

Memorandum to the City of Markham Committee of Adjustment

June 25, 2020

File: A/061/20
Address: 9377 McCowan Rd – Markham, ON
Applicant: St. Mary & St. Samuel The Confessor Coptic Orthodox Church
Agent: S.C. Land Management Corporation
Hearing Date: Tuesday July 14, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the Major Commercial Exception (MJC*489) Zone under By-law 177-96, as amended, as they relate to a proposed expansion of an existing day nursery on the subject property. The proposed variances are as follows:

a) Section 7.4.89.2 g) ii:

to permit a maximum gross floor area of 680.0 m² (7,319.46 ft²) for a day nursery, whereas the By-law permits a maximum gross floor area (GFA) of 460.0 m² (4,951.40 ft²) for a day nursery; and

b) Parking By-law 28-97, Section 3.0:

to permit a total of 12 parking spaces for a proposed Day Nursery having 9 classrooms and a maximum of 137 students to share the existing 246 parking spaces on the site, whereas the By-law requires a total of 41 parking spaces for the proposed Day Nursery.

It should be noted that Variance “B” as described above originally proposed a total of 11 spaces for the day nursery, which is reflected on the public notice for this application. However, the approved site plan from 2013 showed a total of 246 parking spaces on site, with a total of 12 parking spaces for the existing day nursery. The availability of 12 spaces for the day nursery has also been confirmed by the applicant. The variance has therefore been revised to reflect the approved site plan drawings on file with the City. Staff are of the opinion that this is a minor change and any approval decision should reflect the revised variance described above.

BACKGROUND

Property Description

The 1.19 Ha (2.94 Ac) subject property is located on the east side of McCowan Road, north of 16th Avenue, and south of James Parrott Avenue. The property is developed with an existing place of worship at 9393 McCowan Road with an area of approximately 2,950.40 m² (31,757.84 ft²). It is also developed with an existing 339.40 m² (3,653.27 ft²) day nursery located in a separate building at 9377 McCowan Road, which has an associated outdoor play area. The remainder of the property is comprised of landscaped areas and a paved surface parking lot containing 246 parking spaces, in which 234 parking spaces are allocated for the place of worship and 12 parking spaces are allocated for the day nursery. The site plan is provided in Appendix “B”.

The surrounding area primarily consists of low rise residential uses to the south, east and west (across McCowan Road), and a woodlot to the north.

Proposal

The applicant is proposing an addition to the day nursery building which will result in a maximum GFA of 680.0 m² (7,319.46 ft²), whereas the By-law permits a day nursery with a maximum GFA of 460.0 m² (4,951.40 ft²).

The proposed addition will increase the total amount of parking, as required by the City of Markham Parking Standards By-law 28-97, as amended. The Parking By-law would require a total of 41 parking spaces for the expanded day nursery, whereas the applicant is proposing that the existing 12 parking spaces be provided for this use. As noted, the site contains a total of 246 parking spaces to accommodate both the place of worship and day nursery uses.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18) The 2014 Official Plan designates the subject property "Residential Low Rise", which permits places of worship and day care centres (day nurseries) in addition to low rise residential uses, subject to locational and site criteria outlined in the Official Plan. The existing uses conform to the Official Plan.

Zoning By-Law 177-96

The subject property is zoned Major Commercial Exception (MJC*489) under By-law 177-96, as amended, which only permits a place of worship and a day nursery. The proposed increase to the day nursery building does not comply with the By-law requirement for maximum GFA.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is to, *"increase the maximum GFA as permitted by the By-law for the day nursery from 460.0 m² (4,951.40 ft²) to 680.0 m² (7,319.46 ft²) to be able to utilize the entire building for the purposes of a day nursery use. This building is a former single detached dwelling separate from the main place of worship building, but on the same site with shared parking. The entire property has a total of 246 parking spaces that are not utilized during the operating hours of the day nursery. We have surplus parking for the day nursery."*

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process 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.

Increase in Maximum Gross Floor Area (GFA) for the Day Nursery Use

The applicant is requesting relief to permit a maximum GFA of 680.0 m² (7,319.46 ft²), whereas the By-law permits a maximum GFA of 460.0 m² (4,951.40 ft²) for the day nursery use. This is an increase of approximately 220.0 m² (2,369.06 ft²).

Parking Reduction

A total of 246 parking spaces exist on site, with 234 parking spaces provided for the existing place of worship use and 12 parking spaces for the existing day nursery. This satisfies the requirements of Parking Standards By-law 28-97, as amended, for both uses as they currently exist on the property. However, the proposed additional GFA for the day nursery use results in an increase to the required parking by 29 additional spaces, resulting in a total of 41 parking spaces for this use.

In support of the requested variance to reduce parking for the day nursery, the applicant submitted a parking justification letter (Appendix "C") which confirms that the operational times of the place of worship and day nursery will not overlap or conflict with one another. The parking justification letter has been reviewed and accepted by transportation planning staff, subject to the recommended condition in Appendix "A" that requires two bicycle parking spaces be provided as a bicycle rack for the day nursery use. Staff are of opinion that the total amount of parking is sufficient for both the place of worship and day nursery, and therefore, have no objection to the requested variances to reduce the parking requirements for the day nursery, and to expand its permitted GFA.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 25, 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.

APPLICATION PROCESSING

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency.

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 minor variances requested meets the four tests of the *Planning Act* and have no objection. 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 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.

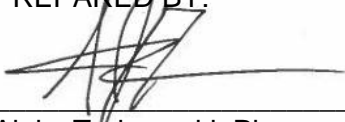
APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Submitted Plans

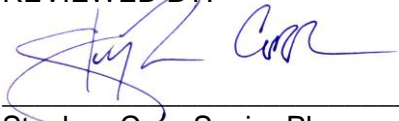
Appendix "C" – Parking Justification Letter

PREPARED BY:

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

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in blue ink, appearing to be 'Stephen Corr', written over a horizontal line.

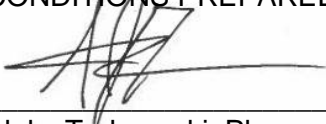
Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/061/20

1. That the variances apply only to the existing place of worship and proposed expansion to the day nursery, as long as they remain.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report and received by the City of Markham, 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.
3. That a minimum of two bicycle spaces in the form of bicycle racks be provided on site for day nursery use, 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.

CONDITIONS PREPARED BY:

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

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/061/20

CONTRACTOR TO VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF WORK.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL COUNTERSIGNED

DATE:	REVISION:
2020-04-28	REVISED AS PER CITY'S COMMENTS

2020-04-28	RE-ISSUED FOR BUILDING PERMIT
2020-03-16	ISSUED FOR BUILDING PERMIT
DATE:	ISSUE:

SEAL:	SEAL:
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CARICARI LEE ARCHITECTS
113 Miranda Avenue
Toronto, ON M8B 3W8
Tel: 416-962-9670
e: info@caricari-lee.com

CL/A

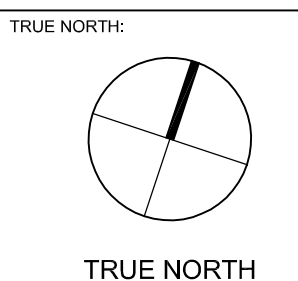
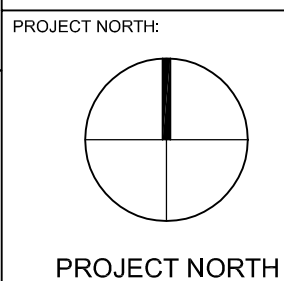
CLIENT NAME:

SP APPLICATION NO.:

PROJECT NAME:
DAYCARE RENOVATIONS

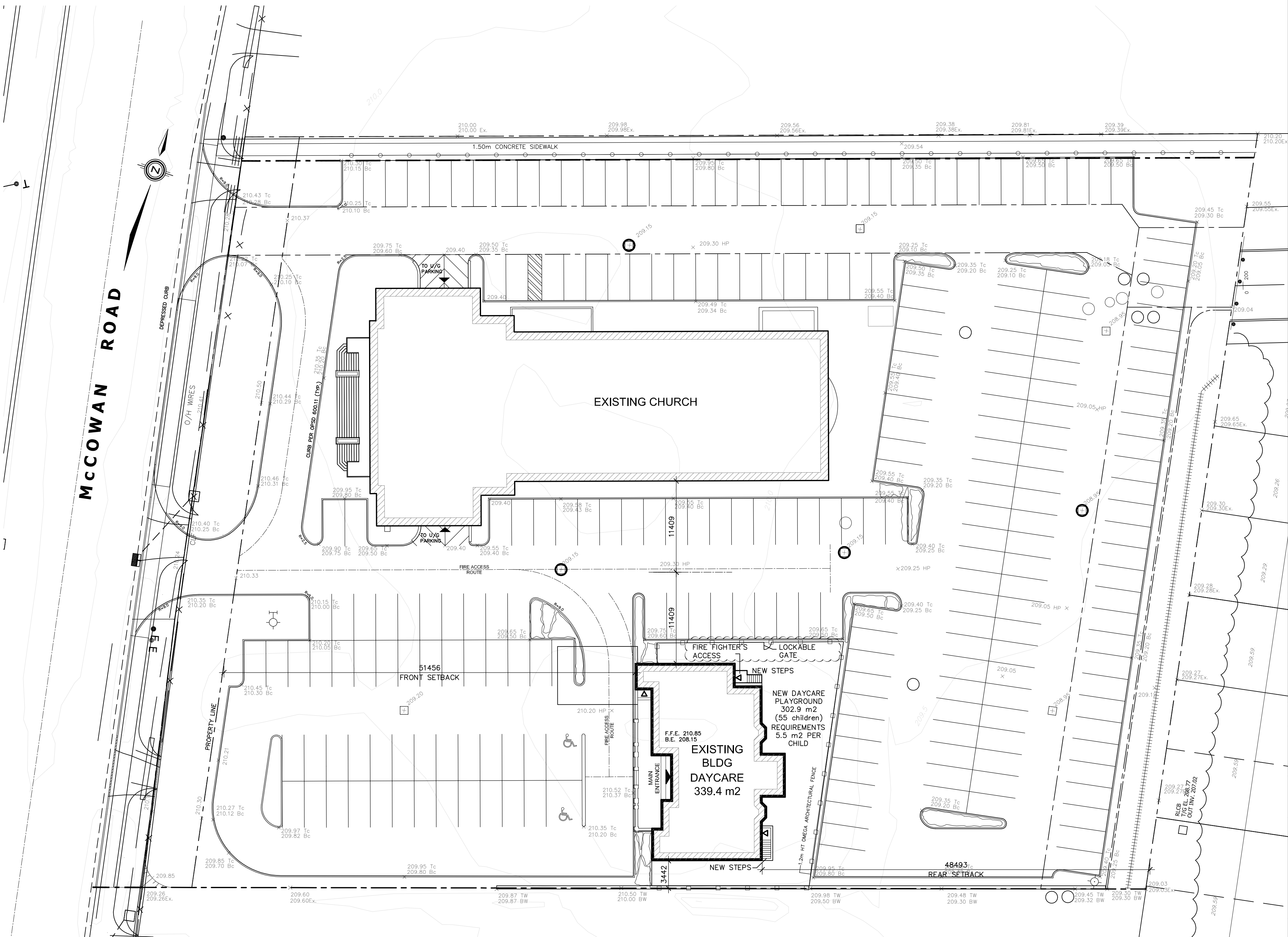
9377 MCCOWAN ROAD, MARKHAM, ONTARIO

SHEET TITLE:
SITE PLAN & OBC MATRIX



SCALE: 1:300	REVISION NO.
PROJECT NO. 18-050	
DATE: 2020-03-13	DRAWING NO.
DRAWN: RES	
CHECKED: J.C.	A100

Firm Name: CARICARI LEE ARCHITECTS Certificate of Practice Number: 113 Miranda Avenue, Toronto, Ontario M8B 3W8 Tel: 416-962-9670 Joseph Caricari		The Engineer noted above has exercised responsible control with respect to design activities. The Engineer's seal number is the Engineer's BCDN.	
The Certificate of Practice Number of the holder is the holder's BCDN.			
Name of Project: RENOVATIONS TO: KINDER CORNER DAYCARE			
Location: 9377 MCCOWAN ROAD, MARKHAM, ONTARIO			
ONTARIO BUILDING CODE DATA MATRIX PARTS 3 & 9		OBC Reference O.REG 86/19	
1	PROJECT DESCRIPTION: INTERIOR ALTERATION <input checked="" type="checkbox"/> Change of use <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> New <input type="checkbox"/> Part 11 11.1 to 11.5	1.1.2.2 9.10.1.3	1.1.2.2 9.10.1.3
2	MAJOR OCCUPANCY : A2, up to 2 Storeys	3.1.2.1.(1)	9.10.2
3	BUILDING AREA (m2): EXISTING 339.40 NEW 0 TOTAL 339.40	1.4.1.2	1.4.1.2
4	GROSS AREA (m2): EXISTING 678.80 NEW 0 TOTAL 678.80	1.4.1.2	1.4.1.2
4.1	AREA OF WORK COVERED UNDER THIS PERMIT APPLICATION (m2): 678.80	1.4.1.2	1.4.1.2
5	NUMBER OF STOREYS ABOVE GRADE 1 BELOW GRADE 1	3.2.1.1 & 1.4.1.2	2.1.1
6	NUMBER OF STREETS/FIRE FIGHTERS ACCESS 2 EXISTING	3.2.2.10 & 3.2.5	9.10.20
7	BUILDING CLASSIFICATION 3.2.2.28	3.2.2.20-83	9.10.2
8	SPRINKLER SYSTEM <input type="checkbox"/> existing <input type="checkbox"/> proposed <input checked="" type="checkbox"/> not required <input type="checkbox"/> entire building <input type="checkbox"/> basement only <input type="checkbox"/> in lieu of roof rating	3.2.2.20-83 3.2.1.5 3.2.2.17	9.10.8
9	STANDPIPE SYSTEM REQUIRED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.9	N/A
10	FIRE ALARM SYSTEM REQUIRED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Existing	3.2.4	9.10.18.2
11	WATER SERVICE/SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7	N/A
12	HIGH BUILDING <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.6	N/A
13	PERMITTED CONSTRUCTION ACTUAL CONSTRUCTION <input type="checkbox"/> Combustible <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Non-combustible <input type="checkbox"/> both <input checked="" type="checkbox"/> both	3.2.2.20-83	9.10.6
14	MEZZANINE AREA WITHIN SUITE (m2)	3.2.1.1.(3)-(8)	9.10.4.1
15	OCCUPANT LOAD BASED ON STAFF = 23 persons INFANTS = 10 persons BARRIER-FREE DESIGN <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain) EXISTING NOT ACCESSIBLE	3.1.17.1 3.8	9.9.1.3 9.5.2
16	HAZARDOUS SUBSTANCES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2, & 3.3.1.19	9.10.1.3(4)
17	REQUIRED FIRE RESISTANCE RATING Horizontal Assemblies FRR (Hours) Floors 3/4 Hours Roof 0 Hours Mezzanine N/A Hours FRR of Supporting Members Listed Design No. or Description (SB-2) SB-2 2.3.3.A SB-2 2.6.1.F Mezzanine N/A Hours	3.2.2.20-83 & 3.2.1.4	9.10.8 9.10.9
19	SPATIAL SEPARATION CONSTRUCTION OF EXTERIOR WALLS SEE ELEVATIONS	3.2.3	9.10.14
20	Other - Describe		
21	LOCATION OF EXITS GROUND FLOOR - 2 EXITS + BASEMENT 2 EXITS TOTAL 4 EXITS	3.4.2.5(1)(d) 3.4.2.1(2)(a)(b)	
22	EXIT CAPACITY : 180 people X 6.1 mm =1098mm 3 EXITS PROVIDED @ 915mm EA = 2745mm	3.4.3.2	
23	SANITARY FACILITIES : 19 FIXTURES	3.7.4.2 (1) 3.7.4.7	
OTHER - DESCRIBE :			



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2020-03-16	ISSUED FOR BUILDING PERMIT

DATE:	ISSUE:
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SEAL:	SEAL:
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CL/A

CLIENT NAME:

SP APPLICATION No.:

PROJECT NAME:
DAYCARE RENOVATIONS

8377 MCCOWAN ROAD, MARKHAM, ONTARIO

SHEET TITLE:
NORTH & WEST ELEVATIONS

PROJECT NORTH: TRUE NORTH:

SCALE	1/4" = 1'-0"	REVISION NO.	
PROJECT NO.	18-050	DRAWING NO.	
DATE	2020-03-13		
DRAWN	RES		
CHECKED	J.C.		

A300

COMBINED FLOORS
LIMITING DISTANCE = 11.4
EXPOSED BLDG FACE 46.45 m²
PERMITTED OP'G = 100% (46.45 m²)
PROPOSED OP'G = 16.1% (7.5 m²)
O.B.C.3.2.3.1.B

WINDOW TO REMAIN WITH OPAQUE BACKING
EXISTING WINDOWS TO REMAIN

NEW GUARDRAIL AND STEPS
NEW WINDOW

NEW WINDOW TO BE FIRE RATED GLASS BEYOND STEPS

EXISTING WINDOWS TO REMAIN

NEW WINDOWS

EXISTING ASPHALT ROOF TO REMAIN

NORTH (SIDE) ELEVATION

COMBINED FLOORS
LIMITING DISTANCE = 51.45
EXPOSED BLDG FACE 92.9 m²
PERMITTED OP'G = 100% (92.9m²)
PROPOSED OP'G = 35.2% (32.79 m²)
O.B.C.3.2.3.1.B

EXISTING WINDOW TO REMAIN

NEW WINDOW TO MATCH EXISTING

EXISTING BRICK TO REMAIN

EXISTING ASPHALT ROOF TO REMAIN

EXISTING WINDOW TO REMAIN

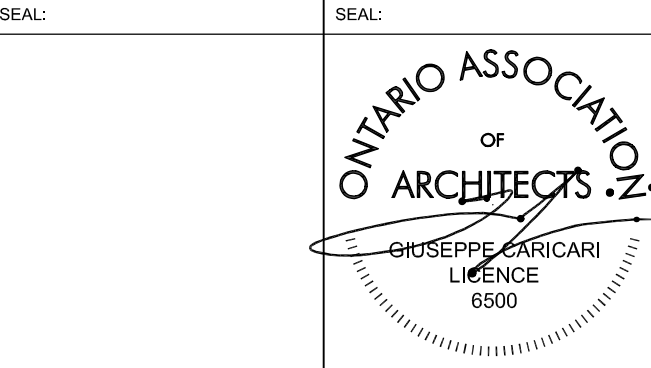
EXISTING BRICK TO REMAIN

WEST (FRONT) ELEVATION

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2020-04-28	REVISED AS PER CITY'S COMMENTS

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2020-03-16	ISSUED FOR BUILDING PERMIT
DATE:	ISSUE:



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e: info@caricari-lee.com

CLA

CLIENT NAME:

SP APPLICATION No.:

PROJECT NAME:
DAYCARE RENOVATIONS

9377 McCowan Road, Markham, Ontario

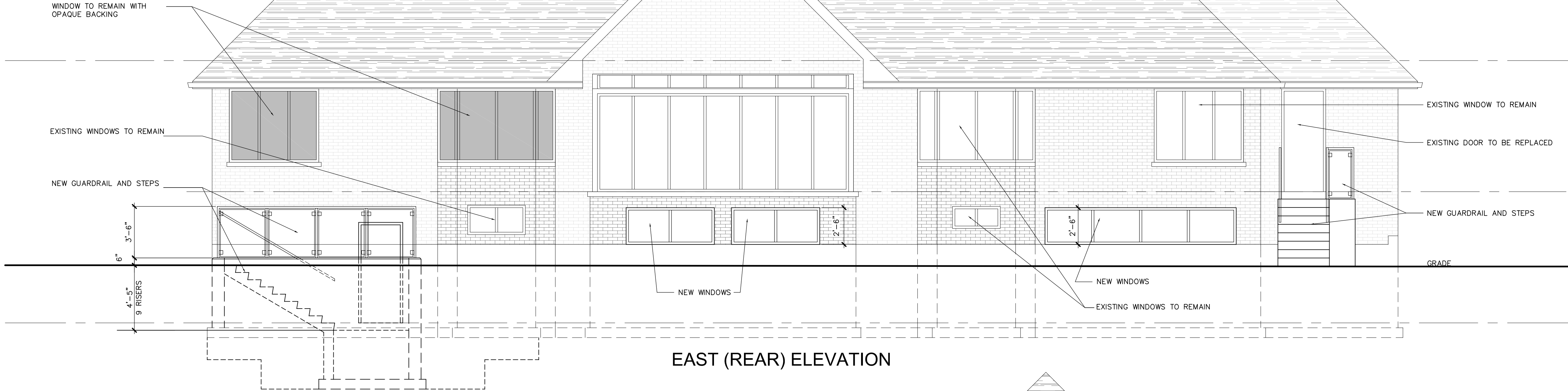
SHEET TITLE:
SOUTH & EAST ELEVATIONS

PROJECT NORTH: TRUE NORTH:

SCALE	1/4" = 1'-0"	REVISION NO.
PROJECT NO.	18-050	
DATE	2020-03-13	DRAWING NO.
DRAWN	RES	
CHECKED	J.C.	

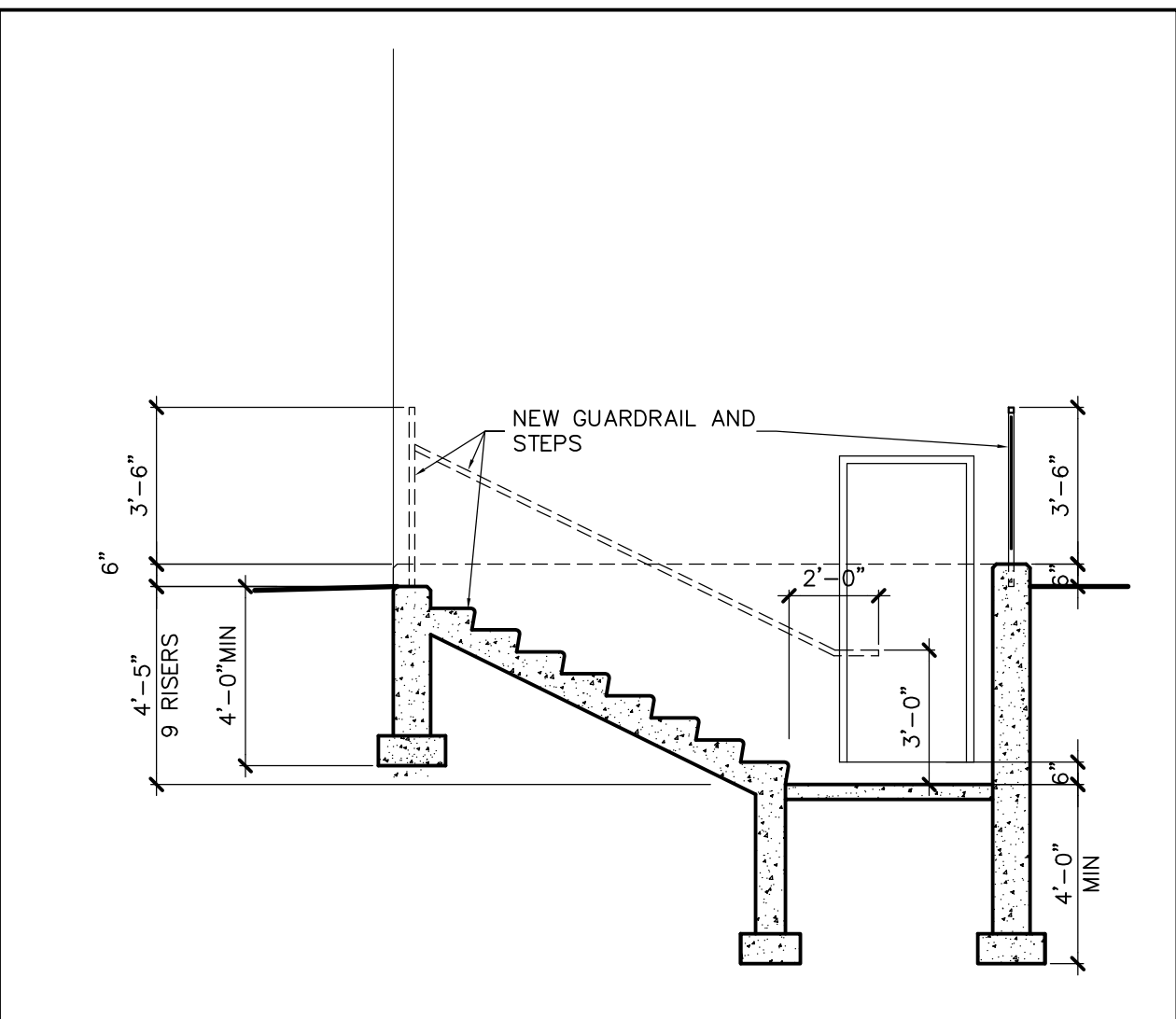
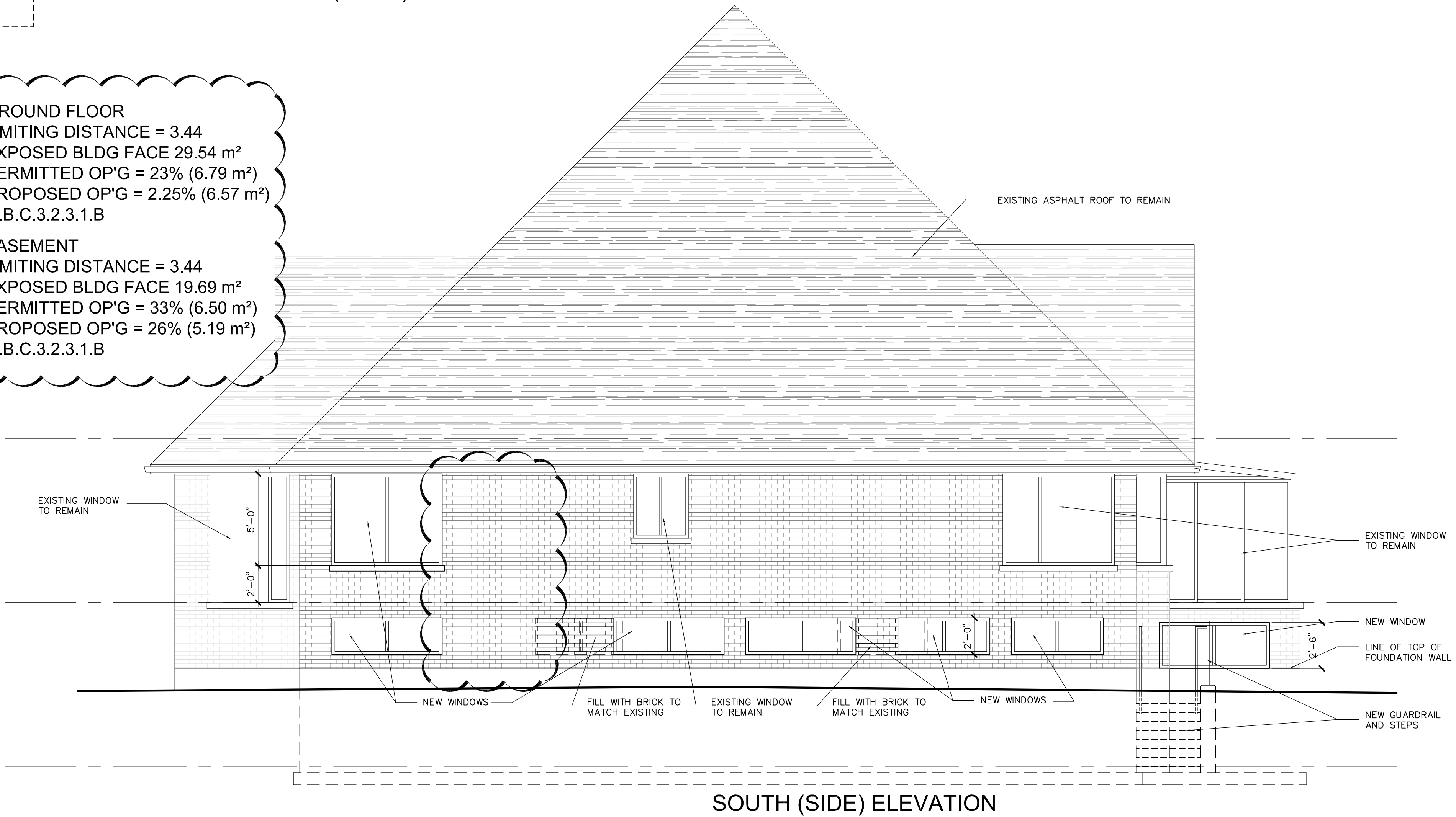
A301

COMBINED FLOORS
LIMITING DISTANCE = 48.49
EXPOSED BLDG FACE 91.6 m²
PERMITTED OP'G = 100% (91.6m²)
PROPOSED OP'G = 29.1% (26.68 m²)
O.B.C.3.2.3.1.B



GROUND FLOOR
LIMITING DISTANCE = 3.44
EXPOSED BLDG FACE 29.54 m²
PERMITTED OP'G = 23% (6.79 m²)
PROPOSED OP'G = 2.25% (6.57 m²)
O.B.C.3.2.3.1.B

BASEMENT
LIMITING DISTANCE = 3.44
EXPOSED BLDG FACE 19.69 m²
PERMITTED OP'G = 33% (6.50 m²)
PROPOSED OP'G = 26% (5.19 m²)
O.B.C.3.2.3.1.B



1 EXTERIOR STAIR SECTION
SCALE 1/4" = 1'-0"

APPENDIX “C”
PARKING JUSTIFICATION LETTER



S. C. LAND MANAGEMENT CORPORATION

DEVELOPMENT CONSULTANTS

Delivered via email only

June 18, 2020

Mr. Joseph Palmisano,
Manager, Transportation Planning

City of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3

Re: St. Mary and St. Samuel The Confessor Coptic Orthodox Church
Minor Variance Application – 9377 McCown Road
A/061/20
City of Markham

Dear Joseph:

I act on behalf of St. Mary and St. Samuel The Confessor Coptic Orthodox Church the owner of the above referenced property that submitted a Minor Reference Application.

In response to your application comments I would like to provide some additional information.

The approvals in place for the site already provide for a 460 sq. m day nursery facility. The parking provided (at the older parking bylaw rate) was 11 spaces for the day nursery plus 1 space for the associated day nursery office parking for a combined total of 12 existing parking spaces set aside for the approved 460 sq. m. day nursery facility.

The entire site including the church facility and approved day nursery facility, has a total of 7 handicapped + 239 standard parking spaces = 246 parking spaces

Our proposal is for a minor variance application to increase the day nursery facility from the existing approved 460 sq. m to 680 sq.m.

The expanded day nursery is expected to include nine (9) classrooms and to accommodating a total of 137 children. The parking requirement for a day nursery of this size would be 41 parking spaces, calculated at the Parking By-law 28-97 rates of 1.5 spaces per classroom plus 1.0 space for every five children. The 41 spaces required for the day nursery can be shared with the existing 246 visitor parking spaces on-site.

From an operational perspective the operating times for the church are very different from the operating times for the day nursery. The two uses peak periods for parking are at different times during the work week.

Day nurseries typically operate on weekdays between 6:30 a.m. and 6:30 p.m. which does not conflict with the typically peak operational periods for the church.

The church primarily operates all day Sunday and part of the day on Saturday. During the work week, the church only has functions and activities which commence NO EARLIER THAN 7:30 PM .

Potential overlapping of church parking during the work week is limited to staff and visitors to the church. Although I don't have an accurate count of church facility parking utilization overlapping with day nursery operating times, I can estimate that utilization will be less than 15 persons per day; which is far less than the available 246 spaces.

Given the current COVID – 19 pandemic, it would not be possible to do an accurate parking utilization survey because of these unusual circumstances. I submit that it would be unreasonable to delay the consideration of this minor variance application to obtain those counts necessary for a parking justification study. Any counts done in the next 6 to 8 months would likely not be, in my opinion, an accurate representation of parking usage because of Covid-19.

Therefore, from the perspective of overlapping of operating hours, no issues are expected with the sharing of church facility parking spaces with the expanded day nursery operation.

I have attached hereto a flyer from the day nursery for the Coptic church in Richmond Hill, as a confirmation of the expected operating hours for the day nursery facility.

Should you have further questions please contact the undersigned.

Sincerely yours,

A handwritten signature in dark ink, reading "Sal Crimi". The signature is written in a cursive, flowing style.

Sal Crimi, P.Eng.

Enclosure

4:00

Not Secure — noahsarkchildcare.ca

Noah's Ark Childcare and Nursery

Noah's Ark Childcare and Nursery provides daycare programs for infants, toddlers, and preschool children in the Greater Toronto Area. A dedicated before and after school program is also offered for school age children.

Telephone: (416) 800-5577

Email: supervisor@noahsarkchildcare.ca

Supervisors: Tina and Laura

Hours of Operation:

Open 12 Hours of the day - 6:30am to 6:30pm

Connect With Us



Location Information:

11308 Yonge Street

Richmond Hill, Ontario L4S 1K9

(Located at Rear of Building)



Play. Learn. Grow. In Christian Faith.