

Memorandum to the City of Markham Committee of Adjustment

September 29, 2021

File: A/121/21
Address: 32 Elm St Markham
Applicant: Ballantry Homes (Viz Srikandarajah)
Agent: Ballantry Homes (Viz Srikandarajah)
Hearing Date: Wednesday October 06, 2021

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

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

- a) **By-law 1229, Section 11.1:**
a maximum lot coverage of 36 percent, whereas the By-law permits a maximum lot coverage of 35 percent.

The variance relates to the addition of an accessory building on the subject lands.

BACKGROUND

Property Description

The 1151.50 m² (12,394.64 ft²) subject property is located on the west side of Elm Street, north of Markham Street and south of Parkway Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Within close proximity to the property are local parks and Franklin Street Public School.

The site is currently being redeveloped to construct a single detached dwelling with an attached garage and, a pool within the rear yard. A Building Permit (2019 136838 HP) was issued on March 17, 2020. No vegetation currently exists due to construction activities on the subject lands.

Proposal

The applicant is proposing to construct a 30.21 m² (264 ft²) accessory building (cabana) within the rear yard that includes an enclosed storage area and a covered, unenclosed seating area. The proposed accessory building is not part of the original redevelopment proposal and therefore, was not included as part of the approved Building Permit.

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 including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height and setbacks. This criteria is established to ensure that infill 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 application, in a 'Residential Low Rise', which

includes variances, infill development is required to meet the general intent of these development criteria.

Zoning By-Law 1229

The subject property is zoned R1 - Residential under By-law 1229, as amended, which permits single detached dwellings. While the principal building (a single detached dwelling that is currently under construction), complies with the applicable zoning requirements, the proposed accessory building does not comply with the By-law requirement with respect to maximum lot coverage for the entire site.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 36 percent, whereas the By-law permits a maximum lot coverage of 35 percent. The proposed single detached dwelling (under construction), will have a lot coverage of approximately 33.84 percent. The proposed accessory building (cabana) will add approximately 2.13 percent to the overall lot coverage or 30.12 m² (264 ft²) to the overall building footprint.

Given the seated area attached to the accessory building is covered, but unenclosed, staff are of the opinion that the proposed increase in lot coverage would not significantly increase the massing of the proposed accessory building and is therefore, minor in nature; would result in minimal impacts to the surrounding properties; and, is in keeping with the general intent of the Official Plan and Zoning By-law.

PUBLIC INPUT SUMMARY

As of Sept 29, 2021, the City received 1 letter of support from a property owner/resident of a neighbouring property. 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, and the conditions of approval attached as Appendix "A" 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.

APPENDICES

Appendix "A" – Conditions of Approval

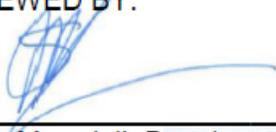
Appendix "B" – Plans

PREPARED BY:



Carman Yeung, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX “A”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/121/21

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 plans attached as ‘Appendix B’ to this Staff Report and received by the City of Markham on September 2, 20221, 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 prior to the commencement of construction, 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.
4. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:



Carman Yeung, Senior Planner, East District

APPENDIX “B”
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/121/21

ISSUED OR REVISION COMMENTS				
NO.	DESCRIPTION	DATE	DWN	CHK
2	REVISED PER ENG COMM - FINAL	03-OCT-19	BWS	MSA
3	ISSUED FOR CoFA	14-JULY-21	BWS	MSA
4	ISSUED FOR CoFA	27-JULY-21	BWS	MSA
5	REVISED PER CLIENT REQUEST	03-AUG-1	RPH	MSA



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WWW.THEPLUSGROUP.CA

NOTE: BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED BUILDER IS TO RELOCATE AT HIS OWN EXPENSE.

BUILDING STATISTICS	
REG. PLAN No.	4292
ZONE	R1
LOT NUMBER	LOT 7
LOT AREA(m) ²	
BLDG AREA(m) ²	
LOT COVERAGE(%)	
No. OF STOREYS	
MEAN HEIGHT(m)	
PEAK HEIGHT(m)	
DECK LINE(m)	

- URBANTECH NOTES:**
- 1) No final utility location information at this time. Urbantech will not be responsible for future changes to design. Builder should notify purchaser's that street hardware and above ground utility furniture may be added or removed from their frontages.
 - 2) Builder to lower underside of footings where adjacent to R/CB leads. Exact depth to be determined on site during footing excavation.
 - 3) Builder to stake out driveway curb depressions at time of curb installation.
 - 4) Builder to verify location of all hydrants, street lights, transformers and all other services. If min. dimensions are not maintained as per Town standards, builder is to relocate at his own expense.
 - 5) Builder to confirm service connection elevations and review for absence of conflict prior to footing excavation.
 - 6) Final fence design have not been provided at this time. Purchaser to be advised that actual fencing details may not be as shown on this plan.
 - 7) Sump pumps are to be installed as of Town of Oakville Standards and to be connected to discharge to STM latered.

