

Memorandum to the City of Markham Committee of Adjustment

July 28, 2021

File: A/097/21
Address: 80 Peter Street – Markham, ON
Applicant: Valerie Patel
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. The variances requested are to permit:

a) Amending by-law 99-90, Sec. 1.2(i):

a maximum height of 10.38 m (34.06 ft), whereas the by-law permits a maximum height of 9.80 m (32.15 ft); and

b) Amending by-law 99-90, Sec. 1.2(vi):

a maximum floor area ratio of 55.36%, whereas the by-law permits a maximum floor area ratio of 45.0%.

BACKGROUND

Property Description

The 801.52 m² (8,627.48 ft²) subject property is located on the west side of Peter Street, north of Bullock Drive, east of Main Street Markham North, and south of 16th Avenue. The property is currently developed with a one-storey detached dwelling, and three sheds located in the rear yard. According to assessment records, the dwelling was constructed in 1952. Mature vegetation exists across the property. The property is located within a residential neighbourhood that contains a mix of one and two-storey detached dwellings. Peter Street can be described as one that is under transition with some dwellings originally built in the 1950's, being redeveloped into larger two-storey dwellings. The subject property is within close proximity to the Markham Village Heritage Conservation District. Properties south of the subject property along Peter Street are designated under the *Heritage Act, R.S.O. 1990, c. O.18, as amended*; however, the subject property is not a designated heritage property.

Proposal

The applicant is proposing to demolish the existing one-storey dwelling and remove the three sheds, to construct a new two-storey single detached dwelling. The dwelling would have a ground floor area of 202.39 m² (2,178.52 ft²), a second floor area of 187.78 m² (2,021.27 ft²), for a total gross floor area of 390.17 m² (4,199.79 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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.

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 maximum height, and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on June 21, 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 Height

The applicant is requesting a maximum building height of 10.38 m (34.06 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.58 m (1.91 ft).

The By-law defines building height as the vertical distance of building or structure measured between the level of the crown (i.e. high point) of the street at the mid-point of the front lot line, and the highest point of the ridge of a gable, hip, gambrel, or other type of pitched roof. Staff are of the opinion that the requested variance is a minor increase that is generally consistent and reflective of the variation in the height of houses along the street.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 55.36%, 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 390.17 m² (4,199.79 ft²), whereas the By-law permits a dwelling with a maximum floor area of 318.30 m² (3,426.18 ft²). This is an increase of 71.87 m² (773.61 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 requested increase in height, the proposed development meets all other zoning provisions that establish the prescribed building envelope such as yard setbacks and lot coverage, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. According to City records, nearby infill homes along Peter Street have obtained variance approvals for similar increases in floor area ratio of up to 57.10%, resulting in interior gross floor areas of up to 420.50 m² (4,526.22 ft²). While variances are not precedent setting and are evaluated on their own individual merit and unique site characteristics, staff also consider other developments in an area to assist in the evaluation of the character of an area. The adjacent property at 82 Peter Street had a floor area ratio of 56.0% or 420.50 m² (4,526.22 ft²), and height of 10.70 m (35.10 ft) approved in 2011. Staff are of the opinion that the requested variance would result in a dwelling that is generally consistent with the scale of dwellings along the street, and therefore conclude that the proposed development would be a compatible, and appropriate form of development for the subject property.

Tree Protection and Compensation

Mature trees exist across the subject property, primarily located in the rear yard. In the event of approval, staff recommend that the tree related conditions detailed in Appendix "A" be adopted by the Committee to ensure that the applicant installs the appropriate tree protection, and provides compensation for any trees proposed to be removed. It is noted that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury or removal of trees. Following any approval of this minor variance application, further mitigation may be required at the Residential Infill Grading and Servicing (RIGS) stage to ensure the appropriate protection of certain trees.

