

Memorandum to the City of Markham Committee of Adjustment

March 29, 2021

File: A/016/21
Address: 79 Gretman Crescent – Markham, ON (Thornhill)
Applicant: David Gelman & Deborah Gelman
Agent: Doherty Construction & Design
Hearing Date: April 7, 2021

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

The applicant is requesting relief from the following “Eighth Density – Single Family Residential (R8)” zone requirements under By-law 151-75, as amended, as it relates to a proposed addition. The variance requested is to permit:

a) By-law 151-75, Section 7.2 b):

A minimum rear yard setback of 13.0 ft (3.96 m), whereas the By-law permits a minimum rear yard setback of 25.0 ft (7.62 m).

BACKGROUND

Property Description

The 546.27 m² (5,880.0 ft²) subject property is located on the east side of Gretman Crescent, north of Green Lane, east of Willowbrook Road, and west of Lunau Lane. The property has an irregular (curved) front lot line, and an angled rear lot line, which makes up its nonconventional shape. Mature vegetation exists on the property including one large mature tree in the front yard, and one tree in the rear yard. There is also an existing mature tree located within the City’s municipal boulevard.

The property is located within an established residential neighbourhood which contains a mix of two-storey semi-detached (linked homes), and detached dwellings. Lots along Gretman Crescent are generally rectangular in shape.

Proposal

The applicant is proposing to demolish and replace an existing one-storey rear yard addition which has a floor area of 24.53 m² (264.0 ft²) with a new one-storey addition which would have a floor area of 27.32 m² (294.0 ft²). This is an increase of 2.79 m² (30.0 ft²) from what is currently existing. The addition would have a width of 22.0 ft (6.71 m), and add 12.0 ft (3.66 m) to the building depth when measured from the main wall of the dwelling.

According to City records, a building permit was not obtained for the existing one-storey rear yard addition. The applicant has confirmed that the addition was constructed prior to the current owner’s occupancy. Notwithstanding the existing addition, staff’s assessment of the application is based on whether the proposed addition meets the four tests of a minor variance (Appendix “B”).

In the event that the application is denied, the applicant would not be permitted to construct the addition, and further, would be required to fully or, partially remove the existing addition to comply with the requirements of the Zoning By-law.

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 for low rise housing forms. Section 8.2.3.5 of the 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.

Zoning By-Law 151-75

The subject property is zoned “Eighth Density – Single Family Residential (R8)” under By-law 151-75, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law’s minimum rear yard setback requirement.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been completed. However the applicant has received comments from staff through their building permit process to confirm the variance 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 (“the Committee”):

- 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 Rear Yard Setback

The applicant is requesting that a new one-storey addition be permitted to have a minimum rear yard setback of 13.0 ft (3.96 m), whereas the By-law permits a minimum rear yard setback of 25.0 ft (7.62 m). This is a reduction of 12.0 ft (3.66 m). If approved, the new one-storey addition would replace the existing addition in its same approximate location. The south corner of the proposed addition is setback approximately 23.92 ft (7.29 m) from the rear lot line which is a reduction of 1.08 ft (0.33 m).

Staff note that the lot has an irregular shape due to the angular rear lot line which creates a pinch point at the northerly most corner. In considering that; the unique angle of the rear lot line; the height of the addition; and, that the proposed dwelling as a whole would meet all other requirements of the By-law, including maximum lot coverage, staff are of the opinion that the general intent of the By-law is met, and do not anticipate any adverse impacts to neighbouring properties. In the event of approval, staff recommend that the Committee adopt the conditions provided in Appendix “A”, which will ensure that the variance applies only to the one-storey addition as it is shown in the plans (Appendix “B”).

Tree Protection

Operations staff have reviewed the proposed development, and have requested that the submission of a Tree Assessment and Protection Plan be submitted prior to construction to ensure that appropriate tree hoarding is installed to protect trees on site. Accordingly, staff recommend that the Committee adopt the tree related conditions as detailed in Appendix "A".

PUBLIC INPUT SUMMARY

No written submissions were received as of March 29, 2021. 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

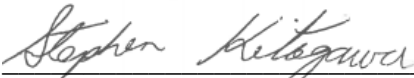
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/21

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 batch stamped plans attached as Appendix "B" to this Staff Report, 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.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/21

NORTH

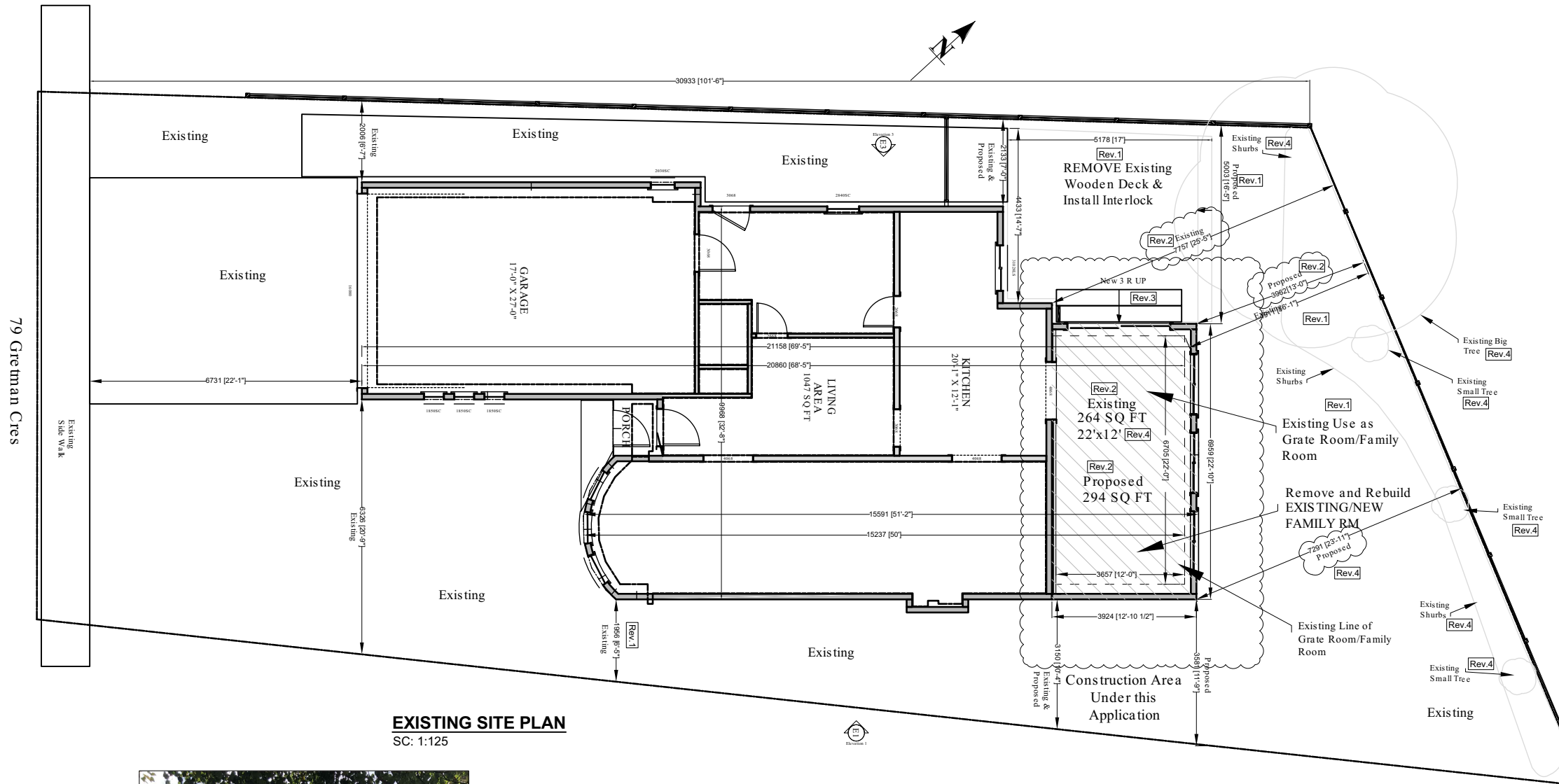
NOTE
 These drawing are copyrighted and they remain the property of the consultant the drawing may not be used for construction unless noted in the revision field
 - ISSUED FOR CONSTRUCTION -
 and sealed and signed by the consultant reproduction of these drawings without the consent of the consultant is not allowed
 DO NOT SCALE THE DRAWING
 Any errors or discrepancies are to be reported to the consultant.

