Memorandum to the City of Markham Committee of Adjustment

July 10th, 2019

File:	**A/183/18**
Address:	**85 Steelcase Rd E, Markham**
Applicant:	**Fuyu Corporation**
Agent:	**Henry W Chiu Architect (Henry Chiu)**
Hearing Date:	**Wednesday July 24, 2019**

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

The applicant is requesting relief from the following requirements of By-law 108-81, M.C. (40%) as amended:

a) Parking By-law 28-97, Table B:

a minimum of 56 parking spaces, whereas the By-law requires a minimum of 73 parking spaces; as it relates to an existing industrial plaza.

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, *"to legalize existing condition, building constructed in 1972".*

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. 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.

Reduced Parking Spaces

The Committee of Adjustment deferred the application at its first hearing on February 6th, 2019 requesting a parking study to understand the magnitude of the variance. The applicant submitted a parking study on May 7th, 2019. The Applicant is proposing a minimum of 56 parking spaces, whereas the By-law requires a minimum of 73 parking spaces for the existing industrial plaza. This represents a difference of 17 parking spaces or, approximately 30 percent. Transportation engineering have reviewed the parking study in support of the variance and accept the conclusion of the study subject to the conditions attached in Appendix 'A' of this report.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 10th, 2019. 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.
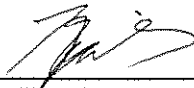
CONCLUSION

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

PREPARED BY:

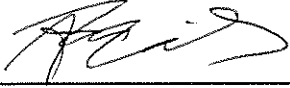Aqsa Malik, Planner I, East District

REVIEWED BY:

Richard Kendall, Development Manager, Central District
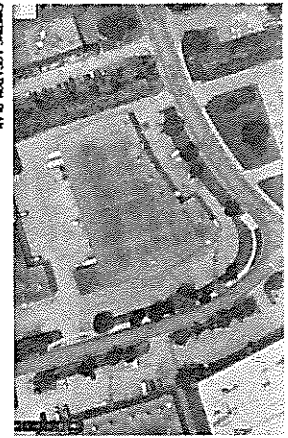File Path: Amanda\File\ 18 259105 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/183/18

1. The variances apply only to the proposed development as long as it remains.
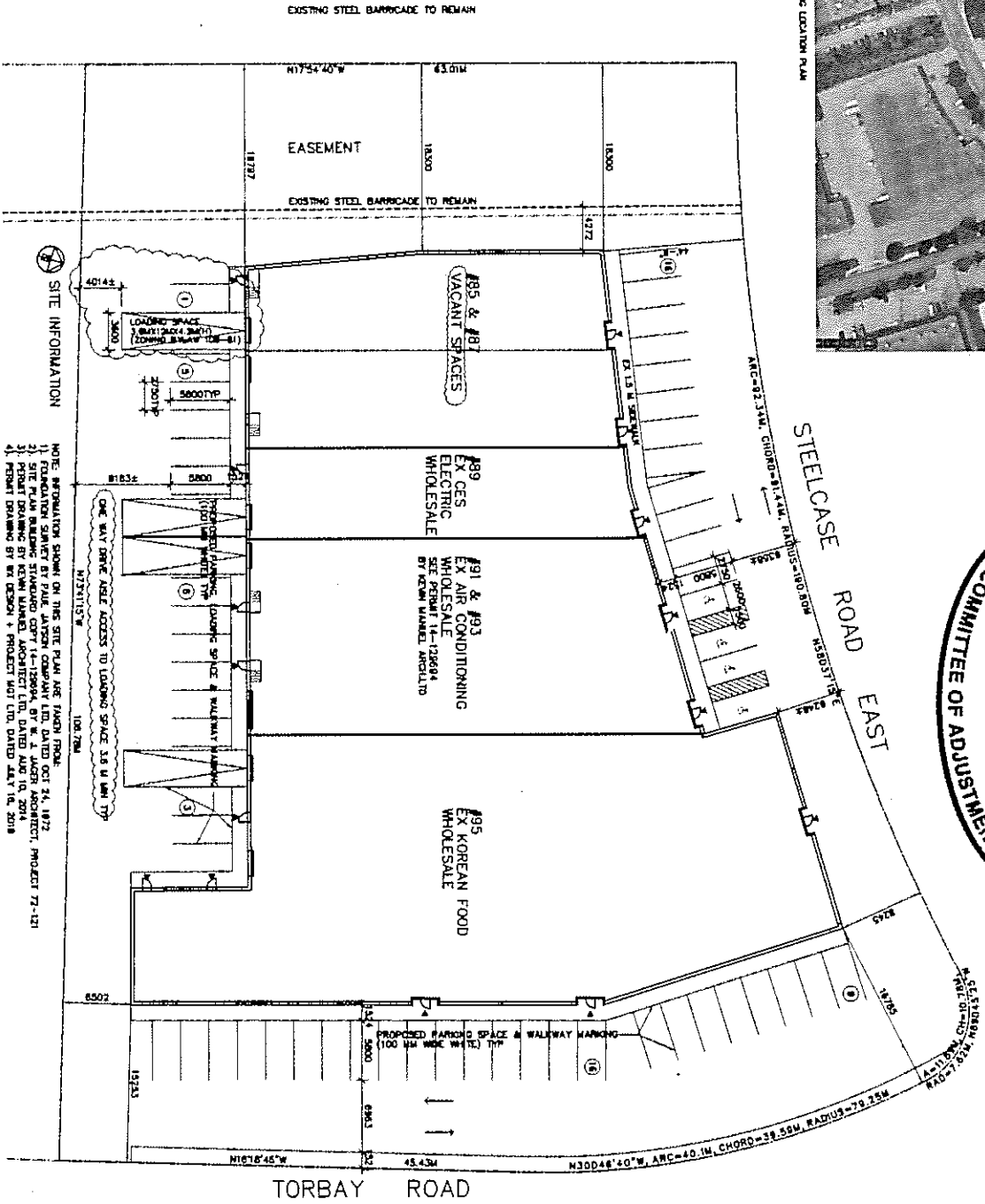
CONDITIONS PREPARED BY:

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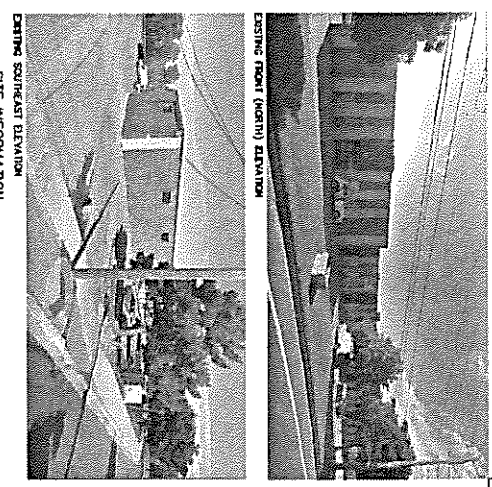Aqsa Malik, Planner I, East District

EXISTING LOCATION PLAN

EXISTING STEEL BARRICADE TO REMAIN

N17°54'40"W   63.01M

EASEMENT

EXISTING STEEL BARRICADE TO REMAIN

SITE INFORMATION

#85 & #87
VACANT SPACES

LOADING SPACE
3.6Mx12Mx4.2M(H)
(ZONING B-MAP 108-81)

#89
EX CES
ELECTRIC
WHOLESALE

#91 & #93
EX AIR CONDITIONING
WHOLESALE
SEE PERMIT 14-129604
BY KENN MANUEL ARCHITD

#95
EX KOREAN FOOD
WHOLESALE

STEELCASE ROAD EAST

PROPOSED PARKING SPACE & WALKWAY MARKING
(100 MM WIDE WHITE) TYP

TORBAY ROAD

N16°18'45"W   45.43M

N30°46'40"W, ARC=40.1M, CHORD=39.59M, RADIUS=79.25M

NOTE: INFORMATION SHOWN ON THIS SITE PLAN ARE TAKEN FROM:
1). FOUNDATION SURVEY BY PAUL JATSER COMPANY LTD. DATED OCT 24, 1972
2). SITE PLAN BUILDING STANDARD COPY 14-129604, BY W. J. JAGER ARCHITECT,
   PERMIT DRAWING BY KENN MANUEL ARCHITECT LTD, DATED AUG 10, 2014
3). PERMIT DRAWING BY KX DESIGN + PROJECT MGT LTD. DATED JULY 19, 2018

SITE INFORMATION
EXISTING GFA/NFA: 84173 SF/7819.67 SM
EXISTING LOT AREA:
EXISTING BUILDING COVERAGE: 33484± SF/3315.97± SM (44.4%)

UNIT NO.	EXISTING GFA/NFA	NEW ADDITION GFA	TENANT OPERATION
#85 & #87	1672 SM/570 SM	140 SM/140 SM	VACANT SPACE
#89	1316 SM/304 SM		ELECTRIC WHOLESALE
#91 & #93	3810 SM/688 SM		AIR CONDITIONING WHOLESALE
#95			KOREAN FOOD WHOLESALE
TOTAL	3487 SM/2932 SM (INCL. NEW ADDITION)		

PARKING CALCULATION:
INDUSTRIAL PARKING STANDARD:
NFA < 1200 SM: 1 CAR/40 SM
1200 SM < NFA < 6000 SM: 1 CAR/100 SM

PARKING REQUIRED:
#85 & #87: (NFA = 570 + 128 = 698 SM)
698 SM / 40 SM = 17.4 CARS
#89: 304 SM / 40 SM = 7.6 CARS
#91 & #93: 688 SM / 40 SM = 17.2 CARS
#95: 1263 SM / 100 SM = 12.6 CARS
TOTAL PARKING REQUIRED: 55 CARS, SEE PLAN EXAMINER'S CALCULATION)

ACCESSIBLE PARKING SPACE: (1) CARS
LOADING SPACE: 1 BAY PER TENANT SPACE = 4 BAYS

PARKING PROVIDED:
STANDARD PARKING PROVIDED: 52 CARS
ACCESSIBLE PARKING SPACE: 4 CARS
TOTAL: 56 CARS
PROPOSED LOADING SPACE: 4 BAYS

STANDARD PARKING SPACE SIZE: 2.75 M X 5.8 M
ACCESSIBLE PARKING SPACE SIZE: 2.40 M X 5.8 M W/
1.5 M ACCESS AISLE
LOADING SPACE SIZE: 3.6Mx12.0Mx4.2M(H) (ZONING B-MAP 108-81)
2-WAY DRIVE AISLE: 6.0 M
ONE WAY DRIVE AISLE ACCESS TO LOADING SPACE: 3.6 MM

EXISTING SOUTHEAST ELEVATION

EXISTING FRONT (NORTH) ELEVATION

HENRY W CHIU
ARCHITECT

PROJECT TITLE
LEGAL ZE EXISTING BLDG & PARKING
85 - 95 STEELCASE ROAD EAST
MARKHAM, ONTARIO