

# **Memorandum to the City of Markham Committee of Adjustment**

September 19, 2019

**File:** A/91/19  
**Address:** 46 German Mills Road, Thornhill  
**Applicant:** Diana Kochman  
**Agent:** Werner Kram  
**Hearing Date:** Wednesday October 09, 2019

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

The applicant is requesting relief from the following requirements of By-law 2612, R4 as amended to permit:

**a) Section 6.1; Schedule 'B' - Lot Coverage:**

a maximum lot coverage of 36.25 percent (2,266 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 33 1/3 (2,082 ft<sup>2</sup>);

as it relates to a proposed new glass roof and walls to an existing addition.

## **BACKGROUND**

### **Property Description**

The 580.72 m<sup>2</sup> (6,250.82 ft<sup>2</sup>) subject property is located on the south side of German Mills Road, and east of Simonston Boulevard. The property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing two-storey 348.94 m<sup>2</sup> (3,755.96 ft<sup>2</sup>) detached dwelling on the property, which according to assessment records was constructed in 1979. Mature vegetation exists across the front and rear of the property and is a predominant characteristic of the neighbourhood.

### **Proposal**

The applicant is proposing to replace the glass roof and walls of an existing 12.60 m<sup>2</sup> (135.53 ft<sup>2</sup>) one-storey rear addition (See Appendix A). A smaller addition received a minor variance approval in 1983 (CA/83/44) for a maximum lot coverage of 34.58 percent (See Appendix B). However, the addition that was subsequently built, was larger than what was approved. Accordingly, the current Owner has submitted a new variance application to legalize the existing structure and request relief to permit a lot coverage of 36.25 percent.

### **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. 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.

### Zoning By-Law 2612

The subject property is zoned R4 under By-law 2612, as amended, which permits a single-family detached dwelling. The proposed development does not comply with the By-law with respects to lot coverage.

### **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, *"it is an existing condition"*.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on August 29, 2019 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 Lot Coverage**

The applicant is requesting relief to permit a maximum lot coverage of 36.25 percent (210.51m<sup>2</sup> or 2,266 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (193.57m<sup>2</sup> or 2,082 ft<sup>2</sup>). This represents an 8.75 percent increase to the permitted building footprint (16.94 m<sup>2</sup> or 182.18 ft<sup>2</sup>).

As noted, this variance relates to an existing addition that was the subject of an approved variance in 1983 for 34.58 percent (200.81m<sup>2</sup> or 2,161.53 ft<sup>2</sup>). The addition that was built at the time was larger than what was approved. Therefore, the applicant has submitted a variance application to legalize the existing addition. As the existing addition maintains the same side and rear yard setbacks as the existing dwelling, staff are of the opinion that there will be no impacts to surrounding properties.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 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.

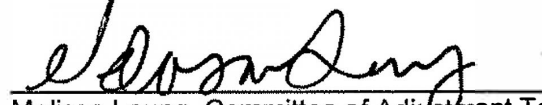
### **CONCLUSION**

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.

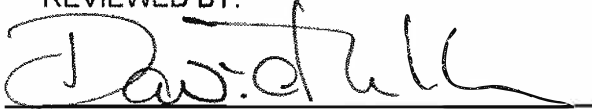
Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Melissa Leung', written over a horizontal line.

Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

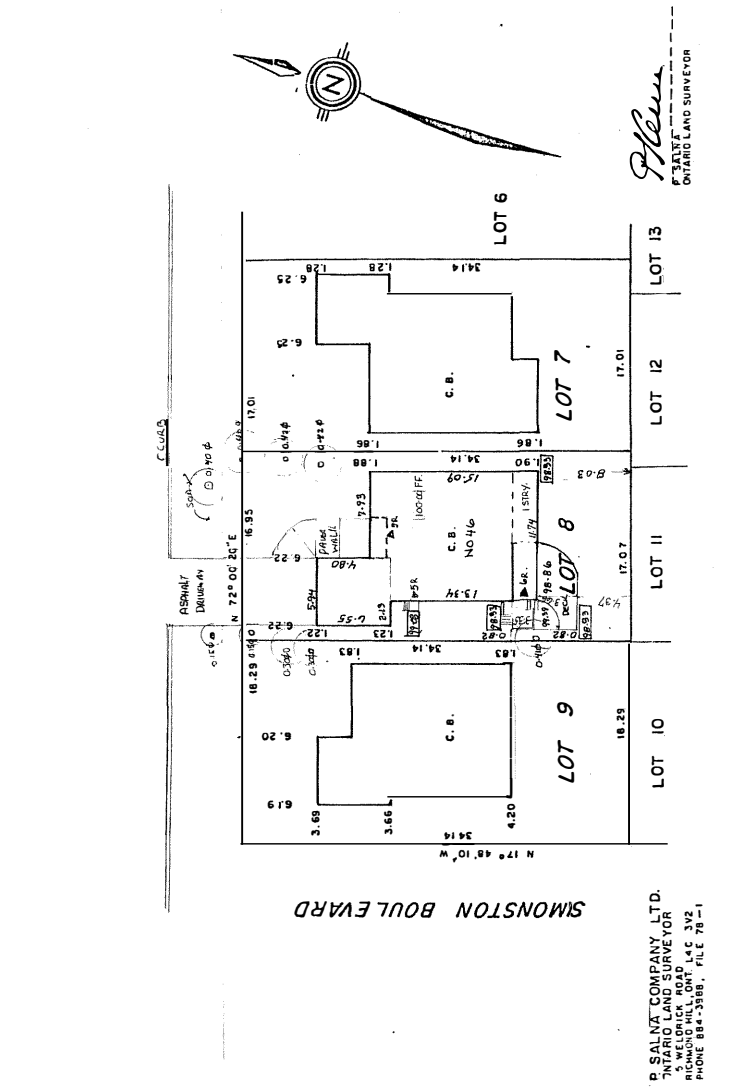
REVIEWED BY:

A handwritten signature in black ink, appearing to read 'David Miller', written over a horizontal line.

David Miller, Development Manager, West District



PLAN SHOWING  
LOTS 7, 8 AND 9, PLAN M-1646  
TOWN OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK.  
GERMAN MILLS ROAD



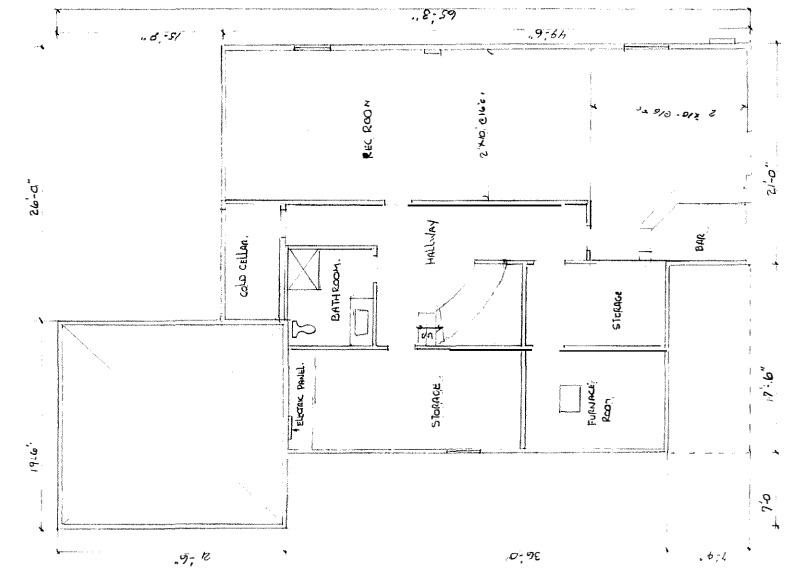
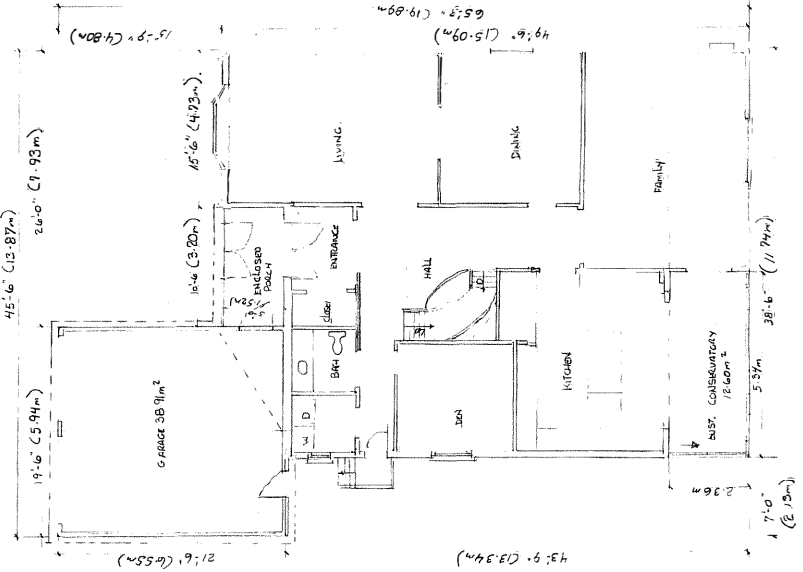
SITE STATISTICS		
Lot B Plan 1646		
EXISTING	PROPOSED	
Lot Area	580.72 m <sup>2</sup>	
Lot Frontage	116.95 m	NO CHANGE
Front Yard Setback	4.22 m	NO CHANGE
East Side Yard Setback	1.88 m	NO CHANGE
South Rear Yard Setback	8.03 m	NO CHANGE
West Side Yard Setback	1.22 m	NO CHANGE
Height	7.10 m	NO CHANGE
Depth of Dwelling	19.89 m	NO CHANGE
Lot Coverage	30.25 % (209.32 m <sup>2</sup> )	NO CHANGE
First Floor Area	209.32 m <sup>2</sup>	NO CHANGE
Second Floor Area	139.62 m <sup>2</sup>	NO CHANGE
Gross Floor Area	348.94 m <sup>2</sup>	NO CHANGE

