

Memorandum to the City of Markham Committee of Adjustment

June 28, 2022

File: A/055/22
Address: 330 Denison Street – Markham, ON
Applicant: Nivlog Investments Ltd.
Agent: MHBC Planning Ltd. (Ashish Abraham)
Hearing Date: July 6, 2022

The following comments are provided on behalf of the Central District team. The applicant is requesting relief from the following “Business Corridor – (BC)” zone requirement under By-law 108-81, as amended, to permit:

a) Amending By-law 2001-92, Section 1.2 a)(ii):

a bank and financial use, whereas the By-law permits only office uses.

PROPERTY DESCRIPTION

The 1.20 Ha (2.97 Ac) subject property is located at the northeast corner of Woodbine Avenue and Denison Street, south of 14th Avenue, and west of Esna Park Drive. The subject property is currently occupied by four one-storey buildings, as shown on the Site Plan (Appendix “B”). Some of these buildings are multi-unit, and predominantly contain a mix of restaurant and retail uses. There are a mix of uses within the surrounding employment area, including, but not limited to: commercial, retail, financial institutions, office, and warehousing. The southeast corner of the subject property is currently vacant, and a portion of the property located at the southwest corner is regulated by the Toronto and Region Conservation Authority (TRCA).

PROPOSAL

The applicant is proposing to permit a bank and financial use in a new one-storey building located at the southeast corner of the subject property. The building would have an approximate gross floor area of 480.60 m² (5,173.14 ft²). The proposed building is located outside of the TRCA’s regulated area.

OFFICIAL PLAN AND ZONING

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

The subject property is designated “Service Employment”, which provides for a range of uses that serve the general public, including, but not limited to the following: manufacturing, processing, and warehousing, retail, office, and financial institutions.

Zoning By-Law 108-81

The subject property is zoned “Business Corridor – (BC)” under By-law 108-81, as amended by Site Specific By-law 2001-92, which permits a wide range of uses, including the following:

- Banks and financial institutions;
- Data processing and related facilities;
- Dry cleaning establishments;
- Research and training centres;
- Restaurants, (including fast food and takeout);
- Health centres;

- Indoor recreation establishments;
- Offices;
- Personal service shops;
- Places of entertainment;
- Retail stores, (subject to specific provisions relating to gross leasable floor area); and
- Service shops.

Notwithstanding the above, it is noted that the southeast corner of the property (where the use is proposed) is subject to specific zoning requirements, which limits permitted uses to Office only. The proposed development does not comply with the By-law requirement with respect to use.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner has confirmed that a ZPR has not been conducted. Staff advise that it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified at the Building Permit stage, further variance application(s) may be required to address any non-compliances.

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.

Bank and Financial Institution Use

While the By-law limits uses to Office only in the area where the subject use is proposed, it is noted that the rest of the site permits a wide range of uses as noted above, including Banks and Financial Institutions. Staff are of the opinion that the proposed Bank and Financial Use would allow for an additional use on this portion of the site that is consistent and compatible with those uses permitted within the area, and would appropriately contribute to the planned function of the service employment area. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 28, 2022. 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 meets the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval 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

PREPARED BY:

A handwritten signature in black ink, appearing to be 'AT', written over a horizontal line.

Aleks Todorovski, RPP, MCIP
Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'DP', written over a horizontal line.

Dimitri Pagratis, RPP, MCIP
Senior Planner, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/22

1. That the variance applies only to the proposed development for as long as it remains.
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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, RPP, MCIP
Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/22

Appendix B

File: 22.114734.000.00.MNV

Date: 06/30/22

MM/DD/YY

ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED ON REQUEST.
THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ARCHITECT.
ALL DIMENSIONS ARE GIVEN IN MILLIMETRES UNLESS OTHERWISE INDICATED.
DO NOT SCALE DRAWINGS.

REVISIONS AND DISTRIBUTION LOG

No.	Date	Note
1	AUG 12 02	Issued for Site Plan Approval
2	NOV 02	Revised for Site Plan Approval
3	NOV 19 02	General Revision
4	NOV 19 02	General Revision
5	n/a	
6	n/a	
7	FEB 6 03	General Revision
8	FEB 18 03	General Revision
9	MAR 12 03	Revised Block E, revise striping
10	APR 11 03	Incorporate revised Block B Plan
11	APR 15 03	Block E and parking modified
12	APR 16 03	Block C/E and parking modified
13	APR 17 03	Block C and parking modified
14	APR 21 03	Parking modified
15	APR 21 03	Parking modified
16	MAY 06 03	Parking modified; Block E modified
17	MAY 27 03	General Revision
18	JUN 20 03	Fire Hydrants added, Fire Route added
19	JUN 23 03	New Fire Hydrants added, Fire Route Signs added FD Lockbox added at Block D
20	JUL 04 03	Entrance on Denison Street modified Entrance on Don Park Road deleted Parking lot islands and peninsula reduced to 4.8 m
21	JUL 11 03	Block B revised
22	JUL 14 03	Parking east of Block D revised
23	JUL 29 03	Entrance on Denison Street Revised
24	AUG 14 03	Transformer pad located between Block C & D Parking supply reduced to 190 cars
25	SEP 05 03	Parking Lot Light Standards Added
26	SEP 23 03	Property Line @ Woodbine Avenue modified
27	SEP 24 03	Parking west of Block B revised
28	OCT 14 03	Revisions per Region of York Public Works
29	NOV 20 03	H/C parking stall added per Comm. of Adjustment
30	DEC 05 03	Issued for building permit
31	DEC 22 03	Issued for Contractor Pricing
32	JAN 19 04	Fire Route Turning Road Added at Don Park Road
33	JUN 08 04	Revised Decorative Fences & Add Directional Signs
34	OCT 14 06	Delete Decorative Fences & Planters
35a	DEC 11 06	Revised Building "B" Layout for Proposed Tenant
35b	JAN 12 07	Revised Building "B" Layout for Proposed Tenant
35c	MAY 04 07	Revised Building "B" Per Tenant Layout
35c2	SEP 19 07	Issued for Site Plan Approval Submission - Bldg "B"
35c3	FEB 29 08	Update Project Statistics - Bldg "B"
35c4	MAR 29 08	Revised Bldg "B" Parking & Delete Screen Fence
35c5	APR 04 08	Revised Bldg "B" Garbage Rm, Parking & Landscaping
35c6	APR 16 08	Revised Bldg "B" Parking, Landscaping + Rain Garden

SMV

Steve McQuinn	Architects
Suite 1200 119 Spadina Avenue Toronto, Ontario M5V 2L1 T 416.506.1600 F 416.506.0956 info@smvarch.com	Seal

