

Memorandum to the City of Markham Committee of Adjustment

November 15, 2024

File: A/106/23
Address: 86 John Street (Thornhill)
Applicant: Scott Rushlow Associates Ltd.
Hearing Date: Wednesday, November 20, 2024

The following comments are provided by Heritage Section staff (“Staff”) for the property municipally-known as 86 John Street (the “Subject Property” or the “Property”):

The applicant is requesting relief from the following requirements of By-law 2237, as amended, as it relates to a proposed rear addition:

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of 31.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a rear yard setback of 14.85 feet, whereas the by-law requires a minimum rear yard setback of 30 feet; and
- c) **By-law 223-94, Section 1:**
a maximum floor area ratio of 44.73 percent, whereas the by-law permits a maximum floor area ratio of 33 percent.

As a result of revisions submitted by the Applicant on November 14th, 2024, as outlined in the comments below, the requested variances are revised as follows:

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of **30.91 metres**, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a rear yard setback of **16.17 feet**, whereas the by-law requires a minimum rear yard setback of 30 feet; and
- c) **By-law 223-94, Section 1:**
a maximum floor area ratio of **43.75 percent**, whereas the by-law permits a maximum floor area ratio of 33 percent.

BACKGROUND

This application was previously considered by the Committee of Adjustment (the “COA”) at its meeting on October 9, 2024. The COA voted to defer the application to provide the

applicant with the opportunity to make revisions to the proposal in order to address comments raised at the meeting.

In response to comments from the COA, the applicant has made the following revisions to the application as illustrated in the appended drawings (refer to Appendix "B"). Note that these revisions were made after notice was served.

- The height of the addition has been reduced by 0.16 m;
- The addition has been shifted an additional 1.0 ft from the eastern property line;
- The addition has been shifted 8 in closer to the western property line;
- The length of the garage has been shortened from 33'-8" to 33'-0";
- The area of the In-Law Suite has been reduced from 819.1 ft² to 781.5 ft²;
- The area of the garage has been reduced from 753.6 ft² to 738.8 ft²;
- The apartment area has been reduced from 907.7 ft² to 896.0 ft²;
- The area of the Games Room/Wellness Room has been reduced from 722.8 ft² to 698.1 ft².

These revisions have resulted in changes to the requested variances as noted above.

As the version of the proposal now before the COA remains substantially in accordance with the proposal considered at the October hearing date, the conclusions of the appended Staff report remain unchanged (Refer to Appendix 'C').

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Evan Manning, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager, Heritage Planning

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/23

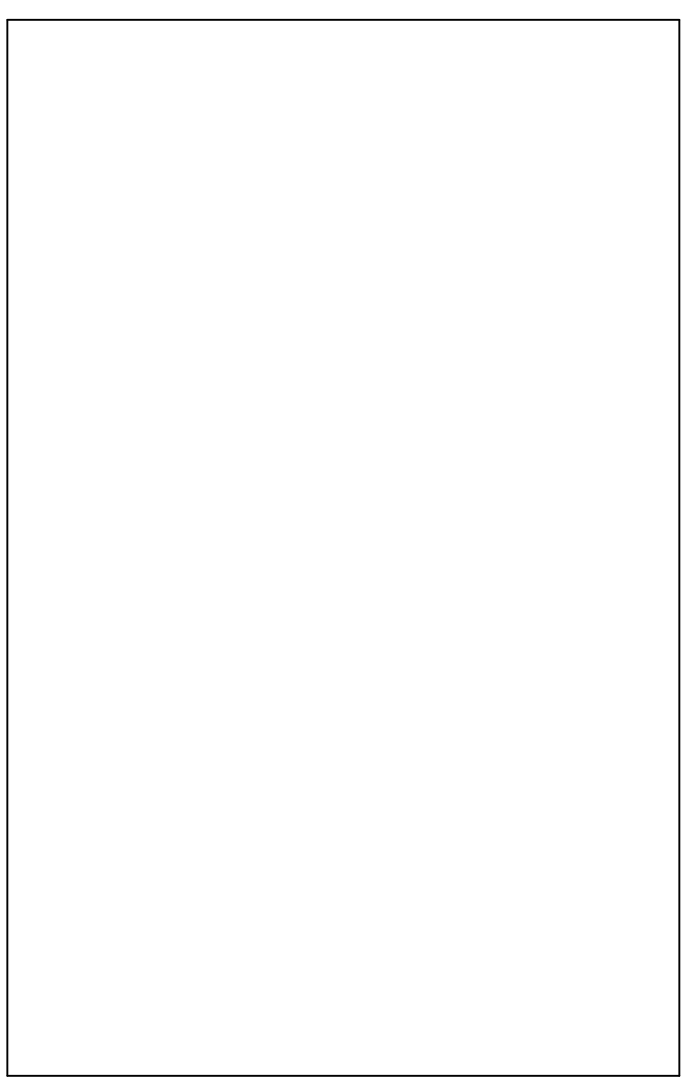
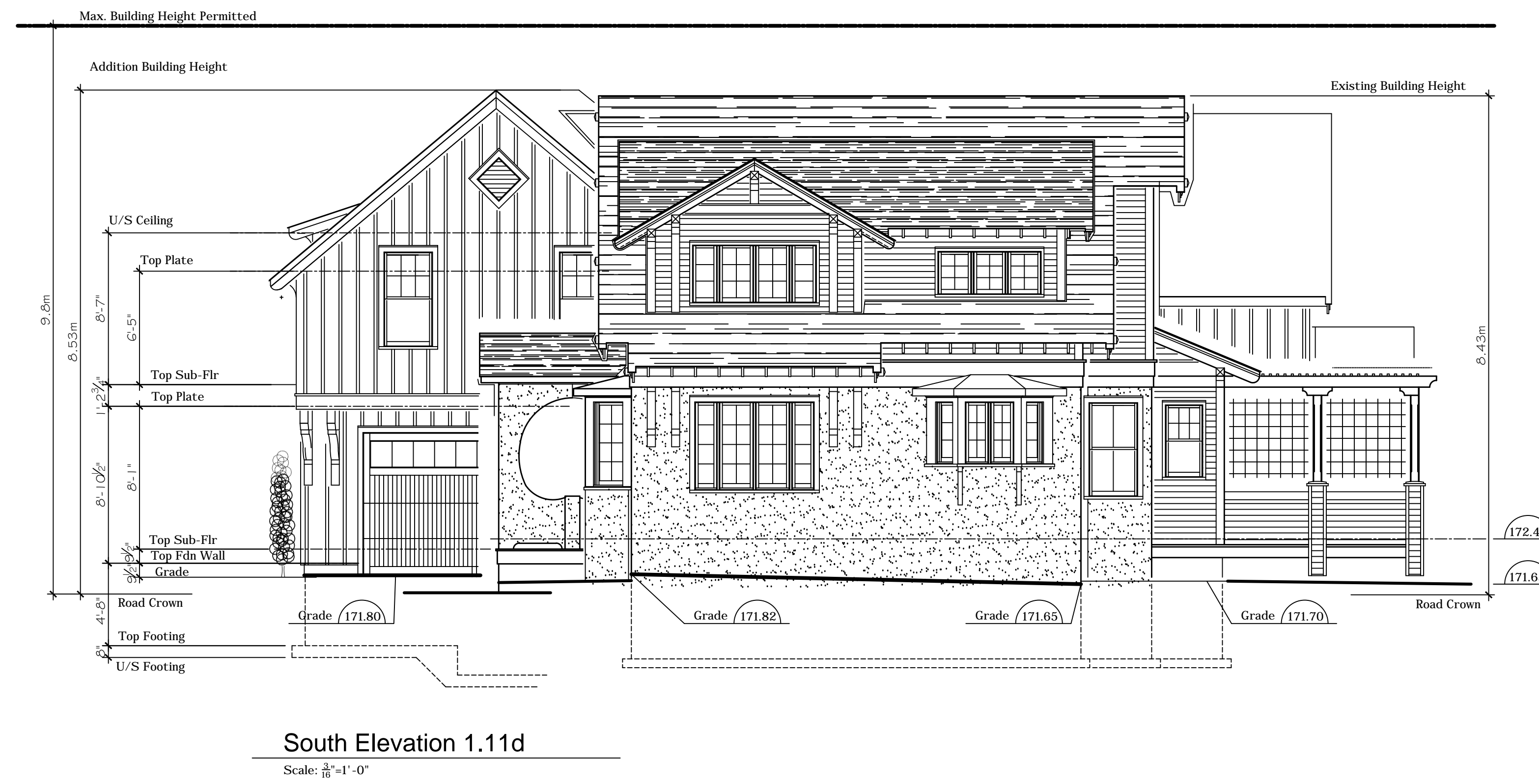
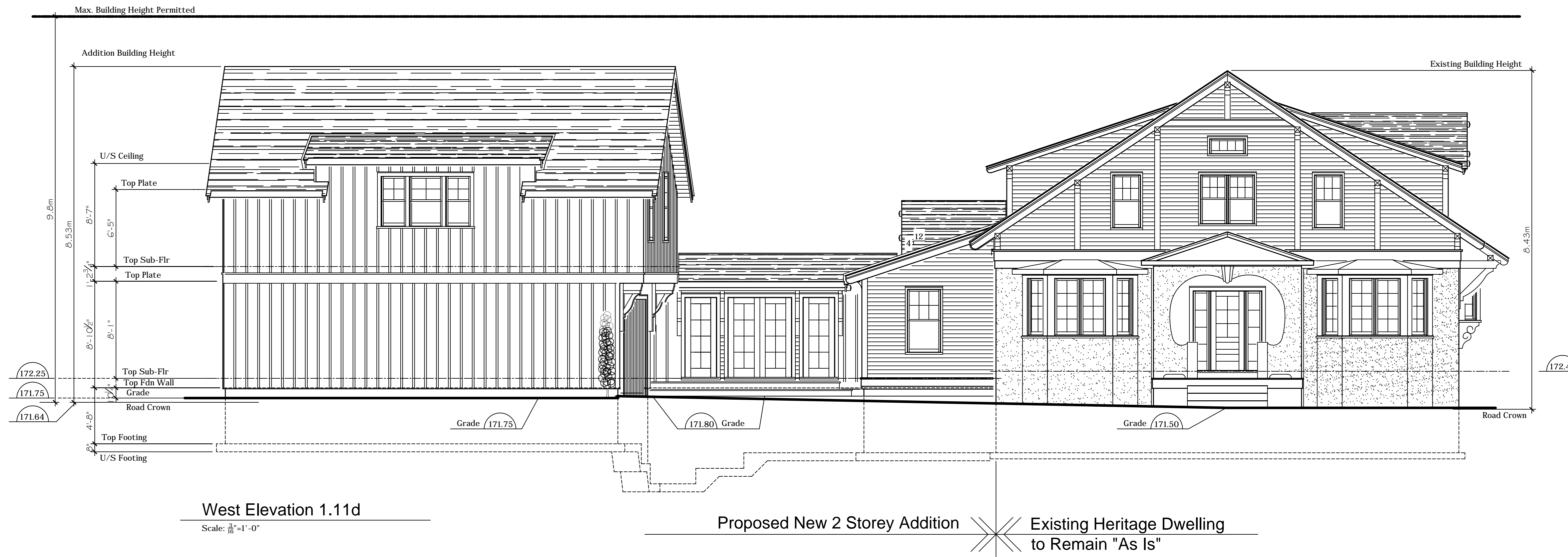
1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) appended to the Staff Report dated November 15th as Appendix 'B', and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That vegetative screening be planted adjacent to the north elevation of the addition to the satisfaction of the Director of Planning and Urban Design, or their designate, through the Major Heritage Permit Approval process.
7. That a 6ft privacy fence be erected along the rear property line to the satisfaction of the Director of Planning and Urban Design, or their designate, through the Major Heritage Permit Approval process.

CONDITIONS PREPARED BY:



Evan Manning, Senior Heritage Planner

APPENDIX "B"
REVISED DRAWINGS



DETAIL
NUMBER

DRAWING
NUMBER

No.	Description	Date
3	Issued for Client Review	31 / 03 / 2024
2	Issued for Client Review	27 / 03 / 2024
1	Issued for Client Review	12 / 10 / 2023

No.	Description	Date
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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

