

# Memorandum to the City of Markham Committee of Adjustment

June 24, 2022

**File:** A/070/22  
**Address:** 27 Victoria Ave, Markham  
**Applicant:** Susan Steele & Reid McAlpine  
**Agent:** David Johnston Architect Ltd.  
**Hearing Date:** Wednesday July 6, 2022

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

The applicant is requesting relief from the following requirements of the Single Family (R3) zone under By-law 122-72 as amended. The requested variances are to permit:

- a) Section 11.2 (c):  
an existing side yard of 5 feet 8 inches, whereas the By-Law requires a side yard of 6 feet;
- b) By-Law 28-97, Section 6.1.1 (b):  
one parking space, whereas the By-law requires two parking spaces;

as it relates to a proposed 2-storey rear addition to an existing heritage home. This Minor Variance Application has been submitted concurrently with a Site Plan Control Application (SPC 22 111838), in which both files are being reviewed concurrently.

## **BACKGROUND**

### **Property Description**

The 926.3 m<sup>2</sup> (9,971 ft<sup>2</sup>) subject property is located on the south side of Victoria Avenue at the intersection of Victoria Lane (See Figure 1- Location Map). The property is located within an established historic residential neighbourhood that is part of the Unionville Heritage Conservation District. The entire street is made up of detached dwellings, most of which are historic that have been restored and expanded with modern additions.

There is an existing one and one half storey heritage dwelling on the subject property, which according to assessment records was constructed as a workers cottage circa 1878 (See Figure 2- Photograph of the Existing Historic Dwelling). No mature vegetation of any significance exists on the property.

The entire property is within the TRCA's Regulated Area due to its proximity to the Denby Valley and Bruce's Creek.

### Previous Minor Variance Approval A/68/10

In 2010, the same owner obtained variances from the Committee of Adjustment through application A/68/10 to permit a new porch to have a front yard setback of 11 ft. whereas the By-law required a front yard setback of 27 ft., and to recognize the existing historic front yard setback of the heritage dwelling of 0 ft.

### **Proposal**

The applicant proposes to demolish an existing one storey rear addition of no cultural heritage value in order to construct a new, larger two storey, rear addition to the existing heritage dwelling (See Figure 3 – Proposed Rear Addition to the Historic Dwelling).

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

The applicant submitted an incomplete Zoning Preliminary Review in November of 2021, however, the requested variances were identified through the zoning review of the associated site plan application. Staff advise that 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 requests in this application contain errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **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.

### **Existing Reduced Side Yard Setback**

The applicant is requesting relief from the applicable provisions of By-law 122-72, as amended to recognize the existing setback of the heritage dwelling from the western property line that was established over 100 years ago. Given this, and that the deficiency is only 4 inches, this variance is considered minor in nature.

### **Parking Reduction**

The site currently provides a total of one parking space, which does not meet the required number of 2 parking spaces as required by the Parking By-law 28-97, as amended. Given that this is an existing condition that the owners of the property have adapted to, and that the property is intended to remain as a single detached dwelling, this variance can also be considered to be minor in nature. It is noted that there is sufficient space in the rear yard that could be used for parking, subject to meeting the requirements of the Parking By-law 28-97, as amended, should the deficiency become an issue in the future.

### **EXTERNAL AGENCIES**

#### **TRCA Comments**

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. TRCA provided comments through a letter dated April 27, 2022 indicating that they have no objections with the site plan application associated with the variance application, provided that the applicant obtain a permit from the TRCA.

#### **Metrolinx Requirements**

Metrolinx has provided no comments on this application but are expected to provide conditions to be included in the associated site plan agreement.

#### **Urban Design and Engineering**

The City's Urban Design Section and Engineering Department have provided no comments on the variance application.

#### **Heritage Markham**

The Heritage Markham Committee reviewed the associated Site Plan application on April 13, 2022 and indicated that they had no objection to the "general form, massing materials and architectural details of the proposed two storey addition from a heritage perspective", Heritage Markham will be re-reviewing the proposal in the context of the variances

requested, on July 6, 2022. Given that the requested variances reflect the existing deficiencies on the site, and that Heritage Markham Committee has already commented on the form, massing, materials and architectural details of the development proposal, Staff are of the opinion that Heritage Markham will not object to the approval of the variances being requested. (See Appendix B). However, Staff have included a condition in Appendix 'A', requiring written confirmation from Heritage Markham that the requested variances are supported.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 24, 2022. 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 requested variances meet 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Peter Wokral, Senior Heritage Planner

REVIEWED BY:



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Peter Wokral, Manager of Heritage Planning (Acting)

FIGURE 1 –LOCATION MAP

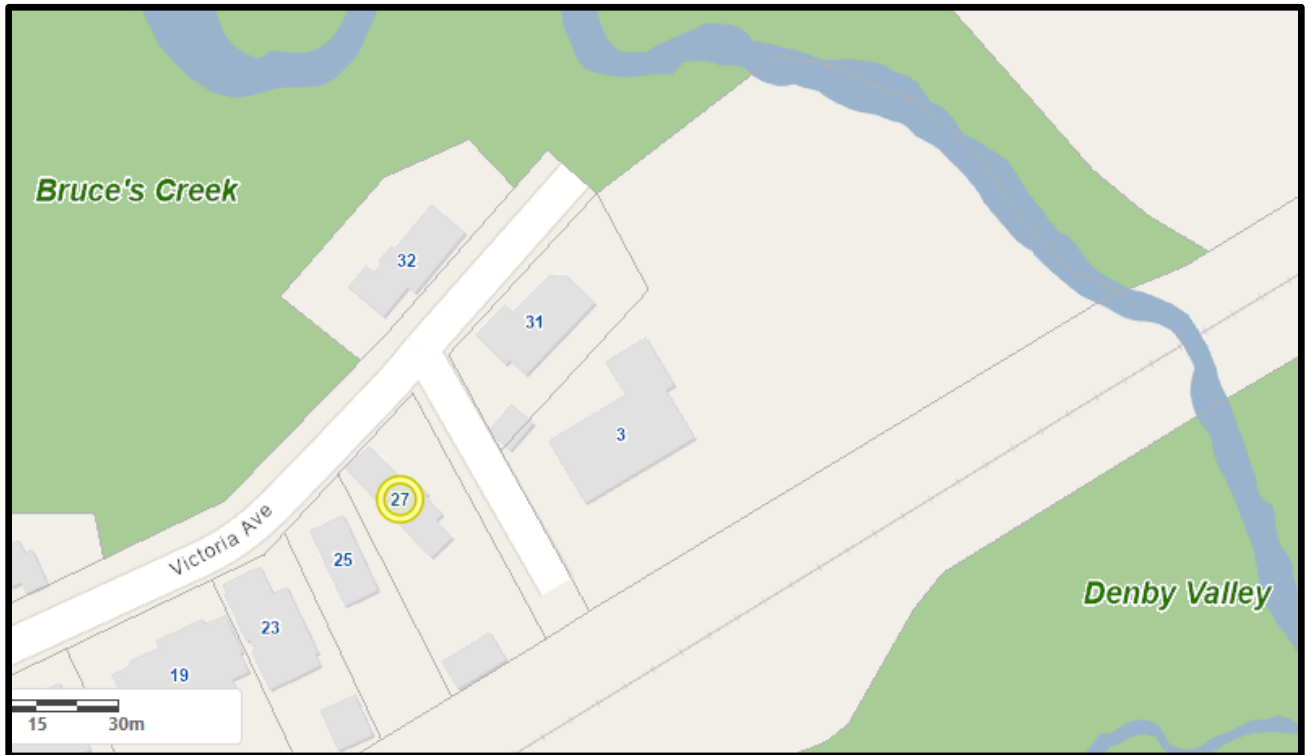
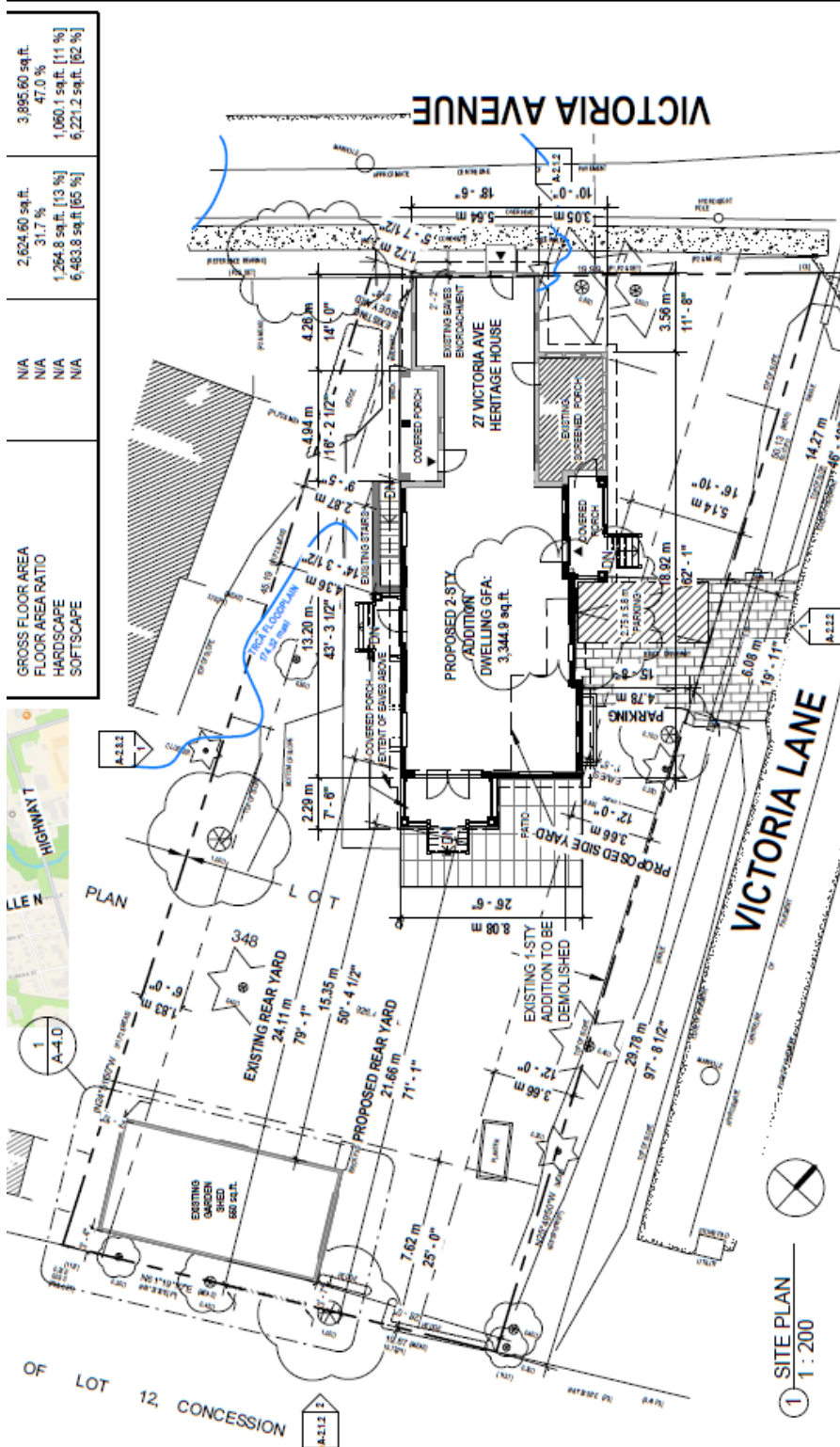


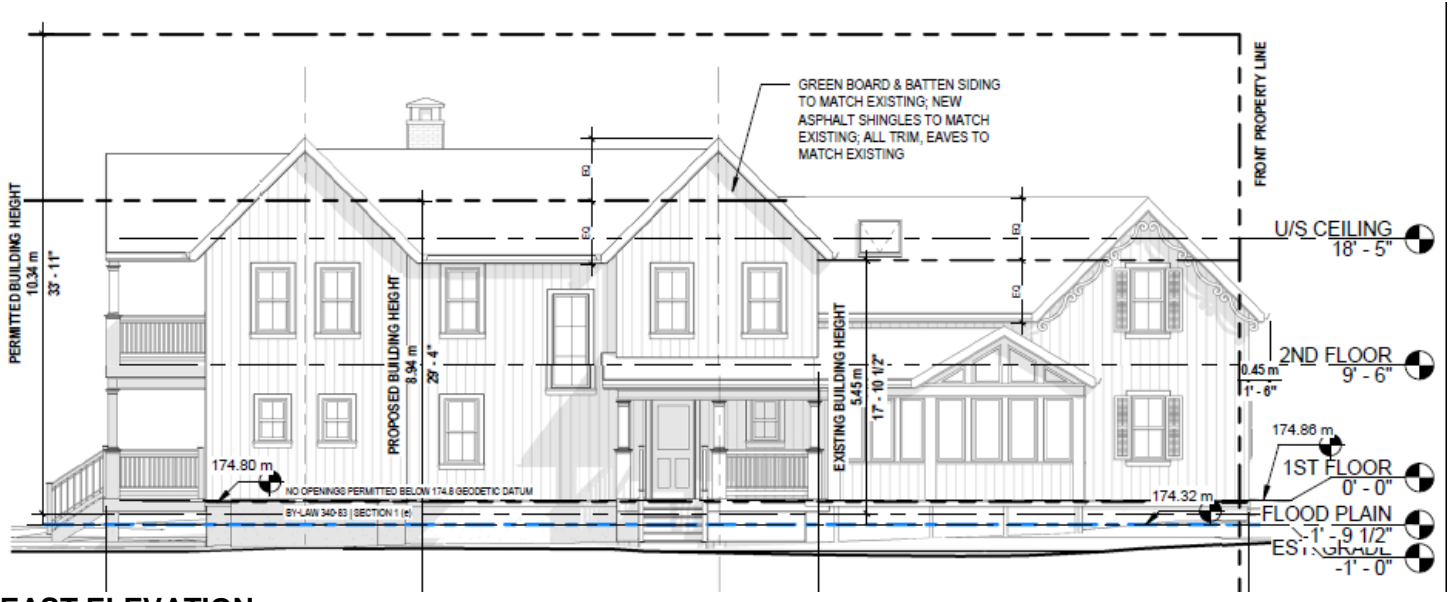
FIGURE 2 – PHOTOGRAPH OF THE EXISTING HISTORIC DWELLING



FIGURE 3 – PROPOSED REAR ADDITION TO THE HISTORIC DWELLING



SITE PLAN



**EAST ELEVATION**



**VICTORIA AVE - FRONT / SIDE YARD VIEW**

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/070/22**

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/drawings attached as 'Figure 3' to this Staff Report and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. That the Secretary-Treasurer receive written confirmation from Heritage Markham that the requested variances are supported;
4. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
5. That the applicant satisfies the requirements of both the TRCA, and that the Secretary-Treasurer receive written confirmation that the applicant has obtained a permit from the TRCA prior to the issuance of a Building Permit.

CONDITIONS PREPARED BY:



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Peter Wokral, Senior Heritage Planner



**APPENDIX 'B'**  
**HERITAGE MARKHAM EXTRACT OF APRIL 13, 2022**

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the proposed demolition of the existing one storey rear addition at 27 Victoria Avenue;

THAT Heritage Markham has no objection to the general form, massing, materials and architectural details of the proposed two storey rear addition from a heritage perspective subject to the revisions identified below;

- ~~THAT the height of the proposed two storey addition be reduced by a minimum of 2 ft. to make the addition more in scale with the existing heritage dwelling and that the volumes of the proposed second floor rooms be contained within the roof structure;~~
- THAT notwithstanding the policies contained in the Unionville Heritage Conservation District Plan regarding skylights, Heritage Markham has no objection to the proposed skylight on the east facing slope of the rear tail of the heritage portion of the house provided it is flat in profile and of a glazing that closely matches the colour of the roof;
- THAT Heritage Markham does not support the proposed new veranda and balcony on the west side of the rear tail of the heritage portion of the house, but would support a smaller balcony within the existing veranda roof utilizing the existing turned porch posts;

AND THAT final review of the site plan application be referred to Heritage Section staff, provided that the revisions recommended by the Committee are incorporated into the proposal.

**Carried**