

Memorandum to the City of Markham Committee of Adjustment

September 4, 2018

File: A/123/18
Address: 392 John Street, Thornhill
Applicant: PKS Development Group Inc.
Agent: Markham High Tech Inc. Architects (Michael Forte)
Hearing Date: Wednesday September 12, 2018

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

The applicant is requesting relief from the following requirements of By-law 151-75 LC, as amended:

- a) **Amending By-law 75-88, Section 1.3.3:** a veterinary clinic, whereas the By-law does not permit a veterinary clinic; as it relates to a proposed veterinary clinic in an existing commercial building.

BACKGROUND

Property Description

The 1,299.08 m² (13,983.18 ft²) subject property is located on the north side of John Street, south of Green Lane and east of Bayview avenue. A one-storey 378.4 m² (4,073 ft²) commercial building exists on the property. The site is surrounded by residential dwellings to its north, east and west side. To the north of the property are industrial buildings.

PROPOSAL

The applicant is proposing to use 238 m² (2,561 ft²) of the existing building for a Veterinary Clinic. No external changes are proposed.

Official Plan and Zoning

Official Plan

The 2014 Official Plan designates the subject property as "Mixed Use Low-Rise" which provides for office, restaurant and retail among other uses. Lands designated as Mixed Use Low Rise are to service nearby residents and businesses by providing a range of small-scale retail, service, office, community, institutional and, recreational uses.

Zoning By-Law

The subject property is zoned "Local Commercial" by By-law 151-75, as amended, which permits Business and Professional Offices and Personal Service Shops among other uses. The proposal does not comply with zoning with respect to use.

Applicant's Stated Reasons(s) for Not Complying with Zoning

The applicant did not provide a reason as to why it is not possible to comply with the provisions of the by-law.

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.

The applicant is seeking to establish a Veterinary Clinic which, is not provided for by the Zoning By-law. However, Staff note that the applicable Zoning By-law permits 'Business and Professional Offices' and 'Personal Service Shops' amongst other uses. Staff are of the opinion that the proposed use is similar to existing permitted uses and, that the proposed use meets the intent of the 2014 Official Plan. Based on drawings submitted to the City of Markham, the applicant proposes no external changes. Staff have no objections to the proposed use.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 4th, 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 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

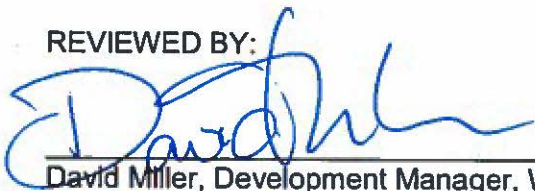
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 18 247522 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/18

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated August 16, 2018, 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:

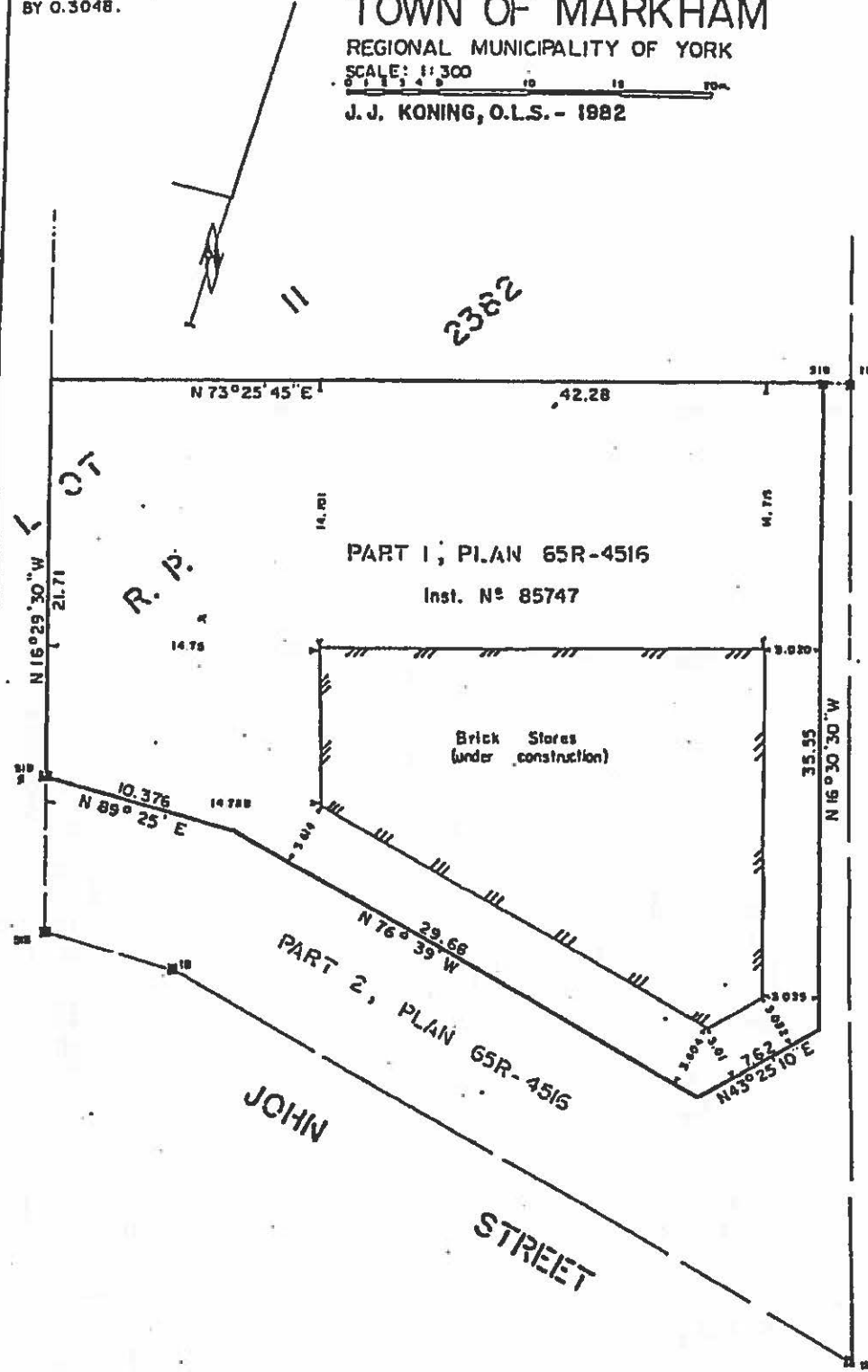


Aqsa Malik, Planner, Zoning and Special Projects

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CONVERTED TO FEET BY DIVIDING
BY 0.3048.

PART OF LOT 11 REGISTERED PLAN 2302
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:300
J.J. KONING, O.L.S. - 1982

APPENDIX B



DATE March 23 1982
J.J. Koning
J.J. KONING, O.L.S.

John J. Koning
Ontario Land Surveyors
5740 Yonge Street Suite B-33
Willowdale Ontario M2M 3J4
(416) 221-6083



1. *Thymus* *serpyllifolius* L. *serpyllifolius* L. *serpyllifolius* L.
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RESEARCH ON THE EFFECTS OF THE 1997-1998 ASIAN FINANCIAL CRISIS ON THE ECONOMIC GROWTH OF THE COUNTRIES OF THE SOUTH-EAST ASIAN REGION

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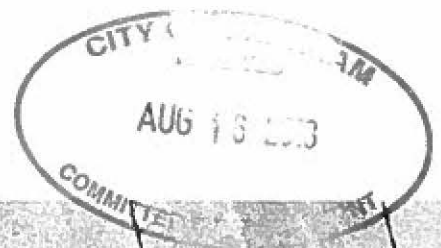
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BUILDING PERMIT
Scale: 1 : 100
02/17/18
PLAN



16 Acres Road

16 Acres Road

16 Acres Road

Parking Area

Waste Bin

Parking Area

Waste Transfer
Convenience Store

BH1

BH2

Transformer

BH3

BH4

