

Memorandum to the City of Markham Committee of Adjustment

May 27, 2021

File: A/062/21
Address: 23 White Ash Drive – Markham, ON
Applicant: Leonardo Pagliocca
Agent: Gregory Design Group
Hearing Date: June 9, 2021

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

The applicant is requesting relief from the following “Eight Density – Single Family Residential (R8)” zone requirements under By-law 153-80, as amended, as they relate to a proposed one-storey addition to the existing detached dwelling. The variances requested are to permit:

a) By-law 153-80, Section 7.2 (c):

a maximum lot coverage of 38.20%, whereas the By-law permits a maximum lot coverage of 33.33%; and

b) By-law 153-80, Section 7.2 (b):

a minimum rear yard setback of 5.76 m (18.90 ft), whereas the By-law requires a minimum rear yard setback of 7.50 m (24.61 ft).

BACKGROUND

Property Description

The 465.58 m² (5,011.46 ft²) subject property is located on the south side of White Ash Drive, north of Raymerville Drive, and east of Raybeck Park. The property is irregularly shaped due to its angled side and rear lot lines. The property is developed with a two-storey single detached dwelling, and is located within a residential neighbourhood comprised of a mix of one and two-storey detached and semi-detached dwellings.

Proposal

The applicant is proposing to construct a one-storey 21.12 m² (227.33 ft²) addition to the existing detached dwelling, and is requesting the variances noted above.

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.

Zoning By-Law 153-80

The subject property is zoned “Eight Density – Single Family Residential (R8)” under By-law 153-80, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the maximum lot coverage, and minimum rear yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The applicant submitted an incomplete ZPR which confirms one of the variances required for the proposed development. Zoning staff requested that the applicant verify any existing

accessory building which would be included in the lot coverage calculation. It is the applicant'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, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment ("the Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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, and Reduction in Minimum Rear Yard Setback

The requested variances would facilitate the construction of a one-storey addition to the existing detached dwelling which would have a gross floor area of approximately 21.12 m² (227.33 ft²). The proposed addition does not span the entire width of the dwelling, and the requested rear yard setback applies only to a portion of the poolroom. A rear yard amenity space with a depth of at least 5.76 m (18.90 ft) would be maintained. The proposed structure is one-storey in height and staff do not anticipate any significant impacts to neighbouring properties. Should the application be approved, the applicant has confirmed that the existing accessory building would be removed prior to construction. Staff recommend that the conditions in Appendix "A" are adopted.

Metrolinx Requirements

Metrolinx provided comments on this application on May 21, 2021 (Appendix "C"), requesting that the applicant enter into an agreement to grant Metrolinx an environmental easement for "Operational Emissions", registered on title against the subject residential dwelling in favour of Metrolinx. As the property is located within 300.0 m (984.25 ft) of the rail corridor right of way, Metrolinx also requests that a warning clause be inserted in all development agreements, offers of purchase and sale or lease relating to the dwelling located on the subject property.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 27, 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*, 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.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Metrolinx Comments: May 21, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/062/21**

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed 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.
3. That the applicant satisfies the requirements of Metrolinx, as indicated in their letter to the Secretary-Treasurer attached as Appendix "C" to this Staff Report, and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

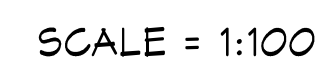
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

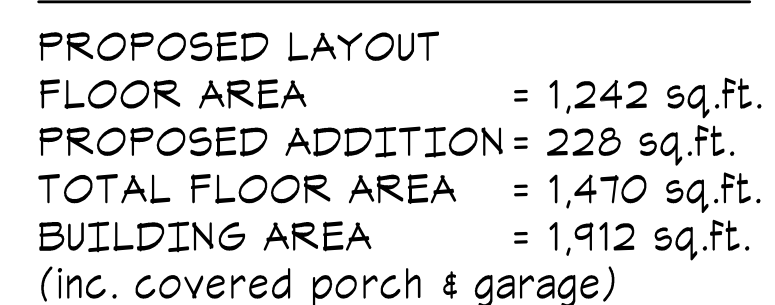
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/062/21

