

Memorandum to the City of Markham Committee of Adjustment

July 28, 2021

File: A/091/21
Address: 156 Church Street – Markham, ON
Applicant: Mary Ratnarajah
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: August 11, 2021

The following comments are provided on behalf of the East Team.

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, as they relate to proposed additions to the existing dwelling. The variances requested are to permit:

a) By-law 1229, Sec. 1.2(iii):

a maximum building depth of 29.60 m (97.11 ft), whereas the by-law permits a maximum building depth of 16.80 m (55.12 ft);

b) By-law 28-97, Sec 6.2.4.6 a):

a driveway with a maximum width of 7.0 m (22.97 ft), whereas the By-law permits a driveway with a maximum width of 6.10 m (20.01 ft) when a garage faces an interior lot line; and

c) By-law 28-97, Sec. 6.2.4.5 a):

a second driveway width of up to 5.79 m (19.0 ft), whereas the by-law permits a second driveway width of up to 3.70 m (12.14 ft).

BACKGROUND

Property Description

The 0.48 Ac (1,946.40 m²) subject property is located on the north side of Church Street, east of Elm Street, south of Parkway Avenue, and west of Wooten Way North. The property has a lot frontage of 25.93 m (85.07 ft), and is currently developed with a two-storey detached dwelling. Mature and newer trees exist throughout. The property is located within an established residential neighbourhood that contains a mix of one and two-storey detached dwellings, and lots with varying sizes, frontages, and depths. The surrounding area is undergoing a transition with newer dwellings being redeveloped as infill developments which incorporate different massing elements, building sizes, heights, and depths. Mature vegetation and trees within the front yards of properties also characterize the residential neighbourhood.

Proposal

The applicant intends to maintain the existing two-storey detached dwelling, and is proposing to construct new one and two-storey additions located at the north side of the existing dwelling, a second-storey addition located at the east side of the dwelling above the existing one-storey garage, and a one-storey covered and unenclosed structure which extends south of the dwelling. The applicant is also proposing to recognize the existing driveway widths.

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, the width of proposed garages and driveways.

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 property is 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 maximum building depth.

Parking Standards By-law 28-97

The property is subject to the Parking By-law, and the proposed development does not comply with the Parking By-law requirement with respect to the maximum width of a second driveway. The applicant indicates that the covered and unenclosed “autoport” structure is not to be used for car parking (see Site Plan, “Appendix “B”). The applicant should be made aware that an additional variance would be required to permit a carport in the front yard, in any event where the carport is to be used for parking purposes.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on June 9, 2021 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 Depth

The applicant is requesting a maximum depth of 29.60 m (97.11 ft), whereas the by-law permits a maximum depth of 16.80 m (55.12 ft). This is an increase of approximately 12.80 m (74.80 ft).

A building's depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a one-storey covered and unenclosed structure which is proposed south of the existing dwelling, oriented towards the centre of the front yard area, and adds approximately 5.79 m (19.0 ft) to the overall depth of the building. Excluding the structure, the main component of the building would have a depth of 23.77 m (78.0 ft). Along the east side, the applicant is proposing a two-storey addition with a side yard setback of 5.80 m (19.03 ft), which meets and exceeds the minimum side yard setback requirement of 1.22 m (4.0 ft). Along the west side, the applicant is proposing a one-storey addition that would have a side yard setback of 2.74 m (8.99 ft).

Approximate residential lot depths along the street between Elm Street, and 9th Line range from 33.53 m (110.0 ft) to 102.11 m (335.0 ft) according to City records. The subject property has a lot depth of 75.15 m (246.56 ft) which is greater than many lots on the street (see Appendix "C"). While staff are of the opinion that the building depth is appropriate for the lot, the requested variance represents a considerable departure from the By-law requirement. In considering, the depth and size of the property, the relationship of the proposed development with neighbouring properties, and the massing elements proposed, staff consider the requested variance to be supportable under the four tests of the *Planning Act*.

Increase in Maximum Driveway Width to a Driveway and Increase in Maximum Driveway Width for a Circular Driveway

The applicant is requesting a maximum driveway width of 7.0 m (22.97 ft), whereas the By-law permits primary driveways to have a maximum width of 6.10 m (20.01 ft) when garages face an interior side lot line. The applicant is also requesting an increase in the maximum driveway width for a circular driveway. These two variances should be considered together, as they cumulatively increase the amount of hardscape area in the front yard. The intent of these By-law provisions which are being varied is to limit the amount of hardscape areas. Staff note that there are existing walkways abutting the driveways. While these walkways are permitted, they add to the amount of hardscape in the front yard. It should also be noted that motor vehicles would not be allowed to access or park on these walkways.