EXISTING CONDITIONS SHOWN ARE BASED ON AVAILABLE INFORMATION. IF CONSTRUCTION PROGRESS REVEALS DIFFERING CONDITION ADJUSTMENT TO DESIGN DETAIL MAY BE REQUIRED.
 REPORT DISCREPANCIES TO THE ARCHITECT AND THE ENGINEER BEFORE COMMENCEMENT OF WORK.

Appendix B

File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



EXISTING SITE PLAN
 SC: 1:125

- A0.1 EXISTING SITE PLAN
- A2.1 REAR ELEVATION
- A2.2 SOUTH ELEVATION
- A2.3 NORTH ELEVATION

- S1.1 FLOOR PLANS
- S1.2 SECTION A-A
- S1.3 SECTION B-B



Lot Area = 5,880 SF (546.27 SM) Rev.2
 Existing Building & New Addition Area= 1,934 SF (179.67 SM) 32.89%
Rev.2

Existing mid-roof height of addition is 4.171m [13'-8"] from established grade. (Same as proposed height)



PROJECT:
 79 Gretman Cres., Thornhill

DRAWING TITLE:
 Existing Site Plan

NO.	REVISION/ISSUE	DATE
7	Rev. 4 As per COA Request	Mar. 27-21
6	Issued for Minor Variance	Jan. 27-21
5	Rev. 3 As per City Notice	Nov. 10-20
4	Rev. 2 As per City Notice	Oct. 21-20
3	Rev. 1 As per City reviewed dated Sep 15-20 @ Issued for B. Permit	Sep. 22-20
2	Issued for Building Permit	Aug. 26-20
1	Issued for Client Review	July. 13-20

ORGA GROUP LTD.
 7378 Yonge Street, Unit 42B
 Thornhill Ontario L4J 8J1
 Tel: 416-828-6596
 info@orgagroup.ca

DRAWN BY:
 O.A.

