

# Memorandum to the City of Markham Committee of Adjustment

August 23, 2023

**File:** A/135/23  
**Address:** 8636 Reesor Road, Markham  
**Applicant:** Valleyview Gardens (Larry Varlese)  
**Agent:** Sally Campbell  
**Hearing Date:** Wednesday, August 30, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of "RR4" zone under By-law 304-87, as amended, to permit:

- a) **By-law 304-87, Section 7.3:**  
a retail garden centre as an accessory use, whereas the By-law does not permit a retail garden centre;
- b) **By-law 304-87, Section 7.3:**  
a farm labour residence, whereas the By-law does not permit the use;
- c) **By-law 304-87, Section 5.5:**  
a building setback of 26.82 meters from the centerline of an arterial road, whereas the By-law requires a setback of 40m;
- d) **By-law 304-87, Section 7.3:**  
a rear yard setback setback of 1.97 meters, whereas the By-law requires a rear yard setback of 7.5 meters;
- e) **By-law 304-87, Section 7.3:**  
a side yard setback (north side) of 4.7 meters, whereas the By-law requires 7.5 meters;
- f) **By-law 28-97, Section 3.0, table B:**  
a parking rate of 1 space per 34 square meters of net floor area for nursery/garden centre; whereas the by-law requires 1 space per 20 square meters of net floor area for nursery/garden centre;  
  
as it relates to an existing garden centre.

## BACKGROUND

### Property Description

The 3.11 ha (7.68 ac) subject property is located on the west side of Reesor Road, north of Highway 7 East, at the edge of the Cornell Center community. Surrounding area includes residential dwellings to the west, agricultural lands to the north and south, and the Rouge National Urban Park to the east. There is an existing greenhouse on the subject site which has been in operation since the 1980's.

In 2017, the City approved Site Plan Amendment application (File#: SC 17 151151) to allow the expansion of the greenhouse building to approximately 16,000 m<sup>2</sup> (172,222 ft<sup>2</sup>) and addition of parking spaces (121 in total) to support the growing operation of the business. Recently, the owner installed a 269 m<sup>2</sup> (2,896 ft<sup>2</sup>) modular housing unit as a labour residence at the rear of the property to house seasonal foreign workers. There is also a 4,097 m<sup>2</sup> (44,100 ft<sup>2</sup>) garden center for retail sales of perennials and annuals. Refer to Appendix B for the site plan drawing submitted with the application.

## **Proposal**

The owner is seeking relief to allow a retail garden centre and farm labour residence on the subject lands; and reduce the minimum side yard setback, rear yard setback, setback from an arterial road and parking requirements. No new buildings are being proposed on the subject lands.

## **Official Plan and Zoning**

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

The subject lands are designated 'Business Park Employment' in the 2014 Official Plan, which contemplates uses including offices, manufacturing, processing and warehouse use, trade and convention centre, and retail that is accessory to the primary employment uses. Notwithstanding the above designation, the 2014 Official Plan indicates that the subject lands are located within a Key Development Area (KDA) for Cornell Centre, which requires a new Secondary Plan. The policies of the 2008 Cornell Secondary Plan (OPA 168) remain applicable until this new secondary plan is approved for Cornell Centre.

2008 Cornell Secondary Plan (OPA 168)

The 2008 Cornell Secondary Plan designates the subject lands 'Business Park Area', which contemplates uses including offices, light industrial uses, accessory and incidental retail uses to permitted light industrial uses, hotels, research and training facilities, trade and convention centres, and day care centres.

2015 Cornell Centre Draft Secondary Plan Update

In 2015, the Development Services Committee (DSC) received draft land use concepts for the Cornell Centre Secondary Plan update. Additionally, DSC received a draft secondary plan amendment for Cornell Centre at the Statutory Public Meeting in the same year that provided proposed land use designations for Cornell Centre, inclusive of the subject lands. The draft secondary plan proposes to designate the subject lands 'Business Park Area – Business Park Employment', which contemplates the same uses as the 2008 Cornell Secondary Plan.

Zoning By-Law 304-87, as amended

The subject property is zoned 'RR4 – Rural Residential Four' under By-law 304-87, as amended, which permits one single family detached dwelling, agricultural uses (including horticulture and selling of seasonal produce), home occupation, private home day care, and one accessory dwelling unit to a permitted agricultural use.

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the owner has received comments from the building department through their permit process to confirm the variances required.

## **COMMENTS**

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides criteria for the Committee of Adjustment to "authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of the by-law and of the official plan, if any, are maintained."

### Retail Garden Centre

Section 6.1 of By-law 304-87 permits the selling of seasonal produce grown on the subject lands. However, the owner's business has expanded to include the selling of non-seasonal produce as well as other accessory gardening supplies which exceeds the level of retail uses permitted by the Zoning By-law.

The provisions from the "RR4" zone were intended to regulate rural residential lands. However, Cornell Center, being a Key Development Area, is slowly transitioning from originally a rural residential area to a thriving community. The area to the west across Donald Cousens Parkway is currently under development for a range of residential dwellings. The population will continue to increase as intensification occurs. The retail garden center would contribute to the local retail sector in serving the daily needs of area residents. Staff consider the garden center a compatible use with the surrounding lands and would contribute to the creation of a complete community for Cornell Center. Staff have no concern with the requested variance.

### Farm Labour Residence

The by-law permits one single family detached dwelling as an accessory use to a permitted agricultural use on the subject lands. The farm labour residence is not used for occupancy by one family exclusively, and therefore is not permitted by the zoning by-law.

The owner's business has undergone significant expansion since the 1980's. The footprint of the greenhouses had increased from originally 4,000 m<sup>2</sup> (43,055 ft<sup>2</sup>) to now approximately 16,000m<sup>2</sup> (172,222 ft<sup>2</sup>). The business currently provides approximately 70 full-time and part-time jobs. The scale of the operation has become increasingly similar to an employment use. The farmer labour residence would accommodate additional foreign workers during high season and thereby support the operation of the business at its full capacity. Staff do not anticipate the variance will adversely affect the viability of any nearby employment uses as the majority of the surrounding employment lands are still vacant farmlands. Staff are of the opinion that the farm labour residence is considered as an appropriate accessory use to the greenhouse and have no concern with the requested variance.

### Setback from an Arterial Road

The existing labour residence provides a setback of approximately 26.82 m (87.99 ft) from the centreline of Donald Cousens Parkway, whereas the by-law requires a minimum setback of 40 m (131.23 ft) from the centreline of an arterial road. This represents a deficiency of 13.18 m (43.24 ft).

Donald Cousens Parkway is owned and operated by York Region. In the early 2000's, York Region expropriated a portion of the subject lands to accommodate the construction of Donald Cousens Parkway. Through the review of this application, York Region has not identified any road widening requirement for this section of Donald Cousens Parkway and confirmed that they have no concern with the variance.

The labour residence is adequately screened by the existing mature vegetation along Donald Cousens Parkway. Combined with a generous separation distance of approximately 16 m (52.49 ft) from the public side walk, staff are of the opinion that the requested setback reduction would result in minimal impact on the overall appearance of the arterial road.

### Rear Yard Setback Reduction

The existing labour residence has a rear yard setback of 1.97 m (6.46 ft), whereas the by-law requires a minimum rear yard setback of 7.5 m (24.6 ft). This represents a deficiency of 5.53 m (18.14 ft).

The labour residence only occupies the northwest corner of the site while the majority of the rear yard will remain open with no permanent structures. The main greenhouse building provides a rear yard setback of approximately 15 m (49.21 ft) which is more than what the by-law requires. The labour residence is well away from any residential dwellings. There is a generous separation distance of approximately 16 m (52.49 ft) from the public sidewalk to help alleviate any impact on the public realm. The existing mature vegetation along Donald Cousens Parkway also reduces the visibility of the building. Staff consider the requested setback variance appropriate and have no concern.

### Side Yard Setback Reduction

The existing greenhouse building provides a north side yard setback of 4.7 m (15.41 ft), whereas the by-law requires a minimum side yard setback of 7.5 m (24.6 ft). This represents a deficiency of 2.8 m (9.18 ft).

