

Memorandum to the City of Markham Committee of Adjustment

May 16, 2023

File: A/050/23
Address: 147A Main Street, Unionville
Applicant: Unionville Pastry Café Holdings Limited (Mandle Cheung)
Agent: STEP Design Studio Inc. (Stepan Sukiasyan)
Hearing Date: Wednesday, May 31, 2023

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

The applicant is requesting relief from the following requirements of By-law 28-97 and 122-72, as amended, to permit:

1. **By-law 28-97, Section 8.2.2:** 0 parking spaces, whereas the By-law requires 12 parking spaces for the proposed net floor area of 188.37 m²; and
2. **By-law 122-72, Section 14.4 b):** a maximum lot coverage of 78.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

as it relates to a proposed bakery, and the Site Plan Control Application (SPC 22 264435) which is being reviewed concurrently.

BACKGROUND

Property Description

The subject property is located on the east side of Main Street Unionville on an irregular shaped, gradually tapering, 231.9 m² (2,496.4 ft²) parcel of land having frontage on both Main Street Unionville to the west, and East Lane to the rear (Refer to Figure 1 - Location Map).

The property is occupied by a one and one half storey building that was recently thought to have been a historic taxidermy studio constructed in the 19th century, but during recent renovations was revealed to be of mid 20th century construction (Refer to Figure 2 - Photograph of the Existing Building). The property is located in the commercial core of the Unionville Heritage Conservation District and has been previously used as a retail establishment, spa, and bakery. The latest renovations also revealed that the building was poorly re-constructed after fire damage circa 1950s, and that it would be more cost effective to rebuild rather than renovate. The owner has obtained Council's approval to demolish the existing building.

The property is entirely within TRCA's screening zone due to its proximity to Bruce's Creek and the valley lands to the east.

Proposal

The applicant is proposing to replace the existing building with a new building having the exact same setbacks from the property lines, building footprint, and general built form, as well as a covered deck on the south elevation to act as an outdoor seating place/patio. A site plan application has been submitted. (Refer to Figure 3 - Rendering of the Proposed New Building).

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, *"the size of the lot does not allow for parking spaces. The proposed building will replace the full structural components of the existing building, and the proposed building follows the outline of the existing building"*.

Zoning Preliminary Review (ZPR) Undertaken

The applicant submitted an incomplete Zoning Preliminary Review in 2022 which confirms the need for variances for the proposed development. 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.

Parking Deficiency

The applicant is requesting relief from the City's Parking By-law to permit no parking spaces on-site, whereas the By-law requires 12 parking spaces based on the floor area of the proposed building. There are currently 4-5 parking spaces behind the building along East Lane located on the adjoining, City owned, right-of-way that have existed historically, but cannot be counted as parking spaces from a zoning perspective, as they are not located on the subject property. The property currently does not have any on-site parking and the variance would allow this situation to continue with the new building and outdoor patio.

Maximum Lot Coverage

The applicant is requesting relief from the Zoning By-law to permit a maximum lot coverage of 78.2 percent whereas the By-law permits a maximum lot coverage of 35 percent. In 1997, the Committee of Adjustment approved a variance to permit a maximum lot coverage of 57.7 percent which resulted from a severance of the property from the property to the south. The requested variance for a lot coverage of 78.2 percent is the result of the proposed covered deck. A similar covered deck currently on the property was added to the existing building without any City approval. It is notable that the existing property is only 231.9 m² (2,496.4 ft²) and that in order for a two storey building to comply with the By-law it could only have a maximum building footprint of 40.6 m² (436.9 ft²) which would make it significantly smaller than the neighbouring historic buildings.

Urban Design

The City's Urban Design Section has indicated that they have no objection to the requested variances, and that conditions intended to protect existing trees on adjacent property will, and can be included in the accompanying site plan agreement.

Engineering

The City's Engineering Department has requested the applicant to provide a parking justification report to support the lack of onsite parking, but this study has not been provided.

Heritage Markham

Heritage Markham reviewed the Site Plan application for the proposed replacement building on March 8, 2023. The Committee was aware of the existing building's legal non-conforming status and the need for variances to address parking spaces and maximum lot coverage should the existing building be demolished, as previous variances would only apply to the existing structure for as long as it remains. The Committee expressed no objection to the demolition of the existing building and replacement with a new building of the same size and form, delegating final review of the site plan application and any variances required to permit the new building to Heritage Section staff (Refer to Figure 4 - Heritage Markham Extract of March 8, 2023).

EXTERNAL AGENCIES

TRCA Comments

As of the date of this report, the TRCA has provided no comments regarding the variance application.

Metrolinx

As the property is within 300m of the GO Train line, Metrolinx will require the owner to include a warning clause regarding the operation of the railway in any future development agreement, offer to purchase, agreement of purchase and sale or lease for any unit on the property, but did not indicate any objection to the requested variances.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 16, 2023. 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

Despite the City not receiving the Parking Justification Study requested by the Engineering Department, and the magnitude of the requested variances, 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 variance requests meet the four tests of the Planning Act.

The requested variances can be considered minor in nature and appropriate for the development of the land because they reflect long standing site conditions that contribute to the unique historic character of Main Street Unionville established decades prior to the provisions of the City By-laws with which they do not comply. The variances also maintain the purpose and intent of the City's Official Plan and Zoning By-law as they apply to the City's heritage conservation districts, which are to promote new, compatible development that maintains or enhances the surrounding historic context.

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

PREPARED BY:



Peter Wokral, Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\23 117481 \Documents\District Team Comments Memo

FIGURE 1- LOCATION MAP

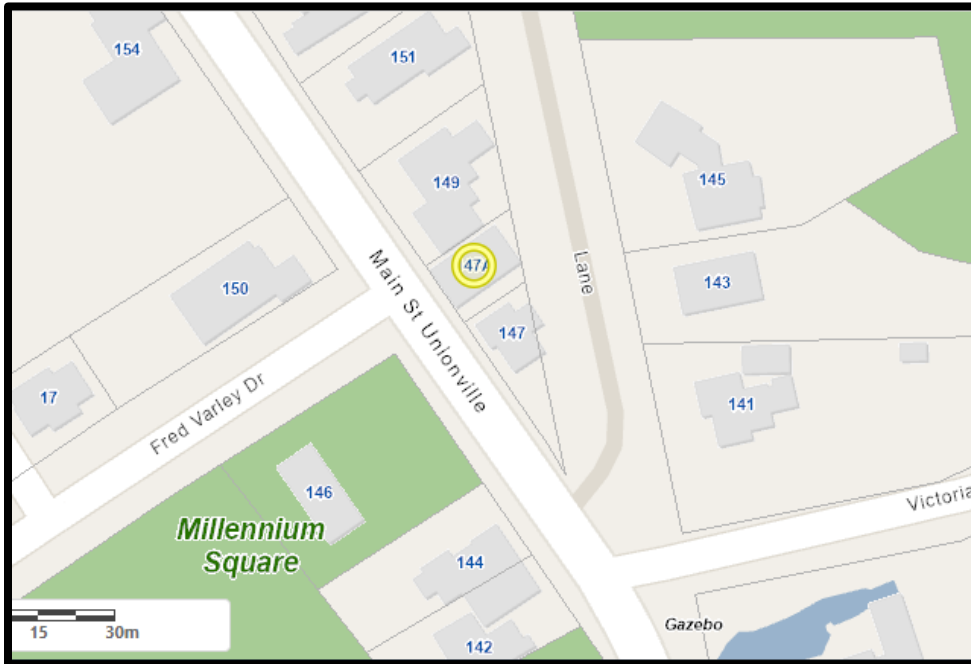


FIGURE 2- PHOTOGRAPH OF THE EXISTING BUILDING



Google Streetview from October 2021

FIGURE 3- RENDERING OF THE PROPOSED NEW BUILDING AND SITE PLAN

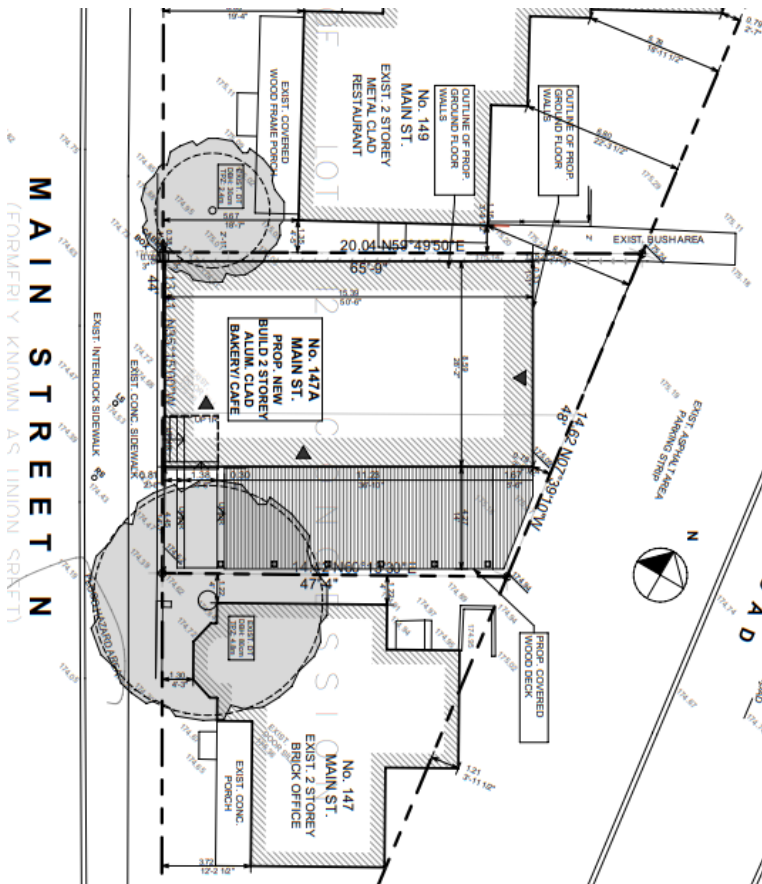


FIGURE 4- HERITAGE MARKHAM EXTRACT OF MARCH 8, 2023

HERITAGE MARKHAM EXTRACT

Date: March 16, 2023

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

EXTRACT CONTAINING ITEM # 6.1 OF THE THIRD HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MARCH 8, 2023

6.1 SITE PLAN CONTROL APPLICATION

PROPOSED DEMOLITION OF EXISTING BUILDING AND PROPOSED
NEW BUILDING

147A MAIN STREET UNIONVILLE (16.11)

FILE NUMBER:

SPC 22 264435

Recommendations:

THAT the deputation from Doug Denby and Evelin Ellison be received;

THAT Heritage Markham has no objection to proposed demolition of the existing building because it has been determined that the Class 'A' identification in the District Plan was incorrect, and the existing building possesses no cultural heritage significance;

THAT Heritage Markham delegates final review of the Site Plan application for the proposed new building to the City (Heritage Section) staff with the applicant entering into a Heritage Site Plan Agreement with the City containing the standard heritage conditions regarding materials, colours, windows etc.;

THAT Heritage Markham recommends that a "Markham Remembered" plaque be erected on site to commemorate the former uses of the site as condition of approval;

AND THAT Heritage Markham has no comments on any required variance to permit the proposed building from a heritage perspective and delegates review of any future variance application required to permit the proposed new building to the City (Heritage Section) staff.

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/050/23

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 'Figure 3' to this Staff Report and received by the City of Markham on May 8, 2023, 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:

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, Heritage Conservation Planner