Scott Rushlow	29726
NAME	SIGNATURE BCIN

REGISTRATION INFORMATION

Scott Rushlow Associates Ltd	35924
FIRM	BCIN

SCOTT RUSHLOW
associates Ltd

111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

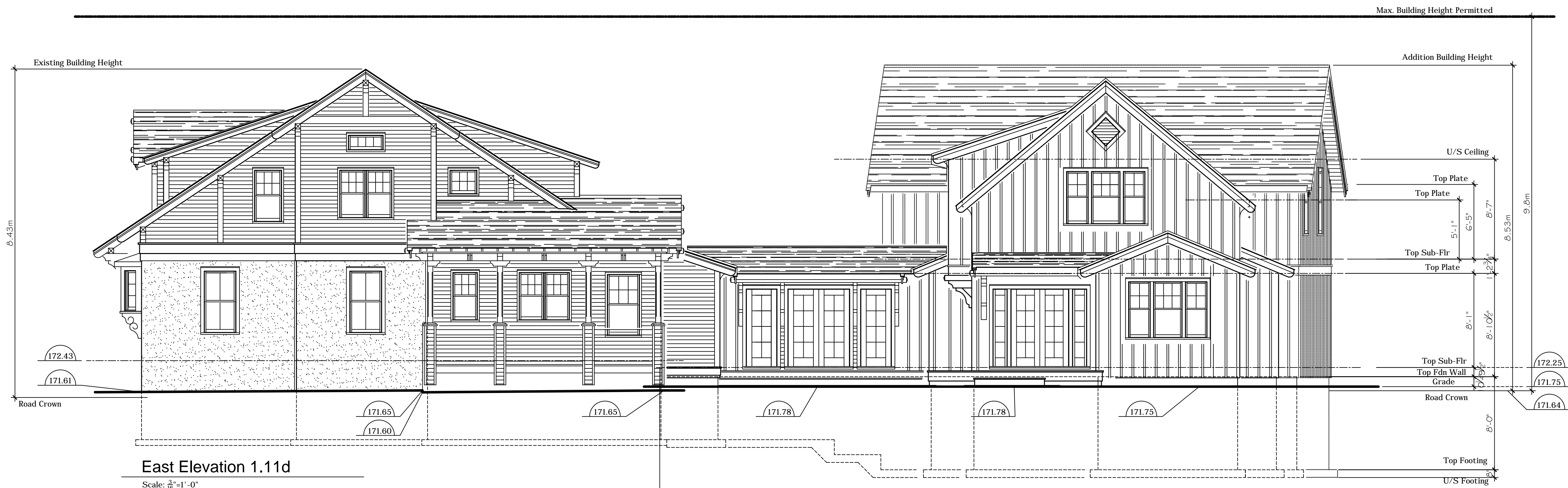
PROJECT

Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

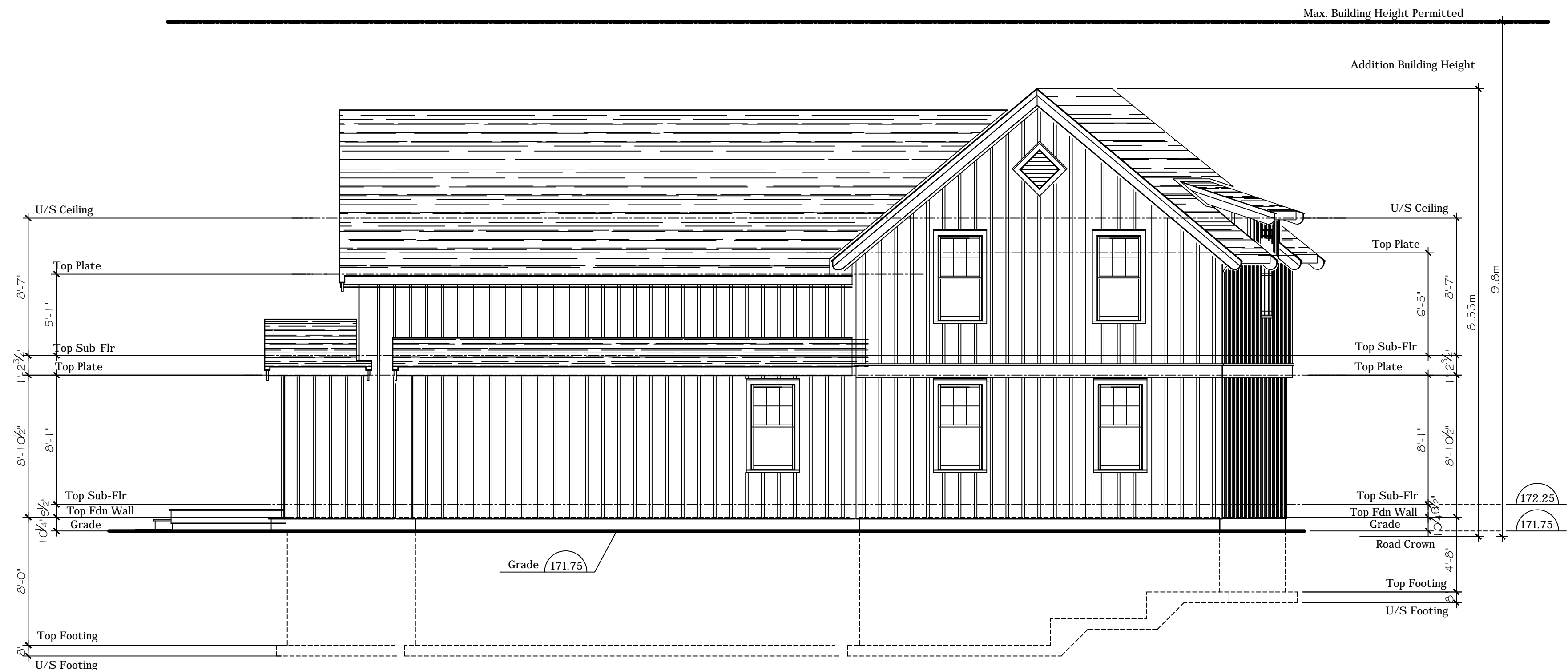
Exterior Elevations 1.11d

Scale: $\frac{3}{16}''=1'-0''$	DRAWING NO.
Date: Nov. 13, 2024	A1
Job No.	
Drawn By: S.R.	
Checked By:	



East Elevation 1.11d
Scale: $\frac{3}{16}''=1'-0''$

Existing Heritage Dwelling to Remain "As Is" Proposed New 2 Storey Addition



North Elevation 1.11d
Scale: $\frac{3}{16}''=1'-0''$

DETAIL NUMBER
DRAWING NUMBER

No.	Description	Date
3	Issued for Client Review	31 / 03 / 2024
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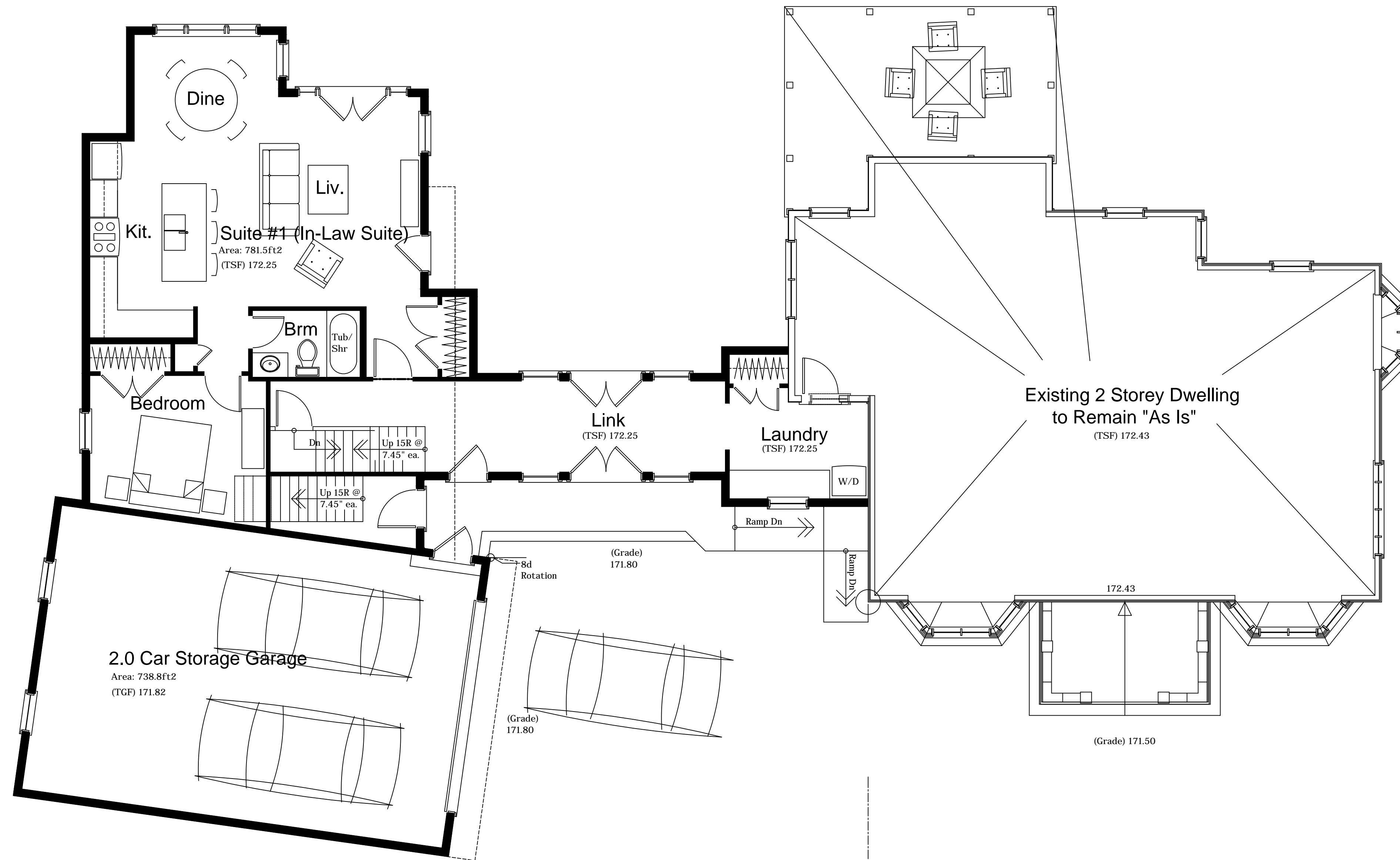
SCOTT RUSHLOW
associates Ltd
111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

PROJECT
Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Exterior Elevations 1.11d

Scale: $\frac{3}{16}''=1'-0''$	DRAWING NO.
Date: Nov. 13, 2024	A2
Job No.	
Drawn By: S.R.	
Checked By:	



Ground Floor Plan 1.11d

Scale: $\frac{3}{16}'' = 1'-0''$

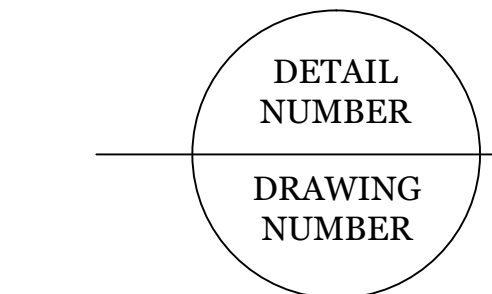
New Addition Area: 1,947.2ft² (Includes Garage)

Total Project Area: (New and Exist) Area: 5,737.8ft²
(Includes Garage)

Proposed New 1.5 Storey Addition

**Existing Heritage Dwelling
to Remain "As Is"**

Area: 1,261.6ft² (Existing Ground Floor)



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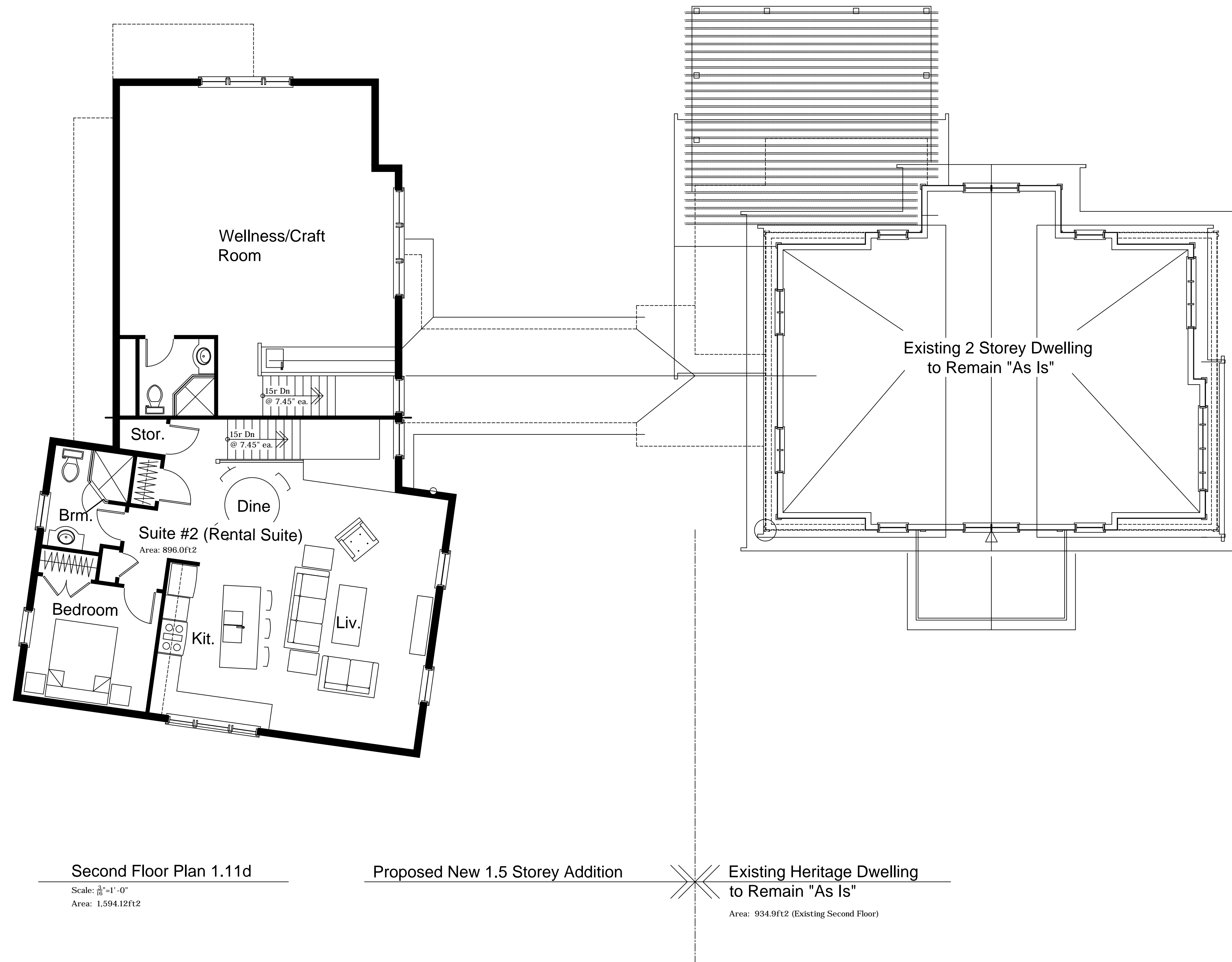
PROJECT

**Capelli / Simmons
Residence**
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Ground Floor Plan 1.11d

Scale: $\frac{3}{16}'' = 1'-0''$	DRAWING NO.
Date: Nov. 13, 2024	A3
Job No.	
Drawn By: S.R.	
Checked By:	



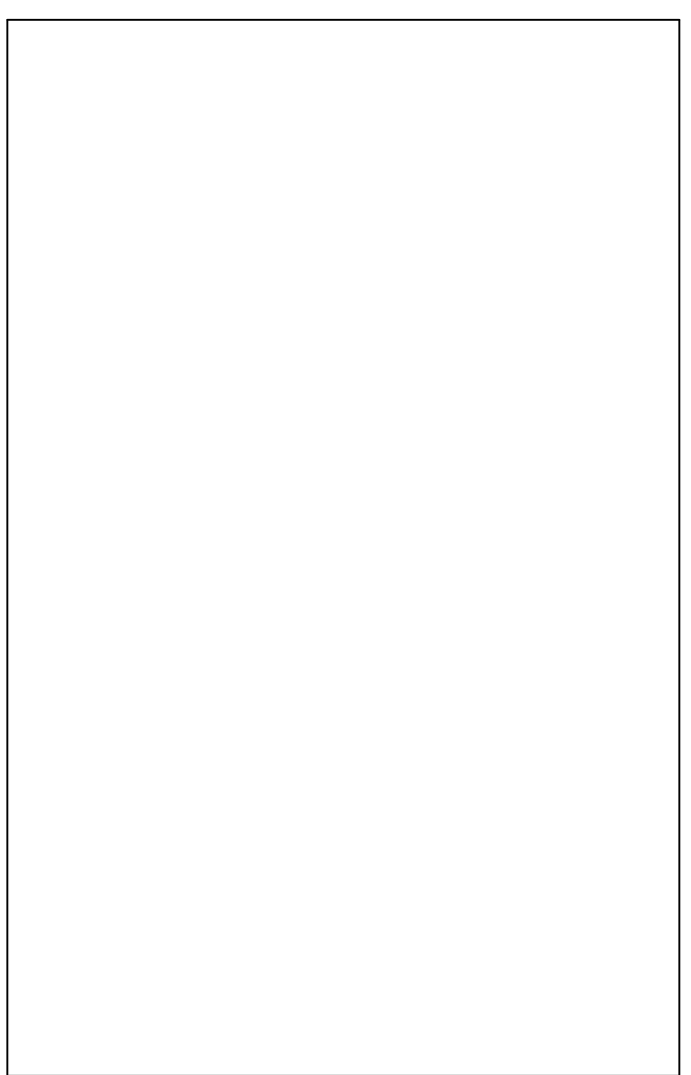
Second Floor Plan 1.11d

Scale: $\frac{3}{16}''=1'-0''$
Area: 1,594.12ft²

Proposed New 1.5 Storey Addition

Existing Heritage Dwelling
to Remain "As Is"

Area: 934.9ft² (Existing Second Floor)



DETAIL
NUMBER

DRAWING
NUMBER

No.	Description	Date
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1	Issued for Client Review	12 / 10 / 2023

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PROJECT

Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Second Floor Plan 1.11d

Scale: $\frac{3}{16}''=1'-0''$ DRAWING NO.

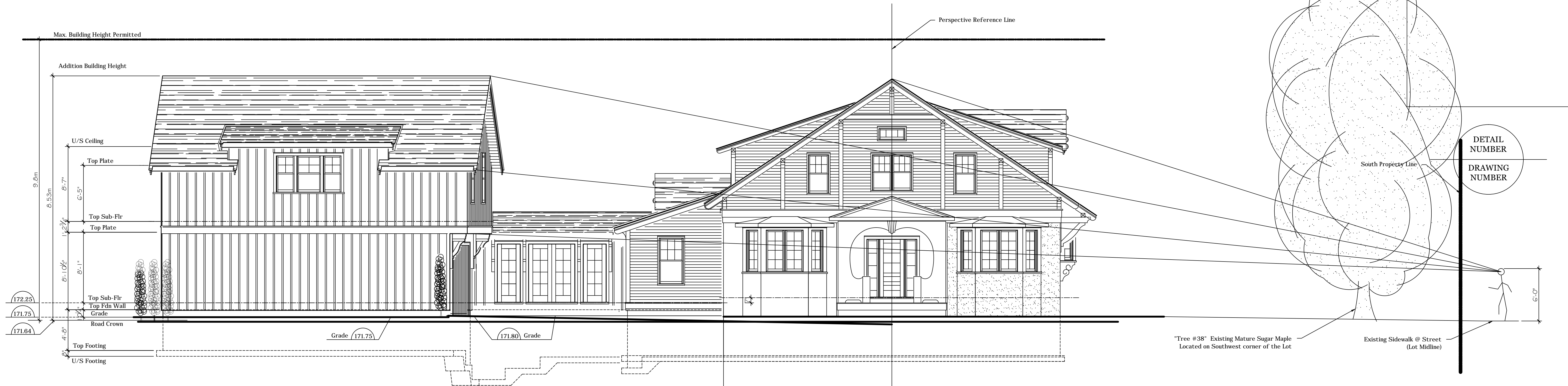
Date: Nov. 13, 2024

Job No.

Drawn By: S.R.

Checked By:

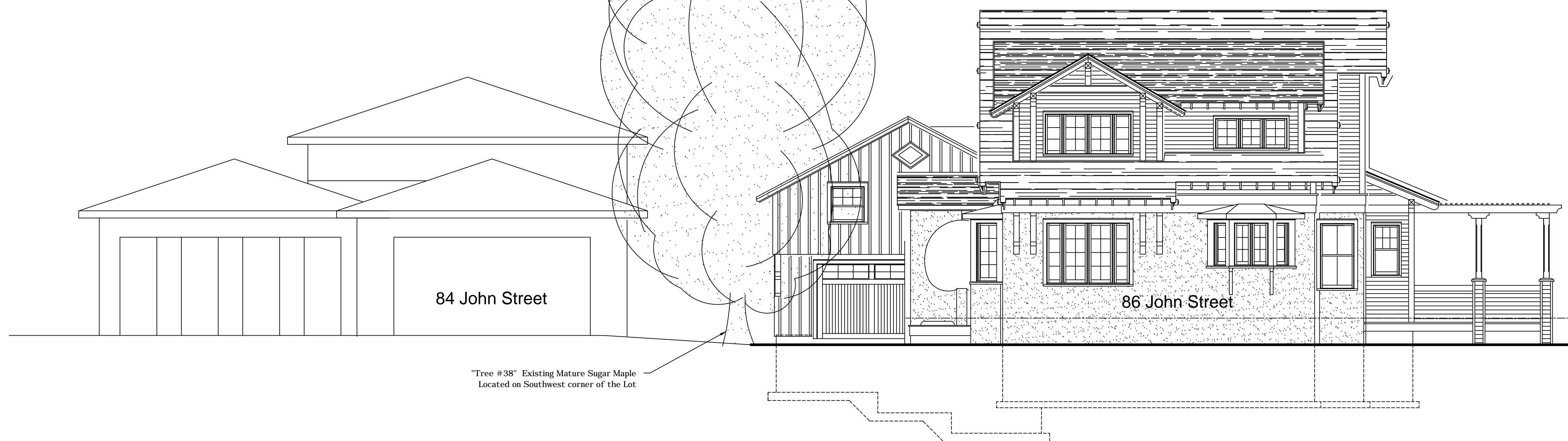
A4



Lot Cross Section 1.11d

Scale: $\frac{3}{16}''=1'-0''$

Proposed New 2 Storey Addition
Existing Heritage Dwelling
to Remain "As Is"



South Elevation (Perspective View From John Street Sidewalk)

Scale: $\frac{3}{16}''=1'-0''$

No.	Description	Date
3	Issued for Client Review	31 / 03 / 2024
2	Issued for Client Review	27 / 03 / 2024
1	Issued for Client Review	16 / 03 / 2024

No.	Description	Date

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FIRM	BCIN

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PROJECT

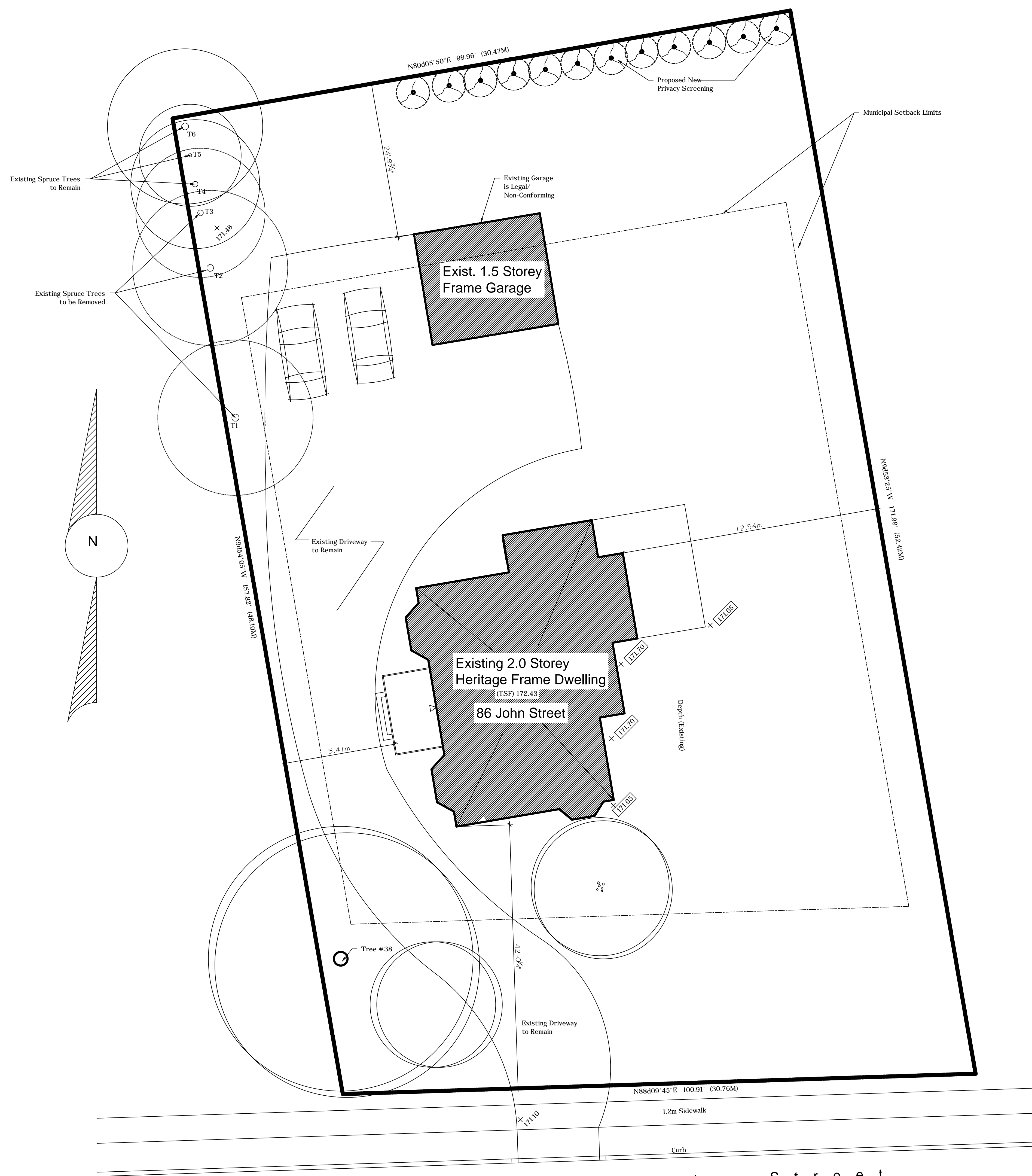
Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Lot Cross Section 1.11d
South Perspective 1.11d

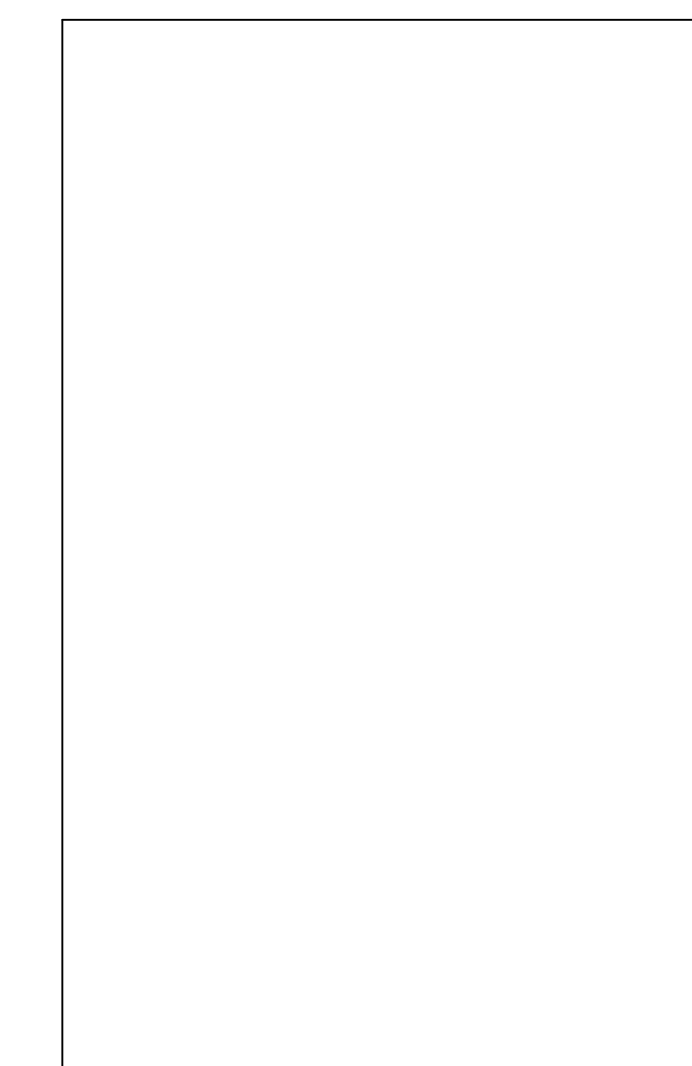
Scale:	$\frac{3}{16}''=1'-0''$	DRAWING NO.
Date:	Nov. 14, 2024	
Job No.		
Drawn By:	S.R.	
Checked By:		

A5



86 John St. Existing Site Plan

Scale: 1:100



DETAIL NUMBER
DRAWING NUMBER

4	Issued for Client Review Lot Grading	05 / 06 / 2024
3	Issued for Client Review	31 / 03 / 2024
2	Issued for Client Review	27 / 03 / 2024
1	Issued for Client Review	12 / 10 / 2023

No.	Description	Date
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PROJECT

Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Existing Site Plan

Scale: 1:100

Date: Nov. 14, 2024

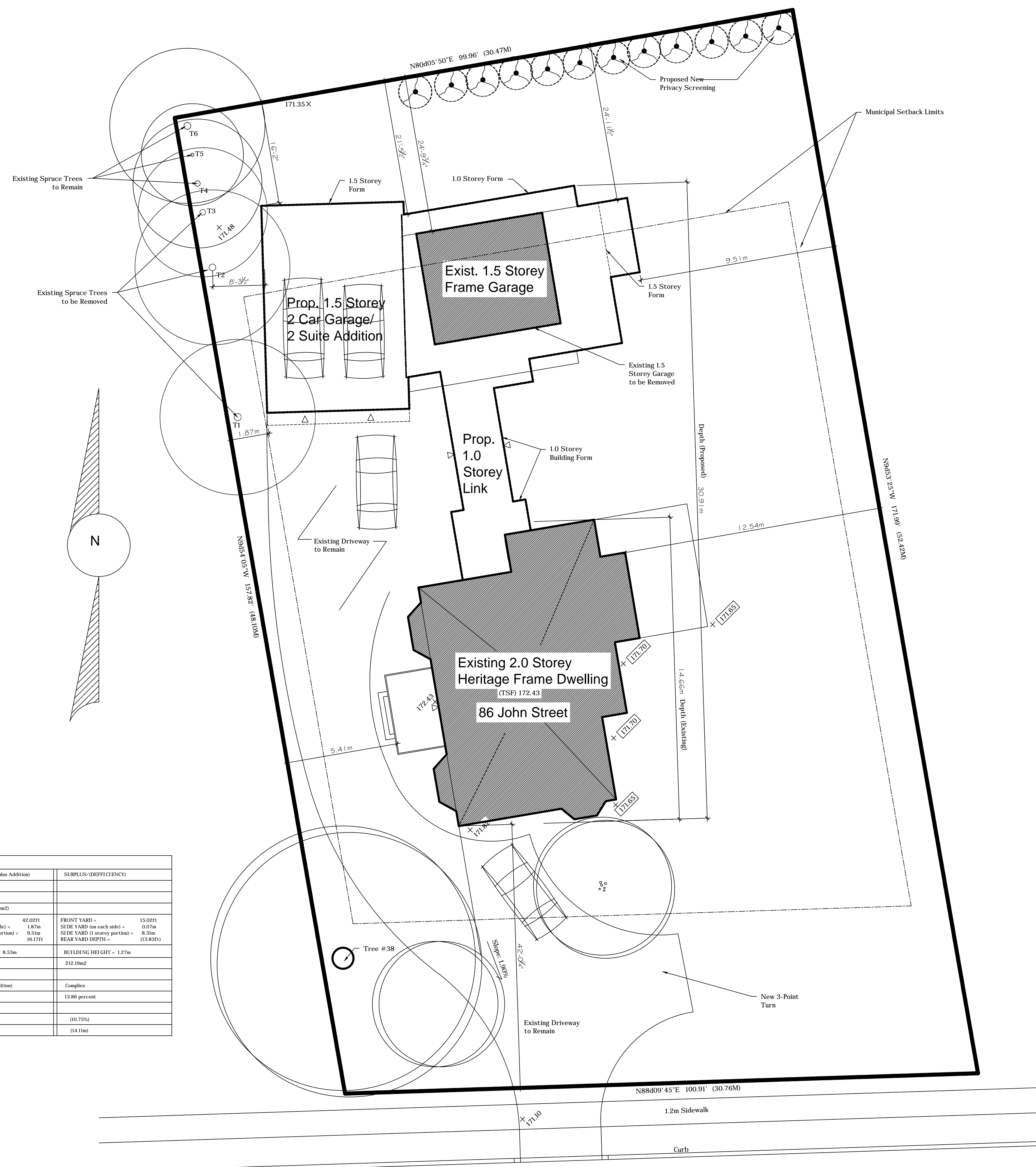
Job No.

Drawn By: S.R.

Checked By:

DRAWING NO.

Ex SP



	* BY-LAW	EXISTING	PROPOSED (Existing plus Addition)	SURPLUS/(DEFICIENCY)
* 1. ZONING	R2-Second Density Single Family Residential under By-Law 2237 as amended, Parking By-Law 28-97, Deck By-Law 142-95			
3. LOT FRONTAGE (min)	23.0 m	100.91ft (30.76m)	100.91ft (30.76m)	
2. LOT AREA (min)	9,750.0ft ²	16,478.6ft ² (1530.90m ²)	16,478.6ft ² (1530.90m ²)	
4. SETBACKS (min)	FRONT YARD = 27.0ft SIDE YARD (on each side) = 1.8m SIDE YARD (1 storey portion) = 1.2m REAR YARD = 30.0ft	FRONT YARD = 42.02ft SIDE YARD (on each side) = 5.41m SIDE YARD (1 storey portion) = 12.54m REAR YARD DEPTH = 24.81ft	FRONT YARD = 42.02ft SIDE YARD (on each side) = 1.87m SIDE YARD (1 storey portion) = 9.51m REAR YARD DEPTH = 16.17ft	FRONT YARD = 15.02ft SIDE YARD (on each side) = 0.07m SIDE YARD (1 storey portion) = 8.31m REAR YARD DEPTH = (13.83ft)
5. BUILDING HEIGHT (max)	9.8m	BUILDING HEIGHT = 8.43m	BUILDING HEIGHT = 8.53m	BUILDING HEIGHT = 1.27m
6. BUILDING AREA	33-1/3% of LOT AREA	151.00m ²	298.10m ²	212.19m ²
6. GROSS BUILDING AREA	402.06m ²	272.51m ²	533.06m ²	
7. NUM. OF STOREYS (max)	2 STOREYS	2 STOREYS	2 STOREYS (Storey Addition)	Complies
8. LOT COVERAGE (max)	33-1/3 percent	9.90 percent	19.47 percent	13.86 percent
9. NET LOT AREA:	9,750ft ² - [(16,478.6ft ² - 9,750ft ²) / 2] = 13,114.3ft ² Net Lot Area			
* 10. FLOOR AREA RATIO (max)	33% of NET LOT AREA = 4,327.72ft ² (max)	22.37%	43.75%	(10.75%)
11. DEPTH (max)	10.8m 2 Storey / 18.9m with Conditions)	14.66m	30.91m	(14.11m)

* Zoning is subject to Bill 23 Amending the Planning Act

Proposed Site Plan 1.11d

Scale: 1:100

DETAIL NUMBER
DRAWING NUMBER

No.	Description	Date
4	Issued for Client Review Lot Grading	05 / 06 / 2024
3	Issued for Client Review	31 / 03 / 2024
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REGISTRATION INFORMATION
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FIRM BCIN

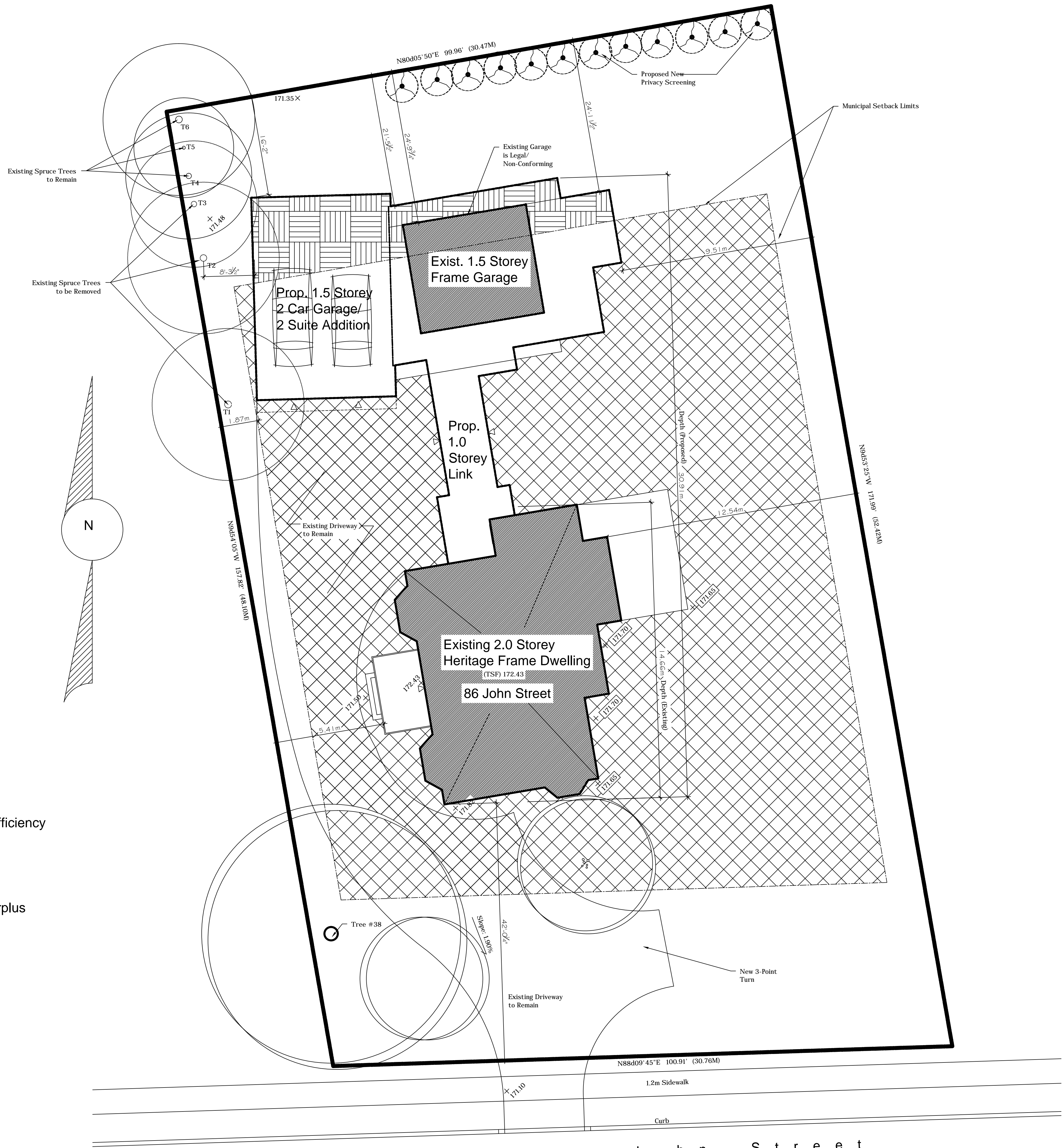
SCOTT RUSHLOW
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111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

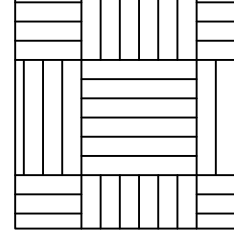
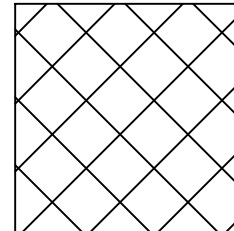
PROJECT
Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Site Plan 1.11d

Scale:	1:100	DRAWING NO. SP
Date:	Nov. 14, 2024	
Job No.		
Drawn By:	S.R.	
Checked By:		



 By-Law Defficiency
 (42.15m²)
 By-Law Surplus
 602.06m²

Proposed Site Plan 1.11d
Scale: 1:100

J o h n S t r e e t

DETAIL NUMBER
DRAWING NUMBER

4	Issued for Client Review Lot Grading	05 / 06 / 2024
3	Issued for Client Review	31 / 03 / 2024
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No. Description Date

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QUALIFICATION INFORMATION

Scott Rushlow 29726
NAME SIGNATURE BCIN

REGISTRATION INFORMATION

Scott Rushlow Associates Ltd 35924
FIRM BCIN

SCOTT RUSHLOW
associates Ltd
111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

PROJECT

Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE

Site Plan 1.11d
By-Law Surplus/Defficiency

Scale:	1:100	DRAWING NO.	SP2
Date:	Nov. 14, 2024		
Job No.			
Drawn By:	S.R.		
Checked By:			

APPENDIX "C"
STAFF REPORT DATED OCTOBER 2, 2024

Memorandum to the City of Markham Committee of Adjustment

October 2, 2024

File: A/106/23
Address: 86 John Street (Thornhill)
Applicant: Scott Rushlow Associates Ltd.
Hearing Date: Wednesday, October 9, 2024

The following comments are provided by Heritage Section staff ("Staff") for the property municipally-known as 86 John Street (the "Subject Property" or the "Property"):

The applicant is requesting relief from the following requirements of By-law 2237, as amended, as it relates to a proposed rear addition:

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of 31.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a rear yard setback of 14.85 feet, whereas the by-law requires a minimum rear yard setback of 30 feet; and
- c) **By-law 223-94, Section 1:**
a maximum floor area ratio of 44.73 percent, whereas the by-law permits a maximum floor area ratio of 33 percent.

BACKGROUND

Property Description

The approximately 1,600 m² (17,222 ft²) Subject Property is located on the north side of John Street between Sumner Lane to the west and Leahill Drive to the east. The Property is designated under Part V of the Ontario Heritage Act as part of the Thornhill Heritage Conservation District (the "THCD" or the "District"), a well-established residential neighbourhood comprised of a mix of one and two-storey detached dwellings generally situated on generously sized lots. Note that all properties contiguous with the Subject Property are also contained within the THCD.

There is an existing one-and-a half storey dwelling and detached garage on the Property which, according to Municipal Property Assessment records, were both constructed in 1914. The Property has a width of approximately 31m (102 ft) and a depth of approximately 49 m (161 ft) as measured from the midpoint of the front lot line. The lot configuration is such that 4 Leahill Drive, located immediately to the north of the Subject Property, runs perpendicular to the properties along the north side of John Street. As such, the existing dwelling on 4 Leahill Drive is situated perpendicular to those along John Street with an east-west rather than north-south orientation. In this configuration, its side rather than rear yard abuts the Subject Property. Refer to Appendices "C" and "D" for a property map and images of the Subject Property.

Mature vegetation exists on and adjacent to the Subject Property, providing visual screening between neighbouring dwellings. This screening is most dense adjacent to 4 Leahill Drive located immediately to the north of the Subject Property.

Proposal

The applicant is proposing to construct a rear addition to the existing dwelling containing amenity space, two residential units, and a two-car garage. An enclosed one-storey link is proposed to connect the addition with the north elevation of the existing dwelling. This link will provide a weather

protected circulation route between the main dwelling and the proposed addition while maintaining the legibility of both volumes as distinct elements.

The existing garage is proposed to be removed to accommodate the addition (Staff do not object to its removal from a heritage perspective). Refer to Appendices “E” and “F” of this report for a rendering and drawings of the proposal.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development (refer to 23 118355 ZPR). The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

Policy Review

Official Plan and Zoning

The Official Plan is a municipality’s chief planning tool to provide direction to approval authorities and the public on local planning matters. It contains land use planning objectives as well as policies in areas such as land use, and conservation of cultural heritage resources. The objectives and policies contained within the Official Plan conform to land-use direction as provided by the province via the *Planning Act* and the Provincial Planning Statement 2024 (formerly the Provincial Policy Statement, 2020).

Section 10.5 of the Markham Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18), notes that it is the policy of Council that the Committee of Adjustment shall be guided by the general intent and purpose of the Plan in making decisions on minor variances to the zoning by-law and consent applications.

Zoning By-law 2237, as amended

The subject property is zoned “Second Density Single Family Residential (R2)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the rear yard setback requirements of the By-law.

Residential Infill Zoning By-law 101-90

The subject property is also subject to Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to floor area.

By-law 223-94

The subject property is also subject to Site Specific By-law 223-94, which further amends Residential Infill By-law 101-90. The intent of this By-law is to permit a maximum Floor Area Ratio for properties located within the THCD to 33%. The proposed development does not comply with the By-law requirements with respect to floor area.

By-law 2024-19

The Subject Lands are also Zoned “RES-ENLR (Residential – Established Neighbourhood Low Rise), under By-law 2024-19, which permits detached dwellings. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of this by-law. As this variance application was accepted prior to the passing of By-law 2024-19, the provisions of By-law 2024-19 shall not apply to this application.

Land Use Policies

In the Official Plan, the subject property is designated "Residential - Low Rise" which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. These criteria help ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

Heritage Conservation Policies

The Markham Official Plan also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

From a heritage conservation policy perspective, two of the overall goals of the Official Plan are "to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale" and "to celebrate Markham's unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community" (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- ***"To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and associated agreements"*** (Section 4.5.3.9); and
- ***"To evaluate each variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan"*** (Section 4.5.3.10)

Thornhill Conservation District Plan

The THCD Plan categorizes properties based on their cultural heritage significance relative to the municipally-defined attributes of the District and provides policies and guidelines intended to manage change in a manner compatible with the heritage character of the THCD.

The Subject Property is categorized as 'Class A – Buildings of Major Importance to the District'. As described in Section 2.2.2 ('Building/Property Classification') of the THCD Plan, Class A properties possess the following qualities:

- ***"They possess cultural heritage value";***
- ***"They are buildings and properties that maintain the heritage character of the District pre-1900";***
- ***"These buildings possess heritage attributes or character defining elements such as historic materials, features, characteristics, forms, locations, spatial configurations, uses or historical associations that contribute to the cultural heritage value of the District. For example, a building may represent a historic architectural style or may have historic claddings, windows, architectural features, verandas or landscape elements";***
- ***"Includes properties designated under Part IV of the Ontario Heritage Act and buildings identified as being of architectural significance in the 1986 Heritage District Plan".***

Section 4.2.2 – “Additions and Alterations to Heritage Buildings” of the THCD Plan provides the following policy direction relevant to this application:

- a) ***“Conserve the heritage value and heritage attributes of a heritage resource when creating any new addition or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the heritage resource.”***
- b) ***“Ensure that any new addition, alteration, or related new construction will not detrimentally impact the heritage resource if the new work is removed in future.”***
- c) ***“Alterations and additions to the heritage resource shall conform to the guidelines found in Section 9.2.”***

Section 9.2.5.1 – Additions to Heritage Buildings – Location provides the following guidelines: ***“Attached exterior additions should be located at the rear or on an inconspicuous side of a historic building”*** and ***“Additions should be limited in size and scale in relationship to the historic building”***.

Section 9.2.5.2 – Additions to Heritage Buildings – Building Form states: ***“The form of the original building should be considered in the design of a new addition”*** and ***“The attached addition should in no way dominate the street presence of the heritage building nor detract from any of its important historical features”***.

Section 9.2.5.3 – Additions to Heritage Buildings – Scale states: ***“The design of additions should reflect the scale of the existing heritage buildings”*** and ***“An addition should not be greater in scale than the existing building”***.

Section 9.2.5.4 – Additions to Heritage Buildings – Respect for Original Building states: ***“Additions to heritage buildings should be constructed so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed”*** and ***“An addition should be clearly differentiated from the historic building, but be compatible in terms of mass, composition, and colour”***.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Depth & Reduction Rear Yard Setback

The applicant is requesting relief to permit a maximum building depth of 31.48 m (103.28 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 14.68 m (48.16ft). Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. The applicant is also requesting relief to permit a minimum rear yard setback of 14.85 ft (4.53 m), whereas the By-law requires a minimum front yard setback of 30 ft (9.1 m). This represents a reduction of approximately 15.15 ft (4.62 m).

Staff note that the extent of the variance for building depth is required because the proposed addition is attached to the existing dwelling by a link and therefore the entire building mass is considered the main house from a zoning perspective. As the existing dwelling and addition will be perceived as

discrete elements, the visual impact of the increased building depth relative to existing permissions will be mitigated.

Staff also note that the addition has been programmed to reduce overlook and privacy concerns for adjacent property owners, notably 4 Leahill Drive. Those spaces most frequently used and/or those that require larger windows have been placed along the south and east elevations of the addition where they are the farthest from adjacent dwellings. This includes the dwellings immediately to the east and west of the Subject Property at 90 and 84 John Street, respectively.

Lot configuration further mitigates the visual impact of the proposal despite its proximity to 4 Leahill Drive. The addition is sited adjacent to the side yard of this property where it is outside the primary site line of those enjoying amenity space within its rear yard. Mature plantings along the side yard of 4 Leahill Drive will further diminish visibility of the proposed addition. As such, it is the opinion of Staff that the variances for building depth and rear yard setback do not significantly alter the contextual relationship between the two properties.

From a heritage perspective, the proposed rear yard setback is supportable as it ensures that the addition does not visually compete with the diminutive character of the existing dwelling on the Property as seen from John Street. As the primary elevation of the heritage building fronts John Street, it is from this vantage point that Staff assess impact on both the heritage integrity of the Subject Property and the THCD more broadly. Were the addition to be sited closer to the existing dwelling, Staff are of the opinion that it would have an adverse visual impact on the Class 'A'-rated heritage resource owing to its height, thereby running counter to policy direction and guidance in the THCD Plan. Staff are also of the opinion that the siting and scale of the proposal has minimal visual impact on the heritage character of 4 Leahill Drive given the distance of the addition from Leahill Drive. As the primary elevation of this heritage building fronts Leahill Drive, it is from this vantage point that Staff assess the proposal's impact on heritage integrity.

It is, therefore, the position of Staff that the requested variances maintain the general intent and purpose of the Official Plan and Zoning by-law and are minor in nature.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 44.73 percent, whereas the By-law permits a maximum floor area ratio ("MFAR") of 33 percent. Existing permissions for MFAR allow for a dwelling and integrated garage at a maximum size of 404 sq. m (4,343 sq ft.). The current proposal is for a dwelling and integrated garage of 545 sq. m (5,866 sq ft.)

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is, however, not a definitive measure of the mass of the dwelling. Variances are not being sought for building height, lot coverage, or side yard set back. It is the opinion of Staff that these measures are more instructive than MFAR in understanding the scale and massing of a proposal. As such, it is the opinion of Staff that the proposal is appropriately scaled in relation to the on-site heritage resource (i.e. does not diminish its prominence as viewed from John Street). Staff also find that the proposal is appropriately scaled relative to adjacent dwellings and maintains a harmonious streetscape. The requested variance, therefore, maintains the general intent and purpose of the Official Plan and Zoning by-law and is minor in nature.

Staff/Agency Comments **Heritage Markham Committee**

The applicant attended the Heritage Markham Committee several times and made a number of modifications to the proposal to satisfy the Committee's concerns. The owner of 4 Leahill Drive and/or their representative also appeared before the Committee in opposition to the proposal. Heritage Markham considered the application at its meeting on April 10, 2024 and had no objection to the requested variances. Refer to Appendix "B" for a copy of the meeting extract. Heritage Markham was also aware that this proposal would involve the removal the existing garage and delegated the future review of any demolition permit to Heritage Staff.

Urban Design Staff

The City's Urban Design Section has no objection to the requested variances provided that the approval conditions within Appendix "A" are satisfied.

PUBLIC INPUT SUMMARY

Two written submissions were received as of October 2, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection from a land-use planning or heritage perspective. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Evan Manning, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager, Heritage Planning

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/23

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) appended to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That vegetative screening be planted adjacent to the north elevation of the addition to the satisfaction of the Director of Planning and Urban Design, or their designate, through the Major Heritage Permit Approval process.
7. That a 6ft privacy fence be erected along the rear property line to the satisfaction of the Director of Planning and Urban Design, or their designate, through the Major Heritage Permit Approval process.

CONDITIONS PREPARED BY:



Evan Manning, Senior Heritage Planner

**APPENDIX “B”
HERITAGE MARKHAM EXTRACT**

**HERITAGE MARKHAM
EXTRACT**

Date: April 26, 2024

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

EXTRACT CONTAINING ITEM # 6.2 OF THE FOURTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON April 10, 2024

6. PART FOUR - REGULAR

6.2 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

**PROPOSED REAR ADDITION WITH INTEGRATED GARAGE
86 JOHN STREET, THORNHILL (16.11)**

File Numbers:

A/106/23

Evan Manning, Senior Heritage Planner, introduced this item, reminding members that this has been before the Committee twice previously. Mr. Manning advised that since this item was last before the Committee, the application has been revised in a number of ways. Mr. Manning provided an overview of the revisions to the application and advised that Staff feel that the Applicant has, in good faith, attempted to respond to concerns raised by the Committee.

Darryl Simmons, deputant and Owner, explained that they are seeking to expand their living space as they wish to provide an accessible living space for an elderly family member and eventually for others in the family. Mr. Simmons noted that they have worked diligently to protect the trees on their property and have considered this through the application and revisions.

Francis Lapointe, deputant and architect, Lapointe Architects, representing the adjacent owner at 4 Leahill Drive, expressed opposition to the application, regardless of the view of the addition from the street or sidewalk. Mr. Lapointe noted that there are homes behind and next to this property and stressed the importance of adhering to the guidelines in the Thornhill Heritage Conservation District Plan regarding the scale and siting of additions. Mr. Lapointe expressed concerns with the proximity of the addition to 4 Leahill Drive. Mr. Lapointe expressed concern that the addition would not conform with the building code, noting that laundry facilities are not available to each unit. Mr. Lapointe expressed concerns with emergency services accessing the addition. Mr. Lapointe

also provided a written submission summarizing the identified issues and concerns.

Valerie Burke, deputant, expressed support for the application being further revised, noting continued concern with the massing and height of the addition. Ms. Burke indicated concern about the three mature trees which would be removed to build the addition and the possibility that other trees on the property could be damaged during construction

Evelin Ellison, deputant, expressed appreciation for the efforts of the Owner in returning to the Heritage Committee, but expressed continued concerns with the application and the size of the proposed addition. Ms. Ellison expressed concern that the Owner of 86 John Street was not adhering to the conditions of the Heritage Easement Agreement (HEA) in relation to proper maintenance of the existing detached garage.

Regan Hutcheson, Manager, Heritage, commented that monitoring HEAs are handled in different ways depending on if the Owner is taking part in the tax rebate program in which case photos would be reviewed every two years to ensure that the conditions of the HEA are being complied with. In this case, the existing garage noted in the HEA is proposed to be removed.

Darryl Simmons responded that the garage has been greatly improved once signing the HEA, acknowledging that the garage was not in good condition when they purchased the home. Mr. Simmons confirmed that they have not taken part in the property tax rebate program.

Scott Rushlow, designer, noted that the brief from the client was to create three separate suites. Mr. Rushlow advised that the proper siting and massing of the addition relative to the existing heritage building were paramount considerations and that concerns from the Committee were taken into account and incorporated into the revised proposal, noting that the building was also pulled back from the rear property line to reduce visual impact and address the concerns of the Owner of 4 Leahill Drive. Mr. Rushlow advised that the building depth and length of the link were also reduced and expressed his opinion that the Applicant has taken steps in good faith to address community concerns.

The Committee provided the following feedback:

- Thanked the Applicant for making some changes to the application.
- Requested a Staff response to the report submitted by Francis Lapointe. Mr. Manning responded that from a massing perspective, the proposed addition is optimal in its siting. Mr. Manning noted that items outlined in

Mr. Lapointe's report are guidelines rather than policies within the District Plan and Staff consider them on a case-by-case basis. Mr. Manning expressed Staff's view that the addition being brought closer to the existing building would cause visual confusion between the heritage building and the addition, noting a preference for separation between the two volumes. Mr. Manning also noted that privacy issues are land use issues which are more appropriately dealt with through the Committee of Adjustment but observed that the rear yard of 4 Leahill Drive is quite vegetated.

- Questioned the addition's visibility from the street, asking if there is a rendering which shows the visibility from Leahill Drive. Mr. Manning explained that the visibility from John Street has been considered a higher priority as John Street is one of the primary streets within the District.
- Asked if the configuration suggested by Mr. Lapointe could be adopted. Mr. Manning confirmed that any configuration which brings the addition closer to the heritage resource would be considered less desirable by Heritage Section Staff as it would diminish the prominence of the heritage building as viewed from John Street.
- Asked if the application has gone to the Committee of Adjustment at this point. Mr. Manning confirmed that the application has not gone to the Committee of Adjustment as the Applicant and Staff are first seeking Heritage Markham support before proceeding.
- Expressed that Heritage Markham's decision could be influenced by what the Committee of Adjustment is willing to allow.
- Asked if the size of the garage could be reduced to provide more of a setback. Mr. Rushlow noted that one of the Owners requests was for a large garage to accommodate vehicles and yard maintenance equipment, adding that the Owners were willing to concede a four-car garage.
- Sought clarification on the original length of the link. Mr. Rushlow advised that the link was originally 25 ft. and was reduced by 8 ft.

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the revised proposal for 86 John Street including the requested variance to permit:

- a building depth of 31.48 metres; whereas the By-law allows a maximum building depth of 16.8 metres;

- a rear yard setback of 14.85 feet; whereas the By-law requires a minimum rear yard setback of 30 feet;
- a floor area ratio of 44.73%; whereas the By-law allows for a maximum floor area ratio of 33%

AND THAT the written submission from Francis Lapointe be received.

AND THAT the deputations from Darryl Simmons, Francis Lapointe, Valerie Burke, Evelin Ellison, and Scott Rushlow be received.

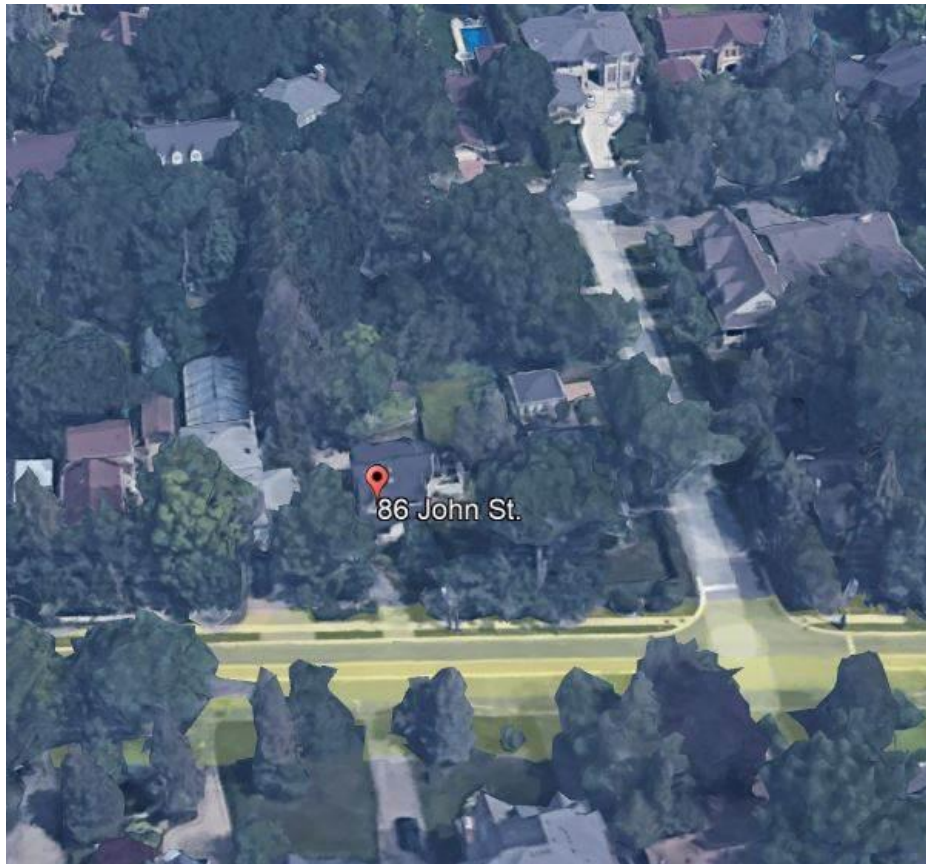
AND FURTHER THAT future review of a Major Heritage Permit application, and any other application required to enable the proposed development including a demolition permit application for the garage, be delegated to Heritage Section staff should the design be substantially in accordance with the drawings as appended to this memo.

Carried

**APPENDIX “C”
LOCATION MAP AND AERIAL IMAGE OF THE SUBJECT PROPERTY**



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



Aerial image looking north towards the Subject Property showing the dense tree cover typical of the District (Source: Google Earth)

APPENDIX "D"
IMAGES OF THE SUBJECT PROPERTY



The south (primary) elevation of heritage dwelling on the Subject Property (Source: Google)



Rear Garage. Note that the maple tree shown above has since been removed (Source: Heritage Section Photo Collection)



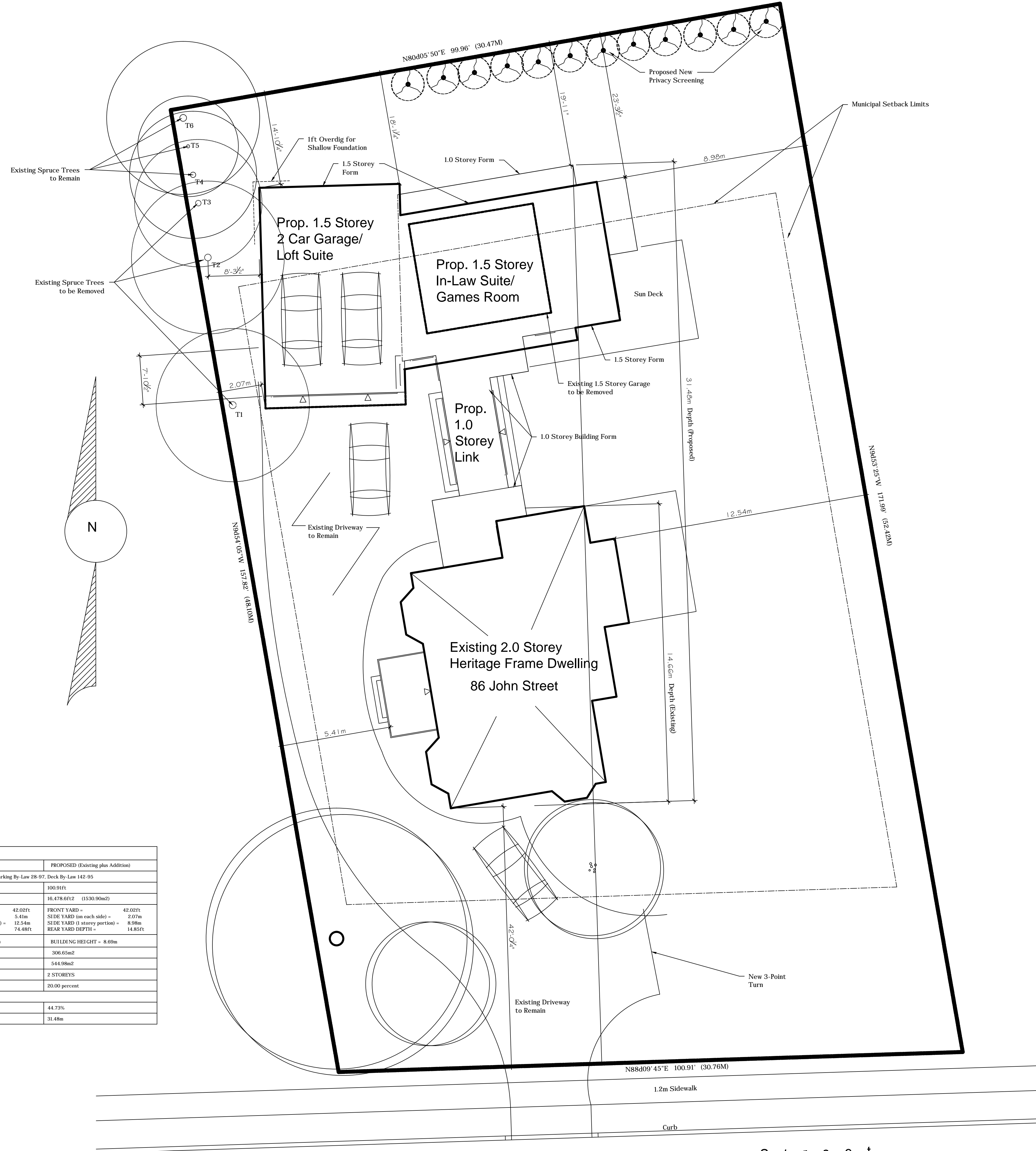
Existing garage, 2020 (Heritage Section Photo Collection)

**APPENDIX “E”
RENDERING OF THE PROPOSED ADDITION**



Rendering of the proposed addition as seen from John Street (Source: Applicant)

APPENDIX "F"
DRAWINGS



Tree Schedule		
TREE NUMBER	CALLIPER (Dia.)	Min Tree Protection Zone
T1	0.54m	3.6m
T2	0.51m	3.6m
T3	0.43m	3.0m
T4	0.41m	3.0m
T5	0.24m	2.4m
T6	0.52m	3.6m

Site Statistics			
	BY-LAW	EXISTING	PROPOSED (Existing plus Addition)
1. ZONING	R2-Second Density Single Family Residential under By-Law 2237 as amended, Parking By-Law 28-97, Deck By-Law 142-95		
2. LOT AREA (min)	9,750.0ft ²	16,478.6ft ² (1530.90m ²)	16,478.6ft ² (1530.90m ²)
3. LOT FRONTAGE (min)	60.0 ft	100.91ft	100.91ft
4. SETBACKS (min)	FRONT YARD = 27.0ft SIDE YARD (on each side) = 1.8m SIDE YARD (1 storey portion) = 1.2m REAR YARD = 30.0ft	FRONT YARD = 42.02ft SIDE YARD (on each side) = 5.4m SIDE YARD (1 storey portion) = 12.54m REAR YARD DEPTH = 74.48ft	FRONT YARD = 42.02ft SIDE YARD (on each side) = 2.07m SIDE YARD (1 storey portion) = 8.98m REAR YARD DEPTH = 14.85ft
5. BUILDING HEIGHT (max)	9.8m	BUILDING HEIGHT = 8.60m	BUILDING HEIGHT = 8.69m
6. BUILDING AREA	N/A	117.29m ²	306.65m ²
6. GROSS BUILDING AREA	402.06m ²	204.06m ²	544.98m ²
7. NUM. OF STOREYS (max)	2 STOREYS	2 STOREYS	2 STOREYS
8. LOT COVERAGE (max)	33-1/3 percent	7.71 percent	20.00 percent
9. NET LOT AREA:	9,750ft ² - [(16,478.6ft ² - 9,750ft ²) / 2] = 13,114.3 ft ² Net Lot Area		
10. FLOOR AREA RATIO (max)	33% of NET LOT AREA = 4,327.72ft ² (max)	402.06m ² (max)	44.73%
11. DEPTH (max)	16.8m 2-Storey / 18.9m with Conditions	14.66m	31.48m

Proposed Site Plan 1.11c

Scale: 1:100

DETAIL NUMBER
DRAWING NUMBER

No.	Description	Date
3	Issued for Client Review	31 / 03 / 2024
2	Issued for Client Review	27 / 03 / 2024
1	Issued for Client Review	12 / 10 / 2023

No.	Description	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		

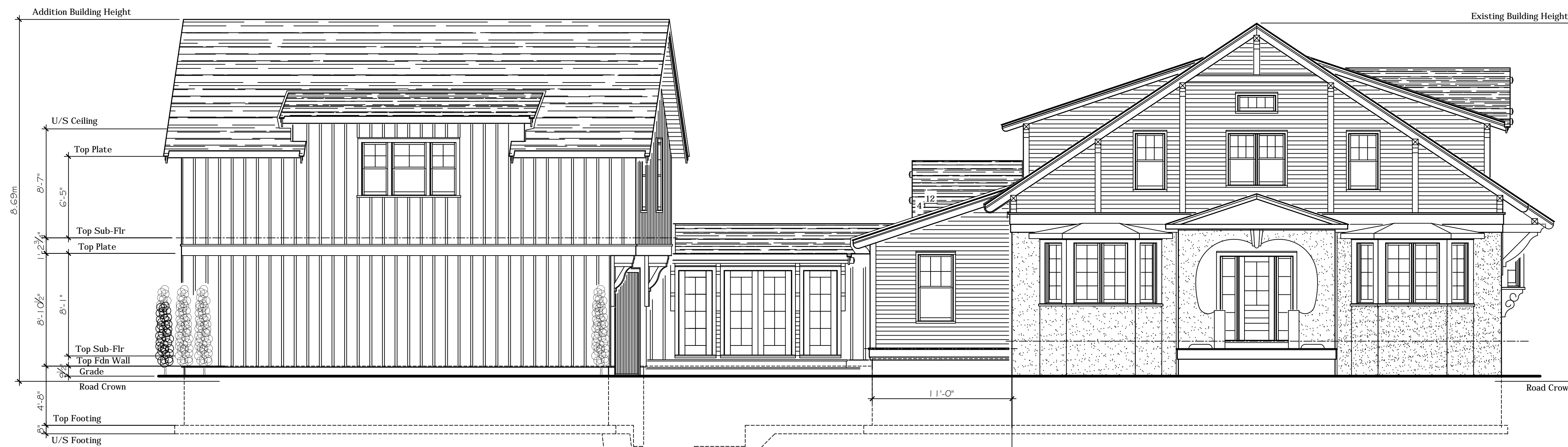
QUALIFICATION INFORMATION
 Scott Rushlow 29726
 NAME SIGNATURE BCIN
 REGISTRATION INFORMATION
 Scott Rushlow Associates Ltd 35924
 FIRM BCIN

SCOTT RUSHLOW
 associates Ltd
 111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

PROJECT
Capelli / Simmons
 Residence
 86 John Street
 Markham, Ontario
 (Part of Lot 30, Concession 1)

DRAWING TITLE
Site Plan

Scale:	1:100	DRAWING NO.	SP
Date:	Mar. 31, 2024		
Job No.			
Drawn By:	S.R.		
Checked By:			

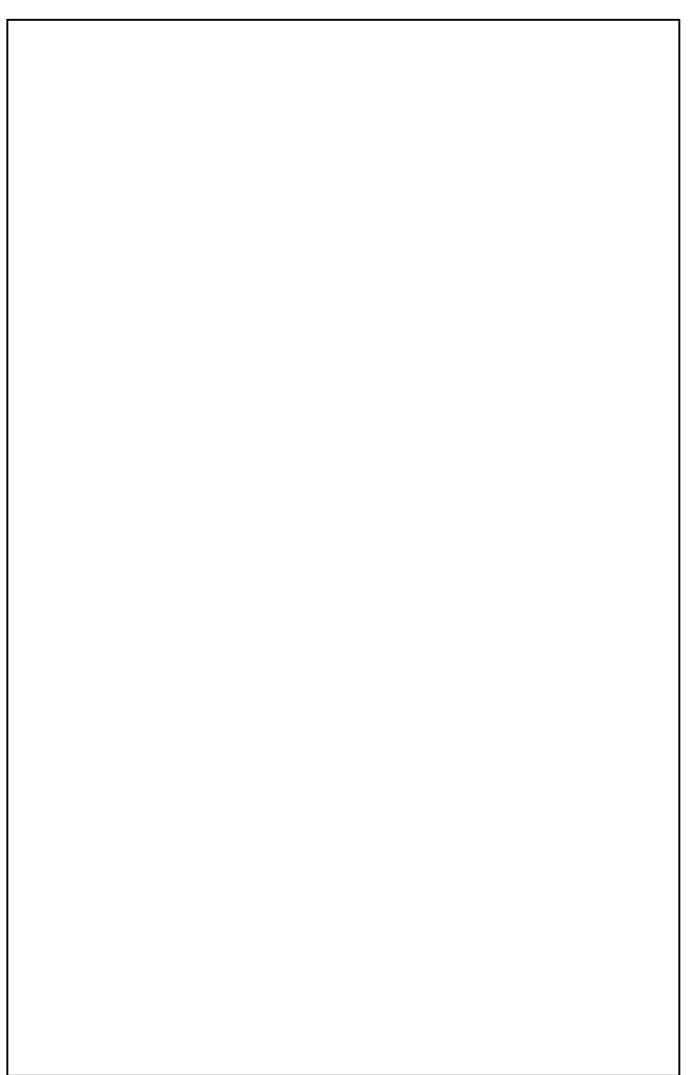


West Elevation 1.11c

Scale: $\frac{3}{16}'' = 1'-0''$

Proposed New 2 Storey Addition

Existing Heritage Dwelling
to Remain "As Is"



DETAIL
NUMBER

DRAWING
NUMBER

No.	Description	Date
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QUALIFICATION INFORMATION

Scott Rushlow 29726
NAME SIGNATURE BCIN

REGISTRATION INFORMATION

Scott Rushlow Associates Ltd 35924
FIRM BCIN

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PROJECT

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DRAWING TITLE

Exterior Elevations 1.11c

Scale: $\frac{3}{16}'' = 1'-0''$ DRAWING NO.