R1, R2, R3 & R4 ZONES	PROPOSED
FRONTAGE	65.26 ft
LOT AREA	12394.64 ft ²
FRONT YARD	25.16 ft
SIDE YARD - ONE STOREY PORTION	4.17 ft
SIDE YARD - TWO STOREY PORTION	6.17 ft
FLANKAGE YARD - ABUTS STREET	N/A
REAR YARD	85.43 ft
NUMBER OF STOREYS	2
BUILDING HEIGHT	10.64m
BUILDING HEIGHT - FLAT ROOF	N/A
BUILDING DEPTH	23.53 m
LOT COVERAGE (DWELLING)	33.84%
TOTAL LOT COVERAGE (INCLUDING CABANA)	35.97%
NET FLOOR AREA RATIO	50.48%
GARAGE PROJECTION	1.98m
GARAGE WIDTH	N/A
DWELLING UNIT FLOOR AREA	4194.17 ft ²

Appendix B

File: 21.133084.000.00.MNV

Date: 10/01/21



LEGEND

FFE FINISHED FLOOR ELEVATION	SUMP PUMP
TFW TOP OF FOUNDATION WALL	BELL PEDESTAL
TBS TOP OF BASEMENT SLAB	CABLE PEDESTAL
USF UNDER SIDE FOOTING	CAICH BASIN
USFR UNDER SIDE FOOTING @ REAR	DBL. CATCH BASIN
USFG UNDER SIDE FOOTING @ GARAGE	ENGINEERED FILL
TEF TOP OF ENGINEERED FILL	HYDRO CONNECTION
R NUMBER OF RIBS TO GRADE	FIRE HYDRANT
WOD WALKOUT DECK	STREET LIGHT
LOB LOOKOUT BASEMENT	MAIL BOX
WOB WALK OUT BASEMENT	TRANSFORMER
REV REVERSE PLAN	SEWER CONNECTIONS 2 LOTS
STD STANDARD PLAN	SEWER CONNECTIONS 1 LOT
△ DOOR	WATER CONNECTION
○ WINDOW	WATER VALVE CHAMBER
AC AIR CONDITIONING	HYDRANT AND VALVE
DS DOWN SPOUT TO SPLASH PAD	HYDRO METER
DS DOWN SPOUT CONNECTED TO STM SWALE DIRECTION	GAS METER
	MANHOLE - STORM
	MANHOLE - SANITARY
	SILT FENCE
	TREE PRESERVATION FENCE
	SOUND BARRIER
	FOOTING TO BE EXTENDED TO 1.22 (MIN.) BELOW GRADE
	REVERSE FOUNDATION CHECK

NOTE: USF IS BASED ON 150mm (6") FOOTING DEPTH. CONTRACTOR TO CONFIRM WITH WORKING DRAWINGS FOR SPECIFIC SIZES THAT MAY SUPERSEDE THIS SIZE.

I, MARTHA SANDOVAL DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF RN DESIGN LTD. UNDER DIVISION C, PART-3 SUBSECTION 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES / CATEGORIES.

QUALIFIED DESIGNER BCIN: 103017
FIRM BCIN: 26995
DATE: AUG-12-2021

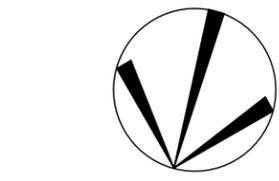
SIGNATURE: 

CLIENT
BALLANTRY HOMES INC.

