

# Memorandum to the City of Markham Committee of Adjustment

March 20, 2019

**File:** A/20/19  
**Address:** 28 Abercorn Rd, Markham  
**Applicant:** Anna Cirbari  
**Agent:** Kevin Cribari  
**Hearing Date:** Wednesday March 27, 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) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area ratio of 49.6 percent, whereas the By-law permits a maximum Net Floor Area ratio of 45 percent;
- a) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.92 m, whereas the By-law permits a maximum building depth of 16.8m;

as they relate to a proposed new residential dwelling.

## **BACKGROUND**

The 1,014.5 m<sup>2</sup> (10,920 ft<sup>2</sup>) subject property is located on the north side of Abercorn road, north of Highway 7 and west of Main Street Markham North. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwelling. There is an existing one-storey detached 108.7 m<sup>2</sup> (1,170 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1956. Mature vegetation exists across the property.

## **Proposal**

The applicant is proposing to demolish the existing home and a construct a two-storey detached 404 m<sup>2</sup> (4,348 ft<sup>2</sup>) dwelling with a rear covered deck.

## **Official Plan and Zoning**

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

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

## Zoning By-Law 1229

The subject property is zoned R1 – 'Residential' under By-law 1229, as amended, which permits a single detached dwelling.

### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum Net Floor Area Ratio and maximum Building Depth.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, *"with current re-development in the area it is extremely difficult to comply with the dated by-laws as people's dream home ideals have changed from 30 years ago"*.

### **Zoning Preliminary Review (ZPR) not Undertaken**

A Zoning Preliminary Review (ZPR) has not been formally undertaken for the proposal. 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

### **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 Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.6 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 403.93 m<sup>2</sup> (4,348 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 366.2 m<sup>2</sup> (3,942 ft<sup>2</sup>). This represents an increase of approximately 37.73 m<sup>2</sup> (406 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. Although the proposed dwelling is larger than existing dwellings originally developed in the 1950s, the site layout meets all setback requirements ensuring adequate separation between dwellings and retention of soft landscape areas. The proposed dwelling will also be comparable in size with other infill development along Abercorn Road, including several homes that have obtained minor variance approvals for maximum net floor area ratio increases between 51 and 53 percent over the past decade. Staff are of the opinion that the requested variance meets the general intent of the zoning By-law.

### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.92 m (62.08 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 2.1 m (6.92 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a rear one storey projection which adds approximately 2.10 m (6.92 ft) to the overall depth of the building. The rear one-storey projection will maintain a west side yard setback of approximately 3.1 m (10.2 ft) and a rear yard setback of 21.08 m (69.17 ft), more than the minimum required setbacks from the property line. The main component of the building, excluding the rear one-storey projection, has a depth of approximately 16.8 m (55.12 ft) which complies with the by-law requirement. Given that the variance is attributable to a minor projection at the rear of the proposed dwelling, will maintain more than the required side yard setback and rear yard setback and is one-storey in height, Staff are of the opinion that the variance request is appropriate for the development.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of March 20, 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, Development Manager, East District  
File Path: Amanda\File\ 19 114546 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/20/19**

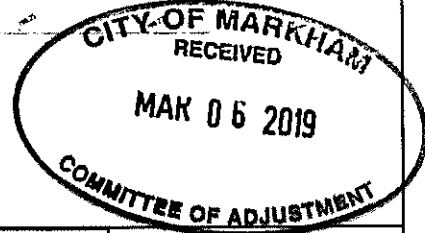
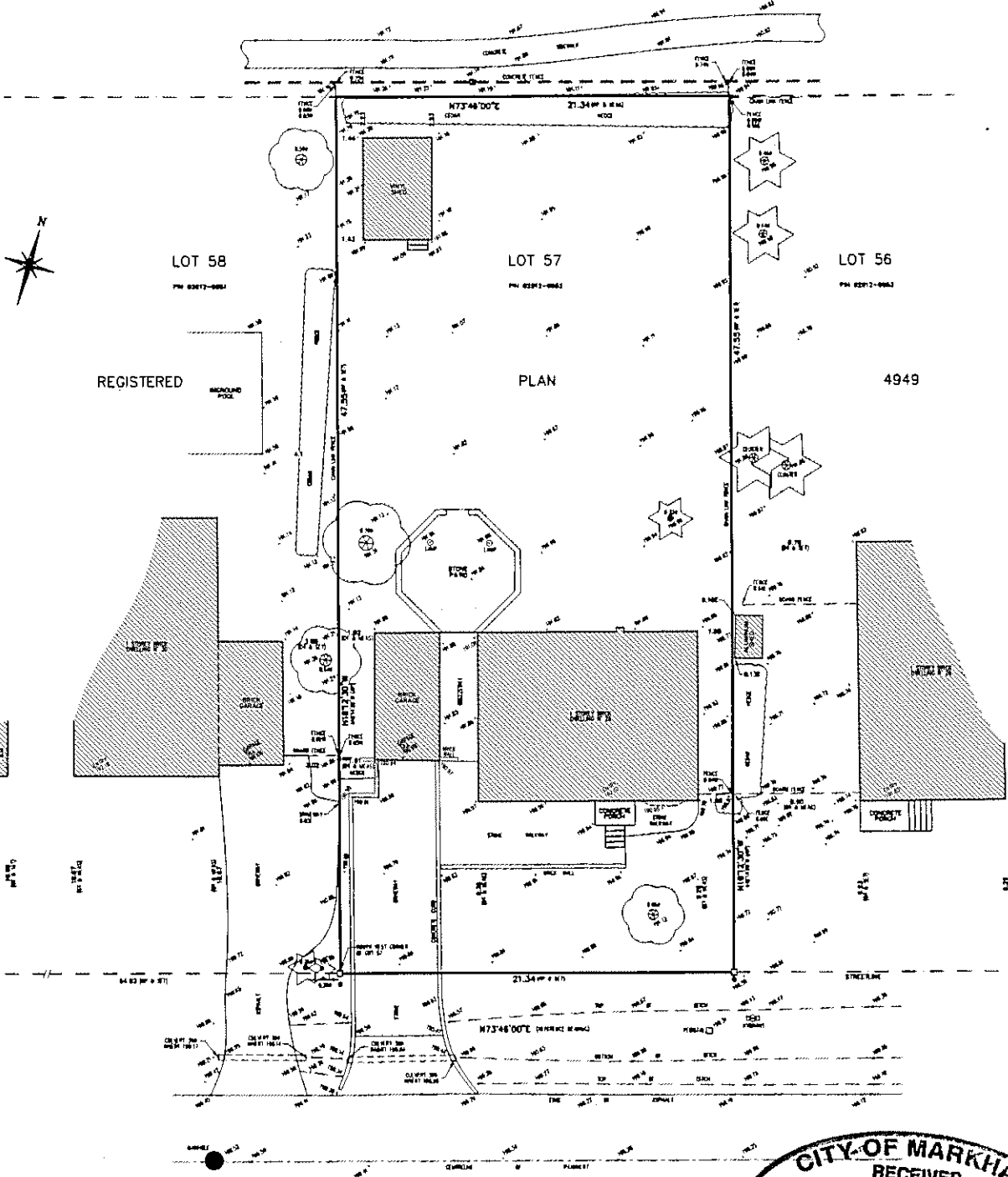
1. That the front covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *March 06, 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;
4. 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;
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, 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;
6. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:

