

# Memorandum to the City of Markham Committee of Adjustment

February 13, 2025

**File:** A/149/24  
**Address:** 7481 Woodbine Ave, Markham  
**Agent:** MHBC Planning Limited (David McKay)  
**Hearing Date:** Wednesday, February 19, 2025

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

The Applicant is requesting relief from the following requirements of the “Employment - Service Employment (EMP-SE)” zone under By-law 2024-19, as amended, as it relates to permitting four additional uses within an existing two-storey commercial building. The variances requested are to permit:

**a) Section 9.4.2.1:**

a child care centre, motor vehicle sales establishment, restaurant, and minor entertainment centre uses, whereas the By-law does not permit these uses; and

**b) Section Table 5.8.1:**

a minimum of 0 loading spaces between 1,000 square metres and 1,860 square metres, whereas the By-law requires 1 loading space.

## BACKGROUND

### Property Description

The 5,096 m<sup>2</sup> (54,852 ft<sup>2</sup>) subject property (“Subject Lands”) is located on the northeast corner of Woodbine Avenue and Esna Park Drive (refer to Appendix “A” – Aerial Photo). The property is located within an established commercial and industrial area, and the Subject Lands are surrounded by service employment uses, including restaurants directly to the north and further southwest across Woodbine Avenue, entertainment and retail uses to the west across Woodbine Avenue, and a daycare centre, retail and office uses directly to the east.

There is an existing two-storey 1,663 m<sup>2</sup> (17,904 ft<sup>2</sup>) commercial building with surface and below-grade parking on the Subject Lands. The first storey of the commercial building has a gross floor area (GFA) of 844 m<sup>2</sup> (9,085 ft<sup>2</sup>) and is currently vacant. The second storey contains 819 m<sup>2</sup> (8,815 ft<sup>2</sup>) of existing office space.

### Proposal

The Applicant is requesting under Section 45(1) of the *Planning Act* to permit four additional uses within the first floor of the existing two-storey commercial building. These uses include a restaurant, childcare centre, motor vehicle sales establishment, and minor entertainment centre (“Proposed Development”). The Applicant is also requesting for a variance to legalize an existing condition to permit zero loading spaces (refer to Appendix “B” – Site Plan).

The Applicant has indicated that there will not be any exterior work on the building and changes to the external function of the Subject Lands (refer to Appendix “B” – Site Plan).

### **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 Lands “Service Employment”, which permits a range of employment uses, including office, and small-scale retail and service uses that support business uses, employees in Markham, and the general public. The “Service Employment” area also provides for ancillary uses serving businesses and employees located within employment areas.

Discretionary uses such as restaurant, day care centres (provided it is located within an office building), motor vehicle retail sales with limited accessory outdoor storage or display of motor vehicles, and entertainment are also provided for in lands designated “Service Employment”, subject to the review of a site-specific development application.

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

### Zoning By-Law 2024-19

The Subject Lands are zoned “Employment - Service Employment (EMP-SE)” under By-law 2024-19, as amended, which permits a range of commercial and employment uses. Unless legally existing on the Subject Lands on the date of the passing of the By-law, Restaurant, Child Care Centre, Motor Vehicle Sales Establishment, and Minor Local Entertainment Centre uses are not permitted.

The Proposed Development does not comply with the By-law requirement with respect to use and loading space requirements.

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

The owner has completed a Zoning Preliminary Review (ZPR) on January 31, 2025 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.

## **Proposed Restaurant, Child Care Centre, Motor Vehicle Sales Establishment, and Minor Local Entertainment Centre Uses**

The Applicant is requesting relief to permit Restaurant, Child Care Centre, Motor Vehicle Sales Establishment, and Minor Local Entertainment Centre uses on the Subject Lands, whereas the By-law does not permit these uses, unless they legally existed on the Subject Lands on the date of the passing of the By-law.

The Applicant is proposing to permit the proposed uses on the first floor of the existing commercial building while retaining the existing office uses on the second floor. The Applicant indicated that no exterior work is proposed on the Subject Lands. Furthermore, the Applicant has demonstrated that there is sufficient on-site parking to accommodate the proposed uses (additional details provided in the Parking Supply section below).

