

AREA CONTEXT /ZONING

APPLICANT: 1456924 ONTARIO LTD.
161 MAIN ST. UNIONVILLE

FILE No: ZA. 08106545 & OP. 08106544 (RH)

 SPECIAL POLICY AREA

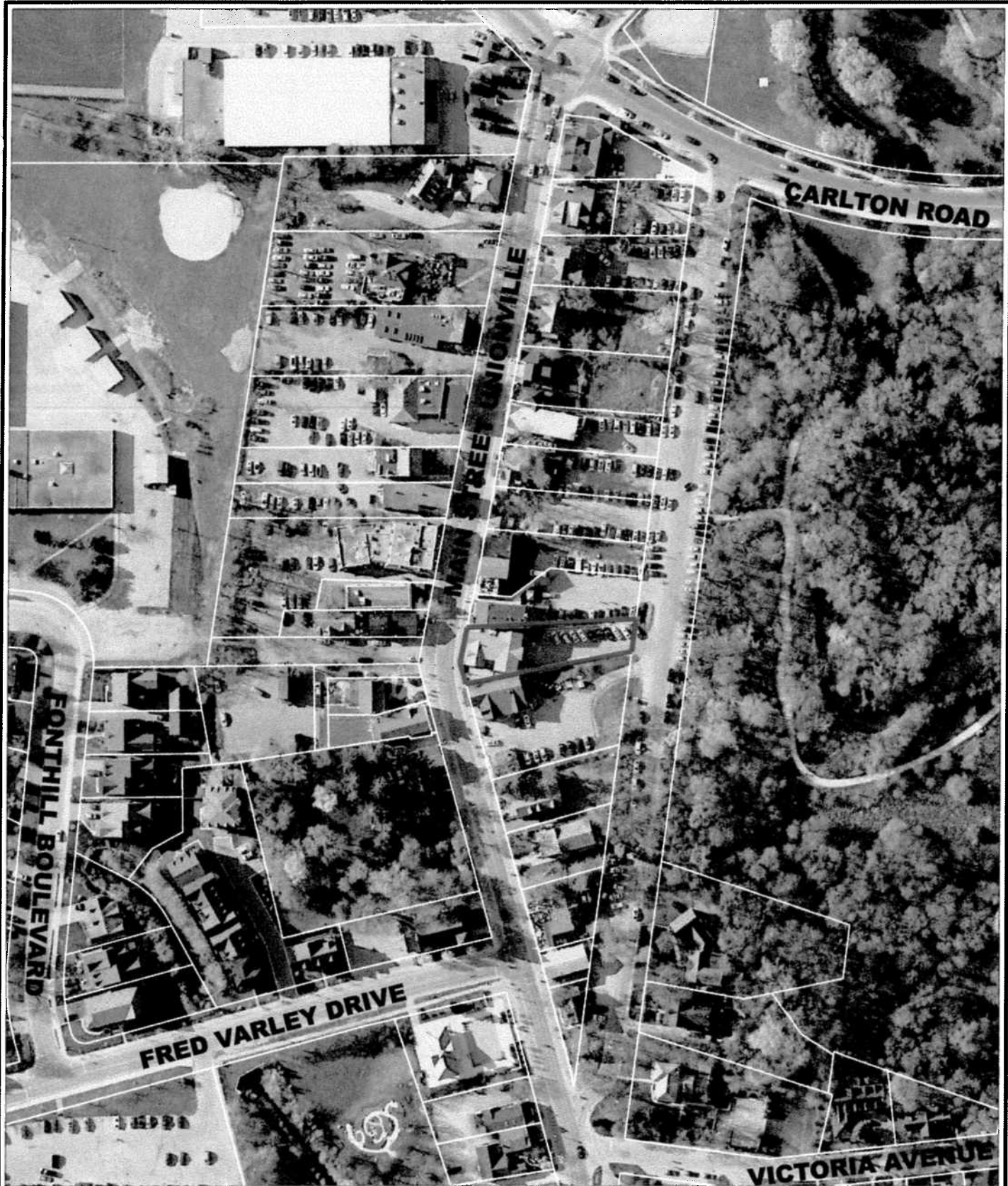
 SUBJECT PROPERTY

DATE: 06/02/08



DEVELOPMENT SERVICES COMMISSION DWN BY:CPW CHK BY:RH SCALE 1:

FIGURE No.2



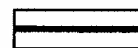
AIR PHOTO (2007)

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DEVELOPMENT SERVICES COMMISSION DWN BY:CPW CHK BY:RH SCALE 1:

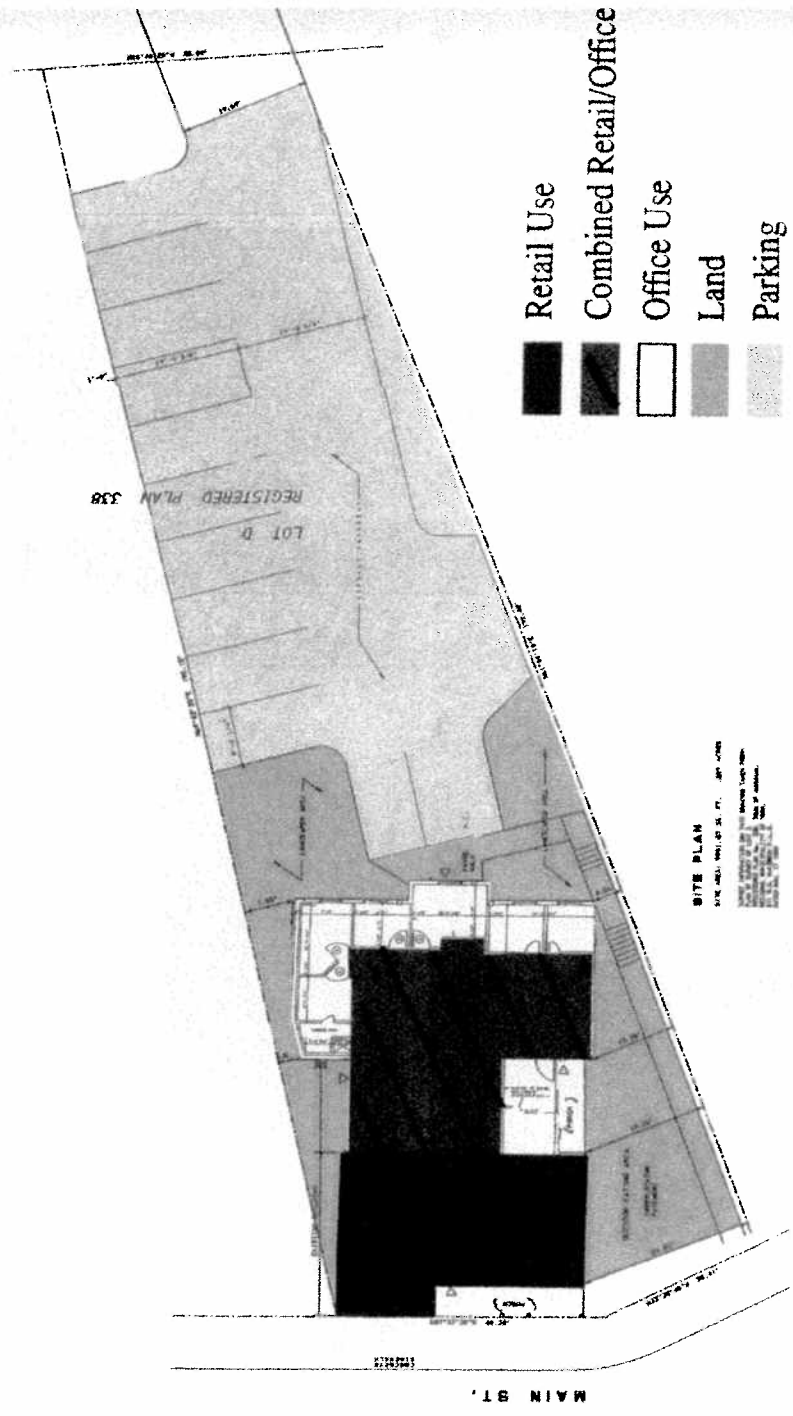


SUBJECT PROPERTY

DATE: 060208



FIGURE No.3



SITE PLAN

APPLICANT: 1456924 ONTARIO LTD.
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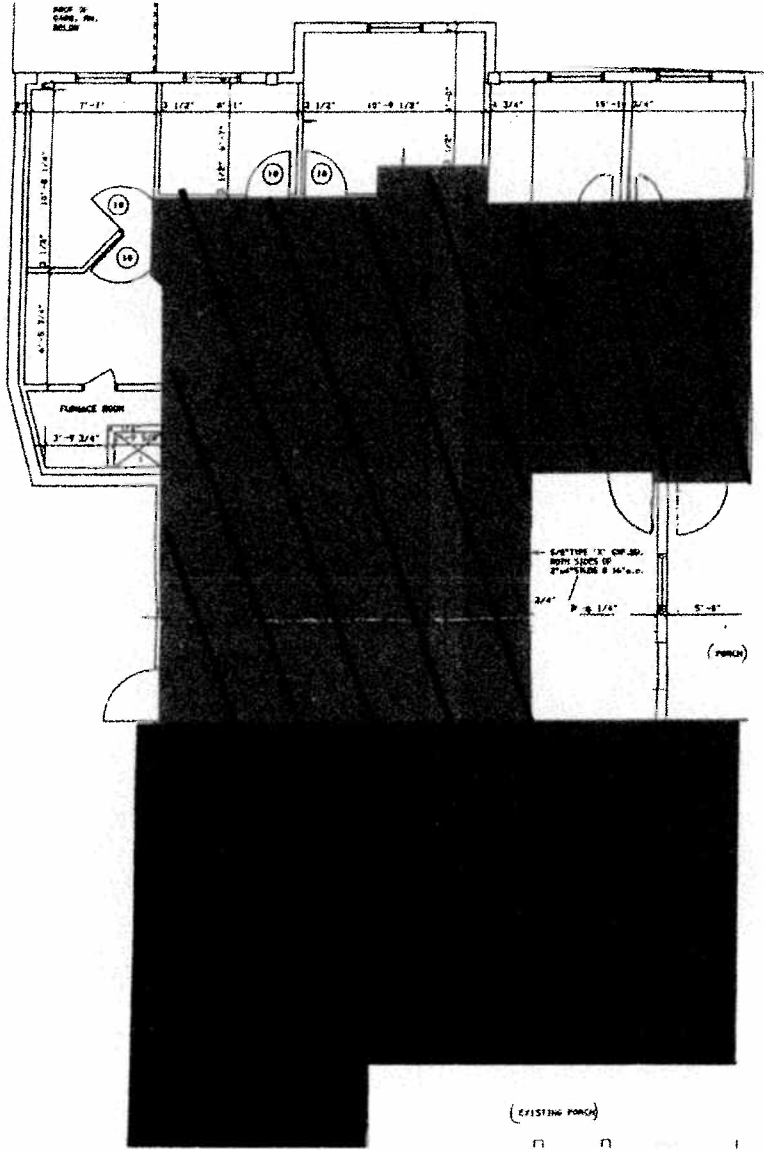
DEVELOPMENT SERVICES COMMISSION

DATE: 06/02/08

FIGURE No.4

DRAWN BY: CPW
 CHECKED BY: RH
 SCALE: 1:

- 161 Main Street - Ground Floor
- Total Office Area Calculation: 48.89 m²
 - Total Retail Calculation: 71.68 m²
 - Total Retail/Office Combo Calculation: 125.79 m²



GROUND FLOOR

APPLICANT: 1456924 ONTARIO LTD.
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DEVELOPMENT SERVICES COMMISSION

DATE: 06/02/08

FIGURE No.5

DRAWN BY: CPW CHECKED BY: RH SCALE 1:



VARLEY

VARLEY ART GALLERY OF MARKHAM

APPENDIX A

December 14, 2007

Ms. Kim Taylor-Galway
Royal LePage - Your Community Realty
Communications Coordinator
8854 Yonge Street
Richmond Hill, ON L4C 0T4

Dear Kim,

The Varley Art Gallery of Markham is appreciative of your efforts to create more opportunities to showcase artists in our community and to add the richness of the Unionville Main Street experience. While there is an opportunity to generate some donations for the gallery and local Breast Cancer campaign at the hospital, this is a value added offering, as the real benefit is in strengthening our cultural community and the visitor experience to Unionville. Thank you to you and your colleagues for demonstrating such leadership. We look forward to working with you.

Kindest regards,


John Ryerson
Director

c.c. Marjorie Bielawski, Volunteer Co-ordinator

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX



To amend the Official Plan (Revised 1987), as amended to incorporate Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12 for part of the Markham and Unionville Planning District (Planning District No. 1).

Applicant
1456924 Ontario Inc.
8854 Yonge Street
Richmond Hill, Ontario L4C 6Z6

Date: December 31, 2007.

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended to incorporate Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12 for part of the Markham and Unionville Planning District (Planning District No. 1).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 122-72 in accordance with the Planning Act, R.S.O. 1990, c. P.13, as amended, on the _____ day of _____, 2008.

Mayor

Town Clerk

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF _____, 2008.

TOWN CLERK

MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

Part I: INTRODUCTION

1.0 GENERAL

- 1.1 PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II – THE OFFICIAL PLAN AMENDMENT, constitutes Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12 for part of the Markham and Unionville Planning District (Planning District No. 1). Part II is an operative part of this Official Plan Amendment.
- 1.3 PART III – THE SECONDARY PLAN AMENDMENT constitutes Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12 for part of the Markham and Unionville Planning District (Planning District No. 1). This Secondary Plan Amendment may be identified by the symbol PD 1-12 –3. Part III is an operative part of this Official Plan Amendment.

1.1 – INTRODUCTION

This Application is to amend section 14.1 of Zoning By-law 122-72, as amended, and section 5.1.3 of the Official Plan Amendment No. 107 (Secondary Plan for the Unionville Core Area) to permit the Applicant to use the rear area of the ground floor of its building located at 161 Main Street, Unionville, as business office space.

The Applicant, 1456924 Ontario Inc., is the owner of the lands legally described as Lot D, Plan 338; Markham, and municipally known as 161 Main Street, Unionville, Ontario. The Applicant purchased the lands in 2001. The

building located on the lands has been zoned as "Heritage Main Street (HMS) Zone" and the uses of same are subject to the Town of Markham's Zoning By-law 122-72, as amended. The said By-law prohibits the use of business or professional offices on the ground floor of buildings located in the HMS zone. The ground floor area of the building is approximately 246 square metres.

Presently, the Applicant leases the frontal, storefront area of the building to a retail tenant which complies with the said By-law. This area comprises approximately 72 square metres. This tenant has exclusive use of the front door that allows direct access to and from Main Street. The signage on the front of the building is exclusive to the retail tenant. The rear area of the ground floor (approximately 49 square metres) is being used by the Applicant as office space and, therefore, this Application is for a site specific exception to the said By-law and Official Plan.

By way of additional background information, in March 2001, the Applicant commenced construction of an addition to the existing building. On January 31, 2002 the Town of Markham issued its Certificate of Completion, (No. 1539) confirming that the work authorized under the building permit for the addition to the building was completed in accordance with, and met the occupancy provisions of, the *Building Code Act*, S.O. 1992, C.23. In 2002, the Mayor of the Town of Markham, Mayor W. Donald Cousens, awarded the Applicant a Heritage Markham 2002 Award of Excellence in recognition of her restoration and complementary addition to a historic commercial building in a heritage conservation district. On November 28, 2002 the Honourable John McCallum, P.C., M.P., Federal Member of Parliament for the Town of Markham awarded the Applicant a Certificate of Recognition of Personal Accomplishment as being the recipient of the 2002 Heritage Markham award of excellence in recognition of her contribution towards the restoration and complementary addition to a historical commercial building.

2. LOCATION

The Secondary Plan Amendment applies to lands legally described as Lot D, Plan 338; Markham, and municipally known as 161 Main Street, Unionville, Ontario.

3. PURPOSE

The purpose of this Official Plan Amendment Application is to permit the use of business and professional office space in the rear area of the ground floor of the Applicant's building at the location described in the preceding paragraph.

4. BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Application is necessary to maximize the full use of the ground floor area space of the subject building. The Applicant requests that consideration be given to the fact that the retail tenant occupies and uses the storefront space of the building and has exclusive use of the front entrance onto Main Street. The space in the rear area of the building that is accessible by a side-door entrance has proven to be less popular and desirable to potential retail tenants because of this accessibility/entrance issue.

The Applicant has been able to put the space into good and prosperous use through office space and does not have the accessibility concerns of a retail tenant. It, therefore, can maximize its rents based on occupancy of the complete ground floor rather than only a portion thereof, namely, the front area.

In addition to the office space usage in the rear of the ground floor of the building, the Applicant proposes and intends to use approximately 126 square metres of ground floor space of the building at 161 Main Street (that will not infringe on any storefront retail or rear office space) to promote and display

local artists' paintings by providing "rent-free" gallery space. The Applicant has already communicated with the local gallery, Varley Art Gallery, to jointly cooperate in allowing local artists to display their works at 161 Main Street. In turn, she will request that the artists donate a portion of any sales of their works to organizations involved in the research for the cure for breast cancer. The project is tentatively titled the "Friends of the Varley Art Gallery Supporting the Breast Health Centre at Markham-Stouffville Hospital".

The Applicant submits that the amendment requested in this Application is reasonable and conforms to the spirit of the By-law and the general intent and purpose of the HMS zone and will not change the character of the heritage area or the Town of Markham's policy with respect to the Main Street retail/commercial merchants.

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical punctuation.
- 1.2 Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Unionville Core Area Secondary Plan PD 1-12, for the Markham and Unionville Planning District (Planning District No. 1), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3 Section 9.2.10 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4 No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to incorporate changes to the Unionville Core Area Secondary Plan PD 1-12, for the Markham and Unionville Planning District (Planning District No. 1). These changes are outlined in Part III which comprises

Amendment No. 3 to the Unionville Core Area Secondary Plan PD
1-12.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to Zoning By-law 122-72, as amended, in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.

PART III – THE SECONDARY PLAN AMENDMENT (PD 1-12-3)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12)

The Unionville Core Area Secondary Plan PD 1-12 for part of the Markham and Unionville Planning District (Planning District No. 1) is hereby amended as follows:

Section 5.1.3 of the Unionville Core Area Secondary Plan PD 1-12 is hereby amended by adding to the end of section 5.1.3:

“Notwithstanding Section 5.1.3, business and professional offices shall be permitted on the ground floor of the commercial property located at 161 Main Street, Unionville, with the location of these uses being specified in the implementing zoning By-law.”

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to Zoning By-law 122-72, as amended.

PART III – THE SECONDARY PLAN AMENDMENT (PD 1-12-3)
(This is an operative part of Official Plan Amendment No. XXX)