

Memorandum to the City of Markham Committee of Adjustment

July 16, 2018

File: A/78/18
Address: 16 Church St Markham
Applicant: Cheri Gregory
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday July 25, 2018

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

- a) **Table 11.1:**
to permit a minimum lot area of 451.56 sq. m, whereas the By-law requires a minimum lot area of 6,600 sq. ft (613.16 sq. m);
- b) **Table 11.1:**
to permit a minimum front yard setback of 2.17 m, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);
- c) **Table 11.1:**
to permit a minimum rear yard setback of 1.83 m, whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m);
- d) **Section 11.1 (f):**
to permit a minimum flankage yard setback of 1.88 m, whereas the By-law requires a minimum flankage yard setback of 10 ft (3.05 m);
- e) **Table 11.1:**
to permit a maximum lot coverage of 40.5 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- f) **Infill By-law 99-90, Section 1.2 (vi):**
to permit a maximum floor area ratio of 47.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- g) **Infill By-law 99-90, Section 1.2 (iii):**
to permit a maximum building depth of 17.19 m, whereas the By-law permits a maximum building depth of 16.8 m;
- h) **Amending By-law 53-94, Section 1.2 (b):**
to permit a home occupation to occupy a maximum of 50 percent of the combined gross floor area of the dwelling unit and any accessory buildings on the same lot, whereas the By-law permits a home occupation to occupy a maximum of 25 percent of the combined gross floor area of the dwelling unit and any accessory buildings on the same lot;

as they relate to a proposed rear addition to the existing heritage dwelling.

BACKGROUND

Property Description

The subject property is located within the Markham Village Heritage Conservation District. The property contains a one storey frame dwelling constructed c.1860, and a number of mature trees, mainly in the rear yard. The immediate neighbourhood context includes a mix of single, semi-detached, and street townhouse dwellings. The lot frontage is 21.33 m

(70 ft), the depth is 21.38 m (70.14 ft) and the lot area is 451.87 square metres (4,864.04 square feet).

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. This area is subject to the provisions of Infill By-law 99-90.

Zoning Preliminary Review

The applicants have not 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 District Plan and as such any exterior alterations are required to follow the policies and guidelines for heritage structures.

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 "Due to existing lot configuration and location of existing dwelling on the property."

Proposal

The owner has submitted Site Plan Control and Minor Variance applications to construct a 203.34 m² (2,188.8 ft²) two storey addition, with an attached two-car garage, to the rear of the existing one storey heritage dwelling. The overall project will involve the exterior restoration of the c.1860 building, which will be placed on a new foundation to provide a full basement. The applicant intends to have a home occupation within the dwelling, in connection with the residential use. Due to the characteristics of this historic lot within old Markham Village, and the non-standard placement of the existing dwelling on the property, a series of variances is required to implement the proposal.

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 reviewed the Site Plan Control and Minor Variance applications at its meeting of July 11, 2018, and did not have any concerns with the proposed development or the variances required to implement it.

Engineering and Urban Design

Lot grading, servicing and tree preservation matters are being reviewed in detail under the Site Plan Control process. No significant issues have been identified thus far in the application review process.

Heritage Planning

This proposal is a scaled-down version of another development proposal by a previous owner, which was not completed. This significant heritage building has been vacant for many years. Due to the dimensions of the lot (which is essentially square in shape) , and the location of the heritage dwelling relative to the property lines, the area in which to locate an appropriately scaled addition is fairly constrained. In the development proposal, the heritage building will be placed on a new foundation exactly where it stands right now. Variances are required to respond to the non-standard position of the existing building and to allow for an addition of an appropriate scale for its context. In addition to variances relating to built form, the applicant is also requesting that a larger percentage of floorspace be permitted to be used for home occupation purposes.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 16, 2018.

CONCLUSION

It is the opinion of the Planning staff that the requested variances are supportable and meet the four tests of the Planning Act. Staff is generally satisfied with the location, scale and form of the proposed addition and do not have any concerns with the additional space to be allocated to home occupation use.

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:

Not available

Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\ 18 235368 \Documents\District Team Comments Memo

APPENDIX "A"

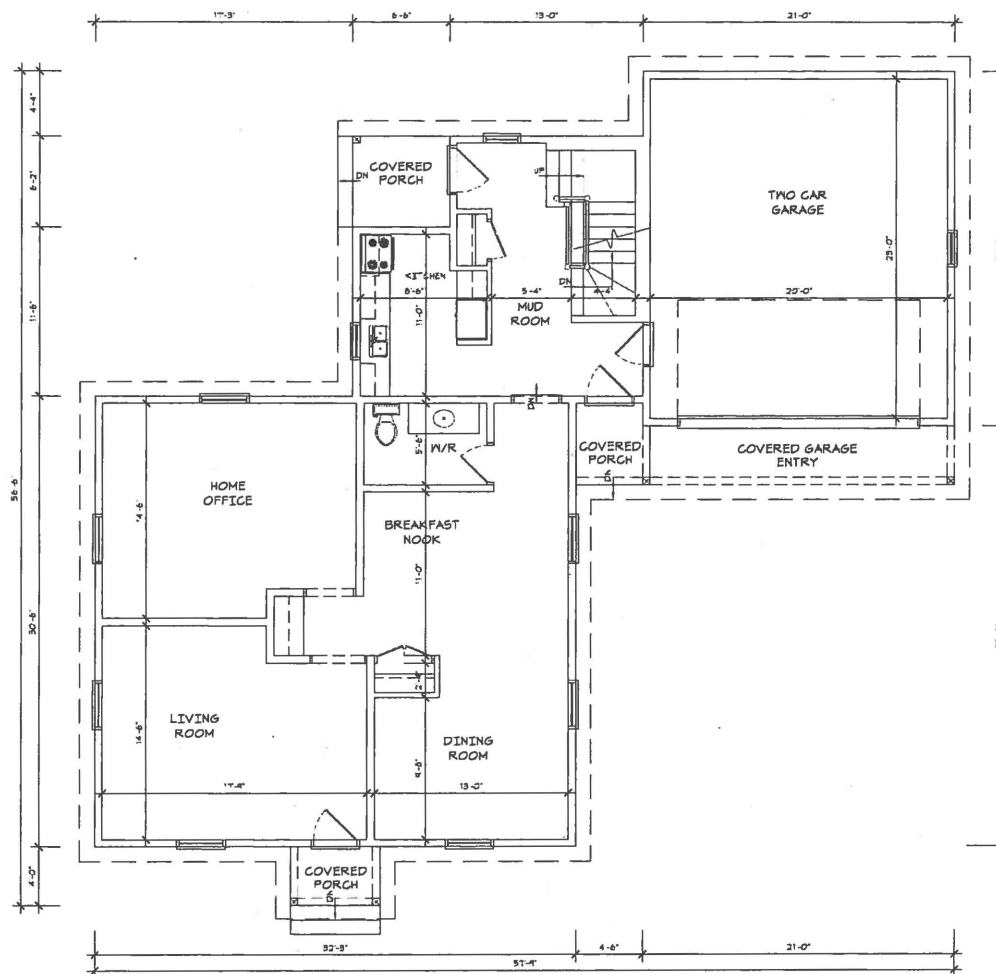
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/78/18

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 B' to this Staff Report and dated 06/04/18, 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:



George Duncan, Senior Heritage Planner



GROUND FLOOR PLAN

PROPOSED LAYOUT
 EXISTING FLOOR AREA = 983 sq.ft.
 PROPOSED ADDITION = 316 sq.ft.
 GARAGE AREA = 447 sq.ft.
 TOTAL G.F.A. = 1,746 sq.ft.
 BUILDING AREA = 1,469 sq.ft.

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA

The undersigned has reviewed and takes responsibility for his design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code.

Russ Gregory 25025
FIRM NAME BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code.

