



SUBJECT: RECOMMENDATION REPORT
1377402 Ontario Inc., Applications for Zoning By-law Amendment and Site Plan to permit the development of the lands municipally known as 162 Main Street North (Markham Village) for a Business Office with Residential as an additional use (Ward 4)
Files ZA 15 147635 and SC 15 147635

PREPARED BY: Peter Wokral, Heritage Planner, ext. 7955

REVIEWED BY: Regan Hutcheson, Manager, Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the report dated April 23, 2024 titled “RECOMMENDATION REPORT, 1377402 Ontario Inc., Applications for Zoning By-law Amendment and Site Plan to permit the development of the lands municipally known as 162 Main Street North (Markham Village) for a Business Office with Residential as an additional use (Ward 4), Files ZA 15 147635 and SC 15 147635”, be received;
- 2) THAT the Zoning By-law Amendment application (File ZA 15 147635) submitted by 1377402 Ontario Inc. to amend Zoning By-law 1229, as amended, to permit Business Office and Residential as additional uses at 162 Main Street North, and to amend the development standards to permit the existing parking lot, be approved, and the draft By-law, attached as Appendix ‘C’, be finalized and enacted without further notice;
- 3) THAT the Site Plan application (File SC 15 147635) submitted by 1377402 Ontario Inc. to permit the existing parking lot at 162 Main Street North, be endorsed in principle, subject to the conditions attached as Appendix ‘A’;
- 4) THAT the Site Plan application (File SC 15 147635) be delegated to the Director of Planning and Urban Design, or designate, with the issuance of Site Plan Approval following the execution of a Site Plan Agreement;
- 5) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

In 2015, 1377402 Ontario Inc. (the “Owner”) submitted Zoning By-law Amendment and Site Plan Control applications (the “Applications”) to permit residential, business office, retail, personal service shop, restaurant uses, and a new parking lot. At the June 16, 2015, statutory Public Meeting, the Development Services Committee (the “DSC”) commented that approval should only permit the proposed business office and residential uses, in conformity with the uses permitted in the former Main Street Markham Area Secondary Plan (“OPA 108”), as well as a medical office use limited to one practitioner at any given time as recommended by Staff.

The Owner did not support Staff’s recommended draft zoning by-law amendment due to the imposed land use limitations, the limitation on the number of medical practitioners, and because it did not reflect the Owner’s desired development intentions to permit future additions to the existing heritage building.

Consequently, the by-law amendment was not forwarded to Council for consideration. However, the Owner proceeded to install a parking lot without City approvals.

In 2017, to find a mutually satisfactory resolution that would bring the property into compliance, Staff prepared a revised zoning by-law amendment that no longer limited the number of medical practitioners permitted to practice in the building. Instead, Staff recommended a Hold Provision be placed on the property that would permit a Medical Clinic use, subject to site plan approval that would secure the widening of the existing driveway to accommodate two-way traffic and mitigate traffic interruptions on Main Street North. The previous owner continued to not support this approach and at their request, the recommendation report and draft by-law amendment was never brought to Council. The property and building continued to be used as an insurance office.

The current Owner requested reactivation of the Applications to permit the leasing of the property for professional office use, and has indicated that they no longer object to the 2017 approach recommended by Staff.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit Business Office and Residential as additional uses (the “Proposed Development”), and a parking lot at 162 Main Street North in Markham Village (the “Subject Lands”).

BACKGROUND:

The 1,906 m² (20,516 ft²) Subject Lands are located on the west side of Main Street North in Markham Village, between Bullock Drive and Wilson Street

A 192 m² (2,062 ft²) two-storey, single-detached heritage building, constructed in 1885, currently occupies the Subject Lands. The former residential building is identified as a Class ‘A’ heritage property in the Markham Village Heritage Conservation District (See Figure 5). Figure 3 shows the surrounding land uses. Neighbouring businesses are conducted in historic former residences that have been converted into commercial or business office uses.

In 2015, the previous Owner originally proposed a by-law amendment that sought uses that Staff did not support to maximize the marketability of the Subject Lands

The previous Owner sought permissions for service shops, personal service shops, retail, and restaurant, and townhouses uses that were not supported by the policies of OPA 108, which was in effect at the time. The policies were intended to preserve the residential character of properties north of the historic commercial core and south of Bullock Drive by only permitting low intensity professional office and residential uses that minimized impacts to the appearance and character of former historic residences.

Although OPA 108 is no longer in effect, the policies limiting the use of these former residential properties to professional office and residential uses were integrated as site-specific Official Plan 2014 (the “OP”) policies for Markham Village (Section 9.13.4.4). Staff did not support the requested uses and development standards (e.g., reduced setbacks) as no conceptual site plan accompanied the Zoning application with which staff could assess the potential impacts from the Proposed Development.

A statutory Public Meeting was held on June 16, 2015

An oral submission was received from a local resident suggesting that the Applications be reviewed by the Markham Main Street Committee. The resident also raised site-specific area parking and access issues. Staff

opine that the proposed office use in the existing building would not have any significant impacts from a parking perspective, but acknowledge that the existing one-way driveway would be problematic from a traffic and vehicular access perspective should the building be used as a Medical Clinic without widening the existing driveway to 6 m to permit two-way traffic.

At the statutory Public Meeting, members of the DSC commented on their support to only permit the business office and residential uses, consistent with OPA 108, and limit the medical clinic use to only one practitioner at any given time, as recommended by Staff. The Owner opposed the limitation on uses and requested that the draft by-law not be brought forward for Council consideration in the autumn of 2015.

The previous Owner installed a paved parking lot, ground signage, and commenced operation of a business office use (insurance broker) without City approval, but discussions continued with City Staff
In October 2015, the previous Owner began using the building as an insurance broker's office despite not having the required zoning and City approval. The City's By-law Enforcement Staff issued an "Order to Comply" that directed the previous Owner obtain the necessary City approvals. Meanwhile, the previous Owner requested the City to reconsider limiting the number of medical practitioners to one at any given time. Following discussions, Staff determined that the Medical Clinic parking rate in the City's Parking By-law, along with the site constraints, would effectively limit the number of practitioners should the entire building be converted to a Medical Clinic.

As a result, Staff revised their recommendation to only include a Hold Provision in the draft by-law amendment to secure a wider two-way driveway to avoid traffic interruptions on Main Street North should a Medical Clinic be proposed. This was reflected in the October 16, 2016, staff report and draft by-law amendment prepared for the DSC. However, the previous Owner continued to not support Staff's approach. Again, at the request of the previous Owner, the draft by-law amendment was not advanced to Council and the business office use continued operations on the Subject Lands.

The current Owner now seeks to proceed with the draft by-law amendment supported by Staff in 2016 to legalize the existing Business Office use with the Hold Provision (see Appendix B)

The draft by-law amendment recommends the expansion of permitted uses to those that conform to the site-specific OP policies, which includes business offices, dwelling units located over business premises, a detached dwelling, a semi-detached dwelling, a duplex, triplex, and fourplex dwellings. The draft by-law amendment also permits the existing paved parking lot, with the Hold Provision related to the introduction of a Medical Clinic. The current Owner indicated no plans to alter the existing building or property and requests to legalize the existing business office use.

The OP designates the Subject Lands "Residential Low Rise", subject to Area and Site-Specific Policies (Section 9.1.13.4.4) and the existing Zoning By-law permits a variety of residential uses

The OP permits offices uses not exceeding 45 percent of the total gross floor area and at least one dwelling unit where an office use is proposed within an existing residential building, except for a building, which by virtue of its size or configuration is not suitable for mixed use, where Council may permit one use only provided it is within the existing building.

Townhouses may be permitted through a Zoning By-law amendment subject to the protection of any on-site existing heritage buildings, restricted vehicular access points to public streets, adequate off-street parking, and the number of linked townhouse units not exceeding eight, except where permitted by Council in

consideration of special or significant design features, however the applicant has not provided any conceptual site plan to in support of an amendment to permit townhouses.

Figure 2 identifies that the Subject Lands are currently zoned “One-Family Residential” (R3) and permits the Detached, Semi-detached, Duplex, Triplex, and Fourplex dwellings residential uses.

OPTIONS/ DISCUSSION:

Staff support the business office and residential uses, including single detached, semi-detached, duplex, triplex, and fourplex use.

The current Owner is in support of changing the zoning of the Subject Lands from R3 under By-law 1229, as amended, to Holding Office/Residential [(H)C4] Zone, to permit detached, semi-detached, duplex, triplex and four plex dwellings as well as site-specific development standards related to the existing driveway, heritage building, and parking spaces. The proposed uses at this location are compatible with surrounding uses and will not adversely affect the historic character of the village. The Subject Lands have the capacity for additional uses, associated parking, and can be adequately serviced. Appendix ‘B’ includes the draft zoning by-law amendment.

A 2014 City-wide By-law amendment deleted “Business and Professional Office” and replaced it with “Business Office”, which now includes “Medical Office” use in its definition

The definition of “Medical Office” was also revised to include “clinics operated by a number and/or variety of medical professionals but does not include a public or private hospital”. So throughout the City, where “Business Office” is permitted, Medical Office is also permitted, subject to the availability of on-site parking. Therefore, Staff no longer require the limitation on Medical Office on the Subject Lands. The Owner currently plans to continue the existing Business Office use on the Subject Lands, but also seeks to permit residential uses.

The Zoning By-law requires one parking space per 30 m² of net floor area for Business Office. If both floors of the existing building were used as office, only five spaces would be required, as shown in Figure 4. However, if the current Owner proposes to convert the entire building to Medical Office, the Zoning By-law would require one parking space per 20 m² of net floor area, which results in eight required on-site spaces. A ‘Change of Use’ permit application and site plan approval to expand the existing parking area would be required by the City’s Building Department prior to any possible future conversion to a Medical Office.

Specific development standards have been included in the Draft By-law Amendment (see Appendix B)

The draft by-law amendment addresses existing site conditions, including the following:

- a) Minimum lot frontage 18.3m
- b) Minimum lot area 2,067m²
- c) Minimum front yard setback: 7.2m
- d) Minimum north side yard setback: 0m
- e) Minimum required driveway width (for two-way access to a parking area): 2.9m
- f) To permit access ramps, driveways, and parking areas to be constructed without being defined by a curb, rolled asphalt, or a fence.

Appendix B reflects the development standards of the parent zoning by-law where they do not conflict with the existing site conditions. If further minor modifications to the Site Plan are required, a minor variance application to the Committee of Adjustment would be required.

Staff raised a number of design-related issues on the Applications and through modifications to the Site Plan submission and the recommended draft Zoning By-law, these issues have been addressed

- a) On Site Parking: Zoning staff confirmed that the number and location of parking spaces shown on the submitted plans are satisfactory for the Business Office use.
- b) Screening of Parking Area: Staff recommend the screening of the new parking spaces with medium-height shrubs.
- c) Relocation of Historic Garden Trellis (the “Trellis”): Heritage Markham recommended that the side yard Trellis be moved to screen the parking area. The Owner did not want to move this structure indicating that it would appear out of place in the front yard and was too fragile to be moved. Staff are satisfied that the parking area can be screened by plantings alone, without relocating this structure.
- d) Driveway Access: Engineering Staff do not require the existing 2.9 m driveway to be widened to accommodate two-way traffic while the existing building is occupied with the current use. Permitting the existing driveway width allows for the preservation of a maple tree on the Subject Lands. However, should the Owner convert the Subject Lands to Medical Office, a Site Plan application must be submitted to facilitate the driveway widening (two-way traffic) and tree replacements. The widening would require modification of the bump-out in front of the Subject Lands as part of the improvements to Main Street North. Though a ten-year moratorium is in place for alterations to these improvements, the Director of Engineering may permit minor modifications to features in the right-of-way.
- e) Grading and Servicing: Engineering Staff require a certificate from the Owner’s Engineer confirming that the recently installed parking lot conforms with the City’s standards for storm water management and site grading and good engineering practice.

Staff support the Proposed Development on the Subject Lands

Although not located in the rear yard, the parking lot, as constructed, generally complies with the criteria for new development outlined in the OP (Section 9.13.4.4). The heritage building is preserved and remains the prominent feature of the Subject Lands. The Proposed Development reflects the area’s residential character in terms of appearance and size.

CONCLUSION

Staff support the draft Zoning By-law amendment (Appendix ‘B’) to add office and a variety of residential uses. Staff also support the Owner’s request to permit Medical Offices without limiting them to one medical practitioner at any one given time as the scale can be limited by the City’s Parking By-law and the number of available on-site parking spaces. However, Staff recommend that a Hold Provision be placed in the draft Zoning By-law amendment for Medical Office uses, subject to the condition of removal for the widening of the existing driveway to permit two-way traffic in order to mitigate overflow congestion on Main Street North. Staff also recommend the endorsement of the Site Plan, in principle, subject to the conditions in Appendix ‘A’.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed development aligns with the City’s strategic priorities for responsible growth management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various City departments and external agencies, as well as the Heritage Markham Committee, and their requirements have been incorporated, where appropriate, into this report.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Aerial Photo
- Figure 4: Proposed Site Plan
- Figure 5: Photograph of the Existing Heritage Dwelling
- Appendix ‘A’: Site Plan Conditions
- Appendix ‘B’: Draft Zoning By-law Amendment