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

BULLOCK BY REGISTERED PLAN 4648, P.M. 02062-0634 DRIVE

ABERCORN BY REGISTERED PLAN 4648, P.M. 02062-0634 ROAD



**SURVEYOR'S REAL PROPERTY REPORT**  
**PART I: PLAN OF LOT 57, REGISTERED PLAN 4949**  
 GEOGRAPHIC TOWNSHIP OF MARKHAM  
 CITY OF MARKHAM  
 METRIC MUNICIPALITY OF YORK  
 SCALE 1 : 150  
 E.W. BOWYER B.S.C., O.L.S.

**BENCHMARKS**  
 CLEAR BENCH AND REFERRED TO BM 14-11-022, ELEVATION = 107.91 (BRASS TABLET IN WEST WALL OF JAMES ROBINSON PUBLIC SCHOOL, AT BOWWATER CORNER)

**PART II: REPORT**  
 1 - THIS REPORT WAS PREPARED FOR A CLIENT.  
 2 - BOUNDARIES CONFORM SUBSTANTIALLY TO PLAN 4648.  
 3 - FENCES SHOWN FROM PROPERTY LINES AS SHOWN.  
 4 - NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

**NOTES:** THIS REPORT CAN BE UPDATED BY THIS OFFICE. NO ADDITIONAL FEES FOR THIS ORIGINAL REPORT WILL BE CHARGED SUBSEQUENT TO THE DATE OF CERTIFICATION.

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- DENOTES STANDARD IRON BAR
- DENOTES IRON BAR
- DENOTES CUT CROSS
- DENOTES SURVEY AND TYPING S.L.L. (11/24/2018)
- DENOTES REGISTERED PLAN NAME
- DENOTES REPORTED PLAN ESP-TOWNSHIP
- DENOTES CROWN (UNCOMMON)
- DENOTES METRIC, METRIC, LAST, WEST
- DENOTES CONVEYANCE / DECREEE TRAIL

**ASSOCIATION OF ONTARIO LAND SURVEYORS / ONTARIO LAND SURVEYORS**  
 PLAN SUBMISSION / ONV  
 2050

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THIS SURVEY WAS COMPLETED ON 31 NOVEMBER 2018.

**E.W. BOWYER INC.**  
 31 NOVEMBER 2018  
 E.W. BOWYER B.S.C., O.L.S.

**HEARDING NOTE:** REGISTERED GEOGRAPHIC AND ARE RETURNED TO THE NORTH LIMIT OF ABERCORN ROAD LINE, AS SHOWN ON REGISTERED PLAN 4648 HAVING A BEARING OF 4 72' 46" 00" E.

**SEVERY / DIAPHERAL** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**E. W. BOWYER INC.**  
 ONTARIO LAND SURVEYORS  
 LAND DEVELOPMENT CONSULTANTS  
 1075 BURNHAMTHORPE ROAD, SUITE 2012  
 MARKHAM, ONTARIO L3R 9V3  
 TEL: 905-947-8888 FAX: 905-947-8888

PH: 02072-0642 898 PH: 14-02 © VALUERS/16-187/892

NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 21 ABERCORN ROAD  
 MARKHAM, ON  
 THE CONTRACTOR  
 GROUP OF CANADA

JOSEPH M. CAMPITELLI ARCHITECT INC.  
 1000 SHEPPARD AVENUE EAST  
 SUITE 1000 MARKHAM, ON L3R 9V7  
 TEL: (905) 477-1111 FAX: (905) 477-1112  
 WWW.JMCAMPITELLI.COM

PROJECT NO. 2019-001  
 DRAWING NO. A.000  
 SHEET NO. 1 OF 1  
 DATE: 2019-03-05  
 SCALE: AS SHOWN  
 PROJECT: NEW CUSTOM HOME  
 PROPOSED BUNGALOW LOFT  
 21 ABERCORN ROAD  
 MARKHAM, ON

A.000

# NEW CUSTOM HOME PROPOSED BUNGALOW LOFT

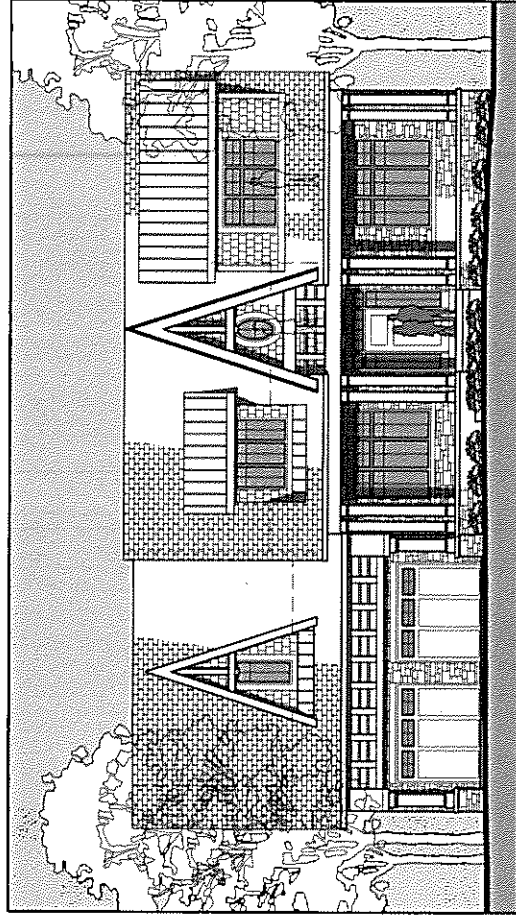
28 ABERCORN RD. MARKHAM, ON

PROJECT NO: 263.18

DRAWING LIST:

- A.000 COVER PAGE
- A.100 PROPOSED SITE PLAN
- A.101 SITE STATISTICS
- A.201 PROPOSED BASEMENT PLAN
- A.301 PROPOSED GROUND FLOOR PLAN
- A.302 PROPOSED 2ND FLOOR PLAN
- A.303 PROPOSED ROOF PLAN
- A.401 PROPOSED SOUTH ELEVATION
- A.402 PROPOSED WEST ELEVATION
- A.403 PROPOSED NORTH ELEVATION
- A.404 PROPOSED EAST ELEVATION
- A.501 PROPOSED BUILDING SECTION A-A

ISSUED FOR MINOR VARIANCE - MAR.05, 2019



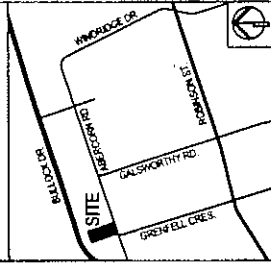
NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 71 ABERCORN RD  
 WARKHAM, ON  
 THE CONTRACTOR  
 GROUP OF CANADA

JOSEPH N. CAMPITELLI  
 ARCHITECT INC.

