

Memorandum to the City of Markham Committee of Adjustment

January 26, 2023

File: A/138/22
Address: 130 Royal Crest Court, Markham
Applicant: Cspace Architecture (Adamo Caputo)
Agent: Cspace Architecture (Adamo Caputo)
Hearing Date: Wednesday, February 1, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Select Industrial and Limited Commercial (40%) [M.C.(40%)]” zone requirements under By-law 108-81, as amended, as it relates an existing industrial warehouse building. The variances requested are to permit:

- a) **By-law 108-81, Section 7.4.3 (a):**
a maximum floor area ratio of 43.8 percent, whereas the By-law permits a maximum floor area ratio of 40 percent;
- b) **Parking By-law 28-97, Section 3.0 - Table B:**
a minimum of 108 parking spaces, whereas the By-law requires 127 parking spaces; and
- c) **Parking By-law 28-97, Section 5.1:**
A minimum of 3 accessible parking spaces, whereas the By-law requires 6 accessible parking spaces.

BACKGROUND

Property Description

The 8,097.4 m² (87,159.7 ft²) Subject Lands are located on the north side of Royal Crest Court, generally located east of Warden Avenue, south of Highway 407. Similar industrial buildings are situated to the east, west, and south of the Subject Lands. Rail and hydro corridors are located directly north of the Subject Lands.

Proposal

The Applicant is proposing interior alterations within the existing two-storey industrial warehouse building (the “Proposed Development”) (refer to Appendix “B” – Plans).

Official Plan and Zoning

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

The Official Plan designates the Subject Lands “General Employment”, which are areas characterized by large properties developed with single and multiple unit buildings accommodating industrial uses.

This designation permits a wide range of uses including manufacturing, processing and warehousing, and office uses that are accessory to the primary manufacturing, processing or warehousing use, which are located within the same premise as the primary use. Planning staff have had regard for the requirements of the Section 8.5.5.6 Development Criteria in the preparation of the comments provided below.

Zoning By-Law 108-81, as amended

The Subject Lands are zoned “Select Industrial and Limited Commercial (40%) [M.C.(40%)]” under By-law 108-81, as amended, which permits a variety of industrial uses including warehousing, assembly of manufactured goods, and manufacturing within enclosed buildings, with a maximum floor area ratio (“FAR”) of 40% for commercial or mixed industrial-commercial uses. The Proposed Development does not comply with the by-law requirements with respect to the maximum FAR.

City-wide Parking Standards By-law 28-97, as amended

Section 3.0, Table B of the City-wide Parking Standards By-law 28-97, as amended (the “Parking By-law”), requires 1 parking space per 30 m² of net floor area for business office space and 1 parking space per 40 m² of net floor area for industrial use space. Section 5.1 of the Parking By-law requires 5% of the parking spaces to be dedicated and used for accessible parking spaces.

The Proposed Development does not comply with the standards of the Parking By-law with respect to the minimum number of parking spaces and the minimum number of accessible parking spaces. Further details of the parking requirement is provided in the comment section below.

Zoning Preliminary Review (“ZPR”) Undertaken

The Applicant completed a ZPR to confirm the initial variances required for the originally submitted Proposed Development. However, in response to comments received during ZPR, the Applicant revised their plans to increase the number of accessible parking spaces from 1 to 3 spaces. The Applicant has not submitted a new ZPR for the revised drawings. Consequently, it is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in FAR

The Applicant is requesting relief to permit a maximum FAR of 43.8 percent, whereas the By-law permits a maximum FAR of 40 percent within the existing building. The variance will facilitate interior alterations for additional office space within the existing two-storey industrial warehouse building.

The Applicant is proposing an internal space reallocation of 77m² (828 ft²) of existing warehouse space to be converted to office space for the existing single tenant. The Applicant is not proposing any expansion / addition to the existing building, only a reallocation of use within the building.

FAR is a measure of the interior square footage of the building as a percentage of the net lot area; however, it is not a definitive measure of the mass of the building. With exception of the FAR, the building layout meets all zoning provisions that establishes the prescribed building envelope, and assists in ensuring that the Proposed Development will be in keeping with the intended scale and massing of the area.

Staff are satisfied that the requested variance is appropriate for the lot, and maintains the general intent and purpose of the By-law.

Parking Reduction

The Applicant is requesting relief to permit a minimum of 108 parking spaces, whereas the Parking By-law requires 127 parking spaces, and a minimum of 3 dedicated accessible parking spaces, whereas the Parking By-law requires 6 dedicated accessible parking spaces. This is a proposed reduction of 19 parking spaces, or 14.9% reduction of parking spaces.

As previously noted, the Applicant is only proposing an internal space reallocation of 77m² (828 ft²) of existing warehouse space to be converted to office space for the existing single tenant. This reallocation of internal space from warehouse (requiring 1 parking space per 40 m² of net floor area for industrial uses space) to office use (requiring 1 parking space per 30 m² of net floor area for business office space) directly results in the change in the number of parking spaces required on the Subject Lands.

Staff also note, that in response to the ZPR report to confirm the initial variances required for the originally submitted Proposed Development, the Applicant

updated their proposed site plan by increasing the number of dedicated accessible parking spaces in the existing parking lot from 1 to 3 at the front of the building (refer to Appendix “B” – Plans).

The Applicant prepared a Parking Justification Letter. Transportation Planning Staff are satisfied with the submitted material and Parking Justification Letter and have no objections to the approval of the proposed parking reductions.

Planning Staff are of the opinion that the proposed parking variances meet the intent of the City’s Parking By-law and have no objections to the approval of the proposed parking reductions.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 26, 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 are of the opinion that the variance requests meet 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.

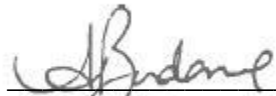
Please refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



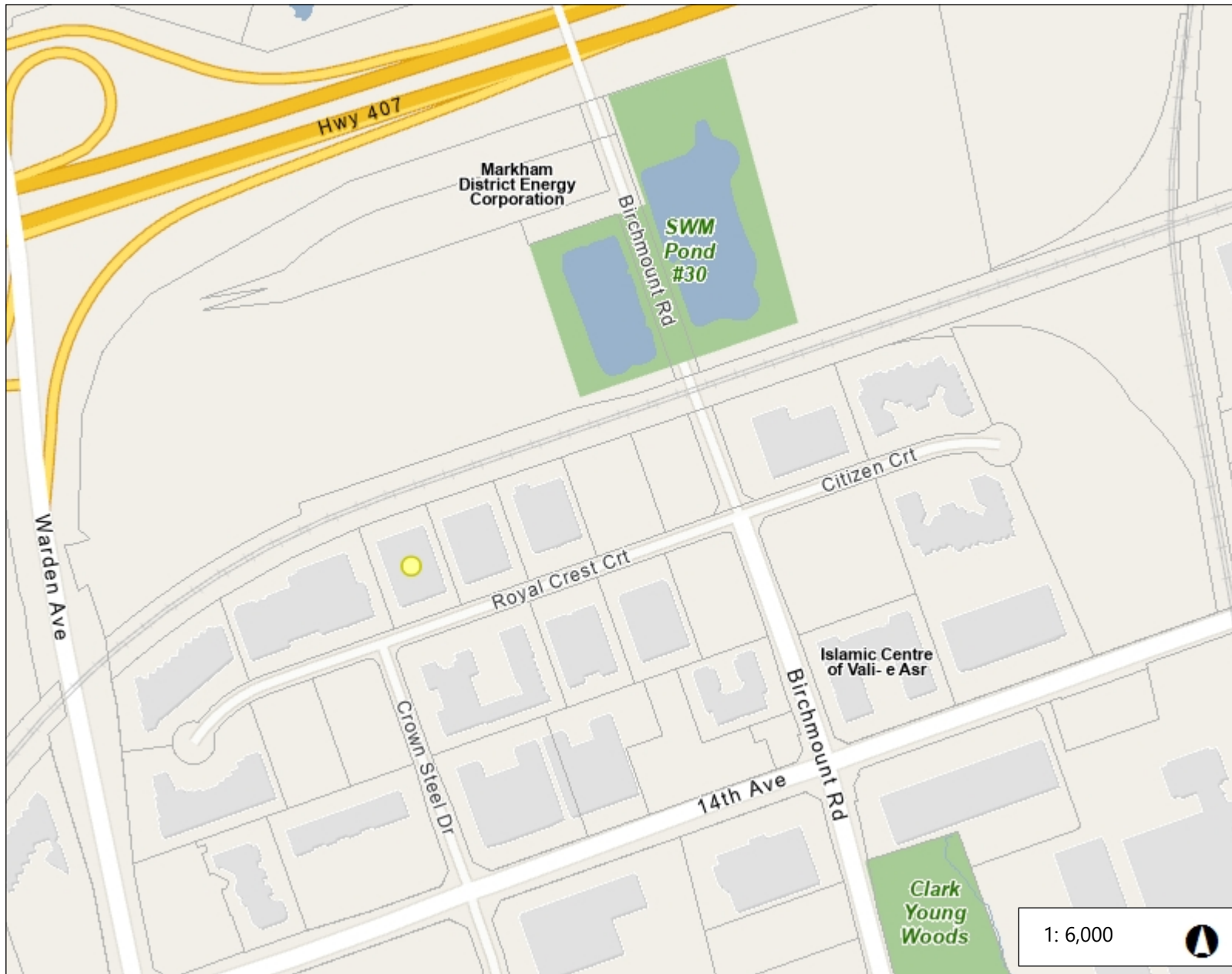
Sabrina Bordone, MCIP RPP, Development Manager, Central District

