

Memorandum to the City of Markham Committee of Adjustment

July 4, 2024

File: A/055/24
Address: 4345 14th Avenue
Agent: Delta Engineering Services (Ramesh Savaliya)
Hearing Date: Wednesday, July 10, 2024

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

The Applicant is requesting relief from the “Institutional and Open Space (O2)” zone under By-law 90-81, as amended, as it relates to an addition of a vestibule and a portico. The requested variances are to permit:

a) Amending By-law 163-92, Section 1.3.3:

a minimum front yard setback of 23 metres, whereas the By-law requires a minimum front yard setback of 33 metres; and

b) Amending By-law 163-92, Section 1.3.4:

a maximum gross floor area of 2,810 square metres, whereas the By-law permits a maximum gross floor area of 2,710 square metres.

BACKGROUND

Property Description

The 0.78 ha (1.94 ac) subject lands are located on the south side of 14th Avenue, west of Kennedy Road and east of McDowell Gate (the “Subject Lands”). The Subject Lands are located within a commercial/industrial stretch along 14th Avenue and backs onto the Milliken Mills Park. A 2,678.71 m² (28,833.47ft²) place of worship (the Vedic Cultural Centre) is located on the Subject Lands.

Proposal

The Applicant is proposing the construction of a portico and vestibule for barrier free accessibility at the front entrance of the existing place of worship (the “Proposed Development”).

Official Plan and Zoning

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

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.1.2. of the Official Plan provides for a variety of uses in all ‘Residential’ designations including, but not limited to, places of worship.

Zoning By-Laws 2024-19 & 90-81

The Subject Lands are zoned “RES-ENLR (Residential Established Neighbourhood Low Rise)” under By-law 2024-19 and “Institutional and Open Space (O2)” under By-law 90-81, as amended by By-law 163-92. The requested variances relate to amending By-law 163-92 under By-law 90-81.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the Building

Department through their permit process and various meetings with Zoning Staff 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.

Reduction in Front and Rear Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 23 m (75.46 ft), whereas the By-law requires a minimum front yard setback of 33 m (108.27 ft). This represents a reduction of approximately 10 m (32.81 ft). Staff note that the requested variance differs from what Zoning Staff identified through the permit review process [29 m (95.14 ft)], as well as the setback shown on the plans (refer to Appendix “B”).

The requested variance is entirely attributable to the construction of the portico above the main entrance of the existing place of worship. The main front wall of the building provides a front yard setback of approximately 33.64 m (110.37 ft) and is generally consistent with the pattern of established front yard setbacks on the street.

Increase in Maximum Gross Floor Area (“GFA”)

The Applicant is requesting relief to permit a maximum GFA of 2,810 m², whereas the By-law permits a maximum GFA of 2,710 m². This represents an increase of 100 m².

Staff note that the requested variance is to accommodate a future allowance for a vestibule and elevator addition at the rear of the proposed place of worship. This future addition is not shown on the plans (refer to Appendix “B”). Staff note that additional Planning applications and/or variances may be required to accommodate the future addition once plans have been submitted for Staff review.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 3, 2024. 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 recommend the subject minor variance application be deferred *sine die* until the Applicant submits plans that accurately reflect the full scope of work associated with the variances being requested.

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.

Staff recommend that the conditions outlined in Appendix "C" be attached to any approval of this application, should the Committee be satisfied that the requested variances meet the four tests of the *Planning Act*.

PREPARED BY:



Brendan Chiu, Planner I, Planning and Urban Design Department

REVIEWED BY:



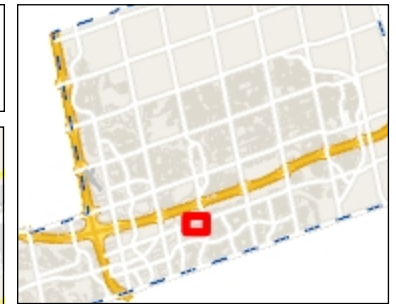
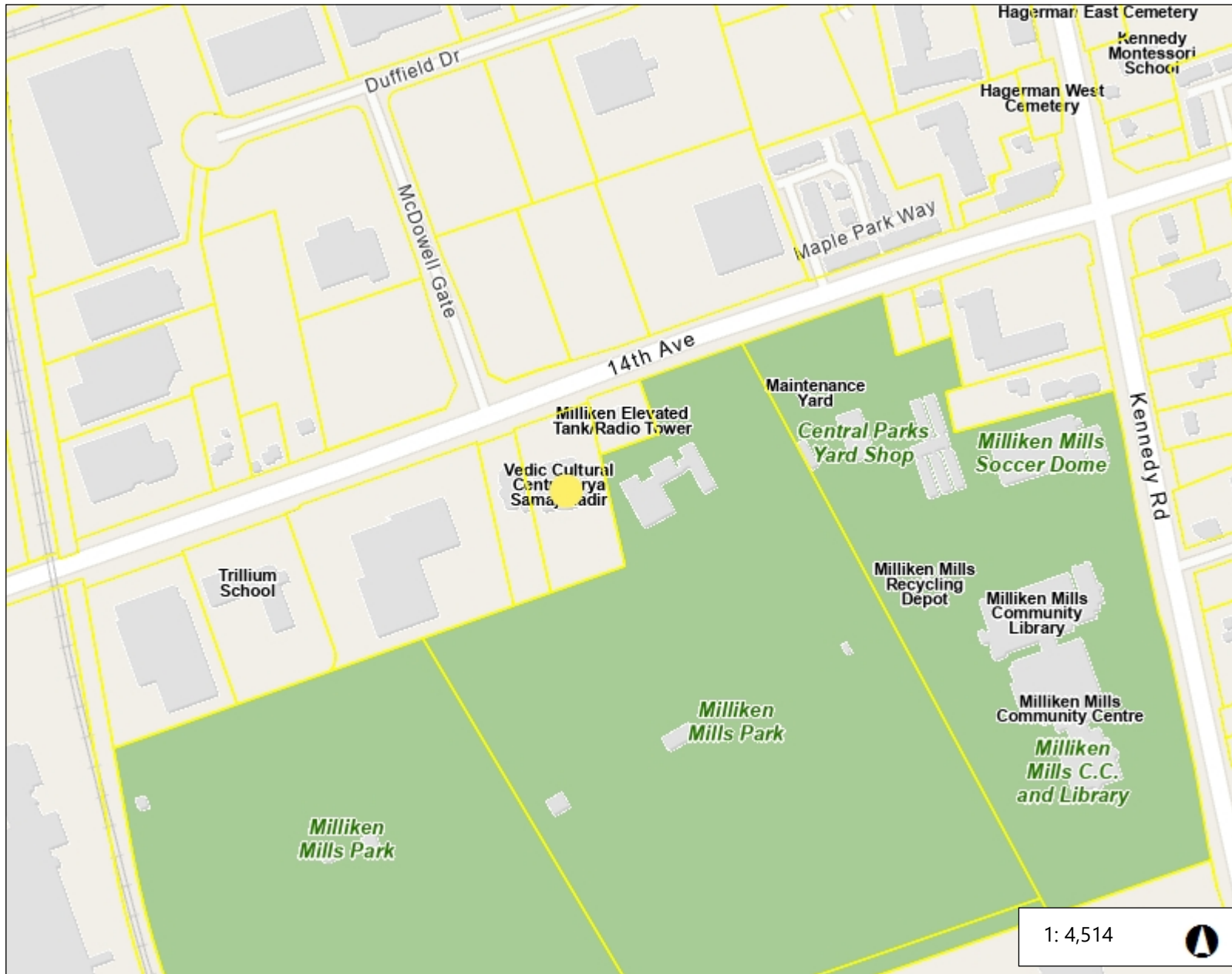
Sabrina Bordone, District Manager, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/055/24 Conditions of Approval



