

Memorandum to the City of Markham Committee of Adjustment

July 18, 2023

File: A/117/23
Address: 313 Main St N Markham
Applicant: Buddhist Prajna Temple (Xu Zhao)
Agent: Laxman Patel Architect (Laxman Patel)
Hearing Date: Wednesday, July 26, 2023

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended, to permit:

1. **By-law 1229, Section 6.1:** an expansion of a legally non-conforming use (place of worship), whereas a Residential Use is the sole use permitted;

as it relates to the planned extension of a legal non-conforming place of worship.

BACKGROUND

Property Description

The subject property is located on the east side of Main Street North in a predominantly residential section of the Markham Village Heritage Conservation District located north of Bullock Drive, and south of Sixteenth Avenue (Refer to Figure 1-Location Map). The property is occupied by a historic place of worship constructed in the late 19th century now occupied by the Buddhist Prajna Temple. The original brick church building was extensively altered in the mid-20th century leaving only portions of the 19th century building visible from the north, south and east. (Refer to Figure 2- Photographs of the Existing Building and Place of Worship).

Proposal

The applicant is proposing to expand the building by creating a glazed atrium on the north side of the building located between two existing 20th century additions to the building (Refer to Appendix 'B' - proposed site plan, elevations, and renderings).

Official Plan and Zoning

Official Plan 2014

The City of Markham Official Plan 2104 designates the subject property "Residential Low Rise". This designation provides for the following building types, detached, and semi-detached dwellings, townhouses excluding back to back townhouses and small multiplex buildings containing 3 to 6 units.

However, within "Residential Low Rise" areas, local institutions such as *public schools* and *places of worship* will be situated in appropriate accessible locations on major collector or arterial roads to provide easy access for residents.

Section 8.2.1.2 of the 2014 Official Plan provides for the use of a *Place of Worship* in all Residential designations in accordance with Section 8.13.7 which permits additions to existing *Places of Worship* where Council is satisfied that the use, site, and layout:

- Will not result in significant impacts on traffic;
- Provides adequate and appropriate access for vehicles, accessibility by pedestrians and existing availability of public transit within a short walking distance;
- A building form that is compatible in scale that enhances the character of surrounding uses including adjacent heritage features;
- Provides for appropriate on-site open spaces and landscaping that contribute to the enhancement of the place of worship facility and surrounding uses;
- Provides for appropriate buffering in the form of visual screening planting and/or fencing between the *place of worship* use and adjacent residential uses, where required;
- Manages and mitigates the potential impact of noise, light, traffic and parking on the surrounding community; and
- Provides for sufficient on-site parking;

Zoning

The subject property is zoned R1 Residential One – under By-law 1229, as amended. The existing building is a historic church constructed in the late 19th century that has been expanded and continually used a place of worship for approximately 140 years, long before the passing of the zoning By-law. Permission under Section 45(2)(a) of the Planning Act is required to add to the existing building due to its legal, non-conforming status.

Zoning Preliminary Review

The applicant has not applied for a Zoning Preliminary Review. If additional variances are identified during the building permit process, a new application to the Committee of Adjustment will be required.

COMMENTS

Heritage Markham

Heritage Markham reviewed the Minor Variance application at their meeting of July 12, 2023 and had no objection to the requested variance from a heritage perspective. Heritage Markham will be reviewing the proposed development in more detail within the context of the accompanying Site Plan Control application SPC 22 263550.

Engineering and Urban Design

The City's Engineering Department has provided no comment and the City's Urban Design Section has indicated they have no objection to the requested variance.

Heritage Planning

Although the planned additions and alterations to the building do not restore the 19th century church building to its original appearance, which is an objective of the Markham Village Heritage Conservation District Plan, Heritage Section staff are satisfied that the proposed additions do not negatively impact the existing heritage attributes of the original building, and are sensitively designed to be reversible, should a future owner of the property wish to restore the 19th century building to its original appearance.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 18, 2023. 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

The Planning Act states in Section 45 (2):

- a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, [the committee] may permit,
 - i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day of the by-law was passed, or a use permitted under sub-clause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in conjunction therewith on the day the by-law was passed, or
 - ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose previously prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

R.S.O. 1990, c. P.13, s. 45 (2)

Planning staff have evaluated the application pursuant to the criteria set out in Section 45 (2) of the Planning Act. It is the opinion of Planning staff that based on the analysis provided in this report, the Minor Variance application for an addition to an existing building with a legal, non-conforming use that was in place long before the passing of the By-law is appropriate, and supports sensitively designed additions and alterations that do not negatively impact the existing heritage attributes of the original 19th century building.

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 requirements of the Planning Act for the granting of minor variances.

