

Memorandum to the City of Markham Committee of Adjustment

November 14th, 2024

File: A/083/24
Address: 10950 Woodbine Avenue, Unit 4, Markham
Agent: Jeffrey Huang
Hearing Date: Wednesday, November 20, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, Business Park (BP), as amended, to permit:

a) By-law 28-97, Section 3.0 Table B, Industrial Uses:

a parking rate of 2 parking space per premises plus 1 parking space for every 200 m² of Gross Floor Area (GFA) for industrial uses, whereas the by-law requires a parking rate of 1 parking space per 40 m² of net floor area of each premises up to 1,200 m², 1 parking space for each 100 m² of net floor area of each premises between 1,200 m² and 6,000 m², and 1 parking space for each 200 m² of net floor area of each premises in excess of 6,000 m²;

as it relates to the expansion of the condo unit to accommodate HVAC equipment

BACKGROUND

Property Description

The 9,345.8 m² (100,588.74 ft²) subject property is located on the west side of Woodbine Avenue, south of Mobis Drive and west of Honda Boulevard. The subject property is currently developed with two industrial warehouse buildings. A previous Minor Variance application was approved in 2023 for the subject property (File A/182/23), which included a variance for a reduction in parking. It should be noted this Minor Variance application proposes a further reduction to the parking requirement for the subject property.

Proposal

The applicant is proposing to expand the area of Unit 4 to accommodate additional storage for HVAC equipment. No change to the exterior massing of the building is proposed.

Official Plan and Zoning

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

The subject property is designated "Business Park Employment" in the 2014 Official Plan. This designation is intended to provide for prestige, larger scale, industrial and office development in business park settings with high visibility and access to 400 series highways, arterial roads, and transit services. Uses provided for in the "Business Park Employment" designation include: office, manufacturing, warehousing, hotel, and trade and convention centre. These lands are also subject to the Highway 404 North (Employment) Area and Site-Specific Policies under Section 9.10 of the Official Plan. Policies 9.10.4 state, until an updated secondary plan is approved for the Highway 404 North (Employment) lands, the provisions of the Official Plan (Revised 1987), and the current Highway 404 North Secondary Plan, shall apply to the lands.

1987 Official Plan and Highway 404 North Secondary Plan

The 1987 Official Plan designates the subject property Industrial – “Business Park Area” under the 1987 Official Plan and Highway 404 North Secondary Plan. The intended function of these designations is for the development of office/industrial business parks characterized by high design standards including corporate head offices and research facilities. The visual attractiveness is of prime importance. Retail and service uses are strictly controlled.

The objective of the Highway 404 North Secondary Plan is to develop a significant employment area while accommodating a minor extension of the planned residential development. The Business Park Area designation provides for uses such as office, light industrial, accessory retail uses, hotels, institution uses, banks, and trade and conventions centres.

Zoning By-Law 177-96

The subject property is zoned Business Park (BP) under By-law 177-96, as amended, which permits uses such as banquet halls, business offices, financial institutions, hotels, industrial uses, medical offices, and trade and convention centres.

Parking Standards By-law 28-97

The proposed development does not comply with the standards of Parking By-law 28-97 with respect to minimum parking space requirements. Further discussion relating to the proposed parking variance is provided in the comments below.

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, *“We are requesting relief from the parking standard bylaw to expand our unit area. This change is crucial for us to accommodate additional storage for HVAC equipment to meet growing demand”*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (24.176400 NH) 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.

Reduced Parking Rate Variance

The Owner is proposing a parking rate of 2 parking spaces per premises, plus 1 parking space for every 200 m² of gross floor area, whereas, the By-law requires a parking rate of 1 parking space per 40 m² of net floor area of each premises up to 1,200 m², 1 parking space for each 100 m² of net floor area of each premises between 1,200 m² and 6,000 m², and 1 parking space for each 215 m² of net floor area of each premises in excess of 6,000 m².

With this variance, the total parking spaces will increase to 158 surface parking spaces. The site currently provides 152 surface parking spaces. Transportation Staff have reviewed the proposal and have confirmed they have no concerns with the proposed parking increase. The proposed parking rate is consistent with the City's Comprehensive Zoning By-law 2024-19. Staff is of the opinion that the requested variance is minor in nature and have no concern with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 14, 2024. 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 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/083/24

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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District

Appendix B

File: 24.184662.000.00.MNV

Date: 11/14/2024
MM/DD/YYYY

ADDRESS: 10950 WOODBINE AVE, UNIT 4 MARKHAM ON L4C 0H9

ZONE: BP- BUSINESS PARK (BYLAW 177-96)
PROPOSED USE: WAREHOUSE WITH ACCESSORY OFFICE

EXISTING SITE STATISTIC

TOTAL LOT 2 AREA 25,600 m² (2.56 ha)

LOT INFORMATION

TOTAL GROUND FLOOR AREA (m²) 8,291.29 m²
CONDO 1 5,106.01 m²
CONDO 2 3,185.28 m²
TOTAL BUILDING GFA (m²) 8,291.29 m²

EXISTING GFA OF BOTH BUILDINGS PER CITY RECORD (GFA HAS BEEN UPDATED) 9,345.8 m²

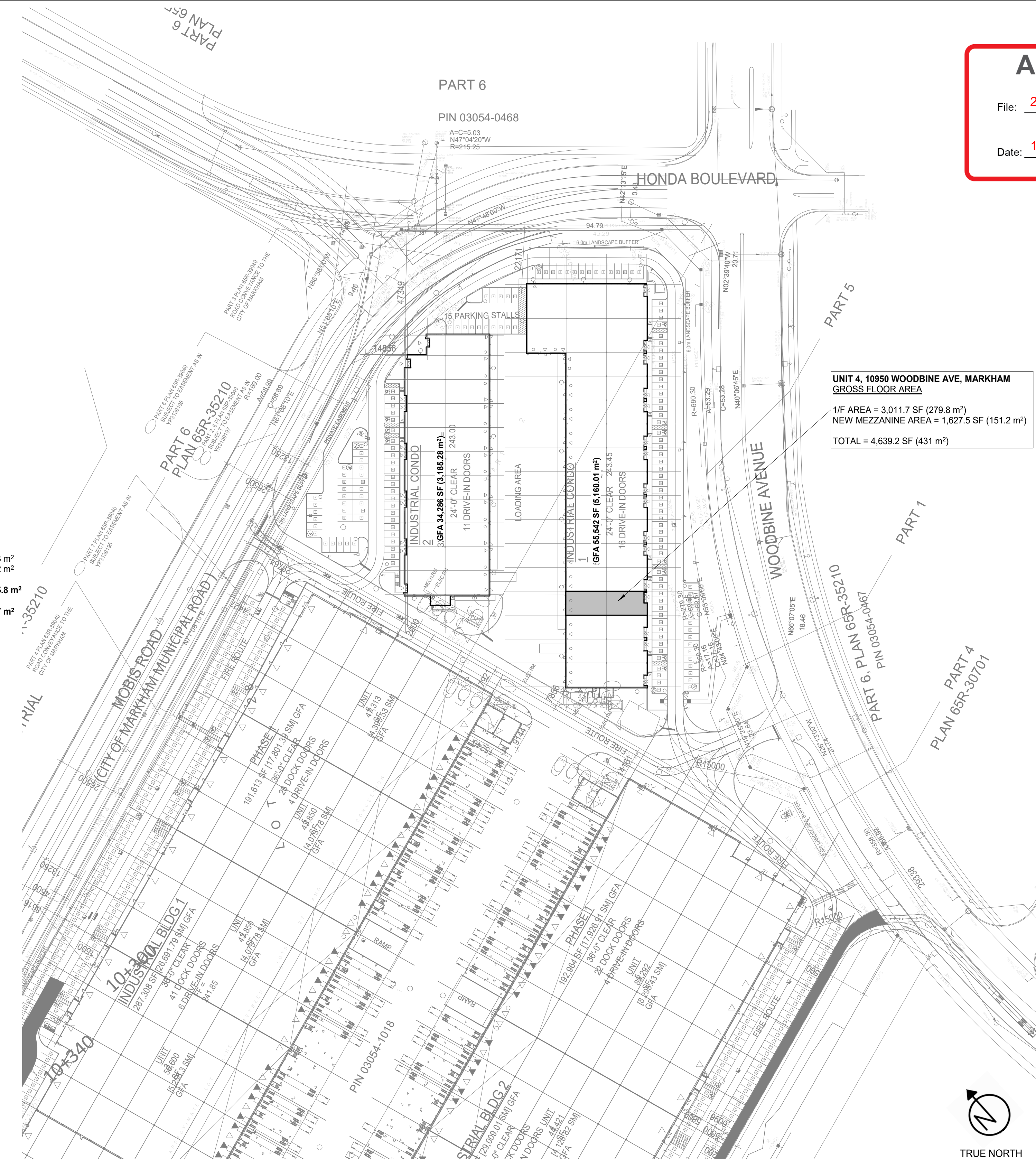
CITY OF MARKHAM PARKING BYLAW STANDARDS BYLAW 28-97

Industrial Uses	
1. <u>net floor area</u> of each premises up to 1200 square metres	1. 1 <u>parking space</u> per 40 square metres or portion thereof of <u>net floor area</u>
2. <u>net floor area</u> of each premises between 1200 square metres up to 6000 square metres	2. 1 <u>parking space</u> per 100 square metres or portion thereof of <u>net floor area</u>
3. <u>net floor area</u> of each premises greater than 6000 square metres	3. 1 <u>parking space</u> per 200 square metres or portion thereof of <u>net floor area</u> (234-97)

PARKING CALCULATION

EXISTING AREA OF UNIT 4 (NET AREA - m ²)	279.8 m ²
ADDITION AREA OF UNIT 4	151.2 m ²
EXISTING GFA OF BOTH BUILDINGS PER CITY RECORD	9,345.8 m²
NEW BUILDING GFA AFTER INCREASE AREA OF UNIT 4	9,497 m²
TOTAL EXISTING PARKING ON SITE (CONDO 1 + CONDO 2)	152
TOTAL PARKING SPACE (AFTER INCREASE AREA OF UNIT 4)	158

EXISTING SITE PLAN
(NOT TO SCALE)



UNIT 4, 10950 WOODBINE AVE, MARKHAM GROSS FLOOR AREA
1/F AREA = 3,011.7 SF (279.8 m²)
NEW MEZZANINE AREA = 1,627.5 SF (151.2 m²)
TOTAL = 4,639.2 SF (431 m²)



BETTERVIEW CONSTRUCTION LTD.

60 West Wilmot St, Unit-1, Richmond Hill, ON L4B 1H8
www.betterviewltd.ca

REVISION		
NO	DESCRIPTION	DATE
01	FOR REVIEW	2024.09.25

PROJECT ADDRESS:
**10950 WOODBINE AVE,
UNIT 4 MARKHAM ON
L4C 0H9**

CLIENT: ALI FAZAL
CLIENT SIGNATURE/INITIAL:

DRAWING TITLE:
SITE PLAN

DRAWN BY: TD	PAGE:
SCALE: As indicated	A.01