

# Memorandum to the City of Markham Committee of Adjustment

January 07, 2025

**File:** A/123/24  
**Address:** 158 Main Street, Unionville  
**Applicant:** Interior Resources Associates Inc. (Walter Ma)  
**Hearing Date:** Wednesday, January 22, 2025

The following comments are provided on behalf of Heritage Section staff ("Staff") for the property municipally known as 158 Main Street (the "Subject Property" or the "Property"):

The applicant is requesting relief from the following requirements of By-law 2024-19, MU-HMS (U), as amended, to permit:

**a) By-law 2024-19, Section 5.4.1(g)(SP#5):**

a minimum of zero parking spaces, whereas the by-law requires a minimum of six parking spaces;

as it relates to a proposed restaurant use.

## **BACKGROUND**

### **Property Description**

The 709 m<sup>2</sup> (7632 ft<sup>2</sup>) Subject Property is located on the west side of Main Street between Fred Varley Drive to the south and Carlton Road to the north. The Property is designated under Part V of the Ontario Heritage Act as part of the Unionville Heritage Conservation District.

### **Proposal**

The applicant is proposing to provide zero parking spaces whereas the by-law requires a minimum of six. This variance reflects an existing rather than proposed condition. The existing building, previously occupied by a bakery, will be maintained. Interior renovations will be undertaken for a proposed restaurant, a new use for the Property, while retaining the existing building footprint with a net floor area of 88.72 m<sup>2</sup>.

## **POLICY AND ZONING**

### **Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)**

#### Land Use

The Subject Property is designated "Mixed Use Heritage Main Street" within the Official Plan ("OP") which provides for limited residential uses and a variety of commercial uses that "support a traditional shopping experience in an historic commercial main street setting where at-grade uses are predominantly retail".

Section 9.19.6.1 of the OP ("Unionville Heritage Conservation District – Land Use Objective") provides the following site-specific policy relevant to the variance being sought for the Subject Property:

- ensuring adequate on-site parking is provided and pursuing opportunities for additional public parking as identified in Section 9.19.6.10.

### Heritage Conservation Policies

The OP also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

From a heritage conservation policy perspective, two of the overall goals of the Official Plan are “to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale” and “to celebrate Markham’s unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community” (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and associated agreements (Section 4.5.3.9); and
- To evaluate each variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan (Section 4.5.3.10).

### Unionville Heritage Conservation District Plan

The Council-adopted Unionville Heritage Conservation District (the “UHCD”) Plan contains policies and guidelines intended to manage change within the UHCD in a manner that conserves its cultural heritage significance. As the Subject Property is contained within the UHCD, any development application is reviewed to ensure conformance with the Plan.

### **Zoning**

The subject property is zoned Mixed Use Heritage Main Street – Unionville village [MU-HMS(U)] under By-law 2024-19, as amended, which permits “a variety of pedestrian oriented retail, office, service and restaurant uses at-grade that contributes to the unique quality of this well-known historic area”.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted, however, the applicant has received comments from Building Standards through their permit process (24.190319 AL) to confirm the variances required for the proposal. 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 R.S.O. 1990, c. P.13 (the “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.

### **Previous Land Division**

When 160 Main Street was severed from 156 and 158 Main Street, an access easement was placed on the Subject Property to allow vehicular access to potential rear parking areas at 156 and 158 and to 160 Main Street (since the land severance would create 160 Main Street as a parcel without frontage). Staff noted at the time that there was an opportunity to create up to 6 parking spaces in the backyard area of 156 and 158 Main Street that could be accessed by the driveway/access agreement on 158 Main Street.

### **Parking Reduction**

As noted above, the Property currently provides zero parking spaces. Transportation Engineering staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply associated with the new use. Based on a review of the policies and guidelines contained within the UHCD Plan, Staff are of the opinion that the proposed variance does not have an adverse impact on the cultural heritage value of the Property or the UHCD more broadly. As such, it is the opinion of Staff that the requested variance maintains the general intent and purpose of the OP and Zoning by-law and is minor in nature.

### **HERITAGE MARKHAM**

The Heritage Markham Committee considered the application at its meeting on November 13, 2024 and had no objection to the requested variance from a heritage perspective. Refer to Appendix "D" for a copy of the meeting extract.

