

Memorandum to the City of Markham Committee of Adjustment

August 19, 2020

File: A/077/20
Address: 206 Main St Unionville
Applicant: Stiver Lane Inc. c/o Livegreen Inc.
Agent: Urban Growth Inc. (Randal Dickie)
Hearing Date: Wednesday September 02, 2020

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

The applicant is requesting relief from the following requirements of the Heritage Main Street (HMS) designation under By-law 122-72, as amended, to permit:

- a) A Business and Professional office to be located on the ground floor in the 2 storey commercial building, whereas the Business and Professional offices shall not be located on the Ground Floor of the buildings fronting Main Street Unionville;

BACKGROUND

Property Description

The 0.53 acre (2,144.8m²) subject property is located on the west side of Main Street Unionville, south of the intersection of Main Street Unionville and Carlton Road and the Unionville Curling Club and Crosby Arena complex (See location map Figure 1). The property is located within the historic commercial core of Unionville which is included in the Unionville Heritage Conservation District.

The property is occupied by the historic Stiver House which is a Regency style one storey former residence constructed in 1829, and designated under both Part IV and V of the Ontario Heritage Act (See photograph of the Stiver House Figure 2).

The property is also the site of a new development currently under construction which includes a detached, 14 unit, four storey, 2,962.2m² (31,885.9 ft²) residential building at the rear of the property, and a new, one and one half storey, 212.6m² (2,288.3 ft²) addition to the rear of the historic Stiver House, which is has been used for retail commercial uses for many years after being converted from a residence (See site plan of the development currently under construction Figure 3).

Proposal

The applicant is proposing to use the ground floor of the new addition to the Stiver House as a sales centre to promote and sell other developments in the GTA constructed by the same developer to the public, as well as showcasing a selection of different interior finishes that prospective home buyers may choose from to customize their individual home or residential unit. From a zoning perspective, this proposed use is not considered to be a retail use, and is considered to be a business and professional office.

The owner of the property plans to continue to use the ground floor of the historic Stiver house which fronts Main St. Unionville and is physically separated from the new rear addition, for traditional Main Street retail uses.

Official Plan and Zoning

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

The subject property is designated “Mixed Use Heritage Main Street”, which provides for a traditional shopping experience for residents and visitors in a historic commercial main street setting where at-grade uses are predominantly retail.

Although it is the stated policy of Council to support and enhance a traditional main street shopping experience in the form of a historic district where at-grade uses are predominately retail, there is also a site specific policy which applies to office uses in the Mixed Use Heritage Main Street designation. Section 9.19.6.6 states that:

“business and professional offices, commercial schools, and health centres situated on the ground floor of properties fronting on to Main Street shall be required to be located a minimum of 10 metres back of the front wall of the building and have a clearly defined separation between uses”.

Zoning By-Law 122-72

The subject property is zoned Heritage Main Street (HMS) under By-law 122-72, as amended, which permits a wide range of traditional retail uses, but prohibits offices and residential units on the ground floor of buildings.

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 the Building Department through their permit process to confirm the variances required for the proposed development.

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.

The 2014 Official Plan contemplates that there may be a desire for office uses on the ground floor of buildings fronting onto Main Street in the Mixed Use Heritage Main Street Area even though this is not permitted in the zoning by-law. To address this matter, site specific policy 9.19.6.6 indicates that any Business and Professional Offices would have to be located a minimum of 10m back of the front wall of the building and have a clearly defined separation of uses. Any office use on the ground floor would have to be secured through a variance to the zoning by-law taking into account the Official Plan’s direction and any other site specific matters.

The proposed Business and Professional Office is located approximately 10m from the front wall of the historic Stiver house, and it is clearly separated from the continued retail use of the front portion of the building from an architectural standpoint (See photograph showing the rear addition to the Stiver House Figure 4).

The requested variance is considered minor in nature and desirable for the appropriate development of the land as it utilizes and maintains the economic viability of a significant heritage resource, namely the Stiver House, without negatively impacting the retail environment of Main Street Unionville.

The requested variance maintains the general intent and purpose of both the Official Plan and By-law 122-72. The intent and purpose of these planning documents is to preserve the retail activity of Main Street Unionville through the prohibition of certain uses, which would be incompatible with a traditional commercial Main Street and, to specify appropriate locations for non-retail uses such as business and professional offices, so that they do not negatively impact the traditional shopping experience.

