



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Evan Manning, Senior Heritage Planner

**DATE:** July 13, 2022

**SUBJECT:** Consent and Minor Variance Applications  
28 Station Street and 11 Backus Court  
Markham Village Heritage Conservation District  
B/002/22, A/088/22, A/089/22

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**Property/Building Description:** 1 ½ storey, single-detached dwelling ('Jacob and Ann Reesor House') c1873 as per MPAC records with a c1960s rear addition

**Use:** Residential

**Heritage Status:** Designated under Part V of the Ontario Heritage Act as a constituent property of the Markham Village Heritage Conservation District (MVHCD), and identified as a 'Type A' property within the MVHCD Plan.

### **Application/Proposal**

#### ***Consent/Variance Application***

- The City has received a consent application for 28 Station Street (the 'subject property', the 'property' or the 'heritage building') seeking permission to sever the rear portion of the property to create a new building lot to be municipally-known as 11 Backus Court. Specifically, the applicant is seeking permission to:
  - **a)** Sever and convey a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 485.38 square meters (5224.58 square feet);
  - **b)** Retain a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 456.73 square meters (4916.20 square feet).
- The applicant is also seeking relief from Zoning By-law 153-80, as amended, to permit the following as it relates to an addition to the existing dwelling at 28 Station Street, and a proposed dwelling at 11 Backus Court:

#### **28 Station Street:**

- **a)** A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters;

- **b)** A rear yard setback of 2.4 meters, whereas the By-law requires a minimum of 7.5 meters.

#### 11 Backus Court

- **a)** A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters.

The above-referenced variances were confirmed via a Zoning Preliminary Review (22 111499 ZPR) in February 2022.

### ***Proposed Dwellings***

#### 28 Station Street

- The applicant is proposing to retain and modify the existing house. The rear addition, constructed in the mid-1960s, is proposed to be removed and replaced with a 1 ½ storey L-shaped addition with integrated two-car garage. The existing house is also proposed to be relocated approximately 0.5m to the south, and 0.4m to the west in order to accommodate the addition. Heritage Section staff ('Staff') have no objection to removal of the mid-century rear addition as it is considered to be of minimal cultural heritage value, and to the minor relocation and new foundation given the poor condition of the existing foundation;
- The conceptual elevations appended to this report show the addition to be compatible in height and scale with the retained portion of the dwelling, taking cues in roof profile, cladding and fenestration;
- Proposed rear yard amenity space is concentrated in the northwest portion of the property and measures approximately 6.9m in depth with a width of 12.9m.

#### 11 Backus Court

- The applicant is proposing to construct a two-storey dwelling with integrated two-car garage on the severed portion of the property fronting Backus Court;
- The proposed dwelling is rectangular in plan with a rear amenity area measuring approximately 6.3m in depth with a width of 19.3m;
- As currently proposed, the new dwelling will be 9.6m in height in conformance with as-of-right permissions while the height of the existing heritage dwelling and addition is 8.2m. After accounting for a grade change of 0.9m, the height differential between the two structures is 2.3m. It is the opinion of Staff that this height difference will not detract from the prominence of the heritage building when viewed from within the District (i.e. Station Street);
- Three mature trees are proposed to be removed to accommodate the proposed dwelling. As per the applicant's Arborist report, all three are Norway Maple, an invasive species, that are in fair/poor condition;
- The conceptual elevations appended to this report show the new dwelling to be traditional in design and of a scale typical of new suburban construction. While contained within the MVHCD, the proposed dwelling will be most visible from Backus Court which is outside of the District. Vehicular and pedestrian access to the new property will also be achieved solely from Backus Court.

Site Plan Control Applications will be required for both properties.

## **Context**

- The subject property is located on the north side of Station Street between Snider Drive to the east and Cedar Valley to the west. The portion of Station Street between Snider Drive and Cedar Valley is a privately-owned right-of-way owned by 26 Station Street with 28 Station Street having an access easement;
- Adjacent built form and land-use consists of single-detached residential properties that date from the 19<sup>th</sup> century along Station Street, and mid/late 1970s along Snider Drive and Backus Court. This dichotomous relationship is a result of the subject property's location at the periphery of the MVHCD;
- The current depth of both the subject property and the abutting heritage property at 26 Station Street is approximately 39m. The depth of the adjacent non-heritage properties at 3 and 19 Backus Court are approximately 39m and 37m, respectively.

