

Memorandum to the City of Markham Committee of Adjustment

March 10, 2025

File: A/109/24
Address: 37 Esna Park Drive, Markham (the “Subject Lands”)
Agent: TAES Architects Inc. (the “Applicant”)
Hearing Date: Wednesday, March 19, 2025

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

The applicant is requesting relief from the following requirements of the “Select Industrial Zone (M)” under By-law 108-81, as amended, as it relates to a proposed addition to an existing industrial warehouse building. The variances requested are to permit:

- a) **By-law 108-81, Section 4.7.1(b):**
a landscaping strip of 0 m, whereas the by-law requires a minimum landscaping strip of 6.0m;
- b) **By-law 108-81, Section 4.6.1(b):**
a building to be constructed within 33.85 m from the centre line of Esna Park Drive, whereas the by-law requires a building to be constructed within 36 m from the centre line of Esna Park Drive; and
- c) **Parking By-law 28-97, Section 3.0, Table 'B':**
a minimum of 59 parking spaces, whereas the by-law requires a minimum of 99 parking spaces.

BACKGROUND

Property Description

The 20,234.03 m² (217,797 ft²) Subject Lands are located on the south side of Esna Park Drive and generally west of Rodick Road (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established industrial area.

There is an existing 8,142.83 m² (87,648.69 ft²) industrial building on the property, which was constructed in phases from 1970 to 1980. Mature vegetation exists on the property including several large mature trees in the front yard.

Proposal

The Applicant is proposing to construct a 270.14 m² (2,907.76 ft²) two-storey office addition and 1,864.98 m² (20,074.48 ft²) one-storey warehouse addition at the rear of the existing building (the “Proposed Development”) (refer to Appendix “B” – Site Plan). The proposal also includes the reconfiguration of the rear parking lot and loading spaces.

The Applicant has also submitted a Site Plan Application (File No. SPC 23 11827), which is being reviewed concurrently by the City.

Official Plan and Zoning

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

The Official Plan designates the Subject Lands as “General Employment”, which provides for manufacturing, processing, and warehousing uses with accessory retail, service and office uses.

Planning Staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

Zoning By-Law 108-81

The Subject Lands are 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 minimum landscaping width and setback from the centre line of the road.

Parking Standards By-law 28-97

The Proposed Development also does not comply with the standards of the City’s Parking Standards By-law 28-97, as amended, with respect to the minimum required parking spaces for an industrial building. Further details of the parking requirements are provided in the comment section below.

Comprehensive Zoning By-law 2024-19

The Subject Lands are zoned “Employment – General Employment (EMP-GE)” under the Comprehensive Zoning By-law 2024-19, as amended (the “CZBL”), which permits industrial uses. As per the transition clauses within Section 1.7 of the CZBL, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024, shall continue to be subject to the applicable By-law in force on the day before the effective date of the CZBL, for a period of three years from the passing of the CZBL. A Site Plan Application (SPC 23 11827) was submitted in April 2023, prior to the CZBL coming into full force and effect. As such, the provisions of the CZBL shall not apply to this application for a period of three years from the passing of the CZBL. Therefore, **if this variance application is approved, the building permit is required to be obtained by January 31, 2027.**

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the Zoning Examiner

through their Site Plan Application process to confirm the variances required for the Proposed Development.

Staff note that if the variance request in this application contains any error, or if the need for additional variances is identified during subsequent reviews of the Site Plan Application or 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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

Reduced Landscaping

The Applicant is requesting a landscaping strip of 0 m (0 ft) along Esna Park Drive, whereas the By-law requires a minimum landscaping strip of 6.0 m (19.7 ft).

Staff note that this variance is entirely attributed to the required road widening and municipal boulevard along Esna Park Drive, which was identified through the review of the Site Plan Application and will be conveyed to the City as part of the Site Plan Application process. The Applicant is not proposing any changes to the existing parking and landscaping configuration along Esna Park Drive. The existing landscaping strip will remain until the future road widening of Esna Park Drive.

Staff are of the opinion that the requested variance meets the objectives of the Official Plan for accommodating future road network improvements and have no concerns with the proposed variance request.

Reduced Centre Line Setback

The Applicant is requesting to permit the existing building to be located within 33.85 m from the centre line of Esna Park Drive, whereas the By-law requires a building to be setback 36 m from the centre line of Esna Park Drive.

The intent of the Zoning By-law is to accommodate for the future road widening of Esna Park Drive. As previously noted, the road widening of Esna Park Drive will be secured through the Site Plan Application process, which can be accommodated by reducing the existing landscaping. Staff further note that the requested variance is also attributed to the existing location of the industrial building and that the variance request is to legalize an existing condition.

Given that the Subject Lands can accommodate the future road widening of Esna Park Drive and the variance is attributed to an existing site condition, Staff considers the variance request to be appropriate and minor in nature.

Parking Reduction

The Applicant is requesting relief to permit 59 parking spaces, whereas the By-law requires 99 spaces.

Transportation Engineering Staff have reviewed the variance request and are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property. Zoning Staff further confirmed that 53 parking spaces would be required if the Proposed Development was reviewed under the CZBL, resulting in a proposed oversupply of parking. As such, Staff have no objections to the approval of the proposed variance request.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 10, 2025. 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 “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Sabrina Bordone', written in a cursive style.

Sabrina Bordone, RPP MCIP, Development Manager, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Site Plan

Appendix "C" - Conditions



Legend

- Parcel Overlay
- Subject Lands

1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
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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

**37 Esna Park Drive
A/109/24**

Appendix B

File: 24.191629.000.00.MNV

Date: 3/10/2025

MM/DD/YYYY

ZONING DESIGNATION: M
OFFICIAL PLAN DESIGNATION: GENERAL EMPLOYMENT

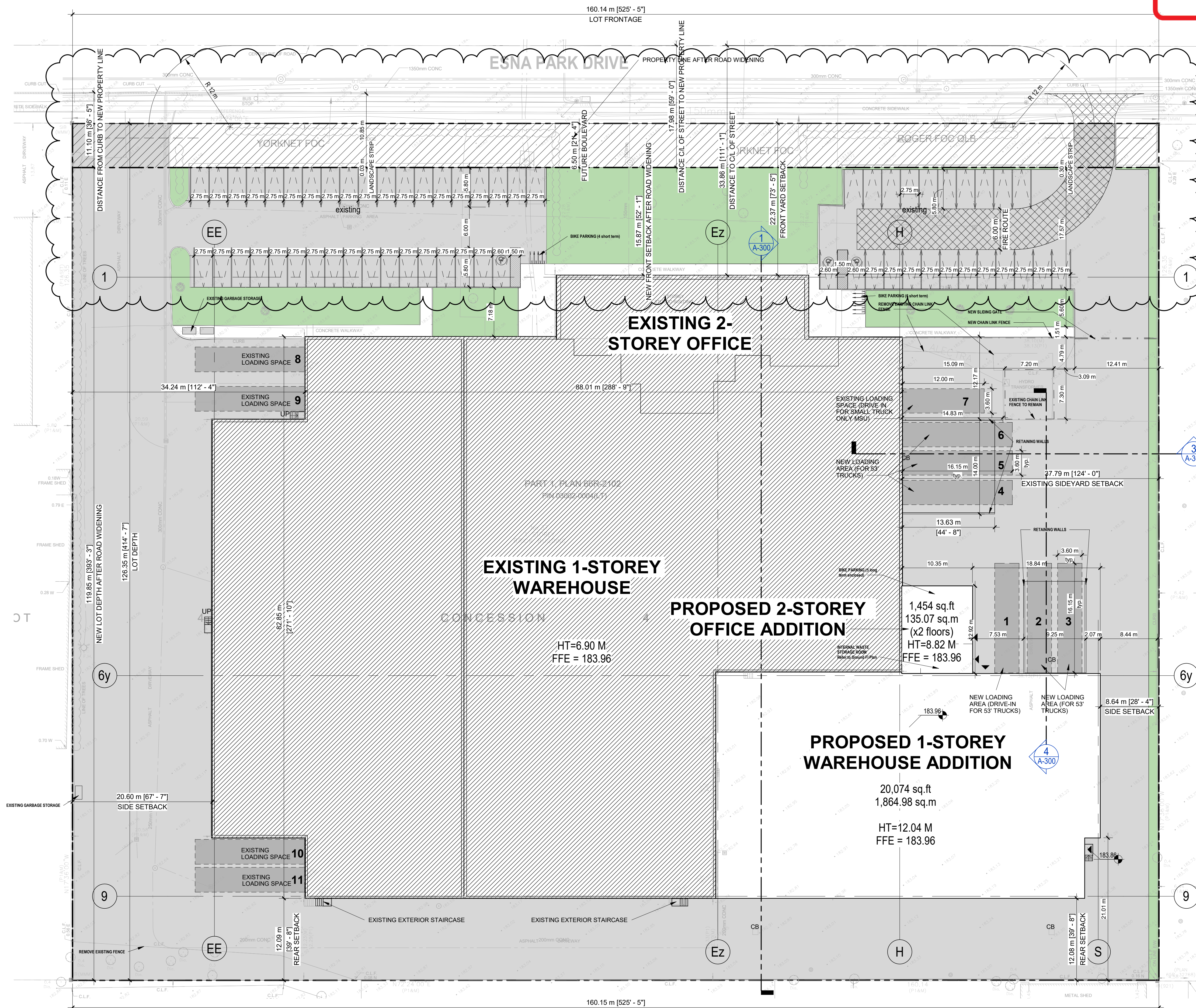
| | | | |
|--------------|---------------|-----------|--|
| ZONING | BY-LAW 108-81 | LOT NO. | 4 |
| PLAN NO. | 66R-2102 | LOT AREA | 20,235.03 M ² (217,808.03 R ²) |
| LOT FRONTAGE | 160.14 M | LOT DEPTH | 126.35 M |

| DESCRIPTION | EXISTING | PROPOSED | REQUIRED | SECTION |
|-------------------------------|--|--|-----------------------------------|--------------------------|
| MIN. LOT FRONTAGE | 160.14 M | | 60.0M | 6.1 (b) (i) |
| MIN. LOT AREA | 20,235.03 M ² (217,808.03 R ²) AFTER ROAD WIDENING 19,194.11 M ² (206,610.45 R ²) | | 0.8 Ha (8,000 M ²) | 6.1 (c) (i) |
| BUILDING AREA | 7,569.14 M ² (81,421 R ²) | New 2,000.05 M ² (21,528 R ²) Total 9,569.19 M ² (102,949 R ²) | | |
| MAX. BUILDING HEIGHT | 6.90 M | 12.04 M | 14.00 M | 6.1 (g) |
| GFA | Ground FL 7,569.14 M ² (81,421 R ²) 2nd Floor 573.69 M ² (6,175 R ²) TOTAL EXISTING: 8,142.83 M ² (87,596 R ²) | Ground FL NEW 2,000.05 M ² (21,528 R ²) 2nd Floor NEW 135.07 M ² (1,454 R ²) TOTAL PROPOSED: 2,135.12 M ² (22,982 R ²) | 1,400 M ² (MIN.) | 6.1 (f) |
| GFA TOTAL: | TOTAL EXISTING + TOTAL PROPOSED: 10,277.95 M ² (110,578 R ²) | | | |
| NET FLOOR AREA | Ground FL 7,360.18 M ² (79,227 R ²) 2nd Floor 400.64 M ² (4,313 R ²) TOTAL 7,760.82 M ² (83,539.50 R ²) | Ground FL NEW 1,910.04 M ² (20,560 R ²) 2nd Floor NEW 135.07 M ² (1,454 R ²) TOTAL 2,045.11 M ² (22,014.10 R ²) | | |
| TOTAL NET FLOOR AREA | TOTAL EXISTING + TOTAL PROPOSED: 9,805.93 M ² (105,553.60 R ²) | | | BY LAW 28-97 SECTION 2.0 |
| MAX F.S.I. / F.A.R. | 0.39 | 0.53 (*) | | |
| MAX LOT COVERAGE | 38% | 49.8% (*) | | |
| LANDSCAPED AREA | 2,136.56 M ² (22,998.45 R ²) | 1,271.44 M ² (13,686.08 R ²) | 10.5% (*) | 6.6% (*) |
| SETBACK | EXISTING | PROPOSED | REQUIRED | |
| FRONT (NORTH) | 22.37 M (73'-5") | 15.87 M (52'-1") | 12.0 M | 6.1 (d) (i) |
| SIDE (WEST) | 20.60 M (67'-7") | 20.60 M (67'-7") | 5.0 M | 6.1 (d) (ii) |
| SIDE (EAST) | 37.89 M (124'-4") | 8.64 M (28'-4") | 5.0 M | |
| REAR (SOUTH) | 12.08 M (39'-8") | 12.08 M (39'-8") | 12.0 M | 6.1 (d) (iii) |
| DISTANCE TO EXISTING BUILDING | n/a | 0 M (connected to existing) | | |

* AFTER ROAD WIDENING - 6.50 M FOR THE FUTURE BOULEVARD

PARKING BY-LAW: #28-97

| DESCRIPTION | EXISTING | PROPOSED | REQUIRED | SECTION |
|-------------------------------------|------------------|------------------|--|----------------|
| MIN. WIDTH OF DRIVEWAY (TWO WAY) | 6 M | 6 M | 6 M | 6.2 |
| MIN. NUMBER OF LOADING SPACES | 10 | 11 | 2 | 4.5.1 (a) |
| MIN. SIZE OF LOADING SPACE | 3.5 X 10 X 4.2 M | 3.5 X 10 X 4.2 M | 3.5 X 10 X 4.2 M | 6.9.3 4.5.2 |
| PARKING SPACES | 59 | 59* | (1,200 / 40) = 30 + (4,800 / 100) = 48 + (3,805.93 / 200) = 19 = TOTAL 97 | 3.0 TABLE B |
| ACCESSIBLE PARKING SPACES | 0 | 3 | 4% = 2.12 | |
| BICYCLE (LONG TERM) PARKING SPACES | 0 | 5 | 0.05 spaces/ 100m ² GFA = 5.12 | |
| BICYCLE (SHORT TERM) PARKING SPACES | 0 | 10 | 0.1 spaces/ 100m ² GFA = 10.25 | |



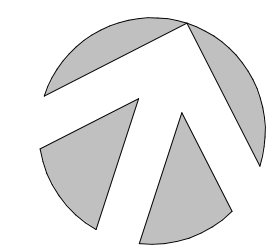
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CONTRACTOR MUST CHECK & VERIFY ALL DIMENSIONS ON SITE.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE ARCHITECT.

| No. | Revision | Date | By |
|-----|----------------------------|------------|------|
| 1 | For Pre-consultation | 2022-06-03 | H.K. |
| 2 | SPA Submission | 2023-03-27 | SW |
| 3 | SPA 2nd Submission | 2023-11-20 | SW |
| 5 | Minor Variance Application | 2024-10-10 | TM |



TAES Architects Inc.

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WAREHOUSE ADDITION

37 ESNA PARK DRIVE,
MARKHAM, ON

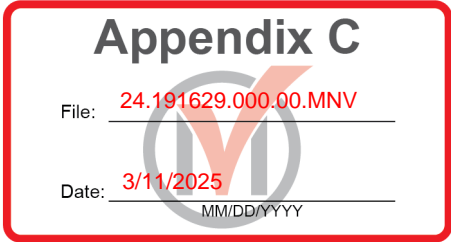
Project No. T2022025

Drawn Scale As indicated

Checked Date Issue Date

SITE PLAN

Drawing No. A-001



APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/109/24

- 1) The variances apply only to the proposed development as long as it remains; and,
- 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, or as further amended by any Site Plan Endorsed or Site Plan Approved drawings, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Melissa Leung".

Melissa Leung, RPP MCIP, Senior Planner, Central District