

Memorandum to the City of Markham Committee of Adjustment

January 30, 2018

File: A/139/17
Address: 43 Elm Street Markham
Owner: Harry James
Agent: Tom Garzelli
Hearing Date: Wednesday February 7, 2018

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

The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed new residential dwelling:

a) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 25.2 m whereas the By-law permits a maximum building depth of 16.8 m; as they relate to a proposed new residential dwelling;

b) Infill By-law 99-90, Section 1.2 (i):

a maximum building height of 9.85 m, whereas the By-law permits a maximum building height of 9.8 m;

c) Deck By-law 142-95, Section 2.2 (b) (i):

a maximum deck projection of 7.2 m, whereas the By-law permits a maximum deck projection of 3.0 m;

d) Infill By-law 99-90, Section 1.2 (vi):

a maximum net floor area ratio of 49 percent whereas the By-law permits a maximum net floor area ratio of 45 percent.

It should be noted that variance c) needs to be revised and reflected in the Notice of Decision issued by the Secretary-Treasurer as discussed later in this report.

BACKGROUND

Application A/139/17 was deferred by the Committee of Adjustment on November 15, 2017 as the submitted application only accounted for the depth of the dwelling itself (see attached staff report). The variance request at that time did not account for the depth of the front covered porch nor did it account for the adjoining concrete deck at the rear of the newly proposed residence.

Revised plans were submitted on January 18, 2018.

The original application only included a variance request for building depth. In addition to the variance request for building depth, the revised application also now includes variance requests for building height, deck projection and net floor area ratio.

Zoning Preliminary Review Undertaken

A Zoning Preliminary Review (ZPR) had previously been undertaken to confirm the accuracy of the minor variances being requested for the proposed development. The plans however have since been revised since this review was completed.

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

The following statement was made in the application submitted:

- "A. – Interior design with master bedroom @ ground level;
- B. – Roof truss design to accommodate 2nd floor bedrooms;
- C. – The total of the covered rear deck + rear terrace;
- D. – Interior Design of Dwelling."

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.*

Increase to Maximum Building Depth

The applicant has requested relief to permit a maximum building depth of 25.2 m (82.67 ft) whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft).

In total, an additional 8.4 m (27.55 ft) of building depth beyond the by-law requirement is being requested. The main component of the proposed dwelling has a depth of 19.413 m (63.69 ft). The additional building depth applies to the front covered porch and rear covered deck.

The concrete deck is located at the rear of the property and will not be visible from the street. In addition to this, the minimum front and rear yard setbacks of 25 ft (7.62 m) will still comply with the zoning by-law requirements. With this being the case, staff are of the opinion that the requested variance is minor and will have no adverse impact on neighbouring properties.

Building Height

The applicant is requesting relief to permit a maximum building height of 9.85 m (32.31 ft) whereas the by-law permits a maximum building height of 9.8 m (32.15 ft).

The requested height variance is attributed to the fact that the grade height of the centreline (crown) of the street is lower than the proposed average grade for the subject property. With this being the case, the applicant has requested a height increase of 0.05 m (0.16 ft) beyond the by-law requirement.

The area zoning by-law calculates building height using vertical distance of building or structure measured between the level of the crown of the street at the midpoint of the front lot line and the highest point of the roof surface.

When considering the proposed height within the context of the overall massing of the dwelling, staff are of the opinion that the proposed increase in building height is minimal and will have no impact on the character of the existing community.

Deck Projection

The applicant has requested relief to permit a maximum deck projection of 7.2 m (23.62 ft) whereas the by-law permits a maximum deck projection of 3.0 m (9.84 ft). Upon review of the submitted plans, it has been determined by staff that the variance applied for (actual deck projection) is incorrect.

Zoning staff has confirmed that a variance will be required for the 3.048 m (10 ft) projection shown as per the submitted plans.

As a result, the requested variance should be revised as follows: 3.05 m (10.0 ft).

Even when factoring in the adjoining concrete terrace, a setback to the rear yard property line of 12.918 m (42.38 ft) is provided. This meets the minimum rear yard setback requirement of 7.62 m (25 ft). The deck is also similar in scale to several other rear decks within the immediate area. Staff have no concerns with the minor increase to deck projection.

Floor Area Ratio

The applicant is requesting relief from the by-law to permit a maximum net floor area ratio of 49 percent; whereas the by-law permits a maximum net floor area ratio of 45 percent. The proposed increase to the net floor area ratio will allow for the construction of a two-storey detached dwelling on the property with a total GFA of 400.05 m² (4,306 ft²) whereas the by-law permits a dwelling with a maximum total GFA of 365.10 m² (3,930 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measure of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The proposed dwelling is comparable in size with other new infill developments on Elm Street, including several homes that obtained minor variance approvals for net floor area ratio increases between 46 percent and 53 percent. The proposed dwelling will be in keeping with the intended scale of infill development for the neighbourhood and provides the required setbacks. Staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

PUBLIC COMMENT SUMMARY

No written submissions were received as of January 30, 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

Planning staff have reviewed this 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 the requested variances for building depth, height and net floor area. Staff do not object to the revised variance c) for a maximum deck

projection of 3.05 m. Staff recommends that the revised variances be reflected in the Notice of Decision. Staff recommends 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.

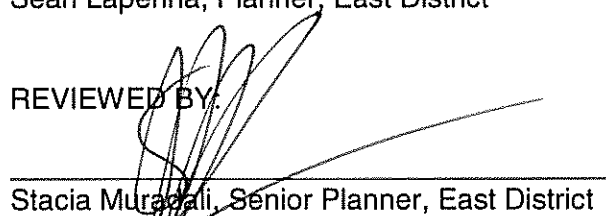
Please see Appendix "A" for conditions to be attached, should this application be approved.

PREPARED BY:



Sean Lapenna, Planner, East District

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 17 177969 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/139/17

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 B" to this Staff Report to the satisfaction of the Director of Planning and Urban Design or designate, 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.
3. That variance (c) be revised to permit a maximum deck projection of 3.05 m whereas, the By-law permits a maximum deck projection of 3.0 m.
4. That the proposed terrace remain uncovered and/or unexcavated.

CONDITIONS PREPARED BY:

A handwritten signature in dark ink, appearing to read "Sean Lapenna", is written over a horizontal line.

