

Memorandum to the City of Markham Committee of Adjustment

September 16, 2021

File: A/119/21
Address: 329 Main St N Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday September 22, 2021

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

The applicant is requesting relief from the following requirements of the Residential One (R1) zone under By-law 1229 as amended, and By-law 28-97:

- a) By-law 1229, Section 1.2 (iii)*: a maximum building depth of 25.75 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) By-law 1229, Section 11.2 (c): an unenclosed porch and stairs to encroach 13'3" into the required front yard, whereas the By-law permits a maximum of 18";
- c) By-law 28-97, Section 6.2.4.4 a) iii): a driveway located 2'11" from the interior side lot line, whereas the By-law requires 4'.

NOTE: Variance a) should reference Section 1.2 (ii) of By-law 99-90 and not parent By-law 1229

The above-referenced variances are required to accommodate construction of an addition to an existing heritage dwelling at 329 Main Street (the "subject property" or the "property"), and the construction of a driveway to the south of the existing dwelling.

BACKGROUND

Property Description

The 823.20 m² (8860.85 ft²) subject property is located on the east side of Main Street North between Pilkeys Lane to the south, and Deer Park Lane to the north. There is an existing two-storey single detached dwelling with a one-storey rear extension that, according to MPAC records, was constructed 1898. The dwelling is situated on a relatively large lot with a depth of approximately 50m (164ft). Note that the current lot width of 16.29m (53.44ft) does not comply with the minimum width requirements of the By-law, which stipulates 60ft. As configuration of the lot pre-dated the By-law, it has legal non-conforming status.

The subject property is located within an established residential neighbourhood comprised of predominately one and two-storey detached dwellings, and 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'). The heritage dwellings within the MVHCD were constructed predominantly in the nineteenth and early twentieth centuries and display a variety of architectural styles. Given this mixed vintage, and the eclectic nature of development within the District, there is variability in building heights, scales and setbacks. Mature vegetation exists on and adjacent to the subject property, including a mature tree that is proposed to be removed to accommodate a new driveway.

Proposal

The development enabled by the proposed variances would retain the current dwelling while adding a second storey addition above the existing rear extension. A new one-storey addition is also proposed. Along the primary (west) elevation, a new unenclosed porch is contemplated while a paved driveway is proposed to the south of the existing dwelling. The existing driveway, adjoined to the neighbouring driveway servicing 331 Main Street North, is proposed to be removed and replaced with new soft landscaping. See "Appendix A" for conceptual drawings prepared by the Gregory Design Group.

Official Plan and Zoning

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

The subject property is designated "Residential - Low Rise" within the City of Markham Official Plan, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229 as amended

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.

Parking Standards By-law 28-97

The proposed development does not comply with the standards of Parking By-law 28-97 regarding proximity of a new driveway to subject property's interior side lot line.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 5, 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 25.75m (84.48 ft), whereas the By-law permits a maximum building depth of 16.80m (55.12ft). This represents an increase of approximately 8.9m (29.20ft).

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.

It is the opinion of Staff that the variance is minor given the considerable depth of the lot, and its potential to accommodate an addition without adversely impacting adjacent property owners or the MVHCD. The subject property is also undersized relative to its width, limiting opportunities for intensification to the rear rather than side yards.

If approved, the depth of the backyard would be approximately 21m (68.9ft), providing sufficient amenity space for the occupant(s), and a suitable buffer from the properties immediately to the east of the subject property along Wales Avenue. The one-storey height of the rear portion of the addition also mitigates privacy and overlook concerns relative to the adjacent properties at 327 and 331 Main Street North. The proposed generous side yard setbacks of approximately 3m also mitigates impact of the rear addition on adjacent properties. Further, given the limited visibility of the addition from the public realm, the proposed building depth will not significantly alter the scale of the existing heritage building relative to adjacent properties, conserving the built-form character of Main Street North.

Reduction in Front Yard Setback

The applicant is requesting relief to permit an unenclosed porch and stairs to encroach 13'3" (4.05m) into the front yard, whereas the By-law permits a maximum of 18" (0.46m). This represents an overage of approximately 11'8" (3.60m). While the proposed front yard encroachment is not permitted by By-law 1229, the unenclosed front porch and stairs introduces an architectural element that is common within the District in a manner consistent with the area's variable front yard setback. As such, it is the opinion of Staff that the variance can be considered minor in nature and desirable for the redevelopment of the lands.

Reduction in Interior Lot Line Setback for New Driveway

The applicant is requesting relief to permit the siting of a new driveway that is proposed to be located 2'11" (0.64m) from the interior side lot line, whereas By-law 28-97 requires that driveways in a front yard be located no closer to an interior side lot line than the minimum distance requirement for the main building (4 feet or 1.22m).

The positioning of the driveway, while closer to the adjacent property at 327 Main Street North than permitted by the By-law, is dictated by the constrained nature of the subject property. As relocating the existing heritage building to make space for a driveway that complies with the By-law would not be supported by policy contained within the MVHCD Plan, the positioning of the driveway as shown in the appended site plan was selected as the preferred option. The introduction of a driveway along the southern edge of the subject

property will also allow for the partial removal and replacement of the existing driveway with new landscaping (i.e. softscaping), improving the property's relationship with Main Street North and create a more natural recharge area for surface rainwater runoff.

A mature tree is proposed to be removed to accommodate the new driveway. Based on information provided by the applicant, the affected neighbour at 327 Main Street North is supportive of the tree removal. Staff recommend that the conditions of approval provided in Appendix "B" be adopted by the Committee to ensure that the required compensation for trees that are approved to be removed through the City's tree removal process.

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 September 8, 2021 and had no objection to the requested variances. The Committee further recommended that:

1. the existing driveway be removed and replaced with sod or soft landscaping, and that a curb also be installed in the relevant location; and,
2. that final review of the forthcoming site plan control application be delegated to the City's Heritage Section staff provided that the design is generally consistent with the conceptual drawing provided as part of the MNV application (See Appendix 'C' – Heritage Markham Extract dated September 8, 2021).

EXTERNAL AGENCIES

York Region

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

Alectra

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

Metrolinx Comments

The subject property is located within 300m of the Uxbridge Subdivision which carries Stouffville GO rail service. Metrolinx provided the following comments on the application in August 2021:

The Applicant is advised that the development lands, 329 Main Street North, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way

in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 16, 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 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

REVIEWED BY:



Regan Hutcheson, Development Manager, Heritage District

APPENDIX "A"
329 Main Street North

FIGURE 1: Property Map

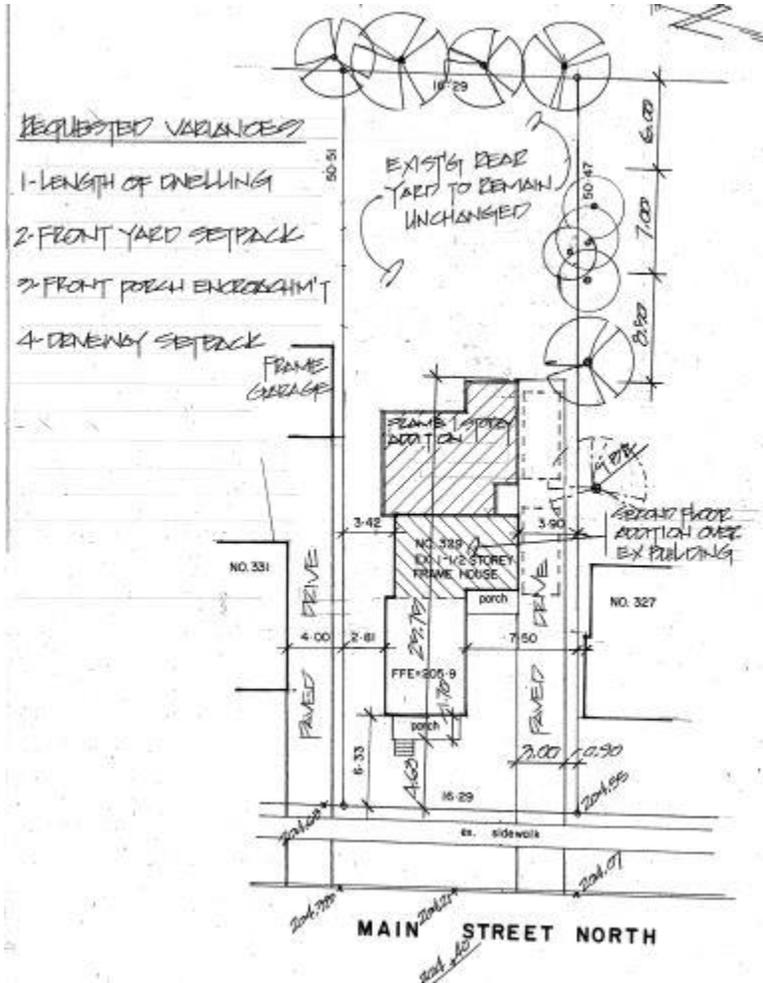


FIGURE 2: Primary (West) Elevation of the Existing Dwelling



(Source: Google)

FIGURE 3: Proposed Site Plan



SITE PLAN

SCALE - 1:200

SITE INFORMATION & DATA

AREA OF LOT = 8723.2 M²
 AREA OF PLOT = 181.2 M²
 COVERAGE = 22.0%

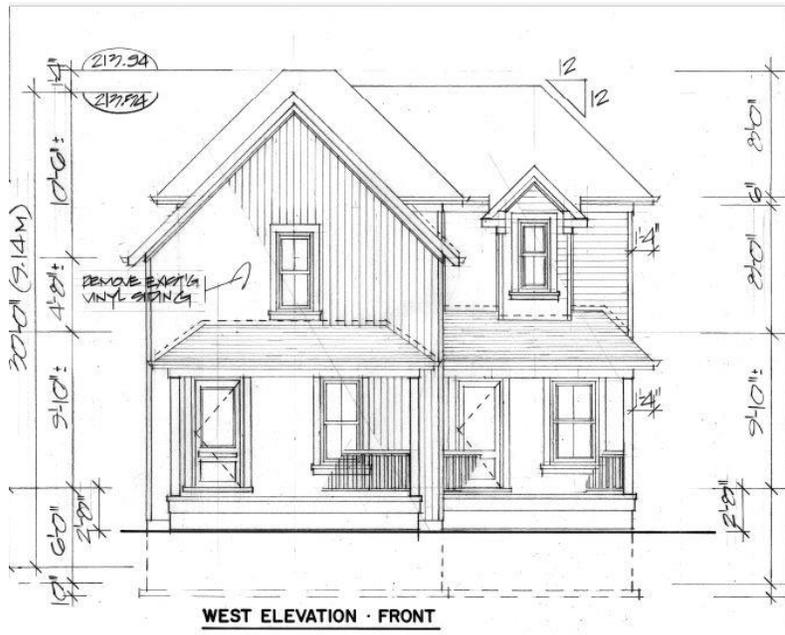
NET FLOOR AREA RATIO
 $0.13 + 0.01(8723.2 - 673.1) \times 0.47$
 $= 718.2 \times 0.47 = 323.2$

NFA ALLOWED = 323.2 M² (41.0%)
 NFA PROPOSED = 216.7 M² (27.1%)

Note that the ZPR confirmed three (3) variances rather than the four (4) indicated by the applicant above.

FIGURE 4: Elevations

Proposed West (Primary) Elevation



Proposed Rear (East) Elevation



APPENDIX “B”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/119/21

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:

A handwritten signature in black ink, appearing to read 'Evan Manning', written in a cursive style.

Evan Manning, Heritage Planner

APPENDIX “C”

Heritage Markham Committee Extract dated September 8, 2021

**HERITAGE
MARKHAM
EXTRACT**

DATE: September 15, 2021

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

EXTRACT CONTAINING ITEM #6.2 OF THE NINTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON SEPTEMBER 8, 2021.

6.2 COMMITTEE OF ADJUSTMENT VARIANCE

**PROPOSED REAR ADDITION AND FRONT PORCH ADDITION TO
AN EXISTING TWO-STOREY DWELLING
329 MAIN STREET NORTH (MVHCD) (16.11)**

FILE NUMBER:

A/119/21

Extracts:

R. Hutcheson, Manager, Heritage Planning

E. Manning, Heritage Planner

Evan Manning, Heritage Planner, addressed the Committee and provided a summary of the staff memorandum. He commented that the property is categorized as a Type A property in the MVHCD Plan, and that the 3 variances being requested are for maximum building depth, the encroachment of an unenclosed porch and stairs into the front yard, and the siting of a new driveway adjacent to the interior lot line. Mr. Manning advised that the proposal included relocation of the driveway from the north to the south of the dwelling. He advised that the proposal retained the prominence of the heritage building relative to Main Street North.

The Committee provided the following feedback:

- Questioned the plan for the area of the existing driveway.

- Commented that the design of the new addition was complementary to the Heritage District.
- Recommended that a friendly amendment be made to remove the existing driveway asphalt and restore the area with soft landscaping and then re-instate the curb.
- Questioned the applicant's plans for an enclosed garage in the future and whether a variance would be required.

Shane Gregory, a representative of the applicant, advised that soft landscaping was planned for the area of the existing driveway. He commented that the applicant would take responsibility for the curb to the north lot line of the property.

Amira Tadros, the applicant, advised that there were no plans for a garage, and that they had considered it previously, but it was not pursued due to the location of an existing tree. Shane Gregory noted that the addition of a garage in future should not require a variance.

Recommendations:

THAT the existing driveway asphalt be removed and that sod or soft landscaping be installed, as well as the curb; and

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit a rear addition, new driveway, and front porch addition to the existing two-storey dwelling; and

AND THAT final review of the forthcoming site plan control application, and any other development application required to approve the proposed development, be delegated to Heritage Section staff should the design be generally consistent with the conceptual drawings appended to this memo.

Carried