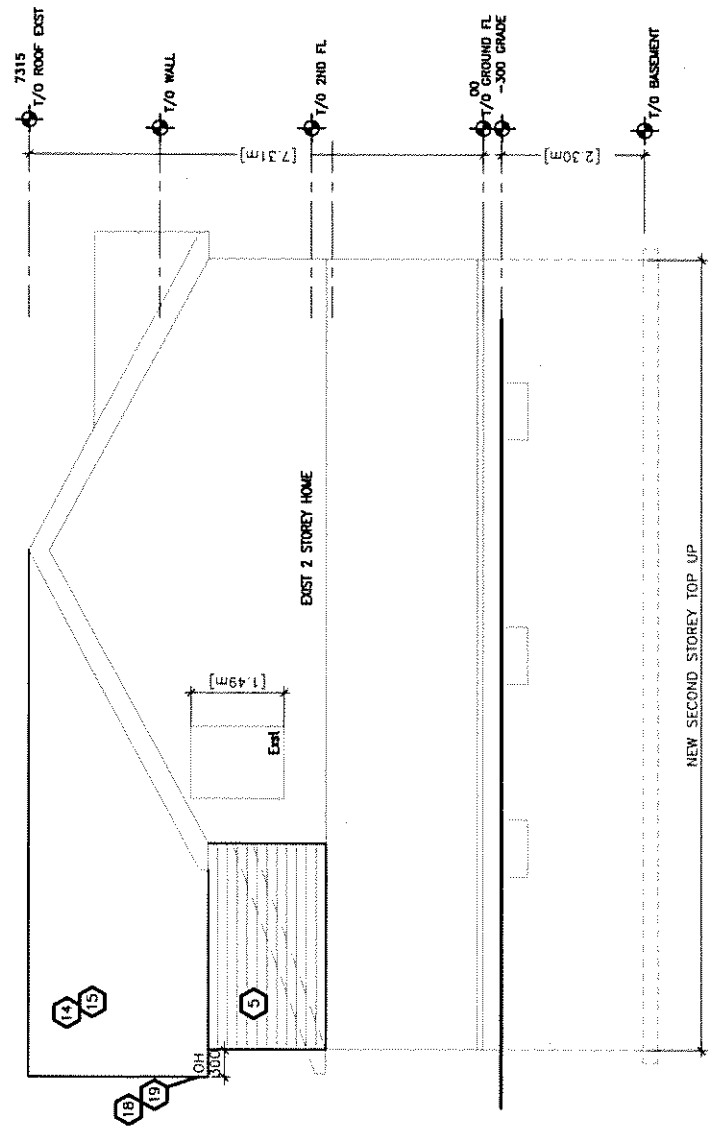
PROJECT NAME  
**PROPOSED 2ND STOREY  
ADDITION & RENO**

ADDRESS:  
**154 RAMONA BLVD  
MARKHAM, ON**

DRAWING:  
**SOUTH ELEVATION**

SCALE:	1:75	DRAWN DATE:	NOV 2018
DESIGN BY:	MHT	CHECKED BY:	MHT
DRAWN BY:	MHT	REVISIONS BY:	-
CAD FILE LOCATION:			

PROJECT NO.	SHEET NO.	REVISION NO.
MT30113	A-6	-

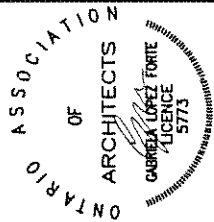


**GENERAL NOTES**

ALL DRAWINGS ARE THE PROPERTY OF MARKHAM HIGH TECH INC ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF MARKHAM HIGH TECH INC ARCHITECTS. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO MARKHAM HIGH TECH INC ARCHITECTS.

DO NOT SCALE DRAWINGS. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

T.O.	BUDG PERMIT ISSUED FOR	DATE
1.0		17.11.18



**MARKHAM HIGH TECH INC**  
Architects  
50 Bloor Street  
Markham, Ontario  
L3R 9V7  
(905) 477-8822 - PHONE  
(905) 471-1529 - FAX

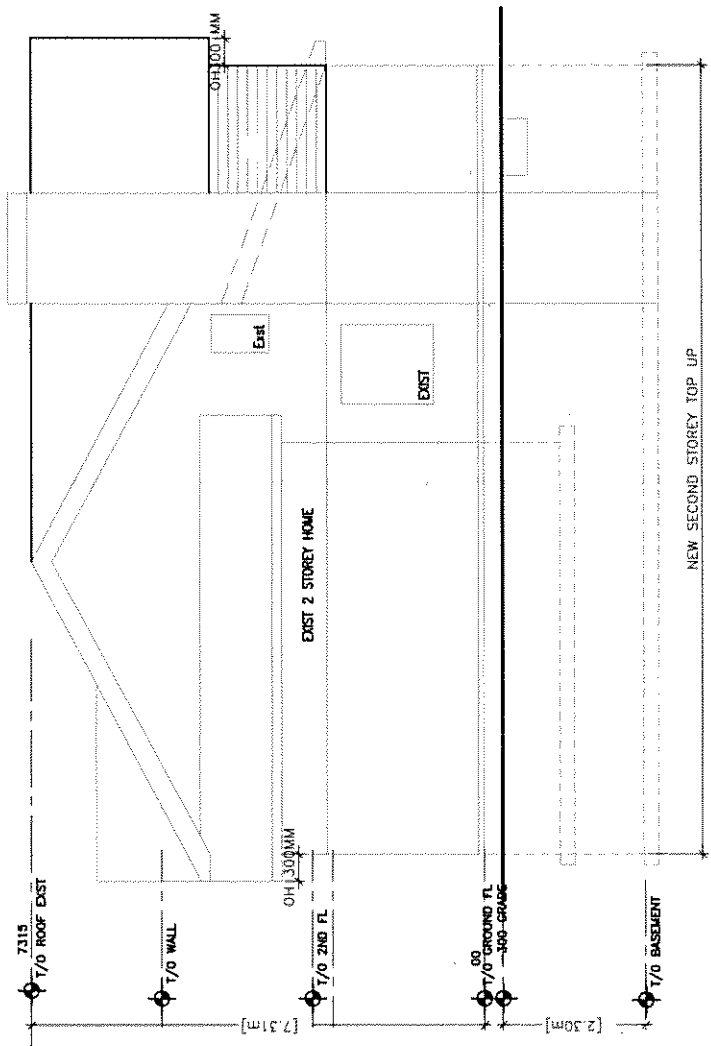
PROJECT NAME:  
**PROPOSED 2ND STOREY & RENOVATIONS**

ADDRESS:  
**154 RAMONA BLVD  
MARKHAM, ON**

DRAWING:  
**NORTH ELEVATION**

SCALE:	1:75	DATE:	NOV 2018
DESIGN BY:	MHT	CHECKED BY:	MHT
DRAWN BY:	MHT	REVISION BY:	-
CAD FILE LOCATION:			

PROJECT NO.:	M130113	SHEET NO.:	A-6.1	REVISION NO.:	-
--------------	---------	------------	-------	---------------	---



NEW SECOND STOREY TOP UP