

Memorandum to the City of Markham Committee of Adjustment

October 13, 2020

File: A/088/20
Address: 7537 Woodbine Ave Markham
Applicant: Weins Canada Inc. (Ken Yokoyama)
Agent: R.H. CARTER ARCHITECTS INC. (EMIL FRANK)
Hearing Date: Wednesday, October 21, 2020

Central Team provides the following comments. The Applicant requests relief from the following requirements of Parking By-law 28-97 and amending By-law 228-98, to permit:

- a) **Parking By-law 28-97, Section 3.0 Table B:** 193 parking spaces, whereas the By-law requires a minimum of 209 parking spaces;
- b) **By-law 108-81, Amending By-law 228-98, Section 6.4(h)(ii):** 0 metre landscaped open space immediately abutting the northerly interior side lot line, whereas the By-law requires a minimum of 3 metres;

BACKGROUND

Property Description

The 16,100 m² (1.6 ha) subject property is located on the east side of Woodbine Avenue, north of Esna Park Drive (see Appendix "B"), and is municipally addressed as 7537 Woodbine Avenue. The property is occupied by an existing car dealership known as Don Valley North Hyundai. Surrounding uses include commercial plazas located to the south of the subject property, a vacant lot to the west, CN Railway lands to the north, and a Church to the east.

Proposal

The Applicant proposes to demolish the existing car dealership and construct a new car dealership inclusive of a showroom and repair facility with a total gross floor area ("GFA") of 4,602.4 m² (49,541.4 ft²) (the "proposed development"), as shown on Appendix "C".

The Applicant submitted a Site Plan Control application in November 2019, to facilitate the proposed development (SPC 19 141563). Approval of the Site Plan Control application was delegated to Staff by the Development Services Committee (DSC) on April 21, 2020.

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property 'Service Employment', which provides for manufacturing, processing, and warehousing uses including motor vehicle repair shops as well as a number of discretionary uses including

motor vehicle retail sales. The proposed development conforms to the 2014 Official Plan.

Zoning By-Law 108-81, as amended by By-law 228-98

The subject property is zoned “Commercial Corridor Area” (CCA) under By-law 108-81, as amended by site-specific Zoning By-law 228-98, which permits a variety of commercial uses including automobile repair uses, service centres, and automobile sales. The proposed development is permitted, but does not conform to the zoning by-law with respect to minimum landscaping requirements along the north lot line, as discussed further in the Comments section of this report.

Parking Standards By-law 28-97

The proposed development does not comply with the City’s parking by-law standards (By-law 28-97) with respect to the minimum required number of parking spaces, as discussed further in the Comments section of this report.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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. 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.

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.

Variance a) Parking Reduction

The proposed development includes 193 parking spaces, whereas 209 spaces are required as per the City’s Parking By-law 28-97. This will result in a deficiency of 16 parking spaces, which is a reduction of approximately 7.7 percent. Given the property’s use as a motor vehicle showroom and repair shop, Planning Staff are of the opinion that the variance is minor and is unlikely to result in overflow parking on neighbouring properties or cause any significant impact on the 193-stall parking supply on the property.

The minor variance application initially also requested permission for 8 accessible parking spaces, whereas 11 are required. The requirement for accessible parking spaces is mandated by the *Accessibility for Ontarians with Disabilities Act (AODA)* and should be maintained as per accessibility standards. As such, Staff have worked with the Applicant to reconfigure the parking lot to accommodate the additional three accessible parking spaces and eliminate the accessible parking relief sought through this variance. Staff have no objections to the approval of the proposed parking reduction.

Variance b) Elimination of Landscaped Open Space along the North lot line

The applicant is requesting a 0 metre landscaped open space immediately abutting the northern lot line whereas the By-law requires a minimum of 3 metres. The remainder of the lot lines contain landscape buffers of varying sizes. The elimination of the northern landscape buffer is attributable to the proposed parking spaces along the northern lot line, which is adjacent to the CN Rail line property and separated by a chain-link fence. Urban Design Staff have reviewed the site plan and landscape plans as part of the related site plan application and this application, and are of the opinion that the variance is minor and supportable.

Timing of COA Application

Although the Site Plan Control application is presently under review, Staff are satisfied that approval of the variances requested are in keeping with the collaborative efforts between Staff and the applicant. If approval of the parking and landscape buffer variances are granted, Staff anticipate the issuance of site plan endorsement in the near future.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 13, 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.

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 requests meet 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.

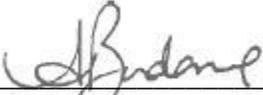
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Luis Juarez, Planner II, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDICES

Appendix "A": Conditions of Approval (A/088/20)

Appendix "B": Zoning and Context Map

Appendix "C": Site Plan

File Path: Amanda\File\ 20 127756 \Documents\District Team Comments Memo

APPENDIX "A"

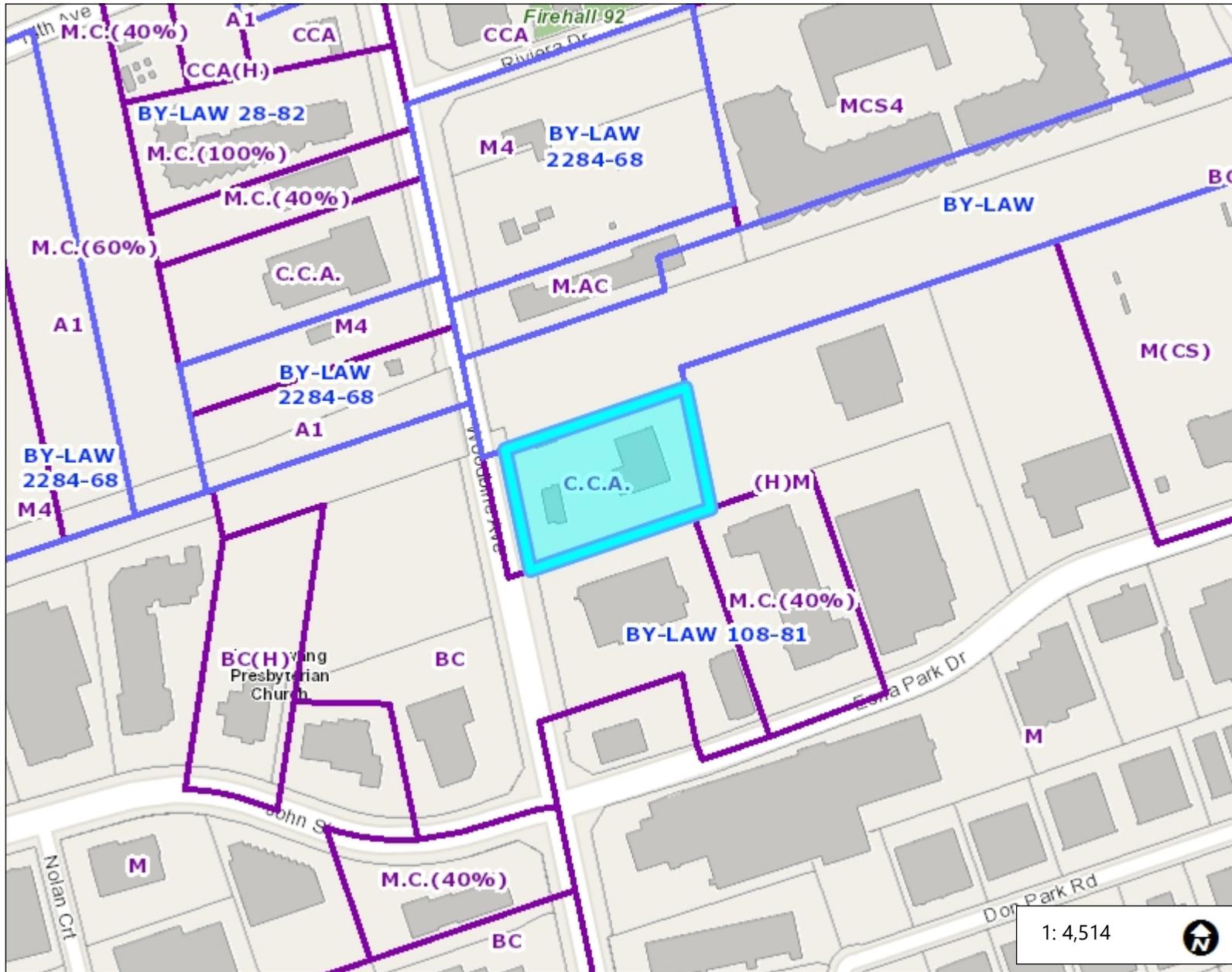
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/088/20

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 and received by the City of Markham on October 7, 2020, 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 Juárez, Planner II, Central District



Legend

- Parent By-laws
- Zoning Designations
- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
 - <all other values>
 - Under Development

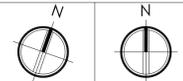
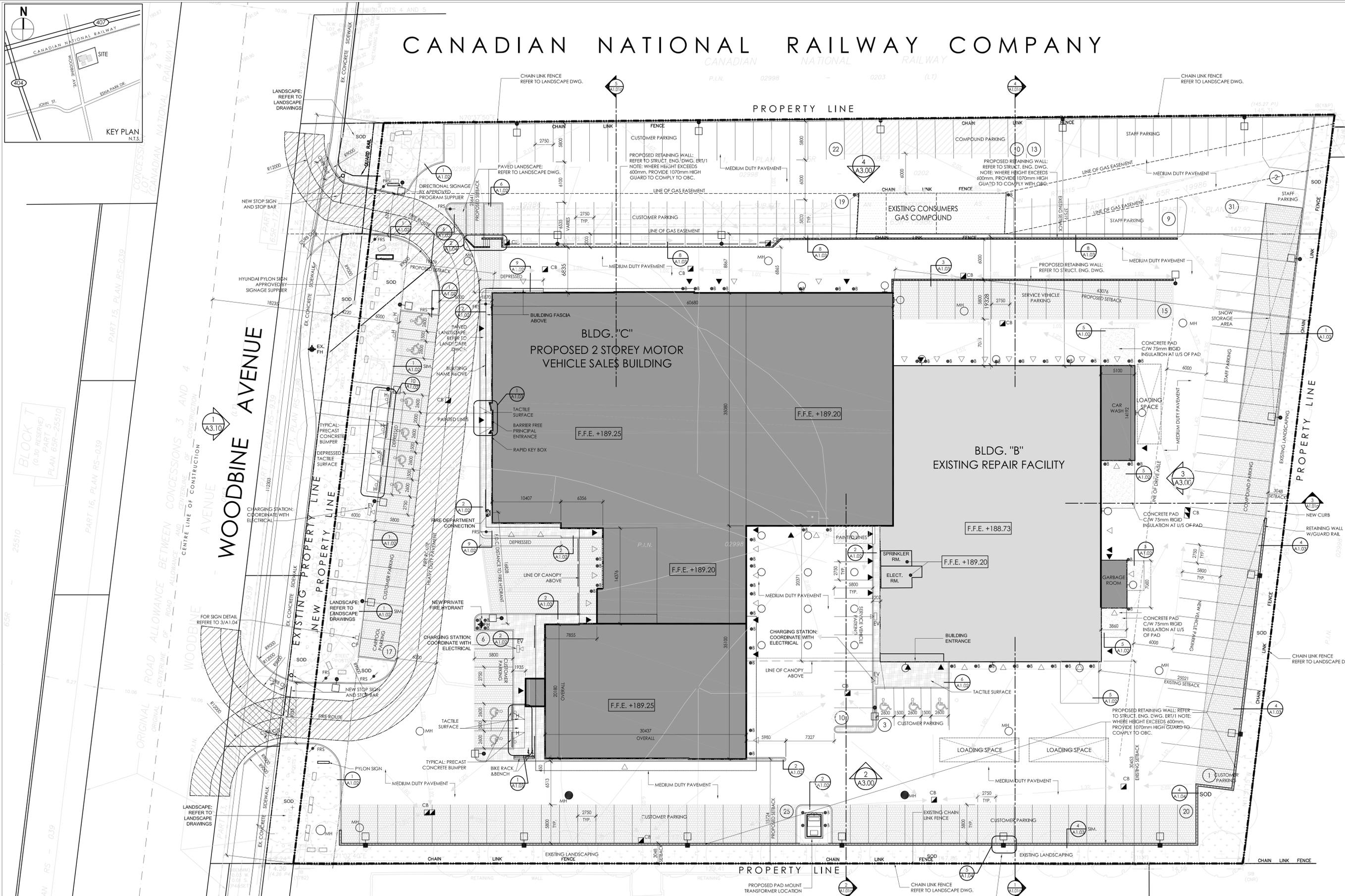
1: 4,514



229.3 0 114.66 229.3 Meters

Notes

CANADIAN NATIONAL RAILWAY COMPANY



GEODETIC NORTH
OWNER INFORMATION:
NAME: WEBER CANADA
ADDRESS: 3120 STEELES AVE. E.
MARKHAM, ONTARIO, L3R 0Y7
PHONE NO.: 905-473-0338 ext.213
E-MAIL: hyc@opm.com

PROJECT NORTH
APPLICANT INFORMATION:
NAME: WEBER CANADA
CONTACT: KEN YOKOTA
E-MAIL: hyc@opm.com

Rev	Description	Date
10	ISSUED FOR SPA 4 - COMMENTS	SEPT 23/20
9	ISSUED FOR C of A VARIANCE	SEPT 21/20
8	ISSUED FOR CM RFP	JULY 20/20
7	ISSUED FOR SPA 3 - COMMENTS	JULY 17/20
6	ISSUED FOR SPA 2 RESPONSE TO COMMENTS	MAR. 26/20
5	ISSUED FOR CM RFP	FEB. 12/20
4	ISSUED FOR SPA	DEC. 06/19
3	ISSUED FOR OWNER REVIEW	NOV. 06/19
2	ISSUED FOR OWNER REVIEW	SEPT. 10/19

Issues/Revisions



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MARKHAM, ONTARIO

SITE PLAN

PROJECT No.: 2019.007
SCALE: 1:250
DATE: MARCH 2019
FILE: 2019.007
DWG. No.: **A1.01**
REGION SITE PLAN FILE NO.: SP.19.M.0307
CITY SITE PLAN FILE NO.: SPC.19.141563

NOTE:
1. FOR LEGEND, STATISTICS AND SITE PLAN NOTES REFER TO A1.01a

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