

# **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 m<sup>2</sup> (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.

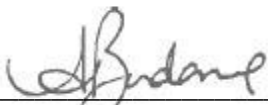
PREPARED BY:



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Luis Juarez, Planner, Central District

REVIEWED BY:



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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)\MVa



**APPENDIX “A”**

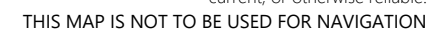
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/065/20**

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:

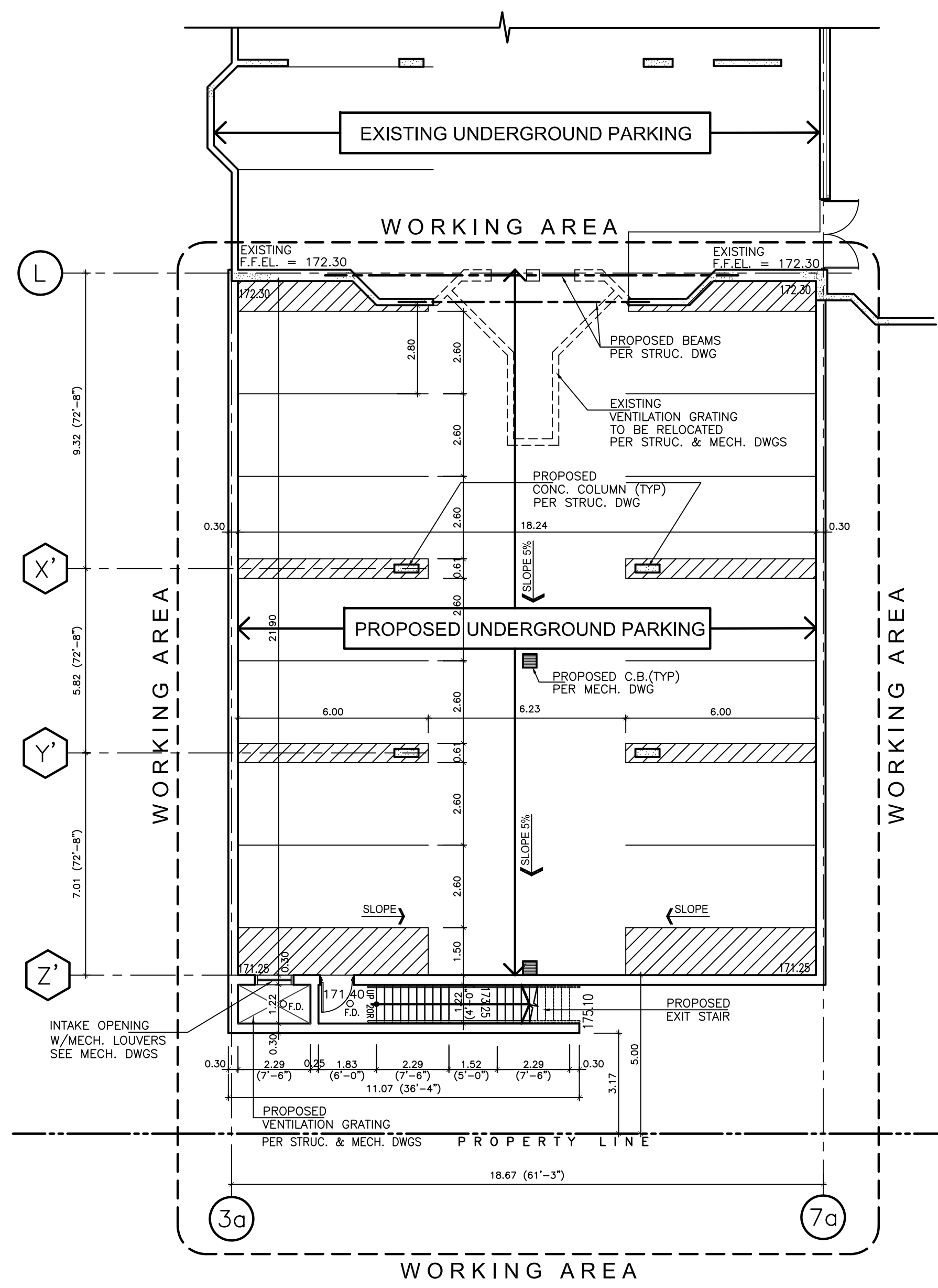
A handwritten signature in black ink, appearing to read "Juarez", written over a horizontal line.