- PERMA-WOOD™ STANDARD SPECIFICATIONS**
- A. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY ERRORS OR OMISSIONS TO PERMA-WOOD™ BEFORE WORK BEGINS.
- B. ALL CONNECTIONS ARE BUILT AND SCREWED TO THE PROPERTY OF PERMA-WOOD™.
- C. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- D. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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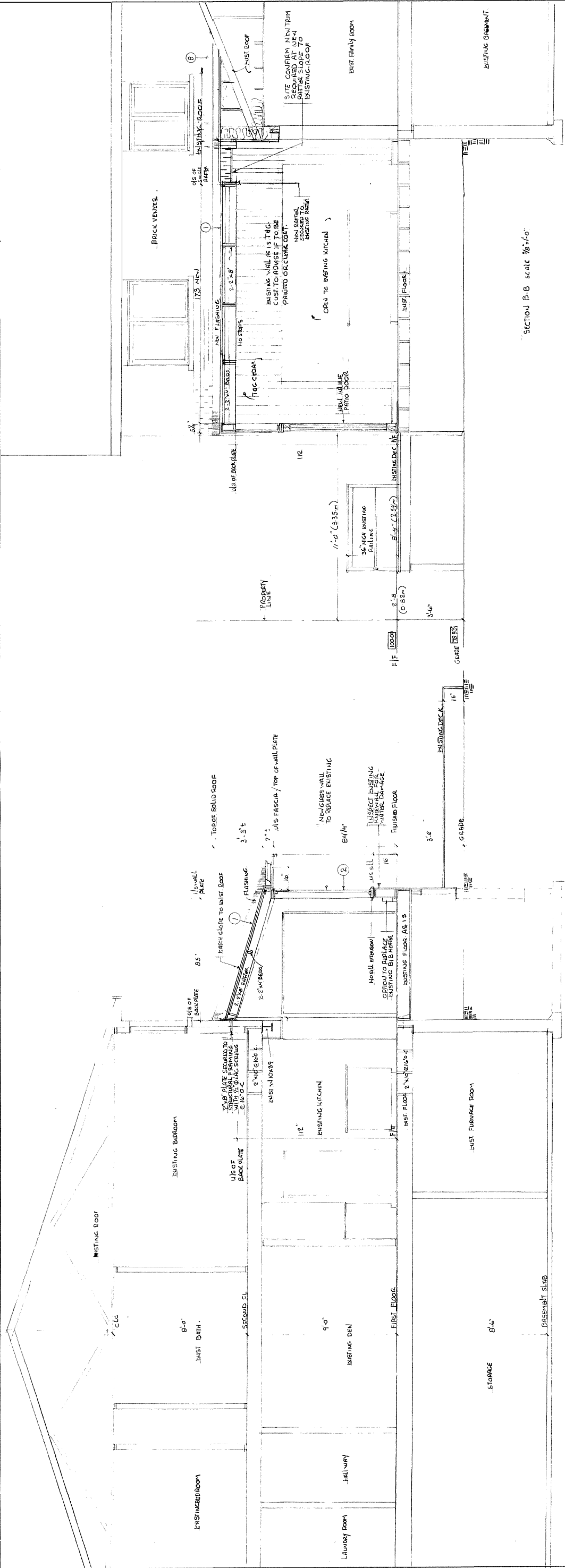
**CONSTRUCTION NOTES**

