

Memorandum to the City of Markham Committee of Adjustment

June 29, 2021

File: A/076/21
Address: 32 Colborne St Thornhill
Applicant: Faye Jung Leask
Agent: Belinda Jones Architect (Belinda Jones)
Hearing Date: Wednesday July 07, 2021

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

The applicant is requesting relief from the following requirements of By-law 2237, R3 as amended, to permit:

1. a maximum floor area of 303 m², whereas the By-law permits maximum floor area of 278.7 m²;
2. a maximum garage floor area of 47.2 m², whereas the By-law permits maximum floor area of 41.8 m²;
3. an east side yard setback of 0.98 m, whereas the By-law requires setback of 1.8 m;
4. a maximum building depth of 21.59 m, whereas the By-law permits a maximum building depth of 16.8 m;

as it relates to a proposed rebuild of a fire damaged house in the Thornhill Heritage Conservation District.

BACKGROUND

Property Description

The 1,893.86 m² (20,385.4 ft²) subject property is located on the north side of Colborne Street, east of Yonge Street and west of Church Lane (See Figure 1-Location Map). The property is located within an established historic residential neighbourhood of the Thornhill Heritage Conservation District, comprised of a mix of one and two-storey heritage, and non-heritage detached dwellings. Colborne Street is considered to be the historical "Core" of the Thornhill Heritage Conservation District and subject to the most restrictive development standards of the By-law in the district, with the intent of preserving the modest scale of homes on the street, as well as existing significant mature vegetation.

In July of 2020, the one and one half storey dwelling that occupied the site was the subject of a house fire that severely damaged the structure above the main floor. The house as constructed in 1956, and added onto in 1986, did not comply with the development standards of the Zoning By-law in terms of its east side yard setback, maximum building depth, and the a maximum floor area for the home and garage, but was considered to be "legal non-conforming" as it predated the implementation of the By-law's development standards. Although non-compliant in terms of development standards of the By-law, the previous dwelling was generally considered to be complementary to the historic character of Colborne Street by virtue of its one and one half storey simple gabled form, its street

facing veranda, and historically compatible windows and exterior cladding (See photograph of the previous dwelling-Figure 2).

Proposal

The applicant is proposing to construct a new two storey dwelling designed to be in compliance with the policies and guidelines contained in the Thornhill Heritage Conservation District Plan for new dwellings, utilizing the foundation and building footprint of the former dwelling with some minor modifications. Because this approach is considered to be new construction, the legal non-conforming status enjoyed by the previous dwelling no longer exists, and the applicant must obtain the requested variances to permit the proposed reconstruction and remodelling of the house.

Zoning Preliminary Review (ZPR) Undertaken The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings in February of 2021. 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.

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 Floor Area of the House and Garage

The applicant is requesting relief to permit a maximum floor area of 303m² (3,261.5 ft²) for the proposed dwelling, whereas 278.7m² (3,000.0 ft²) is the maximum permitted by the By-law, and a maximum floor area of 47.2m² (508.1 ft²) for the proposed garage, whereas the By-law permits a maximum floor area of 41.8m² (450 ft²). The requested variance to permit additional floor area for the dwelling can be considered to be minor in nature because it actually represents a decrease of 10.34m² (111.3 ft²) in the floor area from what existed prior to the fire of July 2020. This decrease in the floor area of the house is attributable to a proposed decrease in the building depth of the building envelope from 18.28m to 16.46m, a decrease of 1.82m (6.0 ft.)

The requested variance to permit a larger garage can also be considered minor in nature as it only represents an increase of 5.4m² (58.1 ft²) and the proposed garage is one storey in height and complies with the required side yard setback of the By-law.

Reduced East Side Yard Setback

The applicant is requesting a minimum east side yard setback of 3.2 ft. (0.98m) for the two-storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 6 ft. (1.8m). This variance can be considered to be minor in nature because it reflects the east side yard setback of the previous dwelling as the proposed new dwelling proposes to use the existing foundation that was undamaged by the fire.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.59m (70.8 ft.), whereas the By-law permits a maximum building depth of 16.8m (55.1 ft.). This represents an increase of approximately 4.79m (15.7 ft.) from what is permitted by the By-law.