Luis Juarez, Planner, Central District





## Appendix "C"

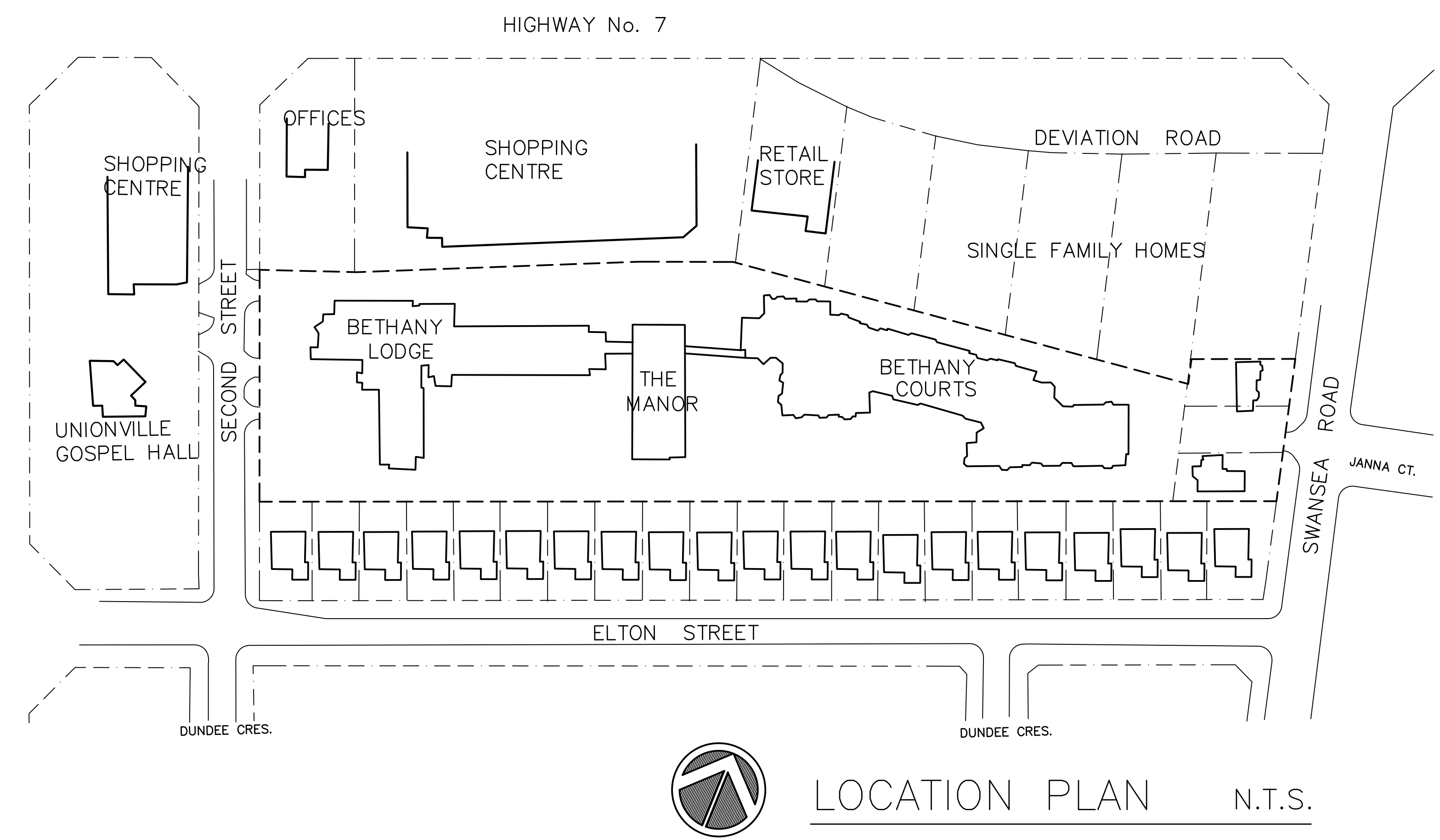


PROPOSED EXPANSION UNDERGROUND PARKING  
SCALE: 1:125

<p align="center"><b>CALCULATION PARKING SPACES (UNDERGROUND LEVEL)</b></p>	
EXISTING	- 72
DEMOLISHED	- 0
PROVIDED	- 14
<u>TOTAL</u>	<u>- 86</u>

