

Memorandum to the City of Markham Committee of Adjustment

November 18, 2019

File: A/112/19
Address: 123 Main St. Unionville Heritage Conservation District
Applicant: Hana Song
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday November 27, 2019

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

The applicant is requesting relief from the following requirements of By-law 122-72, as amended; to permit:

1. Section 7.4 f): a building height of 22 feet, whereas the By-law permits a maximum height of 15 feet;
2. Section 11.2 d): a lot coverage of 34.5 percent, whereas the By-law permits a maximum of 33 1/3 percent;
3. Section 7.4 b): a habitable space or home office in a new loft area, whereas use for human habitation or a secondary dwelling is not permitted.

as it relates to a proposed rear, two-storey, detached garage with loft.

BACKGROUND

Property Description

The 895.3 m² (9,637.2 ft²) subject property is located on the east side of Main Street Unionville south of the railway tracks and north of Highway 7 E. in the historic residential neighbourhood of the Unionville Heritage Conservation District (See Location Map-Figure 1).

There is an existing heritage dwelling on the property constructed in 1879 (See Photograph of the Existing Heritage Dwelling-Figure 2). In 2016, the current owner obtained site plan approval to construct a 289.6m² (3,117 ft²) two storey, rear addition that is now nearing completion.

Proposal

The applicant is currently proposing to construct a 115m² (1,237.9 ft²) two storey detached garage/accessory building in the rear north east corner of the lot (See Site Plan and Elevations- Figure 3 &4)

In addition to requesting two variances to the development standards of the By-law, the applicant is requesting permission to use the second storey of the detached garage/accessory building for human habitation by the occupants of the main dwelling, and not as an accessory dwelling unit that could be rented out to a non-family member.

Official Plan and Zoning

Official Plan 2014

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 122-72

The subject property is zoned R3 under By-law 122-72, as amended, which only permits single detached dwellings.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "For the construction of a new detached garage with loft".

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

Habitable Loft Space

Based on the available floor plans, the proposed habitable second storey loft/home office space in the accessory building/garage unit has no kitchen or bathroom facilities and could not act as an accessory dwelling unit. There would appear to be no negative impacts for neighbouring property owners as the detached accessory building is setback 6 ft. from the property line shared with the nearest neighbouring dwelling, as would be required if it were used as a dwelling. There is also no direct overlook from the proposed habitable space to the neighbouring rear yard. Therefore the requested variance is considered to be minor in nature.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 22 ft., whereas the By-law permits a maximum building height of 15 ft. This variance can be considered to be minor in nature, and desirable for the appropriate development of the land because it supports an accessory building/garage which is designed to resemble a historic out-building or carriage house, complementary to the heritage character of the district and neighbouring homes. The proposed increase in height for the accessory building has little impact due to its location at the rear corner of the subject lot, and because it is lower in height than the closest neighbouring dwelling.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 34.5 percent, whereas the By-law permits a maximum floor area ratio of 33.3 percent. The requested variance for an increased lot coverage is both minor numerically, and in its impact because the accessory building is detached from the main house, and located in the rear corner of the lot having where it appears to have no negative impacts on neighbouring properties.

Engineering and Urban Design

The City's Engineering Department has provided no comments on the application. The City's Urban Design Section has indicated they have some concerns regarding the potential impact to existing trees due to the proposed location of the accessory building/garage and have requested the applicant to submit an updated tree inventory, preservation plan, and arbourist report. This information will be utilized in the Site Plan Approval process.

Heritage Markham

Heritage Markham reviewed the requested variances at their meeting of October 9, 2019 and had no objection to their approval, subject to certain architectural revisions, delegating final review of the variance and Site Plan Control applications to Heritage Section staff (See Appendix 'B'- Heritage Markham Extract October 9, 2019).

PUBLIC INPUT SUMMARY

No written submissions were received as of November 19, 2019. 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.

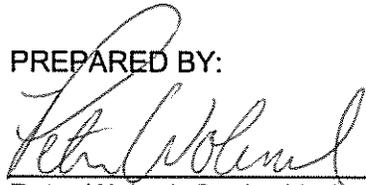
CONCLUSION

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 requests meet the four tests of the Planning Act, and therefore have no objection to their approval.

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:



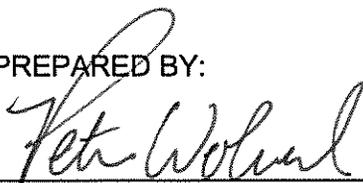
Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

FIGURE 1 – LOCATION MAP

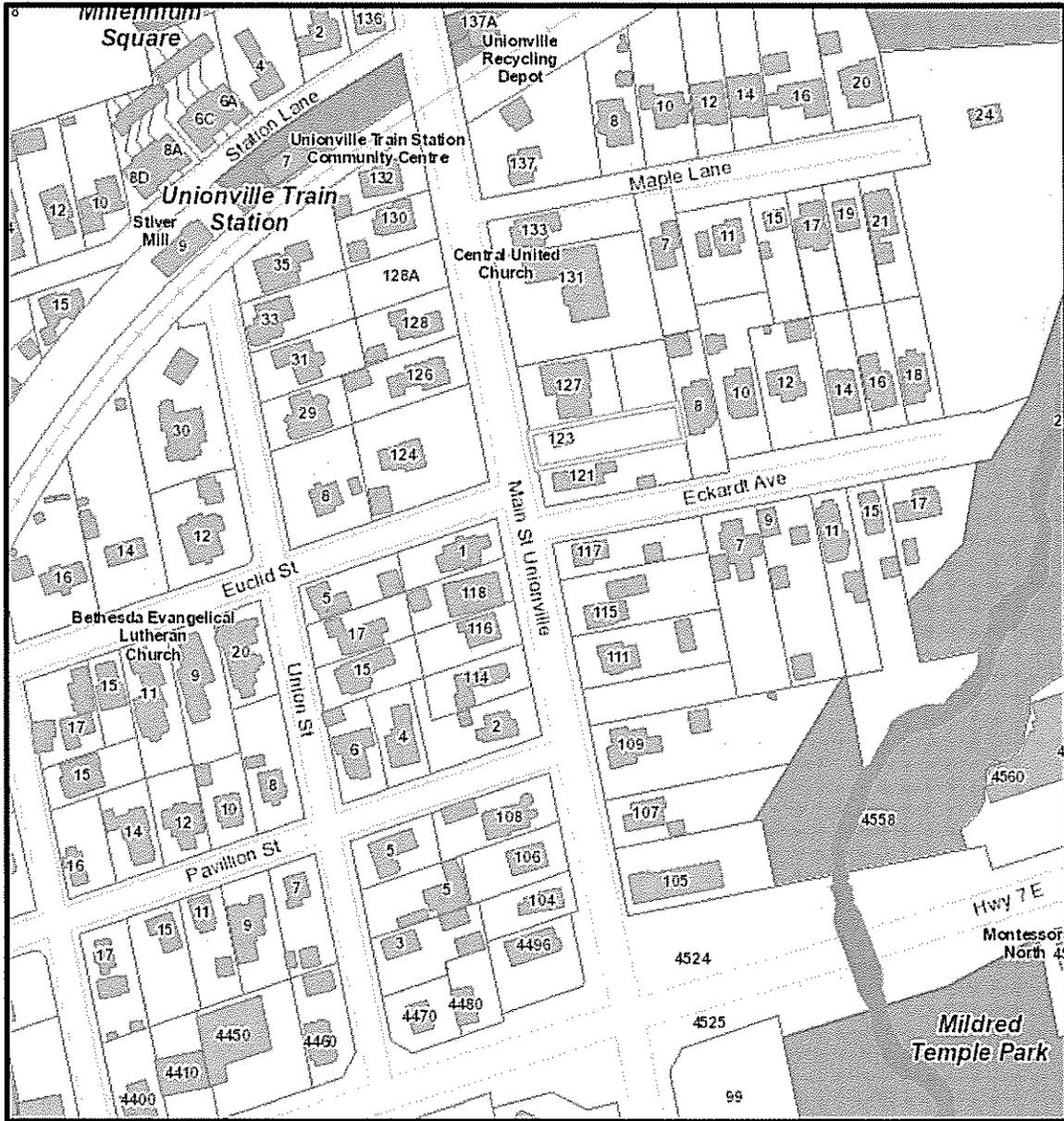


