

**SUBJECT:** PRELIMINARY REPORT  
1377402 Ontario Inc.  
Application for Zoning By-law Amendment to permit  
Professional Office and Commercial Use  
162 Main Street North, Markham Village  
  
File No. ZA 15 147635

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

**REVIEWED BY:** Regan Hutcheson, Manager of Heritage Planning ext. 2080

---

**RECOMMENDATION:**

- 1) That the report titled “ PRELIMINARY REPORT, 1377402 Ontario Inc., Application for Zoning By-law Amendment to permit Professional Office and Commercial Use, 162 Main Street North, Markham Village, File No. ZA 15 147635” be received;
- 2) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide preliminary information on the Zoning Amendment application to permit professional office and commercial uses at 162 Main Street North in Markham Village. This report contains general information in regards to applicable Official Plan or other policies as well as other issues, and the report should not be taken as Staff's opinion or recommendation on the application.

**BACKGROUND:**

The subject property is located on the west side of Markham Main St. N. between Bullock Drive to the north and Wilson St. to the south, within the Markham Village Heritage Conservation District (See Figure 1-Location Map). The lot has an area of 2,067 m<sup>2</sup> (22,249 ft<sup>2</sup>) and is occupied by a two-storey, single-detached heritage dwelling constructed in 1885. The heritage dwelling is identified as a Class 'A' Heritage building in the Markham Village Heritage Conservation District Plan (See Figure 5- Photograph of the Existing Heritage House). Surrounding uses include:

- The Dixon Garland Funeral Home to the north and west;
- The W.A.C. Hair Salon to the south;
- The Sutton Group and Century 21 Real Estate Offices across the street at 161 and 165 Main Street North.

---

These neighbouring businesses are conducted in former residential buildings that have been converted into commercial or professional office use. (See Figure 3-Aerial Photograph)

**A Public Meeting has been Authorized**

A Statutory Public Meeting to consider the application for June 16<sup>th</sup>, 2015 was authorized through a separate memorandum to Council on May 26<sup>th</sup>, 2015.

**Proposal**

The applicant is proposing to convert the existing heritage dwelling into an insurance office, but does not plan to add on to, or alter the existing structure. In addition to requesting the property to be used as professional office, the applicant requested that Personal Service Shops also be permitted, and the application was deemed complete on May 20, 2015. The applicant also submitted a Site Plan application proposing three additional client parking spaces in the side yard (See Figure 4-Proposed Site Plan). Subsequent to the application being deemed complete, and the Notice of a Public Meeting being posted on the property, the applicant provided another draft By-law requesting additional uses including Medical Clinics as well as conditional permission for Retail, Service Shop, Personal Service Shop and Restaurant use.

**Official Plan and Zoning***Current Official Plan*

The subject property is designated “Urban Residential” in the in-force Official Plan (1987) as amended, which permits a wide range of residential housing forms.

*Markham Main Street Area Secondary Plan (OPA 108)*

The subject lands are also within the Markham Main Street Area Secondary Plan (OPA 108) which amends and provides more detailed guidance on land use policies in this area. The property is designated as “Medium Density 1 Housing / Office” under the “Urban Residential” category of the Secondary Plan. Lands designated “Medium Density 1 Housing / Office permit:

- Detached;
- Semi-detached;
- Duplex;
- Triplex, and;
- Fourplex dwellings.

Business and Professional Offices are also permitted under this designation up to a maximum of 45% of the total gross floor area of the building unless a building by virtue of its size or configuration, is not suitable for mixed residential professional office, where Council may permit a single use only, provided it is located within the existing building.

Due to its size, the existing building would not be suitable for mixed residential business office development therefore re-using the existing building for business and professional offices only would comply with the policies of the Secondary Plan.

However, the applicant has recently proposed a much wider range of commercial uses including Medical Clinics, Retail, Personal Service Shops, Service Shops and Restaurants.

These uses are not permitted by existing secondary plan policies and would require an Official Plan Amendment. The owner has not applied to amend the Secondary Plan.

In order to minimize impacts on adjacent residential use, and to preserve and improve the historic residential appearance of the areas designated as Medium Density 1 Housing / Office, redevelopment shall have regard for the following matters:

- The protection and preservation of any heritage buildings existing on-site;
- The capacity of the site for additional uses, parking and supporting infrastructure;
- The effect of landscaping, setbacks and other amenities in terms of both site development and separation and buffering from adjacent lands;
- The effect of the height and form of development so that there are no adverse effects in terms of overshadowing or loss of amenity;
- The effect of increased traffic so that there are no undue adverse impacts;
- The external design of additions, alterations or new construction so that it shall be in keeping with the area's residential buildings, in terms of size and appearance;
- Buildings to be used for business and professional office use shall not have any exterior indications of the nature of the business carried on, other than one modestly sized, non-illuminated identification sign;
- Provision of adequate off-street parking facilities, located in a sensitive manner relative to site characteristics and appropriately screened from any residential lots and from the street.

In addition to the permitted use policies, Section 5.5 of the Secondary Plan also clearly indicates that ***“The Main Street Commercial Core should not be extended beyond its existing boundaries, as represented by the current commercial zoning,*** but rather its retail function should increase through improvements and intensification. Outside of the Commercial Core, the Secondary Plan Area remains predominantly residential, and the Area is felt to be suited for residential intensification in the form of converted heritage dwellings and limited new medium density residential infilling. ***Office uses in the Area should expand incrementally from the Commercial Core...*** Mixed residential-office uses should be directed to the area immediately north of the Commercial Core up to the CNR.”

*New Official Plan 2014 (not yet in force)*

The subject lands are designated “Residential Low Rise” in the City’s New Official Plan 2014 *(not yet in force)*. The Official Plan also includes “Area and Site Specific Policies” (Section 9.13) that affect the subject property. Section 9.13.4.4 sets out similar permitted uses as contained in the Secondary Plan. It should be noted that this

application has been submitted after the new Official Plan was adopted by Markham Council, and approved by the Region, but is under appeal.

#### *Existing Zoning*

The subject lands are currently zoned “Residential” (R3) (See Figure 2-Area Context Zoning) which permits:

- Detached;
- Semi-detached;
- Duplex;
- Triplex, and;
- Fourplex dwellings.

The applicant is requesting that the subject property be rezoned from (R3) to (C4) under By-law 1229, as amended, to implement the Medium Density 1 Housing / Office designation of the Markham Main Street Area Secondary Plan (OPA 108) and incorporate certain site specific development standards for both the existing building and a future addition.

#### **The Applicant wishes to introduce uses not permitted by the City’s Official Plan and the Markham Main Street Area Secondary Plan (OPA 108)**

In addition to professional office uses, the applicant is seeking permission to use the property for a Medical Clinic, Retail, Service Shop, Personal Service Shop and Restaurant uses. These proposed uses would require an Official Plan Amendment for which the owner has not applied.

#### **The applicant plans to construct a future addition to the existing heritage building**

For the time being, the applicant plans to use the heritage building as it now exists as a professional office. However, the applicant has also indicated to City Staff that they would like to construct an addition to the existing heritage building in the future to accommodate the growth of the business, to provide additional space to be leased to other complementary commercial businesses, and to provide additional client parking. The applicant has therefore requested certain site specific development standards to both recognize the existing heritage building, and to accommodate a future addition. The development standards requested to permit the future addition include a:

- Minimum Side Yard Setback of 0.0m for the north side of the property and a 3.0m (9.8 ft) setback for the south side of the property, whereas the By-law requires a minimum side yard setback of 1.8m (6 ft)
- Minimum Rear Yard Setback of 6m (19.7 ft), whereas the By-law requires a Minimum Rear Yard Setback of 7.5 m (24.6 ft)
- Maximum Building Height of 14m (46 ft), whereas the By-law permits a Maximum Building Height of the lesser of 9.8 m (32 ft) or 2 ½ storeys; and
- Minimum Side Yard Setback of for an Accessory Building of 0.3 m (0.9 ft), whereas the By-law requires a Minimum Side Yard Setback of 1.22m ( 4 ft).

**OPTIONS/ DISCUSSION:**

The following is a brief summary of concerns/issues raised to date. These matters, and any others identified through the circulation and detailed review of the proposal, will be addressed in a final report to Committee:

- The existing driveway is only 2.9 m (9.5 ft) wide which only provides for one way traffic;
- The tandem parking spaces proposed at the rear for office staff do not appear to function properly;
- Site Plan matters including: the potential built form of a future addition, considering that the applicant has requested permission to permit a maximum building height of 14m (46 ft), a rear yard setback of 6 m, a side yard setback for an Accessory Building of 0.3 m, and a north property line setback of 0.0m, which may not be appropriate. Other matters such as vehicular access, parking, and landscaping are currently under review by staff as part of the current site plan application;
- Technical studies including a grading plan, site servicing report and an arbourist report and tree inventory, are currently under review by staff.
- The Commercial uses requested by the applicant are not uses permitted by the in-force Official Plan (1987) as, amended, the City's New Official Plan 2014 (not currently in-force), and the Markham Main Street Area Secondary Plan (OPA 108). These uses would therefore require an Official Plan Amendment and cannot be approved by a Zoning Amendment alone.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not Applicable

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable


**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The application should be considered within the context of the City's growth management and strategic priorities.

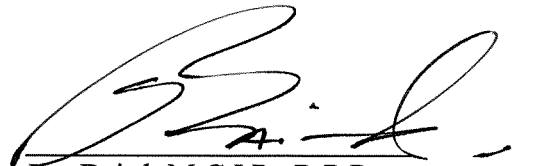
**BUSINESS UNITS CONSULTED AND AFFECTED:**

The application has been circulated to various City departments and external agencies and is currently under review.