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. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

This requested variance can be considered to be minor in nature because 5.13m² (16.8 ft.) of the building depth is attributable to a proposed front veranda, which is a desirable heritage feature of the proposed house, and to a proposed uncovered rear yard deck which contributes nothing to the proposed building mass. It is notable that the building depth of the proposed fully enclosed building mass is 16.46m (54 ft.) which is 0.34m (1 ft.) shorter than what the By-law permits and that the proposed building depth is generally consistent with the building depth of the neighbouring dwellings.

All the requested variances can be considered desirable for the appropriate development of the land and maintain the intent and purpose of the City's By-law and Official Plan as the proposed new dwelling generally complies with the applicable policies of the Thornhill Heritage Conservation District for new homes (See Perspective Drawing of the Proposed New Dwelling-Figure 3).

Engineering and Urban Design

The City's Engineering Department and Urban Design Section have reviewed and provided comments on the site plan application, but have not noted any objections to the required variances.

Heritage Markham

Heritage Markham Committee reviewed the associated site plan drawings and requested variances at their meeting of April 14, 2021. The Committee had no objections to the design of the proposed rebuilding of 32 Colborne Street, subject to some minor changes, and delegated final review of the site plan and the associated variance application to Heritage Section staff (See Heritage Markham Extract of April 14, 2021-.Appendix 'B')

EXTERNAL AGENCIES

TRCA Comments

Only the last 40 m or so of the subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. Due to the significant depth of the subject lot, the proposed development occurs well outside the TRCA regulated area. Therefore, the TRCA indicated that they had no objection to the proposed design or variances required to rebuild the dwelling.

PUBLIC INPUT SUMMARY

One written submission indicating their support of the requested variance was received as of June 29, 2021. 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:



Peter Wokral, Senior Heritage Planner,

REVIEWED BY:



Regan Hutcherson, Manager of Heritage Planning

FIGURE 1- LOCATION MAP

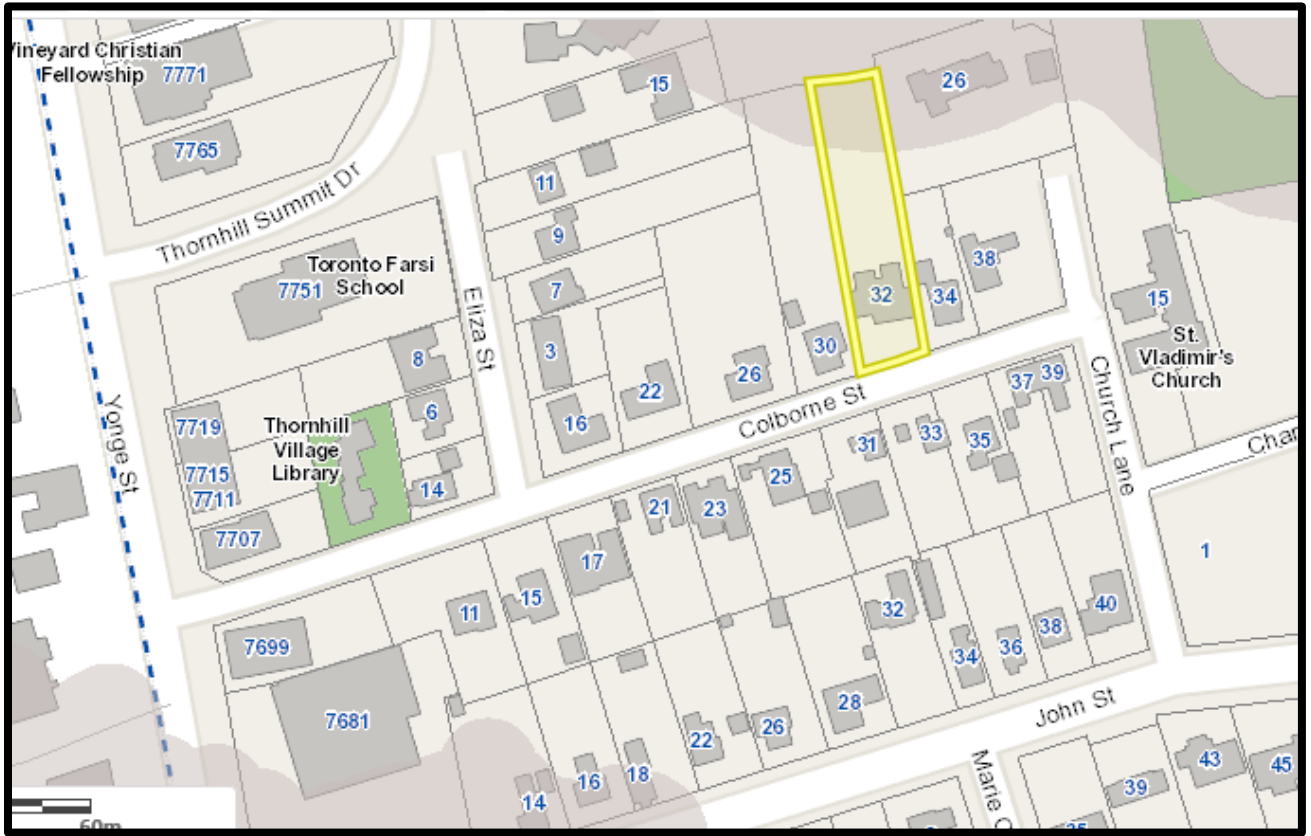


FIGURE 2- PHOTOGRPAH OF THE PREVIOUS DWELLING



FIGURE 3-PERSPECTIVE DRAWINGS OF THE PROPOSED NEW DWELLING



Proposed new house (centre) looking North East along Colborne Street



Proposed new house (centre) looking North West along Colborne Street

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/076/21

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 C’ 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 prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
4. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham’s Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITIONS PREPARED BY:



Peter Wokral, Senior Heritage Planner

APPENDIX 'B'-Heritage Markham Extract of April 14, 2021

6.2 SITE PLAN CONTROL APPLICATION AND VARIANCE APPLICATIONS

PROPOSED RECONSTRUCTION OF FIRE DAMAGED DWELLING 32 COLBORNE ST. THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBER:
SPC 20 131842

Extracts:

R.Hutcheson, Manager, Heritage Planning
P. Wokral, Senior Heritage Planner

Peter Wokral, Manager of Heritage Planning, presented the staff memorandum for the proposed reconstruction of a fire damaged dwelling on 32 Colborne Street.

Barry Nelson, representing The Society of Preservation of Historic Thornhill (SPOHT) was generally supportive of the staff recommendation, but suggested the following:

- That the veranda spanning the full width of the house (including the east bay) be permitted as it is an important feature to the property owner;
- That any modern glazing address the City of Markham's Bird Friendly Guidelines;
- That picket railing be used on the rear deck versus transparent glass.

The Committee provided the following feedback on the development proposal:

- Requested the rear balcony have picket railing rather than a tempered glass railing;
- Suggested the bay be moved forward to permit for the veranda.

Belinda Jones Architect clarified that another variance would be required if the bay was moved forward to permit for the veranda.

Mr. Wokral suggested that staff would likely be supportive of moving the bay forward to permit for the veranda even if a front-set-back variance is required.

Recommendation:

THAT Heritage Markham has no objection to the design of the proposed rebuilding of 32 Colborne St. from a heritage perspective and the identified variances, subject to the following:

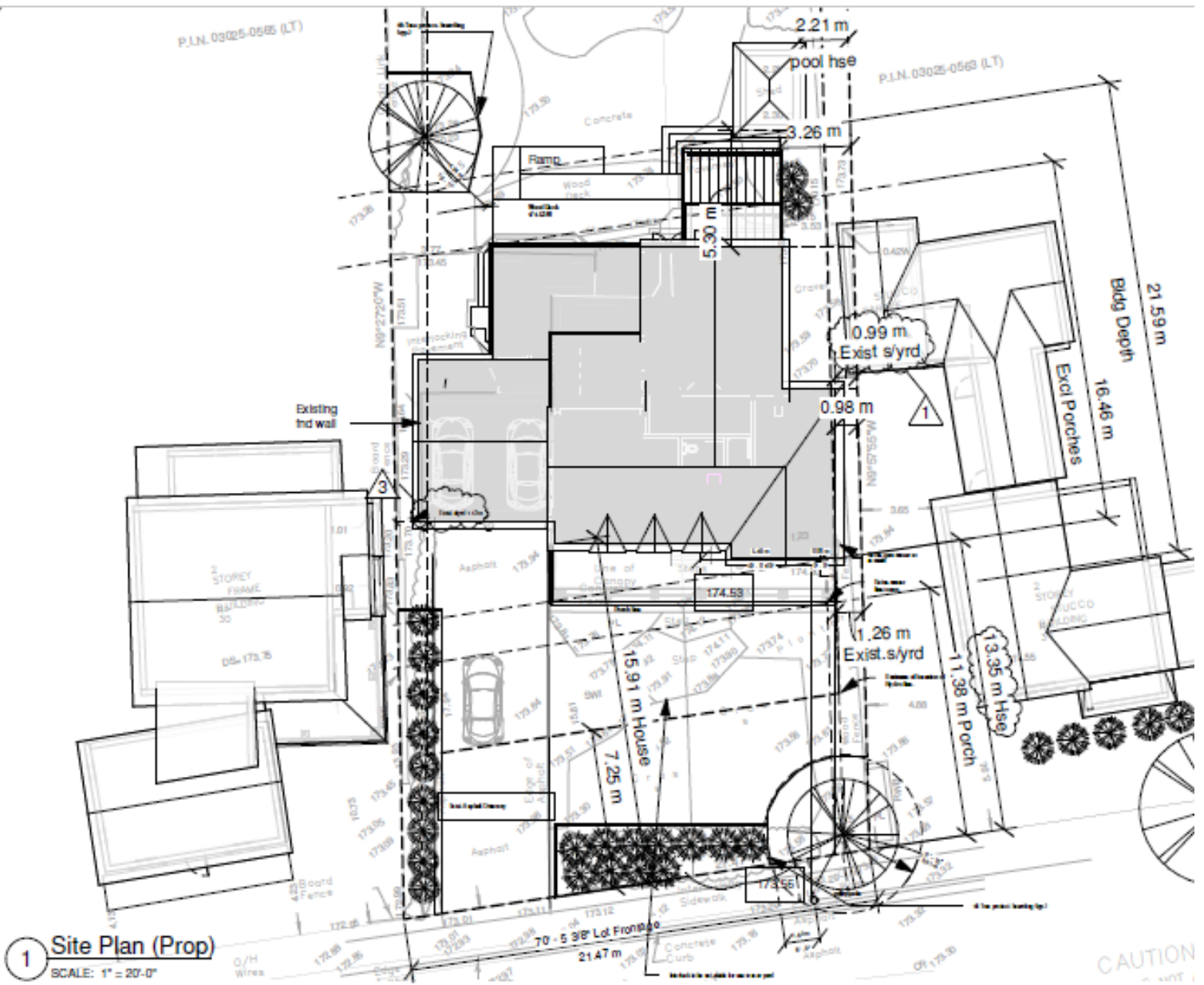
- **that the rear balcony have picket railings instead of tempered glass railings;**
- that any modern glazing addresses the City of Markham's Bird Friendly Guidelines; and,
- that the 6/6/window panes/divisions treatment on the visible elevations be consistent and reflect traditional configurations, and include a sills.

THAT the applicant enter into a Site Plan Agreement with the City containing the standard conditions regarding colours, material, windows etc.

AND THAT final review of the site plan and any variance application in support of the proposed design reviewed by the Committee be delegated to Heritage Section staff.

