

# **Memorandum to the City of Markham Committee of Adjustment**

June 29, 2018

**File:** A/100/18  
**Address:** 27 Cornell Common Road, Markham  
**Applicant:** Sean Sells  
**Agent:** Shannon Logan  
**Hearing Date:** Wednesday July 25, 2018

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, to permit:

**a) Section 6.3.1.2:**

a maximum rear covered porch encroachment of 1.86 m into the minimum 6.0 m setback between the main building and the detached garage, whereas the By-law does not permit covered porches to encroach into the required setback between the main building and the detached garage; as it relates to a rear covered porch addition to an existing residential dwelling.

The applicant is proposing a rear covered porch whereas the by-law does not permit covered porches to encroach into the required setback between the main building and the detached garage. The minimum distance required in the by-law between the main building and the detached garage is 6 m. The existing dwelling currently provides 8.42 m between the main dwelling and the detached garage, approximately 2.42 m greater than the minimum setback that is required. As a result, the proposed 4.28 m covered porch will encroach 1.86 m into the required setback between the main building and detached garage. Thereby leaving over 4 m between the main building and detached garage. Given this, Staff are of the opinion that the rear covered (unenclosed) porch will not take significant space away from rear amenity space and is appropriate for the lot.

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

According to the information provided by the applicant, *"6.0m set back from garage is too limiting to construct a functional covered porch"*.

## **Zoning Preliminary Review (ZPR) not Undertaken**

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

## **PUBLIC INPUT SUMMARY**

As of June 29, 2018 the City received 2 letters in support of the application. 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\File\ 18 237750 \Documents\District Team Comments Memo

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/18**

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' to this Staff Report and received by the City of Markham on June 22, 2018, 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate;
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 Director of Planning and Urban Design or designate.

CONDITIONS PREPARED BY:

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

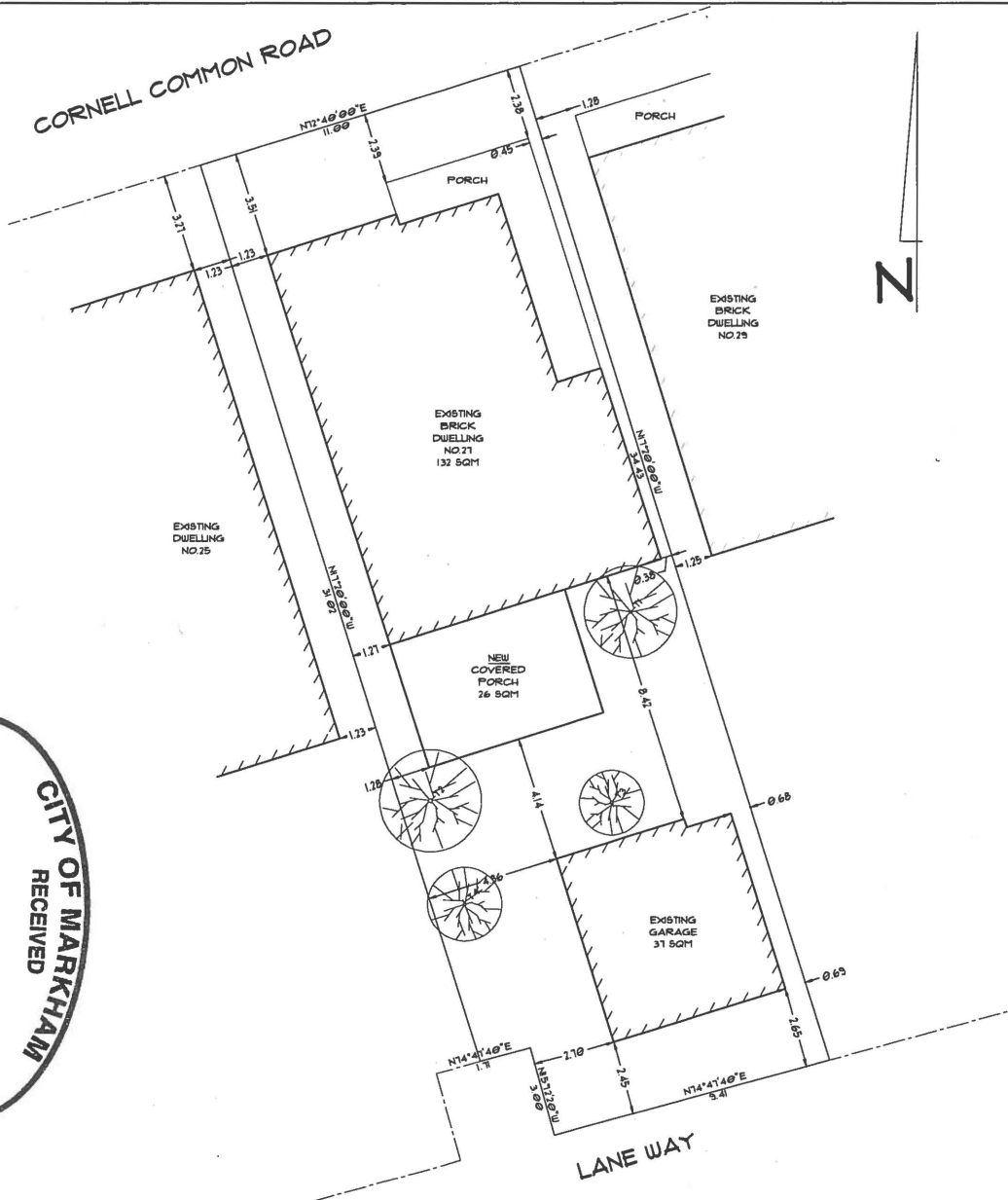
# COVERAGE

DWELLING COVERAGE.....132 SQM  
 GARAGE COVERAGE.....31 SQM  
 NEW PORCH.....26 SQM  
 TOTAL.....195 SQM  
 LOT AREA.....371 SQM  
 194/371 = 0.52.....52.5%

# TREE DATA

T1-IRONWOOD (16' DIA. DRIP LINE)  
 T2-LINDEN (11' DIA. DRIP LINE)  
 T3-SERVICEBERRY (1' DIA. DRIP LINE)  
 T4-LINDEN (6' DIA. DRIP LINE)

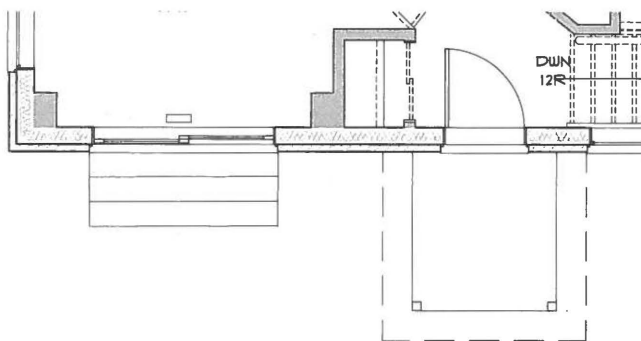
CORNELL COMMON ROAD



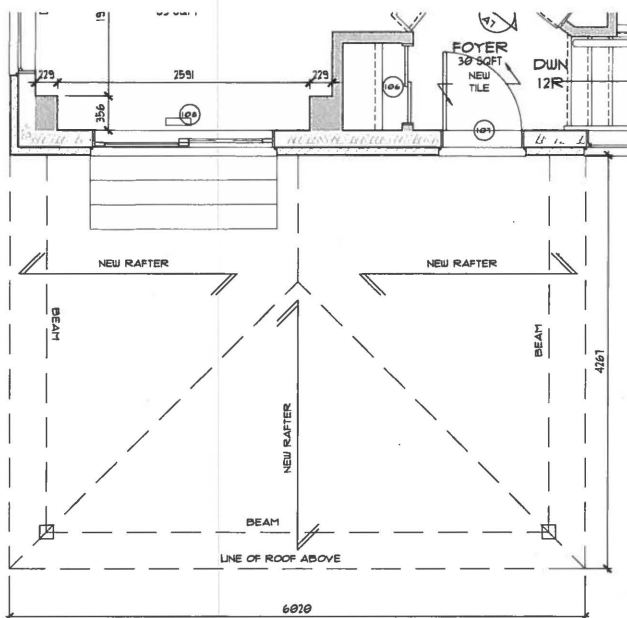
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DRAWN BY: <b>NATHAN PROCTOR</b> <b>MASTER EDGE</b> <i>homes</i> <small>QUALITY CRAFTSMANSHIP YOU CAN TRUST</small>		CLIENT: <b>SELLS-LOGAN</b>
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A OTHER DESIGNER.		PROJECT TYPE: <b>ADDITION</b>
QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C - 3.2.5.1. OF THE BUILDING CODE.		DATE: <b>29/05/2018</b> DD MM YYYY
NATHAN PROCTOR <i>Nathan Proctor</i> 42126 NAME SIGNATURE BCIN		SCALE: <b>1:150</b>
DRAWINGS ARE PROPERTY OF MASTER EDGE HOMES ADDRESS: <b>21 CORNELL COMMON MARKHAM ON L6B 1B5</b>		DWG NAME: <b>NEW SITEPLAN</b>
		<b>A0</b>



