

Memorandum to the City of Markham Committee of Adjustment

February 27, 2024

File: B/001/24
Address: 19 George Street, Markham
Applicant: Om Lasi
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, April 3, 2024

The following comments are provided on behalf of the Heritage Team:

For provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 13.95 metres and an approximate lot area of 204.13 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 17.13 metres and an approximate lot area of 510.00 square metres (Part 1).

The purpose of this application is to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application is related to Minor Variance Applications A/48/18 approved on June 28, 2018, and A/007/21 approved on March 10, 2021.

BACKGROUND

Property Description

The 824.85m² (8,878.61 ft²) subject property is located on the east side of George Street, immediately south of the Markham Lawn Bowling Club between Parkway Avenue to the north and Church Street to the south (Refer to Location Map Figure 1). The surrounding neighbourhood is within the Markham Village Heritage Conservation District (the "District") and is predominantly residential, comprised of heritage and non-heritage single and semi-detached homes. The property is occupied by a historic one storey single detached Regency style brick dwelling constructed in the 1850's. In 2021, the City approved a site plan application that converted the historic dwelling into a semi-detached dwelling with the addition of a two storey residential unit of which the construction of is nearly complete (Refer to Figure 2)

Proposal

As the addition to the historic house is nearly complete, the applicant proposes to sever the property so that each semi-detached unit may have separate ownership (Refer to Figure 3)

Official Plan and Zoning

Official Plan 2014

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single and semi-detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criterion is established to ensure that development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering

applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned R2 under By-law 1229, as amended, which permits both single and semi-detached dwellings.

Comment/Discussion

Consent applications are evaluated in the context of Section 51 (24) of the *Planning Act*, as well as provincial, and local land division policies.

Land Division

In order for land division to occur under the *Planning Act*, the process requires both provincial interests and local planning concerns to be satisfied. In Markham, land division is regulated within a policy-led planning system that consists of a number of inter-related types of legislation and policies including:

- The Planning Act and the Provincial Policy Statement (PPS)
- Other Provincial Plans (if applicable)
- Markham Official Plan
- Community Improvement Plans (if applicable)
- Local Zoning By-laws
- Site Plan Control Area By-law

a) The Planning Act

The *Planning Act* in Ontario provides the framework for the province's policy-led planning system. All decisions regarding consent applications must:

- Have regard to criteria listed in subsection 51(24) which relates to the subdivision of land, and includes, but is not limited to:
 - Effect on matters of provincial interest listed in section 2 of the Act;
 - Suitability of the land for the purposes for which it is to be subdivided;
 - Lot dimensions and shapes;
 - Restrictions of the land;
 - Interrelationship with site plan control matters

Each of these criteria is explored below:

Matters of Provincial Interest

The subject property at 19 George Street does involve a matter of provincial interest, that being section 2(c) "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" as the property is located in a designated heritage conservation district and is occupied by a Type 'A' heritage dwelling which defines the heritage character of the District. The newly constructed semi-detached dwelling and the alterations have been designed to be compatible and complementary to both the architectural style of the existing heritage house and neighbouring homes within the District.

Suitability of the Land for its Intended Use

The property is a residential use in an established and stable residential neighbourhood, and will continue to be a low rise residential use.

Lot Dimensions and Shapes

The existing lot is appropriate for the semi-detached dwelling which obtained variances from the Committee of Adjustment for site specific development standards through two separate applications submitted in 2018 (A/48/18) and 2021 (A/007/21). The existing lot dimensions and shape were supported by Planning staff as they were considered to be compatible with the varied lots sizes found in the immediate neighbourhood, and the associated variances met the four tests prescribed by the Planning Act.

Restrictions on the Land

The restrictions on the subject property relate to the fact that the property is officially designated pursuant to Part V of the *Ontario Heritage Act*. Council has adopted a heritage conservation district plan through a specific by-law. This heritage plan provides policies and design guidelines to guide alterations and development. The owner was required to obtain a "Heritage Act" permit from the City to alter any part of the property, or to erect, demolish or remove any building on the property. Therefore, any new development (lot creation and any future buildings) are subject to the restrictions and guidance found in the heritage conservation district plan. The semi-detached dwelling approved by the City's Planning Department through the site plan control process was designed to comply with the policies and guidelines for the retention and restoration of heritage buildings and for the design of architecturally compatible additions.

Interrelationship with Site Plan Control Matters

The subject property was formerly subject to site plan control and the semi-detached building currently under construction was granted Site Plan Approval on January 12, 2021 by the City's Planning and Urban Design Department.

b) Consistency with the Provincial Policy Statement

The Provincial Policy Statement (PPS) 2020 sets the policy foundation for regulating the development and use of land in Ontario. Decisions that affect a planning matter are to be consistent with the Provincial Policy Statement. Section 2.6 of the PPS addresses cultural heritage resources. The policy requires that significant built heritage resources and **significant cultural heritage landscapes (a heritage conservation district) shall be conserved**. As per the current proposal, the existing heritage dwelling has been retained and will be restored along with architecturally compatible new additions. Therefore, the creation of a new lot in this circumstance is not viewed as being detrimental to the heritage attributes of the property as well as the overall character and integrity of the District.

c) Conformity with the Official Plan

The Official Plan represents the municipality's chief planning tool to provide direction to approval authorities and the public on local planning matters. The 2014 Official Plan includes applicable policies respecting **infill development** (Section 8.2.3.5), **heritage conservation** (4.5.3.9, 4.5.3.10, 4.5.3.6) and **land use** in Markham Village (Section 9.13.4.1).

Infill Development

Section 8.2.3.5 which describes development criteria or infill development in areas designated as “Residential Low Rise” states that Council shall ensure infill development respects and reflects the existing pattern and character of adjacent development by ensuring that the lot frontages and lot areas or the proposed new lots shall be consistent with the sizes of existing lots on both sides of the street on which the property is located. The proposed lots are compatible with the varied lot frontages and areas found in the immediate neighbourhood.

Heritage Conservation

The heritage development approval policies of Section 4.5.3.9 provides the ability to protect and conserve cultural heritage resources or mitigate adverse effects as a condition of severance approval. Section 4.5.3.10 notes that each land severance proposal will be evaluated on its own merits and its compatibility with the heritage policies of the Official Plan or any heritage conservation district plan. The consent will not negatively affect the heritage resource itself and the new lots are compatible with the heritage character of the district.

Markham Village

The Land Use Objectives described in Section 9.13.4.1 of the 2014 Official Plan regarding the Markham Village Heritage Conservation District are to provide a variety of residential forms while ensuring compatible new development that recognizes the distinct character of the existing heritage buildings and landscape of the district. The nearly completed semi-detached building was designed in accordance with the policies for new buildings contained in the Markham Village Heritage Conservation District Plan and was reviewed and approved by the municipal heritage committee (Heritage Markham).

d) Compliance with the Zoning By-law

The zoning by-law enables the municipality to implement the vision set out in the Official Plan. It identifies the permitted land uses and the required development standards. The semi-detached dwelling is a permitted use of the property, and through two separate variance applications complies with the applicable Zoning By-law 1229.

e) Site Plan Control Area By-law

The applicant has secured site plan control approval and had entered into a site plan agreement with the City.

Urban Design and Engineering

There were no comments from the City’s Engineering Department on the subject application. However, the City’s Urban Design Section has identified the need for parkland dedication due to the creation of an additional dwelling unit in separate ownership. Payment of cash-in-lieu of Parkland Dedication will be required in accordance with By-law 195-90, as amended for the newly created lot.

Heritage Markham

The Heritage Markham Committee reviewed the consent application and proposed severance on March 13, 2024, and provided no comments (Refer to Appendix B).

CONCLUSION

In concluding that the proposal is appropriate, staff has had regard for the criteria in Section 51 (24) of the Planning Act.

Planning staff recommends support for the consent.

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

PREPARED BY:



Peter Wokral, Planner

REVIEWED BY:



