

# Memorandum to the City of Markham Committee of Adjustment

February 14, 2018

**File:** A/84/16  
**Address:** 7543 Kennedy Road, Markham  
**Applicant:** Kirupakaran Ehamparam, 2101125 Ontario Ltd.  
**Agent:** Charles Sutherland  
**Hearing Date:** February 21, 2018

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following requirement of By-law 90-81, as amended, to permit:

- a) **Amending By-law 2007-69, Section 3 b) i)**  
a maximum of two medical offices, whereas the by-law only permits one medical clinic;
- b) **Amending By-law 2007-69, Section 2 e)**  
a maximum gross floor area (GFA) of 461.1 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 430 m<sup>2</sup>;
- c) **Amending By-law 2007-69, Section 7.50, 3a) iv)**  
a minimum landscape strip along the south lot line of 1.029 metres, whereas the by-law requires a minimum landscape strip along the south lot line of 1.4 metres; and,
- d) **Parking By-law 28-97, Section 3.0 Table B**  
a minimum of 12 parking spaces, whereas the By-law requires a minimum of 13 parking spaces.

## BACKGROUND

### Property Description

7543 Kennedy Road (the "subject property") is located on the east side of Kennedy Road, south of Highglen Avenue. The 0.3 acre (0.12 hectare) subject property contains a vacant one-storey building. No significant vegetation or natural features exist on the site.

Surrounding land uses include single detached dwellings to the north fronting onto Highglen Avenue and to the east fronting onto Doulton Court. Abutting to the south is a commercial/office building followed by three properties which are also used for commercial purposes. To the west, across Kennedy Road, is the Milliken Mills High School and Community Centre (see Appendix A – Aerial Photo).

### History

In 2007 a site-specific official plan and zoning by-law amendment was approved for the subject property to facilitate the development of a two-storey medical clinic. Since this time the applicant has explored comprehensive development opportunities with the neighbours to the south and has been working with Regional and City staff to resolve technical site plan matters relating to vehicular turning movements, parking supply, pedestrian accessibility, servicing, etc.

### **Proposal**

The applicant has applied for variances to facilitate the development of a two-storey 461.1 m<sup>2</sup> (4,963 ft<sup>2</sup>) medical clinic facility and pharmacy (see Appendix B – Supporting Plans). A total of 12 surface parking spaces (including 1 accessible space) are provided on-site, located at the rear of the proposed building. Vehicular access is proposed from Kennedy Road and is to be restricted to right-in, right out movements.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant:

- a) "Two medical offices are required to facilitate the clinics operations;
- b) The gross floor area of 461.1 m<sup>2</sup> is required to provide building efficiencies;
- c) Due to the required circulation provided for the driveways, the car space required 0.6 m of additional space which impacted the 1.4 m landscape strip requirement; and,
- d) Due to the size of the parking area and the required turning movements, only 12 parking spaces could be provided, instead of the required 13 spaces."

### **Official Plan and Zoning**

2014 Official Plan, as partially approved on Oct 30, 2015, May 26, 2016, Mar 10, 2017, Apr 21, 2017 and Nov 24, 2017 (2014 Official Plan)

The subject property is designated "Residential Low Rise" in the 2014 Official Plan. These areas are established residential neighbourhoods with lower-scale buildings such as detached and semi-detached dwellings. Notwithstanding, the 2014 Official Plan recognizes that legally existing development and land uses shall be deemed to conform as they exist at the time the 2014 Official Plan is approved.

### Zoning By-law 90-81, as amended

The subject property is zoned "Third Density – Single Detached Residential (R3)" under By-law 90-81, as amended. Site-specific zoning by-law amendment 2007-69 was passed in 2007 to permit a 2-storey medical clinic and a pharmacy. The by-law also established a number of site-specific development standards based on the proposal at the time, including minimum landscape strip requirements, maximum GFA, maximum number of medical clinics, etc.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of *February 13, 2018*. It is noted that additional comments may be received after the writing of the report, and the Secretary-Treasurer will provide comment on this at the meeting.

### **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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Variance requests to permit a second medical office and increase gross floor area

Notwithstanding the variance request to permit a second medical office and increase the maximum gross floor area permitted, the proposal meets the maximum permitted net floor area requirements of the site-specific zoning by-law, meaning the occupied portion of the building has not increased. Staff note the buildings' footprint is consistent with the plans reviewed as part of the 2007 site specific official plan and zoning by-law amendment applications.

Variance request to reduce the south landscape strip requirement

Through the site plan review process vehicular turning templates were applied to the proposal which identified the need for additional space to help facilitate vehicular ingress and egress. Opportunities were explored to widen the parking area to the north and south. Staff have suggested widening the parking area to the south in order to avoid compromising the screen plantings required within the larger north landscape strip which presently abuts single detached dwellings.

Variance request to permit a reduction to the parking supply requirement

In support of the variance request to permit a minimum of 12 parking spaces, the applicant has provided City staff with a parking justification study. The study concludes:

*"Based on proxy site parking demand surveys conducted at two similar developments within Markham, a peak parking demand rate of 4.06 spaces per 100 m<sup>2</sup> of NFA (was observed), which results in a parking requirement of 12 spaces for the proposed development. As such, the proposed parking provisions will be sufficient to meet future demand for the proposed development."*

Transportation staff is satisfied with the methodology and conclusions drawn in the Parking Justification Study.

Site plan approval required

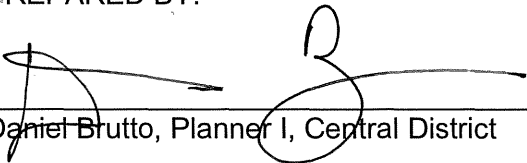
The proposed development is subject to site plan approval. A site plan application has been received by the City and is under review. Amongst others, matters relating to regional approval, building elevations, site design and layout, vegetation preservation and plantings would be secured through the site plan approval process and the associated site plan agreement to be registered on title.

**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 proposal meets the four tests of the Planning Act for the approval of minor variances. Staff therefore have no objection to this application, subject to conditions outlined in Appendix C attached to this report. Staff recommend 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.

PREPARED BY:



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Daniel Brutto, Planner I, Central District

REVIEWED BY:



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Richard Kendall, Manager of Development, Central District

Appendix A - Aerial Photo

Appendix B - Supporting Plans

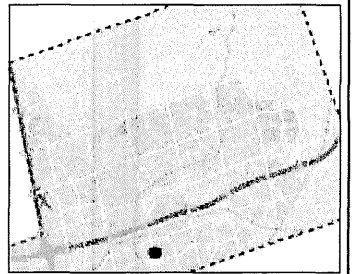
Appendix C - Conditions of Approval



GEO-LOGIC 3.0

## 7543 Kennedy Road

Milliken  
Mills C.C.  
and Library



### Legend

- Road Attributes
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities

APPENDIX  
A

Notes

57.3 0 28.65 57.3 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# PROPOSED COMMERCIAL BUILDING

## Kennedy Medical Building

7543 KENNEDY ROAD, MARKHAM, ONTARIO



### DRAWING LIST

<b>A 100 SERIES</b>		
A000	COVER PAGE	N.T.S
A101	SITE PLAN & SITE STATISTICS	1:125
<b>A 200 SERIES</b>		
A201	BASEMENT FLOOR PLAN	1:75
<b>A 300 SERIES</b>		
A301	GROUND FLOOR PLAN	1:75
A302	2ND FLOOR PLAN	1:75
<b>A 400 SERIES</b>		
A401	BUILDING ELEVATIONS (EAST-WEST)	1:75
A402	BUILDING ELEVATIONS (NORTH-SOUTH)	1:75
A403	NORTH-SOUTH SITE ELEVATION	1:125
<b>A 500 SERIES</b>		
A501	NORTH-SOUTH BUILDING SECTION	1:50
<b>TOTAL SHEETS</b>		<b>9</b>

## APPENDIX

### B

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notes:

8	re-issued for site plan approval	06-05-17
7	re-issued for site plan approval	05-23-17
6	issued for minor variance	04-13-17
5	re-issued for site plan approval	07-07-16
4	issued for site plan approval	10-23-15
3	issued for consultant coordination	04-16-15
2	issued for client review (opt 2)	03-18-15
1	issued for client review	02-18-15

architectural team :  
eduardo ortiz  
mauricio di giulio



**planning:**

**status:**

**disposal:**

**machinery:**

**landings:**  
**coburn nauborg ltd.**

**level:**

**also serving:**  
**john towle associates ltd**

**Kennedy Medical Building**  
7543 Kennedy Road

site plan, context map &  
statistics

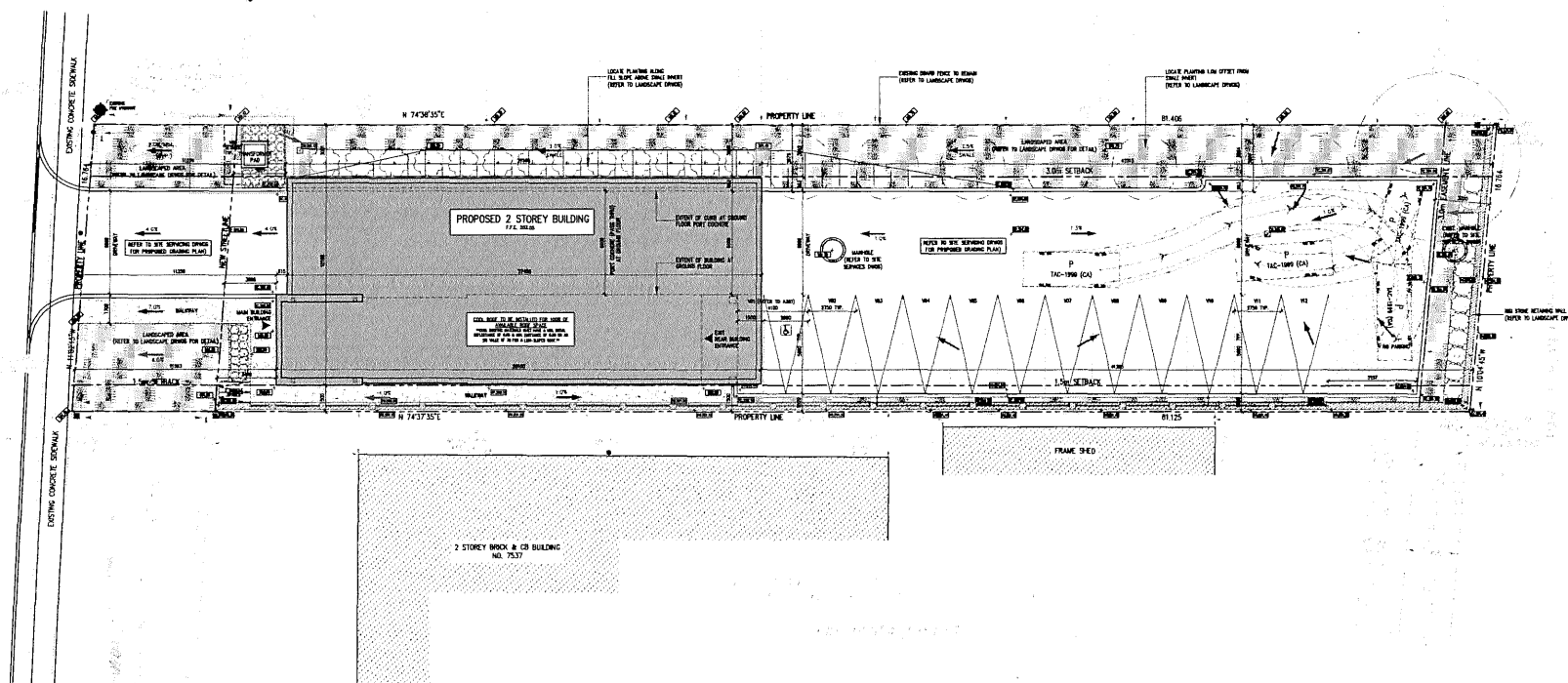
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drawing: transfer

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notes:

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mauricio di giulio

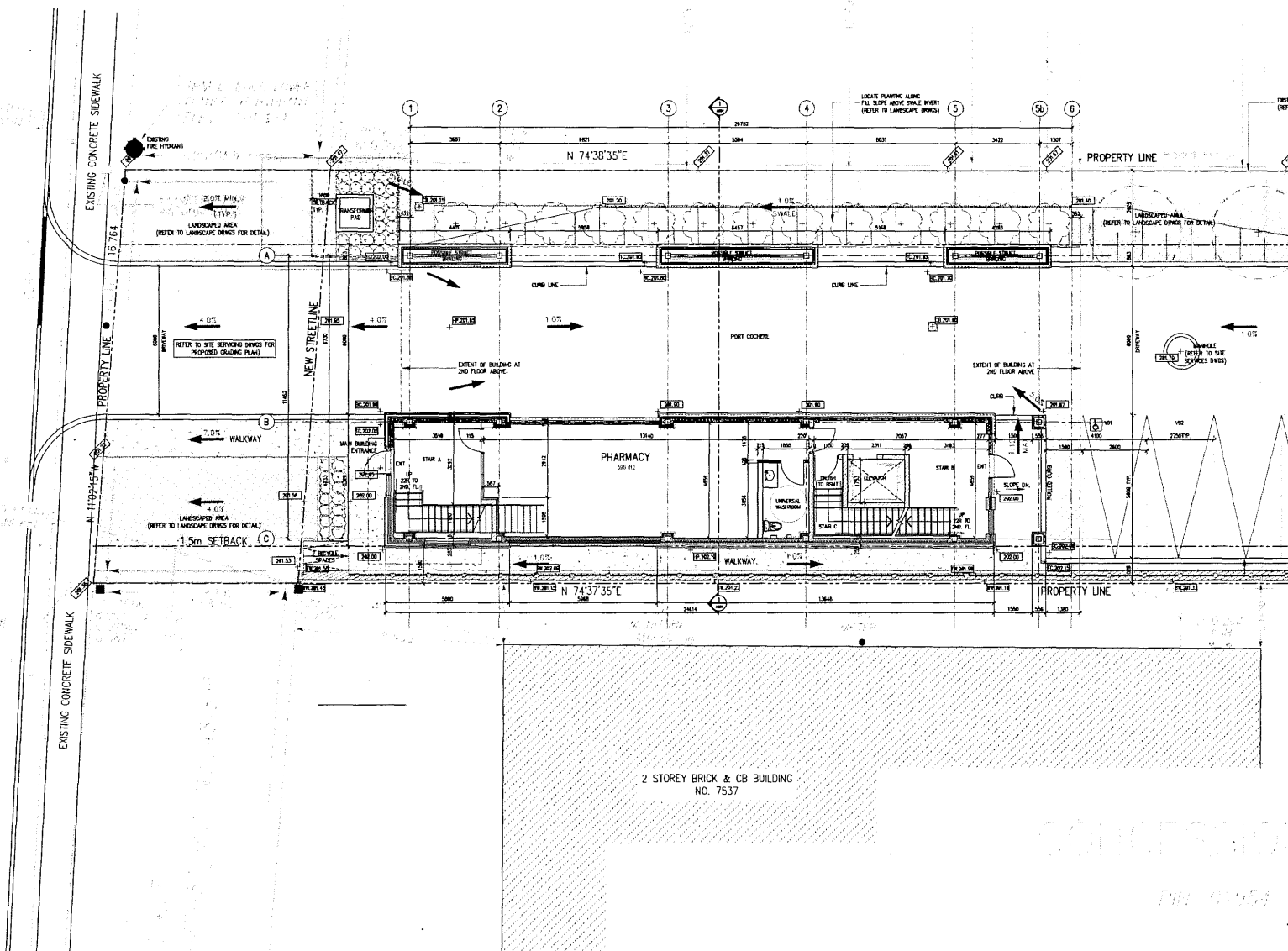
planning  
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electrical  
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mechanical  
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Landscaping:  
corburn nauborg kd.  
level  
also see:   
john towle associates kd

**Kennedy Medical Building**  
7543 Kennedy Road

building floor plan  
ground

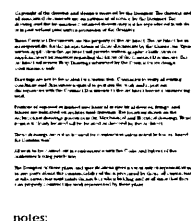
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project  
drawn by

drawing number:  
**A301**drawing number  
301



## architecture unfolded



8	re-issued for site plan approval	06-05-17
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revisions:



**Kennedy Medical Building**  
7543 Kennedy Road  
Baltimore, MD 21206

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class  
scale  
project  
classroom

drawing number  
**A302**



LEGEND					
1	ARCHITECTURAL STONE (MAIN ENTRY FACADE)	7	ARCHITECTURAL LIGHT FIXTURES - WALL SCIENCE	13	CANAMOULD EXTERIOR MOLDINGS - WINDOW SILL LIN 001 - 8" HEIGHT
2	ARCHITECTURAL STONE (BLDG ACCENT BASE)	8	COMMERCIAL SIGNAGE HORIZONTAL, ALUMINUM CHANNEL LETTERS	14	CANAMOULD EXTERIOR MOLDINGS - TRIM TRIM STN 2" SERIES - 6" HEIGHT
3	STUCCO (BLDG MAIN WALL) - DRYVAT SYSTEMS 132 MOUNTAIN FOG, SANDPIERLE DPL, STAL42003	9	ARCHITECTURAL STONE ACCENT - SHOULDER DESIGNER STONE GEM STONE, DIAMOND	15	CANAMOULD EXTERIOR MOLDINGS - TRIM TRIM STN 1" SERIES - 6" HEIGHT
4	STUCCO (BLDG ACCENT BASE) - DRYVAT SYSTEMS TERRAZZO BLACK BEAUTY, TIS SCORCE, SINGERSITE	10	CANAMOULD EXTERIOR MOLDINGS - MAIN CORNICE CORNICE BAN 012	16	CANAMOULD EXTERIOR MOLDINGS - SUPER SILLS 424 TAPESTRY (TEX-STONE)
5	STUCCO (CANOPY) - DRYVAT SYSTEMS REFLECT, 261 CHILI POPPER	11	CANAMOULD EXTERIOR MOLDINGS - WALL OPENING TRIM TRIM STD 001	17	
6	WINDOW WALL - PRE-FINISHED METAL FRAME DURAMAR SILVERSTONE, PPG 10701186	12	CANAMOULD EXTERIOR MOLDINGS - WINDOW HEADERS TRIM STN 2" SERIES - 10" HEIGHT	18	

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notes:

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architectural team :

eduardo ortiz  
insuano de gallo



- planning
- interior
- architectural
- mechanical
- landscape
- construction management
- interior design
- project management

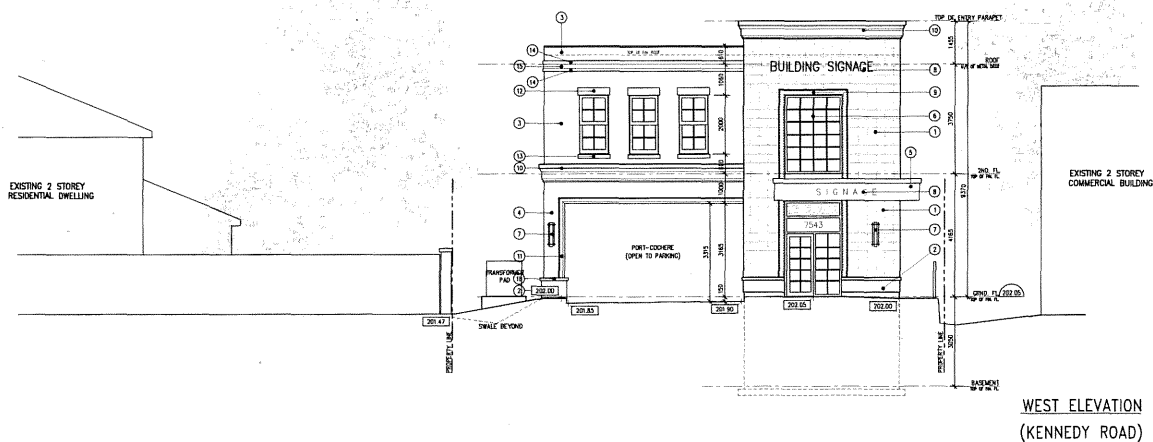
Kennedy Meric al Building  
1718 Kennedy Road  
New York, NY 10019

building elevations  
east & west

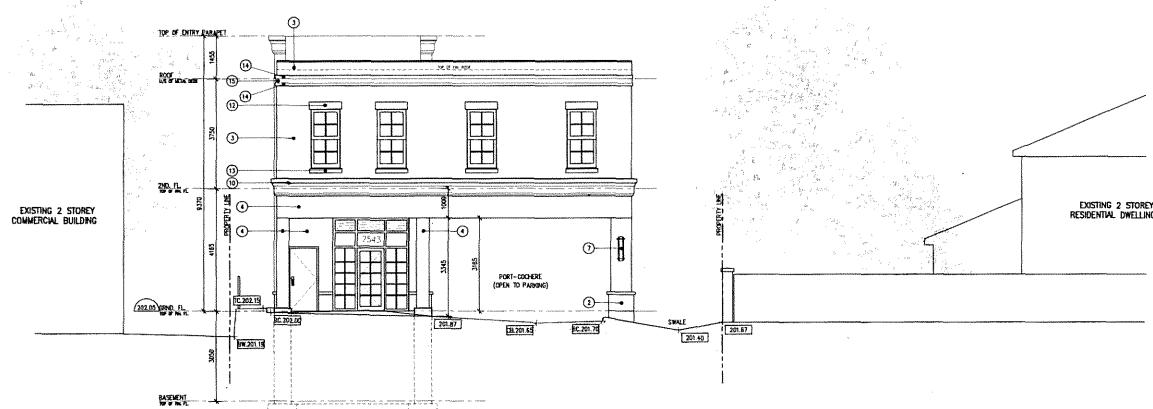
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A401



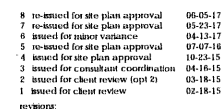
WEST ELEVATION  
(KENNEDY ROAD)



EAST ELEVATION

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architecture unfolded



eduardo ortiz  
maurizio di giulio



planning  
stress hazard  
electrical  
mechanical

laundrop  
cosburn nauborg kd.  
leerd

the service on  
john towle associates ltd

**Kennedy Medical Building**  
7543 Kennedy Road  
Oakland, CA 94621

building elevations  
north & south

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| re-issued for site plan approval      | 05-23-17 |
| re-issued for minor variance          | 04-13-17 |
| re-issued for site plan approval      | 07-07-16 |
| re-issued for site plan approval      | 10-23-15 |
| re-issued for consultant coordination | 04-18-15 |
| re-issued for client review (opt 2)   | 03-18-15 |
| re-issued for client review           | 02-18-15 |

eduardo ortiz  
nauarico di julio



and

**Jennedy Medical Building**  
643 Kennedy Road

site elevations  
north & south

date:	June 05, 2017
scale:	125
project:	4-75 D
drawn by:	n. rje

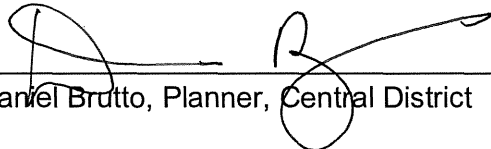


A403 drawing numbers

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/84/16**

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 dated February 14, 2018, to the satisfaction of the Director of Planning and Urban Design or designate;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Daniel Brutto, Planner, Central District