

Memorandum to the City of Markham Committee of Adjustment

January 12, 2022

File: A/189/16
Address: 150 Telson Road, Markham
Applicant: 3YM Canada International Inc. c/o Jia Jia International Moving Inc.
Agent: Frontop Engineering (Amber Tong)
Hearing Date: Wednesday January 19, 2022

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

The Applicant is requesting relief from the following requirements of the "Select Industrial (M) Zone" in By-law 108-81, as amended, to permit:

a) Section 4.3.7:

an open storage yard for vehicles, whereas the By-law does not permit an open storage yard for vehicles;

as it relates to an existing moving company with multiple trucks on-site.

BACKGROUND

Property Description

The 9,524 m² (102,515.50 ft²) subject property is located on the north side of Telson Road, which is situated north of Steeles Avenue East and east of Victoria Park Avenue (see Appendix "A" – 2020 Aerial Photo). The property is located within an established industrial neighbourhood comprised of one-storey industrial and office buildings. Several mature trees exist in the front yard along Telson Road.

There is an existing industrial warehouse building on the property, which according to assessment records was constructed in 1996. The existing building is occupied by a tire distributor and warehousing business, a moving and warehousing business, and a U-Haul truck rental business.

Proposal

The applicant is seeking to permit an open storage yard for vehicles, whereas the By-law does not permit open storage yards for vehicles. Currently, the moving business provides warehouse storage and has 12 trucks available for hire. The proposed open storage yard relates to the storage of the rental trucks, which will be located in the north-west corner of the subject property and includes five parking spaces for the business's 30 foot (9.14 m) trucks and seven parking spaces for their 20 foot (6.10 m) trucks (see Appendix "B" – 2021 Site Plan).

History

This application was initially deferred at the January 18, 2017 Committee of Adjustment meeting to give the Applicant the opportunity to provide a more detailed site plan,

parking plan, and vehicle maneuvering diagrams, as detailed in the minutes extract (Appendix “C” – January 18, 2017 Committee of Adjustment Minutes Extract). The Applicant subsequently submitted revised plans on November 8, 2021 showing a revised parking layout with associated truck manoeuvring diagrams. Further details are provided in the comment section below.

Staff note that both the 2017 Site Plan and 2017 Aerial Photo show a landscaped area in the north-east corner of the subject property (see Appendix “D” – 2017 Site Plan, and Appendix “E” – 2017 Aerial Photo). The Applicant has since repaved the landscaped area to provide additional parking and to facilitate truck access and movements. Staff will review the parking lot expansion and reduction to landscaping as part of a future Site Plan Control Application.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The 2014 Official Plan designates the subject property “General Employment”, which provides for manufacturing, processing, and warehousing uses with accessory outdoor storage provided the outdoor storage is located to the rear or side of a building and that mitigation measures are in place, to address all impacts, including visibility.

Zoning By-Law 108-81

The subject property is zoned “Select Industrial (M)” under By-law 108-81, as amended, which permits a range of industrial uses including warehousing of goods and materials. By-law 108-81, as amended, does not permit open storage uses.

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 Site Plan Control Application or 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.

Open Storage Yard for Vehicles

The applicant is requesting a variance to permit an open storage yard for vehicles, whereas the By-law does not permit open storage yards for vehicles.

Staff note that the intent of the Official Plan and Zoning By-law is to ensure that open storage is not visible from the street due to the typically unattractive appearance of this type of use, and therefore, negative visual impacts they present within the public realm. As such, to help further mitigate any impact the proposal may have from a visibility standpoint, Staff recommend that should Committee approve the variance, the storage yard for vehicles maintain a minimum setback of 36 metres from the front lot line and that the number of trucks permitted be limited to 12.

Given that the proposed open storage yard supports the business uses provided for in the Official Plan and Zoning By-law, Staff have no objection to the requested variance subject to the conditions listed in Appendix "F" of this report.

Transportation Comments

Transportation Staff have reviewed the application and have no comments.

PUBLIC INPUT SUMMARY

Staff notes that the City received one letter expressing concerns over parking and truck access for the initial submission. One resident also spoke in opposition to the application at the meeting.

