

Memorandum to the City of Markham Committee of Adjustment

March 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.

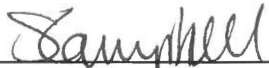
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

APPENDIX A

NO.	REVISION	DATE
1	ISSUED FOR PRELIMINARY REVIEW	AUG 1977

ST ENGINEERING
2 Black Court
Aurora, Ontario L4G 8A1
416-212-7851
stae@stengr.com



**PROPOSED 2
STOREY DWELLING**

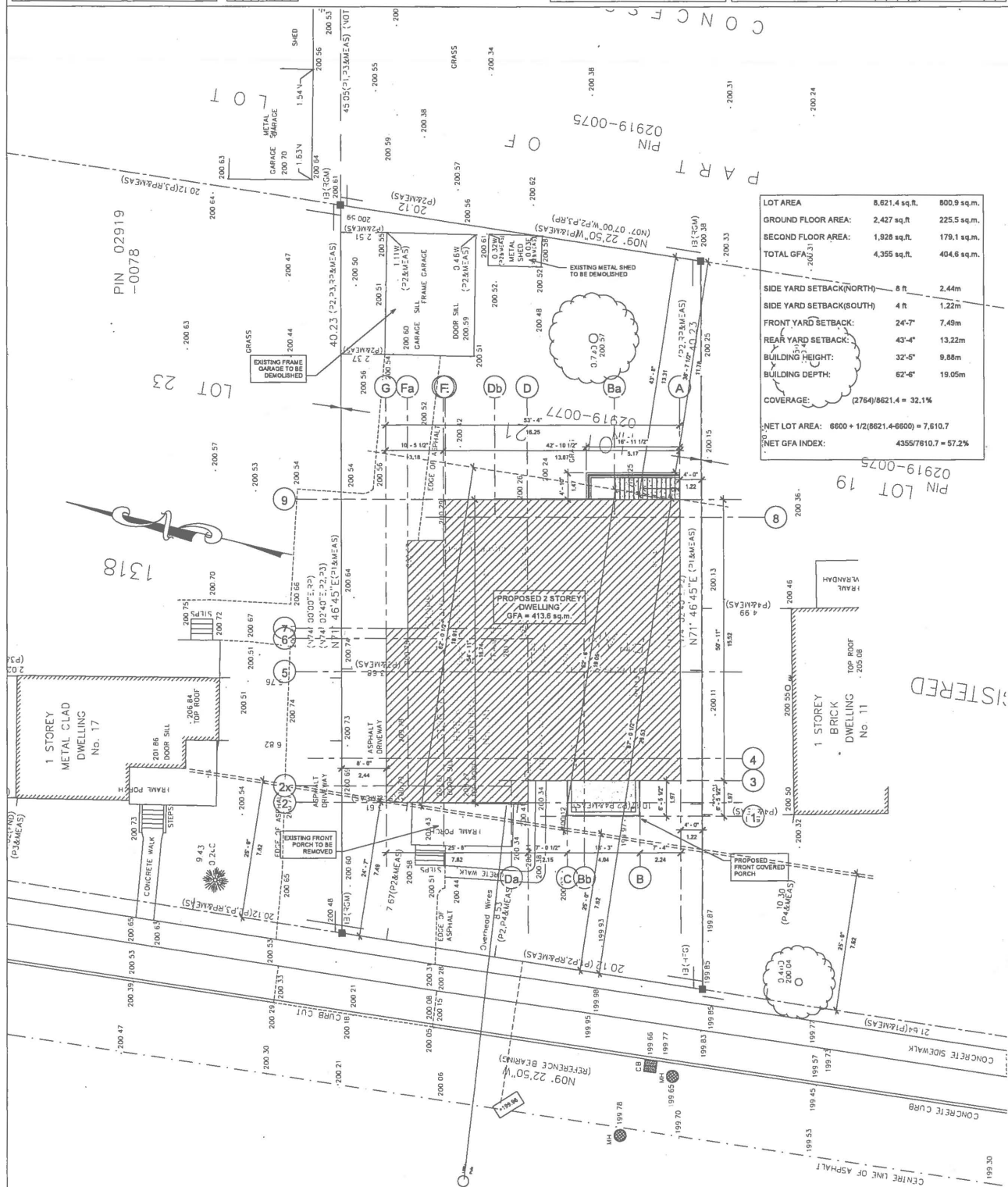
15 WALES AVENUE
MARKHAM, ONTARIO

SITE PLAN

Project Number	14-107
Date	AUGUST 7, 2018
Drawn By	ST
Checked By	ST

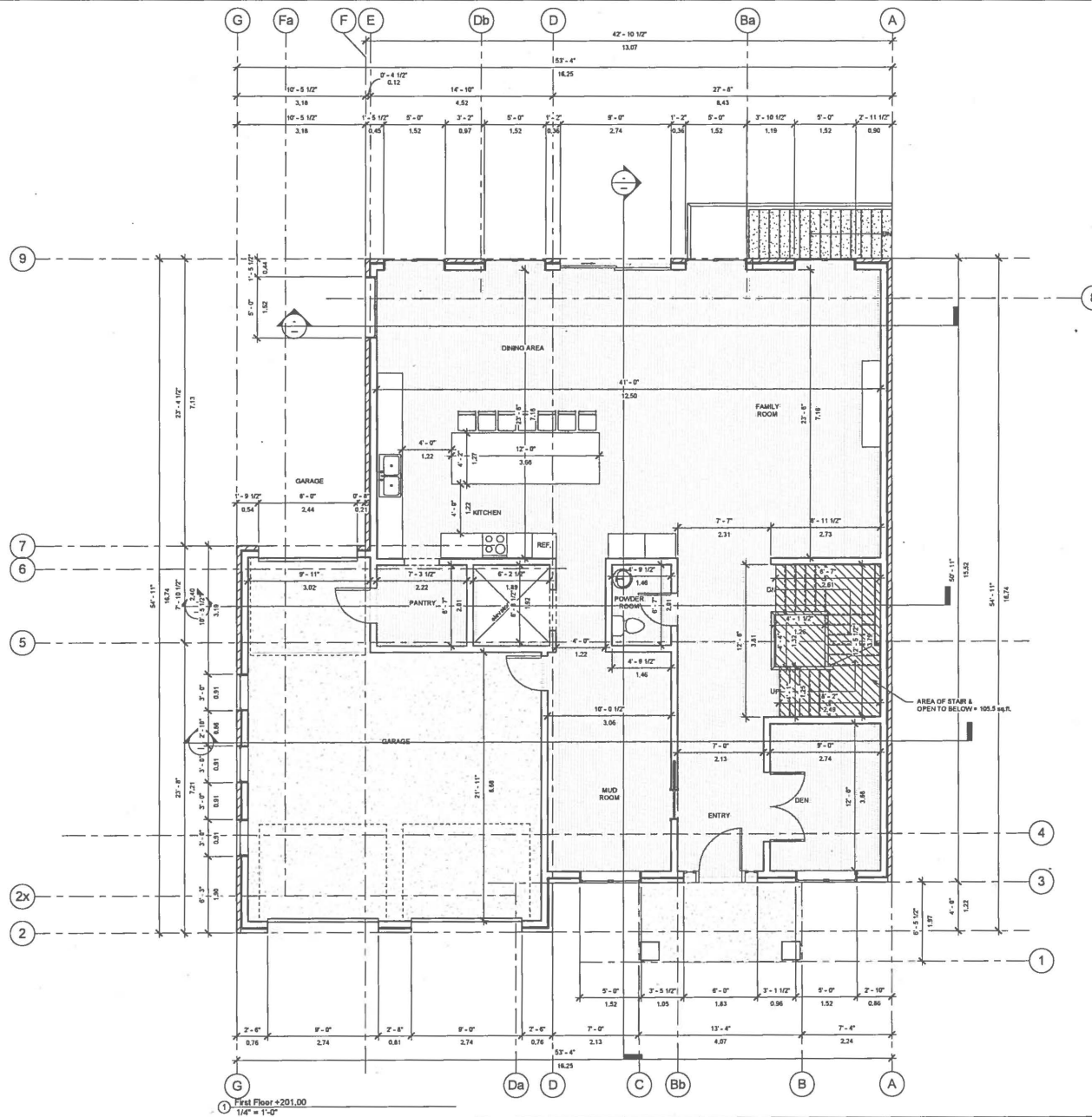
A1

Scale



Site Plan
0.1" = 81'

WALES AVENUE
PIN 02919-0076
REGISTERED PLAN 1318



Rev.	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 16/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7651
st.theodor@bell.net



