

Memorandum to the City of Markham Committee of Adjustment

June 12, 2018

File: A/67/18
Address: 104 John St Thornhill
Applicant: Anthony Battaglia
Agent: (none)
Hearing Date: Wednesday June 13, 2018

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

The applicant is requesting relief from the following requirements of By-law 53-94, Section 1.2 (j), as amended, to permit:

- a) a minimum rear yard setback for an existing accessory building (frame barn) of 15 feet, whereas the By-law requires a minimum rear yard setback of 30 feet for an accessory building which is to be used as a home occupation;

as it relates to an existing accessory building which is to be used for home occupation.

BACKGROUND

Property Description

The 3,458 m² subject property is located on the north east corner of John Street, and Deanbank Drive in the Thornhill Heritage Conservation District. Due to the configuration of the lot, the property fronts John Street and the greater 48.95m (160.6 ft.) frontage along Deanbank is considered to be the flankage yard (see Figure 1 Location Map).

The surrounding area is a mature residential neighbourhood comprised of single detached dwellings on varied sized lots. The property is occupied by a one and a half storey heritage dwelling on the southern portion of the property, and a heritage barn toward the northern portion of the property (see Figure 2-Photograph of the existing heritage barn). The property is bordered by the Don River Valley to the east and the adjacent property to the north is occupied by a one and one half storey brick infill house constructed in 2006.

In 2017, the owner obtained a severance from the Committee of Adjustment which severed the last 12.19m (39.9 ft) of the property and this property was sold to the neighbour to the north to be added to their south side yard.

Proposal

The applicant has obtained site plan approval to make alterations to the existing detached heritage accessory building/barn and to convert it into a small architectural office meeting the definition of a Home Occupation in the City's Home Occupation By-law.

Applicant's State Reason for Not Complying with the By-law

According to the information provided by the applicant, relief is requested because the "barn building is existing and when the backyard lot was severed, setback was reduced". The applicant did not apply for a Zoning Preliminary Review.

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.

The requested variance to permit a minimum rear yard setback of 15 ft. for a Home Occupation use is considered to be minor in nature because there is no physical change to the existing detached accessory building and its relationship with the neighbouring house to the north, with the exception of a new open sided carport located on the west side of the building. The proposed use of an architectural office conforming to the definition of a Home Occupation contained in By-law 53-94 is also not expected to have any negative impacts on neighbouring property owners, as the subject property is bordered by a 6 ft. high privacy fence and the nearest neighbouring residence to the existing barn is approximately 16.9m (55.4 ft.) away.

The requested variance is considered desirable for the appropriate use of the property and maintains the intent and purpose of the City's Official Plan and Zoning By-law by supporting the adaptive re-use of a significant heritage accessory building that contributes to the heritage character of the street and District.

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 will review the application concurrently with the Committee of Adjustment on June 13, 2018. Heritage Markham is expected to provide no comment on the application as the requested variance is not related to the heritage features of the property.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 11, 2018. It is noted that additional comments may be received after the writing of this report and the Secretary Treasurer will provide comments on this at the meeting.

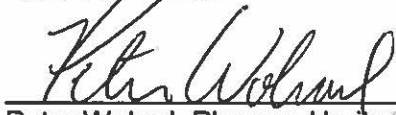
CONCLUSION

It is the opinion of the Planning staff that the requested variance meets the four tests of the Planning Act and therefore 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, Planner, Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

Figure 1- Location Map

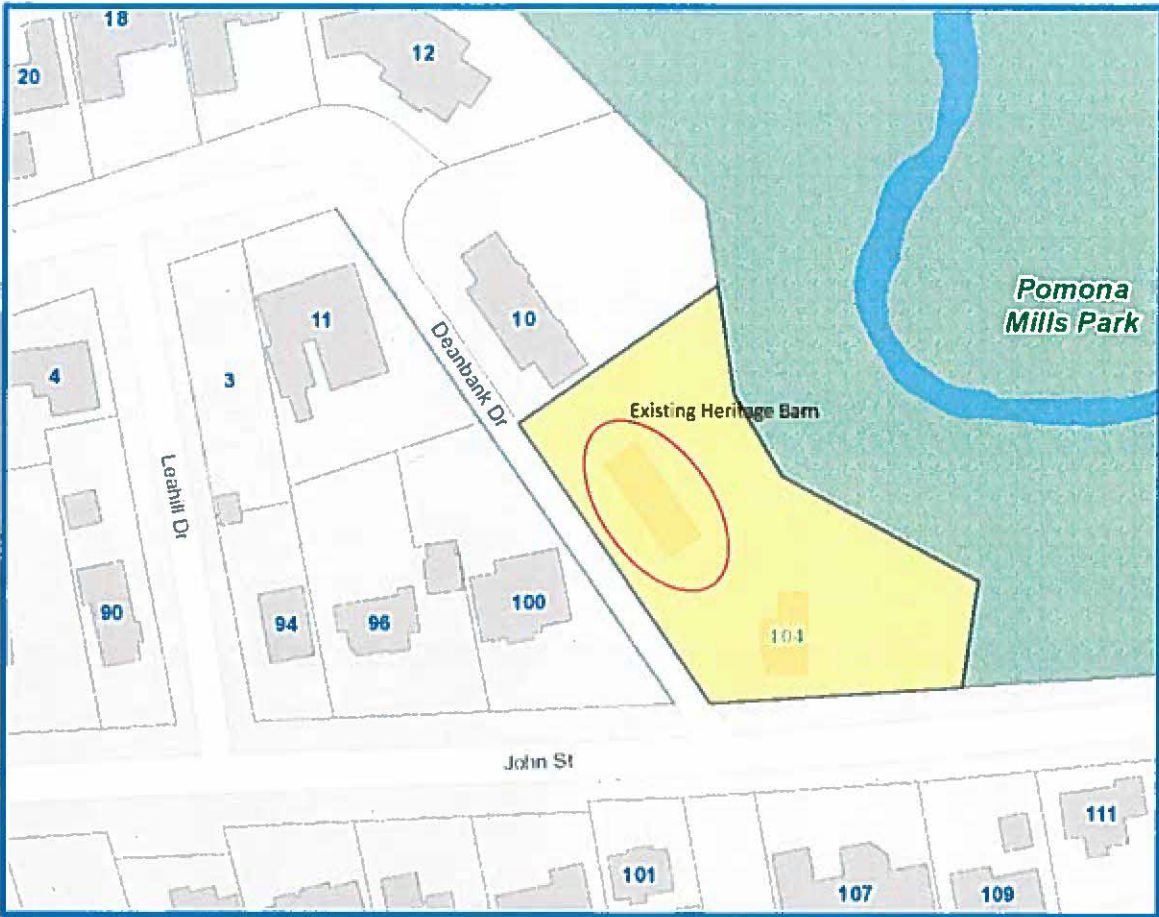
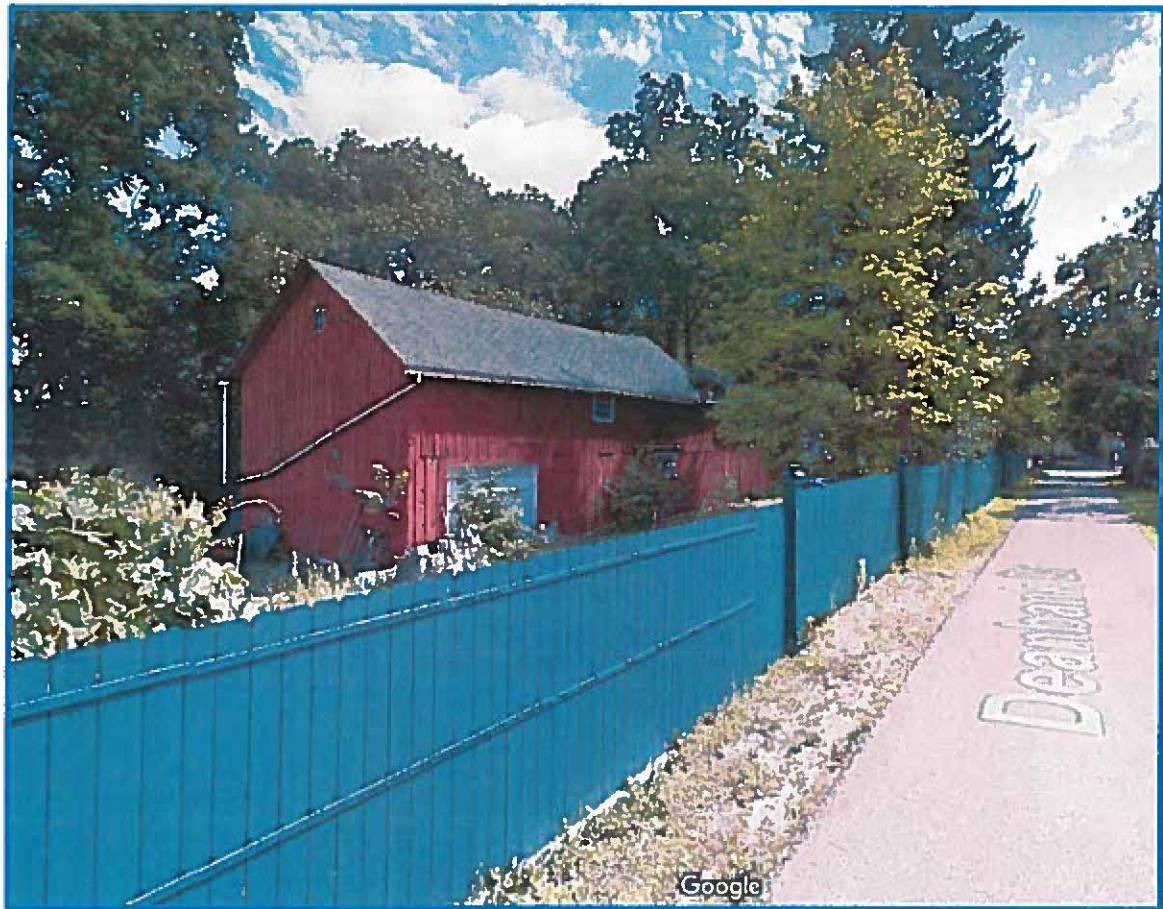


Figure 2- Photograph of Existing Heritage Barn



APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/67/18

1. The variances apply only to the proposed development as long as it remains;
2. That the variance apply only to the subject development, in substantial conformity with the plan attached as 'Appendix B' to this Staff Report and dated May 2014, 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 Secretary-Treasurer receive written confirmation from Heritage Markham that the requested variances are supported;

CONDITIONS PREPARED BY:

Peter Wokral, Heritage Conservation Planner

WEST ELEVATION
200' 0" x 100' 0"

SOUTH ELEVATION
200' 0" x 100' 0"

EAST ELEVATION
200' 0" x 100' 0"

NORTH ELEVATION
200' 0" x 100' 0"

PROPOSED ELEVATIONS

Project number: 214-10
Date: MAY 22/18
Drawn by: S.S.
Checked by: J.B.
Scale: As noted

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