

Memorandum to the City of Markham Committee of Adjustment

September 21, 2023, and amended on September 25, 2023

File: A/162/22
Address: Cachet Woods Court, Markham (PLAN 65M4414 BLK 1)
Applicant: Linda Okum
Owner: Salford Developments (Daniel Durigon)
Hearing Date: Wednesday September 27, 2023

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

The applicant is requesting relief from the following requirements of Zoning By-law 165-80, M.C.(70%), O3 and M.C.(60%), as amended, to permit:

- a) **By-law 165-80, Section 6.10.5.2 (f):**
a minimum gross ground floor area of 899m² for Office Building 1, whereas the By-law requires 1400m² per building;
- b) **Parking By-law 28-97, Table B:**
196 parking spaces until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing, at which point a minimum of 210 parking spaces shall be provided, whereas the By-law requires a requires 267 parking spaces onsite;
- c) **By-Law 165-80, Section 4.5.1 and Section 4.5.2:**
16 Drive-in loading spaces, whereas the By-Law requires 5 Loading spaces at 3.6m wide by 12.0m long by 4.2m high clearance;
- d) **By-law 165-80, Section 5.2.(e):**
a distance of 6.0m between two buildings, whereas the By-law requires 12.0m; and,
- e) **By-law 165-80, Section 4.7.1(b):**
a 0.0m landscape strip immediately abutting the existing (cul-de-sac) street line, until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing; whereas, the By-law requires a minimum of 6.0m immediately abutting the (Cachet Woods) street line;

as it relates to a proposed office building and two industrial buildings on a vacant lot. This application is related to Site Plan Control application 21 136872 SPC.

BACKGROUND

Property Description

The 22,465 m² (5.5 ac.) Subject Lands is located on the east side of Cachet Woods Court, east of HWY 404 and north of 16th Avenue. The property is located within an emerging industrial area comprised of new industrial and office buildings along Cachet Woods Court. The Subject Lands are undeveloped.

Staff note that the subject property is partially situated within the TRCA's Regulated Area as the rear (east) portion of the site is traversed by a valley corridor associated with the Rough River Watershed.

The Region is also currently undergoing a road extension across HWY 404 in partnership with the City of Markham and City of Richmond Hill just north of the Subject Lands. The extension will extend from Markland Street from the east, to Orlando Avenue to the west. Cachet Woods would then extend further north and intersect with the proposed mid-block crossing east of the highway overpass.

Proposal

The applicant is proposing to construct three (3) buildings, including a four (4) storey office-industrial building with 5,577.02 m² (60,030.55 ft²) of total gross floor area (GFA), two 1-storey industrial buildings with 1,911.9 m² (20,579 ft²) and 3,170 m² (34,123.8 ft²) of total GFA. The proposal also includes a total of 192 surface parking spaces, and 18 parking spaces within an underground garage.

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 Lands “Business Park Employment”, which provides for prestige industrial and office development, frequently in larger scale buildings located on large properties. The planned function for Business Park Employment areas are to provide prime business locations that help attract new business and support the retention of existing businesses in Markham. 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

The subject property is zoned Select Industrial with Limited Commercial [M.C.(70%), O3 and M.C.(60%)]_under By-law 165-80, as amended, which permits a range of industrial uses, and professional and business offices.

Parking Standards By-law 28-97

The City-Wide Parking By-law 28-97, as amended (the “Parking By-law”), sets out the parking standards for the Subject Lands. The Proposed Development does not comply with the requirements of the Parking By-law with respect to Section 3, Table B – Non-residential uses with respect to the minimum number of parking spaces. Further details of the parking requirement are provided in the comment section below.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *“environmental restrictions for the meanderbelt setback, TRCA setbacks, flood plain setbacks and 01 Zone setbacks on the site have reduced the useable area of the site by about 30%. For the loading spaces, the intended use of this site is to have drive-in bays in lieu of loading doors (providing 17 drive-in bays)”*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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. However, the Committee of Adjustment application is associated with a currently in-review Site Plan application (SPC 21136872) which has been reviewed by Zoning staff and has received comments from Zoning staff to confirm the variances required for the proposed development.

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.

Increased Maximum Ground Floor Area Variance

The applicant is requesting relief to permit a ground floor area of 899 m², whereas a minimum ground floor area of 1,400 m² is required. This variance will facilitate the construction of a 4-storey office-industrial building with a total gross floor area of 5,577 m² (60,031 ft²). This represents an increase of approximately four times the minimum GFA due to being 4-storeys and not a single-storey building.

The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of development for these areas. Staff are of the opinion that the requested variance is desirable and appropriate for the development of the Subject Lands and have no objections.

Reduction in Required Parking Variance

Parking Standards By-law 28-97 requires 267 parking spaces for all proposed uses, whereas the proposal includes a total build out of 210 parking spaces, with 14 of those parking spaces being located within an existing easement related to the cul-de-sac of Cachet Woods Court that will not be accessible until such time as the "bulb" is to be removed after the Mid-Block crossing over HWY 404 is completed by the Region. Once the overpass works are completed, and Cachet Woods is extended to the north, the easement will need to be removed, and the applicant would then be able to buildout and utilize the 14 parking spaces shown within this easement as shown on the site plan drawings.

A Transportation and Parking Study was submitted by the Applicant during review of the Site Plan Control application which stated that the proposed parking supply is adequate. Transportation Engineering Staff have commented that they are satisfied with the justification provided and have no objection to the proposed parking reduction as requested.

Staff are of the opinion that the proposed parking variance meets the intent of the City's Parking By-law, and have no objections to the approval of the proposed parking reduction.

Loading Space Variance

The applicant is requesting relief to permit 16 drive-in loading spaces, whereas the By-law requires 5 standard loading spaces with minimum sizing dimensions of 3.6m wide by 12.0m long by 4.2m high clearance. The office building includes 2 drive-in spaces on the east side of the building, and 7 drive-in loading spaces within each of the two industrial buildings.

Staff are of the opinion that the loading space variance meets the intent of the City's Parking By-law given that each unit includes drive-in loading areas within the units rather than standard exterior facing loading spaces, and have no objections to the approval of the proposed parking reduction.

Reduced Distance Between Buildings Variance

The applicant is requesting relief to permit a minimum distance of 6.0m between buildings, whereas the By-law requires a minimum of 12.0m. This reduction is requested between the office building and the waste storage room (which is an extension from Industrial Building 3).

Staff are of the opinion that the reduction to the minimum distance meets the intent of the City's Zoning By-law given that this area does not include a drive aisle, and will not impede on pedestrian or vehicular movements, and have no objections to the approval of the proposed parking reduction.

Reduced Landscape Strip Variance

The applicant is requesting to reduce the minimum landscape strip of 6m for the portion immediately abutting the existing cul-de-sac and easement, until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing described above. Similar to the parking reduction variance, once the mid-block crossing and extension of Cachet Woods is constructed and re-constructed respectively, the proponent will be required to reconstruct this area to satisfy this zoning provision.

Staff are of the opinion that the requested variance meets the intent of the City's Zoning By-law and have no objections to the approval as it is reflective of a temporary issue that can be resolved in the near future once the mid-block crossing project is completed.

EXTERNAL AGENCIES

TRCA Comments

The Subject Lands are located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The eastern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on September 19, 2023, indicating that the proposed development is within the required natural environmental buffer indicating that they have no concerns subject to conditions outlined in their letter.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 21, 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 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:



Nusrat Omer, MCIP, RPP, Senior Planner, West District

REVIEWED BY:

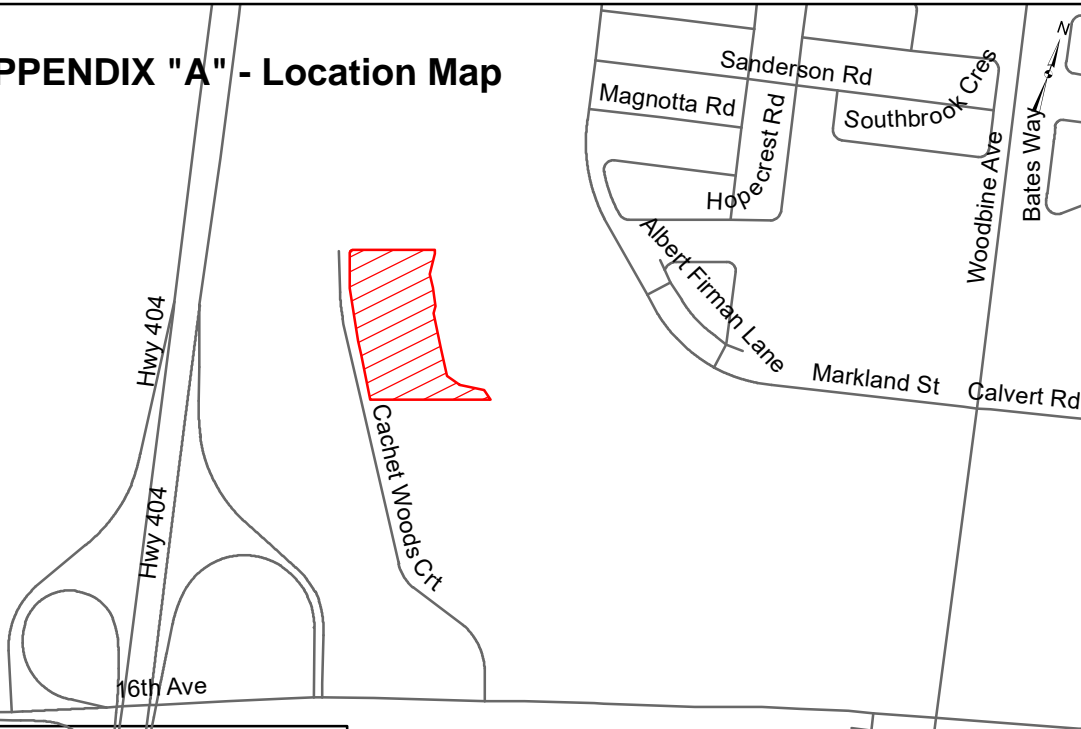



Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

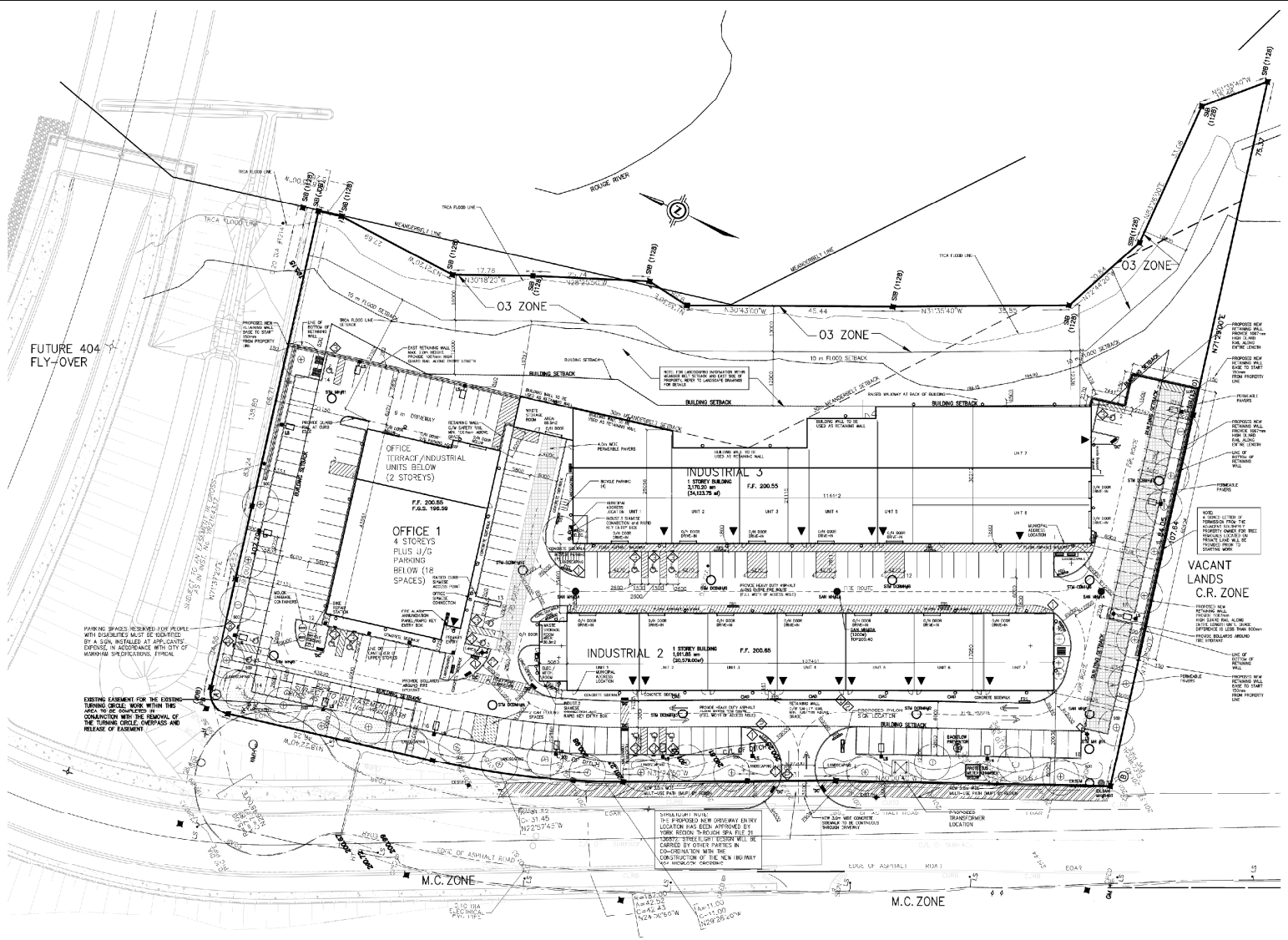
APPENDICES

- Appendix “A” – Location Map
- Appendix “B” – Plans
- Appendix “C” – TRCA Comments
- Appendix “D” – A/162/22 Conditions of Approval

APPENDIX "A" - Location Map



 SUBJECT LANDS



SITE PLAN

APPLICANT: Linda Okum
Cachat Woods Court

FILE No. MNV 22 255998

Q:\Geomatics\New Operation\2023 Agendal\AIA_162_22\Report Figures.mxd



APPENDIX "C": TRCA Comments

From: [Joshua Lacaria](#)
To: [Omer, Nusrat](#)
Subject: CFN 66440.14 - A/162/22 - Cachet Woods Court, Markham
Date: March 10, 2023 1:25:27 PM
Attachments: [image002.png](#)
[image004.jpg](#)
[image003.jpg](#)

Dear Nusrat,

Thank you for the opportunity to review the Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on February 21, 2023. The purpose of this email is to provide our comments for Minor Variance A/162/22 at Cachet Woods Court in the City of Markham.

Understanding of the Proposal:

It is our understanding that the purpose of the Minor Variance Application is to request the following variance:

- i. To permit a gross floor area of 899.64 square metres for Office Building 1, whereas the By-law requires 1400 square metres per building;
- ii. To permit 210 parking spaces, whereas the By-law requires 267 parking spaces onsite;
- iii. To permit a 16 Drive-in loading spaces, whereas the By-law requires 5 Loading spaces at 3.6 metres wide by 12.0 metres long by 4.2 metres high clearance; and,
- iv. To permit a distance of 6.0 metres between two buildings, whereas the By-law permits 12.0 metres.

The proposed development includes an office building and two industrial buildings on a vacant lot.

Ontario Regulation 166/06

The subject property is partially located within TRCA's Regulated Area, as part of the property is within a Regulatory flood plain and valley associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourses), development, interference, or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

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Application-Specific Comments

TRCA has been involved in the review of the associated Site Plan Application SPC 21 136872 (CFN 64172.17) for the proposed development on the subject property. We note that the plans provided for the latest Minor Variance submission are consistent with the third Site Plan submission presently under review. While TRCA has detailed comments relating to stormwater management, grading and erosion and sediment control measures that will need to be addressed prior to Site Plan Endorsement/Approval or the issuance of a TRCA permit, we are sufficiently satisfied for the purposes of this Minor Variance Application A/162/22. Therefore, TRCA has **no objection** to the requested Minor Variances subject to the below condition.

Application Review Fee

TRCA staff thank the applicant for remitting our Minor Variance review fee of \$1,950 for the review of up two submissions.

Recommendation

In light of the above, TRCA staff have **no objection** to Minor Variance Application A/162/22 subject to the following condition:

1. That the owner obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

Note to the applicant: A TRCA Permit Application checklist will be provided once Site Plan Application comments have been resolved.

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

Regards,

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

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From: DoNotReplyMHON@avolvecloud.com <DoNotReplyMHON@avolvecloud.com>
Sent: Thursday, February 23, 2023 11:06 AM
To: York Plan <yorkplan@trca.ca>
Subject: _EXT_ TRCA Department Review cycle #2 Assignment for 22.255998.000.00.MNV

APPENDIX “D” – A/162/22 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/162/22

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 received by the City of Markham on June 19, 2023, 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 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 the TRCA.
4. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Site Plan Approval process.
5. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City’s Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Site Plan Approval process.
6. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City’s Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the site plan agreement, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Nusrat Omer, MCIP, RPP, Senior Planner, West District