

# Memorandum to the City of Markham Committee of Adjustment

October 17, 2019

**File:** A/98/19  
**Address:** 110 Cochrane Drive, Markham  
**Applicant:** Bousfields Inc. (David Morse)  
**Agent:** (none)  
**Hearing Date:** Wednesday October 23, 2019

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

The applicant is requesting relief from the following requirements of By-law 165-80, M.C. (40%) as amended:

**a) By-law 165-80, Section 6.4.3(a): a maximum floor area ratio for commercial or mixed industrial-commercial uses of 50.5 percent, whereas the By-law permits a maximum floor area ratio (FAR) for commercial or mixed industrial-commercial uses of 40 percent; as it relates to a proposed new office tenant within an existing building.**

## **BACKGROUND**

### **Property Description**

The 19,706 m<sup>2</sup> (212,111 ft<sup>2</sup>) subject property is located on the west side of Cochrane Drive, west of Woodbine Avenue and south of Highway 7. The property is located within an established employment area generally comprised of industrial and office uses in buildings ranging from one to eight storeys.

There are two existing 2-storey buildings on the property with a total gross floor area (GFA) of 9,951.5 m<sup>2</sup> (107,111.7 ft<sup>2</sup>). Mature vegetation exists on the subject lands including deciduous and coniferous trees and shrubs along the Cochrane Drive property line.

### **Proposal**

The applicant is proposing to introduce a new office use to the existing building at 110 Cochrane Drive. According to the applicant, the building was formerly entirely industrial. The proposed variance would increase the FAR of mixed industrial-commercial uses to 50.5%. There is no restriction on FAR for properties with entirely industrial uses. The GFA of the building is not being increased. Existing industrial floor area is being converted to office floor area.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and further 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 offices, hotels, trade and convention centres, and manufacturing uses including accessory retail.

### **Zoning By-Law 165-80**

The subject property is zoned 'Select Industrial with Limited Commercial M.C.(40%)' under By-law 165-80, as amended, which permits warehousing, manufacturing, repair and servicing of goods, data processing, offices, commercial schools, hotels, research

laboratories, printing establishments, and accessory restaurants and retail. The maximum FAR permitted for commercial and mixed industrial-commercial uses is 40%.

#### **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:

*"This application requires relief from the applicable zoning by-laws to permit the conversion of 110 Cochrane Drive from one industrial tenant to multi industrial-commercial tenants. No changes to the exterior of the building and no new GFA is proposed. Additionally, no changes are proposed to the existing parking layout."*

#### **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.

The applicant is requesting relief to permit an FAR increase for commercial or mixed industrial-commercial uses to 50.5%, whereas the By-law permits a maximum FAR of 40%.

The intent of the maximum FAR of 40% is to ensure that the zoning performance standards are appropriate for the development of the land. No exterior changes or additions to the existing building are proposed. According to the applicant, the Parking By-law requires 186 parking spaces with the increased office space. The subject property currently has 190 parking spaces. All performance standards, including parking requirements, will be reviewed by staff upon submission of the building permit application.

Staff have no objections to the approval of the proposed minor variance.

#### **EXTERNAL AGENCIES**

York Region and Alectra Utilities have indicated that they have no comments or objections. No other external agencies have submitted comments as of October 17, 2019.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 17, 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 objections. 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:



\_\_\_\_\_  
Marty Rokos, Senior Planner, Planning and Urban Design Department

REVIEWED BY:

  
\_\_\_\_\_  
David Miller, Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/98/19**

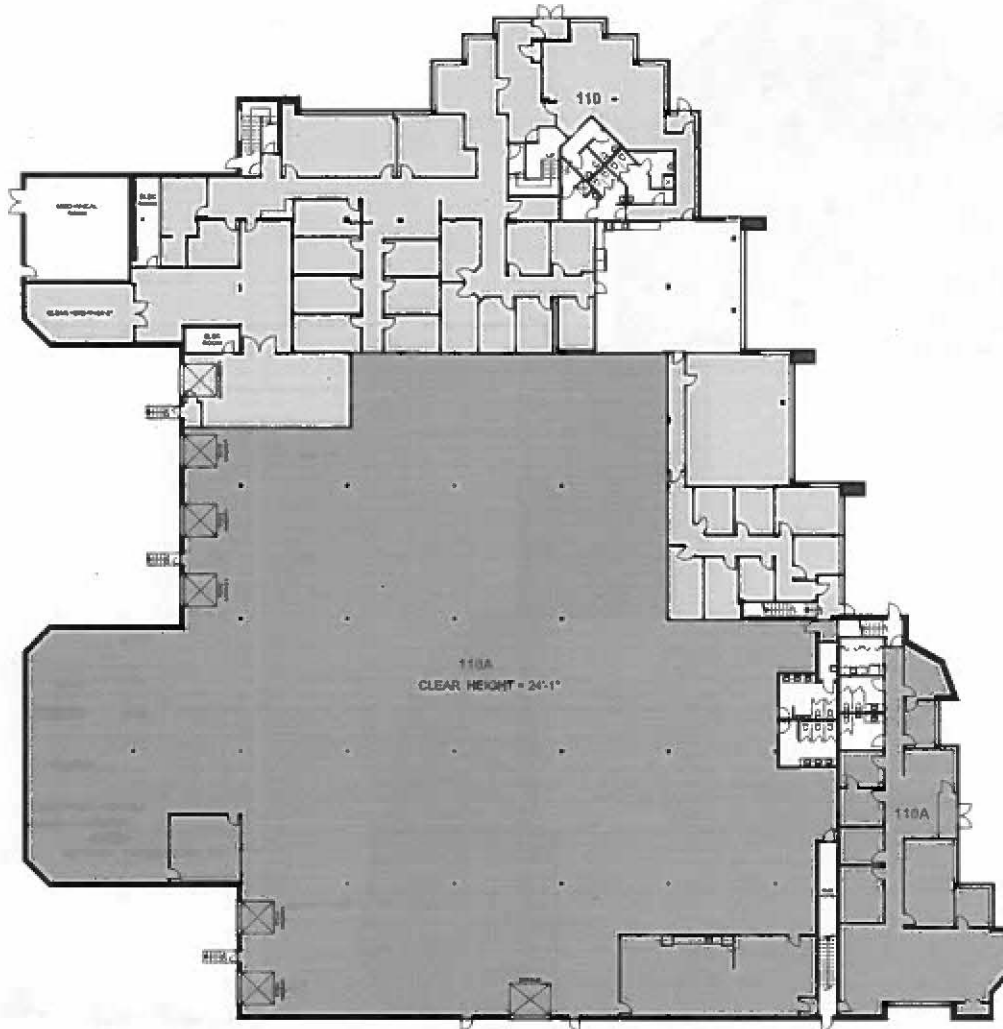
1. That the variances apply only to the proposed development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report and received by the City of Markham on September 24, 2019, and that 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.

**CONDITIONS PREPARED BY:**

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**Marty Rokos, Senior Planner, Planning and Urban Design Department**

Tenant Net Floor Area



"Client"

### Kevric Real Estate Corporation

Version:	Prepared: 13/09/2019
FP4A	Measured: 21/10/2010

110 Cochrane Drive  
Markham, Ontario

### Floor 01

Please Refer to Corresponding  
Net Floor Area Chart

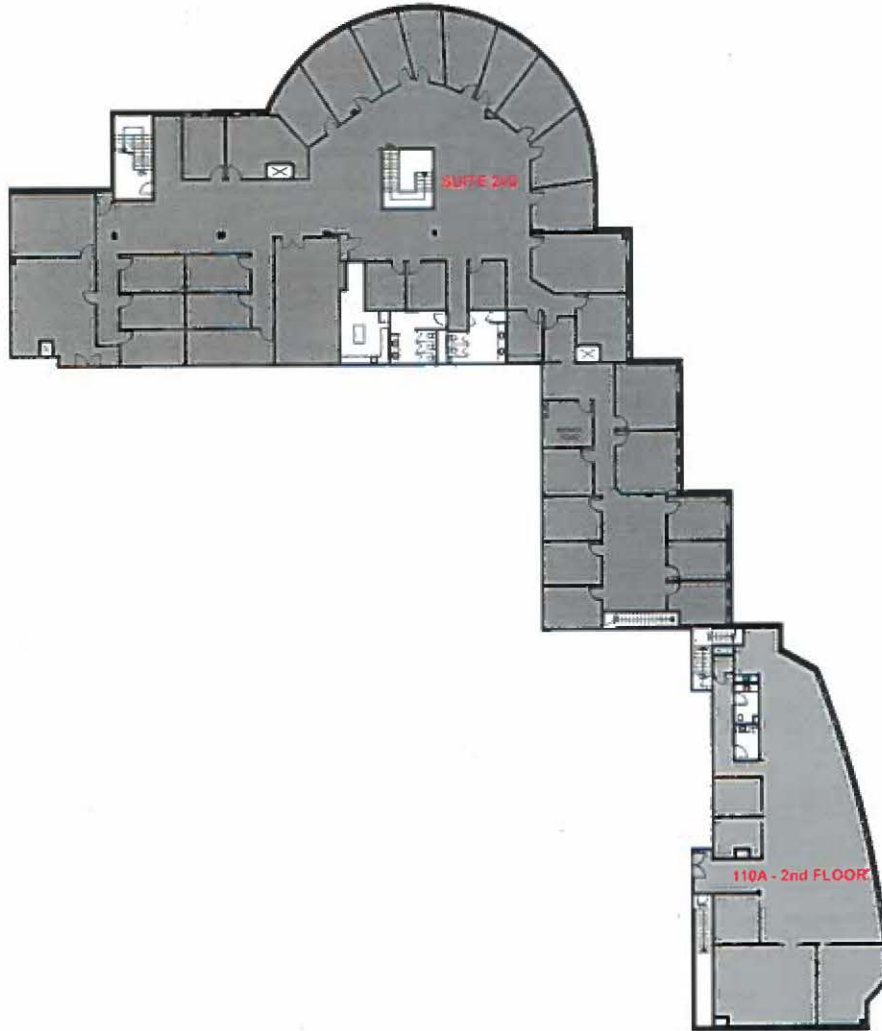
110cochrane-nfa-7a.pdf



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Tenant Net Floor Area



"Client"

**Kevric Real Estate Corporation**

Version: **FP5A** Prepared: 13/09/2019  
Measured: 29/09/2015

**110 Cochrane Drive  
Markham, Ontario**

**Floor 02**

*Please Refer to Corresponding  
Net Floor Area Chart*

*110cochrane-nfa-7a.pdf*



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