The original component of the greenhouse building that was constructed in the 1980's has a similar north side yard setback. The construction of the recent expansion with the same side yard setback would be a natural continuation of the building line. There's an existing dense hedge row along the north property line which helps lessen the impact on the adjacent vacant property. Considering the history of the subject lands and its relationship with the adjacent property, staff are of the opinion that the requested variance will result in no negative impact and is considered appropriate.

### Parking Reduction

The By-law requires 1 parking space per 20m<sup>2</sup> of net floor area of garden center/nursery. This means the subject property is required to provide 205 spaces for the existing 4,097 m<sup>2</sup> (44,100 ft<sup>2</sup>) garden center, while there are currently 127 spaces (including 6 barrier-free spaces) on site to serve the business. The owner is requesting relief to permit a parking rate of 1 space per 34 m<sup>2</sup> to rectify parking deficiency.

The owner indicates that the gravel area at the front of the property could be used for overflow parking with about 18 additional spaces. However, the overflow parking spaces do not count towards the overall parking supply as they are not designated parking spaces.

The owner indicates that there are no issues with parking supply as the parking lot is generally at less than 50 percent capacity during week days and about 80 to 90 percent on the weekends. However, the estimation is only based on the owner's observation. The owner has not submitted a parking justification study to examine the parking demand on the subject lands. Staff requested the application be deferred pending submission of a parking justification study, but the owner declined and proceeded with the application as submitted.

On August 24, 2023, the owner submitted a revised site plan (Refer to Appendix C- Revised Site Plan) showing an additional 47 parking spaces at the rear of the property, which would increase the total parking to 174 spaces (including 8 barrier-free spaces). This would translate to a parking rate of 1 space per 23.5 m<sup>2</sup> of net floor area of the garden centre.

While the additional parking spaces would alleviate the parking impact, they have not been reviewed by the Zoning Department for compliance with the minimum space dimension and aisle width requirements. Coupled with the absence of a parking justification report, it is premature for staff to comment on the appropriateness of the requested parking reduction. Therefore staff recommend the application be deferred to allow the applicant to prepare a parking justification study and confirm zoning compliance for the additional parking spaces.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 24, 2023. 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 have no concern with the variances related to the accessory retail and residential uses, side yard setback, rear yard setback and setback from an arterial road. However, staff are of the opinion that it is premature at this time to make a decision on the parking variance due to the outstanding issues identified in the report. Therefore, staff recommend the application be deferred. 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:



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Carlson Tsang, Senior Planner, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/135/23**

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 Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. That the gross floor area of the retail garden center on the subject lands be limited to a maximum of 4,097 m<sup>2</sup>;
4. That the residential gross floor area of the farm labour residence on the subject lands be limited to a maximum of 269 m<sup>2</sup>;
5. That the farm labour residence is only allowed to be used for the accommodation of persons necessary to the operation of the permitted use(s) undertaken on the subject lands.

PREPARED BY:



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Carlson Tsang, Senior Planner, East District



**SITE STATISTICS**

<b>BUILDINGS</b>	
EXISTING	
BUILDING (SHIPPING)	665m <sup>2</sup> (7,158ft <sup>2</sup> )
GARDEN SALES AREA	4,097m <sup>2</sup> (44,100ft <sup>2</sup> )
GREENHOUSE	11,196m <sup>2</sup> (120,514ft <sup>2</sup> )
HOOP HOUSES	610m <sup>2</sup> (6,566ft <sup>2</sup> )
FARM WORKER ACCOMMODATION	269m <sup>2</sup> (2,896ft <sup>2</sup> )
LEAN-TO STRUCTURE	244m <sup>2</sup> (2,631ft <sup>2</sup> )
<b>TOTAL EXISTING</b>	<b>17,081m<sup>2</sup> (183,865ft<sup>2</sup>)</b>
<b>LANDSCAPING</b>	
OUTDOOR GROWING AREA	2,864m <sup>2</sup> (30,828ft <sup>2</sup> )
OTHER	1,200m <sup>2</sup> (12,917ft <sup>2</sup> )
<b>TOTAL LANDSCAPING</b>	<b>4,064m<sup>2</sup> (43,745ft<sup>2</sup>)</b>
DRIVEWAY/PARKING	8,140m <sup>2</sup> (87,618ft <sup>2</sup> )
<b>TOTAL SITE AREA</b>	<b>31,133m<sup>2</sup> (335,114ft<sup>2</sup>)</b>

