

Memorandum to the City of Markham Committee of Adjustment

February 04, 2020

File: A/009/20
Address: 1 Stone Mason Drive, Markham
Applicant: Taran Development Limited
Agent: Taran Developments Inc (Marian Marcante)
Hearing Date: Wednesday February 19, 2020

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

The applicant is requesting relief from the following Local Commercial (LC) zone requirements of By-Law 153-80, as amended, to permit a Commercial School as an additional use in an existing multi-unit commercial building (Section 11.1), whereas this use is not permitted.

BACKGROUND

Property Description

The 3,763.50 m² (40,510 ft²) subject property is located at the southeast corner of 16th Avenue and Stone Mason Drive, west of Main Street Markham North. The subject property contains a one-storey 828.34 m² (8,916 ft²) multi-tenant commercial building containing eight units, which according to the variance application form was constructed in 1983. Current uses within the existing building include a retail convenience store, dry cleaner, dental office, restaurant, pizza restaurant and hair salon. The applicant proposes to occupy Units 1 and 2 of the existing multi-tenant building with a commercial school for after school programs.

Surrounding land uses are predominantly residential to the north (across 16th Avenue), south, east and west. Golden Meadow Pond is located north-west of the property across the 16th Avenue and Stone Mason Drive intersection.

Proposal

The applicant is proposing a commercial school in Units 1 and 2 of an existing multi-tenant commercial building on the subject property. The proposal does not contemplate any changes to the exterior of the building.

Official Plan and Zoning

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' which serves an important function for nearby residents 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 serving nearby residents and businesses. This designation provides for a range of uses, including dwelling units, retail, restaurants, offices, places of worship, public and private schools, financial institutions day care centres and commercial schools.

Zoning By-Law 153-80

The subject property is zoned LC – Local Commercial under By-law 153-80, as amended, which permits banks, financial institutions, personal service shops, business and professional offices, retail stores and taxi stands. A commercial school is not listed as a permitted use in this zone, and the applicant has therefore applied for a variance to permit this as an additional land use on the subject property.

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, *"as a commercial school is not a permitted use, we would like to open up further opportunities for small, local business who have shown interest in this location"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 21st 2020, to confirm the variance 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 has submitted a variance to permit a Commercial School in an existing multi-unit commercial building. As noted, the proposed Commercial School will occupy Units 1 and 2 or, approximately 232.25 m² (2,500 ft²) of the subject site. It should be noted however that the applicant is proposing to add this use to the site, which if approved, could allow it to be located elsewhere on the subject property.

The 2014 Official Plan designates the subject lands "Mixed Use Low Rise". This designation envisions a mix of uses to serve nearby residents and businesses, including commercial schools

While the applicable zoning by-law does not specifically permit Commercial Schools on the subject site, it does permit a diverse range of uses on the subject lands and staff are satisfied that the requested variance maintains the intent of the zoning by-law. For the purposes of calculating required onsite parking, the existing multi-unit building is considered a shopping center, which would include the proposed commercial school without requiring additional parking in accordance with the City of Markham Parking Standards By-law 28-97, as amended. The applicant has confirmed through their zoning preliminary review that the proposed commercial school will not require additional parking.

Given that the proposed use is provided for in the 2014 Official Plan and meets the purpose and intent of the applicable zoning by-law, staff are of the opinion that the proposed commercial school is appropriate for the site will not result in impacts to the existing building and uses.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 4th, 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.

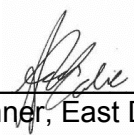
CONCLUSION

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, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

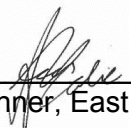
File Path: Amanda\File\ 20 107237 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/009/20

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report and received by the City of Markham on January 22nd and 24th, 2020, 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 his or her satisfaction; and
3. That the applicant submit a confirmation letter from an engineering consultant that existing services are adequate to service the intended use of the land to the satisfaction of the Director of Engineering or their designate.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, East District