

# Memorandum to the City of Markham Committee of Adjustment

October 22, 2024

**File:** B/021/24  
**Address:** 189-193 Main Street (Unionville)  
**Applicant:** Gregory Design Group  
**Hearing Date:** Wednesday, October 30, 2024

The following comments are provided on behalf of Heritage Section staff ("Staff") for the properties municipally known as 189 and 193 Main Street (the "Subject Properties" or the "Properties"):

The applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 6.95 metres and an approximate lot area of 378.539 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 12.50 metres and an approximate lot area of 715.375 square metres (Part 1).

as it relates to a lot line adjustment to consolidate the southerly portion of 193 Main Street with the abutting lands at 189 Main Street.

## BACKGROUND

### Property Description

The Subject Properties are located on the east side of Main Street between Fred Varley Drive to the south and Carlton Road to the north. The Properties are both designated under Part V of the Ontario Heritage Act as constituent parts of the Unionville Heritage Conservation District.

### Proposal

The Subject Properties currently contain a one-storey commercial building located on 193 Main Street and a one-storey commercial building composed of two interconnected volumes on 189 Main Street. The northern volume is currently bisected by the property line between 189 Main Street and 193 Main Street. This application will adjust the lot line to consolidate the southerly portion of 193 Main Street currently containing the northerly one-storey volume with the remainder of the commercial building on at 189 Main Street.

## POLICY AND ZONING

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

### Land Use

The Subject Properties are designated "Mixed Use Heritage Main Street" within the Official Plan ("OP") which provides for limited residential uses and a variety of commercial uses that "support a traditional shopping experience in an historic commercial main street setting where at-grade uses are predominantly retail".

### Consents

The OP provides direction on the granting consents in Section 10.3.2 and these policies have been reviewed as part of this application. As noted in this section, consents can be

used for boundary adjustments to existing lots and to convey additional lands to an adjacent lot, provided a lot smaller than that otherwise permitted is not created.

### Heritage Conservation Policies

The Official Plan also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

From a heritage conservation policy perspective, two of the overall goals of the Official Plan are “to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale” and “to celebrate Markham’s unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community” (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and severance approval and associated agreements (Section 4.5.3.9); and
- To evaluate each land severance and variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street or in the immediate neighbourhood where it contributes to the uniqueness, and forms part of, the historical character of the area. (Section 4.5.3.10).

### Unionville Heritage Conservation District Plan

The Council-adopted Unionville Heritage Conservation District (the “UHCD”) Plan contains policies and guidelines intended to manage change within the UHCD in a manner that conserves its cultural heritage significance. As the Subject Properties are contained within the UHCD, any development application is reviewed to ensure conformance with the Plan.

### **Zoning**

The Subject Properties are zoned Mixed Use Heritage Main Street – Unionville village [MU-HMS(U)] under By-law 2024-19, as amended, which permits “a variety of pedestrian oriented retail, office, service and restaurant uses at-grade that contributes to the unique quality of this well-known historic area”.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

A Zoning Preliminary Review (ZPR) has not been conducted. It is the applicant’s responsibility to ensure that the application has accurately identified any variances to the Zoning By-law triggered by the proposed consent. If the need for variances is identified at a future date, variance application(s) will be required to address the non-compliance.

The proposed consent will reduce the frontage and lot area of 193 Main Street and increase the frontage and lot area of 189 Main Street.

## **COMMENTS**

The proposed lot line adjustment will consolidate the structures currently associated with the commercial use at 189 Main Street within the same legal parcel. This will facilitate any potential future redevelopment of 189 Main Street. It is also the opinion of Staff that the the proposed lot line adjustment will not adversely impact the heritage character of the UHCD as described in Section 2.1 (“District Character”) of the UHCD Plan and complies with land use and consent policies (note that the apparent zoning compliance is based on feedback from the applicant that has not been confirmed via ZPR). As such, there is no objection to the proposed consent application from either a land-use or heritage perspective.

## **HERITAGE MARKHAM**

The Heritage Markham Committee considered the application at its meeting on September 11, 2024 and had no objection to the consent application. Refer to Appendix “E” for a copy of the meeting extract.

## **EXTERNAL AGENCIES**

### **Toronto and Region Conservation Authority**

The Subject Properties are situated on TRCA-regulated lands associated with the Rouge River Watershed. TRCA provided comments on September 13, 2024 indicating that they have no concerns subject to the condition outlined in their letter included within Appendix “F”.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 23, 2024. 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**

Staff have reviewed the proposal within the context of the criteria in Section 51(24) of the Planning Act. Staff recommend that the proposed consent application (B/021/24) be approved subject to conditions in Appendix “A”.

PREPARED BY:



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Evan Manning, Senior Heritage Planner

REVIEWED BY:

A handwritten signature in black ink, appearing to read "R. Hutcheson". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Regan Hutcheson, Manager, Heritage Planning

**APPENDIX “A”**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/021/24**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/021/24, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of ICI lots per City of Markham Fee By-law 211-83, as amended.
5. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
6. Confirm that there are no existing easements registered on title that will be impacted by the proposed severance
7. Provide a functional servicing plan to show that any and all existing services for the Retained Lot do not traverse the Severed lot.
8. Submission of a Solicitor’s Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/021/24, title to Part 2 on the Draft Reference Plan submitted with File B/021/24 will merge with title to the lands municipally known as 189 Main Street, and legally described as Part 6 on Plan 65R-14734, all to the satisfaction of the Director of Planning and Urban Design or designate.
9. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
10. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “F” to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.
11. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Evan Manning', written in a cursive style.

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Evan Manning, Senior Heritage Planner

**APPENDIX "B"**  
**PROPERTY MAP**



A property map showing the relationship between 189 Main Street and 193 Main Street. Note how the current lot line passes through the Unionville Arms Pub & Grill (Source: City of Markham)

**APPENDIX "C"**  
**IMAGE OF 189 & 193 MAIN STREET**



Primary (west) elevations of the commercial buildings at 189 Main Street [right] and 193 Main Street [left]. The current lot line severs the smaller portion of the Unionville Arms [centre] from the rest of the business in the larger building immediately to the south (Source: Google)

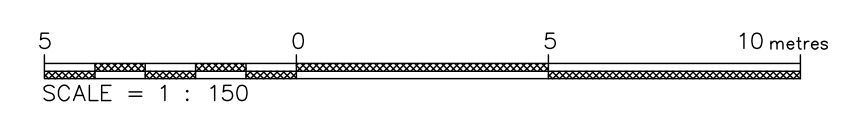


**APPENDIX "D"**  
**REFERENCE PLAN**

SCHEDULE				
PART	PART OF LOT	CONCESSION	ALL OF PIN	AREA
1	12	5	PIN 02966 -0127 (LT)	715.376 m <sup>2</sup>
2	12			378.539 m <sup>2</sup>

\*PARTS 1 AND 2 COMPRISED ALL OF PIN 02966 -0127 (LT).

**PLAN OF SURVEY OF  
 PART OF LOT 12  
 CONCESSION 5  
 TOWN OF MARKHAM  
 (REGIONAL MUNICIPALITY OF YORK)**



A. AZIZ SURVEYORS INC., O.L.S.  
 METRIC; DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A & B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD 83 (CSRS V6) (EPOCH 2010.00)

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SOKKIA GPS (RTK) NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17, NAD 83 (CSRS V6) (EPOCH 2010.00). COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O. REG. 216.10 AND CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
A	4858582.390	635616.794
B	4858659.484	635604.108

DISTANCE SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCE AND CAN BE USED TO COMPUTE GRID DISTANCE BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9999011

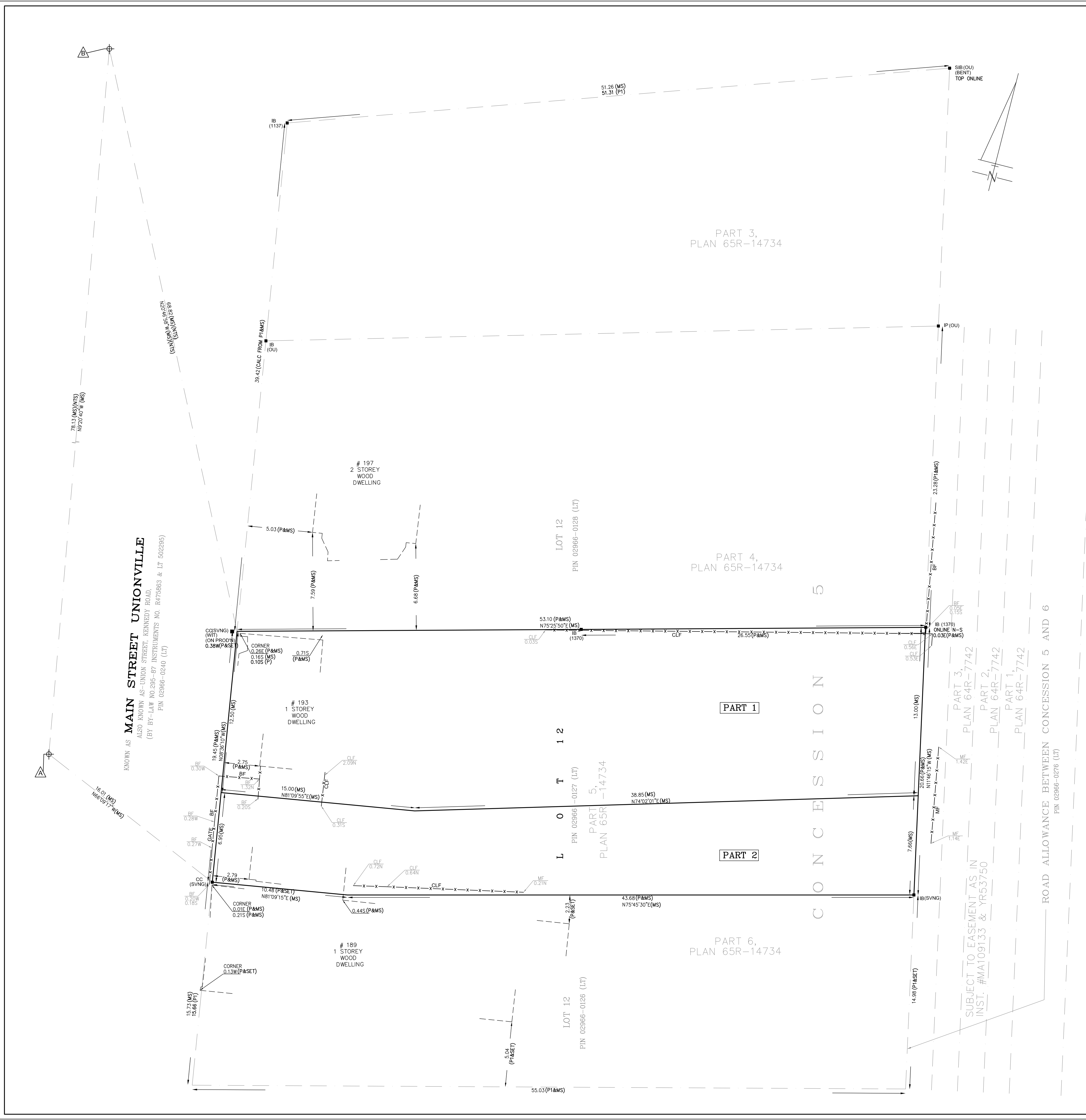
- LEGEND:
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB = STANDARD IRON BAR
  - IB = IRON BAR
  - N.E.S.W = NORTH, EAST, SOUTH, WEST
  - OU = ORIGIN UNKNOWN
  - MS = MEASURED
  - BF = BOARD FENCE
  - CLF = CHAIN LINK FENCE
  - MF = METAL FENCE
  - RP = REGISTERED PLAN 1887
  - P = SURVEY BY SPEIGHT, VAN NOSTRAND & GIBSON LTD.
  - P1 = PLAN 65R-14734
  - SVNG = SPEIGHT, VAN NOSTRAND & GIBSON O.L.S.
  - 1137 = R.G.McGIBBON O.L.S.
  - 1370 = VACARBAR O.L.S.
  - N/S = NOT TO SCALE
  - CALC = CALCULATED
  - PRODN = PRODUCTION

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 6th DAY OF MAY, 2024.

