

Memorandum to the City of Markham Committee of Adjustment

March 14, 2022

File: A/018/22
Address: 225 Church Street – Markham, ON
Applicant: Faha Fatima Baquer
Agent: Paar Design Inc. (Nikol Paar)
Hearing Date: March 23, 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 requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Amending By-law 99-90, Section 1.2(i):**
a maximum height of 10.80 m (35.43 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);
- b) **Amending By-law 99-90, Section 1.2(ii):**
a maximum depth of 18.97 m (62.24 ft), whereas the By-Law permits a maximum depth of 16.80 m (55.12 ft); and
- c) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.75%, whereas the By-law permits a maximum floor area ratio of 45.0%.

PROPERTY DESCRIPTION

The 1,207.14 m² (12,993.91 ft²) subject property is located on the south side of Church Street, north of Highway 7 East, east of Wooten Way North, and west of 9th Line. There is an existing one-storey detached dwelling on the property, with a detached garage and accessory building (shed) located in the rear yard, and mature vegetation throughout. The property is located within an established residential neighbourhood, which predominantly contains a mix of one and two-storey detached dwellings. There are several examples of recent infill development along the street, and within the surrounding area.

PROPOSAL

The applicant is proposing to demolish the existing dwelling, detached garage, and shed located in the rear yard, to construct a new two-storey detached dwelling with a depth of 18.97 m (62.24 ft), and a height of 10.80 m (35.43 ft). The dwelling would have a first floor area of 239.65 m² (2,579.70 ft²), a second floor area of 213.17 m² (2,294.62 ft²), for a total gross floor area of 452.82 m² (4,874.32 ft²).

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 these development criteria. Regard shall also 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 height, depth, and floor area ratio.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant has completed a ZPR on January 13, 2022 to confirm the variances 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 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.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.80 m (35.43 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 1.0 m (3.28 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 a roof surface. It should be noted that the proposed grade at the front of the house is approximately 0.40 m (1.31 ft) above the crown of road. Staff consider the increase in height to be compatible with the existing infill development along Church Street, and low rise development abutting the property, and have no concerns.

Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 18.97 m (62.24 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 2.17 m (7.12 ft).

The variance includes a two-storey building projection at the rear, which adds 2.13 m (7.0 ft) to the overall depth of the building. The building projection has a width of 4.62 m (15.16 ft), and is oriented towards the centre of the lot. Staff have also considered the depth of

the lot, and are of the opinion that the general intent and purpose of the By-law is maintained.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 49.75%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 452.84 m² (4,874.32 ft²), whereas the By-law permits a dwelling with a maximum floor area of 409.58 m² (4,408.63 ft²). This is an increase of 43.26 m² (465.69 ft²).

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. With exception to the above noted variances, the proposed development meets all other zoning provisions that establish the prescribed building envelope, and assist in ensuring the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff have also considered that the applicant is proposing a dwelling with a lot coverage of 21.97%, well below the maximum lot coverage of 35.0% permitted by the By-law. When assessed individually and collectively with the other variance requests, it is the opinion of staff that the proposed development maintains the general intent and purpose of the By-law, and is appropriate for the lot.

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted with any approval of this application, to ensure that the applicant appropriately installs the tree protection barriers and provides compensation to the City, if necessary. Staff also note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more on the subject property or neighbouring properties. Through these processes, further mitigation may be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 14, 2022. 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 requested variances meet 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:

A handwritten signature in black ink, appearing to read 'Carlson Tsang', written over a horizontal line.

Carlson Tsang, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/018/22

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.
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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. 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 the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/018/22

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MARK	DATE	DESCRIPTION
1.	08 11 2021	ISSUED FOR ZONING REVIEW
2.	28 12 2021	EXISTING SHED TO BE REMOVED
3.	24 01 2022	ISSUED FOR COA

