



MEMORANDUM

TO:

Heritage Markham Committee

FROM:

George Duncan, Senior Heritage Planner

DATE:

February 12, 2020

SUBJECT:

CONSENT & MINOR VARIANCE APPLICATIONS

Creation of a Rear Lot Development Parcel

162 & 174 Main Street, B/22/19, A/116/19, A/117/19

182 Main Street, B/23/19, A/118/19 186 Main Street, B/24/19, A/119/19

188 & 194 Main Street, B/25/19, A/120/19 Unionville Heritage Conservation District

Property/Building Description:

• The applications involve a group of adjacent commercial properties on Main Street, Unionville, including three heritage buildings: the Queen's Hotel (162 &174 Main Street), the Stiver-Summerfeldt Store (182 Main Street), and Unionville's First Post Office and Store (188 & 194 Main Street), as well as one non-heritage building, the Il Postino Restaurant (186 Main Street).

Use:

Commercial properties in restaurant and retail use.

Heritage Status:

• All of the subject properties are located within the Unionville Heritage Conservation District and are therefore designated under Part V of the Ontario Heritage Act. The classification of the buildings within the District Plan is as follows: the three heritage buildings are Class A (historical and architectural value) buildings, and the non-heritage building is Class B (contextual value). None of the subject properties are individually designated or have heritage conservation easements.

Application/Proposal:

• This group of related Committee of Adjustment applications has been submitted by KLM Planning Partners Inc. on behalf of three separate property owners.

- The purpose of these applications is to create a single development parcel in the rear yards of the adjacent properties for a future mixed use development project that will include underground parking for the use of the development and also provide underground parking to replace the existing surface parking that serves the businesses on Main Street.
- Since the parking lots of the Main Street businesses will be severed from the rear of each commercial property, variances will be required to permit the required parking for the retained parcels on an adjacent lot.
- With the severance of the rear parking lots from the commercial frontages, the lot coverages of the retained parcels will be increased well beyond the maximum lot coverage permitted by the By-law.
- Descriptions of the Consent applications and Minor Variance applications are attached, included within the application circulation memo.
- A Planning Justification Report, including diagrams showing both the severed and retained parcels, has been attached.

Background:

- The idea of developing the rear portions of a number of adjacent properties on the west side of Main Street within Unionville's commercial core has been under discussion between a group of property owners for several years. Rather than adding additional commercial space to the back of the existing buildings, the vision of the property owners has been to create a stand-alone building that would be primarily residential. A more recent concept envisions retail space on the ground floor of a multi-story residential building.
- The potential for development of the existing rear parking lots of some of the commercial buildings on Main Street that was considered by several property owners and a request from the Unionville BIA provided the impetus for the City agreeing to undertake the Main Street Unionville Community Vision Plan exercise between 2013-2015. One of the objectives of the project was to explore opportunities for revitalizing the commercial core of historic Unionville, mainly through the introduction of new residents within complementary new infill development.
- The Main Street Unionville Community Vision Plan was endorsed in principle by Council in January of 2015, followed by the adoption of the Unionville Commercial Core Pattern Book (Village Design and Architectural Guidelines) in June of 2018. Both of these documents are intended to guide property owners in the planning and design of new development, and City staff, Heritage Markham and Council in the evaluation of development proposals.
- At this time, one redevelopment proposal has been received in the Commercial Core area
 by the City and is under construction. This project is a four storey residential building at
 the rear of the heritage building at 206 Main Street, which also includes the re-building of
 the commercial space at the rear of the heritage building. This property is not part of the
 subject Committee of Adjustment applications or directly adjacent to the subject
 properties connected with those applications.

With respect to the Committee of Adjustment applications that are the subject of this staff
memorandum to Heritage Markham, Planning Staff have seen, through the Preconsultation process, a number of conceptual designs for a proposed new building of six
storeys with two levels of underground parking. No formal applications for Zoning,
Official Plan or Site Plan Control have been submitted.

Staff Comment:

- The subject Committee of Adjustment applications are the first step in the future development of the rear yard parking lots of this group of adjacent commercial properties on Main Street.
- The applications have not been accompanied by conceptual plans for future development, however staff has seen a number of potential stand-alone multi-storey residential buildings during the Pre-consultation process. The latest version viewed by staff shows retail commercial space on the ground floor.
- The variances will facilitate the ongoing use of the commercial properties as they exist today, until such time that future development applications are approved for the development blocks created by the Consent applications. The lot frontage of the development block will be the lane between 170 and 174 Main Street (Block 11 on the plan).
- Access easements will be required to be registered by the applicant in favour of the commercial properties on Main Street to allow them to continue to have their required parking spaces on the new development parcel.
- City staff are currently working with the applicant to address the wording of the easements, a parking strategy for the time when the parking area will be removed for the construction of the future project, fire access, servicing, and other technical matters.
- Approval of these Consent and Minor Variance applications will not limit or dictate the options for a future development proposal, which will involve Official Plan, Zoning Bylaw Amendment and Site Plan Control applications. As discussions continue with the proponents of the future development, staff will emphasize the importance of maintaining the special heritage character of the Unionville Heritage Conservation District and the need to uphold the policies and guidelines of the Unionville Heritage Conservation District Plan, the guidelines of the Main Street Unionville Community Vision Plan, and the guidelines of the Unionville Commercial Core Pattern Book, as well as the policies of the Markham Official Plan 2014.
- City policy does indicate that "where a heritage structure is to be retained on either the retained or conveyed parcel as result of a consent application to the Committee of Adjustment, the City will recommend to the Committee of Adjustment that a Heritage Easement be secured as a condition of approval".

Suggested Heritage Markham Recommendation:

THAT Heritage Markham has no comment on the Consent and Minor Variance applications for 162 & 174 Main Street, 182 Main Street, 186 Main Street, and 188 & 194 Main Street from a heritage perspective, subject to securing heritage easement agreements as a condition of consent approval for the following properties:

- the Queen's Hotel (162 &174 Main Street)
- the Stiver-Summerfeldt Store (182 Main Street), and
- Unionville's First Post Office and Store (188 & 194 Main Street)

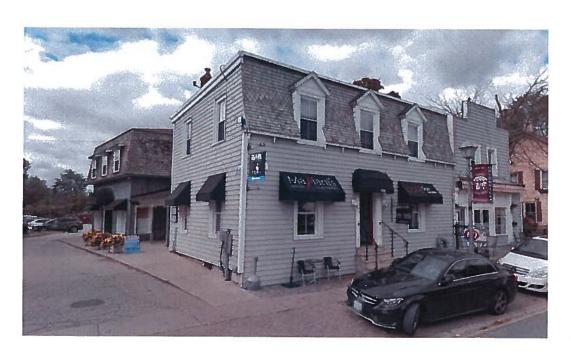
Q:\Development\Heritage\PROPERTY\MAINSTU\162\HM Feb 12 2020.doc



162 & 174 Main Street, and 182 Main Street



182 and 186 Main Street



188 & 194 Main Street



APPLICATION CIRCULATION MEMO

TO:

Regan Hutcheson, Manager Heritage George Duncan, Planning Comments Miguel Ibrahim, Project Engineer

Abbie Kar, Design Group

CC:

John Lee & Mark Goldsworthy, Tree Preservation Coordinator

Patrick Wong & Lilli Duoba, Natural Heritage

York Region Alectra Utilities Bell Canada Metrolinx CN Rail TRCA

FROM:

Justin Leung, Secretary-Treasurer, Committee of Adjustment

DATE:

Tuesday October 29, 2019

File Numbers:

B/22/19, B/23/19, B/24/19, B/25/19, A/116/19, A/117/19, A/118/19,

A/119/19 & A/120/19

Owner(s):

Unionville Re-Dev Corporation (Dave Harshal), 825210 Ontario Inc.

(Stanley Tai), Mariani's Customer Clothier Inc. & Mariani's of Unionville

Ltd. (Larry Mariani)

Agent:

KLM Planning Partners Inc. (Marshall Smith)

Property Address:

162 & 174, 182, 186, and 188 & 194 Main Street, Unionville

Legal Description:

CON 5 PT LT 12

Zoning: Official Plan: By-law 122-72, as amended, HMS Mixed Use Heritage Main Street

Ward:

3

Attached for your review is a copy of the above-noted consent and variance applications.

Note: The purpose of the consent applications B/22/19, B/23/19, B/24/19 and B/25/19 is to sever a portion of the subject properties to secure the existing parking spaces on a future development block subject to future applications.

B/22/19 - 162 & 174 Main Street - Consent

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 1,613.2 sq. m and lot frontage of 3.08 m (Parts 7, 10, 11);
- b) retain a parcel of land with an approximate area of 674.8 sq. m and lot frontage of 20.3 m (Part 8).

<u>A/116/19 – 162 & 174 Main Street – Minor Variance</u>

The applicant is requesting relief from the requirements of By-law 122-72, as amended, as it relates to a proposed severed parcel to be used as a standalone parking area.

a) Amending By-law 2014-25, Section 14.1:

to permit a Parking Area, whereas a Parking Area is not a permitted use.

A/117/19 - 162 & 174 Main Street - Minor Variance

The applicant is requesting relief from the requirements of By-law 122-72, as amended, as it relates to a retained parcel with an existing commercial and office building.

- a) Amending By-law 2014-25, Section 14.4(a):
 - to permit a maximum lot coverage of 86.16 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) Parking By-law 28-97, Section 4.0 & Section 6.1.1(a):

to permit required parking spaces (29) to be located on the adjacent lot (abutting the west lot line), whereas the By-law requires all parking spaces required by Section 3 and 4 of the By-law to be provided on the same lot as the building, structure, or use requiring the parking.

B/23/19 - 182 Main Street - Consent

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 0.6313 sq. m (Part 5);
- b) retain a parcel of land with an approximate area of 317.8 sq. m and lot frontage of 12.57 m (Part 6).

A/118/19 - 182 Main Street - Minor Variance

The applicant is requesting relief from the requirements of By-law 122-72, as amended, as it relates to a retained parcel with an existing commercial building.

- a) Amending By-law 2014-25, Section 14.4(a):
 - to permit a maximum lot coverage of 56.96 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) Parking By-law 28-97, Section 4.0 & Section 6.1.1(a):

to permit required parking spaces (17) to be located on the adjacent lot (abutting the west lot line), whereas the By-law requires all parking spaces required by Section 3 and 4 of the By-law to be provided on the same lot as the building, structure, or use requiring the parking.

B/24/19 - 186 Main Street - Consent

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 0.5974 sq. m (Parts 3);
- b) retain a parcel of land with an approximate area of 357.9 sq. m and lot frontage of 12.57 m (Part 4).

A/119/19 - 186 Main Street - Minor Variance

The applicant is requesting relief from the requirements of By-law 122-72, as amended, as it relates to a retained parcel with an existing restaurant.

- a) Amending By-law 2014-25, Section 14.4(a):
 - to permit a maximum lot coverage of 42.82 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) Parking By-law 28-97, Section 4.0 & Section 6.1.1(a):
 - to permit required parking spaces (14) to be located on the adjacent lot (abutting the west lot line), whereas the By-law requires all parking spaces required by Section 3 and 4 of the By-law to be provided on the same lot as the building, structure, or use requiring the parking.

B/25/19 - 188 & 194 Main Street - Consent

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 1,298.1 sq. m (Parts 1);
- b) retain a parcel of land with an approximate area of 706.4 sq. m and lot frontage of 26.3 m (Part 2).

