

Memorandum to the City of Markham Committee of Adjustment

January 17, 2018

File: A/132/17
Address: 2680 14th Ave Markham
Applicant: MGL & Co. Inc. (Maggie Low)
Hearing Date: Wednesday January 24, 2018

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

The applicant is requesting relief from the following requirements of By-law 28-82, as amended:

a) Parking Standards By-law 28-97, Section 4.0: to permit a minimum of 121 parking spaces, whereas the by-law requires a minimum of 174 parking spaces; as it relates to the expansion of a badminton club.

BACKGROUND

Property Description

The subject lands are located on the north side of 14th Avenue, approximately 100 metres east of Highway 404. The property is occupied by a multi-unit industrial condominium building. To the north south and east of the property are industrial buildings. A place of worship (Armenian Evangelical Church) is located to the west of the property.

The subject variance application was deferred sine die from the October 5, 2017 Committee of Adjustment Hearing to provide the applicant an opportunity to address Planning Staff's concern with the original request to reduce the number of required accessible parking spaces on the property.

Proposal

The applicant is proposing to expand the existing badminton club within Units 3 and 4 into Units 5 to 8. The proposed expansion requires 174 parking spaces, whereas 121 parking spaces are provided.

Official Plan and Zoning

2014 Official Plan (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 2017)

The 2014 Official Plan designates the subject property "General Employment". This designation provides for long-term and stable locations for manufacturing, processing and warehousing uses.

Zoning

The property is zoned M.C (60%) - Select Industrial and Limited Commercial which permits a badminton club.

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.

Nature of the Variance

The applicant is requesting to permit an expansion to the existing badminton club providing a minimum of 121 parking spaces, whereas a minimum of 174 parking spaces; as it relates to the expansion of a badminton club. Based on the information provided in the parking justification study, submitted with the application (Parking Justification for 2680 14th Avenue, September 2017, prepared by LMM Engineering), the use of parking spaces during the hours when the badminton club is operating has not exceeded 71 parking spaces. While there is no history of shortage parking spaces at the site, Transportation have accepted the parking justification study's conclusion that additional parking spaces for the badminton club are not required. The badminton club typically operates from 4:00 pm to 9:00pm on weekdays and with higher activity on Saturdays (during which the parking utilization surveys were conducted) when the office uses within the building would be closed. This arrangement provides an opportunity for shared parking to encourage the full usage of unused parking spaces during off peak hours.

In addition, due to the close proximity of transit opportunities along Woodbine Avenue, non-automotive modes of travel are encouraged, which is consistent with the City's transportation initiative.

Consequently, staff is of the opinion that the current parking supply at the subject site is adequate for existing uses and do not anticipate any adverse impacts as a result of the proposed expansion of the badminton club into Units 5 – 8 of the subject industrial building. However, based on the revised site plan submitted with the application, it appears that some of the required accessible spaces do not comply with Markham's Accessible Design Guidelines which require accessible spaces to be located within 30 metres of an entrance. Staff recommends that a revised site plan is submitted that demonstrates compliance with the Accessible Design Guidelines.

PUBLIC INPUT SUMMARY

No written submissions were received as of *January 17, 2018*.

Revised Zoning Preliminary Review Not Undertaken

A Zoning Preliminary Review (ZPR) was undertaken for the original minor variances requested for the proposed development. However, an updated ZPR to reflect the revised application has not been conducted. Consequently, it is the applicant's responsibility to ensure that the application has accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variances in the application contain errors,

or if the need for additional variances is identified during the building permit review process, further variance applications may be required to address outstanding matters and there will be a delay in application processing.


CONCLUSION

It is the opinion of the Planning staff that the requested variance for a reduction in parking spaces to 121 spaces meet the four tests of the *Planning Act*.

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:



Carlson Tsang, Planner I – Zoning and Special Projects

REVIEWED BY:



David Miller, MCIP, RPP, Development Manager, West District

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/17

1. The variances apply only to the proposed development as long as it remains;
2. That the applicant submit revised plans which demonstrate compliance the City of Markham's Accessibility Design Guidelines 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:



Carlson Tsang, Planner I, Zoning and Special Projects