Appendices

Appendix “A” – Aerial Context Photo

Appendix “B” – Plans

Appendix “C” – A/120/22 Conditions of Approval



Legend

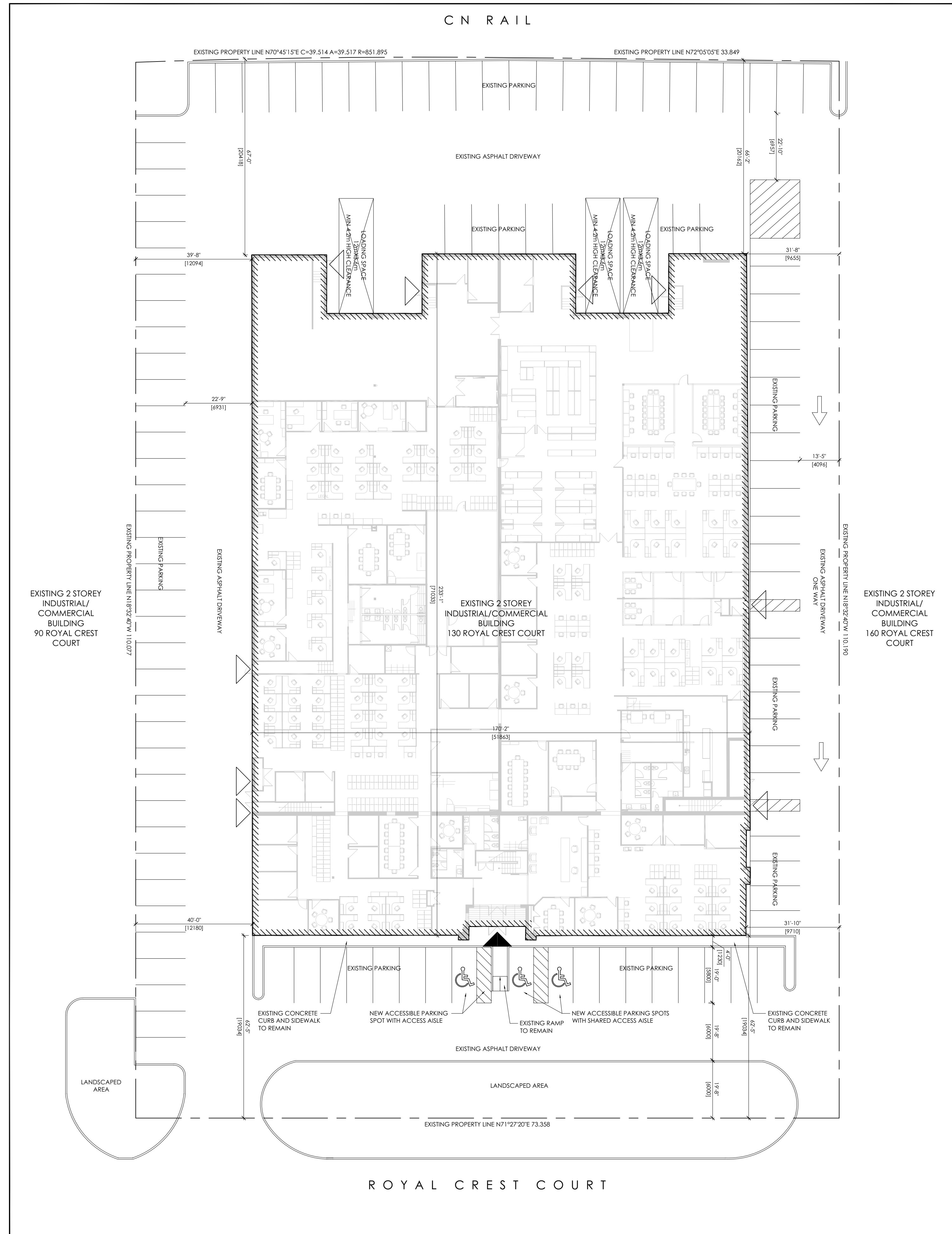
