

Memorandum to the City of Markham Committee of Adjustment

July 4, 2024

File: A/067/24
Address: 2600 John Steet, Thornhill
Agent: Gagnon Walker Domes Ltd. (Marc De Nardis)
Hearing Date: Wednesday, July 10, 2024

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

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the applicant is requesting relief from the following requirements of By-law 2024-19 & 108-81, as amended, to permit:

By-law 2024-19

a) **Section 9.4.1.2 (d):**

a minimum rear yard setback of 6 metres, whereas the by-law requires a minimum rear yard setback of 9 metres;

By-law 108-81

a) **Section 6.1(d)(iii):**

a minimum rear yard setback of 6 metres, whereas the by-law requires a minimum rear yard setback of 12 metres;

b) **Section 4.5.2:**

a loading space to have a minimum length of 6 metres, whereas the by-law requires a loading space to have a minimum length of 12 metres;

c) **Section 4.5.2:**

a loading space to have a minimum width of 3.4 metres, whereas the by-law requires a loading space to have a minimum width of 3.6 metres; and

d) **Section 3.0; Table B:**

a minimum of 215 parking spaces, whereas the by-law requires a minimum of 242 parking spaces;

as it relates to the conversion of an industrial building to an industrial building with condominium tenure.

BACKGROUND

Property Description

The 31,718 m² (3.17 ha.) subject property is located on the north side of John Street, west of Woodbine Avenue and east of Highway 404. The property is located within an established employment area known as the South Don Mills district. Surrounding land uses include Highway 404 to the west, the CNR corridor to the north, and multi unit one-storey industrial buildings to the east and south.

There are two (2) existing multi unit industrial buildings on the property which were constructed in the late 1970s. The buildings are surrounded by parking and loading bays

with two vehicular access points provided from John Street. The subject property is located within TRCA's Regulated Area.

Proposal

No development is contemplated as part of this application. This application stems from a Draft Plan of Condominium application (File No.: CNDO 23 141251) which was conditionally approved by the City on April 19, 2024. The intent of the Draft Plan of Condominium application is to facilitate the sale of individual units within the existing building, while providing other elements such as parking and landscaping as common elements. Through the review of the Draft Plan of Condominium application several pre-existing zoning deficiencies were identified which led to the submission of this application.

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". These areas are characterized by large properties developed with single and multiple unit buildings accommodating industrial uses that are primary to the designation.

Zoning By-Law 2024-19 & 108-81

The subject property is zoned "Employment – General Employment (EMP-GE)" under By-law 2024-19 which permits, among other uses industrial and business office uses. By-law 2024-19 has been appealed to the Ontario Land Tribunal. Until such time as when the By-law has been approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force, which means Zoning By-law 83-73 remains in force.

By-law 108-81, as amended, zones the subject property "Select Industrial – Holding (M[H])" which primarily permits a variety of industrial uses.

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 their associated Draft Plan of Condominium application to confirm the variances required.

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.

Reduced Parking Spaces

The subject property currently provides 215 parking spaces which results in a deficiency of 27 spaces or approximately 11 percent. Transportation Engineering staff have reviewed the request and do not have any concerns given there is no history of a shortage of parking spaces on the subject property, no changes are proposed to the permitted uses and due to the close proximity of the subject property to transit opportunities, therefore encouraging non-auto modes of travel. Staff is of the opinion that the requested variance is minor in nature.

Reduced Loading Space Dimensions (existing condition)

The applicant is requesting to legalize the size of two loading spaces on the subject property. By-law 108-81 requires loading spaces to have a minimum length of 12 metres and a minimum width of 3.6 metres. According to the applicant, the two undersized loading spaces have functioned without issue since the buildings were first constructed. On this basis, staff have no objections to the reduced loading space size.

Reduced Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 6 metres, whereas By-law 108-81 requires a minimum of 12 metres and By-law 2024-19 requires a minimum of 9 metres. This request seeks to legalize a condition which abuts onto the CN Rail corridor. Given the location and ability for vehicular circulation to continue in this area, staff have no objections to the proposed reduction.

