Memorandum to the City of Markham Committee of Adjustment March 4, 2019

File:	A/112/17
Address:	104 Glen Cameron Road, Thornhill
Applicant:	Ron Pansino
Owners:	Kiril Penkov & Teodora Buhteva
Hearing Date:	March 13, 2019

Further to our previous comments provided to the Committee of Adjustment for the September 13, 2017 Hearing (see Attachment 1), the following revised comments are provided on behalf of the West Team:

The applicant is requesting relief from the requirements of By-law 2237, as amended to permit:

a) Section 4.1:

a second dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot;

- b) Infill By-law 101-90, Section 1.2 (i): a maximum building height of 9.22 m (30.24 ft.); whereas the By-law permits a maximum building height of 8.6 m (28.2 ft.);
- c) <u>Amending By-law 61-94, Section 4:</u> a minimum east side yard setback of 1.3 m (4.26 ft.); whereas the By-law requires a minimum side yard setback of 1.8 m (5.9 ft.);
- d) <u>Amending By-law 61-94, Section 4:</u> a minimum west side yard setback of 0.27 m (0.88 ft.), to an existing one storey carport, whereas the By-law requires a side yard setback of 1.2 m (3.9 ft.);

The requested variances relate to an addition to the existing dwelling.

COMMENTS

This application was deferred sine die at the September 13, 2017 to provide the applicant an opportunity to confirm with Zoning staff whether any additional variances were required, including, to permit a "Second Dwelling Unit", and re-circulate / re-notify the application, if required. A Zoning Preliminary review (file no. ZPR 17 176805) was completed on May 2, 2018 to confirm the required variances as noted above.

Planning Staff have reviewed the revised application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and have no concerns with this application. However, 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.

Should the Committee see merit in approving the revised application as requested, it is recommended that the conditions provided in Appendix "A" be attached to any approval of this application.

PREPARED BY Rick Cefaratti, Planner, West District

REVIEWED BY: 7 David Miller, West District Manager

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APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/112/17

- 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 A' 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. 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.
- 6. That the reduced west side yard setback of 0.27 m (0.88 ft.) only applies to allow an unenclosed carport with no walls.
- 7. Submission and approval of a siting / grading plan of the property, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
- 8. That subject to the review and approval of a siting/grading plan, the owner demonstrate that there is no negative impact along any abutting property respecting surface water drainage, 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:

2011/10/10

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Rick Cefaratti, MCIP, RPP, Planner II, West District

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104 GLEN CAMERON RD

ADDITION / ALTERATION

SHEET LIST							
SHEET NUMBER	SHEET NAME						
A000	COVER PAGE						
A100	CONSTRUCTION NOTES						
A102	EXISTING/DEMO, & PROPOSED FOUNDATION PLAN						
A103	PROPOSED FIRST & SECOND FLOOR PLANS						
A104	ROOF PLAN DEMOLISHED & PROPOSED						
A105	EXISTING / PROPOSED SOUTH ELEVATION						
A106	EXISTING / PROPOSED WEST ELEVATION						
A107	EXISTING / PROPOSED NORTH ELEVATION						
A108	EXISTING / PROPOSED EAST ELEVATION						
A109	BUILDING SECTIONS						
A110	BUILDING SECTIONS CONTINUED						
A111	DETAILS						
S-01	FOUNDATION PLAN						
S-02	GROUND FLOOR PLAN						
S-03	SECOND FLOOR PLAN						

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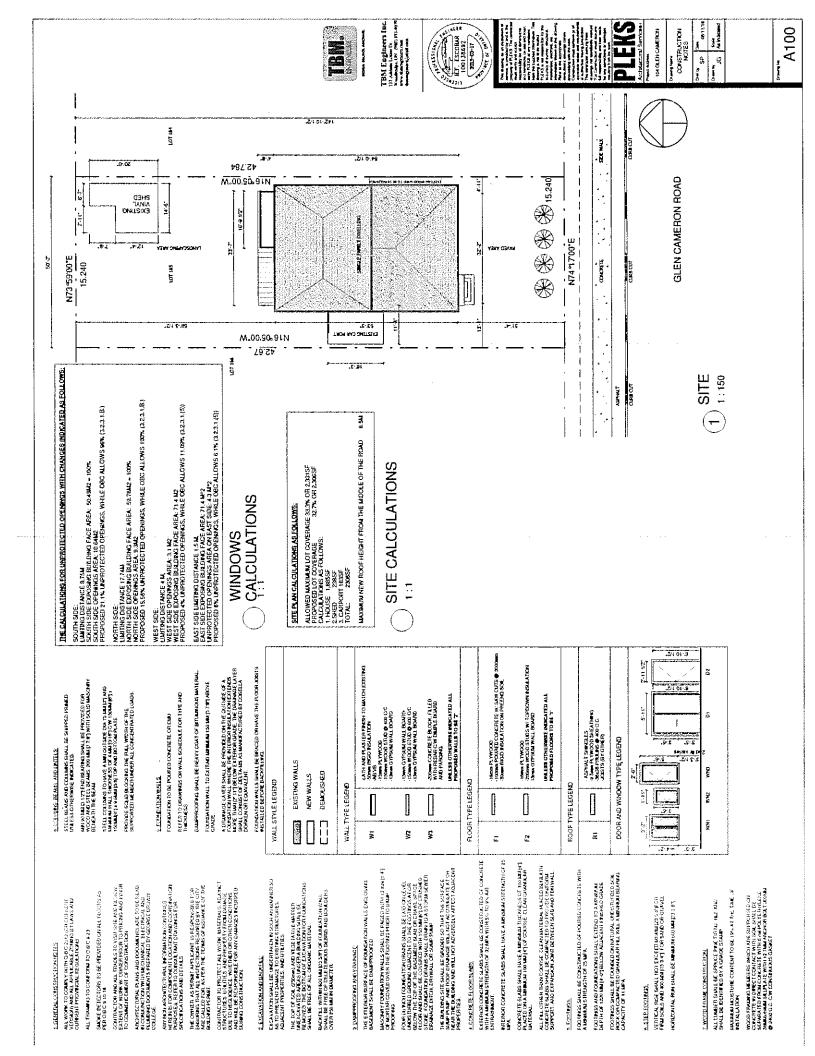


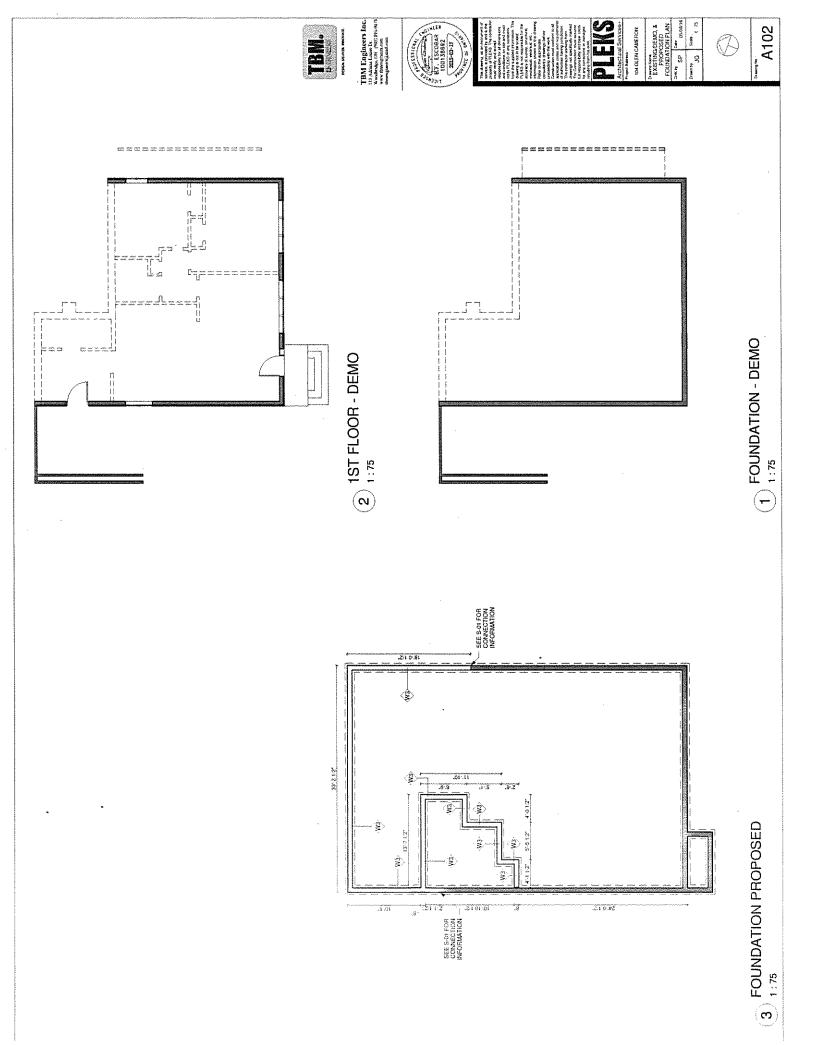
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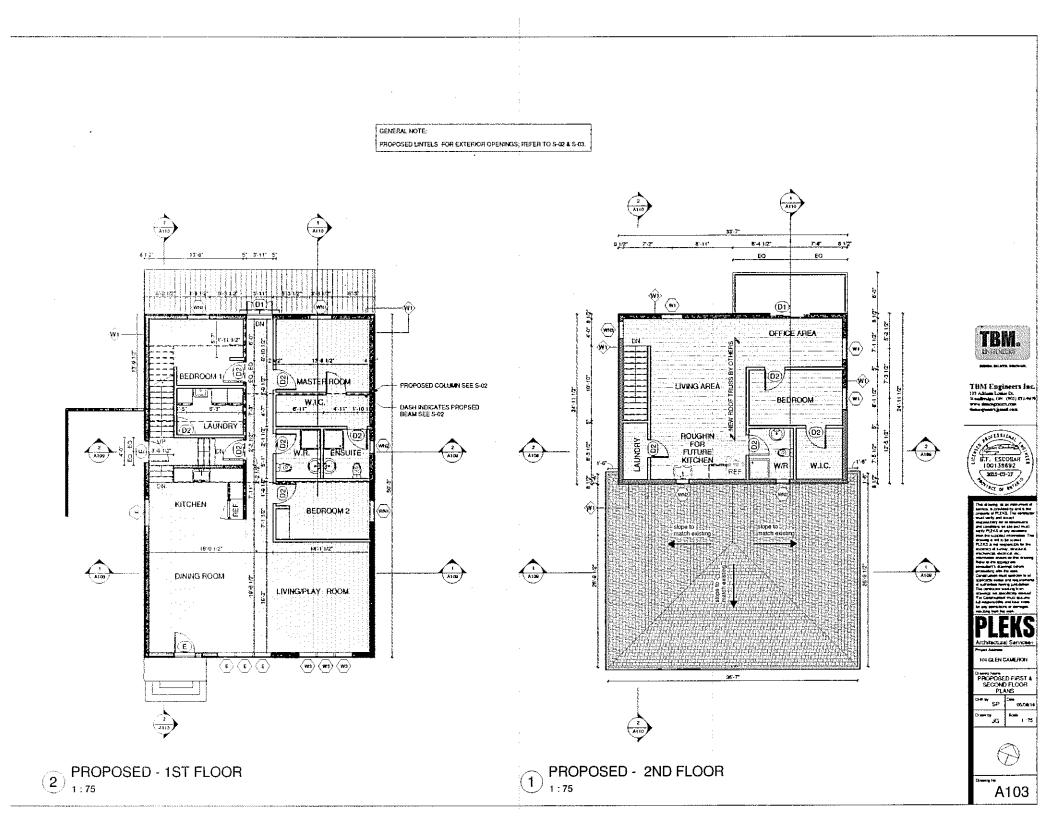


