

Memorandum to the City of Markham Committee of Adjustment
June 5, 2025

File: A/020/25
Address: 274 Steeles Avenue East, Markham
Applicant: I.G.P. Realty Advisors Inc. (Blair Gagnon)
Hearing Date: Wednesday, June 11, 2025

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

The applicant is seeking permission under Section 45(2)(a) of the Planning Act to permit an enlargement and extension to an existing legal non-conforming use by reconstructing the existing motor vehicle fueling station and constructing an accessory motor vehicle washing establishment and restaurant with accessory drive-through service establishments.

BACKGROUND

Property Description

The 6,111 m² (65,778 ft²) subject property is located at the northeast corner of Steeles Avenue East and Bayview Avenue. There is an existing automobile service station on the property, which was constructed in 1975. The subject property is located within TRCA's Regulated Area and contains flood hazards associated with a tributary of the Rouge River Watershed.

Proposal

The applicant is proposing to demolish the existing automobile service station and reconstruct a new automobile service station and construct a car wash and drive-through restaurant on the subject property. The new development is proposed to have a total GFA of 372 m².

Official Plan and Zoning

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings, semi-detached dwellings, townhouses excluding back-to-back townhouses, and small multiplex buildings containing three to six units. The "Residential Low Rise" designation does not provide for the automotive service station and proposed car wash and drive through restaurant uses.

Zoning By-Law 2024-19

The subject property is zoned "Residential Established Neighbourhood Low Rise (RES-ENLR)" under By-law 2024-19, as amended, which permits single detached dwellings. The automotive service station and proposed car wash and drive through restaurant uses are not permitted in this zone.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on October 9, 2024 to confirm the proposed uses are not permitted.

COMMENTS

The Planning Act states in Section 45 (2):

- a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the By-law, [the committee] may permit,

- i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day of the by-law was passed, or a use permitted under sub-clause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in conjunction therewith on the day the by-law was passed, or
- ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose previously prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee.

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19 rendering the existing automobile service station legally non-conforming. The applicant is requesting to permit an enlargement and extension to the existing legal non-conforming use. It should be noted the proposed car wash and drive through restaurant uses were not previously existing on the site prior to the enactment of By-law 2024-19. In addition, the proposed car wash use was not a permitted use in the former By-law, however, it is Staff's opinion that the proposed car wash and drive through restaurant are common accessory uses associated with an automobile service station, and for this reason are appropriate.

Planning staff have evaluated the application pursuant to the criteria set out in Section 45 (2) of the Planning Act. Staff opine that the requested enlargement and expansion to the existing legal non-conforming use is appropriate for the development of the subject property and will not result in any undue adverse impacts on the surrounding properties and neighbourhood, constitutes good planning and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

Future Site Plan Control Application

The Owner will be required to submit a future application for Site Plan Control to permit the proposed development. Detailed review to determine the appropriate development standards, site circulation, stacking requirements, parking supply, etc. will be completed through this process.

EXTERNAL AGENCIES

TRCA Comments

The subject property is located entirely within the Toronto and Region Conservation Authority (TRCA)'s Regulated Area and contains flood hazards associated with a tributary of the Rouge River Watershed.

TRCA provided a comment letter on May 30th and follow up comments on June 2nd (Appendix C), indicating their concerns with the proposal. TRCA policies do not support the proposed redevelopment as currently submitted. TRCA has indicated that the proposal should be revised to maintain the existing building size and have also recommended the Owner/applicant apply for a Concept Development Application.

TRCA initially requested the application be deferred until such time as the proposal is revised to address their concerns. However, in their follow up comments they indicated that given they have no concerns with the proposed use they have no concerns with the application moving forward subject to the inclusion of the condition shown in Appendix A.

PUBLIC INPUT SUMMARY

As of June 5, 2025, one letter of support has been received. 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(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the request meets the 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.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, RPP, MCIP, Acting Development Manager, West District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/020/25

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, or as further amended by any Site Plan Approved drawings, and that the Secretary Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. That the applicant satisfies the requirements of the *TRCA*, financial or otherwise, including the submission of a Concept Development Application, as indicated in their correspondence 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:



Hailey Miller, Senior Planner, West District

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - DENOTES BURIED
 - PB DENOTES PLASTIC BAR
 - SIB DENOTES STANDARD IRON BAR
 - 967 DENOTES W.N. WILDMAN, O.L.S.
 - JDB DENOTES J.D. BARNES, O.L.S.
 - NI DENOTES NO IDENTIFIER
 - P1 DENOTES PLAN 64R-3016
 - P2 DENOTES PLAN OF SURVEY BY J.D. BARNES, O.L.S.
 - P3 DENOTES PLAN 64R-4290
 - D1 DENOTES INST. R400317
 - D2 DENOTES INST. MA55287
- TOPOGRAPHY LEGEND**
- ADA DENOTES AMERICANS WITH DISABILITIES ACT
 - BLRW DENOTES BLOCK RETAINING WALL
 - BPED DENOTES BELL PEDESTAL
 - BRW DENOTES BRICK RETAINING WALL
 - CB DENOTES CATCH BASIN
 - CHW DENOTES CONCRETE HEAD WALL
 - COL DENOTES COLUMN
 - FH DENOTES FIRE HYDRANT
 - GB DENOTES GARBAGE BIN
 - GP DENOTES GAS PUMP
 - GW DENOTES GUY WIRE
 - GV DENOTES GAS VALVE
 - HLP DENOTES HYDRO LIGHT POLE
 - HP DENOTES HYDRO POLE
 - LS DENOTES LIGHT STANDARD
 - MB DENOTES METAL BOLLARD
 - MC DENOTES METAL COVER
 - MH DENOTES MANHOLE
 - MP DENOTES METAL PIPE
 - MW DENOTES MONITORING WELL
 - O/W DENOTES OVERHEAD WIRE
 - PS DENOTES PARKING STOP
 - STMMH DENOTES STORM MANHOLE
 - TL DENOTES TRAFFIC LIGHT
 - TLSD DENOTES TRAFFIC LIGHT STANDARD
 - TS DENOTES SIGN
 - TRW DENOTES TIMBER RETAINING WALL
 - UC DENOTES UTILITY COVER
 - VP DENOTES VENT PIPE
 - WH DENOTES WATER MANHOLE
 - WV DENOTES WATER VALVE
 - N.E.S.W DENOTES NORTH, EAST, SOUTH, WEST
 - ⊙ DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER AND DRIPLINE
 - ⊙ DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER AND DRIPLINE

NOTE
ALL BUILDING LINES ARE PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE NOTED. PROPERTY LINES ARE UNFENCED UNLESS OTHERWISE NOTED.
BEARINGS SHOWN HEREON ARE UTM GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS ① AND ② BY REAL TIME CANNET NETWORK OBSERVATIONS AND REFERRED TO THE 6° UTM COORDINATE SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE (NAD 83, CSRS 2010).
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES, AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING THE DISTANCE BY COMBINED SCALE FACTOR 0.9997874.
FOR BEARINGS COMPARISONS, THE FOLLOWING ROTATION WAS APPLIED.
P1 - 103°30' COUNTER CLOCKWISE
D1 - 2°01'55" COUNTER CLOCKWISE
THE COORDINATES SHOWN ON THIS PLAN, IN THEMSELVES, CANNOT BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
COORDINATES SHOWN ON THIS PLAN ARE IN COMPLIANCE WITH THE SURVEYORS ACT, URBAN ACCURACY PER O.REG. 216/10, SECTION 14(2).

OBSERVED REFERENCE POINTS UTM(NAD83, CSRS 2010)		
PLAN COORDINATES	NORTHING	EASTING
1	4851369.774	628964.825
2	4851321.472	629098.693

UNDERGROUND UTILITY LEGEND
UNDERGROUND UTILITY INFORMATION IS PROVIDED BY KNOW BEFORE YOU DIG LOCATES INC. DATED JULY 26, 2024. USERS ARE ADVISED TO INDEPENDENTLY VERIFY ALL DATA. NO LIABILITY IS ASSUMED TO DELPH & JENKINS NORTH LTD.
-C- DENOTES UNDERGROUND COMMUNICATION
-E- DENOTES UNDERGROUND ELECTRIC SERVICE
-G- DENOTES UNDERGROUND GAS
-H- DENOTES UNDERGROUND HYDRO SERVICE

CAUTION NOTE
THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF SUNOR ENERGY INC. AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