- Subject Lands
130 Royal Crest Court

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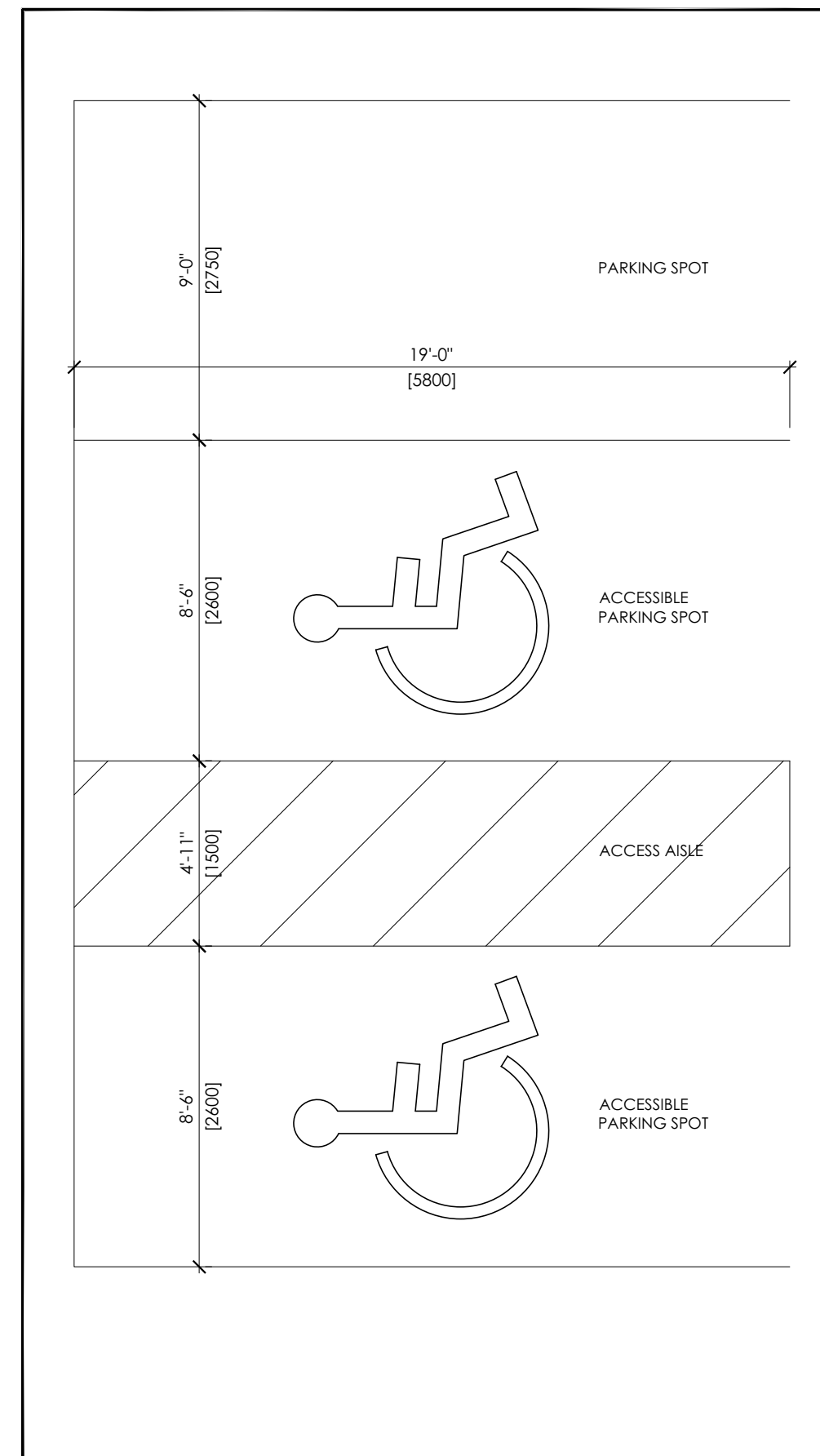


