

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;
- 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;

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 'A').
- 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:
 - "These buildings help 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 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"
 - "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 'B';
- 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;
 - 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
 - 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;
- The applicant has informed staff that an additional report outlining the condition of the home is being undertaken. Staff has not received a copy of this additional report at the time of agenda preparation;
- Council must make a final decision on the demolition permit application prior to March 1, 2017 and has the following three options:
 - grant the permit applied for;
 - give notice that Council is refusing the application for the permit; or
 - 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 first 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' – Development Services Commission Staff Report of December 5, 2016 and Council Resolution of December 13, 2017.
- Appendix 'B' – Infill House proposed by applicant to replace the existing dwelling at 27 Church Street.

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: Peter Wokral, Heritage Conservation Planner, ext. 7955

REVIEWED BY: 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;
- 3) 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 m² (1,120 ft²) 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:

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

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- “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 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”
 - “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 9th 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 1 ½ storeys are recommended.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

None

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable

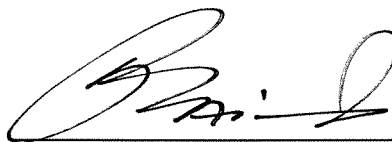
BUSINESS UNITS CONSULTED AND AFFECTED:

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'

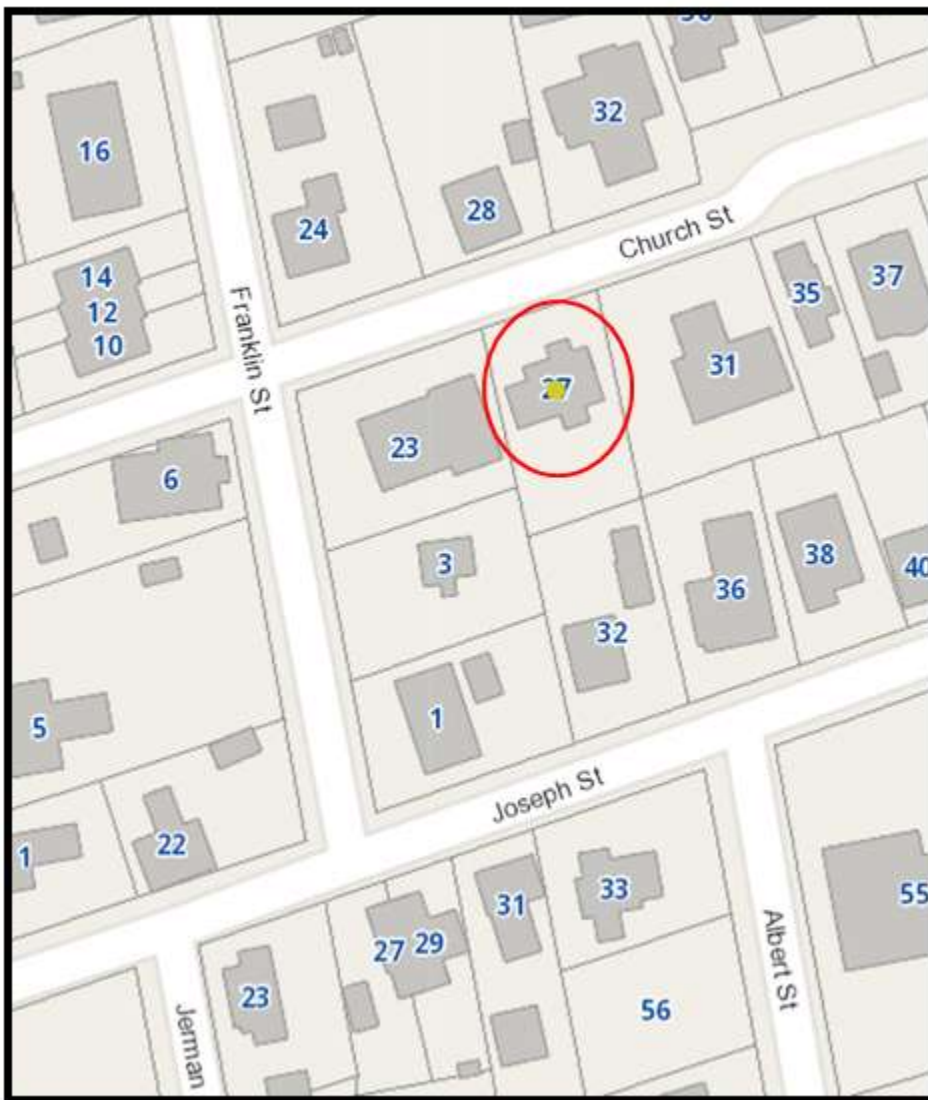
Heritage Markham Extract - November 9, 2016.