Carried

APPENDIX 'C' PROPOSED SITE PLAN AND ELEVATIONS

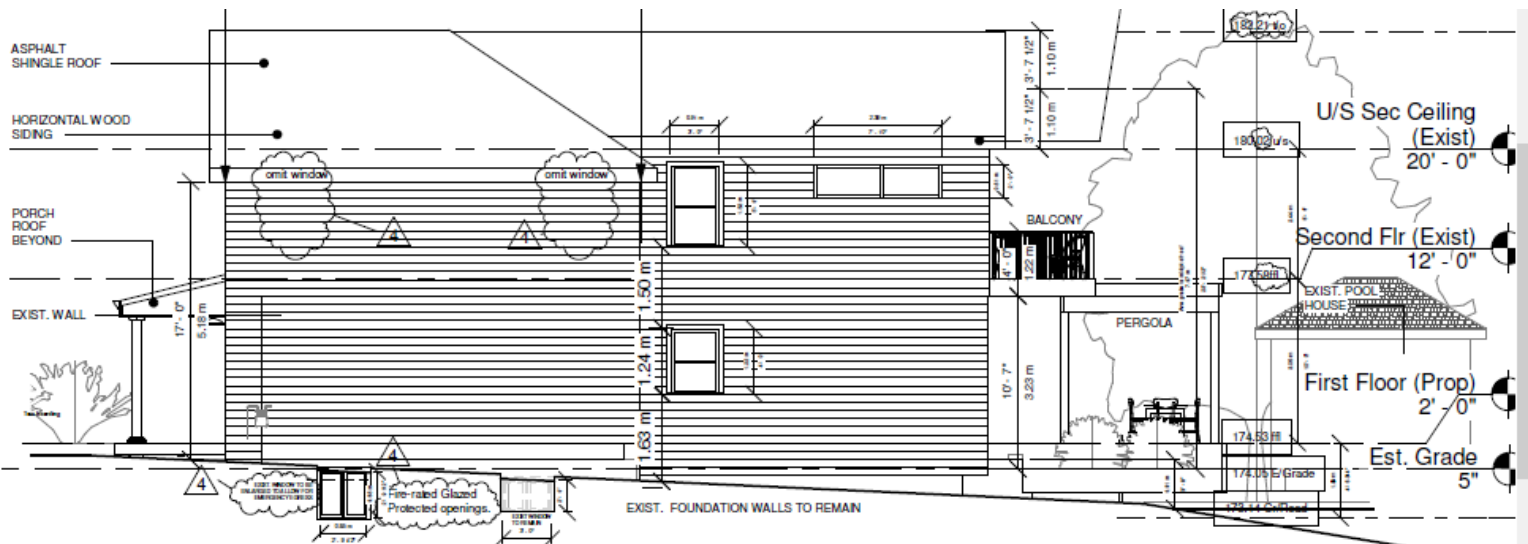


1 Site Plan (Prop)
SCALE: 1" = 20'-0"

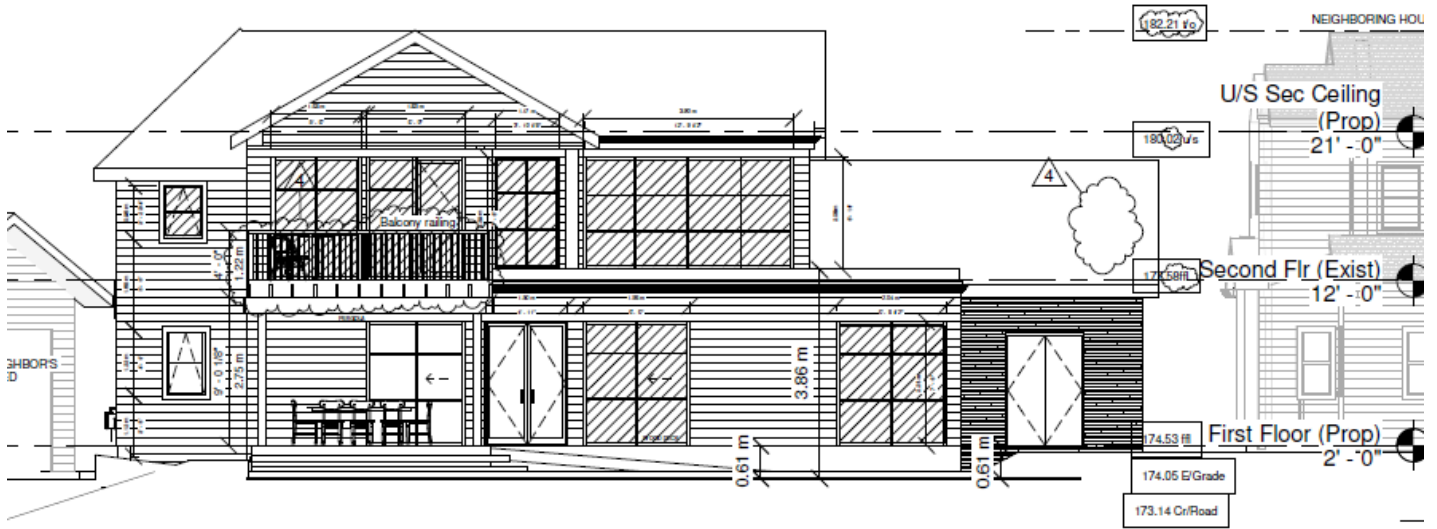
CAUTION



