



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Peter Wokral, Senior Heritage Planner

**DATE:** December 9, 2020

**SUBJECT:** **Committee of Adjustment Consent and Variance Applications**  
159 John Street, Thornhill Heritage Conservation District  
B/015/20, A/098/20, and A/099/20

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**Property/Building Description:** 1-1/2 storey single detached dwelling constructed c. 1920  
**Use:** Residential  
**Heritage Status:** Designated under Part V of the Ontario Heritage Act and identified as a Class 'A' building or buildings that define the heritage character of the district.

### **Application/Proposal**

- The owner has submitted a consent application which proposes the severance of the existing lot to create a new building lot fronting John St. while retaining the existing house on the retained lot that would now front Johnson Street. Two separate variance applications have been submitted associated with the existing house and retained lot, and the proposed new lot and a conceptual new dwelling;
- The requested variances in support of the proposed retained lot (PART 2 on the proposed draft R-plan) are to permit:
  - A minimum lot area of 8,216.11 sq.ft, whereas the By-law requires a minimum lot area of 9,750 sq.ft.;
  - a minimum front yard setback of 24.8 feet, whereas the By-law requires a minimum front yard setback of 27 feet;
  - a minimum rear yard setback of 8.2 feet, whereas the By-law requires a minimum rear yard setback of 30 feet;
  - a maximum building depth of 23.08 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
  - a driveway setback of 0.6 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres for a driveway;
- The requested variances in support of the proposed new building lot (PART 1 on the proposed draft R-plan) are to permit:

- A minimum lot frontage of 56 ft. whereas the By-law requires a minimum lot frontage of 75 ft.
- A minimum lot area of 6,046 sq. ft., whereas the By-law requires a minimum lot area of 9,750 sq. ft.;
- A minimum front yard setback of 20.2 ft , whereas the By-law requires a minimum front yard setback of 27 ft.:
- A minimum flankage yard setback of 9 inches (0.75 ft.), whereas the By-law requires a minimum flankage yard setback of 15 ft.-5inches;
- A minimum rear yard setback of 5.9 ft., whereas the By-law requires a minimum rear yard setback of 30 ft.;
- A maximum building depth of 25.28m , whereas the By-law permits a maximum building depth of 16.8m;
- A maximum floor area ratio of 82.6% (4,997.64 ft<sup>2</sup>), whereas the By-law permits a maximum floor area ratio of 33 % (1,1995 ft<sup>2</sup>);
- A porch stair/eaves to encroach up to the lot line, whereas the By-law permits a maximum encroachment of 18” into the required yard.

### **Background**

- It should be noted that many of the requested variances related to both the existing house on the proposed retained lot, and the proposed new house on the proposed new lot, are the result of how a front yard is defined by the applicable zoning By-law. The zoning By-law defines the front yard as the yard having the shortest street frontage which makes the proposed yards fronting Johnson Street the front yards of each lot from a zoning perspective, despite the fact that both the existing house, and the proposed new dwelling face John St. from an architectural perspective;
- In cases where the By-law definition of the front yard is at odds with how the house is oriented architecturally and functionally, several variances may be required that do not necessarily reflect the reality on the ground;
- The required variances for the front yard setback and the minimum lot area for the proposed new dwelling and proposed new lot are exacerbated by the fact that 27 ft. of the existing front yard has been conveyed to the City for a road widening that has not been conveyed on adjacent lots fronting John Street immediately to the east.

### **Staff Comment**

- Policy from the Thornhill Heritage Conservation District Plan regarding lot severances and variances is attached. The proposal would place a new dwelling immediately in front of a Class A cultural heritage resource.
- The Official Plan 2014 heritage policies also address lot severance and encourages the preservation of the existing lot fabric or historical pattern of lot development on the specific street in the immediate neighbourhood where it contributes to the uniqueness, and forms part of, the historical character of the area. See attached policy 4.5.3.10
- Despite the proposed new dwelling appearing to be generally compatible with other homes in the neighbourhood from an architectural perspective, the proposed severance and variances are not supported from a heritage perspective for the following reasons;