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



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 ambience of the Heritage District, and recommends a complementary addition that retains the existing character not exceeding 1½ storeys.

CARRIED



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

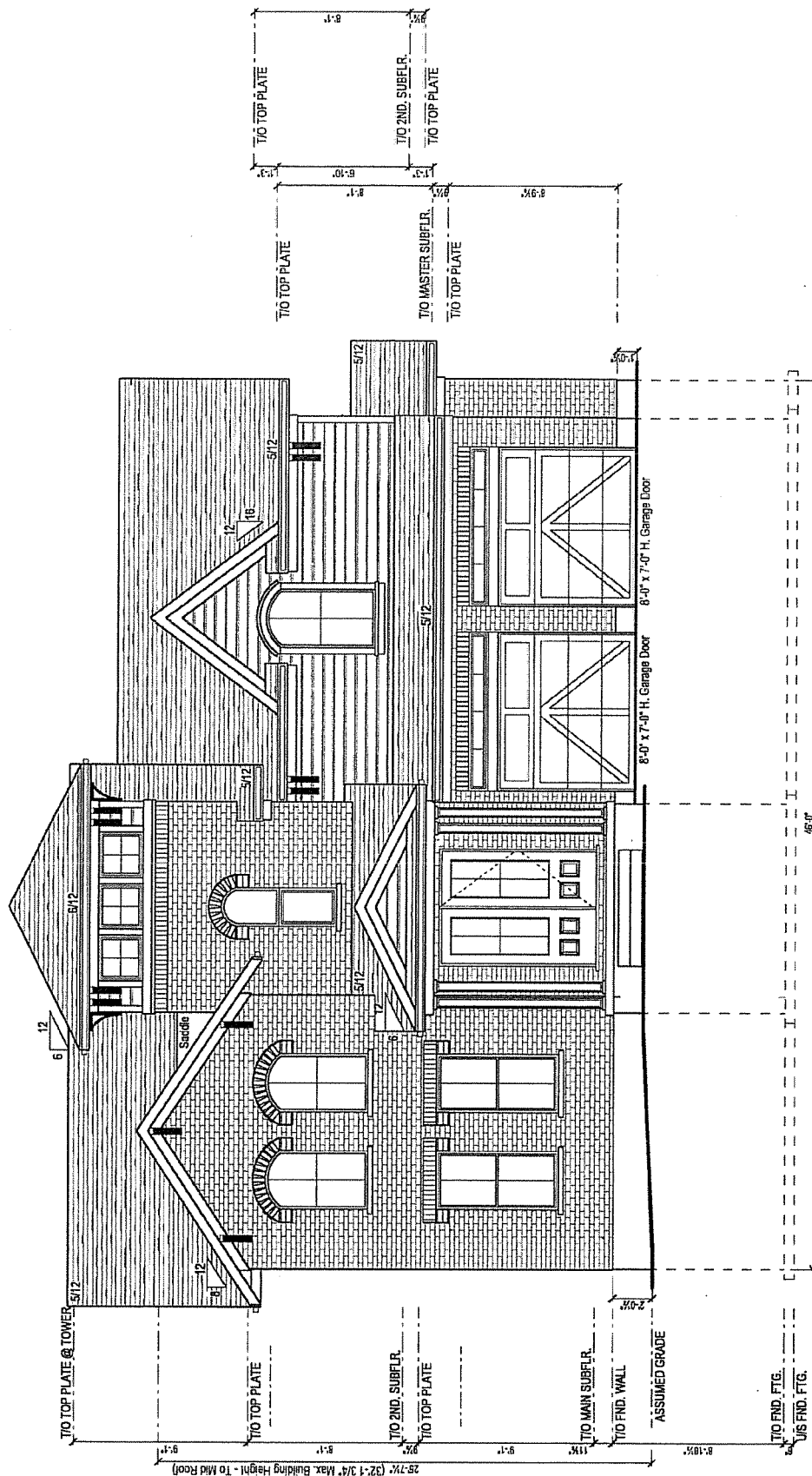
Motion to consider the matter:

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



FRONT ELEVATION

2ND. FLR. SQ. FT. = 1622 (Excluding Stairs / OTB = 36 + 52 = 88 SQ. FT.)

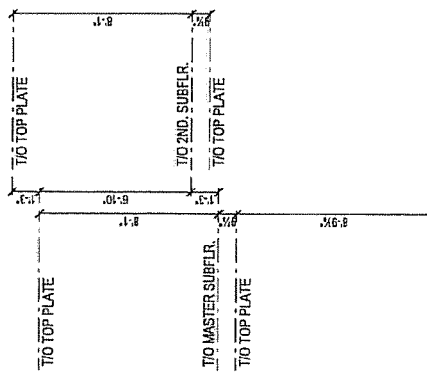
MAIN FLR. SQ. FT. = 1336 (Excluding Stairs / OTB = 58 SQ. FT.)

