



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: February 8, 2023

SUBJECT: **Minor Heritage Permit Application**
145 John Street, Thornhill
Front Yard Landscape Alterations
HE 23 110708

Property/Building Description: Two-storey dwelling with attached garage constructed in 1969 as per MPAC records.

Use: Residential

Heritage Status: 145 John Street is designated under Part V of the *Ontario Heritage Act* as part of the Thornhill Heritage Conservation District (HCD).

Application/Proposal

- The City has received a Minor Heritage Permit application for the partial paving of the front yard at 145 John Street (the “subject property”). Note that the applicant has indicated that they were unaware of the requirement for a heritage permit prior to commencing work, and the driveway as well as substantial portions of the front and side yards have been covered with interlock pavers;
- These pavers replaced sodded areas that formerly existed adjacent to the driveway, and along the side yard adjacent the eastern property line. The previous driveway was also composed of interlock;
- Posts for driveway gates also appear to have been installed.

Heritage Markham

- Heritage Markham previously considered the Minor Heritage Permit application at its meeting on January 8, 2023 and recommended a deferral in order to allow the applicant time to demonstrate whether the extent of softscaping complied with By-law 2016-20 (refer to Appendix C for the Heritage Markham meeting extract);
- The above-referenced by-law regulates minimum and maximum driveway width as well as the associated percentage of softscaping required for a front yard. For properties with a lot frontage of 10.1 metres or greater, a minimum of 40% softscaping is required in the front or exterior side yard in which the driveway is located. Note the subject property has a lot frontage in excess of 10.1 metres;

- Demonstration of compliance with the by-law would not be sufficient to secure the support of Heritage Section staff as the landscape alterations do not conform to the relevant policies and guidelines within the THCD Plan (see below).

Background

- The subject property is located on the south side of John Street between Henderson Avenue to the east, and Johnson Street to the west, and contains a two-storey brick dwelling;
- Similar building typologies predominate in the immediate area and are characterized by relatively generous front lawns with mature trees.

Heritage Policy

- Thornhill HCD Plan (“District Plan”):
 - The subject property is categorized as ‘Class C – Other Buildings/Properties within the District’. As described in Section 2.2.2 (‘Building/Property Classification’) of the THCD Plan, Class C properties possess the following qualities:
 - *They are building/properties primarily constructed post-1939*
 - *They include buildings/properties that are sympathetic to the District by virtue of their scale or design qualities;*
 - *They include buildings/properties not sympathetic to historic character of the District.*
 - Section 8.3.1 – The Heritage Permit –is used when no other municipal approvals are required and would include the hard surfacing of the front yard.
 - Section 4.5.1 – Landscape Treatment provides the following policy direction – *“Existing historical landscapes will be conserved. The introduction of complementary landscapes to the heritage environment will be encouraged”*
 - Section 4.5.4 – Driveways (Residential) provides the following policy direction *“Driveways are to be kept to a narrow width in order to preserve the expanse of the front yard.”* and *“Driveway entrances will not be gated.”*
 - Section 9.6.1 – Heritage Landscape Treatment states – *“The landscape treatment on private property visible from the street can do a great deal to help express the character of a heritage area”* and *“All property owners are encouraged to introduce a heritage landscape treatment to further enhance the character of the District”*.
 - While the District Plan does not provide guidelines for properties constructed post-1900, there is considerable guidance on appropriate landscape treatment for nineteenth century properties that are important in maintaining the overall landscape character of the Thornhill HCD. Given the length of these guidelines, they have not been reproduced here but can be reviewed in Section 9.6.1 of the District Plan.

Staff Comments

- While Heritage Section staff have no objection to the chosen pavers for the driveway, the installation of driveway gate posts and the paving of the front and side yards are not supported;

- Heritage Markham did support a Minor Heritage Permit application for a driveway gate at 146 John Street as it extended the existing white picket treatment across the driveway. Notwithstanding guidance in the THCD Plan prohibiting the installation of driveway gates, Heritage Section staff did not consider the proposal to be visually obtrusive or incompatible with the heritage character of the property, or the THCD more broadly. Further, the gate increased safety for the applicant's young children;
- Staff do note that a landscape buffer has been retained between the newly hard-surfaced front yard and the John Street right-of-way.
- Staff could support the creation of a walkway leading from the driveway to the front entrance of the house in a paving material different from what has been installed for the driveway, but the current extent of paved surface is not in keeping with the landscape character of the Thornhill HCD which is typified by mature plantings and lawn. As such, it is in the opinion of Staff that the alterations do not comply with the policies and guidelines of the District Plan.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham does not support the front yard landscape alterations and gate posts and recommends that the Minor Heritage Permit Application seeking approval of the unauthorized alterations be denied, and that the interlock pavers be removed from the former sodded areas.

ATTACHMENTS:

Appendix 'A'	Location Map
Appendix 'B'	Images of the Subject Property
Appendix 'C'	Heritage Markham Meeting Extract

Appendix 'A'

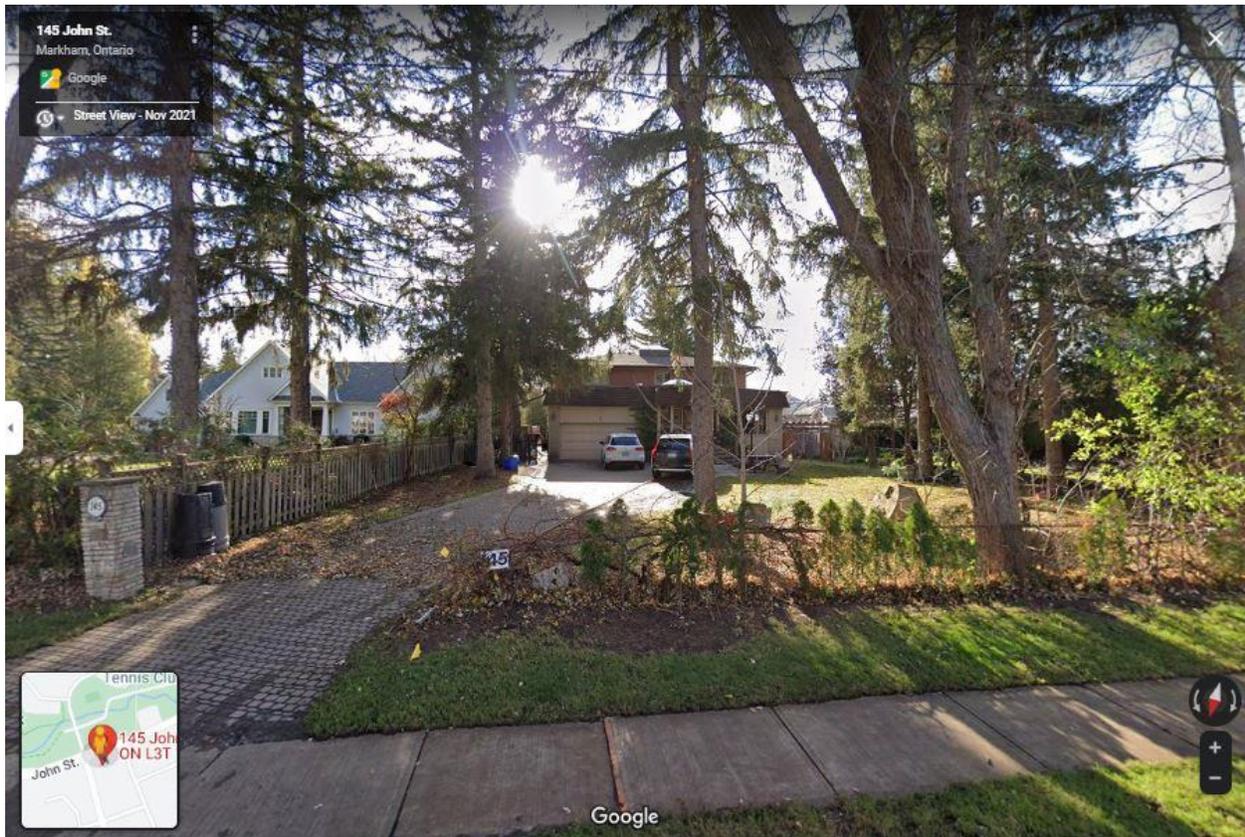
Location Map



Property map showing the location of the subject property [outlined in yellow] (Source: City of Markham)

Appendix 'B'

Images of the Subject Property



The front yard of the subject property as it appeared in November 2021 prior to the recent alterations (Source: Google)



Images of the subject property post-alteration showing the paving of the former lawn (above) and grading work in preparation for the new driveway (Source: City of Markham)



Image of the recently paved side yard (Source: City of Markham)

*Images submitted by Applicant as part of the Minor Heritage Permit Application
(January 3, 2023)*



Looking south



Looking west, showing basketball net/court delineation



Looking north towards John Street from front yard



Looking north towards buffer between new paving area and John Street right-of-way

Appendix ‘C’

Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: January 18, 2023

To: R. Hutcheson, Manager of Heritage Planning
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.1 OF THE FIRST HERITAGE MARKHAM
COMMITTEE MEETING HELD ON JANUARY 11, 2023

6.1 HERITAGE PERMIT APPLICATION

FRONT YARD LANDSCAPE ALTERATIONS

145 JOHN STREET (16.11)

FILE NUMBERS:

Pending

Evan Manning, Senior Heritage Planner, advised that this item is related to a Minor Heritage Permit application for 145 John Street, located in the Thornhill Heritage Conservation District. By way of background, Mr. Manning advised that alterations to the front yard, including the introduction of decorative pavers on formerly sodded areas and the driveway were undertaken without prior approval from Heritage Section staff, but stated that the owners have indicated that they were not aware of the need for a Minor Heritage Permit application. Mr. Manning advised that this application has been received retroactively, and that Heritage Staff is recommending that Council deny the permit due to the extent of the paving and the fact that it is out of character for the Thornhill Heritage Conservation District, and in contravention of direction within the Thornhill Heritage Conservation District Plan.

Mr. Manning advised that the owners of the property were present to answer any questions pertaining to the application.

The following deputations were heard from the owner of the subject property and members of the public:

Homeira Shahsavand and Russol Heydari, owners of the subject property, explained that they have resided at the subject property for over a decade and that they are seeking approval of their application. They explained that they had been in communication with City Staff, but there were communication issues which led them to believe that approval from Heritage Section staff was not required prior to work commencing.

Ms. Shahsavand and Mr. Heydari explained that they undertook the work to allow them to access John Street without having to reverse, to address concerns around vehicle safety. They also explained that paving the front yard provided more activity space for their teenage children who play a number of competitive sports, and that grass was difficult to grow in their yard. They indicated that porous material was used to ensure that there won't be drainage issues impacting both their property as well as adjacent properties. They also noted it was their understanding that they complied with the municipal by-laws which governs driveway width and the minimum percentage of front yard softscaping.

David Jordan, owner of a nearby property on John Street, expressed support for the application noting that the permit process can be complex, every property is unique and there should be flexibility in the enforcement of District Plan guidelines. Mr. Jordan expressed his appreciation of landscape alterations undertaken by the applicant and noted that from his observation, drainage does not appear to be an issue on the subject property and surrounding areas.

The Committee members provided the following feedback:

- Inquired about the purpose of the hard surface paving on either side of the driveway, and questioned why the work wasn't located in the rear yard instead;
- Discussed their belief that the Owners of the property did not intend to subvert processes, but noted the precedent that may be set if their application is approved;
- Concurred that there is increased traffic at the intersection of John Street and Henderson Avenue and acknowledged the difficult sightlines between the driveway and roadway; and
- Expressed concern for the reduction of greenspace which took place as a result of the paving.

The Owner clarified their plans to continue to plant trees throughout the property and emphasized their interest in greenspace and environmental protection.

It was noted that the Clerk had previously distributed written correspondence from members of the public on this matter to committee members.

Recommendation:

THAT Heritage Markham supports the Minor Heritage Permit Application for the front yard landscape alterations at 145 John Street.

Motion Failed

After some debate, the Committee consented to defer this item to the Heritage Markham Committee meeting on February 8, 2023.

Recommendation:

THAT this item be deferred to the Heritage Markham Committee meeting on February 8, 2023,

THAT the deputation from the following individuals be received:

- **Homeira Shahsavand**
- **Russol Heydari**
- **David Jordan**

AND THAT the written correspondence in opposition to the application from Brian Fischer, Vice President, Ward One (South) Thornhill Residents Inc., Diane Berwick, Joan Honsberger, Valerie Tate and Valerie Burke, be received;

Carried