MEMORANDUM

TO: **Development Services Committee**

FROM: **Jim Baird, Commissioner of Development Services**

PREPARED BY: **Regan Hutcheson, Manager - Heritage Planning**

DATE: **September 6, 2016**

SUBJECT: **Request to Demolish Single Detached Dwelling**
Demolition Permit Application DP 16 115753
38 John Street, Thornhill Heritage Conservation District

RECOMMENDATION:
That the staff memo dated September 6, 2016 regarding a demolition permit application for 38 John Street, Thornhill, be received;

That the Heritage Markham recommendation of August 10, 2016 confirming Heritage Markham's previous recommendation from May 11, 2016 which indicated that Heritage Markham recognizes that 38 John Street is located in the sensitive core area of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition, be received;

That the following staff recommendation from May 24, 2016 be endorsed by Council:

> THAT Council supports the demolition of the existing, non-heritage, single detached dwelling at 38 John Street, conditional on the owner first obtaining site plan approval for a new replacement single detached dwelling designed in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, and appropriately scaled to its context within the Core Area of the Heritage Conservation District;

And that Staff be authorized and directed to do all things necessary to give effect to the final resolution.

BACKGROUND:

- See the attached Development Services Commission staff report dated May 24, 2016 on the demolition permit and the Council resolution from May 31/June 1, 2016 (Appendix 'B').
- the dwelling at 38 John Street is a frame, raised bungalow built in the early 1950s.
- the building is located in the Thornhill Heritage Conservation District, identified as a Class C property and was evaluated as a Group 3 building using the City's heritage building evaluation system.

- A demolition permit application was submitted for the dwelling for which consideration by Council has been deferred until the Council meeting on September 13, 2016.
- At the April 13, 2016 meeting of Heritage Markham, the results of staff's research on the property and the findings of the Heritage Markham Building Evaluation Sub-Committee were presented and received by the Heritage Markham Committee. Staff reported that the building did not possess cultural heritage value. However, its small size and scale was compatible with many of the heritage dwellings on the streetscape.
- Notwithstanding the Class C classification and Group 3 evaluation, Heritage Markham recommended that the applicant consider constructing a complementary addition to the existing building.
- the applicant advised that they did not want to add to the existing house, but still desire to replace it with a new dwelling.
- At the May 11, 2016 meeting of Heritage Markham, in response to a formal demolition permit application, the Committee again recommended denial of the demolition and reiterated its desire to retain the existing dwelling with a complementary addition designed in accordance with the District Plan policies and that the first 20 feet of the building remain as a distinct component of any future addition. This position was confirmed by Heritage Markham at its meeting of August 10, 2016, as discussed below.
- At the May 24, 2016 meeting of the Development Services Committee, the Committee recommended that Council not support the demolition of the existing house, but rather consider an architecturally compatible addition which would incorporate at minimum the first 20 feet of the existing dwelling.
- However, at the May 31, 2016 meeting of Council, the applicant presented photographs of Georgian styled homes that he was willing to consider as an alternative to the proposed dwelling, and Council passed a resolution recommending deferral of the demolition permit application until September 13, 2016, provided the applicant was willing to agree to the deferral in writing, which the applicant provided to staff. The deferral agreement expires on September 14, 2016.
- This deferral allowed the applicant to revisit his initial proposal and further consult with Heritage Section staff and the Heritage Markham Committee.

STAFF COMMENT:

- The applicant has revised the concept drawings for a new dwelling and is now proposing an alternative Georgian Tradition, stucco clad, two storey, infill house with a detached garage to replace the existing dwelling.

- The new design proposal is for a house of 283.16 m^2 (3,048 ft^2) and a detached garage of 40.96 m^2 (440 ft^2) which would still require a variance for a Maximum Net Floor Area Ratio of 42.26% whereas the By-law permits a Maximum Net Floor Area Ratio of 33% or a maximum floor area of 231.21 m^2 (2,489 ft^2) including the garage (See the attached proposed site plan, front elevation and streetscape drawings).

- The initial design proposal with an attached garage was 288.17 m^2 (3,102 ft^2) and required a variance to permit a Maximum Net Floor Area Ratio of 41.13% and a Maximum Building Depth of 19.71m whereas the By-law permits a Maximum Building Depth of 16.8m (see attached drawings of the previous design proposal from February 23, 2016.

- The following chart illustrates the requested variances for each proposal comparing them to the development standards of the By-law:

Design Proposal	**Requested Maximum Net FAR**	**Maximum Net FAR permitted by By-law**	**Requested Maximum Building Depth**	**Maximum Building Depth permitted by By-law**
Feb. 23, 2016	41.13 % **3,102 ft^2** (including attached garage)	33 % **2,489 ft^2** (including garage)	19.7 m	16.8 m
Aug. 4, 2016	46.26 % **3,489 ft^2** (including the 440 ft^2 detached garage)		No variance required for this concept	

- At the Heritage Markham meeting of August 10, 2016, Heritage Section Staff recommended no objection to the complete demolition of the existing house at 38 John St. due to its lack of cultural heritage and architectural significance as determined through the City's formal evaluation process, and recommended that the Committee consider the new design proposal and requested variance in order to formulate a recommendation for Council.

- Heritage Markham Committee minutes from August 10th are attached as Appendix 'A'. A representative from the Society for the Preservation of Historic Thornhill (SPOHT) and a number of local residents expressed their concern regarding the loss of the existing dwelling and the size of the proposed new dwelling.

  The Heritage Markham Committee recommended that this matter be referred back to Council for consideration of Heritage Markham's previous recommendation from May 11, 2016 indicating that 38 John Street is located in the sensitive core area of the Thornhill Heritage Conservation District and support for the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition.

- Council is required to render a decision on or before the completion of the deferral period (September 14, 2016). Council has three options:
  a) give the permit applied for;
  b) give notice that Council is refusing the application for the permit; or
  c) give the permit applied for, with terms and conditions attached.

- If Council fails to make a decision within the identified time period, Council is deemed to have given the applicant the permit applied for.

The proposed demolition of the building can be supported by Staff

Due to its scale and massing, the existing building is sympathetic to the smaller heritage resources found in the district. However, a review of the existing building by the Building Evaluation Sub-Committee of Heritage Markham and Heritage Section Staff has determined that the existing dwelling has no cultural heritage value.

Therefore it is the opinion of staff that the demolition of the building can be supported, subject to terms and conditions. In an effort to facilitate an appropriate new infill dwelling that complements the neighbourhood and prevents the creation of a vacant building lot, staff recommends that the demolition of the existing single detached dwelling be conditional on the owner first obtaining Site Plan Approval for a new single detached dwelling. The new dwelling would need to comply with the policies and guidelines of the Thornhill Heritage Conservation District Plan and be appropriately scaled to its context within the Core Area of the Thornhill Heritage Conservation District.

Attachments:

New Dwelling Concept – August 4, 2015 (site plan, front elevation and streetscape)

Appendix 'A' – Heritage Markham Minute Extract, August 10, 2016

Appendix 'B' – Development Services Commission Staff Report on Demolition Permit Application dated May 24, 2016.

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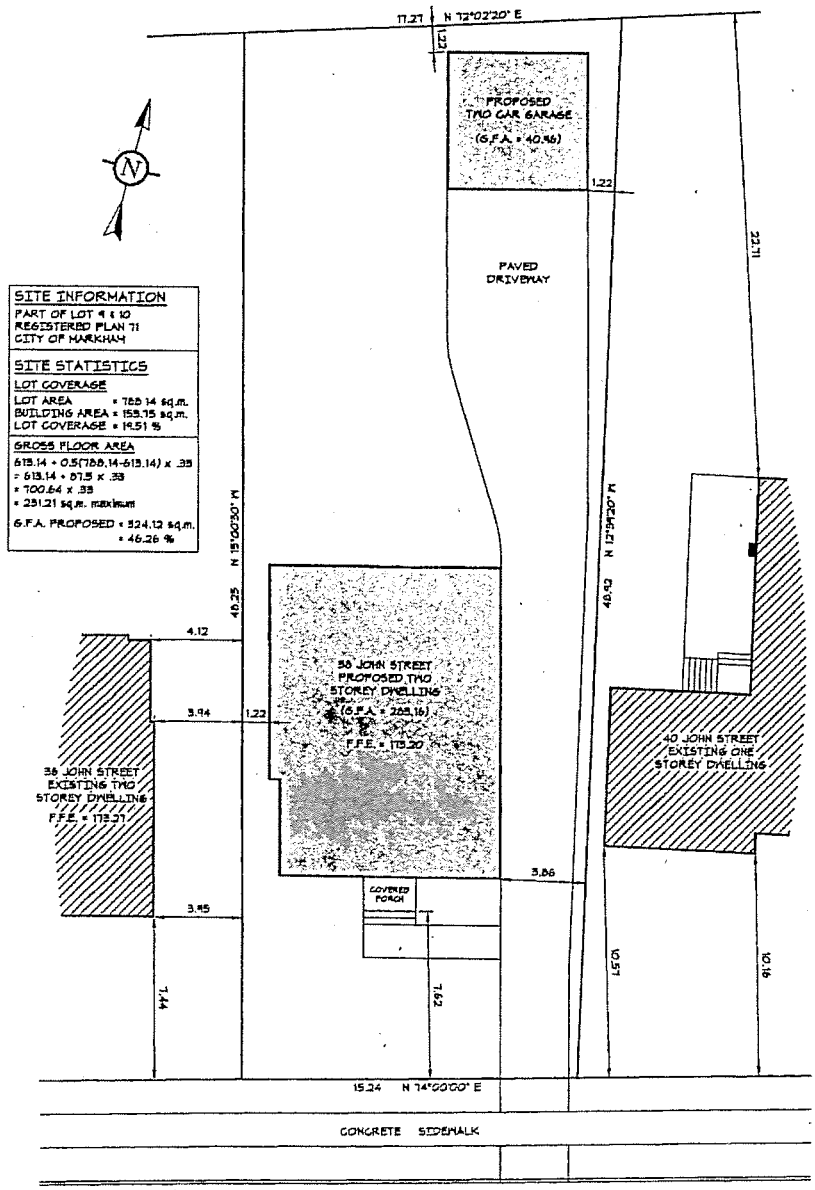
NEW PROPOSAL AUG. 4, 2016