BSMT. FLR. SQ. FT. =

GARAGE FLR. SQ. FT. = 420

TOTAL FLOOR SQ. FT. = 3524 (Including Garage & Stairs / OTB)

FOOTPRINT SQ. FT. = 1400 + 63 + 218 = 2081 (Including Front Porch & Rear Deck)



SEE GENERAL NOTES ON DRAWING A-10

Job #

Project: 27 CHURCH STREET, MARKHAM, ONT.

(FRONT ELEVATION)

A-1

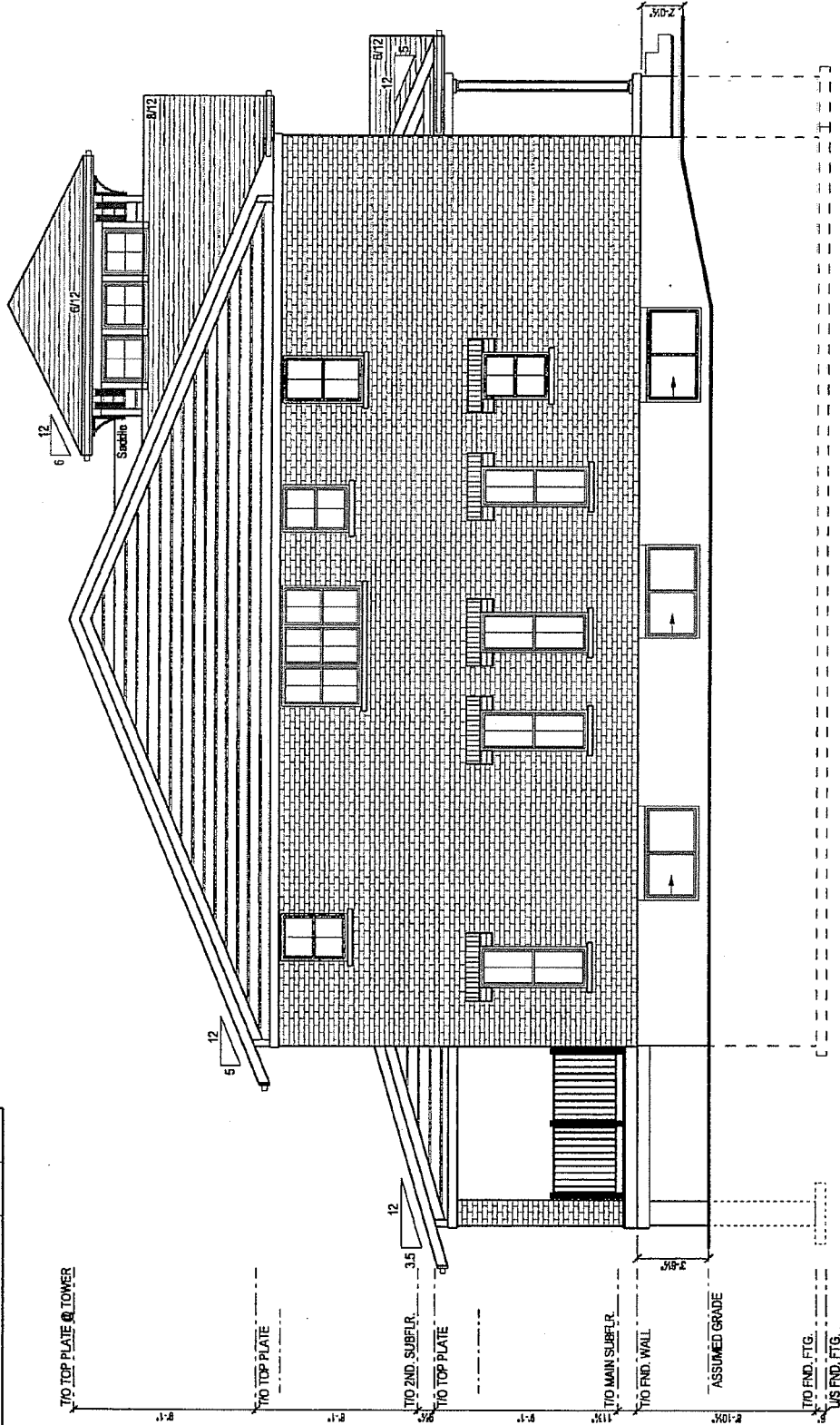
Scale: 3/16" = 1'-0"

Date: July 1, 2016

Checked By:

010

SPATIAL SEPARATION GLAZING CALCULATION			
SIDE YARD SET-BACK	4'-0" (1.20 m)		
MAX. % GLAZING ALLOWABLE	7 %		
EXPOSED BUILDING FACE AREA		SQ. FT.	
③ 7% (MAX GLAZING)		SQ. FT.	
(14) TOTAL GLAZING		SQ. FT.	



SEE GENERAL NOTES ON DRAWING A10

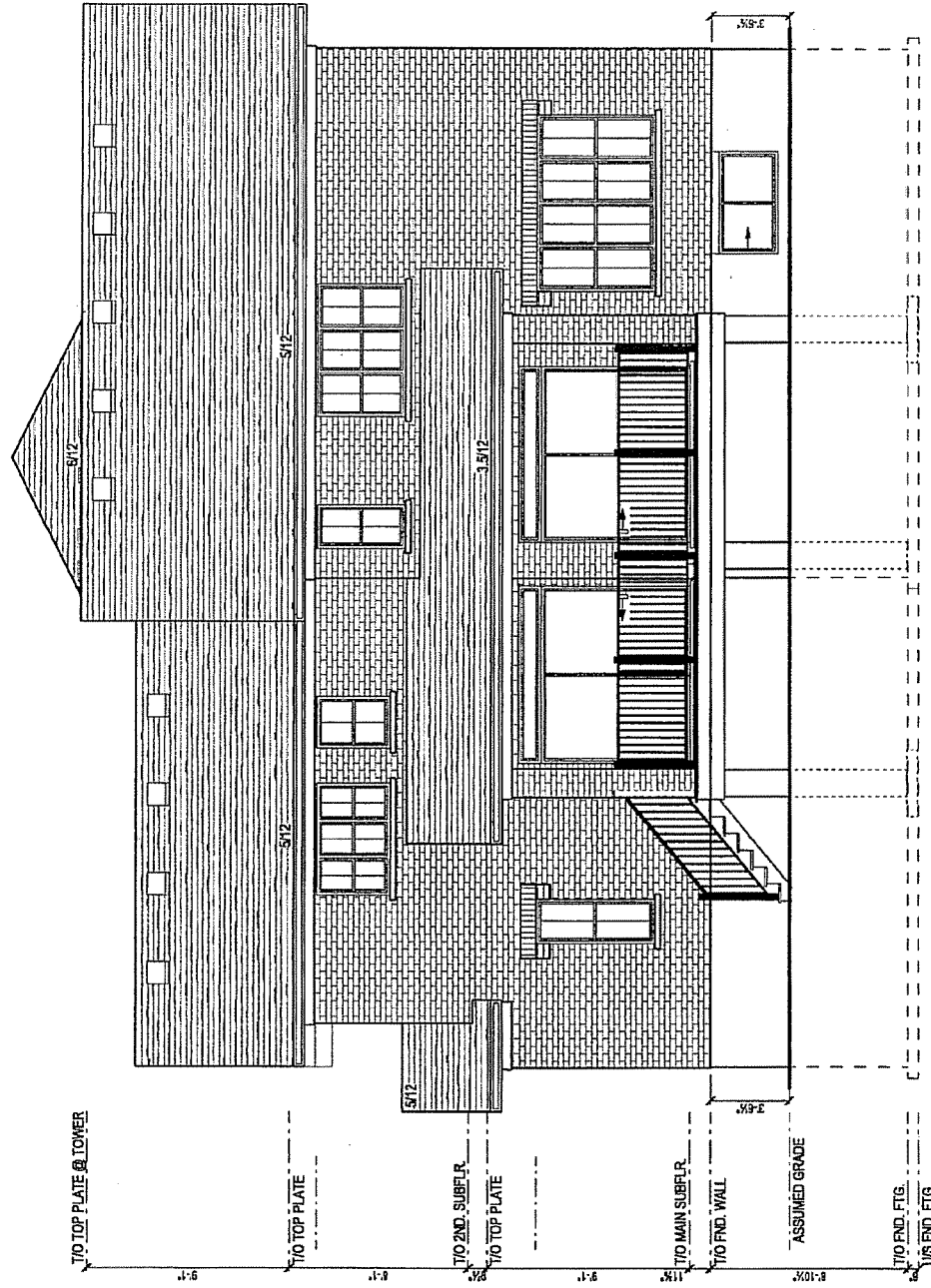
Job #:

Project
27 CHURCH STREET, MARKHAM, ONT.
(LEFT ELEVATION)

Scale: 3/8" = 1'-0"
Date: July 1, 2016
Checked By:

A-3

0-10



REAR ELEVATION

SEE GENERAL NOTES ON DRAWING A10	
Project	300 F.
27 CHURCH STREET, MARKHAM, ONT.	
(REAR ELEVATION)	
Checked By	Scale: 3/16" = 1'-0"
Date: July 1, 2015	Sheet: A-2