

Memorandum to the City of Markham Committee of Adjustment

September 06, 2018

File: A/91/18
Address: 22 Rouge St., Markham Village Heritage Conservation District
Applicant: Steven Lee
Agent: Empire Design Company (Peter Vozikas)
Hearing Date: Wednesday September 26, 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. Amending By-law 61-94, Section 1: a minimum two-storey side yard setback of 1.52 m (west), whereas the By-law requires a minimum two-storey side yard setback of 6 ft (1.83 m);
2. Amending By-law 61-94, Section 1: a minimum two-storey side yard setback of 1.21 m (east), whereas the By-law requires a minimum two-storey side yard setback of 6 ft (1.83 m);
3. Infill By-law 99-90, Section 1.2 (iii): a maximum building depth of 18.52 m, whereas the By-law permits a maximum building depth of 16.8 m;
4. Infill By-law 99-90, Section 1.2 (vi): a maximum Floor Area Ratio of 53 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The subject property is located on the north side of Rouge Street in a residential neighbourhood of the Markham Village Heritage Conservation District. The property is occupied by a one storey 980 ft², non heritage, single detached dwelling constructed in 1962. The property immediately to the east is occupied by a new, two storey, 3,609 ft² single detached dwelling, and the property immediately to the west is occupied by a one storey, 1,344 ft² single detached dwelling constructed in 1969 (See Location Map-Figure 1).

Proposal

The applicant proposes to demolish the existing non-heritage dwelling in order to construct a new two storey 4,519 ft² single detached dwelling, with an attached two car garage.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, relief is requested because, "The current Zoning By-law requires a minimum of 1.8m on each side yard of the lot and a maximum building depth of 16.8m and maximum of 45% of the Net Lot Area".

Zoning Preliminary Review Has Been Undertaken

The applicant has confirmed that Zoning Preliminary Review has been undertaken and assigned the number ZPR 18 226400.

Proposal

The applicant proposes to demolish the existing non-heritage dwelling in order to construct a new two storey 4,519 ft² single detached dwelling with an attached two car garage (See Figure 2-Site Plan Elevations of the Proposed New 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.

Minimum Side Yard Setbacks

The requested variance to permit a minimum east, side yard setback of 1.22 m (4 ft.) could be considered minor in nature given that the Committee of Adjustment previously supported side yard setbacks of 4 ft. and 5 ft. for the newly constructed dwelling at 24 Rouge Street, despite the reduction not being supported by Planning Staff or Heritage Markham. The proposed house at 22 Rouge could be considered to be architecturally compatible with the new house at 24 Rouge Street, and given that the west side yard setback of 24 Rouge Street is also 4 ft., albeit not along the entire wall, it could also be argued that a 4 foot side yard setback is appropriate. However, staff are not in support of this reduction.

The proposed new house at 22 Rouge Street is not compatible with the modest one storey home located immediately to the east at 20 Rouge Street, therefore, Planning Staff does not consider the requested variance to permit a 5 ft. west, side yard setback to be minor in nature, or desirable for the appropriate development of the land (See Figure 3-Google Streetscape of the Subject Property)

Maximum Building Depth

The requested variance to permit a maximum building depth of 18.52 m whereas the By-law permits a maximum building depth of 16.8m can be considered to be minor in nature because the proposed building depth is generally consistent with the building depth of the newly constructed house at 24 Rouge Street and the proposed building depth has no appreciable impact from the public realm of Rouge Street.

Maximum Net Floor Area Ratio

The requested maximum net floor area ratio of 53% whereas the By-law permits a maximum net floor area ratio of 45% does not meet the four tests in the opinion of Planning Staff, given that this value is directly linked to the proposed side yard setbacks, which are not supported by Planning Staff, and because it is in support of the largest new infill dwelling constructed on Rouge Street since the year 2000. As previously stated, the proposed new house at 22 Rouge Street is in no way architecturally compatible with the adjacent house at 20 Rouge Street. It is also 28% larger than the average floor area of infill houses constructed in the last eighteen years as noted in the chart below.

A Comparison of Floor Areas of New Dwellings Constructed on Rouge Street Since the year 2000 (including attached garages)

Address	Floor Area in Square Feet	Variance for Floor Area Required	Year Approved	Comments
3	3,149	Yes-57%	2001	
4	3,500	Yes-49.7%	2007	
7	2,513	No	2011	
10	3,364	Yes- 51%	2012	757 ft2 Detached garage
15	3,582	Yes-58.4%	2011	
17	3,546	Yes-57.8%	2011	
19	3,936	Yes-55.2%	2005	664 ft2 Detached garage
22	4,519	Yes-53.2%		
24	3,609	Yes-48.8%	2016	
26	3,113	No	2006	
30B	3,435	No	2017	
55	4,040	No	2015	
59	4,459	No	2012	
60	3,652	No	2009	
Mean	3,531			
Median	3,513			

Planning staff cannot find any compelling argument, or site specific reasons as to why the proposed net floor area ratio is minor in nature, desirable for the appropriate development of the property, or how it maintains the purpose and intent of the City's Official Plan and Zoning By-law which is to promote compatible infill dwellings within established neighbourhoods.

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 September 5th, 2018 and had no objection to the requested variance to permit a maximum building depth of 18.52m, but did not support the requested variances to the minimum required side yard setbacks, and recommended that the maximum net floor area ratio be reduced as close as possible to the maximum net floor area ratio permitted by the By-law (See Heritage Markham Extract of September 5, 2018 Appendix 'B').

PUBLIC INPUT SUMMARY

No written submissions were received as of September 19, 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 requested variances to permit reduced side yard setbacks and a maximum net floor area ratio of 53% do not meet the four tests of the Planning Act, but that the requested variance to permit a maximum building depth of 18.52m is supportable.

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.

Should the committee see merit in the requested variances, Planning staff recommend that the conditions found in Appendix "A" be attached to any approval of this application.

PREPARED BY:



Peter Wokral, Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\ 18 236764 \Documents\District Team Comments Memo

Figure 1- Location Map



[illegible]

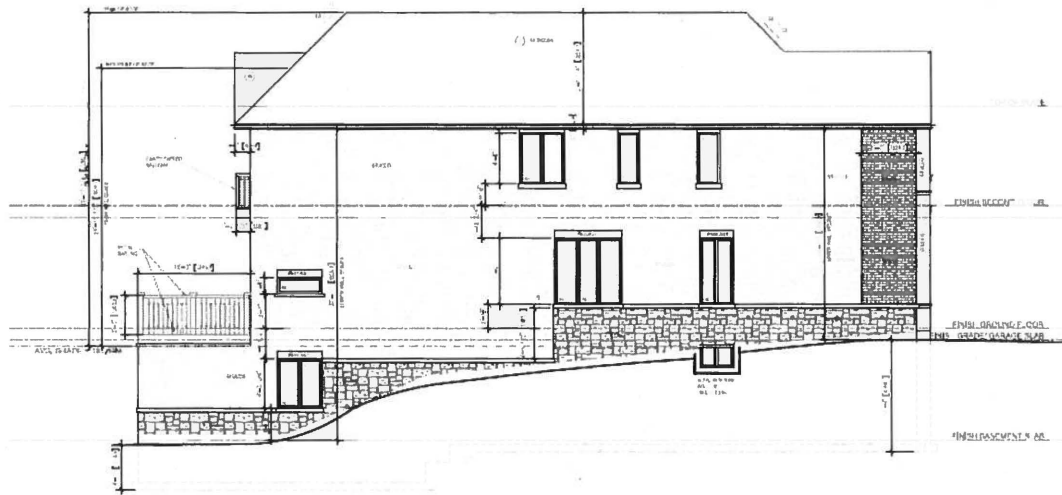


Figure 3-Google Streetscape

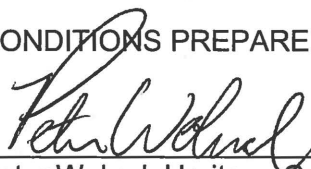


APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/91/18

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 'Figure 2 to this Staff Report 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

Appendix 'B'- Heritage Markham Extract of September 5, 2018

HERITAGE MARKHAM EXTRACT

DATE: September 14, 2018

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
J. Leung, Committee of Adjustment

EXTRACT CONTAINING ITEM #12 OF THE NINTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON SEPTEMBER 5, 2018.

**12. Committee of Adjustment Variance Application,
22 Rouge Street, Markham Village Heritage Conservation District,
Variances in Support of a Proposed Dwelling (16.11)**

File No: A/91/18

Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
J. Leung, Committee of Adjustment

Memo

Peter Wokral, Heritage Planner, addressed the Committee and summarized the details outlined in the memo. He noted that similar variances were approved for 24 Rouge Street previously, but 22 Rouge Street is requesting support for a significantly larger dwelling.

The Committee proposed an amendment to the Staff recommendation – that Heritage Markham does not support any variance to either side yard setback, and that a net floor area ratio closer to the infill by-law of 45% must be achieved.

Recommendation:

That Heritage Markham has no objection to the demolition of the existing one storey dwelling at 22 Rouge Street as it has no heritage significance; and,

That Heritage Markham has no objection from a heritage perspective to a maximum building depth of 18.52m for the proposed new dwelling at 22 Rouge Street; and,

That Heritage Markham does not support from a heritage perspective any variance to the east or west side yard setbacks; and,

That Heritage Markham requests a reduction to the net floor area ratio to achieve a net floor area ratio closer to the permitted by-law maximum of 45% for the proposed new dwelling at 22 Rouge Street; and,

That Heritage Markham does not support the use of stucco for three of the four walls of the proposed dwelling or the use of pre-cast and stucco surrounds for the proposed window and door openings; and further,

That Heritage Markham also recommends that the future site plan application be revised to retain the existing boulevard tree.

CARRIED