

# Memorandum to the City of Markham Committee of Adjustment

August 24, 2023

**File:** A/089/23  
**Address:** 25 Colborne Street, Thornhill  
**Applicant:** Bradley Dunn  
**Agent:** Bradley Dunn  
**Hearing Date:** Wednesday September 13, 2023

The following comments are provided on behalf of Heritage Section staff (“Staff”) for the property municipally-known as 25 Colborne Street (the “Subject Property” or the “Property”):

The applicant is requesting the following relief to permit:

**a) By-law 223-94, Section 1(b):**

a garage floor area of 67 square metres, whereas the By-law permits a maximum area of 41.8 square metres;

**b) By-law 101-90, Section 1.2(iv):**

a building depth of 17.6 metres, whereas the By-law permits a maximum depth of 16.8 metres;

**c) By-law 177-96, Section 6.1:**

a front yard setback of 2 feet 2 inches to the proposed veranda and 10 feet to the proposed garage, whereas the By-law requires a minimum front yard setback of 27 feet

as it relates to the proposed attached garage and reinstated covered front veranda.

## BACKGROUND

### Property Description

The approximately 1400 m<sup>2</sup> (15,070ft<sup>2</sup>) Subject Property is located on the south side of Colborne Street between Eliza Street to the west and Church Lane to the east. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings, and is designated under Part V of the Ontario Heritage Act as part of the Thornhill Heritage Conservation District (the “THCD”). There is an existing two-storey dwelling and attached garage on the Property which, according to Municipal Property Assessment Corporation records, were constructed in 1851 and 1951, respectively.

Heritage dwellings within the THCD include a variety of architectural styles constructed predominantly in the nineteenth and early twentieth centuries. Given this mixed vintage, and the eclectic nature of development within the District, there is considerable variability in scale, massing and setback.

### Proposal

The applicant is proposing to remove and replace the existing one-car attached garage with a two-car attached garage that includes a breezeway connection to the west elevation of the heritage dwelling. Reinstatement of the front covered veranda is also proposed. Please refer to Appendix “E” for drawings of the proposal.

## POLICY REVIEW

### Official Plan

The Official Plan is a municipality’s chief planning tool to provide direction to approval authorities and the public on local planning matters. It contains land use planning objectives as well as policies in areas such as land use, and conservation of cultural heritage resources. The objectives and policies contained within the Official Plan conform to land-use direction as provided by the province via the Planning Act and the Provincial Policy Statement (2020). Section 10.5 of the Markham Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18), notes that it is the

policy of Council that the Committee of Adjustment shall be guided by the general intent and purpose of the Plan in making decisions on minor variances to the zoning by-law and consent applications.

#### Land Use Policies

In the Official Plan, the Subject Property is designated "Residential - Low Rise" which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of these development criteria.

#### Heritage Conservation Policies

The Official Plan also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources). From a heritage conservation policy perspective, two of the overall goals of the Official Plan are "to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale" and "to celebrate Markham's unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community" (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and associated agreements (Section 4.5.3.9); and
- To evaluate each variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan (Section 4.5.3.10)

#### **Zoning By-law**

The Subject Property is zoned "R3" under By-law 2237, as amended, which permits low-density residential uses.

#### **Thornhill Heritage Conservation District Plan**

The THCD Plan provides policy direction relevant to the variance application. The Subject Property is classified as a Class 'A' property. As described in Section 2.2.2 ('Building/Property Classification') of the THCD Plan, Class 'A' properties possess the following characteristics:

- *They possess cultural heritage value.*
- *They are building and properties that maintain the heritage character of the District, primarily pre-1900.*
- *These buildings possess heritage attributes or character defining elements such as historic materials, features, characteristics, forms, locations, spatial configurations, uses or historical associations that contribute to the cultural heritage value of the District. For example, a building may represent a historic architectural style or may have historic claddings, windows, architectural features, verandas or landscape elements.*
- *Includes properties designated under Part IV of the Ontario Heritage Act and buildings identified as being of architectural and historical significance in the 1986 District Plan.*

The following policies and guidelines have been excerpted from the Thornhill HCD Plan (the "THCD Plan") as they are relevant to the requested variances:

Section 4.2.2 of the THCD Plan provides policies concerning alterations and additions to heritage buildings:

- *Conserve the heritage value and heritage attributes of a heritage resource when creating any new addition or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the heritage resource.*
- *Ensure that any new addition, alteration, or related new construction will not detrimentally impact the heritage resource if the new work is removed in future.*
- *Alterations and additions to the heritage resource shall conform to the guidelines found in Section 9.2.*

Section 9.2.1 of the THCD Plan provides general guideline for additions and alterations to heritage buildings. The following is relevant to the proposed veranda:

- *New construction should include restoration of heritage features that have been lost or concealed by previous renovations.*

Further, Section 9.2.4.6 ('Porches, Verandas and Lighting') states:

- *New or modern porches that are considered unsympathetic to the heritage building should be replaced over time. The design of the restoration of the porch or veranda should be based on available physical and archival evidence. If the original design is unknown, a porch or veranda design appropriate to the style of the building and District may be considered.*

Section 9.4.2.37 of the THCD Plan provides general guidelines concerning garages:

- *Outbuildings and garages should have a traditional design and positioning.*
- *Brick garages tend to contribute to an overly heavy appearance and should be avoided.*
- *Garages should be lower in profile than the principle building and complementary in design and colour.*

Further guidance is provided in Sections 9.4.2.38 ('Garage Placement) and 9.4.2.39 ('Garage Door Design):

- *Garages are to be located to the rear or at the side towards the rear of a building, so that the house, not the garage, is the focal point. Below grade garages are not supported.*
- *Detached garages are recommended. Attached garages should be located on the rear façade or recessed from the front façade.*

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant completed a Zoning Preliminary Review (ZPR) in April 2023 to confirm the variances required for the proposal (refer to 22 243898 ZPR).

