

Addendum to the City of Markham Committee of Adjustment

February 14, 2022

File: A/182/21
Address: 19 Talisman Crescent – Markham, ON
Applicant: Elly Verdi
Agent: EPL Construction Ltd.
Hearing Date: February 16, 2022

The applicant is requesting relief from the following “Residential One – (R1)” zone requirement under By-law 1229, as amended, as it relates to a two-storey detached dwelling. The requested variance is to permit:

a) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 50.60%, whereas the by-law permits a maximum floor area ratio of 45.0%.

COMMENTS

As a matter of clarification, revised comments are provided through this addendum to the initial staff report dated February 7, 2022 (Appendix “C”) on behalf of the East District team. The proposal section of the initial staff report reads that,

“no further revisions to the building permit plans issued in 2021 are proposed as it relates to the building’s exterior walls.”

Following issuance of the staff report, staff have obtained the appropriate clarification needed with respect to this notation. The applicant has noted that while,

“the footing of the house will in no way be increased, (...) and the existing building envelope is the same, an alteration affecting the outside of the building is a 6.0 ft x 6.0 ft enclosure of the covered porch at the rear of the dwelling (see south and east elevation, and area shown as “hallway” in proposed ground floor plan).”

As a matter of further clarification, staff also note that the initial staff report reads under the Comments section that,

“the requested variance is required as the applicant desires to increase the floor space within the exterior building walls (see ground floor hallway and second floor foyer/laundry room and balcony area in the attached floor plans) following the most recent issuance of building permit plans.”

Following receipt of the above confirmation from the applicant that the covered porch area would be enclosed, staff note that the report shall be revised to read that,

“the requested variance is required as the applicant desires to increase the floor space within the exterior building walls, and to enclose a portion of the covered porch space to accommodate a hallway area at the rear of the building, following the most recent issuance of building permit plans. This space is approximately 6.0 ft x 6.0 ft, and staff refer the Committee to the

south and east elevation and ground floor plans attached as Appendix "B" to this addendum."

CONCLUSION

Planning staff remain satisfied that the proposed changes would be of no further impact to the streetscape, and have no objections to the requested variance. Planning staff also confirm that all other comments in the initial staff report remain applicable, and are of the opinion that the variance request meets the four tests of the *Planning Act, R.S.O. 1990, c. P.13, as amended*.

Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

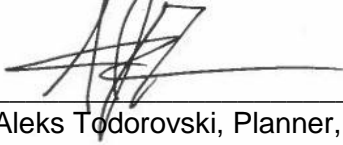
APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Initial Staff Report: February 7, 2022

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Brad Roberts, Manager, Zoning and Special Projects

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/21

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, 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:

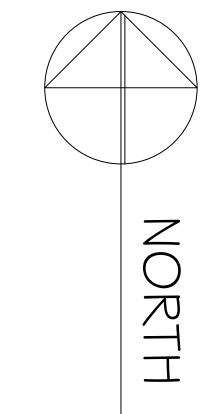
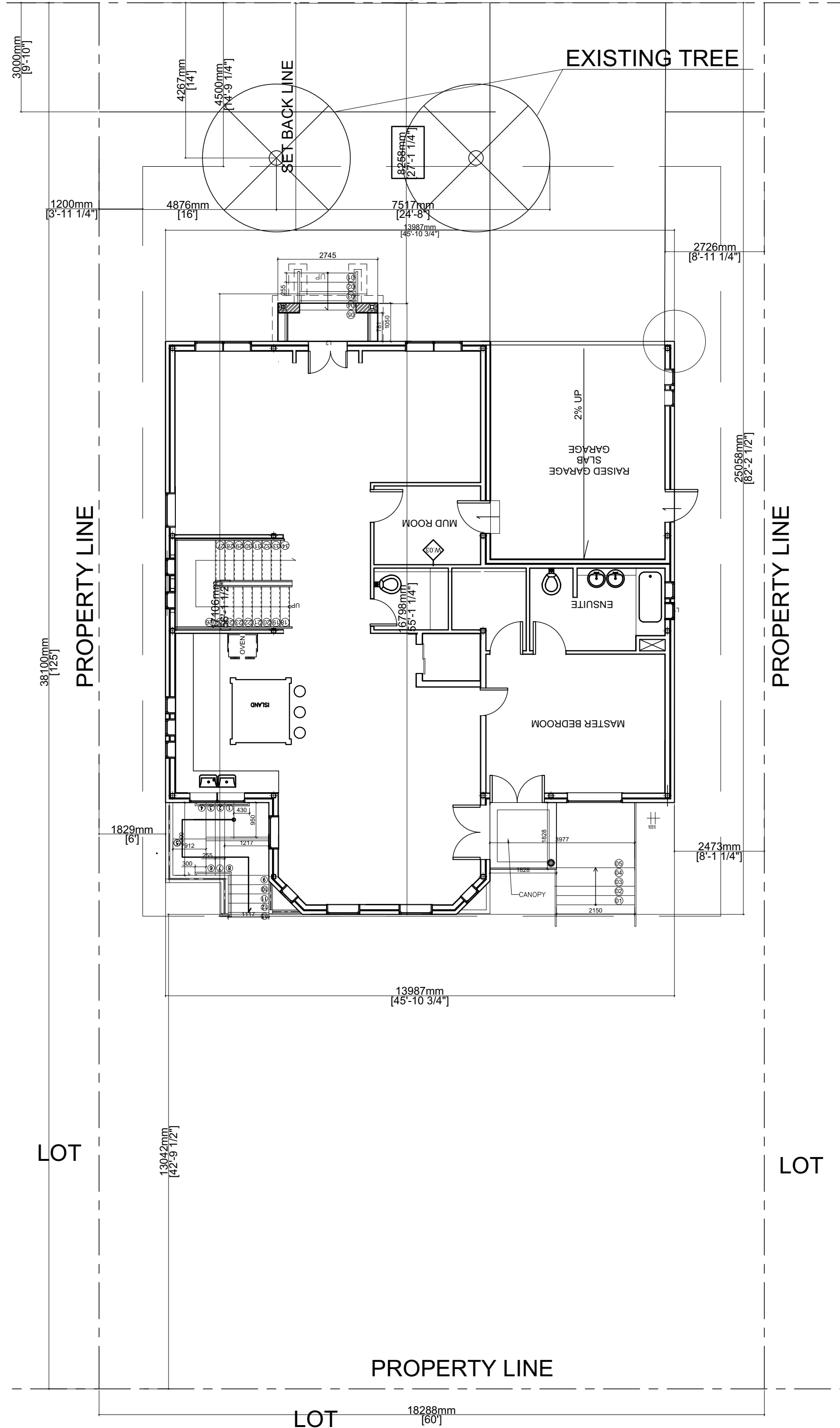
A handwritten signature in black ink, appearing to be 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/21