Regan Hutcheson, Development Manager

File Path: Amanda\File\24 160686\Documents\District Team Comments Memo

Figure 1- Location Map

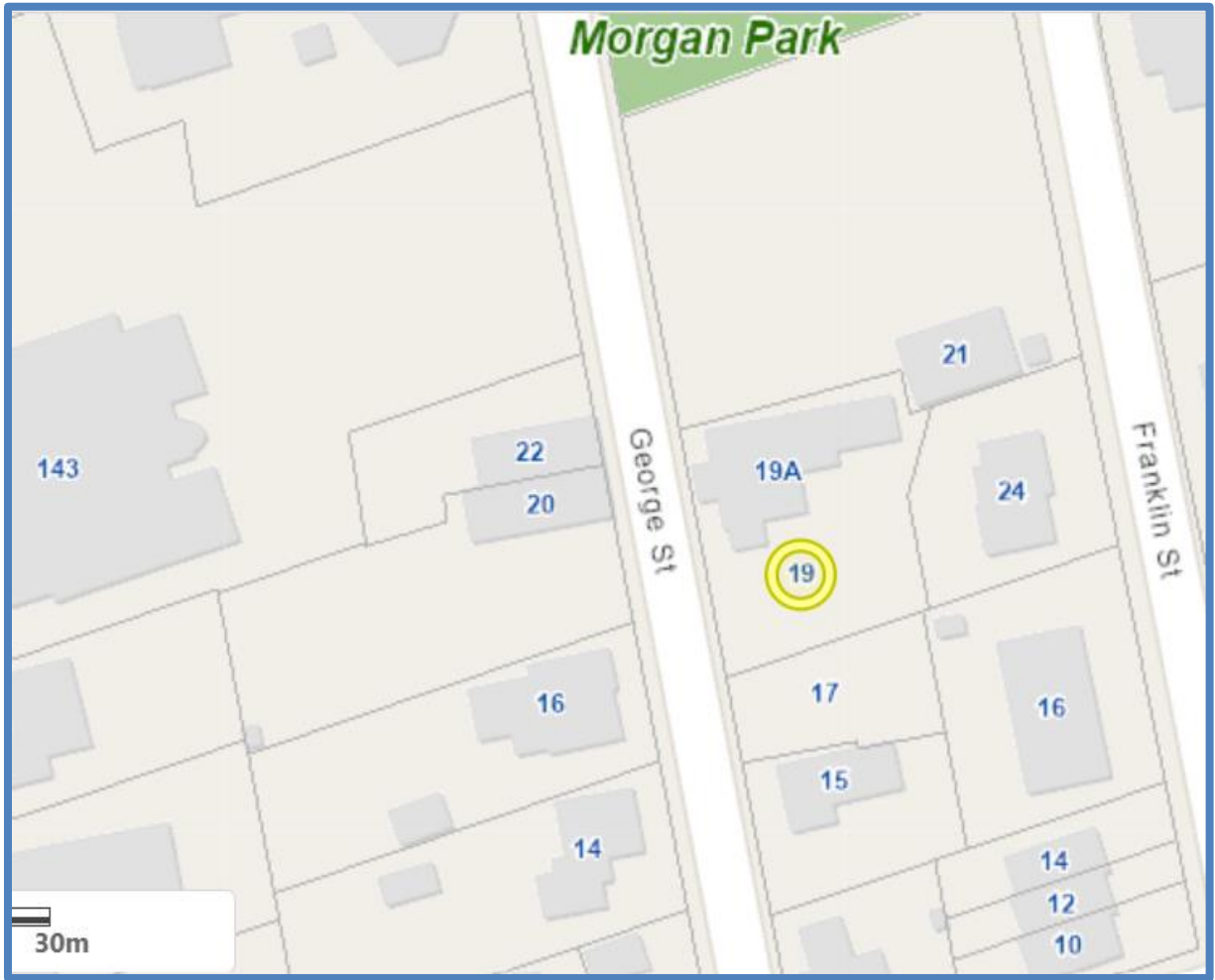


Figure 2 – Photograph of the existing semi-detached dwelling under construction



APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/001/24

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/001/24, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - b) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - c) Submit site servicing, grading, utility, and erosion and sediment control plan, to the satisfaction of the Director of Engineering;
 - d) Construct the required servicing, grading, and utilities for this development to the satisfaction of the Director of Engineering;
 - e) To construct and/or implement any required excavation, removal, relocation, restoration and/or implement of any above or below ground municipal services or utilities that may be necessary for this development, to the satisfaction of the Director of Engineering;
6. That the Applicant satisfies that water and wastewater servicing capacity is available to service this application as provided by the Regional Municipality of York in their comments to the Applicant, and that the Secretary-Treasurer receive

written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate. Prior to final approval, the Region's Planning and Economic Development Branch shall certify that the above condition(s) has/have been met to its satisfaction. York Region requests a copy of the Notice of Decision be emailed to developmentservices@york.ca if/when it becomes available.

7. Fulfillment of all of the above conditions within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is written in a cursive style with a large initial "P".

Peter Wokral, Senior Heritage Planner

APPENDIX “B”- Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: March 20, 2024

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

EXTRACT CONTAINING ITEM # 5.4 OF THE THIRD HERITAGE MARKHAM
COMMITTEE MEETING HELD ON March 13, 2024

5. PART THREE - CONSENT

5.4 PROPOSED SEVERANCE TO CREATE SEPARATE OWNERSHIP

19 AND 19A GEORGE STREET, MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)

File Numbers:
CNST 24 160686
B/001/24

Recommendation:

THAT Heritage Markham has no comment on the proposed severance of 19 and 19A George Street from a heritage perspective.

Carried