

# Memorandum to the City of Markham Committee of Adjustment January 25, 2023

**File:** A/232/22  
**Address:** 4461 Highway 7 East, Markham  
**Applicant:** DTECHLINE INTERNATIONAL (Daniel Allan)  
**Agent:** DTECHLINE INTERNATIONAL (Daniel Allan)  
**Hearing Date:** Wednesday, February 1, 2023

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

The applicant is requesting relief from the General Commercial (C1) zone requirements of By-law 122-72, as amended, as it relates to the conversion of salon/retail space to office space. The variance requested is to permit:

**a) Parking By-law 28-97, Section 8.2.1(b):**

a minimum of 5 parking spaces, whereas the By-law requires a minimum of 6.

## **BACKGROUND**

### **Property Description**

The property municipally known as 4461 Highway 7 (the “property” or “subject property”) is located on the south side of Highway 7, west of Main Street Unionville. The property is 536 m<sup>2</sup> (5769 ft<sup>2</sup>) in size and is occupied by an existing one-storey commercial building on the property. The building was previously used as a retail space. Five parking spaces are currently provided with direct access from Highway 7.

The subject property is designated under Part V of the Ontario Heritage Act as a constituent property of the Unionville Heritage Conservation District, and is adjacent to numerous low-rise commercial properties along Highway 7. Low-rise residential properties are located to the south of the subject property along East Drive.

The property is within TRCA’s Regulated Area as the entire property is located within a Region Storm Floodplain.

### **Proposal**

The applicant is proposing to convert the retail space to an office space. The proposal also includes interior alterations and exterior landscape alteration.

## **Official Plan and Zoning**

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

The Official Plan designates the subject property “Mixed-Use Low Rise” which is an area characterized by localized multi-use, multi-purpose areas that offer a diverse range of relatively small-scale retail, service, professional office, community, institutional and recreational uses serving nearby residents and businesses. These lands are intended to accommodate street-related retail and services in mixed-use buildings of up to 3-storeys.

### Zoning By-Law 122-72

The subject property is zoned General Commercial (C1) under By-law 122-72, as amended, which permits business and professional offices, restaurants, retail stores, commercial schools, financial institutions, medical clinics and other commercial establishments.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the Building Department through their permit process (22 113795) to confirm the variances required for the proposed development. Consequently, it is the Owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

## **COMMENTS**

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

### **Parking Reduction**

The site currently provides a total of 5 parking spaces. The proposed use will increase the parking requirement to 6 parking spaces. This will result in a deficiency of 1 parking space, which is a reduction of approximately 16 percent.

Transportation Engineering staff have no objection to the proposed parking variance. The site plan shows an additional “tandem” parking space that can be provided for employees or overflow.

Heritage Markham was provided notice of the variance at the December 14, 2022 Heritage Markham meeting and provided no comment from a heritage perspective.

Staff have no objections to the approval of the proposed parking reduction given that the change in use to office space at this location will likely not result in a heavy demand for parking and that there is opportunity for overflow tandem parking on the subject property.

## **EXTERNAL AGENCIES**

### **TRCA Comments**

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area of the Rouge River Watershed as it is entirely within a Regulatory (Regional Storm) flood plain. TRCA provided comments on January 11, 2023 (Appendix "D"), indicating that they have no concerns subject to conditions outlined in their letter.

### **Metrolinx Requirements**

Metrolinx provided comments on this application on December 8, 2022 (Appendix "E"), requesting that the applicant enter into an agreement to grant Metrolinx an environmental easement for "Operational Emissions", registered on title against the subject residential dwelling in favour of Metrolinx as the property is located within 300 m (984.25 ft) of the rail corridor right of way. Metrolinx has provided wording for the requested environmental easement which references details related to "Operational Emissions" as detailed in Appendix "E". Staff recommend that the proposed development be subject to the associated condition of approval provided in Appendix "A".

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 25, 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 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Elizabeth Martelluzzi, MCIP RPP  
Senior Planner, Central District

REVIEWED BY:



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Regan Hutcheson, MCIP, RPP  
Development Manager, Heritage District

