

# Memorandum to the City of Markham Committee of Adjustment

February 4, 2021

**File:** A/121/20  
**Address:** 49 Peterborough Ave – Markham, ON (Thornhill)  
**Applicant:** Julie Spergel  
**Agent:** AJTDesign.ca  
**Hearing Date:** February 17, 2021

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following “Eight Density – Single Family Residential (R8)” zone requirements of By-law 72-81, as amended, as they relate to a proposed one-storey rear yard addition to an existing two-storey detached dwelling. The applicant is requesting the following variances, to permit:

**a) Section 6.1.2 (b) - Minimum Yards:**

a minimum rear yard setback of 7.18 m (23.56 ft); whereas, the By-law requires a minimum rear yard setback of 7.50 m (24.61 ft); and

**b) Section 6.1.2 (c) - Maximum Lot Coverage:**

a maximum lot coverage of 38.10% (180.0 m<sup>2</sup>); whereas, the By-law permits a maximum lot coverage of 33.33% (152.20 m<sup>2</sup>).

## **BACKGROUND**

### **Property Description**

The 472.50 m<sup>2</sup> (5,085.95 ft<sup>2</sup>) subject property is located on Peterborough Avenue, north of Green Lane, east of Willowbrook Road, west of Leslie Street, and south of Huntington Park Drive. The property is located within an established residential neighbourhood which contains two-storey detached dwellings. Mature vegetation exists in the front and rear yards of the property.

### **Proposal**

The applicant is proposing to construct a one-storey addition to the existing two-storey detached dwelling. The addition would be located in the rear yard with a width of approximately 3.43 m (11.25 ft), and a depth of 3.86 m (12.66 ft), for a total area of 13.24 m<sup>2</sup> (142.51 ft<sup>2</sup>), as shown in the attached plans (Appendix “B”). The rear yard addition would be setback 7.18 m (23.56 ft) from the rear lot line, and add to the building footprint, requiring the variances as detailed above.

### **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 development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, and the width of proposed garages and driveways within a residential neighbourhood.

### Zoning By-Law 72-81

The subject property is zoned “Eight Density – Single Family Residential (R8)” under By-law 72-81, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to minimum rear yard setback, and maximum lot coverage.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a 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 (“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.

### **Reduction in Minimum Rear Yard Setback**

The applicant is requesting relief to permit a minimum rear yard setback of 7.18 m (23.56 ft), whereas the By-law requires a minimum rear yard setback of 7.50 m (24.61 ft). This is a reduction of 0.32 m (1.05 ft). The variance request is generally attributable to a one-storey addition, which is also limited in its width and depth.

Staff are of the opinion that the proposed development meets the general intent of the By-law, and do not object to the variance request.

### **Increase in Maximum Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 38.10%, whereas the By-law permits a maximum lot coverage of 33.33%. This is an increase of 4.77%, or 22.54 m<sup>2</sup> (242.62 ft<sup>2</sup>).

The lot coverage would include the proposed one-storey addition in the rear yard which adds approximately 13.24 m<sup>2</sup> (142.51 ft<sup>2</sup>). The remaining 9.30 m<sup>2</sup> (100.10 ft<sup>2</sup>) applies to the existing building area as calculated by Building staff, which is partially attributable to the front covered porch and entry.

Given the proposed addition is one-storey in height, staff do not anticipate that the proposed increase in lot coverage will significantly add to the scale and massing of the dwelling and are of the opinion that the resultant dwelling is generally consistent with what the By-law permits. Staff recommend that the Committee adopt the conditions provided in Appendix “A” in the event of approval, which will ensure that the variance applies only to the one-storey addition and existing building as shown in the plans attached as Appendix “B”.

### **Tree Protection & Compensation**

Urban Forestry staff have reviewed the application, and recommend that a tree assessment and protection plan be submitted. Adequate tree protection measures,

including the erection of tree hoarding may also be required to ensure the protection and, or preservation of certain trees prior to the commencement of construction. Staff recommend that these requirements be satisfied through the conditions of approval provided in Appendix "A".

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 4, 2021. 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, R.S.O. 1990, c. P.13, as amended*, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

#### **APPENDICES**

Appendix "A" – Conditions of Approval

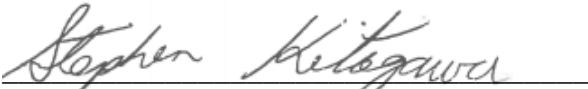
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/121/20**

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 batch stamped 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.
3. 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 that this condition has been fulfilled to his or 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.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, 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.
5. 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.