### 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

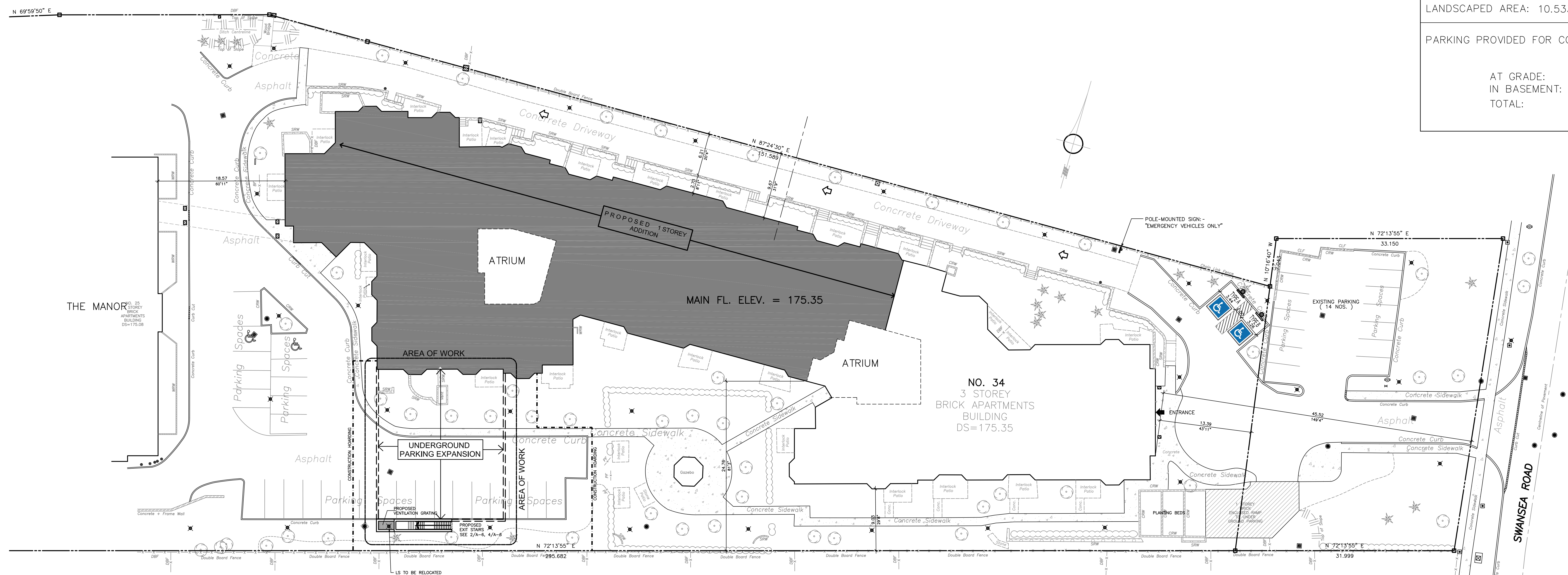
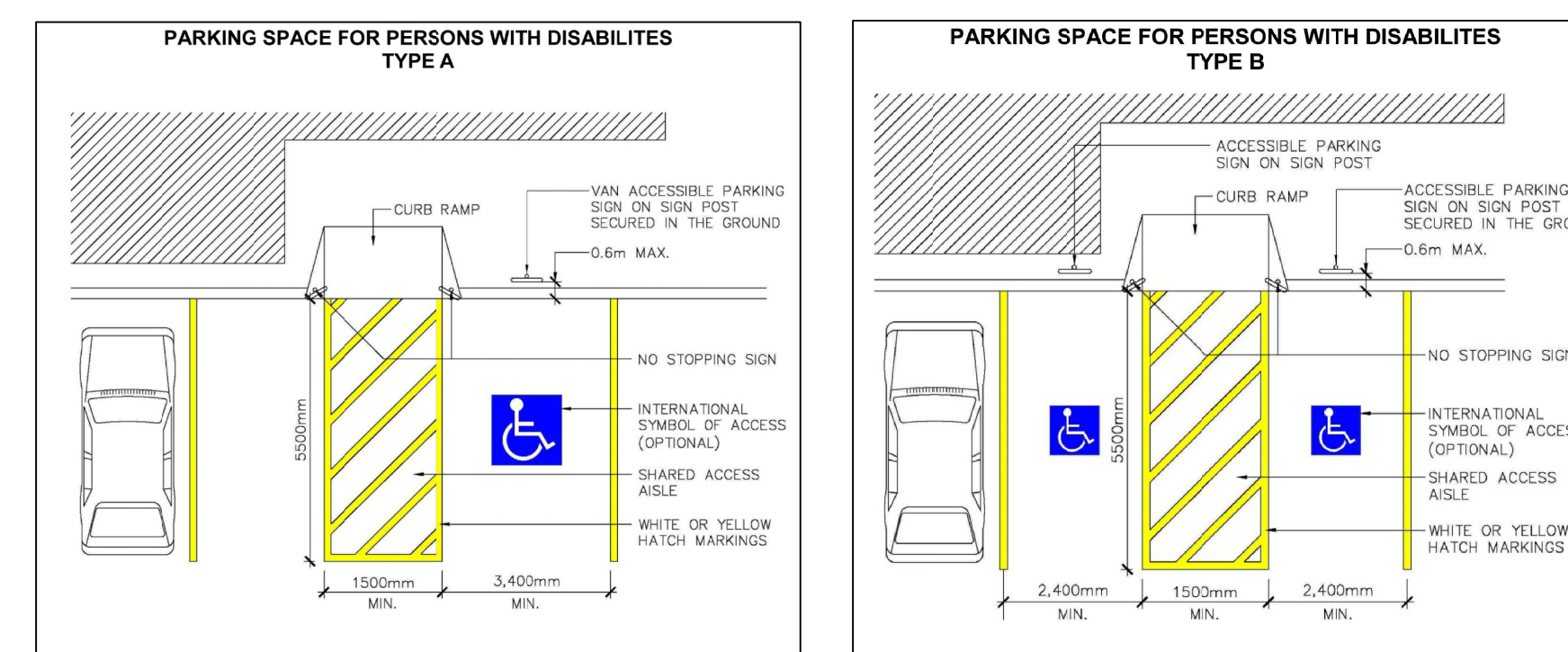
This drawing to be read in conjunction with:  
Landscape Drawings by  
ALEXANDER BUDREVICS + ASSOCIATES LTD.  
and Civil Engineering drawings by  
STANTEC CONSULTING LTD.

