

## Memorandum to the City of Markham Committee of Adjustment

February 27, 2019

**File:** A/02/19  
**Address:** 38 Galsworthy Dr, Markham  
**Applicant:** Leora Blum & Bill Kokotsis  
**Agent:** Gregory Forfar  
**Hearing Date:** Wednesday, March 13, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

- a) **By-law 1229; Table 11.1:**  
a minimum front yard setback of 23.45 feet (7.15m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);
- a) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.57 m (34.68 ft), whereas the By-law permits a maximum building height 9.8 m;

as they relate to a proposed residential dwelling that is under construction.

### **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, *"house has been, incorrectly and regretfully, erected with the conditions described above. Conditions were not realized until the SRPR was conducted and issued in Dec. 2018 after the pre-backfill inspection and prior to framing HVAC inspection. To comply the entire house at it's current stage (roofed and closed-in) would have to be demolished to the footings"*.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.57 m (34.68 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.77 m (2.53 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.77 m (2.53 ft) above the crown of road. Adjacent homes on the street generally follow this pattern where they are typically above the crown of road. Staff are of the opinion that the requested variance is appropriate for the development.

### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 23.45 ft (7.15 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a

reduction of approximately 1.55 ft (0.47 m). The variance is entirely attributable to the front covered porch (and cold cellar in the basement). Excluding the front covered porch, a front yard setback of approximately 28.61 ft (8.72 m) which is more than what the by-law requires is provided to the main dwelling.

The applicant is applying for variances for maximum building height and minimum front yard setback due to the construction of a dwelling not in compliance with the applicable by-law or, in compliance with the approved building permit plans. Notwithstanding, Staff are of the opinion that the variance request for a reduction in front yard setback and maximum building height is appropriate for the development.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of February 19, 2019. 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 see Appendix "A" for conditions to be attached to any approval of this application

PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

  
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District  
File Path: Amanda\Fila\19 109746 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/02/19**

1. That the front covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on *January 09, 2019*, 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



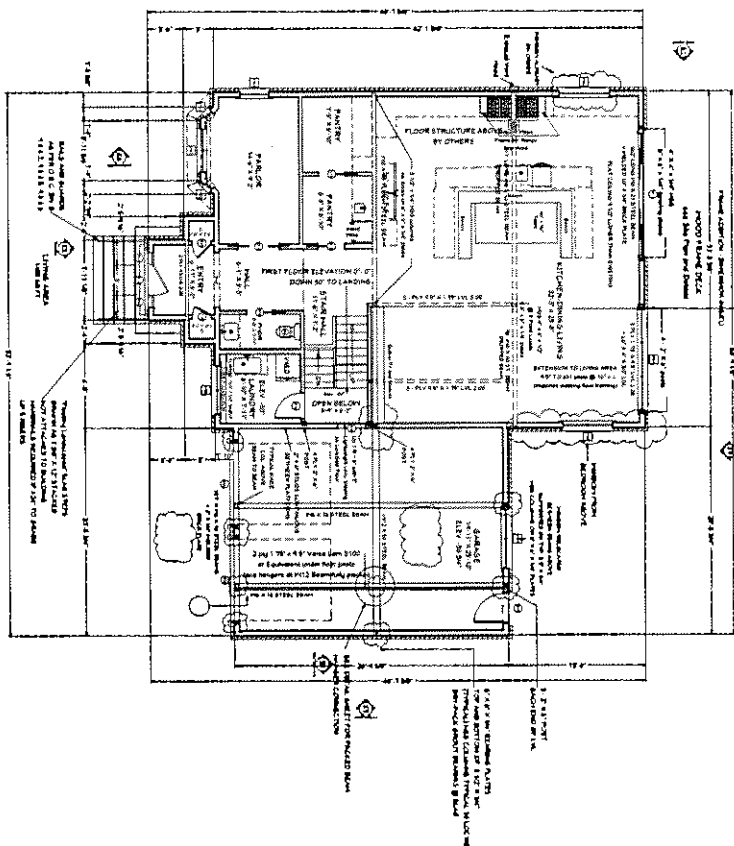




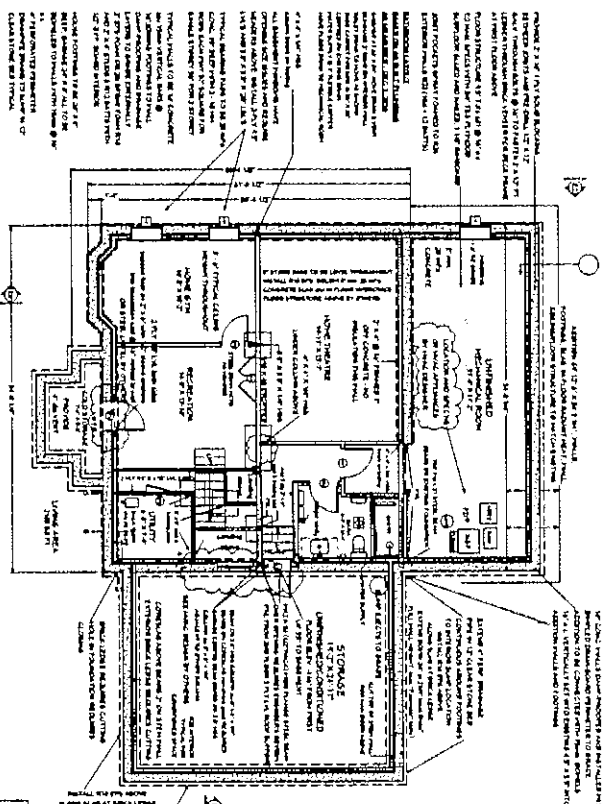








GROUND FLOOR SCALE 3/16" = 1'-0"



BASEMENT SCALE 3/16" = 1'-0"

38 GALSWORTHY DR.  
ROLL #04028035600  
PLAN 4949 LOT 65 MARKHAM

DATE:	09/07/2019
SCALE:	AS NOTED
SHEET:	A-1

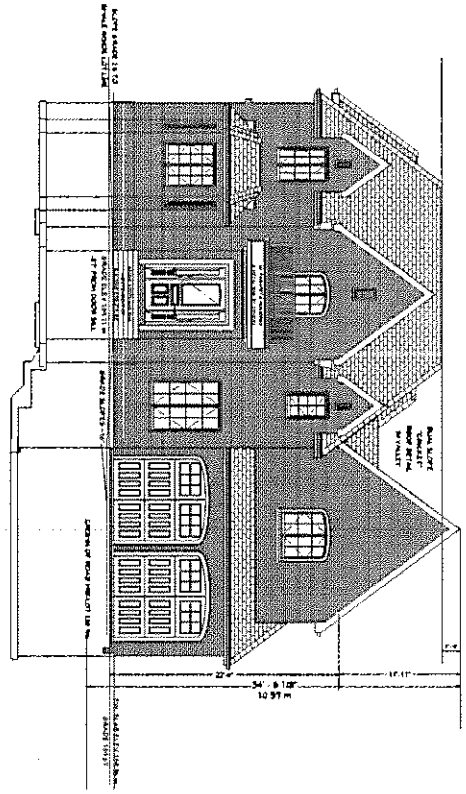
**BLUM RESIDENCE  
ADDITION & AS-BUILT  
PERMIT: 18111131 HP  
REVISIONS BY OWNER(S)**

**GROUND FLOOR &  
BASEMENT PLAN**

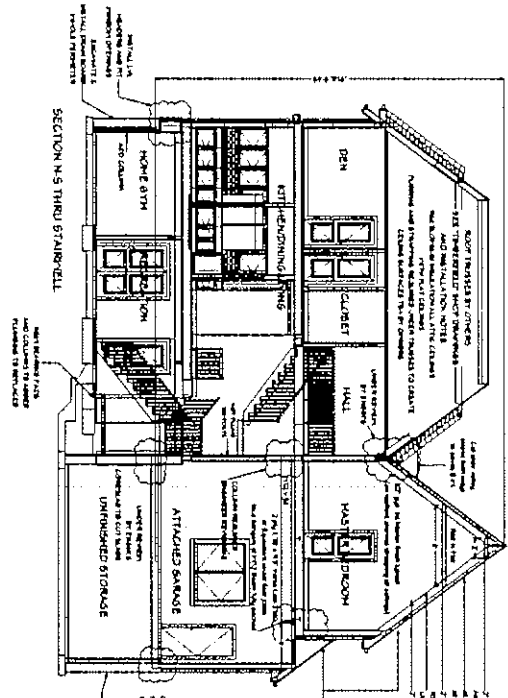
APPLICATION UNDER EXISTING  
PERMIT FOR PROPOSED  
ADDITION  
DOCUMENT AS-BUILT  
CONDITIONS

MARKET DATE	REVISION	DESCRIPTION
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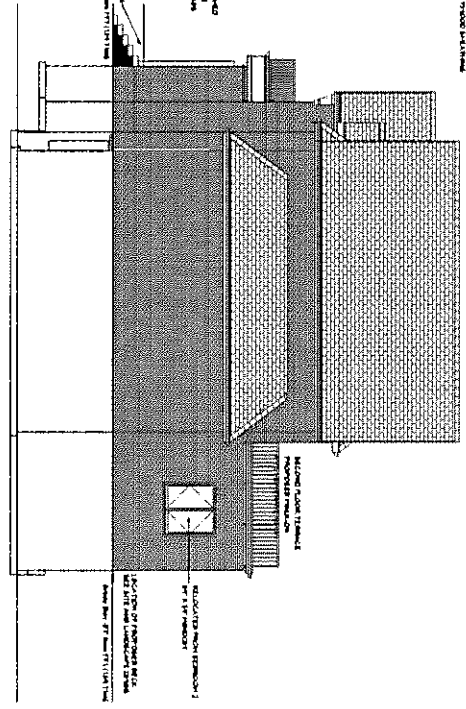
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HOMELIFE  
BAYVIEW  
REALTY



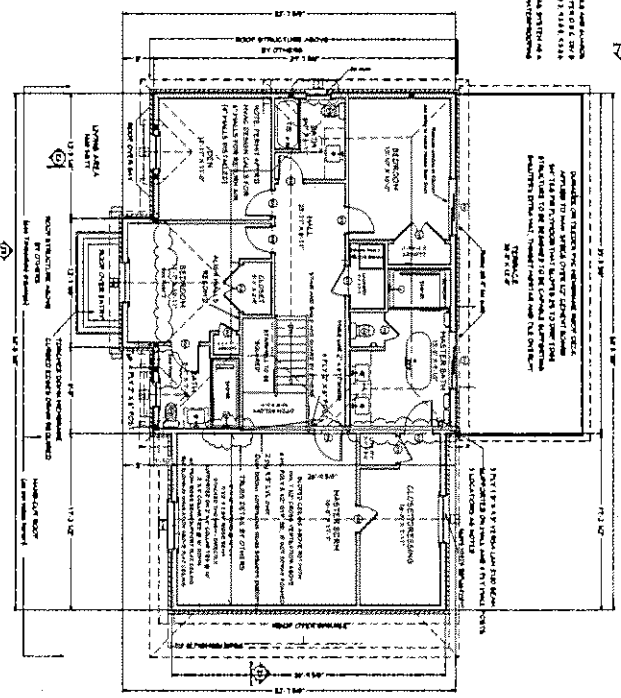
STREET EAST ELEVATION SCALE 3/16" = 1'-0"



SECTION N-S LOOKING WEST SCALE 3/16" = 1'-0"



NORTH ELEV SCALE 3/16" = 1'-0"