**ZONING CHART**

**CITY OF MARKHAM ZONING BY-LAW 304-87**

**RURAL RESIDENTIAL "RR4" ZONE**

PROVISION	REQUIRED	PROVIDED	CONFORMITY
MIN. LOT AREA	4.0ha	3.11ha	YES*
MIN. LOT FRONTAGE	90.0m	102.0m	YES
MIN. FRONT YARD	7.5m	8.0m	YES
MIN. SIDE YARD	6.0m	4.7m	SITE SPECIFIC
MIN. REAR YARD	7.5m	1.9m	SITE SPECIFIC
MAX. BUILDING HEIGHT	10.7m	+6.4m	YES

**PARKING STANDARDS BY-LAW 28-97**

**S.3.0 TABLE B**

PROVISION	REQUIRED	PROVIDED	CONFORMITY
RETAIL USE (4,097m <sup>2</sup> )			
1 SPACE PER 30m <sup>2</sup> NFA	137	121	SITE SPECIFIC
ACCESSIBLE PARKING	5%	6	YES

**NOTE**

\* COMPLIES AS PER ZONING BY-LAW AMENDMENT NO. 2009-96 S.5.11.2 REGARDING NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION

**NOTES:**

- EXISTING INFORMATION SHOWN ON DRAWINGS ARE A COMBINATION OF PAST SITE PLAN APPROVALS AND UPDATED INFORMATION PROVIDED BY THE CLIENT ON APRIL 26, 2023.
- ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.

**Appendix B**

File: 23120816001031PW  
Date: 06/20/23

**LEGAL DESCRIPTION**

PART OF LOT 11, CONCESSION 9 IN THE FORMER TOWNSHIP OF MARKHAM COUNTY OF YORK NOW IN THE TOWN OF MARKHAM IN THE REGIONAL MUNICIPALITY OF YORK



