

Memorandum to the City of Markham Committee of Adjustment

February 2, 2018

File: A/183/17
Address: 26 Glen Cameron Road, Thornhill
Applicant: 2417219 Ontario Inc. (Jae Park)
Agent: Michael Smith Planning Consultants
Hearing Date: Wednesday February 07, 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 - R4S, as amended:

a) **Amending By-law 53-94; Section 1.2(b):**

a Home Occupation use to occupy 35 percent of the total combined gross floor area of the Dwelling unit; whereas, the By-law restricts a Home Occupation use to 25 percent of the total gross floor area of the dwelling unit;

b) **Amending By-law 53-94; Section 1.2(d):**

a maximum of three (3) employees not residing in the dwelling unit; whereas, the Bylaw permits no more than one employee not residing in the dwelling unit;

as it relates to a home occupation within an existing residential dwelling.

Property Description

The 603.64 m² (6,497.52 ft²) subject property is located on the north side of Glen Cameron Road, south of Clark Avenue and west of Henderson Avenue. There is an existing one-storey detached dwelling on the subject property, which according to assessment records was constructed in 1983. The dwelling, including the basement, has a total gross floor area of 327.16 m² (3,521.52 ft²). The property is surrounded by single detached dwellings to the north, east and west, and industrial buildings containing uses such as auto repair shops and yoga studio to the south across Glen Cameron Road.

Proposal

The applicant is proposing to run a 114.39 m² (1,231.28 ft²) legal office on the ground floor of the existing house as a home occupation. The legal office will include two rooms and one of the garage spaces. The hallway and the 6.73 m² (72.44 ft²) washroom beside the stairs will be shared by the legal office and the dwelling unit. No changes to the exterior of the dwelling or property are being proposed. The office will have a total of four employees; one being the applicant who will be residing in the dwelling unit and three non-resident employees.

Official Plan and Zoning

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

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Home occupation is allowed on the subject property and is defined under the Official Plan as an occupation or profession conducted for gain in a residential dwelling unit or a detached accessory building where the business or profession is conducted wholly within the dwelling unit or detached accessory building in a manner that is accessory to the principal residential use.

Zoning By-Law

The subject property is zoned R4S – Single Detached Residential (Special) under By-law 2237, as amended, which permits single detached dwellings.

Home Occupation By-law 53-94, as amended

Home occupation is defined under By-law 53-94 as "...a secondary use of a dwelling unit and its accessory buildings by at least one of the permanent residents of such dwelling unit to conduct a gainful occupation or business activity". Secondary Uses is further defined as "...any use...which is subordinate and incidental to the residential use and does not compromise the residential character of the property".

Home Occupation is permitted in any residential zone subject to a list of criteria, including the requirements that the home occupation does not exceed 25 percent of the gross floor area (including basement) of the dwelling and does not employ more than one employee in addition to the members of the household. The proposed legal office does not meet these requirements.

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

According to the information provided on the application form, *"In regards to the floor area, the owner wants to use a portion of the first floor for the home occupation use. In calculating the floor area of the home occupation, half of the attached garage and a very large common hallway were included. The hallway will serve both the dwelling unit and home occupation. With respect to the number of employees, the home occupation use will be a legal office with one lawyer. The lawyer requires up to 3 administrative staff members."*

Zoning Preliminary Review Not Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed home occupation on the subject property.

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 Gross Floor Area

The applicant is requesting relief to permit a legal office as Home Occupation to occupy 114.39 m² (1,231.28 ft²) or 35 percent of the total combined gross floor area (including basement) of the dwelling unit, whereas the By-law restricts a Home Occupation to 81.7 m² (879.41 ft²) or 25 percent of the total combined gross floor area (including basement) of the dwelling unit.

Approximately 212.77 m² (2,290.23 ft²) or 65 percent of the dwelling will continue be used as living space by the applicant. It is the opinion of staff that the proposed home occupation is subordinate to the principle residential use of the dwelling and will not undermine the primary function of the property. In addition, given no changes are being proposed to the exterior of the building and that no sign advertisement is expected to be displayed on the property as it is strictly prohibited by Home Occupation By-law 53-94, the variance will have minimal impact on the appearance of the street and is not anticipated to compromise the residential character of the neighbourhood. Staff have no objection to the variance.

