

Memorandum to the City of Markham Committee of Adjustment

November 14, 2024

File: A/108/24
Address: 41 Gladiator Rd Markham
Applicant: Jun An
Hearing Date: Wednesday, December 4, 2024

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, as it relates to a proposed two-storey detached dwelling:

a) By-law 2024-19, Section 6.3.2.2(c):

a maximum main building coverage of 27.6 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent; and

b) By-law 2024-19, Section 4.8.10.1(a):

a minimum porch depth of 1.52 metres, whereas the by-law requires a minimum porch depth of 1.8 metres.

BACKGROUND

Property Description

The 641.50 m² (6,905.05 ft²) subject property is located on the east side of Gladiator Road, north of Southdale Drive, East of McCowan Road and south of Highway 7 East. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

There is an existing detached dwelling on the property, which according to assessment records was constructed in 1966.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 328.9 m² (3,540.25 ft²). The total building depth proposed is 16.02 m (53.15 ft), including a 1.52 m (5.0 ft) front porch.

Official Plan and Zoning

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

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the "Residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits Detached dwelling, Home Child Care, Home Occupation, Shared Housing – Small Scale and select uses that legally existed on the lot prior to the passing of By-law 2024-19, as amended.

Zoning Preliminary Review (ZPR) 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 October 31, 2024. 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.

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 Main Building Coverage (Second Storey)

The applicant is requesting relief to permit a Second Storey Main Building Coverage of 27.6% of the lot area, whereas the By-Law permits a main building coverage on the second floor of 20% of the lot area. This equates to a total second-storey coverage of approximately 176.80 m² (1,904.06 ft²), representing an additional 7.6% (48.5 m² or 522.05 ft²)

Staff note that the By-Law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey coverage is less than the first storey, and does not feature any projections past the first storey. There is a 1.07 m (3.50 ft) step back above the garage, which contributes to reducing the visual massing of the structure. Staff are of the opinion that the requested variance will not significantly increase the building's scale or massing, aligns with similar infill developments to the east, and will not negatively impact the surrounding area. Staff opine that the request is minor in nature, meets the intent of the By-law and have no concerns with the requested variance.

Reduction in Front Porch Depth

The applicant is requesting relief to permit a minimum porch depth of 1.52 m (5.0 ft), whereas the By-law requires a minimum front porch depth of 1.8 m (5.90 ft). This represents a decrease of 0.32 m (0.90 ft).

Staff note that the porch is in-line with the front wall of surrounding houses, and does not project excessively past the garage. Staff have no objections to the proposed variance as the general intent and purpose of the Zoning By-Law has been maintained.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 26, 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 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.

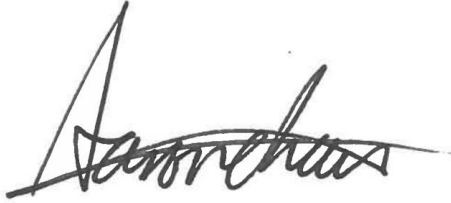
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A.108/24 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:




Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/108/24

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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

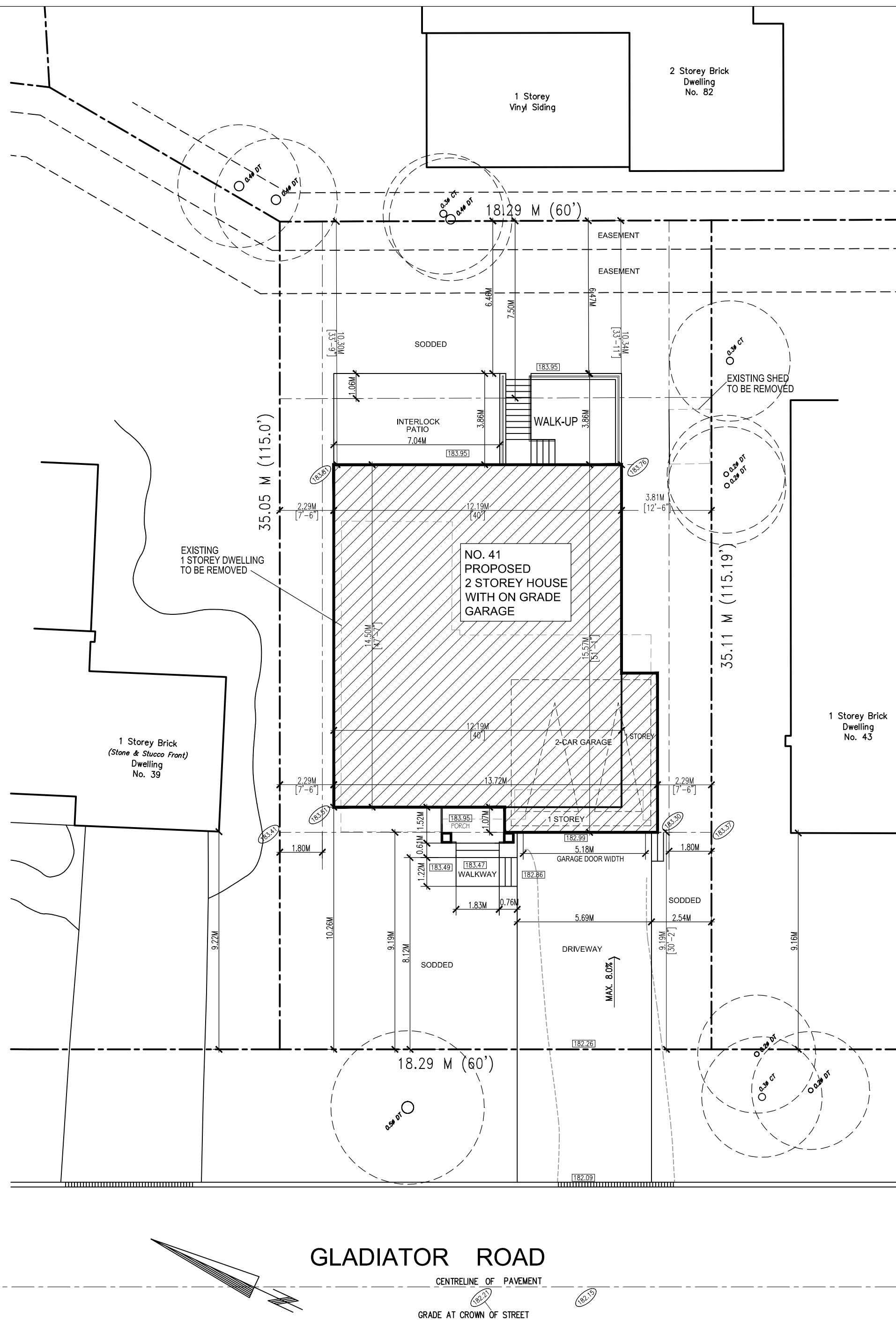
A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

Appendix B

File: 24.191461.000.00.MNV

Date: 11/27/2024
MM/DD/YYYY



○ SITE PLAN
1:150

ZONING: RES-ENR UNDER BY-LAW 2024-19
ZONING SUMMARY:

| | PERMITTED | PROPOSED |
|---|-------------------|--------------------|
| USE OF BUILDING | DETACHED DWELLING | DETACHED DWELLING |
| MIN. LOT FRONTAGE | 23.0 M | 18.29 M (EXISTING) |
| MIN. LOT DEPTH | 30.0 M | 35.08 M (EXISTING) |
| MAX. MAIN BUILDING COVERAGE FIRST STOREY | 30% (192.4 S.M.) | 30% (192.4 S.M.) |
| MAX. MAIN BUILDING COVERAGE SECOND STOREY | 20% (128.3 S.M.) | 27.6% (176.8 S.M.) |
| MAX. DISTANCE OF MAIN BUILDING FIRST STOREY | 19.5 M | 15.57 M |
| MAX. DISTANCE OF MAIN BUILDING SECOND STOREY | 14.5 M | 14.5 M |
| MIN. FRONT YARD SETBACK | 9.19 M | 9.19 M |
| MIN. REAR YARD SETBACK | 7.5 M | 10.30 M |
| MIN. SIDE YARD SETBACK (NORTH) | 1.8 M | 2.29 M |
| MIN. SIDE YARD SETBACK (SOUTH) | 1.8 M | 2.29 M |
| MIN. SIDE YARD SETBACK COMBINED ON BOTH SIDES | 4.57 M | 4.57 M |
| MAX. OUTSIDE WALL HEIGHT | 7.0 M | 6.5 M |
| MAX. NUMBER OF STOREYS | 2 | 2 |
| MAX. GARAGE DOOR WIDTH | 6.86 M | 5.18 M |
| MAX. PROJECTION OF GARAGE | 1.8 M | 0 M |
| MIN. FRONT YARD PORCH DEPTH | 1.8 M | 1.52 M |

STATISTICS:

| | |
|---|--------------|
| GROSS FLOOR AREA | |
| GROSS BASEMENT FLOOR AREA | 151.5 SQ. M. |
| GROSS GROUND FLOOR AREA (LIVING) | 151.5 SQ. M. |
| GARAGE AREA | 40.9 SQ. M. |
| GROSS SECOND FLOOR AREA | 176.8 SQ. M. |
| TOTAL GROSS FLOOR AREA (BASEMENT AND GARAGE NOT INCLUDED) | 328.9 SQ. M. |

| | |
|---------------------|--------------|
| LOT AREA | 641.5 SQ. M. |
| ESTABLISHED GRADE | 183.39 M |
| AVERAGE GRADE LEVEL | 183.60 M |

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWING.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS.
6. THE DESIGN AND CONTRACT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE DESIGNER AND MAY NOT BE REPRODUCED, ALTERED, OR REUSED WITHOUT THE DESIGNER'S WRITTEN AUTHORITY.

designed by:

JUN AN
T.647-8801688
EMAIL:JUNAN8888@GMAIL.COM
ANJIA HOME DESIGN INC.
67 CHERRYSTONE DR.
M2H 1S2
TORONTO, ONTARIO, CANADA

THIS UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C.TO BE A DESIGNER.

JUN AN
BCIN: 103596
ANJIA HOME DESIGN INC.
BCIN: 113604

Jun An
SIGNATURE

| NO. | ISSUED FOR | DATE |
|-----|----------------|--------------|
| 3 | REVISED | OCT 31, 2024 |
| 2 | REVISED | JUL 08, 2024 |
| 1 | ISSUED FOR ZPR | APR 26, 2024 |
| | ISSUED FOR | DATE |

project: **PROPOSED NEW 2 STOREY DWELLING AT 41 GLADIATOR RD, MARKHAM, ONTARIO**

drawing: **SITE PLAN**

scale: **1:150**

page:

A0.1

Appendix B

File: 24.191461.000.00.MNV

Date: 11/27/2024
MM/DD/YYYY



FRONT (WEST) ELEVATION
SCALE: 3/16"=1'-0"

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project: PROPOSED NEW 2 STOREY DWELLING AT 41 GLADIATOR RD, MARKHAM, ONTARIO

drawing: FRONT (WEST) ELEVATION

scale: 3/16"=1'-0"

page:

A2.1

Appendix B

File: 24.191461.000.00.MNV

Date: 11/27/2024
MM/DD/YYYY



REAR (EAST) ELEVATION
SCALE: 3/16"=1'-0"

