

Memorandum to the City of Markham Committee of Adjustment

February 26, 2020

File: A/010/20
Address: 148 Church St – Markham, ON
Applicant: Gajaruban Kandavanam & Sayenthary Arunthavanathan
Agent: Georgio Lolos Designs Inc.
Hearing Date: Wednesday March 04, 2020

The following comments are provided on behalf of the East Team. The applicant initially requested relief from the Residential (R1) Zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling to permit:

a) Parking By-law 28-97, Section 6.2.4.4 a) i):

A minimum driveway side yard setback of 3.94 feet, whereas the By-law requires a minimum driveway side yard setback of 4 feet;

b) Infill By-law 99-90, Section 1.2 (iii):

A maximum building depth of 22.32 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

c) Infill By-law 99-90, Section 1.2 (i):

A maximum building height of 10.79 metres, whereas the By-law permits a maximum building height of 9.80 metres;

d) Section 6.1 (a):

An accessory basement apartment, whereas the By-law does not permit an accessory basement apartment.

As part of the review process, the applicant has provided written confirmation that the application be revised to remove the variances for a reduced driveway setback and to permit an accessory apartment, therefore limiting the variances to the following:

a) Infill By-law 99-90, Section 1.2 (iii):

A maximum building depth of 22.32 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

b) Infill By-law 99-90, Section 1.2 (i):

A maximum building height of 10.79 metres, whereas the By-law permits a maximum building height of 9.80 metres;

BACKGROUND

Property Description

The 2,288.66 m² (24,634.93 ft²) subject property is located on the north side of Church Street, east of Elm Street, south of Parkway Avenue, and west of Wooten Way North. Mature trees exist in both the front and rear yards of the property.

The property is located within an established residential neighbourhood generally comprised of a mix of one and two-storey detached dwellings. Residential lots along the street and within the surrounding area are generally rectangular in shape, and vary in depth, width, and size.

Proposal

The applicant is proposing to demolish the existing one-storey dwelling, and construct a new two-storey single detached dwelling with an attached three-car garage and circular driveway that accesses Church Street. The proposed dwelling has a gross floor area of 595.90 m² (6,412.04 ft²) with covered front and rear porches, and an uncovered patio which add approximately 2.47 m (8.1 ft) to the overall building depth.

Official Plan and Zoning

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 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. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned Residential (R1) Zone under By-law 1229, as amended, which permits one single detached dwelling per lot.

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 the maximum building depth and height.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with zoning is due to, *"the preferred dwelling location on the lot and the proposed dwelling characteristics requiring a balanced roof, massing, and height."*

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on December 3, 2019 which confirmed variances for a reduced driveway side yard setback, increase in maximum building depth, building height, and to also permit an accessory dwelling unit.

As previously stated, the applicant has confirmed that a reduced driveway side yard setback, and accessory dwelling unit is no longer being proposed.

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 Building Height

The applicant is requesting a maximum building height of 10.79 m (35.40 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 0.99 m (3.25 ft).

The By-law calculates building height using the vertical distance of a 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 0.8 m (2.63 ft) above the crown of road.

The proposed development has roof lines which vary in height, two of which are at the highest point of the roof as shown in the submitted plans (Appendix "B") and reflected by the requested variance. This variation in height is similarly reflected along the street amongst nearby existing infill development. Given that the variance only applies to the two points of the proposed roof line, staff are of the opinion that the proposed height, massing, and scale of the building is in keeping with the character of Church Street, and is an appropriate development for the lot.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 22.32 m (73.23 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This is an increase of approximately 5.4 m (18.11 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 covered front porch and below grade cold room which adds approximately 2.16 m (7.1 ft) to the overall depth at the front of the building. It also includes a covered rear porch and uncovered patio which add approximately 1.83 m (6.0 ft) to the overall depth at the rear of the building. The main component of the building at two-storeys in height, excluding the covered porches and uncovered patio, has a depth of 18.28 m (59.97 ft).

Properties within the surrounding area vary in size, lot frontage, and depths. Within the context of the area, the subject property is significantly larger than abutting properties to the west and north, which generally have depths of approximately 39.0 m (127.95 ft), compared to the depth of the subject property which is approximately 74.08 m (246.0 ft). Given the context of the site, the proposed development provides for appropriate massing, in which the bulk of the dwelling is oriented towards the centre of the subject lot. Staff are of the opinion that the proposed development and increased building depth will not adversely impact neighbouring properties.

PUBLIC INPUT SUMMARY

One written submission was received on February 25, 2020 which objects to the proposed accessory dwelling unit. The accessory unit is no longer being requested as part of this variance application.

No other written submissions were received as of February 26, 2020. 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.

APPENDICES

- Appendix "A" – Conditions List
- Appendix "B" – Plans

PREPARED BY:



 Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



 Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/010/20

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 plans attached as Appendix "B" to this Staff Report and received by the City of Markham on January 23, 2020, 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. That the rear and front covered porch remain unenclosed.
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.

