

Memorandum to the City of Markham Committee of Adjustment

July 8, 2024 (AMENDED)

File: A/048/24
Address: 3026 Elgin Mills Road East, Markham
Applicant: 1691739 Ontario Inc. (Nick Givalas)
Agent: Hilltop Development Corp. (Waqas Ahmad)
Hearing Date: Wednesday July 10, 2024

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the Home Occupation By-law 53-94, as amended, to permit:

- a) **Amending By-law 53-94, Section 1.2(k):**
an in-ground sign advertising a home occupation, whereas the by-law does not permit an in-ground sign advertising a home occupation;

BACKGROUND

Property Description

The 1,446.92 m² (**15,574.52 ft²**) subject property is located at the northeast corner of Elgin Mills Road East and Victoria Square Boulevard. Three (3) structures exist on the subject property including a 1 ½ storey building which is listed on Markham's Heritage Register. The subject property is located within an established residential neighbourhood with large lots known as the historic village of Victoria Square. Surrounding land uses include an office to the north and detached dwellings to the east, south and west.

Proposal

The applicant is proposing to erect an in-ground sign on the property advertising a home occupation (real estate brokerage) within the existing 1 ½ storey building. The proposed sign would be located in the front yard, adjacent to Elgin Mills Road East. No development is contemplated as part of this application.

Official Plan and Zoning

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

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings and home occupations.

Area specific policy 9.5.9 also applies to the subject property and seeks to protect and preserve the integrity of the historic Victoria Square hamlet by ensuring all new development planned is compatible with permitted uses, and building forms and scale, appropriate to the historic features and residential character of the former hamlet. Furthermore, policy 9.5.9.3 provides for non-residential uses on the subject property including, but not limited to offices.

Comprehensive Zoning By-law 2024-19

The subject property is zoned “Residential - Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024-19, which permits among other uses detached dwellings and home occupations. By-law 2024-19 has been appealed to the Ontario Land Tribunal. Until such time as when the By-law has been approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force, which means Zoning By-law 83-73 remains in force.

Zoning By-law 83-73

The subject property is zoned “Single Family Rural (RRH)” under By-law 83-73, which permits single family detached dwellings and home occupations.

Home Occupation By-law 53-94

The intent of the Home Occupation By-law is to enact zoning that permits home occupations and regulates their size and nature. The proposal does not comply with the section 1.2(k), which prohibits signs advertising the home occupation.

Sign By-law 2002-94

The intent of the Sign By-law is to regulate the type and dimensions of signs permitted for specific uses. The proposal complies with the area, height, and illumination requirements of the By-law for what would be deemed as a non-residential permitted use.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Building Department through a Sign Permit application to confirm the variance required for the proposed development.

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.

The applicant is requesting relief from Section 1.2(k) of By-law 53-94 which prohibits signs advertising home occupations. The proposed sign is modest in nature given its size and height. Staff note that Comprehensive zoning by-law 2024-19, although not in full force and effect, would permit signage for home occupations. Furthermore, the 2014 Official Plan contemplates non-residential uses on the subject property which would permit commercial signage. Considering this, staff are of the opinion the proposed ground sign is minor in nature, desirable

for the use of the land and maintains the general intent of the Official Plan and Zoning By-law.

Markham Heritage Staff

The subject property is a listed property on Markham’s heritage registry. As a result, Heritage staff have reviewed the application and have no objection to the variance from a heritage perspective.

PUBLIC INPUT SUMMARY

As of July 3rd, 2024 the City has received eight letters of support. 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 meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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.

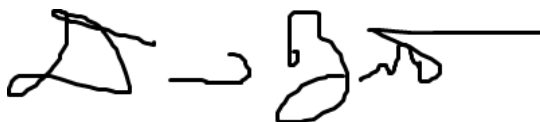
Please refer to Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, Planning and Urban Design Department

REVIEWED BY:



Daniel Brutto, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/048/24

1. The variances apply only to the existing development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, Planning and Urban Design Department

Earnshaw Dr

Victoria Square Blvd

Elgin Mills Rd E

Victoria St



SUBJECT LANDS

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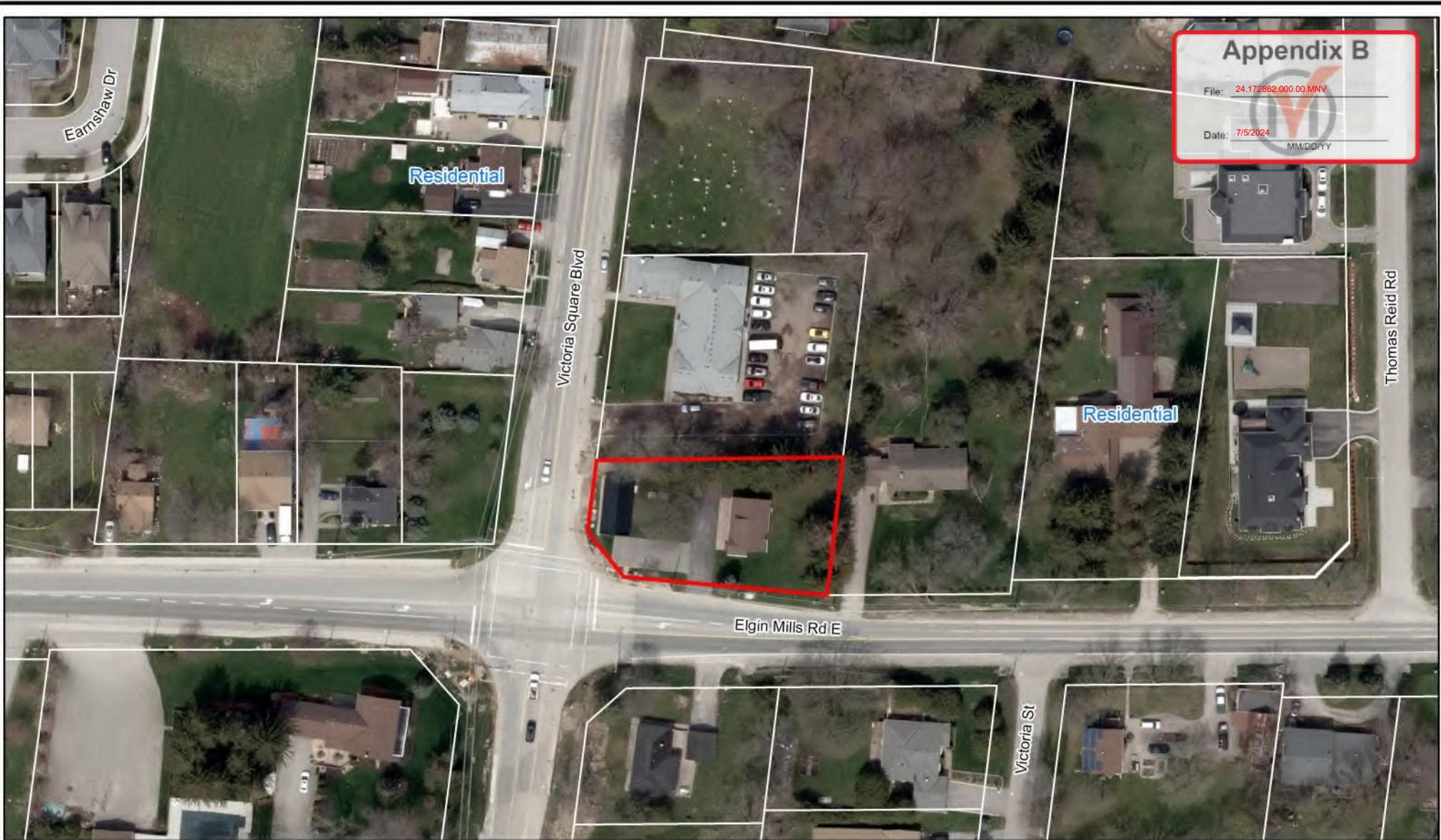
FIGURE No. 1

Appendix B

File: 24.172862.000.MNV

Date: 7/5/2024





Appendix B

File: 24.172862.000.00.MNV

Date: 7/5/2024

MM/DD/YY

AERIAL PHOTO (2023)

APPLICANT: Nick Givalas
3026 Elgin Mills Road East

FILE No. PLAN 24 172862

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 SUBJECT LANDS

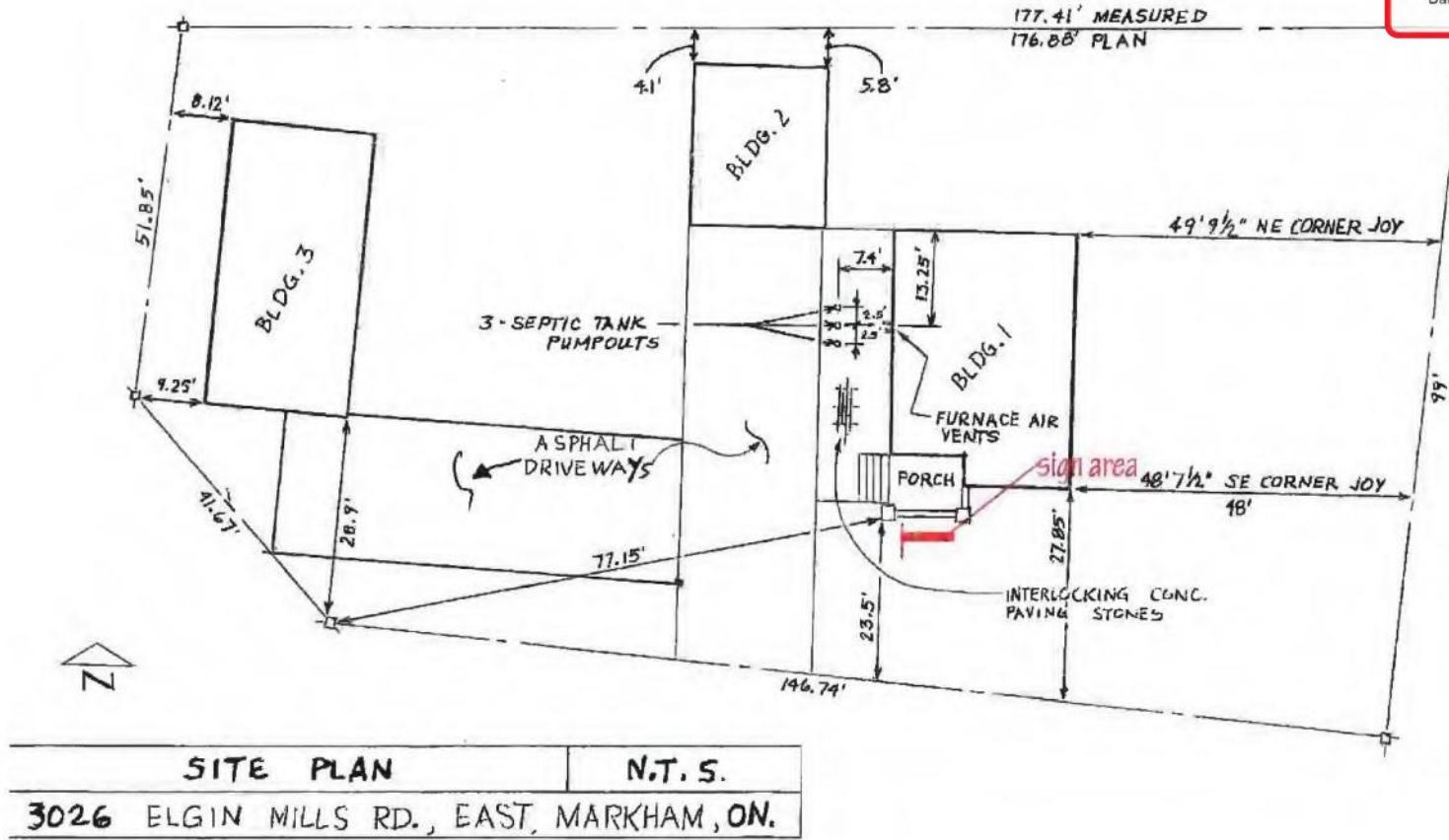


Appendix B

File: 24.172862.000.00.MNV

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MM/DD/YY



SITE PLAN

APPLICANT: Nick Givalas
3026 Elgin Mills Road East

FILE No. PLAN 24 172862

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RENDERINGS

Appendix B

File: 24.172862.000.00.MNV

Date: 7/5/2024



NORTH ELEVATION

APPLICANT: Nick Givalas
3026 Elgin Mills Road East

FILE No. PLAN 24 172862

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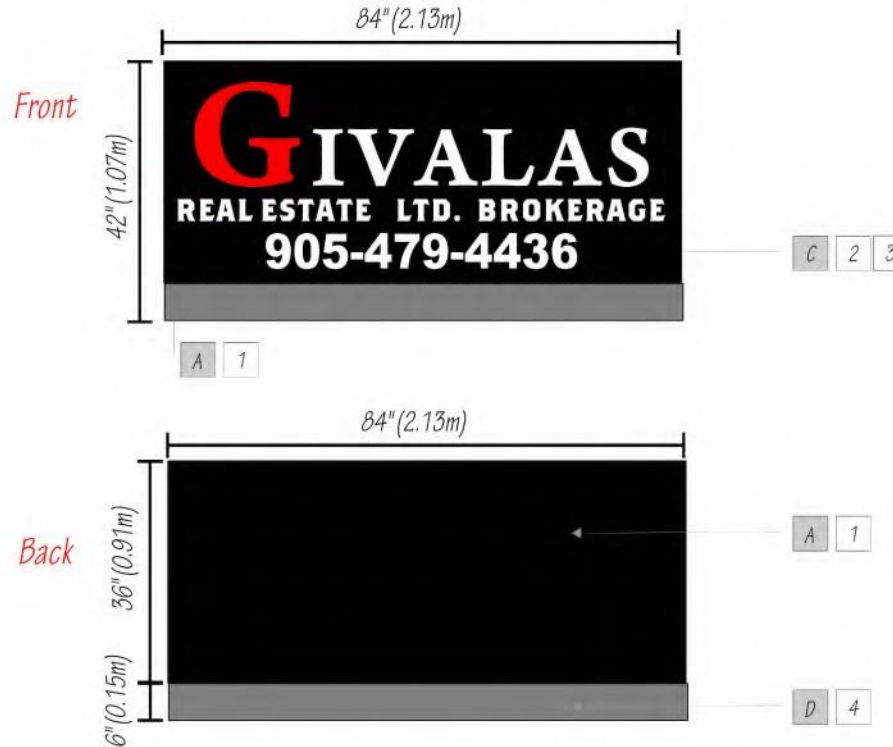
SIGN DETAILS

Single side Ground Sign

Appendix B

File: 24.172862.000.00.MNV

Date: 7/5/2024



ITEM#	DESCRIPTION	ITEM#	COLOUR	DESCRIPTION	
A	2mm Aluminum Sheet	1	Black	Black	n/a
B	1" Extrude U Shape Aluminum	2	Red	Red	n/a
C	3/4mm push through acrylic	3	White	White	n/a
D	Concrete Base	4	Grey	Grey	n/a
E		5			
F		6			
G		7			

- All sizes to be confirmed up on site check.
- All colours to be confirmed by client.
- Client will pin points exact position at site.
- This drawing is for concept only, not for quotation & production.
- This is the final free of charge revision, the next change is subject to a service fee of \$50.00 per change.
- This change is subject to a service fee of \$50.00 per change.
- Refer to structural drawing before fabrication & installation.
- Size subject to city approval.

SIGN DETAILS

APPLICANT: Nick Givalas
3026 Elgin Mills Road East

FILE No. PLAN 24 172862

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