

Memorandum to the City of Markham Committee of Adjustment

December 03, 2025

File: A/155/25
Address: 770 Markland Street, Markham
Agent: Macaulay Shiomi Howson (Nick Pileggi)
Hearing Date: Wednesday, December 10, 2025

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

The applicant is requesting relief from the following requirements of By-law 177-96, Business Corridor Zone (BC*293) and Major Commercial Zone (MJC*294) as amended, to permit:

a) By-law 177-96, Table B7 Part 4 of 4 MJC Zone GGG:

a minimum width of landscaping adjacent to the interior and rear lot lines of 0.0 metres, whereas the by-law requires a minimum width of landscaping adjacent to the interior and rear lot lines of 3 metres;

as it relates to an auto service and sales building.

This application is related to Consent application B/031/24 which has been approved.

BACKGROUND

Property Description

The Subject Lands front along Markland Street and Major Mackenzie Drive East. Lands north of the property are currently vacant, and designated for employment uses. Located to the west is Highway 404. A large-scale industrial building is located to the south, across Major Mackenzie Drive East. Located at the property to the east, two commercial buildings occupy the northwest corner of Major Mackenzie Drive East and Markland Street, along with a commercial plaza across Markland Street.

Proposal

The site is currently under construction, as an auto service and sales facility will be built on the subject lands. This variance is associated with Consent applications B/030/24 & B/031/24, which have been approved, and Site Plan Control application SPC 24.159325, which has been endorsed.

Official Plan and Zoning

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

The Official Plan designates the subject property "Commercial" under the 2014 Official Plan, which provides for large format commercial developments comprised of office, retail and service uses, and restaurants. Motor vehicle sales and service establishments are permitted under this designation.

Area Specific Policy 9.5.12 also applies to the Subject Property and intends to provide additional provisions regarding total gross floor area and permitted uses for buildings on the parcel.

Zoning By-Law 177-96

The subject property is zoned Major Commercial Zone (MJC*294), which permits retail, service and restaurant uses, and Business Corridor Zone (BC*293), which permits limited retail and industrial uses including manufacturing and warehousing under By-law 177-96, as amended. Exception 293 and 294 relates to specific zone standards and special site provisions regarding permitted uses, frontage, front yard, side yard, etc. for the Subject Property, and are not applicable.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *"The non-conformity was created due to a severance application and a road which is being constructed through the middle of the lot line, meaning there is no landscaping in that area"*.

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 permit process 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.

Landscaping Width Variance

The applicant is requesting to permit a minimum width of landscaping adjacent to the interior and rear lot lines of 0.0 metres, whereas the by-law requires a minimum width of landscaping adjacent to the interior and rear lot lines of 3 metres.

Relief from the by-law is required to bring the driveway access from Markland Street to the proposed auto service/sales building into conformity. The driveway runs through Part 3 and 4 of Registered Plan 65M-4031; through B/030/24, Part 4 of the plan was severed and merged with Part 10 of the plan to create a mutual access easement. Because of this, the driveway serves as the interior and rear lot lines of the parcel. Staff opine that the requested variance to landscape width is minor in nature and have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 3, 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, RPP, MCIP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 143160 \Documents\District Team Comments Memo

APPENDIX "A"

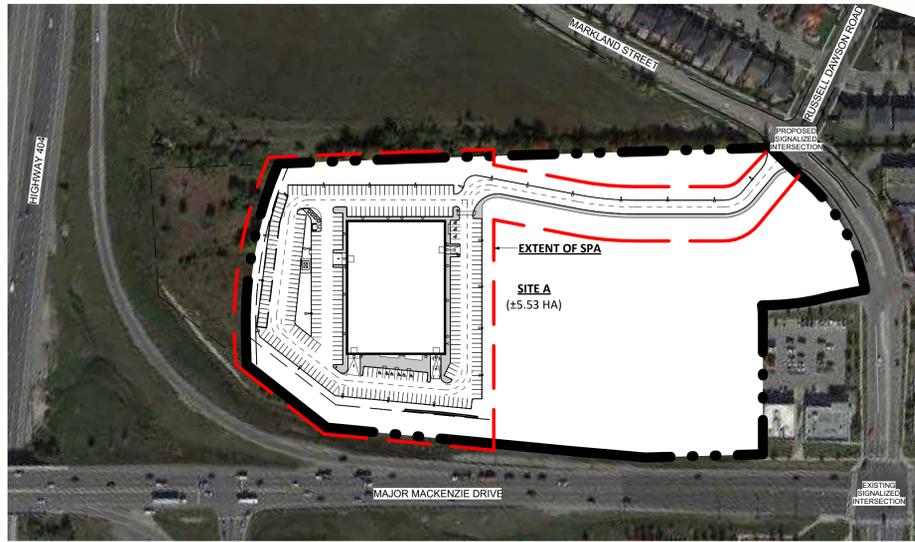
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/155/25