**RECOMMENDED BY:**



Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager  
(Acting)



Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Aerial Photograph
- Figure 4: Proposed Site Plan
- Figure 5: Photograph of the Existing Heritage Dwelling

**AGENT:**

Joseph Cimer  
The Grand Circus  
15 Berkeley Crt.  
Markham ON, L3R 6M4

Tel: (416) 705-3370  
Email: tgclua@gmail.com

File path: Amanda\File 15 147635\Documents\Recommendation Report



: Q:\Geomatics\New Operation\2015 Agenda\ZA\ZA15147635\ZA15147635\ZA15147635.mxd N

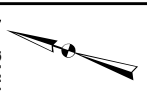
# LOCATION MAP

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

FILE No: ZA\_SC15147635

 SUBJECT LANDS



DATE:05/28/15


FIGURE No. 1



# AREA CONTEXT/ZONING

APPLICANT: 1377402 ONTARIO LTD.  
162 MAIN STREET MARKHAM NORTH

FILE No: ZA\_SC15147635

 SUBJECT LANDS





# AIR PHOTO 2014

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

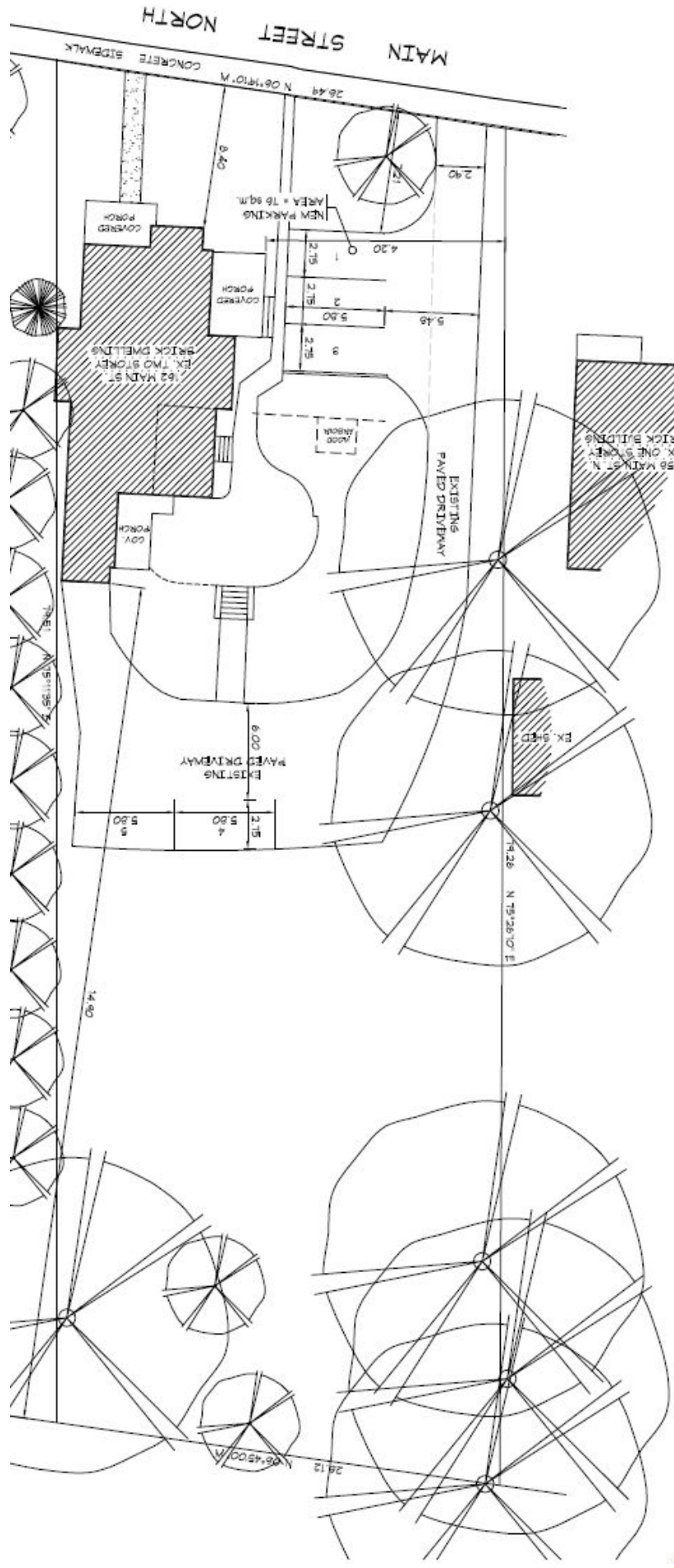
FILE No: ZA\_SC15147635

 SUBJECT LANDS

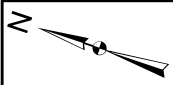
: Q:\Geomatics\New Operation\2015 Agenda\ZA\ZA15147635\ZA15147635\ZA15147635.mxd

DATE:05/28/15





: Q:\Geomatics\New Operation\2015 Agenda\ZA\ZA15147635\ZA15147635\ZA15147635.mxd



# SITE PLAN

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

 SUBJECT LANDS

FILE No: ZA\_SC15147635

DATE: 05/28/15



: Q:\Geomatics\New Operation\2015 Agenda\ZA\ZA15147635\ZA15147635\ZA15147635.mxd

# PHOTGRAPH OF THE EXISTING HERITAGE DWELLING

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

FILE No: ZA\_SC15147635