CN Rail Requirements

CN Rail provided comments on this application on July 9, 2024 (Appendix C), requiring the installation of a chain link fence of minimum 1.83 metre height to be installed and maintained along the mutual property lines. A condition has been added requiring the applicant to satisfy CN Rail's requirements prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

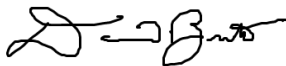
No written submissions were received as of July 3, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

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 objections. 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. Refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, MCIP, RPP, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

**APPENDIX A:
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/067/24**

1. The variances apply only to the existing development as long as it remains;
2. That the variances apply only to the existing development, in substantial conformity with the plan attached as 'Appendix B' to this Staff Report and received by the City of Markham on June 24, 2024, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. That the applicant satisfies the requirements of CN financial or otherwise, as indicated in their letter to the file planner attached as Appendix C to this Staff Report, to the satisfaction of CN, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of CN.

CONDITIONS PREPARED BY:

Daniel Brutto, MCIP, RRP, Senior Planner, Planning and Urban Design Departme

APPENDIX B: SITE PLAN



Base Drawing Information is based on Site Plan Drawing prepared by Lemay Architecture & Design Ltd., dated June 21, 2024

SITE STATISTICS

LOT:	31,718.38 m ²	100.0%
BUILDING A (GFA):	8,750.68 m ²	27.6%
BUILDING B (GFA):	5,086.32 m ²	17.9%
PAVING & SIDEWALK:	15,887.71 m ²	50.1%
LANDSCAPE:	1,393.67 m ²	4.4%

ZONING BY-LAW 108-81

ZONING - M(H) - SELECT INDUSTRIAL (HOLDING)

	REQUIRED	PROVIDED
MINIMUM LOT FRONTAGE	30 m	219.6 m
MINIMUM LOT AREA	0.4 ha	3.17 ha
MINIMUM FRONT YARD	36 m	38.0 m
	(to C/L of JOHN STREET)	
MINIMUM REAR YARD	12 m	6.2 m
MINIMUM SIDE YARD	6.0 m	13.6 m
LOADING SPACE DIMENSIONS	3.6 m wide x 12.0 m length x 4.2 m height	
LOADING SPACE REQUIRED	(GFA > 1,260 m ² - 2 SPACES / BUILDING) - 4 SPACES	
LOADING SPACE PROVIDED		4 SPACES

MARKHAM PARKING BY-LAW 28-97

DRIVEWAY WIDTH LEADING TO A PARKING AREA OR PARKING LOT (ONE WAY) - 3.0 m
 DRIVEWAY WIDTH LEADING TO A PARKING AREA OR PARKING LOT (TWO WAY) - 6.0 m
 STANDARD PARKING SPACE - 2.75 m (WIDTH), 5.8 m (LENGTH)
 ACCESSIBLE PARKING SPACE - 2.6 m (WIDTH), 5.8 m (LENGTH)
 ACCESSIBLE PARKING SPACE ACCESSIBLE - 1.5 m WIDE ADJACENT TO PARKING AREA

PARKING STATISTICS

	REQUIRED	PROVIDED
STANDARD SPACES	88 (BLDG 1)	91 (BLDG 1)
	142 (BLDG 2)	113 (BLDG 2)
BARRIER-FREE SPACES	5 (BLDG 1)	8 (BLDG 1)
	7 (BLDG 2)	9 (BLDG 2)
TOTAL	93 (BLDG 1)	99 (BLDG 1)
	149 (BLDG 2)	121 (BLDG 2)
	242	220



KEYMAP SUBJECT SITE N.T.S.

LEGEND

PROPERTY BOUNDARY

1-5 MINOR VARIANCES

MINOR VARIANCES

Zoning By-law 108-81

- To permit a minimum rear yard setback of 6.0 metres; whereas the By-law requires a minimum rear yard setback of 12.0 metres
- To permit a loading space to have minimum length of 6.0 metres; whereas the By-law requires a loading space to have a minimum length of 12.0 metres
- To permit a loading space to have minimum width of 3.4 metres; whereas the By-law requires a loading space to have a minimum width of 3.6 metres

Zoning By-law 2024-19

- To permit a minimum rear yard setback of 6.0 metres; whereas the By-law requires a minimum rear yard setback of 9.0 metres

Parking By-law 28-97

- To permit 215 parking spaces; whereas the By-law requires 242 parking spaces

MINOR VARIANCE PLAN SITE PLAN INDUSTRIAL DEVELOPMENT

John Street Industrial GP Inc., John Street Industrial LP.
 2600 John Street
 PCL F-1, SEC M-1707; BLK F, PL M-1707
 City of Markham, Ontario, Ward 8
 Plan of Condominium: 19CDM-23019
 City of Markham File: CNDO 23 141251

P.N.: 23.3268

Date: June 24, 2024

Scale: N.T.S.

Revised:

Drawn By: D.S.

File No.: PN 3268_CofA_Plan



APPENDIX C: CN RAIL COMMENTS

Whitfield, Greg

From: Saadia Jamil <Saadia.Jamil@cn.ca> on behalf of Proximity <proximity@cn.ca>
Sent: Tuesday, July 9, 2024 12:16 PM
To: Brutto, Daniel
Cc: Marc DeNardis
Subject: 2024-07-09_CN Comments_2600 John Street, Markham ON (Minor Variance - A/067/24)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Hi Daniel,

Please be advised that CN has reviewed the subject minor variance application. It is noted that the application relates to the conversion of an existing industrial building to an industrial condominium tenure. As such, there are no new developments or site alterations proposed for the site.

CN recommends the following to be implemented as a condition of approval:

1. A chain link fence of minimum 1.83 metre height to be installed and maintained along the mutual property line;

It should be noted that contractors and others cannot enter the railway right-of-way without proper training, permitting and flagging by CN, and all costs associated will be borne by the owner /applicant.

Thanks,



Saadia Jamil

Senior Officer – Community Planning and Development |
Legislative Affairs | Affaires juridiques
E: proximity@cn.ca

[What's New at CN](#) | [Quoi de neuf au CN](#)

From: O'Sullivan, Erin <EOSullivan@markham.ca>
Sent: Tuesday, June 25, 2024 2:57 PM
To: Proximity <proximity@cn.ca>
Subject: RE: A/067/24 - 2600 John Street - Minor Variance

CAUTION: This email originated from outside CN: DO NOT click links or open attachments unless you recognize the sender AND KNOW the content is safe.

AVERTISSEMENT : ce courriel provient d'une source externe au CN : NE CLIQUEZ SUR AUCUN lien ou pièce jointe à moins de reconnaître l'expéditeur et d

Good Afternoon,

Further to the Circulation Memo please refer to the attached Cover Letter submitted by the applicant.

Kind Regards,

Erin O'Sullivan
Development Technician, Committee of Adjustment
905-477-7000, Extension 2064

City of Markham Planning and Urban Design Department
101 Town Centre Boulevard, Markham ON L3R 9W3
markham.ca



From: O'Sullivan, Erin
Sent: Tuesday, June 25, 2024 11:50 AM
To: Brutto, Daniel <DBrutto@markham.ca>; Cefaratti, Rick <RCefaratti@markham.ca>
Subject: A/067/24 - 2600 John Street - Minor Variance

Good Morning,

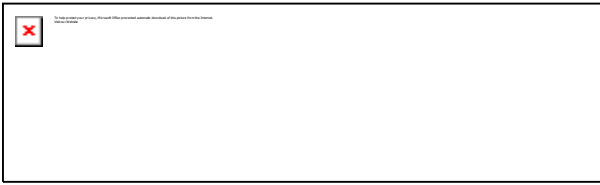
An ePLAN Minor Variance application has been received for [2600 John Street](#) (A/067/24). Please see attached Circulation Memo and associated plans.

Kind Regards,

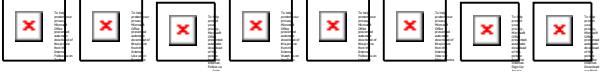
Erin O'Sullivan
Development Technician, Committee of Adjustment
905-477-7000, Extension 2064

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