

Memorandum to the City of Markham Committee of Adjustment
November 22, 2023

File: A/170/23
Address: 7545 Yonge Street, Markham
Applicant: Bicorp Design Group Ltd. (Duro Bicanic)
Hearing Date: Wednesday, November 29, 2023

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

The applicant is requesting relief from the following requirements of the Highway Commercial Automobile (HC2) zone in By-law 2237, as amended, to permit:

- a) **By-law 2237, Section 7.3.2:**
a side yard setback abutting a street of 6.5 feet (2.0 metres); whereas, the By-law requires a 15 feet (4.57 metres) side yard setback for a side lot line abutting a street;
- b) **By-law 2237, Section 7.3.4:**
a Yonge Street centre line setback of 65.85 feet (20.07 metres); whereas, the By-law requires a Yonge Street centre line setback of 120 feet (36.58 metres);
- c) **By-law 2237, Section 8.6.2:**
a minimum lot depth of 127.79 feet (38.95 metres); whereas, the By-law requires a minimum lot depth of 200 feet (60.96 metres);
- d) **By-law 2237, Section 8.6.1:**
a minimum lot frontage of 101.41 feet (30.91 metres); whereas, the By-law requires a minimum lot frontage of 200 feet (60.96 metres);

as it relates to the development of a one-storey car wash. This application is related to an ongoing Site Plan Control (SPC 22 245693).

BACKGROUND

Property Description

The 0.14 ha (0.35 ac) subject property is located at the northeast corner of Yonge Street and Elgin Street. The subject property is currently developed with a car rental building. The subject property is entirely located within the Toronto and Region Conservation Authority (TRCA)'s Regulated Area as the site contains a Regional Storm flood plain associated with a tributary of the Don River Watershed.

Proposal

The applicant is proposing to demolish the existing car rental building and construct a new one storey, 213.34 m² (2,296.37 ft.²) car wash building. A related Site Plan Control application (SPC 22 245693) is currently being reviewed by the City.

Official Plan and Zoning

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

The subject property is designated "Mixed Use Mid Rise" in the 2014 Official Plan. This designation is characterized by mid to large scale retail development that serve a function for nearby residents by providing access to needed goods and services. It is intended that residential development be integrated with mixed-use development and will be supportive of retail and service activities.

Although the designation does not permit the proposed car wash development, the use is permitted as-of-right under the current Zoning By-law 2237, as amended.

Zoning By-law 2237

The subject property is zoned Highway Commercial Automobile (HC2) in By-law 2237, as amended, which permits the proposed car wash use.

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 above noted 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.

Reduction in Side Yard Setback

The applicant is requesting a minimum west side yard setback of 6.5 ft. (2.0 m); whereas, the By-law requires a minimum side yard setback of 15 ft. (4.57 m).

Through review of the associated Site Plan Control application, Staff requested that the proposed car wash building be moved closer to Yonge Street in order to provide a more animated streetscape, and to provide for better on-site circulation. Staff are of the opinion the requested variance is minor in nature and have no concerns.

Reduction in Yonge Street Centre Line Setback

The applicant is requesting relief to permit a minimum Yonge Street centre line setback of 65.85 ft. (20.07 m), whereas the By-law requires a minimum Yonge Street centre line setback of 120 ft. (36.58 m). This represents a reduction of approximately 54.15 ft. (16.50 m).

As indicated above, Staff requested that the proposed car wash building be moved closer to Yonge Street. Staff have no concerns with the requested variance.

Reduction in Minimum Lot Depth and Minimum Lot Frontage

The applicant is requesting a minimum lot depth of 127.79 ft. (38.95 m), whereas, the By-law requires a minimum lot depth of 200 ft. (60.96 m). This represents a reduction of approximately 72.21 ft. (22.01 m).

The applicant is requesting a minimum lot frontage of 101.41 ft. (30.91 m); whereas, the By-law requires a minimum lot frontage of 200 ft. (60.96 m). This represents a reduction of approximately 98.59 ft. (30.05 m).

The lot depth and lot frontage of the subject site are not proposed to change as part of the development of the car wash building. Staff note that the variances for lot depth and lot frontage are related to an existing site condition and have no concerns with these requests.

EXTERNAL AGENCIES

TRCA Comments

The subject lands are located within the TRCA's Regulated Area. The TRCA provided comments on November 13, 2023, indicating that they have no concerns subject to the conditions outlined in their letter ('Appendix C').

