

Memorandum to the City of Markham Committee of Adjustment

April 13, 2021

File: A/021/21
Address: 14 George St. Markham Village
Applicant: Nivetika Athesivan
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday April 21, 2021

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

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

1. a maximum depth of 22.5 metres; whereas the By-law permits a maximum of 16.8 metres;
2. a maximum floor area ratio of 53.8 percent; whereas the By-law permits a maximum of 45 percent;
3. a minimum side yard setback of 4.92 feet for a two storey portion of the dwelling; whereas the By-law requires a minimum of 6 feet;
4. an accessory building to be located 3.28 feet (1.0 metre) from the rear lot line; whereas the By-law requires a minimum of 4 feet;

as they relate to a proposed two-storey addition to an existing heritage house and a new detached two-car garage with loft.

BACKGROUND

Property Description

The 928.1 m² (9,990.0 ft²) subject property is located on the west side of George St. in the Markham Village Heritage District in the historic residential neighbourhood east of the commercial core (See Location Map-Figure 1).

The property is occupied by a modest 98.9m² (1,065 ft²) one storey frame heritage dwelling constructed circa 1866 (See Figure 2-Photograph of the Existing Heritage Dwelling).

Proposal

The applicant is proposing to demolish rear portions of the existing dwelling, lift the remaining heritage house off its original foundation in order to reposition it slightly on the property in order to permit the construction of a new two storey addition to the rear, as well as a 71.5m² (770 ft²) detached garage/accessory building with a second story loft at the rear of the property. The proposed floor area of the existing house and new two storey addition is 351.2m² (3,780 ft²).

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) in January of 2021 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 22.5m (73.8 ft.), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft.). This represents an increase of 5.7 m (18.7 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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes a new front veranda which adds approximately 1.6m (5.5 ft.) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of approximately 20.9m (68.6 ft.)

This requested variance can be considered to be minor in nature because the proposed building depth is generally consistent with the building depth of the adjacent dwelling to the north which was granted a variance in 2017 to permit a maximum building depth of 27.9m (91.5 ft.), and the building depth of the pair of semi-detached dwellings to the south. This similarity in building depths would appear to negate any negative impacts to the neighbouring property owners in terms of the privacy of their rear yards.

Reduced Side Yard Setback

The applicant is requesting a minimum north side yard setback of 4.92 ft. (1.5 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6.0 ft. (1.8m).

This variance can also be considered to be minor in nature because the proposed side yard setback is actually greater than the setback of the current dwelling which is 2.5 ft. (0.77m). The proposed repositioning of the existing heritage house on a new foundation increases the side yard setback from what is existing, and brings the north side yard setback within 1 ft. (0.3m) of the minimum side yard setback required by the By-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 53.8 percent, whereas the By-law permits a maximum floor area ratio of 45 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.

The proposed repositioned heritage dwelling and new addition is considered to be generally compatible with neighbouring buildings in terms of the proposed building depth, building height, and setbacks from property lines, and the resulting net floor area ratio is not a particularly valuable reflection of the building's compatibility with the immediate neighbourhood. For this reason, the requested variance to permit an increase the maximum net floor area ratio can be seen to be minor in nature and desirable for the appropriate development of the land.

Reduced Set Back from Lot Line for an Accessory Building

The requested variance to permit the proposed accessory building to be set back 3.28 ft. (1.0m) whereas the By-law permits a minimum setback of 4.0 ft. (1.2m) is minor in nature and would appear to cause no negative impacts to the abutting property to the west which is utilized as a commercial asphalt parking lot.

Urban Design and Engineering

The City's Urban Design Section has indicated that they support the requested variances subject to the approval of a tree inventory and preservation plan which will done through the site plan approval process. The City's Engineering Department provided no comments on the requested variances.

Heritage Markham

Heritage Markham reviewed the variance and accompanying site plan application on March 10, 2021 and had no objection to the requested variances subject to certain revisions being made to the elevations through the site plan approval process. The Committee further recommended that final review of the site plan and variance application be delegated to the City's Heritage Section staff (See Appendix 'B' –Heritage Markham Extract of March 10, 2021).

PUBLIC INPUT SUMMARY

No written submissions were received as of April 13, 2021. 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 requested variances meets the four tests of the Planning Act and have no objection to their approval by the Committee of Adjustment.

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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\21 108317 \Documents\District Team Comments Memo

FIGURE 1- LOCATION MAP

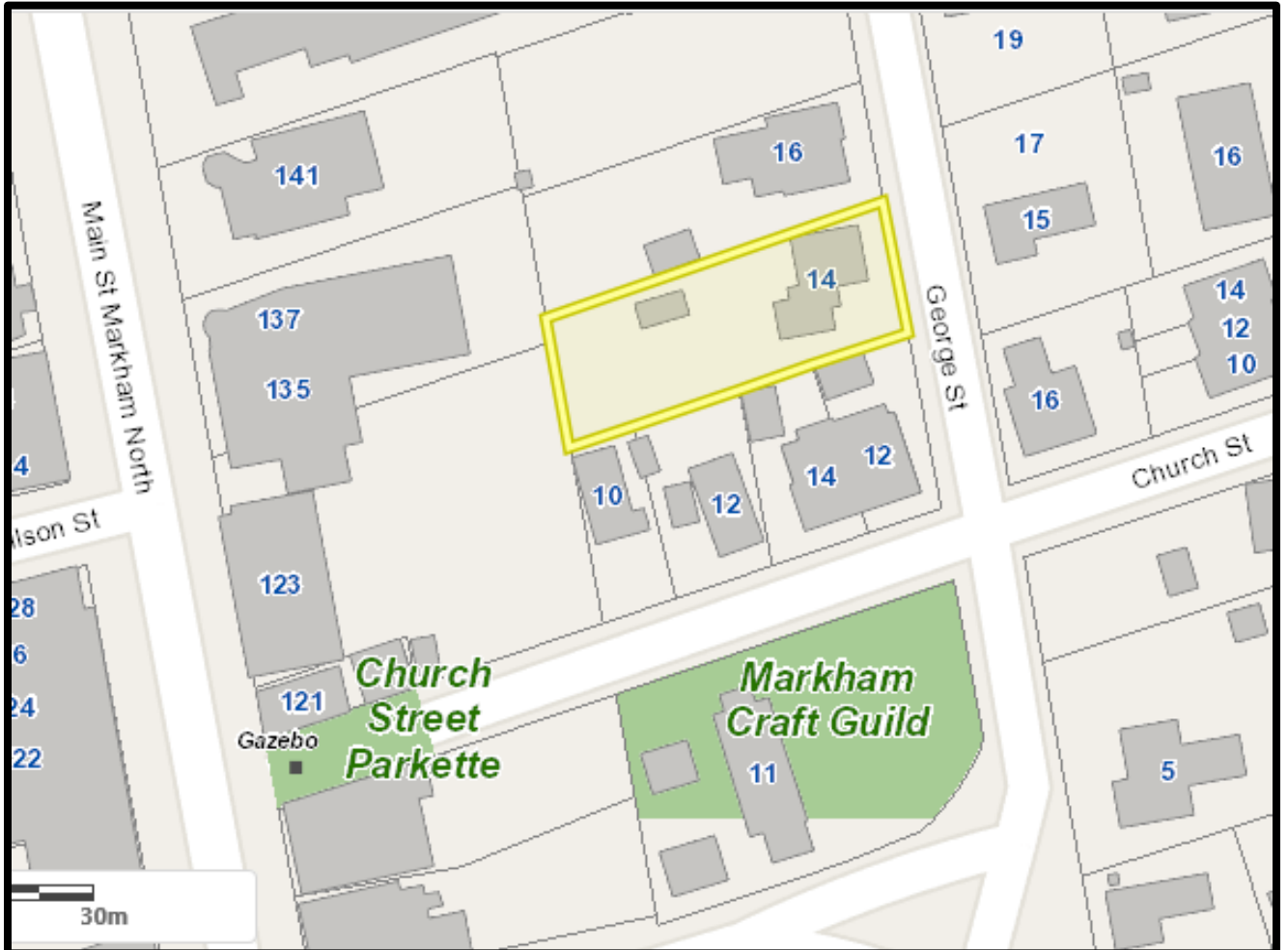


FIGURE 2-PHOTOGRPAH OF THE EXISTING HERITAGE DWELLING



APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/021/21

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 C’ to this Staff Report 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;
4. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
6. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is fluid and cursive, with a large initial "P" and "W".

Peter Wokral, Senior Heritage Planner

APPENDIX 'B'

HERITAGE MARKHAM
EXTRACT

DATE: March 10, 2021

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Heritage Planner

EXTRACT CONTAINING ITEM #6.3 OF THE THIRD HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MARCH 10, 2021.

6.3 SITE PLAN CONTROL AND VARIANCE APPLICATIONS

**PROPOSED TWO STOREY ADDITION TO AN EXISTING HERITAGE
DWELLING AND DETACHED 2-CAR GARAGE WITH LOFT
14 GEORGE ST,
MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)**

FILE NUMBERS:

- SPC 21 104346
- A/021/21

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

Peter Wokral, Senior Heritage Planner presented the staff memorandum on the proposed two-storey addition and detached 2-car garage with loft at 14 George Street, Markham Village Conservation District. The proposed addition is a scaled down version of the previously proposed addition for this property. Staff are no longer concerned about the proposed building depth of the addition to the house, as the neighbours house has since been renovated and is of a similar building depth to the that proposed on the subject property.

Staff did not request a streetscape elevation as the neighbouring full two storey homes are higher than the proposed 1-1/2 storey addition.

Committee provide the following feedback on the proposed addition and detached garage:

- Suggested the net floor area still needs to be scaled down;
- Asked if any trees will be removed;
- Asked if the parking pad will be removed;

-
- Supported as long as the windows are retained on the north and south elevations of the heritage portion of the house (as recommended by staff).

In response to inquires from the Committee, Russ Gregory, representing the landowners provided an overview of the previous proposal for the house, and confirmed that the space over the garage will be used for storage. In order to complete the addition, one small tree is required to be removed from the property. The parking pad will also be removed and replaced with landscaping, as it will no longer be required. The detached garage takes up a lot of the net floor area. The landowners want the detached garage so that it blocks their view of commercial properties on Main Street Markham, which they are hoping will provide them with more privacy.

Recommendation:

THAT Heritage Markham has no objection from a heritage perspective to the proposed relocation of the existing heritage building, the new foundation, the removal of the existing rear tail addition and the new addition to 14 George St., the detached garage/accessory building and the requested variances, subject to the following revisions being made to the proposed design:

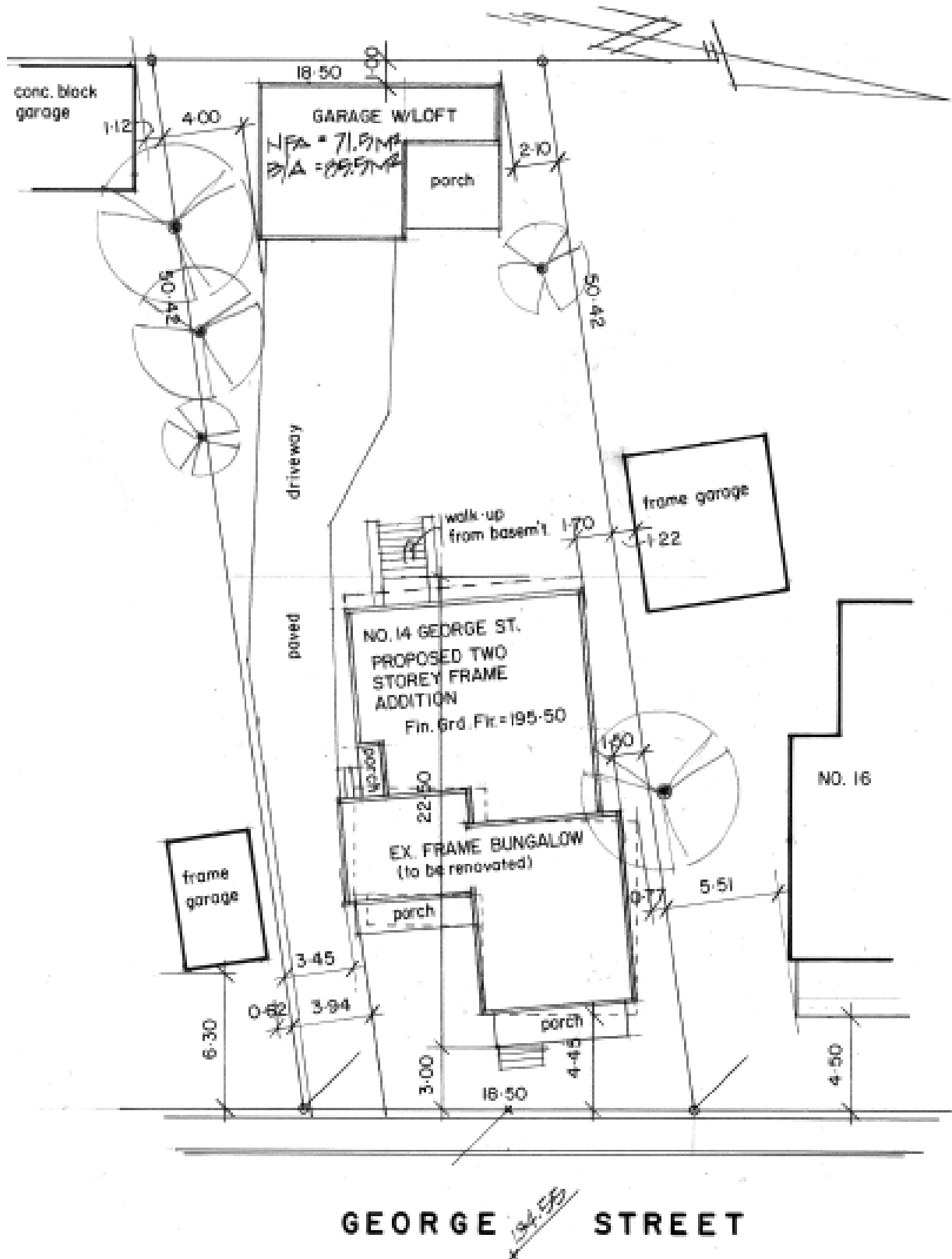
- That original existing two over two windows on the north and south elevations of the heritage portion of the house are retained and labelled on the drawings as existing and that clarification be provided as to why the existing windows on the south portion of the original house need to be removed;
- That the plans are properly labelled to indicate the original features to be retained and to identify the materials that will be used on all other elevations;
- That the design of the veranda be based on local historic examples of verandas of the same period as the construction of the house;
- That larger window treatments comply with bird friendly guidelines;
- That applicant provide an updated arbourist report and that the large Walnut tree located on the property to the north be retained and preserved through whatever measures necessary as recommended by a certified arbourist;
- That the existing parking pad in the front yard be replaced with soft landscaping and indicated on the site plan;
- That the front yard indicate the planting of two native, high branching, deciduous, trees

THAT Heritage Markham recommends that final review of the site plan control and variance applications be delegated to Heritage Section staff provided there are no significant deviations from the plans reviewed by the Committee;

AND THAT the applicant enter into a Site Plan Agreement with the City containing standard conditions regarding materials, colours, windows etc.

Carried

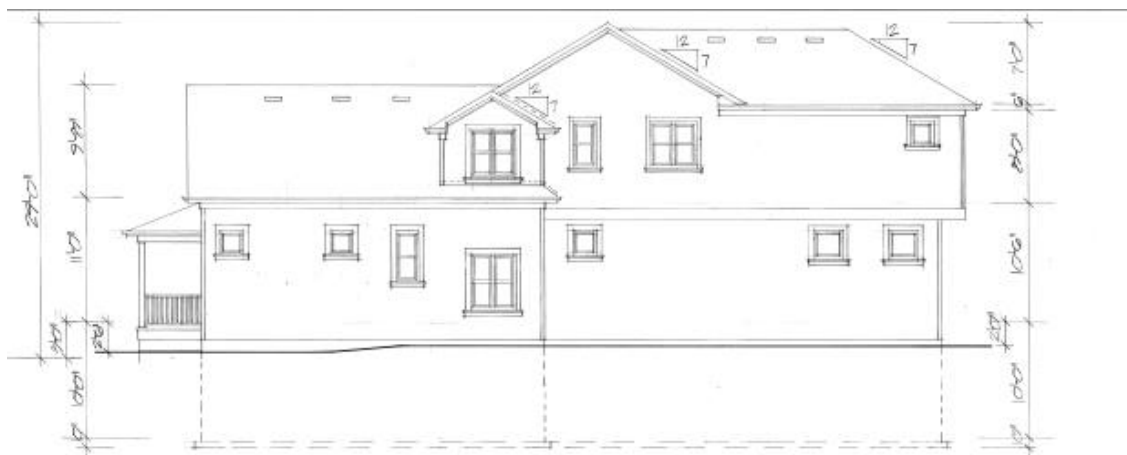
APPENDIX 'C'





FRONT ELEVATION - EAST

PROJECT PROPOSED RENOVATIONS



NORTH SIDE



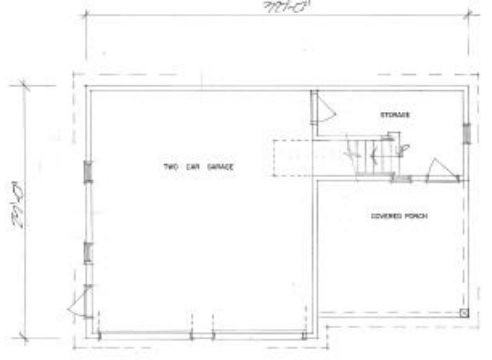
SOUTH SIDE



EAST ELEVATION

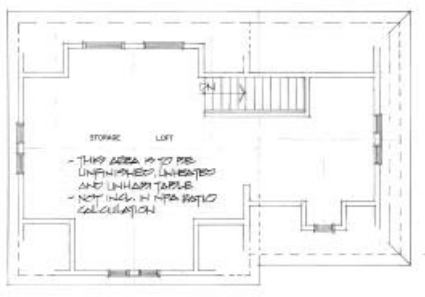
SOUTH SIDE

NORTH SIDE



FLOOR PLAN

NET FLOOR AREA = 770 SQ FT
 BUILDING AREA = 920 "



LOFT PLAN

- THIS AREA IS TO BE UNFINISHED UNLESS AND UNLESS TABLES
 - NOT HIGH IN AREA BEING CALCULATED

PROJECT GARAGE WITH LOFT	<small>OWNER</small> [REDACTED]	<small>DATE</small> [REDACTED]
	<small>ARCHITECT</small> THE GREGORY DESIGN GROUP	<small>SCALE</small> 1/8" = 1'-0"
<small>GENERAL NOTES</small> 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA AND ALL APPLICABLE BY-LAWS. 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS. 3. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.	<small>PROJECT NO.</small> 2020-05	<small>DRAWN</small> GREGORY
<small>THE GREGORY DESIGN GROUP</small> 18 CHURCH STREET MARKHAM, ONTARIO, L3P 2L9 (416) 720-6667 info@gregorydesigngroup.com	<small>DATE</small> 2020-05	<small>REVISIONS</small> A-1