



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Evan Manning, Senior Heritage Planner

**DATE:** November 9, 2022

**SUBJECT:** Committee of Adjustment Variance Application  
5990 16th Avenue, Markham Village  
A/043/22

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**Property/Building Description:** One-and-a-half storey plaza constructed in 1989/1990 as per municipal records.

**Use:** Commercial

**Heritage Status:** Designated under Part V of the *Ontario Heritage Act* as constituent property of the Markham Village Heritage Conservation District.

### **Application/Proposal**

- The City has received a Committee of Adjustment (“C of A”) application seeking a variance to permit a restaurant use while exceeding the maximum capacity of 17 percent at the property municipally-known as 5990 16<sup>th</sup> Avenue (the “subject property” or the “property”). Exterior alterations associated with the proposed restaurant are not proposed at this time.

### **Requested Variance to the Zoning By-law**

The applicant requires the following relief from By-law 1229, as amended, to permit:

- **Section 12.24.4:**  
A 21.74 percent of total restaurant gross floor area, whereas the By-law permits 17 percent (per C of A decision A/01/16).

### **Background**

#### *Area Context*

- The subject property is located on the northwest corner of 16<sup>th</sup> Avenue and Markham Road and contains a one storey plaza with multiple commercial tenants. Surface parking is provided on site.

- Tenancy within the subject property is varied and contains a number of restaurant uses in addition to the one enabled by the proposed variance;
- The Heritage Markham Committee (the “Committee”) considered a similar variance request for the subject property at its meeting in March 2016 (A/01/16). The applicant sought relief from By-law 1229, as amended, to permit a combined maximum gross floor area of all types of restaurants of 17 percent whereas the by-law permitted a maximum of 15 percent;
- As recommended by Heritage Section staff, the Committee provided no comment from a heritage perspective on the requested variance. The Committee of Adjustment approved the requested variance at its meeting on February 10, 2016 subject to written confirmation from the Heritage Markham Committee that it either supported or had no comment on the application.

### **Staff Comment**

- Heritage Section staff have no objection from a heritage perspective to the proposed variance as it does not adversely impact the cultural heritage value of the Markham Village Heritage Conservation District;
- Consideration of the Minor Variance application is scheduled for November 9, 2022. As the Committee of Adjustment meeting is concurrent with the meeting of Heritage Markham, an approval condition has been included within the relevant Staff report requiring written confirmation from Heritage Markham that the requested variance is either supported by the Committee or that no comment is provided.

### **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham has no comment on the Minor Variance application (A/043/22) for 5990 16<sup>th</sup> Avenue from a heritage perspective.

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### **ATTACHMENTS:**

Appendix ‘A’	Location Map
Appendix ‘B’	Image of the Subject Property

## Appendix 'A'

### Location Map



*Property map showing the location of the subject property [outlined in yellow] (Source: City of Markham)*

## Appendix 'B'

### *Image of the Subject Property*



*An aerial view showing the commercial plaza on the subject property (Source: Google)*