PROPOSED SITE PLAN

A.100

KEY PLAN

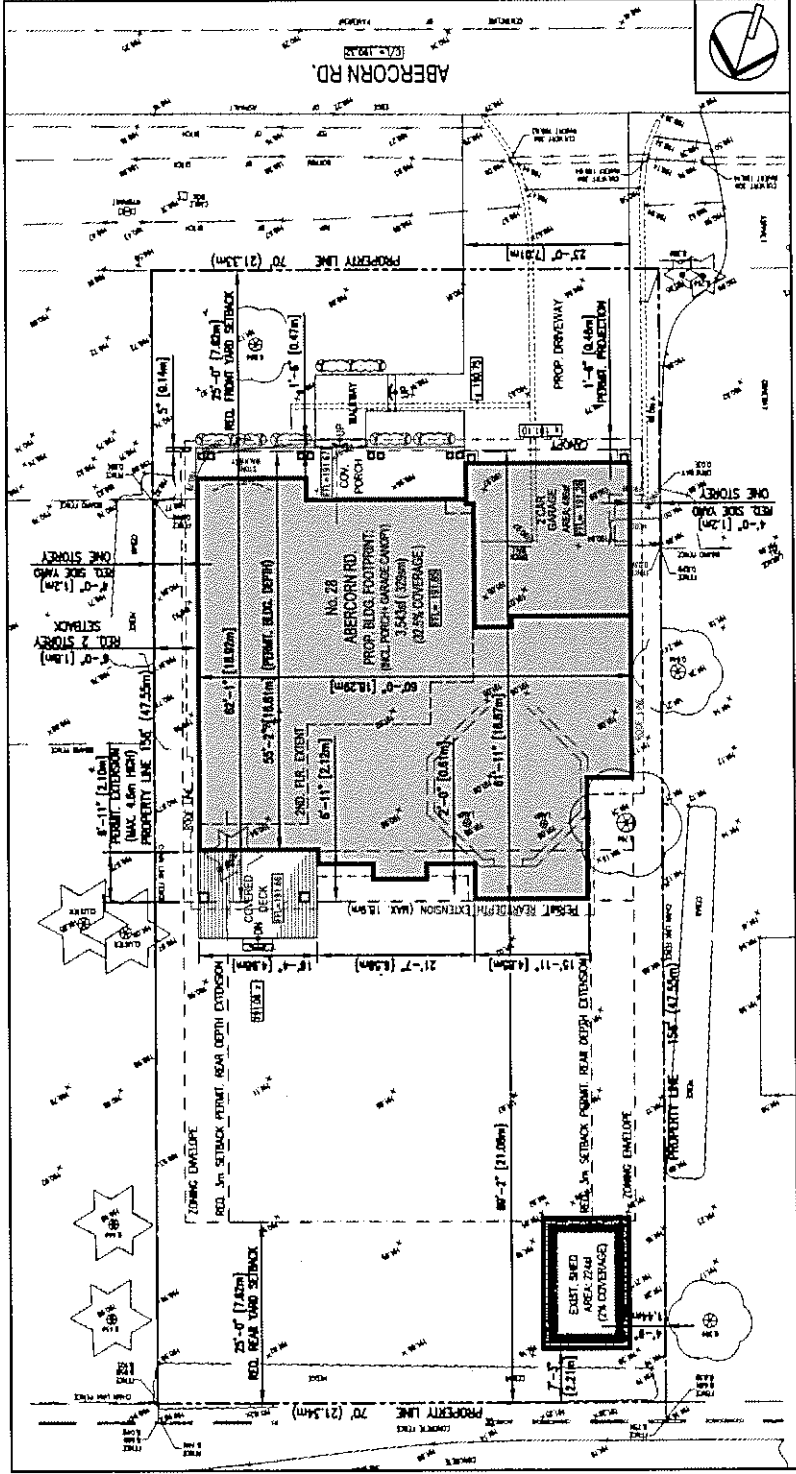


SURVEY INFORMATION

PLAN OF SURVEY  
 LOT 57, REGISTERED PLAN 4949  
 CITY OF WARKHAM  
 REGIONAL MUNICIPALITY OF YORK  
 DATED: DECEMBER 7TH 2015  
 PROJECT: 2015-206  
 E. W. BOWLER INC.  
 ONTARIO LAND SURVEYORS  
 LAND DEVELOPMENT CONSULTANTS  
 9275 WARKHAM ROAD, SUITE 201A  
 WARKHAM, ONTARIO L9E 1A3  
 TEL: (905) 294-8093  
 FAX: (905) 294-8349

LEGEND

- PROPERTY LINE
- ZONING ENVELOPE
- PROPOSED BUILDING ENVELOPE
- EXIST. BUILDING TO REMAIN
- EXISTING GRADE ELEVATION
- PROP. ELEVATION



PROPOSED SITE PLAN

**NEW CUSTOM HOME  
PROPOSED  
BUNGALOW LOFT**

18 BEACON ROAD  
MUNICIPAL ON  
THE CONTRACTOR  
GROUP OF CANADA

**JOSEPH N  
CAMPITELLI ARCHITECT INC.**

11 The Glen Avenue, Unit 3, Aurora, ON L4C 6V2  
Tel: 905.477.8592 Fax: 905.477.8463  
Email: jnc@jncampitelli.com

DATE: 2018-08-10

PROJECT NO:  
DATE: 2018-08-10

STATISTICS

DATE: 2018-08-10  
PROJECT NO:  
DRAWN BY:  
CHECKED BY:  
SCALE:

**A.101**

DWELLING STATISTICS		EXISTING	PROPOSED
BY-LAW 123			
1. ZONING	R1 - RESIDENTIAL	DETACHED SINGLE FAMILY RESIDENCE TO BE DEMOLISHED	DETACHED SINGLE FAMILY RESIDENCE
2. LOT FRONTAGE	MIN. 60' (18.29m)	70' (21.33m)	N/C
3. SITE AREA	MIN. 6,630sf (61.5m <sup>2</sup> )	10,928sf (1,014.5m <sup>2</sup> )	N/C
4. SETBACKS	FRONT YARD = MIN. 25'-0" (7.62m) SIDE YARD (ONE STRY.) = MIN. 4'-0" (1.2m) SIDE YARD (2 STRY.) = MAX. 6'-0" (1.83m) REAR YARD = MIN. 25'-0" (7.62m)	N/A	FRONT YARD = 25'-0" (7.62m) EAST SIDE YARD = 6'-0" (1.8m) WEST SIDE YARD = 4'-0" (1.2m) REAR YARD = 69'-2" (21.08m) PROP. HEIGHT = 9.8m
5. BUILDING HEIGHT	MAX. 9.8m <sup>1</sup> (1/0 ROOF OF SLOPED ROOF) MAX. 8.0m <sup>2</sup> (1/0 PARAPET OF FLAT ROOF) <sup>1</sup> FROM C/L OF ROAD ELEV. (EL. +190.11) MAX. 2 STOREYS (EXCL. CELLAR)	N/A	
6. COVERAGE	MAX. 35% (1,922sf)	N/A	GROUND FLOOR: 2,697sf DOUBLE GARAGE: 4,866sf PROP. BLDG. FOOTPRINT: 3,183sf FRONT PORCH: 212sf GARAGE CANOPY: 34sf COVERED DECK: 114sf TOTAL: 3,543sf ACCESSORY SHED: 224sf SITE COVERAGE TOTAL: 3,767sf (34.5%)
7. BUILDING DEPTH	MAX. 15.5 m (47.2) 1m ONE-STORY BLDG. EXTN. OVER 16.8m. MAX. WIDTH & BLDG. WIDTH. MAX. HEIGHT 4.6m.	N/A	18.92m (62'-1") (INCL. 2' FOR ONE STOREY REAR EXTENSION)
8. NET FLOOR AREA RATIO	MAX. 45% (1,942sf/466.2m <sup>2</sup> ) - INCL. GARAGE NET AREA = 8,760sf (813.8m <sup>2</sup> )	N/A	GROUND FLOOR - 2,697sf GARAGE - 4,866sf TOTAL GROUND FLOOR - 3,183sf 2ND FLOOR AREA - 1,373sf TOTAL FLOOR AREA - 4,556sf STAIR DECK AREA - 114sf DECK VOLUME REDUCT. - 113sf TOTAL NET AREA: 4,349sf NET FLOOR: 495sf
9. PERMITTED PROJECTIONS	UNENCLOSED PORCH = 16" (0.46m) UNCOVERED PLATFORMS = 16" (0.46m)	N/A	
10. GARAGE PROTECTION	MAX. 2.1m FROM MAIN WALL	N/A	
ACCESSORY BUILDING STATISTICS			
BY-LAW 123			
1. LOCATION	PERMITTED IN REAR YARD	EXISTING SHED	PROPOSED EXISTING TO REMAIN
2. SETBACKS	REAR/ SIDE YARD = 4'-0" (1.2m)	SIDE YARD = 4'-9" REAR YARD = 7'-4"	N/C
3. BUILDING HEIGHT	17'-0" (5.18m) TO ROOF MID-POINT 1 STOREY	I.B.C.	N/C
4. COVERAGE	MAX. 10% OF LOT AREA	FLOOR AREA = 224sf (24)	N/C



NEW CUSTOM HOME  
PROPOSED  
BUNGALOW LOFT

78 ABERCORN ROAD  
SCARBOROUGH, ONTARIO  
M1S 2T2

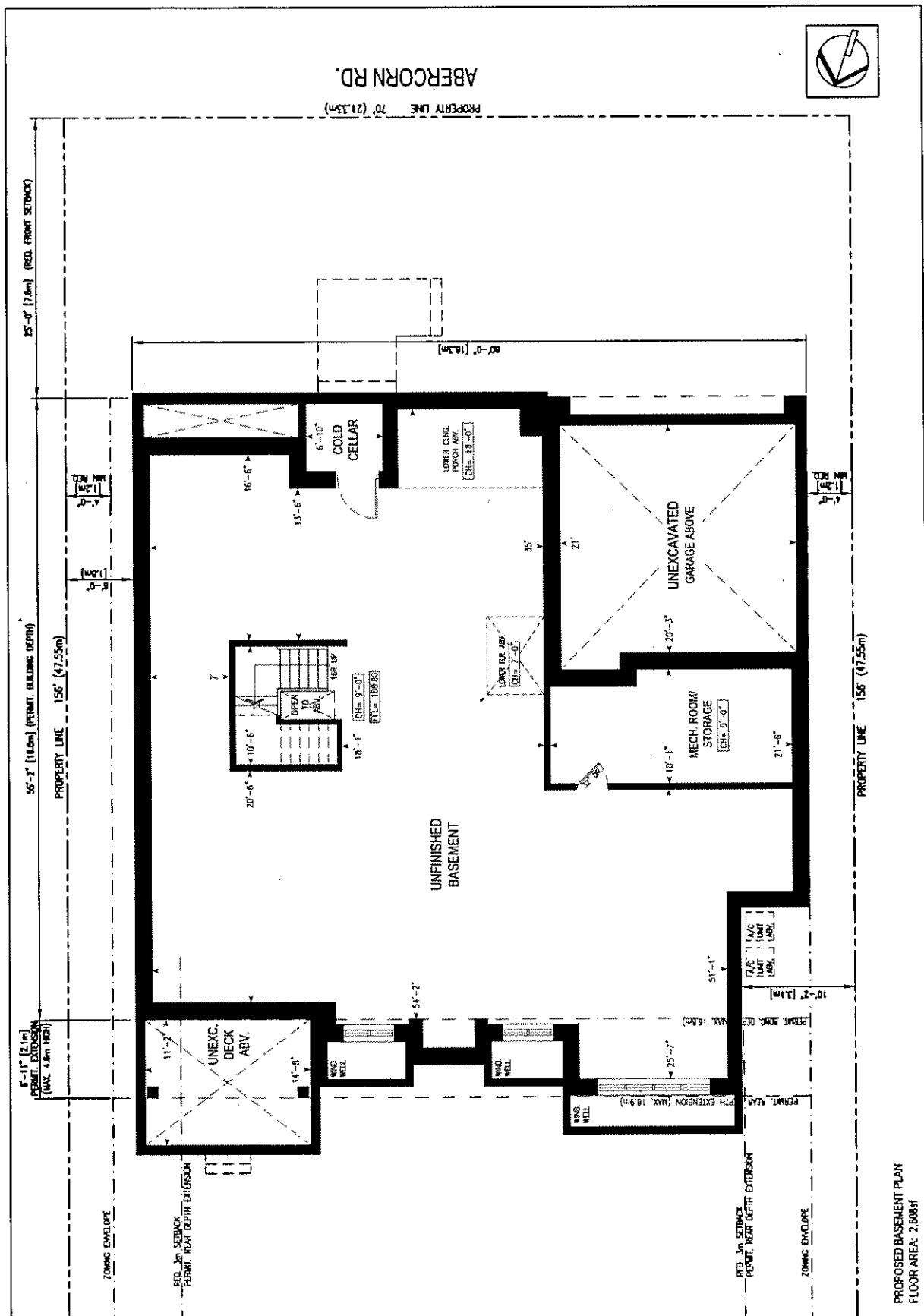
JOSEPH N. CAMPITELLI  
ARCHITECT INC.

