

Memorandum to the City of Markham Committee of Adjustment

April 01, 2019

File: A/02/19
Address: 38 Galsworthy Drive, 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 the Residential One (R1) Zone in By-law 1229, as amended, as they relate to a proposed dwelling that is under construction on the subject lands (38 Galsworthy Drive):

- 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.

The Committee of Adjustment deferred this application on March 13, 2018 due to concerns that the front porch may be enclosed. To address this, staff recommend a condition of any approval that the front porch remain unclosed (See Appendix A1). Committee also requested that a zoning preliminary review be conducted to confirm the requested variances are correct. In response, the applicant submitted a zoning preliminary review on March 20, 2019 to confirm the variances required. The applicant has not revised the proposal from the original submission. Staff's comments dated February 27, 2019 remain applicable.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 01, 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. 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 "A1" for conditions to be attached to any approval of this application

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 19 109746 \Documents\District Team Comments Memo

Appendices

Appendix A1 – Conditions A/02/19

Appendix B1 – Plans A/02/19

Appendix C1 – Staff Report (March 13, 2019)

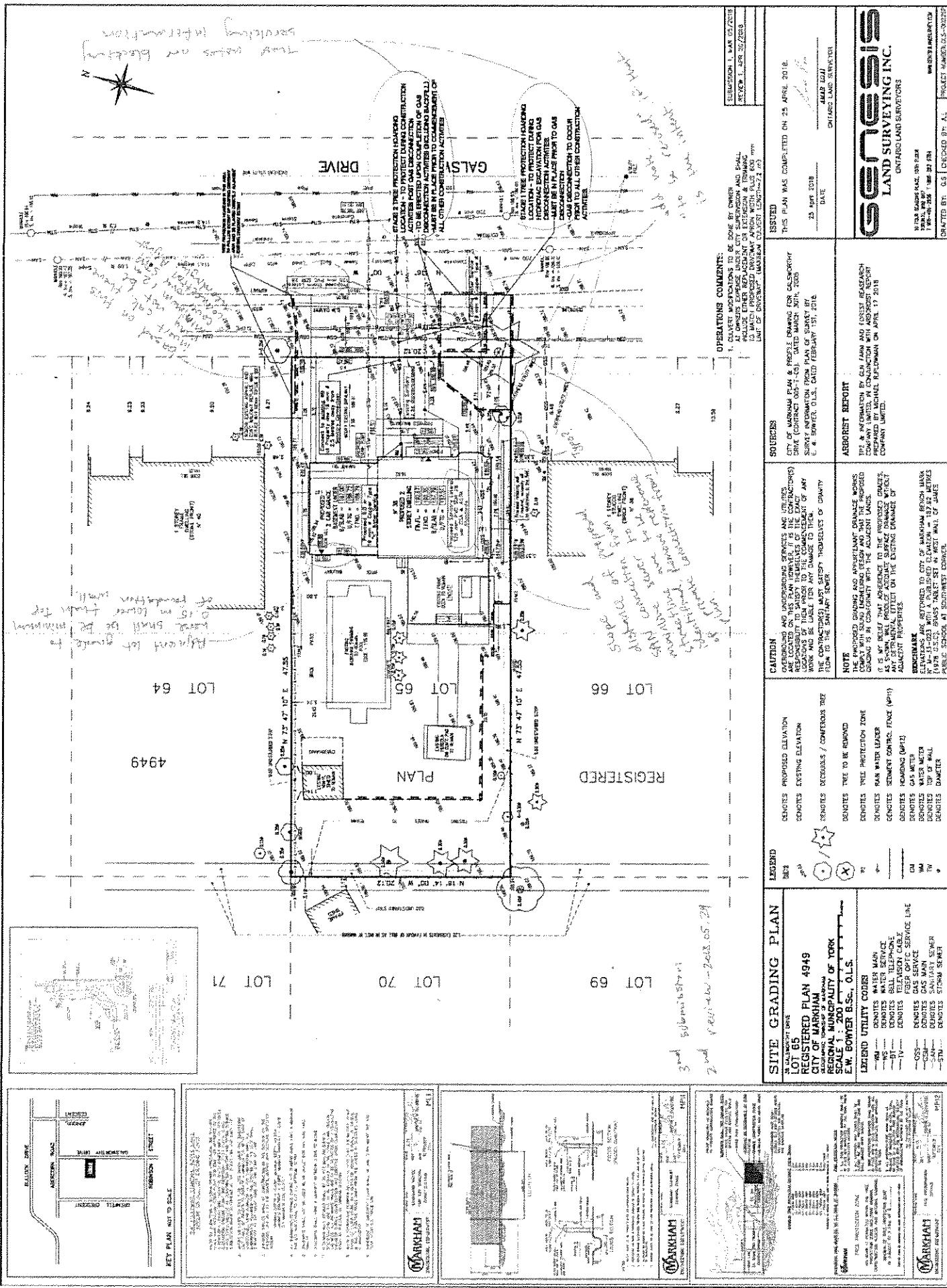
APPENDIX "A1"

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 B1' to this Staff Report and received by the City of Markham on *January 9, 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.

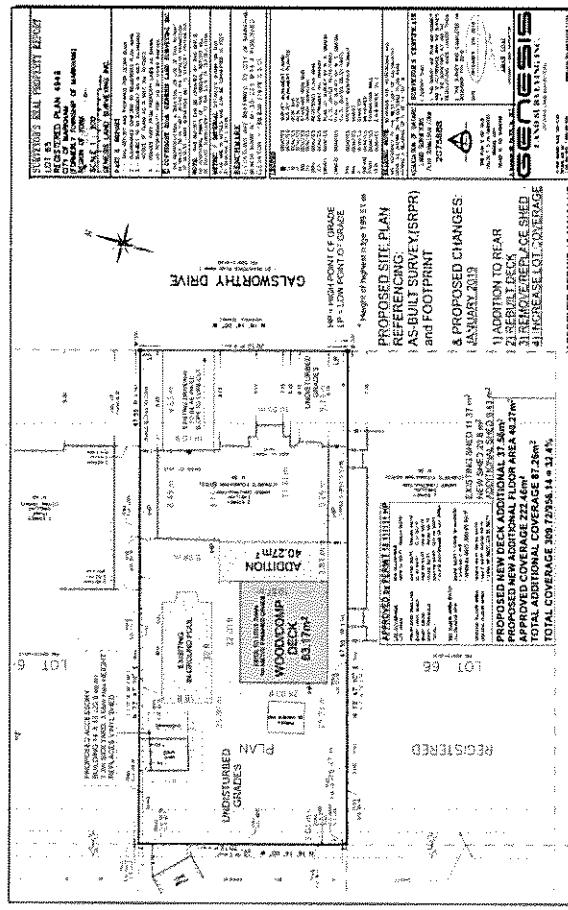
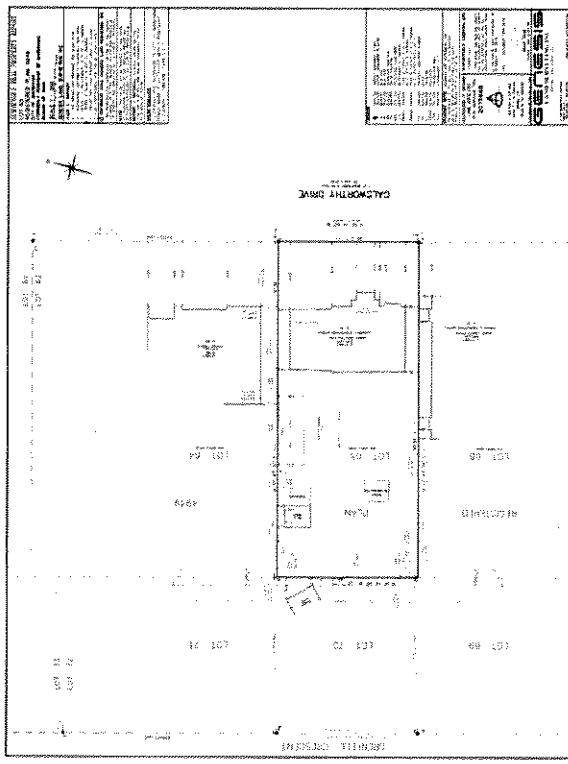
CONDITIONS PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects



SURVEYOR'S REAL PROPERTY REPORT

PROPOSED ADDITION TO PERMITTED
SINGLE FAMILY DWELLING



NOTE PREVIOUSLY DRAWINGS ISSUED FOR PERMIT:

TOPOGRAPHICAL SURVEY BY: E. W. BOYER, P. E., FEB. 1, 2018

SHEET A1 APPROVED SITE PLAN BY: CZ DESIGNS, 11, FEB. 2018

SHEET A2-A3 APPROVED ARCHITECTURAL DRAWINGS BY: Y. C. LAI (P. ENG)

ATTACHED HERETO:

SHEET P1: PROPOSED SITE PLAN FOR ADDITION AND AS-BUILT FOOTPRINT BASED ON SRPR

SHEETS A1-A3 AS-BUILT ARCHITECTURAL DRAWINGS: BY L. BLUM AND E. E. H. GIRGIS (P. ENG)

APPENDED: TIMBERFIELD ROOF TRUSS STRUCTURAL DOCUMENTS AND LAYOUT
PRE-ENG FLOOR STRUCTURE DOCUMENTS BY: DZIGN PLUS, 5, 21 JUNE 2018

BLUM RESIDENCE PERMIT# 18111111 HP		REVISIONS BY OWNER(S)	
ADDITION A-S-BUILT		DOCUMENTS	
PERMIT TO PROPOSED		CONDITIONS	
APPLICATION UNDER EXISTING		PROPOSED SITE PLAN	
L. BLUM HOMELEIF BAYVILLE		AND GENESIS SRPR	
PLAN 4949 LOT 55 MARKHAM ROLL #04028035600			

BLUM RESIDENCE PERMIT# 18111111 HP		REVISIONS BY OWNER(S)	
ADDITION A-S-BUILT		DOCUMENTS	
PERMIT TO PROPOSED		CONDITIONS	
APPLICATION UNDER EXISTING		PROPOSED SITE PLAN	
L. BLUM HOMELEIF BAYVILLE		AND GENESIS SRPR	
PLAN 4949 LOT 55 MARKHAM ROLL #04028035600			

DATE:	02/01/2019
SCALE:	
AS NOTED	
SHEET:	P-1

GROUND FLOOR PLAN

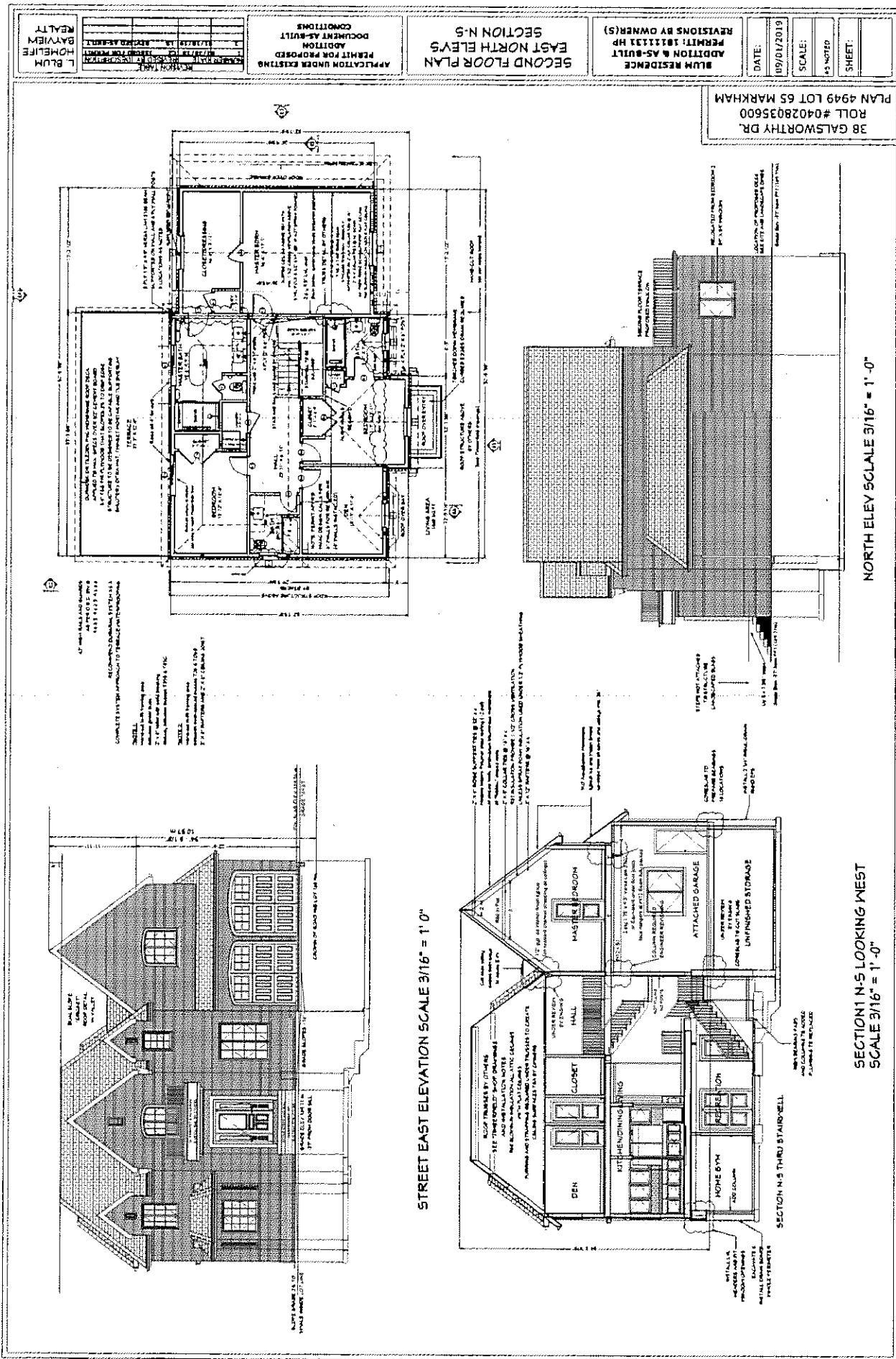
PLAN #04028035600
ROLL #04028035600
ADDRESS: 38 GALSWORTHY DR.
CITY: MARKHAM
PROVINCE: ONTARIO
POSTAL CODE: L6G 4P2
PHONE: (905) 477-1111
FAX: (905) 477-1111
E-MAIL: info@markham.ca

BASMENT PLAN

PLAN #04028035600
ROLL #04028035600
ADDRESS: 38 GALSWORTHY DR.
CITY: MARKHAM
PROVINCE: ONTARIO
POSTAL CODE: L6G 4P2
PHONE: (905) 477-1111
FAX: (905) 477-1111
E-MAIL: info@markham.ca

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

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



L. BLDG	HOME/ELEM	REVIEWER		
SOUTH ELEVATION				
WEST ELEVATION				
WEST ELEV SCALE 3/16" = 1'-0"				
SOUTH ELEV SCALE 3/16" = 1'-0"				
WEST (REAR) ELEVATION				
WEST ELEV SCALE 3/16" = 1'-0"				
38 GLASWORTHY DR. ROLL #04028035600 PLAN 4949 LOT 65 MARKHAM				
BLDN RESIDENCE APPLICANT NAME/ADDRESS CONTRACTOR'S NAME ADDRESS ADDRESS ADDRESS CITY/STATE/ZIP CITY/STATE/ZIP CITY/STATE/ZIP PHONE NUMBER PHONE NUMBER PHONE NUMBER E-MAIL ADDRESS E-MAIL ADDRESS E-MAIL ADDRESS				
DATE: 09/01/2019 SCALE: 1:400 1/4 INCH = 1'-0" 1/4 INCH = 1'-0" 1/4 INCH = 1'-0" SHEET: 1 2 3				
PERMIT NO. 181111-HP REVISITORS BY OWNER(S) ADDITION A-B-UNIT CONTRACTOR'S NAME APPLICATION NUMBER ESTABLISHING CONTRACTOR'S ADDRESS ADDRESS ADDRESS CITY/STATE/ZIP CITY/STATE/ZIP PHONE NUMBER PHONE NUMBER E-MAIL ADDRESS E-MAIL ADDRESS				



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 regrettfully, 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:


Slacia Muradali, Senior Planner, East District
File Path: Amanda\Files\19 109746\Documents\District Team Comments Memo

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

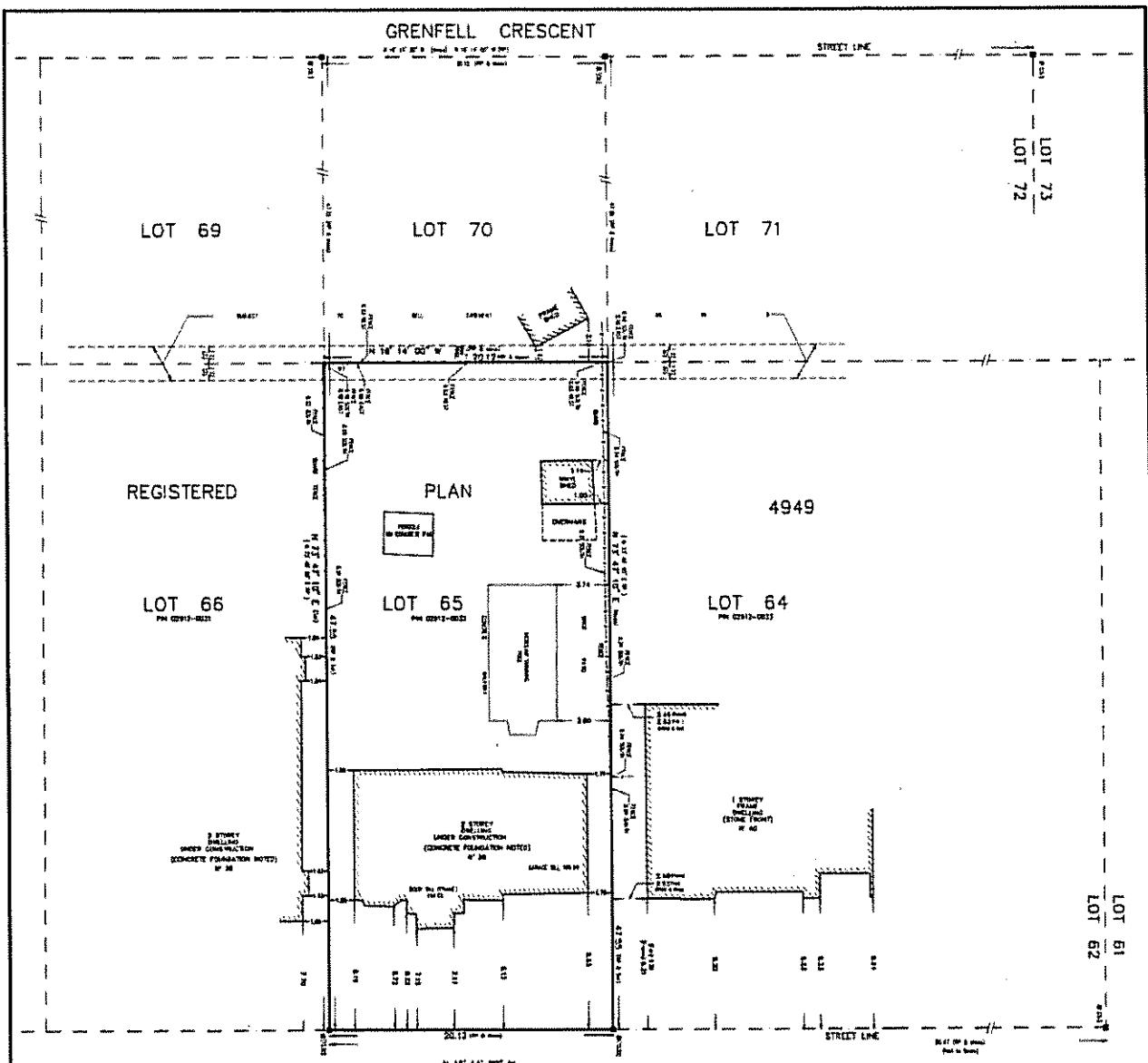
1. That the front covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City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

