

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

September 19, 2018

**File:** A/129/18  
**Address:** 49 Pomander Road, Markham  
**Applicant:** Karen & Robert Repovs  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday September 26, 2018

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

The applicant is requesting relief from the following requirements of By-law 11-72 R4, as amended:

**a) Section 6.1, Schedule "B":**

a maximum lot coverage of 37.23 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent; as it relates to an addition of rear covered porch to an existing two storey dwelling.

The applicant is requesting relief for a maximum lot coverage of 37.23 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent. The proposed lot coverage includes a rear covered porch which adds approximately 10.27 m<sup>2</sup> (110.64 ft<sup>2</sup>) to the overall building area. Upon submission of the application, the neighbour was concerned with the proposal for a maximum lot coverage of 39.9 percent. The applicant provided revised drawings to the City of Markham to respond to their concerns and reduced the variance to a maximum lot coverage of 37.23 percent. Excluding the proposed porch, the building has a lot coverage of approximately 35.46 percent. The proposed porch is unenclosed, located at the rear of the dwelling and the side and rear yard setbacks are being met. The proposal will result in the removal of one tree which, will be reviewed upon the submission of a Tree Preservation Plan, which is a recommended condition of any approval.

**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, *"due to existing building configuration"*.

**Zoning Preliminary Review Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on September 18, 2018. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

**PUBLIC INPUT SUMMARY**

As of September 19, 2018, the City received 1 letter expressing support for 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. 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:

  
Richard Kendall, Development Manager, Central District  
File Path: Amanda\File\ 18 247716 \Documents\District Team Comments Memo

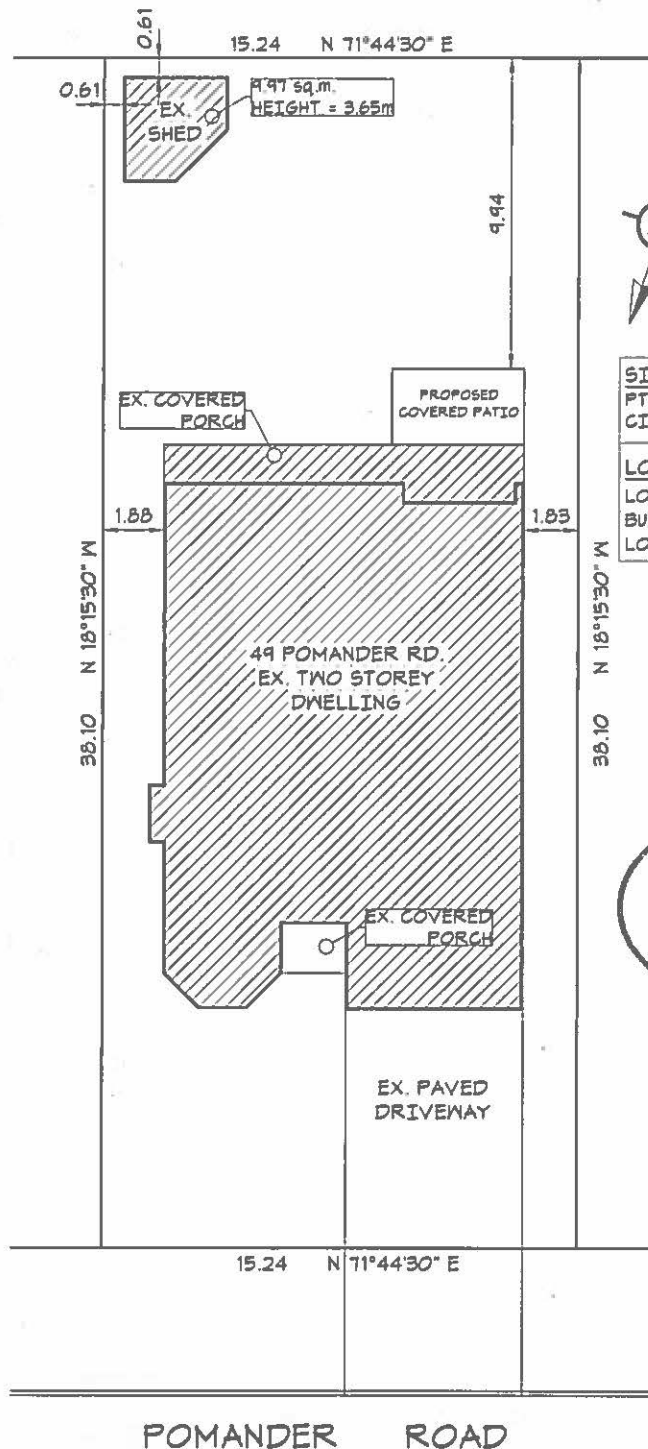
## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/129/18**

