

Memorandum to the City of Markham Committee of Adjustment

November 06, 2018

File: A/157/18
Address: 48 Proctor Ave, Thornhill
Applicant: PRABHAKARAN SELVADURAI
Agent: (none)
Hearing Date: Wednesday November 14, 2018

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

The applicant is requesting relief from the following requirements of By-law 2237, R3, as amended:

a) Infill By-law 101-90, Section 1.2 (vi):

a maximum building depth of 20.52 metres; whereas the by-law permits building depth of 16.8 metres; as it relates to a residential dwelling that is under construction.

BACKGROUND

Property Description

The 1,969.91 m² (21,203.93 ft²) subject property is located on the north side of Proctor Avenue, west of Bayview Avenue north of Steeles Avenue. The property is located within an established residential neighbourhood comprised of a mix of single detached, semi-detached and townhouse dwellings. The property is situated south of the Canadian National Railway line and north east of Proctor Park. Mature vegetation exists at the rear of the property.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a two car garage, a rear basement walkout and, a rear covered terrace. The ground floor will be approximately 204.20 m² (2,198 ft²) and the second floor will be approximately 246.84 m² (2,657 ft²).

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law R3

The subject property is zoned R3 'Single Family Residential' under By-law 2337, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the 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.

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, *"during construction realized in order to provide the shade to enjoy the backyard, we do need roof for the porch. This also enable to provide space for home gym for the family"*.

Zoning Preliminary Review Not Undertaken

The owner 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 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 20.52 m (67.32 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.72 m (12.20 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 terrace which adds approximately 1.93 m (6.33 ft) to the overall depth of the building. The main component of the building, excluding the rear covered terrace, has a depth of approximately 18.6 m (61 ft). This represents a difference of approximately 1.8 m (5.91 ft) from what the By-law permits. The proposed building depth of 20.52 m (67.32 ft) is larger than what the by-law permits but, is similar in scale with new infill development on the street including 65 and 71 Proctor Avenue which have building depths of approximately 21 m (68.9 ft). The proposed dwelling is also located on a deeper than average lot, with existing vegetation across the property providing screening between dwellings. Further, the proposed rear covered terrace does not extend the full width of the rear wall and, is unenclosed. It will maintain over 4.7 m (15.42 ft) from the property to its east and, over 9.75 m (32 ft) from the dwelling to its west. Given that the main dwelling is similar in scale with newer infill development on the street, that existing vegetation provides screening between properties, and that adequate separation exists between properties, Staff are of the opinion that the variance is appropriate for the lot and have no objection.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 06, 2018. 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.

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/18

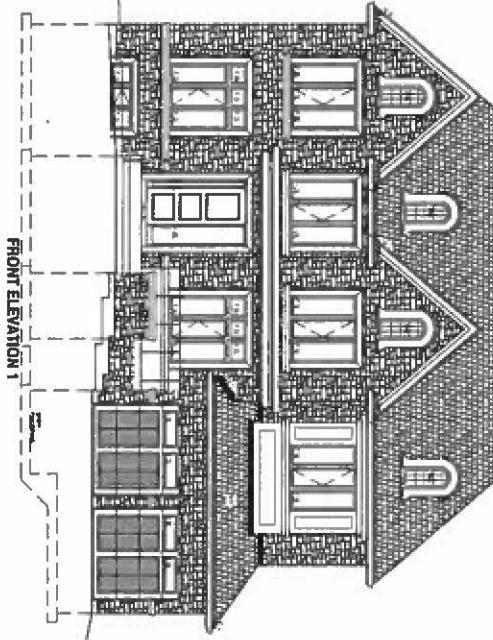
1. The front porch and rear covered terrace remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated October 18, 2018 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;
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:



Aqsa Malik, Planner, Zoning and Special Projects

2017 SB-13 COMPLIANCE
PACKAGE A1



A1

SECTION 1: EXTERIOR FINISHES		SECTION 2: INTERIOR FINISHES	
ITEM NO.	DESCRIPTION	ITEM NO.	DESCRIPTION
1	Asph/Flt Shingles	1	1/2" Drywall
2	3" x 6" x 1" Gypsum Board	2	1/2" Drywall
3	1/2" Drywall	3	1/2" Drywall
4	1/2" Drywall	4	1/2" Drywall
5	1/2" Drywall	5	1/2" Drywall
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FULL AREA
 1. EXTERIOR FINISHES
 2. INTERIOR FINISHES
 3. ROOFING
 4. FLOORING
 5. PAINTING
 6. MASONRY
 7. METALWORK
 8. GLASSWORK
 9. WOODWORK
 10. OTHER

NOTICE: THIS IS A PRELIMINARY DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION. THE DRAWING IS SUBJECT TO CHANGE WITHOUT NOTICE. THE DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

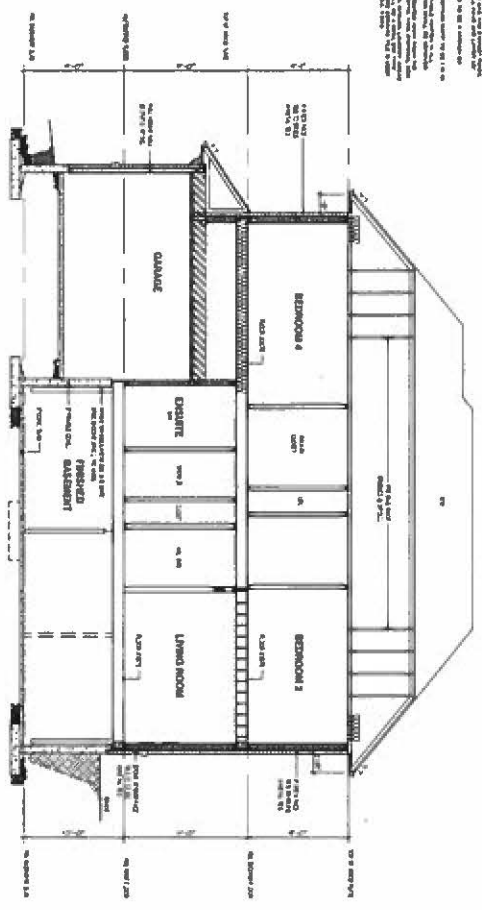
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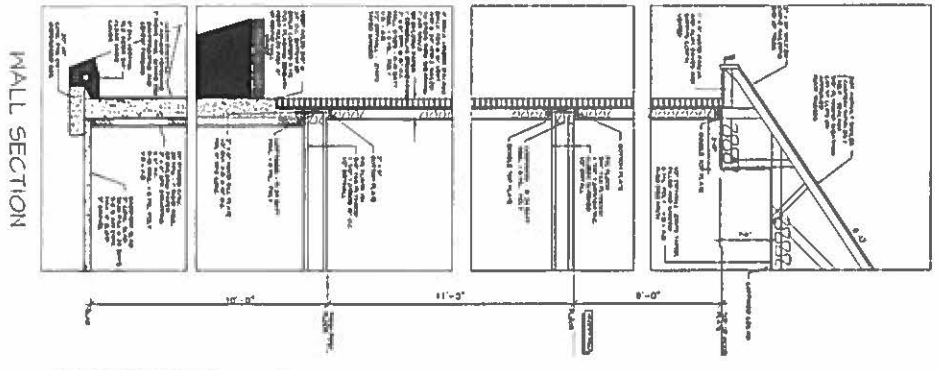
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2017 SEA-10 COMPLIANCE PACKAGE V1



SECTION AA
NOTE:
SEE BASEMENT PLAN FOR FOOTING SIZE

GENERAL INSULATION
 Insulation shall be installed in accordance with the International Residential Code (IRC) and the manufacturer's instructions. All exterior walls shall be insulated with R-15 mineral wool insulation. All exterior roofs shall be insulated with R-30 mineral wool insulation. All interior walls shall be insulated with R-13 mineral wool insulation. All interior floors shall be insulated with R-19 mineral wool insulation. All exterior doors shall be insulated with R-5 mineral wool insulation. All exterior windows shall be insulated with R-5 mineral wool insulation. All exterior doors and windows shall be weatherstripped to prevent air leakage.



WALL SECTION


GENERAL CONSTRUCTION NOTES
 1. All construction shall be in accordance with the International Residential Code (IRC) and the manufacturer's instructions.
 2. All exterior walls shall be finished with 1/2" gypsum board.
 3. All interior walls shall be finished with 1/2" gypsum board.
 4. All exterior doors shall be finished with 1/2" gypsum board.
 5. All exterior windows shall be finished with 1/2" gypsum board.
 6. All exterior doors and windows shall be weatherstripped to prevent air leakage.
 7. All exterior doors and windows shall be finished with 1/2" gypsum board.
 8. All exterior doors and windows shall be finished with 1/2" gypsum board.

FLOOR AND CEILING CONSTRUCTION
 1. All floors shall be finished with 1/2" gypsum board.
 2. All ceilings shall be finished with 1/2" gypsum board.
 3. All exterior floors shall be finished with 1/2" gypsum board.
 4. All exterior ceilings shall be finished with 1/2" gypsum board.

FRAMES, WALLS, AND PARTITIONS
 1. All exterior walls shall be finished with 1/2" gypsum board.
 2. All interior walls shall be finished with 1/2" gypsum board.
 3. All exterior doors shall be finished with 1/2" gypsum board.
 4. All exterior windows shall be finished with 1/2" gypsum board.

ROOFING
 1. All exterior roofs shall be finished with 1/2" gypsum board.
 2. All exterior roofs shall be finished with 1/2" gypsum board.

DOOR LINTLS AND DECKS
 1. All door lintls shall be finished with 1/2" gypsum board.
 2. All door lintls shall be finished with 1/2" gypsum board.

	<p>RECORDED NO STATE INDEMNITY DEALS</p>
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<p>GENERAL NOTES</p>	
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