PUBLIC INPUT SUMMARY

Two written letters of support 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 proposed increase of 0.58 m (1.91 ft) to the maximum height satisfies the four tests. With respect to the requested floor area ratio, staff consider the proposed variance to be in keeping with the general intent and purpose of the Official Plan, desirable, and minor in nature given the transitional character of Peter Street. Staff recommend that the Committee satisfy themselves as to whether the requested variances meet all four tests, and that public input be considered 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 see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



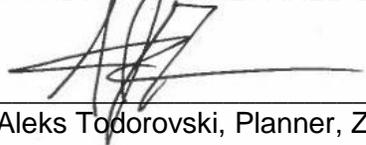
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/097/21

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 batch stamped plans attached as Appendix "B" to this Staff Report, 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.
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:



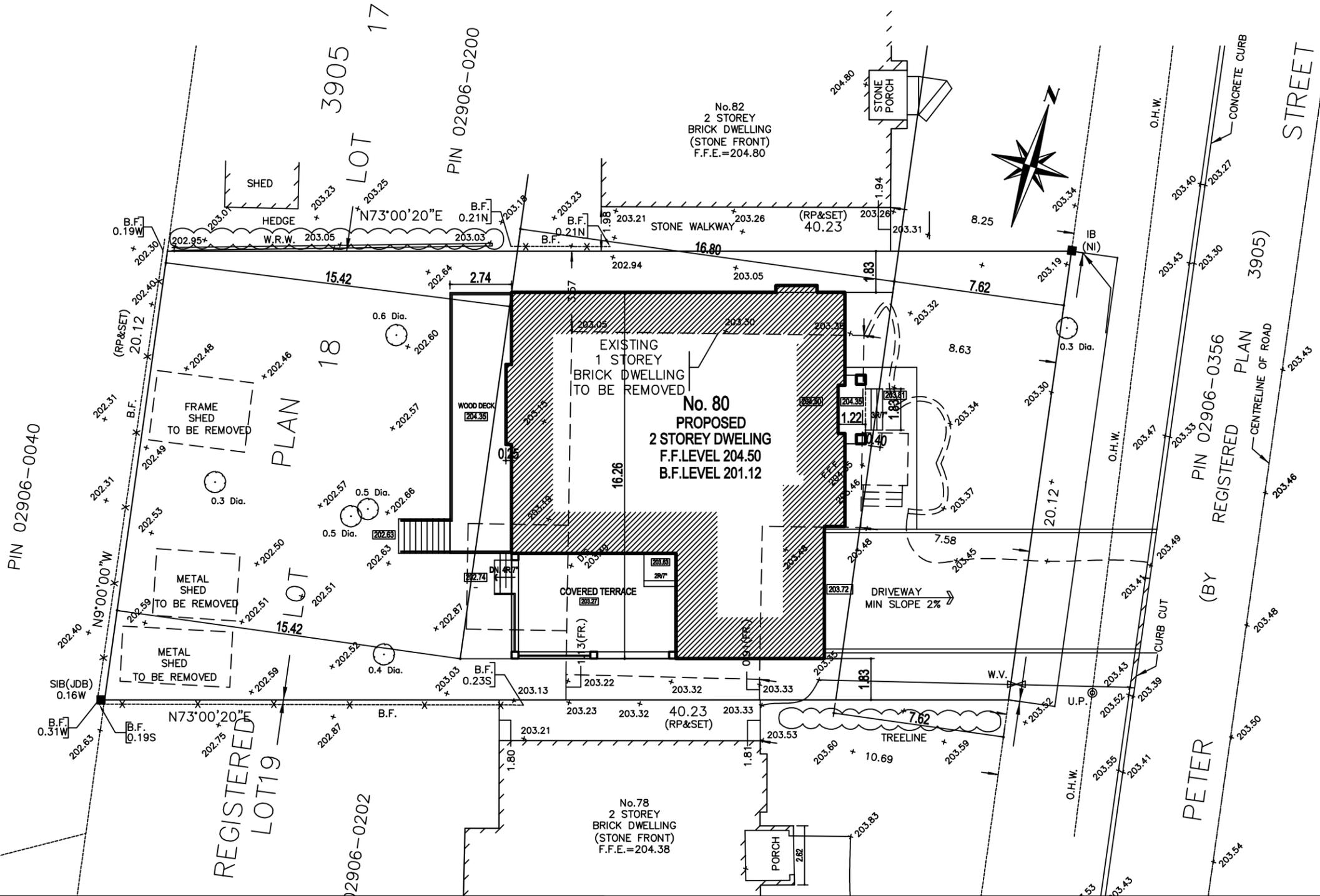
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/097/21

Appendix B

File: 21.128745.000.00.MNV

Date: 07/30/21
MM/DD/YY



SITE INFORMATION

LOT AREA = 8627.48 Sq Ft / 801.49 SQ.M.
 LOT COVERAGE = 29.87 % (2577.52 Sq.Ft.) < 35%
 (INCLUDING COVERED PORCH AND COVERED TERRACE AREA)

NET.FLOOR AREA :

MAX NET. FLOOR AREA = 8627.48 (Sq.Ft.) - 6600 (Sq.Ft.) = 2027.48 sq.ft : 2 = 1013.74
 1013.74 sq.ft + 6600 = 7613.74 sq.ft x 0.45 (Max 45%) = 3426.18 sq.ft.
 FIRST FLOOR AREA TOTAL = 2178.52 SQ.FT
 SECOND FLOOR AREA TOTAL = 2021.27 SQ.FT (157.49 DEDUCTIBLE)
 PROPOSED NET.FLOOR AREA = (55.15 %) / 4199.55 sq.ft.