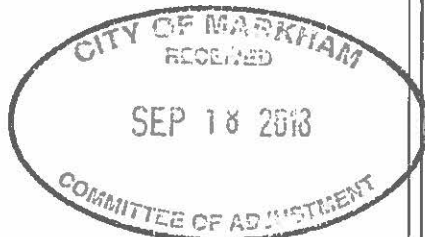
1. That the rear covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated September 18, 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;
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 Tree Preservation Technician or Director of Operations 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;
5. 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 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.

CONDITIONS PREPARED BY:

  
Aqsa Malik, Planner, Zoning and Special Projects



SITE INFORMATION	
PT. BLOCK 'A', R.P. 2367	
CITY OF MARKHAM	
LOT COVERAGE - TOTAL	
LOT AREA	= 580.62 sq.m.
BUILDING AREA	= 216.18 sq.m.
LOT COVERAGE	= 37.23 %



GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION "A" OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS
- DO NOT SCALE DRAWINGS
- OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLASH AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING
- THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY
- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION

PROJECT TITLE

SITE PLAN  
49 POMANDER ROAD  
CITY OF MARKHAM



THE GREGORY  
DESIGN GROUP

50 MCINTOSH DRIVE, UNIT 140  
MARKHAM, ONTARIO L3R 9T3  
OFF. CE (905) 479-4767  
FAX (905) 479-8496  
shane@gregorydesigngroup.net

SCALE

1:150

PROJECT NUMBER

2098-18

DRAWN BY

S. Gregory

CHECKED BY

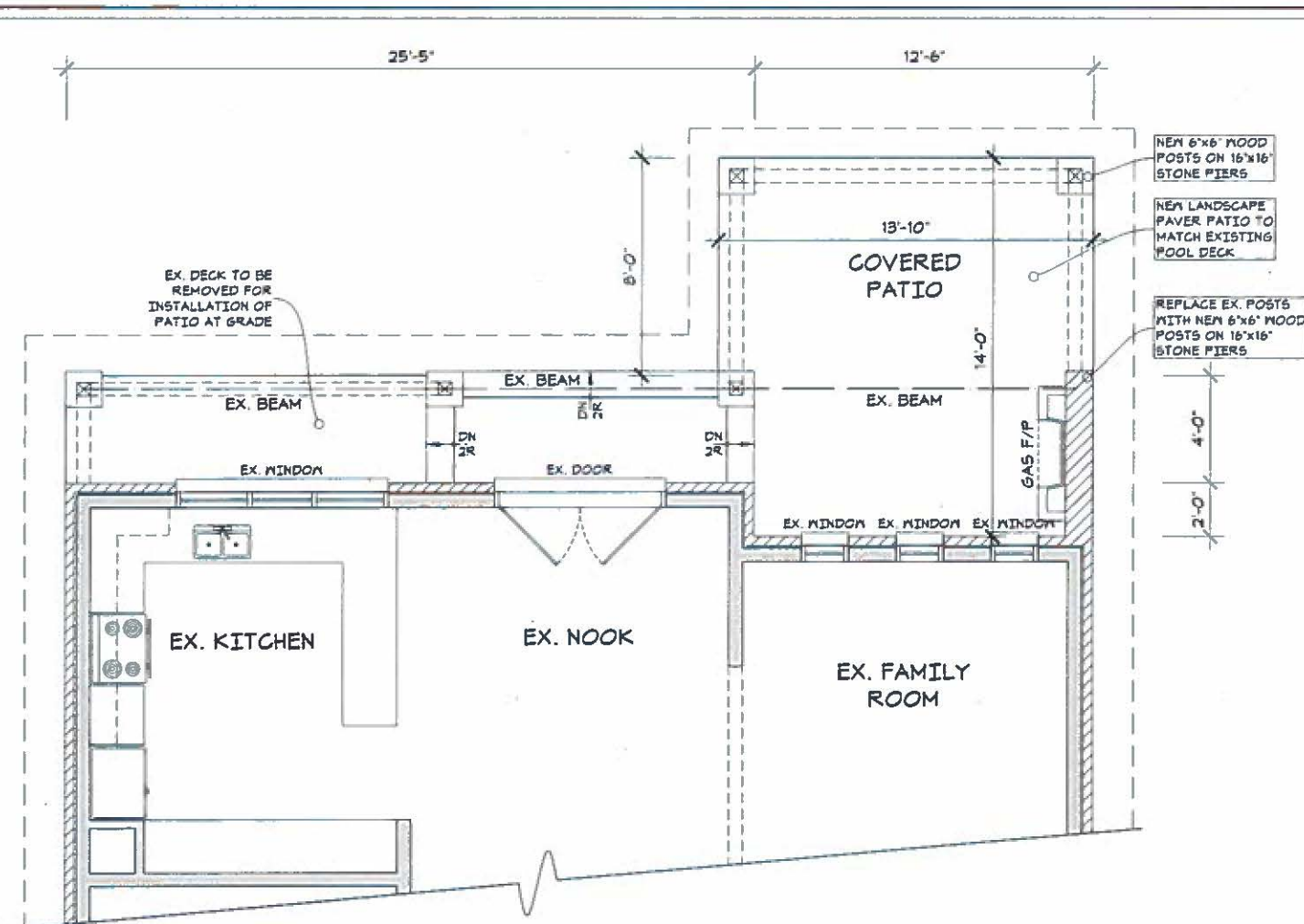
R.G.

DATE

09/17/18

SHEET NUMBER

SP-1



## GROUND FLOOR PLAN

### PROPOSED LAYOUT

BUILDING AREA = 2,217 sq.ft.  
 PROPOSED ADDITION = 110 sq.ft.  
 TOTAL BUILDING AREA = 2,327 sq.ft. (216.18 sq.m.)  
 (INC. COVERED PORCHES & GARAGE)

### GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "F" OF THE ONTARIO BUILDING CODE (LATEST EDITION)

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS

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BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION

### REVISIONS AND DATA

The undersigned has reviewed and hereby certifies that the design and construction of the above project complies with the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Full Name: S. Gregory  
Title: DCA

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Design  
Firm Name: 30506 BCK

### PROJECT TITLE

PROPOSED COVERED PORCH  
 49 POMANDER ROAD  
 CITY OF MARKHAM



50 MCDONALD DRIVE, UNIT 140  
 MARKHAM, ONTARIO L3R 9T3  
 OFFICE (905) 478-4767  
 FAX (905) 478-6496  
 shane@gregorydesigngroup.net

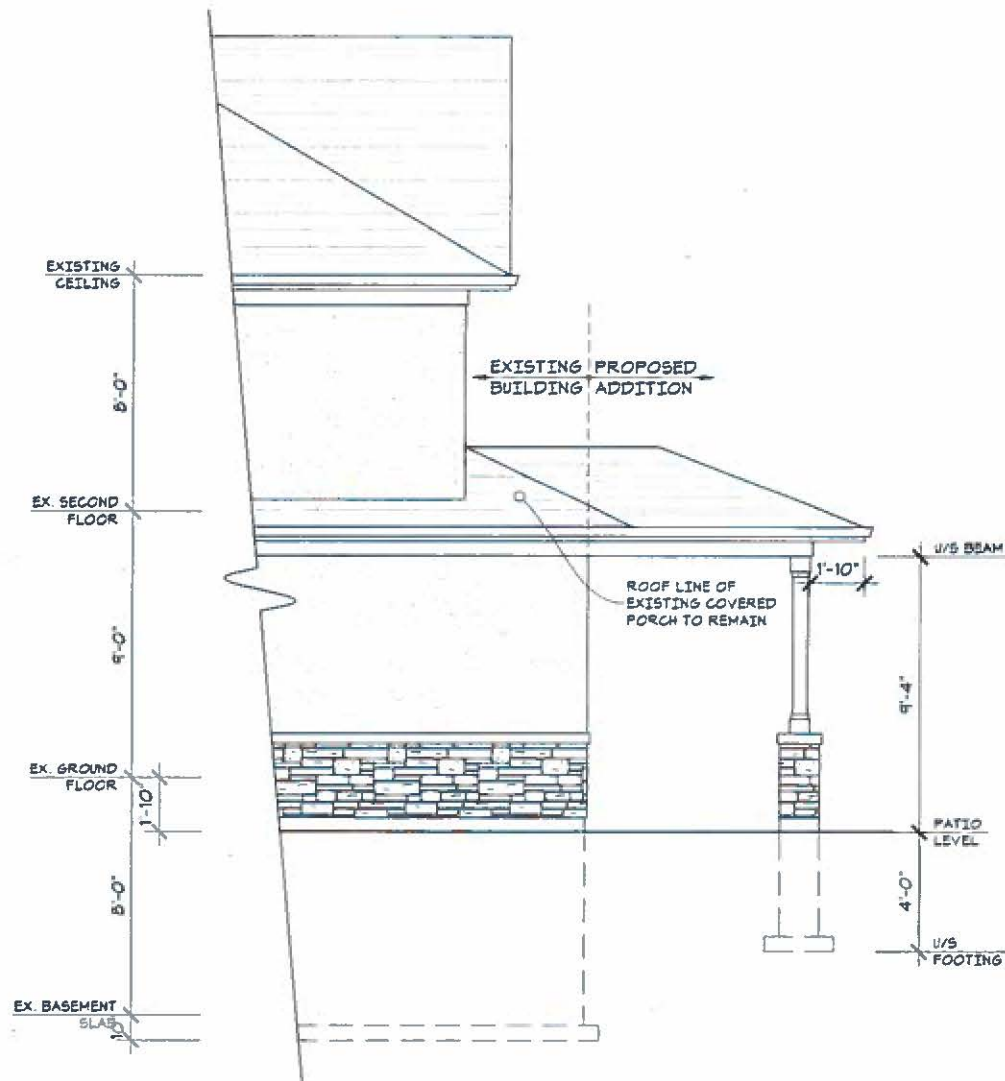
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 DATE: 09/17/18

PROJECT NUMBER: 2098-18  
 SHEET NUMBER: A-1

DRAWN BY: S. Gregory  
 CHECKED BY: R.G.







**LEFT SIDE ELEVATION**

**GENERAL NOTES:**

ALL CONSTRUCTION IS TO CONFORM TO SECTION 4 OF THE ONTARIO BUILDING CODE (LATEST EDITION)

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BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION

**REVISIONS AND DATA**

The undersigned has reviewed and taken responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer

**QUALIFICATION INFORMATION**  
Required unless design is exempt under § 17.3.1 of the Ontario Building Code

Shane Gregory 244325  
NAME BCAN

**REGISTRATION INFORMATION**  
Required unless design is exempt under § 17.4.1 of the Ontario Building Code

Shane Gregory 303504  
FIRM NAME BCAN

**PROJECT TITLE**

**PROPOSED COVERED PORCH**  
**49 POMANDER ROAD**  
**CITY OF MARKHAM**



50 MCINTOSH DRIVE, UNIT 140  
MARKHAM, ONTARIO L3R 9T3  
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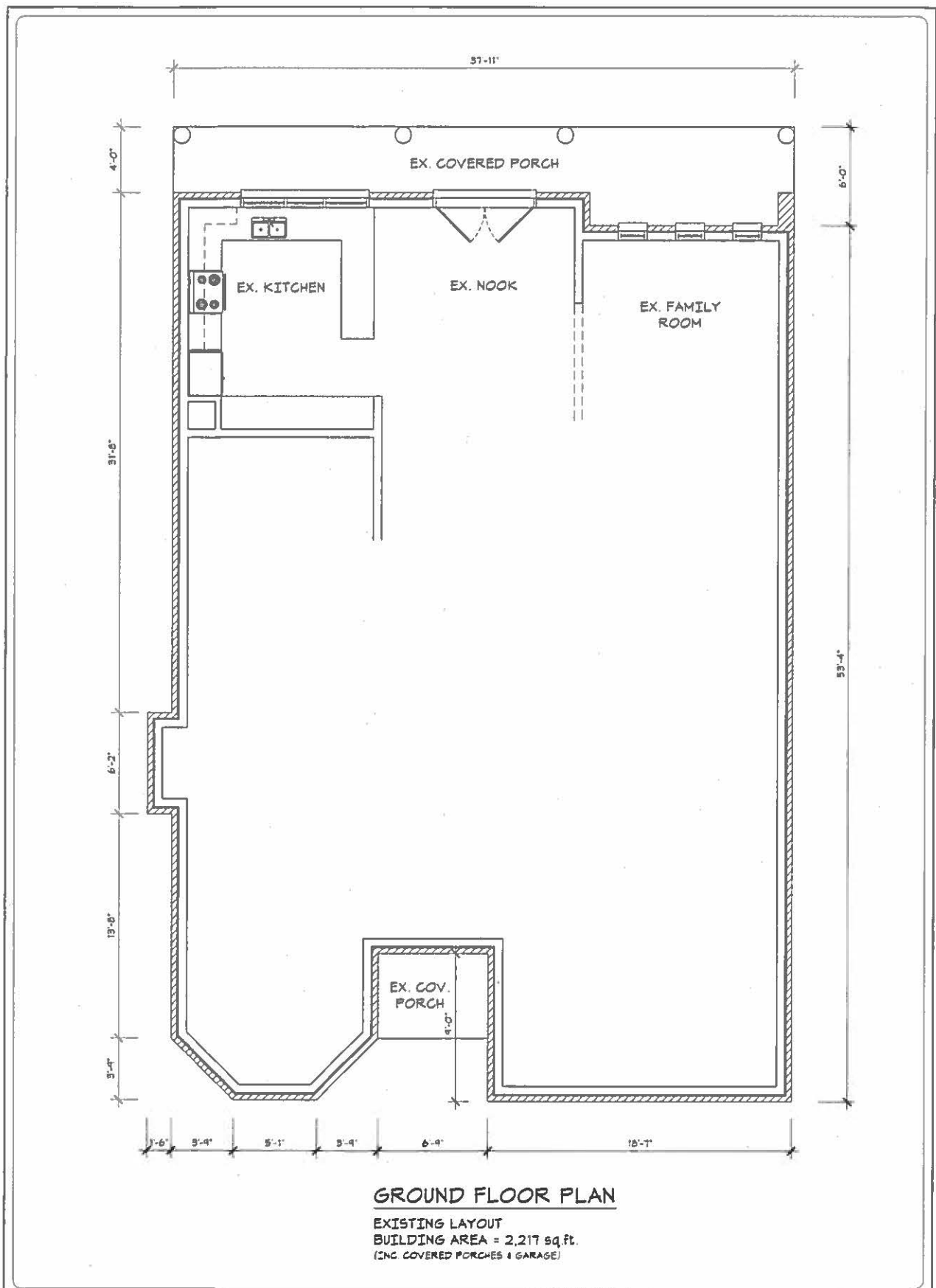
SCALE 1/4"=1'-0" DATE 09/17/18

PROJECT NUMBER 2048-18 SHEET NUMBER

DRAWN BY S. Gregory

CHECKED BY R.G.

**A-2**



#### GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION)
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#### PROJECT TITLE

EXISTING LAYOUT  
 49 POMANDER ROAD  
 CITY OF MARKHAM



THE GREGORY  
 DESIGN GROUP

50 VENTOSH DRIVE, UNIT 140  
 MARKHAM, ONTARIO L3R 9T3  
 OFF. CE. (905) 479-4757  
 FAX (905) 479-0496  
 shanc@gregorydesigngroup.net

SCALE  
 3/16"=1'-0"

PROJECT NUMBER  
 2098-18

DRAWN BY  
 S. Gregory

CHECKED BY  
 R.G.

DATE  
 08/14/18

SHEET NUMBER

**A-4**