Increase in Maximum Number of Employee

The applicant is requesting relief to permit a maximum of three non-resident employees, whereas the Bylaw permits no more than non-resident employee. The additional employees will provide administrative support to the applicant.

Zoning staff have confirmed that no parking variance is required as a result of the increase in the number of non-resident employees and maximum gross floor area for the proposed home occupation. The existing garage and the driveway have sufficient room to accommodate four parking spaces to comply with the parking requirement. Combined with the additional municipal boulevard (outside of the side walk), the property can provide a total of six parking spaces. Staff are of the opinion that the variance will not result in any demonstrable adverse impact on adjacent properties and have no objection.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 2nd, 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.

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 requests meet the four tests of the Planning Act and have no objection.

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:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/183/17

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 received on December 14, 2017, 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.

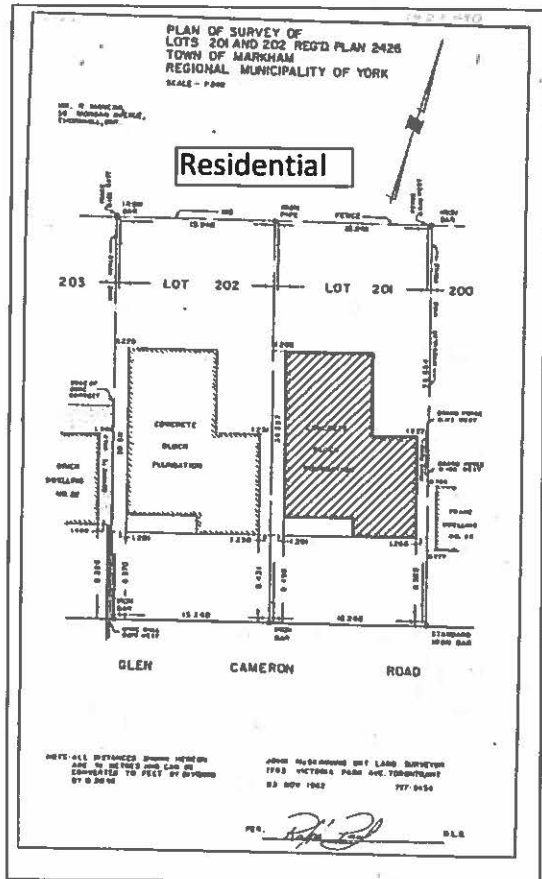
CONDITIONS PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

PROPOSED LAWYER OFFICE

26 Glen Cameron Road Markham ON L3T 1N7



EXISTING BUILDING INFORMATION .

Site Area (m²) : 601.61
 Frontage (m) : 15.2
 Depth (m) : 39.58
 Basement Floor Area (m²) : 153.15
 Ground Floor Area (m²) : 143.56
 Garage Area (m²) : 30.45

Total Gross Floor Area (m²) : 327.16

PROPOSED BUILDING INFORMATION .

Site Area (m²) : 601.61
 Frontage (m) : 15.2
 Depth (m) : 39.58
 Proposed Residential Area (m²) : 197.55
 Proposed Home Office (m²) : 114.39
 Garage Area (m²) : 15.225

Total Gross Floor Area (m²) : 327.16

DRAWING INDEX

DWG NO.	TITLE.
CA1	COVER SHEET.
CA2	BASEMENT FLOOR PLAN.
CA3	GROUND FLOOR PLAN.

REVISION		
5		
4		
3		
2		
1	HOME OFFICE AREA NOV22	
NO	DESCRIPTION	DATE

PROJECT NAME.
 Jae Park Lawyer Office

SHEET TITLE.

Cover Sheet

SCALE

N/A

DATE

2017.Nov

DRAWING NO.

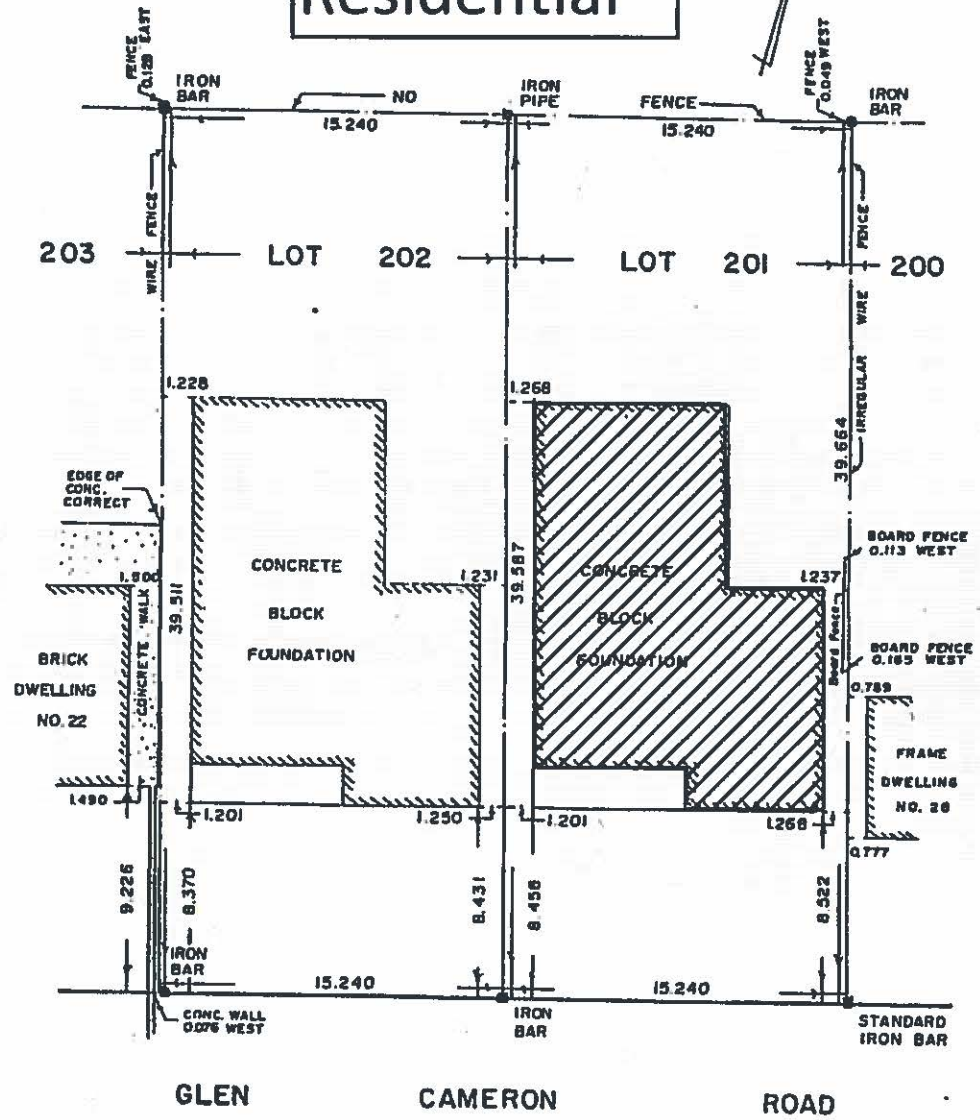
CA1

1423-40

PLAN OF SURVEY OF
LOTS 201 AND 202 REG'D. PLAN 2426
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE - 1"=240

MR. R. MANCINI,
56 MORGAN AVENUE,
THORNHILL, ONT.

Residential

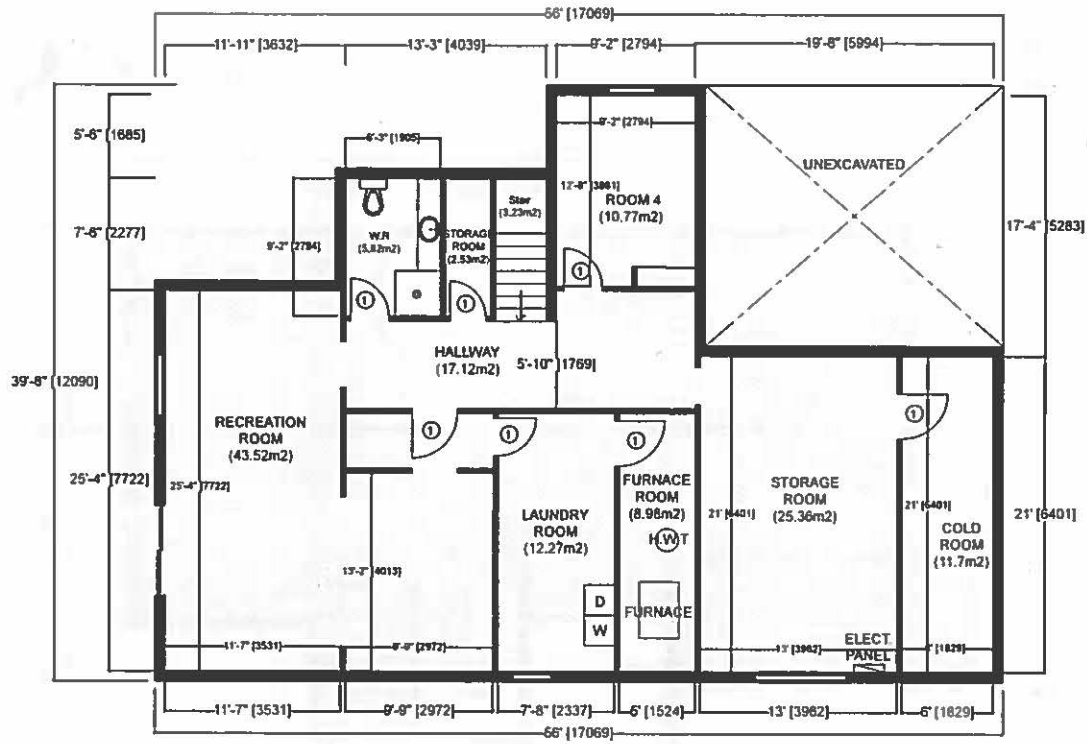


NOTE: ALL DISTANCES SHOWN HEREON
ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING
BY 0.3048

JOHN McSKIMMING ONT. LAND SURVEYOR
1703 VICTORIA PARK AVE. TORONTO, ONT.
03 NOV. 1982 757-5454

PER. *John McKimming*

O.L.S.



BASEMENT FLOOR PLAN

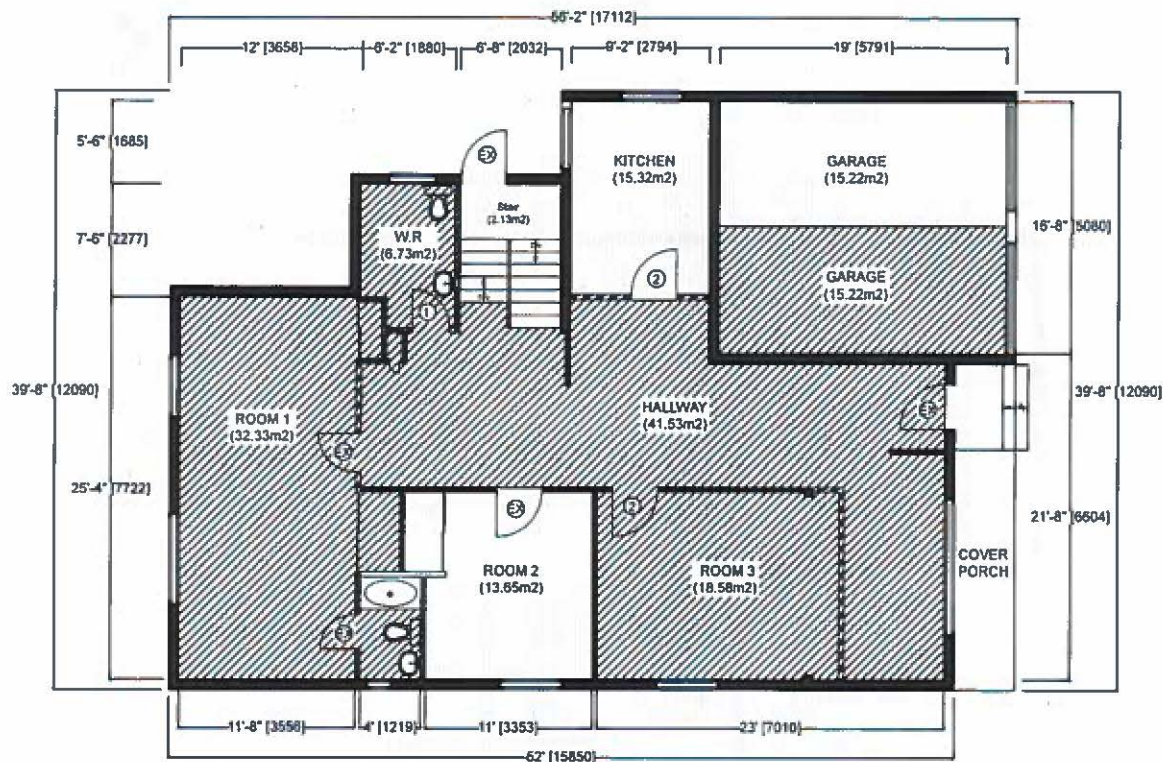
Scale 1/8" = 1'-00"

REVISION	
5	
4	
3	
2	
1	HOME OFFICE AREA NOV.22
NO	DESCRIPTION DATE
ISSUED	

PROJECT NAME.	
Jae Park Lawyer Office	
SHEET TITLE.	
Existing Basement Floor Plan	
SCALE	
1/8" = 1'-00"	
DATE	
2017.Nov	

DRAWING NO.

CA2



GROUND FLOOR PLAN

Scale: 1/8" = 1'-00"

HATCH LEGEND

 Proposed Home Office Use

REVISION		
5		
4		
3		
2		
1	HOME OFFICE AREA	NOV.22
NO	DESCRIPTION	DATE

ISSUED

PROJECT NAME.

Jae Park Lawyer Office

SHEET TITLE.

Ground Floor Plan

SCALE

1/8" = 1'-00"

DATE

2017.Nov

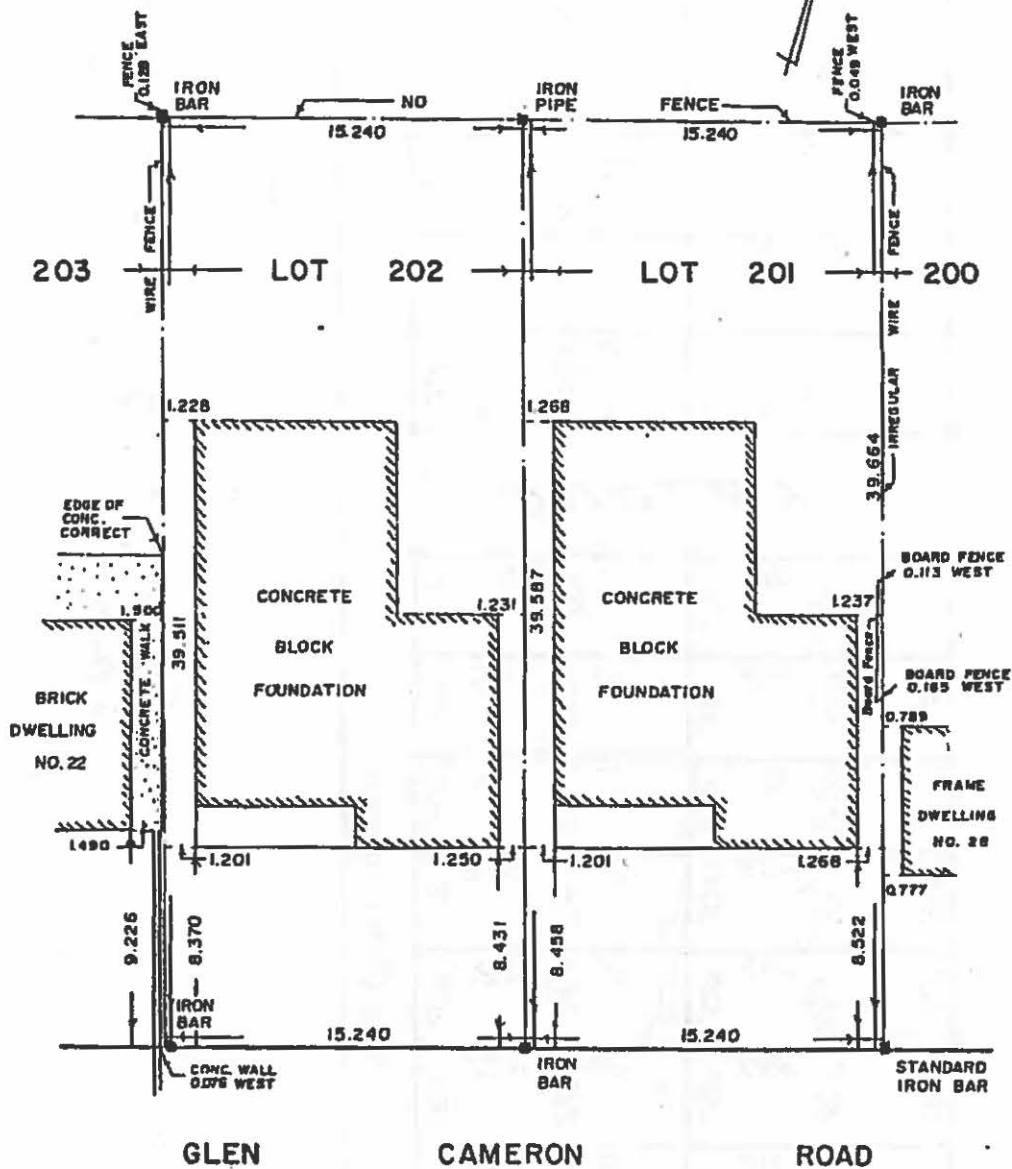
DRAWING NO.

CA3

7423-40

PLAN OF SURVEY OF
LOTS 201 AND 202 REG'D. PLAN 2426
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE - 1"=240

MR. R. MANCINI,
56 MORGAN AVENUE,
THORNHILL, ONT.



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1703 VICTORIA PARK AVE. TORONTO, ONT.
03 NOV. 1982 757-5454

PER.

Rafiq Jau

O.L.S.

2426

2426

OFFICERS AND CLERKS
COUNTY OF MARCHMONT
NUMBER 1123
H.C. Hall
COUNTY OF MARCHMONT

In behalf of the Municipality of the
Township of Marchmont we hereby approve
of the plan
G.W.B. Mackenzie
[Signature]

Plan of Subdivision
of Part of Lot 28 CON. TOWNSHIP OF MARCHMONT AND PART OF REG. PLAN NO. 2368,
County of York.
[Stamp]

2426

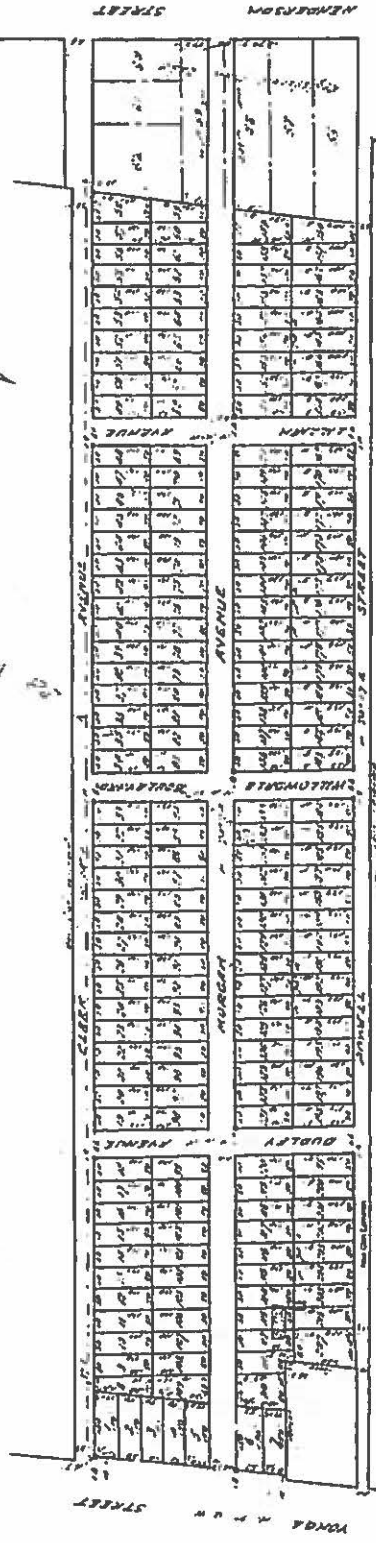
The Corporation of the City of Toronto
in its capacity as the owner of the
land hereby approves of the plan
[Signature]

with the intention of being used for
[Stamp]

PROPOSER'S CERTIFICATE
I hereby certify that the plan
[Signature]

OWNER'S CERTIFICATE
I hereby certify that the plan
[Signature]

E. T. STEPHENS LTD
[Signature]



FIELD NOTES
I hereby certify that the plan
[Signature]

SURVEYOR'S CERTIFICATE
I hereby certify that the plan
[Signature]

I hereby certify that the plan
[Signature]