## **MEMORANDUM**

TO:

**Development Services Committee** 

FROM:

Jim Baird, Commissioner of Development Services

PREPARED BY:

Peter Wokral, Heritage Conservation Planner

DATE:

**April 24, 2017** 

**SUBJECT:** 

Request to Demolish- Single Detached Dwelling, Demolition Permit

Application DP 16135847, 27 Church Street, Markham Village Heritage

Conservation District

#### **RECOMMENDATION:**

THAT the staff memo and presentation dated April 24th, 2017 regarding a demolition permit application for 27 Church Street, Markham Village, be received;

AND WHEREAS Heritage Markham and Heritage Staff have recommended that the demolition permit application for the existing dwelling at 27 Church Street in Markham Village be denied, and that the owner instead consider the construction of a complementary addition;

AND WHEREAS the matter has been before Development Services Committee and Council on a number of occasions, and was postponed at the March 1, 2017 Council meeting to allow for further discussion with the applicant;

AND WHEREAS the applicant agreed to extend the demolition permit timeline until the April 25th 2017 Council meeting;

NOW THEREFORE BE IT RESOLVED THAT the demolition permit application for the existing dwelling at 27 Church Street in Markham Village be denied, and that the owner restore the existing dwelling and consider the construction of a complementary addition;

AND THAT Staff be authorized and directed to do all thing necessary to give effect to this resolution

#### **BACKGROUND:**

- See the attached Development Services Commission staff report dated December 5, 2016 and the Staff memo dated February 27, 2017 on the demolition permit application, and the Council resolutions from December 13, 2016 and March 1, 2017 (Appendices 'A' and 'B');
- On March 1, 2017, Council postponed consideration to allow for further discussion with the applicant;

Mil

- The applicant met with the Mayor and Heritage Staff on April 7, 2017 to discuss the reasons why past Councils approved the demolition of three other Type 'B' homes in the Markham Village Heritage Conservation District;
- The applicant still wishes to replace the existing house with a proposed new infill house shown in Appendix 'C', but indicated that they are willing to make revisions to the proposed design to achieve compliance with the policies and guidelines for new buildings contained in the Markham Village Heritage Conservation District Plan, and the development standards of the Infill By-law;
- Council must make a final decision on the demolition permit application on April 25<sup>th</sup>, 2017 and has the following three options:
  - o grant the permit applied for;
  - o give notice that Council is refusing the application for the permit; or
  - o give the permit applied for, with terms and conditions attached.
- If no decision is made by April 25th, 2017, Council is deemed to have granted the applicant the permit applied for.

#### **STAFF COMMENT:**

- Heritage Staff has examined the reasons and circumstances surrounding the past decisions of Council to permit the demolition of three other Type 'B' Markham Village homes which are outlined in the Powerpoint presentation which accompanies this memo;
- In all cases, Council supported the demolition of these complementary, non-heritage homes with the understanding that new buildings would be constructed in accordance with the guidelines and policies of the Markham Village Heritage Conservation District and would also be complementary to the historic character of the district;
- Heritage Markham recommended that two of the three Type 'B' buildings be retained, and that a complementary additions be constructed instead, as per the recommendations of Heritage Section staff;
- Staff maintains that a compatible addition to the existing house at 27 Church Street is preferable to the proposed new dwelling in terms of its design, materials and scale;
- Staff continues to recommend that the demolition permit for the existing dwelling at 27 Church Street be denied, due to the existing building's compatibility with the surrounding heritage context, and the policies of the Markham Village Heritage District Plan. The applicant is instead encouraged to restore and repair the existing dwelling and to consider constructing a compatible addition.

#### **Attachments:**

- Appendix 'A' Development Services Commission Staff Report of December 5, 2016 and Council Resolution of December 13, 2017.
- Appendix 'B' Development Services Commission Memo of February 27, 2017 and Council Resolution of March 1, 2017.
- Appendix 'C' Infill House proposed by applicant to replace the existing dwelling at 27 Church Street.
- Appendix 'D' Powerpoint Presentation summarizing past decisions of Council to permit the demolition of other Type 'B' Markham Village homes.



