

Memorandum to the City of Markham Committee of Adjustment

September 16, 2025

File: A/106/25
Address: 5328 Highway 7 East, Markham
Agent: Kris He
Hearing Date: Wednesday, September 24, 2025

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

The applicant is requesting relief from the following requirements of By-law 1229, SC-1, as amended, to permit:

a) By-law 1229, Amending By-law 326-82, Section 1.2)(b):

a recreational establishment, whereas the by-law does not permit a recreational establishment use;

as it relates to a proposed recreational club.

BACKGROUND

Property Description

The 7,764 m² (83,571 ft²) subject property is located on the north side of Highway 7, east of McCowan Road. It is situated within a commercial district characterized by a mix of uses including restaurants, retail stores, and car dealerships. The property contains a multi-unit building occupied by several restaurants and a retail store. There are approximately 68 surface parking spaces located at the front, side, and rear of the building. Vehicular access is provided from McCowan Road via a driveway located entirely on the adjacent property, secured through an easement in favour of the subject property.

Proposal

The applicant is seeking relief to permit a recreational establishment within one of the units of the existing commercial building. The proposed establishment would include multiple rooms designed for various recreational activities such as tetris and flying ball. No changes are proposed to the site layout or the exterior of the building.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The 2014 Official Plan identifies the subject lands within the Markville Key Development Area, where a new Secondary Plan is to be prepared. In accordance with Section 9.14.4.3, the City's 1987 Official Plan, as amended, will continue to apply until the new Secondary Plan is approved.

1987 Official Plan

The 1987 Official Plan designates the property 'Major Commercial Area' which allows a range of uses including retail stores, restaurants, entertainment uses, sports, health and fitness recreational uses.

Zoning By-Law 1229

The subject property is zoned 'Special Commercial 1 (SC1)' under By-law 1229, as amended, which permits uses including retail stores, restaurants, home improvement

stores, professional or business. The proposed recreational establishment is not permitted.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their Interior Alteration permit (File #: AL 25 115956) process to confirm the variance required for the proposed use.

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.

Recreational Establishment

The proposed use is permitted under the 'Major Commercial Area' designation in the 1987 Official Plan and is therefore consistent with the intended function of the subject lands. Zoning staff have confirmed through the Alteration Permit process that the proposed use does not result in a parking deficiency. Further, given no changes are proposed to the site layout or building exterior, the existing character of the property will remain unchanged. Staff are of the opinion that the requested variance will not result in adverse impacts on adjacent lands and satisfies the four tests of the *Planning Act*.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 17, 2025. 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 recommend approval of the application. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:


Stacia Muradali

Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 25 130648 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/25

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, 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;

CONDITIONS PREPARED BY:

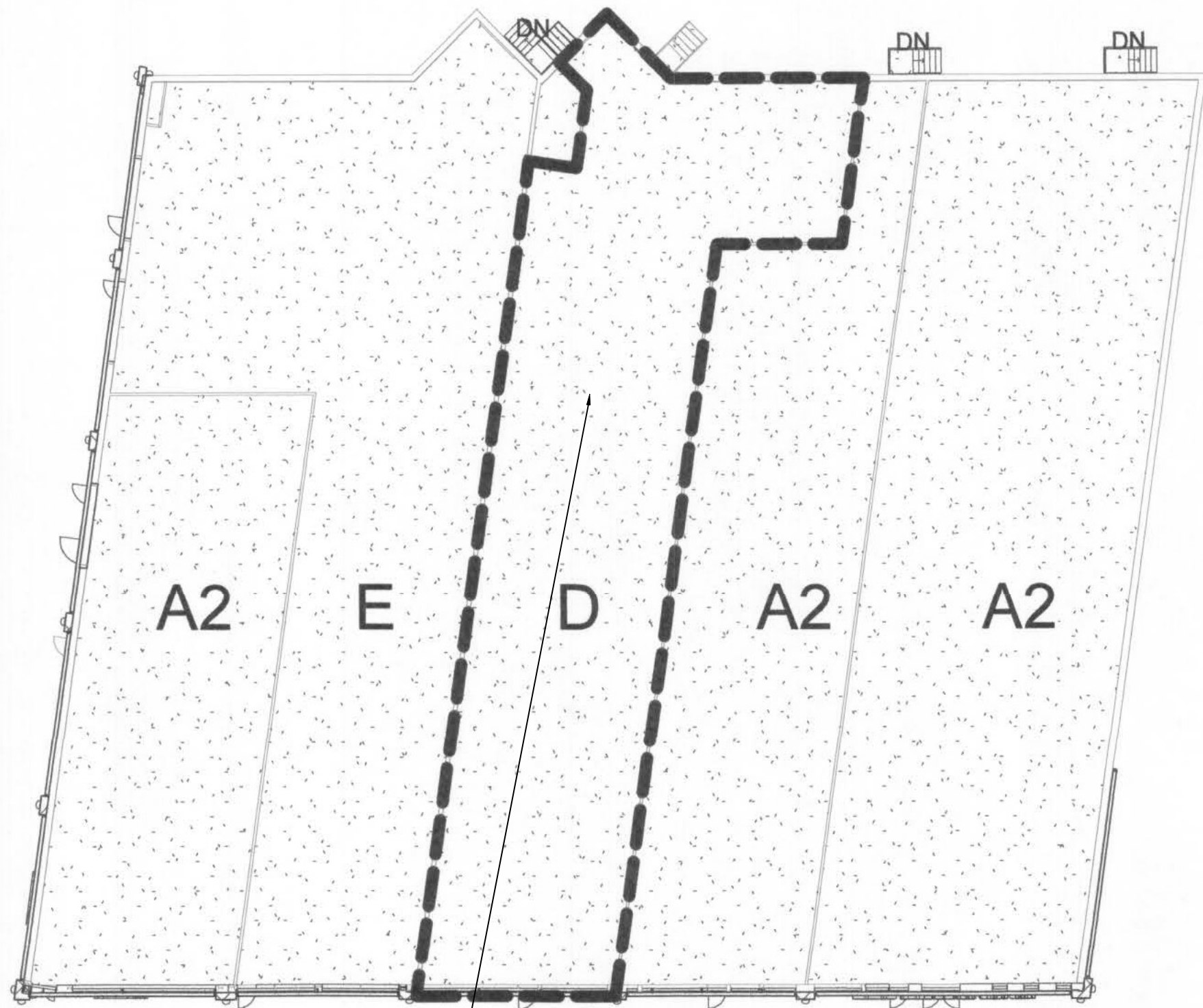


Carlson Tsang, Senior Planner, East District

