

Memorandum to the City of Markham Committee of Adjustment

June 20, 2018

File: A/65/18
Address: 28 Wales Ave Markham
Applicant: Jesse Lumsden & Hayley Cotterill
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday June 27, 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:

1. Table 11.1: a minimum front yard setback of 5.6 ft. (1.72m), whereas the By-law requires minimum front yard setback of 25 ft. (7.62m);
2. Infill By-law 99-90, Section 1.2 (iii): a maximum building depth of 17.17m, whereas the By-law permits a maximum building depth of 16.8 m;
3. Section 11.3 (a) (vi): a minimum side yard setback to an accessory building of 0.4 ft. (0.11m), whereas the By-law requires a minimum side yard setback to an accessory building of 4 ft (1.22 m);
4. Section 11.3 (a) (i): a maximum accessory building height of 15 ft. (4.58m), whereas the By-law permits a maximum accessory building height of 12 ft. (3.66 m);
5. Infill By-law 99-90, Section 1.2 (vi): a maximum net floor area ratio of 52.50 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent.

as they relate to a proposed two-storey and second storey addition to an existing two-storey, detached heritage dwelling, and the addition of roof structure to the side of an existing detached accessory building.

BACKGROUND

Property Description

The subject property is located on the west side of Wales Avenue, midblock between Pilkey's Lane to the north, and Gleason Avenue to the South (See Location Map Figure 1). The property is also located within a residential neighbourhood of the Markham Village Heritage Conservation District and is occupied by a one and one half storey 169.1m² (1,820 ft²) single detached heritage dwelling constructed circa 1912, and a 105.35 m² (1,134.0 ft²) detached garage accessory building used as a workshop.

Proposal

The applicants have submitted a Site Plan Control application to the City seeking approval to construct a two storey, 125.6m² (1,352 ft²) addition to the south side of the existing house, a second storey addition above the existing one storey portion of the house, and

a 44.7m² (481.2 ft²) roof structure to create a covered patio to the south side of the existing accessory building (See Proposed Site Plan Figure 2 and Proposed Elevations Figure 3).

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, relief is requested "Due to existing non-conforming structures on the property and the available building configuration".

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, it is 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 contain errors, or if the need for an additional variance application may be required to address the outstanding matters, 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.

Minimum Front Yard Setback

The requested variance to support a minimum front yard setback of 1.72m is minor in nature because it relates to the setback of the front veranda of the existing heritage house from the property line, and is not related to the proposed additions.

Maximum Building Depth

The requested variance to permit a maximum building depth of 17.7m when the By-law permits a maximum building depth of 16.8m is both minor in nature, and magnitude, and reflects the existing footprint of the house.

Minimum Side Yard Setback and Maximum Building Height of an Accessory Building

The requested variances to support a minimum side yard setback of 0.11m and a maximum building height of 4.58m (15 ft.) are minor in nature as they relate to the side yard setback, and height of the existing accessory building, and are not exacerbated by the proposed roof structure to be attached to the south side of the building.

Maximum Net Floor Area Ratio

The requested variance to support a maximum net floor area ratio of 52.5 % whereas the By-law permits a maximum net floor area ratio of 45% is minor in nature, desirable for the appropriate development of the land, and maintains the purpose and intent of both the City's Official Plan and applicable Zoning By-law, because the proposed additions are compatible with the architecture of the existing heritage dwelling and accessory building, and in scale with other homes and buildings in the neighbourhood.

Heritage Markham reviewed the Site Plan application and required variances for the proposed additions on June 13th, 2018, and had no objection to the proposed design and requested variances.

The City's Engineering Department and Urban Design Section have provided no comments regarding the variance application.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 20, 2018. It is noted that additional comment may be received after the writing of the report, and the Secretary-Treasurer will provide comments on this at the meeting.

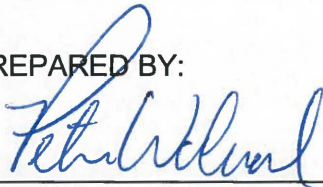
CONCLUSION

It is the opinion of the Planning staff that the requested variances required to permit the construction of the proposed additions to the existing heritage dwelling, and the existing accessory building can 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:



Peter Wokral, Heritage Conservation Planner

REVIEWED BY:



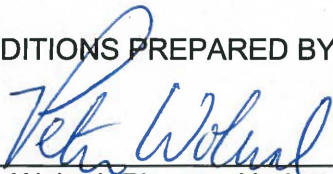
Regan Hutcheson, Manager of Heritage Planning

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/65/18

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 Figures 2 & 3 to this Staff Report and dated May 1st & 7th, 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 blue ink, appearing to read "Peter Wokral", is written over a horizontal line.

Peter Wokral, Planner, Heritage Conservation Planner

FIGURE 1- LOCATION MAP

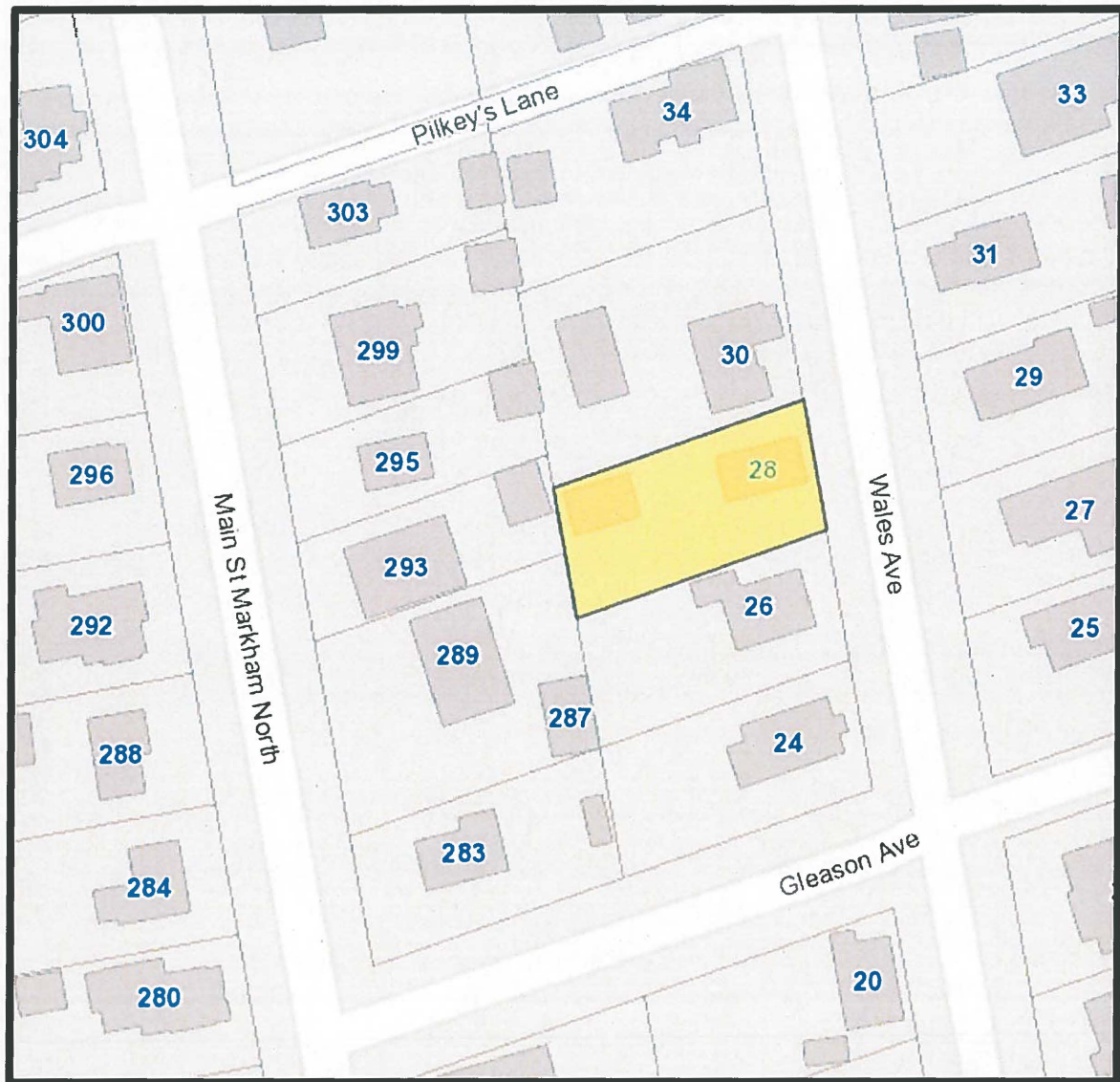


FIGURE 2- SITE PLAN

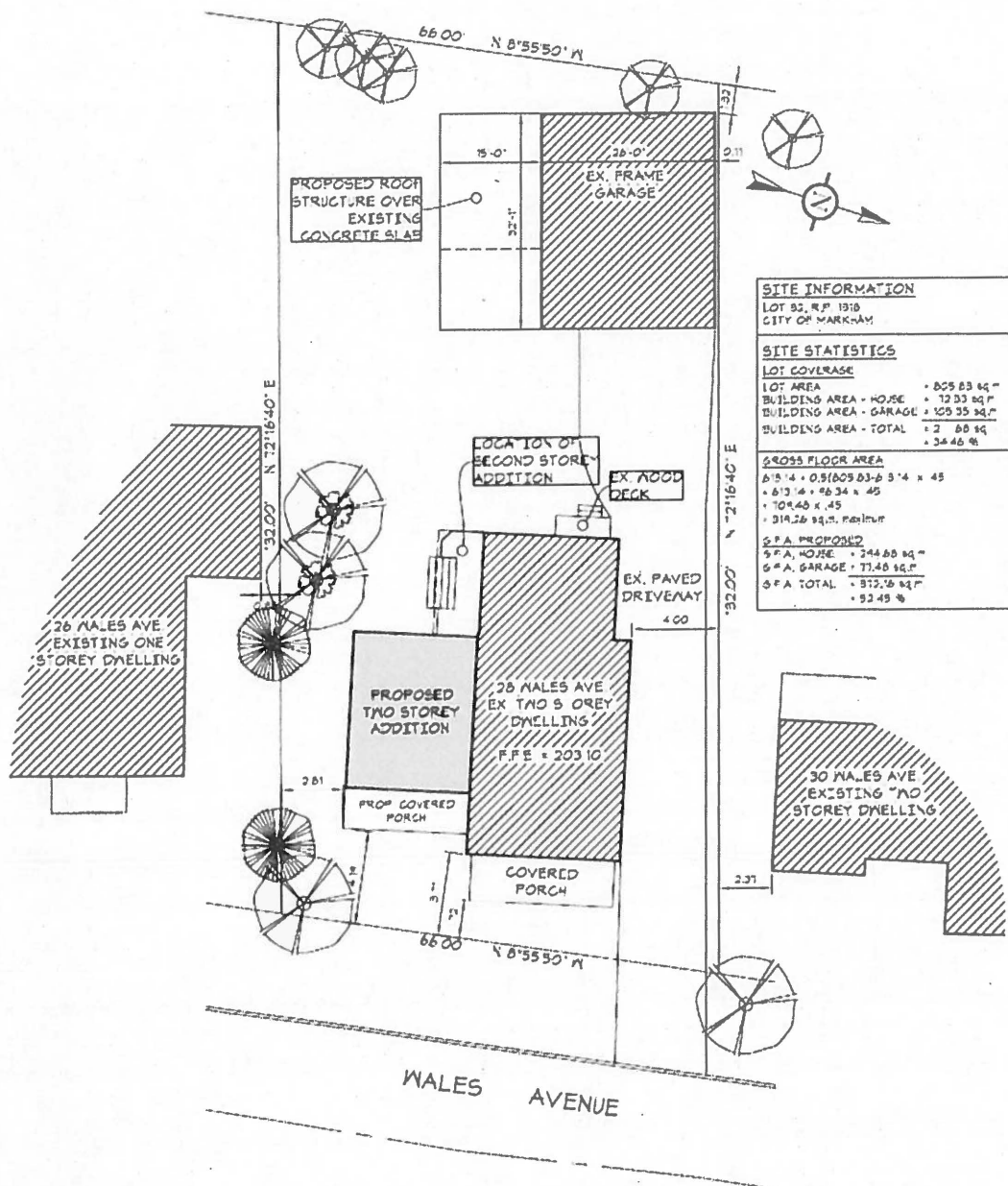
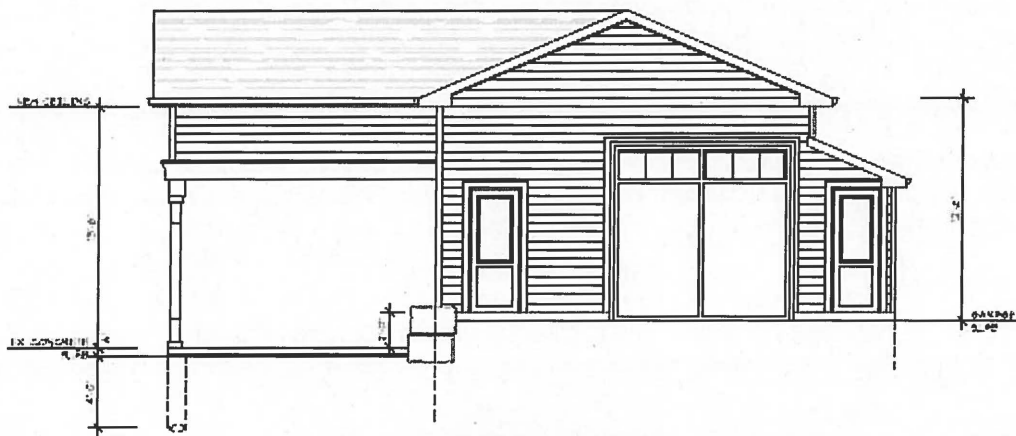


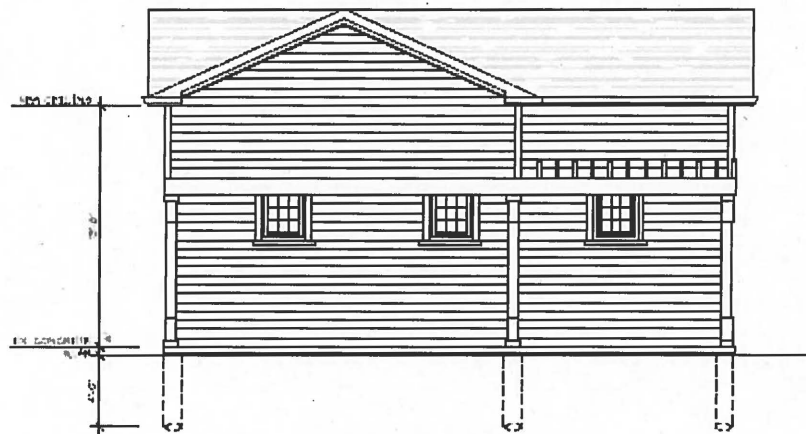
FIGURE 3- ELEVATIONS



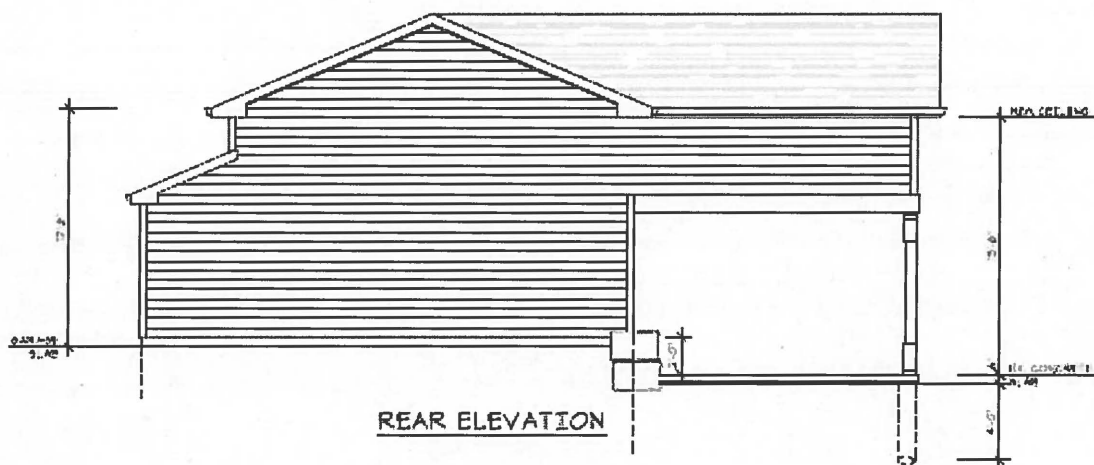




FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION