

# Memorandum to the City of Markham Committee of Adjustment

February 03, 2023

**File:** A/262/22  
**Address:** 27 Church Street, Markham  
**Applicant:** Gregory Design Group (Shane Gregory)  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, March 22, 2023

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended, to permit:

1. By-law 99-90, Section 1.2(vi): a maximum floor area ratio of 51.05 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
2. By-law 1229, Section 11.2(c)(i): a porch to project 24.4 inches into a required yard, whereas the By-law permits a projection of 18 inches into a required yard;
3. By-law 1229, Table 11.1: a minimum rear yard setback of 23.6 feet, whereas the By-law requires a minimum rear yard setback of 25 feet; and
4. By-law 99-90, Section 1.2 (ii): a maximum building depth of 17.68m, whereas the By-law permits a maximum building depth of 16.8m

as it relates to a proposed new two-storey single detached dwelling.

## BACKGROUND

### Property Description

The 587.8 m<sup>2</sup> (6,327.0 ft<sup>2</sup>) subject property is located on the south side of Church St. just east of Franklin Street (refer to Figure 1 - Location Map). The property is within the historical residential area of the Markham Village Heritage Conservation District which is predominately comprised of one and two-storey single detached dwellings.

There is an existing one-storey frame dwelling on the property, which according to assessment records was constructed in 1948 (refer to Figure 2 - Photograph of the existing dwelling). There are two mature Sugar Maple trees that are proposed to be removed to permit the construction of the proposed new dwelling.

On February 15, 2023 the Committee of Adjustment considered this application, which included a variance proposing a Net Floor Area Ratio of 54.9%. This particular variance was not supported, and the application was deferred. Since that time, the applicant has reduced the floor area of the house by 180 square feet by reducing the proposed width of the house and increasing the west side yard setback from 1.85m (6.1 ft.) to 2.0m (6.6 ft.).

### Proposal

The applicant is now proposing to construct a new, two-storey, 300.1m<sup>2</sup> (3,229.9ft<sup>2</sup>) detached dwelling with an attached garage (refer to Figure 3 - Proposed site plan and building elevations).

### **Official Plan and Zoning By-law**

The subject property is designated as “Residential Low Rise” by the City’s 2014 Official Plan and Residential One (R1) under By-law 1229, with both designations permitting the use of a detached dwelling.

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

The owner had completed a Zoning Preliminary Review (ZPR) on December 2, 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on February 24, 2023. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, 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 development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **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 Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 51.05 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The building layout generally meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, and has setbacks and a building footprint similar to, and compatible with the neighbouring homes to the east and west. The net floor area ratio of 51.05% is also partially attributable to the smaller size of the lot which is 273 ft<sup>2</sup> smaller than the minimum lot size required by the By-law. If the subject property met the minimum required lot size of 6,600 ft<sup>2</sup>, the proposed dwelling would have a net floor area ratio of 48.9%.

### **Encroachment into the Front Yard**

The applicant is requesting relief for the front porch to encroach 6.4 inches more into the front yard setback than the 18” that is permitted by the By-law. This is minor in nature.

### **Decreased Rear yard Setback**

The applicant is seeking permission to permit a minimum rear yard setback of 23.6 ft. whereas the By-law requires a minimum rear yard setback of 25 ft. This reduction in the proposed rear yard setback can be considered minor in nature as it represents a difference

of 1.4 ft. and reflects the neighbouring home to the east which has a rear yard setback that is even less.

### **Increased Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.68 m (58 ft.), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft.). This represents an increase of approximately 0.88m (2.9 ft.), and can be considered minor in nature given that the neighbouring home to the west has a similar building depth and the home to the east, a greater maximum building depth.

### **City of Markham Urban Design Department**

The City's Urban Design Section has reviewed the requested variances and has no objection to their approval subject to conditions requiring the applicant to provide new plantings to compensate for the trees required to be removed, adequately protecting trees that are to remain, and the provision of a tree inventory and preservation plan.

### **Heritage Markham**

Heritage Markham reviewed the requested variances on February 8<sup>th</sup> and had no objection from a heritage perspective on the requested variances for the porch encroachment, reduced rear yard setback and increased building depth. The Committee further indicated that it had no opinion from a heritage perspective and offered neither support nor objection to the requested variance to permit a maximum net floor area ratio, which at the time was 54.90 percent, whereas the By-law allows a maximum floor area ratio of 45 percent (refer to Appendix B- Heritage Markham Extract of February 8, 2023).

## **PUBLIC INPUT SUMMARY**

As of February 15<sup>th</sup>, the City has received five letters of support and two letters of opposition from neighbouring property owners. 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.

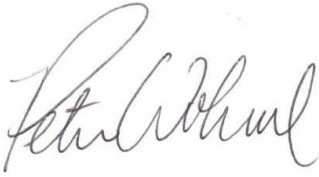
## **CONCLUSION**

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 requested variances meet the four tests of the Planning Act and have no objection. Staff recommends 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is fluid and cursive, with a large initial "P" and "W".

Peter Wokral, Senior Heritage Planner

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Regan Hutcheson". The signature is cursive and somewhat stylized, with a large initial "R".

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Regan Hutcheson, Manager, Heritage Planning

Figure 1- Location Map

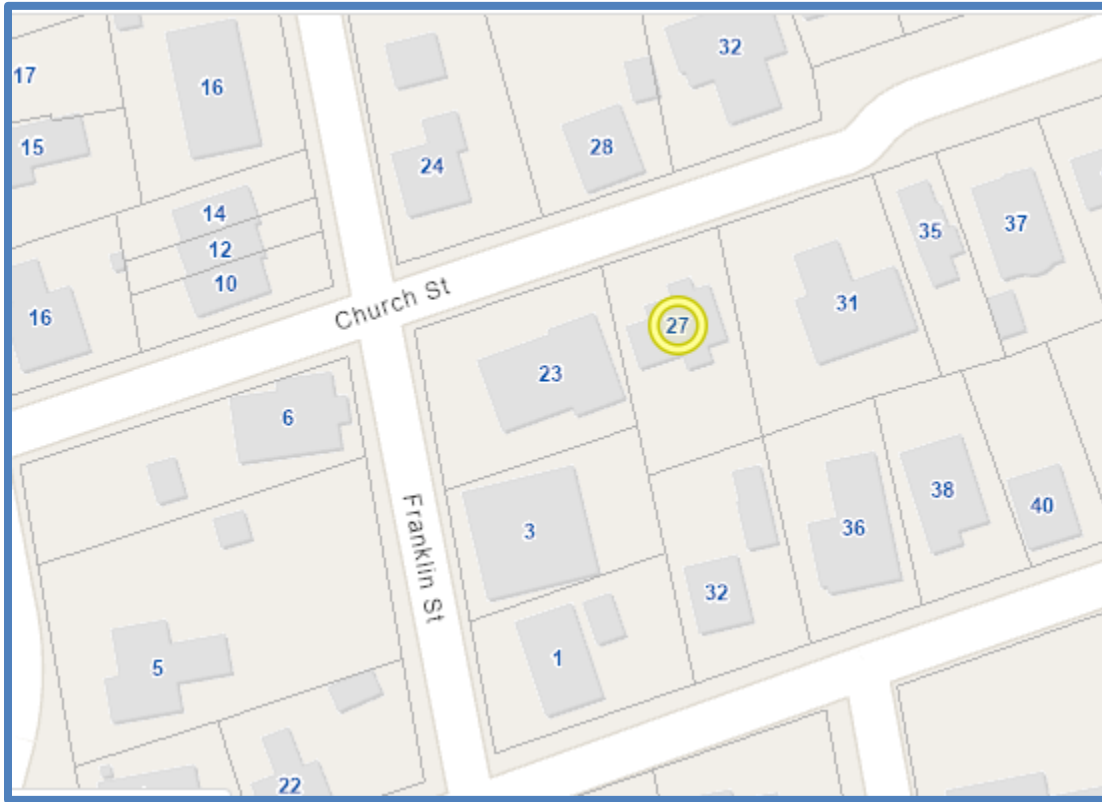


Figure 2- Photograph of the Existing Dwelling

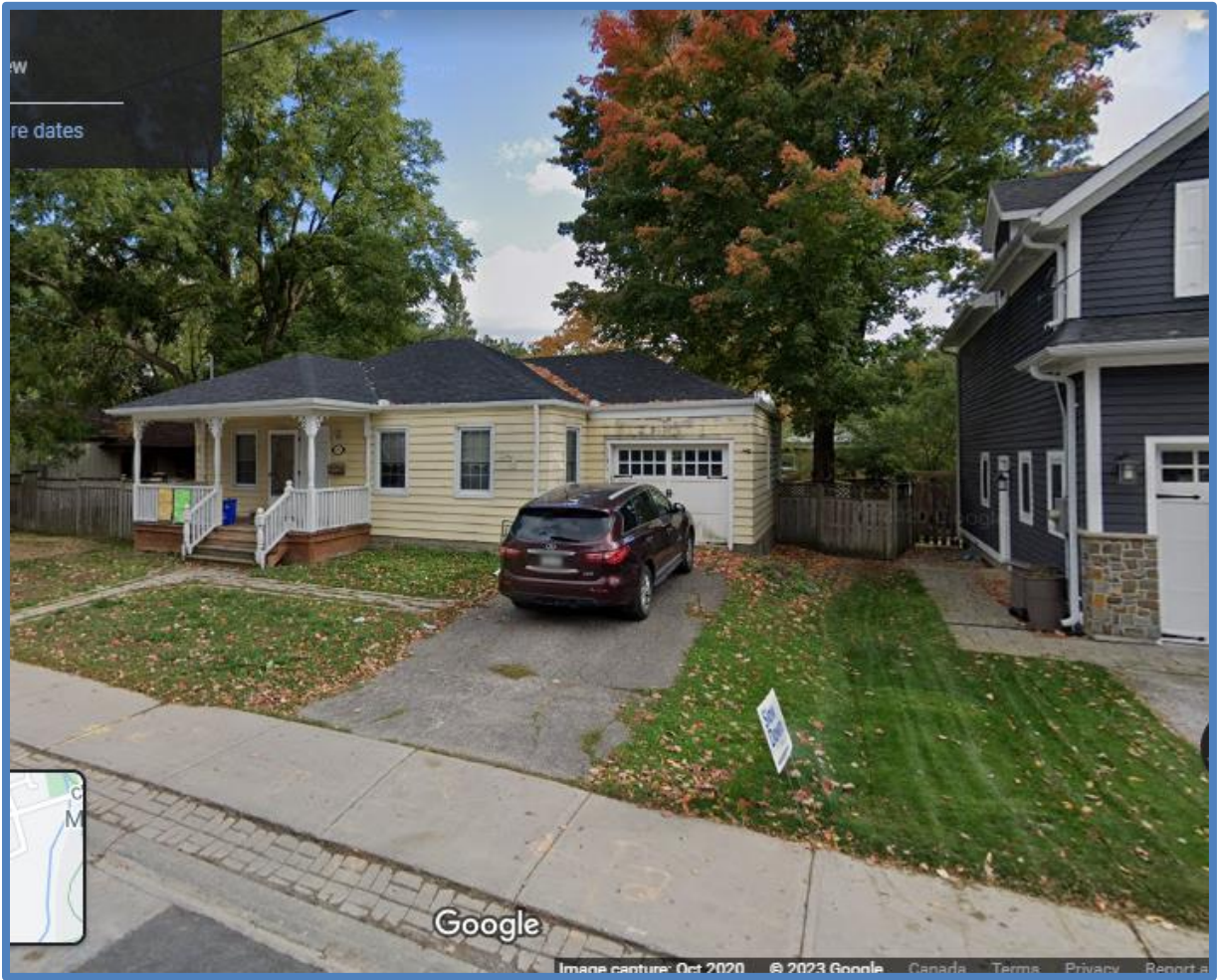
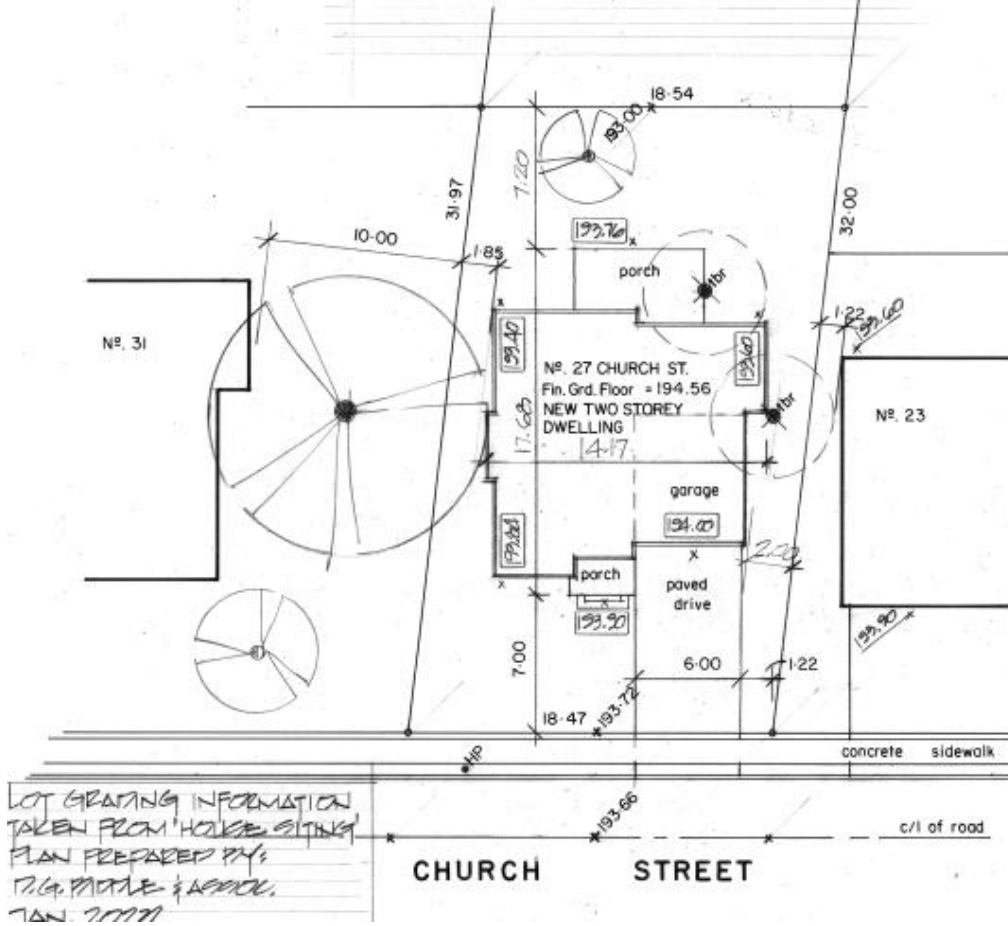


Figure 3- Proposed Site Plan and Building Elevations





North (street facing) Elevation



West Elevation





South Elevation

FINISHES 1x4  
 VERTICAL "V-GROOVE"  
 WOOD SIDING ON  
 "x" HOR. WOOD STRIPS  
 (COLOR T.B.D.)




East Elevation

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/262/22**

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 plans attached as 'Figure 3' 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;
3. That the owner submit to the Secretary-Treasurer a copy of the Approved Major Heritage Permit for the proposed development;
4. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
5. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
6. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



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Peter Wokral, Senior Heritage Planner

## **HERITAGE MARKHAM EXTRACT**

Date: February 9, 2023

To: R. Hutcheson, Manager, Heritage Planning  
P. Wokral, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.1 OF THE SECOND HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON FEBRUARY 8, 2023

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### **6.1 COMMITTEE OF ADJUSTMENT**

#### **VARIANCE APPLICATION IN SUPPORT OF A PROPOSED NEW DWELLING 27 CHURCH STREET, MARKHAM VILLAGE (16.11)**

FILE NUMBER:  
MNV 22 266998  
*A/262/22*

Peter Wokral, Senior Planner II, advised that this item is related to a variance application to the Committee of Adjustment at the subject property 27 Church Street. Mr. Wokral advised that Heritage Section Staff expects a major Heritage Permit application to be submitted in the future for this property, but confirmed that, at this time, Heritage Markham is reviewing a variance application to the Committee of Adjustment which proposes the existing dwelling to be replaced by a new dwelling. Mr. Wokral advised that the proposed dwelling meets sideyard set-backs and is designed to fit in the existing context, but noted that the net-floor ratio exceeds what is currently permitted on this lot size.

Jacque Gardiner provided a deputation, advising of concerns regarding water flow throughout the neighbourhood. She acknowledged that she has not yet reviewed the current plan, but noted that if this new dwelling is at a higher grade than the other homes in the neighbourhood, other homes may experience drainage onto their properties.

The Committee members discussed whether or not the net floor exceedance was a Heritage issue, as there was a consensus that the application is acceptable from a Heritage perspective. The Committee agreed that the design of the proposed dwelling is in keeping with heritage aspects of the surrounding area.

The Committee debated altering the resolution with regards to net floor area and discussed ways to revise the motion to indicate that the Committee did not have

an opinion on the net floor variance which is to be reviewed by the Committee of Adjustment.

Recommendations:

Moved by Councillor Reid McAlpine

Seconded by David Butterworth

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit:

- a porch with stairs to encroach 24.4 inches, whereas the By-law permits 18 inches
- a rear yard setback of 23.6 feet, whereas the By-law requires a minimum of 25 feet
- a maximum building depth of 17.68m, whereas the By-law permits a maximum of 16.8m.

THAT Heritage Markham has no opinion from a heritage perspective and offers no support or objection to the requested variance for a maximum net floor area ratio of 54.90 percent, whereas the By-law allows a maximum floor area ratio of 45 percent

AND THAT Heritage Markham delegates the Committee's review of the Major Heritage Permit application for the proposed new dwelling at 27 Church Street to Heritage Staff staff, provided that there are no significant deviations from the attached proposed site plan and elevations.

Carried

Moved by David Wilson

Seconded by Ken Davis

THAT the deputation from Jacquie Gardiner be received.

Carried