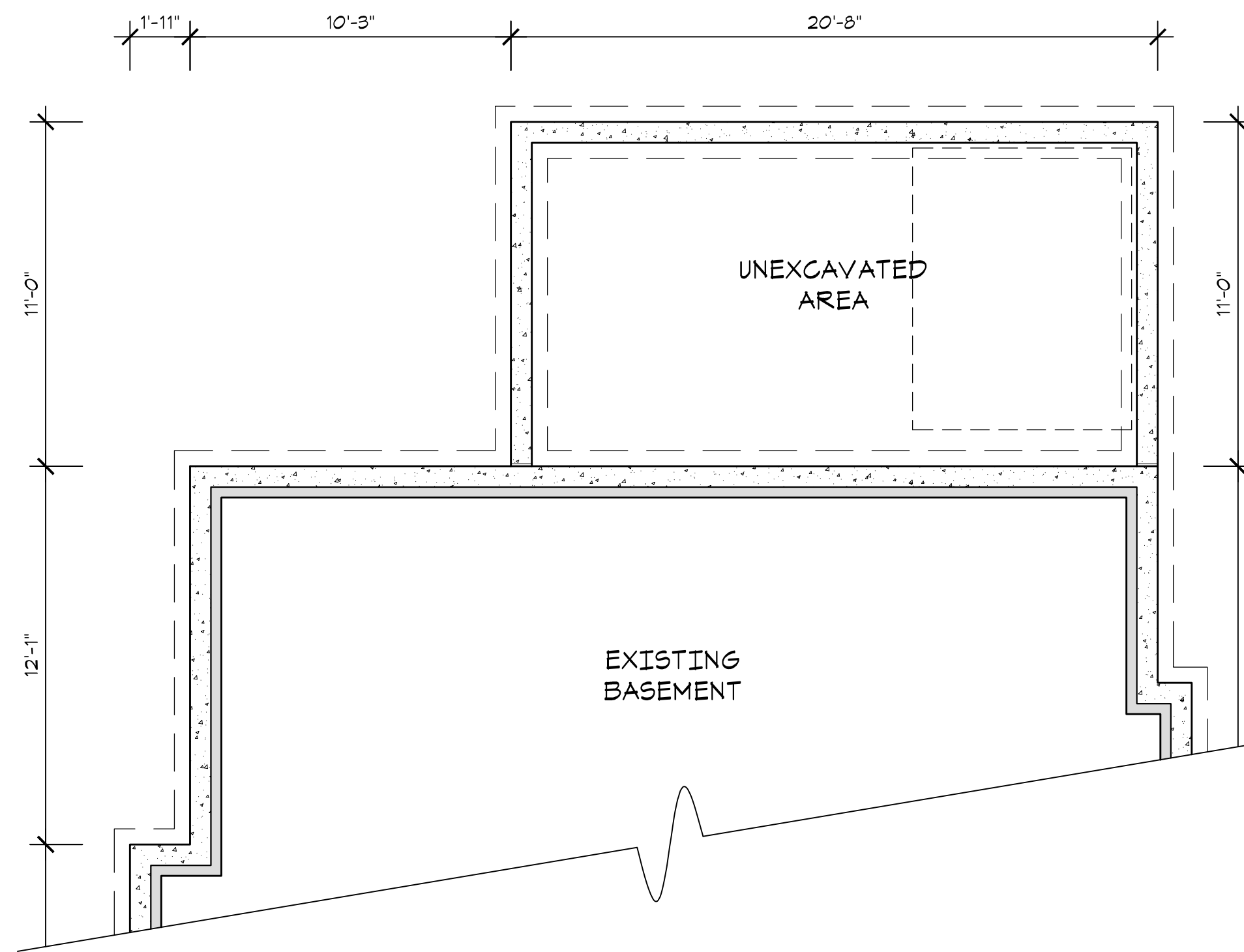


LOT COVERAGE = 37.88 %

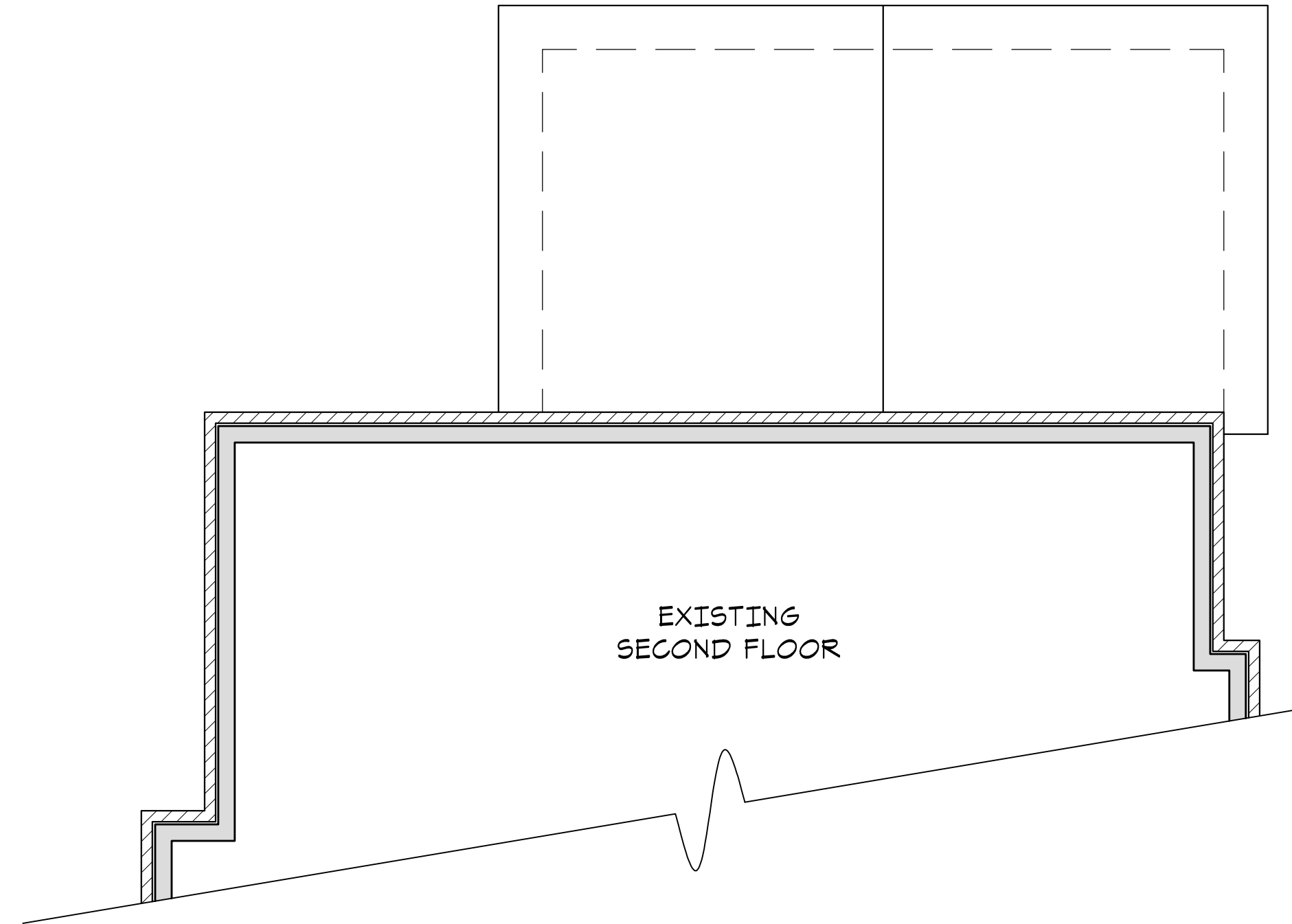


BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

A-1



BASEMENT & FOUNDATION PLAN
PROPOSED LAYOUT



ROOF PLAN
PROPOSED LAYOUT



GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

PROPOSED ADDITION
23 WHITE ASH DRIVE
CITY OF MARKHAM

THE GREGORY
DESIGN GROUP

16 CHURCH STREET
MARKHAM, ONTARIO L3P 2L6
416-520-0978
shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 04/20/21
PROJECT NUMBER 2280-21	SHEET NUMBER A-2
DRAWN BY S.Gregory	
CHECKED BY R.G.	

APPENDIX “C”

METROLINX COMMENTS: MAY 21, 2021

Hi Justin – further to the Minor Variance Application for 23 White Ash Drive dated May 5th, 2021, I note the subject lands are located within 300 metres of the Metrolinx Uxbridge Subdivision which carries Stouffville GO rail service. I further note the Application is to facilitate a residential extension and as such kindly include the following Metrolinx conditions as part of the approval conditions for the Application;

1. The Owner shall provide written confirmation to Metrolinx that the following warning clause is inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion 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). 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.

2. The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential building in favour of Metrolinx.

*I note that the Easement registration process may take up to 8 weeks upon Metrolinx receipt of the required information.

Should you have any questions or concerns, please feel free to contact myself.

BRANDON GAFFOOR

Project Manager

Third Party Projects Review, Capital Projects Group

Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3

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