PUBLIC INPUT SUMMARY

No written submissions were received as of November 22, 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 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, Planner II, West District

REVIEWED BY:



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

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/170/23

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 plan(s) attached as 'Appendix B' 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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;
6. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



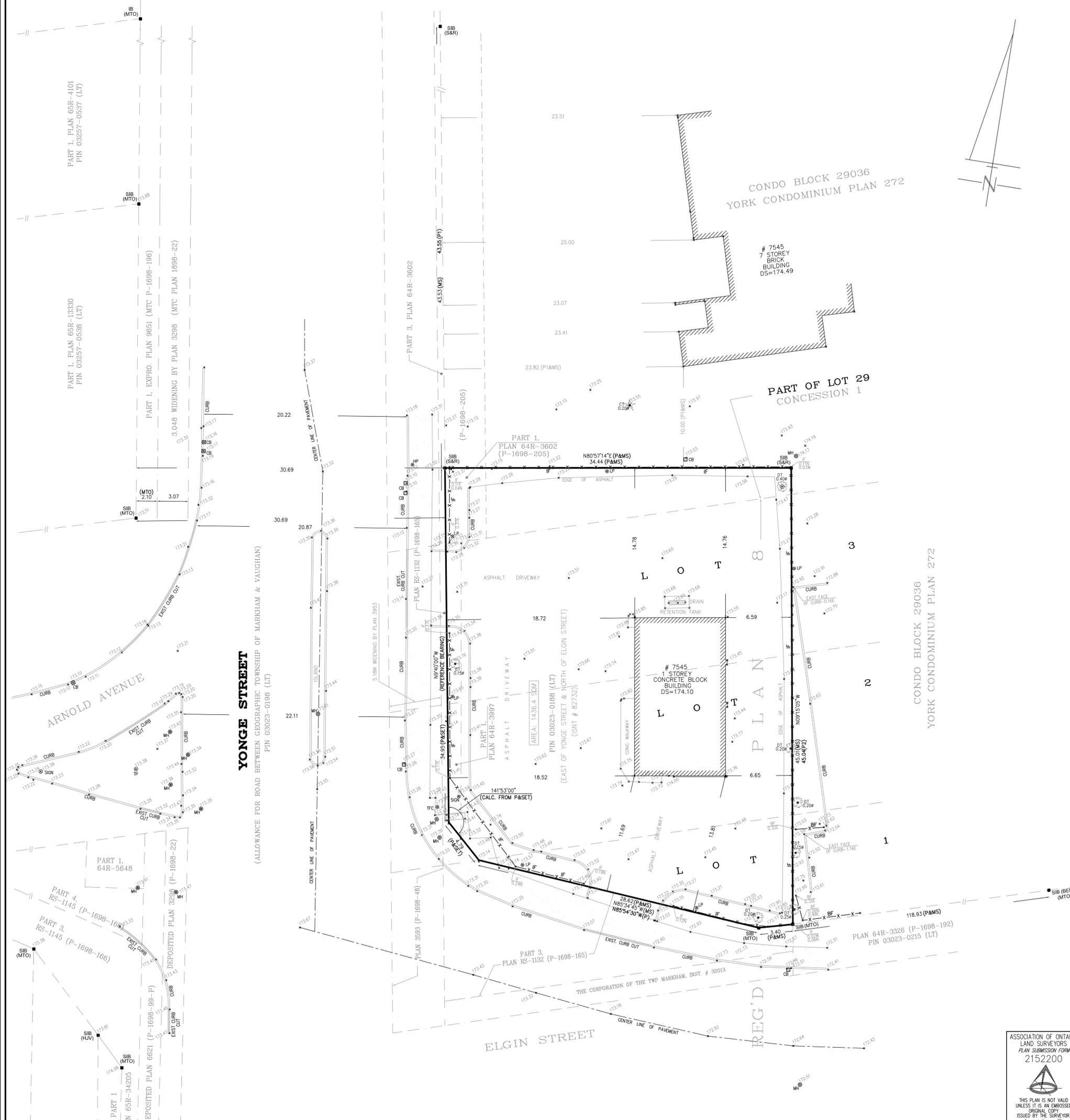
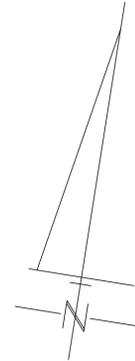
Hailey Miller, Planner II, West District

PART 1:
 PLAN OF PART OF LOTS 1, 2, 3
 REGISTERED PLAN 8
 & PART OF LOT 29
 CONCESSION 1

CITY OF MARKHAM
 (REGIONAL MUNICIPALITY OF YORK)

SCALE = 1 : 200
 METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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PART 2:
REPORT
 * THIS REPORT WAS PREPARED FOR H. NAKHSAZ, AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.
BOUNDARIES
 * PART OF LOTS 1, 2, 3, REGISTERED PLAN 8 AND PART OF LOT 29, CONCESSION 1
TITLE SEARCH INDICATES
 * NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.
ZONING
 * NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE FOR THE SUBJECT PROPERTY (PROPERTIES).
FENCES
 * PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE SOUTHERLY, NORTHERLY, EASTERLY & WESTERLY BOUNDARIES; THEY ARE LOCATED OVER THE SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.
BEARING NOTE
 * BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF YONGE STREET HAVING A BEARING OF N89°40'00"W AS SHOWN ON REGISTERED PLAN 8
GEODETIC:
 * ELEVATIONS SHOWN GEODETIC DRIVEN FROM CITY OF MARKHAM BENCH MARK # 00192310004, ELEVATION 174.548 M

LEGEND:

■ DENOTES SURVEY MONUMENT FOUND	IB DENOTES IRON BAR
□ DENOTES SURVEY MONUMENT SET	MH MANHOLE
SIB STANDARD IRON BAR	OU ORIGIN UNKNOWN
N.E.S.W NORTH, EAST, SOUTH, WEST	MS MEASURED
BF BOARD FENCE	DTL DECIDUOUS TREE
CLF CHAIN LINK FENCE	*CTI CONIFEROUS TREE
RPB REGISTERED PLAN 8	DS DOOR SILL
P PLAN 64R-3997	CB CATCH BASIN
P1 PLAN 64R-3997	TFC TRAFFIC CONTROLLER
S&R SCHAEFFER & REINTHALER LTD., O.L.S.	HP HYDRO POLE
MTO MINISTRY OF TRANSPORTATION	LP LAMP POST
HJV HOLDING JONES VANDERVEEN INC O.L.S.	

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 12th DAY OF JULY, 2021

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2152200

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

DATE:	JULY 16, 2021	A. ABDELSHAHID
		ONTARIO LAND SURVEYOR
A. AZIZ SURVEYORS INC		
ONTARIO LAND SURVEYORS		
120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7		
Tel. (905) 237-8224 Fax: (416) 477-5465		
Website: M-Azizsurveyors.ca		
E-Mail: aziz@m-azizsurveyors.ca		
PROJECT NUMBER	PROJECT	
21-294	7545 YONGE STREET (SR-PR)	
DRAWN BY	C.H	CHECKED BY
		A.A

SITE DATA:
 ELGIN STREET CAR WASH DEVELOPMENT
 7545 YONGE STREET
 THORNHILL, ONTARIO
 CITY OF MARKHAM FILE: SPC 22 245693

ROLL NO.: 1936010031051000000
 WARD: 1
 ** MINOR VARIANCE REQUIRED
 ZONING: HC2 HIGHWAY COMMERCIAL
 OFFICIAL PLAN: MIXED USE MID RISE