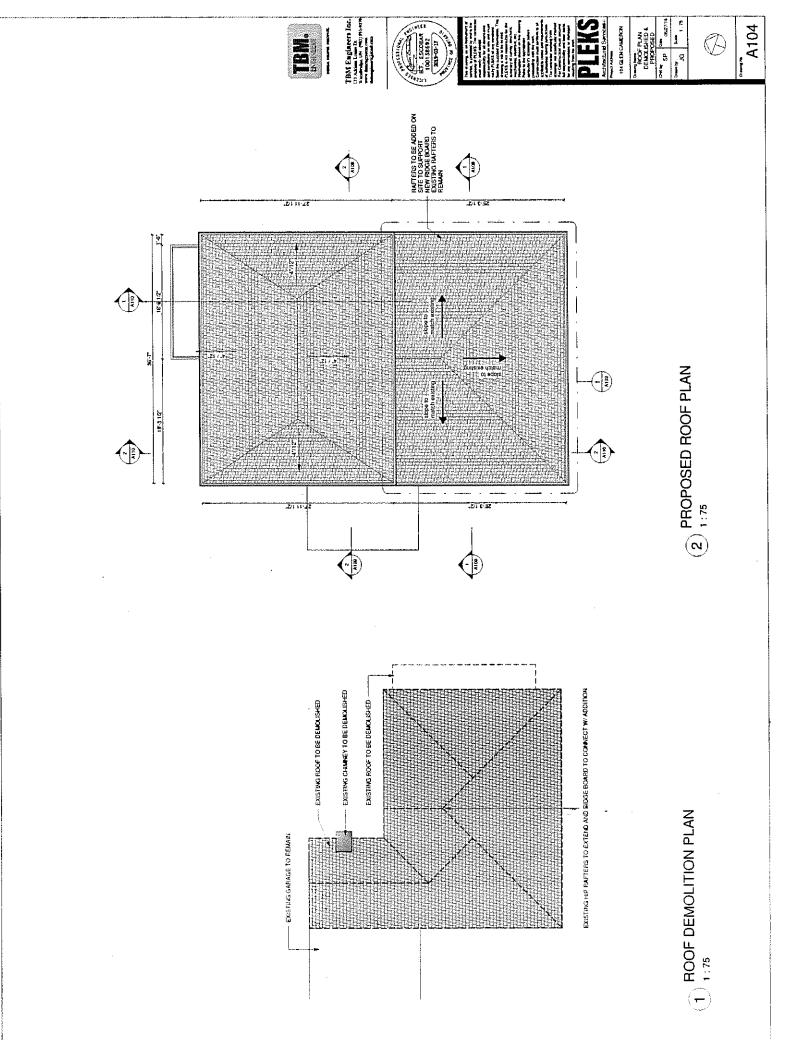


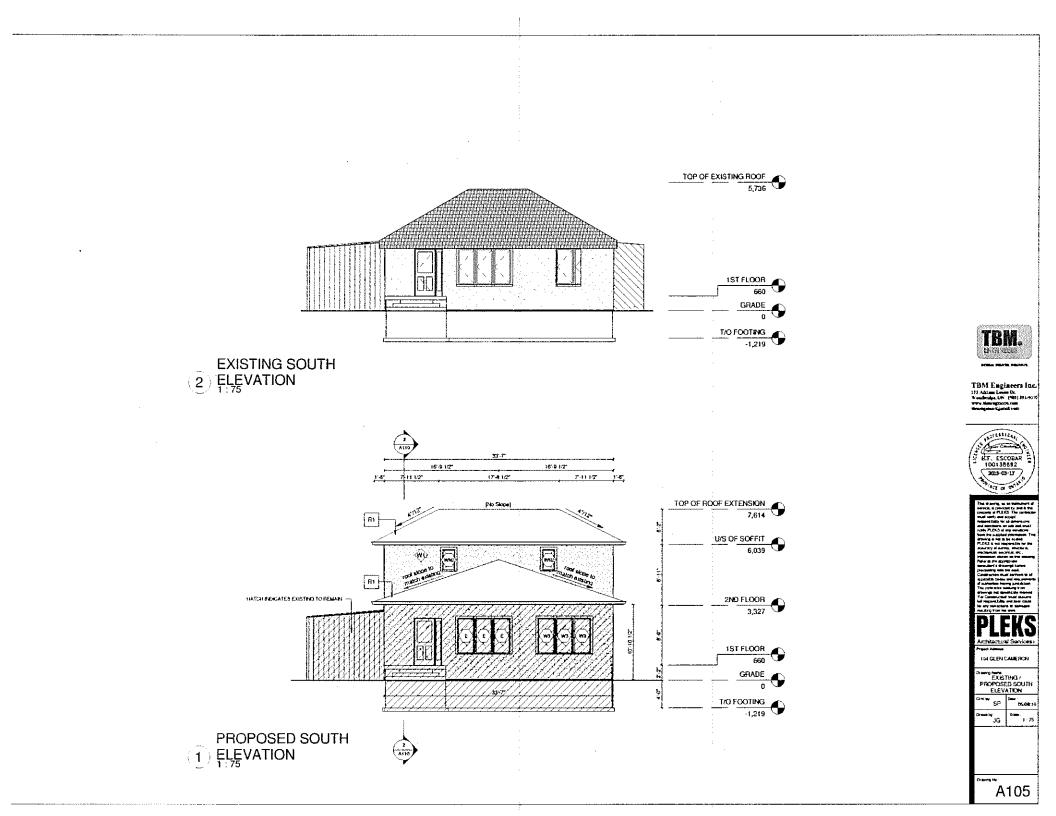
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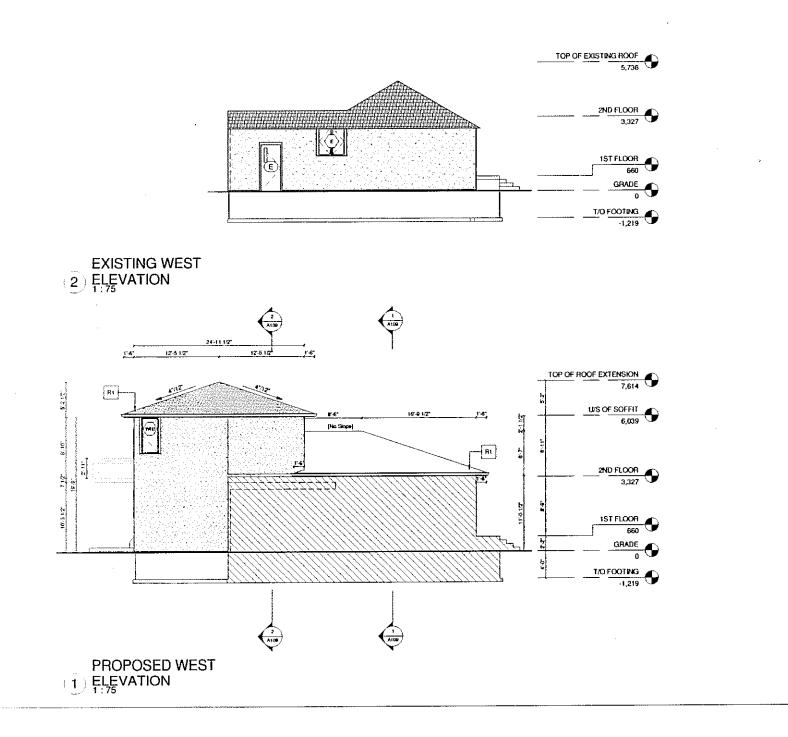














