



Report to: Development Services Committee

Meeting Date: April 18, 2023

SUBJECT: RECOMMENDATION REPORT – Notice of Intent to Demolish – Single Detached Dwelling and Detached Garage – Markham Village Heritage Conservation District, 33 Washington Street, (Ward 4)

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

1. THAT Council support the proposed demolition of the existing single-detached dwelling and detached garage at 33 Washington Street, as per Section 42 of the Ontario Heritage Act;
2. THAT the recommendation from the Heritage Markham Committee on December 14, 2022, in support of redevelopment of 33 Washington Street (in accordance with Appendix ‘C’ of this report), be received as information;
3. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends that Council support the Demolition Heritage Permit application submitted for the municipally-recognized heritage property at 33 Washington Street (the “Property”).

BACKGROUND:

The Property contains a 1 ½ storey dwelling and a detached garage

The Property, designated under Part V of the Ontario Heritage Act (the “Act”) as part of the Markham Village Heritage Conservation District (the “District”), is located on the east side of Washington Street, between Centre Street to the south and Joseph Street to the north. The existing dwelling fronts Washington Street while Jerman Street provides vehicular access to the garage (see Appendix ‘A’). The surrounding area is comprised of one to two-storey detached dwellings that were constructed predominantly in the nineteenth and early twentieth centuries, with pockets of mid-century and contemporary infill. The existing dwelling and garage were constructed in 1903, as per Municipal Property Assessment Corporation records.

The Property is categorized as Type ‘C’ - Other Buildings/Properties in the District Plan

As described in Section 3.2 (‘Building Classification’) of the District Plan, Type ‘C’ properties possess the following characteristics:

- *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.*

Development permissions exist for the Property

Prior to submission of the Demolition Permit application, the applicant secured approval from the Committee of Adjustment (the “COA”) for a series of variances to enable construction of a new two-storey dwelling and detached garage on the Property. The development concept as presented to the COA envisioned removal of the on-site buildings. The COA approved the variances on March 8, 2023 (refer to A/002/22). The applicant submitted a Major Heritage Permit application for the proposed new buildings, which is currently under review by City staff.

The applicant’s proposal to demolish has been reviewed by Heritage Markham Committee (“Heritage Markham”)

As a designated property, review by Heritage Markham is necessary prior to Council consideration of the Demolition Permit application. On December 14, 2022, Heritage Markham did not object to removal of the on-site buildings to allow for a new two-storey detached dwelling and detached garage (see Appendix ‘C’). The development scheme, as reviewed by Heritage Markham, matched the COA-approved development concept.

Removal of Type ‘C’ buildings has been supported in the past

Council has approved the demolition of some Type ‘C’ buildings within the District on the understanding that any replacement building must be designed in accordance with the policies and guidelines as contained in District Plan. As noted above, Type ‘C’ buildings are not considered to relate or reinforce the heritage character of the District.

OPTIONS/ DISCUSSION:**The Act requires Council to consider all demolition applications for designated properties**

Section 42(1) of the Act requires an owner to obtain a permit from the municipality to:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect any building or structure on the property or permit the erection of such a building or structure.
3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1).
4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property.

The Act allows Council to delegate its power to grant permits for the alteration of property situated in a heritage conservation district to an employee or official of the municipality. Markham Council has approved such a by-law delegating its power for the

approval of alterations to the Manager of Heritage Planning. However, upon consultation with Legal staff, Heritage Section staff determined that the delegation authority to approve “alterations” to staff does not include the authority to consider applications for demolition or removal, which are addressed under Part IV and V of the Act. No delegation provisions apply in such circumstances.

Therefore, all applications or requests for demolition of buildings and structures within heritage conservation districts, whether of cultural heritage value or not, must be considered by Council within 90 days of notice of receipt.

Heritage Staff support and recommend the proposed demolition of the building

The existing dwelling and detached garage are together not considered significant cultural heritage resource as described within the District Plan. Heritage staff concur with the Property’s rating within the District 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. Staff have no objection to the demolition of the on-site buildings.

Process/Procedural Requirement for Demolition Requests

The following is a summary of the key process and notification requirements associated with the demolition of a building/structure in a heritage conservation district:

- Council is to consider the request for demolition within 90 days after notice of receipt is served;
- Council is to be advised by its municipal heritage committee with respect to an application to demolish or remove any building or structure;
- Council may give the applicant the permit applied for; notice that Council is refusing the permit; or the permit applied for with terms and conditions attached;
- If Council fails to make a decision within the identified time period, Council shall be deemed to have given the applicant the permit applied for;
- Notice of the Council decision is given to the owner and the owner may appeal to the Ontario Land Tribunal within 30 days.

For the purpose of this demolition request, the City acknowledges March 20, 2023 as the date of receipt for the Demolition Heritage Permit application with the timeline expiring on June 18, 2023.

FINANCIAL CONSIDERATIONS

None.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City’s Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

The demolition request was reviewed by Heritage Markham, Council's advisory committee on heritage matters.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director of Planning and Urban Design

Arvin Prasad, MPA, RPP, MCIP
Commissioner of Development Services

APPENDICES:

Appendix 'A': Property Map and Aerial Image of the Property

Appendix 'B': Photographs of the Property

Appendix 'C': Heritage Markham Extract – December 14, 2022

APPENDIX 'A': Property Map and Aerial Image of the Property



The Property is outlined in yellow (Source: City of Markham)



(Source: Google Earth)

APPENDIX 'B': Photographs of the Property



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

APPENDIX ‘C’: Heritage Markham Extract – December 14, 2022

HERITAGE MARKHAM EXTRACT

Date: December 23, 2022

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

EXTRACT CONTAINING ITEM # 6.2 OF THE TWELFTH HERITAGE
MARKHAM
COMMITTEE MEETING HELD ON DECEMBER 14,
2022

6.2 COMMITTEE OF ADJUSTMENT - MINOR VARIANCE APPLICATION

PROPOSED TWO-STOREY DETACHED DWELLING WITH DETACHED GARAGE 33 WASHINGTON STREET, MARKHAM VILLAGE (16.11)

FILE NUMBER:

A/004/22

Evan Manning, Senior Heritage Planner, presented the revised scheme for 33 Washington Street. The Applicant is seeking variances to enable the construction of a two-storey detached dwelling and detached garage at 33 Washington Street. Vehicular access to the proposed garage will be achieved from Jerman Street. The applicant had previously requested variances to construct a semi-detached dwelling with a shared detached garage. The Committee did not support this proposal as it would have required the removal of a mature Black Walnut tree along the southern edge of the property. The revised proposal conserves this tree.

A Committee Member expressed concern that the floor area ratio is 55.51% when the by-law only permits 45%, and was not aware of any other houses in the neighbourhood that were this large in size. Shane Gregory, the Applicant, advised that the floor area ratio includes the detached garage.

The Committee opined that the design of the house was compatible with the heritage character of the area, and noted that the variances for floor area ratio is best addressed by the Committee of

Adjustment.

Recommendations:

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.

Carried