

# Memorandum to the City of Markham Committee of Adjustment

June 10, 2020

**File:** A/147/19  
**Address:** 9833 Markham Rd – Markham, ON  
**Applicant:** Krashnik Investments Ltd.  
**Agent:** David Johnston Architect Ltd.  
**Hearing Date:** Tuesday June 30, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the “Select Industrial & Warehousing (M.I.) Zone” requirements of By-law 88-76, as amended, as they relate to an existing mixed-use commercial/industrial building on the subject property. The variances requested are as follows:

**a) By-law 88-76, Section 6.1:**

To permit one personal service shop, whereas the by-law does not permit personal service shops; and

**b) By-law 2005-277, Sections 1.1 & 1.2:**

To permit retail stores, whereas the by-law permits one retail store with a maximum gross floor area of 1,500 m<sup>2</sup>.

## BACKGROUND

### Property Description

The 5.21 Ha (12.88 Ac) subject property is located on the east side of Markham Road, south of Major Mackenzie Drive East, and north of Castlemore Avenue. There are two buildings located on the property: a multi-unit building which fronts Markham Road; and a separate building located at the east end (rear) of the property. The 5,566.0 m<sup>2</sup> (59,911.93 ft<sup>2</sup>) multi-unit building fronting Markham Road is the subject of this application, and will herein be referred to as the “subject building.”

The initial staff report dated January 17, 2020 (Appendix “D”) recommended deferral, as By-law Licensing and Enforcement staff inspected the site and advised that there is an autobody shop on the property which is not permitted by the Zoning By-law, and is prohibited by the in-force 1987 Official Plan. The applicant has since provided a revised site plan (Appendix “B”) which confirms a mix of uses across the subject property permitted by zoning, including industrial uses such as: the indoor production of marijuana; and, a car repair facility in Unit 6 which is limited to “basic car repair such as mufflers, radiators, and maintenance,” as confirmed by the applicant.

Surrounding land uses include:

- A multi-unit commercial shopping centre to the north;
- The Metrolinx Stouffville GO rail corridor and a low rise residential subdivision to the east;
- A large format retail store (The Brick) and place of worship (The Islamic Centre of Markham) to the south; and
- A multi-unit commercial shopping centre to the west (across Markham Road).

## **Proposal**

The applicant submitted a variance application proposing to add additional uses to permit one personal service shop and retail stores within the subject building. No exterior changes to the subject building or site are proposed. Given By-law Licensing and Enforcement's initial comments (Appendix "D"), staff recommend that the applicant recognizes that an autobody shop is a prohibited use on the site, and that the proposed variance requests are therefore limited to permitting one personal service shop and retail stores.

## **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, which provides for a range of residential, commercial and institutional uses. The contemplated built form includes apartment buildings, multi-storey mixed use buildings, townhouse buildings and back to back townhouse buildings.

The subject property is also located within the "Markham Road Corridor - Mount Joy" which requires a new secondary plan for the area. Until this new Secondary Plan is approved, the policies of the 1987 Markham Official Plan remain applicable.

### Official Plan 1987

The subject property is designated "Commercial", and "Major Commercial Area." The planned function of a "Major Commercial Area" is to provide for a large scale multi-use, multi-purpose area offering a diverse range of retail, service, community, institutional, and recreational uses servicing a major portion of the municipality and broader regional market. The proposed uses are provided for in the 1987 Official Plan.

### Zoning By-Law 88-76

The subject property is zoned "Select Industrial & Warehousing (M.I.) Zone" under By-law 88-76, as amended, which permits industrial uses, private clubs, and health centres. It should be noted that the By-law prohibits retail stores except as specifically provided for in the Highway Commercial (M.HC) Zone, which is a separate zone designation not applicable to the subject lands. Consequently, the applicant has submitted a variance application to expand the permitted uses, to allow a personal service shop and retail stores on the site.

### Site Specific Amending By-law 167-82

Notwithstanding, the prohibition of retail stores noted above, a site specific amendment for the subject lands was approved in 1982 to permit retail sales accessory to the principal industrial use on the same lot, up to 10% of the total gross floor area of the premises, so as long as retail sales are distinctly and physically separated by a wall or similar partition, from the balance of the area devoted to the principal industrial use.

### Site Specific Amending By-law 2005-277

A site specific amendment for the subject lands was approved in 2005 to permit one retail store with a maximum gross floor area of 1,500.0 m<sup>2</sup> (16,146.0 ft<sup>2</sup>). Currently, two retail stores exist within the subject building with gross floor areas of 1,472.0 m<sup>2</sup> (15,844.48 ft<sup>2</sup>) and 93.0 m<sup>2</sup> (1,001.04 ft<sup>2</sup>), respectively.

### Previous Committee of Adjustment Approvals

The Committee of Adjustment (the “Committee”) approved a variance to permit retail stores on the site in 2012, subject to the condition that such uses be permitted for a period of 3 years (File: A/141/12). The Committee also approved variances to add the following to the list of permitted uses for the site:

- Place of Worship on a temporary basis (A/145/12);
- Commercial School (A/116/16); and
- Recreational Establishment (A/143/16).

### **Applicant’s Stated Reason for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is,

*“to permit additional uses to allow better occupancy of an existing building.”*

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant submitted a ZPR in October 2019 which confirmed the required variances to permit retail stores and one personal service shop. The ZPR advised that verification of required parking in accordance with the City’s Parking Standards By-law 28-97, as amended. At the time, parking requirements could not be confirmed without a complete tenant list and Net Floor Area information for each unit of the building.

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.

### **Toronto Region Conservation Authority (TRCA) Review**

The subject property is within TRCA’s regulated area. In a letter dated January 10, 2020 (Appendix “C”), the TRCA advised that while a portion of the subject lands are within a floodplain, a flood plain study is not required for the requested variances subject to this proposal. The TRCA further advised that future development may require a flood plain analysis, however there is no objection to the current proposal. The TRCA has requested that the applicant remits the application review fee to the TRCA which is provided as a recommended condition of approval in Appendix “A”.

### **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 applicant is proposing that one personal service shop be permitted whereas this use is not permitted in the “Select Industrial & Warehousing (M.I.) Zone” of By-law 88-76, as

amended. Additionally, the applicant is proposing to permit retail stores on the subject property, which is a prohibited use in the M.I. Zone.

As noted, the 1987 Official Plan remains in force for the subject lands until a new Secondary Plan for the “Markham Road Corridor - Mount Joy” is approved. The 1987 Official Plan designates the subject lands “Major Commercial Area” which provides for both personal service and retail uses. While the Secondary Plan for the “Markham Road Corridor - Mount Joy” has not been approved, the “Mixed Use Mid Rise” designation in the 2014 Official Plan is to be used to inform the new secondary plan and long term vision for the site. The “Mixed Use Mid Rise” designation provides for both personal service and retail uses.

The existing building comprises a mix of existing commercial and industrial uses. The surrounding area is comprised of commercial land uses to the north, south and west. While retail uses are prohibited by the parent by-law, site specific by-laws have been approved by Council over time to permit limited retail uses on site. Additionally, approvals have been granted by the Committee to permit retail stores and other non-industrial uses on both a temporary and permanent basis. Staff are of the opinion that the proposed retail stores and personal service shop align with the policies and planned function of the “Major Commercial Area” designation of the 1987 Official Plan which remains applicable to the subject lands. Staff are of the opinion that the proposed uses will not adversely impact the existing or permitted land uses on site, and are compatible with uses on adjacent properties within the vicinity. Staff therefore consider these proposed land uses to be appropriate for the subject lands.

### ***Parking***

The Applicant submitted a site plan which provides a total of 226 parking spaces, including 12 accessible spaces on the subject property. According to the site plan, there is surplus amount of required parking for the current land uses onsite. It should be noted that any changes in use to the property will be required to provide parking in accordance with the City’s Parking Standards By-law 28-97, as amended, which will be confirmed at the building permit stage. If there is insufficient parking to accommodate any proposed change of land uses, additional parking may be required to be provided elsewhere on the property, or the applicant would need to submit a variance application to consider any potential deficiency.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 10, 2020. 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.

### **APPLICATION PROCESSING**

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

**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 proposed uses will not impact the existing uses of the site adversely, yet recognize that retail stores are prohibited by the Parent By-law. Staff recommend that Committee satisfy themselves that the four tests under Section 45(1) of the *Planning Act* are met, and 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

**APPENDICES**

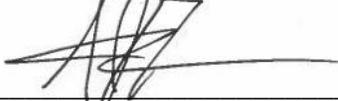
Appendix "A" – Revised Conditions of Approval

Appendix "B" – Revised Site Plan

Appendix "C" – Comments

Appendix "D" – Staff Report: January 17, 2020

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**REVISED CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**

1. The variances apply only to the subject building which fronts onto Markham Road for as long as it remains.
2. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority "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 TRCA.

CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**REVISED SITE PLAN TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**



**APPENDIX "C"**  
**COMMENTS TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**

January 10, 2020

CFN 60812.17

**By Email Only (email: [JLeung@markham.ca](mailto:JLeung@markham.ca))**

Mr. Justin Leung  
Secretary-Treasurer  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: A/147/19 (Minor Variance Application)**  
**9833 Markham Road, City of Markham**  
**Owner: Krashnik Investments Ltd. (Mrs. Doris Rosenberg)**  
**Agent: David Johnston Architect Ltd. (David Johnston)**

This letter acknowledges receipt of the above-noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and our comments are provided herein.

**Purpose of the Applications**

The applicant is requesting relief from the requirements of City of Markham By-law 88-76, as amended, as it relates to uses in units within an existing industrial complex.

Requested permission:

- a) Amending Zoning By-law 88-76, Section 6.1(d):  
to allow retail store as a use, whereas the by-law permits one retail store with max gross floor area of 1500 m<sup>2</sup>;
- b) Amending Zoning By-law 88-76, Section 6.1(d):  
to permit personal service shop (health space) as permitted use, whereas the by-law does not permit personal service shops; and,
- c) To increase leasable floor space by adding mezzanines.

**Applicable TRCA Regulations and Policies**

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

**Provincial Policy Statement (2014):**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the Planning Act, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

TRCA's delegated role under the Planning Act to represent the provincial interest in natural hazards. As outlined in the Conservation Ontario / Ministry of Natural Resources and Forestry / Ministry of Municipal Affairs and Housing Memorandum of Understanding (MOU) on Conservation Authorities Delegated Responsibilities, Conservation Authorities have been delegated the responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the PPS 2014.

**Ontario Regulation 166/06, as amended:**

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of Section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

The subject property is located within TRCA's Regulated Area, as it is traversed by a Regulatory storm floodplain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading; or,
- iv. the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

**Living City Policies for Planning and Development in the Watersheds of the TRCA:**

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding

additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the “Natural System” as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

### **Application Specific Comments**

As noted above, the subject property is within TRCA’s Regulated Area of the Rouge River Watershed. It is our understanding that no additional units are being proposed and that there will not be increased density of uses on the site. The requested allowances to increase leasable floor space and to permit specified land uses (retail store and personal service shop) within an existing building will not require a permit from the TRCA under Ontario Regulation 166/06.

Based on our technical review, the subject property is within a Regulatory floodplain, and a flood spill feature was identified at the north of the property. Typically, TRCA would require the applicant to conduct a flood study to determine the extent of the spill. However, as the hydraulic information at this location is outdated and there is currently an Environmental Assessment process for the City of Markham to update the floodplain information in this area, TRCA will not require a flood study to be conducted for the requested allowances at this time. However, given the above information, future proposed development may be subject to a flood study and TRCA permit review. Given that the extent of the flood spill is undetermined, please also ensure that temporary storage of interior construction materials is limited to the front of the property along Markham Road and interior construction access occur at the Markham Road driveway entrance.

Please also note that the PPS and TRCA’s policies do not permit sensitive land uses within the Regulatory Floodplain. These uses include institutional uses (e.g., day cares, school nurseries, schools, long-term care homes), essential emergency services (e.g. fire, police, ambulance stations, and electrical substations), and uses associated with the disposal, manufacture, treatment or storage of hazardous substances. As the extent of the Regulatory floodplain is unknown at this time, TRCA discourages future leasable spaces to permit sensitive land uses.

Accordingly, TRCA staff have no objections to the subject application at this time.

### **Application Review Fee**

As per TRCA’s role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

This application is subject to a \$1,100 review fee (2018 TRCA Planning Fees Schedule – Variance – Commercial/Industrial – Minor). The applicant is responsible for fee payment and should forward the fee to our head office within 60 days of the issuance of this letter.

**Recommendation**

Based on the information submitted to date, we have no fundamental objections to the minor variance application of A/147/19 to allow the specified land uses and increased leasable floor space within the existing building. As a condition of approval, the applicant is required to provide the above-noted outstanding fee payment to the Conservation Authority.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam  
Planner I  
Development Planning and Permits  
Extension 5306

AL/lb

**APPENDIX "D"**  
**STAFF REPORT: JANUARY 17, 2020**

# MEMORANDUM

**DATE:** January 17, 2020  
**TO:** Chairman and Members, Committee of Adjustment  
**FILE:** A/147/19  
**ADDRESS:** 9833 Markham Road – Markham, ON  
**HEARING DATE:** January 22, 2020

The following comments are provided on behalf of the East Team. The Applicant is requesting relief from the “Select Industrial & Warehousing (M.I.) Zone” requirements of By-law 88-76, as amended, as they relate to an existing mixed-use commercial/industrial building on the subject property:

- a) **By-law 88-76, Section 6.1:**  
To permit one personal service shop, whereas the by-law does not permit personal service shops; and
- b) **By-law 2005-277, Sections 1.1 & 1.2:**  
To permit retail stores, whereas the by-law permits one retail store with a maximum gross floor area of 1,500 m<sup>2</sup>.

The Applicant is requesting a variance to permit one personal service shop and retail stores in an existing building on the subject property at 9833 Markham Road. In addition to the proposed uses, staff note that an Entertainment use is shown in Unit “1” on the submitted Site Plan (attached as Appendix “B”), which is not permitted by the Zoning By-law.

The Applicant has not provided clarification on this use upon requests from staff. Additionally, By-law Licensing and Enforcement staff have inspected the site and commented on the application, and advises that there is an autobody shop on the property which is a use not permitted by the Zoning By-law and is prohibited in the ‘Major Commercial Area’ designation of the in-force 1987 Official Plan.

Given that the requested variances propose to expand permitted land uses, it would be appropriate for the applicant to address other non-complying land uses onsite. Staff recommend that the variance application be deferred sine die to have further discussions with the applicant on the proposed and existing land uses.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**

1. The variances apply only to the subject building which fronts onto Markham Road for as long as it remains.
2. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority "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 TRCA.

CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLAN TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**



Project No. 16023/05  
Date: 2019-11-27

**9833 Markham Road, Markham, Ontario  
Parking Calculations for Tenants**

Subject:

Existing Main Building 5,459 m<sup>2</sup>  
Mezzanine - Long & McQuade 107 m<sup>2</sup>  
**Total Building Area 5,566 m<sup>2</sup>**

**Parking Calculations**  
Per Tenant Use - Tenant *Net Floor Area*  
expressed as 95% of *Gross Floor Area*  
for purpose of Parking By-Law - which  
is based upon *Net Floor Area*

**Tenant Area 'A' - GYMNASIUM - 572 m<sup>2</sup>**  
1 car per 30 m<sup>2</sup> *Net Floor Area*  
572 x 95% = 543.40 m<sup>2</sup> 18 cars  
Parking Required

**Tenant Area 'B' - Long & McQuade - Retail - 1,418 m<sup>2</sup>**  
First Floor Area 1,311  
Mezzanine 107  
Total Floor Area 1,418 m<sup>2</sup>  
1 car per 30 m<sup>2</sup> *Net Floor Area*  
1,418 x 95% = 1,347.10 m<sup>2</sup> 45 cars  
Parking Required



**Tenant Areas 'C' - Retail - 334 m<sup>2</sup>**  
1 car per 30 m<sup>2</sup> *Net Floor Area*  
334 x 95% = 317.30 m<sup>2</sup> 11 cars  
Parking Required

**Tenant Areas 'D & E' - Industrial Uses - 1,110 m<sup>2</sup>**  
1 car per 40 m<sup>2</sup> *Net Floor Area*  
1,110 x 95% = 1,054.50 m<sup>2</sup> 26 cars  
Parking Required

**Tenant Areas 'F & G' - Vacant - 767 m<sup>2</sup>**  
0 car  
767 x 95% = 728.65 m<sup>2</sup> 0 cars  
Parking Required

**Tenant Areas 'H' - Commercial School - 654 m<sup>2</sup>**  
1 car per 20 m<sup>2</sup> *Net Floor Area*  
654 x 95% = 621.30 m<sup>2</sup> 31 cars  
Parking Required

**Tenant Areas 'I' - Entertainment Use - 662 m<sup>2</sup>**  
1 car per 20 m<sup>2</sup> *Net Floor Area*  
662 x 95% = 628.90 m<sup>2</sup> 31 cars  
Parking Required

