

## Memorandum to the City of Markham Committee of Adjustment

November 18, 2019

**File:** A/114/19  
**Address:** 1211 Denison St Markham  
**Applicant:** Cherish Integrated Services (Annie Leung)  
**Agent:** Neamsby Investments Inc. (Remington Group Inc.)  
**Hearing Date:** Wednesday, November 27, 2019

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

The applicant is requesting relief from the following requirements of By-law 108-81, M.C.(40%) and B.P. as amended:

- a) **Amending By-law 315-83, Section 1 (b):**  
to permit a Respite Day Care Facility, whereas a Respite Day Care Facility is not permitted;
- b) **Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**  
to provide two spaces per unit, plus one space per 50 square metres of gross floor area for a Respite Day Care Facility, whereas one space per 25 square metres is required for all other uses not defined;

### BACKGROUND

#### Property Description

The 3529.8 m<sup>2</sup> subject property is located on the south side of Denison Street, west of Birchmount Road (see Appendix "A"). The property is occupied by an existing office-industrial building that contains a variety of business and professional offices. Similar office-industrial buildings are situated to the east, west, and north of the subject property. Residential dwellings are located to the south of the subject property.

#### Proposal

The applicant is proposing interior renovations to the existing office building to facilitate the relocation of Cherish Integrated Services. The facility will be entirely contained within unit 20 of the existing office building (see Appendix 'C'). The proposed use is considered a 'Respite Daycare Facility', which is not defined in the Zoning By-law. Notwithstanding, the use is permitted in the 2014 Official Plan, as discussed further in the Official Plan section below.

#### Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *"The area site specific by-law only permits uses to the industrial uses in 7.1.1, professional and business offices, and banks and financial institutions"*.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **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.

### **Official Plan**

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

The subject property is designated "Business Park Employment" in the 2014 City of Markham Official Plan. The designation provides for industrial and office development in business park settings. The designation also provides for day care centres and commercial schools as discretionary uses if wholly located within a building.

While a "Respite Daycare Facility" is not explicitly listed as a permitted use in the 2014 Official Plan, the proposed use is intended to exclusively accommodate the programming needs of Cherish Integrated Services as envisioned by the Business Park designation provisions as they pertain to a commercial school. The proposed "Respite Daycare Facility" use will be fully contained within the existing office building and no exterior changes are proposed (see Appendix "C"). Furthermore, Staff note that the location of the proposed use is situated close to existing transit, and will allow Cherish Integrated Services to continue to provide training and skills for persons with developmental disabilities in the Markham community.

### **Parking Reduction**

Parking By-law 28-97 applies a rate of 1 space per 25 square metres for all other uses not specifically defined within the by-law. Participants of the use require varying levels of supervision. Parking utilization for the use consists of limited Staff members who remain during the day, with the remaining used as short-term drop off or pick up spaces by the participant's caregivers. Planning Staff do not object to a parking requirement of a minimum of 2 spaces, plus 1 space per 50 square metres of Gross Floor Area for the use, provided the scale of the use remains under 1000 square metres.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 19, 2019. 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 to the requested variances. 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.

## **APPENDICES**

Appendix "A" – Conditions List

Appendix "B" – Context/Zoning Map

Appendix "C" – Plans

PREPARED BY:



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Luis Juarez, Planner, Central District

REVIEWED BY:



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Stephen Lue, Manager, Central District

File Path: Amanda\File\ 19 138389 \Documents\District Team Comments Memo

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/19**

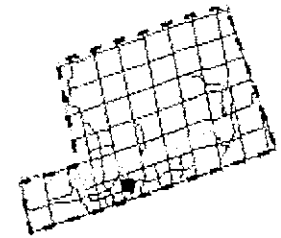
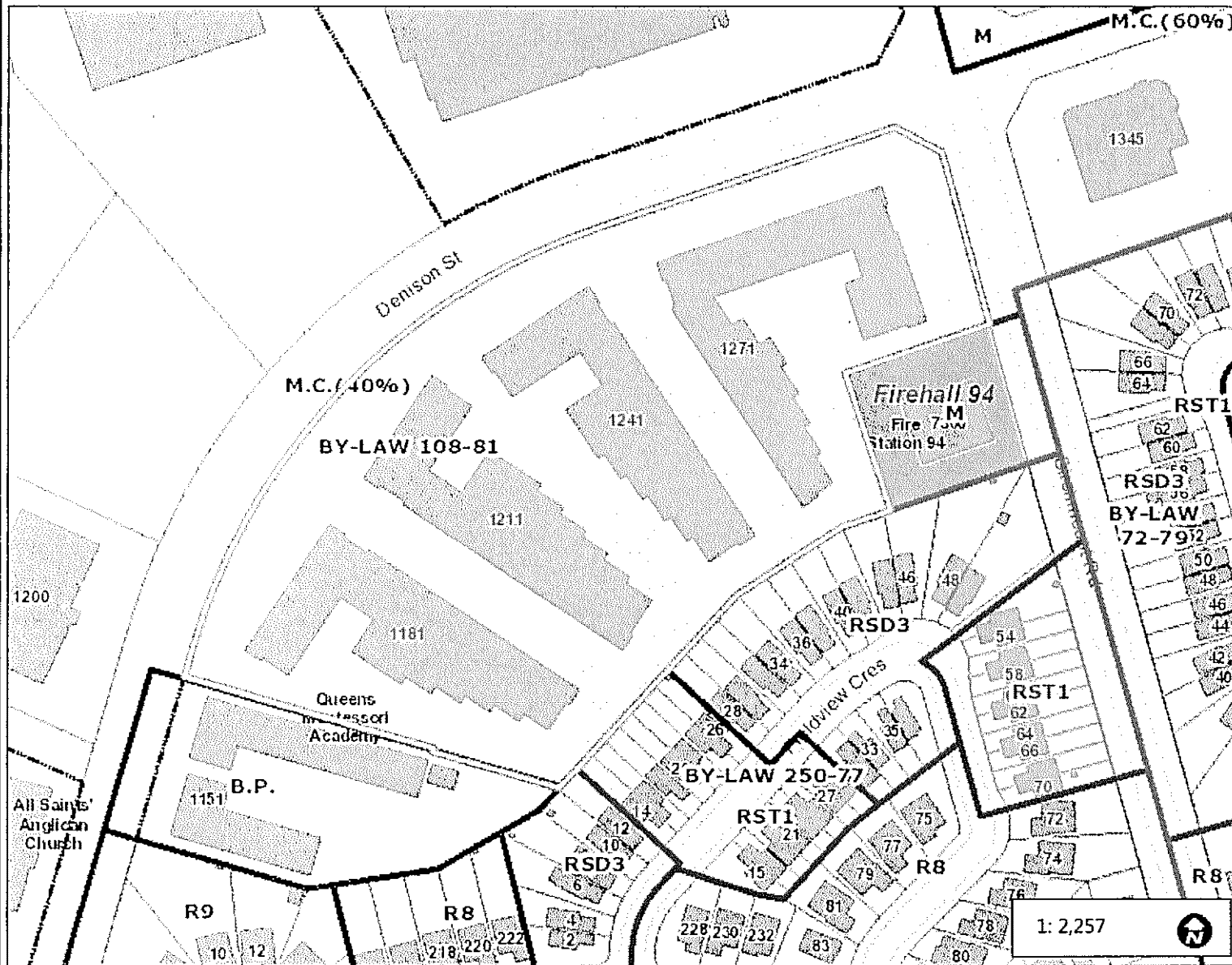
1. The variances apply only to the proposed development as long as it remains;
2. That for the purposes of this variance, a Respite Day Care Facility means a non-profit and non-commercial facility offering the temporary care of older adults, persons with disability, or other persons requiring supervised care on a temporary basis, which provides day programs, education, training or supervision to participants, such as an adult day program, but does not include overnight stays, child care centres, or other private schools.
3. That no individual Respite Day Care Facility exceed 1000 square metres in Gross Floor Area.

CONDITIONS PREPARED BY:



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Luis Juarez, Planner, Central District



Legend

- Site SP Boundary
- Parent By-laws
- Zoning Designations
- LANDMARKS\_6000
- SLRN\_6000
- PARKS\_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
- <all other values>
- Under Development

Notes

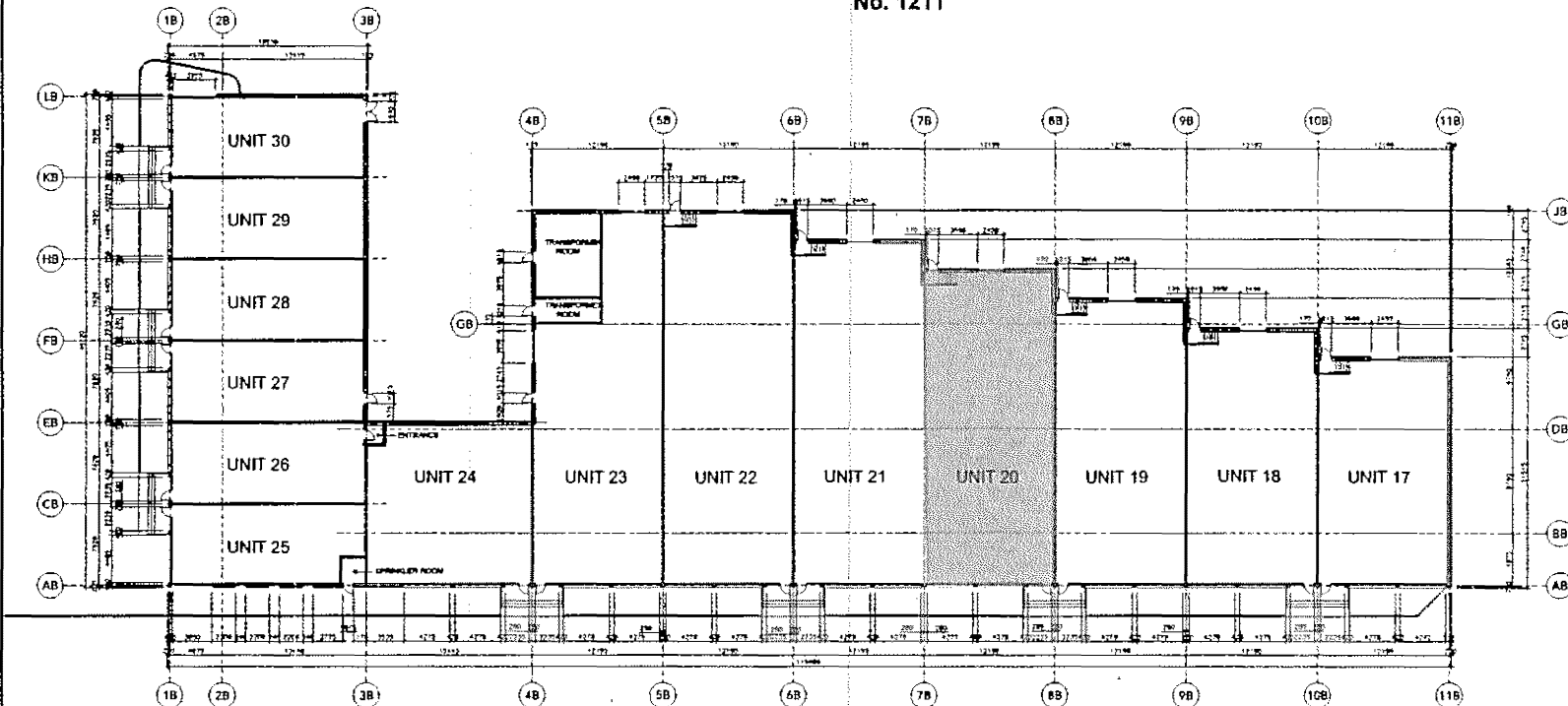
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham



**EXISTING 1 STOREY BRICK  
INDUSTRIAL BUILDING  
No. 1211**



PLAN BLDG. No. 1211

SCALE: 1/20'

Kohn Architects Inc.  
No. 1000's Denison Street, 10th Floor, Toronto, Ont. M5X 1C6  
Telephone: 416-593-8880 Fax: 416-593-8881  
www.kohnarchitects.com

**NOTES:**

1. Review of existing building conditions.
2. Existing building conditions are shown as they are.
3. Proposed changes are shown in red.
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REVISIONS AND DISTRIBUTION LOG			
No.	Date	By	Notes
1	11/11/2010	AS NOTED	CONSTRUCTION



1181/1211/1241/1271  
DENISON STREET  
THE KEMINGTON GROUP

Drawing Title		Drawing No.	
PLAN		Bldg. No. 1211	
Drawn By	Checked By	Date Checked	Project No.
SV	BP		10-125
Scale		AS NOTED	
A201		1	