

## Memorandum to the City of Markham Committee of Adjustment

June 20, 2018

**File:** A/48/18  
**Address:** 19 George St Markham  
**Applicant:** 2447298 Ontario Ltd. (Arminda Sores)  
**Agent:** The Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday June 27, 2018

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

- a) **Table 11.1:**  
To permit a minimum front yard setback of 0.55 m, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);
- b) **Amending By-law 61-94, Section 1:**  
To permit a minimum two-storey side yard setback of 1.18 m (north), whereas the By-law requires a minimum two-storey side yard setback of 6 ft (1.83 m);
- c) **Amending By-law 61-94, Section 1:**  
To permit a minimum two-storey side yard setback of 1.22 m (south), whereas the By-law requires a minimum two-storey side yard setback of 6 ft (1.83 m);
- d) **Table 11.1:**  
To permit a maximum lot coverage of 48.9 percent, whereas the By-law permits a maximum lot coverage of 35 percent; as they relate to a proposed two-storey semi-detached dwelling addition to the existing one-storey dwelling.

as they relate to a proposed two storey semi-detached dwelling addition to an existing heritage dwelling.

### BACKGROUND

#### Property Description

The subject property is located within the Markham Village Heritage Conservation District. The property contains a one storey, brick heritage dwelling constructed c.1857, and a number of mature trees, mainly in the rear yard. The immediate neighbourhood context is a semi-detached dwelling to the south (currently under construction), a lawn bowling facility and clubhouse to the north and east, modern dwellings to the east, and several heritage dwellings across the street to the west.

The lot frontage is 31.08 m (101.9 ft); the depth is 29.0 m (95.1 ft); and the lot area is 824.8 m<sup>2</sup> (8,878.3ft<sup>2</sup>).

#### Proposal

The Minor Variance Application is related to Site Plan Control Application SC 18 226713, currently under review. The applicant proposes to construct an additional dwelling unit to the south of the existing single detached dwelling, and join the two with an attached garage to create a semi-detached building form (see attached site plan and elevations). This proposal is similar to a development at 15-17 George Street next door to the south, currently under construction. The applicant plans to place the heritage building on a new foundation in its current location in order to provide a full, useable basement. A two storey

addition will be made to the rear of the existing dwelling for a total gross floor area of 3,200 square feet. The new dwelling unit has been designed in a complementary style based on local vernacular architecture. It will have an attached garage and its gross floor area will be 2,700 square feet.

It should be noted that lot coverage and building setbacks are the means of regulating building size in cases where the Infill By-law's Maximum Net Floor Area Ratio does not apply

### **Official Plan and Zoning**

Official Plan 2014 (as partially approved on November 24, 2017 and further updated on April 9, 2018).

The Official Plan 2014 designates the subject property "Residential – Low Rise" which provides for low rise housing forms including single detached dwellings and a variety of multiple family dwellings and accessory buildings. Site-specific policies that apply to this part of Markham Village contained in Section 9.13.4.8 of the Official Plan 2014 limit the building types to single detached and semi-detached dwellings with a maximum height of two storeys.

### Zoning

The subject property is zoned R3 – Residential under By-law 1229, as amended. The proposed use is permitted under the By-law. It should be noted that Infill By-law 99-90 does not apply to this application because a semi-detached dwelling is proposed. The applicants have applied for a Zoning Preliminary Review.

### **Heritage Status**

The subject property is designated under Part V of the Ontario Heritage Act as part of the Markham Village Heritage Conservation District. The existing dwelling is a Type A heritage building in the Markham Village Heritage Conservation District Plan and as such any exterior alterations are required to follow the policies and guidelines of the District Plan.

### **Applicant's Reasons Why it is Not Possible to Comply with the Provisions of the Zoning By-law**

On the application form the applicant stated "For the construction of a new two storey semi detached dwelling."

### **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 Markham

Heritage Markham Committee reviewed the Minor Variance and Site Plan Control applications at its meeting of June 13, 2018. Russ Gregory, representing the applicant, was present to answer questions from the Committee. He noted that a proposed rear yard setback variance is no longer required, since the building mass of the southerly unit has been moved forward to accommodate tree preservation in the rear yard. Heritage Markham supported the application from a heritage perspective, subject to a number of conditions relating to architectural features that do not impact any of the requested variances as they are for matters typically associated with the Site Plan Control application. A committee member asked if the coverage variance could be reduced, to which the agent for the owner stated that porches could be removed or reduced to lessen the coverage, but questioned if this would be desirable from a streetscape perspective. A reduction in interior floor area was not something that applicant is willing to consider.

A Heritage Easement is recommended for the heritage building, which is a standard requirement for planning applications that have a significant impact on a property containing a significant heritage building.

### Urban Design

Urban Design requested that the building mass of the new southerly dwelling unit be moved to accommodate the tree protection zones for mature trees in the rear yard. The applicant responded by moving the southerly unit forward on the lot and thus eliminated the request for a rear yard variance.

### Engineering

Grading and servicing aspects of the proposed development are being addressed through the review of the Site Plan Control application.

### Heritage Planning

Staff has reviewed the proposal and the requested variances within the context of the Official Plan 2014 policy framework for Development Criteria – Infill Development. The following comments have been prepared with these policies in mind.

The subject property is located within a part of the Markham Village Heritage Conservation District that contains a variety of lot sizes, dwelling sizes and dwelling types. There is an emerging pattern of development in the area tending toward larger dwelling sizes. The Committee of Adjustment approved variances in 2017 for a similar development proposal at 15-17 George Street (A/19/17). This current proposal requires fewer variances, but exceeds the permitted 40% lot coverage, with a requested lot coverage of 48.9%. The applicant has explained that the existing one storey heritage dwelling has a large footprint and because the one storey height is to be preserved in the proposed design, this impacts lot coverage. A two storey form would be a more efficient use of the property, however in the interest of heritage conservation, the single storey main block of the dwelling will remain.

The requested variance for a 1.8 ft front yard setback is a significant difference from the required setback of 25 feet, however, this recognizes an existing historic front yard setback to the porch of the heritage dwelling. Generally, the older buildings on George Street are set closer to the street line than the By-law permits.

The requested north side yard variance also recognizes an existing historic side yard setback. The requested south side yard variance is similar to the same side yard variance approved for 15-17 George Street in 2017.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of June 20, 2018. The neighbouring lawn bowling club inquired about potential encroachment into their property, however a recent survey shows that the existing building does not encroach on the adjoining property.

**CONCLUSION**

It is the opinion of the Planning staff that the requested variances are supportable and meet the four tests of the Planning Act. The development as proposed, in the opinion of Planning staff, is appropriate to its context and preserves a significant heritage resource.

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:

  
George Duncan, Senior Heritage Planner

REVIEWED BY:

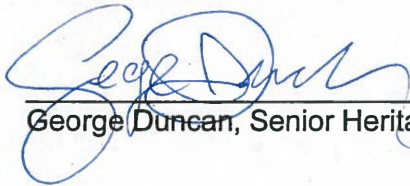
  
Regan Hutcheson, Manager of Heritage Planning

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/48/18**

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 plan(s) attached as 'Appendix A' to this Staff Report and dated June 13, 2018 (revised site plan) and April 19, 2018 (elevations), 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;
4. That the applicant enter into a Heritage Conservation Easement with the City of Markham for the Heritage Building.

CONDITIONS PREPARED BY:



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George Duncan, Senior Heritage Planner

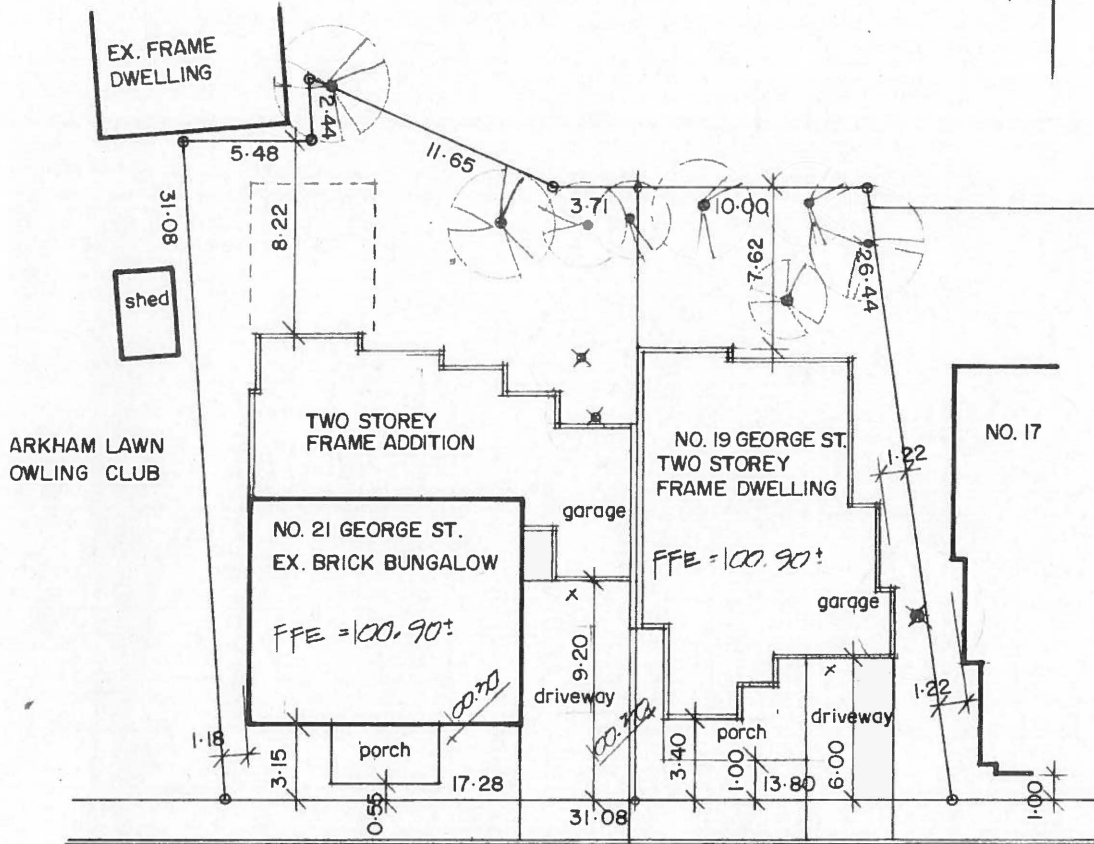
APPENDIX B

Revised.  
sethadra  
June 13/18

A/48/18

**SITE PLAN**

SCALE - 1:200 (METRIC)



**GEORGE STREET**

SITE INFORMATION & DATA

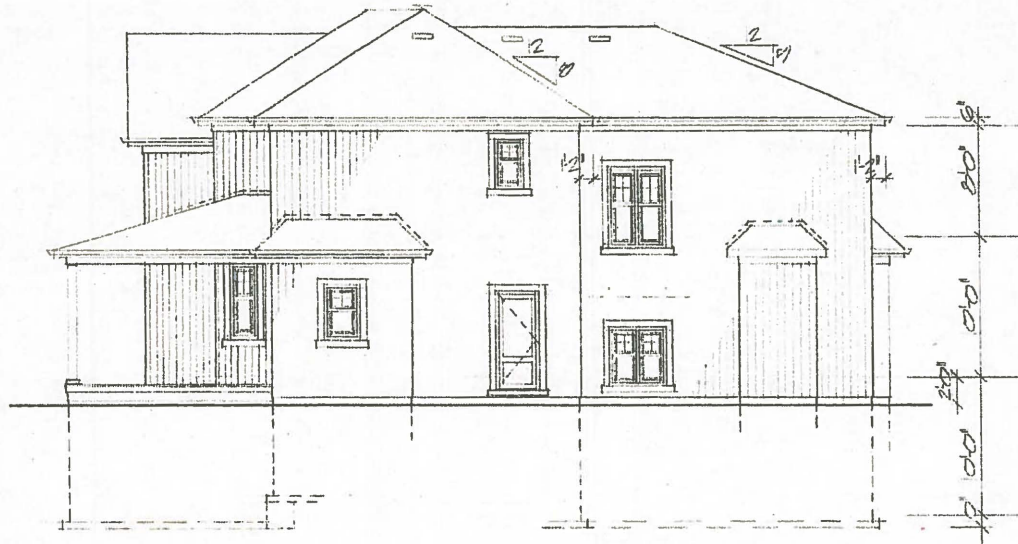
- LOT AREA = 8724.8 M<sup>2</sup>
- BUILDING AREA = 4077.2 M<sup>2</sup>
- COVERAGE = 46.7 %





WEST ELEVATION - FRONT

<b>PROJECT</b> <b>PROPOSED DEVELOPMENT</b>		<small>OWNER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MARKHAM AND THE PROVINCE OF ONTARIO. THE ARCHITECT ASSUMES NO LIABILITY FOR SUCH PERMITS AND APPROVALS.</small>	<b>DRAWN BY</b> R. GREGORY
<b>19 &amp; 21 GEORGE ST.</b> <b>CITY OF MARKHAM</b>		<small>DATE</small> 2009-10-15	<small>DATE</small> 2009-10-15
<b>THE GREGORY DESIGN GROUP</b> 50 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4787 FAX (905) 479-8496 russ@gregorydesigngroup.net		<small>SCALE</small> 1/4" = 1'-0"	<small>PROJECT NO.</small> 2009-10
<small>GENERAL NOTES</small> 1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED. 2. FINISHES TO BE DETERMINED BY THE OWNER. 3. EXISTING CONDITIONS TO BE VERIFIED BY THE ARCHITECT. 4. ALL WORK TO BE IN ACCORDANCE WITH THE CITY OF MARKHAM CODES AND REGULATIONS. 5. THE ARCHITECT ASSUMES NO LIABILITY FOR SUCH PERMITS AND APPROVALS.		<small>DRAWING NO.</small> A-5	

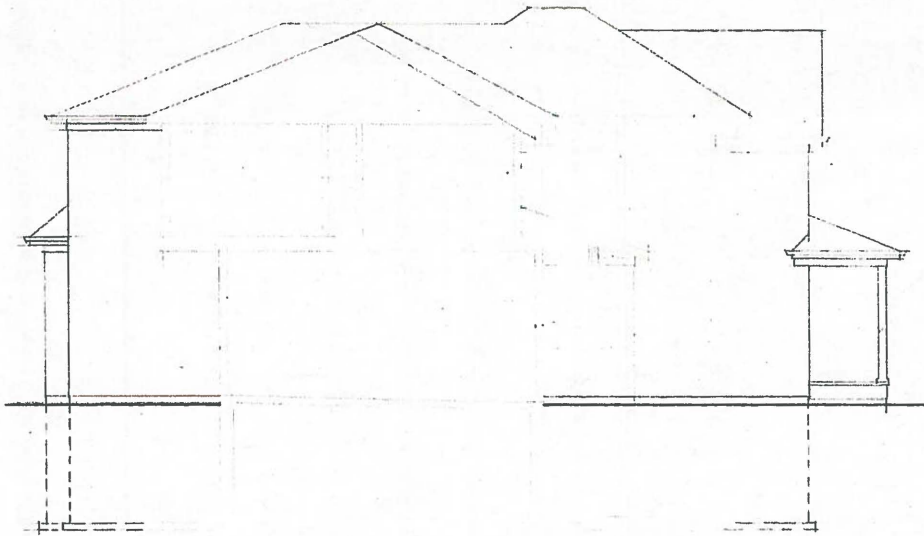


**SOUTH SIDE**

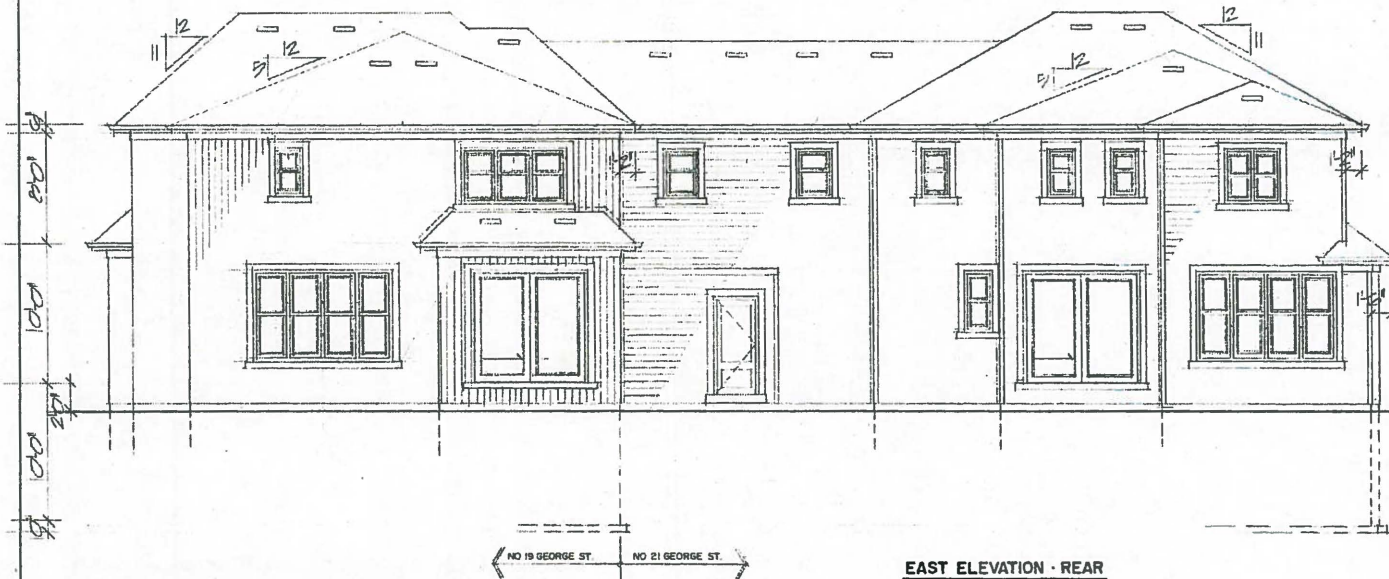


**NORTH SIDE**

<b>PROJECT:</b> PROPOSED DEVELOPMENT		<b>DRAWN:</b> R. GREGORY
<b>19 &amp; 21 GEORGE ST. CITY OF MARKHAM</b>		<b>DATE:</b>
<b>THE GREGORY DESIGN GROUP</b>		<b>SCALE:</b> 1/4" = 1'-0"
80 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4787 FAX (905) 479-8486 russ@gregorydesigngroup.net		<b>PROJECT NO:</b> 2009-120
<b>GENERAL NOTES:</b> As prepared on a portion of section 22 of the City of Markham Zoning By-law. Construction shall conform with all applicable codes and standards. Check with the City of Markham for all applicable codes and standards. This drawing is for the purpose of the proposed development only. No other drawings should be used without the consent of the Designer.		<b>DRAWING NO:</b> A-6



SECTION 'A-A'



EAST ELEVATION - REAR

<b>PROJECT:</b> <b>PROPOSED DEVELOPMENT</b> <b>19 &amp; 21 GEORGE ST.</b> <b>CITY OF MARKHAM</b>		<small>I accept full and sole responsibility for the design work on behalf of the architect for the project described in the title block of this drawing. I am a duly qualified and licensed architect in the Province of Ontario, Canada.</small> <small>DATE: 2008</small> <small>PROJECT NO: 2007-187</small>	<b>DRAWN:</b> R. GREGORY <b>DATE:</b>  <b>SCALE:</b> 1/8" = 1'-0"
<b>THE GREGORY DESIGN GROUP</b> 50 MCINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 8T3 OFFICE (905) 479-4787 FAX (905) 479-8496 russ@gregorydesigngroup.net		<b>GENERAL NOTES:</b> <small>1. The architect is not responsible for the design of any mechanical, electrical, plumbing, or fire protection systems.</small> <small>2. The architect is not responsible for the design of any structural systems.</small> <small>3. The architect is not responsible for the design of any landscape or site work.</small> <small>4. The architect is not responsible for the design of any interior finishes.</small> <small>5. The architect is not responsible for the design of any furniture or fixtures.</small> <small>6. The architect is not responsible for the design of any lighting.</small> <small>7. The architect is not responsible for the design of any signage.</small> <small>8. The architect is not responsible for the design of any other systems.</small>	<b>PROJECT NO:</b> 2007-187 <b>DRAWING NO:</b> A-7