

# Memorandum to the City of Markham Committee of Adjustment

October 12, 2021

**File:** A/009/21  
**Address:** 8502 Woodbine Avenue – Markham, ON  
**Applicant:** 8502 Woodbine TP Inc.  
**Agent:** MHBC Planning  
**Hearing Date:** October 20, 2021

The following comments are provided on behalf of the West District team. The applicant is requesting relief from the following “Retail Warehouse (RW)” zone requirement under By-law 165-80, as amended, as it relates to a proposed restaurant and parking reduction. The variance requested is to permit:

**a) By-law 28-97, Section 3.0:**

a minimum of 17 parking spaces, whereas the By-law requires a minimum of 43 parking spaces.

## **BACKGROUND**

This application was deferred by the Committee of Adjustment (“the Committee”) at the initial hearing on March 4, 2021 to give the applicant time to prepare and submit additional documentation (Appendix “G”).

Key terms as defined in this memorandum are as follows:

*Subject Property:* The property municipally addressed 8502 Woodbine Avenue;

*Subject Building:* The building located on, and fully contained within the subject property; and

*Subject Site:* Properties bounded by Highway 7 East to the north, Woodbine Avenue to the east, Perth Avenue to the south, and Cochrane Drive to the west.

## **Property Description**

The 1,983.25 m<sup>2</sup> (21,347.52 ft<sup>2</sup>) property municipally addressed as 8502 Woodbine Avenue is located on the west side of Woodbine Avenue, north of Highway 407, east of Highway 404, and south of Highway 7 East, and has primary vehicular access from Woodbine Avenue (the “subject property”). The subject property contains one building that is one-storey in height, has a gross floor area of approximately 453.0 m<sup>2</sup> (4,876.05 ft<sup>2</sup>), a net floor area of 386.0 m<sup>2</sup> (4,154.87 ft<sup>2</sup>), and is currently vacant (the “subject building”).

Surrounding land uses which abut the subject property include:

- Open space and vacant land to the north;
- Open space and commercial buildings to the east, across Woodbine Avenue;
- A commercial building to the south; and
- Single and multi-unit commercial buildings to the west.

The subject property is accessible by well-served transit routes with VIVA and York Region Transit (YRT) bus stops located at or near the intersection of Highway 7 East and Woodbine Avenue, approximately 100.0 m (328.08 ft), or less than a five minute walking distance away.

Properties municipally addressed 8400 Woodbine Avenue, 8500 Woodbine Avenue, 8502 Woodbine Avenue, 8504 Woodbine Avenue, 25 Cochrane Drive, and 71 Cochrane Drive are bounded by Cochrane Drive to the west, Perth Avenue to the south, Woodbine Avenue to the east, and Highway 7 East to the north (the “subject site” – see Appendix “C”). With the exception of 8504 Woodbine Avenue (which is an open space and stormwater management pond), properties within the subject site contain existing parking areas. There are no observed barriers restricting vehicles from accessing one property over the next within the subject site. Separate accesses from public roads that surround the subject site include:

- three access/egress points (driveways) located along Woodbine Avenue;
- two driveways along Perth Avenue; and
- three driveways along Cochrane Drive.

The subject property is partially within the Toronto Region and Conservation Authority (TRCA’s) regulated area at the northern portion of the site.

### **Proposal**

The applicant has confirmed that the subject building was used for retail purposes prior to its current vacancy, and is proposing a new restaurant use which is permitted by the “Retail Warehouse (RW)” zone. Based on the proposed restaurant use and net floor area of the building, the City of Markham Parking Standards By-law 28-97 (“the Parking By-law”) requires a total of 43 parking spaces. Including two accessible parking spaces, the subject property can accommodate 17 parking spaces as shown on the Site Plan. The applicant is therefore requesting a parking reduction of 26 parking spaces.

### **Official Plan and Zoning**

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

The Official Plan designates the subject property “Commercial” which provides for a range of commercial uses, including restaurants.

The subject property is also located within the Woodbine/404 district. The land use objective is to have the area function as part of the Regional Corridor, while integrating a balance and diversity of residential, retail, office and public uses at transit-supportive densities.

### Zoning By-Law 165-80, as amended

The subject property is zoned “Retail Warehouse (RW)” under By-law 165-80, as amended by Site Specific By-law 138-95, which permits restaurants, including fast food and take-out restaurants.

### Parking Standards By-law 28-97, as amended

The proposed restaurant use would not comply with the minimum standard of 43 parking spaces as required by the Parking By-law.

### Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on July 26, 2021 to confirm the variance required for the proposed development.

### COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

### Parking Reduction

The applicant is requesting a minimum of 17 parking spaces as it exists on the subject property, whereas the By-law requires a minimum of 43 parking spaces. This is a reduction of 26 parking spaces.

The applicant confirms that the owner of the subject property also owns the abutting property to the south, municipally addressed as 8500 Woodbine Avenue. A Princess Auto (retail store) currently occupies the adjacent building. The parking study states that 126 parking spaces currently exist between the two properties (109 parking spaces at 8500 Woodbine Avenue, and 17 parking spaces at 8502 Woodbine Avenue). This results in a shared parking deficit of 26 parking spaces from the By-law requirement when considering the current retail and restaurant uses for each site (see *Table 1* below, and Appendix “B”).

The owner intends to restripe the parking lot at 8500 Woodbine Avenue, which would provide for 110 parking spaces (or one additional parking space) from the existing parking configuration. Staff have considered the difference on its merits.

*Table 1, Updated Parking Study prepared by RJ Burnside, and dated August 24, 2021*

Zoning By-law Use	Parking Rate	NFA (m <sup>2</sup> )	Required Spaces	Provided Spaces	Surplus / Deficit
Retail Store (with a net floor area of less than 6,000 m <sup>2</sup> )	30	3,275	109	110	+1
Restaurant	9	386	43	17	-26
<b>Totals</b>			<b>152</b>	<b>127</b>	<b>-25</b>

The applicant conducted a parking study of 8500 Woodbine Avenue, and 8502 Woodbine Avenue during the COVID-19 pandemic, on the following dates:

- December 11, 2020, December 12, 2020, December 18, 2020, and December 19, 2020; and
- then on March 26, 2021, and March 27, 2021.

The results of the initial 2020 parking survey reports that parking utilization peaked at 38.0% of the existing supply of 126 parking spaces, with a surplus of approximately 78 parking spaces. Staff note that the subject building is currently vacant, and the parking area for the subject property was considered. The applicant confirmed that in-store sales for the first surveyed Friday and Saturday were typical of pre-pandemic sales. Based on the parking survey, it was observed that the peak parking demand at 8500 Woodbine Avenue does not coincide with the anticipated peak parking demand period of the proposed restaurant use. On this basis, Transportation Engineering staff anticipate that the deficiency of 26 parking spaces can be accommodated by the surplus of parking at the adjacent property to the south.

The applicant has confirmed that a shared parking agreement and mutual access agreement are currently in place between the subject property, and 8500 Woodbine Avenue. Staff note that the submitted parking agreement allows for termination by the owner of 8500 Woodbine Avenue upon 30 days prior written notice to the owner of 8502 Woodbine Avenue. The applicant also confirms that there is an existing mutual access agreement with the property to the west. However, staff are of the understanding that no parking agreement relating to the use of the parking spaces with the property to the west exists.

While the parking study may suggest that the current and anticipated parking use of the properties under the same ownership can be sufficiently quantified in terms of numbers, staff's assessment is not solely a quantitative exercise. When considering the overall context of the subject site, staff are of the opinion that the requested variance would be an appropriate development of the subject property, provided that the property owner of the subject property submits a Consent application for the purpose of an easement for shared parking over the property to the south (8500 Woodbine Avenue). Staff also recommend that any approval be subject to the conditions provided in Appendix "A", which includes that the applicant be required to install wayfinding signage on the southern portion of the landscape median directing users of the subject property to the parking area located on the property to the south in instances where the parking area of the subject property is at capacity (see Appendix "D").

#### TRCA Comments

The property is partially regulated by the TRCA, and comments submitted as of February 11, 2021 confirm the TRCA has no objections to the proposed development (Appendix "E").

#### **PUBLIC INPUT SUMMARY**

Prior to the initial hearing, one written submission was received citing concerns with respect to the context of the subject site, and the potential of overflow parking onto the adjacent lands to the west (25-71 Cochrane Avenue).

Following the initial hearing, but prior to receiving the applicant's revised submission, an additional written submission was received on behalf of the same owner of the adjacent lands addressed 25-71 Cochrane Avenue. The letter states that both properties have agreements in place over access and use; however, there is no provision in any agreement or representation made to the owners of 8502 Woodbine Avenue that permits parking on each other's lot.

As of the writing of this report, no additional submissions were received. It is noted that additional information may be received after the writing of this 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*, and are of the opinion that the variance request would meet the four tests of the *Planning Act*, subject to the adoption and fulfillment of staff's recommended conditions. Should the applicant elect not to agree to the recommended conditions, staff have concern with the resulting parking scenario and recommend that the requested variance be denied, or deferred should the Committee feel it is appropriate. Staff also recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Aerial Photograph of Subject Site

Appendix "D" – Approximate Installation Area for Wayfinding Signage

Appendix "E" – TRCA Comments: February 11, 2021

Appendix "F" – Initial Staff Report: March 4, 2021

Appendix "G" – Minutes Extract: March 10, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Mary Caputo, Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/009/21**

1. That the variance applies only to the proposed development for as long as the restaurant use exists, or for as long as a use with an equal or less intensive parking rate supplants the restaurant use.
2. That the variance applies only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, 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 their satisfaction.
3. That the applicant obtains approval from the Committee of Adjustment for a Consent application for the purposes of an easement as it relates to a shared parking and reciprocal access easement over the property to the south municipally known as 8500 Woodbine Avenue, and that the Secretary-Treasurer receive written confirmation from the Director of Engineering and Planning, or their designates that this condition has been fulfilled to their satisfaction.
4. That a minimum of two signs facing east and west be erected and installed at the approximate location indicated in Appendix "D", directing users of the subject property to park at the property to the south (8500 Woodbine Avenue) in any case where the existing parking area of the subject property is at capacity, and that the Secretary-Treasurer receive written confirmation from the Director of Planning, or their designate that this condition has been fulfilled to their satisfaction.

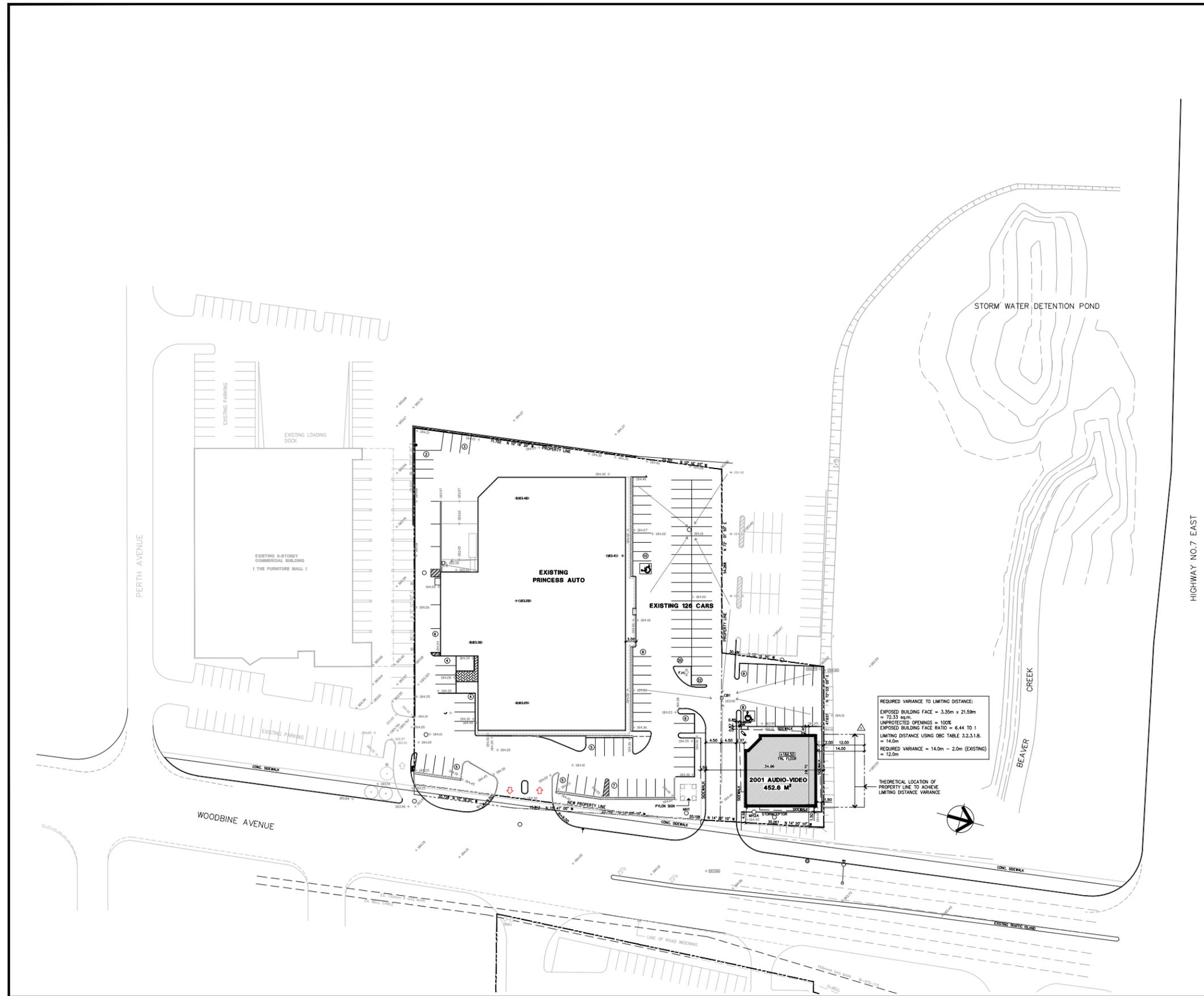
CONDITIONS PREPARED BY:



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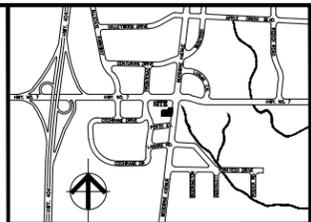
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/009/21**



REQUIRED VARIANCE TO LIMITING DISTANCE:  
 EXPOSED BUILDING FACE = 3.35m x 21.59m  
 = 72.33 sq.m.  
 UNPROTECTED OPENINGS = 100%  
 EXPOSED BUILDING FACE RATIO = 6.44 TO 1  
 LIMITING DISTANCE USING OBC TABLE 3.2.3.1.B.  
 = 14.0m  
 REQUIRED VARIANCE = 14.0m - 2.0m (EXISTING)  
 = 12.0m

THEORETICAL LOCATION OF PROPERTY LINE TO ACHIEVE LIMITING DISTANCE VARIANCE



**LOCATION MAP**

**LEGAL DESCRIPTION:**

PARTS OF LOTS 1, 2, 3, & 10 REGISTERED PLAN 3940,  
 PART OF LOT 10, CONCESSION 3, & PART OF TERRY AVENUE,  
 TOWN OF MARKHAM, REGIONAL MUNICIPALITY OF YORK.

**LEGEND:**

- + 180.00 PROPOSED GRADE ELEV.
- + 180.00 EXISTING GRADE ELEV. TO REMAIN
- + (180.00) EXISTING GRADE ELEV. (FOR REFERENCE)

**NOTE:** GENERAL CONTRACTOR MAKE GOOD ANY  
 DAMAGE TO EXISTING UTILITIES, CURBS, ETC. CAUSED BY  
 THE NEW CONSTRUCTION.

BUILDING CODE CLASSIFICATION				
BUILDING AREA	NEW	453.68	SQM.	4,883.48
	TOTAL	453.68	SQM.	4,883.48
BUILDING USE AND CLASSIFICATION	MAJOR OCCUPANCY:	GROUP:	(E)	DIVISION: (-)
	NUMBER OF STOREYS: 1			
NUMBER OF STORIES: 1				
SPRINKLER SYSTEM	REQUIRED	<input type="checkbox"/>	PROVIDED	<input type="checkbox"/>
	NOT REQUIRED	<input checked="" type="checkbox"/>		
CONSTRUCTION ASSEMBLY	ALLOWED	<input checked="" type="checkbox"/>	COMBUSTIBLE	<input checked="" type="checkbox"/>
	PROVIDED	<input type="checkbox"/>	NON-COMBUSTIBLE	<input checked="" type="checkbox"/>
REQUIRED FIRE RATINGS FOR:	FLOORS	<input type="checkbox"/>	( ) HOURS	<input checked="" type="checkbox"/>
	ROOF	<input type="checkbox"/>	( ) HOURS	<input checked="" type="checkbox"/>
FIRE ALARM SYSTEM	REQUIRED	<input type="checkbox"/>	PROVIDED	<input type="checkbox"/>
	NOT REQUIRED	<input checked="" type="checkbox"/>		
STAMPING SYSTEM	REQUIRED	<input type="checkbox"/>	PROVIDED	<input type="checkbox"/>
	NOT REQUIRED	<input checked="" type="checkbox"/>		
SPATIAL SEPARATION	ELEVATION	NORTH	SOUTH	EAST
	AREA OF UNPROTECTED OPENINGS PERMITTED (M <sup>2</sup> )	(100) x	(100) x	(100) x
	FIRE RATING (HRS)	(0) HRS	(0) HRS	(0) HRS
	CONSTRUCTION PERMITTED	YES	YES	YES
		COMBUSTIBLE + NON-COMBUSTIBLE CLADDING	YES	YES
		NON-COMBUSTIBLE	YES	YES

5.	REVISED AND REISSUED TO CITY	AUG. 15, 2001	P.L.
4.	LIMITING DISTANCE VARIANCE ADDED	JULY 5, 2001	P.L.
3.	ISSUED FOR CONSTRUCTION	JULY 3, 2001	P.L.
2.	ISSUED FOR BUILDING PERMIT & TENDER	SEP. 1, 2000	P.L.
1.	ISSUED TO PLANNING DEPARTMENT	MAY 16, 2000	P.L.

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

**SITE PLAN / GRADING PLAN**

SCALE: 1:400

**COMMERCIAL DEVELOPMENT**  
 WOODBINE AVE. & HIGHWAY NO. 7  
 MARKHAM, ONTARIO  
 FOR: TRICAP DEVELOPMENT

**PETROFF**

1000 NORTH WENTWORTH BLVD. SUITE 200  
 MARKHAM ONTARIO L3R 9W8  
 TEL: 905.476.7000 FAX: 905.476.8800

DRAWN BY	E.J.G./C.T./DM/DR	PROJECT NO.	97142
CREATED BY	JMH	DATE	MARCH 1995
DATE	MARCH 1995	DWG. NO.	100
ISSUED	MARCH 03, 2001		

**APPENDIX "C"**  
**AERIAL PHOTOGRAPH OF SUBJECT SITE**



Legend

- LANDMARKS\_6000
- SLRN\_6000
- PARKS\_6000
-  Building Footprints

1: 2,257



114.7 0 57.33 114.7 Meters

Notes

**APPENDIX "D"**  
**APPROXIMATE INSTALLATION AREA FOR WAYFINDING SIGNAGE**



### Legend

- LANDMARKS\_6000
- SLRN\_6000
- PARKS\_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
  - <all other values>
  - Under Development

1: 500



25.4 0 12.70 25.4 Meters

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

### Notes

Installation of wayfinding signage denoted by blue dot

**APPENDIX "E"**  
**TRCA COMMENTS: FEBRUARY 11, 2021**

February 11, 2021

CFN 64187.02

**Uploaded to ePlan**

Mr. Justin Leung  
Secretary-Treasurer  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: A/009/21 (Minor Variance Application)**  
**8502 Woodbine Avenue, City of Markham**  
**Owner: Tricap Properties (Youssef Jomana)**  
**Agent: MHBC Planning (Edward Donato)**

This letter acknowledges receipt of the above-noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed the materials circulated digitally on January 27, 2021 as part of this application, and our comments are provided herein.

**Purpose of the Applications**

The applicant is requesting relief from the requirements of City of Markham By-law 165-80, as amended, as it relates to the proposed restaurant within the existing vacant retail building.

Requested variances to the Zoning By Law:

- a) By-law 28-97, Section 3.0:  
To permit a minimum of 17 parking spaces, whereas the By-law requires a minimum of 50 parking spaces.

**Applicable TRCA Regulations and Policies**

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2020); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

**Provincial Policy Statement (2020):**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the Planning Act, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

TRCA's delegated role under the *Planning Act* to represent the provincial interest in natural hazards. As outlined in the Conservation Ontario / Ministry of Natural Resources and Forestry / Ministry of Municipal Affairs and Housing Memorandum of Understanding (MOU) on Conservation Authorities Delegated Responsibilities, Conservation Authorities have been delegated the responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the PPS 2020.

**Ontario Regulation 166/06, as amended:**

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of Section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Based on a review of available mapping resources the subject property is located partially within TRCA's Regulated Area under Ontario Regulation 166/06, as amended as it is partially within a Regulatory flood plain and is adjacent to a stream corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit may be required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading; or,
- iv. the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

**Living City Policies for Planning and Development in the Watersheds of the TRCA:**

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

### **Application Specific Comments**

As noted above, the subject property is located within an area that is regulated by the TRCA under Ontario Regulation 166/06, as amended. By way of this letter the applicant is advised that any new development (as defined under the *Conservation Authorities Act*) within TRCA's Regulated Area of the property requires a permit from our office.

With respect to this application, it is our understanding that the existing commercial building is proposed to be used as a restaurant (no residential, institutional or other sensitive uses are proposed) and existing parking will be used for the restaurant. Accordingly, based on the information provided, TRCA staff do not have an objection to this application. Should other works such as site alteration, grading, construction or other changes in use be contemplated for this property in the future, the applicant is advised to contact our office for further review as we may have requirements pursuant to our Regulation.

### **Application Review Fee**

As per TRCA's role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,100 review fee (2018 TRCA Planning Fees Schedule – Variance – Commercial – Standard).

### **Recommendation**

Based on the information submitted to date, we have no objections to this Minor Variance Application of A/009/21, subject to the following condition:

1. That the applicant remits the outstanding TRCA Planning Services review fee for this application (\$1,100) to TRCA.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam  
Planner I, Development Planning and Permits  
[andrea.lam@trca.ca](mailto:andrea.lam@trca.ca)  
Extension 5306

AL/mb

**APPENDIX "F"**  
**INITIAL STAFF REPORT: MARCH 4, 2021**

**DATE:** March 4, 2021  
**TO:** Chairman and Members, Committee of Adjustment  
**FILE:** A/009/21  
**ADDRESS:** 8502 Woodbine Avenue – Markham, ON  
**HEARING DATE:** March 10, 2021

The applicant is requesting relief from the following “Retail Warehouse (RW)” zone requirements of By-law 165-80, as amended, as it relates to a new restaurant use and parking reduction. The variance requested is to permit:

a) **By-law 28-97, Section 3.0:**

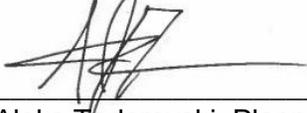
a minimum of 17 parking spaces, whereas the By-law requires a minimum of 50 parking spaces.

**COMMENTS**

The applicant has requested that the application be deferred.

Consequently, staff recommend that the application be deferred sine die to provide the applicant with adequate time to prepare and submit additional documentation.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District

**APPENDIX "G"**  
**MINUTES EXTRACT: MARCH 10, 2021**

Mr. Gregory responded that no trees are being removed from the rear of the property. A tree preservation plan was prepared here as well.

Committee member Sally Yan believes proposal meets four tests for minor variance and would support the proposal.

**Moved By: Sally Yan**  
**Seconded By: Jeamie Reingold**

THAT Application No A/007/21 be approved subject to conditions contained in the staff report.

Resolution Carried

**6. A/009/21**

**Owner Name: Tricap Properties (Youssef Jomana)**  
**Agent Name: MHBC Planning (Edward Donato)**  
**Tricap Properties**  
**8502 Woodbine Ave, Markham**  
**CON 3 PT LT 10 65R17970 PT 7**

The applicant is requesting relief from the requirements of By-law 165-80 as amended to permit:

- a) By-law 28-97, Section 3.0:**  
a minimum of 17 parking spaces, whereas the By-law requires a minimum of 50 parking spaces;

as it relates to a proposed restaurant. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

**Moved By: Kelvin Kwok**  
**Seconded By: Tom Gutfreund**

THAT Application No A/009/21 be deferred sine die.

Resolution Carried

Committee of Adjustment Minutes  
Wednesday, March 10, 2021

Adjournment

**Moved by Patrick Sampson**  
**Seconded by Jeamie Reingold**

THAT the virtual meeting of Committee of Adjustment be adjourned 10:25 PM, and the next regular meeting will be held March 24, 2021.



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Secretary-Treasurer,

CARRIED



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Chair