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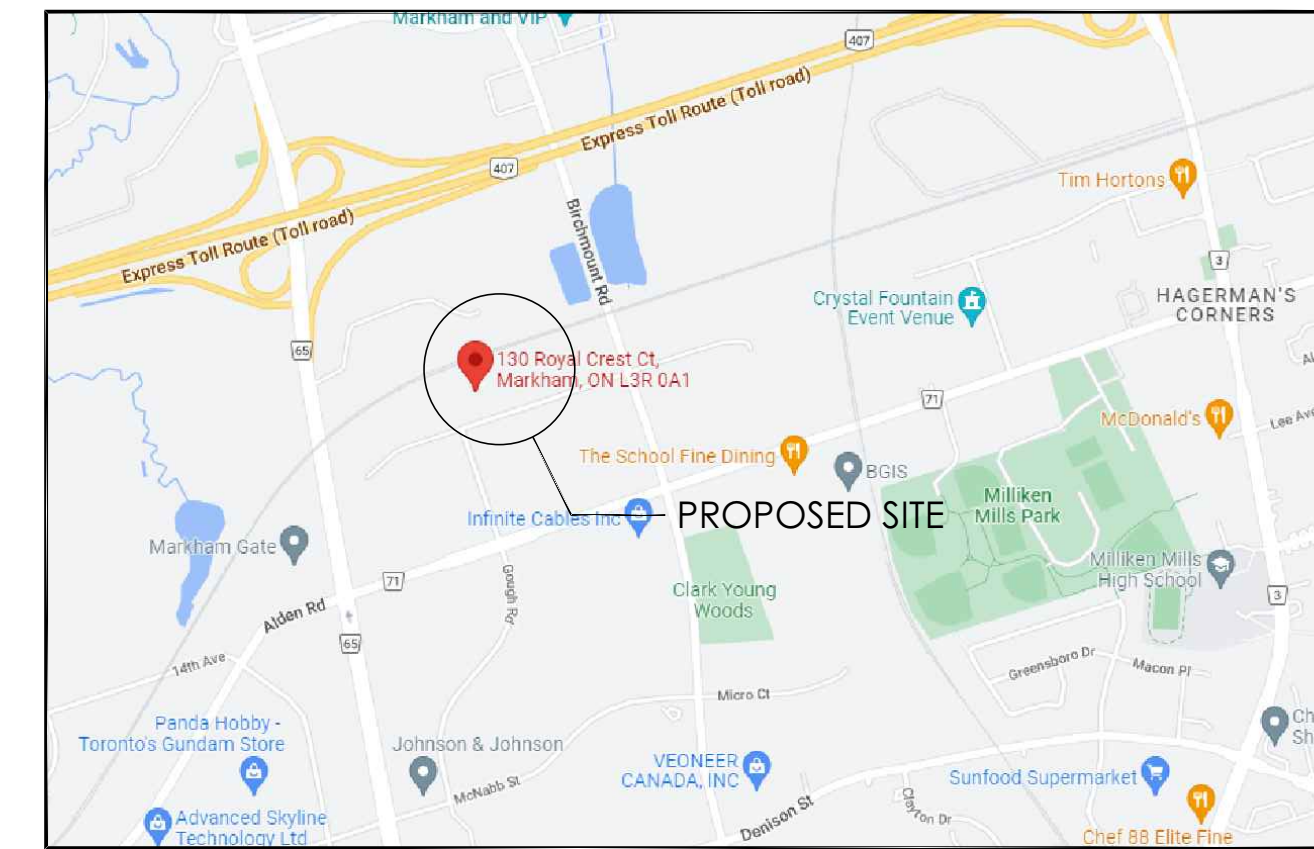
Notes



1 SITE PLAN
A101 SCALE 1:250



2 TYPICAL PARKING SPACES
A101 SCALE 1:50



KEY PLAN
 SCALE: NTS

GENERAL NOTES & SYMBOLS LEGEND

- PRINCIPAL ENTRANCE
- MAIN DOOR
- PROPERTY LINE
- EXISTING BUILDING OUTLINE

LEGEND
 SCALE: NTS

LOT 12, PLAN 65M-2616
 TOWN OF MARKHAM, REGIONAL MUNICIPALITY OF YORK
 ZONING TABLE: SELECT INDUSTRIAL AND LIMITED COMMERCIAL - M.C (40%)
 APPLICABLE BYLAW: 108-81

ZONE: M.C (40%)			
STANDARD	REQUIRED	EXISTING	REMARKS
LOT AREA	0.4 ha (MIN)	0.81 ha	NO CHANGE
BUILDING AREA	--	3549 m ²	NO CHANGE
LOT FRONTAGE	30.0 m (MIN)	73.358 m	NO CHANGE
FLOOR AREA RATIO	40.0% = 3240 m ²	43.8% = 3549 m ²	VARIANCE REQUIRED
FRONT YARD - SOUTH	12.0 m (MIN)	19.0 m	NO CHANGE
REAR YARD - NORTH	12.0 m (MIN)	20.1 m	NO CHANGE
SIDE YARD - WEST	6.0 m (MIN)	12.0 m	NO CHANGE
SIDE YARD - EAST	6.0 m (MIN)	9.6 m	NO CHANGE
LANDSCAPE - FRONT	6.0 m (MIN)	5.0 m	NO CHANGE
LANDSCAPE - OTHER	3.0 m (MIN)	0.0 m	NO CHANGE
LANDSCAPE AREA	--	334 m ²	NO CHANGE
BUILDING HEIGHT	11.0 m (MAX)	<11.0 m	NO CHANGE