BENCHMARK
ELEVATIONS SHOWN HEREON ARE GEODETIC AND DETERMINED BY REALTIME CAN-NET NETWORK OBSERVATIONS (CGVD 1928, 1978 ADJUSTMENT)

SITE AREA = 6113.9m² (1.511Ac)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT, AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE DAY 12TH OF AUGUST, 2024

Sep 16, 2024 Jansky T C Lau - ONTARIO LAND SURVEYOR

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3)

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-78979

NOTE: THIS REPORT CAN BE UPDATED BY THIS OFFICE, HOWEVER NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED, SUBSEQUENT TO THE DATE OF CERTIFICATION.

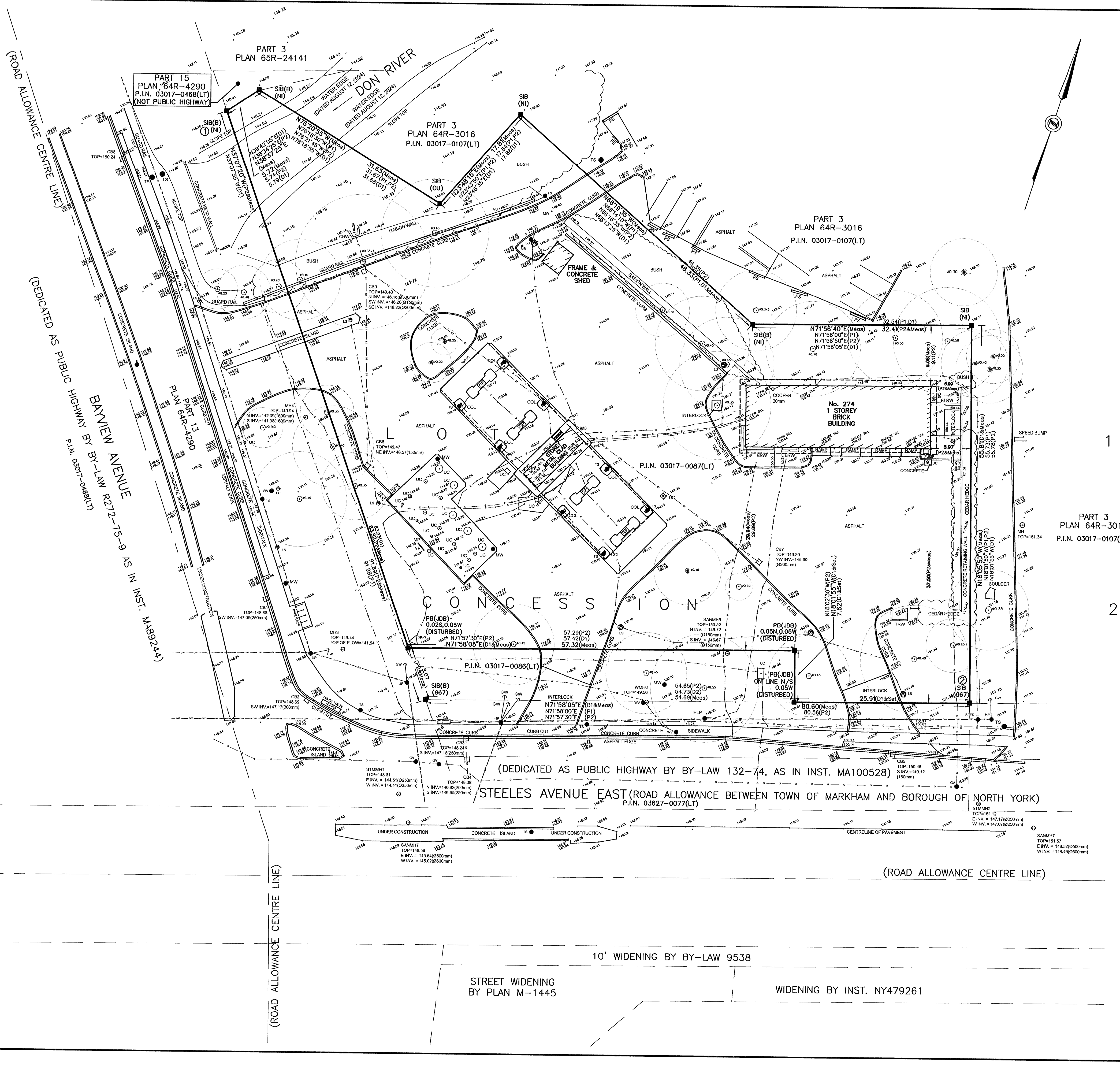
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Delph & Jenkins North Ltd.
Ontario Land Surveyors
220 Industrial Parkway S., Unit 8, Aurora, Ontario L4G 3V8
www.dj-surveyors.com info@dj-surveyors.com
Tel 905-841-9528