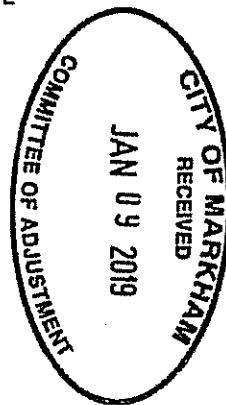


Aqsa Malik, Planner, Zoning and Special Projects

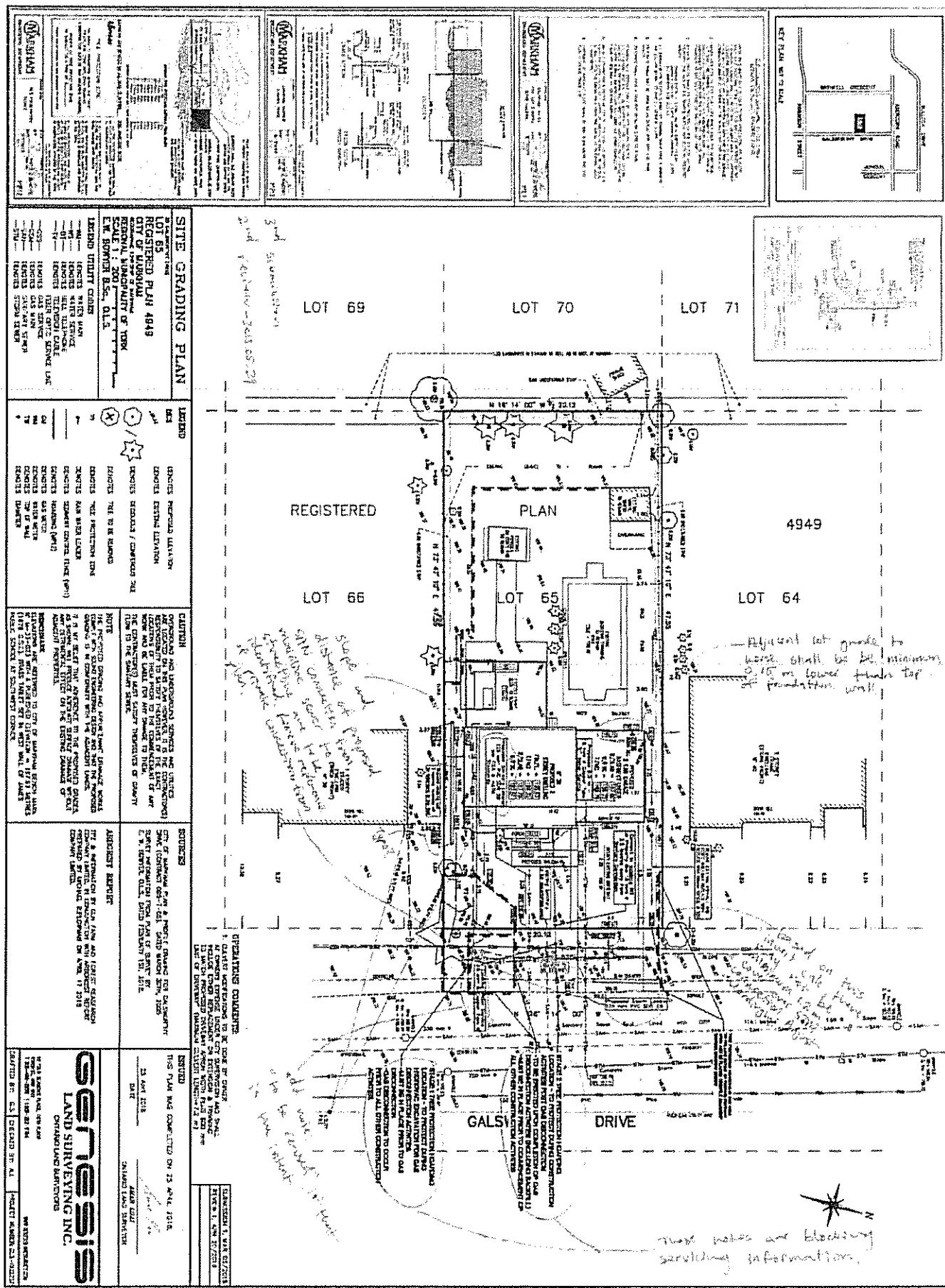
APPENDIX B



GALSWORTHY DRIVE

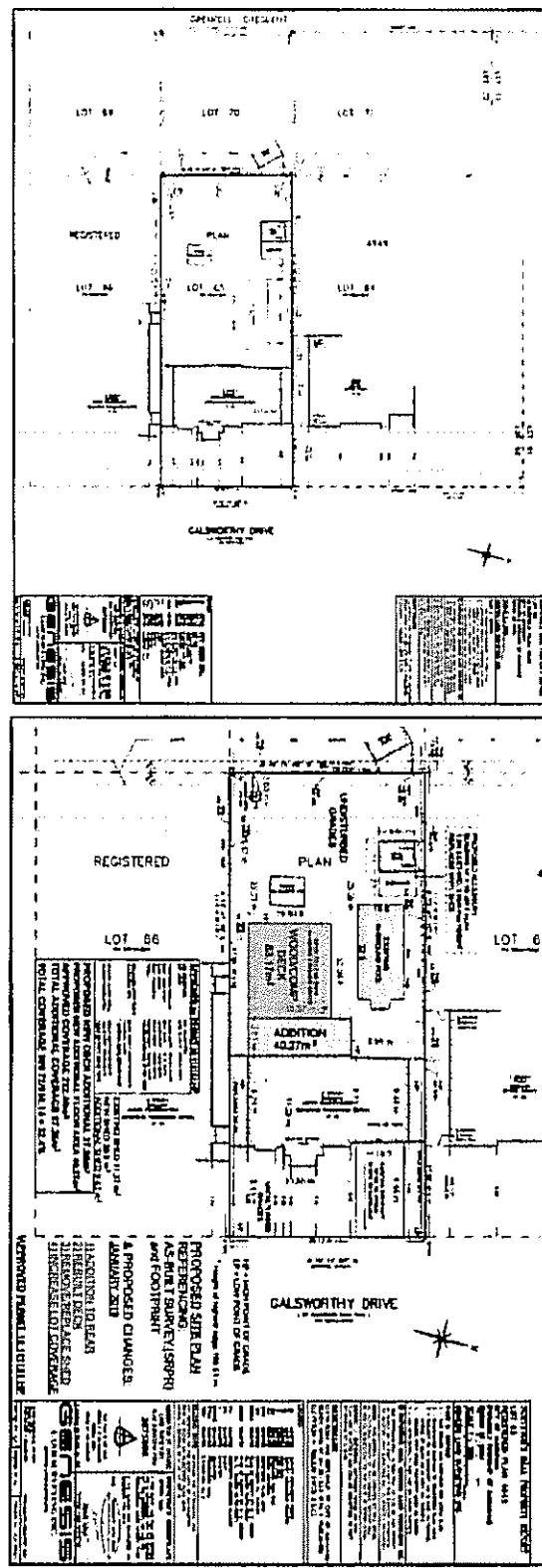


JAN 09 2019



SURVEYOR'S REAL PROPERTY REPORT

**PROPOSED ADDITION TO PERMITTED
SINGLE FAMILY DWELLING**



NOTE PREVIOUSLY DRAWNINGS ISSUED FOR PERMIT:

TOPOGRAPHICAL SURVEY BY: E. H. BONNER, 1, FEB. 2010
SHEET A1 APPROVED SITE PLAN BY: CZ DESIGNS, 11, FEB. 2010
SHEET A2-A13 APPROVED ARCHITECTURAL DRAWINGS BY: CZ DESIGNS AND Y. C. LAI (P. ENG)

ATTACHED HERETO:

SHEET #1: PROPOSED SITE PLAN FOR ADDITION AND AS-BUILT FOOTPRINT BASED ON SRPR
SHEETS A1-A7 AS-BUILT ARCHITECTURAL DRAWINGS; BY: L. BLUM AND E. E. H. GIGGS (P. ENG)

APPENDED: TIMBERFIELD ROOF TRUSS STRUCTURAL DOCUMENTS AND LAYOUT

PRE-ENG FLOOR STRUCTURE DOCUMENTS BY: DESIGN PLUS, 21 JUNE 2010

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

DATE:
09/01/2019
SCALE:
1:100
OWNER:
L. BLUM
SHEET:
P-1

BLUM RESIDENCE
ADDITION & AS-BUILT
PERMIT# 18111121 HF
REVISION# BY OWNER(S)

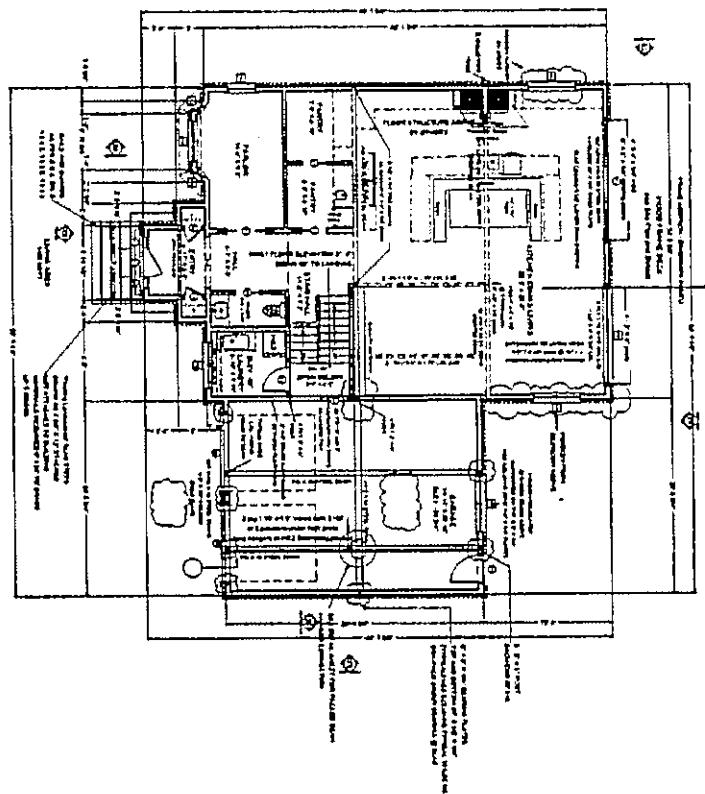
PROPOSED SITE PLAN
AND GENESIS SRPR

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

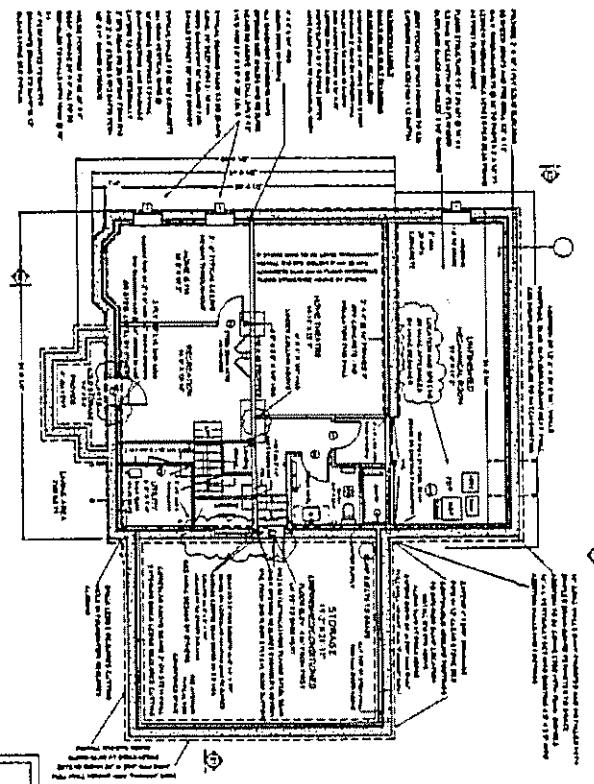
APPROVAL DATE
09/01/2019
APPROVING SURVEYOR
L. BLUM
REMARKS
REMARKS

L. BLUM
HOMELIFE
BAYVIEW
REALTY

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



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



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

BLUM RESIDENCE
ADDITION & AS-BUILT
PERMIT: 28111131 HP
REVISIONS BY OWNER(S)

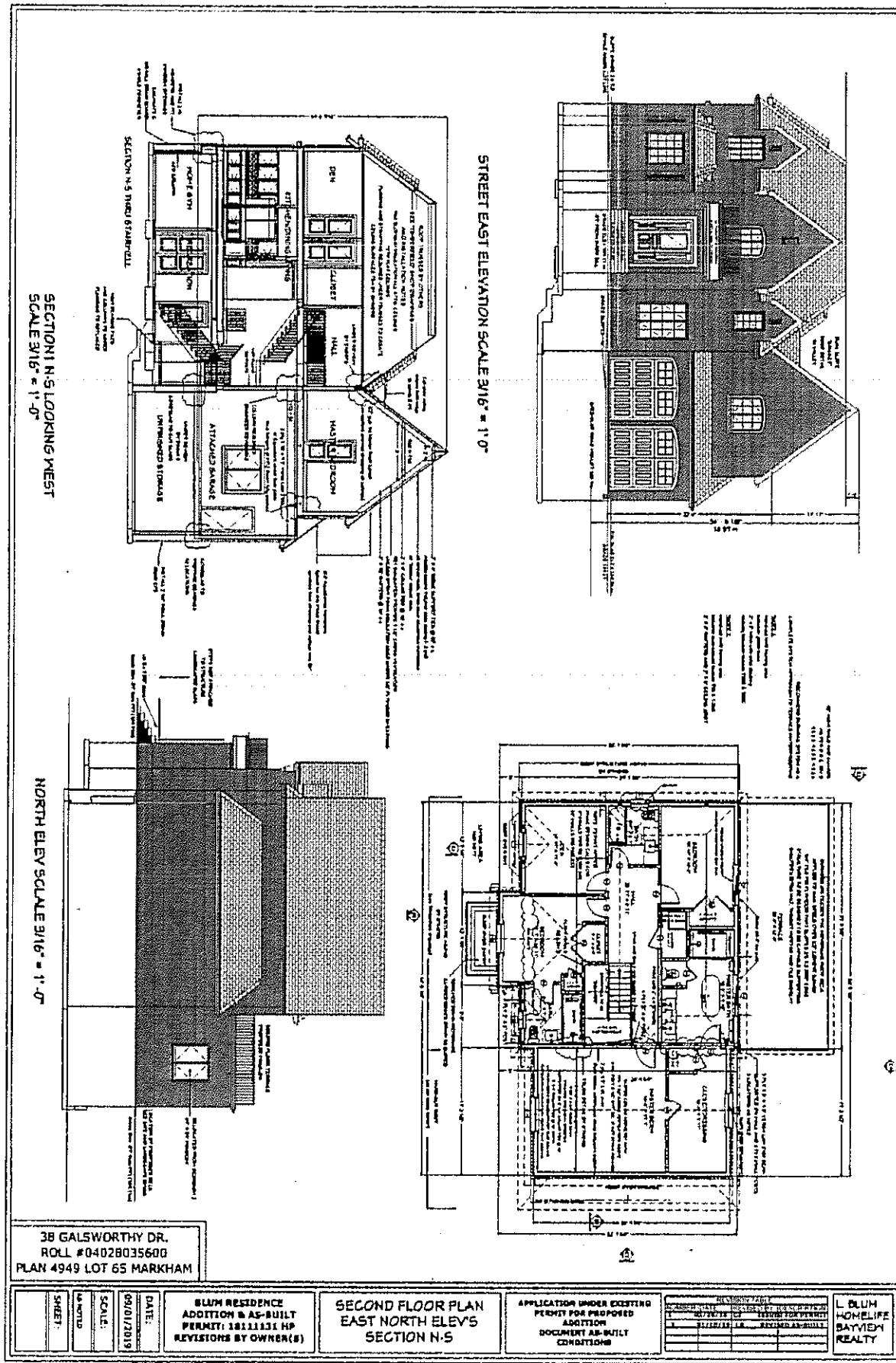
GROUND FLOOR &
BASEMENT PLAN

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

BLUM RESIDENCE		EXISTING PERMIT	
PERMIT NUMBER	28111131	PERMIT TYPE	ADDITION
DATE ISSUED	12/16/13	EXPIRATION DATE	12/16/14
APPROVAL DATE	12/16/13	APPROVAL NUMBER	28111131
APPROVAL SIGNATURE			

L. BLUM
HOME LIFE
BAYVIEW
REALTY

A-1
SHEET:
AS-BUILT
SCALE:
1/4 INCH = 1'-0"



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

SHFT:	SP:	DATE:	SCALE:	1600/1600
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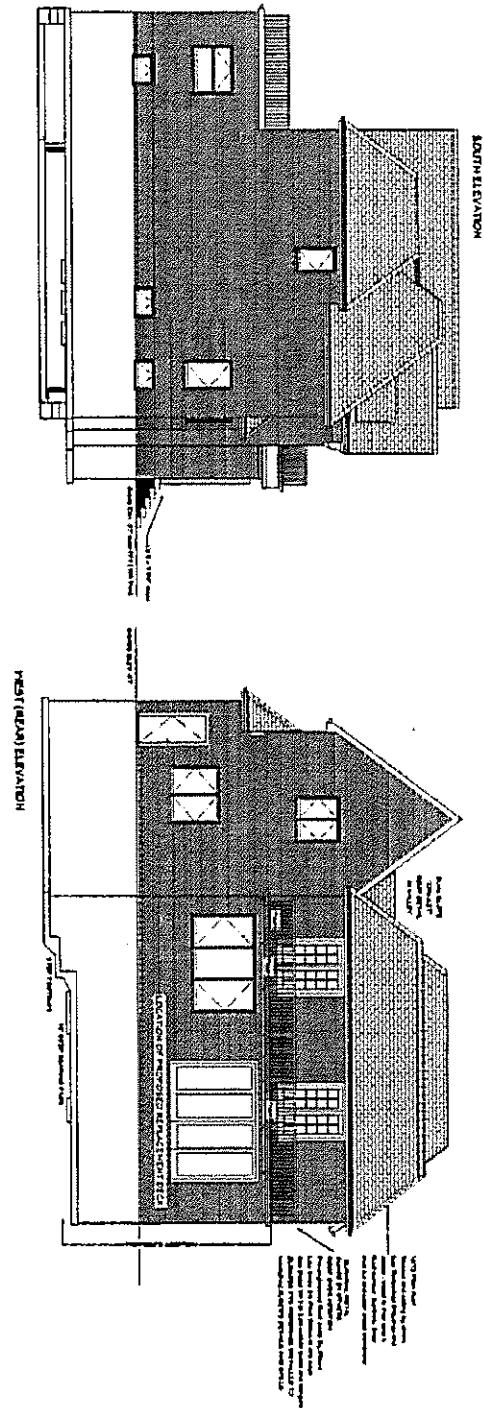
BLUM RESIDENCE
ADDITION & AS-BUILT
PERMIT# 18111131 HP
REVISIONS BY OWNER(S)

WEST ELEVATION
SOUTH ELEVATION

APPLICATION UNDER EXISTING
PERMIT PROVIDED
ADDITION
DOCUMENT AS-BUILT
CONDITIONS

NOTICE TO TRADES
PROFESSIONALS AND PUBLIC
NOTICE OF CONSTRUCTION
ACTIVITIES
TO OCCUR IN THIS PREMISES
DURING THE PERIOD
COMMENCING ON [REDACTED]
AND ENDING ON [REDACTED]

L. BLUM
HOMELIFE
BAYVIEW
REALTY



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

WEST ELEVATION

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

MATERIALS

