

Memorandum to the City of Markham Committee of Adjustment
May 8th, 2024

File: A/001/24
Address: 33 The Bridle Trail, Markham
Agent: Permit Works (Kelvin Lo)
Hearing Date: Wednesday, May 15, 2024

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

The Applicant is requesting relief from the “Local Commercial (LC)” zone requirements under By-law 134-79, as amended, as it relates to a proposed commercial school and animal hospital. The variance requested is to permit:

a) Section 9.1:

a commercial school and an animal hospital, whereas the By-law does not permit these specific uses.

BACKGROUND

Property Description

The 6,899.74 m² (74,268.18 ft²) Subject Lands are located on the northeast corner of Kennedy Road and The Bridle Trail (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. There is an existing commercial plaza with a butcher, spa, an insurance office, a veterinary clinic, and several commercial schools.

Application History

Staff note that the Committee of Adjustment (“COA”) had previously approved two different Minor Variance applications with regards to the proposed uses.

On January 23, 2002, the COA approved a Minor Variance application (A/14/02) on the Subject Lands to permit a learning/counselling centre (Kumon Math and Reading Centre) within the 99 m² (1,064 ft²) unit at the southern end of the plaza. Staff note the size of this business has since expanded to approximately 155 m² (1,673 ft²).

On July 24, 2013, the COA approved a similar land use variance to allow for a commercial school and an animal hospital/veterinarian clinic (A/66/13). The approval included conditions that the commercial school be limited to a maximum gross floor area of 285 m² (3067.71 ft²), and the gross floor area devoted to animal hospital be limited to a maximum of 110 m² (1,184.03 ft²) (refer to Appendix “B” – A/66/13 Notice of Decision).

Proposal

Under Section 45(2)(b) of the *Planning Act*, the Applicant is proposing to add an additional 199 m² (2,147 ft²) of commercial school use, and is requesting relief from the By-law and previous Minor Variance approval to permit the resulting total commercial school area from 285 m² (3067.71 ft²) to 639 m² (6,888 ft²) within the existing plaza. The Applicant is also requesting relief from the By-law and previous Minor Variance approval to permit the expansion of the animal hospital use from 110 m² (1,184.03 ft²) to 182.5 m² (1,964.41 ft²).

Official Plan and Zoning

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

The Official Plan designates the subject property “Mixed Use Low Rise”, which provides for localized multi-use, multi-purpose areas that offer a diverse range of relatively small-scale retail, service, professional office, community, institutional and recreational uses to serve nearby residents and businesses. Section 8.3.1.2 of the Official Plan permits a range of uses in lands designated as “Mixed Use” including, but not limited to, sports and fitness recreation, commercial schools, day care centre, financial institution, office, place of worship, public school and private school provided these are located on an arterial or major collector road, restaurant, retail, and service with the exception of motor vehicle service station and commercial storage facility.

Planning Staff have had regard for the requirements of the Official Plan in the preparation of the comments provided below.

Zoning By-Law 134-79

The Subject Property is zoned “Local Commercial (LC)” under By-law 134-79, as amended, which permits banks and financial institutions, personal service shops, business and professional offices, retail stores, and taxi stands. Commercial school and animal hospital are not specifically permitted within the Local Commercial use permissions in the Zoning By-law.

Comprehensive Zoning By-law 2024-19

On January 31, 2024 the City of Markham enacted a new Comprehensive Zoning By-law No. 2024-19 (the “Comprehensive Zoning By-law”) which is not yet in full force and effect. The Subject Property is zoned “MU-FD (Mixed Use Future Development)” under the Comprehensive Zoning By-law, which permits both commercial school and veterinary clinic uses.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on October 11th, 2023 to confirm the variances required for the proposed development.

Staff note that the Applicant had initially submitted an application to permit the additional commercial school use. However, the ZPR identified an increase in size to the existing commercial school and animal hospital use beyond what was permitted in the previous Minor Variance approval (A/66/13). As such, the expansion of the animal hospital use has been included as part of this application.

COMMENTS

Pursuant to Section 45(2)(b) of the *Planning Act*, where the uses of land, buildings or structures permitted in the By-law are defined in general terms, the Committee of Adjustment may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the By-law.

Zoning By-law 134-79, as amended, permits “business and professional offices” in Local Commercial zones. The “business and professional office” use is not a defined term within the By-law, and as such, may be considered in general terms. As general terms, it is up to the Committee to determine if a “business and professional office” use may include commercial school and/or animal hospital.

Staff note that the proposed uses are permitted under the new Comprehensive Zoning By-law and that no parking variances were identified by the ZPR.

