

Memorandum to the City of Markham Committee of Adjustment

December 11, 2024 (Amended December 18, 2024)

File: A/124/24
Address: 8050 Woodbine Avenue
Agent: Macaulay Shiomi Howson Ltd. (Mr. Nick Pileggi)
Hearing Date: Wednesday December 18, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, to permit:

- a) **By-law 177-96, Table B8(K):**
a landscape width abutting the exterior lot line of 1.0 metre, whereas the by-law requires a minimum landscape width of 3.0 metres abutting any lot line other than the front lot line;
- b) **By-law 177-96, Table B8(K):**
a landscape width abutting the rear lot line of 1.5 metres, whereas the by-law requires a minimum landscape width of 3.0 metres abutting any lot line other than the front lot line;
- c) **By-law 177-96, Table B8 (G):**
a 57.5 metre depth of the parking area in the exterior side yard, whereas the by-law permits a maximum 12.0 metre depth of parking area in the exterior side yard;
- d) **By-law 177-96, Section 6.9.2:**
existing loading spaces to be located in the exterior side yard, whereas the by-law only permits loading spaces to be located in an interior side or rear yard;
- e) **By-law 177-96, Table B8 (G):**
an existing 37.0 metre depth of the parking area in the front yard, whereas the by-law permits a maximum 12.0 metre depth of parking area in the front yard;
- f) **By-law 177-96, Table B8 D):**
an existing maximum front yard setback of approximately 46.0 metres, whereas the by-law permits a maximum front yard setback of 19.0 metres; and
- g) **By-law 28-97, Section 3.0 Table B:**
a minimum of **252 parking spaces**, whereas the by-law requires a minimum of 303 required parking spaces on the lot.

BACKGROUND

Property Description

8050 Woodbine Avenue (the "Subject Property") is approximately 3.2 hectares (8.02 acres) and is located on the west side of Woodbine Avenue, south of Highway 407 (Refer to Appendix A: Location Map). The Subject Property contains an industrial building constructed circa 1970 which was recently used by Miller Transit as a head office and shop (Refer to Appendix B: Aerial Photo). The Subject Property is located within an employment area. Surrounding land uses include:

To the South: Burncrest Road, a parking lot under the hydro corridor and industrial uses further south.

To the East: Woodbine Avenue and industrial uses further east.

To the North: Highway 407.

To the West: A self-storage facility and the Markham Golf Dome.

The Subject Lands are partially within the Ministry of Transportation (MTO) regulated area, however the MTO did not provide any comments.

Proposal

The Owner is proposing to renovate the existing building to accommodate new tenants (Refer to Appendix C: Site Plan). The scope of work includes an internal expansion of office space which results in an increase in the required number of parking spaces. The Owner has indicated that Miller Waste is expected to occupy Unit 1 and use it as a head office and shop and that Units 2 and 3 will be used for industrial purposes and are currently being marketed as such.

The Owner is also seeking to permit several existing conditions as they relate to: landscaping; parking and loading configurations; and the front yard setback.

Official Plan and Zoning

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

The Subject Property is split designated “Service Employment” and “Business Park Employment” in the 2014 Official Plan (Refer to Appendix D: 2014 Official Plan Map 3 – Land Use Excerpt). Site Specific Policy 9.17.4 shows that within approximately 130.0 metres of Woodbine Avenue the “Service Employment” designation applies. The intent of this designation is to accommodate uses that serve and support other business uses and employees, including office uses. The intent of the “Business Park Employment” designation is to accommodate offices and a range of prestige industrial buildings.

Zoning By-law 177-96

The Subject Lands are split zoned “Business Corridor*526” and “Business Park*525” under By-law 177-96, as amended and are subject to a holding provision (Refer to Appendix E: Zoning By-law 177-96 Excerpt). Among other uses these designations permit industrial and business offices uses. The “Business Corridor” designation also permits a motor vehicle body shop and a motor vehicle repair garage.

Comprehensive Zoning By-law 2024-19

On January 31, 2024, Markham Council enacted By-law 2024-19 which was appealed to the Ontario Land Tribunal (OLT). The Subject Property was excluded from By-law 2024-19 and is therefore not subject to the requirements of this By-law.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a ZPR to confirm the initial variances required for the proposal. The applicant submitted revised drawings as part of the minor variance application. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’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;
- d) The general intent and purpose of the Official Plan must be maintained.

Staff note that the variances, except for the parking variance, seek to permit conditions which have existed on the Subject Property for an extended period, without any known conflicts occurring. These conditions are synonymous with the neighbouring pocket of employment uses and together with the proposed renovation to the existing industrial building are expected to support the continuation of the permitted employment uses.

The Subject Property currently provides a total of **252 parking spaces**. The proposal will increase the parking requirement to 303 parking spaces. This will result in a deficiency of **53 parking spaces**, which is a reduction of approximately **17 percent**. Transportation Engineering staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property. Staff note that if the Subject Property were included in Comprehensive Zoning By-law 2024-19 a significant oversupply of parking would exist based on the required minimum.

PUBLIC INPUT SUMMARY

No written submissions were received as of **December 18, 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.

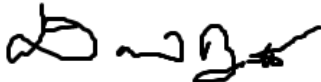
CONCLUSION

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 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 "F" for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, Acting Development Manager, West Markham District

Appendix A: Location Map

Appendix B: Aerial Photo

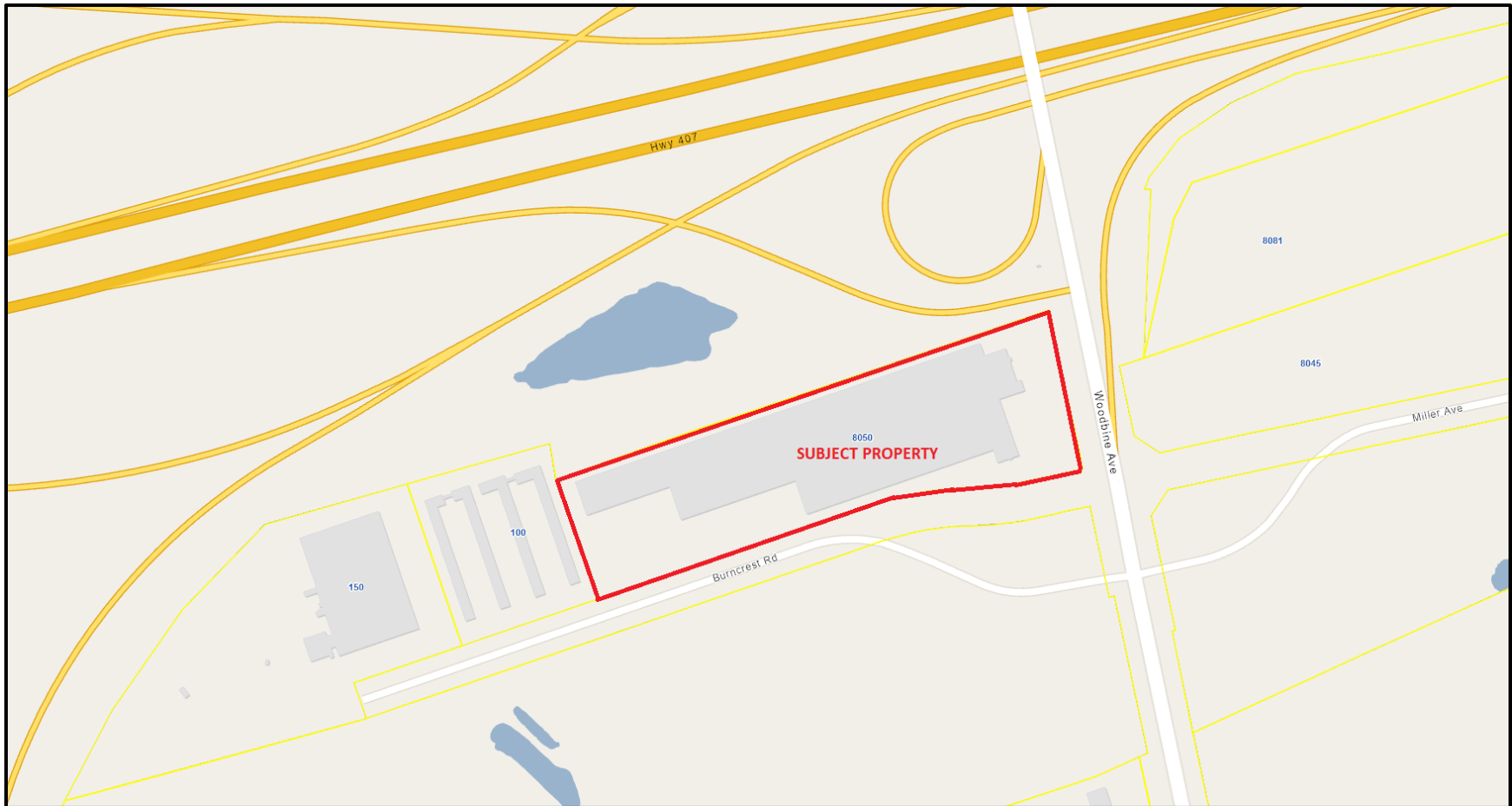
Appendix C: Site Plan

Appendix D: 2014 Official Plan Map 3 – Land Use Excerpt

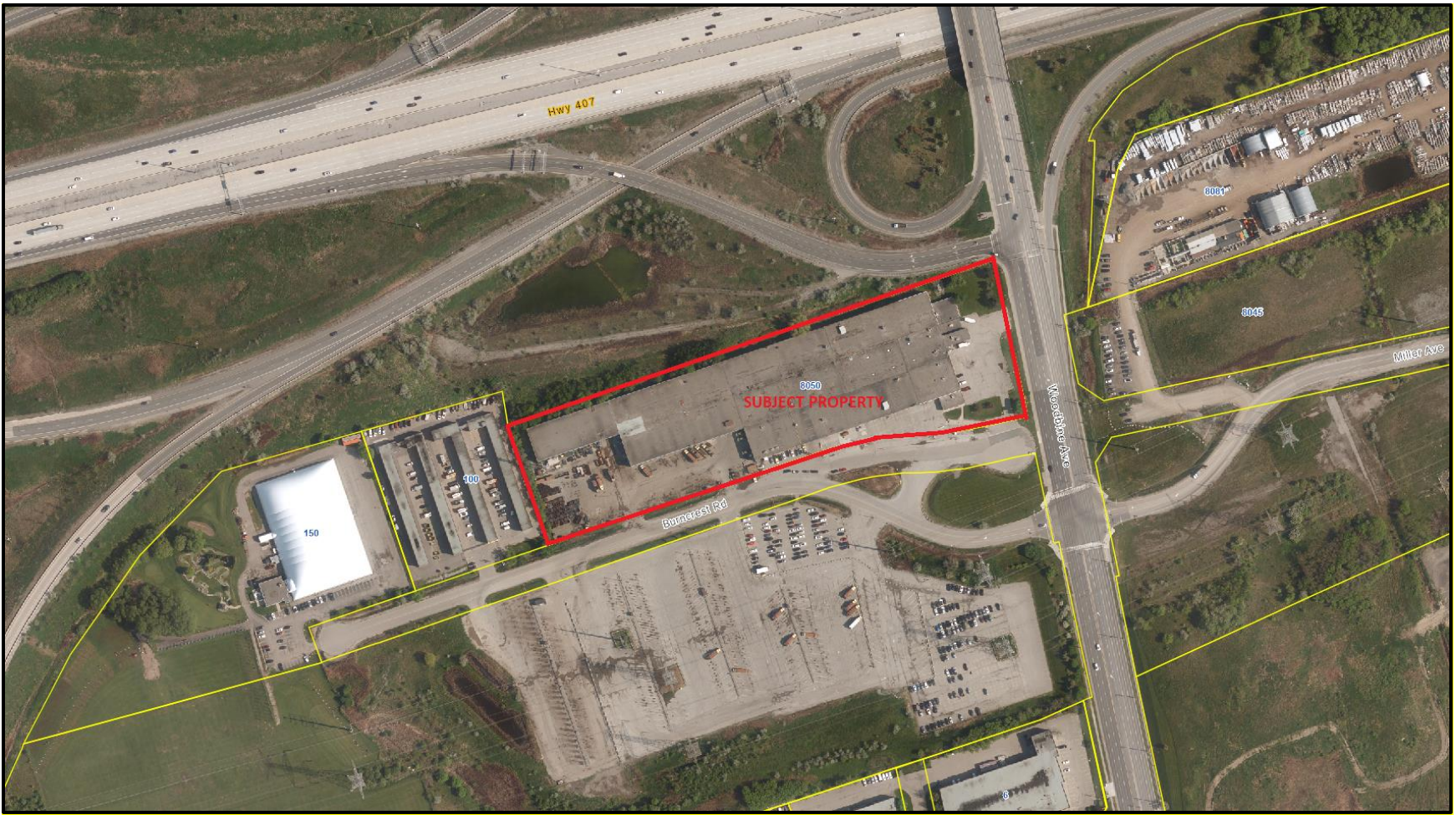
Appendix E: Zoning By-law 177-96 Excerpt