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 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;

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District



1 KEY PLAN
1:2000

- LEGEND**
- PRIMARY ENTRANCE
 - EMERGENCY DOOR
 - PROPOSED FIRE HYDRANT
 - PROPOSED FIRE DEPARTMENT CONNECTION
 - PROPOSED FIRE & TRUCK ROUTE (HEAVY DUTY ASPHALT)
 - PROPOSED CONCRETE SIDEWALK
 - "A" - RA-1 STOP SIGN
 - "B" - ACCESSIBLE PARKING
 - "C" - NO PARKING FIRE ROUTE

ZONING MATRIX:
ZONING

REQUIRED	PROPOSED
SITE AREA	MIN. 0.4 HA ±5.53 HA
LOT FRONTAGE	85 M MIN 180 M
FRONT YARD	6M - 10M 251 M
REAR YARD	3 M 51 M
INTERIOR SIDE YARD	3 M 35 M
EXTERIOR SIDE YARD	6-10 M 44 M
BUILDING HEIGHT	14M MAX ±8 M
PARKING	300 CARS (6.41/100SM)
LOADING	1 SPACE
BICYCLE RACK	25 STALLS
GROSS BUILDING AREA	4722 SM 4722 SM
LANDSCAPE STRIP(FRONT, EXT SIDE)	MIN 6 M 6 M
LANDSCAPE STRIP(REAR, INT SIDE)	MIN 3 M 6 M
LANDSCAPE OPEN SPACE	MIN 20% NA
BARRIER FREE ENTRANCE/EXIT	2 (OBC 3.8.1.2) 5 OUT OF TOTAL 5 (100%)
BARRIER FREE PARKING	8 CARS 9 CARS

STATISTICS

SITE A AREA	±5.53 HA
BUILDING A	±4722 SM
PARKING PROVIDED	300 CARS
EV STALLS PROVIDED	4 CARS
TOTAL PARKING	300 CARS
BICYCLE RACK	25 STALLS
LOADING PROVIDED	1 LOADING SPACE
COVERAGE	8.50%
SNOW STORAGE	±463 SM

City of **MARKHAM**
PLANNING DEPARTMENT
ENDORSED
ENDORSED SUBJECT TO THE
CONDITIONS SET OUT IN THE
ENDORSEMENT MEMORANDUM
FOR THE FILE BELOW.
The City is not responsible for the
accuracy or content of this
drawing.

File: **13/09/2025**
Date: **12/3/2025**
MM/DD/YYYY

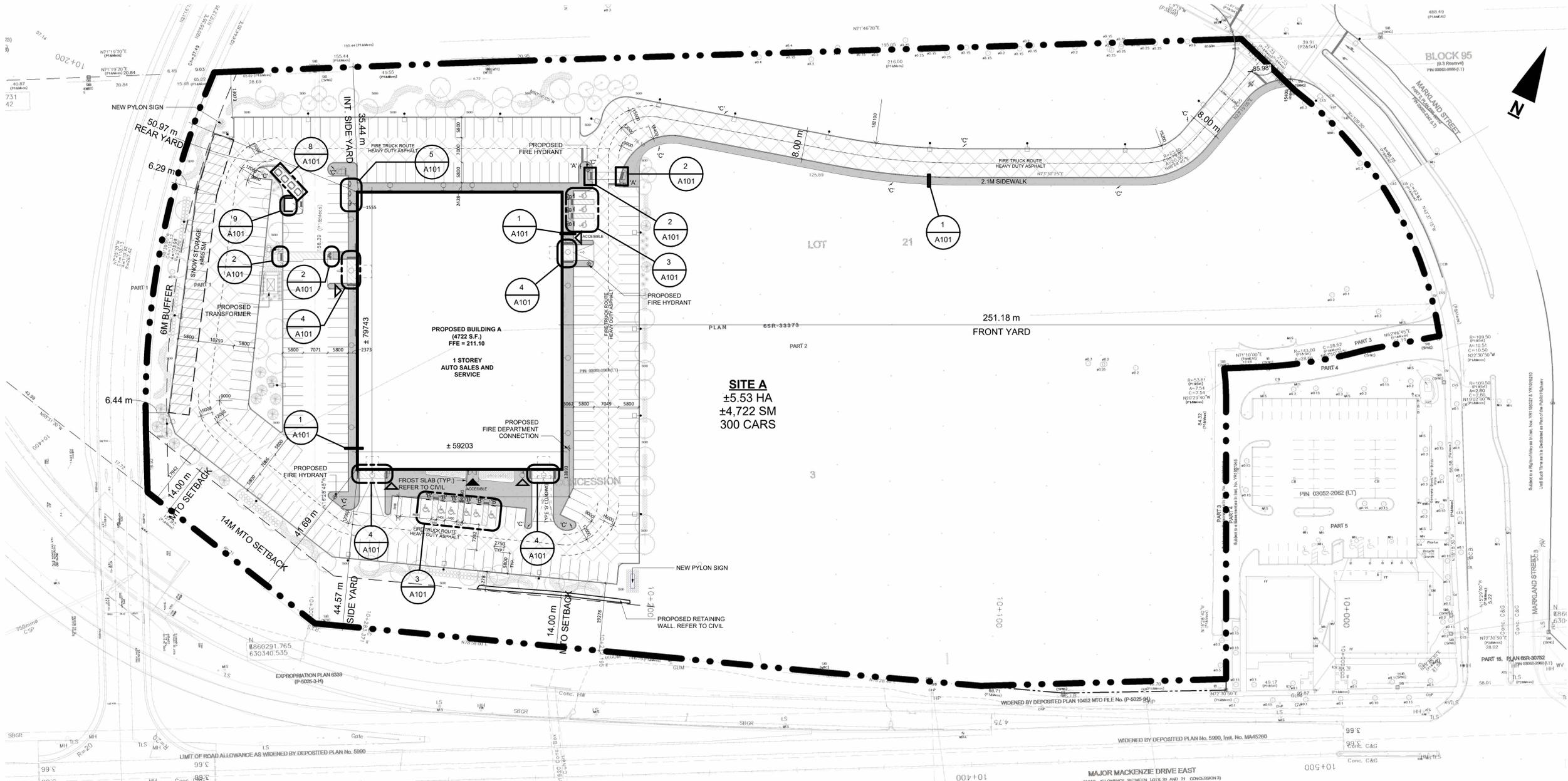
Engineering and Urban
Design Departments
ACCEPTED
For the purpose of site plan
endorsement.

File: **13/09/2025**
Date: **3/25/2025**
MM/DD/YYYY
Senior Development Manager
(or their designate)

**PART OF LOT 21
CONCESSION 3**

CITY OF MARKHAM

**FORMERLY TOWN OF MARKHAM
COUNTY OF YORK
REGIONAL MUNICIPALITY OF YORK**



2 OVERALL SITE PLAN
1:600

Notes:
Site plan in accordance with the City of Markham Sustainability Metrics Program Guidebook.
Survey based on SVNG plan ref. no. 139-Con 3 Markham.
Refer to civil drawings prepared by KWA for servicing and grading design.
Refer to landscape drawings by RKLA for landscape design.
Refer to electrical drawings by H&J for electrical design.

#	DATE	DESCRIPTION	BY
9	2024-12-20	ISSUED FOR SPA	JK
8	2024-12-11	ISSUED FOR COORDINATION	JK
6	2024-08-30	ISSUED FOR SPA RESUBMISSION	JK
5	2024-05-15	ISSUED FOR COORDINATION	JK
4	2024-01-29	RE-ISSUED FOR SPA	JK
3	2024-01-13	ISSUED FOR SPA	JK
2	2023-11-27	ISSUED FOR COORDINATION	JK
1	2023-11-23	ISSUED FOR REZONING	JK

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE THE DRAWING.
THIS DRAWING CONTAINS COPYRIGHT MATERIAL BELONGING TO THE ARCHITECT.
THIS DRAWING WAS DEVELOPED FOR A SPECIFIC PURPOSE. USE FOR ANY OTHER PURPOSE IS NOT PERMITTED.
THIS DRAWING SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN APPROVAL OF THE ARCHITECT.
THIS DRAWING MUST BE READ IN THE CONTEXT OF ALL THE OTHER DRAWINGS WHICH CONSTITUTE THE DOCUMENT.

OVERALL SITE PLAN

Scale: As indicated

PROPOSED AUTO SALES AND SERVICE BUILDING

ADDRESS: HWY 404 + MAJOR MACKENZIE DRIVE, MARKHAM, ON
CLIENT: FIELDGATE COMMERCIAL

PETROFF PARTNERSHIP ARCHITECTS
PETROFF
Petroff Partnership Architects
10 Aviva Way, Suite 400
Markham, Ontario, Canada L6G 0G1
TEL: 905-470-7002

PROJECT Number: 23042
Drawing No: A100(76)
Drawn: JK
Check: JK
Date: 08/29/24
Issued Date: 08/29/24



1 KEY PLAN
SP115 1:2000

LEGEND

- PRIMARY ENTRANCE
- EMERGENCY DOOR
- PROPOSED FIRE HYDRANT
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED FIRE & TRUCK ROUTE (HEAVY DUTY ASPHALT)
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- "B" - ACCESSIBLE PARKING
- "C" - NO PARKING FIRE ROUTE

ZONING MATRIX:
ZONING

	REQUIRED	PROPOSED
SITE AREA	MIN. 0.4 HA	±4.908 HA
LOT FRONTAGE	85 M MIN	180 M
FRONT YARD	6M - 10M	251 M
REAR YARD	3 M	51 M
INTERIOR SIDE YARD	3 M	35 M
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BUILDING HEIGHT	14M MAX	±8 M
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STATISTICS

