

Memorandum to the City of Markham Committee of Adjustment

October 18, 2019

File: A/100/19
Address: 7725 Markham Road, Markham
Applicant: GCREF Holding GP Inc.
Agent: MacNaughton Hermsen Britton Clarkson Planning Limited
Hearing Date: Wednesday October 23, 2019

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

The applicant is requesting a variance to permit an additional use in the Select Industrial and Limited Commercial/Special Commercial (M.C. (60%)/SC1) zone of By-law 108-81, as amended, as described below:

a) Amending By-law 190-91, Section 1.3:

To Permit an Automobile Service Establishment, whereas the By-law permits automobile service establishments only within an Automotive Service Mall.

BACKGROUND

Property Description

The 0.58 ha (1.43 ac) subject property is located on the east side of Markham Road and is south of 14th Avenue. The subject property is developed with a one-storey 2,399 m² (25,822.62 ft²) commercial building, which is occupied as a Staples retail store. The applicant is proposing a one-storey 272 m² (2,927.78) 'Automobile Service Establishment' on the southeast portion of the site. The proposed building is for a Mr. Lube facility, which includes four car bay lanes to service motor vehicles with oil changes and minor repairs (See Site Plan, Appendix 'A'). The subject site is accessed from Markham Road via a shared driveway access with abutting commercial properties to the south.

Surrounding land uses include existing shopping centres to the west (across Markham Road) and to the south. A Canadian National railway corridor abuts the subject property to the northeast.

Proposal

The applicant is requesting a variance to permit an 'Automobile Service Establishment' as an additional use on the site, whereas the by-law permits this use only within an 'Automotive Service Mall' (i.e. a building containing two or more 'Automobile Service Establishments'). This minor variance application is related to a concurrent Site Plan Application (File No. 19 126425) which is under review by City Staff and external agencies. The applicant has submitted this minor variance application in response to zoning comments provided through the site plan review that the singular 'Automotive Service Establishment' is not permitted.

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 as "Mixed Use Mid Rise" and identifies the site is also within the 'Local Corridor – Markham Road Armadale Corridor' in which the land use objective is to provide for a mixed-use local corridor that functions as a main street integrating a range of housing, employment, shopping and recreation opportunities, at transit supportive densities to serve the adjacent Armadale communities.

The 'Mixed Use Mid Rise' designation contemplates a range of commercial uses and residential uses, in which the contemplated building types include apartment buildings, multi-storey non-residential or mixed use buildings, stacked townhouses and townhouses.

Contemplated land uses in the 'Mixed Use Mid Rise' designation includes 'motor vehicle service stations' subject to the land use criteria in Section 8.13.5, which states that such uses 'be used primarily for the retail sale of automotive fuels'. While this is more akin to a gasoline service station, staff note that Section 8.13.5 c) i. also provides for accessory uses, including the 'servicing and minor repairing essential to the operation of motor vehicles' 'within wholly enclosed buildings on a site'.

While the 'Mixed Use Mid Rise' designation does not specifically permit the Automobile Service Establishment proposed through this variance application, the 2014 Official Plan does contemplate it as an accessory component to a permitted Motor Vehicle Station as described above. Additionally, since the proposed development is a minor addition to an existing commercial property rather than the redevelopment of the site to implement the vision of the 'Markham Road Armadale Corridor' policies, staff are of the opinion that the proposed use does not offend the intent and vision of the Official Plan.

Zoning By-Law 108-81

The subject property is zoned 'Select Industrial and Limited Commercial/Special Commercial' (M.C. (60%)/ SC1) under By-law 108-81, as amended, which permits an Automotive Service Mall, amongst other commercial and light industrial uses.

The Zoning By-law defines an Automotive Service Mall as "a building or complex of buildings on a lot intended for occupancy by not less than two automotive service establishments".

The Zoning By-law defines an automotive service establishment as "a public garage used for the retail sale or installation of automotive parts and accessories and general automotive repairs but does not include any premises performing spray painting or repairing of motor vehicle bodies or fenders and does not include gasoline bars, gasoline service stations, mechanical car washes, self-service car washes, car sales, car rental, truck sales, truck rental or recreation vehicles sales establishment", and is a permitted use within an automotive service mall.

The applicant has therefore submitted a variance to permit one automobile service establishment on the subject property.

Through the concurrent site plan review, it has been confirmed that sufficient onsite parking will be available to accommodate the proposed development and existing retail building.

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 their site plan application review process 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.

Automotive Service Establishment

The applicable zoning by-law permits a diverse range of commercial and light industrial uses including an Automotive Service Mall, which by the zoning by-law definition does not permit a singular Automotive Service Establishment, as proposed. Staff consider this variance to be minor in nature and are of the opinion that the proposed use does not offend the intent and vision of the 2014 Official Plan. Staff are also of the opinion that the approval of the variance will not result in any impact to surrounding properties and have no objections to its approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 8th, 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. 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:



Aqsa Malik, Planner I, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District
File Path: Amanda\Filer 19 135677 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/19

1. The variances apply only to the proposed development as long as it remains.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner 1, East District

APPENDIX A

PLAN OF SURVEY WITH TOPOGRAPHY OF
PART OF BLOCK 1
REGISTERED PLAN 65M-2843
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 400



SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
 ONTARIO LAND SURVEYORS
 2019

C THE REPRODUCTION, ALTERATION OR USE OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF SPEIGHT, VAN NOSTRAND & GIBSON LIMITED IS STRICTLY PROHIBITED.

ELEVATION NOTE

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM THE CITY OF MARKHAM BENCHMARK No. 00819668331, also known as 331-66.

LOCATION :

STEEL BEAM BRIDGE CARRYING CNR OVER HIGHWAY 48, 2.1KM SOUTH OF HIGHWAY 7 AND 2.1KM NORTH OF METRO TORONTO NORTH LIMITS. TABLET SET HORIZONTALLY IN THE WEST FACE OF EAST ABUTMENT, 61CM NORTH OF SW CORNER, 10.4M EAST OF PAVEMENT AND 70CM ABOVE GRADE.

ELEVATION:

PUBLISHED ELEVATION = 176.942 metres.

BEARING NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF MARKHAM ROAD AS SHOWN ON PLAN 65R-24490, HAVING A BEARING OF N10°12'05"W.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

SYMBOL	DENOTES	SURVEY MONUMENT FOUND
■	WIT	WITNESS MONUMENT
□	SIB	STANDARD IRON BAR
□	SSIB	SHORT STANDARD IRON BAR
□	IB	IRON BAR
□	CP	CONCRETE PIN
□	N.S.E.W	NORTH, SOUTH, EAST, WEST
□	OU	ORIGIN UNKNOWN
□	922	SCHAEFFER & DZALDOV LIMITED, O.L.S.
□	P1	PLAN 65R-24490
□	P2	PLAN 65R-25403
□	MH	MANHOLE
□	HYT	HYDRO TRANSFORMER
□	ATS	AUTOMATIC TRAFFIC SIGNAL
□	CB	CATCH BASIN
□	FH	FIRE HYDRANT
□	WV	WATER VALVE
□	MET	METER
□	FF	FLOOR FINISH
□	SIA	SIAMESE CONNECTOR
□	WHP	WOODEN HYDRO POLE
□	GUY	GUY WIRE
□	MLS	METAL LIGHT STANDARD
□	WELL	WELL
□	B	BOLLARD
□	CP	CONCRETE POLE
□	O/H	OVERHEAD
□	○	DECIDUOUS TREE
□	○	CONIFEROUS TREE
□	■	CONCRETE

