

Memorandum to the City of Markham Committee of Adjustment

February 09, 2018

File: A/171/17
Address: 11 Fredericton Road, Markham
Applicant: Anna Maria Sgouros & Nichoals Steve Kalantzis
Agent: SDG Design (Stefano Di Giulio)
Hearing Date: Wednesday February 21, 2018

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) **Table 11.1:**
lot coverage of 35.46 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) **Infill By-law 99-90, Section 1.2(i):**
a building height of 10.66 metres, whereas the By-law permits a maximum height of 9.8 metres;
- c) **Infill By-law 99-90, Section 1.2(iii):**
a building depth of 20.85 metres, whereas the By-law permits a maximum depth of 16.8 metres;
- d) **Infill By-law 99-90, Section 1.2(vi):**
a floor area ratio of 51.7 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 975.51 m² (10,500.3 ft²) subject property is located on the south of Fredericton Road, near the turn into Billy Joel Crescent, south of Highway 7 and east of Main Street Markham North. It is partially within TRCA's Regulated Area as the rear portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. There is an existing 158.5 m² (1,706 ft²) two-storey detached dwelling on the property, which according to assessment records was built in 1954. The property also contains an inground swimming pool in the rear yard.

Proposal

The applicant is proposing to demolish the existing home and construct a two-storey detached dwelling with a gross floor area of 410.91 m² (4,423 ft²). The existing inground pool in the rear yard is proposed to be removed. The driveway will be relocated to the west side of the property. Two Crabapple trees are proposed to be removed as a result of the development. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

Official Plan and Zoning

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

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

The subject property is zoned R1- Single Detached dwelling under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirement with respect to lot coverage.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 height, building depth and net floor area ratio.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, *"The home seeks minor relief in lot coverage, building depth and building height. The proposed GFA at 51.7 percent is the result of the home being designed barrier-free with added areas for a lift and wider hallways at ground and second floor to allow this family of 6 to provide for the care of two senior family members."*

Zoning Preliminary Review Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken. 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 deck. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

COMMENTS

TRCA (Toronto and Region Conservation Authority) Comments

The subject property is adjacent to a valley corridor associated with the Rouge River Watershed. According to TRCA's comments dated January 9, 2018 (Appendix C), the proposed dwelling is approximately 5 m (16.4 ft) closer towards the top of bank (TOB) of the valley corridor than the existing dwelling on the property and may encroach into the Erosion Hazard Limit of the Limit of the Long Term Stable Top of Bank (LTSTOB). TRCA recommends the application be deferred to allow the applicant to undertake a geotechnical investigation to assess slope ability and erosion risk on the property, and will provide additional comments upon receipt of the geotechnical results.

City Staff concur with the TRCA recommendation for a deferral and requests that the Committee defers the application until the applicant has appropriately addressed the

TRCA comments, and determines if the proposed dwelling and variances are impacted by the TRCA 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 35.46 percent, whereas the By-law permits a maximum lot coverage of 35 percent. Staff are of the opinion that the proposed lot coverage represents a modest increase from the by-law.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.66 m (34.97 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.86 m (2.82 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 0.33 m (1.08 ft) above the crown of road.

Many parts of the second storey is setback from the main floor to help break down the vertical massing of the proposed dwelling. This also allows the second floor to provide more separation from adjacent homes to alleviate shadowing impact. The peak of the building will be approximately 7.74 m (24.4 ft) away from the adjacent home to the east, and 8.84 m (29 ft) from the home to the west.

Increase in Building Depth

The applicant is requesting relief from the by-law to permit a maximum building depth of 20.85 m (68.4 ft), whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of 4.05 m (13.28 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The proposed building depth includes the front and rear covered porches, which combined add approximately 4.98 m (16.33 ft) to the overall depth of the building. The actual length measured between the front and rear main wall, excluding the front and rear covered porch, is 16.11 m (52.85 ft), which complies with the by-law requirement. Notwithstanding the increase in depth, the dwelling will provide a rear yard setback of 11.4 m (37 ft), which is approximately more 3.78 m (12.4 ft) more than what the by-law requires.

Increase in Maximum Net Floor Area Ratio

The applicant is requesting relief from the by-law to permit a maximum floor area ratio of 51.7 percent, whereas the by-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 410.91 m² (4,423 ft²), whereas the by-law permits a dwelling with

a maximum gross floor area of 357.45 m² (3,847.55 ft²). This represents an increase of 53.46 m² (575.43 ft²).

While the proposed dwelling is larger than the majority of the one-storey homes on the street that were originally developed in the 1950's, the main dwelling (excluding the porches) complies with all setbacks, lot coverage and building depth requirements ensuring the building envelope will be in keeping with the intended scale of infill developments for the neighbourhood. Staff note that efforts have been made to reduce the overall massing of the building by incorporating recessed second floors and wall articulation. It is the opinion of staff that the proposed dwelling is well designed with unique architectural elements that would complement the appearance and attractiveness of the existing streetscape.

PUBLIC INPUT SUMMARY


As of February 9th, 2017, no written submissions were received since the application was re-circulated. 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

Based on the discussion above, Staff recommend this application be deferred to provide the applicant an opportunity to work with TRCA to address the comments identified in the TRCA letter dated January 9th, 2018 (Appendix C) and to determine how the proposed dwelling and variances are impacted.


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.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

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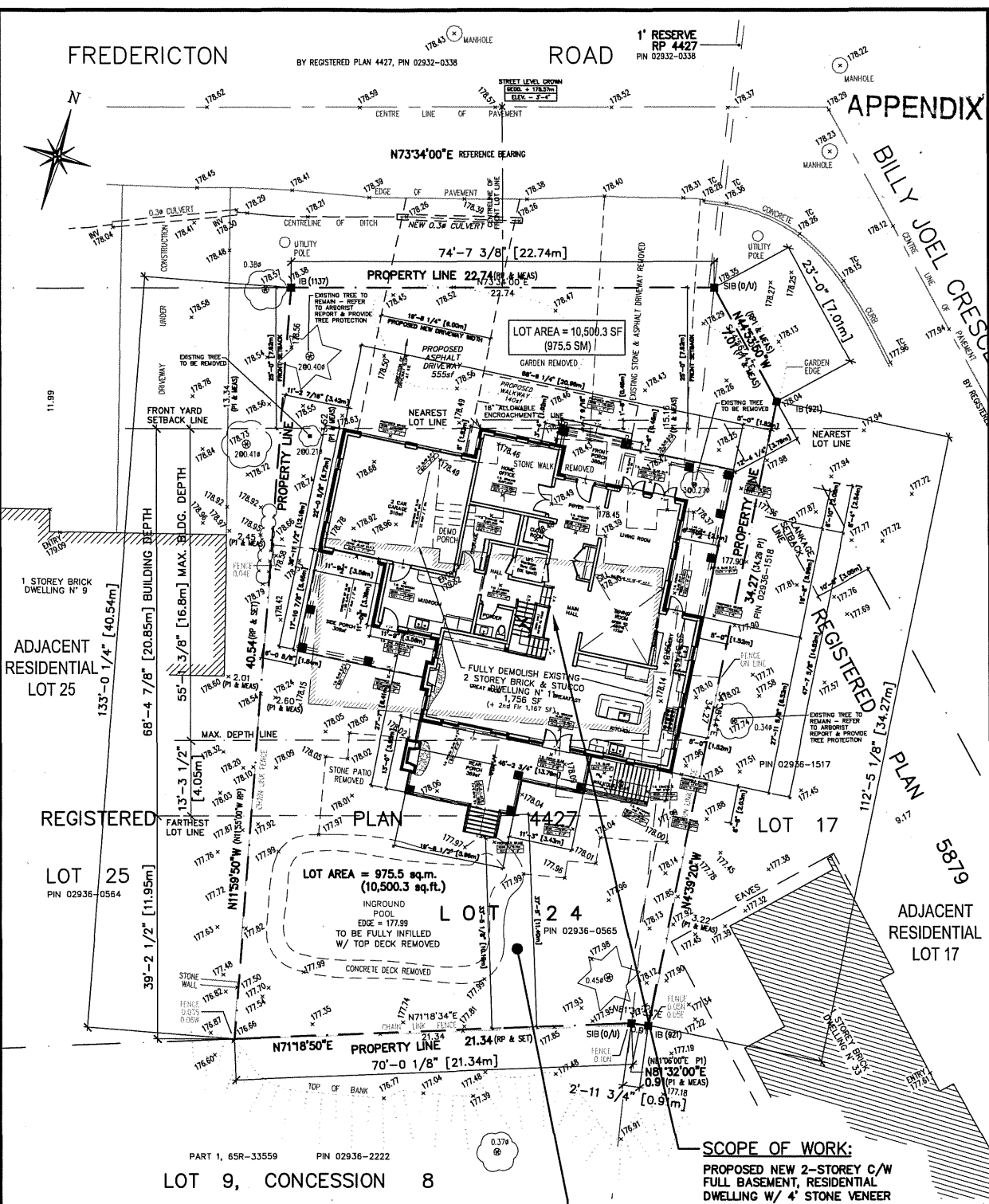
FREDERICTON

ROAD

BY REGISTERED PLAN 4427, PIN 02932-0338

1' RESERVE
RP 4427
PIN 02932-0338

APPENDIX B



REFER TO ASK-3 - DATA FOR ZONE REQUIREMENTS
FOR R1-RESIDENTIAL INFILL - BY-LAW 1229 / 99-90:

2
ASK

SITE PLAN WITH PROPOSED NEW CUSTOM HOME

SCALE 1 : 200 (SURVEY PLAN OF LOT 24 - PLAN 4427 and PART OF LOT 17 - PLAN 5879)

T.O. SUBFLR. = +179.59m
T.O. FND WALL = +179.23m
T.O. B.SLAB. = +176.52m
U/S FTG. = +176.21m



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PROJECT PROPOSED CUSTOM HOME
11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1

SUBJECT 'THE SGOUROS & KALANTZIS RESIDENCE'
SITE PLAN-LOT SURVEY W/ SITE DATA (1 : 200)

DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: 1 : 200

PROJECT No.
17-080

REFER TO ASK-1 to ASK-12
ISSUED FOR : C.O.A. HEARING

DWG. No. ASK-2

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

DATA FOR ZONE REQUIREMENTS FOR R1-RESIDENTIAL INFILL - By-law 1229/99-90:

i) ACTUAL LOT AREA = IRREGULAR 74.62 FT. LOT FRONTAGE X 133.02 FT. LOT DEPTH => 10,500.3 SQ.FT. (975.5 SM)

ii) MAX. FLOOR AREA RATIO SHALL BE 45% OF NET LOT AREA CALCULATED AS FOLLOWS:

NET LOT AREA = 6,600 SQ.FT. + 1/2 (ACTUAL LOT AREA - 6,600 SQ.FT)
 6,600 SQ.FT. + 1/2 (10,500 SQ.FT. - 6,600 SQ.FT)
 6,600 SQ.FT. + 1/2 (3,900 SQ.FT)
 6,600 SQ.FT. + 1,950 SQ.FT.
 NET LOT AREA = 8,550 SQ.FT.
 THUS, ALLOWED MAX. FLOOR AREA RATIO = 45% OF 8,550 SQ.FT. => 3,848 SQ.FT.

- iii) AREA OF PROPOSED FRONT COVERED PORCH = 385 SQ.FT. (35.7 SQ.M.)
- iv) AREA OF PROPOSED REAR COVERED PORCH = 369 SQ.FT. (34.3 SQ.M.)
- v) AREA OF PROPOSED SIDE PORCH = 308 SQ.FT. (28.6 SQ.M.)
- vi) AREA OF PROPOSED WALK-OUT = 75 SQ.FT. (7.0 SQ.M.)
- vii) PROPOSED GROUND LEVEL GROSS FLOOR AREA = 2,650 SQ.FT. (246.2 SQ.M.)
- viii) PROPOSED SECOND LEVEL GROSS FLOOR AREA = 1,773 SQ.FT. = (164.7 SQ.M.)

ix) DWELLING'S TOTAL LOT COVERAGE AREA = (385 + 369 + 308 + 2,650 + 11) SQ.FT. = 3,723 SQ.FT. (346 SQ.M.).
 3,723 SQ.FT. OF DWELLING COVERAGE AREA DIVIDED BY ACTUAL LOT AREA OF 10,500.3 SQ.FT. = 35.46% LOT COVERAGE
 IS GREATER THAN THE MAX. ALLOWABLE LOT COVERAGE OF 35% AND DOES NOT COMPLY WITH THE ZONING BY-LAW.
 THUS, THE PROPOSED DWELLING DESIGN SUBMISSION REQUIRES C.O.A. APPROVAL TO PROCEED.
NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 0.46% (48 SQ.FT.) OF ADDITIONAL LOT COVERAGE

x) PROPOSED 2-STORY DWELLING HAS BEEN DESIGNED WITH THE BUILDING HEIGHT AT ITS ROOF PEAK MEASURED
 VERTICALLY AT 34'-11 3/4" (10.66m) FROM THE EXISTING STREET CROWN AT GEOD. +178.57m (ELEV. - 3'-4")
 AND EXCEEDS THE ALLOWABLE 9.8m (32'-2") MAXIMUM BUILDING HEIGHT BY 2'-9 3/4" (0.857m), THUS NOT
 CONFORMING WITH THE ZONING BY-LAW REQUIREMENT.
**NOTE: BUILDING HEIGHT MEASURED FROM THE CROWN OF THE STREET WHICH IS 3'-4" (1.02m) BELOW THE
 GROUND SUBFLOOR ELEVATION SET AT + 0'-0" or GEOD. +179.59m
 THUS, THE PROPOSED DWELLING DESIGN SUBMISSION REQUIRES C.O.A. APPROVAL TO PROCEED.
 NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 0.857m (2'-9 3/4") ADDITIONAL BUILDING HEIGHT**

xi) DWELLING'S PROPOSED BUILDING DEPTH HAS BEEN DESIGNED WITH A BUILDING DEPTH OF 68'-4 7/8" (20.85m), MEASURED TO THE REAR
 MIDDLE SOUTH-EAST CORNER OF THE PROPOSED 1-STORY EXTERIOR COVERED PORCH, AND DOES NOT CONFORM WITH THE ZONING BY-LAW
 REQUIREMENT OF THE MAXIMUM BUILDING DEPTH SET AT 16.8m (55'-1 3/8").
 THUS, THE PROPOSED DWELLING DESIGN SUBMISSION REQUIRES C.O.A. APPROVAL TO PROCEED.
NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 4.05m (13'-3 1/2") ADDITIONAL BUILDING DEPTH

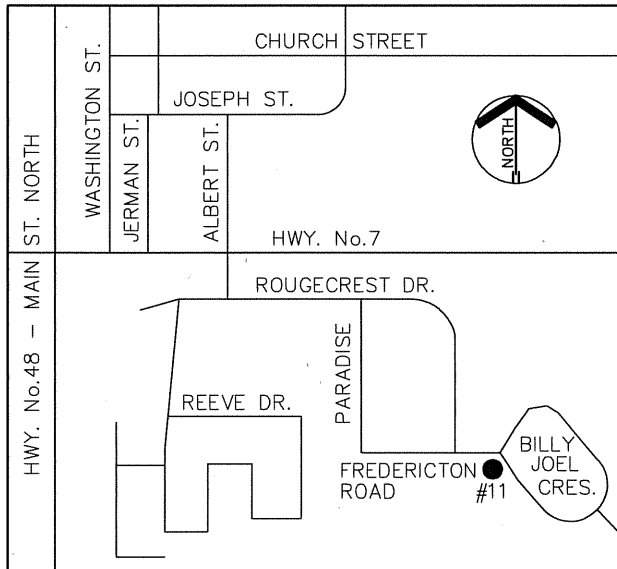
xii) DWELLING'S PROPOSED GROSS FLOOR AREA (GFA) = (GROUND FLOOR GFA 2,650 SQ.FT. + SECOND FLOOR GFA 1,773 SQ.FT.) = 4,423 SQ.FT.
 THUS, 4,423 SQ.FT. DIVIDED BY 8,550 SQ.FT. (NET LOT AREA) EQUALS 51.7% AND EXCEEDS THE ALLOWABLE MAX. FLOOR AREA RATIO
 SET AT 45% (OR 3,847.5 SQ.FT.) AND DOES NOT CONFORM WITH ZONING BY-LAW REQUIREMENT.
 THUS, THE PROPOSED DWELLING DESIGN SUBMISSION REQUIRES C.O.A. APPROVAL TO PROCEED.
NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 6.7% (575.5 SQ.FT.) OF ADDITIONAL GROSS FLOOR AREA

SITE STATISTIC FOR No. 11 FREDERICTON ROAD			
	CALCULATION NOTES	PROPOSED FLOOR AREA	TOTAL FLOOR AREA
FRONT PORCH	- NOT INCLUDED IN GFA CALCULATION	385 SQ.FT.	385 SQ.FT.
REAR PORCH	- NOT INCLUDED IN GFA CALCULATION	369 SQ.FT.	369 SQ.FT.
SIDE PORCH	- NOT INCLUDED IN GFA CALCULATION	308 SQ.FT.	308 SQ.FT.
REAR WALKOUT	- NOT INCLUDED IN LOT COVERAGE	75 SQ.FT.	75 SQ.FT.
2 CAR GARAGE	N/A	516 SQ.FT.	516 SQ.FT.
GROUND FLOOR VOID	- REDUCES GRND FLR GFA CALCULATION	11 SQ.FT.	11 SQ.FT.
GROUND FLOOR LIVING	N/A	2,134 SQ.FT.	2,134 SQ.FT.
GROUND FLOOR GFA	N/A	2,650 SQ.FT.	2,650 SQ.FT.
SECOND FLR REAR BALCONY	- NOT INCLUDED IN GFA CALCULATION	88 SQ.FT.	88 SQ.FT.
SECOND FLR TOTAL AREA	N/A	2,205 SQ.FT.	2,205 SQ.FT.
SECOND FLOOR VOIDS	- REDUCES 2ND FLOOR GFA CALCULATION	432 SQ.FT.	432 SQ.FT.
SECOND FLOOR GFA	N/A	1,773 SQ.FT.	1,773 SQ.FT.
LOT AREA	IRREGULAR 74.62' X 133.02'	= 10,500.3 SQ.FT.	
LOT COVERAGE	3,723 SQ.FT. / 10,500.3 SQ.FT. = 35.46 %		
GROSS FLOOR AREA	4,423 SQ.FT. / 8,550 SQ.FT. = 51.7 %		