Given that the proposed uses will only be located on the first floor, Staff are of the opinion that the variance request is minor in nature and are of the opinion that the proposed uses appropriately contribute to the planned function of the service employment area. The proposed uses will not adversely impact the existing or permitted commercial uses on the Subject Lands and are compatible with uses on adjacent properties within the vicinity. Staff are also of the opinion that the proposed uses maintain the general intent and purpose of the Official Plan and Zoning By-law, and consider the proposed uses to be appropriate for the Subject Lands, subject to the conditions outlined in Appendix "C". Additional details related to each use is provided in the sections below.

### **Restaurant**

The Applicant confirmed that there would not be any outdoor patios areas associated with the proposed Restaurant use. As previously noted, there are already restaurants in the site immediate to the north of the Subject Lands and in the mall development southwest to the Subject Lands across Woodbine Avenue.

### **Child Care Centre**

Under the Ontario Ministry of Education's Child Care Centre Licensing Manual, an outdoor play space that is at least equivalent to 5.6 m<sup>2</sup> for each child based on the licensed capacity is required. The required outdoor play space is not shown on the submitted Site Plan (Appendix B), however, the Applicant has confirmed that further design details for the proposed Child Care Centre will be determined once a tenant has been secured. Staff note that should the Committee of Adjustment approve this variance request, future planning applications (for Minor Variance and/or Site Plan Approval) may be required for the outdoor play area.

### **Motor Vehicle Sales Establishment**

Staff note that Motor Vehicles Sales Establishments are traditionally large standalone car dealership buildings with significant outdoor storage and outdoor display of vehicles, as well as accessory motor vehicles repair and servicing located onsite.

The proposed Motor Vehicle Sales Establishment use is akin to an urban-format dealership and does not require the same amount of floor space or outdoor storage and

display typically associated with traditional car dealerships. The Applicant also indicated that the proposed Motor Vehicle Sales Establishment use will have an indoor showroom space, with limited outdoor display of vehicles in the parking area if required and proposed by a future tenant. The Applicant is aware that outdoor display of vehicles and storage are currently not permitted under By-law 2024-19, and future minor variance and/or site plan application(s) to approve the potential outdoor display of vehicles and storage may be required.

Furthermore, the Applicant has confirmed that the car brokerage use will not include the sale of automotive parts, mechanical repairs, auto body repairs, motor vehicle maintenance, or fueling.

It is Staff's opinion that the proposed Motor Vehicle Sales Establishment use is similar to the office and retail uses permitted under the Zoning By-law. Staff recommend that should the Committee approve the variance, the features typically associated to a traditional car dealership such as motor vehicle repair, servicing, and body shop uses be prohibited as a condition of approval.

#### **Minor Local Entertainment Centre**

Staff note that a Minor Local Entertainment Centre use is generally defined under the By-law as a "establishment used for social or amusement purposes and may include, but is not limited to, an arcade, gaming café, pool hall, virtual reality games, escape room, or karaoke facilities, but shall not include an adult entertainment establishment or nightclub." The Applicant has indicated that a potential tenant for the proposed Minor Local Entertainment use could be a pool hall.

#### **Parking Supply**

The Subject Lands currently provide a total of 117 vehicular parking spaces (92 surface and 25 below-grade). The Applicant proposes to maintain the existing parking supply and has demonstrated in the Transportation Impact Study Brief that there would not be a deficiency of parking spaces as a result of the additional proposed uses, on the basis that the existing Office use on the second storey of the commercial building will remain. As such, Staff recommend that should the Committee approve the variance, the Restaurant, Child Care Centre, Motor Vehicle Sales Establishment, and Minor Local Entertainment Centre uses be limited to the first storey of the commercial building as a condition of approval.

Transportation Staff have no comments on the findings for vehicular parking and have no concerns on the proposed vehicular parking supply.

#### **Loading Reduction**

A variance is requested to maintain the existing 0 loading spaces on the Subject Lands, whereas the By-law requires one loading space. The Applicant has demonstrated in the Transportation Impact Study Brief that the building's delivery activity generally consists of small delivery vans and trucks that can utilize the on-site vehicle parking supply or be scheduled out of typical business hours. The Applicant has demonstrated in the Brief that

the small size of the vacant ground floor space is not expected to generate a high volume of delivery/ loading activity.