No additional written submission were received as of January 12, 2022 the City received one letter expressing concerns over parking and truck access. 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 see Appendix "F" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

Appendices

Appendix "A" – 2020 Aerial Photo

Appendix "B" – 2021 Site Plan

Appendix "C" – January 18, 2017 Committee of Adjustment Minutes Extract

Appendix "D" – 2017 Site Plan

Appendix "E" – 2017 Aerial Photo

Appendix "F" – Conditions



Legend

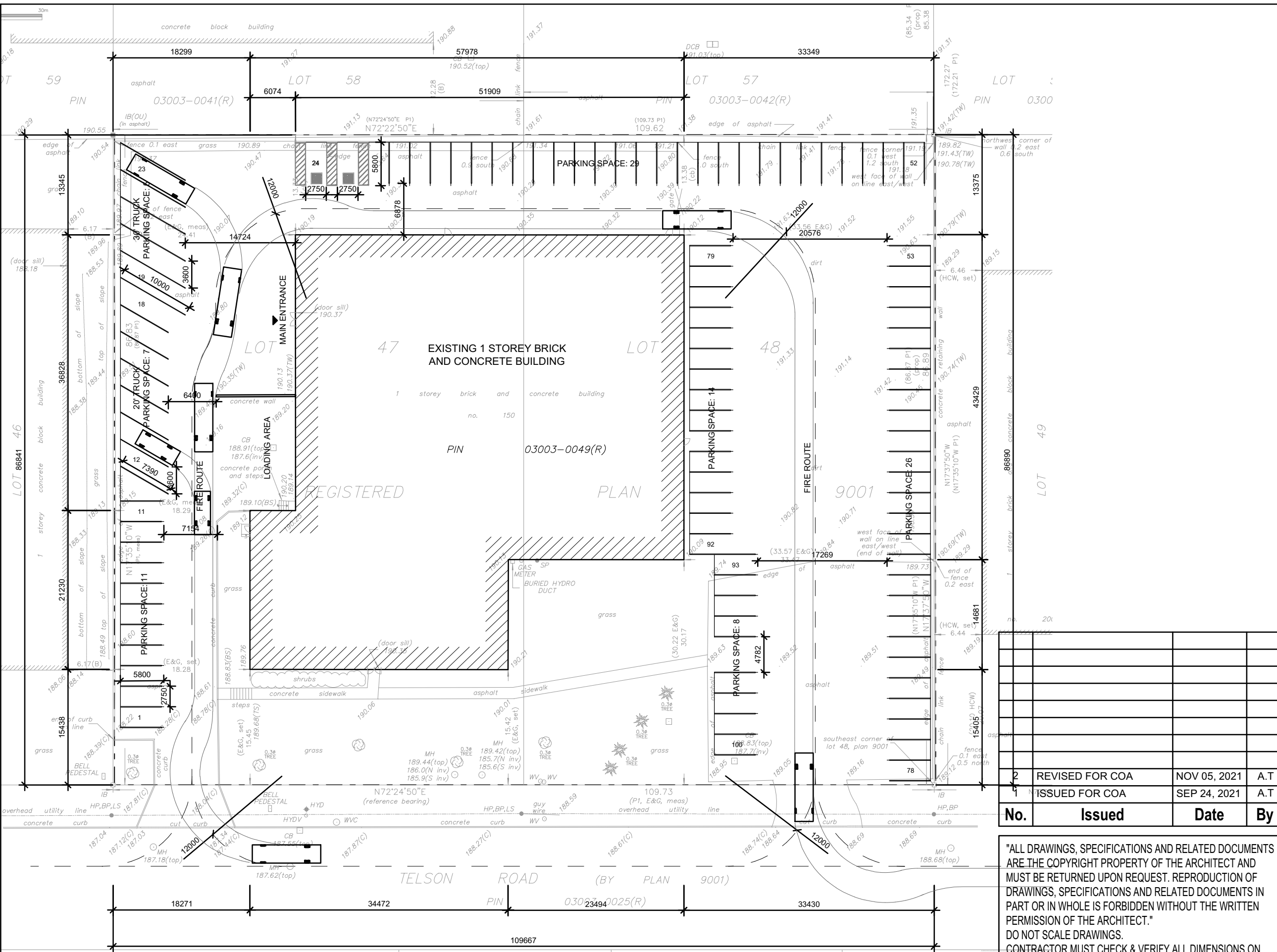
- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

Notes

57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.



STAMP AREA FOR CITY


Appendix B

File: 16.149407.000.00.MV

Date: 01/12/22
MM/DD/YY

TRUE NORTH

LICENSED PROFESSIONAL ENGINEER



J. FENG

NOV 05, 2021

PROVINCE OF ONTARIO



FRONTOP ENGINEERING LIMITED
101 Amber Street, Unit 1&2, Markham ON L3R 3B2
Website: www.frontop.ca Email: info@frontop.ca
Telephone: (905) 947 0900 Fax: (905) 305 9370

150 Telson Road, Markham

	2 REVISED FOR COA	NOV 05, 2021	A.T
	1 ISSUED FOR COA	SEP 24, 2021	A.T

Project number DES21-02-03A

Drawn A.T. Scale 1:100

Checked F.F. Date NOV 05, 2021

SITE PLAN

Drawing No. A-0001

No. Issued Date By

"ALL DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT."
DO NOT SCALE DRAWINGS.
CONTRACTOR MUST CHECK & VERIFY ALL DIMENSIONS ON SITE.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE ARCHITECT.