### **EXTERNAL AGENCIES**

#### **Metrolinx**

The Subject Property is located within 300 metres of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on November 8, 2024, indicating that they have no concerns with the proposed variance.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 13, 2025. 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 Act, as amended, and are of the opinion that the variance request meets the four tests and have no objection. If received, 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:



---

Evan Manning, Senior Heritage Planner

REVIEWED BY:



---

Regan Hutcheson, Manager, Heritage Planning

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/24**

1. The variances apply only to the proposed development as long as it remains.

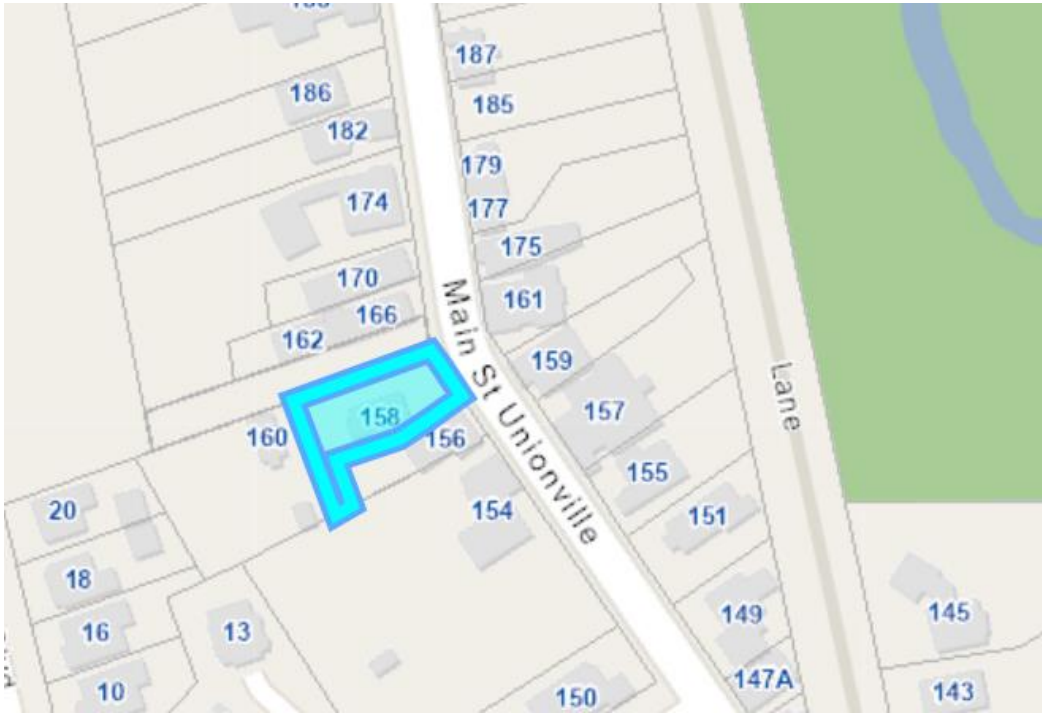
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "E. Manning", is positioned above a horizontal line.

---

Evan Manning, Senior Heritage Planner

**APPENDIX “B”  
LOCATION MAP**



The Subject Property (outlined in blue) (Source: City of Markham)



Aerial image of the Subject Property and surrounding context, looking south along Main Street (Source: Google)



**APPENDIX “C”  
IMAGES OF THE SUBJECT PROPERTY**



Primary (east) elevation of the commercial building on the Subject Property  
(Source: Google)



North and west (rear) elevations of the commercial building on the Subject Property  
(Source: Google)

**APPENDIX "D"**  
**HERITAGE MARKHAM EXTRACT**





# HERITAGE MARKHAM EXTRACT

Date: December 5, 2024

To: R. Hutcheson, Manager of Heritage Planning  
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM #5.3 OF THE ELEVENTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON NOVEMBER 13, 2024

---

## 5. PART THREE - CONSENT

### 5.3 COMMITTEE OF ADJUSTMENT APPLICATION

#### DELEGATED APPROVALS, PARKING REDUCTION VARIANCE 158 MAIN STREET, UNIONVILLE (16.11)

File Numbers:

A/123/24

Recommendation:

THAT Heritage Markham receive the information on Committee of Adjustment applications reviewed by Heritage Section staff on behalf of Heritage Markham under the delegated approval process.

**Carried**