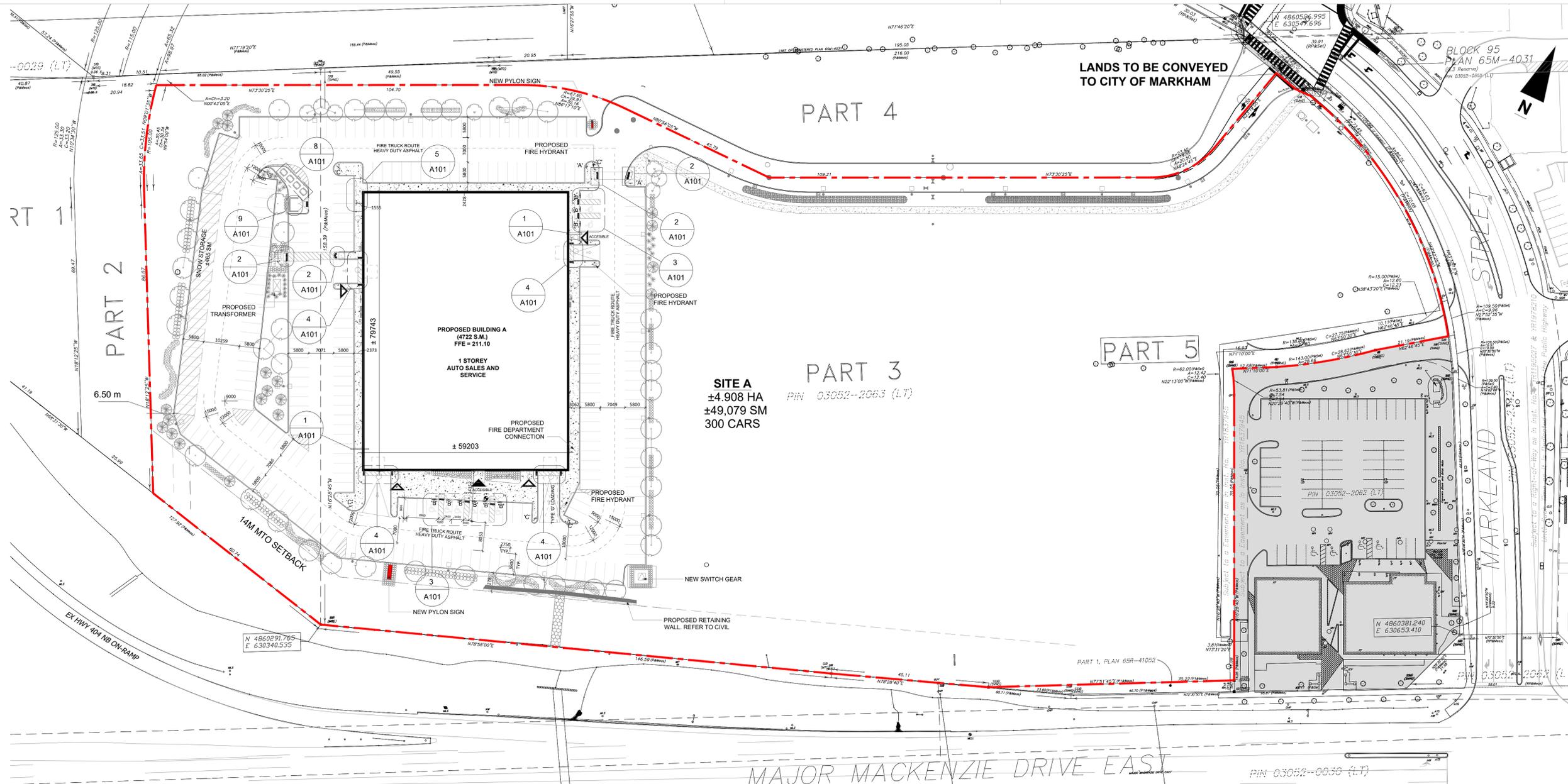
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LOADING PROVIDED	1 LOADING SPACE
COVERAGE	9.62%
SNOW STORAGE	±463 SM

Appendix B

File:
Date: **12/3/2025**
MM/DD/YYYY

PART OF LOT 21, CONCESSION 3 AND BLOCK 83 REGISTERED PLAN 65M-4031 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK (FORMERLY TOWN OF MARKHAM, COUNTY OF YORK)

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS
2365



2 OVERALL SITE PLAN
SP115 1:600

Notes:
Site plan in accordance with the City of Markham Sustainability Metrics Program Guidebook.
Survey based on SVNG plan ref. no. 139-Con 3 Markham.
Refer to civil drawings prepared by KWA for servicing and grading design.
Refer to landscape drawings by H&J for landscape design.
Refer to electrical drawings by H&J for electrical design.

#	DATE	DESCRIPTION	BY
11	2025-11-28	REVISION TO BUILDING DEPARTMENT	JR
10	2025-01-28	ISSUED FOR COORDINATION	JK
9	2024-12-20	ISSUED FOR SPA	JK
8	2024-12-11	ISSUED FOR COORDINATION	JK
7	2024-12-09	ISSUED FOR COORDINATION	JK
6	2024-08-30	ISSUED FOR SPA RESUBMISSION	JK
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OVERALL SITE PLAN

Scale: As indicated
PROPOSED AUTO SALES AND SERVICE BUILDING

ADDRESS: HWY 404 + MAJOR MACKENZIE DRIVE, MARKHAM, ON

CLIENT: FIELDGATE COMMERCIAL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF
10 AVIVA WAY, SUITE 400
MARKHAM ONTARIO CANADA L6G 0G1
TEL. 905.470.7000. FAX. 905.470.2500



