

Memorandum to the City of Markham Committee of Adjustment

February 09, 2024

File: A/207/23
Address: 111 Grandview Avenue, Markham (Thornhill)
Owner: Brian Lap Yan Tsang
Agent: DIGITECH DESIGNS INC (Andre Grisolia)
Hearing Date: Wednesday, February 21, 2024

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

The Applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements of By-law 2237, as amended, as it relates to a proposed rear covered cabana. The variance requested is to permit:

a) By-law 2237, Amending By-law 101-90, Section 1.2 (iv):

a maximum building depth of 20 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

BACKGROUND

Property Description

The 975.43 m² (10,500 ft²) Subject Lands are located on the south side of Grandview Avenue, east of Jewell Street, and west of Highland Park Boulevard (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 228.89 m² (2,463 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 2015, according to assessment records. Mature vegetation exists on the property including one large mature tree in the rear yard.

Proposal

The Applicant is proposing to construct a new rear covered cabana with a gross floor area of 31.49 m² (339 ft²), as shown in Appendix “B”.

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. 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 was 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2237, as amended

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 2237, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 101-90

This property is also subject to the development standards of Residential Infill Zoning By-law 101-90. 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 building depth.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 23 114307) to confirm the variances 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:

- 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 Depth

The Applicant is requesting relief to permit a maximum building depth of 20.0 m (65.62 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 3.20 m (10.50 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 covered cabana which adds approximately 3.87 m (12.70 ft) to the overall depth of the building. The main component of the dwelling, excluding the front covered porch, has a depth of 16.13 m (52.92 ft), which complies with the By-law requirements. The requested building depth variance is entirely attributable to the proposed rear covered cabana, which provides covered amenity space. Staff are of the opinion that the variance request is minor and therefore have no concern with the requested variance.

Tree Protection and Compensation

The Subject Lands contain mature vegetation and mature trees. During the review of the application, the City’s Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 111 Grandview Avenue. Staff recommend that the tree related conditions, as outlined in Appendix “C”, be adopted by the Committee to

ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 13, 2024. 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 requested variance 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 refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

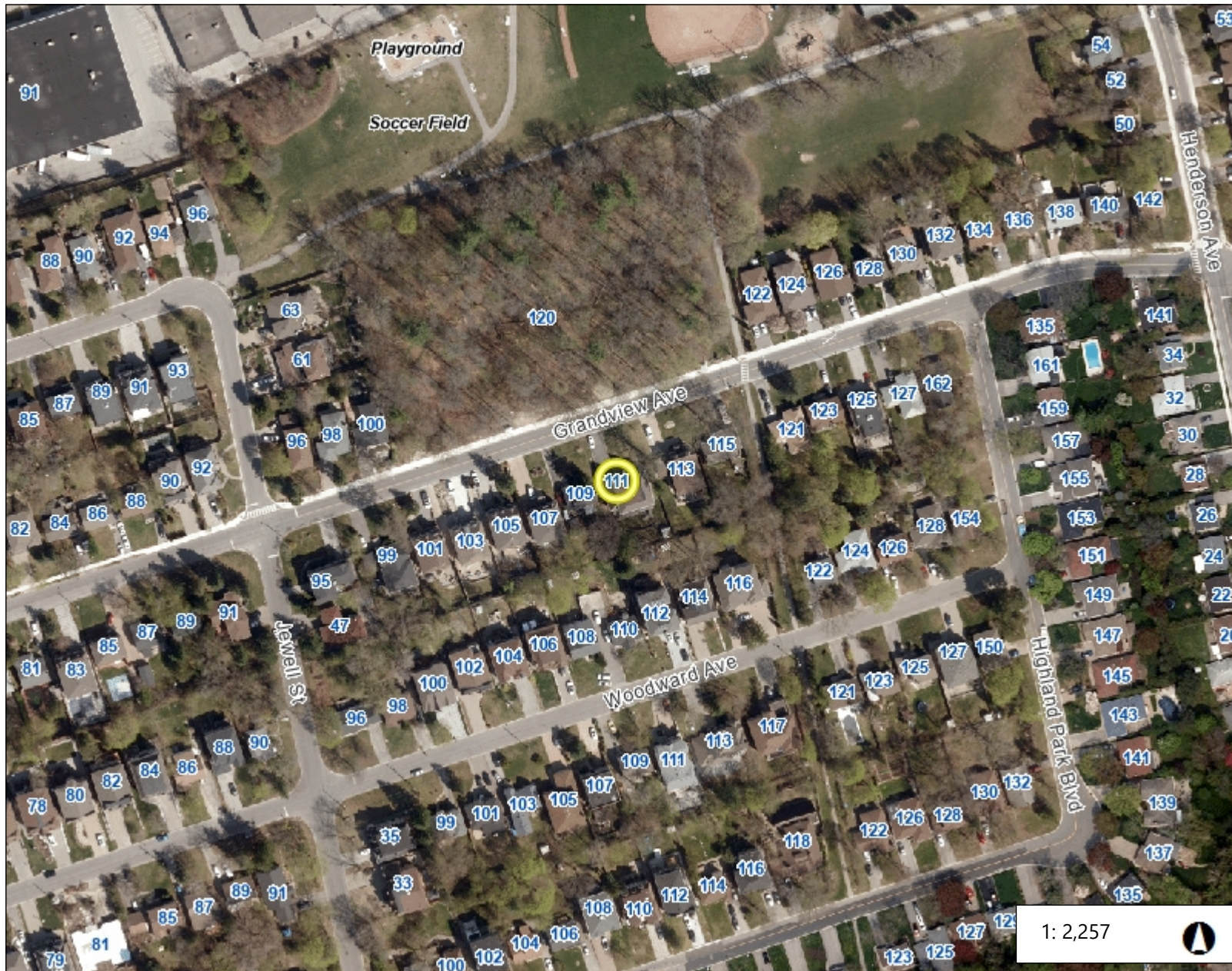
REVIEWED BY:



Rick Cefaratti, MCIP RPP, Senior Planner, West District

APPENDICES

- Appendix “A” – Aerial Context Photo
- Appendix “B” – Plans
- Appendix “C” – A/207/23 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel

- Park Facility
- Parks**
- Under Development
- <all other values>

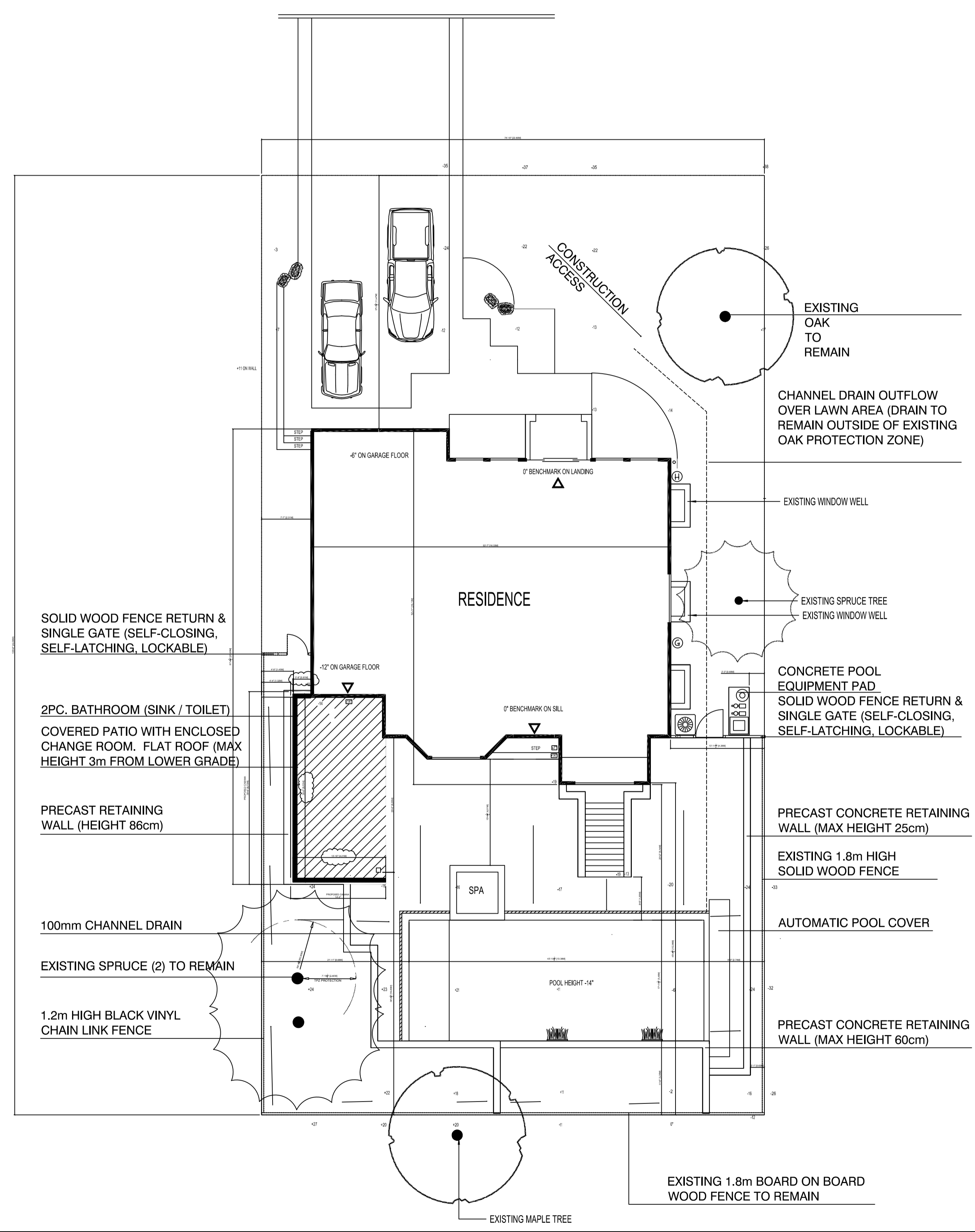
1: 2,257

114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes



TOTAL LOT AREA: 975.43 SQ. M
 DWELLING FOOTPRINT INC. COVERED FRONT PORCH: 228.89 SQ. M
 PROPOSED COVERED PATIO FOOTPRINT: 31.49 SQ. M
 TOTAL REAR YARD AREA: 389.26 SQ. M
 PROPOSED SWIMMING POOL/SPA AREA: 77.17 SQ. M
 TOTAL HARD LANDSCAPING: 184.66 SQ. M (47.4%)

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

QUALIFICATION INFORMATION
 Required unless design is exempt under 2.17.5.1. of the building code

ANTHONY STANISIA 14750
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
 Required unless design is exempt under 2.17.4.1. of the building code

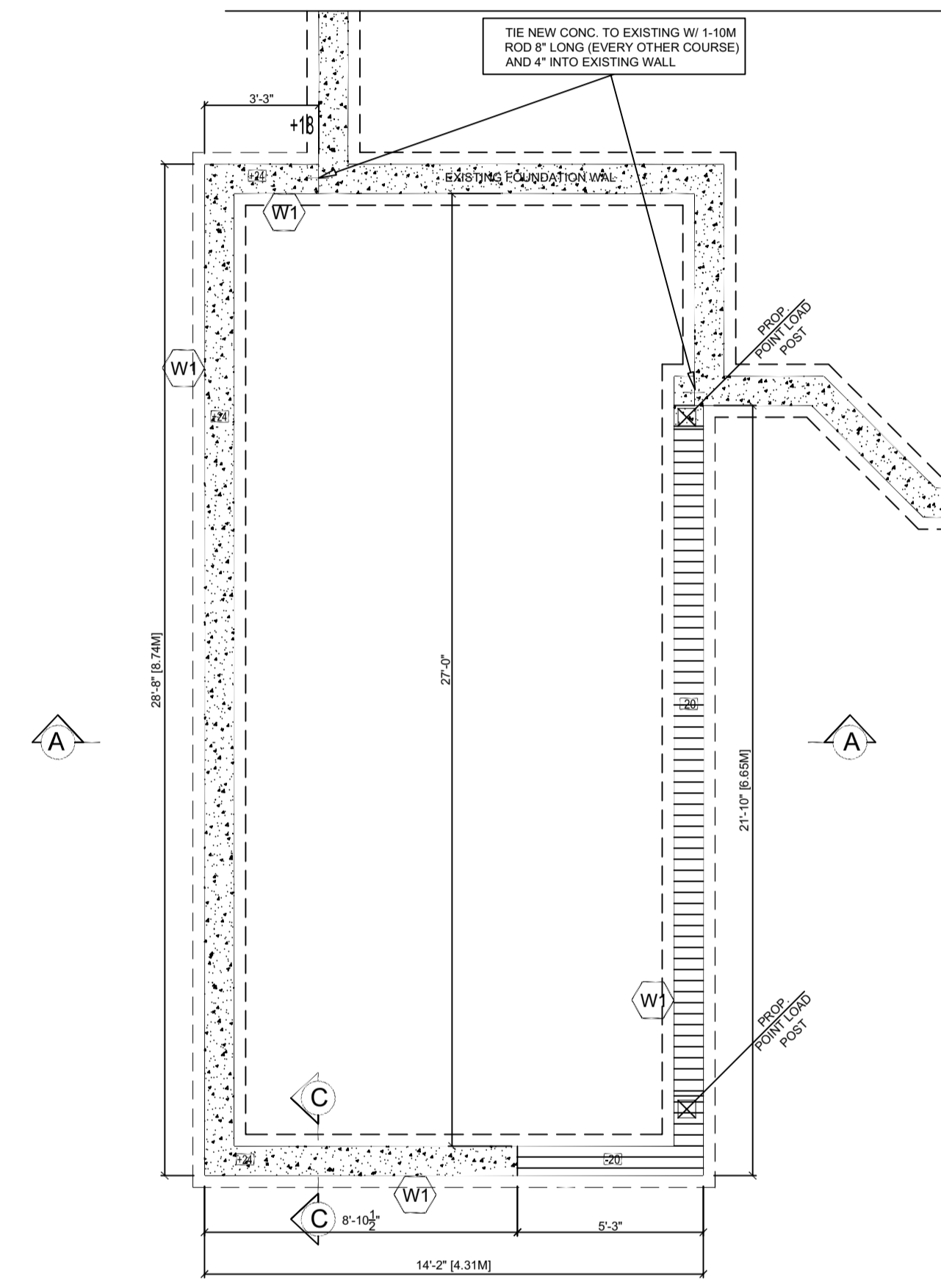
DIGITECH DESIGNS INC. 31397
 FIRM NAME BCIN

