

Memorandum to the City of Markham Committee of Adjustment

July 19th, 2024

File: A/050/24
Address: 8502 Woodbine Avenue, Markham
Agent: MHBC Planning (Oz Kemal)
Hearing Date: Wednesday, July 24, 2024

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

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the following requirements of the “Commercial (COM) Zone” under By-law 2024-19 and “Retail Warehouse (RW) Zone” under By-law 165-80, as amended, to permit:

- a) **Amending By-law 2024-19 a) By-law 2024-19, Section 5.4.1(S):**
a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces; and,
- b) **Amending By-law 28-97 Section 3, Table B:**
a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces;

as it relates to a proposed financial institution.

BACKGROUND

Property Description

The 0.21 ha. (0.51 ac.) subject property is located on the west side of Woodbine Avenue, south of Highway 7 and east of Highway 404. The property contains a vacant one-storey commercial building with a net floor area of approximately 400 m². Various commercial uses surround the subject property, including a Princess Auto on the neighbouring site to the south which the applicant also owns (8500 Woodbine Avenue). It is partially within TRCA’s Regulated Area as the northern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed.

Proposal

The applicant is seeking relief from the parking provisions to facilitate a change in use for the property. Specifically, they are seeking a reduction of 3 parking spaces to accommodate a financial institution. No development is contemplated as part of this application.

Official Plan and Zoning

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

The subject property is designated “Commercial”, which permits existing or approved large-format retail development serving a wide area. Area Specific Policy 9.20 also applies to the subject property. The objective of this policy is to provide for a mixed-use key

development area that functions as part of a regional corridor and integrates a balance and diversity of residential, retail, office and public uses, at transit-supportive densities along Highway 7 East. Financial institutions are provided for in the “Commercial” designation.

Comprehensive Zoning By-law 2024-19

The subject property is zoned “Commercial (COM)” under By-law 2024-19, which permits, among other uses, business offices, which includes financial institutions. The proposal does not comply with the parking standards of By-law 2024-19 with respect to the minimum required parking spaces. By-law 2024-19 has been appealed to the Ontario Land Tribunal. Until such time as when the By-law has been approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force, which means Zoning By-law 165-80 remains in force.

Zoning By-law 165-80

The subject property is zoned “Retail Warehouse (RW)” under By-law 165-80, as amended, which permits banks and financial institutions.

Parking Standards By-law 28-97

The proposal does not comply with the requirements of Parking By-law 28-97 with respect to the minimum required parking spaces. Further details of the parking requirements are provided in the comment section below.

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, *“The addition of parking spaces would require new construction and the proposed use is intended to utilize a vacant building and parking area. The overall parking supply provided by the owner, who also owns the abutting property is more than adequate to permit the proposed bank use.”*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 2nd, 2024 to confirm the variances required for the proposed development.

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.

Reduced Parking Variance

The proposed financial institution requires 1 parking space per 20m² of net floor area which results in a parking requirement of 20 spaces. The subject lands currently provide 17 parking spaces which results in a deficiency of 3 parking spaces. In support of the variance request, a parking justification memo prepared by CGH Transportation was submitted which conducted a parking occupancy survey on the neighbouring site to the south and proxy site survey at an existing financial institution site in Markham. The parking justification memo concluded:

“...real time data collection at a similarly sized and situated Scotiabank branch indicates a maximum occupancy of 16 parked vehicles during peak observed times. It is therefore not unreasonable to expect that the proposed branch at 8502 Woodbine Avenue would not require more than the 17 parking spaces that are currently available, with additional overflow parking possible at 8500 Woodbine Avenue, if required.”

Transportation Planning staff have reviewed the parking justification memo and do not object to its conclusion and reciprocal access agreement between the subject lands and 8500 Woodbine Avenue.

TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)’s Regulated Area. The north portion of the site is contained within a regulatory flood plain associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance. TRCA provided comments on June 19th, 2024 (Appendix C), indicating that they have no concerns subject to conditions outlined in their letter.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 19, 2024. 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 refer to Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/050/24

1. The variances apply only to the existing 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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:

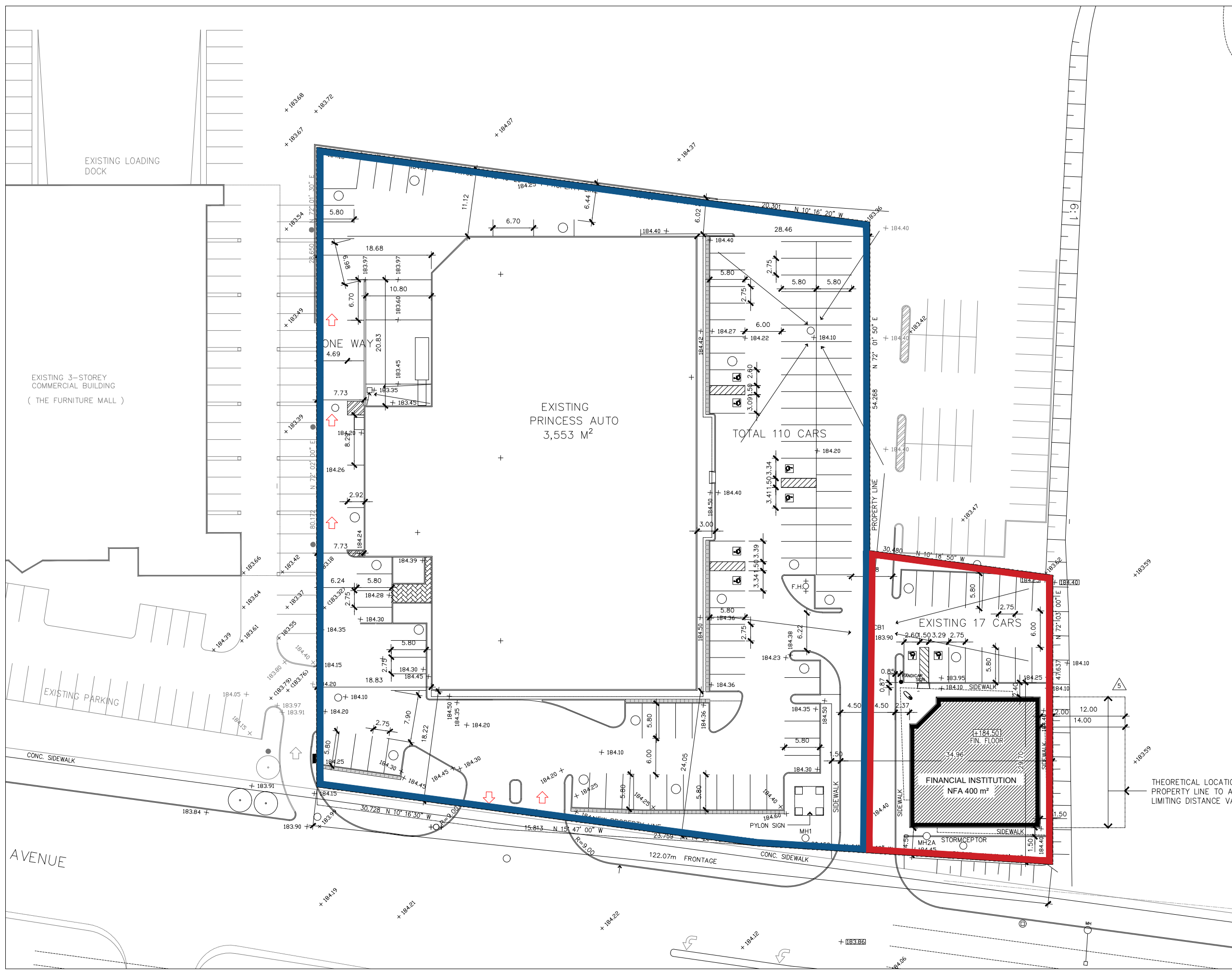


Theo Ako-Manieson, Planner I, Planning and Urban Design Department

Appendix B

File: 24.173762.000.00.MNV

Date: 7/19/2024
MM/DD/YY



PARKING MINOR VARIANCE SKETCH

8502 Woodbine Ave
Markham, Ontario

LEGEND

- Requested Zoning By-law Relief
- Property Owned by the Same Owner

Parking Requirements	Required	Provided
Financial Institution: 1 Space per 20 m ²	20	17

Date: May 24, 2024

Scale: 1:600

File: Y334 - AB

Drawn By: DR (Petroff Partnership Architects)



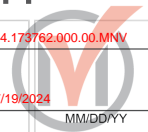
DRAWING 1.DWG

Appendix B

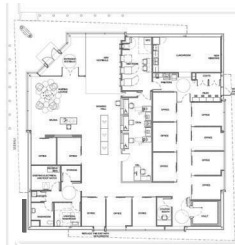
File: 24.173762.000.00.MNV

Date: 7/19/2024

MM/DD/YY



SOUTH



EAST

WEST

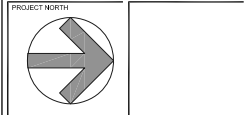
NORTH

No. REVISION BY DATE

THE CONSULTANT SHALL VERIFY ALL DIMENSIONS AND REPORT TO THE BANK OF NOVA SCOTIA DESIGN DEPARTMENT OF ANY INCONSISTENCIES BEFORE PROCEEDING

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EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

CONSULTANTS

CONSULTANTS

LOCATION:
 NEW BRANCH
 HIGHWAY 7 & WOODBINE AVE.
 MARKHAM, ONTARIO

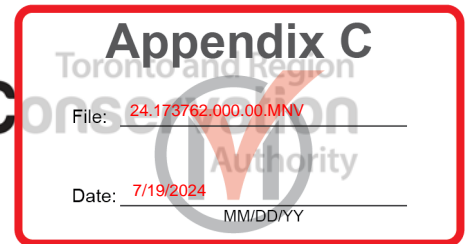
DRAWING
 VIEWS

DESIGNED BY NS SCALE NTS

APPROVED BY MSM

DATE 2024 01 DWG NO. DP1

TRANSIT NO. TBD



June 19, 2024

PAR-DPP-2024-00077
Ex Ref: 64187.02

VIA E-Plan

Dear Hailey Miller,

**Re: Minor Variance Application – (Application A/050/24)
8502 Woodbine Avenue
Part Lot 10, Concession 3, Markham
(Woodbine Avenue and Highway 7)
Applicant: MHBC Planning (Jillian Sparrow)
Owner: 8502 Woodbine TP Inc. (Michael Motz)**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on June 4, 2024. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the following requirements of By-laws 165-80 & 2024-19, as amended, as it relates to a proposed financial institution.

By-law 2024-19

- a) **By-law 2024-19, Section 5.4.1 (S)**: a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces.

By-law 28-97

- a) **By-law 28-97, Section 3, Table B**: a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces.

Background

On February 11, 2021, TRCA staff provided comments on Minor Variance Application A/009/21 (CFN 64187.02) for the subject property, as it related to a proposed restaurant within the existing vacant commercial building. TRCA had no objections to the proposal at the time.

TRCA Permit Requirements

The subject lands contain a regulatory flood plain associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Based on the review of materials circulated as part of this application, it is staff's understanding that the vacant commercial building is proposed to be used as a financial institution and existing parking will be used for the financial institution. Accordingly, based on the information provided, TRCA staff do not have an objection to this application. Should other works such as site alteration, grading, construction or other changes in use be contemplated for this property in the future, the applicant is advised to contact our office for future review as we may have requirements pursuant to the *Conservation Authorities Act* (such as the requirement of a TRCA permit).

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$1,250 (Minor Variance – Institutional - Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval of Minor Variance Application A/050/24 subject to the **conditions** identified in Appendix A.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal
Planner

Development Planning and Permits | Development and Engineering Services
Telephone: (437) 880-2163
Email: rameez.sadafal@trca.ca

/RS

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$1250 within 60 days of the committee hearing date.