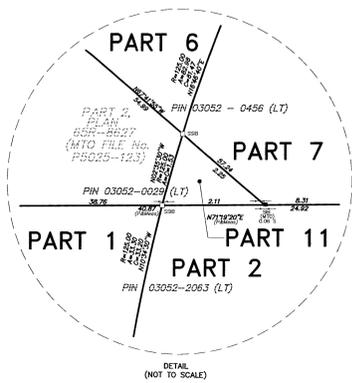
Drawn: JK/DJR	PROJECT Number: 23042
Check: JK/AE	Drawing No: SP115
Date: 08/29/24	
Issued Date: 11/28/25	

LOT 22
CONCESSION 3

BLOCK 106
REGISTERED PLAN 65M-4252
PIN 03052 - 2348 (LT)
PART 1, PLAN 65R-35307

BLOCK 87
PLAN 65M-4031
PIN 03052-0847 (LT)

BLOCK 86
PLAN 65M-4031
PIN 03052-0847 (LT)



PART 6
LOT 21
CONCESSION 3
PIN 03052 - 0456 (LT)

PART 7
PART 8

PART 9
PART 10
BLOCK 83
PIN 03052-0543 (LT)

PART 4

PART 1
PART 2

PART 3
PIN 03052-2063 (LT)

PART 5

THE KING'S HIGHWAY No. 404
(DESIGNATED A CONTROLLED-ACCESS HIGHWAY BY ORDER
IN COUNCIL, O.C. 165/77, PLAN P-50225-133)
PART 4, PLAN 65R-4627 (MTO FILE No. P3025-123)
PIN 03052 - 0029 (LT)

REMAINDER OF
PLAN 65R-29238

MARKLAND STREET
DEDICATED BY REGISTERED PLAN 65M-4031
PIN 03052-0847 (LT)

REGISTERED PLAN 65M-4031

RUSSELL
DAWSON
ROAD

BLOCK 85
PLAN 65M-4031
PIN 03052-0847 (LT)

PLAN 65R-33373

EXPROPRIATION PLAN 6339
(P-5025-3-H)

LIMIT OF ROAD ALLOWANCE AS WIDENED BY DEPOSITED PLAN No. 5890

LIMIT OF ORIGINAL ROAD ALLOWANCE

MAJOR MACKENZIE DRIVE EAST
(ROAD ALLOWANCE BETWEEN LOTS 20 AND 21 CONCESSION 3)

WIDENED BY DEPOSITED PLAN No. 5890, INST. No. 4A45266

PART 1, PLAN 65R-4102
PIN 03052-2063 (LT)

PART 1, PLAN 65R-3789
PIN 03052-2062 (LT)

Appendix B

TO BE DEPOSITED UNDER REG. NO. 414/13 RECEIVED AND DEPOSITED DATE: June 16, 2025

File: ADAM J. WERRELL REPRESENTATIVE FOR U.D. REGISTRAR OF MAPS AND TITLES DIVISION OF THE YORK REGION REG. (No. 63)

Date: 12/3/2025 CONCESSION / REGISTERED PLAN / PART OF AREA OF

4	PART OF LOT 21	CONCESSION 3	ALL OF P.L.N. 03052-0456 (LT)	2,971.1
5				2,225.1
6				48,465.1
7				6,872.1
8				22,976.6
9				1,887.5
10	BLOCK 83	65M-4031	ALL OF P.L.N. 03052-0543 (LT)	1,787.9
11	PART OF LOT 21	CONCESSION 3	PART OF P.L.N. 03052-0029 (LT)	9,062.1
				1.6

PART 5: SUBJECT TO A EASEMENT AS IN INST. No. YR1837945
PARTS 1, 2, 3, 4 & 5 COMPRISE PART OF P.L.N. 03052-2063 (LT)
PARTS 6, 7, 8 & 9 COMPRISE ALL OF P.L.N. 03052-0456 (LT)
PART 10 COMPRISE ALL OF P.L.N. 03052-0543 (LT)
PART 11 IS PART OF P.L.N. 03052-0029 (LT)

