
SUBJECT:	PRELIMINARY REPORT Kenneth Vopni & Andrea Conlon c/o Gregory Design Group (Shane Gregory), Zoning By-law Amendment, 36 Washington Street (Ward 4) to permit the Severance of the Property to create a New Building Lot, and the Construction of a new Detached Infill Dwelling
PREPARED BY:	Peter Wokral, Senior Heritage Planner, ext. 7955
REVIEWED BY:	Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

That the report titled “PRELIMINARY REPORT, Kenneth Vopni & Andrea Conlon c/o Gregory Design Group (Shane Gregory), Zoning By-law Amendment, 36 Washington Street (Ward 4) to permit the Severance of the Land to create a new Building Lot, and the Construction of a new Detached Infill Dwelling”, dated February 7, 2022, be received;

PURPOSE:

The purpose of this report is to provide preliminary information on the Zoning By-law Amendment application submitted by Kenneth Vopni and Andrea Conlon, c/o Shane Gregory to permit the future severance of the property to create a new building lot to construct a new detached infill dwelling. This report contains general information in regards to the proposal, applicable Official Plan or other policies as well as other issues, and the report should not be taken as Staff’s opinion or recommendation on the application.

Process to date

The Zoning By-law Amendment application was deemed complete on January 5th 2022. The 90 day period set out in the Planning Act before the Owners can appeal the Zoning By-law Amendment application to the OLT for non-decision ends on April 5, 2021.

Next Steps

- Holding the statutory Public Meeting at a future date, when appropriate
- Consideration of a Recommendation Report by the Development Services Committee (“DSC”) if required.
- In the event of an approval, enactment of the site-specific Zoning By-law Amendment

BACKGROUND:

The 655.6m² (0.16 acre) subject property is located on the west side of Washington St. mid-block between Joseph Street to the north, Centre Street to the south, and abutting historic commercial properties to the west which front Main Street North (Figure 1- Location Map and Figure 2- Aerial Map).

The property immediately to the south was re-zoned from commercial to residential use in 2006, and subsequently redeveloped with two, new 2-storey detached infill dwellings. The property to the north is occupied by a one storey dwelling constructed in 1953 that is currently being used as both a home, and the location of a landscaping business. The properties directly across the street are in residential use and occupied by detached dwellings.

The subject lot has a frontage of 51.7 ft. (15.77m) and an average depth of 131.6 ft. (40.1m). The property is also located within the Markham Village Heritage Conservation District and is currently occupied by a one and one half storey, 1,264 ft² heritage house constructed circa 1883 (See Figure 3- Photograph of Existing Heritage Dwelling at 36 Washington St.)

The City has recently endorsed a Site Plan application (SPC 21 120140) which proposes to restore the existing historic house to its original appearance, and to construct a two storey rear addition (See Figure 4- Endorsed Site Plan and Elevations of Restoration and Addition to the Existing Heritage Dwelling).

Proposal

In addition to restoring and adding space to the existing heritage dwelling, the owners are planning to sever the property into two building lots with roughly equal frontages to permit the construction of a new two storey, 173.4 m² (1,866 ft²) detached dwelling on the newly created southern lot, while keeping the restored heritage dwelling on the retained northerly lot (See Figure 5- Proposed Severance and New Infill Dwelling). The owners also propose a new, detached, but shared, rear yard accessory building straddling the proposed new lot line to provide garages and storage for both the retained heritage house, and the proposed new infill dwelling.

The proposed new lots would have smaller lot areas and frontages than the minimum lot sizes and frontages permitted by the Zoning By-law which are 6,600 ft² (613.2m²) and 60 ft. (18.3 ft.) respectively. The proposed lot size for the north lot with the retained heritage house would be 3,361.0 ft² (312.25m²) with a frontage of 26 ft. (7.99m) while the proposed new south building lot would have a lot size of 3,690.2 ft² (342.8m²) and a frontage of 25.5 ft. (7.78m).

The proposed development and size of the new lots would result in a lot coverage of 46.3% and a net floor area ratio of 80.6% for the north lot occupied by the retained heritage house, and a lot coverage of 34.8% and net floor area ratio of 60.2% for the proposed new infill dwelling, whereas the maximum lot coverage for a detached dwelling permitted by the By-law is 35% and the maximum net floor area ratio permitted is 45%.

Although these proposed site statistics appear to be significant deviations from what the By-law permits, they are very similar to those of the lots immediately to the south at 34 and 34 A Washington St. which were developed in 2007 in a similar manner to what is proposed for the subject property. (See Figure 6- Map and Photos of Detached Dwellings at 34 and 34A Washington St.)

In 2006, the City approved a Zoning By-law Amendment (By-law 2006-101) for 34 Washington St. which permitted lot frontages of 25.6 ft. (7.8m) and lot sizes of 3,336.8 ft² (310.0m²). The detached dwellings addressed as 34 and 34 A Washington St. and constructed in 2007 have lot coverages of 40% and net floor area ratio's of 52.2% and 55.8% respectively.

It is notable that the 2006 Zoning amendment for 34 Washington Street removed the former commercial designation and replaced it with an R1 zoning designation which only permits detached dwellings.

Official Plan and Zoning

Official Plan 2014

The property is designated "Mixed Use Heritage Main Street" in the City's 2014 Official Plan which is the same designation that is applied to properties that are part of the historic commercial core of Markham Village fronting Main Street North. This designation is intended to provide a traditional shopping experience for residents and visitors in a historic commercial main street setting where at-grade uses are predominantly retail. This designation provides for building types that include multi-storey commercial and/or office buildings, multi storey buildings with dwelling units located above the ground floor and multi-storey residential buildings, but not detached dwellings. The Official Plan also contains policies site specific to Main Street Properties which limit building heights to 3 storeys for those buildings fronting Main Street North, and prohibit dwelling units on the ground floor unless they are appropriately located to the rear of related ground floor retail and service uses. The Mixed Use Heritage Main Street Designation appears to have been overlaid on properties with commercial designations under Zoning By-law 1229.

Existing Zoning

The subject property is designated C2 (Commercial) under Zoning By-law 1229. This designation permits a wide range of commercial uses including retail stores, service shops, personal service shops, banks, billiard parlours, bowling alleys, business and professional offices, restaurants, theatres, assembly halls, bakeries, custom workshops, dairies, hotels, medical clinics, newspaper offices, printing establishments, private clubs, studios, taverns, undertaking establishments, apartment house dwellings, and dwelling units over business premises, but not detached dwellings. The Zoning By-law Amendment is required to permit both the continued residential use of the existing heritage dwelling, and the proposed new detached infill dwelling.

The C2 Commercial Zoning designation and the Mixed Use Heritage Main Street Official Plan Designation only applies to properties on the west side of Washington St. from Highway 7 E. to the south to Church Street to the North. Properties on the east side of Washington Street have residential Official Plan and Zoning designations (See Figure 7-Zoning).

It would appear that the difference between the use permissions and designations of one side of the street versus the other was that when the Zoning By-law was implemented in the 1960's it was assumed that historic residences on the west side of Washington Street would either be converted to businesses or demolished to make way for commercial buildings, in order to permit the logical expansion of commercial uses already existing on Main St.

Despite having zoning that would permit commercial uses, almost all of the properties on the west side of Washington Street between Centre Street to the south and Joseph St. to the north have remained in grandfathered residential uses. This may be because there are superior properties already zoned for commercial use elsewhere in Markham, and due to the implementation of the Markham Village Heritage Conservation District in 1991, and Official Plan policies which support the retention and restoration of historic homes in their original use.

For most of the properties in this section of Washington Street, the requirement to preserve heritage buildings and the relatively small size of the lots makes the conversion of these homes to businesses difficult, as the number of parking spaces required to support a viable commercial space is more than what these properties can accommodate and most shoppers confine themselves to the businesses of Main Street.

Markham Village Heritage Conservation District Plan

The subject property is located within the boundaries of the Markham Village Heritage Conservation District and is occupied by a heritage dwelling identified as a Type 'A' building which means that it is a building important in defining the historic character of the district. The retention and restoration of these properties is encouraged and the owner is entering into a site plan agreement to restore the existing heritage dwelling to its original appearance, and to construct an architecturally compatible two storey rear addition.

OPTIONS/ DISCUSSION:

The following is a brief summary of concerns, issues raised to date and matters for consideration. These matters, and others identified through the circulation, public consultation and detailed review of the proposal, will be addressed in a final staff report if necessary:

Conformity with all applicable zoning By-law provisions and whether the site specific development standards of the draft By-law amendment support the proposed development of the property.

Assessment of the compatibility of the proposed new infill dwelling with adjacent properties and the immediate neighbourhood;

Any issues resulting from the review of technical studies including grading, servicing and tree preservation plans;

Confirmation of any outstanding financial obligations including but not limited to, cash in lieu of parkland dedication, and tree replacement compensation to the satisfaction of the City of Markham as necessary.

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposal will be reviewed in the context of Growth Management, Transportation and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments and external agencies as well as the Heritage Markham Committee, and is currently under review. Requirements of the City and external agencies will be reflected in a future recommendation report, if required.

RECOMMENDED BY:

Biju Karumanchery, R.P.P., M.C.I.P.
Director, Planning & Urban Design

Arvin Prasad, R.P.P., M.C.I.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1- Location Map

Figure 2- Aerial Map

Figure 3- Photograph of Existing Heritage Dwelling at 36 Washington St.

Figure 4- Endorsed Site Plan and Elevations of Restoration and Addition to the Existing Heritage Dwelling

Figure 5- Proposed Severance and New Infill Dwelling

Figure 6- Map and Photos of Detached Dwellings at 34 and 34A Washington St.

Figure 7- Zoning Designations