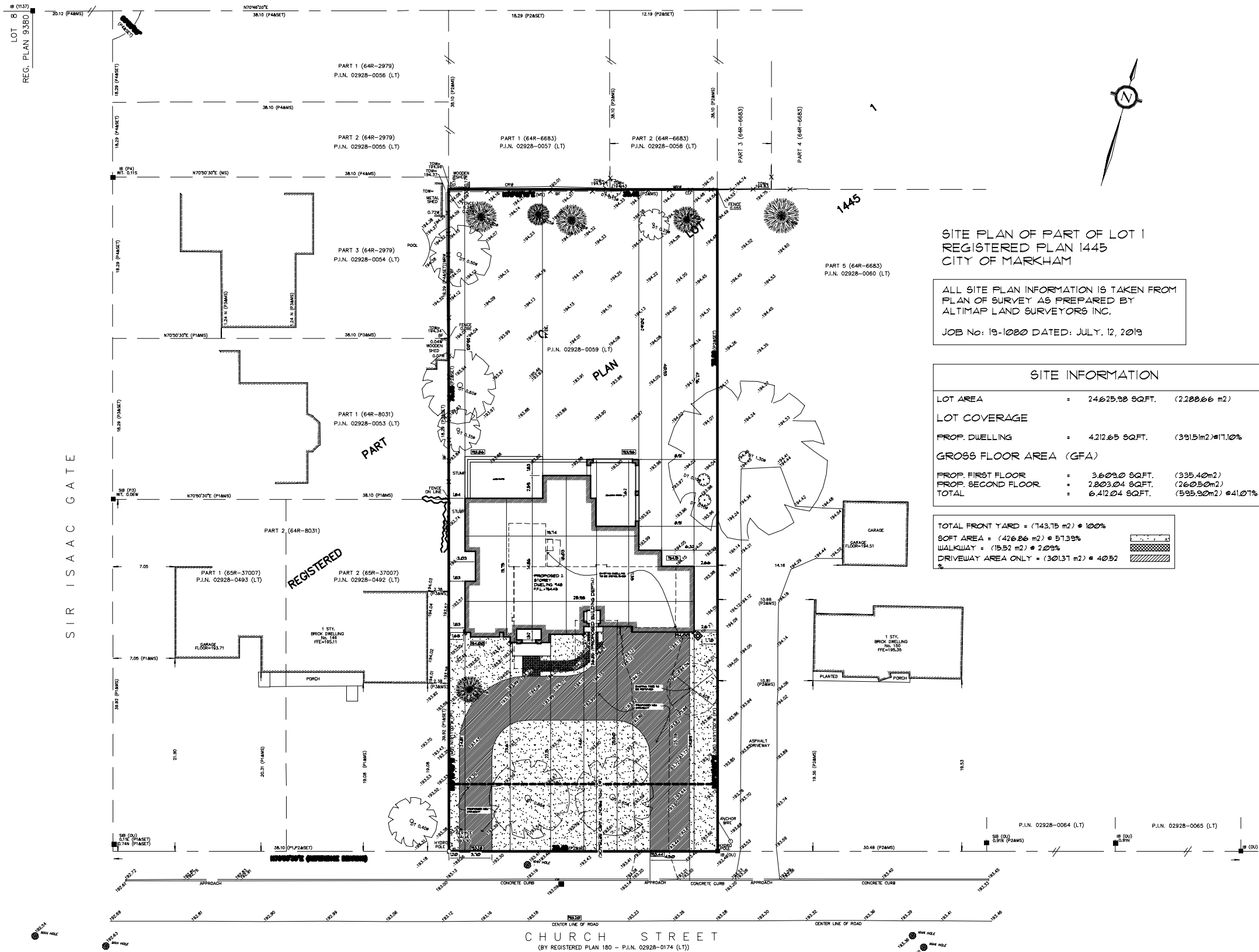
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/010/20

SIR GALAHAD PLACE



SITE PLAN OF PART OF LOT 1
REGISTERED PLAN 1445
CITY OF MARKHAM

ALL SITE PLAN INFORMATION IS TAKEN FROM
PLAN OF SURVEY AS PREPARED BY
ALTIMAP LAND SURVEYORS INC.
JOB No: 19-1080 DATED: JULY, 12, 2019

SITE INFORMATION		
LOT AREA	=	24625.98 SQFT. (2288.66 m ²)
LOT COVERAGE		
PROP. DWELLING	=	4212.65 SQFT. (391.5m ²) @11.10%
GROSS FLOOR AREA (GFA)		
PROP. FIRST FLOOR	=	3609.0 SQFT. (335.40m ²)
PROP. SECOND FLOOR	=	2803.04 SQFT. (260.50m ²)
TOTAL	=	6412.04 SQFT. (595.90m ²) @41.01%

TOTAL FRONT YARD	=	(143.75 m ²) @ 100%
SOFT AREA	=	(426.86 m ²) @ 51.39%
WALKWAY	=	(15.52 m ²) @ 2.09%
DRIVEWAY AREA ONLY	=	(301.31 m ²) @ 40.52%

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1	ISSUED FOR Z.C.C.	10/23/2019

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Georgio Lolos Design Inc.
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Distinctive & Innovative Design

