

Memorandum to the City of Markham Committee of Adjustment

April 13, 2021

File: A/030/21
Address: 20 Princess St Markham
Applicant: James Reininger
Agent: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
Hearing Date: Wednesday April 21, 2021

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, O as amended, to permit:

1. a maximum building depth of 23.6 meters, whereas the by-law permits a maximum building depth of 16.8 meters;
2. a maximum floor area ratio of 49.85 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
3. a structural column/wall to encroach 49” into the required front yard, whereas the by-law permits a maximum encroachment of 18” for unenclosed porches, sills, belt courses, cornices, eaves or gutters, chimney breasts, and pilasters;
4. a roof overhang to project 88” into the front yard, whereas the by-law permits a maximum projection of 18” into any required yard;
5. a maximum lot coverage of 38.4 percent, whereas the by-law permits a maximum of 35 percent;

as it relates to a proposed new single detached dwelling.

BACKGROUND

Property Description

The 939.02 m² (10,107 ft²) subject property is located on the west side Princess Street over-looking Milne Dam pond to the west, in a small residential enclave of single detached dwellings just north of Highway 407 and south of Hwy, 7 E. (See Figure 1- Location Map). The street contains a mix of older modest one storey dwellings and new larger two storey dwellings that have replaced older dwellings.

The property is currently occupied by a small one storey frame dwelling constructed in 1950. The property is dotted with several mature spruce and pine trees (See Figure 2- Photograph of the Existing Dwelling).

The western half of the property is within TRCA's Screening Area.

Proposal

The applicant is proposing to construct a new one and one half storey, 386.8m² (4,165 ft²) architect designed custom home with an attached garage.

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) in October 2020 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:

- 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 23.6m (77.4 ft.), whereas the By-law permits a maximum building depth of 16.8m (55.1 ft.). This represents an increase of 6.8m (22.3 ft.).

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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes an elevated, partially covered rear deck which projects 16'-8" (5.1m) beyond the rear wall of the proposed house.

This variance can be considered to be minor in nature, as only a small portion of the proposed house projects beyond the footprint of the existing 1950's house and the proposed 16'-8" rear deck is located in a similar area of the rear yard as the pool of the neighbouring house to the south. Furthermore, the rear wall of the proposed house and deck is on a similar plane as the rear wall of the house immediately to the north.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. This requested variance supports a proposed new dwelling that complies with the required minimum property line setbacks of the zoning By-law and is generally compatible with newer neighbouring homes in terms of scale, height, form, massing and materials. Therefore this variance can also be considered to be minor in nature.

Encroachment of Architectural Features into the Required Front Yard

The requested variance to permit a structural column and the roof overhang to project 49" and 88" respectively into the front yard result from the unique custom design of the proposed dwelling, and these features would in no way negatively impact neighbouring property owners, so they too can be considered to be minor in nature.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 38.4 percent, whereas the By-law permits a maximum lot coverage of 35 percent. The proposed lot coverage can be considered minor in nature for two reasons.

The first reason is that the proposed partially covered rear deck, front porch, and roof projection over the garage column accounts for 421 ft² (39.1m²) of the proposed coverage, despite not contributing to any appreciable building mass. When these semi-enclosed areas are removed from the coverage calculation, the actual coverage of the totally enclosed floor area of the proposed house is only 33.7% which complies with the Zoning By-law.

The second reason this variance may be considered to be minor in nature is that the lot coverage is a calculation of the building footprint in relation to only the land owned by the applicant that is zoned for residential use (R1) zoning. If the coverage of the proposed house, including the partially enclosed decks porches and roof overhangs is calculated as a percentage of the entire lot area, including those portions of the lot that are zoned Open Space (O), the lot coverage is only 33.6%.

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Rouge Valley Watershed. The TRCA provided comments on April 12, 2021 (Appendix 'B'), indicating that they have no concerns with the approval of the requested variances.

Urban Design and Engineering

The City's Urban Design Section has not indicated any concerns regarding the requested variances, but has recommended that the building footprint be revised to permit the preservation of some of the existing trees on site, and notes that the applicant will need to obtain a letter from the neighbouring property owner consenting to the injury of trees along the shared property lines. These issues can be resolved through the accompanying site plan approval process.

The City's Engineering Department has provided no comments on the application.

Heritage Markham

Heritage Markham reviewed the accompanying site plan application for the proposed house and was made aware of the required variances identified by the Zoning Preliminary Review on March 10, 2021. The Committee had no objection to the architectural design of the proposed new dwelling subject to the footprint being revised to preserve existing trees as recommended by the City's Urban Design Section, but they did not provide any comment on the requested variances as the variance application was submitted following the March 10, Heritage Markham meeting. (See Appendix 'C'- Heritage Markham Extract of March 10, 2021). It should be noted that approval of the requested variances will not prevent the revisions recommended by the City's Urban Design Section and supported by Heritage Markham.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 14, 2021. 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 are of the opinion that the variance requests are supportable subject to certain conditions.

Staff recommends 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 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.

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\ 21 111006 \Documents\District Team Comments Memo

FIGURE 1-LOCATION MAP



FIGURE 2- PHOTOGRPAH OF THE EXISTING DWELLING



APPENDIX 'A'
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/21

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 plans attached as 'Appendix D' to this Staff Report 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 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.
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;
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is written in a cursive style with a large initial "P".

Peter Wokral, Senior Heritage Planner

APPENDIX 'B' –TRCA CORRESPONDENCE



April 12, 2021

CFN: 64187.04
XRef: 64172.03, 64477, 62516.17

Uploaded to E-Plan

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Dear Mr. Leung:

Re: Minor Variance Application – A/030/21
20 Princess Street, City of Markham
Owner: James Reininger
Applicant: Joseph N Campitelli Architect Inc.

This letter acknowledges receipt of the submission of the above noted application (materials received digitally on March 26 as per Appendix A). Toronto and Region Conservation Authority (TRCA) reviewed the materials relating to the above noted application and our comments are provided herein.

Purpose

A/030/21 (Minor Variance Application)

The applicant is requesting relief from the requirements of By-laws 99-90 and 1229, as amended, as it relates to a new two-storey dwelling with attached garage, to permit:

- a) By-law 99-90, Section 1.2 (iii): a maximum depth of 23.6 m, whereas the by-law permits a maximum of 16.8 m;
- b) By-law 99-90, Section 1.2 (iv): a maximum floor area ratio of 49.85%, whereas the by-law permits a maximum of 45%;
- c) By-law 1229, Section 11.2 (c) (i): an encroachment of 49" for a structural column/wall into the required front yard, whereas the by-law permits a maximum encroachment of 18";
- d) By-law 1229, Section 11.2 (c) (i): a roof overhang of 88" to project into the front yard, whereas the by-law permits a maximum projection of 18" into any required yard;
- e) By-law 1229, Section 11.1: a maximum lot coverage of 38.4%, whereas the by-law permits a maximum of 35%.

Applicable Policies and Regulations

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2020); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding (MOU) with the Region

of York and local municipalities where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the *Planning Act*, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved.

Municipal Policies

The TRCA has a MOU with York Region and the City of Markham wherein we provide plan review and technical expertise to assist the City in making decisions on planning applications in accordance with provincial and municipal policies concerning the natural environment (such as natural hazards, natural heritage, stormwater management, etc. as appropriate).

TRCA's Living City Policies

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that areas within the "Natural System" be protected from development, site alteration and infrastructure. The LCP also provides policies for developing adjacent to, and in, the "Natural System" (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. For further information regarding TRCA's planning and permitting policies, please refer to Sections 7 and 8 of our LCP.

Ontario Regulation 166/06

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

The subject property is partially located within TRCA's Regulated Area under Ontario Regulation 166/06 as it is partially within and adjacent to the erosion hazard of a valley associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Application-Specific Comments

TRCA has been involved in reviewing the related Site Plan Application (SPC 21 105246; CFN 64172.03) as the proposed development is located within our Regulated Area. As part of this process, TRCA has been generally satisfied with the location of the proposed dwelling and rear deck in relation to natural hazards and natural features within Natural System (located at the rear of the property) and has provided detailed comments related to labeling, grading, erosion and sediment controls (ESCs), tree removals and/or plantings in a letter dated March 29, 2021. Based on our review of the Minor Variance application material, the rear setbacks of the proposed dwelling and rear deck are consistent with what was shown in the associated Site Plan Application. Accordingly, TRCA has no concerns with this Minor Variance Application.