Legend

- Subject Lands
- 4345 14th Avenue

1: 4,514

229.3 0 114.66 229.3 Meters

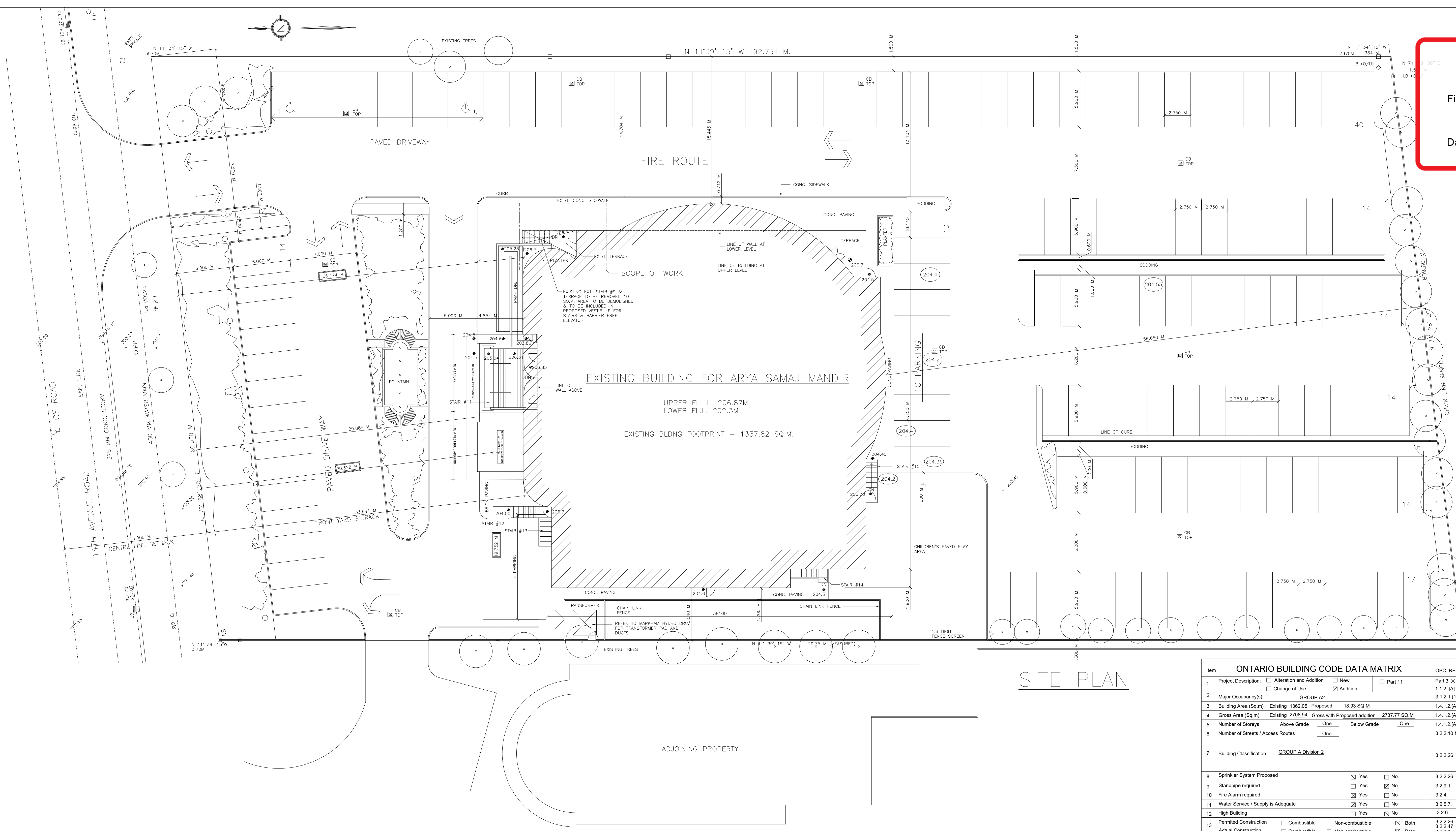
Notes

Appendix B

File: 24.174284.000.00.MNV

Date: 7/4/2024

MM/DD/YY



SITE KEY PLAN

SITE PLAN

SITE STATISTICS		
	EXISTING	PROPOSED
ZONING		
MUNICIPAL ADDRESS:	4345-4349 14TH AVENUE, MARKHAM, ON	4345 14TH AVENUE, MARKHAM, ON
CURRENT ZONING:	INSTITUTIONAL	INSTITUTIONAL
O.B.C CLASSIFICATION (3.2.2.15)	GROUP A, DIVISION 2	GROUP A, DIVISION 2
LOT AREA:	7853.10 SQ.M	-
BUILDING COVERAGE	34.5% OF LOT AREA	0.14% OF LOT AREA
LANDSCAPED AREA	24% OF LOT AREA	-
BUILDING AREA CALCULATIONS		
UPPER LEVEL (EXISTING)		1329.19 SQ.M
LOWER LEVEL (EXISTING)		1349.52 SQ.M
GROSS FLOOR AREA OF EXISTING BUILDING (1329.16+1332.09)		2678.71 SQ.M
PROPOSED VESTIBULE AREA		24.96 SQ.M
GROSS FLOOR AREA OF BUILDING WITH PROPOSED VESTIBULE ADDITION (2678.71+24.96)		2703.67 SQ.M
MAXIMUM GROSS FLOOR AREA PERMITTED		2710.00 SQ.M
EXISTING PARKING		
PARKING PROVIDED: 141 CARS		
SETBACKS		
	FRONT YARD VARIES: 34M-36M REAR YARD VARIES: 56M-59M SIDE YARDS - WEST: 5.54M SIDE YARD - EAST: 15.445	FRONT YARD VARIES: 34M-36M REAR YARD VARIES: 56M-59M SIDE YARDS - WEST: 5.54M SIDE YARD - EAST: 15.445
		NO CHANGES

Item	ONTARIO BUILDING CODE DATA MATRIX	OBC REFERENCE
1	Project Description: <input type="checkbox"/> Alteration and Addition <input type="checkbox"/> New <input type="checkbox"/> Part 11 <input checked="" type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Addition	Part 3 <input checked="" type="checkbox"/> 1.1.2 [A]
2	Major Occupancy(s) GROUP A2	3.1.2.1 (1)
3	Building Area (Sq.m) Existing 1362.05 Proposed 18.93 SQ.M	1.4.1.2[A]
4	Gross Area (Sq.m) Existing 2708.94 Gross with Proposed addition 2737.77 SQ.M	1.4.1.2[A]
5	Number of Storeys Above Grade One Below Grade One	1.4.1.2[A] & 3.2.1.1
6	Number of Streets / Access Routes One	3.2.2.10 & 3.2.5
7	Building Classification: GROUP A Division 2	3.2.2.26
8	Sprinkler System Proposed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.2.26
9	Standpipe required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.9.1
10	Fire Alarm required <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.4
11	Water Service / Supply is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7
12	High Building <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.6
13	Permitted Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both	3.2.2.26 3.2.2.47 3.2.3.1
14	Total Additional Occupancy Load at Proposed Vestibule <input type="checkbox"/> Sq.m / person <input checked="" type="checkbox"/> Design of building FIRST FLOOR: 0 Persons SECOND FLOOR: 0 Persons BASEMENT: 0 Persons TOTAL ADDITIONAL OCCUPANT LOAD OF PROPOSED VESTIBULE: Total 0 Persons OCCUPANT LOAD OF EXISTING BUILDING: Total 400 Persons TOTAL OCCUPANT LOAD OF BUILDING: Total 400 Persons	3.1.1.7 3.1.1.7(1.b) Table 3.1.17.1
15	Barrier-free Design <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain)	3.8
16	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2 & 3.3.1.19
17	Required Fire Resistance (FRR) Rating Horizontal Assemblies: 45 MIN Floors: 45 MIN Elevator Shaft: 60 MIN at Elevator Shaft Roof: NONE Supporting Structures: 60 MIN for Columns and Beams Supporting Fire-rated floors	1.4.1.2, 3.2.3.7, 3.2.3.1, 3.2.1.4 Major occupancy - means the principal occupancy for which a building or part of a building is used or intended to be used, and is deemed to include the subsidiary occupancies that are an integral part of the principal occupancy.
18	Spatial Separation- Construction of Exterior Walls for Vestibule addition	3.2.3 Table 3.2.3.1.B Table 3.2.3.7
Building Face	EBF Area (Sq.m) L/D (m) L/H Permitted Max. % opening Proposed % of opening FRR Listed Design or description Construction required Cladding required	
North	27.2 36.47 0.49 100% 8.00% - N/A Combustible or Non-combustible	Combustible
South	14.50 3.50 0.27 52% 0.00% - N/A Combustible or Non-combustible	Combustible
East	62.0 16.23 1.15 100% 23.81% - N/A Combustible or Non-combustible	Combustible
West	- - - - - - N/A Combustible or Non-combustible	combustible
19	Plumbing fixture Requirements None	3.7.4.3 (16)

NOTES:

1. APPLICANT IS RESPONSIBLE FOR ALL REPAIRS AND/OR REPLACEMENT OF ASPHALT, SIDE WALK AND CURBS AS A RESULT OF SITE CONSTRUCTION TO THE CITY'S SATISFACTION.
2. GAS PIPES SERVICING ROOF TOP MECHANICAL EQUIPMENT SHALL NOT BE VISIBLE TO ANY PUBLIC VIEW, AND SHALL BE INSTALLED WITHIN THE WALL CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO DRIVEWAYS AND CURB RETURNS.

NO.	ISSUE/REVISION	DATE
3	ISSUED FOR REVIEW	MAR 18, 2024
2	ISSUED FOR PERMIT	JAN 10, 2024
1	ISSUED FOR PERMIT	OCT 17, 2023

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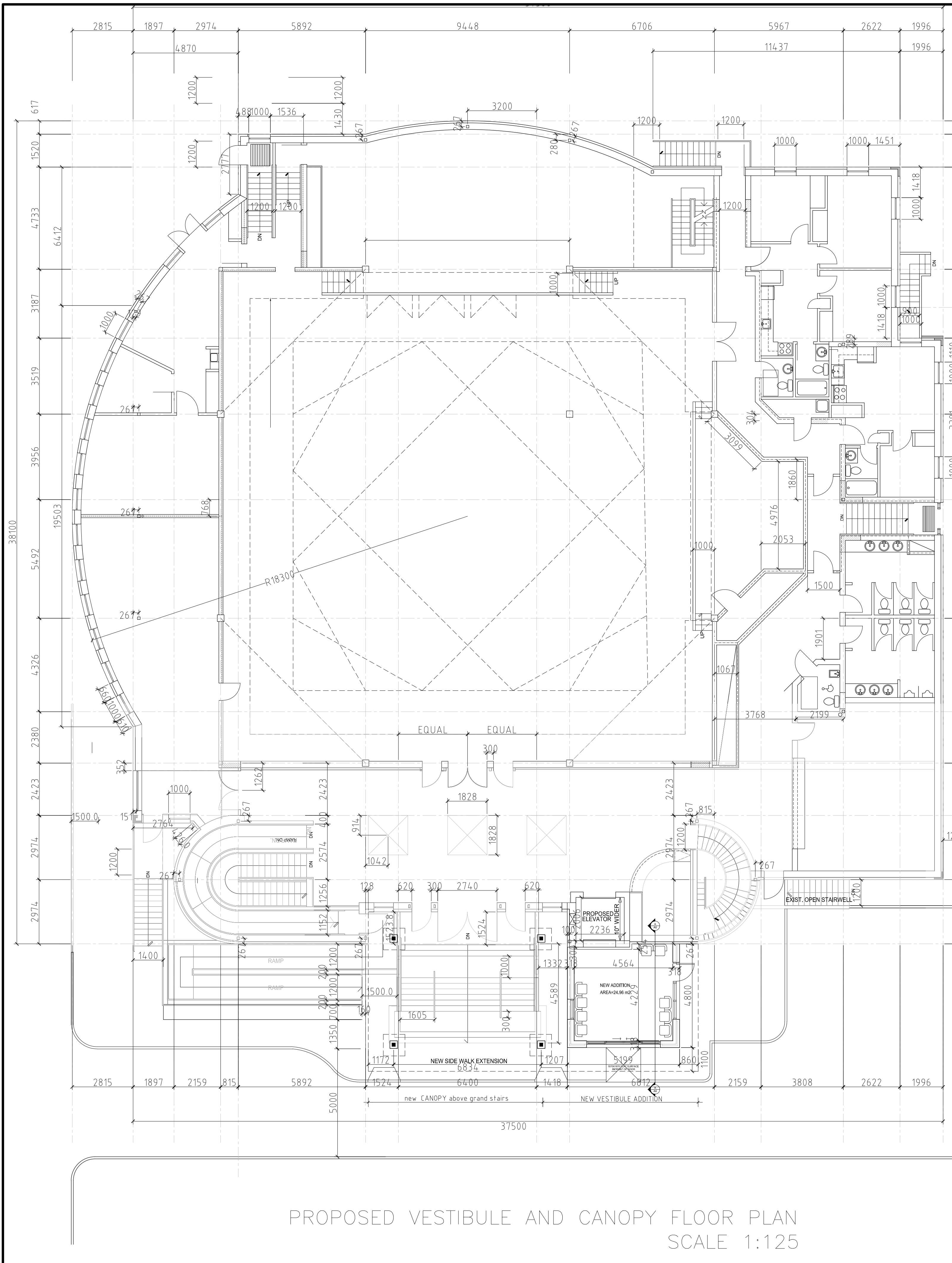
NEW EAST VESTIBULE
ARYA SAMAJ VEDIC CULTURAL CENTRE
4345 14TH AVENUE, MARKHAM, ON L3R 0J2

DRAWING TITLE: SITE PLAN, SITE STATISTICS

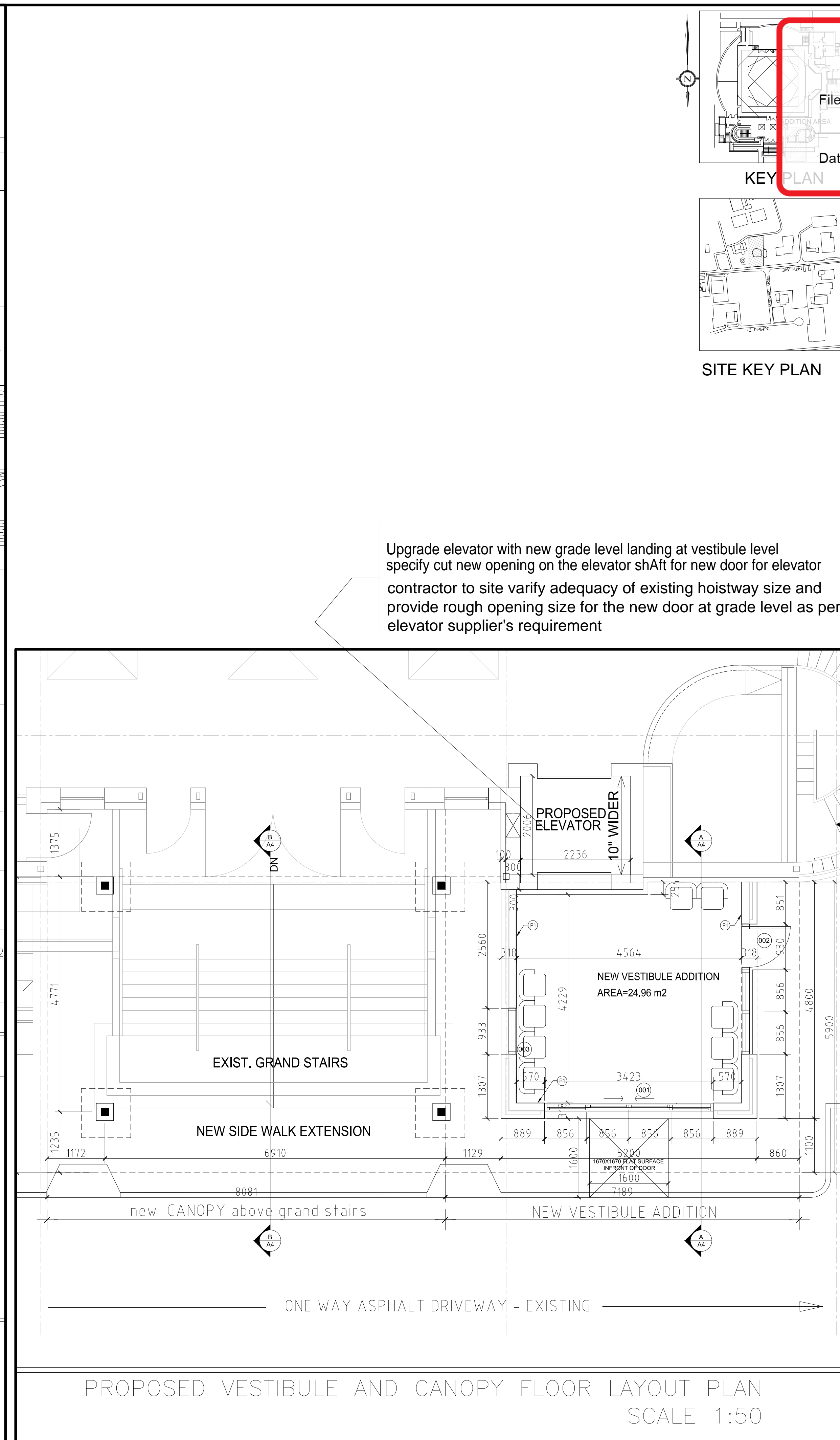
DATE: MAR 27, 2024
SCALE: 1:200
DRAWN BY: S.N.
CHECKED BY: R.S.
PROJECT: 23-4345

ONTARIO ASSOCIATION OF ARCHITECTS
JOSEPH D. BATTAGLIA
LICENCE 6924

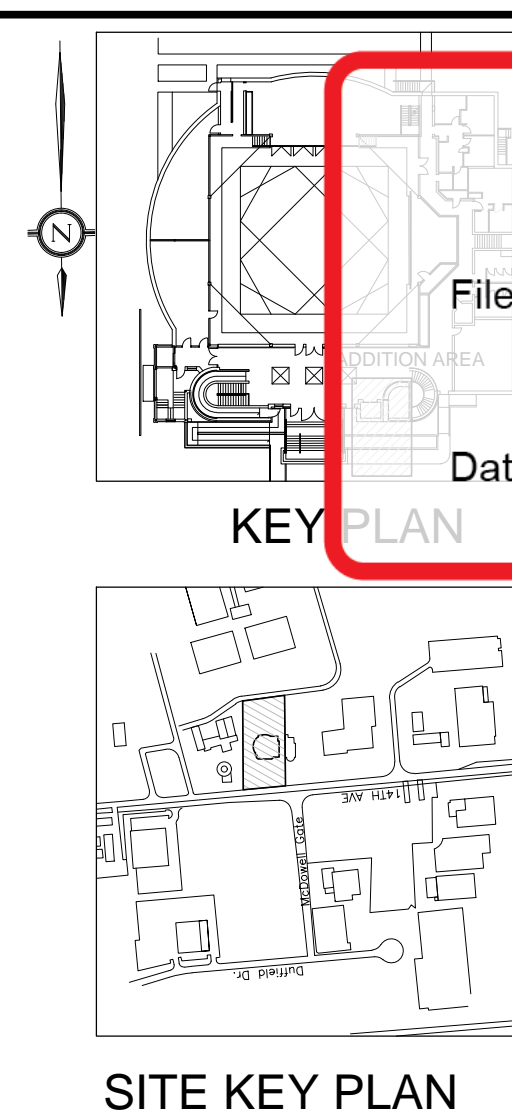
A1



PROPOSED VESTIBULE AND CANOPY FLOOR PLAN
SCALE 1:125



PROPOSED VESTIBULE AND CANOPY FLOOR LAYOUT PLAN
SCALE 1:50



Appendix B

File: 24.174284.000.00.MNV

Date: 7/4/2024

MM/DD/YY

Upgrade elevator with new grade level landing at vestibule level specify cut new opening on the elevator shaft for new door for elevator contractor to site verify adequacy of existing hoistway size and provide rough opening size for the new door at grade level as per elevator supplier's requirement

- NOTES:
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 2. GAS PIPES SERVICING ROOF TOP MECHANICAL EQUIPMENT SHALL NOT BE VISIBLE TO ANY PUBLIC VIEW, AND SHALL BE INSTALLED WITHIN THE WALL CONSTRUCTION.
 3. GARBAGE ENCLOSURE FENCE SHALL BE CONSTRUCTED OF ENGINEERED WOOD MATCHING BUILDING COLOR.
 4. FOR LANDSCAPING DETAILS, REFER TO DRAWINGS L1 TO L3.
 5. FOR SITE LIGHTING, REFER TO DRAWINGS ESP1 & ESP2.
 6. ALL GROUND UTILITIES SHALL BE OFFSET AT A MINIMUM DISTANCE OF 1.5M FROM THE DRIVEWAYS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO DRIVEWAYS AND CURB RETURNS.

NO.	ISSUE/REVISION	DATE
2	EXTERIOR WALL ASSEMBLIES	27/05/2024

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Tel: (416) 494-8600 Email: battaglia.arch@gmail.com

JOB TITLE:
NEW SOUTH VESTIBULE AND CANOPY

ARYA SAMAJ VEDIC CULTURAL CENTRE
4345 14TH AVENUE, MARKHAM, ON L3R 0J2

DRAWING TITLE:
PROPOSED VESTIBULE AND CANOPY AT UPPER LEVEL FLOOR PLAN

DATE: APR 25 2024
SCALE: AS SHOWN
DRAWN BY: HAMID VERK
CHECKED BY: J.D.B.
PROJECT: 23-4345



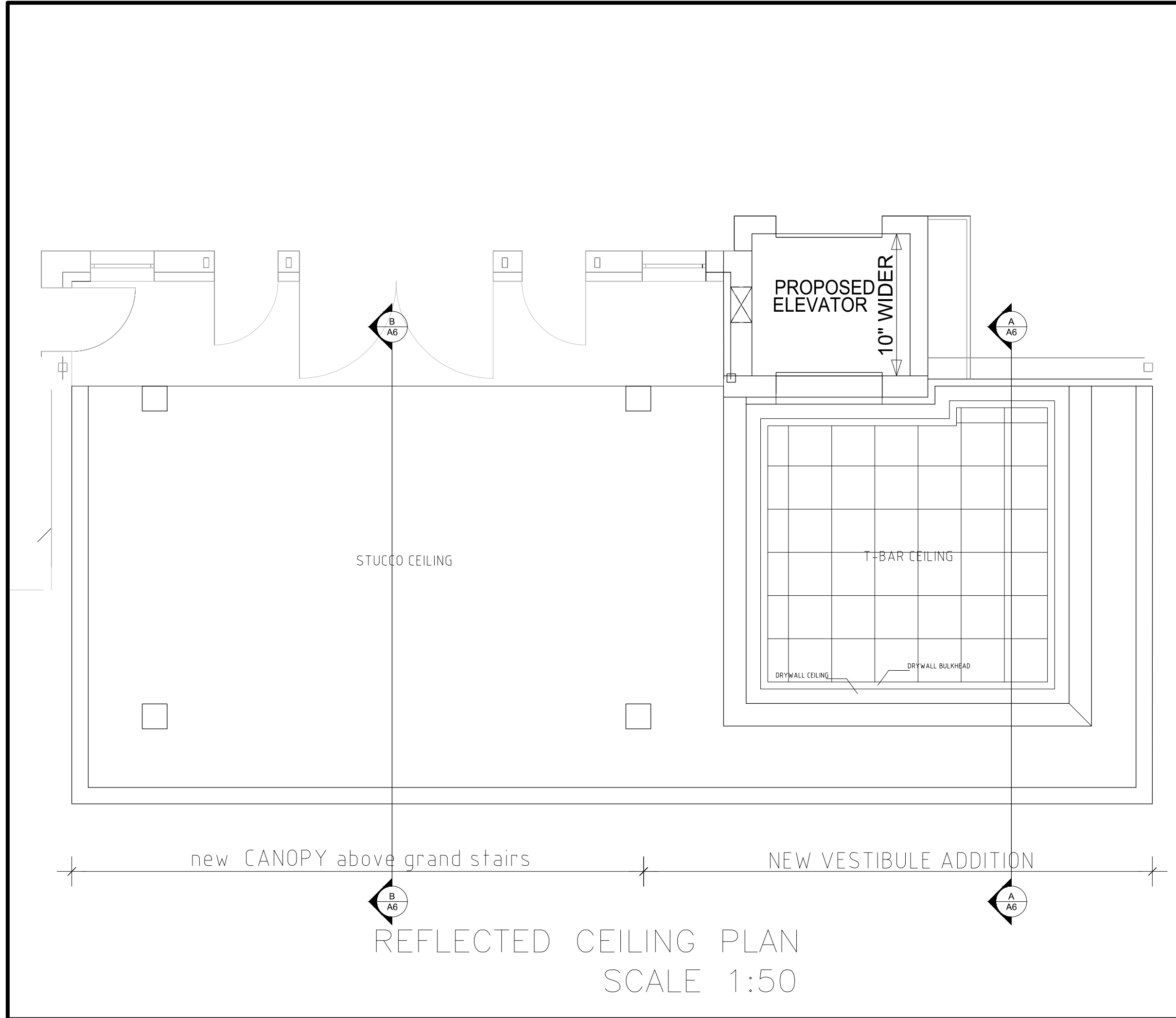
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Appendix B

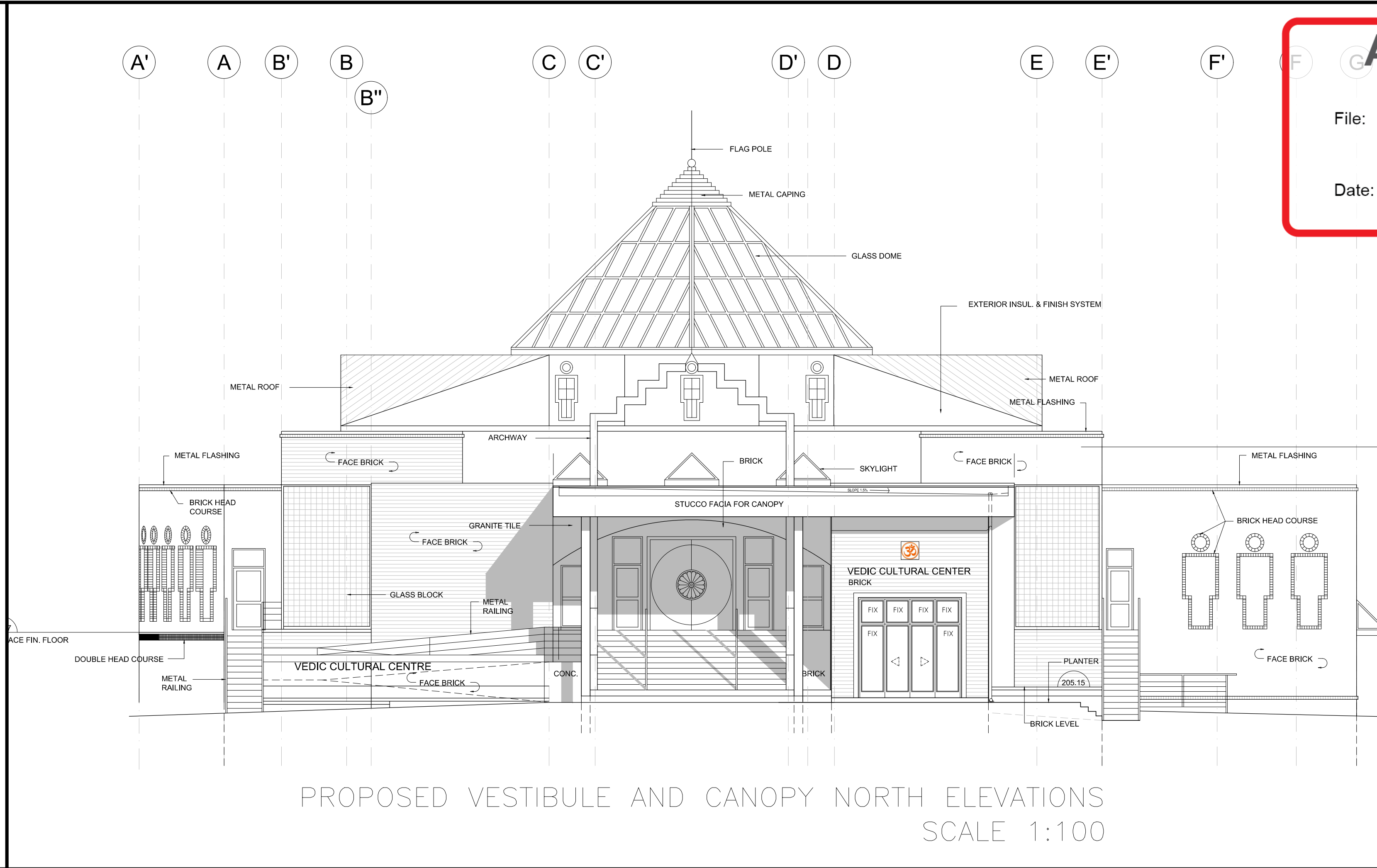
File: 24.174284.000.00.MNV

Date: 7/4/2024

MM/DD/YY

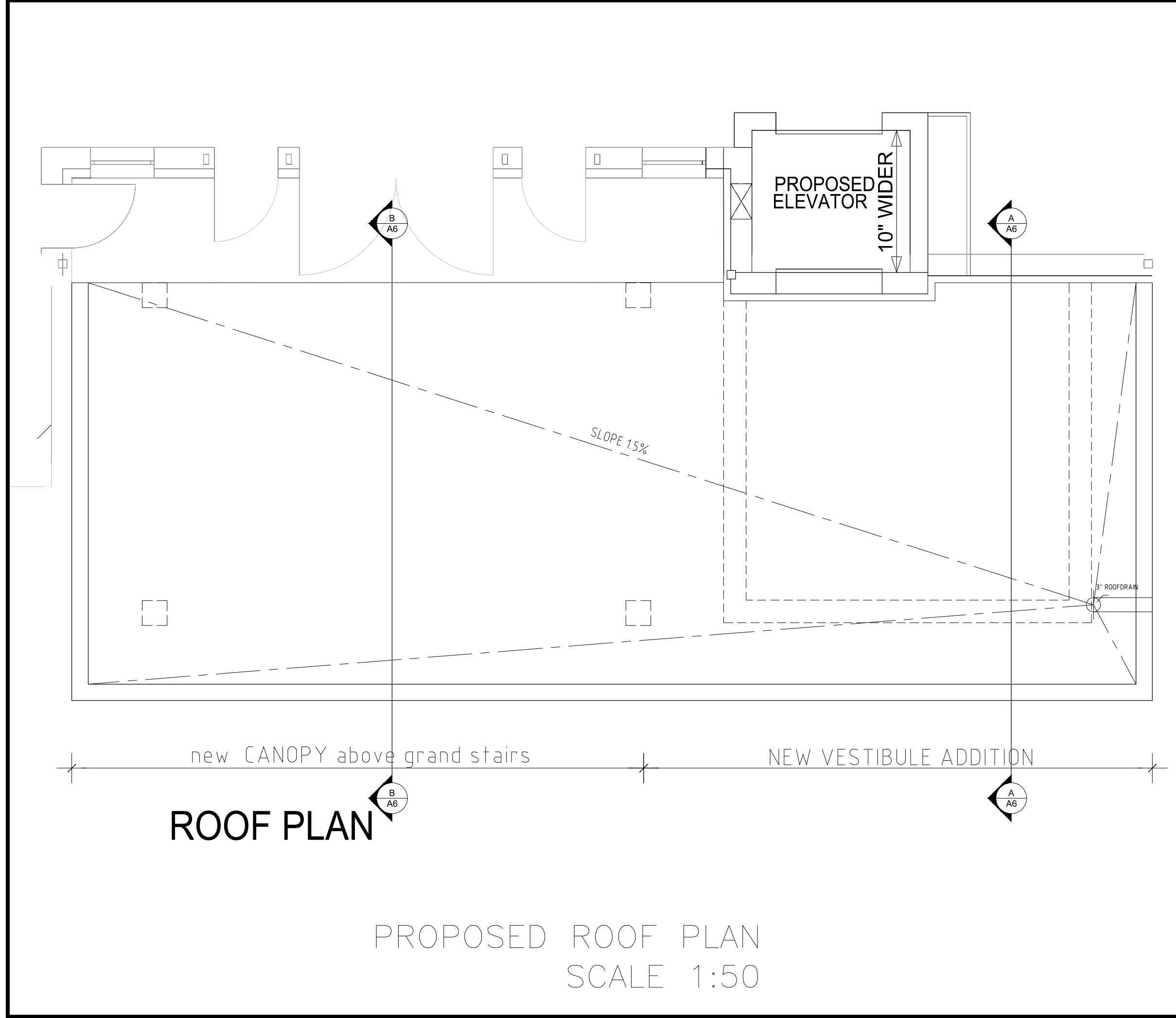


REFLECTED CEILING PLAN
SCALE 1:50

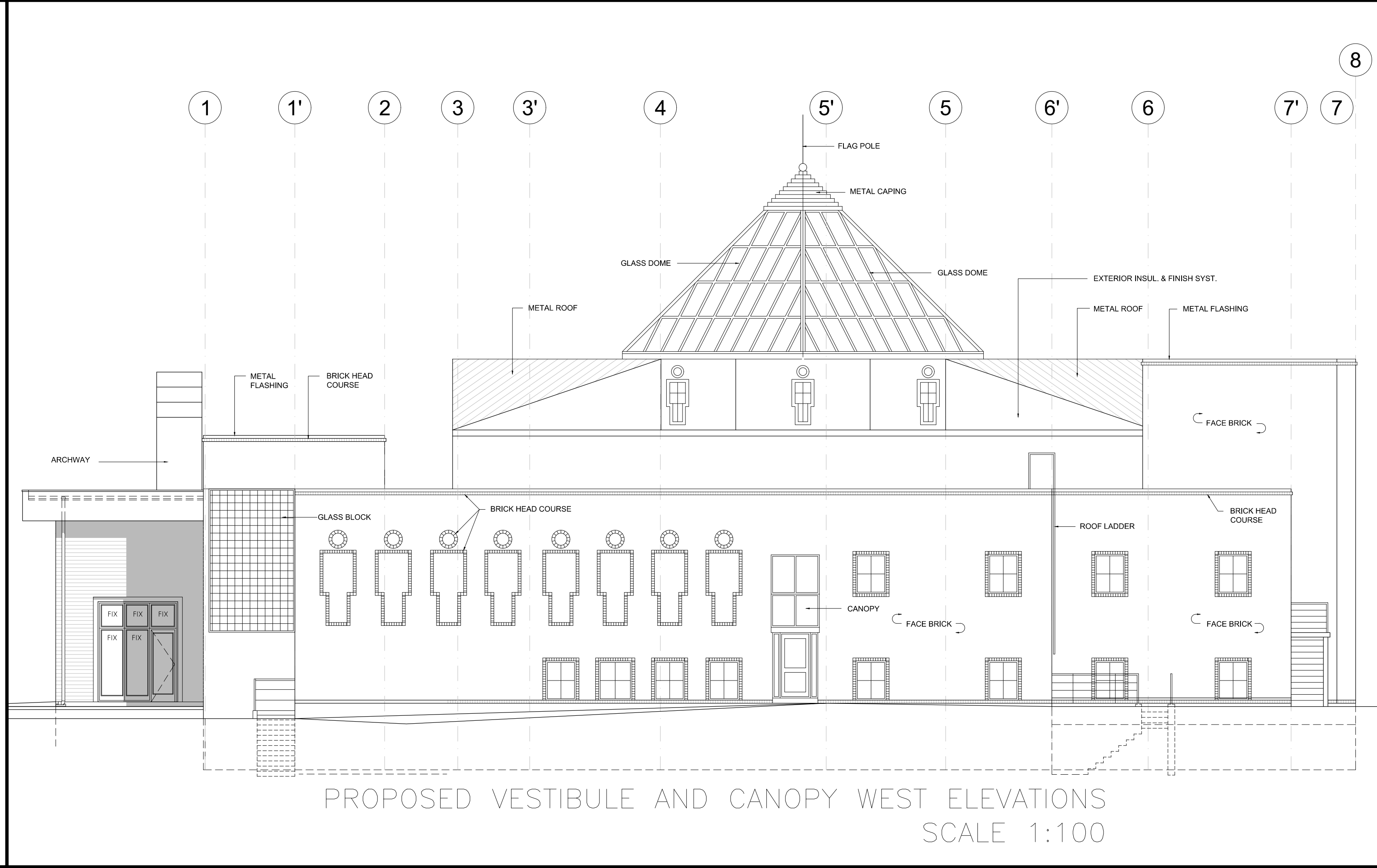


PROPOSED VESTIBULE AND CANOPY NORTH ELEVATIONS
SCALE 1:100

- NOTES:
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 3. GARBAGE ENCLOSURE FENCE SHALL BE CONSTRUCTED OF ENGINEERED WOOD MATCHING BUILDING COLOR.
 4. FOR LANDSCAPING DETAILS, REFER TO DRAWINGS L1 TO L3.
 5. FOR SITE LIGHTING, REFER TO DRAWINGS ESP1 & ESP2.
 6. ALL GROUND UTILITIES SHALL BE OFFSET AT A MINIMUM DISTANCE OF 1.5M FROM THE DRIVEWAYS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO DRIVEWAYS AND CURB RETURNS.



PROPOSED ROOF PLAN
SCALE 1:50



PROPOSED VESTIBULE AND CANOPY WEST ELEVATIONS
SCALE 1:100

NO.	ISSUE/REVISION	DATE
2	EXTERIOR WALL ASSEMBLIES	27/05/2024

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Tel: (416) 494-8600 Email: battaglia.arch@gmail.com

