

Memorandum to the City of Markham Committee of Adjustment

April 15, 2025

File: A/015/25
Address: 117 Robinson Street, Markham Village
Applicant: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, April 30, 2025

The following comments are provided on behalf of Heritage Section staff ("Staff") for the property municipally known as 117 Robinson Street (the "Subject Property" or the "Property"):

The applicant is requesting relief from the following requirements of By-law 2024-19 (RES-ENLR, GWY1), as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(f):**
a minimum front yard setback of 3.23 metres, whereas the by-law requires a minimum front yard setback of 8.84 metres;
- b) **By-law 2024-19, Section 4.8.10.2(d)(iii):**
a porch to project beyond the established building line by 5.61 metres, whereas the by-law permits a porch to project 0.6 metres beyond the established building line.

as it relates to proposed modifications to the existing dwelling including the construction of a full second storey and an expansion of the porch along the dwelling's east and south elevations.

BACKGROUND

Property Description

The approximately 1,420 m² (15,285ft²) Subject Property is designated under Part V of the Ontario Heritage Act as part of the Markham Village Heritage Conservation District (the "MVHCD" or the "District") and contains a one-and-a-half storey detached dwelling constructed c.1949 and a detached garage constructed c.2002 as per Municipal Property Assessment Corporation (MPAC) records.

The MVHCD is a well-established residential neighbourhood comprised of predominately one and two-storey detached dwellings. The heritage dwellings within the District were constructed predominantly in the nineteenth and early twentieth centuries with pockets of contemporary infill. Given this mixed vintage, and the eclectic nature of development within the District, there is variability in lot size, setbacks, and building scale.

The Property is bound by Robinson Street to the north and west, Robinson Creek, a tributary of the Rouge River, to the east, and a single-detached dwelling to the south. It is almost entirely contained within a Toronto and Region Conservation Authority ("TRCA") Regulated Area given the Property's proximity to Robinson Creek. While the front yard is functionally located and visually understood to be along the northern frontage of the Property, for zoning purposes the "front yard" is understood to be the Property's western frontage as it is the shorter of the two street frontages. Similarly, the rear yard is functionally located, and visually understood, to be along the southern frontage of the

Property while for zoning purposes the “rear yard” is understood to be the Property’s eastern frontage.

Proposal

The applicant is proposing to retain the existing dwelling and construct a vertical addition to create a full second storey. The existing porch is also proposed to be expanded along the dwelling’s east and south elevations.

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.

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 and “Greenway” which is intended to conserve lands of significant ecological value.

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.

Section 8.6.8.1 of the Official Plan outlines criteria for development approval or site alteration, including variance applications, for the “Greenway” designation to ensure that negative effects on natural features and their functions will be minimized.

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)***

By-law 2024-19

The majority of the Subject Property is zoned “RES-ENLR (Residential – Established Neighbourhood Low Rise), under By-law 2024-19, except for the portion adjacent to Robinson Creek which is zoned “GWY1” (Greenway 1). The GWY1 zone applies to lands within the 'Natural Heritage Network' shown on Map 4 of the Official Plan. The construction of new buildings or structures is prohibited in this zone which is reserved solely for conservation uses. The existing dwelling, as well as the proposed expansion of the porch, are both entirely situated in the portion of the Property zoned RES-ENLR which permits buildings and structures.

Markham Village Heritage Conservation District Plan

The MVHCD Plan categorizes properties based on their cultural heritage significance relative to the municipally-defined attributes of the District. The Plan also provides policies and guidelines intended to manage change in a manner compatible with the heritage character of the MVHCD. The appropriateness of the requested variances from a heritage perspective have been reviewed against the policies and guidelines of the MVHCD Plan to determine whether they conserve the cultural heritage value (“CHV”) of the Subject Property and the MVHCD more broadly. It is the opinion of Staff that the proposed variances do not have an adverse impact on the CHV of the Subject Property or the MVHCD. As noted below, this position is shared by the Heritage Markham Committee.

Zoning Preliminary Review Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in November 2024 to confirm the variances required for the proposed development (refer to 24 198422 00 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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 3.23m (10.6ft), whereas the by-law requires a minimum front yard setback of 8.84m (29ft). The variance reflects an existing rather than proposed condition. As such, Staff are of the opinion that

the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Porch Encroachment

The applicant is requesting relief to allow a porch to project beyond the established building line by 5.61 metres, whereas the by-law permits a porch to project 0.6 metres beyond the established building line. Staff have no objection to this variance as the proposed porch expansion is located in what is functionally the rear yard where ample amenity space will be maintained. As such, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the Official Plan and Zoning By-law.