A/120/19 - 188 & 194 Main Street - Minor Variance

The applicant is requesting relief from the requirements of By-law 122-72, as amended, as it relates to a retained parcel with a commercial/service building.

- a) Amending By-law 2014-25, Section 14.4(a): to permit a maximum lot coverage of 58.19 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) Parking By-law 28-97, Section 4.0 & Section 6.1.1(a): to permit required parking spaces (33) to be located on the adjacent lot (abutting the west lot line), whereas the By-law requires all parking spaces required by Section 3 and 4 of the By-law to be provided on the same lot as the building, structure, or use requiring the parking.

This application is subject to complete application requirements in accordance with Markham's 2014 Official Plan or OPA 172. The file planner must deem the application by **Tuesday**, **November 12, 2019**. Any comments you wish to submit at this time are required no later than that date.

Should you have any questions or require further information, please contact me at 905-475-4721.

Please note the requested variances may be subject to change prior to the Notice of Hearing being distributed, in consideration of comments received from internal and external departments and agencies. Please contact C of A Staff for information on any changes.

Justin Leung, MES (PI), ACST (A) MCIP RPP

Secretary-Treasurer Committee of Adjustment

Justin Jeung



October 25, 2019

OCT 2 5 2019

COMMITTEE OF ADJUSTMENT

64 Jardin Drive, Unit 1B Concord, Ontario L4K 3P3 T. 905.669.4055 F. 905.669.0097 klmplanning.com

City of Markham Committee of Adjustment 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention:

Justin Leung

Secretary-Treasurer, Committee of Adjustment

Re:

Unionville Re-Dev Corporation

Consent & Minor Variance Applications

178-194 Main Street Unionville Part of Lot 2, Concession 5 City of Markham, ON

Dear Mr. Leung,

On behalf of our client, we are pleased to submit the following enclosed Consent and Minor Variance Applications for lands known municipally as 178-194 Main Street in Unionville, and legally described as Part of Lot 2, Concession 5. The subject lands comprise 4 independent parcels fronting Main Street Unionville, each containing an existing building with ground floor commercial/office/service uses, and which all share a parking area to the rear traversing the properties. The submitted applications propose to sever this parking area (the "severed lands", being rear portions of the aforementioned parcels containing no heritage buildings) from the balance of the lands (the "retained lands", being those containing existing buildings with frontage on Main Street Unionville) to secure the existing parking spaces on a future development block subject to future applications. Please refer to the below for a summary of the existing properties subject to these applications:

Table A

Parcel	Existing Use	Frontage (m)	Depth (m)	Lot Area (m²)	
162-174 Main St	Commercial (Accessory Store) & Office	±20.3	±96.5	2,288	
182 Main St	Commercial (Eye glasses store)	±12.6	±78.3	949	
186 Main St	Food Service (Restaurant)	±12.6	±77	955	
188-194 Main St	Commercial/Service (Clothing Store, Dairy Queen etc.)	±26.3	±77.5	2,004	

1.0 Land Use and Background

The lands are designated as "Mixed Use Heritage Main Street" within the City of Markham Official Plan, and are also located within the Unionville Heritage Conservation District, which require the protection and enhancement of the heritage character and cultural heritage resources within the area, as well as support of the community and its traditional main street shopping district containing predominately atgrade commercial uses. Additionally, the subject lands are zoned as 'Heritage Main Street' (HMS) within Zoning By-law 122-72 as amended, which permits commercial, service, business and professional office, and residential uses. At this time, no physical change to the subject lands are proposed, and the existing buildings, parking count and arrangement are to be retained, however the applications endeavor to facilitate creation of a parcel of land which will be the subject of future Planning Act applications. The opportunity to create the future development parcel is also time sensitive in nature, as a portion of the proposed severed lands are under conditional agreement of purchase and sale.

2.0 Applications & Requested Relief

As noted, the applications submitted comprise four consent applications, which propose to sever the rear parking lot portions of each of the four lots, and to secure a parking easement over the severed lands in favour of the retained lands; and five minor variance applications, which request relief to permit increased coverage for each of the proposed retained 4 parcels of land, to permit parking on an adjacent parcel of land for the retained lands, and to permit parking as a stand-alone use on the severed lands. The applications will facilitate continued use of the lots as they exist today in the interim, to secure the existing parking supply serving the retained lands, and to create a development block that will be the subject of future applications. No physical changes to the lands are proposed as part of the Committee of Adjustment applications under consideration - all existing uses and buildings presently on site are to be retained, and no new buildings or site alterations are proposed at this time.

The following table identifies the retained and severed lands as indicated on the attached reference plan, demonstrating the required coverage variances for the four retained parcels resultant of the proposed consent applications, and indicating the existing parking supply to be retained on the severed lands and permitted through the fifth minor variance application:

Table B

Existing Parcel	Parking Spaces (Retained)	Retained Part (and Area)	Retained Ground Floor Area	Max. Permitted Coverage	Retained Coverage	Severed Part (and Area)
162-174	29	Part 8	+/-581 sq.m	35%	86%	Part 7, 9, 10, 11
Main St.		(674.8 sq.m)				(1,613.2 sq.m)
182 Main St.	17	Part 6 (317.8 sq.m)	+/-153 sq.m	35%	42%	Part 5 (631.2 sq.m)

186 Main St.	14	Part 4	+/-181 sq.m	35%	56%	Part 3
		(357.9 sq.m)			12	(597.1 sq.m)
188 Main St.	33	Part 2	+/-411 sq.m	35%	59%	Part 1
		(706.4 sq.m)				(1,297.6 sq.m)

2.1 Parking Variances

To permit required parking spaces (+/- 29) serving 162-174 Main Street to be located on the adjacent lot (abutting the west lot line); whereas the by-law requires all parking spaces required by Sections 3 and 4 of the by-law to be provided on the same lot as the building, structure, or use requiring the parking.

To permit required parking spaces (+/- 17) serving 182 Main Street to be located on the adjacent lot (abutting the west lot line); whereas the by-law requires all parking spaces required by Sections 3 and 4 of the by-law to be provided on the same lot as the building, structure, or use requiring the parking.

To permit required parking spaces (+/- 14) serving 186 Main Street to be located on the adjacent lot (abutting the west lot line); whereas the by-law requires all parking spaces required by Sections 3 and 4 of the by-law to be provided on the same lot as the building, structure, or use requiring the parking.

To permit required parking spaces (+/- 33) serving 188 Main Street to be located on the adjacent lot (abutting the west lot line); whereas the by-law requires all parking spaces required by Sections 3 and 4 of the by-law to be provided on the same lot as the building, structure, or use requiring the parking.

To permit a Parking Area (to serve adjacent lots municipally known as 162-174, 182, 186, & 188 Main Street); whereas a Parking Area is not a permitted use.

As discussed, the requested parking variances facilitate severance of a future development block, securing the existing parking supply required for the retained lands. The variances will not result in any material change to the site or the contained existing buildings, and the subject lands will continue to function as they do at present from an access, parking and use perspective.

2.2 Coverage Variances

To permit a maximum lot coverage of 86.16%; whereas the by-law permits a maximum lot coverage of 35%. (162-174 Main Street)

To permit a maximum lot coverage of 56.96%; whereas the by-law permits a maximum lot coverage of 35%. (182 Main Street)

To permit a maximum lot coverage of 42.82%; whereas the by-law permits a maximum lot coverage of 35%. (186 Main Street)

To permit a maximum lot coverage of 58.19%; whereas the by-law permits a maximum lot coverage of 35%. (188 Main Street)

The requested coverage variances are required due to the reduced lot areas of the retained lands which would result from approval of the proposed consent applications. As no new buildings are proposed as part of these applications to Committee of Adjustment, and all existing buildings are retained, the variances will not result in any material change to the subject lands, and facilitate creation of a future development block that will be subject to future Planning Act applications - the subject lands will continue to function as they do at present in the interim.

3.0 Minor Variance Tests Discussion

This section will summarize the requested variances in respect to the four minor variance tests set out by Section 45(1) of the Planning Act.

Are the requested variances consistent with the general intent and purpose of the Official Plan?

The lands are all designated as "Mixed Use Heritage Main Street" within the City of Markham Official Plan. The policies for this designation emphasize the importance of preserving the historic character of this area through the conservation and enhancement of the compact and vibrant commercial uses and built form. The proposed minor variances do not propose to alter the lands or existing buildings, and conform to OP policy by continuing to maintain the historic character and use of the lands and therefore maintains the general intent and purpose of the Official Plan.

As such we are of the opinion that the requested variances are consistent with the general intent and purpose of the Official Plan and represent good land use planning.

Are the requested variances consistent with the general intent and purpose of the Zoning By-law?

The proposed variances are in keeping with the intent and purpose of the zoning by-law, in implementing the policy direction of the Official Plan to preserve the historic character of the Unionville heritage Conservation District. As noted, the requested relief will not result in physical alteration of the subject lands or existing buildings, and, in combination with the parking easement applied for through the concurrently submitted consent applications, will ensure parking supply and access will remain as-is.

It is for the above reasons that we are of the opinion that the requested variances are consistent with the general intent and purpose of the Zoning By-law and represent good land use planning.

Are the requested variances desirable for the appropriate development of the lands?

The proposed minor variances conform to the policies of the Markham OP, will maintain the intent of the Zoning By-law, and will not have adverse impacts on the retained heritage buildings or adjacent properties. No physical or functional change on the subject lands will result from the applications under consideration, and any future change to the lands would be subject to additional Planning Act applications requiring approval by the City of Markham.

It is for the above reasons that we are of the opinion that the proposed development and requested variances are desirable for the appropriate development of the subject lands.

Are the variances requested minor in nature?

As previously discussed, five minor variance applications have been submitted. Four of these applications are for the increased lot coverage and to permit parking on an adjacent lot for the proposed retained parcels, whereas the fifth application is to permit the parking use for the severed lands to be consolidated. Parking will continue to be provided at existing rates, in the existing location, and accessed via existing locations as a result; and despite requested variances for coverage increase on the retained lands, overall coverage across the retained and severed lands will remain since no physical change to the lands is proposed through these applications.

Given the above analysis, we are of the opinion that the requested variances are consistent with the general intent and purpose of the Official Plan and the Zoning Bylaw, are desirable for the appropriate development of the lands, and are minor in nature.

4.0 Summary & Enclosures

In consideration of the forgoing, we are of the opinion that the proposed consent applications to facilitate creation of a future development block and associated easements are appropriate, and that the proposed minor variance applications meet the four (4) tests under Section 45(1) of the Planning Act.

In support of the applications, please find the following enclosed materials:

- 1. One (1) cheque in the amount of \$77, 998.25 made payable to the City of Markham;
- 2. Five (5) executed Minor Variance applications;
- 3. Four (4) executed Consent Applications:
- 4. Two (2) copies of three (3) Authorization Letters;
- 5. One (1) copy of the ZPR Changemark Report;
- 6. One (1) proof of ownership document;
- 7. Six (6) copies of the Reference Plan;
- 8. Six (6) copies of the consent and variance sketches prepared by KLM Planning Partners Inc.
- 9. One (1) compact disc containing digital copies of the above.

We trust that the accompanying materials are sufficient, however should you have any questions please do not hesitate to contact the undersigned.

Yours truly,

Keith MacKinnon, BA, MCIP, RPP Partner

Marshall Smith, BES, PMP, MCIP, RPP Intermediate Planner

Mana Masoudi, M.Sc Junior Planner

cc: Harshal Dave (Unionville Re-Dev Corporation)

