

Memorandum to the City of Markham Committee of Adjustment

July 07, 2020

File: A/065/20
Address: 34 Swansea Rd Markham
Applicant: Bethany Lodge
Agent: Blackthorn Management Inc. (Mr. Michael Da Silva)
Hearing Date: Tuesday, July 14, 2020

The following comments are provided on behalf of the Central Team. The Applicant requests relief from the following requirements of the “Open Space (Special Use) (O2) Zone” under By-law 122-72, as amended, to permit:

a) Amending By-law 2005-153, Schedule C:

a maximum height of 4 storeys, whereas the By-law permits a maximum height of 3 storeys; as it relates to a proposed addition to an existing seniors residence.

BACKGROUND

Property Description

The 2.18 ha subject property is located east of Kennedy Road, south of Highway 7 East (see Appendix “B”), and is municipally addressed as 34 Swansea Drive. The property is occupied by three seniors residences known as Bethany Courts, Bethany Manor, and Bethany Lodge. Surrounding uses include low to mid rise commercial and institutional buildings to the west and north of the subject property, and low rise residential dwellings to the east and south of the subject property.

Proposal

The Applicant proposes to construct a one storey addition on top of the existing third floor of the Bethany Courts seniors residence (see Appendix “C”), with a total of fourteen seniors apartment units, and a gross floor area (“GFA”) of 2,034 m² (the “proposed development”). The proposed development also includes the construction of 14 additional parking spaces in the existing underground garage to ensure that the additional units comply with the City’s parking by-law. The Applicant submitted a Site Plan Control application in August 2018 to facilitate the proposed development (File No. SC 18 235906). The Site Plan Control application has since been reviewed and endorsed by Staff. Site Plan Approval can only be issued for the proposed development, if the variance that is the subject of this application, is approved without appeal.

Official Plan and Zoning

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

The subject property is designated “Residential Mid Rise” in the 2014 City of Markham Official Plan, which provides for mid-rise housing forms including apartment dwellings between 3-6 storeys. The proposed fourth storey addition to

the existing senior's apartment building conforms to the Residential Mid Rise criteria in the City of Markham's 2014 Official Plan.

Zoning By-Law 122-72

The subject property is zoned "Open Space (Special Use) (O2)" under By-law 122-72, as further amended by site specific By-law 2005-153, which permits a three storey seniors apartment building. The proposed development does not conform to the maximum permitted height, as outlined on Schedule "C" of the amending by-law.

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, "*Providing a 4th floor addition. More building height is required.*"

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken. Notwithstanding, the applicant has received comments from the Building Department through the Site Plan Control process to confirm the variances 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of four storeys (12.55 metres), whereas the By-law permits a maximum building height of three storeys (8.03 metres). This represents an increase of 4.52 metres. The fourth floor addition is limited to the western and central portions of the Bethany Courts apartment building, which is situated on the eastern end of the subject property (see Appendix "C"). Heights for the eastern portion of the subject building, as well as for the Bethany Lodge and Bethany Manor apartments situated on the western end of the subject lands, will remain unchanged.

Staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the surrounding area. Further, the elevation treatment of the

addition has been designed to match the existing Bethany Courts apartment building to ensure the building's character is maintained.

EXTERNAL AGENCIES

This application, as well as the associated Site Plan Control application, has been circulated to various departments and external agencies and their comments have been addressed.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 7, 2020. 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.

APPLICATION PROCESSING

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22nd, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

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:



Luis Juarez, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

List of Appendices:

Appendix "A": Conditions of Approval (A/065/20)

Appendix "B": Zoning & Context Map

Appendix "C": Plans

File Path: Q:\Development\Planning\Teams\CENTRAL TEAM\02 - TEAM\Luis Juarez\APPLICATIONS\SC\34 SWANSEA RD (BETHANY LODGE)\M\Va

APPENDIX "A"