#### THE CORPORATION OF THE CITY OF MARKHAM

EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON Dec 13, 2016 REPORT NO. 49 - DEVELOPMENT SERVICES COMMITTEE (December 5, 2016)

(3) REQUEST FOR DEMOLITION – SINGLE DETACHED DWELLING 27 CHURCH STREET, MARKHAM VILLAGE FELICITÉ DIBI (10.13)

#### Report Correspondence

- 1) That the correspondence dated December 13, 2016 from Evelin Ellison, Ward I (South) Thornhill Residents, provided to Council on December 13, 2016, be received; and,
- 2) That the deputation by Felicité Dibi, applicant, regarding the request for demolition for 27 Church Street, Markham Village, provided to the Development Services Committee on December 5, 2016 be received; and,
- 3) That the staff report entitled "Request for Demolition-Single Detached Dwelling, 27 Church Street, Markham Village, Felicité Dibi" dated December 5, 2016 be received; and,
- 4) Whereas the applicant has agreed to waive the demolition permit deadline, that the proposed demolition of the existing single detached dwelling at 27 Church Street located within the Markham Village Heritage Conservation District be deferred to allow the applicant to obtain a professional certification regarding mold and building integrity, and to continue working with heritage staff for appropriate development; and,
- 5) That the applicant be requested to forward a copy of the original home inspection report, if available, to the Clerk for distribution to Members of Council; and,
- 6) That staff report back to Development Services Committee on this matter; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(See following call the question)

(See following to consider the matter)

#### Council consented to:

Receive the correspondence dated December 13, 2016 from Evelin Ellison, Ward I (South) Thornhill Residents, on the demolition of 27 Church Street. (See Resolution No. 1)

- Request the applicant forward a copy of the original home inspection report, if available, to the Clerk for distribution to Members of Council. (See Resolution No. 5)

#### Call the question:

Moved by Regional Councillor Nirmala Armstrong

Seconded by Councillor Amanda Collucci

That Council call the question on the matter of the demolition of 27 Church Street.

Carried by a 2/3 vote of Members of Council present

#### Motion to consider the matter:

Moved by Councillor Karen Rea

**Seconded by Councillor Don Hamilton** 

That Council consider the matter on the demolition of 27 Church Street immediately following the delegations with respect thereto.

Carried



Report to: Development Services Committee

Meeting Date: December 5, 2016

SUBJECT:

Request for Demolition – Single Detached Dwelling

27 Church Street, Markham Village

Felicité Dibi

PREPARED BY: REVIEWED BY:

Peter Wokral, Heritage Conservation Planner, ext. 7955 Regan Hutcheson, Manager of Heritage Planning, ext. 2080

#### **RECOMMENDATION:**

- 1) THAT the staff report entitled "Request for Demolition-Single Detached Dwelling, 27 Church Street, Markham Village, Felicité Dibi" dated December 5, 2016 be received;
- 2) THAT as recommended by Heritage Markham Committee, Council deny the proposed demolition of the existing single detached dwelling at 27 Church Street located within the Markham Village Heritage Conservation District;
- THAT Council encourage the owner to renovate the existing dwelling at 27 Church Street and consider construction of a complementary addition;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **PURPOSE:**

To recommend that Council deny the proposed demolition of the existing one storey detached dwelling at 27 Church Street in Markham Village.

#### **BACKGROUND:**

#### Owner of the property proposes to demolish the existing dwelling

The owner of 27 Church Street in Markham Village has submitted a demolition permit application for the one storey 104.0 m<sup>2</sup> (1,120 ft<sup>2</sup>) detached dwelling with an attached garage constructed in 1948. (See photographs of the existing dwelling Appendix 'A')

The owner wishes to replace the existing dwelling with a new two storey detached dwelling with an attached garage designed in accordance with the guidelines and policies regulating new construction contained in the Markham Village Heritage Conservation District Plan. A Site Plan Control Application has not been submitted.

The property is identified as a Class 'B' building in the Heritage District Plan The property is identified as a Class 'B' building in the Markham Village Heritage Conservation District Plan and is regulated by the following policies:

o "These buildings help contribute to the ambience of the heritage district and are therefore considered as an integral and valuable part of the area"

- o "The historical and/or architectural value may not be outstanding, however, the conservation of these buildings should be encouraged, with renovation as necessary."
- o "Generally there will be an opposition to the demolition of B-Type buildings, particularly if the building is relatively significant in terms of adding to the overall heritage character of the district"
- o "Any proposed new building should be designed such that it adds to the overall heritage character of the district. This means that the form, height, shape and details such as the windows, doors, colour etc. should complement the surrounding 'A' class buildings as much as possible.

Although the building does not have any significant historical or architectural value, it does contribute to the historic character of the neighbourhood in terms of its architectural design, scale, and materials.

#### The demolition is not supported by Heritage Markham

As the property is designated under Part V of the *Ontario Heritage Act* (the "Act"), the review by Heritage Markham is required and the approval of Council is necessary to permit the demolition of the existing dwelling. Heritage Markham reviewed the demolition request on November 9<sup>th</sup> 2016, and did not support the proposed demolition, recommending that the owner instead consider a compatible addition no higher than one and one half storeys in height. (See Heritage Markham Extract of November 9, 2016 Appendix 'B')

#### **OPTIONS/ DISCUSSION:**

# The Ontario Heritage Act requires Council to consider all demolition applications for designated properties.

Although the subject building is not considered to possess significant cultural heritage value, it is located within the Markham Village Heritage Conservation District. According to Section 42(1) of the *Act*, an owner is required to obtain a permit from the municipality to:

- 1. alter any part of the property other than the interior
- 2. erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal.

The Act does allow 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, it has been determined that the delegation of the 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 for demolition of buildings and structures within heritage conservation districts, whether of cultural heritage value or not, must be considered by Council.

#### The proposed demolition of the building is not supported

A review of the existing building by the Heritage Markham Committee and Heritage Section Staff has determined that the existing dwelling has limited architectural or historic value, but it does contribute to the historic character of the neighbourhood in terms of its architectural design, scale, and materials. It is considered compatible and a 'good neighbour' to the Class 'A' heritage buildings in the District. Therefore, as per the policies of the Markham Village Heritage Conservation District Plan for Class 'B' buildings, demolition of the existing structure is not supported. The renovation of the existing dwelling and the introduction of compatible additions not exceeding 1½ storeys are recommended.

## FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

None

#### **HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not Applicable

#### BUSINESS UNITS CONSULTED AND AFFECTED:

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

**RECOMMENDED BY:** 

Biju Karumanchery, M.C.I.P., R.P.P.

Director, Planning & Urban Design

Jim Baird, M.C.I.P., R.P.P.

Commissioner of Development Services

**ATTACHMENTS:** 

Appendix 'A'

Photo of Building

Appendix 'B'

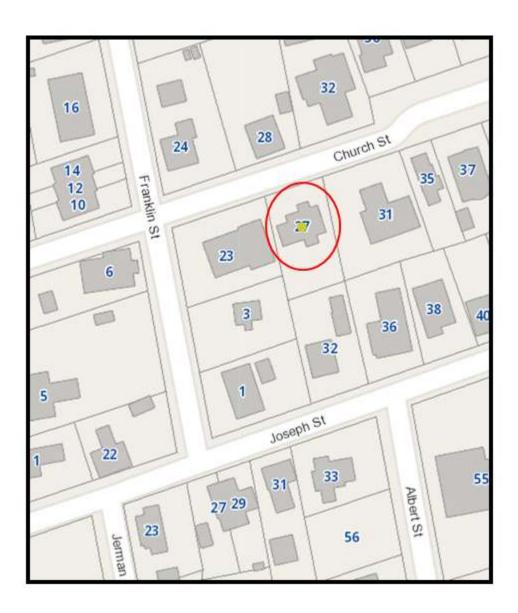
Heritage Markham Extract - November 9, 2016.

#### FIGURE 1

FILE PATH: Q:\Development\Heritage\PROPERTY\CHURCHST\027\Demo Report Dec 5 2016.doc

#### **APPLICANT: Felicité Dibi**

#### **LOCATION MAP**



## Photographs of the existing dwelling at 49 Church Street Markham Village



Appendix 'B'

#### HERITAGE MARKHAM EXTRACT

DATE:

November 21, 2016

TO:

R. Hutcheson, Manager of Heritage Planning

P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #14 OF THE ELEVENTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON NOVEMBER 9, 2016.

14. Demolition Permit Application,

27 Church Street, Markham Village,

Proposed Demolition of an Existing Non-Heritage Dwelling

File No:

DP 16 135847

(16.11)

Extracts:

R. Hutcheson, Manager of Heritage Planning

P. Wokral, Heritage Planner

The Heritage Planner introduced the demolition permit application for an existing residential dwelling built in 1948, to be replaced with a new two storey single detached dwelling, for which a site plan application has not yet been made. The current dwelling is classified as a Group B building under the Markham Village Heritage Conservation District Plan, which contains the following policies:

- these buildings contribute to the ambience of the heritage district and are therefore considered as an integral and valuable part of the area;
- the historical and/or architectural value may not be outstanding, however, the conservation of these buildings should be encouraged with renovation, as necessary;
- generally there will be opposition to the demolition of Group B type buildings, particularly if the building is relatively significant in terms of adding to the overall heritage character of the district; and
- any proposed new building should be designed so that it adds to the overall heritage
  character of the district, specifically that the form, height, shape and details such as the
  windows, doors, colours, etc. should complement the surrounding Group A buildings, as
  much as possible.