Internal Staff/Committee Comments

Heritage Markham Committee

Heritage Markham reviewed the application at its meeting on April 9, 2025 and had no objection to the requested variances from a heritage perspective.

Urban Design Staff

The City's Urban Design Section has indicated that they have no objection to the requested variances subject to the approval conditions described in Appendix "A".

External Agency Comments

TRCA

The Subject Property is located within a TRCA Regulated Area associated with a tributary of the Rouge River. The TRCA has not yet provided comments on this application. Staff recommend that final approval of the application be conditional on TRCA approval as described in Appendix "A".

PUBLIC INPUT SUMMARY

No written submissions were received as of April 23, 2025. 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. 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, RPP, MCIP
Manager, Heritage Planning

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/015/25

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 “D” 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 their 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 the applicant satisfies the requirements of the TRCA, if applicable, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.

CONDITIONS PREPARED BY:



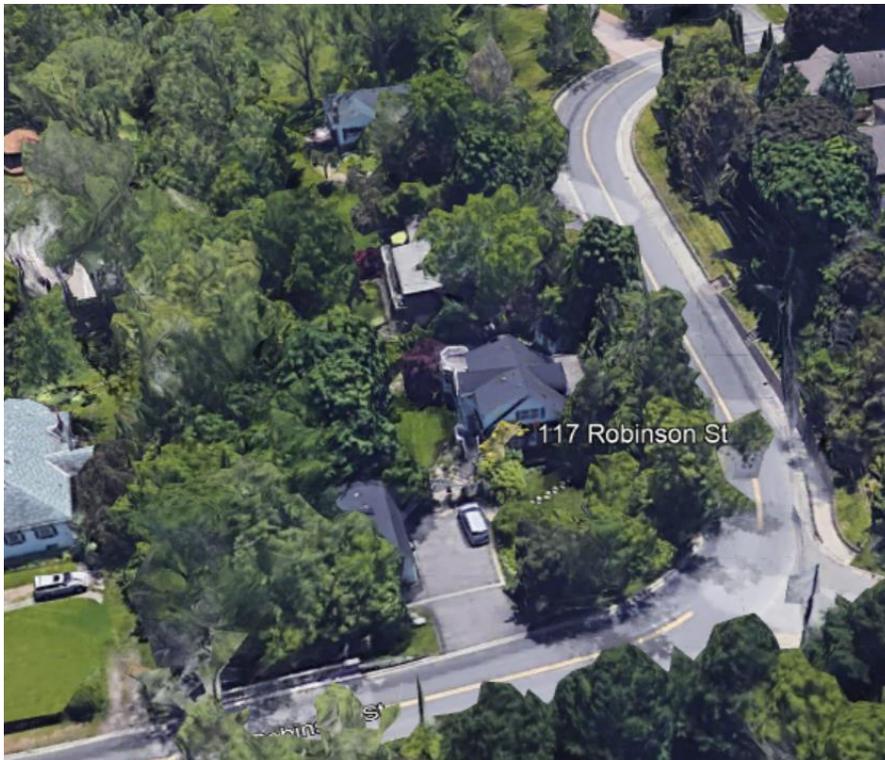
Evan Manning, Senior Heritage Planner

APPENDIX "B"

LOCATION/OP DESIGNATION MAPS 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 south towards the Subject Property (Source: Google Earth)



Map showing OP designations for the Subject Property.
Yellow is "Residential - Low Rise" and Green is "Greenway" (Source: City of Markham)

