

Memorandum to the City of Markham Committee of Adjustment

December 16, 2019

File: A/142/19
Address: 10 Dryden Crt. Markham Village Heritage Conservation District
Applicant: Neil Lauritsen
Agent: (none)
Hearing Date: Wednesday January 22, 2020

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

The applicant is requesting relief from the following requirements of By-law 1229, as amended, to permit:

1. **Section 11.1: a front yard setback of 6.3 m; whereas the by-law requires front yard setback of 7.5 m.**
2. **Section 11.1: side yard setback of 1.818 m and 1.8 m on either sides of the property; whereas the by-law requires side yard setback of 1.829 m on either side property lines**

as it relates to a proposed new residential dwelling.

BACKGROUND

Property Description

The 1,039.23m² (11,186.18 ft²) subject property is located at 10 Dryden Court which terminates the eastern end of Rouge Street (See Location Map Figure 1). The property is located within an established residential neighbourhood of the Markham Village Heritage Conservation District comprised of two-storey single detached dwellings. The property is occupied by a one storey, 145.7m² (1,568.4 ft²) non-heritage, frame dwelling constructed circa 1950 (See Photograph of the Existing Dwelling Figure 2). The surrounding area is undergoing a transition with newer dwellings as infill developments. Mature vegetation exists at the rear of the property and is contiguous with the wooded valley lands of the Rouge River Valley and is therefore partially within the Toronto and Region Conservation Authority's (TRCA's) Regulated Area.

Proposal

The applicant is proposing to demolish the existing non-heritage house in order to construct a new two storey brick dwelling with an attached garage (See Site Plan Figure 3 and Elevations Figure 4).

The TRCA provided preliminary comments indicating that they would not support any expansion of the existing dwelling either horizontally or vertically due to its location within their screening zone, and proximity to the regional flood line (See Map of TRCA Screening Zone and Regional Flood line Figure 5) Therefore, any proposed new dwelling must be constructed closer to Dryden Court.

Applicant's Stated Reasons for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "Front yard relief-When received information from the senior heritage planner that the front yard setback was taken from a straight line run from property corner to property corner, and not by offsetting the curve, as is the case. The house was designed based on the incorrect information, and is now it is possible to revised the plans and keep the same intent of the house.

Side yard relief-A rounding error occurred and was taken as 1.8m and not the 1.829m required."

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 20.7 ft. (6.3 m), whereas the By-law requires a minimum front yard setback of 25 ft. (7.62 m). The variance is in part attributable to the TRCA's requirement to keep any new dwelling as far away from the slope of the valley lands at the rear as possible. The proposed front yard setback is generally consistent with the established front yard setback pattern of the other homes on Dryden Court and does not appear to negatively impact any neighbouring property owners. For these reasons the requested variance can be considered minor in nature and desirable for the appropriate development of the land.

Reduction in Side Yard Setbacks

The applicant is requesting a variance to permit minimum side yard setbacks of 1.818 m and 1.80 m, whereas the By-law requires a minimum side yard setback of 1.829 m. The requested variances are extremely minor in nature and represent a difference of approximately 1" (2.54cm).

Engineering and Urban Design

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

Heritage Markham

Heritage Markham reviewed the proposed new house on December 12, 2018 and had no objection to the proposed massing, form, materials and height and delegated final review of the Site Plan Control application and any other development application necessary to approve the proposed house to Heritage Section Staff (See Appendix 'B').

PUBLIC INPUT SUMMARY

No written submissions were received as of December 16, 2019. 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 to their approval. Staff recommends 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 Hutcheson, Manager Heritage Planning