100 BURNHAMTHORPE RD. UNIT 10  
SCARBOROUGH, ONTARIO M1S 2T2  
TEL: (416) 291-1111  
WWW.JNCAMPITELLI.COM

PROPOSED  
BASEMENT PLAN

DATE: 12/12/2012  
DRAWN BY: J. CAMPITELLI  
CHECKED BY: J. CAMPITELLI

A.201



PROPOSED BASEMENT PLAN  
FLOOR AREA: 2,898sf

NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 28 ABERCORN ROAD  
 THE CONTRACTOR  
 MARKHAM ON  
 GROUP OF COMPANIES

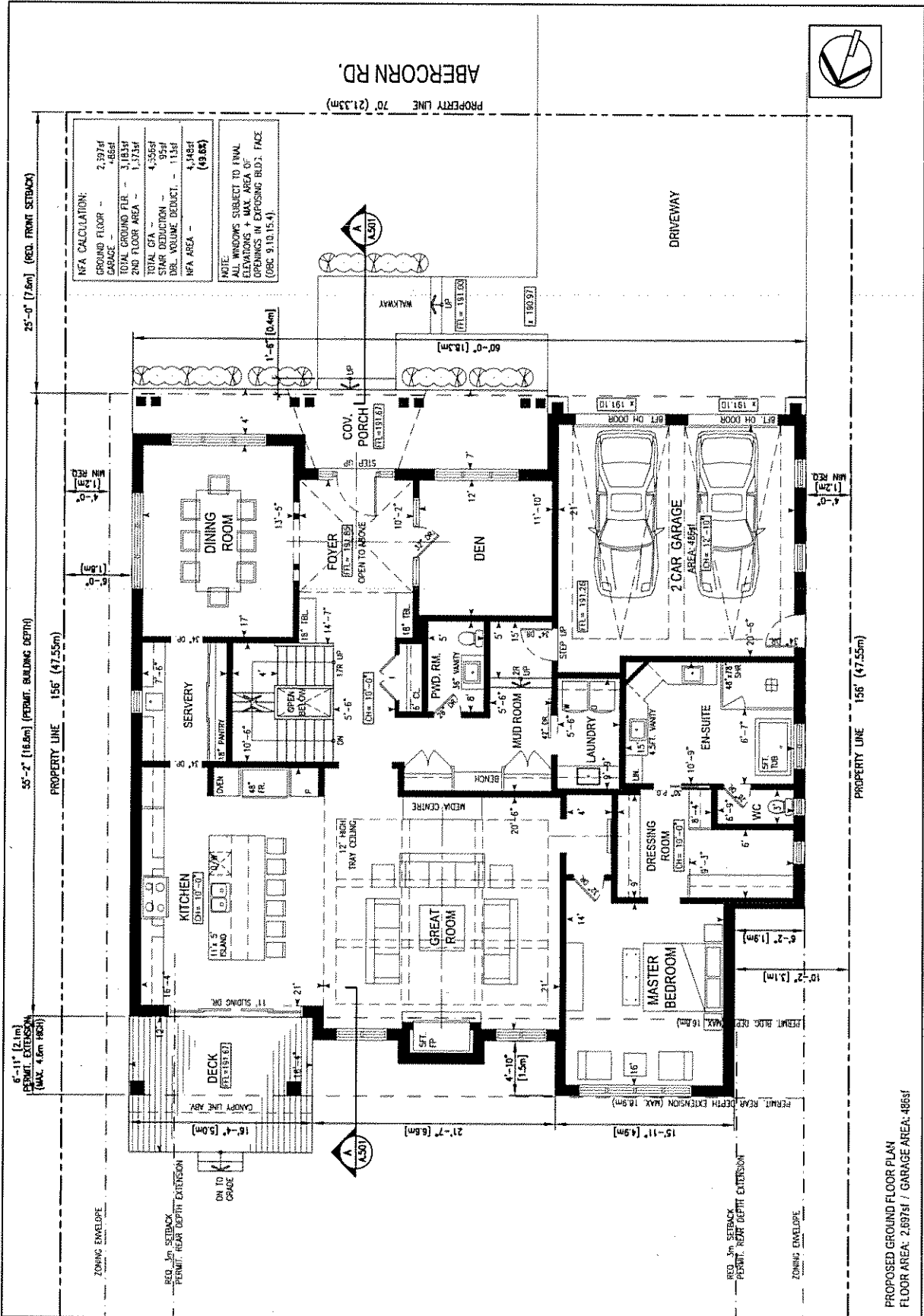
JOSEPH N CAMPITELLI  
 ARCHITECT INC.

