

# Memorandum to the City of Markham Committee of Adjustment

June 27, 2024

**File:** A/049/24  
**Address:** 5900 14th Avenue, Markham  
**Applicant:** Baldassarra Architects Inc. (Milica Zekanovic)  
**Hearing Date:** Wednesday, July 24, 2024

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

The applicant is requesting relief from the following requirements of By-law 108-81, as amended, as it relates to a multi-unit industrial building.

**a) By-law 28-97, Section 3.0 (Table B):**

a minimum 162 parking spaces, whereas the by-law requires a minimum of 255 parking spaces

## **BACKGROUND**

### **Property Description**

The 45,980.92 m<sup>2</sup> (11.36 ac) subject property is located on the north side of 14<sup>th</sup> Avenue, west of Markham Road and east of Canfield Drive. The property is located within an established industrial area neighbourhood comprised of a mix of one and two-storey industrial and commercial buildings. Mature vegetation exists across the property.

There is an existing industrial building on the property, which according to assessment records was constructed in the 1990s.

### **Proposal**

The applicant is proposing to reconfigure the existing parking lot as a result of a new building permit application seeking to divide the existing building into a multi-unit building.

### **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 property "General Employment", which provides for manufacturing, processing, and warehousing, along with supplementary storage, retail service, and office functions that support the main manufacturing, processing, or warehousing use. Trade schools are included under this designation.

Furthermore, the 2014 Official Plan provides discretion for other uses such as restaurants, services, commercial schools, offices (excluding medical offices), as well as motor vehicle body shop and repair facilities, and crematoriums. These discretionary uses require a site-specific development application for zoning approval and are subject to conditions outlined in section 8.5.5.3 of the 2014 Official Plan.

### Zoning By-Law 108-81

The subject property is zoned Select Industrial and Limited Commercial (M.C) under By-law 108-81, as amended, which permits banks and financial institutions, professional and business offices, commercial schools, hotels and motels, in addition to the uses permitted in Section 7.1.1 of Zoning By-Law 108-81, as amended.

### Parking Standards By-law 28-97

The proposed development does not comply with the number of required parking spaces in Parking By-law 28-97, as amended.

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

The owner has completed a Zoning Preliminary Review (ZPR) on January 24, 2024 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.

### **Parking Reduction**

The site currently provides a total of 162 parking spaces. Under Parking By-Law 28-97, the proposed development will increase the parking requirement to 255 parking spaces. This will result in a deficiency of 93 parking spaces.

The proposed 162 parking spaces exceeds the new parking requirement of 120 spaces in the City's new Comprehensive Zoning By-Law 2014-19, as amended, which was passed on January 31, 2024 and is currently under appeal and not in full force and effect. Since the new By-Law is not in full force and effect, the variance is needed so that the applicant complies with the current applicable By-Law 28-97, as amended, which requires 255 parking spaces.

Transportation Engineering staff have reviewed the application and stated that the existing number of parking spaces are adequate for the proposed division of the existing development into multiple units as it will satisfy and exceed the parking requirements set out by the City's Comprehensive Zoning By-Law 2014-19, as amended, when it comes into effect.

Therefore, Staff have no objections to the approval of the proposed parking reduction.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of **July 27, 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.

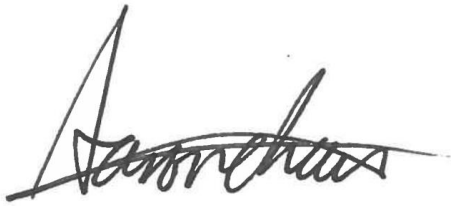
**CONCLUSION**

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:



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Aaron Chau, Planner I, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX**

