

Memorandum to the City of Markham Committee of Adjustment

May 1, 2024

File: A/013/24
Address: 57 George Street, Markham
Agent: Paar Design Inc. (Nikol Paar)
Hearing Date: Wednesday, April 3, 2024

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

The Applicant is requesting relief from the following “Residential One” (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The requested variances are to permit:

a) By-law 99-90, Section 1.2(iii):

a maximum building depth of 20.10 metres, whereas the by-law permits a maximum building depth of 16.80 metres;

b) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 48.78 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

BACKGROUND

Property Description

The 963.46 m² (10,370.57 ft²) Subject Lands are located on the east side of George Street, south of Ramona Boulevard, and north of Parkway Avenue (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing one-storey detached dwelling on the Subject Lands which, according to assessment records, was constructed in 1949. Mature vegetation exists on the property including one mature tree located in the front yard and one mature tree located along the southern side yard.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 384.63 m² (4,140.11 ft²), as shown in Appendix “B”.

Application History

The first submission application was previously deferred by the Committee of Adjustment (the “Committee”) at the April 3, 2024 hearing, to provide the Applicant an opportunity to address Staff’s concerns with scale of the proposed dwelling. In resubmitting the application, the Applicant has made changes to the proposal and the requested variances by reducing the gross floor area ratio variance request from 53.81 percent to 48.78 percent. The reduction in Gross

Floor Area (GFA) is predominantly attributed to converting the enclosed garage space to a 'carport', to now propose a dwelling with a two-car garage and partially open carport. Additional changes include, reducing the roof pitch over the carport to soften the visual aesthetic of the dwelling from the street, and revising the retaining wall in the front porch area. The proposed lot coverage has increased from 29.14 percent to 29.89 percent which is in compliance with the Zoning By-law.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Subject Lands are designated "Residential Low Rise", which permits 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. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The Subject Lands are zoned Residential One – (R1) under By-law 1229, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 99-90

The Subject Lands are 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building depth and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on April 12, 2024. 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 48.78 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 384.63 m² (4,140.11 ft²), whereas the By-law permits a dwelling with a maximum floor area of 354.74 m² (3,818.38 ft²). This represents an increase of approximately 29.89 m² (321.73 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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

The intent of maximum floor area provision in the By-law is to ensure that the overall size of the proposed dwelling will be in keeping with the intended scale of residential infill developments in the neighbourhood. Although the gross floor area is aligning with other recent infill development projects within the neighbourhood, it is noted that the floor area ratio reduction subject to this application has predominantly been a result of converting a portion of the garage to a partially enclosed carport instead of a three car garage. The overall scale of the proposed dwelling has remained relatively unchanged, aside from the carport and reduced roof pitch above, which remains a concern to staff.

Increased Maximum Building Depth Variance

The Applicant is requesting relief to permit a maximum building depth of 20.10 metres (65.94 feet), whereas a maximum building depth of 16.80 metres (55.12 feet) is permitted. This represents an increase of approximately 3.60 metres (11.81 feet).

Building 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 front covered porch and rear covered concrete deck which adds approximately 4.25 metres (14 feet) to the overall depth of the building. The main component of the building, excluding the front covered porch and rear covered deck has a depth of approximately 15.21 metres (50 feet), which complies with the By-law requirements. The requested building depth variance is entirely attributable to the proposed front covered porch and the rear covered concrete deck. The proposed dwelling consists of a south side yard setback of 1.83 metres (6 feet), and a north yard setback of 4.83 metres (15.85 feet) and will not result in any impact to abutting properties.

Staff are of the opinion that the variance request is minor in nature and therefore have no concerns with the building depth of the proposed dwelling.

Tree Protection and Compensation

The Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature Tree #2 and the removal of Tree #3 at 57 George Street. Staff recommend that should Committee approve the application, that the tree related conditions, as outlined in Appendix "D", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note 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 Lands or on neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

Two written submissions in support of the application were received as of May 10, 2024. 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 do not have concern with the requested building depth variance. Staff remain concerned with the proposed gross floor area ratio variance and are of the opinion that revising the proposal to convert a portion of the garage to a carport inadequately addresses that concern. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Agent 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



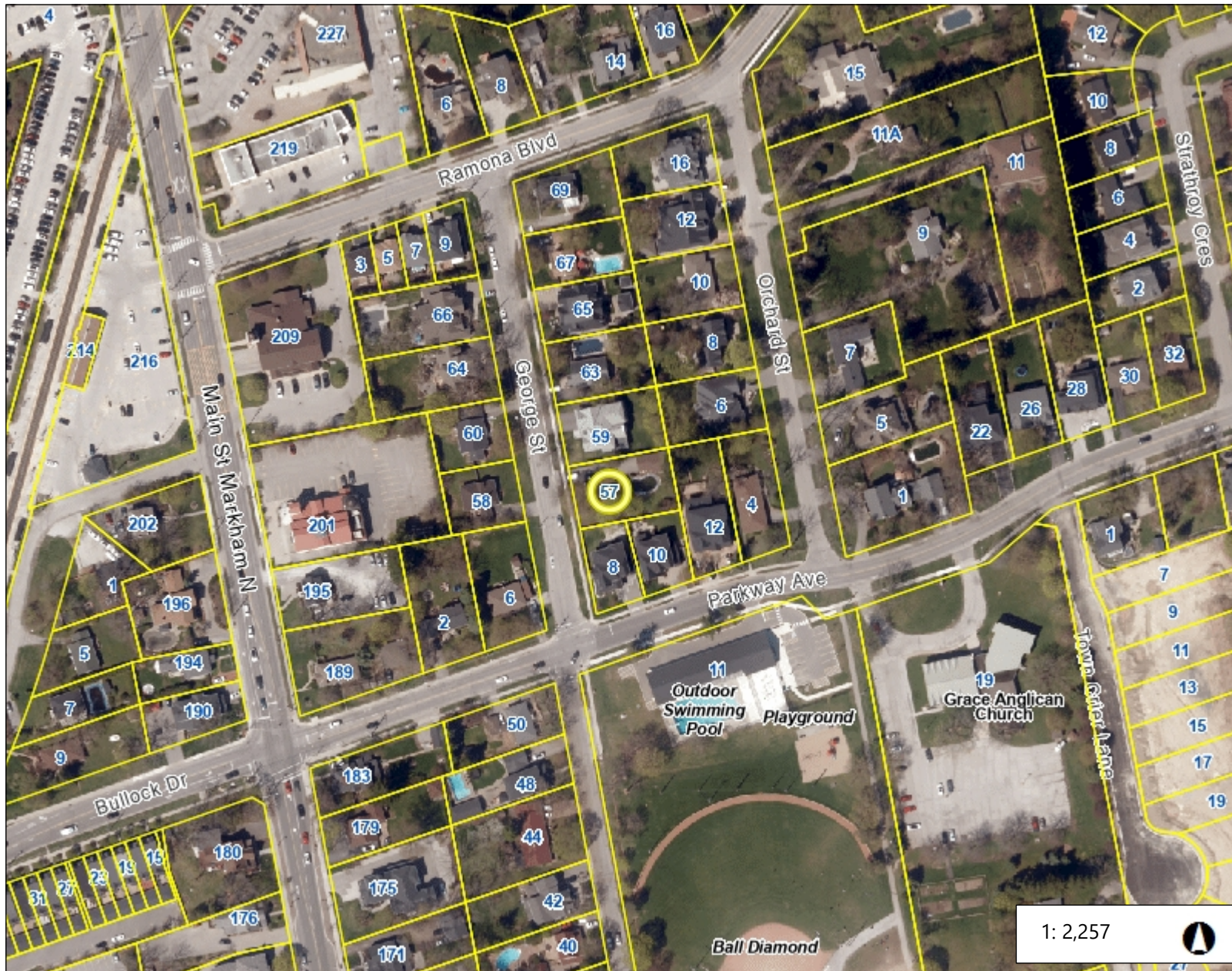
Stephen Corr, Senior Planner, East District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/013/24 Conditions of Approval



Legend

Subject Lands

1: 2,257



114.7 0 57.33 114.7 Meters

Notes

Appendix B

File: 24.161748.000.00.MNV

Date: 5/10/2024

MM/DD/YY

57 GEORGE STREET 2-STOREY DWELLING

DRAWINGS:

- A0.1 SITE PLAN & STATISTICS
- A1.1 BASEMENT PLAN
- A1.2 FIRST FLOOR PLAN
- A1.3 SECOND FLOOR PLAN
- A1.4 ROOF PLAN
- A2.1 FRONT /WEST ELEVATION
- A2.2 SIDE /NORTH ELEVATION
- A2.3 REAR /EAST ELEVATION
- A2.4 SIDE /SOUTH ELEVATION

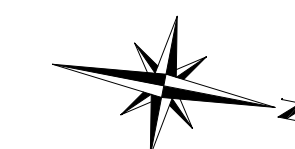
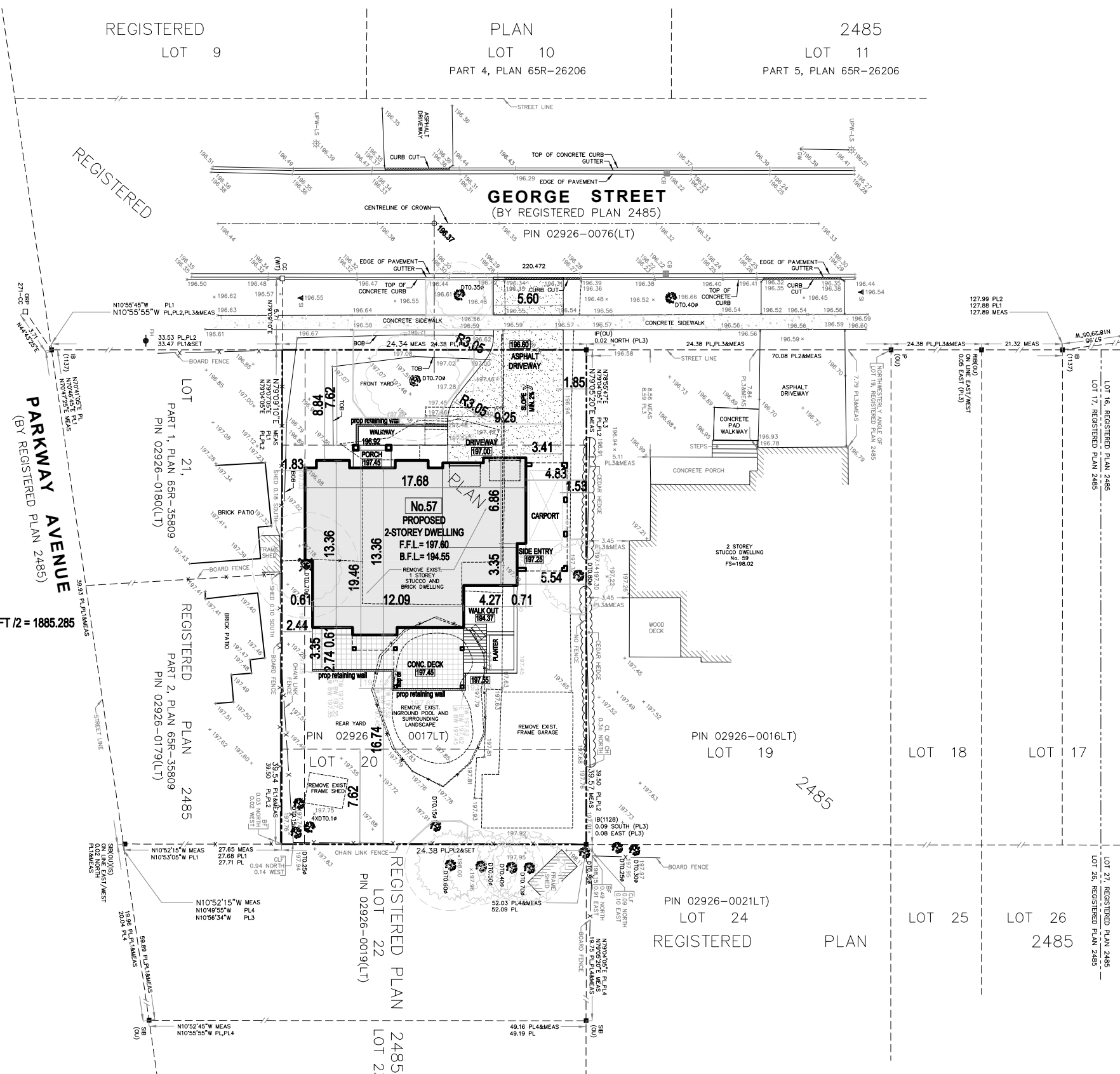
SITE INFORMATION

LOT AREA = 10370.57 SQ.FT. / 963.46 m²
 LOT COVERAGE = MAX 35% (3629.70 SQ.FT.)
 (INCLUDING COVERED AREA)

NET.FLOOR AREA : OPTION
 MAX NET. FLOOR AREA = 10370.57(SQ.FT.) - 6600 (SQ.FT.) = 3770.57 SQ.FT /2 = 1885.285
 MAX NET. FLOOR AREA = 6600 (SQ.FT.) + 1885.185 = 8485.28 (SQ.FT.)

STATISTICS	PROPOSED
LOT COVERAGE	3021.92 SQ.FT. (29.14%) INCL. PORCH, COVERED DECK & CARPORT
SETBACKS	PROPOSED
FRONT	7.62 m [25'-0"]
SIDE (NORTH)	4.83 m [15'-10 1/2"]
SIDE (SOUTH)	1.83 m [6'-0"]
REAR	16.74 m [54'-11"] > 7.62 m [25'-0"]
BUILDING HEIGHT	9.80 m

FLOOR AREA:
FIRST FLOOR AREA TOTAL = 2286.73 SQ.FT INCLUDING GARAGE AREA = 483.41 SQ.FT
SECOND FLOOR AREA TOTAL = 1853.38 SQ.FT EXCLUDING DEDUCTIBLE AREA (OTB, Stairs) = 148.97 SQ.FT.
NET. FLOOR AREA TOTAL = 4140.11 SQ.FT. (48.78 %) EXCLUDING DEDUCTIBLE AREA
BASEMENT AREA = 1903.06 SQ.FT (not included in total)



MARK	DATE	DESCRIPTION
1.	2024-01-12	ISSUED FOR ZONING REVIEW
2.	2024-04-12	RE-ISSUED FOR COA

DESIGN	PROJECT:
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-3.2.4.1. of the 2006 Ontario Building Code.	No.57 GEORGE STREET City of Markham
Zoran Paar Registration Information BCIN / BCIN Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code.	DWG:
PAAR Architecture and Interior Design Inc. Firm Name	SITE PLAN & STATISTICS

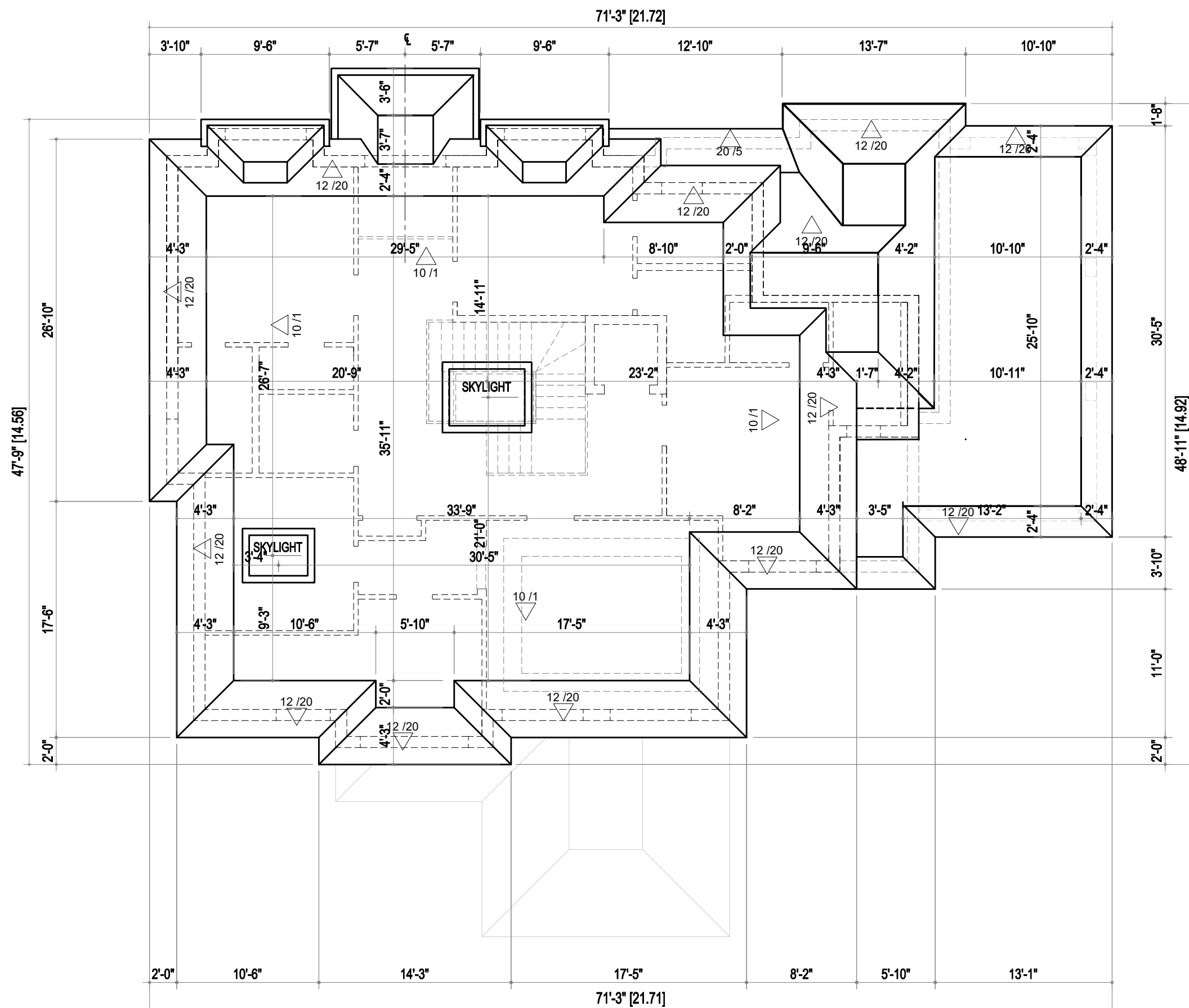
PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paar-design.com info.paar@paar-design.com	scale 1/32"=1'-0"	A0.1
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Appendix B



File: 24.161748.000.00.MNV

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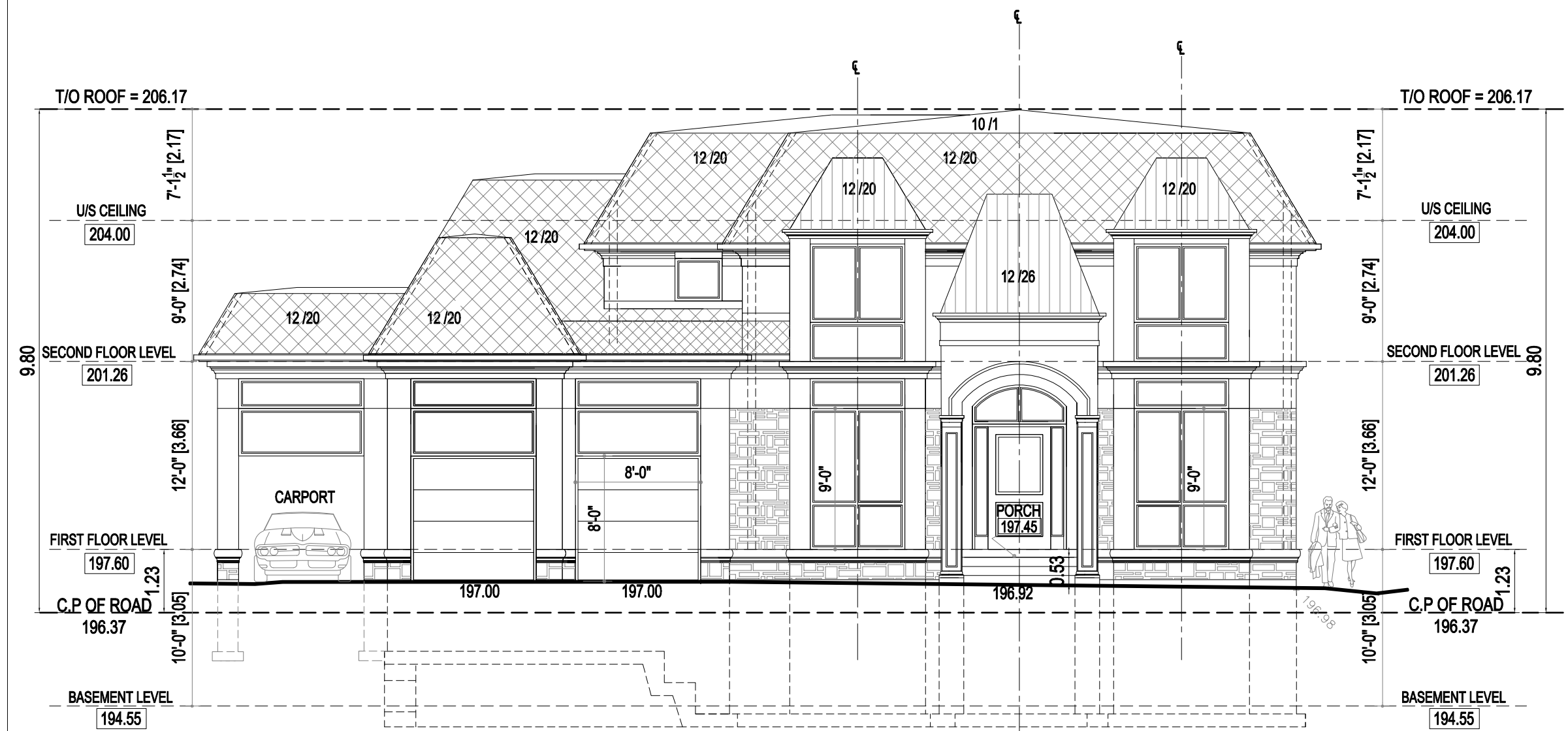
<p>DESIGN</p> <p>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.</p> <p>Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2009 Ontario Building Code</p> <p>Zoran Paar  24546 BCIN / BCDN</p> <p>Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2009 Ontario Building Code</p> <p>PAAR Architecture and Interior Design Inc.  31765 Firm Name BCIN / BCDN</p>	<p>PROJECT:</p> <p>No.57 GEORGE STREET</p> <p>City of Markham</p> <p>DWG: ROOF PLAN</p>
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<p>PAAR DESIGN</p> <p>www.paar-design.com</p>	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p: 416 630 2105 www.paar-design.com info.paar-design.com</p>	<p>scale 1/8"=1'-0"</p> <p>A1.4</p>
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Appendix B

