

Memorandum to the City of Markham Committee of Adjustment

February 27, 2024

File: A/005/24
Address: 5690 14th Ave Markham
Applicant: Pylons Architecture Inc. (Rafik Nassif)
Owner: 1000439739 Ontario Inc. (Ankur Sawhney)
Hearing Date: Wednesday, March 6, 2024

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

The applicant is requesting relief from the following Business Corridor (BC) zone requirements of By-law 108-81, as amended, as they relate to a proposed single-storey mixed use development:

- a) **By-law 108-81, Amending By-law 2002-258, Section 8.83(j)(i):**
a minimum landscaped open space width of 4.5 metres adjacent to the south lot line, whereas the by-law requires a minimum landscaped open space of 6 metres
- b) **By-law 108-81, Amending By-law 52-96, Section 6.2(c)(i):**
a minimum lot area of 0.49 hectares, whereas the by-law requires a minimum lot area of 0.8 hectares

BACKGROUND

Property Description

The 4,917.12 m² (52,927.44 ft²) undeveloped subject property is located on the north side of 14th Avenue, west of Markham Road and south of Travail Road. The property is located within an established Business Commercial zone comprised of a mix of one and two-storey Industrial, Commercial and Institutional buildings.

Proposal

The applicant is proposing to construct a 1,623 m² (17,469.83 ft²) one-storey commercial building with 1,339 m² (14,412.88 ft²) of gross leasable floor area on the subject property. A total of 59 parking spaces, including 3 accessible spaces will be provided.

History – Previous Committee of Adjustment Approvals

On May 21, 2008, the Committee of Adjustment approved Consent Application (B/09/08) for 5680 14th Avenue to create the Subject Lands as a separate property. A Minor Variance Application (A/45/08) was also approved concurrently to permit the existing lot area of the Subject Lands.

On May 7, 2014, the Committee of Adjustment approved Minor Variance Application (A/204/12) which also permitted the same reduced lot area and a reduction to the minimum width of landscaping along the street frontage. This was part of the proposal for a Private School on the Subject Lands which never proceeded to development.

The current Property Owner is now proposing a multi-unit commercial on the subject lands and has submitted a Minor Variance Application for the lot area and landscape variances being requested.

Official Plan and Zoning

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

The Official Plan designates the subject property “General Employment”, which provides for manufacturing, processing, and warehousing, along with supplementary storage, retail, service, and office functions that support the main manufacturing, processing, or warehousing use. Trade schools are included under this designation.

Furthermore, the 2014 Official Plan provides discretion for other uses such as restaurants, services, commercial schools, offices (excluding medical offices), as well as motor vehicle body shop and repair facilities, and crematoriums. These discretionary uses require a site-specific development for zoning approval and are subject to conditions outlined in section 8.5.5.3 of the 2014 Official Plan.

Zoning By-Law 108-81

The subject property is zoned Business Corridor (BC) under By-law 108-81, as amended, which permits uses such as banks and financial institutions, offices, restaurants, retail stores, among others.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 24, 2024 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.

Reduction in Minimum Required Landscaped Open Space

The requested variance to permit a reduced landscape strip of 4.5m (14.76 ft) relates to the fact that in 2014, a 3.0m (9.84 ft) strip of land along the property frontage of 5680 14th Avenue was conveyed to the Regional Municipality of York as part of the road widening effort on 14th Avenue. Staff note that despite the reduced landscaped open space, the general intent and purpose of the Zoning By-law is maintained and have no objections to the variance request.

Reduction in Minimum Lot Area

The requested variance to reduce the minimum lot area for the subject lands is minor in nature and will not negatively affect the lot fabric of the existing industrial area. Staff opine that the requested variance is desirable and maintains the general intent and purpose of the Official plan by further supporting the ‘General Employment’ designation. Staff also note that the same variance has been approved by the Committee of Adjustment in 2008 and 2014, and consider this variance technical in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 27, 2024. 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 "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/005/24 Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:

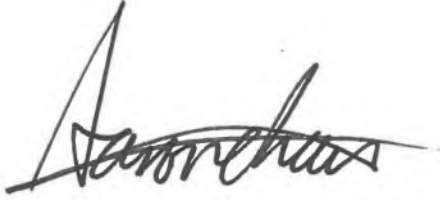


Stephen Corr, Senior Planner, East District

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/005/24

1. The variances apply only to the proposed development as long as it remains;

CONDITIONS PREPARED BY:

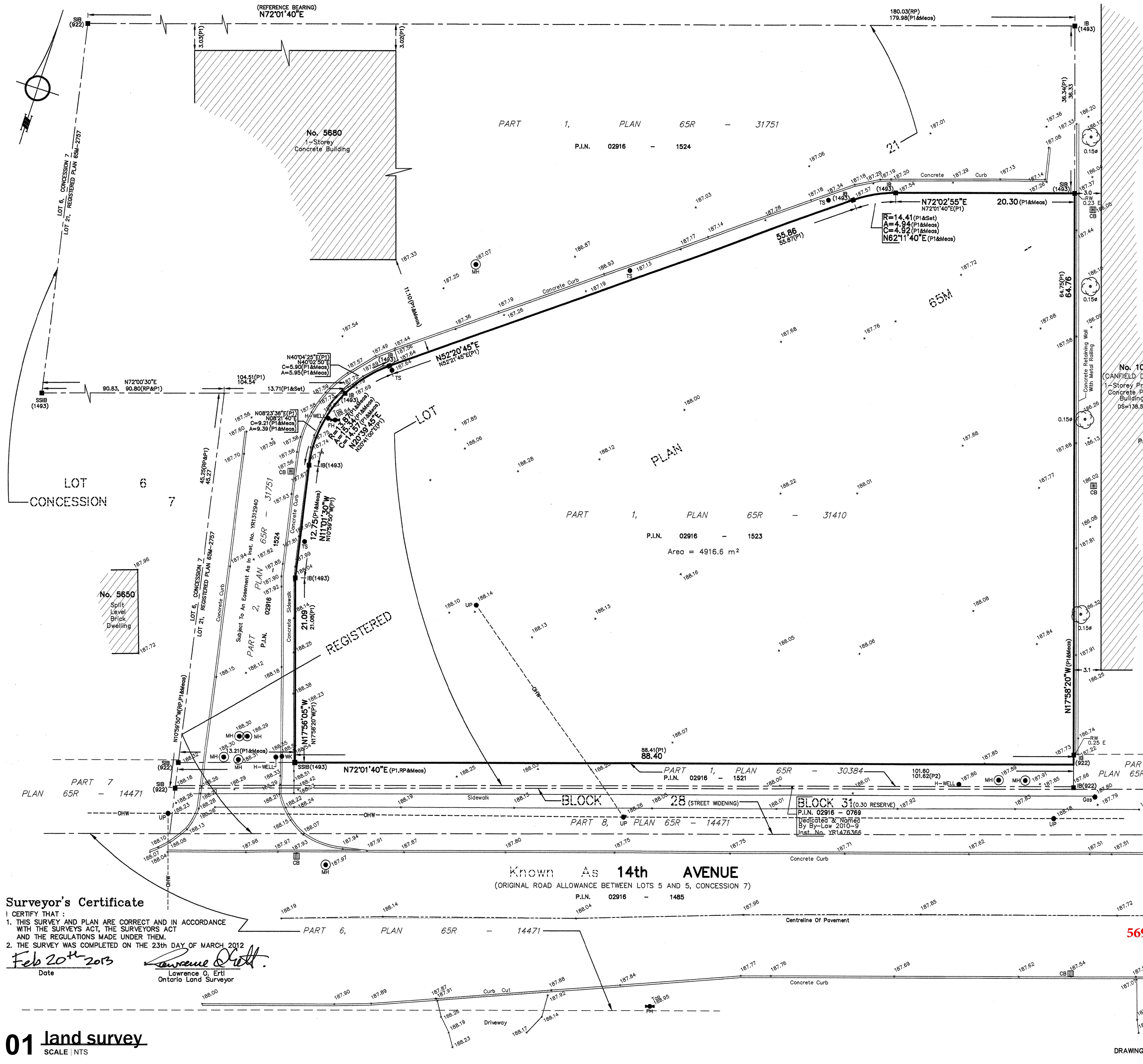
A handwritten signature in black ink, appearing to read "Aaron Chau". The signature is written in a cursive, flowing style with a large initial "A".

Aaron Chau, Planner I, East District

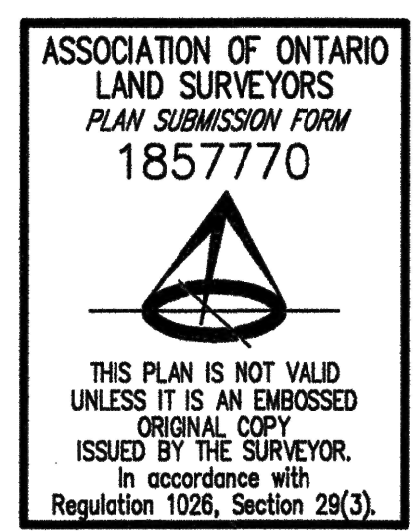
SURVEYOR'S REAL PROPERTY REPORT - PART 1
 PLAN OF PART OF LOT 21
 REGISTERED PLAN 65M-2757
TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:250
 © COPYRIGHT
ertl surveyors 2012
 Ontario Land Surveyors
Metric
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Notes
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
 NORTHERLY LIMIT OF LOT 21, HAVING A BEARING OF
 N 72°01'40"E AS SHOWN ON REGISTERED PLAN 65M-2757