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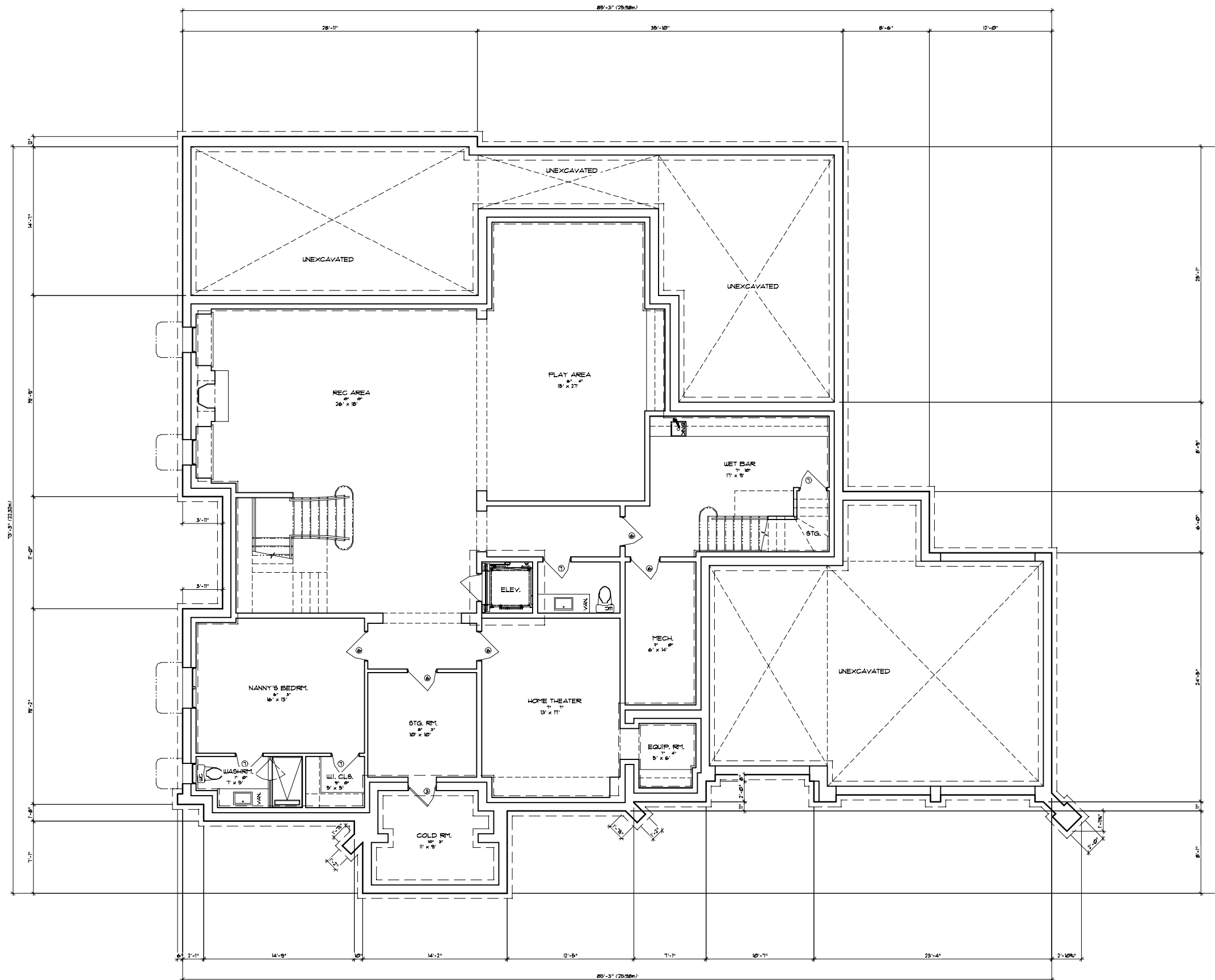
BATTAGLIA ARCHITECT INC.

8888 KEELE ST. UNIT 8 TEL: (905) 508-2168
CONCORD, ONT. FAX: (416) 848-1961
L4K 2N2

PROPOSED 2 STOREY DWELLING FOR:
KANDAVANAM RESIDENCE
148 CHURCH ST.
MARKHAM, ONTARIO

SITE PLAN

DRAWN BY: D. FOVEDA	CHECKED BY: G.L.	SHEET S.F.
DATE OCT, 2019	SCALE 1:500	FILE 19-24



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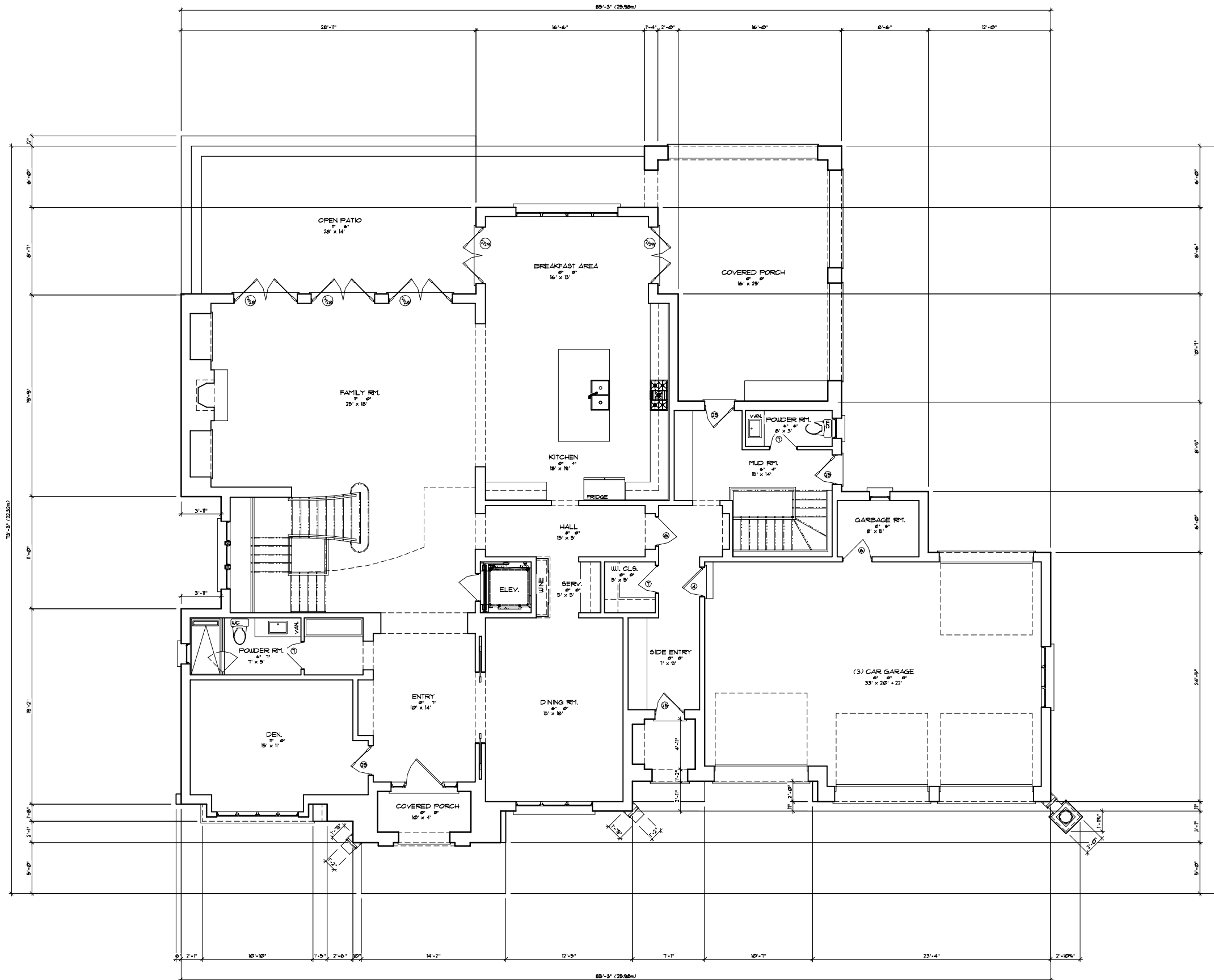
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BASEMENT FLOOR PLAN

