

Memorandum to the City of Markham Committee of Adjustment

July 7, 2023

File: A/056/23
Address: 1 Stone Mason Drive, Markham
Applicant: Taran Developments Inc. (Joe Rubino)
Agent: TAES Architects Inc. (Shenshu Zhang)
Hearing Date: Wednesday, July 12, 2023

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

The applicant is requesting relief from the following Local Commercial (LC) zone requirements of By-Law 153-80, as amended, to permit a Recreational Establishment as an additional use in an existing multi-unit commercial building (Section 11.1), whereas this use is not permitted.

BACKGROUND

Property Description

The 3,779.23 m² (40,679.29 ft²) subject property is located on the southeast corner of 16th Avenue and Stone Mason Drive. The subject property contains a one-storey 828.34 m² Multi-tenant commercial building containing eight units. Existing uses within the existing building include dry cleaning, dental office, restaurants, hair salon, and a retail convenience store.

A previous Minor Variance application was approved in 2020 to permit 'Commercial School' use as an additional use for units 1 and 2 of the subject property. A contemporary art gallery (Esperanto Gallery & Studios) is currently occupying the space in units 1 and 2.

Proposal

The applicant is proposing an indoor golf training centre in Units 1 and 2 of an existing multi-tenant commercial building on the subject property. The proposal does not include any modifications to the exterior of the building (refer to Appendix "B" – Plans).

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 Low Rise' and is located along arterial and major collector roads which serves an important function for nearby residents by providing access to goods and services. The designation is characterized by localized multi-use, multi-purpose areas offering a diverse range of retail, service, office, community, institutional and recreational uses serving nearby residents and businesses.

Zoning By-Law 153-80 as amended

The subject property is zoned LC – Local Commercial under By-law 153-80, as amended, which permits banks, financial institutions, personal service shops, business and professional offices, retail stores and taxi stands. An indoor golf training centre is not a permitted use in this zone, and the applicant has therefore applied for a variance to permit this as an additional land use on the subject property.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on November 29, 2022 to confirm the variances required for the proposed development.

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 submitted a variance to the Committee of Adjustment to permit a 'Recreational Establishment' to an existing permitted Local Commercial zoned property under Section 45(1) of the *Planning Act*.

While zoning regulations do not specifically permit a 'Recreational Establishment' use on the subject property, a broad range of uses is permitted which are compatible with the proposed use. The proposed recreational establishment is contemplated in the Official Plan. Additionally, it has been verified that there is sufficient on-site parking to accommodate both the existing and proposed uses. Considering the nature of the proposed use, it will not have any negative impact on the existing development. Staff are of the opinion that adding a recreational establishment as a permitted use is appropriate and meets the 4 tests.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 7, 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 "B" for conditions to be attached to any approval of this application.

APPENDICES

- Appendix "A" – Aerial Photo
- Appendix "B" – Conditions of Approval
- Appendix "C" – Plans

PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 23 118083 \Documents\District Team Comments Memo



Legend

Subject Lands - 1 Stone Mason Drive

Notes



APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/056/23

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 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;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Trisha Sridharan". The signature is written in a cursive style with a large, sweeping initial 'T'.

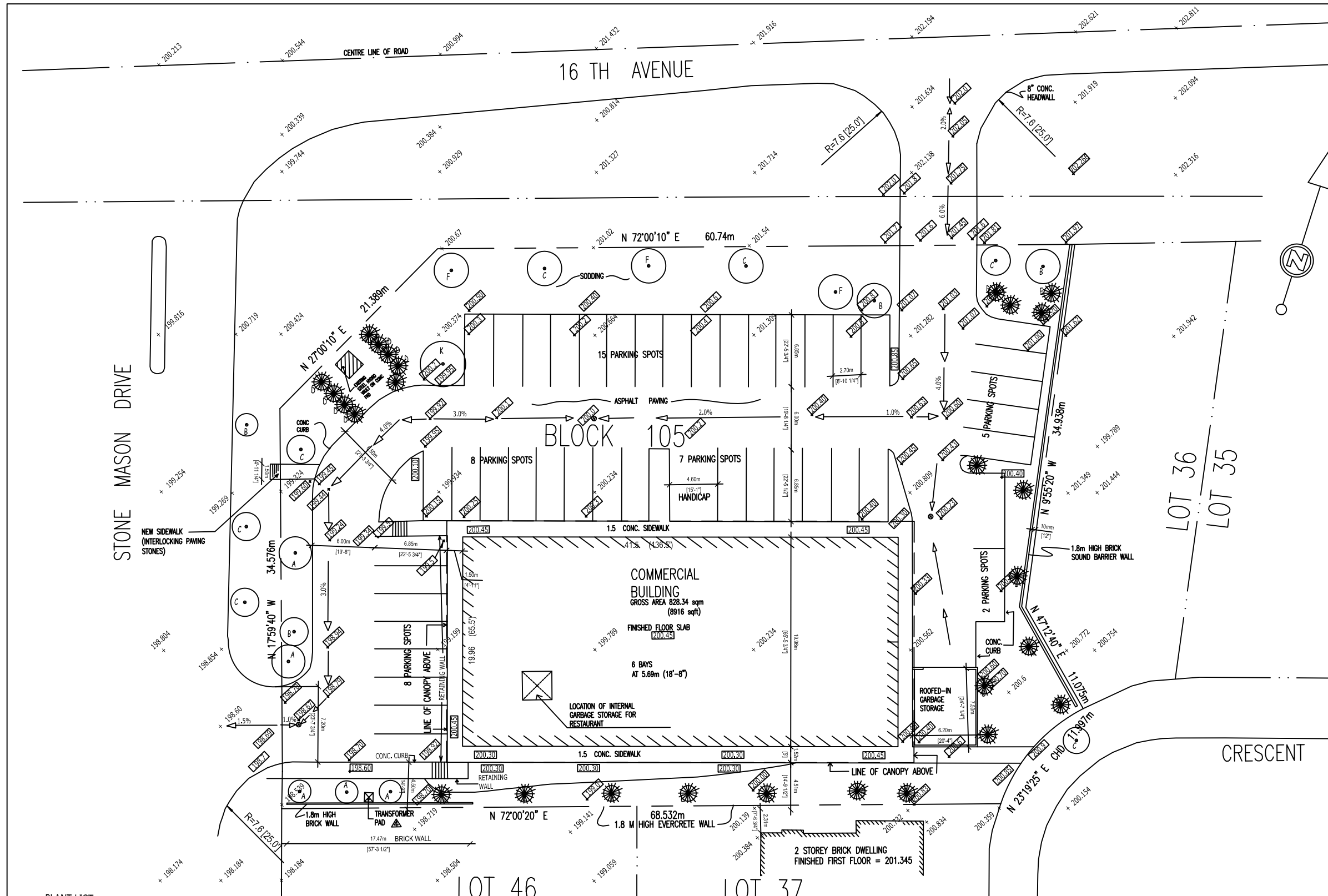
Trisha Sridharan, Development Technician, Zoning and Special Projects

Appendix C

File: 23.119083.000.00.MNV

Date: 07/07/23

MM/DD/YY



- NOTES:
- DESIGN STATISTICS
 - LOT AREA = 0.3781 HA (.934 A)
 - BUILDING AREA = 828.34 SQM (8916.5 SQFT)
 - BUILDING COVERAGE = 22%
 - PARKING SPACES REQ'D = 45
 - PARKING SPACES PROVIDED = 45
 - LANDSCAPE AREA = 950 SQM (10,226.1 SQFT)
 - BUILDING HEIGHT = 5.0 M (16.4 FT)
 - PARKING & DRIVEWAY AREA = 1862 SQM (20,043.1 SQFT)
 - DENSITY - RETAIL = 6 UNITS
 - OFFICE AREA = 1 UNIT
 - ALL DIMENSIONS IN METRIC
IMPERIAL DIMENSIONS IN BRACKETS.
 - INFORMATION FOR THIS SITE PLAN TAKEN FROM PLAN OF SURVEY OF BLOCK 105 REQ PLAN NO. 65M-2087 TOWN OF MARKHAM REGIONAL MUNICIPALITY OF YORK: PREPARED BY J.D. BARNES LTD. SUR.
 - x 200.165 EXIST ELEVATIONS.
 - x 200.165 EXIST ELEVATIONS TO REMAIN.
 - x 200.165 PROPOSED ELEVATIONS.

