

Memorandum to the City of Markham Committee of Adjustment

April 13, 2022

File: B/004/21 & A/204/21
Address: 120 Main St N Markham
Applicant: Leslie Benczik
Agent: Malone Given Parsons Ltd (Elyse Holwell)
Hearing Date: Wednesday April 20, 2022

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

The applicant is seeking provisional consent to:

- a) sever and convey a parcel of land (118 Main Street North) with an approximate lot frontage of 7.52 metres (24.67 feet) and an approximate lot area of 0.04 hectares (0.1 acres); and to
- b) retain a parcel of land (120 Main Street North) with an approximate lot frontage of 7.34 metres (24.08 feet) and an approximate lot area of 0.05 hectares (0.13 acres).

The purpose of this application is to re-establish the pre-existing lot line between 118 Main Street North and 120 Main Street North. This application is related to minor variance application A/204/21.

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

- a) An existing front yard setback of 0.59 ft. whereas the By-law requires a minimum front yard setback of 10 ft.

As related to an existing site condition for a lot that has merged on title. This application is related to Consent Application B/004/21.

BACKGROUND

Property Description

The subject properties are located on the west side of Markham Main Street North in the Historic Commercial Core of the Markham Village Heritage Conservation District (See Figure 1- Location Map). The properties are occupied by late 19th century or early 20th century two storey brick buildings addressed as 118 and 120 Main Street North that predate By-law 1229 by several decades (See Figure 2-Photograph of the Existing Historic Commercial Buildings).

Because the properties have been under the same ownership for several years, the properties have merged on title to become one property despite having separate addresses.

Proposal

The owner would like to sever the property to re-establish the historic property line between 118 and 120 Main Street North so that each property can have separate individual ownership. No physical changes are proposed to either existing building, but a variance is required to bring the

existing front yard setbacks of 0.59 ft. (7 inches) in compliance with the development standards of Zoning By-law 1229.

COMMENTS

The proposed severance seeks to re-establish historic lot lines and land parcels created over a century ago that are similar to and compatible with adjacent lots. It is notable that the only reason the severance is necessary is due to the technicality of the addresses 118 and 120 Main St. N. coming under the same ownership, and would have otherwise remained as separate properties.

The requested variance to permit a front yard setback of 0.59 ft. meets the four tests prescribed the Planning Act as there are no proposed physical changes to the property and it reflects an existing historical site condition established several decades prior to the passing of the Zoning By-law.

Engineering and Urban Design

As there are no physical changes proposed to either property, the City's Engineering Department and Urban Design Section provided no comment on the consent or variance applications.

Heritage Markham

Heritage Markham Committee reviewed the severance and variance applications on March 9th 2022 and provided no comments on the applications (See Appendix 'B'- Heritage Markham Extract of March 9, 2022).

PUBLIC INPUT SUMMARY

No written submissions from members of the Public were received as of April 13, 2022. 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

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) and Section 45 (1) of the Planning Act, R.S.O. 1990, as amended, as it applies to land division and variances respectively.

Should the committee find merit in the severance and variance applications, staff recommends that the conditions related to the proposed severance listed in in Appendix 'A' be imposed by the Committee. Staff also recommends that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why the proposed consent and variance applications should be granted.

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/004/21 and A/204/21

Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.

Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/004/21, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.

Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.

Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Peter Wokral, Senior Heritage Planner

APPENDIX 'B'- Heritage Markham Extract of March 9, 2022

5.3 SEVERANCE AND VARIANCE APPLICATIONS

**RE-ESTABLISH LOT LINE AND LEGALIZE EXISTING SITE
CONDITIONS**

118/120 MAIN ST., MARKHAM VILLAGE (16.11)

FILE NUMBERS:

CNST 21 118305

B/004/21

A/204/21

Recommendations:

THAT Heritage Markham has no comment regarding the severance application to allow for separate ownership of the properties addressed as 118 and 120 Main Street North, Markham Village; and

THAT Heritage Markham has no comment on the variance application to recognize the existing site conditions at 118 and 120 Main Street North, Markham Village.

Carried

Figure 1- Location Map



Figure 2- Photograph of the Existing Historic Commercial Buildings

