

Memorandum to the City of Markham Committee of Adjustment

November 29, 2024

File: A/127/24
Address: 85 Donnamora Crescent, Thornhill
Agent: 2860765 Ontario Inc. (Austin Emino)
Hearing Date: Wednesday, December 4, 2024

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended:

a) By-law 2024-19, Section 6.3.2.2 E):

a maximum main building distance of 23.17 m for the first storey, whereas the by-law permits a maximum distance of 19.5 m for the first storey of the main building from the established building line;

as it relates to a rear one-storey addition to the two-storey residential dwelling.

BACKGROUND

Property Description

The 162.26 m² (1746.55 ft²) subject property is located on the north side of Donnamora Crescent, south of John Street and west of Don Mills Road. 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.

Proposal

The applicant is proposing to construct a rear addition to the first storey of the existing dwelling on the property. The proposed addition will include a bedroom and bathroom. To facilitate this, a portion of the existing deck will be removed and replaced by the proposed addition.

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 property “Residential Low Rise”, which provides a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits single family detached dwellings. The proposal does not comply with respect to the maximum main building distance. Further details of the distance requirement are provided in the comment section below.

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, “*the additional distance gives room to add a ground floor bedroom and bathroom for aging parents*”.

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 (24.191985.000.00.HP) 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.

Main Building Distance Variance

The applicant is requesting a variance to permit a maximum main building distance of 23.17 m for the first storey, whereas the by-law permits a maximum distance of 19.5 m for the first storey. The variance will facilitate a single-storey rear addition as noted above. The proposed works will maintain the property's grading, rear landscaping and much of the existing deck. Staff is of the opinion that the requested variance is minor in nature and consistent with the surrounding area and have no concern with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 29th, 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.

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 24 195923 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/127/24

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:

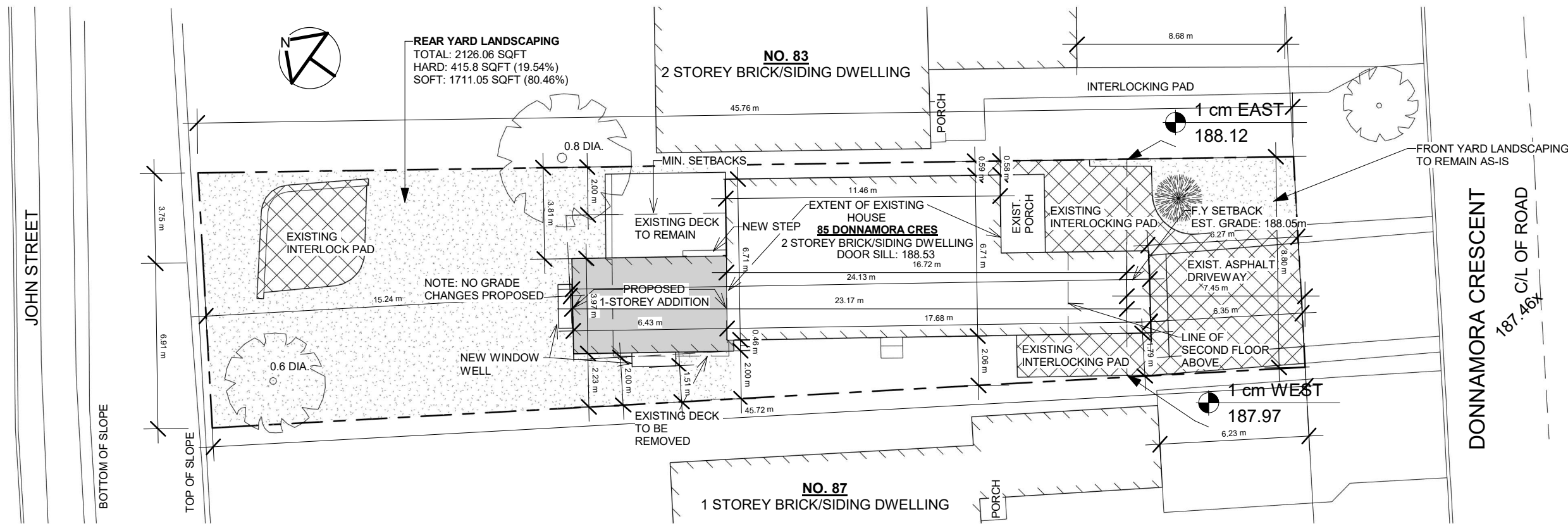


Theo Ako-Manieson, Planner I, West District

Appendix B

File: 24.195923.000.00.MNV

Date: 11/29/2024
MM/DD/YYYY



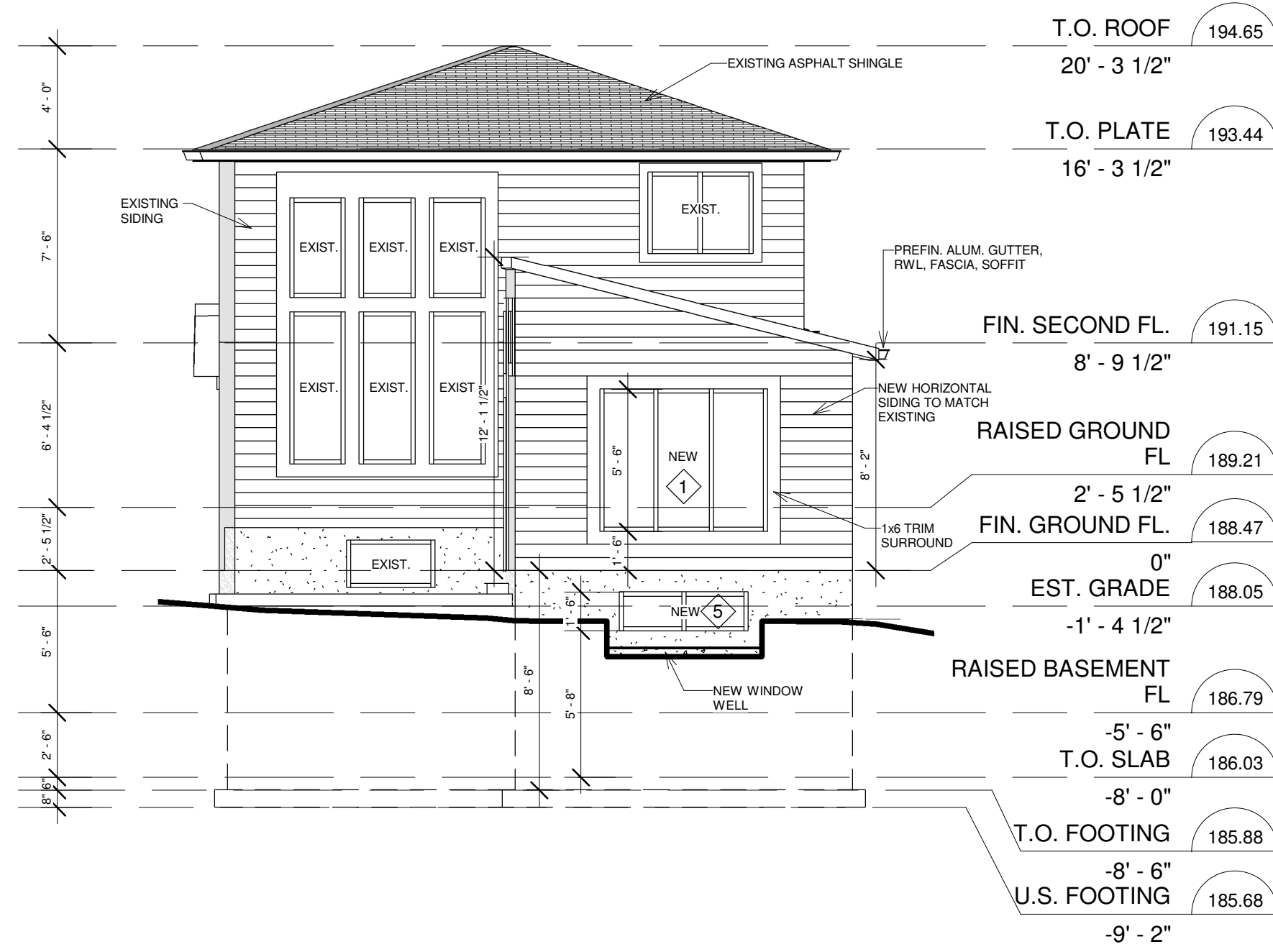
1 SITE PLAN
1 : 200

<p>ON THE POINT OTP DESIGN</p>	<p>ON THE POINT DESIGN 82 FORMOSA DR., RICHMOND HILL, ON PHONE: 647-207-4635 EMAIL: austin@otpdesign.ca www.otpdesign.ca</p>	<p>NOTES: Do not scale these drawings. All dimensions to be verified on site. Drawings to be read in conjunction with all other consultant drawings and specifications. All drawings are the property of the Designer and must be returned upon request.</p>	<p>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer. Qualification information required unless design is exempt under Div. C - 3.2.5 of the Building Code.</p>	<p>AUSTIN EMINO 46204 NAME B.C.I.N. 2860765 ONTARIO INC. 122053 FIRM B.C.I.N.</p>	<p>ADDRESS: 85 DONNAMORA CRES. THORNHILL, ON L3T 4K6</p>	<p>PROJECT: REAR ADDITION</p>	<p>Date: 2024-09-13</p>
	<p>PROPOSED SITE PLAN</p>						<p>Drawn by: A.E</p>
	<p>A101</p>						<p>Checked by: A.E</p> <p>Scale: 1 : 200</p>

Appendix B

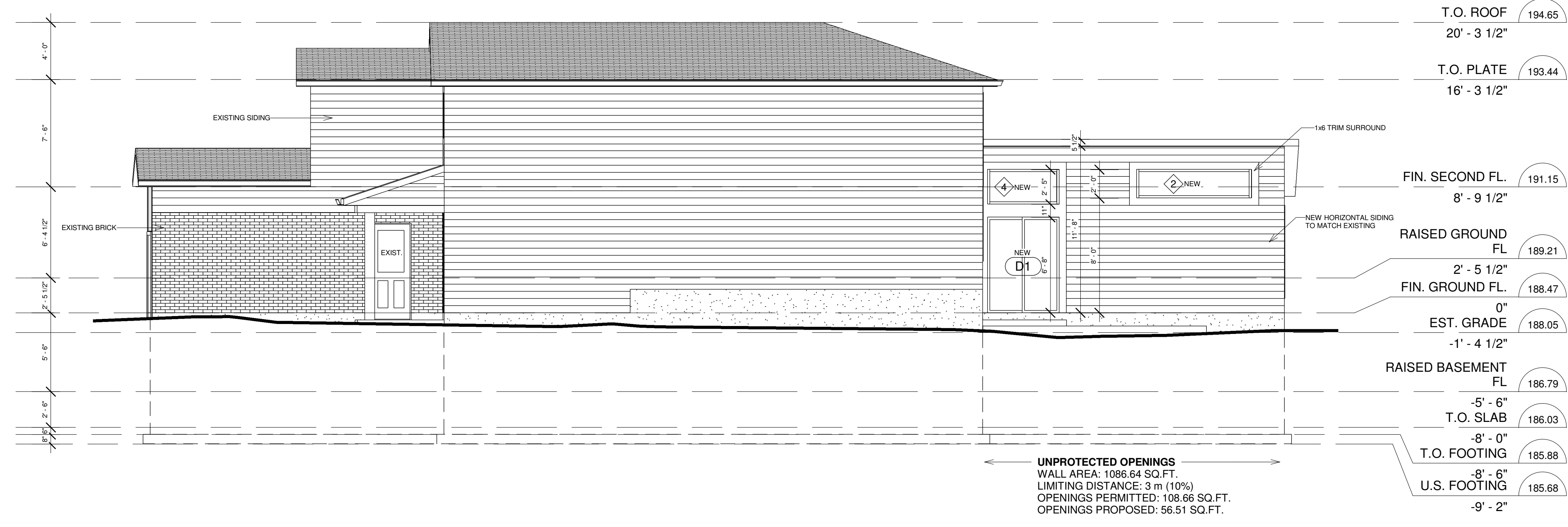
File: 24.195923.000.00.MNV

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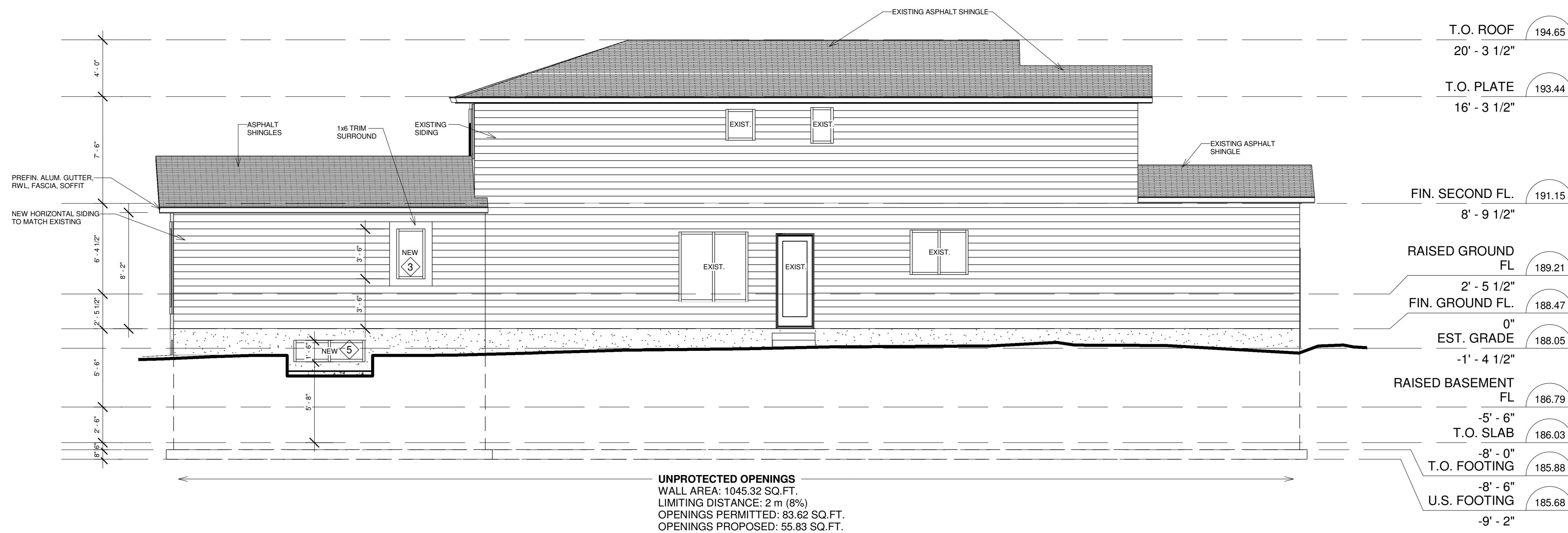
1 PROP. NORTH ELEV.

3/16" = 1'-0"



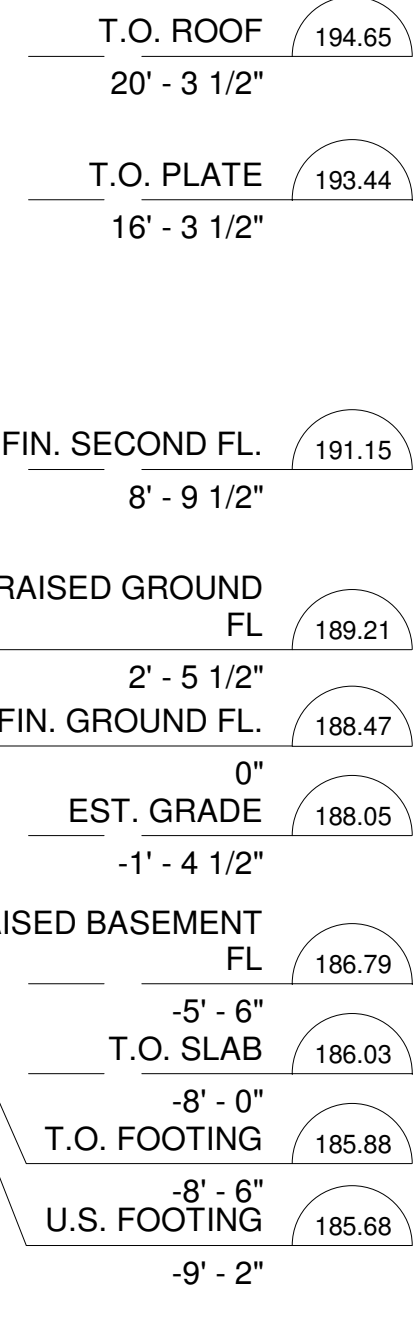
2 PROP. EAST ELEV.

3/16" = 1'-0"



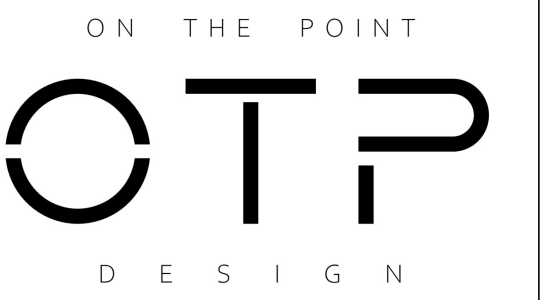
3 PROP. WEST ELEV.

3/16" = 1'-0"



UNPROTECTED OPENINGS
WALL AREA: 1086.64 SQ.FT.
LIMITING DISTANCE: 3 m (10%)
OPENINGS PERMITTED: 108.66 SQ.FT.
OPENINGS PROPOSED: 56.51 SQ.FT.

UNPROTECTED OPENINGS
WALL AREA: 1045.32 SQ.FT.
LIMITING DISTANCE: 2 m (8%)
OPENINGS PERMITTED: 83.82 SQ.FT.
OPENINGS PROPOSED: 55.83 SQ.FT.



ON THE POINT DESIGN
82 FORMOSA DR., RICHMOND HILL, ON
PHONE: 647-207-4635
EMAIL: austin@otpdesign.ca
www.otpdesign.ca

NOTES:
Do not scale these drawings. All dimensions to be verified on site.
Drawings to be read in conjunction with all other consultant drawings and specifications.
Drawings to be read in conjunction with the latest version of the Ontario Building Code.

It is the responsibility of the contractor to provide all temporary support elements to protect all existing and adjacent structures that are affected by the proposed construction.

All dimensions are given in imperial units unless otherwise indicated.

All drawings are the property of the Designer and must be returned upon request.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information required unless design is exempt under Div. C - 3.2.5 of the Building Code.

AUSTIN EMINO *Almino* 46204
NAME B.C.I.N.
2860765 ONTARIO INC. 122053
FIRM B.C.I.N.

No.	Description	Date

ADDRESS: 85 DONNAMORA CRES. THORNHILL, ON L3T 4K6

PROJECT: REAR ADDITION

PROPOSED ELEVATIONS

A301

Date: 2024-09-13

Drawn by: D.D.

Checked by: A.E.

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