24303-1A

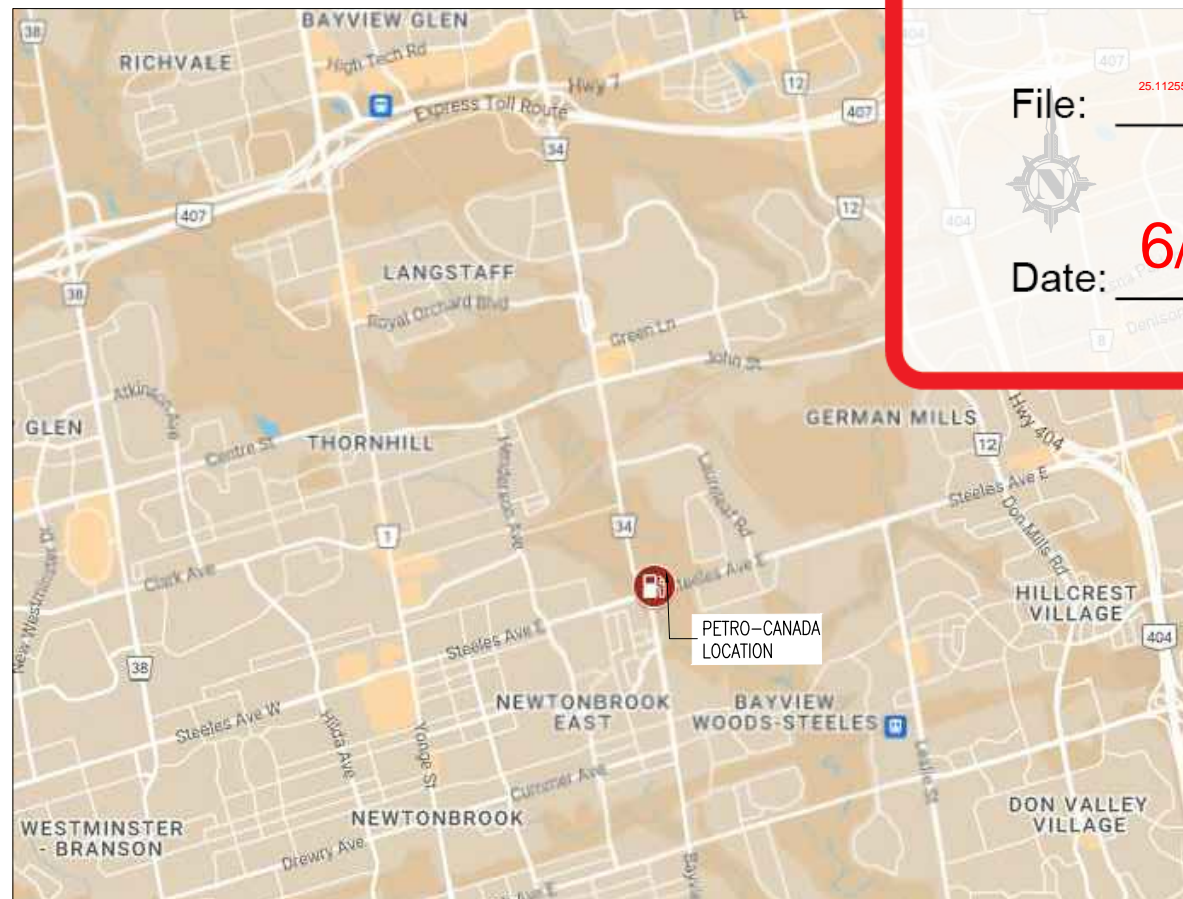
DRAWN: J.L. CHECKED: J.L.

ACAD FILE: 24303-1A.DWG DATE: September 18, 2024



Appendix B

File: 
Date: 6/6/2025
MM/DD/YYYY



KEYPLAN NTS

PLAN OF SURVEY AND TOPOGRAPHY OF
PART OF LOT 1, CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF MARKHAM)
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SITE INFORMATION				
ADDRESS: 274 STEELES AVE EAST, MARKHAM, ONTARIO				
ZONE: RES-ENLR (RESIDENTIAL ESTABLISHED NEIGHBOURHOOD LOW RISE)				
	PROPOSED AREA: SQ.M.	EXISTING AREA: SQ.M.	AREA: ACRES	% OF TOTAL LOT AREA
TOTAL LOT AREA	6,111.5 M ²	6,111.5 M ²	1.51	100%
TOTAL BUILDING AREA	371.5 M ²	278.6 M ²		6.08%
LANDSCAPED AREA	1,855.3 M ²	2,261.6 M ²		36.96%
ASPHALT PAVED AREA	3,188.3 M ²	2,903.7 M ²		52.47%
CONCRETE PAVED AREA	696.4 M ²	647.4 M ²		11.39%

	PROPOSED	EXISTING	% OF TOTAL
MAIN BUILDING AREA (GROSS)	237.3 M ²	27.9 M ²	100%
C-STORE GFA	146.4 M ²	27.9 M ²	61.7%
A&W GFA	90.9 M ²	NA	38.3%
CAR WASH	134.2 M ²	NA	100%
4 BAY SERVICE STATION	NA	250.7 M ²	100%
CANOPY COVERAGE	229.3 M ²	344.8 M ²	3.8%
BUILDING HEIGHT - CANOPY:	5.50 M	VERIFY	
BUILDING HEIGHT - STORE:	5.10 M	VERIFY	
BUILDING HEIGHT - CAR WASH:	4.62 M	NA	

PARKING				
	MINIMUM REQUIRED	REQUIRED	EXISTING	PROPOSED
C-STORE	MOTOR VEHICLE FUELING STATION - 1 SPACE PER 35 M ² OF GFA (146.4/35) 1 = 4.18 = ROUNDED DOWN TO 4, RETAIL STORE - 1 SPACE PER 30 M ² (146.4/30) 1 = 4.88 = ROUNDED UP TO 5	9	8	10 PARKING INCLUDING 1- HANDICAP
A&W	FAST FOOD RESTAURANT - 1 SPACES PER 30 M ² OF GFA (90.9/30) 1 = 3.03 = ROUNDED DOWN TO 3, DRIVE THRU - 10 CAR STACKING	3	NA	3 PARKING (+ 7 CARS STACKING)
CAR WASH	2 PARKING SPACES, PLUS 1 PARKING SPACE FOR EACH SERVICE BAY - 7 CAR STACKING	3	NA	2 PARKING + 2 VACUUM (+ 7 CARS STACKING)
4 BAY SERVICE STATION	N/A	NA	14	N/A
TOTAL:		15	22	17
LOADING SPACE PROVIDED				
C-STORE & A&W	6.0M x 12M	NA	1	1

ISSUED		
NO.	DATE	DESCRIPTION
01	MMM DD/YY	ISSUED FOR CLIENT REVIEW

REVISION		
Δ	MMM DD/YY	REVISION DESCRIPTION

SEAL

The contractor will check and verify dimensions and report errors and omissions to the designer and the design professional whose seal is affixed to this drawing. Do not scale the drawings.

This drawing will not be used for construction purposes until issued for construction by the design professional whose seal is affixed to this drawing and whose signature is below.