	REQUIRED	o/o	PROVIDED	o/o
EXISTING LOT AREA			1436.45 S.M. [0.35ac]	0.14ha
ROW CONVEYANCE			150.26 S.M. [0.04ac]	0.02ha
NEW LOT AREA [LESS ROW CONVEYANCE]			1286.19 S.M. [0.32ac]	0.13ha
LOT FRONTAGE [ELGIN STREET]	**	60.96 M	30.91 M	
MIN. LOT DEPTH	**	60.96 M	38.95 M	
SETBACKS				
FRONT YARD [SOUTH]			10.17 M	
REAR YARD [NORTH]			16.61 M	
SIDE YARD [EAST]			10.37 M	
SIDE YARD [WEST - EXTERIOR SIDE]	**	4.57 M	2.00 M	
SPECIAL SETBACK - CENTERLINE YONGE STREET	**	36.58 M	20.07 M	
HC2 SPECIAL REQUIREMENTS				
BUILDING COVERAGE			213.34 S.M.	16.59
BUILDING AREA				
SERVICE [WASH BAY] - MECHANICAL - WASHROOMS AREA			205.84 S.M.	
OFFICE AREA			7.50 S.M.	
TOTAL BUILDING AREA:			213.34 S.M.	
NET FLOOR AREA: [OFFICE AREA ONLY]			7.50 S.M.	
BUILDING HEIGHT			7.5 M	
NORTH LANDSCAPE STRIP			1.038 M	
SOUTH LANDSCAPE STRIP			2.00 M VARIES	
EAST LANDSCAPE STRIP			1.03 M	
WEST LANDSCAPE STRIP			2.00 M	
LANDSCAPING			376.36 S.M.	
HARD SURFACE			646.49 S.M.	
PARKING REQUIREMENTS				
CAR WASH 1/25 S.M. NET FLOOR AREA	1.0 SPACES		2.0 SPACES	
HANDICAPPED [INCLUDED ABOVE]	1 SPACES		1 SPACES	



KEY PLAN

YONGE STREET

[ALLOWANCE FOR ROAD BETWEEN CITY OF MARKHAM & CITY OF VAUGHAN]
 PIN 03023-0198 [LT]

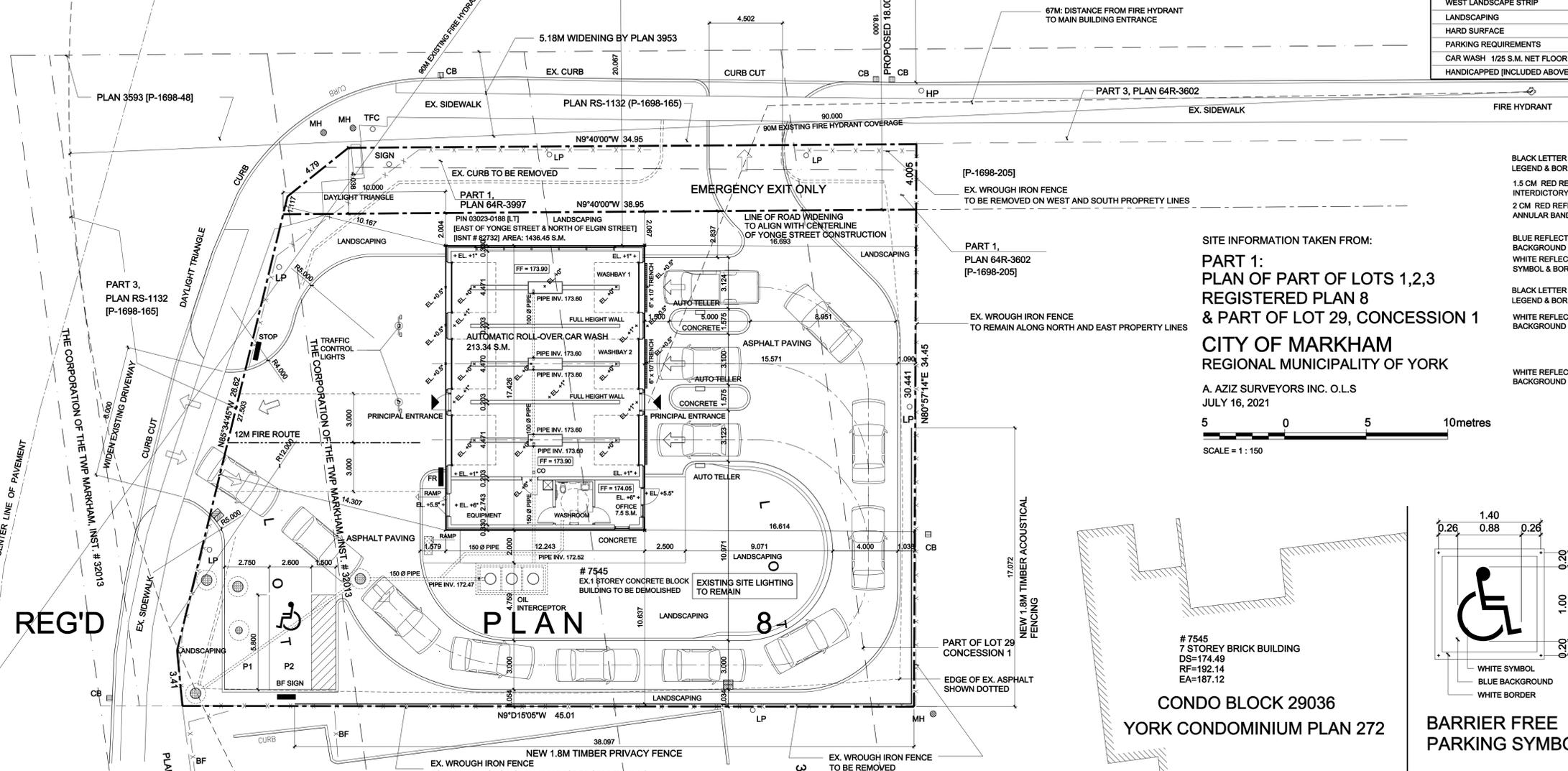
SIGNS:

FR: FIRE ROUTE SIGN MTD ON BUILDING OR ON 1" SQ. GALV. POST CW 8" DIA. x 30" DEEP SONO-TUBE FOOTING

STOP: STOP SIGN ON 1" SQ. GALV. POST CW 8" DIA. x 30" DEEP SONO-TUBE FOOTING

BF SIGN: BARRIER FREE PARKING SIGN ON 1" SQ. GALV. POST CW 8" DIA. x 30" DEEP SONO-TUBE FOOTING

ELGIN STREET



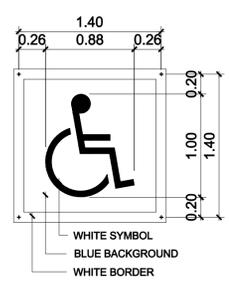
SITE INFORMATION TAKEN FROM:
 PART 1:
 PLAN OF PART OF LOTS 1,2,3
 REGISTERED PLAN 8
 & PART OF LOT 29, CONCESSION 1
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 A. AZIZ SURVEYORS INC. O.L.S
 JULY 16, 2021

5 0 5 10metres
 SCALE = 1 : 150

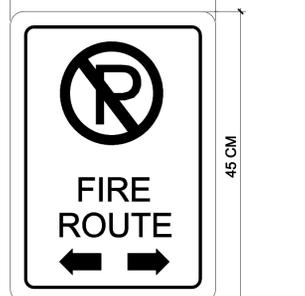


Maximum Fine
 \$5,000
 For Enforcement call:
 (905) 477-5530

BARRIER FREE
 PARKING SIGN



BARRIER FREE
 PARKING SYMBOL



FIRE ROUTE SIGN

CONDO BLOCK 29036
 YORK CONDOMINIUM PLAN 272
 SITE PLAN
 SCALE: 1:250

NO.	DATE	DESCRIPTION
4	02-07-2023	SITE PLAN UPDATE + SPA RESUBMISSION NO. 2
5	09-04-2023	MINOR VARIANCE APPLICATION
6	-	-
1	01-03-2022	UPDATED SITE PLAN C/W UPDATED ROW [ROAD WIDENING]
2	11-10-2022	BUILDING MOVED WEST
3	01-04-2023	UPDATED SITE PLAN

REVISIONS

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND VERIFYING ALL DIMENSIONS INCLUDING DATUM ELEVATIONS SHOWN ON ARCHITECTURAL DRAWINGS WITH STRUCTURAL, MECHANICAL, ELECTRICAL AND SITE SERVICE DRAWINGS AND REPORT ANY ERRORS OR OMISSIONS TO BICORP DESIGN GROUP LTD. [B.D.G.] BEFORE COMMENCING THE WORK.

DRAWINGS MUST NOT BE SCALED

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BICORP DESIGN GROUP LTD.
 1235 FAIRVIEW STREET, SUITE 290, BURLINGTON, ONTARIO L7S 2K9
 TEL: 416-705-9526
 bicorpdesign@gmail.com

YONGE - ELGIN VIP CAR WASH

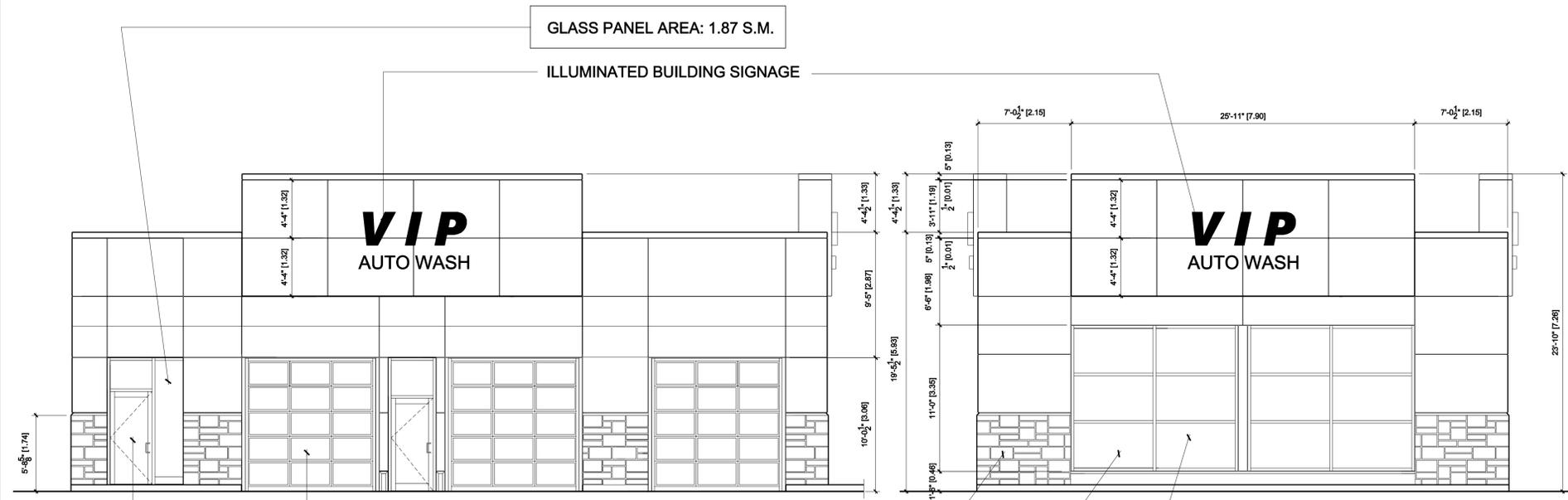
PROJECT:
 YONGE - ELGIN VIP CAR WASH DEVELOPMENT
 7545 YONGE STREET
 THORNHILL, ONTARIO

TITLE:
 SITE PLAN

DRAWN BY: R.A. CHECKED BY: D.B. APPROVED BY: D.B.
 SCALE: 1:200 DATE: MARCH 2021 PRINTED: 08-08-2021

DRAWING NO:
A1

PROJECT NO:
 2021-03

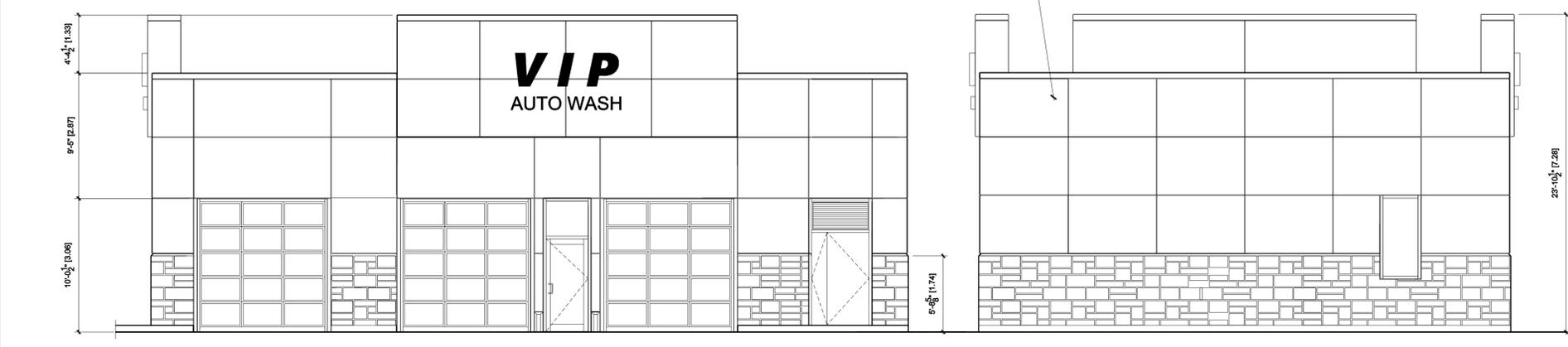


NORTH ELEVATION
 SCALE: 3/16" = 1'-0"
 2
 A2

WEST ELEVATION
 SCALE: 3/16" = 1'-0"
 3
 A2

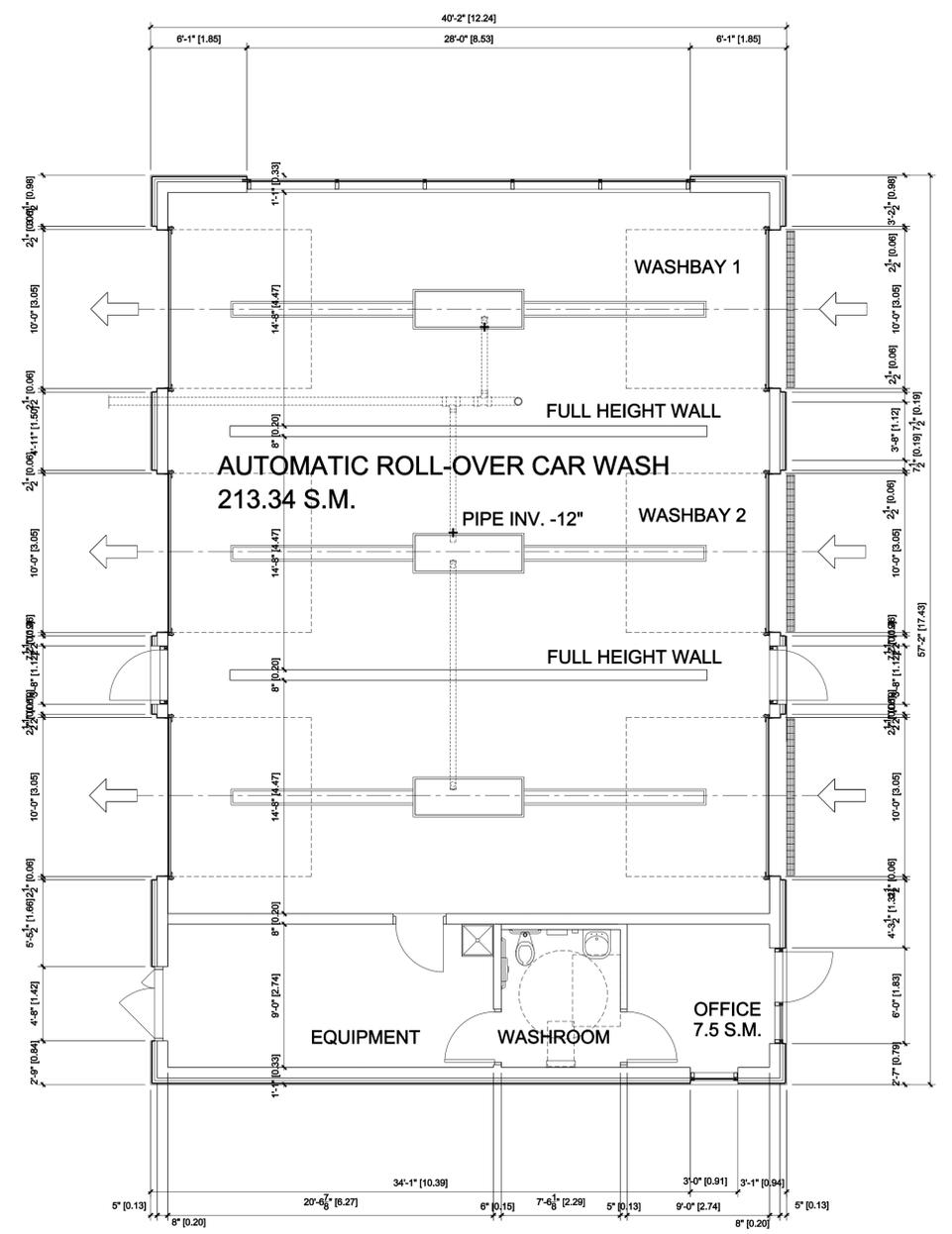
- CLEAR ANODIZED GLAZED OVERHEAD DOORS
- STONE FACING. COLOR MEDIUM GREY
- CLEAR ANODIZED STOREFRONT GLAZING SYSTEM
- PRE-FINISHED COMPOSITE METAL WALL PANELS ON ALL 4 ELEVATIONS - COLOR BLACK

GLASS PANEL AREA: 1.87 S.M. TYPICAL



SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"
 1
 A2

EAST ELEVATION
 SCALE: 3/16" = 1'-0"
 4
 A2



FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 5
 A2

10	-	-
11	-	-
12	-	-

7	-	-
8	-	-
9	-	-

4	-	-
5	-	-
6	-	-

1	02-07-2023	BUILDING ELEVATION + FLOOR PLAN UPDATE + SPA RESUBMISSION NO. 2
2	09-04-2023	MINOR VARIANCE APPLICATION
3	-	-

REVISIONS

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TEL: 416-705-9526
 bicorpdesign@gmail.com

**YONGE - ELGIN
 VIP CAR WASH**

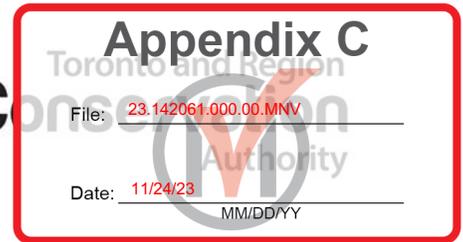
PROJECT:
YONGE - ELGIN VIP CAR WASH DEVELOPMENT
 7545 YONGE STREET
 THORNHILL, ONTARIO

TITLE:
CAR WASH FLOOR PLAN - ELEVATIONS

DRAWN BY: R.A. CHECKED BY: D.B. APPROVED BY: D.B.
 SCALE: 1/8" = 1'-0" DATE: MARCH 2021 PRINTED: 08-08-2021

DRAWING NO:
A2

PROJECT NO:
2021-03



November 13, 2023

CFN 68438.14
Ex Ref: 66425.13

Via E-Plan

Dear Hailey Miller

**Re: Minor Variance Application – (Application A/170/23)
7545 Yonge Street
Part Lot 29, Concession 1, Markham
(Yonge Street and Elgin Street)
Applicant: Bicorp Design Group Ltd. (Duro Bicanic)
Owner: 7545 Yonge Street Ltd. (Maryam Nikzadfar)**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on October 30, 2023. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the following requirements of By-law 2237, as amended, to demolish an existing one-storey car rental building and facilitate the construction of a one-storey three bay stationary car wash:

- a) **By-law 2237, Section 7.3.2:** a 2.0 metre side yard setback abutting a street, whereas the by-law requires 2.57 metre side yard setback abutting a street;
- b) **By-law 223, Section 7.3.4:** Yonge Street center line setback of 20.07 metres, whereas the by-law requires Yonge Street center line setback of 36.58 metres;
- c) **By-law 2237, Section 8.6.2:** a minimum lot depth of approximately 38.95 metres, whereas the by-law requires a minimum lot depth of 60.96 metres;
- d) **By-law 2237, Section 8.6.1:** a minimum lot frontage of 30.91 metres, whereas the by-law requires lot frontage of 60.96m;
- e) **By-law 2237, Section 8.6.3 to 8.6.9:** that the special requirements within the HC2 zone, Section 8.6.3 to 8.6.9 do not apply to the lands being 7545 Yonge Street and Minor Variance Approval not required;

Background

TRCA staff are currently involved in the review of the Site Plan Control (municipal file no. SPC 22 245693) for the proposed development. Although TRCA has no objection to the currently requested variances, staff are currently working with the City and the applicant to address a few outstanding technical aspects related to Stormwater Management and floodproofing review.

TRCA staff is satisfied that the outstanding items related to the site plan control will not result in any changes to the noted variances.

TRCA Permit Requirements

The subject lands contain a Regional Storm flood plain associated with a tributary of the Don River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Based on the review of materials circulated with this application, the proposed development is located within the regulated portions of the property. Thus, **a permit is required** from TRCA to facilitate the development associated with this application.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$1250 (Minor Variance - Industrial/Commercial/Subdivision/Institutional – Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval of Application A/170/23 subject to the **conditions** identified in Appendix A.

TRCA’s conditional approval does not include any clearance and/or approvals for the site plan control or a future permit application.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal

Planner I

Development Planning and Permits | Development and Engineering Services

Telephone: (437) 880-2163

Email: rameez.sadafal@trca.ca

/rs

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$1250 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .