

Memorandum to the City of Markham Committee of Adjustment

October 19, 2018

File: A/06/18
Address: 15 Wales Ave, Markham
Applicant: Trina & Dimitrios Kollis
Agent: ST Engineering (Stavros Theodorakopoulos)
Hearing Date: Wednesday October 24, 2018

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 (iii):**
a maximum building depth of 18.59 m (61 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) **Table 11.1:**
a minimum two-storey side yard setback (south) of 1.22 m (4 ft), whereas the By-law requires a minimum two-storey side yard setback of 1.83 m (6 ft);
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 55.4 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling.

At the previous Committee of Adjustment meeting on March 14, 2018, the applicant requested a deferral in order to address the concerns identified in the staff report dated February 27, 2018 (See Appendix C). Staff were concerned that the proposed floor area ratio variance would result in a dwelling that will be out of scale with surrounding homes in the neighbourhood. In response, the applicant submitted revised drawings on September 14, 2018 (See Appendix B) showing the following changes:

- Reduction in gross floor area from 404.6 m² (4,355 ft²) to 392 m² (4,220 ft²) and the floor area ratio has been consequently reduced from 57.2 percent to 55.4 percent;
- Elimination of the variances related to front yard setback and eave projection; and
- Reduction in building depth from 19.05 m (62.5 ft) to 18.59 m (61 ft).

No changes were made to the proposed side yard setback. Staff's previous comments (See Appendix C) on the building depth and side yard setback variances remain applicable. With respect to the floor area ratio variance, staff are of the opinion that whilst efforts have been made to reduce the gross floor area, the proposed dwelling will have a scale and massing that is inconsistent with properties on the same street and does not reflect the neighbourhood character. The Committee should consider public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

Heritage Comments

On June 12, 2018, Council approved the inclusion of eight properties, including 15 Wales Avenue, on the Register of Property of Cultural Heritage value or Interest. Heritage Markham is currently evaluating the cultural heritage significance of the existing dwelling on the property before recommending whether or not demolition of the existing dwelling

can be supported. Staff recommend that any decision of the Committee in support of the variances be conditional upon receipt of Heritage Markham Committee's support of the demolition of the existing dwelling on the subject property; and, if necessary, approval of the demolition by Markham Council.

CONCLUSION

Staff have no objection to the variances related to building depth and side yard setback. With respect to the floor area ratio variance, staff have concerns about the resulting scale and massing of the dwelling and recommend that the Committee consider public input in reaching a decision, and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

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:



Carlson Tsang, Planner II, West District

REVIEWED BY:



Sally Campbell, Development Manager, East District

File Path: Amanda\File\ 18 107821 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/06/18

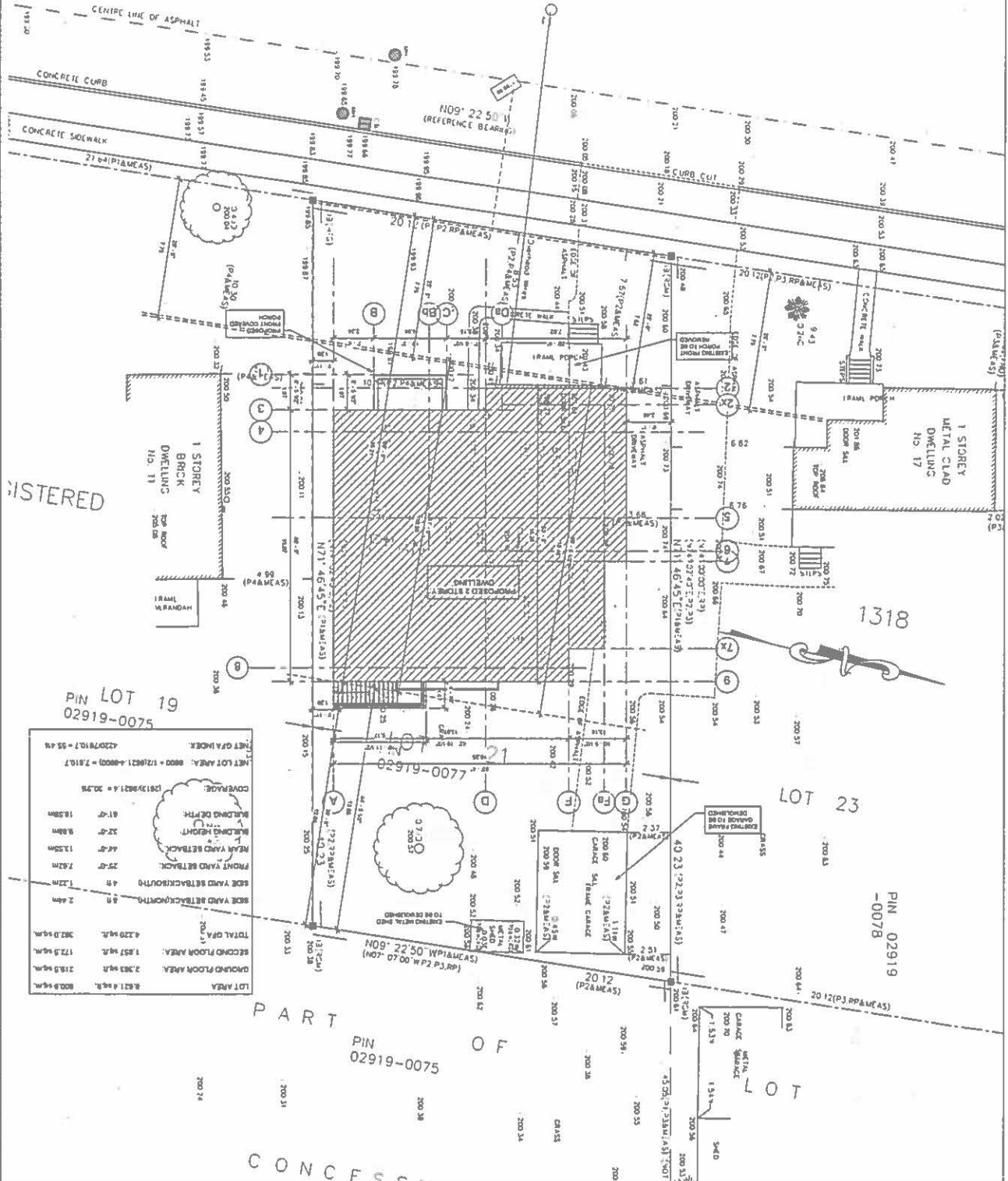
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as "Appendix B" received on September 14, 2018, to the satisfaction of the Director of Planning and Urban Design or designate;
3. That the variances be conditional upon confirmation that demolition of the existing building on the subject property is supported by Heritage Markham, and if necessary, Markham Council;
4. 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 the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
5. That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, 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;
6. 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;
7. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

WALES AVENUE
BY REGISTERED PLAN 1318
PIN
02919-0075



PIN LOT 19
02919-0075

NET LOT AREA:	42207.107 - 55.4%
COVERED:	12813.86214 - 30.3%
BUILDING DEPTH:	61'-0"
BUILDING HEIGHT:	22'-0"
REAR YARD SETBACK:	11.32m
FRONT YARD SETBACK:	7.62m
SIDE YARD SETBACK (EAST):	4.87m
SIDE YARD SETBACK (WEST):	2.44m
TOTAL GFA:	4320 sq.ft.
SECOND FLOOR AREA:	1.87 sq.ft.
GROUND FLOOR AREA:	2.18 sq.ft.
LOT AREA:	8.621 sq.ft.