8 FRIMETTE CRESCENT
 Toronto, On
 M6N 4W6
 416.846.3082
 EMAIL digitechdesigns@rogers.com

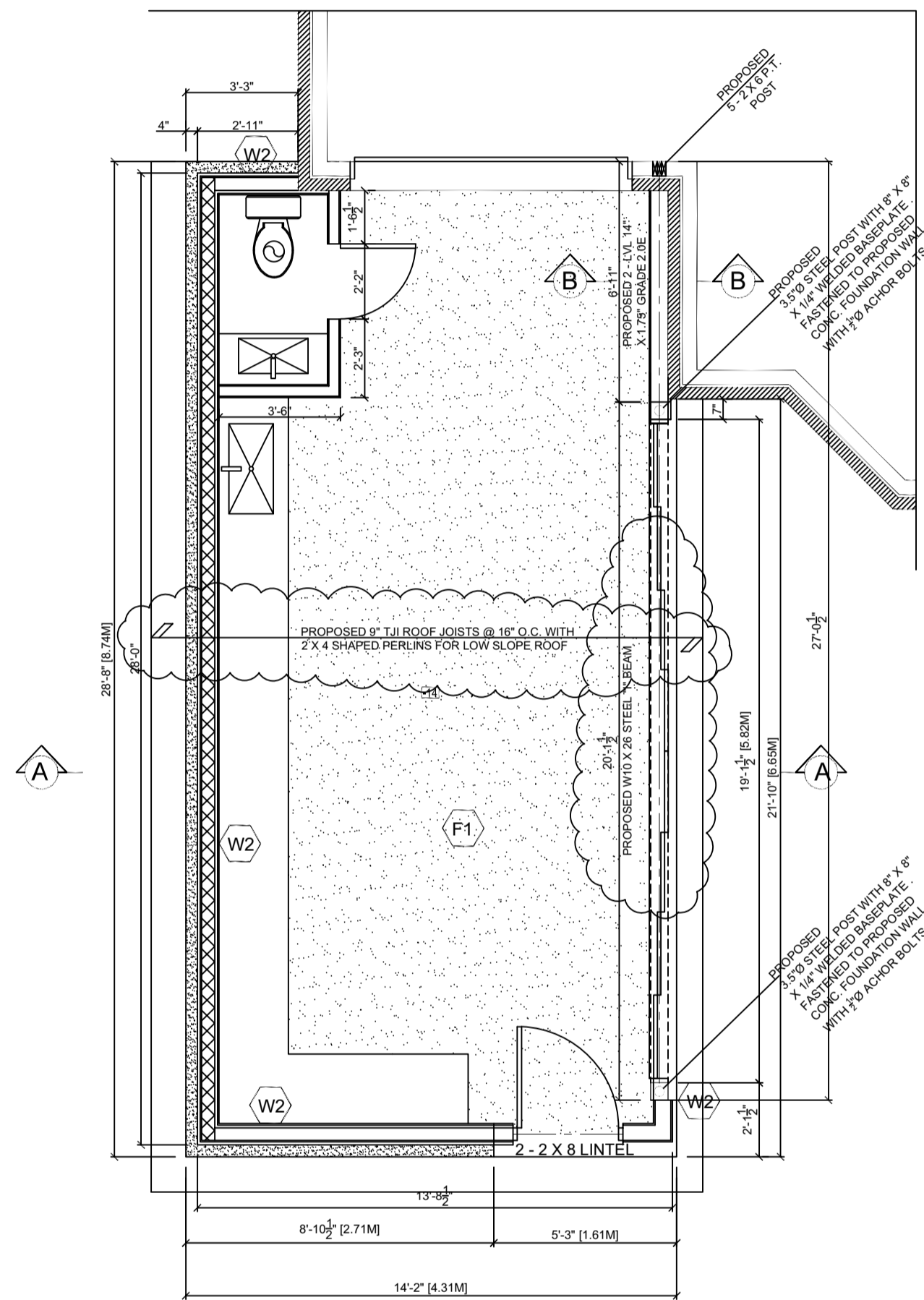
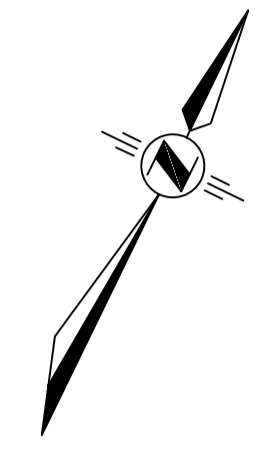
DIGITECH DESIGNS INC

TITLE: PROPOSED ATTACHED POOL CABANA AT III GRANDVIEW AVE IN THE CITY OF MARKHAM
 CLIENT: MR. BRIAN LAP YAN TSANG
 DATE: OCT. 2023
 DRAWN BY: A. GRISOLIA
 SCALE: 3/32 = 1'-0"

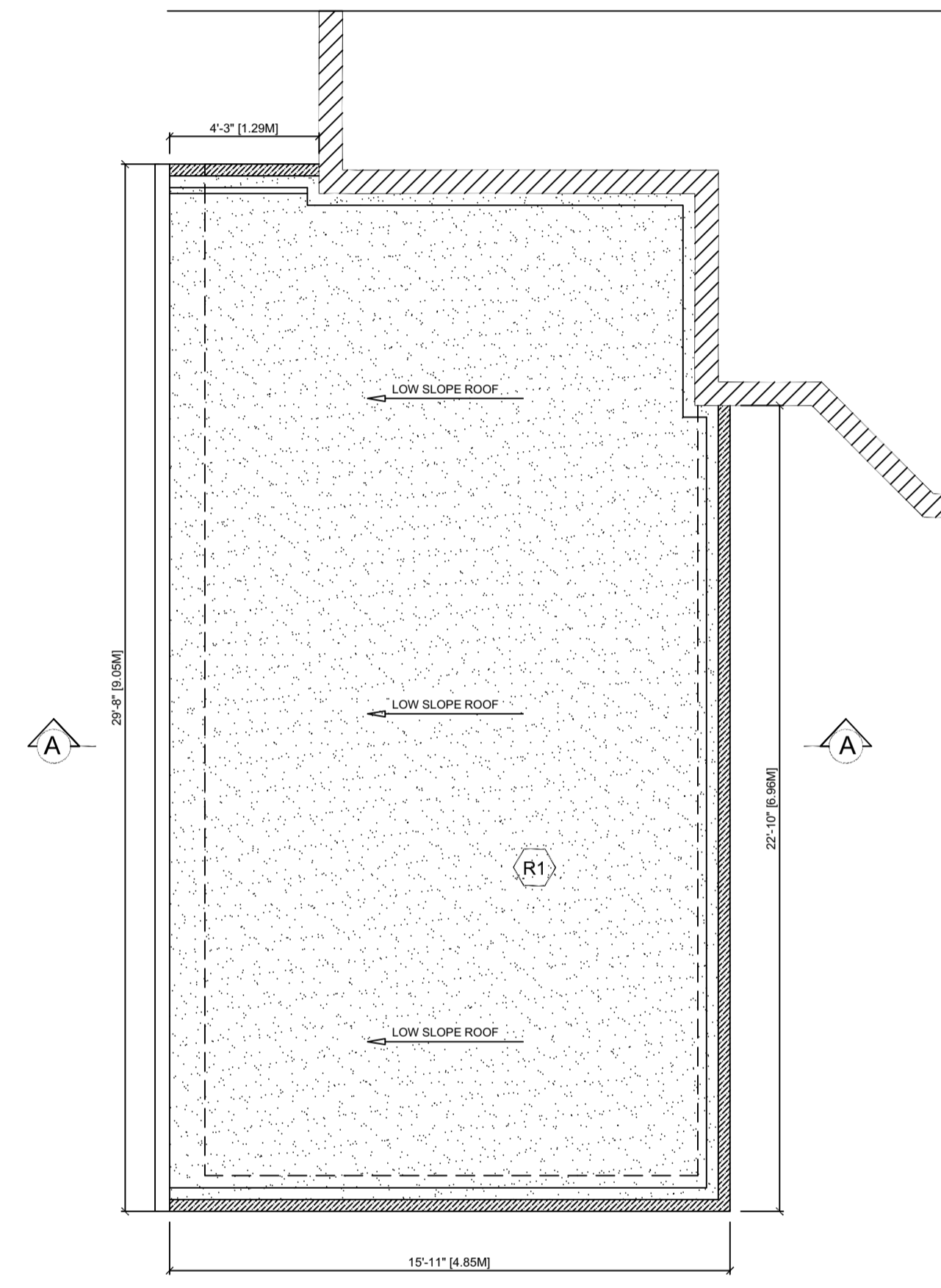
DRAWING NUMBER:
SP-1



PROPOSED FOUNDATION PLAN



PROPOSED PLAN VIEW



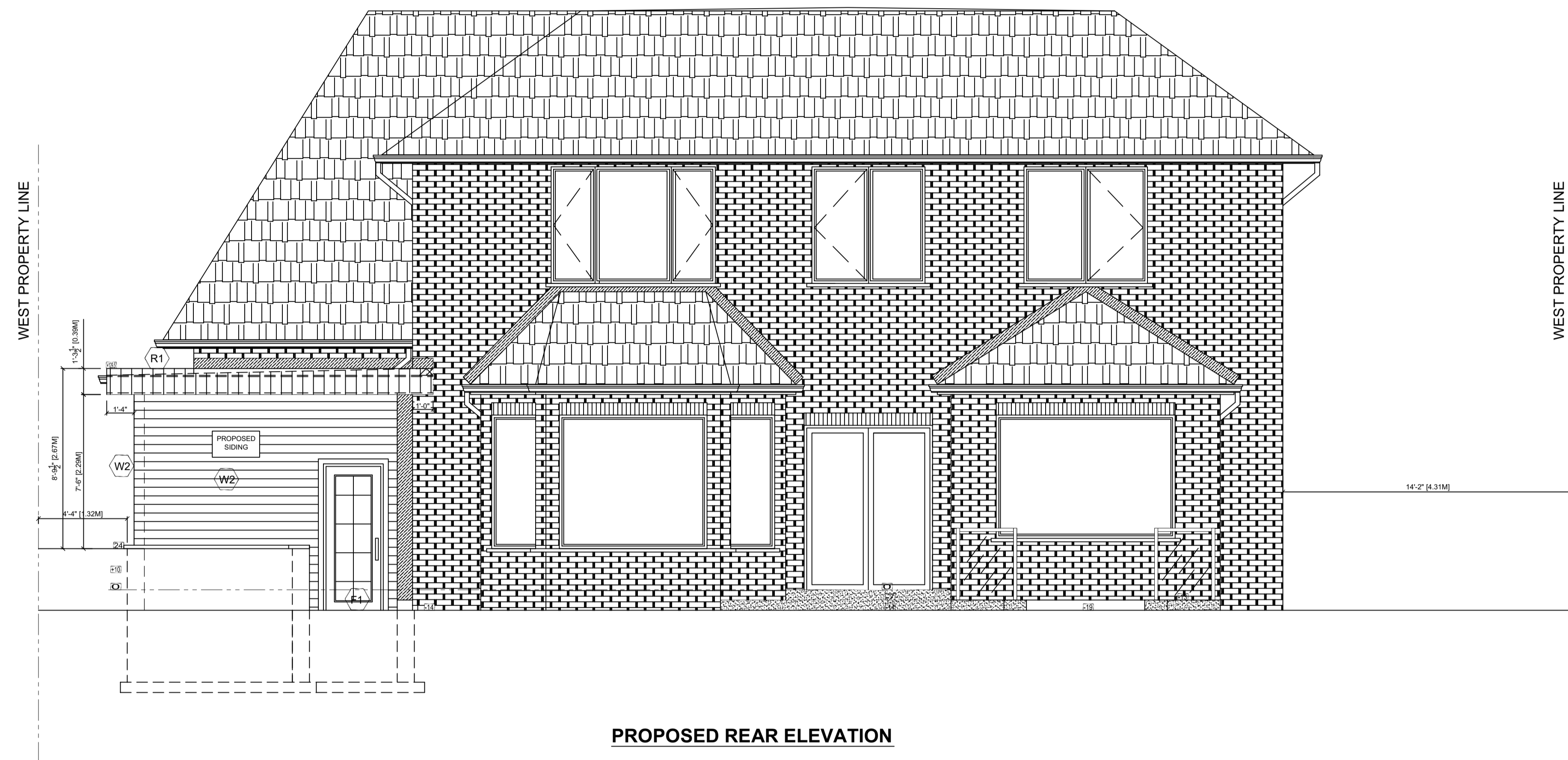
PROPOSED ROOF PLAN

- W1 PROPOSED 10" FOUNDATION WALL ON 18" X 6" DP FOOTING
- W2 PROPOSED NON COMBUSTIBLE CLADDING
TYVEK WRAP
1/2" PLYWOOD
2 X 6 STUD WALL
6 MIL VAPOR BARRIER
1/2" GREENBOARD
- W3 PROPOSED INTERIOR NON LOAD BEARING WALL
1/2" DRYWALL
2 X 4 STUD WALL
1/2" GREENBOARD
- W4 PROPOSED INTERIOR NON LOAD BEARING WALL
1/2" DRYWALL
2 X 6 STUD WALL
1/2" GREENBOARD
- F1 PROPOSED 6" CONCRETE SLAB WITH WIRE MESH
- R1 2PLY TORCH DOWN RUBBERIZED MEMBRANE ON 3/4" T&G PLYWOOD, SHAPED 2 X 4 PERLINS ON 9" TJI ROOF JOISTS @ 16" O.C. 4" X 1/2" T&G PINE OR CEDAR CEILING



FOR ENGINEERED LUMBER ONLY

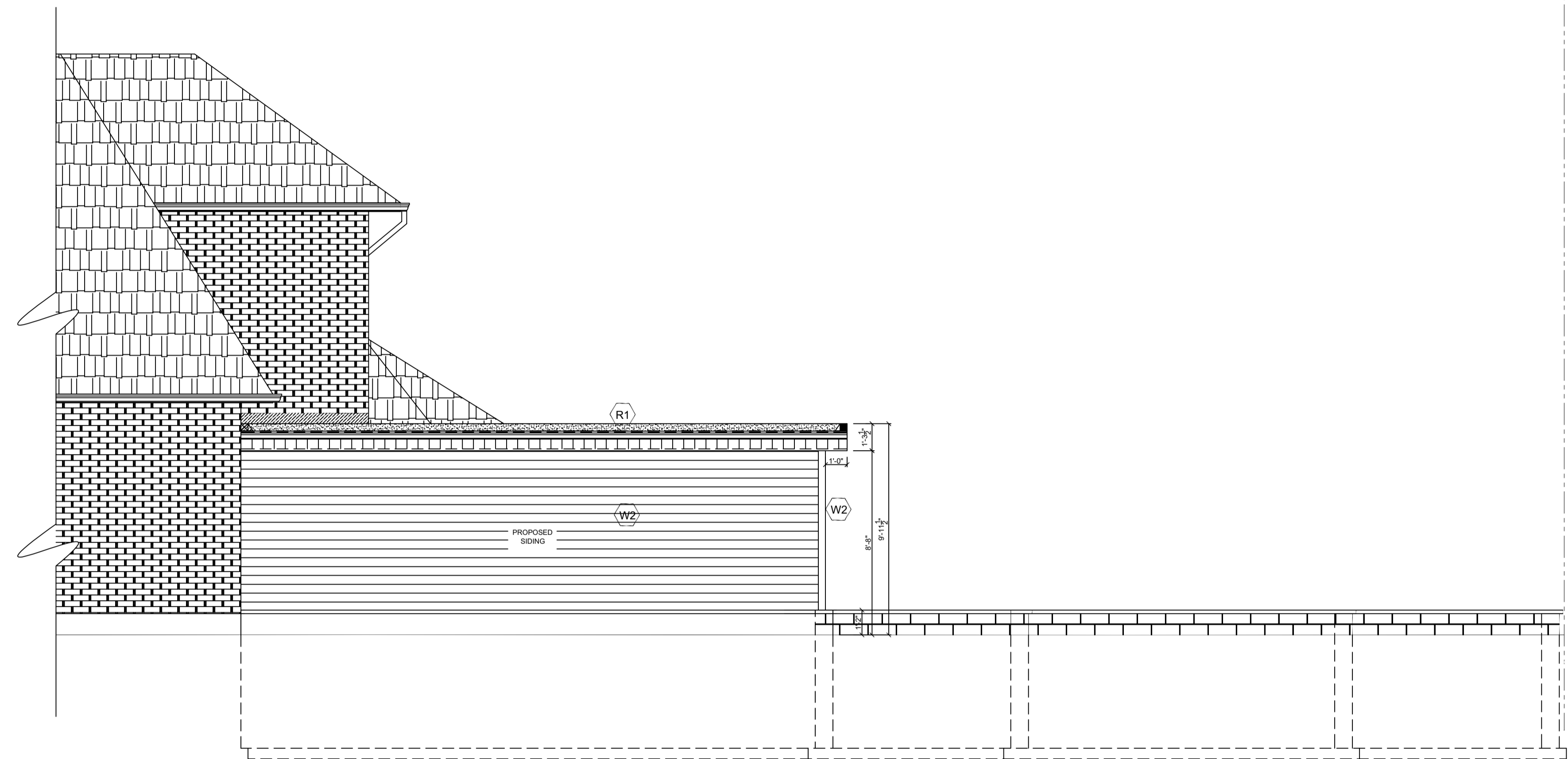
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Required unless design is exempt under 2.17.2.1. of the building code		QUALIFICATION INFORMATION ANTHONY STANCO 14750 NAME SIGNATURE BCIN REGISTRATION INFORMATION Required unless design is exempt under 2.17.4.1. of the building code DIGITECH DESIGNS INC. 31367 FIRM NAME BCIN		8 FRIMETTE CRESCENT Toronto, On M6N 4W6 416.846.3082 EMAIL digittechdesigns@rogers.com
TITLE: PROPOSED ATTACHED POOL CABANA AT III GRANDVIEW AVE IN THE CITY OF MARKHAM		CLIENT: MR. BRIAN LAP YAN TSANG		
DATE: OCT. 2023		DRAWING NUMBER: A-1		
DRAWN BY: A. GRISOLIA		SCALE: 1/4" = 1'-0"		



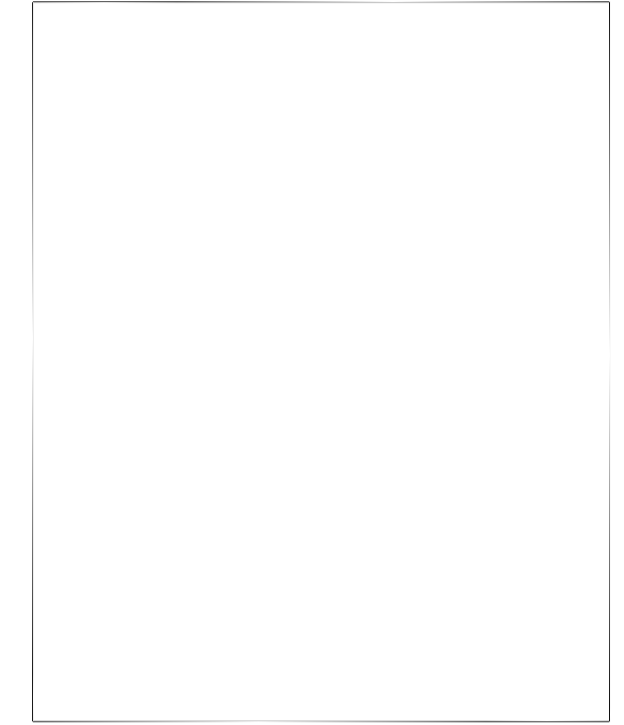
PROPOSED REAR ELEVATION

- W1 PROPOSED 10" FOUNDATION WALL ON 18" X 6" DP FOOTING
- W2 PROPOSED NON COMBUSTIBLE CLADDING
 TYVEK WRAP
 1/2" PLYWOOD
 2 X 6 STUD WALL
 6 MIL VAPOR BARRIER
 1/2" GREENBOARD
- W3 PROPOSED INTERIOR NON LOAD BEARING WALL
 1/2" DRYWALL
 2 X 4 STUD WALL
 1/2" GREENBOARD
- W4 PROPOSED INTERIOR NON LOAD BEARING WALL
 1/2" DRYWALL
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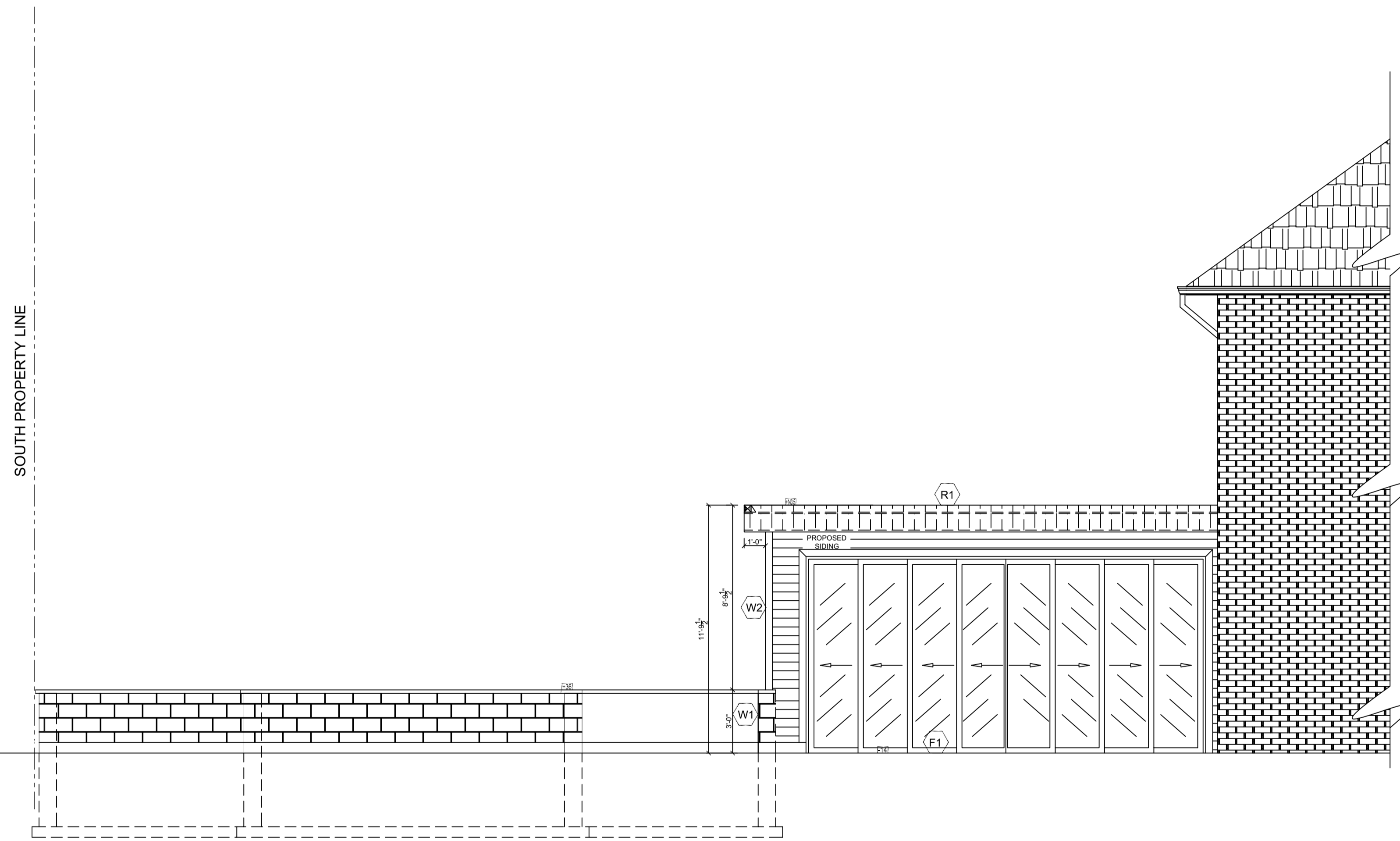


PROPOSED WEST ELEVATION



- W1 PROPOSED 10" FOUNDATION WALL ON 18" X 6" DP FOOTING
- W2 PROPOSED NON COMBUSTIBLE CLADDING
 TYVEK WRAP
 1/2" PLYWOOD
 2 X 6 STUD WALL
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 1/2" GREENBOARD
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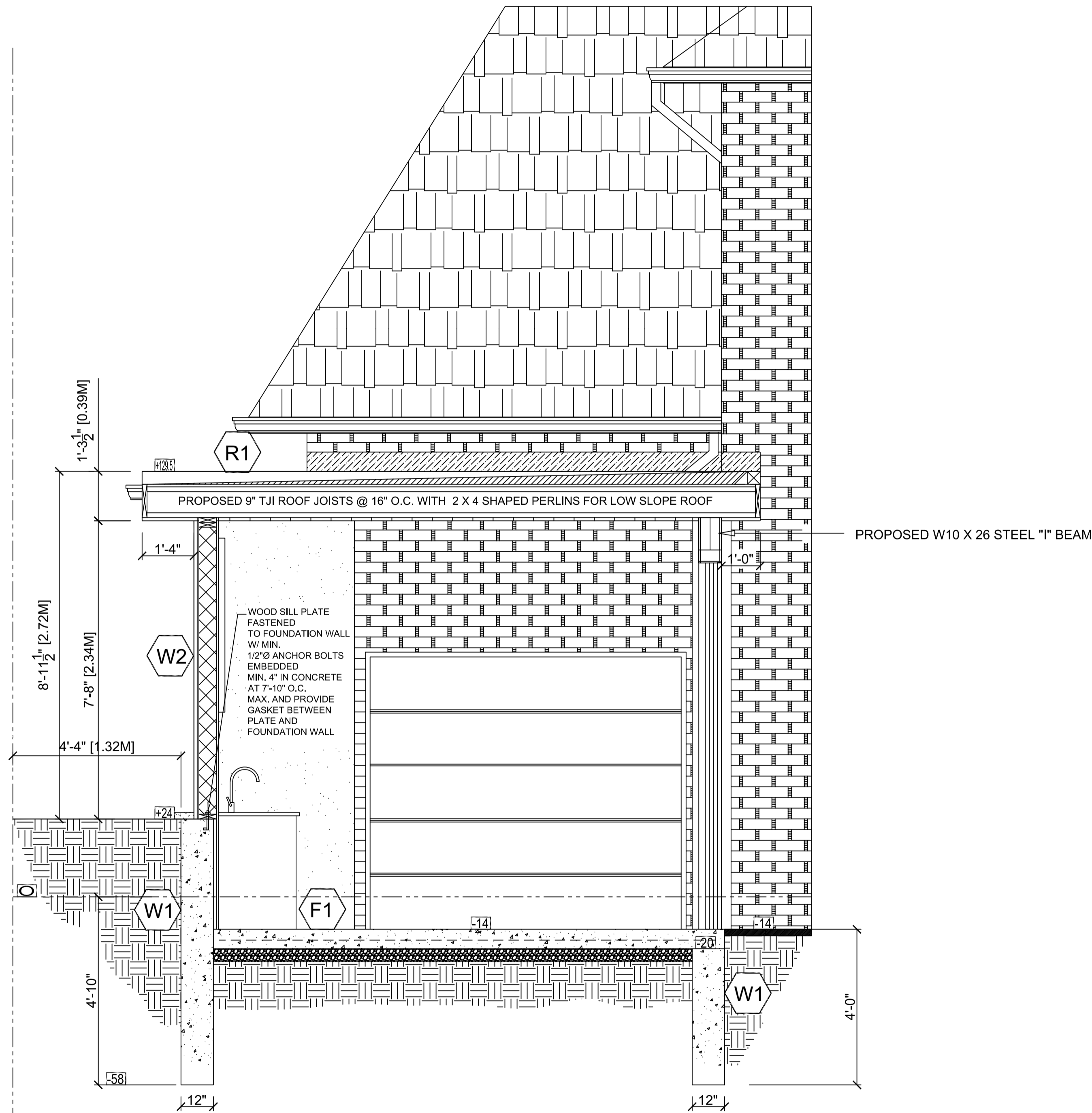


PROPOSED EAST ELEVATION

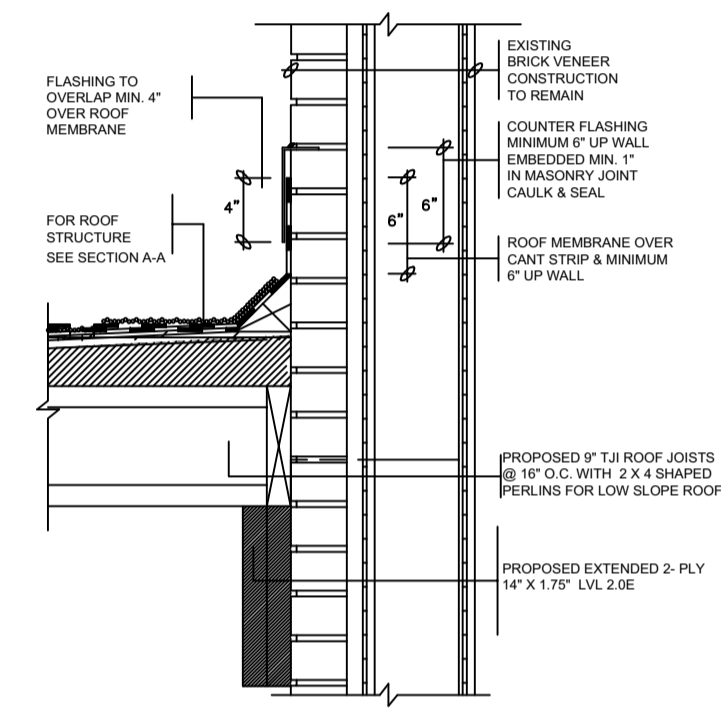
- W1** PROPOSED 10" FOUNDATION WALL ON 18" X 6" DP FOOTING
- W2** PROPOSED NON COMBUSTIBLE CLADDING
 TYVEK WRAP
 1/2" PLYWOOD
 2 X 6 STUD WALL
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- W3** PROPOSED INTERIOR NON LOAD BEARING WALL
 1/2" DRYWALL
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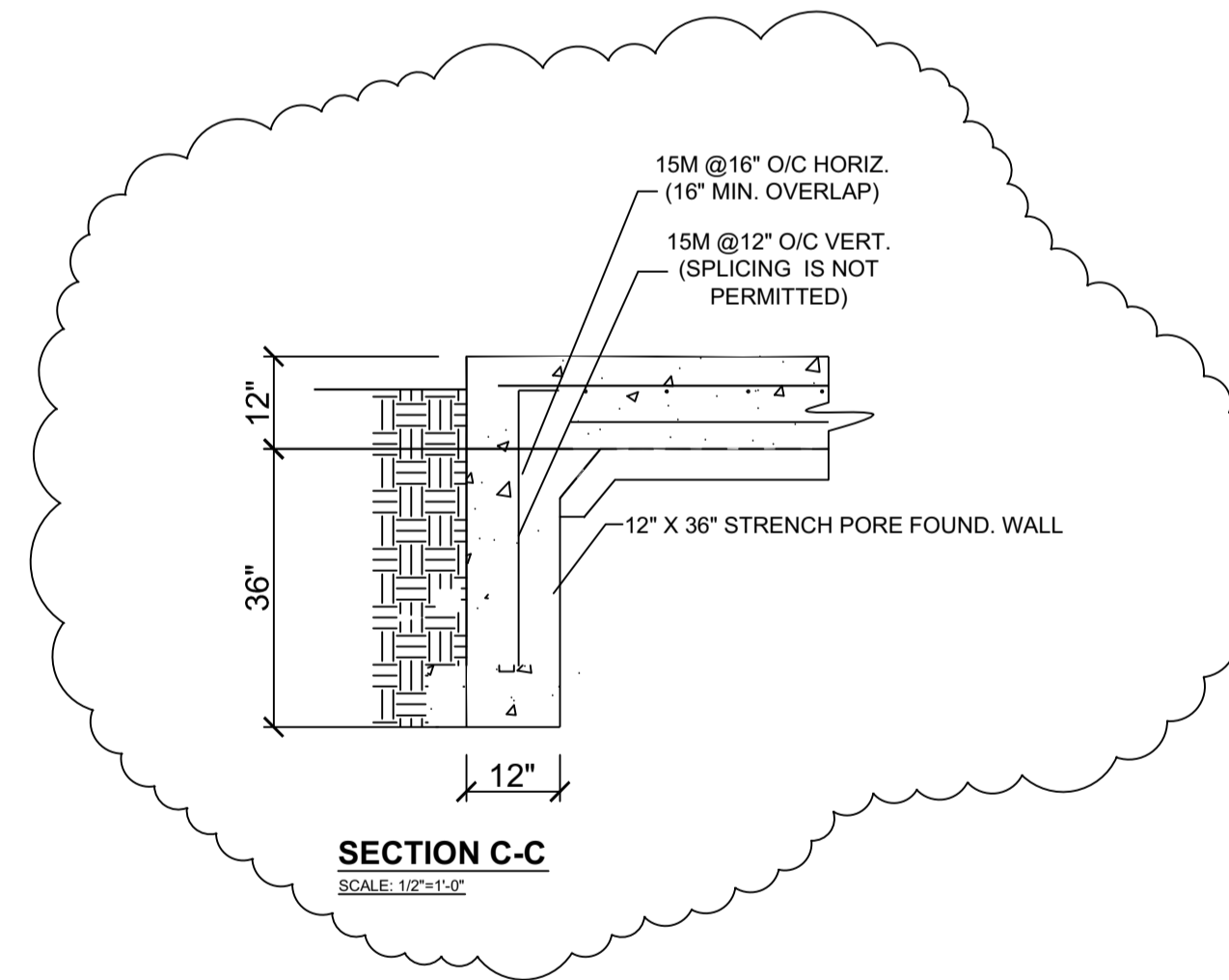
WEST PROPERTY LINE



SECTION A-A
 SCALE: 1/2"=1'-0"



SECTION B-B



SECTION C-C
 SCALE: 1/4"=1'-0"

- W1 PROPOSED 12" FOUNDATION TRENCH POUR
- W2 PROPOSED NON COMBUSTIBLE CLADDING
 TYVEK WRAP
 1/2" PLYWOOD
 2 X 6 STUD WALL
 6 MIL VAPOR BARRIER
 1/2" GREENBOARD
- W3 PROPOSED INTERIOR NON LOAD BEARING WALL
 1/2" DRYWALL
 2 X 4 STUD WALL
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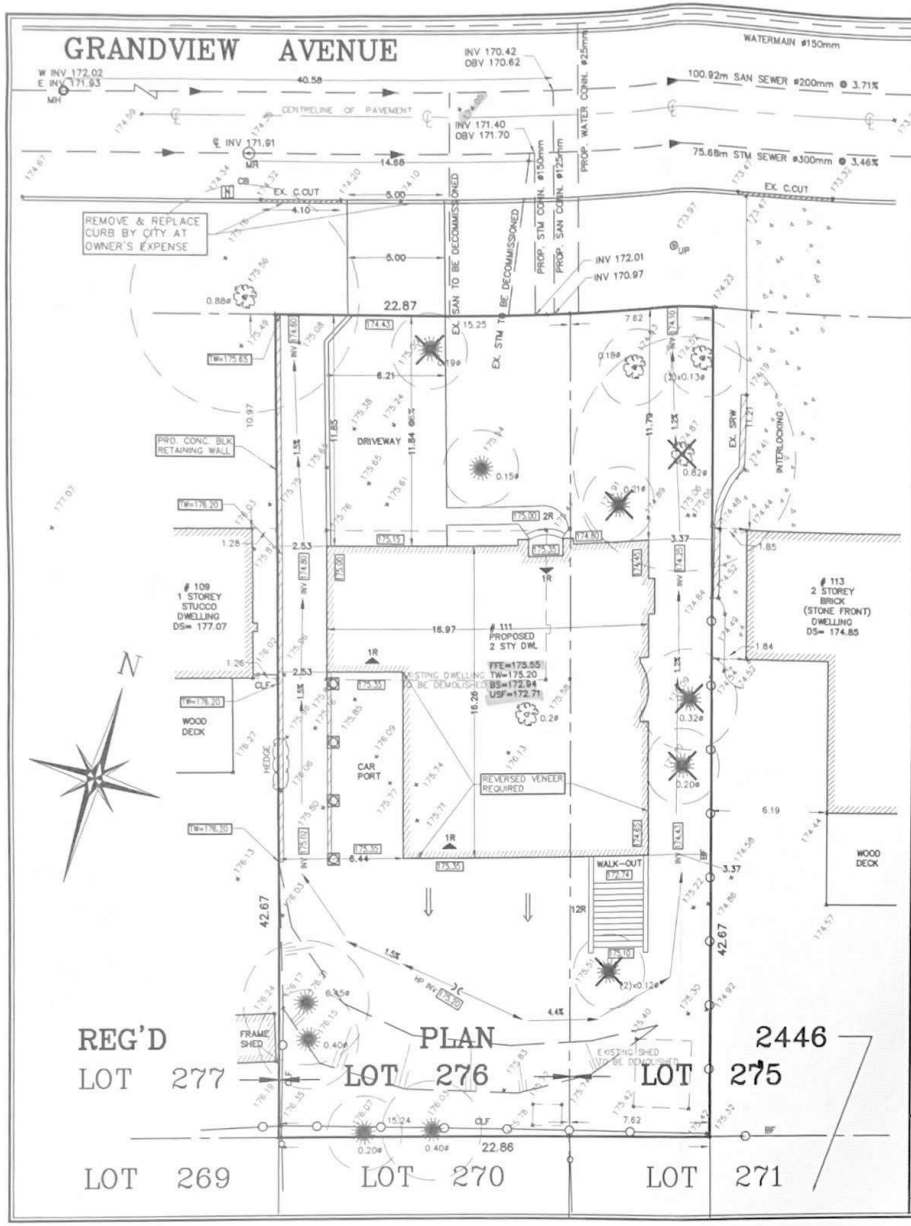
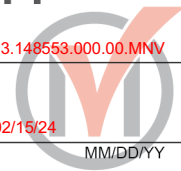
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		DRAWING NUMBER: A-5	

Appendix B

File: 23.148553.000.00.MNV

Date: 02/15/24

MM/DD/YY



SITE PLAN OF
 LOT 276 & PART OF LOT 275, REGISTERED PLAN 2446
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK



SCALE 1:200

C. STANCIU, O.L.S.

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES SURVEY MONUMENT SET
- DENOTES SURVEY MONUMENT FOUND
- INV INVERT ELEVATION
- HP HIGH POINT
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE
- ★ EXISTING ELEVATION
- 999.99 PROPOSED ELEVATION
- FFE FINISHED FIRST FLOOR ELEVATION
- TW TOP OF WALL ELEVATION
- BS BASEMENT SLAB
- USF UNDERSIDE OF FOOTING ELEVATION

UNDERGROUND SERVICES

THE LOCATION OF UNDERGROUND SERVICES SHOWN ON THIS PLAN IS ONLY APPROXIMATE AND IS FOR PLANNING AND DESIGN PURPOSES ONLY. THIS INFORMATION MUST NOT BE ASSUMED TO BE COMPLETE OR UP-TO-DATE. THE UNDERSIGNED COMPANY AND EACH UTILITY ACCEPTS NO RESPONSIBILITY FOR ANY CLAIMS OR LOSSES DUE TO IMPROPER USE OF THE INFORMATION SHOWN HEREON AND EACH UTILITY MUST BE CONTACTED FOR AN ON-SITE LOCATE PRIOR TO ANY EXCAVATION.

NOTES

1. BOUNDARY INFORMATION WAS TAKEN FROM REGISTERED PLAN 2446.
2. ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK N₀ M-01-015 HAVING AN ELEVATION OF 178.242m.
3. ALL FOOTING FORMWORK ELEVATION ARE TO BE CONFIRMED BY A REGISTERED PROFESSIONAL ENGINEER OR A REGISTERED ONTARIO LAND SURVEYOR PRIOR TO THE PLACING OF ANY CONCRETE.
4. PRIOR TO THE SUPERSTRUCTURE WORKS PROCEEDING AND THE RELEASE OF THE COMPLETION STAGE PERMIT, THE OWNERS CONSULTANT MUST CERTIFY THAT THE TOP OF FOUNDATIONS IS IN CONFORMITY WITH THE GRADING PLAN REVIEWED BY THE CITY.
5. ALL RAINWATER LEADERS TO DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL AT FRONT OF HOUSE.
6. A 0.60m WIDE UNDISTURBED STRIP IS TO BE PROVIDED ALONG REAR BOUNDARIES WITH ADJACENT PROPERTIES.
7. NO TREES TO BE REMOVED WITHOUT PRIOR CONSENT FROM THE CITY ARBORIST.

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR ANY REAL ESTATE TRANSACTIONS.
 - LOT DIMENSIONS OR POSSIBLE ENCROACHMENTS MUST BE CONFIRMED BY A LEGAL SURVEY.
 - BEFORE EXCAVATION, THE CONTRACTOR MUST VERIFY IF GRANTY CONNECTION TO SANITARY SEWER IS ACHIEVABLE.

SURVEYOR'S CERTIFICATE

I HAVE REVIEWED THIS SITE PLAN FOR THE DWELLING No. 111 GRANDVIEW AVENUE. IT IS MY BELIEF THAT THE GRADES AS SHOWN WILL PRODUCE ADEQUATE SURFACE DRAINAGE WITHOUT DETRIMENTAL EFFECT ON ADJACENT PROPERTIES.

DATE: SEPT. 26, 2012 *C. Stanciu*
 C. STANCIU
 ONTARIO LAND SURVEYOR

ROWAN-STANCIU LTD
 ONTARIO LAND SURVEYORS
 10211 YONGE ST., Suite 202, Richmond Hill, L4C 3B3
 Tel. (905) 780-0227 Fax. (905) 508-0239

Drawn: F.Y. File No. 2011-428 DWG: Grandview 111_ST [Checked: C. Stanciu, O.L.S.]

APPENDIX “C” – A/207/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/207/23

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 plan(s) 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 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; and,
5. 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:



Hussnain Mohammad, Planner 1, Development Facilitation Office