Sean Lapenna, Planner, East District

LEGEND

- PROPERTY LINE
- EXISTING DWELLING
- NEW ADDITION
- TO BE REMOVED
- ZONING SETBACKS
- SNOW FENCE AND WOOD FRAMING TREE PROTECTION
- ▶ MAIN ENTRANCE

LEGAL DESCRIPTION

COPY OF: LDT19 REG'D PLAN 4292
CITY OF MARKHAM
PREPARED BY:
AVANTI SURVEYING INC O.L.S
310 NORTH QUEEN ST. UNIT 102
TORONTO, ONTARIO M9C 5K4
416.231.1174
DATED: JUNE 22, 2017

GENERAL NOTES:

- GRADES ARE TO REMAIN UNCHANGED U.N.O
- EXCESS FILL MATERIAL TO BE REMOVED FROM PROPERTY
- THIS DOCUMENT TO BE READ IN-CONJUNCTION WITH THE LOT GRADING PLAN

CITY OF MARKHAM ZONING:

R1 - BYLAW 1229

GFA / LOT AREA CAL:

$$10,892 - 5,600 = 4,292 / 2 = 2,146$$

$$2,146 + 6,600 = 8,746$$

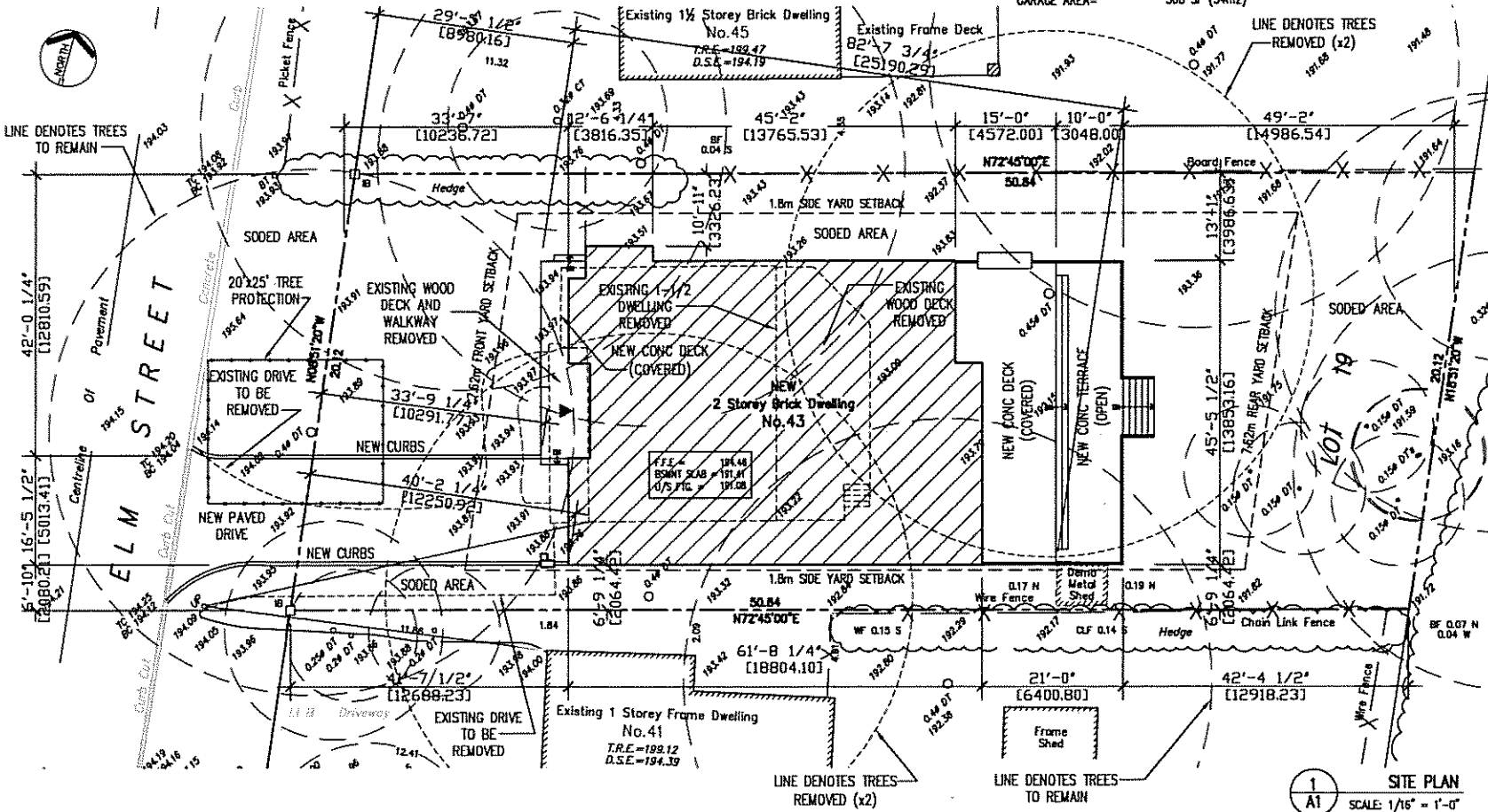
SITE DATA:

| | |
|-----------------------------------|----------------------------------|
| LOT AREA | 10,892 SF (1,012m ²) |
| G.F.A. | 0 SF (0m ²) |
| EXTG. NEW | 4,306 SF (400m ²) |
| G.F.A / LOT AREA RATIO = | 4,306 / 8,746 (49%) |
| FOOTPRINT | 2,388 SF (222m ²) |
| GARAGE | 368 SF (34m ²) |
| DECKS-COVER | 486 SF (45m ²) |
| PORTICO | 173 SF (16m ²) |
| LOT COVERAGE = | 3,415 / 10,892 (31%) |
| BUILDING HEIGHT (FROM CL OF ROAD) | 21'-7-3/4" (6.6m) |
| MID POINT TO PEAK | 31'-2" (9.5m) |
| DWELLING DEPTH = | 61'-8-1/4" (18.80m) |
| GARAGE AREA= | 368 SF (34m ²) |

| BULLOCK | PARKWAY AVE |
|--------------|---------------|
| MAIN STREET | JOSEPH ELM ST |
| MARKHAM ROAD | HWY 7 |
| | 407 ETR |
| | 14th AVENUE |

PROJECT KEY PLAN

2
A1



THE UNDERSIGNED HAS REVIEWED AND CHECKED THE INFORMATION FOR THIS DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE RULES OF A PROFESSIONAL ENGINEER.

REVISIONS & ISSUES

| | | |
|------------------|-----------|---|
| PREPARED FOR COA | JAN 15/17 | 3 |
| REVIEWED FOR COA | SEP 15/17 | 2 |
| ISSUED FOR COA | SEP 15/17 | 1 |

THE UNDERSIGNED HAS REVIEWED AND CHECKED THE INFORMATION FOR THIS DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE RULES OF A PROFESSIONAL ENGINEER.