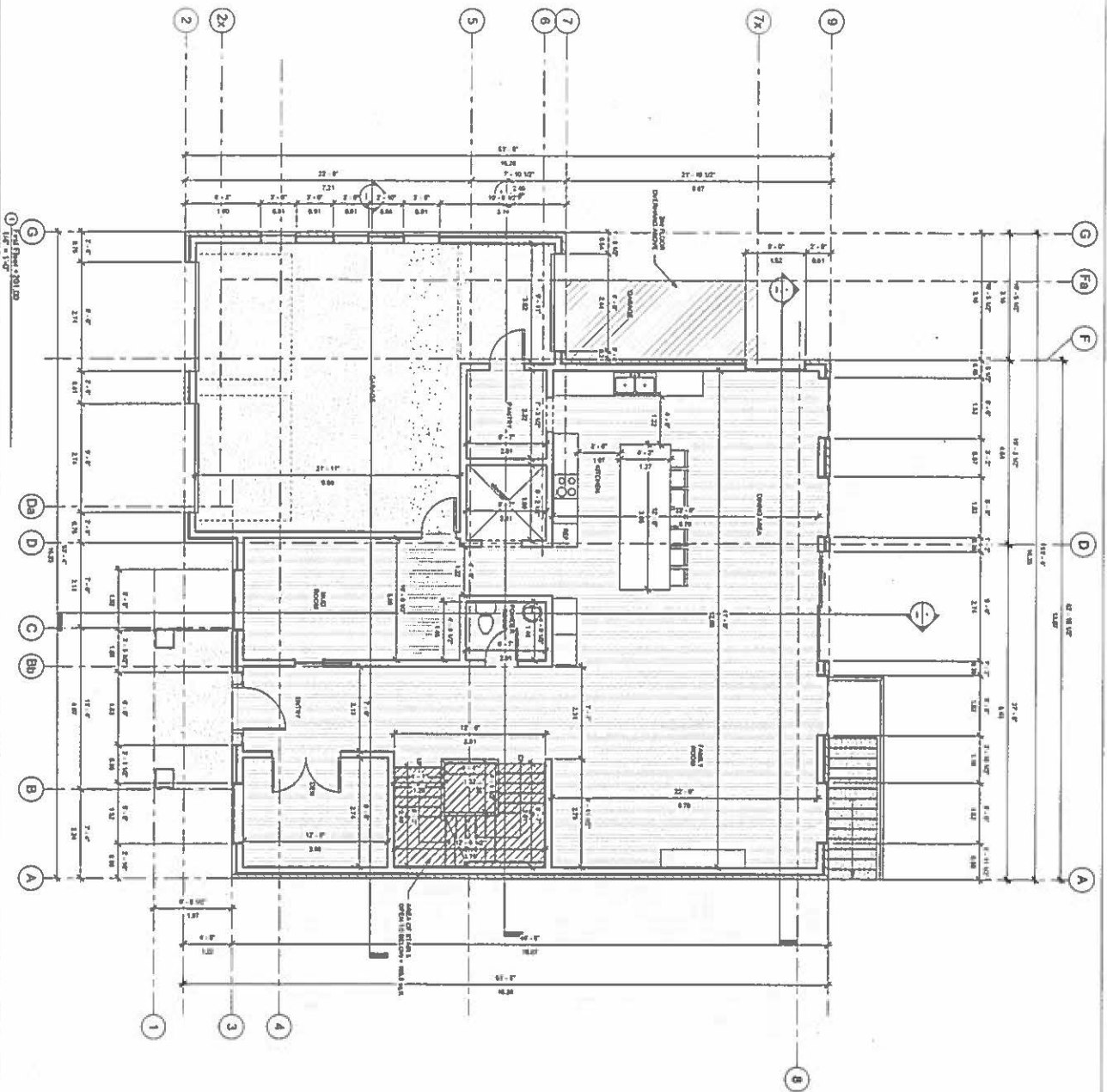
PART OF
PIN
02919-0075

LOT 23
PIN 02919
-0078

<p>ST ENGINEERING 2 Storey Dwelling 15 WALES AVENUE MARKHAM, ONTARIO W. BROWN/ST. ENGINEERING</p>		<p>PROPOSED 2 STOREY DWELLING 15 WALES AVENUE MARKHAM, ONTARIO SITE PLAN</p>	
<p>15 WALES AVENUE MARKHAM, ONTARIO AUGUST 2018 ST</p>		<p>15 WALES AVENUE MARKHAM, ONTARIO AUGUST 2018 ST</p>	

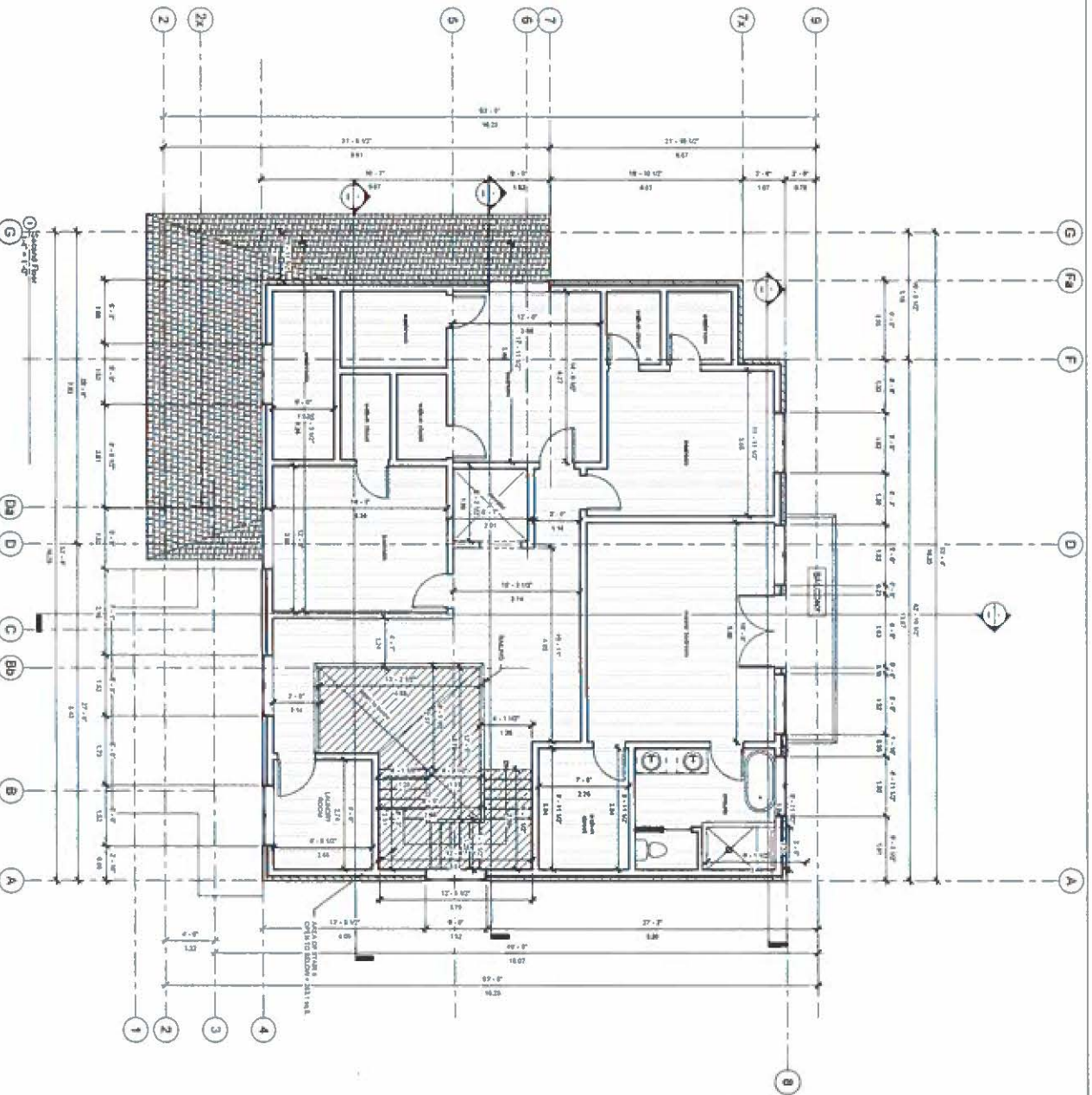


A2



1 First Floor - 201.00
1/8" = 1'-0"

<p>ST ENGINEERING 2 Bina Court Aurora, Ontario L4C 1A1 416-215-1151 stengineer@gmail.com</p>		<p>PROPOSED 2 STOREY DWELLING</p>	
<p>15 WALES AVENUE MARRHAM, ONTARIO</p>		<p>FIRST FLOOR PLAN</p>	
Project Number	14-107	Date	AUGUST 2016
Drawn By	ST	Checked By	ST
<p>A3</p>		<p>1/8" = 1'-0"</p>	



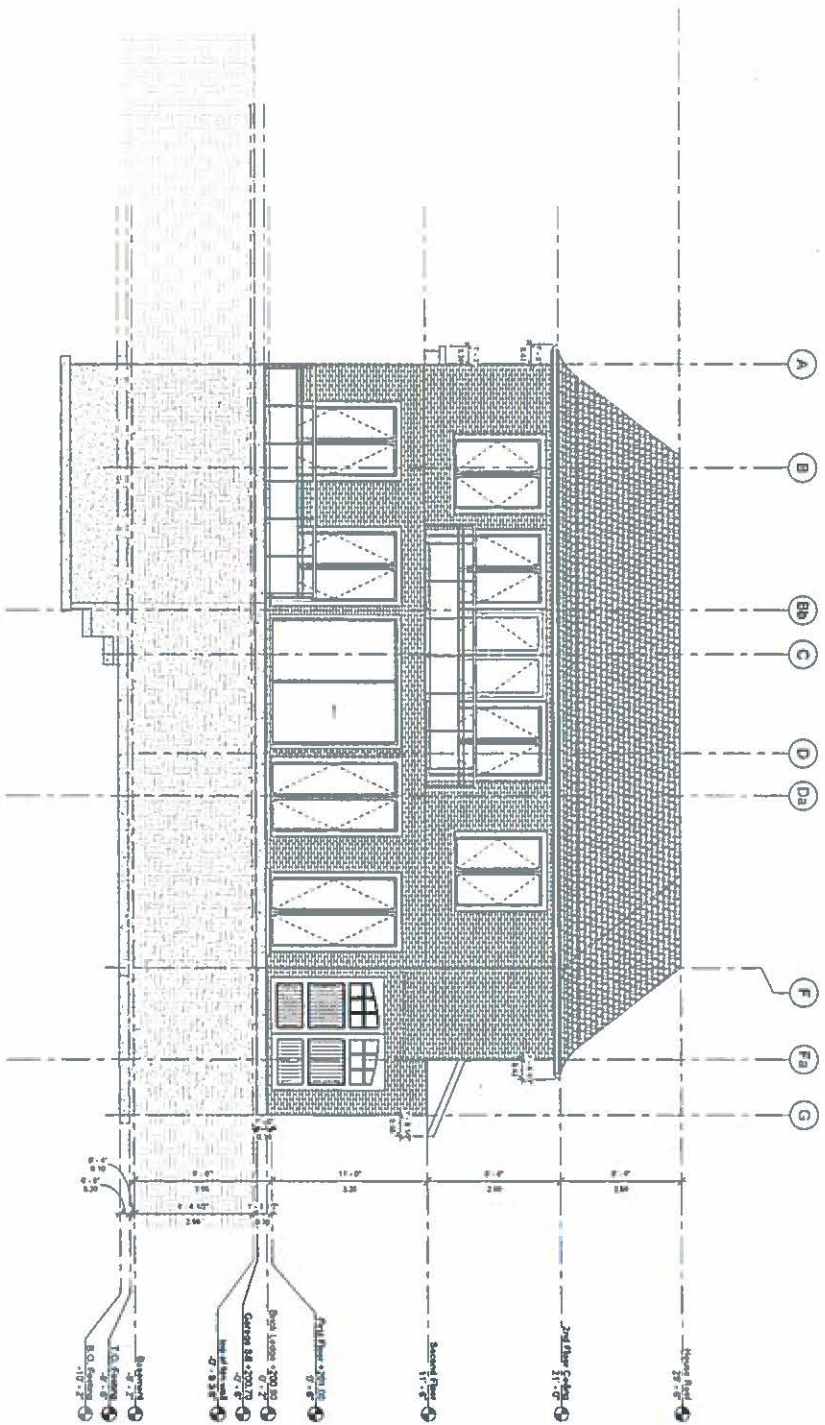
<p>ST ENGINEERING 2 Bent Court Aurora, Ontario L6G 0A1 416-213-7851 info@st-engineering.com</p>		<p>PROPOSED 2 STOREY DWELLING</p>		<p>15 WALES AVENUE MARKHAM, ONTARIO</p>		<p>SECOND FLOOR PLAN</p>		<p>Scale: 1/8" = 1'-0" Date: AUGUST 2016 Drawn by: [Name] Checked by: [Name]</p>		<p>A4</p>	
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Page 10 of 10

2 Bowls & Canes
Aurora, Ontario L6G 0A
647-218-7051
12 Monrovia Dr Aurora





1/4" = 1'-0"

No.	Description	Date
1	Issue 1.0 - Initial Design	10/10/17
2	Issue 2.0 - Final Design	10/10/17
3	Issue 3.0 - Final Design	10/10/17
4	Issue 4.0 - Final Design	10/10/17
5	Issue 5.0 - Final Design	10/10/17
6	Issue 6.0 - Final Design	10/10/17
7	Issue 7.0 - Final Design	10/10/17
8	Issue 8.0 - Final Design	10/10/17
9	Issue 9.0 - Final Design	10/10/17
10	Issue 10.0 - Final Design	10/10/17

ST ENGINEERING
 2 Bay Court
 Aurora, Ontario L6G 8A1
 416-215-1051
 st@st-engineering.com