The City's Engineering Department and Urban Design Section has not provided any comments on the requested variance.

Heritage Markham Committee reviewed the requested variance on August 12, 2020 and had no objection to the proposed variance for office use on the ground floor (reception area, sales office for residential units and a décor/presentation centre), but not for any other professional office uses.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 19, 2020. 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 has 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 request meets the four tests of the Planning Act and have no objection to its approval. 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 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 of Heritage Planning

File Path: Amanda\File\ 20 120297 \Documents\District Team Comments Memo

FIGURE 1 LOCATION MAP

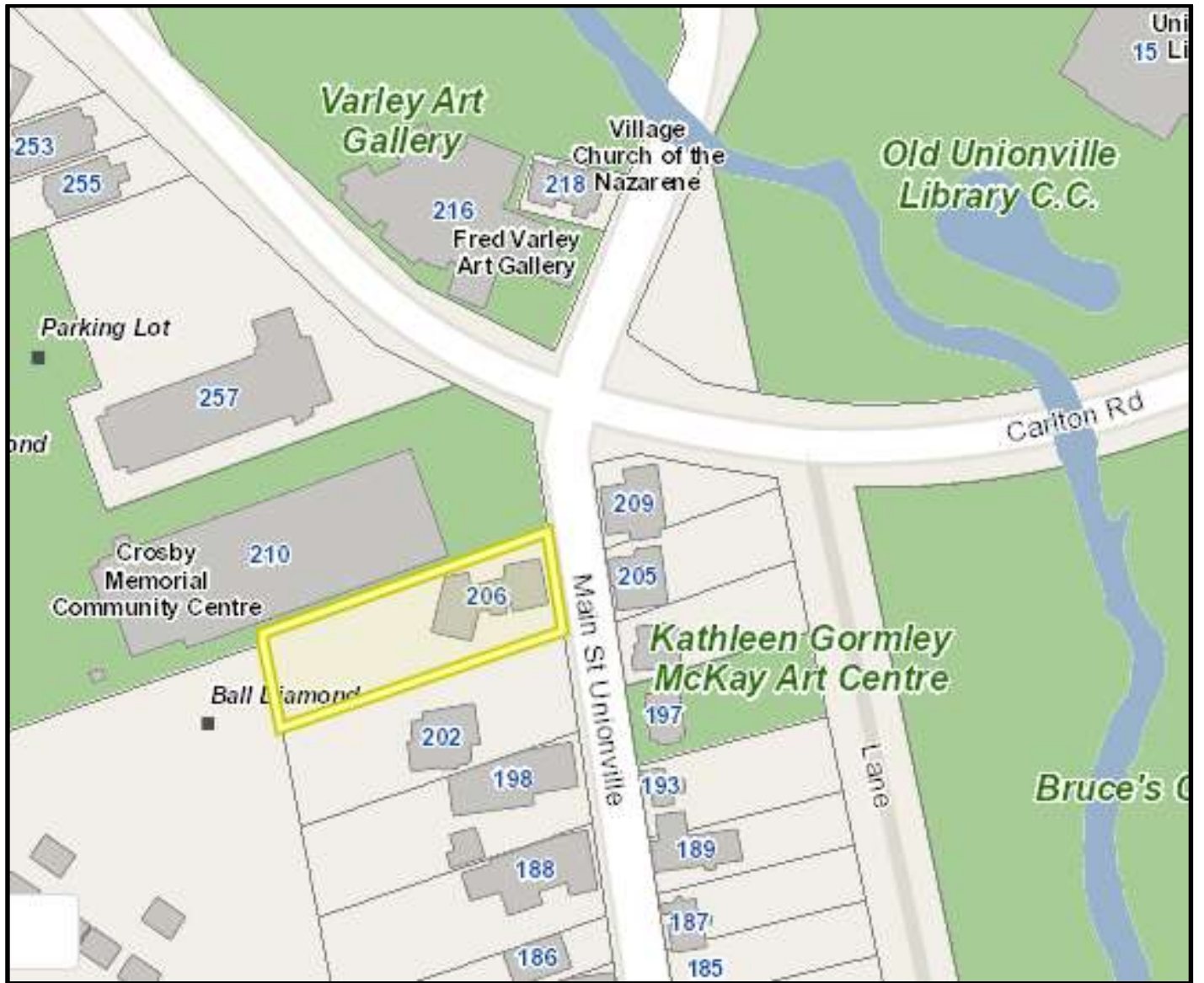
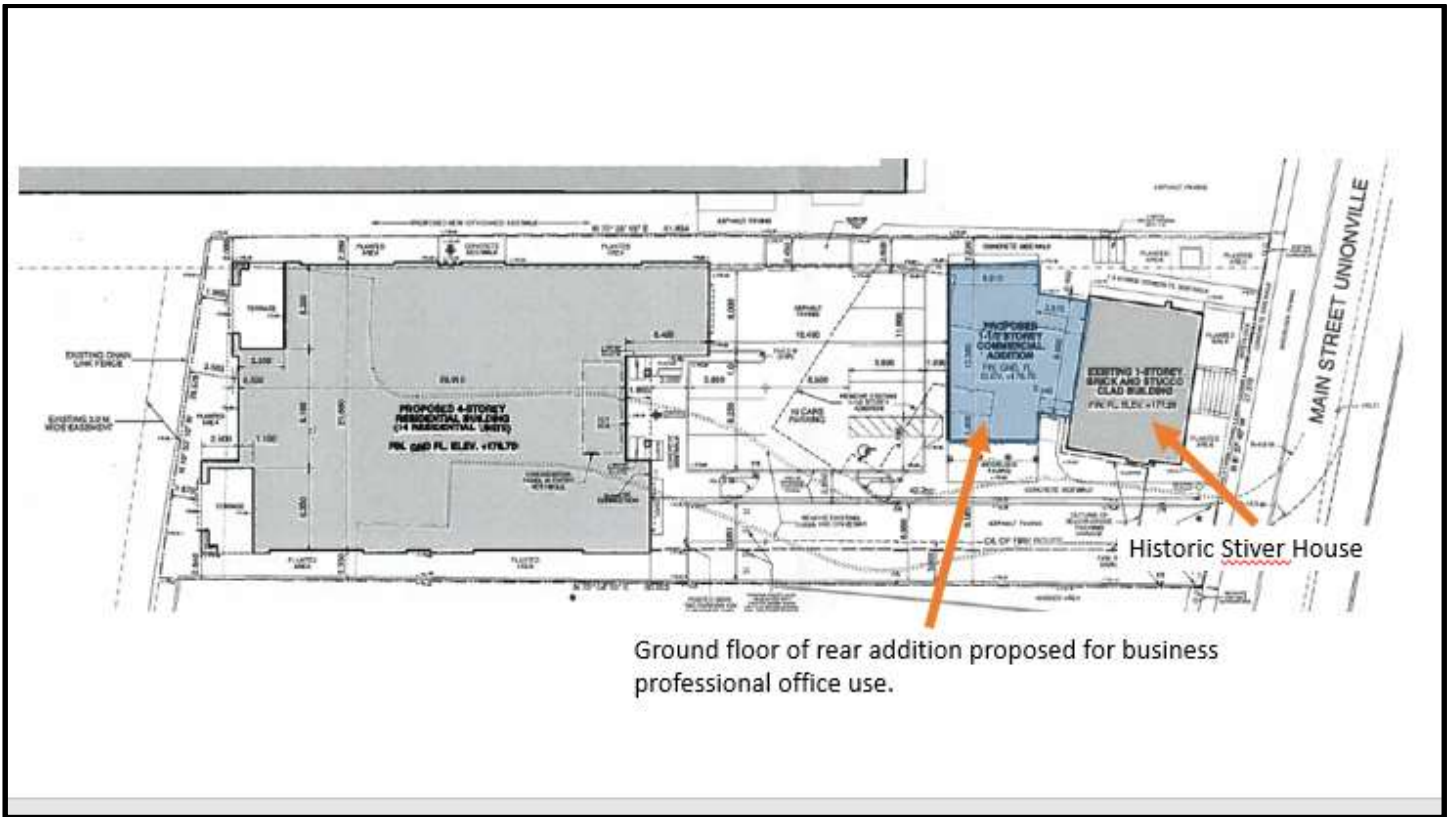


FIGURE 2 PHOTOGRAPH OF THE HISTORIC STIVER HOUSE
206 MAIN STREET UNIONVILLE (prior to recent redevelopment)



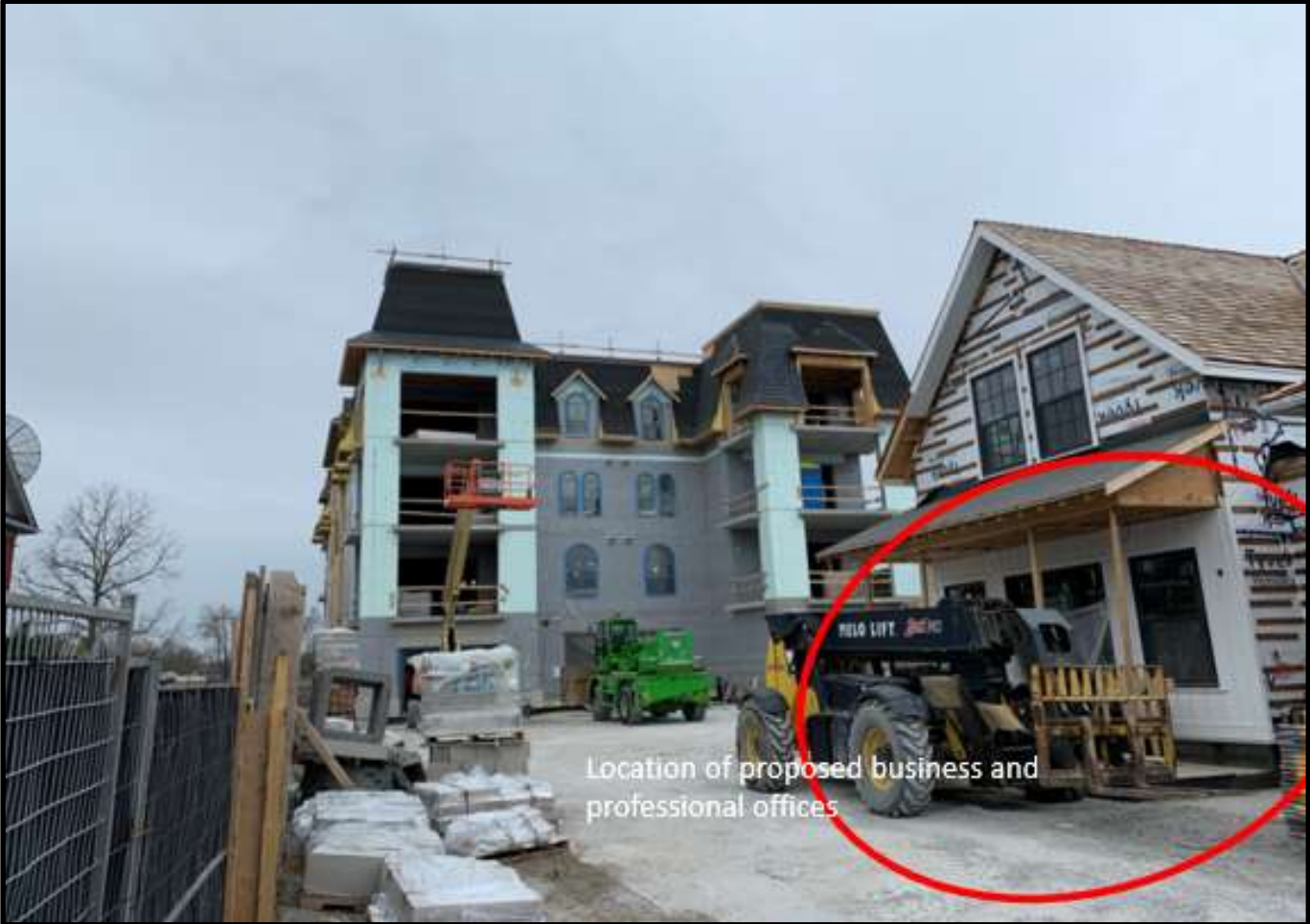
FIGURE 3 SITE PLAN SHOWING DEVELOPMENT CURRENTLY UNDER CONSTRUCTION



Ground floor of rear addition proposed for business professional office use.

FIGURE 4

PHOTOGRAPH SHOWING THE LOCATION OF THE PROPOSED BUSINESS AND PROFESSIONAL OFFICE



APPENDIX "A"

CONDITION TO BE ATTACHED TO ANY APPROVAL OF FILE A/077/20

1. The variance apply only to the development as long as it remains;

CONDITION PREPARED BY:

A handwritten signature in cursive script, appearing to read "Peter Wokral".

Peter Wokral, Senior Heritage Planner

