

# Memorandum to the City of Markham Committee of Adjustment

October 12, 2022

**File:** A/181/22  
**Address:** 26 Peter Street, Markham Village  
**Applicant:** Patricia Conlon  
**Agent:** Patricia Conlon  
**Hearing Date:** Wednesday November 23, 2022

The following comments are provided on behalf of Heritage Section staff for the property municipally-known as 26 Peter Street (the “subject property” or the “property”):

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

**a) By-law 1229, Table 11.1:**

a side yard setback of 1'0" (0.31m), whereas the By-law requires a minimum side yard setback of 4'0" (1.22m);

as it relates to a proposed carport.

## **BACKGROUND**

### **Property Description**

The subject property is located on the west side of Peter Street to the north of Springdale Street within an established residential neighbourhood. The area is comprised of a mixture of one and two-storey detached dwellings with a variety of attached and detached garages. There is an existing one-storey dwelling on the property, which according to MPAC records, was constructed in 1955. There is currently no garage or carport on the property.

The subject property is designated under Part V of the *Ontario Heritage Act* as it is contained within the municipally-defined boundaries of the Markham Village Heritage Conservation District.

### **Proposal**

The applicant is proposing to construct a carport attached to the south elevation of the existing dwelling. The proposed carport will be open on all sides, and will not replace a pre-existing structure.

### **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.

### **Reduction Side Yard Setback**

The applicant is requesting relief to permit a side yard setback of 1'0" (0.31m), whereas the By-law requires a minimum side yard setback of 4'0" (1.22m). This requested variance is entirely attributable to the proposed carport.

Staff have no objection to the variance. The proposed carport enabled by the variance is not visually obtrusive due to being a semi-enclosed structure, and is in keeping with the architectural character of the mid-century dwelling. Staff are also of the opinion that the reduced side yard setback required to construct the carport will not have an adverse impact on the abutting property at 24 Peter Street. As noted below, the owner of this property has also provided a letter in support of the requested variance.

### **City Staff and Advisory Bodies**

#### **Urban Design Staff**

The City's Urban Design Section has no objection provided that mitigation measures are undertaken to conserve trees on the adjacent property at 24 Peter Street. As noted below, the owner of this property has submitted a letter to the City in support of the requested variance.

#### **Engineering Staff**

The City's Engineering Department has indicated that they support the requested variance.

#### **Heritage Markham Committee**

Heritage Markham considered the requested variance at its meeting on October 12, 2022 and had no objection from a heritage perspective (refer to Appendix "C" for the meeting extract).

### **PUBLIC INPUT SUMMARY**

As of November 14, 2022 the City received one letter of support from the owner of the property immediately north of the subject property at 24 Peter Street. This letter, received by the City via email dated September 24, 2022, is attached to this memo as Appendix "D". 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 refer to Appendix "E" for conditions to be attached to any approval of this application.

PREPARED BY:

A handwritten signature in black ink, appearing to read "E. Manning".

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Evan Manning, Senior Heritage Planner

