



# **MEMORANDUM**

**TO:** Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

**DATE:** December 14, 2022

**SUBJECT:** Committee of Adjustment – Minor Variance Application

33 Washington Street, Markham Village

Proposed Two-Storey Detached Dwelling with Detached Garage

**FILE:** A/004/22

**Property/Building Description**: One-Storey Dwelling with Detached Garage constructed in 1903

as per MPAC records

<u>Use</u>: Residential

**Heritage Status:** 33 Washington Street is designated under Part V of the *Ontario* 

*Heritage Act* as part of the Markham Village Heritage Conservation District (the "MVHCD" or the "District").

# **Application/Proposal**

- The City has received a Committee of Adjustment application seeking variances to enable construction of a two-storey detached dwelling and detached garage at 33 Washington Street (the "subject property" or the "property"). Vehicular access to the proposed garage will be achieved from Jerman Street;
- The proposed development will remove and replace the existing structures on the subject property.

### Requested Variances to the Zoning By-law

The applicant is seeking relief from the following zoning by-laws to permit:

# a) By-law 1229, Table 11.3(a)(i):

To permit an accessory building with a height of 12.83ft; whereas the bylaw requires a maximum height of 12ft.

## b) By-law 1229, Table 11.1:

To permit a front yard setback of 11.91ft; whereas the bylaw permits a minimum of 25ft.

## c) By-law 99-90, Section 1.2(vi):

To permit a maximum floor area ratio of 55.51%; whereas the bylaw permits 45%.

## d) By-law 99-90, Section 1.2(ii):

To permit a depth of 19.16m; whereas the bylaw permits 16.8m.

The requested variances were confirmed via a Zoning Preliminary Review in November 2022 with a tentative Committee of Adjustment Hearing date set for Winter 2023 (note that this meeting date is subject to change).

## **Background**

# Context

- The subject property is located on the east side of Washington Street midway between Centre Street to the south, and Joseph Street to the north;
- The subject property is located within an established residential neighbourhood comprised of
  predominately one to two-storey detached dwellings. These dwellings were constructed
  predominantly in the nineteenth and early twentieth centuries, with pockets of mid-century
  and contemporary infill. Lot coverage along with front and rear yard setbacks is variable
  within the neighbourhood. Mature vegetation exists on and adjacent to the subject property.

# Heritage Markham Committee

- The Heritage Markham Committee (the "Committee") was consulted on a previous Minor Variance application for the subject property at its meeting on February 9, 2022;
- In its previous iteration, the applicant proposed removing and replacing the existing structures on the subject property with a two-storey semi-detached dwelling with detached shared garage;
- While Heritage Section Staff ("Staff") were supportive from a heritage perspective of the scale and massing of the proposed semi-detached dwelling, excavation would have adversely impacted a mature Black Walnut tree located along the property line with 29 Washington Street. As a result, the Committee opposed the variances and encouraged the applicant to work with Staff on a revised development scheme. Note that neither Staff nor the Committee objected to removal of the existing structures on the subject property. Refer to Appendix C for a copy of the relevant Heritage Markham Extract.

#### **Heritage Policy**

- The subject property is categorized as a Type 'C' property. As described in Section 3.2 ('Building Classification') of the MVHCD Plan, Type 'C' properties possess the following characteristics within the District:
  - These buildings do not relate to the historical character.
  - They do not reinforce the historical character.
  - Any redevelopment on a lot with this designation will be subject to the policies set out herein and handled in the same manner as a NEW BUILDING.

The following guidelines from the MVHCD Plan are relevant to the proposed minor variance application:

- Section 4.2.1 provides guidelines for the proportions and height of residential buildings:

  1. Additions and new infill buildings should be designed to be compatible in terms of height, massing and proportions with those of adjacent heritage buildings;
  - 2. The size of the new structure should neither dominate the adjacent heritage structures, nor be diminutive in scale.

- Section 4.2.2 provides guidelines for the setback and siting of residential buildings:
  2. Addition or infill buildings are to be set-back and sited so that they do not obscure the adjacent heritage building(s).
- Sections 1.7 and 2.5 acknowledge the importance of the existing tree canopy in the District: "these large older trees contribute significantly to the heritage ambience of the district and every effort should be made to ensure that they are retained" and; "that mature, healthy trees be preserved wherever possible on both private and public property".