SURVEYOR'S CERTIFICATE

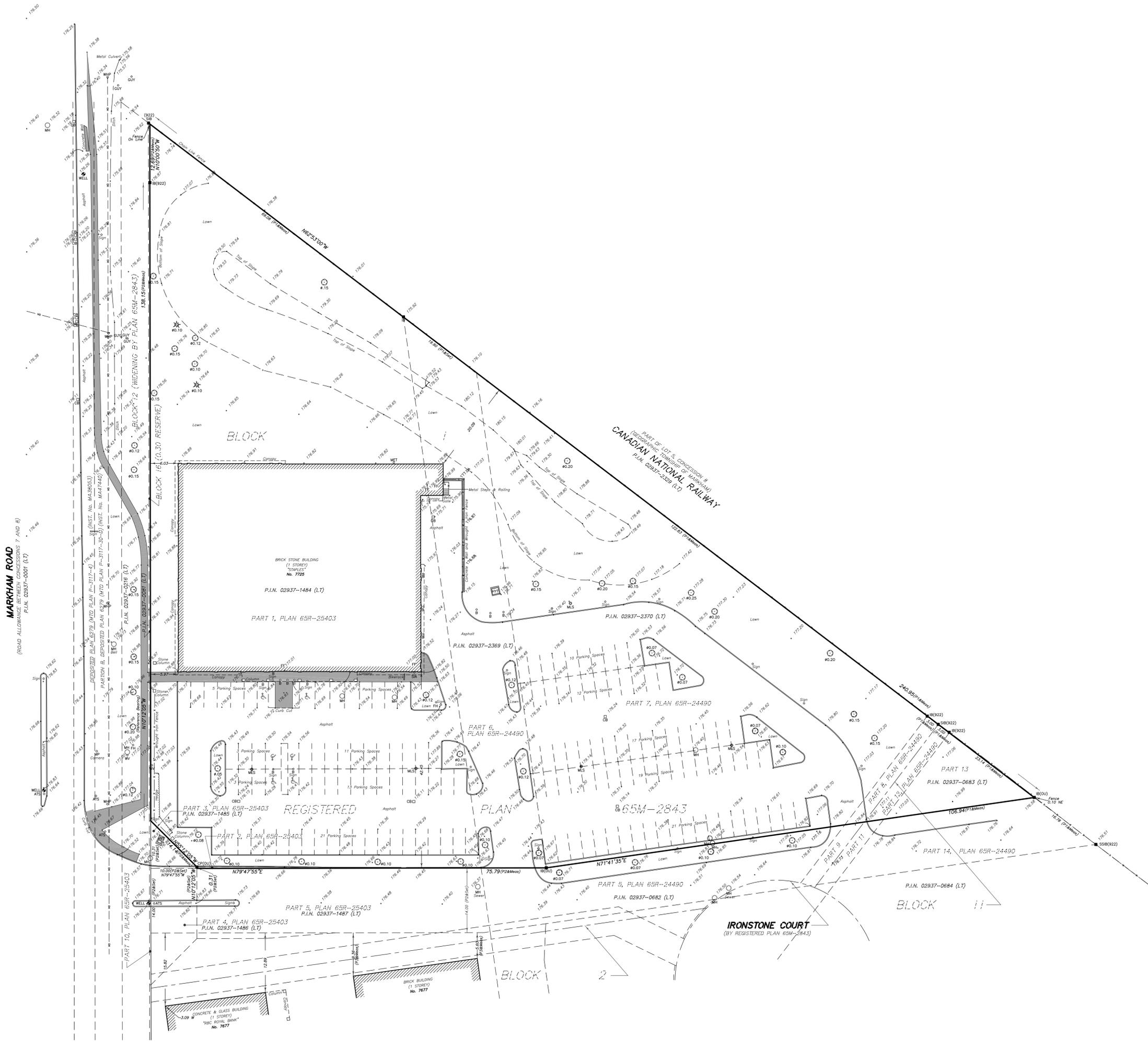
I CERTIFY THAT :
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON MARCH 13, 2019.

