

**Memorandum to the City of Markham Committee of Adjustment
December 8, 2022**

File: A/222/22
Address: 7550 Birchmount Road, Markham
Applicant: MPLAN INC. (Joshua Chitiz)
Agent: MPLAN INC. (Joshua Chitiz)
Hearing Date: Wednesday, December 14, 2022

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

The Applicant is requesting relief from the “Select Industrial and Limited Commercial [M.C.(40%)]” zone requirements of By-law 108-81, as amended, as it relates to a proposed 1,743 m² (18,761 ft²) warehouse addition to the rear of an existing industrial building. The variance requested is to permit:

a) Section 7.4.3 (a):

a maximum floor area ratio of 45.4 percent, whereas the By-law permits a maximum floor area ratio of 40 percent.

BACKGROUND

Property Description

The 14,390 m² (154,892.67 ft²) Subject Lands are located on the west side of Birchmount Road, between 14th Avenue and McNabb Street (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The property is located within an industrial area comprised of a variety of office and warehouse uses. The Clark Young Woodlot is located on the east side of Birchmount Road.

There is an existing two-storey industrial building on the property, that is approximately 4,791 m² (51,570 ft²) in size. The existing building currently includes professional office and commercial class uses. Mature vegetation exists in the front yard of the property.

Proposal

The Applicant is proposing to construct a 1,743 m² (18,761 ft²) one-storey warehouse addition to the rear of the existing building (the “Proposed Development”). The Proposed Development also includes new parking areas, a loading area, landscape and lighting improvements.

A Site Plan Application (File: SPC 22 116043), associated with this Proposed Development is currently under review by the City of Markham. Staff do not anticipate further changes to the proposed building footprint with further submissions.

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 “Business Park Employment”, which are areas planned and developed for prestige industrial and office development, frequently in larger scale buildings that are generally single-storey, single-use or multiple unit buildings. This designation permits a wide range of uses, and the Proposed Development conforms to the Business Park Employment area of the City’s Official Plan.

Zoning By-Law 108-81

The Subject Lands are zoned “Select Industrial and Limited Commercial [M.C.(40%)]” under By-law 108-81, as amended, which permits a range of business and industrial uses, including warehouses, commercial schools, and professional offices.

The proposed addition does not comply with the by-law requirements as it relates to Floor Area Ratio.

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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Floor Area Ratio

The Applicant is requesting relief of the By-law to permit a maximum Floor Area Ratio of 45.4 percent, whereas the By-law permits a maximum floor area ratio of 40 percent. The variance will facilitate the construction of a one-storey warehouse addition with a floor area of 1,743 m² (18,761 ft²), which results in a new gross floor area of 6,534 m² (70,331 ft²), whereas the By-law permits a building with a maximum floor area of 5,756 m² (61,957 ft²). This represents an

increase of approximately 778m² (8,374 ft²). Staff note, that Floor Area Ratio is a measure of the interior square footage of the building as a percentage of the net lot area however; it is not a definitive measure of the mass of the building.

Staff further note, that the Applicant has indicated that the building meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed addition will be in keeping with the intended scale of development for the area.

Staff are of the opinion that the proposed floor area ratio will not adversely impact the character of the neighbourhood, and have no objection to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 8, 2022. 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:



Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



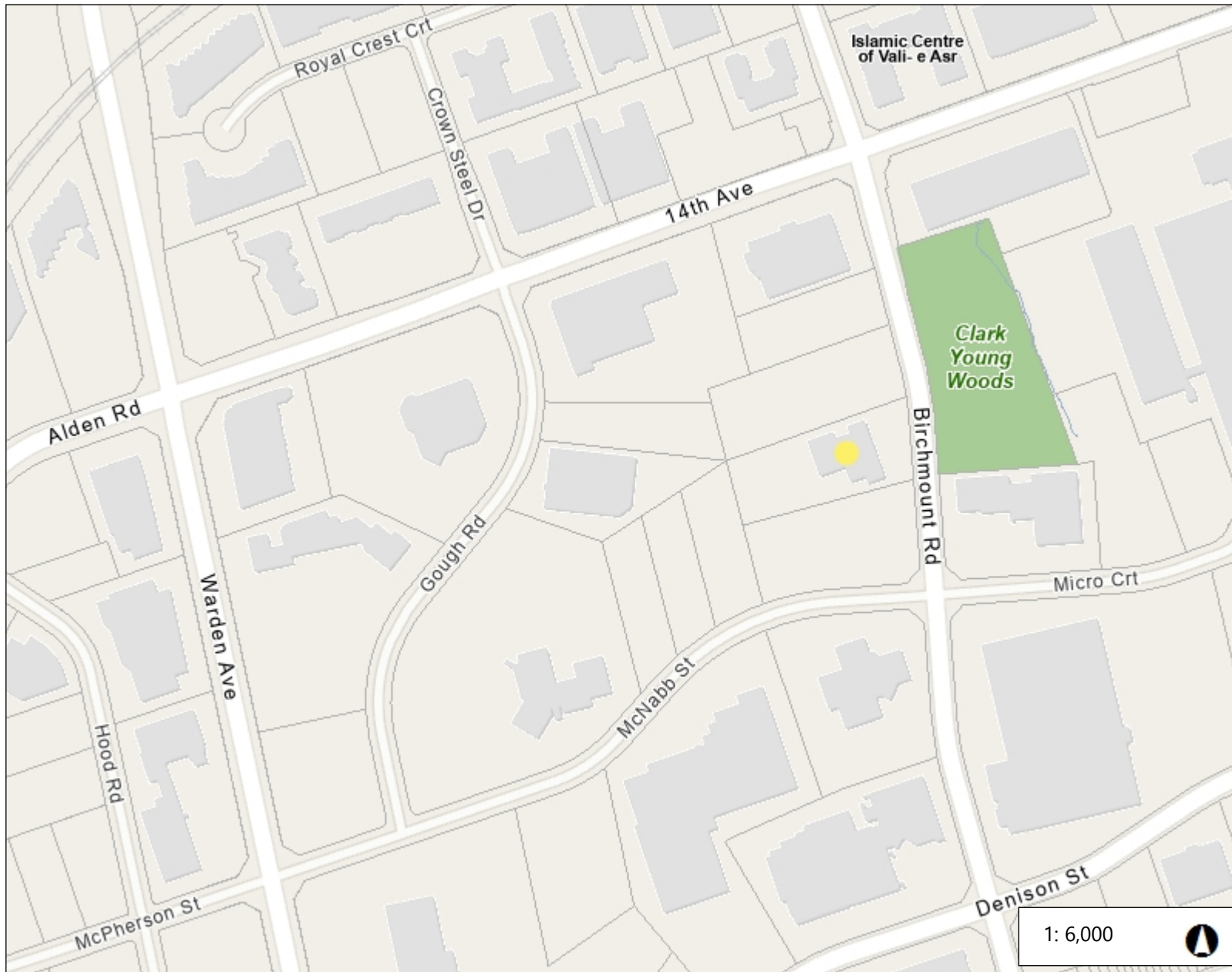
Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/222/22 Conditions of Approval



Subject Lands

● 7550 Birchmount Road

Notes

304.8 0 152.40 304.8 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.

1: 6,000





1 SITE PLAN

1 : 300

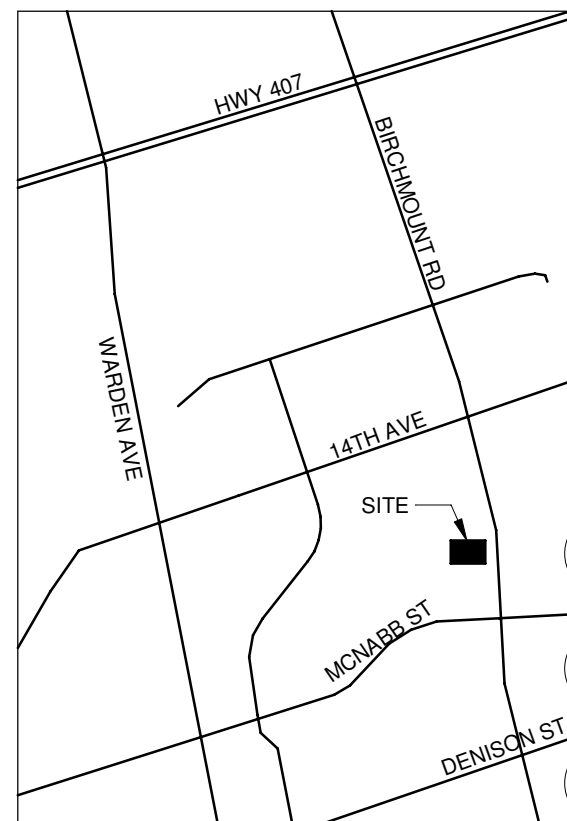
LEGEND	
	FIRE ROUTE SIGN
	FIRE DEPARTMENT CONNECTION
	MEN DOOR (ENTRANCES & EXITS)
	TRUCK ENTRANCES
	PROPOSED GRADING
	MANHOLES
	LIGHT POLES
	CATCH BASIN
	FIRE HYDRANT
	INDICATE NUMBER OF PARKING SPACES
	ACCESSIBLE PARKING SPACES
	EXISTING BUILDING
	PROPOSED WAREHOUSE ADDITION
	LANDSCAPED AREA

6	2022.03.07	ISSUED FOR SPA	HW
5	2021.12.13	ISSUED FOR COORDINATION	HW
4	2021.10.22	ISSUED FOR REVIEW	HW
3	2021.09.27	ISSUED FOR REVIEW	HW
2	2021.05.06	ISSUED FOR PRE-CONS	HW
1	2021.05.05	ISSUED FOR REVIEW	HW
No.	Date:	Issued/Revision:	By

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Architect	AND Architecture Inc.	Henry Wang	(647) 836-3932	henry@andarchitectureinc.com
Surveyor	Delph & Jenkins North Ltd.	Kevin Jenkins	(905) 841-8526	gkjenkins@djsurveyors.com
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Landscape Architect	Marton Smith Landscape Architects	Lucien Marton	(416) 587-5569	lmarton@msla.ca
Electrical Engineer	Canadian Construction & Consultant Engineers Inc.	Safaa Alhamadani	(416) 827-4866	safaa@cccei.ca

CONSULTANTS LIST



LOCATION MAP

SITE STATISTICS			
ZONE CATEGORY: M.C. (40%)			
SELECT INDUSTRIAL AND LIMITED COMMERCIAL			
LOT AREA: 14,390 M ²			
BUILDING AREA: 4,656 M ²			
LOT COVERAGE: 32.36%			
FLOOR AREA RATIO: 45.40%			
HEIGHT: 10.64M (FROM EST. GRADE TO TOP OF PARAPET)			
GROSS FLOOR AREA (GFA)	1ST FLOOR	2ND FLOOR	TOTAL
EXISTING	2,955 M ²	1,836 M ²	4,791 M ²
ADDITION	1,743 M ²	-	1,743 M ²
TOTAL GFA:	4,698 M ²	1,836 M ²	6,534 M ²
NET FLOOR AREA	BUSINESS OFFICE 945 M ²	COMMERCIAL SCHOOL 1,078 M ²	WAREHOUSE 2,703 M ²
PARKING REQUIREMENT			
REQUIRED:			
1 SPACE PER 30 M ² OF NET BUSINESS OFFICE AREA - 32 SPACES			
1 SPACE PER 20 M ² OF NET COMMERCIAL SCHOOL AREA - 54 SPACES			
1 SPACE PER 40 M ² FOR NET INDUSTRIAL AREA (1,200 M ²) AND UNDER - 30 SPACES			
TOTAL REQUIRED - 131 SPACES			
PARKING PROVIDED: 131 SPACES			
INCLUDE ACCESSIBLE PARKING SPACES: 7 SPACES			
LOADING SPACE PROVIDED: 4 SPACES			
LANDSCAPE AREA: 1,990 M ² (13.55%)			
SETBACKS			
REQUIRED	PROPOSED		
FRONT YARD	12m MIN.	29.15m (EXISTING)	
SIDE YARD	6m MIN.	8.13m & 7.97m (EXISTING)	
REAR YARD	12m MIN.	39.99m	

Project :

WAREHOUSE ADDITION

7550 BIRCHMOUNT ROAD
MARKHAM ONTARIO

Drawing Name :

SITE PLAN

Date SEP, 2021 Project No : 21019

Scale : As indicated

Drawn by : MG

Checked by : HW

Drawing No :

A1

MARKHAM BIRD FRIENDLY BUILDING CHECKLIST

Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.

MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS

At Grade Condition (check to confirm the below is applied)

- ☐ Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from finished grade.
- ☒ Development contains no glass greater than 2m² within 16m from finished grade.

Roof Landscape Condition (check to confirm one of the below is applied)

- ☐ Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from roof level finished grade.
- ☒ Development contains no glass panel within 16m from roof level finished grade.

Treatment (check to confirm one of the below is applied)

* Refer to Guidelines for requirements

- ☐ Stripes
- ☐ Dots
- ☐ Netting
- ☐ Frit and Etched Patterns

Specifications (check to confirm one of the below is applied)

- ☐ Pattern is applied as fritting or etching of glass; and pattern colour are high contrast in relation to the background.
- ☐ Pattern is applied as film on exterior surface of glass; and pattern colour are high contrast in relation to the background.

3	2022.03.07	ISSUED FOR SPA	HW
2	2021.10.22	ISSUED FOR REVIEW	HW
1	2021.05.06	ISSUED FOR PRE-CONS	HW
No.	Date:	Issued/Revision:	By

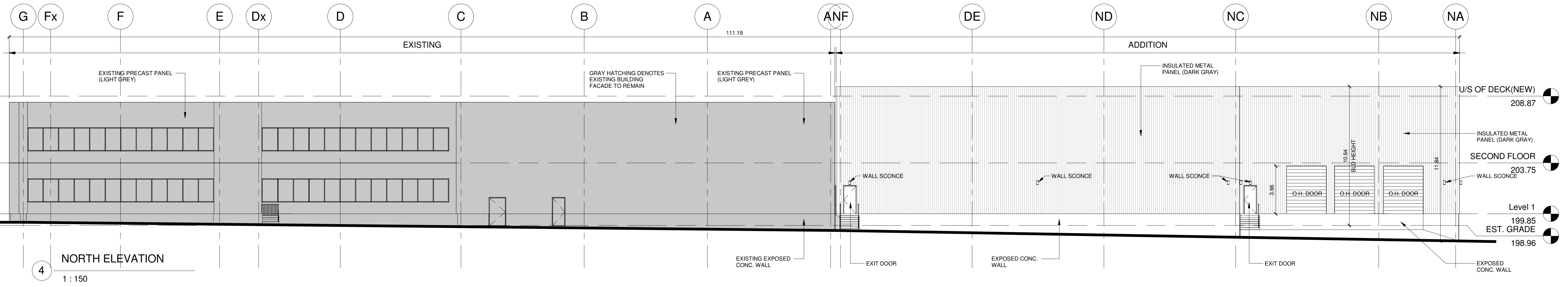
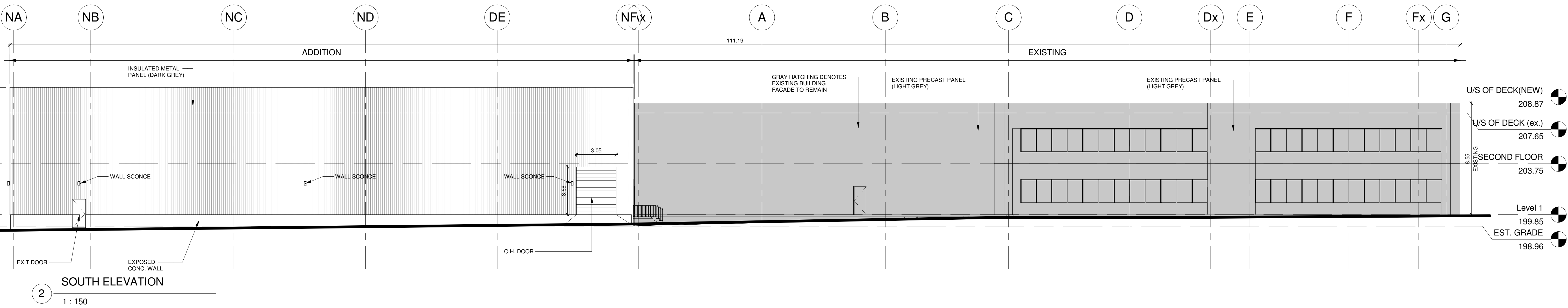
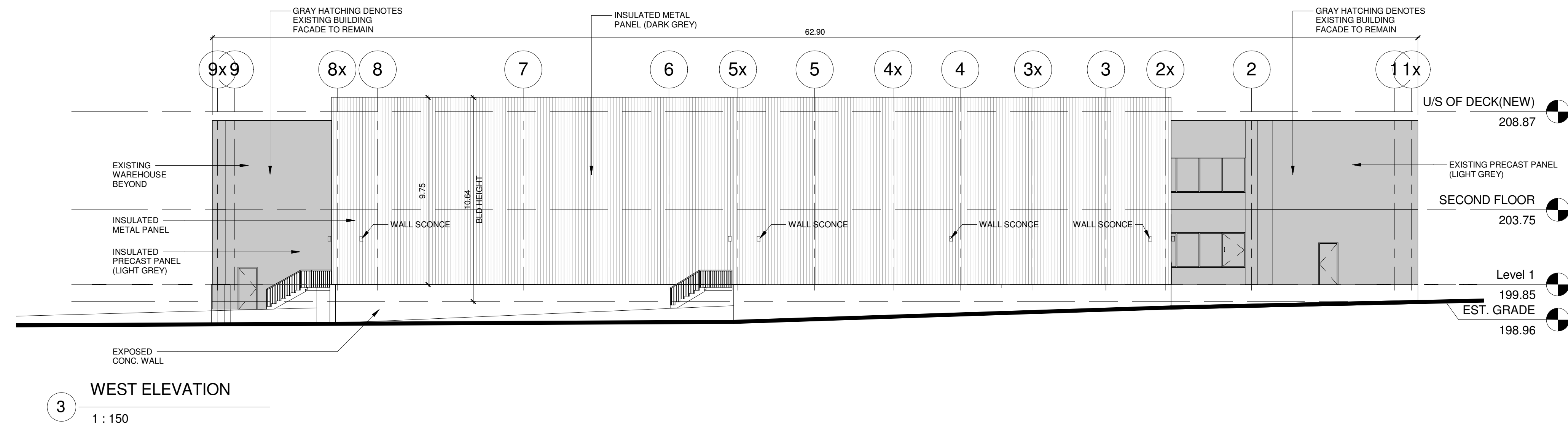
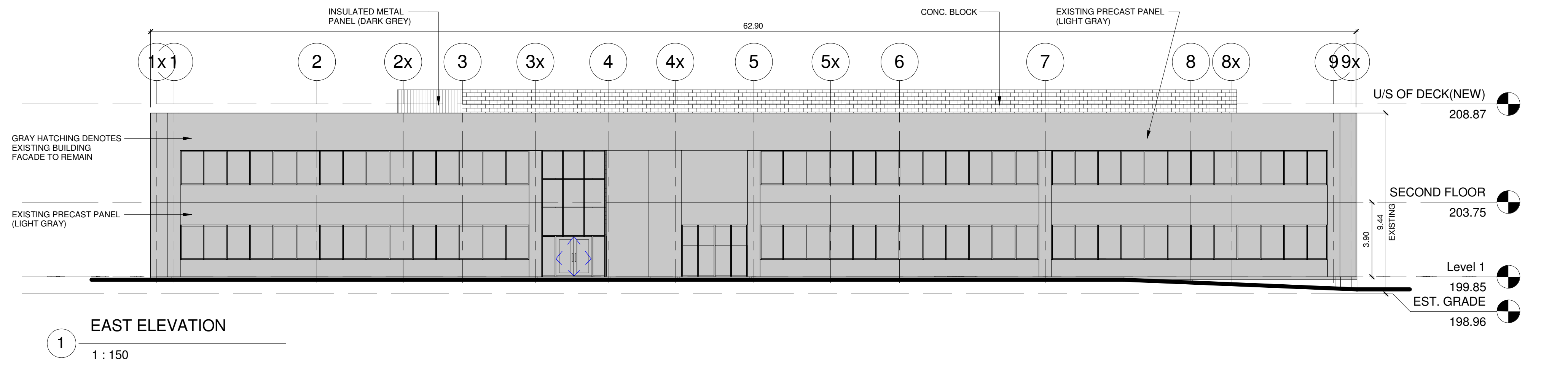
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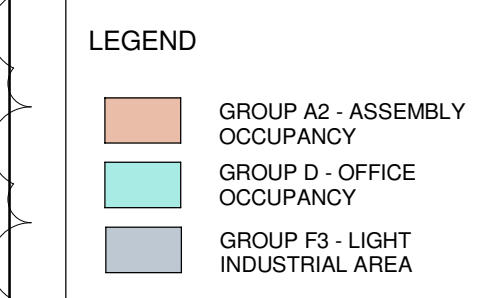
Project :
WAREHOUSE ADDITION

7550 BIRCHMOUNT ROAD
MARKHAM ONTARIO

Drawing Name :
ELEVATIONS

Date	SEP. 2021	Project No :	21019
Scale :	1 : 150		
Drawn by :	Author	Drawing No :	A5
Checked by :	Checker		





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1	2021.10.22	ISSUED FOR REVIEW	HW
No.	Date:	Issued/Revision:	B

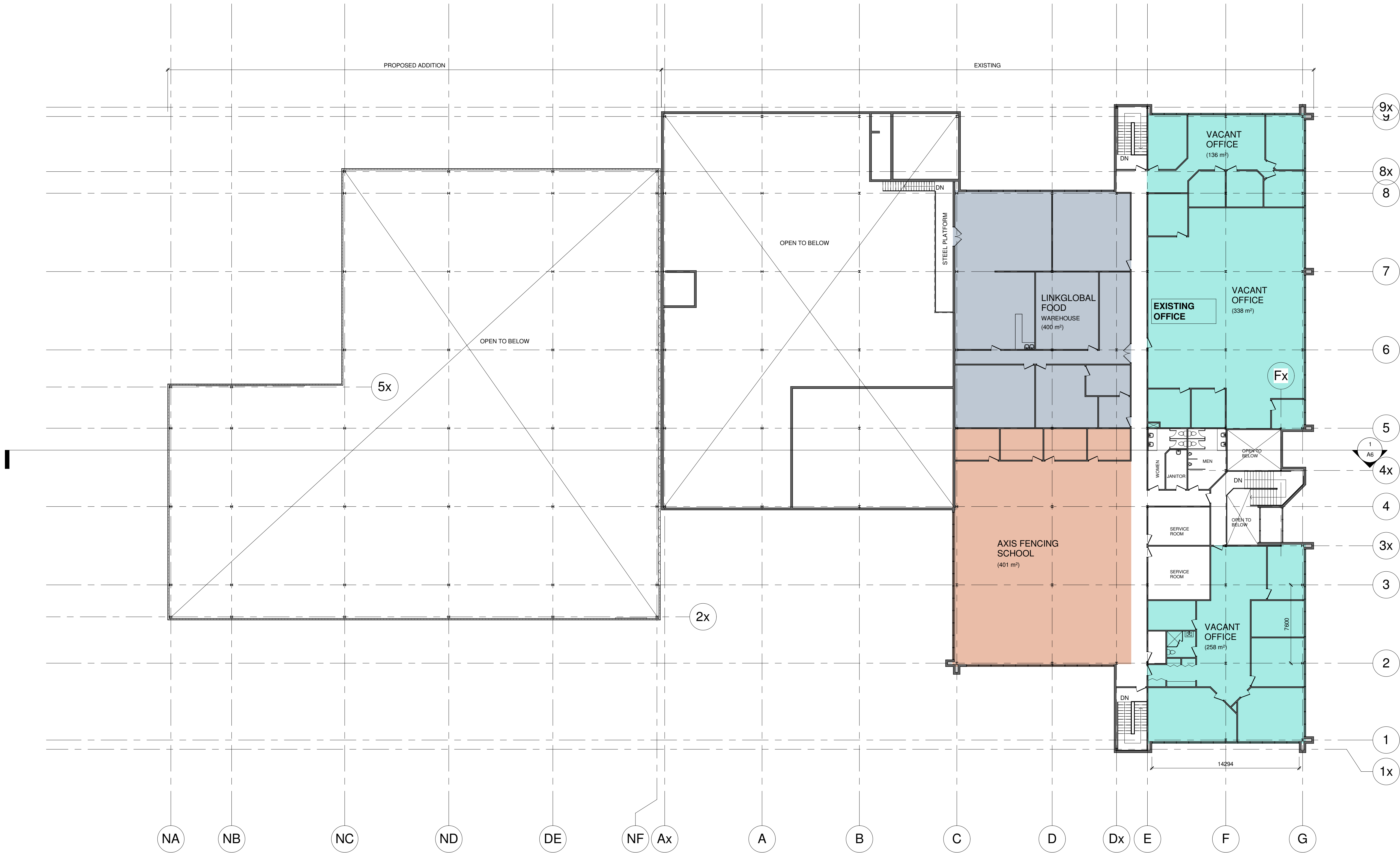
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Project :
WAREHOUSE ADDITION

7550 BIRCHMOUNT ROAD
MARKHAM ONTARIO

Drawing Name :
GROUND FLOOR

Date	SEP. 2021	Project No :	2101
Scale :	As indicated		
Drawn by :	Author	Drawing No :	A2
Checked by :	Checker		



1 SECOND FLOOR PLAN
1 : 200

LEGEND

GROUP A2 - ASSEMBLY OCCUPANCY

GROUP D - OFFICE OCCUPANCY

GROUP F3 - LIGHT INDUSTRIAL AREA

2	2022.03.07	ISSUED FOR SPA	HW
1	2021.10.22	ISSUED FOR REVIEW	HW
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Project :
WAREHOUSE ADDITION

7550 BIRCHMOUNT ROAD
MARKHAM ONTARIO

Drawing Name :
SECOND FLOOR PLAN

Date	SEP. 2021	Project No :	21019
Scale :	As indicated		
Drawn by :	Author	Drawn No :	
Checked by :	Checker		

APPENDIX “C” – A/222/22 Conditions of Approval

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 under File SPC 22 116043, 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:



Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District