Memorandum to the City of Markham Committee of Adjustment March 28, 2025

File:A/016/25Address:8330 Woodbine Avenue, MarkhamAgent:API Development Consultants Inc. (Natalia Garavito)Hearing Date:Wednesday, April 2, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Commercial (COM), as amended, to permit:

a) <u>By-law 2024-19, Section 5.2.5 A):</u>

61 parking spaces with a minimum length of 5.5 m, whereas the by-law requires a minimum length of 5.8 m;

b) By-law 2024-19, Section 5.8.1:

a minimum of 1 loading space, whereas the by-law requires a minimum of 4 loading spaces;

c) <u>By-law 2024-19, Section 8.3.1.2 (G)</u>:

a maximum building height of 48 m above average grade, whereas the by-law permits a maximum building height of 46 m above average grade;

d) By-law 2024-19, Section 8.3.1.2 (I):

a minimum landscaping strip abutting an interior side lot line or rear lot line of 1.15 m, whereas the by-law requires a minimum landscaping strip of 3 m;

e) By-law 2024-19, Section 8.3.1.2 (J):

a minimum landscaping strip abutting a front lot line or exterior side lot line of 2 m, whereas the by-law requires a minimum landscaping strip of 3 m;

f) <u>By-law 2024-19, Section 4.8.8 (B):</u>

a roof canopy overhang encroachment of 5.75 m into the required rear yard setback, whereas the by-law permits a maximum encroachment of 0.9 m;

g) By-law 2024-19, Section 5.2.6 (C):

a maximum of 29 dead end parking spaces on a parking aisle, whereas the by-law permits a maximum of 6 dead end parking spaces on a parking aisle;

h) By-law 2024-19, Section 5.2.8 (B):

a minimum parking aisle projection beyond the adjacent parking spaces to the parking aisle terminus of 0.9 m, whereas the by-law requires the full width of the aisle to project 1.2 m beyond the adjacent parking spaces to the parking aisle terminus; and

i) By-law 2024-19, Section 8.3.1.2 (I) (J):

electric vehicle charging stations to be located within the required landscaping strip, whereas the by-law does not permit electric vehicle charging stations to be located within the required landscaping strip.

as it relates to a proposed hotel.

BACKGROUND

Property Description

The 11,574 m² (124581.5 ft²) subject property is located on the west side of Woodbine Avenue, south of Highway 7 and east of Highway 404, and is located within the Woodbine Major Transit Station Area (MTSA), as established in the York Region Official Plan, 2022. The subject property is "L" shaped and includes 1 of the 3 lots bound by Perth Avenue to the north, Woodbine Avenue to the east, Lanark Road to the south, and Cochrane Drive to the west (the "Subject Property"). Currently, the Subject Property is occupied by a 2-storey hotel known as the "Comfort Inn". Various commercial uses surround the subject property, including restaurants, retail and a self-storage facility.

Proposal

The applicant is proposing to construct a branded Hotel 'HOME 2 & TRU ' by Hilton. The proposed development includes a new 14-storey hotel with 192 Rooms, 3 floors of amenities including the basement and 12 floors of rooms. The applicant is currently retaining the existing motel fronting on Lanark Drive, and is expected to be re-branded as "Spark by Hilton". A total of 222 parking spaces will be provided as part of the proposal for the existing and proposed hotel uses.

A future Site Plan Control (SPC) application will be required to permit the proposed development, including additional parking spaces.

Official Plan and Zoning

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

The subject property is designated "Commercial", which permits a wide range of office, service and retail uses, including hotels. In addition, the Subject Property is subject to Area Specific Policy 9.20. The objective of this policy is to provide for a mixed-use key development area that functions as part of a regional corridor and integrates a balance and diversity of residential, retail, office and public uses, at transit-supportive densities along Highway 7 East.

Zoning By-Law 2024-19

The subject property is zoned COM under By-law 2024-19, as amended, which permits hotels. The proposal does not comply with respect to the parking spaces, loading spaces, building height, landscape strip, roof canopy, parking aisle, and electric vehicle charging stations. Further details are provided in the comment section below.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 3, 2025 to confirm the variances 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.

Reduction in Parking Space Length

The Applicant is requesting to permit 61 parking spaces with a reduced parking length of 5.5 m, whereas the by-law requires a minimum length of 5.8 m.

Staff note that the Hotel is within a Major Transit Station Area (MTSA), which exempts the "Subject Property" from minimum parking space requirements in the By-law. However, the Applicant submitted a Parking Study to determine the required parking supply for the hotel. The study concluded that 222 spaces, with 61 of those spaces deemed as "surplus", will be required for the site. As the Applicant has provided additional parking spaces for the proposal, a variance is still required as any number of parking spaces provided for the Subject Property need to meet the required parking space measurements.

The 5.5 m dimension will allow for a 6 m wide drive aisle needed for the southern access point at Lanark Drive with the existing Comfort Inn. Additionally, Transportation Staff have advised that the reduced parking space lengths will be clearly marked with signage indicating that it is a "small parking space". As such, Staff has no objection to the parking space variance, as it maintains an appropriate parking supply within on-site circulation.

Loading Space Reduction

The Applicant is requesting a variance to permit a minimum of one loading space on the Subject Lands, whereas the By-law requires four loading spaces.

The aforementioned Parking Study also confirmed that one loading space is sufficient for the operational needs of the proposed development, and that waste collection and deliveries are coordinated with the existing motel on the subject lands. Transportation Staff have no concerns on the approval of the proposed loading reduction. As such, Planning Staff have no objection to the variance request.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 48 m above average grade, whereas the By-law permits a maximum building height of 46 m above average grade.

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street and highest point of the roof surface. Relief is needed to achieve the hotel brand's minimum ceiling height requirements. As existing developments in the immediate surrounding are generally commercial office and retail uses, Staff are of the opinion that the proposed height increase will not cause any adverse impacts on neighbouring properties. Therefore, Staff considers the variance sought on the maximum building height to be minor in nature and have no objection. Staff is of the opinion that the requested variance is minor in nature and have no concerns.

Reduced Landscape Strip Variances

The Applicant is requesting relief to permit a minimum landscaping strip abutting an interior side lot line or rear lot line (along Cochrane Drive) of 1.15 m, whereas the By-law requires a minimum landscaping strip of 3 m. The Applicant is also seeking relief from the By-law to permit a minimum landscaping strip abutting a front lot line (along Woodbine Avenue) or exterior side lot line (along Lanark Drive) of 2 m, whereas the by-law requires a minimum landscaping strip of 3 m.

The variances reflect existing conditions on the subject lands. The reduced 1.15 m landscape strip located on the east side of the property will result in the removal of the existing pool to implement parking for the proposed hotel. The reduced 2 m landscape strip located on the south side of the property will allow for surplus parking to be provided along the Lanark Drive frontage. Providing a compliant landscape strip cannot be achieved due to the existing building and frontage on site. Staff is of the opinion that the requested variance is minor in nature and will not have any adverse effects to the site.

Roof Canopy Encroachment Increase

The Applicant is requesting to permit a roof canopy overhang encroachment of 5.75 m into the required rear yard setback, whereas the by-law permits a maximum encroachment of 0.9 m.

This variance is being requested to allow for the car canopy covering the drop off area located at the main entrance of the proposed hotel, facing Cochrane Drive. Staff has no concerns with the canopy and are of the opinion that the requested variance is minor in nature and appropriate for the main entrance of the hotel.

Dead End Parking Space Variances

The Applicant is requesting to permit a maximum of 29 dead end parking spaces on a parking aisle, whereas the by-law permits a maximum of 6 dead end parking spaces on a parking aisle.

This variance is being requested to recognize the existing dead end at the eastern portion of the property, adjacent to Woodbine Avenue. The variance is required to meet the required parking supply established in the parking study, adding additional spaces to the parking aisle. Furthermore, the requested variance will maintain the required 6 m drive aisle access within the subject lands. As such, Staff has no concern with the variance as it is minor in nature and are incorporated appropriately within the subject property.

Dead End Parking Aisle Variance

The Applicant is requesting to permit a minimum parking aisle projection beyond the adjacent parking spaces to the parking aisle terminus of 0.9 m, whereas the by-law requires the full width of the aisle to project 1.2 m beyond the adjacent parking spaces to the parking aisle terminus.

The variance is being requested to recognize an existing condition on the subject lands. The parking aisle is located next to the existing Comfort Inn, preventing any further compliance for the projection. Due to the constraints on site, and the required spaces determined by the parking study, Staff has no concern with the variance. The relief is minor in nature and creates an appropriate parking layout.

Electric Vehicle Stations within a Landscape Strip

The Applicant is requesting to permit electric vehicle charging stations to be located within the required landscaping strip, whereas the By-law does not permit electric vehicle charging stations within a landscaping strip.

The Applicant provided justification that lighting standards are already permitted in landscaping strips and serves as a logical location for electric vehicle charging infrastructure that can be integrated without consuming valuable parking spaces or obstructing pedestrian pathways. For the purposes of snow removal, providing the electric vehicle stations within landscaping strips will also allow for the parking lot to be cleared without potential damages to the stations. Based on information provided by the Applicant, the proposed electric vehicle stations will be compact, low-profile, and will emit minimal heat, ensuring there will be no adverse effects on surrounding vegetation. As such, Staff has no concern with the variances as they are minor in nature and are appropriate for the proposed parking layout.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 28, 2025. 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, West District

REVIEWED BY:

Hick Marth

Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

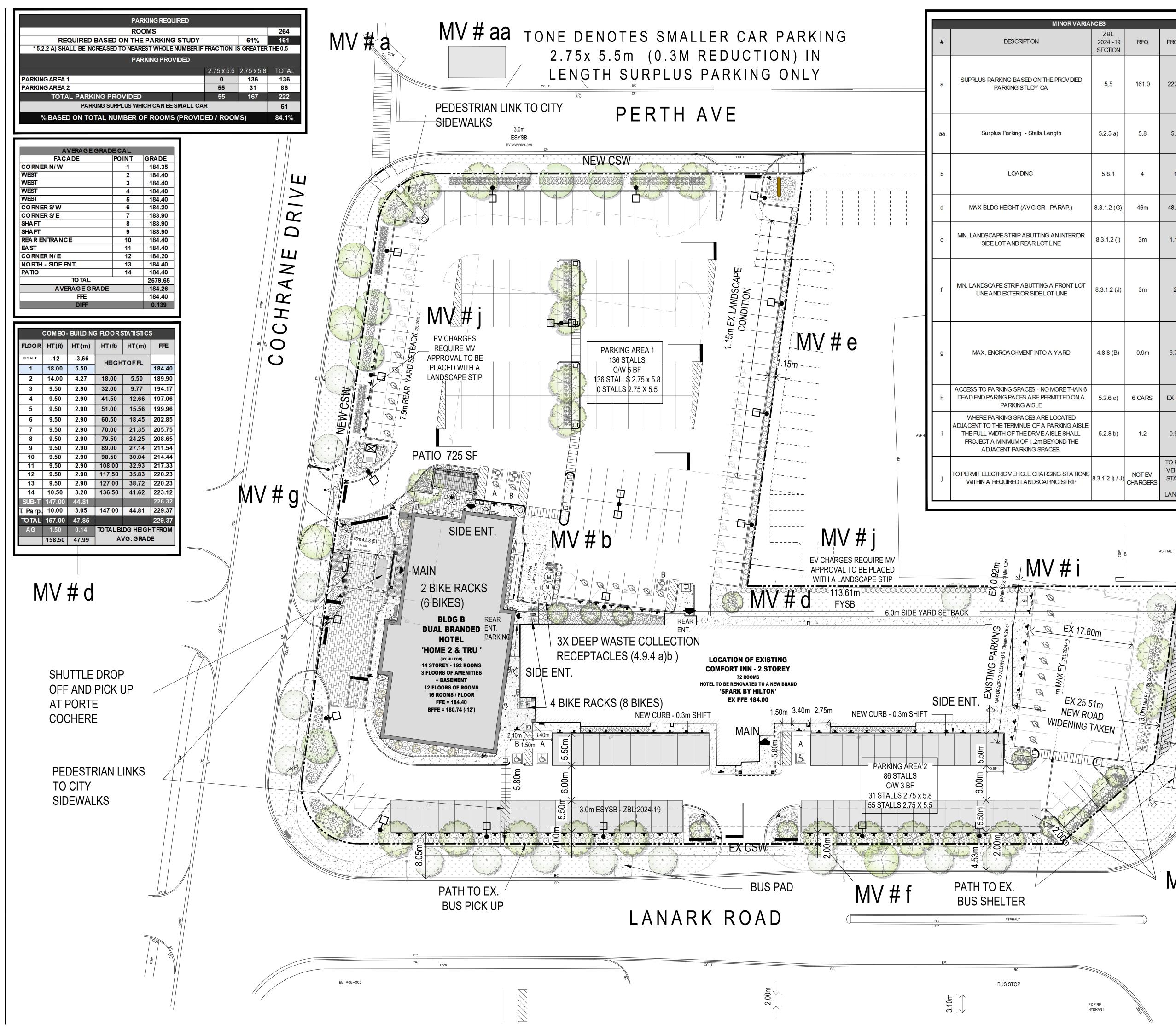
File Path: Amanda\File\ 25 111943 \Documents\District Team Comments Memo

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/25

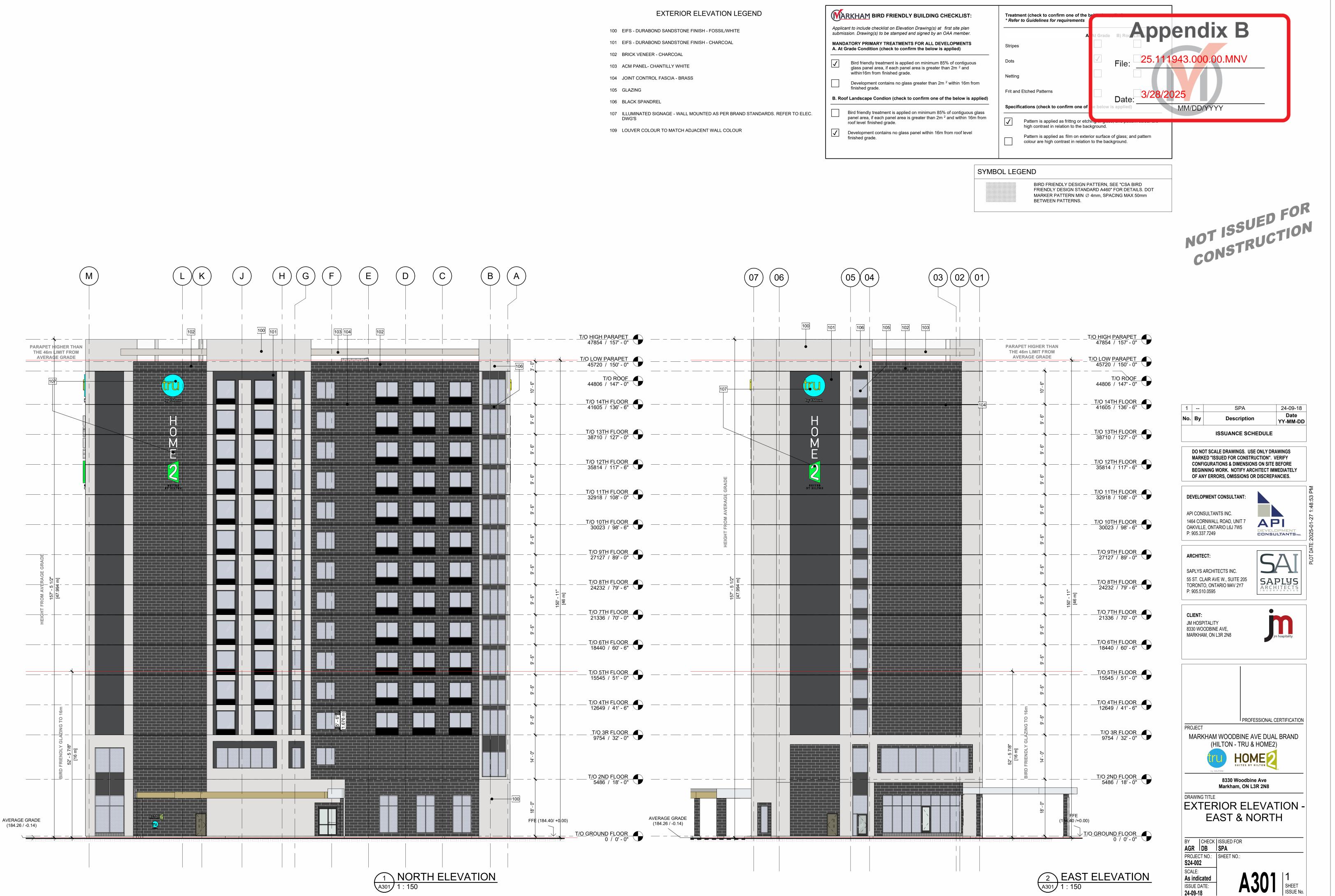
- 1. The variances apply only to the proposed development as long as it remains;
- That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
- 3. That the number of parking spaces with a length of 5.5 m shall not exceed 61 spaces and that a minimum of 55 parking spaces with a length of 5.5m shall be located to the south and east of the existing building.
- 4. That the number of dead end parking spaces on a parking aisle shall not exceed 29 spaces, located to the east of the existing building, and that a vehicular trace of vehicle turnings be provided to demonstrate that the spaces can function, to the satisfaction of the Director of Engineering or designate.

