

## Memorandum to the City of Markham Committee of Adjustment

October 19, 2020

**File:** A/090/20  
**Address:** 5950 14th Avenue, Markham  
**Applicant:** Condor Properties Inc.  
**Agent:** Baldassarra Architects Inc.  
**Hearing Date:** Wednesday November 4, 2020

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

The applicant is requesting relief from the Select Industrial with Limited Commercial (M.C.(60%)) zone requirements of By-law 108-81, as amended, to permit:

- a) A building to be constructed within 22.63 m of the centre line of 14th Avenue, whereas the By-law requires 36.0 m (*Section 4.6.1 (b)*);
- b) A front yard setback of 3.44 m, whereas the By-law requires 12.0 m (*Section 6.1 (d)(i)*); and
- c) A minimum depth of 0.64 m landscaped open space, whereas the By-law requires 9m (*Section 4.7.1 (a)*).

### BACKGROUND

#### Property Description

The 1.41 ha (3.49 ac) vacant subject property is located on the north side of 14<sup>th</sup> Avenue, west of Markham Road, south of Travail Road and east of Canfield Drive (See Figure 1). Surrounding land uses include:

- Light industrial uses to the north, east and west, along 14<sup>th</sup> Avenue and Travail Road;
- A multi-unit, multi-building commercial shopping centre to the southeast; and
- Vacant lands to the south anticipated to be developed with low rise residential uses to the south, across 14<sup>th</sup> Avenue.

#### Proposal

Condor Properties Inc. is proposing a 6,410.63 m<sup>2</sup> (69,003 ft<sup>2</sup>) industrial building on the subject property, which includes a two-storey office component oriented to front 14<sup>th</sup> Avenue. The proposed development is for *Amphenol Canada*, a manufacturer of 'electronic and fiber optic connectors, coaxial and flat-ribbon cable, and interconnect systems'. The remainder of the site will be asphalt-paved for parking, driveways and loading areas, with landscaping along the perimeter of the site and the 14<sup>th</sup> Avenue frontage.

This proposed development is being reviewed concurrently through a site plan control application under File SPC 20 111999, in which the approval authority for

new industrial development is delegated to the Director of Planning, or his designate, in accordance with Delegation By-law 2002-202. This approval route was confirmed by the Development Services Committee on June 29, 2020.

As part of the review of the site plan application the Region of York requested a land conveyance from the subject site, to protect for potential road widening of 14<sup>th</sup> Avenue. The requirement is to maintain a setback of 21.5 m from the centreline of 14<sup>th</sup> Avenue. Consequently, a parcel of land with a width of approximately 5 m will be conveyed from the subject lands to the Region. This has partly attributed to the front yard and landscape depth variances requested through this application.

### **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 lands 'Service Employment', which provides for service uses, offices, financial institutions, manufacturing, process and warehousing (with no outdoor display or storage), limited retail uses subject to floor area criteria, trade and commercial schools, commercial parking garages and hotels. The proposed use conforms to the 2014 Official Plan.

### Zoning By-Law 108-81

The subject property is zoned M.C.(60%) under By-law 108-81, as amended, which permits industrial uses including manufacturing and warehouse, as well as commercial uses including offices, banks and financial institutions. The proposed use is permitted by the By-law, however variances are required to permit a reduced front yard setback, 14<sup>th</sup> Avenue centreline setback and landscape widths.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the variances requested have been reviewed by Zoning Section staff through the site plan application, and confirmed prior to the submission of this application.

It is ultimately the owner's responsibility to ensure that the application accurately identifies 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

#### Centre Line Setback and Reduced Front Yard Variances

Condor Properties Inc. is requesting:

- a) A building to be constructed within 22.63 m of the centre line of 14<sup>th</sup> Avenue, whereas the By-law requires 36.0 m; and
- b) A front yard setback of 3.44 m, whereas the By-law requires 12.0 m.

As noted, the Region of York requires a road-widening along 14<sup>th</sup> Avenue which will result in the conveyance of an approximately 5m wide parcel of land from the subject site. This is to protect for a 21.5 centreline setback required by the Region. Staff have no concerns with these requested variances.

#### Landscaped Width Variance

Condor Properties Inc. is requesting a minimum depth of 0.64 m landscaped open space, whereas the By-law requires a minimum of 9m. This requested variance is specific to the west side of the west driveway accessing the site (See Figure 2 – Site Plan). The Region of York requested a 5 m x 9 m daylight triangle be provided at this location to protect sitelines for access to and from 14<sup>th</sup> Avenue. The landscape width at this location expands to approximately 5 m wide. Additionally, the width of landscaping along 14<sup>th</sup> Avenue ranges between 3.44 m to 5.1 m in front of the proposed building, and 3.86 m in front of the parking area on the east side of the site. Staff are of the opinion that sufficient room exists to provide robust planting onsite, which will be implemented through the site plan application under review. Approval of this variance should be conditional that the landscape width variance be applicable to the area shown on the site plan submitted with this variance application, or further revised through any endorsed or approved site plan drawings.

### **EXTERNAL AGENCIES**

#### Region of York

The Region of York has advised that they have no comments on this variance application.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 20, 2020. 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 requests meet the four tests of the Planning Act and have no objection to its approval. 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:



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Stephen Corr, Senior Planner, East District

REVIEWED BY:



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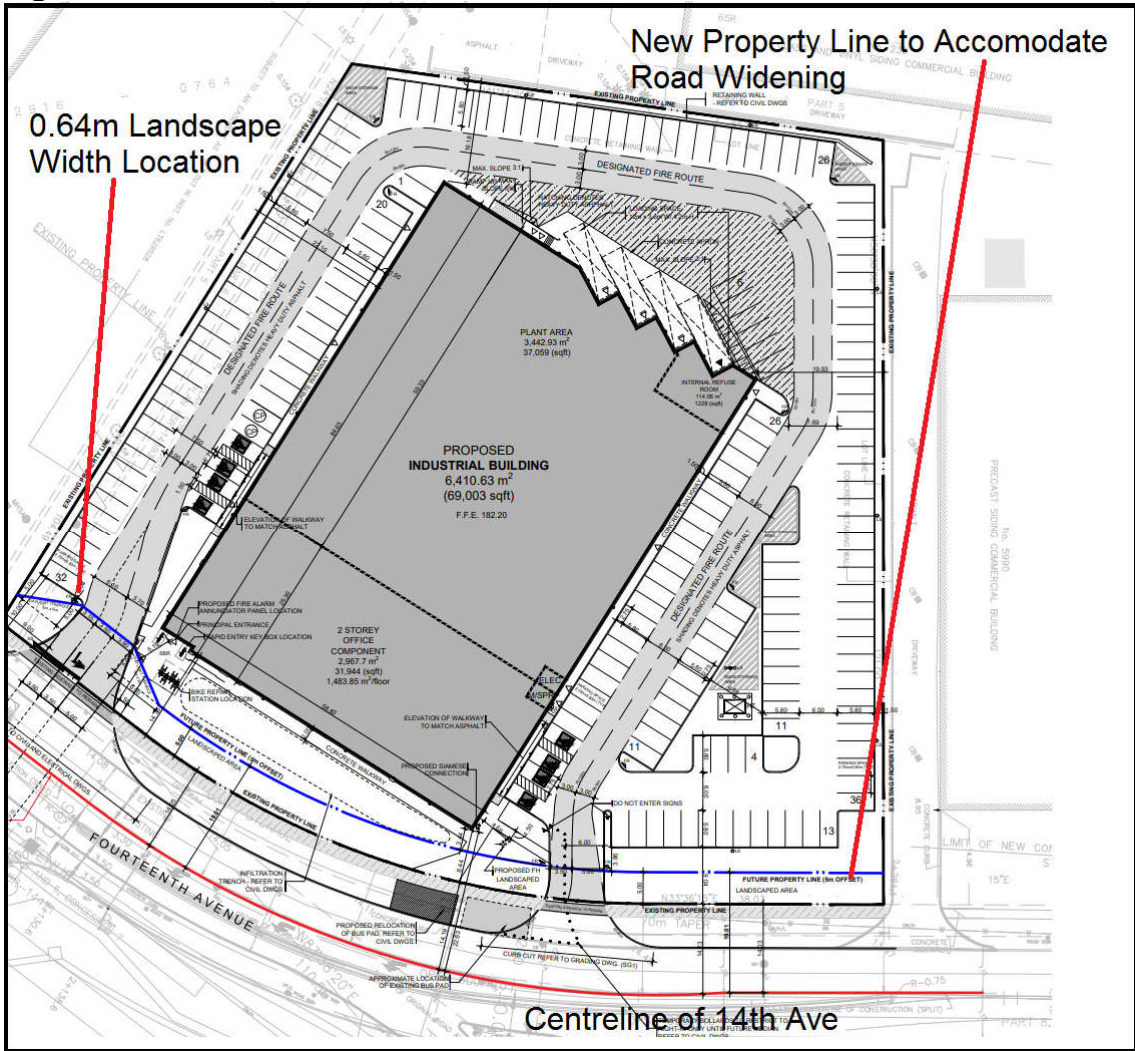
Stacia Muradali, Acting Development Manager, East District

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Figure 1 - Site Location



[illegible]

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/090/20**

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 attached as 'Figure 2' to this Staff Report; or further revised by any site plan endorsed or approved drawings under File SPC 20 111000.
3. 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:

A handwritten signature in blue ink, appearing to read 'Stephen Corr', is written over a horizontal line.

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Stephen Corr, Senior Planner, East District