

# Memorandum to the City of Markham Committee of Adjustment

July 30, 2021

**File:** A/133/20  
**Address:** 100 Esna Park Drive, Markham  
**Applicant:** Vista Stairs and Hand-rail Ltd. (Dong Jun Wang)  
**Agent:** Grandesign Contracting Inc. (Mohammad Ghofrani)  
**Hearing Date:** August 11, 2021

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, as amended, to permit:

**a) Section 6.1 (g):**

a maximum structure height of 16.91 metres (55.5 feet), whereas the By-law permits a maximum height of 14 metres (45.93 feet);

as it relates to an existing dust collector.

## **BACKGROUND**

### **Property Description**

The 8,006.20 m<sup>2</sup> (86,178.00 ft<sup>2</sup>) subject property is located east of Esna Park Drive and north of Denison Street (see Appendix "A" – Location Map). The property is located within an established industrial area.

There is an existing 3,798.81 m<sup>2</sup> (40,890 ft<sup>2</sup>) industrial building on the property, which according to building permit records, was constructed in 1972. The building is currently occupied by a wood manufacturing and warehousing company.

### **Proposal**

The applicant has built a dust collector at the rear (east elevation) of the existing industrial building (see Appendix "B" – Plans). A building permit was subsequently submitted to the City, which identified the need for a variance with respect to the height of the dust collector.

The applicant is not proposing any interior alterations to the existing building or any exterior alterations to the site access or landscaping as part of this application. Staff note that two parking spaces had been removed to accommodate the dust collector; however, the submitted site plan indicates that sufficient parking can be provided on site. Any changes to the parking areas where a parking variance is not required, will be reviewed as part of the Site Plan Control application.

Staff note that as per Section 4 (i)(iii) of the City's Site Plan Control By-law 262-94, industrial equipment, machinery or storage tanks greater than 9.0 metres in height are subject to Site Plan Control. A Site Plan Control application (SPC 21 105796) is being reviewed concurrently by the City and delegated to Staff for approval.

### **Official Plan and Zoning**

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

The subject property is designated "General Employment", which provides for manufacturing, processing, and warehousing uses that may be supplemented with accessory retail or service uses.

### Zoning By-Law 108-81

The subject property is zoned "Select Industrial Zone (M)" under By-law 108-81, as amended, which permits warehousing and manufacturing uses, data processing centres, research laboratories, printing establishments, other similar industrial uses, and private clubs and health centres. The proposed development does not comply with the By-law requirements with respect to maximum height.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from the Zoning Department through their Site Plan Control application to confirm the variances required for the proposed development.

Staff note that the applicant had initially requested a parking variance of 44 parking spaces, whereas the By-law requires a minimum of 63 parking spaces. The applicant had also initially requested for a height variance of 15.21 metres, whereas the By-law permits a maximum height of 14 metres.

The applicant subsequently submitted a revised site plan on June 10, 2021 to eliminate the parking variance and a revised elevation plan on June 14, 2021 to confirm the height of the railing above the existing mechanical unit. Zoning Staff have reviewed the revised plans and have confirmed that a height variance of 16.91 metres (from grade to the top of the guardrail) is 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:

- 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.

### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum structure height of 16.91 m (55.5 ft), whereas the By-law permits a maximum height of 14 metres (45.93 ft). This represents a 20.86% or 2.92 m (9.58 ft) increase to the permitted height. It should be noted that 1.07 metres (3.5 feet) of the dust collector is attributed to the required safety railing located on top of the mechanical unit.

The existing height of the industrial building is 10.56 m (34.65 ft). While the dust collector is significantly taller than the existing building, it will only occupy approximately 26.06 m<sup>2</sup> (280.5 ft<sup>2</sup>) of space in the parking lot. Staff also note that the existing structure is located at the rear of the property and will have minimal impacts to the street and adjacent properties in terms of overall massing. Given that the dust collector supports the manufacturing and warehousing use provided for in the Official Plan and Zoning By-law, Staff have no objection to the requested variance.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

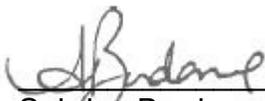
PREPARED BY:



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Melissa Leung, Planner, Central District

REVIEWED BY:



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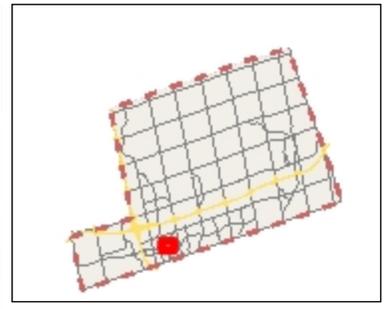
Sabrina Bordone, Senior Planner, Central District

**APPENDICES:**

Appendix "A" – Location Map

Appendix "B" – Plans

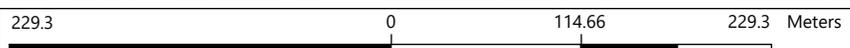
Appendix "C" - Conditions



**Legend**

- LANDMARKS\_6000
- SLRN\_6000
- PARKS\_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
  - <all other values>
  - Under Development

1:4,514



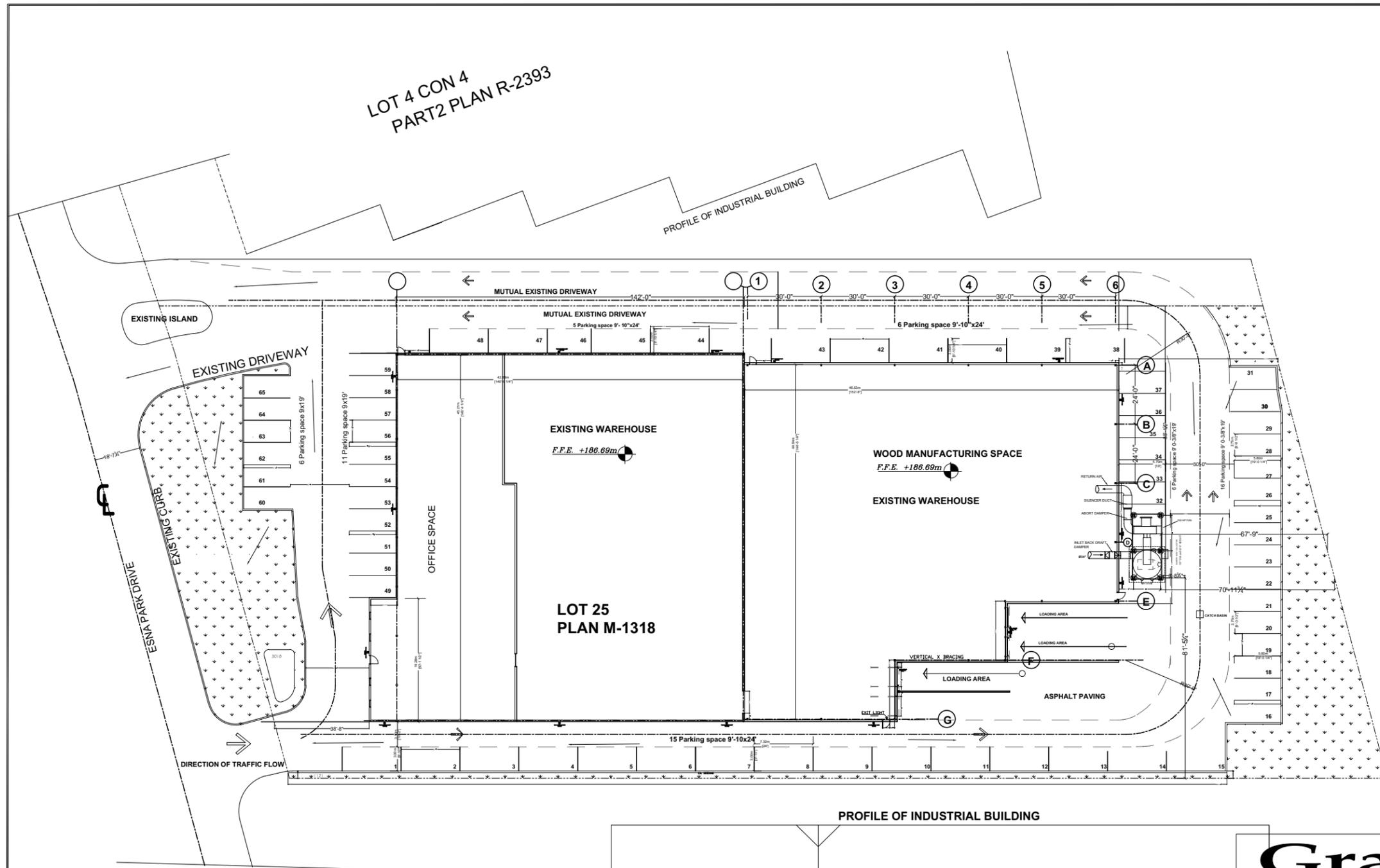
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

# Appendix B

File: 20.134963.000.00.MNV

Date: 07/30/21  
MM/DD/YY



## SITE PLAN LAY-OUT

SCALE: 1/4" = 1'-0"

ZONING	LOT NO.	PLAN NO.	LOT AREA	LOT FRONTAGE	LOT DEPTH
R2A BY-LAW 1874	25	M1318	86,074sq'	199'-3"	447'-6" to 450'-0"
DESCRIPTION	EXISTING	ADDITION	TOTAL	% ALLOWED	%
LOT COVERAGE	40,890sq'		40,890sq'	47.5	
GROSS FLOOR AREA	48,010sq'		48,010sq'		
LANDSCAPE AREA	8,781sq'		8,781sq'	10.2	
PAVED AREA		36,403sq'		42.3	
PARKING REQUIRED	64				
PARKING PROVIDED	65				

LOT 24  
PLAN M-1318

# Grandesign inc

49 Ball crescent whitby on L1P 1W5  
Tel : (289)992-7484 Email : mohammad@grandesign.ca

TITLE: DUST COLLECTOR STAND

ADDRESS: 100 ESNA PARK DRIVE MARKHAM ONTARIO

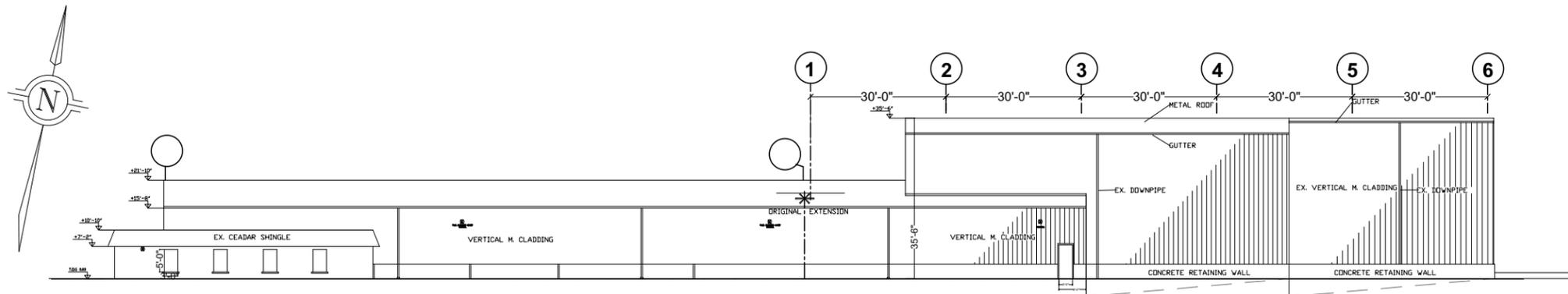
CLIENT: JPM SYSTEM

DRAWN MOH	DATE: FEB.5.2021	SCALE: 1/4" = 1'-0"	CONT. NO. 2016
REVISION: R1	DATE: APR.27.2021	REF:	A0.1 SITE PLAN

# Appendix B

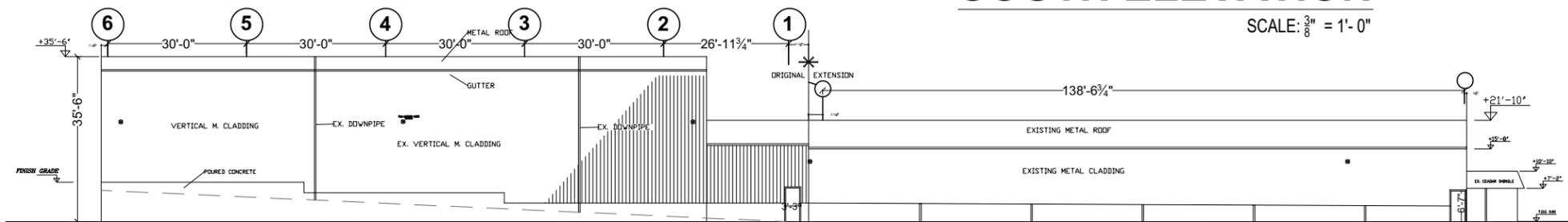
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Date: 07/30/21  
MM/DD/YY



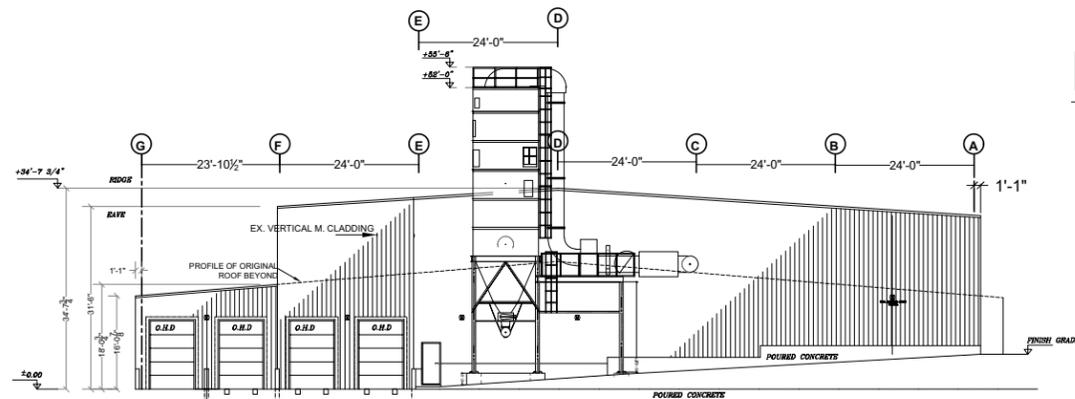
## SOUTH ELEVATION

SCALE:  $\frac{3}{8}'' = 1'-0''$



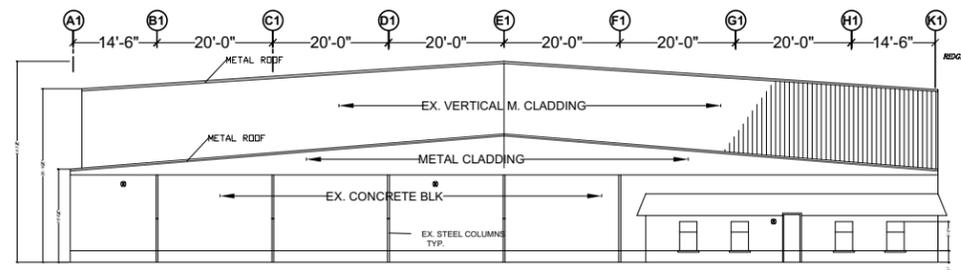
## NORTH ELEVATION

SCALE:  $\frac{3}{8}'' = 1'-0''$



## EAST ELEVATION

SCALE:  $\frac{3}{8}'' = 1'-0''$



## WEST ELEVATION

SCALE:  $\frac{3}{8}'' = 1'-0''$



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TITLE: DUST COLLECTOR STAND

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CLIENT: JPM SYSTEM

DRAWN MOH	DATE: FEB.6TH.2021	SCALE: $\frac{3}{8}'' = 1'-0''$	CONT. NO. 2016
REVISION:R1	DATE:	REF:	A2.1 ELEVATION VIEWS

**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/133/20**

1. The variance applies only to the proposed development as long as it remains; and
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report; or further revised by any site plan 'endorsed' or 'approved' drawings.

CONDITIONS PREPARED BY:



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Melissa Leung, Planner, Central District