BUILDING USE:			
OCCUPANCY/TYPE	EXISTING	PROPOSED	REMARKS
OFFICE	3126 m ²	3203 m ²	INCREASE IN AREA
WAREHOUSE	882 m ²	805 m ²	DECREASE IN AREA

PARKING:			
OCCUPANCY/TYPE	REQUIRED	EXISTING/PROPOSED	REMARKS
BUSINESS OFFICE	1 per 30 m ² NFA - 3203 m ² 107 SPACES	108 SPACES EXISTING	VARIANCE REQUIRED
WAREHOUSE	1 per 40 m ² NFA - 805 m ² 20 SPACES		
BARRIER FREE SPACES	5% OF REQUIRED SPACES 6 SPACES	3 SPACES PROPOSED	VARIANCE REQUIRED
LOADING SPACES	>1860 m ² GFA (INDUSTRIAL) 2 SPACES <1860 m ² GFA (OFFICE) 2 SPACES	3 SPACES EXISTING	NO CHANGE

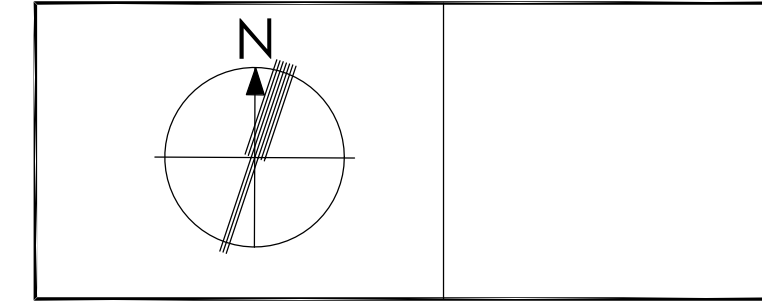
SITE STATISTICS
 SCALE: NTS

NO.	DATE	REVISION
3.	22.07.11	ISSUED FOR MINOR VARIANCE
2.	22.05.30	ISSUED FOR PRELIMINARY ZONING REVIEW
1.	22.05.24	ISSUED FOR REVIEW

IT IS THE RESPONSIBILITY OF THE APPROPRIATE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ALL ERRORS AND OR OMISSIONS TO THE ARCHITECT.
 ALL CONTRACTORS MUST COMPLY WITH ALL PERTINENT CODES AND BY-LAWS.
 DO NOT SCALE DRAWINGS.
 THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION UNTIL SIGNED.
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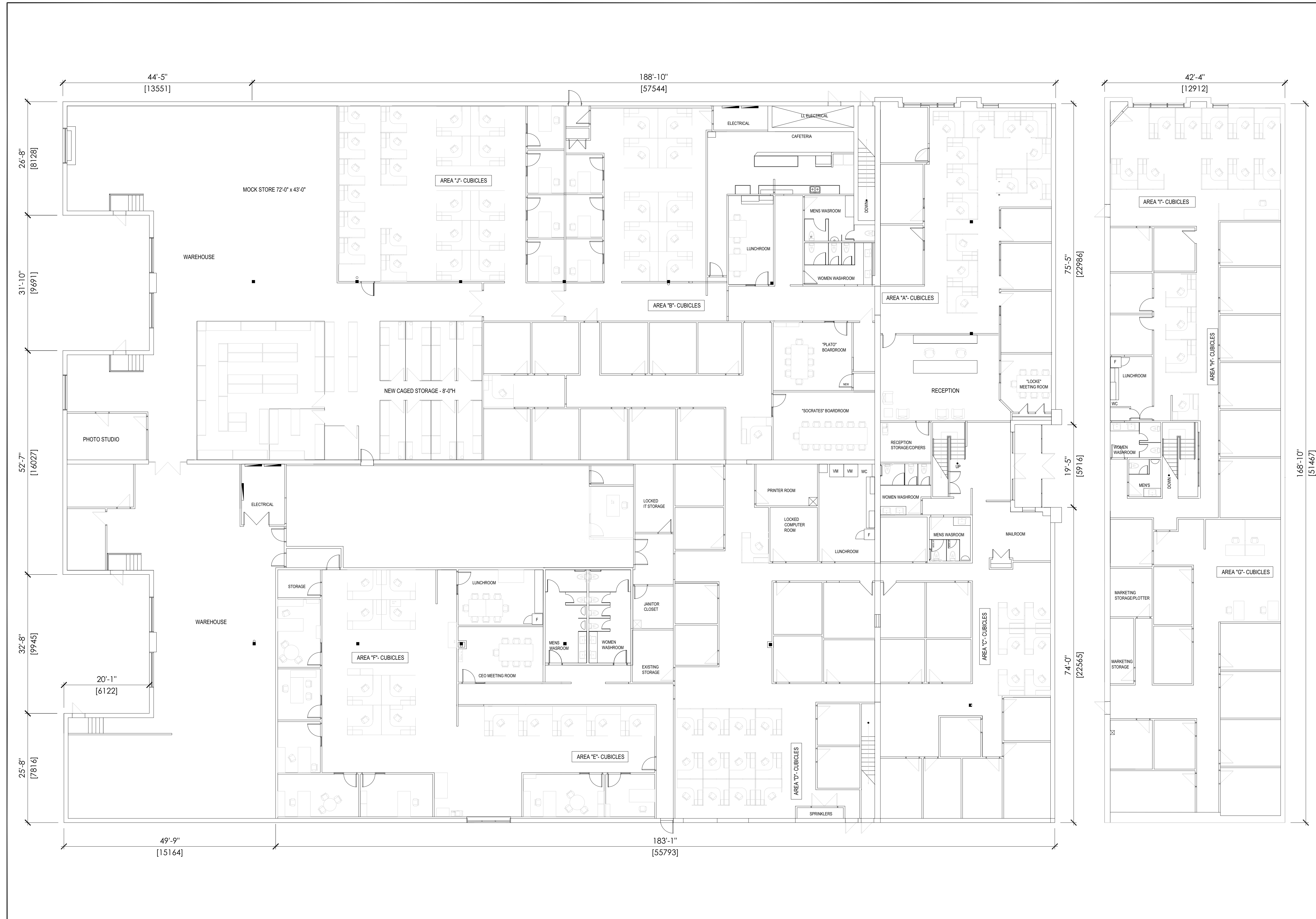