CONDITIONS PREPARED BY:



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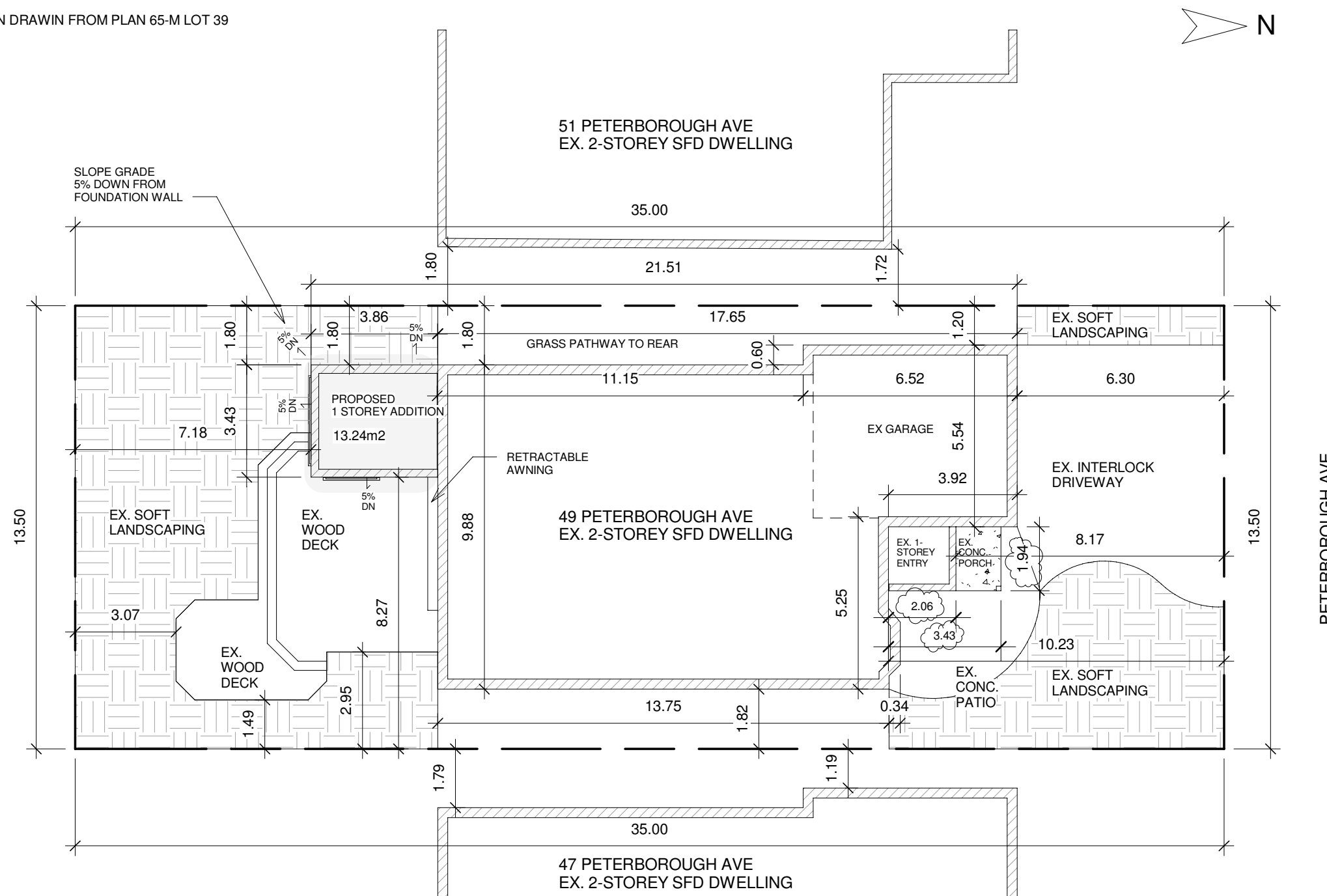
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/121/20**

LOT AREA = 472.50m2  
 LEVEL 1 GFA EXISTING = 129.377m2  
 LEVEL 2 GFA EXISTING = 155.62m2  
 LEVEL 1 PROPOSED = 142.60m2  
 FSI = 0.68  
 EXISTING LOT COVERAGE = 34.6%  
 PROPOSED LOT COVERAGE = 180.02m2 = 38.10%

EX. FRONT YARD = 110.99m2  
 EX. SOFT LANDSCAPING = 45.90m2 = 41.4%  
 PROPOSED REAR YARD = 149.09m2  
 PROPOSED SOFT LANDSCAPING = 102.87m2 = 69.0%

SITE PLAN DRAWIN FROM PLAN 65-M LOT 39



1 SITE PLAN  
 1 : 150

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ANDREW TROTTER AATO BCIN  
 DESIGNER 416 573 7625

The under signed has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer

QUALIFICATION INFORMATION  
 Required unless design is exempt under 2.17.5.1 of the building code  
 Andrew Trotter #98095  
 Name Signature BCIN

REGISTRATION INFORMATION  
 Required unless design is exempt under 2.17.5.1 of the building code  
 AJTDESIGN.CA #102446  
 Name Signature BCIN

No.	Description	Date
1	Revision 1	Date 1

THRONHILL, ON L3T 7C4  
 49 PETERBOROUGH AVE.

SITE PLAN

Project number Project Number

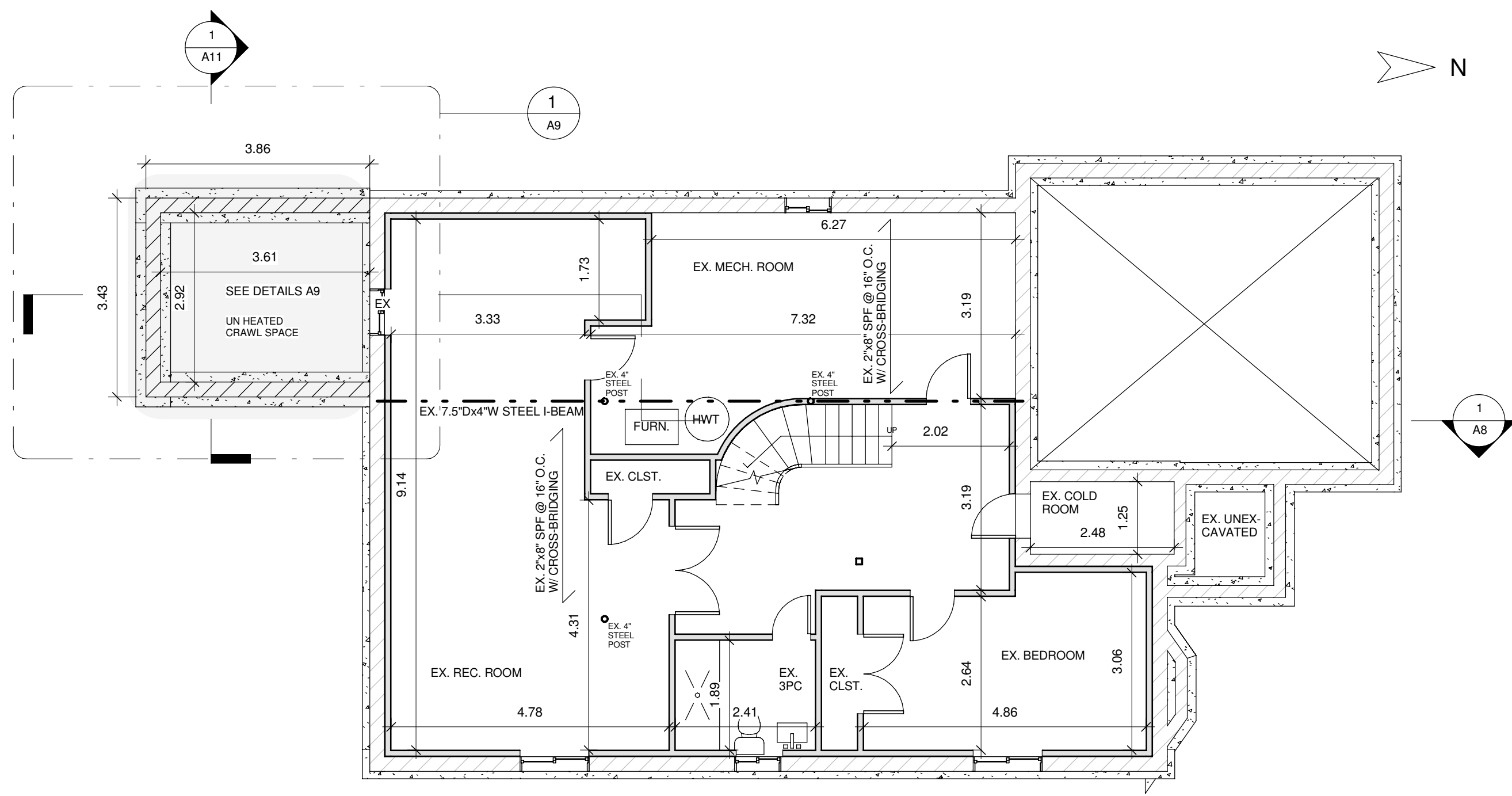
Date Issue Date

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**1** BASEMENT  
1 : 75

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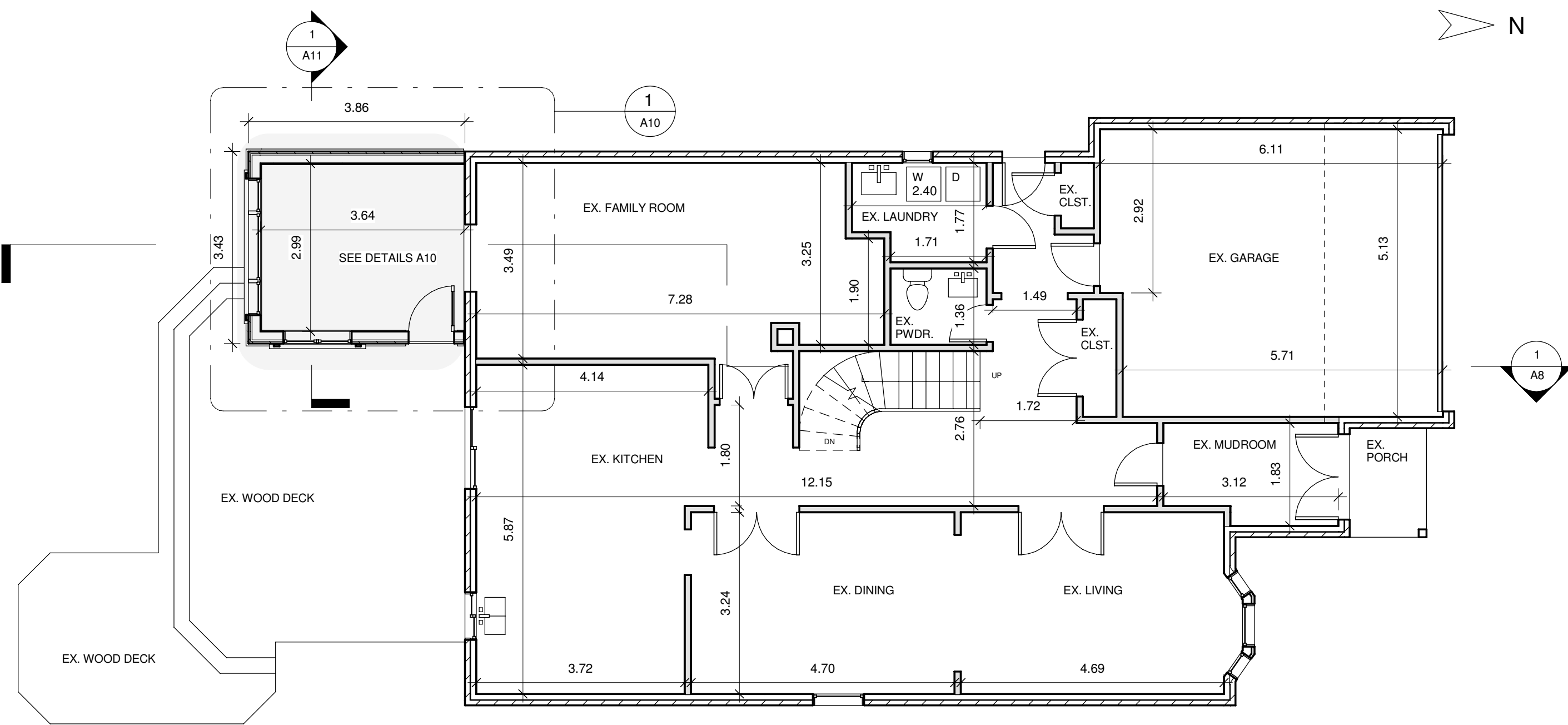
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49 PETERBOROUGH AVE.

**BASEMENT**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
<b>A1</b>	
Scale	1 : 75



**1** LEVEL 1  
1 : 75

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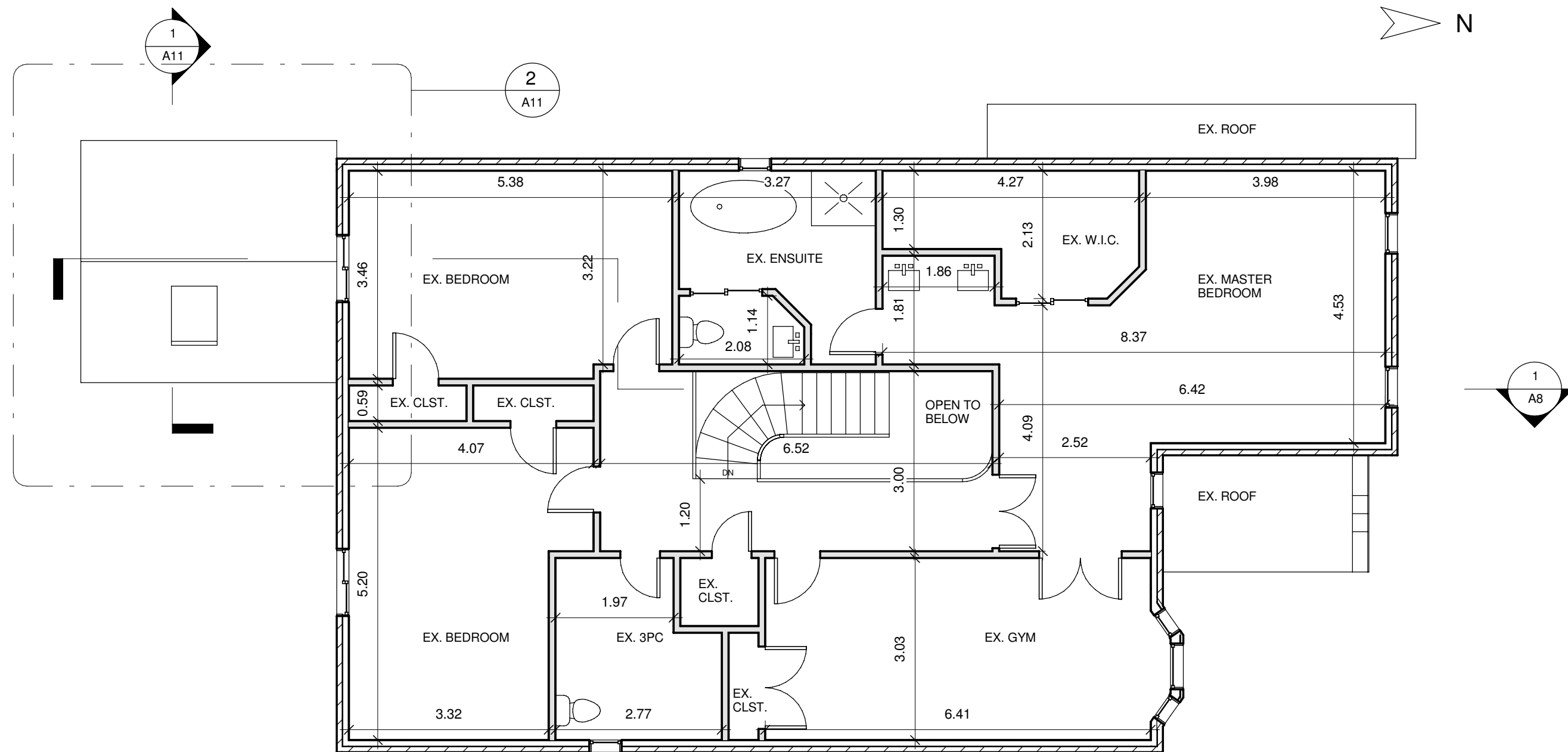
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Drawn by	Author
Checked by	Checker

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1 LEVEL 2  
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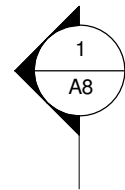
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LEVEL 2

Project number	Project Number
Date	Issue Date
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A3

Scale	1 : 75
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NO CHANGE TO NORTH ELEVATION  
FOR REFERENCE ONLY



1 NORTH  
1 : 75

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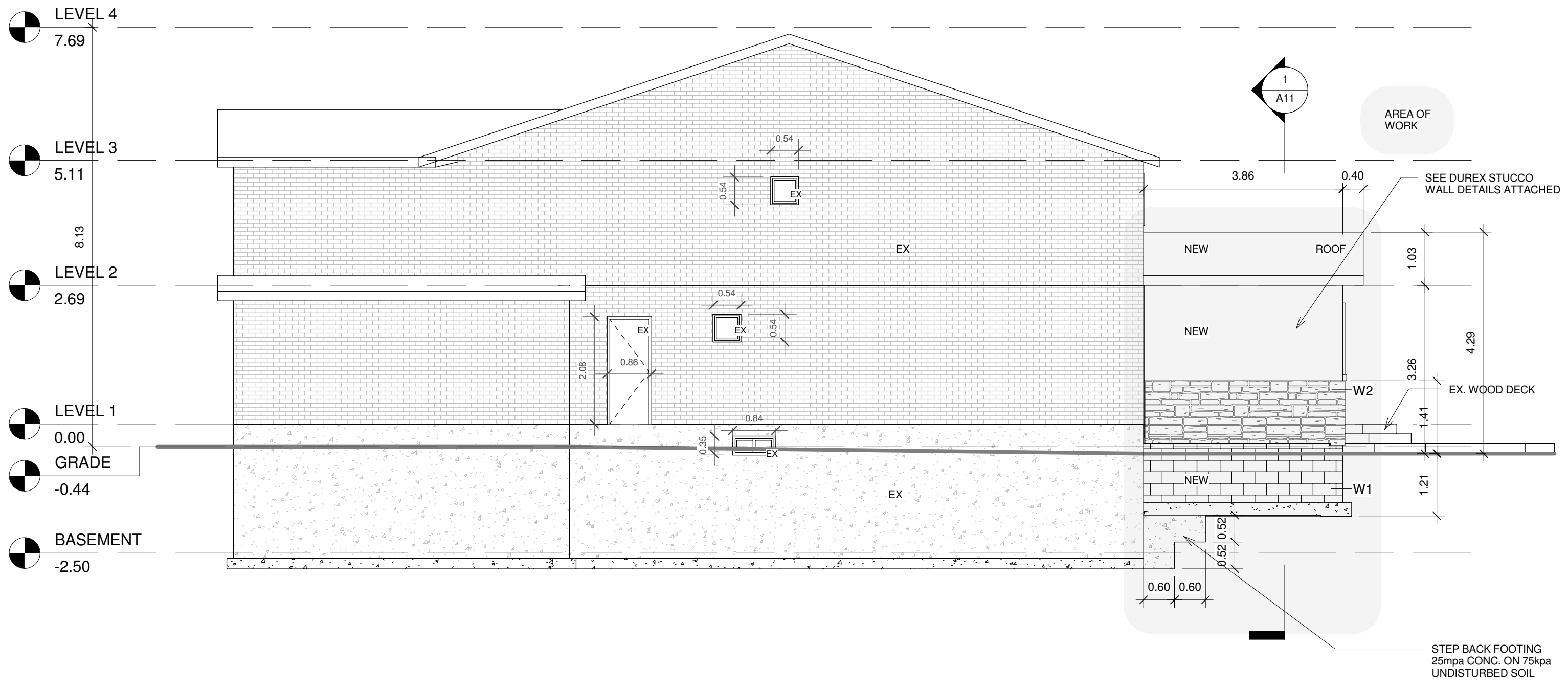
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49 PETERBOROUGH  
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NORTH ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4

Scale	1 : 75
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1 WEST  
1 : 75

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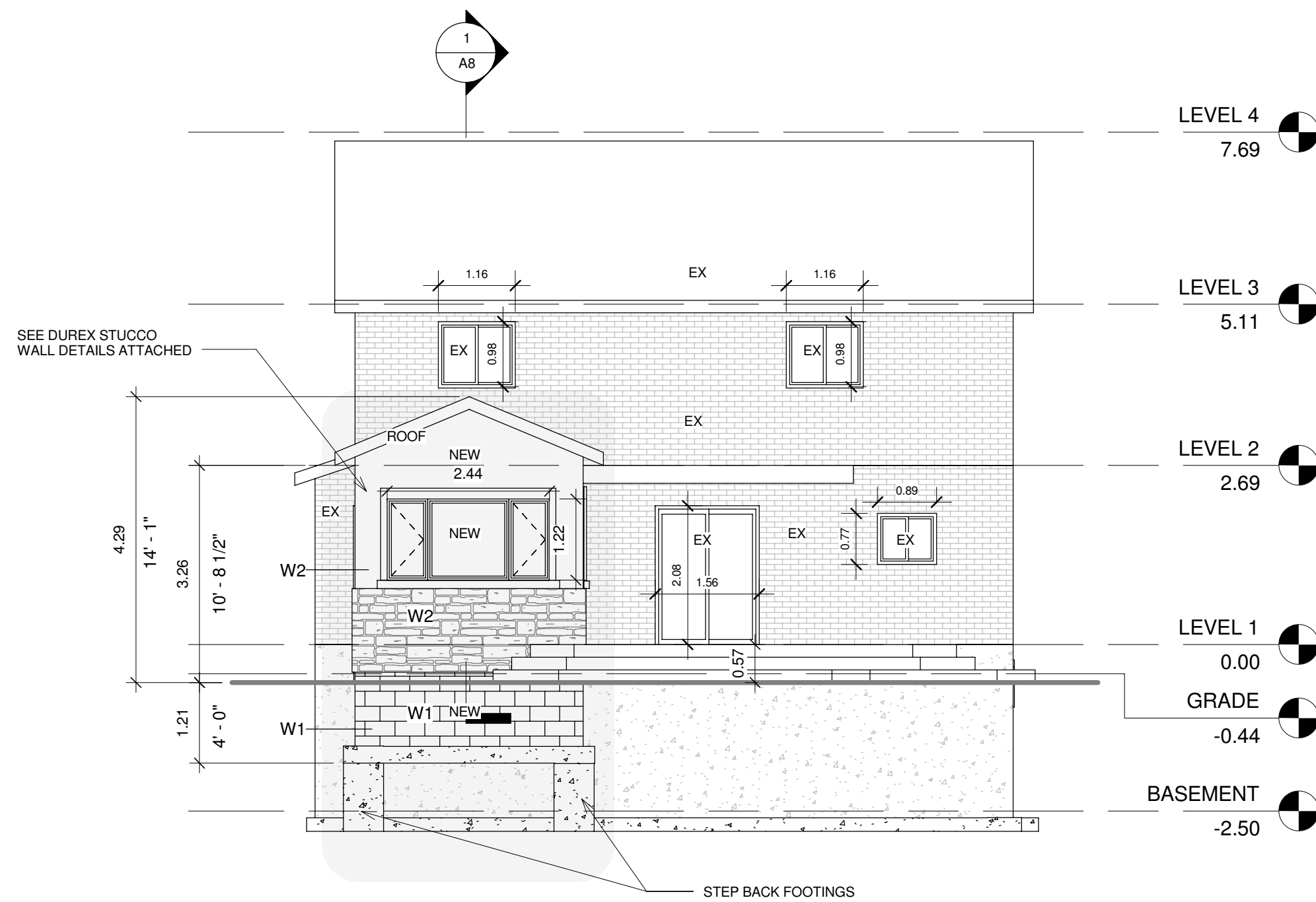
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No.	Description	Date

**THRONHILL, ON L3T 7C4**  
**49 PETERBOROUGH AVE.**

**WEST ELEVATION**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
<b>A5</b>	
Scale	1 : 75



1 SOUTH  
1 : 75

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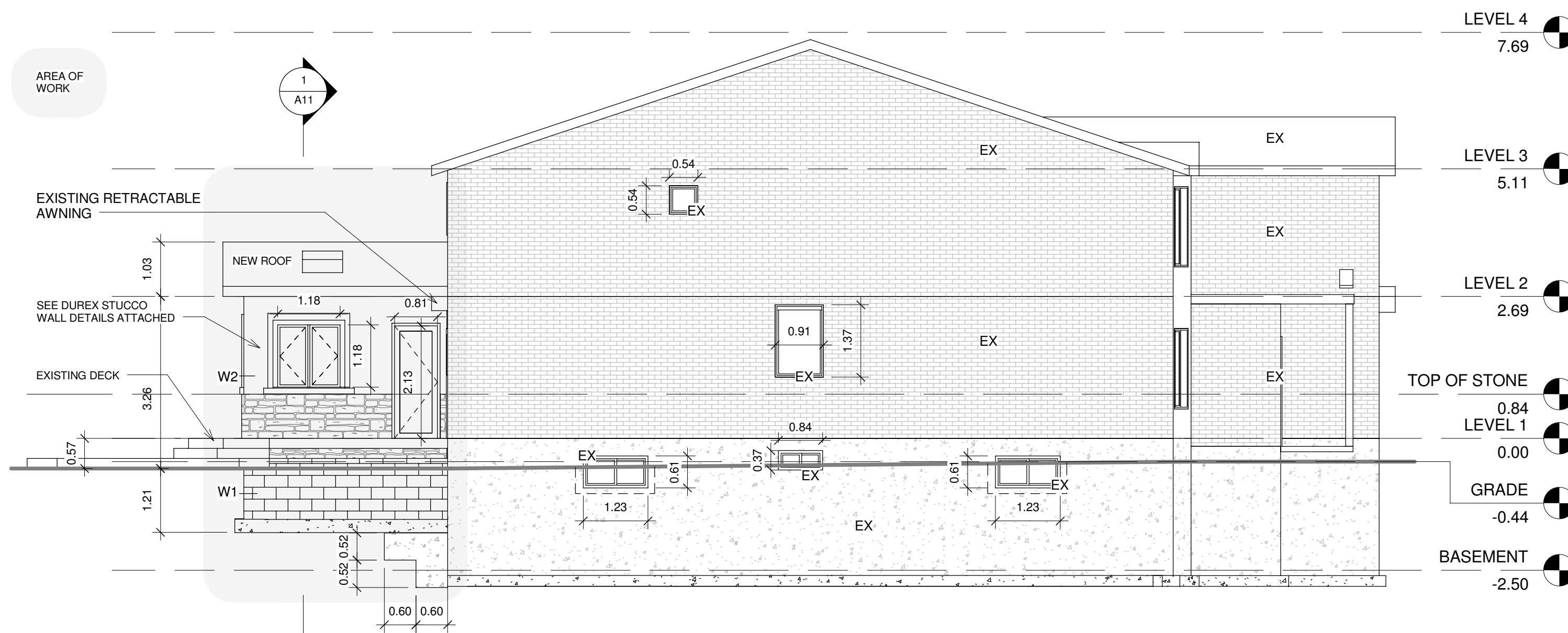
THRONHILL, ON L3T 7C4  
49 PETERBOROUGH AVE.

SOUTH ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A6

Scale	1 : 75
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1 EAST  
1 : 75

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No.	Description	Date

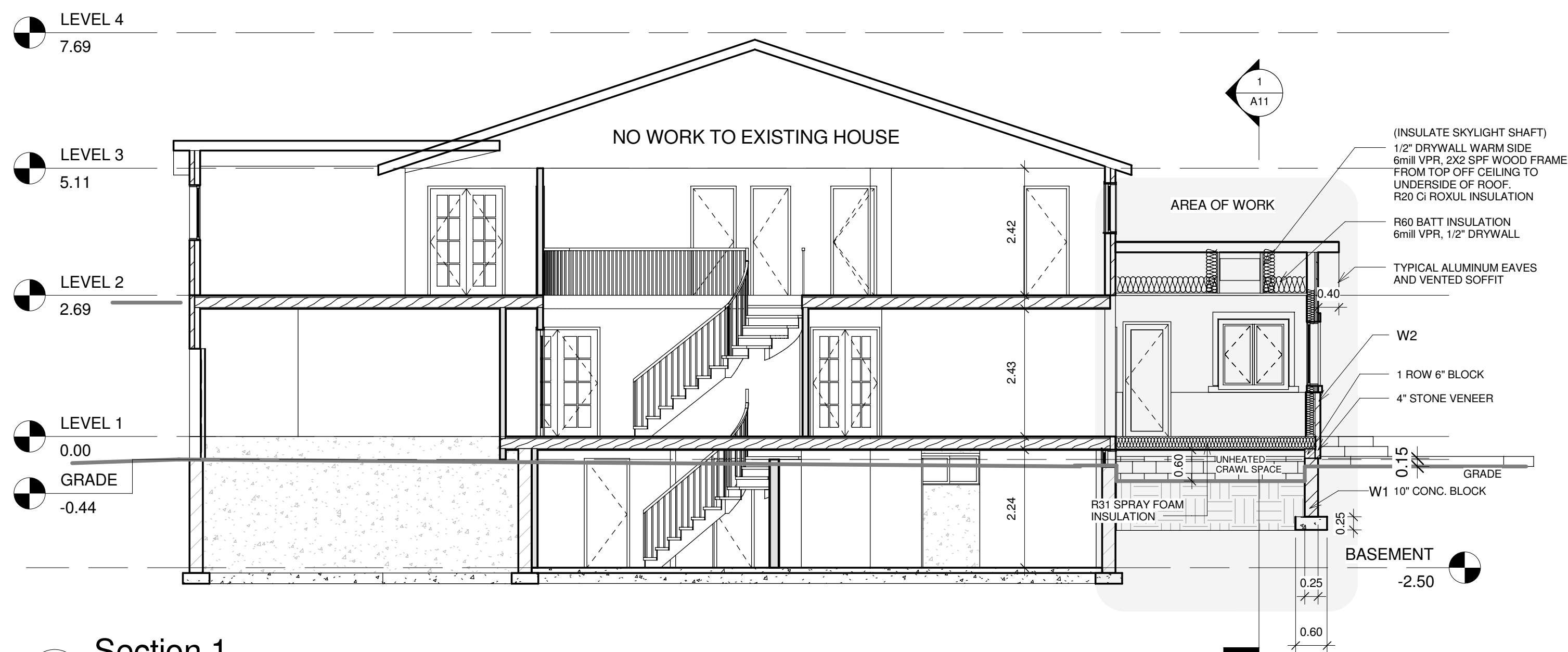
THRONHILL, ON L3T 7C4  
49 PETERBOROUGH AVE.

EAST ELEVATION

Project number	Project Number
Date	Issue Date
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Checked by	Checker

A7

Scale	1 : 75
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1 Section 1  
1 : 75

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No.	Description	Date

THRONHILL, ON L3T 7C4  
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AVE.

SECTION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A8

Scale	1 : 75
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