FIGURE 2-PHOTOGRAPH OF THE EXISTING HERITAGE DWELLING



FIGURE 3 – SITE PLAN

SITE PLAN

SCALE - 1:250 (METRIC)
 SITE INFORMATION & DATA

INFORMATION TAKEN FROM
 TOPOGRAPHIC SURVEY OF
 LOT 14, REG'D PLAN 401
 CITY OF MARKHAM

AREA OF LOT = 8991.3 M²
 AREA OF PLOTS = 292.4 M²
 COVERAGE = 72.7 %

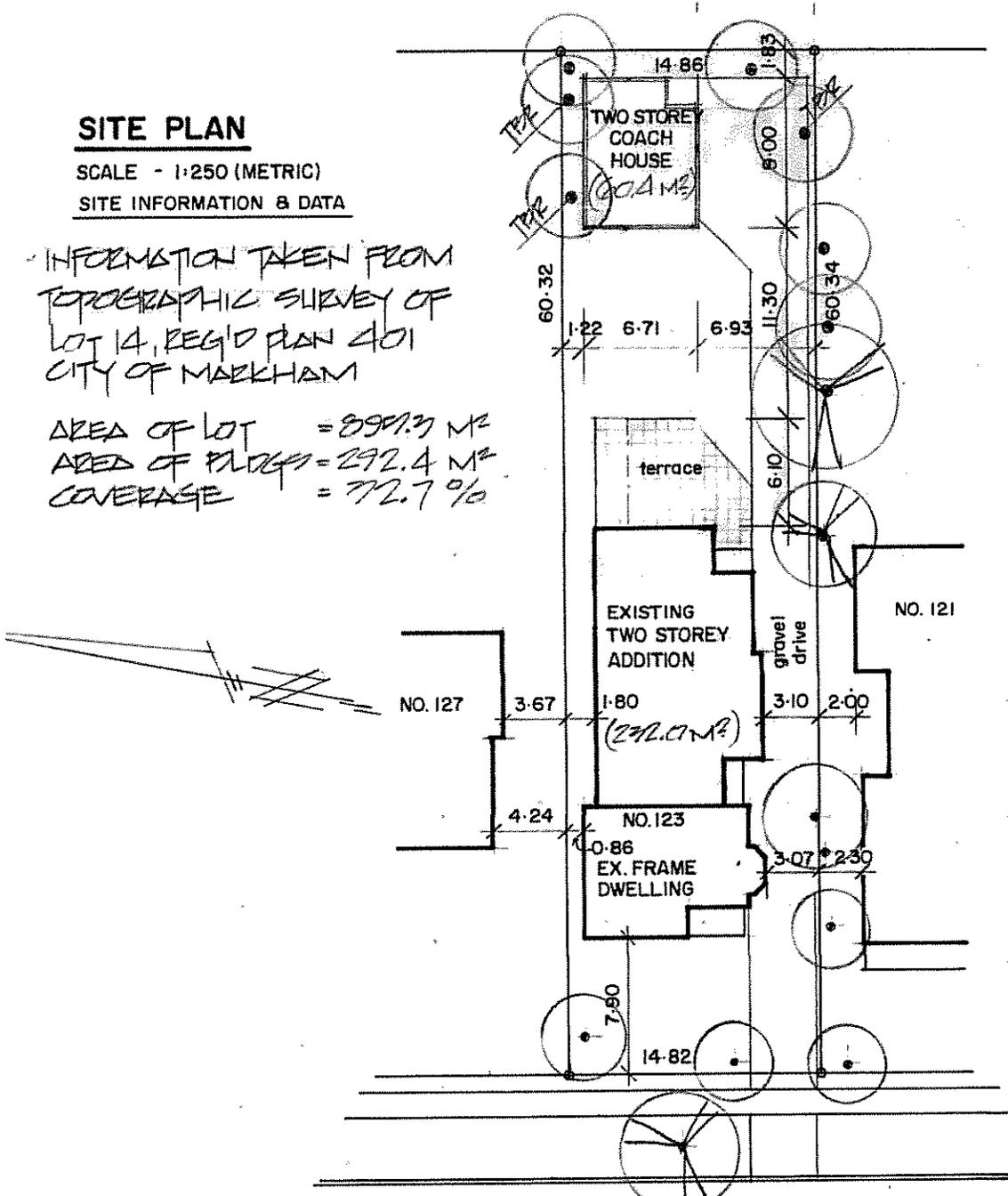
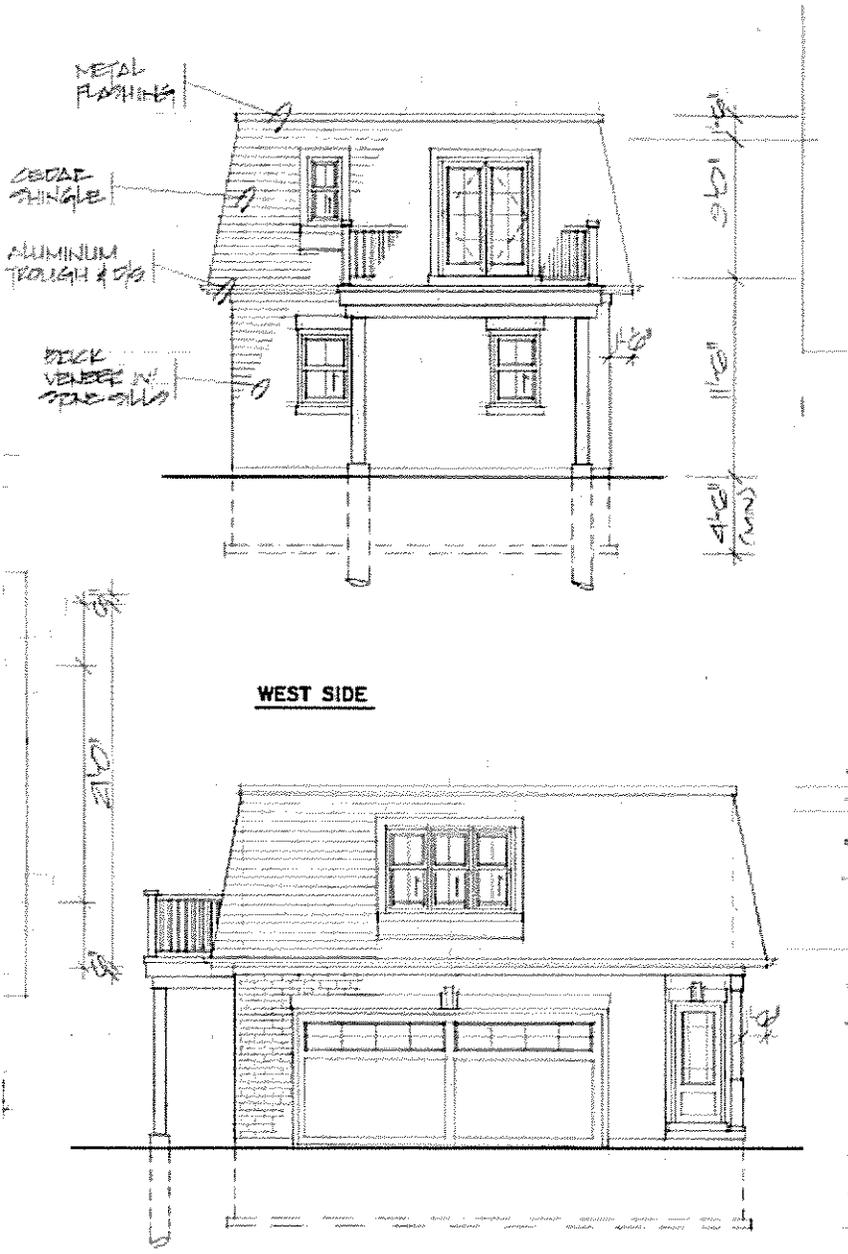
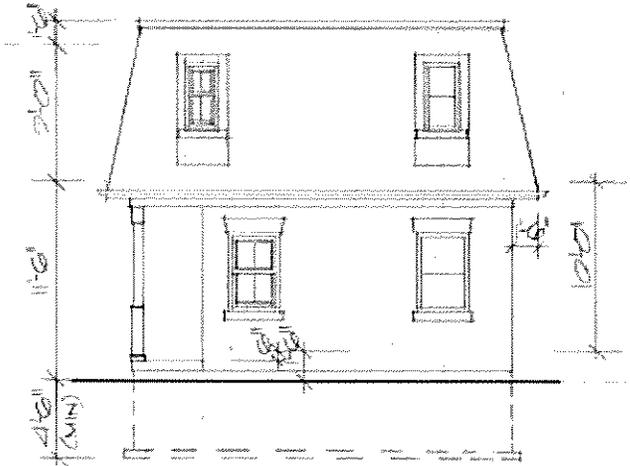
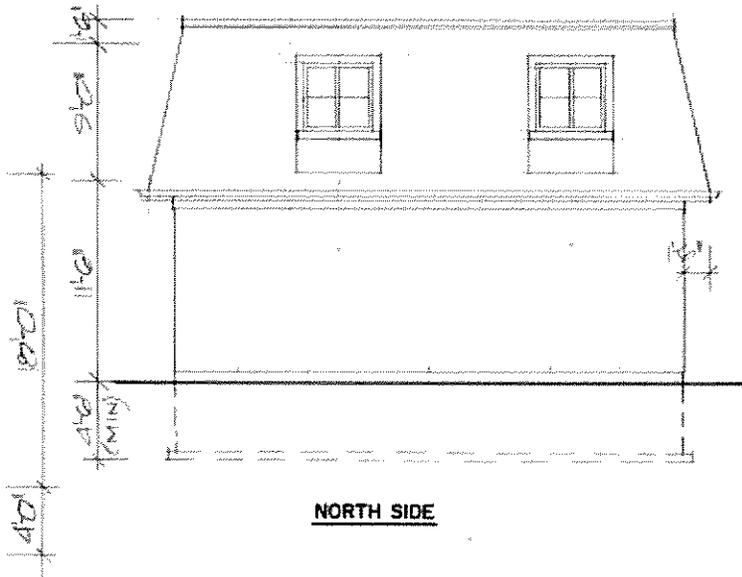


FIGURE 4- ELEVATIONS





EAST SIDE

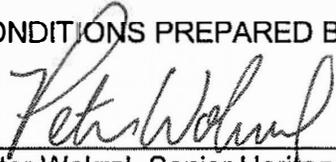


NORTH SIDE

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/112/19

1. The variances apply only to the proposed development as long as it remains;
2. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
3. 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;
4. 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.
5. 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;
6. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance with the Ontario Building Code.
7. That the Owner register the home as a two-unit property with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief.

CONDITIONS PREPARED BY:



Peter Wokral, Senior Heritage Planner

APPENDIX 'B' – HERITAGE MARKHAM EXTRACT OCTOBER 9, 2019

APPENDIX 'B' – HERITAGE MARKHAM EXTRACT OCTOBER 9, 2019

HERITAGE MARKHAM
EXTRACT

DATE: October 23, 2019

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Heritage Planner

EXTRACT CONTAINING ITEM #7 OF THE TENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON OCTOBER 9, 2019.

7. **Site Plan Control Application,**
123 Main Street Unionville,
Proposed Two Storey Detached Accessory Building/Garage (16.11)
File Number: SPC 19 136253
Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Heritage Planner

Memorandum

Recommendations:

That Heritage Markham has no objection from a heritage perspective to the proposed two storey, detached rear yard garage/accessory building provided that the second storey dormers are architecturally treated in the same manner as the dormers on the existing heritage dwelling; and,

That final review of the Site Plan application and any other development application required to permit the proposed garage/accessory building be delegated to Heritage Section staff; and further,

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

CARRIED