19 TALISMAN CT. CRESCENT

PROPERTY LINE



$$16800 = 25058 - 8258$$

THE MAXIMUM BUILDING DEPTH PERMITTED BY THE BY-LAW(16.8m) = THE FRONT LOT LINE FROM THE POINT ON THE DWELLING FURTHEST - THE FRONT LOT LINE FROM THE POINT ON THE DWELLING CLOSEST

SITE PLAN 01
SCALE = 1:100 02

OBC Div C 1.2.1.2(1) and 1.2.2.1 (4)
WHERE THE FOUNDATIONS OF A BUILDING ARE TO BE CONSTRUCTED BELOW THE LEVEL OF THE FOOTING OF AN ADJACENT BUILDING AND WITHIN THE ANGLE OF REPOSE OF THE SOIL, AS DRAWN FROM THE BOTTOM OF THE FOOTING, THE FOUNDATIONS SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER, AND THE CONSTRUCTION OF THE FOUNDATIONS SHALL BE REVIEWED BY A PROFESSIONAL ENGINEER.

Appendix B

File: 21-144902.000.00.MNV
Date: 02/11/22

GENERAL NOTES:
1/ THESE CONTRACT DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR THE INTERPRETATIONS OF THESE DOCUMENTS BY THE CONTRACTOR. UPON WRITTEN APPLICATION THE ARCHITECT WILL PROVIDE WRITTEN GRAPHIC CLARIFICATION OR SUPPLEMENTARY INFORMATION REGARDING THE INTENT OF THE CONTRACT DOCUMENTS. THE ARCHITECT WILL REVIEW SHOP DRAWINGS SUBMITTED BY THE CONTRACTOR FOR DESIGN CONFORMANCE ONLY.
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NO	DATE	DESCRIPTION
REVISIONS		

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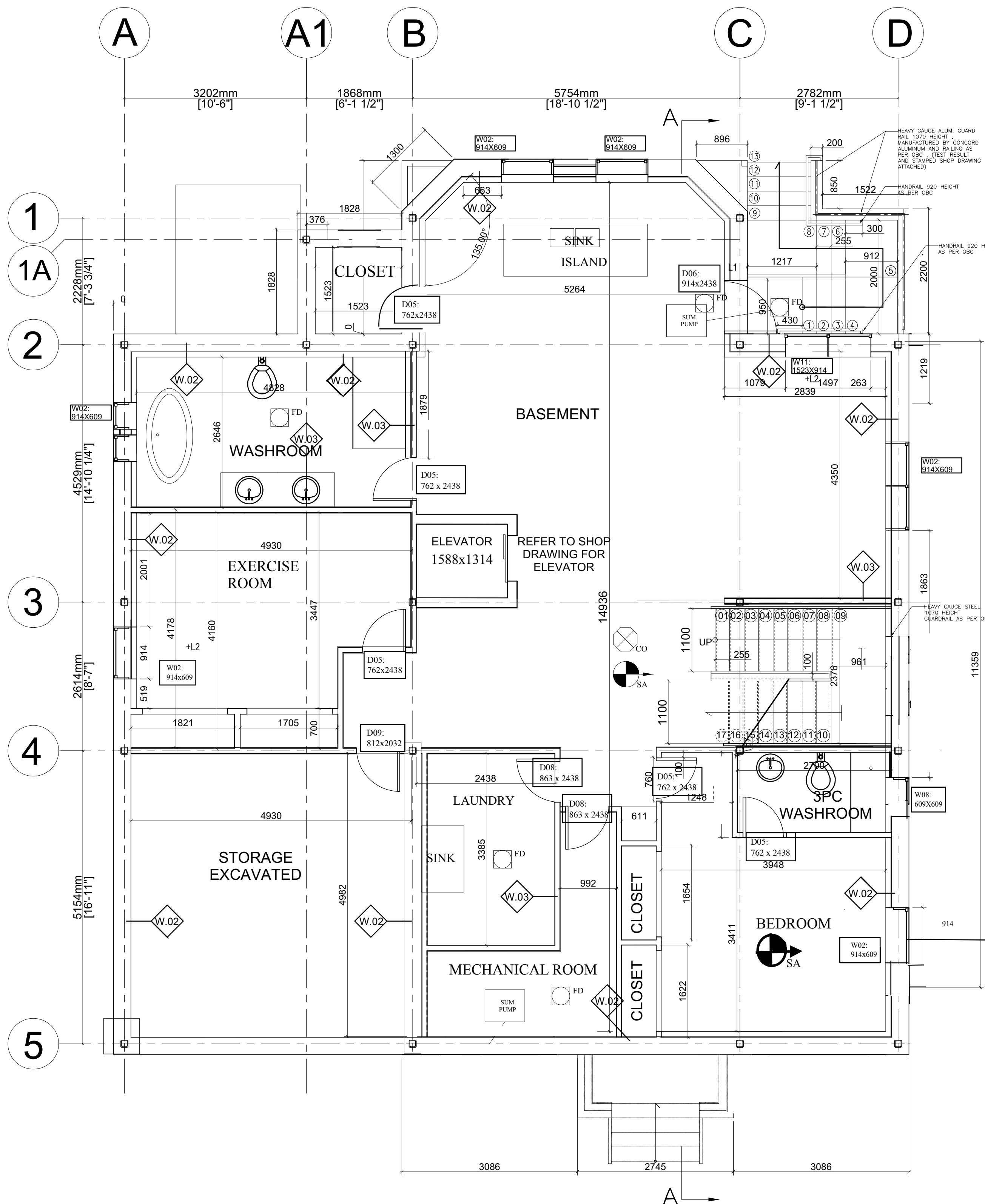
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PROJECT:
19 TALISMAN CT.

DRAWING TITLE:

FINISH:	PRIME PAINTED	DATE:	03/15/2019	PROJECT NO:	1603
SCALE:	NOTED	REV. #		DRAWING NO:	
DRAWN:	CHECKED:	R8		A.02	
M.SH	AB				



GENTEK SINGLE SLIDER, TILT & TURN
 EGRESS AND CLEAR OPENING
 OPENING WIDTH: 31.5" (800mm)
 OPENING WIDTH NO SASH: 31.5" (800mm)
 OPENING HEIGHT: 18" (457mm)
 EGRESS AREA: 3.938 sq" (2540 sqmm)
 Refer to attached Gentek documentation

BASEMENT PLAN 04
 SCALE = 1:50 05

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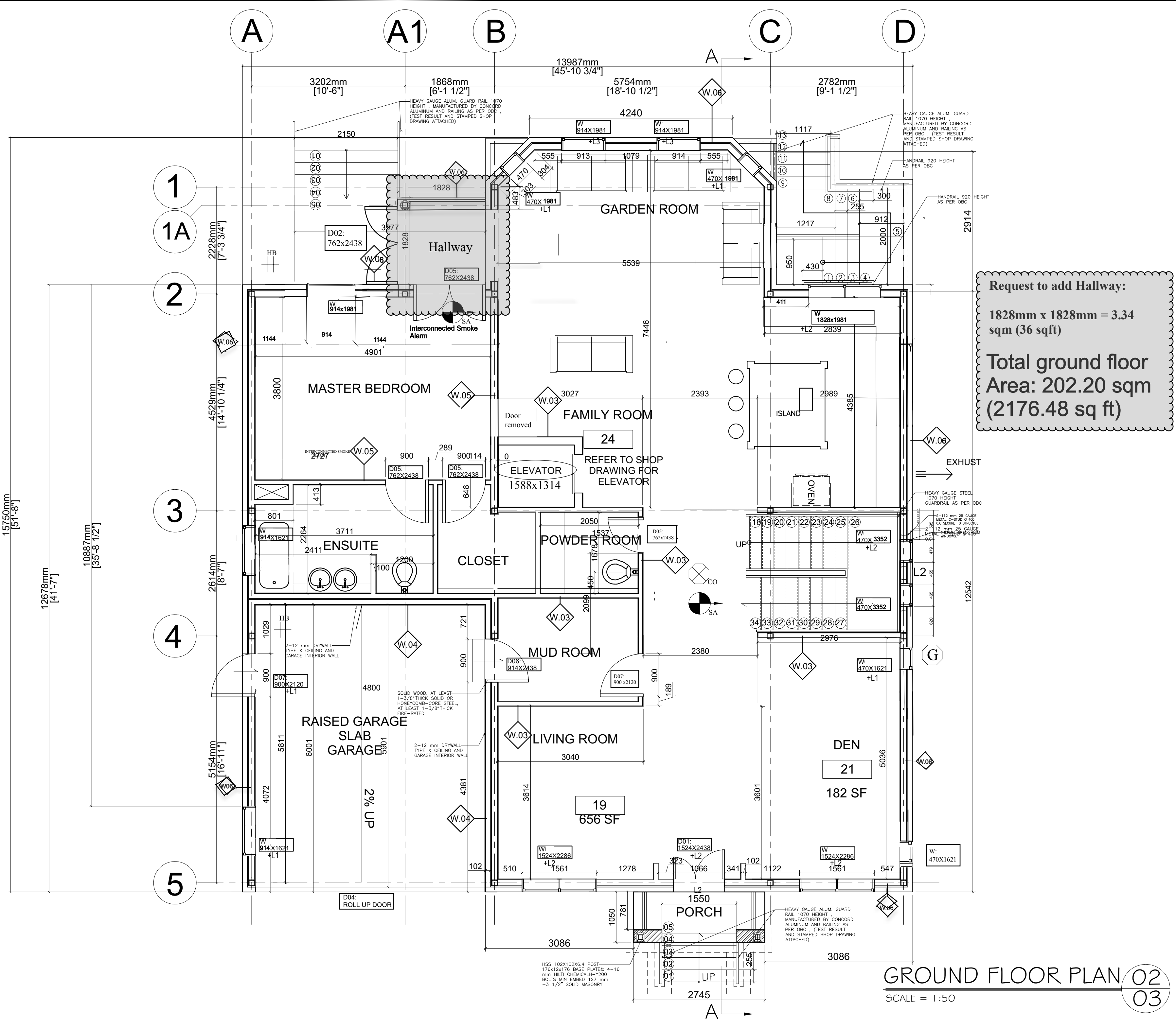
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DATE:	03/15/2019	PROJECT NO:	1603
SCALE:	NOTED	REV. #	
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		R8	A.05



GROUND FLOOR PLAN 02
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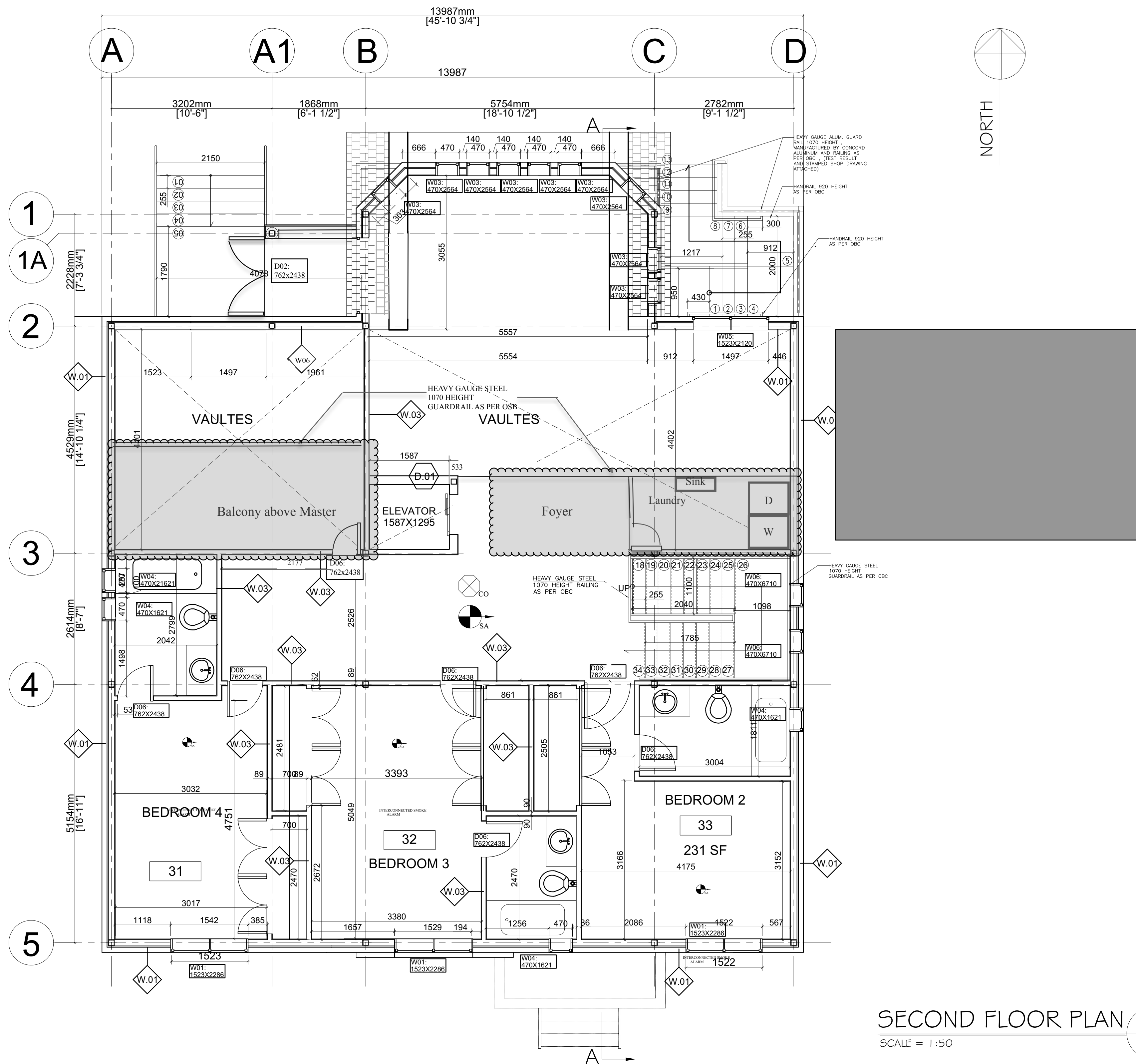
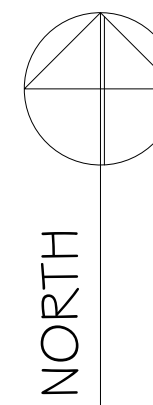
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SECOND FLOOR PLAN 03
SCALE = 1:50 04