Staff are of the opinion that the proposed use maintains the general intent and purpose of the Official Plan and Zoning By-law, and considers the proposed use to be appropriate for the Subject Lands. Staff have no objection to the requested variance subject to the conditions outlined in Appendix “C”, which will replace the previously imposed conditions under A/66/13.

PUBLIC INPUT SUMMARY

One letter of support was received as of May 3rd, 2024. 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)(b) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and have no objection to the proposed variance. 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 Section 45(2)(b) of the *Planning Act*.

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

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Melissa Leung, RPP, MCIP, Senior Planner, Central District

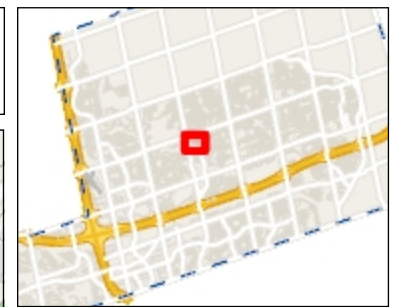
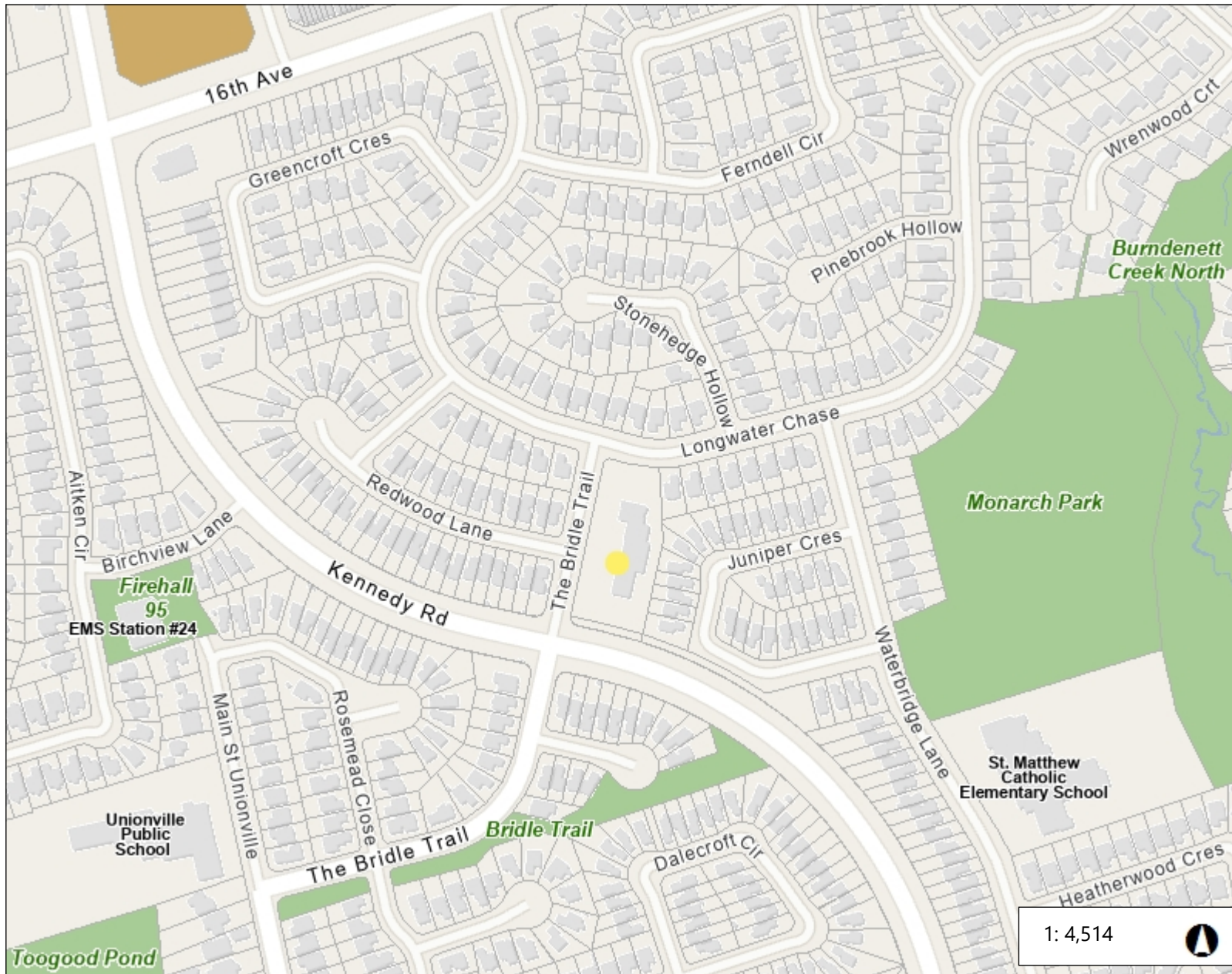
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APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – A/66/13 Notice of Decision

Appendix "C" – A/001/24 Conditions of Approval



Legend

- Subject Lands
33 The Bridle Trail

1: 4,514



Notes

229.3 0 114.66 229.3 Meters



July 25, 2013

Gerry Groskopf
219 Ruggles Ave.
Richmond Hill, Ontario L4C 1Y6

Dear Sir/Madam,

RE: *Han's Investment Group Inc.*
33 The Bridle Trail, Markham
PLAN M1931 BLK 251
A/66/13

Attached please find a copy of the Committee of Adjustment resolution of regarding the above, from the meeting of July 24, 2013.

Yours truly,

A handwritten signature in black ink, appearing to read 'Andrew Hordylan'.

~~FOR~~ Andrew Hordylan, MUDs, BaT
Secretary-Treasurer
Committee of Adjustment

Attachments

cc Richard Kendall, Central
Bradley Roberts, Zoning and Compliance
Building Inspection
File copy



COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. A/66/13 was **approved** at a hearing held on July 24, 2013. A written appeal of this decision must be received **no later than Tuesday August 13, 2013. After this date the decision becomes final and binding and cannot be appealed.**

Appeals to the Ontario Municipal Board must be served personally or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$125.00**, payable to the **Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Ontario Municipal Board, please note there will be an additional City of Markham administration fee of \$200.00, plus \$26.00 HST (a separate cheque made payable to City of Markham in the amount of **\$226.00**) must be made at the time of the appeal submission to the Committee of Adjustment. **The reasons must be given or it will not be considered an objection. A letter of objection filed prior to the hearing date is not a notice of appeal.**

Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Sworn before me at the City of Markham

July 25, 2013

A Commissioner, etc.

FOR
Andrew Hordylan MUDs, BaT.
Secretary Treasurer,
Committee of Adjustment,
City of Markham.

Nathalie Yvette Orsi, a Commissioner, etc.,
Province of Ontario, for
The Corporation of the City of Markham.
Expires May 28, 2016.



COMMITTEE OF ADJUSTMENT RESOLUTION

Application: A/66/13
Hearing Date: July 24, 2013
Name: Han's Investment Group Inc.
Location: 33 The Bridle Trail, Markham
PLAN M1931 BLK 251

Last Date of Appeal: Tuesday August 13, 2013

Moved by LB 

Seconded by PG 

THAT Application No. **A/66/13**, submitted by **Han's Investment Group Inc.**, owners of **33 The Bridle Trail, Markham, PLAN M1931 BLK 251**, requesting relief from the requirements of By-law No. 134-79, as amended, to permit: a) a commercial school within Unit 11 (fitness, sports and yoga for children), whereas the By-law does not identify a commercial school as a permitted use at the subject property, and, b) an animal hospital (veterinarian), whereas the By-law does not identify an animal hospital as a permitted use at the subject property, as they relate to an existing shopping centre, be **approved** for the following reasons:

- (a) in the opinion of the Committee, the general intent and purpose of the by-law will be maintained;
- (b) in the opinion of the Committee, the general intent and purpose of the Official Plan will be maintained;
- (c) in the opinion of the Committee, the granting of the variance is desirable for the appropriate development of the lot;
- (d) in the opinion of the Committee, the requested variance is minor in nature.



COMMITTEE OF ADJUSTMENT RESOLUTION

Application: A/66/13

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SUBJECT to the following conditions:

1. The proposed new *commercial school* be limited to the northern unit of the existing plaza, as shown on the plans filed with the Committee of Adjustment, and to have a maximum gross floor area of 285m²; and
2. The gross floor area devoted to *animal hospital* be limited to a maximum of 110m² within the existing unit on subject the property.

Resolution carried.

SPECIAL NOTE TO OWNERS AND AGENTS: It is the responsibility of the owner and/or agent to ensure that all conditions of approval are met through the respective departments noted therein. Failure to do so may result in additional approvals being required.

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/001/24

1. The variances apply only to the proposed development as long as it remains;
2. The commercial school use be limited to a maximum gross floor area of 639 m²;
3. The animal hospital/veterinary clinic use be limited to a maximum gross floor area of 182.5 m².

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District