3,723 SQ.FT. OF DWELLING AREA DIVIDED BY 10,500.3 SQ.FT. OF ACTUAL LOT AREA = 35.46% LOT COVERAGE IS GREATER THAN THE R1 DESIGNATION OF ZONING BY-LAW 1229 REQUIREMENTS OF THE MAX. LOT COVERAGE OF 35%. **NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 0.46% (48 SQ.FT.) OF ADDED LOT COVERAGE.**

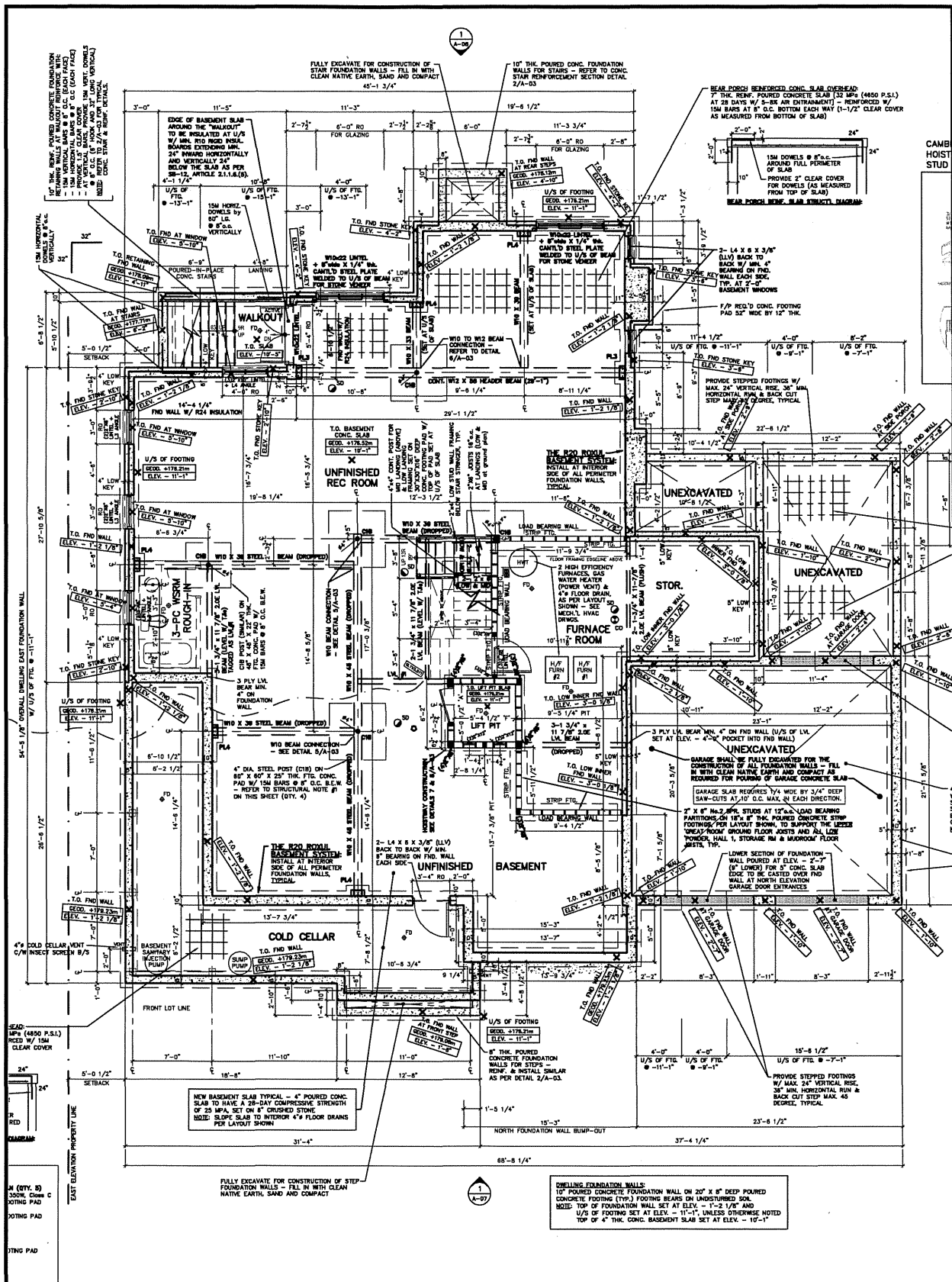
DWELLING'S TOTAL PROPOSED GROSS FLOOR AREA = (2,650 + 1,773) SQ.FT. = 4,423 SQ.FT. DIVIDED BY 8,550 SQ.FT. (NET LOT AREA) EQUALS 51.7% IS GREATER THAN THE ALLOWABLE MAX. FLOOR AREA RATIO SET AT 45% AND DOES NOT CONFORM WITH ZONING BY-LAW REQUIREMENT. THE PROPOSED DWELLING DESIGN SUBMISSION REQUIRES C.O.A. APPROVAL TO PROCEED. **NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 6.7% (575.5 SQ.FT.) OF ADDED GROSS FLOOR AREA.**

SITE PLAN DATA FOR ZONING REVIEW:	
a)	FRONT YARD TOTAL AREA = 2,255 SQ.FT. (209.5 SM)
b)	FRONT YARD HARD LANDSCAPING = 695 SQ.FT. (64.5 SM) - EQUALS 30.8% of Front Yard
c)	FRONT YARD SODED & SOFT LANDSCAPING = 1,560 SQ.FT. (145 SM) - EQUALS 69.2% of Front Yard
d)	REAR YARD TOTAL AREA = 3,712 SQ.FT. (345 SM) - REAR YARD SODED & SOFT LANDSCAPING at 100% = 3,712 SQ.FT. (345 SM) Note: NO REAR YARD HARD LANDSCAPING (No additional walkways or patios proposed)



1 SITE KEY PLAN
 ASK-2 SCALE N/A

 CUSTOM HOMES & ADDITIONS 416.909.4452 34 ELM STREET MARKHAM, ONT., L3P 2V5 CELL 416-909-4452 FAX 905-201-2275 sdgdesign@rogers.com	PROJECT	PROPOSED CUSTOM HOME 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1	PROJECT No.	17-080
	SUBJECT	'THE SGOUROS & KALANTZIS RESIDENCE' SITE DATA PER BY-LAW 1229/99-90 ZONE REQUIREMENTS	REFER TO ASK-1 to ASK-12	
	DRAWN BY: SDG	ISSUE DATE: 22 JAN 2018	SCALE: AS NOTED	ISSUED FOR: C.O.A. HEARING
	PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE			DWG. No. ASK-3



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PROJECT **PROPOSED CUSTOM HOME**
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1

SUBJECT **'THE SGOUROS & KALANTZIS RESIDENCE'**
 PROPOSED DWELLING FOUNDATION / BASEMENT PLAN

DRAWN BY: SDG | ISSUE DATE: 22 JAN 2018 | SCALE: 1/8" = 1'-0"