DRAWN BY: D. POVEDA	CHECKED BY: G.L.	SHEET A.11
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24



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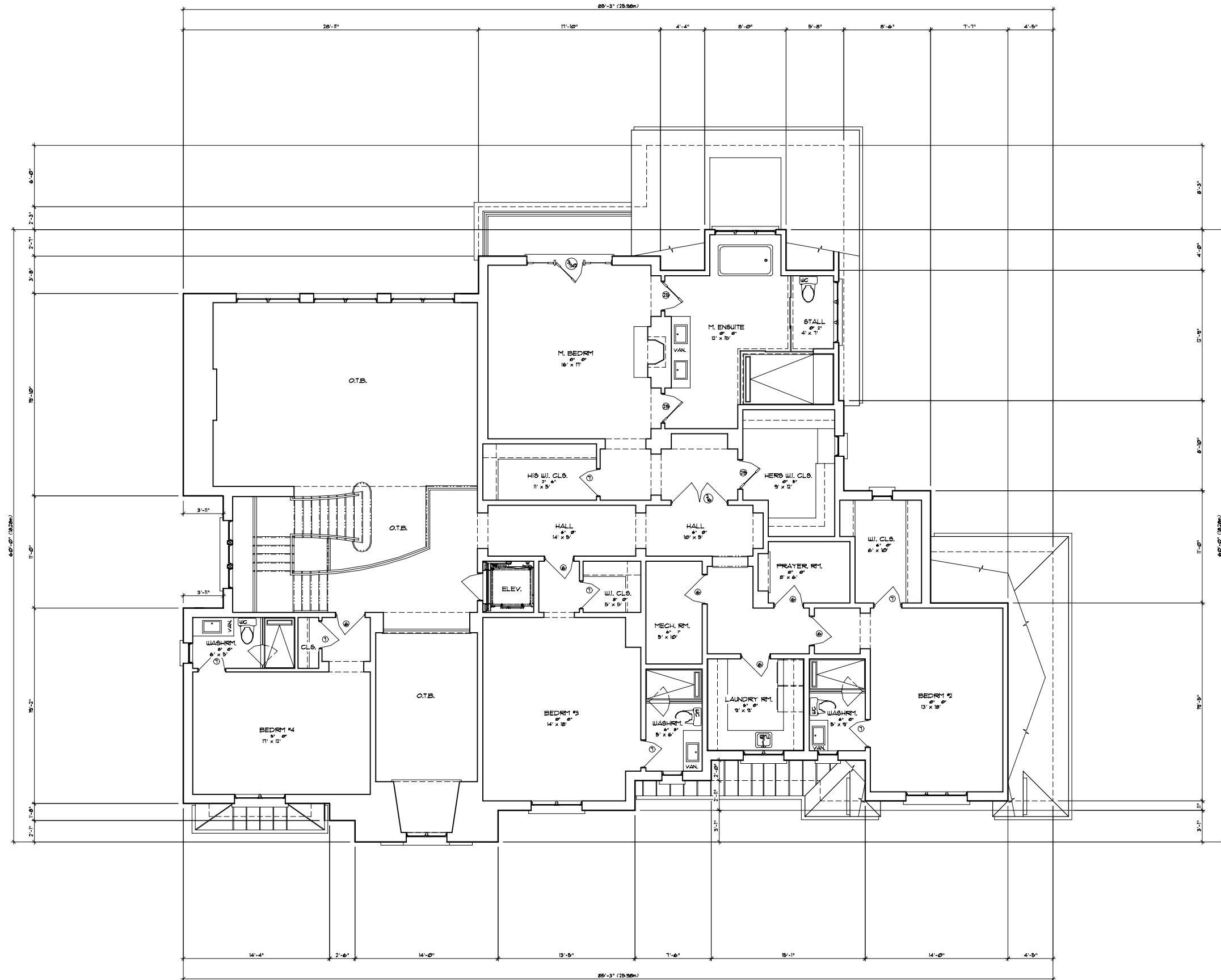


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PROPOSED 2 STOREY DWELLING FOR:
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 MARKHAM, ONTARIO