PROJECT # & DATE:
 R20-635

SCALE:
 AS SHOWN

SHEET NO.
 SGN1

NORTH

NOTE
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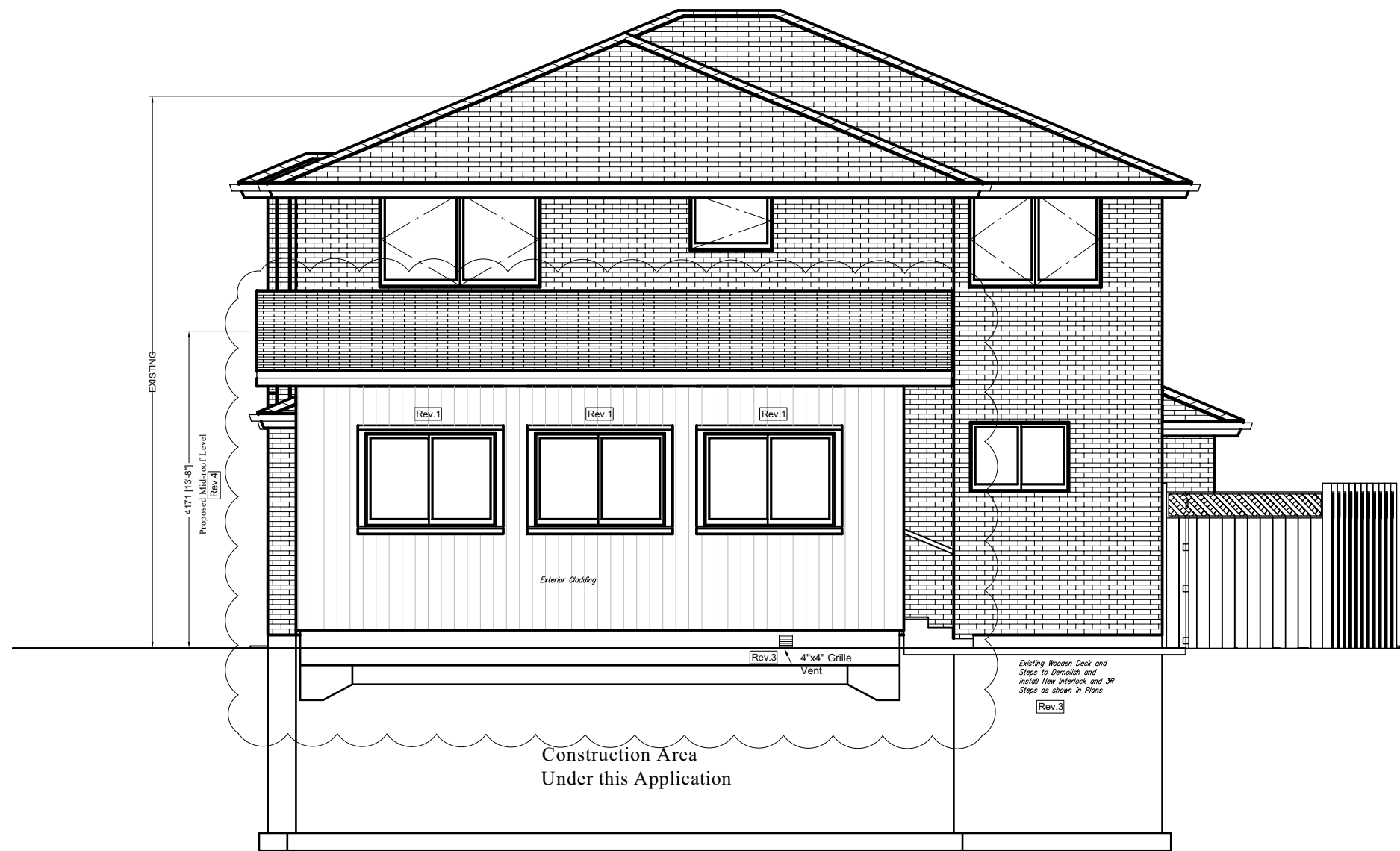
EXISTING CONDITIONS SHOWN ARE BASED ON AVAILABLE INFORMATION. IF CONSTRUCTION PROGRESS REVEALS DIFFERING CONDITION ADJUSTMENT TO DESIGN DETAIL MAY BE REQUIRED.

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Appendix B

File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



REAR ELEVATION
 SC: 1:50



INDIVIDUAL BCIN # (Omid Akhlaghi) 25238		
NO.	REVISION/ISSUE	DATE
5	Rev. 4 As per COA Request	Mar. 27-21
4	Rev. 3 As per City Notice	Nov. 10-20
3	Rev. 1 As per City reviewed dated Sep 15-20 @ Issued for B. Permit	Sep. 22-20
2	Issued for Building Permit	Aug. 26-20
1	Issued for Client Review	July. 13-20

PROJECT:
 79 Gretman Cres., Thornhill

DRAWING TITLE:
 Rear Elevation

ORCA
 GROUP LTD.
 7378 Yonge Street, Unit 42B
 Thornhill Ontario L4J 8J1
 Tel: 416 - 828-6596
 info@orcagroup.ca