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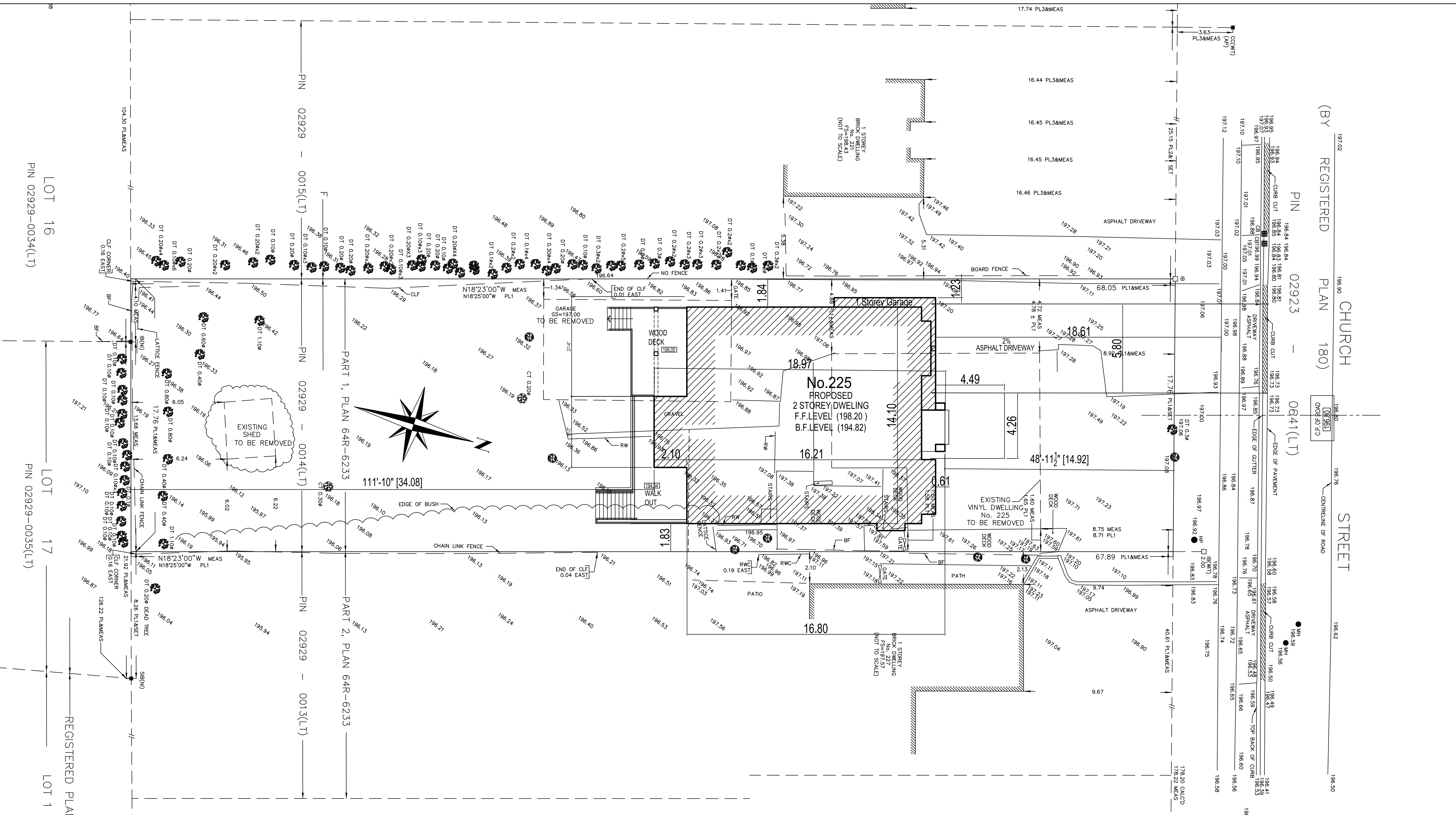
