

# Memorandum to the City of Markham Committee of Adjustment

March 12, 2019

**File:** A/177/18  
**Address:** 33 Joseph St Markham  
**Applicant:** Paul & Kelly Dumaresq  
**Agent:** Antonio Visca Architect (Tony Visca)  
**Hearing Date:** Wednesday March 27, 2019

The following comments are provided on behalf of the Heritage Districts Team. The applicants is requesting relief from the following requirements of By-law 1229, as amended:

**a) Section 11.1:**

to permit a minimum rear yard of 1.44 feet (0.44 m), whereas the By-law requires a minimum rear yard of 25 feet;

**b) Section 11.1:**

to permit a minimum interior side yard of 4 feet (1.2 m) for a two storey dwelling, whereas the By-law requires a minimum interior side yard of 6 feet;

as they relate to a proposed addition to an existing heritage dwelling.

## BACKGROUND

### Property Description

The subject property is located within the Markham Village Heritage Conservation District. The property is a corner lot that contains a one and a half storey frame dwelling constructed c.1900. The immediate neighbourhood context includes an older single detached dwelling to the west, and a recent single detached dwelling to the south on a parcel that was severed from the subject property several years ago. The architectural front of the house (where the front door is located) faces Joseph Street but from a by-law perspective, the frontage is on Albert Street. The lot frontage is 22.0m (72.18 ft), the depth is 27.27m (90.88 ft) and the lot area is 590.29m<sup>2</sup> (6,354ft<sup>2</sup>).

### Proposal

The applicants propose to construct a two storey addition and one storey attached garage with an area of 76.05m<sup>2</sup> (721.74ft<sup>2</sup>) to the existing heritage dwelling. The Minor Variance application is related to Site Plan Control application SPC 18 250513 currently under review by the City. The Site Plan Control application is at the endorsed stage pending the outcome of the Minor Variance application.

### Official Plan and Zoning

#### Official Plan 2014

The City of Markham Official Plan 2014 designates the subject property "Residential – Low Rise" which provides for low-rise housing forms including single detached dwellings and a variety of multiple family dwelling types and accessory buildings. Site-specific policies that apply to this part of Markham Village contained in Section 9.13.4.8 of the Official Plan 2014 limit the building types to single detached and semi-detached dwellings with a maximum height of two storeys.

### Zoning

The subject property is zoned R2 – Residential under By-law 1229, as amended. The proposed use is permitted under the By-law. This area is subject to Infill By-law 99-90.

### Zoning Preliminary Review

The applicant applied for a Zoning Preliminary Review on June 29, 2018.

### **Heritage Status**

The subject property is designated under Part V of the Ontario Heritage Act as part of the Markham Village Heritage Conservation District. The existing dwelling is identified as a Type A heritage building in the District Plan and as such any exterior alterations are required to follow the policies and guidelines for heritage structures.

### **Applicant's Reasons Why it is Not Possible to Comply with the Provisions of the Zoning By-law**

On the application form, the applicants stated:

1. The existing structure on the south lot does not run parallel with the south property line.
2. The existing structure on the west side is non-compliant. The placement of the proposed garage is based on the location of the existing driveway off Joseph Street and in the current parking area.
3. The placement of the garage creates the least impact to the historical elevation on the north side.

### **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.

### Heritage Markham

Heritage Markham reviewed the Site Plan Control application at its meeting of January 9, 2019 and are in support of the proposed development. Heritage Markham was aware of the variances required to implement the design and stated "that the acceptability of the required variance for the south side yard be decided by the Committee of Adjustment."

### Engineering and Urban Design

Lot grading, servicing and tree preservation matters have been reviewed in detail under the Site Plan Control application. No issues have been identified in the application review process.

### Heritage Planning

The proposed development is appropriately scaled in relation to the existing heritage dwelling and the subject property and its context. The rear yard variance appears large but this is mainly due to the frontage being on Albert Street, making what appears to be a side yard on Joseph Street a non-standard rear yard situation from a by-law perspective. The varied character of older dwellings in the neighbourhood has resulted in some anomalies with respect to building placement. In staff's opinion, the requested rear yard variance meets the four tests of the Planning Act as the resulting development will be in character with the existing neighbourhood context. With respect to the requested variance for the interior side yard, the variance is appropriate for similar reasons as noted above.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 12, 2019.

### **CONCLUSION**

It is the opinion of the Planning staff that the requested variances are supportable and meet the four tests of the Planning Act. Staff is generally satisfied with the location, scale and form of the proposed addition and do not have any concerns with the development or the approval of the Minor Variance application.

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:

  
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George Duncan, Senior Heritage Planner

REVIEWED BY:

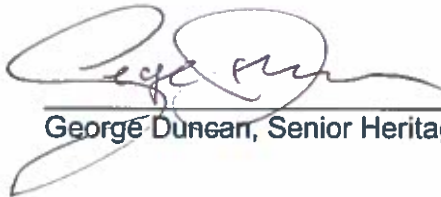
  
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Regan Hutcheson, Manager, Heritage Districts

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/177/18**

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 'Appendix B' to this Staff Report and date-stamped Received by Development Services City of Markham January 29, 2019, 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:**



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George Duncan, Senior Heritage Planner