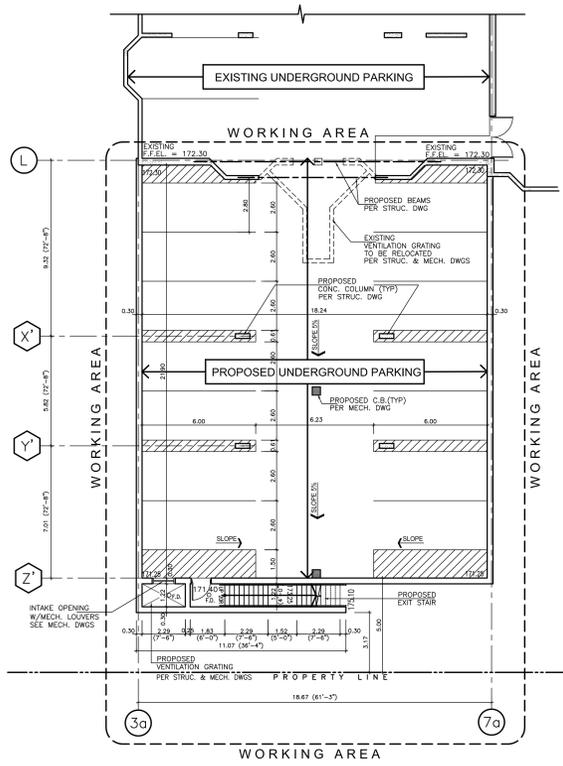
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/065/20

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) dated May 19, 2020, attached as Appendix "C" to this Staff Report, 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:



Luis Juarez, Planner, Central District

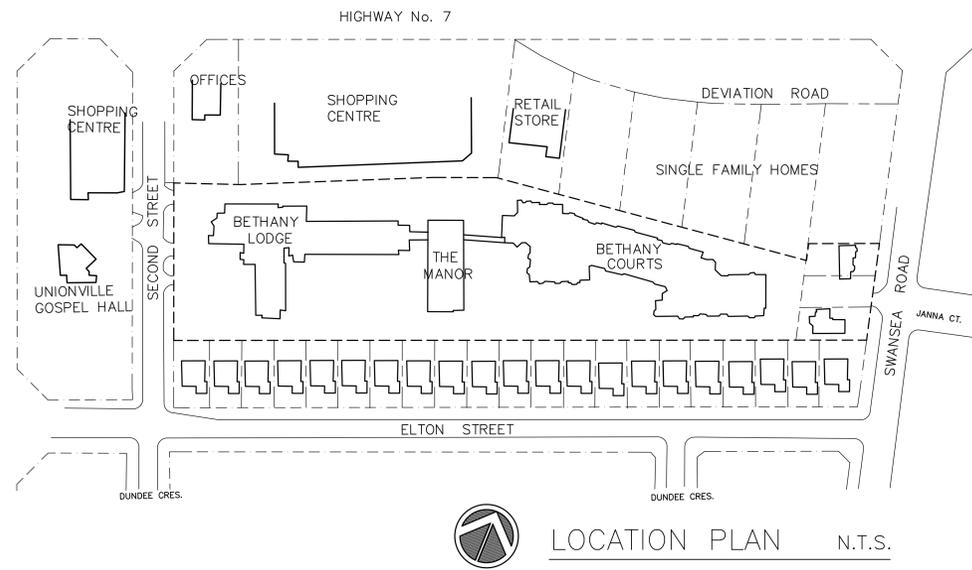


PROPOSED EXPANSION UNDERGROUND PARKING
SCALE: 1:125

CALCULATION PARKING SPACES (UNDERGROUND LEVEL)	
EXISTING	- 72
DEMOLISHED	- 0
PROVIDED	- 14
TOTAL	- 86

CALCULATION AREAS BY SUITES
(FOURTH FLOOR LEVEL)

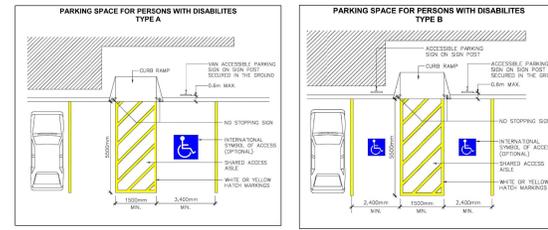
No.SUITE	DESCRIPTION	SUITE AREA
SUITE 410	2 BEDROOM	1,086 SF / 100.90 SM
SUITE 414	1 BEDROOM	1,091 SF / 101.35 SM
SUITE 405	1 BEDROOM	1,121 SF / 104.15 SM
SUITE 402	2 BEDROOM	1,248 SF / 115.95 SM
SUITE 406	2 BEDROOM	1,355 SF / 125.90 SM
SUITE 403	2 BEDROOM	1,359 SF / 126.25 SM
SUITE 407	2 BEDROOM	1,370 SF / 127.30 SM
SUITE 413	3 BEDROOM	1,474 SF / 136.95 SM
SUITE 404	2 BEDROOM	1,505 SF / 139.80 SM
SUITE 401	2 BEDROOM	1,510 SF / 140.30 SM
SUITE 412	2 BEDROOM	1,524 SF / 141.60 SM
SUITE 411	3 BEDROOM	1,533 SF / 142.20 SM
SUITE 408	2 BEDROOM	1,638 SF / 152.20 SM
SUITE 409	3 BEDROOM	1,693 SF / 157.30 SM
TOTAL AREA		19,507.00 SF 1,812.15 SM



Information obtained from: "Topographical Plan Part of Lot 10, concession 6, Lots 22, 23 & 24 Registered Plan 65M - 2520, Town of Markham Regional Municipality of York" by R.G. McKibbin Limited, Ontario Land Surveyors

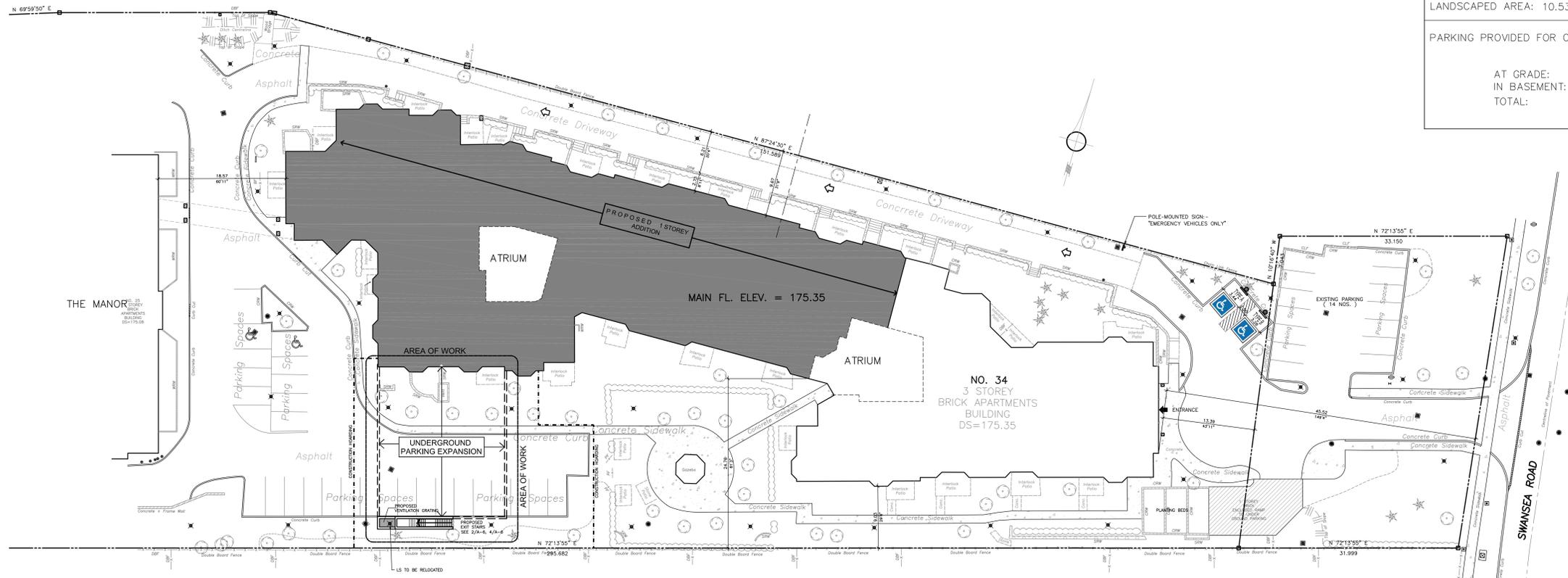
This drawing to be read in conjunction with: Landscape Drawings by ALEXANDER BUDREVICS + ASSOCIATES LTD. and Civil Engineering drawings by STANTEC CONSULTING LTD.

REVISIONS		
#	DATE	
1	ISSUED FOR SPA	Aug 5/18
2	ADDED EXIT STAIR DETAIL	Nov 2/18
3	REVISED FOR SPA	Nov 22/18
4	ADDED CONSTRUCTION HOARDING	Jan 18/19
5	REVISED EXTENT OF ADDITION/ AREAS	May 13/20
6	ISSUED FOR MINOR VARIANCE	May 19/20



AREA CALCULATION	
ADDITION ONLY	
TOTAL GROSS FLOOR AREA	2,039.58 SM 21,953.82 SF
TOTAL GROSS FLOOR AREA NON-RESIDENTIAL	48.08 SM 517.52 SF
TOTAL FLOOR AREA	1,991.50 SM 21,436.30 SF

SITE STATISTICS			
PRESENT ZONING:	0-2		
LEGAL DESCRIPTION:	Part of Lot 10, Concession 6 & Lots 22,23,24 Reg'd Plan 65M-2520 Town of Markham, Regional Municipality of York		
LOT AREA:	EXISTING	NEW	TOTAL
	2.180Ha	-----	2.180Ha
FRONTAGE:	46.158m (Swansea Rd.)	-----	46.158m
COVERAGE:	6.563m ² (30.1%)	-----	6.563m ² (30.1%)
GROSS FLOOR AREA (BETHANY COURTS):	9,786m ²	2,039.58m ²	11,825.58m ²
PAVED AREA:	4.704m ²	-----	4.704m ²
LANDSCAPED AREA:	10.533m ²	-----	10.533m ²
PARKING PROVIDED FOR COURTS	EXIST	PROPOSED	
AT GRADE:	28	-----	
IN BASEMENT:	72	14	
TOTAL:		114	



CITY FILE No. SC 18 235906

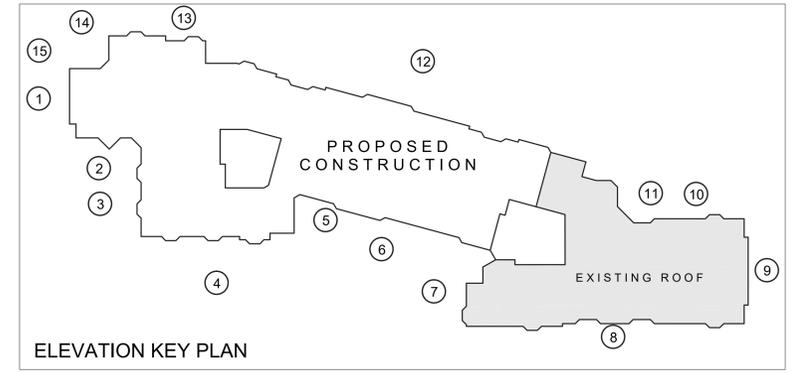


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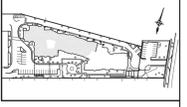
ARCHITECTURAL DESIGN INC.
56 PENNSYLVANIA AVE. UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9353
FAX 905 660-9419

PROJECT PROPOSED ADDITIONS & ALTERATIONS IN EXISTING BUILDING FOR: BLACKHORN AT: BETHANY COURTS CITY OF MARKHAM

DRAWING SITE PLAN	
DATE	FEB 2018
DRAWN	L.A.
CHECKED	L.A.
SCALE	1:250
PROJECT NO	18-005
DRAWING NO	A1



REVISIONS	
#	DATE
1	JUL 31/18
2	AUG 5/18
3	NOV 2/18
4	MAY 19/20
5	MAY 20/20



PLEASE NOTE:
 PROPOSED BUILDING HEIGHT WAS DETERMINED TO TOP OF PARAPET. ATRIUMS TO BE EXTENDED ABOVE ROOF TO ACCOMMODATE LIGHTWELLS AND TO MATCH EXISTING CONDITIONS.

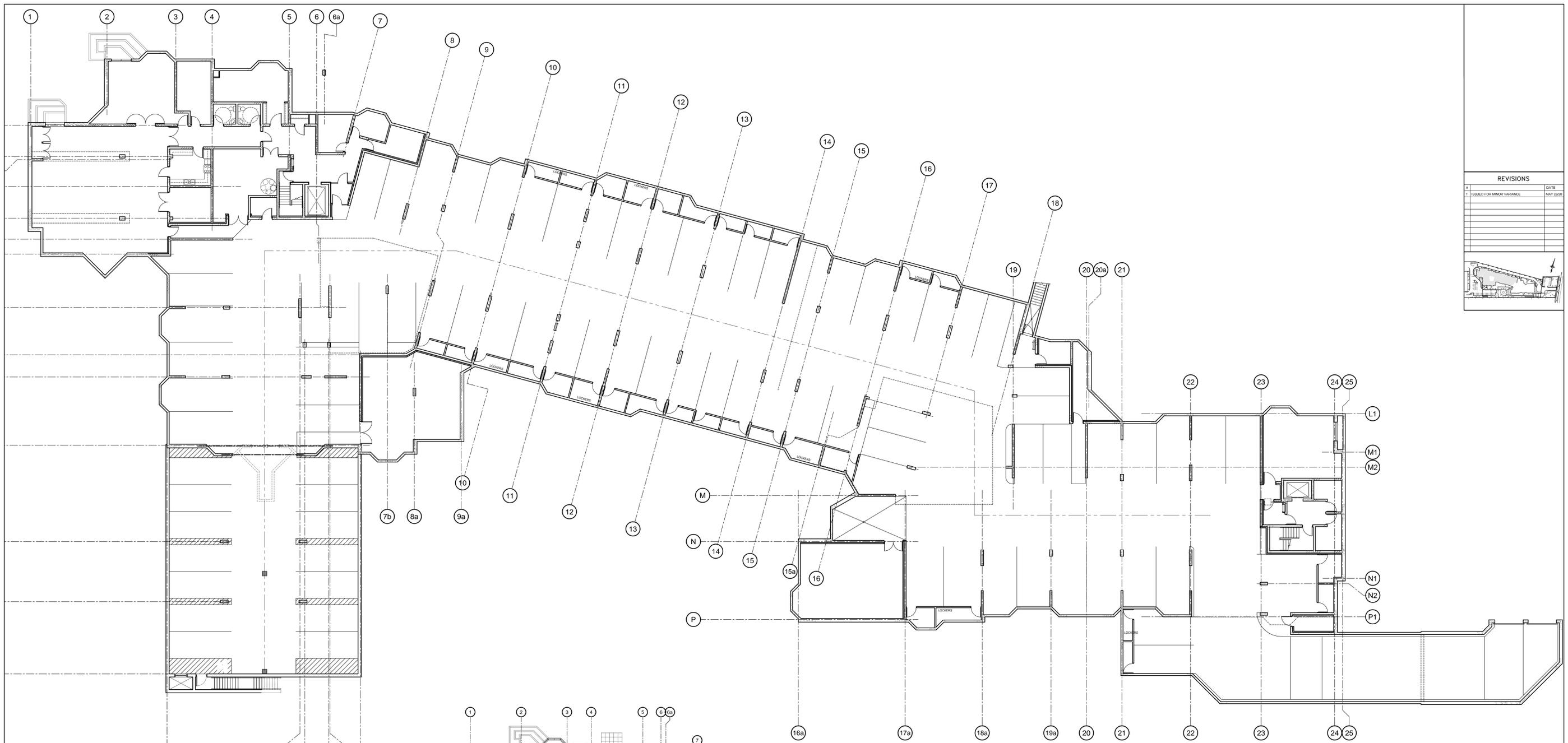
CITY FILE No.
 SC 18 235906



ARCHITECTURAL DESIGN INC.
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 TEL. 905 860-3393
 FAX 905 860-9419

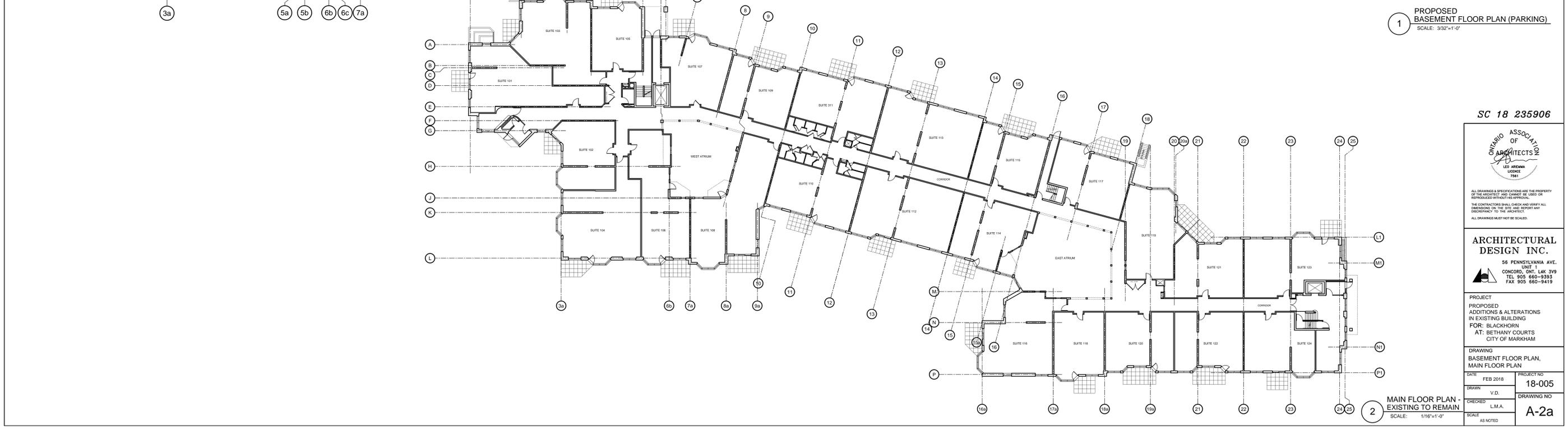
PROJECT
 PROPOSED ADDITIONS & ALTERATIONS IN EXISTING BUILDING FOR: BLACKHORN AT: BETHANY COURTS CITY OF MARKHAM

DRAWING ELEVATIONS	
DATE	PROJECT NO.
FEB 2018	18-005
DRAWN	DRAWING NO.
V.D.	A-3
CHECKED	SCALE
L.M.A.	AS NOTED



REVISIONS	
NO.	DATE
1	MAY 2018

1 PROPOSED BASEMENT FLOOR PLAN (PARKING)
SCALE: 3/32"=1'-0"



2 MAIN FLOOR PLAN - EXISTING TO REMAIN
SCALE: 1/16"=1'-0"

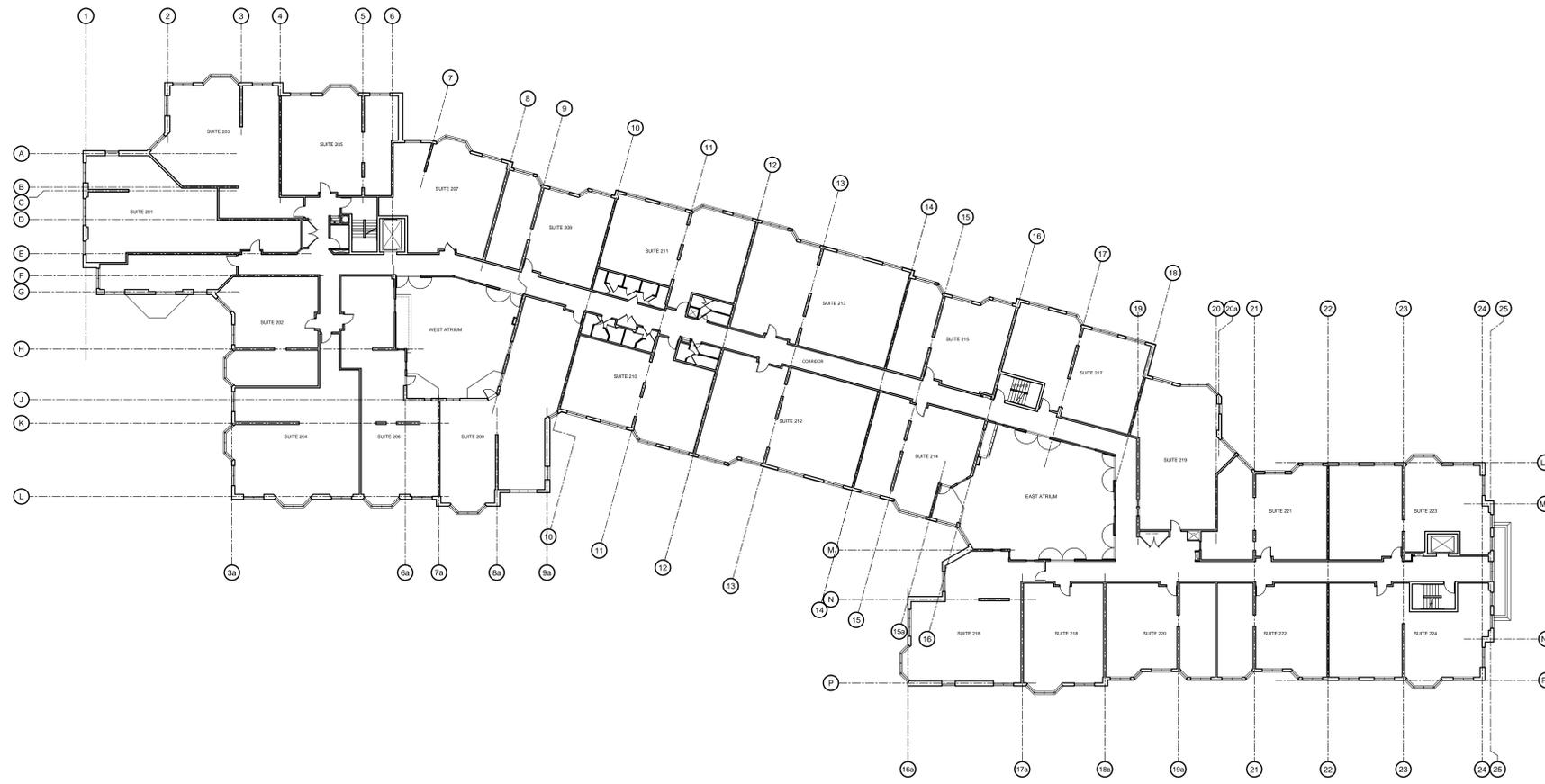
SC 18 235906

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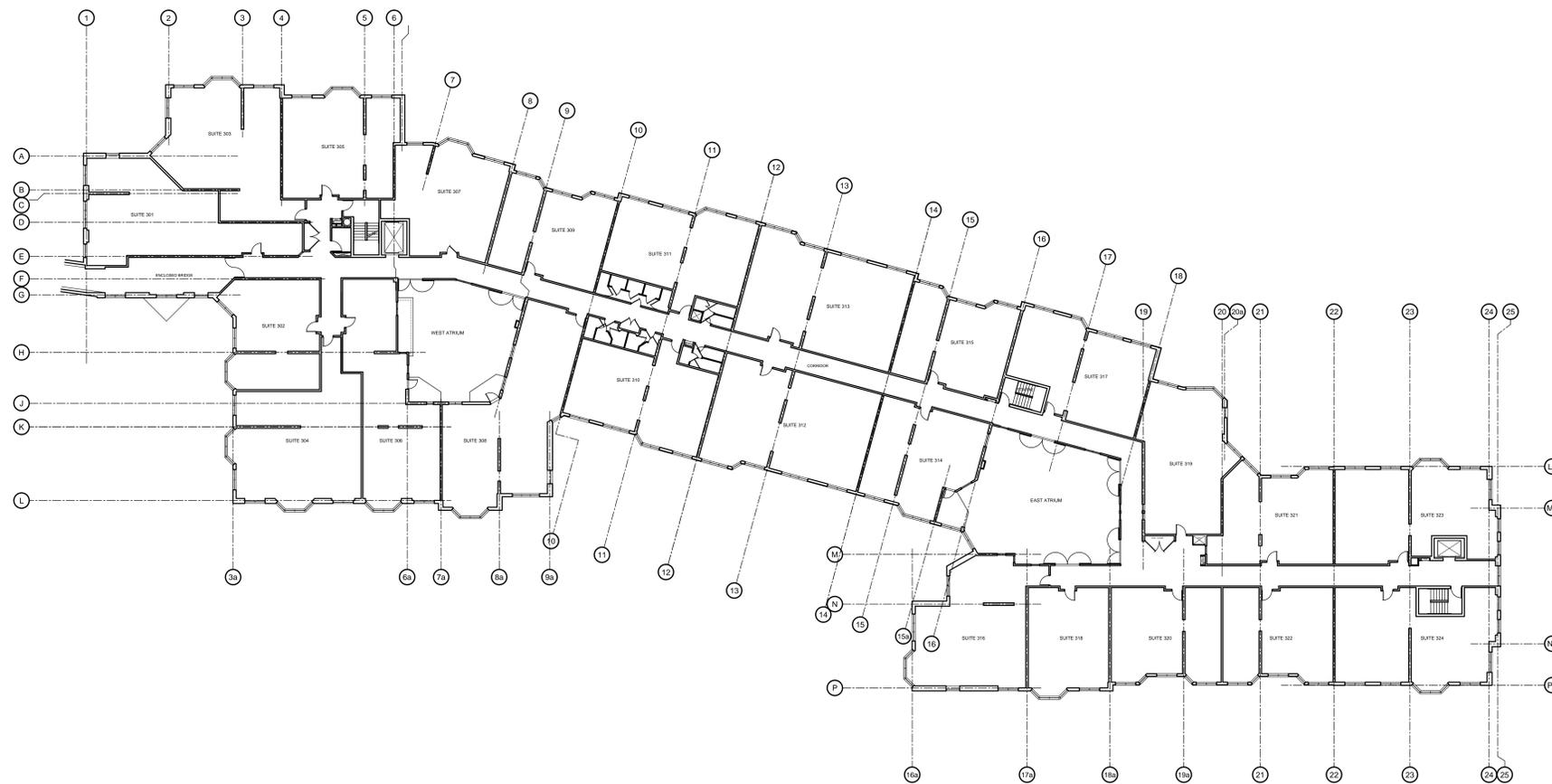
ARCHITECTURAL DESIGN INC.
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TEL: 905-860-8893
FAX: 905-860-9419

PROJECT: PROPOSED ADDITIONS & ALTERATIONS IN EXISTING BUILDING FOR: BLACKHORN AT: BETHANY COURTS CITY OF MARKHAM

DATE: FEB 2018	PROJECT NO: 18-005
DRAWN: V.D.	DRAWING NO: A-2a
CHECKED: L.M.A.	SCALE: AS NOTED

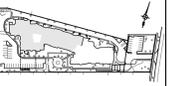


3 SECOND FLOOR PLAN - EXISTING TO REMAIN
SCALE: 1/16"=1'-0"



2 THIRD FLOOR PLAN - EXISTING TO REMAIN
SCALE: 3/32"=1'-0"

REVISIONS		DATE
1	ISSUED FOR MINOR VARIANCE	MAY 2010



CITY FILE No.
SC 18 235906



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PROJECT
PROPOSED
ADDITIONS & ALTERATIONS
IN EXISTING BUILDING
FOR: BETHANY COURTS
AT: BETHANY COURTS
CITY OF MARKHAM

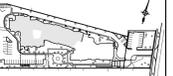
DRAWING
SECOND & THIRD FLOOR PLANS

DATE	FEB 2010	PROJECT NO.	18-005
DRAWN	V.D.	DRAWING NO.	A-2b
CHECKED	L.M.A.	SCALE	AS NOTED



1 PROPOSED FOURTH FLOOR PLAN
SCALE: 1/8"=1'-0"

REVISIONS	
#	DATE
1	MAY 2013



CITY FILE No.
SC 18 235906



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FAX: 905 860-9419

PROJECT
PROPOSED
ADDITIONS & ALTERATIONS
IN EXISTING BUILDING
FOR: BLACKHORN
AT: BETHANY COURTS
CITY OF MARKHAM

DRAWING
4-th FLOOR PLAN

DATE	FEB 2018	PROJECT NO.	18-005
DRAWN	V.D.	DRAWING NO.	A-2c
CHECKED	L.M.A.	SCALE	AS NOTED