JOB TITLE:
NEW SOUTH VESTIBULE AND CANOPY
ARYA SAMAJ VEDIC CULTURAL CENTRE
4345 14TH AVENUE, MARKHAM, ON L3R 0J2

DRAWING TITLE:
PROPOSED VESTIBULE AND CANOPY ELEVATIONS & ROOF AND REFLECTED CEILING PLANS

DATE: APR 25 2024
SCALE: AS SHOWN
DRAWN BY: HAMID VERK
CHECKED BY: J.D.B.
PROJECT: 23-4345

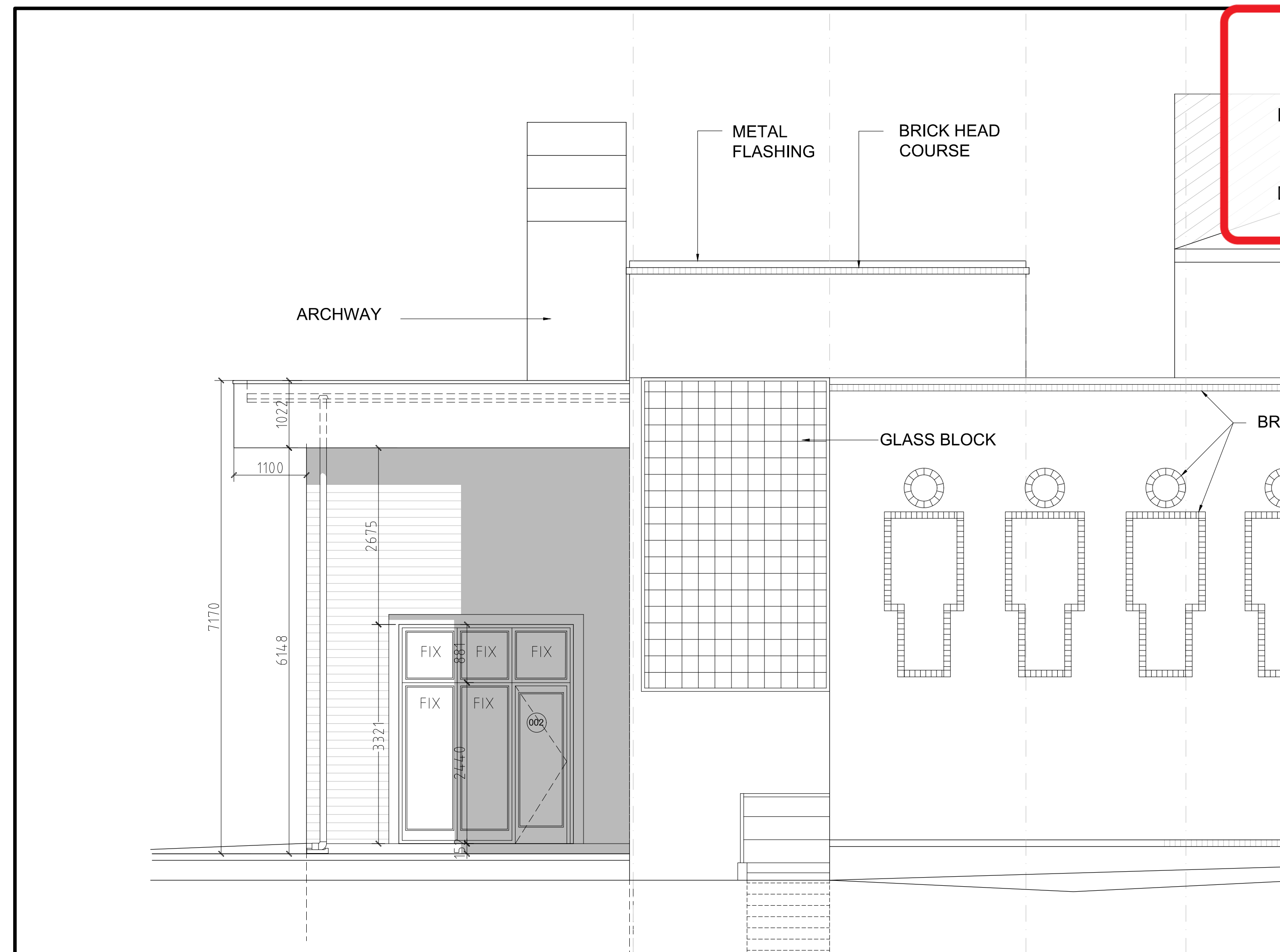
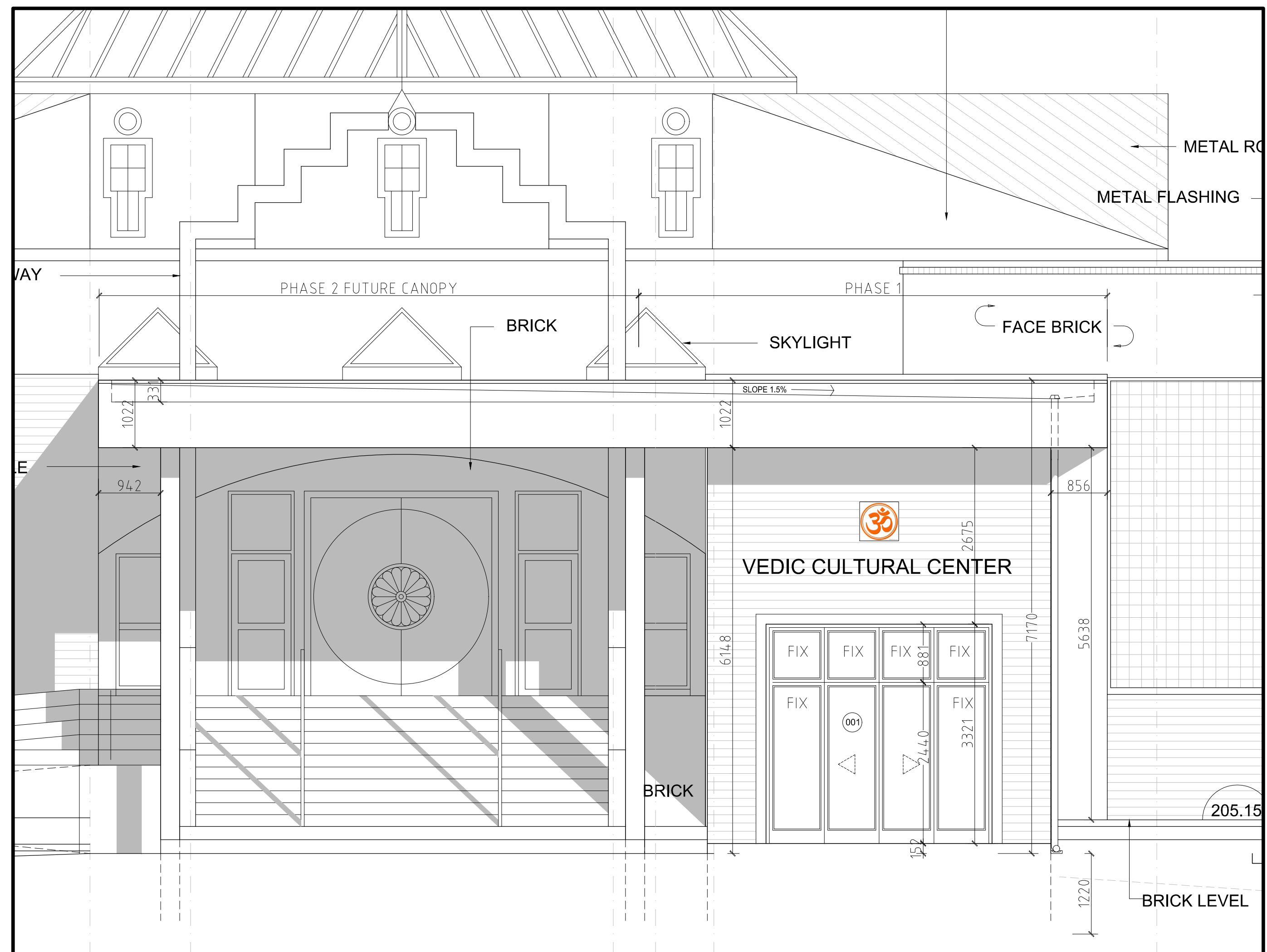


A3

Appendix B

File: 24.174284.000.00.MNV

Date: 7/4/2024
MM/DD/YY



NOTES:

1. APPLICANT IS RESPONSIBLE FOR ALL REPAIRS AND/OR REPLACEMENT OF EXISTING FENCING AS A RESULT OF SITE CONSTRUCTION TO THE CITY'S SATISFACTION.
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2	EXTERIOR WALL ASSEMBLIES	27/05/2024

