

Memorandum to the City of Markham Committee of Adjustment

July 2, 2020

File: A/048/20
Address: 220 Cachet Woods Court, Markham
Owner: Magdi Wanis, 10057428 CANADA CORP.
Agent: Corbett Land Strategies Inc. (Nick Wood)
Hearing Date: July 9, 2020

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

The applicant is requesting relief from the requirements of By-law 165-80, as amended to permit:

- a) **Section 6.4.1 (b):**
retail stores as a permitted use, whereas the By-law does not permit the use;
- b) **Section 6.4.3 (a):**
a maximum allowable floor area ratio of 130 percent, whereas the By-law permits a maximum of 70 percent;
- c) **Section 4.6.2 (d)(i):**
a minimum front yard setback of 3.0 m (9.84 ft.), whereas the By-law requires a minimum front yard setback of 12.0 m (39.37 ft.);
- d) **Section 5.2 (d)(iii):**
a minimum (north) interior side yard setback of 3.0 m (9.84 ft.), whereas the By-law requires a minimum interior side yard of 7.92 m (25.98 ft.);
- e) **Section 5.2 (d)(iii):**
a minimum (south) interior side yard setback of 6m, whereas the By-law requires a minimum interior side yard of 7.92 m (25.98 ft.);
- f) **Section 4.7.1 (b):**
a minimum landscape strip along Cachet Woods of 3.0 m (9.84 ft.), whereas the By-law requires a minimum of 6.0 m (19.68 ft.);
- g) **Parking By-law 28-97, Section 6.1.3:**
0.0 m setbacks for parking garages partially below grade, whereas the By-law only permits 0.0 m setbacks for parking garages entirely below grade;

The requested variances relates to a proposed 5-storey office building on the subject property.

COMMENTS

Application Processing

This application was initially scheduled to be heard on **April 8, 2020**; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal.

The Planning Act Emergency Regulations have ended

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.

Staff is currently reviewing an associated Site Plan application for the proposed 5 storey office building on the subject property (file no. SPC 20 112535). Based on a review of the site plan submission drawings, it appears the requested variances noted above cannot be confirmed as they were based on a previous Zoning Preliminary Review of drawings that are different than those submitted with the variance and site plan applications. Consequently, Staff recommend that the application be deferred sine die to provide the applicant an opportunity to confirm the required variances. The applicant has been made aware of staff's recommendation and have confirmed they concur with a deferral of the variance application application.

PREPARED BY:

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REVIEWED BY:

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