SITE INFORMATION

PART OF LOT 9 & 10
REGISTERED PLAN 71
CITY OF MARKHAM

SITE STATISTICS

LOT COVERAGE

LOT AREA = 768.14 sq.m.
BUILDING AREA = 155.75 sq.m.
LOT COVERAGE = 19.51 %

GROSS FLOOR AREA

613.14 + 0.5(768.14-613.14) x .33
= 613.14 + 51.5 x .33
= 700.64 x .33
= 231.21 sq.m. maximum

G.F.A. PROPOSED = 324.12 sq.m.
= 46.26 %

GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION 9 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS
- DO NOT SCALE DRAWINGS
- OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING
- THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY
- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

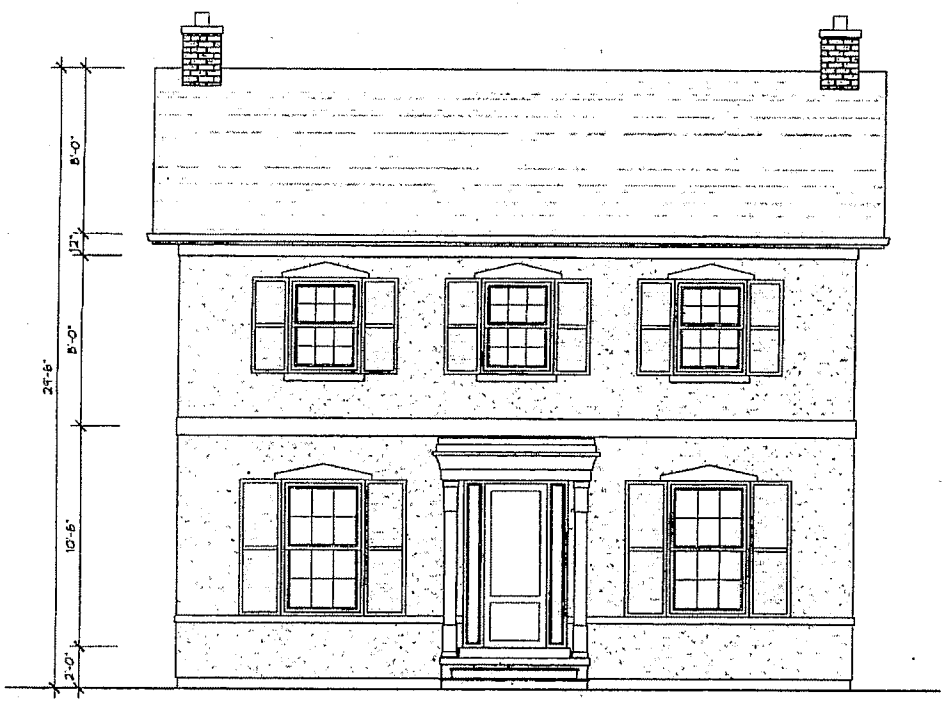
PROJECT TITLE

PROPOSED HOUSE
38 JOHN STREET
CITY OF MARKHAM

THE GREGORY DESIGN GROUP

50 McINTOSH DRIVE, UNIT 140
MARKHAM, ONTARIO L3R 9T3
OFF CE (905) 479-4767
FAX (905) 479 8496
shane@gregorydesigngroup.net

SCALE	DATE
1:200	08/04/16
PROJECT NUMBER	SHEET NUMBER
1888-15	SP-1
DRAWN BY	
S.Gregory	
CHECKED BY	
R.G.	



38 JOHN STREET

GENERAL NOTES:

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CONTRACTOR SHALL CHECK AND VERIF ALL NOTES AND DIMENSIONS.

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THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION

REVISIONS AND DATA	DATE

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Ross Gregory	21625
NAME	BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Designs	30506
FIRM NAME	BCIN

PROJECT TITLE

PROPOSED HOUSE
38 JOHN STREET
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
50 McINTOSH DRIVE, UNIT 140
MARKHAM, ONTARIO L3R 9T3
OFFICE (905) 479-4767
FAX (905) 479-8496
shane@gregorydesigngroup.net

SCALE	DATE
3/16"=1'-0"	08/04/16
PROJECT NUMBER	SHEET NUMBER
1888-16	A-3
DRAWN BY	
S.Gregory	
CHECKED BY	
R.G.	

36 JOHN STREET

38 JOHN STREET

40 JOHN STREET

GENERAL NOTES:

- ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
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- OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
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- BUILDING PERMITS SHOULD BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

PROJECT TITLE

STREETSCAPE
38 JOHN STREET
CITY OF MARKHAM

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the Ontario Building Code

Ross Gregory — 25825
NAME — BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the Ontario Building Code

Gregory Design Group — 30506 RPM
NAME — BCIN

THE GREGORY DESIGN GROUP
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FAX (905) 479-8496
shane@gregorydesigngroup.net

SCALE	3/32"=1'-0"
DATE	08/04/16
PROJECT NUMBER	1888-15
SHEET NUMBER	S-1
DRAWN BY	S.Gregory
CHECKED BY	R.G.

