

Memorandum to the City of Markham Committee of Adjustment

March 1, 2022

File: A/199/21
Address: 5900 14th Ave, Markham
Applicant: Baldassarra Architects Inc. (Milica Zekanovic)
Agent: Baldassarra Architects Inc. (Milica Zekanovic)
Hearing Date: Wednesday March 09, 2022

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

The applicant is requesting relief from following requirements of the “M.C. (60%)” and “M.C. (40%)” zones under By-law 108-81 as amended, to permit:

a) Section 4.6.1 (b):

a building to be constructed within 28.83 m (94.58 ft) of the centerline of 14th Avenue, whereas the By-law requires a minimum setback of 36 m (118.11 ft) from the centerline of 14th Avenue;

b) Section 4.7.1 (a):

a minimum depth of 1.6 m (5.24 ft) for Landscaped Open Space facing 14th Avenue, whereas the By-law requires a minimum Landscaped Open Space of 9 m (29.52 ft)

as it relates to a Site Plan Application File: SPC 21 103550 for an addition to the existing industrial building.

BACKGROUND

Property Description

5900 14th Avenue is located on the north side of 14th Avenue, between Canfield Drive and Markham Road. The site has three frontages: 14th Avenue, Canfield Drive and Travail Road. Vehicular accesses are only provided from Canfield Drive and Travail Road. The existing use is a 17,146.28 m² (184,561 ft²) industrial building, which according to assessment records was constructed in the early 2000’s. There is a surface parking lot located at the south west corner of the site. The north rear yard on Travail Road is being used as an outdoor storage area for tractors and other construction equipment. Surrounding uses include a number of industrial buildings to the north, east and west, and a vacant employment block to the south. The Aaniin Community Centre is located to the southwest of the site across 14th Avenue. Further east on Markham Road is a commercial area containing a variety of uses including retail stores, restaurants and a grocery store.

Previous Minor Variance Approval – A/06/00

On February 23, 2000, the previous owner obtained minor variance approval for relief from the following requirements under Zoning By-law 108-81, as amended:

- A reduction in the minimum setback from the centerline of 14th Avenue from 36 m (118.11 ft) to 30 m (98.42 ft)
- A reduction in the depth of the minimum required landscaped open space adjoining 14th Avenue from 9 m (29.52 ft) to 6 m (19.68 ft).

- Permission to store tractors, excavators and other rolling stock in the north yard.
- Notwithstanding Section 6.1 of Zoning By-law 108-81, as amended, the setbacks from internal lot lines shall not apply; and for the purpose of calculating floor area ratio under Section 7.43, floor area ratio shall not apply on a per lot basis but shall be calculated by combining the areas of the lots.

Proposal

The applicant has submitted Site Plan Application File: SPC 21 103550 to permit the construction of a 5,722.84 m² (61,600 ft²) addition on the west side of the existing industrial building. The proposal also includes relocating the access on Travail Road towards the center, and adding a new parking lot with 67 spaces at the south east corner of the site with a connecting driveway to the existing parking lot to the west.

Through the site plan review, York Region has requested a road widening across the full frontage of the site where it abuts 14th Avenue of sufficient width to provide a minimum distance of 19.5 m (63.97 ft) from the centre line of 14th Avenue. Consequently, the landscaped open space along 14th Avenue will be reduced from 6 m (19.68 ft), as previously approved by the Committee of Adjustment, to 1.6 m (5.24 ft).

Furthermore, it was discovered that the setback of the existing building from the centreline of 14th Avenue is 28.83 m (94.58 ft), whereas 30 m (98.42 ft) was approved by the Committee of Adjustment in February 2000. The discrepancy was possibly attributed to a construction error.

The applicant is requesting relief from the zoning by-law requirements to rectify the aforementioned non-compliance.

Official Plan and Zoning

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

The Official Plan designates the subject property “General Employment” which provides for a variety of uses including manufacturing, processing and warehousing with accessory outdoor storage, accessory retail and office, and trade school. The proposed expansion of the existing industrial building conforms to the Official Plan policies.

Zoning By-Law 108-81 as amended

The subject property is zoned “M.C.(60%)” and “M.C.(40%)” under By-law 108-81, as amended, which permits a range of uses including warehousing of goods and materials, assembly of manufactured goods, repair and servicing of goods, data processing centres, research laboratories, banks and financial institutions, professional and business offices, commercial schools, hotels and motels. The applicant is requesting relief from the requirements related to setback from the centreline of 14th Avenue and the minimum depth for landscaped open space.

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 the site plan process 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.

Setback from the Centerline 14th Avenue

The applicant is requesting relief to permit a minimum setback of 28.83 m (94.58 ft) from the centerline of 14th Avenue, whereas the By-law requires a minimum setback of 36 m (118.11 ft) from the centerline of 14th Avenue.