1  
A1 EXISTING  
SCALE: 1/4"=1'-0"



2  
A1 NEW  
SCALE: 1/4"=1'-0"

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NATHAN PROCTOR  
**MASTER EDGE**  
*homes*  
QUALITY CRAFTSMANSHIP YOU CAN TRUST

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NATHAN PROCTOR 42126  
NAME SIGNATURE BCIN

DRAWINGS ARE PROPERTY OF MASTER EDGE HOMES

ADDRESS:

27

CORNELL COMMON  
MARKHAM  
ON L6B 1B5

CLIENT:

**SELLS-LOGAN**

PROJECT TYPE:

**ADDITION**

DATE:

**29/05/2018**

DD MM YYYY

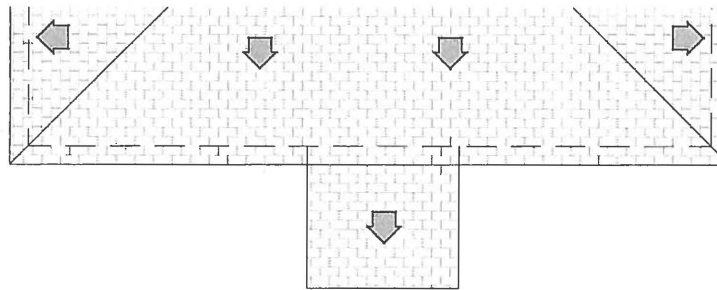
SCALE:

**1/4"=1'-0"**

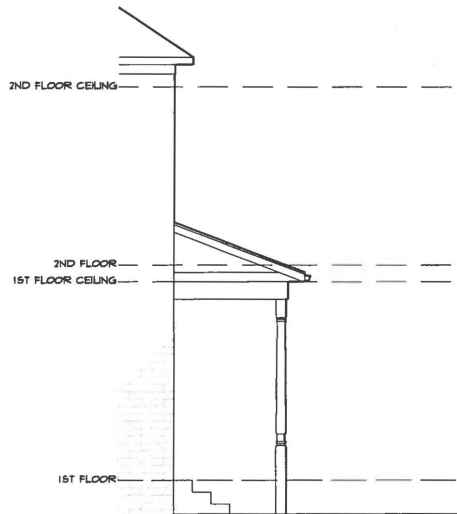
DWG NAME:

**EXIST/NEW  
COVERED PORCH**

**A1**



1 ROOF PLAN  
A2 3/16" = 1'-0"



2 WEST ELEV.  
A2 3/16" = 1'-0"



3 SOUTH ELEV.  
A2 3/16" = 1'-0"

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*homes*  
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CLIENT:

SELLS-LOGAN

PROJECT TYPE:

ADDITION

DATE:

29/05/2018

DD MM YYYY

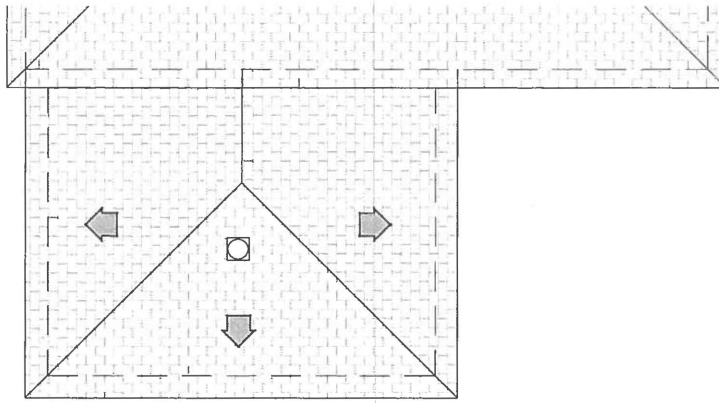
SCALE:

3/16" = 1'-0"

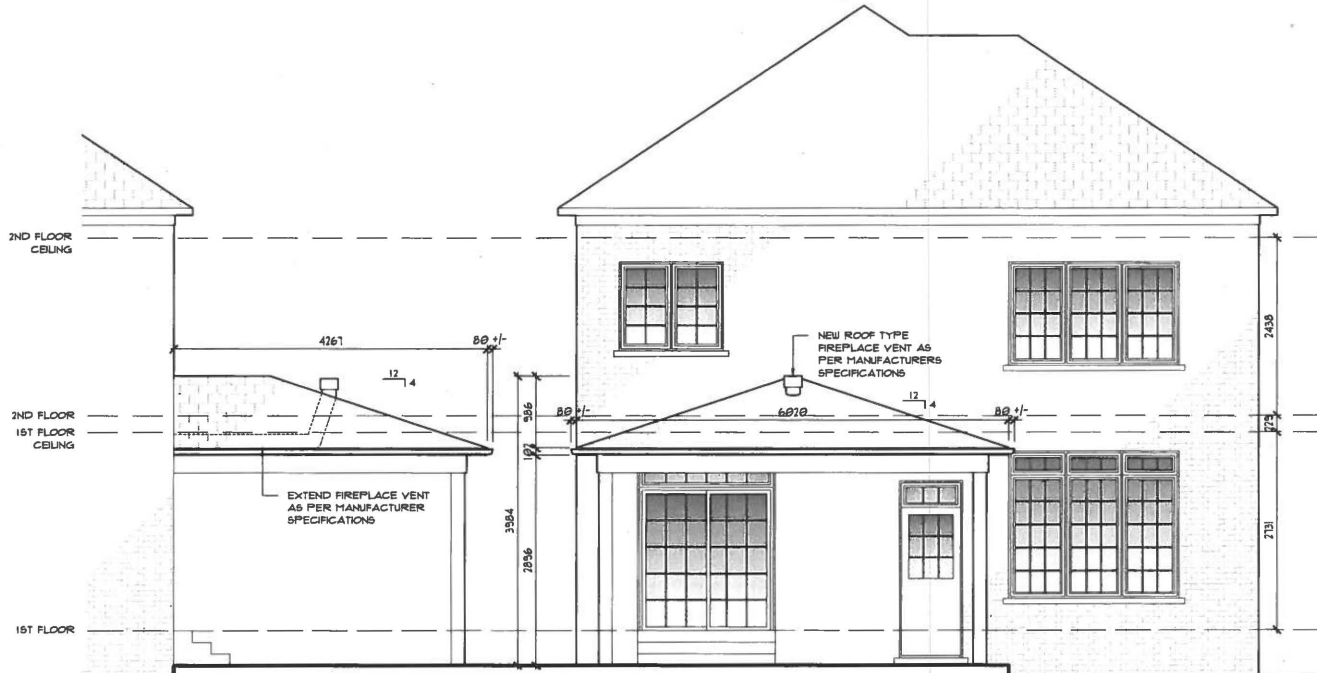
DWG NAME:

EXISTING  
PORCH ROOF

A2



1 ROOF PLAN  
A3 3/16" = 1'-0"



2 WEST ELEV.  
A3 3/16" = 1'-0"

3 SOUTH ELEV.  
A3 3/16" = 1'-0"

DRAWN BY:

**M** NATHAN PROCTOR  
MASTER EDGE homes  
QUALITY CRAFTSMANSHIP YOU CAN TRUST

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27  
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ON L6B 1B5

CLIENT:

SELLS-LOGAN

PROJECT TYPE:

ADDITION

DATE:

29/05/2018

DD MM YYYY

SCALE:

3/16" = 1'-0"

DWG NAME:

NEW  
PORCH ROOF

A3