

Memorandum to the City of Markham Committee of Adjustment

December 5, 2018

File: A/163/18
Address: 145 Main St Unionville Ward 3
Applicant: Minken Lawyers (Ronald Minken)
Agent: Malone Given Parsons Ltd. (Matthew Cory)
Hearing Date: Wednesday December 12, 2018

The following revised comments are provided on behalf of the Heritage Districts Team:

The applicant is requesting relief from the following requirements of By-law 28-97:

a) Parking Standards By-law 28-97. Sec. 3.0 Table B, Business office:
to permit 4 parking spaces (existing on site) for office space with a gross floor area (GFA) of 328.5 sq. m; whereas the By-law requires 11 parking spaces (1.0 spaces/30 sq. m parking rate);

as it relates to a proposed interior extension of an existing lawyer's office into an existing attached garage.

BACKGROUND

Property Description

The subject property is located on the east side of Main Street within the Unionville Heritage Conservation District. The property contains a one and a half storey frame heritage building dating from c.1845, and a garage addition which was constructed in 2005. A large, asphalt-paved driveway is located in front of the garage (see attached site plan, Appendix 'B'). The lot has an irregular shape, with a frontage of 42.72 m and an area of 1,300 m². The north and east boundaries border on the Rouge River Valley.

Proposal

The applicant is proposing to convert the attached garage to office space, which will increase the area of the building used for office purposes. The space will be used for storage, a boardroom and a small office for a law clerk. The increase in office space affects the number of parking spaces required under the By-law, which requires 1 parking space per 30 m² of office space. With a proposed office area of 328.5 m², a total of 11 parking spaces are required. The applicant is proposing 4 parking spaces within the property.

There are no exterior changes proposed to the existing building, and no changes to the existing site paving, soft landscaping or trees.

Official Plan and Zoning

The property is designated Mixed Use Heritage Main Street under the Official Plan 2014 (as partially approved on November 24, 2017 and further updated on April 9, 2018). The property is zoned Heritage Main Street (HMS) and Open Space (O1) under By-law 122-72, as amended. The tableland has the commercial zoning while the valleyland has open space zoning. The proposed use is permitted by the By-law.

Zoning Preliminary Review

The applicant has not obtained a Zoning Preliminary Review for the subject application. It is the owner's responsibility to ensure that the proposal complies with all zoning requirements. If any variances are identified during the Building Permit process, the applicant will be required to re-apply to the Committee of Adjustment to address any non-compliance issues.

Heritage Status:

The property is located within the Unionville Heritage Conservation District and contains a Group A heritage building. The property is also individually designated under Part IV of the Ontario Heritage Act.

Applicant's Reasons Why it is Not Possible to Comply with the Provisions of the Zoning By-law

On the application form, the applicant has provided commentary that essentially states that they are of the opinion that a parking requirement based on the office area in square meters is not applicable due to the nature of their business, there being no issues with parking having occurred during their time of operation, and the fact that the business is intensifying without expansion.

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 Planning

In 2013, under File No. A/121/13, the same applicant applied for a reduction in parking to 6 spaces, whereas the By-law required 9, based on the office area at the time. They also applied for 3 of these spaces to be tandem or otherwise temporarily obstructed from a driveway or drive aisle. Staff had no objection to the requested variances, and the Committee of Adjustment approved them.

The applicant is proposing 4 parking spaces, which they have advised are existing, whereas the By-law requires 11 parking spaces based on the new extent of office area once the garage space is converted.

The applicant has submitted a planning justification report and parking utilization study in support of this application. The consultants have found a peak demand of 4 parking spaces and have noted that additional parking can be accommodated within a paved area within the municipal right-of-way and in nearby public parking spaces.

Staff is not aware of any issues with parking relating to the law office business, and have observed that the law office use is not a high volume use. The two parking spaces within the garage are apparently currently not in use. In the event of an increase in parking demand, as noted by the consultants, there are other nearby public parking spaces that

could accommodate the overflow. Within the context of the Unionville Vision Plan, the consultant team was of the opinion that due to the nature of the historic properties in Unionville, it is unlikely that many of the businesses will be able to provide parking to the extent required under the By-law.

For the above reasons, staff has no objection to this application, but leaves the matter of the four tests of the Planning Act to the consideration of the Committee of Adjustment taking into account any public input.

Engineering, Urban Design, TRCA, and Heritage Markham

On the basis that the Minor Variance application will not involve any exterior changes to the building and no site alteration, Engineering, Urban Design, TRCA and Heritage Markham have no comments.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 5, 2018.

CONCLUSION

Planning staff has no objection to Minor Variance Application A/163/18 on the basis that staff is not aware of any parking-related issues relating to this site, that the garage is already partly converted to office use (1/3 of the existing space), and that in the event of a parking overflow, parking spaces on public land are available. In addition, the two parking spaces within the garage are already currently not in use for parking purposes. Planning staff therefore recommend that the Committee of Adjustment come to its own conclusion as to whether the minor variance application meets the four tests of the Planning Act, taking into account any public input that is provided.

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

PREPARED BY:


George Duncan, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager, Heritage Planning

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/163/18

1. The variances apply only to the proposed development as long as it remains;

CONDITIONS PREPARED BY:

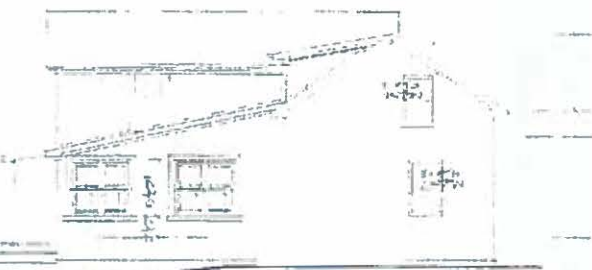


George Duncan, Senior Heritage Planner

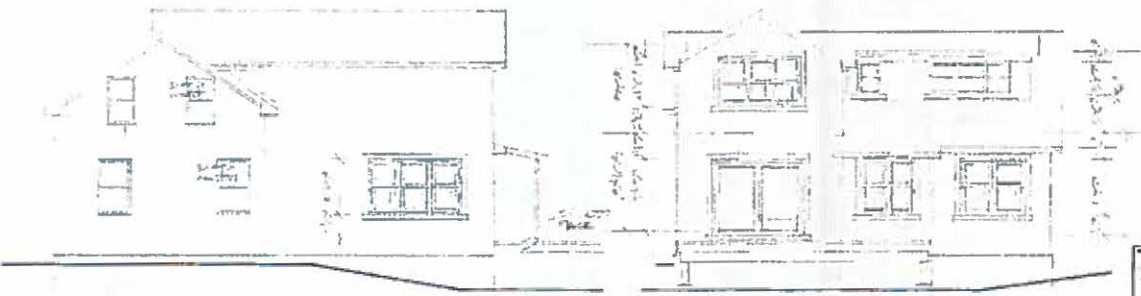
DEVELOPMENT SERVICES
 SEP 23 2013
RECEIVED

Plans endorsed in principal subject to compliance with conditions set out in memorandum dated: Sept. 25/13
 Date: Sept. 26/2013
 Signature: B. Karaman
 Director of Planning and Urban Design

Plans approved in accordance with site plan agreement dated: Nov. 4, 2013
Nov. 14/2013
B. Karaman



NORTH SIDE



SOUTH SIDE

REAR ELEVATION

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