## SITE STATISTICS

A R E A C A L C U L A T I O N	
ADDITION ONLY	
TOTAL GROSS FLOOR AREA	2,039.58 SF
	21,953.82 SF
TOTAL GROSS FLOOR AREA NON-RESIDENTIAL	48.08 SF
ELEVATORS, STAIRS, FHC's ELECTRICAL CLOSETS, SHAFTS, CHUTE, GARBAGE ROOM	517.52 SF
TOTAL FLOOR AREA	1,991.50 SF
	21,436.30 SF

PRESENT ZONING:	O-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		
	EXISTING	NEW	TOTAL
LOT AREA:	2.180Ha	-----	2.180Ha
PRONTAGE:	46.158m (Swansea Rd.)	-----	46.158m
COVERAGE:	6.563m2 (30.1%)	-----	6.563m2 (30.1%)
GROSS FLOOR AREA (BETHANY COURTS):			
	9,786m2	2,039.58m2	11,825.58m2
PAVED AREA:	4.704m2	-----	4.704m2
LANDSCAPED AREA:	10.533m2	-----	10.533m2

PARKING PROVIDED FOR COURTS		
	EXIST	PROPOSED
AT GRADE:	28	-----
IN BASEMENT:	72	14
TOTAL:		<u>114</u>




CITY FILE No.  
SC 18 235906



L DRAWINGS & SPECIFICATIONS ARE THE PROPERTY  
THE ARCHITECT AND CANNOT BE USED OR  
PRODUCED WITHOUT HIS APPROVAL.

E CONTRACTORS SHALL CHECK AND VERIFY ALL  
DIMENSIONS ON THE SITE AND REPORT ANY  
DISCREPANCY TO THE ARCHITECT.

L DRAWINGS MUST NOT BE SCALED.

ARCHITECTURAL  
DESIGN INC.

56 PENNSYLVANIA AVE.  
UNIT 1  
CONCORD, ONT. L4K 3V9  
TEL 905 660-9393  
FAX 905 660-9419

PROJECT  
PROPOSED  
MODIFICATIONS & ALTERATIONS  
TO EXISTING BUILDING  
FOR: BLACKHORN  
AT: BETHANY COURTS  
CITY OF MARKHAM

