

Memorandum to the City of Markham Committee of Adjustment

July 24, 2020

File: A/071/20
Address: 40 Albert St Markham
Applicant: Richard Gubb
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday August 12, 2020

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

The applicant is requesting relief from the following requirements of By-law 1229, R2 as amended, to permit:

- a) a lot frontage of 74 feet for a pair of semi-detached dwellings, whereas the By-law requires a lot frontage of 75 feet for a pair of semi-detached dwellings;**

as it relates to a proposed severance for a pair of semi detached dwellings under construction. This application is related to Consent Application B/011/20.

BACKGROUND

Property Description

The 901.7m² (9,706 ft²) subject property is located on the west side Albert Street in a residential neighbourhood of the Markham Village Heritage Conservation District (See Location Map – Figure 1). The neighbourhood is predominantly comprised of heritage and non-heritage, one and two-storey detached dwellings, but there is a four unit townhouse development immediately to the south, and a semi-detached dwelling immediately to the north. The property is occupied by a modest, one storey, brick Regency cottage constructed in 1856, and the most significant vegetation is in the form of a 33 cm (13 inch) dbh Oak tree located in the rear yard (See Photograph of the Existing Heritage Dwelling – Figure 2).

Proposal

The applicant is in the process of relocating the heritage building slightly to the north and constructing a two storey addition to the rear of the existing heritage dwelling with a detached garage, as well as an attached semi-detached dwelling. This was approved by the City through Minor Variance application A/48/19 and Site Plan Control application SPC 19 121293 in March of 2020. The semi-detached dwelling which incorporates the existing heritage dwelling is proposed to have a floor area of 2,580 ft², (239.7 m²) while the entirely new semi-detached dwelling is proposed to have a floor area of 2,920 ft² (271.3 m²). The development also includes a 292.8 ft² (27.2 m²) detached, one bay, garage in the rear yard of the heritage dwelling unit. (See Figures 4 and 5 –Site Plan and Street Facing Elevation of the approved semi-detached dwelling).

The requested variance was not identified in the Site Plan approval process and must be addressed now in order to legalize the construction of the semi-detached dwellings.

The applicant is also proposing to sever the property so that each unit of the approved semi-detached dwelling may be in separate ownership through the associated Committee of Adjustment Consent application (B/011/20) (See proposed lots Figure 3).

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 and semi-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 R2 under By-law 1229, as amended, which permits both single and semi-detached dwellings.

Applicant’s Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, “*Due to Lot Width*”.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Building Department through their permit process 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.

Reduction in Minimum Lot Frontage

The applicant is requesting a variance to permit a minimum lot frontage of 74 ft. (22.6 m) for a pair of semi-detached dwellings whereas the By-law requires a minimum lot frontage of 75 ft. (22.86 m), for a pair of semi-detached dwellings.

Given that the City has already reviewed and approved the semi-detached dwellings now under construction through earlier variance and site plan approval applications, the requested variance is considered minor in nature, desirable for the appropriate development of the land and maintains the general intent and purpose of both the City’s Official Plan and Zoning By-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 24, 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.

CONCLUSION

Planning Staff has 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 has no objection. 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

FIGURE 1 – LOCATION MAP



FIGURE 2 – PHOTOGRAPH OF THE EXISTING HERITAGE DWELLING



[illegible]

FIGURE 4 – APPROVED SITE PLAN

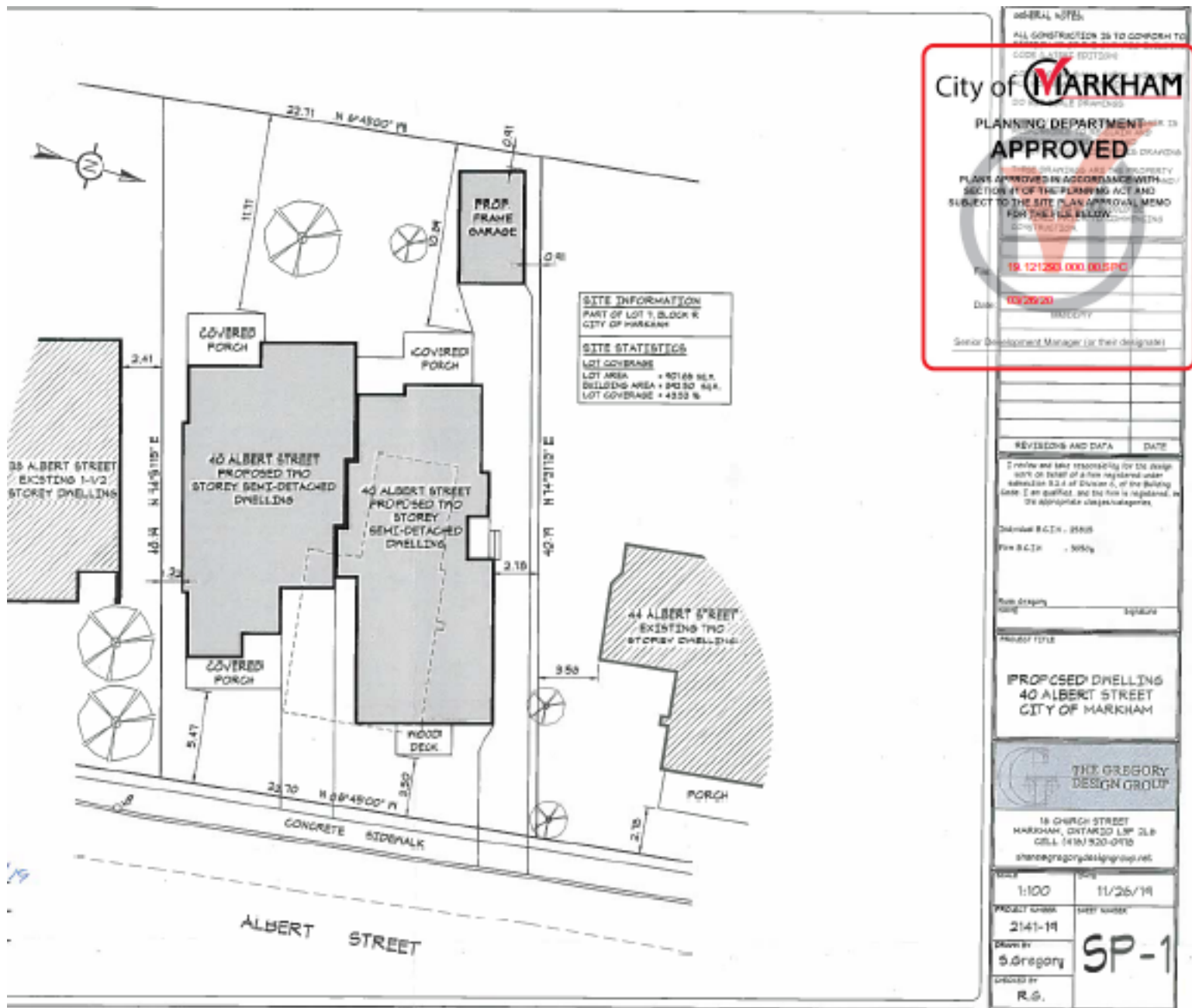
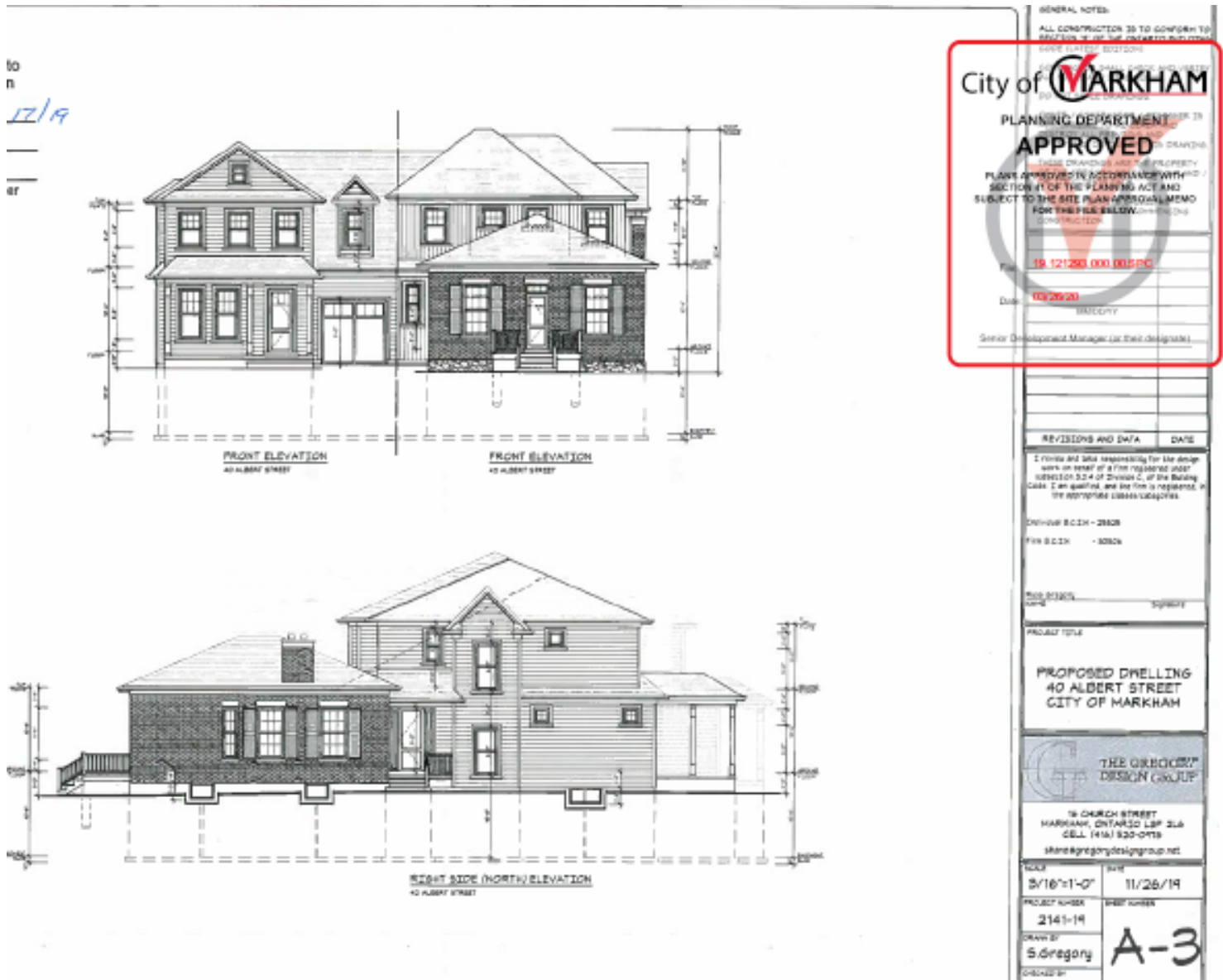


FIGURE 5- APPROVED STREET ELEVATION




APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/071/20

1. The variance applies only to the approved development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plans attached as ‘Figures 4 and 5’ to this Staff Report;
3. That the Secretary-Treasurer receive written confirmation from Heritage Markham that the requested variance is supported;

CONDITIONS PREPARED BY:

A handwritten signature in dark ink, appearing to read 'Peter Wokral', is written over a light gray rectangular background.

Peter Wokral, Senior Heritage Planner