MARK	DATE	DESCRIPTION
1.	04 06 2021	ISSUED FOR ZONING REVIEW
2.		

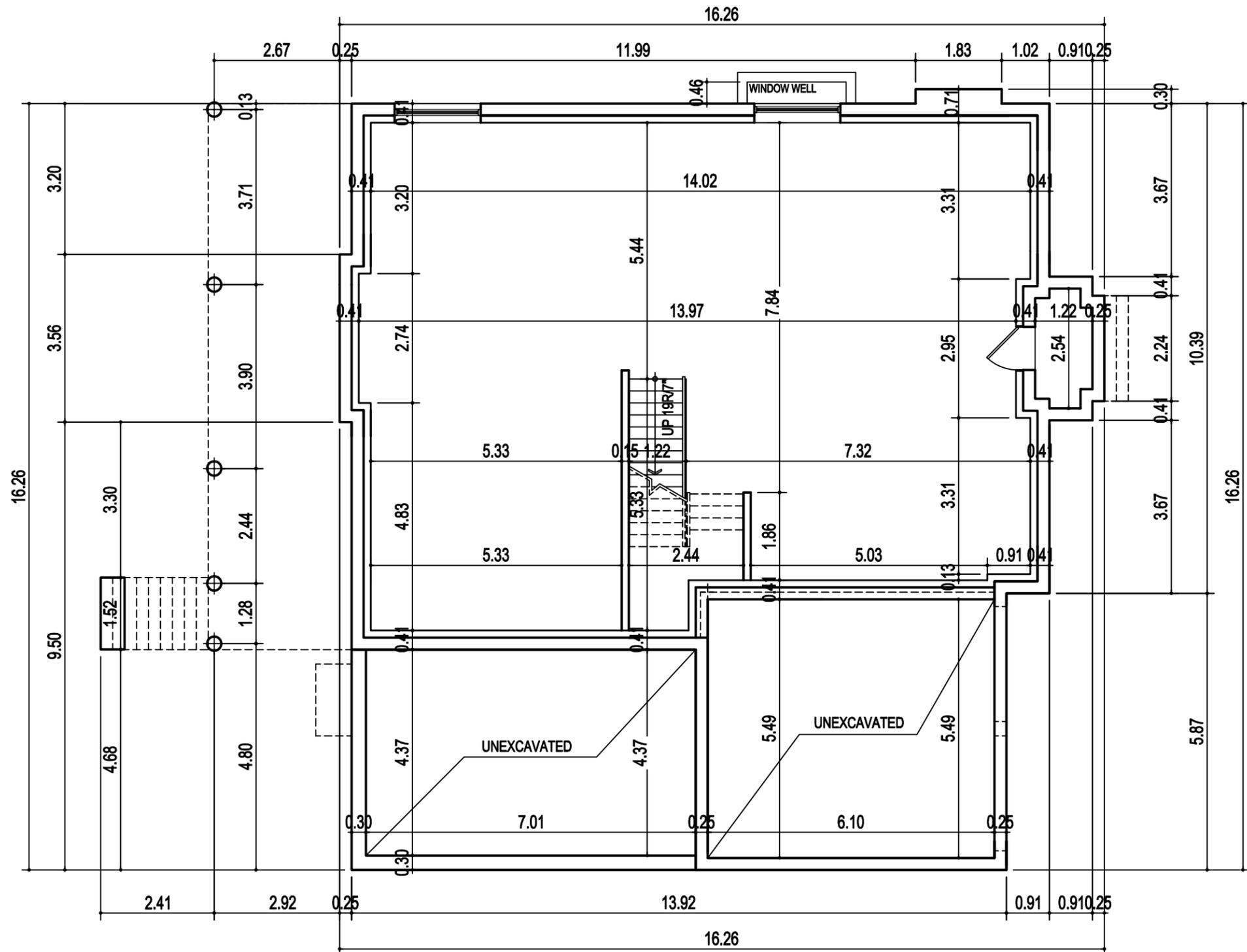
DESIGN <small>The undersigned has retained and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Required unless design is exempted under Division C - 3.2.5.1. of the 2006 Ontario Building Code</small> Zoran Peric Registered Professional Engineer P.E. No. 2888 O.C.E. / O.C.E.M. PAAR Design Inc. <small>Required unless design is exempted under Division C - 3.2.6.1. of the 2006 Ontario Building Code</small> PAAR Design Inc. and Intergraph Design Inc. P.E. No. 3176 O.C.E. / O.C.E.M.	PROJECT : No. 80 PETER ST. City of Markham 2 STOREY DWELLING DRW : SITE PLAN
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PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com	scale 1:200 A0.0
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Appendix B