HERITAGE MARKHAM
EXTRACT

DATE: August 17, 2016

APPENDIX A

TO: File
R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #3 OF THE EIGHTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON AUGUST 10, 2016.

3. Demolition Permit Application,
38 John Street, Thornhill,
Proposed Demolition of Existing House &,
Proposed New Dwelling and Detached Garage (16.11)
File No. DP 16 115753
Extract: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

The Heritage Planner reviewed the Committee's previous deliberations on the demolition permit application of an existing dwelling, and an application for a proposed new dwelling and detached garage at 38 John Street, Thornhill. He advised that Heritage Markham at its last meeting did not support the application for demolishing the existing dwelling which was constructed in the 1950s, but supported the first 20 feet of the existing structure be preserved and a complementary structure be added to the rear of the dwelling to preserve the scale and massing.

The Heritage Planner further advised that at its May 24, 2016 meeting, the Development Services Committee recommended that Council not support the demolition of the existing house but rather consider an architecturally compatible addition which would incorporate the first 20 feet of the existing dwelling. The applicant subsequently met with heritage staff and has now provided a new design proposal for a stucco house and a detached garage, which will need a variance for the net floor area ratio.

The Heritage Planner further advised that Council, at its May 31, 2016, meeting passed a resolution recommending deferral of the demolition permit application until September 13, 2016, to provide the applicant an opportunity to review the application and provide an alternative design.

The Heritage Planner also advised that Heritage Staff has previously indicated no objection to the complete demolition of the existing house at 38 John Street, due to the lack of its cultural heritage and architectural significance as determined through the City's formal evaluation process, and that Heritage Markham consider this new design proposal and requested variance in order to formulate a recommendation for Council's consideration at its meeting on September 13, 2016.

Mr. Russ Gregory, agent for the applicant, spoke in agreement with the comments by the Heritage Planner. By way of slides of the new proposal, Mr. Gregory advised Heritage Markham Committee that the applicant intends to keep the general footprint of the existing house, however, the massing is now different considering that it will be a two storey house as compared to the existing one storey building.

Mr. Gregory further advised that the massing of the proposed house will be maintained within the 3,000 sq.ft. mark as compared to the previous new house massing which was approximately 3,200 sq.ft. He further confirmed that the detached garage will be a two-car, single storey garage.

Mr. Barry Nelson, representing the Executive of the Society for the Preservation of Historic Thornhill (SPOHT), who had spoken to the Heritage Markham Committee about this matter previously, advised the Committee that he also attended the Development Services Committee (DSC) on May 24, 2016, in opposition of the demolition and is in support of the DSC's recommendation and Council's resolution of May 31, 2016. SPOHT still supports retention of the existing dwelling. Mr. Nelson advised that he did however have concerns with respect to the square footage of the proposed new dwelling. Mr. Nelson commended the applicant's agent on the effort to move the garage to the rear of the dwelling.

Mr. Nelson mentioned SPOHT's concerns with respect to the square footage of the proposed dwelling. Comments were also made of the four key objectives to Heritage conservation in Markham: (1) retain and protect heritage resources; (2) ensure that original material of heritage resources is maintained; (3) ensure that a new development attached to a heritage resource or a heritage conservation district is complementary: and (4) implement the policies of the official plan and the heritage conservation district plans.

Mr. Russ Gregory advised the Committee that there is nothing worth saving in the existing dwelling. He is of the opinion that the dwelling should be demolished and that is staff's opinion as well. He further advised that the owner of the property has made significant changes to his original design and plans to come up with a modestly designed dwelling.

Based on discussions, Heritage Markham Committee was concerned with the size of the new proposed dwelling.

In response to a question, the Heritage Planner advised the Committee that the maximum size permitted for 38 John Street would be 2,489 sq.ft. including the garage.

Councillor Valerie Burke expressed concerns with respect to the windows on the second floor. She was of the opinion that the proposed new dwelling should be compatible with neighbouring properties and there should be sufficient screening from the neighbouring properties. Councillor Burke suggested that Heritage Markham re-confirm its decision from its May 11, 2016 meeting that Heritage Markham recognizes that 38 John Street is located in the sensitive core of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition. Councillor Burke mentioned 82 John Street as an example.

A member noted that the streetscape, specifically the scale of the houses should be maintained.

After consulting heritage staff, Councillor Don Hamilton suggested that this matter should be referred to Council to consider Heritage Markham's recommendation from its meeting of May 11, 2016.

Marion Matthias, a local resident, spoke in opposition of the demolition of this building, which would be the first demolition in the core area of the Thornhill Heritage Conservation District.

