

Memorandum to the City of Markham Committee of Adjustment

November 10, 2021

File: A/054/20
Address: 60 Main St N Markham
Applicant: Markham Village Shoppes Ltd. (Rob Kansun)
Agent: Weston Consulting (Liam O'Toole)
Hearing Date: Wednesday November 24, 2021

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

The applicant is requesting relief from the following requirements of By-law 1229, C2 - Central Commercial Zone as amended, to permit:

a Place of Amusement, whereas the By-law does not permit the use;

as it relates to an existing video game arcade.

BACKGROUND

Property Description

The subject property is located on the east side of Markham Main Street North in the historic commercial district of Markham Village. The property is occupied by a 4- 6 storey mixed use building constructed in 2013 having 10 commercial units fronting Main St. with residential units on the upper floors (See Figure 1-Location Map and Figure 2- Photographs of the Building and Commercial Unit)

Proposal

The applicant is seeking permission to operate what is considered to be a "Place of Amusement" by the City's Zoning Section from one of the Main Street commercial units. The business is currently operating at this location and is a place where individuals and groups can gather to play video games in a café-like setting. Patrons bring their own food and snacks either from home or obtain them from surrounding take out restaurants. (See Figure 3-Advertisement for the Existing Use)

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on March 11 2020, to confirm the variances required for the proposed use.

COMMENTS

Section 45 (2)(b) of the Ontario Planning Act provides Committees of Adjustment the power to permit a use that in the opinion of the committee conforms with other uses permitted on the property where those permitted uses are defined in general terms.

The applicant is requesting relief from By-law 1229, as amended, to permit a "Place of Amusement" whereas the By-law does not permit a "Place of Amusement". However, the C2-Central Commercial zoning designation does permit a wide variety of uses including, retail stores, service shops, personal service shops, banks, billiard parlours, bowling alleys, business and professional offices, restaurants, theatres, assembly halls, bakeries,

custom workshops making articles or products to be sold on the premises, dairies, hotels, medical clinics, newspaper offices, printing establishments, private clubs, studios, taverns and undertaking establishments;

The City's 2014 Official Plan designates the property as "Mixed Use Heritage Main Street" which permits uses typical of a historic Main Street like retail, restaurants, personal service shops and professional offices with residential units above, which create a "complete community".

It is the opinion of Planning Staff that the requested use is similar to other uses already permitted on the property by the City's Official Plan and Zoning By-law such as restaurants which provide video screens for the entertainment of their patrons, bowling alleys which can be considered to be a place of amusement, or banquet halls where people congregate to eat, drink and socialize.

Engineering and Urban Design

The City's Engineering Department and Urban Design Section have provided no comments on the application.

Heritage Markham

Heritage Markham reviewed the requested variance on November 10, 2021 and provided no comment on the application. (See Appendix B- Heritage Markham Extract of November 10, 2021)

PUBLIC INPUT SUMMARY

No written submissions were received as of November 11, 2021. 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 requested 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 the proposed use is similar to the other general uses permitted by the Zoning By-law.

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

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Regan Hutcheson". The signature is written in a cursive style with a long, sweeping tail.

Regan Hutcheson, Manager of Heritage Planning

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FIGURE 1 – LOCATION MAP



FIGURE 2 – PHOTOGRAPHS OF THE BUILDING AND COMMERCIAL UNIT

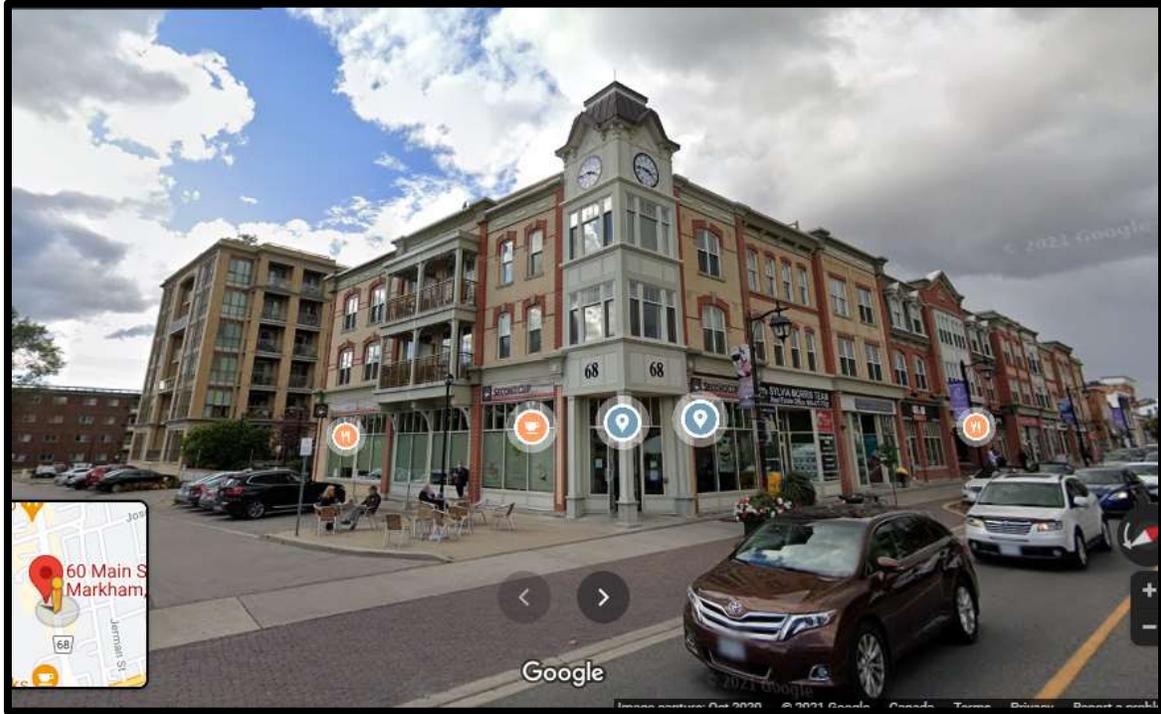




FIGURE 3- ADVERTISEMENT FOR THE EXISTING USE



APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/054/20

1. That the variance apply only to the existing use as long as it remains;

CONDITIONS PREPARED BY:

A handwritten signature in cursive script, appearing to read "Peter Wokral".

Peter Wokral, Senior Heritage Planner