**APPENDICES**

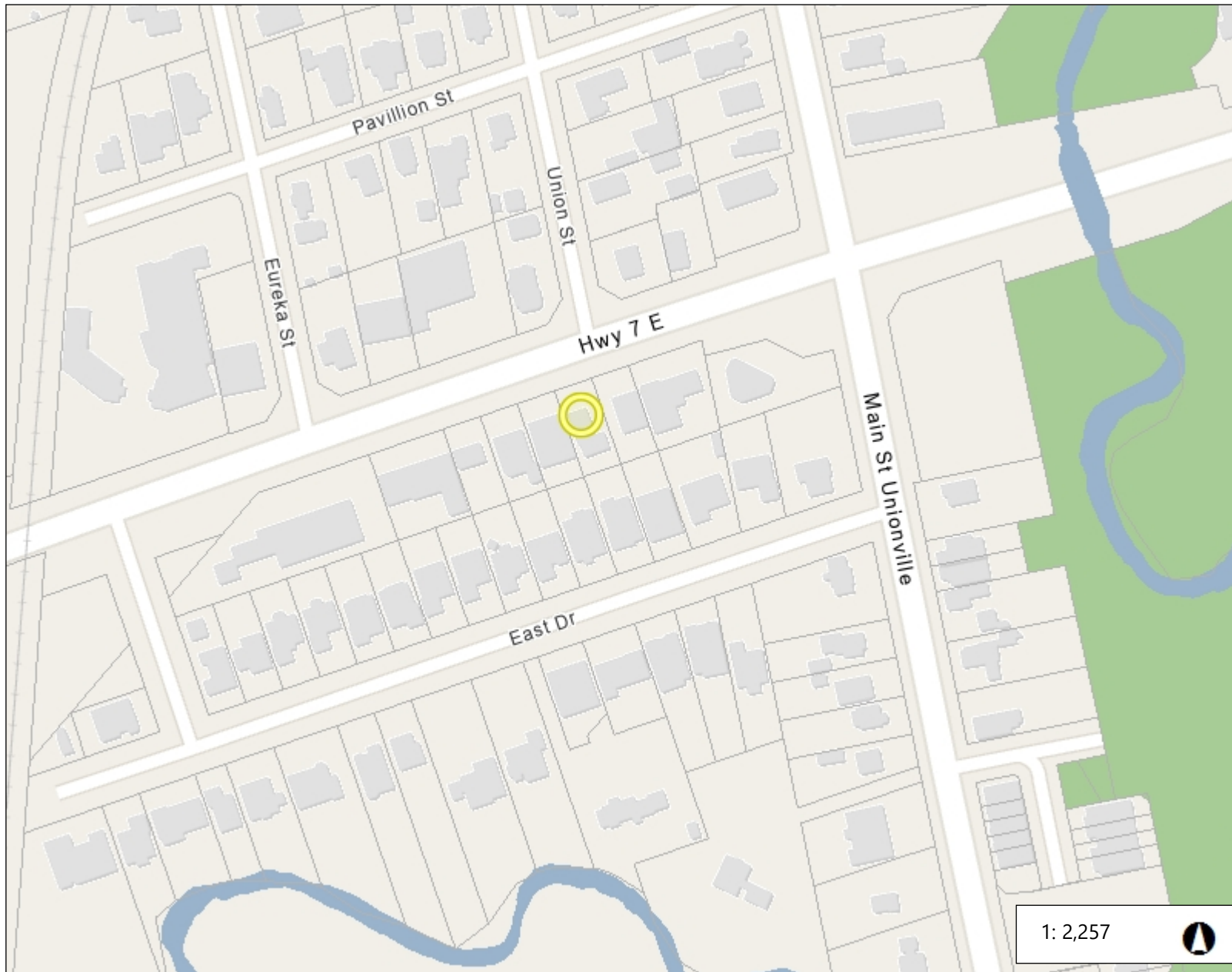
**Appendix "A" – Aerial Photo**

**Appendix "B" – Plans**

**Appendix "C" – A/232/22 Conditions of Approval**

**Appendix "D" – A/232/22 TRCA Conditions of Approval**

**Appendix "E" – A/232/22 Metrolinx Conditions of Approval**



Subject Lands  
● 4461 Highway 7 E

1: 2,257

114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

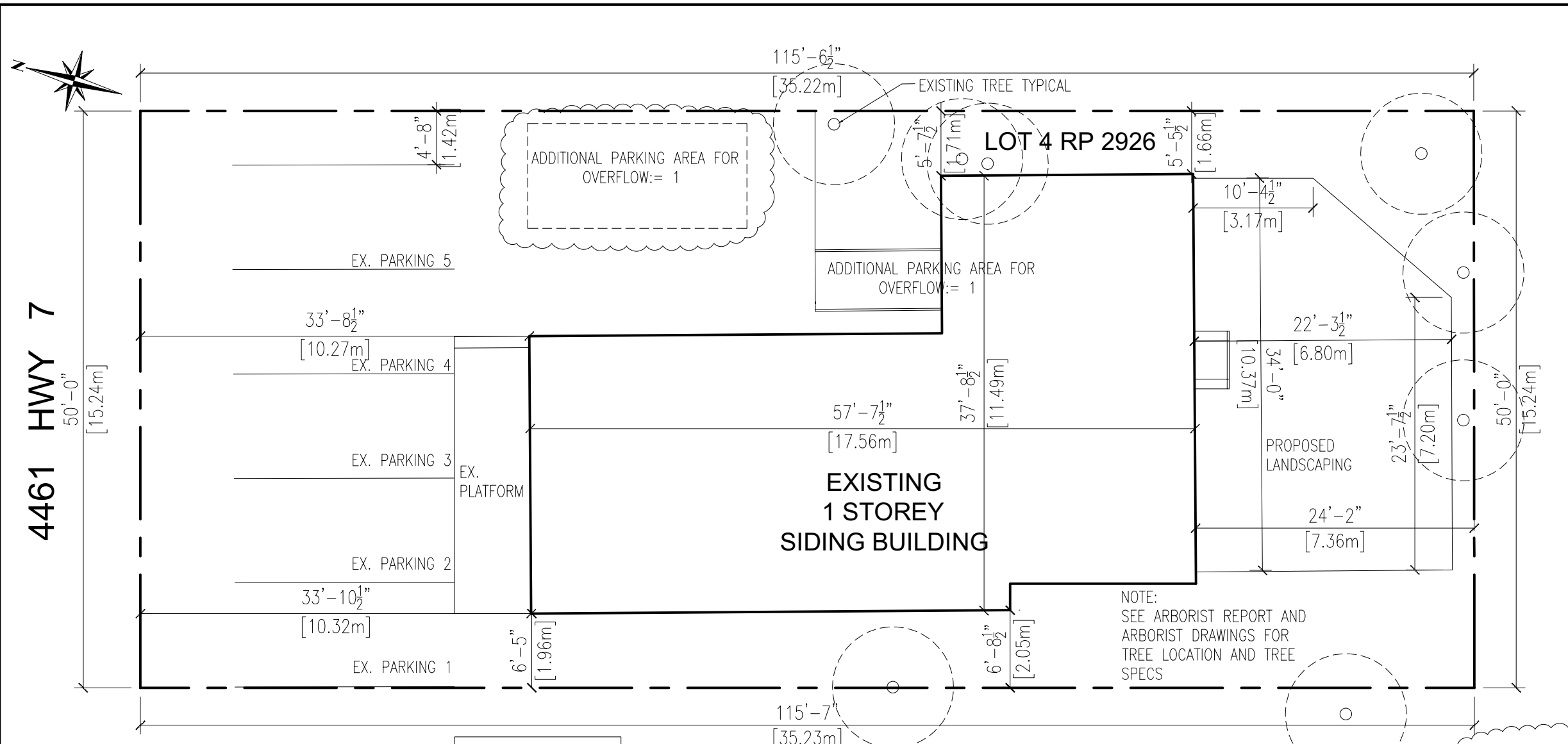
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be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

Notes

# Appendix B

File: 22.264137.000.00.MNV

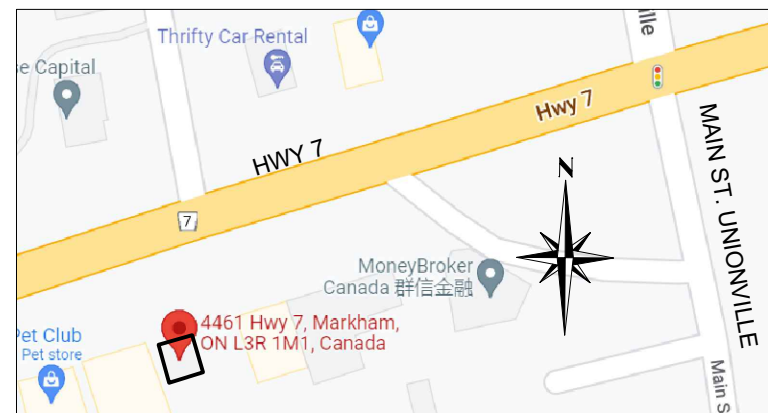
Date: 01/25/23  
MM/DD/YY



PROPOSED SITE PLAN  
SCALE : 3/32" = 1'-0"

MINIMUM PARKING SPACE 2.75m X5.80m

BASEMENT GFA STATISTICS	
FINISHED BASEMENT GFA	= 72.2 S.M
UNFINISHED FURNACE ROOM GFA	= 7.5 S.M
STAIR GFA	= 3.6 S.M
GROUND GFA STATISTICS	
GROUND GFA	= 156.7 S.M
<b>PROPOSED PARKING</b>	<b>= 5</b>



LOCATION PLAN  
N.T.S.