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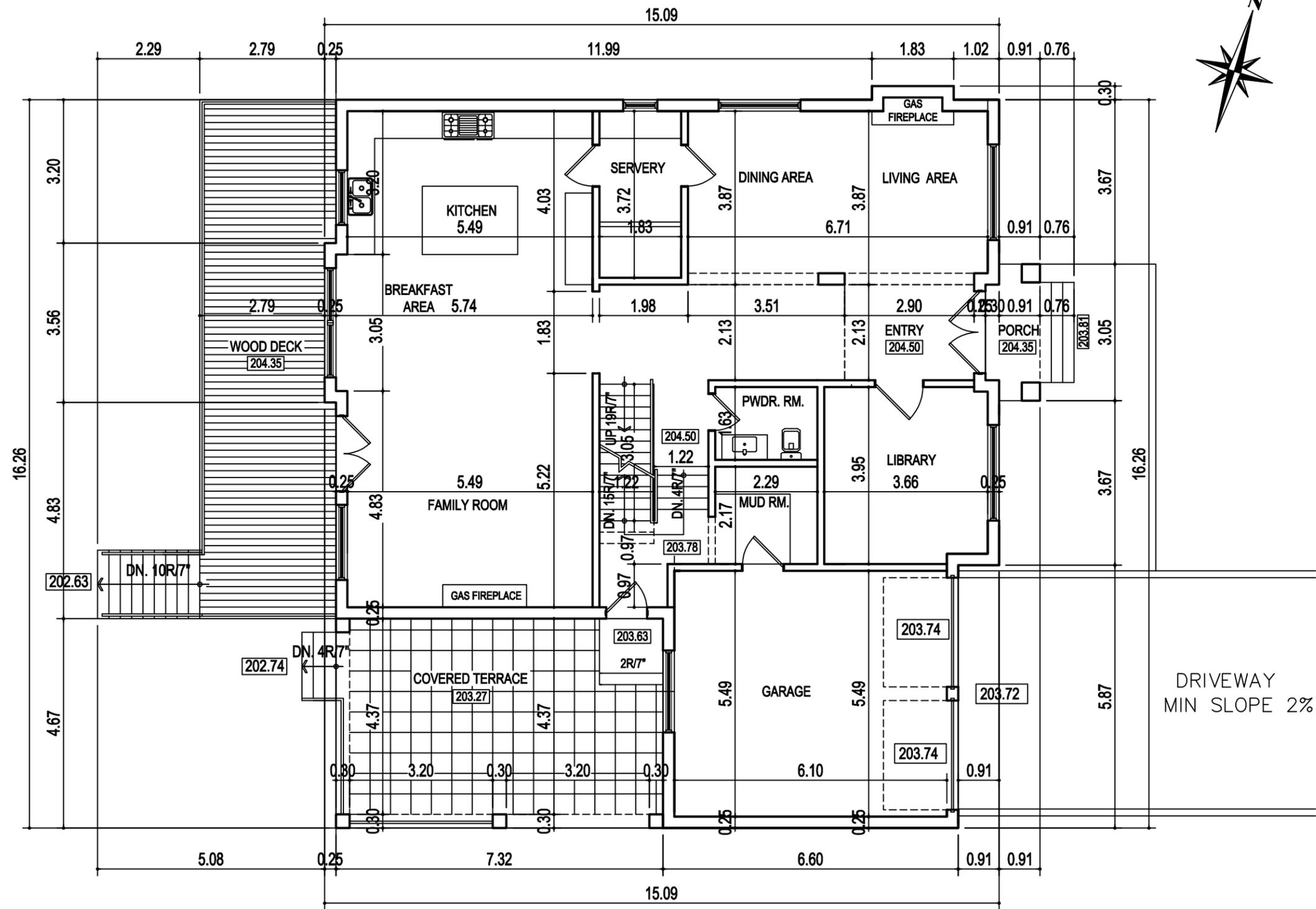
<p>DESIGN</p> <p>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.</p> <p>Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code</p> <p>Zone Peer  2008 BCN/BCCN</p> <p>Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code</p> <p>PAAR Architectural and Interior Design Inc.  2016 BCN/BCCN</p> <p>Plan Name</p>	<p>PROJECT :</p> <p>No. 80 PETER ST. City of Markham 2 STOREY DWELLING</p> <p>DRW : BASEMENT PLAN</p>
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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p: 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1:100</p>	<p>A1.1</p>
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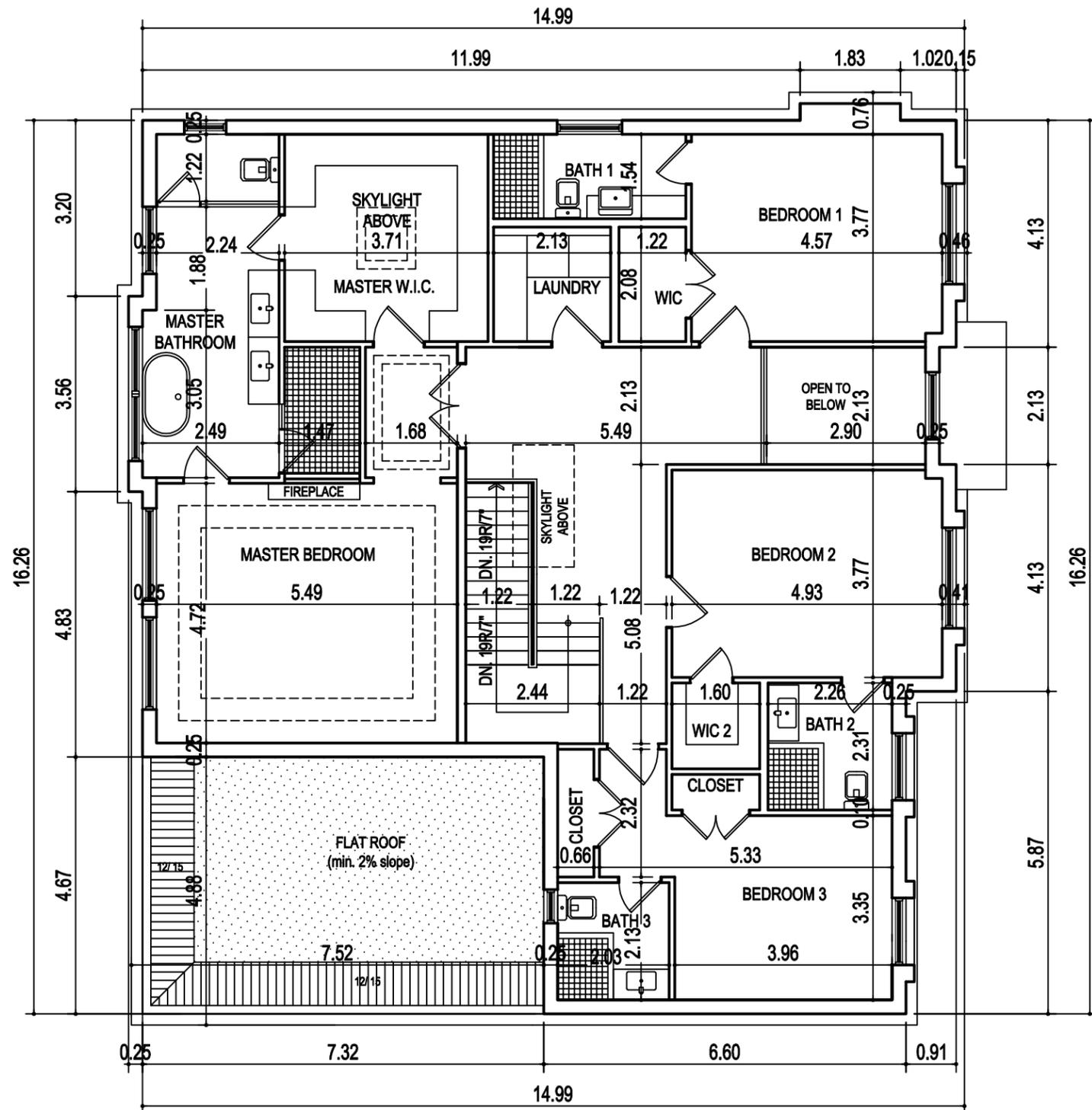
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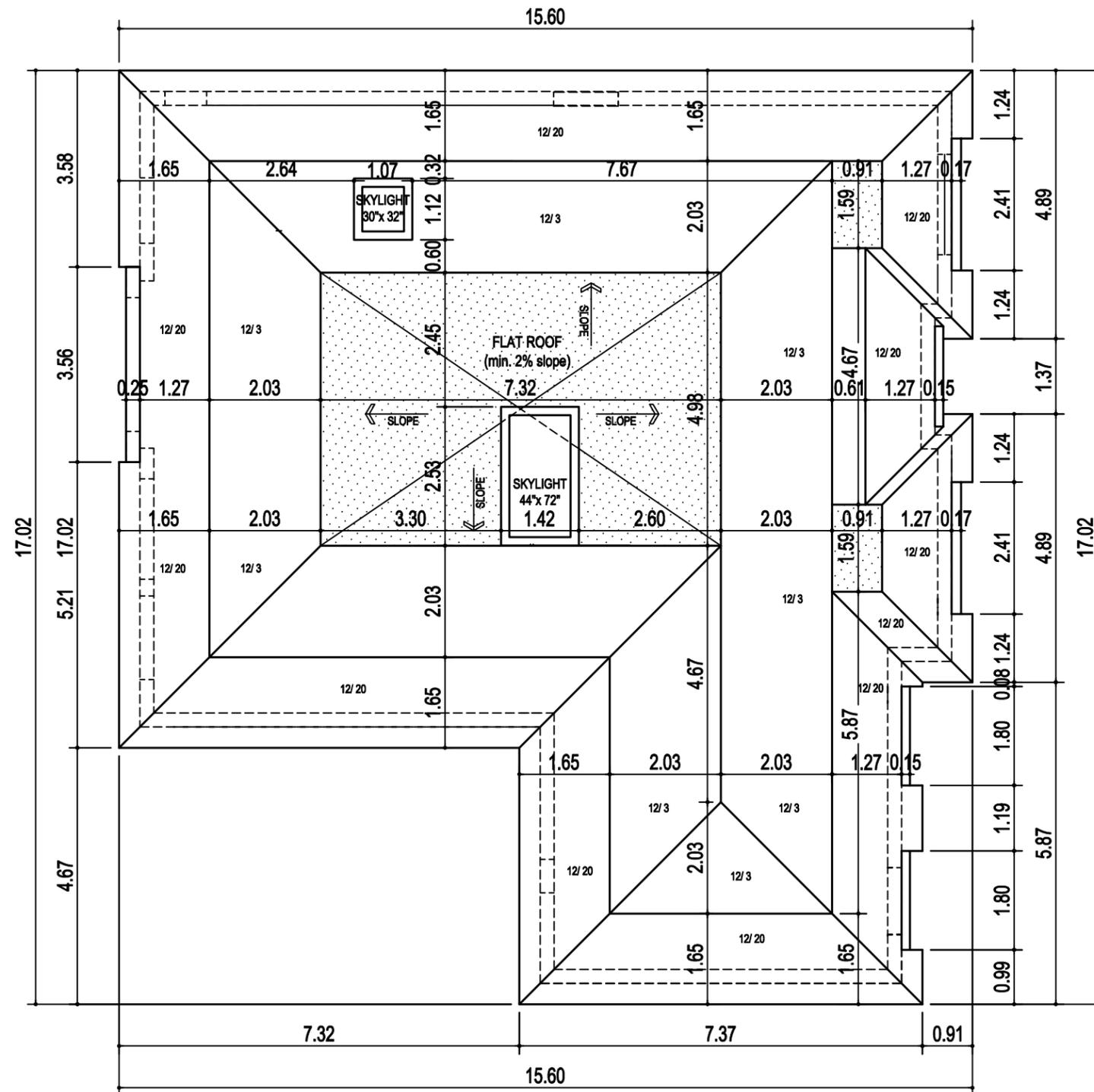
DESIGN	PROJECT :
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Zone Per: [Signature] 3608 SCM/BC2M	
Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code	DRW : SECOND FLOOR PLAN
PAAR Architectural and Interior Design Inc. [Signature] 3176 Plan Name: [Signature] SCM/BC2M	

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	DRW :
	ROOF PLAN

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PAAR Architectural and Interior Design Inc. 2176 BCN / BC28	DRW: FRONT / EAST ELEVATION

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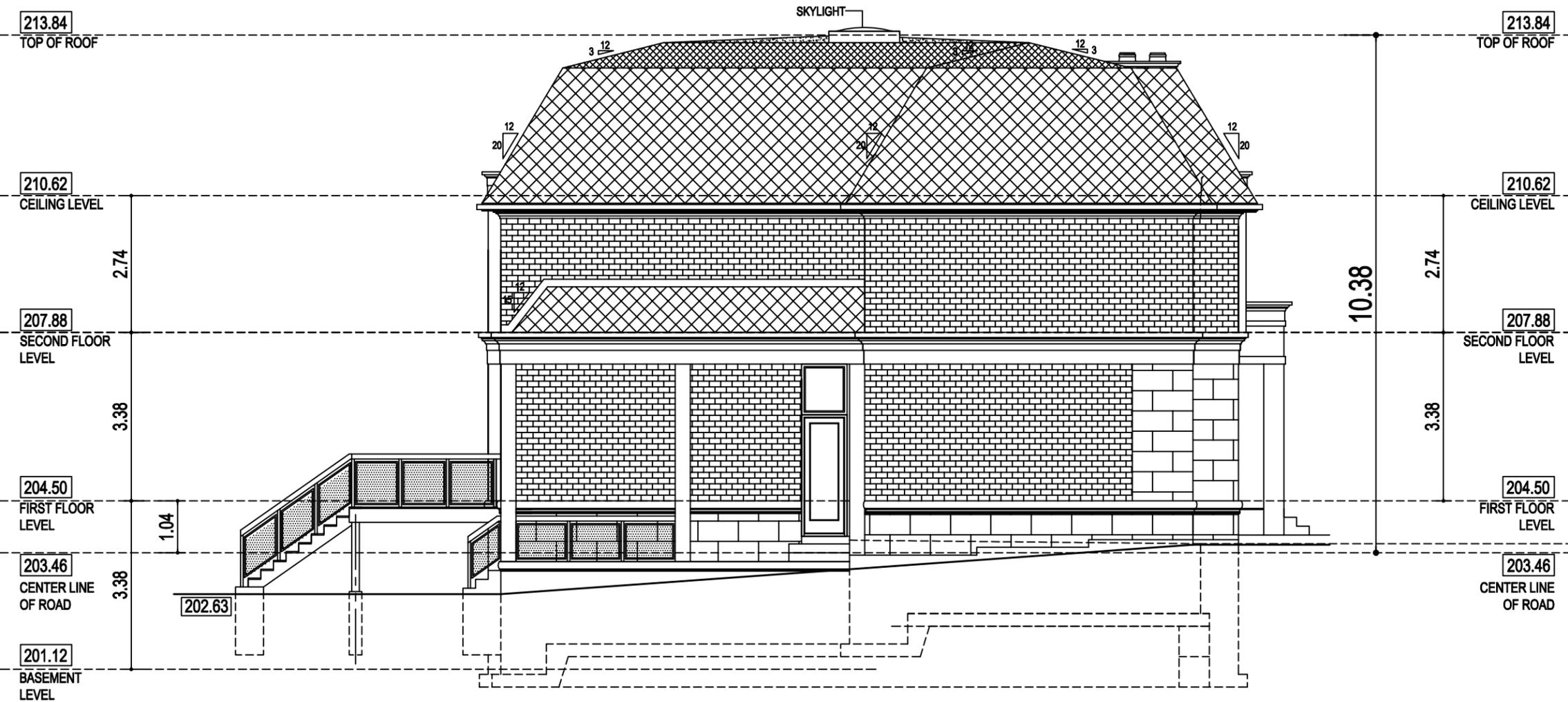
<p>DESIGN</p> <p>The undersigned has retained and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.</p> <p>Qualification Information:</p> <p>Required unless design is exempted under Division C-3.2.5.1. of the 2004 Ontario Building Code</p> <p>Zoning Permit: 2020</p> <p>Registration Information:</p> <p>Required unless design is exempted under Division C-3.2.6.1. of the 2004 Ontario Building Code</p> <p>PAAR Registration and Member Design Inc. 2120</p> <p>Plan Name: 2020</p>	<p>PROJECT:</p> <p>No. 80 PETER ST. City of Markham 2 STOREY DWELLING</p> <p>DRW: REAR/ WEST ELEVATION</p>
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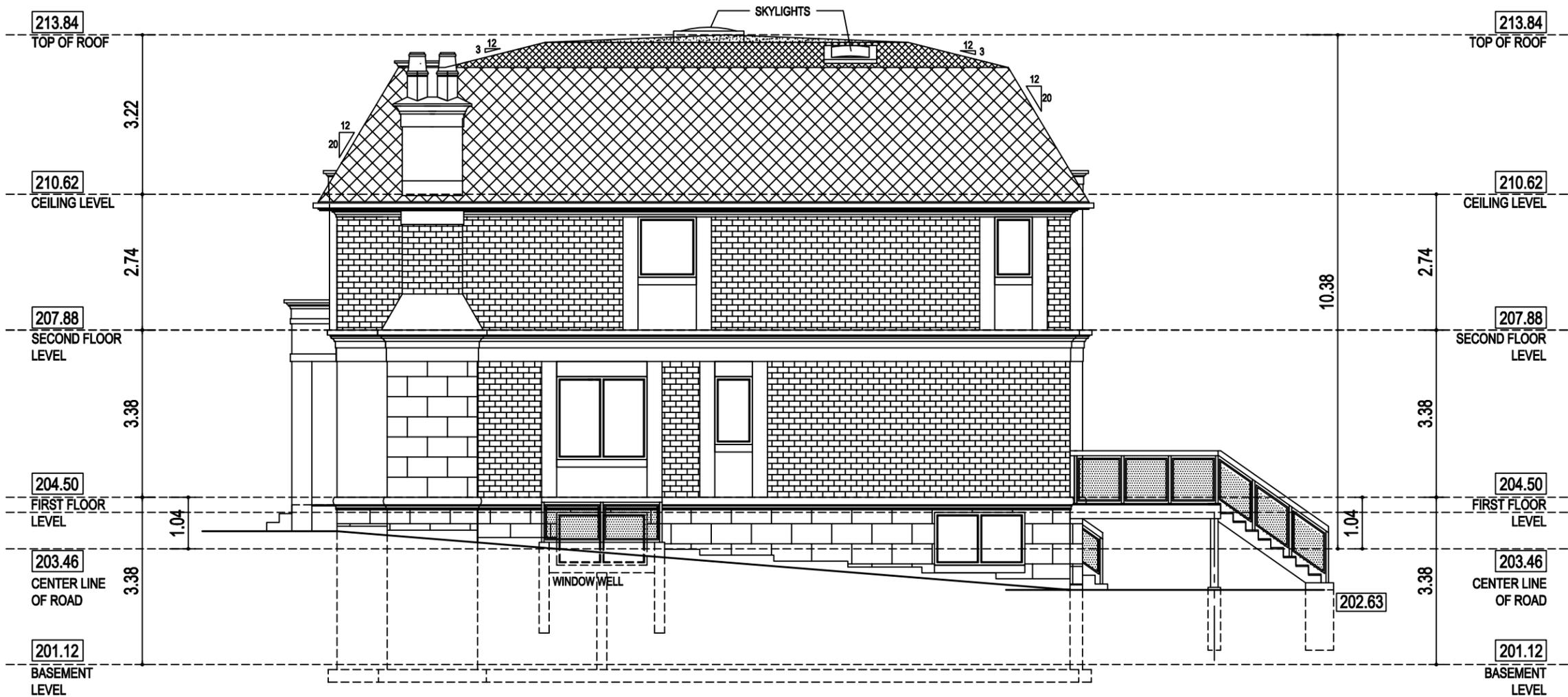
<p>DESIGN</p> <p>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.</p> <p>Qualification Information</p> <p>Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code</p> <p>Zone Per: 3608 BCM/BC2M</p> <p>Professional Information</p> <p>Required unless design is exempted under Division C-3.2.6.1. of the 2006 Ontario Building Code</p> <p>PAAR Architectural and Interior Design Inc. 3176 BCM/BC2M</p>	<p>PROJECT:</p> <p>No. 80 PETER ST. City of Markham 2 STOREY DWELLING</p> <p>DRW : SIDE/ SOUTH ELEVATION</p>
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