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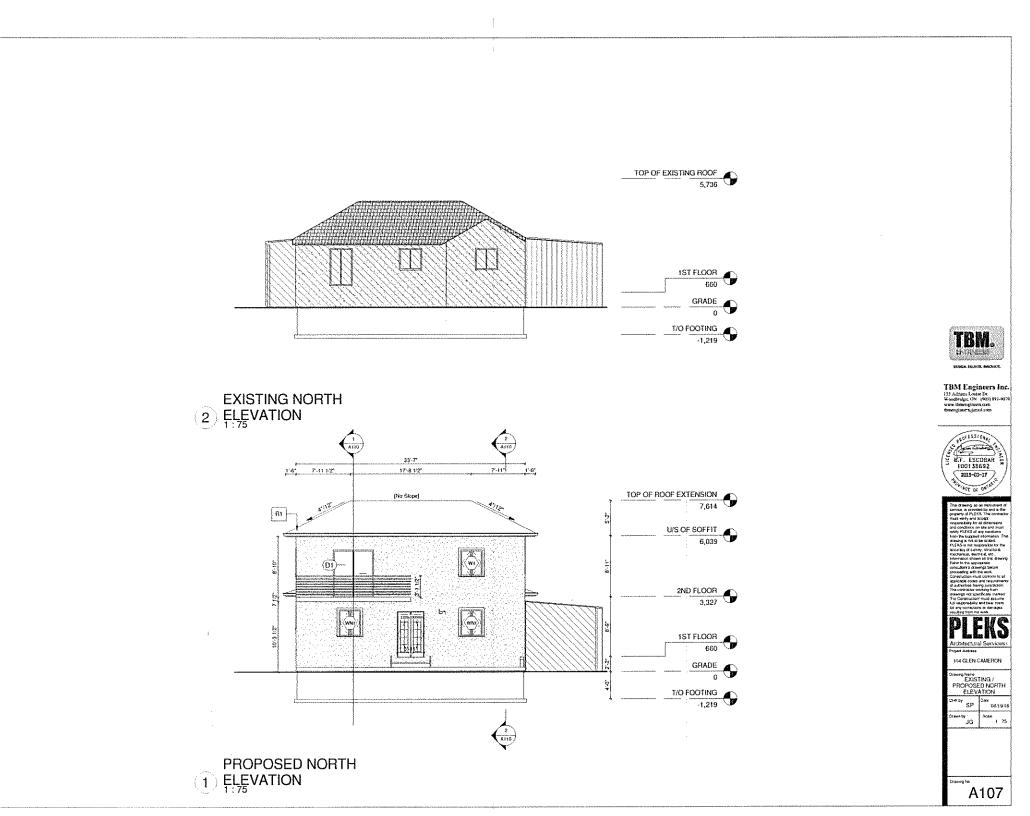
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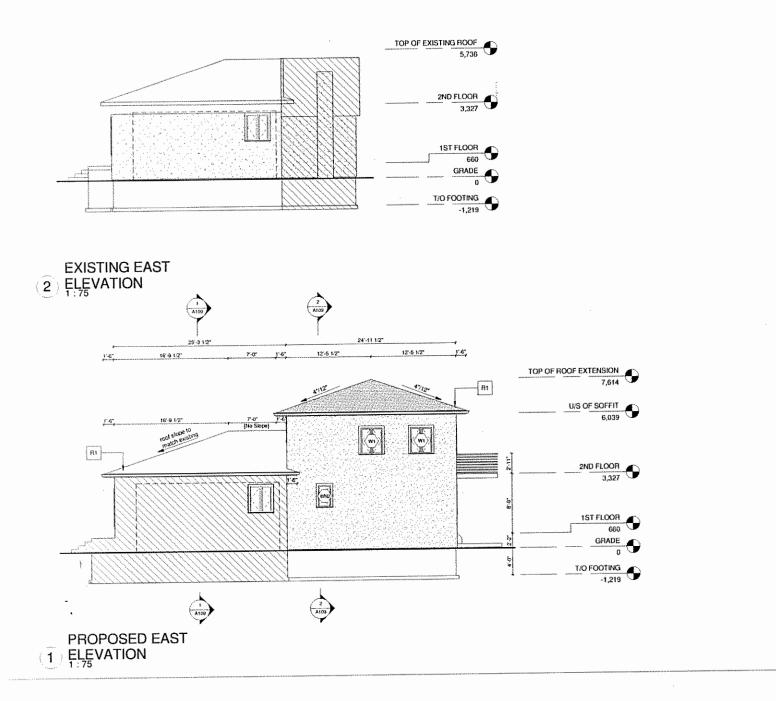
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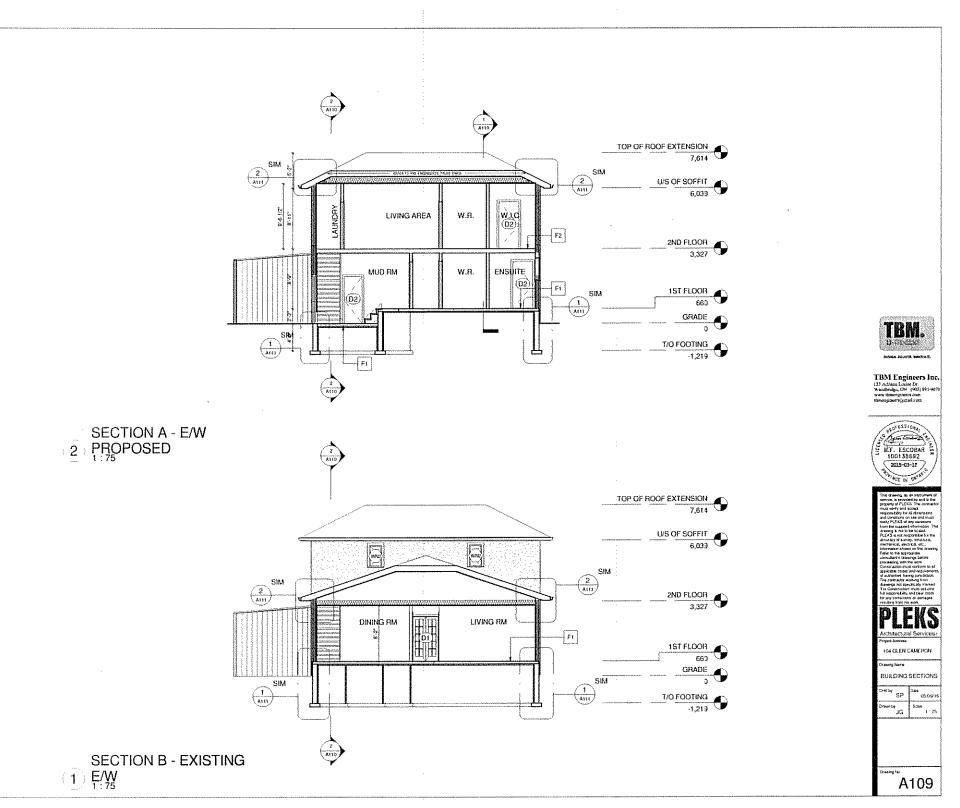
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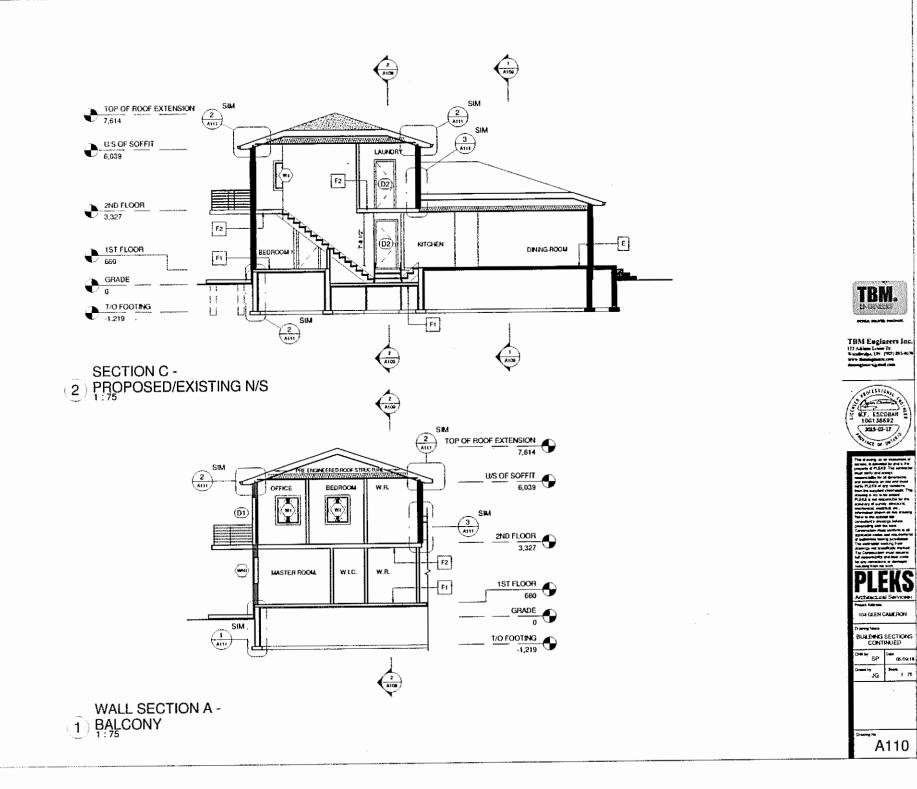


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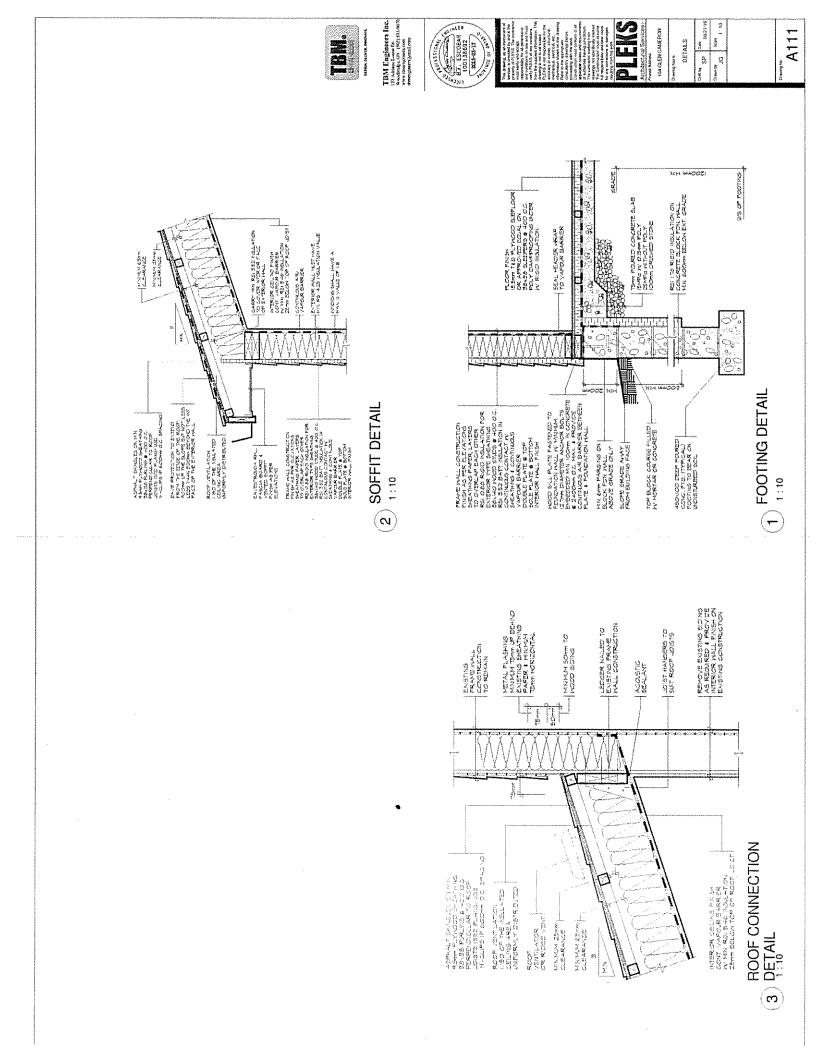


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Memorandum to the City of Markham Committee of Adjustment September 7, 2017

File:	A/112/17
Address:	104 Glen Cameron Road, Thornhill
Applicant:	Ron Pansino
Owners:	Kiril Penkov & Teodora Buhteva
Hearing Date:	Wednesday September 13, 2017

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

The applicant is requesting relief from the following requirements of By-law 2237, as amended:

a) Section 2.11:

to permit a second kitchen on the second floor within a single residential dwelling unit; whereas, the By-law definition of 'Dwelling, Single Family' permits one kitchen within a single residential dwelling unit;

b) Infill By-law 101-90, Section 1.2 (i):

a maximum building height of 9.22 m whereas the By-law permits a maximum building height of 8.6 m;

c) Amending By-law 61-94, Section 4:

a minimum east side yard setback of 1.49 m whereas the By-law requires a minimum side yard setback of 1.8 m; as it relates to an addition to the existing dwelling.

BACKGROUND

Property Description

The 650 m² property is located on the north side of Glen Cameron Road, approximately 45 m east of Lillian Avenue. The property contains a one storey detached dwelling constructed circa 1953 and mature vegetation. To the north, east and west of the property are single detached dwellings, and to the south across Glen Cameron Road is a two storey industrial building containing a courier company and a tire retailer.

Proposal

The applicant is proposing a second storey addition to the existing dwelling while providing the same side yard setbacks as the first floor.

Official Plan & Zoning

Official Plan

The site is designated 'Residential Low Rise' in the 2014 Official Plan (partially approved as of October 29, 2015, May 26, 2016, March 10, 2017 & April 21, 2017) which provides for low rise housing forms including single detached dwellings.

Zoning By-law

The property is zoned R4S (Residential Fourth Density Special) under By-law 2237, as amended which permits single detached dwellings. This zone category only permits one kitchen within a single residential dwelling unit.

Residential Infill Zoning By-law

The property is also subject to Residential Infill Zoning By-law 101-90, which amends Bylaw 2237. The intent of this by-law amendment is to ensure that any redevelopment of existing residential dwellings reflects the prevailing established and stable character of the neighbourhood. In order to maintain the character of the existing neighbourhood, the infill by-law specifies zoning standards for building depth, garage projection, garage width, floor area ratio, height, front yard setback and number of stories.

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

According to the information provided by the applicant on the application form, the "Building exists. Constructed 1953".

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.

Second Kitchen Variance

The applicant is proposing a second kitchen, whereas, a maximum of one kitchen is permitted. Staff have no objections in principle to the requested variance. However, based on the plans submitted with the application, the second kitchen will be located within the proposed second floor addition which also contains a bedroom and washroom and this area appears to be consistent with the definition of a "Secondary Suite" described in the City's 2014 Official Plan. A Secondary Suite is defined as "a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.

The owner may be required to submit an additional variance application if the proposed renovations are deemed to be a "Secondary Suite" through the Building Permit process.

Increased Building Height Variance

The applicant is proposing a maximum building height of 9.22 m, whereas, a maximum building height of 8.6 m is permitted. This represents an increase 0.62 m or approximately 7 percent. Building Height is measured from the centre line of the road to the peak of the roof ridge. Staff does not anticipate any adverse impacts to adjacent property owners as a result of the requested variance.

Reduced Side Yard Setback

The applicant is proposing a reduced a minimum east side yard setback of 1.49 m, whereas, a minimum side yard setback of 1.8 m is required. The applicant is proposing to align the proposed second floor exterior wall with the existing first floor exterior wall. Staff does not anticipate any adverse impacts to adjacent property owners as a result of the requested variance.

Tree Preservation

Should the Committee decide to approve this application, Staff recommends that the owner be required, as a condition of approval, to submit a tree assessment and preservation plan in accordance with the City of Markham, Trees for Tomorrow Streetscape Manual, as amended, to the satisfaction of the Director of Planning and Urban Design Department prior to site work. In addition, subject to review of the tree assessment and preservation plan, tree replacement fees are to be paid to the City of Markham, if required by the Director of Planning and Urban Design or his designate.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 7, 2017. It is noted that additional comments may be received after the writing of this report, and the Secretary-Treasurer will provide comment on this at the Committee of Adjustment Hearing.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken. Consequently, it is the owner'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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

CONCLUSION

It is the opinion of the Planning staff that the requested variances meet the four tests of the Planning Act. However, it is recommended that the application is deferred to provide applicant an opportunity to confirm with the Zoning Department whether an additional variance is required to permit a "Second Dwelling Unit" as well as to re-circulate and renotify the application, if required.

Notwithstanding the above, 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.

Should the Committee see merit in approving the application as requested, it is recommended that the conditions provided in Appendix "A" be attached to any approval of this application.

PREPARED BY:

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Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY: 13 ł

David Miller, MCIP, RPP, Manager, West District

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APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/112/17

- 1. The variances apply only to the proposed development as long as it remains;
- 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 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:

Rick Cefaratti, MCIP, RPP, Planner II, West District

104 GLEN CAMERON RD

ADDITION / ALTERATION

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SHEET	SHEET NAME
A000	COVER PAGE
A100	CONSTRUCTION NOTES
A102	EXISTING/DEMO, & PROPOSED FOUNDATION PLAN
A103	PROPOSED FIRST & SECOND FLOOR PLANS
A104	ROOF PLAN DEMOLISHED & PROPOSED
A105	EXISTING / PROPOSED SOUTH ELEVATION
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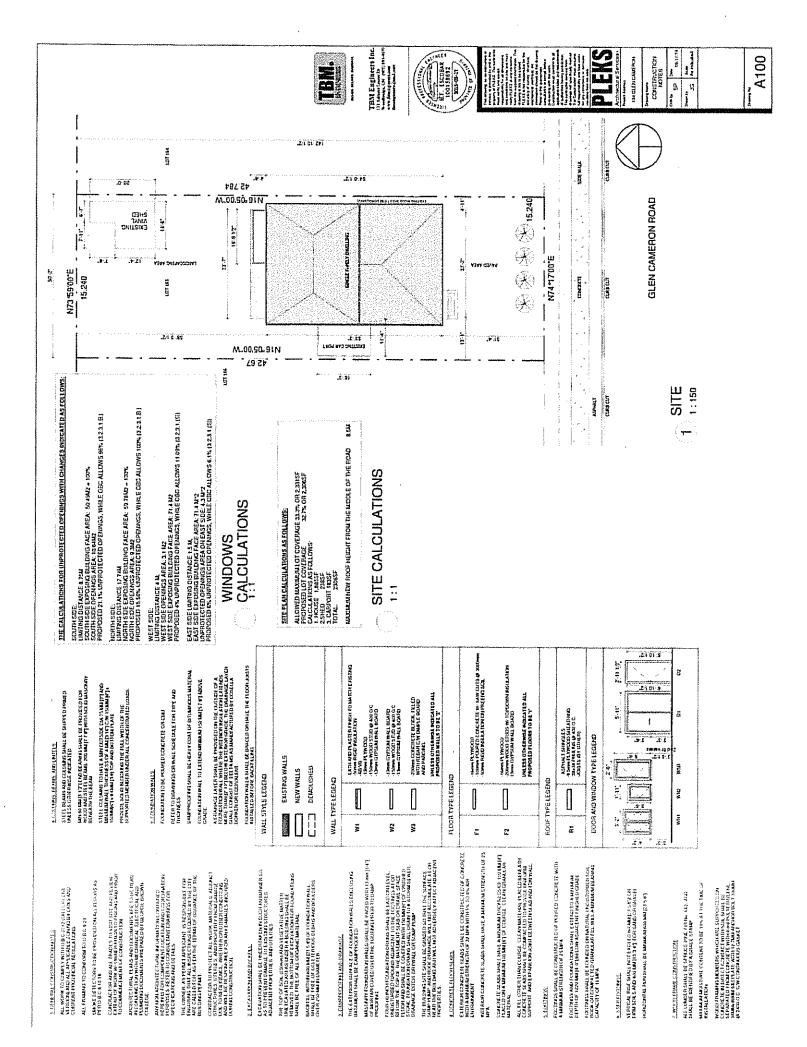
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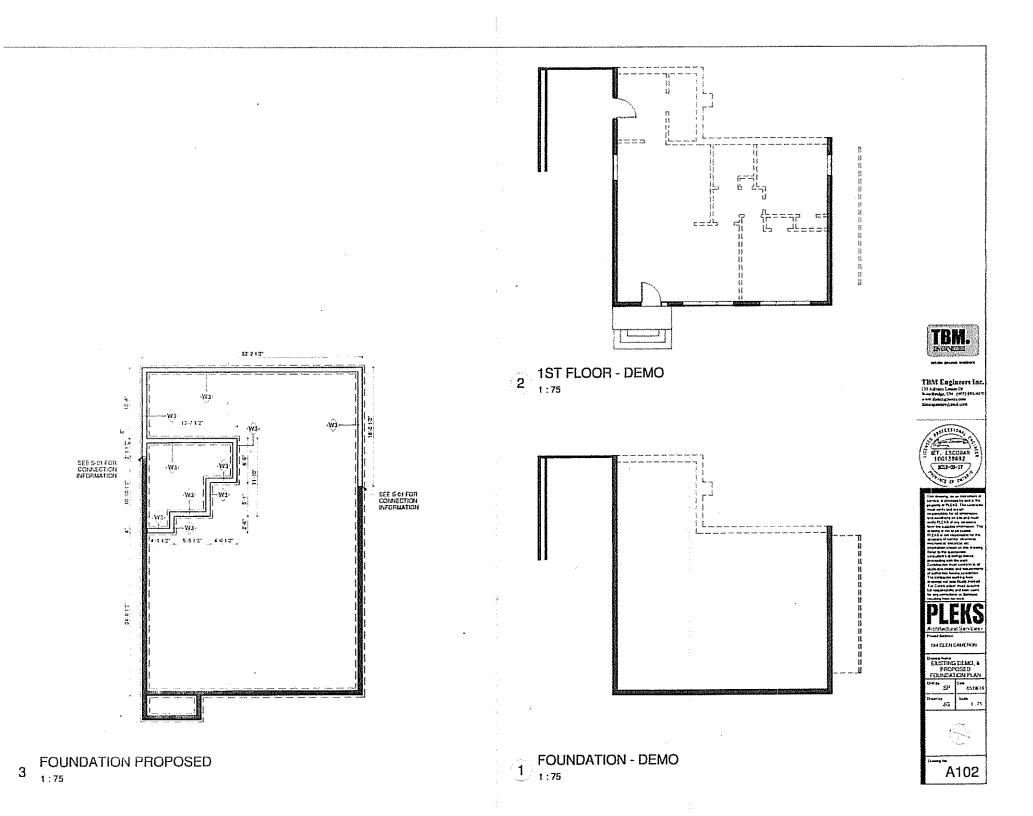


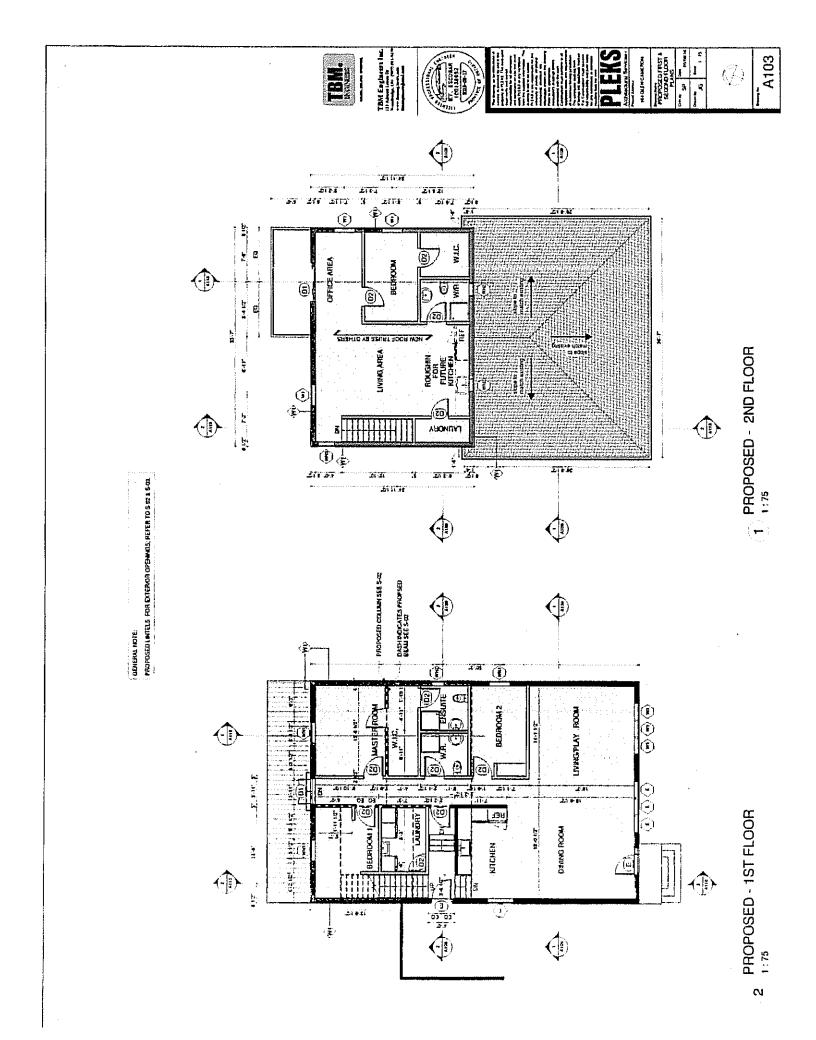
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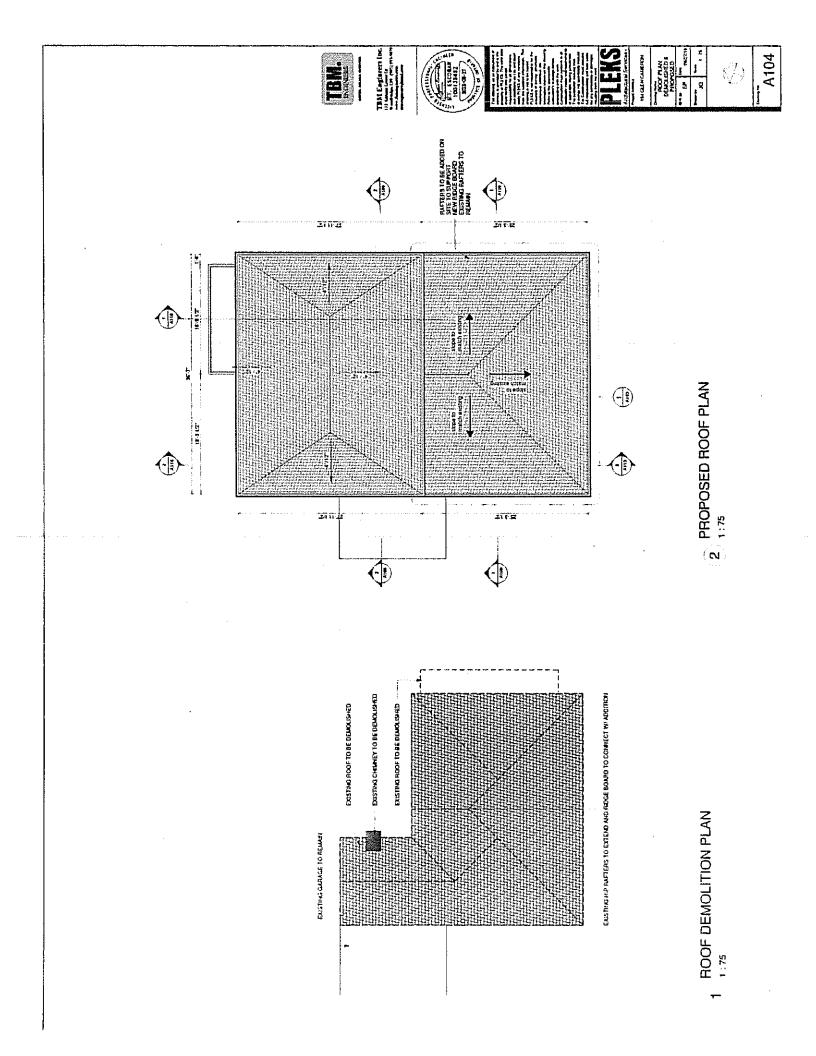