Project:
**WOODBINE + DENISON
CENTRE**
NIVLOG INVESTMENTS LIMITED

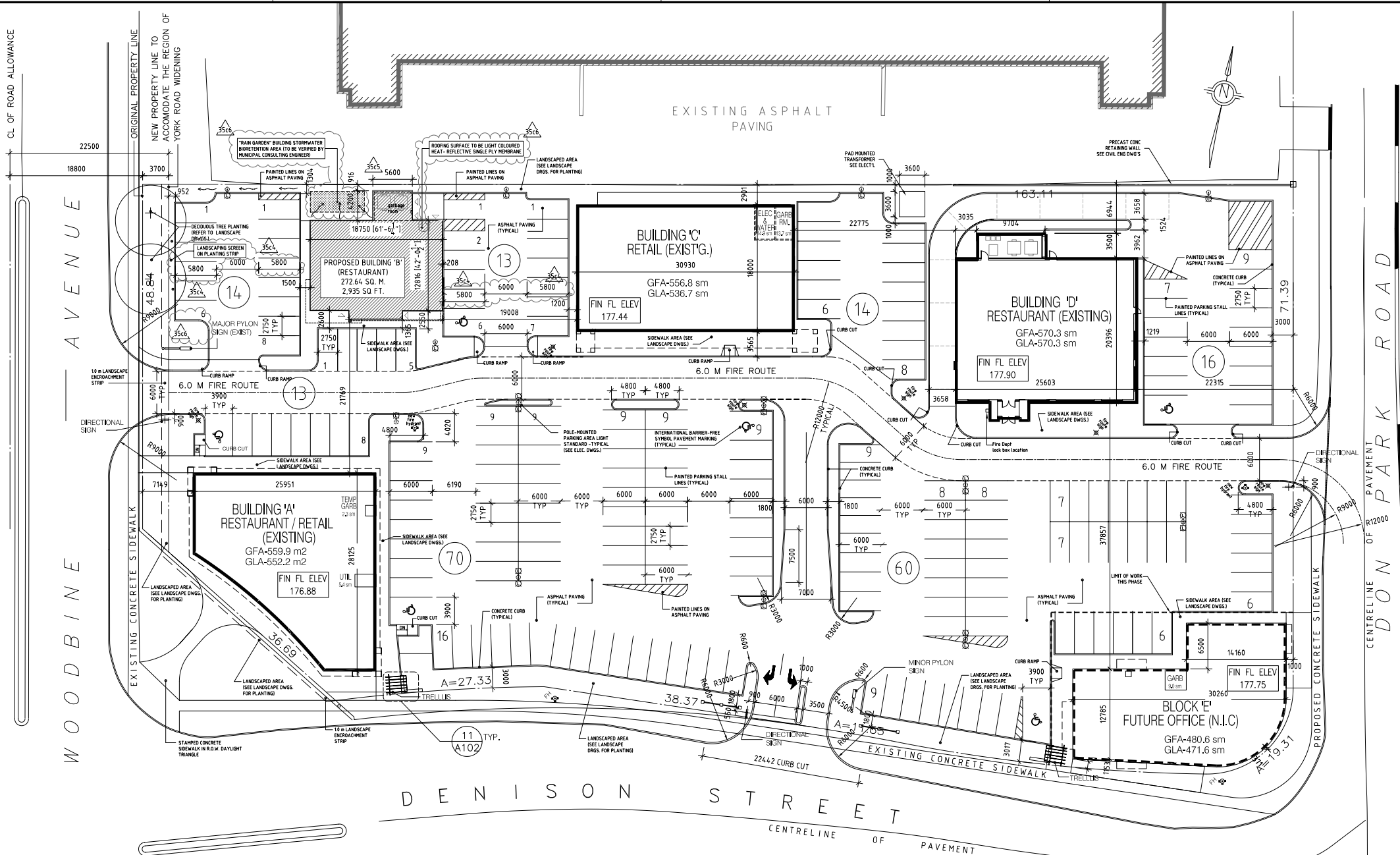
7333 Woodbine Avenue
Woodbine Avenue & Denison Street
MARKHAM ONTARIO

Drawing Title:
**SITE PLAN &
PROJECT STATISTICS**

Drawn By: AS/mgn	Checked By: MN	Date Checked: 16-APR-2008	Project No. 01a169B
Date Plotted: Apr 16, 2008 - 7:22pm	Scale: 1:300		
Drawing No.:	Revision No.:		

A101

35c6



PROJECT STATISTICS

EXISTING ZONING - B.C.
ZONING BY-LAW - 108-81 AS AMENDED BY BY-LAW 2001-92

LOT AREA	1.195 HECTARES
COVERAGE/FAR	20.42 %
LANDSCAPING	2,086.5 SQ. M. / 17.5%
BUILDING HEIGHT	10m MAX
FLOOR AREAS-SQ.M.	GFA GLA
RESTAURANTS	BUILDING A - 485.6 477.9
	BUILDING B - 272.6 249.1
	BUILDING D - 570.3 570.3
RETAIL	BUILDING A - 74.3 74.3
	BUILDING C - 556.8 536.7
OFFICE	BUILDING E - 480.6 471.6
TOTAL	2,440.2 2,379.9

PARKING REQUIRED

RESTAURANTS (1/23 OF 20% OF TOTAL GLA)	259.46/23 = 11.3 CARS
(1/9 OF GLA > 20%)	1,043.4/9 = 115.3 CARS
OTHER BUILDINGS (1/23 OF GLA)	1082.6/23 = 47.0 CARS
TOTAL	= 173.6 CARS

PARKING PROVIDED

200 CARS (6 H.C. INCLUDED)

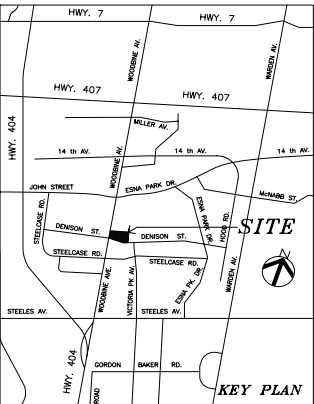
NOTES:
1. FOR WALKWAY, CURB RAMPS AND PLANTING DETAILS REFER TO LANDSCAPE DRAWINGS.
2. FOR FENCE AND PYLON SIGN DETAIL SEE DRAWING A102.

INFORMATION ON THIS DRAWING TAKEN FROM:

TOPOGRAPHICAL PLAN OF
PART OF LOT 45
REGISTERED PLAN M-1318
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

BENNETT YOUNG LIMITED
PROFESSIONAL LAND SURVEYORS
1998

BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN
FROM REGISTERED PLAN M-1318 AND PLAN 658-15612.



Appendix B

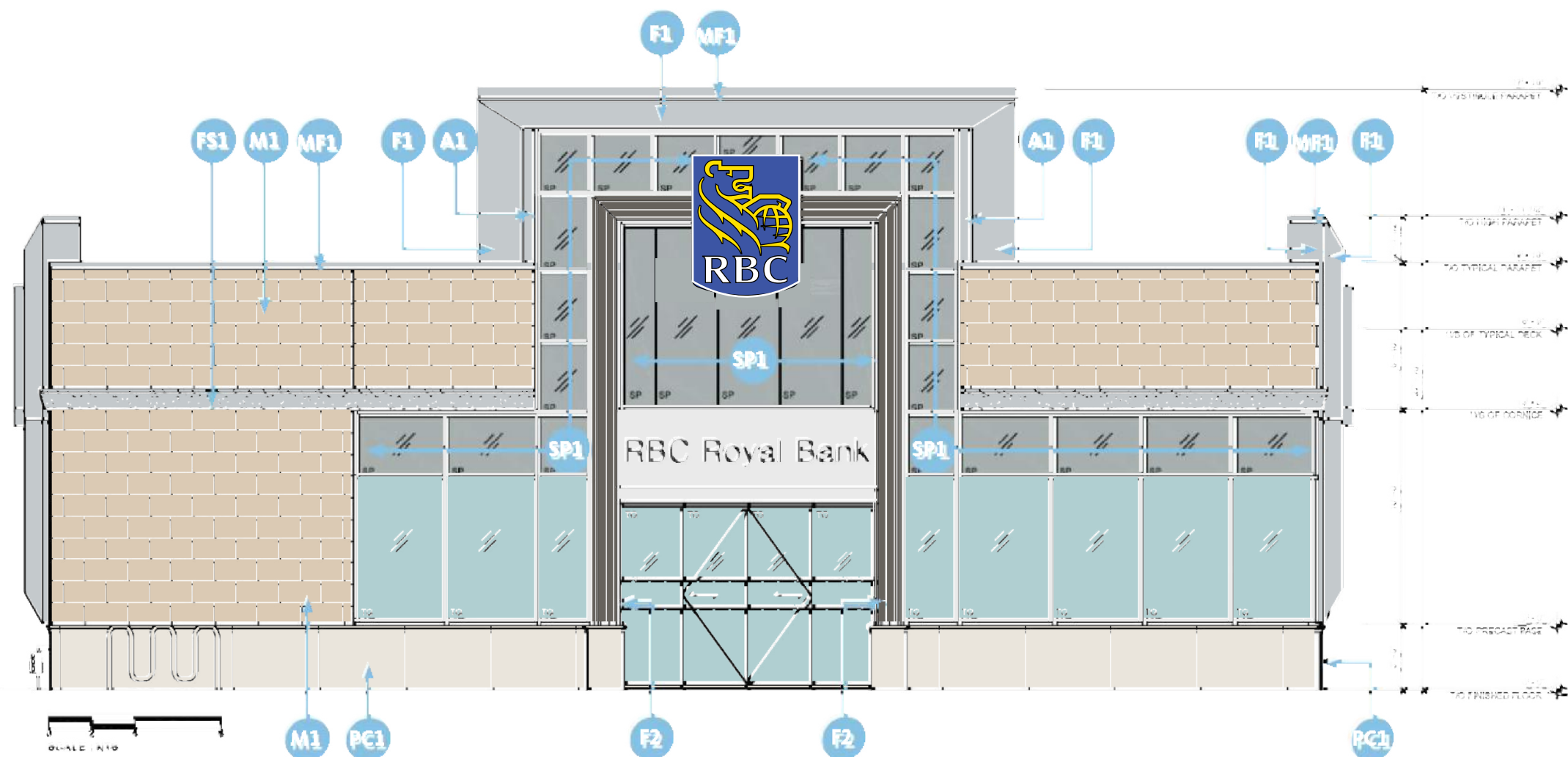
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Date: 06/30/22
MM/DD/YY

FRONT ELEVATION

- | | |
|--|---|
| MF1 MF1 Pre-finished metal flashing | F1 GFRP1 Glass fibre reinforced plastic panels: Formglas- Sky Grey |
| A1 A1 Aluminium closure panel | F2 GFRP2 Glass fibre reinforced plastic panels: Formglas- Brown |
| SP1 SP Maximum extent of spandrel glass | PC1 PC1 Pre-cast concrete panels: to match Formglas- White Sandstone colour and finish |
| P9 P9 Paint | FS1 FS1 Stucco finished system (EFIS) |
| M1 M1 Arcitectural Masonry Unit | MC1 MC1 Pre-finished metal cladding |

Note: Material colours are approximate and subject to final selection. RBC signage based on current standards at time of tenant fit-out.



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MF1	MF1 Pre-finished metal flashing	F1	GFRP1 Glass fibre reinforced plastic panels: Formiglas- Sky Grey
A1	A1 Aluminium closure panel	F2	GFRP2 Glass fibre reinforced plastic panels: Formiglas- Brown
SP1	SP Maximum extent of spandrel glass	PC1	PC1 Pre-cast concrete panels: to match Formiglas- White Sandstone colour and finish
P9	P9 Paint	FS1	FS1 Stucco finished system (EFIS)
M1	M1 Arcitectoral Masonry Unit	MC1	MC1 Pre-finished metal cladding

Architectural elevation drawing of the RBC building facade. The drawing shows a central entrance with a large RBC logo. The facade is composed of brickwork and large glass panels. Various callouts identify architectural features: F1, MF1, MC1, F2, F1, MF1, FS1, MC1, SP1, PC1, M1, and P9. A scale bar is located in the bottom left corner.

Appendix B

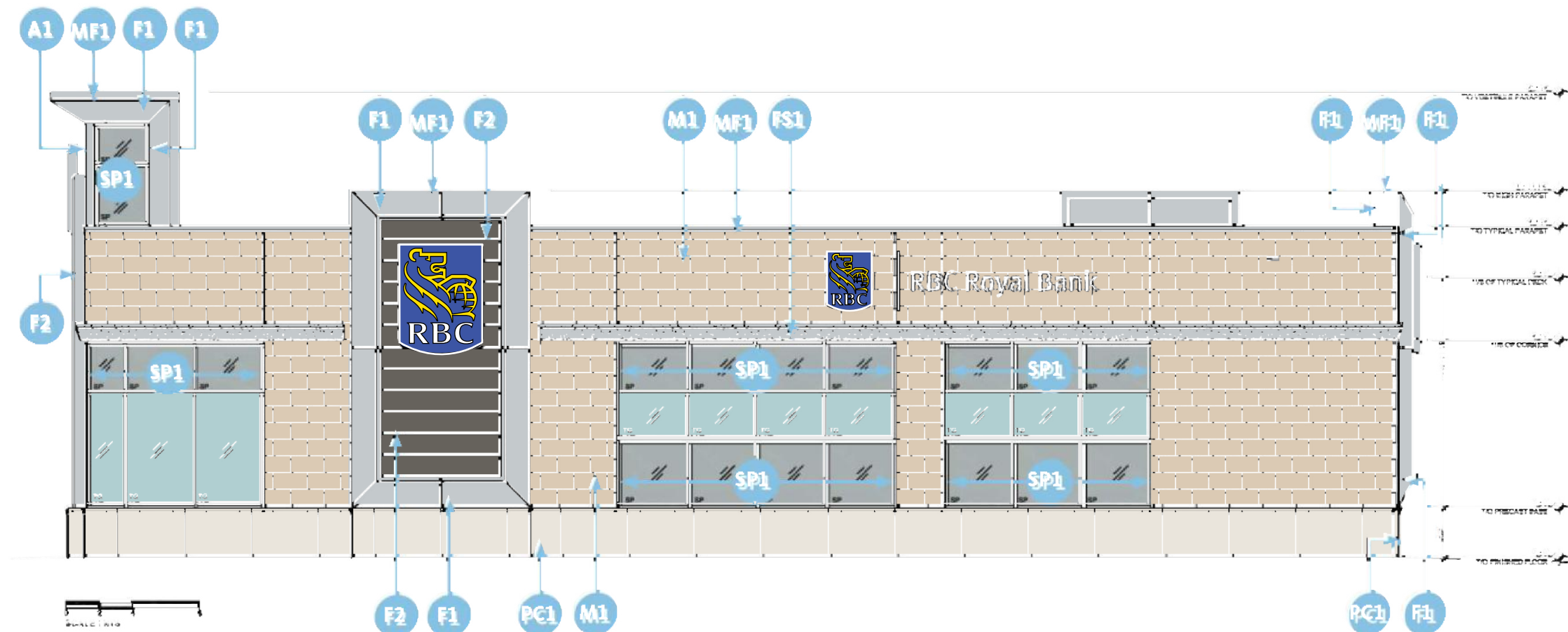
File: 22.114734.000.00.MNV

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SIDE 1 ELEVATION

MF1 MF1	Pre-finished metal flashing	F1 GFRP1	Glass fibre reinforced plastic panels: Formiglas- Sky Grey
A1 A1	Aluminium closure panel	F2 GFRP2	Glass fibre reinforced plastic panels: Formiglas- Brown
SP1 SP	Maximum extent of spandrel glass	PC1 PC1	Pre-cast concrete panels to match Formiglas- White Sandstone colour and finish
P9 P9	Paint	FS1 FS1	Stucco finished system (EFIS)
M1 M1	Architectural Masonry Unit	MC1 MC1	Pre-finished metal cladding

Note: Material colours are approximate and subject to final selection. RBC signage based on current standards at time of tenant fit-out.



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SIDE 2 ELEVATION

MF1 MF1 Pre-finished metal flashing	F1 GFRP1 Glass fibre reinforced plastic panels: Formglas- Sky Grey
A1 A1 Aluminium closure panel	F2 GFRP2 Glass fibre reinforced plastic panels: Formglas- Brown
SP1 SP Maximum extent of spandrel glass	PC1 PC1 Pre-cast concrete panels: to match Formglas- White Sandstone colour and finish
P9 P9 Paint	FS1 FS1 Stucco finished system (EFIS)
M1 M1 Arcitectural Masonry Unit	MC1 MC1 Pre-finished metal cladding

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