

Memorandum to the City of Markham Committee of Adjustment

May 05, 2025

File: A/025/25
Address: 5560 14th Avenue, Markham
Applicant: Rachelle Larocque
Hearing Date: Wednesday, May 14, 2025

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

The applicant is requesting relief from the following requirements of By-law 177-96, BC*721 as amended, as it relates to the parking lot of a proposed two-storey multi-unit industrial building:

a) By-law 177-96, Amending By-law 2022-86, Section j):

a minimum of 80 parking spaces including accessible parking spaces, whereas the by-law requires a minimum of 100 parking spaces;

This Minor Variance Application is related to Site Plan Control Application SPC 20 116893.

BACKGROUND

Property Description

The 13,255.77 m² (142,668.35 ft²) subject property is located on the north side of 14th Avenue, east of McCowan Road and west of Middlefield Road. The property is located within an industrial area with residential uses on the south side of 14th Avenue.

Proposal

The applicant is proposing to construct a two-storey multi-unit industrial building with a total Gross Floor Area of 5,412 m² (58,254.28 ft²). The proposal includes retaining the existing heritage 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 “Service Employment” and “General Employment,” which accommodate a range of employment-related uses. Permitted uses include industrial and service uses such as offices, financial institutions, manufacturing, processing, and warehousing. The designation does not permit accessory outdoor display or storage. Limited retail, trade and commercial schools, commercial parking garages, and hotels (excluding dwelling units) are also permitted within these designations.

Zoning By-Law 177-96

The subject property is zoned BC*721 under By-law 177-96, as amended. The base Business Corridor (BC) zone permits a broad range of commercial and employment uses, including but not limited to art galleries, banquet halls, business offices, hotels, industrial uses, medical offices, parking garages, personal service shops, restaurants, retail stores, and trade and convention centres, subject to site-specific exceptions and footnotes outlined in the By-law. Exception *721 is a site-specific exemption applicable to the subject property at 5560 14th Avenue, which modifies the parent BC zoning. It restricts the permitted uses to a defined list including industrial uses, business offices, medical offices,

retail stores, commercial schools, financial institutions, personal service shops, and repair shops—and establishes specialized provisions related to permitted use locations and development standards.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "the indoor parking spaces for the individual industrial units are no longer being provided, thereby reducing the number of parking spaces provided"

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

Parking Reduction

The site currently provides a total of 80 parking spaces, whereas the By-law requires a minimum of 100 parking spaces. Staff note that the proposed reduction would comply with the City's Consolidated Zoning By-law 2024-19, as amended, which requires parking for industrial uses at a rate of 2 spaces per unit plus 1 space per 200 square metres of gross floor area. The proposed development also continues to provide the 4 required accessible parking spaces. Units of the proposed development will retain access to multiple parking spaces.

Transportation Engineering staff have reviewed the application and are of the opinion that the proposed variance is minor in nature and unlikely to generate any significant impact on the overall parking supply for the site.

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

PUBLIC INPUT SUMMARY

No written submissions were received as of May 5, 2025. 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/025/25 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 25 113874 \Documents\District Team Comments Memo

APPENDIX "A"

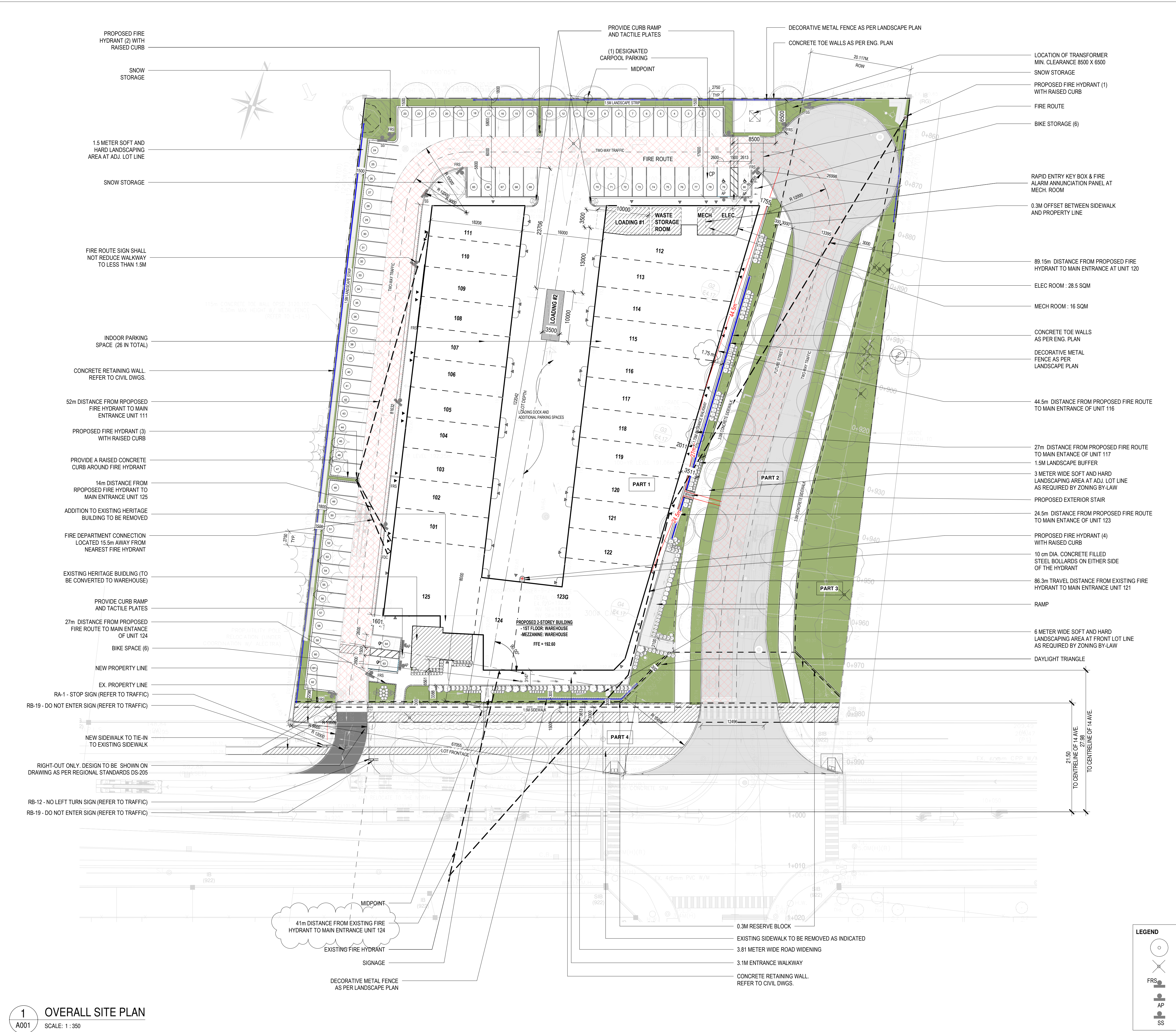
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/025/25

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', with a large, sweeping initial 'A'.

Aaron Chau, Planner I, East District



Appendix B

File: 25.113874.000.00.MNV

Date: 5/7/2025

MM/DD/YYYY

14TH AVE.

FEATHERSTONE AVE.

KEY PLAN

SITE STATISTICS (MARKHAM)

ZONING:	MARKHAM ZONING BY-LAW TABLE B8 Business Park (BP) Employment Zone
LOT AREA:	9341.73 SM (0.93 ha.)
LOT FRONTAGE:	67.05M
LOT DEPTH:	122.04M

LOT COVERAGE:	
GROSS FLOOR AREA:	GROUND FLOOR: 3,452 SM SECOND FLOOR: 1,960 SM TOTAL: 5,412 SM
GROSS LEASABLE AREA:	GROUND FLOOR: 3,311 SM SECOND FLOOR: 1,960 SM TOTAL: 5,271 SM
NET FLOOR AREA:	GROUND FLOOR: 2,869 SM SECOND FLOOR: 1,465 SM TOTAL: 4,324 SM
FLOOR AREA RATIO:	57.937%
LOT COVERAGE:	3,452 SM (36.95%)

SETBACKS:	
FRONT YARD (SOUTH)	ACTUAL: 6.00M REQUIRED: 6.00M
SIDE YARD (WEST)	ACTUAL: 15.40M REQUIRED: 3.00M
SIDE YARD (EAST)	ACTUAL: 3.00M (FROM LOT LINE) 25.68M (FROM PROPERTY LINE) REQUIRED: 3.00M
REAR YARD (NORTH)	ACTUAL: 15.40M REQUIRED: 3.00M
DISTANCE BETWEEN EXISTING AND PROPOSED BUILDING	NORTH SIDE: 1.97M EAST SIDE: 1.87M

LANDSCAPED AREA:	
TOTAL AREA:	887.30 SM*
PERCENTAGE:	9.5%

MARKHAM ZONING BY-LAW TABLE B8 EMPLOYMENT ZONE			
LANDSCAPED AREA	PROPOSED	REQUIRED	SECTION
WIDTH OF LANDSCAPING TO FRONT LOT	6 M	6 M	PROVISIONS J
WIDTH OF LANDSCAPING TO LOT LINE (NORTH SIDE)	1.5 M*	3 M	PROVISIONS K
WIDTH OF LANDSCAPING TO LOT LINE (EAST SIDE)	3 M	3 M	PROVISIONS K
WIDTH OF LANDSCAPING TO LOT LINE (WEST SIDE)	1.5 M*	3 M	PROVISIONS K

LOT AREA	
PART 2 (NEW ROAD)	2441.70 SM
PART 3 (LOT ADJACENT TO NEW ROAD)	774.33 SM
PART 4 (ROAD WIDENING)	704.10 SM

PARKING (PARKING STATISTICS BY-LAW 2024-19):
REQUIRED
"Industrial Use – 2 parking spaces per premises, plus 1 parking space for every 200 square metres of gross floor area"
Total Parking Required = (2 x 25 warehouse units) + (5500m ² of GFA/200m ²) = 78 Parking Spaces
PROVIDED
80 OUTDOOR PARKING SPACES (76 + 4 ACCESSIBLE)

LEGEND

Existing Trees to Remain and be Protected

Existing Trees to be Removed

Fire Route Sign

Accessible Parking Sign

Snow Storage Sign

FIRE ROUTE

MAIN ENTRANCE

SECONDARY ENTRANCE

1

A001

OVERALL SITE PLAN

SCALE: 1 : 350

Project number

T2019065

Drawn

Scale

As indicated

Checked

Date

3/12/2025 4:19:26 PM

Site Plan and Statistics

Drawing No.

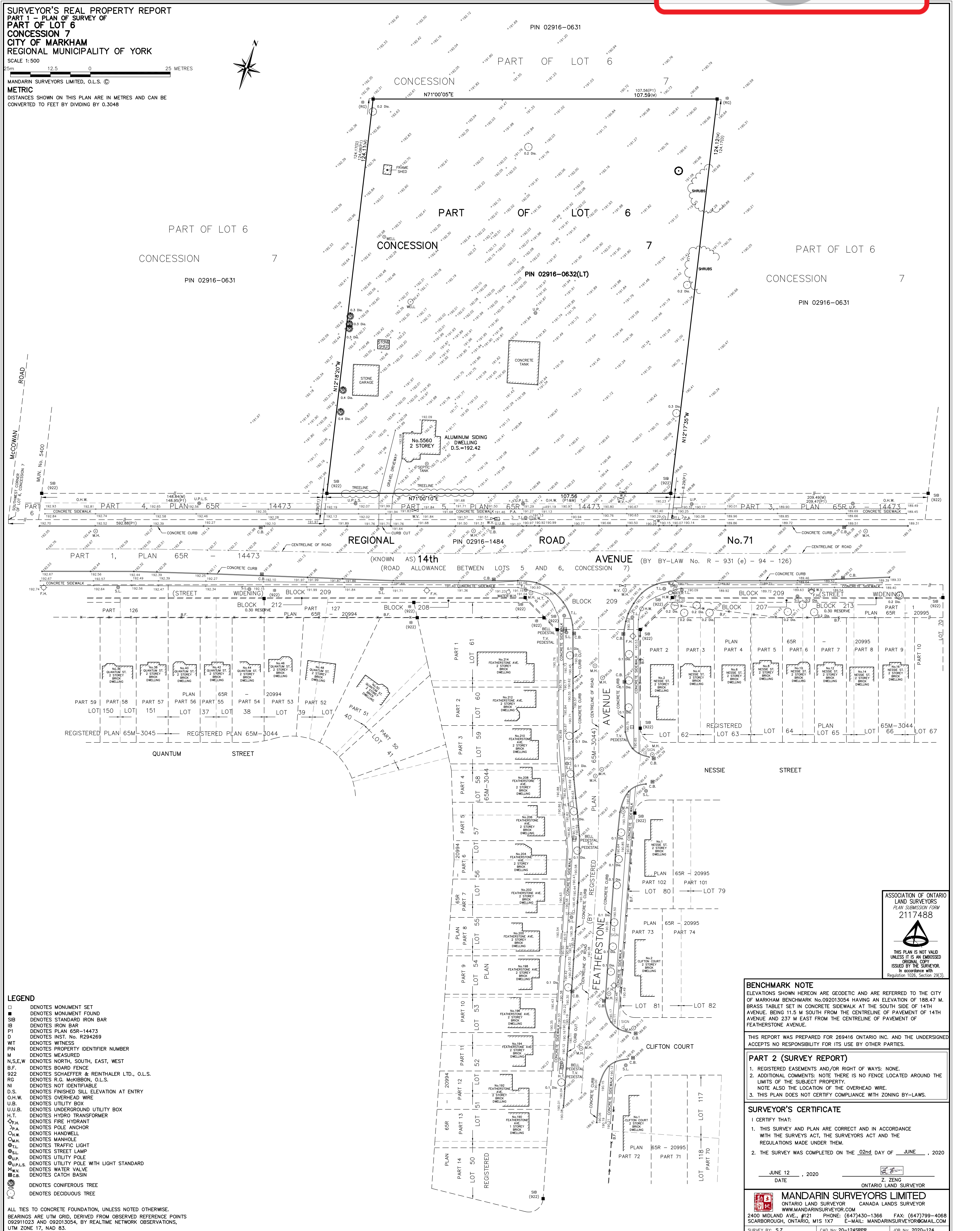
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Appendix B

File: 25.113874.000.00.MNV

Date: 5/7/2025
MM/DD/YYYY



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2117488

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).

BENCHMARK NOTE
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092013054 HAVING AN ELEVATION OF 188.47 M. BRASS TABLET SET IN CONCRETE SIDEWALK AT THE SOUTH SIDE OF 14TH AVENUE, BEING 11.5 M SOUTH FROM THE CENTRELINE OF PAVEMENT OF 14TH AVENUE AND 237 M EAST FROM THE CENTRELINE OF PAVEMENT OF FEATHERSTONE AVENUE.

THIS REPORT WAS PREPARED FOR 269164 ONTARIO INC. AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

PART 2 (SURVEY REPORT)

1. REGISTERED EASEMENTS AND/OR RIGHT OF WAY: NONE.
2. ADDITIONAL COMMENTS: NOTE THERE IS NO FENCE LOCATED AROUND THE LIMITS OF THE SUBJECT PROPERTY.
NOTE ALSO THE LOCATION OF THE OVERHEAD WIRE.
3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

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 02nd DAY OF JUNE, 2020

JUNE 12, 2020
DATE

Z. ZENG
ONTARIO LAND SURVEYOR

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SURVEY BY: S.Z. CAD No: 20-1245RPR JOB No: 2020-124