

Leung, Justin

From: Malik, Aqsa
Sent: Wednesday, October 3, 2018 10:13 AM
To: Matthew Cory; victor@memoryandcompany.com
Cc: Miller, Cristin; Thomas Kilpatrick; ashley@memoryandcompany.com; Peter Sestito; 'Info'; Karumanchery, Biju; Leung, Justin; Miller, David
Subject: RE: Canceled: A/115/18 - 100 Renfrew Drive Minor Variance

Good morning Matthew,

We received additional information regarding the above noted-application which, will be circulated to the Committee of Adjustment.

As the letter submitted to the City of Markham (dated September 25th 2018) indicates, Staff's comments and position remains.

As Justin has confirmed in previous e-mails, your application is scheduled to be heard on Wednesday October 10th 2018.

Best wishes,
Aqsa

Aqsa Malik , MScPI, Hons.B.Sc
Planner I | Zoning & Special Projects | City of Markham Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON, L3R 9W3
T: 905.475.4858 ext. 2944 | www.markham.ca

-----Original Message-----

From: Matthew Cory <mcory@mgp.ca>
Sent: Monday, September 17, 2018 1:31 PM
To: victor@memoryandcompany.com; Miller, David <dmiller@markham.ca>
Cc: Malik, Aqsa <AMalik@markham.ca>; Miller, Cristin <CMiller@markham.ca>; Thomas Kilpatrick <tkilpatrick@mgp.ca>; ashley@memoryandcompany.com; Peter Sestito <psestito@armadalepm.ca>; 'Info' <info@memoryandcompany.com>; Karumanchery, Biju <bkarumanchery@markham.ca>
Subject: RE: Canceled: A/115/18 - 100 Renfrew Drive Minor Variance

Thanks for the clarification David, I would like to touch base with you and Biju once you have had a chance to talk internally.

I think there are some clarifications on the zoning bylaw and its interpretation that we can discuss. In short:

1) The day use is not an institutional use, in point of fact staff supported and committee approved this use as a Health Centre under the bylaw, which is permitted in the land use designation and zoning as a use that is distinctly NOT Institutional. The inference in the memo is that the day use should be interpreted as an institutional use, which contradicts the prior interpretation from planning staff and decision of the committee. Irrespective of this clarification, the proposal is to permit overnight stay in the form of a respite hotel (which is clearly not a clinic nor treatment centre), so the use overall would be a combined respite hotel in the night and the permitted Health Centre in the day. The Respite Hotel would happen in the night where the primary reason people are going in the night is to sleep on a temporary basis.

Memorandum to the City of Markham Committee of Adjustment

August 26, 2018

File: A/115/18
Address: 100 Renfrew Drive, Markham
Applicant: Armadale Property Management (Peter Sestito)
Agent: Malone Given Parsons LTD. (Matthew Cory)
Hearing Date: Wednesday August 29, 2018

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

The applicant is requesting relief from the following requirements of By-law 165-80, M.C (60%) as amended:

- a) **Section 6.4.1:** a respite hotel, whereas the By-law does not permit a respite hotel; as it relates to a proposed respite hotel use to be added to an existing health centre located in unit 110.

BACKGROUND

Property Description

The approximately 1.61 ha (3.98 ac) property is located on the west side of Renfrew Drive, north of Valleywood Drive, west of Woodbine Avenue. There is an existing 4,425.2 m² (47,632.6 ft²) two-storey office building located on the property. The subject property is within an established business park area with business and professional office buildings to the north, south and east. The Toronto Buttonville Municipal Airport and Highway 404, is to the west.

Proposal

The applicant is requesting relief from By-law 165-80, as amended to permit a 441.48 m² (4,752 ft²) respite hotel within an existing 1,042.5 m² (11,221.81 ft²) health centre, whereas the By-law does not permit a respite hotel. The applicant has indicated that the respite hotel will be located on the first floor. The total Gross Floor Area remains unchanged and no external changes will be made. A letter submitted with the application states that the proposed respite hotel is a private enterprise where "generally members of the health centre but not exclusively, will pay a nightly rate to stay short term in the bedrooms". According to the applicant, the proposal is a for-profit, health-centre facility with the goal of attending to individuals with physical and cognitive disabilities, with an emphasis on Alzheimer's and related dementias.

Official Plan and Zoning

Official Plan 1987

The property is designated "INDUSTRIAL (Business Park Area)", which provides for a range of uses including offices, light industrial uses, hotels, research and training facilities, banks and financial institutions and other uses consistent with the planned functions and policies of the category of the designation (See Appendix 'A'). This category applies to office/industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. The 1987 Official Plan does not contemplate the proposed use.

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

While not yet in effect in these lands, the subject property is designated "Business Park Employment", which provides for a range of uses including offices, hotels that do not include dwelling units, trade and convention centre, commercial parking garage and retail (See Appendix

'B'). Development within this designation is intended to provide accommodation in prime locations attractive to existing and future businesses with a specific range of compatible land uses. The designation specifically restricts accessory and ancillary uses to those that directly support the primary office and industrial uses and, restricts the introduction of new sensitive land uses to minimize the impacts on the viability of permitted uses.

Sensitive land uses include buildings and spaces where routine or normal activities occurring at reasonably expected times would experience adverse effects from contaminant discharges generated by a nearby major facility. Examples of sensitive land uses include residences, day care centres, places of worship and educational and health facilities. The proponent of a proposed sensitive land use is required to undertake a "Sensitive Land Use Compatibility Study" to evaluate the implications of permitting the use on the ability of nearby planned industrial and warehouse to carry out their normal business activities within 1000 metres of the sensitive land use.

The policy and the more restrictive use permissions included in the new Official Plan reflect an increased understanding of the potential health impacts of locating certain sensitive uses within close proximity to known air emission sources in addition to incompatible uses on the long term viability of employment areas. The subject lands are located immediately adjacent to the Toronto Buttonville airport, and Highway 404. The 2014 Official Plan Section 8.5.2 is currently under appeal at the Ontario Municipal board and until such time as an updated plan is approved, the 1987 Official Plan remains in force. Notwithstanding this, it does represent the current policy of the Markham Council. The 2014 Official Plan does not contemplate the proposed use.

Zoning By-Law 165-80

The subject property is zoned "Select Industrial and Limited Commercial – M.C (60%)" by By-law 165-80, as amended, which permits a range of industrial uses such as warehousing and manufacturing, servicing and commercial uses such as private clubs, health centres and hotels (See Appendix 'C'). According to Zoning By-law 165-80 a hotel is defined as "a building or building or part thereof on the same site used to accommodate the public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities". The Zoning By-law does not specifically define or permit a respite hotel.

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 proposed respite hotel use is not specifically identified as a permitted use as per the "Select Industrial and Limited Commercial Zone (M.C 60%)" pertaining to the subject property, however, it meets the general intent of the Official Plan, It is permitted under the Zoning By-law, the use is desirable and minor in nature. Please see the Planning Opinion Letter submitted with this application"* (See Appendix 'D').

Zoning Preliminary Review 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.

Respite Hotel

The applicant is requesting to permit a 'respite hotel' within an M.C. (60%) zone on the first floor of the property; whereas the By-law does not permit the use within the M.C zone. The applicant is of the opinion that the proposed use is similar to that of a hotel. According to Zoning By-law 165-80 a hotel is permitted and defined as "a building or building or part thereof on the same site used to accommodate the public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities". While the By-law defines and permits hotels in this zoning category, a respite hotel is neither defined nor permitted by the Zoning By-Law.

Based on the letter submitted with the application, Memory and Company provides a private, for-profit health centre facility with the primary goal of attending to the physical and cognitive fitness of older adults with physical and cognitive disabilities, with an emphasis on Alzheimer's and related dementias. The services provided by the proposed use such as housekeeping, 24-hour supervision and monitoring, assisted bathing, lab services, and a doctor on call 24 hour a day, are services that are not typical to a hotel use/operation. Staff are of the opinion that the proposed use does not provide short term accommodation for the public but provides short term care to Alzheimer's patients to provide caregivers a temporary rest from caregiving. This distinguishes it from a hotel.

