

Memorandum to the City of Markham Committee of Adjustment

December 13, 2024

File: A/133/24
Address: 116 Elgin Street, Thornhill
Agent: Groundswell Urban Planners (Nour Bedas)
Hearing Date: Wednesday, December 18, 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, to permit:

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

a combined interior side yard on both sides of 5.0 m, whereas the by-law requires combined interior side yards on both sides of 6.85 m;

as it relates to a second storey addition to an existing two-storey residential dwelling.

BACKGROUND

Property Description

The 1531.38 m² "Subject Property" is located on the north side of Elgin Street, south of John Street and east of Yonge Street. The Subject 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. Surrounding land uses include single detached homes, public schools and park space.

Proposal

The applicant is proposing to construct a 58.83 m² second-storey addition over the garage of the existing two-storey dwelling. The proposed addition will include a media room to the dwelling.

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.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

Zoning By-Law 2024-19

The Subject Property is zoned "Residential – Established Neighbourhood Low Rise" (RES-ENLR) under By-law 2024- 19, which permits detached dwellings. The proposal does not comply with respect to the interior side yard. Further details on the side yard 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 by-law requirements for interior side yard setback are measured to the existing residential dwelling. The proposal does not change the existing footprint of the building as it is an addition to the second floor only"*.

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 (24.168787.000.00.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.

Reduced Side Yard Variance

The applicant is requesting to permit a combined interior side yard of 5.0 m for the proposed two storey addition of the dwelling, whereas the by-law requires a minimum side yard setback combined interior side yard on both sides of 6.85 metres for the dwelling.

The requested variance maintains the existing dimensions of the subject property, as there are no increases to the height, width, depth and setbacks of the house. The main floor complies with the side yard requirement. Staff are of the opinion that the requested variance is minor in nature and, therefore, have no objections.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 13th, 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 197093 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/133/24

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:



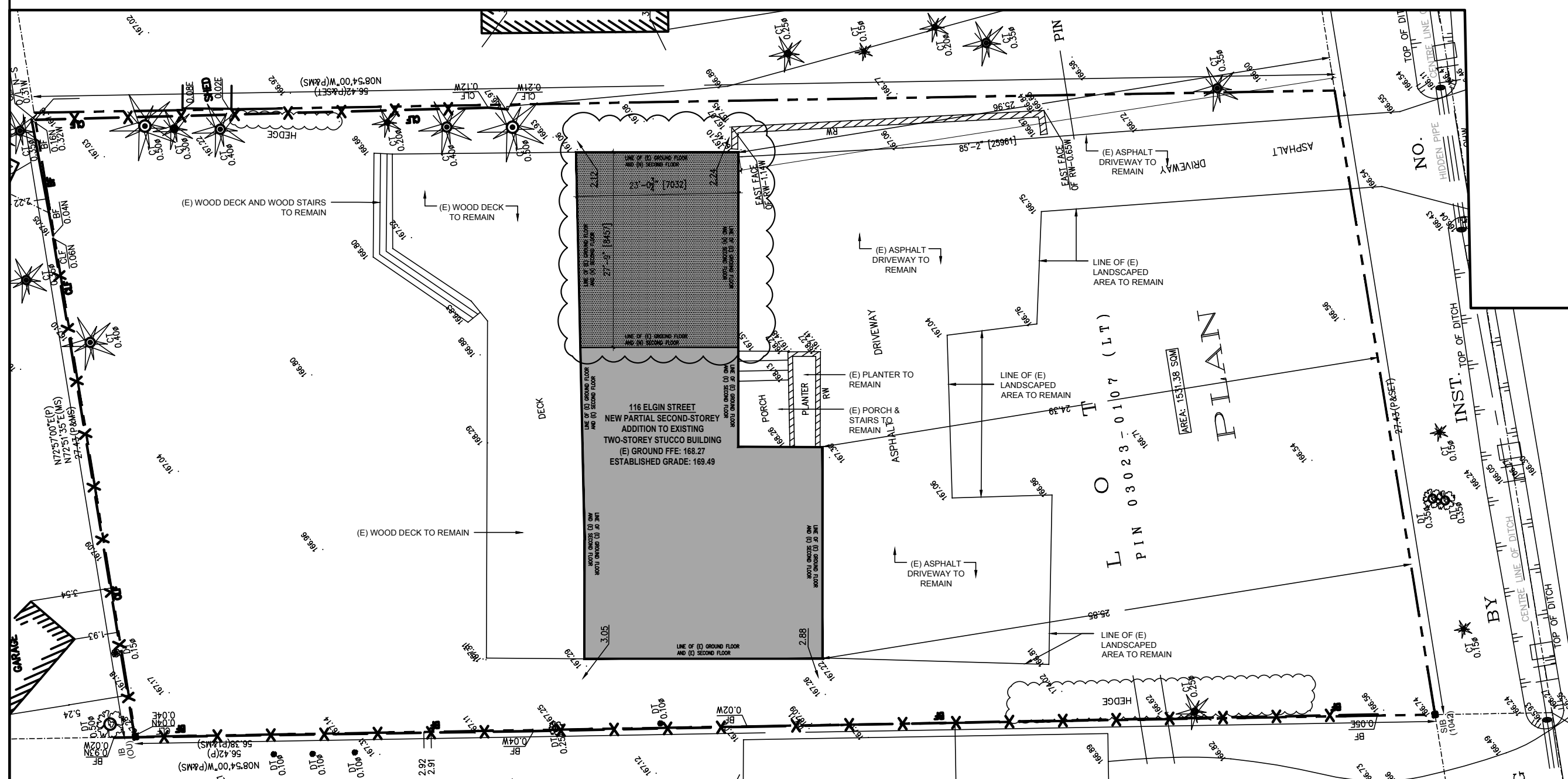
Theo Ako-Manieson, Planner I, West District

Appendix B

File: **24.197093.000.00.MNV**
 Date: **12/13/2024**
 MM/DD/YYYY

116 EGLIN STREET
 MARKHAM, ON
 TOTAL LOT SIZE: IRREGULAR
 TOTAL LOT AREA: 1531.38 SM
 TOTAL BUILDING FOOTPRINT: 183.27 SM
 LOT COVERAGE: 11.97%
 GROSS FLOOR AREA (GFA): 366.54 SM (INCL. GARAGE)
 TOTAL EXISTING BASEMENT: 89.78 SM
 TOTAL EXISTING TO REMAIN: 307.71 SM (INCL. GARAGE)
 TOTAL NEW CONSTRUCTION: 58.83 SM

BUILDING AREA	EXISTING BUILDING	NEW BUILDING	TOTAL
BASEMENT	966.37 SF (89.78 SM)	0 SF (0 SM)	966.37 SF (89.78 SM)
GROUND FLOOR	1972.72 SF (183.27 SM)	0 SF (0 SM)	1972.72 SF (183.27 SM)
SECOND FLOOR	1339.50 SF (124.44 SM)	633.22 SF (58.83 SM)	1972.72 SF (183.27 SM)
TOTAL (EXCL. BASEMENT)			3,945.44 SF (366.54 SM) RATIO = 23.94



2024-05-09 Issue for Second Floor Addition Permit R1
 2021-07-15 Issue for Second Floor Addition Permit

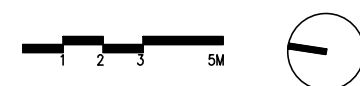
ISSUE RECORD

Y Architects
 [t] 416 230 9130
 [email] info@yarchitects.ca
 SINGLE-FAMILY RESIDENCE
 116 EGLIN ST.
 MARKHAM, ON

1/16" = 1'-0"
 PROJECT SCALE DRAWN REVIEWED

SITE PLAN & STATISTICS

1 Site Plan
 A001 SCALE: 1/16"=1'-0"



A001

Appendix B

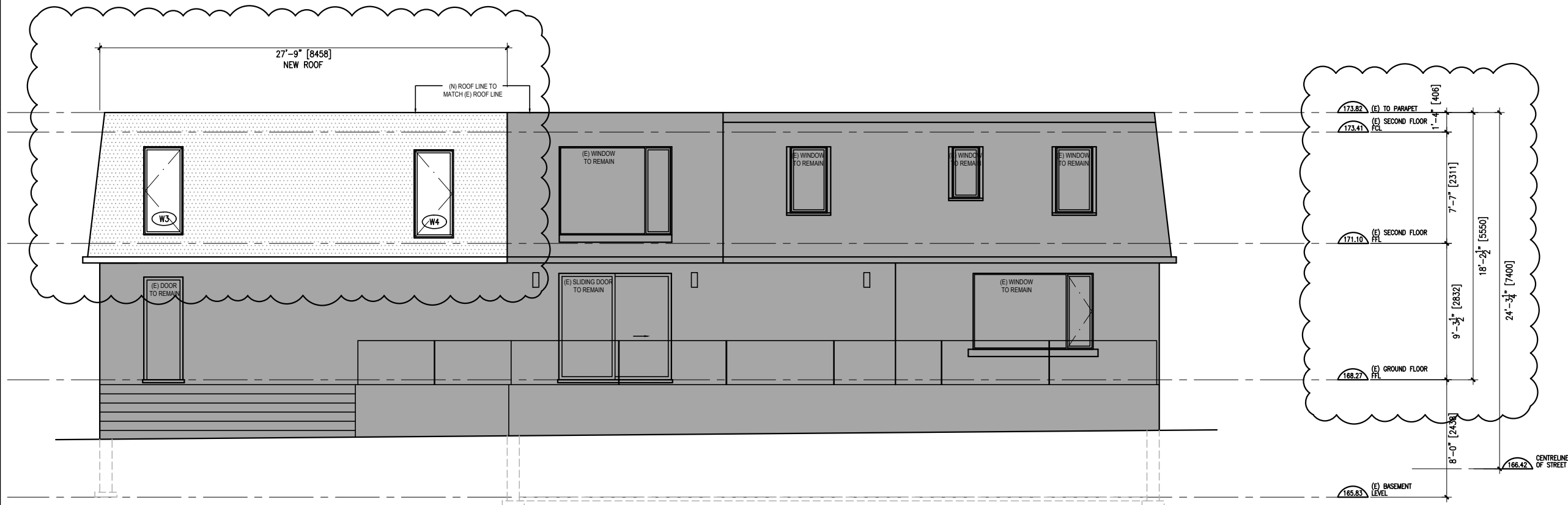
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EXISTING TO REMAIN