The Parking By-law provisions for circular driveways state that for *"lots with frontages greater than 19.20 m (62.99 ft), a second 3.70 m (12.14 ft) wide driveway is permitted provided:*

- i) the main building is setback at least 8.0 m (26.25 ft) from the street line;*
- ii) the driveways are at least 7.0 m (22.97 ft) apart, at the street line; and*
- iii) the second driveway connects the public street to the other driveway that provides direct access from the public street."*

The existing driveway complies with the above criteria, except where the second driveway has a width of 5.79 m (19.0 ft) which exceeds the maximum width by 2.09 m (6.86 ft). The applicant is therefore requesting a variance to recognize the existing site condition (see Site Plan, Appendix "B").

The intent of regulating both driveway and circular driveway widths is to minimize the total amount of hard surface driveway area, and to maintain soft landscaping area as a component of the residential streetscape. Approval of the proposed variances would result in an increase in hard landscaping area that these provisions intend to limit. Not only will the section of the driveway traversing north-south be wider than what is allowed, but the section of the driveway traversing east-west will also be wider than permitted. Cumulatively, it is difficult for staff to advise that the variances are minor in nature, desirable, or meet the intent of the By-law. Should the Committee permit the proposed variances to increase the driveway widths, a condition should be imposed to prohibit any further expansions to the driveways as described above (see Appendix "A").

PUBLIC INPUT SUMMARY

No written submissions were received as of July 28, 2021. Staff note 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*, and are of the opinion that the variance relating to building depth can be considered to meet the four tests. Should the Committee see merit in recognizing the existing site condition; staff recommend that the variance application be approved with conditions which would prevent any widening of the driveway area south of 8.0 m (26.25 ft) north of the front lot line, and the provision of any additional hard landscaping. In the event that the driveway variances are denied, it is recommended that condition 3 be removed, and the applicant would be required to make the appropriate adjustments to the widened driveways to comply with the requirements of the Parking By-law. Staff recommend that the Committee consider public input in reaching a decision, and satisfy themselves as to whether the four tests have been met.

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.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Aerial Photograph: Lot Depths

