



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: December 11, 2024

SUBJECT: Delegated Approvals
Development Applications on Adjacent Properties to a Cultural Heritage Resource

Proposal: Obtain delegated approval from Heritage Markham Committee regarding the review of development applications on adjacent properties to a cultural heritage resource.

Background:

- If the subject property is within 60m of a protected cultural heritage resource, as per the Official Plan, the following policies are applicable:

It is the policy of Council:

4.5.3.3 To use secondary plans, zoning by-laws, subdivision and site plan control agreements, signage by-laws, and other municipal controls, to ensure that **development that directly affects a cultural heritage resource itself and adjacent lands**, is designed, sited or regulated so as to protect and mitigate any negative visual and physical impact on the heritage attributes of the resource, including considerations such as scale, massing, height, building orientation and location relative to the resource.

4.5.3.4 To impose conditions of approval **on development containing a cultural heritage resource itself and adjacent lands** to ensure the continued protection of the cultural heritage resources.

4.5.3.11 To review applications for development approval and site **alteration on adjacent lands to an individually designated property or a heritage conservation district** to require mitigative measures and/or alternative development approaches in order to conserve the heritage attributes affected. This review may include measures to ensure compatibility with the characteristics, context and appearance of the heritage attributes affected.

- Staff currently have delegated approval to review a number of Committee of Adjustment applications on behalf of Heritage Markham Committee (see Attachment 1)

Staff Comment:

- It is recommended that future review of the following Development Applications (Official Plan Amendment, Zoning By-law Amendment, Condominium, Hold Removal or Site Plan Control) **on adjacent properties** to a cultural heritage resource (individually designated or a heritage conservation district) be delegated to Staff provided that the Heritage District Ward Councillor is consulted and has no objection from a heritage perspective.
- For non-heritage conservation district adjacent properties, all three Heritage District Councillors would be consulted and have to indicate no concerns from a heritage perspective.
- If a Councillor has any concerns from a heritage perspective or if Heritage Staff feel the development could negatively impact heritage attributes of the nearby cultural heritage resource, the matter will be forwarded to Heritage Markham for comment.
- It is the opinion of Staff that this approach will create efficiencies and allow for the Committee to focus its attention on more significant heritage matters.

Suggested Recommendation for Heritage Markham

That the following Development Applications (Official Plan Amendment, Zoning By-law Amendment, Condominium, Hold Removal and Site Plan Control) on adjacent property to a cultural heritage resource (individually designated or a heritage conservation district property) be delegated to Heritage Section staff provided that the Heritage Ward Councillor is consulted and has no objection to the proposal from a heritage perspective and for non-heritage conservation district adjacent properties, all three Heritage Councillors are consulted and have no objection.

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Attachment 1

The review by Heritage Markham Committee of the following Committee of Adjustment applications have been delegated to Heritage Staff provided that the Ward Councillor is consulted and has no objection to the proposal. If staff or the Ward Councillor has any concerns from a heritage perspective, the matter will be forwarded to Heritage Markham for comment as a separate memo:

- **Minor Variance Applications** on lands considered *adjacent to cultural heritage resources* (February 8, 2023)
- **Minor Variance Applications** that do not involve building envelope expansion (September 11, 2024).
- **Specific Consent Applications** (September 11, 2024):
 - Lot line adjustments that do not involve the creation of new building lots;
 - Partial discharge of mortgage;
 - Consent related to mortgage, easement, lease of 21 years or more;
 - Validation of title;
 - Re-establishment of a previously existing lot line; and
 - Re-Application of Provisionally approved Consent without completion of conditions within statutory timeframe (Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent).