

Memorandum to the City of Markham Committee of Adjustment

September 19, 2019

File: A/91/19
Address: 46 German Mills Road, Thornhill
Applicant: Diana Kochman
Agent: Werner Kram
Hearing Date: Wednesday October 09, 2019

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

The applicant is requesting relief from the following requirements of By-law 2612, R4 as amended to permit:

a) Section 6.1; Schedule 'B' - Lot Coverage:

a maximum lot coverage of 36.25 percent (2,266 ft²), whereas the By-law permits a maximum lot coverage of 33 1/3 (2,082 ft²);

as it relates to a proposed new glass roof and walls to an existing addition.

BACKGROUND

Property Description

The 580.72 m² (6,250.82 ft²) subject property is located on the south side of German Mills Road, and east of Simonston Boulevard. The property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing two-storey 348.94 m² (3,755.96 ft²) detached dwelling on the property, which according to assessment records was constructed in 1979. Mature vegetation exists across the front and rear of the property and is a predominant characteristic of the neighbourhood.

Proposal

The applicant is proposing to replace the glass roof and walls of an existing 12.60 m² (135.53 ft²) one-storey rear addition (See Appendix A). A smaller addition received a minor variance approval in 1983 (CA/83/44) for a maximum lot coverage of 34.58 percent (See Appendix B). However, the addition that was subsequently built, was larger than what was approved. Accordingly, the current Owner has submitted a new variance application to legalize the existing structure and request relief to permit a lot coverage of 36.25 percent.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation.

Zoning By-Law 2612

The subject property is zoned R4 under By-law 2612, as amended, which permits a single-family detached dwelling. The proposed development does not comply with the By-law with respects to lot coverage.

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, *"it is an existing condition"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 29, 2019 to confirm the variances required for the proposed development.

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 in Lot Coverage

The applicant is requesting relief to permit a maximum lot coverage of 36.25 percent (210.51m² or 2,266 ft²), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (193.57m² or 2,082 ft²). This represents an 8.75 percent increase to the permitted building footprint (16.94 m² or 182.18 ft²).

As noted, this variance relates to an existing addition that was the subject of an approved variance in 1983 for 34.58 percent (200.81m² or 2,161.53 ft²). The addition that was built at the time was larger than what was approved. Therefore, the applicant has submitted a variance application to legalize the existing addition. As the existing addition maintains the same side and rear yard setbacks as the existing dwelling, staff are of the opinion that there will be no impacts to surrounding properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 19, 2019. 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.

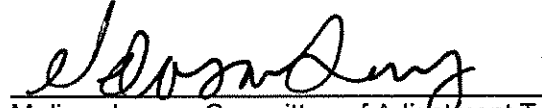
CONCLUSION

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.

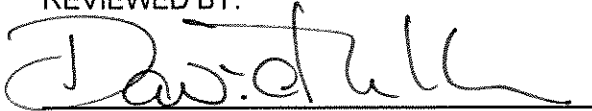
Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

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Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

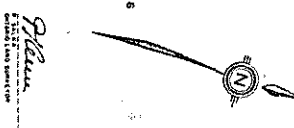
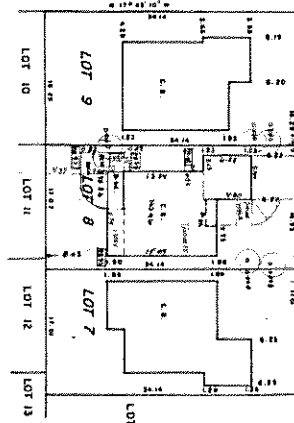
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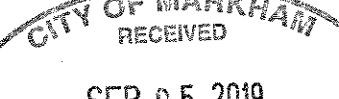
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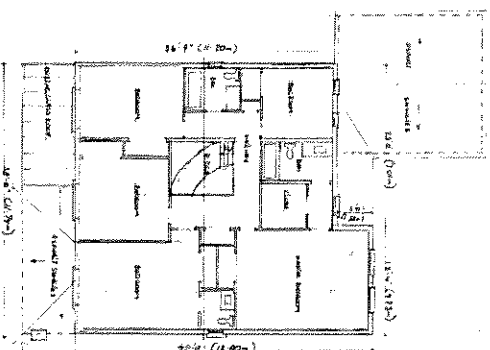
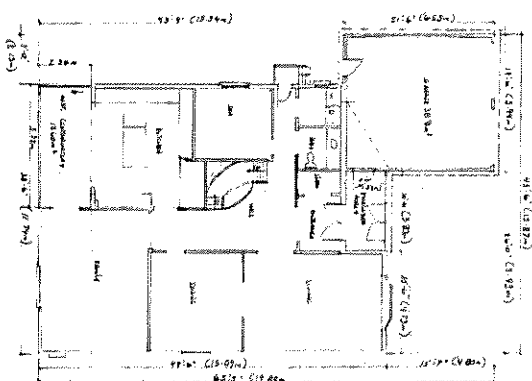
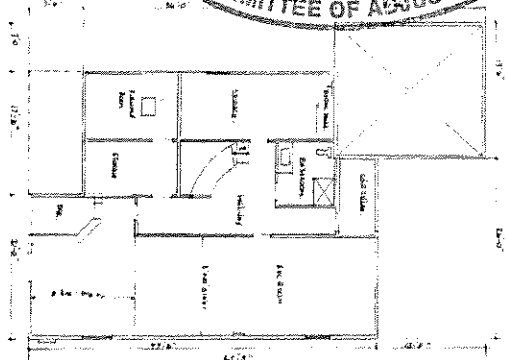
David Miller, Development Manager, West District

THE SULLIVAN COMPANY, LTD.
LAND AND SURVEY
2001 BROADWAY, NEW YORK 10008
TELEPHONE 212-512-1100

SCALE 1:300




 CITY OF MARKHAM
 RECEIVED
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 COMMITTEE OF ADJUSTMENT



Ensayo: 10%

NAME	ADDRESS	DATE	REMARKS
Mr. J. H. Smith	123 Main St.	10/15/24	No Change
Mr. W. B. Jones	456 Oak Ave.	10/15/24	No Change
Mr. C. D. Brown	789 Elm St.	10/15/24	No Change
Mr. E. F. Green	101 Pine St.	10/15/24	No Change
Mr. G. H. White	202 Cedar St.	10/15/24	No Change
Mr. I. J. Black	303 Maple St.	10/15/24	No Change
Mr. K. L. Gray	404 Birch St.	10/15/24	No Change
Mr. M. N. Hall	505 Walnut St.	10/15/24	No Change
Mr. O. P. King	606 Cherry St.	10/15/24	No Change
Mr. Q. R. Lee	707 Peach St.	10/15/24	No Change
Mr. S. T. Young	808 Apple St.	10/15/24	No Change
Mr. U. V. Wright	909 Orange St.	10/15/24	No Change
Mr. X. Y. Scott	1010 Lemon St.	10/15/24	No Change
Mr. Z. A. Baker	1111 Grape St.	10/15/24	No Change
Mr. B. C. Adams	1212 Coffee St.	10/15/24	No Change
Mr. D. E. Nelson	1313 Tea St.	10/15/24	No Change
Mr. F. G. Hill	1414 Butter St.	10/15/24	No Change
Mr. H. I. Ward	1515 Honey St.	10/15/24	No Change
Mr. J. K. Evans	1616 Sugar St.	10/15/24	No Change
Mr. L. M. Roberts	1717 Molasses St.	10/15/24	No Change
Mr. N. O. Turner	1818 Jam St.	10/15/24	No Change
Mr. P. Q. Phillips	1919 Syrup St.	10/15/24	No Change
Mr. R. S. Campbell	2020 Pickles St.	10/15/24	No Change
Mr. T. U. Parker	2121 Ketchup St.	10/15/24	No Change
Mr. V. W. Mitchell	2222 Mayonnaise St.	10/15/24	No Change
Mr. X. Y. Davis	2323 Salad Dressing St.	10/15/24	No Change
Mr. Z. A. Miller	2424 Sausage St.	10/15/24	No Change
Mr. B. C. Wilson	2525 Ham St.	10/15/24	No Change
Mr. D. E. Moore	2626 Beef St.	10/15/24	No Change
Mr. F. G. Taylor	2727 Pork St.	10/15/24	No Change
Mr. H. I. Anderson	2828 Chicken St.	10/15/24	No Change
Mr. J. K. Thomas	2929 Turkey St.	10/15/24	No Change
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Mr. P. Q. Harris	3232 Milk St.	10/15/24	No Change
Mr. R. S. Clark	3333 Cream St.	10/15/24	No Change
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Mr. T. U. Parker	7373 Turkey St.	10/15/24	No Change

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ALL CONSTRUCTION IS SUBJECT TO THE IRVING AND SPENCER'S AGREEMENT TO THE UNITED BUILDING CODE AND ALL OTHER APPLICABLE CODES AND REGULATIONS.