Appendix "A" – A/049/24 Conditions of Approval

Appendix "B" – Drawings

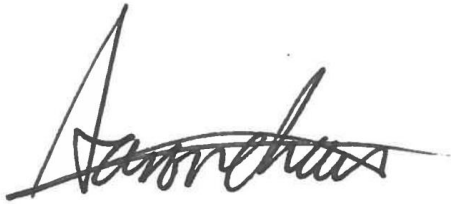
Appendix "C" – Transportation Comments

**APPENDIX "A"**

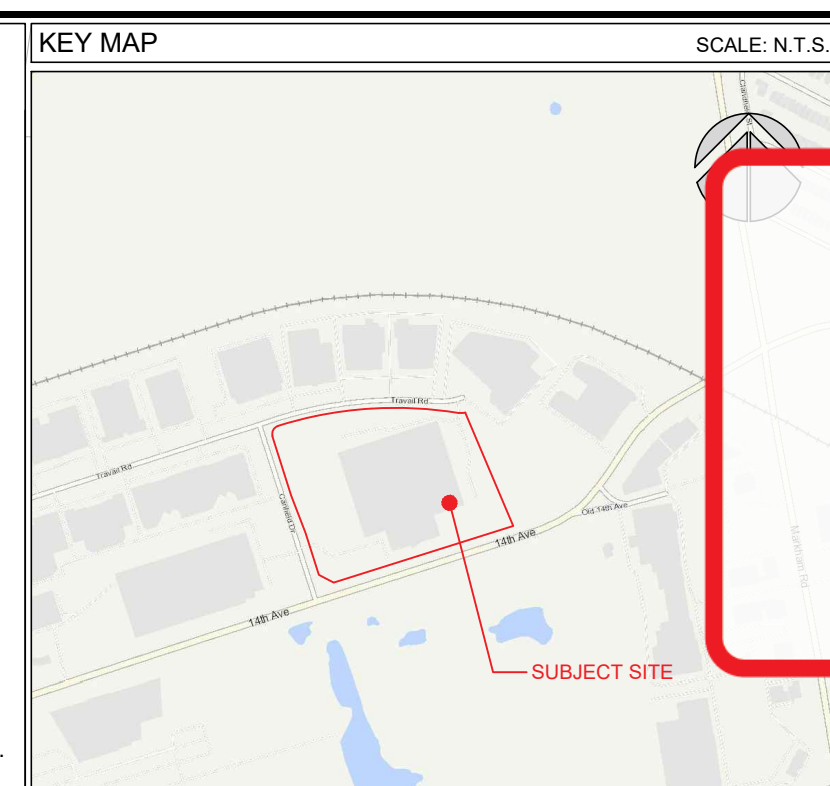
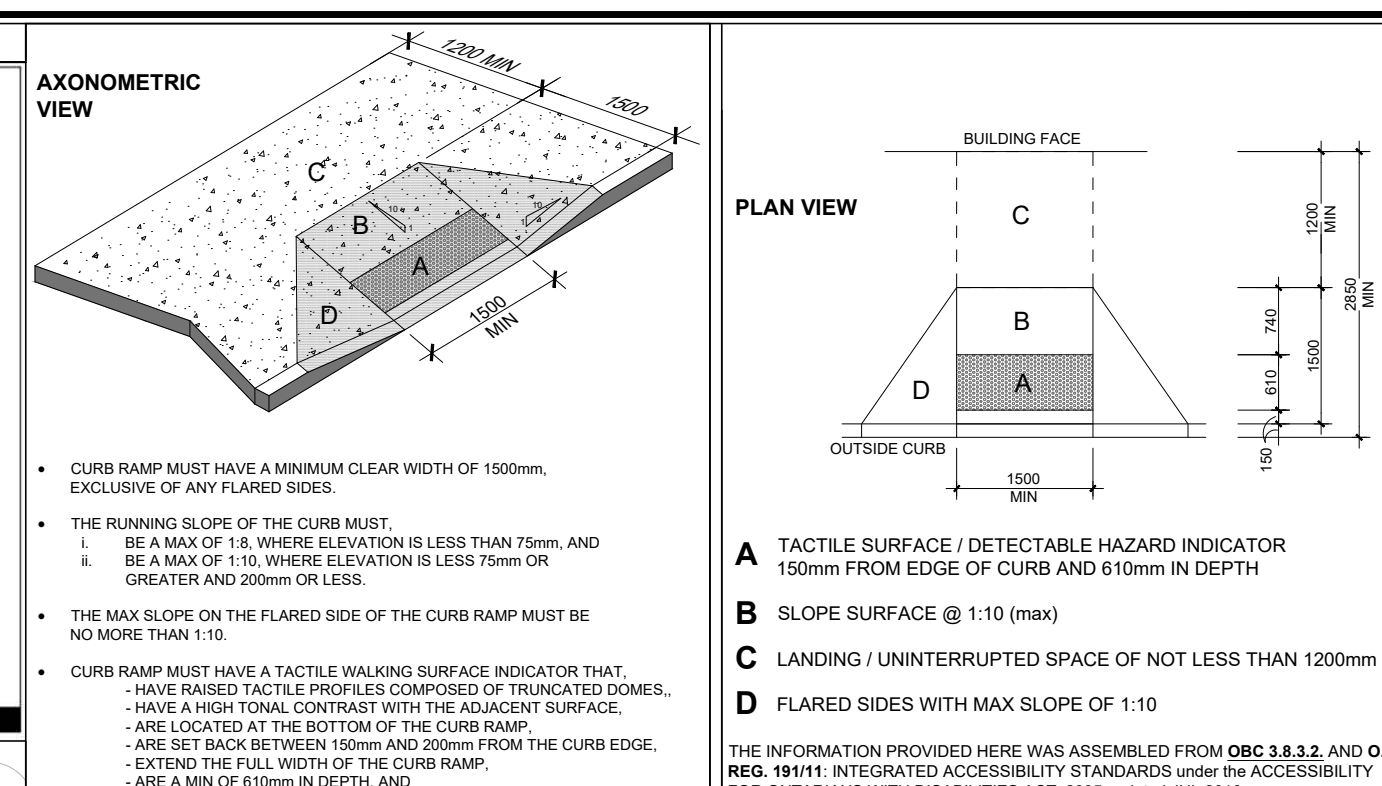
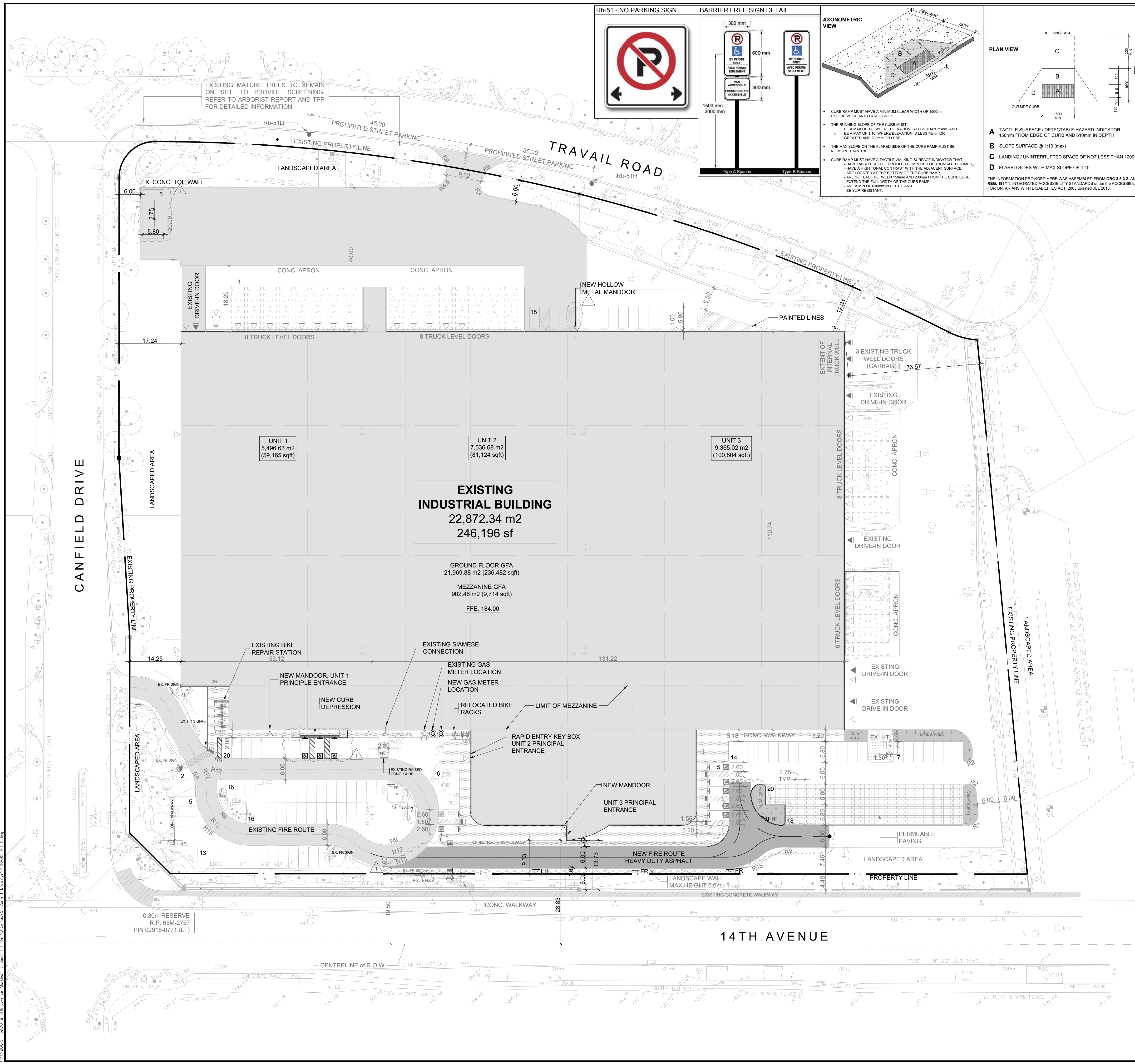
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/049/24**

