

# Memorandum to the City of Markham Committee of Adjustment

March 7, 2018

**File:** A/180/17  
**Address:** 14 David St Markham  
**Applicant:** Rockim Design Inc. (Rock Kim)  
**Agent:** (none)  
**Hearing Date:** Wednesday March 14, 2018

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) Section 11.1 (f): a minimum flankage yard setback of 9.9 feet, whereas the By-law requires a minimum flankage yard setback of 10 feet;
- b) Table 11.1: a minimum east side yard setback of 3.93 feet for the two-storey portion of the building, whereas the By-law requires a minimum side yard setback of 6 feet for the two-storey portion;
- c) Section 11.2 (c) (i): a front porch step encroachment of 5.94 feet, whereas the By-law permits front porch steps to encroach 18 inches into the required yard;
- d) Infill By-law 99-90, Section 1.2 (vi): a Net Floor Area of 49.96 percent, whereas the By-law permits a maximum Net Floor Area of 45 percent;

As they relate to proposed alterations and an addition to an existing residential dwelling.

## BACKGROUND

### Property Description

The subject property is located at the southeast corner of David and Peter Street in a residential neighbourhood of the Markham Village Heritage Conservation District. The land is occupied by a one storey single detached building constructed in 1971, which has a reversed grade driveway and garage located within the basement level. (See Photograph of the Existing Dwelling Figure 2) The property is surrounded by a mix of heritage, and new infill single detached dwellings. (See Location Map Figure 1)

### Proposal

The applicant proposes to extensively remodel the ground floor of the existing building, construct a second storey addition and add a two storey addition to the rear while retaining the current basement garage and reverse grade driveway (See attached Site Plan and Elevations Figure 3).

### **Applicant's Stated Reason for Not Complying with Zoning**

According to the information provided by the applicant, relief is requested because the "Lot is too small and corner lot"

### **Zoning Preliminary Review Has Been Undertaken**

The applicant has confirmed that a Zoning Preliminary Review has been undertaken and assigned the number ZPR 17 180165.

### **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.

#### *Minimum Flankage Yard Setback, Minimum East Side Yard Setback, and Encroachment of Front Steps into the Front Yard.*

The requested variances to permit a Minimum Flankage Yard Setback of 9.9 feet and to permit the front steps to encroach 5.94 feet into the required front yard are minor in nature because they reflect the footprint of the existing dwelling constructed in 1971. Although the proposed second storey would require a setback of 6 feet, the existing 3.93 ft east side yard setback can be considered minor in nature because the height of the house steps down to provide a transition to the lower height of the neighbouring dwelling to the east (See David Streetscape Elevation Figure 4 and Perspective Figure 5) and desirable for the appropriate development of the land as it supports a remodeling of the existing house that enhances the historic character of the Markham Village Heritage Conservation District.

#### *Maximum Net Floor Area Ratio*

The requested variance to permit a Net Floor Area Ratio of 49.96 percent is minor in nature because it supports the proposed remodelled house having a floor area of approximately 3,319 ft<sup>2</sup> which is similar to, and compatible with the form, massing and floor areas of surrounding new and renovated heritage homes in the immediate neighbourhood. This requested variance is desirable for the appropriate development of the land, and maintains the intent and purpose of the

Official Plan and Zoning By-law because it supports the remodelling of an existing house which currently does not contribute to the heritage character of the neighbourhood, into one that does.

#### Engineering and Urban Design

The City's Engineering Department and Urban Design Section have not provided any comments regarding the application.

#### Heritage Markham

Heritage Markham reviewed the application on January 10, and February 14, 2018 (See Appendix 'B'). Despite indicating that they had no objection to the variances related to the footprint of the existing dwelling in January, the Committee recommended that the floor area of the house be reduced to comply with the Net Floor Area Ratio of the Zoning By-law and that the proposed design of the house be referred back to Heritage Section staff at the February 14<sup>th</sup> meeting.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 7, 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 proposed dwelling complies with the policies and guidelines for new buildings contained in the Markham Village Heritage Conservation District, will contribute to the enhancement of the heritage character of the district, and that all four requested variances meet the four tests of the Planning Act, and can therefore be supported.

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:

  
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Peter Wokral, Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

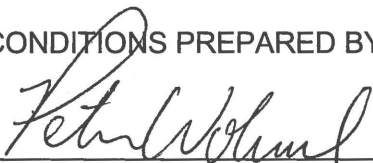
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**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/180/17**

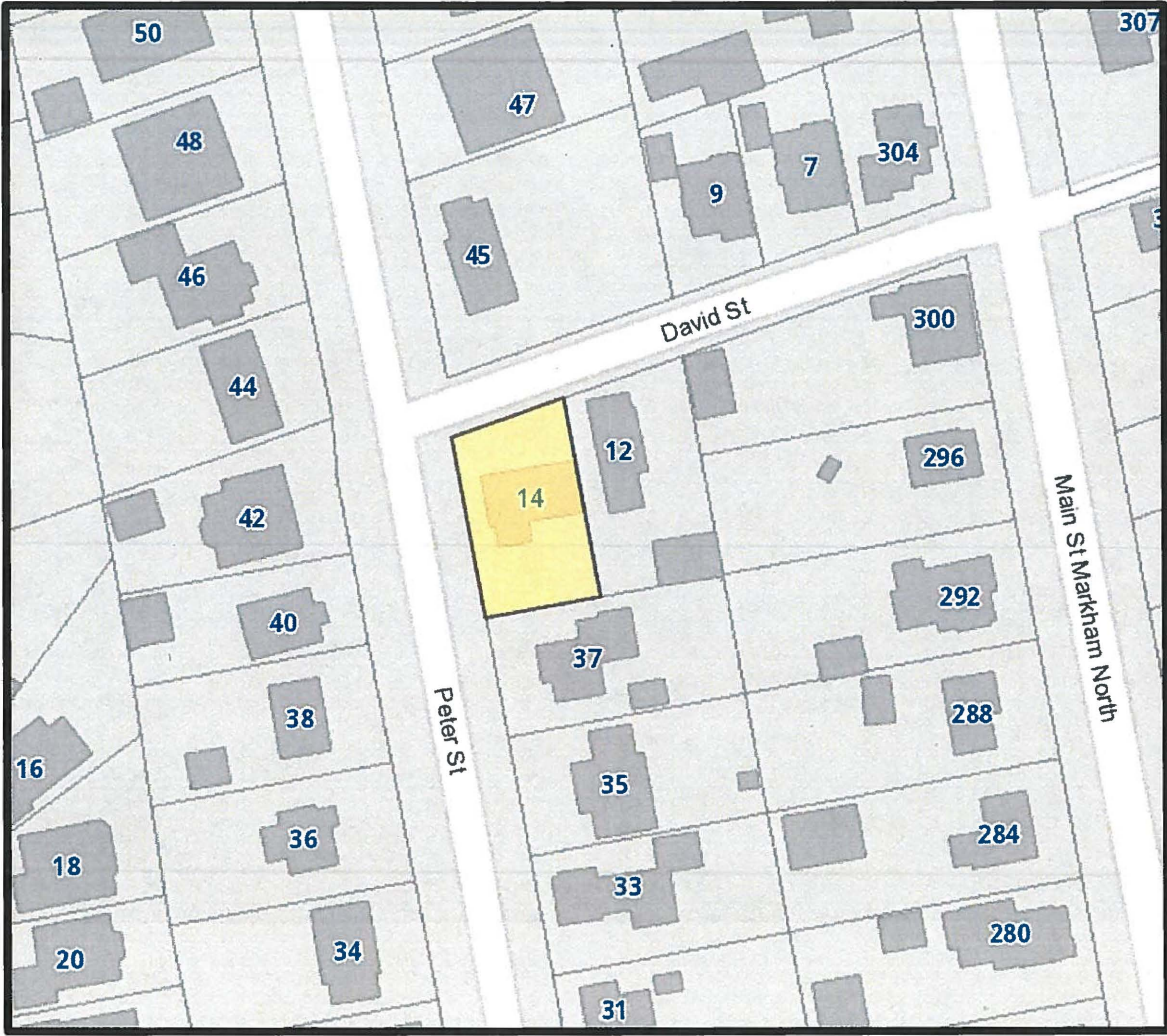
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as 'Figures 3-4' to this Staff Report and dated July 2017 (as they relate to the proposed scale, form, massing and height, but to be revised from an architectural design perspective to reflect the architectural detailing of the later 19<sup>th</sup> century homes on David and Peter Streets) 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:



Peter Wokral, Heritage Conservation Planner

Figure 1- Location Map



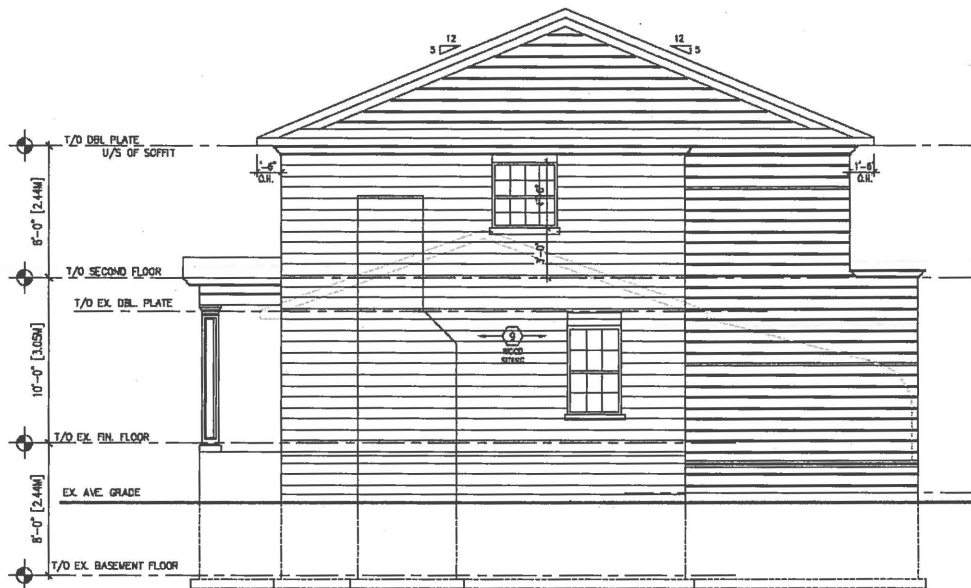
**Figure 2-** Photograph of the Existing Dwelling constructed in 1971







**1** NORTH SIDE ELEVATION  
SCALE: 3/16"=1'-0"



**1** WEST SIDE ELEVATION  
SCALE: 3/16"=1'-0"

Figure 4- David Streetscape Elevation



Appendix 'B'

Heritage Markham Extract of January 10, 2018

HERITAGE MARKHAM  
EXTRACT

DATE: January 22, 2018

TO: P. Wokral, Heritage Planner  
R. Cefaratti, Committee of Adjustment  
C. Tsang, Committee of Adjustment  
R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM #12 OF THE FIRST HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON JANUARY 10, 2018.

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12. **Site Plan Control Application,  
Committee of Adjustment Variance Application,  
14 David Street, Markham Village,  
Proposed Addition to a Dwelling, (16.11)**  
File No: SC 17 171213  
A/180/17  
Extracts: P. Wokral, Heritage Planner  
R. Cefaratti, Committee of Adjustment  
C. Tsang, Committee of Adjustment  
R. Hutcheson, Manager of Heritage Planning
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The Heritage Planner reviewed the Site Plan Control Application and Committee of Adjustment Variance Application for the proposed addition to a dwelling at 14 David Street in Markham Village, which is designated under Part V of the Ontario Heritage Act, and classified as a Type 'C' building, or buildings that do not contribute to the character of the district.

The Heritage Planner advised that the owner has submitted a site plan application seeking permission for a new two storey addition to the 1,474.6 ft<sup>2</sup> existing house, as well as a second storey addition to be constructed on top of the existing foundation. The newly proposed floor area of the house is 3,319.4 ft<sup>2</sup>. He further advised that the proposed remodeling of the existing house would require the following variances to the Zoning By-law:

- a minimum flankage yard setback of 9.9 feet, whereas the By-law requires a minimum flankage yard setback of 10 feet;
- a minimum east side yard setback of 3.93 feet for the two-storey portion of the building, whereas the By-law requires a minimum side yard setback of 6 feet for the two-storey portion;
- a front porch step encroachment of 5.94 feet, whereas the By-law permits front porch steps to encroach 18 inches into the required yard; and
- a Net Floor Area Ratio of 49 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent (there was some confusion as to whether this was the correct number).

Heritage Section Staff is generally satisfied with the proposed scale, form, massing, and height of the proposed house and believes that it is complementary to the heritage character of the neighbourhood and compatible with the scale of the adjacent dwellings. Three of the requested variances are related to the building footprint of the existing house, while the value of the proposed Maximum Net Floor Area ratio is partially attributable to the relatively small size of the lot 6,643 ft<sup>2</sup>, whereas the average size of building lots on Peter Street is approximately 8,600 ft<sup>2</sup>. However, from a design perspective, staff recommends that the classical revival architectural features of the house be revised to reflect the architectural detailing of the later 19<sup>th</sup> century heritage homes found on David and Peter Street.

**Recommended changes include:**

- A reduction in the size and width of the proposed windows;
- Use of 2 over 2 window pane divisions rather than the earlier style multi-paned windows;
- Use of vertical tongue and groove wooden siding;
- The elimination of the proposed classical eave returns and pediment gables;
- Addition of decorative wooden gable and porch decorations;
- The use of turned porch posts and elimination of the proposed flat porch roof and classical porch pillars;
- Elimination of the proposed entrance door sidelights; and
- An enhanced garage door treatment.

The Committee discussed the incorrect information provided and questioned if the garage and basement were included in the Net Floor Area Ration calculation. A member suggested that the applicant should provide a survey from a certified Ontario Land Surveyor with proper calculations, and also certify whether the dwelling is one or two storey house. He further suggested that consideration of this matter be deferred to a future Heritage Markham Committee meeting, and that the applicant be requested to provide proper information in support of the application.

**Heritage Markham Recommends:**

That consideration of this matter be deferred to the February Heritage Markham Committee meeting; and

That the applicant be requested to provide proper information in support of the application.

**CARRIED**

**HERITAGE MARKHAM  
EXTRACT**

**DATE:** February 21, 2018  
**TO:** R. Hutcheson, Manager of Heritage Planning  
P. Wokral, Heritage Planner

**EXTRACT CONTAINING ITEM #17 OF THE SECOND HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON FEBRUARY 14, 2018.**

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- 17. Site Plan Control Application,  
Committee of Adjustment Variance Application,  
14 David Street, Markham Village Heritage Conservation District,  
Proposed Remodelling and Addition to Existing House (16.11)  
File Number: SC 17 171213  
A/180/17  
Extracts: R. Hutcheson, Manager of Heritage Planning  
P. Wokral, Heritage Planner**
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Peter Wokral, Heritage Planner summarized the details outlined in the report and noted that the existing basement level garage is not part of the net floor area ratio calculation as per the zoning by-law. Staff recommend support for the variances and for the proposed alterations and addition subject to certain design changes.

The Committee stated concerns with the proposed design of the basement windows (front elevation) and the net floor area ratio.

**Recommendation:**

That the proposed house at 14 David Street be referred back to Heritage Staff to review the design and reduce the net floor area ratio.

**CARRIED**