Memorandum to the City of Markham Committee of Adjustment

File:	A/12/19
Address:	7 Heritage Corners Lane Markham
Applicant:	Kari Tran & Chi-Sam Tran
Agent:	Tai Architect Inc (Ken Tai)
Hearing Date:	Wednesday, March 13, 2019

The following comments are provided on behalf of the Heritage Team. The applicant is requesting relief from the following requirements of By-law 1229, as amended, to permit:

- a) <u>Amending By-law 260-87, 118-91, 2007-152, Section 1 (d)(iii)</u>:
 a maximum building height of 5.67 m for an accessory building, whereas the By-law permits a maximum building height of 5.5 m for an accessory building;
- b) <u>Amending By-law 260-87, 118-91, 2007-152, Section 1 (d)(iv)</u>: a maximum Gross Ground Floor area of 91.30 sq.m for an accessory building, whereas the by-law permits a maximum Gross Ground Floor area of 65 sq.m for all accessory buildings;

as they relate to a proposed accessory building.

BACKGROUND

Property Description

The subject property is located within the Markham Heritage Estates subdivision, a community of restored heritage dwellings that could not be retained on their original sites. The property is on the east side of Heritage Corners Lane, north of 16th Avenue, and west of Markham Road (See Figure 1. Location Map). The lot has a frontage of 20.64 m (67.72 ft), depth of 46.46 m (152.43 ft) and an area of 0.0965 ha (10,387.17 ft²).

The property contains a single storey, Ontario Regency Cottage, c. 1845, brick dwelling known as the Archibald Fenwick House. Also on the property are two sheds located in the rear of the property towards the north east corner of the lot. There is an existing driveway, accessed off of Heritage Corners Lane along the south of the property.

Mature trees exists on City owned property adjacent to the rear of 7 Heritage Corners Lane. A two storey brick heritage dwelling is located on the property to the north and a one and a half storey frame dwelling is located on the property to the south, both of which have an accessory building. The accessory building belonging to 5 Heritage Corners Lane, the property to the south, sits at the rear of the property along the north property line shared with 7 Heritage Corners Lane (See Figure 2. Context Photo & Figure 3. Context Map.).

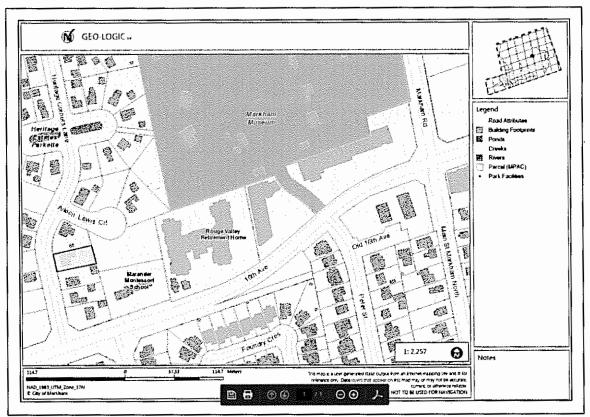


Figure 1. Location Map

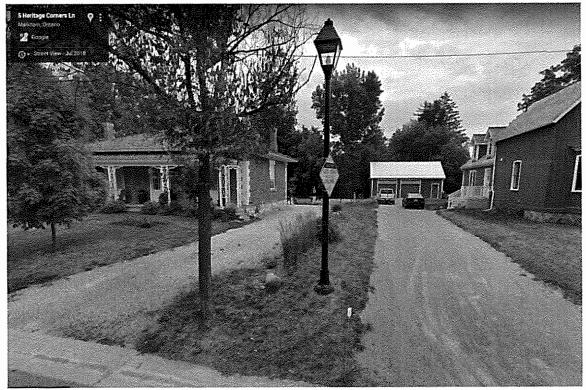


Figure 2. Context Photo

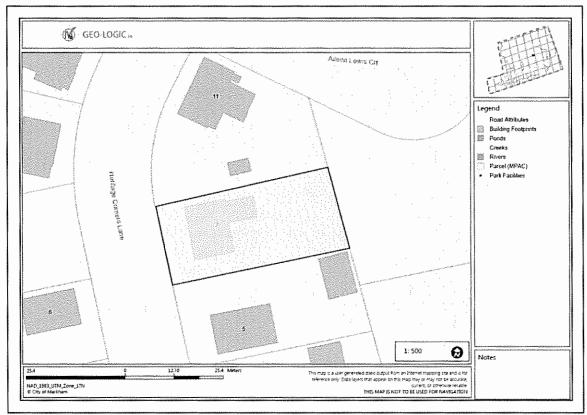


Figure 3. Context Map

Heritage Status

The subject property is individually designated under Part IV of the <u>Ontario Heritage Act</u> and is further protected with a Heritage Conservation Easement. As a designated property, a permit is required from the municipality to undertake any alterations to the building or property.

Proposal

The Minor Variance application relates to a Site Plan Control application (File No. SPC 18 258323). The applicant is proposing to construct a one and one half storey, detached, three-car garage with studio space above at the rear of the property in the south east corner. The building will have a gambrel roof and be clad in wood board and batten siding to resemble a historic barn. The existing two sheds on the property will be removed when the proposed accessory building is constructed. The proposed Gross Ground Floor Area is 91.30 m² (982.74 ft²), whereas the by-law permits a total Gross Ground Floor Area of all accessory building is 5.67 m (18.60 ft), whereas the by-law permits a height of 5.5 m (18.04 ft) for accessory buildings.

Official Plan and Zoning

<u>Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)</u> The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. 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 Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks 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. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law #1229

The subject property is zoned HR – Heritage Residential under By-law 1229, as amended. The HR Zone provisions under By-law 1229, as amended, permits a maximum height of 5.5 m for any new accessory building and a gross ground floor area of all accessory building(s) of 65 m². The proposed development does not comply with the by-law with respect to both the height and gross ground floor area.

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

According to the information provided by the applicant, the reason for not complying with the applicable zoning by-law provision is that *"the proposed gross ground floor area and max. height of the accessory building exceed the permitted area and height".*

Zoning Preliminary Review (ZPR) not Undertaken

Although a Zoning Preliminary Review (ZPR) has not been formally undertaken for the proposal, the applicant has been working closely with zoning staff through the Site Plan Control application process. However, it is still 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

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.

Heritage Planning

In Markham Heritage Estates, applicants are encouraged to design their accessory buildings to resemble historic drivesheds or small barns, in keeping with the farmhouse origins of many of the relocated houses. Many garages in Markham Heritage Estates have storage lofts above, which contributes to a massing consistent with that of traditional rural outbuildings. On a number of other properties within Markham Heritage Estates, applicants have requested larger gross ground floor areas and heights for their accessory buildings, which have generally been supported on a case-by-case basis where appropriate to the site and context. Table 1 provides examples of approved variances for larger accessory buildings and Figure 4 shows their location in Markham Heritage Estates:

PROPERTY	GROSS GROUND FLOOR AREA (M ²)	BUILDING HEIGHT (M)	COMMENTS
1 Heritage Corners Lane	n/a	6.2	2 garage bays
12 Heritage Corners Lane	79.71	5.68	2 garage bays
11 Heritage Corners Lane	83.42	6.25	3 garage bays
24 David Gohn Circle	83.5	6.2	2 garage bays
14 Alexander Hunter Place	84.64	n/a	2 garage bays
8 Wismer Place	85.47	n/a	2 garage bays on front wall
7 Heritage Corners Lane	91.30	5.67	2 garage bays on front wall
6 Aileen Lewis Court	92.0	n/a	Size variance obtained to accommodate a relocated barn. Actual size built is 70.36 m ² – 3 garage bays
8 David Gohn Circle	111.24	n/a	Size variance for relocated barn – 3 garage bays
Average	88.57	6.08	n/a

Table 1. Examples of Approved Variances for Larger Accessory Buildings in Markham Heritage Estates

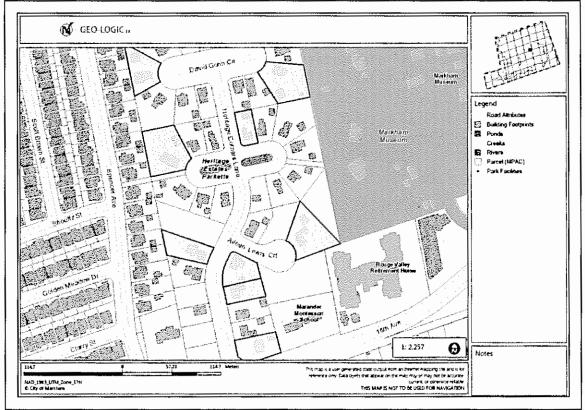


Figure 4. Example Properties with Approved Variances for Larger Accessory Buildings in Markham Heritage Estates

Increase in Maximum Building Height and Maximum Accessory Building Gross Ground Floor Area

The By-law calculates building height using the vertical distance measured from the average grade to the roof deckline of the mansard roof. The applicant is requesting relief to permit a maximum building height of 5.67 m (18.60 ft), whereas the By-law permits a maximum building height of 5.5 m (18.04 ft). This represents an increase of 0.17 m (0.56 ft). In addition, the applicant is requesting relief to permit a maximum gross ground floor area of 91.30 m² (982.74 ft²) for an accessory building, whereas the By-law permits an accessory building to have a maximum floor area of 65 m² (699.65 ft²).

Based on the above chart, the requested variance for height is within the range of other heights approved within the neighbourhood. In addition, the requested variance for gross ground floor area is similar in scale to the other approved gross ground floor area within the neighbourhood. The larger accessory building, in staff's opinion, is appropriate for the context within the Markham Heritage Estates and its massing is consistent with that of historic small barns.

Given that the accessory building will be located at the south east corner of the lot adjacent to vacant City land, which is buffered by mature trees in the east, adjacent to the neighbouring accessory building at 5 Heritage Corners, and that all required setbacks are met, staff are of the opinion that the variance is minor and will have minimal impact on surrounding properties.

Urban Design and Engineering

In their preliminary review of the Minor Variance application, Urban Design staff has advised the applicant that the proposed garage foundation is too close to the poplar tree on the City lands adjacent to the rear of the property. Urban Design requires the foundation to be moved 4.0 m from the rear property line to preserve the tree. This matter will be addressed through the Site Plan Control application.

With respect to Engineering matters, lot grading, servicing and stormwater management will be addressed through the Site Plan Control application.

Heritage Markham

Heritage Markham reviewed the related Site Plan application at the Heritage Markham Committee meeting held on January 9, 2019. Heritage Markham had no objection to the form, massing, materials, and scale of the proposed accessory building from a heritage perspective, and delegated the review of any other development application necessary to permit the construction of the garage to Heritage Section Staff.

PUBLIC INPUT SUMMARY

No written submissions were received as of Friday, March 1, 2019. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

Michelle Lui, Development Technician

REVIEWED BY: Mutchesn

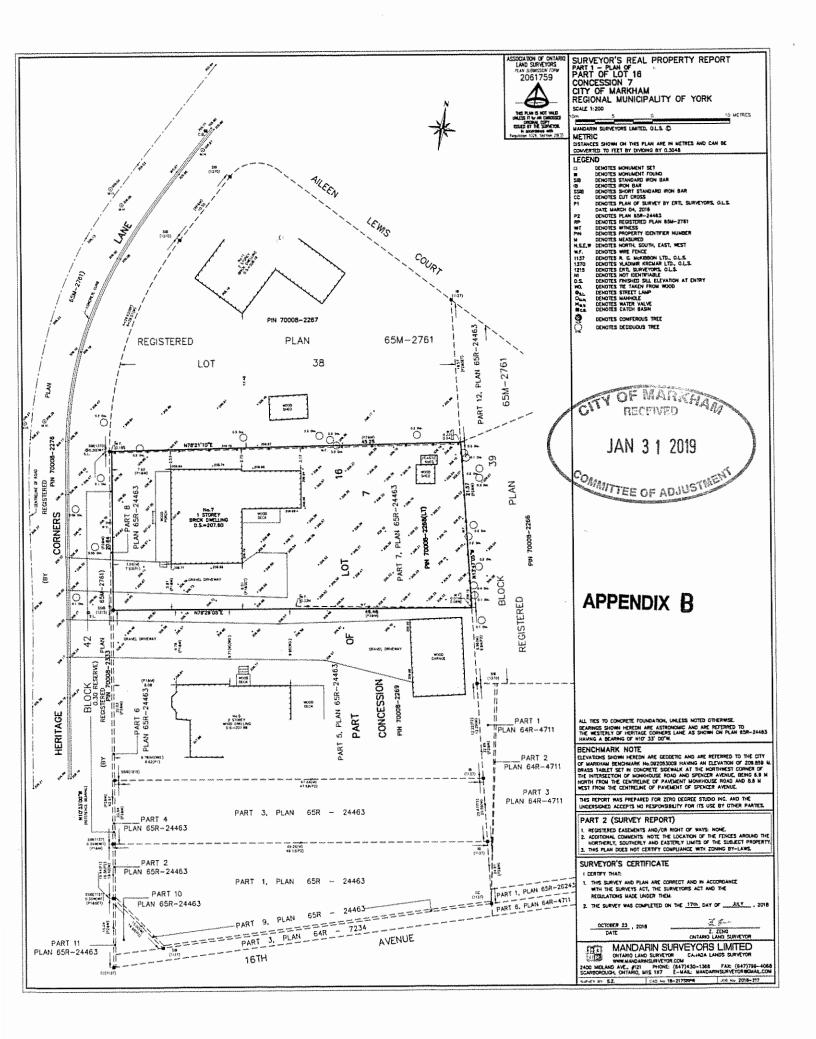
Regan/Hutcheson, Manager, Heritage Planning

APPENDIX 'A' CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/12/19

- 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 elevation(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on January 31, 2019, 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:

Michelle Lui, Development Technician



FOR PROPOSED GRADING INFORMATION REFER TO PROPOSED GRADING PLAN PREPARED BY:

MANDARIN SURVEYORS LIMITED ONTARIO LAND SURVEYOR CANADA LAND SURVEYOR 2400 MIDLAND AVE, #201 2400 MIDLAND AVE, #201 SCARBOROUGH, ONTARIO, M1S 1X7 PHONE: (647) 430 - 1366 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

PREPARED BY: Z. ZENG

DATE:	OCT 23RD, 2018
CAD NO.:	18-217SRPR
JOB NO.:	2018-217

SITE STATISTICS

SHESTANSICS	ZONING; LOT AREA: CoA FILE NUMBER;	HR (by-law 1229) 973 m² (10,474 sq. fL) 16 233207 00	

SITE INFORMATION TAKEN FROM:

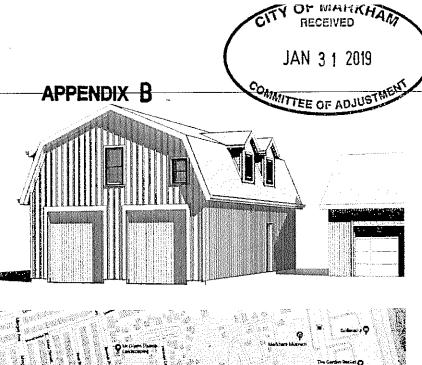
REGISTERED PLAN N 65M-2761 CITY OF MARKHAM

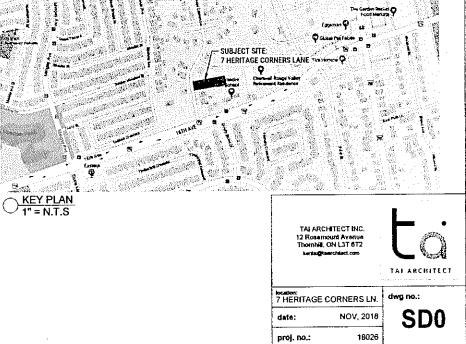
REGIONAL MUNICIPALITY OF YORK

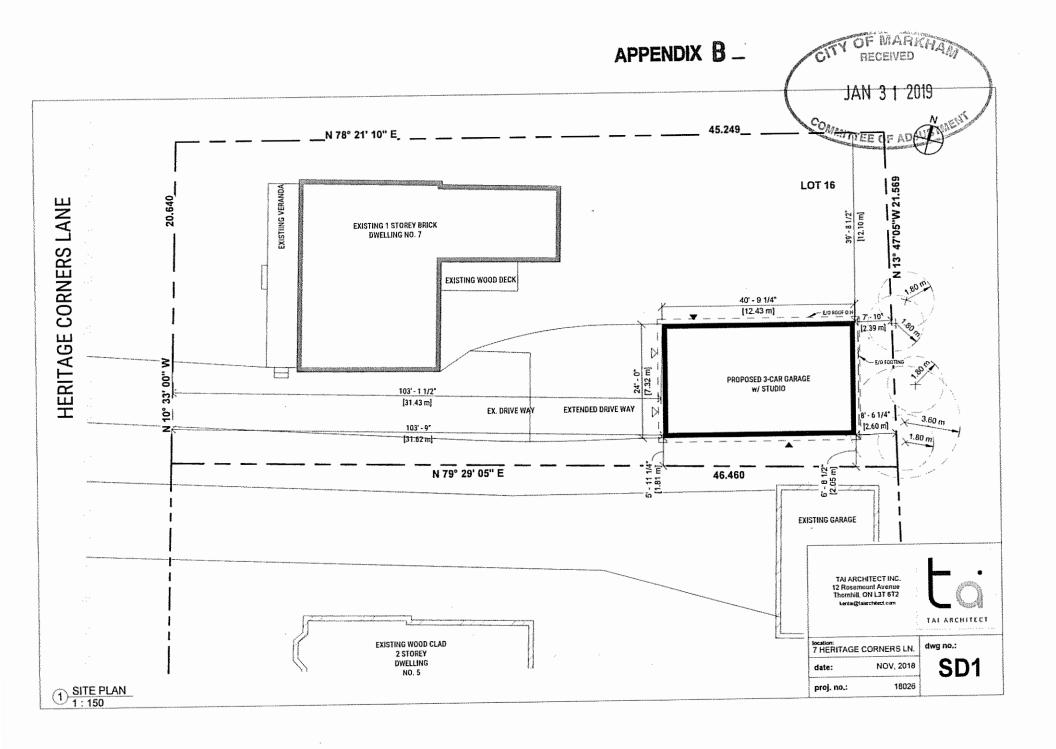
SITE GRADING PLAN OF PART OF LOT 16 CONCESSION 7 PART OF BLOCK 39

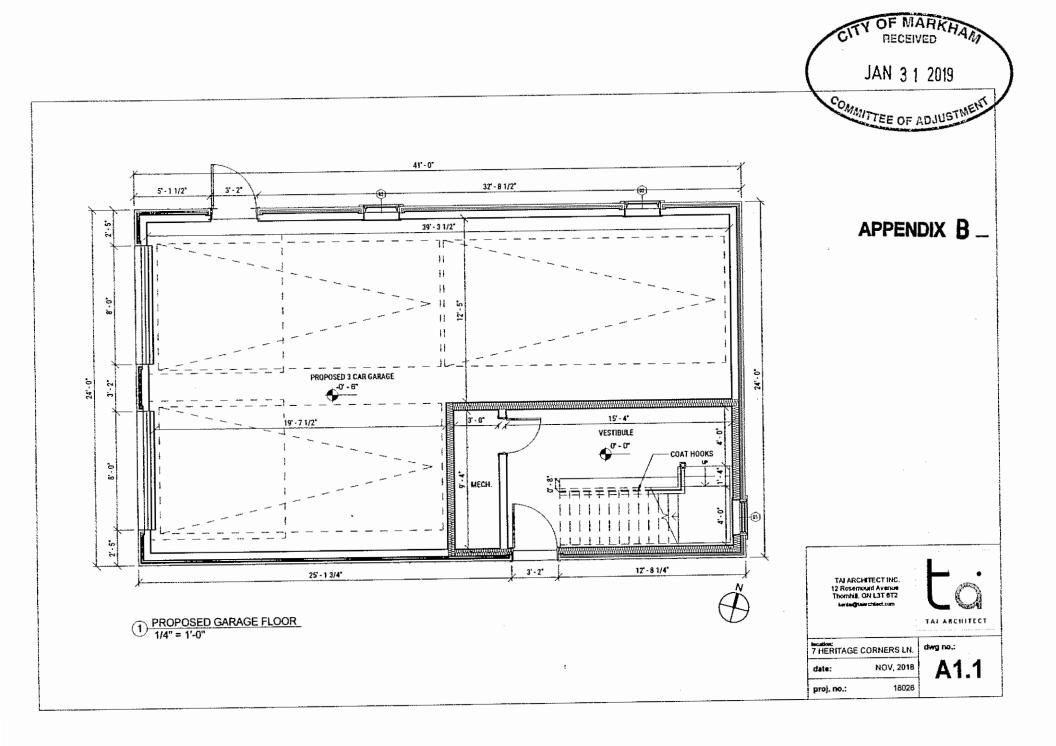
BLOCK 42

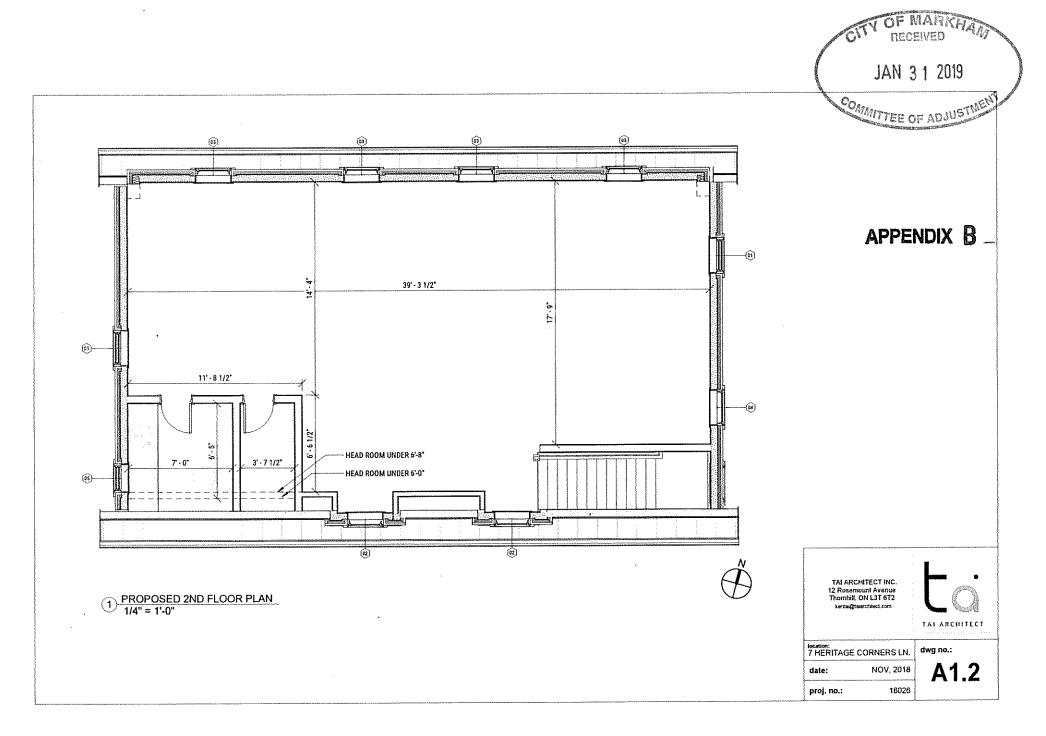
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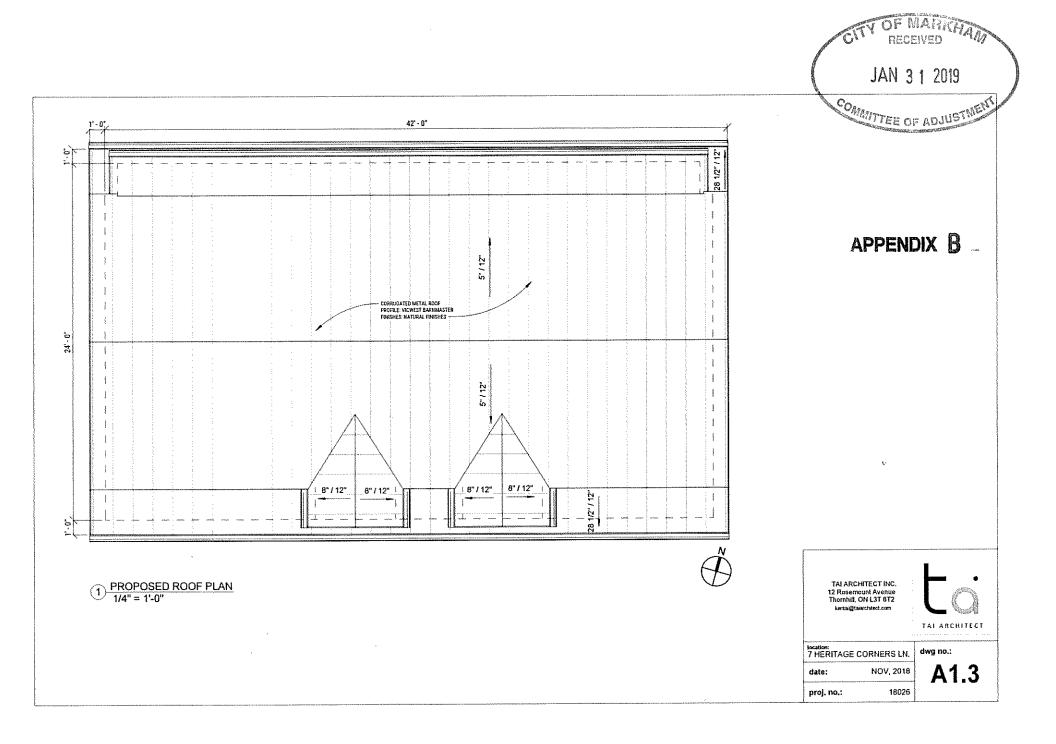


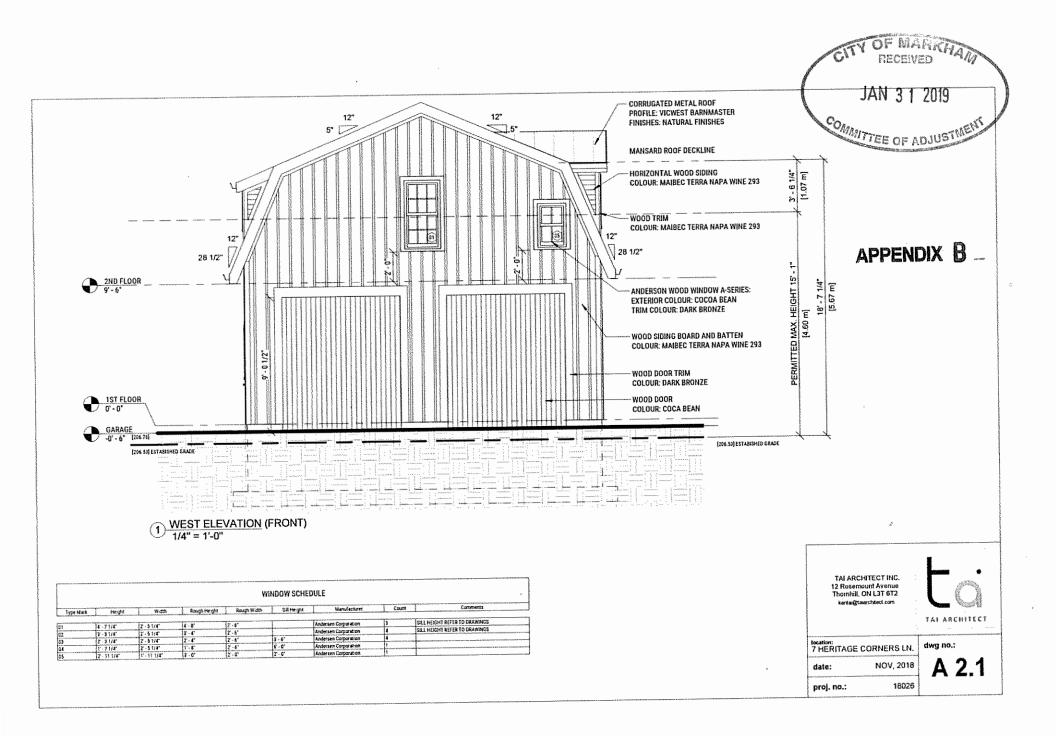


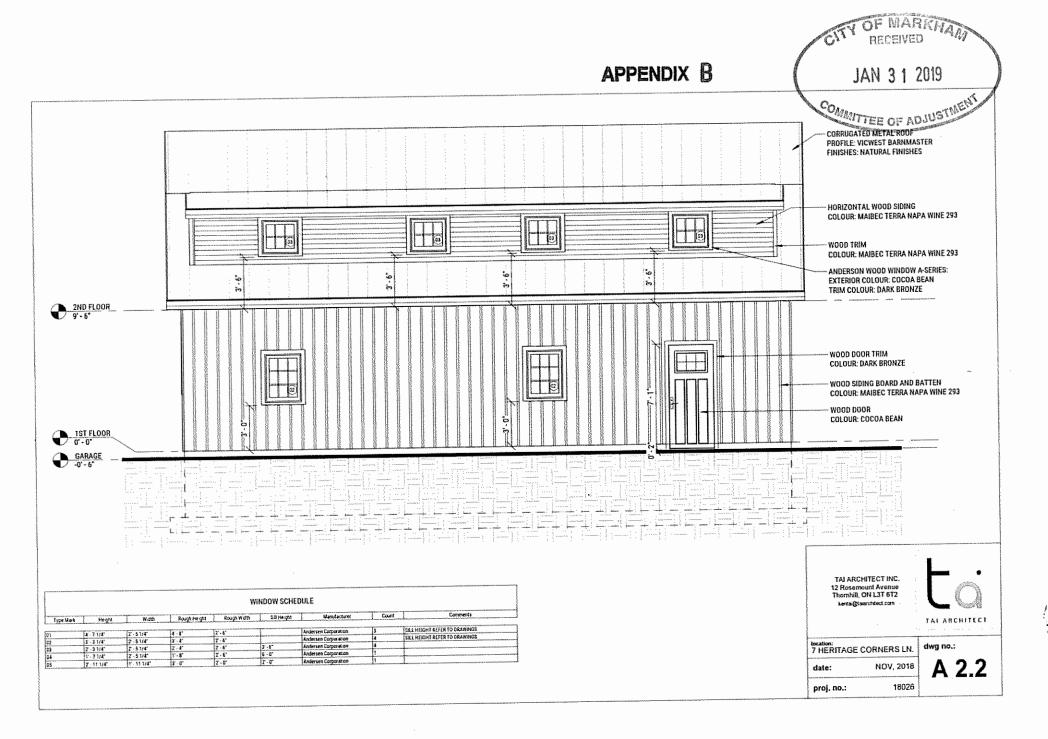


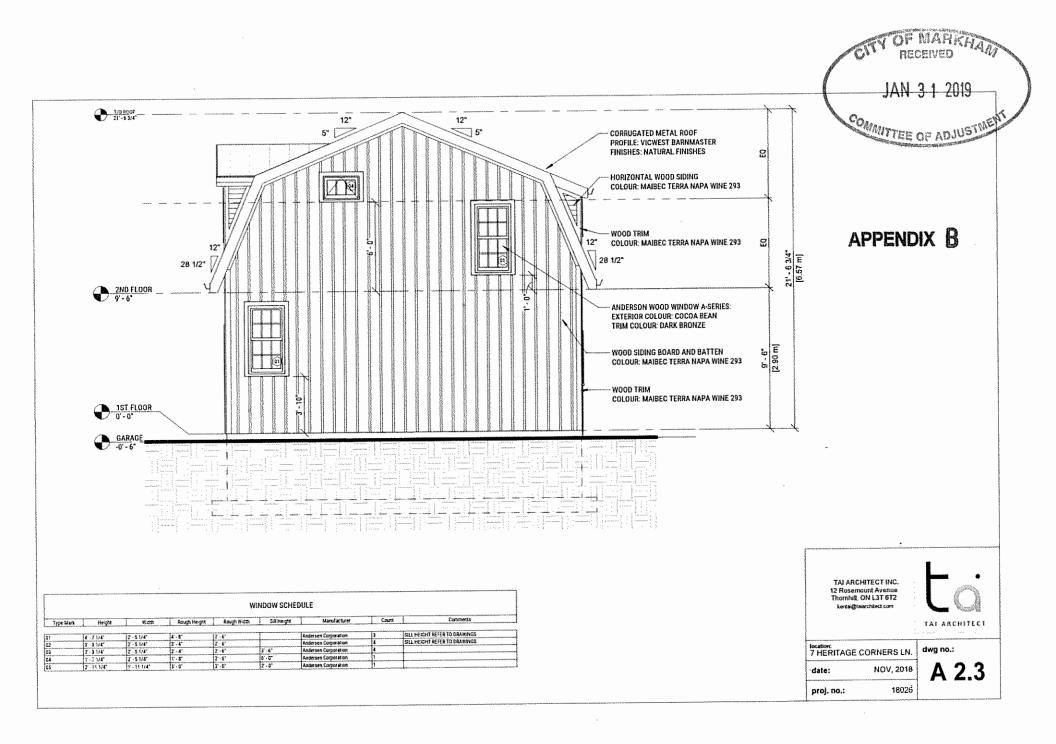


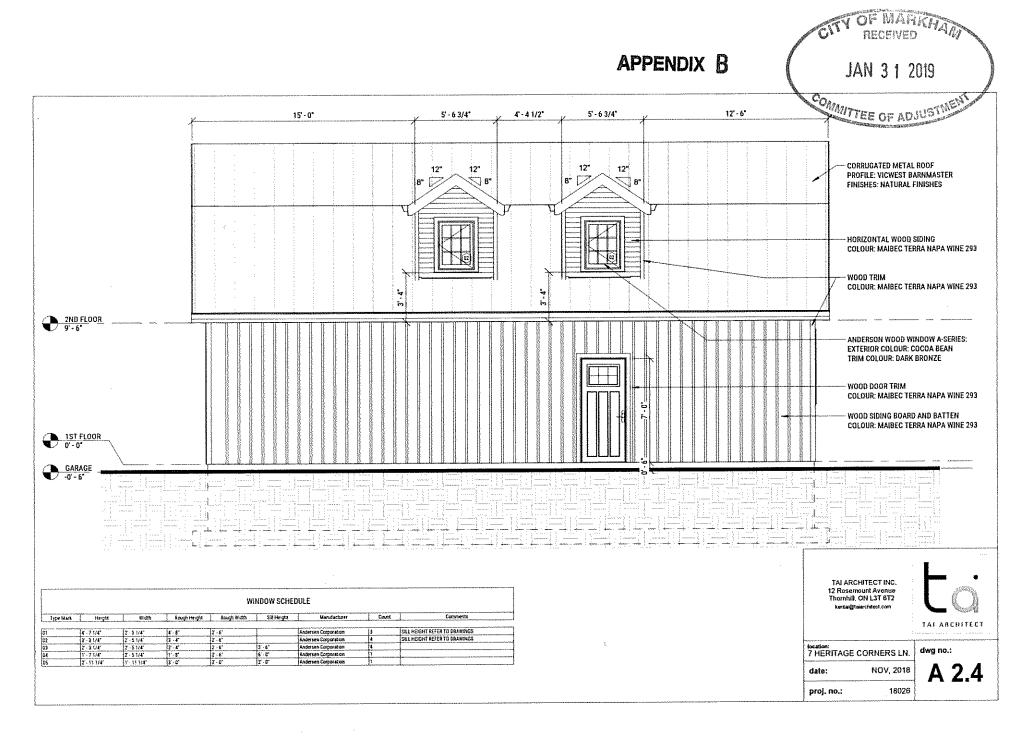












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