The Manager of Heritage Planning explained the difference between the various categories of buildings groupings within the Markham Village Heritage Conservation District.

The Committee discussed at length the minimum requirements of complementary dwellings specific to the Markham Village Heritage Conservation District.

#### Heritage Markham Recommends

That Heritage Markham does not support to the demolition of the existing one storey, single detached dwelling at 27 Church Street, as it contributes to the ambiance of the Heritage District, and recommends a complementary addition that retains the existing character not exceeding 1½ storeys.

CARRIED

Meeting Date: December 5, 2016

#### APPENDIX B



#### THE CORPORATION OF THE CITY OF MARKHAM

EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON Mar 01, 2017 REPORT NO. 8 - DEVELOPMENT SERVICES COMMITTEE (February 27, 2017)

(1) REQUEST TO DEMOLISH SINGLE DETACHED DWELLING DEMOLITION PERMIT APPLICATION DP 16135847 27 CHURCH STREET MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (10.13, 16.11)

Memo

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Nirmala Armstrong

Whereas the applicant was present at the meeting and when asked, gave her consent to postpone Council's decision on the demolition permit application for 27 Church Street to April 25, 2017;

Now therefore be it resolved:

1) That Council postpone the consideration of the demolition permit application for 27 Church Street to allow for further discussion with the applicant.

Carried

Council consented to not adopt the following recommendation from the February 27, 2017 Development Services Committee meeting:

- 1) That the correspondence from Dianne More, Donna K., Ruth Winterfield, and Alan Gardiner regarding a demolition permit application for 27 Church Street, Markham Village, provided to Development Services Committee on February 27, 2017, be received; and,
- 2) That the staff memo dated February 27, 2017 regarding a demolition permit application for 27 Church Street, Markham Village, be received; and,

Whereas Heritage Markham and Heritage Staff in their report of December 5, 2016 recommended that the demolition permit for the existing dwelling at 27 Church Street in Markham Village be denied, and that owner instead consider the construction of a complementary addition; and,

Whereas the Development Services Committee requested the applicant to extend the demolition permit timeline to:

- Allow the applicant to obtain a professional report and opinion on the integrity of the

existing house and the presence of mold;

- Continue to work with Heritage Section Staff to explore designs for a complementary addition;

- Provide to the Clerk copies of the original home inspection report, if available, to be distributed to the Members of Council.
- Allow Heritage Staff to report back to the Development Services Committee; and,

Whereas the applicant extended the demolition permit timeline until March 1, 2017; and,

Whereas the applicant has provided a Property Inspection Report on the condition of 27 Church Street, Markham Village; and,

- 3) That Council does not support the demolition of the existing dwelling at 27 Church Street in Markham Village and recommends that the owner restore the existing dwelling and construct a complementary addition; and further,
- 4) That Staff be authorized and directed to do all thing necessary to give effect to this resolution.

## APPENDIX B

## **MEMORANDUM**

TO:

**Development Services Committee** 

FROM:

Jim Baird, Commissioner of Development Services

PREPARED BY:

Peter Wokral, Heritage Conservation Planner

DATE:

February 27, 2017

SUBJECT:

Request to Demolish- Single Detached Dwelling, Demolition Permit Application DP 16135847, 27 Church Street, Markham Village Heritage

Conservation District

#### **RECOMMENDATION:**

THAT the staff memo dated February 27, 2017 regarding a demolition permit application for 27 Church Street, Markham Village, be received;

AND WHEREAS Heritage Markham and Heritage Staff in their report of December 5, 2016 recommended that the demolition permit for the existing dwelling at 27 Church Street in Markham Village be denied, and that owner instead consider the construction of a complementary addition;

AND WHEREAS the Development Services Committee requested the applicant to extend the demolition permit timeline to:

- Allow the applicant to obtain a professional report and opinion on the integrity of the existing house and the presence of mold;
- o Continue to work with Heritage Section Staff to explore designs for a complementary addition;
- o Provide to the Clerk copies of the original home inspection report, if available, to be distributed to the Members of Council.
- o Allow Heritage Staff to report back to the Development Services Committee

AND WHEREAS the applicant extended the demolition permit timeline until March 1, 2017;

AND WHEREAS the applicant has provided a Property Inspection Report on the condition of 27 Church Street, Markham Village attached as Appendix 'A';

THAT Council does not support the demolition of the existing dwelling at 27 Church Street in Markham Village and recommends that the owner restore the existing dwelling and construct a complementary addition;

AND THAT Staff be authorized and directed to do all thing necessary to give effect to this resolution

#### **BACKGROUND:**

- See the attached Development Services Commission staff report dated December 5, 2016 on the demolition permit, and the Council resolution from December 13, 2016 (Appendix 'B').
- the dwelling at 27 Church Street is a one storey frame dwelling constructed in 1948;
- the dwelling is located in the Markham Village Heritage Conservation District, and is identified as a Class 'B';
- The Markham Village Heritage Conservation District contains the following policies regarding Class 'B' buildings:
  - o "These buildings help contribute to the ambience of the heritage district and are therefore considered as an integral and valuable part of the area"
  - o "The historical and/or architectural value may not be outstanding, however, the conservation of these buildings should be encouraged, with renovation as necessary."
  - o "Generally there will be an opposition to the demolition of B-Type buildings, particularly if the building is relatively significant in terms of adding to the overall heritage character of the district"
  - o "Any proposed new building should be designed such that it adds to the overall heritage character of the district. This means that the form, height, shape and details such as the windows, doors, colour etc. should complement the surrounding 'A' class buildings as much as possible.
- In the past, Council has permitted the demolition of other Class 'B' buildings in the Markham Village Heritage Conservation District to allow the construction of new infill dwellings designed in accordance with the policies and guidelines for new buildings contained in the Markham Village Heritage Conservation Plan, including dwellings formerly located at 43 Albert St., 15 Peter Street and 15 Rouge Street. Each application is considered on its merits;
- A demolition permit application was submitted for the dwelling which was considered by the Development Services Committee on December 5, 2016;
- The applicant wishes to replace the existing house with a proposed new infill house shown in Appendix 'D';
- Based on the policies contained in the Markham Village Heritage Conservation District Plan regarding Class 'B' buildings, Heritage Markham and Heritage Staff recommended that Council deny the demolition permit and that the applicant instead consider the construction of a complementary addition to the existing dwelling;
- On December 5, 2016 the Development Services Committee requested that the applicant extend the demolition permit timeline to allow time for:
  - The applicant to obtain a professional report on the integrity of the existing dwelling as well as the presence of mold;
  - The applicant to consider working with staff to design a complementary addition to the existing dwelling;
  - o The applicant to provide to the Clerk a copy of the original home inspection report, if available, to be distributed to the Members of Council; and
  - o Staff to report back to the Development Services Committee.
- Staff received a Property Home Inspection Report dated January 22, 2017, prepared by Global Property Inspections from the applicant on January 24, 2017;

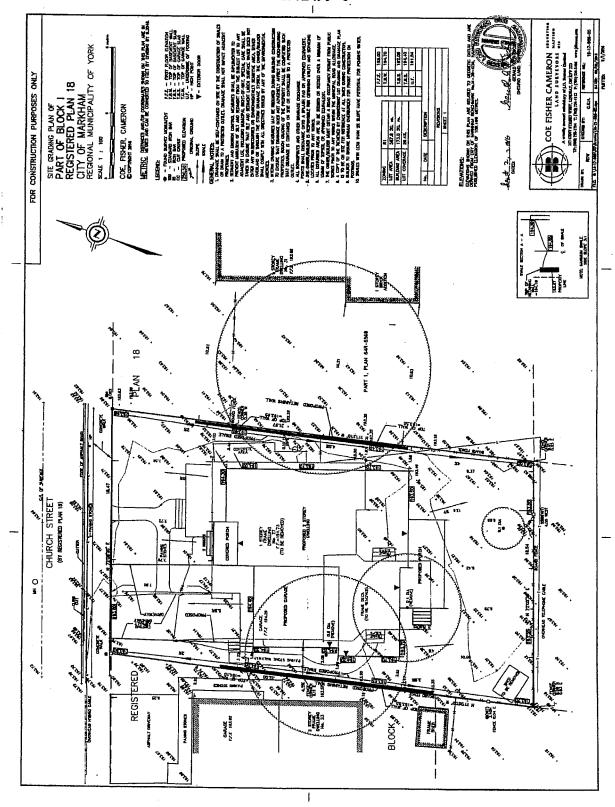
- A review of the report by staff reveals that the existing house has numerous interior and exterior issues regarding general maintenance such as paint failure, rotten deck boards and window frames, damaged and clogged eave troughs as well as faulty mechanical systems including wiring, heating and plumbing;
- The report recommends how these issues should be addressed, but does not conclude or recommend that the existing dwelling be demolished (See Appendix 'A');
- Council must make a final decision on the demolition permit application prior to March 1, 2017 and has the following three options:
  - o grant the permit applied for;
  - o give notice that Council is refusing the application for the permit; or
  - o give the permit applied for, with terms and conditions attached.
- Council could also try to obtain an agreement with the applicant to further extend the demolition permit timeline. However, if no decision is made by March 1, 2017, Council is deemed to have granted the applicant the permit applied for.

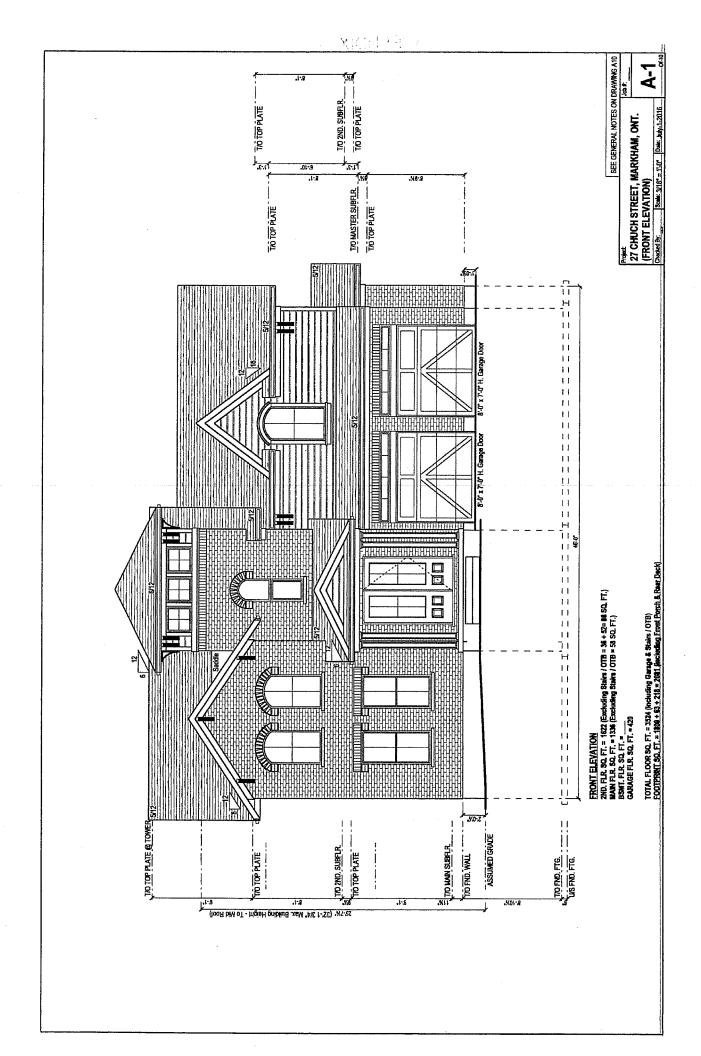
#### **STAFF COMMENT:**

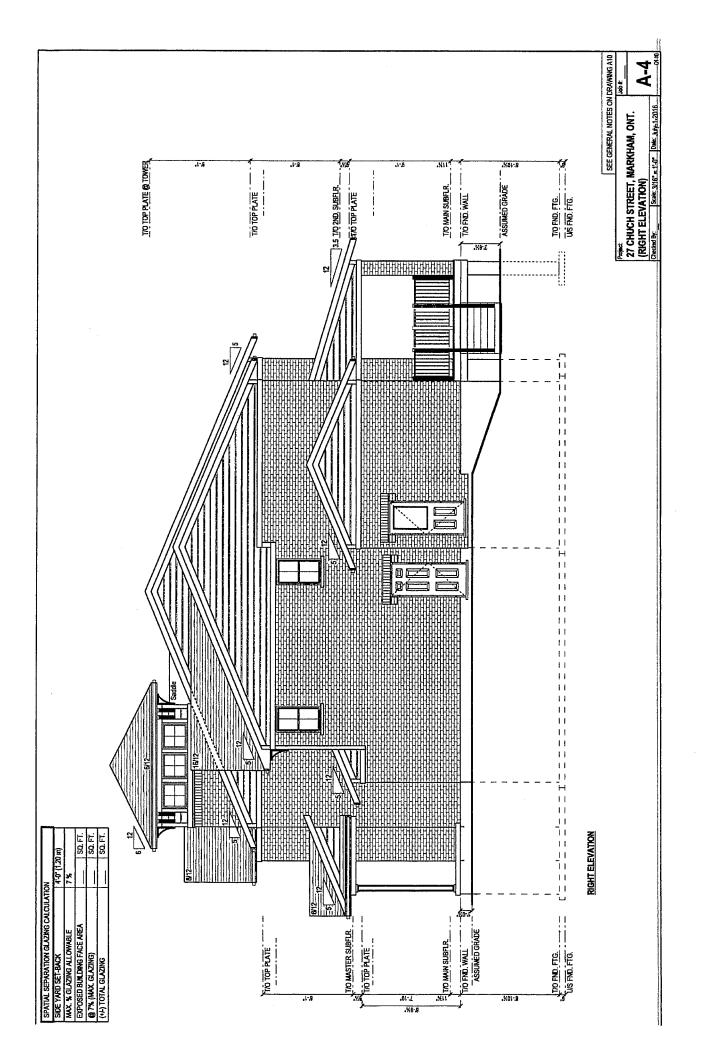
- Heritage Staff agrees with the report's findings that there are multiple issues that should be addressed, however these issues do not necessarily indicate that there is no other option other than demolition of the existing dwelling;
- It is also the opinion of Heritage Staff that a compatible addition to the existing house is preferable to the proposed new dwelling in terms of its design, materials and scale;
- Staff continues to recommend that the demolition permit for the existing dwelling at 27 Church Street be denied and that the applicant instead restore the existing dwelling and construct a compatible addition.

