

Memorandum to the City of Markham Committee of Adjustment

April 05, 2018

File: A/29/18
Address: 82 Kenilworth Gate Markham
Applicant: Bipin Mehta
Agent: Alpha Omega Cont. (Costas Tsatsos)
Hearing Date: Wednesday April 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 R2*241, as amended:

a) **Section 6.3.1.5(a):**

unenclosed stairs and landings located on the second storey of a detached private garage to encroach a distance of 1.42 metres into the setback area required by Section 6.3.1.2 whereas the By-law permits a maximum of 0.6 metres; as it relates to a proposed second storey addition above the existing detached garage.

Background

The 335.28 m² (3608.92 ft²) subject property is located on the east side of Gosford St, north of Kenilworth Gate and west of Stoney Stanton Rd. The property is located within an established residential neighbourhood comprised of two-storey detached houses with detached garages. There is an existing single detached house and detached garage on the property, which according to assessment records was constructed in 2006.

The applicant is proposing to construct a coach house on top of the existing detached garage with a stair case on the southerly portion of the garage to access a proposed coach house. The proposed staircase will provide a setback of 4.68 m from the main building on the lot whereas the by-law requires a minimum setback of 6.0 m for detached private garages from the main building on the lot. It should be noted that because this is a corner lot the encroachment will not take significant space away from the rear amenity space.

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

According to the Applicant, the distance is "short 1.42 m for stairs to go to the coach house".

Zoning Preliminary Review

A Zoning Preliminary Review (ZPR) has not been formally undertaken for the proposal. 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.

Public Input Summary

As of April 17th 2018, the City received 1 letter expressing concerns over the change in overall look of the neighbourhood and an unwanted precedent that may be set. 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 to the proposed staircase. 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.

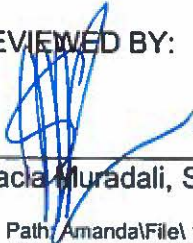
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: \\Amanda\File\18 226827 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/29/18

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 dated November 7th 2017 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; and,
3. That the Owner register the home as a two-unit house with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 133, 134, 135 AND 136
PLAN 65M-3840
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300



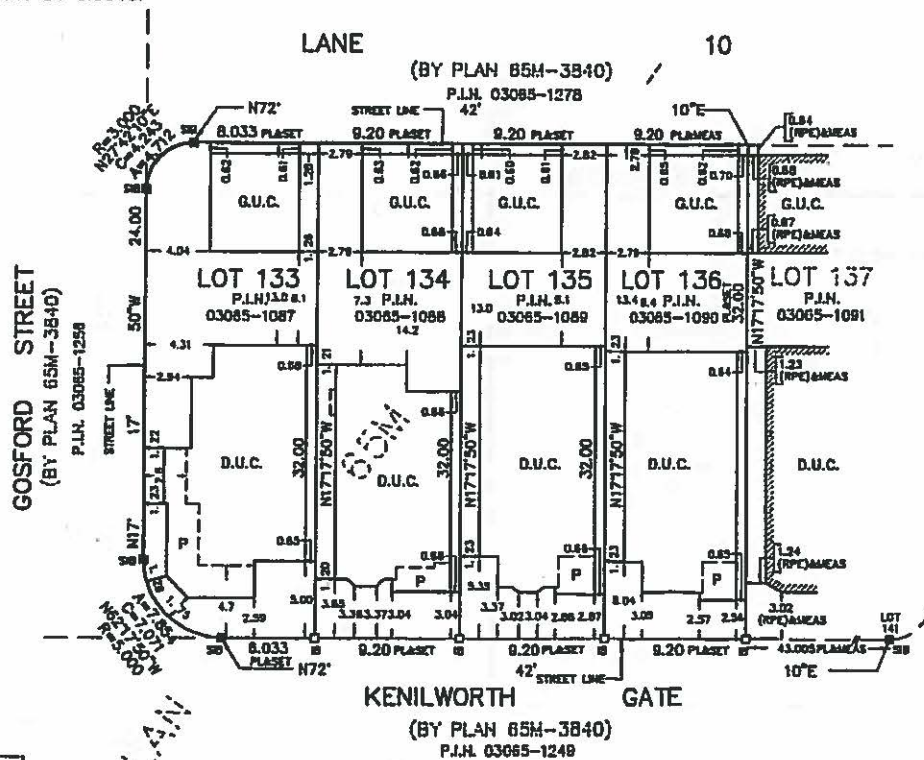
RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

METRIC

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



3840



ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1585785

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1025, Section 29(7).

THIS REPORT WAS PREPARED FOR GREEN PARK HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

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PART 2 (SURVEY REPORT)
 REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 25th DAY OF Nov., 2005

DATE JAN. 13, 2006

T. Singh
 T. SINGH
 ONTARIO LAND SURVEYOR

NOTES

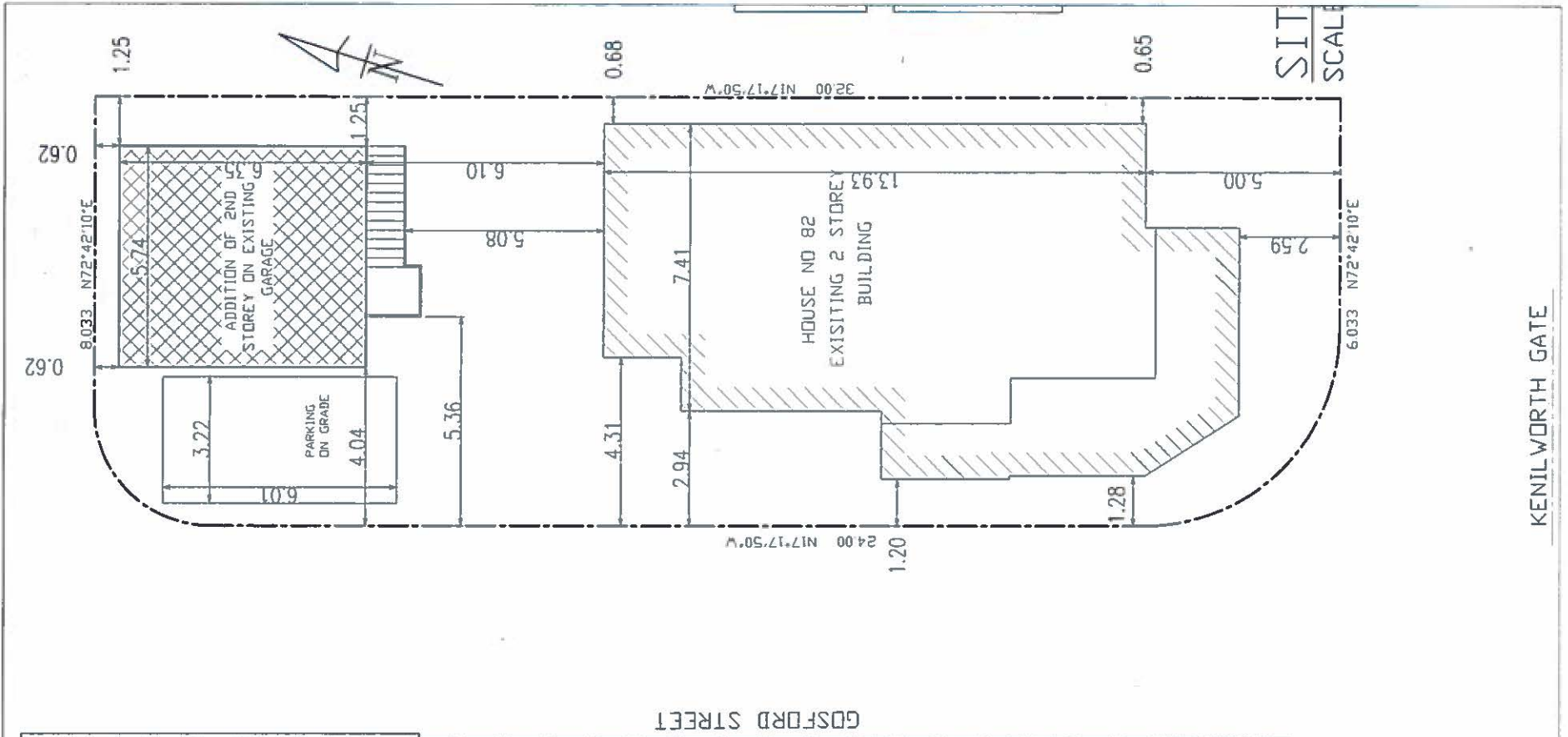
- O DENOTES MONUMENT SET
- M DENOTES MONUMENT FOUND
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- G.U.C. DENOTES GARAGE UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 65M-3840
- P DENOTES PORCH
- (RPE) DENOTES RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

ALL FOUND MONUMENTS BY J. D. BARNES LIMITED, O.L.S.
 ALL TIES TO CONCRETE FOUNDATIONS.

BEARINGS ARE GRID AND ARE REFERRED TO THE NORTHWEST LIMIT OF KENILWORTH GATE AS SHOWN ON PLAN 65M-3840 HAVING A BEARING OF N72°42'10"E

rpe RADY-PENTEK & EDWARD SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 465 WILSON AVENUE, DOWNSVIEW, ONTARIO
 Tel. (416)635-5000 Fax (416)635-5001
 Website: www.r-pe.ca

DRAWN: V.K. CHECKED: T.S./H.K.
 CAD FILE No. 3840-133 JOB No. 04-245



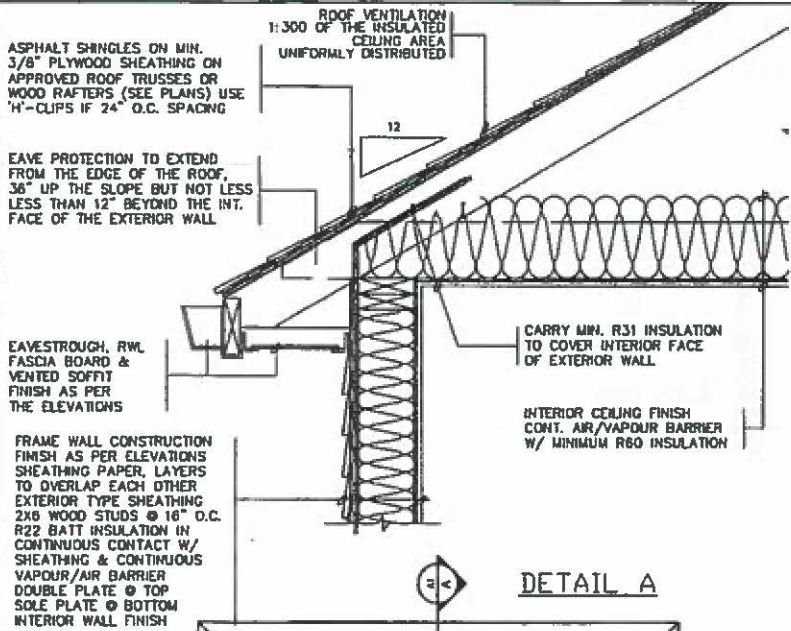
KENILWORTH GATE

SITE STATISTICS

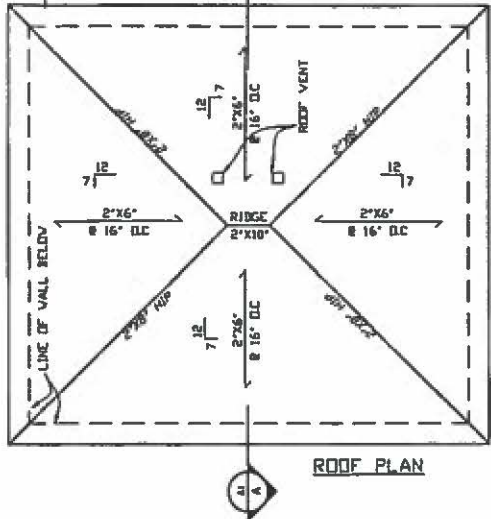
LOT AREA : 345.75 m²
 EXISTING BUILDING FOOTPRINT: 162.28 m²
 EXISTING COVERAGE : 46.9%
 SECOND FL. AREA (ADDITION) 36.44 m²



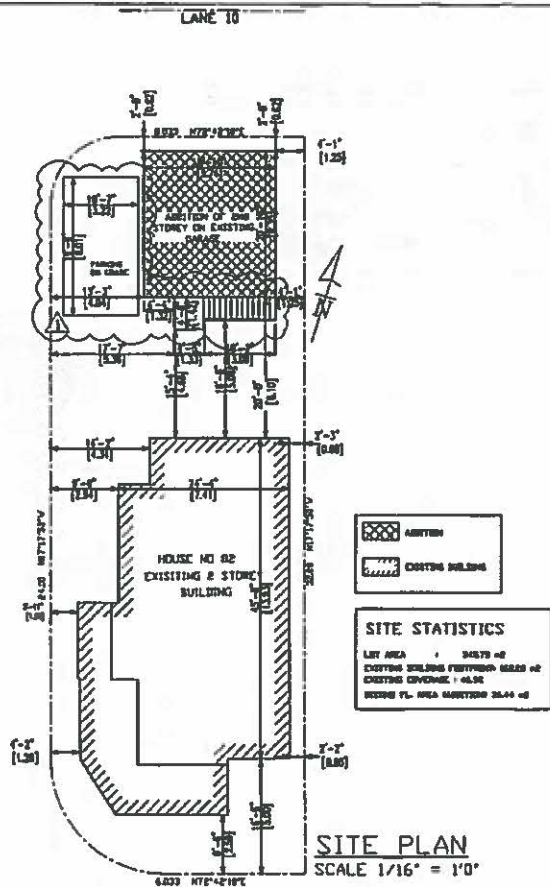
PROJECT: 82 KENILWORTH GATE MARKHAM		DATE: NOV 07, 2017
DRAWING: SITE PLAN		SCALE: 1:100
BATTAGLIA ARCHITECT INC.		DRAWN BY: P.B.
8088 KEELE STREET, CONCORD, ONT. FAX (905) 508-5802 TEL (905) 508-2168		PROJECT NO: 17-82
		DRAWING NO: A0.1



DETAIL A



ROOF PLAN

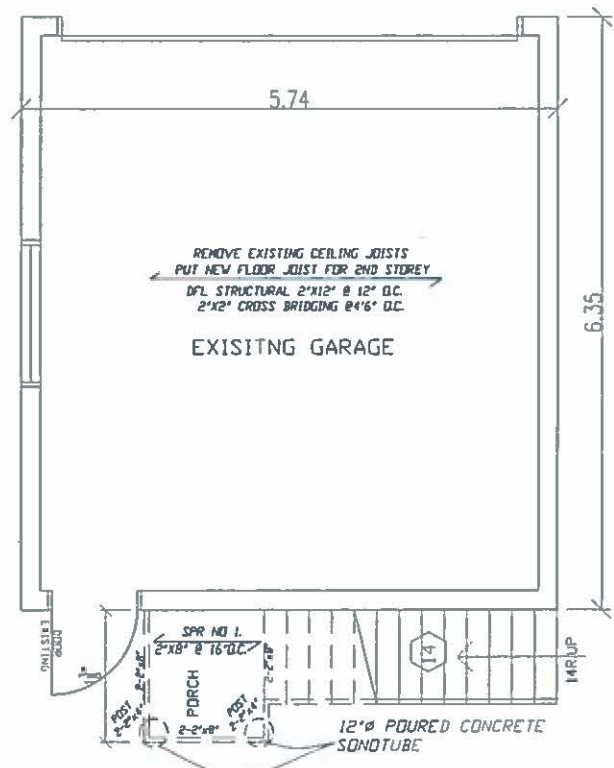


SITE PLAN
SCALE 1/16" = 1'0"

82
KENILWORTH GATE

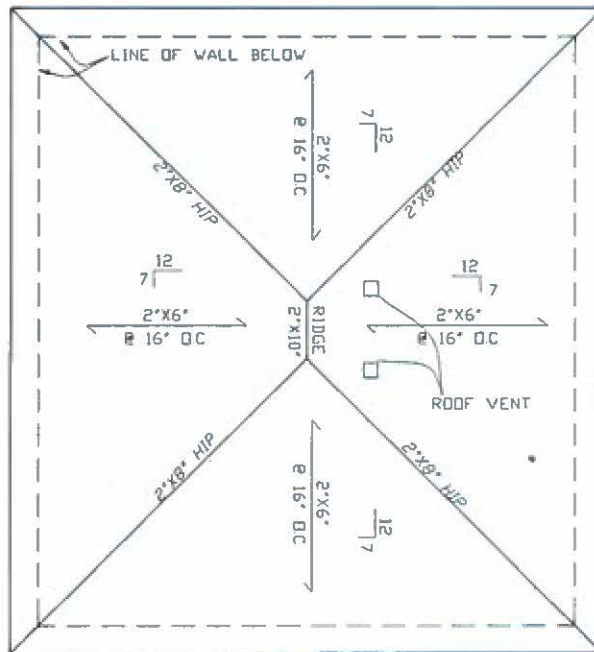
PROJECT: KENILWORTH GATE		DATE: JUNE 16, 2017									
DRAWING: SITE PLAN		SCALE: 3/16" = 1'0"									
BATTAGLIA ARCHITECT INC.		DRAWN BY: P.E.									
6000 KEELE STREET, CONCORD, ONT. FAX (905) 308-5622 TEL (905) 308-2548		PROJECT NO: 17-133									
<table border="1"> <tr> <th>NO.</th> <th>ISSUE/REVISION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUE/REVISION</td> <td>OCT 04, 2017</td> </tr> <tr> <td>NEL</td> <td>ISSUE/REVISION</td> <td>DATE</td> </tr> </table> <p>The contractor shall check and verify all dimensions and report all errors and omissions to the architect before proceeding with the work. The drawings are the property of the architect and shall be returned on completion of the work to the architect's office.</p>		NO.	ISSUE/REVISION	DATE	1	ISSUE/REVISION	OCT 04, 2017	NEL	ISSUE/REVISION	DATE	DRAWING NO: A0
NO.	ISSUE/REVISION	DATE									
1	ISSUE/REVISION	OCT 04, 2017									
NEL	ISSUE/REVISION	DATE									





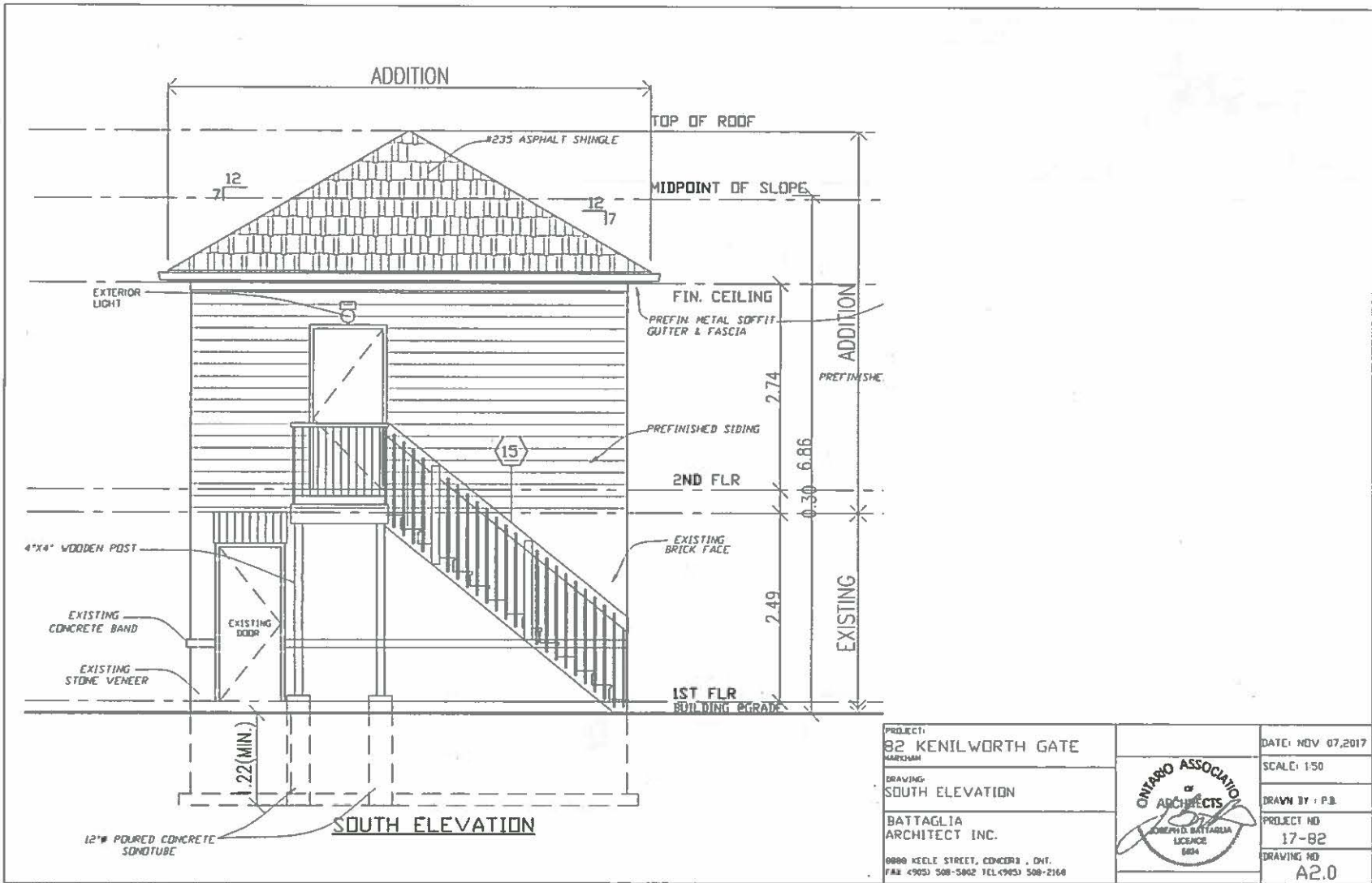
GROUND FLOOR PLAN

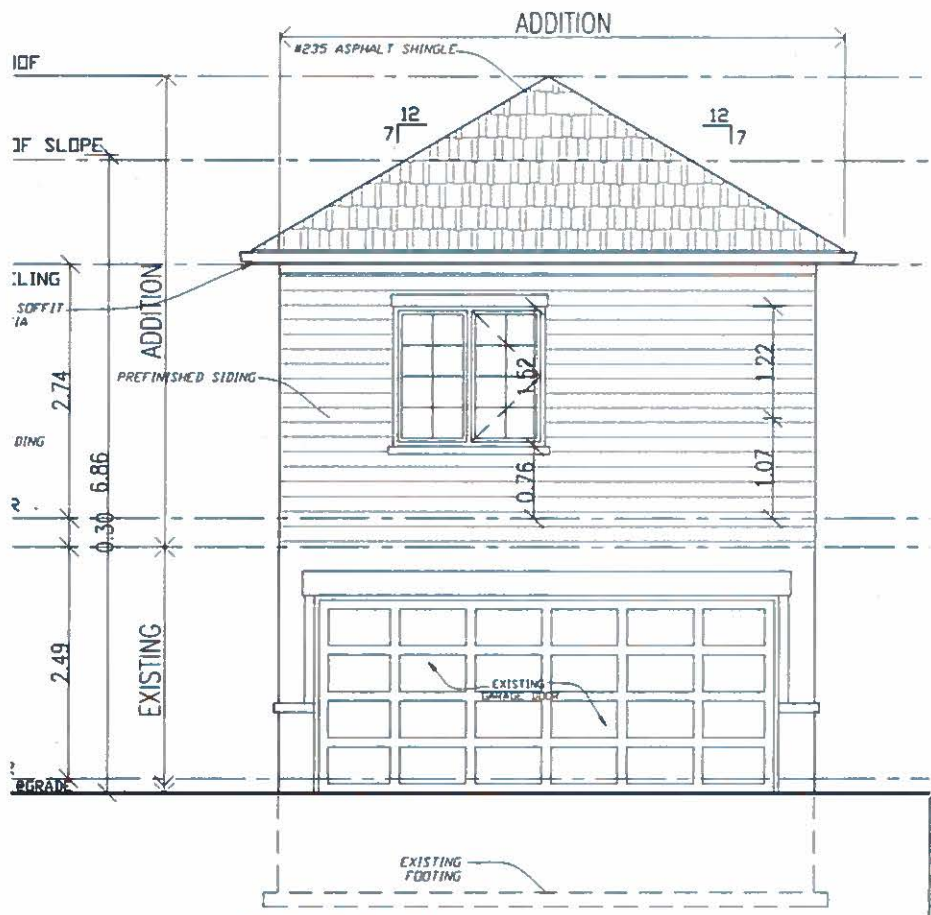
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DRAWING: EXISTING GROUND FLOOR PLAN		SCALE: 1/50
BATTAGLIA ARCHITECT INC.		DRAWN BY: P.B.
8888 KEELE STREET, CONCORD, ONT. (FAX (905) 508-5802 TEL (905) 508-2168)		PROJECT NO: 17-82
		DRAWING NO: A1.0



ROOF PLAN

PROJECT: 82 KENILWORTH GATE MARKHAM		DATE: NOV 07, 2017
DRAWING: ROOF PLAN		SCALE: 1:50
BATTAGLIA ARCHITECT INC.		DRAWN BY: P.B.
8888 KEELE STREET, CONCORD, ONT FAX (905) 508-5802 TEL (905) 508-2168		PROJECT NO: 17-82
		DRAWING NO: A1.2

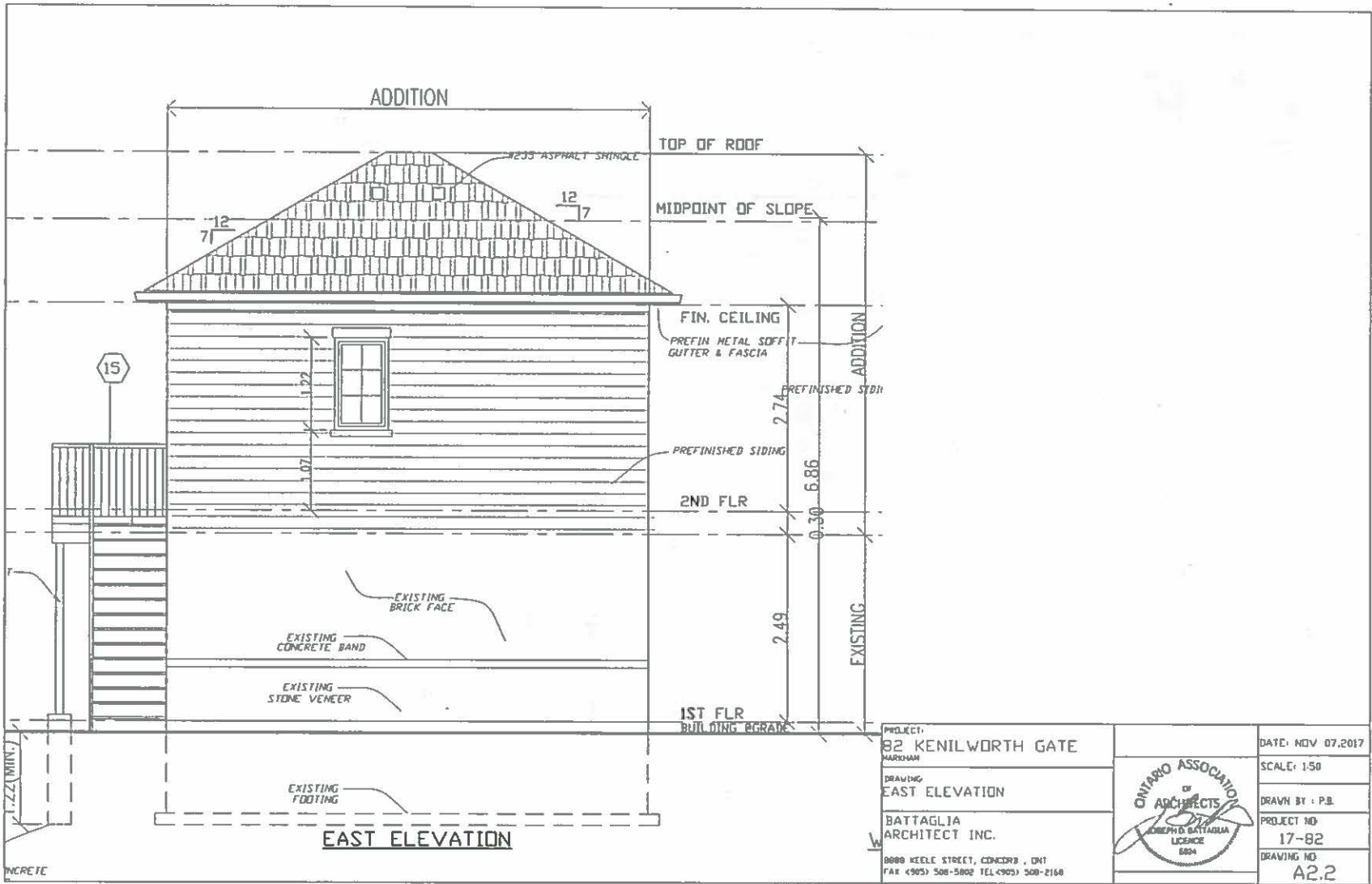




NORTH ELEVATION

PROJECT:
 82 KENILWORTH GATE
 MARKHAM
 DRAWING:
 NORTH ELEVATION
 BATTAGLIA
 ARCHITECT INC.
 8808 KEELE STREET, CONCORD, ONT.
 FAX (905) 508-5802 TEL (905) 508-2168

	DATE: NOV 07, 2017
	SCALE: 1/50
	DRAWN BY: P.B.
	PROJECT NO: 17-82
	DRAWING NO: A2.1



PROJECT:
82 KENILWORTH GATE
 MARKHAM

DRAWING:
EAST ELEVATION

BATTAGLIA
 ARCHITECT INC.

8888 KEELE STREET, CONCORD, ONT
 FAX (905) 508-5802 TEL (905) 508-2168

DATE: NOV 07, 2017

SCALE: 1:50

DRAWN BY: P.B.

PROJECT NO:
17-82

DRAWING NO:
A2.2

ONTARIO ASSOCIATION
 OF
 ARCHITECTS
 JOSEPH & BATTAGLIA
 LICENCE
 5804

