

Memorandum to the City of Markham Committee of Adjustment

March 11, 2025

File: A/012/25
Address: La Tache Crescent, Markham
Applicant: Baldassarra Architects Inc. (Milica Zekanovic)
Hearing Date: Wednesday, March 19, 2025

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

The applicant is requesting relief from the following requirements of the Business Park (BP*556) zone under By-law 177-96, as amended, to permit:

- a) **By-law 177-96, Section 5.1, Table B8 K:**
a landscaping width of 0.2 metres adjacent to the interior north lot line, whereas the by-law requires a minimum landscaping width of 3.0 metres;
- b) **By-law 177-96, Section 5.1, Table B8 K:**
a landscaping width of 0.0 metres adjacent to the interior south lot line, whereas the by-law requires a minimum landscaping width of 3.0 metres;
- c) **By-law 28-97, Table B - Non-Residential Uses:**
136 parking spaces, whereas the by-law requires a minimum of 188 parking spaces; and,
- d) **By-law 28-97, Section 6.2.3:**
a two-way driveway/site access width of 4.5 metres, whereas the by-law requires a minimum two-way driveway/site access width of 6.0 metres.

as it relates to two proposed mixed use buildings with office and industrial units.

BACKGROUND

Property Description

The 1.45 ha (3.60 ac) subject property is located on the west side of Holborn High Road, north of Elgin Mills Road East and east of Highway 404. The subject property is currently undeveloped.

Proposal

The applicant is proposing to construct two industrial warehouse and office buildings with a total Gross Floor Area (GFA) of 7,439 m² (80,073 ft²) on the subject property. Staff are currently reviewing an associated Site Plan Control application (File Number: SPC 23 122001).

Official Plan and Zoning

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

The subject property is designated "Business Park Employment" in the 2014 Official Plan. This designation is intended to provide for prestige, larger scale, industrial and office development in business park settings with high visibility and access to 400 series highways, arterial roads, and transit services. Uses provided for in the "Business Park Employment" designation include: office, manufacturing, warehousing, hotel, and trade and convention centre.

Zoning By-Law 177-96

The subject property is zoned Business Park (BP*556) under By-law 177-96, as amended. Exception 556 provides site specific standards including permitted uses and development standards. The Zoning By-law permits the proposed industrial warehousing and office use.

Parking Standards By-law 28-97

The proposed development does not comply with the standards of Parking By-law 28-97 with respect to minimum parking space requirements. Further discussion relating to the proposed parking variance is provided in the comments section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through the associated Site Plan Control application 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.

Minimum Landscape Strip (Interior North Lot Line)

The Owner is requesting relief to permit a minimum landscape strip of 0.2 m (0.65 ft) adjacent to the north lot line, whereas the By-law requires a minimum landscape strip of 3 m (9.84 ft). There is an existing City owned woodlot located directly north of the subject property. Through a previous development application in 2016, the woodlot and a 10.0 m buffer were conveyed to the City. Given there is already a 10.0 m buffer for the protection of the woodlot, Staff have no concerns and are of the opinion that there will be no adverse impacts due to the reduced landscape strip.

Minimum Landscape Strip (Interior South Lot Line)

The Owner is requesting relief to permit a minimum landscape strip of 0.0 m adjacent to the south lot line, whereas the By-law requires a minimum landscape strip of 3.0 m (9.84 ft). The proposed variance is attributable to the configuration the site and the requirement for a shared access with the property to the south (refer to Site Plan, Appendix B). Due to the shared access arrangement, the driveway to the site is located on the lot line. Consequently the minimum required landscape strip is not feasible in this location. Although the Owner is not proposing a landscape strip for the portion of the site with the shared access, the majority of the south property line will meet the minimum required 3.0 m landscape buffer noted above.

Staff opine the proposed variance is minor in nature and have no concerns with the requested variance.

Parking Reduction

The Owner is requesting relief to permit a minimum of 136 parking spaces, whereas a minimum of 188 parking spaces is required. This is a reduction of 52 spaces.

Transportation Staff have reviewed the Transportation Impact Study submitted in support of the proposal and have commented that they have no concerns with the proposed parking reduction.

Staff have no objections to the approval of the proposed parking reduction.

Two-way Driveway/Site Access

The Owner has requested a two-way driveway/site access width of 4.5 metres, whereas the By-law requires a minimum two-way driveway/site access width of 6.0 metres. The Owner is required to provide a shared access with the property to the south. Therefore, the site will ultimately provide for the required 6.0 m two-way driveway/site access, however, a portion will be located on the property to the south (See Site Plan, Appendix B).

Given the above, Staff have no concerns with the reduction to the two-way driveway/site access width. It should also be noted the Owner will be required to establish reciprocal easements for the purpose of access through the associated Site Plan Control application and agreement.

PUBLIC INPUT SUMMARY

As of March 12, 2025 the City received one letter of support and four letters expressing concerns with the proposal. Concerns were related to the reduction in landscape buffers as well as the proposed industrial use, and its relationship with the existing residential neighbourhood to the east of the subject lands. 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 variances requested meet 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.

PREPARED BY:



Hailey Miller, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District

File Path: Amanda\File\ 25 110390 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/012/25

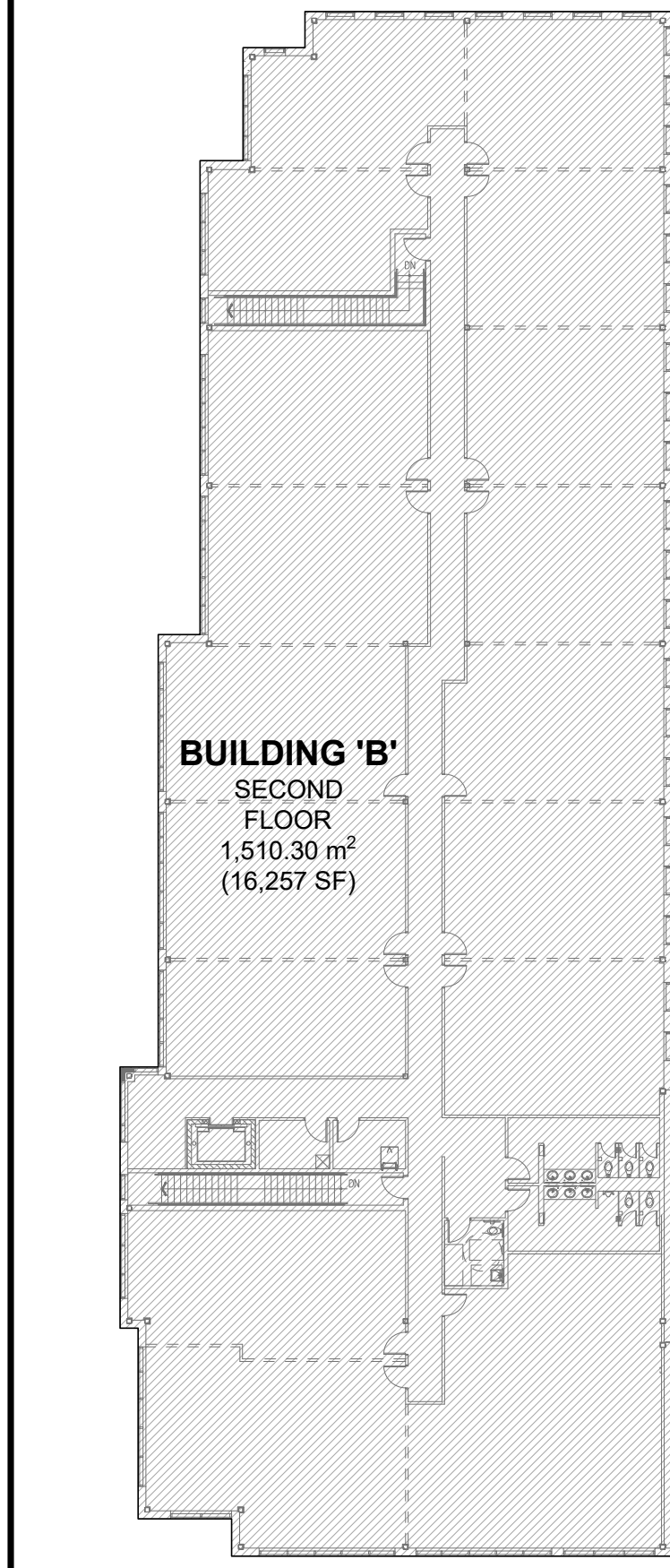
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:



Hailey Miller, Senior Planner, West District

| SYMBOL LEGEND | |
|---------------|---|
| | MAN DOOR LOCATIONS |
| | CARPOOL SPACE |
| | DRIVE-IN OR OVERHEAD DOORS |
| | FIRE HYDRANT + VALVE |
| | CATCH BASIN (REF: CIVIL DWGS) |
| | DOUBLE CATCH BASIN (REF: CIVIL DWGS) |
| | SANITARY MANHOLE (REF: CIVIL DWGS) |
| | CATCH BASIN / MANHOLE (REF: CIVIL DWGS) |
| | STORM MANHOLE (REF: CIVIL DWGS) |
| | HYDRO POLE STANDARD / UTILITY POLE |
| | BICYCLE RING (SEE LANDS. DWGS) |
| | DIRECTION OF TRAFFIC FLOW |
| | HYDRO TRANSFORMER (REF: ELEC. DWGS) |
| | GAS METERS |
| | ACCESSIBLE PARKING (4.1m x 5.8m) |
| | SUBTERRANEAN WASTE STORAGE |
| | LIGHT STANDARD (TYP) |
| | BENCH |
| | CURB RAMP / DEPRESSION (REF: A-1.1) |
| | CONC. / CONC. FILLED STEEL BOLLARD |
| | FIRE DEPARTMENT CONNECTION / SIAMESE CONNECTION |
| | ACCESSIBLE SIGNAGE Rb-93 (REF: A-1.1) |
| | BENCH & WASTE RECEPTACLE (REF: LANDS. DWGS) |
| | FIRE ROUTE Rb-52a (REF: A-1.1) |
| | STOP SIGN Rb-4 (REF: A-1.1) |
| | PAINTED STOP BAR |
| | SNOW STORAGE AREAS |
| | COMPACT CARS ONLY SIGN (REF: A-1.1) |
| | LOADING ZONE SIGN Rb-52f (REF: A-1.1) |
| | LONG TERM BICYCLE LOCKERS (REF: LANDS. DWGS) |
| | CARPOOL SIGN M507 (REF: A-1.1) |



- NFA OF EACH PREMISES UP TO 1,200 SQ.M. 1 PARKING SPACE PER 40 SQ.M. OR PORTION THERE OF NFA. NFA BETWEEN 1,200 SQ.M. AND 5,000 SQ.M. 1 PARKING SPACE PER 100 SQ.M. OR PORTION THERE OF NFA. NFA IN EXCESS OF 5,000 SQ.M. 1 PARKING SPACE PER 200 SQ.M. OR PORTION THERE OF NFA.
2. LOADING PER BUILDING WITH GFA OF 1,800 SQ.M. OR GREATER
3. ACCESSIBLE STALLS 5% OF TOTAL PARKING SPACES REQUIRED
4. PARKING STALL DIMENSIONS: STANDARD = 2.75m x 5.8m. PARALLEL = 2.75m x 6.7m. ACCESSIBLE = 4.1m x 5.8m. LOADING = 3.6m x 12m
5. GROSS FLOOR AREA MEANS THE AGGREGATE OF THE FLOOR AREAS OF A BUILDING ABOVE OR BELOW THE ESTABLISHED GRADE, BUT EXCLUDING CAR PARKING AREAS WITHIN THE BUILDING THAT ARE BELOW ESTABLISHED GRADE.
6. RESERVED
7. NET FLOOR AREA: MEANS THE AGGREGATE OF THE FLOOR AREAS OF A BUILDING ABOVE OR BELOW ESTABLISHED GRADE, BUT EXCLUDING CAR PARKING AREAS WITHIN THE BUILDING, STAIRWAYS, ELEVATOR SHAFTS, SERVICE / MECHANICAL ROOMS AND PENTHOUSES, WASHROOMS, GARBAGE / RECYCLING ROOMS, STAFF LOCKER AND LUNCH ROOMS, LOADING AREAS, ANY SPACE SOLELY FOR STORAGE PURPOSES AND IS NOT ACCESSIBLE TO THE PUBLIC.
8. RESERVED
9. TOTAL SUM OF PROPOSED TENANTS WITH NFA LESS THAN 1,200 SQ.M.
10. RESERVED
11. MINIMUM DRIVEWAY WIDTH OF 6m
12. RESERVED

| No. | ISSUED | DATE |
|-----|---------------------------------------|---------------|
| 1 | ISSUED FOR SPA | MAY 01, 2023 |
| 2 | RE-ISSUED FOR SPA | DEC. 13, 2023 |
| 3 | RE-ISSUED FOR SPA | DEC. 20, 2024 |
| 4 | ISSUED FOR MINOR VARIANCE APPLICATION | JAN. 30, 2025 |

| No. | REVISION | DATE |
|-----|--------------------------|---------------|
| 1 | REVISED PER SPA COMMENTS | DEC. 13, 2023 |
| 1 | REVISED PER SPA COMMENTS | DEC. 20, 2024 |

GREEN SPACE

REPLACE EXISTING WIRE FENCE W/ MTO SECURITY FENCE AS PER OPSD 972.130 (TOP WIRE OPTION) IN LOCATION SHOWN (0.3m INTO LANDS OWNED BY MTO)

REPLACE EXISTING WIRE FENCE W/ MTO SECURITY FENCE AS PER OPSD 972.130 (TOP WIRE OPTION) IN LOCATION SHOWN (0.3m INTO LANDS OWNED BY MTO)

VACANT LAND

BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T: 905.660.0722 | www.baldassarra.ca

OWNERS INFORMATION:



LA TACHE

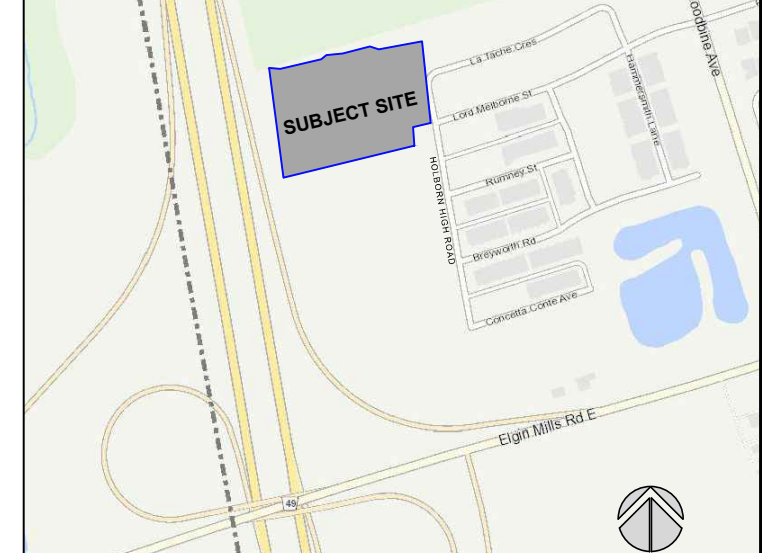
HOLBORN HIGH ROAD,
MARKHAM, ON.

Appendix B

File: 25.110390.000.00.MNV

Date: 3/12/2025
MM/DD/YYYY

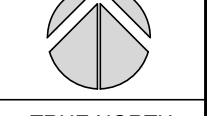
KEY PLAN



LEGAL DESCRIPTION

PLAN OF SURVEY OF
PART OF LOTS 26 AND 27
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF MARKHAM
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
AS PREPARED BY
KRCMAR SURVEYORS LTD. 2016
ONTARIO LAND SURVEYORS

PROJECT NORTH



TRUE NORTH

SITE STATISTICS

| | |
|--|--|
| ZONING (BY-LAW 177-96) | BP556(H) - BUSINESS PARK |
| SITE AREA | 14,580.54 m ² or 3.60 Acres |
| REQUIRED | PROVIDED |
| FRONT YARD [EAST] | 6.00 m MIN 20.82 m |
| REAR YARD [WESTHWY 404] | 3.00 m MIN 26.94 m |
| INTERIOR SIDE YARD [NORTH] | 3.00 m MIN 15.76 m |
| INTERIOR SIDE YARD [SOUTH] | 3.00 m MIN 17.60 m |
| BUILDING 'A' | |
| GROUND FLOOR | 2,297.68 m ² or 24,732 SF |
| MEZZANINE | 905.56 m ² or 9,747 SF |
| BUILDING 'B' | |
| GROUND FLOOR | 2,382.36 m ² or 24,644 SF |
| MEZZANINE | 343.11 m ² or 3,693 SF |
| OFFICE USES | 1,510.30 m ² or 15,903 SF |
| GROSS FLOOR AREA ¹ | 7,439.01 m ² or 80,073 SF |
| NET FLOOR AREA ² | |
| BUILDING A AREA DEDUCTED = 174.88 m ² | 3,028.36 m ² or 32,597 SF |
| BUILDING B AREA DEDUCTED = 216.16 m ² | 4,019.61 m ² or 43,267 SF |
| REQUIRED | PROVIDED |
| SITE COVERAGE | 4,671.61 m ² or 32.04 % |
| LANDSCAPED AREA | 3,721.86 m ² or 25.53 % |
| PAVED AREA | 6,186.85 m ² or 42.43 % |
| REQUIRED | PROVIDED |
| BUILDING 'A' | |
| INDUSTRIAL USES | |
| GROUND FLOOR & MEZZANINE | |
| PREMISES (NFA = 1,200 m ²) | |
| 1 PARKING SPACE PER 40 m ² (NFA) ¹ | |
| 3,028.36 / 40 | 75.7 Spaces |
| BUILDING 'B' | |
| INDUSTRIAL USES | |
| GROUND FLOOR & MEZZANINE | |
| PREMISES (NFA = 1,200 m ²) | |
| 1 PARKING SPACE PER 40 m ² (NFA) ¹ | |
| 2,564.22 / 40 | 64.0 Spaces |
| OFFICE USES | |
| GROUND FLOOR | |
| PREMISES (NFA = 1,200 m ²) | |
| 1 PARKING SPACE PER 30 m ² (NFA) ¹ | |
| 1,410.14 / 30 | 47.0 Spaces |
| TOTAL PARKING | 188 Spaces 136 Spaces |
| ACCESSIBLE PARKING | |
| 5% OF TOTAL PARKING REQUIRED | 9 Spaces 8 Spaces |
| LOADING SPACES | |
| 2 SPACES FOR BUILDINGS W/ GFA OF 1,800 m ² OR GREATER | 4 Spaces 4 Spaces |
| BICYCLE SPACES | |
| (SHORT TERM) 0.15 / 100 m ² | 10 Spaces 14 Spaces |
| (LONG TERM) 0.15 / 100 m ² | |

SITE PLAN

| | | | |
|-------------|-------------|----------|--------|
| DATE: | DRAWN BY: | CHECKED: | SCALE: |
| AUG. 2022 | DW/MZ | | 1:500 |
| PROJECT No. | DRAWING No. | | |

22-60

A-1.0