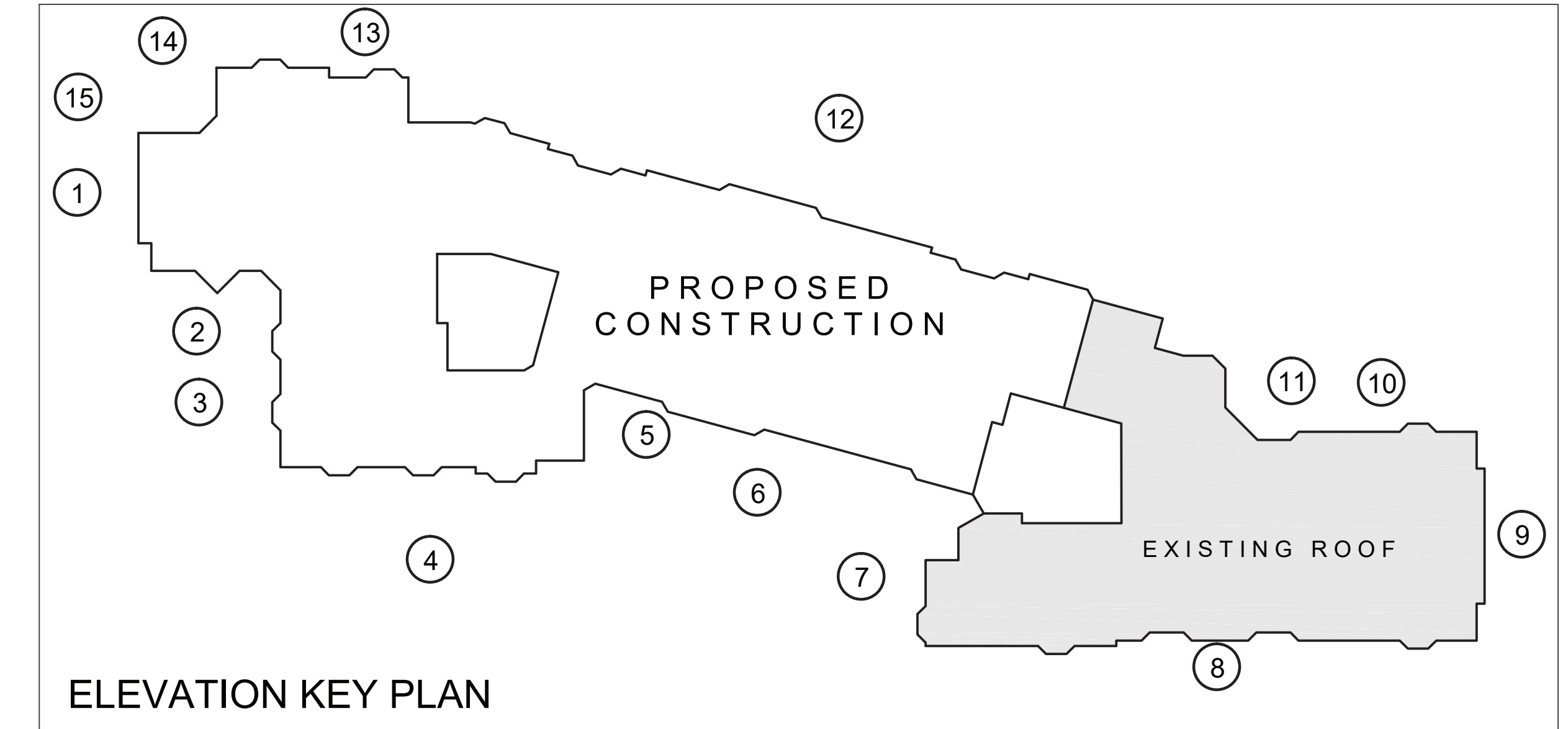
## AWING SITE PLAN

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WN		18-005

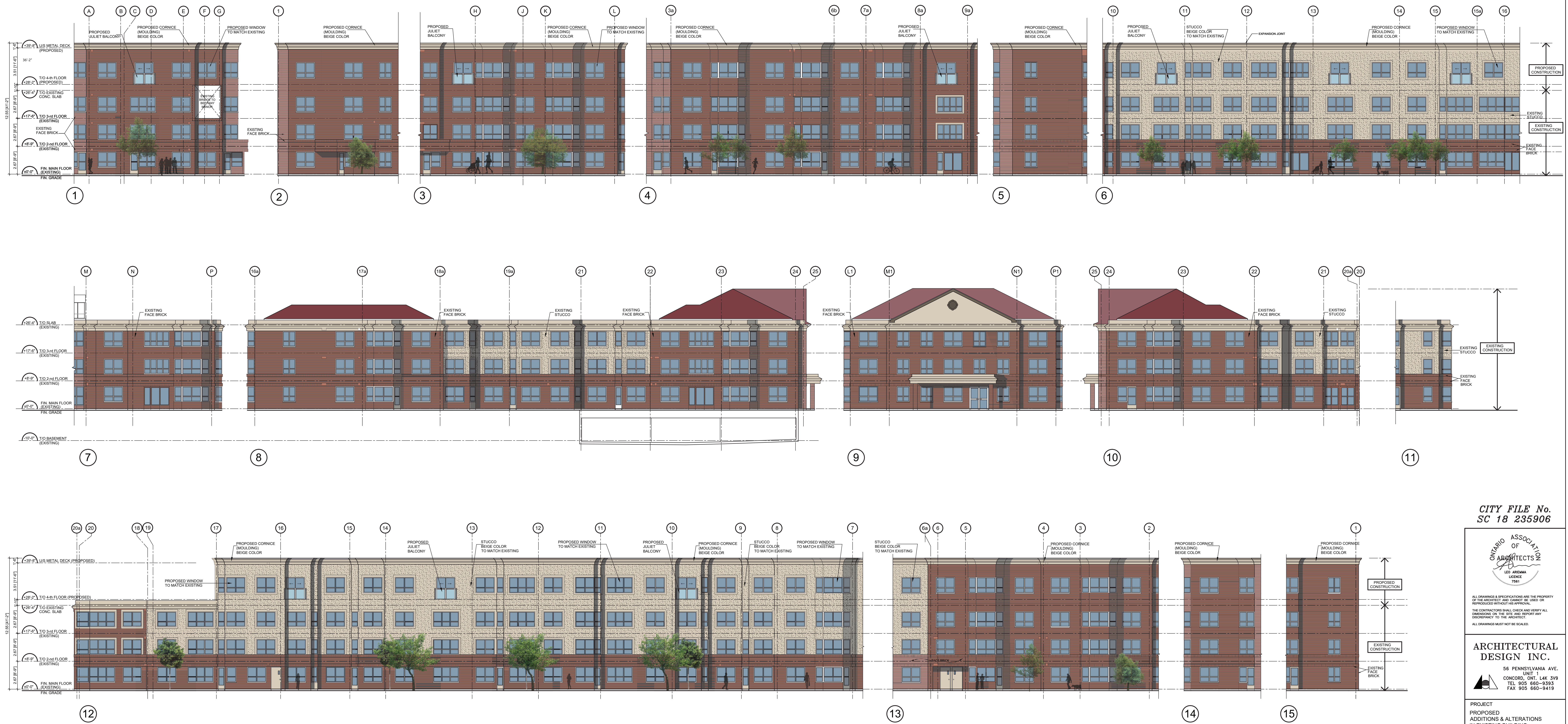
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REVISIONS	
#	DATE
1	ISSUED FOR COORDINATION JUL 31/18
2	ISSUED FOR SPA AUG 5/18
3	ISSUED FOR SPA NOV 2/18
4	ISSUED FOR MINOR VARIANCE MAY 13/20
5	ISSUED FOR MINOR VARIANCE MAY 20/20