APPENDIX "C"
IMAGES OF THE SUBJECT PROPERTY

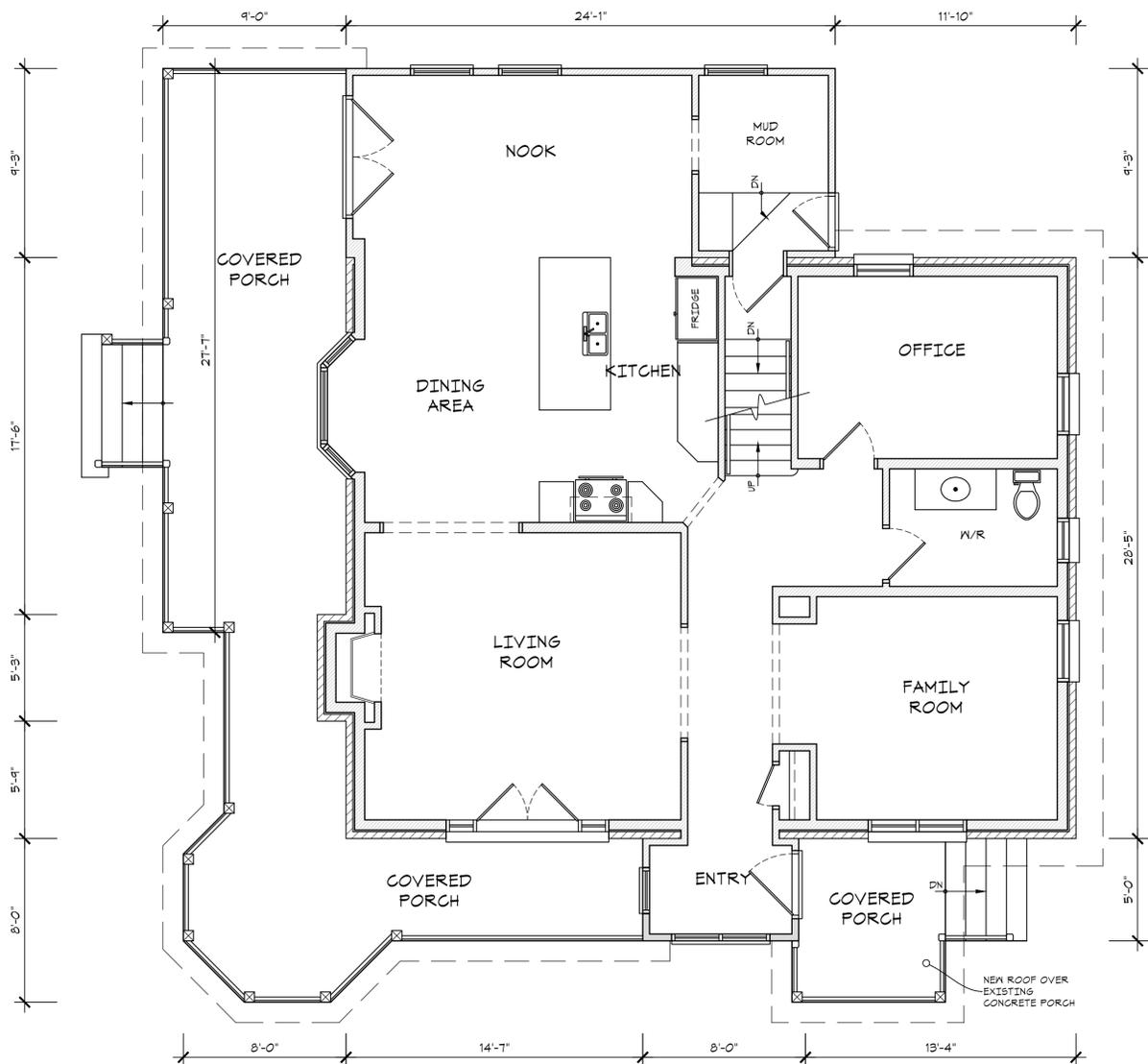


The north (primary) elevation of the dwelling as viewed from Robinson Street. Note that the frontage visible above is considered the Property's "side yard" from a zoning perspective (Source: Google).



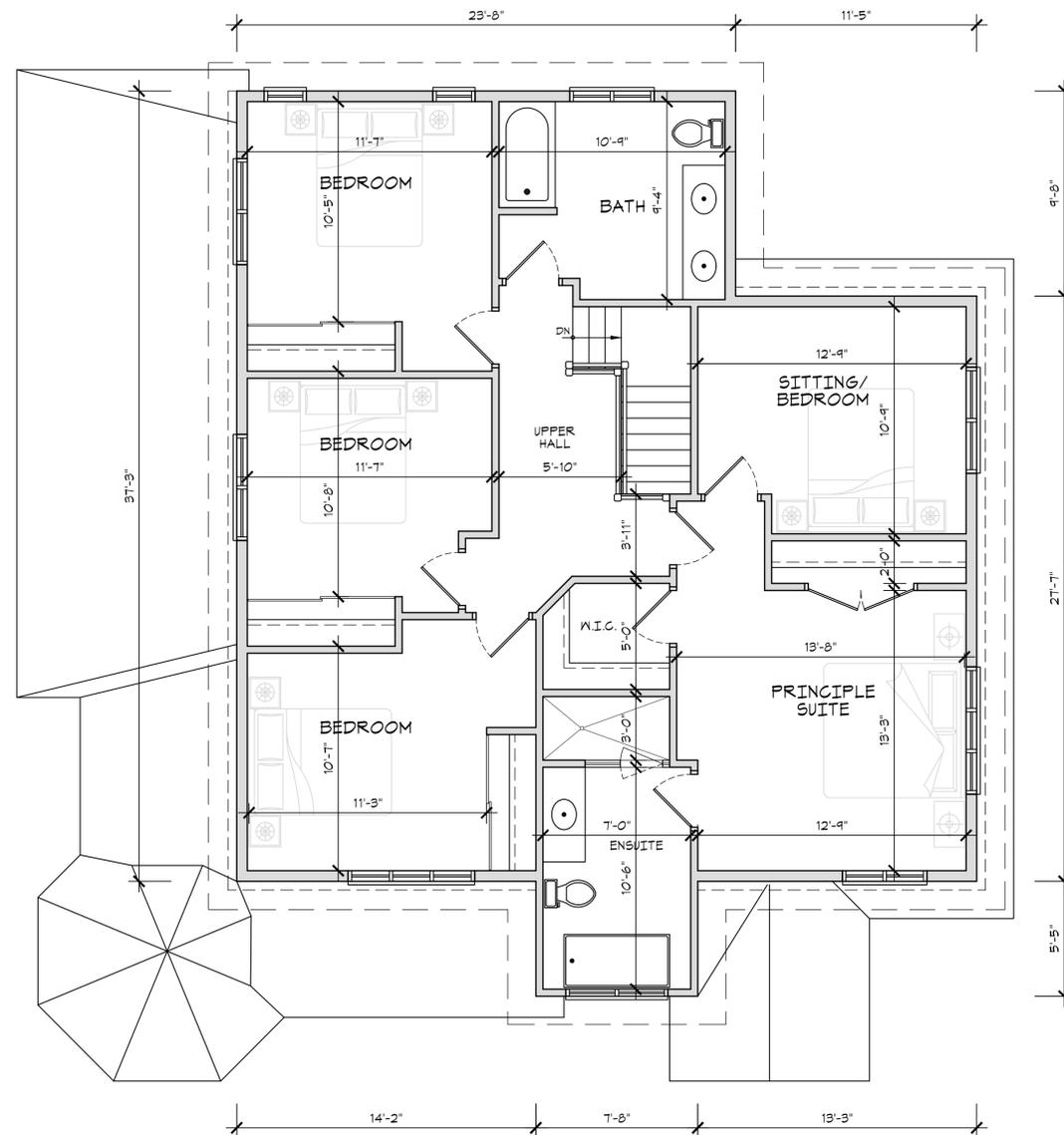
The west [left] and south [right] elevations of the dwelling as viewed from Robinson Street. Note that the frontage visible above is considered the Property's "front yard" from a zoning perspective (Source: Google).

APPENDIX "D"
DRAWINGS



GROUND FLOOR PLAN - EXISTING WALLS

PROPOSED LAYOUT
 FLOOR AREA = 1,281 sq.ft. (119.00 sq.m.)
 BUILDING AREA = 1,782 sq.ft. (165.55 sq.m.)



SECOND FLOOR PLAN - NEW WALLS

PROPOSED LAYOUT
 FLOOR AREA = 1,236 sq.ft. (114.82 sq.m.)

All construction is to conform to section "3" 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 drawings.
 - These drawings are the property of Gregory Designs and/or its clients only.
 - Building permits to be obtained prior to commencing construction.

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.
 Individual B.C.I.N. - 26825
 Firm B.C.I.N. - 38566
 Russ Gregory

REVISIONS AND DATA	DATE

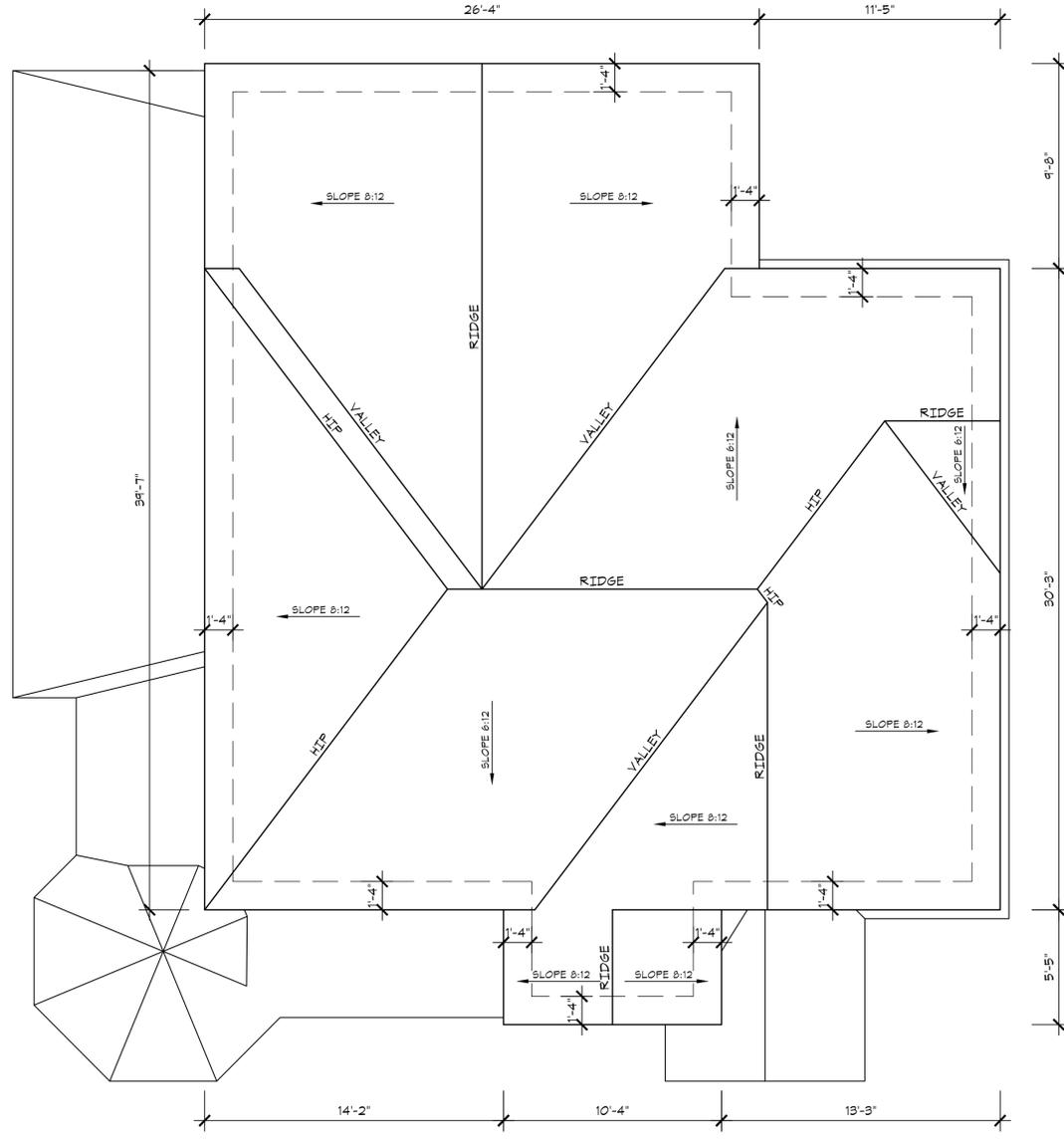
PROPOSED ADDITION
117 ROBINSON STREET
CITY OF MARKHAM

48 George Street
 Markham, Ontario
 L3P 2R7
 416-520-0978
 shane@gregorydesigngroup.net

GREGORY DESIGNS

DATE	11/25/24
SCALE	1/4"=1'-0"
PROJECT NUMBER	24-41
DRAWN BY	S.Gregory

SHEET NUMBER
A2.1



ROOF PLAN
PROPOSED LAYOUT

1. Review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

2. All construction is to conform to section "9" of the Ontario Building Code (latest edition).

3. Contractor shall check and verify all notes and dimensions.

4. Do not scale drawings.

5. Owner / contractor / designer is responsible to re-claim and destroy all drawings when the project is completed.

6. These drawings are the property of Gregory Designs and/or its clients only.

7. Building permits to be obtained prior to commencing construction.

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Russ Gregory

SHEET NUMBER

A2.2

DATE 11/25/24

SCALE 1/4"=1'-0"

PROJECT NUMBER 24-41

DRAWN BY S.Gregory

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FRONT (EAST) ELEVATION



RIGHT SIDE (NORTH) ELEVATION

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REAR (SOUTH) ELEVATION



LEFT SIDE (WEST) ELEVATION

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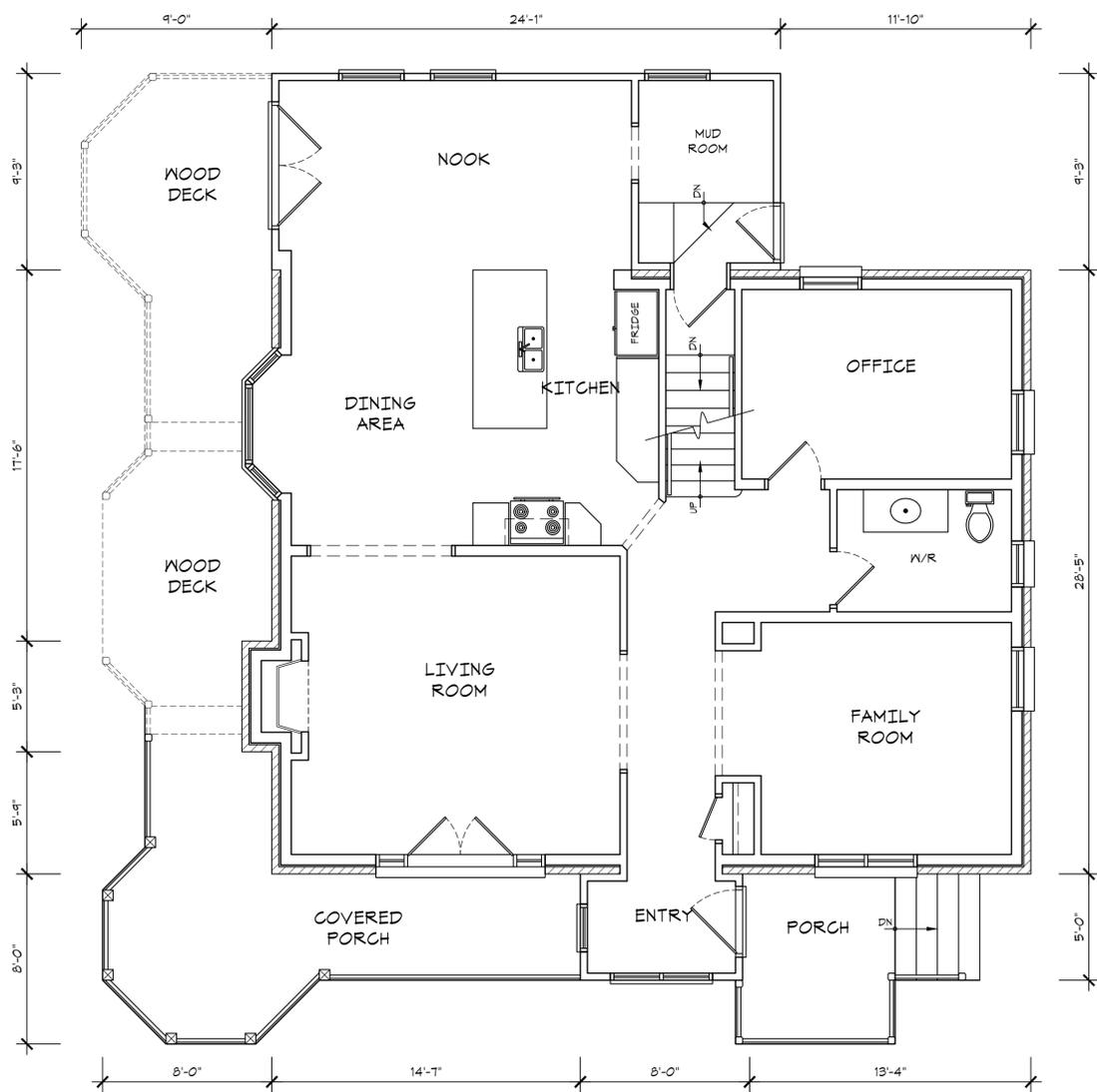