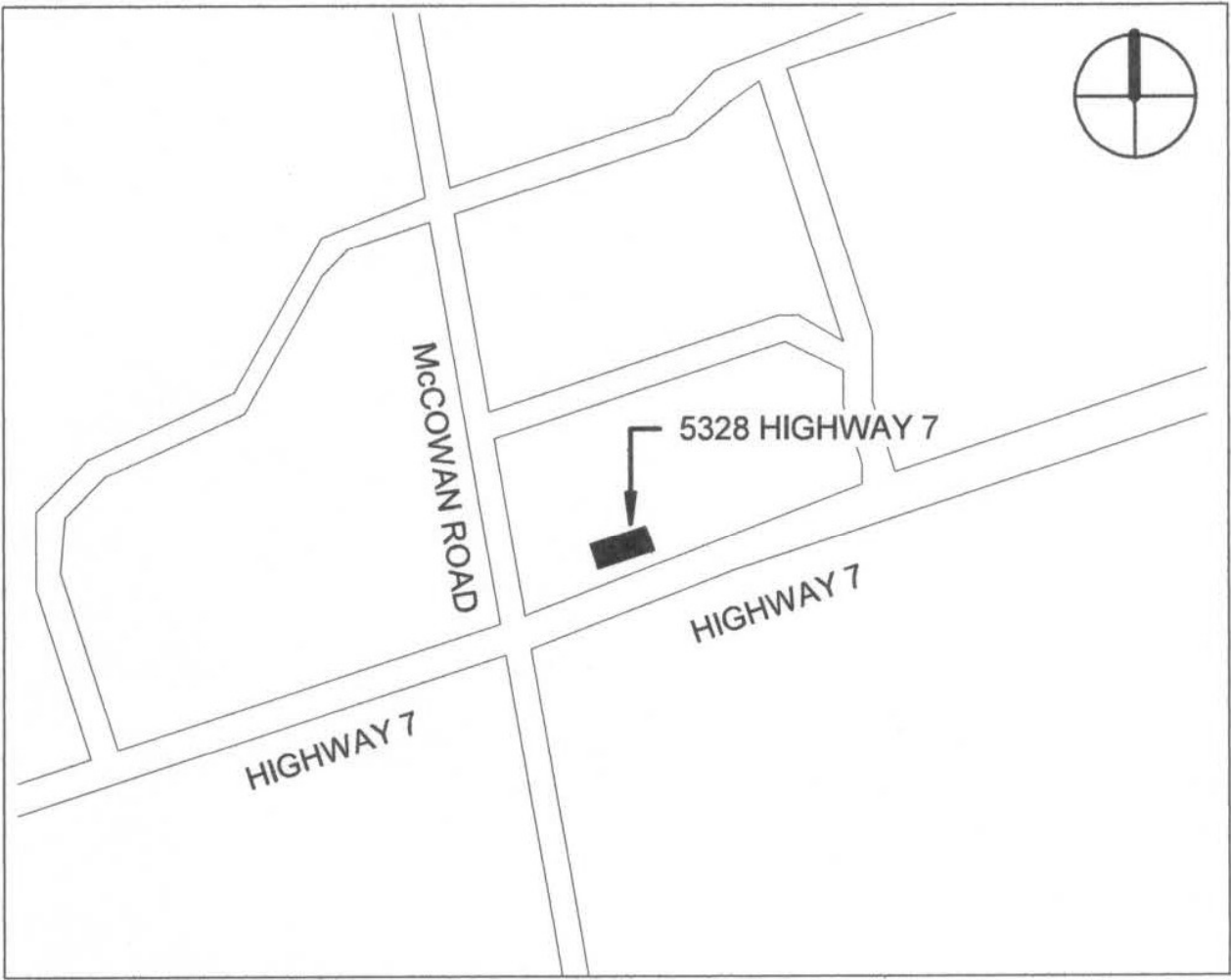
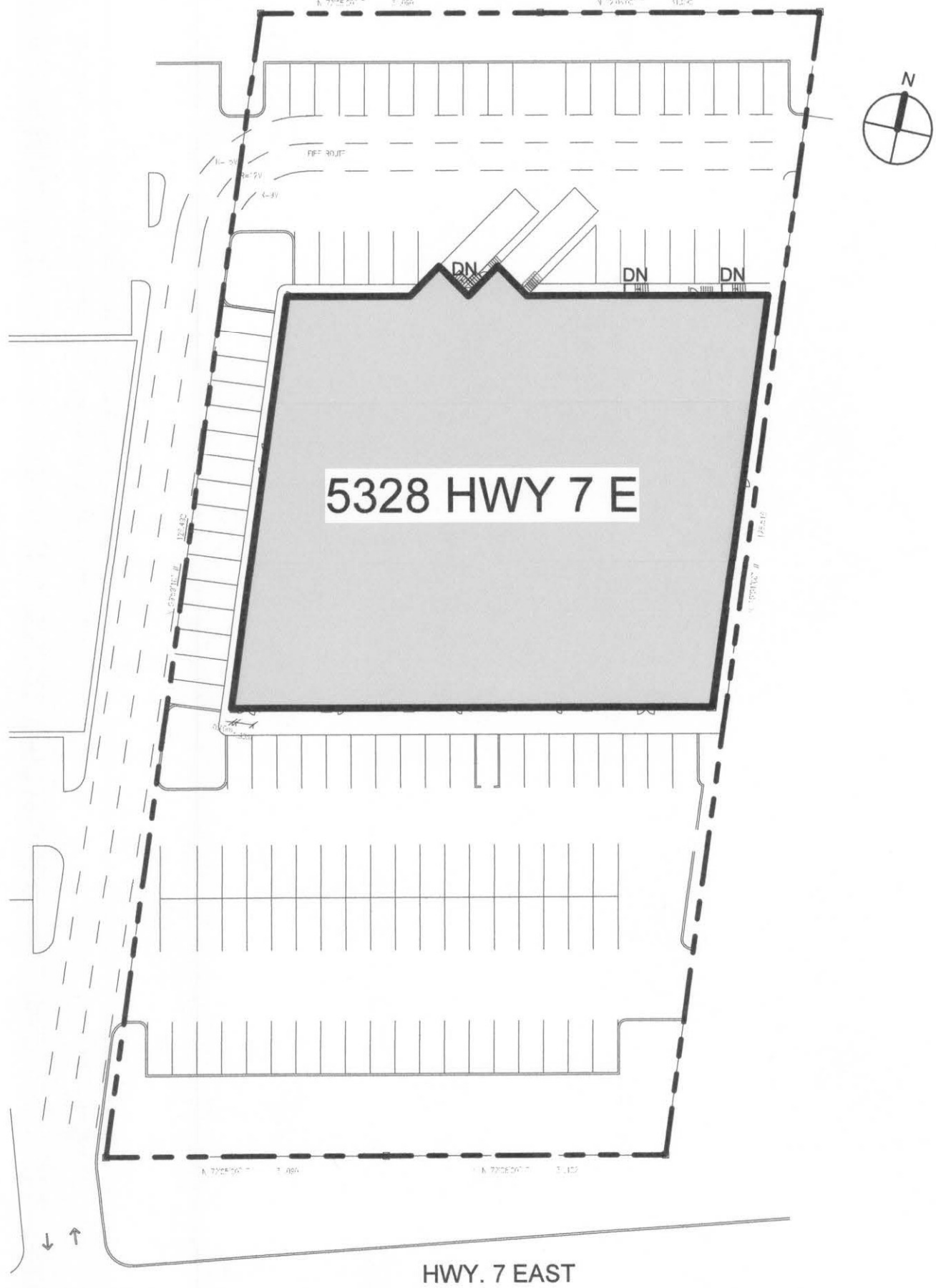
INTERIOR RENOVATION OF A RECREATION CLUB

PLAYPLEX

ADDRESS:
UNIT# 2
5328 Hwy 7, Markham, ON L3P 1B9



LOCATION OF
WORK AREA



Appendix B

File: 25.130408.000.000001
Date: 9/19/2025
MM/DD/YYYY

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ENGINEER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.
THE DRAWING IS NOT TO BE SCALED.
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC. INFORMATION SHOWN ON THESE PLANS. REFER TO THE APPROPRIATE CONSULTANT'S DRAWINGS BEFORE PROCEEDING WITH WORK.
THE DRAWINGS, AS AN INSTRUMENT OF SERVICE, IS PROVIDED BY AND IS THE PROPERTY OF DESIGNER. THE DESIGNER RETAINS OWNERSHIP OF COPYRIGHT IN ALL THESE DRAWINGS.

NO.	ISSUE FOR/REVISION	DATE	
01	ISSUE FOR REVIEW		



COMMERCIAL BUILDING
INTERIOR ALTERATION

5328 Hwy 7, Markham, ON
L3P 1B9

Project No. **#2526**
Drawn Scale 3/16" = 1'-0"
Checked Date 03/24/2025
Title

SITE PLAN

Drawing No. **A-00**

GENERAL NOTES

- Drywall and metal stud wall partitions are non-load bearing type, all shelving and fixtures shall be supported from the floor;
- Contractor must comply with all pertinent requirements of Schedule 'C' of Lease documents, Design Criteria, and reviewer's notations;
- All work and materials shall conform to the building codes of authorities having jurisdiction;
- The Tenant is responsible to ensure that Signage Shop Drawings have been submitted and approved by Landlord prior to fabrication. The Tenant is also responsible to ensure that signage meets local City By-Laws and any applicable Building Codes;
- Construction cannot commence without Landlord approved Drawings. MAINTAIN ONE SET OF ALL LANDLORD APPROVED DRAWINGS ON SITE AT ALL TIMES;
- All Drawings returned from review are approved only as noted. Any changes, additions, or deletions of structure or equipment require the additional review of the Landlord, prior to proceeding with such construction. Upon completion of project, provide one complete set of 'As Built' Drawings to the Landlord. These Drawings must reflect any and all site changes made during the construction process;
- Premises demising walls shall be smoke tight and conform with fire ratings for the Shopping Centre, meeting all codes.

CONSTRUCTION NOTES

- Cutting or chasing of the floor slab is not permitted, on the Upper Level or until approved by Landlord;
- Under no circumstances shall the Tenant or it's Contractor complete drilling or coring; openings or depressions in the floors, columns, walls or roof of the structure, without the express approval of the Landlord;
- Ascertain the location of all building services and utilities, and protect same from damage. Any damage to the existing services and utilities, shall be made good at the Tenants cost. Including any and all related and consequential damages;
- Ensure that access is maintained to all mechanical and electrical services and equipment. Provide suitable access panels and / or doors as required to properly maintain or repair such services and equipment. Flow switches (red box cover on sprinkler pipe) and end of line resistors (white plate on wall) are not to be covered / closed in, access is required for testing and / or inspections;
- Any changes, relocations addition or deletion of the fire alarm system devices and / or fire evacuation speakers shall be performed by the Landlords base building Contractor, including verification and testing by the Landlord at the Tenants expense;
- Do not paint over or otherwise cover up fire evacuation speakers;
- The Tenant shall perform all air balancing, at the Tenant's expense. Balancing and report must be performed by Landlord's approved contractor;
- The relocation, and / or installation of any and all thermostats, shall be performed by the Landlord at the Tenant's expense;
- If the floor tile is being replaced, existing to be removed back to the clean concrete slab;
- Welding torch metal cutting, grinding, soldering or open flame roofing work is not permitted without formal consent by the Landlord and WITHOUT the issuance of a HOT WORK PERMIT. Obtain HOT WORK PERMIT from Mall Management Offices and follow the procedures therein. NO OPEN FLAME WORK IS PERMITTED IF THERE IS SPRINKLER IMPAIRMENT IN THE AREA WHERE THIS WORK IS PLANNED FOR.
- Submit CONSTRUCTION SCHEDULE to the appropriate Landlord's representative for their records.

ITEM	ONTARIO BUILDING CODE DATA MATRIX PARTS 3 & 9			OBC REFERENCE	
1	PROJECT DESCRIPTION: INTERIOR ALTERATION	<input type="checkbox"/> NEW <input type="checkbox"/> CHANGE OF USE	<input type="checkbox"/> PART 11 <input checked="" type="checkbox"/> ALTERATION	<input checked="" type="checkbox"/> PART 3	<input type="checkbox"/> PART 9
				1.1.2(A) 9.10.1.3	
2	MAJOR OCCUPANCY(S): GROUP D			3.1.2.1.(1)	9.10.2
3	TENANT AREA (m ²) EXISTING: 475 m ² NEW: 0 m ² TOTAL: 475 m ²			1.4.1.2(A)	1.4.1.2(A)
4	BUILDING AREA ² (m ²) UNCHANGED			1.4.1.2(A)	1.4.1.2(A)
5	NUMBER OF STOREYS ABOVE GRADE: 1 BELOW GRADE: 0			3.2.1.1&1.4.1.2(A)	3.2.1.1&1.4.1.2(A)
6	HEIGHT OF BUILDING (m) UNCHANGED				2.1.1.3
7	NUMBER OF STREETS/ACCESS ROUTES: 1			3.2.2.10 & 3.2.5.5	
8	BUILDING CLASSIFICATION: 3.2.2.7.2			3.2.2.20-83	9.10.4
9	SPRINKLER SYSTEM PROPOSED <input checked="" type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING <input type="checkbox"/> NOT REQUIRED			3.2.2.20-83 3.2.1.5 3.2.2.17	9.10.8
10	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.2.9	
11	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.2.4	9.10.7.2
12	WATER SERVICE/SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
13	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.2.6	
14	PERMITTED CONSTRUCTION ACTUAL CONSTRUCTION <input type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> NONCOMBUSTIBLE <input type="checkbox"/> NONCOMBUSTIBLE <input checked="" type="checkbox"/> BOTH <input checked="" type="checkbox"/> BOTH			3.2.2.20-83	9.10.6
15	MEZZANINE(S) AREA (m ²): N/A			3.2.1.1(3)-(8)	9.10.4.1
16	TOTAL OCCUPANCY LOAD: 60 PERSONS BASED ON <input type="checkbox"/> m ² /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING			3.1.16.1	9.9.1.3
17	BARRIER-FREE DESIGN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			3.8	9.5.2
18	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.3.1.2.(1) & 3.3.1.19.(1)	9.10.1.3
19	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS: _____ HOURS ROOF: _____ HOURS MEZZANINE: _____ HOURS FRR OF SUPPORTING MEMBERS FLOORS: _____ HOURS ROOF: _____ HOURS MEZZANINE: _____ HOURS	LISTED DESIGN No. OR DESCRIPTION (SG-2) LISTED DESIGN No. OR DESCRIPTION (SG-2) 	3.2.2.20-83 & 3.2.1.4	9.10.8 9.10.9
20	OTHER - DESCRIBE:				

LEGEND	
SYMBOL	DESCRIPTION
<div></div>	EXISTING WALL TO REMAIN: <ul style="list-style-type: none">EXISTING FIRE RATED DEMISING WALLEXISTING BASE BUILDING COLUMNSEXISTING BASE BUILDING PARTITIONS/LOAD BEARING WALL
<div></div>	EXISTING GLASS WALL BY BASE BUILDING
<div></div>	EXISTING INTERIOR PARTITION TO BE DEMOLISHED
<div></div>	NEW INTERIOR PARTITION UP TO CEILING <ul style="list-style-type: none">1/2" GYPSUM BOARD362S125-33 @16 O.C1/2" GYPSUM BROAD
<div></div>	NEW INTERIOR PARTITION @10'-0" A.F.F OTHERS INDICATE ON THE DRAWING <ul style="list-style-type: none">1/2" GYPSUM BOARD362S125-33 @16 O.CWALL BLOCKING VERIFY ON SITE1/2" GYPSUM BROAD

DOOR SCHEDULE					
NO.	SIZE(W x H)	MATERIAL	FINISH	GLAZING	NOTE
EX	EXISTING	EXISTING	EXISTING	EXISTING	EXISTING DOOR
D01	3'-2" X 6'-8"	TBD	TBD	TBD	WITH SELF CLOSURE
D02	3'-2" X 6'-8"	TBD	PAINTED	TBD	WITH SELF CLOSURE
D03	2'-6" X 6'-8"	TBD	PAINTED	TBD	
D04	2'-10" X 6'-8"	TBD	PAINTED	TBD	

Appendix B

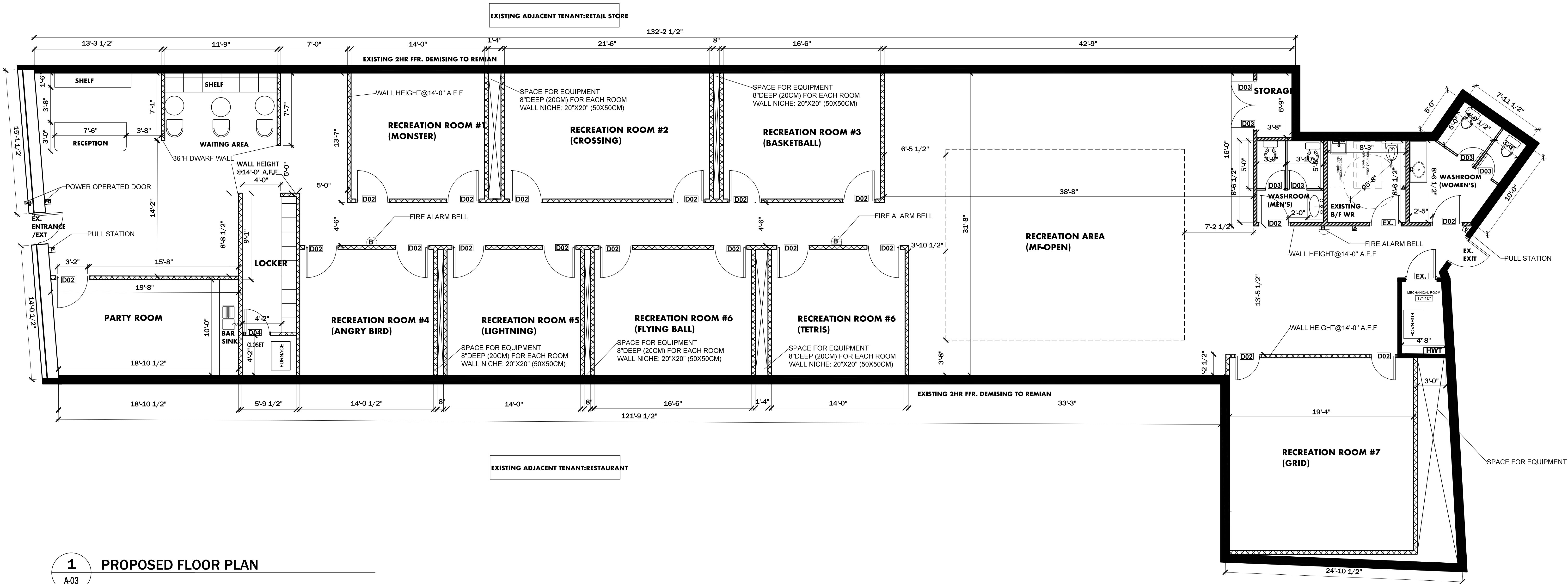
File:

25.130648.000.000001

Date:

9/19/2025

MM/DD/YYYY



Architect/ Engineer Seal:



Project Address:

UNIT#2
5328 Hwy 7, Markham, ON
L3P 1B9

North Arrow:

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No.	Description	Date
1	Building permit application	

PROPOSED FLOOR PLAN

Project : INTERIOR ALTERATION

Drawing by:

Date:

Project No.:

Scale: 3/16" = 1'-0"

Sheet Number:

A 03