Please note it is our expectation that the detailed comments in our Site Plan Application comment letter dated March 29, 2021 will be addressed by the applicant through the associated Site Plan Application process, prior to the issuance of a TRCA Permit.

Fees

Please be advised that the TRCA has implemented a fee schedule for our planning application review services. A fee of \$105 is required (2018 TRCA Planning Fee Schedule – Screening Letter) for the review of this application. This fee must be provided to our office within 60 days of this letter. The applicant is advised to contact the undersigned to arrange payment.

Recommendation

Based on our review, TRCA staff have no objections to this Minor Variance application subject to the following conditions:

1. That the applicant remit TRCA's review fee of \$105 for the subject application;
2. That the applicant obtains a permit from the TRCA under Ontario Regulation 186/06, as amended, for the proposed works.

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Dan Nguyen
Planner I, Development Planning and Permits
dan.nguyen@trca.ca
extension 5306

APPENDIX 'C'- HERITAGE MARKHAM EXTRACT OF MARCH 10, 2021

6.2 SITE PLAN CONTROL APPLICATION

PROPOSED NEW DETACHED DWELLING

20 PRINCESS STREET

MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBER:

SPC 21 105246

Extracts:

R.Hutcheson, Manager, Heritage Planning

F. Hémon-Morneau, Development Technician

Francois F. Hémon-Morneau, Development Technician presented the staff memorandum for a proposed new dwelling on 20 Princess Street in the Markham Village Conservation District. Staff have no objection to the demolition of the existing building, or to the design of the proposed dwelling on the condition the tree preservation plan is adhered too.

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Joseph Campitelli, Consultant, representing the landowners advised that 7 trees are required to be removed from the property to build the new dwelling. In compensation for the removal of the trees, the landowner is required to plant 16 new trees on the property. The Toronto Region and Conservation Area has reviewed and approved the plans for the new dwelling. The larger windows will be reviewed by the City's Urban Design Staff, who will consider the City's Bird Friendly Guidelines when providing their feedback. The streetscape was displayed to the Committee.

Recommendation:

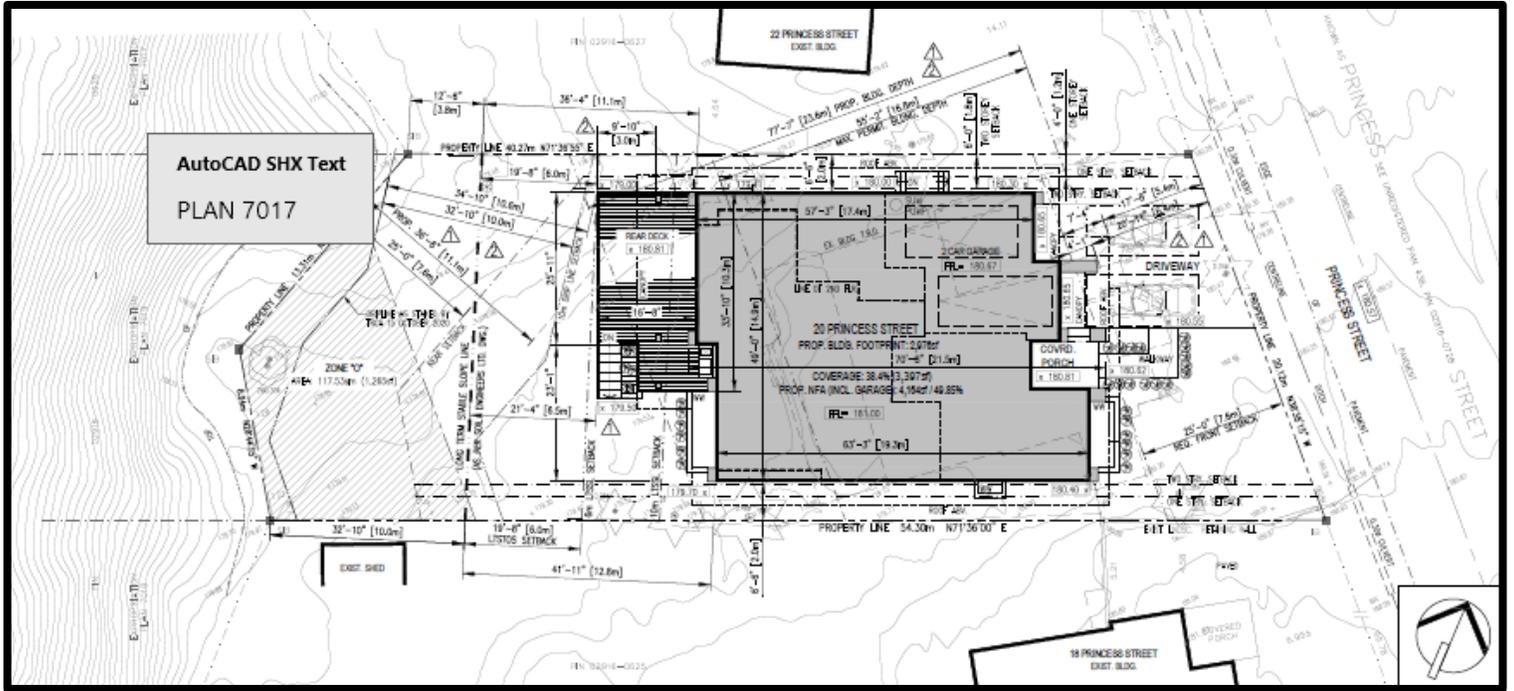
THAT Heritage Markham has no objection from a heritage perspective to the demolition of the existing heritage building;

THAT Heritage Markham recommends that revisions be made to the building footprint to address the tree preservation issues identified by Urban Design Section;

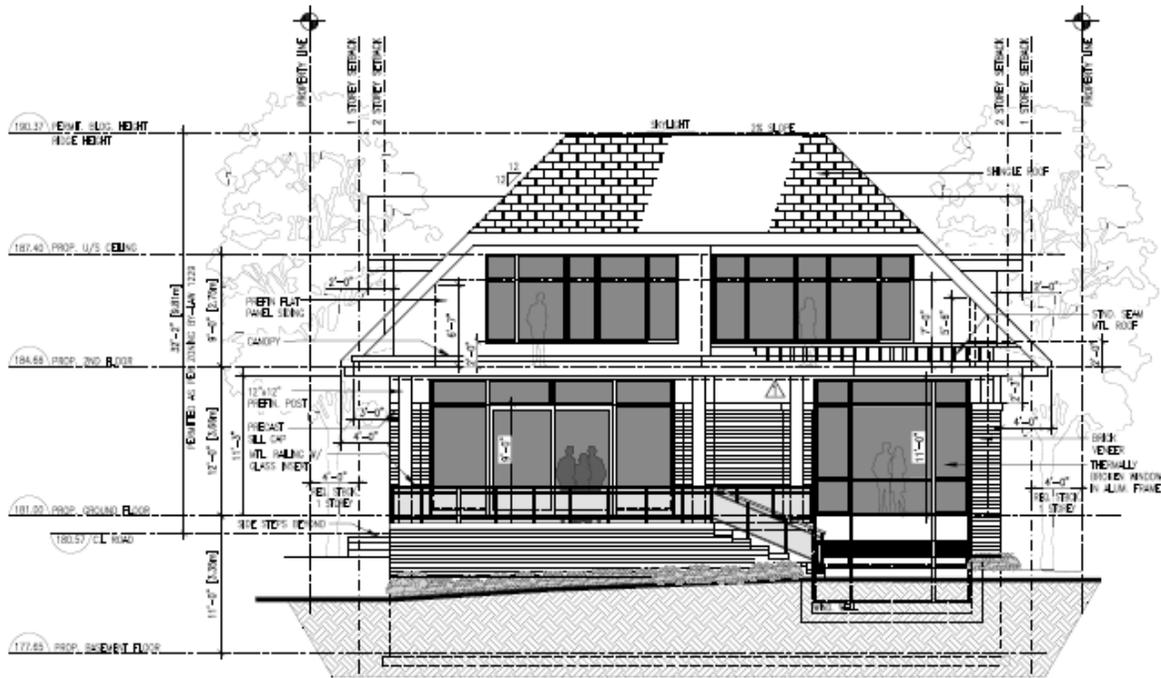
THAT Heritage Markham has no objection from a heritage perspective to the architectural design of the proposed dwelling subject to revisions being made to address the preservation of existing vegetation as recommended by the City's Urban Design Section.

Carried

APPENDIX 'D' PROPOSED HOUSE PLANS



SITE PLAN



PROPOSED WEST (REAR) ELEVATION



PROPOSED NORTH ELEVATION