

**Memorandum to the City of Markham Committee of Adjustment**  
February 2, 2018

**File:** A/07/18  
**Address:** 7160 Markham Rd Markham  
**Applicant:** 1637063 Ontario Inc.  
**Agent:** Y.T. Architectural (YOUSEF TADROS)  
**Hearing Date:** Wednesday February 21, 2018

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

The proponent is requesting relief from the requirements of By-law 90-81, as amended by By-law 165-93, to permit a maximum building height of 13.41 metres (44 ft), whereas the By-law permits a maximum height of 12 metres (39.4 ft), as it relates to a proposed medical office building.

## **BACKGROUND**

### **Property Description**

The 0.54 ha (1.33 ac) subject property is located on the west side of Markham Road, south of Denison Street and north of Steeles Avenue East. It is developed with two one-storey buildings that were previously used as residential dwellings. The Gross Floor Area (GFA) of these buildings is 53.5 m<sup>2</sup> (576 ft<sup>2</sup>) and 112 m<sup>2</sup> (1,207 ft<sup>2</sup>). The larger of the two buildings is currently being used as a medical office and the smaller building is vacant. The south side of the site is an asphalt paved parking area which has driveway access to Markham Road. A second driveway accesses Markham Road along the north side of the property, which is shared with the adjacent property to the north (7190-7200 Markham Road). The remainder of the site is grass-covered with some mature trees located in the rear (west) yard.

The surrounding area includes the following:

- a multi-unit commercial shopping centre to the north at 7190 and 7200 Markham Road,
- existing low density residential dwellings to the east (across Markham Road), south and west, and
- a vacant parcel of land to the west, fronting Marydale, which abuts the rear (west) property line of the subject site.

### **Proposal**

The applicant is proposing to redevelop the site with a 2,860.41 m<sup>2</sup> (30,784.8 ft<sup>2</sup>) three-storey office building. A concurrent site plan application is being reviewed by staff (File SC 10 126959), which shows that 75% of the building will be used as medical offices and that 25% will be used as business offices and a pharmacy.

The Site Plan (see Figure 1) shows that the building will be oriented towards Markham Road, with a paved surface parking area containing 45 parking spaces on the west side of the building. An underground parking garage containing 34 stalls is also proposed. Site access to Markham Road will be provided via the shared driveway with the abutting property to the north. Building Elevations are shown in Figure 2.

#### Site Plan Status

The site plan application was conditionally endorsed on September 20, 2017. The applicant has since retained a new architect/agent for the project, whom has prepared a slightly revised site plan that was submitted with this variance application. According to the agent, revisions to the plan were made to accommodate the necessary slope of the under ground parking garage ramp, resulting in modifications to the surface parking layout. Staff have provided preliminary feed back to the proponents with suggestions to provide better site circulation in the parking area. Staff anticipate that these suggestions be reflected in any future submissions of the site plan, either for re-endorsement or approval. These comments do not have any effect on the requested height variance.

Following site plan endorsement, the proponent has also proposed to increase the building height, as shown on the endorsed elevation drawings, from 12 m to 13.41 m, resulting in the submission of this variance application.

#### **Official Plan and Zoning**

The site is designated 'Mixed Use Mid Rise' in the 2014 Official Plan (Partially Approved by the OMB in October 2015, May 2016, March 2017 and April 2017). This designation allows for a multi-storey office development on the site.

The site is zoned 'Special Commercial One (SC1)' under By-law 90-81, as amended. This zoning designation permits business and professional offices and other commercial uses. The proposed development does not comply with some of the applicable development standards and the applicant has therefore submitted this variance application to facilitate the development.

#### Previous Committee of Adjustment Application – A/163/14

The Committee of Adjustment approved a variance application for the proposed office development on July 12, 2017 (See attached Approval Decision, Appendix 'A'). The previous approval permitted reductions to the required amount of parking, and loading spaces, and reductions to landscape and front yard setback requirements. Staff were in support of the previous variance application.

As noted above, the applicant is proposing to increase the building height which was shown to be 12 m on the endorsed site plans to 13.41 m, which requires this second variance application.

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

The applicant provided the following rationale explaining why it is not possible to comply with the provisions of the by-law:

- "a) More ceiling space required for structural steel, duct branches and recessed light fixtures.
- b) Higher roof parapet for security purposes and to screen roof top equipment."

**Zoning Preliminary Review Not Undertaken**

The proponent did not submit a Zoning Preliminary Review (ZPR) prior to making this variance application. Consequently, it is owner's responsibility to ensure that the application has identified all the variances to the Zoning By-law required for the proposed development. If this variance application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required. As described above, the proponent has already acquired variances for other development standards for the proposed development. While a ZPR was not submitted, zoning staff did review the site plan application, including the plans previously endorsed, and did not identify any other concerns.

**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.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of February 2, 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide correspondence and comment on this at the meeting.

**CONCLUSION**

It is the opinion of the Planning staff that the requested variance satisfies the four tests of the Planning Act. Approval of the variance will allow for a slightly taller building, resulting in larger internal floor to ceiling heights. Staff do not anticipate any negative impacts associated with requested height variance, and do not have concerns with approval of this application.

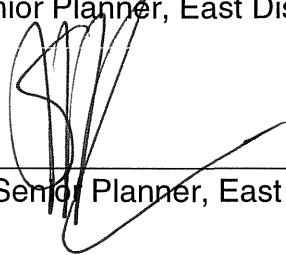
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



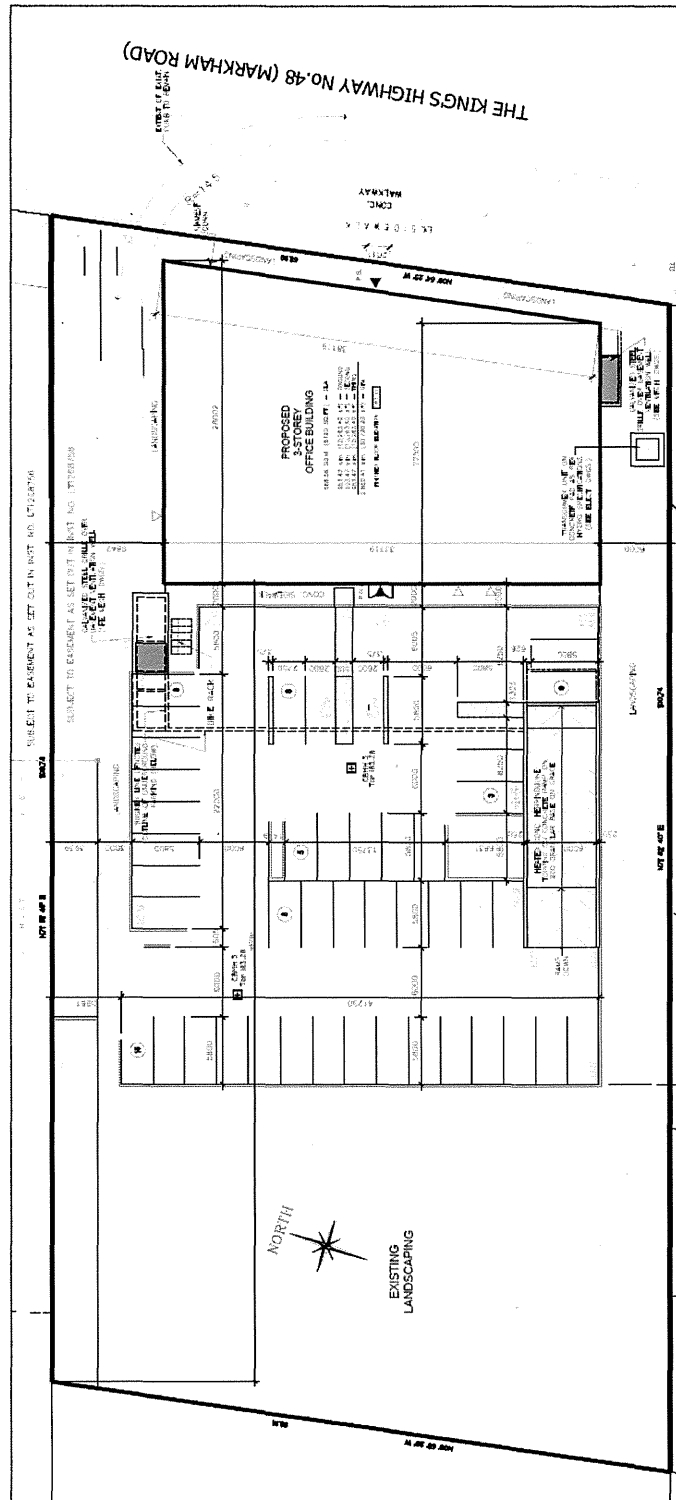
Stephen Corr, Senior Planner, East District

REVIEWED BY:

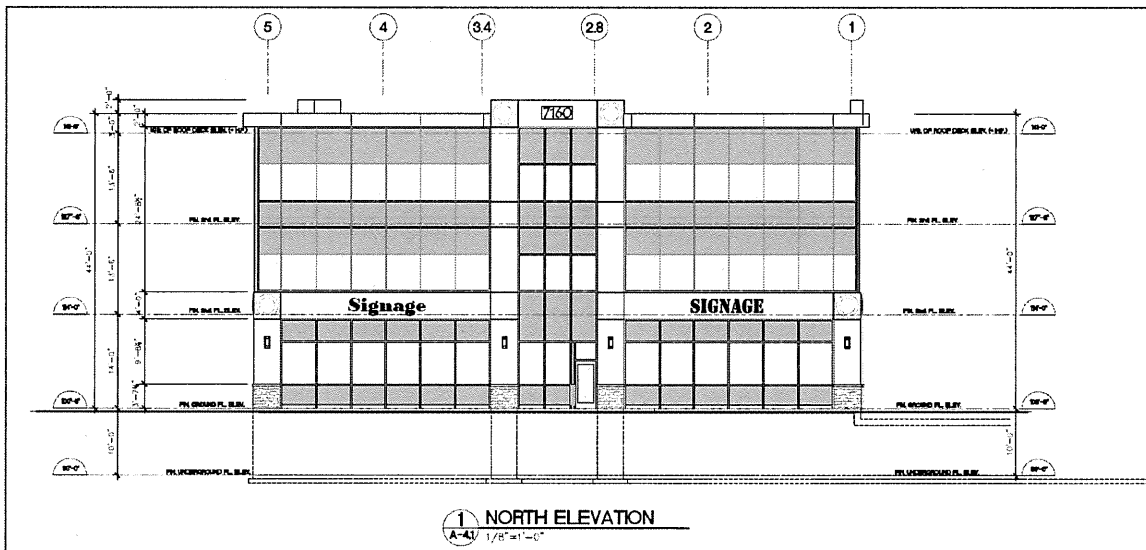
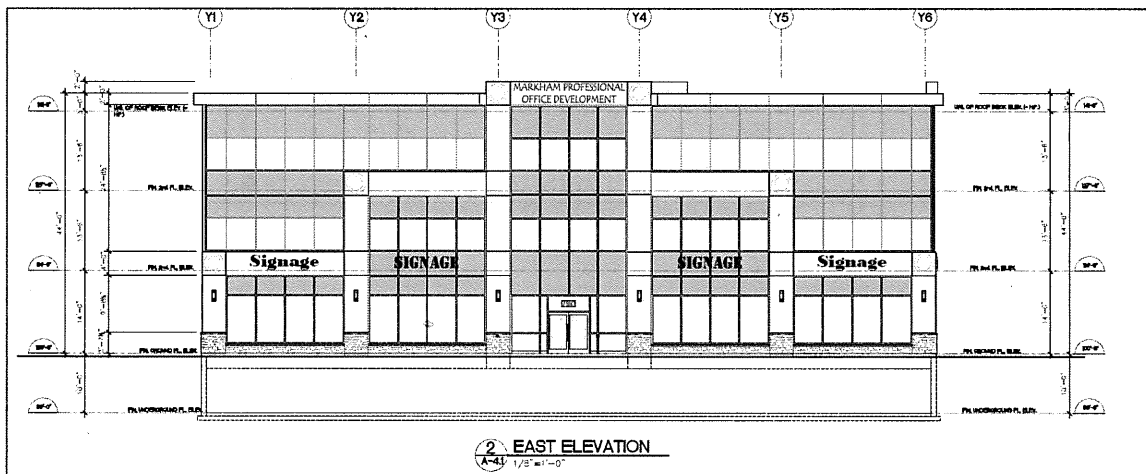
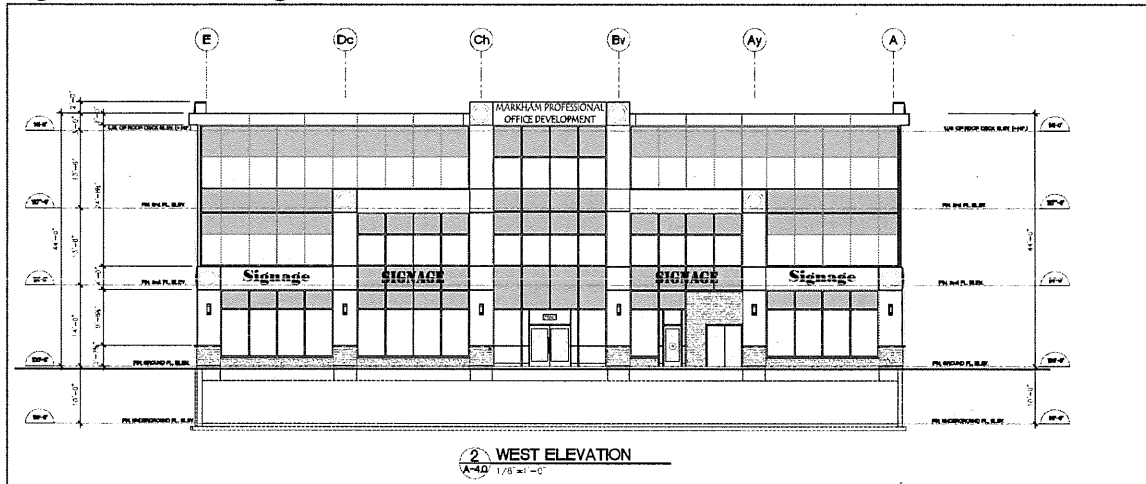


Stacia Muradali, Senior Planner, East District

Figure 1 – Site Plan



**Figure 2 – Building Elevations**



**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/07/18**

- CONDITIONS PREPARED BY:

  
Stephen Corr, Senior Planner, East District



July 17, 2017

Wes Surdyka Architect Inc (Wes Surdyka)  
3645 Keele Road, Unit 108  
Toronto, Ontario, M3S 1M8

Dear Sir/Madam,

**RE: 1637063 Ontario Inc.  
7160 Markham Road, Markham  
CON 7 PT LT 2  
A/163/14**

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Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, July 12, 2017.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Rosanna Punit'.

Rosanna Punit, B.A. (Hons)  
Secretary-Treasurer  
Committee of Adjustment

Attachments

cc Sally Campbell, East  
David Johnston, Zoning and Compliance  
Stephen Corr, Project Planner  
Building Inspection  
1637063 Ontario Inc (Zaheer Beg)

File copy





## COMMITTEE OF ADJUSTMENT

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### NOTICE OF DECISION

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I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. A/163/14 which was **approved** at a hearing held on Wednesday, July 12, 2017. A written appeal of this decision must be received **no later than Tuesday August 1, 2017. After this date the decision becomes final and binding and cannot be appealed.**

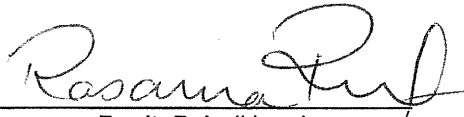
Appeals to the Ontario Municipal Board must be served personally or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$300.00**, payable to the **Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Ontario Municipal Board, please note there will be an additional City of Markham administration fee of \$224.00, which must be paid at the time of the appeal submission to the Committee of Adjustment. **The reasons for the appeal must be provided, or the Ontario Municipal Board may not consider the appeal to be valid. Please note that a letter of objection filed prior to the hearing date is not considered an official notice of appeal.**

Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Sworn before me at the City of Markham  
July 17, 2017.

Siu Hang (Carlson) Tsang, a Commissioner,  
etc., Province of Ontario, for  
The Corporation of the City of Markham.  
Expires July 20, 2018.

  
A Commissioner, etc.

  
Rosanna Punit, B.A. (Hons)  
Secretary Treasurer,  
Committee of Adjustment,  
City of Markham.



## Committee of Adjustment Resolution

File Number: A/163/14  
Hearing Date: Wednesday, July 12, 2017  
Owner(s): 1637063 Ontario Inc (Zaheer Beg)  
Agent: Wes Surdyka Architect Inc (Wes Surdyka)  
Property Address: 7160 Markham Road Markham  
Legal Description: CON 7 PT LT 2  
Zoning: By-law 90-81, as amended, SCI  
Official Plan: Commercial  
Ward: 7

**Last Date of Appeal: Tuesday, August 1, 2017**

Moved by Arun

Seconded by Greg

☒ Arun Prasad  
☒ Michael Visconti  
☒ Gary Muller  
☒ Jeannie Reingold  
☒ Tom Gutfreund  
☒ Gregory Knight

THAT Application No. A/163/14, submitted by 1637063 Ontario Inc (Zaheer Beg) owner(s) of 7160 Markham Road Markham, CON 7 PT LT 2, requesting relief from the requirements of By-law No. 90-81, as amended, to permit the following:

- Section 6.7.2 (c): a minimum front yard set back of 2.50 metres whereas the By-law requires a minimum front yard set back of 6 metres;
- Section 6.7.2 (f): a minimum of 0 loading spaces whereas the By-law requires a minimum of 2 loading spaces;
- Section 6.7.2 (h): a minimum of 6m for a landscape buffer on the south side of the subject site whereas the By-law requires a minimum of 7.5 for a landscape buffer;
- Parking By-law 28-97, Table B: to permit 1 parking space per 48.4m<sup>2</sup> of net floor area for a Medical Office whereas the By-law requires 1 parking space per 20m<sup>2</sup> of net floor area for a Medical Office

The Committee added the following variance as requested by the applicant:

- Section 6.7.1(h): minimum depth of landscaped open space abutting a STREET or highway of 2.5m whereas the By-law requires 6.0 m

as it relates to a proposed commercial building. These variance requests be **approved** for the following reasons:

- (a) In the opinion of the Committee, the granting of the variance is desirable for the appropriate development of the lot;
- (b) In the opinion of the Committee, the requested variance is minor in nature.
- (c) In the opinion of the Committee, the general intent and purpose of the By-law will be maintained;
- (d) In the opinion of the Committee, the general intent and purpose of the Official Plan will be maintained;

Subject to the following conditions:

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/163/14**

- 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 endorsed and/or approved site plan; and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design that this condition has been fulfilled;
- 3. That the medical office parking variance apply only to the one building closest to Markham Road, as shown on the endorsed and/or approved site plan;
- 4. That the Owner submit a revised parking justification study to the satisfaction of the Director of Engineering or his designate that is based on the Net Floor Area of the proposed building and overall amount of proposed parking, as shown on the endorsed and/or approved site plan, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design that this condition has been fulfilled;
- 5. That there be a minimum of 77 parking spaces provided on site for the building closest to Markham Road; and
- 6. That the total Net Floor Area of medical office uses not exceed 75% of the buildings total NFA.

The Committee, in making its decision on this matter, took into consideration the oral and written comments submitted on the application. The Committee in making its decision were satisfied the four tests of the Planning Act were met.

Resolution Carried

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| <p><b>SPECIAL NOTE TO OWNERS AND AGENTS:</b> It is the responsibility of the owner and/or agent to ensure that all conditions of approval are met through the respective departments noted therein. Failure to do so may result in additional approvals being required.</p> |
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