DRAWN BY: O.A.	SHEET NO. A2.1
PROJECT # & DATE: R20-635	
SCALE: AS SHOWN	

Appendix B

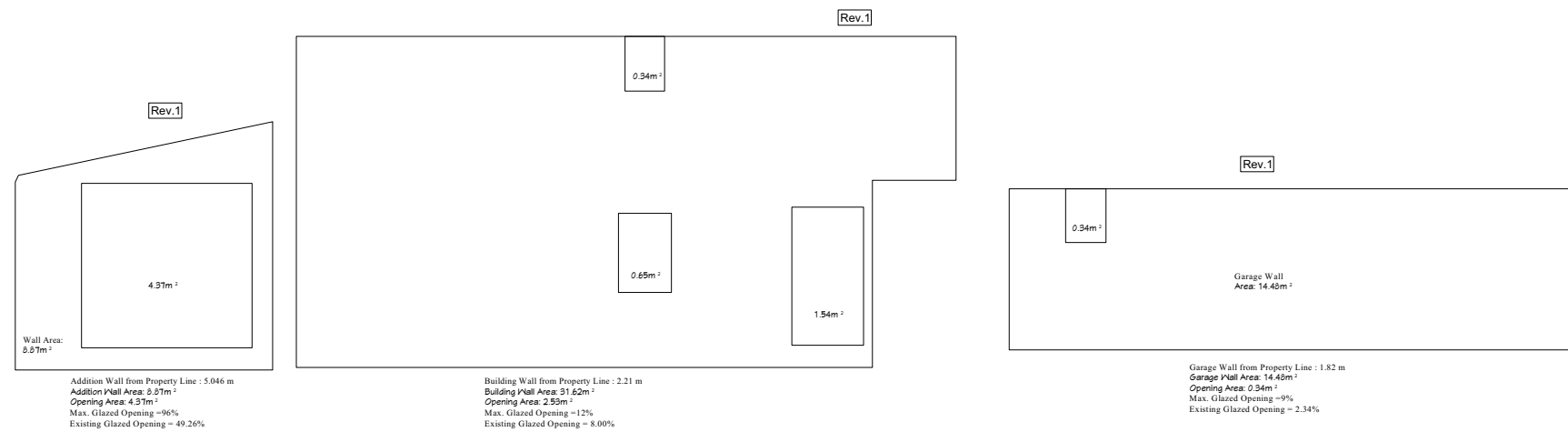
File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



Construction Area
Under this Application

NORTH ELEVATION
SC: 1:50



INDIVIDUAL BCIN # (Omid Akhlaghi) 25238		
NO.	REVISION/ISSUE	DATE
5	Rev. 4 As per COA Request	Mar. 27-21
4	Rev. 3 As per City Notice	Nov. 10-20
3	Rev. 1 As per City reviewed dated Sep 15-20 @ Issued for B. Permit	Sep. 22-20
2	Issued for Building Permit	Aug. 26-20
1	Issued for Client Review	July. 13-20

PROJECT:
79 Gretman Cres., Thornhill

DRAWING TITLE:
North Elevation

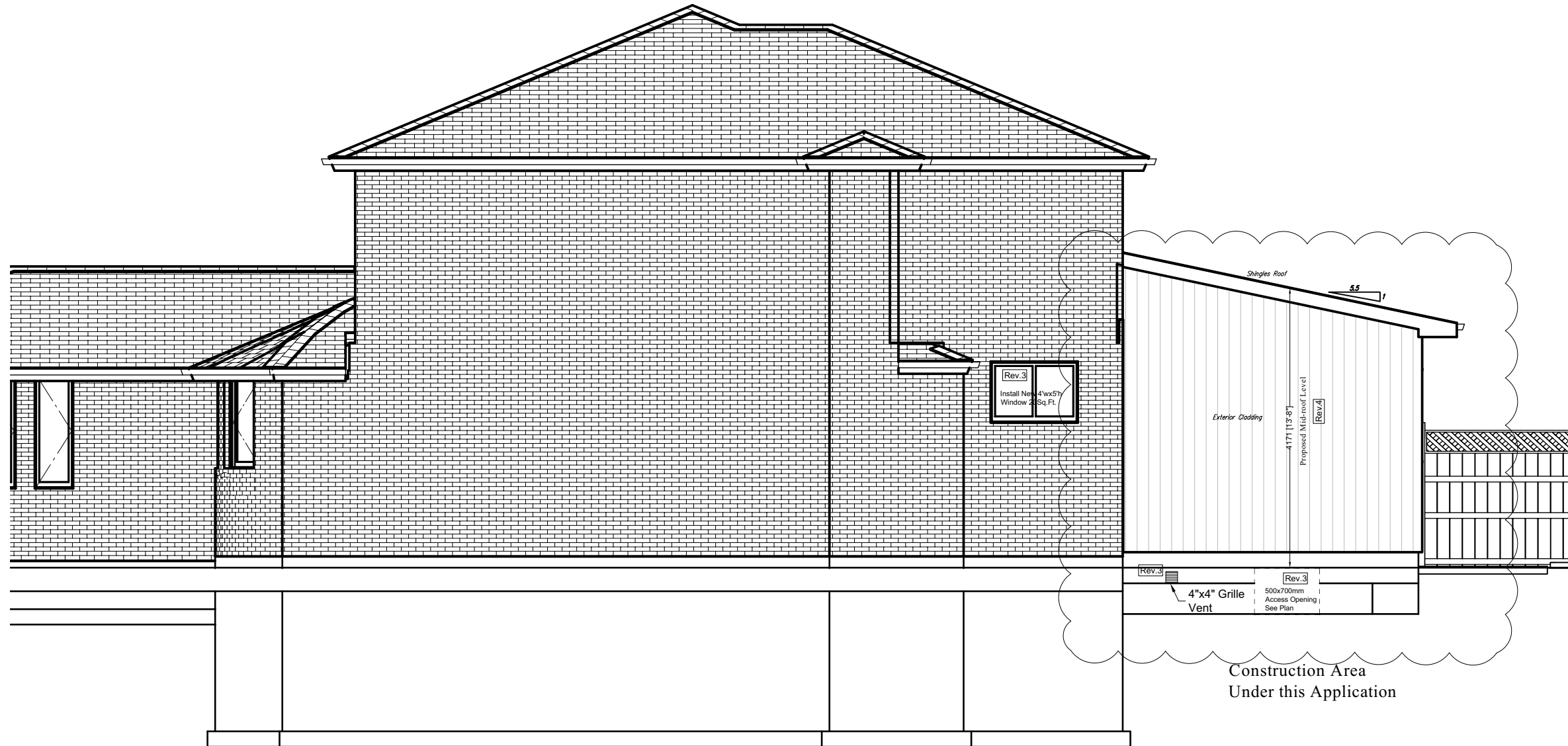


DRAWN BY: O.A.	SHEET NO. A2.3
PROJECT # & DATE: R20-635	
SCALE: AS SHOWN	

Appendix B

File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



SOUTH ELEVATION
SC: 1:50



INDIVIDUAL BCIN # (Omid Akhlaghi) 25238		
NO.	REVISION/ISSUE	DATE
4	Rev. 4 As per COA Request	Mar. 27-21
3	Rev. 3 As per City Notice	Nov. 10-20
2	Issued for Building Permit	Aug. 26-20
1	Issued for Client Review	July. 13-20

PROJECT:
79 Gretman Cres., Thornhill

DRAWING TITLE:
South Elevation

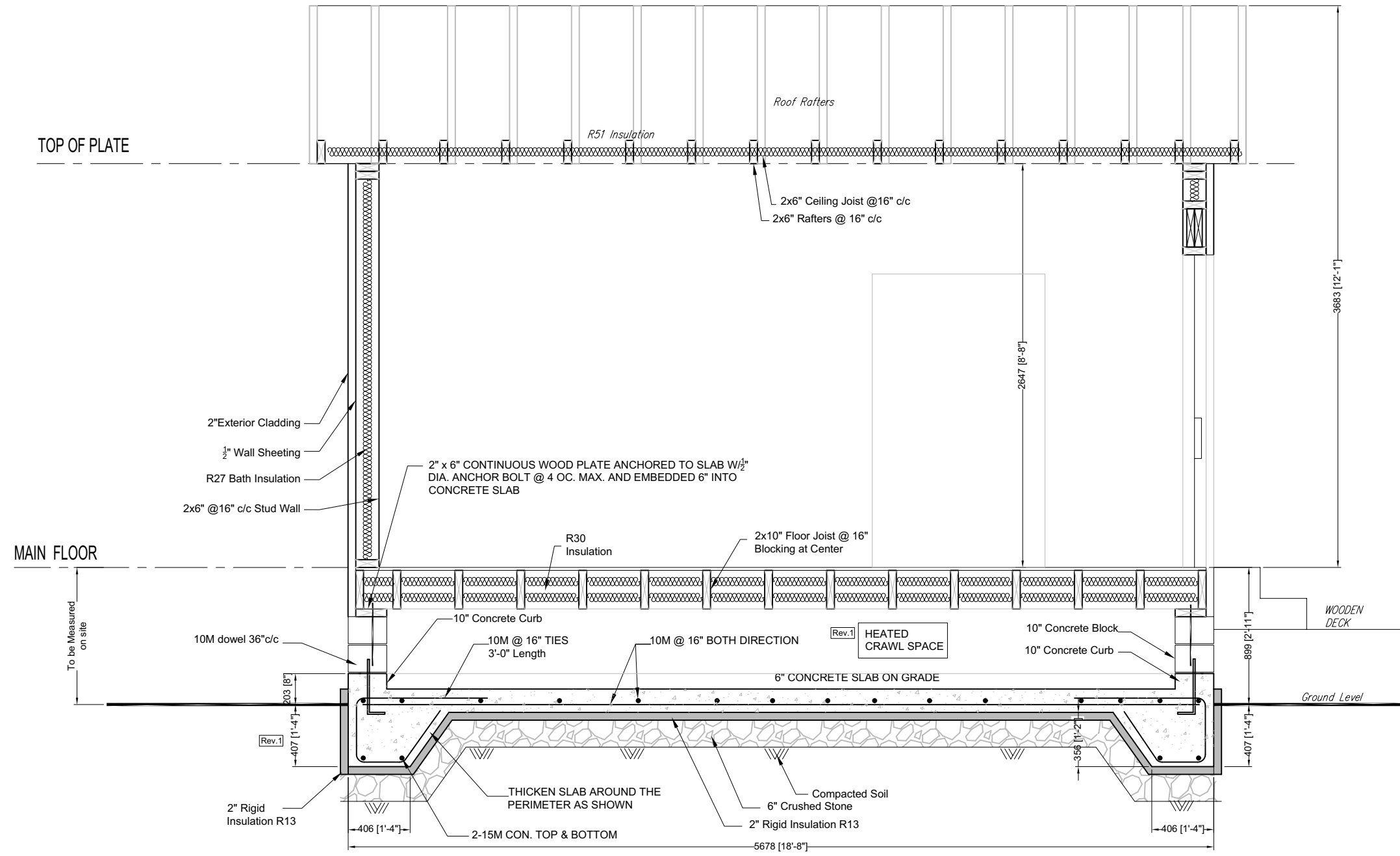


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PROJECT # & DATE: R20-635	
SCALE: AS SHOWN	

Appendix B

File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



Slab Construction References:
 [Rev.1] 1- Designed as 9.39.1.4
 2- TACBOC Standard Detail G02a
 3- Slab designed, reviewed by P.Eng. for Only one story wood frame and less than 55m² 9.12.2.2.(6)

SECTION A-A
 SC: 1:30



INDIVIDUAL BCIN # (Omid Akhlaghi) 25238		
4	Rev. 1 As per City reviewed dated Sep 15-20 @ Issued for B. Permit	
2	Issued for Building Permit	
1	Issued for Client Review	
NO.	REVISION/ISSUE	DATE