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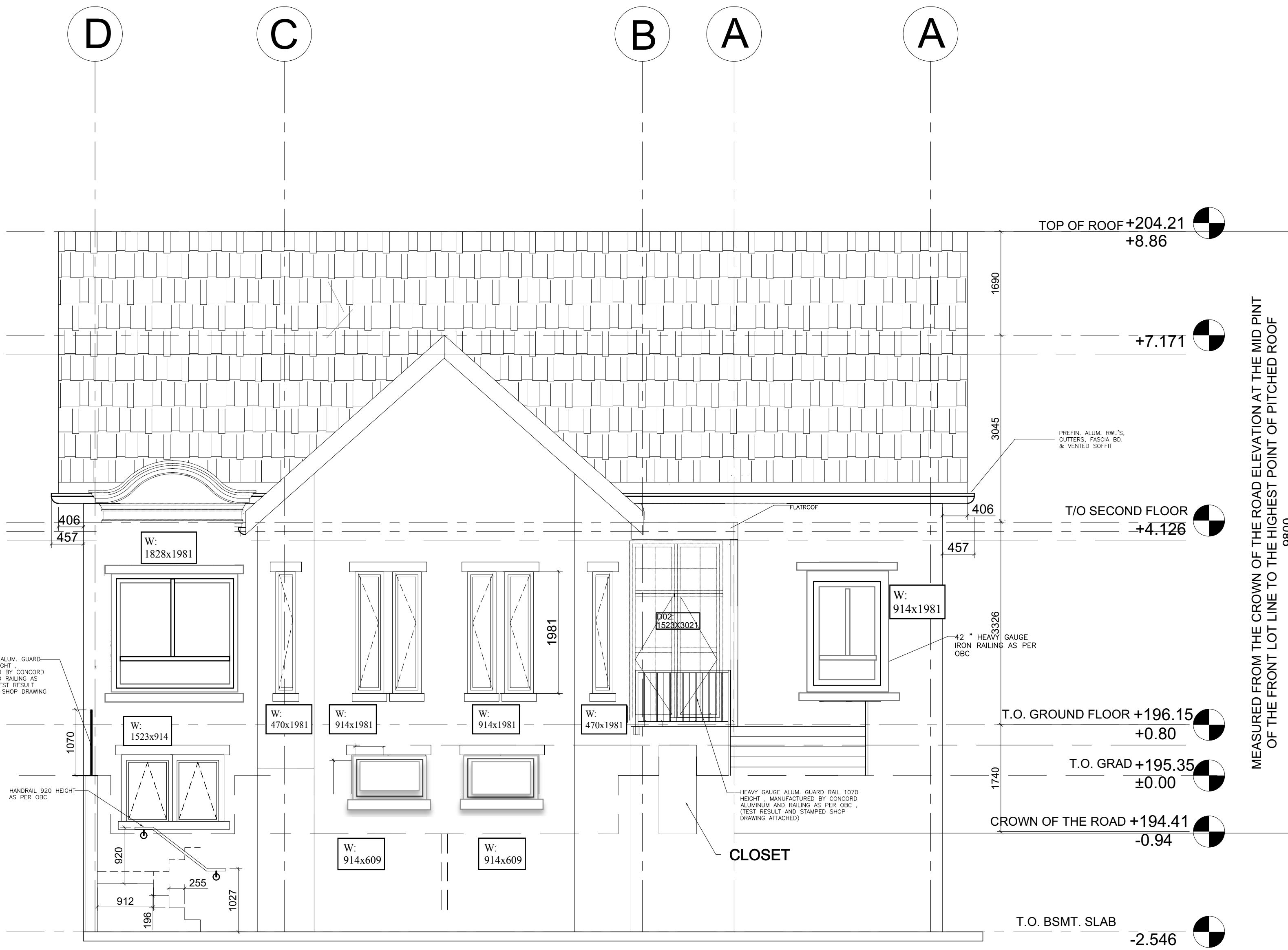
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DATE:	03/15/2019	REV. #	R6
SCALE:	NOTED	DRAWING NO:	A.04
DRAWN:	M.SH	CHECKED:	AB

Appendix B

File: 21-144902.000.00.MNV

Date: 02/15/22



MEASURED FROM THE CROWN OF THE ROAD ELEVATION AT THE MID PINT OF THE FRONT LOT LINE TO THE HIGHEST POINT OF PITCHED ROOF OR RD

