

MEMORANDUM

DATE: September 20, 2018
TO: Chairman and Members, Committee of Adjustment
FILE: A/135/18
ADDRESS: 7020 Warden Avenue, Markham
HEARING DATE: Wednesday November 28, 2018

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

The applicant is requesting relief from the following requirements of By-law 28-97 BC, as amended:

a) Parking By-law 28-97, Section 3.0, Table B:

a minimum of 581 parking spaces, whereas the By-law requires a minimum of 622 parking spaces; as it relates to a proposed 110.2 sq. m restaurant to replace a tutoring school within the existing shopping centre.

Comments

The minor variance application was first heard at the Committee of Adjustment on November 14th 2018 where the applicant was requesting relief from the Parking By-law for a minimum of 581 parking spaces, whereas the By-law requires a minimum of 622 parking spaces. The applicant provided revised materials to Staff on November 14th 2018 indicating that the initial Parking Justification Study incorrectly noted a total parking supply of 587 spaces whereas, the total parking supply is 581 spaces. This is a deficiency of 41 parking spaces from the minimum required 622 parking spaces. Per Staff's original comments, the proposed variance will result in a limited parking supply directly in front of the proposed restaurant. Transportation engineering staff have reviewed the revised parking study submitted in support of the variance and have no further comments.

PUBLIC INPUT SUMMARY

As of November 16, 2018, the City received 1 letter expressing concerns over parking availability and accidents. 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.

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:


Richard Kendall, Development Manager, Central District
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MEMORANDUM

APPENDIX "A"

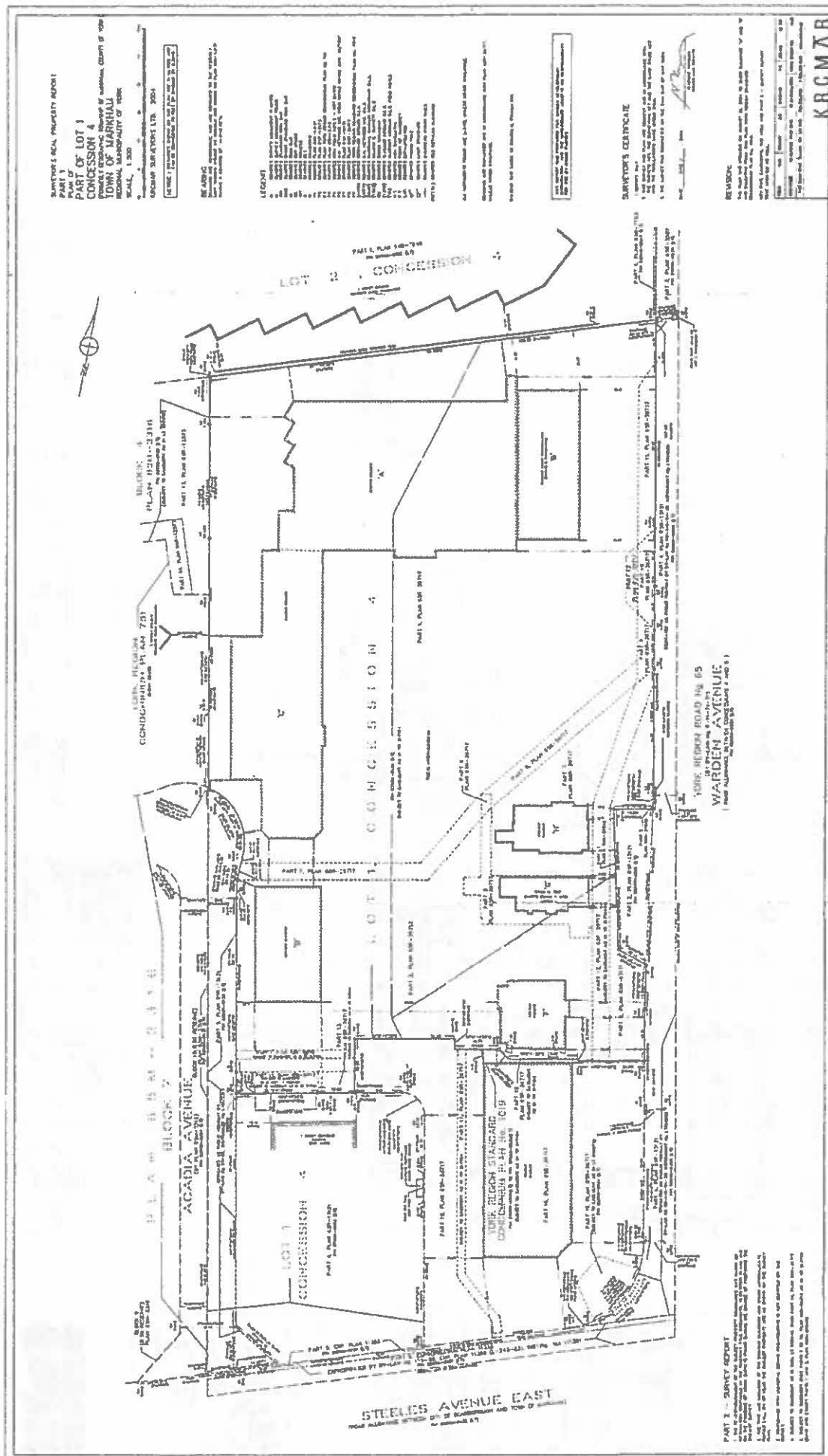
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/70/18

1. The variances apply only to the proposed development as long as it remains;
2. That two additional bike racks be placed near Building 'B';
3. '15 minute short term parking' signage be added for all parking spaces facing Building 'B' that are not already used by the existing financial institution.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner Zoning and Special Projects



Memorandum to the City of Markham Committee of Adjustment

November 08, 2018

File: A/135/18
 Address: 7020 Warden Ave, Markham
 Applicant: Warden Development Corporation (Dot Jones)
 Agent: QX4 Investments Ltd. - Consulting Services (Ben Quan)
 Hearing Date: Wednesday November 14, 2018

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

The applicant is requesting relief from the following requirements of By-law 28-97, BC, as amended:

a) Parking By-law 28-97, Section 3.0, Table B:

a minimum of 587 parking spaces, whereas the By-law requires a minimum of 622 parking spaces; as it relates to a proposed 110.2 sq. m restaurant to replace a tutoring school within the existing shopping centre.

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, *"additional parking to meet requirements would require displacement of existing grassed area"*.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 variances in the 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 to address the outstanding matters and there will be a delay in application processing.

COMMENTS

The applicant is proposing a new restaurant at the north east corner of the property. The restaurant use will occupy approximately 110.2 m² (1,186 ft²) of the existing 10,620.34 m² (114,320 ft²) building. Staff note that a minor variance was approved in 2006 to permit a minimum of 587 parking spaces whereas the By-law requires a minimum of 608 parking spaces. The proposed restaurant use will further increase the deficiency on the site to 35 parking spaces whereas 587 parking spaces are available. This is a deficiency of approximately 5.6 percent from the minimum required 622 parking spaces. Staff note that the proposed restaurant is located at a corner of the existing plaza with a limited number of parking spaces directly east of the proposed restaurant. Majority of the existing parking spaces provided on site are more centrally located to other existing buildings. Transportation engineering staff have reviewed a parking study submitted in support of the variance and accept the conclusion of the Study subject to the conditions attached in 'Appendix A' of this report.

PUBLIC INPUT SUMMARY

As of September 14, 2018, the City received 1 letter expressing concerns over parking availability and accidents. 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:



Richard Kendall, Development Manager, Central District
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/70/18

1. The variances apply only to the proposed development as long as it remains;
2. That two additional bike racks be placed near Building 'B';
3. '15 minute short term parking' signage be added for all parking spaces facing Building 'B' that are not already used by the existing financial institution.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner Zoning and Special Projects



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Suite 100
Tomball, TX 77375
713 261-2613

[illegible]

— **Dr. J. H. H. H.**

**TENDER
HOLDINGS
LTD.**

PROJCS
7020 Warden Ave
Markham, ON

Sheet 1 of 2
SITE PLAN

SECRET NO	DATE	BY	SP-1
1134	2 JUL 1950	MAILED	
	EX-106	3 JUL 1950	
	COM		
	100-1010		
	200		
	100-1010		

SP-1



MRSA

SLAVEY INFORMATION

[illegible]

Study	Study Design	Study Population	Study Period	Study Location	Study Results	Study Conclusions
1	Retrospective Cohort	1000 subjects	1980-1990	USA	...	...
2	Prospective Cohort	500 subjects	1990-2000	USA	...	...
3	Case-Control	200 subjects	1980-1990	USA	...	...
4	Case-Control	150 subjects	1980-1990	USA	...	...
5	Case-Control	100 subjects	1980-1990	USA	...	...
6	Case-Control	80 subjects	1980-1990	USA	...	...
7	Case-Control	60 subjects	1980-1990	USA	...	...
8	Case-Control	40 subjects	1980-1990	USA	...	...
9	Case-Control	30 subjects	1980-1990	USA	...	...
10	Case-Control	20 subjects	1980-1990	USA	...	...
11	Case-Control	15 subjects	1980-1990	USA	...	...
12	Case-Control	10 subjects	1980-1990	USA	...	...
13	Case-Control	8 subjects	1980-1990	USA	...	...
14	Case-Control	6 subjects	1980-1990	USA	...	...
15	Case-Control	4 subjects	1980-1990	USA	...	...
16	Case-Control	3 subjects	1980-1990	USA	...	...
17	Case-Control	2 subjects	1980-1990	USA	...	...
18	Case-Control	1 subject	1980-1990	USA	...	...
19	Case-Control	0 subjects	1980-1990	USA	...	...
20	Case-Control	0 subjects	1980-1990	USA	...	...

PACED 0

Year	Number of cases	Number of deaths
1990	100	10
1991	110	11
1992	120	12
1993	130	13
1994	140	14
1995	150	15
1996	160	16
1997	170	17
1998	180	18
1999	190	19
2000	200	20

TABLE 1

TOTAL SITE		TOTAL SITE	
Category	Value	Category	Value
Construction	1000000	Construction	1000000
Equipment	500000	Equipment	500000
Materials	200000	Materials	200000
Subcontractors	150000	Subcontractors	150000
Other	100000	Other	100000
Total	1850000	Total	1850000

