

Memorandum to the City of Markham Committee of Adjustment

February 27, 2019

File: A/02/19
Address: 38 Galsworthy Dr, Markham
Applicant: Leora Blum & Bill Kokotsis
Agent: Gregory Forfar
Hearing Date: Wednesday, March 13, 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) By-law 1229; Table 11.1:

a minimum front yard setback of 23.45 feet (7.15m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

a) Amending By-law 99-90, Section 1.2 (i):

a maximum building height of 10.57 m (34.68 ft), whereas the By-law permits a maximum building height 9.8 m;

as they relate to a proposed residential dwelling that is under construction.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, *"house has been, incorrectly and regretfully, erected with the conditions described above. Conditions were not realized until the SRPR was conducted and issued in Dec. 2018 after the pre-backfill inspection and prior to framing HVAC inspection. To comply the entire house at it's current stage (roofed and closed-in) would have to be demolished to the footings"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.57 m (34.68 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.77 m (2.53 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.77 m (2.53 ft) above the crown of road. Adjacent homes on the street generally follow this pattern where they are typically above the crown of road. Staff are of the opinion that the requested variance is appropriate for the development.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 23.45 ft (7.15 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a

reduction of approximately 1.55 ft (0.47 m). The variance is entirely attributable to the front covered porch (and cold cellar in the basement). Excluding the front covered porch, a front yard setback of approximately 28.61 ft (8.72 m) which is more than what the by-law requires is provided to the main dwelling.

The applicant is applying for variances for maximum building height and minimum front yard setback due to the construction of a dwelling not in compliance with the applicable by-law or, in compliance with the approved building permit plans. Notwithstanding, Staff are of the opinion that the variance request for a reduction in front yard setback and maximum building height is appropriate for the development.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 19, 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 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



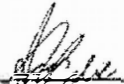
Stacia Muradali, Senior Planner, East District
File Path: Amanda\Files\19 109746 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/02/19

1. That the front covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on *January 09, 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.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

[illegible]

CITY OF MARKHAM
RECEIVED
JAN 09 2019
COMMITTEE OF ADJUSTMENT

GALSWORTHY DRIVE
(BY REGISTERED PLAN 4040)
PW 02812-0120

GRENFELL CRESCENT

REGISTERED

PLAN

4949

LOT 66
P/N 02912--0031

LOT 65
PWA 02812-025

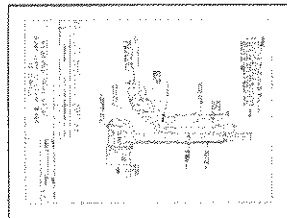
LOT 64
PM 02012-0133

2 STOREY
DWELLING
UNDER CONSTRUCTION
(CONCRETE FOUNDATION NOTED)

UNDER CONSTRUCTION
(CONCRETE FOUNDATION NOTED)
N° 38

1 STOREY
FRAME
DWELLING
(STONE FRONT)
N' 40

[illegible][illegible]



1. What is the purpose of the study?
The purpose of the study is to determine the effect of the use of a computer program on the learning of the English language.

2. What is the research question?
The research question is: "What is the effect of the use of a computer program on the learning of the English language?"

3. What is the hypothesis?
The hypothesis is: "The use of a computer program will have a positive effect on the learning of the English language."

4. What is the independent variable?
The independent variable is the use of a computer program.

5. What is the dependent variable?
The dependent variable is the learning of the English language.

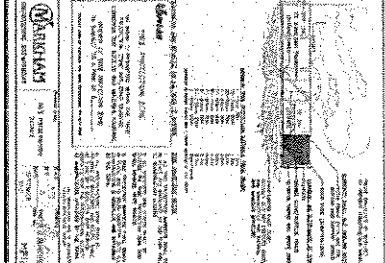
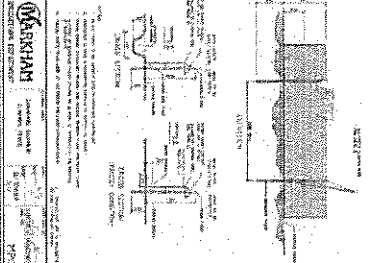
6. What is the sample size?
The sample size is 30 students.

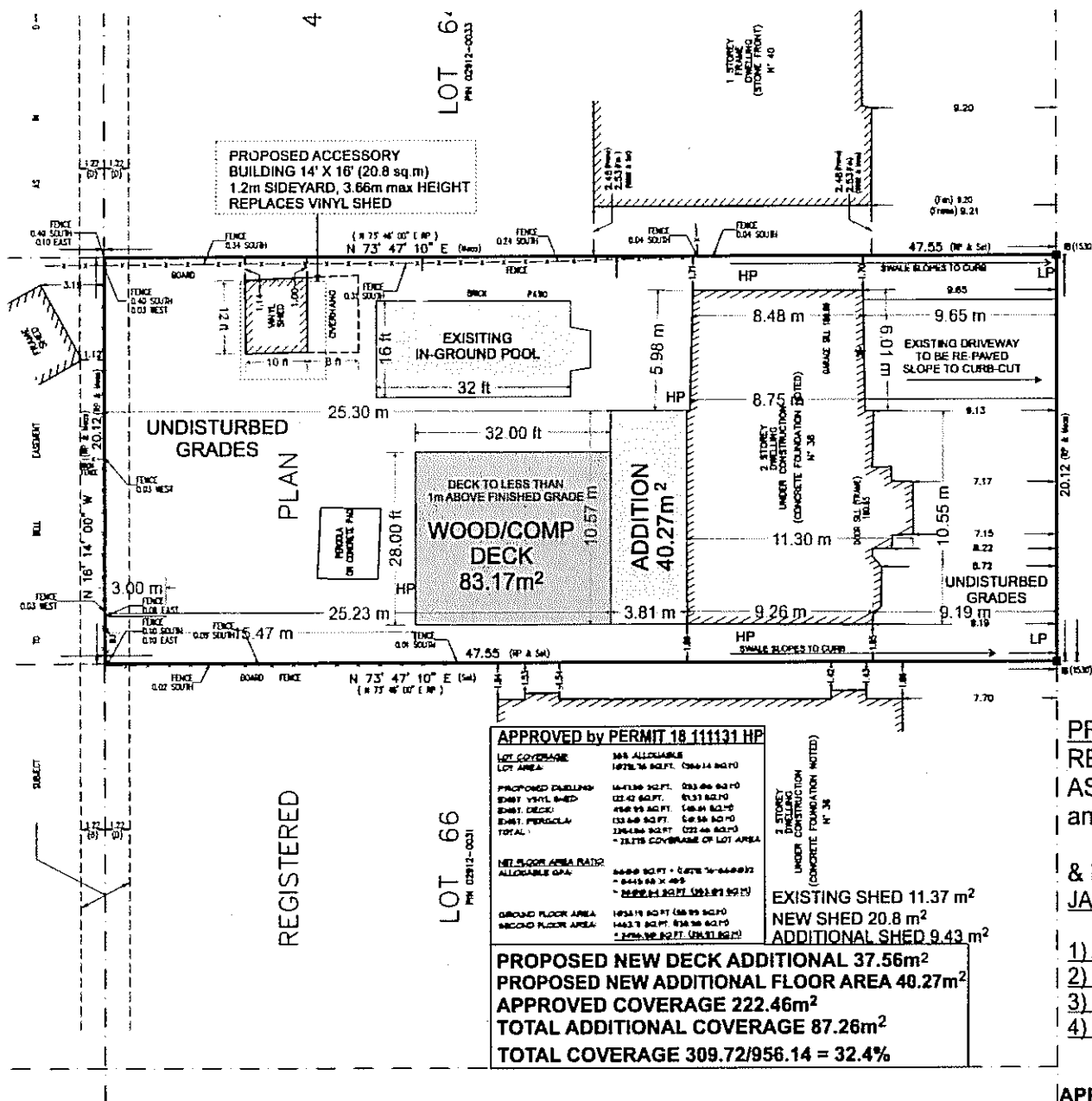
7. What is the data collection method?
The data collection method is a pre-test and post-test design.

8. What is the data analysis method?
The data analysis method is a t-test.

9. What is the conclusion?
The conclusion is that the use of a computer program has a positive effect on the learning of the English language.

10. What are the limitations of the study?
The limitations of the study are that the sample size is small and the study is only a pre-test and post-test design.

[illegible]



GALSWORTHY DRIVE
(BY REGISTERED PLAN 4949)
PM 02912-0070



SURVEYOR'S REAL PROPERTY REPORT

LOT 65
REGISTERED PLAN 4949
CITY OF MARKHAM
(FORMERLY TOWNSHIP OF MARKHAM)
REGION OF YORK
SCALE 1:200
GENESIS LAND SURVEYING INC.

PART 2: REPORT

- 1 - THIS REPORT WAS PREPARED FOR LEORA BLUAL
- 2 - BOUNDARIES CONFORM TO REGISTERED PLAN 4949.
- 3 - SUBJECT TO AN EASEMENT AS IN INST. NO. V466699.
- 4 - FENCES VARY FROM PROPERTY LINES AS SHOWN.
- 5 - NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

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THE REPRODUCTION, ALTERATION, OR USE OF THIS REPORT
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OF GENESIS LAND SURVEYING INC., IS STRICTLY PROHIBITED.

NOTE: THIS REPORT CAN BE UPDATED BY THIS OFFICE.
NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL
BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION.

METRIC / IMPERIAL DISTANCES SHOWN ON THIS
PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048.

BENCHMARK

ELEVATIONS ARE REFERRED TO CITY OF MARKHAM
BENCH MARK N° M-33-023 WITH A PUBLISHED
ELEVATION = 188.836 (1978 G.S.C.)

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
○	DENOTES	IRON BAR
○	DENOTES	IRON PIPE
○	DENOTES	STANDARD IRON BAR
○	DENOTES	ORIGIN UNKNOWN
○	DENOTES	REGISTERED PLAN 4949
(1)	DENOTES	INSTRUMENT NO. V466699
(V501)	DENOTES	PLAN OF SURVEY BY W. S. GIBSON O.L.S., (DATED 10/18/1954)
(V502)	DENOTES	PLAN OF SURVEY BY W. S. GIBSON O.L.S., (DATED 09/21/1957)
PM	DENOTES	PROPERTY IDENTIFIER NUMBER
INV.	DENOTES	INVERT
Ø	DENOTES	DIAMETER
(MEAS)	DENOTES	MEASURED
(FTH)	DENOTES	FOUNDATION WALL
1530	DENOTES	E.W. BOWYER, O.L.S.

BEARING NOTE: BEARINGS ARE ASTRONOMICAL AND
ARE REFERRED TO THE WEST LIMIT OF GALSWORTHY
DRIVE AS SHOWN ON REGISTERED PLAN 4949
HAVING A BEARING OF N 16° 14' 00" W.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2075888



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR

As per the Act of the 1990, Sec. 7(1)

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT
AND IN ACCORDANCE WITH THE SURVEY
ACT, THE SURVEYOR'S ACT AND THE
REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON
DECEMBER 7TH 2018.

DATE: DECEMBER 12TH 2018.

AMAR LOAI
ONTARIO LAND SURVEYOR

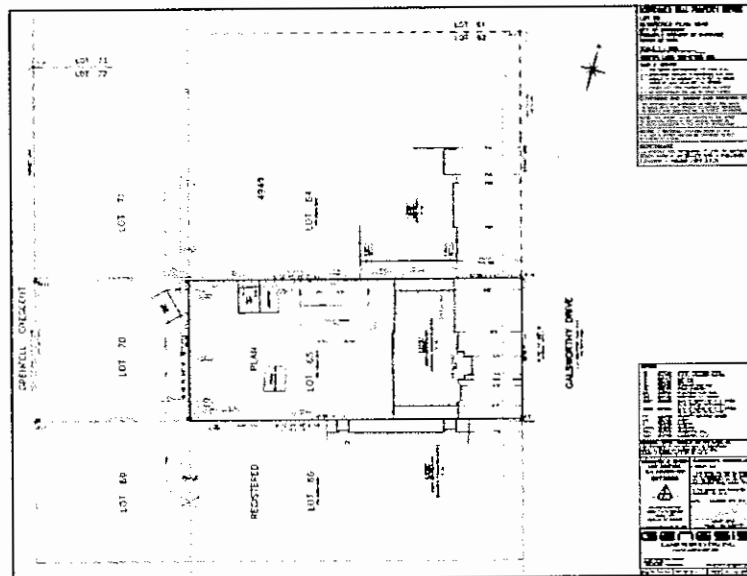
Genesis
LAND SURVEYING INC.
ONTARIO LAND SURVEYORS

10 MILL SEASIDE PLACE, 10TH FLOOR
TORONTO, ONT. M5E 1B7
1-800-461-2020 1-905-363-6704

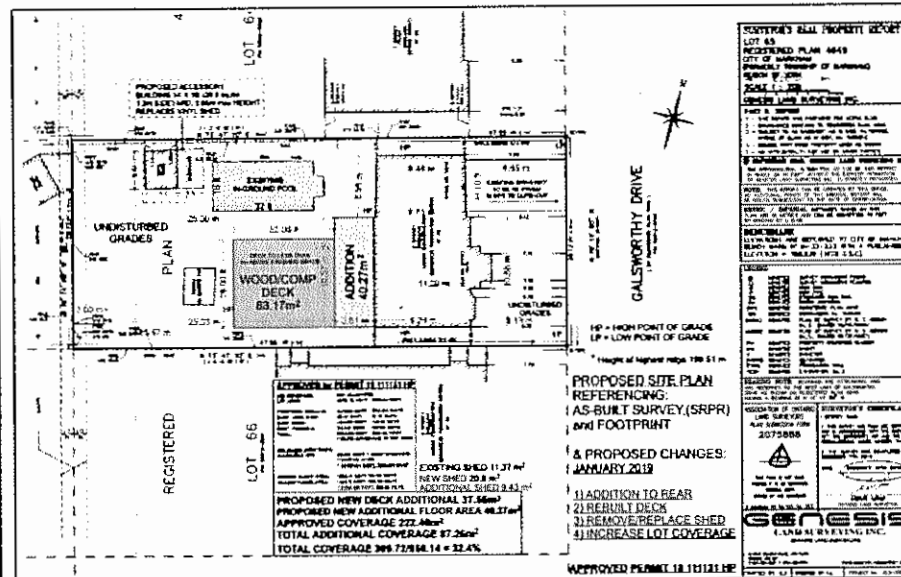
WWW.GENESISLANDSURVEY.COM

DRAFTED BY: G.S. CHECKED BY: A.L. PROJECT NO: GLS-0022-1

SURVEYOR'S REAL PROPERTY REPORT



PROPOSED ADDITION TO PERMITTED SINGLE FAMILY DWELLING



NOTE PREVIOUSLY DRAWINGS ISSUED FOR PERMIT:

TOPOGRAPHICAL SURVEY BY: E. W. BOWYER, 1, FEB. 2018
 SHEET A1 APPROVED SITE PLAN BY: CZ DESIGNS, 11, FEB. 2018
 SHEET A2-A13 APPROVED ARCHITECTURAL DRAWINGS BY: CZ DESIGNS AND Y. C. LAI (P. ENG)

ATTACHED HERETO:
 SHEET P1: PROPOSED SITE PLAN FOR ADDITION AND AS-BUILT FOOTPRINT BASED ON SRPR
 SHEETS A1-A7 AS-BUILT ARCHITECTURAL DRAWINGS: BY L. BLUM AND E. E. H. GIRGIS (P. ENG)

APPENDED: TIMBERFIELD ROOF TRUSS STRUCTURAL DOCUMENTS AND LAYOUT
 PRE-ENG FLOOR STRUCTURE DOCUMENTS BY: DZIGN PLUS, 21 JUNE 2018

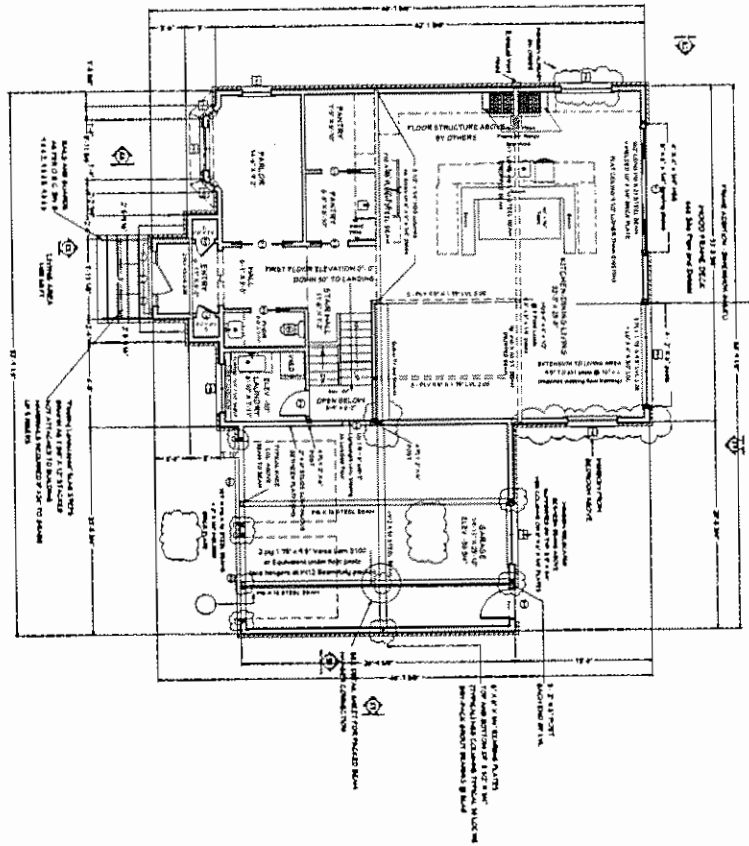
NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GAITHERSBURG, MARYLAND, ORDINANCE 11-10, AS AMENDED.
2. THE PROPOSED ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF GAITHERSBURG, MARYLAND, ORDINANCE 11-10, AS AMENDED.
3. THE PROPOSED DECK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF GAITHERSBURG, MARYLAND, ORDINANCE 11-10, AS AMENDED.
4. THE PROPOSED SHED SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF GAITHERSBURG, MARYLAND, ORDINANCE 11-10, AS AMENDED.
5. THE PROPOSED LOT COVERAGE SHALL BE IN ACCORDANCE WITH THE CITY OF GAITHERSBURG, MARYLAND, ORDINANCE 11-10, AS AMENDED.

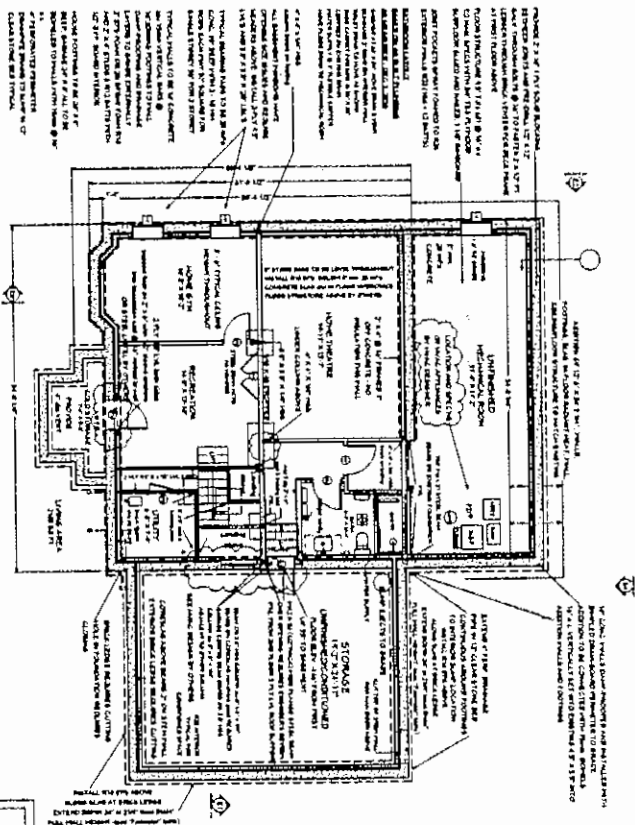
APPROVED PERMIT 1811131 HP

38 GALS WORTHY DR.
 ROLL #04028035600
 PLAN 4949 LOT 65 MARKHAM

L. BLUM HOWE/PE BAYVIEW REALTY	
APPLICANT	OWNER
DATE	09/01/2019
SCALE	AS NOTED
SHEET	P-1



GROUND FLOOR SCALE 3/16" = 1'-0"



BASEMENT SCALE 3/16" = 1'-0"

38 GALSWORTHY DR.
ROLL #04028035600
PLAN 4949 LOT 65 MARKHAM

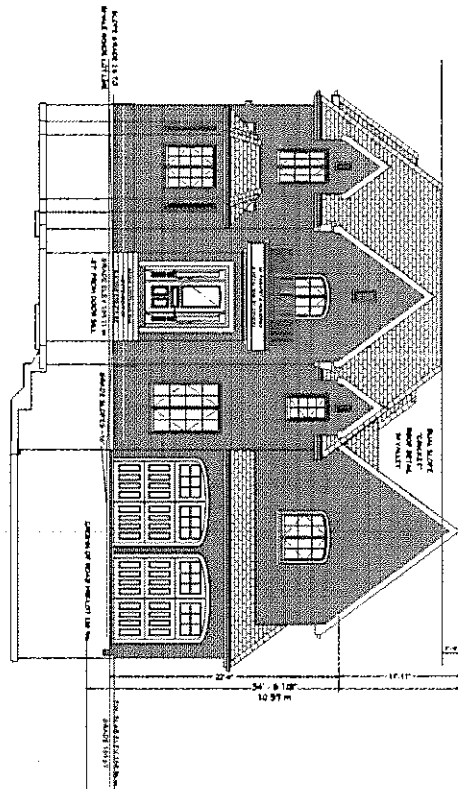
A-1	DATE:	09/01/2019
	SCALE:	AS NOTED
	SHEET:	
	BLUM RESIDENCE ADDITION & AS-BUILT PERMIT: 18111131 HP REVISIONS BY OWNER(S)	

GROUND FLOOR &
BASEMENT PLAN

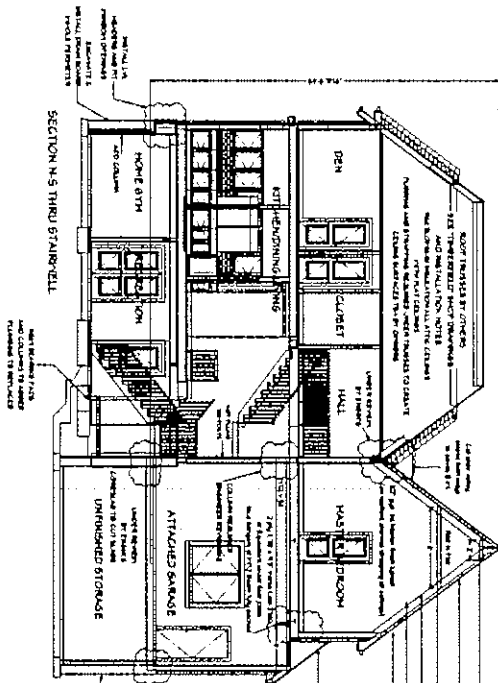
APPLICATION UNDER EXISTING
PERMIT FOR PROPOSED
ADDITION
DOCUMENT AS-BUILT
CONDITIONS

REVISION	DATE	DESCRIPTION
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2	09/01/19	AS NOTED

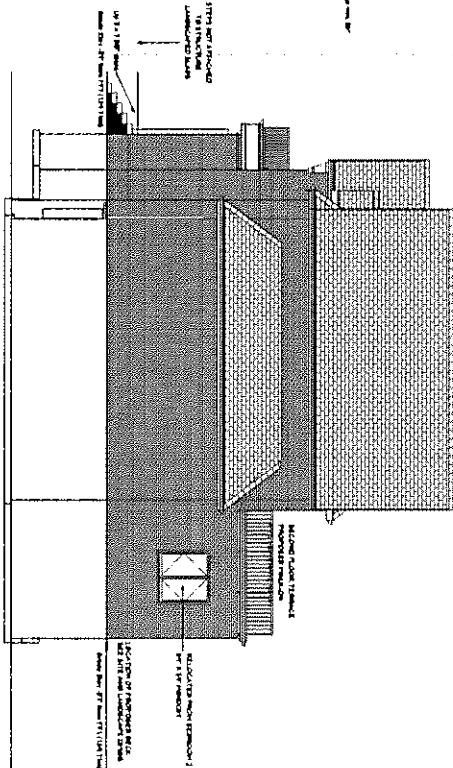
L. BLUM
HOMELIFE
BAYVIEW
REALTY



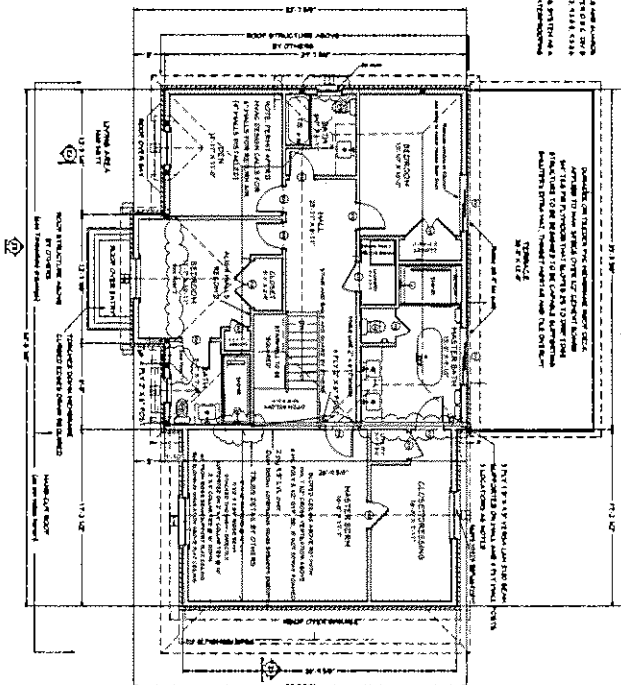
STREET EAST ELEVATION SCALE 3/16" = 1'-0"



SECTION N-S LOOKING WEST
SCALE 3/16" = 1'-0"



NORTH ELEV SCALE 3/16" = 1'-0"