DATE : MARCH 26, 2019

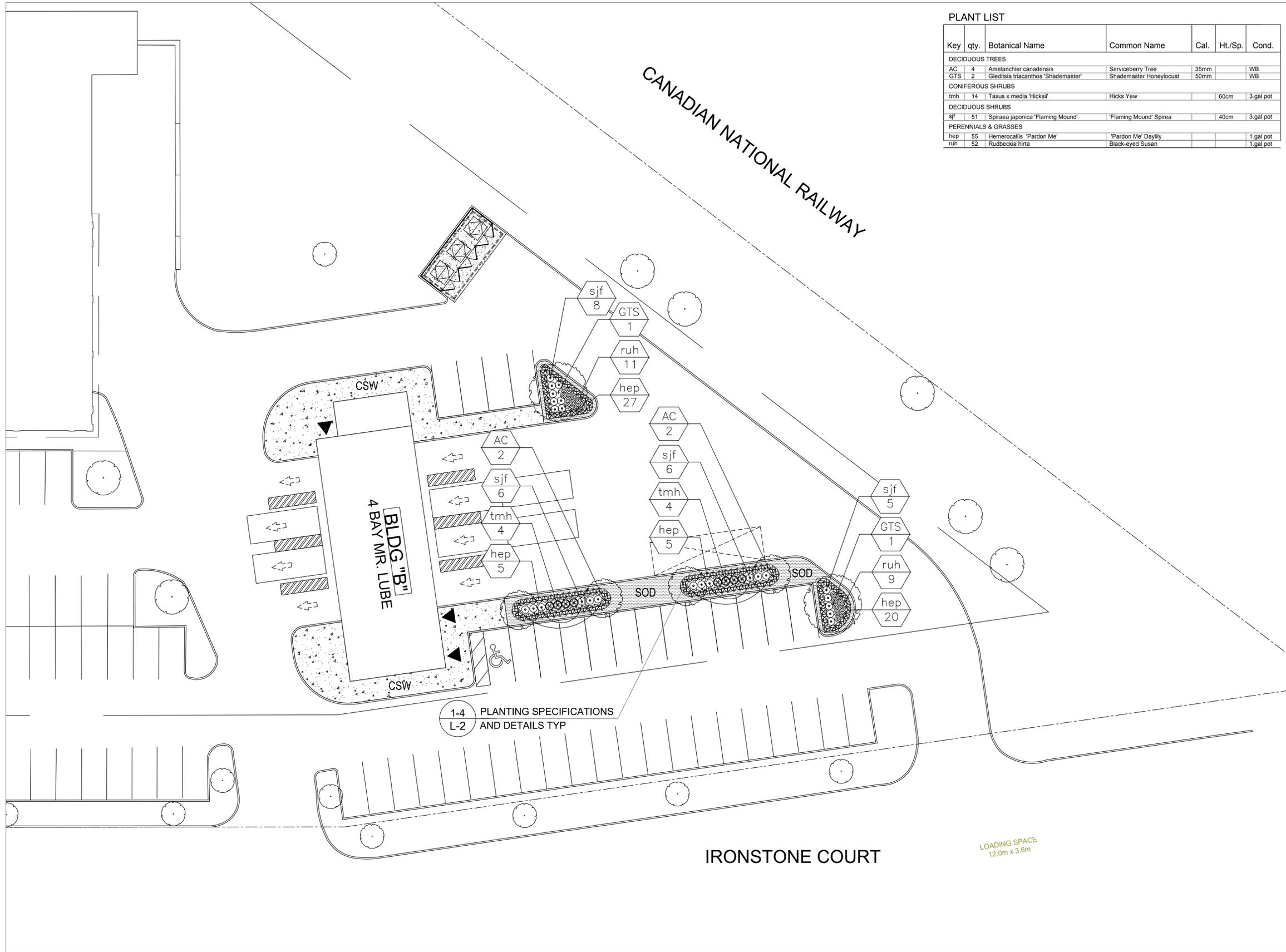
LES RUDNICKI
 ONTARIO LAND SURVEYOR

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
 ONTARIO LAND SURVEYORS
 750 OAKDALE ROAD, Units 65 & 66
 TORONTO, ONTARIO M3N 2Z4
 TEL. 416 749-5VNG(7864) FAX 416 749-7866
 E-MAIL: toronto@svng.on.ca

DRAWN :	M.M./M.D.	FILE NAME :	A1900060.DWG
CHECKED :	L.R.	PLOT SCALE :	MET. 1:35
JOB No. :	190-0060	PLOTTED :	
REF. No. :	1-65M-2843	UPDATED :	



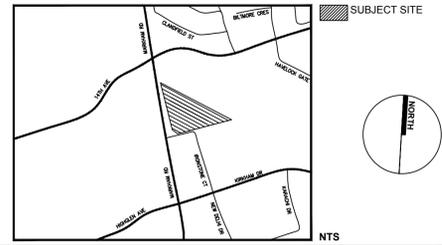
165M-2843



PLANT LIST

Key	qty.	Botanical Name	Common Name	Cal.	Ht./Sp.	Cond.
DECIDUOUS TREES						
AC	4	Amelanchier canadensis	Serviceberry Tree	35mm		WB
GTS	2	Gleditsia triacanthos 'Shademaster'	Shademaster Honeylocust	50mm		WB
CONIFEROUS SHRUBS						
tmh	14	Taxus x media 'Hicksii'	Hicks Yew	60cm		3.gal pot
DECIDUOUS SHRUBS						
sjf	51	Spiraea japonica 'Flaming Mound'	'Flaming Mound' Spirea	40cm		3.gal pot
PERENNIALS & GRASSES						
hep	55	Hemerocallis 'Pardon Me'	'Pardon Me' Daylily			1.gal pot
ruh	52	Rudbeckia hirta	Black-eyed Susan			1.gal pot

KEY PLAN



LEGEND

- PROPOSED DECIDUOUS TREE
- EXISTING DECIDUOUS TREE TO REMAIN
- PROPOSED CONTINUOUS SHRUB /PERENNIAL BED
- SODDED AREA
- CONCRETE PAVING REFER TO DETAIL 4 SHEET L-2
- PLANT KEY
- DETAIL KEY
- PROPERTY LINE

GENERAL NOTES

1. Do not scale the drawings. All dimensions are in millimetres unless noted otherwise.
2. This drawing is to be read in conjunction with the overall master plan and engineering drawings prepared by -----, and site plans prepared by -----.
3. The contractor shall check and verify all existing and proposed grading and conditions on the project and immediately report any discrepancies to the consultant before proceeding with any work.
4. The contractor is to be aware of all existing and proposed services and utilities. The contractor is responsible for having all underground services and utility lines staked by each agency having jurisdiction prior to commencing work.
5. This drawing is to be used for development approval only. For layout of all work refer to construction drawings.
6. Plant quantities indicated on the plan supercede the quantities from the plant list (report any discrepancies to the landscape architect).
7. Do not leave any holes open overnight.
8. Keep area outside construction zone clean and useable by others at all times. Contractor shall thoroughly clean areas surrounding the construction zone at the end of each work day.
9. Contractor to make good any and all damages outside of the development area that may occur as a result of construction at no extra cost.
10. This drawing is Copyright MHBC Planning, 2019.

REVISION NO.	DATE	ISSUED / REVISION	BY
1.	MAY12, 2019	ISSUED FOR SPA	P.D.

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
230-7030 WESTON ROAD WOODBRIDGE, ON L4L 8G7 | P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM

ISSUED FOR SPA ONLY
NOT FOR CONSTRUCTION

All drawings and specifications are instruments of service and will remain the property of MHBC Planning and must be returned at the completion of the work. This drawing shall not be used for construction purposes unless the drawings are marked 'Issued for Construction' and the professional seal is signed and dated by the landscape architect.

PROJECT
 7725 MARKHAM ROAD
 MARKHAM, ONTARIO

FILE NAME
 LANDSCAPE PLAN

DATE MAY, 2019
DRAWN BY P.D.
PLAN SCALE 1:400
FILE NO. 18226B
CHECKED BY N.M.
OTHER

DWG NO. L-1

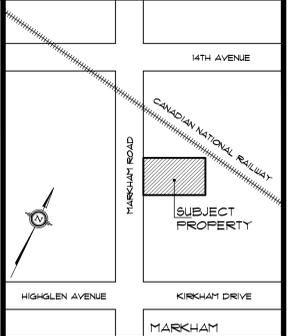
SYMBOL LEGEND	
	MAN DOOR LOCATIONS
	LOADING DOCK LOCATIONS
	DRIVE-IN LOCATIONS
	ENTRANCE & EXIT VESTIBULES
	DIRECTION OF TRAFFIC FLOW
	LANDSCAPE ISLANDS 150 CONC. CURB CONT. AS SHOWN ON LANDSCAPE - SEE LANDSCAPE Dwg.
	PAINTED ISLANDS PAINTED TRAFFIC ISLAND COLOUR AS PER PAINT SPEC.
	CURB-CUTS FOR ACCESSIBLE ACCESS
	LIGHT DUTY ASPHALT PAVING, CAR PARKING AND DRIVEWAYS SEE SITE SERVICE & GRADING DWGS FOR DETAILS
	HEAVY DUTY ASPHALT PAVING, TRUCKING ROUTE SEE SITE SERVICE & GRADING DWGS FOR DETAILS
	SNOW STORAGE
	EASEMENT
	PROPERTY LINE
	DESIGNATED FIRE-ROUTE
	ACCESSIBLE PARKING SIGN
	ACCESSIBLE PARKING STALL
	FIRE HYDRANT AND VALVE (REFER TO TYPICAL SITE PLAN DETAILS)
	FIRE DEPT. CONNECTION
	ALTERNATIVE FUELING STATION
	GARBAGE ROOM
	ELECTRICAL ROOM
	MECHANICAL ROOM
	CART CORRAL
	BICYCLE RACK LAYOUT CONFORMS TO GUIDELINES FOR DESIGN & MANAGEMENT OF BICYCLE PARKING FACILITIES
	ROOF DRAIN
	FIRE ANNUNCIATOR PANEL
	FIRE ALARM
	CANADA POST FACILITY
	LIGHTING REFERENCE (REFER TO ELECTRICAL DRAWINGS)
	FIRE-ROUTE SIGN
	IMPRESSED ASPHALT

PLAN OF SURVEY WITH TOPOGRAPHY OF
PART OF BLOCK 1
REGISTERED PLAN 65M-2843
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS

DATE: MARCH 13, 2019.

SITE ANALYSIS (SPA)		
LOT AREA:	16,039.70 S.M.	(3.96 ACRES)
BUILDING AREA:		
BLDG A: (EXISTING RETAIL):	2,399.05 S.M.	(25,824.00 S.F.)
BLDG B: (MR. LUBE):	272.48 S.M.	(2,933.05 S.F.)
TOTAL GFA:	2,671.53	(28,757.05 S.F.)
COVERAGE:	16.66%	
PARKING REQUIRED:		
RETAIL (EXISTING):		
2,399.05 S.M. @ 1 CAR / 30 S.M.	80 SPACES	
RETAIL (MR. LUBE):		
272.48 S.M. @ 1 CAR / 25 S.M.	11 SPACES	
TOTAL PARKING REQUIRED:	91 SPACES	
PARKING PROVIDED:	109 SPACES	
PAVED AREA:	-	
LANDSCAPE AREA:	-	



KEY MAP
N.T.S.

NO.	DATE	REVISIONS	BY

DRAWING ISSUE

DATE	PARTICULARS	BY
06.21.19	Issued for Design Approval	
	Issued for Site Plan Approval	RDG
	Issued for Pricing and Budgeting	
	Issued for Building Permit	
	Issued for Tendering	
	Issued for Construction	
	Issued for Record Set of Dwgs.	

This drawing, as an instrument of service, is provided by and is the property of Venchiarutti Gagliardi Architect Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Venchiarutti Gagliardi Architect Inc. of any variations from the supplied information.

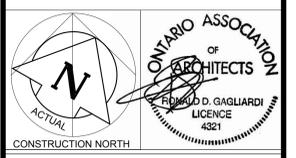
Venchiarutti Gagliardi Architect Inc. is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. engineering information shown on this drawing. Refer to the appropriate engineering drawings before proceeding with the work.

Construction must conform to all applicable codes and requirements of authorities having jurisdiction. This drawing is not to be scaled.

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All architectural symbols indicated are graphic representations only.

This drawing is not to be used for construction purposes until the architectural seal is signed by the Architect of Record.



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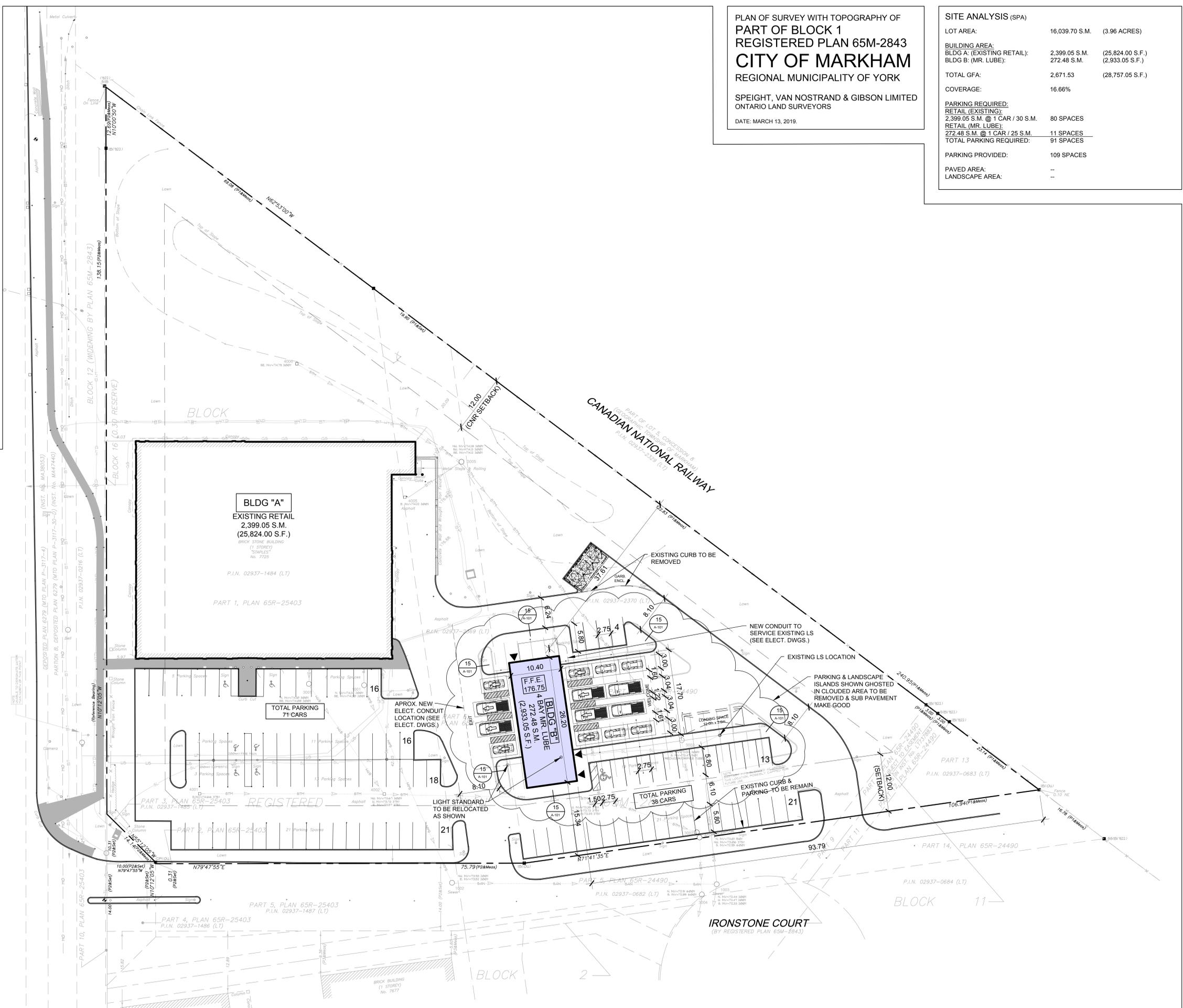
PROJECT

PROPOSED COMMERCIAL DEVELOPMENT

7725 MARKHAM ROAD
MARKHAM, ONTARIO

DRAWING NAME
SITE PLAN
CITY FILE #

SCALE	DATE OF DWG	PROJECT NO.
1:300	JUNE 21, 2019	19026
DRAWN BY	SHEET NO.	
DWL	A-100	
CHKD BY		SPA
RDG		



1 SITE PLAN
A-100 SCALE: 1:300

LAST PLOTTING DATE: JUNE 21, 2019