### **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 Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.6 m (57.7 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft). This represents an increase of approximately 0.8 m (2.6 ft) beyond existing development permissions.

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 the reinstated front covered veranda, a significant architectural feature that reinforces the heritage character of the dwelling, but adds approximately 2.4 m (7.9 ft) to the overall depth of the building. The main component of the building, excluding the proposed veranda, has a depth of 15.2 m (49.9 ft) which complies with the relevant By-law. As such, it is the position of Staff that the variance can be considered minor and maintains the general intent and purpose of the Official Plan and Zoning By-law.

### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 2.2 ft (0.67 m) to the reinstated front covered veranda and 10 ft (3.1 m) to the proposed garage whereas the By-law requires a minimum front yard setback of 27 ft (8.2 m). This represents a reduction of approximately 24.8 ft (7.6 m) for the veranda and 17 ft (5.2 m) for the garage.

This in part reflects an existing condition. The setback of the proposed garage will generally match that of the existing garage while the main wall of the heritage dwelling has a non-conforming setback of approximately 10.5 ft (3.2 m). As such, the applicant is requesting a reduced front yard setback of 8.3 ft (2.5 m) above and beyond what currently exists.

Given both the non-conforming front yard setback of adjacent properties and the existing garage, and the historically-accurate condition created by the reinstated front covered veranda, it is the position of Staff that the variance can be considered minor and maintains the general intent and purpose of the Official Plan and Zoning By-law.

### **Increase in Maximum Accessory Building Floor Area**

The applicant is requesting relief to permit a maximum floor area of 67 m<sup>2</sup> (721.2 ft<sup>2</sup>) for an accessory building, whereas the By-law permits an accessory building to have a maximum floor area of 41.8 m<sup>2</sup> (449.9 ft<sup>2</sup>).

Given the considerable depth of the Subject Property at approximately 47 m (154.2 ft), and that all setback requirements are being met, Staff are of the opinion that the variance can be considered minor and maintains the general intent and purpose of the Official Plan and Zoning By-law.

### **HERITAGE MARKHAM COMMITTEE**

Heritage Markham reviewed the pre-application submission material for this project at its meeting on June 8, 2022 and delegated review of any future development application to Staff. Please refer to Appendix "C" for a copy of the meeting extract.

As noted in the Staff report considered by Heritage Markham, Staff are in support of the proposal as it conforms to the relevant policies and guidelines in the Official Plan and THCD Plan for heritage properties.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 31, 2023. 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 variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:



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Evan Manning, Planner, Senior Heritage Planner