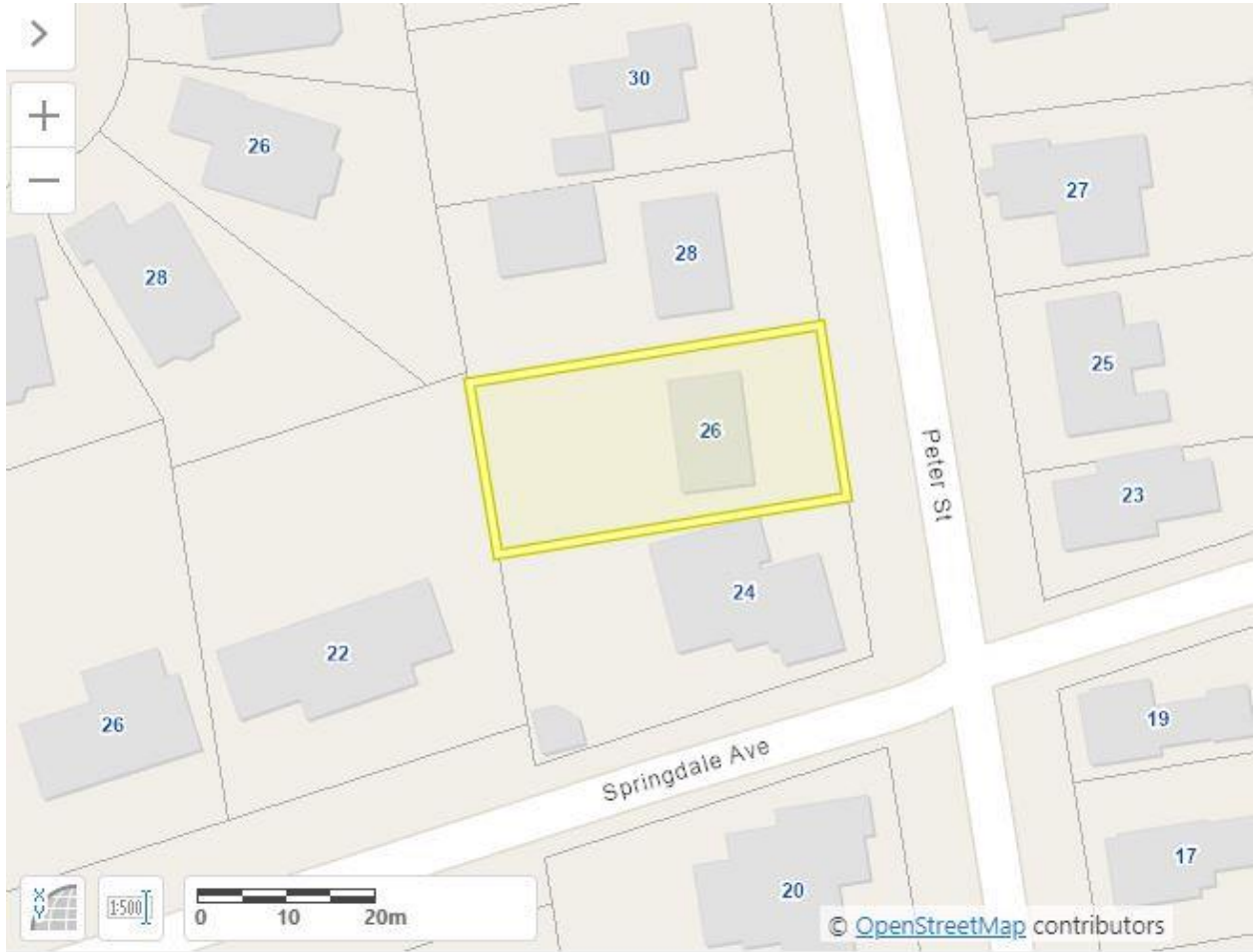
REVIEWED BY:

A handwritten signature in black ink, appearing to read "Regan Hutcheson".

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Regan Hutcheson, Development Manager, Heritage Section

## APPENDIX “A” LOCATION MAP



Property map showing the location of the subject property [outlined in yellow] (Source: City of Markham)

**APPENDIX “B”**  
**IMAGE OF THE SUBJECT PROPERTY**



The east (primary) elevation of 26 Peter Street is visible on the right (Source: Google)

**APPENDIX “C”  
HERITAGE MARKHAM EXTRACT**

**HERITAGE MARKHAM  
EXTRACT**

Date: October 18, 2022

To: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM # 5.4 OF THE TENTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON OCTOBER 12, 2022

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**5.4 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION**

**MINOR VARIANCE TO FACILITATE A PROPOSED CARPORT  
26 PETER STREET, MARKHAM VILLAGE (16.11)**

FILE NUMBER:

A/181/22

Extracts:

R. Hutcheson, Manager, Heritage Planning

E. Manning, Senior Heritage Planner

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the requested variance to permit the proposed carport;

AND THAT review of any application required to approve the proposed development be delegated to Heritage Section staff to ensure conformance to the MVHCD Plan.

**Carried**

**APPENDIX "D"**

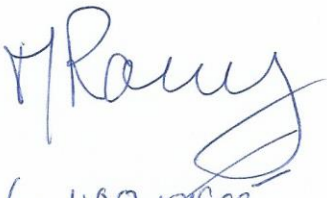
**LETTER OF SUPPORT FROM THE OWNER OF 24 PETER STREET**

September 24, 2022

Peter Wokral  
Heritage Committee  
Markham, Ontario

We are the neighbours of Patricia Conlon, Tim and Moira Rooney. We live in the residence to the south of her at 24 Peter Street in Markham. This letter is in support of her variance request for a sideyard setback of one foot for the erection of a proposed carport. We understand that the existing by-law allows for a current setback of four feet, however, we have no objection to her request.

Sincerely,

  
416-400-1985

**APPENDIX "E"****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/181/22**

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 "F" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Manager of Heritage Planning or designate that this condition has been fulfilled to his 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.

CONDITIONS PREPARED BY:

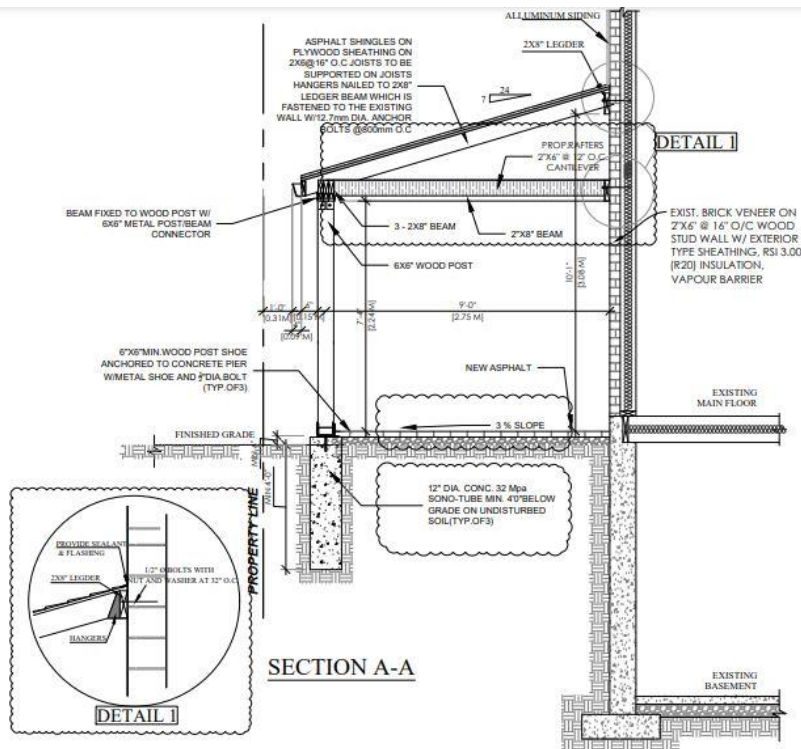
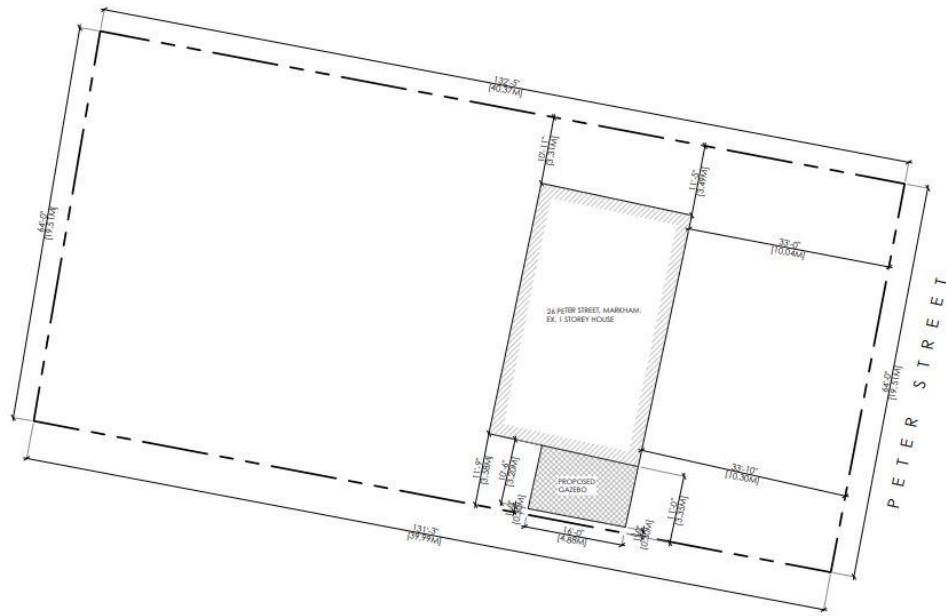


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Evan Manning, Senior Heritage Planner



## APPENDIX “F” DRAWINGS



Proposed site plan (above) and section drawings of the proposed carport (below) (Source: Applicant)  
Note that the proposed carport is incorrectly labelled as a gazebo on the site plan