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/091/21

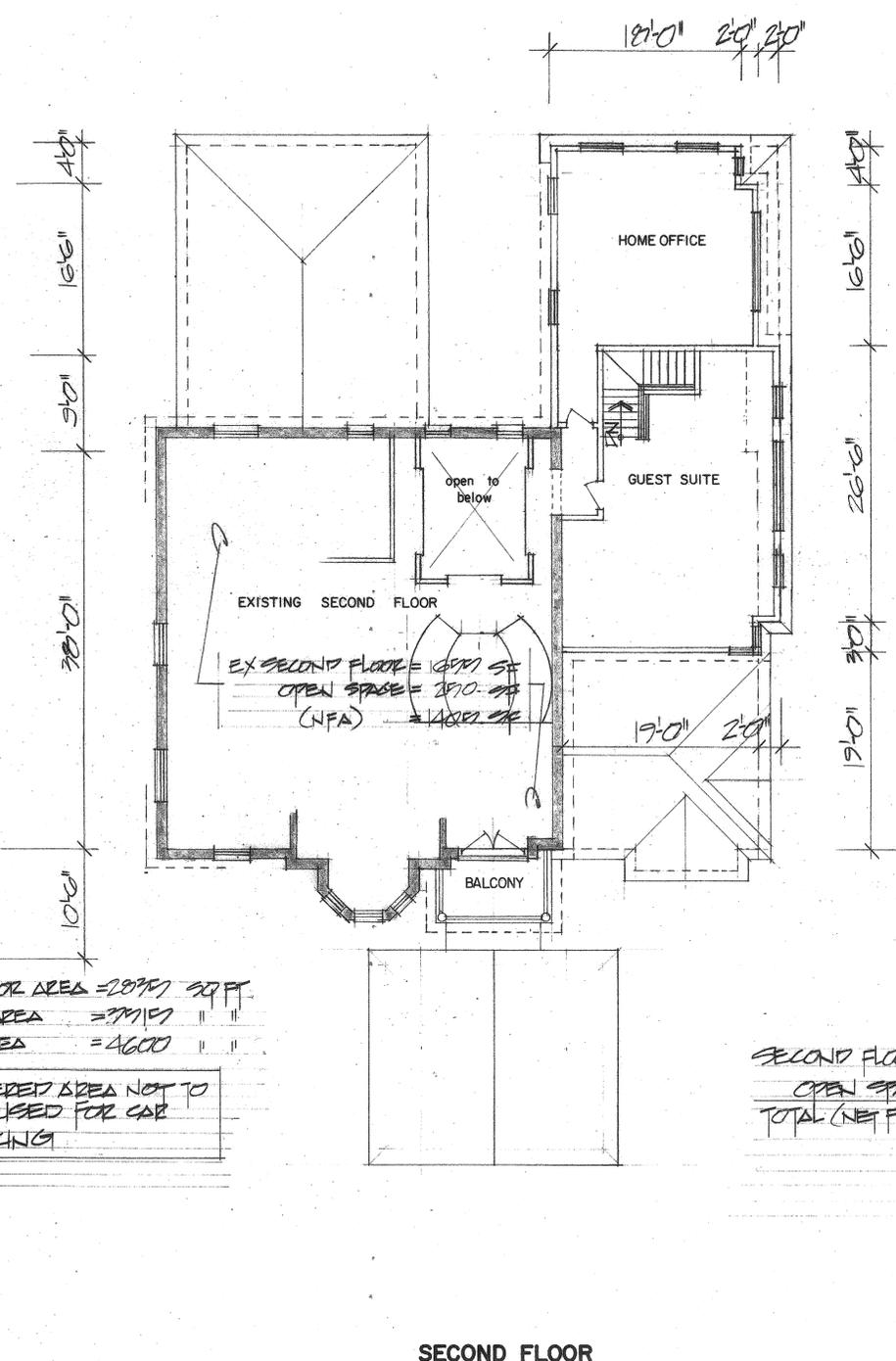
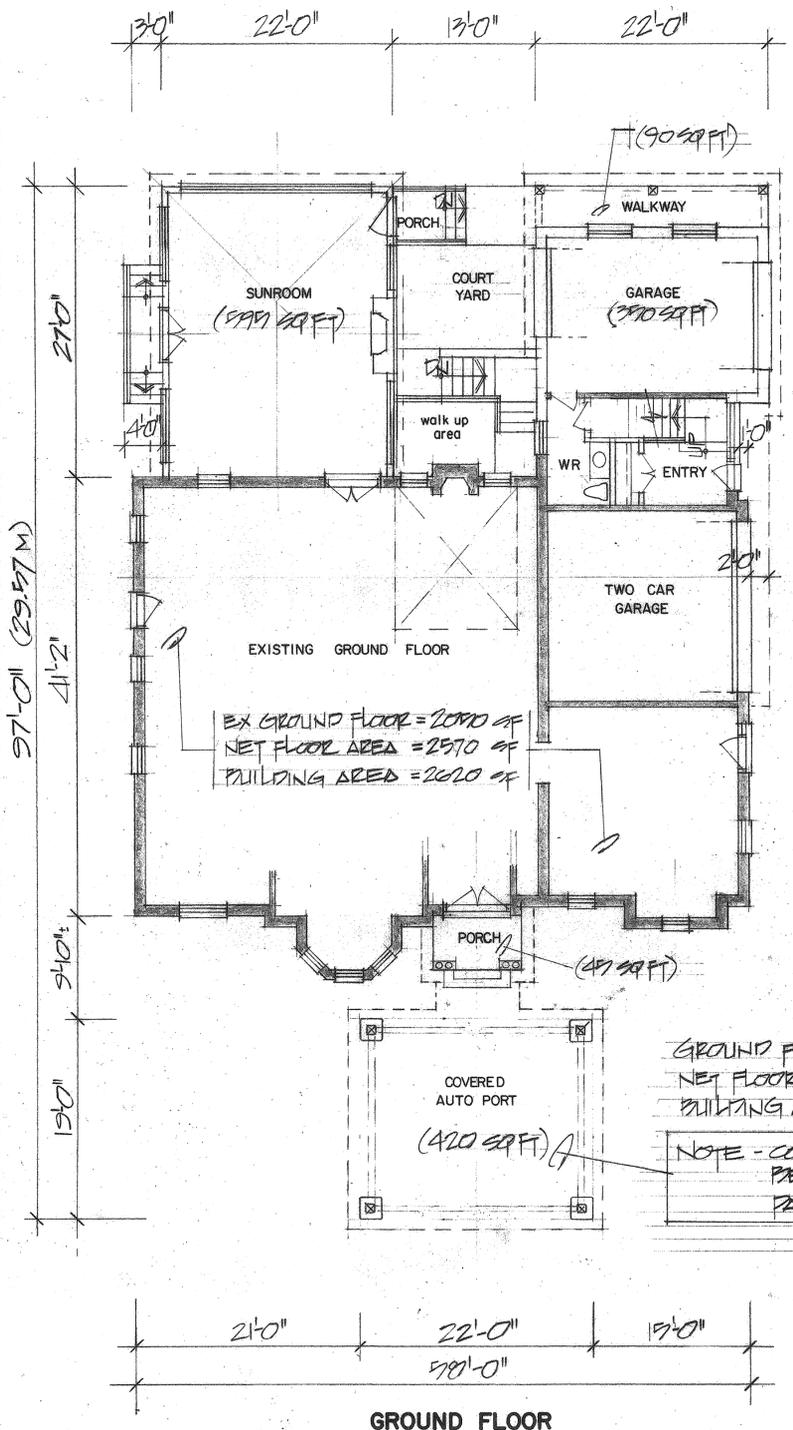
1. The variances apply only to the subject development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design, or their designate that this condition has been fulfilled to their satisfaction.
3. That the second driveway with a requested width of up to 5.79 m (19.0 ft) shall only apply to the section of the driveway traversing east-west and situated a minimum of 8.0 m (26.25 ft) north of the front lot line as it is shown in the batch stamped plan attached as Appendix "B" to this Staff Report, and that no additional hard landscaping be permitted in the front yard.
4. 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.
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 Tree Preservation Technician, or their designate to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