PLAN OF SURVEY OF
PART OF LOT 21, CONCESSION 3
AND
BLOCK 83
REGISTERED PLAN 65M-4031
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
(FORMERLY TOWN OF MARKHAM, COUNTY OF YORK)

SCALE 1 : 600

SPEIGHT, VAN NOSTRAND & GIBSON
ONTARIO LAND SURVEYORS
- A DIVISION OF KRCMAR SURVEYORS LTD.
2025

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING / INTEGRATION NOTE
BEARINGS ARE UTM GRID BEARINGS, DERIVED FROM SPECIFIED CONTROL POINTS
CORRECTION AND CORRECTED TO UTM ZONE 17, CENTRAL MERIDIAN 81°W
LONGITUDE NAD 83 (CSRS) (ORIGINAL).

POINT ID	NORTHING	EASTING
SCP 0081950340	4,860,357.887	628,965.670
SCP 0081979017	4,860,164.741	630,145.076

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997988

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- MT WITNESS MONUMENT
- SB STANDARD IRON BAR
- SIB SHORT STANDARD IRON BAR
- RB IRON BAR
- CP CONCRETE PIN
- CC CONCRETE PIN
- OC CUT CROSS
- CNS CONCRETE NAIL SET
- N.S.E.W. NORTH, SOUTH, EAST, WEST
- OR ORIGIN UNKNOWN
- SPG SPEIGHT, VAN NOSTRAND AND GIBSON LIMITED, O.L.S.
- RP REGISTERED PLAN 65M-4031
- P DEPOSITED PLAN 65R-33373
- P1 DEPOSITED PLAN 65R-4102
- P2 DEPOSITED PLAN 65R-29238
- P3 DEPOSITED PLAN 65R-8627

BEARING
BEARINGS SHOWN HEREON ARE GRID DERIVED FROM GPS OBSERVATIONS OF
OBSERVED REFERENCE POINTS A AND B USING THE LOCAL SMARTNET RIK
NETWORK AND ARE REFERRED TO THE 6° UTM COORDINATE SYSTEM, ZONE
17, CENTRAL MERIDIAN 81°W WEST LONGITUDE
(NAD 83 (CSRS)(2010)).

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE
CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE
FACTOR OF 0.9997988.

INTEGRATION DATA
6° UTM ZONE 17 COORDINATES
NAD 83 (CSRS)(2010) CENTRAL MERIDIAN 81°W WEST LONGITUDE
THE UTM COORDINATES LISTED BELOW ARE TO URBAN ACCURACY AND COMPLY WITH
SUBSECTION 14(1) OF THE SURVEY ACT AND THE REGULATIONS UNDER IT.

MONUMENT ID	NORTHING	EASTING
A SB(MT)	4 860 338.63	630 221.50
B SB(SVNG)	4 860 362.28	630 643.07

REFERENCE POINTS

POINT	NORTHING	EASTING
1 SB	4 860 338.63	630 120.41
2 SB	4 860 646.09	630 271.00
3 SB(SVNG)	4 860 517.29	630 566.54
4 CP(SVNG)	4 860 461.83	630 628.17
5 SB(SVNG)	4 860 350.59	630 595.79

COORDINATE VALUES SHOWN ARE FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY.
COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT, AND THE REGULATIONS UNDER THEM.
- THE SURVEY WAS COMPLETED ON MAY 9, 2025.

DATE: JUNE 16, 2025

ADAM J. WERRELL
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADS PLAN SUBMISSION FORM NUMBER V-102872

SPEIGHT, VAN NOSTRAND & GIBSON
ONTARIO LAND SURVEYORS
- A DIVISION OF KRCMAR SURVEYORS LTD.
1137 CENTER STREET, THORNHILL, ONTARIO L4J 3M6
TEL: 416 749-5942(7864) E-MAIL: toronto@svng.on.ca

DRAWN: A.J.W. JOB No.: 23-024
CHECKED: A.J.W. WORK ORDER: 40631

FILE NAME: 23-824R02 REV 5.DWG PLOTTED: JUNE 16, 2025
PLOT SCALE: 1:600