ISSUED FOR CONSTRUCTION DATE

DIMENSIONS AND CONDITIONS TO BE VERIFIED ON THE PREMISES

K. PAUL ARCHITECT INC.
TORONTO • VANCOUVER • ORLANDO

2660 Sherwood Heights Dr. Suite 200, Oakville, Ontario, L6J 7Y8
www.kpaularchitect.com
(905)337-9800 fax (905)337-1986

CLIENT

PETRO-CANADA
A Suncor business

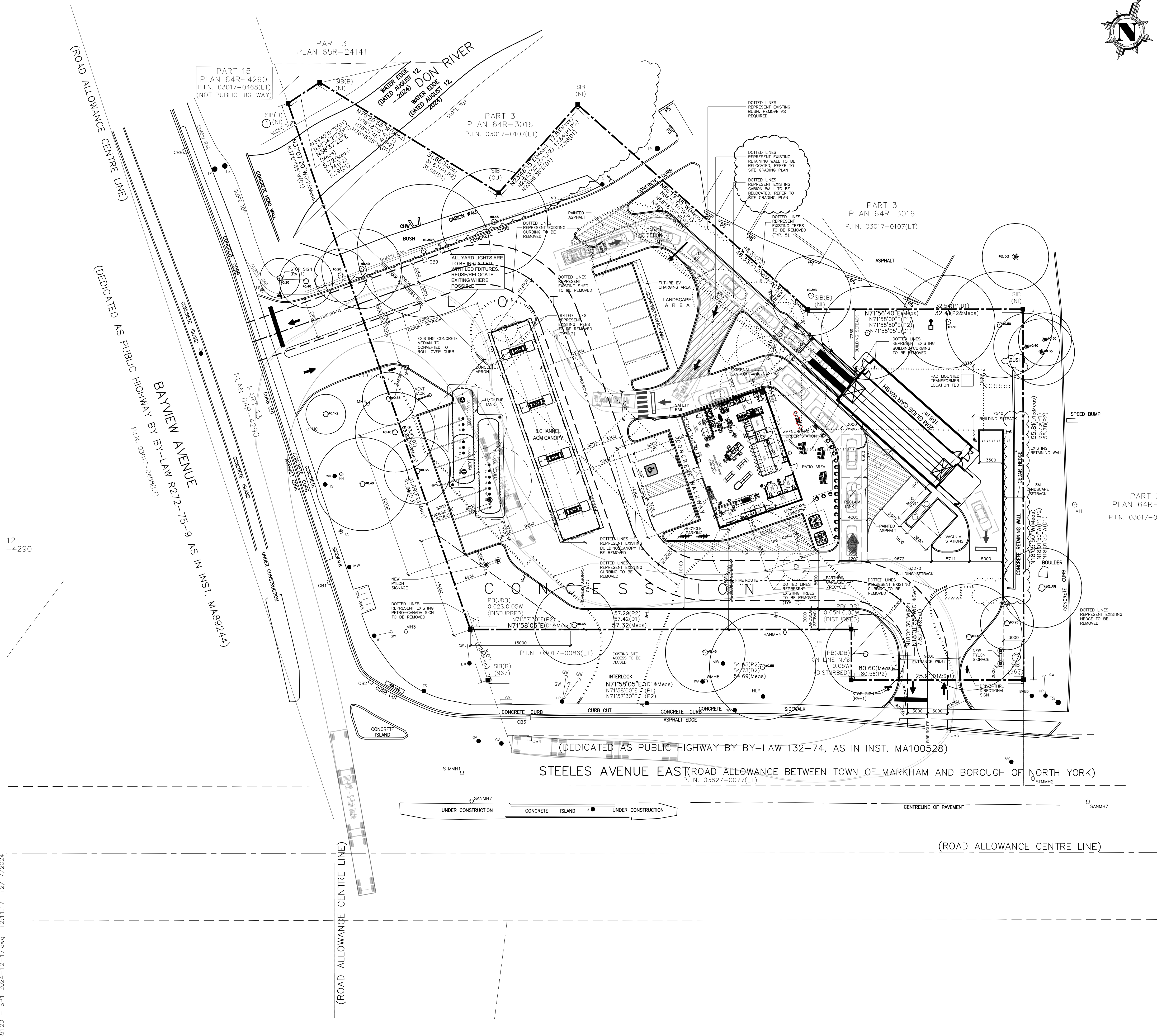
DRAWING TITLE

PROPOSED
SITE
PLAN

PROJECT

274 STEELES AVE EAST
@ BAYVIEW
MARKHAM, ONTARIO

DRAWN J.NORTON	CHECKED
SCALE 1:200	DATE 2024-11-13
PROJECT NO. 59120	DRAWING NO. SP1





Appendix B

File: 

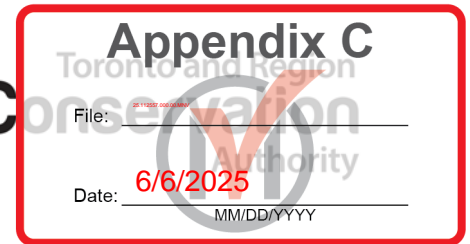
Date: 6/6/2025
MM/DD/YYYY

Appendix B

File: 

Date: **6/6/2025**
MM/DD/YYYY





May 30th, 2025

CFN PAR-DPP-2025-00779

VIA E-PLAN

Dear Shawna Houser

Re: Minor Variance Application – (A/020/25)
274 Steeles Avenue East, Markham
CON 2 PT LOT 1
Nearest Intersection: Steeles Ave East & Bayview Ave
Applicant: Suncor Energy Inc.
Owner: IGP Realty Advisors Inc (Blair Gagnon)

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on May 7th 2025. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the requirements of By-laws 2024-19, as amended, as it relates to the reconstruction of an existing motor vehicle fueling station and the construction of a motor vehicle washing establishment with a restaurant.

- a) **The applicant is seeking permission** under Section 45(2)(a) of the Planning Act to permit an alteration and extension to an existing legal non-conforming use by reconstructing the existing motor vehicle fueling station and constructing an accessory motor vehicle washing establishment and restaurant.

TRCA Permit Requirement

The subject property is within TRCA's Regulated Area, as it contains flood hazards associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

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

Site Specific Comments

Upon review of the existing floodplain conditions, it has been determined that the entire subject property is located within the Regulatory Floodplain, with an elevation of approximately 151.20 metres above sea level (masl). The existing site grades are around 150.0 masl, resulting in an

estimated flood depth of approximately 1.2 metres across the site. As such, the property is entirely within a high-risk flood hazard area.

It is also noted that the site does not appear to have safe access via any of the existing driveways.

In accordance with TRCA Policy 8.5.1.3.b, additions to existing buildings and structures may be permitted within the flood hazard, provided that the addition, its construction, and any associated private servicing are not located within the hydraulic floodway.

Given that both the existing and proposed development are located within a high-risk flood hazard area, TRCA policies do not support the proposed redevelopment as currently submitted. The proposal must be revised to maintain the existing building size. No increase in building size will be supported. However, relocating the development to an area of lower flood risk would be supported. Any redevelopment that maintains the existing size must incorporate floodproofing measures to the Regulatory Flood Elevation plus a freeboard of 0.3 metres.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$950.00 (Minor Variance - Standard). The applicant is responsible for fee payment and must remit the fee within 60 days of this letter. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendation

Based on the comments provided above, TRCA staff recommend **deferral** of Application A/020/25 until such time as the proposal is revised to reflect a redevelopment that maintains the existing size, to the satisfaction of TRCA.

Should the Committee of Adjustment choose not to defer its decision, TRCA staff recommend that the application be **refused**.

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

Regards,



Matthew Pereira
Planner 1

Development Planning and Permits | Development and Engineering Services
437-880-2416
Matthew.pereira@trca.ca

Miller, Hailey

Appendix C

Subject:

RE: Minor Variance Application - 274 Steeles Avenue East, Markham - A/020/25

File:

25.11257.000.00000
A/020/25

Date:

6/6/2025

MM/DD/YYYY

From: Matthew Pereira <Matthew.Pereira@trca.ca>

Sent: Monday, June 2, 2025 4:21 PM

To: Miller, Hailey <HMiller@markham.ca>

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: RE: Minor Variance Application - 274 Steeles Avenue East, Markham - A/020/25

Hi Hailey,

Following our meeting, please note that TRCA's primary concern relates to the scale of the proposed development rather than the proposed use or its expansion of the use. TRCA would be supportive of the application proceeding to the next stage, provided the applicant commits to reducing the development size to align with the existing building size.

Additionally, TRCA strongly recommends that the applicant initiate a Concept Development Application prior to submitting a Site Plan Application. This will help ensure alignment with TRCA's expectations and facilitate support through the subsequent stages of the Planning Act process. Please let me know if you need any further information or clarification.

Best regards,

Matthew Pereira B.EDP

Planner I - York East Review Area

Development Planning and Permits | Development and Engineering Services

T: (437) 880-2416

E: matthew.pereira@trca.ca

A: 5 Shoreham Drive, Toronto, ON, M3N 1S4 | trca.ca