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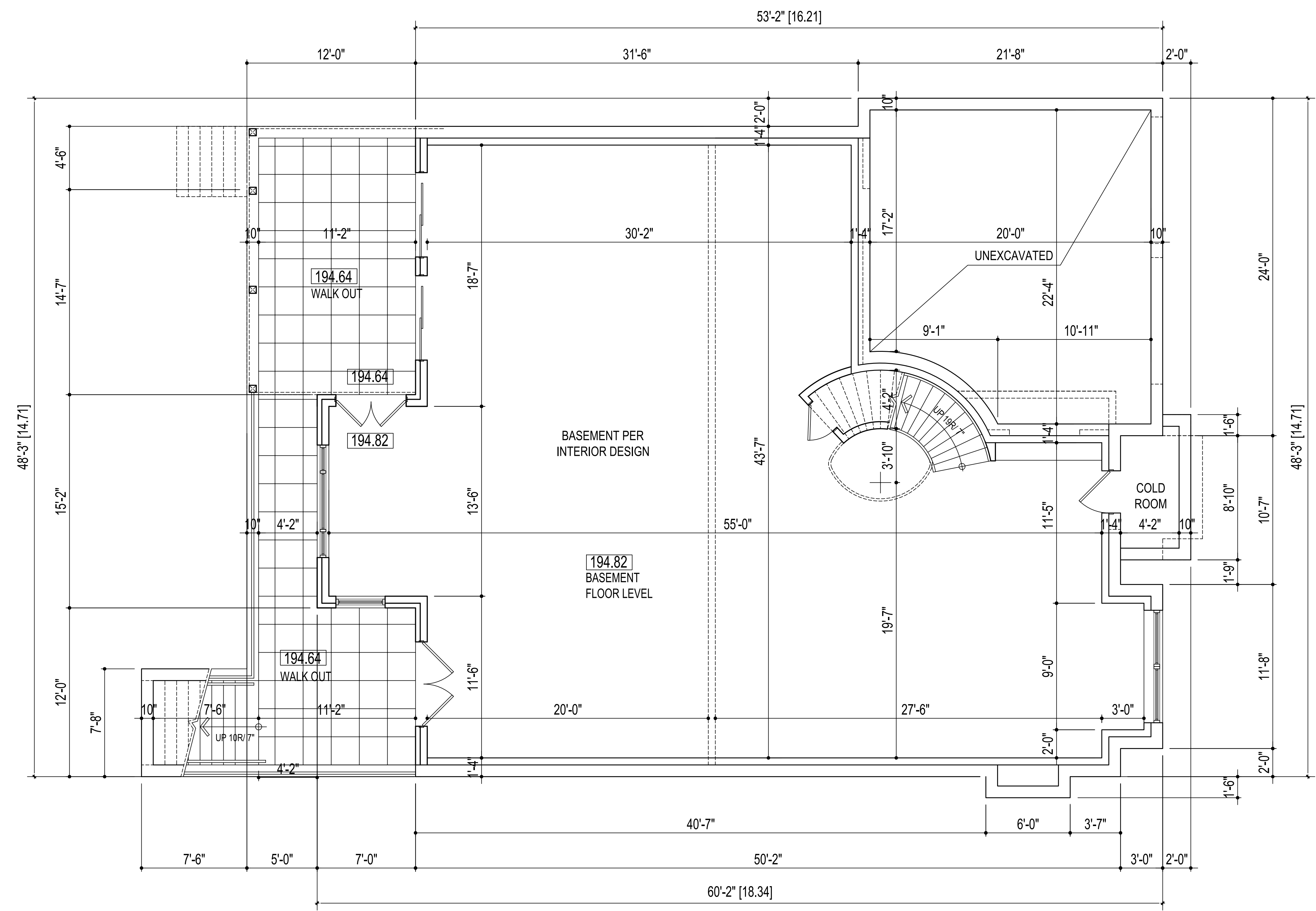
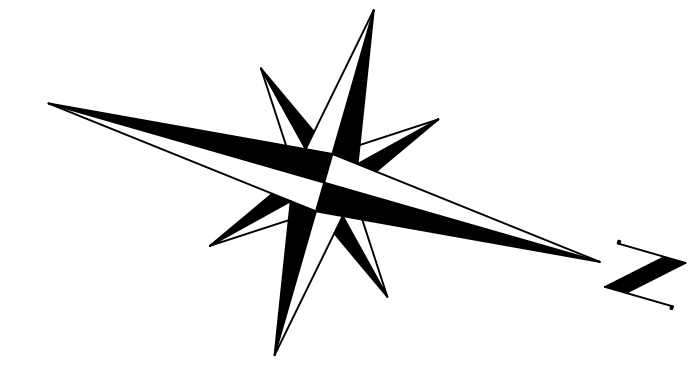


