MEMORANDUM

TO: **Heritage Markham Committee**

FROM: **Evan Manning, Heritage Planner**

DATE: **February 9, 2022**

SUBJECT: **Committee of Adjustment Variance Application**
29 Fred Varley Drive, Unionville
A/201/21

Property/Building Description:	One-storey single detached dwelling constructed in 1968 as per MPAC records
Use:	Residential
Heritage Status:	The subject property is not municipally-recognized as a heritage resource, although it is considered *adjacent*, as defined in the City of Markham Official Plan (2014), to the Unionville Heritage Conservation District.

Application/Proposal

- The City has received a Committee of Adjustment application seeking variances to facilitate the demolition of the existing non-heritage house at 29 Fred Varley Drive (the "subject property" or the "property") and construction of a new two-storey, 501.67m^2 (5399.9 ft^2) detached dwelling (excluding the proposed garage).

Requested Variances to the Zoning By-law

- **a) By-law 122-72, Section 5.7:** an uncovered and enclosed rear walk-up stair and its retaining foundation wall to encroach +/- 7'8' into the required rear yard, whereas the by-law does not have any encroachment provision for the rear stair;
- **b) By-law 122-72, Section 11.2:** a minimum side yard setback of 4'0-1/2' for a two-storey building, whereas the by-law requires a minimum side yard setback of 6 feet;
- **c) By-law 122-72, Section 11.2:** a maximum lot coverage of 36.86 percent, whereas the by-law permits maximum lot coverage of 33-1/3 percent.

Background

- The subject property is located on the north side of Fred Varley Drive midblock between Sciberras Road to the west and Fonthill Blvd to the east. Residential and mixed-use infill developments have recently been constructed nearby to the subject property at 32 and 20 Fred Varley Drive, respectively. With these contemporary developments, the built form character of Fred Varley Drive is evolving to accommodate structures of a larger scale. None of the abutting properties are municipally-recognized as heritage resources.

Heritage Policy

- The subject property is located *adjacent* (within 60m of a *cultural heritage resource*), as defined within the 2014 Official Plan (OP), to the Unionville Heritage Conservation District ("UHCD" or the "District"). While the subject property is adjacent to the western boundary of the District, the properties within this portion of the UHCD are relatively contemporary in nature as evidenced by the townhouse complex on EJ Lennox Drive. As a result, the closest property of cultural heritage significance within the District is located approximately 150m to the west at 150 Main Street (former Unionville Veterans' Hall and Congregational Church). The properties in the heritage district on Station Lane are also shielded from this property by the new four storey condo building and modern houses on the south side of Fred Varley Drive;
- While the UHCD Plan does not contain policies or guidelines concerning new construction adjacent to the District, Section 4.5.1.1 of the 2014 Official Plan directs Staff to review any application for development approval on lands adjacent to cultural heritage resources to maintain the integrity of those resources. This review includes minor variance applications;
- Section 4.5.3.3 of the OP notes it is the policy of Council "to ensure that development that directly affects a *cultural heritage resource* itself and *adjacent lands*, is designed, sited or regulated so as to protect and mitigate any negative visual or physical impact on the heritage attributes of the resource, including considerations such as scale, massing, height, building orientation and location relative to the resource".
- Section 4.5.3.11 of the OP indicates that the municipality will review applications for *development approval* and *site alteration* on *adjacent lands* to an individually designated property or a heritage conservation district to require mitigative measures and/or alternative development approaches in order to conserve the *heritage attributes* affected. This review may include measures to ensure compatibility with the characteristics, context and appearance of the *heritage attributes* affected".

Staff Comment

- The subject property, although considered *adjacent* to the UHCD as defined in the 2014 OP, fronts a different street from the nearest adjacent designated property at 16 Station Street (over 114m away). The distance between 29 Fred Varley Drive and the vast majority of the properties within the District far exceeds 60m (See Figure 2);
- Heritage Section staff, therefore, do not believe that this minor variance application has any negative visual or physical impact on the heritage attributes of the UHCD, and recommend that Heritage Markham provide no comment from a heritage perspective on

the application. This Staff position is also supported by the absence of policies and guidelines within the UHCD Plan concerning new construction on lands considered adjacent to the District.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no comment from a heritage perspective on the variance application (A/201/21) for 29 Fred Varley Drive.

