

Memorandum to the City of Markham Committee of Adjustment

June 20, 2018

File: A/58/18
Address: 294 & 296 Copper Creek Drive, Markham
Applicant: Box Grove Hill Developments Inc (Jeff Green)
Agent: Malone Given Parsons Ltd. (Lauren Capilongo)
Hearing Date: Wednesday June 27, 2018

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended:

- a) **Amending By-law 2015-123, Section 7.540.1:**
a veterinary clinic, whereas the By-Law does not permit a veterinary clinic; as it relates to a proposed veterinary clinic in the ground floor 'work' component of the live-work unit.

BACKGROUND

Property Description

The subject property is located on the north side of Copper Creek Drive, between Ninth Line and Donald Cousens Parkway, south of Highway 407. The subject property contains two live-work units that are currently under construction and as such vacant. There is no vegetation on the property.

Proposal

The subject property is within a developing mixed use area in the Box Grove community. The applicant is proposing to convert two "work" components of two live-work townhouse units into a veterinary clinic. The proposal includes a Canine Comfort Area at the south corner of the property abutting Copper Creek Drive.

Official Plan & Zoning

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

The subject property is designated "Mixed Use-Low Rise" which serves an important function for nearby residents by providing access to goods and services. "Mixed Use Low Rise" areas are primarily located along arterial or major collector roads. Copper Creek Drive is a major collector road. They are characterized by localized multi-use, multi-purpose areas that offer a diverse range of retail, service, office, community, institutional and recreational uses serving nearby residents and businesses. It is important that mixed use developments incorporate space for a full range of retail and service functions, many of which are being encouraged to be street related and located on the ground floor of residential buildings.

Zoning By-Law 177-96

The subject property is zoned CA3*540*541 'Community Amenity Three' under By-law 177-96, as amended, which permits a number of uses including apartment dwellings, art galleries, business offices, and townhouse dwellings. Exception 540 relates to additional permitted uses such as financial institutions, medical offices, and repair shops. This exception also provides special zone standards including maximum height, frontage, setbacks, and number of parking spaces, which, are not applicable. Exception 541 relates to the lot line abutting Copper Creek

Drive being deemed the front lot line. The proposed development does not comply with the by-law with respect to use.

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 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.

Veterinary Clinic Variance

The "Mixed Use Low Rise" designation and in particular this development envisions a mix of uses to serve the nearby residents and businesses. The site-specific Official Plan and Zoning By-law amendments mandate that non-residential uses be located on the ground floor of these townhouses which front onto Copper Creek Drive to help deliver the mixed use vision for the area.

The applicant is requesting to permit one veterinary clinic, whereas a veterinary clinic is not permitted within the live-work unit. The existing zoning permits uses such as medical offices, restaurants, retail stores and commercial schools. Staff are of the opinion that the proposed use is appropriate for the lot as it will function in a similar manner as a medical office which is a permitted use. The difference between permitted uses and the proposed use is that the proposed use will be servicing animals and result in refuse created by animals. The applicant has provided a Canine Comfort Area to mitigate potential impacts caused by animals relieving themselves upon entering or exiting the proposed clinic.

Planning Staff were concerned with the location of the Canine Comfort Area as it was on the city right-of-way and directly beside the sidewalk on Copper Creek Drive. Staff spoke with the applicant regarding this matter and the applicant has since relocated the Canine Comfort Area further east on their property off the city right-of-way. It is important to note that the Veterinary Clinic will be occupying two units, including a corner unit which, can more appropriately accommodate the Canine Comfort Area. The plans also include an addition of a low fence around the Canine Comfort Area. This provides further screening between the sidewalk abutting Copper Creek Drive and the proposed clinic. The applicant has also advised that there will be no overnight boarding at the proposed clinic. The entrance for the proposed veterinary clinic will be on Copper Creek Drive and there is available visitors parking for the proposed veterinary clinic on Copper Creek Drive.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 20, 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:



Stacia Murdali, Senior Planner East District
File Path: Amanda\file\ 18 230722 \Documents\District Team Comments Memo

APPENDIX "A"

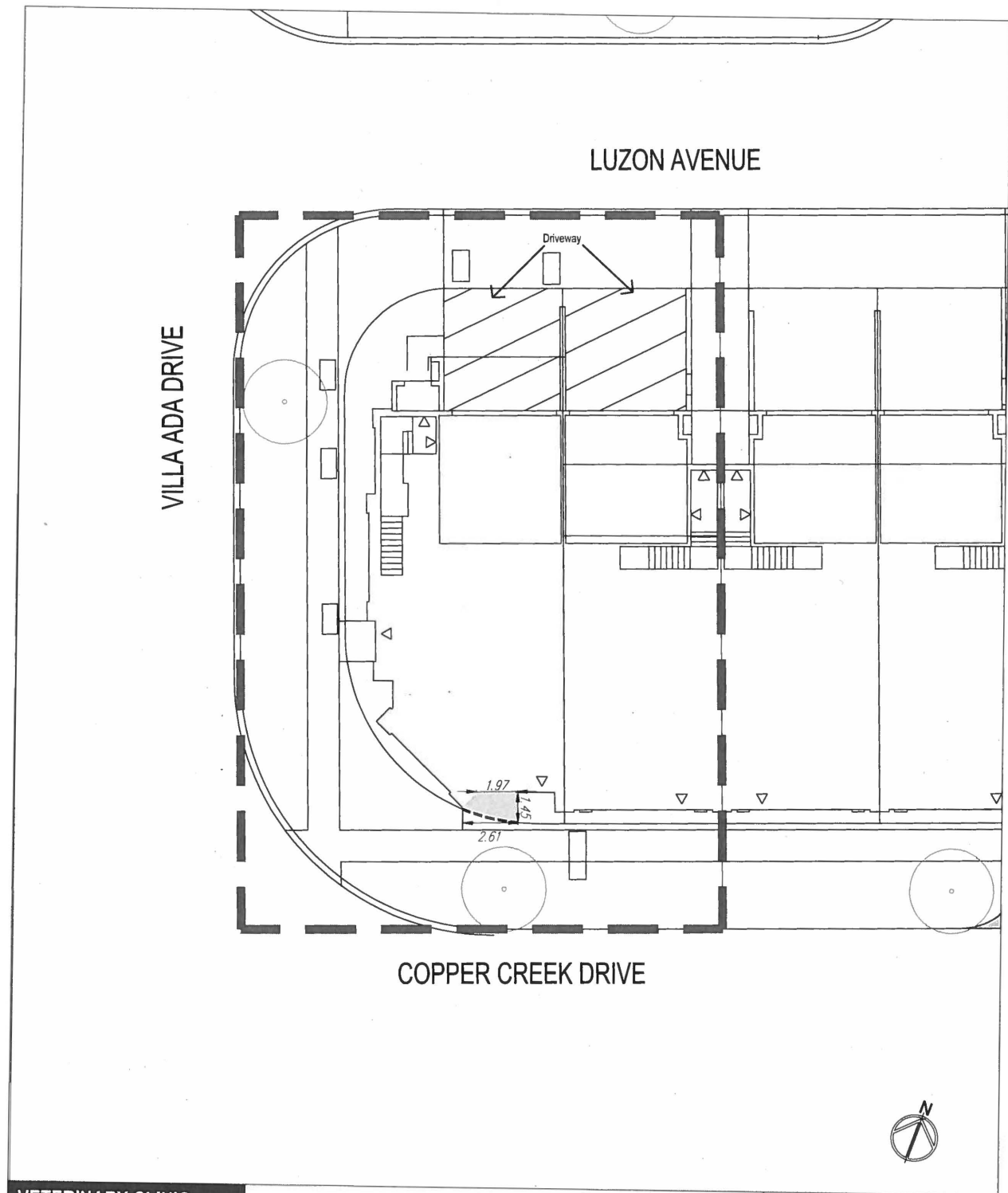
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/58/18

1. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on *June 04, 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;
2. The variances apply only to the proposed development as long as it remains;
3. That the owner implement and maintain all of the works required in accordance with the conditions of this variance.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



VETERINARY CLINIC SKETCH

294 and 296 Copper Creek Drive
City of Markham
Regional Municipality of York

Prepared for:
Box Grove Hill Developments Inc.
Box Grove North Inc.
600 Applewood Crescent
Vaughan, Ontario L4K 4B4
(905) 760-7300

LEGEND

- Subject Site
- Canine Comfort Area

CONCEPTUAL

Prepared by:
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Date: June 04, 2018
Project No.: 18-2713

Date	Revision	By