# **Staff Comment**

Demolition of Existing Structures

• The existing dwelling and detached garage are together not considered significant cultural heritage resource as described within the MVHCD Plan. Staff concur with the subject property's rating within the MVHCD Plan given the minimal design value of the existing structures, and are of the opinion that their removal will not have an adverse impact on the cultural heritage value of the District.

# Requested Variances (Dwelling)

- Staff have no objection from a heritage perspective to the requested variances for the new dwelling given conformance to the polices and guidelines of the MVHCD Plan;
- Given the variability of front yard setbacks along the portion of Washington Street between Centre and Joseph Streets, Staff are of the opinion that the requested setback of 11.91ft is supportable. Notably, this front yard setback is greater than those of the nearby dwellings at 25 and 27 Washington Street which are each approximately 6.6ft, and 30 Washington Street which is approximately 9.2ft;
- While relief from the zoning by-law is also being sought for floor area ratio, relief is not being sought for lot coverage or building height, both of which are more useful indicators for visual impact on adjacent properties. As such, Staff are of the opinion that the requested variance is supportable;
- The requested variance for building depth is also supportable given that it is entirely attributable to the proposed rear veranda.

#### Requested Variances (Garage)

• Staff have no objection from a heritage perspective to the requested variance for accessory building height. As the proposed increase in permitted height is less 1ft, the visual impact is nearly imperceptible.

#### Next Steps

- As the subject property is designated under Part V of the *Ontario Heritage Act*, review by Heritage Markham and approval by City Council is necessary to permit the demolition of the on-site structures. At this time, a demolition permit has not been submitted;
- Redevelopment of the property will be subject to review by Staff to ensure conformance to the policies and guidelines of MVHCD in order to obtain the necessary approval and permits.

# **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit a new two-storey detached dwelling with detached garage at 33 Washington Street (A/004/22).

AND THAT review of any application required to approve the proposed development be delegated to Heritage Section staff should the design be generally consistent with the conceptual drawings appended to this memo.

# **ATTACHMENTS:**

Appendix 'A' Property Map

Appendix 'B' Photographs of the Subject Property

Appendix 'C' Heritage Markham

Appendix 'D' Drawings

# Appendix 'A' Property Map



Appendix 'B'
Photographs of the Subject Property





The west (primary) elevation of 33 Washington Street (above) and the rear elevation fronting Jerman Street (below) (Source: Google)

# Appendix 'C'

Heritage Markham Extract

# HERITAGE MARKHAM EXTRACT

Date: February 9, 2022

To: R. Hutcheson, Manager of Heritage Planning

E. Manning, Heritage Planner

EXTRACT CONTAINING ITEM # 6.4 OF THE SECOND HERITAGE MARKHAM COMMITTEE MEETING HELD ON FEBRUARY 9, 2022

#### 6.4 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

PROPOSED TWO-STOREY SEMI-DETACHED DWELLING WITH DETACHED GARAGE
33 WASHINGTON STREET (MVHCD) (16.11)

FILE NUMBER:

A/004/22

**Extracts:** 

R. Hutcheson, Manager, Heritage Planning

E. Manning, Heritage Planner

Evan Manning, Heritage Planner, addressed the Committee and summarized the memorandum, expressing staff's concerns with the site plan as currently composed as it would require removal of two mature trees.

The applicant, Shane Gregory, was present to answer questions from the Committee.

Mr. Gregory commented that he did not wish to see the tree on the south lot line removed and was willing to work with staff for a reduction in GFA or to cantilever the structure so as to not affect its root system. Mr. Gregory noted that the variance matter was time sensitive in order to meet an upcoming scheduled Committee of Adjustment meeting. He advised that strategically planted trees may adequately address removal of the tree along Jerman Street as it was in poor condition per the Arborist report.

The Committee provided the following feedback:

• Inquired whether the applicant considered orienting the development to have one dwelling fronting Washington Street and the other fronting Jerman Street:

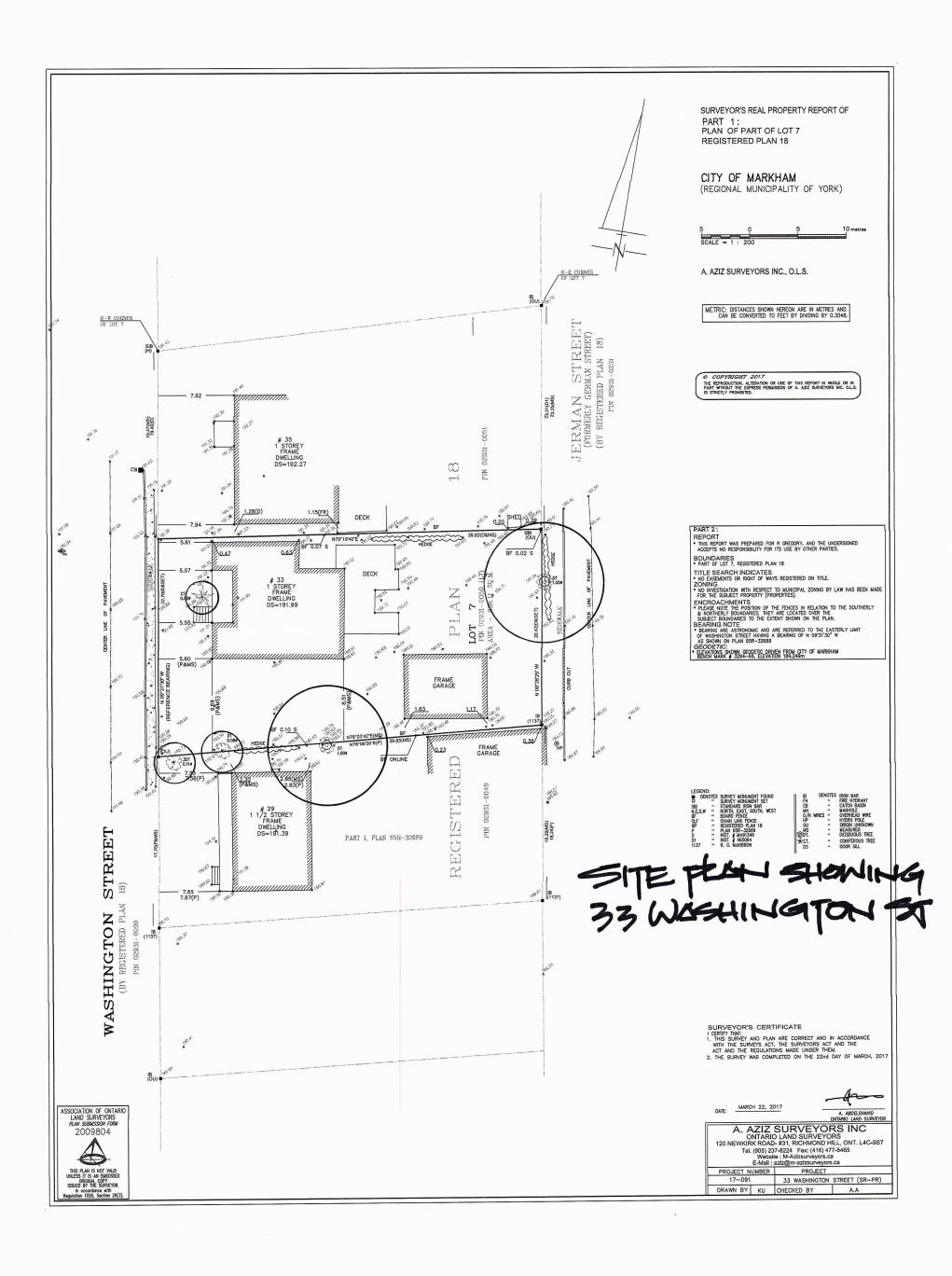
- Gregory responded that it was considered, but Jerman Street (west side) was primarily existing garages and dilapidated rear yards. He noted a lot depth issue for setbacks for parking and that it would remove amenity space.
- Commented that the Jerman Street streetscape could be improved with more houses fronting on it;
- Requested the City review and provide comment on the submitted Tree Preservation Plan and whether the City would support the removal of the tree on municipal property;
- Commented that the applicant consider moving the garage closer to Jerman Street with a patio on the side:
- Gregory advised that moving the driveway would shift the dividing line of the properties;
- Gregory expressed willingness to consider plantings on either side of the driveway to prevent future paving.
- Inquired whether shifting the proposed dwelling a meter to the south would reduce impact on the tree fronting Jerman Street:
- Gregory advised that the tree has already been sculpted to accommodate power lines, and a southward shift would still require removal of the tree.
- Commented that sculpted trees can be healthy and live for a long time;
- Requested that the applicant review the properties at 35 and 37 Washington Street for consideration when revising the site plan.

