

Memorandum to the City of Markham Committee of Adjustment

September 05, 2018

File: A/119/18
Address: 23 Washington St Markham
Applicant: 1901642 Ontario Inc. c/o Mario Colangelo
Agent: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
Hearing Date: Wednesday September 26, 2018

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

The applicant is requesting relief from the following requirements of By-law R3, as amended; to permit:

1. Parking By-law 28-97, Section 3.0, Table A: a minimum of 5 parking spaces, whereas the By-law requires a minimum of 6 parking spaces;
2. Section 11.2 (c) (i): a maximum roof overhang projection of 2 ft 7 in into a required rear yard, whereas the By-law permits a maximum roof overhang projection of 18 inches;
3. c) Section 11.2 (c) (i): a maximum roof overhang projection of 1.22 m (4 ft) in into the required flankage yard, whereas the By-law permits a maximum roof overhang projection of 18 inches into any required yard;
4. Table 11.1: a minimum lot frontage of 42 ft. (12.7m), whereas the By-law requires a minimum lot frontage of 75 ft (22.86 m);
5. Table 11.1: a minimum lot area of 5,440.7 sq. ft, whereas the By-law requires a minimum lot area of 7,500 sq. ft;

as it relates to a proposed rear addition and conversion of the existing triplex dwelling into a fourplex dwelling.

BACKGROUND

Property Description

The subject property is located on the north east corner of Washington and Centre Streets within a residential neighbourhood of the Markham Village Heritage Conservation District. The property also fronts Jerman Street and is occupied by a two storey heritage dwelling constructed in 1873 that has been converted into a tri-plex dwelling having a residential units on all floors, including the basement (See Figure 1- Location Map). The property is zoned R3 (residential) which permits a variety of dwelling types including tri-plex and four-plex dwellings in addition to duplexes, semi-detached and single detached dwellings.

Proposal

The applicant wishes to construct a 120.3m² (1,295 ft²) two storey addition to create fourth dwelling unit, connected to the existing heritage dwelling by a covered, but open to the sides, walkway. Parking for the four residential units is to be accommodated in the space located partially beneath the second storey of the addition.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, relief is requested
Because:

1. One parking space is provide for each unit as required by zoning By-law and the request is to reduce required visitor parking spaces by one (1). Additional parking is available on the street side.
2. The yard setbacks for the subject property are 10'-0" whereas most infill lots have 6'-0" setbacks, which provides a very small area for new construction on this narrow lot.
3. An effort is made to maintain the zoning envelope for the proposed addition, however a roof overhang encroachment in to the rear yard is requested in order to maintain the building envelope. The proposed overhang varies as the setback at the rear yard is tapered and is reduced from 2 ft. to 10" as the back of the roof.
4. Side yard roof encroachment is requested for the proposed canopy on the street side as a design element to tie-in the proposed balcony and overall elevation.
5. The existing site frontage and area are existing non-compliant.

Zoning Preliminary Review Has Been Undertaken

The applicant has confirmed that a Zoning Preliminary Review has been undertaken and assigned the number ZPR 18 235506.

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.

Number of Parking Spaces Provided

The applicant's request to permit five parking spaces whereas six are required by the By-law is considered to be minor in nature given that it is only a deficiency of one parking space, there is an adequate number of parking spaces for the residents of the four-plex. There is also several nearby parking opportunities for visitors, both on-street, and in public parking lots, which are typically underutilized in the hours that people would be visiting the occupants of the four-plex dwelling.

Maximum Roof Overhang Projection

The requested variance to permit a maximum roof overhang of 2'-7" into the required rear yard and a maximum roof overhang of 4' into the required flankage yard whereas the By-law permits a maximum roof overhang of 18" are considered to be minor in nature because they support an architectural feature (a cantilevered veranda roof providing partial cover for the cars parked beneath the second storey), in a manner that is complementary to the architectural style of the proposed addition, without negatively impacting neighbouring property owners. For these reasons, the requested variances are also desirable for the appropriate development of the land, and meet the intent and purpose of the Official Plan and Zoning By-law, which is to foster architecturally compatible additions to heritage buildings in the City's four Heritage Conservation Districts.

Minimum Lot Frontage and Minimum Lot Area

The requested variances to permit a minimum lot frontage of 42 feet and a minimum lot area of 5,440.7 square feet meet the four tests of the Planning Act because they reflect the existing dimensions of the lot which were established in the 19th century. The variety of lots sizes and frontages found in the City's Heritage Conservation District are one of the characteristics which contribute to their unique historic character.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 6, 2018. It is noted that additional comments may be received after the writing of the report and the Secretary-Treasurer will provide comments on this at the meeting.

CONCLUSION

It is the opinion of the Planning staff that the requested variances are supportable as they meet the four tests of the Planning Act.

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, Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

Figure 1-Location Map

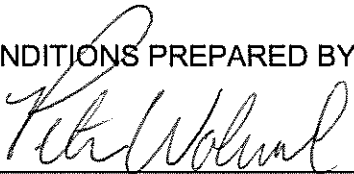


APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/119/18

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 B' to this Staff Report and dated July 31, 2018, 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. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Peter Wokral', written over a horizontal line.

Peter Wokral, Planner, Heritage Conservation Planner

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