- ALL CONSTRUCTION TO ADHERE TO THESE PLANS AND SPECIFICATIONS AND TO CONFORM TO THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION.
1. ALL LUMBER SHALL BE SPRUCE NO. 2 GRADE UNLESS OTHERWISE NOTED.
2. STUDS SHALL BE STD GRADE SPRUCE, UNLESS OTHERWISE NOTED.
3. LUMBER EXPOSED TO THE EXTERIOR TO BE SPRUCE NO. 2.
4. LAMINATED VENER LUMBER (LVL) BEAMS, GIRDERS, TRUSSES, AND METAL HANGER CONNECTIONS SUPPORTING ROOF FRAMING SHALL BE USED IN ALL EXTERIOR ROOF FRAMING.
5. LVL BEAMS SHALL BE 208 SF MCOR LVL OR EQUIVALENT.
6. LVL BEAMS SHALL BE 208 SF MCOR LVL OR EQUIVALENT.
7. NAIL EACH PLY OF LVL WITH 89mm (3 1/2") LONG COMMON WIRE NAILS @ 300mm (12") O.C. STAGGERED IN 2 ROWS FOR EACH PLY.
8. JOIST HANGERS PROVIDE METAL HANGERS FOR ALL JOISTS AND STAGGERED 3 ROWS FOR GREATER DEPTHS.
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- NOTES:**
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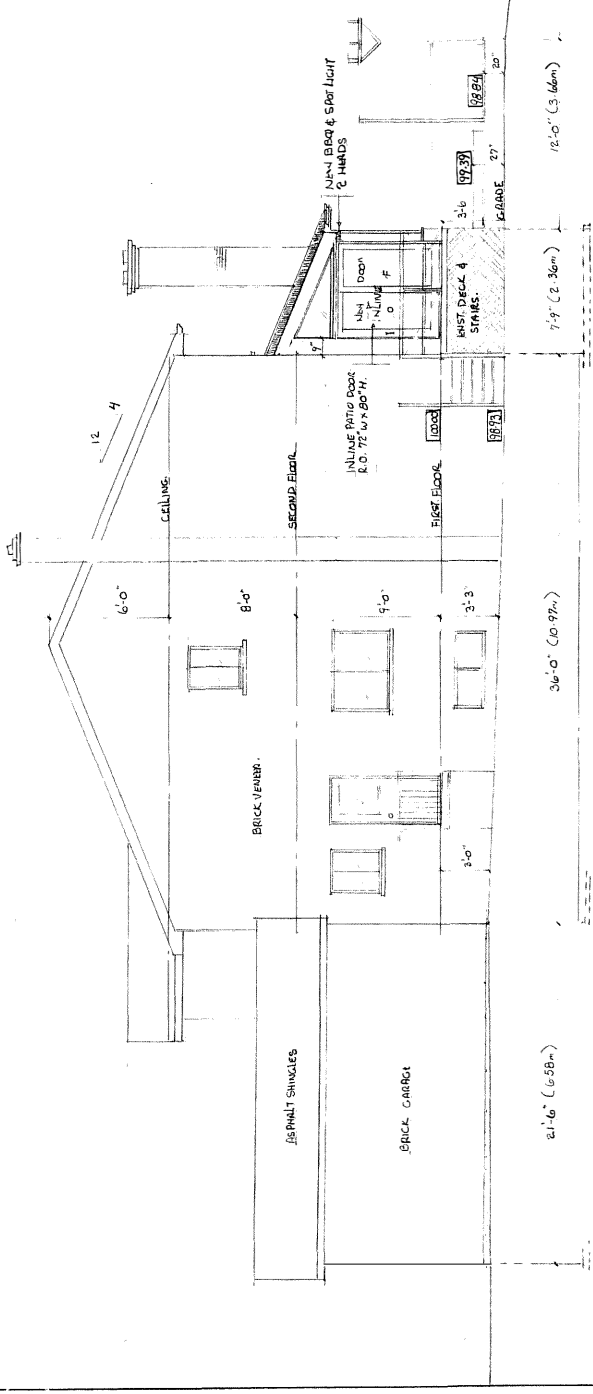




