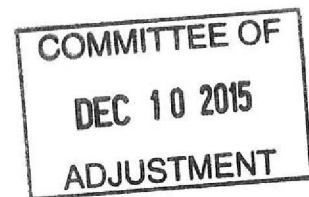




PLANNING AND BUILDING SERVICES

Town of Newmarket
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REPORT

TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: December 4, 2015

RE: Application for Minor Variance **D13-A27/2015**
Units 5 & 6, Level 1, York Region Standard Condominium Plan No. 992
Town of Newmarket
Made by: Nadtochii, Iana and Yuri

1. RECOMMENDATIONS:

That Minor Variance Application D13-A27/2015 be approved, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application; and
2. That the development be substantially in accordance with the sketch submitted with the application; and
3. That no additional commercial athletic centre or additional gross floor area devoted to a commercial athletic centre beyond that of the current applicant is permitted on the subject lands.

2. APPLICATION:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to permit a parking provision that is less than the required number of spaces. This variance is required by the applicant in order to be in compliance with the zoning by-law.

The above-described property (herein referred to as the "subject lands") is located in the Town's employment lands, specifically on the south side of Kerrisdale Boulevard east of Leslie Street. There are two multi-unit single storey buildings on the site surrounded by a parking lot, and are surrounded by similar buildings.

3. BACKGROUND:

The applicant is requesting relief from the By-law in order to reduce the number of required parking spaces. The specific request is to reduce the number of spaces from 31 to 14 spaces. The Town's Comprehensive Zoning By-Law 2010-40 classifies a circus school as a Commercial Athletic Centre, and assigns it a minimum number of off-street parking spaces at the same rate as a Community

Centre, Outdoor Recreation Facility, or Sports Arena, at 1 space per 14 square metres of gross floor area.

The 1150-1160 Kerrisdale Boulevard complex was built in 2002 and is similar in design to many industrial properties in Newmarket's employment lands. It was designed to an industrial standard, with high ceilings and a number of parking spaces in conformity with the originally-intended industrial use. With the departure of many manufacturing jobs from Ontario, there have been rising vacancy rates in industrial properties, with Newmarket having an industrial vacancy rate of 12.5% in 2014. This has led to new types of uses expressing interest in locating in sites such as 1150 Kerrisdale Boulevard due to amenable physical configurations and comparably low rents. In cases such as this, a new potential use may have a land use which is permitted on the site, but a parking demand higher than the initial industrial use's design.

The applicant intends to open a circus school in two of the twelve units on the subject lands. The applicant's business has operated in Newmarket for the past two decades on Kerrisdale Boulevard. Information has been submitted that the business' historical parking demand has been substantially lower than the rate required by the Town's zoning by-law, and rarely exceeds 10 vehicles. The applicant has also visited the Kerrisdale Boulevard site and provided photos and vehicle counts to demonstrate that existing parking demand on the site is lower than the rate required by the Town's zoning by-law.

The 1150-1160 Kerrisdale Boulevard complex contains 12 units which contain a range of uses, including a library wholesaler, label machine manufacturing, an office, and fastener manufacturing. The site has 84 parking spaces, including two barrier-free parking spaces. The parking requirement for the established tenants varies depending on their type of use. In addition, the peak parking demand as described by the applicant as explained will occur later in the day than much of the parking demand for the existing tenants, avoiding potential parking conflict.

4. PLANNING CONSIDERATIONS:

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Mixed Employment" in the Town's Official Plan. This designation permits commercial athletics centres, as set out in section 6.3.2 of the Official Plan. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Mixed Employment (EM) Zone by By-law Number 2010-40, as amended. A commercial athletic centre is permitted in this zone. The general intent of off-street parking requirements is to ensure that each property is able to provide space for the vehicles of its visitors without needing to spill over and park on adjacent properties and nearby streets. The intent is met by this application by providing sufficient parking by recognizing that the parking demand of this use is less than the established zoning requirement, and that it occurs at a different time of day than the other uses on the site.

