

Memorandum to the City of Markham Committee of Adjustment

August 6, 2020

File: A/017/20
Address: 6899 14th Avenue, Markham
Applicant: (none)
Agent: Trinistar Corporation
Hearing Date: Wednesday August 12th, 2020

The applicant is requesting relief from the Community Amenity One Exception *233*450 (CA1*233*450) zone requirements of By-law 177-96, as amended. The variance requested is as follows:

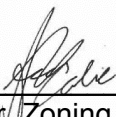
- a) To permit a Commercial School in an existing multi-unit commercial building (Section 7.233.1), whereas a commercial school is not listed as a permitted use.

Comments

The Committee of Adjustment deferred this application at the July 29th 2020 hearing due to their parking and traffic concerns. Staff comments and conditions provided in the Memorandum dated July 16th 2020 remain applicable (attached as Appendix 'A'). Sufficient onsite parking, as required by the City of Markham Parking Standard's By-law 28-97, as amended, is provided to support the existing commercial shopping plaza including a commercial school. Accordingly, Staff did not require a parking justification study to support this proposal.

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.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 20 107900 \Documents\District Team Comments Memo

Appendix A

File: 20.107900.000.00.MNV

Date: 08/07/20
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment July 16th, 2020

File: A/017/20
Address: 6899 14th Avenue, Markham
Applicant: (none)
Agent: Trinistar Corporation
Hearing Date: Wednesday July 29th, 2020

The applicant is requesting relief from the Community Amenity One Exception *233*450 (CA1*233*450) zone requirements of By-law 177-96, as amended, to permit:

- a) A Commercial School in an existing multi-unit commercial building (Section 7.233.1), whereas a commercial school is not listed as a permitted use.

BACKGROUND

Property Description

The 3,606.5 m² (38,820 ft²) subject property is located at the southwest corner of 14th Avenue and Box Gove By-pass, east of 9th Line. The subject property contains a one-storey 879.22 m² (9,488 ft²) multi-unit commercial building containing nine units. According to the variance application, the building was constructed in 2008. Existing uses within the building include one restaurant, one take-out restaurant, a nail salon, dry cleaning depot, rehab center and a dental office. The applicant proposes a commercial school within Unit 2, which is a currently vacant unit and has an area of approximately 86.07 m² (926 ft²).

Surrounding land uses are predominantly residential to the south, east and west. Beebe Parkette and Box Grove Parkette South are located to the northeast and east, respectively (across Box Grove By-Pass). An existing Montessori school, real estate office, and one-storey multi-tenant unit building are located north of the subject lands (across 14th Avenue).

Proposal

The applicant is proposing to operate a commercial school in Unit 2 of an existing one-storey multi-unit commercial building on the subject property. The proposal does not contemplate any changes to the exterior of the building, site, or parking configuration.

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

The subject property is designated 'Mixed Use Low Rise' in the 2014 Official Plan. This designation intends to serve an important function for nearby residents and businesses by providing access to goods and services, and are characterized by localized multi-use, multi-purpose areas offering a diverse range of retail, service, office, community, institutional and recreational uses. Accordingly, this designation provides for a range of land uses, including dwelling units, retail, restaurants, offices, places of worship, public and private schools, financial institutions day care centers and commercial schools.

Zoning By-Law 177-96

The subject property is zoned Community Amenity One Exception*233*450 (CA1*233*450) under By-law 177-96, as amended, which permits only the following land uses; apartment dwellings, business offices, day nurseries, financial institutions, libraries, personal service shops, repair shops, one restaurant, one take-out restaurant, retail stores and a medical office. A commercial school is not listed as a permitted use, and the applicant has therefore applied for a variance to permit this as an additional land use on the subject property.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 30th, 2020 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.

Commercial School

The Applicant requests a variance to permit a Commercial School in an existing multi-unit commercial building on the subject property, whereas a Commercial School is not specifically permitted. Although the applicant is proposing the commercial school within Unit 2, approval of this variance will permit this use in any unit within the existing building on the subject property.

The 2014 Official Plan designates the subject lands “Mixed Use Low Rise” which permits a range of commercial uses, including commercial schools. While the applicable site-specific zoning by-law does not specifically permit Commercial Schools, it does permit a range of uses on the subject lands such as apartment dwellings, business offices, day nurseries, financial institutions, libraries, personal service shops, repair shops, one restaurant, one take-out restaurant, retail stores and a medical office. Staff are of the opinion that the proposed use is appropriate and compatible with permitted and existing commercial uses on the subject lands and are satisfied that the requested variance maintains the intent of the zoning by-law.

With respect to onsite parking requirements, the existing multi-unit building is defined as a shopping centre in the City of Markham Standards By-law 28-97, as amended. Additional parking is not required to permit a commercial school as an additional use, which has been confirmed through the zoning preliminary review.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 15th, 2020. 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.

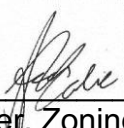
CONCLUSION

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

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



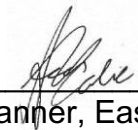
Stephen Corr, Senior Planner, East District
File Path: Amanda\File\20 107900 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/017/20

1. The variances apply only to the proposed development within the existing building, as long as it remains.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, East District