

Memorandum to the City of Markham Committee of Adjustment

November 13, 2019

File: A/156/18
Address: Block 16, Registered Plan 65M-2457 (14th Ave) Markham
Applicant: True Jesus Church (Apostolic Faith) Canada
Agent: TAES Architects Inc. (Shenshu Zhang)
Hearing Date: Wednesday, November 13, 2019

Central Team provides the following comments. The Applicant requests relief from the following requirements of By-law 28-82, CCA "Commercial Corridor Area" zone as amended, to permit:

- a) **Amending By-law 236-96, Section 6.5.3 (g):**
parking spaces to encroach 0.89 m into the required landscaped open space adjoining 14th Avenue, whereas the By-law does not permit parking spaces to encroach into landscaped open spaces adjoining streets and highways; and
- b) **Parking By-law 28-97, Table B:**
a minimum of 80 parking spaces, whereas the By-law requires a minimum of 88 parking spaces.

BACKGROUND

Property Description

The 4200.5 m² subject property is located east of Woodbine Avenue, on the south side of 14th Avenue (see Appendix "A"), which is currently vacant and unaddressed. The surrounding uses include commercial plazas located to the east and west of the subject property, the Miller Paving lands to the north, and a fire hall to the south.

Proposal

The Applicant proposes to construct a new three-storey place of worship with a total gross floor area ("GFA") of 1,748.21m² and 80 parking spaces (the "proposed development"), as shown on Appendix "B". The Applicant submitted a Site Plan Control application in December 2017, to facilitate the proposed development. The Site Plan Control application has been placed on hold until the issue related to a reduction in parking is addressed. Staff have been working with the Applicant to revise the proposed development to reduce the total GFA of the building and add additional parking spaces, as discussed further in the Comments section.

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property 'Service Employment', which provides for manufacturing, processing, and warehousing uses as well as a number of discretionary uses including places of worship.

Zoning By-Law 28-82

The subject property is zoned CCA "Commercial Corridor Area" under By-law 28-82, as amended by site-specific Zoning By-law 236-96 (Appendix "C"), which permits a variety of commercial uses and places of worship. The proposed development conforms to the zoning by-law.

Parking Standards By-law 28-97

The proposed development does not comply with the City's parking by-law standards (By-law 28-97) with respect to the minimum required number of parking spaces, as discussed further in the Comments section of this report.

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 occupants do not need so many parking spaces; the lot front line is not straight*".

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the Applicant'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.

Variance a) Encroachment onto the Landscaped Open Space

The initial minor variance application requested relief from the by-law to allow parking spaces to encroach 2.18 m into the landscaped open space. Urban Design Staff have worked with the Applicant to reduce the encroachment onto the landscaped open space to 0.89 m to allow for additional required parking spaces, while maintaining an adequate landscaped open space width of 5.11 m at the narrowest point, as shown on Appendix "B".

Variance b) Parking Reduction

The proposed development includes 80 parking spaces, whereas 88 spaces are required as per the City's Parking By-law 28-97. This will result in a deficiency of eight parking spaces, which is a reduction of approximately 9.1 percent. Transportation Engineering staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property.

The initial minor variance application requested 76 parking spaces, whereas 97 were required. A number of the originally proposed parking spaces were 5.2 m in length, whereas spaces are required to have a length of not less than 5.8 m. Staff have worked with the Applicant to reconfigure the parking lot to accommodate four extra parking spaces and reduce the GFA of the building to require seven less parking spaces. Additionally, the proposed development was revised to ensure that all parking spaces met the minimum length requirement in the by-law of 5.8 m. Staff have no objections to the approval of the proposed parking reduction.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 06, 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.

PREPARED BY:



Luis Juarez, Planner, Central District

REVIEWED BY:



Stephen Lue, Development Manager, Central District

File Path: Amanda\File\ 18 253317 \Documents\District Team Comments Memo

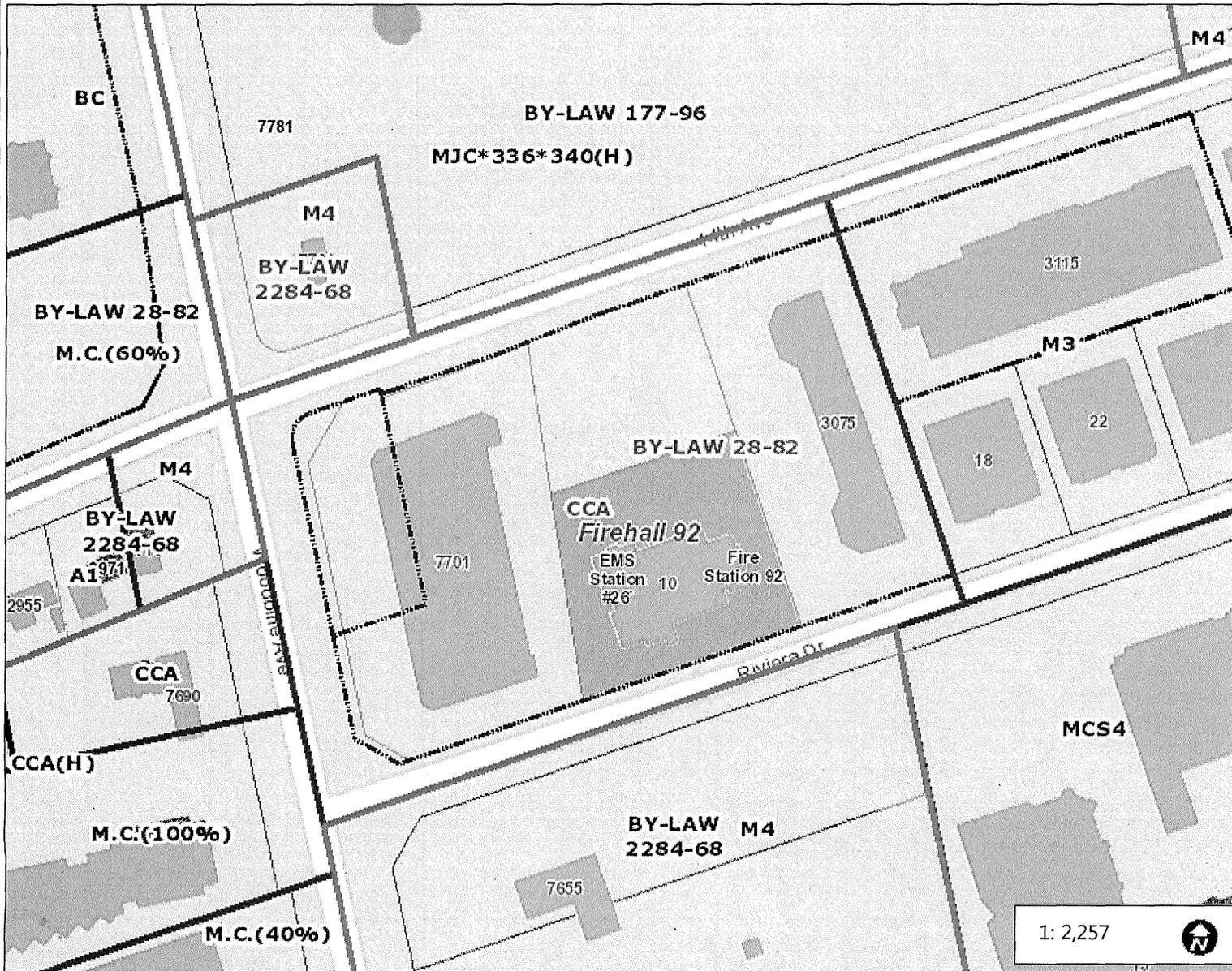
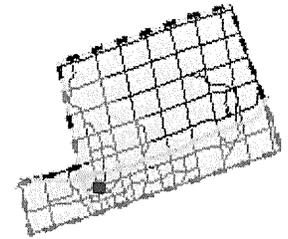
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/18

1. The variances apply only to the proposed development as long as it remains.

CONDITIONS PREPARED BY:

Juarez

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

1: 2,257



114.7 0 57.33 114.7 Meters

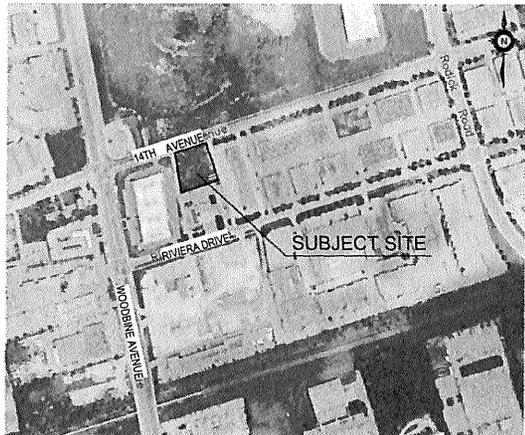
Notes

STATISTICS

ZONING	BY-LAW 238-96 / 28-97	LOT NO.	PART OF LOT 1 & PART OF BLOCK 16
PLAN NO.	65M-2457	LOT AREA	4200.50 M ²
LOT FRONTAGE	65.37 M	LOT DEPTH	60.00 M

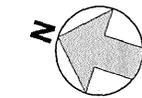
DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN. LOT FRONTAGE	65.37 M	65.37 M	60 M	6.5.3(a)(i)
MIN. LOT AREA	4200.50 M ²	4200.50 M ² @ 42 Ha *	0.8 Ha	6.5.3(b)(i)
MAX. BUILDING HEIGHT		21 M	46 M	6.5.3(e)
NO. OF STORES		3		
FLOOR AREA, GROSS		1748.21 M ² (EXCLUDED 289 M ² OF ATRIUM)		
FLOOR AREA, NET		796.50 M ²		
MAX F. A. R.	1748.21 M ²	41.6%	60%	6.5.3(d)
MAX LOT COVERAGE	896.15 M ²	16.57%		
LANDSCAPE STRIP ADJOINING A STREET		MIN. 5.49 M *	6.00 M	6.5.3(g)
PARKING SPACE (INCLUDING 4 H.C. PARKING)		80	2004-50 796.50@9=88	(a)(i) 28-97(3.0) Table B Place of Worship (b)

SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (NORTH)		23.09 M	6.00 M	6.5.3(c)(i)
SIDE (WEST)		10.22 M	3.00 M	6.5.3(c)(ii)
SIDE (EAST)		18.53 M	3.00 M	6.5.3(c)(iii)
REAR (SOUTH)		18.60 M	3.00 M	6.5.3(c)(iv)



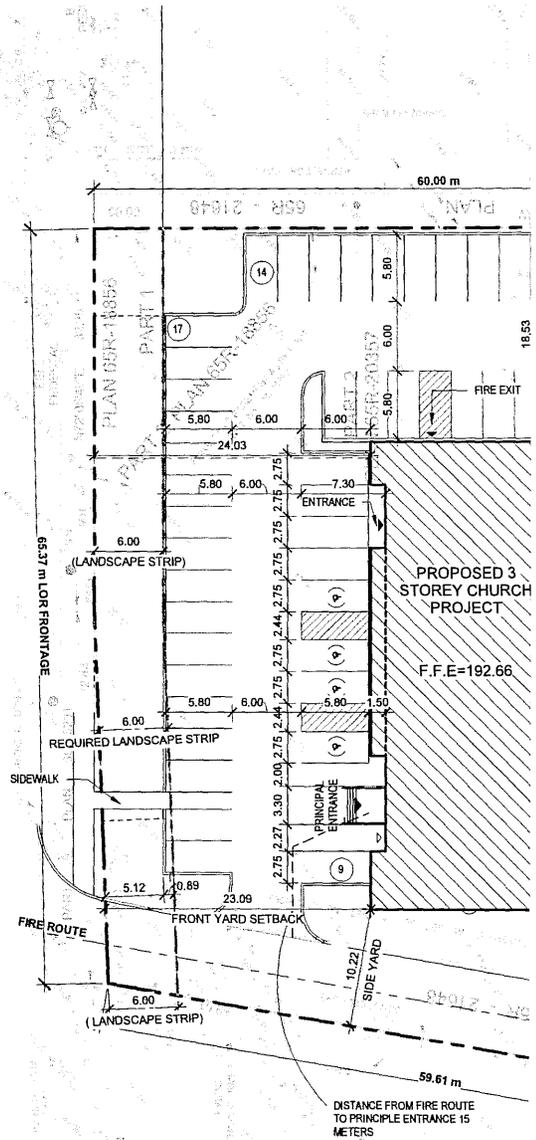
KEY PLAN

1 Site Plan
1 : 300



PART 4 PLAN 65R-1856
ROAD ALLOWANCE BETWEEN LOTS 1 & 2 CONCESSION A1

FOURTEENTH AVENUE



MARKHAM**BY - LAW****236-96**

A by-law to amend By-law 28-82, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 28-82, as amended, be and the same is hereby further amended as follows:

- 1.1 By adding to Section 5.1(a) the following category:

"Commercial Corridor Area C.C.A".

- 1.2 By adding to Section 6 the following subsections:

6.5. COMMERCIAL CORRIDOR AREA (C.C.A.) ZONE

Except as provided elsewhere in this by-law, all permitted uses shall be located within a wholly enclosed BUILDING or STRUCTURE.

6.5.1 USES PERMITTED

- All of the uses permitted in Section 6.1.1
- Banks and financial institutions
- Banquet halls
- COMMERCIAL SCHOOLS
- DAY NURSERIES and day care centres
- DRY CLEANING ESTABLISHMENTS
- ~~Funeral homes~~ deleted 211-1999
- Hotels and motels
- Indoor recreation establishments
- Offices
- PERSONAL SERVICE SHOPS
- Places of entertainment
- Places of Worship
- PRIVATE SCHOOLS
- RESTAURANTS
- RESTAURANTS, FAST FOOD
- RESTAURANTS, TAKE-OUT
- SERVICE SHOPS
- RETAIL STORES
- Trade and convention centres

6.5.2. USES PROHIBITED

- All of the uses prohibited by Section 4.3.7
- RETAIL STORES having a GROSS LEASABLE FLOOR AREA in excess of 6000 m² of GROSS FLOOR AREA per premises
- Autobody paint and repair
- commercial "self-storage" warehouses

6.5.3 ZONE REQUIREMENTS

- (a) MINIMUM LOT FRONTAGE
 - (i) abutting an arterial road or Provincial Highway - 60 metres
 - (ii) abutting all other streets - 30 metres

- (b) MINIMUM LOT AREA
 - (i) abutting an arterial road or provincial highway - 0.8 hectares
 - (ii) abutting any other street - 0.4 hectares

- (c) MINIMUM YARDS
 - (i) Minimum YARD adjoining a STREET or highway - 6 metres
Awnings, roof overhangs open colonnades and canopies shall be permitted to encroach into the required YARD adjoining a STREET or highway.
 - (ii) Minimum YARD adjoining any other LOT LINE - 3 metres

- (d) MAXIMUM FLOOR AREA RATIO - 60%

- (e) MAXIMUM HEIGHT of a BUILDING or STRUCTURE - 46 metres

- (f) Waste Management
All garbage shall be enclosed with a fully enclosed storage area within a main BUILDING or BUILDINGS on the site. There shall be no outdoor storage of garbage or garbage containers at any time.

- (g) LANDSCAPING
Adjoining a STREET or highway, a strip of land having a minimum width of 6 metres immediately abutting the STREET LINE shall be provided and maintained as LANDSCAPED OPEN SPACE.
The following encroachments shall be permitted into the required LANDSCAPED OPEN SPACE adjoining STREETS and highways:
 - Access ramps and driveways provided they are more or less perpendicular to the STREET LINE.
 - Awnings, roof overhangs, open colonnades and canopies.

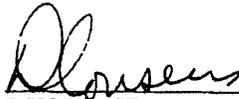
- (h) EXEMPTIONS
The provisions of Sections 4.3.8, 4.4.4(a), 4.4.4(b), 4.4.4(c) 4.4.4(d), 4.5.1, 4.5.2, 4.6, 4.7.1 and 4.8.1 shall not apply."

- 1.3 By rezoning the lands outlined on Schedule 'A' hereto from "Select Industrial and Limited Commercial" [M.C.(40%)] to "Commercial Corridor Area" (C.C.A.).
2. All other provisions of By-law 28-82, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
24TH DAY OF SEPTEMBER, 1996.

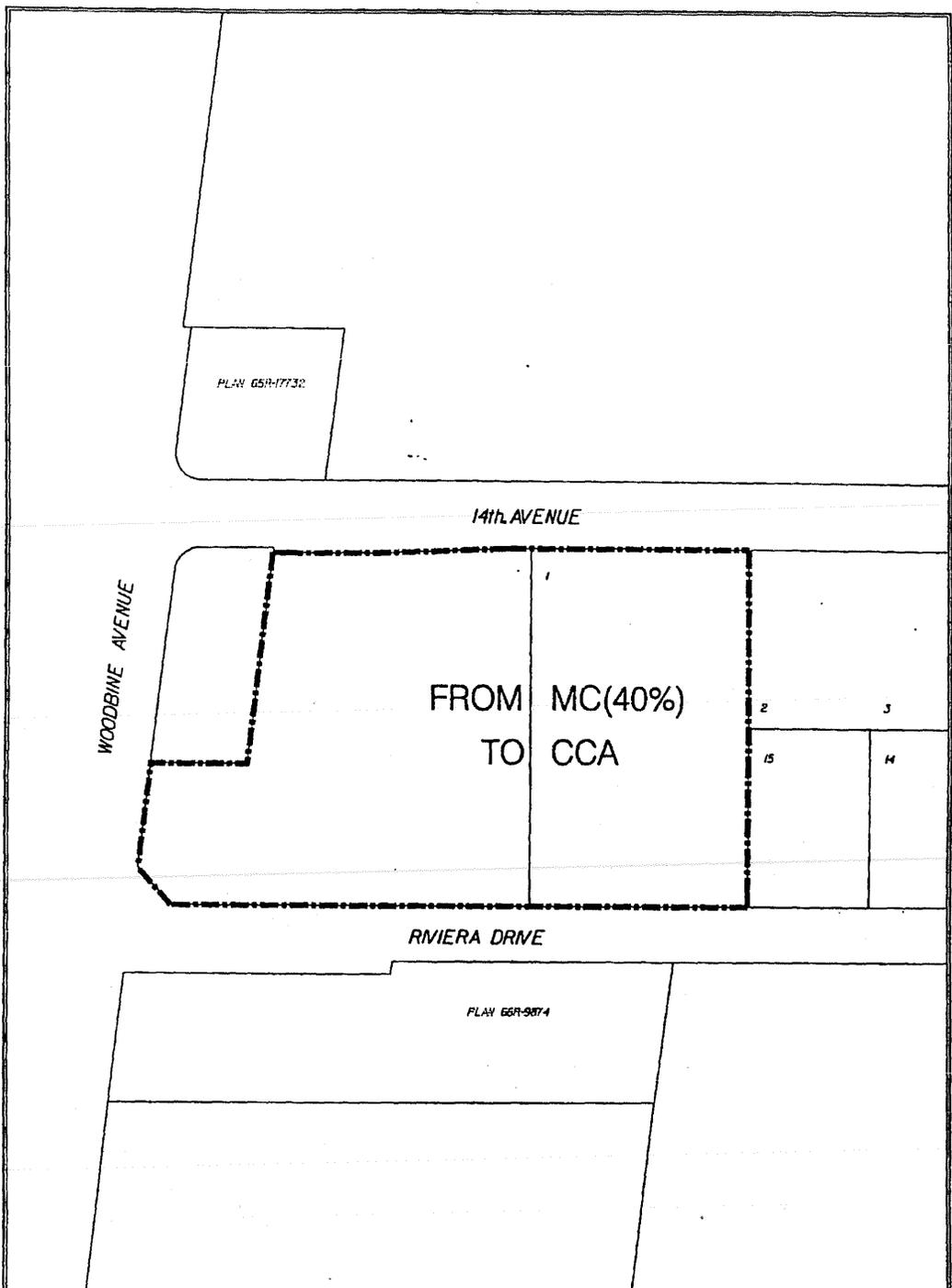


BOB PANIZZA, TOWN CLERK



DON COUSENS, MAYOR

236-96



MARKHAM
DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 28-82

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  ZONE BOUNDARY

MC40% SELECT INDUSTRIAL AND LIMITED COMMERCIAL **CCA** COMMERCIAL CORRIDOR AREA

THIS IS SCHEDULE 'A' TO BY-LAW 236-96
PASSED THIS 24TH DAY SEPT., 1996

[Signature] MAYOR

[Signature] CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1:2000

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