QUALIFICATION INFORMATION
TOMMASO ARCHITECTURAL

REGISTRATION INFORMATION
PROFESSIONAL DESIGNER BY TOMMASO ARCHITECTURAL



ARCHITECTURAL DESIGN BY
TOMMASO

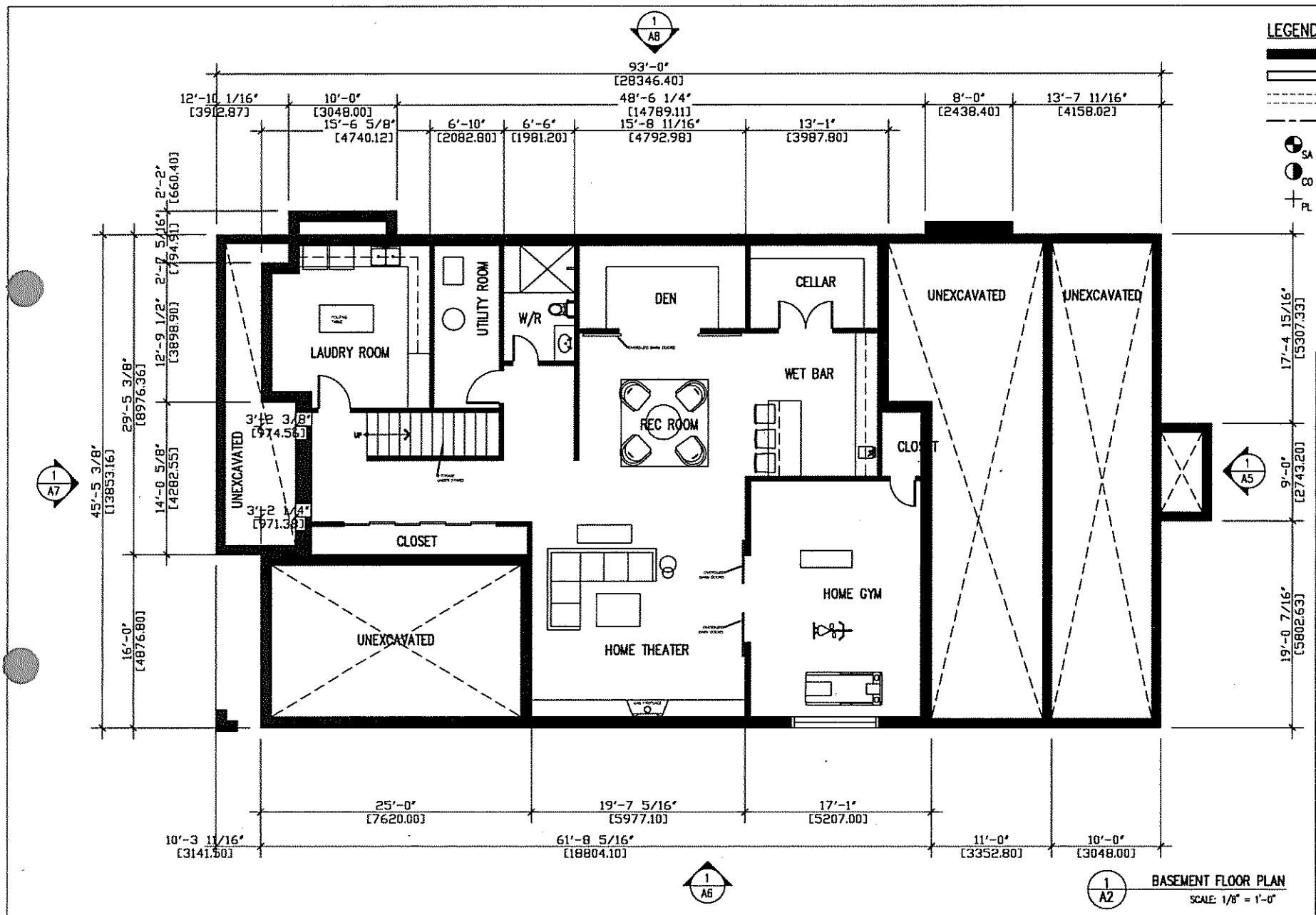
JAMES RESIDENCE
43 ELM STREET
MARKHAM, ONTARIO

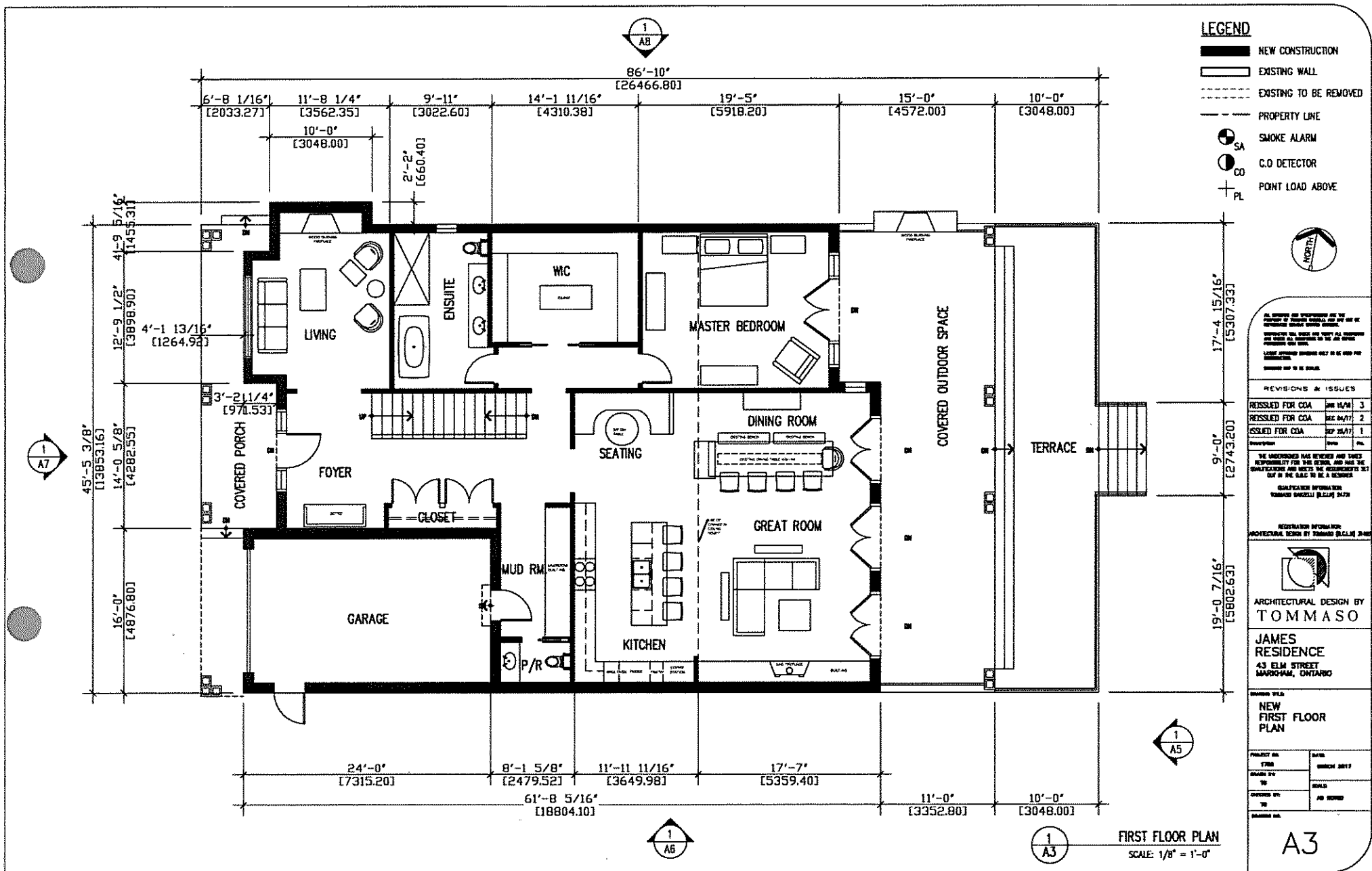
PROJECT TITLE

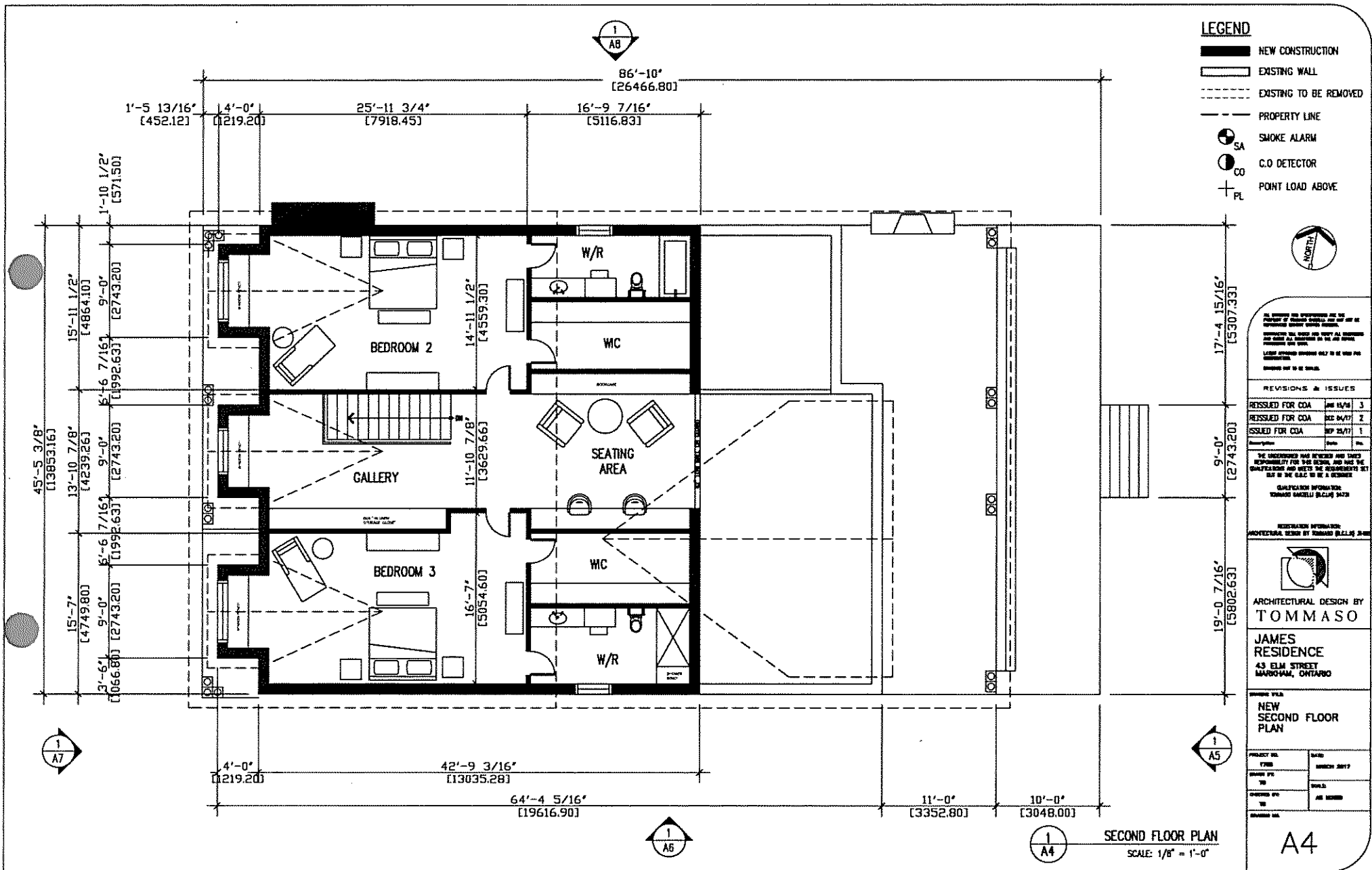
SITE PLAN

| | |
|-------------|-----------|
| PROJECT NO. | DATE |
| 1708 | JULY 2017 |
| DESIGN BY | NO. |
| 10 | 10 |
| REVIEWED BY | NO. |
| 10 | 10 |
| DESIGNED BY | NO. |
| 10 | 10 |

A1







Memorandum to the City of Markham Committee of Adjustment

November 9, 2017

File: A/139/17
Address: 43 Elm Street Markham
Owner: Harry James
Agent: Tom Garzelli
Hearing Date: Wednesday November 15, 2017

The following comments are provided on behalf of the East Team and it is recommended that the matter be deferred:

a) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 19.91 m whereas the By-law permits a maximum building depth of 16.8 m; as they relate to a proposed new residential dwelling.

BACKGROUND

Property Description

The subject property is located on the east side of Elm Street, which is north of Highway 7 and west of Markham Main Street North. The subject property has an area of 1,011 m² (10,882 ft²), a frontage of 20.06 m (66 ft) and a depth of 50.79 m (167 ft). There is an existing one storey detached dwelling with a gross floor area of approximately 105 m² (1,131 ft²) which according to assessment records was constructed in 1953.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new one and a half storey detached dwelling with attached one car garage. The total gross floor area of the proposed dwelling is 421 m² (4,532 ft²).

Official Plan and Zoning

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 subject property is zoned R1- Single Detached Dwelling under By-law 1229, as amended, which permits single detached dwellings.

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. The proposed development does not comply with the Infill By-law requirements with respect to building depth.

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

According to the information provided by the applicant on the application form, "Interior design and master bedroom location at ground level".

PUBLIC COMMENT SUMMARY

No written submissions were received as of November 9, 2017. 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.

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.*

Increase to Maximum Building Depth

The applicant has requested relief to permit a maximum building depth of 19.91 m (65.32 ft) whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft). The submitted application only accounts for the depth of the dwelling itself and does not account for the depth of the front covered porch which results in an additional 2.33 m (7.64 ft) nor does it account for the depth of the adjoining concrete deck at the rear of the newly proposed residence, which results in an additional 3.048 m (10.0 ft).

Building depth must include all portions of the building that are covered and 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.

In total, an additional 5.372 m (17.64 ft) of building depth has not been accounted for through this variance request.

CONCLUSION

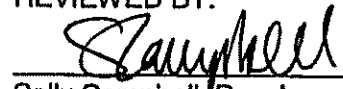
Based on the discussion above, Staff requests that the application be deferred, so that the correct building depth measurement can be confirmed and that notices to the public can be re-circulated to ensure that the community is notified of the correct variance. Once the correct variance has been applied for, planning staff will complete its review.

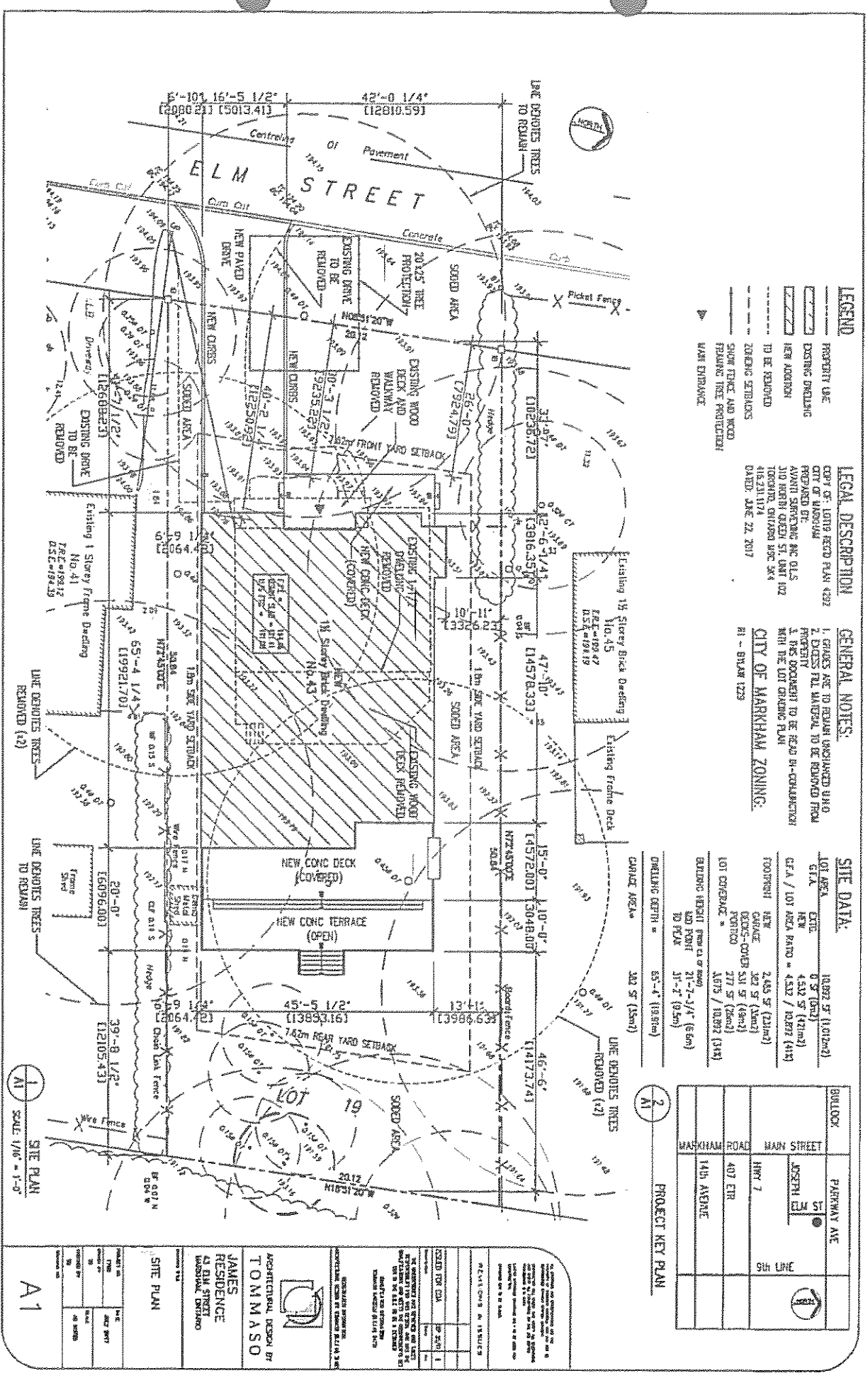
Staff recommends that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:


Sean Lapenna, Planner, East District

REVIEWED BY:


Sally Campbell, Development Manager, East District
File Path: Amanda\File\ 17 177969 \Documents\District Team Comments Memo



- LEGEND**
- PROPERTY LINE
 - EXISTING DRIVE
 - NEW DRIVE
 - TO BE REMOVED
 - EXISTING STRIPES
 - NEW STRIPES
 - SNOW FENCE AND WOOD
 - FRAMING TREE PROTECTION
 - WATER ENTRANCE

LEGAL DESCRIPTION

COPY OF LOTS 1000 RECD PLAN 4232
 CITY OF WILLOW
 PREPARED BY:
 AARON SARGENT INC. O.L.S.
 310 NORTH GREEN ST. UNIT 102
 TORONTO, ONTARIO M5C 3K4
 DATED: JUNE 22, 2017

