

Memorandum to the City of Markham Committee of Adjustment

November 3, 2022

File: A/051/22
Address: 51 Main Street North, Markham
Applicant: Robert Chopee
Agent: Lincoln Lo
Hearing Date: Wednesday, November 9, 2022

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

The applicant is requesting relief from the following requirements of the Central Commercial (C2) zone under By-law 1229, as amended:

- a) **Section 7.1(b)(ii):** the use of a veterinary clinic, whereas the by-law does not permit this use;
- b) **Parking By-law 28-97, Section 8.2.1(b):** 4 parking spaces, whereas the by-law requires 6 parking spaces

as it relates to the proposed veterinary clinic.

BACKGROUND

Property Description

The property municipally-known as 51 Main Street North (the “subject property” or the “property”) is located on the northeast corner of Main Street North and Centre Street. The property is currently tenanted by a law office with four tandem parking spaces provided along Centre Street.

The subject property is designated under Part V of the *Ontario Heritage Act* as a constituent property of the Markham Village Heritage Conservation District, and is adjacent to numerous low-rise commercial properties along Main Street North. Together, these properties form the commercial core of Markham Village. Low-rise residential properties are located to the east of the subject property along Centre and Washington Streets while a large surface parking lot is located on the south side of Centre Street.

Proposal

The applicant is proposing to use the existing building as a veterinary clinic. Exterior modifications to the property associated with the proposed use are not contemplated at this time.

Official Plan and Zoning

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

The Official Plan (OP) designates the subject property “Mixed Use Main Street”, which provides a traditional shopping experience for residents and visitors in an historic commercial main street setting where at-grade uses are predominantly retail. This OP designation is found within the historic, commercial main streets of Thornhill, Unionville and Markham Village. Each represents a symbolic, historic focal point and an identifiable sense of place that belongs to the entire community and celebrates one of Markham’s original town settlements.

Zoning By-Law 1229

The subject property is zoned C2 (Central Commercial Zone) under By-law 1229, as amended, which permits a wide variety of uses including, retail stores, service shops, personal service shops, banks, billiard parlours, bowling alleys, business and professional offices, restaurants, theatres, assembly halls, bakeries, hotels, medical clinics, newspaper offices, etc.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) was completed on September 19, 2022 to confirm the requested variances.

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.

Heritage

Staff have no objection to the requested variance to permit a veterinary clinic. As noted above, personal service shops, service shops, and medical clinics are permitted under the Zoning By-law. These uses contemplate care and treatment to a person or their property. The proposed veterinarian clinic would offer a similar function in the care and treatment of pets. Further, it is the opinion of Staff that the proposed use meets the intent of the 2014 OP and Zoning By-law, and does not adversely impact the cultural heritage value of the Markham Village Heritage Conservation District. Similarly, Staff have no objection to the parking-related variance given that the proposed use is not parking-intensive in nature, and there are ample opportunities for clients to use the free layby parking on both sides of Main Street North or within the public parking section of the surface parking lot on Centre Street which is directly across the street from the subject property. It is, therefore, the option of Staff that the requested variances are minor in nature.

Engineering and Urban Design

The City's Engineering Department and Urban Design Section have provided no comments on the application.

Heritage Markham Committee

Heritage Markham considered this minor variance application at its meeting on July 13, 2022 and provided no comment from a heritage perspective.

PUBLIC INPUT SUMMARY

One letter of support was received from an adjacent property owner. 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 have 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 as presently submitted meets the four tests of the Planning Act and have no objection.

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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



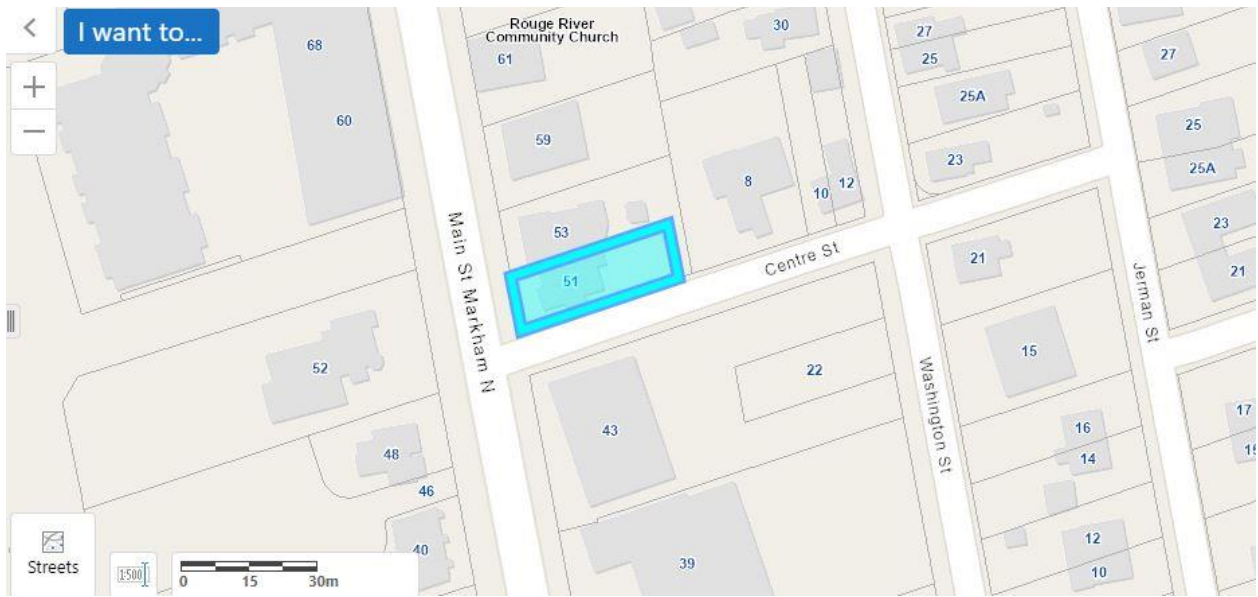
Evan Manning, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Development Manager, Heritage District

FIGURE 1 – LOCATION MAP



The subject property outlined in blue (Source: City of Markham)

FIGURE 2 – PHOTOGRAPHS OF THE SUBJECT PROPERTY



The subject property as seen from Main Street North as it appeared in May 2021 (Source: Google)



The subject property as seen from Centre Street as it appeared in October 2020 (Source: Google)

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/051/22

1. That the variance apply only to the existing use as long as it remains.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'E. Manning'.

Evan Manning, Senior Heritage Planner