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PAAR Architecture and Interior Design Inc. 31765 BCIN / BCDN
Firm Name

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No.57
GEORGE STREET
City of Markham

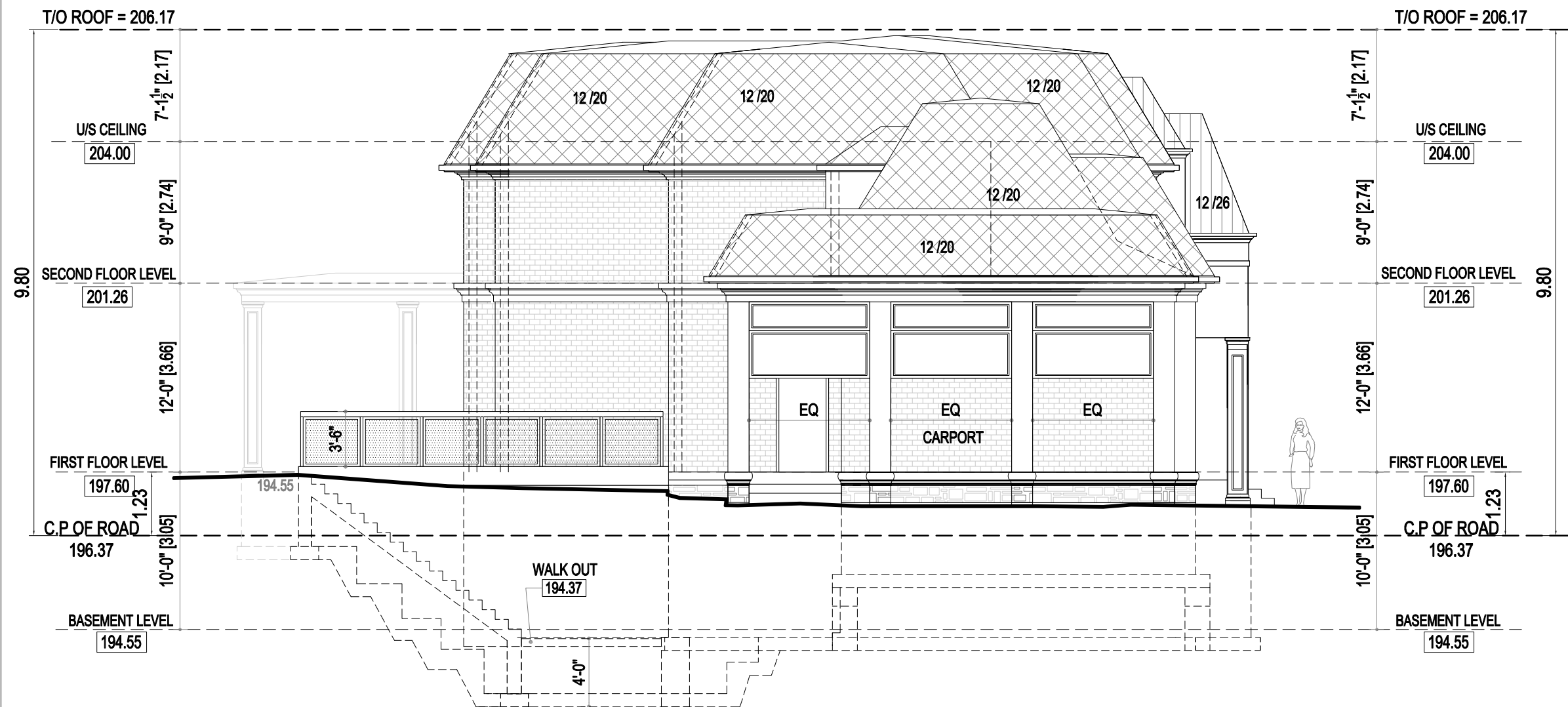
DWG: FRONT / WEST ELEVATION

	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2105 www.paar-design.com info.paar-design.com	scale 1/8"=1'-0" A2.1
	PAAR DESIGN INC.	