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

PREPARED BY:



Peter Wokral, Senior Heritage Planner

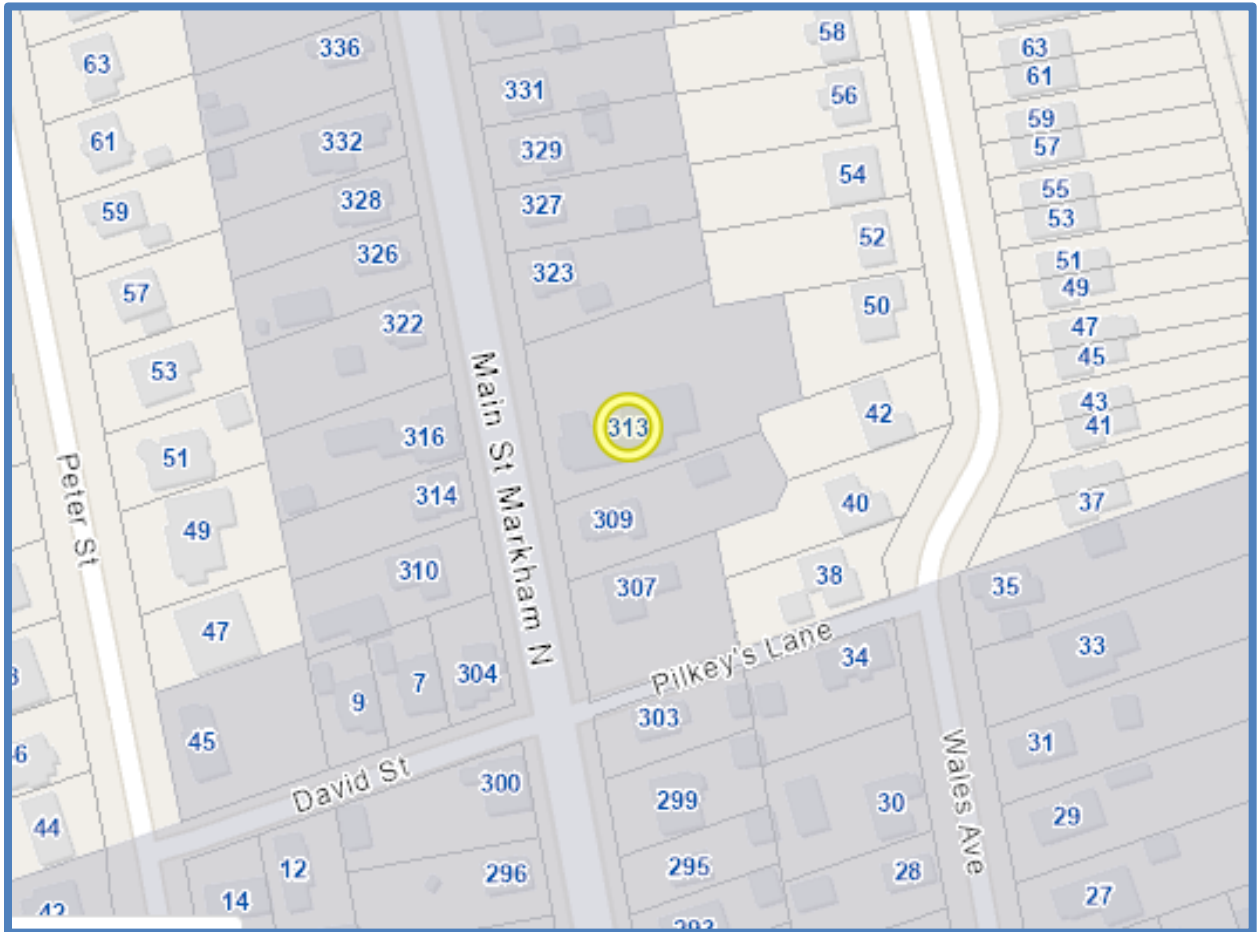
REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\23 126491 \Documents\District Team Comments Memo

Figure 1- Location Map



Markham Village Heritage Conservation District is shaded in blue

Figure 2- Photographs of the Building and Place of Worship



View looking southeast from Main Street North



View looking northeast from Main Street North

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/117/23

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as 'Appendix B' to this Staff Report and received by the City of Markham, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;

CONDITIONS PREPARED BY:

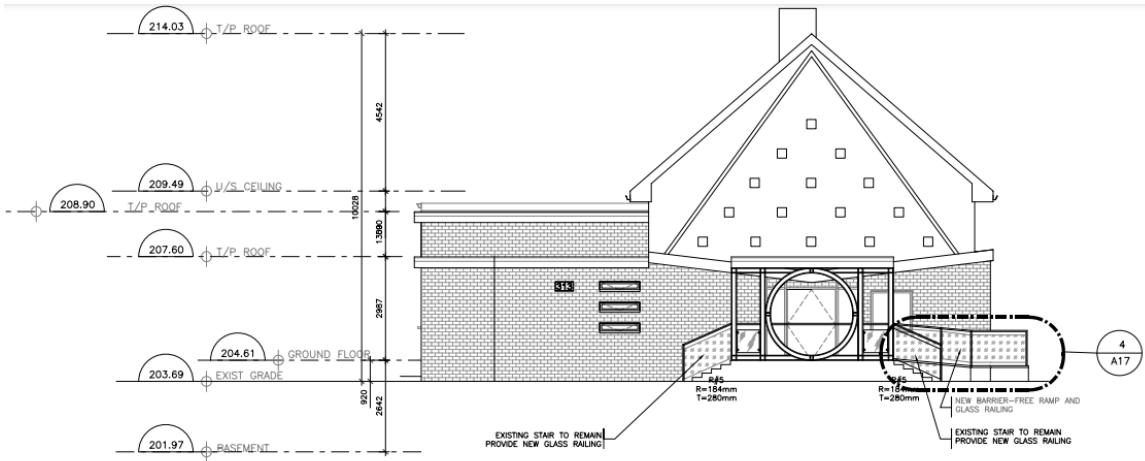
A handwritten signature in black ink, appearing to read "Peter Wokral", is written over a light gray rectangular background.

Peter Wokral, Senior Heritage Planner

APPENDIX "B"

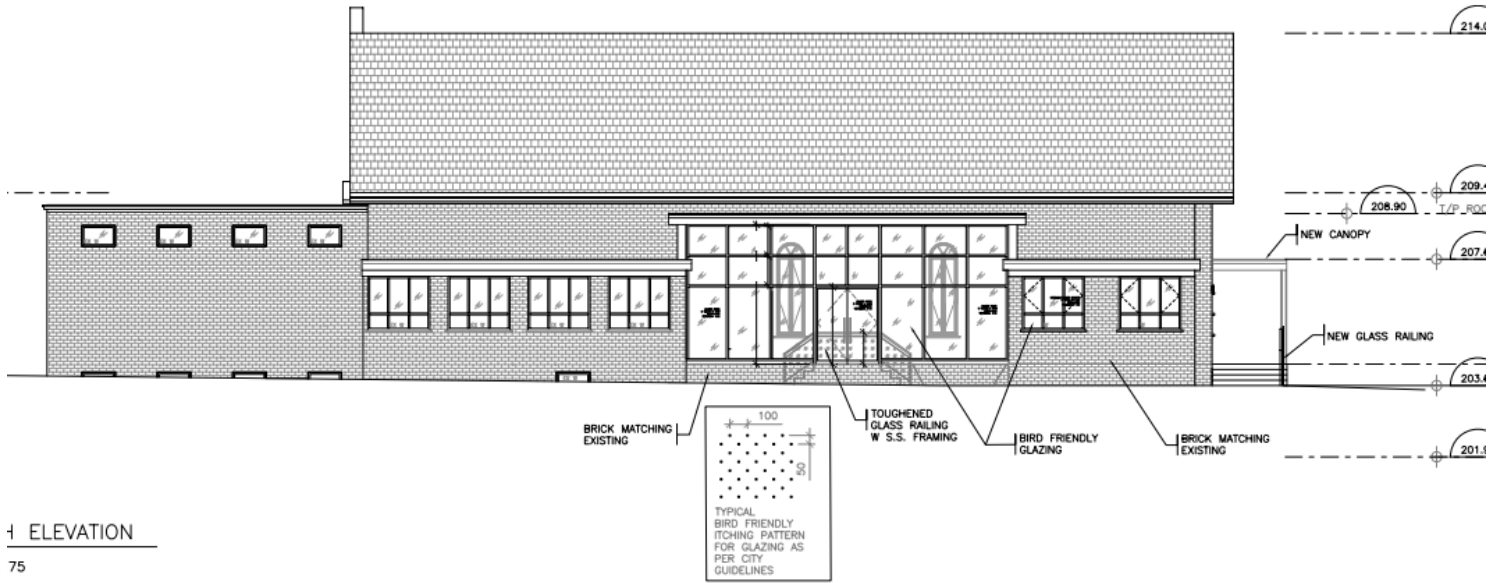


Proposed Site Plan



2 WEST ELEVATION
A/12 SCALE:1:75

Proposed West Elevation



1 ELEVATION

Proposed North Elevation



View looking southeast from Main Street North



View looking south from existing parking lot