GENERAL NOTES:

1. GRASSES ARE TO BE MAINTAINED UNTO
2. EXISTING FILL MATERIAL TO BE REMOVED FROM
3. DKS DOCUMENT TO BE READ BY CONTRACTOR
- WITH THE LOT GRADING PLAN

CITY OF MARKHAM ZONING:
 R1 - RURAL 123

SITE DATA:

| | |
|----------------------------------|----------------------|
| LOT AREA | 10,092.57 (10,010m²) |
| G.T.A. EXT. | 0.97 (0.97m) |
| NEW | 4,512.57 (4,712m²) |
| G.T.A. / LOT AREA RATIO | 4.512 / 10,092 (44%) |
| FOOTPRINT NEW | 2,445.57 (2,514m²) |
| GARAGE | 367.57 (3,842m²) |
| DECKS-OTHER | 531.57 (5,592m²) |
| PERIMETER | 277.57 (2,882m) |
| LOT COVERAGE | 16.73 / 10,092 (14%) |
| BUILDING HEIGHT (FROM 1st FLOOR) | 21'-7 1/2" (6.6m) |
| LOT POINT TO ROAD | 31'-7 (9.5m) |
| DRILLING DEPTH | 65'-4" (19.91m) |
| CANAL AREA | 32.57 (32m²) |

PROJECT KEY PLAN

| | | | |
|----------|-------------|-------------|-------------|
| BUILDING | 15 | 15 | 15 |
| ROAD | MAIN STREET | MAIN STREET | MAIN STREET |
| AVENUE | 407 ETR | 407 ETR | 407 ETR |
| AVENUE | 145 AVENUE | 145 AVENUE | 145 AVENUE |

AGRICULTURAL DESIGN BY TOMMASO

JAMES RESIDENCE

43 ELM STREET

MARKHAM, ONTARIO

SITE PLAN

SCALE: 1/16" = 1'-0"

A1



LEGEND

- NEW CONSTRUCTION
- EXISTING WALL
- EXISTING TO BE REMOVED
- PROPERTY LINE
- SMoke ALARM
- C.O DETECTOR
- POINT LOAD ABOVE



AS SHOWN ON DRAWINGS AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. WE MAKE NO WARRANTY, EXPRESS OR IMPLIED, FOR THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION CONTAINED HEREIN FOR ANY PURPOSE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES.

REVISIONS & NOTES

| NO. | DATE | DESCRIPTION |
|-----|----------|----------------|
| 1 | 07/15/16 | ISSUED FOR CDA |

THE INFORMATION AND SERVICES ARE PROVIDED FOR THE GENERAL INFORMATION OF THE CLIENT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES.