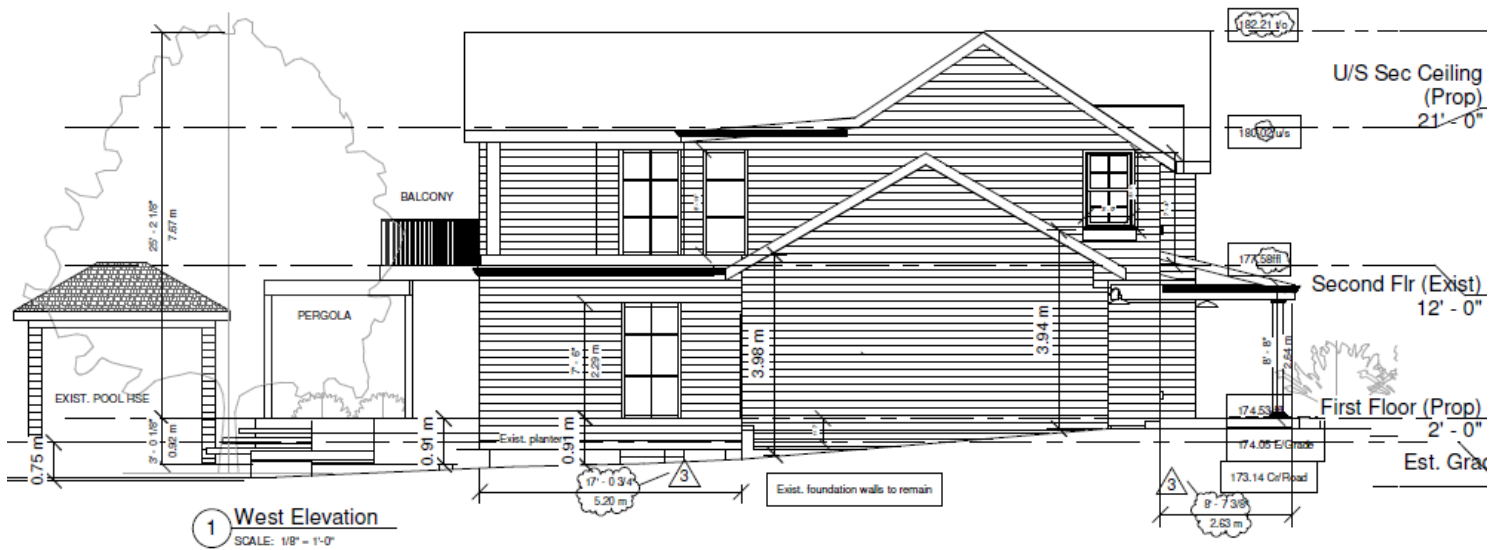
1 South Elevation
SCALE: 1/8" = 1'-0"



1 East Elevation
SCALE: 1/8" = 1'-0"



1 North Elevation
SCALE: 1/8" = 1'-0"



1 West Elevation
SCALE: 1/8" = 1'-0"