1000 SHEPPARD AVE. EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T5  
 TEL: (416) 291-1111  
 WWW.JNCAMPITELLI.COM

PROJECT NO. 2005-00013  
 DATE: 11/15/2013  
 SCALE: 1/8" = 1'-0"

PROPOSED GROUND  
 FLOOR PLAN  
 DATE: 11/15/2013  
 SCALE: 1/8" = 1'-0"

A.301



**NFA CALCULATION:**

GROUND FLOOR	2,397sf
GARAGE	2,486sf
TOTAL GROUND FLR	4,883sf
2ND FLOOR AREA	1,373sf
TOTAL GFA	6,256sf
STAR DEDUCTION	95sf
DBL. VOLUME DEDUCT.	113sf
NFA AREA	6,048sf
	(99.8%)

**NOTE:**  
 ALL WINDOWS SUBJECT TO FINAL ELEVATIONS + MAX. AREA OF OPENINGS IN EXPOSING BLDG. FACE (ORIG. 9.10.15.4)

PROPOSED GROUND FLOOR PLAN  
 FLOOR AREA: 2,697sf / GARAGE AREA: 486sf



NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 21 ABERCORN ROAD  
 MARKHAM ON  
 THE CONTRACTOR  
 GROUP OF CANADA

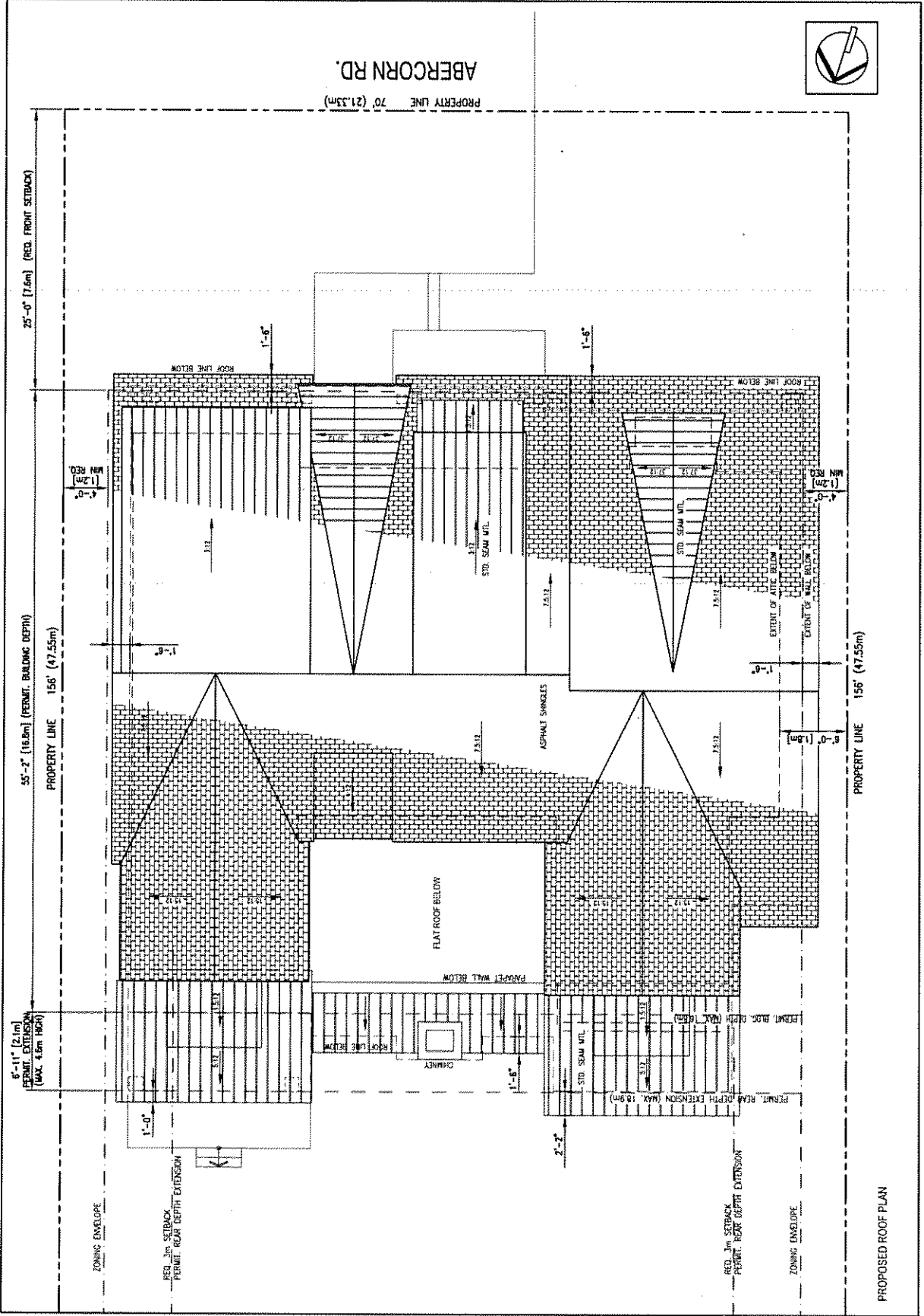
JOSEPH N CAMPITELLI  
 ARCHITECT INC.

12 St. George Street, Suite 5, Markham, ON L3R 0A2  
 Tel: (905) 477-0900 Fax: (905) 477-4200  
 Email: jncampitelli@architect.com

PROPOSED  
 ROOF PLAN

DATE: 12/15/2011  
 SCALE: 1/8" = 1'-0"  
 PROJECT NO: 11-0118

A.303



PROPOSED ROOF PLAN

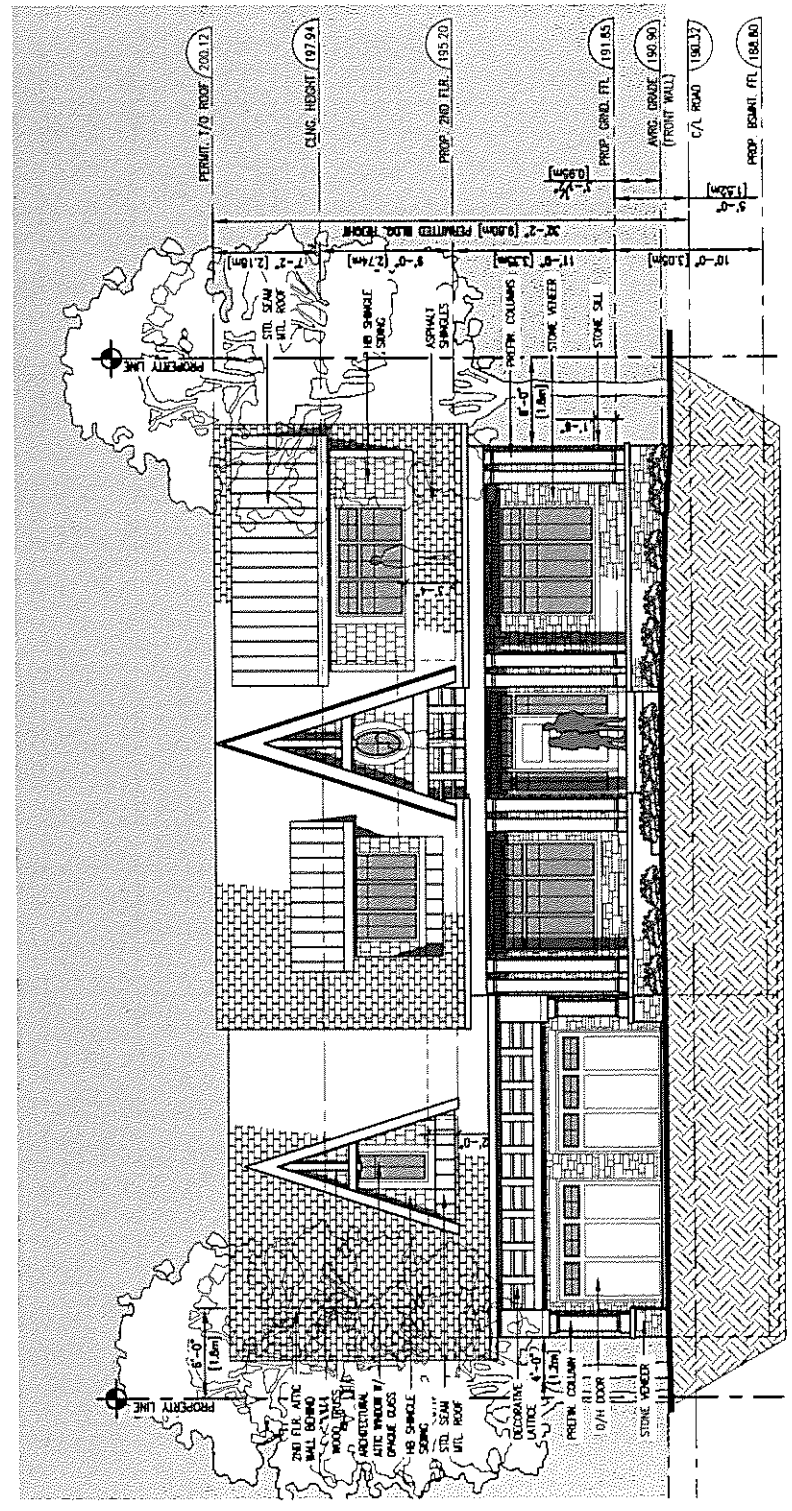
NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 21 LAKEBROOK ROAD  
 WARDHAM, ON  
 THE CONTRACTOR  
 GROUP OF CANADA

JOSEPH M CAMPITELLI  
 ARCHITECT INC.

1000 SHEPPARD AVENUE EAST, SUITE 101  
 SCARBOROUGH, ONTARIO M1S 1T7  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.JMCAMPITELLI.COM

PROPOSED  
 SOUTH ELEVATION  
 1:1  
 DATE: 10/18/2013  
 PROJECT: NEW CUSTOM HOME

A.401



PROPOSED SOUTH ELEVATION





NEW CUSTOM HOME  
 PROPOSED  
 BUNGALOW LOFT  
 21 HARRISON ROAD  
 MISSISSAUGA,  
 ONTARIO  
 L4X 1L1  
 PREPARED BY  
 JOSEPH N. CAMPITELLI  
 ARCHITECT INC.

JOSEPH N. CAMPITELLI  
 ARCHITECT INC.

10 BALDWIN AVENUE, SUITE 100, MISSISSAUGA, ONTARIO L4X 1L1  
 TEL: (905) 277-1111 FAX: (905) 277-1112  
 WWW.JNCAMPITELLI.COM

DATE: 2014-08-15

PROJECT NO.: 14-001  
 SHEET NO.: 1 OF 1  
 SCALE: 1/8" = 1'-0"

PROPOSED  
 EAST ELEVATION

A.404