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**

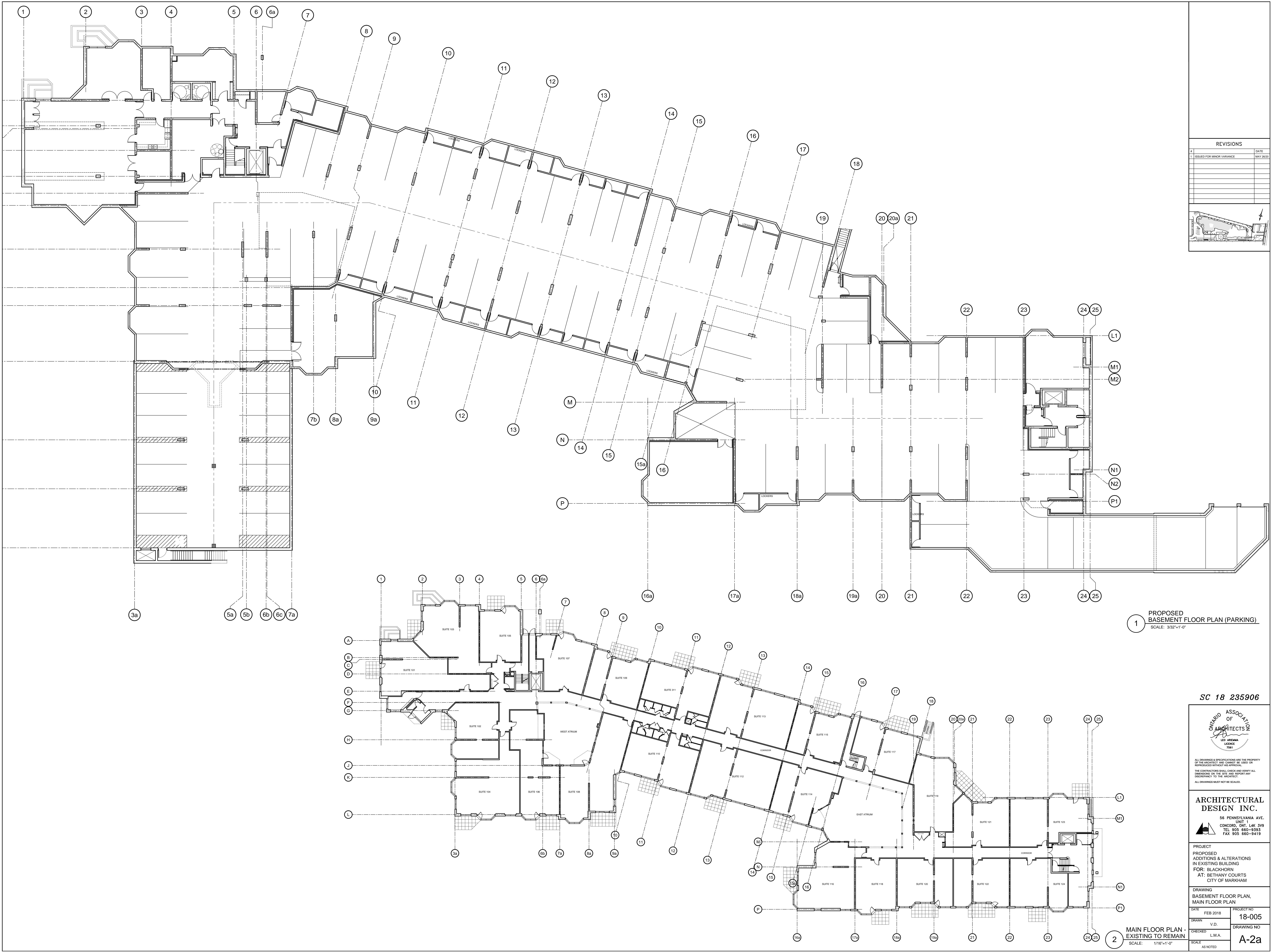
**ARCHITECTURAL  
DESIGN INC.**  
56 PENNSYLVANIA AVE.  
CONCORD, ONT. L4K 3Y9  
TEL: 905 860-8893  
FAX: 905 860-9419

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

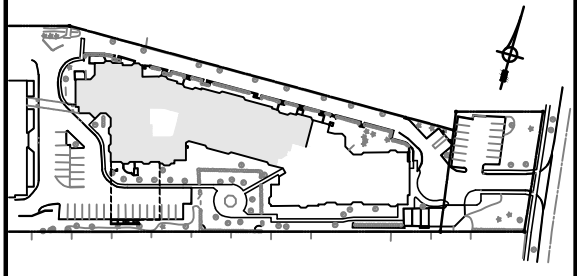
**DRAWING  
ELEVATIONS**

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





REVISIONS	
#	DATE
1	ISSUED FOR MINOR VARIANCE MAY 20/23



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

SC 18 235906

ONTARIO ASSOCIATION OF ARCHITECTS  
L10. ARTEMA  
LICENCE 7561

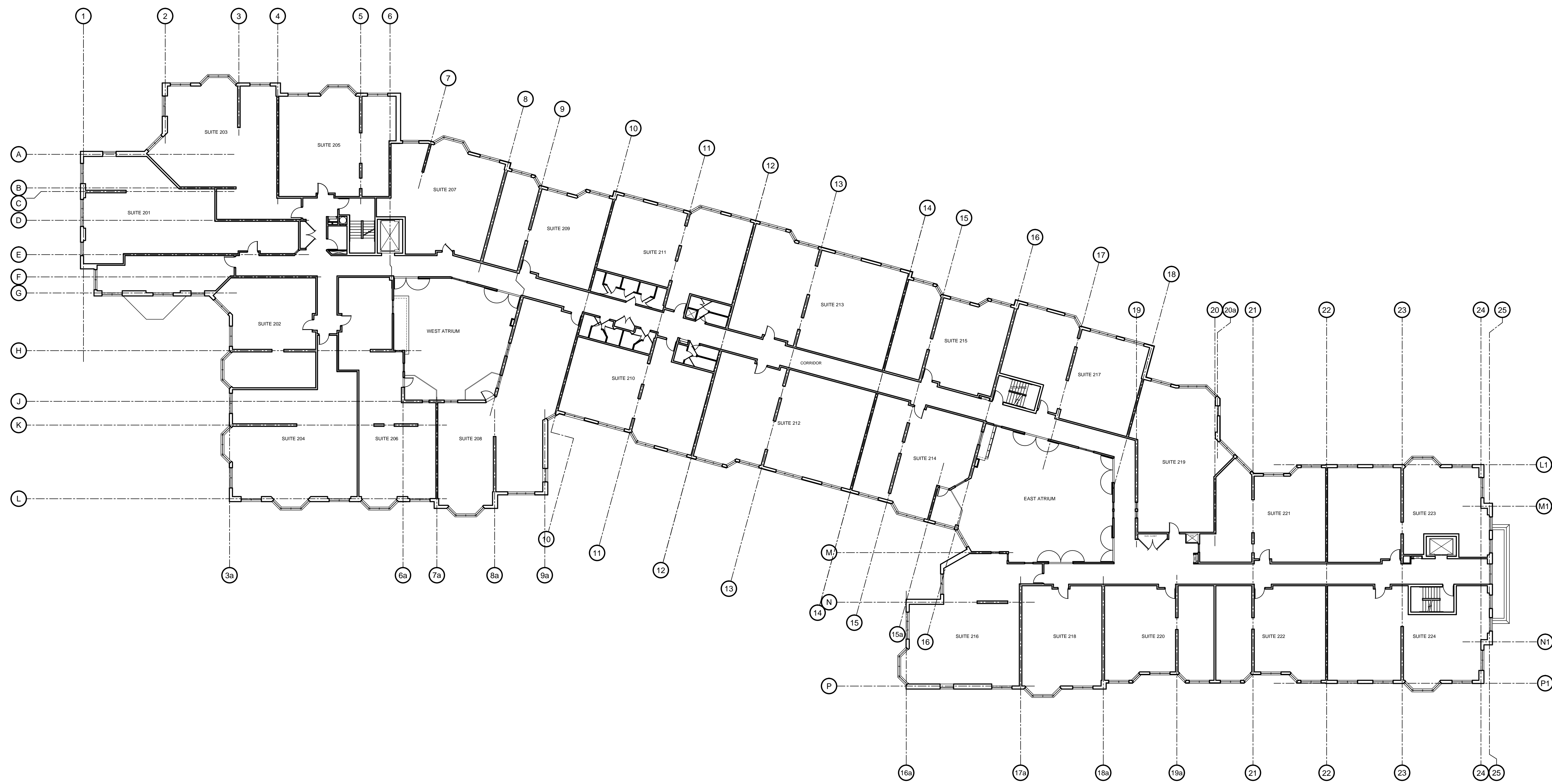
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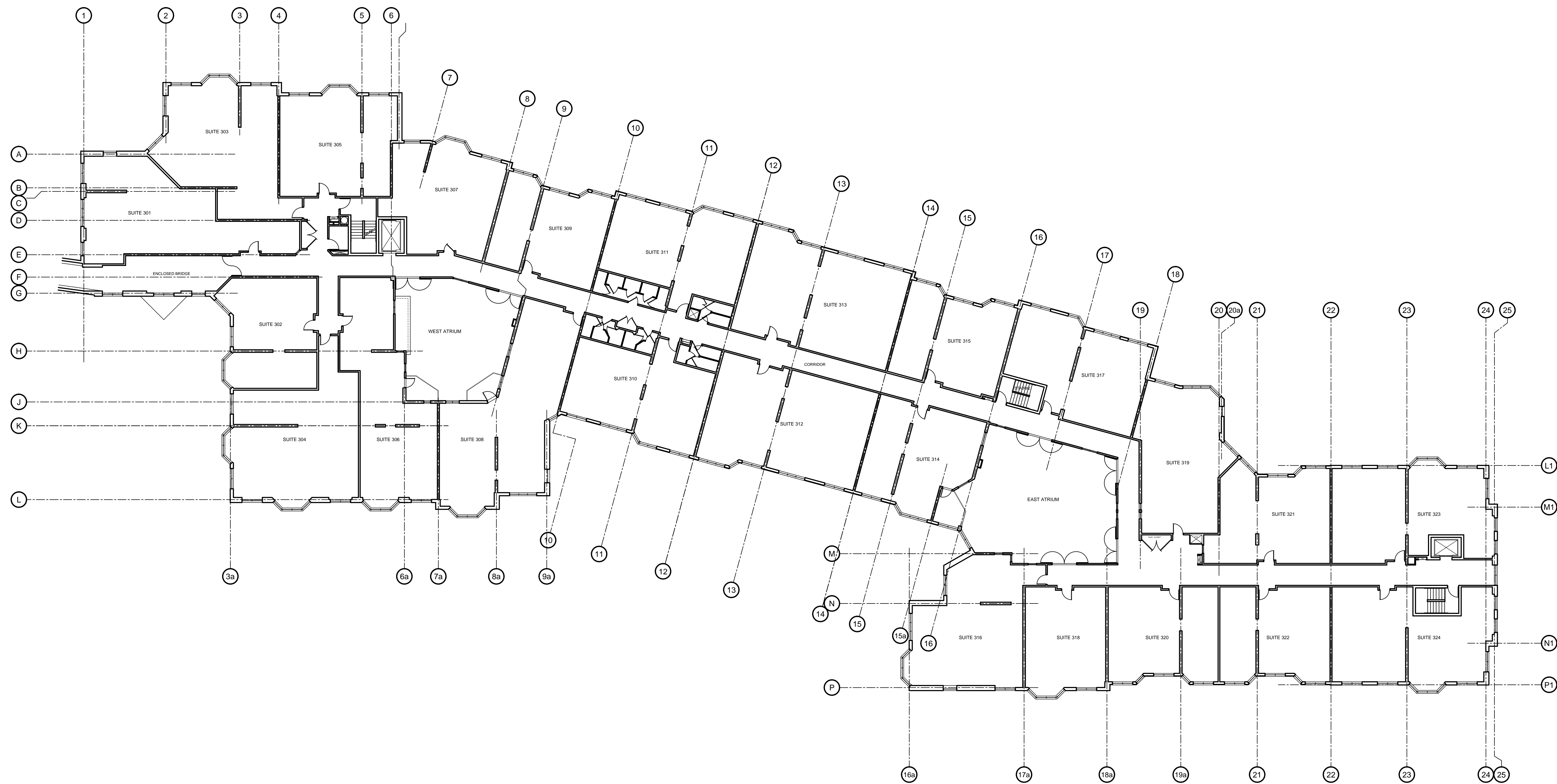
PROJECT  
PROPOSED  
ADDITIONS & ALTERATIONS  
IN EXISTING BUILDING  
FOR: BLACKHORN  
AT: BETHANY COURTS  
CITY OF MARKHAM

DRAWING	
DATE	PROJECT NO.
FEB 2016	18-005
DRAWN	V.D.
CHECKED	L.M.A.
SCALE	AS NOTED

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



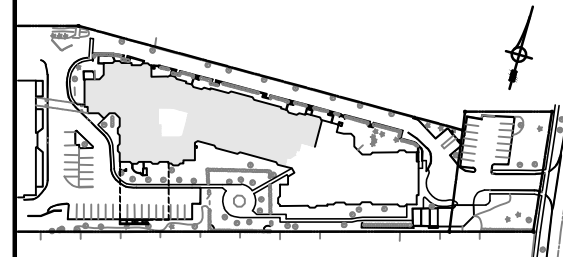
3 SECOND FLOOR PLAN - EXISTING TO REMAIN  
SCALE: 1/16"=1'-0"



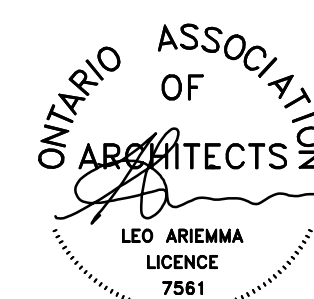
2 THIRD FLOOR PLAN - EXISTING TO REMAIN  
SCALE: 3/32"=1'-0"

# REVISIONS

#	DATE
1	MAY 20/23



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

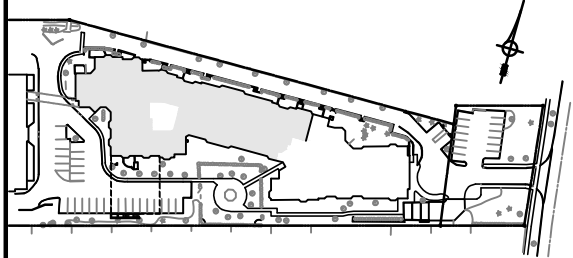
DRAWING  
SECOND & THIRD FLOOR PLANS

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





REVISIONS	
#	DATE
1	ISSUED FOR MINOR VARIANCE MAY 20/23



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  
4th FLOOR PLAN

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