

# Memorandum to the City of Markham Committee of Adjustment

July 5, 2023

**File:** A/063/23  
**Address:** 230 Yorktech Drive, Markham  
**Applicant:** Yorktech Supply Ltd.  
**Agent:** Tacoma Engineers Inc.  
**Hearing Date:** Wednesday, July 12, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Select Industrial with Controlled Storage - M(CS)” zone requirements of 165-80, as amended, as it relates to a proposed industrial building. The variances requested are to permit:

- a) **By-law 165-80, Section 4.5.3(a):**  
loading spaces and overhead vehicular doors in a yard or wall of any building which adjoins or faces a street, whereas the By-law does not permit the location;
- b) **By-law 165-80, Section 5.2(d)(ii):**  
a minimum interior (east) side yard setback of 3m, whereas the By-law requires a minimum of 6m;
- c) **By-law 165-80, Section 5.2(d)(iii):**  
a minimum rear yard setback of 3.19m, whereas the By-law requires a minimum of 12m; and,
- d) **Parking By-law 28-97, Section 3 Table B:**  
a minimum of 32 parking spaces, whereas the By-law requires a minimum 47 spaces.

This application is related to a Site Plan Control Application (File Number: SPC 23 119531), which is currently under review.

## BACKGROUND

### Property Description

The 7,107.75 m<sup>2</sup> (76,507.18 ft<sup>2</sup>) Subject Lands are located on the north side of Yorktech Drive, west of Rodick Road, and east of Beaver Creek tributary (refer to Appendix “A” – Aerial Photo). The property is located within an established industrial and commercial neighbourhood.

There is an existing 813.95 m<sup>2</sup> (8,761.28 ft<sup>2</sup>) one-storey industrial building on the Subject Lands.

The Subject Lands are located partially within the Toronto and Region Conservation Authority (TRCA)’s Regulatory flood plain associated with the Beaver Creek tributary of the Rouge River Watershed. Additional information is provided in the TRCA comment section below.

## **Proposal**

The Applicant is proposing to construct a 2,887.40 m<sup>2</sup> (31,079.71 ft<sup>2</sup>) industrial building, in which the construction will be carried out in two phases (refer to Appendix “B” – Plans). Phase 1 will consist of a 1,250.82 m<sup>2</sup> (13,463.71 ft<sup>2</sup>) addition with a 278.71 m<sup>2</sup> (3,000.01 ft<sup>2</sup>) mezzanine area to the rear of the existing industrial building, and Phase 2 will consist of the demolition of the existing building to facilitate the construction of the remaining 1,087.05 m<sup>2</sup> (11,700.91 ft<sup>2</sup>) portion of the industrial building which will also include a 270.82 m<sup>2</sup> (2,915.08 ft<sup>2</sup>) mezzanine.

## **Official Plan and Zoning**

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

The Official Plan designates the Subject Lands as “General Employment”, which permits manufacturing, processing, and warehousing uses.

Planning Staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

### Zoning By-Law 165-80, as amended

The Subject Lands are zoned “Select Industrial with Controlled Storage - M(CS)” under By-law 165-80, as amended, which permits a range of industrial uses including warehousing, manufacturing, processing, as well as the open storage of goods and materials.

The proposed development does not comply with the development standards of By-law 165-80, as amended, with respect to setbacks and the location of loading spaces.

### Parking Standards By-law 28-97, as amended

The proposed development also does not comply with the standard of the Parking By-law 28-97, as amended, with respect to the minimum required parking spaces for an industrial building. Further details of the parking requirement are provided in the comment section below.

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

The Applicant submitted an incomplete Zoning Preliminary Review which only confirmed some of variances required for the proposed development. Similarly, the Zoning Review conducted as part of the first review cycle of the related Site Plan Application was unable to confirm all the variances required for the proposed development, pending the submission of additional information.

It is the Applicant’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 Site Plan Application or 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:

- 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.

### **Loading Spaces and Overhead Vehicular Doors**

The Applicant is requesting relief to permit loading spaces and overhead vehicular doors to face a street, whereas the By-law does permit loading spaces and overhead vehicular doors to adjoin or face a street.

The intent of the By-law is to ensure that loading spaces and overhead vehicular doors are not visible from the street due to the typically unattractive appearance of these types of spaces, and therefore, negative visual impacts they present within the public realm. Notwithstanding the provisions of the By-law, Staff note that the existing building on the Subject Lands already have loading spaces and overhead vehicular doors that face the street. Staff also note that the proposed development would consist of an industrial building that would reduce the visual impacts to the public realm since the Phase 1 loading spaces will be setback further away from the street line. Finally, to further reduce the impacts to the public realm, the Applicant has submitted a Landscape Plan as part of the associated Site Plan Application which proposes additional screening measures, including the proposed planting of coniferous and deciduous trees in the landscaped area along Yorktech Drive. The planting of these trees and any additional street trees on the City's right-of-way will be secured at the Site Plan Application stage.

Staff are of the opinion that, given the proposed screening measures, the proposed location of the loading spaces and overhead vehicular doors will not adversely impact the character of the industrial neighbourhood.

### **Reduction in Side Yard and Rear Yard Setback**

The Applicant is requesting relief to permit a minimum interior side yard setback of 3 m (9.84 ft) from the east property line, whereas the By-law requires a minimum of 6 m (19.68 ft). This represents a reduction of 50% or 3 m (9.84 ft).

The Applicant is also requesting relief to permit a rear yard setback of 3.19 m (10.47 ft) from the north property line, whereas the By-law requires a minimum rear yard setback of 12m (39.37ft). This represents a reduction of approximately 73% or 8.81m (28.90ft).

Both requested reductions to the side yard and rear yard are attributable to the setbacks required from the TRCA flood plain line on the southern portion of the Subject Lands and the top of slope setback from the western portion of the Subject Lands. The required setbacks resulting from the flood plain and top of slope rendered a significant

portion of the Lands to be undevelopable, thereby resulting in the proposed reduction in setbacks to accommodate the building expansion and parking spaces to support the permitted industrial use. Staff further note that the Committee of Adjustment have previously approved a side yard setback of 3.35m (10.99ft) (File No. A/162/00) for the existing building on November 22, 2000.

Considering that the proposed setbacks variances are the result of the TRCA restrictions, Staff have no concerns with the requested setback variances. TRCA indicated that they have no objections to the requested variances, subject to conditions outlined in their letter, as discussed further below.

### **Parking Reduction**

The Applicant is requesting relief to permit 32 parking spaces, whereas the By-law requires 47 spaces. This will result in a deficiency of 15 spaces, which is a reduction of approximately 32%.

Transportation Engineering Staff have reviewed the Parking Assessment section of the Transportation Impact Study ("TIS") that was submitted as part of the concurrent Site Plan Application, and have provided the following comments:

1. The parking surveys at proxy sites were undertaken during the summer season. Though the TIS documented that the site operations were typical at the time of the surveys, visitor parking demand could be lower during the summer season.
2. The TIS indicates that the proposed development will have the same use as the existing building. Therefore, the existing parking demand is expected to best represent the parking demand for the proposed development. Parking surveys at the existing site should therefore be included in the TIS for Transportation Engineering Staff's review.
3. The TIS indicates that the Owner intends to increase staffing to 25-30 people at full build-out. Given that 32 parking spaces are proposed, there are only two spaces left for visitors. The results of the proxy surveys do not appear to demonstrate parking demand for visitors.

Planning Staff also note that the Zoning Review conducted as part of the Site Plan Application process was unable to confirm the Net Floor Area required to calculate the minimum required parking spaces.

Based on the comments noted above, Planning Staff recommend that the application be deferred sine die to allow the applicant to address these outstanding comments and submit an updated TIS for Transportation Engineering Staff's review. Should the Committee of Adjustment approve the variance, Staff recommend that a revised TIS or a Parking Justification Study be submitted for review and approval, to the satisfaction of Transportation Engineering Staff.

## **EXTERNAL AGENCIES**

### TRCA Comments

The Subject Lands are located within the TRCA's Regulated Area. The Subject Lands are located partially within a Regulatory flood plain associated with the Beaver Creek tributary of the Rouge River Watershed. Furthermore, the Subject Lands are also adjacent to a Top of Slope associated with a valley to the west. TRCA provided comments on May 10, 2023 (Appendix "C"), recognizing that the requested variances will allow for the proposed development to be situated outside of the natural hazards and their required setbacks. Additionally, TRCA indicated that they have no objections to the requested variances, subject to conditions outlined in their letter.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 5, 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 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 variances a), b) and c), as requested by the Applicant, meets the four tests of the *Planning Act*.

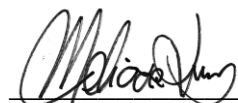
Although Staff do not have any concerns with variances a), b), and c) as requested, Staff recommends that the Committee of Adjustment defer the subject application sine die to allow the Applicant to address the outstanding Zoning comments to ensure that all requested variances are accurately identified. Furthermore, Staff recommends that the application be deferred sine die to address unresolved Transportation and Zoning comments related to variance d).

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

PREPARED BY:



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Melissa Leung, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



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Deanna Schlosser, MCIP RPP, Senior Planner, Central District

File Path: Amanda\File\23 118903 \Documents\District Team Comments Memo

**APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – TRCA

Appendix "D" – Conditions



Legend

1: 2,257



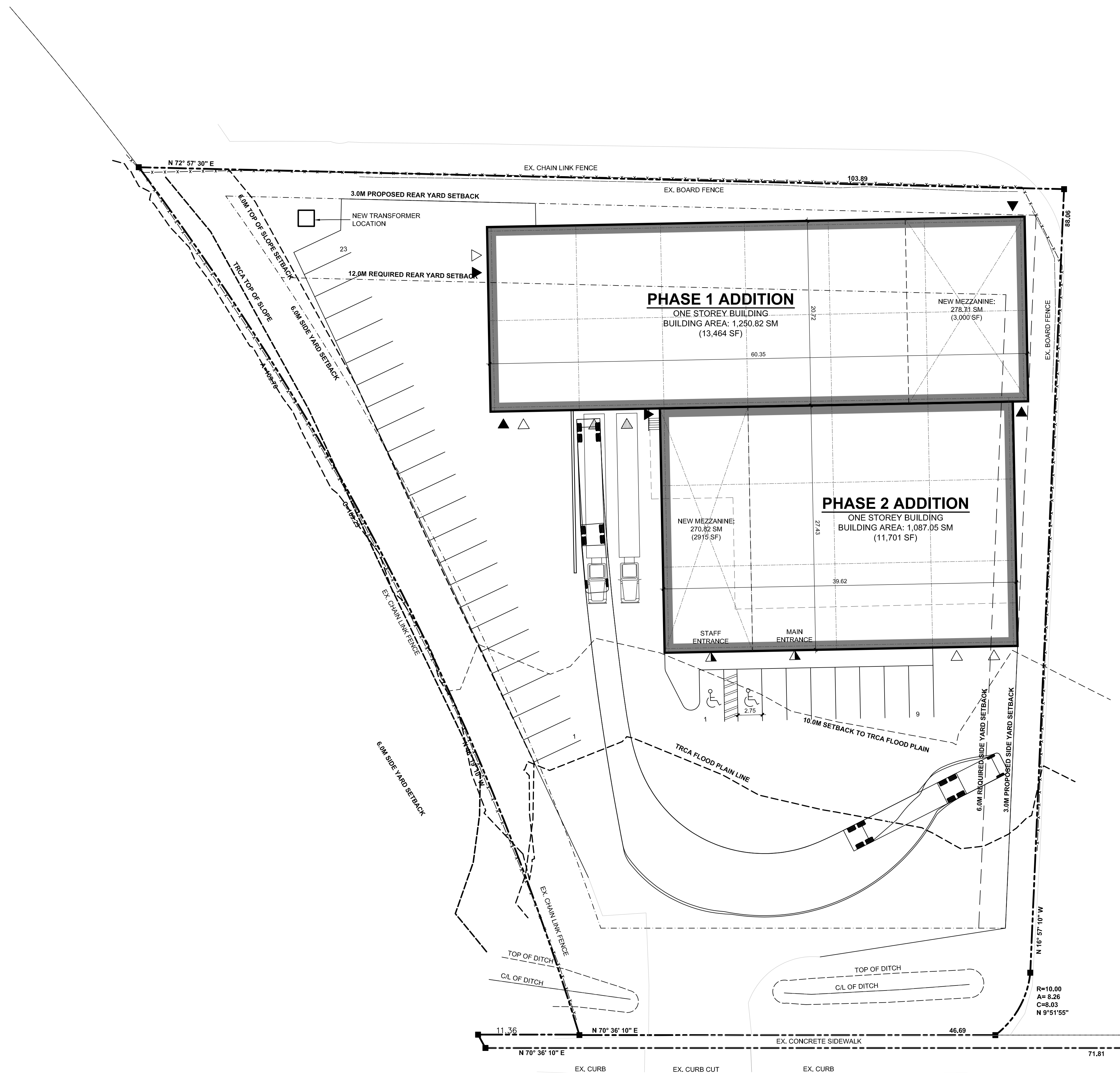
114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
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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

A/063/23 - 230 Yorktech Drive



	REQUIRED	ACTUAL	CONFORMS
ZONE	M(CS)	M(CS)	Y
MIN. LOT AREA	0.4	0.71	Y
MIN. LOT FRONTAGE	30.0 M	57.46 M	Y
MIN. FRONT YARD	12.0 M	45.1 M	Y
MIN. INT. SIDE YARD	6.0 M	3.0 M	N
MIN. REAR YARD	12.0 M	3.0 M	N
MIN. GROSS FLOOR AREA	1400 SM	2,833 SM (TOTAL)	Y
MAX. BUILDING HEIGHT	14.0 M	10.7 M	Y

**OFF-STREET PARKING SPACES REQ'D**  
 (BASED ON GROSS FLOOR AREA (G.F.A.) = 2,837 SM)

1400 SM (INDUSTRIAL UP TO 1,200 SM)	= 1,200/40	= 30 SPACES
1700 SM INDUSTRIAL (1,200-6,000 SM)	= 1,633/100	= 17 SPACES
<b>TOTAL REQUIRED:</b>		<b>= 47 SPACES</b>
<b>PARKING PROVIDED:</b>		<b>32 SPACES (MINOR VARIANCE REQ'D)</b>
BARRIER FREE (B.F.)		<b>2 SPACES (5%)</b>
<b>PARKING REQUIRED:</b>		<b>2 SPACES</b>
<b>B.F. PARKING PROVIDED:</b>		<b>2 SPACES</b>
TYPICAL PARKING STALL SIZE:	2.75 M x 5.8 M	
BARRIER FREE PARKING SPACE:	2.75 M x 5.8 M + 1.5M MOBILITY ACCESS AISLE	
LOADING SPACES PROVIDED		2 SPACES

**BUILDING DATA:**

**TOTAL FLOOR AREAS:**  
 EXISTING BUILDING AREA: 813.95 SM

**PHASE 1**  
 NEW BUILDING AREA: 1,250.82 SM  
 NEW MEZZANINE AREA: 278.71 SM  
 NEW GROSS FLOOR AREA: 1,529.53 SM

**PHASE 2**  
 NEW BUILDING AREA: 1,087.05 SM  
 NEW MEZZANINE AREA: 270.82 SM  
 NEW GROSS FLOOR AREA: 1,357.87 SM

**TOTAL (PHASE 1 + PHASE 2)**  
 NEW BUILDING AREA: 2,337.87 SM  
 NEW MEZZANINE AREA: 549.53 SM  
 NEW GROSS FLOOR AREA: 2,887.40 SM

**MAJOR OCCUPANCY:** I2 INDUSTRIAL  
**SUBSIDIARY OCCUPANCIES:** O1 OFFICE  
 NO. OF STREETS: 1  
 NO. OF STOREYS: 1  
 SPRINKLERED: YES  
 STANDPIPE & HOSE SYSTEM: NO  
 FIRE ALARM: NO  
 OCCUPANT LOAD: 30  
 CLASSIFICATION: 3.2.2 - NON-COMBUSTIBLE

**RATINGS:**  
 FLOORS: 1 HOUR  
 LOAD BRG ELEMENTS: 1 HOUR  
 ROOF: 1 HOUR

**METRIC NOTE:**  
 1. DISTANCES AND COORDINATES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

- ▲ MAIN ENTRANCE DOOR (PRINCIPLE ENTRANCE)
- ▲ EXIT MAN DOOR
- ▲ LOADING DOCK DOOR
- ▲ OH DRIVE-IN DOOR
- 200 DIA. CONCRETE FILLED STEEL PIPE BOLLARD
- FIRE DEPARTMENT CONNECTION (SIAMESE)
- NEW HEAVY DUTY ASPHALT PAVING

**GENERAL NOTES:**

1. REFER TO CERTIFIED TREE INVENTORY PLAN AND PREPARED BY ---
2. REFER TO SITE GRADING, SERVICING AND DRAINAGE PLAN AS PREPARED BY ---
3. REFER TO SITE LIGHTING PLAN BY ---
4. FOR ASPHALT PAVING SPECIFICATIONS, REFER TO DRAWINGS PREPARED BY ---
5. MINOR VARIANCE REQUIRED FOR REAR SETBACK OF 6.0M.
6. MINOR VARIANCE REQUIRED FOR SIDE YARD SETBACK OF 3.5M.
7. MINOR VARIANCE REQUIRED FOR MIN. NUMBER OF PARKING SPACES.

**SITE DATA:**

PROPERTY AREA: 7,107.75 SQ. M. (1.76 ACRES)  
 ZONING: M(CS)  
 MUNICIPAL ADDRESS: 130 YORKTECH DRIVE MARKHAM, ONTARIO, CANADA  
 LEGAL DESCRIPTION: PART OF LOT 9, CONCESSION 4 TOWN OF MARKHAM REGIONAL MUNICIPALITY OF YORK

**SITE PLAN**

SCALE: 1:250

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No.	Date	Issued for / Revision:
1.	MAY 17 2022	ISSUED FOR SPA PRE-CONSULTATION
2.	APR. 5 2023	ISSUED FOR MINOR VARIANCES

**TACOMA ENGINEERS**  
 176 Speedvale Avenue West  
 Guelph, Ontario N1H 1C3  
 Tel: 519.763.2000  
 www.tacomaengineers.com

**Maple Reinders**  
 2690 ARGENTIA ROAD, MISSISSAUGA, ON

NEW ADDITION  
**YORKTECH SUPPLY LTD.**  
 230 YORKTECH DRIVE, MARKHAM, ON

**SITE PLAN**

Scale:	1:250	Drawn By:	C.L.
Project No.:	TE-40080-22	Date:	MAY 2022

**SP1**





**GROUND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

No. | Date | Revision / Issued for:  
 PROJECT NORTH  
 TITLE NORTH  
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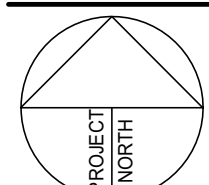
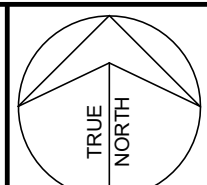
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 Guelph, Ontario N1H 1C3  
 Tel: 519.763.2000  
 www.tacomaengineers.com

**Maple Reinders**  
 2860 ARGENTIA ROAD, MISSISSAUGA  
 PROPOSED INDUSTRIAL BUILDING  
**YORKTECH SUPPLY LTD.**  
 230 YORKTECH DRIVE, MARKHAM, ON

**GROUND FLOOR PLAN**  
 Project No: TE-40080-22  
 Drawn by: C.L.  
**A1.0**



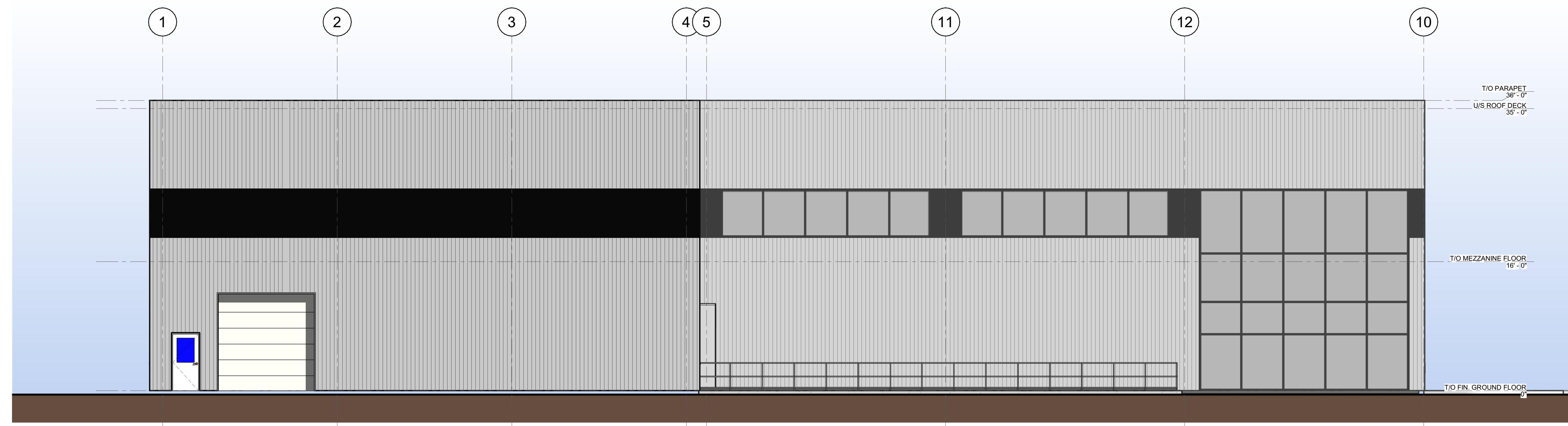
**MEZZANINE/SECOND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

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 TITLE NORTH  
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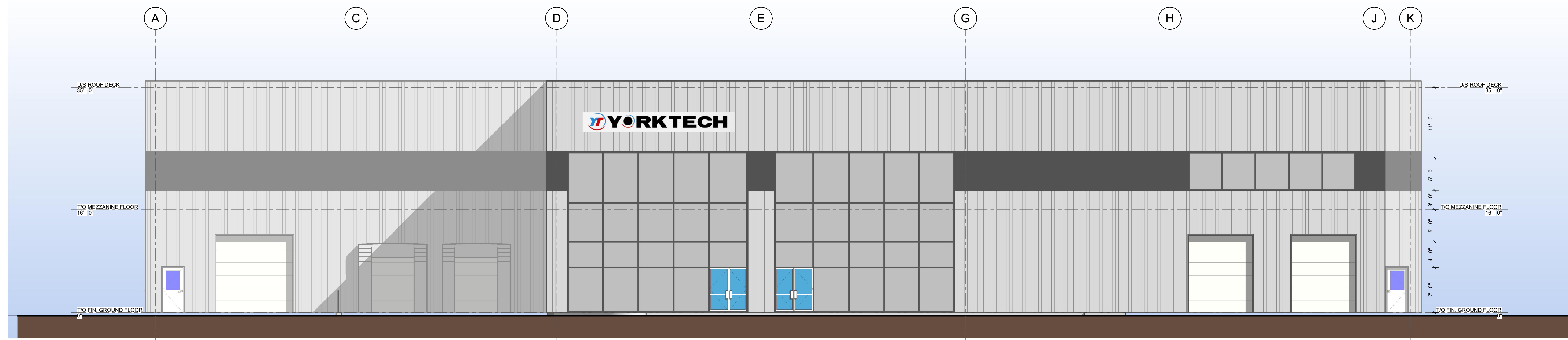
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 Tel: 519.763.2000  
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 2660 ARGENTIA ROAD, MISSISSAUGA  
 PROPOSED INDUSTRIAL BUILDING  
**YORKTECH SUPPLY LTD.**  
 230 YORKTECH DRIVE, MARKHAM, ON

**MEZZANINE PLAN**  
 Project No: TE-40080-22 | Drawn by: S.KOLKMAN



2 WEST ELEVATION  
 A2.1 SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION  
 A2.1 SCALE: 1/8" = 1'-0"

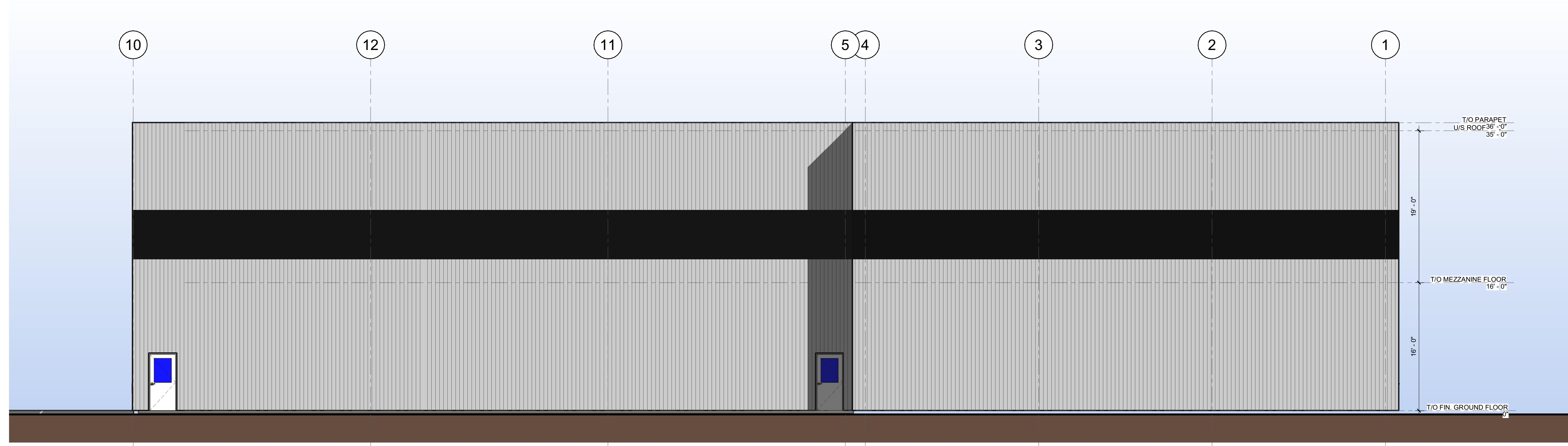
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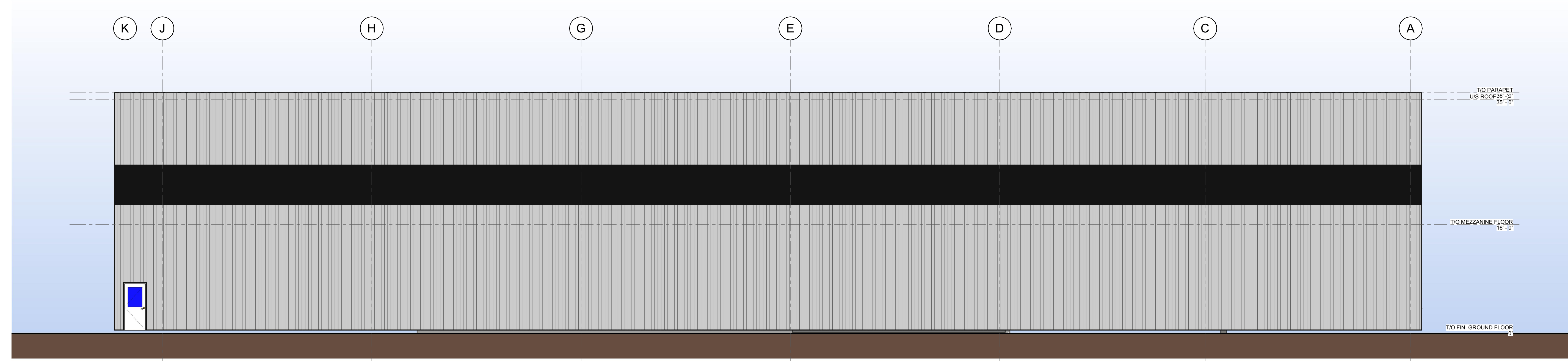
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 PROPOSED INDUSTRIAL BUILDING  
**YORKTECH**  
**SUPPLY LTD.**  
 230 YORKTECH DRIVE, MARKHAM, ON

**EXTERIOR ELEVATIONS**  
 Project No: TE-40080-22  
 Drawn By: C.L.

**A2.1**



2 EAST ELEVATION  
 A2.2 SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION  
 A2.2 SCALE: 1/8" = 1'-0"

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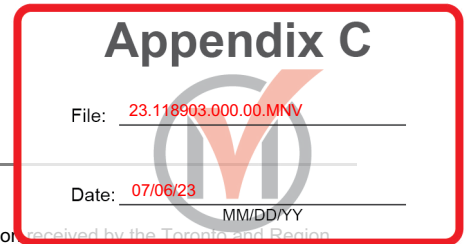
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**SUPPLY LTD.**  
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**EXTERIOR ELEVATIONS**  
 Project No: TE-40080-22  
 Drawn by: C.L.

**A2.2**

**From:** [Joshua Laciaia](#)  
**To:** [Leung, Melissa](#)  
**Subject:** CFN 68438.08 - A/063/23 - 230 Yorktech Drive, Markham  
**Date:** May 10, 2023 8:58:58 AM  
**Attachments:** [image007.png](#)



Hi Melissa,

Thank you for the opportunity to review the first submission of the above-noted Minor Variance Application received by the Toronto and Region Conservation Authority (TRCA) on April 27, 2023. The purpose of this letter is to provide our comments for A/063/23 at 230 Yorktech Drive in the City of Markham. These comments will be uploaded to ePlan.

**Understanding of the Proposal:**

It is our understanding that the applicant is requesting the following variances from the City of Markham's Zoning By-law to permit:

- i. Loading spaces in a yard which faces a street, whereas the By-law prohibits loading spaces facing a street;
- ii. To permit a side yard setback of 3m, whereas the By-law requires 6m;
- iii. To permit a rear yard setback of 3m, whereas the By-law requires 12m; and,
- iv. To permit 32 parking spaces, whereas the By-law requires 47 spaces.

We understand that the above Minor Variances will facilitate the development of a one-storey industrial building with 32 parking spaces. The subject property is located east of Woodbine Avenue and south of Highway 7 in the City of Markham.

**Policy Context:**

*TRCA Regulation and Policy:*

The subject property is within TRCA's Regulated Area as the property is partially within a Regulatory flood plain associated with a tributary (Beaver Creek) of the Rouge River Watershed. The subject property is also adjacent to a Top of Slope associated with a valley to the west. In accordance with Ontario Regulation 166/06, as amended, (Development Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

'Development' is defined as:

- I. the construction, reconstruction, erection or placing of a building or structure of any kind,
- II. any change to a building or structure that would have the effect of altering the use or potential,
- III. use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- IV. site grading, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

*Please note, in accordance with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include non-mandatory comments outside of our core planning mandate, such as comments pertaining to provincial or municipal natural heritage matters.*

**Application Specific Comments**

TRCA staff were involved in the review of this proposal through a Concept Development Application (CFN 66380.19). Based on our review of the Minor Variance submission, TRCA staff recognize that the requested variances will allow for the proposed development to be situated outside of the natural hazards and their required setbacks. TRCA staff have yet to review or provide comments on the related Site Plan Application (SPC 23.119531). However, our SPC comments should not impact the request variances. Therefore, TRCA staff have **no objections** to the requested variances.

If additional approvals beyond this Minor Variance Application is required for this property, please circulate the details to TRCA for review.

**Application Review Fee**

As per TRCA's role as a commenting agency for *Planning Act* application circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. The submitted application is subject to a review fee in the amount of \$1,250 (2022 TRCA Planning Fee Schedule – Industrial/Commercial/Subdivision/Institutional -Minor). This fee can be submitted via Checkfront Online Payment System. I have not copied the Agent/Owner to provide the City of Markham the opportunity to review. Please forward this letter to the Agent/Owner upon completion of review.

**Recommendation**

In light of the above, TRCA staff have **no objection** to the approval of the Minor Variance Application A/063/23 subject to the following conditions:

- 1. That the outstanding review fee in the amount of \$1,250 (2022 TRCA Planning Fee Schedule – Industrial/Commercial/Subdivision/Institutional -Minor) be remitted to TRCA.
- 2. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

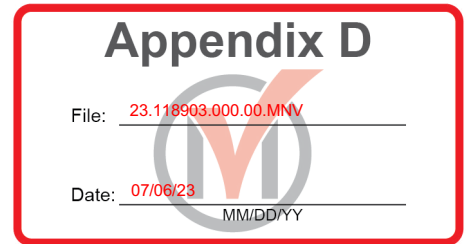
TRCA's conditional approval does not include any clearance and/or approvals related to the Site Plan Application SPC 23.119531 or the future permit application.

I trust these comments are of assistance. Should you have further questions do not hesitate to contact me.

Regards,

**Joshua Laciaia, MES (PI)**  
Planner I - York East Review Area  
Development Planning and Permits | Development and Engineering Services  
Toronto and Region Conservation Authority (TRCA)

T: [\(437\) 880 2347](tel:437-880-2347)  
E: [joshua.laciaia@trca.ca](mailto:joshua.laciaia@trca.ca)  
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](#) | [trca.ca](http://trca.ca)



**APPENDIX “D”  
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/063/23**

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, or as further amended by any Site Plan Endorsed or Site Plan Approved drawings, 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. That a revised Transportation Impact Study or Parking Justification Study be submitted for review and approval, to the satisfaction of the Director of Engineer, or their designate; and,
4. That the Applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “C” to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.

CONDITIONS PREPARED BY:

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Melissa Leung, MCIP RPP, Senior Planner, Central District