ARCHITECTURAL INFORMATION

ARCHITECTURAL DESIGN BY
TOMMASO



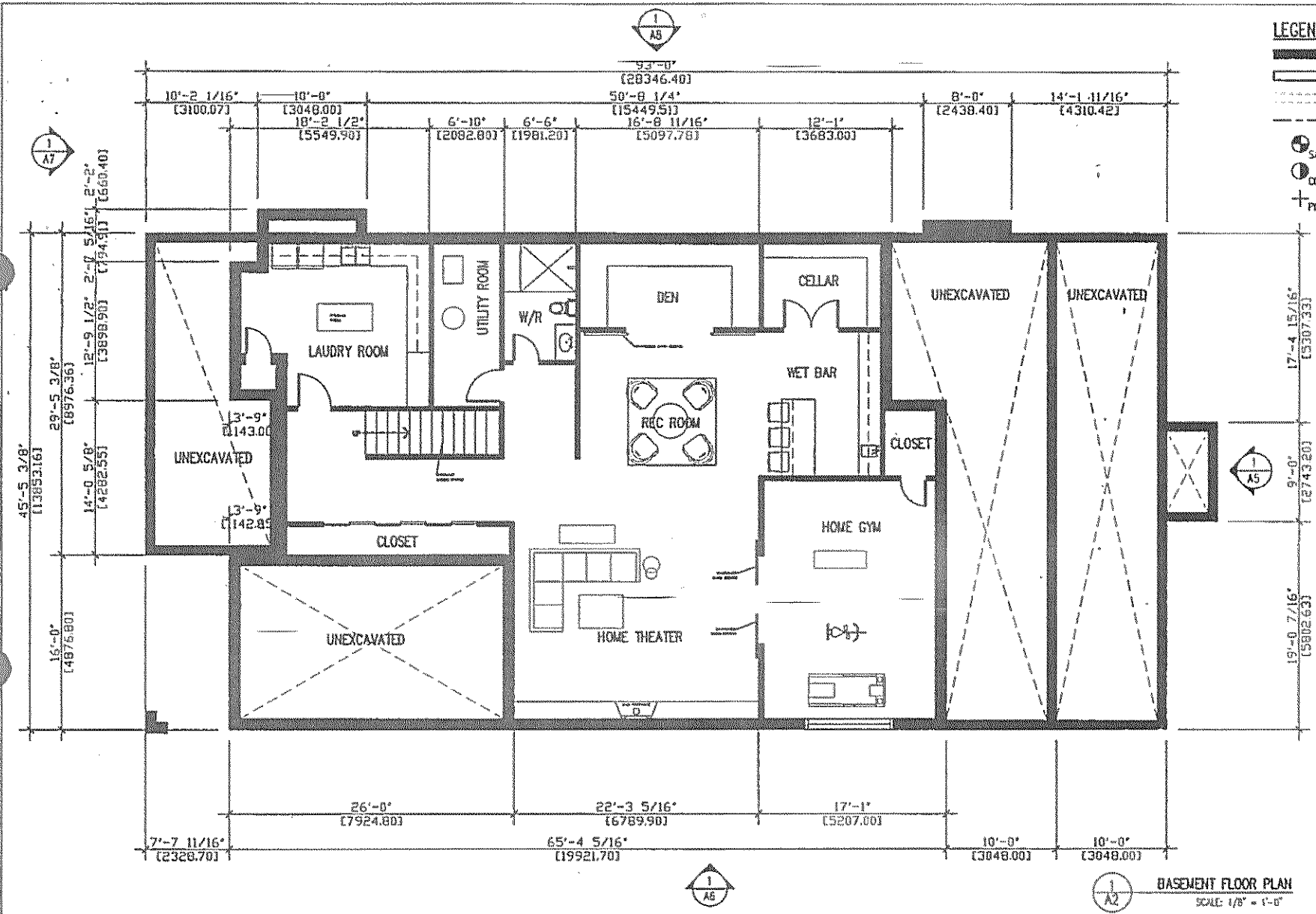
ARCHITECTURAL DESIGN BY
TOMMASO

JAMES RESIDENCE
43 ELM STREET
MADISON, OHIO 43040

NEW BASEMENT FLOOR PLAN W/ WALKOUT

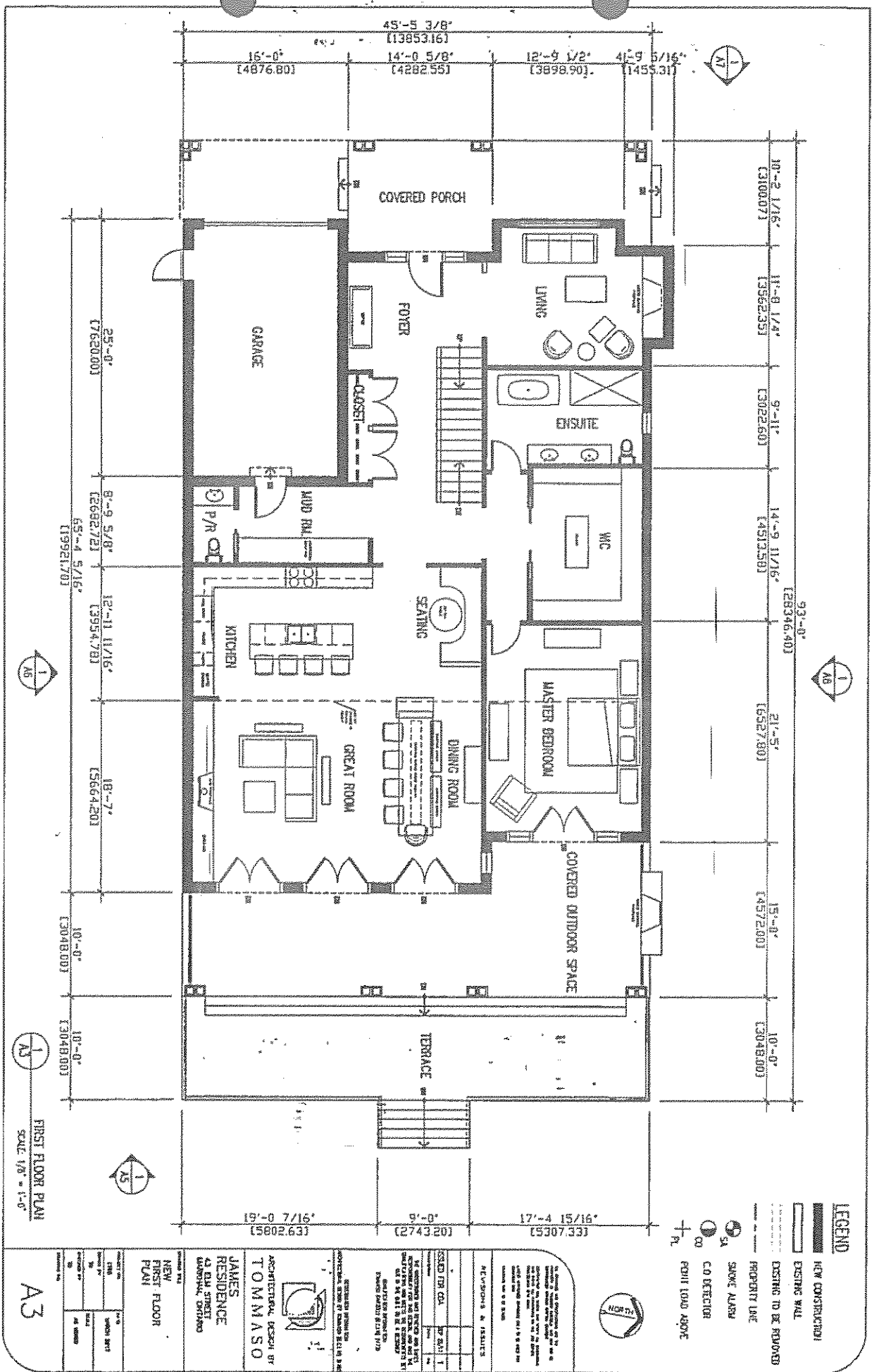
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| PROJECT NO. | DATE | BY | DATE |
| 1000 | 07/15/16 | JB | 07/15/16 |
| DESIGNED BY | SCALE | CHECKED BY | DATE |
| JB | AS SHOWN | JB | 07/15/16 |

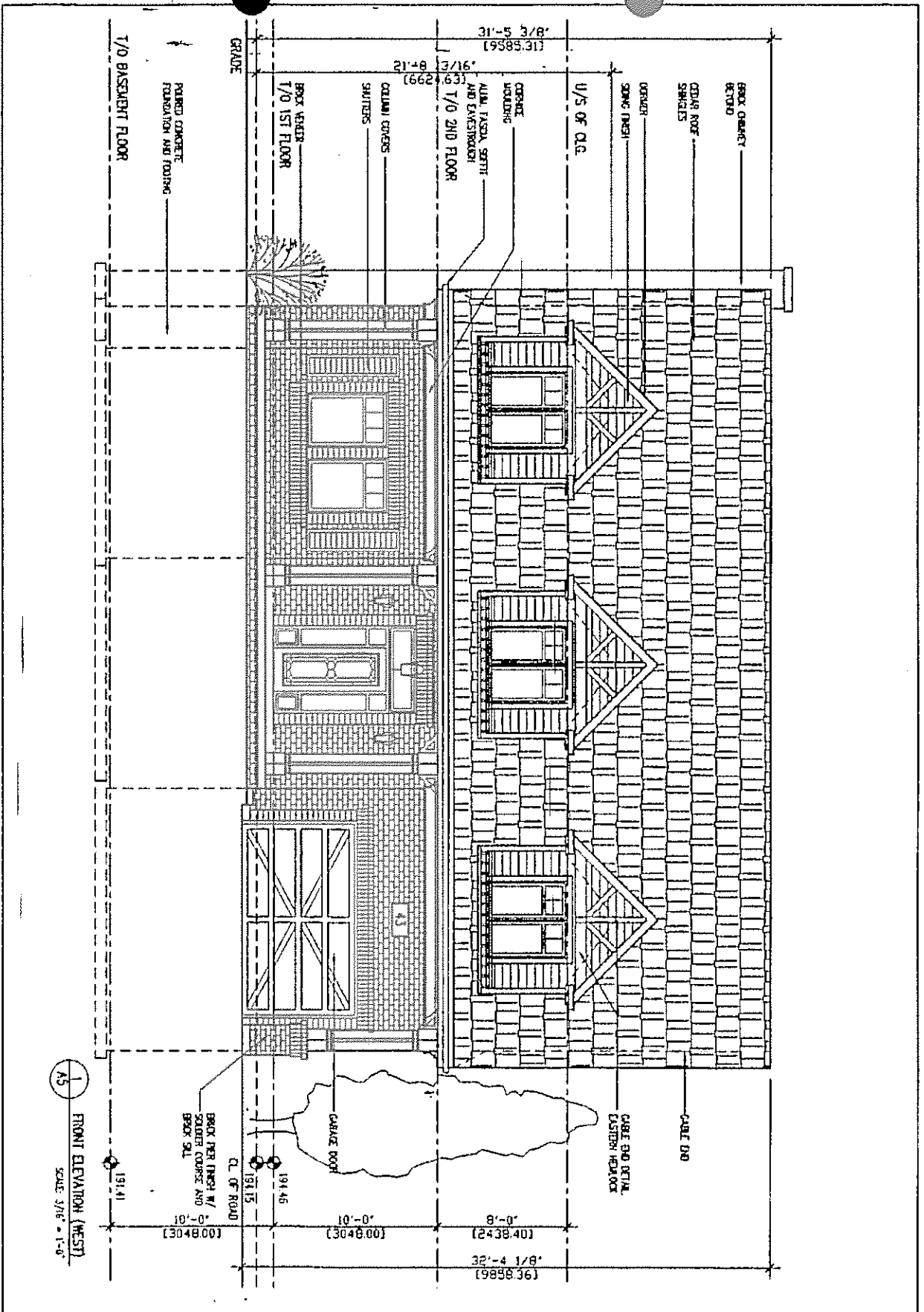
A2



BASEMENT FLOOR PLAN

SCALE: 1/8" = 1'-0"





1 FRONT ELEVATION (WEST)

SCALE 3/16" = 1'-0"

JAMES RESIDENCE

33 ELM STREET

WILMINGTON, DELAWARE

ARCHITECTURAL DESIGN BY

TOMMASO

REVISIONS & ISSUES

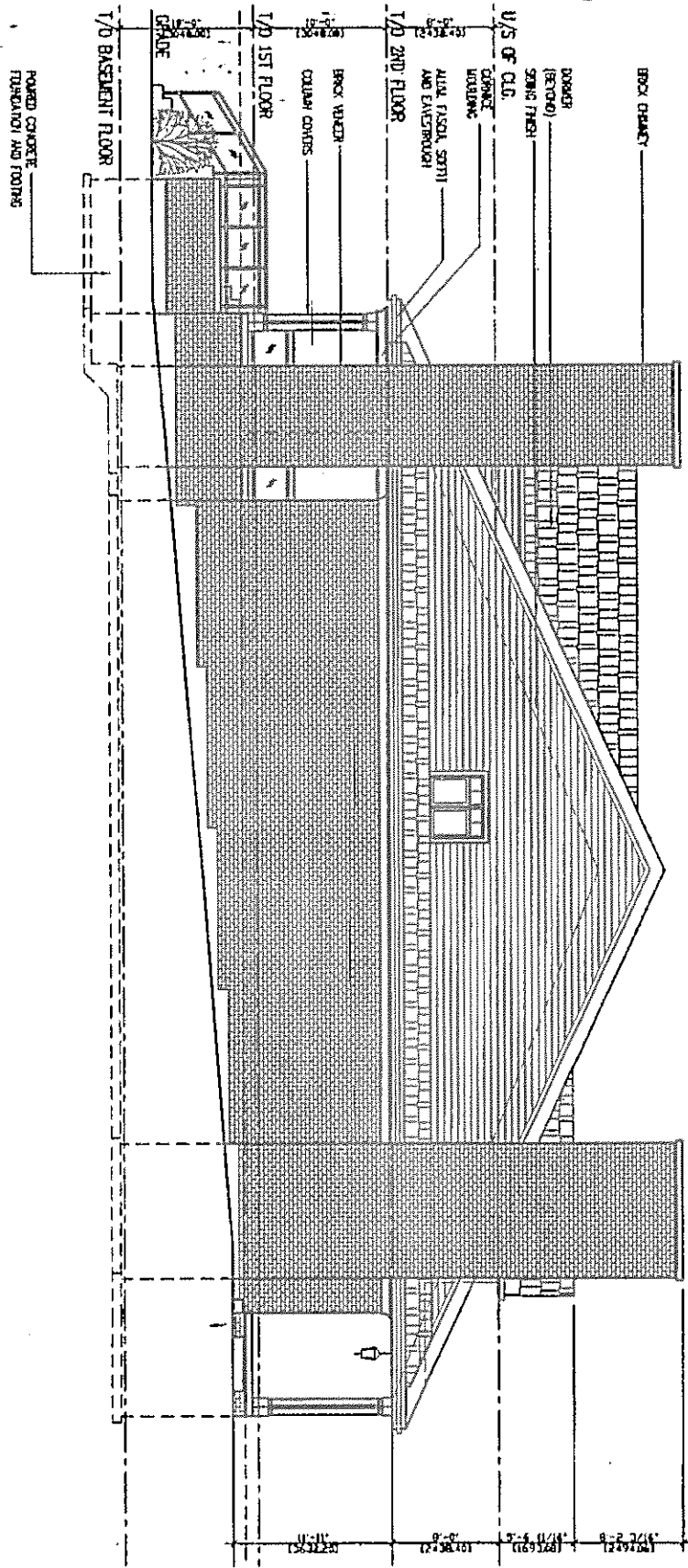
| NO. | DATE | DESCRIPTION |
|-----|---------|--------------------|
| 1 | 10/1/04 | ISSUED FOR PERMITS |

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. FINISHES ARE TO BE DETERMINED BY THE OWNER.

3. MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE DETERMINED BY THE OWNER.



SIDE ELEVATION (NORTH)
 SCALE 1/8" = 1'-0"

| | |
|---|--|
| <p> </p> | |
| <p> TOMMASO ARCHITECTURAL DESIGN BY JAMES RESIDENCE 43 LIMA STREET BIRMINGHAM, ALABAMA </p> | |
| <p> PROJECT NO. _____ DATE _____ DRAWN BY _____ CHECKED BY _____ SCALE _____ </p> | |
| <p> A6 </p> | |