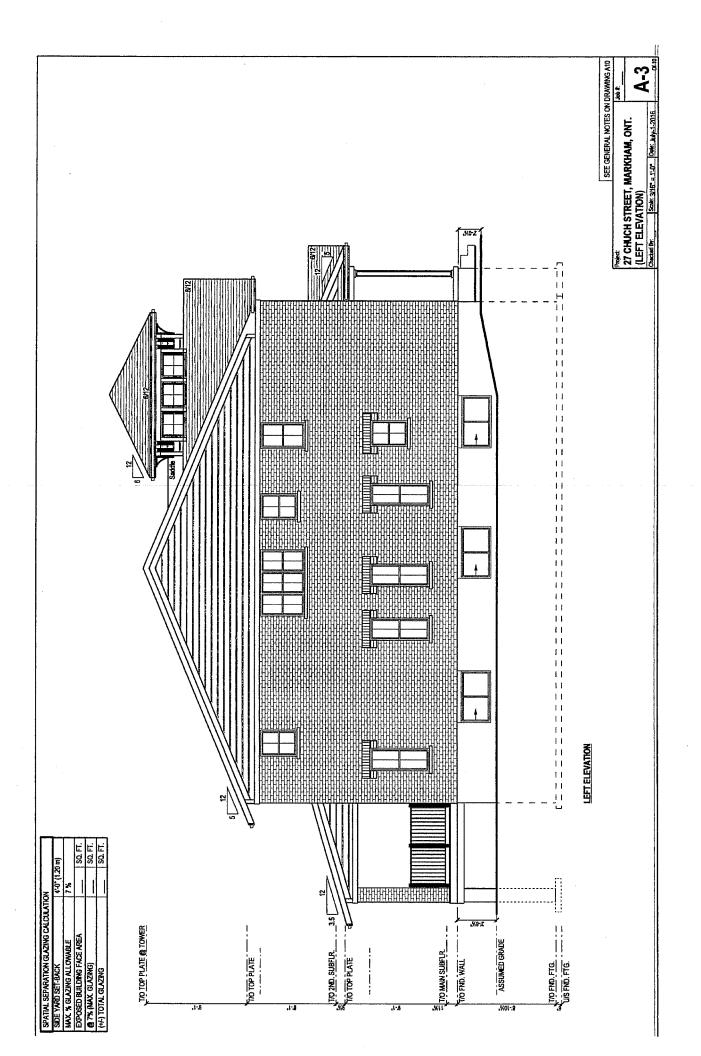
#### **Attachments:**

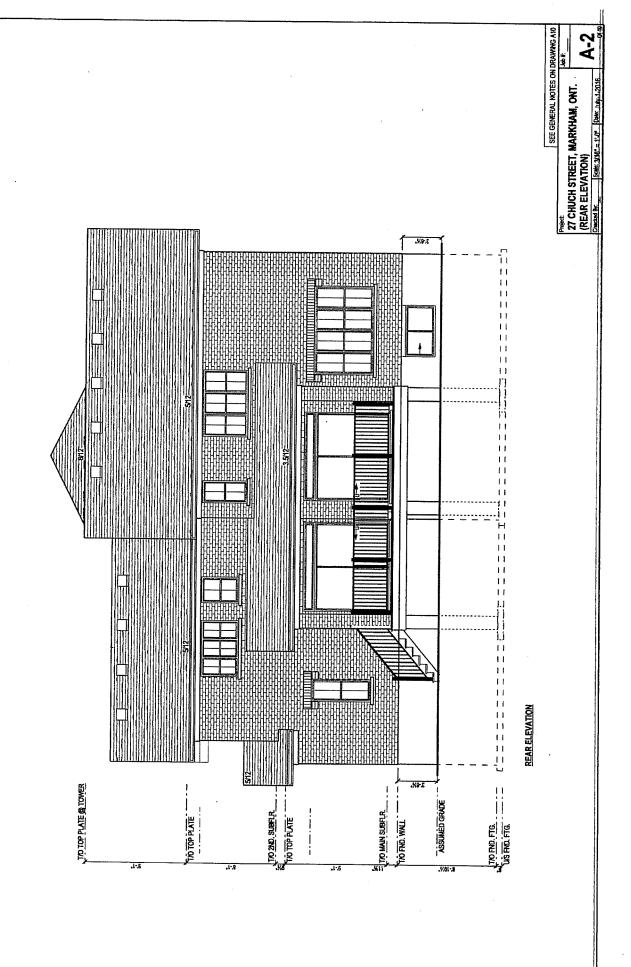
- Appendix 'A' Home Inspection Report of 27 Church Street by Global Property Inspections, January 22, 2017
- Appendix 'B' Development Services Commission Staff Report of December 5, 2016 and Council Resolution of December 13, 2017.
- Appendix 'C' Infill House proposed by applicant to replace the existing dwelling at 27 Church Street.















# A Summary of Council's Past Decisions to Permit the Demolition of Type 'B' Markham Village Homes







# 43 Albert Street



**Property Description:** 1951 house originally identified as a Type 'C' building in the District Plan, but in 2005 Staff recommended that the house be re-classified as a Type 'B' building.

Applicants: Brett & Alexis Whalen

**Staff Recommendation:** Heritage Staff recommended that former house be retained with an appropriate addition

**Heritage Markham Recommendation:** In 2005 Heritage Markham recommended that the house be retained because it was considered to be compatible with the heritage character of the area and recommended an appropriately designed addition to the existing dwelling.

**Council Decision:** Demolition was Approved, subject to the applicant obtaining Site Plan Approval for a new house.







# 15 Rouge Street



Property Description: Circa 1944 dwelling classified as a Type 'B' building.

Applicants: Joseph Dimartino

Staff Recommendation: Heritage Staff did not support demolition of the former home.

**Heritage Markham Recommendation:** In 2010 Heritage Markham recommended that the existing house be retained based on the policy of the District Plan generally opposing the demolition of Type 'B' buildings and due to the fact that was seen to have heightened heritage value because there are so few heritage buildings on Rouge Street.

**Council Decision:** Council approved the demolition of the existing Type 'B' subject to the applicant obtaining Site Plan Approval for the proposed new homes and advertising the existing house for relocation or salvage.







## 15 Peter Street



**Property Description:** 1956 1 ½ storey dwelling classified as a Type 'B' building.

Applicants: Andrew Spina

**Staff Recommendation:** Heritage Staff had no objection to the demolition of the former dwelling subject to the applicant obtaining Site Plan Approval for a new dwelling.

**Heritage Markham Recommendation:** In 2013, Heritage Markham had no objection to the demolition of the existing dwelling subject to the applicant obtaining site plan Endorsement for a new dwelling.

**Council Decision:** Council approved the demolition subject to the applicant obtaining site plan endorsement for a new dwelling.







# 27 Church Street





**Property Description:** 1948 1 storey dwelling classified as a Type 'B' building.

Applicants: Felicité Dibi

**Staff Recommendation**: Heritage Staff does not support demolition as per policies of District Plan and compatibility of existing house with neighbourhood.

**Heritage Markham Recommendation:** Heritage Markham does not support demolition and recommends that the existing house be restored and repaired and that an appropriate addition be constructed.

**Council Decision:** To be determined by Council on April 25<sup>th</sup>.