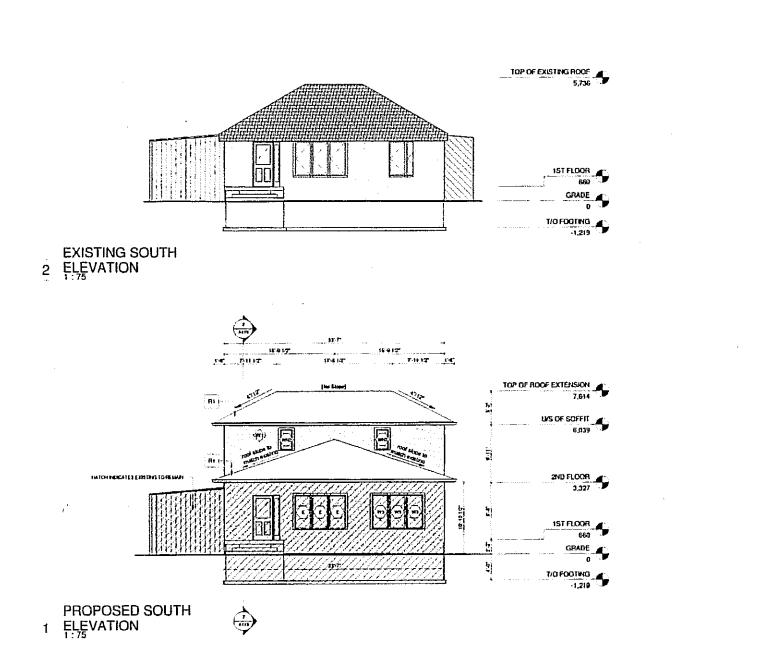












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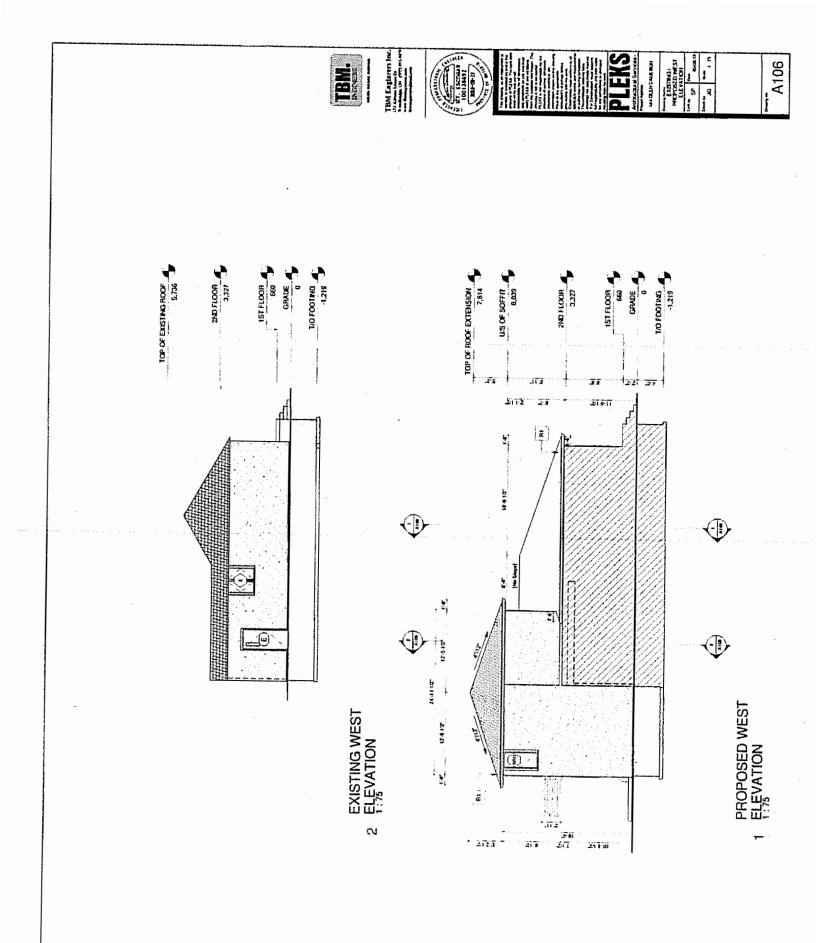
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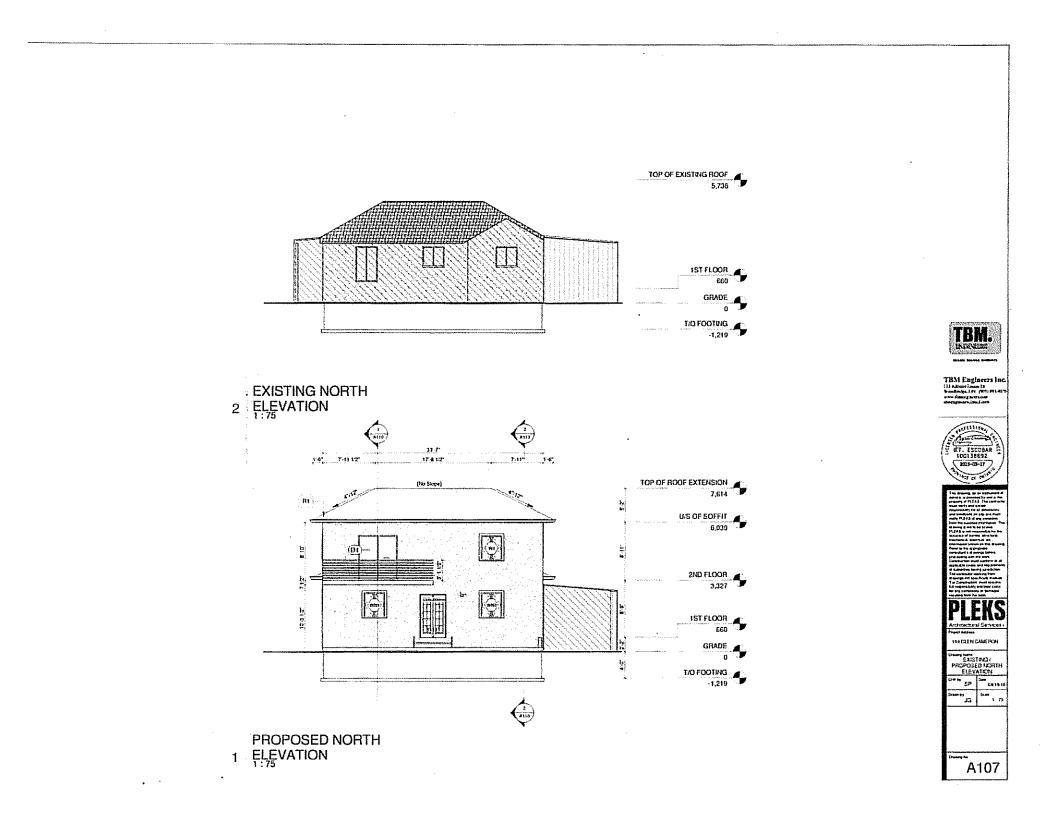
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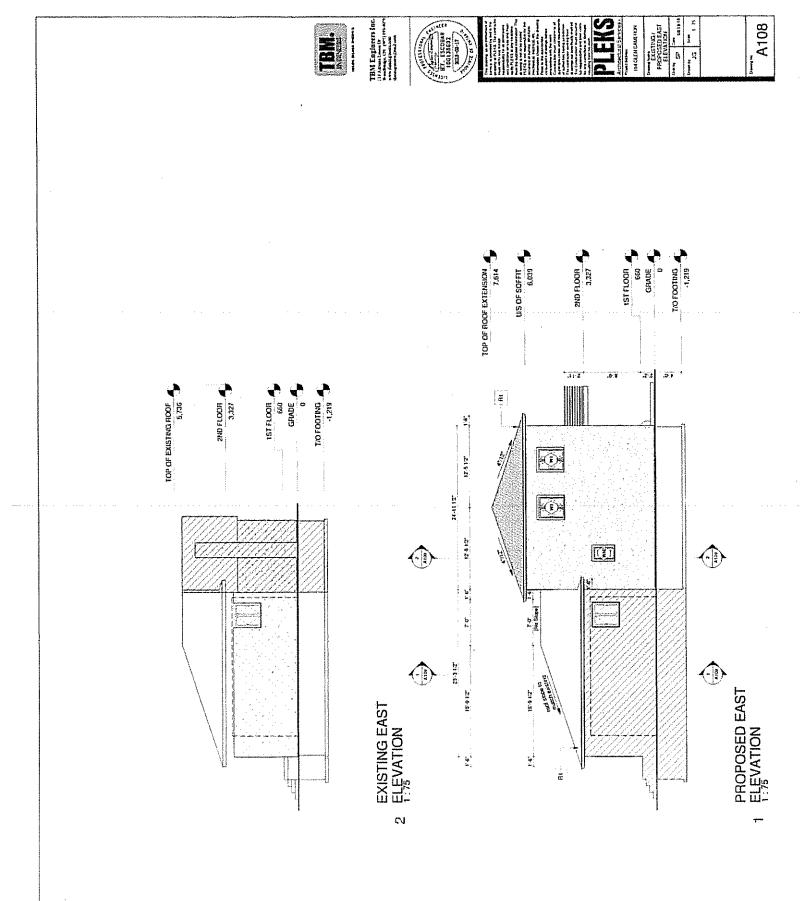
