

# Memorandum to the City of Markham Committee of Adjustment

June 25, 2025

**File:** A/046/25  
**Address:** 1443 Denison Street, Markham (the “Subject Lands”)  
**Agent:** Nethery Planning (the “Applicant”)  
**Hearing Date:** Wednesday, July 16, 2025

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

The Applicant is requesting relief from the following requirements of the “Select Industrial and Limited Commercial – M.C.(67%)” Zone of By-law 108-81, as amended, as it relates to an existing Health Centre. The variance request is to permit:

**a) Amending By-law 2018-124, Section 8.100.1:**

a recreational establishment as an accessory use to a permitted Health Centre, whereas the By-law does not permit this use.

## BACKGROUND

### Property Description

The 0.95 ha (2.35 ac) Subject Lands is located on the south side of Denison Street and generally east of Birchmount Road (refer to Appendix “A” – Aerial Photo). Surrounding land uses include industrial and commercial buildings to the west and north, a Place of Worship to the east, and an established low-rise residential neighbourhood to the south.

### Property History

There is a recently constructed 6,645.32 m<sup>2</sup> (71,529.63 ft<sup>2</sup>) Health Centre with an accessory restaurant on the property, which according to permit records, received building occupancy in July 2024.

In February 2025, the Committee of Adjustment (the “COA”) approved a Minor Variance Application ([File No. A/152/24](#)) to permit retail as an accessory use to the existing Health Centre.

## Proposal

The Applicant is proposing to use a 353.3 m<sup>2</sup> (3,802.89 ft<sup>2</sup>) portion of the building for a virtual golf simulation use, which will only be accessible from inside the building (refer to area highlighted in red in Appendix “B” – Plan). No new development or changes to the exterior of the building are being proposed as part of this application.

## Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The Official Plan designates the Subject Lands “Business Park Employment”, which provides for prestige industrial and office development. Section 8.5.2.2 of the Official

Plan permits retail, service, restaurant, sports and fitness recreation use or financial institution as an ancillary use within a non-industrial building provided that:

- i. the combined gross floor area (“GFA”) devoted to all ancillary uses is limited to a maximum of 15% of the total GFA of the building, or in the case of an office building the total GFA of the ground floor, whichever is less; and,
- ii. access to the premises of all ancillary uses is integrated within the building.

In September 2018, Council adopted site-specific Official Plan Amendment No. 23 (“OPA 23”) to provide for a sports and fitness recreation use as a discretionary use on the Subject Lands to permit the existing Health Centre.

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

#### Zoning By-Law 108-81 and Amending By-laws 4-83 and 2018-124

The Subject Lands are zoned “Select Industrial and Limited Commercial – M.C.(67%)” under Zoning By-law 108-81 (“By-law 108-81”), as amended, which permits industrial, warehousing, office, hotel and motel uses. Site-specific Amending By-law 4-83 (“By-law 4-83”) specifies that the Subject Lands shall be used for no purpose other than data processing centres and associated uses, business and professional offices and banks or financial institutions. Furthermore, site-specific Amending By-law 2018-124 (“By-law 2018-124”) further amends By-law 4-83 and permits a Health Centre and one (1) restaurant accessory to a permitted Health Centre as additional permitted uses on the Subject Lands. As previously noted, the Subject Lands have also received Minor Variance approval to permit retail as an accessory use to the permitted Health Centre use.

By-law 108-81 defines a Health Centre as “a building or part thereof which is used for the purpose of a gymnasium, exercise room, steam room, sauna, squash courts, sun room, swimming pool, massage room or any other use related to physical fitness.” Virtual golf / Golf simulator use is not permitted. As such, the Applicant has submitted this application to permit the proposed use as further detailed in the comment section below.

#### **Zoning Preliminary Review (ZPR) Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has conducted a Zoning Search (ZS) which confirmed that the proposed virtual golf simulation use would be considered a ‘Recreational Establishment’ and is not permitted under By-law 108-81, as amended.

It is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

## **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

### **Virtual Golf Simulation Use**

The Applicant is proposing to permit a golf simulation use as a Recreational Establishment accessory to a permitted Health Centre, whereas the By-law does not permit this use.

Zoning Staff have confirmed that the golf simulation use falls within the definition of a Recreational Establishment, which is defined as “a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, miniature golf or driving range, and establishment offering three or more electronic video games for public use and other similar uses, but shall not include a commercial fitness centre, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar types of gambling use, or any other sports or leisure time use otherwise defined in the By-law”.

Staff are of the opinion that that the proposed golf simulation use serves as a physical fitness activity that is complimentary to the other sports and fitness uses permitted under the Zoning By-law and Official Plan. The Applicant has also indicated that the combined GFA of the accessory uses (3.5% for the accessory restaurant, 2.4% for the accessory retail, and 5.3% for the proposed accessory recreational establishment) accounts for 11.2% of the GFA of the building, which is in keeping with the provisions set out in the Official Plan.

To ensure that the proposed accessory use meets the intent of the Official Plan and Zoning By-law, Staff recommend that should the COA approve the variance, that the recreational use be limited to a golf simulation use, that no exterior access associated with the golf simulation use be permitted, and that the use be restricted to a maximum GFA of 353.3 m<sup>2</sup> (3,802.89 ft<sup>2</sup>) or 5.3% of the total GFA of the building.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 25, 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 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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Melissa Leung, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



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Barton Leung, Senior Planner, Central District

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## **APPENDICES**

Appendix "A" – Aerial Photo

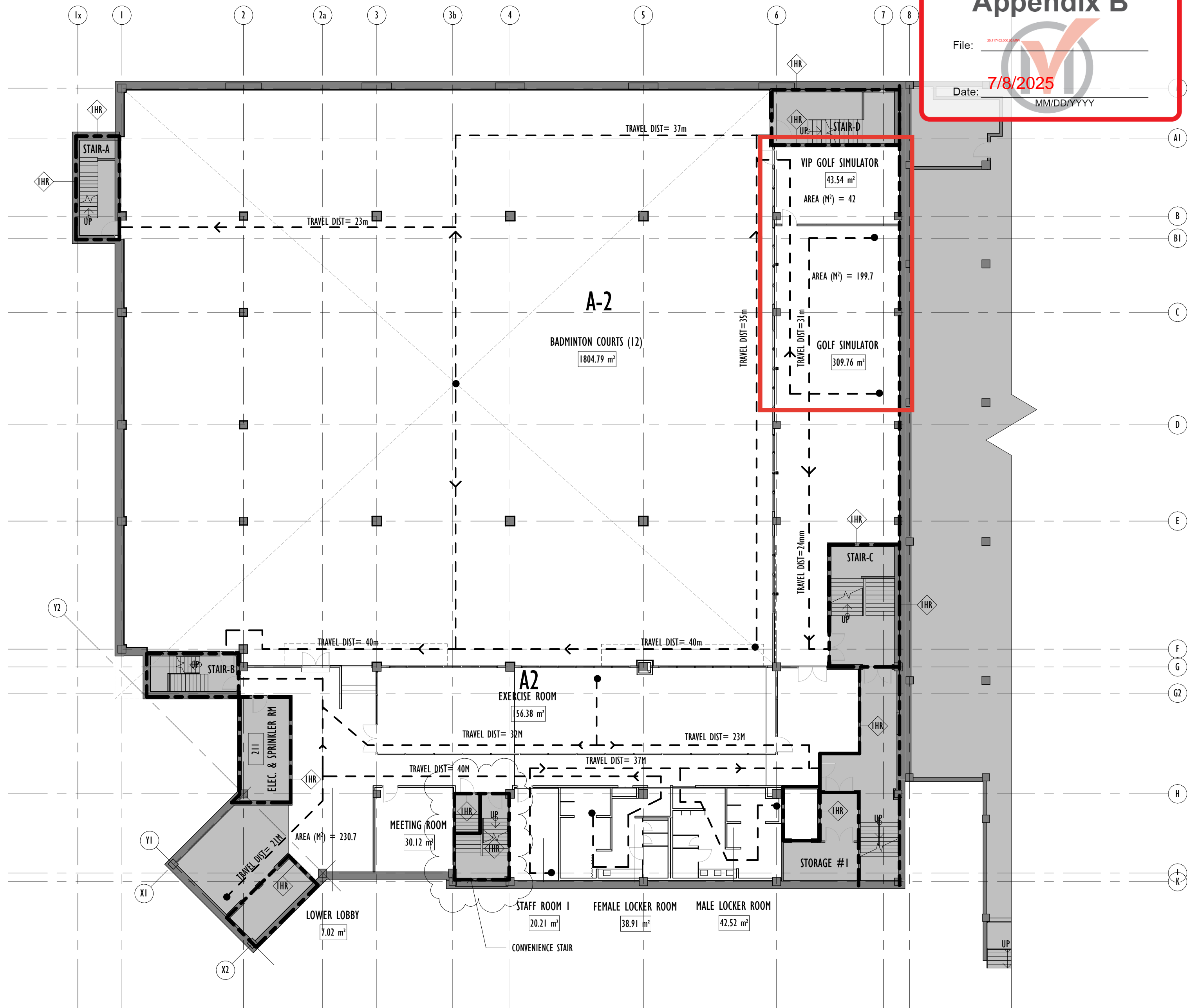
Appendix "B" – Plan

Appendix "C" – Conditions

# Appendix B

File: 25.117402.000.00.000

Date: 7/8/2025  
MM/DD/YYYY



<b>Appendix C</b>	
File:	<small>25.117402.000.000001</small>
Date:	<b>7/8/2025</b> <small>MM/DD/YYYY</small>

**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/046/25**

1. The variance applies only to the subject development as long as it remains;
2. That the variance applies 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 accessory recreational use be limited to a virtual golf or golf simulation use;
4. That no access to the accessory recreational use shall be permitted except from the interior lobby of the building; and,
5. That the floor area devoted to the accessory recreational use shall not exceed 353.3 m<sup>2</sup> (3,802.89 ft<sup>2</sup>) or 5.3% of the total GFA of the building.

CONDITIONS PREPARED BY:



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Melissa Leung, MCIP RPP, Senior Planner, Central District