Figure 1- Location Map



Figure 2- Area Context/Zoning

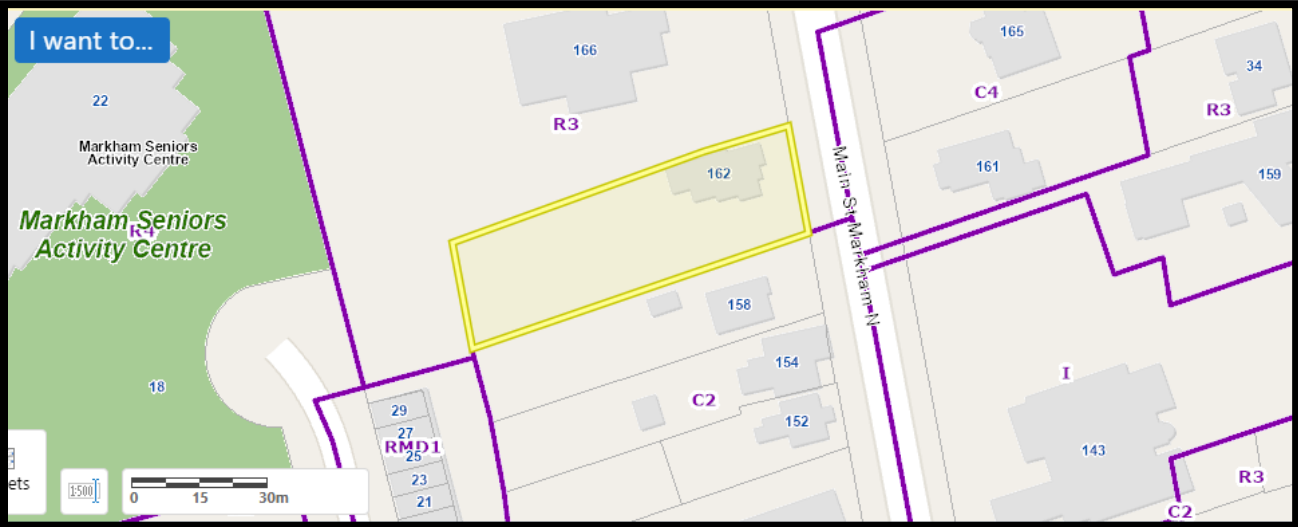


Figure 3- Aerial Photo



Figure 4- Proposed Site Plan

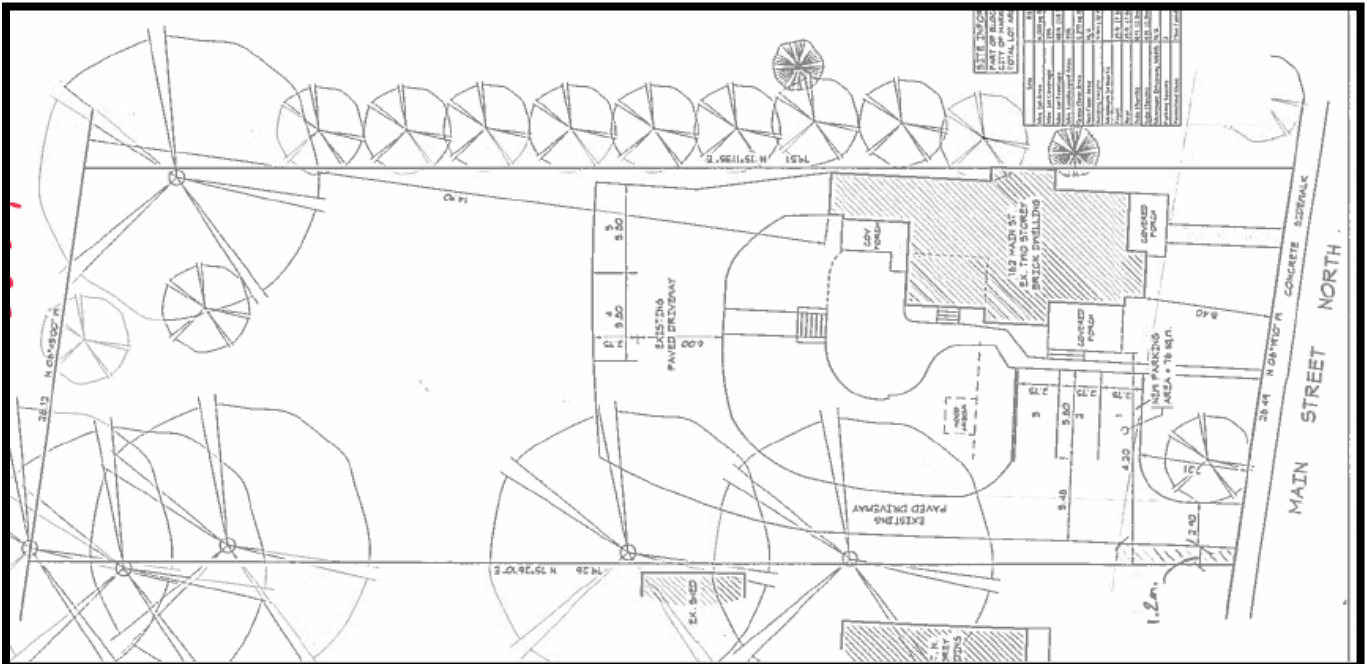


Figure 5- Photograph of the Existing House



APPENDIX 'A'

**SITE PLAN CONDITIONS
1377402 ONTARIO INC.
162 MAIN STREET NORTH, MARKHAM**

1. The Owner shall enter into a Site Plan Agreement with the City, containing all standards and special provisions and requirements of the City and other external agencies including, but not limited to, the following:
 - a) Provision for the payment by the Owner of all applicable fees, recoveries, and development charges.
 - b) Provision for the payment by the Owner of any other identified financial obligation including a letter of credit to ensure construction as per approved plans.

2. Prior to the execution of a Site Plan Agreement, the Owner shall:
 - a) Submit a final site plan, and additional details including but not limited to information on paving materials and other design details required by Heritage Section Staff, to the satisfaction of the Director of Planning and Urban Design or designate.
 - b) Submit a certificate from a qualified engineer stating that the recently constructed parking lot complies with the City of Markham's standards for Stormwater Management and site grading and good engineering practice.
 - c) Submit, and revise as necessary, landscape plans and a tree inventory and preservation plan along with any other studies and reports which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Director of Planning and Urban Design or designate.

That the Site Plan Approval shall lapse after a period of three (3) years commencing April 23, 2027, if the Owner does not enter into a Site Plan Agreement with the City during that period.

**APPENDIX ‘B’
DRAFT ZONING BY-LAW AMENDMENT**



BY-LAW 2024-_____

**A By-law to amend By-law 1229, as amended
and to amend By-law 28-97, as amended**

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. By-law 1229, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto from One Family Residential (R3) to Holding Office/Residential [(H)C4] Zone.
 - 1.2 By adding the following subsection to Section 12 – EXCEPTIONS:

“12.38 162 Main Street Markham North

Notwithstanding any other provisions of By-law 1229, as amended and By-law 28-97, as amended, the provisions in this Section shall apply to those lands subject to By-law 2016-_____ as shown on Schedule ‘A’ attached thereto. All other provisions of By-law 1229, as amended, and By-law 28-97, as amended, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

12.38.1 Only Permitted Uses

The following are the only uses permitted:

- a) BUSINESS OFFICE;
- b) DWELLING UNITS OVER BUSINESS PREMISES;
- c) DETACHED DWELLING;
- d) SEMI-DETACHED DWELLING;
- e) DUPLEX DWELLING;
- f) TRIPLEX DWELLING; and
- g) FOURPLEX DWELLING.

12.38.2 Specific Zone Standards

The following specific zone standards apply:

- a) Minimum LOT FRONTAGE – 18.3 metres;
- b) Minimum LOT AREA – 2,067 square metres;
- c) Minimum FRONT YARD setback – 7.2 metres;
- d) Minimum North SIDE YARD setback for the existing heritage dwelling – 0 metres;
- e) Minimum required width for a *driveway* providing two-way access to a *parking area* – 2.9 metres; and
- f) *Access ramps, driveways, and parking areas* are not required to be defined by a curb, rolled asphalt, or a fence; and

2. **Holding Provision**

For the purposes of this By-law, a Holding (H) Provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis preceding the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose of a *medical office* as defined in By-law 1229, as amended, until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the *Planning Act*.

Prior to removing the Holding (H) Provision the following condition must be met to the satisfaction of the City of Markham:

- 1. The *driveway* providing two-way access to a *parking area* has been widened to 6.0 m, in accordance with approval of an amendment to the existing site plan, in accordance with Section 41 of the *Planning Act*, as amended.

Read a first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



Explanatory Note

By-law 2023-___

A By-law to amend By-law 1229, as amended, and By-law 28-97, as amended

1377402 Ontario Ltd.

162 Main Street Markham North

Lands Affected

The proposed by-law amendment applies to a 1,906 m² parcel of land located on the west side of Main Street Markham North, between Bullock Street to the north, and Wilson Street to the south.

Existing Zoning

The subject property is currently zoned One Family Residential (R3) by By-law 1229, as amended.

Purpose and Effect

The purpose and effect of the proposed By-law amendment is to rezone the lands to Office Residential (C4) and to recognize existing site conditions of the building and lot, in order to permit the existing heritage dwelling to be used for business office uses, as well as a range of residential uses.

The Holding Provision is intended to ensure that the existing driveway be widened to permit two-way traffic if the property is converted to a Medical Clinic.