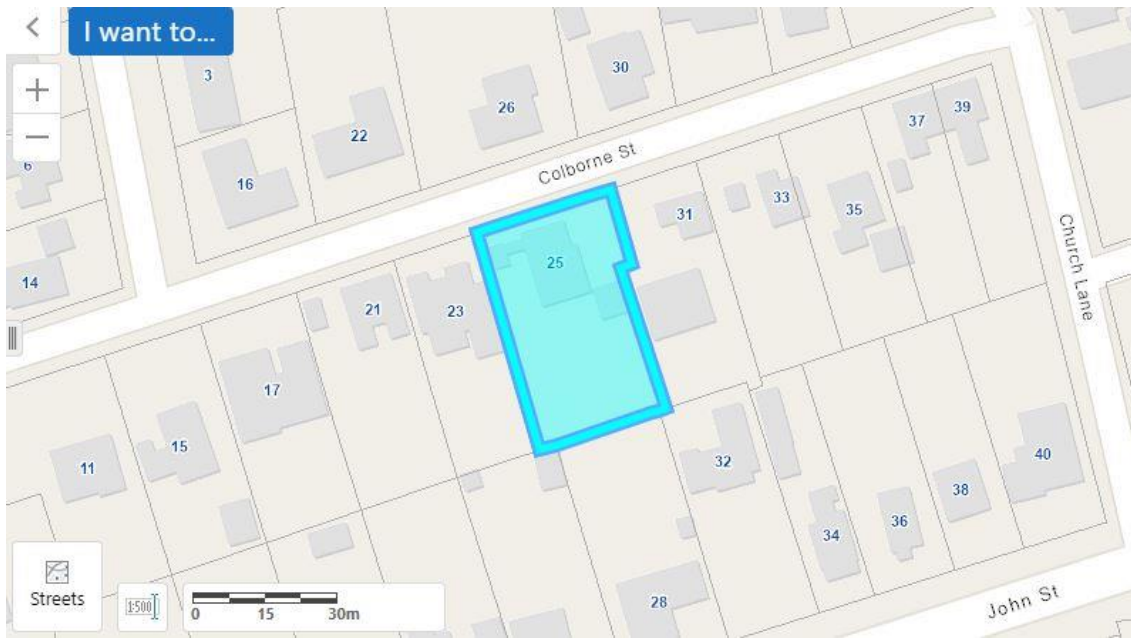
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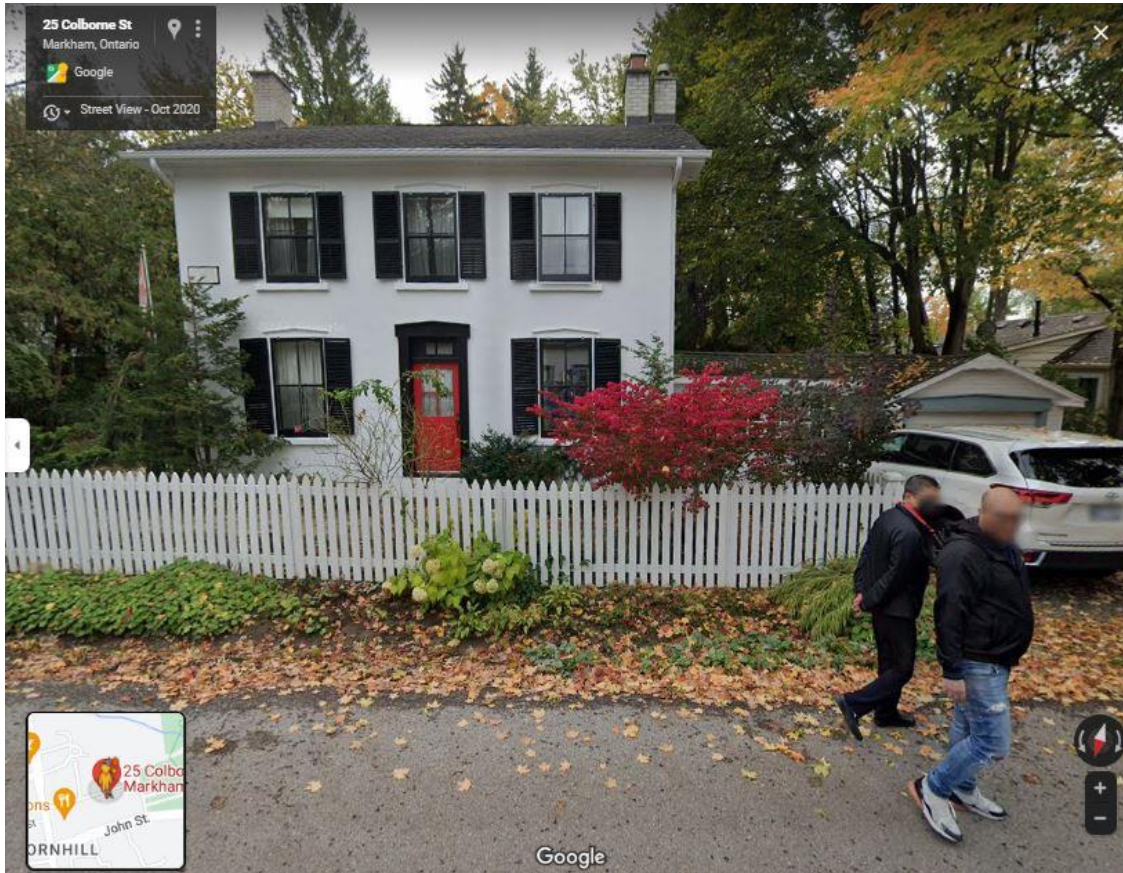
Regan Hutcheson, Manager, Heritage Planning

**APPENDIX "A"**  
**PROPERTY MAP**



The Subject Property is outlined in blue (Source: City of Markham)

**APPENDIX “B”  
IMAGES OF THE SUBJECT PROPERTY**



The primary (north elevation) of the heritage dwelling and existing one-car attached garage (Source: Google)

## **HERITAGE MARKHAM EXTRACT**

Date: June 8, 2022

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

**EXTRACT CONTAINING ITEM # 6.2 OF THE SIXTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON June 8, 2022**

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### **6.2 SITE PLAN CONTROL APPLICATION**

#### **PROPOSED TWO CAR GARAGE AND REINSTATEMENT OF FRONT VERANDA 25 COLBORNE STREET, THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)**

Evan Manning, Senior Heritage Planner addressed the Committee and reviewed the proposal for a two-car garage with breezeway and reinstatement of the front veranda at 25 Colborne Street in the Thornhill Heritage Conservation District. The house, c1851, is identified as a Class A building within the District Plan and has an existing one-car garage that was constructed in 1951. The applicant is proposing to remove the existing garage and replace it with an attached two-car garage similar in design to the current one. The homeowners and their architect, Mr. Bradley Dunn, were available for questions from the Committee.

The Senior Heritage Planner advised that Heritage Section staff will work with the applicant to ensure that the proposed works will be complementary to the heritage character of the property, and noted that the drawings submitted by the applicant show a promising relationship to heritage fabric. Staff will also work with the applicant to ensure there is no damage to mature on-site trees, and if any trees need to be removed, the item will be brought back to the Heritage Markham Committee for consideration.

Mr. Barry Nelson, on behalf of the Thornhill Historical Society, addressed the Committee in support of the application, however, he indicated that some heritage features may not comply with the Ontario Building Code (ie. the possible need for the introduction of a railing on the reinstated front veranda).

Ms. Valerie Burke addressed the Committee in support of the application and thanked the applicants for proposing to restore the historic house to its former



glory. Ms. Burke advised that the previous owner had restored the front entrance which had been missing for many years.

Responding to questions from the Committee with respect to the Building Code requirements for railings, Regan Hutcheson, Manager, Heritage Planning advised that a railing is required if the floor deck of the porch is 24 inches or more above grade. He further advised that staff will work with the applicant to help ensure that a railing is not required, and if one is, that staff will report back to the Heritage Markham Committee.

There was no further discussion, comments and/or questions from the Committee.

