

Memorandum to the City of Markham Committee of Adjustment

April 12, 2021

File: A/024/21
Address: 1 Peter St Markham
Applicant: Zhifei Hu & Chunyan Yang
Agent: David Johnston Architect Ltd. (David Johnston)
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, R1 as amended, to permit:

1. a maximum building depth of 17.7 metres; whereas the by-law permits a maximum building depth of 16.8 metres;
2. a maximum Floor Area Ratio of 50 percent; whereas the by-law permits a maximum Floor Area Ratio of 45 percent;
3. a required parking space to have a depth of 5.4 metres; whereas a minimum of 5.8 metres is required;
4. a minimum rear yard of 13 feet; whereas the by-law requires a minimum of 25 feet;

as it relates to a proposed 2-Storey addition to an existing Heritage House.

BACKGROUND

Property Description

The 671.9m² (7,231.98 ft²) subject property is located on the northeast corner of Peter and Beech Streets in the historic Mount Joy residential neighbourhood of the Markham Village Heritage Conservation District (See Figure 1- Location Map) The property is occupied by an approximately 232.5m² (2,503 ft²) Queen Anne style, two storey brick dwelling constructed in 1895 (See Figure 2- Photographs of the Existing Heritage Dwelling).

Proposal

The applicant is proposing to demolish existing non-heritage portions of the house in order to construct a new two storey addition with an attached garage that would increase the floor area of the house to 320.2m² (3,446.67 ft²) including the 33.3m² (358.4 ft²) attached garage.

The owner is also proposing to reopen/restore historic verandas facing both Peter and Beech Streets that were enclosed by previous owners which will re-introduce these important architectural features and enhance the heritage character of the home. The owner also proposes to reopen a historic window opening that was closed off to permit

the installation of a modern fireplace and chimney (See Figure 3- Proposed West and South Elevations).

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in February 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 and Reduced Rear Yard Setback

The applicant is requesting relief to permit a maximum building depth of 17.7 m (58.1 ft.), whereas the By-law permits a maximum building depth of 16.8 m (55.1 ft.). This represents an increase of 0.9m (2'-11-1/2") or a 5% increase to what is permitted by the By-law.

As the existing house is located on a corner lot, the front of the property from a zoning perspective is the narrowest street frontage, which is Beech Street, and the rear yard is the space between the proposed addition and the neighbouring property to the north. Therefore, the building depth represents the proposed width of the house on the Peter Street frontage, and the rear yard actually functions as a side yard from the vantage point of Peter Street (See Figure 4- Proposed Site Plan)

Although the requested variance to permit a reduction in the rear yard setback from 25 ft. to 13 ft. may seem significant, it is not considering that the minimum required side yard setback for a two storey dwelling required by the same By-law is 6 ft. When viewed as a side yard, which is how this area functions in reality, the proposed addition maintains a side yard setback from the neighbouring property that is more than twice the distance required by the By-law.

Reduced Parking Space Depth

The requested variance to permit a parking space that is 5.4m (17.7 ft.) whereas the By-law requires a parking space to have a minimum depth of 5.8m (19 ft.) can be considered to be minor in nature because it is little over a foot in magnitude, it does not negatively impact any neighbouring property owners and it can be said to be self regulating as presumably anyone having larger depth vehicles would consider this limitation prior to purchasing this property.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of fifty percent, whereas the By-law permits a maximum floor area ratio of forty five percent. This can be considered minor in nature numerically and in its scope because it only represents an increase in floor area of 334.5 ft² over two floors or 167.2 ft² on each floor, or the equivalent of a 12.9 ft. by 12.9 ft. space. This requested variance can also be considered minor in nature because the proposed addition maintains the minimum required side yard setback from the property to the east on Beech Street and more than double the required side yard setback from the property to the north on Peter Street.

In the opinion of staff, the proposed addition complies with the policies and guidelines contained in the Markham Village Heritage Conservation District Plan as they relate to additions to existing heritage dwellings, which encourage additions that are sensitive to the original heritage building in terms of scale, height, materials, location and architectural detailing.

Therefore the variances related to the proposed addition can all be considered minor in nature, desirable for the appropriate development of the land and to maintain the general intent and purpose of both the City's Official Plan and Zoning By-law which is to foster sensitive development that preserves the historic character of the City's various Heritage Conservation Districts.

The City's Urban Design Section and Engineering Department have provided no comments on the requested variances.

Heritage Markham

The Heritage Markham Committee reviewed the variance application on March 10, 2021 and had no objection to the requested variances (See Appendix B –Heritage Markham Extract of March 10, 2021)

PUBLIC INPUT SUMMARY

As of April 12, 2021 the City received one letter from a resident of the Marmill Way townhouse development which is not immediately adjacent to 1 Peter Street expressing their general concerns regarding the replacement of existing modest homes on Peter Street with new significantly larger homes, and that the heritage character of the existing house at 1 Peter Street has been negatively impacted by past changes, and that the owners of this property have failed to obtain variances for similar proposals.

Planning staff notes that the replacement of modest homes on Peter Street by much larger homes has taken place on properties on the north end of Peter Street outside the boundaries of the Markham Village Heritage Conservation Districts where the design of new buildings is not regulated by heritage policies and guidelines that strive to achieve greater compatibility in the design of infill buildings.

Although the existing house at 1 Peter Street has been altered in unsympathetic ways in the past, these alterations took place prior to the implementation of the Markham Village Heritage Conservation District and were not regulated.

It should be noted that the drawings accompanying the variance application propose to restore important character defining features of the historic house including the re-opening of two street facing verandas and a historic window opening. Furthermore, the proposed addition is to be attached on the least significant non street facing facades of the existing heritage house and is more compatible in scale materials, form and architectural details than past non-heritage additions that are proposed to be removed as part of the project.

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 them being approved 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

FIGURE 1- LOCATION MAP

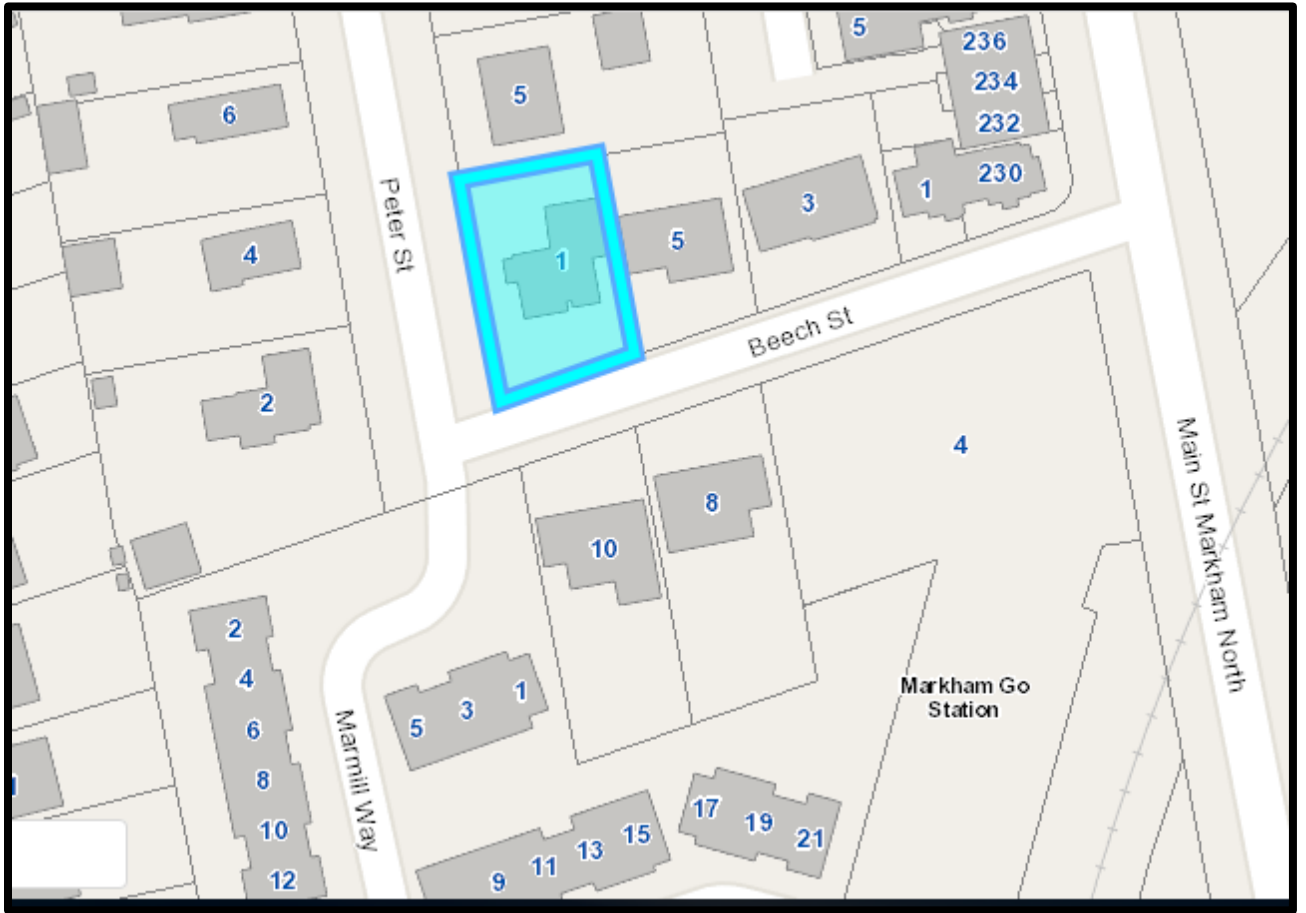


FIGURE 2- PHOTOGRAPHS OF THE EXISTING HERITAGE DWELLING



FIGURE 3- PROPOSED WEST & SOUTH ELEVATIONS

Showing proposed restored verandas and window opening

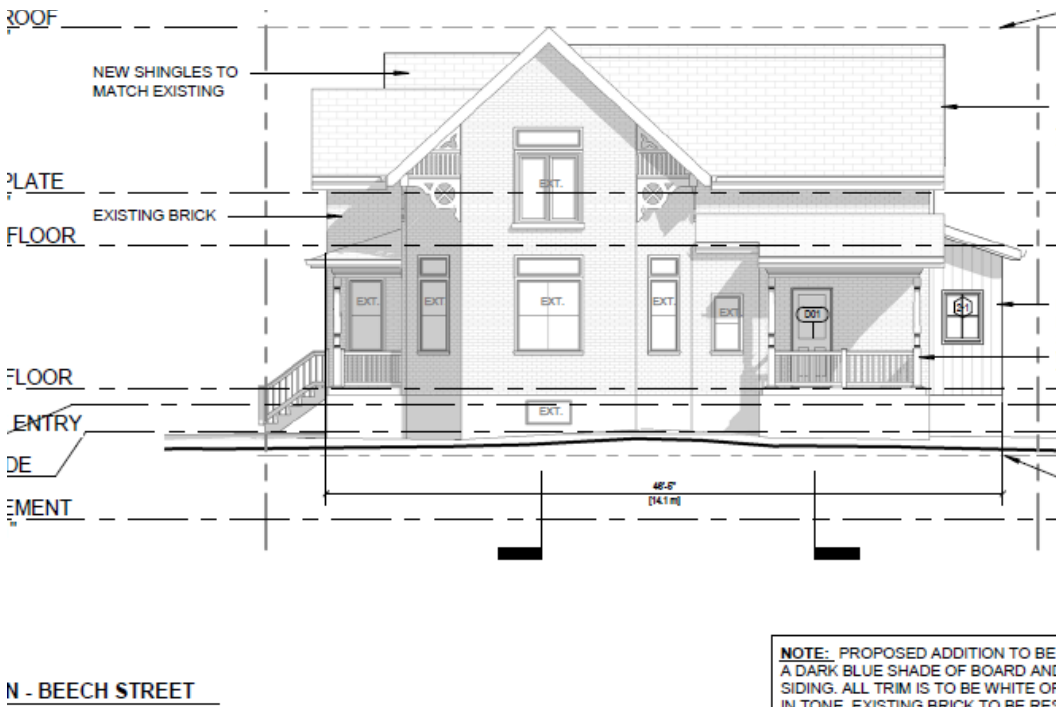
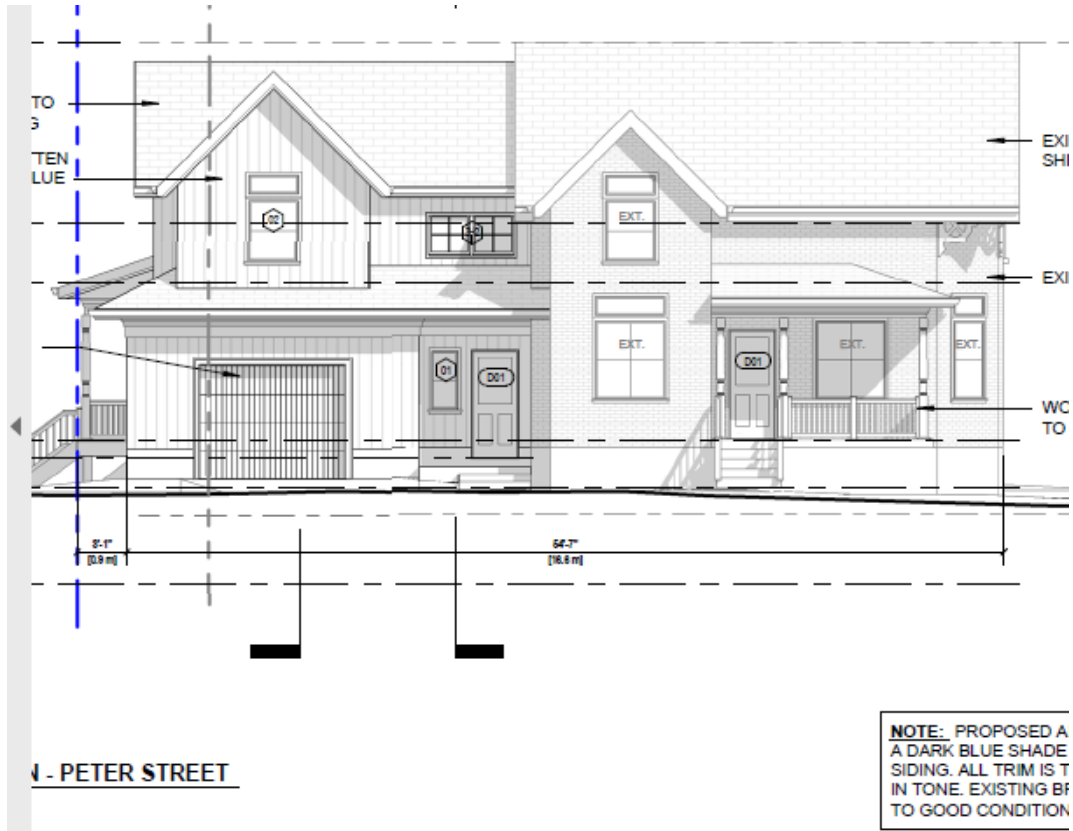
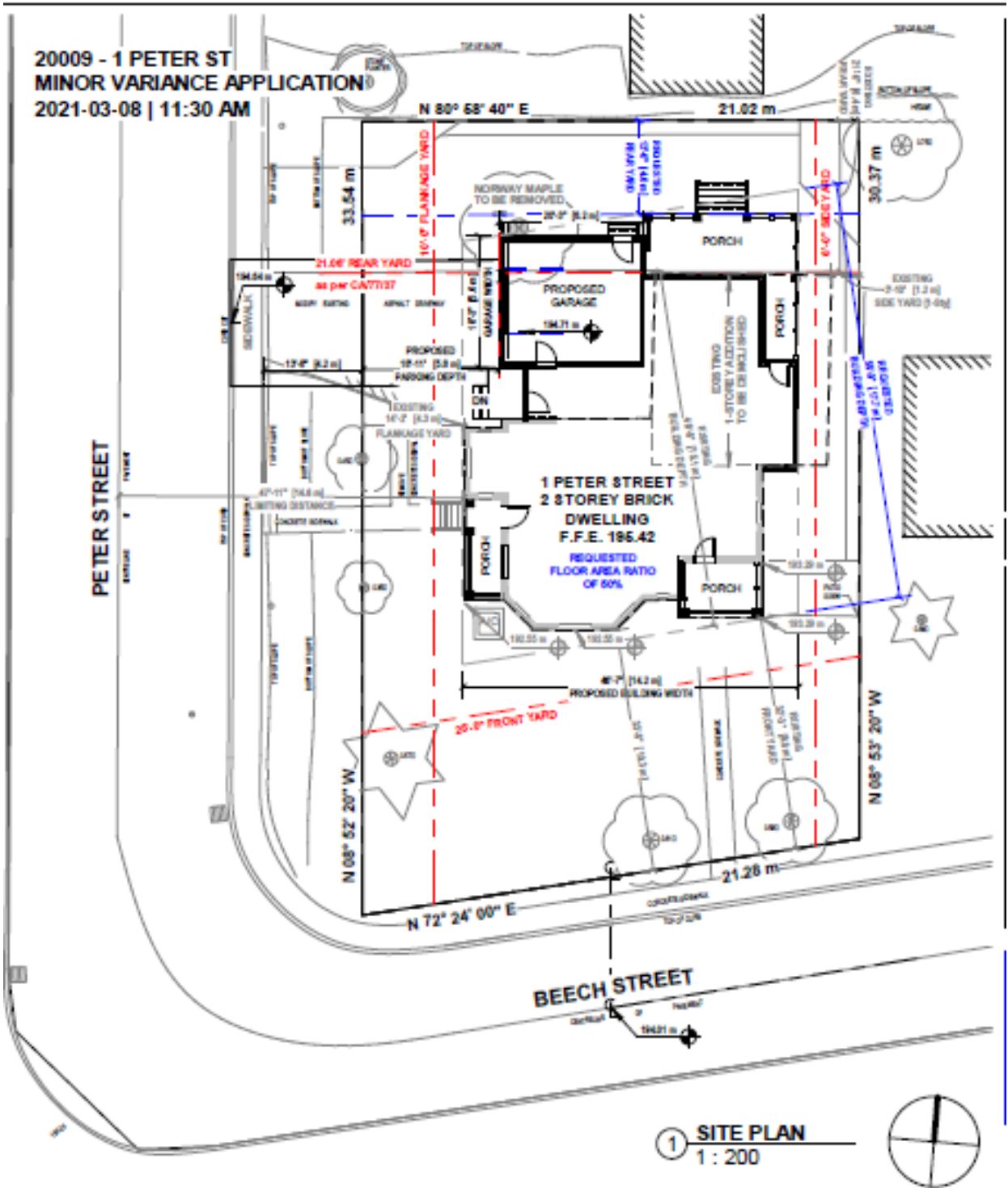


FIGURE 4- PROPOSED SITE PLAN



APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/024/21

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 dated March 8, 2021 received by the City of Markham 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:

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, Planner, Senior Heritage Planner