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MAURITEL, WILLIAMSON, & COMPANY, LTD.
401 VICTORIA BUILDING
HONG KONG

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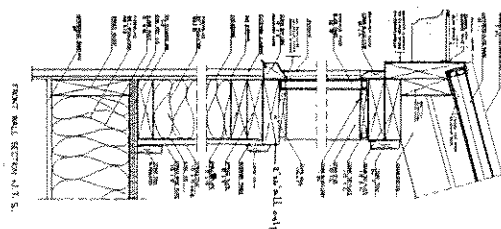
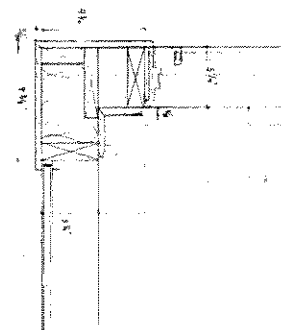
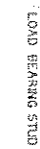
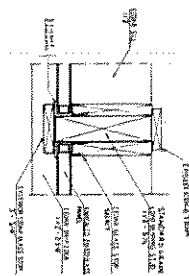
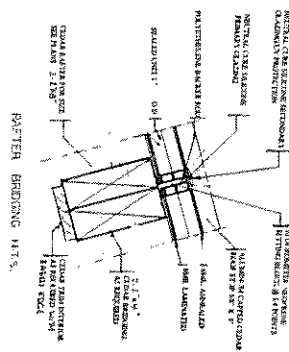
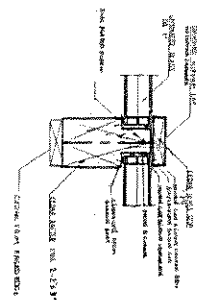
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THE INFORMATION
AND IS RELEASED

PERIT

410 STRONG HILLS ROAD N
Bos

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APPENDIX B

COMMITTEE OF ADJUSTMENT

TOWN OF MARKHAM

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF THE
DECISION OF THE COMMITTEE OF ADJUSTMENT IN THE MATTER OF
APPLICATION CA/83/44(rev) AT A HEARING HELD ON July 20, 1983
AND FOR WHICH THE LAST DATE FOR APPEAL IS August 19, 1983
AFTER WHICH DATE THE DECISION OF THE COMMITTEE OF ADJUSTMENT
BECOMES FINAL AND BINDING.

APPEALS TO THE ONTARIO MUNICIPAL BOARD MUST BE SERVED
PERSONALLY OR SENT BY REGISTERED MAIL TO THE SECRETARY-
TREASURER ACCOMPANIED BY A CHEQUE IN THE AMOUNT OF \$100.00
PAYABLE TO THE TREASURER OF ONTARIO.



JAMES BAIRD

SECRETARY-TREASURER

COMMITTEE OF ADJUSTMENT RESOLUTION

Date - July 20, 1983

Name - L. Loeb

File - CA/83/44 (REVISED)

It was

Moved by Mr. Kay

Seconded by Mr. Evans

THAT application CA/83/44 (revised) submitted by L. LOEB, owner of Lot 8, Plan M-1646, in the Town of Markham, municipally known as 46 German Mills Road, Thornhill, Ontario, requesting consent to increase the maximum lot coverage permitted under the by-law from 33 1/3% to 34.58%, be approved for the following reasons:

- i) in the opinion of the Committee the general intent and purpose of the by-law will be maintained
- ii) in the opinion of the Committee the general intent and purpose of the Official Plan will be maintained
- iii) in the opinion of the Committee the granting of the variance is acceptable for the appropriate development of the property
- iv) in the opinion of the Committee the requested variance is minor.

SUBJECT to the following conditions:

- i) THAT the minor variance apply only to the plans submitted with the application prepared by J. Karki Residential Improvements Ltd., dated April 11, 1983
- ii) THAT the minor variance be effective only as long as the existing dwelling and the proposed addition remain on the property.

Resolution carried.

COMMITTEE OF ADJUSTMENT RESOLUTION

Date - June 22, 1983

Name - L. Loeb

File - CA/83/44

It was

Moved by Mr. Evans and the resolution was accepted by the Acting Chairman

THAT application CA/83/44 submitted by L. LOEB, owner of Lot 8, Plan M-1646, municipally known as 46 German Mills Road, Thornhill, requesting consent to increase the maximum lot coverage permitted under the By-law from 33 1/3% to 38%, be adjourned to the next regularly scheduled meeting of the Committee of Adjustment to be held on July 20th, 1983 to allow comments to be obtained from the Building Department in clarification of the existing and proposed lot coverage.

