

Memorandum to the City of Markham Committee of Adjustment

January 27, 2023

File: A/004/22
Address: 33 Washington Street, Markham Village
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, February 1, 2023

The following comments are provided by Heritage Section staff for the property municipally-known as 33 Washington Street (the “subject property” or the “property”):

The applicant is requesting relief from the following requirements of By-law 1229, R3 as amended, to permit:

- a) **By-law 1229, Table 11.3(a)(i):**
an accessory building with a height of 12.83 ft, whereas the by-law permits a maximum height of 12 ft;
- b) **By-law 1229, Table 11.1:**
a front yard setback of 11.91 feet, whereas the By-law requires a minimum front yard setback of 25.0 feet;
- c) **By-law 99-90, Section 1.2(v):**
a maximum floor area ratio of 55.51 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- d) **By-law 99-90, Section 1.2(ii):**
a building depth of 19.16 m, whereas the by-law permits a maximum building depth of 16.8 metres.

as it relates to a proposed two-storey single-detached dwelling with detached garage.

BACKGROUND

Property Description

The approximately 840 m² (9042 ft²) subject property is located on the east side of Washington Street midway between Centre Street to the south, and Joseph Street to the north.

The property is designated under Part V of the Ontario Heritage Act as a constituent property of the Markham Village Heritage Conservation District (the “MVHCD”), and is situated within an established residential neighbourhood comprised of predominately one to two-storey detached dwellings. These dwellings were constructed predominantly in the nineteenth and early twentieth centuries, with pockets of mid-century and contemporary infill. Lot coverage along with front and rear yard setbacks is variable within the neighbourhood. Mature vegetation exists on and adjacent to the subject property. Refer to Appendix “A” for images of the subject property.

Proposal

The applicant is proposing to remove and replace the existing single-detached dwelling and detached garage, constructed in 1903 as per MPAC records, with a new two-storey single-detached dwelling with detached garage (vehicular access to the garage is

proposed to be achieved from Jerman Street). In response to comments from City staff, the dwelling has been sited on the property to conserve mature on-site trees, notably a Black Walnut located along the southern property line with 29 Washington Street. Refer to Appendix “D” for drawings of the proposal.

The existing dwelling and detached garage are together not considered significant cultural heritage resource as described within the Markham Village Heritage Conservation District Plan (the “MVHCD Plan”). Heritage Section staff concur with the subject property’s rating within the MVHCD Plan given its minimal design value, and are of the opinion that removal of the existing structures will not have an adverse impact on the cultural heritage value of the MVHCD.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low-rise housing forms including single-detached dwellings.

Zoning By-Law 1229

The subject property is zoned R3 under By-law 1229, as amended, which permits the proposed development.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. As outlined above, the proposed development does not comply with the infill By-law requirements with respect to maximum floor area ratio and building depth.

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) in November 2022 to confirm the variances required for the proposed development.

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.

Increase in Maximum Accessory Building Height

The applicant is requesting relief to permit a maximum accessory building height of 12.83 ft (3.91 m), whereas the By-law permits a maximum accessory building height of 12 ft (3.66 m). This represents an increase of 0.83 ft (0.25 m). Note that the By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface.

As the proposed increase in permitted height is less than 1ft, the visual impact will be nearly imperceptible. As such, Staff are of the opinion that the variance is minor in nature and supportable.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 11.91 ft (3.63 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of approximately 13.09 ft (3.99m). The variance is in part attributed to the front covered porch as the main front wall of the proposed dwelling provides a front yard setback of 18.11 ft (5.52 m).

Given the variability of front yard setbacks along the portion of Washington Street between Centre and Joseph Streets, and given that the setback of the proposed dwelling, while non-conforming, generally matches the setback of the existing dwelling, Staff are of the opinion that the requested setback of 11.91ft is supportable. Notably, this front yard setback is greater than those of the nearby dwellings at 25 and 27 Washington Street which are each approximately 6.6 ft (2.01 m), and 30 Washington Street which is approximately 9.2 ft (2.8 m). As such, the requested variance is in keeping with the built form character of the street, can be considered minor in nature and is supportable.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 55.51 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. Note that this calculation includes both the gross floor area of the proposed dwelling and the detached garage with a combined gross floor area of 480.30 m² (5169.91 ft²).

In determining compatibility of the proposal with the scale and massing of nearby dwellings, it is important to note that the new dwelling meets other zoning permissions, such as lot coverage and height, which are more useful measures of compatibility. Note too that the proposed dwelling and detached garage do not front the same street, minimizing their combined visual impact on neighbouring properties. Given these considerations, Staff are of the opinion that the requested variance is minor in nature and supportable.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.16 m (62.86 ft), whereas the By-law permits a maximum building depth of 16.8 m (52.49 ft). This represents an increase of approximately 2.36 m (6.56 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a rear covered porch which adds approximately 2.4 m (8.2 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.77 m (52.49ft) which complies with the by-law requirement. As such, the

requested variance can be considered minor in nature and is supportable from a Staff perspective.

City Staff and Advisory Bodies

Urban Design Staff

The City's Urban Design Section has no objection to the proposed variances as there is no adverse impact on healthy on-site mature trees. Urban Design staff are in support of removal of the City-owned tree fronting Jerman Street given its poor condition.

Engineering Staff

The City's Engineering staff have no objection to the requested variances.

Heritage Markham Committee

Heritage Markham considered the requested variances at its meeting on December 14, 2022 and had no objection from a heritage perspective (refer to Appendix "B" for the meeting extract).

PUBLIC INPUT SUMMARY

No written submissions were received as of the time this report was finalized. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variances requested meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision should any be provided.

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 refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Evan Manning, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

APPENDIX "A"
LOCATION MAP AND IMAGES OF THE SUBJECT PROPERTY



Property map showing the subject property outlined in yellow (Source: City of Markham)



The west (primary) elevation of 33 Washington Street (above) and street facing elevation of the existing garage fronting Jerman Street (below) (Source: Google)

HERITAGE MARKHAM EXTRACT

Date: December 23, 2022

To: R. Hutcheson, Manager, Heritage Planning
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.2 OF THE TWELFTH HERITAGE
MARKHAM
COMMITTEE MEETING HELD ON DECEMBER 14,
2022

6.2 COMMITTEE OF ADJUSTMENT - MINOR VARIANCE APPLICATION

PROPOSED TWO-STOREY DETACHED DWELLING WITH DETACHED GARAGE 33 WASHINGTON STREET, MARKHAM VILLAGE (16.11)

FILE NUMBER:
A/004/22

Evan Manning, Senior Heritage Planner, presented the revised scheme for 33 Washington Street. The Applicant is seeking variances to enable the construction of a two-storey detached dwelling and detached garage at 33 Washington Street. Vehicular access to the proposed garage will be achieved from Jerman Street. The applicant had previously requested variances to construct a semi-detached dwelling with a shared detached garage. The Committee did not support this proposal as it would have required the removal of a mature Black Walnut tree along the southern edge of the property. The revised proposal conserves this tree.

A Committee Member expressed concern that the floor area ratio is 55.51% when the by-law only permits 45%, and was not aware of any other houses in the neighbourhood that were this large in size. Shane Gregory, the Applicant, advised that the floor area ratio includes the detached garage.

The Committee opined that the design of the house was compatible

with the heritage character of the area, and noted that the variances for floor area ratio is best addressed by the Committee of Adjustment.

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit a new two-storey detached dwelling with detached garage at 33 Washington Street (A/004/22).

AND THAT review of any application required to approve the proposed development be delegated to Heritage Section staff should the design be generally consistent with the conceptual drawings appended to this memo.

Carried

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/004/22

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 “D” to this Staff Report and received by the City of Markham in November 2022, 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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process;
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City’s Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process;
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City’s Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Evan Manning, Senior Heritage Planner

APPENDIX "D"
DRAWINGS

SURVEYOR'S REAL PROPERTY REPORT OF
PART 1:
PLAN OF PART OF LOT 7
REGISTERED PLAN 18

CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)



A. AZIZ SURVEYORS INC., O.L.S.

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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PART WITHOUT THE EXPRESS PERMISSION OF A. AZIZ SURVEYORS INC. O.L.S.
IS STRICTLY PROHIBITED.

PART 2:
REPORT
* THIS REPORT WAS PREPARED FOR R. GREGORY, AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.
BOUNDARIES
* PART OF LOT 7, REGISTERED PLAN 18
TITLE SEARCH INDICATES
* NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.
ZONING
* NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE
FOR THE SUBJECT PROPERTY (PROPERTIES).
ENCROACHMENTS
* PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE SOUTHERLY
& NORTHERLY BOUNDARIES; THEY ARE LOCATED OVER THE
SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.
BEARING NOTE
* BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT
OF WASHINGTON STREET HAVING A BEARING OF N 09°31'30" W
AS SHOWN ON PLAN 65R-32689
GEODETIC
* ELEVATIONS SHOWN GEODETIC DRIVEN FROM CITY OF MARKHAM
BENCH MARK # 3294-68, ELEVATION 184.248m

LEGEND:

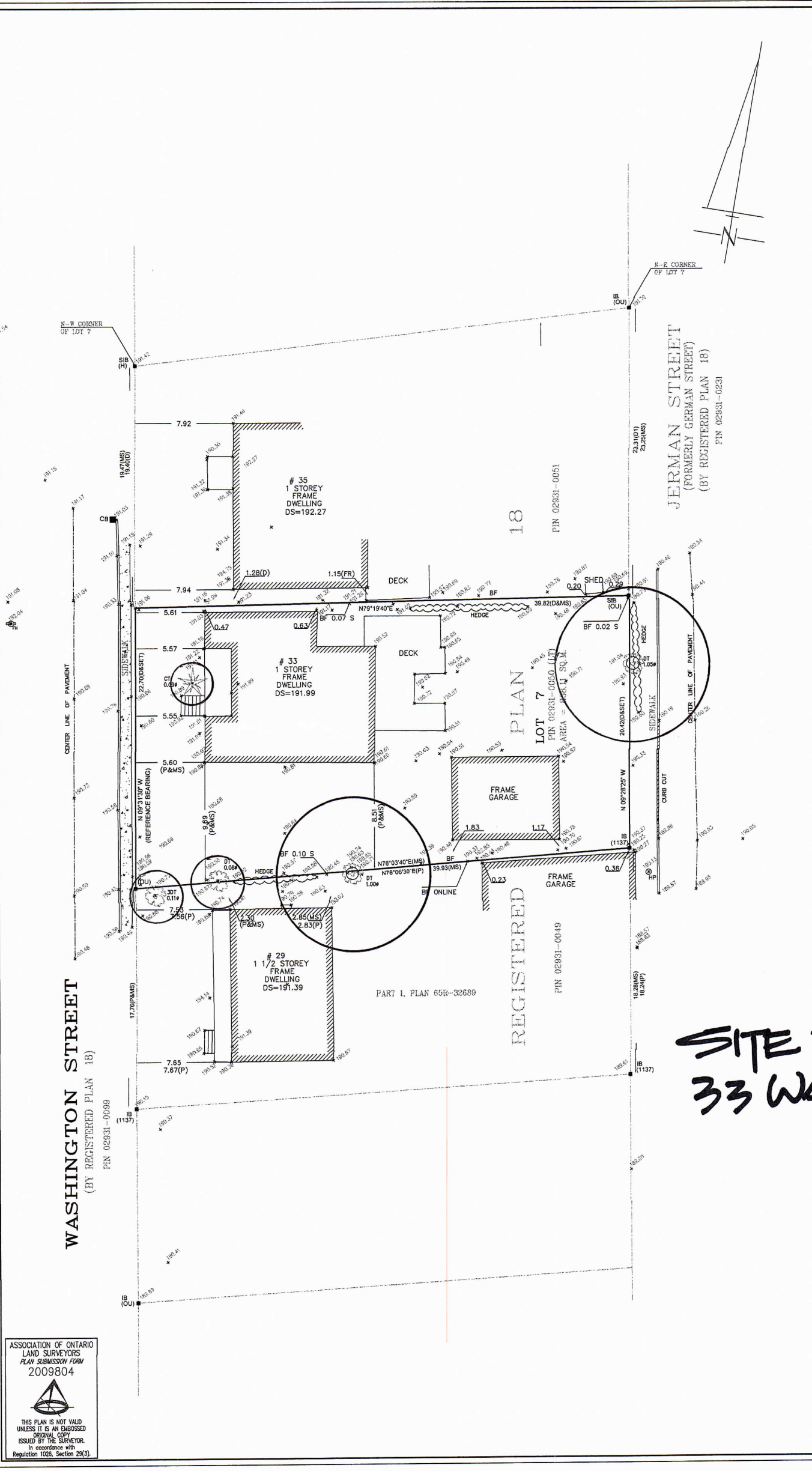
■	DDNOTES SURVEY MONUMENT FOUND	IB	IRON BAR
○	SURVEY MONUMENT SET	FH	FIRE HYDRANT
SB	STANDARD IRON BAR	CB	CATCH BASIN
N.E.S.W	NORTH, EAST, SOUTH, WEST	WH	MANHOLE
BF	BOARD FENCE	O/H WRES	OVERHEAD WIRE
OLF	CHAIN LINK FENCE	HP	HYDRO POLE
RP	REGISTERED PLAN 18	OU	ORIGIN UNKNOWN
P	PLAN 65R-32689	MS	MEASURED
DI	NST # MAR1349	CT	DECIDUOUS TREE
1137	NST # 455064	CT	CONIFEROUS TREE
	R. G. MCKIBBIN	DS	DOOR SILL

**SITE PLAN SHOWING
33 WASHINGTON ST**

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE
ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 22nd DAY OF MARCH, 2017

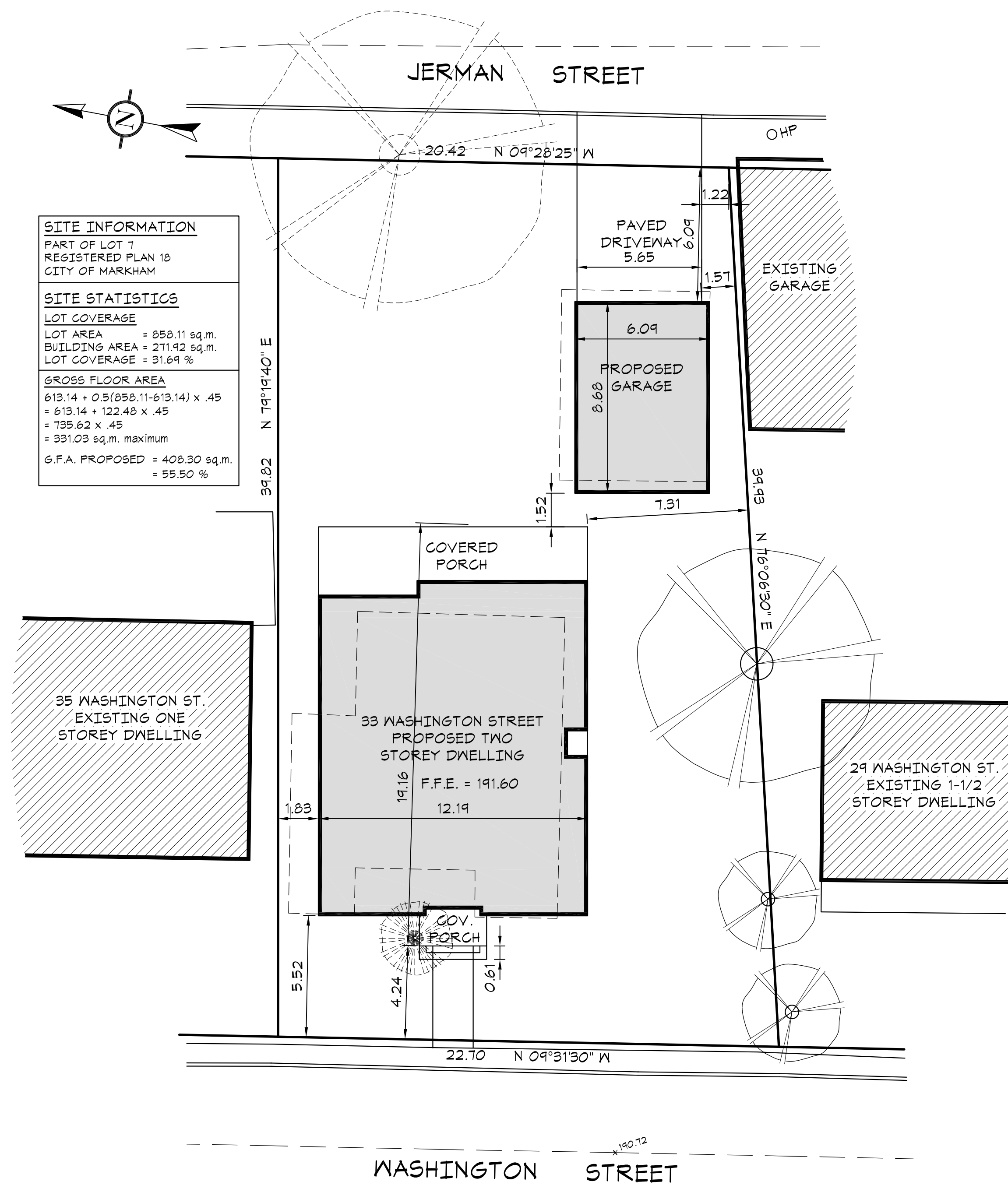
DATE: MARCH 22, 2017
A. ABDELSHAWH
ONTARIO LAND SURVEYOR

A. AZIZ SURVEYORS INC ONTARIO LAND SURVEYORS 120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7 Tel. (905) 237-8224 Fax: (416) 477-5465 Website: M-Azizsurveyors.ca E-Mail: aziz@m-azizsurveyors.ca	
PROJECT NUMBER 17-091	PROJECT 33 WASHINGTON STREET (SR-PR)
DRAWN BY KU	CHECKED BY A.A



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2009804

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1025, Section 22(3).



SITE INFORMATION	
PART OF LOT 1 REGISTERED PLAN 18 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 850.11 sq.m.
BUILDING AREA	= 271.92 sq.m.
LOT COVERAGE	= 31.99 %
GROSS FLOOR AREA	
619.14 + 0.5(850.11-619.14) x .45	
= 619.14 + 122.40 x .45	
= 135.62 x .45	
= 331.03 sq.m. maximum	
G.F.A. PROPOSED	= 408.30 sq.m. = 59.50 %

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.

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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

**NEW HOUSE DESIGN
33 WASHINGTON STREET
CITY OF MARKHAM**

**THE GREGORY
DESIGN GROUP**

16 CHURCH STREET
MARKHAM, ONTARIO L3P 2L6
416-520-0978
shane@gregorydesigngroup.net

SCALE	DATE
1:150	11/08/22
PROJECT NUMBER	SHEET NUMBER
2284-21	SP-1
DRAWN BY	
S.Gregory	
CHECKED BY	
R.G.	



