Memorandum to the City of Markham Committee of Adjustment

March 30, 2021

File: A/017/21

Address: 635 Hood Road – Markham, ON Applicant: Elite Bindery and Mail Solutions Ltd.

Agent: N/A

Hearing Date: April 7, 2021

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following "Select Industrial (M)" zone requirements under By-law 108-81, as amended, as it relates to two existing baler machines (accessory industrial equipment). The variances requested are to permit:

a) By-law 108-81, Section 4.6.1(a):

a structure to be constructed within 34.90 m (114.50 ft) of the centre line of Warden Avenue, whereas the By-law requires that no part of any building or structure shall be constructed within 40.0 m (131.23 ft) from the centre line of Warden Avenue; and

b) By-law 108-81, Section 4.8.2(d):

accessory industrial equipment to be located in a yard adjacent to a street, whereas the By-law permits accessory industrial equipment to be located in a yard not adjacent to a street.

BACKGROUND

Property Description

The 16,188.0 m² (174,246.18 ft²) subject property is a through lot with frontage on Hood Road. The property is located north of McPherson Street, south of 14th Avenue, and also abuts Warden Avenue to the east, which is a Regional arterial road. A single-storey industrial building currently occupies the subject property. The building has a gross floor area (GFA) of approximately 6,391.0 m² (68,792.15 ft²).

There are two existing baler machines located to the east of the building, in the rear yard of the subject property. The applicant has confirmed that the baler machines were constructed in 2017. The northerly baler machine is surrounded by wooden fencing, while the southerly baler machine is not (see Appendix "B"). The subject property is located in an area that is comprised of a mix of employment uses, including industrial, office and service uses.

Proposal

The applicant is proposing to legalize the baler machines in their existing location. Consequently, the applicant is requesting the variances as noted above.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18) The 2014 Official Plan designates the subject property "Business Park Employment", which provides for a range of employment uses, including, but not limited to manufacturing, processing, and warehouses with no accessory outdoor storage.

Lands designed "Business Park Employment" are intended to become high-profile employment areas, comprising offices and a range of prestige industrial buildings displaying high quality design.

The 2014 Official Plan identifies Warden Avenue as a Region of York Arterial Road, which has a planned right of way width of up to 45.0 m (147.64 ft), as identified in Map 12 of the Regional Municipality of York's Official Plan 2019 Office Consolidation.

Zoning By-Law 108-81

The subject property is zoned "Select Industrial (M)" under By-law 108-81, as amended, which permits: warehousing of goods and materials; assembly of manufactured goods; the ability to manufacture goods within enclosed buildings; and, printing establishments, amongst other uses.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on December 17, 2020 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 ("the Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 in Minimum Setback from Centre Line of Warden Avenue

The applicant requests that a structure be permitted within 34.90 m (114.50 ft) of the centre line of Warden Avenue, whereas the By-law requires that no part of any building or structure shall be constructed within 40.0 m (131.23 ft) from the centre line of Warden Avenue. The applicant is requesting a reduction of 5.10 m (114.50 ft) from the By-law requirement.

Warden Avenue is a Regional arterial road that is owned and operated by the Regional Municipality of York. As previously noted, Map 12 – Street Network of York Region's Official Plan indicates a planned street width of up to 45.0 m (147.64 ft). The Regional Municipality of York provides no comments in relation to the proposed development (Appendix "C"). With consideration to the comments received, staff are satisfied that the approval of this variance would not adversely impact any future Warden Avenue right-ofway widenings, and do not object to the variance.

Location of Accessory Industrial Equipment

The applicant is requesting that accessory industrial equipment be located in a yard adjacent to a street, whereas the By-law requires accessory industrial equipment to be located in a yard not adjacent to a street. Staff note that the subject property is a through lot, which the By-law defines as being:

"a lot bounded on two opposite sides by streets, provided, however that if any lot qualifies as being both a Corner Lot and a Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law."

As previously noted, the applicant is proposing to legalize the location of the baler machines (accessory industrial equipment) situated in the rear yard. If the baler machines were to be located within an interior side yard, they would be visible from both Warden Avenue and Hood Road, as the property is a through lot.

However, staff note that the baler machines in their current location are only visible from Warden Avenue. Accordingly, staff recommend that the applicant provides louvered fencing at a height of at least 4.50 m (14.76 ft) to assist in softening the appearance of the structures from Warden Avenue, as a condition of approval (see Appendix "A").

Urban Design staff also recommend the planting of additional trees, perpendicular to the baler machines, along the landscape strip that is parallel Warden Avenue, as detailed in the associated condition of approval. Provided that the applicant agrees to the conditions detailed in Appendix "A", staff do not object to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 30, 2021. 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" - Plans

