

## Memorandum to the City of Markham Committee of Adjustment

June 22, 2023

**File:** B/012/19 and A/074/19  
**Address:** 115 Idema Road, Markham  
**Applicant:** Sorbara Group (Herthana Siva)  
**Hearing Date:** Wednesday, June 28, 2023

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

### **Consent Application B/012/19**

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 60.96 m and an approximate lot area of 0.73 ha (Part 9 and 10);
- b) retain a parcel of land with an approximate lot frontage of 137.57 m and an approximate lot area of 7.63 ha (Parts 1, 2, 3, 4, 5, 6, 7 and 8);
- c) establish an easement over Part 8, in favour of Parts 9 and 10 for the purpose of access;
- d) establish an easement over Parts 6 and 8, in favour of Parts 9 and 10 for the purpose of utility;
- e) establish easements over Part 9, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of access and utility;
- f) establish easements over Parts 9 and 10, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of maintenance and servicing; and,
- g) establish easements over Parts 4, 5, 6, 7, and 8 in favour of Parts 9 and 10 for the purpose of maintenance and servicing.

The purpose of this application is to facilitate the creation of one new industrial lot with associated easements for the purpose of maintenance, access, utility, and servicing. This application is being heard concurrently with minor variance application A/074/19, as detailed below.

### **Minor Variance Application A/074/19**

The Applicant is requesting relief from the requirements of the "Select Industrial (M) Zone" under By-law 108-81, as amended, to permit:

- a) **Section 6.1:**  
a minimum lot area of 0.73 hectares, whereas the By-law requires a minimum lot area of 0.8 hectares when the parcel of land is abutting a provincial highway;
- b) **Section 4.7.1 (b):**  
an existing landscape strip of 0.0 metres, whereas the By-law requires a minimum landscape strip of 6.0 metres immediately abutting the street line (Idema Road);
- c) **Section 4.7.1 (a):**  
an existing landscape strip of approximately 1.8 metres, whereas the By-law requires a minimum landscape strip of 9.0 metres immediately abutting a provincial highway;

**d) Section 4.5.2:**

a minimum loading space height clearance of 3.05 metres, whereas the By-law requires a loading space minimum height clearance of 4.2 metres in height;

**e) Parking By-law 28-97, Section 6.1.2 (a):**

a required parking space size length of 5.3 metres for 30 parking spaces, whereas the By-law requires each parking space to have a minimum length of 5.8 metres;

**f) Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**

28 parking spaces to encroach into the neighbouring lot (85 Idema Road), whereas the By-law requires that no person shall use any land, building or structure in any zone for any purpose permitted in this By-law, unless all parking are provided on the same lot;

**g) Parking By-law 28-87, Sections 5.1 & 6.1.2:**

One (1) accessible parking spaces with a minimum size of 2.8 metres x 5.3 metres, without a 1.5 metres wide access aisle adjacent to the parking space on site, whereas the By-law requires three (3) accessible parking spaces being 5 percent of the total required parking spaces having a minimum size of 2.6 metres x 5.8 metres, with a 1.5 metres wide access aisle adjacent to the parking space on site; and,

**h) Parking By-law 28-97, Section 3.0 Table B:**

a minimum of 51 parking spaces, whereas the By-law requires a minimum of 52 parking spaces.

## **BACKGROUND**

### **Property Description**

The approximately 8.36 ha (20.66 ac) subject lands are located on the south side of Idema Road, west of Woodbine Avenue and north of Steeles Avenue East. There are currently thirteen existing industrial buildings located on the subject lands (refer to Appendix 'A' – Aerial Photo). Surrounding land uses include predominantly industrial and commercial uses.

### **Proposal**

The Owner is proposing to sever the existing industrial lot into two parcels (refer to Appendix 'B' – Draft Reference Plan). The retained lot (Parts 1, 2, 3, 4, 5, 6, 7, and 8) will have a lot area of 7.63 ha (18.85 ac) and a lot frontage of 137.57 m (451.35 ft). The proposed severed lot (Parts 9 and 10) will have a lot area of 0.73 ha (1.80 ac) and a lot frontage of 60.96 m (200 ft).

The Owner is also proposing to establish easements for the purpose of access, servicing, utility, and maintenance. This will facilitate the sale of one existing industrial building at 115 Idema Road. It should be noted that no construction or change of use is proposed as part of the Consent and Minor Variance applications.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The 2014 Official Plan designates the subject lands "General Employment". Lands under this designation are typically characterized as large properties developed with single and multiple unit buildings. The intention of lands designated General Employment is to provide for long-term stable locations for manufacturing, industrial, and warehouse uses.

### Zoning By-Law 108-81

The subject property is zoned “Select Industrial (M)” under By-law 108-81, as amended, which permits warehousing of goods, manufacturing, data processing centres, and other industrial uses.

### **Zoning Preliminary Review (ZPR) Undertaken**

The Owner has completed a Zoning Preliminary Review (ZPR) on September 16, 2022 which confirmed the required variances.

### **COMMENTS**

#### **Consent Application B/012/19**

The Owner is proposing one new industrial lot to be created through provisional consent. The retained lot will comply with lot frontage and lot area requirements, however, the severed lot will not comply with the minimum required lot area. The Owner is also proposing easements for access, servicing, utility, and maintenance.

Planning Staff are of the opinion that the proposed severance is appropriate and generally consistent with the surrounding area. In addition, Planning Staff have no objections to the request to establish easements as noted above.

#### **Minor Variance Application A/074/19**

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained; and,
- 4) The general intent and purpose of the Official Plan must be maintained.

#### **Minimum Lot Area Variance**

The Owner is requesting relief to permit a minimum lot area of 0.73 ha (1.80 ac), whereas a minimum of 0.80 ha (1.97 ac) is required. This is a reduction of approximately 0.07 ha (0.17 ac). Planning Staff are of the opinion the proposed reduction is minor in nature and is consistent with the surrounding lot fabric.

#### **Minimum Landscaped Open Space Variance**

The Owner is requesting relief to permit an existing landscape strip of 0.0 m whereas a minimum of 6.0 m (19.69 ft) is required abutting Idema Road. The Owner is also proposing an existing landscape strip of 1.8 m (5.91 ft), whereas, a minimum of 9.0 m (29.53 ft) is required abutting Highway 404.

In light of the fact that no development or change of use is proposed as part of the applications and the proposed landscape strip variances represent an existing site condition, Staff do not anticipate any adverse impacts and have no concerns with the requested variance.

#### **Minimum Parking Space Size and Minimum Loading Space Size Variances**

The Owner is requesting relief from the requirements of the Zoning By-law as set out below:

- a minimum loading space height clearance of 3.05 metres, whereas a minimum of 4.2 metres is required.

- one accessible parking space with a minimum size of 2.8 metres x 5.3 metres, without a 1.5 metres wide access aisle adjacent to the parking space on site, whereas three accessible parking spaces being 5 percent of the total required parking spaces having a minimum size of 2.6 metres x 5.8 metres, with a 1.5 metres wide access aisle adjacent to the parking space on site is required.

In light of the fact that the variances listed above represent existing site conditions, Planning and Transportation Staff have no concerns.

### **Parking on a Neighbouring Lot and Minimum Parking Space Size Variance**

The Owner is requesting to permit 28 parking spaces to continue to encroach into the neighbouring lot (85 Idema Road), whereas all required parking must be provided on the same lot. The Owner will be required to provide confirmation that a parking agreement has been executed between 115 Idema Road and the neighbouring lot as a condition of approval.

In addition, the Owner is requesting a variance to permit a parking space length of 5.3 m for 30 spaces, whereas each parking space is required to have a minimum length of 5.8 m. This variance is attributed to the parking spaces that are encroaching onto the neighbouring property (85 Idema Road).

Staff have no concerns with the proposed variance subject to the condition of a parking agreement as set out in Appendix "D".

### **Minimum Required Parking Variance**

The Ministry of Transportation (MTO) has provided comments on the applications indicating that they require a 14.0 m setback from Highway 404. No features essential to the site, including required parking, are permitted within the 14.0 m setback. While the subject property provides a total of 70 parking spaces, 19 are located within MTO's setback. For this reason the Owner is proposing a variance to permit 51 parking spaces whereas a minimum of 52 parking spaces are required. Transportation and Planning Staff have no concerns with the reduction in one required parking space.

### **PUBLIC INPUT SUMMARY**

Three interested party forms and one letter of support have been received as of June 20, 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 severance application with regard for Section 51 (24) and 53 of the *Planning Act*, and recommend approval of the consent application.

Planning Staff have reviewed the minor variance application with respect to Section 45(1) 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 application to demonstrate why they should be granted relief from the requirements of the *Planning Act* and Zoning By-law, and how they satisfy the requirements for the granting of severances and minor variances.

Please refer to Appendices 'C' and 'D' for conditions to be attached to any approval of this application.

PREPARED BY:



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Hailey Miller, Planner II, West District

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

**APPENDICES**

Appendix 'A' – Aerial Photo

Appendix 'B' – Draft Reference Plan

Appendix 'C' – Conditions of Any Approval – B/012/19

Appendix 'D' – Conditions of Any Approval – A/074/19

**APPENDIX 'C'**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/012/19**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/012/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of a reference plan showing the subject lands, which conforms substantially to the application as submitted
4. Payment of the required Conveyance Fee for the creation of ICI lots per City of Markham Fee By-law 211-83, as amended.
5. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meet all the requirements of the applicable Zoning By-law, including any development standards for building and structures on the subject lands, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
6. Submission of engineering drawing(s) to show how individual water and sewer services will be provided for the Severed Lot municipally known as 115 Idema Road, and showing all property lines satisfactory to the Director of Engineering;
7. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

CONDITIONS PREPARED BY:



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Hailey Miller, Planner II, West District

**APPENDIX 'D'**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/074/19**

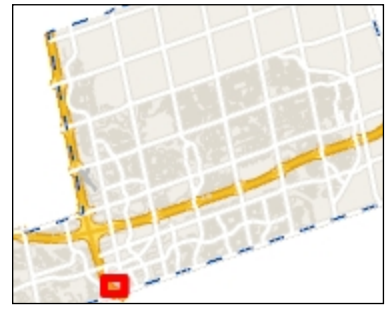
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan attached as Appendix 'B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a shared parking agreement between 115 Idema Road and 85 Idema Road.

CONDITIONS PREPARED BY:



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Hailey Miller, Planner II, West District



**Legend**

- Parcel
- Parks
  - Under Development
  - <all other values>
- Ontario Road Network
- Ontario Water Body

1:4,514



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes



PLAN 65R-

RECEIVED AND DEPOSITED

Date \_\_\_\_\_

Representative for the Land Registrar for the Land Titles Division of YORK REGION (No. 65)

SCHEDULE				
PART	1 AND 2	CONCESSION	ALL OF PIN	AREA (M <sup>2</sup> )
1				55358
2				14597
3				393
4				604
5				4696
6	1	3	03004-0116	40
7				31
8				600
9				600
10				6699

115 IDEMA ROAD

PART	AREA (M <sup>2</sup> )
9	600
10	6699
TOTAL	7299

145 IDEMA ROAD

PART	AREA (M <sup>2</sup> )
4	604
5	4696
6	40
7	31
8	600
TOTAL	5971

PLAN OF SURVEY OF  
PART OF LOTS 1 AND 2  
CONCESSION 3  
(GEOGRAPHIC TOWNSHIP OF MARKHAM)  
CITY OF MARKHAM  
THE REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 750  
20 10 0 20 40 METRES

HOLDING JONES VANDERVEEN INC.  
ONTARIO LAND SURVEYORS

NOTES

- DENOTES SURVEY MONUMENT SET
- DENOTES SURVEY MONUMENT FOUND
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- CP DENOTES CONCRETE PIN
- WT DENOTES WITNESS
- 922 DENOTES SCHAEFFER & REINTHALER LIMITED, O.L.S.
- S DENOTES W. S. GIBSON AND SONS LIMITED, O.L.S.
- NT DENOTES NON TANGENTIAL
- MTO DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
- CLF DENOTES CHAIN LINK FENCE
- P1 DENOTES PLAN 65R-9064
- P2 DENOTES PLAN 65R-9988

BEARING, DISTANCE AND CO-ORDINATE NOTES

BEARINGS AND CO-ORDINATES ARE GRID AND ARE DERIVED FROM THE CITY OF MARKHAM SPECIFIED CONTROL POINTS No. 092113040 AND No. 092003040 AND ARE REFERRED TO THE 4<sup>th</sup> UNIVERSAL TRANSVERSE MERCATOR GRID PROJECTION, ZONE 17, CENTRAL MERIDIAN 81°00' WEST LONGITUDE, NAD83 (ORIGINAL).  
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10.  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999793.  
AREAS SHOWN HEREON ARE CALCULATED FROM GROUND DISTANCES.

POINT ID	EASTING	NORTHING
SCP 092113040	632246.214	4852977.531
SCP 092003040	632763.829	4852828.182
67	632536.615	4852536.615
312	632143.111	4852747.206

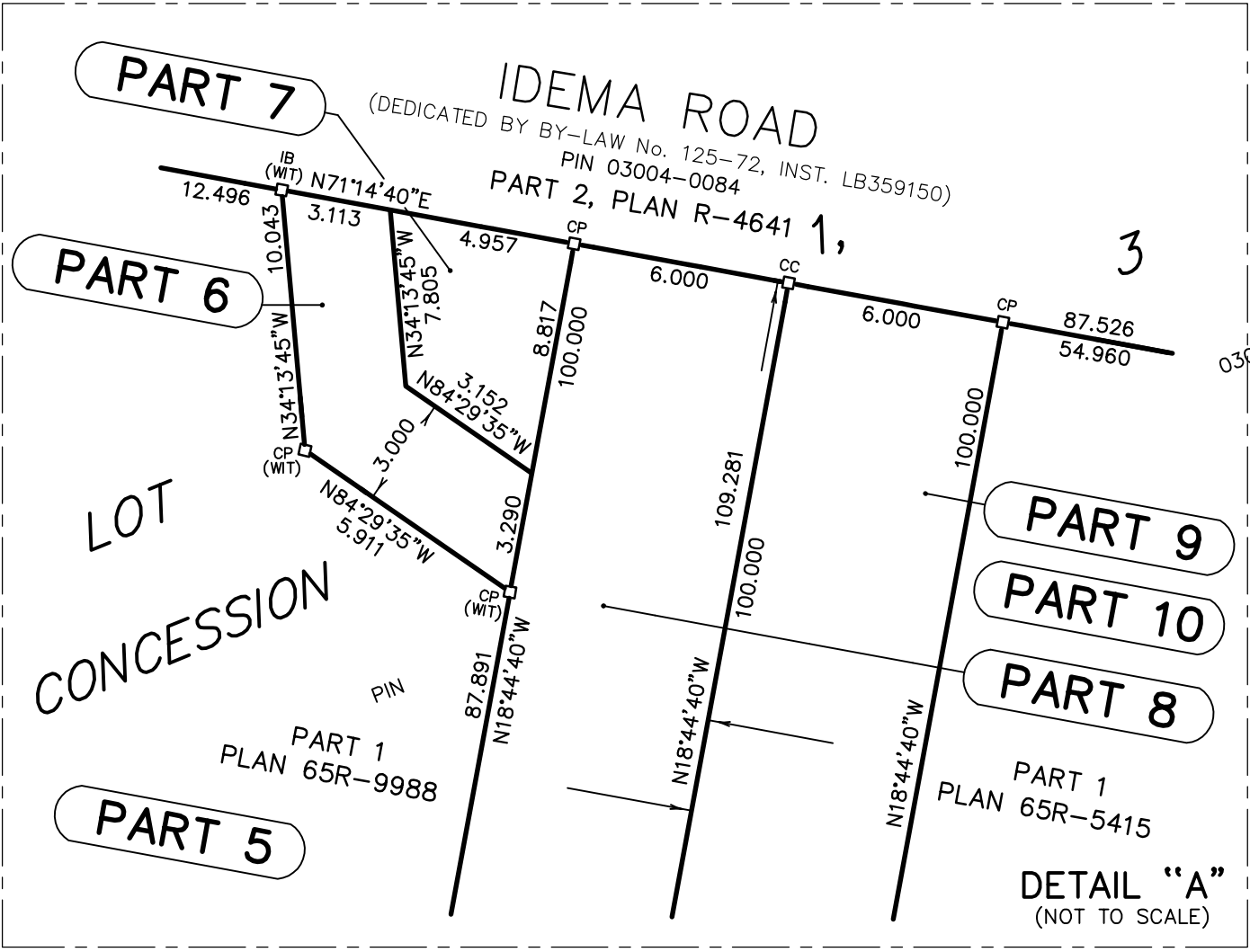
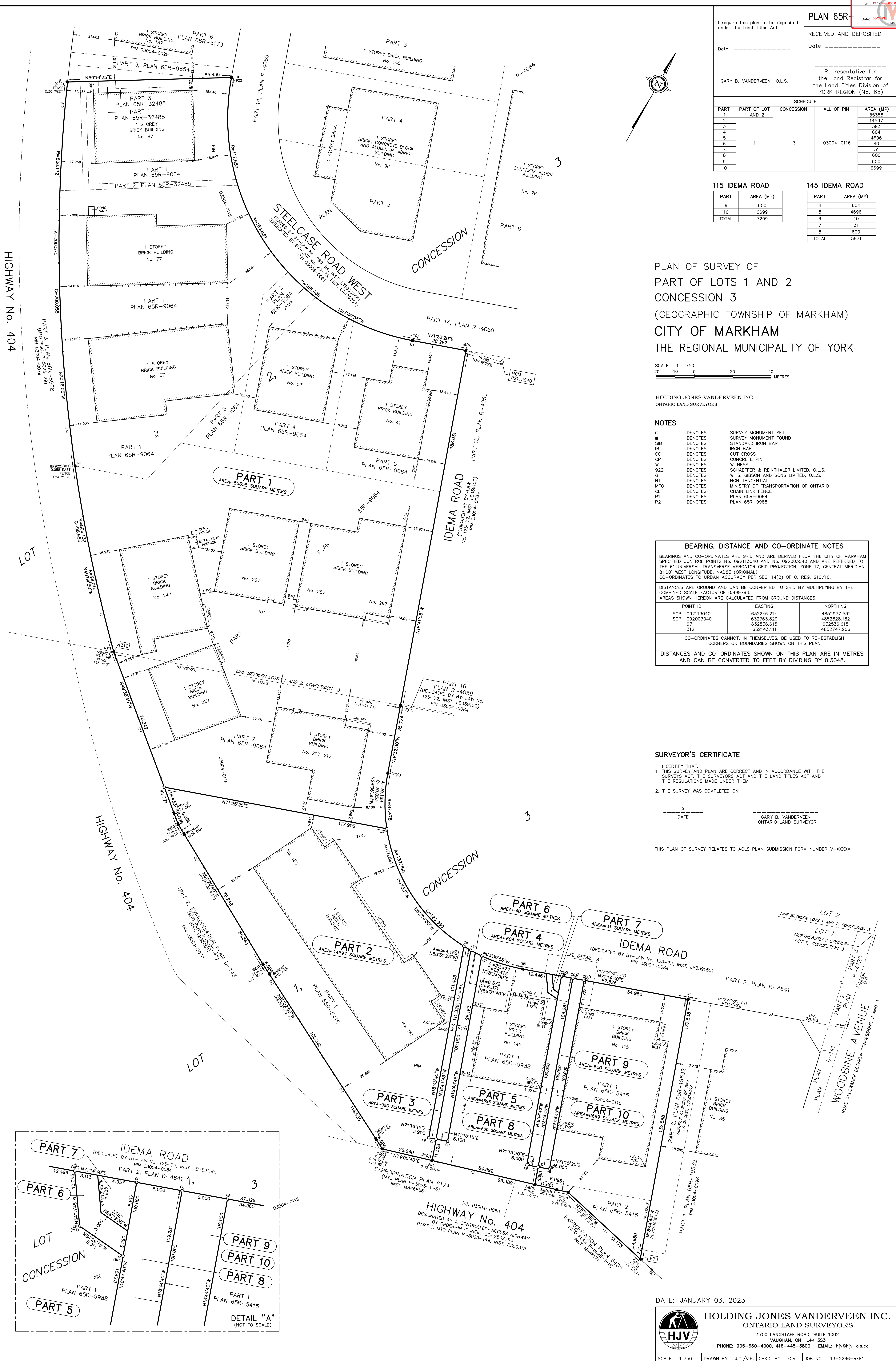
CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN  
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON \_\_\_\_\_

DATE \_\_\_\_\_ GARY B. VANDERVEEN  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.



DATE: JANUARY 03, 2023



HOLDING JONES VANDERVEEN INC.  
ONTARIO LAND SURVEYORS  
1700 LANSTAFF ROAD, SUITE 1002  
VAUGHAN, ON L4K 3S3  
PHONE: 905-660-4000, 416-445-3800 EMAIL: h.jv@hjv-ols.co

SCALE: 1:750 DRAWN BY: J.Y./V.P. CHKD. BY: G.V. JOB NO: 13-2266-REF1