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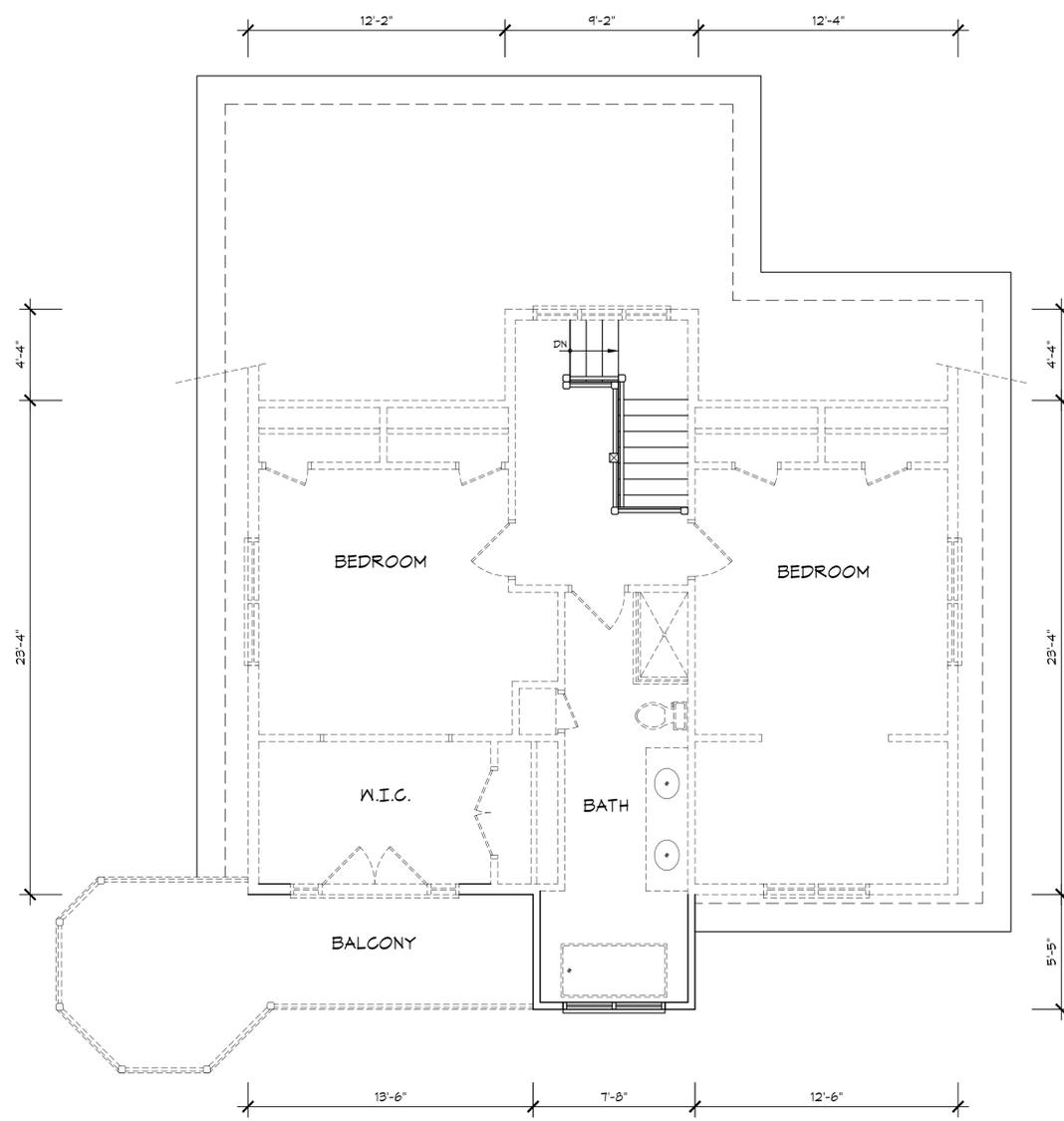
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GROUND FLOOR PLAN

EXISTING LAYOUT
 FLOOR AREA = 1,281 sq.ft.
 BUILDING AREA = 1,430 sq.ft.



SECOND FLOOR PLAN

EXISTING LAYOUT
 FLOOR AREA = 864 sq.ft.

----- EXISTING WALLS/ITEMS
 TO BE DEMOLISHED

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A4.1