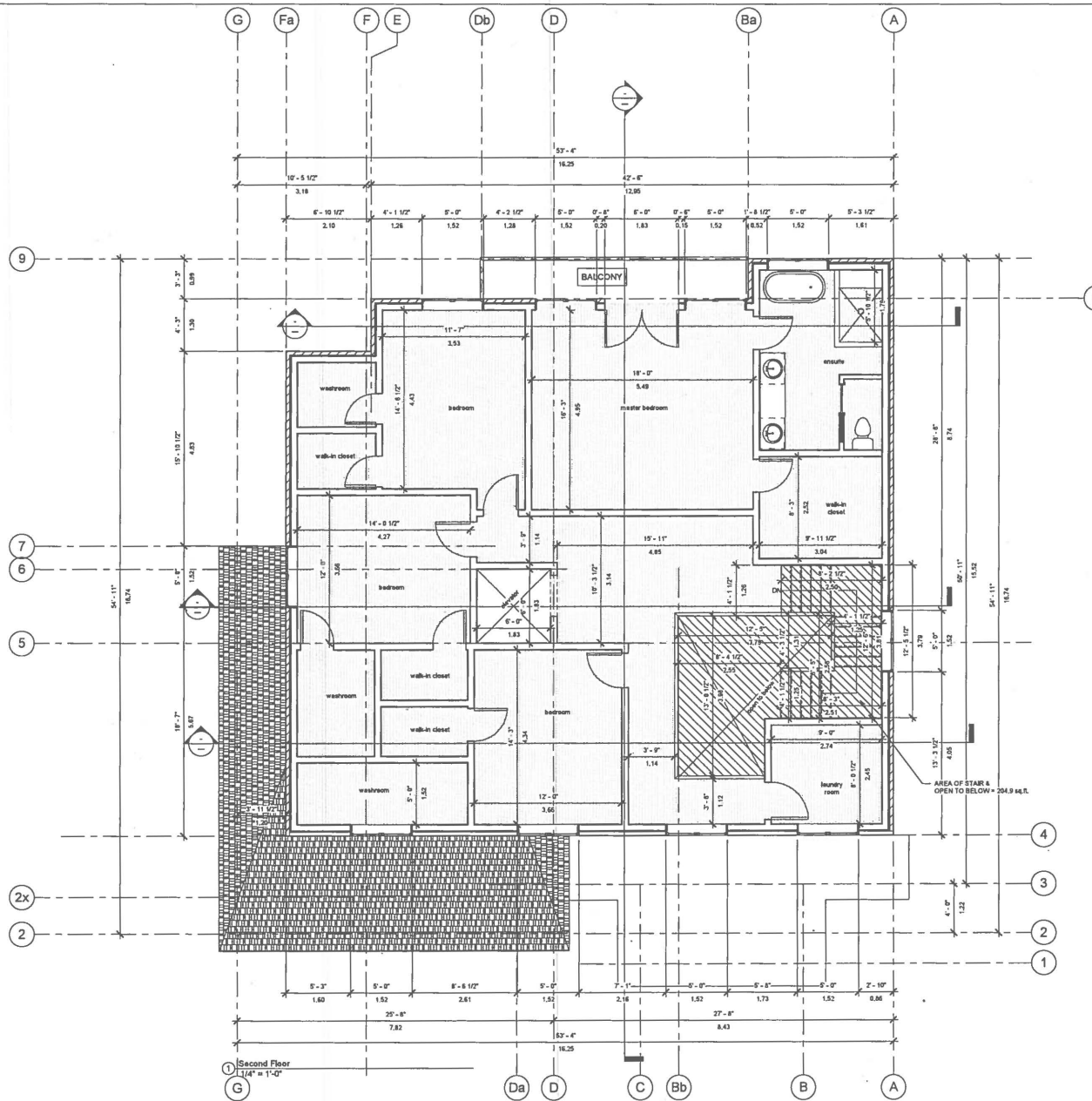
PROPOSED 2 STOREY DWELLING

15 WALES AVENUE
MARKHAM, ONTARIO
FIRST FLOOR PLAN

Project number 14-107
Date AUGUST 2016
Drawn by ST
Checked by ST

A3

Scale



No.	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 16/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7051
st.theodor@bell.net



PROPOSED 2 STOREY DWELLING

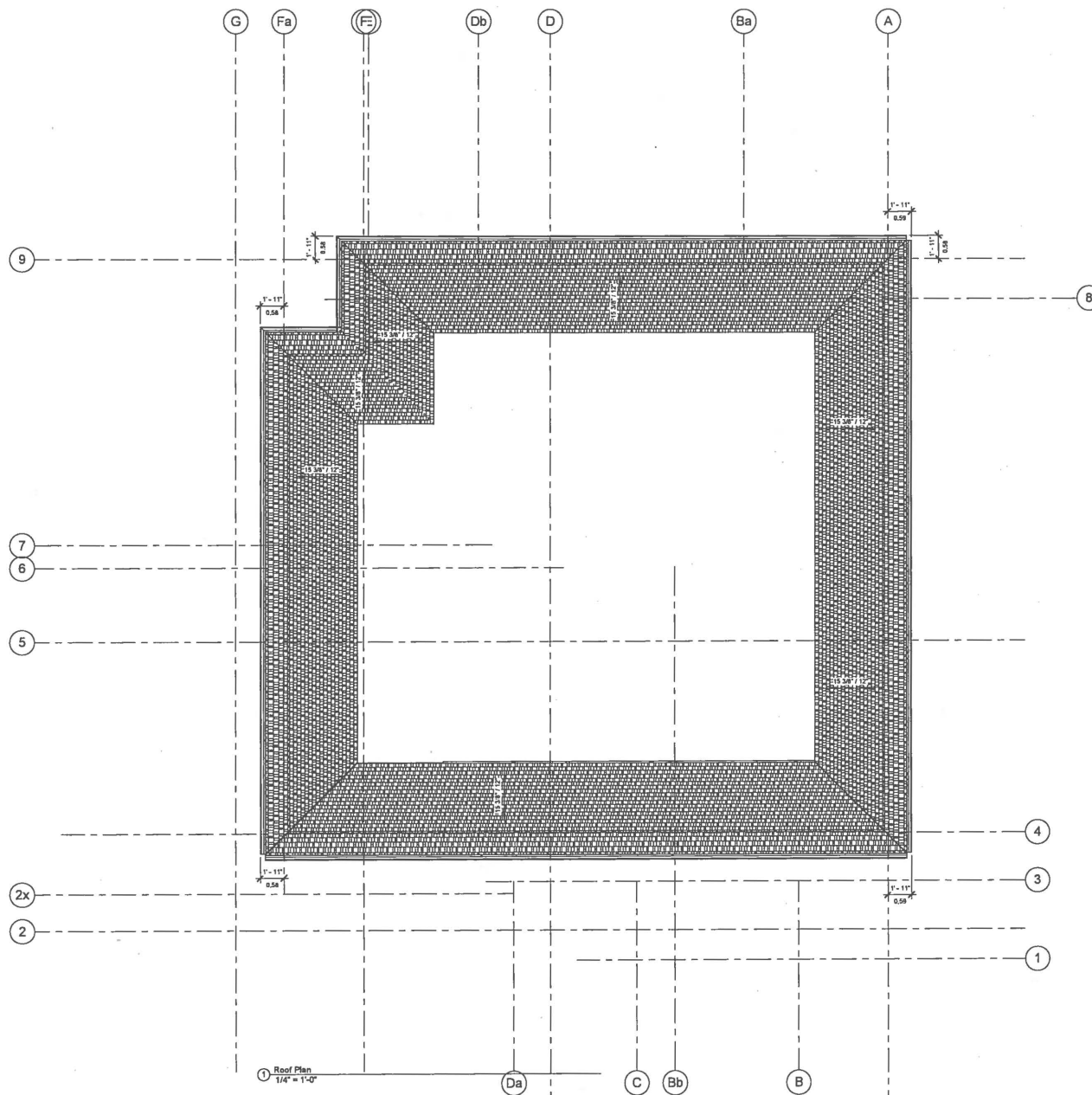
15 WALES AVENUE
MARKHAM, ONTARIO

SECOND FLOOR PLAN

Project number: 14-107
Date: AUGUST 2016
Drawn by: Author
Checked by: Checker

A4

Scale



NA	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 18/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7651
st.theodor@bell.net



PROPOSED 2 STOREY DWELLING

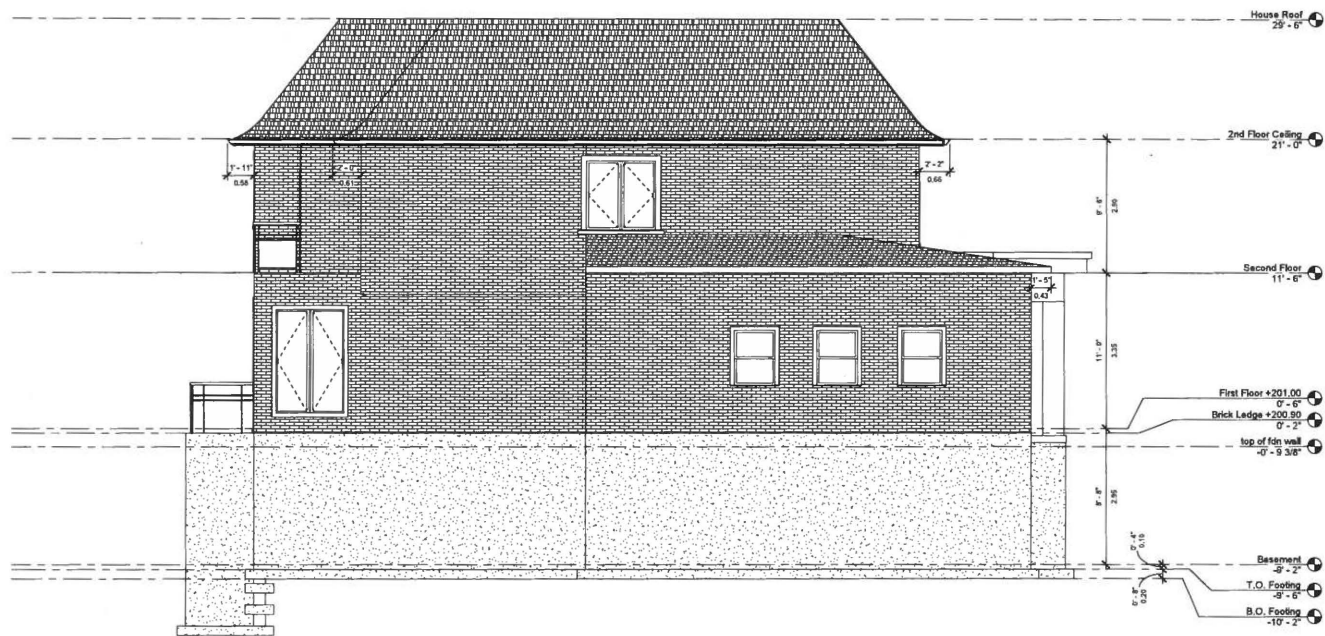
15 WALES AVENUE
MARKHAM, ONTARIO

ROOF PLAN

Project number	14-107
Date	AUGUST 2016
Drawn by	ST
Checked by	ST

A5

Scale



② North Elevation
1/4" = 1'-0"

No.	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 18/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7651
st.theodor@bell.net



PROPOSED 2 STOREY DWELLING

15 WALES AVENUE
MARKHAM, ONTARIO

Elevations

Project Number: 14-107
Date: AUGUST 2016
Drawn by: Author
Checked by: Checker

A7

Scale:



① Front (West) Elevation
1/4" = 1'-0"

Rev.	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 16/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7051
st.theodor@bell.net



PROPOSED 2 STOREY DWELLING

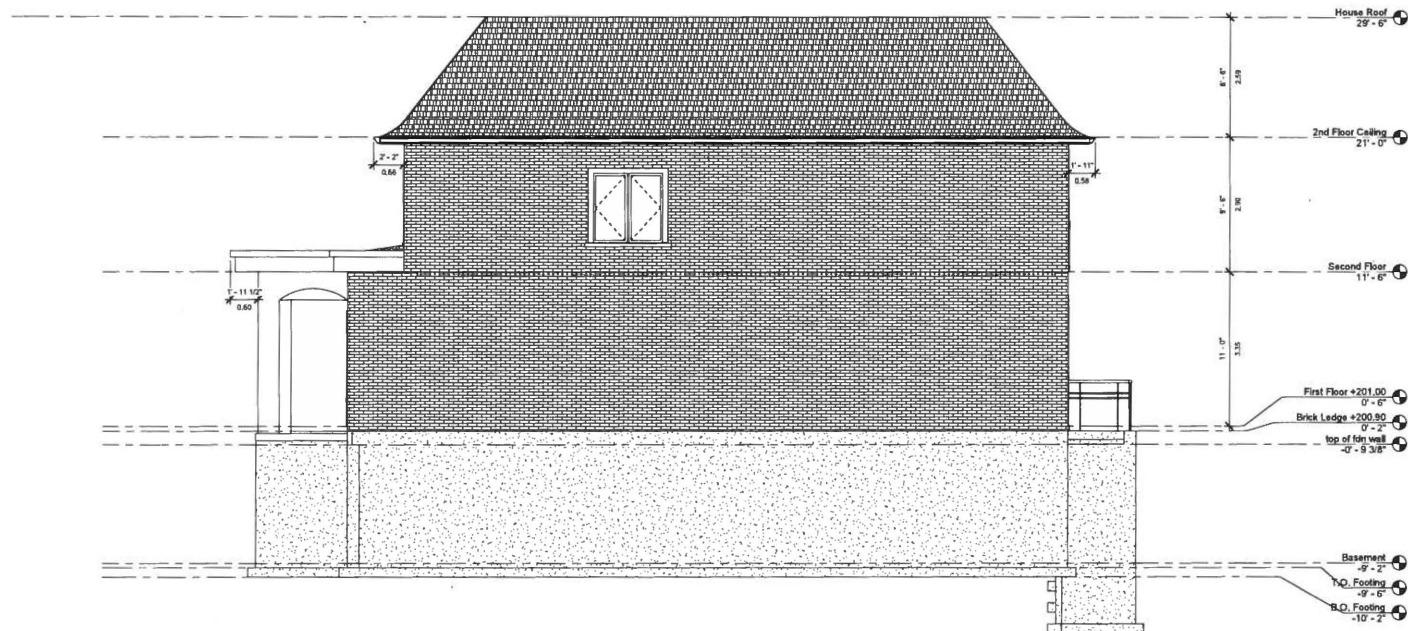
15 WALES AVENUE
MARKHAM, ONTARIO

Elevations

Project number	14-107
Date	AUGUST 2016
Drawn by	Author
Checked by	Checker

A8

Scale



① South Elevation
1/4" = 1'-0"

No.	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	AUG 16/17

ST ENGINEERING

2 Black Court
Aurora, Ontario L4G 8A1
647-219-7651
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PROPOSED 2 STOREY DWELLING

15 WALES AVENUE
MARKHAM, ONTARIO

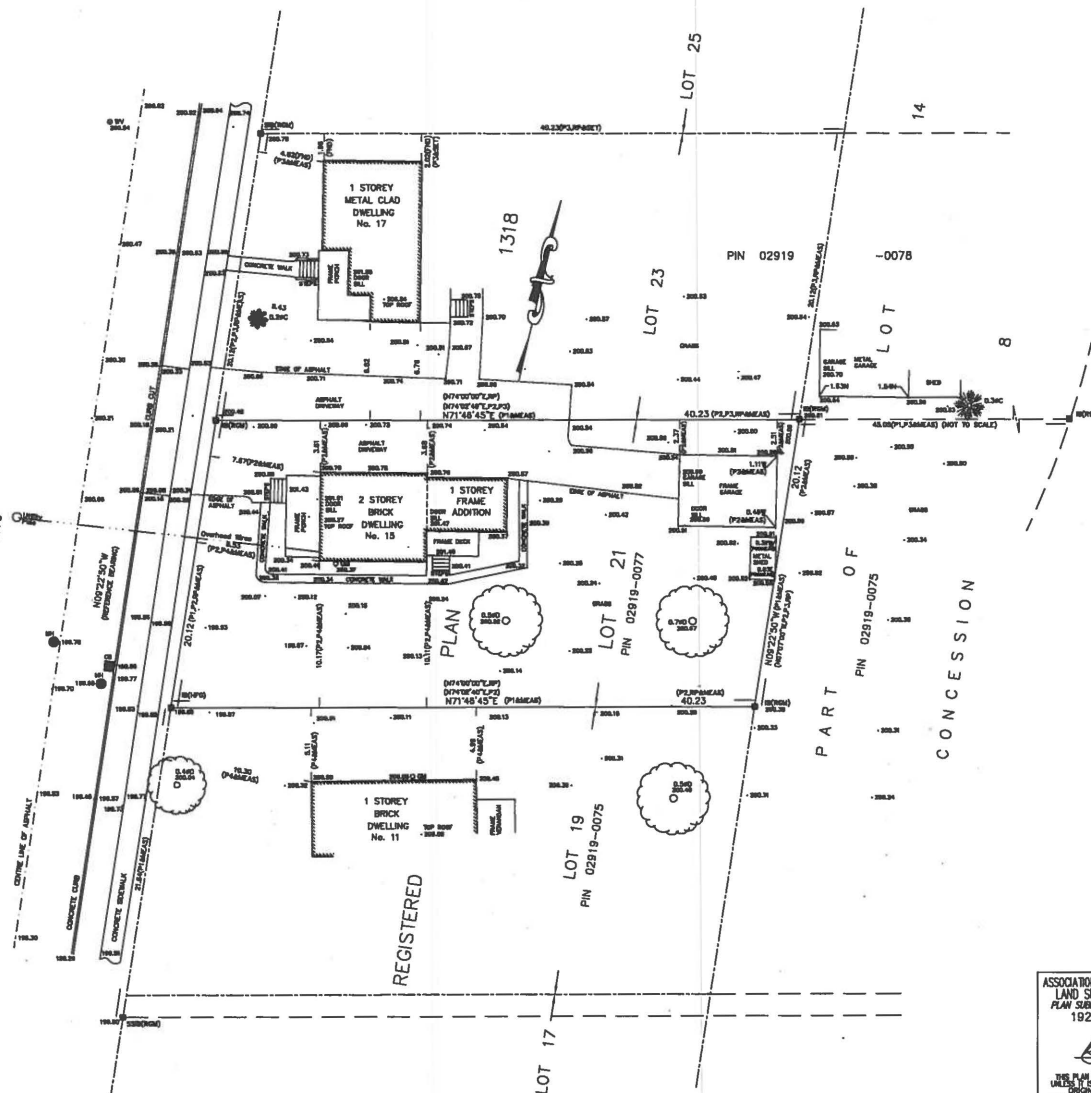
Elevations

Project number 14-107
Date AUGUST 2016
Drawn by Author
Checked by Checker

A9

Scale

WALES AVENUE
(BY REGISTERED PLAN 1318)
PIN 02919-0076



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF
LOT 21
REGISTERED PLAN 1318
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
© D. POPA SURVEYING, 2014.

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

BEARINGS BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE REFERRED TO CITY OF MARKHAM BENCH MARK NO. M-36-039 HAVING A PUBLISHED ELEVATION OF 201.518 METRES.

ELEVATION NOTE ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO CITY OF MARKHAM BENCH MARK NO. M-36-039 HAVING A PUBLISHED ELEVATION OF 201.518 METRES.

LEGEND

- BM DENOTES SURVEY MONUMENT FOUND
- CI DENOTES SURVEY MONUMENT SET
- SI DENOTES STANDARD IRON BAR
- SSI DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- RP DENOTES REGISTERED PLAN 1318
- RM DENOTES R. G. MCGIBBON, O.L.S.
- HFO DENOTES H. F. GRANDER, O.L.S.
- P1 DENOTES PLAN 608-32965
- P2 DENOTES PLAN BY H. F. GRANDER CO. LTD., O.L.S., DATED 21 NOV. 2003
- P3 DENOTES PLAN BY R. G. MCGIBBON LIMITED, O.L.S., DATED 10 JUNE 1982
- P4 DENOTES PLAN BY R. G. MCGIBBON LIMITED, O.L.S., DATED 22 OCT. 2010
- GM DENOTES GAS METER
- WV DENOTES WATER VALVE
- CB DENOTES CATCH BASIN
- MH DENOTES MANHOLE
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
- 0.204D DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER
- 0.206C DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 15, 2014.

DECEMBER 22, 2014

DORN POPA
ONTARIO LAND SURVEYOR

THIS REPORT WAS PREPARED FOR: TRINA KOLLIS



PART 2
THIS REPORT MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED DECEMBER 22, 2014.

D. POPA SURVEYING
ONTARIO LAND SURVEYOR
20 GAMBLE AVE, SUITE 306, TORONTO, ONTARIO, M4K 2G9
Tel/Fax 416-429-4165
popasurveying@rogers.com http://sites.google.com/site/popasurveying

CALC: D.P. FIELD: D.P. JOB: 14-010 DWG: 14-010.dwg