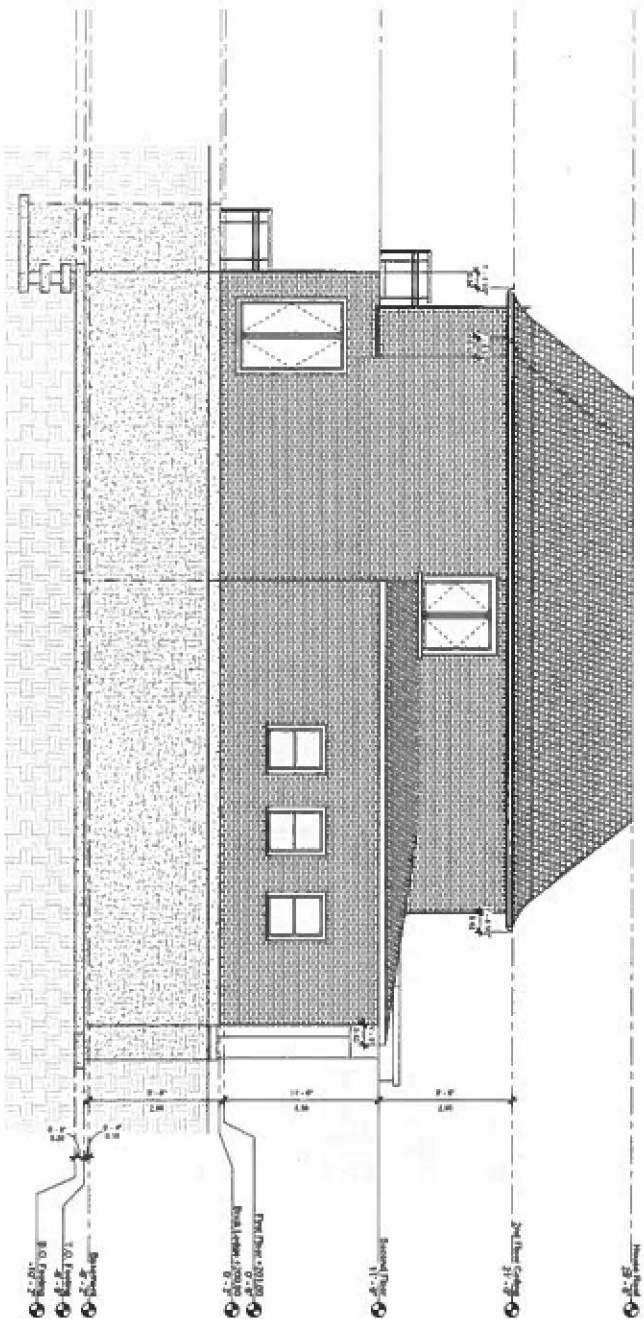


**PROPOSED 2
STOREY DWELLING**

15 WALES AVENUE
MARRHAM, ONTARIO
Elevations

A6

Project Number	15-107
Date	AUGUST 2018
Drawn by	Author
Checked by	Checker
Approved by	Engineer



North Elevation
1/4" = 1'-0"

Rev	Description	Date
1	Initial Design	10/10/18
2	Revised Design	10/10/18
3	Final Design	10/10/18
4	As Built	10/10/18
5	As Shown	10/10/18
6	As Proposed	10/10/18
7	As Permitted	10/10/18
8	As Constructed	10/10/18
9	As Inspected	10/10/18
10	As Approved	10/10/18

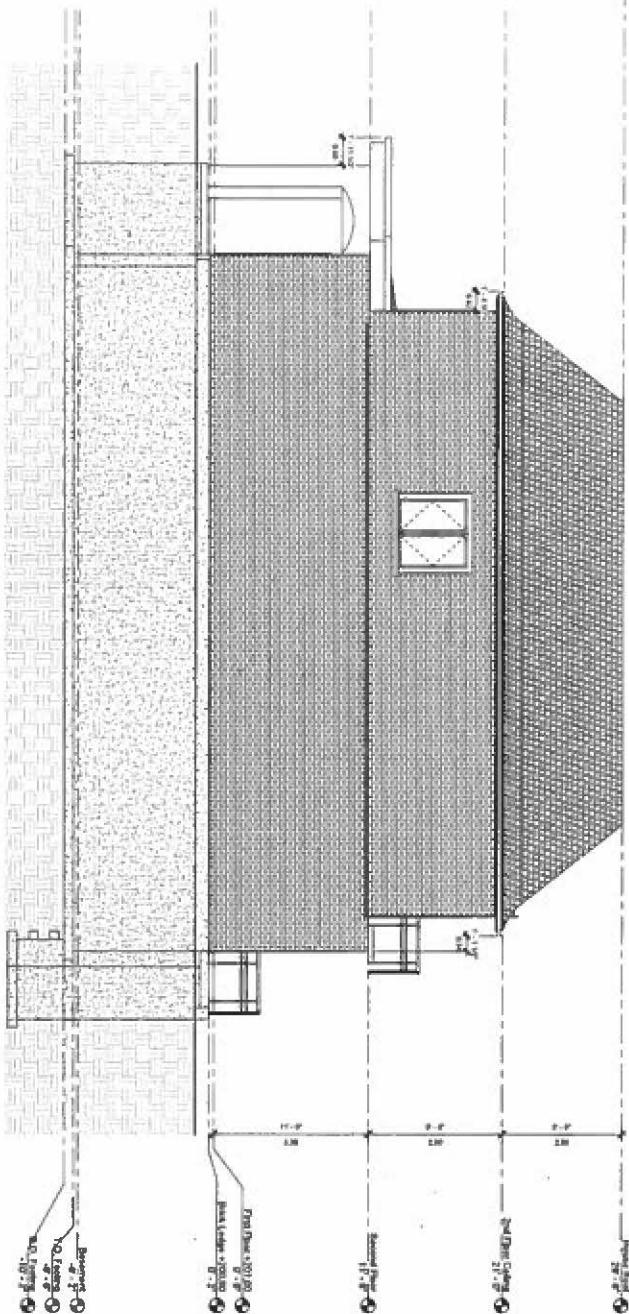
ST ENGINEERING
2 Bays Court
Aurora, Ontario L4G 1A1
416-291-1000
stengineer@stengineer.com



**PROPOSED 2
STOREY DWELLING**
**15 WALES AVENUE
MARKHAM, ONTARIO**
Elevations

Drawn By	10/10/18
Check By	10/10/18
Client To	10/10/18
Client To	10/10/18

A7



Scale Elevation
1" = 1'-0"

NO.	REVISIONS	DATE
1	ISSUED FOR PERMITTING REVIEW	10/1/2017
2		
3		
4		
5		

ST ENGINEERING
2 Bloor Street
Aurora, Ontario L4G 1A1
416-714-1818
stengr@stengr.com



**PROPOSED 2
STOREY DWELLING**

**15 WALES AVENUE
MARKHAM, ONTARIO**
Elevations

Sheet Number	1-A-107
Date	AUGUST 2017
Drawn By	ADAM
Checked By	CHANDLER

A9

Memorandum to the City of Markham Committee of AdjustmentMarch 1st, 2018

File: A/06/18
Address: 15 Wales Avenue, Markham
Applicant: Trina & Dimitrios Kollis
Agent: ST Engineering (Stavros Theodorakopoulos)
Hearing Date: Wednesday March 14, 2018

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, to permit:

- a) **Table 11.1:**
a minimum front yard setback of 24 ft 7 in, whereas the By-law requires a minimum front yard setback of 25 ft;
 - b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 19.05 m, whereas the By-law permits a maximum building depth of 16.8 m;
 - c) **Table 11.1:**
a minimum two-storey side yard setback of 4 ft, whereas the By-law requires a minimum two-storey side yard setback of 6 ft;
 - d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 57.2 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;
 - e) **Section 11.2 (c) (i):**
a maximum eave projection of 23 in, whereas the By-law permits a maximum eave projection of 18 in;
- as they relate to a proposed residential dwelling.

BACKGROUND**Property Description**

The 800 m² (8,611.13 ft²) subject property is located on the east side Wales Avenue, east of Main Street Markham North and south of 16th Avenue, just outside of the Markham Village Conservation Heritage District. The Go Transit railway line is located to the east. The surrounding area consists of a mix of one and two-storey detached dwellings. The property contains a 137.12 m² (1,476 ft²) two-storey detached dwelling with a detached garage, which currently shares a driveway with the neighbouring house to the north and which according to assessment records was constructed in 1928. Two large mature trees currently exist in the rear yard.

Proposal

The applicant is proposing to demolish the existing home and the detached garage, and construct a new 404.6 m² (4,355 ft²) two-storey detached dwelling with an integrated double-car garage. One of the large trees in the rear yard is proposed to be removed. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

Official Plan and Zoning

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

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

The subject property is zoned R1- Single Detached dwelling under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law with respect to front yard setback, side yard setbacks and eaves projection.

Residential Infill Zoning By-law

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 building depth and floor area ratio.

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 24.58 ft (7.49 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of 0.42 ft (1.06 m). The variance only applies to the north-west corner of the single-storey garage. The majority of the building meets the by-law requirement and is generally in line with the front walls of the other homes on the street.

Increase in Maximum Building Depth

The applicant is proposing a maximum building depth of 19.05 m (62.5 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft). This represents an increase of 2.25 m (7.38 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the irregular configuration of the lot, the proposed building depth is measured on an angle through the building. The building depth measured between the front and rear wall is 16.74 m (54.92 ft) which complies with the by-law requirement.

Notwithstanding the increase in depth, the building will exceed the minimum 25 ft (7.62 m) rear yard setback by approximately 18.66 ft (5.68 m). The depth of the overall building is also generally consistent with a number of existing homes on the street that were constructed prior to the passing of the by-law.

Reduction in Side Yard Setback

The applicant is requesting relief to permit a south side yard setback of 4 ft (1.2 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m). The variance only applies to the two-storey portion. The ground floor component at grade meets the minimum setback requirement ensuring sufficient room will be provided for separation, access and drainage.

Increase in Maximum Eaves Encroachment

The applicant is requesting a maximum eaves encroachment of 23 in (0.59 m), whereas the By-law permits a maximum eaves encroachment of 18 in (0.45 m). Given the proposed dwelling will provide ample separation from adjoining homes, the variance is not anticipated to result in any demonstrable adverse impact adjacent properties.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 57.2 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 404.6 m² (4,355 ft²), whereas the By-law permits a dwelling with a maximum floor area of 317.92 m² (3,422 ft²). This represents an increase of 86.68 m² (933 ft²).

Floor Area Ratio is a measurement of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measurement of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling. In addition to the area associated with the stairs and elevator, there is an open to below area of approximately 11.19 m² (120.44 ft²) above the foyer.

The applicant originally requested a floor area ratio of 65 percent, which is equivalent to a gross floor area of 459 m² (4,943.54 ft²). The applicant explained the increased floor space is to improve accessibility for a family member with special needs. Staff encouraged the applicant to reduce the floor area to achieve a built form more in keeping with the intended scale of the infill zoning by-law. In response, the applicant submitted revised drawings on January 16, 2018 which shows a reduction in gross floor area to 404.6 m² (4,355 ft²); and the floor area ratio is consequently reduced to the currently proposed 57.2 percent.

Staff appreciate the applicant's effort to reduce the floor area but maintain the variance request is excessive and the resultant dwelling will be out of scale with the existing homes on the street, as well as the majority of infill developments in the surrounding area. Staff recommend the application be deferred to allow the applicant to work with staff to further

reduce the floor area to achieve a dwelling that is more compatible with the character of the Markham Village community.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 1st, 2018. 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

Based on the discussion above, staff have no objection to the approval of the variances relating to front yard setback, building depth, side yard setback and eaves projection

However, staff are concerned that the proposed increase in floor area ratio is excessive and does not satisfy the four tests of the Planning Act. Staff are willing to work with the applicant to reduce the proposed gross floor area and will provide additional comments to the Committee should this application be deferred.

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.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

File Path: Amanda\File\ 18 107821 \Documents\District Team Comments Memo

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2 Blue2 Count
Azure, Double Locks BA1
662-218-7951
allbluecount@aol.com