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

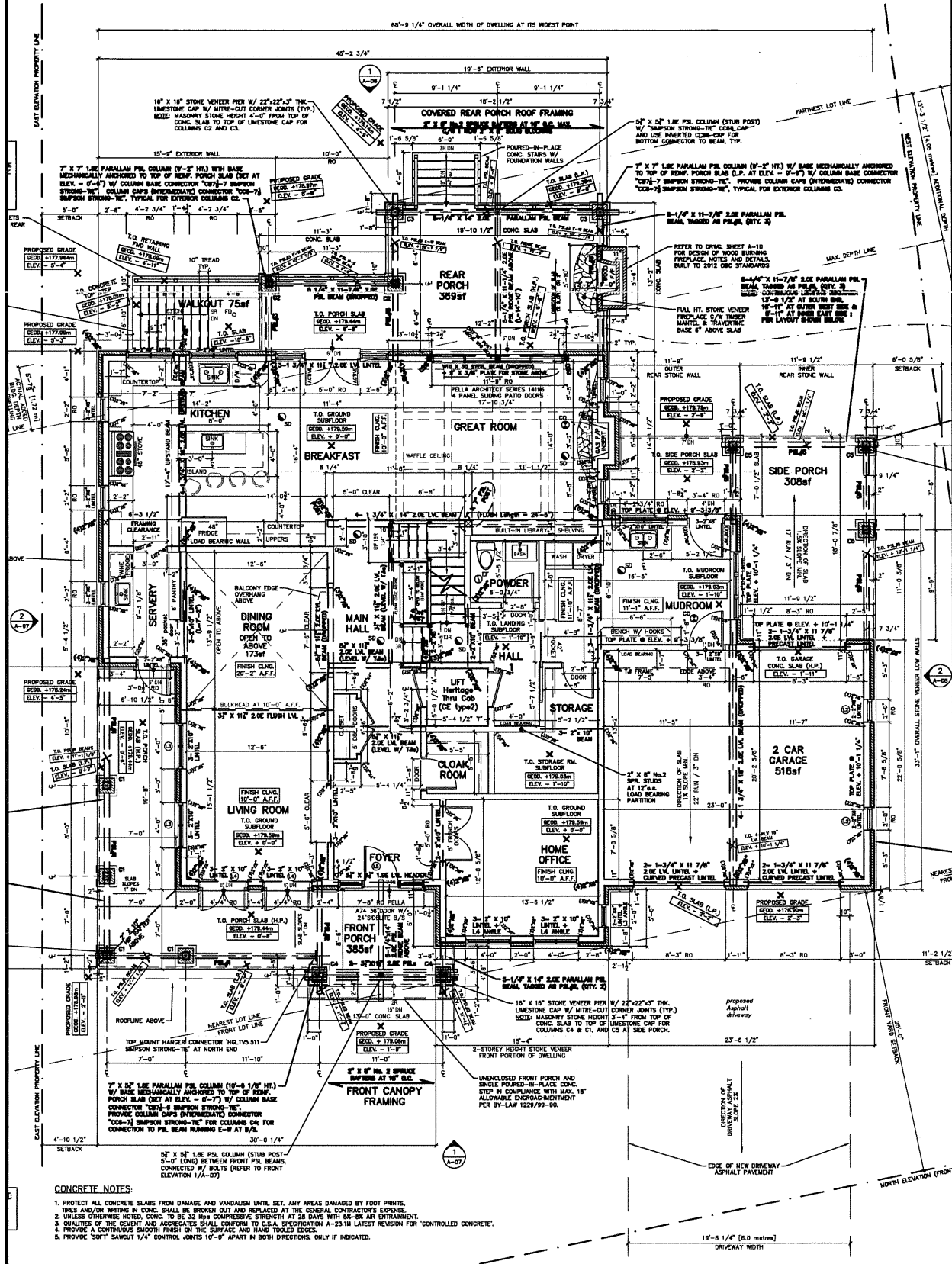
PROJECT No. **17-080**

REFER TO ASK-1 to ASK-12

ISSUED FOR: C.O.A. HEARING

DWG. No. **ASK-4**

REFER TO ASK-7 FOR PROPOSED DWELLING GROUND FLOOR AREA CALCULATIONS:



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PROJECT **PROPOSED CUSTOM HOME**
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1

SUBJECT **'THE SGOUROS & KALANTZIS RESIDENCE'**
 PROPOSED DWELLING GROUND FLOOR PLAN

DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: 1/8" = 1'-0"

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

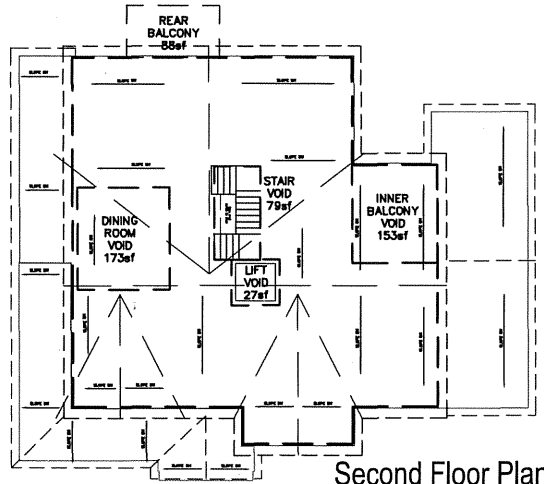
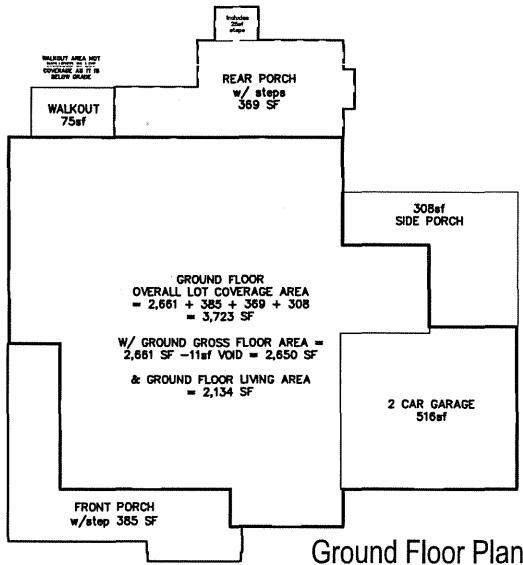
PROJECT No. **17-080**

REFER TO ASK-1 to ASK-12

ISSUED FOR: C.O.A. HEARING

DWG. No. **ASK-5**

SECOND LEVEL GROSS FLOOR AREA DESIGNED AT 2,205 SF
 MINUS INNER BALCONY -153 SF = 2,052 SF
 MINUS STAIR VOID -79sf, LIFT VOID -27sf & DINING VOID -173sf
 =>
 (2,052 SF - 279 SF) = 1,773 SF



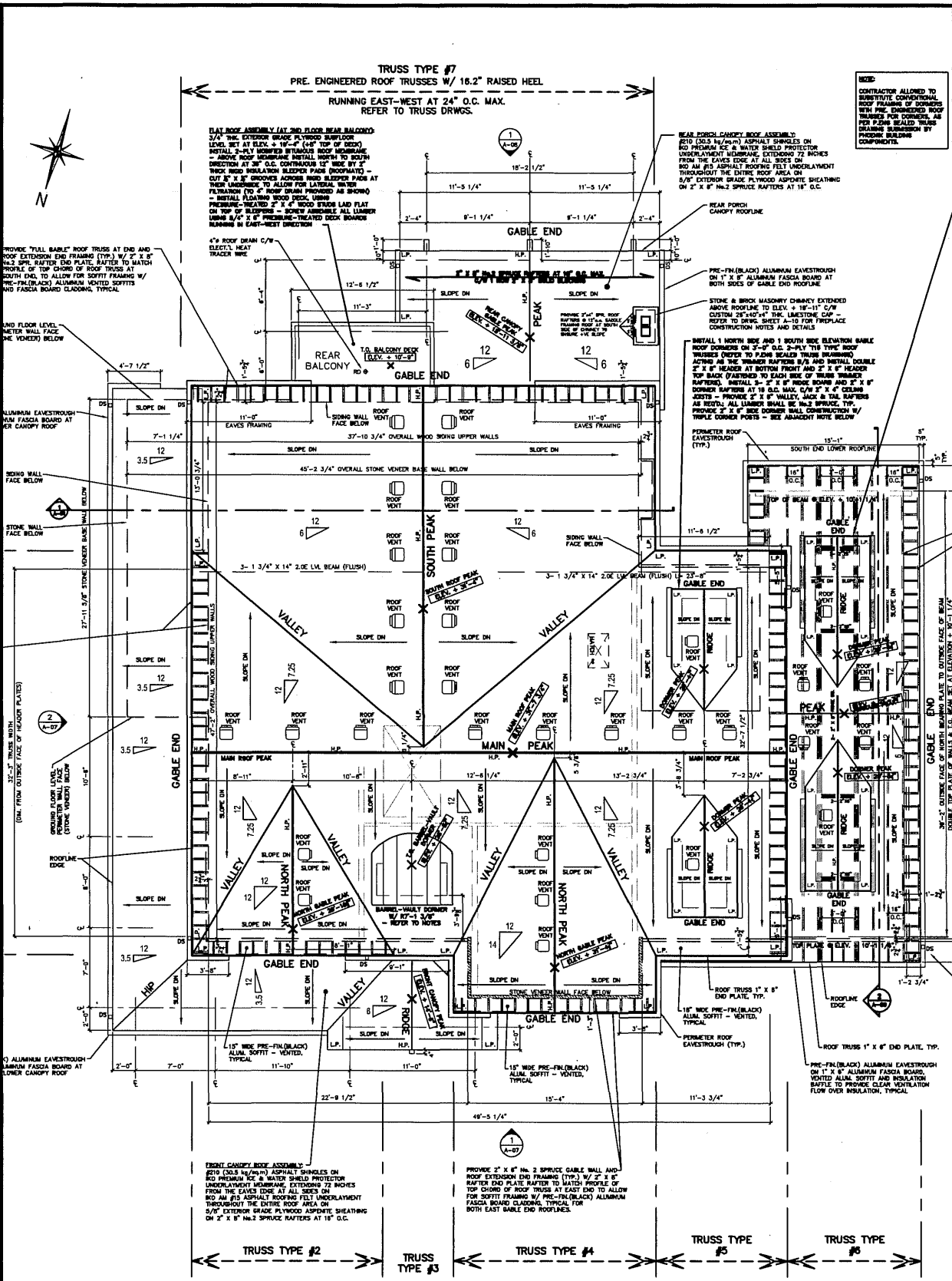
GROUND FLOOR OVERALL LOT COVERAGE AREA
 = 2,661 + 385 + 369 + 308 => 3,723 SF
 W/ GROUND GROSS FLOOR AREA = 2,661 SF
 -11sf VOID (GROUND FLOOR GFA = 2,650 SF)
 NOTE: GROUND FLOOR LIVING AREA = 2,134 SF
 (as GARAGE AREA = 516 SF)