## **Heritage Status**

- As noted above, the subject property is designated under Part V of the Ontario Heritage Act given its location within the MVHCD, and is identified as a 'Type A' property within the MVHCD Plan. The qualities of this classification type are as follows:
  - *Of major importance to the Heritage District.*
  - *They have historical and architectural value.*
  - *They are the buildings that give the main heritage character to the district.*
- The abutting property at 26 Station Street is also contained within the MVHCD and is identified as a Type A' property within the District Plan, while the surrounding properties west of Snider Drive (i.e. 1, 3, 19 & 21 Backus Court) are located outside of the District;
- The proposed new lot at 11 Backus Court will also be contained within the MVHCD, with new construction subject to Staff review to ensure conformance with the policies and guidelines of the MVHCD Plan.

## **Staff Comment**

### ***Consent and Variance Application***

- Staff have no objection to the proposed consent and minor variance applications from a heritage perspective.
- While the creation of a new lot to the rear (north) of the subject property will reduce the size of the existing (generous) rear yard, the L-shaped plan of the proposed addition provides sufficient amenity space at a depth of approximately 6.9m. The historic context of the subject property has already been fundamentally altered with the subdivision of adjacent lands in the mid/late 1970s. The proposed severance, therefore, is a continuation of a process of land division that has been occurring for several decades. As such, it is the opinion of Staff that the impact of the consent and variance applications on the heritage value of the subject property and the MVHCD are minimal.

### ***Proposed Dwellings***

#### **28 Station Street**

- The proposed addition enabled by the variances is deferential in siting, scale, and form relative to the existing heritage dwelling, maintaining its prominence as viewed from Station Street. While on-site relocation of the dwelling is contemplated, it is proposed to be moved a relatively small distance and will not significantly alter its

location within the property, or how its perceived from Station Street relative to its current position;

- The conceptual design approach as shown in the appended drawings can be described as ‘Complementary by Approximation’ as described in Section 3.1 of the MVHCD Plan. The proposed addition, which will be subject to Site Plan Control (SPC), also offers Staff an opportunity to secure a restoration scope for the existing ‘Type A’ building in order to return it to a more historically accurate condition. At this time, a SPC application has not been submitted for the subject property as it is assumed that the applicant wishes to secure approval from the Committee of Adjustment prior to proceeding. A future SPC application will be subject to Staff review to ensure conformance with the policies and guidelines of the MVHCD Plan. While Staff are of the preliminary opinion that the proposal is broadly in conformance, the Committee may wish to offer any design suggestions;
- While Staff are generally supportive of the severance and minor variance applications from a heritage perspective, issues related to Fire Service access to the subject property need to be resolved prior to approval. Currently, fire access to the property is achieved via Backus Court as the municipal right-of-way is of sufficient width to meet Ontario Building Code standards as they relate to fire safety. The existing access route in front of 26 and 28 Station Street is in private ownership and as currently configured is not code compliant in this regard. Once the property is severed, appropriate access to 26 Station Street must be provided. Staff will recommend that approval of the severance application be conditional on the applicant providing a solution to the satisfaction of the Fire Chief.

#### 11 Backus Court

- The proposed new dwelling as enabled by the consent and variance applications can be described as ‘Modern Complementary’ as defined within Section 3.1 of the MVHCD Plan;
- The newly created property is contained within the District by virtue of it severance from an existing Part V-designated property rather than for its contribution or importance to the heritage character of the MVHCD;
- The proposed dwelling will front Backus Court, a street outside the boundaries of the MVHCD, with its rear elevation only partially visible from two properties within the District (i.e. 26 and 28 Station Street). As such, it is the opinion of Staff that new construction will have minimal impact on the MVHCD. As noted above, a future SPC application for the property will be subject to Staff review to ensure conformance with the policies and guidelines of the MVHCD Plan. While it is the preliminary opinion of Staff that the design is supportable from a heritage perspective, refinements to ensure closer conformance with the District Plan, if applicable, can be achieved via the SPC approval process.

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

THAT Heritage Markham has no objection from a heritage perspective to the requested consent application and variances to permit a new rear addition with integrated garage at 28 Station Street, and a new two-story dwelling with integrated garage at 11 Backus Court;

AND THAT final review of the future Site Plan Control applications for both properties, and any other development application required to approve the proposed developments, be delegated to

Heritage Section staff should the design remain generally consistent with the drawings appended to this memo.

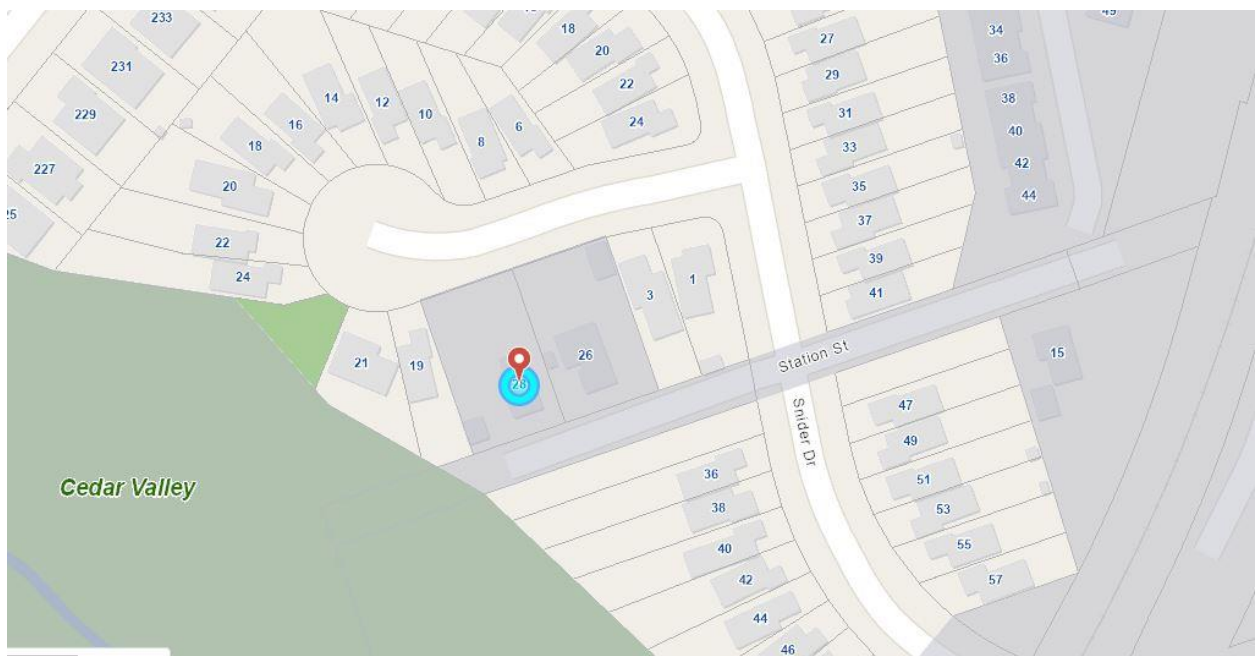
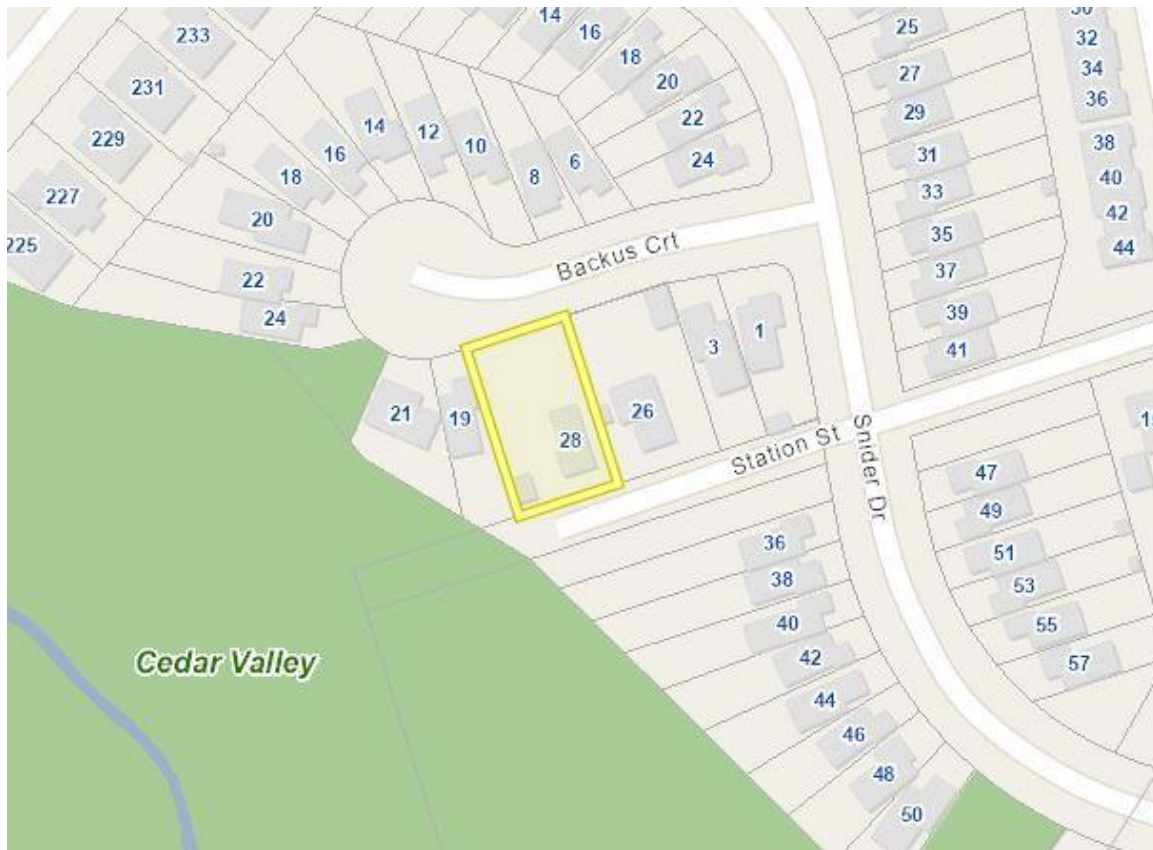
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ATTACHMENTS:

Appendix 'A'	Location Maps
Appendix 'B'	Photographs of Subject Property
Appendix 'C'	Site Plan and Site Statistics
Appendix 'D'	Building Elevations

## Appendix 'A'

### Location Maps

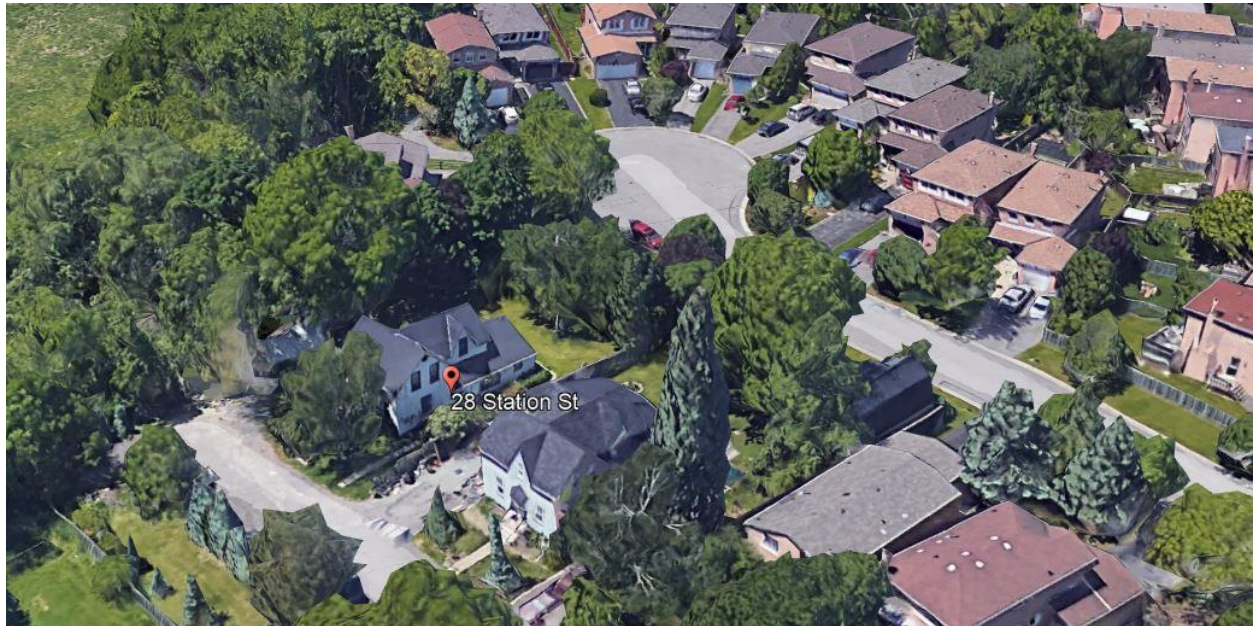


*The subject property outlined in blue [above] and the boundary of the MVHCD [below] (Source: City of Markham)*



## **Appendix 'B'**

### *Photographs of the Subject Property*



*An aerial image of the subject property with Backus Court visible to the rear (north) (Source: Google)*



*The rear of subject property [the potential future site of 11 Backus Court] (Source: Google)*

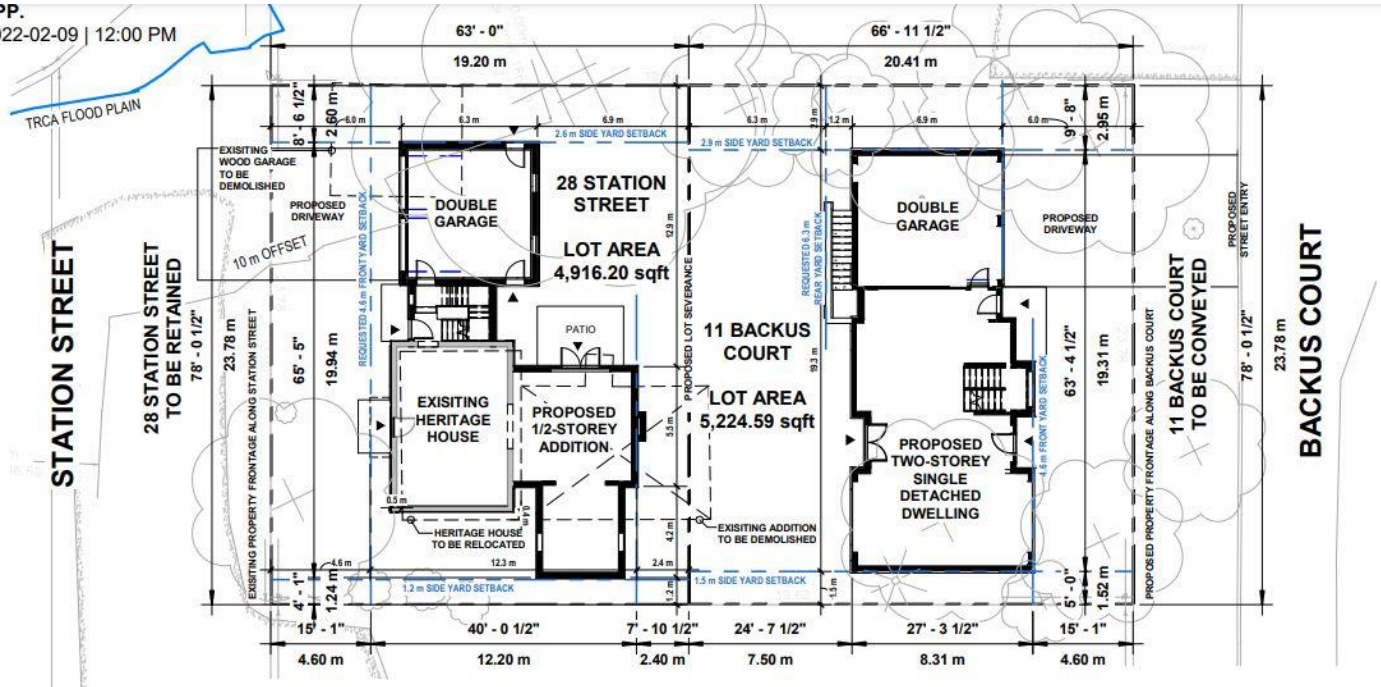


## Appendix 'C'

### Site Plan and Site Statistics

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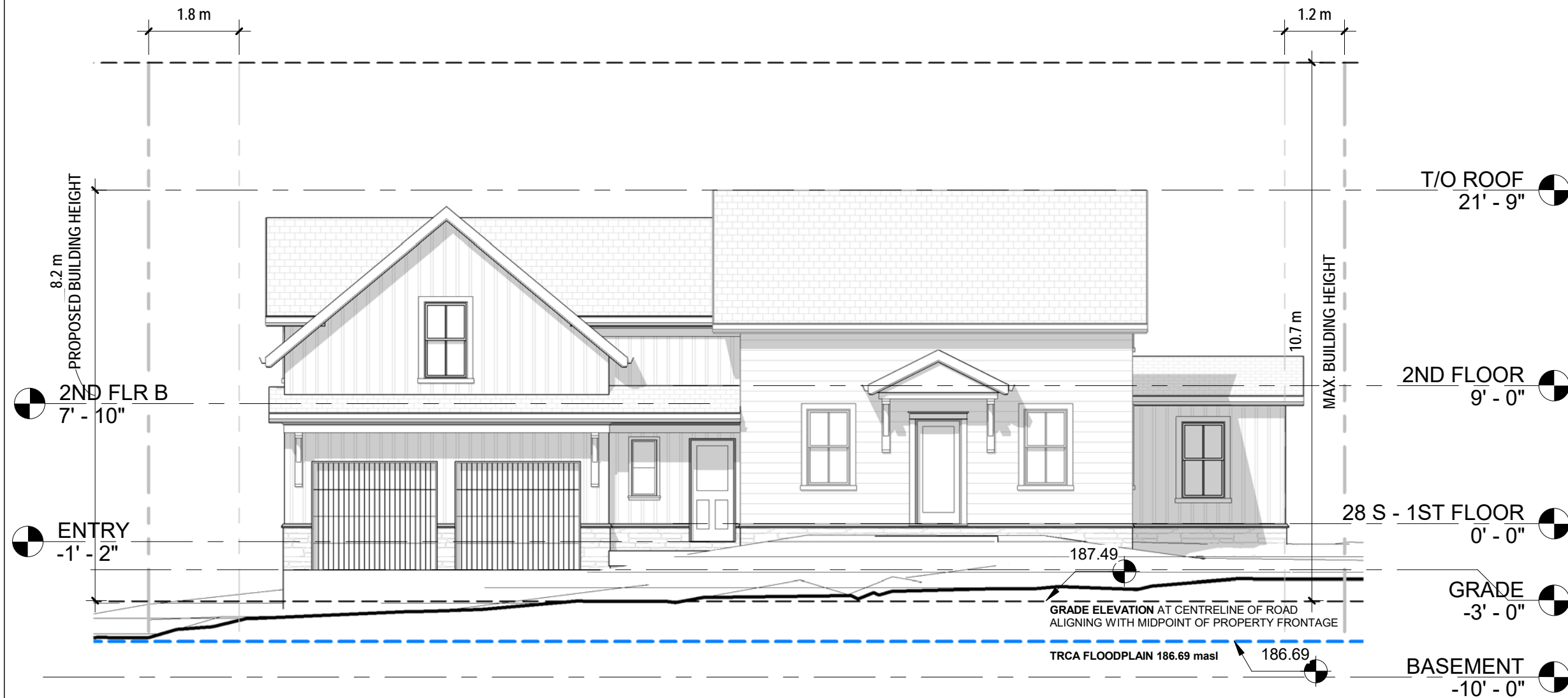


SITE STATISTICS [BY-LAW 153-80, 78-86 AS AMENDED]	SECTION 7 - R9 PERMITTED	SINGLE-DETACHED EXISTING	28 STATION ST PROPOSED	11 BACKUS CT PROPOSED
MIN. LOT FRONTAGE	12 m	23.78 m	EXISTING	EXISTING
MIN. LOT AREA	371.5 sqm [3998.79 sqft]	942.11 sqm [10,140.8 sqft]	456.73 sqm [4,916.20 sqft]	485.38 sqm [5,224.59 sqft]
MAX. COVERAGE	40.0 %	10.34 %	33.32 % [1,637.90 sqft]	30.41% [1,588.82 sqft]
MIN. FRONT YARD SETBACK	6 m	5.9 m	4.6 m	4.6 m
MIN. SIDE YARD SETBACKS	1.2 m [1-STY] 1.8 m [2-STY]	3.9 m [EAST] 12.1 m [WEST]	1.2 m [EAST] 2.6 m [WEST]	1.5 m [EAST] 2.9 m [WEST]
MIN. REAR YARD SETBACK	7.5 m	19.4 m	2.40 m	6.30 m
MAX. BUILDING HEIGHT	10.7 m	± 8.2 m	EXISTING	9.6 m

(Source: Applicant)



**Appendix ‘D’**  
*Building Elevations*



1 **28 STATION - SOUTH ELEVATION**  
1/8" = 1'-0"

**21001 - 28 STATION STREET**  
**SEVERANCE CONSENT APP.**  
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CITY OF MARKHAM ePLAN

**28 STATION / 11 BACKUS - SEVERANCE**

28 STATION STREET, MARKHAM, ON.

**GRAHAM DEWAR & CAROLINE DEWAR**  
**OLD VILLAGE CONSTRUCTION**



## SEVERANCE CONSENT APPLICATION

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1 **28 STATION - WEST ELEVATION**  
1/8" = 1'-0"

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## 28 STATION / 11 BACKUS - SEVERANCE

**28 STATION STREET, MARKHAM, ON.**

**GRAHAM DEWAR & CAROLINE DEWAR**  
**OLD VILLAGE CONSTRUCTION**



No. 8 Maple Lane  
Unionville, ON  
L3R 1R2  
Phone: (905) 479-9999  
Fax: (905) 479-9999



DAVID JOHNSTON  
LICENCE  
2292

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1 28 STATION - NORTH ELEVATION  
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OLD VILLAGE CONSTRUCTION

DAVID  
JOHNSTON  
ARCHITECT

No. 8 Maple Lane  
Unionville, ON  
L3R 1R2  
Phone: (905) 479-9992  
Fax: (905) 479-9985

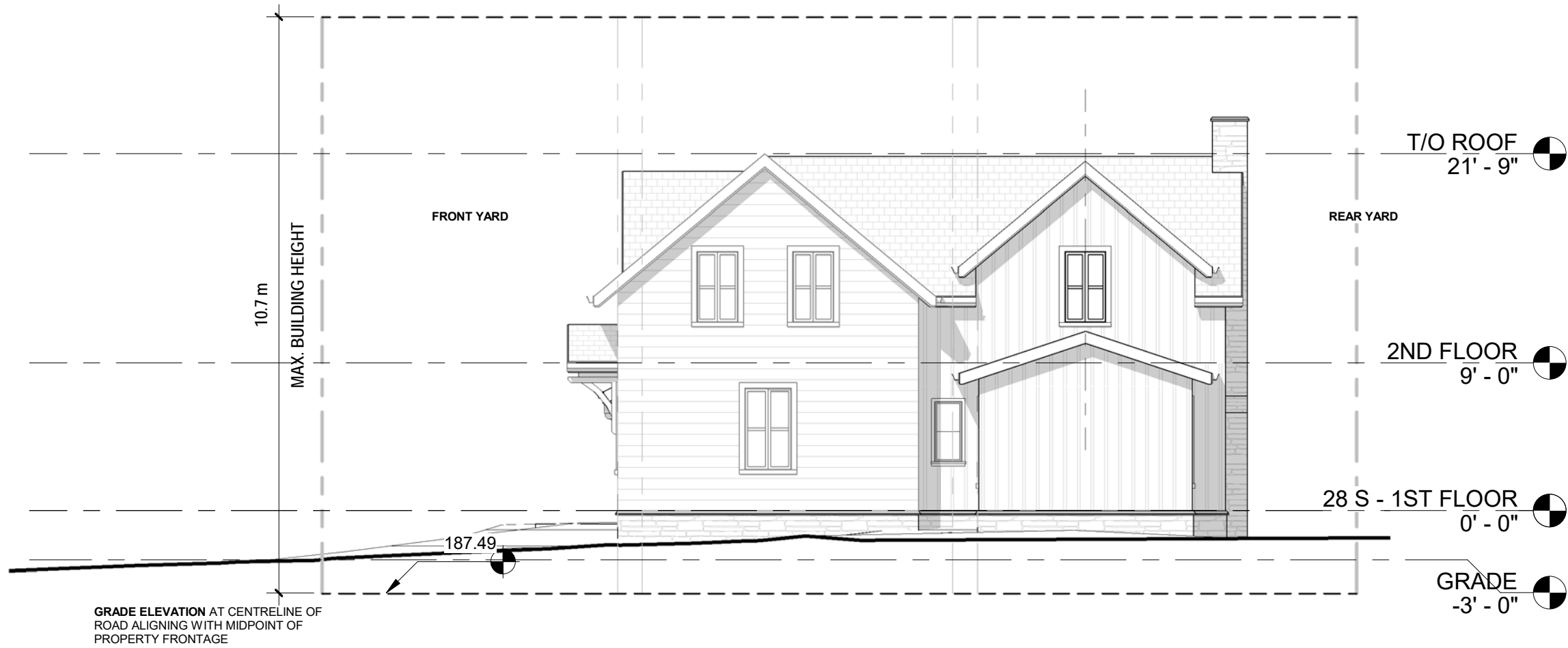
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1 **28 STATION - EAST ELEVATION**  
1/8" = 1'-0"

**21001 - 28 STATION STREET**  
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1 3D View 4

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28 STATION / 11 BACKUS - SEVERANCE  
28 STATION STREET, MARKHAM, ON.

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L3R 1K2  
Phone: (905) 479-9962  
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### 1 3D View 6

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28 STATION / 11 BACKUS - SEVERANCE

11 BACKUS COURT, MARKHAM, ON.

GRAHAM DEWAR & CAROLINE DEWAR  
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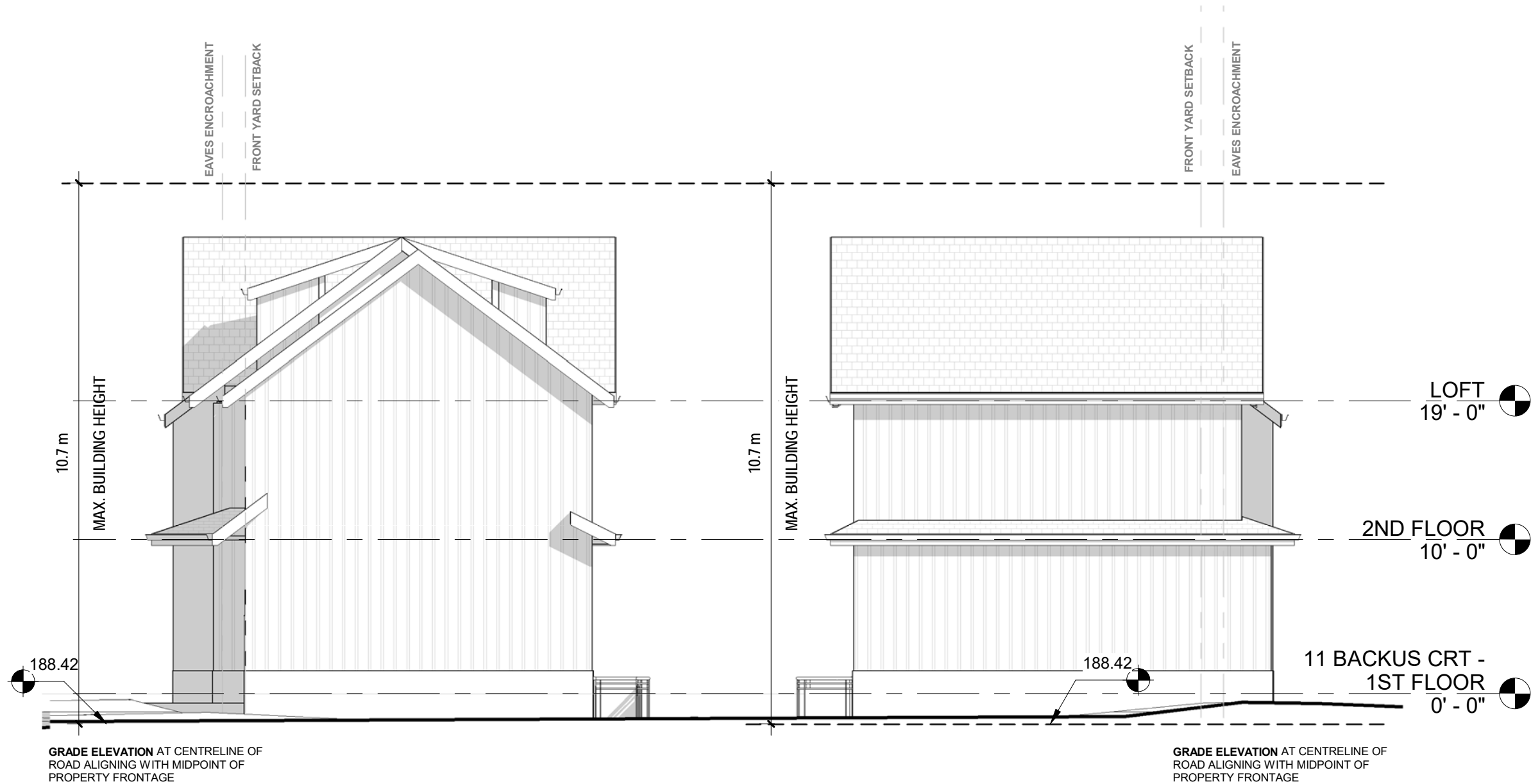


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1 11 BACKUS - WEST ELEVATION  
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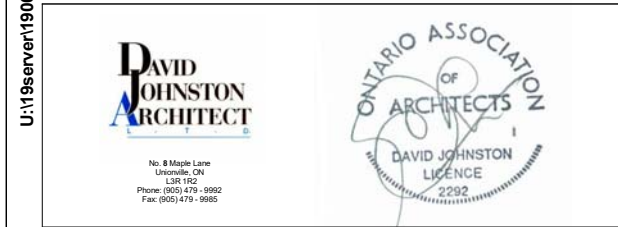
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28 STATION / 11 BACKUS - SEVERANCE  
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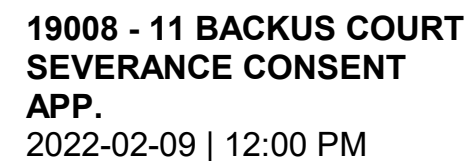
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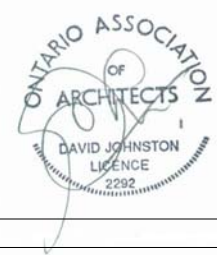


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