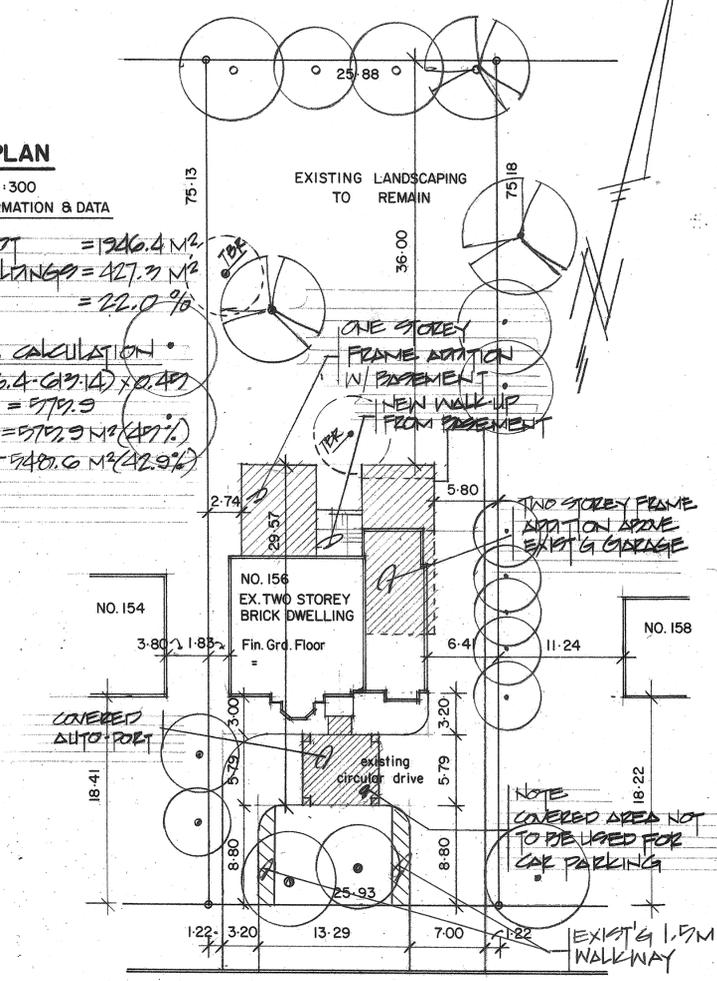
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/091/21