The variance relates to the existing office component at the front, which has existed since the building was constructed in the early 2000's. The 28.83 m (94.58 ft) setback applies to the vestibule, while the front main wall is approximately 32 m (104.98 ft) from the centerline of 14th Avenue. Notwithstanding the setback reduction, the building shares a similar setback as the other existing buildings on the 14th Avenue, including the warehouse to the west at 10 Canfield Drive and the Aaniin Community Centre. Furthermore, the York Region has indicated that they have no objection to the requested setback reduction. Staff are of the opinion that the requested variance is generally consistent with the established character of the employment area on 14th Avenue and have no objection.

Landscaped Open Space

In February 2000, the previous owner obtained minor variance approval to reduce the minimum depth of the landscaped open space from 9 m (29.52 ft) to 6 m (19.68 ft). The current owner is now seeking further reduction to 1.6 m (5.24 ft) to accommodate York Region's road widening requirement as part of Site Plan Application File: SPC 21 103550. The variance will also facilitate a new connecting driveway between the existing and proposed parking lots to eliminate the dead end on the site for better traffic circulation. It should be noted that Urban Design staff are working with the applicant as part of the site plan review process to provide appropriate landscape improvements on the site, which includes the planting of new street trees along 14th Avenue. Staff have reviewed the requested variance and have no concern.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 1, 2022. 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 requested variances meet the four tests of the Planning Act. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 21 147540 \Documents\District Team Comments Memo

APPENDIX "A"

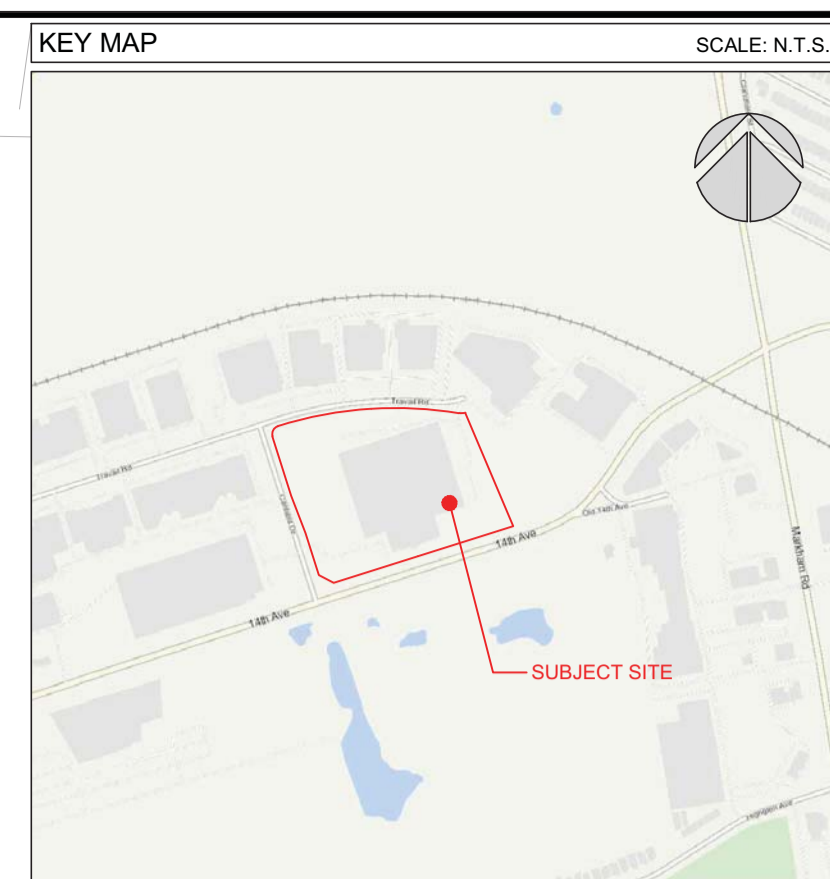
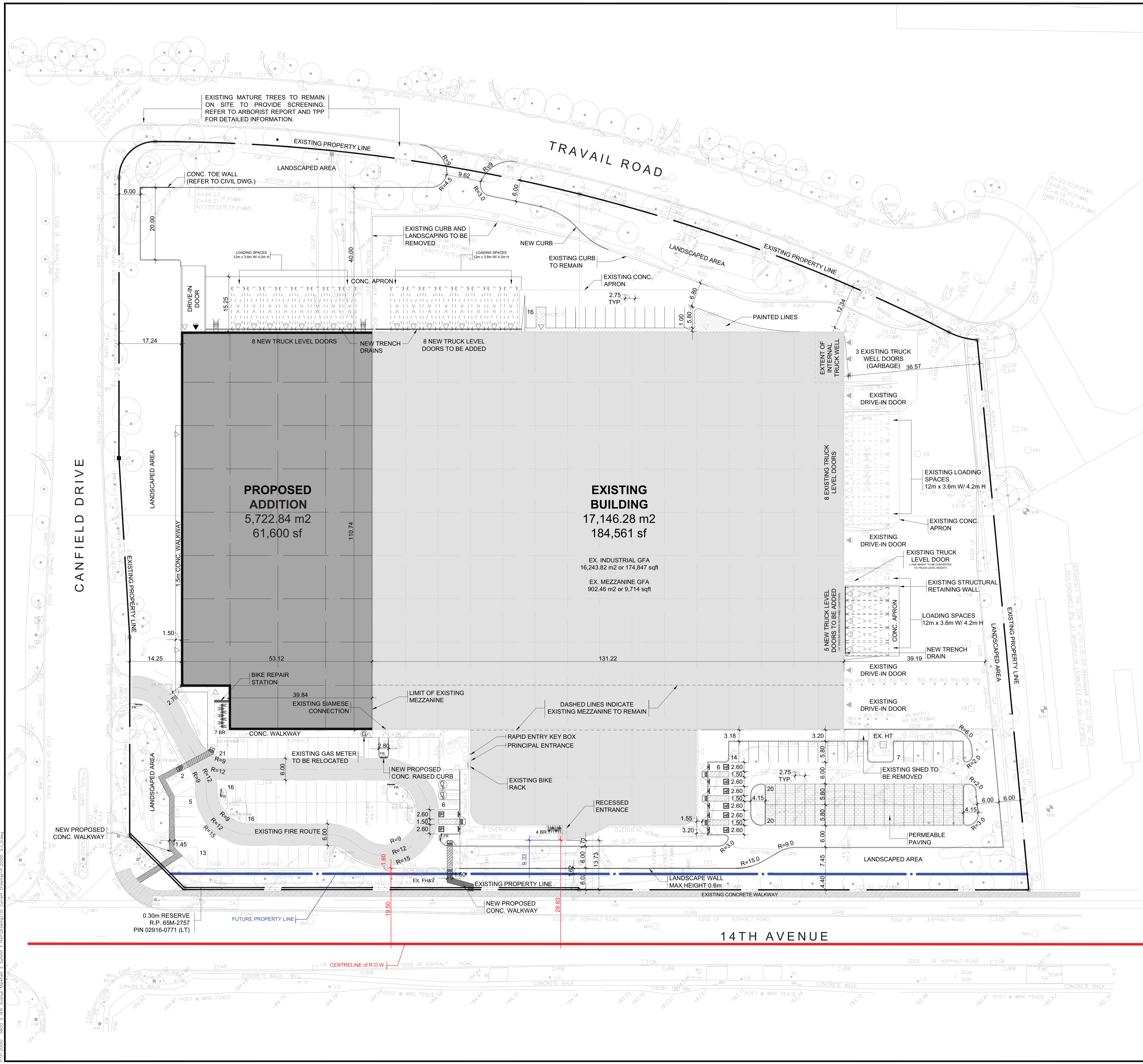
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/199/21

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;

PREPARED BY:



Carlson Tsang, Senior Planner, East District



LEGAL DESCRIPTION	PROJECT NORTH
PLAN OF SURVEY OF LOTS 12, 13, 14, 24 AND 25 REGISTERED PLAN 65M-2757 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK	TRUE NORTH
AS PREPARED BY: J.D. BARNES LIMITED ONTARIO LAND SURVEYORS	

SITE STATISTICS		
SITE AREA	45,980.92 m ²	or 11.36 acres
ZONING	M.C.(40%) & M.C.(60%)	
LOT FRONTAGE (CANFIELD DR.)	60.00 m (MIN)	191.13 m
LOT FRONTAGE (14TH AVE.)		232.49 m
LOT FRONTAGE (TRAVAIL RD.)		220.94 m
FRONT YARD (WEST)	12.00 m	14.25 m
REAR YARD (EAST)	12.00 m	36.57 m
FLANKAGE YARD (SOUTH)	6.00 m	9.33 m
FLANKAGE YARD (NORTH)	6.00 m	12.34 m
EXISTING BUILDING	14,547.53 m ²	or 156,588 sf
MEZZANINE	1,098.29 m ²	or 11,714 sf
TOTAL EXISTING G.F.A.	17,146.28 m ²	or 184,561 sf
PROPOSED ADDITION	5,722.84 m ²	or 61,600 sf
TOTAL BUILDING G.F.A.	22,869.12 m ²	or 246,161 sf
SITE COVERAGE	21,962.85 m ²	or 47.77%
LANDSCAPED AREA	8,709.19 m ²	or 18.94%
PAVED AREA	15,308.87 m ²	or 33.29%
BUILDING HEIGHT	14.00 m	or 10.20 m

PARKING		
INDUSTRIAL USE	Net floor area up to 1,200 m ² 1,200 m ² @ 1.0 space / 40 m ²	30 spaces
	Net floor area between 1,200 m ² and 6,000 m ² 4,800 m ² @ 1.0 space / 100 m ²	48 spaces
	Net floor area in excess of 6,000 m ² 18,000 m ² @ 1.0 space / 200 m ²	84 spaces
TOTAL PARKING		162 spaces
ACCESSIBLE PARKING	8 spaces	8 spaces
LOADING SPACES		30 spaces
BICYCLE PARKING SPACES		33 spaces