- Even taking into account the area of the 27 ft. deep road widening conveyance from the existing lot, both the proposed new lot and retained lot is deficient in terms of the minimum lot area required by the By-law;
- The proposed new dwelling would block historic views to and from the existing Class A building and John Street and undermines the heritage significance and value of the existing dwelling;
- The relationship of the proposed new house does not respect the architectural orientation of the existing Class A heritage dwelling and creates an undesirable situation where the front of the existing house from an architectural perspective looks into the rear yard of the proposed new dwelling;
- The proposed new dwelling, and new driveway for the retained house would necessitate the removal of existing mature vegetation that contributes to the historic character of the neighbourhood;
- The proposed new smaller lots would further reduce the varied lot sizes of the district which helps create the historic character of old Thornhill that distinguishes the Heritage District from more modern developments with unvarying uniform lot sizes.

### **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham does not support the consent (B/015/20) and related variance applications (A/098/20) and (A/099/20) for 159 John Street from a heritage perspective for the following reasons:

- Both the proposed new lot and retained lot **are** deficient in terms of the minimum lot area required by the By-law;
- The proposed new dwelling would block historic views to and from the existing Class A building and John Street, and undermines the heritage significance and value of the existing dwelling;
- The relationship of the proposed new house does not respect the architectural orientation of the existing Class A heritage dwelling and creates an undesirable situation where the front of the existing house from an architectural perspective, looks into the rear yard of the proposed new dwelling;
- The proposed new dwelling and driveway for the retained house would necessitate the removal of existing mature vegetation that contributes to the historic character of the neighbourhood;
- The proposed new smaller lots would further reduce the varied lot sizes of the district which helps create the historic character of old Thornhill that distinguishes the Heritage District from more modern developments with unvarying uniform lot sizes.

File: 159 John Street

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**159 John Street. Thornhill Heritage Conservation District**



# Thornhill Heritage Conservation District Plan

## District Policy

### 7.4 Land Severance and Minor Variances

In addition to the matters to be addressed under the Planning Act, the Committee of Adjustment, in determining whether a consent (land severance) is to be granted, consults with appropriate Town departments and agencies and has regard for adjacent use (i.e., compatibility of the size, shape, and proposed use of the new lot with the adjacent uses), access considerations, and availability of services.

In commenting to the Committee of Adjustment on applications for severance or minor variance in the District, the Town should only support such applications if the proposal is compatible with the objectives and policies of the District Plan.

*Policies:*

- a) Each land division proposal and variance will be evaluated on its own merits and as to its compatibility with the objectives and policies of the District Plan.
- b) The retention of the variety of different lot sizes and frontages in the district is important and is supported, as this is part of the unique character of the heritage district.

### 2.2.2 Building/Property Classification

All the buildings/properties within the District have been evaluated with each being assigned to one of three categories. These classifications are as follows:

#### **Class A – Buildings/Properties of major importance to the District**

- They possess cultural heritage value
- They are buildings and properties that maintain the heritage character of the District, primarily pre-1900
- These buildings possess heritage attributes or character defining elements such as historic materials, features, characteristics, forms, locations, spatial configurations, uses or historical associations that contribute to the cultural heritage value of the District. For example, a building may represent a historic architectural style or may have historic claddings, windows architectural features, verandas or landscape elements.
- Includes properties designated under Part IV of the *Ontario Heritage Act* and buildings identified as being of architectural and historical significance in the 1986 Heritage District Plan

## 2.2 Statement of Heritage Value

The Thornhill Markham Heritage Conservation District is a distinct community in the Town of Markham, characterized by a wealth of heritage buildings, historic sites, and landscapes. Although none of Thornhill's mills or the earliest houses have survived, a wealth of buildings, both residential and commercial, dating from the 1840s, '50s, and '60s remain—largely intact.

The concentration of mid-19<sup>th</sup> century Georgian and Neo-Classical buildings in the historic village core is remarkable, and constitutes the original basis of the village's heritage character. Other houses dating from the late 19<sup>th</sup> century through the early 20<sup>th</sup> century represent many of the styles developed during those prolific decades. Regency, Victorian vernacular, Victorian Gothic, Queen Anne, Edwardian, Foursquare, Arts and Crafts, and Craftsman Bungalow styles are all represented in the District. Many of the mid-20<sup>th</sup> century houses, including the Department of Veteran Affairs (DVA) housing, were built in the Cape Cod Cottage style, which shares the New England Georgian model with the old village houses of a century before, and many of the more recent houses have made an effort to reflect the heritage styles in the village.

The ongoing development of Thornhill has maintained the scale and character of the older parts of the village, with a variety of lot sizes and siting, mostly modest-sized buildings, mature and rich planting and landscaping, a rural or modified-rural road profile, and a proliferation of white wooden picket fencing. This character is strongly maintained in most of the village. Although the mills and their ponds are long gone, the valleys are preserved in a mostly natural state as parkland and hazard land, with significant amounts of woodland. The preservation of the valleys respects and honours the mill-town origins of Thornhill.

The quality of the heritage resources in the District is indicated by the number of properties designated under Part IV of the Ontario Heritage Act, and the large number of buildings carrying "A" and "B" grades in the District Inventory.

## Official Plan 2014 Heritage Policies

It is the policy of Council:

4.5.3.9 **To provide** for the protection and *conservation of cultural heritage resources* or the mitigation of adverse effects on *cultural heritage resources* as a condition of minor variance and severance approval and associated agreements.

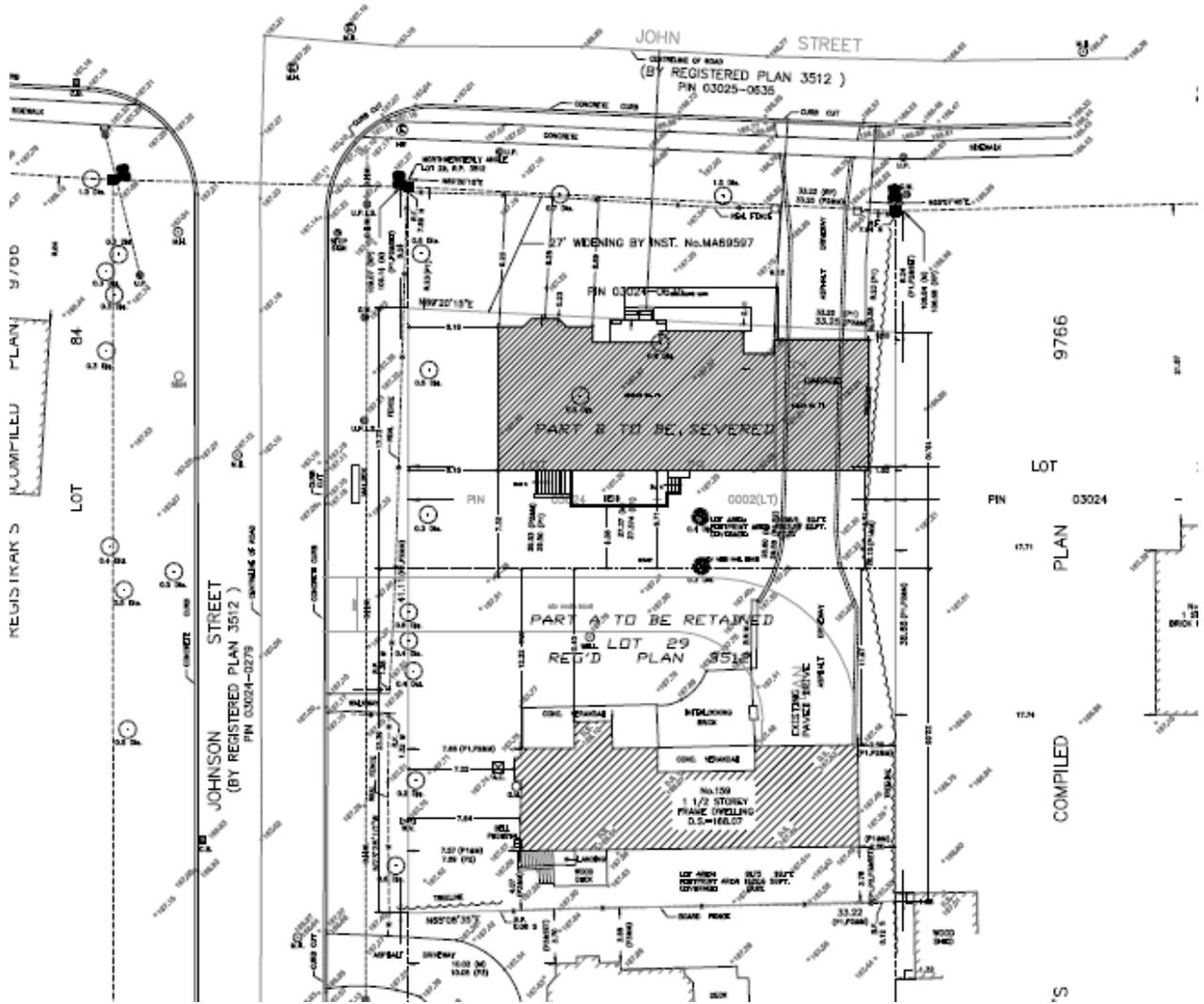
4.5.3.10 **To evaluate** each land severance and variance proposal that directly affects a *cultural heritage resource* itself and *adjacent lands* on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable *heritage conservation district* plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street in the immediate neighbourhood where it contributes to the uniqueness, and forms part of, the historical character of the area.

159 John Street, Thornhill Heritage Conservation District

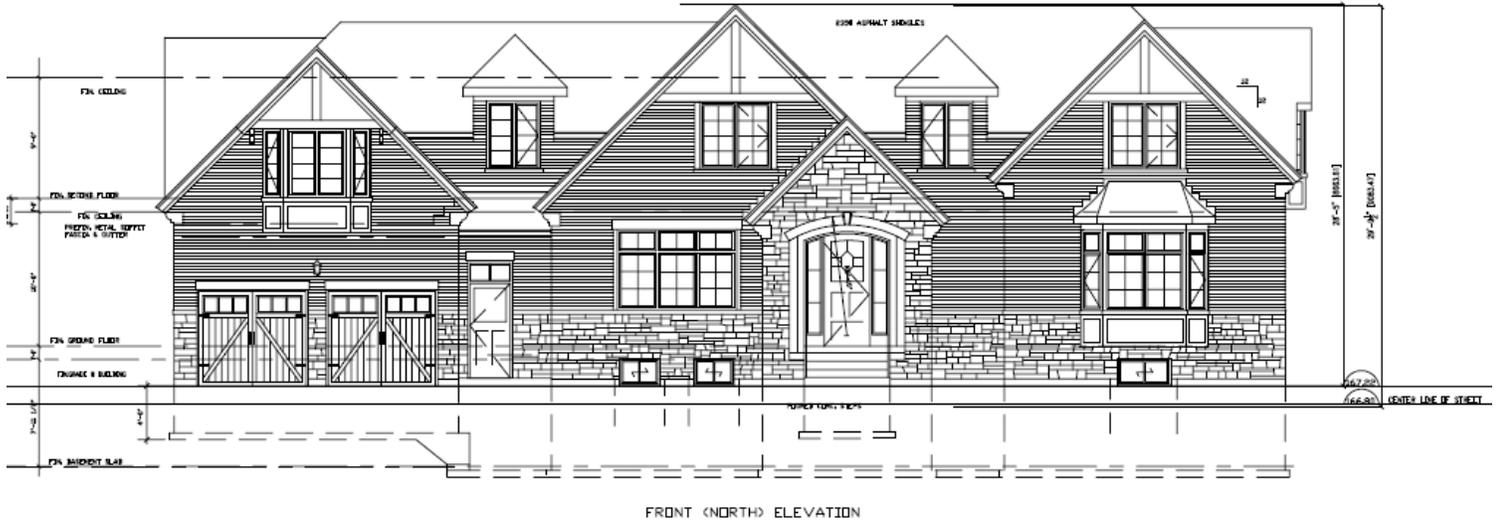




Proposed Site Plan and location of the new dwelling



# Street Facing Elevations of Proposed New Dwelling



## Proposed John Street Elevation



## Proposed Johnson Street Elevation