FIRST FLOOR PLAN		
DRAWN BY: D. POVEDA	CHECKED BY: G.L.	SHEET A1.2
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24



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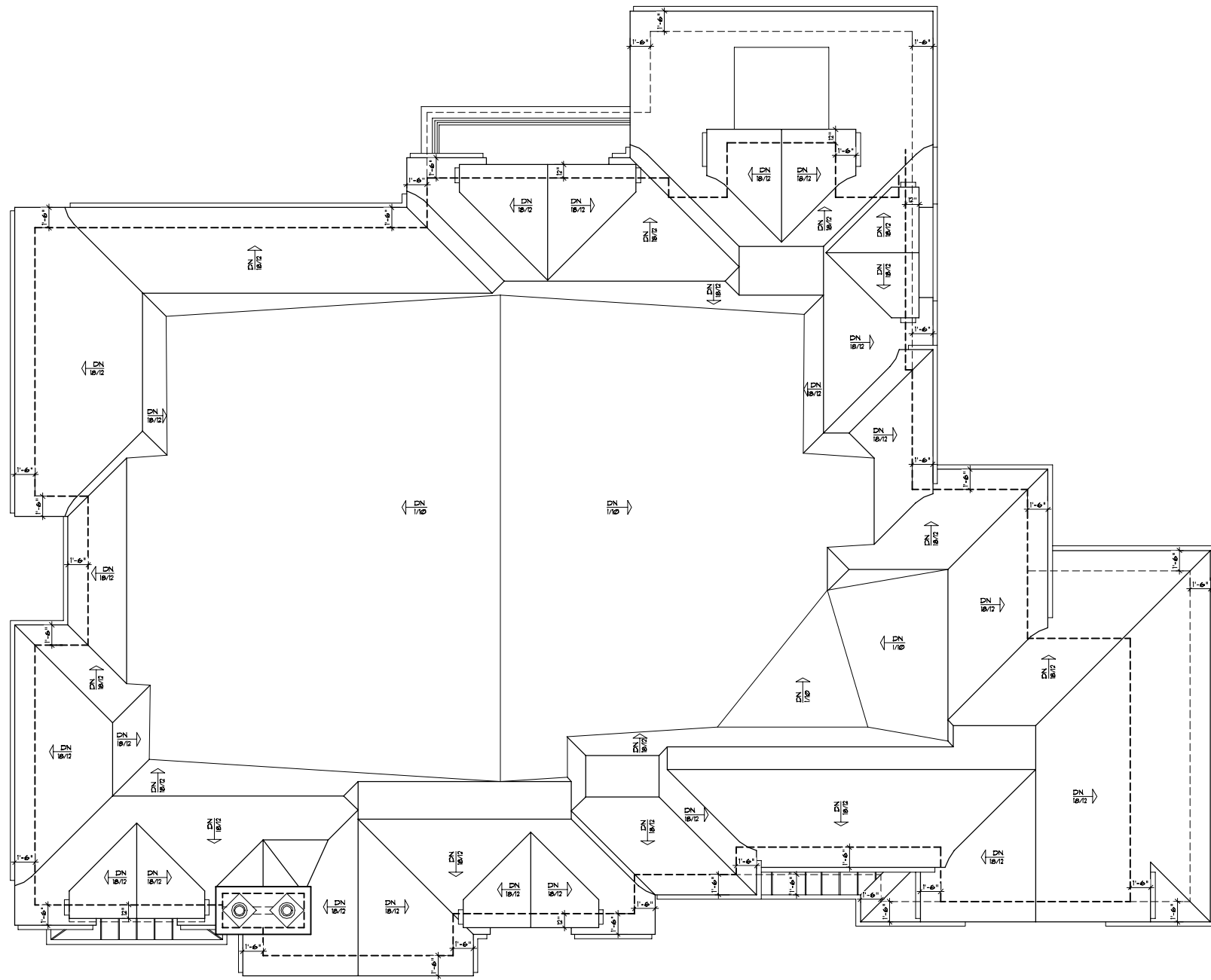
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PROPOSED 2 STOREY DWELLING FOR:
KANDAVANAM RESIDENCE
148 CHURCH ST.
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SECOND FLOOR PLAN

DRAWN BY: D. FOVEDA	CHECKED BY: G.L.	SHEET A1.3
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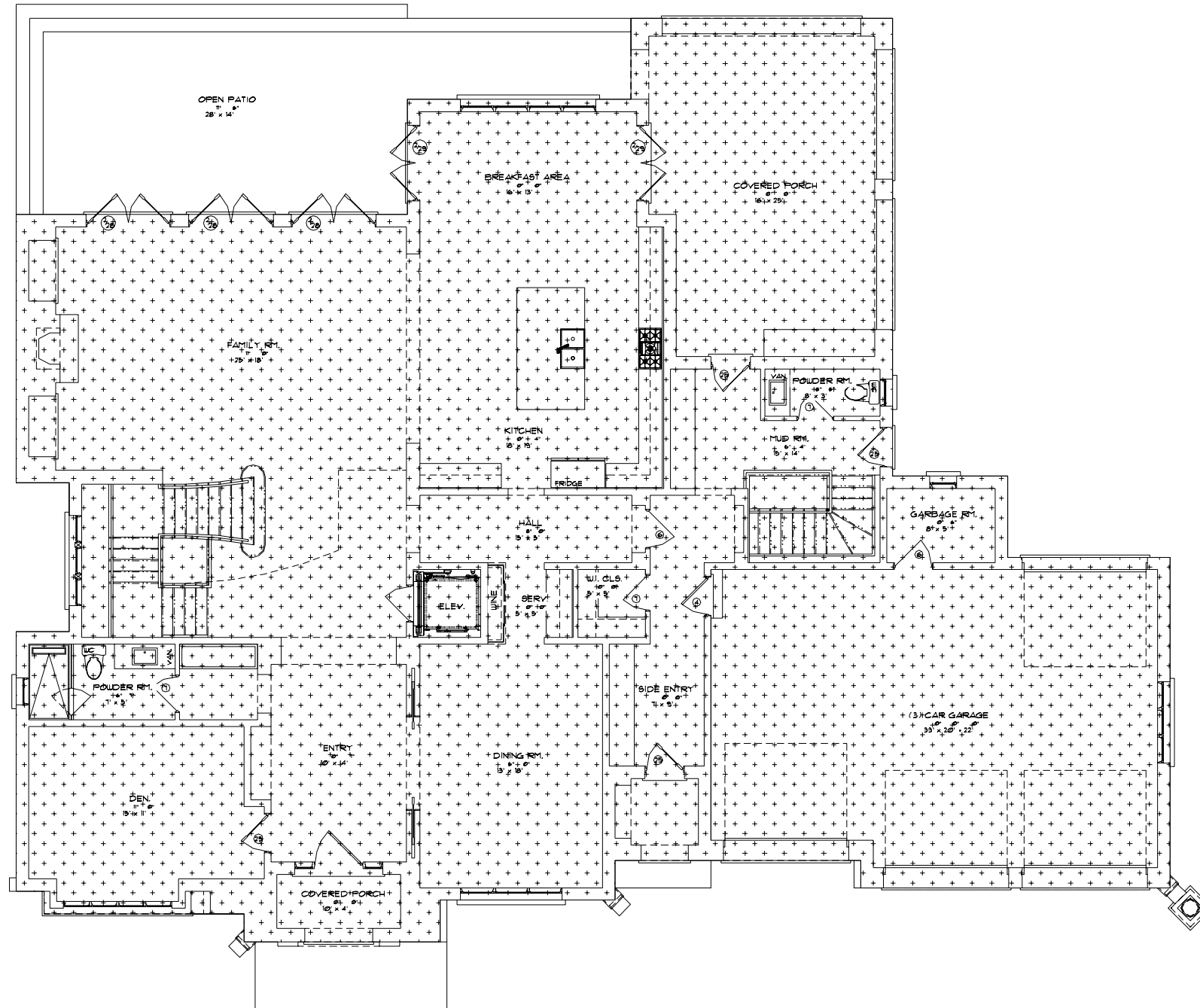
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ROOF PLAN		
DRAWN BY: D. POVEDA	CHECKED BY: G.L.	SHEET A1.4
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24

LOT COVERAGE CALCULATIONS

LOT AREA @ 24,625.98 SQ.FT.
 DWELLING @ 4,212.65 SQ.FT. @ 17.10%



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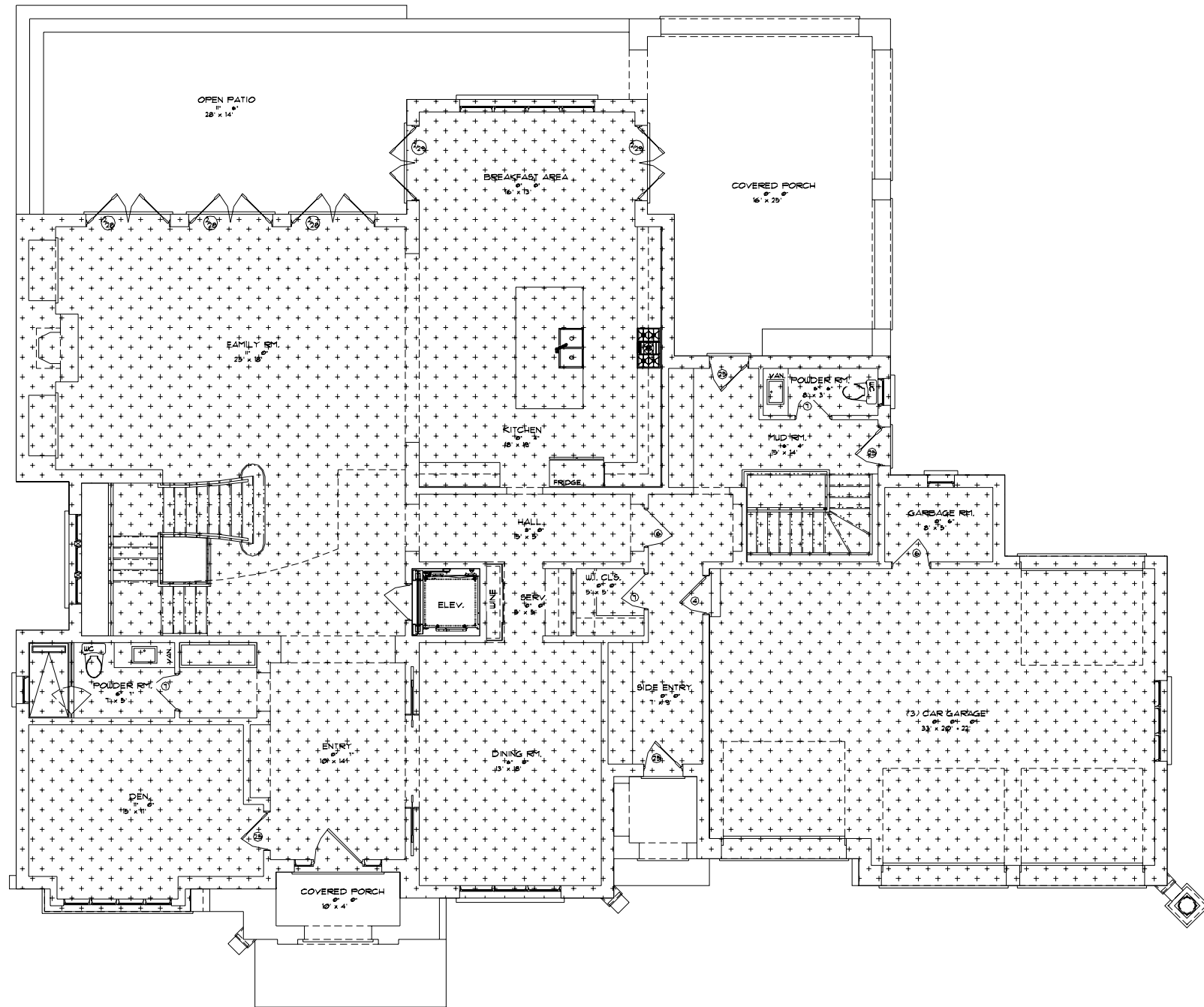
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PROPOSED 2 STOREY DWELLING FOR:
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LOT COVERAGE CALCULATIONS

DRAWN BY: D. POVEDA	CHECKED BY: G.L.	SHEET A15
DATE OCT. 2019	SCALE 3/32" = 1'-0"	FILE 19-24

TOTAL FIRST FLOOR PLAN @ 3,661.72 SQFT.
 LESS OPEN TO BELOW AREAS @ 33.72 SQFT.
 LESS ELEVATOR SHAFT @ 25.0 SQFT.
 TOTAL FIRST FLOOR PLAN @ 3,603.0 SQFT.



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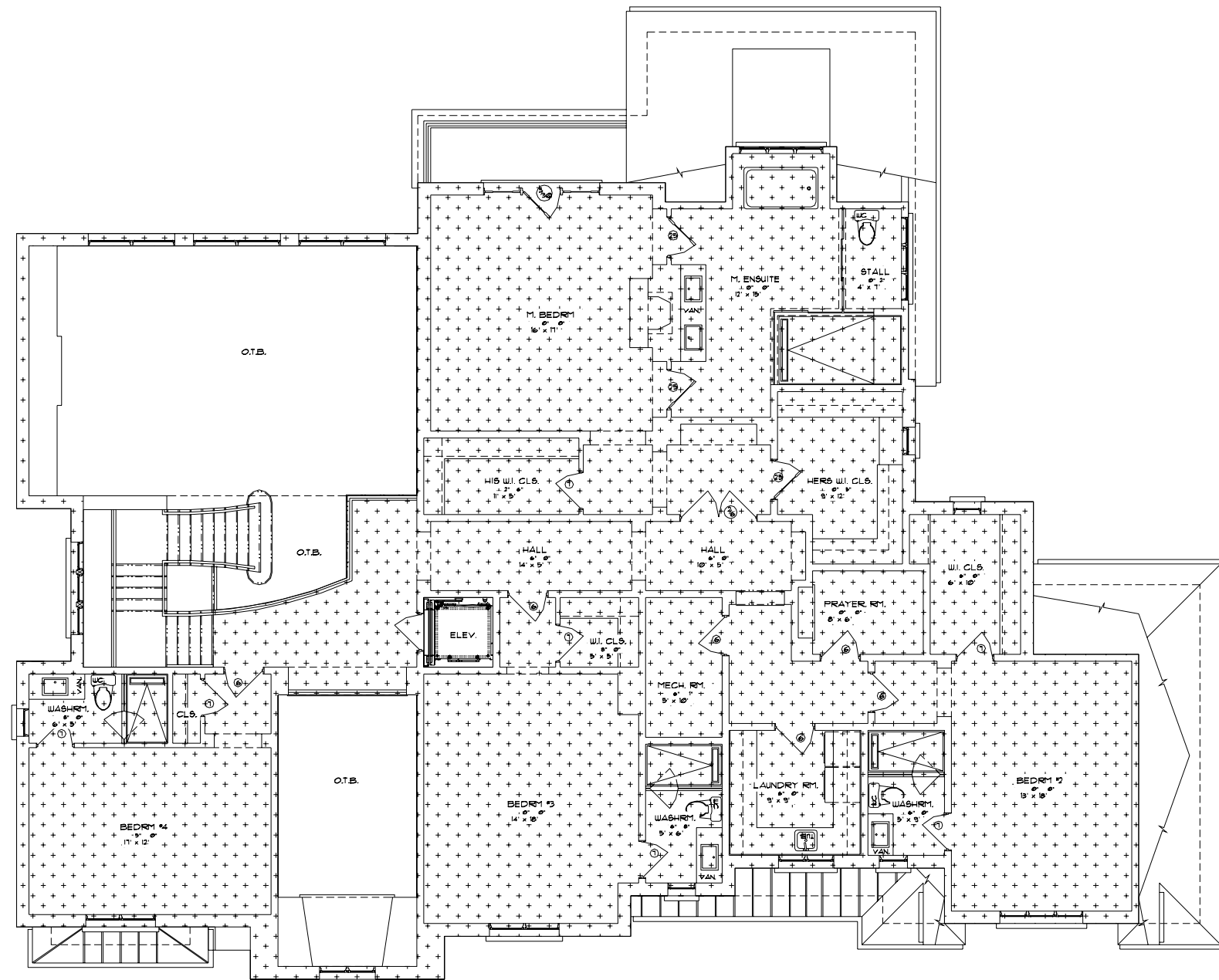
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PROPOSED 2 STOREY DWELLING FOR:
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 # 148 CHURCH ST.
 MARKHAM, ONTARIO

1st. FLR. G.F.A. CALCULATIONS

DRAWN BY:	CHECKED BY:	SHEET
D. POVEDA	G.L.	A16
DATE	SCALE	FILE
OCT. 2019	3/32" = 1'-0"	19-24

TOTAL SECOND FLOOR PLAN @ 3,712.10 SQ.FT.
 LESS OPEN TO BELOW AREAS @ 884.66 SQ.FT.
 LESS ELEVATOR SHAFT @ 25.0 SQ.FT.
 TOTAL FIRST FLOOR PLAN @ 2,803.04 SQ.FT.



