

Memorandum to the City of Markham Committee of Adjustment

August 10, 2023

File: B/028/23. A/127/23
Address: 65 Allstate Parkway, Markham
Applicant: Baldassarra Architects Inc. (Isabella Suppa)
Agent: Baldassarra Architects Inc. (Isabella Suppa)
Hearing Date: Wednesday, August 16, 2023

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

Consent Application B/028/23

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, cP.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) sever and convey a parcel of land being Parts 1, 2, and 3 with an approximate lot frontage of 110.85 metres (363.7 feet) and an approximate lot area of 19,274.1 m² as shown in the Draft R-Plan (Part 1 being a future road widening to be conveyed to the City);
- b) retain a parcel of land being Parts 4 and 5 with an approximate lot frontage of 79.33 metres (260.3 feet) and an approximate lot area of 10,859.7 m² as shown in the Draft R-Plan;
- c) establish an easement for access and servicing over Part 3 in favour of Part 2;
- d) establish an easement for access and servicing over Part 4 in favour of Part 5;

The purpose of this application is to sever the Subject Lands to facilitate the creation of one new industrial/office lot and create easements for shared access and servicing. This application is related to Minor Variance Application A/127/23 and Site Plan Control Application 22 263203 which are being reviewed concurrently.

Minor Variance Application A/127/23 (Severed Lot)

The Applicant is requesting relief from the requirements of the "Select Industrial with Limited Commercial (M.C. (75%)) Zone" in By-law 165-80, as amended, as it relates to a proposed industrial development (SPC 22 263203).

- a) **By Law 165-80, Section 5.2 (d) (iii):** to permit a minimum rear yard setback of 8.0 metres, whereas the By-law requires a minimum rear yard setback of 12.0 metres.
- b) **By Law 165-80, Section 4.7.1(b):** to permit a landscape strip of 4.0 metres, inclusive of curbs and retaining walls, whereas the By-law requires a minimum landscape strip of 6.0 metres immediately abutting the (Allstate Parkway) street line.

BACKGROUND

Property Description

The approximately 3.01 ha (7.44 ac) subject lands are located to the north side of Centurian Drive and east of Allstate Parkway. The lands are currently developed with one employment building at the northerly portion of the site. Surrounding land uses include predominantly employment and office uses.

Proposal

The Owner is proposing to sever the existing industrial lot into two parcels (refer to Appendix 'D' – Draft Reference Plan). The proposed severed lot (Parts 1, 2, and 3) will have a lot area of 1.93 ha (4.77 ac) and a lot frontage of 110.85 m (363.7 ft.). Part 1 is to be conveyed to the City for the future road widening. The retained lot (Parts 4 and 5) will have a lot area of 1.09 ha (2.69 ac) and a lot frontage of 79.33 m (260.3 ft.). The Owner is also proposing to establish easements for the purpose of vehicular access and site servicing. This will facilitate the creation of one new lot for the proposed new industrial building (SPC 22 263203) and the retention of the remaining parcel for the existing employment building.

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 as “Business Park Employment” which provides for prestige industrial and office development, frequently in larger scale buildings located on large properties. The proposed development conforms to the Official Plan.

Zoning By-Law 165-80

The subject property is zoned “Select Industrial with Limited Commercial (M.C. (75%)) Zone” under By-law 165-80, as amended, which permits a wide range of industrial and commercial uses located within a wholly enclosed building. The proposed development does not comply with the minimum rear setback and minimum landscape strip requirements.

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 Standards Department through the associated Site Plan Control Application (SPC 22 263203) to confirm the variances required for the proposed development.

COMMENTS

Consent Application B/028/23

The Owner is proposing one new industrial lot to be created through provisional consent. The retained and severed lots will comply with lot frontage and lot area requirements. The Owner is also proposing easements for access and servicing.

Planning Staff are of the opinion that the proposed severance is appropriate and generally consistent with the surrounding area. In addition, Planning Staff have no objections to the request to establish easements as noted above.

Minor Variance Application A/127/23

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 Landscape Strip Variance

The requested variance to permit a reduced minimum landscape strip of 4.0 m is due to a required road widening along Allstate Parkway. The applicant has made efforts to reduce some of the proposed building footprint and provide some amenity areas to accommodate the widening and to maintain an acceptable landscape strip. Based on the Landscape Plans submitted with the associated Site Plan Control Application, the applicant has demonstrated an enhanced tree and shrub planting along the reduced landscape strip will be provided. Staff note that surrounding properties will also have reduced landscape strips once the road widening along Allstate Parkway is completed.

Staff are of the opinion that the requested variance to reduce the minimum landscape strip is minor in nature, will not negatively impact the surrounding area, and is generally consistent with the existing condition of the surrounding properties.

Reduction in Required Rear Yard Setback

The requested variance to the rear yard setback from 12.0 metres to 8.0 metres is due to the definition of the front lot line. The proposed building is located on a corner lot where the south property line is deemed to be the front lot line for zoning purposes. Although the definition of the Zoning By-law identifies the north property line as the rear lot line, the building orientation and site layout provides for the east property line to function as the rear yard, where a setback of 21.7 metres is provided.

Staff are of the opinion that the requested variance to reduce the minimum rear yard setback is minor in nature, will not negatively impact the surrounding area, and is a desirable outcome for the proposed building and site layout.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 10, 2023. 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 severance application with regard for Section 51 (24) and 53 of the *Planning Act*, and recommend approval of the consent application.

Planning Staff have reviewed the application with respect to Section 45(1) 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” and “B” for conditions to be attached to any approval of this application

APPENDICES:

Appendix "A" – Conditions of Any Approval – A/127/23

Appendix "B" – Conditions of Any Approval – B/028/23

Appendix "C" – Plans

Appendix "D" – Draft Reference Plan

PREPARED BY:



Jennifer Kim, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/127/23

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 plans attached as 'Appendix C' to this Staff Report 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;
3. That the owner submits to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to be 'JK' with a large loop and a trailing flourish.

Jennifer Kim, Senior Planner, West District

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/028/23

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/028/23, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of industrial lots per City of Markham Fee By-law 211-83, as amended.
5. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
6. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

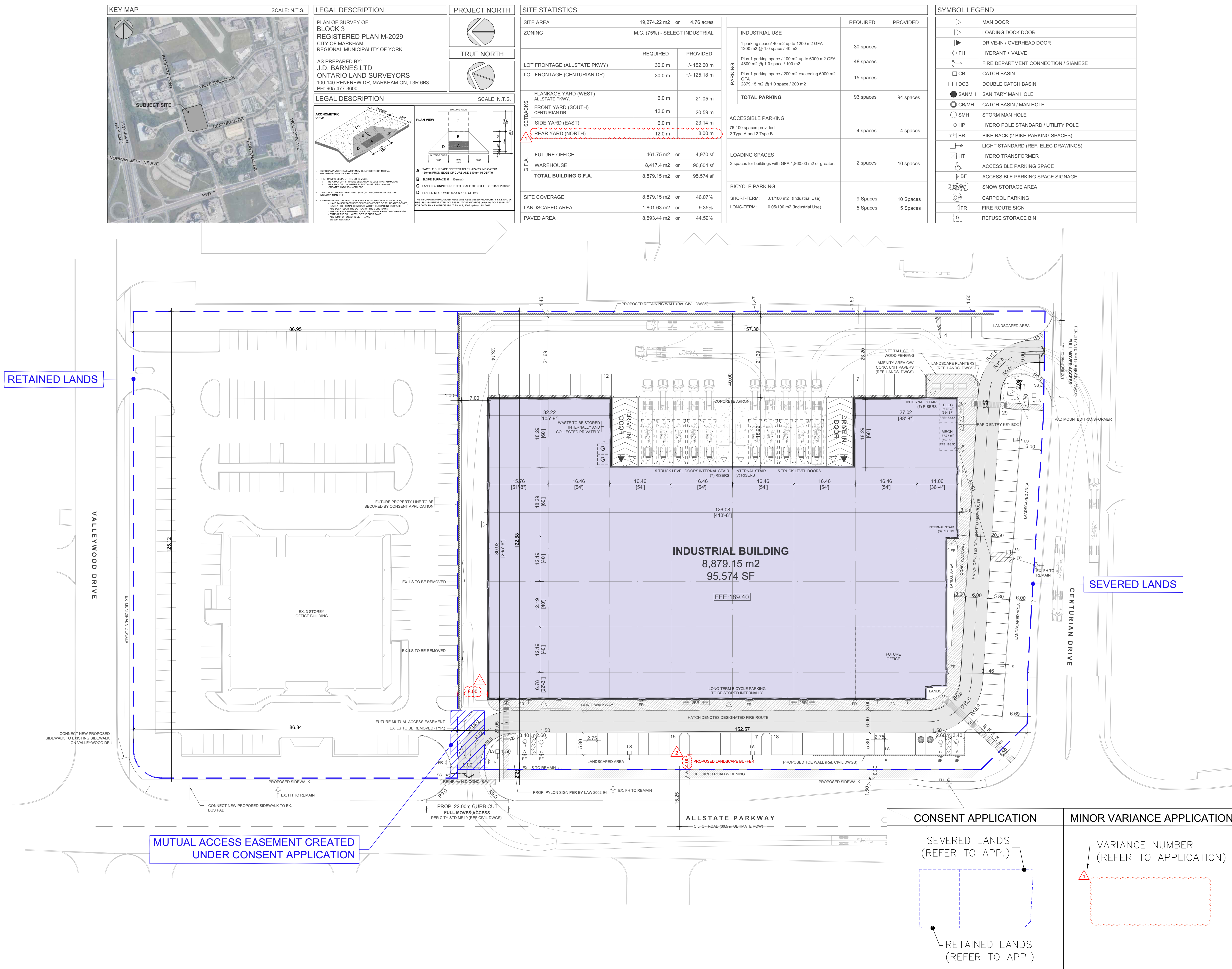
CONDITONS PREPARED BY:



Jennifer Kim, Senior Planner, West District

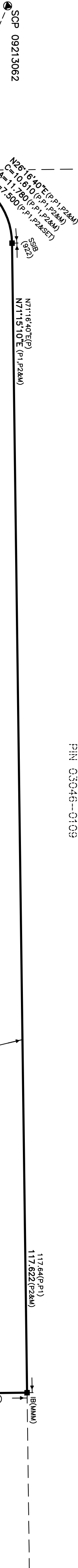
OWNERS INFORMATION

A-1.0



METRIC: DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN METRES
AND FEET
BY DIVIDING BY 0.3048

VALLEYWOOD DRIVE
(DEDICATED BY REGISTERED PLAN M-2029)
PIN 03046-0109



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 65R-		
DATE: 2023.		RECEIVED AND DEPOSITED		
DATE: 2023.		DATE: 2023.		
ONLINE N. DZALDOV ONARIO LAND SURVEYOR		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION No. 45		
SCHEDULE				
PART	BLOCK	REGISTERED PLAN	PIN	AREA (m ²)
1	1			312.8
2	2			1884.3
3	3			33.7
4	4			17068.3
PARTS 1 TO 5, BOTH INCLUSIVE - SUBJECT TO RESTRICTIVE COVENANTS AS IN INST. NO. 118350				

PLAN OF SURVEY OF
PART OF BLOCK 3
REGISTERED PLAN M-2029
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1:300

SCHAEFFER DZALDOV PURCELL LTD.

- NOTES
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BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 09213061 AND 09213062, UTM ZONE 17, MAGN. (ORIGINAL)	
DISTANCES ARE PROVIDED AND CAN BE CONVERTED TO METERS BY MULTIPLYING BY 1.0936 AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808	
REGISTERED CONTROL POINTS (CSP-3, UTM ZONE 17, MAGN. (ORIGINAL)) COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 219/10	
POINT ID.	NORTHING
CSP 09213061	485661.788
CSP 09213062	63167.811
CSP 09213063	485662.857
CSP 09213064	63167.801
COORDINATES OBTAINED IN THIS SURVEY, BE USED TO RE-ESTABLISH CORNER OR BOUNDARIES SHOWN ON THIS PLAN	

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND
THE REGULATION MADE THEREUNDER.

2. THE SURVEY WAS COMPLETED ON THE DAY OF . 2023.

DATE: .

ONLINE N. DZALDOV
ONARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION TOWN NUMBER .

SCHAEFFER DZALDOV PURCELL LTD.
ONARIO LAND SURVEYORS
64 JACON DRIVE
CONCORD, ONTARIO L4K 3P3
TEL: (416) 987-2701
SCALE 1:300
PLOT SIZE: 30x30 INCH 25/2023