Appendix "C" – Regional Municipality of York Comments

PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

Sabrina Bordone, Senior Planner, Central District

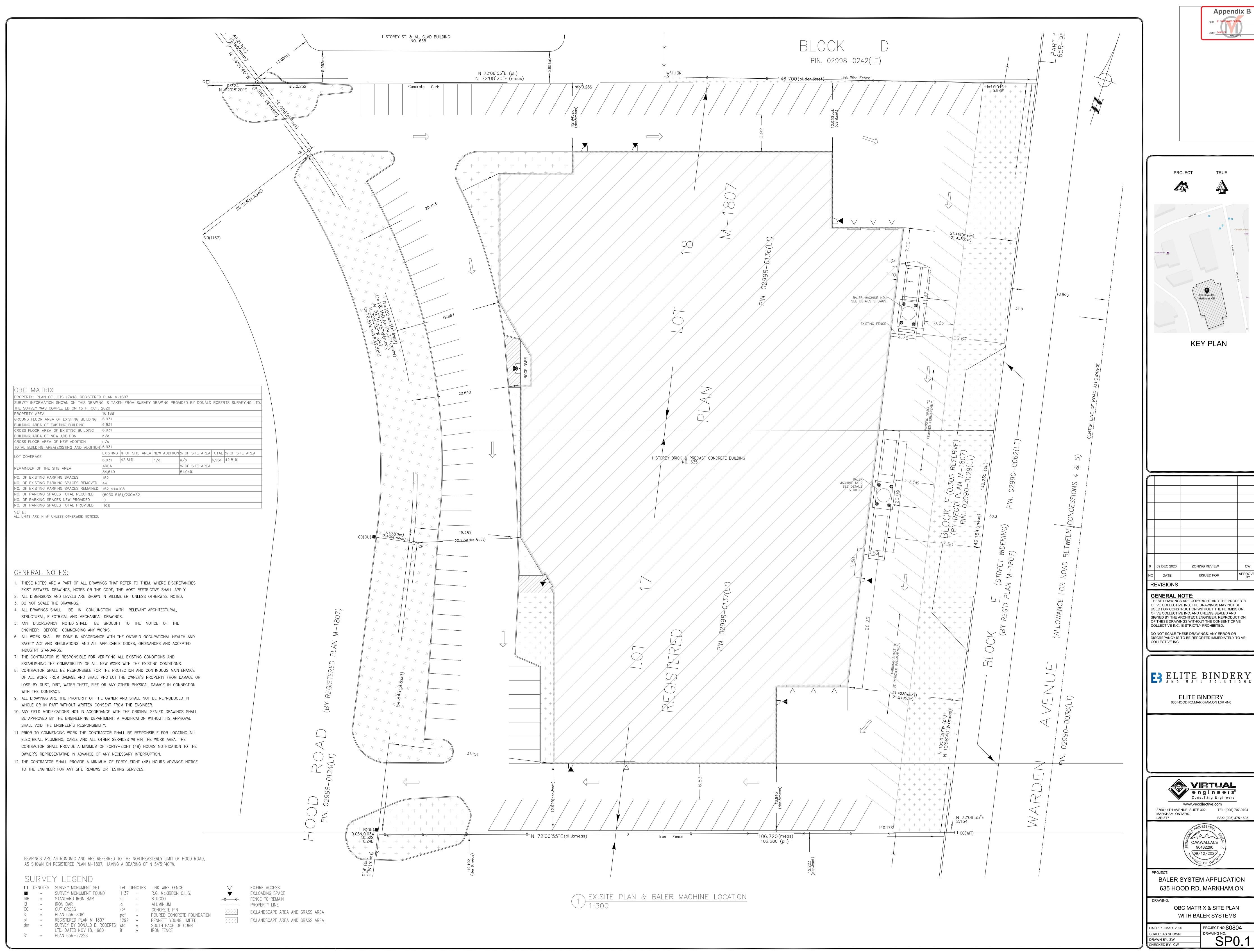
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/017/21

- 1. The variances apply only to the proposed development as long as it remains.
- 2. That the variances apply only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this staff report, and that the Secretary-Treasurer receives 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 installs louvered fencing at a minimum height of 4.50 m (14.76 ft) measured from the surface of the parking lot to the top of the louvered fencing, which would be required to individually surround both the northerly and southerly baler machines, and submit site photos to the Director of Planning and Urban Design or designate to show that louvered fencing has been installed, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
- 4. That the applicant submits revised Elevation Plans to the Director of Planning and Urban Design or designate to reflect the changes from condition #3, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
- 5. That a Landscape Plan be submitted by the applicant to ensure that trees/adequate vegetative buffering/screening are planted along the landscape strip, situated on private property, parallel to Warden Avenue, to the satisfaction of the Director of Planning and Urban Design or designate, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:

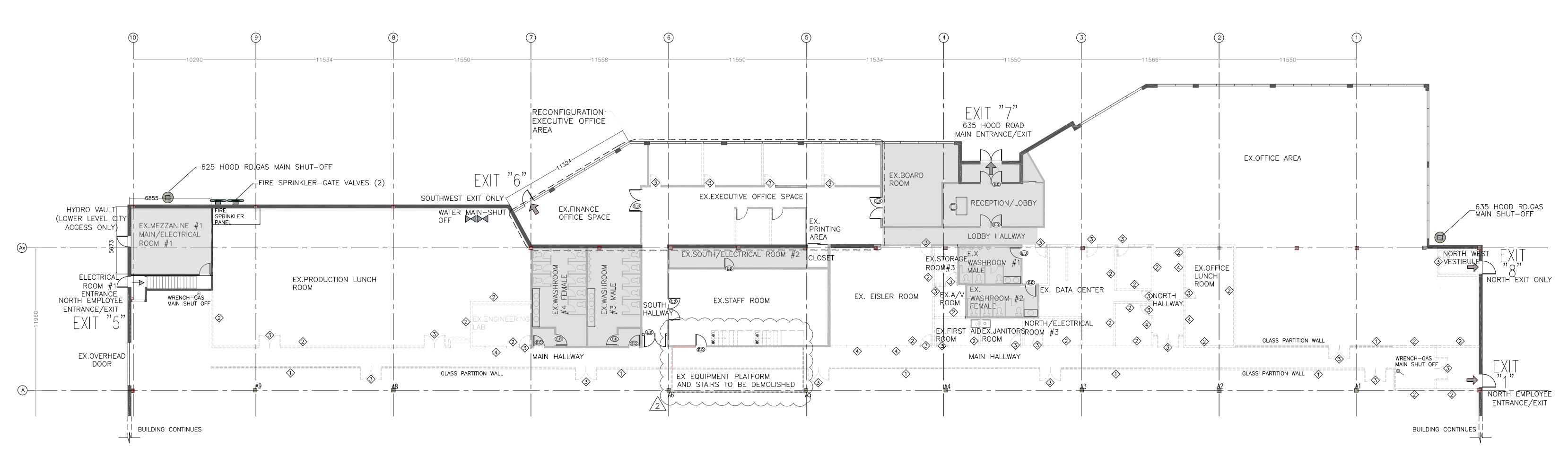
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/017/21

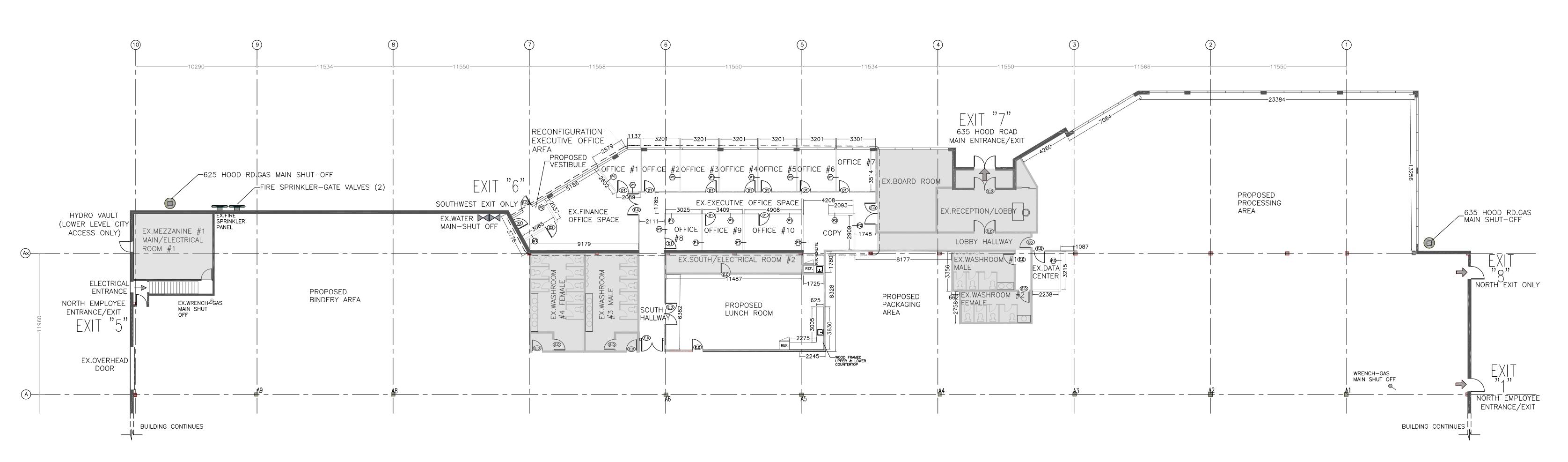








DEMOLITION GROUND FLOOR PLAN
1:150



PROPOSED GROUND FLOOR PLAN 1:150

ROOM FINISH SCHEDULE						
NAME	FLOORING	BASE	CEILING FINISH	CEILING HEIGHT	WALL	
PROPOSED VESTIBULE	CARPET	NO CHANGE	LAY-IN ACOUSTIC TILE	2591 mm	GYPSUM WALL BOARD	
PROPOSED EXECUTIVE OFFICES	CARPET	NO CHANGE	LAY-IN ACOUSTIC TILE	2591 mm	GLAZING PARTITION WALL	
PROPOSED PRODUCTION LUNCH ROOM	EX.EPOXY	NO CHANGE	UNFINISHED	NO CHANGE	GYPSUM WALL BOARD	
PROPOSED KITCHENETTE	CARPET	NO CHANGE	LAY-IN ACOUSTIC TILE	2591 mm	GYPSUM WALL BOARD	
PROPOSED PACKAGING AREA	EPOXY	NO CHANGE	UNFINISHED	NO CHANGE	NO CHANGE	
PROPOSED PROCESS AREA	EPOXY	NO CHANGE	UNFINISHED	NO CHANGE	NO CHANGE	

DOOR SCHEDULE								
LEVEL	DOOR TAG	QTY.	SIZE	THK.	MATERIAL & FRAME	COLOUR	ULC RATING	REMARKS
GROUND FLOOR	D1	10	2'-6"x7'-0"	1¾"	HM DOOR & FRAME	BLACK	_	LOCKSET, TEMPERED GLASS
GROUND FLOOR	D2	1	3'-0"x7'-0"	1¾"	HM DOOR & FRAME	BLACK	_	LOCKSET, SELF-CLOSING DEVICE
GROUND FLOOR	D3	1	3'-0"x7'-0"	1¾"	HM DOOR & FRAME	BLACK	_	LOCKSET, SELF-CLOSING DEVICE, TEMPERED GLASS

<u>DEMOLITION</u> 1> REMOVAL OF EXISTING GLASS PARTITION WALLS

 $\langle 2
angle$ REMOVAL OF EXISTING INTERIOR PARTITION WALLS

3 REMOVAL OF EXISTING DOORS 4 REMOVAL OF EXISTING WINDOWS

(5) REMOVE EXISTING COUNTER, LAVATORY, AND PLUMBING FIXTURES. (6) REMOVE EXISTING SHOWER AND PLUMBING FIXTURES

<u>FIXTURES</u>

- PRODUCTION LUNCH ROOM & KITCHENETTE NEW LAVATORY TO BE INSTALLED AT LOCATION WASH BASIN TO BE INSTALLED AT THE LOCATION OF EXISTING SINK. NEW WASH BASIN SHALL BE AMERICAN STANDARD SURGEON'S SCRUB SINK, FAUCET HOLES ON 8" CENTERS.

- NEW FAUCET SHALL BE AMERICAN STANDARD MONTERREY 1.5GPM ROSE SPRAY, WITH 8"

EXECUTIVE OFFICE SPACE ROOM FINISH

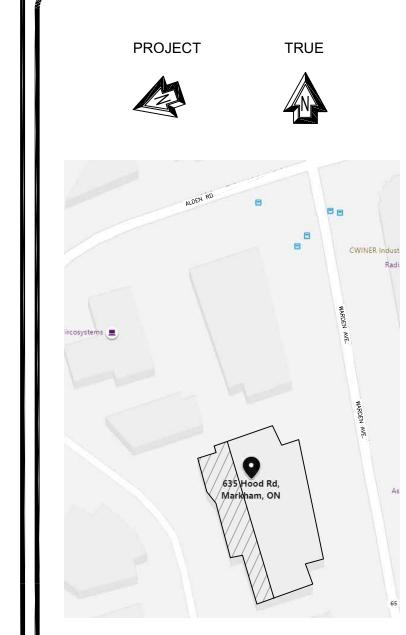
- LAY-IN ACOUSTIC TILES SHALL BE ARMSTRONG CANYON TILES, 24"x48" OR EQUIVALENT TO MATCH EXISTING CEILING TILES. - CARPET TO MATCH EX. CARPET, COLOUR AND TEXTURE SHALL BE SELECTED BY THE OWNER.

	LEGEND			
SYMBOL DESCRIPTION				
	EX.CMU WALL			
ŧ	DEMOLISHED NON-LOAD BEARING PARTITION			
+ EX. INTERIOR PARTITION WALL				
DEMOLISHED GLASS PARTITION WALL				
EX.POST TO REMAIN				
E.D	EX.DOOR TO REMAIN			
EX.DOOR TO BE REMOVED				
	AREA NOT IN SCOPE			

INTERIOR PARTITION WALL DESIGN

 $\langle P1 \rangle$ 4" (100 mm) GLAZING PARTITION -ONE LAYER OF ¼" CLEAR TEMPERED GLASS -ALUMINUM FRAME TYP. BLACK

 $\langle P2 \rangle$ Interior partition wall (metal stud) -FLOOR & CEILING TRACKS ATTACHED TO FLOOR AND CEILING ASSEMBLIES WITH FASTENERS@24"O.C -½"GYPSUM WALLBOARD −25 GA 1 %" x 3 %" METAL STUD @ 16" O.C -½"GYPSUM WALLBOARD



KEY PLAN

AREA IN SCOPE OF WORK

			No.
3	SEPT 10 2020	REVISION	CW
2	JUNE 29 2020	REVIEW	CW
1	JUNE 25 2020	REVIEW	CW
0	JUNE 16 2020	REVIEW	CW
NO	DATE	ISSUED FOR	APPROVED BY
R	EVISIONS		

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ELITE BINDERY 635 HOOD RD.MARKHAM,ON L3R 4N6

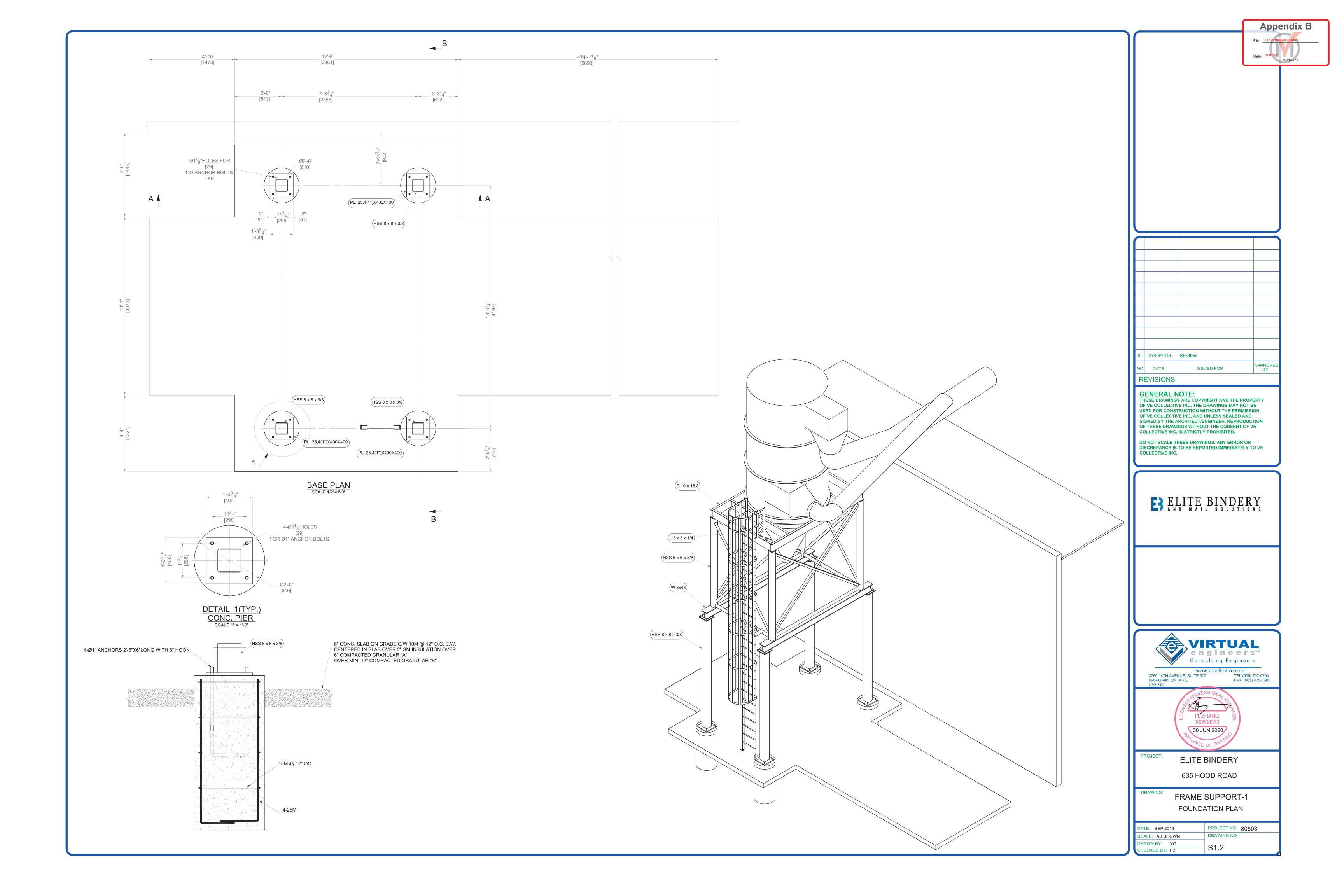


MARKHAM, ONTARIO L3R 3T7 FAX: (905) 475-1605 ELW ? C.W.WALLACE 90482290 09/10/2020

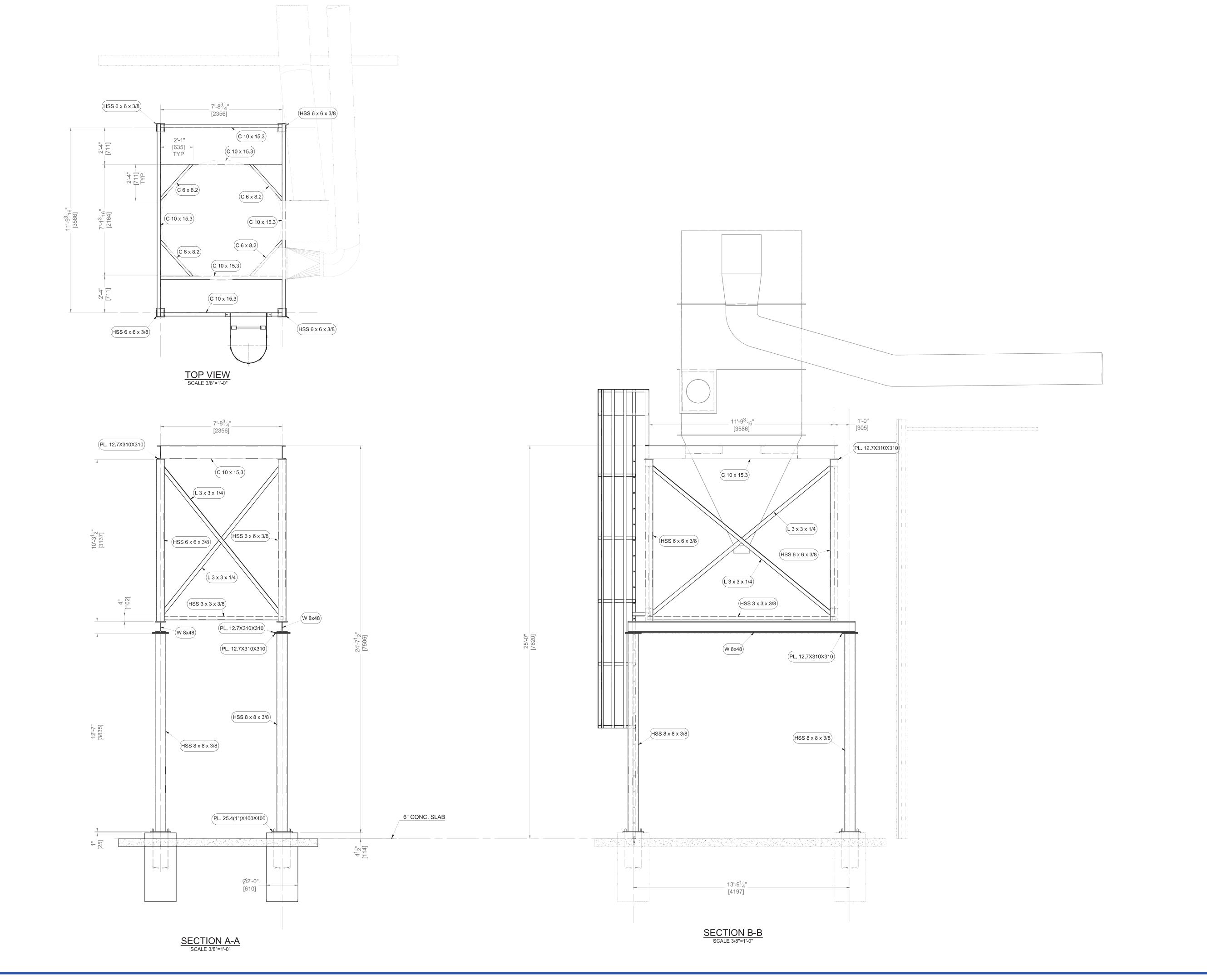
INTERIOR ALTERATION 635 HOOD RD. MARKHAM,ON

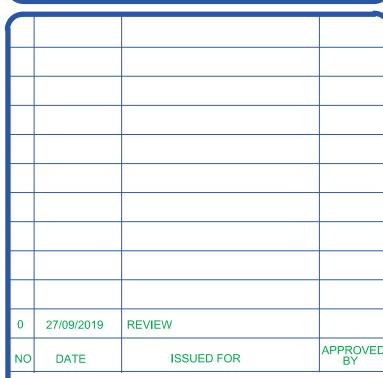
DEMOLITION GROUND FLOOR PLAN & PROPOSED GROUND FLOOR PLAN

PROJECT NO:80804 DATE: 16 JUN. 2020 DRAWING NO: SCALE: AS SHOWN DRAWN BY: ZW CHECKED BY: CW









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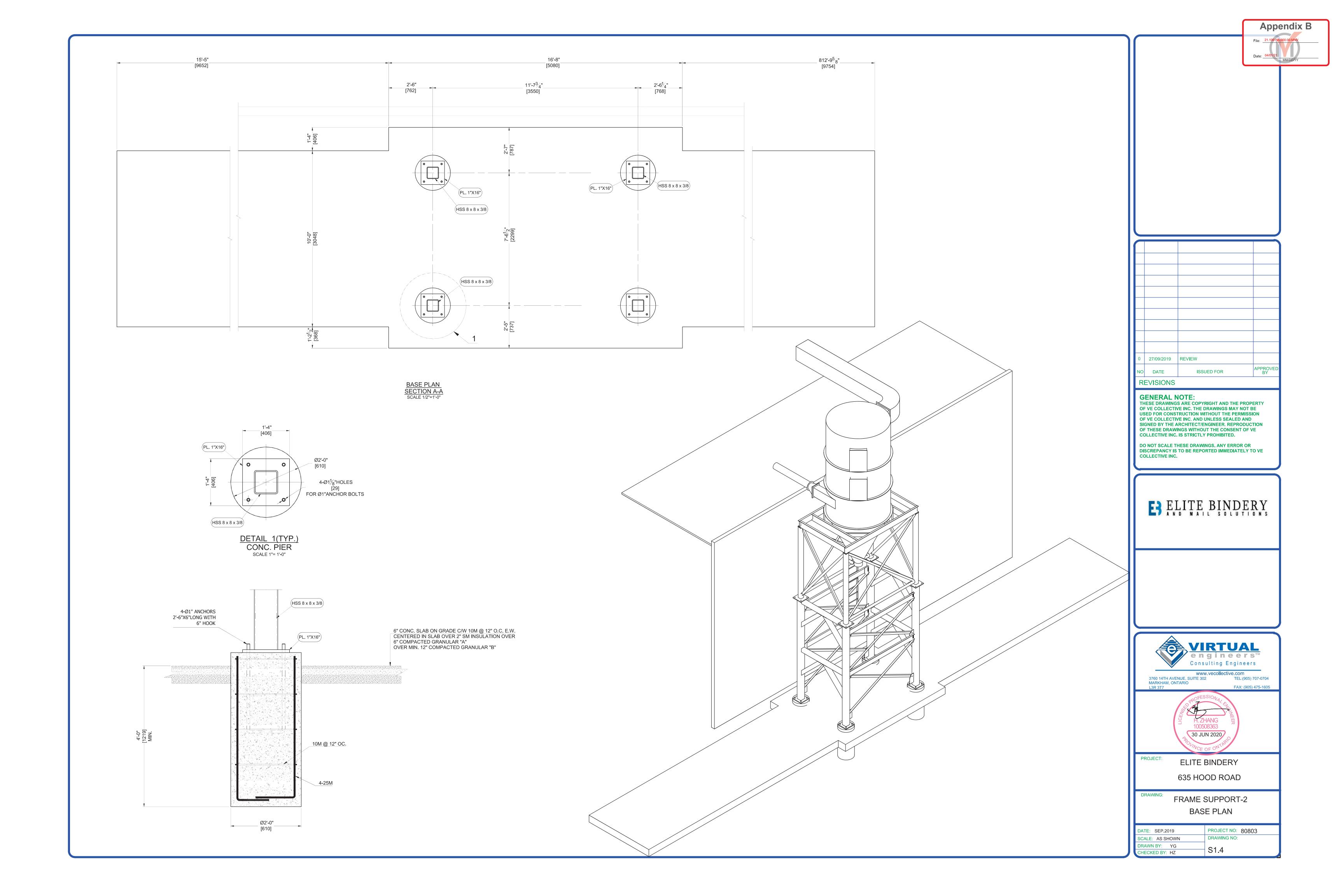


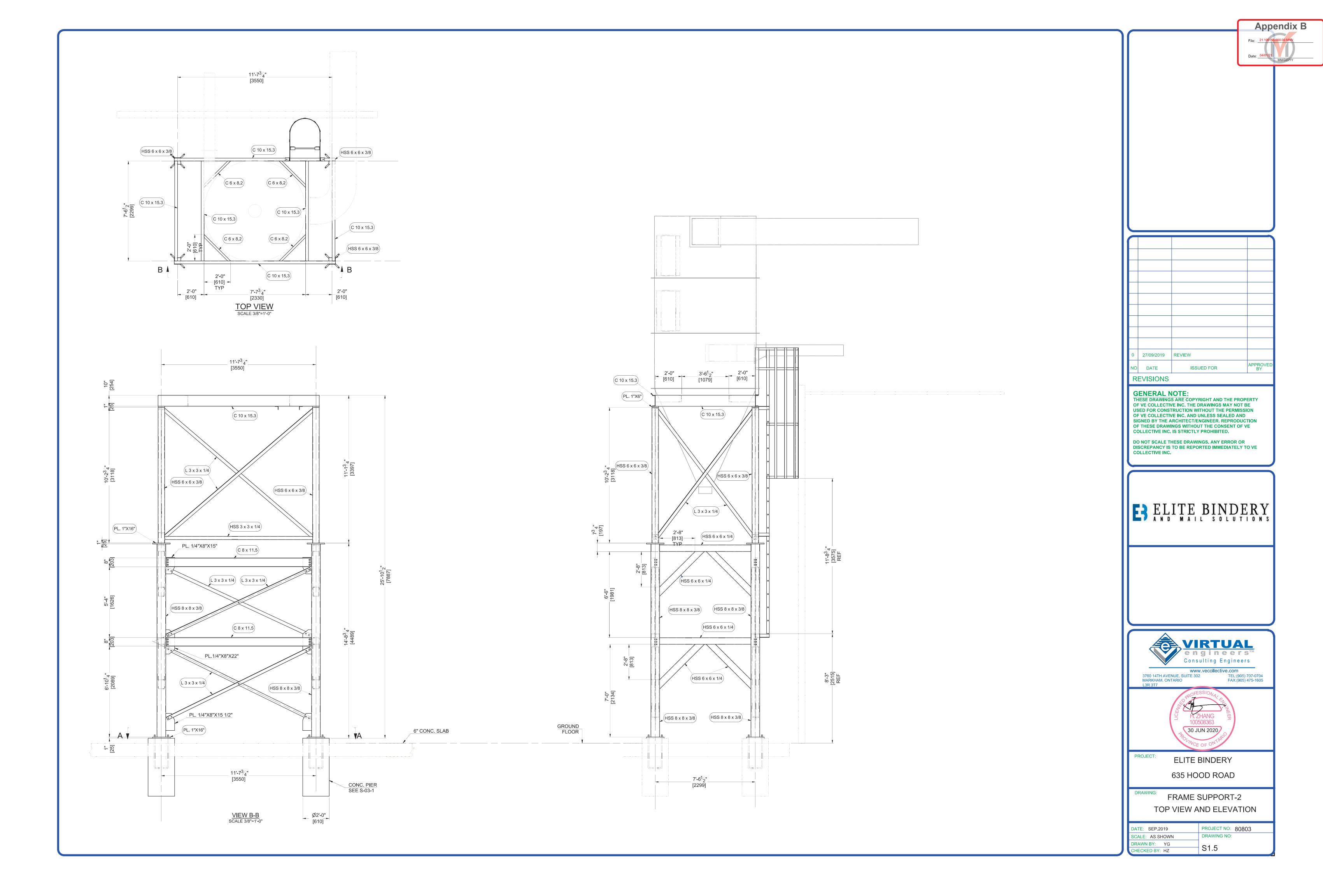
ELITE BINDERY

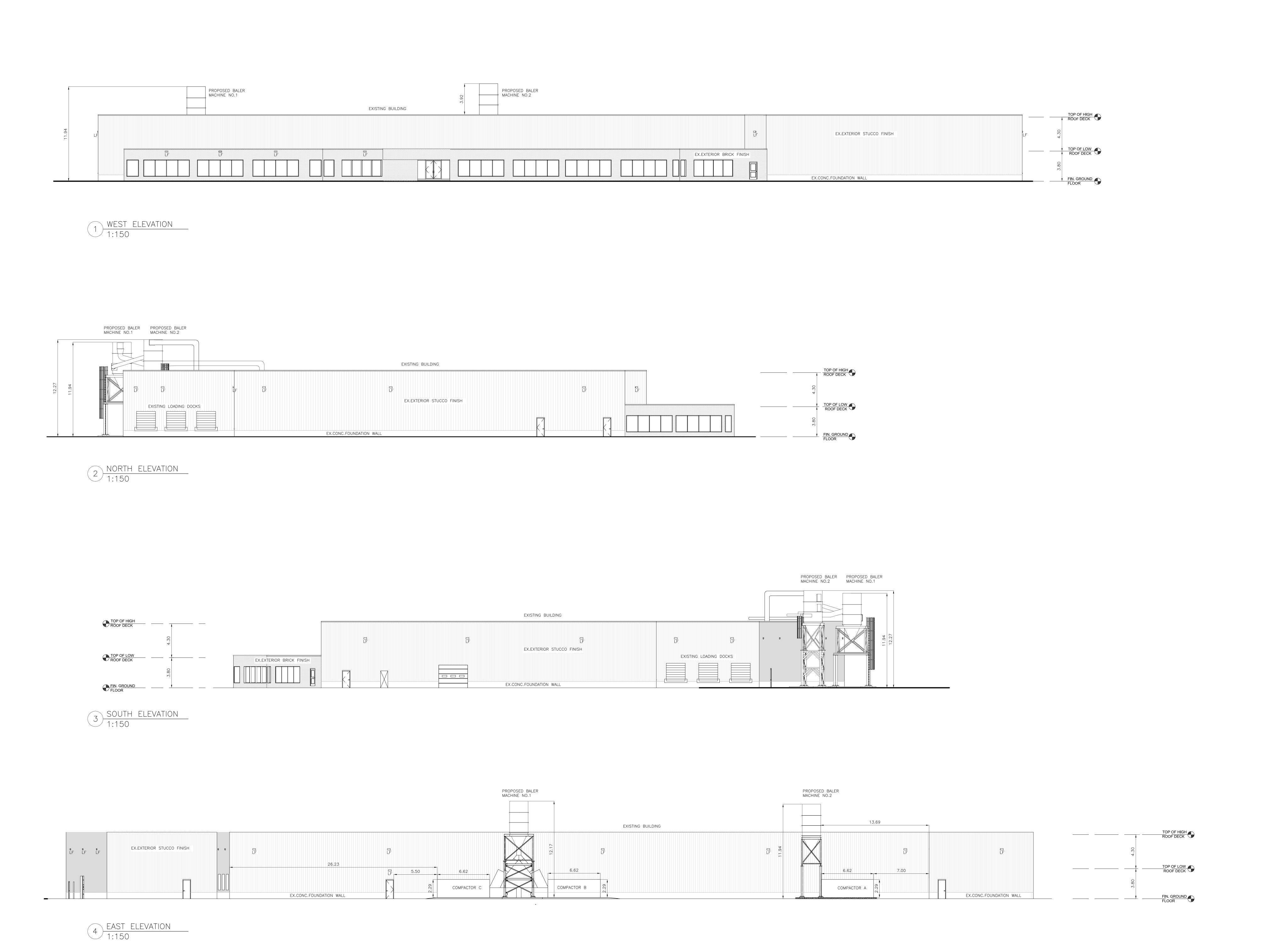
635 HOOD ROAD

FRAME SUPPORT-1 TOP VIEW AND SECTIONS

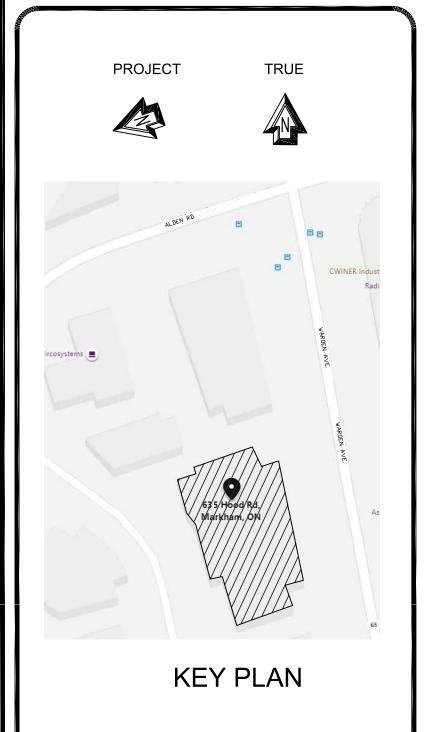
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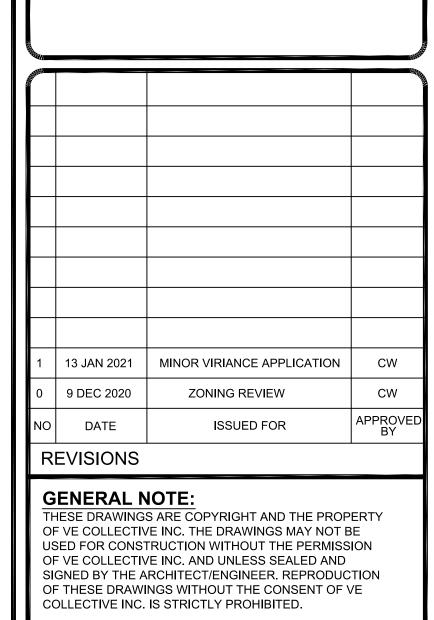


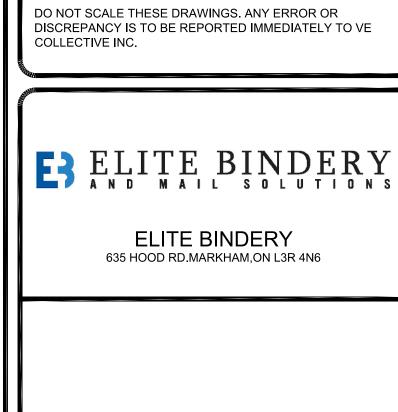


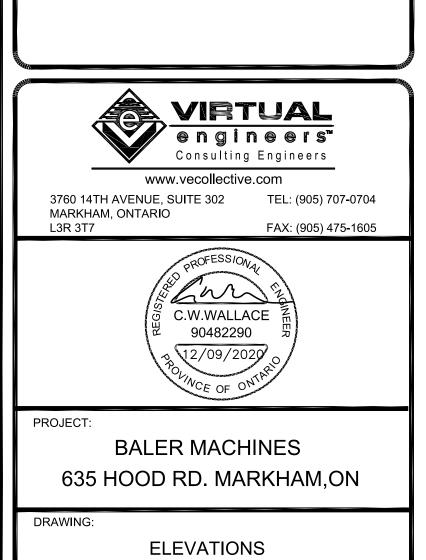












PROPOSED BALER MACHINES

DATE: 09 DEC. 2020

DRAWN BY: ZW

PROJECT NO:80804

DRAWING NO:

APPENDIX "C" REGIONAL MUNICIPALITY OF YORK COMMENTS



Department Review Status Report

Project Name: 21.106155.000.00.MNV

Workflow Started: 02/09/2021 3:49 PM

Report Generated: 04/01/2021 03:03 PM

Cycle	Department	Reviewer	Reviewer Comments	Applicant Comments
1	_EXT_ York Region	York Region Reviewer	The Regional Municipality of York has completed its review of minor variance 21 106155 000 00 MNV and has no comment.	