

Memorandum to the City of Markham Committee of Adjustment

May 10, 2023

File: A/035/23
Address: 105 Gibson Drive, Markham
Applicant: Toronto Christian Community Church
Agent: QX4 Investments Ltd. - Consulting Services (Ben Quan)
Hearing Date: Wednesday, May 17, 2023

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

The Applicant is requesting relief from the requirements of the “Select Industrial (M)” zone requirements under By-law 108-81, as amended, and is requesting under Section 45 (2)(b) of the *Planning Act* to permit:

a 'medical office' and 'place of worship' as community service uses that are accessory to an existing permitted private community centre, whereas the By-law does not include such uses.

BACKGROUND

Property Description

The 4,274 m² (46,004.95 ft²) property (the “Subject Lands”) is located on the south side of Gibson Drive, and generally located west of Warden Avenue and north of Steeles Avenue East (refer to Appendix “A” – Aerial Photo). There is an existing private community centre on the Subject Lands which is accessory to the adjacent Place of Worship located at 100 Acadia Avenue.

The Subject Lands are located within an established neighbourhood comprised of a variety of land uses that are predominantly: employment uses to the north, mid/high rise residential uses and places of worship to the south and commercial uses to the southeast.

Proposal

The Applicant is requesting under Section 42(2)(b) of the *Planning Act*, to permit the 'medical office' and 'place of worship' as community service uses wholly within the existing permitted private community centre (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 “[General Employment](#).” Lands designated “General Employment” permits a range of manufacturing, processing, warehousing uses, as well as a variety of prescribed ancillary and discretionary uses such as retail, service, office, restaurant, and commercial school uses.

Zoning By-Law 108-81

The Subject Lands are zoned “Select Industrial (M)” under By-law 108-81, as amended, which permits a wide range of uses including, but not limited to: industrial uses, private clubs and health centres, and public uses.

Notwithstanding the above noted uses, on June 16, 2010, the Committee of Adjustment (the “Committee”) approved a request for permission under Section 45(2)(b) of the *Planning Act* to establish a private community centre use on the Subject Lands, affiliated with the adjacent Place of Worship (100 Acadia Avenue) (File: A/57/10).

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted, however the Owner had applied for a Building Permit for an alteration permit which identified the non-compliance with the By-law. Ultimately, it is the Applicant’s responsibility to ensure that the application has accurately identified all requests made under Section 45(2)(b) to the Zoning By-law for the proposed development. If the request in this application contains errors, or if there is a need for other variances identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Applicant has applied to the Committee of Adjustment to permit a 'medical office' and 'place of worship' as community service uses, accessory to an existing permitted private community centre under Section 45(2)(b) of the *Planning Act*.

This section of the *Planning Act* states the Committee, upon any such application: where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. *R.S.O. 1990, c. P.13, s. 45 (2)(b)*

Consequently, the Committee must be of the opinion that the proposed 'medical office' and 'place of worship' uses are accessory community uses to the existing permitted private community centre.

Staff note that the existing permitted private community centre is accessory to the adjacent Place of Worship located at 100 Acadia Avenue which is under the same ownership.

Staff further note that the Applicant has indicated that the proposed 'medical office' is “not a medical clinic in the normal sense. Rather, it's a component of the community centre wherein the Church would be providing an additional community service” that is “run as a non-profit program.” The Applicant has also indicated that the 'place of worship' is also a component of the adjacent Place of Worship (100 Acadia Avenue).

PUBLIC INPUT SUMMARY

As of May 10, 2023, the City received one (1) letter of opposition to the proposal. The letter of opposition expressed concern over the use of the building for Worship purposes. 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 proposal on the preceding, and opine that on this site specific basis, a 'medical office' and 'place of worship' as community service uses that are accessory to an existing permitted private community centre, is reasonable and recommends that Application A/035/23 be approved.

Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Applicant to demonstrate why the application should be approved and how they satisfy Section 45(2)(b) of the *Planning Act*.