Figure 1- Location Map

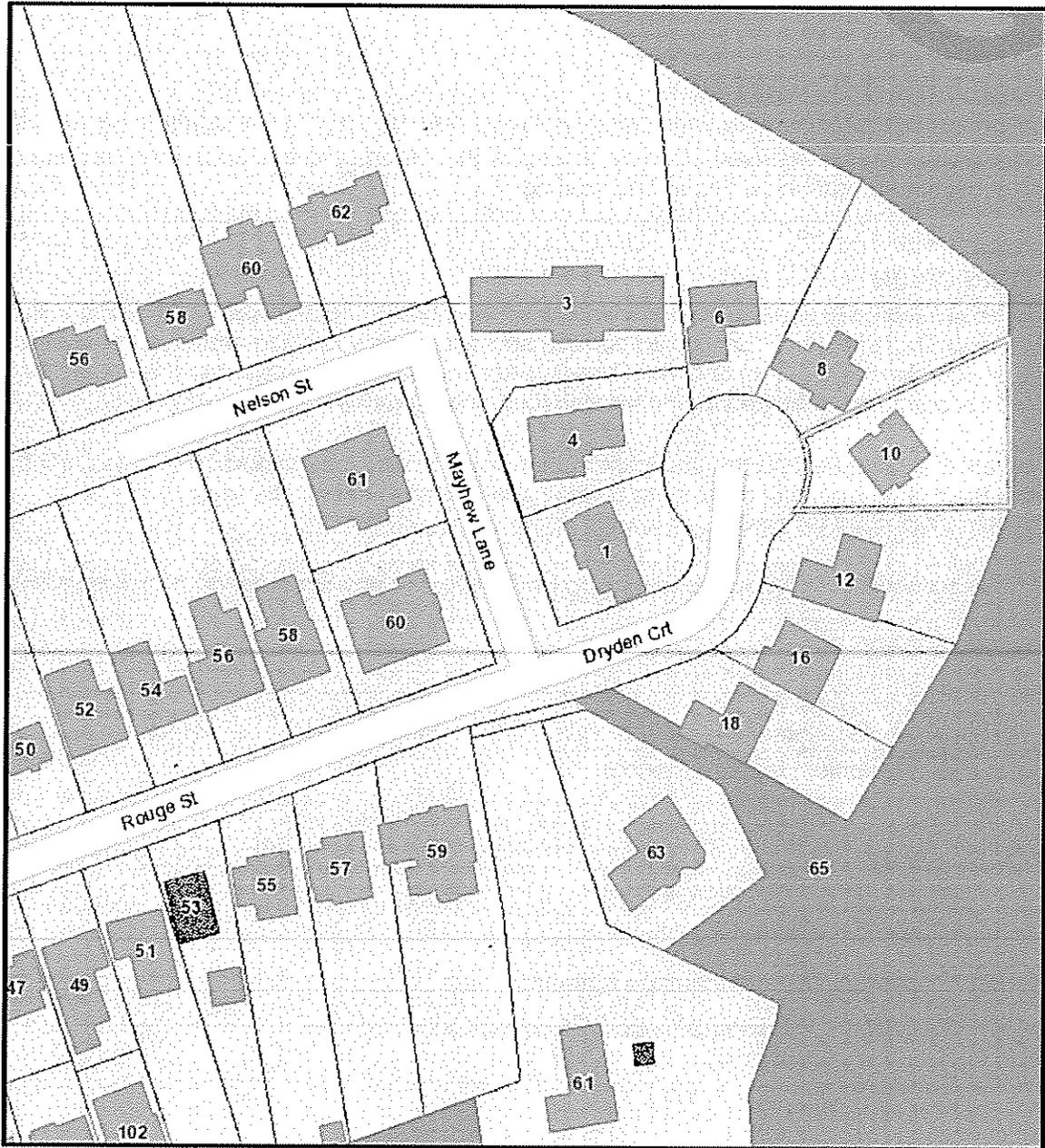
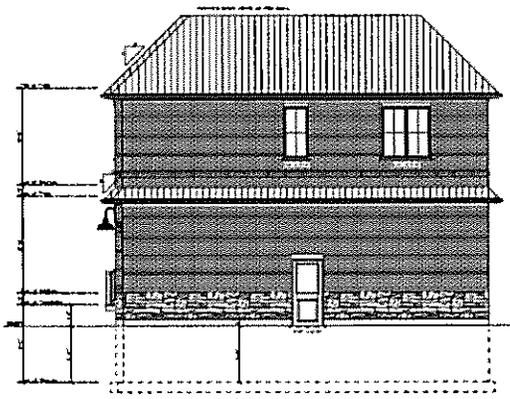


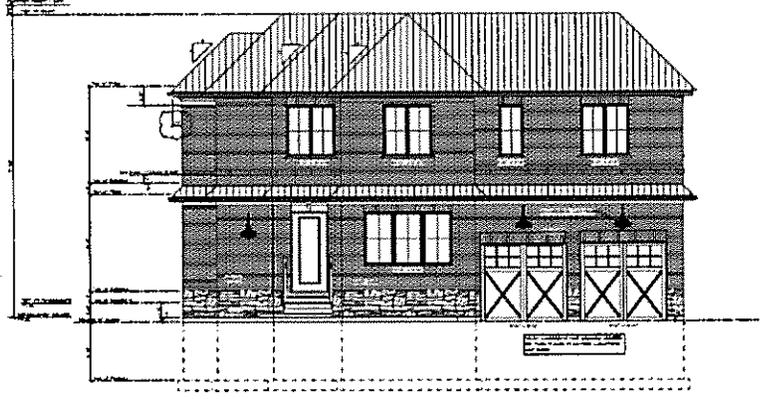
Figure 2- Photograph of the Existing Dwelling



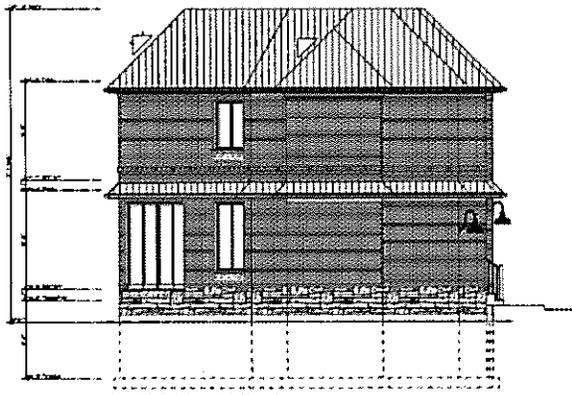
Figure 4-Proposed Elevations



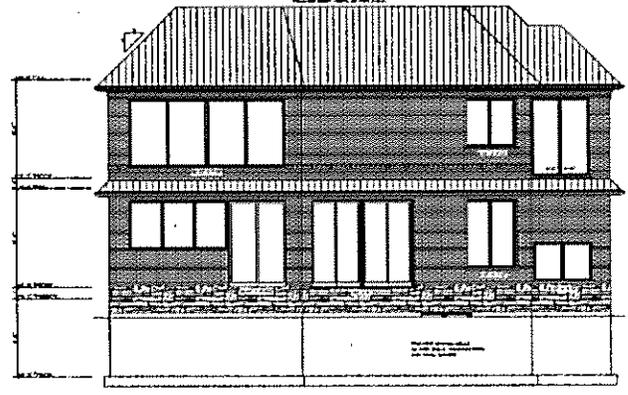
SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



WEST ELEVATION
SCALE: 3/8" = 1'-0"

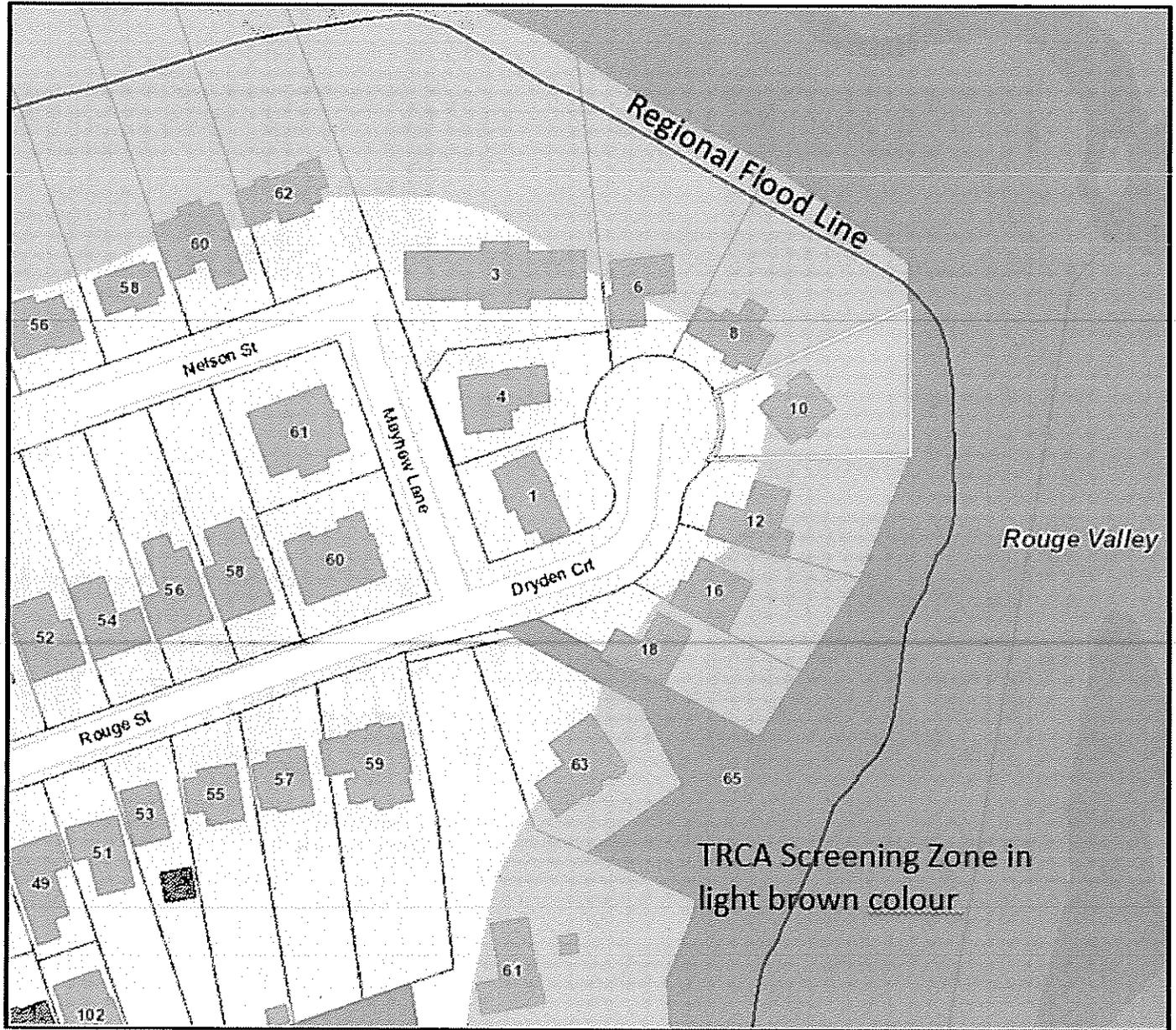


NORTH ELEVATION
SCALE: 3/8" = 1'-0"



EAST ELEVATION
SCALE: 3/8" = 1'-0"

Figure 5-TRCA Screening Zone and Regional Flood Line

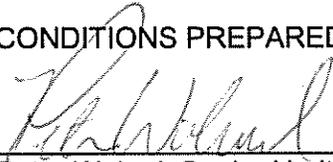


APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/142/19

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 plans attached as 'Figures 3 and 4' to this Staff Report and received by the City of Markham on December 12, 2018, 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 owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development.

CONDITIONS PREPARED BY:



Peter Wokral, Senior Heritage Planner

Appendix 'B' - Heritage Markham Extract of December 12, 2018

HERITAGE MARKHAM EXTRACT

DATE: December 19, 2018

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #8 OF THE TWELFTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON DECEMBER 12, 2018.

8. **Site Plan Control Application,
10 Dryden Court, Markham Village Heritage Conservation District,
Proposed Single Detached Dwelling (16.11)**
File Numbers: SPC 18 180344
Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
-

Memo

Reid McAlpine disclosed an interest with respect to Item # 8, by nature of being a neighbour of the owner, and did not take part in the discussion of or vote on the question of the approval of this matter.

Peter Wokral, Heritage Planner, addressed the Committee and summarized the details outlined in the memo. He noted that variances would likely be required for the front and side yard setback, though the application has yet to undergo a Zoning Preliminary Review.

P. Wokral stated that the Urban Design Section preferred the side yard setback comply with the by-law minimum of six (6) feet, but given the Toronto and Region Conservation Authority (TRCA) restrictions on the property, Staff has no objection to the requested setback of under five (5) feet.

There was discussion regarding the elevation of the proposed dwelling. Concern was expressed that the Committee was not provided a streetscape to illustrate how the proposed dwelling would appear next to the adjacent dwellings. Staff commented that the elevation would be reviewed and compared to the adjacent dwellings, noting that the roof design was unique due to the irregular shape of the dwelling structure. Staff also noted that the architectural style was generally consistent with the neighbouring dwellings.

There was discussion regarding the side yard variance and the windows at the back not being bird friendly. The Committee inquired about the floor plan. Staff noted that the interior of the home was not generally reviewed as part of the Site Plan Control Application.

There was discussion regarding the size of the 3,174 ft² dwelling. Staff advised that the garage was included in the square footage.

There was discussion regarding the design of the front of the dwelling, and the continuous plain without articulation. Staff noted that the TRCA restrictions affected the design of the proposed dwelling as it had to be pushed forward compared to the existing dwelling. Staff advised that the front yard was more than six (6) meters deep.

The Committee proposed an amendment to the Staff recommendation – that Heritage Markham is concerned that the height of the proposed dwelling may not be compatible with the neighbouring houses, and delegates the resolution of any height concerns to Heritage Section staff.

The Committee proposed a further amendment to the Staff recommendation – that Heritage Markham recommends that the lighting be night sky friendly and windows be bird friendly.

The Committee stated the expectation that any significant changes to the Site Plan Control application, including substantial variances, be brought back to Heritage Markham for review.

Recommendation:

That Heritage Markham has no objection to the form, massing, and scale of the proposed new dwelling at 10 Dryden Court from a heritage perspective, but is concerned that the height may not be compatible with neighbouring houses, and recommends that the use of stone veneer be limited to a foundation treatment; and,

That Heritage Markham delegates final review of the Site Plan Control application, resolution of height concerns, and any other development application required to permit the proposed new dwelling at 10 Dryden Court to Heritage Section staff; and further,

That the applicant enter into a Site Plan Agreement with the City containing the standard conditions regarding windows, colours, materials etc., along with the conditions that the lighting be night sky friendly and windows be bird friendly.

CARRIED