**SECOND FLOOR PLAN  
EAST NORTH ELEV  
SECTION N-S**

38 GALSWORTHY DR.  
ROLL #04028035600  
PLAN 4949 LOT 65 MARKHAM

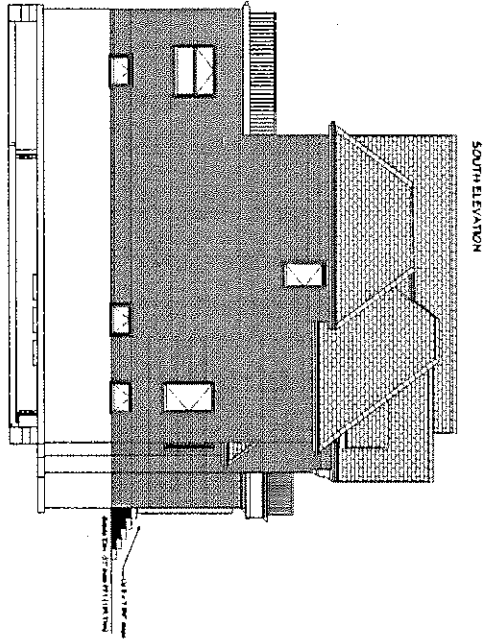
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ADDITION & AS-BUILT  
PERMIT: 18111131 HP  
REVISONS BY OWNER(S)

DATE: 09/01/2019  
SCALE: AS NOTED  
SHEET: 1

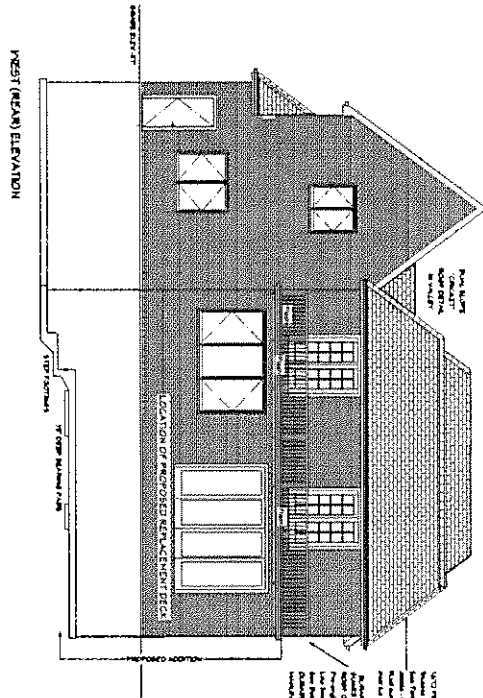
APPLICATION UNDER EXISTING  
PERMIT FOR PROPOSED  
ADDITION  
DOCUMENT AS-BUILT  
CONDITIONS

REVISION TABLE	REVISION DATE	REVISION BY	DESCRIPTION
1	02/26/18	CP	ISSUED FOR PERMIT
2	01/10/19	LM	REVISED AS-BUILT

L. BLUM  
HOMELIFE  
BAYVIEW  
REALTY



SOUTH ELEV SCALE 3/16" = 1'-0"



WEST ELEV SCALE 3/16" = 1'-0"

38 GALSWORTHY DR.  
ROLL #04028035600  
PLAN 4949 LOT 65 MARKHAM

DATE: 09/01/2019  
SCALE: AS NOTED  
SHEET:

BLUM RESIDENCE  
ADDITION & AS-BUILT  
PERMIT: 18111131 HP  
REVISIONS BY OWNER(S)

WEST ELEVATION  
SOUTH ELEVATION

APPLICATION UNDER EXISTING  
PERMIT FOR PROPOSED  
ADDITION  
DOCUMENT AS-BUILT  
CONDITIONS

REVISION DATE	BY	REVISION DESCRIPTION
08/28/2019	LF	ISSUED FOR PERMIT
09/01/2019	LF	ISSUED AS-BUILT

L. BLUM  
HOMELIFE  
BATVIEW  
REALTY