**Recommendations:**

THAT Heritage Markham has no objection from a heritage perspective to the proposed attached two-car garage and the reinstatement of the veranda (subject to its design replicating the historic veranda seen in archival photographs);

THAT final review of the forthcoming Site Plan Control application, and any other development application required to approve the proposed development, be delegated to Heritage Section staff provided that the design is generally consistent with the conceptual drawings appended to this memo; and

THAT the written submissions and verbal deputations from Mr. Barry Nelson, Thornhill Historical Society and Valerie and David Burke, be received.

**Carried**

**APPENDIX "D"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/089/23**

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 plans attached as 'Appendix E' 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. 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:



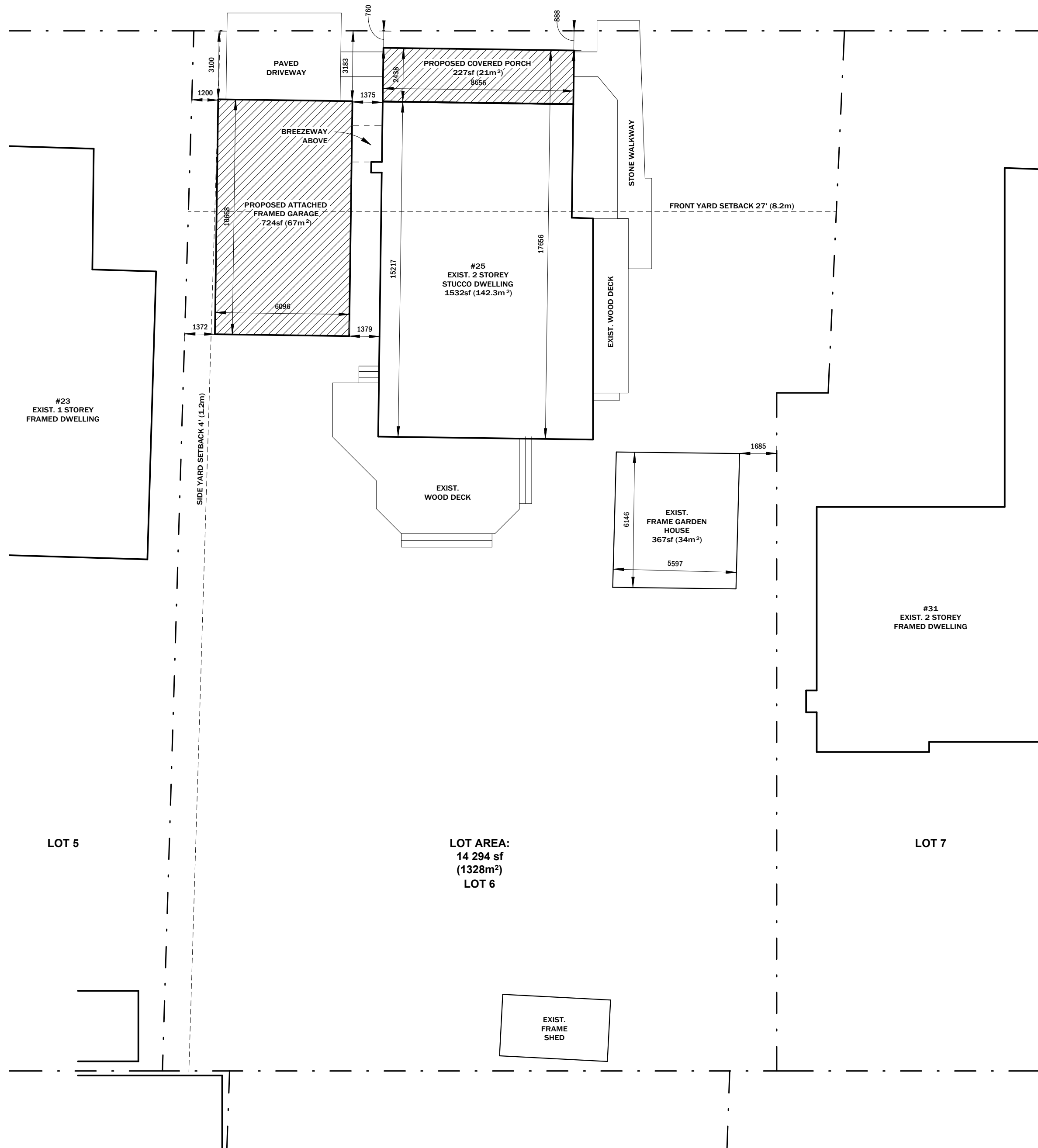
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Evan Manning, Senior Heritage Planner

**APPENDIX "E"**  
**DRAWINGS**



COLBORNE STREET



LOT AREA:  
14 294 sf  
(1328m<sup>2</sup>)  
LOT 6

**SITE STATISTICS:**

25 COLBORNE STREET, MARKHAM, ON  
R3 - SINGLE DETACHED RESIDENTIAL  
PERMITTED USE: SINGLE DETACHED RESIDENTIAL DWELLING

**LOT COVERAGE:**

LOT AREA: 1328m<sup>2</sup>  
MAXIMUM ALLOWABLE LOT COVERAGE: 33% (438.2m<sup>2</sup>)

**EXISTING**

AREA OF EXISTING HOUSE: 155m<sup>2</sup>  
AREA OF EXISTING "GARDEN HOUSE": 34m<sup>2</sup>  
EXISTING LOT COVERAGE: 14% (189m<sup>2</sup>)

**PROPOSED**

AREA OF PROPOSED ATTACHED GARAGE: 67m<sup>2</sup>  
AREA OF PROPOSED PORCH: 21m<sup>2</sup>  
PROPOSED LOT COVERAGE: 6.6% (88m<sup>2</sup>)  
TOTAL LOT COVERAGE: 21% (277m<sup>2</sup>)

**SETBACKS AND BUILDING HEIGHT**

	ALLOWABLE	EXISTING	PROPOSED
FRONT YARD SETBACK:	8.2m	3.2m	0.7m
SIDE YARD SETBACK:	1.5m	8.4m	8.4m
SIDE YARD SETBACK (ONE STOREY PORTION):	1.2m	1.5m	1.2m
REAR YARD SETBACK:	7.6m	21.2m	21.2m
BUILDING HEIGHT:	9.8m	7.0m	7.0m

NO.	DESCRIPTION	DATE
01	ISSUED FOR PRE-CONSULTATION	20220422
02	ISSUED FOR ZPR	20220603
03	ISSUED FOR CLIENT REVIEW	20220616
04	ISSUED FOR CLIENT REVIEW	20220623
05	ISSUED FOR MAJOR HERITAGE REVIEW	20230314
06	MAJOR HERITAGE REVIEW - REVISIONS	20230718
07	ISSUED FOR MNV	20230814



147 Church St. Newmarket ON  
416-427-0322  
studiodunn@outlook.com

25 COLBORNE

PROPOSED SITE PLAN

SCALE: As indicated

DRAWING NUMBER:

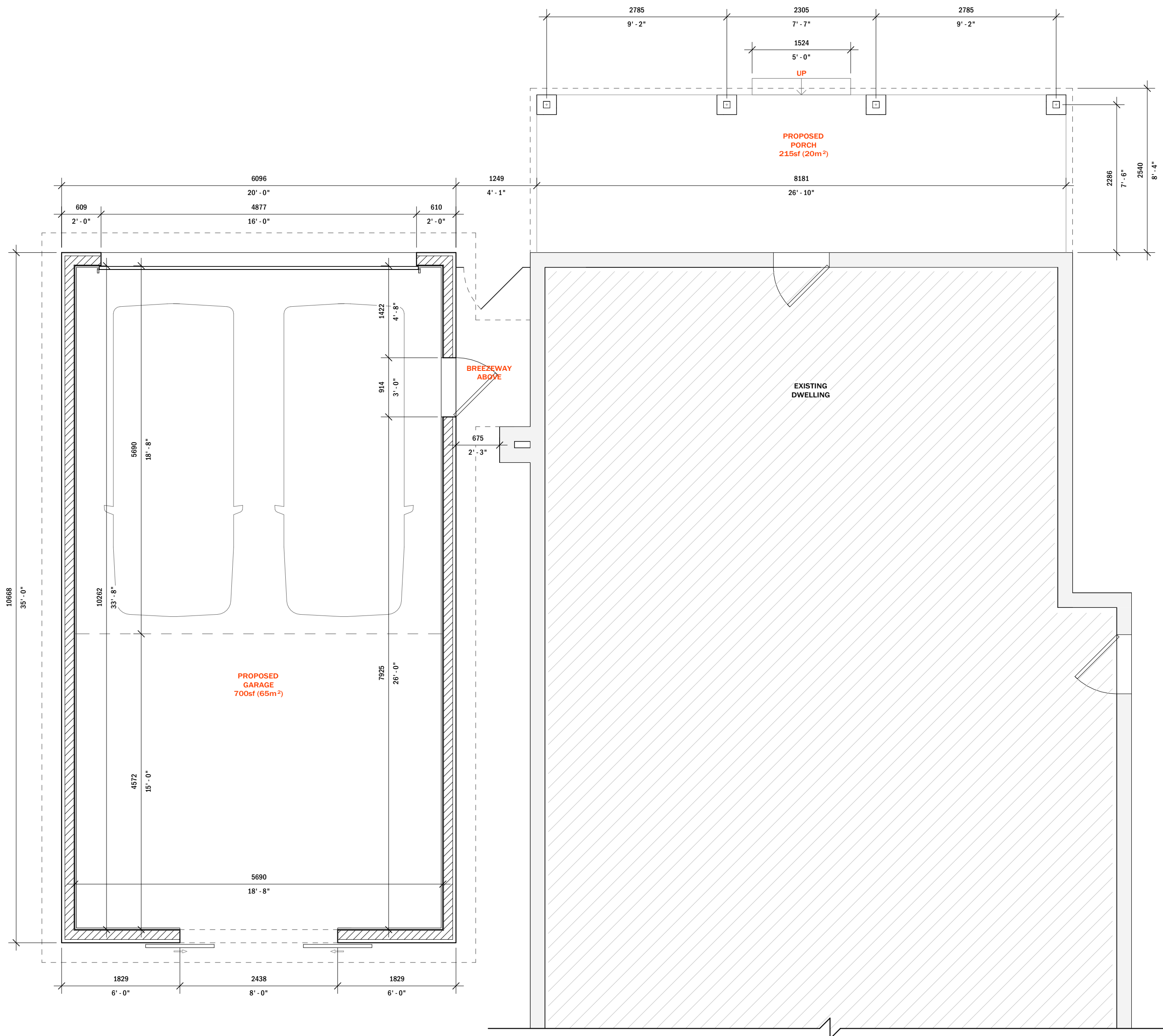
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PROJECT NUMBER: 2123

START DATE: DEC 2021

DRAWN BY: BD

1 PROPOSED SITE PLAN  
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03	ISSUED FOR CLIENT REVIEW	20220616
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25 COLBORNE

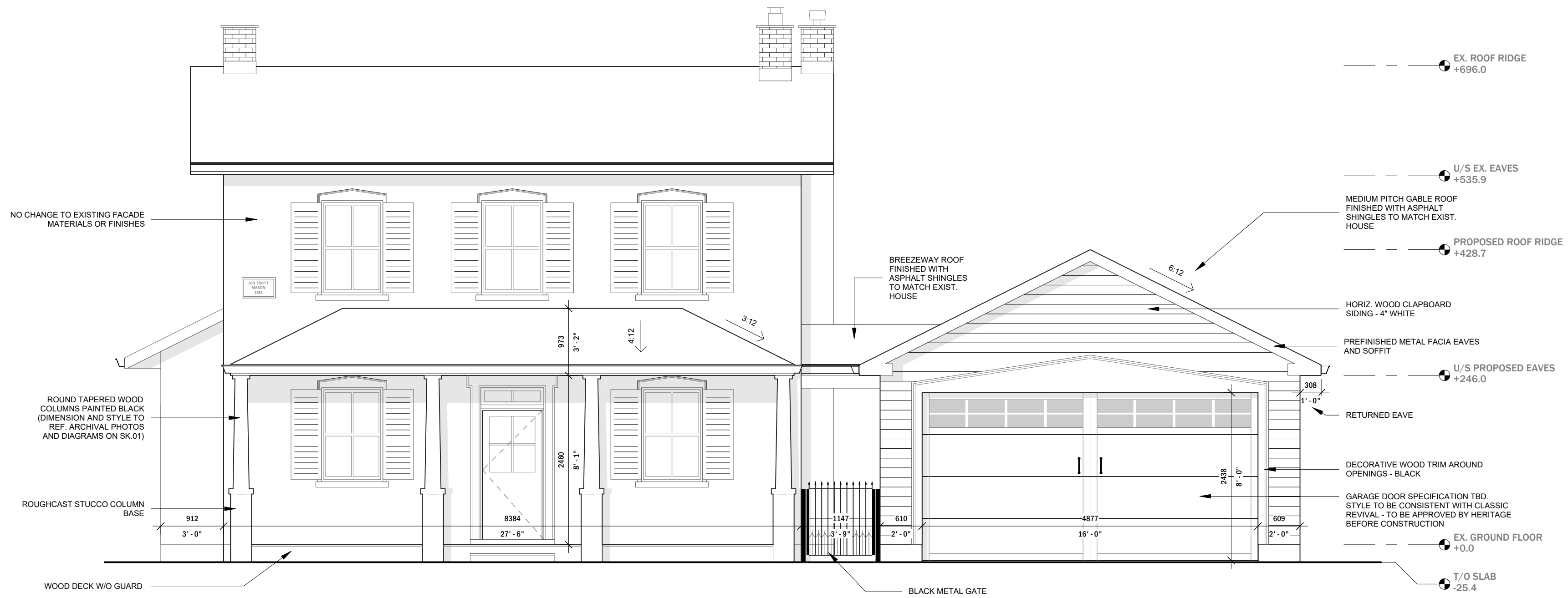
PROPOSED FLOOR PLAN

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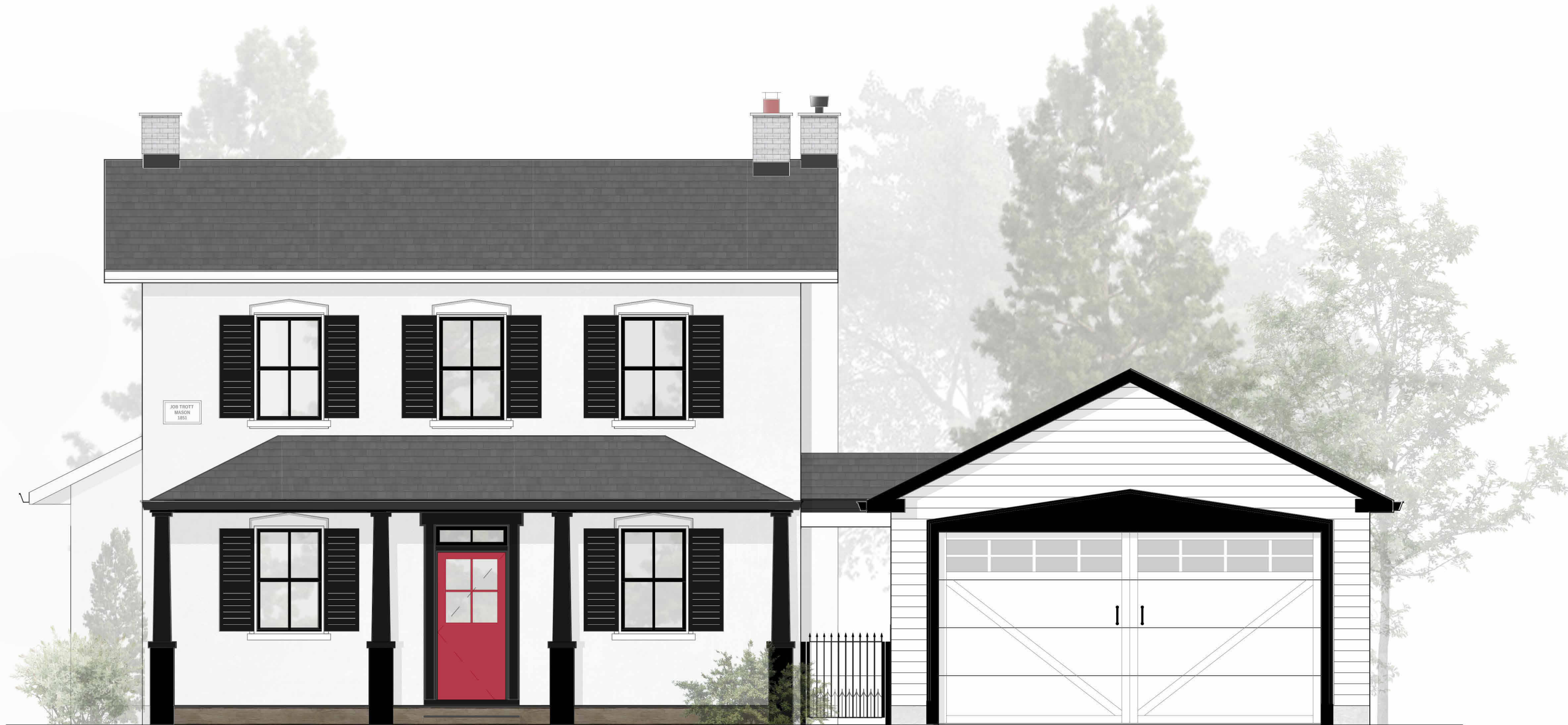
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PROJECT NUMBER: 2123  
 START DATE: DEC 2021  
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2 NORTH ELEVATION - RENDERED  
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02	ISSUED FOR ZPR	20220603
03	ISSUED FOR CLIENT REVIEW	20220616
04	ISSUED FOR CLIENT REVIEW	20220623
05	ISSUED FOR MAJOR HERITAGE REVIEW	20230314
06	MAJOR HERITAGE REVIEW - REVISIONS	20230718
07	ISSUED FOR MNV	20230814

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25 COLBORNE

ELEVATIONS

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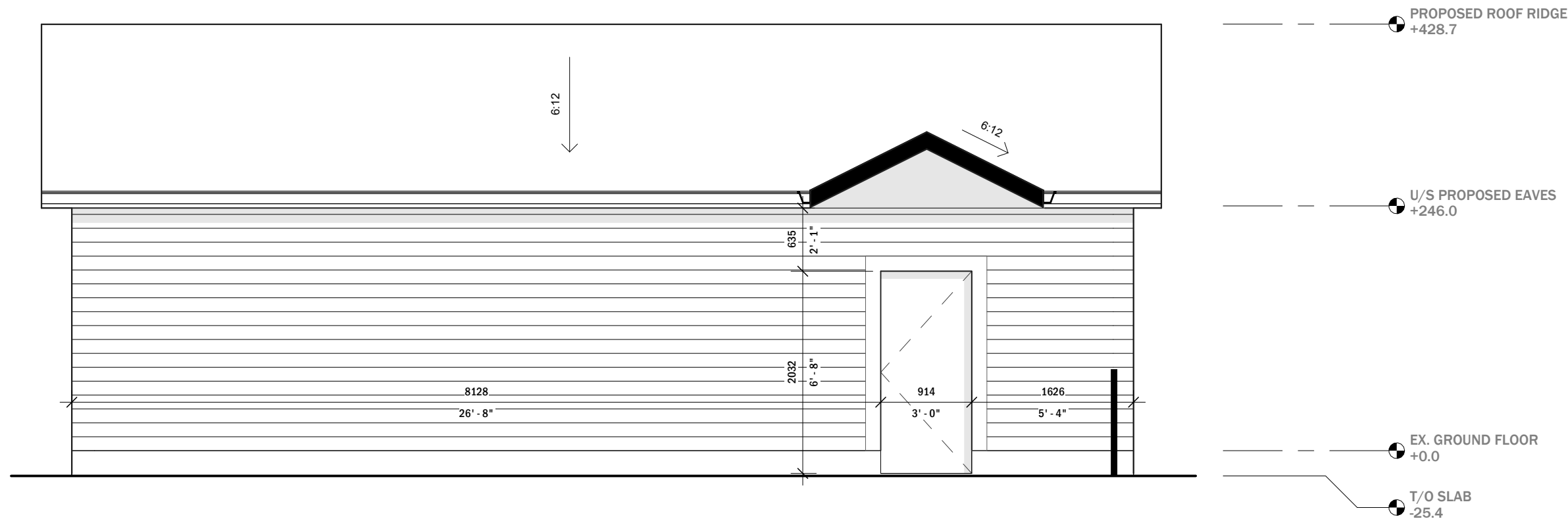
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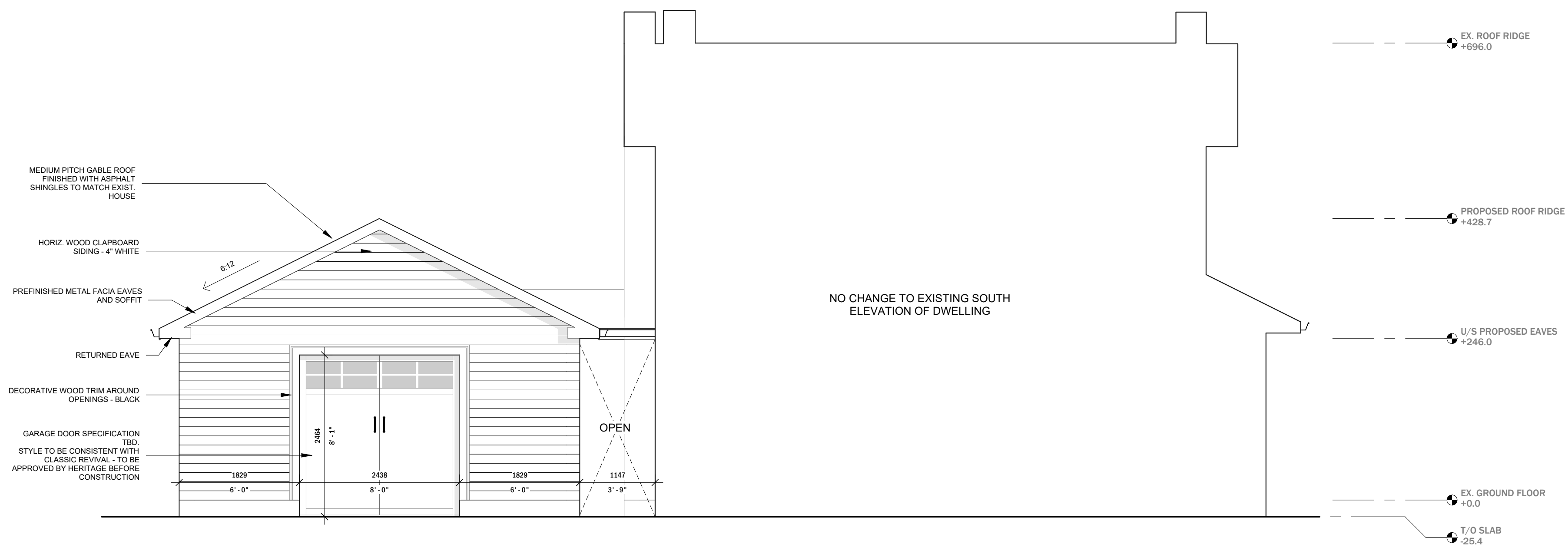
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START DATE: DEC 2021

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1 EAST ELEVATION  
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2 SOUTH ELEVATION  
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02	ISSUED FOR ZPR	20220603
03	ISSUED FOR CLIENT REVIEW	20220616
04	ISSUED FOR CLIENT REVIEW	20220623
05	ISSUED FOR MAJOR HERITAGE REVIEW	20230314
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25 COLBORNE

ELEVATIONS

SCALE: 1:50

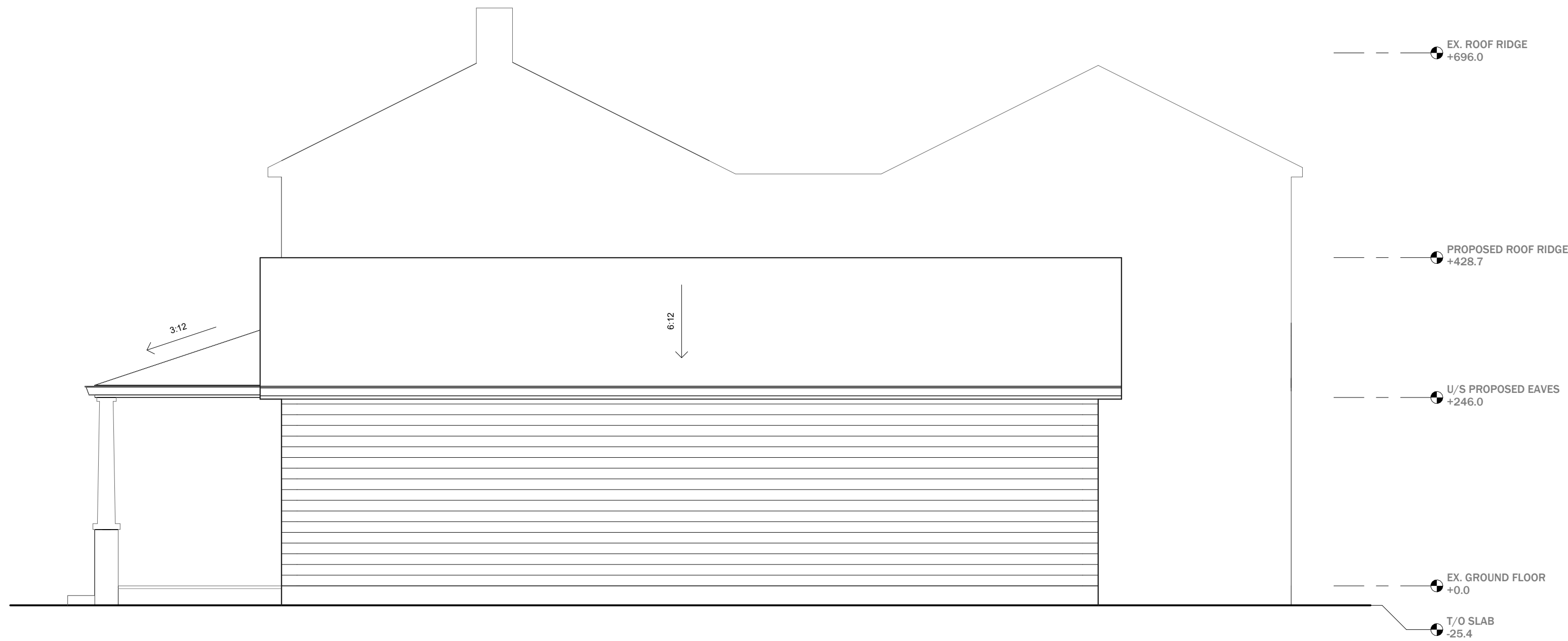
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PROJECT NUMBER: 2123

START DATE: DEC 2021

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NO.	DESCRIPTION	DATE
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03	ISSUED FOR CLIENT REVIEW	20220616
04	ISSUED FOR CLIENT REVIEW	20220623
05	ISSUED FOR MAJOR HERITAGE REVIEW	20230314
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07	ISSUED FOR MNV	20230814

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25 COLBORNE

ELEVATIONS

SCALE: 1:50

DRAWING NUMBER:

**A5.03**

PROJECT NUMBER: 2123

START DATE: DEC 2021

DRAWN BY: BD