CONDITIONS PREPARED BY:

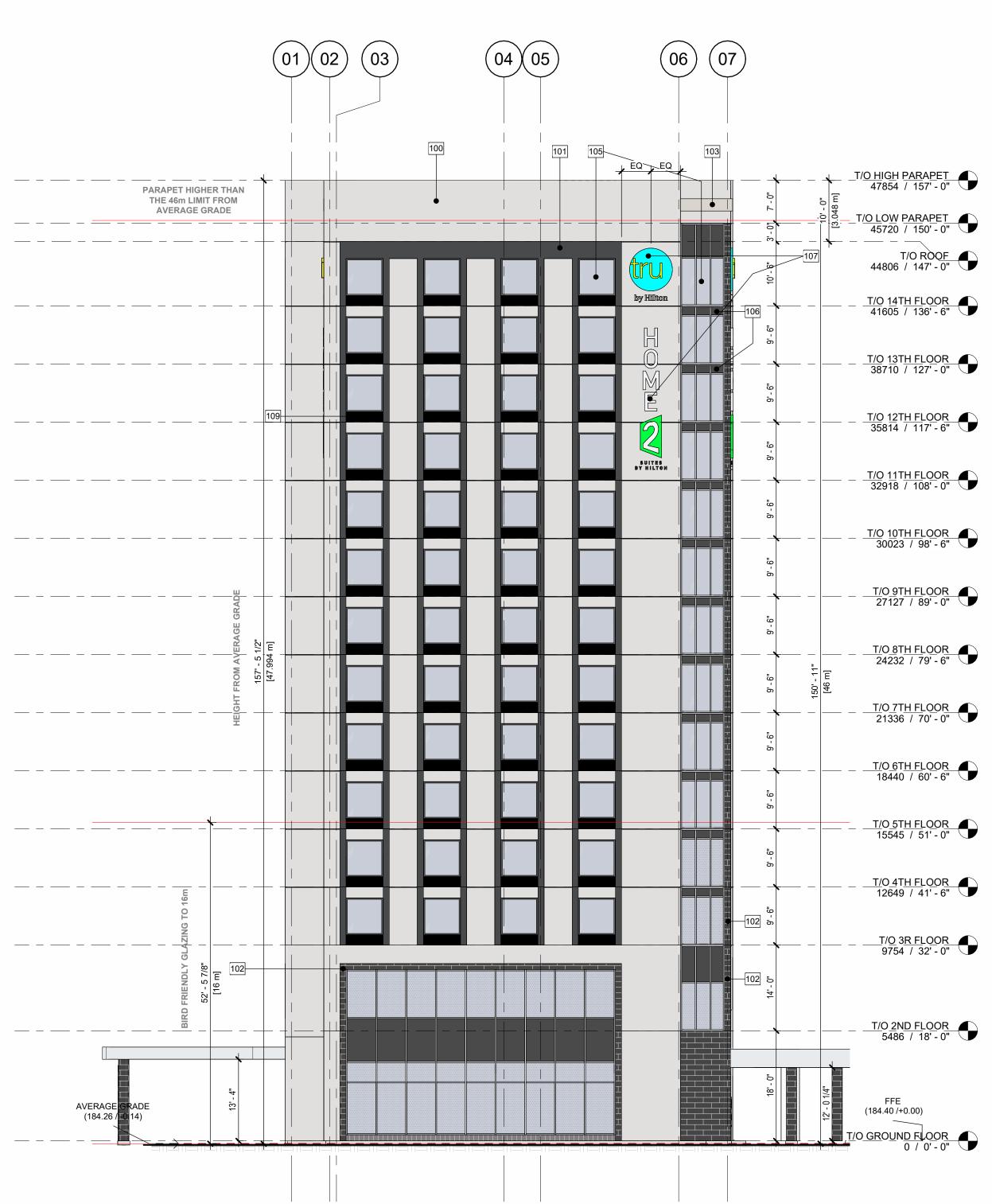
Theo Ako-Manieson, Planner I, West District



NOR VARIA	NCES						
	ZBL 2024 - 19 SECTION	REQ	PROV.	DELTA			
ROV DIED	5.5	161.0	222.0	61.0	'AA'. SURPLUS PACKING WAS DETERMINED BY A PARKING STUDY TO SHOW WHAT IS	pendix B 11943.000.00.MNV	
1	5.2.5 a)	5.8	5.5	-0.3	THE SURPLUS PAILKING, ANY THING ABOAT 161 CARS CAN BI COMPACE Date - 3/28 SIZES) THIS ALL DW US TO OVER LOW PARKI G IF NEEDED	MM/DD/YYYY	
	5.8.1	4	1	-3	TO SHARED. THIS VARIANCE WAS APPROVED BEFORE A/28/19. THE HOTELS HAVE SIMILAR DELIEVERY'S AND SHARE WASTE AREA. THE TIMING OF WASTE AND DELIEVERIES CAN BE SCHEDULED		
RAP.)	8.3.1.2 (G)	46m	48.00	2.00	FLOOR TO FLOOR HEIGHT ARE SET SO THAT WE CAN ACHIVE BRAND MIN. CEILING HEIGHTS		
INTERIOR	8.3.1.2 (I)	3m	1.15	-1.85	THIS IS AN EXISTING CONDTION WHICH WE ARE ADDING TO WHERE THE EX POOL IS BEING REMOVED. SHIFTING IT WOULD NOT ALLOW FOR		
Ront Lot Ne	8.3.1.2 (J)	3m	2	-1.00	SIMILAR TO MV APPROVAL A/28/19, ITEM I. ADDITIONALLY 8310 WOODBINE HAS A MIN. LANDCAPE BUFFER OF 2.0m REQUIRED. WE ARE ONLY REQUESTING THE SAME ON LANARK. THE EXISTING BUILDING CAN NOT BE MOVED AND WE REQUIRE THE MAIN DRIVEWAY TO BE DOUBLE STACKED WITH PARKING		
ARD	4.8.8 (B)	0.9m	5.75	5.75	THE PORTE COCHERE / CAR CANOPY COVERS THE DROP OFF AREA FOR THE HOTEL. COCHERANE IS ON REAR YAR SO OUR SETBACK REQUIRED IS 7.5M VS 3 FOR EVERY OTHER YARD. THE ENCROACHEMENT WOULD HAVE BEEN 1.25M IF THIS WAS AN EXTERIOR YARD		
RE THAN 6 TED ON A	5.2.6 c)	6 CARS	EX 6.1	29 CARS	EXISTING CONDITION		
XATED KING AISLE, SHALL ND THE	5.2.8 b)	1.2	0.90	-0.30	EXISTING CONDITION		
STATIONS STRIP	8.3.1.2 l) / J)	NOT EV CHARGERS	VEHICLE STATION REQ	T ELECTRIC CHARGING S WITHIN A UIRED .PING STRIP	EV CHARGING REQUIRE PROTECTION AND IT MAKES MORE SENSE TO PLACE THESE WHERE THEY WILL NOT BE IMPACTED. IE OBSTACLES IN A PARKING LOT FOR SNOW REMOVAL.		
# i EX 17.8 EX 25.5 NEW RC DENING	51m	а 3.00 МИГГУ 2010 2.00 Л.10 2.00 Л.10 2.00 2.00 2.00 2.00 2.00 2.00 2.00 2	ASPHALT	е они –	ано ино ино ино ино ино ино ино ино ино и	A DB MINOR VARIANCE / BRAND RESPONSE 25-01-31 A DB MINOR VARIANCE / BRAND RESPONSE 25-01-31 A DB BRAND RESPONSE / ZCR II 25-01-24 2.5 DB ZOR 24-11-14 1 DB BYLAW COMPARISON MV / ZBA 24-11-14 0 DB PRE-CONSULTATION 23-11-02 issue BY DESCRIPTION 23-11-02 OF AN Y ERRORS, OMISSIONS ON DISCREPANCIES. DO NOT SCALE DRAWINGS WORK. NOTIFY ARCHITECT IMMEDIATELY Markham, ON L3R 2NB Architect SAPLYS ARCHITECTS IN	
	A FIRE YDRANT		M		- 29 cars		
		///					



© SAPLYS ARCHITECTS INC.



1 SOUTH ELEVATION (A302) 1 : 150