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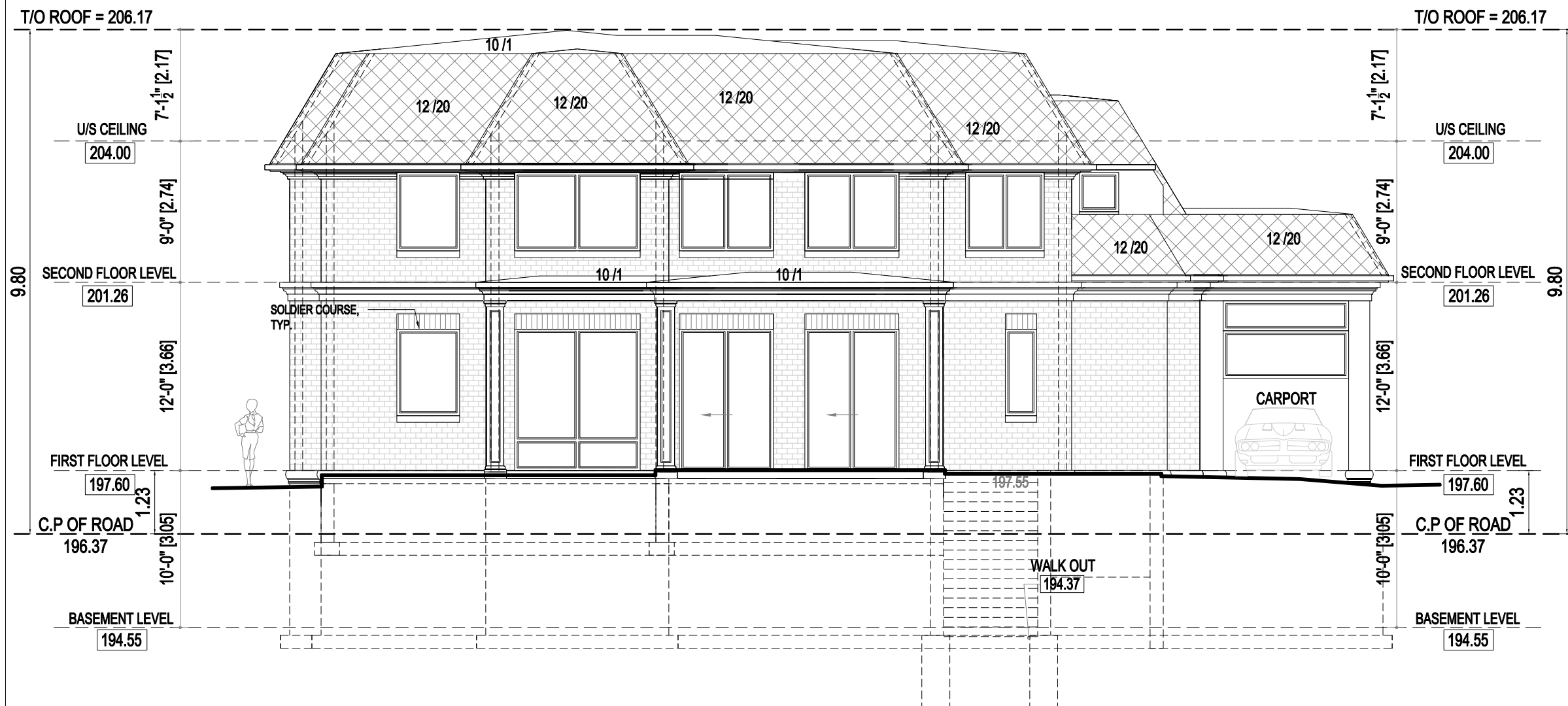
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Zoran Paar Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code. PAAR Architecture and Interior Design Inc. Firm Name	DWG: SIDE / NORTH ELEVATION

PAAR DESIGN	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2105 www.paar-design.com info.paar-design.com	scale 1/8"=1'-0"	A2.2
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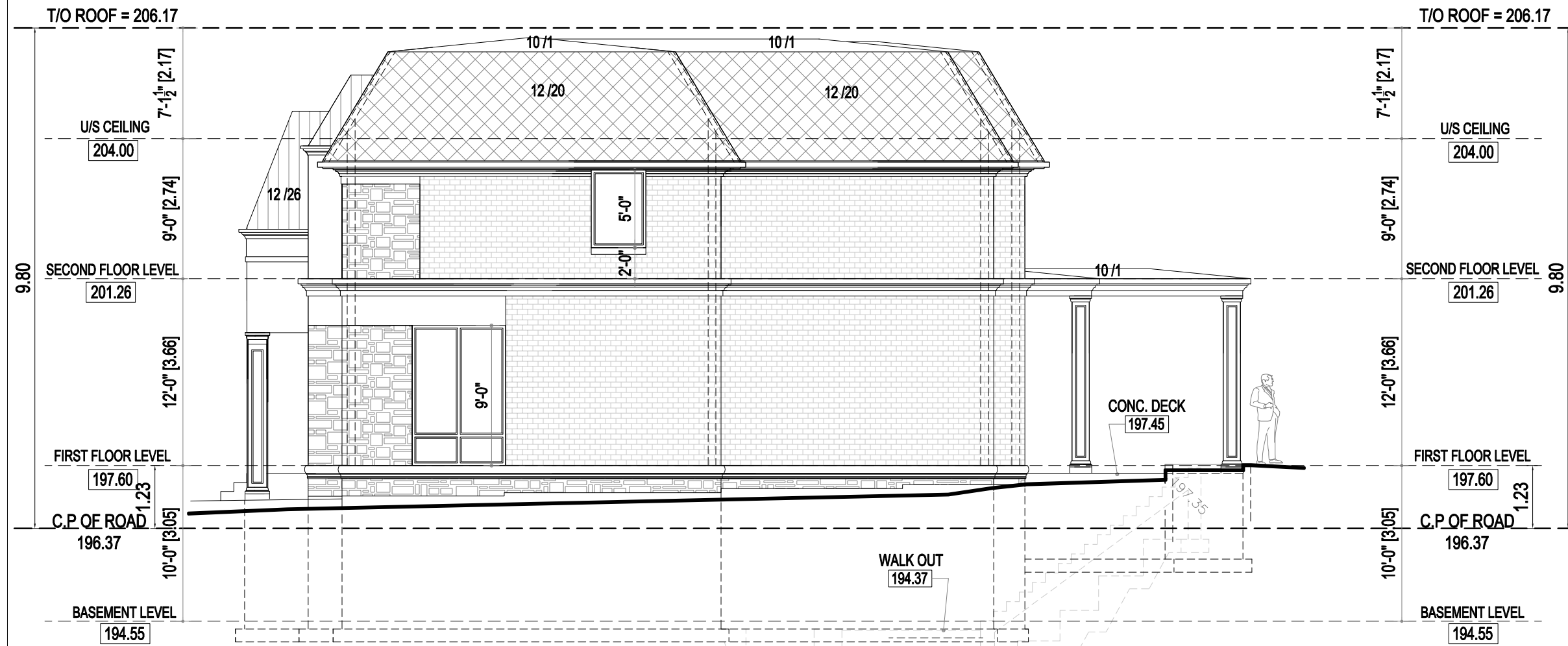
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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p: 416 630 2105 www.paar-design.com info.paar-design.com</p>	<p>scale 1/8"=1'-0"</p> <p>A2.3</p>
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

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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p: 416 630 2105 www.paar-design.com info.paar-design.com</p>	<p>scale 1/8"=1'-0"</p> <p>A2.4</p>
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NOTES

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99981866.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS 3-CC (N4860387.722, E639735.804) AND 271-CC (N4860204.580, E639775.814) AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M., ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, NAD83 (ORIGINAL)

BEARINGS ON THE FOLLOWING PLANS HAVE BEEN ROTATED COUNTER-CLOCKWISE BY 01°55'55" TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS - PL, PL2, PL3 AND PL4.

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

SURVEYOR'S REAL PROPERTY REPORT

Appendix B

File: 24.161748.000.00.MNV

Date: 5/10/2024

SCALE 1:200

THAM SURVEYING LIMITED, O.L.S. ©

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NONE
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.
- THIS PLAN SHOULD BE READ IN CONJUNCTION WITH A SURVEY REPORT DATED OCTOBER 3rd, 2023.

THIS REPORT WAS PREPARED FOR AMIN BHAMANI AND SALEEMA BHAMANI AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IP DENOTES IRON PIPE
- IPB DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- ORP DENOTES OBSERVED REFERENCE POINTS
- PL DENOTES REGISTERED PLAN 2485
- PL1 DENOTES PLAN 65R-35809
- PL2 DENOTES TOPOGRAPHIC SURVEY BY DAVID HORWOOD LIMITED, O.L.S., DATED OCTOBER 26th, 2005 (PROJECT No. 6495).
- PL3 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. AZIZ SURVEYORS INC., O.L.S., DATED MAY 18th, 2021 (PROJECT NUMBER: 17-425)
- PL4 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY ERTL-HUNT SURVEYORS, O.L.S., DATED FEBRUARY 3rd, 2023 (FILE NAME: A-034885-SRPR_V5)
- (1128) DENOTES DAVID HORWOOD LIMITED, O.L.S.
- (1137) DENOTES R. G. MCKIBBIN LIMITED, O.L.S.
- (OU) DENOTES ORIGINAL UNKNOWN
- (WIT) DENOTES WITNESS
- (IS) DENOTES POINT ESTABLISHED BY INTERSECTION METHOD
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- MEAS DENOTES MEASURED
- NAD DENOTES NORTH AMERICAN DATUM
- UTM DENOTES UNIVERSAL TRANSVERSE MERCATOR
- FS DENOTES FINISHED SILL ELEVATION AT ENTRANCE
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- OHW DENOTES OVERHEAD WIRE
- CWW DENOTES CONCRETE WALKWAY
- BWW DENOTES BRICK WALKWAY
- CON DENOTES CONCRETE
- CL DENOTES CENTRELINE
- CH DENOTES CEDAR HEDGE
- TRW DENOTES TOP OF TIMBER RETAINING WALL
- BOB DENOTES BOTTOM OF BANK
- TOB DENOTES TOP OF BANK
- DTO.100 DENOTES DECIDUOUS TREE AND DIAMETER
- CB DENOTES CATCHBASIN
- FH DENOTES FIRE HYDRANT
- GW DENOTES GUY WIRE
- SI DENOTES SIGN
- UPW-LS DENOTES UTILITY POLE WOOD WITH LIGHT STANDARD
- UP DENOTES UTILITY POLE
- X DENOTES FENCE
- H DENOTES OVERHEAD WIRE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No. M-39-034, HAVING AN ELEVATION OF 195.479 METRES. LOCATED AT SOUTHEAST CORNER OF RAMONA BOULEVARD AND MARKHAM ROAD (FIRE STATION). BRASS TABLET SET FLUSH IN SOUTHWEST CORNER OF FLAG POLE CONCRETE PAD. BRASS TABLET IS 24.6 METRES SOUTH OF THE CENTRELINE OF RAMONA BOULEVARD AND 15.40 METRES EAST OF THE CENTRELINE OF MARKHAM ROAD.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 16th DAY OF SEPTEMBER, 2023

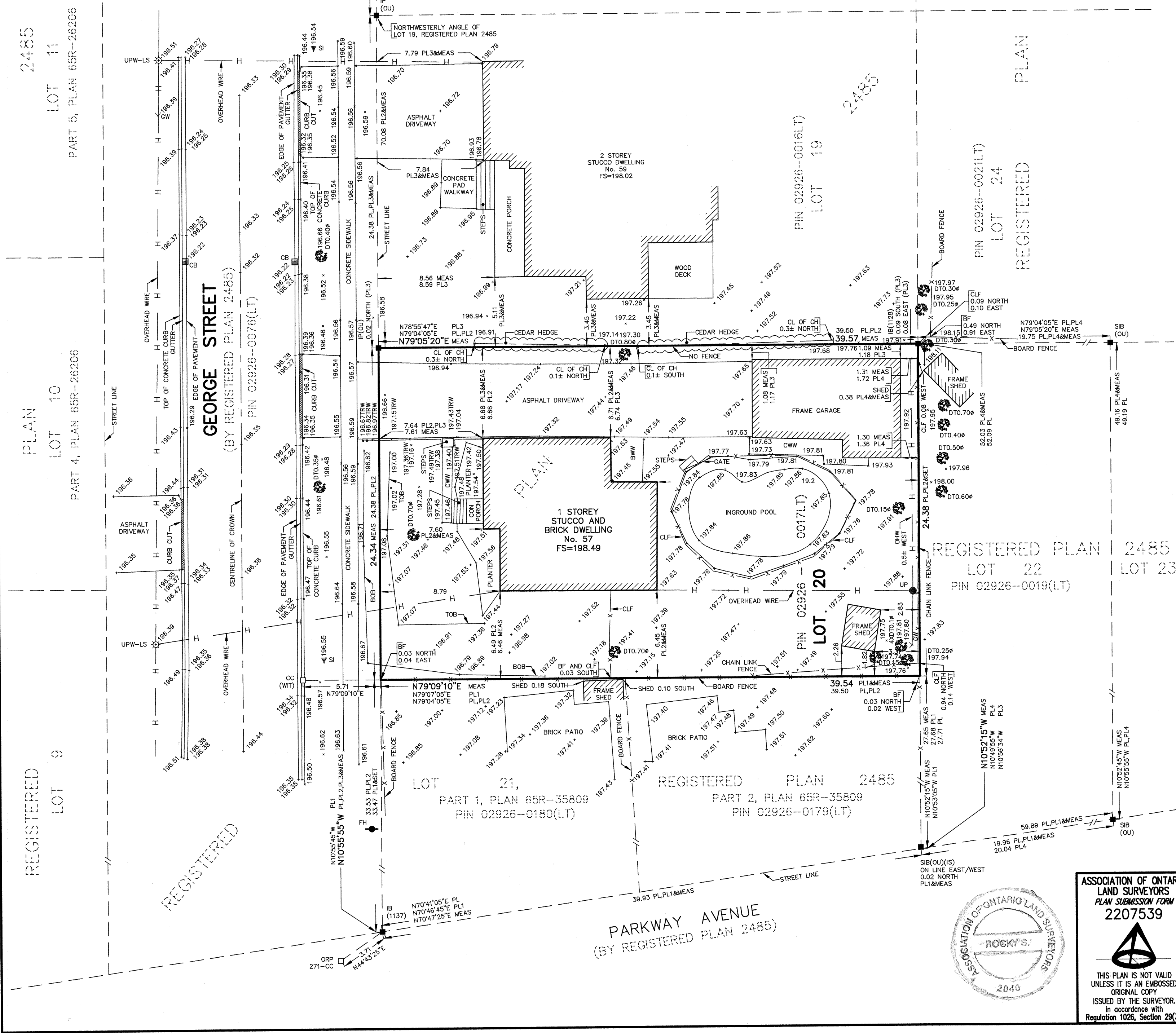
OCTOBER 3rd, 2023 DATE

R. SHANMUGARAJAH
ONTARIO LAND SURVEYOR

THAM SURVEYING LIMITED
ONTARIO LAND SURVEYORS
www.thamsurveying.ca

8888 KEELE STREET, UNIT 7 PHONE: 905-761-6521 FAX: 905-761-6523
VAUGHAN, ONTARIO, L4K 2N2 1-855-761-6521

DRAWN BY: M.N. CHECKED BY: R.S. CAD NUMBER: 23-069SRPR-TP JOB NUMBER: 23-069



ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2207539

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3).



APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/013/24

1. The variances apply only to the proposed development as long as it remains; and
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 Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their 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 or Director of Operations that this condition has been fulfilled to his/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 in accordance with the City’s Streetscape Manual, 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 or Director of Operations; and
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 or Director of Operations.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office