PROJECT:
 79 Gretman Cres., Thornhill

DRAWING TITLE:
 Structural - Section A-A

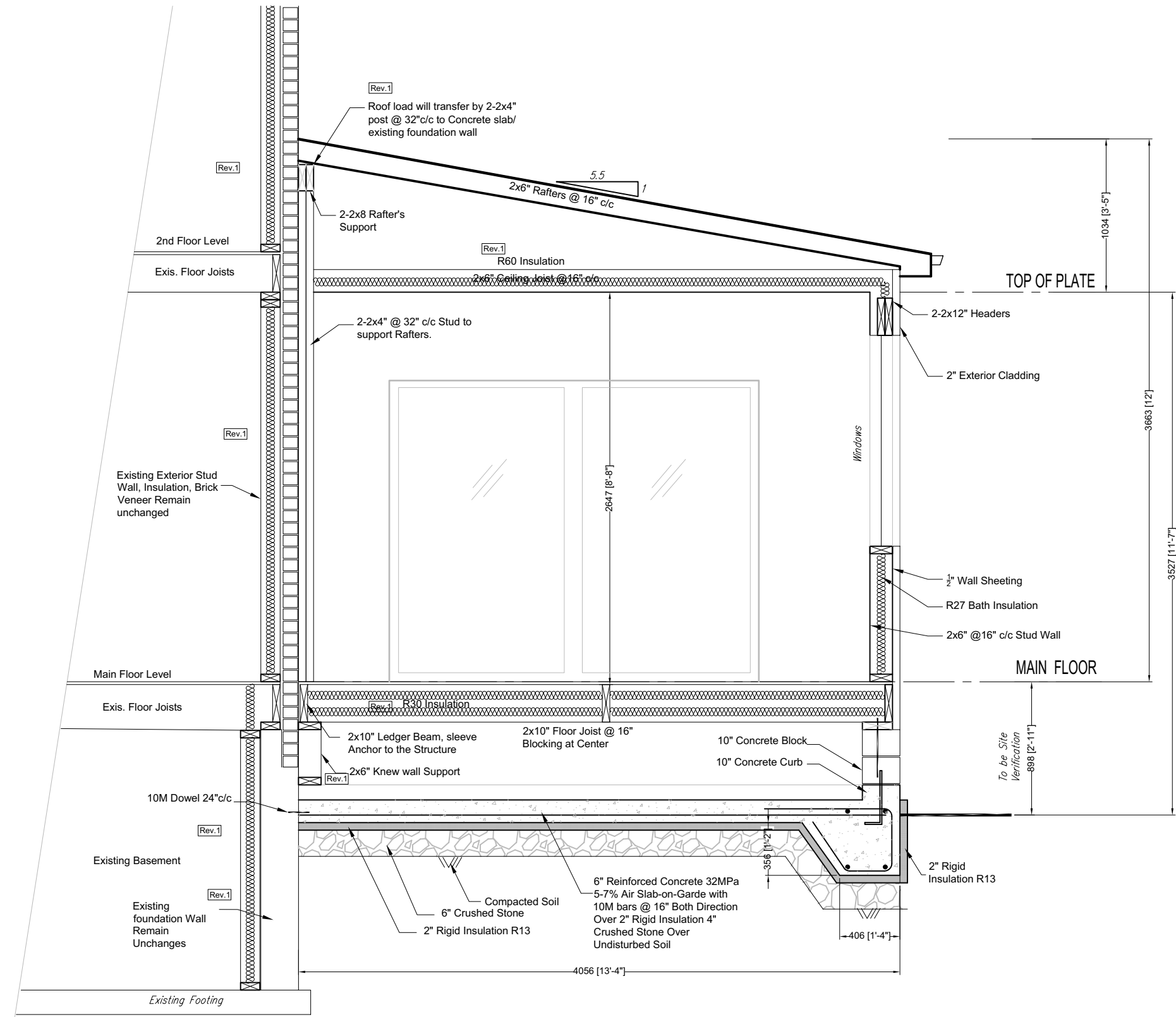


DRAWN BY: O.A.	SHEET NO. S1.2
PROJECT # & DATE: R20-635	
SCALE: AS SHOWN	

Appendix B

File: 21.105892.000.00.MNV

Date: 04/01/21
MM/DD/YY



PROPOSED SECTION B-B
 SC: 1:30



INDIVIDUAL BCIN # (Omid Akhlaghi) 25238		
NO.	REVISION/ISSUE	DATE
4	Rev. 1 As per City reviewed dated Sep 15-20 @ Issued for B. Permit	Sep. 22-20
3	Issued for Building Permit	Aug. 26-20
2	Issued for Client Review	July. 13-20
1		

PROJECT:
 79 Gretman Cres., Thornhill

DRAWING TITLE:
 Structural Section B-B



DRAWN BY: O.A.	SHEET NO. S1.3
PROJECT # & DATE: R20-635	
SCALE: AS SHOWN	