The Business Park Area designation does not permit uses such as the proposed 'respite hotel', and there are zones within the City that would permit the use. In Zoning By-Law 165-80 this includes the O2 'Institutional and Open Space Zone' which, as of right permits nursing homes, private or public hospitals, treatment centres, clinics or other health care facilities (See Appendix 'E').

The intent of the Official Plan is to limit the impact of uses on the long term viability of employment areas. Staff are concerned that, if approved, the use could compromise the employment viability of the area and set a precedent for the encroachment of incompatible uses into Markham's employment areas. Consequently, it could undermine the viability of these areas for the intended industrial uses. Although not in effect for these lands, the 2014 Official Plan stipulates that lands designated as 'Business Park Employment' accommodate existing and future businesses with a specific range of compatible land uses and restrict the introduction of sensitive land uses. The 1987 and 2014 Official Plan provide for a number of uses however, the proposed respite hotel is not provided for. It is the opinion of Staff that the proposed use is not compatible within the Business Park Area designation in the 1987 Official Plan or Business Park Employment designation in the 2014 Official Plan.

In 2007, the Committee of Adjustment approved a minor variance application for a medical clinic in suite 130; whereas the By-law does not specifically permit a medical clinic (See Appendix 'F'). Staff did not support this minor variance application, and was of the opinion that it would be more appropriately addressed through a Zoning By-Law Amendment. In 2014, Staff did support a minor

variance application for a day centre for older adults with Alzheimer's and related disabilities, whereas the by-law does not specifically permit the use (See Appendix 'G'). Support for this minor variance application was based on the notion that the use was similar to Health Centre, a defined and permitted use in the M.C zone.

Planning staff is of the opinion that the proposed variance is not minor. If approved, the proposed use could compromise the employment viability of the area and, have city-wide implications. While other uses have been contemplated in the Business Park Area zone, a distinct use such as a respite hotel to Staff's knowledge has not been contemplated or approved.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 26th, 2018. 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 does not meet the four tests of the Planning Act and recommend the application be denied. Staff are of the opinion that the proposed use is not similar to that of a hotel and, that the Business Park Area is not an ideal location for the proposed use. Further the introduction of the proposed use will compromise the employment viability of the area and set a precedent for the encroachment of incompatibles uses. The proposed use does not meet the intent of the 1987 and 2014 Official Plan and, is not permitted nor defined in the Zoning By-law. Given this, Staff are of the opinion that the proposal to permit a respite hotel where it is neither defined nor permitted should not be approved.

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:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District
File Path: Amanda\File\18 241721 \Documents\District Team Comments Memo

APPENDICIES

Appendix 'A' – 1987 Official Plan
Appendix 'B' – 2014 Official Plan
Appendix 'C' – Zoning By-Law 165-80 – Permitted Uses
Appendix 'D' – Planning Opinion Letter
Appendix 'E' – Zoning By-Law 165-80 – O2 Zone Permitted Uses
Appendix 'F' – A/39/07 Meeting Minutes
Appendix 'G' – A/105/14 Staff Report & Meeting Minutes
Appendix 'H' – Plans

- ii) Lands designated INDUSTRIAL(General Industrial Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - day care centres;
 - banquet halls;
 - automobile service stations;
 - car washes;
 - places of worship, subject to the provisions of Section 2.17;
 - private and commercial schools;
 - trade and convention centres;
 - the following uses provided they are on sites which do not abut lands intended for residential use or Business Park Areas, and subject to appropriate development standards relating to the location of any required outdoor storage:
 - automobile repair uses;
 - autobody paint and repair;
 - contractor's yards;
 - controlled outdoor storage accessory to permitted industrial uses.
- iii) In circumstances where current zoning permits offices as a primary use, such permission shall continue.
- iv) The following uses shall be prohibited on lands designated INDUSTRIAL(General Industrial Area):
 - retail uses;
 - funeral homes;
 - entertainment uses;
 - night clubs;
 - residential uses.

3.5.6.2 Business Park Area

- a) **Planned Function**
The Business Park Area category applies to office/industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. The visual attractiveness and consistent image of such areas is of prime importance. Retail and service commercial activities will be strictly controlled.
- b) **Location**
 - i) Areas which exhibit a clear business park image with extensive landscaping, high quality building design and comprehensive area planning.
 - ii) Generally, lands having exposure to Provincial highways or major arterial roads, good access to major roads and of sufficient overall size to enable comprehensive planning. Areas should be served by public transit.
- c) **Land Uses**
 - i) Lands designated INDUSTRIAL(Business Park Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - offices;
 - light industrial uses consistent with the planned function and policies of the category of designation;

- accessory and incidental retail uses to permitted light industrial uses;
 - hotels;
 - ancillary retail and service uses and restaurants, where internally integrated as a component of an office building and clearly intended for the convenience use of local businesses and employees; ancillary retail and service uses and restaurants where internally integrated as a component of a hotel, as customarily provided to cater to the needs of hotel patrons;
 - research and training facilities;
 - data processing and related facilities;
 - institutional uses including government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - banks and financial institutions;
 - trade and convention centres;
 - other similar uses consistent with the planned function and policies of the category of designation.
- ii) Lands designated INDUSTRIAL(Business Park Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
- private and commercial schools;
 - community facilities;
 - motels;
 - sports, health and fitness recreational uses;
 - banquet halls;
 - entertainment uses and night clubs, where internally integrated as a component of an office building or hotel.
- iii) The following commercial uses shall be prohibited on lands designated INDUSTRIAL(Business Park Area):
- funeral homes;
 - commercial "self-storage" warehouses;
 - outdoor storage accessory to a permitted industrial use;
 - automobile service stations;
 - car washes;
 - automobile repair uses;
 - autobody paint and repair;
 - retail uses involving accessory outdoor storage and/or display of merchandise.
- d) **Development Requirements**
- i) Siting, massing, scale and extensive, complementary landscaping shall contribute to a visually attractive streetscape.
 - ii) Pedestrian accessibility, convenience, safety and provision of amenity areas shall be a primary consideration in development and redevelopment.
 - iii) Large surface parking areas should not be highly visible from public streets.

- and loading;
- i) vehicular access points from arterial or collector roads shall be coordinated and consolidated;
- j) parking should be generally located at the side or rear of buildings, or below grade, in accordance with Section 6.1.8.7, and will be designed to provide convenient access to retail and service uses;
- k) loading and parking facilities should be buffered so as to reduce the impacts on lands adjacent to residential uses;
- l) buildings that are adjacent to areas designated for low rise development shall be designed to respect an angular plane measured from the boundary of the designation in which the low-rise building is located in accordance with Sections 6.1.8.9 and 6.1.8.10; and
- m) landscaped buffers shall be provided adjacent to residential uses.

Sections 8.5.1 and 8.5.2 subject to Area/Site Specific Appeal Nos. Nos. 1 (Issues 113, 115), 9 and 10 (Issues 18, 19), 15 (Issue 122) and 19 (Issue 129, 258, 259, 260)

8.5.2 Business Park Employment

Land designated 'Business Park Employment' are to be planned and developed for prestige industrial and office development, frequently in larger scale buildings located on large properties. Industrial buildings will generally be single storey and may be in single use or multiple unit buildings. It is the intent of this Plan that business park areas provide prime business locations that help attract new business and support the retention of existing businesses in Markham.

The 'Business Park Employment' designation applies to lands primarily adjoining 400 series highways that are served by arterial roads that provide visibility and excellent access. Frequent transit service is available to Business Park areas on the adjoining arterial roads. Roads, cycling and pedestrian systems within these areas shall be designed to facilitate enhanced access to transit services in the future as Markham continues to grow.

The range of uses provided for is limited to 'Business Park Employment' type uses, and the development standards and criteria in this designation are intended to support consistent, high quality building and site design. The intended uses and larger scale development benefit from access to both major roads and transit routes. Accessory uses and *ancillary uses* will be strictly controlled and limited to those that support the primary office and industrial uses.

