

# Memorandum to the City of Markham Committee of Adjustment

June 29, 2021

**File:** A/078/21  
**Address:** 36 Washington St Markham  
**Applicant:** Kenneth Vopni  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday July 07, 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, C2 as amended, to permit:

## **the extension/enlargement of an existing legal non-conforming use.**

as it relates to a proposed addition to an existing single family dwelling on a lot zoned as "Commercial Two (C2)." This application is being applied under Section 45(2)(a) of the Planning Act.

### **BACKGROUND**

#### **Property Description**

The 641.6 m<sup>2</sup> (6,906.1 ft<sup>2</sup>) subject property is located on the west side of Washington Street, south of Joseph Street and north of Centre Street, one block to the east of the historic commercial buildings of Main Street North. The property is located within an established residential neighbourhood of the Markham Village Heritage Conservation District that is comprised of a mix of one and two-storey, heritage and non-heritage detached dwellings.

There is an existing one and one half storey heritage dwelling on the property which according to assessment records was constructed in 1883. Mature vegetation exists on the property including one large mature walnut tree in the front yard shared with the neighbouring property to the north (See Photograph of the Existing Heritage Dwelling-Figure 2).

#### **Official Plan 2014**

The subject property is designated as "Mixed Use Heritage Main Street" in the City's 2014 Official Plan. This designation was created to promote a traditional downtown retail Main experience that permits a wide range of commercial uses typical of historic downtown but does not permit single detached dwellings.

#### **Zoning By-law 1229**

The subject property is designated as C2 "Commercial" which also permits a wide variety of retail uses, but only permits dwelling units on the floors above retail establishments.

Despite these commercial designations and permissions, almost all of the heritage dwellings on this section of the west side of Washington St. have remained in their original residential uses, as these homes and properties are not ideally suited for commercial purposes. Recently constructed infill dwellings and the restoration and enlargement of

existing heritage homes has only enhanced the existing historic residential character of this portion of Washington Street.

### **Proposal**

The applicant is proposing to demolish the existing one storey kitchen tail in order to construct a new, 89.3 m<sup>2</sup> (961 ft<sup>2</sup>) two storey addition to the rear of the existing heritage house. The proposal also includes the re-opening of the historic front veranda which was enclosed several decades ago.

## **COMMENTS**

### **Planning Act**

Staff is of the opinion that permitting the construction of an addition to the existing single detached heritage dwelling complies with the powers provided to the Committee of Adjustment under Section 45 (2)(a) of the Planning Act. This section of the Act allows the Committee of Adjustment to permit the use of the land for a purpose that, in the opinion of the Committee is similar to the purpose for which it was used on the day the By-law was passed.

### **Urban Design and Engineering**

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

### **Heritage Markham**

Heritage Markham reviewed the associated site plan application on June 9, 2021 and despite making some recommendations regarding windows and architectural detailing had no objection to the design of the proposed addition and delegated final review of the both the site plan and variance application to Heritage Section staff. (See Appendix 'A'- Heritage Markham Extract June 9, 2021)

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 29, 2021.

## **CONCLUSION**

It is the opinion of the Planning staff that permitting the continuation of the existing single detached use is appropriate and constitutes sound planning. Staff recommends that the following resolution be adopted:

Notwithstanding the C2 commercial zoning of the property under By-law 1229 as amended, a single detached dwelling is permitted on the property, as the proposed use of the land is the same as it was on the day of the passing of the By-law, subject to the general provisions of By-law 1229 as amended:

And that the variance only applies to the proposed development in substantial conformity to the attached site plan and elevations attached as Appendix 'C' to the satisfaction of the Director of Planning and Urban Design.

Please see Appendix 'B' for conditions to be attached to any approval of this application.

PREPARED BY:



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Peter Wokral, Heritage Planner

REVIEWED BY:



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Regan Hutcheson, Manager of Heritage Planning



**FIGURE 2- PHOTOGRAPH OF THE EXISTING HERITAGE DWELLING**



Google

Image capture: Oct 2020 © 2021 Google Canada Terms Privacy Report a

## APPENDIX 'A'- Heritage Markham Extract of June 9, 2021

### HERITAGE MARKHAM EXTRACT

DATE: June 17, 2021

TO: R. Hutcheson, Manager, Heritage Planning  
P. Wokral, Senior Heritage Planner  
J. Leung, Committee of Adjustment

EXTRACT CONTAINING ITEM #5.4 OF THE SIXTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON JUNE 9, 2021.

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#### 5.4 SITE PLAN CONTROL AND COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

36 WASHINGTON STREET  
MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT  
PROPOSED 2 STOREY REAR ADDITION TO AN EXISTING HERITAGE  
DWELLING (16.11)

FILE NUMBERS:

- SPC 21 120140
- A/078/21

Extracts:

R.Hutcheson, Manager, Heritage Planning  
P. Wokral, Senior Heritage Planner  
J. Leung, Committee of Adjustment

David Wilson declared a conflict of interest on Item No. 5.4 - Site Plan Control and Committee of Adjustment Variance Application, 36 Washington Street, Markham Village Heritage Conservation District, Proposed 2 Storey Rear Addition to an Existing Heritage Dwelling, as he knows the property owner.

Peter Wokral, Senior Heritage Planner, presented the staff memorandum on the applications for variances and Site Plan Control.

Barry Nelson provided a deputation on the historical significance of kitchen tails, and suggested that they should be celebrated in these type of homes.

Mr. Wokral agreed that kitchen tails can be historically significant, but explained they often have structural problems due to substandard construction compared to the rest of

the house, and that they are often located where it is most practical to construct additions to existing houses..

Committee inquired why two kitchens are being proposed for the dwelling.

Russ Gregory advised that the drawings include two kitchens, as the applicant is also in the process of applying to re-zone the property from commercial to a residential use, which would include a ground level second suite.

Recommendations:

THAT the deputation by Barry Nelson regarding the Site Plan Control and Committee of Adjustment Variance Application, 36 Washington Street, Markham Village Heritage Conservation District, Proposed 2 Storey Rear Addition to an Existing Heritage Dwelling, be received.

THAT Heritage Markham has no objection from a heritage perspective to the demolition of the one storey heritage kitchen tail of the existing dwelling;

THAT Heritage Markham supports the proposed re-opening of the front veranda, the design of the proposed two-storey rear addition and the requested variance to expand a legal non-conforming use from a heritage perspective;

THAT Heritage Markham delegates final review of the variance application to Heritage Section staff;

THAT Heritage Markham delegates final review of the site plan application to Heritage Section staff provided that:

- That the existing later cladding of the heritage portion of the dwelling is to be removed to reveal and restore the original underlying wooden cladding;
- That the elevations be revised to reflect the retention of all the existing original historic wooden windows on the south, east and north elevations;
- That the bump-out for the proposed gas fireplace shown on the south wall of the heritage portion of the house be deleted;
- That the designer provide veranda details reflective of local historic verandas of the same period of the house;

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

Carried

**APPENDIX 'B'**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/078/21**

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the site plan and elevations attached as APPENDIX 'C' to the satisfaction of the Director of Planning and Urban Design or designate;

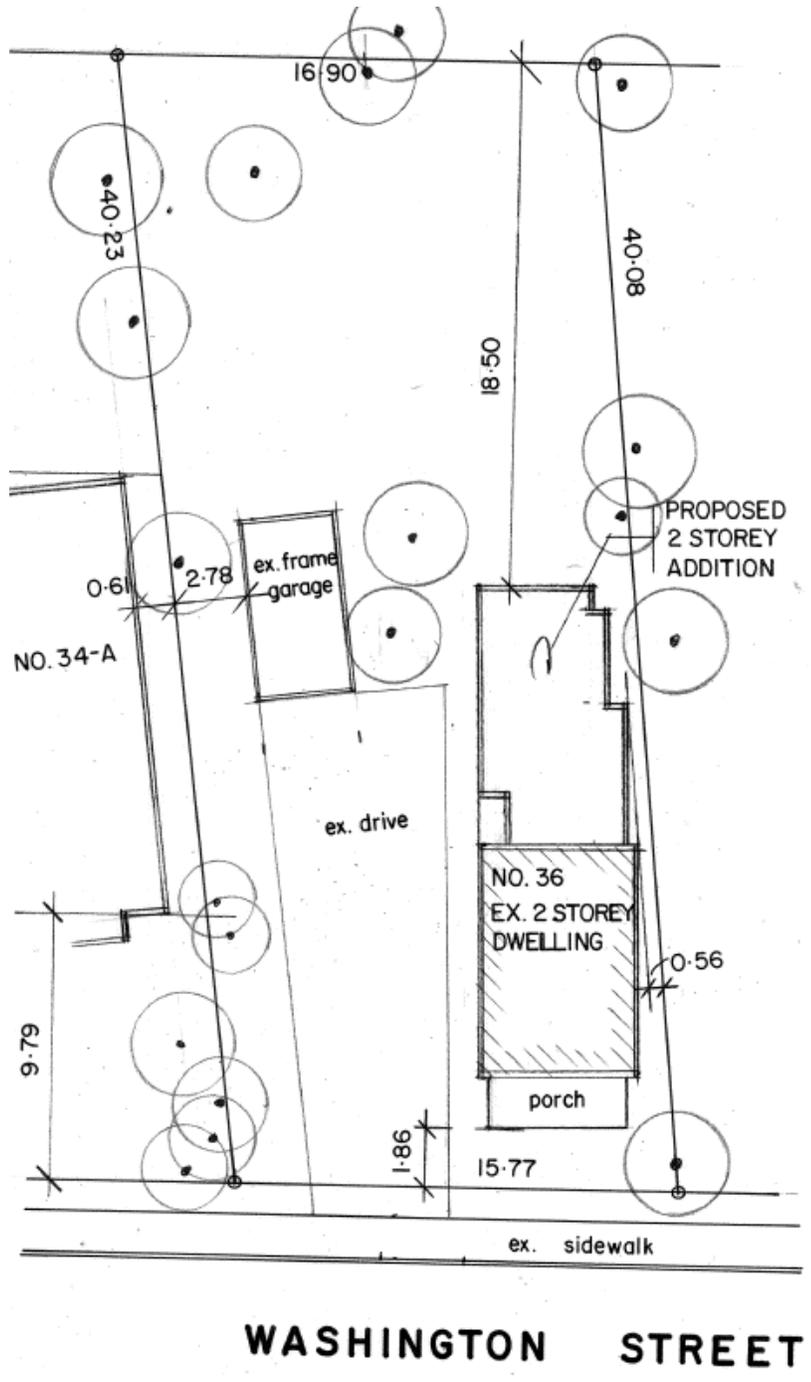
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral", written in a cursive style.

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Peter Wokral, Senior Heritage Planner

APPENDIX 'C'



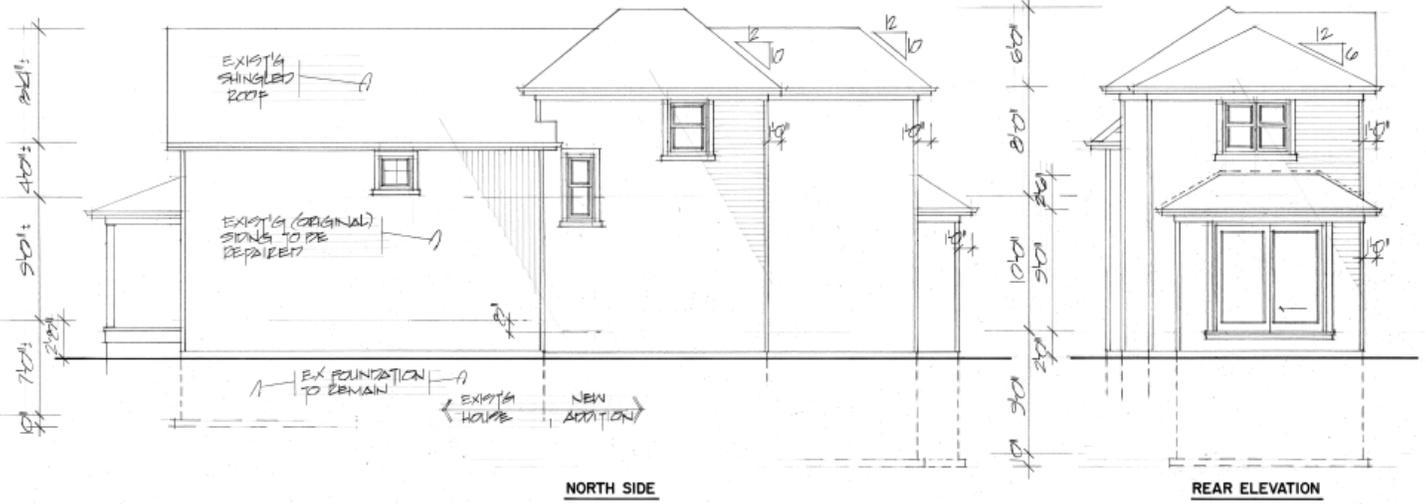
Proposed Site Plan



**SOUTH SIDE**

**FRONT ELEVATION**

PROJECT:  
**36 WASHINGTON ST.**  
**CITY OF MARKHAM**  
 THE GREGORY DESIGN



**NORTH SIDE**

**REAR ELEVATION**