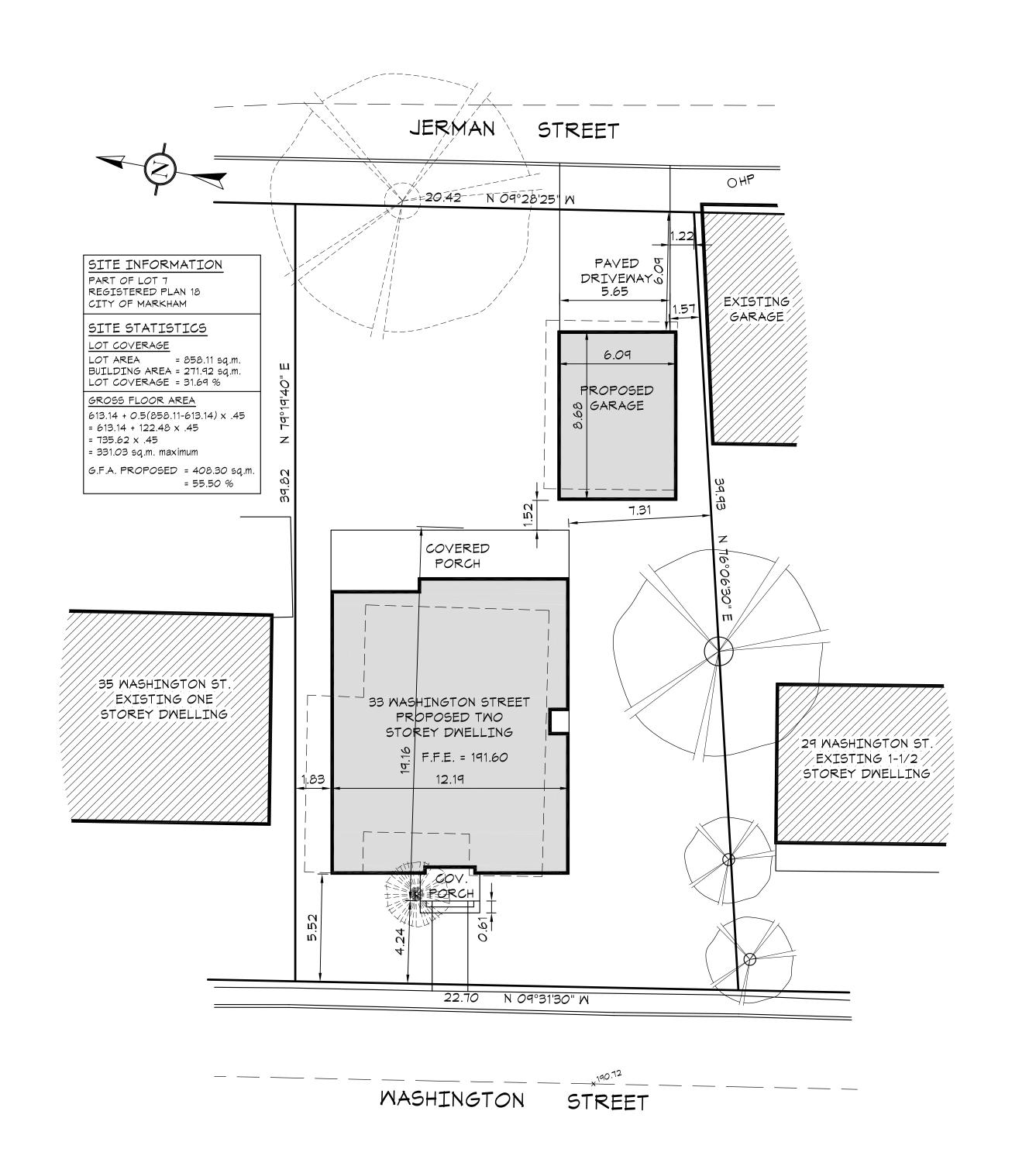
## Recommendations:

THAT Heritage Markham opposes the proposed variances from a heritage perspective to permit a new semi-detached dwelling with a shared detached garage, and requests that City Staff work with the applicant on a revised development concept.