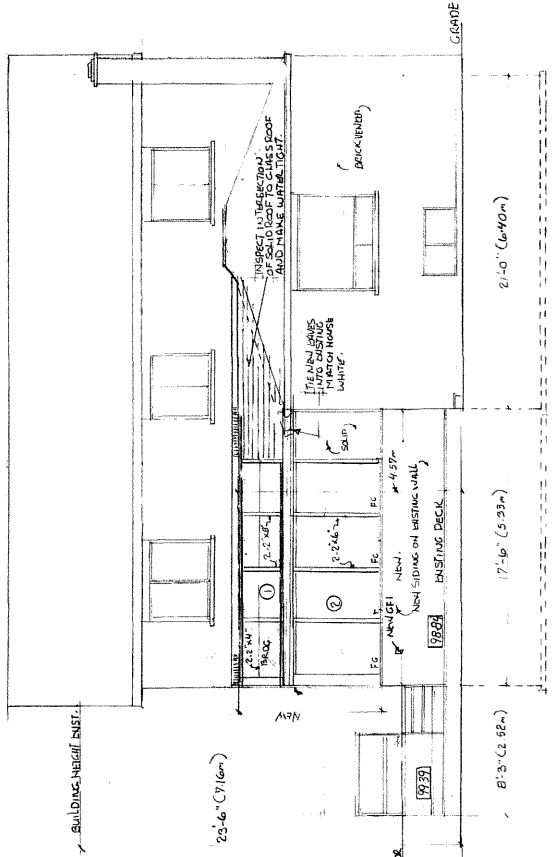


SECTION A-A SCALE 3/16"=1'-0"

SECTION B-B SCALE 3/16"=1'-0"

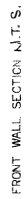
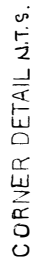
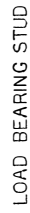
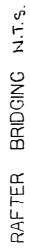
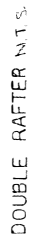



WEST ELEVATION SCALE 3/16"=1'-0"  
EDF:  
LD = 3.42m =



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

Stamp	THE INFORMATION HEREIN IS APPROVED AND IS RELEASED FOR FABRICATION	
	DATED THIS _____ DAY OF _____ 20 _____	PER: _____
Revisions	DESIGN PROPERTY OF:	
	No. _____	Date _____ By _____
Drawings No. 96619 K	A-3	
	Drawing By: W.J.K.	
Scale AS NOTED	Date _____	
	Prepared For: RICK & DIANA KOCHMAN	
Res. 416 GERMAN MILLS ROAD	MARGUM ON LOT 4H5	
	170 Ego Park Drive, Unit #7 Markham, Ontario L3R 1E3 Phone (905) 75-5467 / (416) 491-1225 Fax (905) 75-7711	



Stamp	THE INFORMATION HEREIN IS APPROVED AND IS RELEASED FOR FABRICATION		DATE THIS _____ DAY OF _____ 20____ PER: _____		SOLARBLINDS 175 East Park Drive, Suite #7 Markham, Ontario, L3R 9E3 Phone: (905) 478-5460 / (416) 881-3275 Fax: (905) 478-7711	416 GERMAN MILLS ROAD MARKHAM, L3T 4H5 <b>RICK &amp; DIANA KOCHMAN</b>	Prepared For:		
	Revisions <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>							No.	Date
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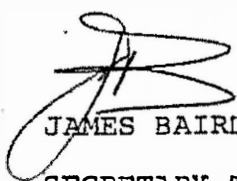
## APPENDIX B

### COMMITTEE OF ADJUSTMENT

#### TOWN OF MARKHAM

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF THE  
DECISION OF THE COMMITTEE OF ADJUSTMENT IN THE MATTER OF  
APPLICATION CA/83/44(rev) AT A HEARING HELD ON July 20, 1983  
AND FOR WHICH THE LAST DATE FOR APPEAL IS August 19, 1983  
AFTER WHICH DATE THE DECISION OF THE COMMITTEE OF ADJUSTMENT  
BECOMES FINAL AND BINDING.

APPEALS TO THE ONTARIO MUNICIPAL BOARD MUST BE SERVED  
PERSONALLY OR SENT BY REGISTERED MAIL TO THE SECRETARY-  
TREASURER ACCOMPANIED BY A CHEQUE IN THE AMOUNT OF \$100.00  
PAYABLE TO THE TREASURER OF ONTARIO.



JAMES BAIRD

SECRETARY-TREASURER

## COMMITTEE OF ADJUSTMENT RESOLUTION

Date - July 20, 1983

Name - L. Loeb

File - CA/83/44 (REVISED)

It was

Moved by Mr. Kay

Seconded by Mr. Evans

THAT application CA/83/44 (revised) submitted by L. LOEB, owner of Lot 8, Plan M-1646, in the Town of Markham, municipally known as 46 German Mills Road, Thornhill, Ontario, requesting consent to increase the maximum lot coverage permitted under the by-law from 33 1/3% to 34.58%, be approved for the following reasons:

- i) in the opinion of the Committee the general intent and purpose of the by-law will be maintained
- ii) in the opinion of the Committee the general intent and purpose of the Official Plan will be maintained
- iii) in the opinion of the Committee the granting of the variance is acceptable for the appropriate development of the property
- iv) in the opinion of the Committee the requested variance is minor.

SUBJECT to the following conditions:

- i) THAT the minor variance apply only to the plans submitted with the application prepared by J. Karki Residential Improvements Ltd., dated April 11, 1983
- ii) THAT the minor variance be effective only as long as the existing dwelling and the proposed addition remain on the property.

Resolution carried.

COMMITTEE OF ADJUSTMENT RESOLUTION

Date - June 22, 1983

Name - L. Loeb

File - CA/83/44

It was

Moved by Mr. Evans and the resolution was accepted by the Acting Chairman

THAT application CA/83/44 submitted by L. LOEB, owner of Lot 8, Plan M-1646, municipally known as 46 German Mills Road, Thornhill, requesting consent to increase the maximum lot coverage permitted under the By-law from 33 1/3% to 38%, be adjourned to the next regularly scheduled meeting of the Committee of Adjustment to be held on July 20th, 1983 to allow comments to be obtained from the Building Department in clarification of the existing and proposed lot coverage.

Resolution carried.

June 22, 1983

APPLICATION: CA/83/44

This application for a minor variance was submitted by L. LOEB, owner of Lot 8, Plan M-1646, in the Town of Markham. The subject property has an area of some 580.75 m<sup>2</sup> and a frontage of some 16.95 m and is municipally known as 46 German Mills Road, Thornhill, Ontario.

Mr. Kram of J. Karki Residential Improvements Ltd., authorized agent and intended builder, was present to request relief from the requirements of By-law 2612, as amended. The applicant proposes to construct a solarium addition at the rear of the existing dwelling on the property, and wishes to increase the maximum lot coverage permitted under the by-law from 33 1/3% to 38%.

Mr. Kram displayed photographs of the existing dwelling and the location of the proposed addition to be used as an extension of the kitchen. He said that it is his understanding that the existing dwelling on the property is already over the maximum permitted lot coverage, and that construction of the addition would result in a total lot coverage of some 38%.

There was much confusion as to the ground floor area of the existing dwelling, and the actual existing and proposed lot coverage.

It was

Moved by Mr. Evans and the resolution was accepted by the Acting Chairman

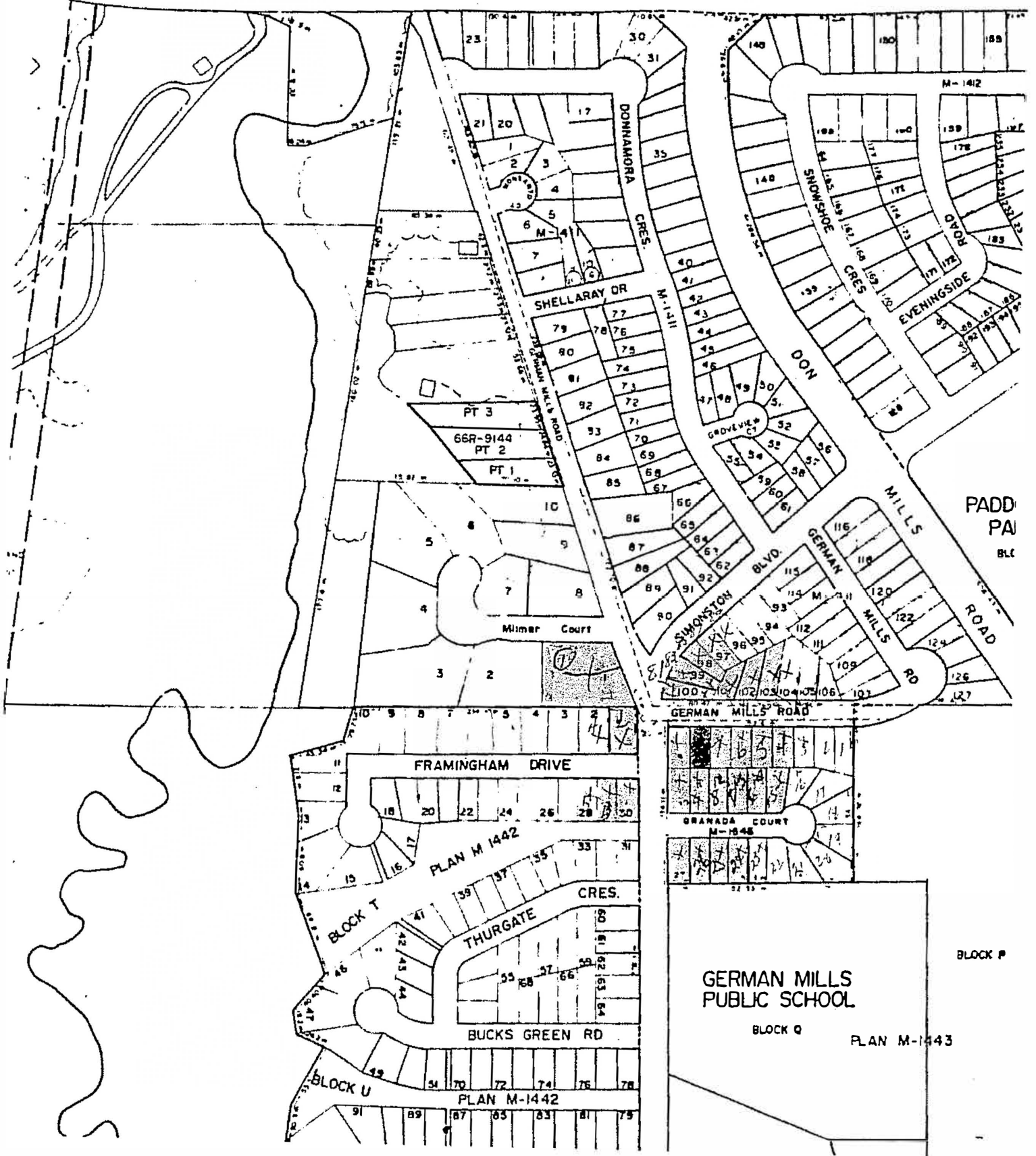
THAT application CA/83/44 submitted by L. LOEB, owner of Lot 8, Plan M-1646, municipally known as 46 German Mills Road, Thornhill, requesting consent to increase the maximum lot coverage permitted under the By-law from 33 1/3% to 38%, be adjourned to the next regularly scheduled meeting of the Committee of Adjustment to be held on July 20th, 1983 to allow comments to be obtained from the Building Department in clarification of the existing and proposed lot coverage.

