

Memorandum to the City of Markham Committee of Adjustment

August 24, 2023

File: A/146/23
Address: 10 Esna Park Drive, Markham
Applicant: Sajecki Planning Inc. (Morgan Dundas)
Agent: Sajecki Planning Inc. (Morgan Dundas)
Hearing Date: Wednesday, August 30, 2023

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

The Applicant is requesting relief from the “Business Corridor (BC)” zone requirements of By-law 108-81, as amended, to permit:

a) Parking By-law 28-97, Section 3, Table B:

286 parking spaces, whereas the By-law requires a total of 294 parking spaces

as it relates to the proposed conversion of a commercial building to a daycare. This application is related to Site Plan Control application SPC 23 113933.

BACKGROUND

Property Description

The 18,345 m² (197, 63 ft²) subject land (the Subject Lands) is located on the east side of Woodbine Avenue, north of Esna Park Drive. The property is located within an area consisting primarily of commercial and industrial uses.

The Subject Lands include two commercial buildings. The building on the east side of the property (Building “B”) is proposed to be converted from a former restaurant into a daycare space (refer to Appendix “B”).

The second building (Building “A”) currently includes multiple retail units and restaurants and is not proposed to be redeveloped.

Proposal

The Applicant is proposing to convert the former restaurant (Building “B”) into a daycare space with a total of 9 classrooms and an outdoor play area with an area of 270 square metres (refer to Appendix “B”). The proposed outdoor play area will remove 13 existing parking spaces from the shared parking on the Subject Lands.

The proposal is currently subject to an ongoing application for Site Plan Control Approval due to the conversion of parking spaces to an outdoor play area (SPC 23 113933).

Official Plan and Zoning

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

The Official Plan designates the subject property “Service Employment”. This designation provides for locations, planned and developed for a range of employment

uses, including light industrial and warehousing, office, small-scale retail and service uses serving and supportive of other business uses and employees in Markham, and that may also serve the general public. Planning staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

Zoning By-Law 108-81 as amended

The Subject Lands are zoned “Business Commercial” (BC) under By-law 108-81, as amended, which permits a daycare use.

City of Markham Parking Standards By-law 28-97

The City-Wide Parking Standards By-law 28-97, as amended (the “Parking By-law”), sets out the parking standards for the Subject Lands. The Proposed Development does not comply with the requirements of the Parking By-law 28-97 with respect to Section 3, Table B – Non-residential uses with respect to the minimum number of parking spaces. Further details of the parking requirement are provided in the comment section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the Applicant has received comments from the building department through their ongoing application for Site Plan Control Approval (SPC 23 113933) to confirm the variances required for the proposed development. Consequently, it is the Applicant’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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

Parking Reduction

The site currently provides a total of 286 parking spaces. The proposed use will increase the parking requirement to 294 parking spaces. This will result in a deficiency of 8 parking spaces.

A Transportation and Parking Study was submitted by the Applicant during review of the application for Site Plan Control Approval which found that the proposed parking supply is adequate. Transportation Engineering Staff are satisfied with the submitted material and have no objection to the proposed parking deficiency.

Staff are of the opinion that the proposed parking variance meets the intent of the City’s Parking By-law, and have no objections to the approval of the proposed parking reduction.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 24, 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 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District

REVIEWED BY:



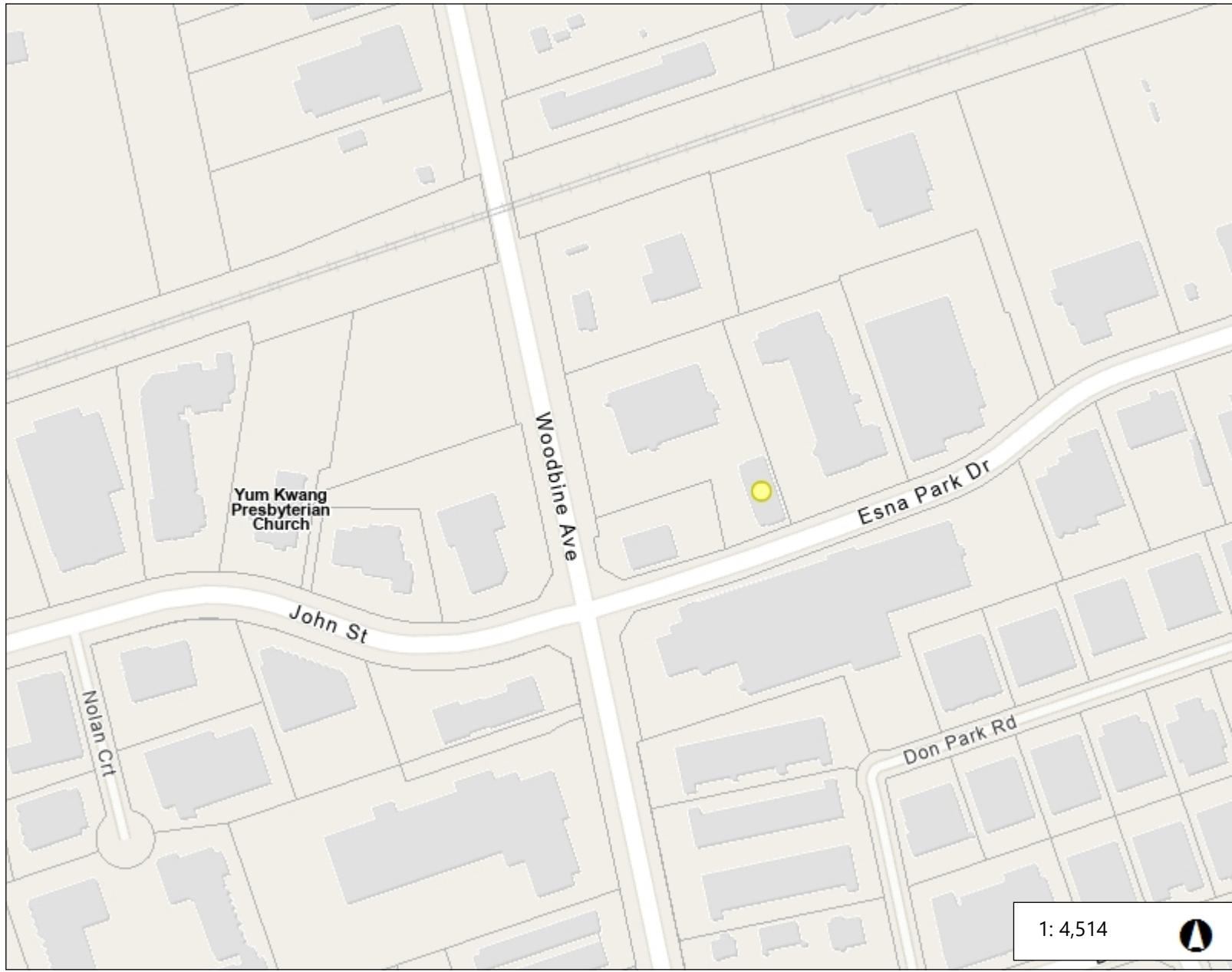
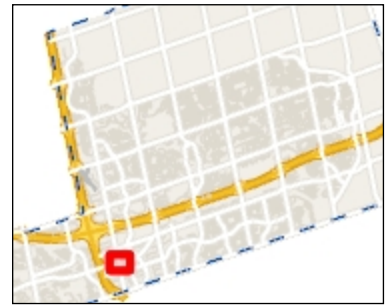
Deanna Schlosser, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Location Map

Appendix "B" – Plans

Appendix "C" – A/146/23 Conditions of Approval



Subject Lands
● 10 Esna Park Drive

1: 4,514

Notes



PROPOSED SITE CARPARKING CALCULATIONS

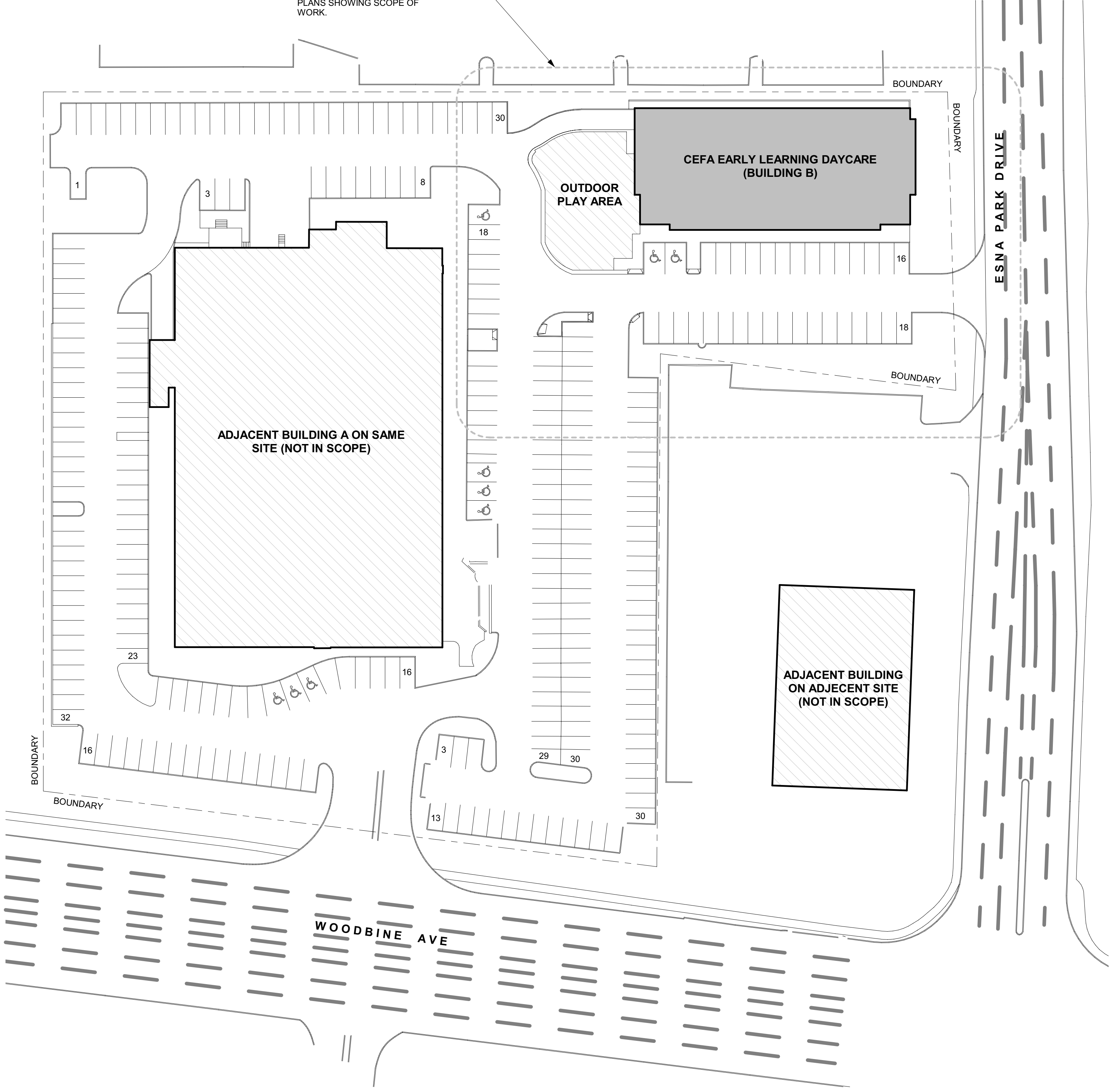
BUILDING A
 RESTAURANT AREA UP TO 20% OF TOTAL GLA = 953.77 / 18.5 = 51.56 STALLS
 REMAINING RESTAURANT AREA = 901.53 / 9 = 100.17 STALLS
 SHOPPING MALL AREA (REST OF BUILDING A) = 1,806.91 / 18.5 = 97.67 STALLS

BUILDING B (DAY CARE)
 1.5 PER CLASSROOM; 1.5 x 9 = 13.5 STALLS
 1 PER 5 CHILDREN = 156 / 5 = 31.2 STALLS

TOTAL PARKING REQUIRED = 294.1
TOTAL PARKING PROVIDED = 286

NOTES:
 REFER TO SHEET **A102** FOR EXISTING ENLARGED SITE PLAN.
 REFER TO SHEET **A103** FOR PROPOSED ENLARGED SITE PLAN.

REFER TO SHEETS A102 AND A103 FOR ENLARGED SITE PLANS SHOWING SCOPE OF WORK.



1 OVERALL SITE PLAN
 A101 SCALE: 1" = 40'-0"

MGBA
 ARCHITECTURE + INTERIOR DESIGN
 SUITE 300 - 7 EAST 6TH AVE
 VANCOUVER BRITISH COLUMBIA CANADA
 604 484 8285 info@mgba.com www.mgba.com

REV	DATE	DESCRIPTION	DR	RV
4	09/02/23	ISSUED FOR COA		GF
3	09/30/23	RE-ISSUED FOR SPA		GF
2	02/09/23	ISSUED FOR SPA		GF
1	09/23/22	ISSUED FOR PRE-CONSULTATION MEETING		GF

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PROJECT:
 CEFA EARLY LEARNING - NEW DAYCARE
 10 ESNA PARK DR
 MARKHAM, ON L3R 1E1

SHEET TITLE:
 OVERALL SITE PLAN

DATE	PROJECT NO.
JUNE 16, 2023	22023
SCALE: 1" = 40'-0"	REVISION: 4
A101	

PROPOSED SITE CARPARKING CALCULATIONS

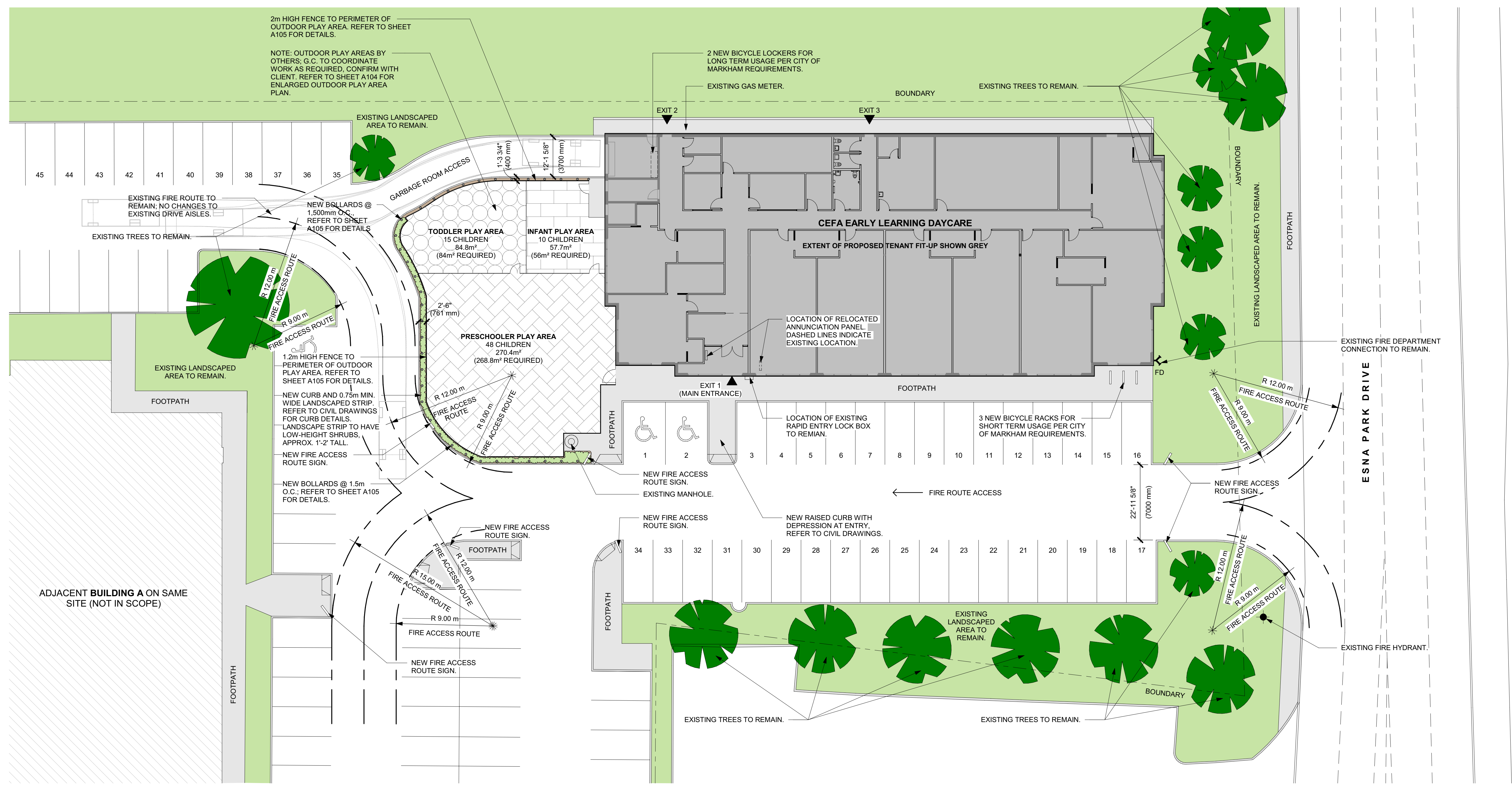
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TOTAL PARKING REQUIRED = 294.1
TOTAL PARKING PROVIDED = 286

REFER TO SHEET A101 FOR OVERALL SITE PARKING

NOTE:
 ALL EXISTING TREES AND LANDSCAPED AREAS ARE TO REMAIN AS IS. NO CHANGE TO LANDSCAPING, IF REQUIRED, G.C. TO ENSURE ALL EXISTING TREES ARE PROTECTED DURING CONSTRUCTION TO PREVENT ANY DAMAGE.



REV	DATE	DESCRIPTION	DR	RV
1	08/02/23	ISSUED FOR CDA		GF
2	09/02/23	RE-ISSUED FOR SPA		GF
3	05/30/23	RE-ISSUED FOR SPA		GF
4	02/09/23	ISSUED FOR SPA		GF
5	09/23/22	ISSUED FOR SPA		GF
6	09/23/22	ISSUED FOR SPA		GF
7	07/22/22	PRE-CONSULTATION MEETING		GF
8	07/15/22	ISSUED FOR TENDER		GF
9	07/15/22	RE-ISSUED FOR BUILDING PERMIT		GF

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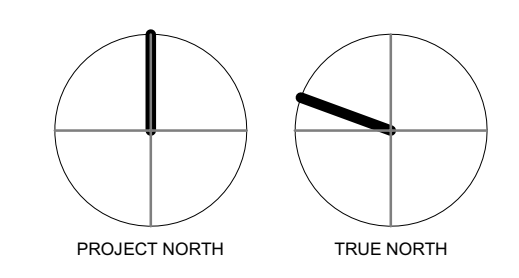
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PROJECT:
 CEFA EARLY LEARNING - NEW DAYCARE
 10 ESNA PARK DR
 MARKHAM, ON L3R 1E1

SHEET TITLE:
 PROPOSED ENLARGED SITE PLAN

PROJECT DATE: JUNE 16, 2023	PROJECT NO: 22023
SCALE: 1/16" = 1'-0"	REVISION: 9
DRAWING NO: A103	

1 PROPOSED SITE PLAN - SHOWING LANDSCAPING
 A103 SCALE: 1/16" = 1'-0"



APPENDIX “C” – A/146/23 Conditions of Approval

1. The variances apply only to the proposed development as long as it remains; and
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; or further revised by any site plan ‘endorsed’ or ‘approved’ drawings under File SPC 23 113933, 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.

CONDITIONS PREPARED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District