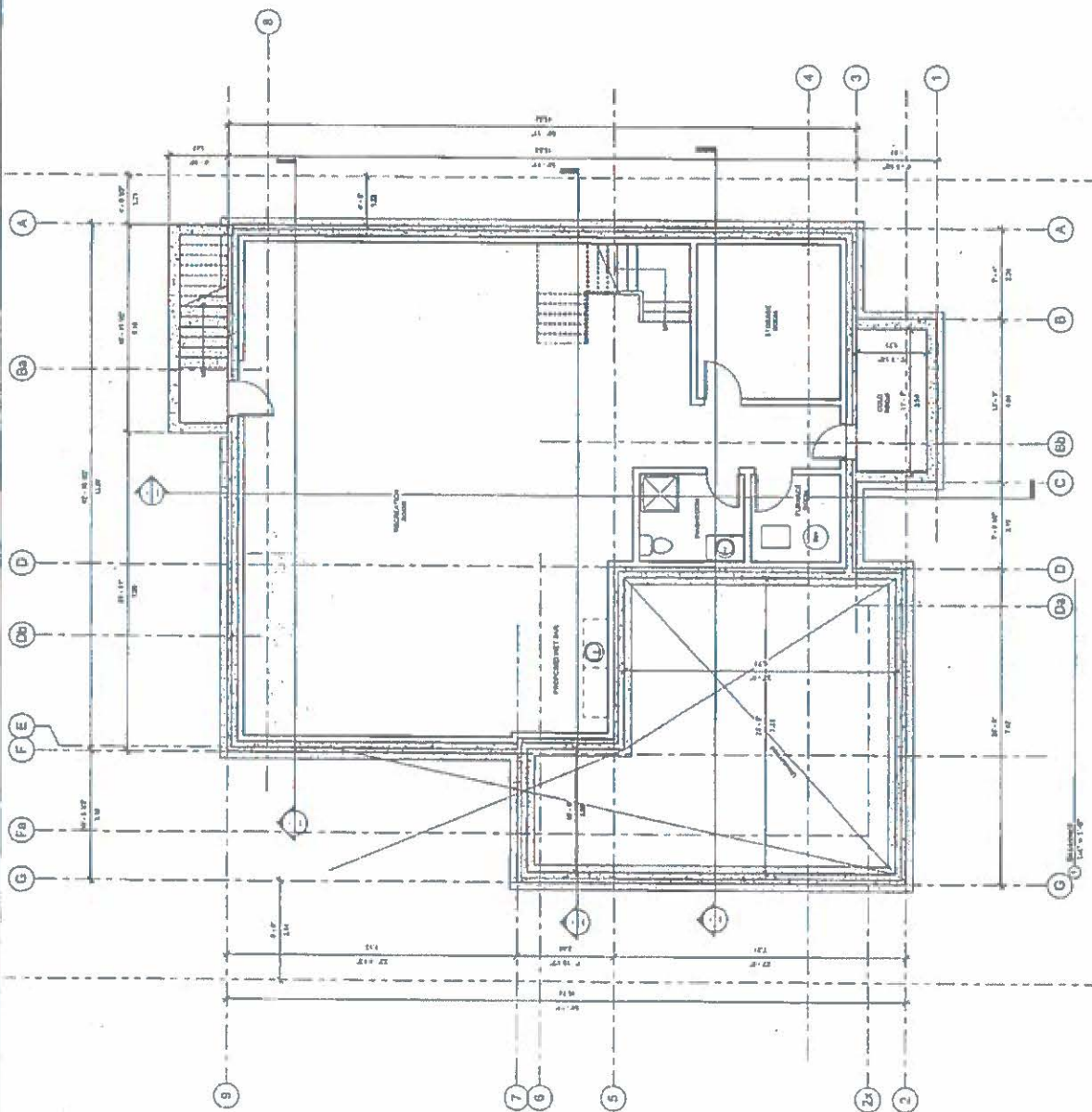
**PROPOSED 2
STOREY DWELLING**

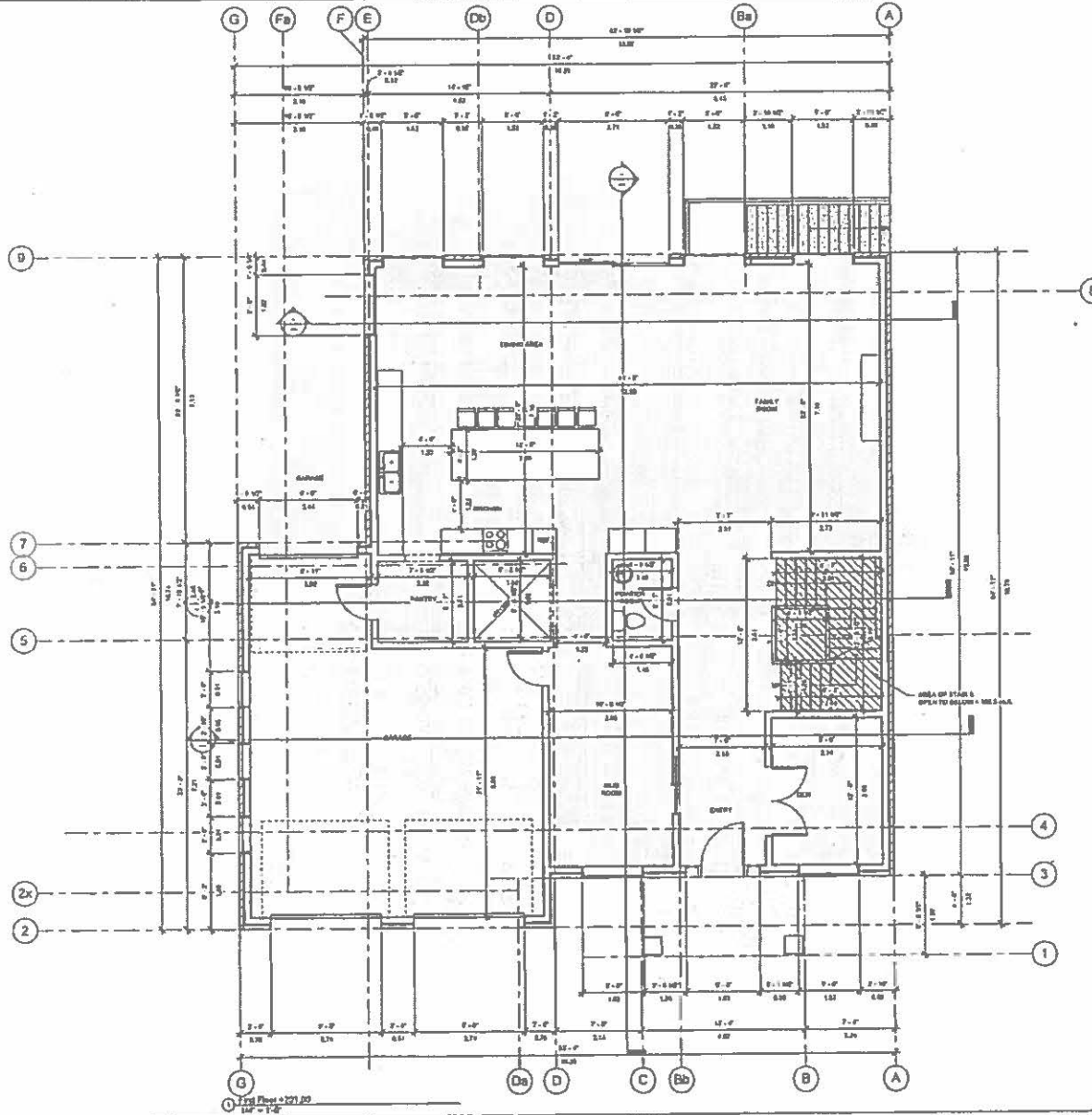
15 WALES AVENUE
MARKHAM, ONTARIO

**BASEMENT FLOOR
PLAN**

Project number	14-107
Date	AUGUST 2014
System ID	S: 5
Assigned By	S: 5

A2





Rev.	Description	Date
1	ISSUED FOR PERMIT APPLICATION	10/10/16

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
947-215-7851
st@stengr.com



PROPOSED 2 STOREY DWELLING

15 WALES AVENUE
MARKHAM, ONTARIO
FIRST FLOOR PLAN

Project number	16-107
Date	AUGUST 2016
Drawn by	ST
Checked by	ST

A3

Revisions	
No.	Description
1	15/03/2018 Initial Design
2	15/03/2018 Final Design
3	15/03/2018 Final Design
4	15/03/2018 Final Design
5	15/03/2018 Final Design
6	15/03/2018 Final Design
7	15/03/2018 Final Design
8	15/03/2018 Final Design
9	15/03/2018 Final Design
10	15/03/2018 Final Design
11	15/03/2018 Final Design
12	15/03/2018 Final Design
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14	15/03/2018 Final Design
15	15/03/2018 Final Design
16	15/03/2018 Final Design
17	15/03/2018 Final Design
18	15/03/2018 Final Design
19	15/03/2018 Final Design
20	15/03/2018 Final Design

ST ENGINEERING
2001-2002
Aurora, Ontario
416-709-7031
st@st-engineering.com

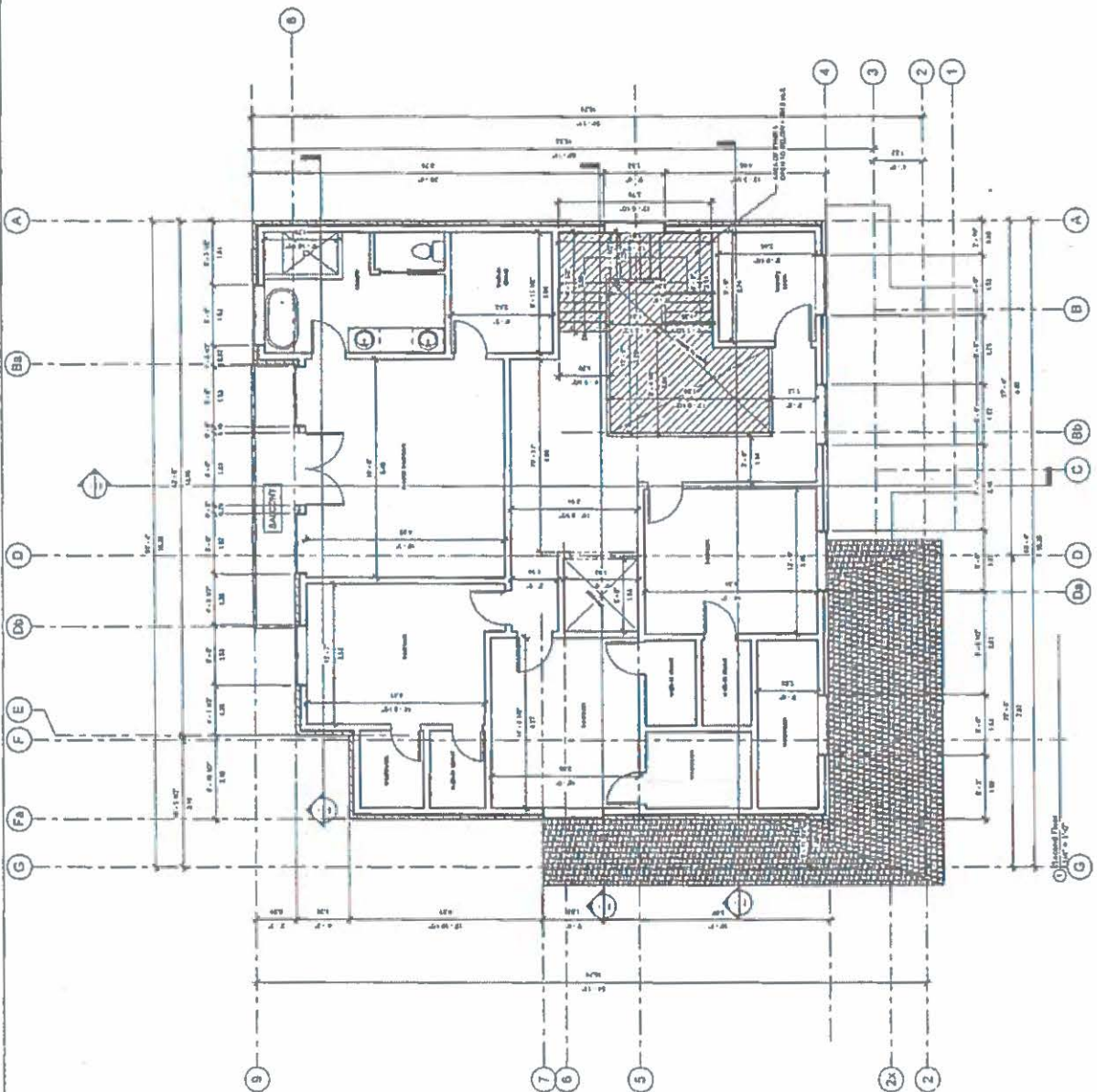


**PROPOSED 2
STOREY DWELLING**

15 WALES AVENUE
MARGHAM, ONTARIO
**SECOND FLOOR
PLAN**

Project number	15-107
Date	AUGUST 2017
Drawn by	ST
Checked by	ST

A4



Seq	Description	Basis
1	RECEIVED FROM THE STATE OF TEXAS	DATE 9-7-77
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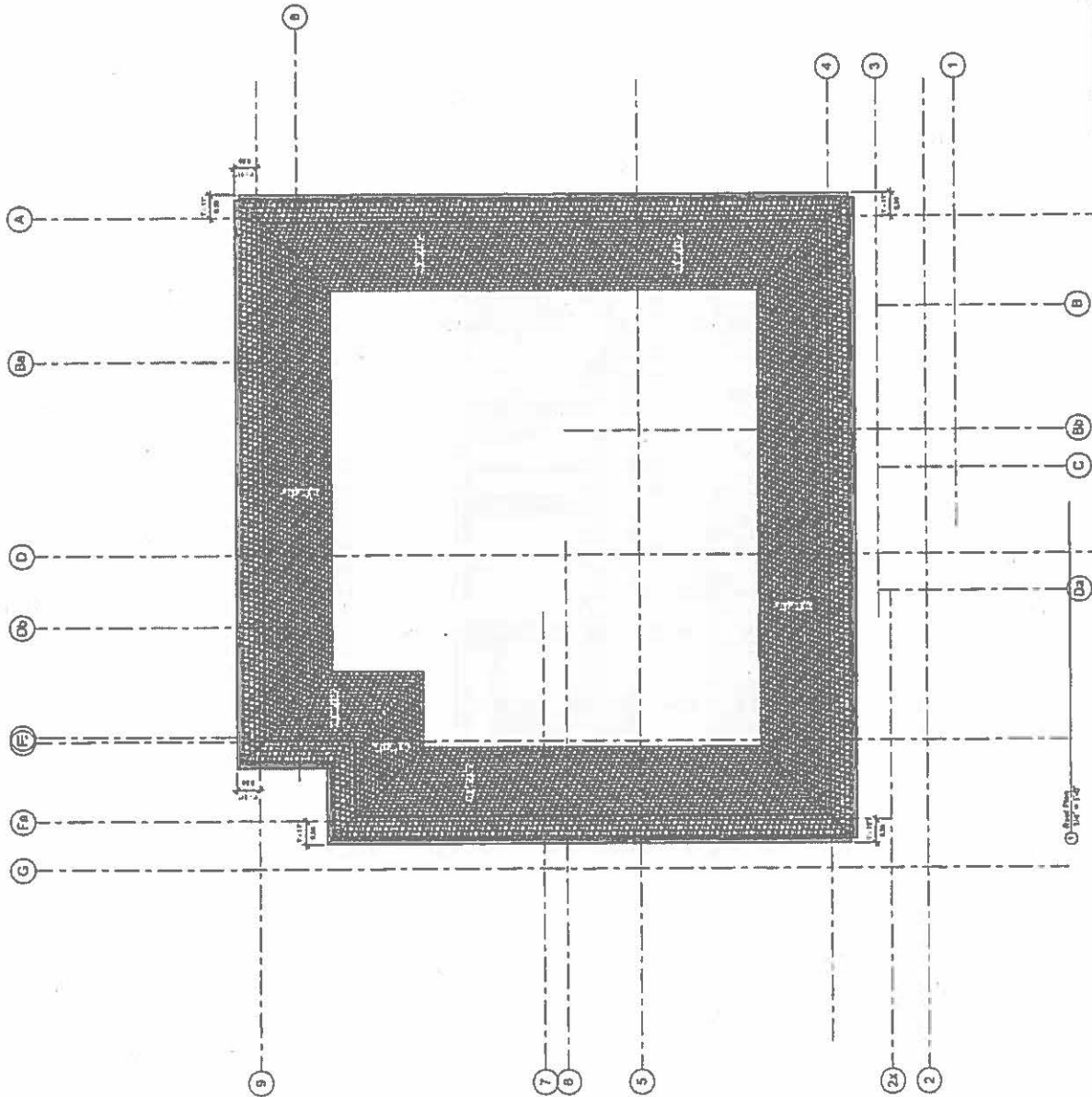
2 Best Cost
Lanes, Omaha 403 BAI
647-219-7181
klane@bestcost.com



15 WALES AVENUE
MARKHAM, ONTARIO

Prepared by	14-127
Date	AUGUST 2016
Order of	BT
Control by	BT

A5





Elevations

A6



NO	DESCRIPTION	DATE
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ST ENGINEERING

2 West Coast
Team, Ontario LAG DAY
647-278-7051
allison@westcoast.net



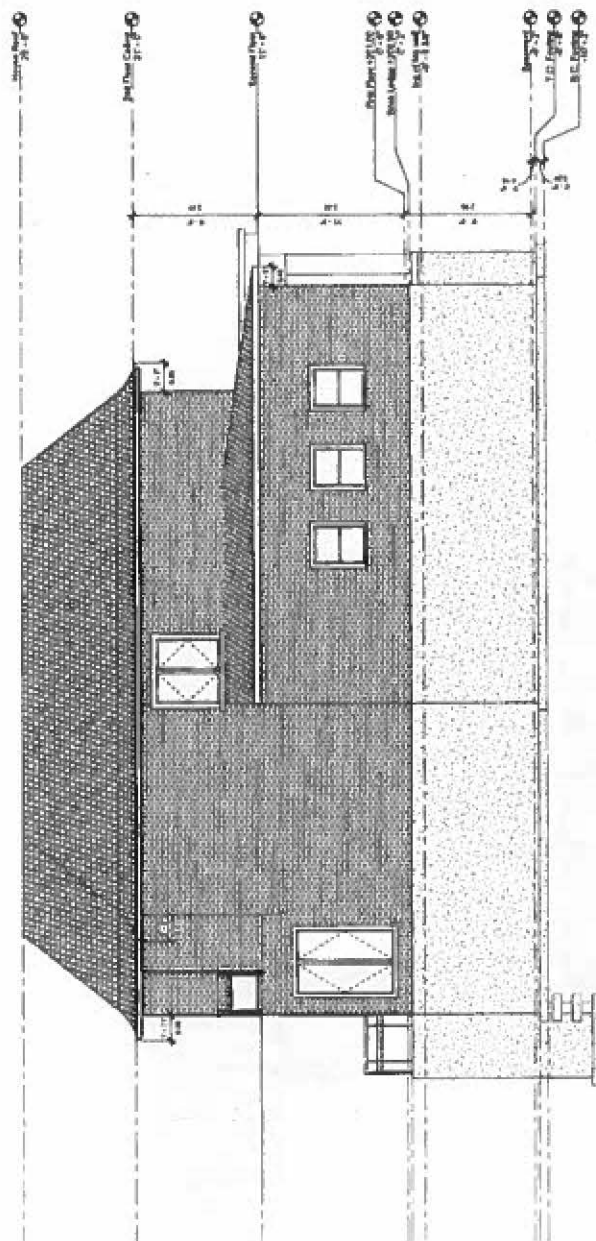
**PROPOSED 2
STOREY DWELLING**

15 WALES AVENUE
MARKHAM, ONTARIO

Elevations

Report to:	14-127
Year:	AUGUST 2010
Drawn by:	Agustar
Drawn by:	Checked

A7



⑦ 1997年12月31日

Week	Country/Region	Days
1	United States	1-10
2	Canada	11-20
3	United Kingdom	21-30
4	France	31-40
5	Germany	41-50
6	Italy	51-60
7	Spain	61-70
8	Japan	71-80
9	China	81-90
10	India	91-100

2 Bloch Court
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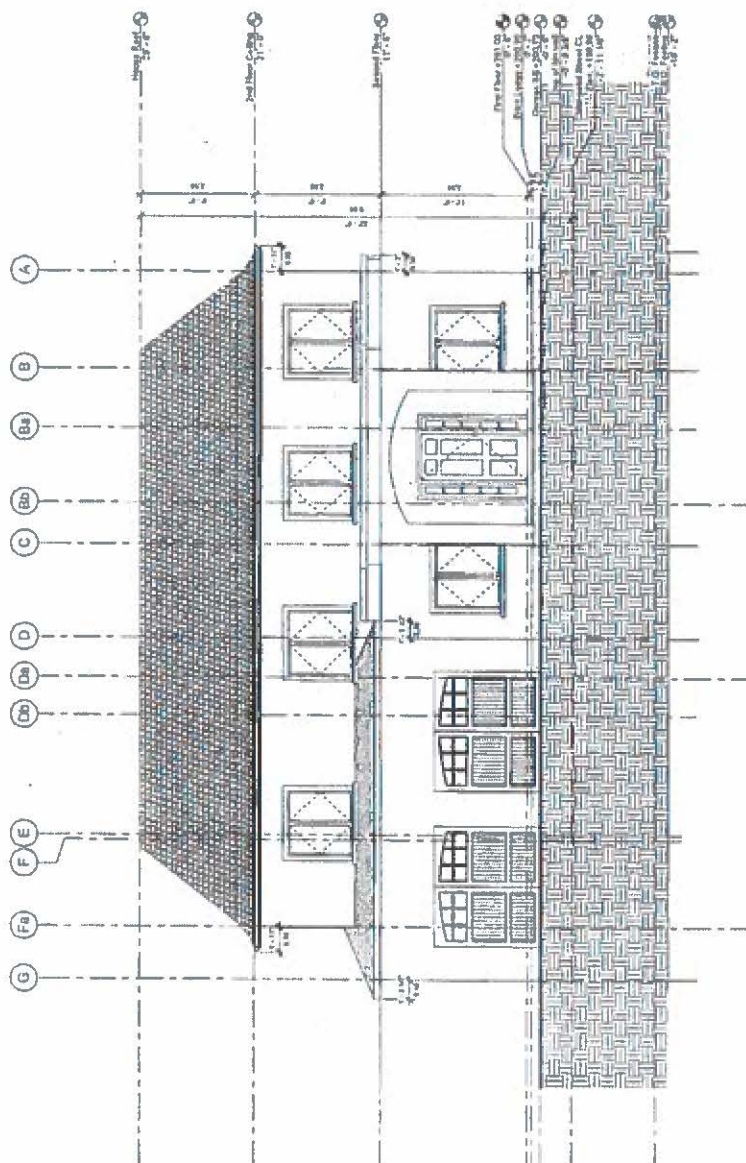
**PROPOSED 2
STOREY DWELLING**

15 VIALES AVENUE
MARKHAM, ONTARIO

Elevations

Request number	12-107
Date	AUGUST 27 1966
Request by	Adrian
Approved by	Chapman

A8



① Give Answer:

