

CITY OF VAUGHAN
REPORT NO. 3 OF THE
HERITAGE VAUGHAN COMMITTEE

*For consideration by the Committee of the Whole
of the City of Vaughan
on April 24, 2012*

The Heritage Vaughan Committee met at 7:00 p.m., on March 21, 2012.

Present: John Mifsud, Chair
 Roger Dickinson
 Lucy Di Pietro
 Rosario Fava
 Richard Hahn
 Tony Marziliano
 Nick Pacione
 Christine Radewych
 Regional Councillor Deb Schulte
 Rajbir Singh
 Claudio Traverso

Also Present: Lauren Archer, Cultural Heritage Co-ordinator
 Cecilia Nin Hernandez, Cultural Heritage Co-ordinator
 Angela Palermo, Manager of Cultural Services
 Rose Magnifico, Assistant City Clerk

The following items were dealt with:

1 140 WOODBRIDGE AVENUE, MARKET LANE HOLDINGS
SIGN VARIANCE APPLICATION
OWNER: ROCCO CERONE

Heritage Vaughan recommends to Council:

- 1) That the recommendation contained in the following report of Cultural Services, dated March 21, 2012, be approved; and
- 2) That the following deputations and communication be received:
 1. Mr. Rocco Cerone, property owner; and
 2. Mr. Christopher Cerone, representing the property owner, and Communication C1, dated March 21, 2012.

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Recommendation

Cultural Services staff provide the following recommendation for Heritage Vaughan for consideration:

1. That the subject application be refused as proposed.
2. That the proposed sign be amended to be reduced in total size, by at least 50%
3. That the proposed sign be amended to be of a historically appropriate, matte non-reflective material.
4. That, if internally lit, the proposed sign be amended to be externally lit in a historically appropriate manner, or be unlit.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To review the subject proposed Sign Variance Application for a proposed sign in the Woodbridge Heritage Conservation District and Special Sign District as per Sign By-law.

Background - Analysis and Options

Background

The subject property is located within the Woodbridge Heritage Conservation District, which is identified as being within a Special Sign District by the City of Vaughan Sign By-Law.

As such, all proposed signage is to be in keeping with the Woodbridge Heritage Conservation District Guidelines as well as Section 11 of the Sign By-Law.

The applicant has already installed the subject signage. In December 2011 Cultural Services staff noticed the signage while out on another site visit in Woodbridge.

Cultural Services staff sent out By-Law enforcement to the applicant, and it was determined that the applicant installed the signage without a Heritage Permit or Sign Permit.

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The applicant is required to apply for both a Sign Variance and a Heritage Permit application for the subject signage.

Analysis

The proposed signage far exceeds the maximum size allowed within Special Sign districts.

Max height for a ground sign in any commercial area in Vaughan is 7.5 m. The maximum area for any ground sign in any commercial area in Vaughan is 5.0 sq. m.

In Special Sign Districts, such as the Woodbridge Heritage Conservation District, the maximum area for a ground sign is 2.0 sq.m

The proposed sign is 44.6 sq.m. The sign is 2230% too big, or 22.3 times larger than what is permitted.

Additionally, the proposed sign is:

Of a high gloss vinyl material, not a historically appropriate material.

Potentially internally lit (lighting is not specified), and

Not in keeping with the heritage character of Woodbridge Heritage Conservation District.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

The proposed signage is not in keeping with the Woodbridge Heritage Conservation District Plan and Guidelines and negatively impacts the heritage character of the Woodbridge Ave Character Area streetscape due to the sign's size and materials. As such, Cultural Services recommends that the application for signage be refused, and that the applicant amend the current design to address the issues outlined in the above report.

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**150 BROOKE STREET
THORNHILL – RE: COMMITTEE OF ADJUSTMENT APPLICATION**

Heritage Vaughan recommends to Council:

- 1) That Heritage Vaughan is not prepared to approve any variances beyond what was approved by Heritage Vaughan in March 2011; and

Therefore Heritage Vaughan recommends to the Committee of Adjustment that the variance not be approved;
- 2) That the report of Cultural Services, dated March 21, 2012, be received; and
- 3) That the following deputations and communications be received:
 1. Mr. Matthew Corridore, representing the applicant;
 2. Mr. and Mrs. Stan and Marisa Bertoia, neighbour, and Communication C2 and C3, dated March 20, 2012; and
 3. Ms. Toby Hahn, applicant.

Recommendation

Cultural Services staff provides the following recommendation to Heritage Vaughan for consideration:

5. That Heritage Vaughan consider the background and analysis portions of this report and if the committee finds merit in the application that the following conditions be forwarded for consideration by the Committee of Adjustment:
 - i. That the subject application be supported based on the precedent set by the neighbour directly adjacent to the south, at 148 Brooke Street, and;
 - ii. That support of this application is possible only due to the precedent set and the site conditions and design particular to this site, and;
 - iii. That this application's site conditions, design characteristics are considered to be the maximum allowable within Brooke street and any other similar condition within the Thornhill Heritage Conservation District.
 - iv. That the steps leading up to the main floor located within the front yard setback be of a natural material such as natural limestone or wood, that blends in with the landscaping and natural surroundings in material and color palette, and;
 - v. That material samples for the steps and landscaping features be submitted to Cultural Services for review and approval.
 - vi. That the applicant submit a copy of the revised Site Plan reflecting the as-built conditions reviewed with this application for final release of a revised Heritage Permit.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

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- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To review the subject proposed Committee of Adjustment application for a proposed zoning by-law variance regarding the front yard set back and front step encroachment for the subject property.

Background - Analysis and Options

Background

The subject property at 150 Brooke Street is:

- a) Designated as part of a Heritage Conservation District under **Part V** of the Ontario Heritage Act and therefore subject to the Thornhill Heritage Conservation District Guidelines.
- b) Not Registered under Part IV section 27 of the Ontario Heritage Act
- c) Not individually Designated under Part IV, section 29, of the Ontario Heritage Act

A proposal for new construction was approved by Heritage Vaughan on their March 2011 meeting. A proposal for new construction was approved by Heritage Vaughan on their March 2011 meeting. While construction started an

outdated approved grading plan was used unintentionally by mistake and the foundation and subsequently the framing were constructed approximately four feet closer to the front property line than approved on the Heritage Permit and the Building Standards department, giving way to a Committee of Adjustment application in order to deal with the discrepancy. While construction started an outdated approved grading plan was used unintentionally by mistake and the foundation and subsequently the framing were constructed approximately four feet closer to the front property line than approved on the Heritage Permit and the Building Standards department, giving way to a C of A application in order to deal with the discrepancy.

Currently the Building Standards Department has advised that the deficiencies are to the Zoning by-law and an Order to Comply and a Stop Work Order have been issued since the building was not built in accordance to the reviewed building permit plans. A current survey reflecting the as-built position of the foundation with respect to the property line has been submitted by the applicant. Please refer to attachments. Currently the Building Standards Department has advised that the deficiencies are to the Zoning by-law and an Order to Comply and a Stop Work Order have been issued since the building was not built in accordance

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Analysis

The Building Standards Department has identified the following variances:

The zoning By-law requires the following setbacks for the subject lot:

Minimum front yard setback = 9 m

Exterior stairs not exceeding ½ storey in height allow to encroach 1.8m in to the required front yard setback.

The current proposal requests the following variances:

Minimum front yard setback = 7.8 m

Exterior stairs not exceeding ½ storey in height allow to encroach 4.68m in to the required front yard setback.

Precedents within the Heritage Conservation District

The area has at least two older buildings on Brooke Street that have been renovated with the front elevation situated closer to the property line than the required 9 m setback by the zoning by-law, 146 Brooke Street and 143 Brooke Street. The building that was demolished within the subject property at 150 Brooke Street in order to give way to the new construction, had a front yard setback of 6.9 meters, less than the current zoning by-law requires. However, Building Standards advised that these reduced setbacks are considered legal non-conforming to applicable zoning by-law in cases where the original structure remains and it has been added to or renovated. Therefore any new construction must adhere to the current front yard set back of 9 m as well as all other requirements of the current by-law. The current proposal for 150 Brooke Street falls under the rules for new construction.

The current building under construction stands at 9.45m tall therefore it complies with the maximum allowed under the by-law (9.5m). Please see attached revised elevation provided by the applicant. There is a difference in proposed height of 46 cm with the previously approved drawings. The Thornhill Heritage District Guidelines support the current Zoning By-law in this respect and therefore there is no issue of height (Section 4.4 THCDG).

Last summer, the subject property obtained a variance to allow a maximum coverage of 23% to accommodate a the new building.

The property next door to the south, also known as 148 Brooke Street was constructed circa 1992, and as such it was subject to review under the same zoning by-law and also the old Thornhill Heritage District Guidelines. Being in immediate adjacency to the subject property results in its sharing some of the same site conditions and design solutions:

- The design accommodates a garage level at or close to street level access, with a main floor above the garage level.
- There are landscaping steps leading up to the main floor from the street level.
- There is a covered porch in front of the front door area at the main floor level which encroached on the 9.0m front yard setback as prescribed in the zoning by-law and variance was approved in order to allow this feature (see point below).
- This design was subject to a set of similar variances which were approved in 1992 (A68/92). The variances allowed were the following:

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- Coverage of 22.9%
- Front yard setback of 7.0m rather than the required 9.0m

This means that comparing the variance applications of the two properties, the current variance application is requesting 0.8m less in front yard setback than the approved variance for the property at 148 Brooke Street from 1992.

Comparing the Impact of Zoning Restrictions on Architectural Design

Please refer to the attachments in conjunction with the description in this section. Considering the front elevation designs of 148 Brooke Street and 150 Brooke Street from north to South: while the front façade at 148 Brooke steps in four bays, with the northern most corner being at 12m set back, the next standing at 7m (where the front door is located), and the next two being at 12m or beyond, the fact remains that their front yard setback is at 7 m. On the other hand, for 150 Brooke (the subject property) the northernmost tip stands at 9.36 meters and the southernmost tip stands at 7.8 meters. The main floor is setback from this line. The second floor is contained within a sloping roof, which slopes towards the back of the property. The building height is 9.5 m, the maximum allowed under the zoning by-law.

The structure previously standing on the subject lot was a one storey single family dwelling of modest proportions. Given that the new replacement building is much larger than the original structure, the effect on the streetscape is significant and noticeable, even if the building is placed standing further back from the street. According to the Thornhill Heritage District Guidelines, however, as long as the zoning by-law is complied with and the design of the building reflects a heritage style and other policies as stipulated in the heritage district guidelines it is considered acceptable and can be considered by the Heritage Vaughan Committee for approval and issuance of a Heritage Permit. The design under construction obtained a Heritage Permit with Heritage Vaughan review at the committee's March 2011 meeting and the permit was issued in July 2011.

Front Steps Encroachment

Cultural Services took photos from the street on March 12, 2012 and was able to record that the neighbour to the south also has significant steps in the front yard setback. Based on this precedent and others as seen in the attached photos. With the regard to the front steps encroachment it is therefore recommended as follows:

- That the steps leading up to the main floor located at the front yard setback be of a natural material such as natural limestone or wood, that blends in with the landscaping and material and color palette in the natural surroundings, and;
- That material samples for the steps and landscaping features be submitted to Cultural Services for review and approval.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
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This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

Considering the Analysis portion of this report, and given the size of the new development, Cultural Services worked with the applicant during the design stage of the application, in order to arrive at a design that would avoid any variances and thus not impose upon the heritage character of the Heritage Conservation District. It is unfortunate that a mistake during siting has resulted in the building being set forward from the allowable in the applicable zoning by-law. However, it also remains true that the neighbour directly to the south has built with variance approval for a smaller less front yard setback in place. Please refer to recommendation Section of this report.

Heritage Vaughan member Richard Hahn declared an interest with respect to this matter as he is the property owner and applicant, and did not take part in the discussion or vote on the matter.

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NEW BUSINESS - TRCA INVITATION

Heritage Vaughan advises:

Heritage Vaughan staff advised the members that an invitation was received from the TRCA for the members participation in the Humber River Bridge Inventory on April 12, 2012, at 8:30 a.m. at Black Creek Pioneer Village.

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The meeting adjourned at 9:20 p.m.

Respectfully submitted,

John Mifsud, Chair

Report Prepared by: Rose Magnifico, Assistant City Clerk