1. The variances apply only to the proposed development as long as it remains.
2. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
4. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District



**Appendix B**

File: 24.173150.000.00.MNV

Date: 7/10/2024

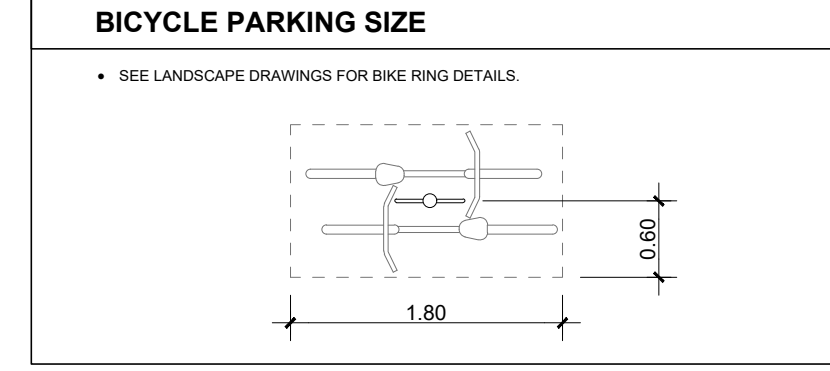
MM/DDYY

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	
AS PREPARED BY: J.D. BARNES LIMITED ONTARIO LAND SURVEYORS	TRUE NORTH

SITE STATISTICS	
<b>SITE AREA</b>	45,980.92 m <sup>2</sup> or 11.36 acres
<b>ZONING</b>	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) CONVEYED	12.00 m 14.25 m
REAR YARD (EAST)	12.00 m 36.57 m
FLANKAGE YARD (SOUTH) 14TH AVENUE	6.00 m 9.33 m
FLANKAGE YARD (NORTH) TRAVAIL ROAD	6.00 m 12.34 m
EXISTING WAREHOUSE	20,273.59 m <sup>2</sup> or 218,223 sf
EXISTING OFFICE	1,696.29 m <sup>2</sup> or 18,259 sf
EXISTING MEZZANINE	902.46 m <sup>2</sup> or 9,714 sf
EXISTING TOTAL BUILDING G.F.A.	22,872.34 m <sup>2</sup> or 246,196 sf
SITE COVERAGE	21,962.65 m <sup>2</sup> or 47.77%
LANDSCAPED AREA	8,709.19 m <sup>2</sup> or 18.94%
PAVED AREA	15,308.87 m <sup>2</sup> or 33.29%
	REQUIRED PROVIDED
BUILDING HEIGHT	14.00 m 10.20 m

PARKING CALCULATIONS	
AS REQUIRED UNDER BY-LAW 2024-15 (INDUSTRIAL USE)	2 parking spaces per premises + 1 space / 200 m <sup>2</sup> GFA
ACCESSIBLE PARKING	3% + 1 SPACE
AS REQUIRED UNDER BY-LAW 28-97	
UNIT 1 @ 5,496.63 m <sup>2</sup> net area or 59,165 sqft	74 spaces
UNIT 2 @ 7,536.68 m <sup>2</sup> net area or 81,124 sqft	87 spaces
UNIT 3 @ 9,365.02 m <sup>2</sup> net area or 100,804 sqft	94 spaces
TOTAL PARKING	255 spaces 162 spaces
EXISTING PARKING (INDUSTRIAL USE)	
NET FLOOR AREA UP TO 1,200 m <sup>2</sup>	30 spaces
1,200 m <sup>2</sup> @ 1.5 space / 40 m <sup>2</sup>	48 spaces
NET FLOOR AREA BETWEEN 1,200 m <sup>2</sup> - 6,000 m <sup>2</sup>	84 spaces
6,000 m <sup>2</sup> @ 1.5 space / 100 m <sup>2</sup>	
NET FLOOR AREA EXCESS OF 6,000 m <sup>2</sup>	
16,872.34 m <sup>2</sup> @ 1.5 space / 200 m <sup>2</sup>	
TOTAL PARKING	162 spaces 162 spaces
ACCESSIBLE PARKING	5% of required parking
	8 spaces 10 spaces
LOADING SPACES	30 spaces
BICYCLE PARKING SPACES	33 spaces

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



No.	ISSUED	DATE
1	ISSUED FOR CLIENT REVIEW	JAN 09, 2024
2	ISSUED FOR ZPR & PRON	FEB. 16, 2024
3	ISSUED FOR BUILDING PERMIT	MAR. 14, 2024
4	ISSUED FOR TENDER	APR. 19, 2024
5	RE-ISSUED FOR ZPR	APR. 24, 2024
6	ISSUED FOR MINOR VARIANCE APPLICATION	MAY 23, 2024

No.	REVISION	DATE
1	REVISED FROM APPROVED SPA 21.103550.000.00.SPC	FEB. 16, 2024

**BALDASSARRA**  
Architects Inc.

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



OWNERS INFORMATION:

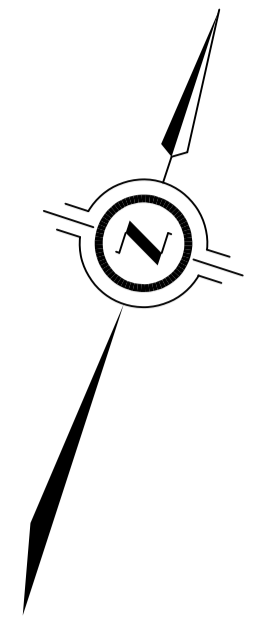
**5900 14th Avenue**

Markham, Ontario

**SITE PLAN**

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

2348 **A-1.0**



PLAN OF SURVEY SHOWING AS-BUILT TOPOGRAPHY INFORMATION OF

LOT 14, 13, 12 AND 11

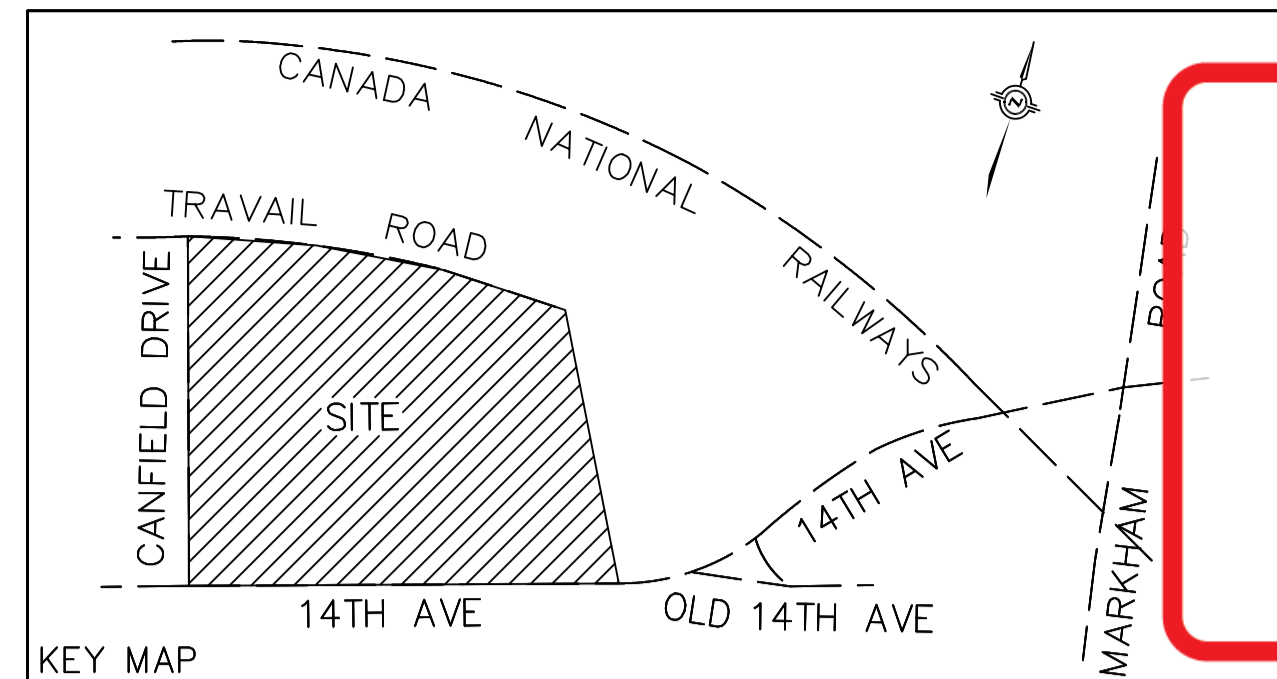
**Appendix B**

REGISTERED PLAN 65M-2757

File: 24.173150.000.00.MNV

Date: 7/10/2024

MM/DD/YY



ALL DIMENSIONS AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048.

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 0.999920.

FOR BEARING COMPARISONS, A ROTATION OF 0°59'50" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PAPER.

SURVEY MONUMENTS FOUND ARE JOB UNLESS OTHERWISE NOTED.

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.R.C. 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	639 584.80	4 857 263.18	
ORP (B)	639 680.38	4 857 149.58	

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

THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 316.70 N 68°52'20" W

**BENCHMARK**  
ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM AND ARE DERIVED FROM CITY OF MARKHAM BENCHMARK No. 38-013, HAVING A PUBLISHED ELEVATION OF 178.506 METRES (CGVD28: 75)

**LEGEND**

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SB	DENOTES	STANDARD IRON BAR
SSB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
CP	DENOTES	CONCRETE PIN
PB	DENOTES	PLASTIC BAR
M	DENOTES	MEASURED
1137	DENOTES	R.G. MCKIBBIN LIMITED, OLS
JDB	DENOTES	J.B. BARNES LIMITED, OLS
922	DENOTES	SCHAEFFER & REINTHALER LTD, OLS
OU	DENOTES	ORIGIN UNKNOWN
WT	DENOTES	WITNESS
P	DENOTES	PLAN 65M-2757
P1	DENOTES	PLAN 65R-14593
P2	DENOTES	PLAN 65R-39919
P3	DENOTES	PLAN OF SURVEY BY J.D.BARNES LTD., OLS, DATED JANUARY 14, 2021, REF: 19-21-381-01-A
FFE	DENOTES	FINISHED FLOOR ELEVATION
CLF	DENOTES	CHAIN LINK FENCE
PWF	DENOTES	POST & WIRE FENCE
R.P.	DENOTES	REGISTERED PLAN
FFE	DENOTES	FINISHED FLOOR ELEVATION
OP	DENOTES	TELEPHONE PLANT INTERFACE
CW	DENOTES	CONCRETE WALL
AE	DENOTES	ASPHALT EDGE
BOS	DENOTES	BOTTOM OF SLOPE
TOS	DENOTES	TOP OF SLOPE
CA	DENOTES	CONCRETE AREA
PS	DENOTES	PAVING STONES
HT	DENOTES	HYDRO TRANSFORMER
GT	DENOTES	GAS TRANSFORMER
FG	DENOTES	FENCE GATE
MW	DENOTES	MONITORING WELL
EOV	DENOTES	EDGE OF VEGETATION
EOAR	DENOTES	EDGE OF ASPHALT ROAD
CONC.	DENOTES	CONCRETE
CRW	DENOTES	CONCRETE RETAINING WALL
MF	DENOTES	METAL FENCE
TBW	DENOTES	TOP BARRIER WALL
MB	DENOTES	MAIL BOX
GA	DENOTES	GRAVEL AREA
RT	DENOTES	ROW OF TREES
DCB	DENOTES	DOUBLE CATCHBASIN
CB	DENOTES	CATCHBASIN
GV	DENOTES	GAS VALVE
MH	DENOTES	MANHOLE
SMH	DENOTES	SANITARY MANHOLE
STM MH	DENOTES	STORM MANHOLE
BOL	DENOTES	BOLLARD
GK	DENOTES	GAS KEY
WC	DENOTES	WATER CHAMBER
LS	DENOTES	LIGHT STANDARD
HP	DENOTES	HYDRO POLE
T	DENOTES	TRAFFIC SIGN
TP	DENOTES	TELEPHONE POLE
G METER	DENOTES	GAS METER
H	DENOTES	FIRE HYDRANT
WV	DENOTES	WATER VALVE
TMH	DENOTES	TELEPHONE MANHOLE
PED	DENOTES	TELEPHONE PEDESTAL
HW	DENOTES	HANDWELL
CB	DENOTES	CABLE TV JUNCTION BOX
WK	DENOTES	WATER KEY
SV	DENOTES	SPRINKLER VALVE
TSC	DENOTES	TRAFFIC SIGNAL CONTROL
TJB	DENOTES	TELEPHONE JUNCTION BOX
DIA	DENOTES	DECIDUOUS TREES
CONF	DENOTES	CONIFEROUS TREES
E	DENOTES	OVERHEAD HYDRO CABLE

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.C. 525/91.

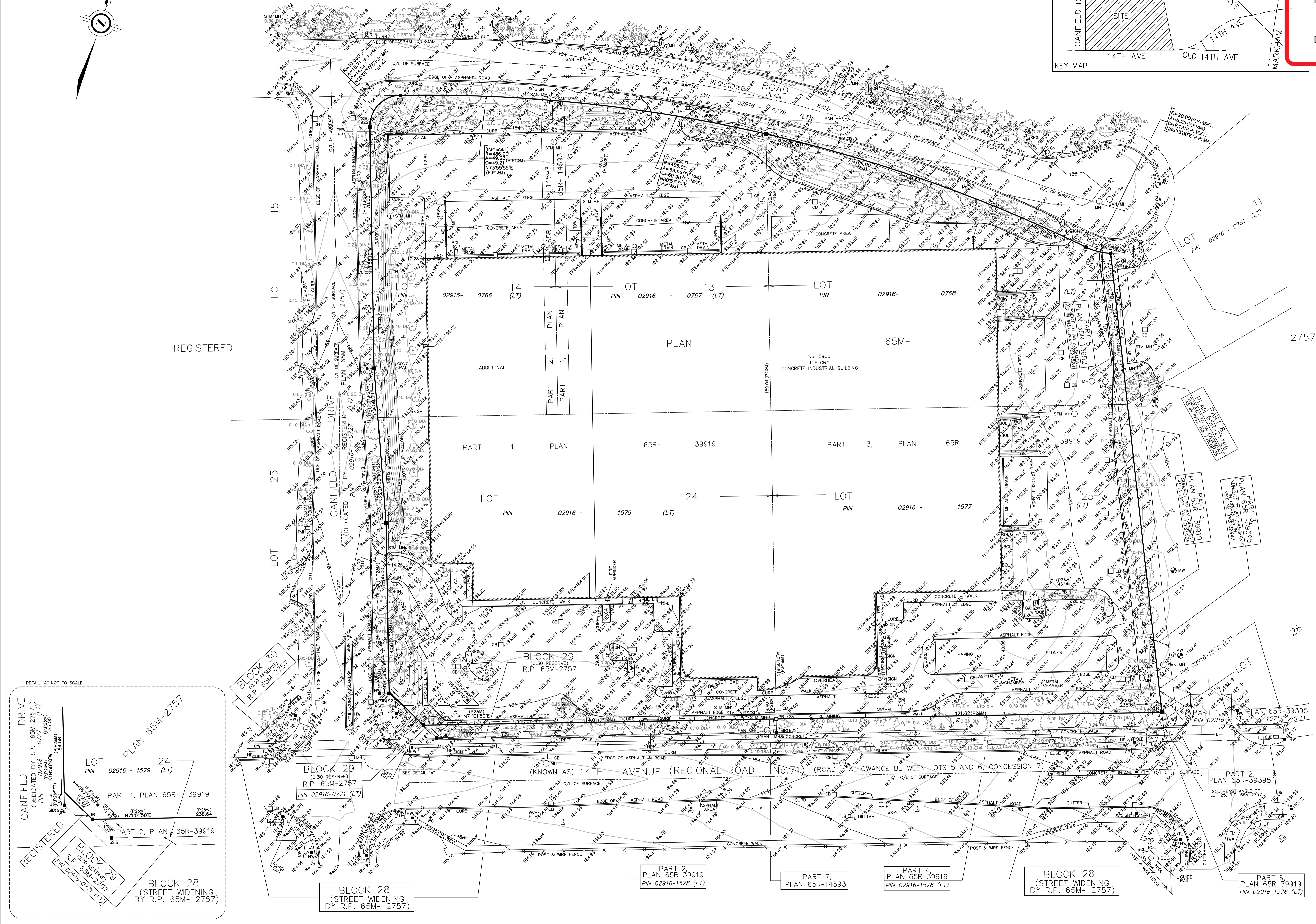
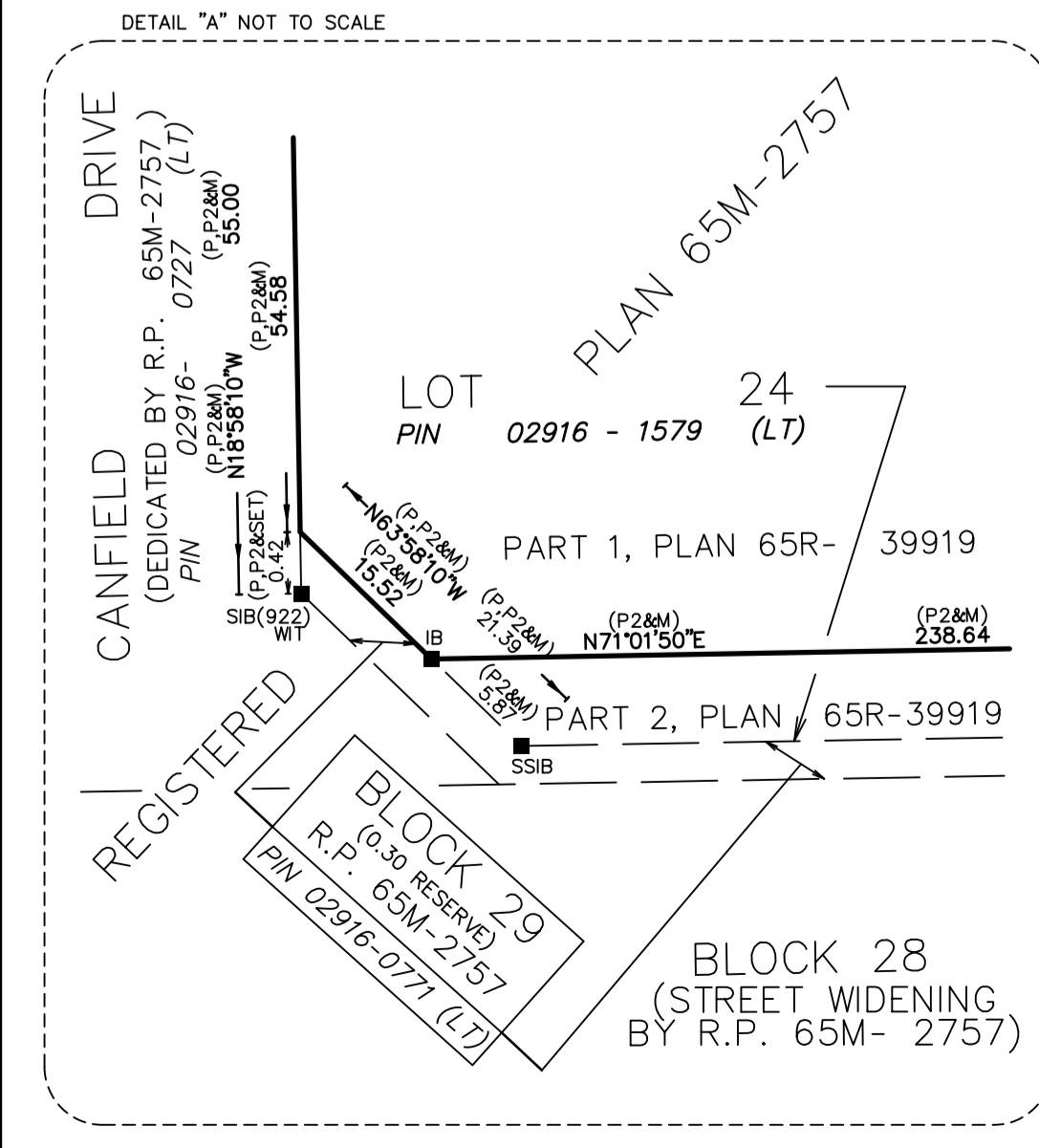
**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON DECEMBER 14, 2023.

JANUARY 12, 2024  
DATE  
YAHU HU  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-65866



DRAWN BY: YN CHECKED BY: YH REFERENCE NO.: 19-21-381-03  
FILE: G:\19-21-381\03\Drawings\19-21-381-03.dgn DATED: JANUARY 12, 2024  
PLOTED: 1/23/24



PREPARED FOR: COOPER CONSTRUCTION LTD.