

# Memorandum to the City of Markham Committee of Adjustment

June 21, 2023

**File:** A/088/23  
**Address:** 15 and 25 Water Walk Drive, Markham (formerly known as “Block 4”)  
**Applicant:** 2456965 Ontario Inc. (Times Group Inc.)  
**Agent:** Malone Given Parsons Ltd.  
**Hearing Date:** Wednesday, June 28, 2023

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

## **Markham Centre By-law 2004-196, as amended by By-law 2010-184, Section 6.11.3**

### **a):**

This application seeks the same relief as application No. A/188/17 which was approved with conditions by the Committee of Adjustment on March 14, 2018. The Applicant is re-applying to remove the condition of the minor variance approval requiring 12 additional surface visitor parking spaces to be provided on the adjacent property to the west.

## **BACKGROUND**

### **Property Description**

The 1 ha (2.4 ac) Subject Lands are located on the south side of Highway 7 East, east of Water Walk Drive, and north of Rougeside Promenade as shown in Appendix “A” – Aerial Photo. The Subject Lands are owned by 2456965 Ontario Inc. (Times Group Inc.) and are part of their Uptown Markham Block 4 developments. There are existing 8 and 18 storey residential apartment buildings on the Subject Lands.

### **Application History and Technical Variance Request**

On March 14, 2018, the Committee of Adjustment (the “COA”) approved a parking variance request for the reallocation of residential and visitor’s parking on the Subject Lands ([File No. A/188/17](#)) under the condition that 12 surface visitor parking spaces be provided on the adjacent property to the west, municipally known as 8, 18 and 38 Water Walk Drive (also known as “Times Block 3”) (refer to Appendix “B” – A/188/17 Notice of Decision).

On September 7, 2022, the COA approved a similar parking variance for the reallocation of residential and visitor’s parking for Times Block 3 ([File No. A/082/22](#)), resulting in the removal of the 12 surface visitor parking spaces that was required as a condition of the A/188/17 approval. The approval of the Times Block 3 variance and removal of the 12 surface visitor parking spaces has resulted in parking non-conformity on the Subject Lands. Furthermore, the removal of the 12 surface visitor parking spaces contravenes the Site Plan Agreement for Times Block 3, which requires that the conditions of A/188/17 be met, thereby rendering both sites in non-conformity.

It is important to note that the conditions imposed by A/188/17 required that the Applicant monitor visitor parking demand for 6 months and one year following full

occupancy of the building to anticipate any issues with the deficit of visitor parking and to plan for any remedial action. The Applicant had done so, and had submitted a Parking Justification Study for A/082/22 indicating that there is adequate parking on both Blocks 3 and 4 lands and that the street parking along Rougeside Promenade can provide sufficient visitor parking relief for any excess visitors. The City's Transportation Engineering Staff had accepted the findings of the Parking Justification Study. Unfortunately, the wording of the A/188/17 variance condition did not provide Staff with the mechanism for clearing the condition, regardless of the findings of the Study.

To rectify the condition imposed by the minor variance approval from file A/188/17, City Staff advised the Applicant to submit a new minor variance application for the same relief as their original approval (A/188/17). This will replace the A/188/17 approval and remove the previously imposed condition. As noted above, Transportation Engineering staff are satisfied that the A/188/17 condition is no longer required.

Staff note that this application is not proposing any changes to the existing approved number of parking spaces. Therefore, it is Staff's opinion that the request is technical and minor in nature and that the intent for imposing the original condition has been satisfied.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 21, 2023. 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 is reasonable and minor in nature. 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



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Melissa Leung, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



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Deanna Schlosser, MCIP RPP, Senior Planner, Central District

File Path: Amanda\File\ 23 122841 \Documents\District Team Comments Memo

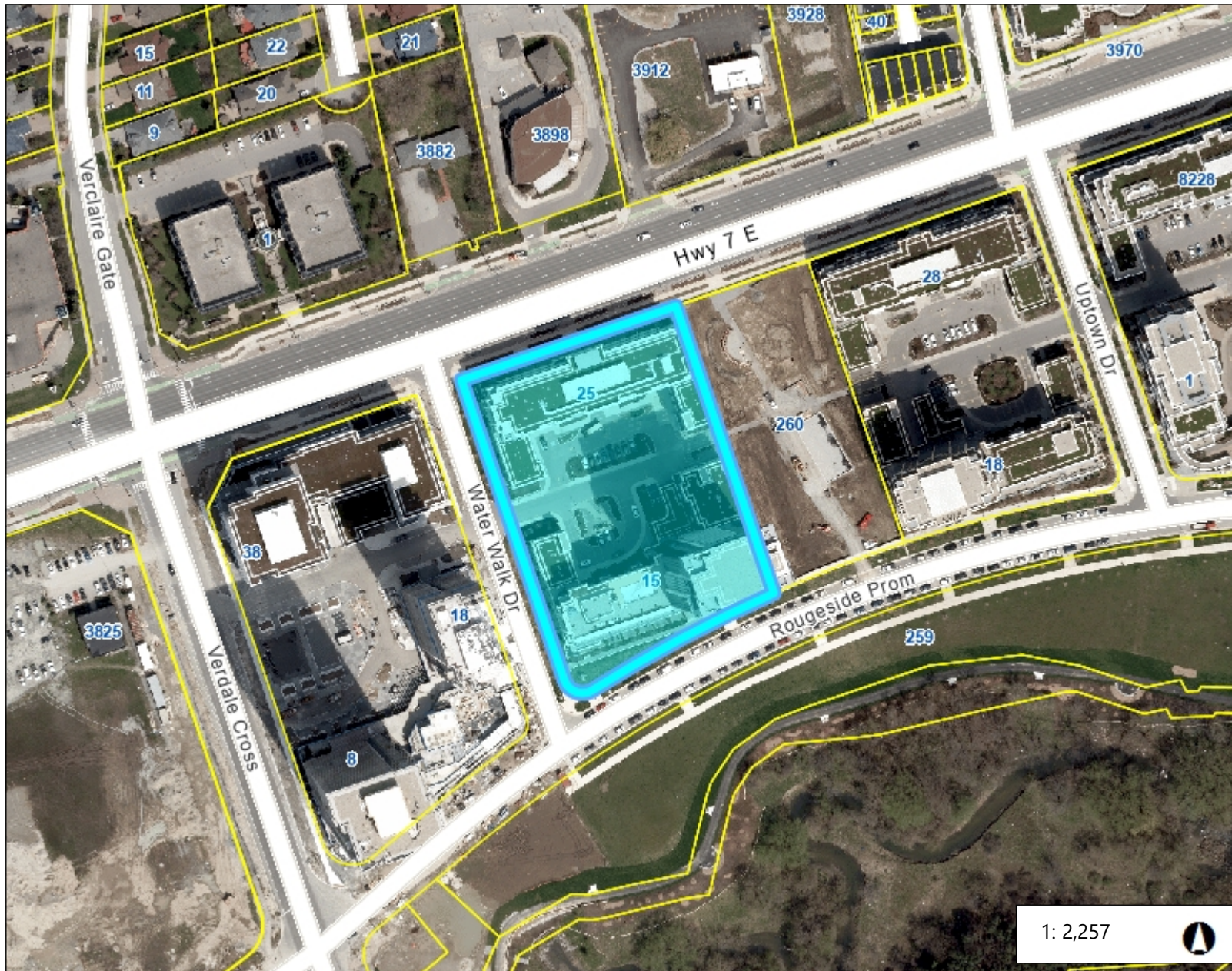
**APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – A/188/17 Notice of Decision

Appendix "C" – Conditions





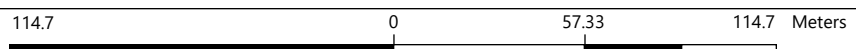
**Legend**

- Parcel Overlay
- Parcel

**Notes**

A/088/23 - 15 and 25 Water Walk Drive

1: 2,257



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.



March 19, 2018

Malone Given Parsons Ltd. (Lincoln Lo)  
140 Renfrew Drive, Unit 201  
Markham, Ontario, L3R6B3

Dear Sir/Madam,

**RE: 1826919 Ontario Inc.  
25 Water Walk Drive, Markham  
PLAN 65M4395 BLK 2  
A/188/17**

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Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, March 14, 2018.

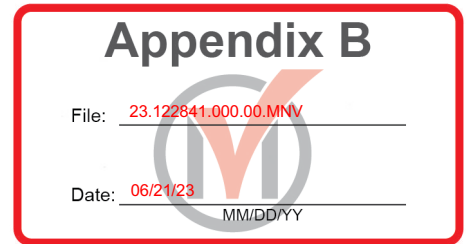
Yours truly,

Justin Leung, MES (PI), ACST (A)  
Secretary-Treasurer  
Committee of Adjustment

Attachments

cc Richard Kendall, Central  
Cristin Miller, Zoning and Compliance  
Scott Heaslip, Project Planner  
Building Inspection  
1826919 Ontario Inc. (Hashem Ghadaki)

File copy





COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. A/188/17 which was **approved** at a hearing held on Wednesday, March 14, 2018. A written appeal of this decision must be received **no later than Tuesday April 3, 2018. After this date the decision becomes final and binding and cannot be appealed.**

Appeals to the Ontario Municipal Board must be served personally or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$300.00**, payable to **the Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Ontario Municipal Board, please note there will be an additional City of Markham administration fee of \$224.00, which must be paid at the time of the appeal submission to the Committee of Adjustment. **The reasons for the appeal must be provided, or the Ontario Municipal Board may not consider the appeal to be valid. Please note that a letter of objection filed prior to the hearing date is not considered an official notice of appeal.**


Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Sworn before me at the City of Markham

March 19, 2018.

Siu Hang (Carlson) Tsang, a Commissioner,  
etc., Province of Ontario, for  
The Corporation of the City of Markham.  
Expires July 20, 2018.

  
A Commissioner, etc.

  
Justin Leung, MES (PI), ACST (A)  
Secretary-Treasurer  
Committee of Adjustment





## Committee of Adjustment Resolution

File Number: A/188/17  
 Hearing Date: Wednesday, March 14, 2018  
 Owner(s): 1826919 Ontario Inc. (Hashem Ghadaki)  
 Agent: Malone Given Parsons Ltd. (Lincoln Lo)  
 Property Address: 15-25 Water Walk Drive Markham  
 Legal Description: PLAN 65M4395 BLK 2  
 Zoning: By-law 2004-196, as amended, MC-D2\*11(H1 H2) & MC-PS1\*13  
 Official Plan: Commercial  
 Ward: 3

**Last Date of Appeal: Tuesday, April 3, 2018**

Moved by GM [Signature]

Seconded by TG [Signature]

- Arun Prasad ABSENT
- Michael Visconti [Signature]
- Gary Muller [Signature]
- Jeamie Reingold [Signature]
- Tom Gutfreund [Signature]
- Gregory Knight ABSENT

THAT Application No. A/188/17, submitted by 1826919 Ontario Inc. (Hashem Ghadaki) owner(s) of 25 Water Walk Drive Markham , PLAN 65M4395 BLK 2, requesting relief from the requirements of By-law No. 2004-196, as amended, to permit the following:

a) Amending By-law 2010-184, Section 6.11.3 a): a maximum of 1.062 parking spaces per dwelling unit and a minimum of 0.1 parking spaces per dwelling unit for visitors; whereas the By-law requires a maximum of 1 parking space per dwelling unit and a minimum of 0.2 parking spaces per dwelling unit for visitors; as it relates to a proposed condominium apartment building. These variance requests be **approved** for the following reasons:

(a) In the opinion of the Committee, the general intent and purpose of the By-law will be maintained;

- (b) In the opinion of the Committee, the general intent and purpose of the Official Plan will be maintained;
- (c) In the opinion of the Committee, the granting of the variance is desirable for the appropriate development of the lot;
- (d) In the opinion of the Committee, the requested variance is minor in nature.

Subject to the following conditions:

1. That the applicant provide a written undertaking to the City committing to implement the following:
  - i. To monitor visitor parking demand for Block 4, six (6) months and one (1) year following full occupancy. All costs associated with the monitoring program shall be the Applicant's responsibility. The survey method shall be proposed by the Applicant's Consultant and agreed to by City Transportation staff prior to the first survey. The purpose of the survey is to anticipate any issues with the deficit of visitor parking and to plan for any remedial action.
  - ii. To provide 12 surface visitor parking spaces on the adjacent property to the west (Block 3, Registered Plan 65M-4395) in addition to the visitor parking spaces required for the development on Block 3. This is to address the findings of the revised Parking Study dated March 12, 2018, which demonstrate the need for a visitor parking rate of 0.12 parking spaces per unit or 73 visitor spaces. The Applicant is proposing to provide a visitor parking rate of 0.10 spaces per unit or 61 visitor parking spaces. The difference of the unmet 12 visitor parking spaces shall be provided as additional surface parking within the Block 3 Site Plan.
2. That the variances apply only to the proposed development as long as it remains.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. There were no persons in attendance at the meeting who spoke on the matter.

Resolution Carried

***SPECIAL NOTE TO OWNERS AND AGENTS:*** It is the responsibility of the owner and/or agent to ensure that all conditions of approval are met through the respective departments noted therein. Failure to do so may result in additional approvals being required.



## Appendix C

File: 23.122841.000.00.MNV

Date: 06/21/23  
MM/DD/YY

### APPENDIX "C"

#### CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/088/23

1. That the variance applies only to the existing development as long as it remains.

CONDITIONS PREPARED BY:



Melissa Leung, MCIP RPP, Senior Planner, Central District