Carried

# Appendix 'D' Drawings





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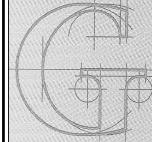
Russ Gregory NAME

SIGNATURE

DATE

PROJECT TITLE

NEW HOUSE DESIGN 33 WASHINGTON STREET CITY OF MARKHAM



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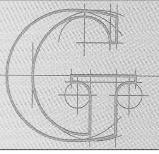
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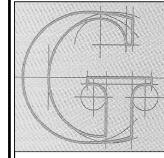
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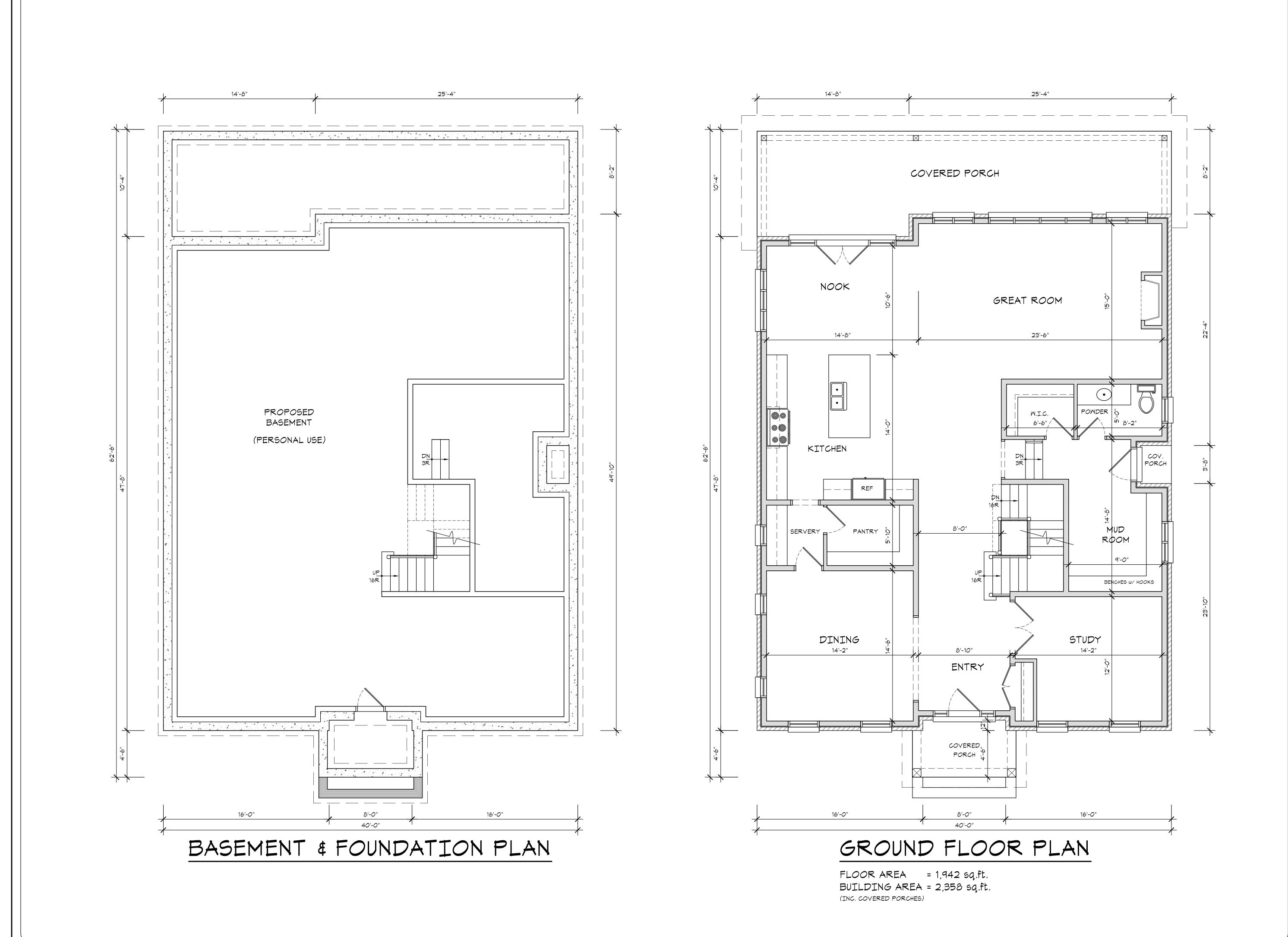
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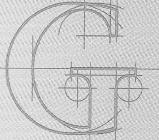
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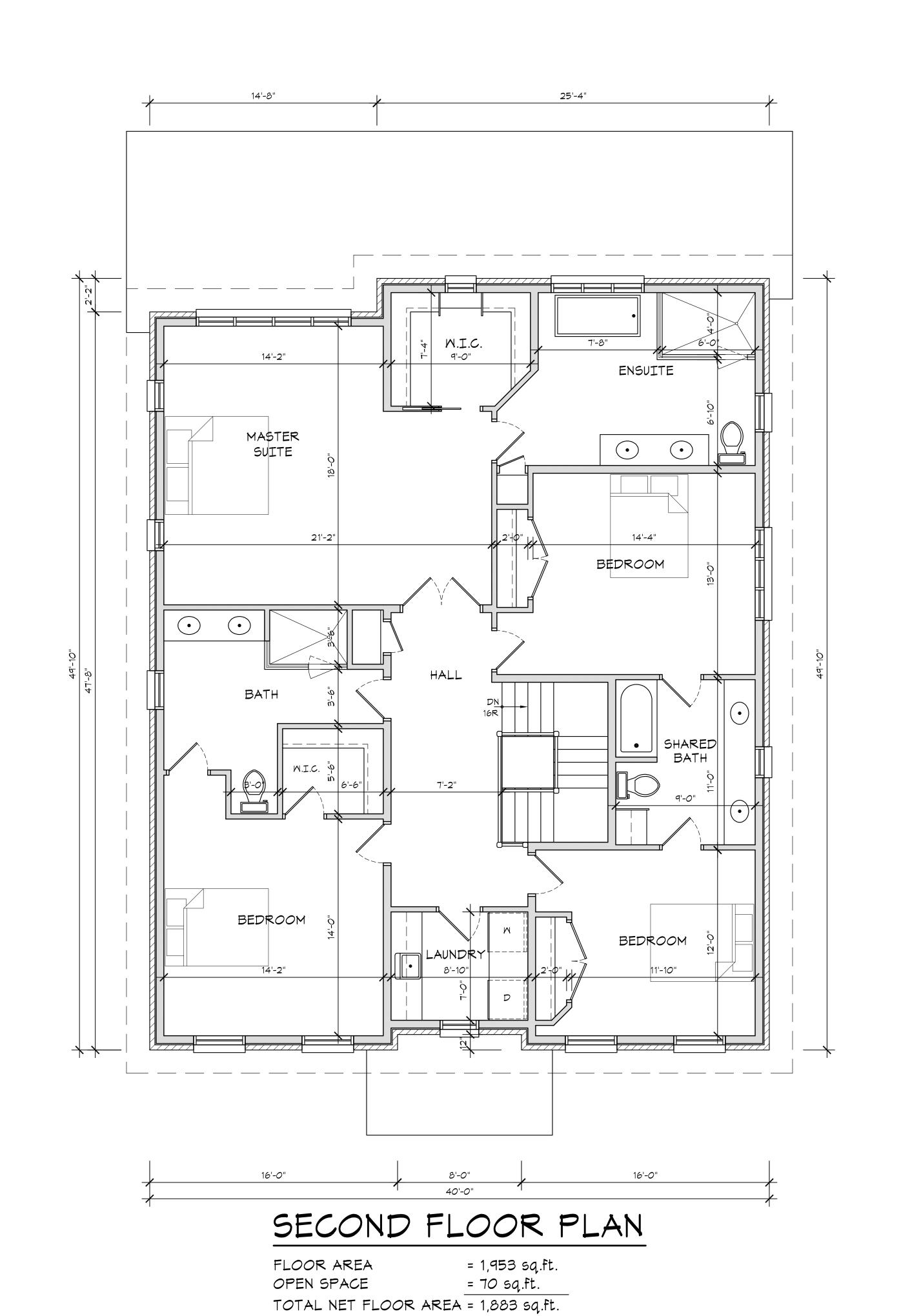
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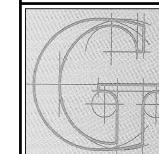
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