Transportation Staff have no comments on the findings for loading and the approval of the proposed loading reduction.

## **EXTERNAL AGENCIES**

### York Region

The Subject Lands are located along Woodbine Avenue, a Regional Road. York Region has confirmed that there are no comments on the application.

## **PUBLIC INPUT SUMMARY**

As of February 13, 2025, the City received two letters expressing concerns that there are too many restaurants around the area, and that there is already an existing kindergarten nearby. 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.

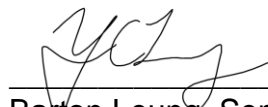
## **CONCLUSION**

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

PREPARED BY:



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Barton Leung, Senior Planner, Central District

REVIEWED BY:



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

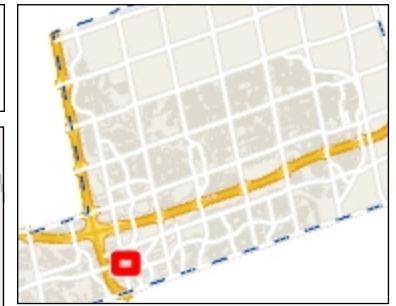
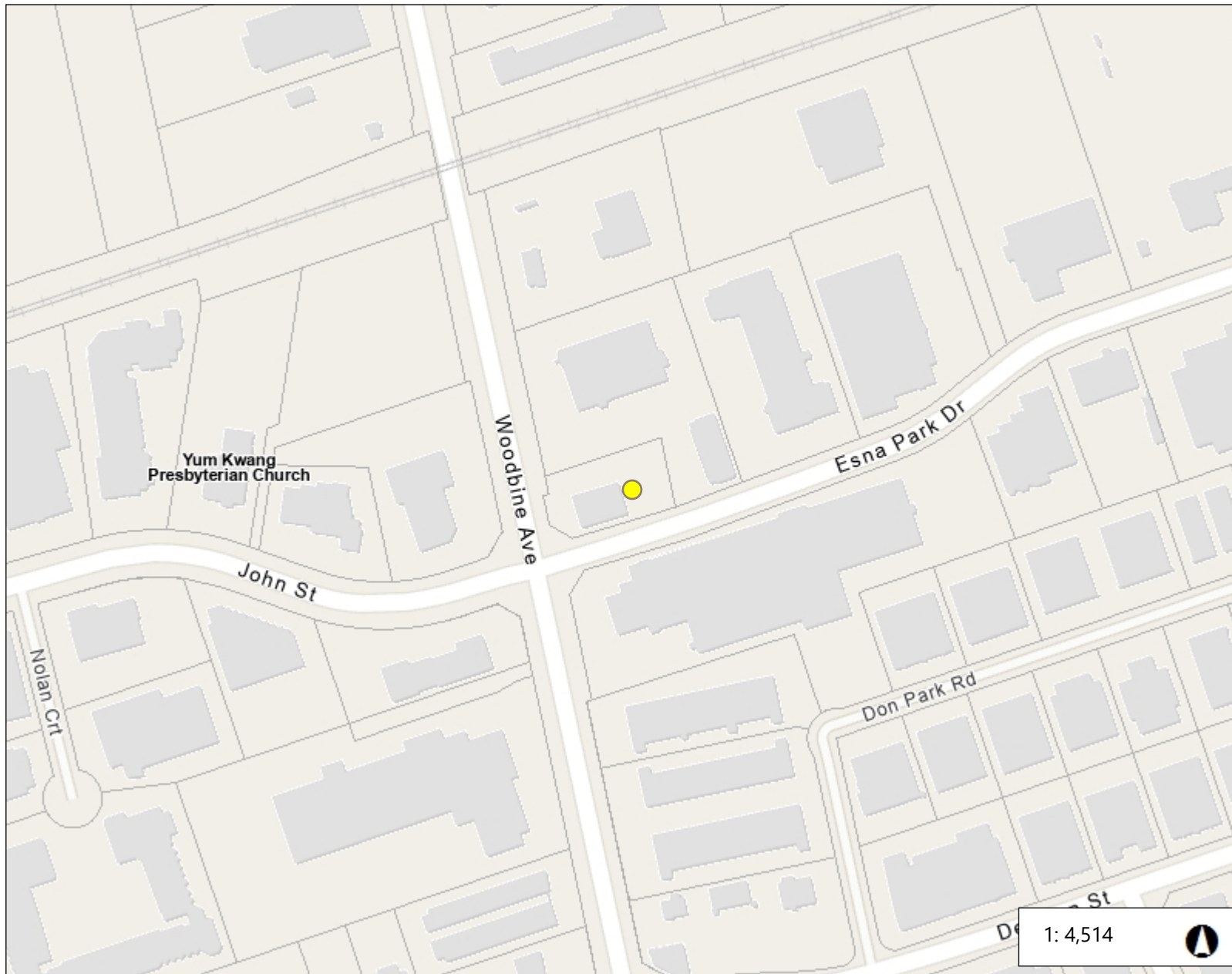
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**LIST OF APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Site Plan

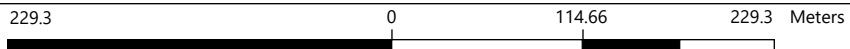
Appendix "C" – Conditions



Legend

- Subject Lands (7481 Woodbine Ave)

1: 4,514



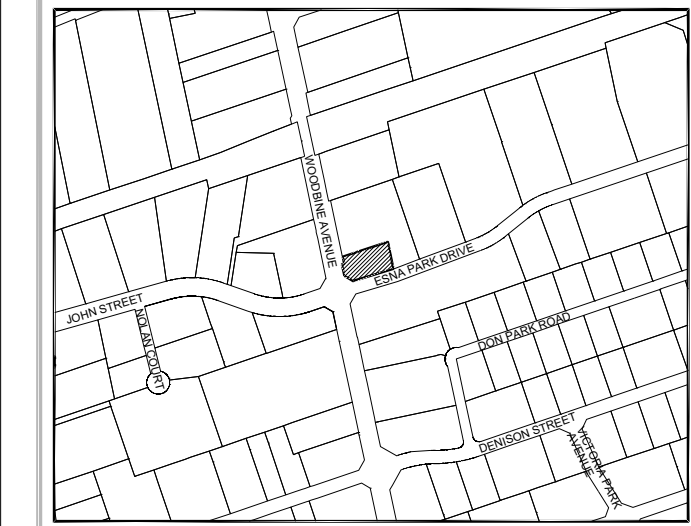
Notes

# Appendix B

File: 24.199760.000.00.MNV

Date: 2/13/2025  
MM/DD/YYYY

Legal Description  
7481 WOODBINE AVENUE  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK



KEY MAP 1:15,000

### LEGEND

- EXISTING LOT FABRIC
- EXISTING TREE
- ▨ EXISTING LANDSCAPING
- EXISTING WALKWAY

- NOTES:
1. ALL DIMENSIONS ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
  2. ALL SITE FEATURES AND BUILDINGS ARE EXISTING UNLESS OTHERWISE NOTED.

Revision No. Date Issued / Revision By

230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 6C7 | P: 905.761.5588 F: 905.761.5589 | WWW.MHBCPLAN.COM

Stamp Date September 10, 2024

Drawn By T.H.

Plan Scale 1:600 (Arch D)

File No. 24268A

Checked By D.M.

Other

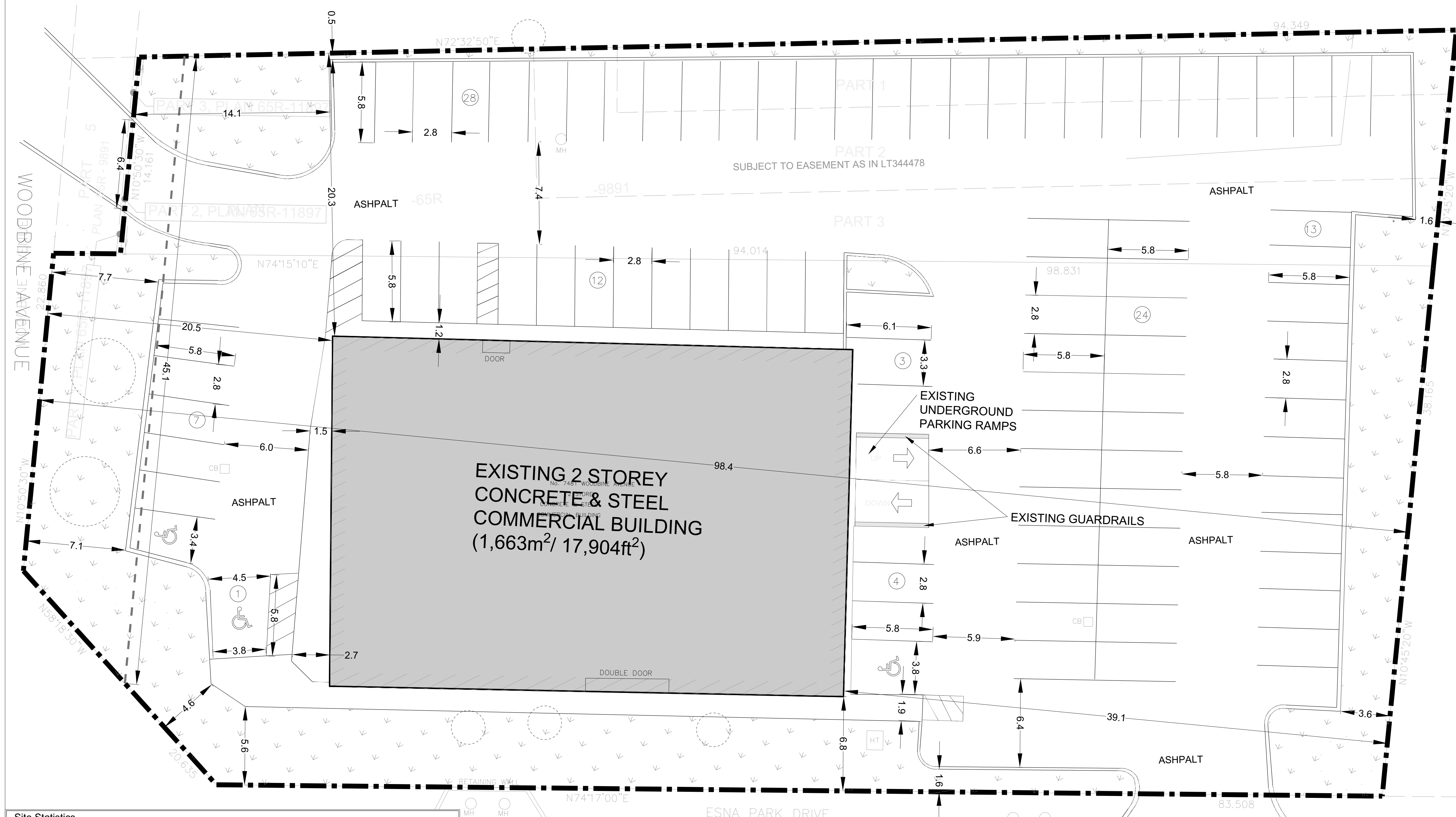
Project

7481 Woodbine Avenue

City of Markham, ON.

File Name SITE PLAN Dwg No. 1 of 1

Scale Bar



Site Statistics	
Zoning	EMP-SE
<b>Overall Site Statistics</b>	
Site Area	5,096 m <sup>2</sup> (1.26ac)
Lot Frontage	45.1m
Lot Depth	98.4m
Front Yard Setback	20.5m
Rear Yard Setback	39.1m
Side Yard Setbacks	9.8m
Existing Building GFA	1,663 m <sup>2</sup> (17,904 ft <sup>2</sup> )
Existing Building Net Floor Area	1,850 m <sup>2</sup> (19,913.4 ft <sup>2</sup> )
Parking Spaces Provided	117 (92 Spaces At Grade, 25 Spaces Underground)
Accessible Spaces Provided	3 Spaces At Grade
Lot Coverage	18.5%
Existing Landscape	20.3%

SCALE 1:150

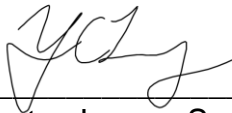


**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/24**

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 Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. That the following uses are limited to the first floor of the building: child care centre, motor vehicle sales establishment, restaurant, and minor entertainment centre uses; and,
4. That the following uses are prohibited in the Subject Lands: motor vehicle repair, servicing, and body shop.

CONDITIONS PREPARED BY:



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Barton Leung, Senior Planner, Central District, Planning and Urban Design Department