### Memorandum to the City of Markham Committee of Adjustment

April 12, 2023

File: A/175/22

Address: 117 Main Street, Unionville

Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)

Hearing Date: Wednesday, April 19, 2023

The following comments are provided on behalf of the Heritage Team for the property municipally-known as 117 Main Street (the "subject property" or the "property"):

The applicant is requesting relief from the following requirements of By-law 122-72, R3, as amended, to permit:

#### a) By-law 122-72, Section 7.1:

a minimum flankage side yard setback of 4'9" (1.45 metres) for the proposed addition, whereas the by-law requires a flankage side yard setback no less than 12' (3.66 metres) or one half the height of the building;

#### b) By-law 122-72, Section 11.2 (c):

a minimum rear yard setback of 22'11-1/2" (7 metres), whereas the by-law requires a minimum rear yard setback of 25';

#### c) By-law 122-72, Section 11.2 (d):

a maximum lot coverage of 34.0 percent, whereas the by-law permits a maximum lot coverage of 33-1/3 percent.

as it relates to a proposed two-storey rear addition and new detached garage with loft.

#### **BACKGROUND**

#### **Property Description**

The 902 m<sup>2</sup> (9709 ft<sup>2</sup>) subject property is designated under Part V of the *Ontario Heritage Act* as a constituent property of the Unionville Heritage Conservation District, and is identified as a Class 'A' property within the Unionville Heritage Conservation District Plan.

The property is located on the southeast corner of Main Street and Eckardt Street in an area characterized by low-rise residential properties. Mature trees exist on and adjacent to the subject property. The existing dwelling on the property is composed of two components: a two-storey brick masonry dwelling constructed in 1880, and a two-storey wood-clad rear addition constructed in 1988. The detached garage fronting Eckardt Street was also constructed in 1988 (all construction dates as per MPAC records).

The subject property is also contained within Toronto Region Conservation Authority ("TRCA") Regulated Area as it is in proximity to a valley corridor associated with the Rouge River Watershed.

#### Proposal

The applicant is proposing to remove and replace the existing c1988 rear addition and detached garage with a new two-storey rear addition and detached garage. The footprint

of the proposed addition will largely follow that of the existing addition, albeit greater in length, while the new garage will be in the same position as the existing, albeit larger in size. A tunnel is proposed to connect the garage to the basement of the rear addition. The entirety of the c1880s dwelling will be conserved.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant completed a Zoning Preliminary Review (ZPR) in August 2022 to confirm the variances required for the proposed development (refer to 2022 245418 ZPR).

#### 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.

#### **Policy Review**

#### Official Plan

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 Policy Statement.

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.

#### **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. This criteria is established to 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)

#### **Unionville Heritage Conservation District Plan**

The Unionville Heritage Conservation District ("UHCD") Plan provides policy direction relevant to the variance application. As per Section 2.4 ("Building Classification") of the UHCD Plan, Class 'A' properties are "Buildings of major importance to the District" and possess the following characteristics:

- They have historical and/or architectural value.
- They are the buildings that maintain the heritage character to the District.
- Buildings that are designated under Part IV of the Ontario Heritage Act are also considered to be Class 'A'.

The UHCD Plan provides the following guidance for the siting and massing for both additions to heritage buildings and garages:

Section 9.3.1 – Location states – "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 9.3.2 - Design — Building Form states: "The form of the original heritage 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".

<u>Section 9.3.2 - Design – Scale</u> 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 9.3.3 - Design — Overall 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, material, composition, and colour.

Section 9.2.13.2 - Garage Placement states: "Garages should be located to the rear or at the side towards the rear of a building, so that the house, not the garage, is

the focal point" and "Detached garages are encouraged. Attached garages should be located on the rear façade".

#### **Discussion**

Staff are in support of the requested variances as the proposed development conforms to the relevant polices and guidelines in the Official Plan and UHCD Plan for alterations to heritage resources. Specifically, the c1880s portion of the existing dwelling, identified as a significant heritage resource within the UHCD Plan, will be retained in its entirety while Staff are of the opinion that the siting and massing of the proposed addition is complementary to both the on-site heritage resource and adjacent heritage resources in the District. The nearly identical footprint of the proposed addition with the existing c1988 portion of the dwelling, which the proposed addition will replace, is critical in maintaining this complementary relationship. Staff also have no objection to the siting and scale of the proposed detached garage, and note that while removal of a tree is required to accommodate its footprint, it is an invasive species (Norway Maple) that is not essential in maintaining the generally well-treed character of the District.

A detailed discussion of each requested variance appears below:

#### **Increase in Maximum Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 34 percent, whereas the By-law permits a maximum floor area ratio of 33-1/3 percent. The proposed lot coverage includes the front covered porch which adds approximately  $9.9m^2$  ( $106.6ft^2$ ) to the overall building area. Excluding the front covered porch, the building with the proposed addition and detached garage has a lot coverage of 32.9 percent and would comply with the by-law requirement. Given that the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing relative to what currently exists, and the requested variance is minor in nature.

#### **Reduction in Rear Yard Setback**

The applicant is requesting relief to permit a minimum rear yard setback of 22'11-1/2" (7 metres), whereas the by-law requires a minimum rear yard setback of 25'. Staff are of the opinion that the requested encroachment of just over 2' has a negligible effect on adjacent properties, namely 7 Eckhardt Avenue, given that its side rather than rear yard with accompanying amenity space abuts the subject property, and because the proposed garage will serve as a partial visual barrier between the two properties.

#### Reduction in Flankage Side Yard Setback

The applicant is requesting a minimum flankage side yard setback of 4'9" (1.45 metres) for the proposed addition, whereas the by-law requires a flankage side yard setback no less than 12' (3.66 metres) or one half the height of the building. This reflects an existing rather proposed condition, and as such Staff are of the opinion that the variance can be considered minor.

#### **Staff/Agency Comments**

#### **Heritage Markham Committee**

Heritage Markham reviewed the application at its meeting on October 12, 2022 and had no objection to the requested variances. Refer to Appendix "C" for a copy of the meeting extract.

#### **Urban Design Staff**

The City's Urban Design Section supports the requested variances provided that a mature tree adjacent to the southern property line won't be irreparably damaged by future excavation. Refer to Appendix "E" for an associated approval condition.

#### **External Agencies**

#### TRCA

The subject property is entirely located within TRCA's Regulated Area as it contains and is adjacent to a Regional Storm flood plain hazard. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area.

The TRCA provided the following comments on the MNV application via email dated March 30, 2023:

TRCA staff are comfortable with the proposed development, existing and proposed grades, and the Regional Storm flood plain delineation as it relates to this Minor Variance Application. Accordingly, TRCA has **no objection** to the requested Minor Variances subject to the recommended condition below:

That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

#### Metrolinx

The subject property is located within 300 meters of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service. The agency had no objection to the requested variances provided that the property owner grant an environmental easement to Metrolinx for operational emissions. Refer to Appendix "D" for a copy of the comments provided by Metrolinx dated November 11, 2022.

#### **PUBLIC INPUT SUMMARY**

Since the previous hearing date of November 23<sup>rd</sup>, 2022, no written submissions were received as of April 12, 2023. 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

Planning 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. Staff recommend that the Committee consider public input in reaching a decision, if applicable.

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 "E" for conditions to be attached to any approval of this application.

### PREPARED BY:

Evan Manning, Senior Heritage Planner

**REVIEWED BY:** 

Chutchern

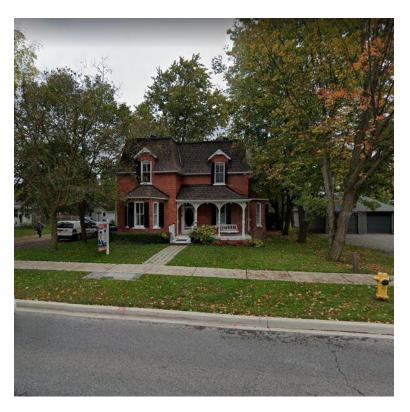
Regan Hutcheson, Development Manager, Heritage

# **APPENDIX "A" LOCATION MAP**



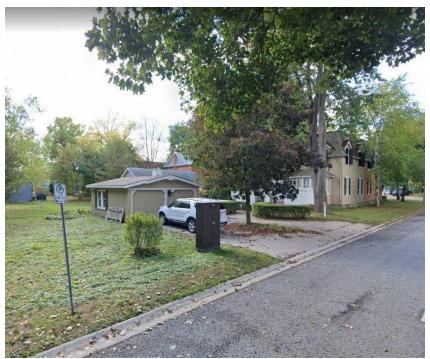
Property map showing the location of the subject property [outlined in yellow] (Source: City of Markham)

APPENDIX "B"
IMAGES OF THE SUBJECT PROPERTY





The west (primary) elevation of 117 Main Street [above] and the north elevation with the existing c1988 rear addition [below] as seen in November 2021. Note that the Silver Maple visible above was damaged in a storm in 2022 and has been removed (Source: Google)



The existing detached garage fronting Eckardt Street (Source: Google)

## APPENDIX "C" HERITAGE MARKHAM EXTRACT

### HERITAGE MARKHAM EXTRACT

Date: October 18, 2022

To: R. Hutcheson, Manager of Heritage Planning

E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.4 OF THE TENTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON OCTOBER 12, 2022

#### 6.4 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

117 MAIN STREET, UNIONVILLE
"MARGARET ROBINSON HOUSE" (16.11)

FILE NUMBER:

A/175/22

**Extracts:** 

R. Hutcheson, Manager, Heritage Planning

E. Manning, Senior Heritage Planner

Evan Manning, Senior Heritage Planner, advised that this item is for a Committee of Adjustment Variance Application for the Margaret Robinson House, 117 Main Street, Unionville, seeking variances to permit removal and replacement of existing rear addition and attached garage.

The Committee discussed the following relative to the Committee of Adjustment Variance Application:

- Questioned if trees will be planted in compensation for the trees being taken down;
- Suggested placing the entrance an the north side of the proposed addition to the dwelling rather than the south;
- Questioned if the bay window located along the south elevation of the heritage house could be restored as part of the project;

- Discussed the building materials that could possibly be used for the addition to mitigate its visual impact, including brick, horizontal wood siding, or vertical wood siding;
- Enquired if extending the fieldstone base from the original heritage house to the addition should be pursued.

Russ Gregory advised that the Applicant does not want an entrance to the dwelling to be located on the north side of the addition due to privacy concerns, as the entrance would be almost on the property line. Mr. Gregory agreed to speak with the Applicant in regards to possibly restoring the bay window located in the original heritage house.

Mr. Manning advised that Staffs' preference is to keep the stone treatment only on the original portion of the heritage house to ensure its prominence relative to the proposed addition. Mr. Manning also noted that the mature Silver Maple as seen in the images appended to the Staff report was damaged in a storm and has been removed, and that proposed tree removal is isolated to the Norway Maple in front of the existing garage. Mr. Manning agreed to work with the Applicant to find complementary materials for the addition, and to break up the façade.

#### Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the demolition of the existing rear addition and detached garage at 117 Main Street; and,

THAT Heritage Markham has no objection from a heritage perspective to the requested variances to permit the proposed rear addition and detached garage; and,

THAT it be acknowledged that support for the requested variances reflects general acceptance of those specific features/setbacks associated with the submitted concept plan and does not necessarily indicate final acceptance or support for the design details associated with the proposed development;

AND THAT future review of the Site Plan Control application, and any other development application required to approve the proposed development, be delegated to Heritage Section staff to ensure conformance to the UHCD Plan.

Carried

## APPENDIX "D" METROLINX COMMENTS

Re: 22.258538.000.00.MNV

A/175/22 - 117 Main St, Unionville - MV

Metrolinx is in receipt of the minor variance application for 117 Main St, to facilitate the construction of a new two-storey addition to an existing two-storey house as well as the construction of a new detached garage with finished loft (secondary suite). Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of
  Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall
  grant Metrolinx an environmental easement for operational emissions. The environmental
  easement provides clear notification to those who may acquire an interest in the subject
  property and reduces the potential for future land use conflicts. The environmental easement
  shall be registered on title of the subject property. A copy of the form of easement is included
  for the Owner's information. The applicant may contact <a href="Ryan\_Courville@Metrolinx.com">Ryan\_Courville@Metrolinx.com</a> with
  questions and to initiate the registration process. (It should be noted that the registration
  process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
  - Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards, Farah Faroque Intern, Third Party Projects Review Metrolinx 20 Bay Street Suite 600, Toronto

## APPENDIX "E" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/175/22

- 1. The variances apply only to the proposed development as long as it remains;
- 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "F" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Manager of Heritage Planning or designate that this condition has been fulfilled to his 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 a future development 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 a future development 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 site plan agreement, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate;
- 6. To retain an ISA Certified arborist to complete exploratory excavation works within the minimum tree protection area of Tree #16, located on the neighbouring property, to determine the potential impacts of the proposed development. The Arborist shall provide photographs and a report to the City within 2 weeks of completion of the excavation works to the satisfaction of the Director of Planning & Urban Design, or designate;
- 7. If required, the proposed building footprint shall be altered to adequately protect Tree # 16 in the event that the proposed development results in the potential injury or loss of the tree to the satisfaction of the Director of Planning & Urban Design, or designate;
- 8. That the applicant satisfies the requirements of the TRCA as indicated in their email dated March 30, 2023, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;

9. That the applicant satisfies the requirements of Metrolinx as indicated in their memo attached as Appendix "D" to this Staff Report, to the satisfaction of the Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the provincial agency.

**CONDITIONS PREPARED BY:** 

dig

Evan Manning, Senior Heritage Planner

# APPENDIX "F" DRAWINGS