FRONT ELEVATION



RIGHT SIDE ELEVATION

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SCALE 1/4"=1'-0"	DATE 11/08/22
PROJECT NUMBER 2284-21	SHEET NUMBER A-3
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REAR ELEVATION



LEFT SIDE ELEVATION

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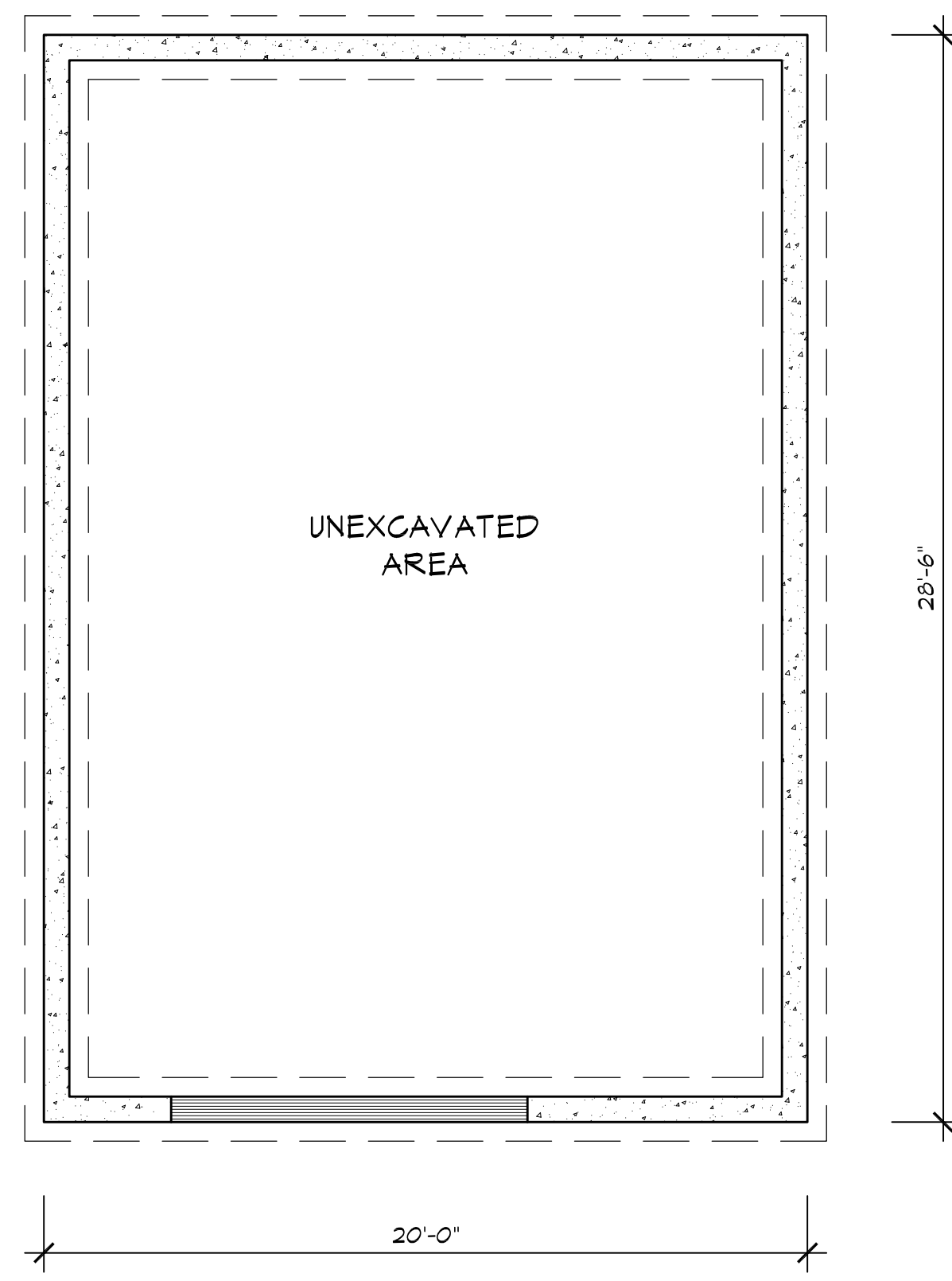
Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506