Appendix F: Conditions of Approval

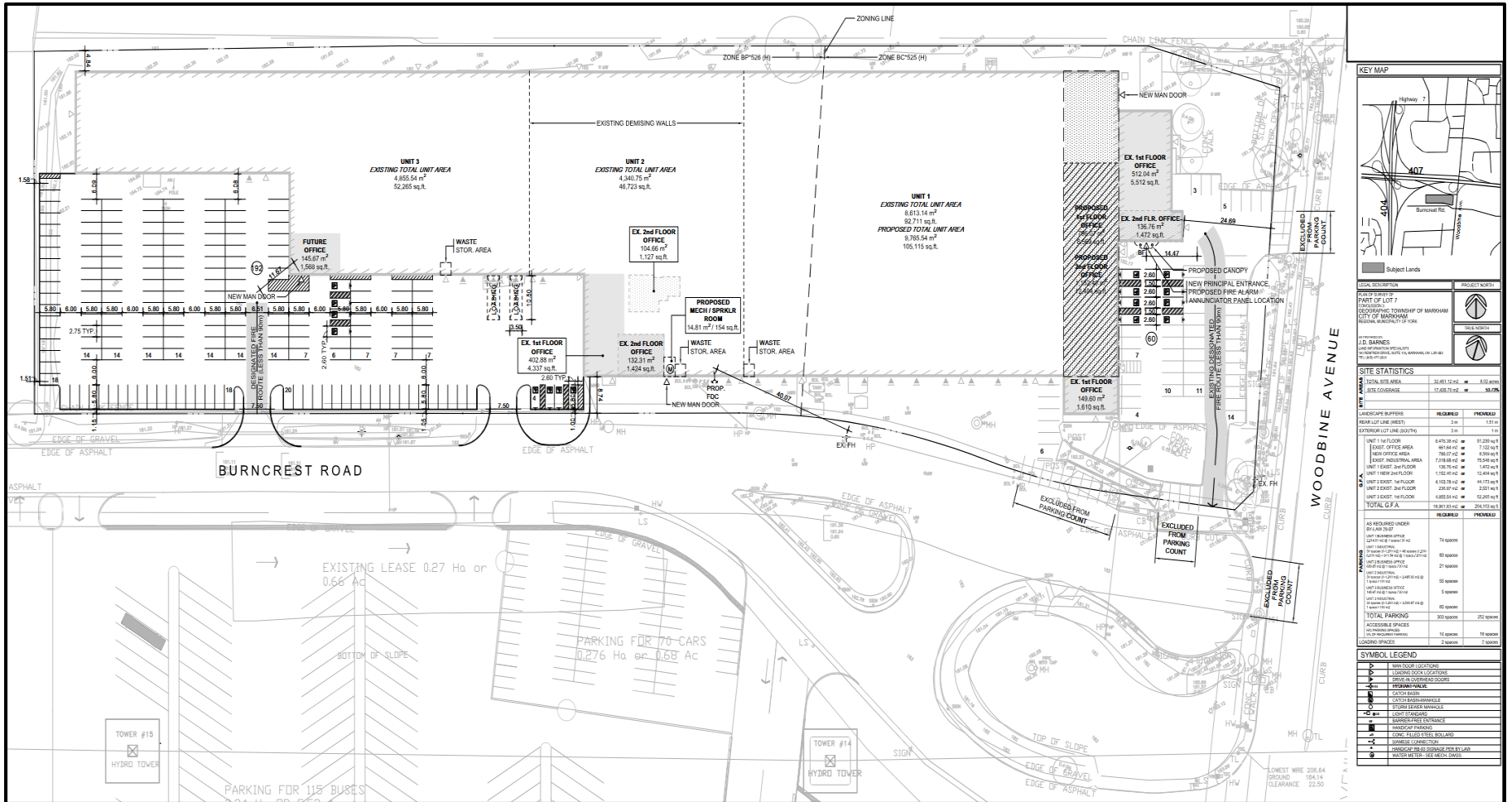
APPENDIX "A"
LOCATION MAP



APPENDIX "B"
AERIAL PHOTO (2024)



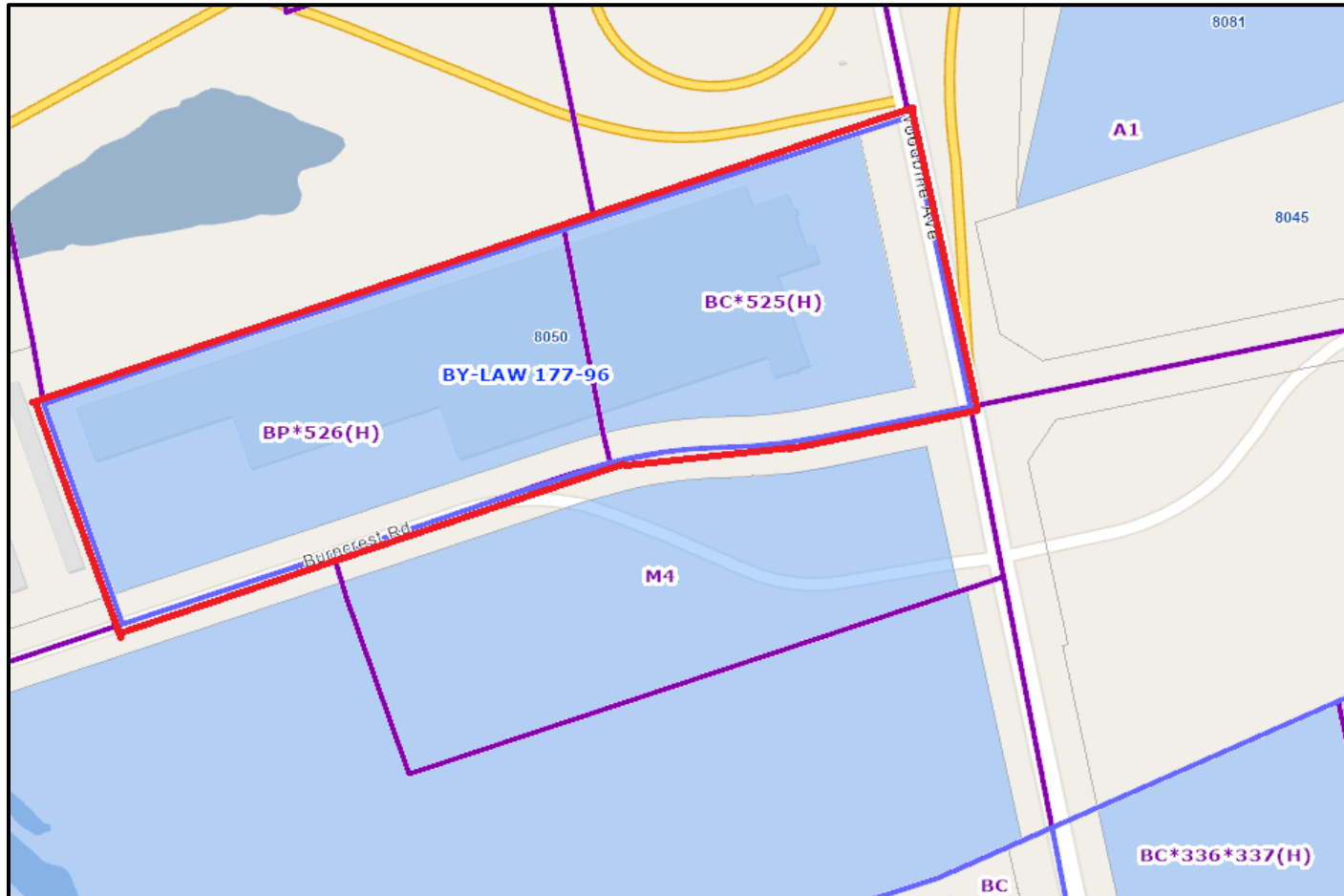
APPENDIX "C" SITE PLAN



APPENDIX "D"
2014 OFFICIAL PLAN MAP 3 – LAND USE EXCERPT



APPENDIX "E"
ZONING BY-LAW 177-96 EXCERPT

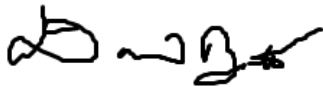


Note: Appendix "E" is only to be relied on as it relates to the Subject Property. The surrounding properties may be subject to Comprehensive Zoning By-law 2024-19.

**APPENDIX “F”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/24**

1. The variances apply only to the proposal 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 C to this Staff Report and received by the City of Markham on November 29, 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 Owner agrees to permit City staff or its designate to undertake parking survey in the future for purpose of ongoing monitoring, parking study and review.**
4. That the building elevations be designed and constructed in conformity with the requirements of Markham’s Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITIONS PREPARED BY:



Daniel Brutto, Senior Planner, Planning and Urban Design Department