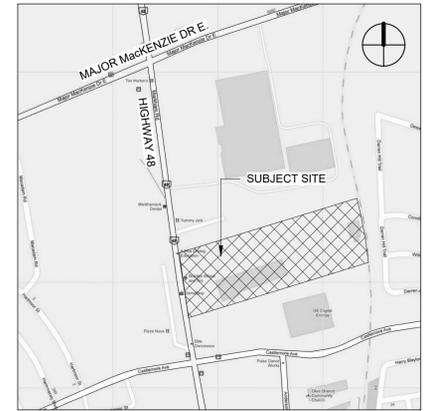
**Building Area - Transformer Vault - 49 m<sup>2</sup>**  
First Floor Area 49  
Parking Required 0 cars

**Total Parking Requirement 162 cars**  
**Parking Provided (Asphalt paving finished) 226 cars**

Yours truly,  
David Johnston B.Arch., MRAIC, O.A.A.

No. 8 Maple Lane  
Unionville, Ontario L3R 1R2  
Phone: 905 479-9992  
Fax: 905 479-9985  
E mail: dja@rogers.com

No. 8 Maple Lane  
Unionville, Ontario L3R 1R2  
Phone: 905 479-9992  
Fax: 905 479-9985  
E mail: dja@rogers.com



4 KEY PLAN  
N.T.S.

No.	Description	Date	By

ADD THE USE OF COMMERCIAL SCHOOL:  
**9833 MARKHAM RD**  
9833 MARKHAM ROAD, MARKHAM, ON.

**KRASHNIK INVESTMENTS LTD.**  
26 KING'S CROSS AVE.  
RICHMOND HILL, ON.  
L4B 2T1  
(905) 477-4000



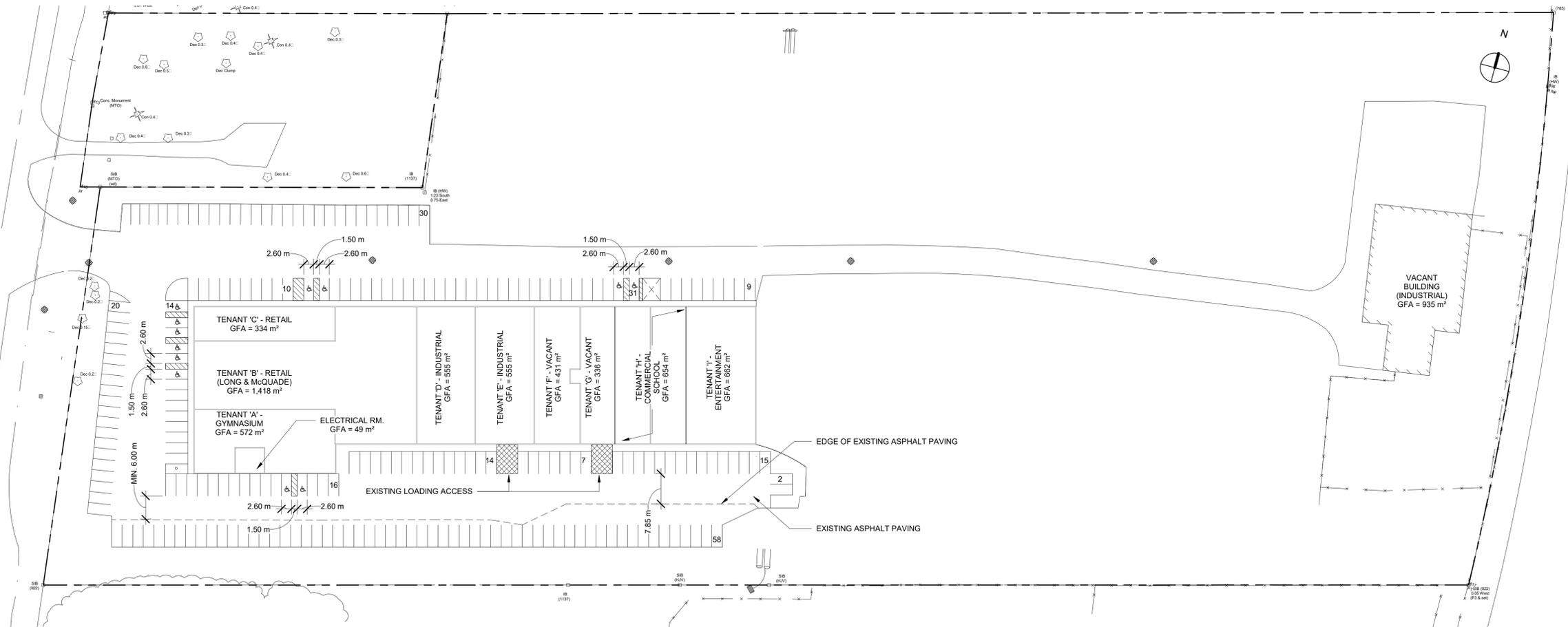
**DAVID JOHNSTON ARCHITECT**  
No. 8 Maple Lane  
Unionville, Ontario L3R 1R2  
Phone: (905) 479-9992  
Fax: (905) 479-9985

**MINOR VARIANCE**

CONTRACTOR SHALL CHECK DIMENSIONS  
Drawn by DC, SC  
Date: 2019-11-27  
Scale: As indicated  
Project Number 19014  
DRAWING NAME

SITE PLAN  
SHEET NUMBER  
SD1

3 PARKING CALCULATION  
N.T.S.



1 SITE PLAN  
1:600

**APPENDIX "C"**  
**COMMENTS TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/19**

January 10, 2020

CFN 60812.17

**By Email Only (email: [JLeung@markham.ca](mailto:JLeung@markham.ca))**

Mr. Justin Leung  
Secretary-Treasurer  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: A/147/19 (Minor Variance Application)**  
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**Owner: Krashnik Investments Ltd. (Mrs. Doris Rosenberg)**  
**Agent: David Johnston Architect Ltd. (David Johnston)**

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TRCA's delegated role under the Planning Act to represent the provincial interest in natural hazards. As outlined in the Conservation Ontario / Ministry of Natural Resources and Forestry / Ministry of Municipal Affairs and Housing Memorandum of Understanding (MOU) on Conservation Authorities Delegated Responsibilities, Conservation Authorities have been delegated the responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the PPS 2014.

**Ontario Regulation 166/06, as amended:**

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of Section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

The subject property is located within TRCA's Regulated Area, as it is traversed by a Regulatory storm floodplain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading; or,
- iv. the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

**Living City Policies for Planning and Development in the Watersheds of the TRCA:**

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding

additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the “Natural System” as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

### **Application Specific Comments**

As noted above, the subject property is within TRCA’s Regulated Area of the Rouge River Watershed. It is our understanding that no additional units are being proposed and that there will not be increased density of uses on the site. The requested allowances to increase leasable floor space and to permit specified land uses (retail store and personal service shop) within an existing building will not require a permit from the TRCA under Ontario Regulation 166/06.

Based on our technical review, the subject property is within a Regulatory floodplain, and a flood spill feature was identified at the north of the property. Typically, TRCA would require the applicant to conduct a flood study to determine the extent of the spill. However, as the hydraulic information at this location is outdated and there is currently an Environmental Assessment process for the City of Markham to update the floodplain information in this area, TRCA will not require a flood study to be conducted for the requested allowances at this time. However, given the above information, future proposed development may be subject to a flood study and TRCA permit review. Given that the extent of the flood spill is undetermined, please also ensure that temporary storage of interior construction materials is limited to the front of the property along Markham Road and interior construction access occur at the Markham Road driveway entrance.

Please also note that the PPS and TRCA’s policies do not permit sensitive land uses within the Regulatory Floodplain. These uses include institutional uses (e.g., day cares, school nurseries, schools, long-term care homes), essential emergency services (e.g. fire, police, ambulance stations, and electrical substations), and uses associated with the disposal, manufacture, treatment or storage of hazardous substances. As the extent of the Regulatory floodplain is unknown at this time, TRCA discourages future leasable spaces to permit sensitive land uses.

Accordingly, TRCA staff have no objections to the subject application at this time.

### **Application Review Fee**

As per TRCA’s role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

This application is subject to a \$1,100 review fee (2018 TRCA Planning Fees Schedule – Variance – Commercial/Industrial – Minor). The applicant is responsible for fee payment and should forward the fee to our head office within 60 days of the issuance of this letter.

**Recommendation**

Based on the information submitted to date, we have no fundamental objections to the minor variance application of A/147/19 to allow the specified land uses and increased leasable floor space within the existing building. As a condition of approval, the applicant is required to provide the above-noted outstanding fee payment to the Conservation Authority.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam  
Planner I  
Development Planning and Permits  
Extension 5306

AL/lb