LEGEND:

- (N) STANDING SEAM METAL ROOF FINISH
- (E) STUCCO FINISH
- (N) PRE-FINISHED CEDAR SLATS



	TOTAL GROSS AREA OF WALLS	TOTAL GROSS AREA OF OPENINGS	RATIO OF OPENINGS TO WALL
NORTH ELEVATION	1386.1 SF (128.77 SM)	271.07 SF (25.18 SM)	19.55%

NOTE:
REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL DETAILS.

ISSUE RECORD

2024-05-09	Issue for Second Floor Addition Permit R1
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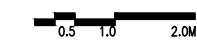
SINGLE-FAMILY RESIDENCE
116 ELGIN ST.
MARKHAM, ON

1/8" = 1'-0"
PROJECT SCALE DRAWN REVIEWED

NORTH ELEVATION

A403

1 North Elevation
A403 SCALE: 1/8" = 1" - 0



Appendix B

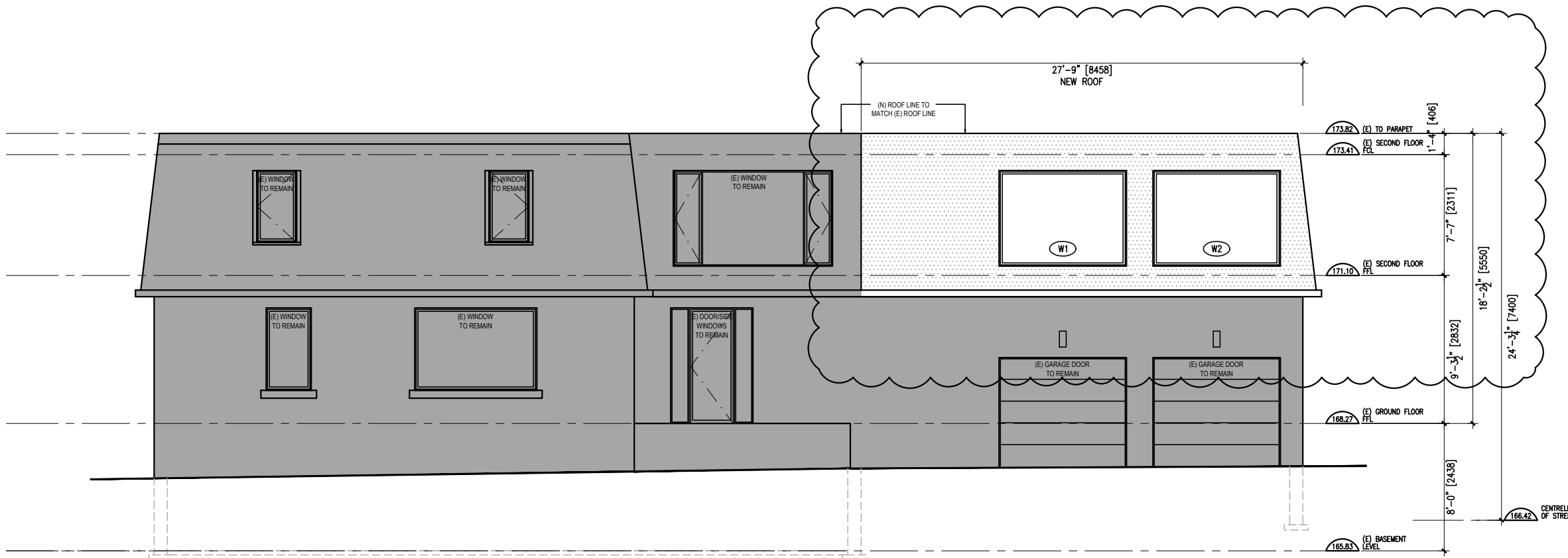
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	TOTAL GROSS AREA OF WALLS	TOTAL GROSS AREA OF OPENINGS	RATIO OF OPENINGS TO WALL
SOUTH ELEVATION	1441.12 SF (133.88 SM)	383.28 SF (35.60 SM)	26.59%

NOTE:
REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL DETAILS.

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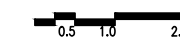
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MARKHAM, ON

1/8" = 1'-0"
PROJECT SCALE DRAWN REVIEWED

SOUTH ELEVATION

A401

1 South Elevation
A401 SCALE: 1/8" = 1" - 0



Appendix B

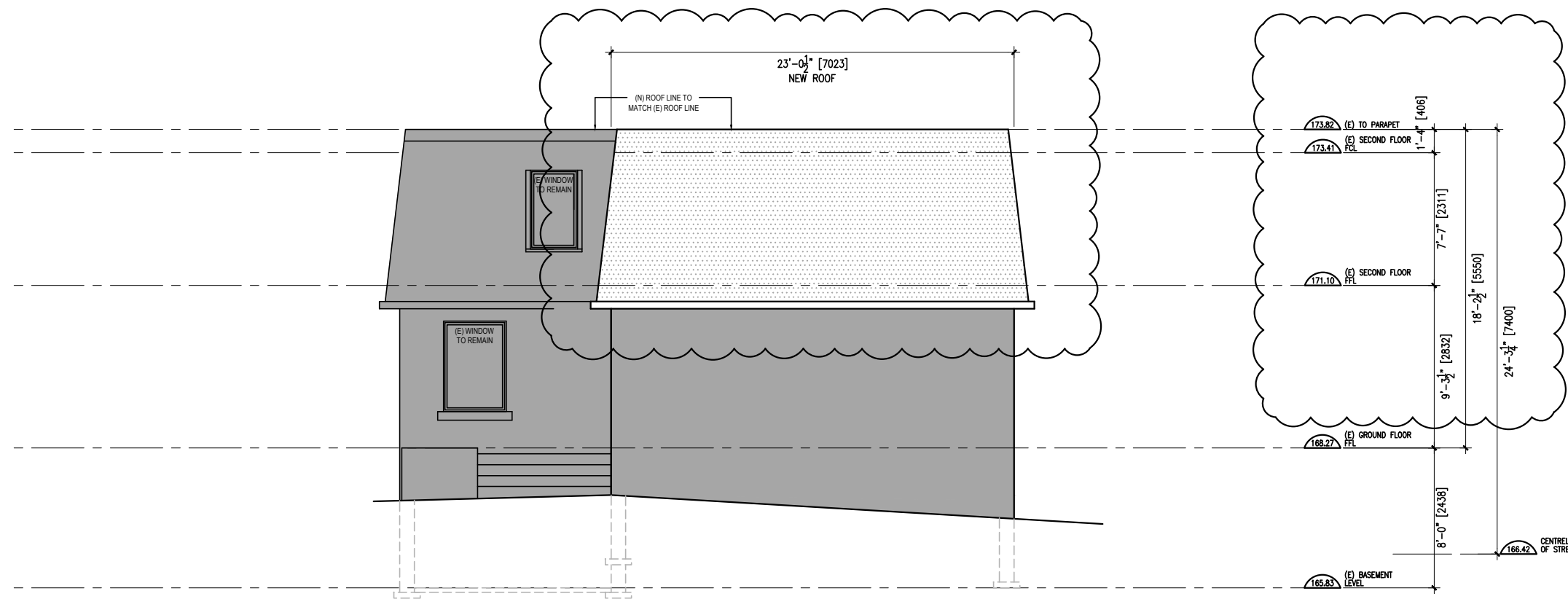
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	TOTAL GROSS AREA OF WALLS	TOTAL GROSS AREA OF OPENINGS	RATIO OF OPENINGS TO WALL
EAST ELEVATION	771.80 SF (71.70 SM)	29.76 SF (2.75 SM)	3.83%

NOTE:
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ISSUE RECORD



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SINGLE-FAMILY RESIDENCE
116 ELGIN ST.
MARKHAM, ON

1/8" = 1'-0"

PROJECT SCALE DRAWN REVIEWED

EAST ELEVATION

1 East Elevation
A402 SCALE: 1/8" = 1" - 0



A402