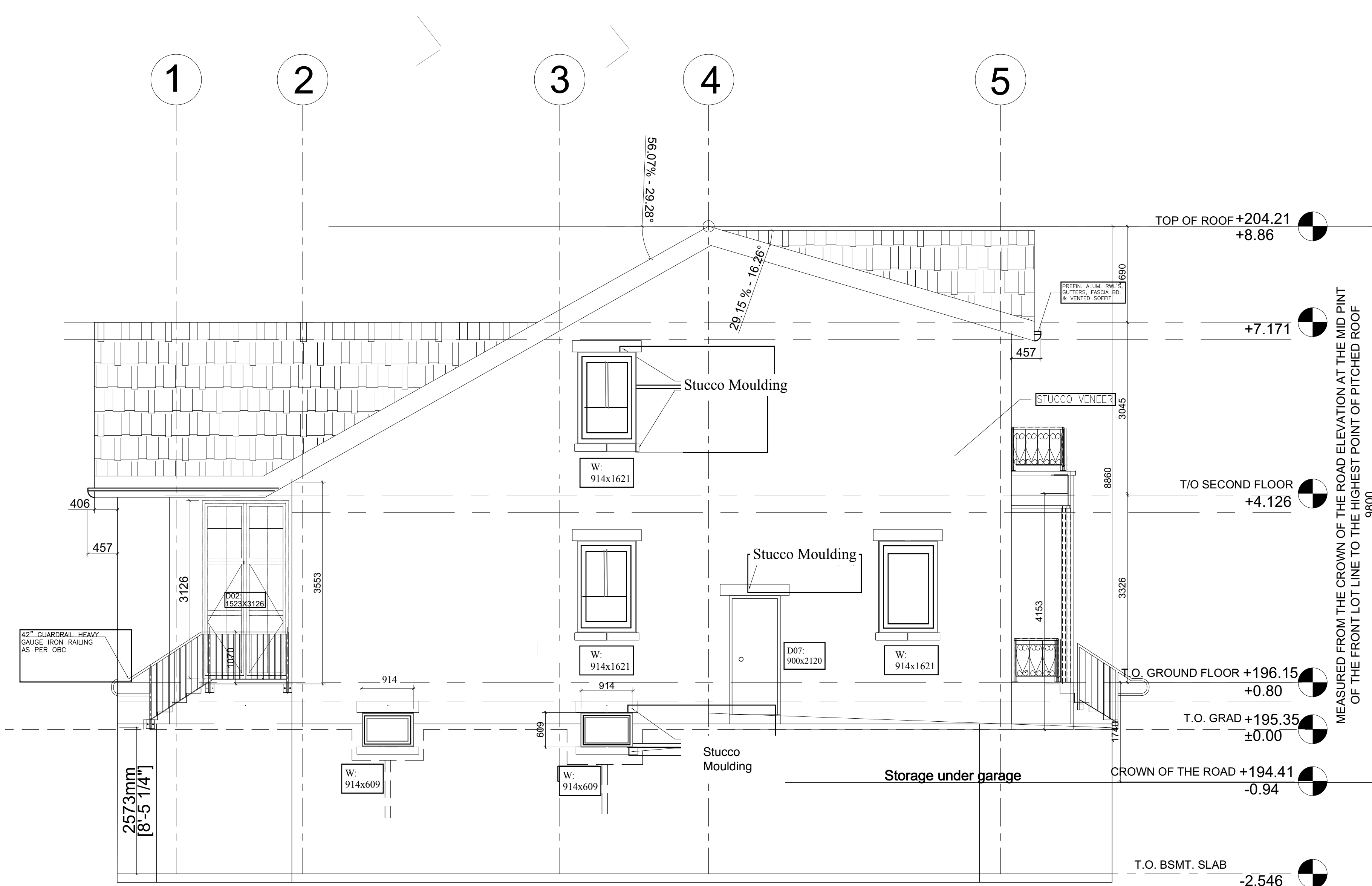
SOUTH ELEVATION (08)
SCALE = 1:50 (09)

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19 TALISMAN CT.	
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FINISH:	PRIME PAINTED
DATE:	03/15/2019
SCALE:	NOTED
DRAWN:	M.SH
CHECKED:	AB
PROJECT NO:	1603
REV. #	R8
DRAWING NO:	A09



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DRAWN:	M.SH
CHECKED:	AB

PROJECT:	19 TALISMAN CT.
DRAWING TITLE:	
PROJECT NO:	1603
DRAWING NO:	A06

EAST ELEVATION (05)
 SCALE = 1:50 (06)

APPENDIX "C"
INITIAL STAFF REPORT: FEBRUARY 7, 2022

Memorandum to the City of Markham Committee of Adjustment

February 7, 2022

File: A/182/21
Address: 19 Talisman Crescent – Markham, ON
Applicant: Elly Verdi
Agent: EPL Construction Ltd.
Hearing Date: February 16, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirement under By-law 1229, as amended, as it relates to a two-storey detached dwelling. The requested variance is to permit:

a) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 50.60%, whereas the by-law permits a maximum floor area ratio of 45.0%.

PROPERTY DESCRIPTION

The 696.77 m² (7,499.97 ft²) subject property is located on the south side of Talisman Crescent, north of Ramona Boulevard, east of Main Street Markham North, and west of Paramount Road. The property is currently vacant, and under construction. Mature vegetation exists across the property. The property is located within an established residential neighbourhood, which contains a mix of one and two-storey detached dwellings. Mature trees are a predominant characteristic along Talisman Crescent. There are various examples of recently developed infill housing within the surrounding area.

BACKGROUND

In 2018, the Committee of Adjustment (the “Committee”) approved minor variance application (A/72/18), to permit a maximum floor area ratio of 46.79%, whereas the By-law permits a maximum floor area ratio of 45.0%. Approval was conditional that the variance would substantially conform to the submitted plans, and that tree protection and compensation related conditions be satisfied. A building permit was issued by the City in support of the approved variance in July 2020.

A revised building permit application was submitted in July 2021 based on requested alterations to the approved permit plans, and the City later issued a building permit in November 2021.

Subsequently, the applicant has requested further revisions to the plans to incorporate interior alterations that will increase the overall floor area. This revision has necessitated a new variance request to the maximum floor area ratio permitted by amending By-law 99-90.

PROPOSAL

The applicant is proposing to revise their building permit plans to include additional floor space at the first and second floor. The dwelling would contain a first floor area of 202.20 m² (2,176.48 ft²), and a second floor area of 128.88 m² (1,387.26 ft²), for a total floor area of 331.08 m² (3,563.74 ft²); however, no further revisions to the building permit plans issued in 2021 are proposed as it relates to the building’s exterior walls.

OFFICIAL PLAN AND ZONING

Official Plan 2014 (partially approved on November 24/17, and 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 Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 99-90

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, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum floor area ratio.

Previous Minor Variance Approval (A/72/18)

As stated above, in 2018 the Committee approved a minor variance application permitting a maximum floor area ratio of 46.79%, whereas the By-law permits a maximum floor area ratio of 45.0%. Approval of this variance was conditional that the variance would substantially conform with the plans, and that tree protection and compensation related conditions be satisfied. As additional floor area is now proposed, a new variance application is required for consideration by the Committee.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant completed a ZPR on December 9, 2021 to confirm the variance required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Floor Area Ratio

The applicant is requesting a revised floor area ratio of 50.60%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance would facilitate the

construction of a two-storey detached dwelling with a floor area of 331.08 m² (3,563.74 ft²). This is an increase of 36.34 m² (391.16 ft²) from the by-law requirement.