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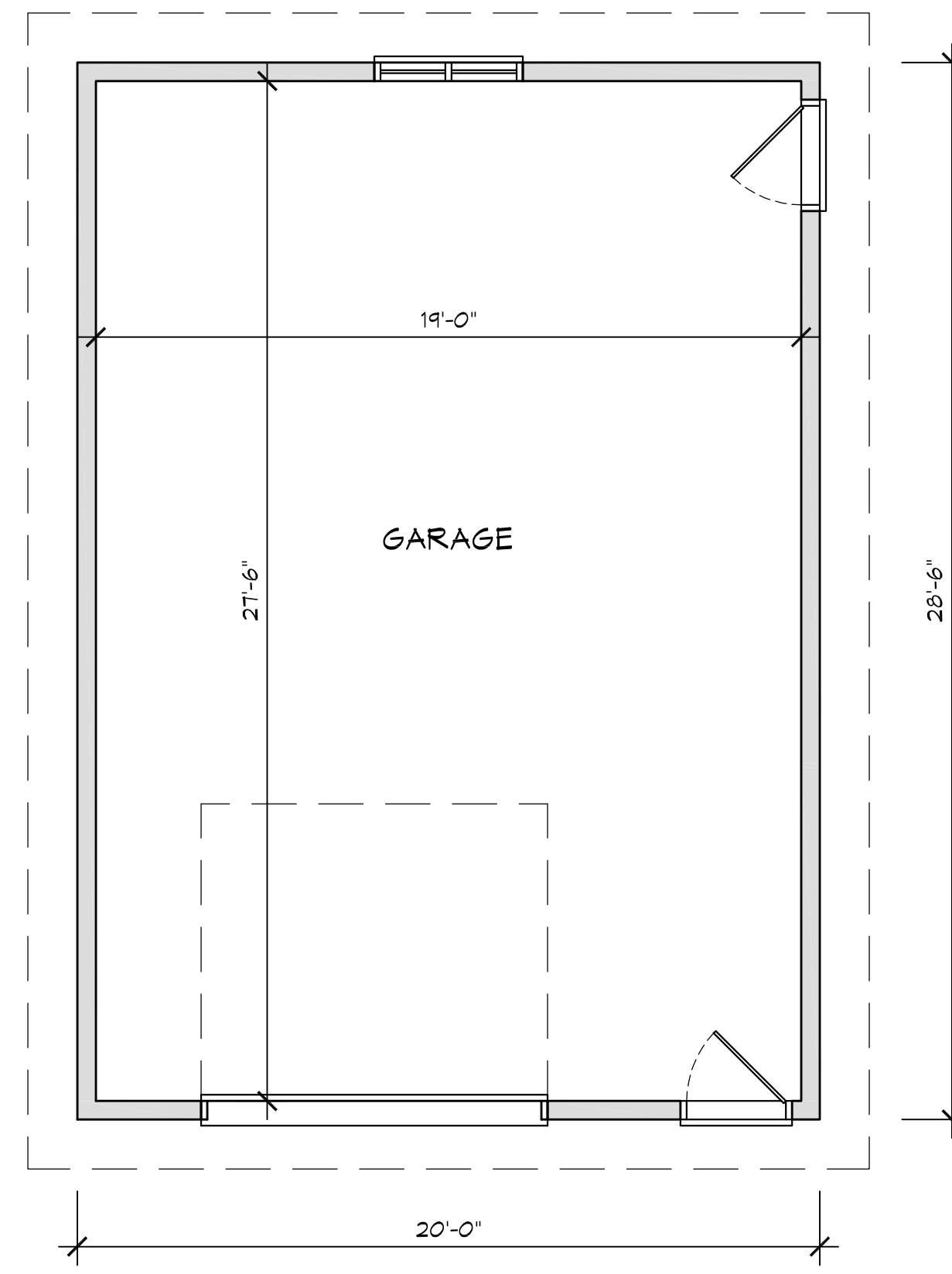
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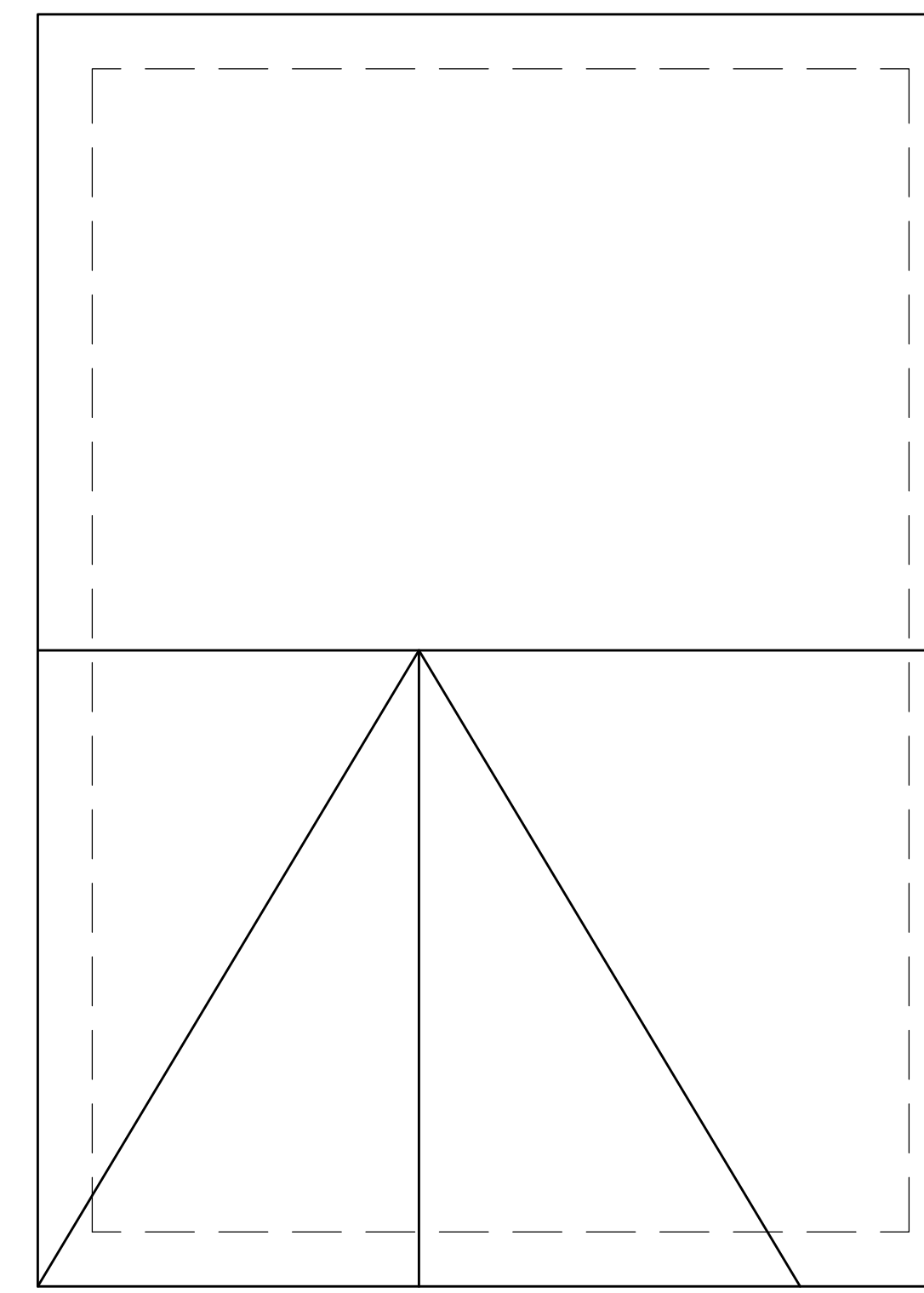
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PROJECT NUMBER 2284-21	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.