Heritage Markham Recommends:

That the following correspondence in opposition to a new dwelling be received as information:

a) Linda Nichol dated August 9, 2016;
b) Olana Alcock dated August 10, 2016; and
c) Ken and Daila Webster, dated August 10, 2016;

That the deputations by Russ Gregory, agent on behalf of the applicant, Barry Nelson, representing the Executive of the Society for the Preservation of Historic Thornhill (SPOHT) and Marion Matthias, regarding the demolition permit application for 38 John Street, be received; and

That this matter be referred back to Council for consideration of Heritage Markham's recommendation from its May 11, 2016, meeting that Heritage Markham recognizes that 38 John Street is located in the sensitive core of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition

CARRIED

APPENDIX B

RESOLUTION OF COUNCIL MEETING NO. 9 DATED MAY 31 AND JUNE 1, 2016

REPORT NO. 20 – DEVELOPMENT SERVICES COMMITTEE

(2) REQUEST TO DEMOLISH
SINGLE DETACHED DWELLING
DEMOLITION PERMIT DP 16 115753
38 JOHN STREET
THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)
Report

1) That the written submissions from Ken Webster, Rob Armstrong, Diane Berwick, and A. Farr, regarding Demolition Permit for 38 John Street, Thornhill, be received; and,

2) That the deputations by Marion Matthias, Ken Webster, Barry Nelson, representing the Executive of the Society for Preservation of Historic Thornhill (SPOHT), Diane Berwick, Anthony Farr, and Olana Alcock, regarding Demolition Permit for 38 John Street, Thornhill, be received; and,

3) That the report entitled "Request to Demolish Single Detached Dwelling, Demolition Permit DP 16 115753, 38 John Street, Thornhill Heritage Conservation District", dated May 24, 2016, be received; and,

4) That Council does not support the demolition but is prepared to consider an application that incorporates the first 20 feet of the existing dwelling as a distinct component and an addition that complies with the polices and guidelines of the Thornhill Heritage District Plan; and further,

5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Note: This matter was deferred subject to the applicant providing their written consent to defer the decision on the demolition application to the September 13, 2016 Council meeting.

Martha Pettit
Deputy Clerk

Copy to: Jim Baird, Commissioner of Development Services
Biju Karumanchery, Director, Planning & Urban Design
Peter Wokral, Heritage Planner
Regan Hutcheson, Manager, Heritage Planning

Report to: Development Services Committee Report Date: May 24, 2016

SUBJECT: Request to Demolish Single Detached Dwelling
Demolition Permit DP 16 115753
38 John Street, Thornhill Heritage Conservation District

PREPARED BY: Peter Wokral, Heritage Planner ext. 7955

REVIEWED BY: Regan Hutcheson, Manager, Heritage Planning ext. 2080

RECOMMENDATION:

1) THAT the report entitled "Request to Demolish Single Detached Dwelling, Demolition Permit DP 16 115753, 38 John Street, Thornhill Heritage Conservation District", dated May 24, 2016, be received;

2) THAT Council supports the demolition of the existing, non-heritage, single detached dwelling at 38 John Street, conditional on the owner first obtaining site plan approval for a new replacement single detached dwelling designed in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, and appropriately scaled to its context within the Core Area of the Heritage Conservation District;

3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To recommend that Council support the demolition of a single detached dwelling at 38 John Street in Thornhill, conditional on the owner first obtaining site plan approval for a new replacement single detached dwelling designed in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, and be appropriately scaled to its context within the Core Area of the Heritage Conservation District. (See location Map Figure 1)

BACKGROUND:

Owner of the property proposes to demolish an existing dwelling

The owner of 38 John Street proposes to demolish a one storey, 83.2 m^2 (896 ft^2) single detached dwelling constructed circa 1950 (see Appendix 'A' photograph of the existing dwelling) in order to replace it with a new, 394.8 m^2 (4,250 ft^2) two storey, single detached dwelling with an attached garage. (See proposed site plan and elevations for the proposed dwelling Appendix 'B').

The property is located within a heritage conservation district

The property is designated under Part V of the *Ontario Heritage Act* (the "Act") as part of the Thornhill Heritage Conservation District. A review by Heritage Markham is required and the approval of Council is necessary to permit the demolition of the existing dwelling. In the Thornhill Heritage Conservation District Plan, the property is identified as Class 'C'. These are buildings that are primarily post 1939 in age; include buildings that may be sympathetic to the district by virtue of their scale and massing; and include

buildings not sympathetic to the historic character of the district. According to the District Plan's Statement of Objectives, improvements to Class 'C' buildings which will further enhance the district's heritage character are encouraged. As to demolition of Class 'C' buildings, the district plan indicates this should be considered on a case-by-case basis.

Heritage Markham does not support demolition of the existing dwelling

On March 9th, 2016 Heritage Markham reviewed a Committee of Adjustment application submitted by the applicant requesting variances to permit the construction of the proposed new dwelling. Demolition of the existing house was implied by the application, but the Committee requested further information on the dwelling in order to determine if demolition was appropriate. Heritage Section Staff conducted research on the property and determined that the house was constructed circa 1950 and appears to have no cultural heritage significance. (See attached Historical Research Appendix 'C') The building was further evaluated by Heritage Section staff and members of Heritage Markham's Building Evaluation Sub-Committee using the "Evaluating Heritage Resources in Markham" document, and the building received a "Group 3" rating, which is the least significant rating for a building.

