



## MEMORANDUM

**TO:** Heritage Markham Committee

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

**DATE:** October 11, 2023

**SUBJECT:** Committee of Adjustment Consent and Variance Applications  
44 Rouge Street, Markham Village  
B/032/23, A/154/23, A/155/23

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**Property/Building Description:** One-storey dwelling constructed c.1956 as per MPAC records

**Use:** Residential

**Heritage Status:** Designated under Part V of the *Ontario Heritage Act* as a constituent property of the Markham Village Heritage Conservation District (the “MVHCD”).

### **Application/Proposal**

- The City has received Committee of Adjustment (“COA”) applications seeking consent to sever the property municipally-known as 44 Rouge Street (the “Subject Property” or the “Property”), and approval of variances to enable the future construction a two-storey dwelling with integrated garage on the conveyed parcel, and the construction of a rear addition and second storey to the existing one-storey dwelling on the retained parcel. Tree removal is anticipated.

### **Background**

#### *Context*

- The Subject Property is located at the northeast corner of Rouge Street and Magill Street with rear yard frontage on Nelson Street;
- The portion of the MVHCD that encompasses Rouge Street, along with nearby James Scott Road, is transitional in character and contains few significant heritage resources;
- The immediate area is characterized by lots of variable size containing a mixture of relatively contemporary dwelling alongside those constructed in the 1950s-1960s.

### **Staff Comments**

Staff provide the following comments from a heritage perspective:

#### *Consent Application*

### **B/032/23 – 44 Rouge Street:**

For provisional consent to:

- a) sever and convey a parcel of land with
  - an approximate lot frontage of 15.09 metres (49.51 feet) and
  - an approximate lot area of 454.90 square metres (4,896.5 square feet) (Part 1);
- b) retain a parcel of land with
  - an approximate lot frontage of 15.03 metres (49.31 feet) and
  - an approximate lot area of 454.0 square metres (4,886.82 square feet) (Part 2);

### **Lot Frontage**

- The current zoning by-law indicates a minimum lot frontage requirement of 60 feet (18.2 sq m);
- The proposed lot frontage for the conveyed parcel fronting onto Nelson Street generally reflects the existing lot frontages of properties along Rouge Street while the lot frontage for the retained parcel reflects an existing condition. As such, Staff have no objection from a heritage perspective to this deviation from existing development standards.

### **Lot Area**

- The current zoning by-law indicates a minimum lot area requirement of 6600 square feet (613 sq m).
- The proposed lot area for the retained and severed parcels reflects the emerging lot pattern of the area. For example, the lotting pattern along the south side of Rouge Street and the north side of James Scott Road is a result of a series of consent applications and does not reflect a historic condition. The lots along the north side of James Scott Road were created in the early-to-mid 2000s when the rear portion of the properties along the south side of Rouge Street were severed. As such, properties along both streets range in size from approximately 250 to 550 square metres. As such, Staff have no objection from a heritage perspective to this deviation from existing development standards.

#### *Variance Applications*

### **A/154/23 – 44 Rouge Street (Conveyed – Part 1):**

To permit:

- a) Table 11.1, By-Law 1229: a front yard setback of 19.94ft (6.08m); whereas the bylaw requires a minimum of 25ft.
- b) By-law 1229 Section 11.2 (c) (i): a porch with stairs to encroach 79.4 inches into a flankage yard; whereas the bylaw permits a maximum of 18 inches.
- c) Table 11.1, By-Law 1229: a rear yard setback of 23.85ft; whereas the bylaw requires a minimum of 25ft.
- d) Table 11.1, By-Law 1229: a lot area of 454.90 sq m (4895.43 sqft); whereas the bylaw requires a minimum of 613.16 (6600 sqft).

- e) Table 11.1, By-Law 1229: a lot frontage of 15.09 m (49.51 ft); whereas the bylaw requires a minimum of 18.2m (60 ft).
- f) By-law 99-90 Section 1.2 (vi): a maximum floor area ratio of 69.50 percent; whereas the by law permits a maximum of 45 percent.
- g) Table 11.1, By-Law 1229: a lot coverage of 36.8 percent; whereas the bylaw permits a maximum of 35 percent.

as it relates to a proposed two-storey residential dwelling on the severed lot.

#### Front Yard Setback

There is considerable variability in front yard setback along Rouge Street, ranging from approximately 22ft to 40ft. Further, the “front yard” of the proposed dwelling, as defined within the zoning by-law, will front Nelson rather than Rouge Street. Given that the requested variance approximates the existing front yard setback of a number of properties along Rouge Street, and given that the proposed dwelling will be the sole building fronting the south side of Nelson Street at this time, Staff have no objection from a heritage perspective to the proposed variance.

#### Encroachment into Flankage Yard

While a variance is being sought for stair encroachment, the proposal otherwise conforms to the setback requirements for the flankage yard. Given that the primary volume of the dwelling conforms to the setback requirement, Staff are of the opinion that the encroachment of the stairs will not be visually intrusive or otherwise create an unattractive or inconsistent streetscape. As such, Staff have no objection from a heritage perspective to the proposed variance.

#### Rear Yard Setback

The vast majority of nearby properties have a rear yard setback that meets or exceeds the 25.0 ft minimum as required by the zoning by-law. This includes the aforementioned series of lots along the north side of James Scott Road which have rear yard setbacks of approximately 41.0 ft. As such, Staff are of the opinion that the proposed variance would create a condition at odds with nearby properties, and would diminish the value of the rear yard as amenity space. The variance, therefore, is not considered minor and Staff have requested that the applicant revise the proposal to conform to the zoning by-law in this regard.

#### Lot Area and Lot Frontage

Refer to the response provided for the consent application.

#### Maximum Floor Area Ratio

The proposed floor area ratio (“FAR”) of 69.50% is lower than the floor area ratio of the nearby dwellings such as those on the north side of James Scott Road which range from 80.61% to 84.56%. Despite exceeding the permitted FAR of 45%, the dwellings at 24, 26, 28 and 30 James Scott Road do not appear over-sized relative to their lots or appear out of scale with the emerging built form character of the area. As such, Staff have no objection from a heritage perspective to the proposed variance.

#### Lot Coverage

The proposed lot coverage exceeds existing permissions by 1.8%. Given the small numerical deviation from the permitted lot coverage, it is the opinion of Staff that the resulting increase in

building mass will not be readily perceptible relative. As such, Staff have no objection from a heritage perspective to the proposed variance.

**A/155/23 – 44 Rouge Street (Retained – Part 2):**

To permit:

- a) Table 11.1, By -Law 1229: a lot area 454.0 sq.m (4886.5 sq.ft); whereas the bylaw requires a minimum of 613.16 sq.m (6600 sq.ft).
- b) Table 11.1, By-Law 1229: a lot frontage of 15.03 m (49.31 ft); whereas the bylaw requires a minimum of 18.28 (60 ft).
- c) By-law 99-90, Section 1.2(iii): a depth of 17.91m; whereas the bylaw permits a maximum of 16.8m.
- d) By-law 99-90, Section 1.2 (vi): a maximum floor area ratio of 57.78 percent; whereas the bylaw permits a maximum of 45 percent.
- e) Table 11.1, By-Law 1229: a rear yard setback of 14.7ft; whereas the bylaw requires 25ft.

as it relates to a proposed two-storey addition to the existing dwelling on the retained lot.

**Lot Area and Lot Frontage**

Refer to the response provided for the consent application.

**Floor Area Ratio**

Refer to the response for the proposed variances on the conveyed lot.

**Building Depth and Rear Yard Setback**

The vast majority of nearby properties have a rear yard setback that meets or exceeds the 25.0 ft minimum as required by the zoning by-law. This includes the aforementioned series of lots along the north side of James Scott Road that have rear yard setbacks of approximately 41.0 ft. As such, Staff are of the opinion that the proposed variance would create a condition at odds with nearby properties, and would diminish the value of the rear yard as amenity space. The variance, therefore, is not considered minor and Staff have requested that the applicant revise the proposal to conform to the zoning by-law in this regard.

***Conceptual Design***

- Major Heritage Permit applications have not yet been submitted for the Subject Property. Staff will review the forthcoming applications to ensure conformance with the policies and guidelines of the MVHCD Plan. At this time, Staff have no major objections to the conceptual designs of either dwelling as appended to this memo, but will conduct a more thorough review following submission of the Major Heritage Permit applications;
- Staff will bring forward the Major Heritage Permit applications for the Committee's consideration at a future date.

## **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham has no objection from a heritage perspective to the consent and variances applications for 44 Rouge Street with the exception of the variances requested for rear yard setback on the retained and conveyed parcels;

AND THAT Heritage Markham recommends that the applicant revise the proposal to adhere to the minimum rear yard setback for both the retained and conveyed parcels.

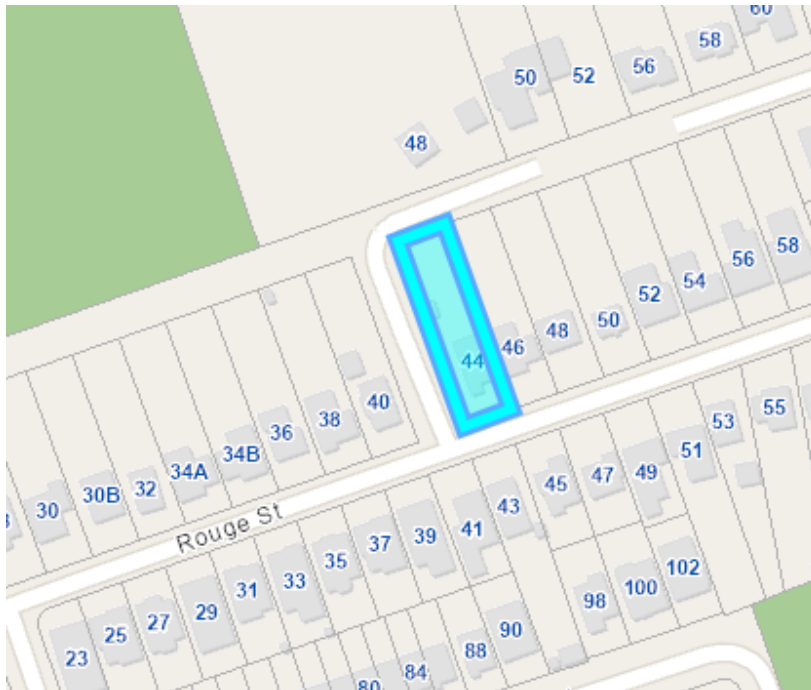
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### **ATTACHMENTS:**

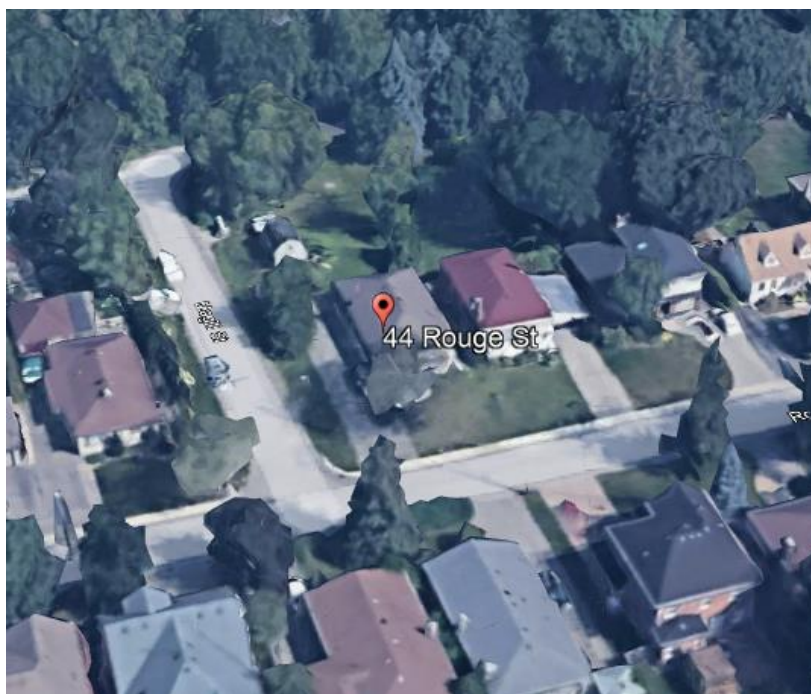
Appendix 'A'	Location Map and Aerial Image of the Subject Property
Appendix 'B'	Image of the Subject Property
Appendix 'C'	Drawings

## **Appendix 'A'**

### *Location Map and Aerial Image of the Subject Property*



*Property map showing the location of the Subject Property [outlined in blue] (Source: City of Markham)*



*Aerial image looking northeast towards the Subject Property (Source: Google Earth)*



## **Appendix 'B'**

### *Images of the Subject Property*



*The Subject Property as viewed from the intersection of Rouge Street and Magill Street [above] and from Nelson Street [below] (Source: Google)*

## **Appendix ‘C’**

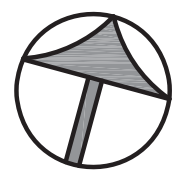
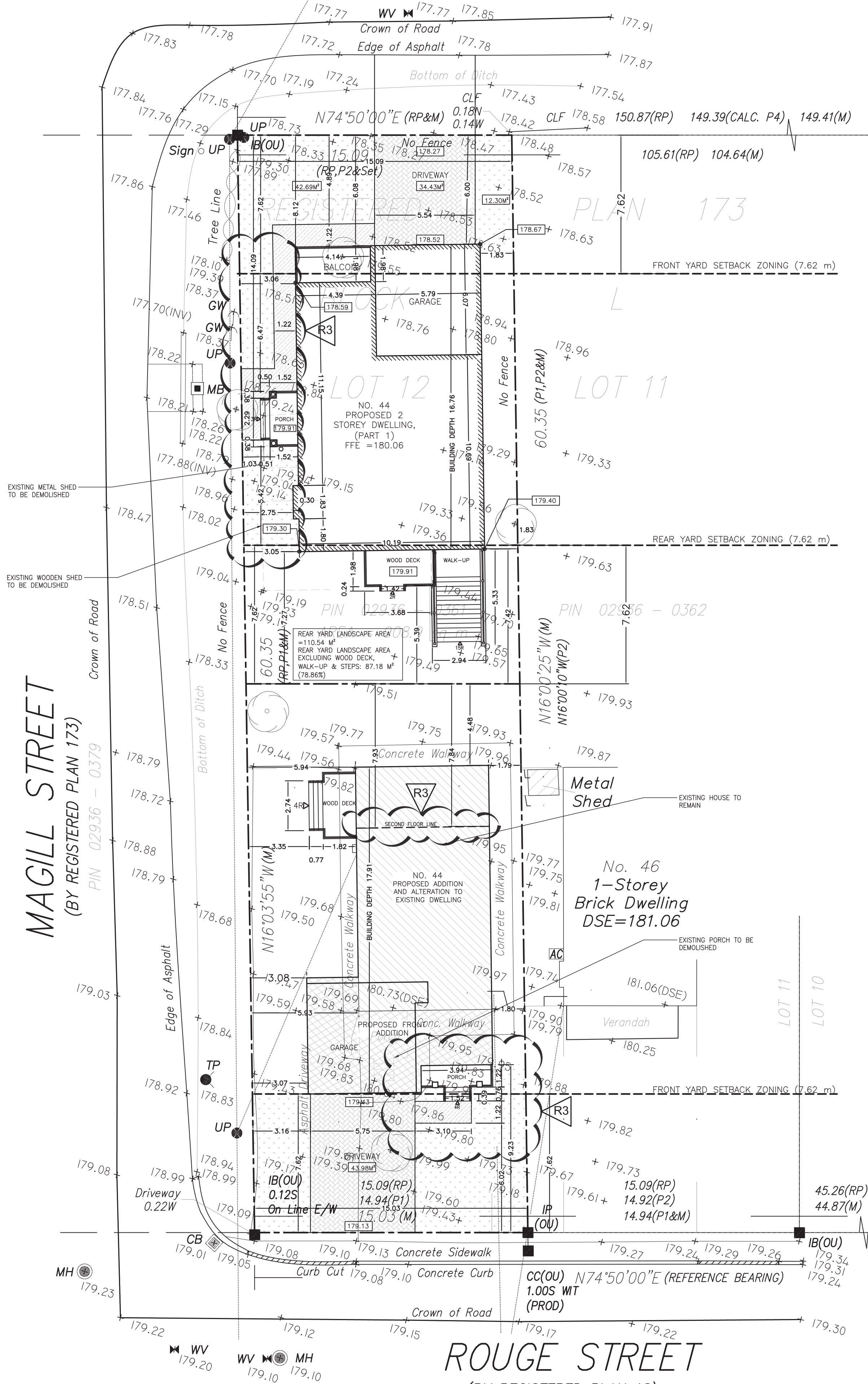
### *Drawings*