KEY	BOTANICAL NAME	COMMON NAME	CAL	HT/SPR.
A	ACER SACCHARINUM	SUGAR MAPLE	1 1/2"	
B	ACER RUBRUB	RED MAPLE	1 1/2"	
C	GLEDITSIA TRIACANTH	SHADEMASTER HONEYLOCUST	1 1/2"	
D	PINUS NIGRA	AUSTRIAN PINE		4'-0"
E	PICEA PUNGENS	COLORADO SPRUCE		4'-0"
F	ACER SACCHARINUM PLATANOIDES	CRIMSON KING MAPLE	1 1/2"	
G	PINUS MUGG	MUGHO PINE		1'-6"
H	JUNIPERUS CHINENSIS	MOUNTBATTEN JUNIPER		2'-6"
K	SYRINGA AMURENSIS JARONICA	JAPANESE TREE LILAC	1 1/2"	
a	CORNUS ALBA	SILVERLEAF DOGWOOD		2'-0"
b	SPIRAEA BUMALDA	ANTHONY WATERER SPIREA		2'-0"

DRAWING TITLE		SCALE	
SITE PLAN		1:400	
PROJECT TITLE		PROJECT NO.	
1 STONE MASON		8306	
DRAWN		DRAWN	
A.B. & M.N.		A.B. & M.N.	
DATE		DATE	
8/15/83		8/15/83	
DRAWING NO		DRAWING NO	
AO.1		AO.1	

Mastrodicasa Engineering Limited
922 Sheppard Ave. W. Downsview, Ontario

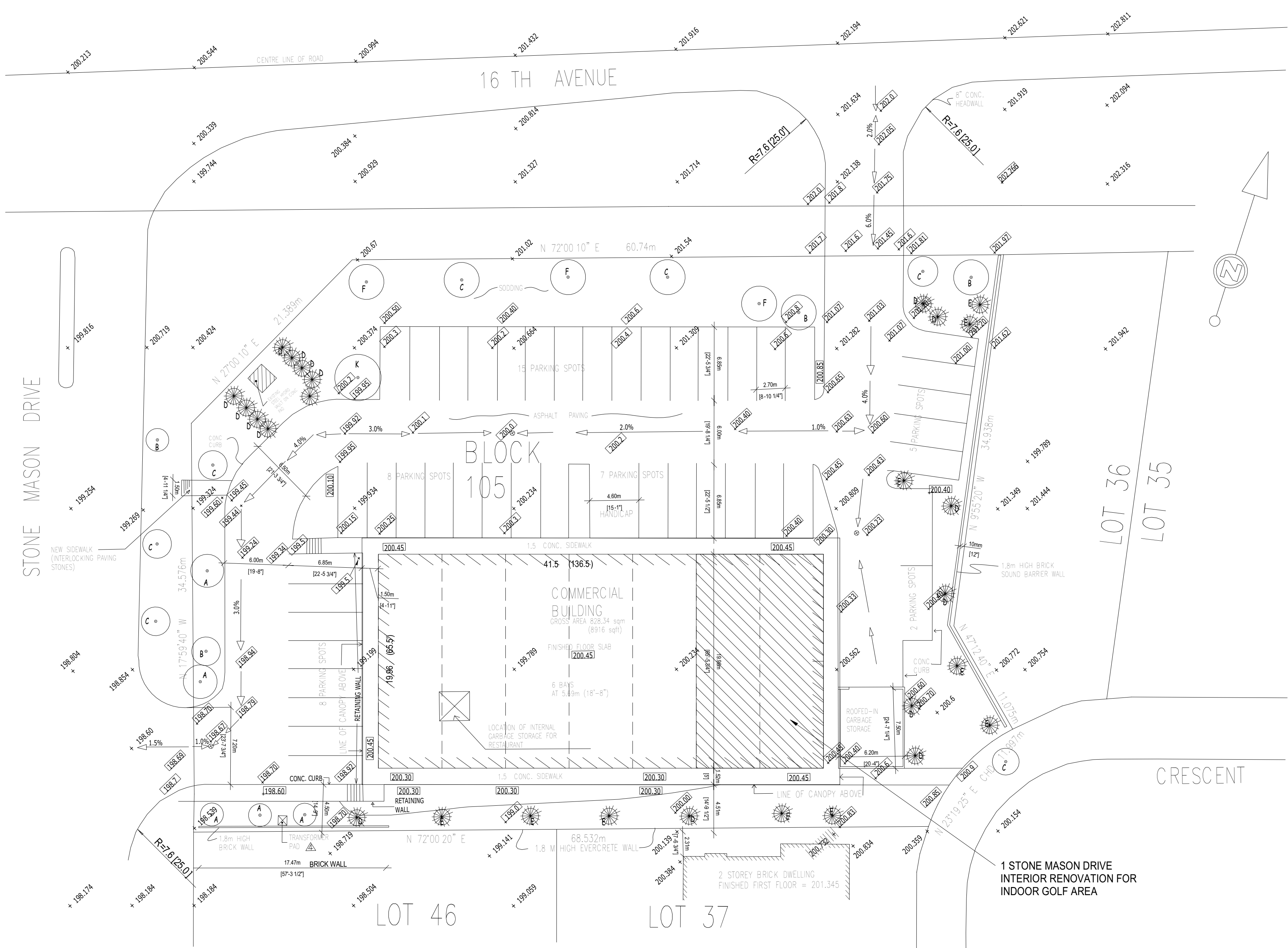
INDOOR GOLF FACILITY - INTERIOR ALTERATION

1 STONE MASON DRIVE, MARKHAM, ON.

PERMIT SET

DRAWING LIST

Sheet Number	Sheet Name
A-100	Ground Floor Plan Existing, Demolition & Proposed
A-101	Sections & Details
A-001	Cover Page & Site Plan



1 SITE
 A-001 SCALE: 1:250

OBC MATRIX

ITEM	ONTARIO BUILDING CODE DATA MATRIX	OBC REFERENCE	
1.	Project Description: INTERIOR RENOVATION, 1 STONE MASON DRIVE, MARKHAM, ON. <input type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Part 11	<input checked="" type="checkbox"/> Part 3 <input type="checkbox"/> Part 9
2.	Major Occupancy(s): GROUP D - Business and personal services occupancies (NO CHANGE)	3.1.2.1.(1)	9.10.2.
3.	Building Area (m2): Existing: 226.63 M ² New: No Change Total: 226.63 M ²	1.4.1.2.(A)	1.4.1.2.(A)
4.	Gross Floor Area (m2): Existing: 226.63 m2 New: No Change Total: 226.63 M ²	1.4.1.2.(A)	1.4.1.2.(A)
5.	Number of Storeys: 1 Above Grade: 1 (No Change) Below Grade: 0 (No Change)	1.4.1.2.(A) & 9.10.4.	1.4.1.2.(A) & 9.10.4.
6.	Number of Streets / Access Routes: 1	3.2.2.10 & 3.2.5.5.	9.10.20.
7.	Building Classification: GROUP D, up to 2 Storeys (NO CHANGE)	3.2.2.10-83	9.10.4.
8.	Sprinkler System Proposed <input type="checkbox"/> Entire Building <input type="checkbox"/> Basement Only <input type="checkbox"/> In Lieu of Roof Rating <input checked="" type="checkbox"/> Not Required	3.2.2.20-83 3.2.1.5. 3.2.2.17.	9.10.8.2.
9.	Standpipe Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.9.	
10.	Fire Alarm Required: <input checked="" type="checkbox"/> Yes (Existing) <input type="checkbox"/> No	3.2.4.	9.10.18.
11.	Water Service / Supply is Adequate: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
12.	High Building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.6.	
13.	Permitted Construction <input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-Combustible <input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-Combustible	3.2.2.20-83	9.10.6.
14.	Mezzanine(s) Area (m2): N/A	3.2.1.1.(3)-(8)	9.10.4.1.
15.	Occupant Load Based on: <input checked="" type="checkbox"/> Design of Building <input type="checkbox"/> m2/person Total: = 16 Persons	3.1.17.	9.9.1.3
16.	Barrier-Free Design: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.8	9.5.2
17.	Hazardous Substance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2.(1) & 3.3.1.19(1)	9.10.1.3
18.	Required Fire Resistance Rating (FRR) Horizontal Assemblies: 0 Hour Roof: 0 Hours Mezzan.: 0 Hour FFR of Supporting Members Floor: 0 Hour Roof: 0 Hours Mezzan.: 0 Hour	Listed Design No. or Description (SG-2)	3.2.2.20-83 & 3.2.1.4. 9.10.8.1 & 9.10.9
19.	Plumbing Requirement (50% Male, 50% Female) Occupant loads (Each gender) Fixture required Fixture provided OBC Table		3.7.4. 9.31.4.
20.	Spatial Separation Walls: Area of Exposed Wall (sqm) Area of Window Opening (sqm) Limiting Dist (m) H to L (Ratio) Unprotected Opening Permitted Proposed (%) FRR (h) Listed Design or Description Combustible Construction Non-Combustible Cladding Non-Combustible Constr.		3.2.3.1.D. 9.10.15.

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No.	Issued	Date	By
1	For Building Permit	2022-11-29	TM/SW
2	For Variance Application	2023-04-04	SZ

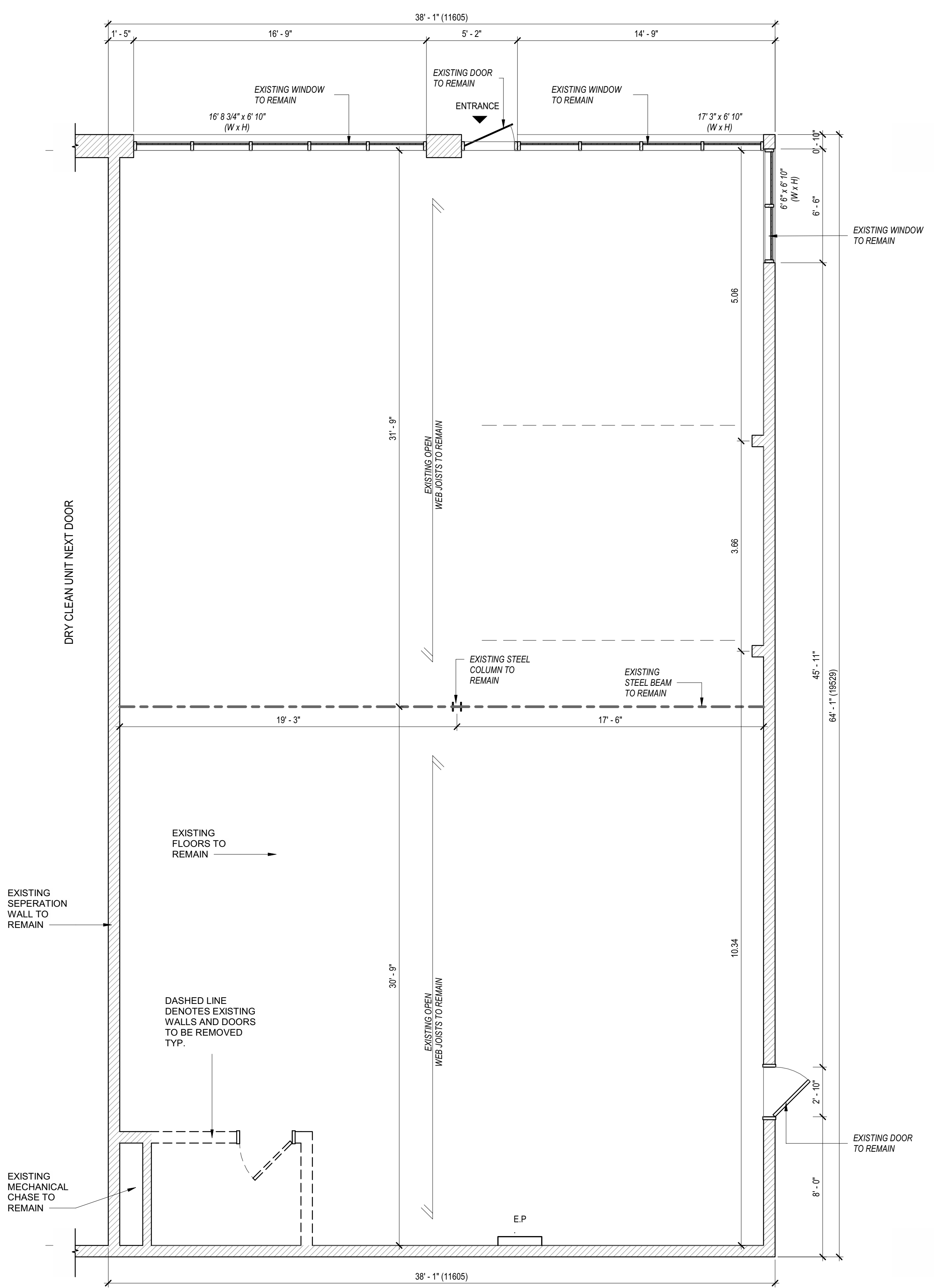


TAES Architects Inc.
 98 SCARSDALE ROAD,
 TORONTO, ONTARIO, M3B 2R7
 T: 416 800 3284
 F: 416-800-3485

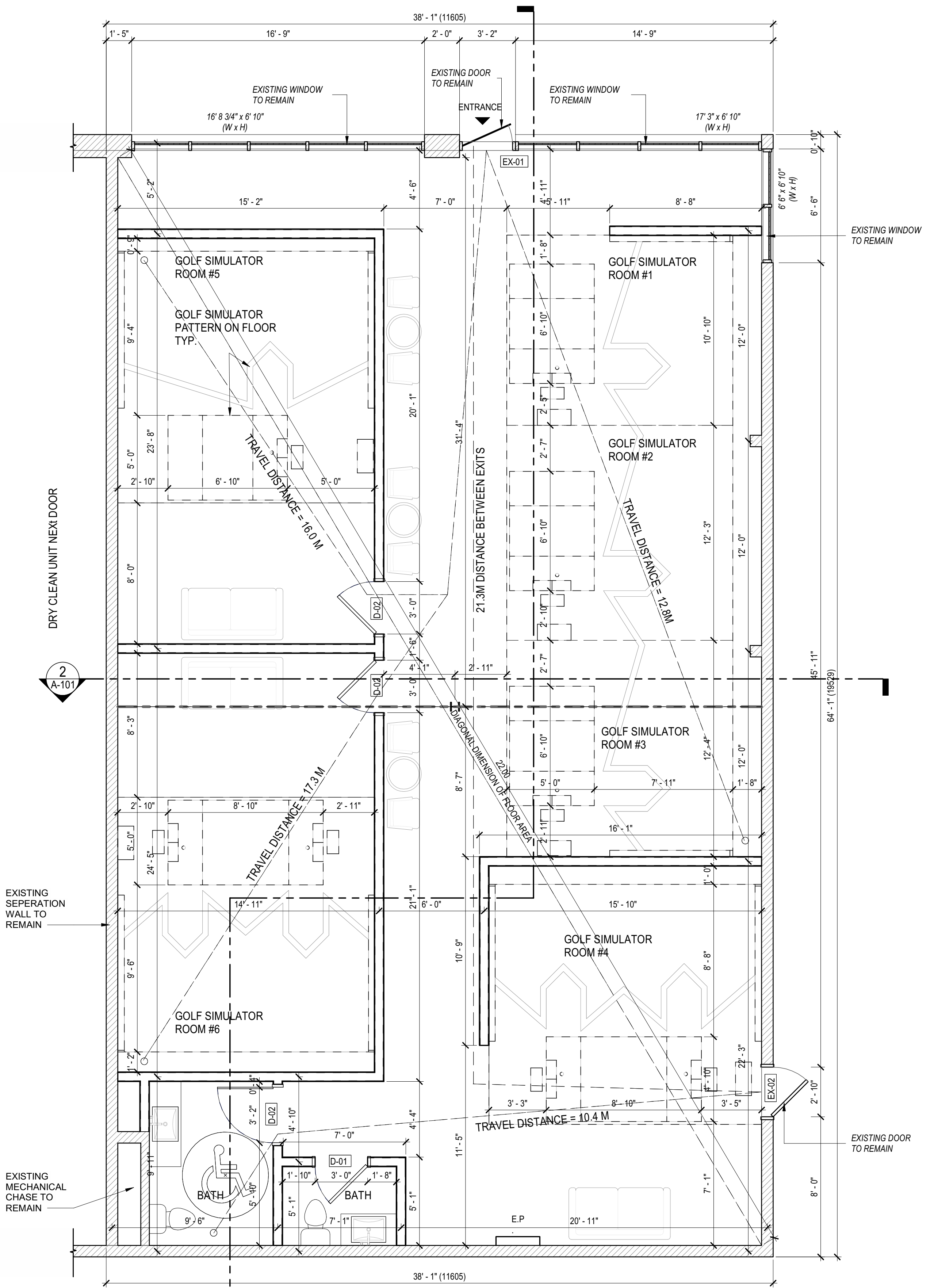
Indoor Golf Facility
 1 Stone Mason Drive, Markham, ON

Project No.	T2022054
Drawn	Scale As indicated
Checked	Date 11/04/22

Cover Page & Site Plan



1 Ground Floor Plan Existing & Demolition
 A-100 SCALE: 1:48



2 Ground Floor Plan Proposed
 A-100 SCALE: 1:48

EXISTING WALL
 PROPOSED WALL
 DEMOLISHED WALL

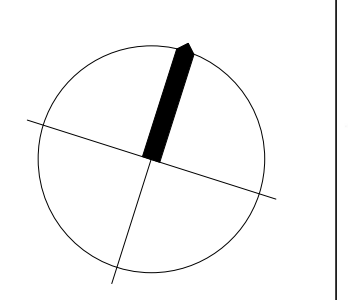
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Indoor Golf Facility

1 Stone Mason Drive, Markham, ON

Project No.	T2022054
Drawn	Scale 1:48
Checked	Date 11/01/22

Ground Floor Plan Existing.
 Demolition & Proposed

Drawing No.

A-100