**LEGEND**

- SUBJECT PROPERTY LINE
- E EMERGENCY HATCH

**REVISIONS**

REV.	DESCRIPTION	DATE	INIT.
B	REVIEW	15-JUN-2023	HN
A	REVIEW	17-MAY-2023	HN

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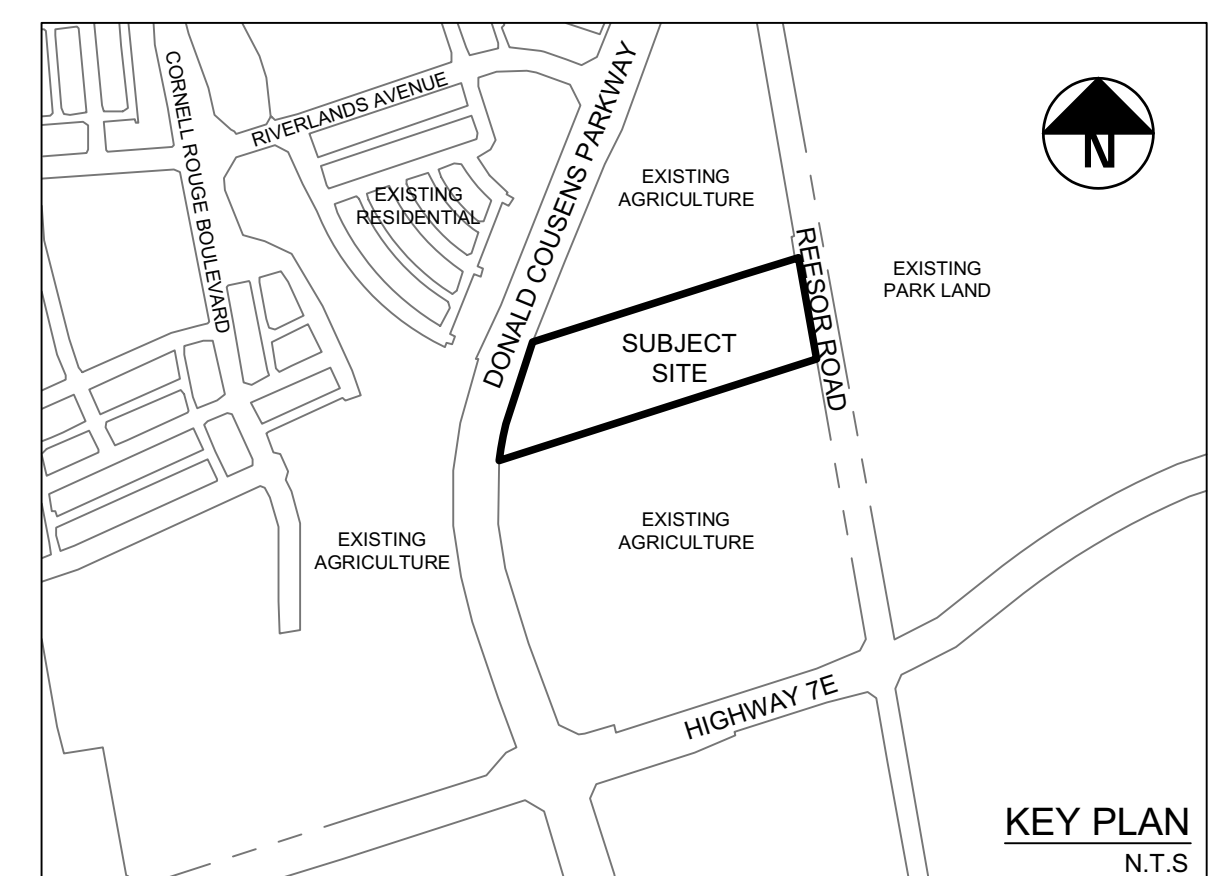
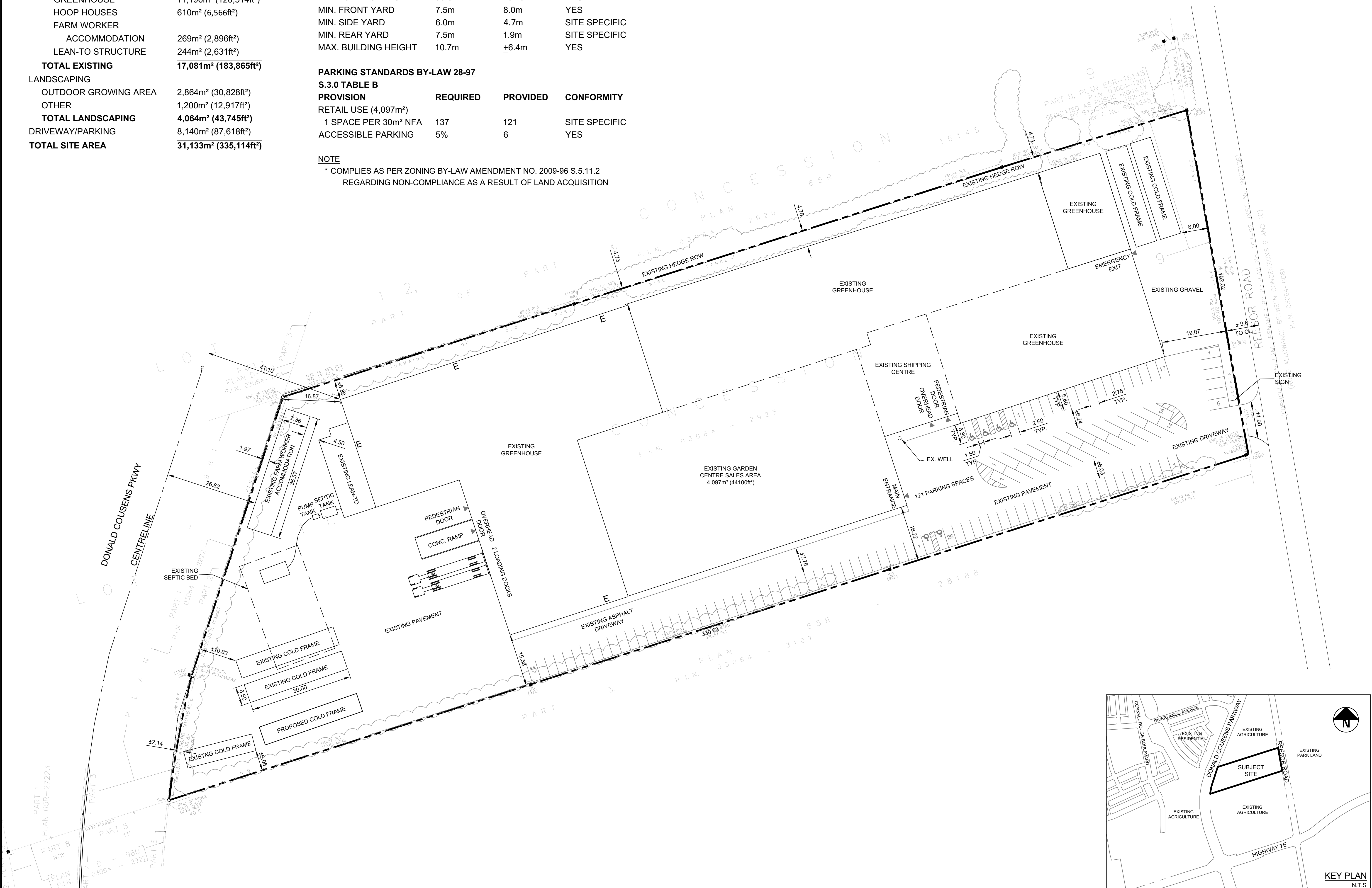


310 LIMERIDGE ROAD WEST HAMILTON ONTARIO, L9C 2V2 P 905-574-1993 F 905-527-9559

**PROJECT TITLE**  
**VALLEYVIEW GARDENS GREENHOUSE EXPANSION**  
8636 REESOR ROAD MARKHAM, ONTARIO

**DRAWING TITLE**  
**SITE PLAN**

DRAWN BY JW	DESIGNED BY JW
PRINT DATE 15-JUN-2023	PROJECT NUMBER 7601
REVISION B	DRAWING NUMBER SP2-1
SCALE 1:500	





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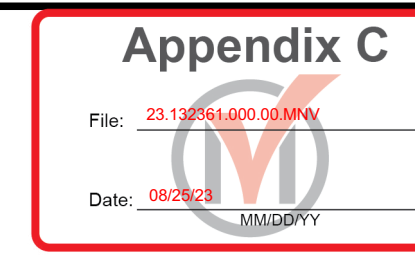
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**PARKING STANDARDS BY-LAW 28-97**  
**S.3.0 TABLE B**

PROVISION	REQUIRED	PROVIDED	CONFORMITY
GARDEN CENTRE (4,097m <sup>2</sup> )			
1 SPACE PER 20m <sup>2</sup> NFA	205	166	SITE SPECIFIC
ACCESSIBLE PARKING 5%		8	SITE SPECIFIC
<b>TOTAL</b>		<b>174</b>	

**NOTE**  
\* COMPLIES AS PER ZONING BY-LAW AMENDMENT NO. 2009-96 S.5.11.2 REGARDING NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION

- NOTES:**
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- LEGEND**
- SUBJECT PROPERTY LINE
  - E EMERGENCY HATCH
  - ▲ EXTERIOR DOOR
  - △ INTERIOR DOOR

**REVISIONS**

REV.	DESCRIPTION	DATE	INT.
D	FINAL APPROVAL	23-AUG-2023	HN
C	FINAL APPROVAL	20-JUL-2023	LR
B	REVIEW	15-JUN-2023	HN
A	REVIEW	17-MAY-2023	HN

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PRINT DATE 23-Aug-2023	PROJECT NUMBER 7601
REVISION D	DRAWING NUMBER SP2-1
SCALE 1:500	