Metric  
DISTANCES ARE IN METRES AND CAN BE CONVERTED  
TO FEET BY DIVIDING BY 0.3048.

NELSON STREET  
(BY REGISTERED PLAN 173)

PIN 02936 - 0378



**SITE PLAN**  
SCALE: 1 : 150

ROUGE STREET  
(BY REGISTERED PLAN 18)

PIN 02936 - 0615

PLAN OF  
LOT 12  
BLOCK L  
REGISTERED PLAN 173  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

44, ROUGE STREET MARKHAM - PROPOSED DWELLING			
LANDSCAPE CALCULATION FOR FRONT YARD			
A	TOTAL FRONT YARD =	96.64 SQ. M.	1061.751 SQ. FT.
B	DRIVEWAY AREA =	34.43 SQ. M.	370.6011 SQ. FT.
C	LANDSCAPE AREA =	73.28 SQ. M.	788.7766 SQ. FT.
D	% OF TOTAL FRONT YARD =	74.29 %	
E	HARD LANDSCAPE AREA =	9.22 SQ. M.	99.24316 SQ. FT.
F	SOFT LANDSCAPE AREA =	73.28 SQ. M.	788.7766 SQ. FT.
G	% OF TOTAL SOFT LANDSCAPE =	100 %	

44, ROUGE STREET MARKHAM - PROPOSED DWELLING			
LANDSCAPE CALCULATION FOR SIDE YARD			
A	TOTAL FRONT YARD =	38.14 SQ. M.	416.9935 SQ. FT.
B	DRIVEWAY AREA =	0.90 SQ. M.	0.90 SQ. FT.
C	LANDSCAPE AREA =	38.74 SQ. M.	416.9935 SQ. FT.
D	% OF TOTAL FRONT YARD =	100 %	
E	HARD LANDSCAPE AREA =	13.7 SQ. M.	147.4654 SQ. FT.
F	SOFT LANDSCAPE AREA =	25.04 SQ. M.	269.5281 SQ. FT.
G	% OF TOTAL SOFT LANDSCAPE =	68.84 %	

44, ROUGE STREET MARKHAM - EXISTING HOUSE			
LANDSCAPE CALCULATION FOR FRONT YARD			
A	TOTAL FRONT YARD =	119.19 SQ. M.	1282.949 SQ. FT.
B	DRIVEWAY AREA =	43.98 SQ. M.	473.3863 SQ. FT.
C	LANDSCAPE AREA =	75.21 SQ. M.	809.5529 SQ. FT.
D	% OF TOTAL FRONT YARD =	63.1 %	
E	HARD LANDSCAPE AREA =	4.87 SQ. M.	52.42019 SQ. FT.
F	SOFT LANDSCAPE AREA =	70.34 SQ. M.	757.1327 SQ. FT.
G	% OF TOTAL SOFT LANDSCAPE =	85.82 %	

LANDSCAPE LEGEND

- GREEN LANDSCAPE
- WALK WAY
- DRIVE WAY PAVING

SITE DATA: 44 ROUGE STREET (MARKHAM) PROPOSED DWELLING, ONTARIO			
ZONING			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	454.80 sq. m.	COA REQ.
MIN. LOT FRONTAGE:	18.29 m	15.09 m	COA REQ.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		163.10 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		153.01 sq. m.	
TOTAL GROSS FLOOR AREA =		316.11 sq. m.	
GROSS FLOOR AREA %:	45.00 %	69.50 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:		163.10 sq. m.	
BUILDING FOOTPRINT AREA %:	35.00 %	35.86 %	COA REQ.
MIN. FRONT YARD SETBACK:	7.62 m	6.00 m	COA REQ.
MIN. SIDE YARD RIGHT SIDE (2 STOREY):	1.83 m	1.83 m	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET):	3.05 m	3.05 m	
MIN. REAR YARD SETBACK:	7.62 m	7.27 m	COA REQ.
MAX. DWELLING UNIT DEPTH:	16.80 m	16.76 m	
GARAGE AREA :		31.86 sq. m.	
MAX. DRIVE WAY WIDTH:		9.77 m	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m		

SITE DATA: 44 ROUGE STREET (MARKHAM) EXISTING HOUSE, ONTARIO				
ZONING				
	PERMITTED	EXISTING	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	453.97 sq. m.	NO CHANGE	COA REQ.
MIN. LOT FRONTAGE:	18.29 m	15.03 m	NO CHANGE	COA REQ.
GROSS FLOOR AREA:				
FIRST FLOOR AREA:		98.31 sq. m.	143.44 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		—	118.89 sq. m.	
TOTAL GROSS FLOOR AREA =		98.31 sq. m.	262.33 sq. m.	
GROSS FLOOR AREA %:	45.00 %	21.66 %	57.78 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:		105.20 sq. m.	143.44 sq. m.	
BUILDING FOOTPRINT AREA %:	35.00 %	23.17 %	31.59 %	
MIN. FRONT YARD SETBACK	7.62 m	12.17 m	7.62 m	
MIN. SIDE YARD RIGHT SIDE (2 STOREY)	1.22 m	1.79 m	NO CHANGE	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	3.05 m	5.93 m	3.07 m	
MIN. REAR YARD SETBACK:	7.62 m	4.48 m	NO CHANGE	COA REQ.
MAX. DWELLING UNIT DEPTH	16.80 m	13.42 m	17.91 m	COA REQ.
GARAGE AREA :		—		
MAX. DRIVE WAY WIDTH		5.75 m	NO CHANGE	
MAXIMUM HEIGHT — FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	EXISTING	9.20 m	

NOTE:  
SITE INFORMATION HAS BEEN TAKEN FROM  
ertl surveyors  
Ontario Land Surveyors  
www.es-ols.com  
1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905)731-7852  
EMAIL info@es-ols.com  
PROJECT : 21256



KEY PLAN  
N.T.S.

3	REV AS PER ZONING REVIEW	06 / 27 / 2023
2	ISSUED FOR REVIEW	04 / 12 / 2023
1	ISSUED FOR ZONING CERTIFICATE	10 / 27 / 2021
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

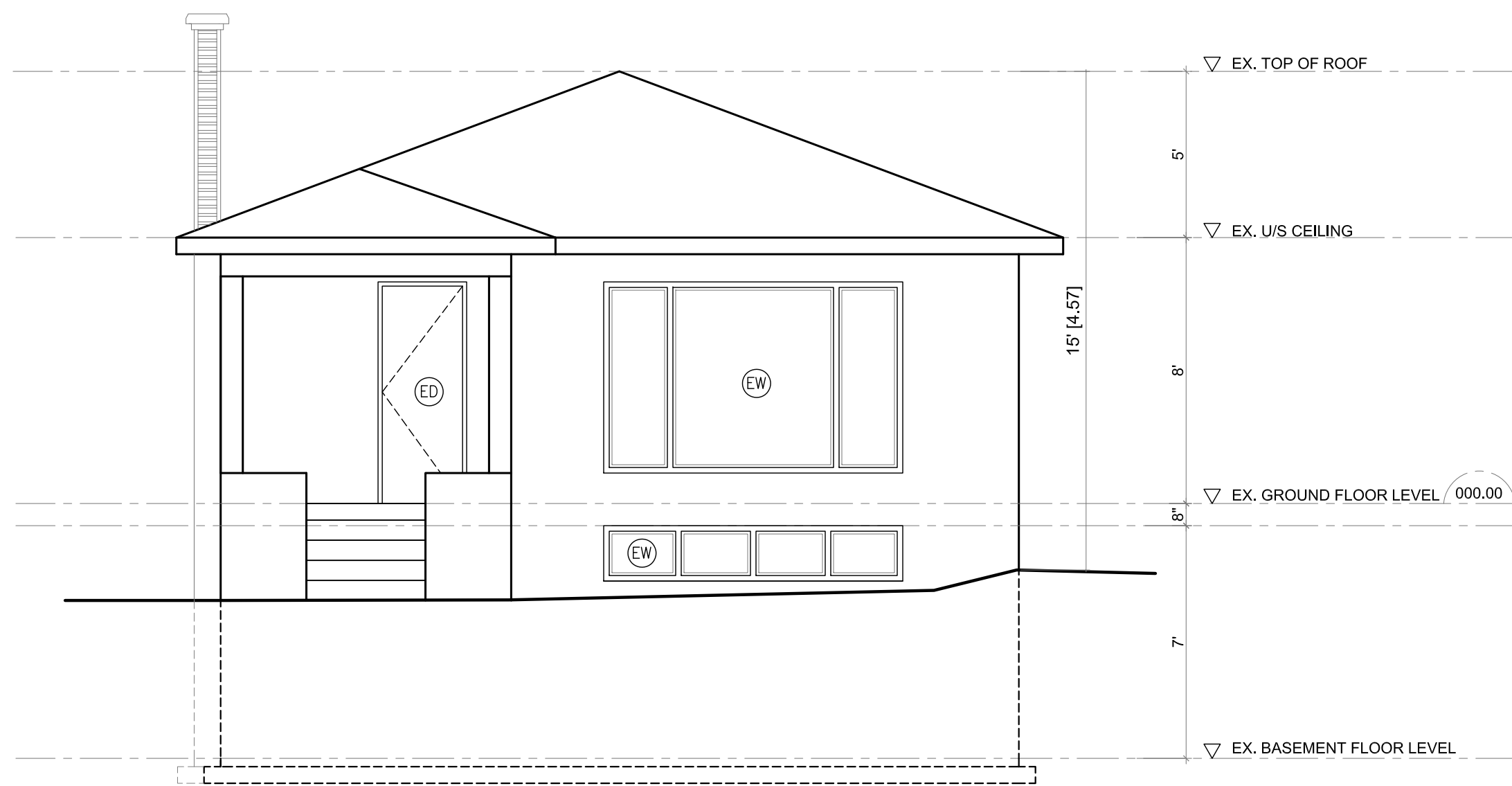
PROJECT COORDINATOR :  
**CANTAM**  
Group Ltd.  
PLANNING & BUILDING CONSULTANTS  
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
PROPOSED TWO STOREY RESIDENCE  
AT 44 ROUGE STREET  
MARKHAM , ON

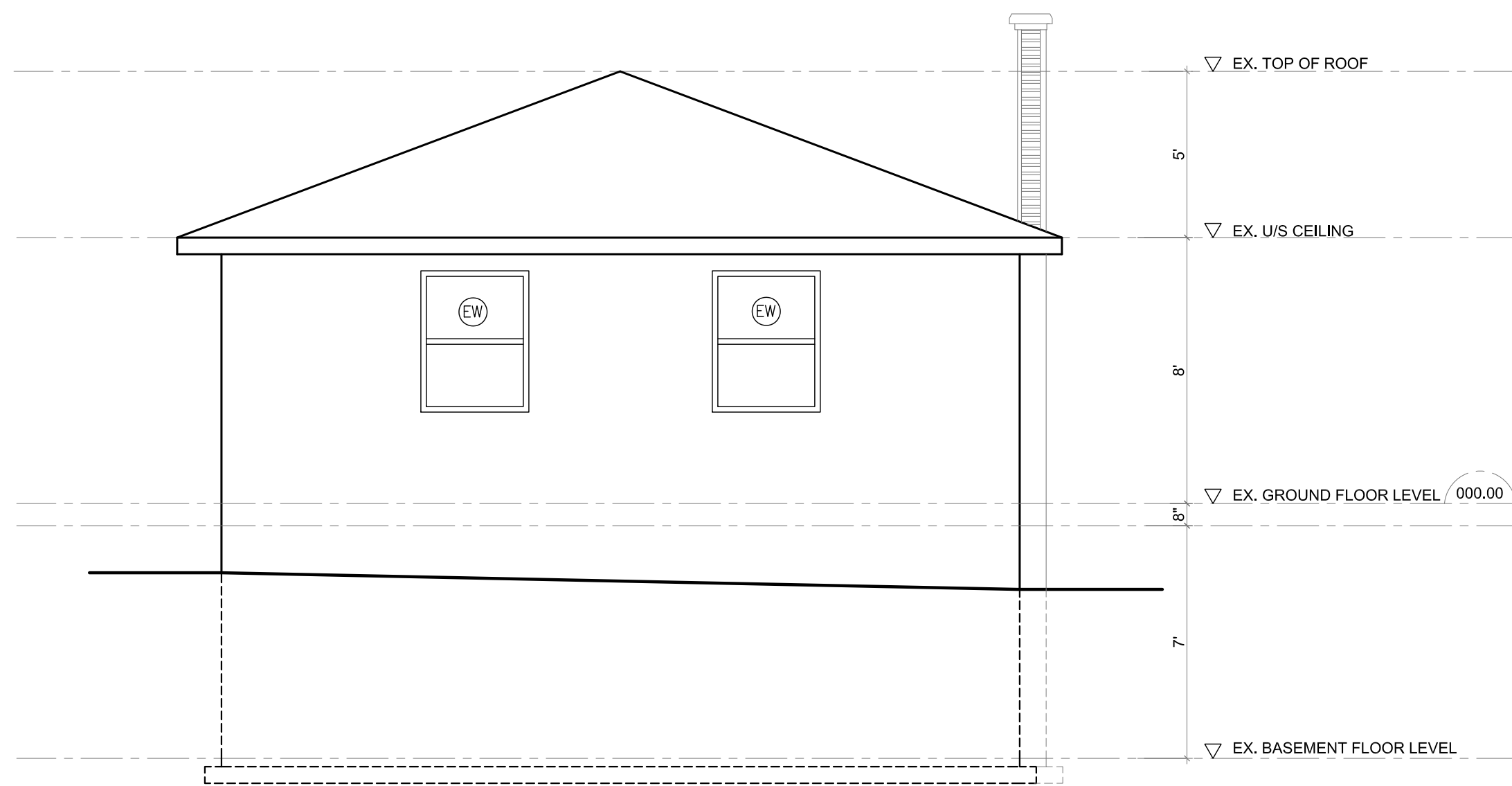
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SITE PLAN

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DRN: SS CKD: YASO	

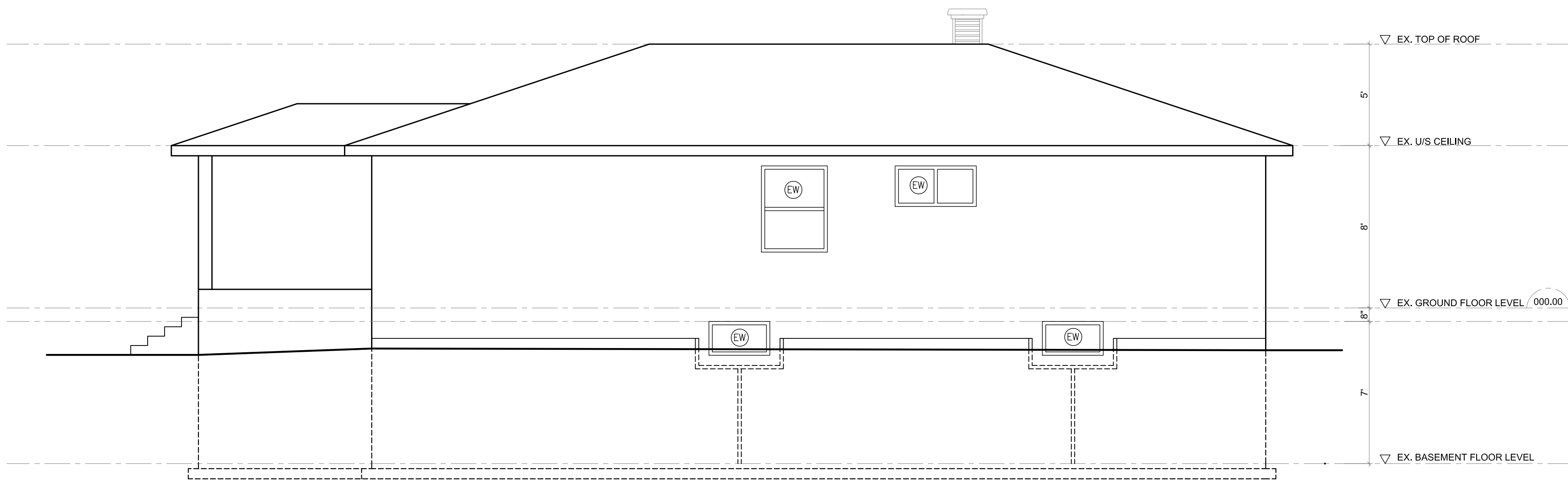




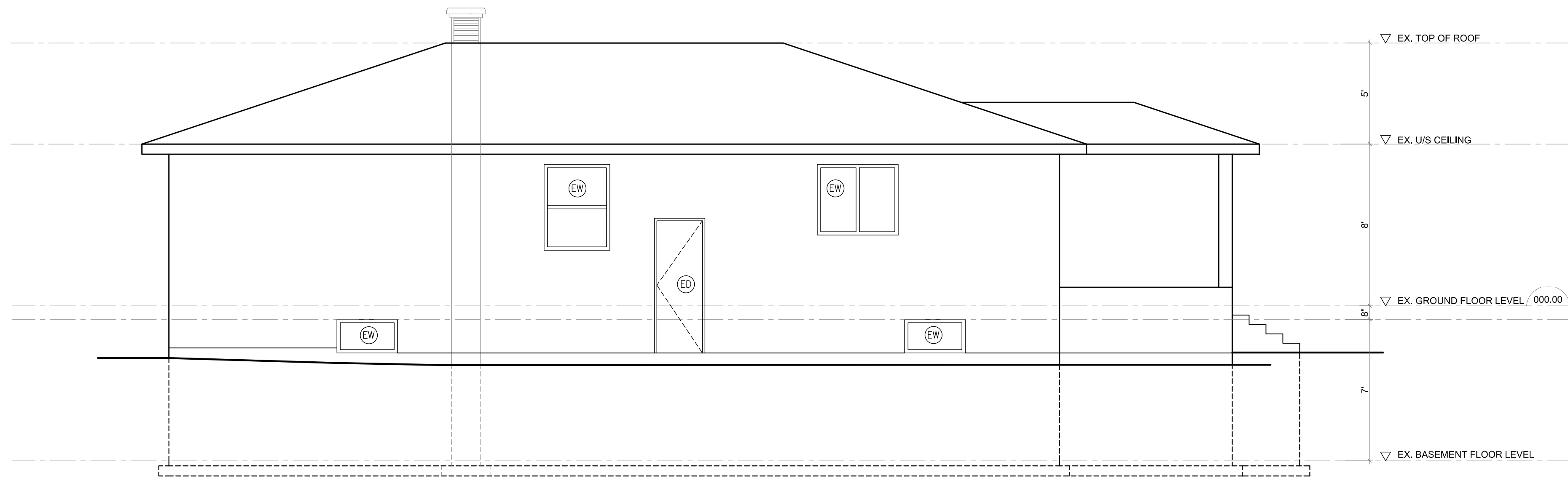
EXISTING FRONT ELEVATION  
SCALE : 1/4"=1'



EXISTING REAR ELEVATION  
SCALE : 1/4"=1'



EXISTING RIGHT SIDE ELEVATION  
SCALE : 1/4"=1'



EXISTING LEFT SIDE ELEVATION  
SCALE : 1/4"=1'

1.	ISSUED FOR ZONING CERTIFICATE	11 / 03 / 2021
NO.	REVISIONS	DATE

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**CANTAM**  
*Group Ltd.*

PLANNING & BUILDING CONSULTANTS  
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

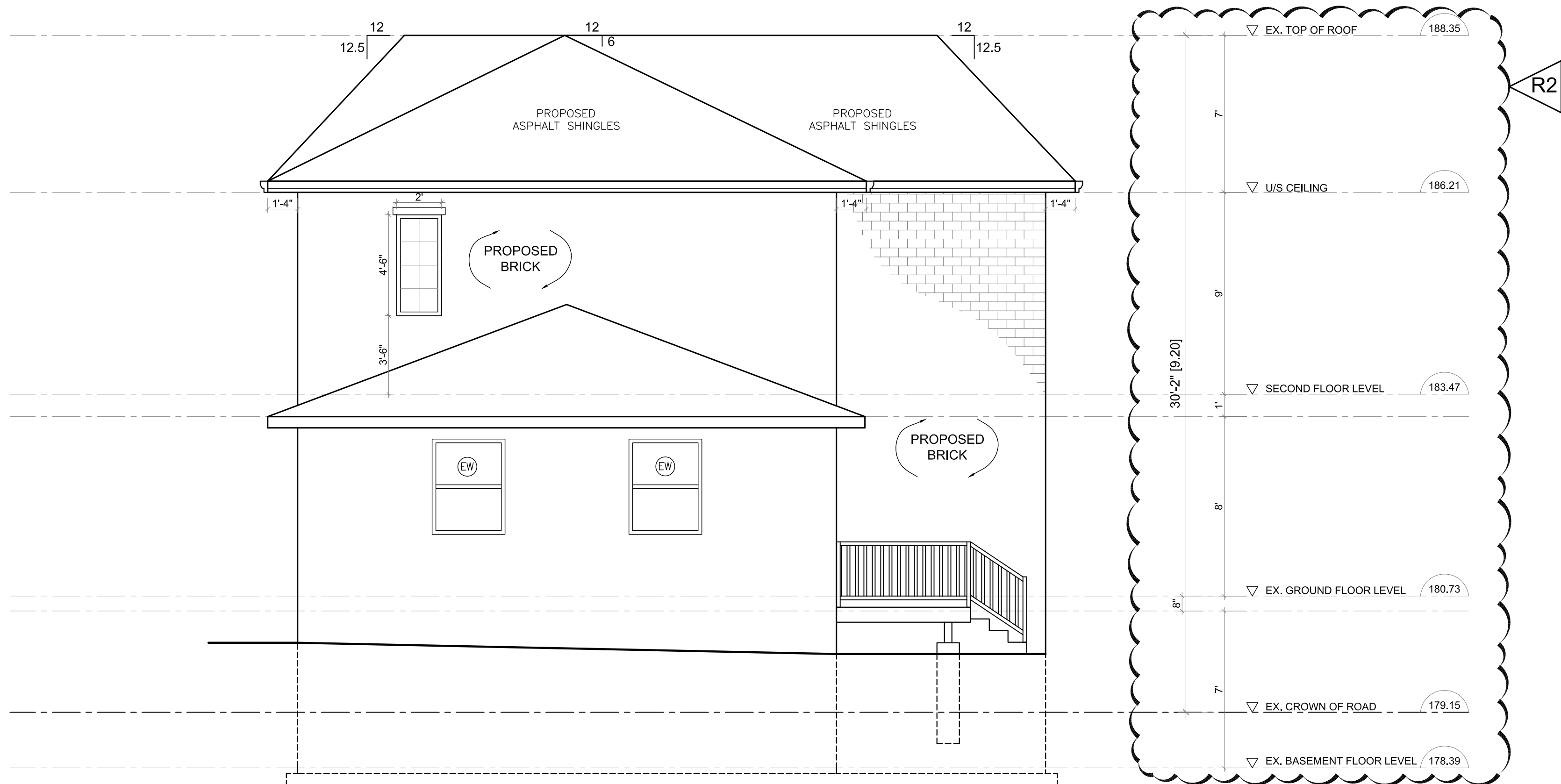
PROJECT :  
ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST (PART 2)  
MARKHAM , ON

DRAWING:  
EXISTING ELEVATIONS

DATE: 11 / 02 / 2021	DRAWING NO. <b>A3</b>
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DRN: SS CKD: YASO	



PROPOSED FRONT ELEVATION  
SCALE : 1/4"=1'



PROPOSED REAR ELEVATION  
SCALE : 1/4"=1'

2.	REV AS PER ZONING REVIEW	06/27/2022
1.	ISSUED FOR REVIEW	03 / 31 / 2023
NO.	REVISIONS	DATE

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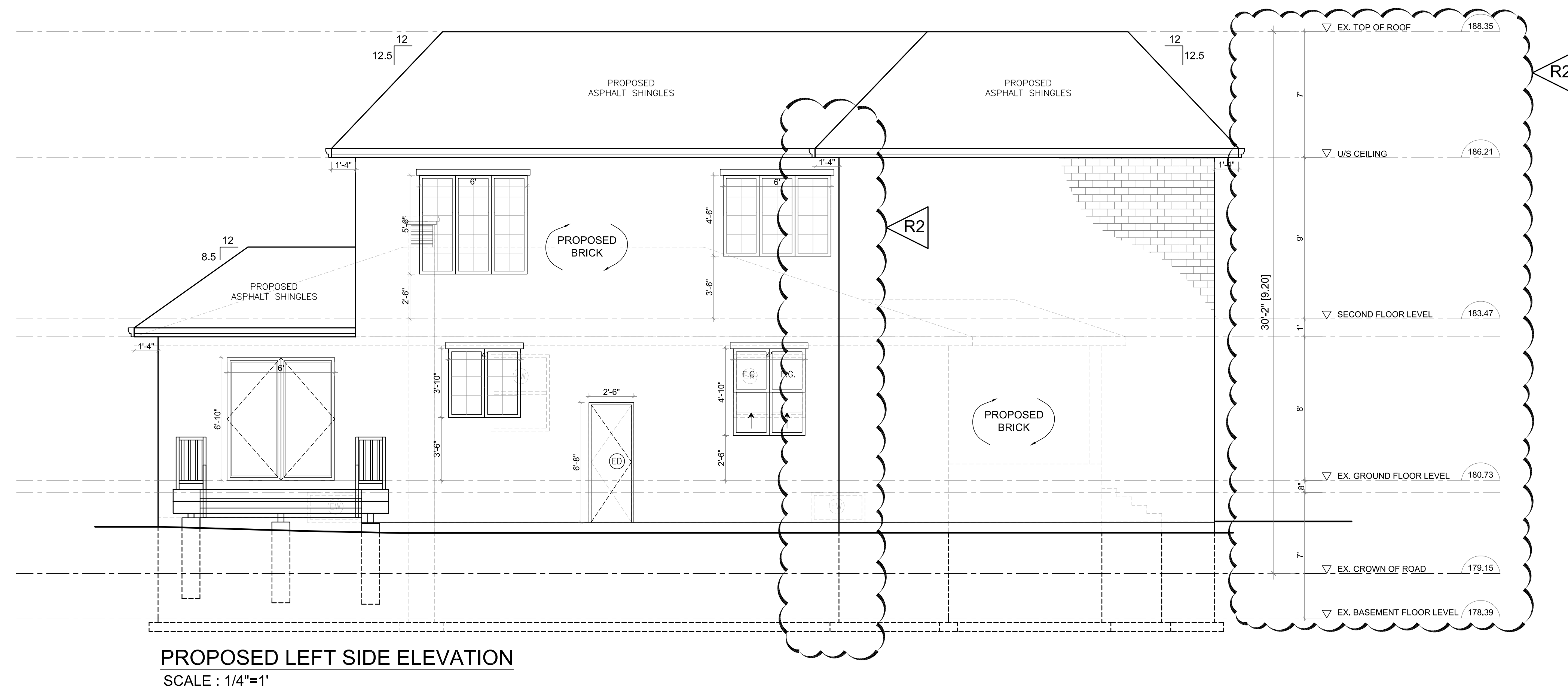
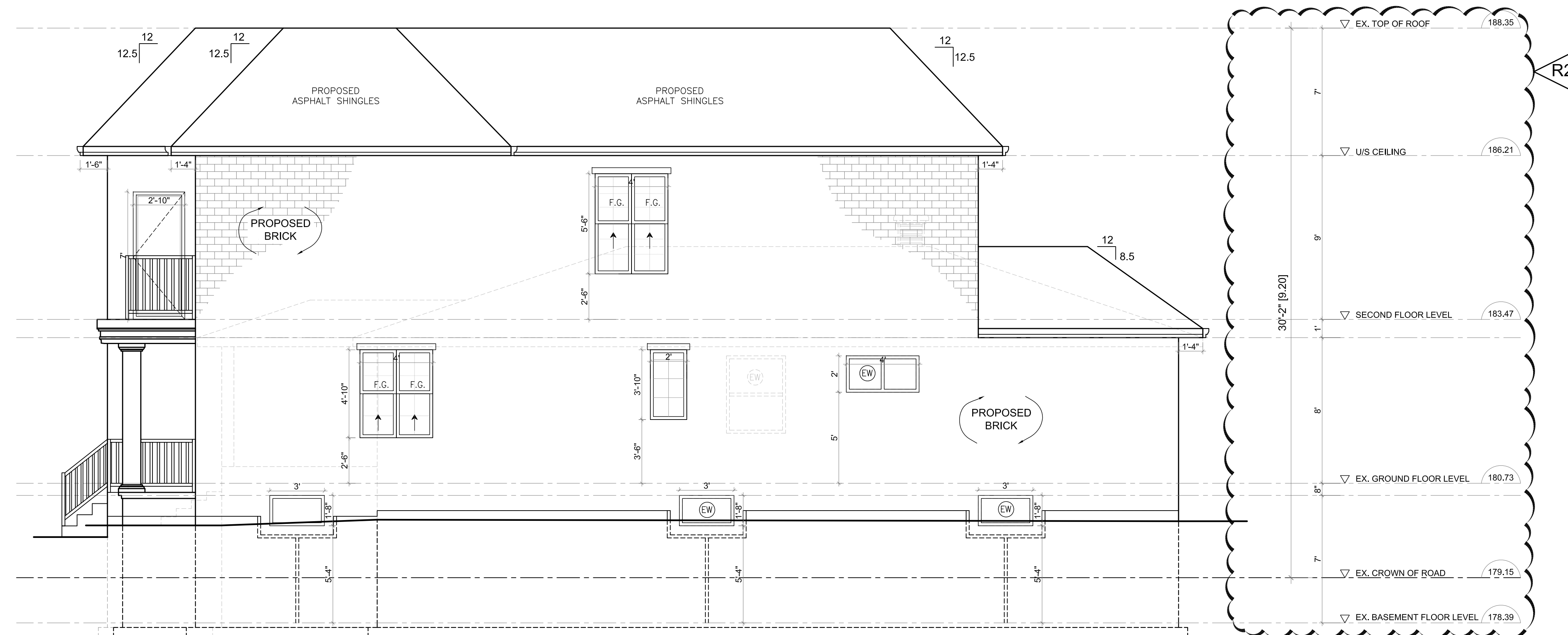