Heritage Markham reviewed the research and evaluation of the existing dwelling on April 13, 2016 and recommended that the owner consider an addition to the existing dwelling, rather than demolition and replacement with a new dwelling. (See Heritage Markham Extract of April 13th 2016 Appendix 'D') Both meetings of Heritage Markham were well attended by local residents who generally did not support demolition of the existing building for the following reasons:

- Some residents felt the existing building did have heritage significance for illustrating the evolution of residential design in the community in the mid 20th century;
- Some residents felt that additions to existing dwellings tended to be more successful in fitting into the neighbourhood than completely new infill homes; and,
- Some residents were concerned that the proposed new dwelling did not comply with the Zoning By-law and policies and guidelines for new buildings contained in the Thornhill Heritage Conservation District Plan;

On May 11, 2016 Heritage Markham considered the Demolition Permit application and the Committee recommended that Council deny the demolition. The Committee reiterated its desire to retain the existing dwelling with a complementary addition designed in accordance with the District Plan policies and that the first 20 feet of the building remain as a distinct component of any future addition. (See Heritage Markham Extract of May 11th – Appendix 'E').

The proposed new single detached dwelling does not comply with the Zoning By-law and Heritage Conservation District Plan

The subject property is located within the "Core Area" of the Thornhill Heritage Conservation District, where the By-law limits the Net Floor Area Ratio of dwellings,

including the garage, to the lesser of 33% of the Net Lot Area, or a maximum floor area of 320.5 m^2 (3,450 ft^2). This provision of the By-law was put in place in an effort to make new dwellings complementary in scale to the surrounding heritage dwellings. For the subject property, the By-law would permit a maximum floor area of 243.4 m^2 (2,620 ft^2) for the dwelling and garage. The proposed dwelling and garage is significantly larger 394.8 m^2 (4,250 ft^2), and does not comply with key policies and guidelines contained in the Thornhill Heritage Conservation District Plan with respect to its proposed architectural style, materials, and height.

The applicant has submitted a demolition permit application for the existing dwelling

In order to obtain clarity on whether the existing house can be demolished and a new dwelling constructed to replace it, the owner has submitted a demolition permit application to the City, which will require Council to make a decision on the appropriateness of demolition of the existing single detached dwelling.

OPTIONS/ DISCUSSION:

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

Although the subject building does not appear to possess cultural heritage value, it is located within the Thornhill 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.

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. As per the *Ontario Heritage Act*, Council has 90 days to make a decision on the demolition request (July 3, 2016). Council can support the demolition permit application, support with terms and conditions, or refuse the application.

The proposed demolition of the building can be supported by Heritage Section Staff

As noted earlier, the building is classified as Class 'C' in the district plan. Due to its scale and massing, the building is sympathetic to the smaller heritage resources found in the district. However, a review of the existing building by the Building Evaluation Sub-Committee of Heritage Markham and Heritage Section Staff has determined that the existing dwelling has no cultural heritage value.

Therefore it is the opinion of staff that the demolition of the building can be supported, subject to terms and conditions. In an effort to facilitate an appropriate new infill dwelling that complements the neighbourhood and prevents the creation of a vacant building lot, staff recommends that the demolition of the existing single detached dwelling be conditional on the owner first obtaining Site Plan Approval for a new single detached dwelling. The new dwelling would need to comply with the policies and

guidelines of the Thornhill Heritage Conservation District Plan and be appropriately scaled to its context within the Core Area of the Thornhill Heritage Conservation District.

FINANCIAL CONSIDERATIONS
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.
Senior Development Manager

Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Appendix 'A'	Photo of the Existing Building
Appendix 'B'	Site Plan & Elevations of the Proposed Dwelling
Appendix 'C'	Historical Research of the Existing Building
Appendix 'D'	Heritage Markham Extract of April 13, 2016
Appendix 'E"	Heritage Markham Extract of May 11, 2016