IB	DENOTES	SURVEY MONUMENT FOUND
IB	DENOTES	SURVEY MONUMENT SET
SSIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
922	DENOTES	SCHAEFFER & REINTHALER LTD., O.L.S.
1493	DENOTES	YOUNG & YOUNG SURVEYING INC., O.L.S.
P1	DENOTES	PLAN 65R-31751
RP	DENOTES	REGISTERED PLAN 65M-2757
UP	DENOTES	UTILITY POLE
OHW	DENOTES	OVERHEAD WIRES
MH	DENOTES	MANHOLE
CB	DENOTES	CATCH BASIN
FH	DENOTES	FIRE HYDRANT
TS	DENOTES	TRAFFIC SIGN
H-WELL	DENOTES	HYDRO WELL
RW	DENOTES	RETAINING WALL
DS	DENOTES	DOOR SILL



Part 2
 A RIGHT OF WAY TOGETHER WITH OVER PART 2
 PLAN 65R-31751
 PART 1, PLAN 65R-30384 (ACROSS THE FRONTAGE
 ALONG 14th AVENUE) IS NOT YET DEDICATED AS PUBLIC
 ROAD ALLOWANCE AND NO EASEMENT TO CROSS IT,
 AFFECTIVE THE SUBJECT LANDS AND THE RIGHT OF WAY
 (PART 2, PLAN 65R-30384)
 FENCES AS SHOWN
 SURVEY PREPARED FOR: ARMADALE MONTESSORRI SCHOOL



Benchmark
 TOWN OF MARKHAM BM. No. M-31-038
 ELEVATION = 189.399 m

Deed & Named By
 By-Law RD-0504-2003-030
 Inst. No. YR308796

Surveyor's Certificate
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
 WITH THE SURVEYS ACT, THE SURVEYORS ACT
 AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 23th DAY OF MARCH 2012
 Feb 20th 2013
 Date
 Lawrence O. Ertl
 Ontario Land Surveyor

5690-14th Avenue, Markham, Ontario
TOPOGRAPHICAL SURVEY

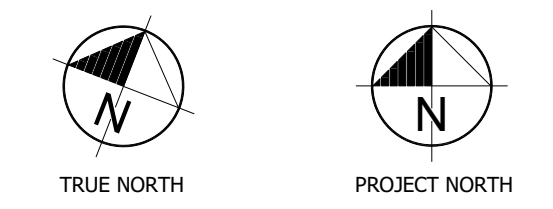
Revision	Date
ISSUED FOR ZPR	NOV 15, 2023



MIXED USE DEVELOPMENT
 5690 14th AVENUE
 MARKHAM, ONTARIO
 L3S 3K5

EXISTING SURVEY

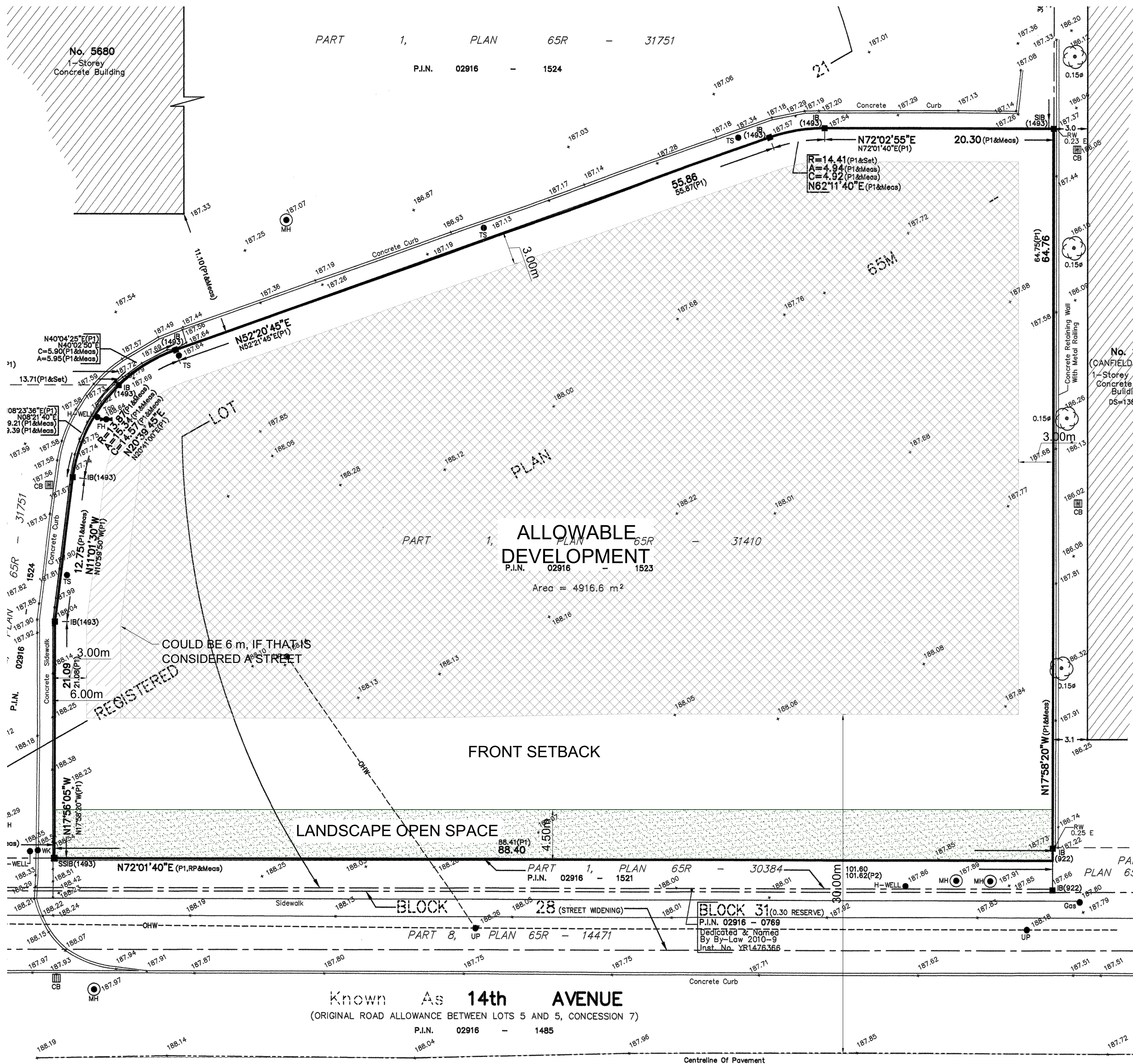
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 REQUEST. REPRODUCTION OF THE DRAWINGS, SPECIFICATIONS, RELATED
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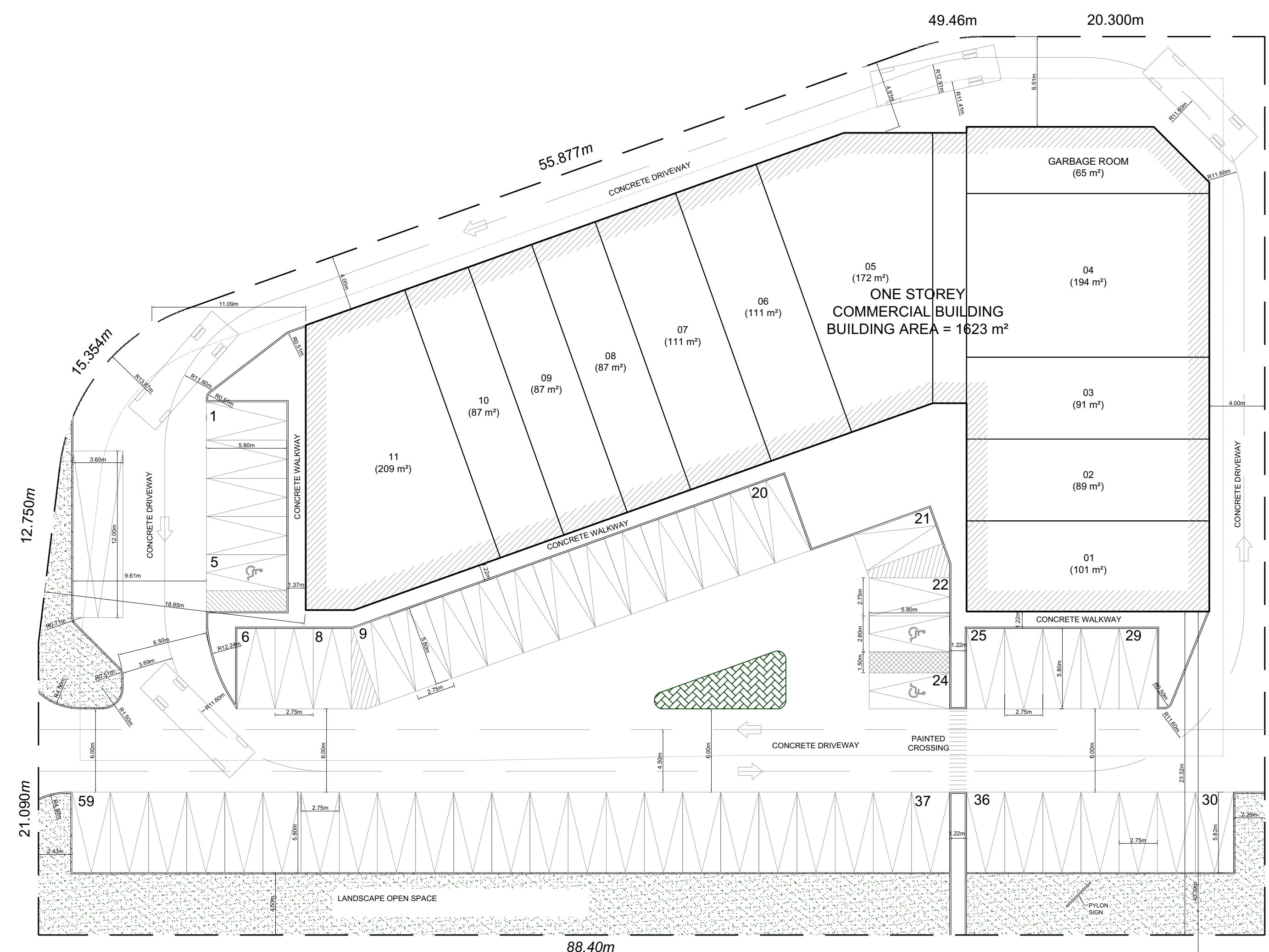
SITE STATISTICS

LOT AREA = 4917.12 m²
 BUILDING AREA = 1623 m²
 LOT FRONTAGE = 88.40 m
 ALLOWED FAR = 2212.70 m² (45%)
 PROPOSED FAR = 1447 m² (29%)
 LANDSCAPED AREA = 469.39 m²
 NUMBER OF STOREYS = 1
 MAX. BUILDING HEIGHT = 14 m
 PROPOSED BUILDING HEIGHT = 7.3 m

SETBACKS = • 3 m ADJOINING LOT LINE
 • 30 m FROM CENTRELINE OF 14TH AVENUE
 WHEN USED FOR LANDSCAPE OPEN SPACE



01 allowable development
SCALE | 1:250



02 proposed development
SCALE | 1:250

**DRAFT
 IN PROGRESS**

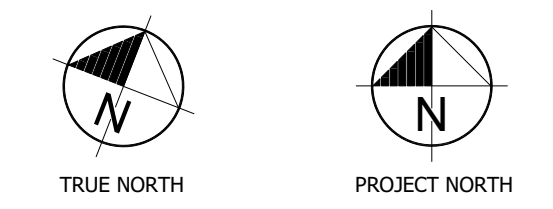
Revision	Date
REV. 01 FOR ZPR	DEC 06, 2023
ISSUED FOR ZPR	NOV 15, 2023



**MIXED USE
 DEVELOPMENT**
 5690 14TH AVENUE
 MARKHAM, ONTARIO
 L3S 3K5

SITE STATISTICS

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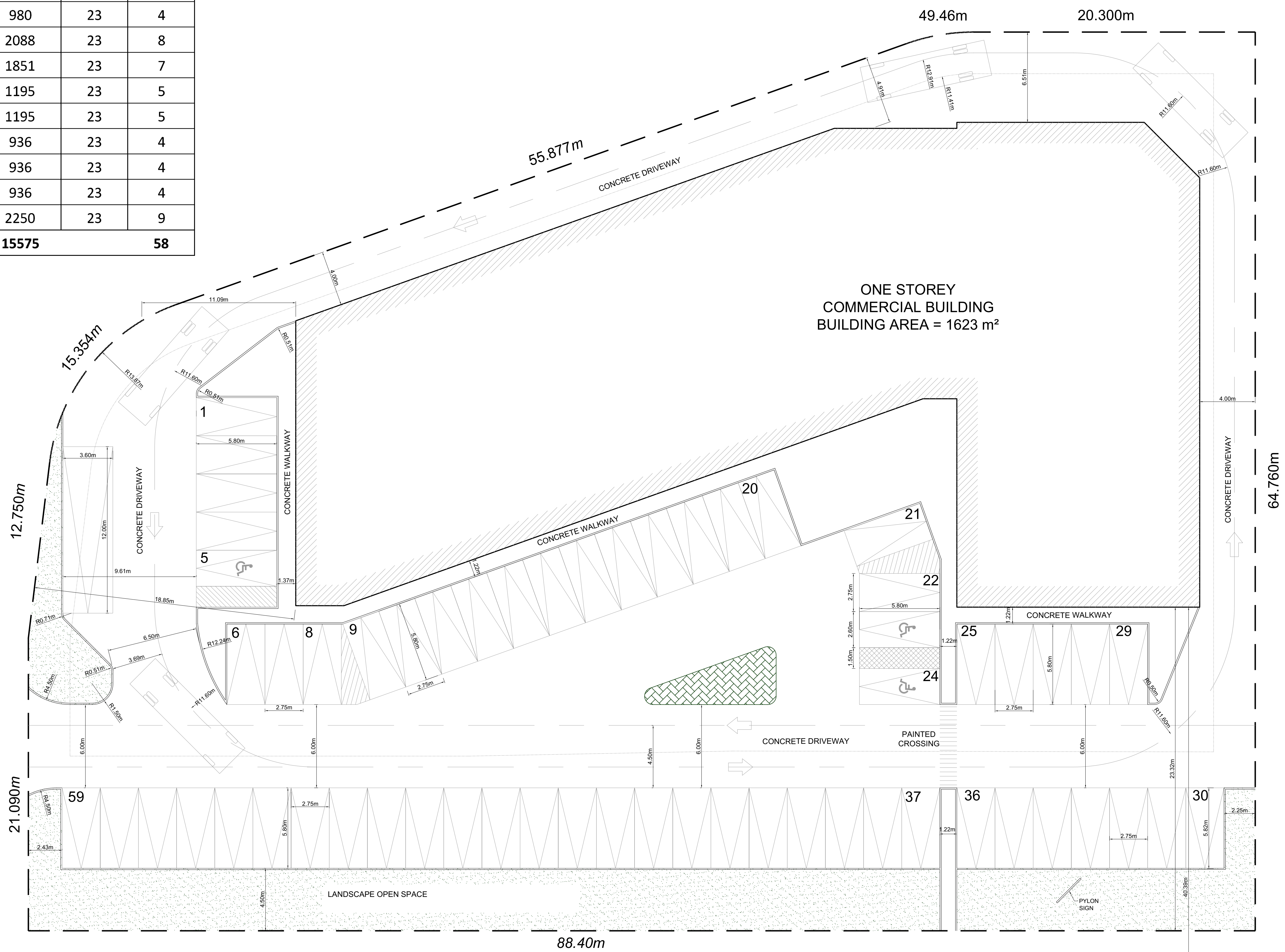


Project No.: 23-PA13
 Scale: AS NOTED
 Date: MAR 10, 2023
 Drawn by: AS/RN
 Checked by: RN

A0.02

Parking Calculation					
No.	Use	Area		Rate	Spots
		m ²	ft ²		
	Gabage & Mechanical	65	700		
	Covered Corridor	43	463		
1	Personal Service	101	1087	23	4
2	Orthodontist	89	958	23	4
3	Dentist	91	980	23	4
4	Physiotherapy	194	2088	23	8
5	Personal Service	172	1851	23	7
6	Personal Service	111	1195	23	5
7	Personal Service	111	1195	23	5
8	Take out Rest	87	936	23	4
9	Take out Rest	87	936	23	4
10	Take out Rest	87	936	23	4
11	Walk-in Clinic	209	2250	23	9
Total		1447	15575		58

PARKING STANDARDS
 ACCESSIBLE PARKING = 5%
 PARKING SPACES: 59
 ACCESSIBLE SPACES: 3 (5%)
 59 TOTAL SPACES PROVIDED
 3 ACCESSIBLE SPACES



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IN PROGRESS**

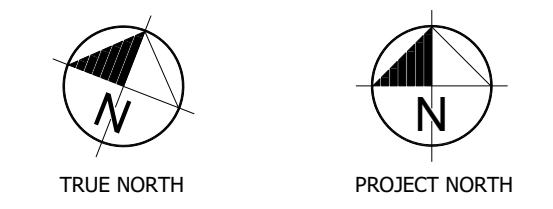
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PROPOSED SITE PLAN

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Project No.: 23-PA13
 Scale: AS NOTED
 Date: MAR 10, 2023
 Drawn by: AS/RN
 Checked by: RN

A1.00

01 proposed site plan
 SCALE | 1:150

file | C:\Users\racro\OneDrive - Pylons Architecture Inc\Projects\23-PA13 - 5690 14th Ave\3.Cons Dwg\23-PA13 Cons Dwg\ZPR.dwg | plotted | 12/27/2023 1:10 PM



01 exterior render
SCALE | NTS



02 exterior render
SCALE | NTS

**DRAFT
IN PROGRESS**

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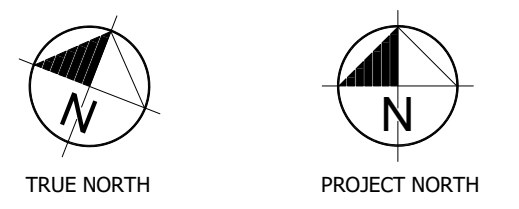
PYLONSON
architecture inc.
Architecture • Interior Design • Project Management
T | 289-637-1375 E | info@pylonsai.ca W | www.pylonsai.ca
A | 20 Rivermeade Road, Unit# 101, Concord, Ontario, Canada



**MIXED USE
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EXTERIOR RENDERS

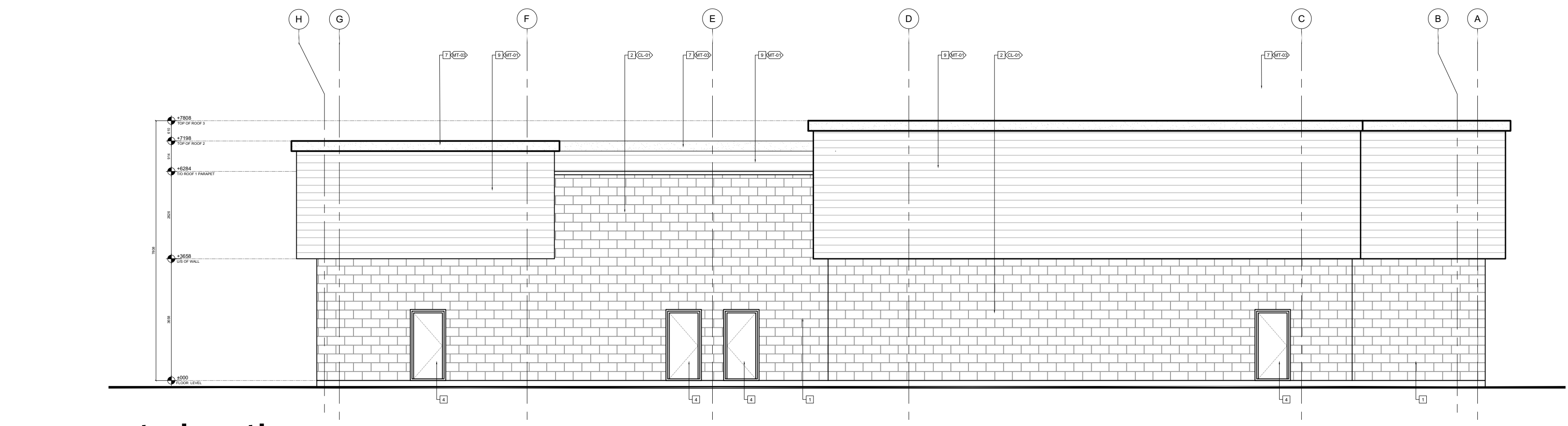
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Project No.: 23-PA00
Scale: AS NOTED
Date: DEC 21, 2023
Drawn by: RA
Checked by: RA

A3.00

**DRAFT
 IN PROGRESS**



04 east elevation
 SCALE | 1:100

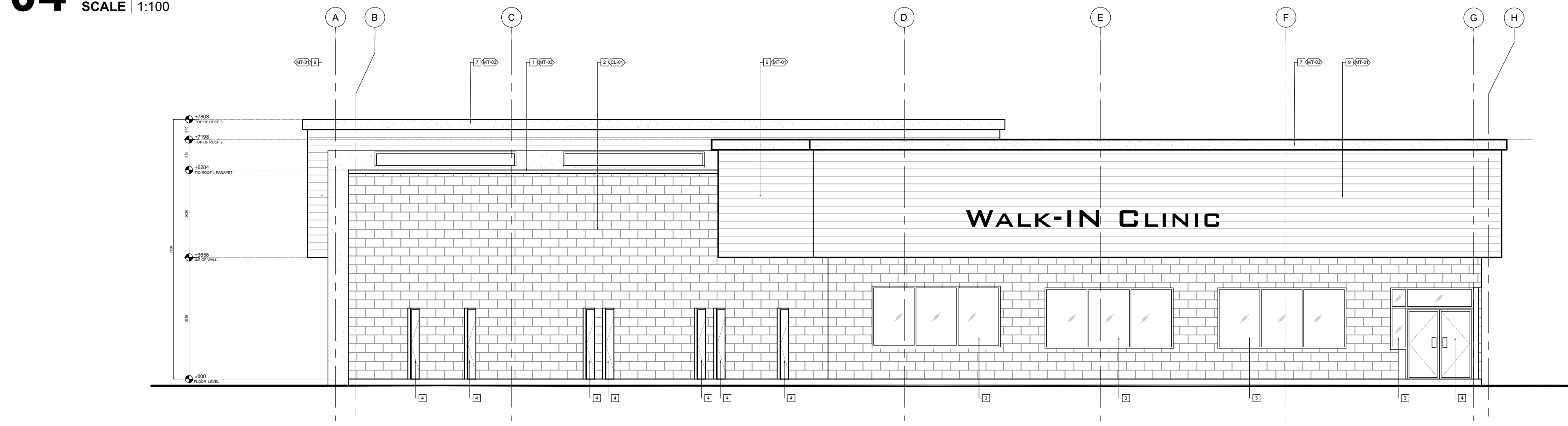
EXTERIOR ELEVATIONS/ BUILDING SECTIONS NOTES

- 1 PASSAGEWAY CANOPY. REFER TO FINISHING SCHEDULE FOR DETAILS.
- 2 MANUFACTURED STONE CLADDING. REFER TO FINISHING SCHEDULE & SPECS FOR DETAILS.
- 3 PRE-FINISHED ALUMINUM WINDOW. REFER TO WINDOW & FINISHING SCHEDULE FOR DETAILS.
- 4 PRE-FINISHED ALUMINUM DOOR. REFER TO DOOR & FINISHING SCHEDULE FOR DETAILS.
- 5 PAINTED METAL DOOR. REFER TO DOOR & FINISHING SCHEDULE FOR DETAILS.
- 6 METAL CANOPY. REFER TO SPECS AND FINISH SCHEDULE FOR DETAILS.
- 7 ROOF FASCIA. REFER TO FINISHING SCHEDULE AND SPECS FOR DETAILS.
- 8 PRE-FINISHED METAL FLASHING. REFER TO FINISHING SCHEDULE & SPECS FOR DETAILS.
- 9 EXTERIOR CLADDING. REFER TO FINISHING SCHEDULE & SPECS FOR DETAILS.

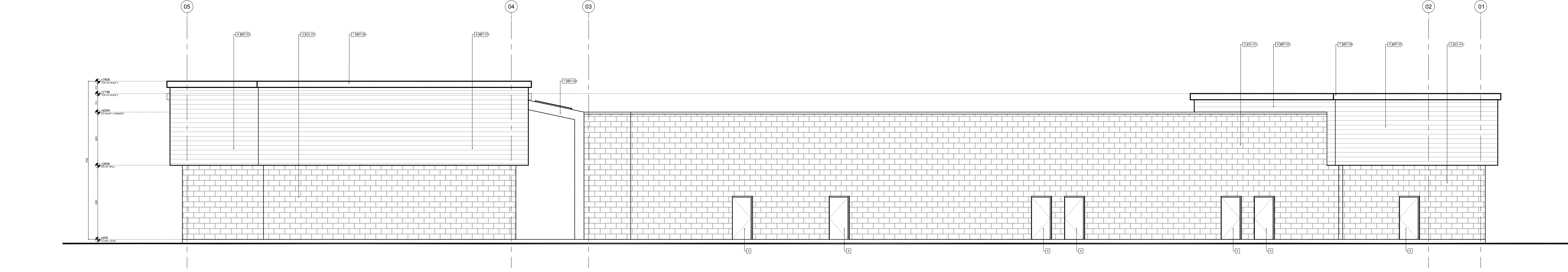
FINISH SCHEDULE LEGEND

FINISH SYM.	PRODUCT	MANUFACTURER	TYPE, SIZE & COLOUR	ALTERNATIVE MANUFACTURER/S	NOTES
MT-01	STEEL SIDING	VICWEST BUILDING PRODUCTS	BELLARA SIGNATURE MATTE SIZE: TBD COLOUR: GRAPHITE		
MT-02	ALUMINUM PANELS	ALPOLIC METAL COMPOSITE MATERIALS	ANODIZED ALUMINUM PANELS SIZE: TBD COLOUR: BLACK		
MT-03	METAL CLADDING	TBD	TBD SIZE: TBD COLOUR: MATCH ALPOLIC PANELS		
CL-01	MANUFACTURED STONE VENEER	BRAMPTON BRICK	BONNEVILLE SIZE: 90 x 250 x 590 COLOUR: DOVER		

Revision	Date
REV. 01 FOR ZPR	DEC 06, 2023
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03 west elevation
 SCALE | 1:100



02 north elevation
 SCALE | 1:100



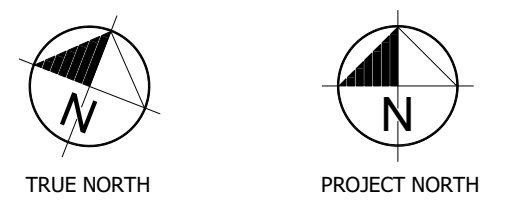
01 south elevation
 SCALE | 1:100



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 Checked by: RA

A4.00