DATE: MAY 22, 2024  
 A. ABDELSHAHID  
 ONTARIO LAND SURVEYOR

**A. AZIZ SURVEYORS INC**  
 ONTARIO LAND SURVEYORS  
 120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7  
 Tel. (905) 237-8224 Fax: (416) 477-5465  
 Website: M-Azizsurveyors.ca  
 E-Mail: aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
24-077	193 MAIN STREET (SR-PR)
DRAWN BY: E.M	CHECKED BY: A.A



**APPENDIX "E"**  
**HERITAGE MARKHAM EXTRACT**



## HERITAGE MARKHAM EXTRACT

Date: September 27, 2024

To: R. Hutcheson, Manager of Heritage Planning  
P. Wokral, Senior Heritage Planner  
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM #6.3 OF THE NINTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON SEPTEMBER 11, 2024

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### 6. PART FOUR - REGULAR

#### 6.3 COMMITTEE OF ADJUSTMENT APPLICATION

##### PROPOSED LOT LINE ADJUSTMENT 189 & 193 MAIN STREET, UNIONVILLE (16.11)

File Number:  
B/021/24

##### Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the consent application for 189 & 193 Main Street;

AND THAT Heritage Markham delegates review of the following future consent applications to Heritage Section staff provided that the Ward Councillor has no objection to the proposal from a heritage perspective:

- Lot line adjustments that do not involve the creation of new building lots;
- Partial discharge of mortgage;
- Consent related to mortgage, easement, lease of 21 years or more;
- Validation of title;
- Re-establishment of a previously existing lot line; and
- Re-Application of Provisionally approved Consent without completion of conditions within statutory timeframe (Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent)

**Carried**

**APPENDIX "F"**  
**TRCA LETTER**

September 16<sup>th</sup>, 2024

CFN PAR-DPP-2024-00247

**BY E-MAIL ONLY (e-mail address)**

Dear Evan Manning

**Re: Consent Application – (B/021/24)**  
**193 Main Street,**  
**Part of Lot 12, Concession 5, Markham**  
**(Carlton Road and Main Street)**  
**Applicant: Gregory Design Group (Shane Gregory)**  
**Owner: Unionville Hospitality Inc.**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced application, received by TRCA on August 28th. A list of materials reviewed by TRCA staff has been included in Appendix A. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

**Purpose of the Application**

TRCA staff understand that the purpose of this application is to facilitate a lot line adjustment to consolidate a portion of the property at 193 Main Street with the abutting lands to the south, being 189 Main Street. This would involve:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 12.50 metres and an approximate lot area of 715.375 square metres (Part 1); and
- b) **retain** a parcel of land with an approximate lot frontage of 6.95 metres and an approximate lot area of 378.539 square metres (Part 2).

**Background**

TRCA has been involved in reviewing a Concept Development Application (CFN 70380.01) at 193 Main Street, which proposes to construct an addition to the rear of an existing heritage building (used for retail) for commercial purposes. However, the CDA is still under review and has not yet been finalized, supported, or concluded.

**TRCA Land Division Requirements**

The severed and retained portions of the property both are within TRCA's Regulated Area as they contain Floodplain Hazards associated with a tributary of the Rouge River Watershed.

Section 3.1.1 (b) of the Provincial Policy Statement (PPS) requires that development be located outside of lands impacted by an erosion hazard. The PPS includes "the creation of

new lots” within its definition of “development”. The requirements of the PPS are reflected in TRCA’s The Living City Policies which similarly direct development away from natural hazards.

Although natural features/hazards are located within both the severed and retained portions of the existing property, no new lot creation is being proposed. Therefore, as defined under the Conservation Authorities Act (CA Act), no new development is proposed.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the retained portion of the subject property.

### **TRCA Review Fee**

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Land Division application is subject to a fee of \$2500 (Consent/ Severance/ Land Division - Standard). The applicant is responsible for fee payment within 60 days of the Land Division Committee hearing date.

### **Recommendations**

Based on the comments provided above, TRCA staff have **no objection** to the approval **B/021/24** subject to the **conditions** identified in Appendix B.

**Please be advised that TRCA's conditional approval of the current Consent Application does not guarantee any approval of future permit applications within the subject properties. Those applications will need to go through a proper technical review process.**

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira

Planner 1

Development Planning and Permits | Development and Engineering Services

437-880-2416

Matthew.pereira@trca.ca

Attached: Appendix A: Materials Reviewed by TRCA  
Appendix B: TRCA Conditions of Approval

## **Appendix A: Materials Reviewed by TRCA**

The following materials were received by TRCA on August 28, 2024:

- Draft R-Plan, prepared by A. Aziz Surveyors Inc, dated May 6, 2024.
- Property Survey, prepared by Speight, Van Nostrand & Gibson Limited, dated March 1, 2023.
- Cover Letter, prepared by Gregory Designs, dated June 30, 2024



**Appendix B: TRCA Conditions of Approval**

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$2,500 within 60 days of the committee hearing date.