It is the policy of Council:

Planned Function

- 8.5.2.1 On lands designated 'Business Park Employment' to:
- a) provide strategic locations planned and developed for prestige, larger scale, industrial and office development in business park settings offering high visibility and excellent access to 400 series highways, arterial roads and transit services;
 - b) provide accommodation in prime locations attractive to existing and future businesses seeking a setting with a specific range of compatible land uses characterized by high quality site development and building

'Business Park Employment' areas are currently, or are planned to become, high-profile employment areas and are the site of offices and a range of prestige industrial buildings.

forms;

- c) restrict accessory uses and *ancillary uses* to those that directly support the primary office and industrial uses of this designation; and
- d) restrict the introduction of new *sensitive land uses* to minimize impacts on the viability of permitted uses.

Uses

8.5.2.2 To provide for the following uses, in addition to the uses listed in Section 8.1.1, on lands designated 'Business Park Employment':

- a) office;
- b) manufacturing, processing and warehousing use with no accessory outdoor storage;
- c) hotel that does not include dwelling units;
- d) trade and convention centre;
- e) commercial parking garage;
- f) retail, and/or service use that is accessory to the primary manufacturing, processing or warehousing use, and located in the same premise as the primary use, provided the area devoted to the accessory use does not exceed 500 square metres of gross floor area, or a maximum of 15 percent of the gross floor area devoted to the primary use, whichever is less;
- g) *ancillary use* such as retail, service, restaurant, and sports and fitness recreation use within an industrial building, provided that:
 - i. all *ancillary uses* and accessory uses are located only on the ground floor of the building; and
 - ii. the combined gross floor area devoted to all *ancillary uses*, and to all accessory uses described in 8.5.2.2 f), is limited to a maximum of 15 percent of the total gross floor area of the building.
- h) *ancillary use* such as retail, service, restaurant, sports and fitness recreation use or financial institution within a non-industrial building provided that:
 - i. the combined gross floor area devoted to all *ancillary uses* is limited to a maximum of 15 percent of the total gross floor area of the building, or in the case of an office building the total gross floor area of the ground floor, whichever is less; and
 - ii. access to the premises of all *ancillary uses* is integrated within the building.

8.5.2.3 To provide for the following *discretionary uses*, in addition to the uses provided for above, on lands designated 'Business Park Employment', subject to review of a site-specific development application for zoning approval, and in accordance with Sections 8.5.1.2 and 8.5.1.3 and any conditions identified below:

- a) banquet hall and/or night club provided it is integrated within a hotel or trade and convention centre and meets the provisions of Section 8.5.2.2 h);
- b) community college or university;
- c) *day care centre* in accordance with Section 8.13.2, provided it is located within an office building;
- d) *trade school* and commercial school, wholly located within a building;

Section 8.5.2 subject to Area/Site Specific Appeal Nos. Nos. 1 (Issues 113, 115), 9 and 10 (Issues 18, 19), 15 (Issue 122) and 19 (Issue 129, 258, 259, 260)

- e) manufacturing, processing and warehousing with accessory outdoor storage in accordance with Section 8.13.6; and
- f) motor vehicle service station in accordance with Section 8.13.5, and provided not more than one service station is located at an intersection.

8.5.2.4 To not permit the following uses on lands designated 'Business Park Employment':

- a) funeral establishment;
- b) commercial storage facility;
- c) motor vehicle use not identified in Sections 8.5.2.2 and 8.5.2.3;
- d) *private club*;
- e) *private school*;
- f) *place of worship*; and
- g) adult entertainment.

Building Types and Heights

8.5.2.5 To provide for single or multiple unit non-residential buildings with one or more storeys with a maximum building height specified in the implementing zoning by-law on lands designated 'Business Park Employment'.

Development Criteria

- 8.5.2.6 In considering an application for *development approval* on lands designated 'Business Park Employment', Council shall ensure that development adheres to the development criteria outlined below, in addition to the criteria contained in Section 8.5.1.6:**
- a) on sites generally larger than one hectare, or where otherwise considered appropriate, a *comprehensive block plan* may be prepared in accordance with Section 10.1.4 of this Plan;
 - b) new multi-storey buildings shall be sited to achieve a continuous and consistent relationship to adjoining public streets;
 - c) buildings with the greatest density and height should be directed to locations along arterial roads and transit services.

8.5.3 Business Park Office Priority Employment

It is the intent of this Plan that lands designated 'Business Park Office Priority Employment', should be reserved and used for major office development, and that existing Industrial development on these lands will be complemented and/or replaced with office development over the long term. New office development is intended to be multi-storey and may include associated parking structures.

Lands designated 'Business Park Office Priority Employment' are located within the Centres and Corridors, as shown on Map 2 – Centres and Corridors and Transit Network, and may also adjoin 400 series highways. These lands offer highly visible locations and access to existing or planned Regional Rapid Transit Corridors.

Section 8.5.2 subject to Area/Site Specific Appeal Nos. Nos. 1 (Issues 113, 115), 9 and 10 (Issues 18, 19), 15 (Issue 122) and 19 (Issue 129, 258, 259, 260)

Section 8.5.3 subject to Area/Site Specific Appeal Nos. Nos. 1 (Issues 113, 115), 9 and 10 (Issues 18, 19) and 15 (Issue 122)

SECTION 6 - ZONE REQUIREMENTS6.1 SELECT INDUSTRIAL ZONE - M

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

6.1.1 USES PERMITTED(a) Industrial:

- (i) Warehousing of goods and materials.
- (ii) Assembly of manufactured goods.
- (iii) Manufacture within enclosed BUILDINGS of goods.
- (iv) Repair and servicing of goods.
- (v) Data Processing Centre and computer related functions.
- (vi) Research Laboratories.
- (vii) Printing Establishments.
- (viii) Other industrial uses similar to the above uses.

SEE B/L 15-87
SECTION 1(c)

→ (b) Private Clubs and Health Centres.(c) Public:

Public uses as described in Section 4.3.2 of this by-law.

(d) Residential:

No residential uses shall be permitted except for one (1) DWELLING UNIT for a caretaker employed on the PREMISES concerned within part of a BUILDING subject to the requirement of minimum GROSS GROUND FLOOR AREA per BUILDING under this by-law.

6.1.2 USES ~~PROHIBITED~~ - (BY-LAW 70-82)

In addition to the provisions of Section 4.3.7 the following uses shall also be prohibited in M ZONES:

- Transport Terminals for the loading or unloading of goods and persons from transport vehicles.
- Repair and servicing of internal combustion engines, motor vehicles and similar uses.

6.4 SELECT INDUSTRIAL AND LIMITED COMMERCIAL ZONE - M.C

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

6.4.1 USES PERMITTED

(a) All of the uses permitted in Section 6.1.1 - (M ZONE).

(b) Commercial - banks and financial institutions chartered under the laws of Canada, professional and business offices, Commercial schools, HOTELS and MOTELS.

(c) Notwithstanding the provisions of Section 4.3.5 and 4.3.9 of this by-law, the following ACCESSORY USES shall be permitted in business and professional office BUILDING, HOTELS and MOTELS only:

(i) RESTAURANTS and Taverns in HOTELS and MOTELS.

(ii) RETAIL STORES and PERSONAL SERVICE SHOPS to serve the occupants of an office BUILDING or BUILDINGS or the patrons of a HOTEL or MOTEL and, notwithstanding the generality of the foregoing, retail stores shall only include convenience goods such as newspapers, magazines, tobacco products and candy.

(d) The ACCESSORY USES permitted in Section 6.4.1(c)(ii) above shall be subject to the following provisions:

(i) No access shall be permitted except from the interior lobby of a BUILDING.

(ii) Outdoor exterior signs advertising the ACCESSORY USES shall not be permitted.

(iii) The FLOOR AREA devoted to these uses per BUILDING shall not exceed five percent (5%) of the GROSS FLOOR AREA or 100 square metres whichever is the lesser.



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July 26th, 2018

Secretary-Treasurer
 Committee of Adjustment
 City of Markham
 101 Town Centre Boulevard
 Markham, ON
 L3R 9W3

MGP File: 18-2730

RE: Application for a Minor Variance under Section 45(1), of the Planning Act
Armada Properties Ltd. c/o Infinity Care Homes Inc. operating as Memory and Company
100 Renfrew Drive, Markham ON

MINOR VARIANCE REQUEST

The minor variance application is to permit a respite hotel allowing bedrooms with ensuite washrooms within the subject property which provides caregivers of older adults with physical and cognitive disabilities a break by providing on site caregiving on a nightly basis, whereas the by-law does not specifically permit the use.

Malone Given Parsons Ltd. (MGP) is submitting a minor variance application on behalf of Armada Properties Ltd. c/o Infinity Care Homes Inc. operating as Memory & Company on the property legally described as PL 65M235 PT LTS 1, 2, 3, 4 RS 65R 11319 PT 1 and municipally known as 100 Renfrew Drive, Markham, ON.

The Applicant would like to use approximately 4,752 sq. ft (441.48 m²) of the existing 11,221.8 sq. ft. (1,042.5 m²) Health Centre located in unit 110 for a respite hotel use, which will include 10 bedrooms where each bedroom will include a bed and a two-piece washroom. This respite hotel is a private enterprise, where the public, generally members of the health centre but not exclusively, will pay a nightly rate to stay short term in these bedrooms.

It is my opinion from my review the property and the City of Markham Zoning By-law 165-80 and Zoning By-law 28-97, as amended, the use of a respite hotel can be interpreted as "Hotels", which is permitted as-of-right as per the "Select Industrial and Limited Commercial Zone (M.C 60%)" pertaining to the subject property, [Zoning By-law 165-80, Section 6.4.1. (b)]. Hotels is defined as follows:

"Hotels means a building or buildings or part thereof on the same site used to accommodate the public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities."

(Section 2 – Definitions)

The City of Markham has not updated the Zoning By-law pertaining to the lands in 35 years, even though the last Official Plan update took place in 2014. In the absence of a Zoning By-law update, it is reasonable and appropriate to interpret the proposed use as a contemporary form of hotel. Nevertheless, we have been asked to submit an application for minor variance to have the Committee of Adjustment provide clarity. It would be useful for the City to include contemporary uses such as a respite hotel during the Comprehensive Zoning By-law process currently taking place.

In 2014, an application was approved by the Committee of Adjustment (A/105/14), which allowed Memory & Company to begin operation on the subject property. The Committee of Adjustment approved this application on August 20th, 2014, and this approval became final and binding on September 9th, 2014. The variance permitted the following:

"a day centre for older adults with Alzheimer's and related disabilities..." (City of Markham Committee of Adjustment Resolution, dated August 20th, 2014)

The Applicant has demonstrated an ongoing willingness to comply with the City of Markham's requirements for the minor variance application, even though this application is having a negative impact on this small business as it is delaying Memory & Company's ability to supply this sought-after use to the community.

As per City of Markham Zoning By-law 28-97, 100 Renfrew Drive provides the parking requirements for a Business Office. A total of 178 parking spaces are currently within the subject property. The parking requirement for Business Office is 1 parking space per 30 square metres of net floor area. The net floor area of the existing building is approximately 4,367 square metres. The subject property requires approximately 146 parking spaces. There are approximately 32 surplus parking spaces located on the site. The net floor area of the existing building being used as a respite hotel is approximately 4,131 sq. ft (383.78 m²). This means that approximately 13 parking spaces would be required.

As the proposal is not adding any square footage to the existing building, the parking required for the floor area of the building is currently provided within the existing parking lot. Therefore, appropriate parking is provided.

Moreover, this proposal will not change any exterior aesthetics or transportation functionality of the subject property.

As per Section 45(1) of the Planning Act, the proposed respite hotel should be permitted as it is considered to meet the general intent of the City of Markham Official Plan (Consolidated 2005), it is permitted under City of Markham Zoning By-law 165-80 and Zoning By-law 28-97, as amended, and the requested variance is desirable and is minor in nature.

PROPERTY CONTEXT

The subject property is surrounded by low rise professional and business office buildings to the north and south. To the east are Renfrew Drive and further low rise professional and business office buildings. To the west is the Toronto Buttonville Municipal Airport that currently has a development application (File OP 11 115381) for a mix of residential, office and commercial uses. This application is currently pending and subject to on going discussions with the Region of York and the City of Markham.

The subject property is located on the west side of Renfrew Drive, north of Valleywood Drive and is approximately 1.6 hectares (3.9 acres) in size. The subject property has one access onto Renfrew Drive which is aligned with Hooper Road to the east. The subject property has a parking lot that contains approximately 178 spaces, it has ample landscaping and accommodates a two-storey office building with a gross floor area of 4,425.2 m² (47,632.6 sq. ft.). This building contains five leasable suites on the second floor and three leasable suites on the first floor. The second floor of this building contains the following businesses:

- Global Aerospace, Suite 200;
- King International Advisory Group Inc., Suite 201;
- Procom Consultants Group. / Rywick Recruitment, Suite 250;
- Nexolink Inc., Suite 260; and
- 9799508 Canada Inc (O/A Zanaris), Suite 270.

The first floor contains the following suites:

- Suite 100 is located in the south portion of the building. This suite is leased by Sangoma Technologies Corp and has a rentable area of approximately 1,057 m² (11,381 sq. ft.).
- Suite 130 is located in the northwest portion of the building and is leased as office space by Mary Brown's Inc. and has a rentable area of approximately 567 m² (6,100 sq. ft.).
- Suite 110, is located in the northeast portion of the building. This suite currently operates as "Memory & Company," a health centre use. This suite has a net rentable area of 976 m² (10,505.6 sq. ft.) and a gross rentable area of approximately 1,042.5 m² (11,221.8 sq. ft.).

There has been a previous minor variance application approved for the subject property (A/39/07), which was approved by the Committee of Adjustment on April 25th, 2007 and became final and binding on May 16th, 2007. The variance permitted a 655.6m² (7057 sq. ft.) medical clinic; whereas, the By-law did not

permit a medical clinic. This clinic was known as Woodbine Endoscopy, which has since moved. This clinic was located within Suite 130. A restriction of this approval was that only one medical clinic can be permitted having a gross floor area not exceeding 655.6 m² (7057 sq. ft.) within the ground floor of the existing office building. This approved variance does not affect the proposed respite hotel use.

MEMORY & COMPANY

Memory & Company provides a private, for-profit, health centre facility with the primary goal of attending to the physical and cognitive fitness of older adults with physical and cognitive disabilities, with an emphasis on Alzheimer's and related dementias.

In 2014, an application was approved by the Committee of Adjustment (A/105/14), which allowed Memory & Company to begin operation on the subject property. The Committee of Adjustment approved this application on August 20th, 2014, and this approval became final and binding on September 9th, 2014. The variance permitted the following:

"a day centre for older adults with Alzheimer's and related disabilities, whereas the by-law does not specifically permit this use." (City of Markham Committee of Adjustment Resolution, dated August 20th, 2014)

It was the opinion of the Committee that the use is defined in general terms and in their opinion that the proposed use conforms with the uses permitted in the By-law, under section 45 (2) (b) of the Planning Act. A restriction to this approval was that the variance apply only to the proposed use as long as it remains.

THE PLANNING ACT, SECTION 45(1)

Section 45(1) of the Planning Act outlines four tests to which applications for minor variances must comply. A description of how the application meets the four tests is outlined below.

Test 1: The general intent and purpose of the Town's Official Plan is maintained

The 2014 Official Plan was adopted by Council on December 10th, 2013 and approved by York Region on June 12th, 2014. On April 21st, 2017 the Ontario Municipal Board issued a Partial Approval Order bringing parts of this Plan in force. The subject property is designated Business Park Employment by Official Plan Map 3-Land Use. Section 8.5.2 Business Park Employment and Section 8.5.1.5 Buttonville Airport Redevelopment Area are subject to City-Wide Appeals. Until an Ontario Municipal Board decision to approve all or part of the new Official Plan has been made, the 1987 Official Plan will continue to remain in force.

The current City of Markham Official Plan (Consolidated July 2005) is in full force and effect and designates

the subject property as an "Industrial Use" by Schedule "A" Land Use and further designates that the subject property as "Business Park Area" by Schedule "H" Commercial / Industrial Categories.

Business Park Areas generally permit uses that are to serve the community such as short term stay facilities in the form of hotels and other similar uses consistent with the planned function and policies of the category of designation (Section 3.5.6.2.c). i). The proposed respite hotel use meets the general intent and purpose of the Business Park Areas as it would be a use providing short term stay for members of the community.

Based on the above, it is our opinion that the proposed variance meets the general intent and purpose of the City's Official Plan.

Test 2: The general intent and purpose of the Town's Zoning By-law is maintained

The minor variance meets the general intent and purpose of the City of Markham Zoning By-law 165-80 as the proposed respite hotel can be interpreted as "Hotels", a as-of-right permitted use under the "Select Industrial and Limited Commercial Zone (M.C 60%)" pertaining to the subject property. The proposed respite hotel use implements the intent of the "Hotels" use as it is part of a building ...*"used to accommodate the public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities."* (Section 2 – Definitions)

The "60%" within the zone symbol represents the maximum floor area ratio the building on the subject property can cover as stated in Section 6.4.3.b. The proposal is in conformity with and does not change the outlined maximum floor area ratio.

Section 5.2 of this Zoning By-law identifies general development requirements for Industrial Zones including M.C "60%". The proposed variance is in conformity with, and does not affect the aforementioned general development requirements.

Zoning By-law 313-83, a by-law to amend By-law 165-80, states that industrial uses on the subject property shall not be closer than 60 m to any residential dwelling. By-law 313-83 also states that hotels shall not be permitted on any property within 120 metres of any property zoned for residential uses adjoining the designated area of this by-law. The proposed variance is in conformity with and does not offend these provisions.

City of Markham Zoning By-law 28-97 states that Hotel parking is permitted at a rate of 0.85 parking spaces per suite plus 1 parking space for every 10 square metres of net floor area devoted to assembly hall uses. As there are 10 bedrooms proposed and no assembly hall uses, 10 parking spaces are required under the Hotel parking rate.

100 Renfrew Drive provides the parking requirements for a Business Office, as per City of Markham Zoning By-law 28-97. A total of 178 parking spaces are currently within the subject property. The parking requirement for Business Office is 1 parking space per 30 square metres of net floor area. The net floor

area of the existing building is approximately 4,367 square metres. The subject property requires approximately 146 parking spaces. There are approximately 32 surplus parking spaces located on the site. The net floor area of the existing building being used as a respite hotel is approximately 4,131 sq. ft (383.78 m²). This means that approximately 13 parking spaces would be required.

As the proposal is not adding any square footage to the existing building, the parking required for the floor area of the building is currently provided within existing parking lot. Therefore, appropriate parking is provided.

Based on the justification of the proposed use presented, it is our opinion that the application meets the general intent and purpose of the City's By-law.

Test 3: The requested variance is desirable for the appropriate development or use of the land, building or structure

The minor variance is desirable as it is permitting a respite hotel use that meets the definition of "Hotels". Hotels are a permitted use under the "Select Industrial and Limited Commercial Zone (M.C 60%)" pertaining to the subject property. This application will provide a sought-after service in the area that will be utilized by the public who are in need for this type of specific use.

The proposed application is desirable as it would provide a service in the business park, in which the community at large and employees of the business park could drop off patrons requiring the offered services of a short term stay in a safe and sociable environment that caters to their needs without the financial and social expense of having them institutionalized. It would also provide convenience to the employees in the area due to the proximity of this use to their place of employment, enabling them to carry on with their daily lives with their loved ones close by.

Based on the justification provided on the need for the new service offered on the property, it is our opinion that the proposed application is considered desirable.

Test 4: The requested variances are minor in nature

The variance is minor in nature as it meets the general intent and purpose of the City of Markham Official Plan and is permitted under the Zoning By-law, while being an asset to the surrounding community based on the specialty service provided. The parking required for the proposed use is currently supplied; therefore, the proposed use will not change the current parking and traffic activity of the subject property. The proposal will also not change any aesthetics of the existing building. The proposed respite hotel use will have no major impact and can be interpreted as "Hotels", a as-of-right permitted use in the Select Industrial and Limited Commercial Zone (M.C. 60%) in the City of Markham Zoning By-law 165-80. Therefore, the permission of a respite hotel use is minor in nature.

Given the above, it is our opinion that the requested variance is minor in nature.

APPLICATION MATERIALS

In support of this application, enclosed please find:

- A completed application form with the owner's authorization;
- A regular cheque in the amount of \$12,972.40 (inclusive of HST and sign fee) made out the City of Markham, for a minor variance with respect to an ICI Use;
- Proof of Ownership in the form of an Armadale Properties Ltd. Tax Bill dated January 2nd, 2018 and another Armadale Properties Ltd. Tax Bill dated August 23rd, 2016;
- Original copy of the Authorization Form signed by the owner(s), dated July 23rd, 2018;
- One (1) Plan of Survey prepared by A.H. Heywood INC., dated November 26th, 1987;
- One (1) 11"x17" Site Plan and one (1) reduction, prepared by Miller Bobaljik Peel Architects Inc., revised June 15, 1987;
- One (1) 17"x11" North & West Elevations and one (1) reduction, prepared by Miller Bobaljik Peel Architects Inc., revised May 5th, 1987;
- One (1) 17"x11" South & East Elevations and one (1) reduction, prepared by Miller Bobaljik Peel Architects Inc., revised May 5th, 1987;
- One (1) 17"x 11" Floor Plan and one (1) reduction, prepared by K Paul Architect Inc., dated June 27, 2018;
- Notice That Decision is Final and Binding for a minor variance to the existing zone's permitted uses, dated September 10th, 2014;
- City of Markham Building Standards Department Request for Further Information Letter dated July 10th, 2018;
- City of Markham Building Standards Department Email Correspondence regarding 100 Renfrew Drive, dated July 13, 2018; and
- One (1) electronic copy of the application materials on CD.

July 26th, 2018

We trust that the enclosed information is sufficient. Should you have any questions with respect to the above, you can contact me at 905-513-0170 ext. 116.

Yours very truly,

MALONE GIVEN PARSONS LTD.

A handwritten signature in black ink, appearing to read 'Matthew Cory', enclosed within a large, loopy oval shape.

Matthew Cory, MCIP, RPP, PLE, PMP
Principal
mcory@mgp.ca

Cc. Peter Sestito, Armadale Properties Ltd.
Victor Kwong, Memory & Company
Ashley Kwong, Memory & Company
Thomas Kilpatrick, Malone Given Parsons Ltd.

(d) MAXIMUM HEIGHT OF BUILDING OR STRUCTURE

10.7 metres

(e) MAXIMUM LOT COVERAGE

Thirty-five percent (35%)"

(g) By adding to Section 6 the following subsections:

"SECTION 6.7 - OPEN SPACE (01) ZONE

6.7.1 01 USES PERMITTED

No person shall hereafter change the use or use land in an Open Space (01) ZONE except for one (1) or more of the following uses:

- golf courses
- PUBLIC or PRIVATE PARKS
- athletic fields
- public conservation projects

6.7.2 PROHIBITION OF BUILDING CONSTRUCTION

In an Open Space (01) ZONE, no person shall hereafter ERECT any BUILDING or STRUCTURE, except for BUILDINGS and STRUCTURES which may be constructed by the Conservation Authority and relating to a Conservation Project.

6.7.3 01 ZONE BOUNDARIES

Open Space (01) ZONE boundaries shall be deemed to follow the top of banks of river valley systems under the jurisdiction of the Conservation Authority.

SECTION 6.8 - INSTITUTIONAL AND OPEN SPACE (02) ZONE

6.8.1 USES PERMITTED

No person shall hereafter change the use of any BUILDING, STRUCTURE or land, nor ERECT and use any BUILDING or STRUCTURE in an INSTITUTIONAL AND OPEN SPACE (02) ZONE, except for one (1) or more of the following uses:

- golf courses
- PUBLIC or PRIVATE PARKS
- athletic fields
- public conservation projects
- equestrian clubs
- COMMUNITY CENTRES
- public auditoria
- concert halls
- arenas
- stadia
- swimming pools
- public libraries
- public museums
- public art galleries
- public playgrounds
- CEMETERIES
- ~~funeral homes~~ *DECEASED - 1999*
- PUBLIC or PRIVATE HOSPITALS, treatment centres, CLINICS or other health care facilities
- NURSING HOMES
- convalescent or rest homes
- homes for the aged
- DAY NURSERIES or day care centres
- PUBLIC, PRIVATE or SEPARATE SCHOOLS, colleges and universities
- public INSTITUTIONS for further or continuing education
- public or PRIVATE CLUBS
- fraternal clubs, halls or lodges
- CHURCHES, religious institutions or places of worship
- public or private philanthropic or cultural INSTITUTIONS
- government or public office and service buildings and associated complementary uses
- special SCHOOLS or residences for the physically or mentally handicapped
- theatre
- one residential dwelling unit located on the same lot and accessory to and incidental to any of the foregoing permitted uses.

6.8.2 BUFFER STRIPS

In addition to the requirements of Section 4.7, where an INSTITUTIONAL AND OPEN SPACE (O2) ZONE abuts a residential ZONE, a strip of land not less than 3 metres in width and immediately adjacent to the said residential ZONE shall be LANDSCAPED and shall not be used for any other purpose.

(h) By adding to Section 7 - Exceptions the following:

- "7.15 Notwithstanding the provisions of Section 4.7.1(b), in the Institutional and Open Space (O2) Zone at the north west corner of Highway 7 and Warden Avenue, the minimum width of the required landscape strip adjoining Apple Creek Boulevard shall be 3 metres.

SUBJECT to the following conditions:

1. The owner provide a formal tree inventory and tree preservation plan prepared by a certified arborist including the following information:
 - correct surveyed location of trees and property lines
 - cover the entire site and lands within 5m of the property line
 - describe the existing vegetation showing the extent of the drip lines with all proposed development superimposed thereon, including all existing and proposed site grading
 - individual tree species, size, condition and ultimate recommendation for preservation or removal.
2. The status of any vegetation along the property line or in neighbouring properties that may be impacted by the proposed development are to be confirmed. Neighbours should be consulted and informed about these impacts and any required remediation works, replacements or compensations.
3. That the applicant cause no trees to be removed without the prior approval from the Town.
4. That the applicant submit a landscape plan showing replacement plantings and landscaping to compensate for the vegetation that has to be removed.
5. That the applicants enter into a site plan agreement with the Town to ensure redevelopment that is compatible with the existing neighbourhood.
6. That the variances apply only to the subject development as long as it remains.

Resolution carried.

4. **Name:** **Armada Properties Ltd**
 Location: **100 Renfrew Dr, Markham**
 Application: **A/39/07**

The owners are requesting relief from the requirements of By-law No. 165-80, as amended, to permit a 7057 ft² medical clinic in Suite 130; whereas, the By-law does not specifically permit a medical clinic.

Nick Pileggi was in attendance representing the applicant. He provided an explanation of the purpose of the variance, and the history of the professional use of the property. He reviewed the four tests of a Minor Variance and suggested that the zoning by-laws are 25 years old and outdated, as evidenced by recently adopted by-laws in Markham that acknowledge the significant changes to medical practices and include updated definitions for a medical clinic. Mr. Pileggi referred to similar variance applications at 144 Renfrew Drive, 50 Minthorn Avenue, and other

locations, that had been approved by the Committee. The proposal is in compliance with all other provisions of the by-law, including parking and access.

Committee discussed parking issues, minor site specific issues, the outdated by-laws, and the disadvantage to older neighbours trying to compete with newer neighbourhoods. It was confirmed that patients would not be staying overnight on the premises. Mr. Pileggi indicated concurrence with the conditions.

There was no one in the audience with respect to this application.

Moved by: Keith Daunt

Seconded by: Loreta Polsinelli

THAT Application No. A/39/07, submitted by Armadale Properties Ltd, owner(s) of 100 Renfrew Dr, Markham, PL 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1, requesting relief from the requirements of By-law No. 165-80, as amended, to permit a 7057 ft² medical clinic in Suite 130; whereas, the By-law does not specifically permit a medical clinic, be approved for the following reasons:

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

SUBJECT to the following conditions:

- (1) That only one medical clinic be permitted having a gross floor area not exceeding 7057 ft² (655.6m²) be permitted within the ground floor of the existing office building at 100 Renfrew Drive;
- (2) That the medical clinic be restricted to a medical clinic for endoscopy;
- (3) That the variance applies only to the subject development as long as it remains.

Resolution carried.

M E M O R A N D U M

DATE: August 08, 2014
TO: Chairman and Members, Committee of Adjustment
COPY TO: Greg Nelson
FILE: A/105/14
ADDRESS: 100 Renfrew Dr Markham (Armada Properties Ltd.)
HEARING DATE: August 20, 2014 - Tentative

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

The applicant is requesting relief from the following requirements of By-law 165-80, as amended:

Section 6.4.1(a) - To permit a centre for older adults with Alzheimer's and related disabilities, whereas the by-law does not specifically permit this use.

BACKGROUND**Property Description**

The subject property is located on the west side of Renfrew Drive, north of Valleywood Drive, west of Woodbine Avenue. A two storey 4,425.2 m² (47,632.6ft²) multiple unit office building is located on site.

Area Context

The subject property is surrounded by business and professional office buildings to the north, south and east. To the west is the Toronto Buttonville Municipal Airport.

Proposal

Within Suite 110, the applicant is seeking to operate a centre for people with cognitive and physical impairments with the primary goal of attending to the physical and cognitive fitness of older adults with an emphasis on Alzheimer's and related dementias. Suite 110 has a gross floor area of approximately 1,050m² (11,300ft²) and is presently vacant.

Official Plan Designation

The property is designated Business Park Area (in force Official Plan (Revised 1987), as amended).

Applicable Zoning By-law

The subject property is zoned Select Industrial with Limited Commercial 60% (MC 60%) by By-law 165-80. The permitted uses within this zoning designation include industrial uses such as warehousing and manufacturing; servicing and repair of goods; printing establishments; private clubs and health centres. Permitted commercial uses include banks and financial institutions;

professional and business offices; commercial schools; hotels and motels. The proposed use is not specifically permitted in this zone.

COMMENTS

The applicant's agent has outlined the operation of the facility as follows:

"The proposed use will provide a private, for-profit, health centre facility with the primary goal of attending to the physical and cognitive fitness of older adults with physical and cognitive disabilities, with an emphasis on Alzheimer's and related dementias.

This use will include a massage room operated by a registered Massage Therapist; an exercise room operated by an Occupational/Recreational Therapist; hydrotherapy, dance, yoga, personal hygiene and aesthetics operated by Certified Recreational/Activation Therapists, Personal Support Workers, and licensed Aestheticians; and dietary health operated by a qualified Chef. A Registered Practical Nurse will also be present to assist with the self-administration of customers' personal medication. This health centre's aim is to keep older adults with physical and mental disabilities, physically, mentally, and socially active, within the community, thereby avoiding premature institutionalization."

The definition of Health Centre in by-law 165-80 is defined as follows:

"Health Centre means a building or part thereof which is used for the purpose of a gymnasium, exercise room, steam room, sauna, squash courts, sun room, swimming pool, massage room or any other use related to physical fitness. A massage room must be associated with at least one (1) other use specifically mentioned above and such massage room must be operated by a professional registered masseur."

CONCLUSION

The minor variance request should be made under Section 45 2(b) of the Planning Act which authorizes the Committee of Adjustment to permit uses of land, buildings or structure for any purposes, that, in the opinion of the Committee, conforms with the uses permitted in the by-law.

It is the opinion of Planning Staff that the proposed use is similar to that of a Health Centre, a permitted use in the M.C. zone.


CONDITIONS

1. The variance apply only to the proposed use as long as it remains;

PREPARED BY:


Geoff Day MCIP, RPP, Senior Planner, West District

REVIEWED BY:


Ron Blake MCIP, RPP, West District Manager
File Path: Amanda\Files\14 124416\Documents\District Team Comments Memo

- 2) That the variances apply to the subject development, in substantial conformity with the revised plans submitted with the application (Urbanscape Group, July 24, 2014), to the satisfaction of the Director of Planning and Urban Design or his designate;
- 3) That the Owner submits a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended to the satisfaction of the Director of Planning and Urban Design, or his designate;
- 4) That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended and inspected to the satisfaction of the Director of Planning and Urban Design, or his designate;
- 5) That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or his designate.; and
- 6) That the owner submit a grading plan to the satisfaction of the Director of Engineering or their designate.

Resolution Carried

NEW BUSINESS:

2. A/105/14
Owner Name: Armadale Properties Ltd. (Elizabeth Witton)
Agent Name: Malone Given Parsons Ltd. (Matthew Cory)
100 Renfrew Dr, Markham
PLAN 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1

The applicant is requesting relief from the requirements of By-law 165-80, as amended to permit:

Section 6.4.1(a)

a day centre for older adults with Alzheimer's and related disabilities, whereas the By-law does not specifically permit this use.

Agent, Matthew Cory, presented the application, adding that the variance is needed based on the interpretation of the zoning by-law.

Committee Member, Gary Muller, advised that there is a wide range of uses being requested, and questioned whether an aesthetician is normally associated with health centre?

Agent, Mathew Cory, agreed there are a range of uses, and are needed for the function of the facility.

Committee Member, Lolita Bruneau, added that she is glad to see this type of facility as a use.

There were no further comments from the public or the Committee Members.

The Secretary-Treasurer identified the condition of approval.

Moved by: Lolita Bruneau
Seconded by: Phillip Gunn

THAT Application No. A/105/14, submitted by Armadale Properties Ltd. (Elizabeth Witton) owner(s) of 100 Renfrew Drive Markham, PLAN 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1, requesting relief from the requirements of By-law No. 165-80, as amended, to permit the following:

Section 6.4.1(a)

a day centre for older adults with Alzheimer's and related disabilities, whereas the by-law does not specifically permit this use.

The variance request be approved for the following reason:

In the opinion of the Committee the use is defined in general terms and in their opinion that the proposed use conforms with the uses permitted in the By-law, under section 45 (2) b) of the Planning Act

Subject to the following condition:

- 1) That the variance apply only to the proposed use as long as it remains.

Resolution Carried

3. A/107/14

Owner Name: Dana Somerville

Agent Name: Dana Somerville and Anthony Smith

85 Romfield Circ, Thornhill

PLAN 7695 LOT 265

The applicant is requesting relief from the requirements of By-law 2150, as amended to permit:

a) Section 6

a minimum side yard setback of 4 feet on each side; whereas, the By-law requires a minimum side yard setback of 6 feet on each side, as it relates to a proposed second storey addition.

Owners, Dana Somerville and Anthony Smith presented the application.

There were no members of the public present for this application.

Committee member, Phillip Gunn, advised that he sees this as a straight forward application.

There were no further comments, from the Committee members.

The Secretary-Treasurer identified the conditions of approval.

Moved by: Gary Muller

Seconded by: Phillip Gunn

THAT Application No. A/107/14, submitted by Dana Somerville owner(s) of 85 Romfield Circuit Thornhill, PLAN 7695 LOT 265, requesting relief from the requirements of By-law No. 2150, as amended, to permit the following:

a) Section 6

a minimum side yard setback of 4 feet on each side; whereas, the By-law requires a minimum side yard setback of 6 feet on each side, as it relates to a proposed second storey addition.

SUBJECT to the following conditions:

1. The owner provide a formal tree inventory and tree preservation plan prepared by a certified arborist including the following information:
 - correct surveyed location of trees and property lines
 - cover the entire site and lands within 5m of the property line
 - describe the existing vegetation showing the extent of the drip lines with all proposed development superimposed thereon, including all existing and proposed site grading
 - individual tree species, size, condition and ultimate recommendation for preservation or removal.
2. The status of any vegetation along the property line or in neighbouring properties that may be impacted by the proposed development are to be confirmed. Neighbours should be consulted and informed about these impacts and any required remediation works, replacements or compensations.
3. That the applicant cause no trees to be removed without the prior approval from the Town.
4. That the applicant submit a landscape plan showing replacement plantings and landscaping to compensate for the vegetation that has to be removed.
5. That the applicants enter into a site plan agreement with the Town to ensure redevelopment that is compatible with the existing neighbourhood.
6. That the variances apply only to the subject development as long as it remains.

Resolution carried.

4. Name: **Armadale Properties Ltd**
 Location: **100 Renfrew Dr, Markham**
 Application: **A/39/07**

The owners are requesting relief from the requirements of By-law No. 165-80, as amended, to permit a 7057 ft² medical clinic in Suite 130; whereas, the By-law does not specifically permit a medical clinic.

Nick Pileggi was in attendance representing the applicant. He provided an explanation of the purpose of the variance, and the history of the professional use of the property. He reviewed the four tests of a Minor Variance and suggested that the zoning by-laws are 25 years old and outdated, as evidenced by recently adopted by-laws in Markham that acknowledge the significant changes to medical practices and include updated definitions for a medical clinic. Mr. Pileggi referred to similar variance applications at 144 Renfrew Drive, 50 Minthorn Avenue, and other

locations, that had been approved by the Committee. The proposal is in compliance with all other provisions of the by-law, including parking and access.

Committee discussed parking issues, minor site specific issues, the outdated by-laws, and the disadvantage to older neighbours trying to compete with newer neighbourhoods. It was confirmed that patients would not be staying overnight on the premises. Mr. Pileggi indicated concurrence with the conditions.

There was no one in the audience with respect to this application.

Moved by: Keith Daunt
Seconded by: Loreta Polsinelli

THAT Application No. A/39/07, submitted by Armadale Properties Ltd, owner(s) of 100 Renfrew Dr, Markham, PL 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1, requesting relief from the requirements of By-law No. 165-80, as amended, to permit a 7057 ft² medical clinic in Suite 130; whereas, the By-law does not specifically permit a medical clinic, be **approved** for the following reasons:

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

SUBJECT to the following conditions:

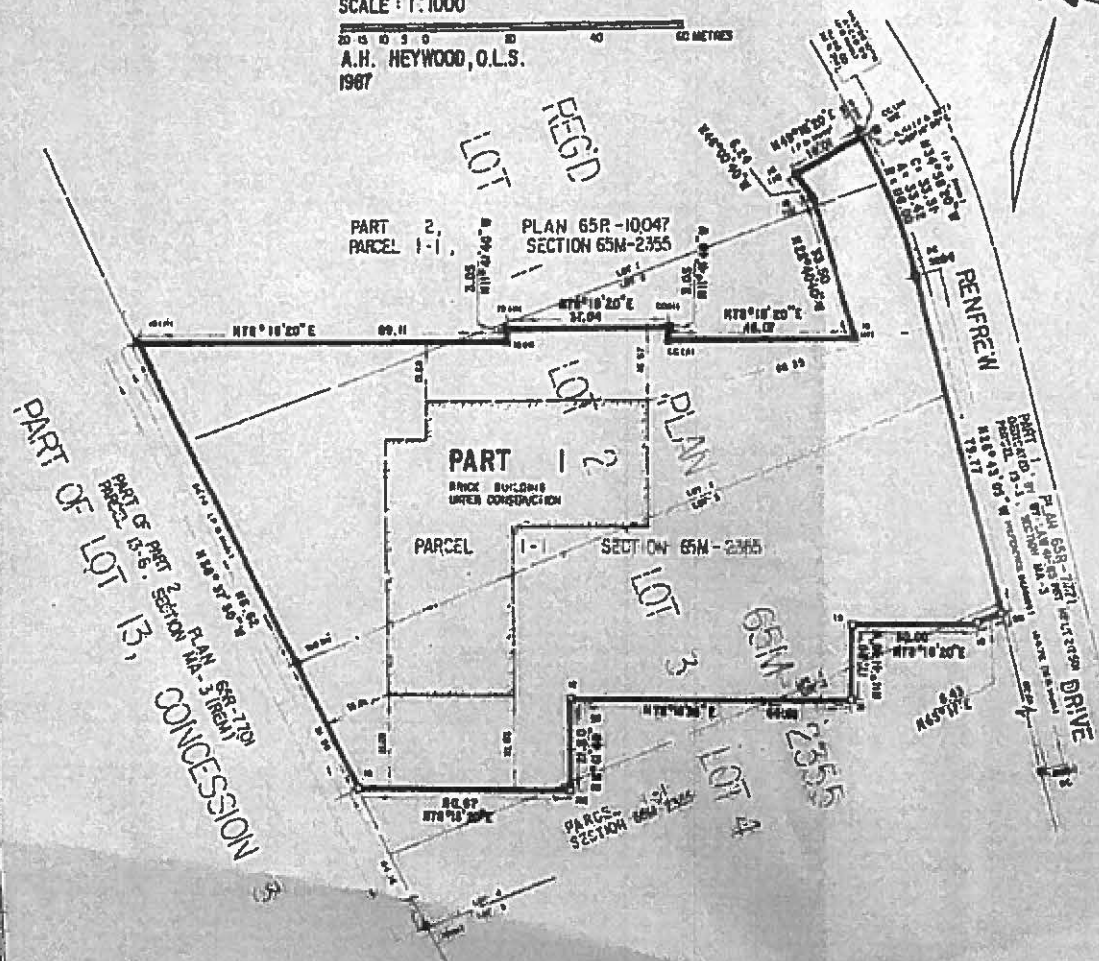
- (1) That only one medical clinic be permitted having a gross floor area not exceeding 7057 ft² (655.6m²) be permitted within the ground floor of the existing office building at 100 Renfrew Drive;
- (2) That the medical clinic be restricted to a medical clinic for endoscopy;
- (3) That the variance applies only to the subject development as long as it remains.

Resolution carried.

METRIC
DISTANCES SHOWN ON THIS
PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048

PLAN OF SURVEY OF
PARTS OF LOTS 1, 2, 3 AND 4,
REGISTERED PLAN 65M-2355
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:1000

A.H. HEYWOOD, O.L.S.
1987



I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT

DATE NOV 9 1987

A.H. HEYWOOD, O.L.S.

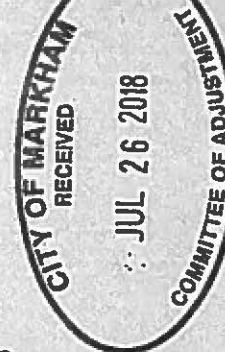
PLAN 65R-11349
RECEIVED AND DEPOSITED

DATE 24 Nov 1987

ASST. DIR. LAND REGISTRATION FOR THE LAND TITLES
DIVISION OF YORK REGION (1987)

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.

PART 1 - PART OF PARCEL 1-1, SECTION 65M-2355



NOTES

BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE EASTERLY
LIMIT OF LOTS 2, 3, 4 AND 5 - REGISTERED PLAN 65M-2355 HAVING A
BEARING OF N25°43'00" W

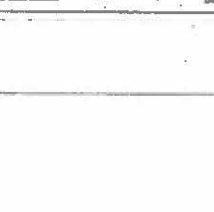
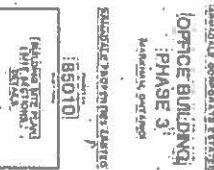
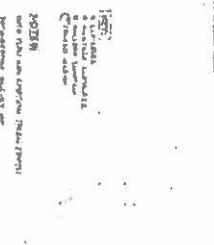
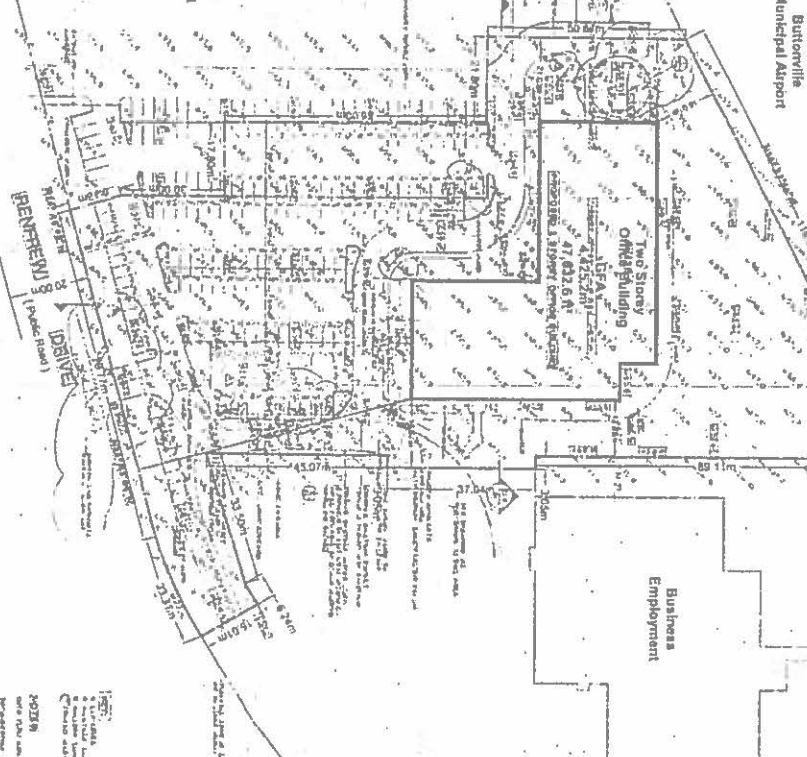
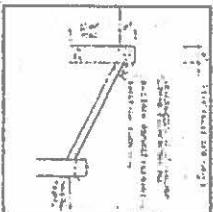
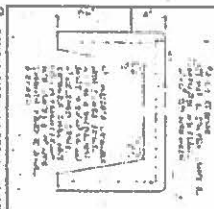
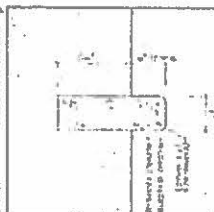
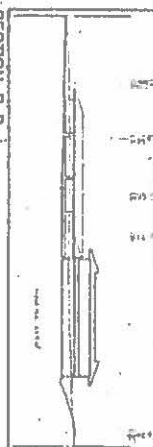
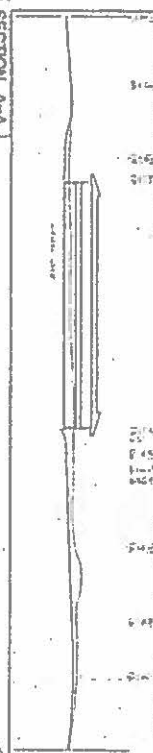
- DENOTES SURVEY MONUMENT PLANTED
- SURVEY MONUMENT FOUND
- SIB - STANDARD IRON BAR
- IB - IRON BAR
- CC - CUT CROSS
- WIT - WITNESS
- H - A.H. HEYWOOD, O.L.S.
- P - PLAN 65R-10047
- M - REGISTERED PLAN 65M-2355
- BC - BEGINNING OF CURVE

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT
2. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE
REGULATIONS MADE THEREUNDER,
3. THE SURVEY WAS COMPLETED ON THE 9th DAY OF NOV 1987

DATE NOV 9 1987
A.H. HEYWOOD
ONTARIO LAND SURVEYOR

A.H. HEYWOOD INC.
ONTARIO LAND SURVEYOR
21 BRIMLEY AVENUE WILLOWDALE, ONT. M2H 1H3
TEL. (416) 494-2940



[illegible]

OFFICE BUILDING
PHASE B
SARASOTA, FLORIDA
DESIGNED BY: [illegible]

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EAST ELEVATION