As stated above, approved building permit plans were issued to the applicant in November 2021 following revisions made by the applicant to the initial permit plans that were issued by the City of Markham in July 2020. The requested variance is required as the applicant desires to increase the floor space within the exterior building walls (see ground floor hallway and second floor foyer/laundry room and balcony area in the attached floor plans) following the most recent issuance of building permit plans. Planning staff are satisfied that the proposed changes would be of no further impact to the streetscape, and have no objections to the requested variance.

Tree Protection and Compensation

The applicant has fulfilled the tree related conditions as part of the previous minor variance application approved in 2020. Operations staff have reviewed the application, and have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 2022. It is noted that additional information may be received after the writing of this 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*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/21

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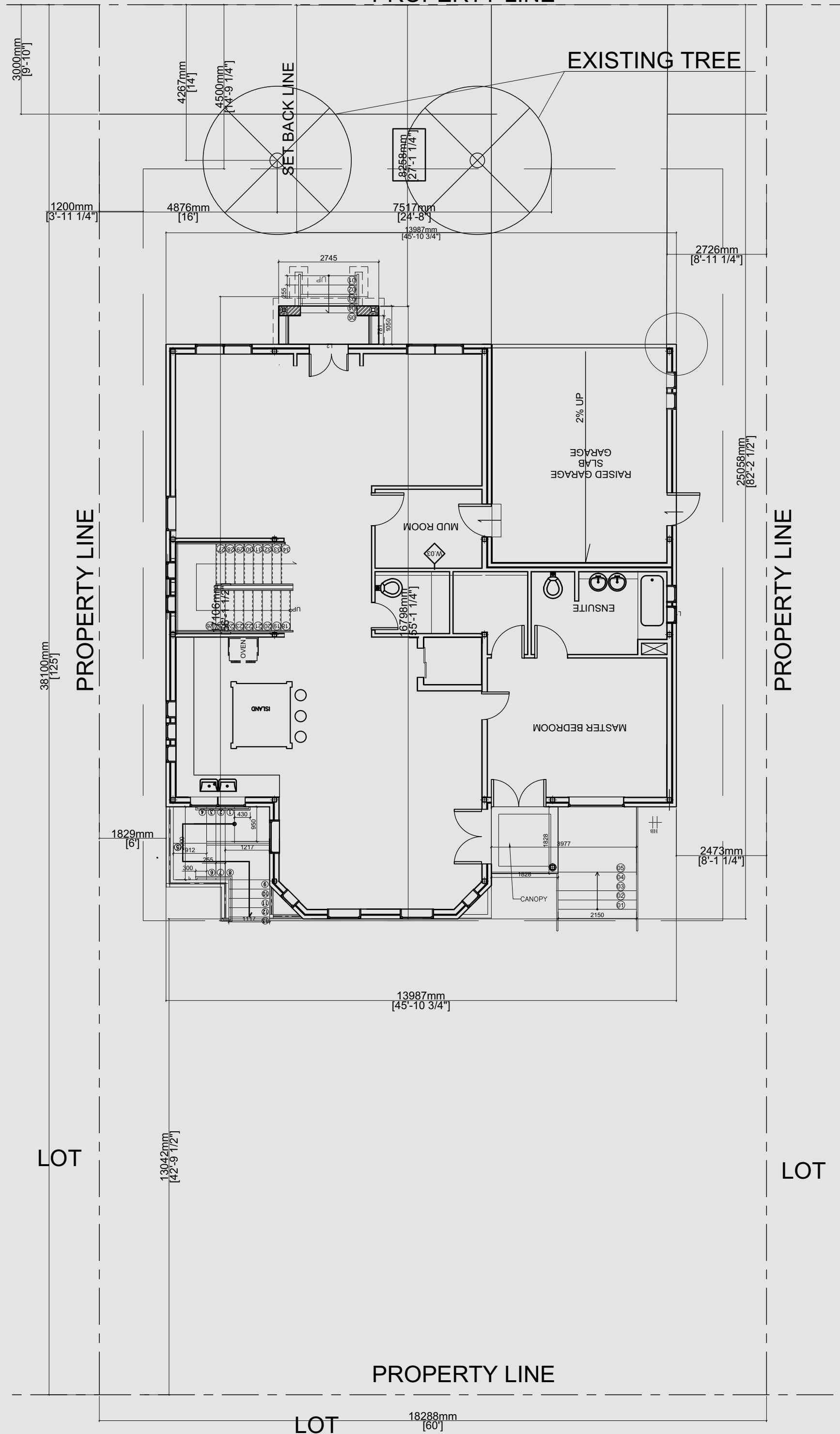
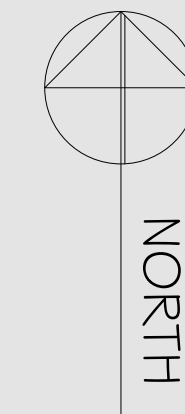
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Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/182/21

19 TALISMAN CT. CRESCENT

PROPERTY LINE



$$16800 = 25058 - 8258$$

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REVISIONS		

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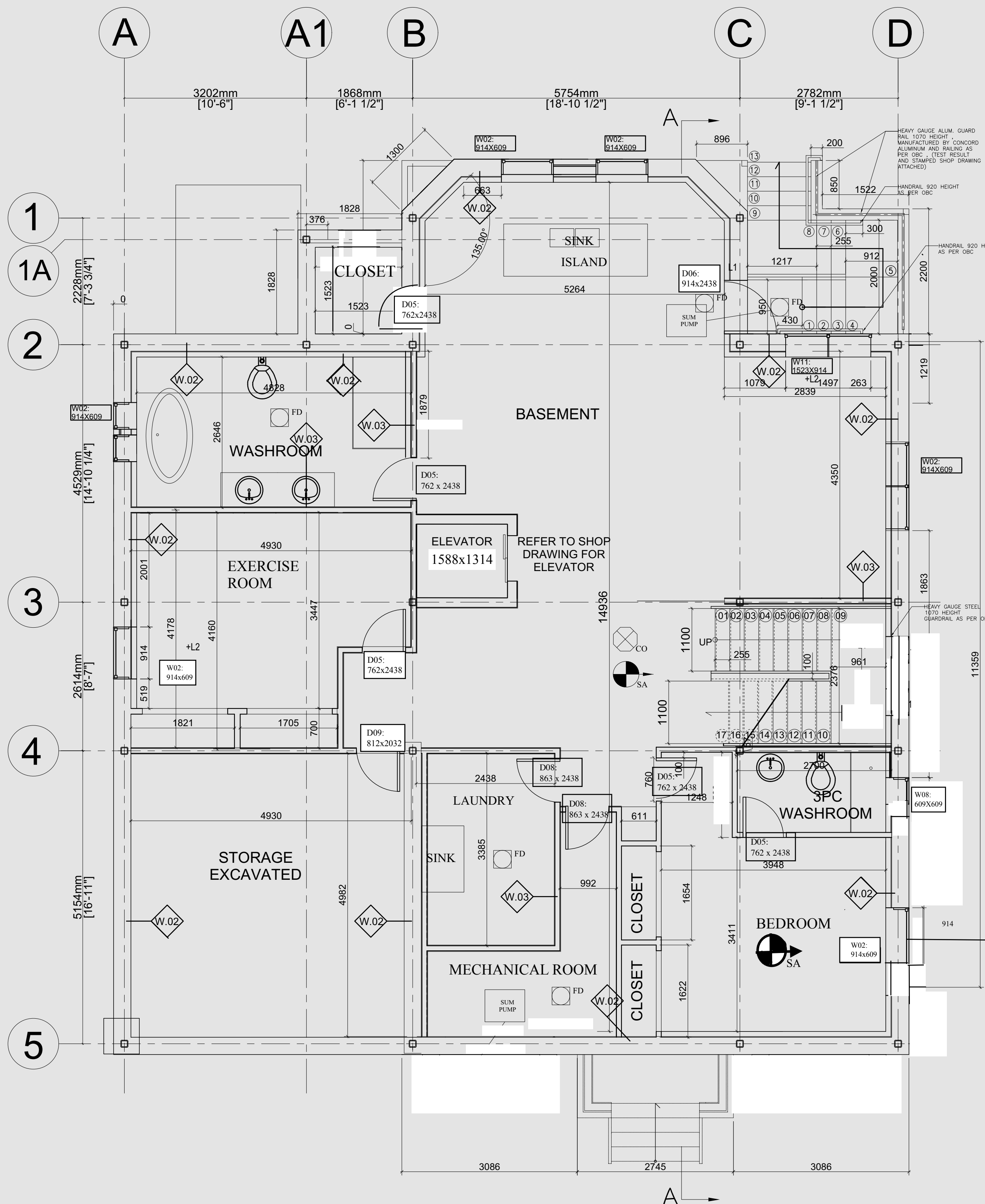
PROJECT NORTH

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PROJECT:
19 TALISMAN CT.

DRAWING TITLE:

FINISH:	PRIME PAINTED
DATE:	03/15/2019
SCALE:	NOTED
DRAWN:	M.SH
CHECKED:	AB
REV. #	R8
PROJECT NO:	1603
DRAWING NO:	A.02



GENTEK SINGLE SLIDER, TILT & TURN
 EGRESS AND CLEAR OPENING
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 OPENING WIDTH NO SASH: 31.5" (800mm)
 OPENING HEIGHT: 18" (457mm)
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BASEMENT PLAN 04 05
 SCALE = 1:50

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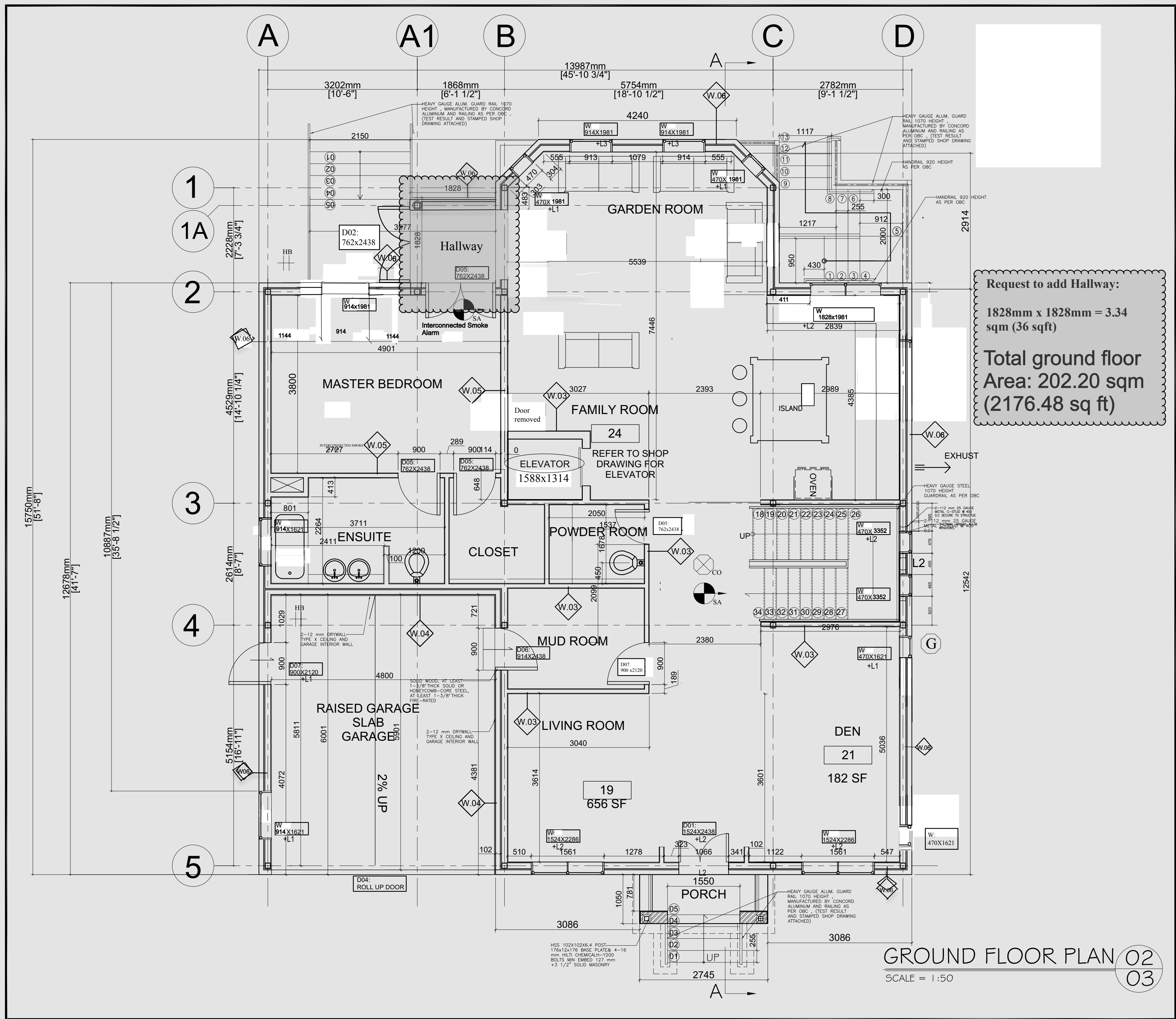
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DATE:	03/15/2019	PROJECT NO:	1603
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		R8	A.05



Request to add Hallway:
 1828mm x 1828mm = 3.34 sqm (36 sqft)
Total ground floor Area: 202.20 sqm (2176.48 sq ft)

- GENERAL NOTES:
- 1/ THESE CONTRACT DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR THE INTERPRETATIONS OF THESE DOCUMENTS BY THE CONTRACTOR. UPON WRITTEN APPLICATION THE ARCHITECT WILL PROVIDE WRITTEN IGRAPHIC CLARIFICATION OR SUPPLEMENTARY INFORMATION REGARDING THE INTENT OF THE CONTRACT DOCUMENTS. THE ARCHITECT WILL REVIEW SHOP DRAWINGS SUBMITTED BY THE CONTRACTOR FOR DESIGN CONFORMANCE ONLY.
 - 2/ DRAWINGS ARE NOT TO BE SCALED FOR CONSTRUCTION. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS REQUIRED TO PERFORM THE WORK AND REPORT ANY DISCREPANCIES WITH THE CONTRACT DOCUMENTS TO THE ARCHITECT BEFORE COMMENCING WORK.
 - 3/ POSITIONS OF EXPOSED OR FINISHED MECHANICAL OR ELECTRICAL DEVICES, FITTINGS, AND FIXTURES ARE INDICATED ON THE ARCHITECTURAL DRAWINGS. THE LOCATIONS SHOWN ON THE ARCHITECTURAL DRAWINGS GOVERN OVER THE MECHANICAL AND ELECTRICAL DRAWINGS. THOSE ITEMS NOT CLEARLY LOCATED WILL BE LOCATED AS DIRECTED BY THE ARCHITECT.

NO	DATE	DESCRIPTION
REVISIONS		

CLIENT:

PROJECT NORTH

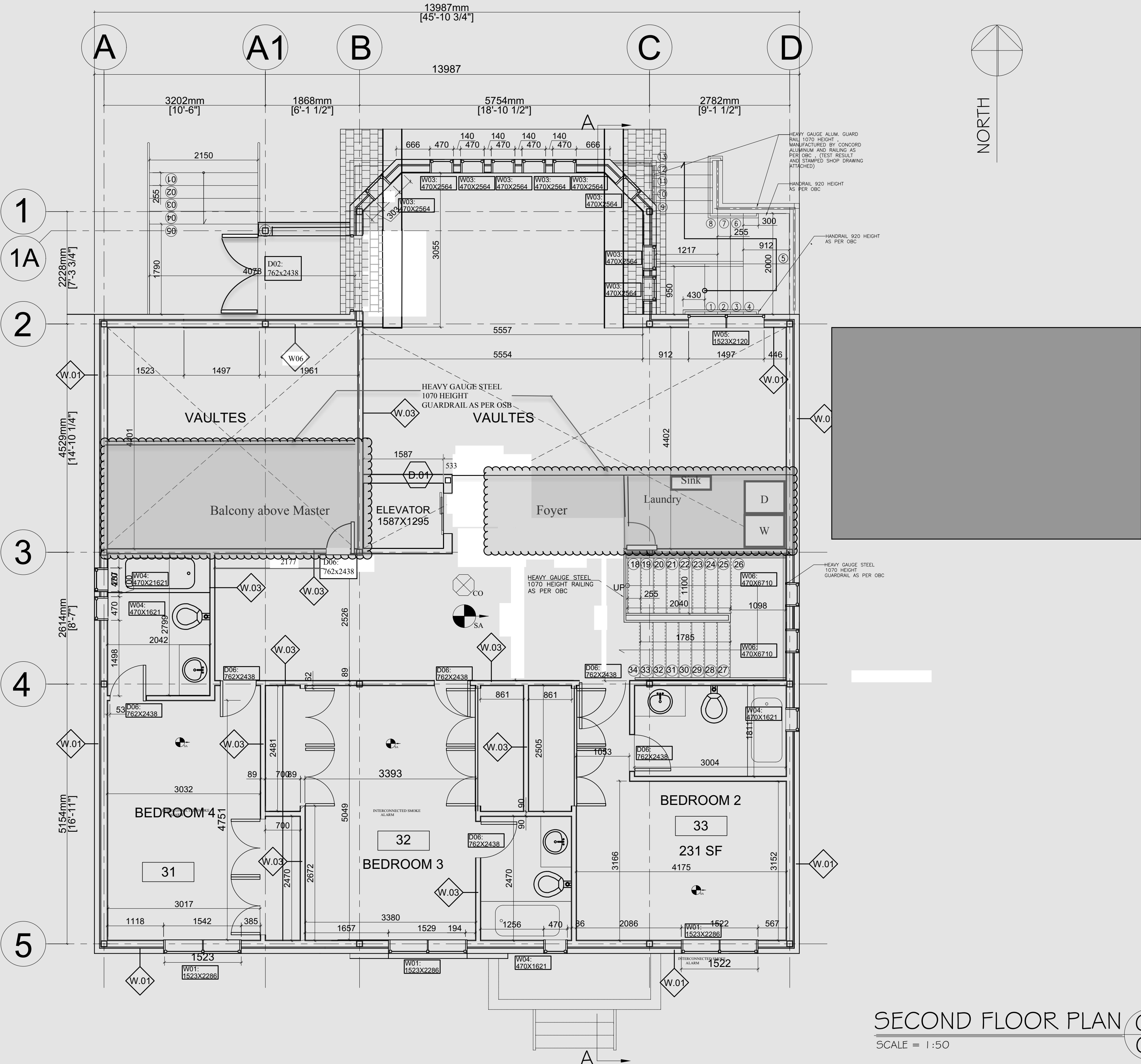
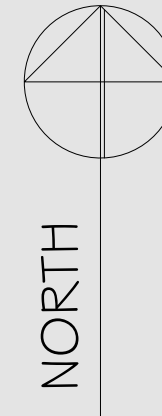
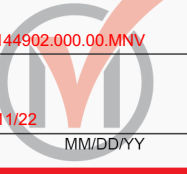
STAMPED:

PROJECT:
19 Talisman Crescent

DRAWING TITLE:

GROUND FLOOR PLAN 02
 SCALE = 1:50 **03**

FINISH:	PRIME PAINTED
DATE:	03/15/2019
PROJECT NO.:	1603
SCALE:	NOTED
REV. #	
DRAWING NO.:	
DRAWN:	M.SH
CHECKED:	AB
R8	A.03



GENERAL NOTES:
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NO	DATE	DESCRIPTION
REVISIONS		

CLIENT:

PROJECT NORTH

STAMPED:

PROJECT:
 19 TALISMAN CT.

DRAWING TITLE:

SECOND FLOOR PLAN 03
 SCALE = 1:50 04

FINISH:	PRIME PAINTED	PROJECT NO:	1603
DATE:	03/15/2019	REV. #	R6
SCALE:	NOTED	CHECKED:	AB
DRAWN:	M.SH	DRAWING NO:	A.04