

# Memorandum to the City of Markham Committee of Adjustment

August 19, 2021

**File:** A/108/21  
**Address:** 32 Joseph St Markham  
**Applicant:** Gregory Design Group (Shane Gregory)  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday August 25, 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 as amended, to permit:

- a) By-law 1229, Section 1.2 (vi): a maximum net floor area ratio of 50.42 percent, whereas the By-law requires a net floor area ratio of 45.0 percent;
- b) By-law 1229, Section 1.2 (iii): a maximum building depth of 19.67 m, whereas the By-law requires a building depth of 18.9m;
- c) By-law 1229, Section 11.1: a front yard setback of 5.08 m, whereas the By-law requires a front yard setback of 7.62 m;

The above referenced variances are required to accommodate construction of a detached two-storey dwelling with integrated garage. The development enabled by the proposed variances would remove the existing on-site structures at the property municipally-known as 32 Joseph Street (the “subject property”).

## BACKGROUND

### Property Description

The 595.22 m<sup>2</sup> (6406.89 ft<sup>2</sup>) subject property is located on the north side of Joseph Street between Franklin Street to the west, and Maple Street to the east. There is an existing two-storey single detached dwelling and garage which, according to MPAC records, were constructed in 1949. Mature vegetation exists adjacent to the west and north property lines.

The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings, and is designated under Part V of the Ontario Heritage Act as a constituent property of the Markham Village Heritage Conservation District (‘MVHCD’ or the ‘District’). Built form within the MVHCD dates predominantly to the nineteenth and early twentieth centuries, with pockets of mid-century and contemporary infill. Lot coverage along with front and rear yard setbacks is variable within the District. The surrounding area is undergoing a transition with properties of lesser cultural heritage value (i.e. Type ‘B’ and ‘C’ properties as identified within the MVHCD Plan) being redeveloped with residential infill.

### Proposal

The applicant is proposing to construct a two-storey detached dwelling with integrated garage. Covered porches are proposed along the south (street facing) and north (rear) elevations. No ancillary structures are proposed at this time.

### **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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 1229

The subject property is zoned R1 - "Residential" under By-law 1229, as amended, which permits a single detached dwelling.

### 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, 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 net floor area ratio, building depth, and front yard setback.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 50.42 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 gross floor area of 300.16 m<sup>2</sup> (3230.90ft<sup>2</sup>). 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 as it does not include open areas of a dwelling that can contribute to its overall massing.

The building envelope meets other zoning requirements, such as building height and lot coverage, while requiring only a minor increase in permitted building depth and a minor decrease in front yard setback to enable the proposed development. This will help ensure that the new dwelling will be in keeping with the emerging scale of residential infill developments within the MVHCD. Further, the proposed gross floor area is consistent with a nearby development at 3 Franklin Street that was granted a minor variance in October 2014 for a maximum floor area ratio of 52.08%. As such, Staff are of the opinion that the variance is minor in nature.

### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 19.67m (64.53 ft.), whereas the By-law permits a maximum building depth of 16.80m (55.12 ft)\*. This represents an increase of approximately 2.87m (9.42 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.

\* *Note that the By-law provides for an increase in building depth to 18.9m by an extension to the rear of a dwelling if such an extension, inclusive of roofed porches, complies with all of the following criteria:*

- *The extension does not exceed one storey;*
- *The extension does not exceed 4.6 metres in height;*
- *The extension is set back from all lot line a mini-mum distance of the GREATER of 3.0 metres, or the minimum required setback; and*
- *The extension is not wider than one-half (1/2) the width of the dwelling at its widest point.*

The proposed building envelope includes a rear covered porch which adds approximately 3.35m (11.0 ft.) to the overall depth of the building for a total of 19.67m. As the proposed rear extension meets all the criteria as outlined in the By-law, the permitted building depth increases to 18.90m as of right. As such, the rear porch exceeds the permitted building depth by 0.77 m (2.53 ft.) Given that the additional building depth above and beyond what is permitted by the By-law is less than 1 metre, and is entirely attributable to the rear porch, Staff are of the opinion that the variance is minor in nature.

### **Reduction in Front Yard Setback**

The applicant is requesting relief from the By-law to permit a minimum front yard setback of 5.08m (16.67 ft.), whereas the By-law requires a minimum front yard setback of 7.62m (25.0 ft.). This represents a reduction of approximately 2.54m (8.33 ft.). The variance is almost entirely attributable to the front covered porch which has a depth of 2.32m (7.6 ft.). Given that the reduced front yard setback relative to what is permitted is almost entirely attributable to the front porch, Staff are of the opinion that the variance is minor in nature.

### **Urban Design and Engineering**

The City's Urban Design Section has indicated that they support the requested variances subject to the approval of a Tree Assessment and Preservation plan which will be done through the site plan approval process. The City's Engineering Department also supports the requested variances subject to the approval of a Lot Grading and Servicing Plan which will be submitted as part of the site plan approval process.

### **Heritage Markham Committee**

Heritage Markham reviewed the application at its meeting on August 11, 2021 and had no objection to the requested variances. The Committee further recommended that final review of the forthcoming site plan control application be delegated to the City's Heritage Section staff provided that the design is generally consistent with the conceptual drawing provided as part of the MNV application (See Appendix 'C' – Heritage Markham Extract of August 11, 2021).

## **EXTERNAL AGENCIES**

### York Region

The proposed variances have been reviewed by York Region and no concerns were identified.

### Alectra

The proposed variances have been reviewed by Alectra and no concerns were identified.

## **PUBLIC INPUT SUMMARY**

As of August 19, 2021 the City received two letters expressing support for the proposed variances from owners of the properties municipally-known as 23 Church Street and 1 Franklin Street. 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 request meets the four tests of the Planning Act and have no objection. Staff recommend 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:



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Evan Manning, Heritage Planner II

REVIEWED BY:

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Peter Wokral, Acting Development Manager, Heritage District

File Path: Amanda\File\ 21 130923 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**32 Joseph Street**

FIGURE 1: Location Map

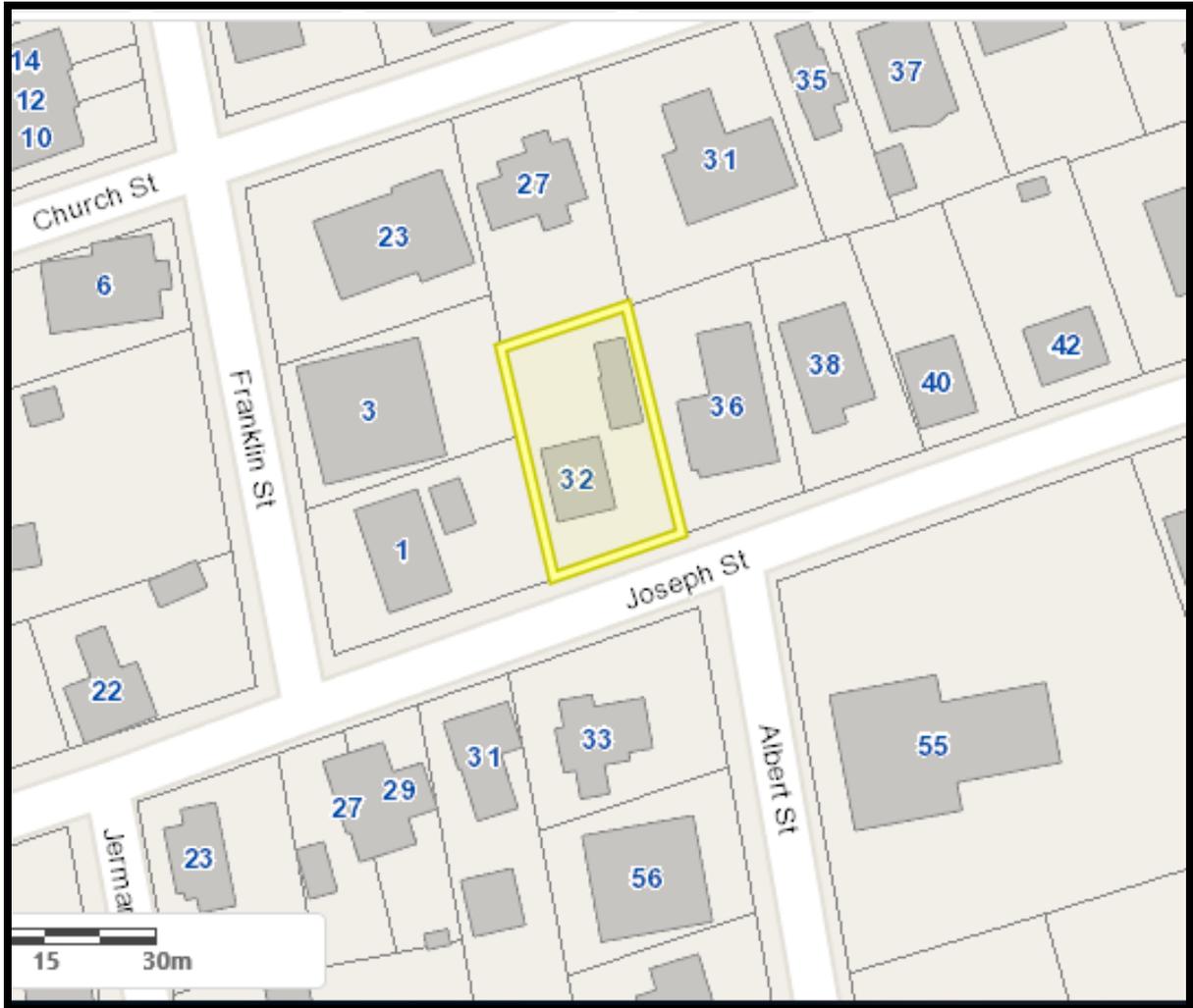


FIGURE 2: Primary (North) Elevation of the Existing Dwelling

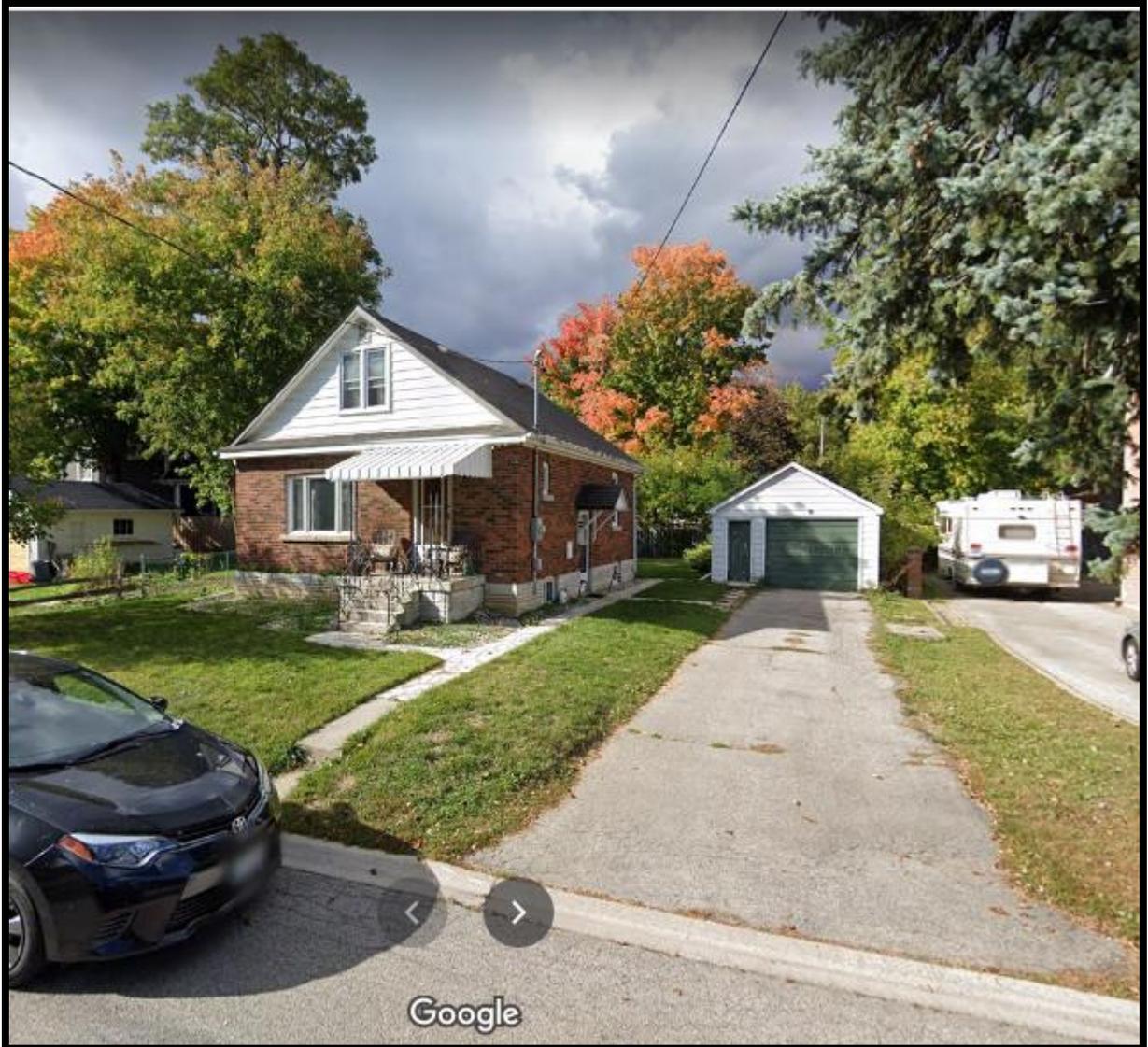
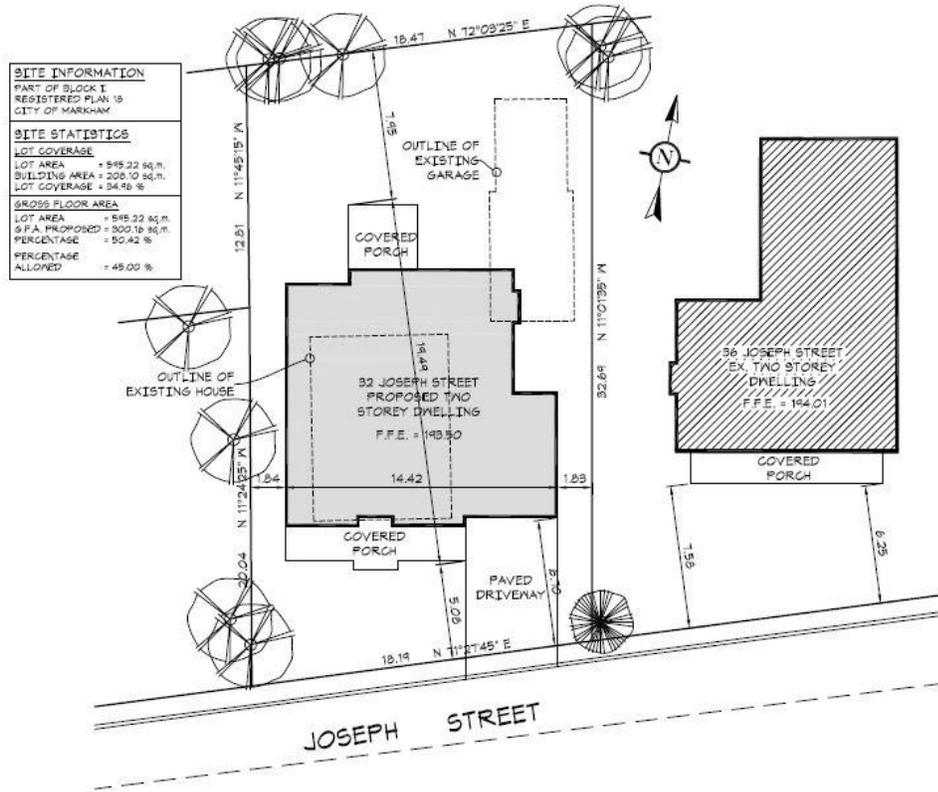


FIGURE 3: Proposed Site Plan



SITE INFORMATION	
PART OF BLOCK I REGISTERED PLAN 18 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 595.22 sq.m.
BUILDING AREA	= 208.10 sq.m.
LOT COVERAGE	= 34.96 %
GROSS FLOOR AREA	
LOT AREA	= 595.22 sq.m.
G.F.A. PROPOSED	= 300.16 sq.m.
PERCENTAGE	= 50.42 %
PERCENTAGE ALLOWED	= 45.00 %

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PART OF BLOCK I REGISTERED PLAN 18 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
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G.F.A. PROPOSED	= 300.16 sq.m.
PERCENTAGE	= 50.42 %
PERCENTAGE ALLOWED	= 45.00 %

**SITE PLAN**  
SCALE = 1:200

FIGURE 4: Proposed Building Elevations

Proposed South (Primary) Elevation



Proposed West (Left) Elevation



Proposed East (Right) Elevation



Proposed North (Rear) Elevation



## **APPENDIX “B”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/108/21**

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 A’ 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
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 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;
5. 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.
6. 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;
7. 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 "Evan Manning". The signature is written in a cursive style with a large initial "E" and "M".

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Evan Manning, Heritage Planner II

**APPENDIX "C"**  
**Heritage Markham Committee Extract**

**6.3 COMMITTEE OF ADJUSTMENT VARIANCE**

**PROPOSED TWO-STOREY SINGLE FAMILY DWELLING WITH  
ATTACHED GARAGE  
32 JOSEPH STREET (MVHCD) (16.11)**

FILE NUMBER:

A/108/21

Extracts:

R. Hutcheson, Manager, Heritage Planning

E. Manning, Heritage Planner

Note: this agenda item was dealt with after item 6.4 on the agenda.

Recommendation:

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit a new detached dwelling with an attached garage.

AND THAT final review of the forthcoming site plan control application, and any other development application required to approve the proposed development, be delegated to Heritage Section staff should the design be generally consistent with the conceptual drawings appended to this memo.

**Carried**