

Memorandum to the City of Markham Committee of Adjustment

June 22, 2020

File: A/030/20
Address: 251 Church Street, Markham
Applicant: Jayadeep Patra & Madhusmita Gharai-Patra
Agent: Nikol Paar
Hearing Date: July 02, 2020

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property, to permit:

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

a maximum floor area ratio of 48.85 percent, whereas the By-law permits a maximum of 45 percent;

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

a maximum building height of 10.10 metres, whereas the By-law permits a maximum height of 9.8 metres.

BACKGROUND

Property Description

The 1,627.41 m² (17,517.21 ft²) subject property is located on the south side of Church Street, which is west of 9th Line and north of Highway 7. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 113.9 m² (1,226 ft²) dwelling on the property, which according to assessment records was constructed in 1967. The surrounding area is undergoing a transition with several examples of newer infill housing re-developments. Mature vegetation exists across the front yard of the subject property.

Proposal

The applicant is proposing to demolish the existing one-storey dwelling and construct a new two-storey detached dwelling on the subject property. The proposed dwelling has a gross floor area of 526.95 m² (5,672.26 ft²) with a basement walkout, deck and balcony along the rear of the dwelling, and a covered front porch at the front. Vehicle access is maintained via the existing circular driveway to Church Street, with parking provided in an attached two-car garage.

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 2014 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 and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-law 1229

The subject property is zoned ‘Residential’ (R1) 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 (NFA) Ratio and building height.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *“Design requirement as per client to accommodate a more spacious parking area for a growing family.”*

(Note, this comment was provided as part of the initial submission of the application, which included garage projection and building depth variances which are no longer being requested. See Comments in the following subsection for additional information).

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) on March 4, 2020 to confirm the initial variances required for the proposed development. Initially, the applicant proposed a larger dwelling with a three-car garage projecting in the front yard. The initial application requested variances to permit a maximum a maximum floor area ratio of 49.62 percent and a maximum building height of 10.20 metres. The applicant had also proposed a variance to permit a maximum driveway width of 7.45 metres, a maximum building depth of 28.78 metres, and a maximum garage projection of 10.20 metres. Staff had concerns that the

proposed garage projection and building depth variances did not meet the intent of the zoning by-law and recommended that the applicant revise the proposal.

The applicant submitted revised drawings on April 30, 2020 but did not submit a second Zoning Preliminary Review for the revision. Consequently it is the owner's responsibility to ensure that the application accurately identifies 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 a maximum floor area ratio of 48.85 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 526.95 m² (5,672.26 ft²), whereas the By-law permits a dwelling with a maximum floor area of 485.38 m² (5,224.80 ft²). This is an increase of 41.57 m² (447.46 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measure of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

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. Staff are of the opinion that the proposed increase in NFA will not result in adverse impacts to abutting property owners.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.1 m (33.14 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 0.3 m (0.98 ft). Staff have no objections to the proposed building height.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 22, 2020. 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.

APPLICATION PROCESSING

This application was initially scheduled to be heard on April 1, 2020; however this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal.

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency.

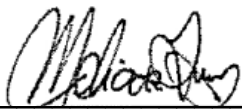
CONCLUSION

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:



Melissa Leung, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/20

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 B’ to this Staff Report and recommended by the City of Markham on May 26, 2020, and 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.

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Zoning and Special Projects



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TORONTO ON.
M3H 4W2
416 630 2106

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MARK	DATE	DESCRIPTION
1.	14 01 2020	ISSUED FOR ZONING REVIEW
2.	14 02 2020	REVISION - BUILDING DEPTH & DRIVEWAY WIDTH
3.	27 02 2020	ISSUED FOR C.O.A.
4.	27 03 2020	FRONT YARD SETBACK REVISED
5.	14 04 2020	ISSUED FOR C.O.A. NEW PROPOSAL
6.	12 05 2020	CIRCULAR DRIVEWAY - REVISED

REVISION NOTES
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2. 14 02 2020 REVISION - BUILDING DEPTH & DRIVEWAY WIDTH
3. 27 02 2020 ISSUED FOR C.O.A.
4. 27 03 2020 FRONT YARD SETBACK REVISED
5. 14 04 2020 ISSUED FOR C.O.A. NEW PROPOSAL
6. 12 05 2020 CIRCULAR DRIVEWAY - REVISED

DESIGN
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-3.2.5.1. of the 2006 Ontario Building Code
Zoran Paar 24546 Name Signature BCIN / BCDN
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. 31765 Firm Name Signature BCIN / BCDN

DESIGN BY
PAAR DESIGN www.paardesign.com
PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 P: 416 630 2106 www.paardesign.com info@paardesign.com

PROJECT:
No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING
FILE NAME:
DRAWN BY:
Z.P.
CHECKED BY:
SHEET SIZE:
24" x 36"
PROJ./REV. NO:
28 01 2020
DATE:
SHEET TITLE:
SITE PLAN
SCALE:
3/32"=1'-0"
DRAWING NO:
A 0.1

SETBACKS	PROPOSED
FRONT	40'-0"
SIDE (INT.) WEST	4'-0" (One Storey Garage)
SIDE (INT.) EAST	6'-0"
REAR	122'-0"
BUILDING HEIGHT (M.)	10.10 m

LOT COVERAGE = 16621.34 SQ.FT. / 1544.12 m²

MAX. 35 % (5817.46 SQ.FT. / 540.44 m²) -

19.26 % 3201.17 SQ.Ft. / 297.38 M2 (INCLUDING COVERED TERRACE AND PORCH)

LOT AREA = 16621.345 SQ.FT. / 1544.12 m²

NET LOT AREA : 11610.67 SQ.FT. / 1078.63 M2

(6600.0 SQ.FT. + [(16621.34 SQ.FT. - 6600.0 SQ.FT.) : 2] =
6600.0 SQ.FT. + 5010.67 SQ.FT. = 11610.67 SQ.FT. / 1078.63 M2)

MAX. FLOOR AREA 45 % OF NET LOT AREA (5224.80 SQ.FT. / 485,38 m²)

PROPOSED 48.85 % (5672.26 SQ.FT.)

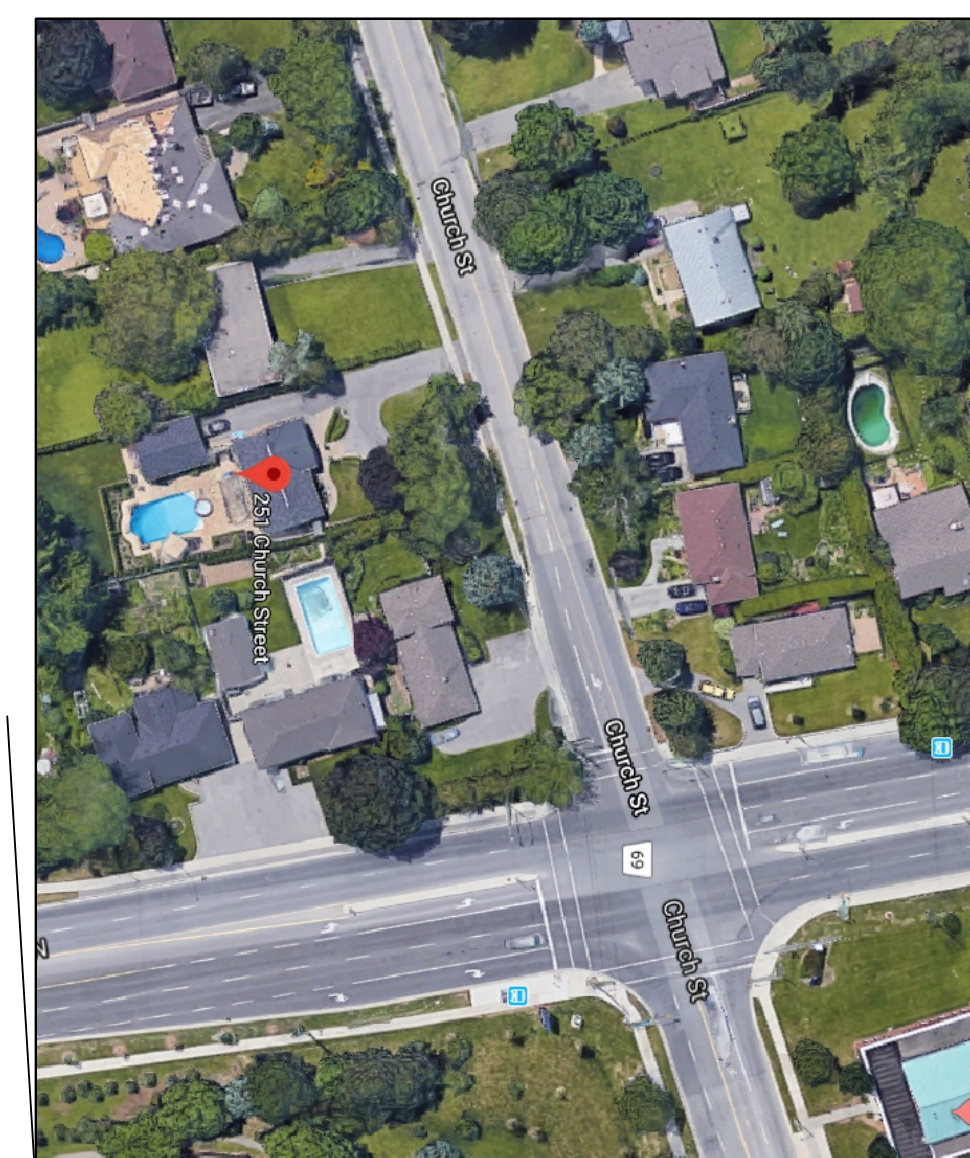
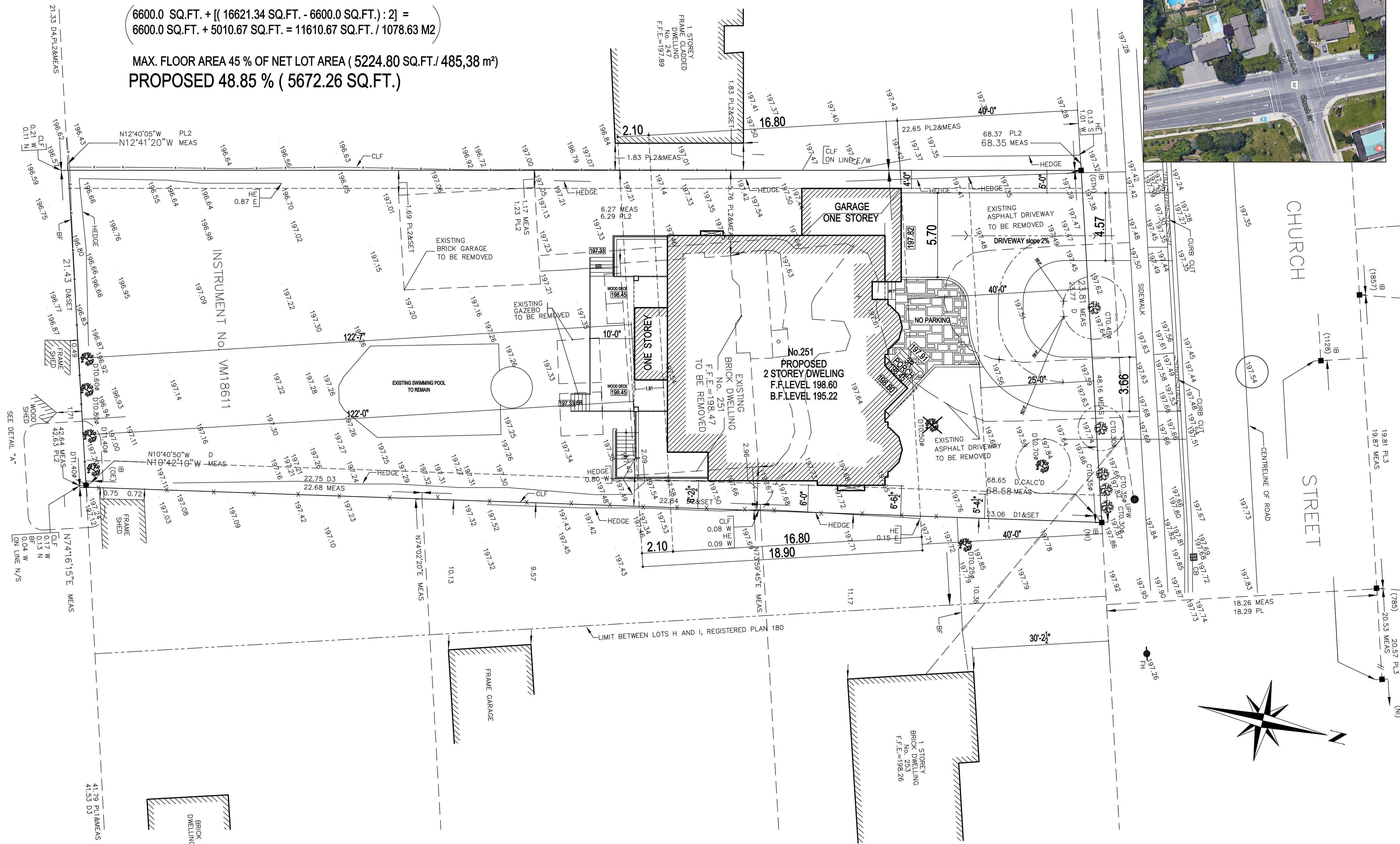
FIRST FLOOR AREA TOTAL = 3029.23 sq.ft. / 281.42 m²

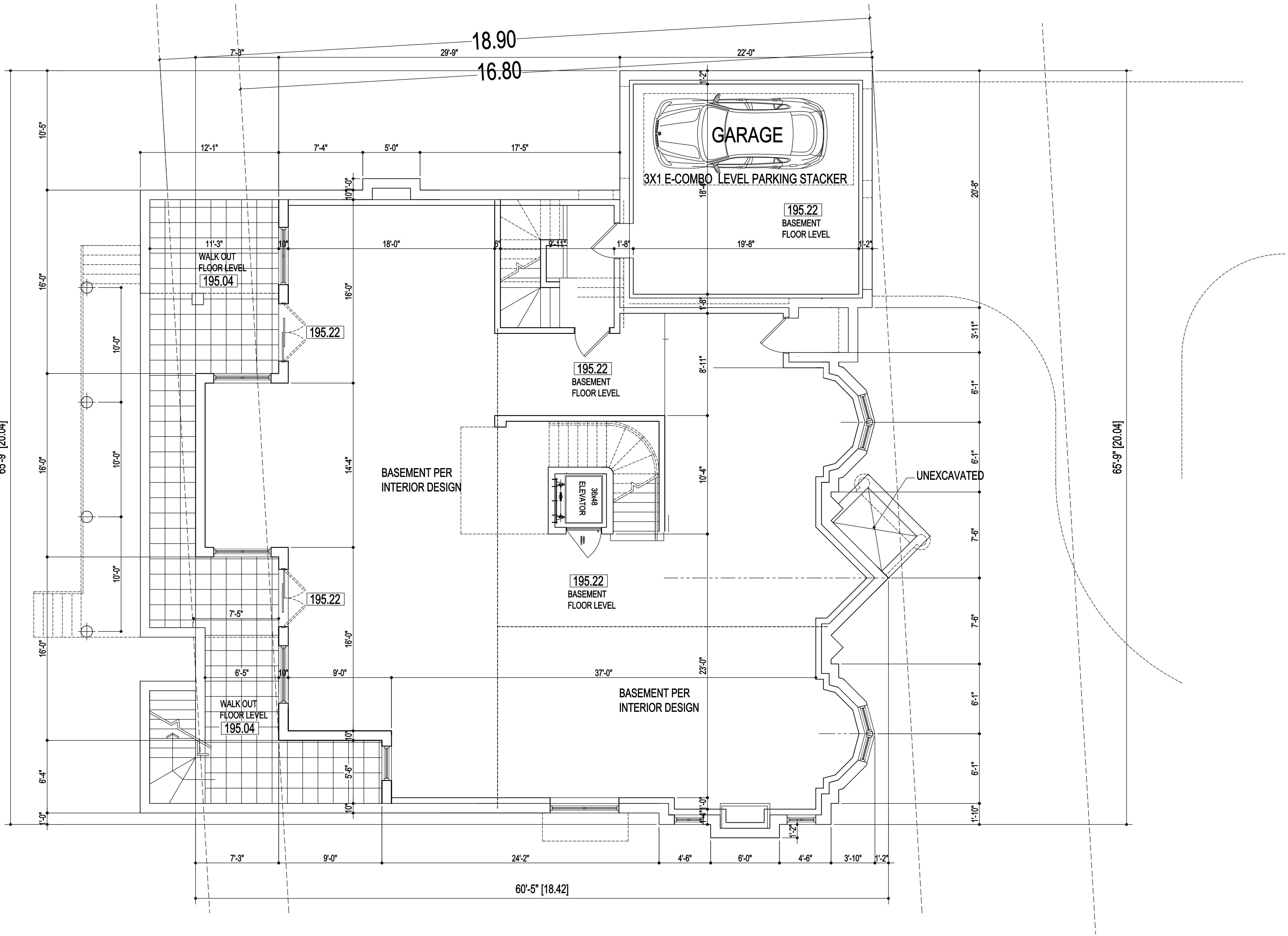
LIVABLE FLOOR AREA = 2589.89 SQ.FT / 240.60 m²
GARAGE AREA = 439.34 SQ.FT / 40.82 m²

SECOND FLOOR AREA TOTAL = 2643.03 SQ.FT. / 245/53 m²

LIVABLE FLOOR AREA = 2503.03 SQ.FT / 232.43 m²
TWO STOREY / OPEN AREA = 140.0 SQ.FT / 13.1 m²

TOTAL FLOOR AREA = 5672.26 SQ.FT. / 526.95 m²





MARKHAM

RECOMMENDED PLANS

File: 20.109529.000.0
0.MNV
Date: 05/26/20

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2.	27 02 2020	ISSUED FOR C.O.A.
3.	16 04 2020	ISSUED FOR C.O.A. NEW PROPOSAL

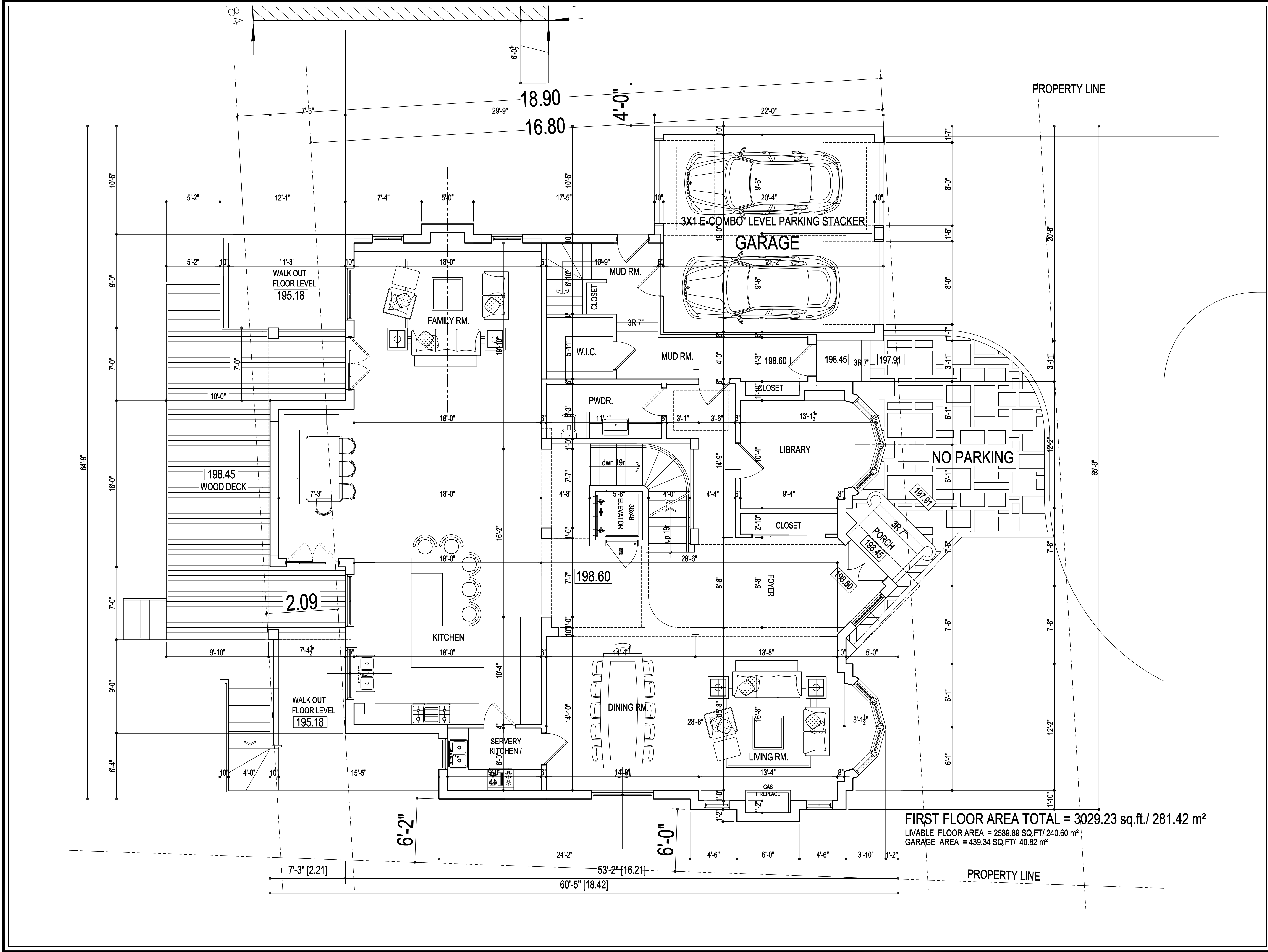
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Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code	
PAAR Architecture and Interior Design Inc. Firm Name	31765 Signature BCIN / BCDN

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PROJECT:		No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING
FILE NAME:		
DRAWN BY:		
CHECKED BY:		Z.P.
SHEET SIZE:		24" x 36"
PROJ./REV. NO:		
DATE:		28 01 2020
SHEET TITLE:		BASEMENT PLAN
SCALE:		1/4"=1'-0"
DRAWING NO:		A 1.1



FIRST FLOOR AREA TOTAL = 3029.23 sq.ft./ 281.42 m²
LIVABLE FLOOR AREA = 2589.89 SQ.FT/ 240.60 m²
GARAGE AREA = 439.34 SQ.FT/ 40.82 m²



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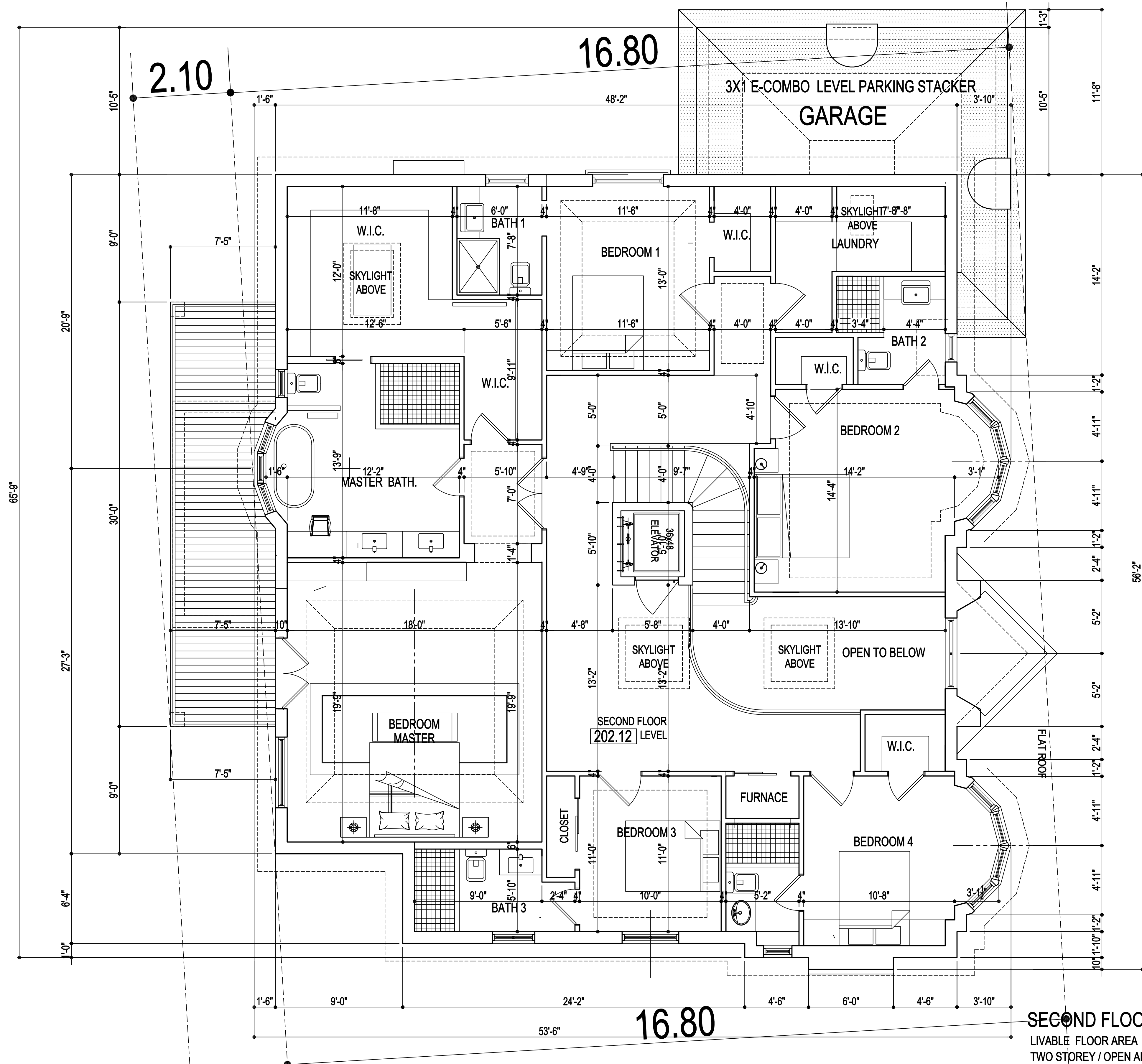
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Firm Name	Signature BCIN / BCDN

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SHEET SIZE:	24" x 36"
PROJ./REV. NO:	
DATE:	28 01 2020
SHEET TITLE:	FIRST FLOOR PLAN
SCALE:	1/4"=1'-0"
DRAWING NO:	A 1.2



SECOND FLOOR AREA TOTAL = 2643.03 SQ.FT./ 245/53 m²
LIVABLE FLOOR AREA = 2503.03 SQ.FT./ 232.43 m²
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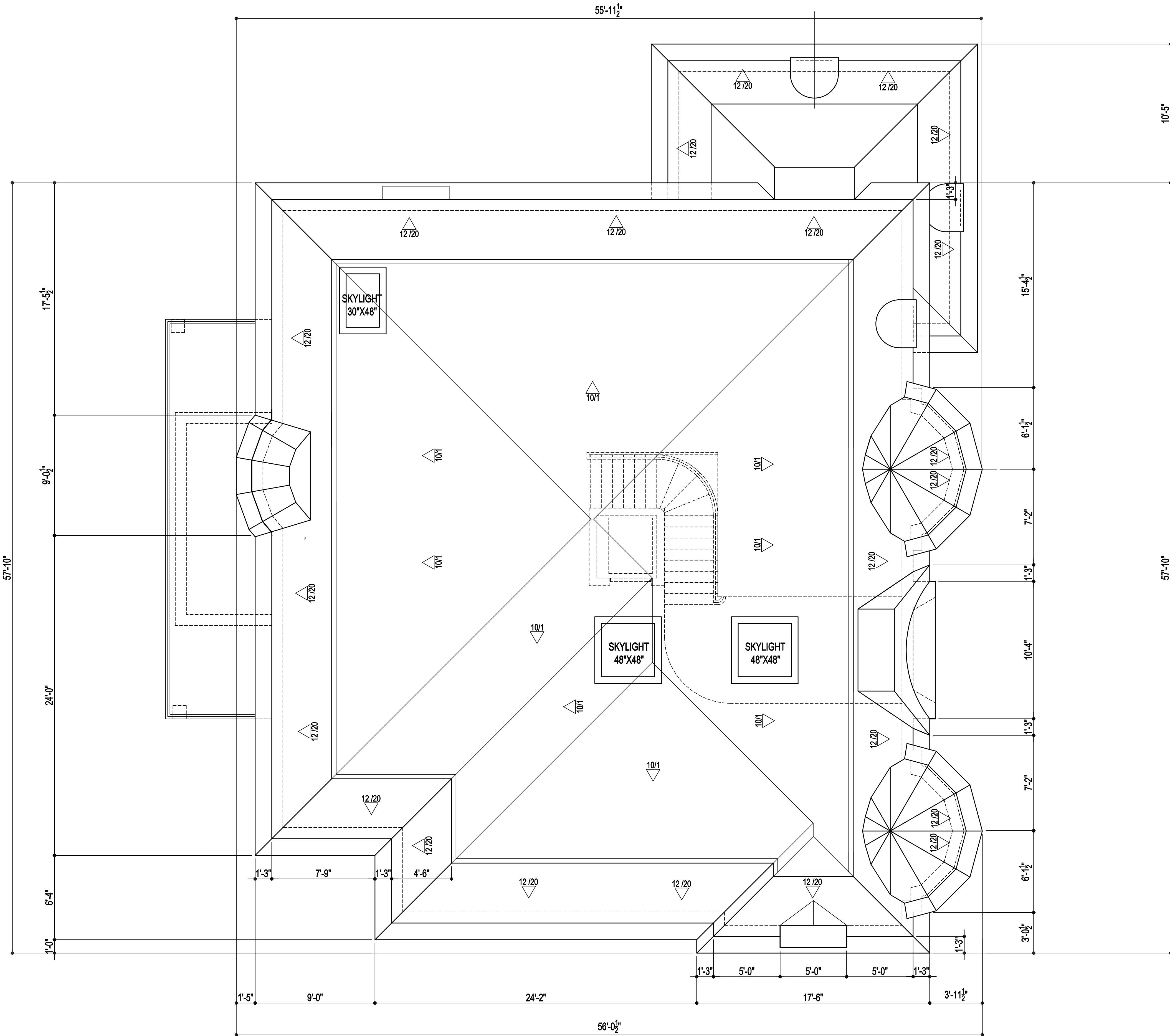
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PROJECT:
No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING

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FILE NAME:
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SHEET SIZE: 24" x 36"
PROJ./REV. NO:
DATE: 28 01 2020
SHEET TITLE: SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"
DRAWING NO: A 1.3



Appendix B

MARKHAM

RECOMMENDED PLANS

File: 20.109529.000.0
0.MNV
Date: 05/26/20

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REVISION NOTES

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Zoran Paar

Signature

24546

BCIN / BCDN

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PAAR Architecture and Interior Design Inc.

Signature

31765

BCIN / BCDN

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DRAWING

PROJECT:	No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING
FILE NAME:	
DRAWN BY:	
CHECKED BY:	Z.P.
SHEET SIZE:	24" x 36"
PROJ./REV. NO:	
DATE:	28 01 2020
SHEET TITLE:	ROOF PLAN
SCALE:	1/4"=1'-0"
DRAWING NO:	A 1.4

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

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 M3H 4W2

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DESIGN BY


DRAWING		<p>No. 251</p> <p>CHURCH STREET</p> <p>City of Markham</p> <p>2 STOREY DWELLING</p>
	PROJECT:	
	FILE NAME:	
	DRAWN BY:	
	CHECKED BY:	Z.P.
	SHEET SIZE:	24" x 36"
	PROJ./REV. NO:	
	DATE:	28 01 2020
	<p>FRONT</p> <p>NORTH ELEVATION</p>	
	SCALE:	1/4"=1'-0"
	DRAWING NO:	A 2.1



REVISION/NOTE		

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Name	Signature	BCIN / BCDN

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Firm Name	Signature	BCIN / BCDN	

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PAAR



DESIGN

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DRAWING	FILE NAME:	
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	PROJ./REV. NO:	
	DATE:	28 01 2020

SCALE:	1/4"=1'-0"
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DRAWING NO:	A 2.2
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Appendix B

MARKHAM

RECOMMENDED PLANS

File: 20.109529.000.0
0.MNV
Date: 05/26/20

PAAR DESIGN INC.

22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
416 630 2106

NOTES

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CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB

REVISION NOTES

MARK	DATE	DESCRIPTION
1.	14 06 2020	ISSUED FOR ZONING REVIEW
2.	27 02 2020	ISSUED FOR C.O.A.
3.	16 04 2020	ISSUED FOR C.O.A. NEW PROPOSAL

DESIGN

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-3.2.5.1. of the 2006 Ontario Building Code

Zoran Paar
Name
Signature
24546
BCIN / BCDN

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
Signature
31765
BCIN / BCDN

DESIGN BY

PAAR DESIGN INC.


22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
p: 416 630 2106
www.paardesign.com
info@paardesign.com

DRAWING

PROJECT:	No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING
FILE NAME:	
DRAWN BY:	
CHECKED BY:	Z.P.
SHEET SIZE:	24" x 36"
PROJ./REV. NO:	
DATE:	28 01 2020
SHEET TITLE:	REAR SOUTH ELEVATION
SCALE:	1/4"=1'-0"
DRAWING NO:	A 2.3




Appendix B



RECOMMENDED
PLANS

File: 20.109529.000.0
0.MNV
Date: 05/26/20



PAAR
DESIGN
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M3H 4W2
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REVISION NOTES

MARK	DATE	DESCRIPTION
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2.	27 02 2020	ISSUED FOR C.O.A.
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Zoran Paar

Signature

24546

Name

BCIN / BCDN

Registration Information

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PAAR Architecture and Interior Design Inc.


Signature

31765

Firm Name

BCIN / BCDN

DESIGN BY



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info@paardesign.com

DRAWING

PROJECT:	No. 251 CHURCH STREET City of Markham 2 STOREY DWELLING
FILE NAME:	
DRAWN BY:	
CHECKED BY:	Z.P.
SHEET SIZE:	24" x 36"
PROJ./REV. NO:	
DATE:	28 01 2020
SHEET TITLE:	SIDE EAST ELEVATION
SCALE:	1/4"=1'-0"
DRAWING NO:	A 2.4

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