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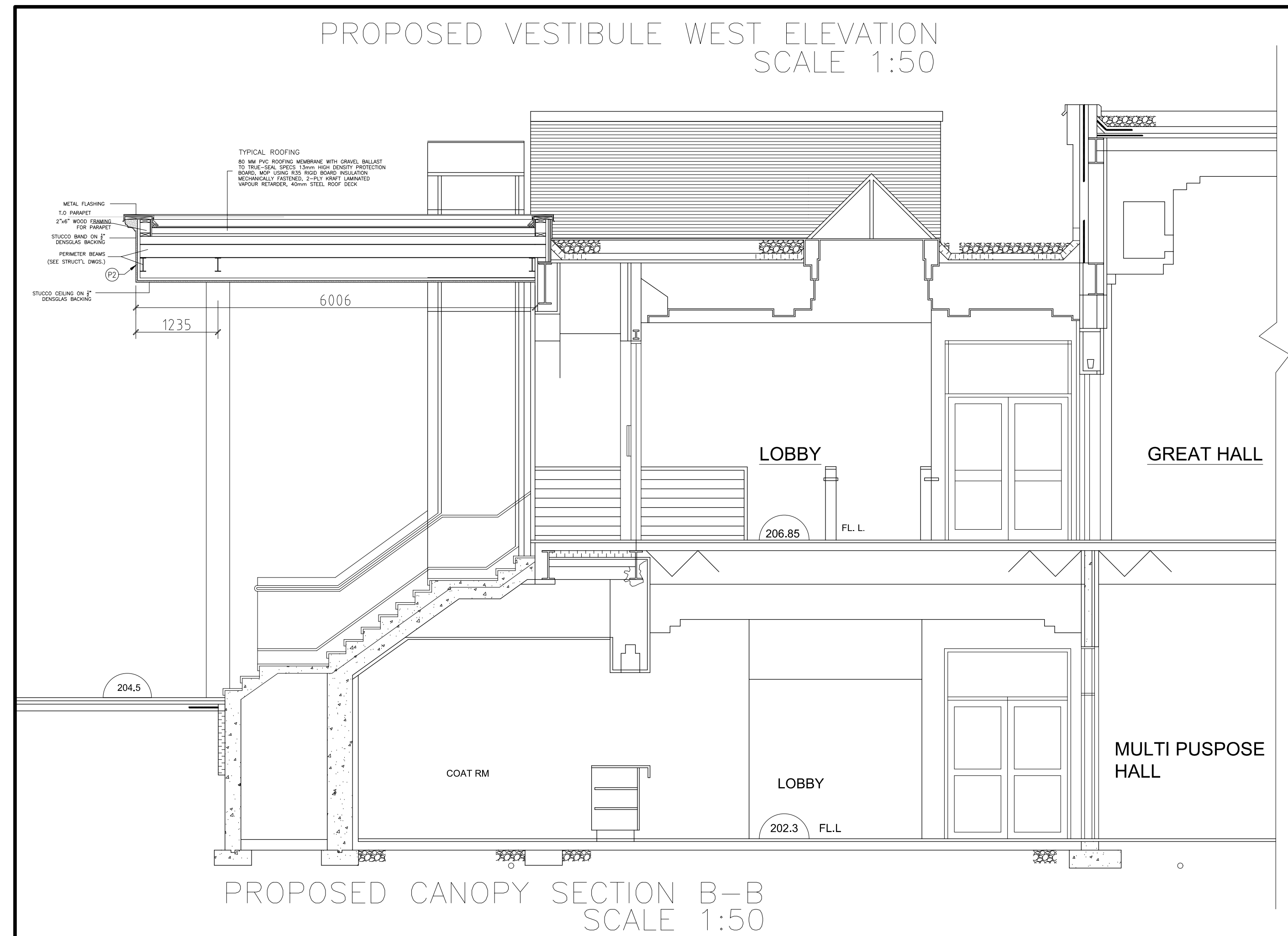
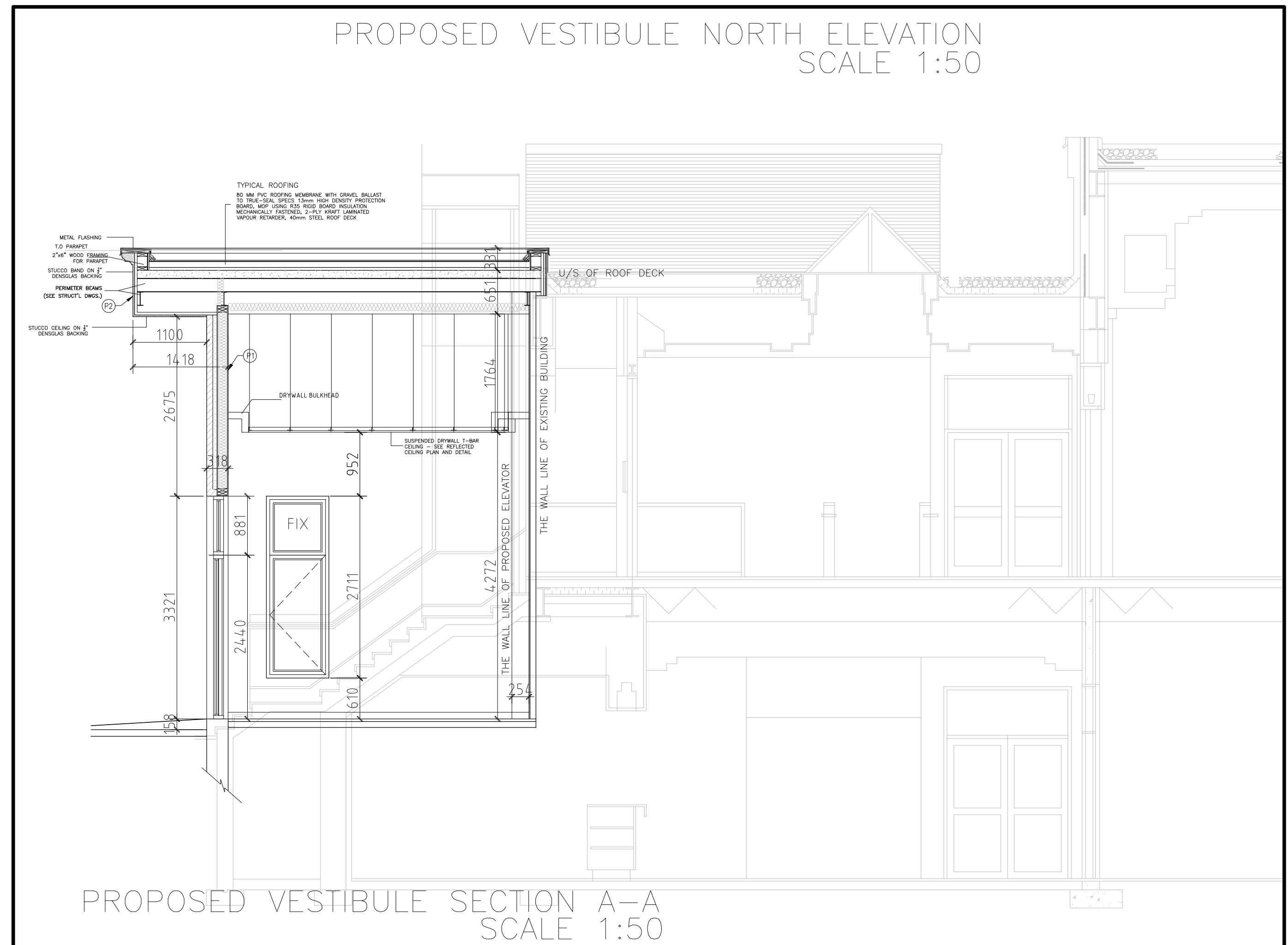
JOB TITLE:
NEW SOUTH VESTIBULE AND CANOPY
ARYA SAMAJ VEDIC CULTURAL CENTRE
4345 14TH AVENUE, MARKHAM, ON L3R 0J2

DRAWING TITLE:
PROPOSED VESTIBULE AND CANOPY ELEVATIONS LAYOUTS AND SECTIONS

DATE: APR 25 2024
SCALE: AS SHOWN
DRAWN BY: HAMID VERK
CHECKED BY: J.D.B.
PROJECT: 23-4345



A4



PROPOSED VESTIBULE SECTION A-A
SCALE 1:50

PROPOSED CANOPY SECTION B-B
SCALE 1:50

APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/24

1. The variances apply only to the Proposed Development as long as it remains;

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Planning and Urban Design Department