Memorandum to the City of Markham Committee of Adjustment

November 24, 2025

File: A/133/25

Address: 35 Peter Street, Markham Village

Applicant: Gregory Design Group (Shane Gregory)

Hearing Date: Wednesday, December 10, 2025

The following comments are provided on behalf of the Heritage Section staff ("Staff") for the property municipally known as 35 Peter Street (the "Property"):

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2(D):

a maximum lot coverage of 36.8 percent, whereas the by-law permits a maximum of lot coverage of 35 percent;

b) By-law 2024-19, Section 6.3.2.2(C):

a maximum second storey main building coverage of 21.4 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;

c) By-law 2024-19, Section 6.3.2.2(E):

a maximum first storey distance from the established building line of 19.8 metres, whereas the by-law permits a maximum first storey distance from the established building line of 19.5 metres;

d) By-law 2024-19, Section 6.3.2.2(E):

a maximum second storey distance from the established building line of 16.96 metres, whereas the by-law permits a maximum second storey distance from the established building line of 14.5 metres;

e) By-law 2024-19, 6.3.2.2(I):

a minimum combined side yard of 4.73 metres, whereas the by-law requires a minimum combined side yard of 5.03 metres; and;

f) By-law 2024-19, Section 4.8.10.2(d)(iv):

stairs used to access a porch to project a maximum of 0.6 metres beyond the porch encroachment, whereas the by-law permits stairs used to access a porch to project a maximum of 0.45 metres beyond the porch encroachment.

as it relates to a proposed two-storey dwelling.

BACKGROUND

Property Description

The approximately 800m² (8,611ft²) Property is located on the east side of Peter Street between Springdale Avenue to the south and David Street to the north. The Property is designated under Part V of the <u>Ontario Heritage Act</u> (the "OHA") as part of the Markham Village Heritage Conservation District (the "MVHCD" or the "District") and contains a one-storey detached dwelling with detached garage constructed c.1965 as per Municipal Property Assessment Corporation (MPAC) records.

The MVHCD is a well-established residential neighbourhood comprised of mostly one and two-storey detached dwellings constructed predominantly in the nineteenth and early twentieth centuries. Interspersed with these dwellings are pockets of mid-century and contemporary infill, such as the existing structure on the Property.

Proposal

The applicant is proposing to remove and replace the existing dwelling and garage with a two-storey dwelling with attached garage and front porch. Refer to Appendix "C" for drawings of the proposal.

Official Plan and Zoning

Section 10.5 of the Official Plan (the "OP") notes that it is the policy of Council that the Committee of Adjustment shall be guided by the general intent and purpose of the Plan in making decisions on minor variances to the zoning by-law and consent applications.

Land Use Policies

In the OP, the Property is designated "Residential Low Rise" which provides for low rise housing forms including single detached dwellings

Section 8.2.3.5 of the OP outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. These criteria help ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

The OP also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

From a heritage conservation policy perspective, two of the overall goals of the OP are "to protect established neighbourhoods, heritage conservation districts…by ensuring that new development is compatible and complementary in terms of use, built form and scale" and "to celebrate Markham's unique character by protecting cultural heritage resources and archaeological resources…to foster interaction between people and connections to their community" (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- "To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and associated agreements" (Section 4.5.3.9); and
- "To evaluate each variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan" (Section 4.5.3.10)

The definition of a "cultural heritage resource" includes a heritage conservation district.

Zoning By-Law 2024-19

The Property is zoned RES-ENLR under By-law 2024-19, as amended, which permits the proposed use and housing typology.

Markham Village Heritage Conservation District Plan

Although designated under Part V of the OHA, the Property is not considered to be historically significant within the context of the District. This is reflected in the Property's classification within the MVHCD Plan as a Type 'C' property. As described in Section 3.2 ('Building Classification') of the MVHCD Plan, Type 'C' properties possess the following characteristics within the District:

- These buildings do not relate to the historical character.
- They do not reinforce the historical character.
- Any redevelopment on a lot with this designation will be subject to the policies set out herein and handled in the same manner as a NEW BUILDING.

The MVHCD Plan also provides policies and guidelines intended to manage change in a manner compatible with the heritage character of the District. The appropriateness of the requested variances from a heritage perspective have been reviewed against the policies and guidelines of the MVHCD Plan to determine whether they conserve the cultural heritage value ("CHV") of the Property and the MVHCD more broadly. It is the opinion of Staff that the proposed variances do not have an adverse impact on the CHV of the Subject Property or the MVHCD. As noted below, this position is shared by the Heritage Markham Committee.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in November 2025 to confirm the variances required for the proposed development.

COMMENTS

The <u>Planning Act</u> 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 Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 36.8 percent, whereas the By-law permits a maximum lot coverage of 35 percent. The calculation of lot coverage includes the front covered porch which adds approximately 17.5 m² (188 ft²) to the overall building area. Excluding the front covered porch, the proposed dwelling has a lot coverage of 34.58 percent and would comply with the by-law requirement. Given that the front covered porch is unenclosed, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling, and the

resultant dwelling is generally consistent with what the by-law permits. Porches are also a desirable feature in the MVHCD.

Main Building Coverage

The applicant is requesting relief for a maximum second storey main building coverage of 21.4 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent. As defined in the by-law, "Main Building Coverage" means the area of the *main building* that is enclosed by the *main walls* measured between the exterior faces of the exterior walls. For the purpose of this definition, unenclosed *decks, porches*, cold cellars, and *balconies* are not considered to be within the main building coverage.

Given the small numerical deviation from existing development permissions, it is the opinion of Staff that the increased coverage will not be readily perceptible and the impact on building mass will be minimal. As such, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Distance from Established Building Line

The applicant is requesting relief to allow for a maximum first storey distance from the established building line of 19.8 metres, whereas the by-law permits a maximum first storey distance from the established building line of 19.5 metres. The zoning by-law defines "Established Building Line" as a line that is the average distance between the *front lot line* and the nearest wall (including the *private garage*) of the *main building* facing the *front lot line* on the two *neighbouring lots* fronting the same street.

Given the small numerical deviation from existing development permissions, it is the opinion of Staff that the increased distance from the established building will not be readily perceptible and that the impact on the streetscape will be minimal. As such, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Distance from Established Building Line (Second Storey)

The applicant is requesting relief to allow a maximum second storey distance from the established building line of 16.96 metres, whereas the by-law permits a maximum second storey distance from the established building line of 14.5 metres.

Properties within heritage conservation districts, such as Markham Village, lack the uniformity typical of post-war subdivisions. As such, irregularity in setback, massing, and building height, among other development standards, are to be expected within the MVHCD and are revealing of its organic pattern of growth (itself a contributer to the heritage character of the District). Given this base condition, it is the opinion of Staff that the increased distance of the proposed second storey from the established building will not have an adverse impact on the streetscape and Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Reduced Combined Side Yard Setback

The applicant is requesting a minimum combined side yard of 4.73 metres, whereas the by-law requires a minimum combined side yard of 5.03 metres. This variance is entirely attributable to the small projection on the south elevation of the proposed dwelling. Given that the remainder of the dwelling conforms to setback permissions and given that the

south elevation of the proposed dwelling is adjacent to the driveway of the neighbouring property at 33 Peter Street, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning Bylaw

Stair Projection

The applicant is requesting relief to allow stairs used to access a porch to project a maximum of 0.6 metres beyond the porch encroachment, whereas the by-law permits stairs used to access a porch to project a maximum of 0.45 metres beyond the porch encroachment. Staff have no objection to this variance as the proposed encroachment is minimal and will not adversely impact the functionality of the Property's front yard. As such, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Internal Staff/Committee Comments

Heritage Markham Committee

Heritage Markham reviewed the application at its meeting on November 12, 2025 and had no objection to the requested variances from a heritage perspective.

Urban Design Staff

The City's Urban Design Section has indicated that they have no objection to the requested variances subject to the approval conditions described in Appendix "E".

External Agency Comments

Metrolinx

Metrolinx provided comments via memorandum dated September 29, 2025 (refer to Appendix "D") indicating that they have no objection to the proposed variances subject to conditions as outlined in Appendix "E" of this report.

PUBLIC INPUT SUMMARY

One written submission in opposition to the application was received as of December 3, 2025. 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

Staff have reviewed the application with respect to Section 45(1) of <u>The Planning Act</u>, 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 refer to Appendix "E" for conditions to be attached to any approval of this application.

PREPARED BY:

Evan Manning, Senior Heritage Planner

REVIEWED BY:

Capitcheron

Regan Hutcheson, Manager, Heritage Planning

APPENDIX "A" PROPERTY MAP



The Subject Property (outlined in blue) (Source: City of Markham)

APPENDIX "B" IMAGES OF THE SUBJECT PROPERTY

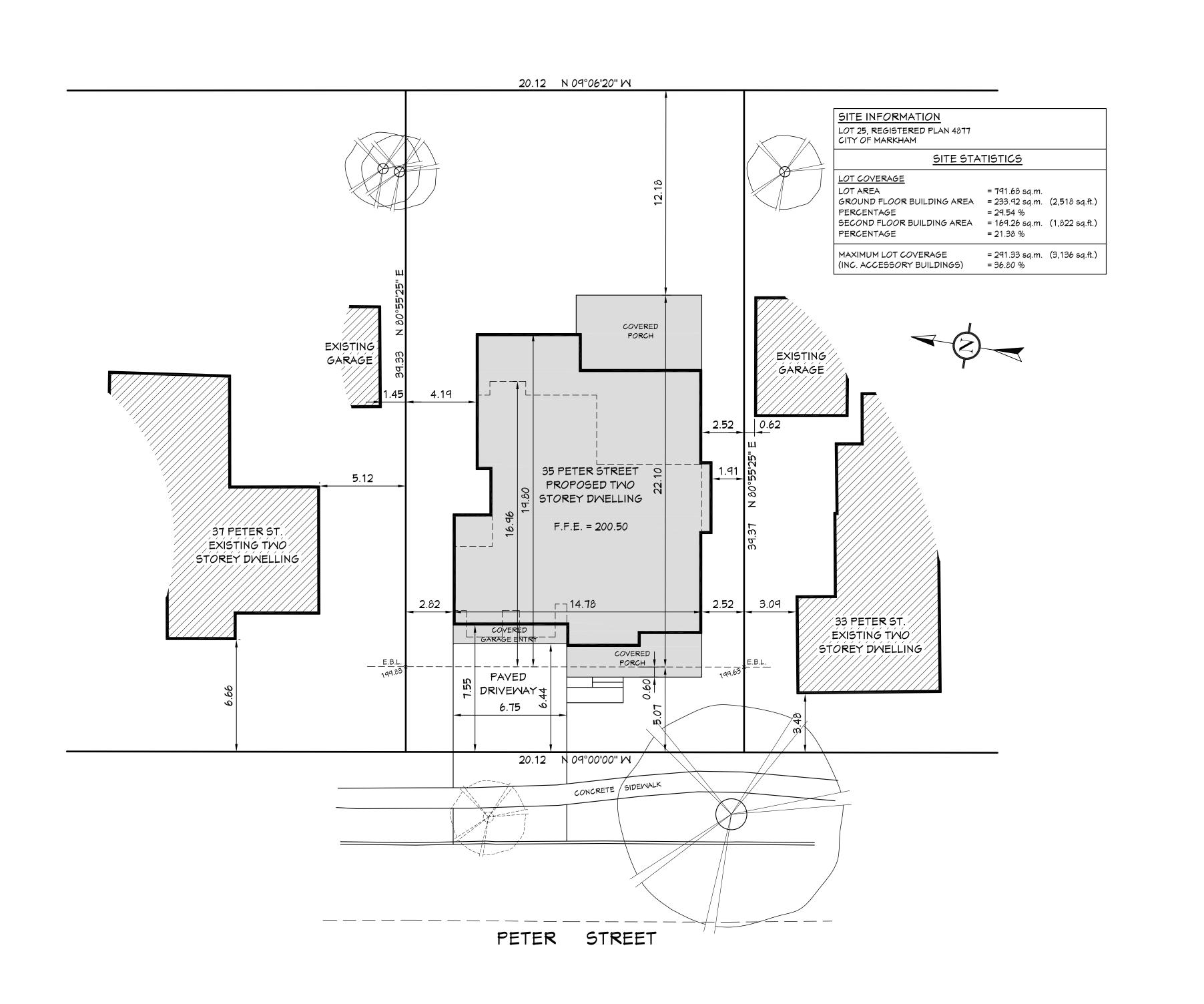


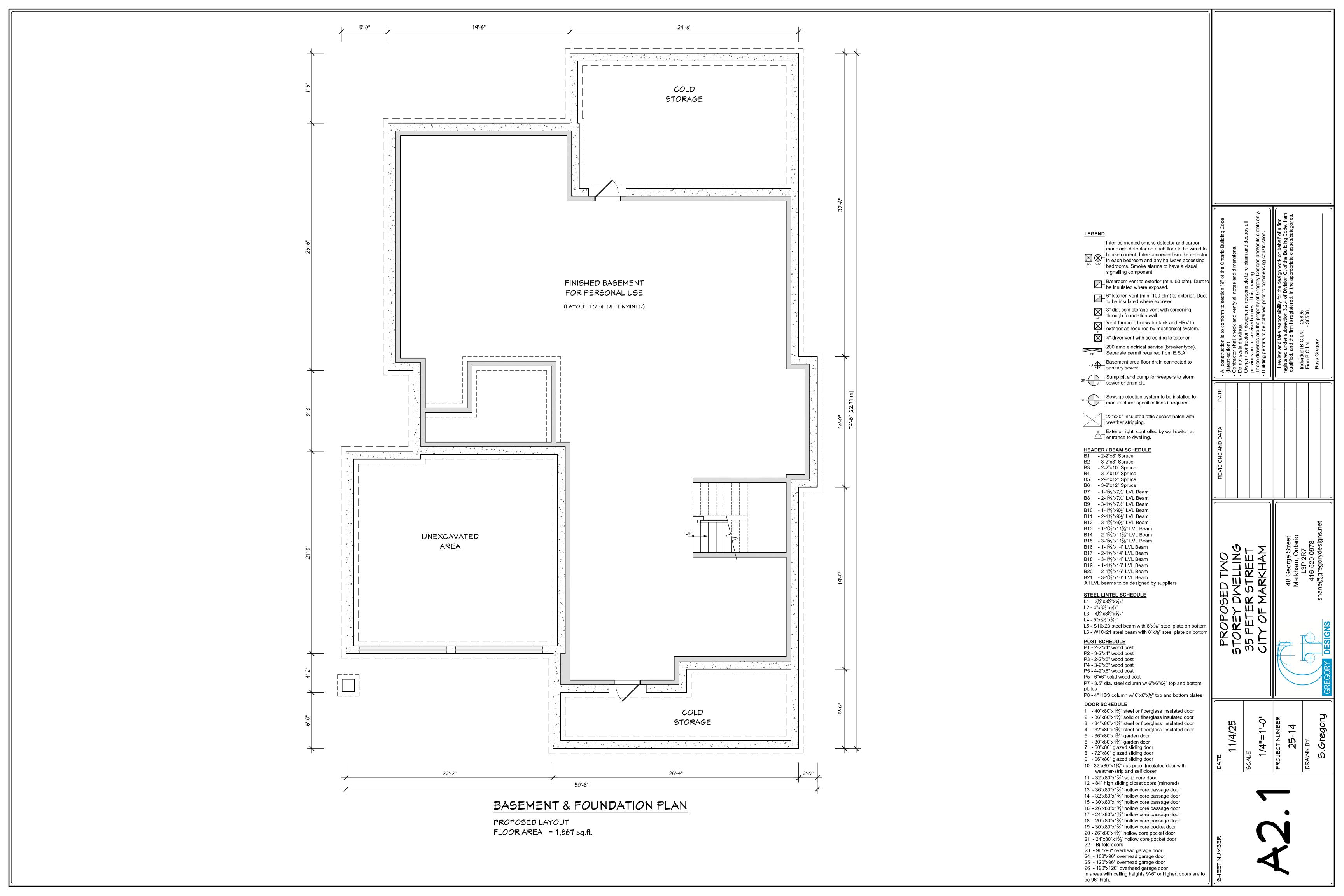
Aerial image of the Subject Property and surrounding context (Source: Google)

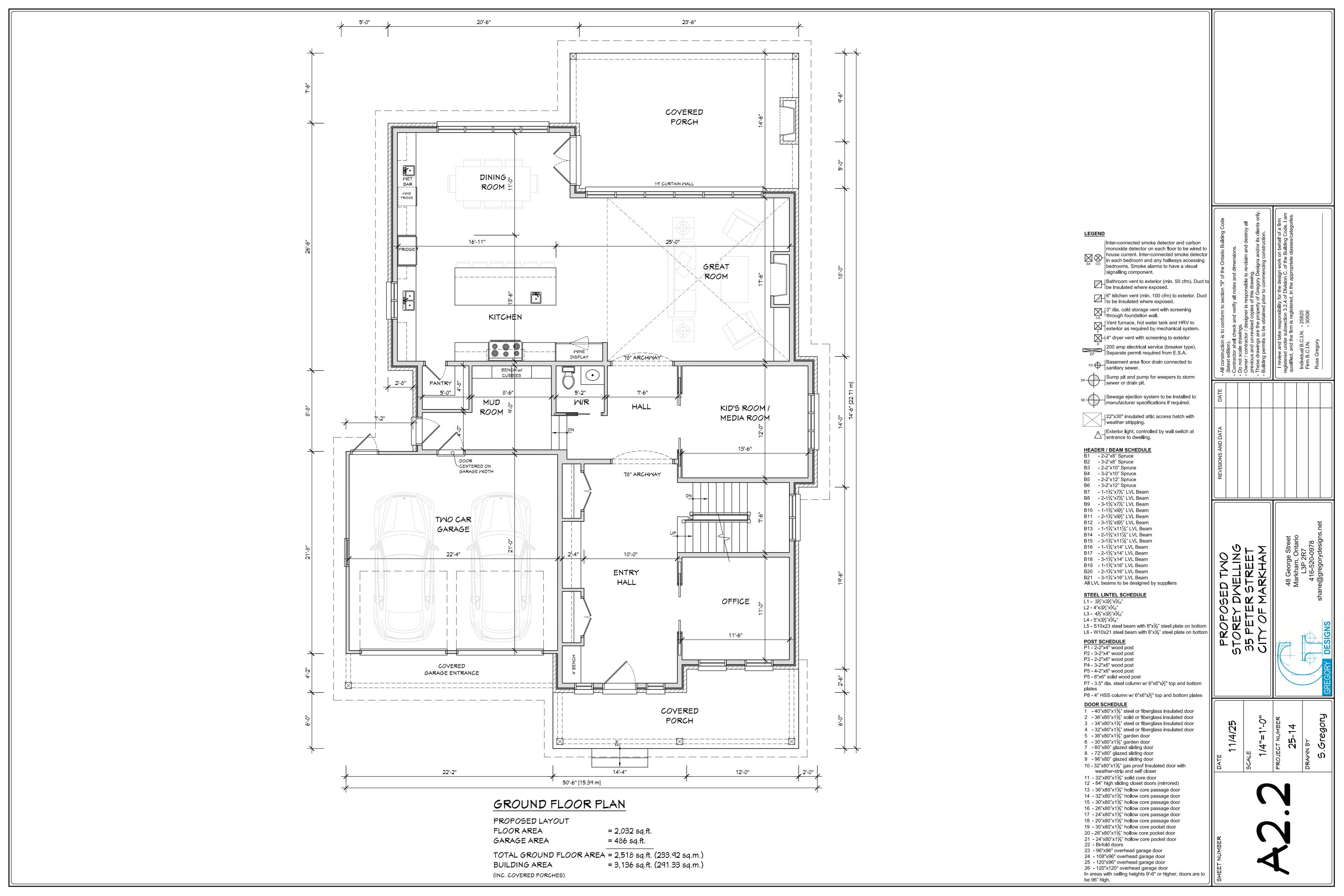


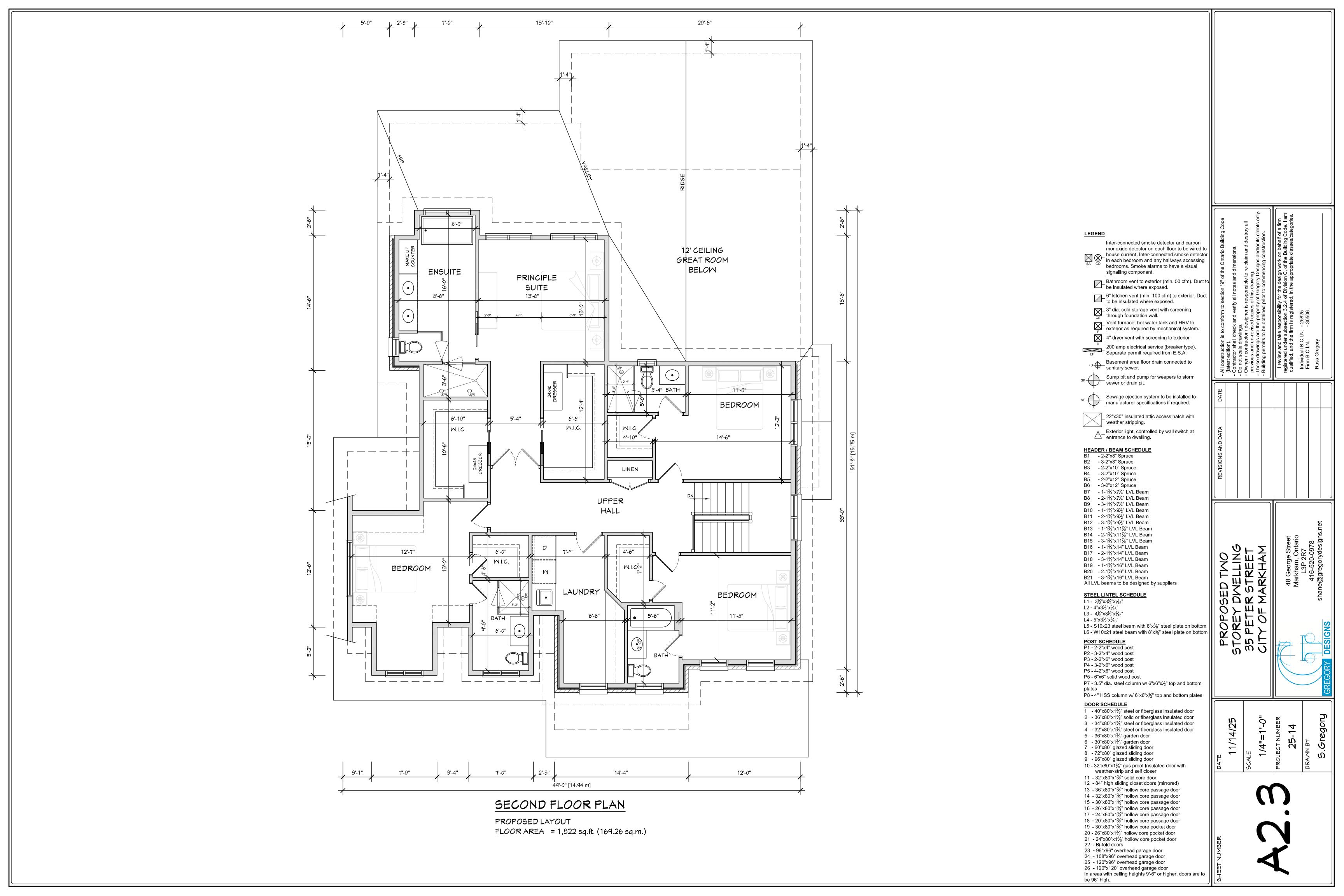
Primary (west) elevation of the current dwelling on the Subject Property (Source: Google) Note that the Norway Maple shown to the right of the driveway is proposed to be removed

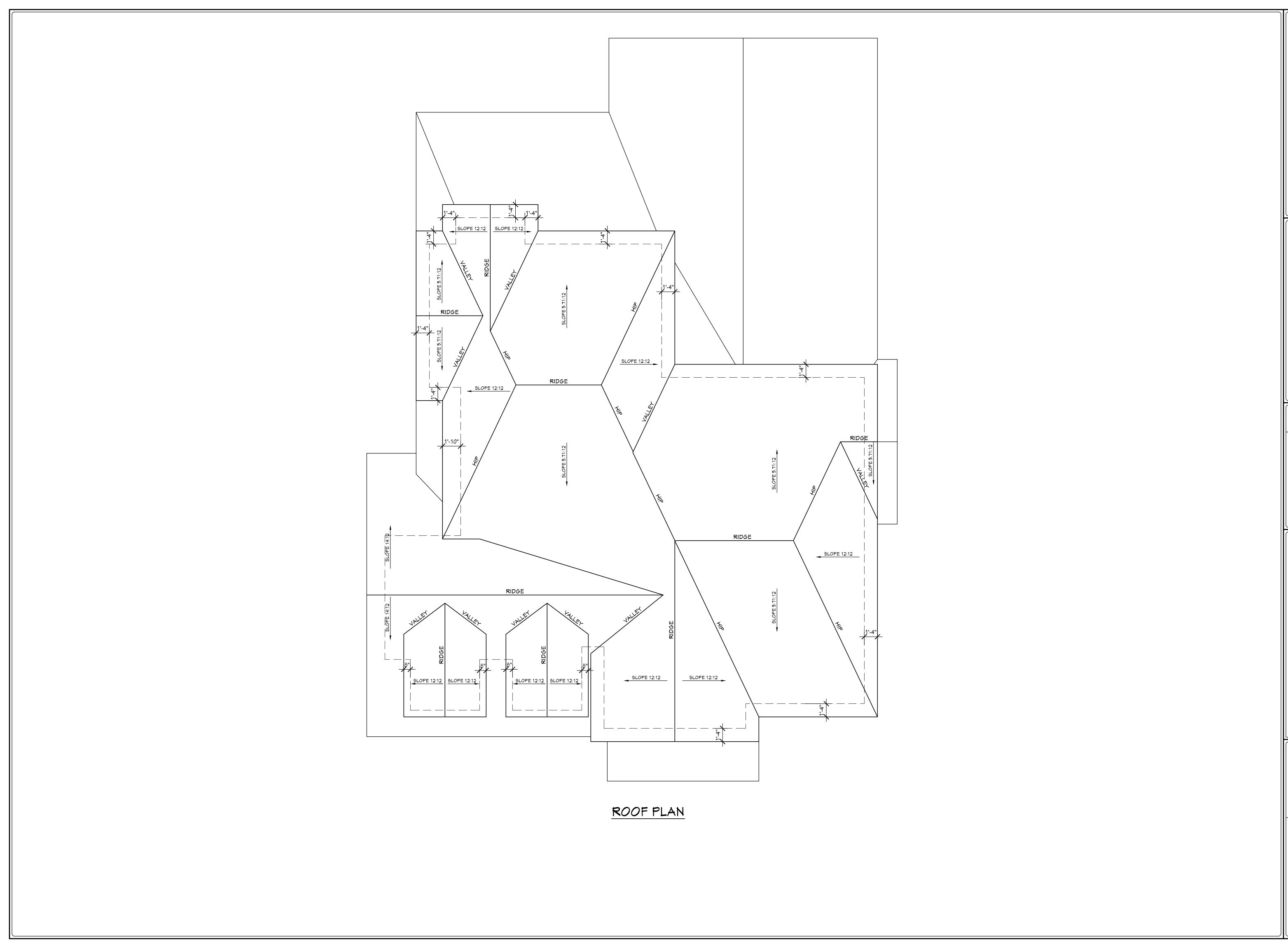
APPENDIX "C" DRAWINGS OF THE PROPOSAL















APPENDIX "D" METROLINX CONDITIONS OF APPROVAL





TO: Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham

DATE: September 29, 2025

RE: Adjacent Development Review: A/133/25

35 Peter Street, Markham, ON

Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 35 Peter Street, Markham, to construct a New two storey detached dwelling, as circulated on September 24th, 2025, and to be heard by the Committee as early as Wednesday November 12th, 2025. Metrolinx's comments on the subject application are noted below:

• The subject property is located within 300m of the Metrolinx Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.

GO/HEAVY-RAIL - CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Jenna.Auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
 - Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact Jenna. Auger@metrolinx.com.

Best Regards,

Jenna Auger

Adjacent Construction Review

20 Bay Street | Toronto | Ontario | M5J 2W3

T: (416) 881-0579

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "Easement Lands");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "Operational Emissions").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

APPENDIX "E" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/133/25

- 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 plan(s) attached as Appendix "C" 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 Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
- 4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
- 5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 6. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.

CONDITIONS PREPARED BY:

Evan Manning, Senior Heritage Planner