Resolution carried.

June 22, 1983

APPLICATION: CA/83/44

This application for a minor variance was submitted by L. LOEB, owner of Lot 8, Plan M-1646, in the Town of Markham. The subject property has an area of some 580.75 m² and a frontage of some 16.95 m and is municipally known as 46 German Mills Road, Thornhill, Ontario.

Mr. Kram of J. Karki Residential Improvements Ltd., authorized agent and intended builder, was present to request relief from the requirements of By-law 2612, as amended. The applicant proposes to construct a solarium addition at the rear of the existing dwelling on the property, and wishes to increase the maximum lot coverage permitted under the by-law from 33 1/3% to 38%.

Mr. Kram displayed photographs of the existing dwelling and the location of the proposed addition to be used as an extension of the kitchen. He said that it is his understanding that the existing dwelling on the property is already over the maximum permitted lot coverage, and that construction of the addition would result in a total lot coverage of some 38%.

There was much confusion as to the ground floor area of the existing dwelling, and the actual existing and proposed lot coverage.

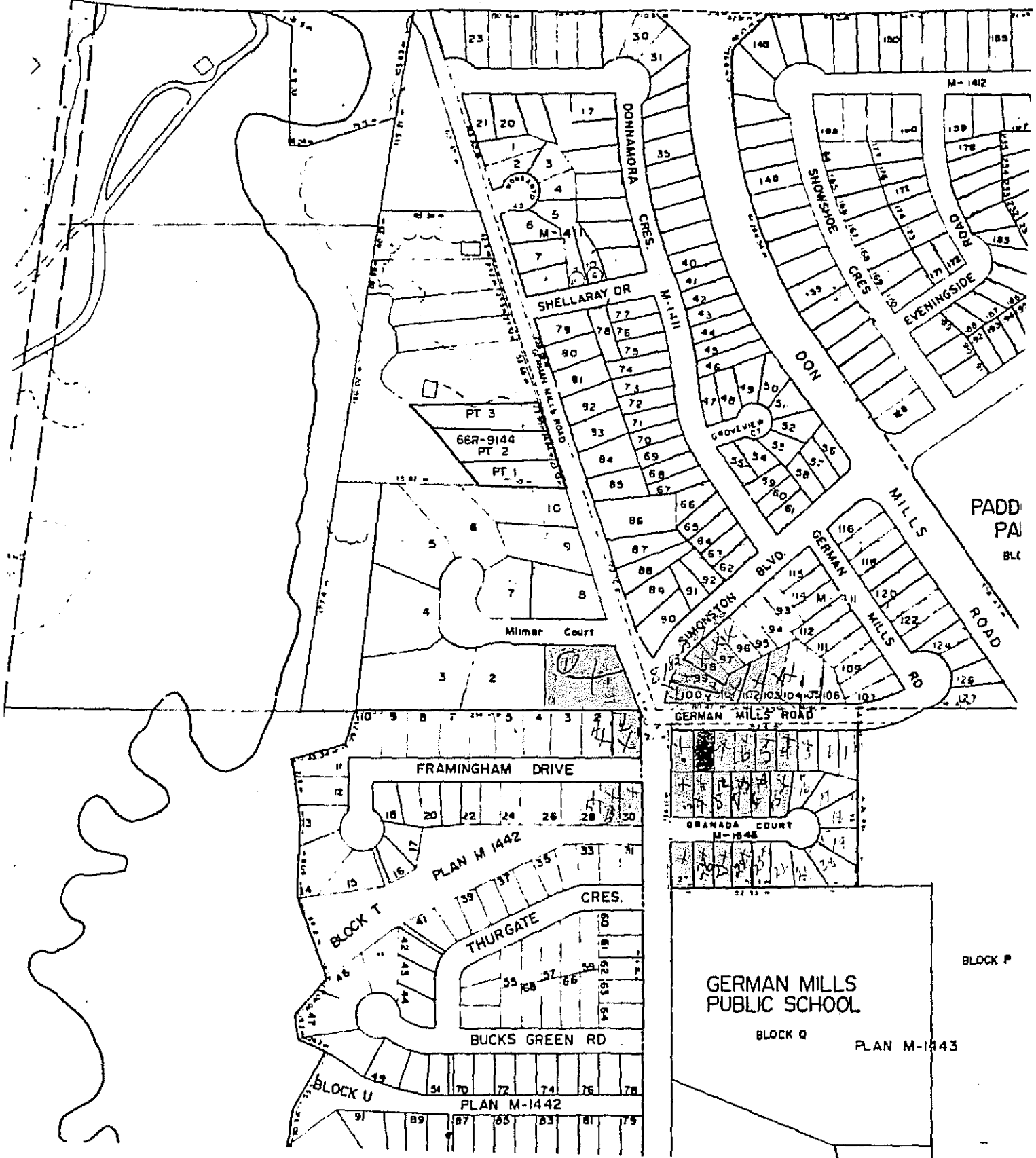
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Resolution carried.

JOHN STREET



SRS 277 ONTARIO LTD
SHOWREN ENTERPRISES INC.

PLAN SHOWING
LOTS 7, 8 AND 9, PLAN M-1646
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK.

METRIC
MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

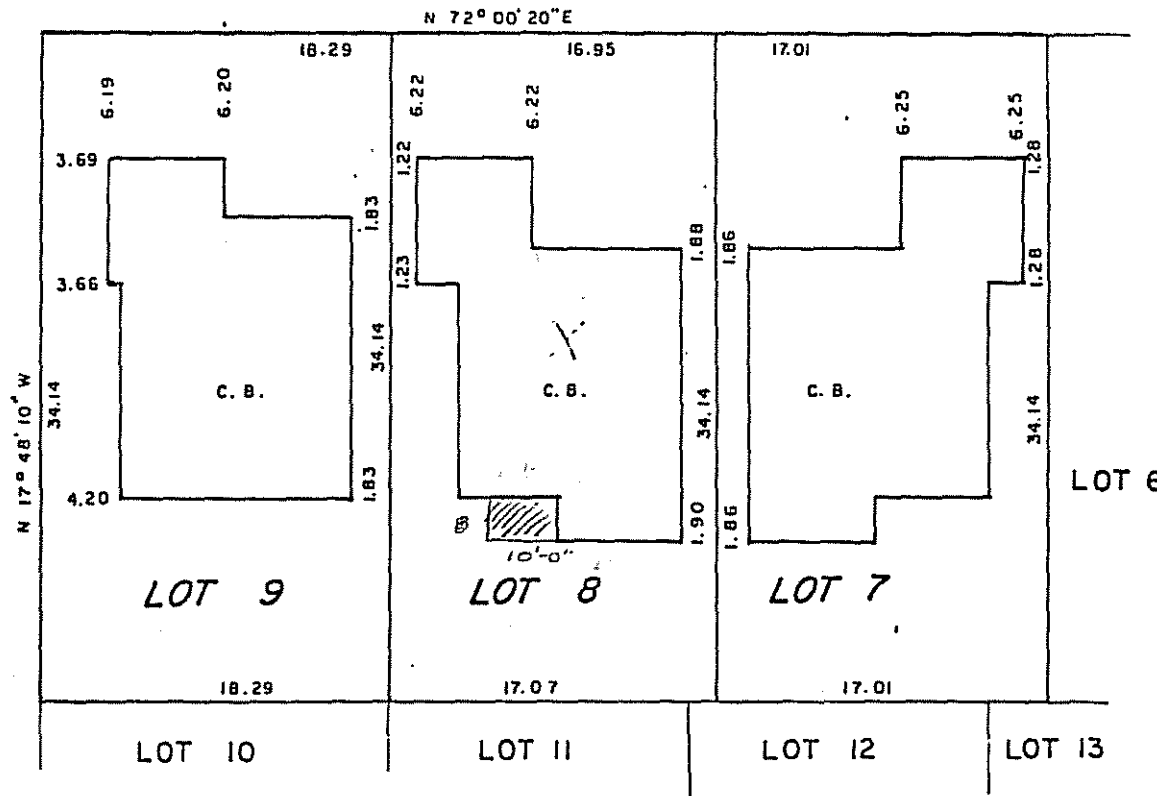
SCALE 1:300



NOTE: C.B. — DENOTES CONCRETE BASEMENT

GERMAN MILLS ROAD

SIMONSTON BOULEVARD



CA/83/44

P. Salna
P. SALNA
ONTARIO LAND SURVEYOR

P. SALNA COMPANY LTD.
ONTARIO LAND SURVEYOR
5 WELDRICK ROAD
RICHMOND HILL, ONT. L4C 3V2
PHONE 884-3988, FILE 78-1

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/91/19

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 received by the City of Markham on September 5, 2019, 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;

CONDITIONS PREPARED BY:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects