

Memorandum to the City of Markham Committee of Adjustment

October 1, 2019

File: A/78/19
Address: 430 Cochrane Drive, Markham
Applicant: Pullmatic Manufacturing (Eugene Lai)
Agent: Pullmatic Manufacturing (Eugene Lai)
Hearing Date: Wednesday October 09, 2019

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

The applicant is requesting relief from the following requirements of By-law 165-80, M.C. (40%) as amended:

a) Section 4.7.1 (b): a landscape open space adjoining a street, a strip of land having a minimum depth of 4.5 metres immediately abutting the street line, whereas the By-law requires a minimum depth of 6.0 metres; as it relates to a proposed parking lot expansion.

BACKGROUND

Property Description

The 20,625 m² (222,006 ft²) subject property is located on the north side of Cochrane Drive, southwest of Lanark Road. The property is located within an established employment area generally comprised of industrial and office uses in buildings ranging from one to eight storeys.

There is an existing two storey building on the property with a gross floor area (GFA) of 8,696 m². Vegetation on the subject lands includes a lawn in the front of the building and mature trees and shrubs.

Proposal

The applicant is proposing to remove 16 parking spaces at the east side of the building and construct a 498 m² expansion of an existing canopy. 29 new parking spaces are proposed at the south end of the property (front yard), facing Cochrane Drive.

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 property 'Business Park Employment', which provides for a range of employment uses including offices, hotels, trade and convention centres, and manufacturing uses including accessory retail.

Zoning By-Law 165-80

The subject property is zoned Select Industrial with Limited Commercial M.C.(40%) under By-law 165-80, as amended, which permits warehousing, manufacturing, repair and servicing of goods, data processing, offices, commercial schools, hotels, research laboratories, printing establishments, and accessory restaurants and retail. The maximum floor area ratio (FAR) permitted for commercial or industrial-commercial uses is 40%. Section 4.7.1 of the By-law requires minimum landscaped open space abutting the street line of 6 metres.

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 angle of the existing building is not parallel with the lot frontage. As such, the design of a flow-through driveway with parking spaces on either side that runs parallel to the building results in the small triangular encroachment into the landscape setback. Full compliance with the By-law would result in the elimination of 11 potential parking spaces which are needed by this manufacturing plant."

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.

The proposed variance to reduce the width of the landscape strip would allow a net increase of 11 parking spaces on the site. Because of the angle of the building and proposed parking lot in relation to the street, the landscape strip would be reduced by 1.5 metres near the westerly property line. Urban Design and Transportation Engineering staff have reviewed the application and have no concerns with the proposed minor variance.

The reduced landscape strip would adequately buffer the parking lot and would not negatively impact the street or adjacent properties.

Staff have no objections to the approval of the proposed minor variance.

EXTERNAL AGENCIESYork Region Requirements

York Region has no comments.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 3, 2019. 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

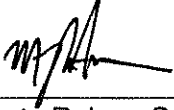
Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request

meets the four tests of the Planning Act and have no objections. 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:



Marty Rokos, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Ron Blake, Senior Development Manager

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/78/19

1. That the variance applies only to the proposed development as long as it remains.
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 and received by the City of Markham on September 17, 2019, 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 submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development.

CONDITIONS PREPARED BY:

Marty Rokos, Senior Planner, Planning and Urban Design Department

APPENDIX "B"
PROPOSED SITE PLAN

Area of proposed variance