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drawing: **REAR (EAST) ELEVATION**

scale: **3/16"=1'-0"**

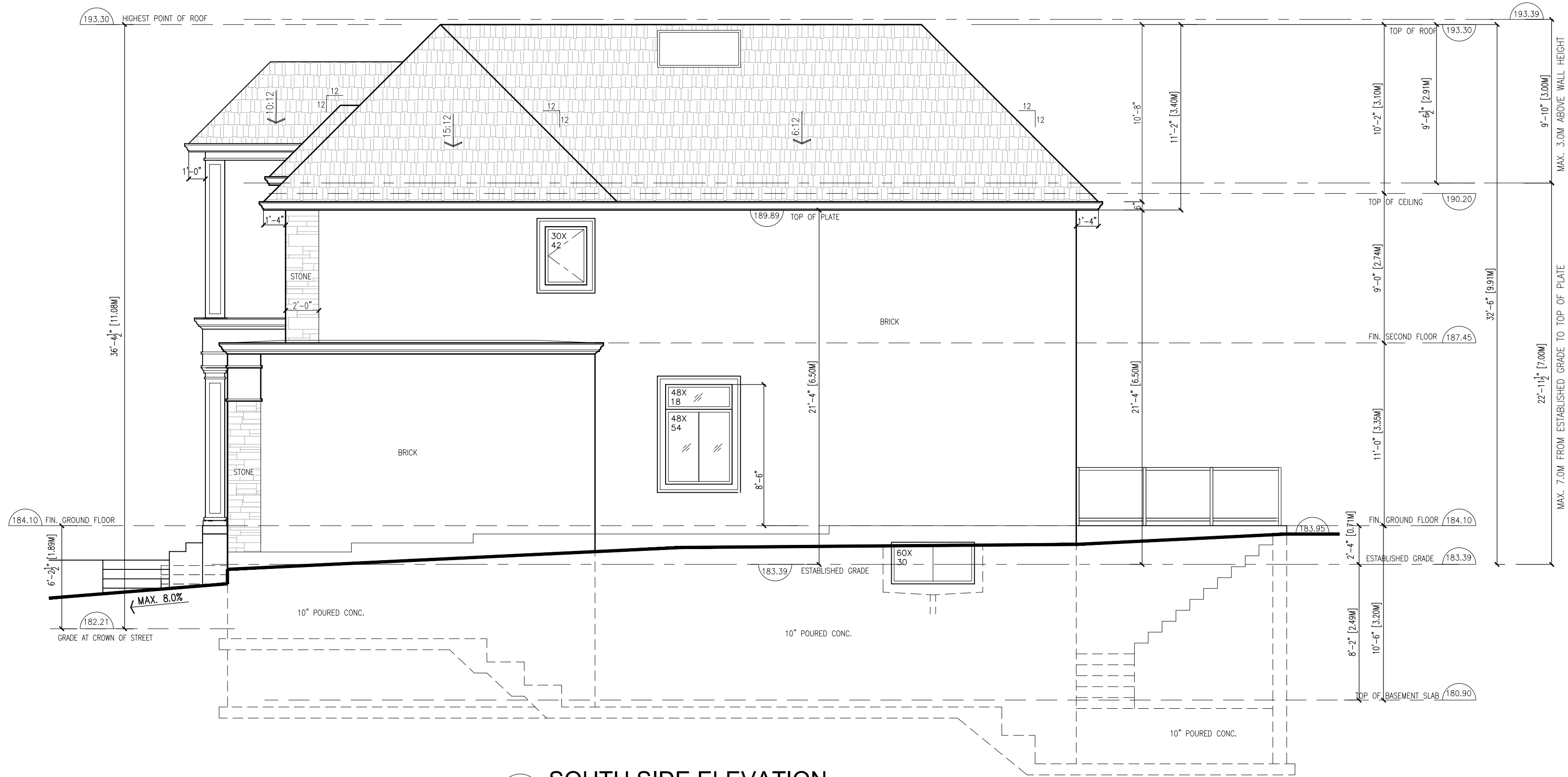
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Appendix B

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SOUTH SIDE ELEVATION
SCALE: 3/16"=1'-0"

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project: **PROPOSED NEW 2 STOREY DWELLING AT 41 GLADIATOR RD, MARKHAM, ONTARIO**

drawing: **SOUTH SIDE ELEVATION**

scale: **3/16"=1'-0"**

page:

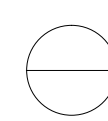
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Appendix B

File: 24.191461.000.00.MNV

Date: 11/27/2024
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 **NORTH SIDE ELEVATION**
SCALE: 3/16"=1'-0"

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drawing: **NORTH SIDE ELEVATION**

scale: **3/16"=1'-0"**

page: **A2.4**

Appendix B

File: 24.191461.000.00.MNV

Date: 11/27/2024
MM/DD/YYYY

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

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF GLADIATOR ROAD, HAVING A BEARING OF N25°00'00"W ACCORDING TO REGISTERED PLAN 7326

ELEVATION NOTE
ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No. 00819668329A, HAVING A PUBLISHED ELEVATION OF 184.249 METRES

LEGEND

| | |
|----------|--|
| □ | DENOTES SURVEY MONUMENT SET |
| ■ | SURVEY MONUMENT FOUND |
| RP | REGISTERED PLAN 7326 |
| N.S.E.W. | NORTH/SOUTHEAST/WEST |
| M | MEASURED |
| IB | IRON BAR |
| EAS | EASEMENT |
| HB | PLAN BY HOLDING & BABBS, O.L.S., DATED JULY 23, 1965 |
| P.I.N. | PROPERTY IDENTIFIER NUMBER |
| —○— | OVERHEAD WRES & UTILITY POLE |
| TC | TOP OF CURB |
| BC | BOTTOM OF CURB |
| AC | AIR CONDITIONER |
| CBRW | CONCRETE BLOCK RETAINING WALL |
| CT | CONIFEROUS TREE |
| MCT | MULTI-STEMMED CONIFEROUS TREE |
| DT | DECIDUOUS TREE |
| MDT | MULTI-STEMMED DECIDUOUS TREE |
| LB | INTERLOCKING BRICK |
| LS | LIGHT STANDARD |
| MH | MANHOLE |
| UP | UTILITY POLE |
| WV | WATER VALVE |
| T.R.E. | TOP OF ROOF ELEVATION |

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4TH DAY OF DECEMBER, 2023.

DECEMBER 7, 2023
DATE

Jack Walczak
JACK WALCZAK
CHARTERED LAND SURVEYOR

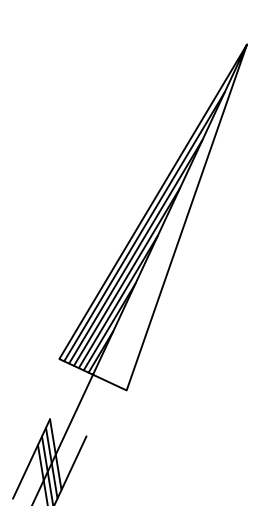
THIS PLAN OF SURVEY RELATES TO ADSL PLAN SUBMISSION FORM NUMBER V-68697

THIS PLAN WAS PREPARED FOR JAMES CH KO

PART 2 - SURVEY REPORT
1) PLEASE NOTE LOCATION OF FENCES AND OVERHEAD WRES
2) REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY: SUBJECT TO EASEMENTS AS IN INSTRUMENTS No. VM13055 AND No. VM13133
3) THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

GTA
Greater Toronto Acres
SURVEYING Inc.
7003 Steeles Ave. West, Unit 12, Toronto ON M9W 0A2
Tel: (416) 679-0572
E-MAIL: jw@gtasurveying.ca

DRAWN: M.C. CHECKED: P.W. PROJECT 23305



GLADIATOR ROAD

(by Registered Plan 7326)
P.I.N. 02916-0640

SOUTHDALE DRIVE

7326