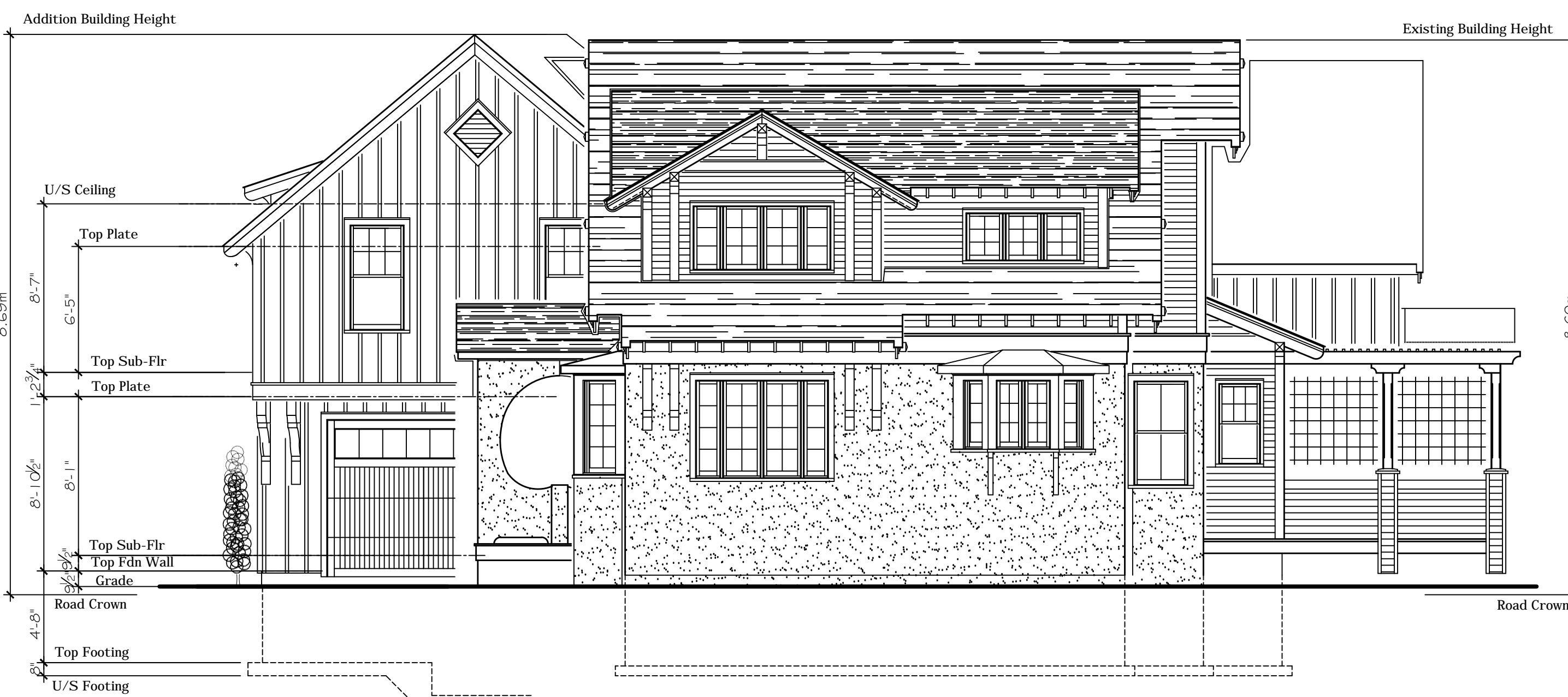
Date: Mar. 31, 2024

Job No.

Drawn By: S.R.

Checked By:

A1



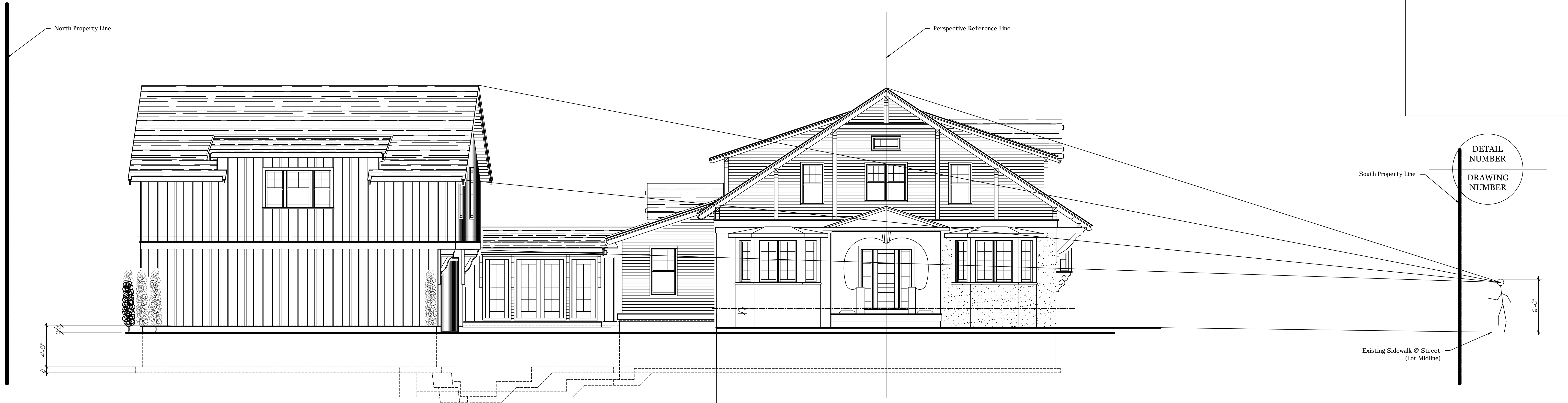
South Elevation 1.11c

Scale: $\frac{3}{16}'' = 1'-0''$



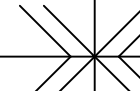
South Elevation 1.11c

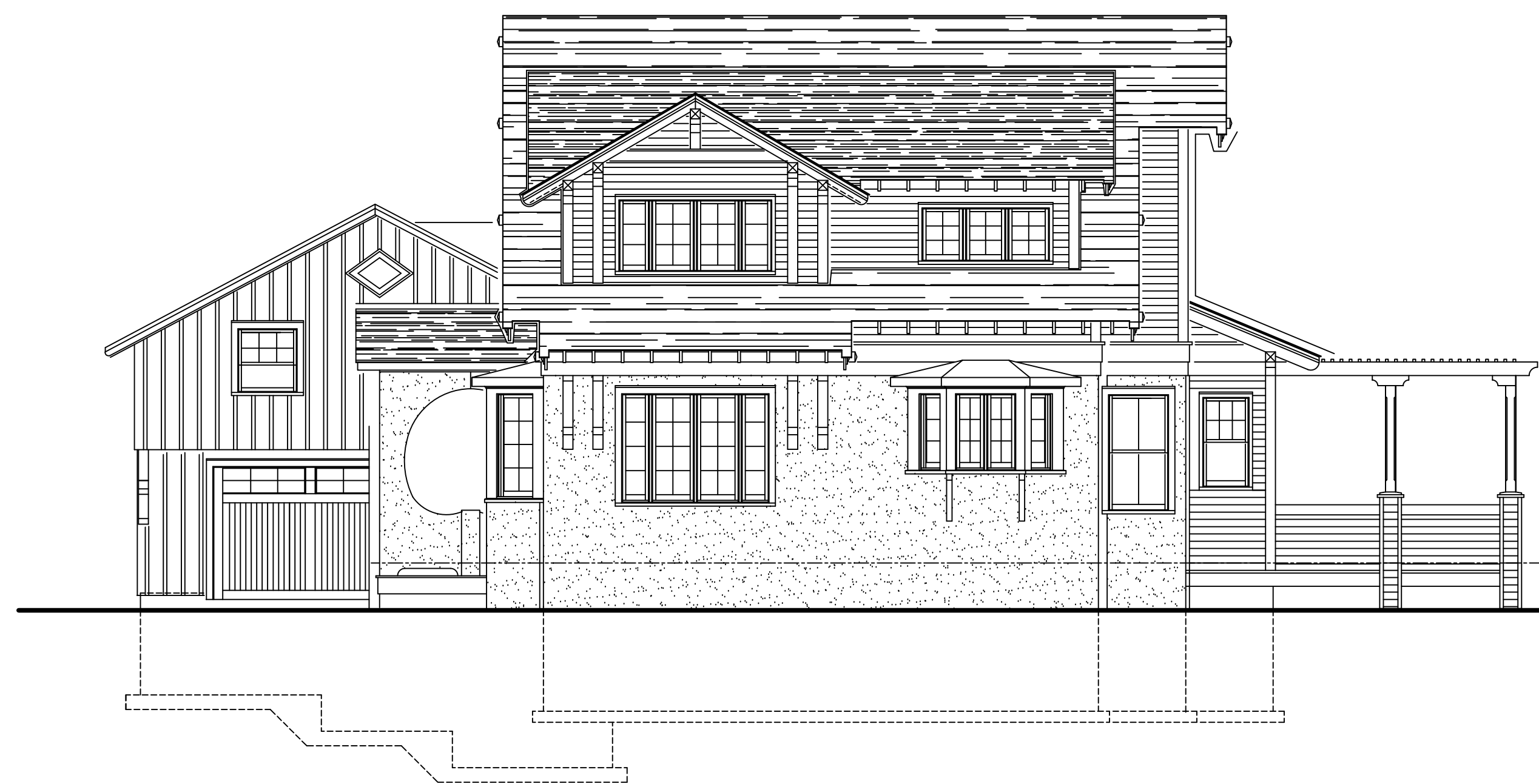
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Lot Cross Section 1.11c

Scale: $\frac{3}{16}''=1'-0''$

Proposed New 2 Storey Addition  Existing Heritage Dwelling to Remain "As Is"



South Elevation Perspective 1.11c

Scale: $\frac{3}{16}''=1'-0''$

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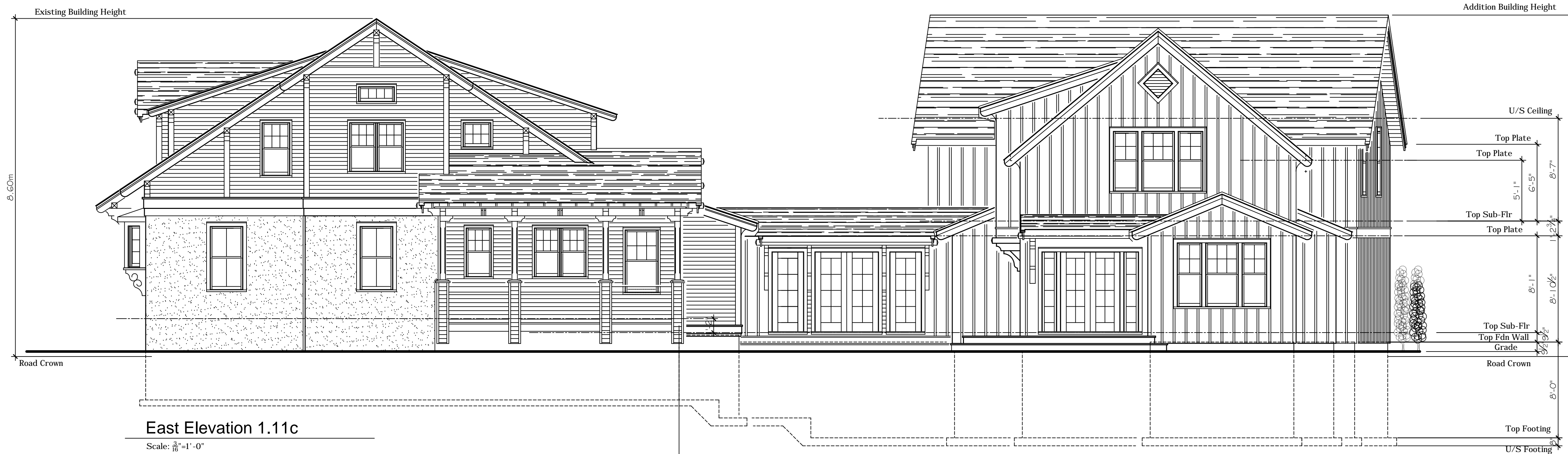
PROJECT

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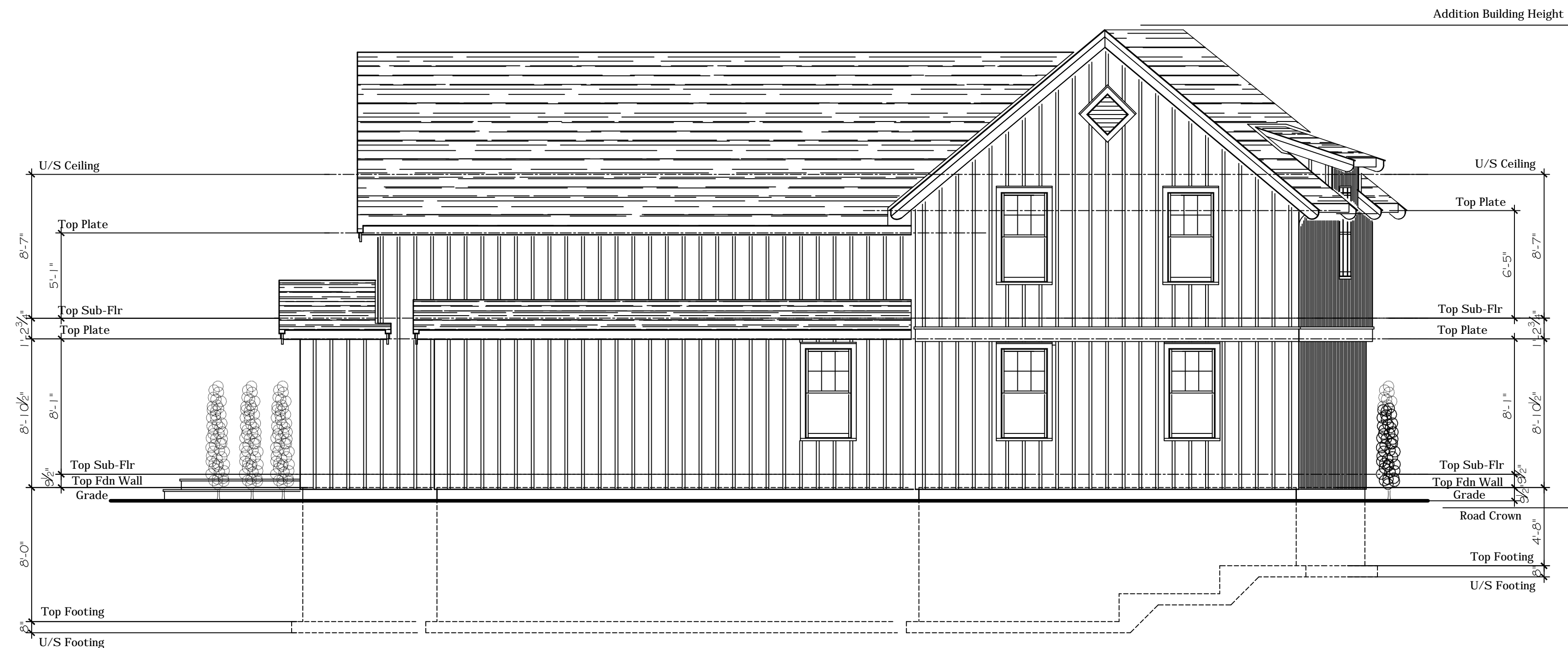
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Lot Cross Section 1.11c
South Perspective 1.11c

Scale: $\frac{3}{16}''=1'-0''$	DRAWING NO.
Date: Mar. 31, 2024	A5
Job No.	
Drawn By: S.R.	
Checked By:	



Existing Heritage Dwelling
to Remain "As Is" ✕ Proposed New 2 Storey Addition



DETAIL NUMBER

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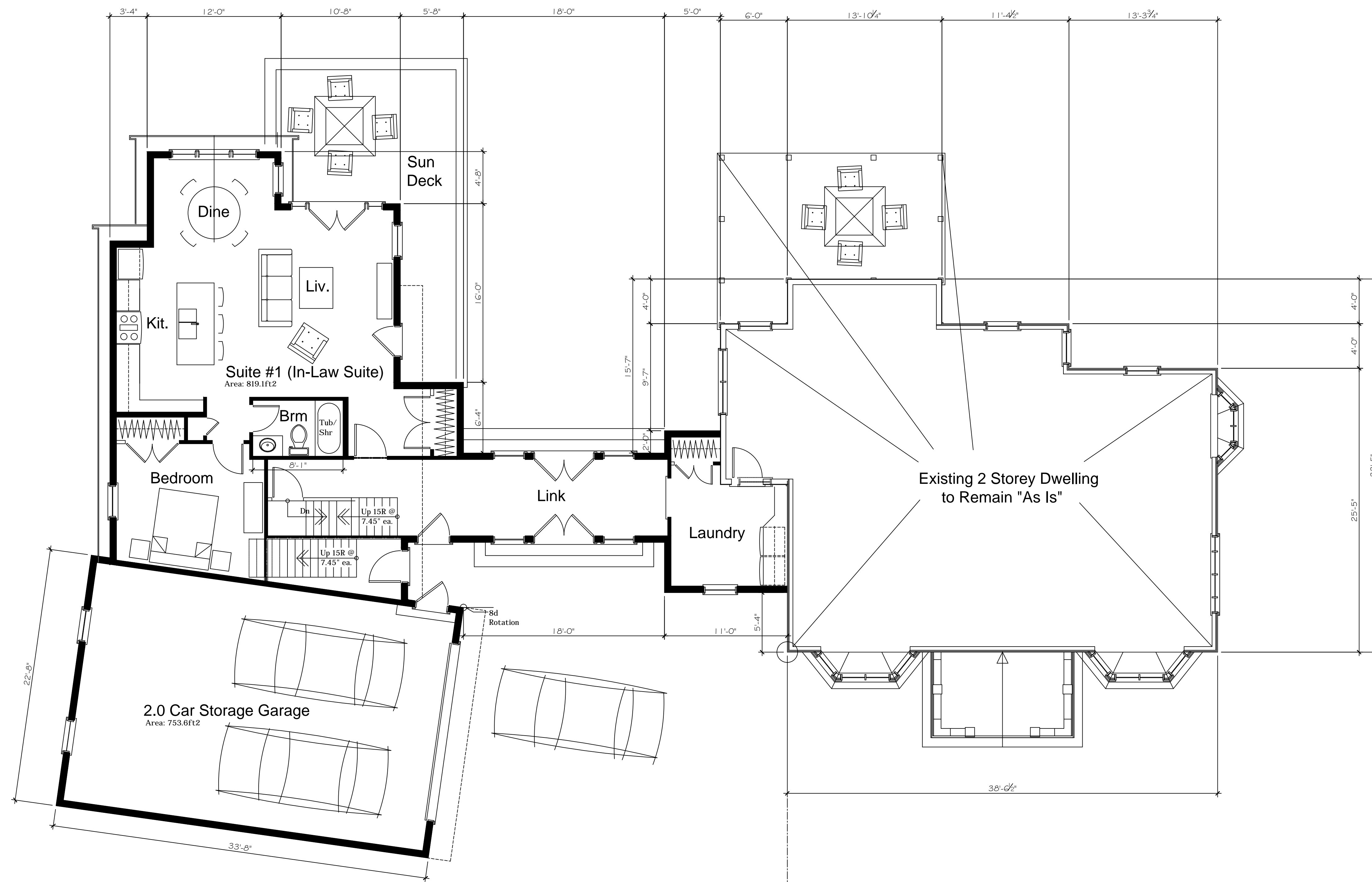
PROJECT

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DRAWING TITLE

Exterior Elevations 1.11c

Scale: $\frac{3}{16}''=1'-0''$	DRAWING NO.
Date: Mar. 31, 2024	A2
Job No.	
Drawn By: S.R.	
Checked By:	



Ground Floor Plan 1.11c

Scale: $\frac{3}{16}'' = 1'-0''$

New Addition Area: 2,039.2ft² (Includes Garage)

Total Project Area: (New and Exist) Area: 5,866.2ft² (Includes Garage)

Proposed New 1.5 Storey Addition

Existing Heritage Dwelling to Remain "As Is"

Area: 1,261.6ft² (Existing Ground Floor)

DETAIL NUMBER
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 FIRM BCIN

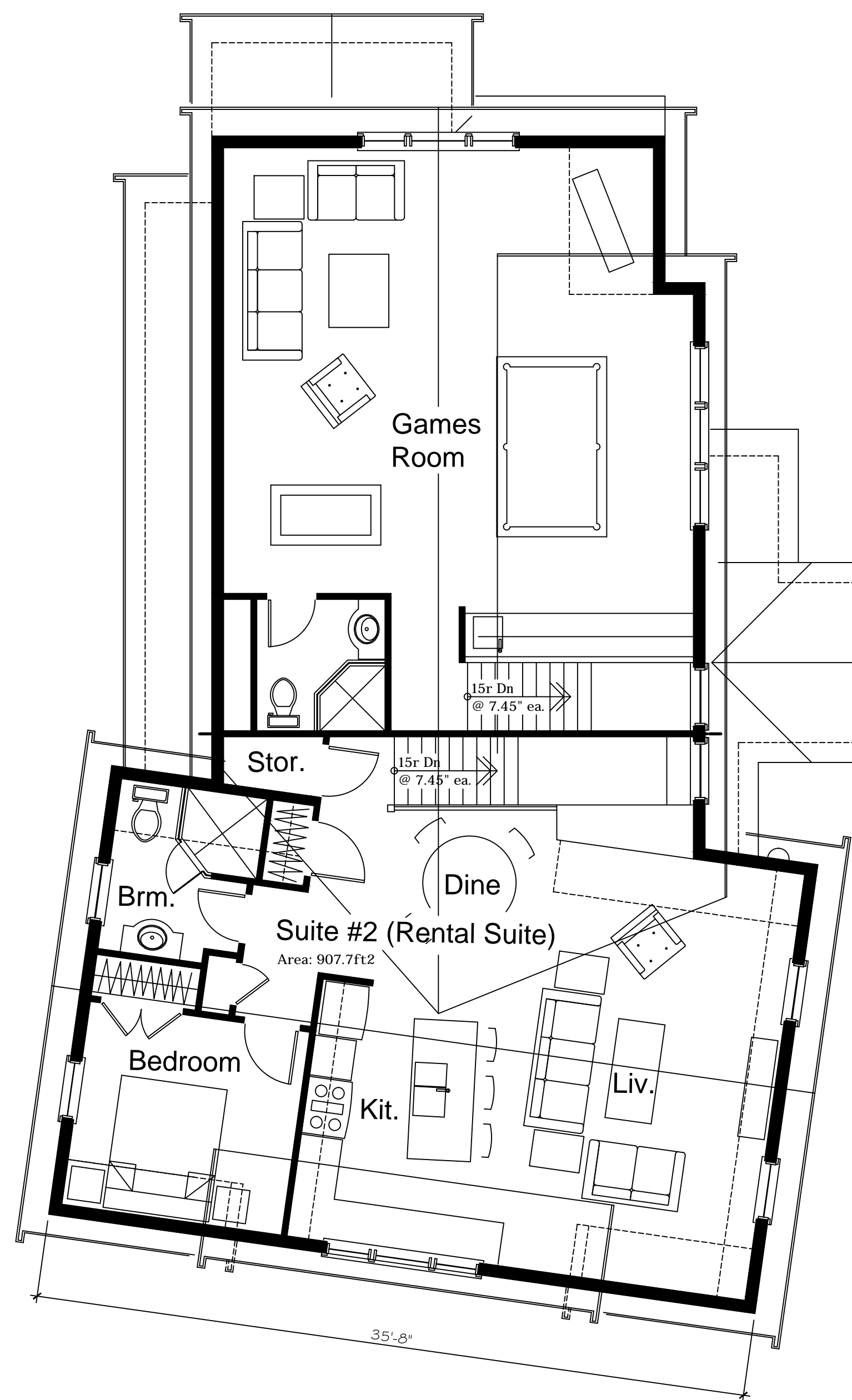
SCOTT RUSHLOW
 associates Ltd
 111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

PROJECT
 Capelli / Simmons
 Residence
 86 John Street
 Markham, Ontario
 (Part of Lot 30, Concession 1)

DRAWING TITLE

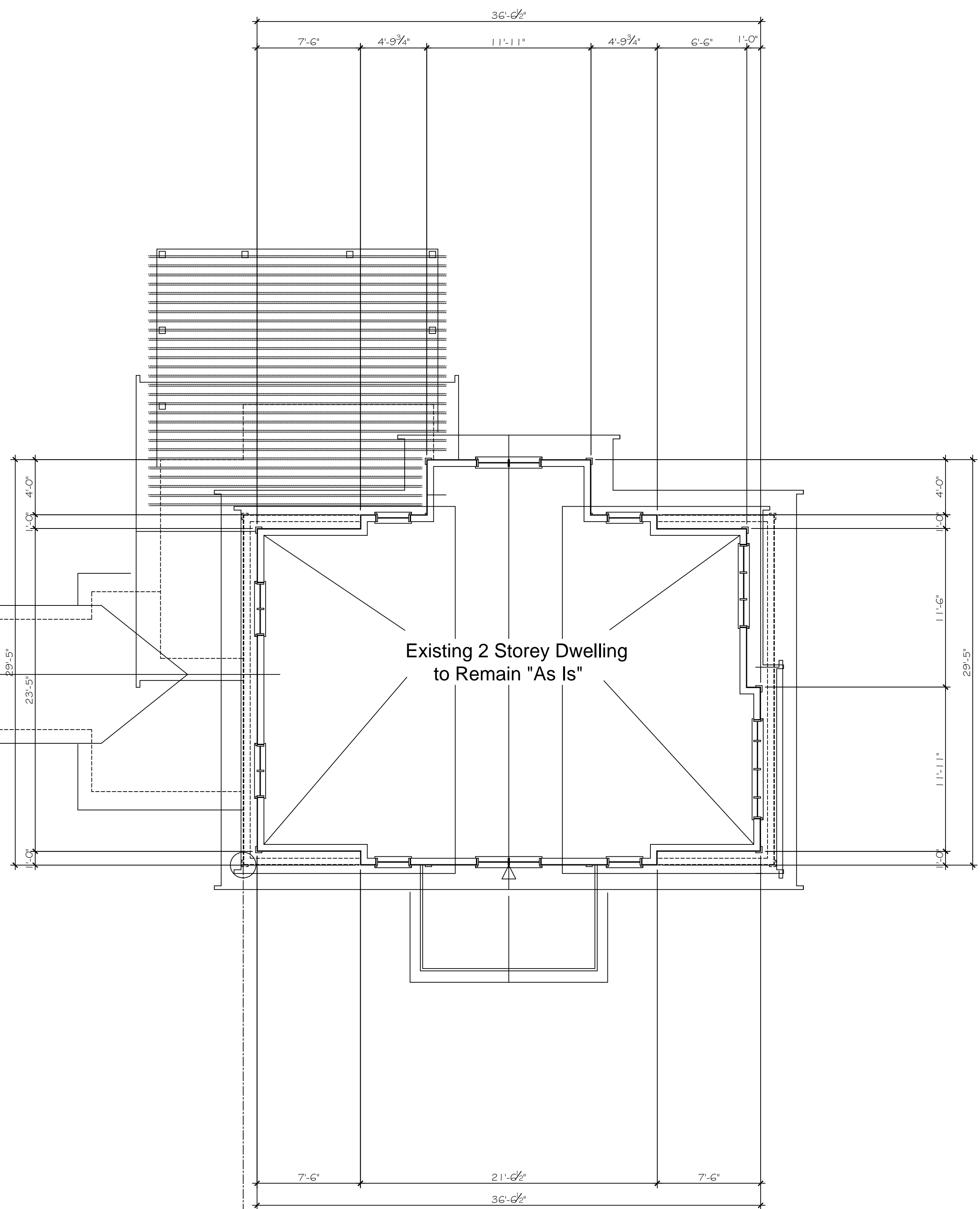
Ground Floor Plan 1.11c

Scale:	$\frac{3}{16}'' = 1'-0''$	DRAWING NO.
Date:	Mar. 31, 2024	A3
Job No.		
Drawn By:	S.R.	
Checked By:		



Second Floor Plan 1.11c

Scale: $\frac{3}{16}'' = 1'-0''$
Area: 1,630.42ft²



Proposed New 1.5 Storey Addition

Existing Heritage Dwelling to Remain "As Is"

Area: 934.9ft² (Existing Second Floor)

DETAIL NUMBER
DRAWING NUMBER

No.	Description	Date
3	Issued for Client Review	31 / 03 / 2024
2	Issued for Client Review	27 / 03 / 2024
1	Issued for Client Review	12 / 10 / 2023

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
Scott Rushlow 29726
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Scott Rushlow Associates Ltd 35924
FIRM BCIN

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associates Ltd
111-111 Upper Duke Cres Markham ON L6G 0C8 905 852 5595

PROJECT
Capelli / Simmons
Residence
86 John Street
Markham, Ontario
(Part of Lot 30, Concession 1)

DRAWING TITLE
Second Floor Plan 1.10e

Scale: $\frac{3}{16}'' = 1'-0''$	DRAWING NO.
Date: Mar. 31, 2024	A4
Job No.	
Drawn By: S.R.	
Checked By:	