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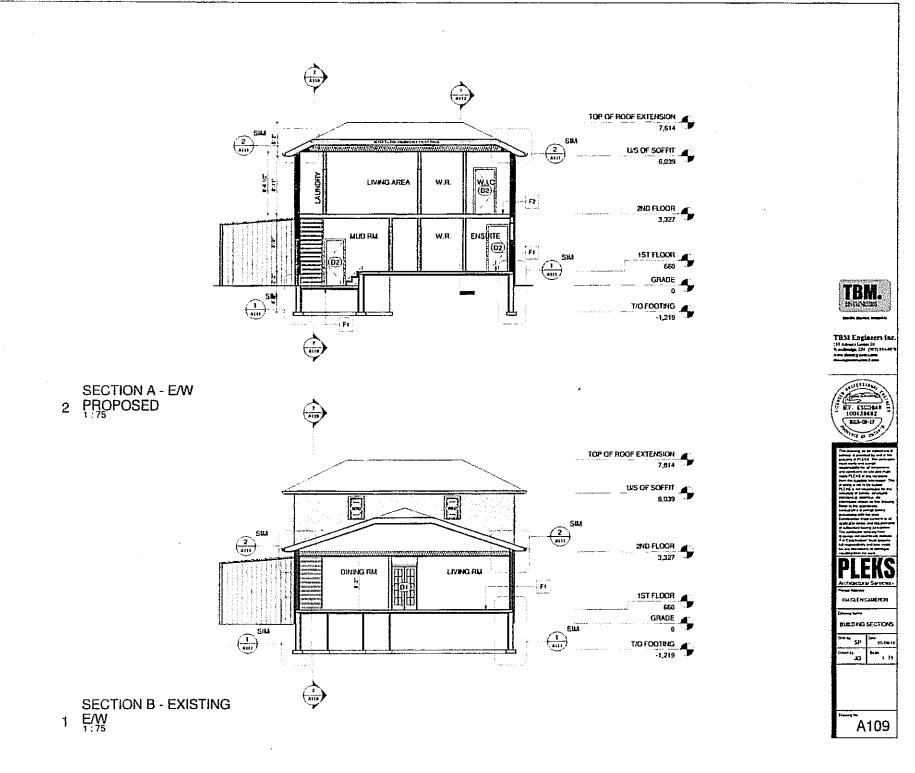
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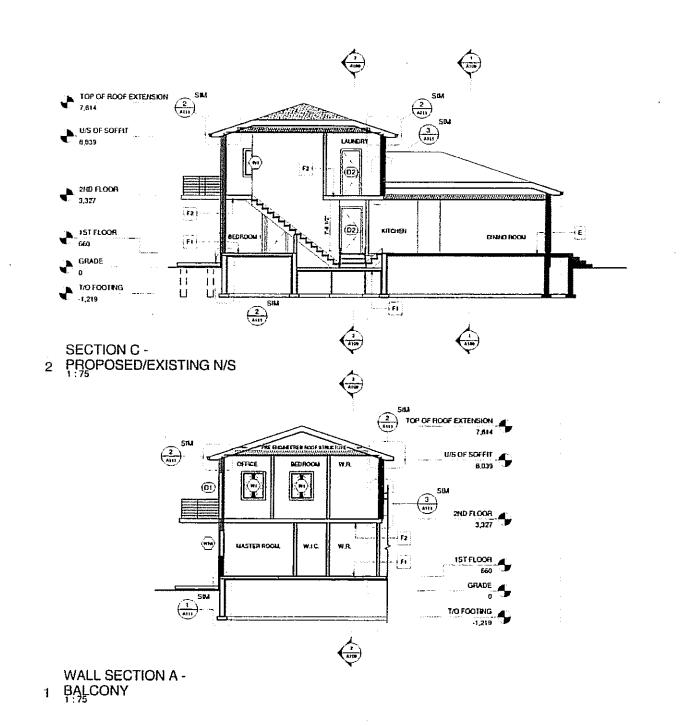
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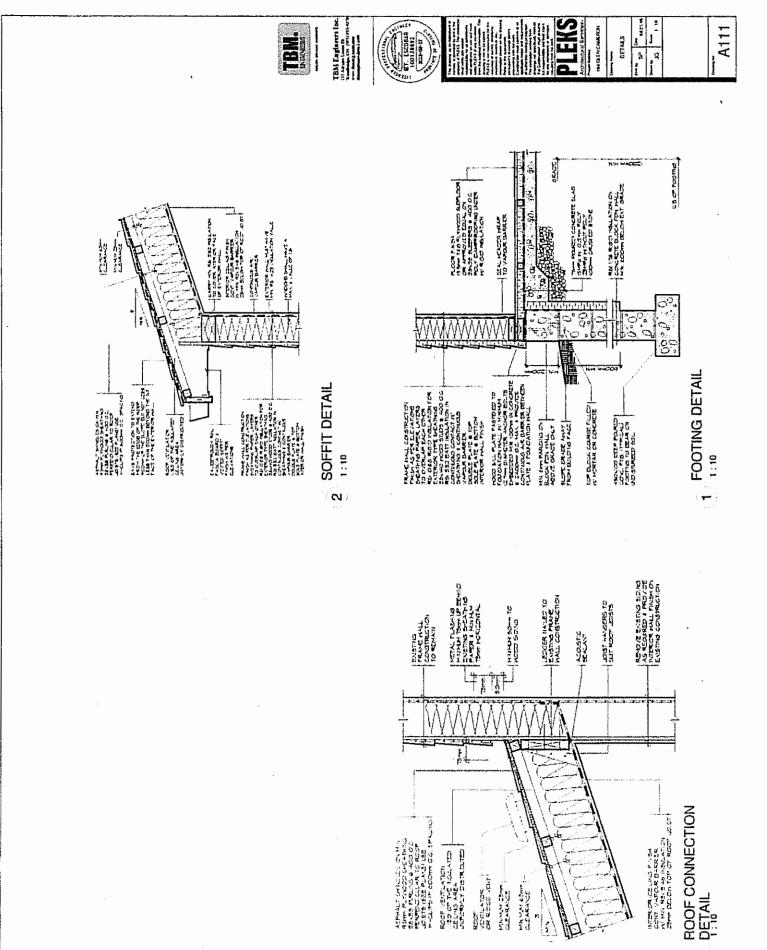


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