SECOND FLOOR PLAN
EAST NORTH ELEV
SECTION N-S

38 GALSWORTHY DR.
ROLL #04028035600
PLAN 4949 LOT 65 MARKHAM

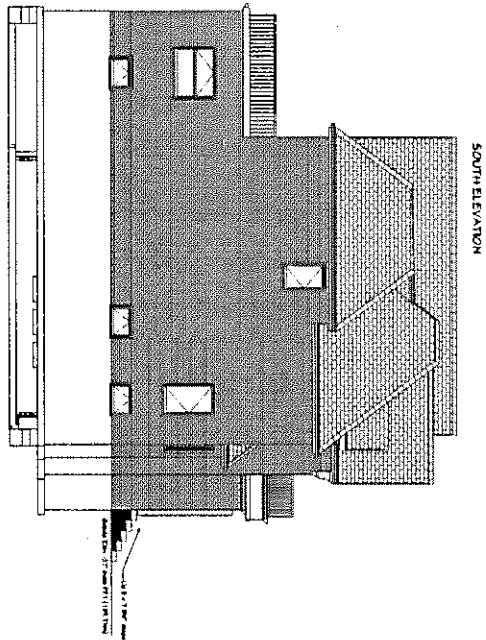
DATE: 09/01/2019
SCALE: 1/8" = 1'-0"
SHEET: 1

BLUM RESIDENCE
ADDITION & AS-BUILT
PERMIT: 18111131 HP
REVISONS BY OWNER(S)

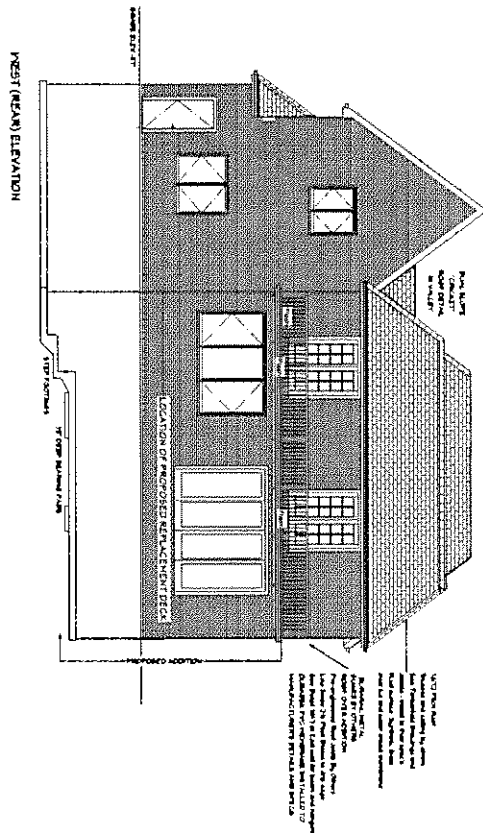
APPLICATION UNDER EXISTING
PERMIT FOR PROPOSED
ADDITION
DOCUMENT AS-BUILT
CONDITIONS

REVISION	DATE	DESCRIPTION
1	07/26/18	ISSUED FOR PERMIT
2	07/26/18	REVISED AS-BUILT

L. BLUM
HOMELIFE
BAYVIEW
REALTY



SOUTH ELEV SCALE 3/16" = 1'-0"



WEST ELEV SCALE 3/16" = 1'-0"

38 GALSWORTHY DR.
ROLL #04028035600
PLAN 4949 LOT 65 MARKHAM

DATE:	09/01/2019
SCALE:	AS NOTED
SHEET:	

BLUM RESIDENCE
ADDITION & AS-BUILT
PERMIT: 18111131 HP
REVISIONS BY OWNER(S)

WEST ELEVATION
SOUTH ELEVATION

APPLICATION UNDER EXISTING
PERMIT FOR PROPOSED
ADDITION
DOCUMENT AS-BUILT
CONDITIONS

REVISION	DATE	BY	REVISION
1	08/28/18	CF	ISSUED FOR PERMIT
2	01/10/19	LB	REVISED AS-BUILT

L. BLUM
HOMELIFE
BATVIEW
REALTY