Gregory Designs 30506
FIRM NAME BCIN

PROJECT TITLE

PROPOSED ADDITION
 16 CHURCH STREET
 CITY OF MARKHAM



50 MCINTOSH DRIVE, UNIT 140
 MARKHAM, ONTARIO L3R 9T3
 OFFICE (905) 479-4767
 FAX (905) 479-8496
 shane@gregorydesigngroup.net

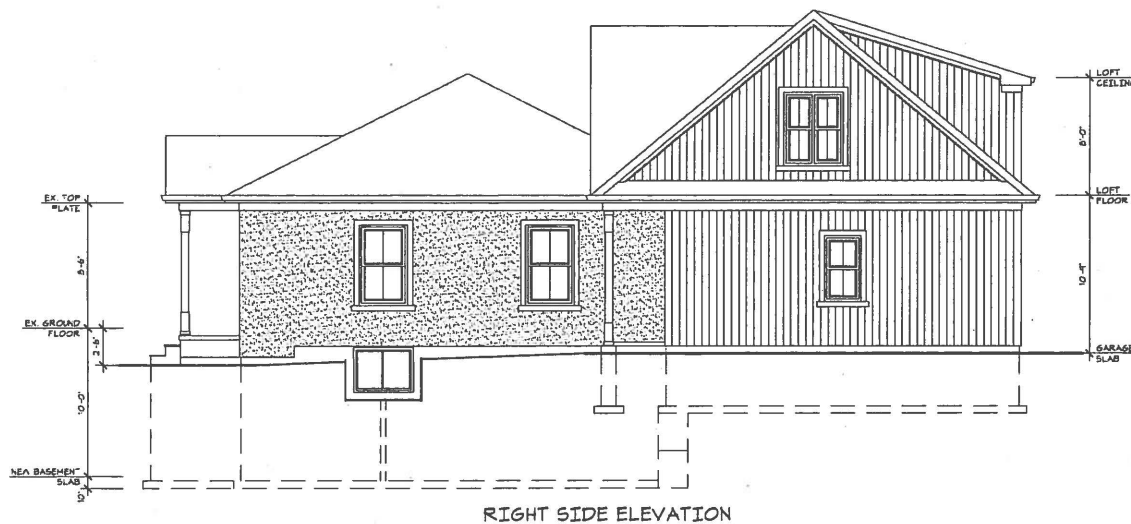
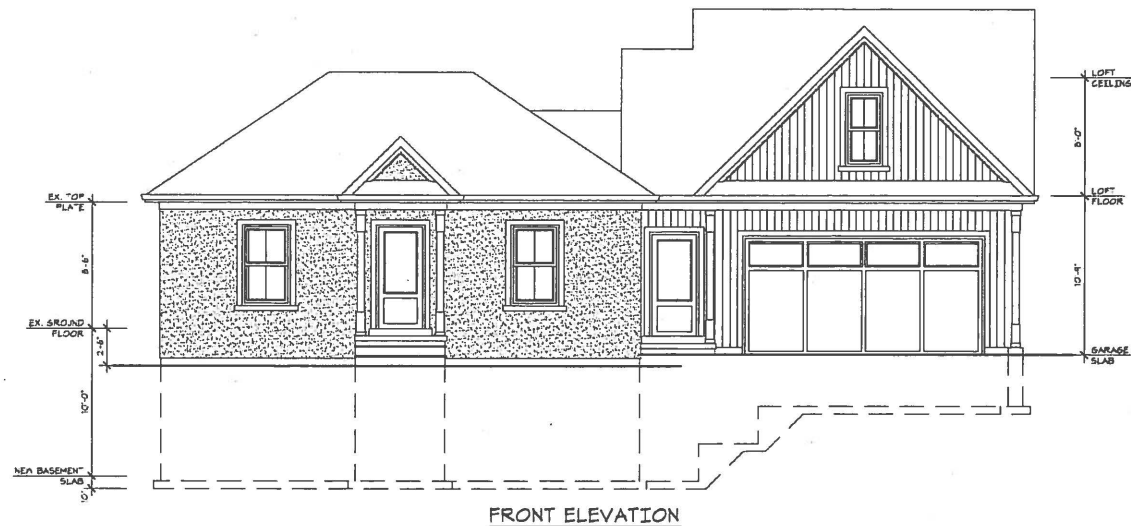
SCALE 1/8"=1'-0" DATE 06/04/18

PROJECT NUMBER 6DG-01 SHEET NUMBER

DRAWN BY S.Gregory

CHECKED BY R.G.

A-2



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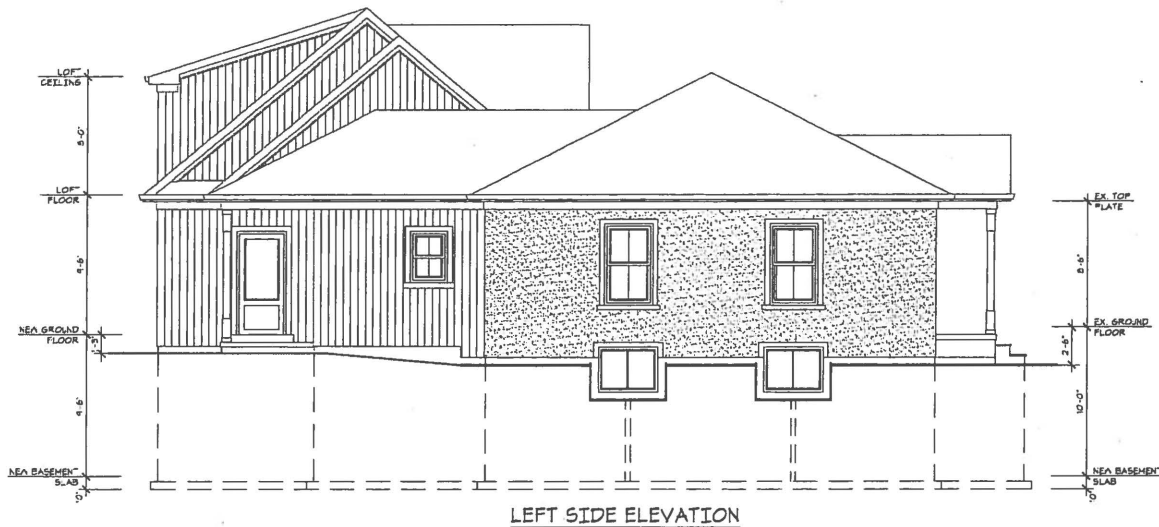
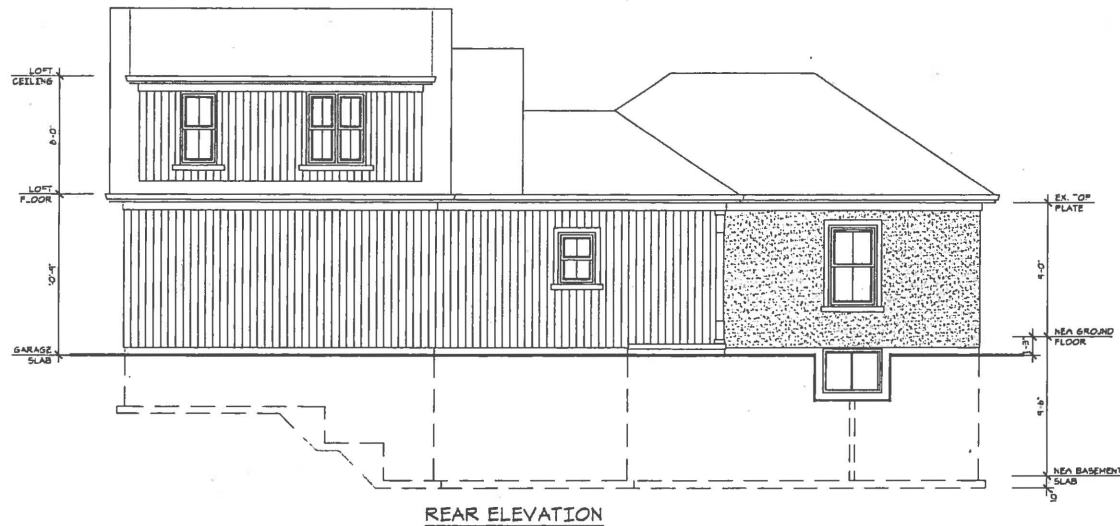
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SCALE 1/8"=1'-0" DATE 06/04/18

PROJECT NUMBER GDG-01 SHEET NUMBER

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CHECKED BY R.G.



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DRAWN BY S.Gregory

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