PROJECT/LOCATION
**32 ELM STREET
MARKHAM, ONTARIO**

DRAWING
A0.1- SITE PLAN

DRAWN BY BWS	SCALE 1:250
PROJECT No. 19010	LOT NUMBER LOT 7

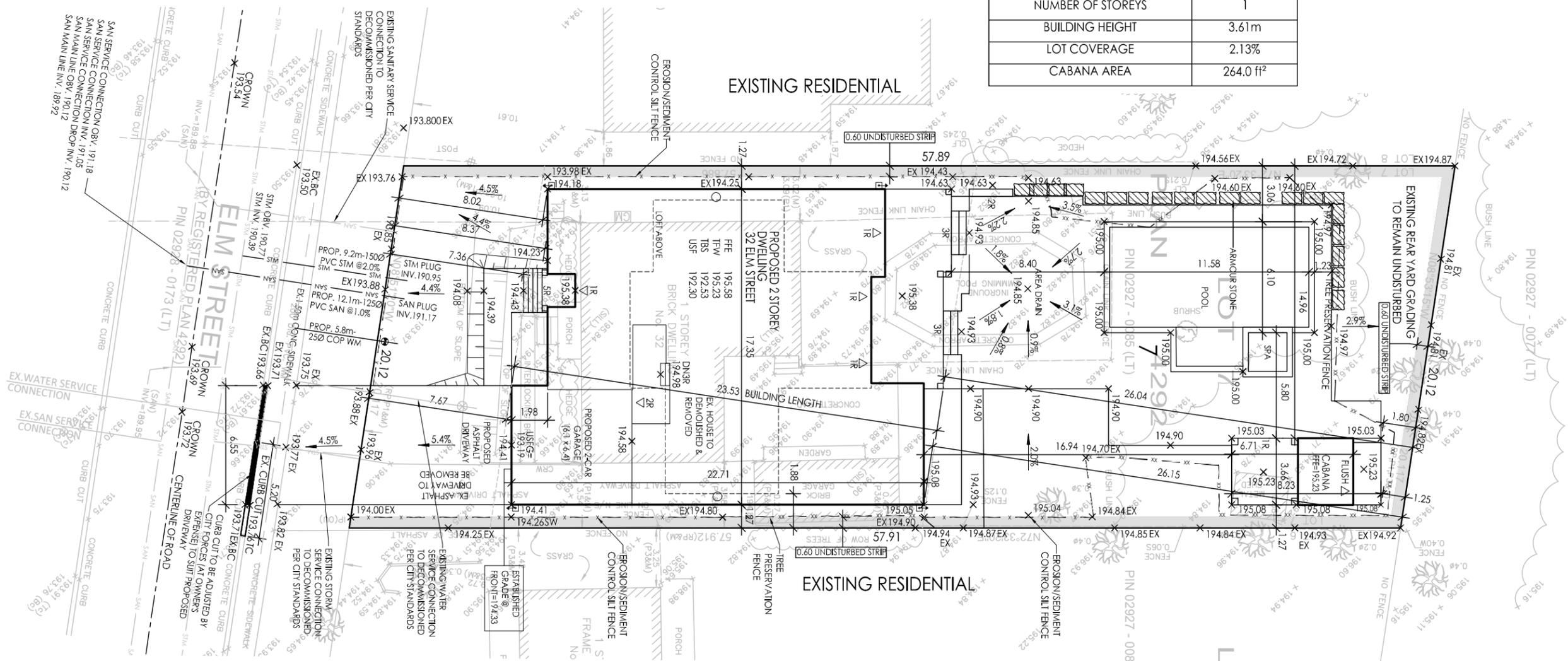


URBANTECH CONSULTING

We certify that the proposed grades at the lot corners are correct, and that the lot grading of the subject lot is in conformity to the approved subdivision grading plans and Town standards.

REVIEWED BY: _____ DATE: _____

CABANA ACCESSORY BUILDING	PROPOSED
FRONT YARD	N/A
INTERIOR SIDE YARDS	49.08 ft / 4.17 ft
REAR YARD	4.10 ft
NUMBER OF STOREYS	1
BUILDING HEIGHT	3.61m
LOT COVERAGE	2.13%
CABANA AREA	264.0 ft ²



LOT 12, CONCESSION 8

LICENSED PROFESSIONAL ENGINEER

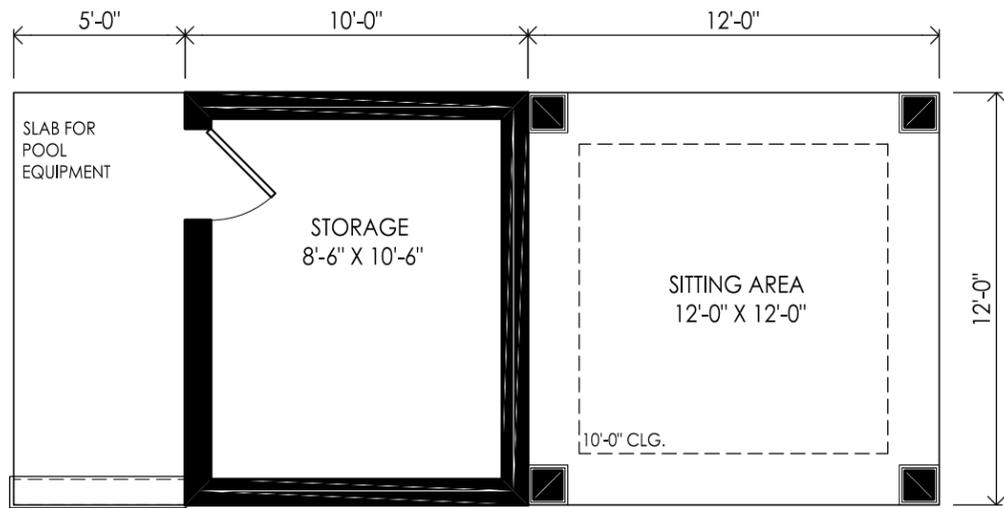


S.B. RIEMER
100214712
2021-08-11
PROVINCE OF ONTARIO

URBANTECH CONSULTING

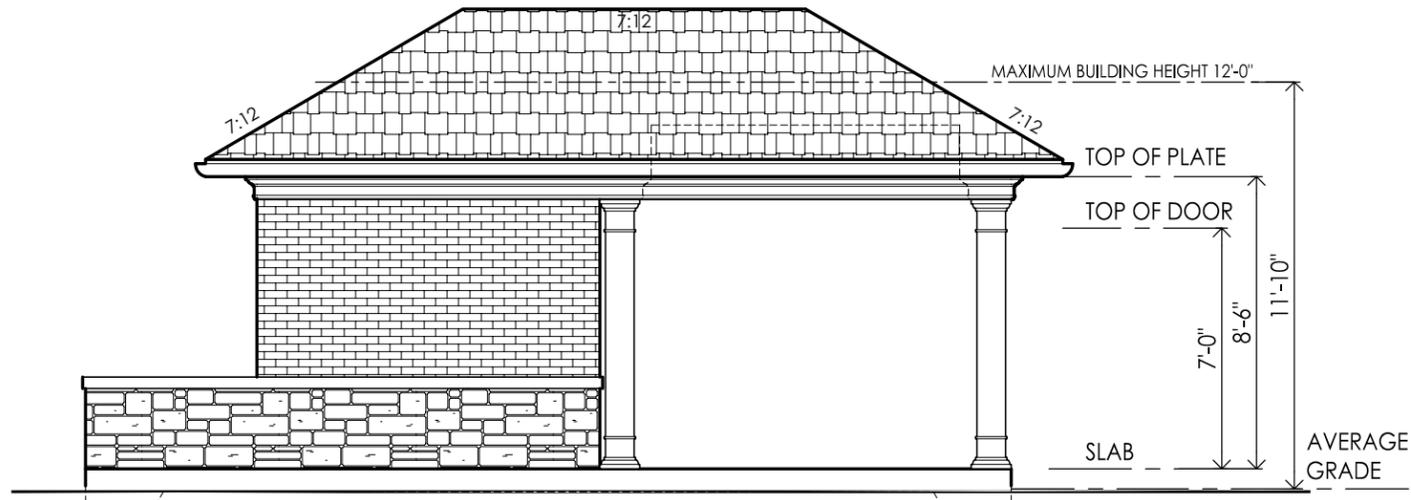
We certify that the proposed grades at the lot corners are correct, and that the lot grading of the subject lot is in conformity to the approved subdivision grading plans and Town standards.

REVIEWED BY: AL DATE: 08-11-21

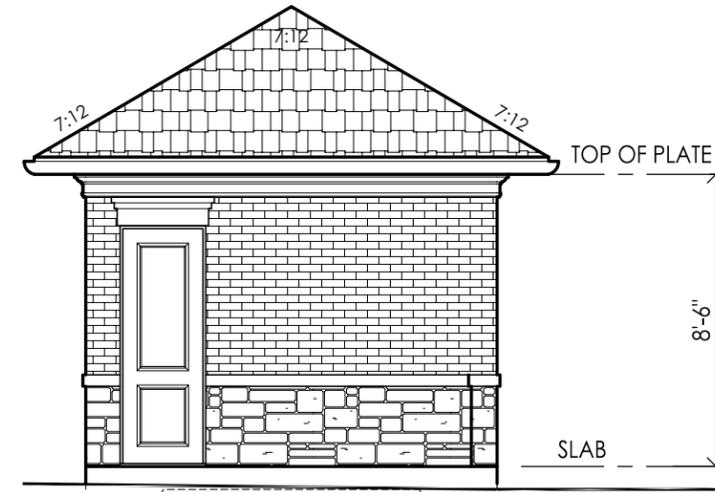


CABANA FLOOR

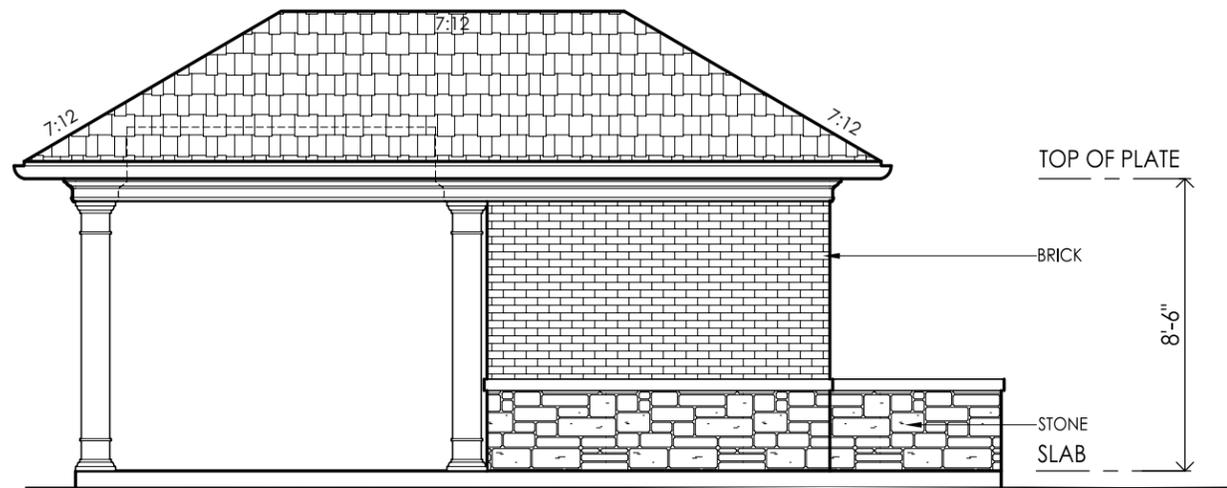
COVERAGE: 264.00 (36.0% incl. house)



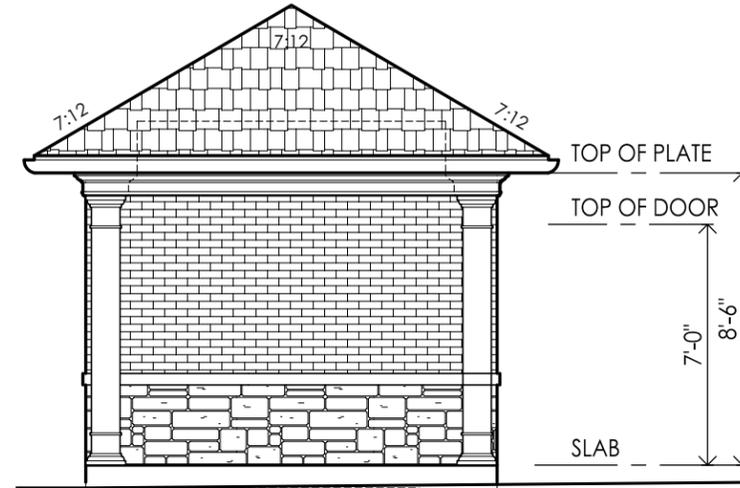
FRONT ELEVATION 'A'



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

revisions	initials	date
1 ISSUED FOR CoA	MSA	14-07-21
2 REVISED PER CLIENT COMMENTS	MSA	22-07-21



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client

Ballantry Homes Inc.

project

32 Elm Street

model

CABANA ELEVATIONS

project #

19010

scale

1/8" = 1'0"

page