PROJECT
 INTERIOR ALTERATION
 130 ROYAL CREST COURT,
 MARKHAM, ON.

DRAWING TITLE
 SITE PLAN
 SITE STATISTICS

SCALE AS NOTED	PROJECT NO. 22.1523
DRAWN BY AC	APPROVED CCP
	DATE 22.05.20

DRAWING NO.
A101

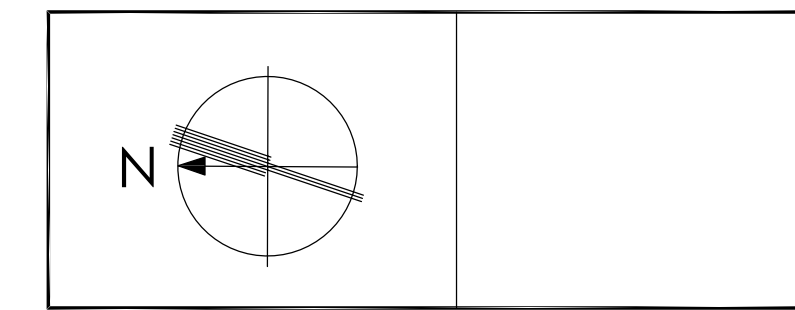


NO.	DATE	REVISION
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2.	22.05.30	ISSUED FOR PRELIMINARY ZONING REVIEW
1.	22.05.24	ISSUED FOR REVIEW

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PROJECT
 INTERIOR ALTERATION
 130 ROYAL CREST COURT,
 MARKHAM, ON.

DRAWING TITLE
 EXISTING FLOOR PLANS

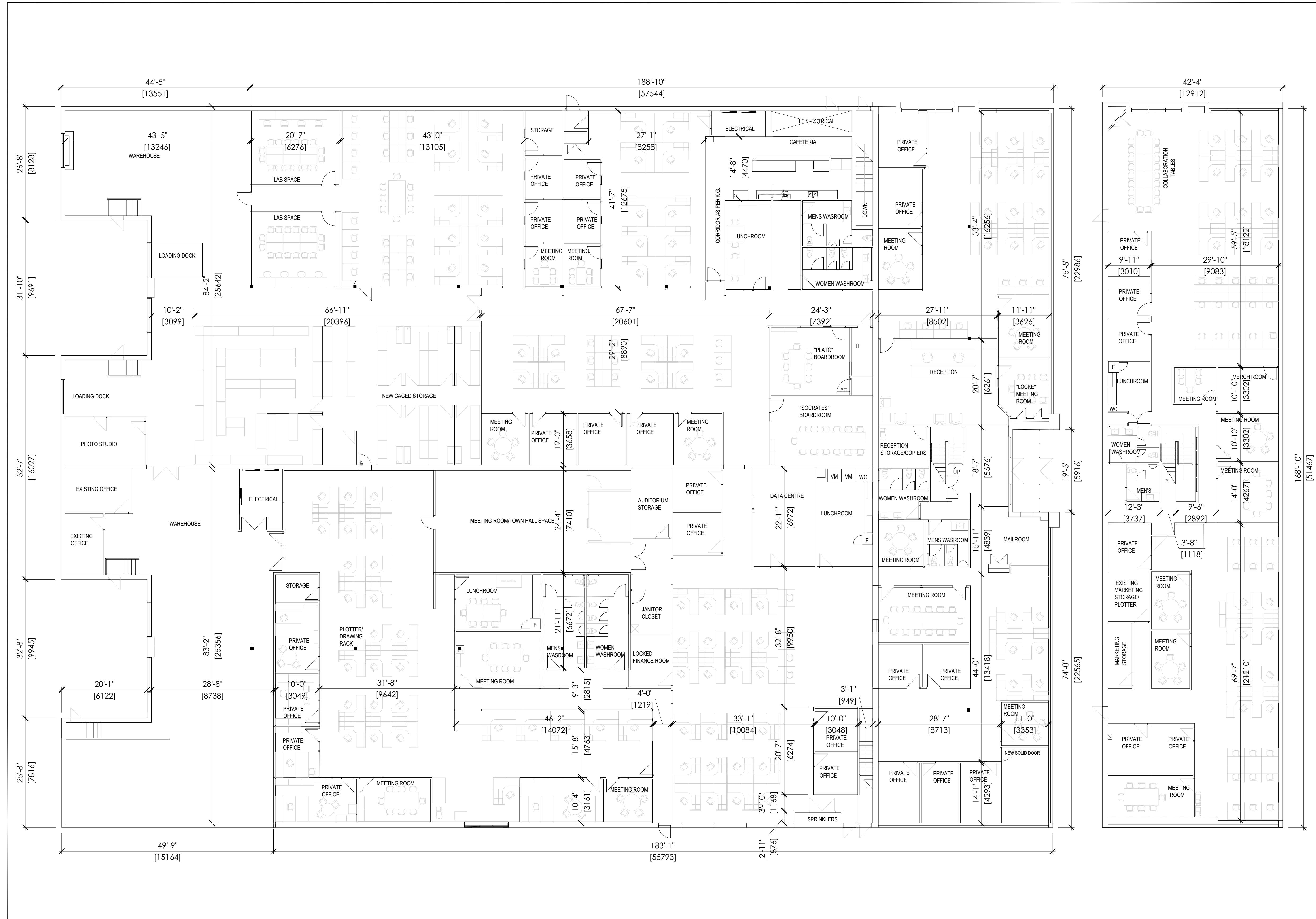
SCALE AS NOTED	PROJECT NO. 22.1523
DRAWN BY AC	APPROVED CCP
	DATE 22.05.20

DRAWING NO.

A201

1 EXISTING GROUND FLOOR PLAN
 A201 SCALE 3/32" = 1'-0"

2 EXISTING SECOND FLOOR PLAN
 A201 SCALE 3/32" = 1'-0"

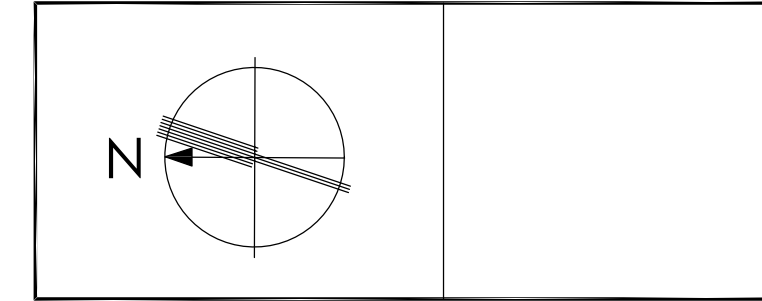


NO.	DATE	REVISION
3.	22.07.11	ISSUED FOR MINOR VARIANCE
2.	22.05.30	ISSUED FOR PRELIMINARY ZONING REVIEW
1.	22.05.24	ISSUED FOR REVIEW

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PROJECT
INTERIOR ALTERATION
130 ROYAL CREST COURT,
MARKHAM, ON.

DRAWING TITLE
PROPOSED FLOOR PLANS

SCALE AS NOTED	PROJECT NO. 22.1523
DRAWN BY AC	APPROVED CCP
	DATE 22.05.20

DRAWING NO.

1 PROPOSED GROUND FLOOR PLAN
A202 SCALE 3/32" = 1'-0"

2 PROPOSED SECOND FLOOR PLAN
A202 SCALE 3/32" = 1'-0"

A202

APPENDIX “C” – A/138/22 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/22

1. The variances apply only to the proposed development as long as it remains; and
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.

CONDITIONS PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District