NOTE:  
SEE ARBORIST REPORT AND  
ARBORIST DRAWINGS FOR  
TREE LOCATION AND TREE  
SPECS



**PARKING CALCULATION.**  
 TOTAL GFA = 228.90 M2  
 TOTAL GFA BSMT = 72.2 M2  
 TOTAL NFA BSMT = 44.64 M2 - 17.48 M2 STAFF ROOM - 2.93 M2 WASH ROOM - 7.12 M2 FURNACE ROOM  
 TOTAL GFA GRND = 156.70 M2 (228.90 M2 - 72.20 M2)  
 TOTAL NFA GRND = 144.28 M2 - 6.21 M2 UNIVERSAL WASH ROOM - 3.20 M2 WASH ROOM  
 TOTAL NFA = 188.92 M2 (144.28 M2 + 44.64 M2)  
 PREVIOUS USE: RETAIL - RETAIL @ 1/30 M2 = 6.29 (188.92 M2 / 30 M2)  
 PROPOSED USE: ANY USE NOT SPECIFIED - ANY USE NOT SPECIFIED @ 1/25 M2 = 7.55 (8) (188.92 M2 / 25 M2)  
 DIFFERENCE = 1.25 (1) TOTAL NUMBER OF PARKING SPACES REQUIRED = 6.25 (6) (5 ON-SITE + 1.25 DIFFERENCE) TOTAL NUMBER OF PARKING SPACES PROVIDED ON-SITE = 5

No.	CITY REVISION	No.	CLIENT REVISION	SPECIAL NOTES	Client Name & Address:	Sheet Title	Coordinator by:					
1	18. 05. 2022	1		CONFORM TO REQUIREMENTS OF THE ONTARIO BUILDING CODE AND THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS. OWNER, BUILDER/CONTRACTOR SHALL FOLLOW ALL PLANS, SECTIONS & DETAILS AS PER INDICATED DTECHLINE INT. SHALL TAKE NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH ALL BY-LAWS AND CODES HAVING JURISDICTION OVER THIS SITE LOCATION. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DTECHLINE INT. TO RELATE TO ENGINEER BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION, PRIOR TO COMMENCEMENT OF THE WORK. THESE DRAWINGS MUST NOT BE SCALED, THE DESIGN AND CONTRACT DOCUMENTS FOR THIS PROJECT ARE THE COPYRIGHT PROPERTY OF THE DTECHLINE INT. AND MAY NOT BE REPRODUCED, ALTERED OR REUSED WITHOUT THE DTECHLINE INT. WRITTEN AUTHORITY.	4461 HWY 7 MARKHAM, ON	PROPOSED SITE PLAN LOCATION PLAN	1009-66 MALTA AVENUE BRAMPTON, ON CANADA L6Y 4V9  Home Design Inc. Email : dtechline@gmail.com TEL. : 647.968.3358 Website: www.dtechline.com					
2	07. 06. 2022	2										
3	02. 09. 2022	3										
4	06. 10. 2022	4										
5	17. 10. 2022	5										
6	08. 11. 2022	6										
7		7										
DEFAULT SHEET SIZE : 11x17					Project Address/Name: 4461 HWY 7 MARKHAM, ON	Date: 15 FEB. 2022	Scale: As shown	Drawn by: DA	Client ID: 1088	Quotation No. DQ2021-691	Project No. DP2022-2232	Drawing No. A1.0

## APPENDIX “C” – A/232/22 Conditions of Approval

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report, and 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; and
3. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “D” 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.
4. That the applicant satisfies the requirements of Metrolinx, as indicated in their letter to the Secretary-Treasurer attached as Appendix “E” to this Staff Report, and that the Secretary-Treasurer receives written confirmation that this conditions has been fulfilled to the satisfaction of Metrolinx.

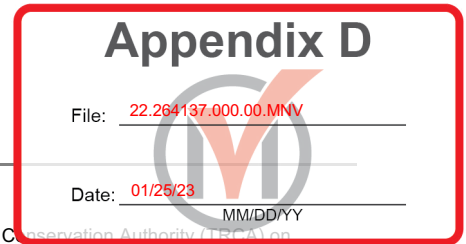
CONDITIONS PREPARED BY:



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Elizabeth Martelluzzi, MCIP RPP  
Senior Planner, Central District

**From:** [Joshua Lacia](#)  
**To:** [Martelluzzi, Elizabeth](#)  
**Subject:** CFN 66440.20 - A/232/22 - 4461 Highway 7 East, Markham  
**Date:** January 11, 2023 11:56:13 AM  
**Attachments:** [image002.png](#)



Hi Elizabeth,

Thank you for the opportunity to review the Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on November 24, 2022. The purpose of this letter is to provide our comments on our evaluation of the proposed works.

**Our Understanding of the Proposal:**

The applicant is requesting relief from the requirements of By-law 122-72, as amended, to permit

a. **By-law 8.2.1 & 28-97, Section (b):**

To permit a minimum of 5 parking spaces, whereas the By-law requires a minimum of 6 parking spaces.

We understand the proposal involves interior renovations, landscaping, and parking areas for overflow. The site is located south of Highway 7 East and west of Main Street Unionville in the City of Markham.

**Policies and Regulations:**

*TRCA Regulation and Policy:*

The subject property (4461 Highway 7 East) is entirely located within a TRCA Regulated Area of the Rouge River Watershed as it is within a Regulatory (Regional Storm) flood plain. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from the TRCA prior to any new development taking place within this Regulated Area.

'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
- III. 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,
- IV. site grading, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

As stated above, the subject property is entirely within a Regional Storm flood plain. TRCA staff reviewed the submitted materials as part of Minor Variance application A/232/22. TRCA staff note the proposed development includes interior renovations to the existing one-storey building. The interior renovations do not include new openings. There are no additions proposed to the existing building. In addition, it appears there are no site alterations/grading proposed as part of this Minor Variance application. Therefore, TRCA has **no concerns** with the proposed variance.

**Application Review Fee**

As per TRCA's role as a commenting agency for *Planning Act* application 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. The submitted application is subject to a review fee in the amount of \$1,250 (2022 TRCA Planning Fee Schedule – Minor Variance – Commercial -Minor) This fee can be submitted via Checkfront Online Payment System. I have not copied the Agent/Owner to provide the City of Markham the opportunity to review. Please forward this letter to the Agent/Owner upon completion of review.

**Recommendation**

In light of the above, TRCA staff have **no objection** to Minor Variance Application A/232/22, subject to the following conditions:

1. That the outstanding planning review fee (\$1,250) be remitted to TRCA;
2. That the applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from the Toronto and Region Conservation Authority.

Note: As part of the Permit application, TRCA will require the below items submitted to our office by email:

- Complete Permit Application Form
- Survey
- Architectural Drawings
- Site Plan with Erosion and Sediment Control measures. Please indicate on the site plan whether any changes in grading is proposed. If grading is proposed, a Grading Plan will be required. Please refer to the "*Erosion and Sediment Control Design and Submission Requirements*", available at: [https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2020/01/30145157/ESC-Guide-for-Urban-Construction\\_FINAL.pdf](https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2020/01/30145157/ESC-Guide-for-Urban-Construction_FINAL.pdf).
- Landscape plan if any planting is proposed as part of the current development. If any planting is proposed, please ensure they are native non-invasive to TRCA's jurisdiction.

I trust these comments are of assistance. Should you have further questions do not hesitate to contact me.

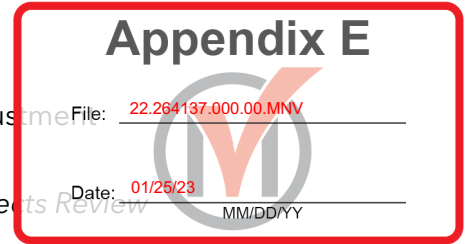
Regards,

**Joshua Lacia, MES (PI)**  
Planner I - York East Review Area  
Development Planning and Permits | Development and Engineering Services  
Toronto and Region Conservation Authority (TRCA)

T: [437\) 880 2347](tel:437-880-2347)  
E: [joshua.lacia@trca.ca](mailto:joshua.lacia@trca.ca)  
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K-5R6) | [trca.ca](https://www.trca.ca)



To: Shawna Houser, Secretary-Treasurer, Committee of Adjustment  
From: Farah Faroque, Intern  
*Adjacent Developments GO Expansion - Third Party Projects Review*  
Metrolinx  
Date: December 8<sup>th</sup>, 2022  
Re: **22.264137.000.00.MNV**  
**A/232/22 - 4461 Highway 7 East, Unionville - MV**



Metrolinx is in receipt of the minor variance application for 4461 Hwy 7 E to facilitate the conversion of a salon/retail space to an office space as well as to permit reduced parking spaces. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Ryan.Courville@Metrolinx.com](mailto:Ryan.Courville@Metrolinx.com) with questions and to initiate the registration process.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,  
Farah Faroque  
Intern, Third Party Projects Review  
Metrolinx  
20 Bay Street Suite 600, Toronto



## Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.