Committee of Adjustment Minutes
Wednesday, January 18, 2017

- c) Table 11.1: a maximum lot coverage of 38.1 percent whereas the By-law permits a maximum lot coverage of 35 percent;
- d) Table 11: a minimum front yard setback of 10.46ft whereas the By-law requires a minimum front yard setback of 25ft;
- e) Table 11.1 a minimum lot area of 6146.19 sq. feet whereas the By-law requires a minimum lot area of 6600 sq. feet; f)Table 11.1: a minimum lot frontage of 51.83 feet whereas the By-law requires a minimum lot frontage of 60 feet; as they relate to a proposed rear addition to the existing dwelling.

These variance requests be **deferred sine die**.

Resolution Carried

8. A/189/16

Owner Name: 3YM Canada International Inc. (Xi Jie YU)
Agent Name: 3YM Canada International Inc. (Jia Miao Day)
Address: 150 Telson Rd, Markham
PLAN 9001 LOTS 47 & 48

The owner (s) are requesting relief from the requirements of By-law 108-81, as amended to permit:

a) Section 4.3.7:

an open storage yard for vehicles whereas the By-law does not permit an open storage yards for vehicle; as it relates to an existing moving company with multiple trucks on-site.
(Central District, Ward 8)

The Secretary-Treasurer introduced the application.

Owner, presented the application.

John McDermott, represented property owners of 81-131 Telson Road. Concerned with the incomplete site plan submitted, would like to see a scaled site plan, showing dimensions of the parking spaces. Would like to know the 'maneuverability' of the trucks on the site, will they fit? Felt the four tests of the Planning Act were not met. Would like the application denied.

There were no further comments from members of the public.

Chair, Philip Gunn, agreed a better site plan should be submitted. Requested a traffic plan be submitted to show the turning of trucks on the property and movement within the property.

Committee member Gary Muller, concurred with the Chair. Observes visual implication with the request. Would like to understand how the trucks move within the property.

Owner, advised that the loading docks are present on the site and they were not adding anything to the property.

Chair, Philip Gunn, advised that the open storage is the concern and preferred to view material to analyze this.

Moved by: Gary Muller

Seconded by: Arun Prasad

THAT Application No. A/189/16, submitted by 3YM Canada International Inc. (Xi Jie YU) owner(s) of 150 Telson Road Markham, PLAN 9001 LOTS 47 & 48, requesting relief from the requirements of By-law No. 108-81, as amended, to permit the following:

Section 4.3.7: an open storage yard for vehicles whereas the By-law does not permit an open storage yards for vehicle;
as it relates to an existing moving company with multiple trucks on-site.

These variance requests be **deferred sine die**.

Resolution Carried

9. A/190/16

Owner Name: B. McGregor Developments Ltd. (Leslie Cosburn)
Agent Name: B. McGregor Developments Ltd. (Leslie Cosburn)
Address: 57 & 59 Bridlefield Lane, Markham
PLAN 65M3168 BLK 91

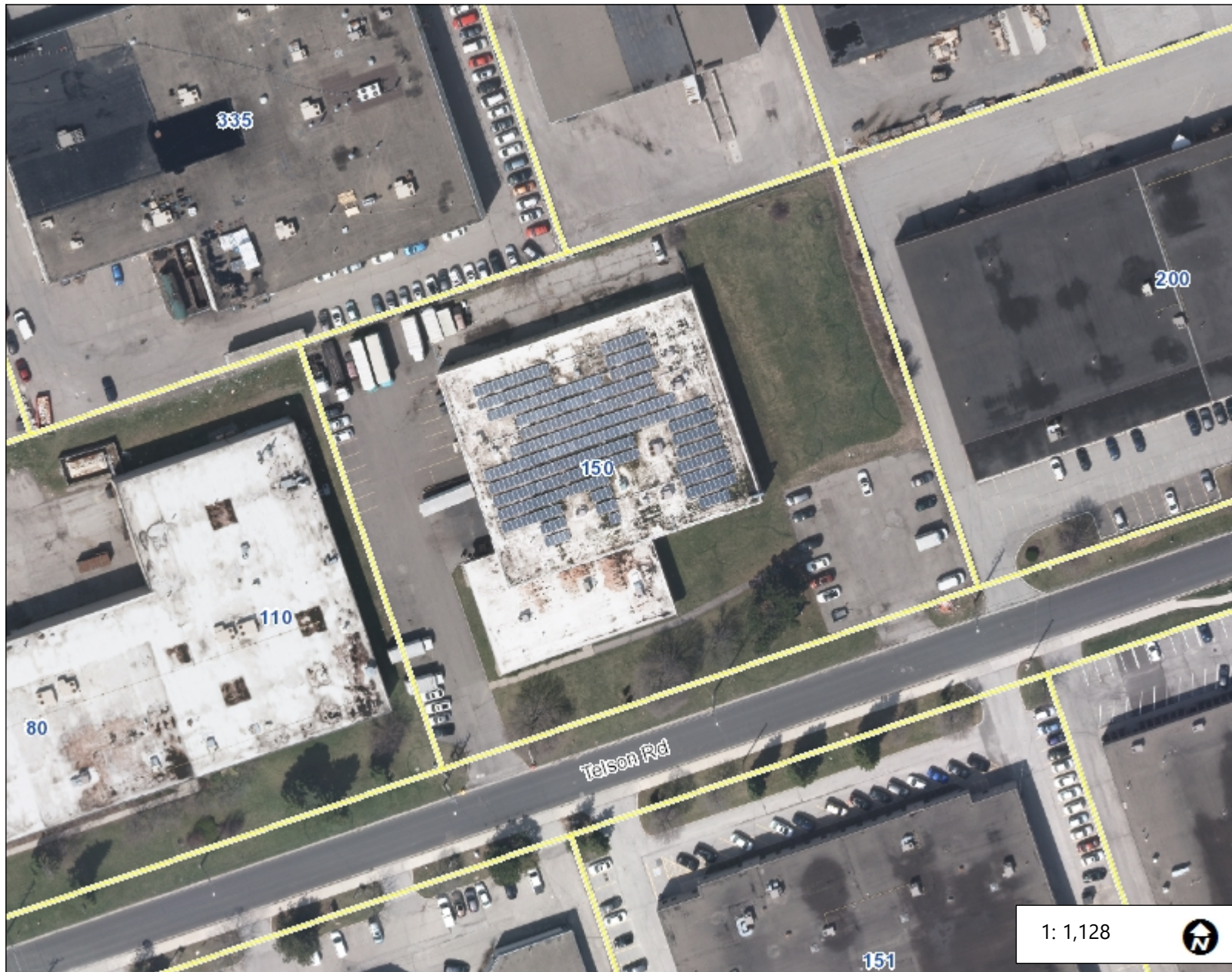
The owner (s) are requesting relief from the requirements of By-law 177-96, as amended to permit:

- a) **Section 7.439.2 b) - Lot 1:**
a minimum rear yard setback of 7.33m whereas the By-law requires a minimum rear yard setback of 7.5m;
- b) **Section 7.439.2 b) - Lot 2:**
a minimum rear yard setback of 7.26m whereas the By-law requires a minimum rear yard setback of 7.5m;
- c) **Section 7.439.2 b) - Lot 4:**
a minimum rear yard setback of 5.65m whereas the By-law requires a minimum rear yard setback of 7.5m;
- d) **Section 7.439.2 b) - Lot 5:**
a minimum rear yard setback of 6.01m whereas the By-law requires a minimum rear yard setback of 7.5m;
- e) **Section 7.439.2 b) - Lot 6:**
a minimum rear yard setback of 7.03m whereas the By-law requires a minimum rear yard setback of 7.5m;
- f) **Section 7.439.2 b) - Lot 7:**
a minimum rear yard setback of 6.09m whereas the By-law requires a minimum rear yard setback of 7.5m; as they relate to six proposed single detached dwellings.

Related to a Draft Plan of Subdivision. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

Representative, Alex presented the application.



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
- <all other values>
- Under Development

1: 1,128

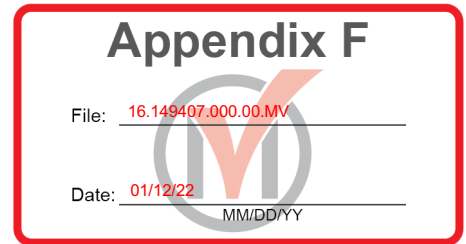


57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes



APPENDIX "F"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/189/16

1. The variance applies only to the proposed development as long as it remains;
2. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
3. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, or further revised by any site plan 'endorsed' or 'approved' drawings, 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;
4. That the open storage yard for vehicles only be permitted in the rear and west side yards and no closer than 36 metres to any street line; and
5. That the open storage yard for vehicles associated with the moving business on the subject property be limited to a maximum of 12 vehicles.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Melissa Leung".

Melissa Leung, Planner, Central District