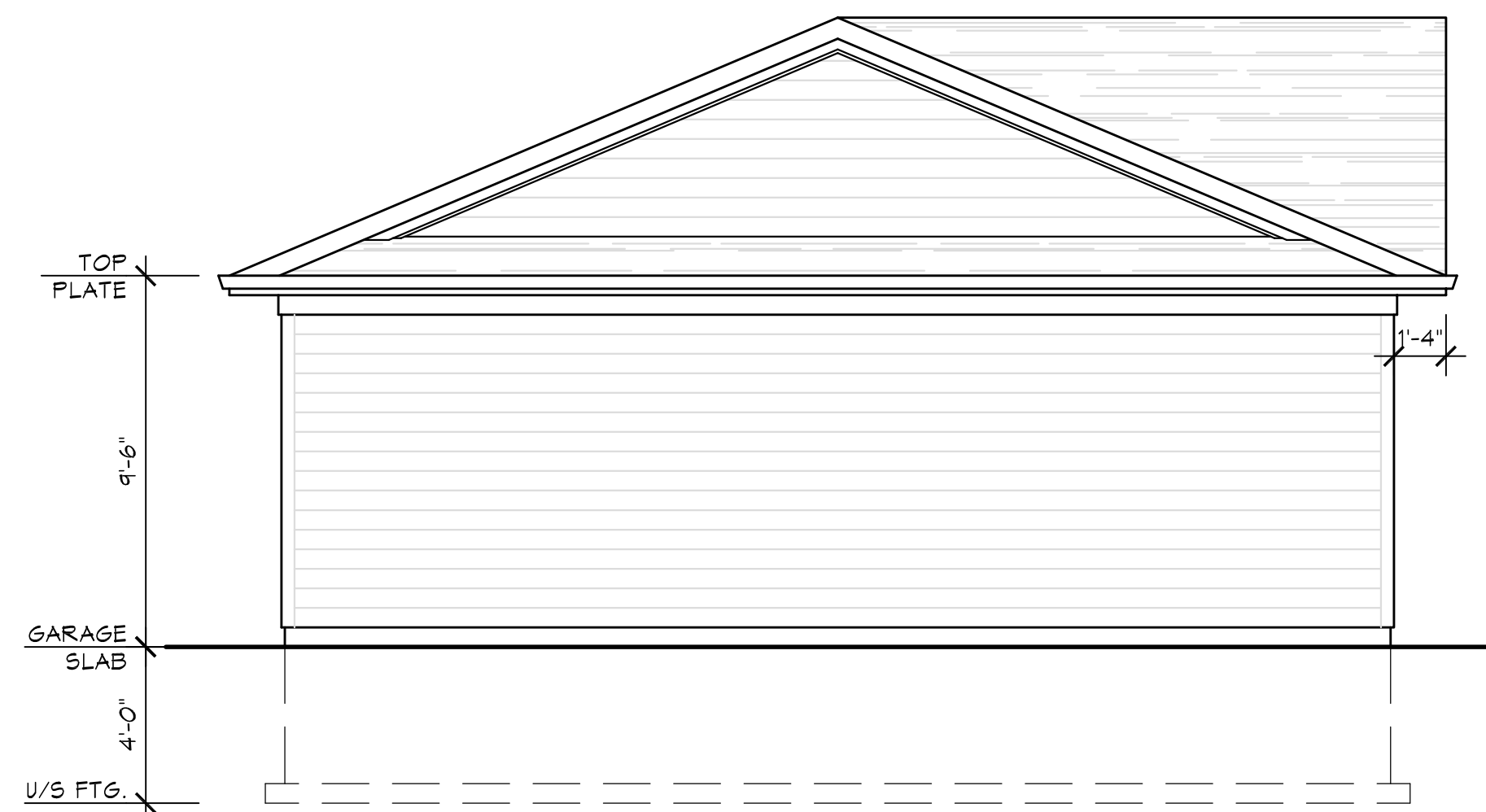
FOUNDATION PLAN



GARAGE PLAN



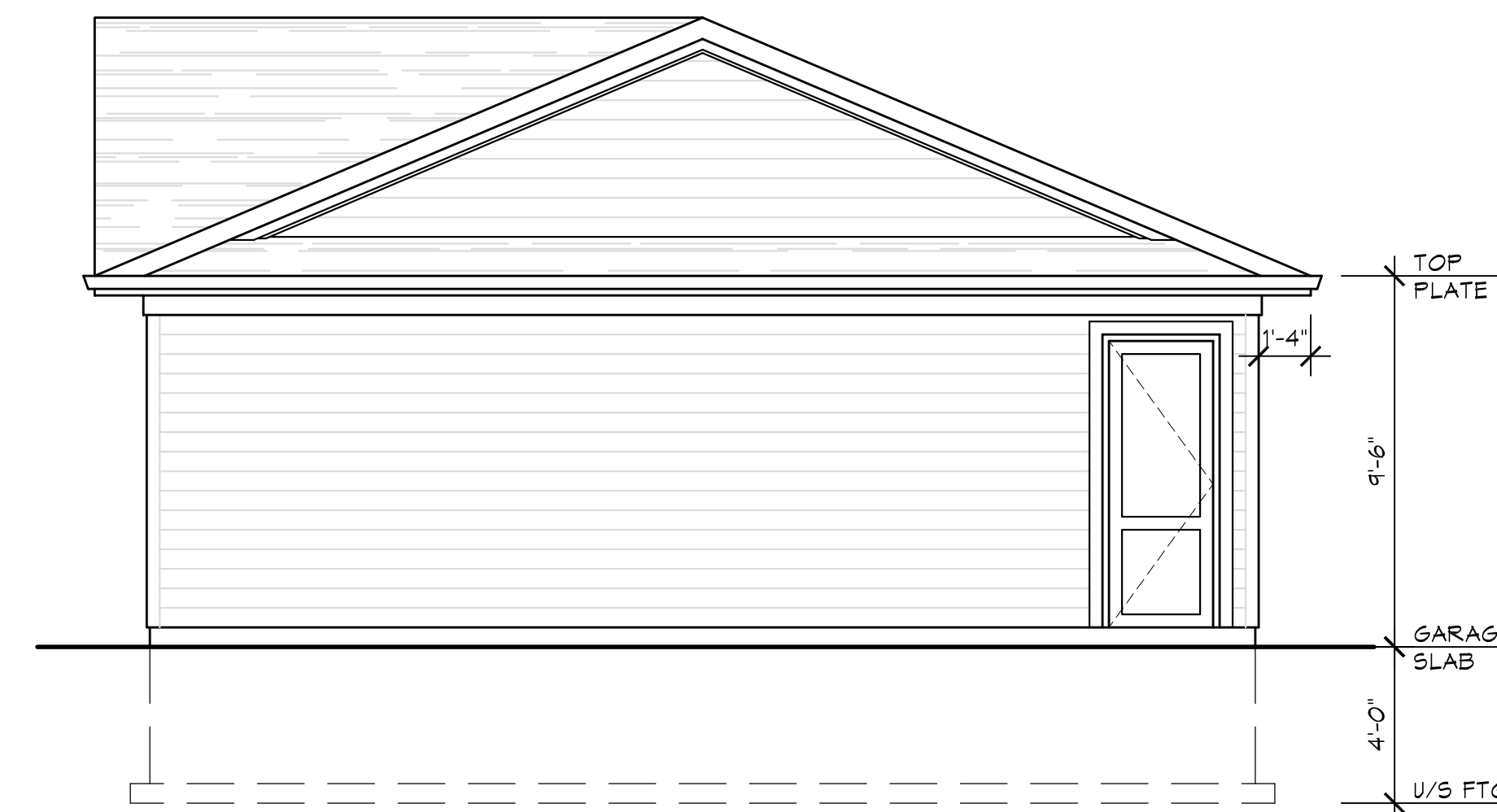
ROOF PLAN



LEFT SIDE ELEVATION



FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION

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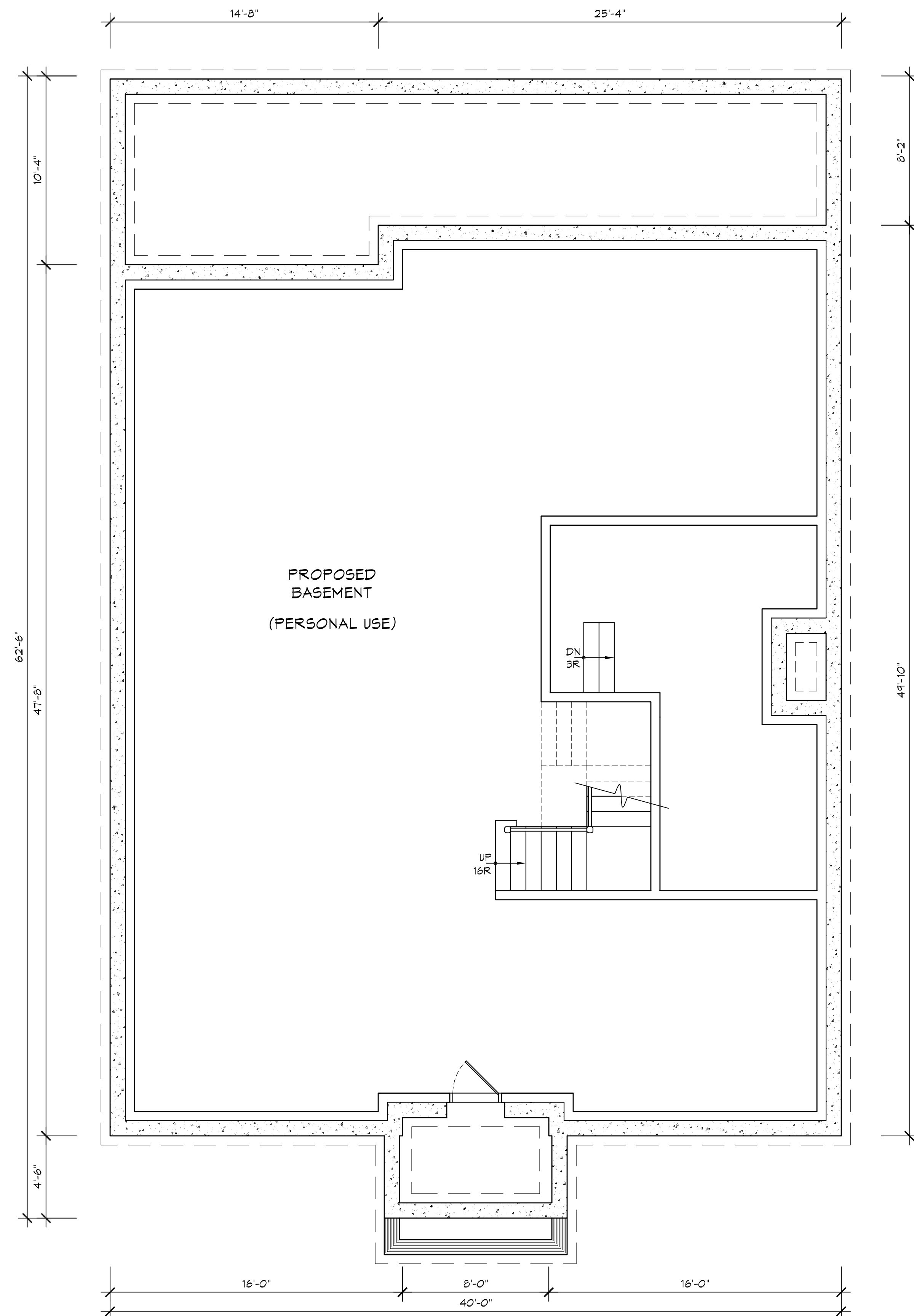
PROJECT TITLE

PROPOSED GARAGE
33 WASHINGTON STREET
CITY OF MARKHAM

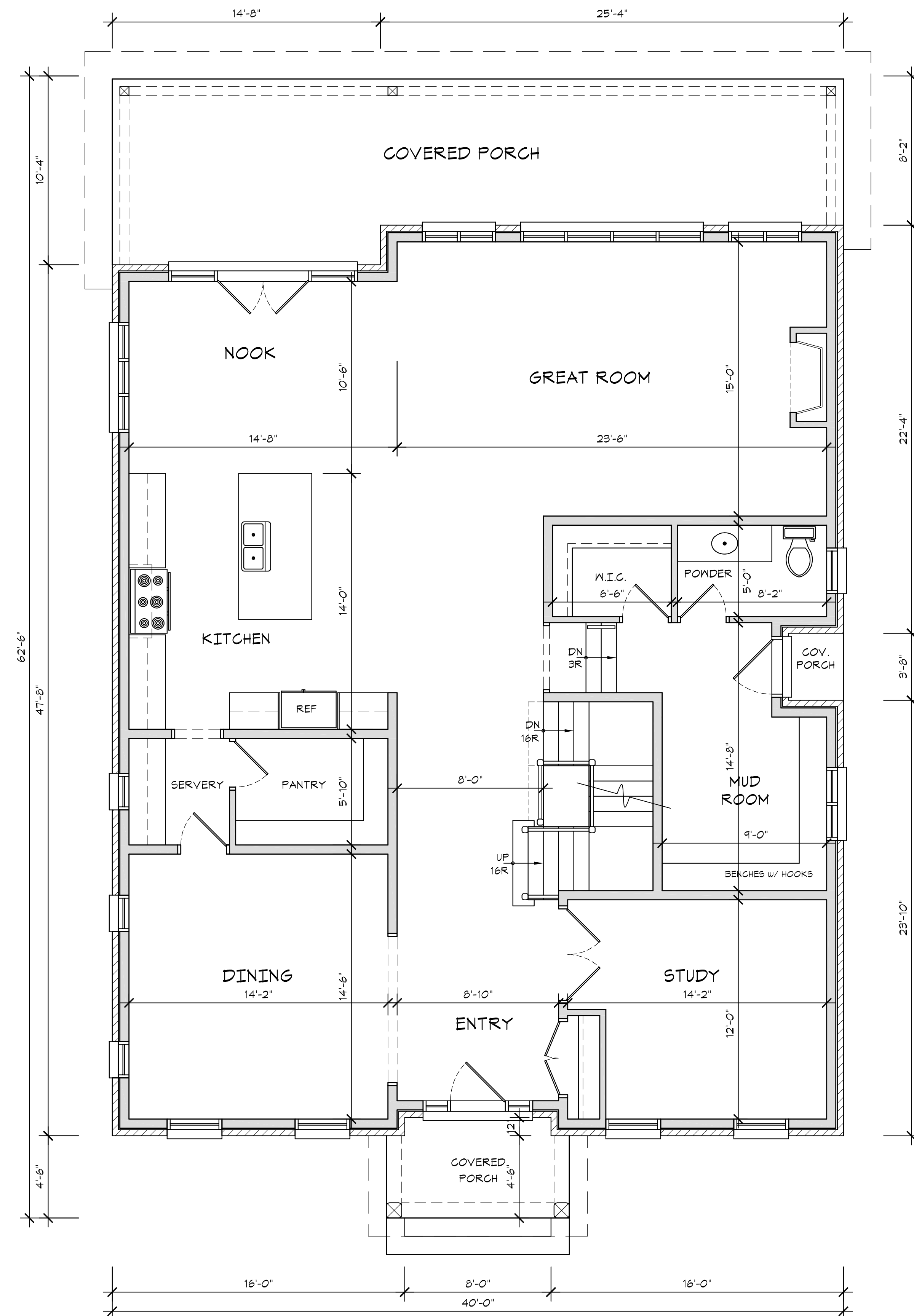
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PROJECT NUMBER	SHEET NUMBER
2284-21	A-5
DRAWN BY	CHECKED BY
S.Gregory	R.G.



BASEMENT & FOUNDATION PLAN



GROUND FLOOR PLAN

FLOOR AREA = 1,942 sq.ft.
 BUILDING AREA = 2,358 sq.ft.
 (INC. COVERED PORCHES)

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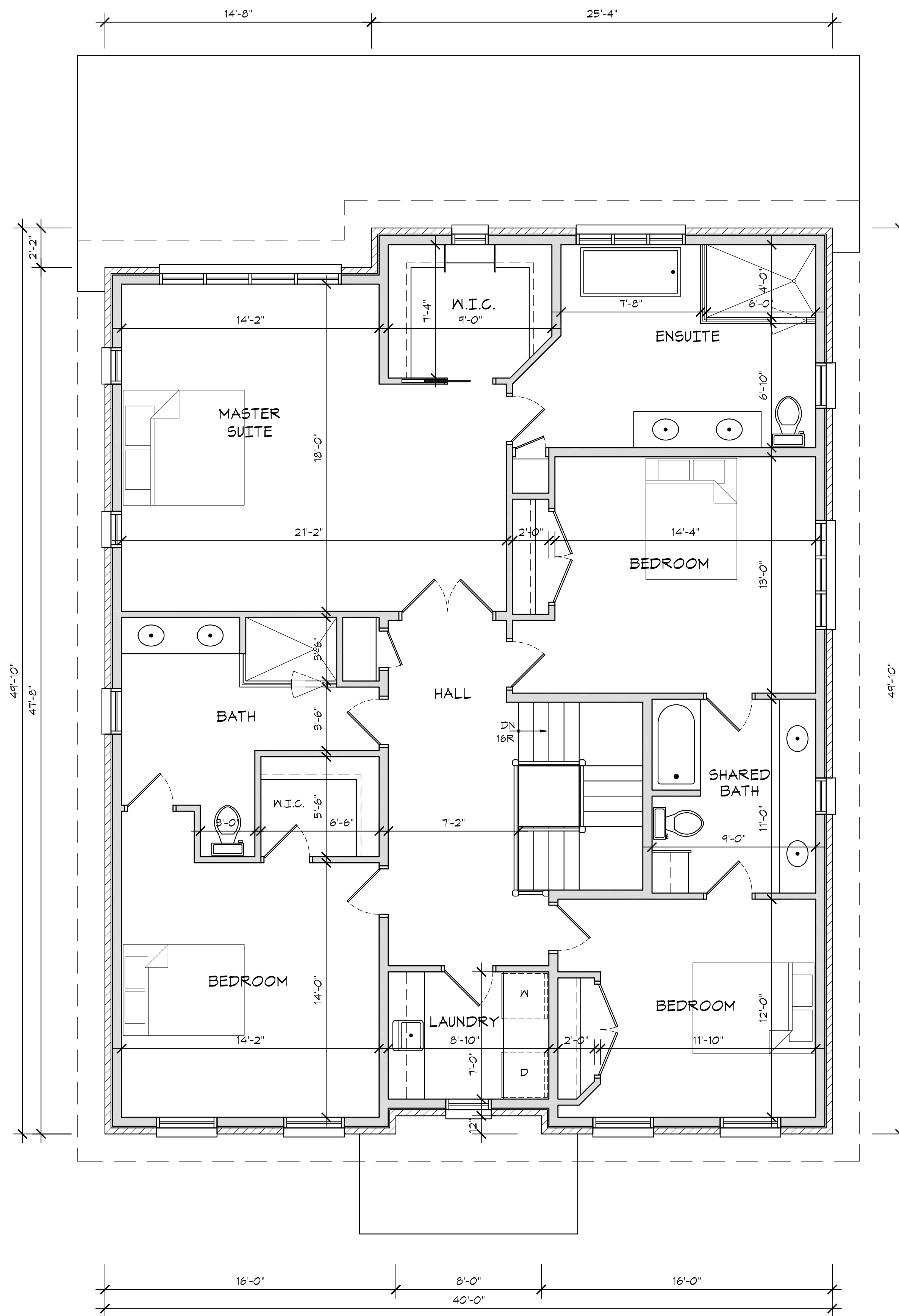
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DRAWN BY S.Gregory	CHECKED BY R.G.



SECOND FLOOR PLAN

FLOOR AREA = 1,953 sq.ft.
 OPEN SPACE = 70 sq.ft.
 TOTAL NET FLOOR AREA = 1,883 sq.ft.

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