NOTE:
 AS PER BY-LAW 1229/99-90's DEFINITIONS THE 'WALKOUT' AREA OF
 75 SF IS NOT INCLUDED IN LOT COVERAGE AS IT IS BELOW GRADE

LOT AREA = 10,500.3 SF (975.5 SM)
 MAX. 35% OF LOT AREA = 3,675.1 SF MAX. ALLOWABLE AREA
 DWELLING LOT COVERAGE = 3,723 SF / 10,500.3 = 35.46%

GROUND FLOOR AREA CALCULATION FOR COMMITTEE OF ADJUSTMENT:
 GROUND FLOOR GFA = 2,650 SF
 + SECOND FLOOR GFA = 1,773 SF => 4,423 SF
 THUS 4,423 SF DIVIDED BY 8,550 SF NET LOT AREA = 51.7%

 CUSTOM HOMES & ADDITIONS 416.909.4452 34 ELM STREET MARKHAM, ONT. L3P 2V5 CELL 416-909-4452 FAX 905-201-2275 sgdgdesign@rogers.com	PROJECT PROPOSED CUSTOM HOME 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1	PROJECT No. 17-080
	SUBJECT 'THE SGOUROS & KALANTZIS RESIDENCE' PROPOSED GRND & SECOND FLR PLANS AREA CALCULATIONS	REFER TO ASK-1 to ASK-12 ISSUED FOR : C.O.A. HEARING
	DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: AS NOTED	DWG. No. ASK-7
	PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE	



NOTE:
CONTRACTOR ALLOWED TO SUBSTITUTE CONVENTIONAL ROOF FRAMING OF CORNICES WITH PRE-ENGINEERED ROOF TRUSSES FOR CORNICES, AS PER P.206 SEALED TRUSS DRAWING SUBMITTED BY PROVIDOR BUILDING COMPONENTS.

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PROJECT **PROPOSED CUSTOM HOME**
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1

SUBJECT **'THE SGOUROS & KALANTZIS RESIDENCE'**
PROPOSED DWELLING OVERALL ROOF PLAN

DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: 1/8" = 1'-0"

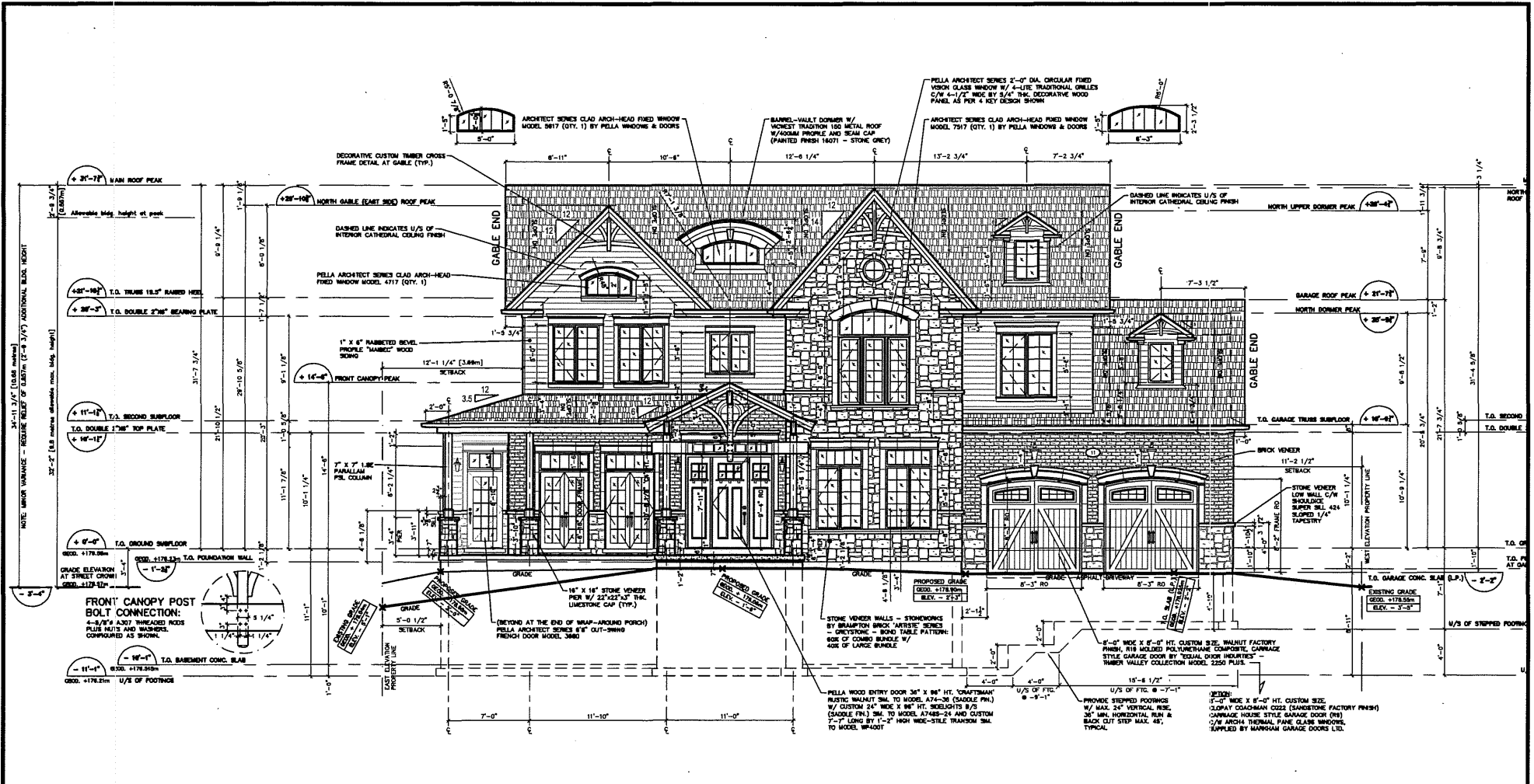
PROJECT No. **17-080**

REFER TO ASK-1 to ASK-12

ISSUED FOR: C.O.A. HEARING

DWG. No. **ASK-8**

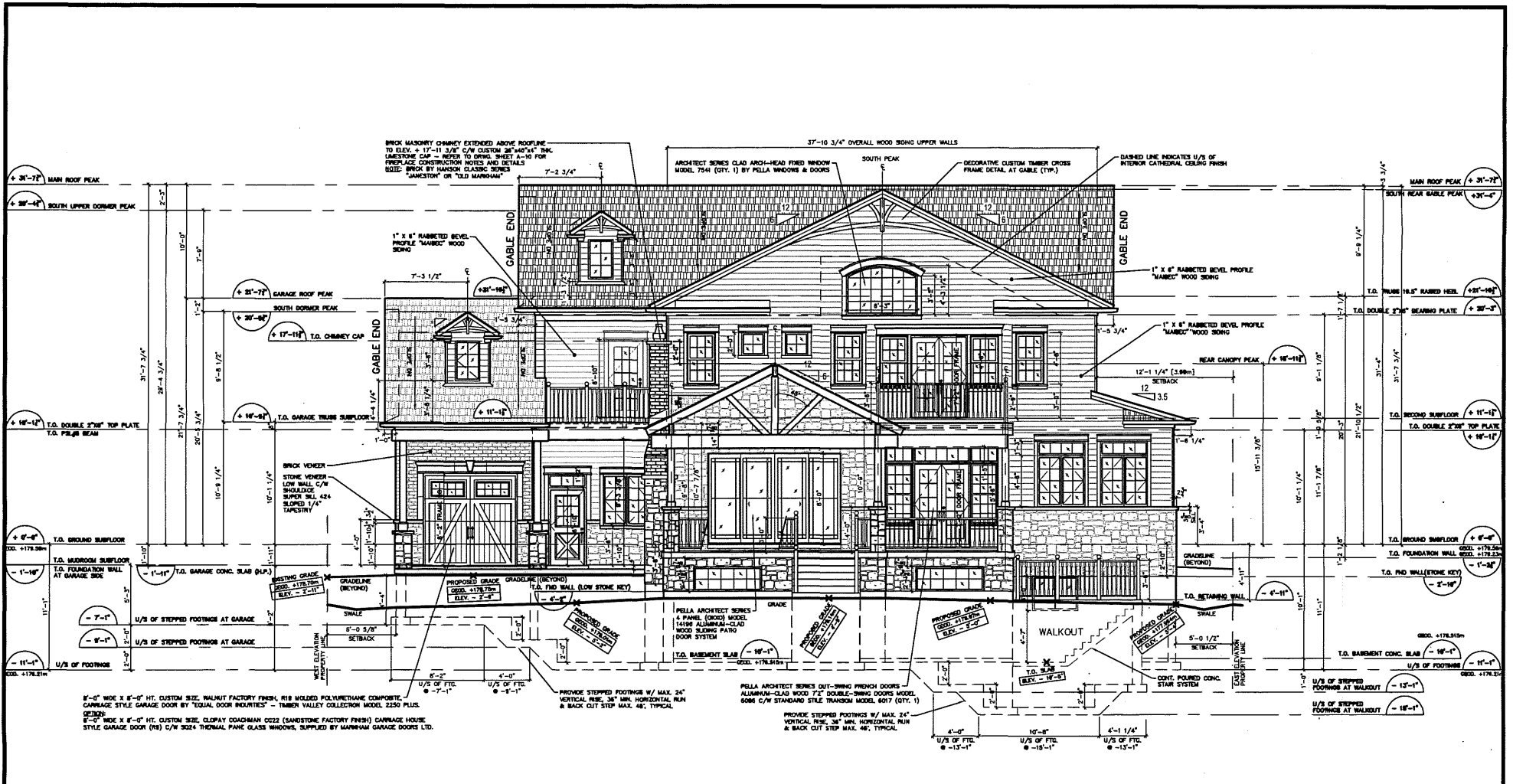
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1 PROPOSED NORTH (FRONT) ELEVATION
 A-07 SCALE 1/4" = 1'-0"

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PROJECT	PROPOSED CUSTOM HOME 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1	PROJECT No.	17-080
SUBJECT	'THE SGOUROIS & KALANTZIS RESIDENCE' NORTH (FRONT VIEW ALONG FREDERICTON ROAD) ELEVATION	REFER TO	ASK-1 to ASK-12
DRAWN BY: SDG	ISSUE DATE: 22 JAN 2018	SCALE:	1/8" = 1'-0"
PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE		DWG. No.	ASK-9



1 PROPOSED SOUTH (REAR) ELEVATION
 A-08 SCALE 1/4" = 1'-0"

sdg design
 CUSTOM HOMES & ADDITIONS
416.909.4452
 34 ELM STREET
 MARKHAM, ONT., L3P 2V5
 CELL 416-909-4452
 FAX 905-201-2275
 sdgdesign@rogers.com

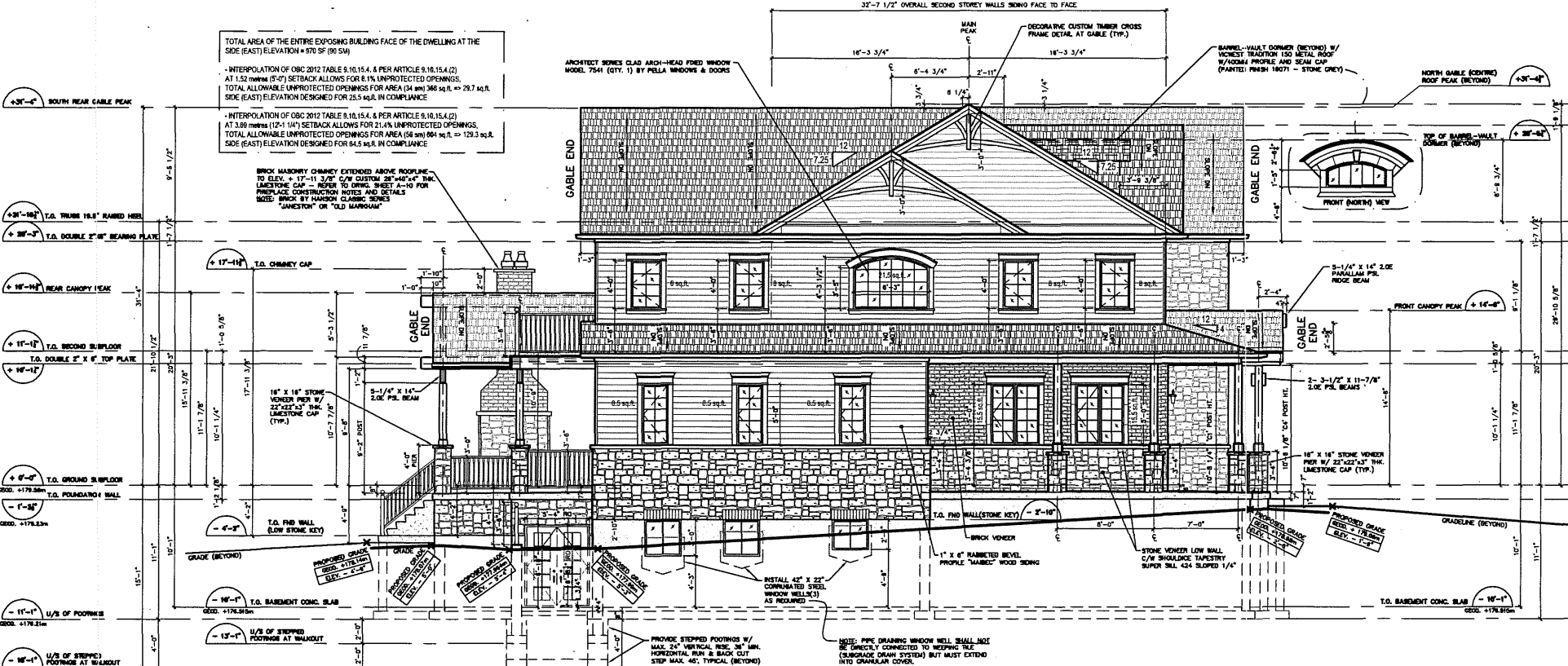
PROJECT **PROPOSED CUSTOM HOME**
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1
 SUBJECT 'THE SGOUROS & KALANTZIS RESIDENCE'
 PROPOSED DWELLING SOUTH (REAR) ELEVATION
 DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: 1/8"=1'-0"

PROJECT No. **17-080**
 REFER TO ASK-1 to ASK-12
 ISSUED FOR: C.O.A. HEARING
 DWG. No. **ASK-10**

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

TOTAL AREA OF THE ENTIRE EXPOSING BUILDING FACE OF THE DWELLING AT THE SIDE (EAST) ELEVATION = 970 SF (90 SM)

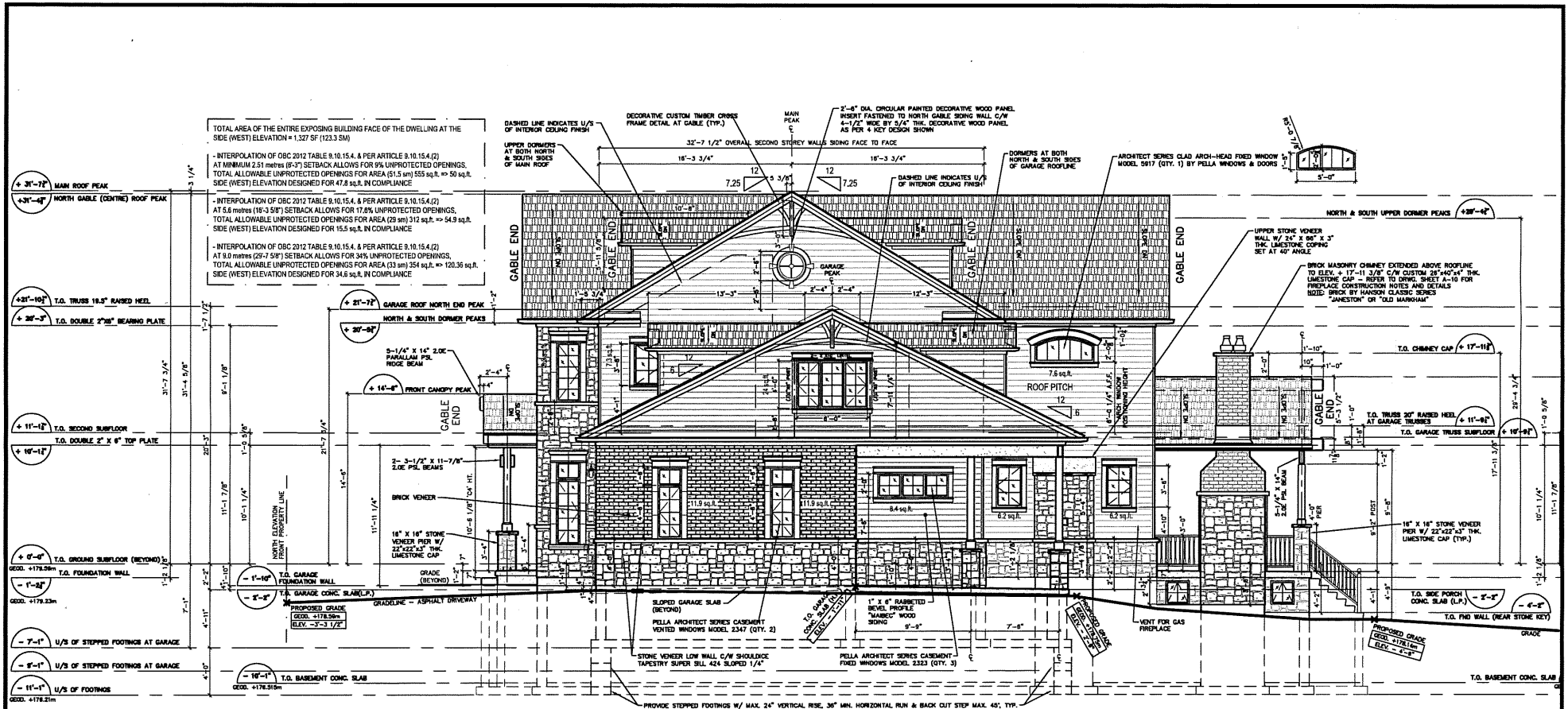
- INTERPOLATION OF OBC 2012 TABLE 9.10.15.4. & PER ARTICLE 9.10.15.4.(2) AT 1.52 mm/m (5'-2") SETBACK ALLOWS FOR 8.1% UNPROTECTED OPENINGS.
- TOTAL ALLOWABLE UNPROTECTED OPENINGS FOR AREA (34 sqm) 360 sq ft. = 29.7 sq ft. SIDE (EAST) ELEVATION DESIGNED FOR 25.5 sq ft. IN COMPLIANCE.
- INTERPOLATION OF OBC 2012 TABLE 9.10.15.4. & PER ARTICLE 9.10.15.4.(2) AT 3.10 mm/m (12'-1") SETBACK ALLOWS FOR 21.4% UNPROTECTED OPENINGS.
- TOTAL ALLOWABLE UNPROTECTED OPENINGS FOR AREA (58 sqm) 624 sq ft. = 129.3 sq ft. SIDE (EAST) ELEVATION DESIGNED FOR 84.5 sq ft. IN COMPLIANCE.



2 PROPOSED EAST ELEVATION
A-07 SCALE 1/4" = 1'-0"

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PROJECT	PROPOSED CUSTOM HOME 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1	PROJECT No.	17-080
SUBJECT	'THE SGOUROS & KALANTZIS RESIDENCE' PROPOSED DWELLING EAST (SIDE) ELEVATION	REFER TO	ASK-1 to ASK-12
DRAWN BY: SDG	ISSUE DATE: 22 JAN 2018	SCALE: 1/8" = 1'-0"	ISSUED FOR: C.O.A. HEARING
PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE			DWG. No. ASK-11



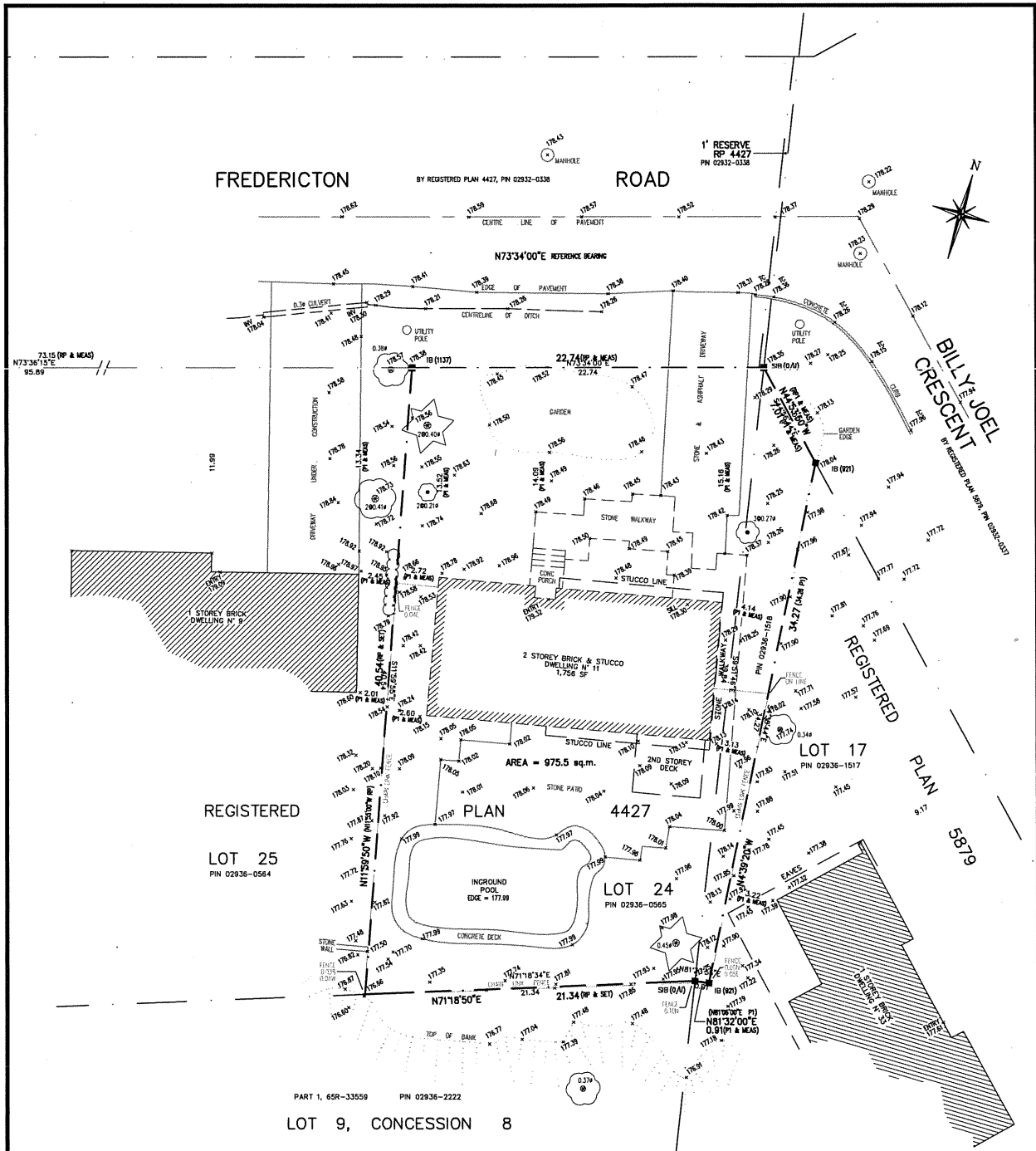
2 PROPOSED WEST ELEVATION
 A-08 SCALE 1/4" = 1'-0"

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PROJECT PROPOSED CUSTOM HOME
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1
 SUBJECT 'THE SGOURO & KALANTZIS RESIDENCE'
 PROPOSED DWELLING WEST (SIDE) ELEVATION
 DRAWN BY: SDG ISSUE DATE: 22 JAN 2018 SCALE: 1/8"=1'-0"

PROJECT No.
17-080
 REFER TO ASK-1 to ASK-12
 ISSUED FOR : C.O.A. HEARING
 DWG. No. ASK-12

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE



SURVEYOR'S REAL PROPERTY REPORT

PART 1: PLAN OF LOT 24
 REGISTERED PLAN 4427 and PART OF LOT 17
 REGISTERED PLAN 5879
 CITY OF MARKHAM
 GEOGRAPHIC TOWNSHIP OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 250
 E.W. BOWYER B.Sc., O.L.S.

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PART 2: REPORT
 1 - THIS REPORT WAS PREPARED FOR A. SGOUROS & S. KALANTIS.
 2 - BOUNDARIES CONFORM SUBSTANTIALLY TO LEGAL DESCRIPTION.
 3 - NO EASEMENTS ARE RECORDED ON TITLE.
 4 - FENCES VARY FROM PROPERTY LINES AS SHOWN.
 5 - NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

NOTE: THIS REPORT CAN BE UPDATED BY THIS OFFICE. NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION.

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
(PI)	DENOTES R. G. MARRIBRO, O.L.S.
(RP)	DENOTES REGISTERED PLAN 4427
(RP2)	DENOTES REGISTERED PLAN 5879
(MEAS)	DENOTES MEASURED
(O/U)	DENOTES ORIGIN UNKNOWN
(N.E.S.W)	DENOTES NORTH, SOUTH, EAST, WEST
⊙	DENOTES CONIFEROUS / DECIDUOUS TREE

E. W. BOWYER INC.
 ONTARIO LAND SURVEYORS
 LAND DEVELOPMENT CONSULTANTS
 8078 MARKHAM ROAD, SUITE 201A
 MARKHAM, ONTARIO L3R 1A3
 PH 905-294-8093, FAX 905-294-8349
 PIN 02936-0565/1518 DWG No: M-409 C:\OLD\2017\17-1321.DWG

BENCHMARK
 ELEVATIONS ARE REFERRED TO BM 092903523
 ELEVATION = 179.09

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2023046

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYOR'S ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON 25 JULY 2017
 DATE: 8 AUGUST 2017
 E.W. Bowyer
 E.W. BOWYER B.Sc., O.L.S.

BEARING NOTE: BEARINGS ARE ASTROMIC AND ARE REFERRED TO THE SOUTH LIMIT OF FREDERICTON ROAD AS SHOWN ON REGISTERED PLAN 4427 HAVING A BEARING OF N 74° 34' 00" E.
METRIC / IMPERIAL DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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PROJECT PROPOSED CUSTOM HOME
 11 FREDERICTON ROAD, MARKHAM, ON L3P 3C1

SUBJECT 'THE SGOUROS & KALANTZIS RESIDENCE'
 EXISTING 2017 SURVEY PLAN W/ ORIGINAL DWELLING (1:250)

DRAWN BY: SDG **ISSUE DATE:** 22 JAN 2018 **SCALE:** 1 : 250

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

PROJECT No. 17-080

REFER TO ASK-1 to ASK-12

ISSUED FOR: C.O.A. HEARING

DWG. No. ASK-1



January 9, 2018

CFN: 57057.20
X CFN: 58928**BY E-MAIL ONLY**

Mr. Rick Cefaratti
Acting Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Mr. Cefaratti:

Re: Variance Application - A/171/17
11 Fredericton Road, Markham, ON
Anna Maria Sgouros & Nicholas Steve Kalantzis (Owner)
Stefano Di Guilio (Agent)

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION**A/171/17**

It is our understanding that the applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed residential dwelling.

Requested Variance(s) to the Zoning By-law:

- a. **Table 11.1:**
Lot coverage of 35.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b. **Infill By-law 99-90, Section 1.2(i):**
A building height of 11.08 metres, whereas the By-law permits a maximum height of 9.8 metres;
- c. **Infill By-law 99-90, Section 1.2(iii):**
A building depth of 21.2 metres, whereas the By-law permits a maximum depth of 16.8 metres;
- d. **Infill By-law 99-90, Section 1.2(vi):**
A floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

APPLICABLE TRCA REGULATIONS AND POLICIES**Ontario Regulation 166/06 (as amended):**

The subject property is partially located within TRCA's Regulated Area, as the rear portion of the site is adjacent to a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading;
- iv. the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Roles and Responsibilities

TRCA provides our technical review comments through several roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2005 and 2014; TRCA's Regulatory Authority under Ontario Regulation 166/06 (as amended), Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses; and our Memorandum of Understanding (MOU) with the Region of York, where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

TRCA strives to ensure consistency between our comments under the *Planning Act* and our comments under the *Conservation Authorities Act*, the proposed development must meet the tests of our Regulation at the time of application. This means that the TRCA must be satisfied that the form of development can satisfy the tests of Ontario Regulation 166/06, as amended, and demonstrate that there will be 'no negative impacts' in order for TRCA staff to support a permit. Details in respect to TRCA's policies can be found in Section 7 and 8 of TRCA's The Living City Policies.

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS

Planning & Development:

As noted above, the subject property is within a TRCA Regulated Area of the Rouge River Watershed. Based on our review, TRCA staff have concerns with respect to the requested variances as they relate to the location of the proposed works identified on the plans submitted with the subject application.

Please be advised, we recently reviewed a TRCA permit application (TRCA CFN #58928) to facilitate the construction of the proposed works. However, at this time, we cannot recommend approval of the proposed development, as submitted, until the applicant has appropriately addressed all comments outlined in this letter.

To ensure development is appropriately setback from the limit of natural features and their associated hazards, TRCA typically requires a minimum 10 metre (m) buffer, which is considered part of the valley corridor, be established from the greater of the following constraints:

- The physical top of bank (TOB);
- The Regulatory Floodplain (i.e. greater of the Regional Storm or 100 Year Flood event standards);
- The limit of the Long Term Stable Top of Bank (LTSTOB); or,
- The limit of contiguous vegetation associated with the valley corridor.

Please note, the Regulatory Floodplain is contained within the valley corridor and does not extend on to the subject property. Furthermore, the TOB of the valley corridor appears to be adjacent to the rear property line. We note, the dripline of contiguous vegetation associated with the valley corridor does not extend upon the subject lands.

Based on the results of our site visit on December 7, 2017, the footprint of the proposed replacement dwelling is situated approximately 5m closer towards the TOB than the existing dwelling. Additionally, it is our understanding that the existing in-ground pool and concrete top decking will be infilled/removed. These structures/landscaping were observed to be approximately setback 5-6 metres from the TOB.

Please be advised, where existing development is outside the 10m environmental buffer from natural features and their associated hazards, TRCA does not typically support further encroachment and will not permit development within the erosion hazard limit.

Geotechnical Engineering:

1. Given the proposed works proximity towards the steep valley wall, we are concerned that it may be encroaching within the Erosion Hazard Limit of the LTSTOB, representing an increase in risk to life and property which TRCA cannot support. Therefore, in accordance with TRCA policy, to assess slope stability and erosion risk on site, a geotechnical investigation is required to delineate LTSTOB and determine an appropriate setback.

Terms of Reference for the Geotechnical Study:

- Carry out a visual inspection to assess the slope conditions including the slope features, structures relative to the slope crest, erosion features, past slide features (e.g. signs of instability, tension cracks, toe erosion and undercutting) and other features such as vegetation cover, drainage, previous fill placement, etc.
- Obtain the soil stratigraphy (without drilling boreholes), based on a visual inspection, and/or previous or nearby subsurface investigations, and/or geologic mapping, and/or hand augering and/or test pits to determine shallow depth soil types and fill thicknesses.
- The slope profile will need to be measured by surveying and through various measurements being taken on site. The measurements should include the height and inclination of the slope, the location of the top and toe of slope, any slope features and structures relative to the crest, the locations of past instabilities, erosion and drainage and the position of the watercourse with respect to the toe of slope.
- Undertake a slope stability analysis using computerized modeling for the critical cross-sections to calculate the safety factor based on the above information and measurements, but utilizing conservative soil strength parameters and groundwater conditions since boreholes are not being used. The Long-term Stable Slope Allowance will need to be calculated for the critical cross sections using a minimum Factor of Safety of 1.50. The Toe Erosion Allowance associated with the watercourse will also need to be determined.
- Using the above referenced Toe Erosion Allowance and Long-Term Stable Slope Allowance, determine the position of the Long-Term Stable Top of Slope (LTSTOS) line on the tableland. This line will need to be shown in plan and cross section(s) view.

Planning Ecology:**Erosion and Sediment Controls (ESCs):**

To prevent sediment from potentially leaving the subject site and from entering into the valley corridor, ESCs (i.e. silt fencing) are required. Should you wish to adhere to the above noted comments and proceed with the proposed works, please ensure that all relevant plans/drawings are revised to demonstrate that ESCs in accordance with TRCA's *Erosion and Sediment Control Guideline for Urban Construction, December 2006*. The ESCs should cover the full extent of the construction area associated with the proposed works throughout all phases of construction until the completion of the project. Please note, typical silt fencing details (OPSD 219.130) should be included on all relevant plans/drawings (see: Appendix C [C-26] of TRCA's Erosion and Sediment Control guidelines for Urban Construction, 2006 – <http://trca.on.ca/dotAsset/40035.pdf>).

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$550.00 review fee (2016 TRCA Planning Fees Schedule – Variance – Residential – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

Based on the above, TRCA staff cannot support the above noted application and request that it be **deferred** until such a time that the applicant addresses the geotechnical issue outlined in this letter. Please note, based on our review of your revised submission, additional comments may arise.

We welcome the opportunity to discuss what supplementary materials may need to be completed in order for the proposed development associated with this application to be supported by TRCA. Please be advised, our requisite TRCA Planning Services review fee of \$550.00 is now outstanding and must be remitted within 60 days of this letter.

Please note, the approval of this Minor Variance application does not bind TRCA under the *Conservation Authorities Act* to approve the proposed works identified on the drawings/plans submitted with this application.

I trust these comments are of assistance. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
Extension 5723

AP/as