

Memorandum to the City of Markham Committee of Adjustment

April 10, 2019

File: A/23/19
Address: 7495 Birchmount Rd Markham
Applicant: 2434938 Ontario Inc. (Alex Christopoulos)
Agent: Hallmark Design Build (David Generali)
Hearing Date: Wednesday, April 10, 2019

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

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

1. **Section 6.1(d)(iii):**

a minimum rear yard setback of 6.0 m, whereas the By-law requires a minimum rear yard setback of 12.0 m;

as it relates to a proposed addition to an existing warehouse.

BACKGROUND

Property Description

The 17,442 m² subject property is municipally known as 7495 Birchmount Road. It is located on the northeast corner of Birchmount Road and Micro Court, south of 14th Avenue (See Appendix B). The property is occupied by an existing 8,890 m² office and manufacturing warehouse for a visual communication media company known as Icon.

Adjacent development to the east, south, and west consists of similar industrial uses, and the Clark Young Woodlot is located immediately to the north of the subject site. Mature vegetation exists along the property's south and west perimeter.

An accompanying site plan control application to facilitate the warehouse addition was submitted in February 2019, and is currently under review by Staff.

Proposal

The applicant is proposing to construct a one storey, 943 m² addition to the east side of the existing warehouse and manufacturing building. The addition will match the grade, height, and width of the existing structure and will be connected to the existing building by two large wall openings (See Appendix C). The proposed addition contains pre-cast concrete walls to match the façade of the existing warehouse.

As part of the warehouse addition, the applicant is proposing to relocate the existing outdoor compactor into an internal waste refuse area and add 8 parking stalls immediately south of the addition. Additionally, the applicant is proposing a 3 m landscape buffer between the 8 parking stalls and the adjacent property to the east. 12 trees are proposed for removal to facilitate the addition, however 8 parkland pillar birch trees are proposed within the added landscape buffer. Compensation for the remaining trees to be removed will be secured through the site plan approval process.

No other changes to the site's access, buildings, or parking configuration are proposed as part of the addition.

Official Plan and Zoning

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

The subject property is designated "General Employment" in the 2014 City of Markham Official Plan. The designation provides for manufacturing, processing, and warehousing uses in addition to accessory office uses. The existing office and warehouse and proposed warehouse addition conforms to the General Employment criteria in the City's 2014 Official Plan.

Zoning By-Law 108-81

The subject property is zoned "M.C. (40%) – Select Industrial and Limited Commercial (40%)" under By-law 108-81, as amended by By-law 4-83 which permits warehousing, repair, and assembly of manufactured goods, manufacturing of goods, and administration centres. The proposed warehouse addition conforms to the uses permitted under By-law 108-81, however it does not conform to the rear yard setback requirements established in the By-law.

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

According to the information provided by the applicant on the application form, "The Company's growth and expansion requires the proposed warehouse space at a minimum. Any smaller space would not be adequate or feasible."

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

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 Rear Yard Setback

The applicant is requesting a minimum rear yard setback of 6 m, whereas the By-law permits 12 m.

Staff note that although the subject property is addressed on Birchmount Road, vehicular and pedestrian access to the site is oriented towards the flankage yard on Micro Court (See Appendix B). As a result, the relationship between the proposed addition and the rear yard resembles that of a side yard.

Access to the rear yard of the property from the proposed addition is limited to two pedestrian entrances. Additionally, as mentioned in the proposal section of this report, a proposed 3 m landscape buffer will connect with the existing 6 m landscape buffer to the north between the subject property and the adjacent property to the east. The combined landscape buffers will contain 10 trees (2 existing red maple trees, and 8 proposed parkland pillar birch trees). It is noted that the addition will be behind the front façade of the building to the east.

Notwithstanding the 6 m rear yard setback reduction, Staff are of the opinion that the proposed landscape buffer and relocation of the site's waste receptacles to be stored internally will help mitigate any potential adverse affects that the rear yard setback reduction may have on the neighbouring property to the east.

Engineering and Urban Design Staff are currently reviewing the related site plan control application, and do not anticipate any issues related to grading, servicing, parking, or landscaping as a result of the reduced rear yard.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 05, 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 and have no objection to the proposed variance as it relates to a warehouse addition. 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:



Luis Juarez, Planner, Central District

REVIEWED BY:



Richard Kendall, Development Manager, Central District

File Path: Amanda\File\ 19 114719 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/23/19

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) dated February 05, 2019 and attached as 'Appendix B' to this Staff Report, 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 owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. That the Owner submits a Tree Assessment and Preservation Plan prepared by a qualified Arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate;
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or their designate;
6. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate;
7. That the foregoing conditions related to tree replacements and/or tree replacement fees may be secured through the associated Site Plan Agreement.

CONDITIONS PREPARED BY:

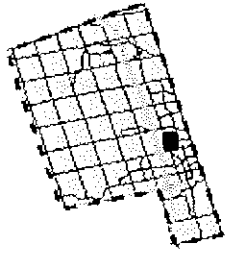


Luis Juarez, Planner, Central District



GEO-LOGIC 4

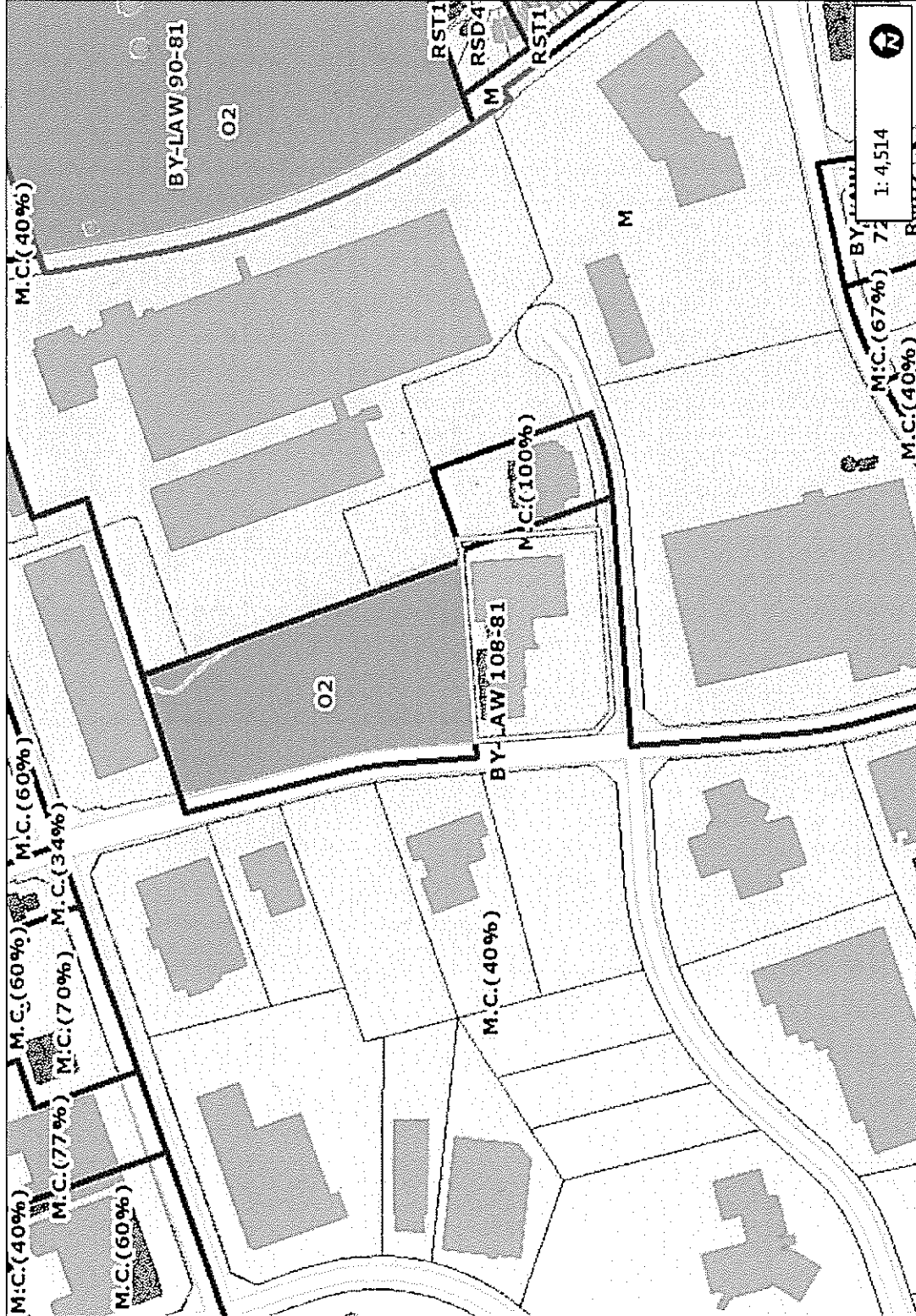
Appendix B - Location & Zoning Map



Legend

- Parent By-Laws
- Zoning Designations
- LANDMARKS_4514
- SLRN_4514
- PARKS_4514
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
- <all other values>
- Under Development

Notes



229.3 114.66 229.3 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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