

Memorandum to the City of Markham Committee of Adjustment

January 12, 2022

File: A/057/21
Address: 336 Main St N Markham
Applicant: Rockim Design Inc. (Rock Kim)
Agent: Rockim Design Inc. (Rock Kim)
Hearing Date:

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 the following:

a) building depth of 18.75m, whereas the By-law allows for a maximum building depth of 16.8m;

b) front yard setback of 18.7ft whereas the By-law requires a front yard setback of 25ft;

c) to permit an unenclosed porch and stairs to encroach 9.03ft whereas the By-law permits a maximum of 18inches.

as it relates to proposed addition to a heritage dwelling.

BACKGROUND

Property Description

The 997.57 m² (10737.75 ft²) subject property, municipally-known as 336 Main Street North, is located on the west side of Main Street North between 16th Avenue to the north, and David Street to the south. There is an existing two-storey single detached dwelling and garage, which according to MPAC records, were constructed in 1878 and 1978, respectively. The dwelling is situated on a relatively large lot with a depth of approximately 50m (164ft).

The subject property is located within an established residential neighbourhood comprised predominately one and two-storey detached dwellings. The dwelling is designated under Part V of the Ontario Heritage Act as a constituent property of the Markham Village Heritage Conservation District '(MVHCD' or the 'District'). Buildings within the District were constructed predominantly in the nineteenth and early twentieth centuries and consist of a variety of architectural styles. Given this mixed vintage, and the gradual nature of development, there is variability in building heights, scales and setbacks in the area. Mature vegetation exists on and adjacent to the subject property.

Proposal

The development enabled by the proposed variances would retain the majority of the current dwelling while removing and replacing an existing one-storey rear volume with a two-storey addition. The existing garage at the rear of the subject property is proposed to be retained. See "Appendix A" for conceptual drawings prepared by the applicant.

Official Plan and Zoning

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

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 2014 Official Plan outlines development criteria for the ‘Residential – Low Rise’ designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a ‘Residential Low Rise’ area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned R1 under By-law 1229, as amended, which permits one single detached dwelling per lot.

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. The proposed development does not comply with the infill By-law requirements with respect to building depth and front yard encroachment.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in December 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 18.75 m (61.52 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 1.95 m (6.40 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 an existing front covered porch, which adds approximately 2.10 m (6.89 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.65 m (54.63 ft) which complies with the by-law requirement. The requested variance for additional building depth is not anticipated to have an adverse impact given the considerable depth of the lot (approximately 50m), and the limited visibility of the rear portion of the addition from the public realm. The inclusion of only a single window opening along the south elevation of the proposed addition mitigates concerns related to privacy and overlook to the adjacent property at 332 Main Street North.

Further, the neighbouring property to the south at 332 Main Street North received COA approval to permit a rear addition with a maximum depth of 19.5m. Approval was granted in 2003. In addition, the property to the north at 340 Main Street North was granted COA approval for a maximum building depth of 19.96m, a minimum front yard setback of 23'--7.5", an encroachment for an unenclosed front porch of 8'- 8", and a third storey addition. Approval was granted in 2018. As such, the requested variance for building depth is in keeping with the emerging built form context of the area, and can be considered minor in nature.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 18.70 ft (5.70 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of approximately 6.30 ft (1.92 m) and is reflective of the placement of the existing dwelling on the property. While the proposed addition does not conform with the By-law, its siting relative to the existing dwelling maintains the prominence of the heritage building when viewed from Main Street North. The addition also has a generous setback from east (street facing) elevation of the heritage building at 20.11 ft (6.13 m). As such, given the existing dwelling does not conform to the setback requirements, no additional adverse impacts are expected as a result of the proposed addition, and it can be considered minor in nature.

Encroachment of the Unenclosed Porch and Stairs

The applicant is requesting relief to permit an unenclosed porch and stairs to encroach 9.03ft into the front yard whereas the By-law permits a maximum of 18 inches. Although the requested variance pertains to existing rather than proposed building fabric, it would accommodate a new full width veranda that the applicant proposes as illustrated in the attached drawings. Therefore, it is the opinion of that that the variance can be considered minor in nature.

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 Assessment and Preservation plan, which will be submitted as part of the Site Plan Control (SPC) process. The City's Engineering Department also supports the requested variances subject to the approval of a Lot Grading and Servicing Plan, which will be submitted during the SPC stage. These reports will be required should a grade change be required to accommodate the proposed development.

Heritage Markham Committee

Heritage Markham reviewed the application at its meeting on November 10, 2021 and had no objection to the requested variances subject to:

- The applicant submitting revised drawings to the Committee of Adjustment that generally align with the comments provided by the Architectural Review Subcommittee on October 26, 2021;

Note: The architectural drawings appended to this report, and submitted to the Committee of Adjustment, incorporate the comments provided by the above-noted Subcommittee.

(See Appendix 'C' – Heritage Markham Extract dated November 10, 2021).

EXTERNAL AGENCIES

York Region

The proposed variances were circulated to York Region however; no comments have been received to date.

Alectra

The proposed variances have been reviewed by Alectra and no concerns were identified.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 12, 2022. 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 see Appendix "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Evan Manning, Heritage Planner II

REVIEWED BY:

A handwritten signature in black ink, appearing to read "R. Hutcheson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Regan Hutcheson, Development Manager, Heritage District

File Path: Amanda\File\ 21 119485 \Documents\District Team Comments Memo

APPENDIX "A"
336 Main Street North

FIGURE 1: Property Map

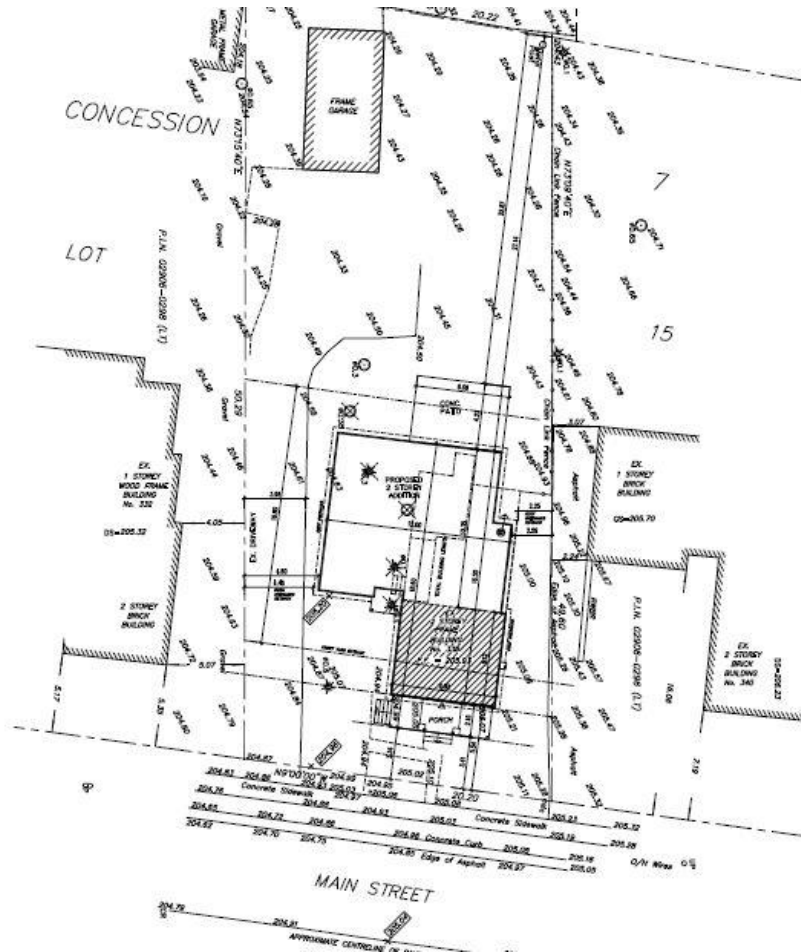


FIGURE 2: Primary Elevation



(Source: Google)

FIGURE 3: Site Plan



SITE DATA

Lot Area	997.57 Sq.m
Existing building area	
Ground floor area	41.83 Sq.m
Second floor area	41.83 Sq.m
Detached garage area	45.23 Sq.m
Propose building area	
Ground floor area	114.52 Sq.m
Conc. porch	13.65 Sq.m
Conc. porch	3.02 Sq.m
Second floor area	115.63 Sq.m
<hr/>	
Net Lot area	805.35 sq.m
Max. Net Floor area Ratio	45%
Total gross floor area	359.04 sq.m
	(44.58 %)
Lot Coverage	216.19 Sq.m
(incl. roof cover porch)	(21.67 %)

FIGURE 4: Building Elevations

Primary (East) Elevation



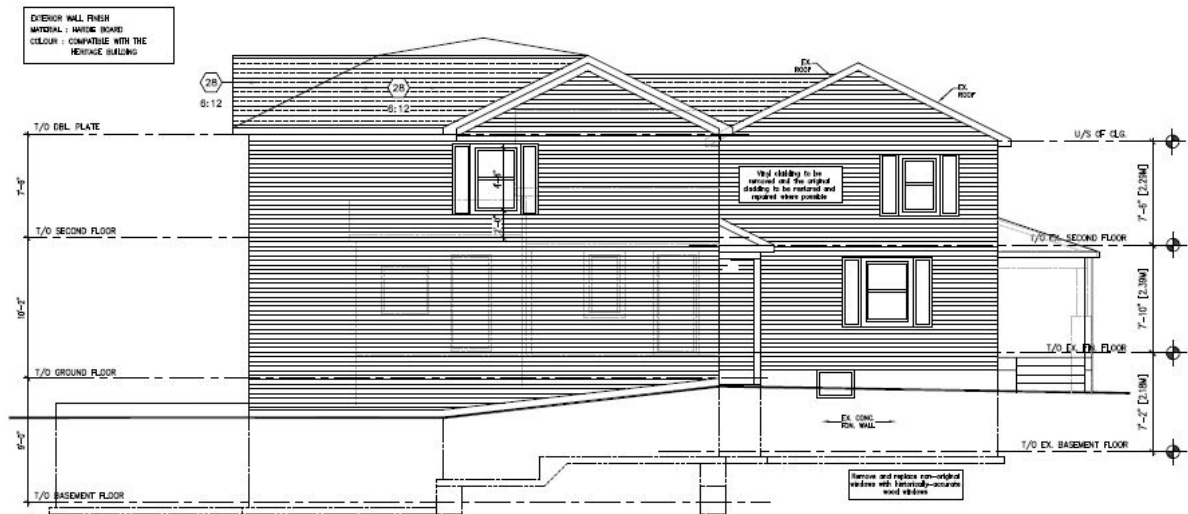
Rear (West) Elevation



North Elevation



South Elevation



APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/21

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 A' 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 implement and maintain all of the works required in accordance with the conditions of this variance;
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;
7. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITIONS PREPARED BY:



Evan Manning, Heritage Planner II

**APPENDIX “C”
HERITAGE MARKHAM EXTRACT**

**HERITAGE
MARKHAM
EXTRACT**

DATE: November 10, 2021

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

EXTRACT CONTAINING ITEM #6.1 OF THE ELEVENTH HERITAGE
MARKHAM COMMITTEE MEETING HELD ON NOVEMBER 10, 2021.

6.1 COMMITTEE OF ADJUSTMENT VARIANCE

**PROPOSED TWO-STOREY REAR ADDITION TO AN EXISTING
TWO- STOREY DWELLING
336 MAIN STREET NORTH (MVHCD) (16.11)**

FILE NUMBER:

A/057/21

Extracts:

R. Hutcheson, Manager, Heritage Planning

E. Manning, Heritage Planner

Evan Manning, Heritage Planner, expressed appreciation to the Architectural Sub-Committee for their time reviewing the proposal. Mr. Manning noted that revisions were made to the proposed dwelling, including removal of the integrated garage, maintaining the existing driveway and rear garage, and reducing the width of the house by 8 feet. The proposed windows are also arranged to be complementary to the configuration of the existing house. A front veranda is proposed based on archival material and the existing spruce tree, previously proposed to be removed to accommodate the addition, is now proposed to be retained.

Marilyn Tufford, owner of the neighbouring property, expressed her support for retention of the garage and a desire to ensure it will not be converted to a coach house in future.

Ms. Tufford had no concern regarding the shared driveway and thanked the Architectural Sub-Committee for their efforts. Ms. Tufford commented that the home was still large, and drainage remained a concern, but was hopeful the Committee of Adjustment would consider the scale of the house within the neighbourhood. Ms. Tufford requested to remain apprised of further developments.

Heritage Section staff noted that if significant changes occurred in the design of the addition during the review of the site plan application, the matter would return to Heritage Markham Committee.

Recommendations:

THAT the deputation by Marilyn Tufford regarding agenda item 6.1 – 336 Main Street North, MVHCD, proposed two-storey rear addition to an existing two-storey dwelling, be received;

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit a new two-storey rear addition subject to:

- The applicant submitting revised drawings to the Committee of Adjustment that generally align with the comments provided by the Architectural Review Subcommittee on October 26, 2021;

AND THAT final review of the submitted site plan control application, and any other development application required to approve the proposed development, be delegated to Heritage Section staff should the design remain generally consistent with the revised drawings.

Carried