It is desirable to permit this use and to have a mix of uses on the subject lands. This is in keeping with both the Official Plan and the Zoning By-law. The principle of parking spaces that are shared between different land uses is recognized elsewhere in the zoning by-law for mixed office and residential uses, and allows for a more efficient use of parking by having complementary land uses share the same space and reduce the amount of time that parking spaces stand empty.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the proposed variance appears to be minimal as there is sufficient parking for the established tenants and the applicant, and the peak parking demand for the applicant will occur outside of the peak demand time for the established tenants.

In addition, Town staff have prepared included conditions to the variance to ensure that parking demand is managed appropriately on-site. These include that the subject lands not be permitted to have any additional units or area devoted to a commercial athletic facility. Such conditions have been previously implemented in similar cases.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

4. OTHER COMMENTS:

Engineering Services has reviewed the application and advised that they cannot support the requested variance. If Committee approves the variance, Engineering Services recommends restrictions on the approval to limit the proposed use to prohibit further expansion. Comments from Engineering Services are attached to this application.

Building Services has reviewed the application and advised that they have no objections. Comments from Building Services are attached to this application.

5. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties appears to be minimal due to ability to manage the parking demand on-site; and
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit commercial athletic centre uses on the property; and
- (3) does not adversely affect the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,



Ted Horton
Planner

copy: R. Prudhomme, M.Sc., P. Eng. – Director, Engineering Services

Pelham, Kym



From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: December-08-15 10:52 AM
To: Pelham, Kym
Subject: FW: D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6
Attachments: 2015 - D13-A27 (Nadtotchii) Application.pdf; 2015 - D13-A27 (Nadtotchii) Notice.pdf

Good Morning Kym,

The Region of York has completed its review of the above Minor Variance application and has no objection.

Regards,
Gabrielle

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement Section of the Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

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Our Values: Integrity, Commitment, Accountability, Respect, Excellence

From: Bilkhu, Vick
Sent: Wednesday, December 02, 2015 8:50 AM
To: Hurst, Gabrielle
Subject: FW: D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Wednesday, December 02, 2015 8:41 AM
To: Bilkhu, Vick
Subject: D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A27-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks
Kym



Kym Pelham, ACST
Committee Secretary
Planning and Building Services
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905-953-5140 (fax)
kpelham@newmarket.ca
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COMMITTEE OF
DEC - 8 2015
ADJUSTMENT

MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services

FROM: M. Kryzanowski., Senior Transportation Coordinator

DATE: December 7, 2015

RE: Committee of Adjustment
Application for Minor Variance, File No. D13-A27-15
1150 Kerrisdale Boulevard
Town of Newmarket, Ward 3
ES File No.: D21 D.22.39.48

We herein acknowledge receipt of the minor variance application as follows:

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 14 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 31 parking spaces.

The application has a short supporting document which includes an outline of the operations, an operating brochure, a one-day parking count, and pictures. The supporting document was not prepared by a professional consultant.

Based on the information provided, Engineering Services cannot support the requested variance. Engineering Services is concerned that the level of parking variance may be excessive with no available on-street parking or municipal parking lots in the area.

However, if the Committee does approve the variance, then there should be restrictions on the approval to limit the proposed use to a specific number of units requested for prohibit further expansion.

Sincerely,

ENGINEERING SERVICES

A handwritten signature in blue ink, likely belonging to M. Kryzanowski.

M. Kryzanowski, BES, MCIP, RPP
Senior Transportation Coordinator

MK014M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
K. Pelham, Committee Secretary



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COMMITTEE OF
DEC - 3 2015
ADJUSTMENT

MEMORANDUM

TO: Committee of Adjustment


FROM: David Potter, CBCO, B. Tech., MAATO
Chief Building Official

DATE: December 3, 2015

RE: Application for Minor Variance

File no: D13-A27-15

I have reviewed the above and have no objection based on declared occupant load of 35 on OBC Data Matrix.


for David