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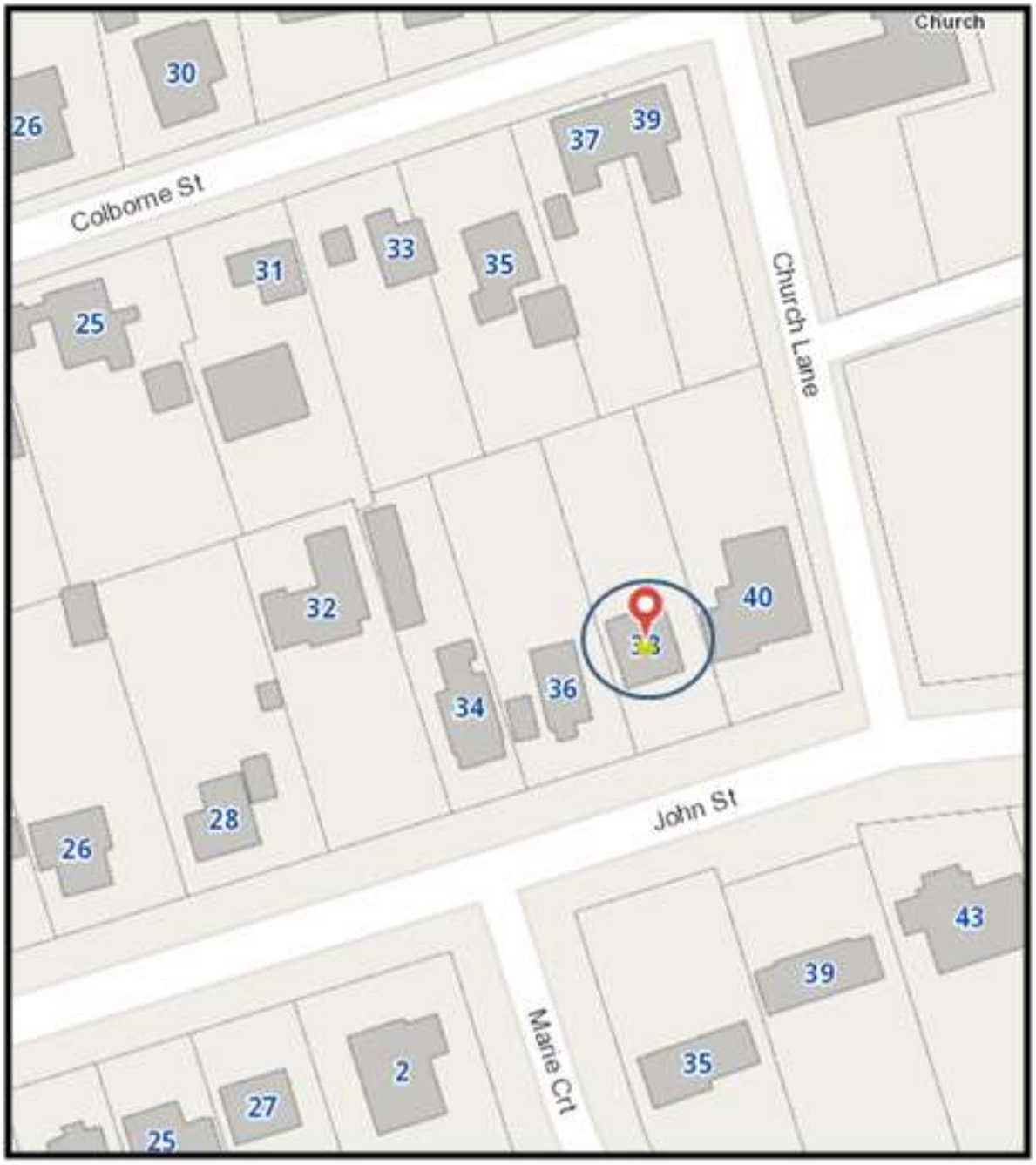
APPLICANT: Mohamed Zakr

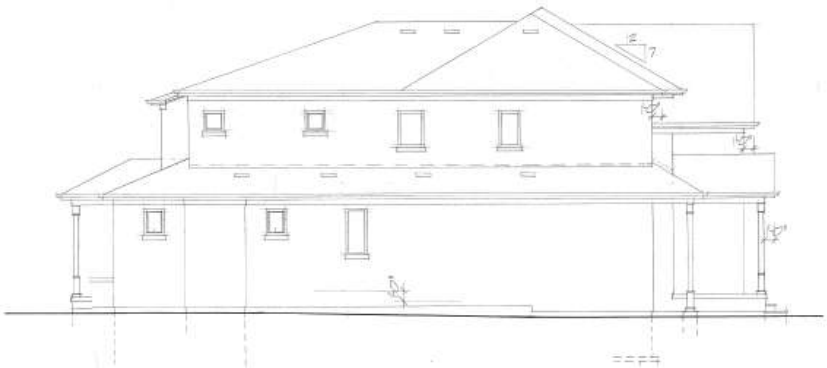
FIGURE 1
LOCATION MAP



Appendix ‘A’ Photograph of the existing dwelling

Appendix ‘B’

Site Plan and Elevations of the Proposed New Dwelling at 38 John Street



Appendix 'C'
Historical Research of the existing dwelling

Raised Bungalow
38 John Street
c.1950

This house is located on an early plan of subdivision created by Wellington Frizzell in 1853. Plan 71 included a series of lots on Yonge, Eliza, Colborne and John Streets. It is interesting to note that on the plan, John Street is labelled "John Street Plank Road to Brunskills Mills."

The property at 38 John Street consists of the east part of Lot 9 and a small portion of the west part of Lot 10 next door to the east. Before Lot 9 was divided, a house was built on the west part of the property during the 1904 to 1919 ownership of Walter Chatterley (36 John Street). In 1919, the executors of Walter Chatterley sold the lot to Nellie Francis. In 1921, Nellie Francis sold the eastern 42 feet of the property to Frederick Farr, who later sold to Robson Farr in 1931. In 1945, Robson Farr sold the property to Elizabeth Francis who in the same year sold to Henry Harper.

Henry and Jean Harper owned the property until 1950, when they sold to Mabel Croatch. According to Markham Township Assessment Rolls from 1946, 1948 and 1950, the lot was vacant during the ownership of the Harpers. The house was therefore constructed *circa* 1950 for the Croatch family. According to a long-time resident, they raised rabbits in a rabbit hutch on the property.

The house at 38 John Street, as described in the building inventory in the Thornhill Heritage Conservation District Plan, is a "Small 3-bay hipped-roof cottage on a fairly high foundation. Central entry, with wide window openings on either side. Wide wooden steps and stoop." This one-storey house on a raised concrete foundation, is clad in aluminum siding and has modern replacement doors and windows.

Appendix 'D'
Heritage Markham Extract of April 13, 2016

HERITAGE MARKHAM
EXTRACT

DATE: April 20, 2016
TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #4 OF THE FOURTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON APRIL 13, 2016.

4. Request for Feedback
38 John Street, Thornhill
Demolition of Raised Bungalow (16.11)
Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

The Heritage Planner reviewed the Committee's previous deliberations on this matter. Staff have evaluated the Class C building as a Group 3 building that has minimal cultural heritage value.

Ken Webster, adjacent property owner, stated that he does not object to the demolition, but requested that plans for the new building be determined and approved by Heritage Markham, prior to demolition. Staff suggested that a condition of site plan approval attached to the demolition approval, would achieve this.

Robert Armstrong, representing the Executive of the Ward One (South) Thornhill Residents Inc., and also on his own behalf, spoke of the importance of heritage preservation to the Thornhill community, including the retention of Class C buildings. Mr. Armstrong considered the house could be preserved and expanded with a reasonable size and massing, rather than an automatic demolition.

Staff explained the definition of a classification of Class C as identified in the Thornhill Heritage Conservation District Plan, in comparison to the evaluation of the building as a Group 3 building.

Barry Nelson, representing the Executive of Society for the Preservation of Historic Thornhill (SPOHT), spoke in opposition to the demolition and discussed the heritage value of the property and the rare circumstances that the demolition of a heritage building in the district might be feasible. Mr. Nelson did not support the classification of buildings in general, as he considers that all buildings in the district are valuable.

Marion Matthias spoke of the history of heritage preservation in Thornhill, the significance of receiving the Prince of Wales Award, and spoke in opposition to demolition of this building, in the Thornhill core.

Mr. Russ Gregory, agent for the applicant, was not in attendance.

Appendix 'D'continued

Heritage Markham Recommends:

That the deputations by Ken Webster, Robert Armstrong, representing the Executive of the Ward One (South) Residents Inc., and also on his own behalf, Barry Nelson, representing the Executive of Society for the Preservation of Historic Thornhill (SPOHT), Marion Matthias, regarding the demolition permit application for 38 John Street, be received; and,

That Heritage Markham receives the findings of the Heritage Markham Building Evaluation Sub-Committee for the raised bungalow at 38 John Street; and,

That Heritage Markham recognizes that 38 John Street is located in the sensitive core of the Thornhill Heritage District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor; and further,

That the first 20 feet of the building remains as a distinct component as part of any future addition.

CARRIED

Appendix 'E'
Heritage Markham Extract of May 11, 2016

HERITAGE MARKHAM
EXTRACT

DATE: May 12, 2016
TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #11 OF THE FIFTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON MAY 11, 2016.

11. Demolition Permit Application,
38 John Street, Thornhill,
Demolition of Raised Bungalow (16.11)
File Number: 16 115753 DP
Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

Regan Hutcheson, Manager, Heritage Planning addressed the Committee and briefly summarized the details outlined in the memo which noted that the dwelling was not of cultural heritage value, but was of a scale and massing complementary to many of the local heritage buildings. Staff had recommended no opposition to the demolition conditional on the owner first obtaining site plan approval for a new replacement single detached dwelling designed in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, and appropriately scaled to its context within the Core Area of the Heritage Conservation District.

Barry Nelson, representing the Executive of the Society for the Preservation of Historic Thornhill (SPOHT) addressed the Committee and spoke in opposition to the demolition permit for 38 John Street. He indicated support for a complementary addition to the existing dwelling in order to retain the unique characteristics of this portion of the John Street streetscape

Rob Armstrong, on behalf of the Executive of Ward One South Thornhill Residents Inc. addressed the Committee and spoke in opposition to the demolition permit for 38 John Street.

Marion Matthias, Thornhill resident addressed the Committee and spoke in opposition to the demolition permit for 38 John Street and indicated that there should be no demolitions permitted in the Core Area of the Heritage District.

The Committee discussed the importance of maintaining the heritage character within the Heritage District especially in the Core Area which was described as the heart of the District.

Heritage Markham Recommends:

That the correspondence previously distributed to Committee members from Diane Berwick, Joan Honsberger and Ken and Deila Webster be received; and,

Appendix 'E' Continued

That Heritage Markham recommends that Markham Council deny the demolition permit application for 38 John Street; and,

That Heritage Markham recognizes that 38 John Street is located in the sensitive core of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor; and,

That the first 20 feet of the building remains as a distinct component as part of any future addition.

Carried