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880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2L8  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST (PART 2)  
MARKHAM , ON

DRAWING:  
PROPOSED FRONT & REAR ELEVATIONS

DATE: 03 / 31 / 2023	DRAWING NO. <b>A6</b>
SCALE: AS NOTED	
DRN: KB CKD: YASO	



2.	REV AS PER ZONING REVIEW	06/27/2022
1.	ISSUED FOR REVIEW	03 / 31 / 2023
NO.	REVISIONS	DATE

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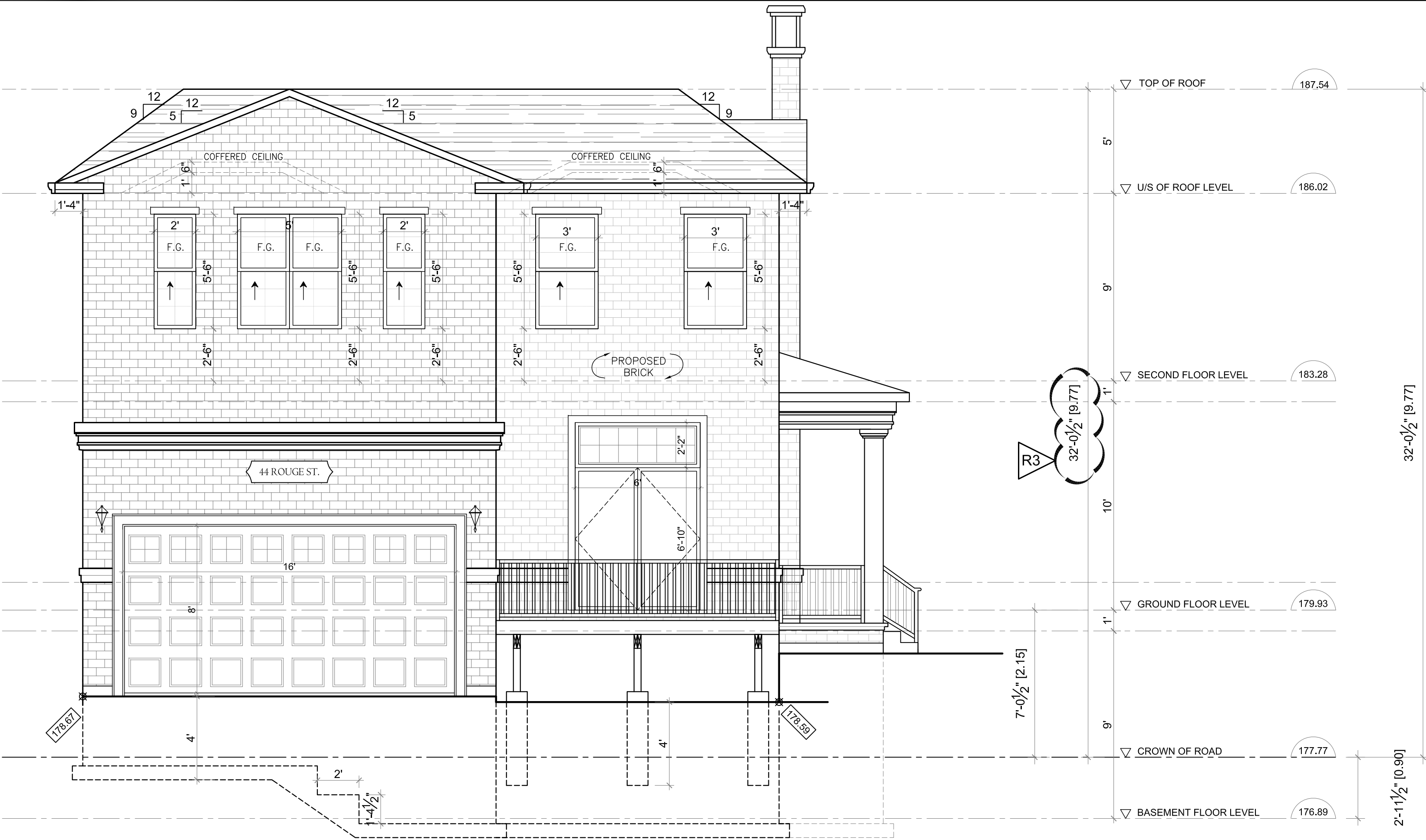
**CANTAM**  
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PROJECT :  
ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST (PART 2)  
MARKHAM , ON

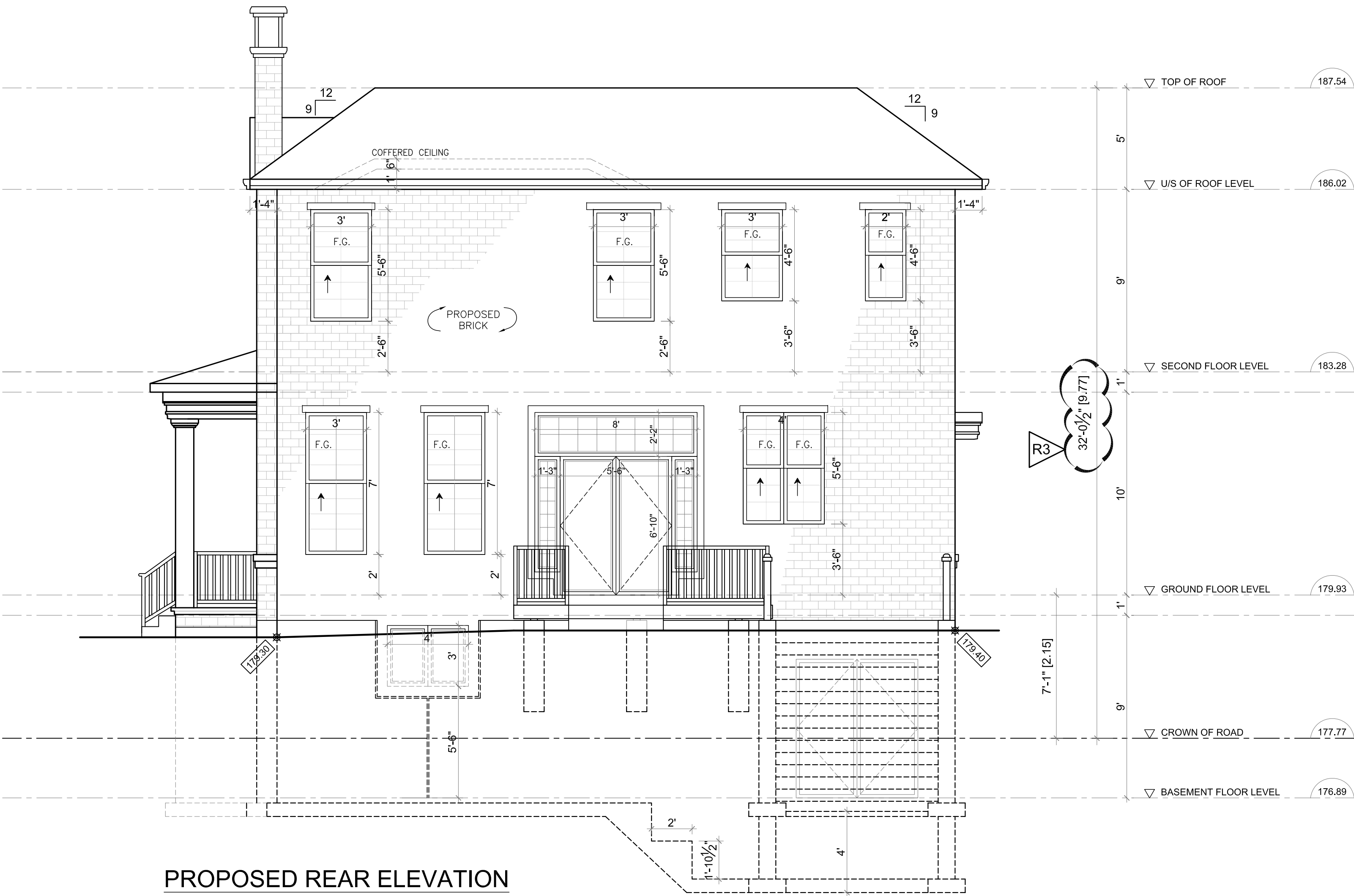
DRAWING:

PROPOSED RIGHT & LEFT SIDE ELEVATIONS

DATE: 03 / 31 / 2023		DRAWING NO. <b>A7</b>
SCALE: AS NOTED		
DRN: KB	CKD: YASO	



PROPOSED FRONT ELEVATION  
SCALE : 1/4"=1'



PROPOSED REAR ELEVATION  
SCALE : 1/4"=1'

3.	REV AS PER ZONING REVIEW	06/27/2022
2.	REV AS PER HERITAGE COMMENTS	04/17/2022
1.	ISSUED AS PER CITY COMMENTS	08/22/2022
NO.	REVISIONS	DATE

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PROJECT :

PROPOSED TWO STOREY RESIDENCE  
AT 44 ROUGE ST. (PART 1)  
MARKHAM , ON

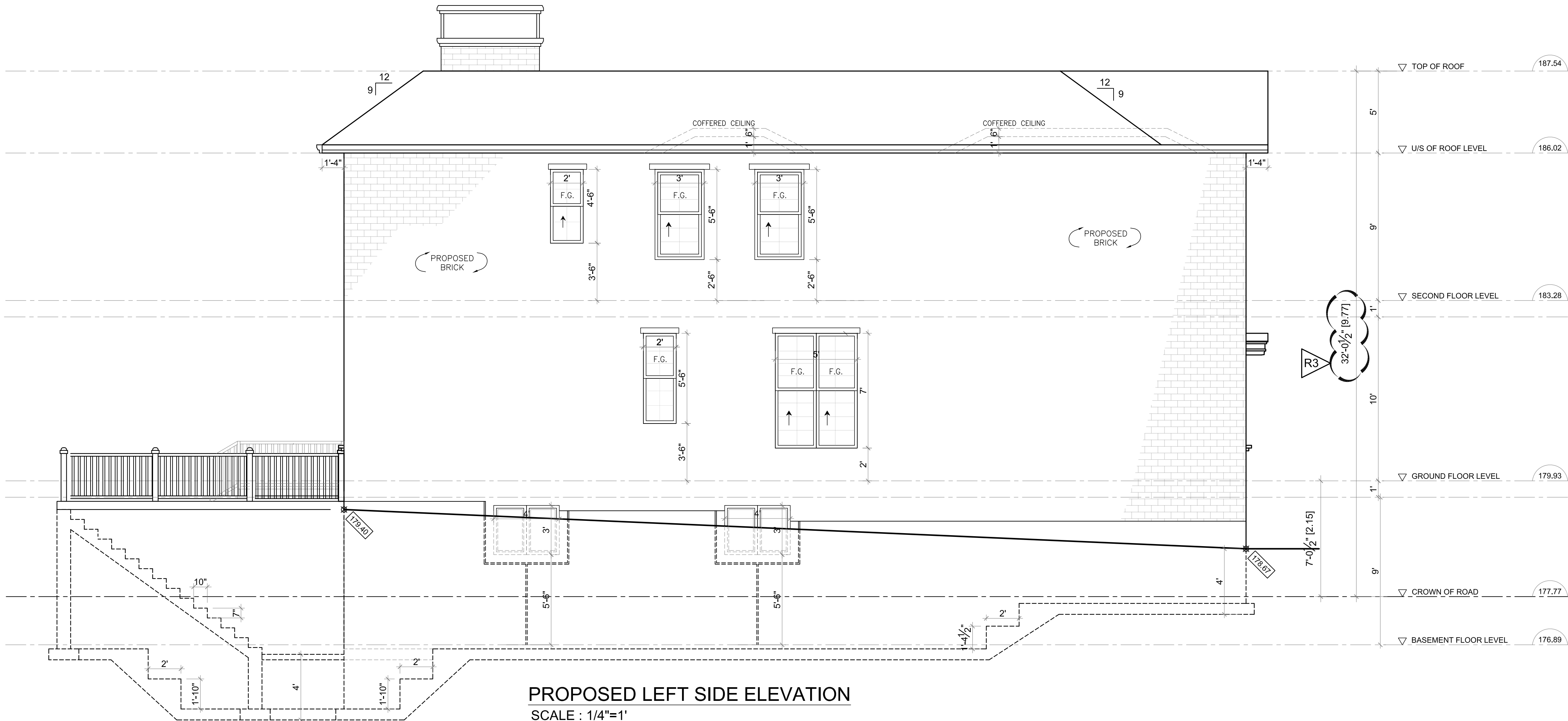
DRAWING:

FRONT AND REAR ELEVATION

DATE: 08/22/2022	DRAWING NO. <b>A4</b>
SCALE: AS NOTED	
DRN: SPENCER CKD: YASO	



PROPOSED RIGTH SIDE ELEVATION  
SCALE : 1/4"=1'



PROPOSED LEFT SIDE ELEVATION  
SCALE : 1/4"=1'

3.	REV AS PER ZONING REVIEW	06/27/2022
2.	REV AS PER HERITAGE COMMENTS	04/17/2022
1.	ISSUED AS PER CITY COMMENTS	08/22/2022
NO.	REVISIONS	DATE

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PROJECT :

PROPOSED TWO STOREY RESIDENCE  
AT 44 ROUGE ST. (PART 1)  
MARKHAM , ON

DRAWING:

RIGHT AND LEFT SIDE ELEVATION

DATE: 08/22/2022	DRAWING NO. <b>A5</b>
SCALE: AS NOTED	
DRN: SPENCER CKD: YASO	