LOT COVERAGE
 LOT AREA = 12993.91 SQ.FT. / 1207.14 m²
 MAX. 35 % (4547.87 SQ.FT./ 422.50 m²)
PROPOSED 21.97 % - 2855.87 SQ.FT. / 265.32 m² (INCLUDING COVERED PORCH and COVERED DECK)
 LOT AREA = 12993.91 SQ.FT./ 1207.14 m²
 NET LOT AREA : 9796.95 SQ.FT. / 910.14 M2
 6600.0 SQ.FT. + [(12993.91 SQ.FT. - 6600.0 SQ.FT.) : 2] =
 6600.0 SQ.FT. + 3196.95 SQ.FT. = 9796.95 SQ.FT. / 910.14 M2
 MAX. FLOOR AREA 45 % OF NET LOT AREA (4408.62 SQ.FT./ 409.56 m²)
PROPOSED 49.75 % / 0.497 (4874.32 SQ.FT. / 452.82 M2)

PROPOSED NET FLOOR AREA

FIRST FLOOR AREA TOTAL = 2579.70 sq.ft./ 239.65 m²
 INCLUDING GARAGE AREA = 446.04 SQ.FT/ 41.43 m²
 SECOND FLOOR AREA TOTAL = 2294.62 SQ.FT./ 213.17 m²
 EXCLUDING DEDUCTIBLE AREA = 190.08 SQ.FT/ 17.66 m²
 TOTAL FLOOR AREA = 4874.32 SQ.FT./ 452.82 m²

SETBACKS	PROPOSED
FRONT	48'-11 1/2" / 14.92 m
SIDE (INT.) EAST	6'-0" / 1.83 m
SIDE (INT.) WEST	4'-0 1/2" (One Storey Garage)
REAR	111'-10" / 34.08 m
BUILDING HEIGHT (M.)	10.80 m



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2.	24 01 2022	ISSUED FOR COA
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DESIGN
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Qualification Information
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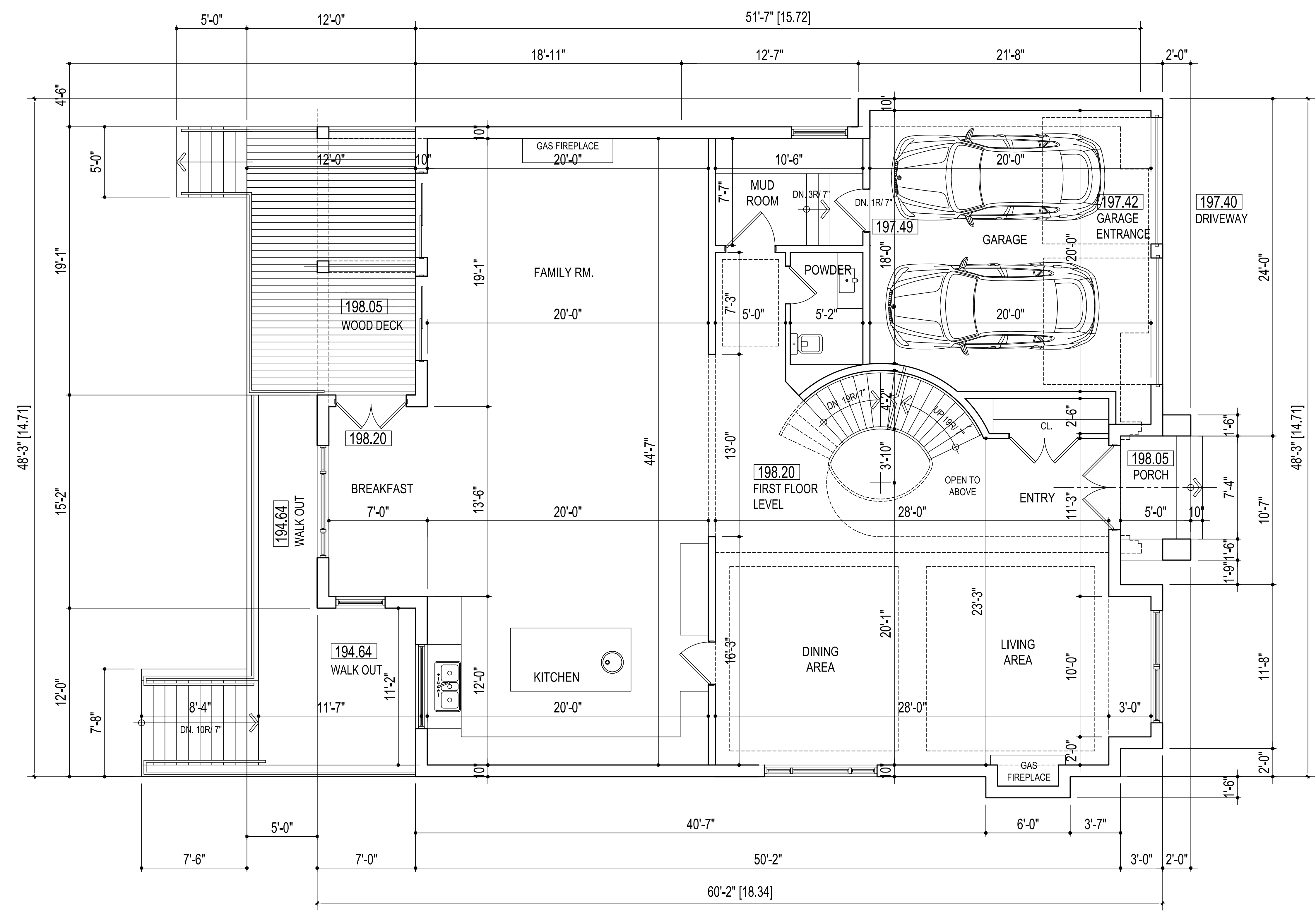
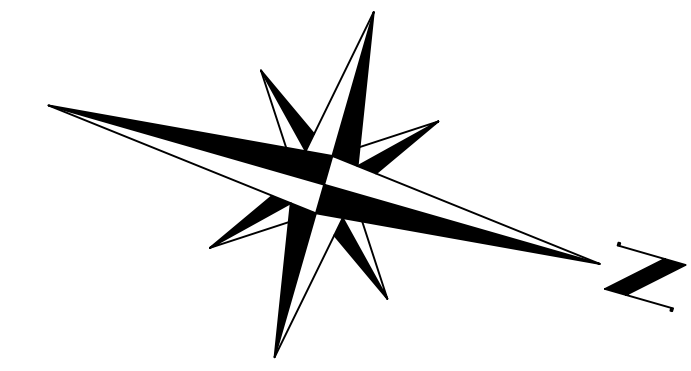
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 info@paar.design.com

PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	BASEMENT PLAN
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.
	A 1.1



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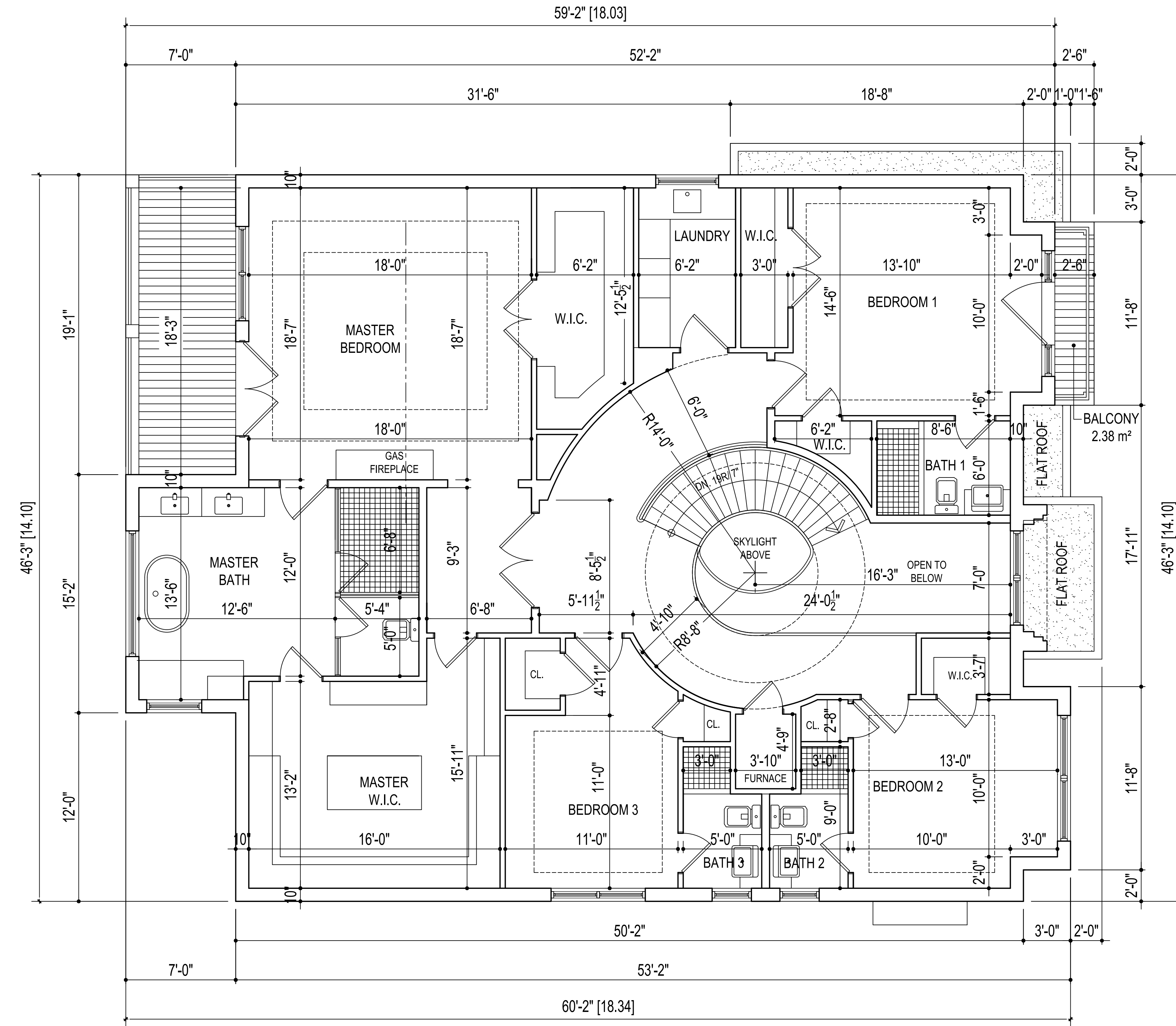
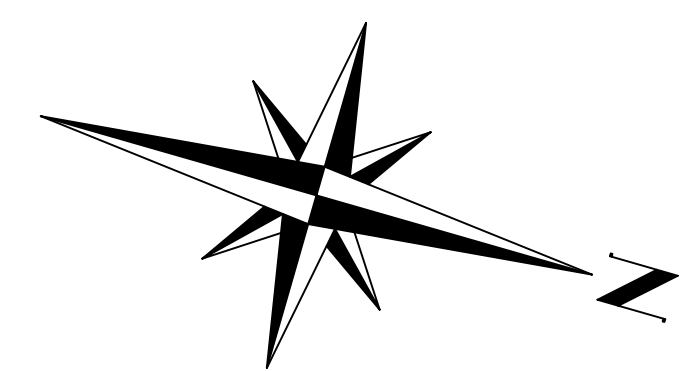
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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	FIRST FLOOR PLAN
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.



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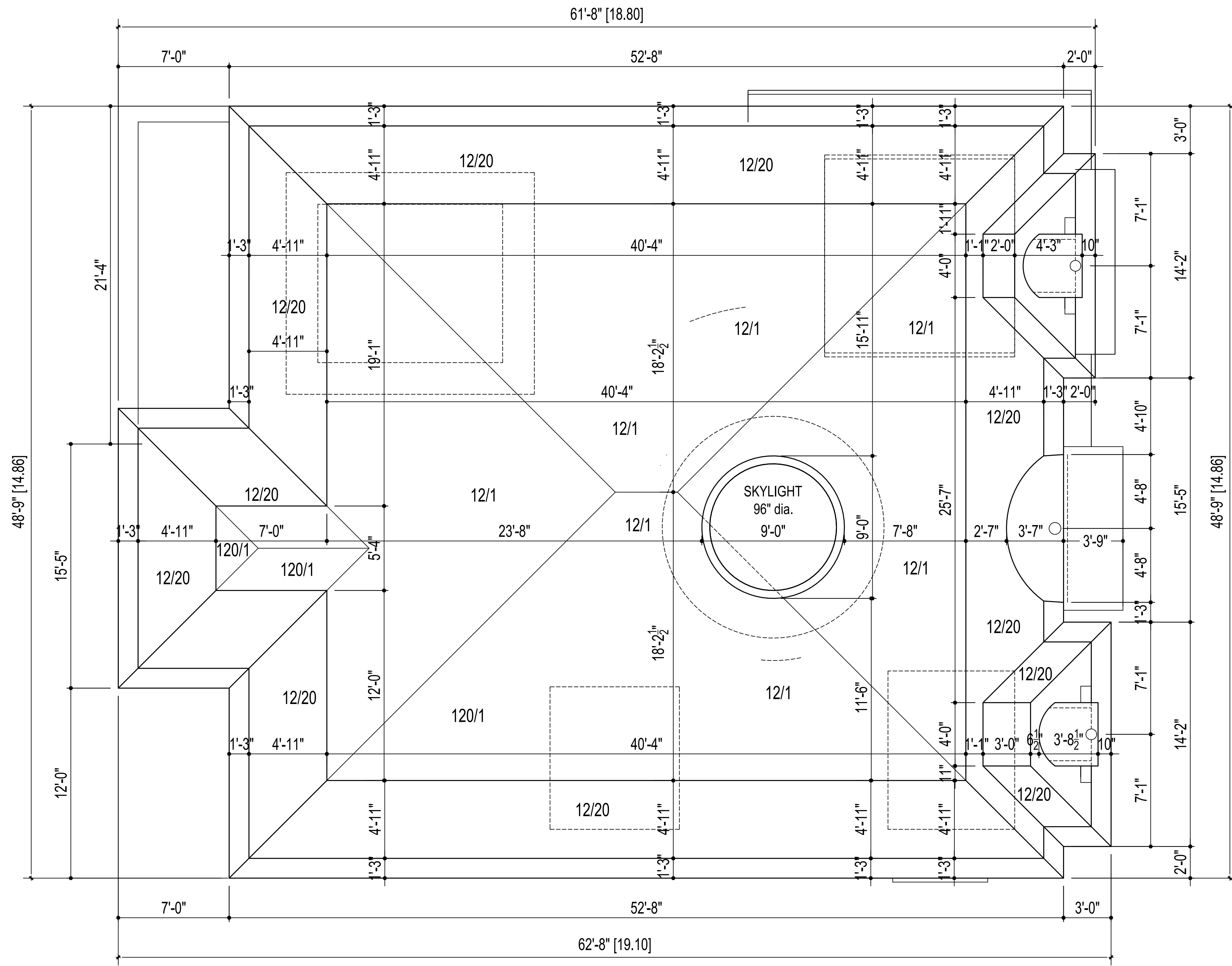
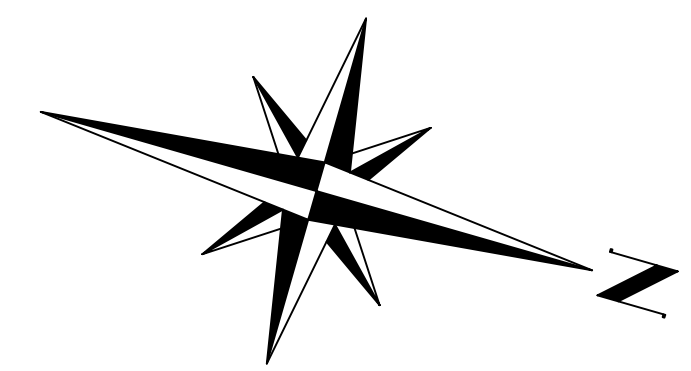
Zoran Paar
 Name: Signature: 24546 BCIN / BCDN

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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	SECOND FLOOR PLAN
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
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Zoran Paar 24546
 Name Signature BCIN / BCDN

Registration Information
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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	ROOF PLAN
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.
A 1.4	

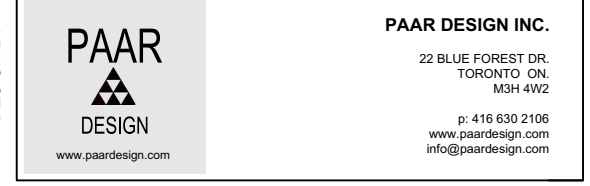


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DRAWN BY:	B.B.
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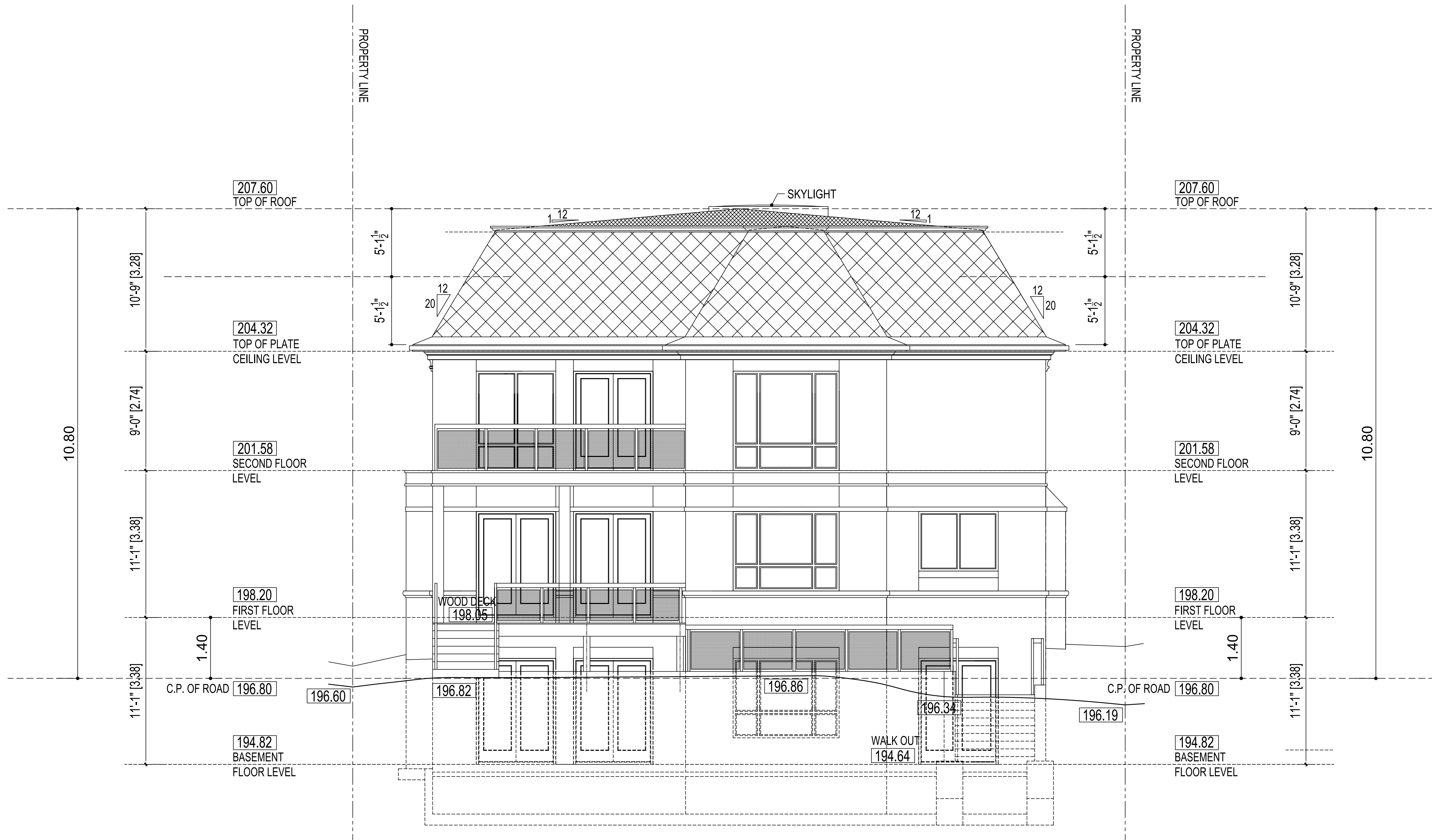
MARK	DATE	DESCRIPTION
1.	08 11 2021	ISSUED FOR ZONING REVIEW
2.	24 01 2022	ISSUED FOR COA

DESIGN
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a Designer.
Qualification Information
Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code
Zoran Paar
Name Signature BCIN / BCDN 24546
Registration Information
Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code
PAAR Architecture and Interior Design Inc.
Firm Name Signature BCIN / BCDN 31765

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M3H 4W2
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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	SIDE/ EAST ELEVATION
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.





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MARK	DATE	DESCRIPTION
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2.	24 01 2022	ISSUED FOR CDA

DESIGN
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Qualification Information
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Zoran Paar
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Registration Information
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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	REAR/ SOUTH ELEVATION
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.

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DESIGN

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PROJECT:	225 CHURCH STREET 2 STOREY DWELLING
SHEET TITLE:	SIDE/ WEST ELEVATION
SCALE:	1/4" = 1'-0"
DATE:	08 11 2021
DRAWN BY:	B.B.
A 2.4	

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