SYMBOL LEGEND	
[Symbol]	MAN DOOR
[Symbol]	LOADING DOCK DOOR
[Symbol]	DRIVE-IN / OVERHEAD DOOR
[Symbol]	HYDRANT / VALVE
[Symbol]	FIRE DEPARTMENT CONNECTION / SIAMESE
[Symbol]	CATCH BASIN
[Symbol]	DOUBLE CATCH BASIN
[Symbol]	SANITARY MAN HOLE
[Symbol]	CATCH BASIN / MAN HOLE
[Symbol]	STORM MAN HOLE
[Symbol]	HYDRO POLE STANDARD / UTILITY POLE
[Symbol]	BIKE RACK (2 BIKE PARKING SPACES)
[Symbol]	BIKE RACK (3 BIKE PARKING SPACES)
[Symbol]	HYDRO TRANSFORMER
[Symbol]	ACCESSIBLE PARKING SPACE
[Symbol]	ACCESSIBLE PARKING SPACE SIGNAGE
[Symbol]	SNOW STORAGE AREA
[Symbol]	CARPOOL PARKING
[Symbol]	FIRE ROUTE SIGN

No.	ISSUED	DATE
1	ISSUED FOR COORDINATION	OCT. 14, 2020
2	RE-ISSUED FOR COORDINATION	NOV. 13, 2020
3	ISSUED FOR SPA	JAN. 15, 2021
4	ISSUED FOR TENANT RFP	JUL. 26, 2021
5	RE-ISSUED FOR SPA	AUG. 13, 2021
6	ISSUED FOR MINOR VARIANCE APPLICATION	DEC. 16, 2021
7	RE-ISSUED FOR SPA	JAN. 24, 2022

No.	REVISION	DATE
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BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
 T. 905.660.0722 | www.baldassarra.ca



OWNERS INFORMATION:

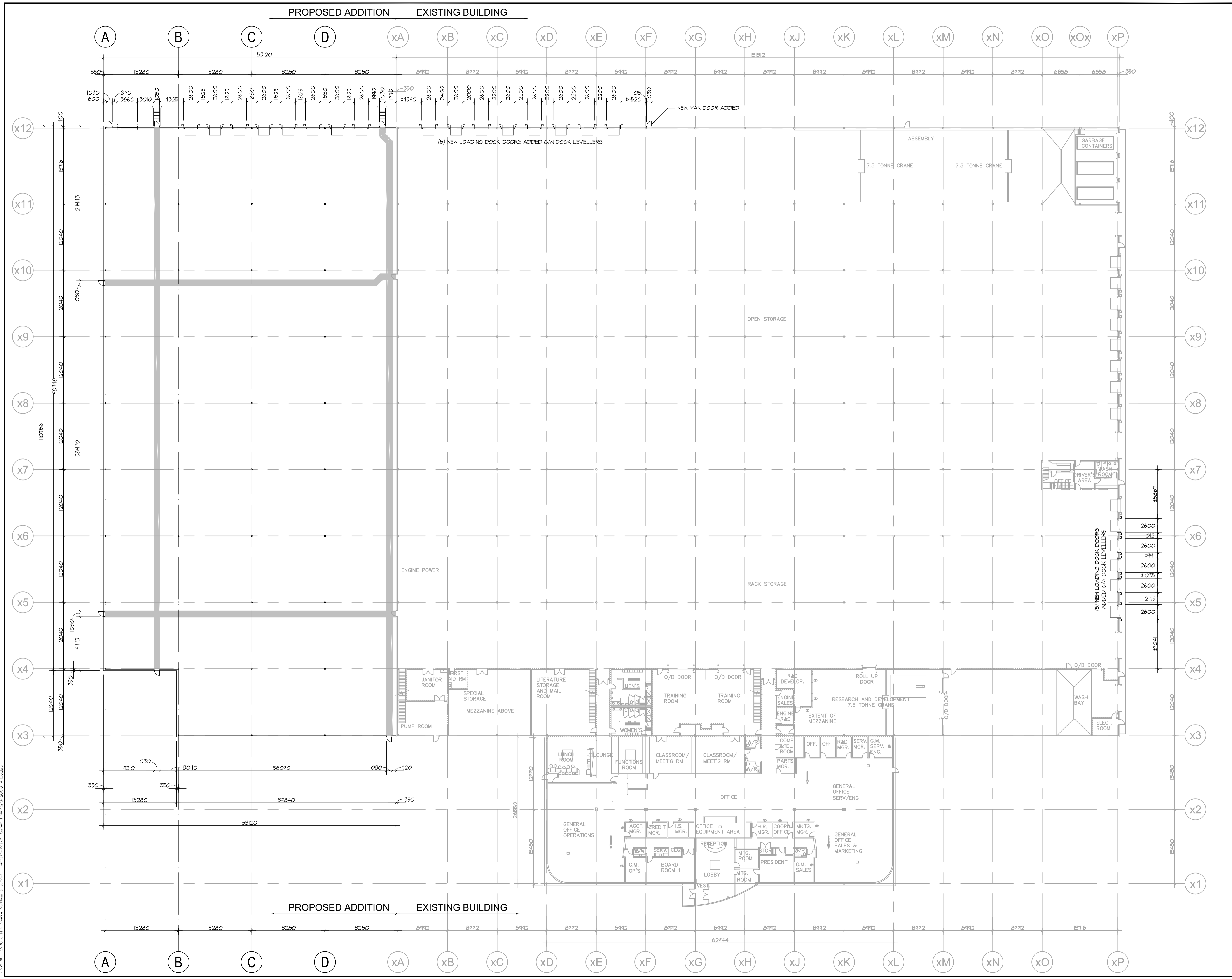
5900 14th Avenue

Markham, Ontario

SITE PLAN

21 103550 SPC			
DATE: JUNE 2020	DRAWN BY: DM/LY	CHECKED:	SCALE: 1:500
PROJECT No.	DRAWING No.		

2153 **A-1.0**

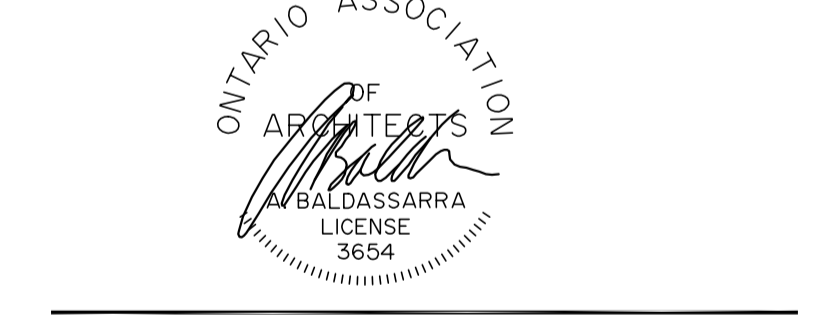


No.	ISSUED	DATE
1	ISSUED FOR SPA	JAN. 15 2021

No.	REVISION	DATE
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5900 14th Avenue

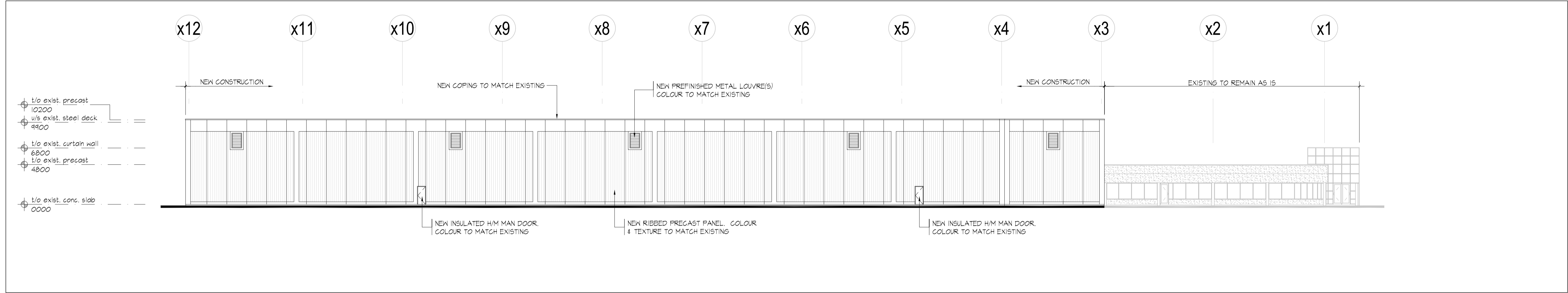
Markham, Ontario

FLOOR PLAN

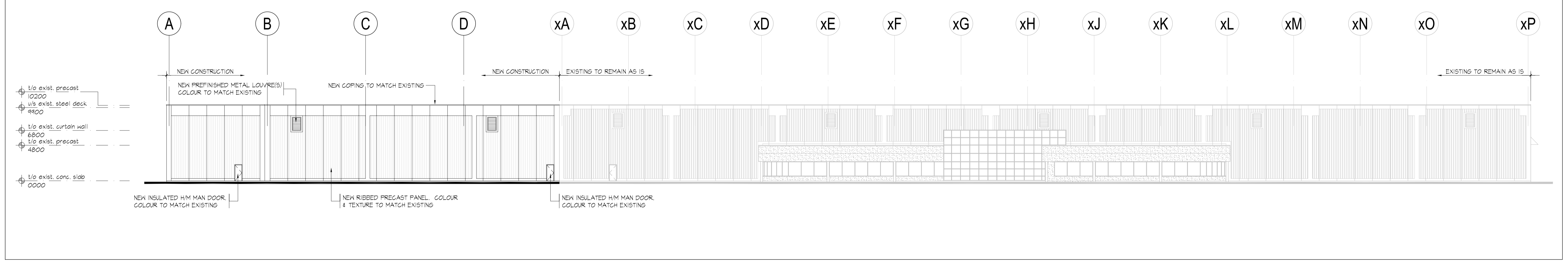
DATE: NOV. / 2020	DRAWN BY: jdh	CHECKED:	SCALE: 1:300
PROJECT No. P-20010		DRAWING No. A-2.0	

P:\0-2000-5900-14th Avenue Markham & Summit & Birch/Drawings/01-Concept/Drawings/P-20010_A1.dwg

MARKHAM BIRD FRIENDLY BUILDING CHECKLIST	
Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.	
MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS At Grade Condition (check to confirm the below is applied)	
<input checked="" type="checkbox"/>	Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m ² and within 1.6m from finished grade.
Roof Landscape Condition (check to confirm one of the below is applied)	
<input type="checkbox"/>	Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m ² and within 1.6m from roof level finished grade.
<input type="checkbox"/>	Development contains no glass panel within 1.6m from roof level finished grade.
Patterns (check to confirm one or more of the below are applied)	
<input type="checkbox"/>	Stripes Horizontal strip spacing is less than 5cm on centre; vertical strip spacing is less than 10cm on centre; horizontal strip widths are greater than 3.1mm; and vertical strip widths are greater than 6.1mm.
<input checked="" type="checkbox"/>	Dots Dot size is larger than 5mm; horizontal strip spacing is less than 5cm on centre; and vertical strip spacing is less than 10cm on centre.
Specifications (check to confirm one or more of the below is applied)	
<input checked="" type="checkbox"/>	Pattern is applied as fritting or etching of glass; and pattern colour are high contrast in relation to the background.
<input type="checkbox"/>	Pattern is applied as film on exterior surface of glass; and pattern colour are high contrast in relation to the background.
MARKHAM BIRD FRIENDLY LIGHTING CHECKLIST	
Applicant to include checklist on Electrical Engineering Drawing(s) at first landscape plan submission. Drawing(s) to be stamped and signed by a P.Eng.	
MANDATORY LIGHTING CRITERIA FOR ALL DEVELOPMENTS (check to confirm the below is applied)	
<input checked="" type="checkbox"/>	The use of exterior up lighting is eliminated; there is no exterior light spill outside of property line.



2 West Elevation
 A-3.0 Scale = 1:250



1 South Elevation
 A-3.0 Scale = 1:250

No.	ISSUED	DATE
1	ISSUED FOR SPA	JAN. 15 2021
2	RE-ISSUED FOR SPA	AUG. 13 2021

No.	REVISION	DATE

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5900 14th Avenue

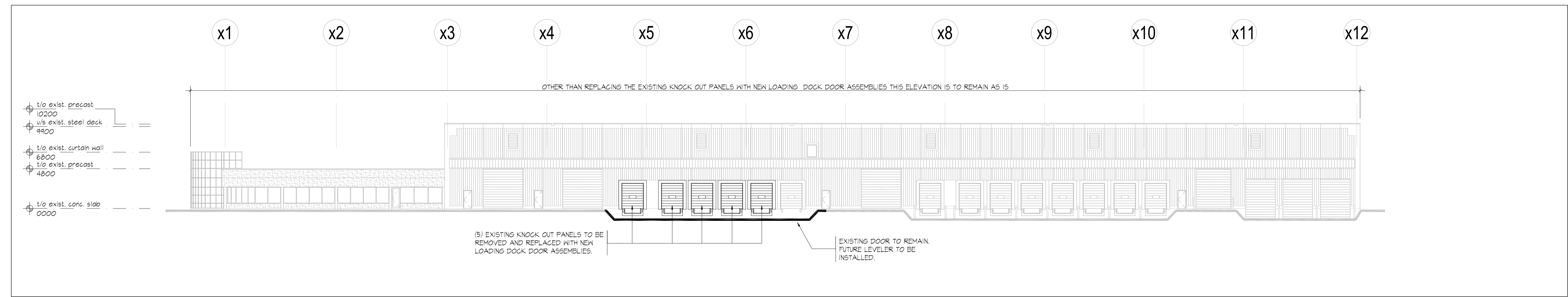
Markham, Ontario

SOUTH AND WEST ELEVATIONS

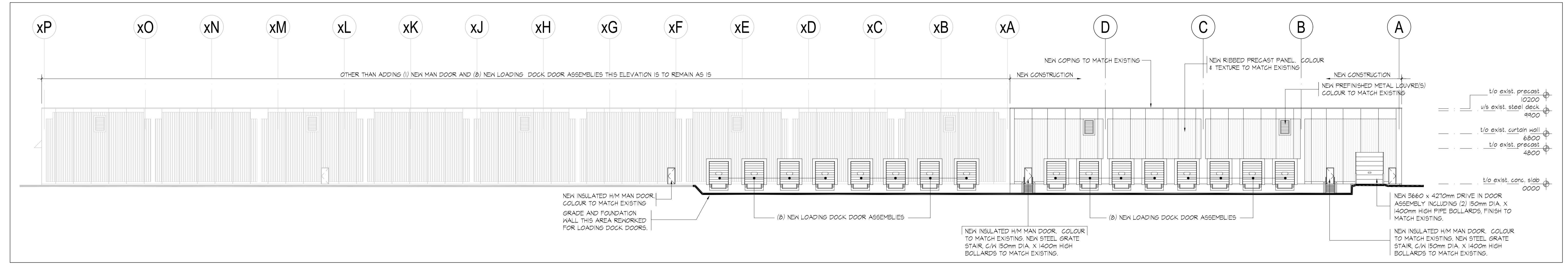
DATE:	DRAWN BY:	CHECKED:	SCALE:
OCT. 2020	jdh/ly		AS NOTED

PROJECT No. P-20010
 DRAWING No. A-3.0

MARKHAM BIRD FRIENDLY BUILDING CHECKLIST	
Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.	
MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS	
At Grade Condition (check to confirm the below is applied)	
<input checked="" type="checkbox"/>	Bird Friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m ² and within 16m from finished grade.
Roof Landscape Condition (check to confirm one of the below is applied)	
<input type="checkbox"/>	Bird Friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m ² and within 16m from roof level finished grade.
<input type="checkbox"/>	Development contains no glass panel within 16m from roof level finished grade.
Patterns (check to confirm one or more of the below are applied)	
<input type="checkbox"/>	Stripes Horizontal strip spacing is less than 5cm on centre; vertical strip spacing is less than 10cm on centre; horizontal strip widths are greater than 3.1mm and vertical strip widths are greater than 6.1mm.
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Applicant to include checklist on Electrical Engineering Drawing(s) at first landscape plan submission. Drawing(s) to be stamped and signed by a P.Eng.	
MANDATORY LIGHTING CRITERIA FOR ALL DEVELOPMENTS (check to confirm the below is applied)	
<input checked="" type="checkbox"/>	The use of exterior up lighting is eliminated; there is no exterior light spill outside of property line.



2 East Elevation
 A-3.1 Scale = 1:250



1 North Elevation
 A-3.1 Scale = 1:250

No.	ISSUED	DATE
1	ISSUED FOR SPA	JAN. 15 2021
2	RE-ISSUED FOR SPA	AUG. 13 2021

No.	REVISION	DATE

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 OWNERS INFORMATION:



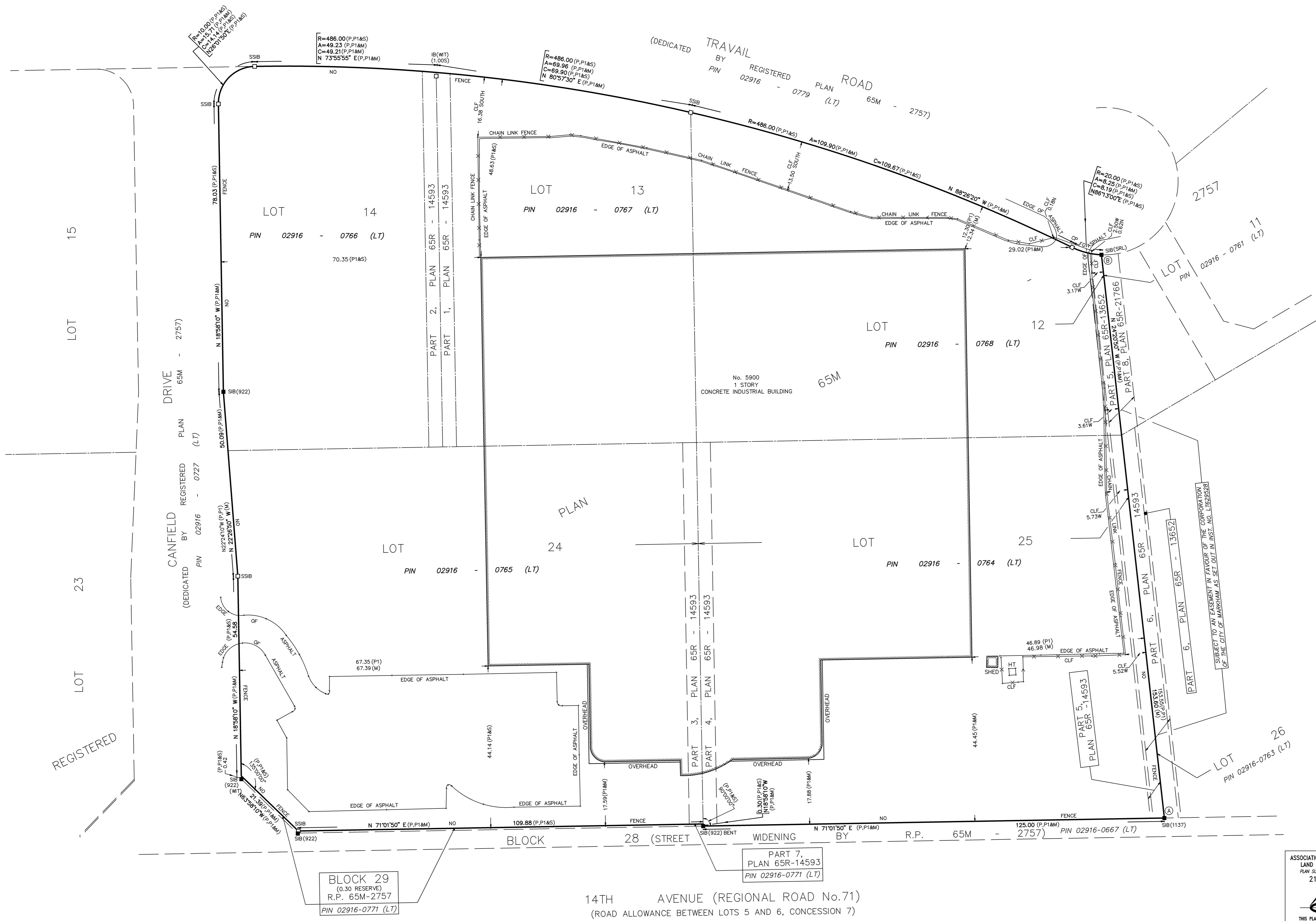
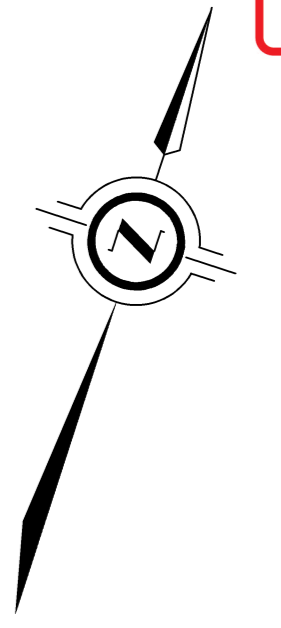
5900 14th Avenue

Markham, Ontario

NORTH AND EAST ELEVATIONS

DATE:	DRAWN BY:	CHECKED:	SCALE:
OCT. 2020	jdh/ly		AS NOTED

PROJECT No. P-20010 DRAWING No. **A-3.1**



PLAN OF SURVEY OF
LOTS 12, 13, 14, 24 AND 25
REGISTERED PLAN 65M-2757
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 500
J. D. BARNES LIMITED
© COPYRIGHT 2019

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999814.
FOR BEARING COMPARISONS, A ROTATION OF 0°59'50" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P. P1.
SURVEY MONUMENTS PLANTED ARE IB,(DB) UNLESS OTHERWISE NOTED.

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	639 882.17	4 857 145.51
ORP (B)	639 818.86	4 857 285.43

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
CP	DENOTES CONCRETE PIN
M	DENOTES MEASURED
S	DENOTES SET
922	DENOTES F.SCHAEFFER, OLS
1137	DENOTES R.G. MCKIBBON LIMITED, OLS
JDB	DENOTES J.B. BARNES LIMITED, OLS
SRL	DENOTES SCHAEFFERARENTHALER LTD, OLS
NI	DENOTES NOT IDENTIFIABLE
WT	DENOTES WITNESS
P	DENOTES PLAN 65M-2757
CF	DENOTES SURVEYOR'S REAL PROPERTY REPORT BY J.D.BARNES LTD., OLS DATED NOVEMBER 11, 2000
CLF	DENOTES CHAIN LINK FENCE
FG	DENOTES FENCE GATE
R.P.	DENOTES REGISTERED PLAN
HT	DENOTES HYDRO TRANSFORMER

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON NOVEMBER 18, 2019.

DECEMBER 03, 2019
DATE
YANU HU
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2108786

J.D.BARNES SURVEYING MAPPING GIS
LIMITED
LAND INFORMATION SPECIALISTS
140 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3
T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com

DRAWN BY: YN	CHECKED BY: YH	REFERENCE NO.:
ISSUED BY THE SURVEYOR		19-21-381-00
ORIGINAL COPY		FILE: G:\19-21-381\00\Drawing\19-21-381-00.dgn
IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3)		DATED: DECEMBER 03, 2019
PLOTTED:		12/5/2019

BLOCK 29
(0.30 RESERVE)
R.P. 65M-2757
PIN 02916-0771 (LT)

PART 7,
PLAN 65R-14593
PIN 02916-0771 (LT)

14TH AVENUE (REGIONAL ROAD No.71)
(ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, CESSION 7)