Resolution carried.

110-9920  
CA 183149

R.J. CLATWORTHY

JOHN STREET



345 277 ONTARIO LTD  
SHOWREN ENTERPRISES INC.

PLAN SHOWING  
LOTS 7, 8 AND 9, PLAN M-1646  
TOWN OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK.

GERMAN MILLS ROAD

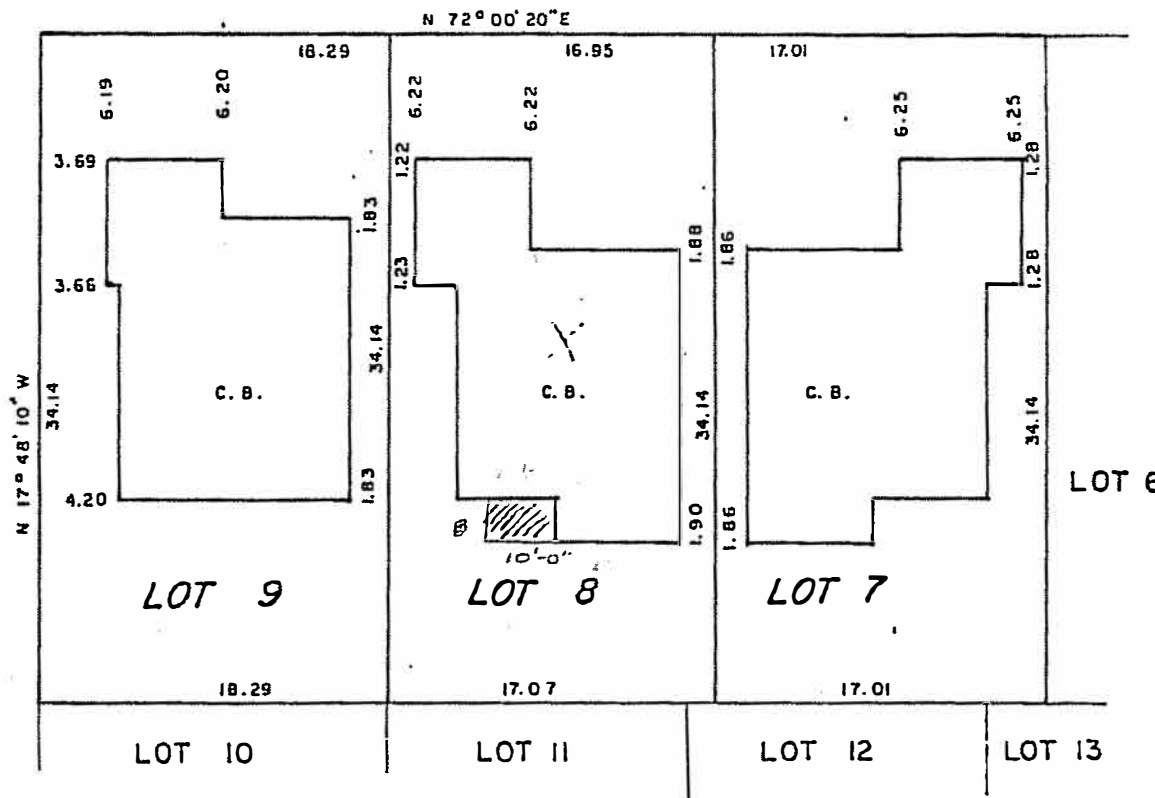
METRIC  
MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND  
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE 1:300



NOTE: C.B. - DENOTES CONCRETE BASEMENT

SIMONSTON BOULEVARD



CA/83/144

P. SALNA COMPANY LTD.  
ONTARIO LAND SURVEYOR  
5 WELDRICK ROAD  
RICHMOND HILL, ONT. L4C 3V2  
PHONE 884-3988, FILE 78-1

*P. Salna*  
P. SALNA  
ONTARIO LAND SURVEYOR

**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/91/19**

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 A' to this Staff Report and received by the City of Markham on September 5, 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:

  
\_\_\_\_\_  
Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