SITE PLAN
 SCALE - 1:300
 LOT INFORMATION & DATA

AREA OF LOT = 1326.4 M²
 AREA OF BUILDING = 427.2 M²
 COVERAGE = 22.0 %

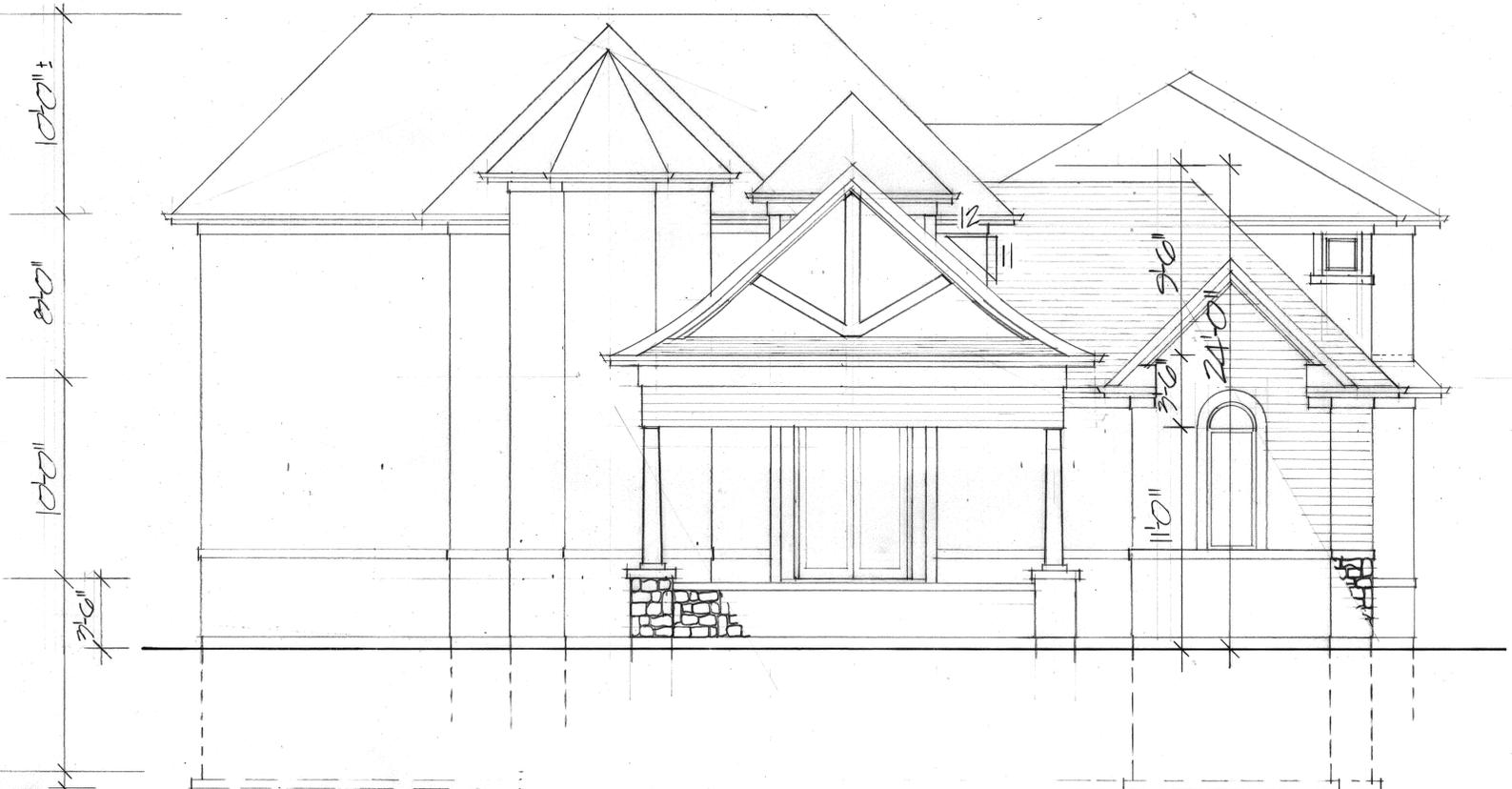
NET FLOOR AREA CALCULATION
 617.14 + 0.91 (246.4 - 617.14) x 0.47
 125.8 x 0.45 = 574.9
 ALLOWABLE NFA = 574.9 M² (43.3%)
 PROPOSED NFA = 540.0 M² (40.8%)



PROJECT: PROPOSED RENOVATIONS	Individual B.C.I.N. - 2625 FIRM B.C.I.N. - 35908	DRAWN: R. GREGORY DATE: 7/12/21
156 CHURCH ST. CITY OF MARKHAM	Russ Gregory NAME: _____ SIGNATURE: _____	SCALE: 1/8" = 1'-0"
THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	GENERAL NOTES: All construction is to conform to section "B" of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	PROJECT NO.: 2258-21 DRAWING NO.: 1

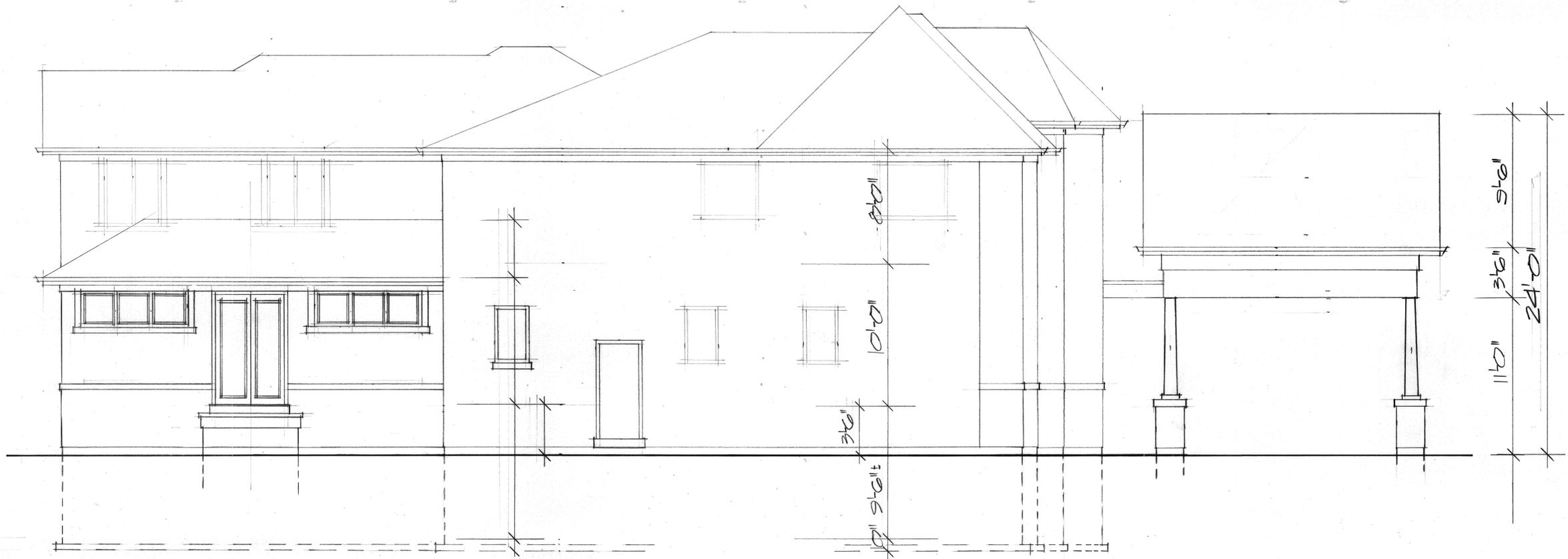


EAST SIDE



FRONT ELEVATION

PROJECT: 156 CHURCH ST. CITY OF MARKHAM	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C. of the Building Code, I am qualified, and the firm registered, in the appropriate classes/categories. INDIVIDUAL B.C.I.N. - 25625 FIRM B.C.I.N. - 30508 Russ Gregory NAME SIGNATURE	DRAWN: R. GREGORY DATE:
THE GREGORY DESIGN GROUP	GENERAL NOTES: All construction is to conform to section "B" of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	SCALE: 1/4"=1'-0"
16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	PROJECT NO.: 2258-21 DRAWING NO.: A-4	



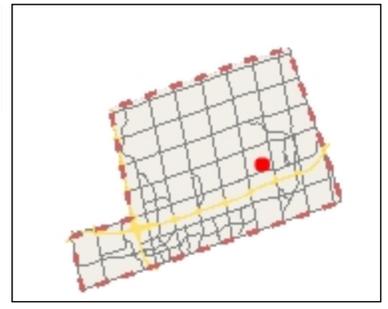
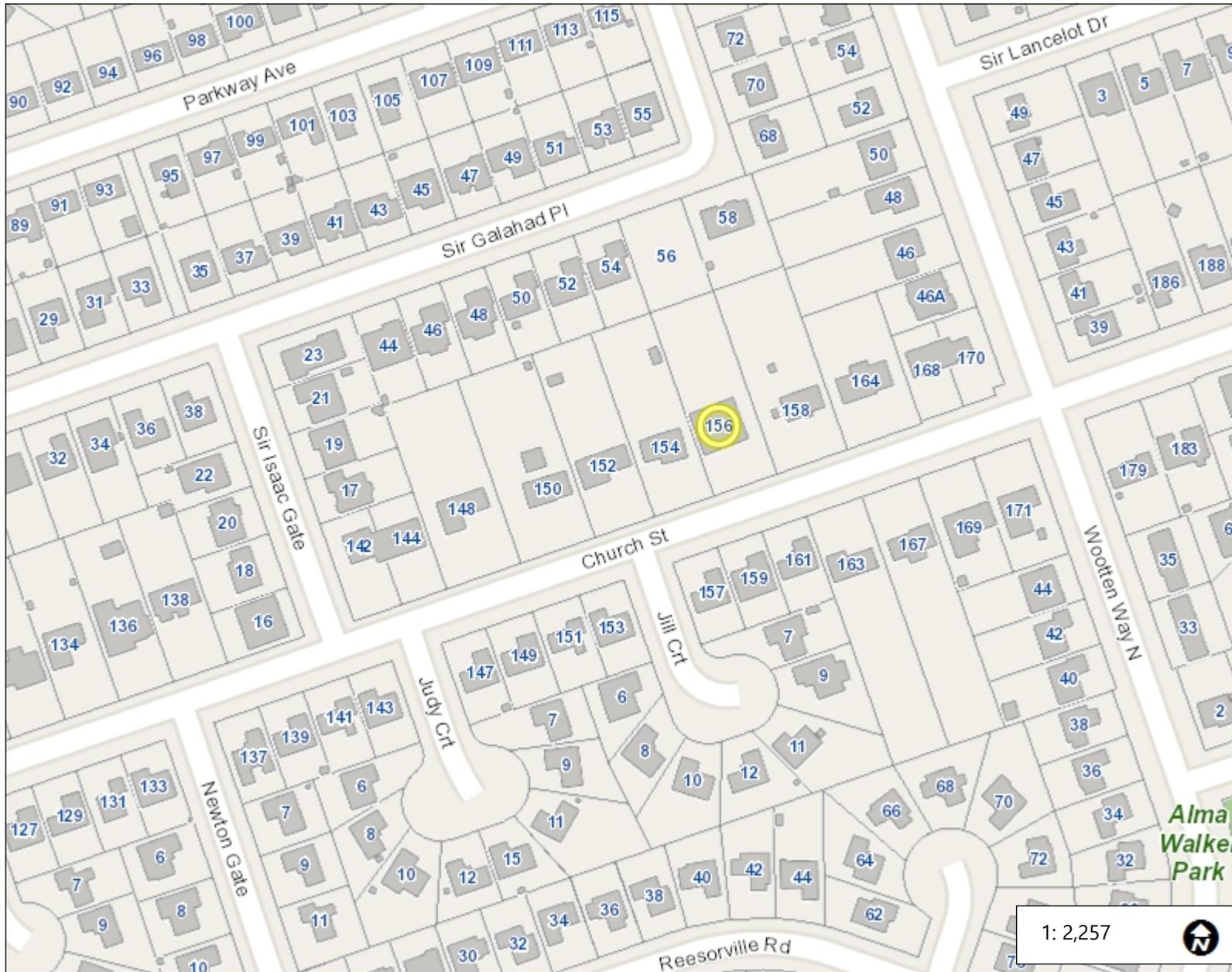
WEST SIDE



REAR ELEVATION

PROJECT: 156 CHURCH ST. CITY OF MARKHAM THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code, I am qualified, and the firm registered, in the appropriate classes/categories. INDIVIDUAL B.C.I.N. - 20825 FIRM B.C.I.N. - 30506 Russ Gregory NAME SIGNATURE	DRAWN: R. GREGORY DATE: SCALE: 1/4"=1'-0"
GENERAL NOTES: All construction is to conform to section "M" of the Ontario Building Code (base edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	PROJECT NO.: 2258-21 DRAWING NO.: A-5	

APPENDIX "C"
AREA CONTEXT: LOT DEPTHS



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks**
- <all other values>
- Under Development

Notes

1: 2,257