29 Fred Varley Drive

Property Maps

Figure 1: Distance from the eastern edge of the subject property to the closest significant heritage resource within the UHCD at 150 Main Street.

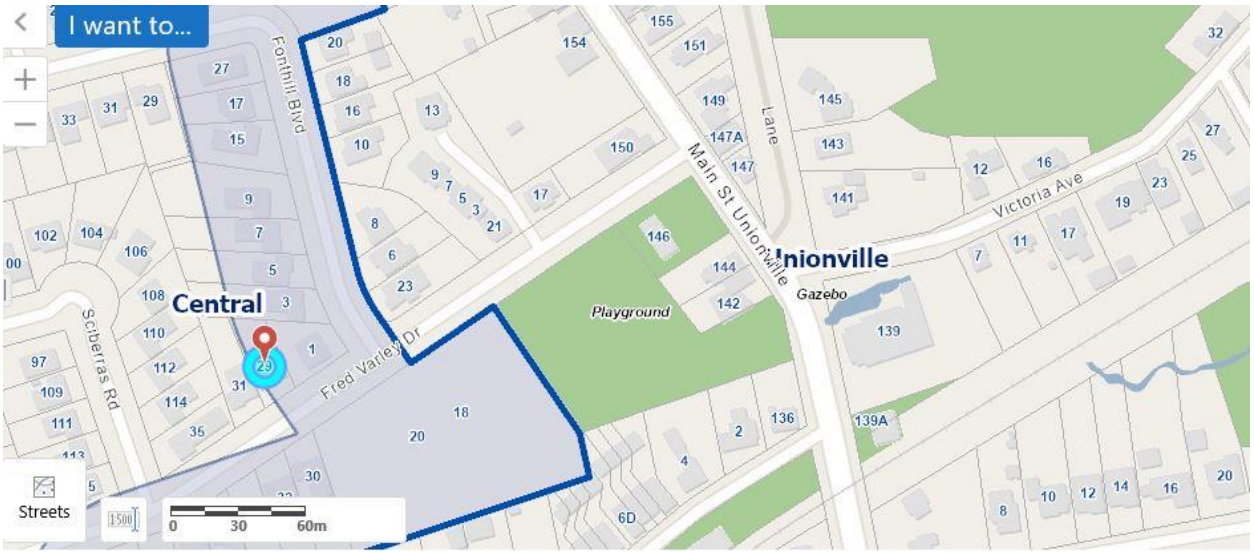


Figure 2: 60m adjacency buffer (shaded in purple) surrounding the UHCD. The subject site is indicted by the red pin.

29 Fred Varley Drive
Photograph

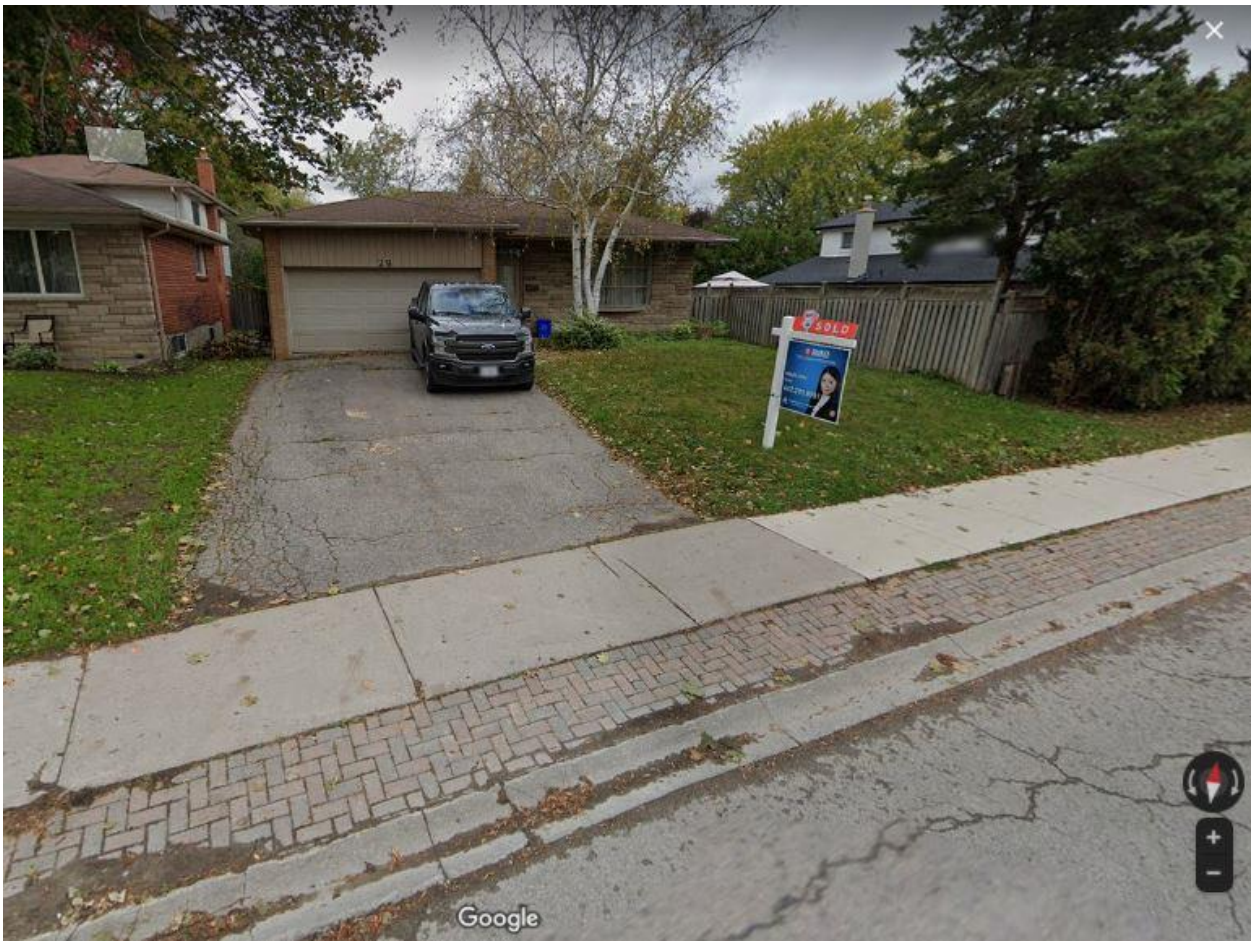


Figure 3: South (primary) elevation of the exiting dwelling

29 Fred Varley Drive

Site Information

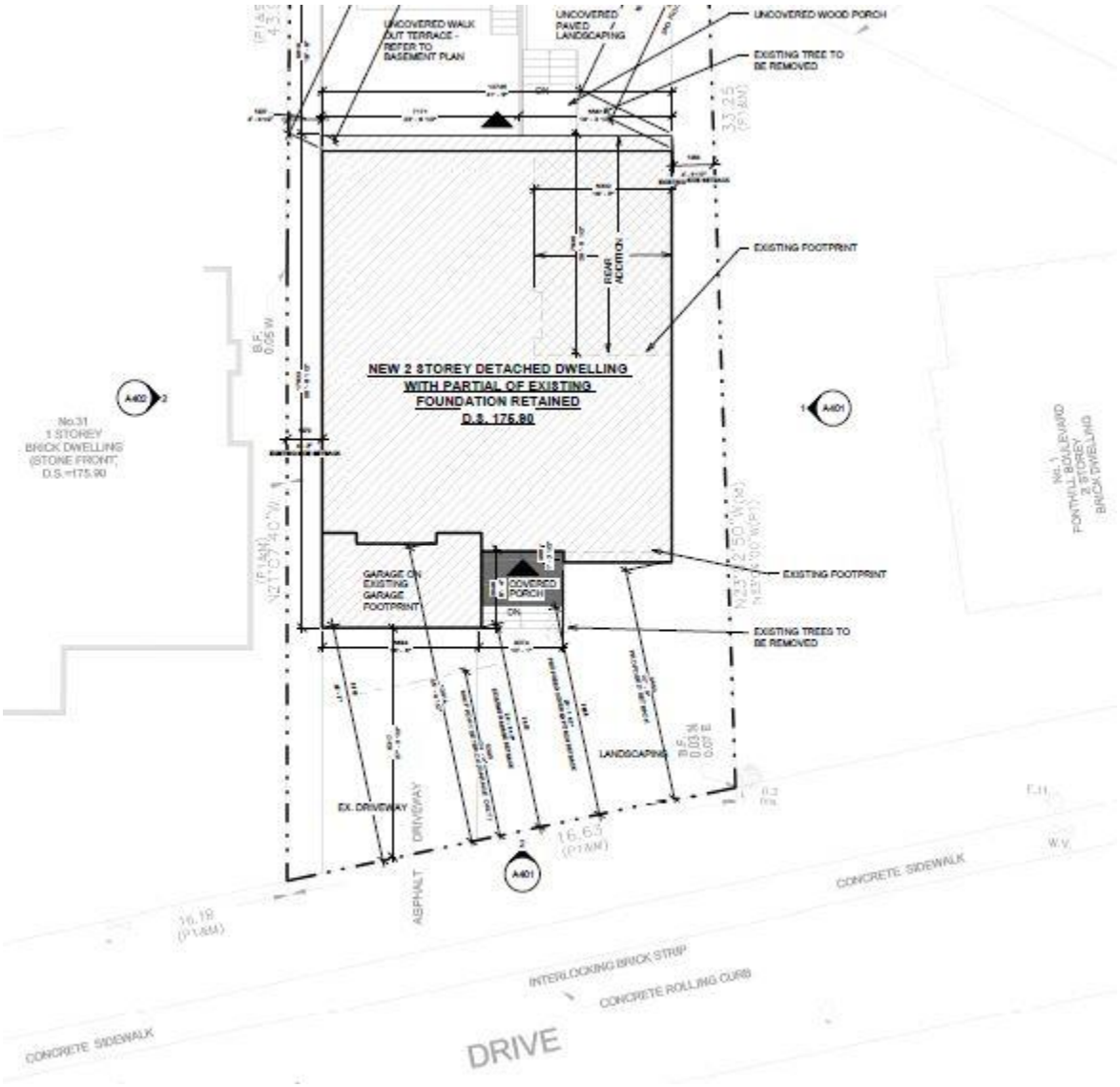


Figure 4: Proposed site plan

ESTABLISHED GRADE CALCULATION:

(175.35 + 175.3) / 2 = 175.33

ZONING INFORMATION:

ZONING:	R3 UNDER BYLAW 122-72 AS AMENDED
LOT AREA:	604.71 SM (6509.07 SF)
ALLOWABLE LOT COVERAGE:	33%
EXISTING BASEMENT:	130.77 SM (1407.59 SF)
EXISTING GROUND FLOOR:	137.21 SM (1476.92 SF)
+ EXISTING GARAGE:	32.7 SM (351.1 SF)
PROPOSED BASEMENT:	170.18 (1831.80 SF)
PROPOSED GROUND FLOOR:	177.29 (1908.33 SF)
PROPOSED SECOND FLOOR:	154.20 SM (1659.76 SF)
PROPOSED GFA (EXCL GARAGE):	501.67 SM (5399.93 SF)
WITHOUT BASEMENT:	331.49 SM (3568.13 SF)

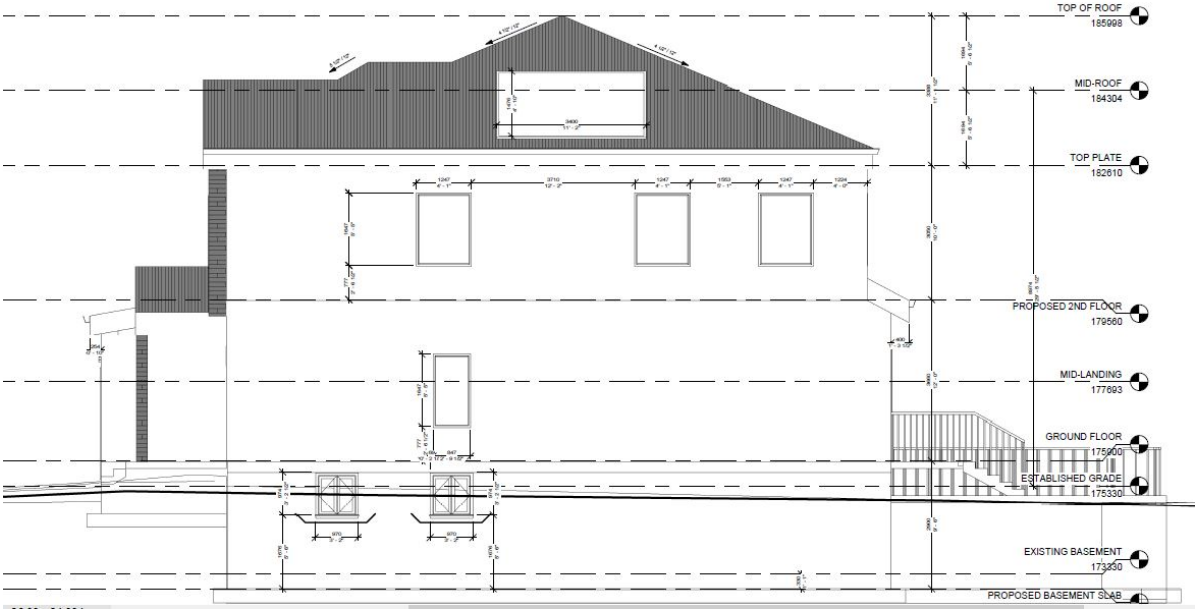
SETBACKS:

	ALLOWABLE	PROPOSED/EXISTING		CONFORM
FRONT:	7.62 M (25 FT)	8.45 M (27.74 FT)		YES
GARAGE ONLY:	6.10 M (20 FT)	7.69 M (24.71 FT)		YES
REAR:	7.62 M (25 FT)	9.144 M (30.0 FT)	EXISTING	YES
FDN WALL ONLY:	-	5.28 M (17.33 FT)		N/A
SIDE (WEST):	1.83 M (6 FT)	**1.23 M (4.04 FT)**	EXISTING	NO
SIDE (EAST):	1.83 M (6 FT)	**1.71 M (5.61 FT)**	EXISTING	NO
BUILDING HEIGHT:	10.67 M (35 FT)	9.0 M (29.53 FT)	EXISTING	YES
LOT COVERAGE:	33.3%	**216 SM @ 35.7%**		NO
MINIMAL LOT FRONTAGE:	16.63 M (54.56 FT)	16.63 M (54.56 FT)	EXISTING	YES

Figure 5: Site Statistics

29 Fred Varley Drive
Building Elevations

Figure 6: Proposed south (above) and north (below) elevations of the new dwelling.



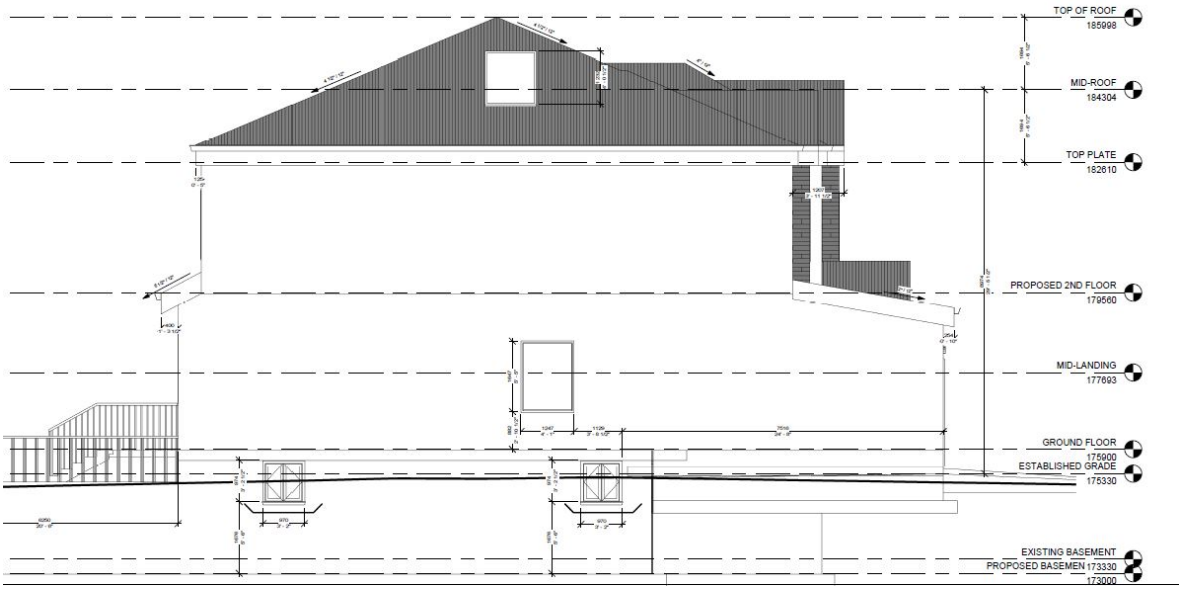


Figure 7: Proposed east (above) and west (below) elevations of the new dwelling.