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PROPOSED 2 STOREY DWELLING FOR:
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 MARKHAM, ONTARIO

2nd. FLR. G.F.A.
 CALCULATIONS

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D. POVEDA	GL	A1.7
DATE	SCALE	FILE
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PROPOSED 2 STOREY DWELLING FOR:
KANDAVANAM RESIDENCE
 # 148 CHURCH ST.
 MARKHAM, ONTARIO

FRONT (SOUTH) ELEVATION

DRAWN BY: D. POVEDA	CHECKED BY: G.L.	SHEET A2.1
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24



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MARKHAM, ONTARIO

REAR (NORTH) ELEVATION

DRAWN BY: D. FOVEDA	CHECKED BY: G.L.	SHEET A2.2
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24



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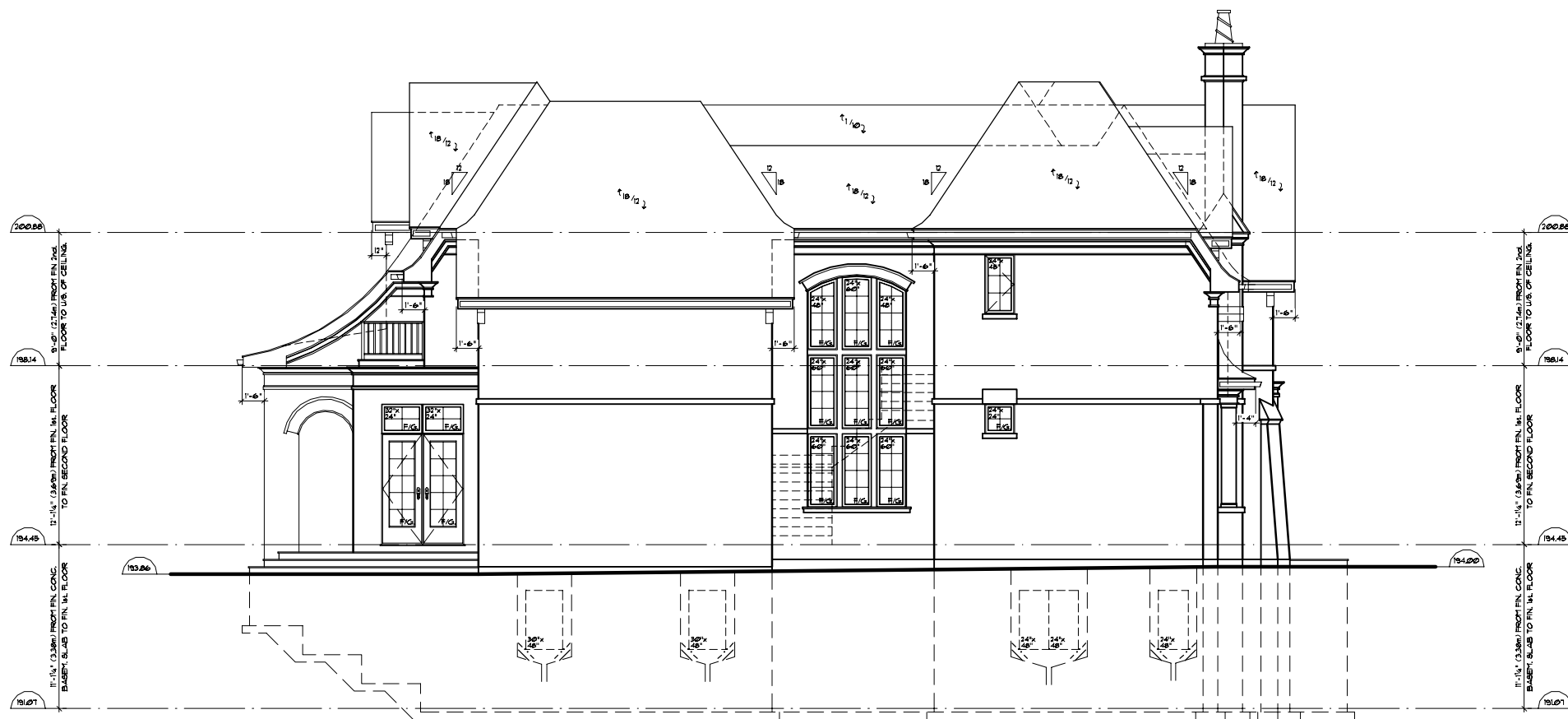
BATTAGLIA ARCHITECT INC.

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PROPOSED 2 STOREY DWELLING FOR:
KANDAVANAM RESIDENCE
 148 CHURCH ST.
 MARKHAM, ONTARIO

RIGHT (EAST) ELEVATION

DRAWN BY: D. FOVEDA	CHECKED BY: G.L.	SHEET A2.3
DATE OCT, 2019	SCALE 3/32" = 1'-0"	FILE 19-24



REVISIONS		
NO.	ISSUED FOR Z.C.C.	DATE
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