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

PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District

REVIEWED BY:

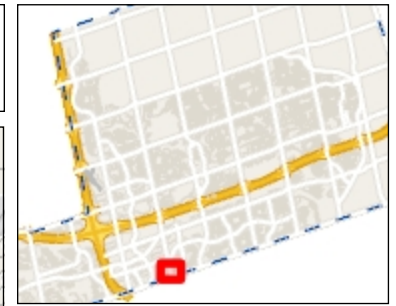
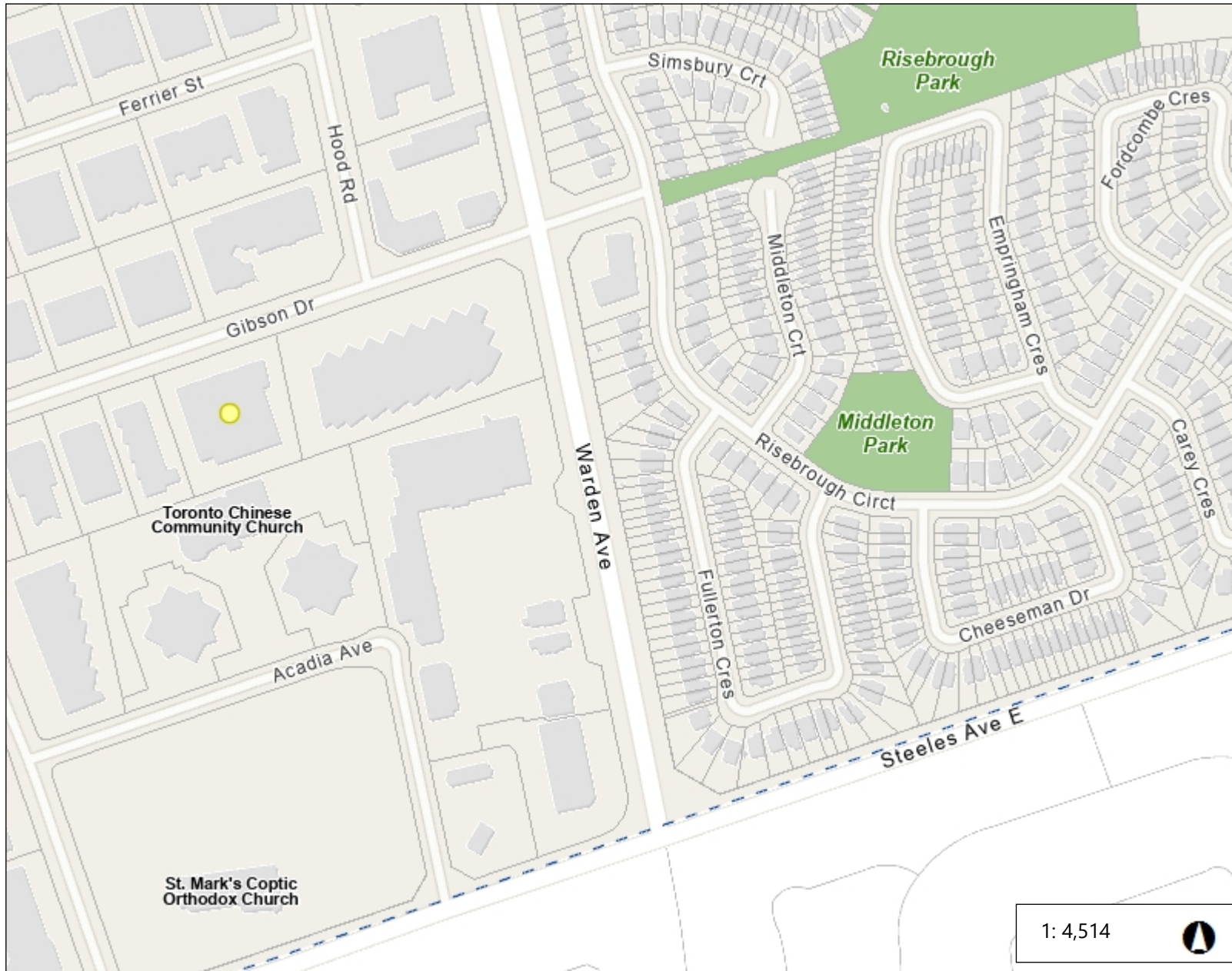


Melissa Leung, MCIP RPP, Senior Planner, Central District

Appendix "A" – Aerial Photo

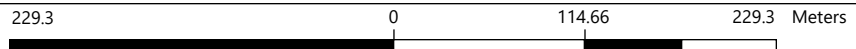
Appendix "B" – Site Plan

Appendix "C" – Conditions



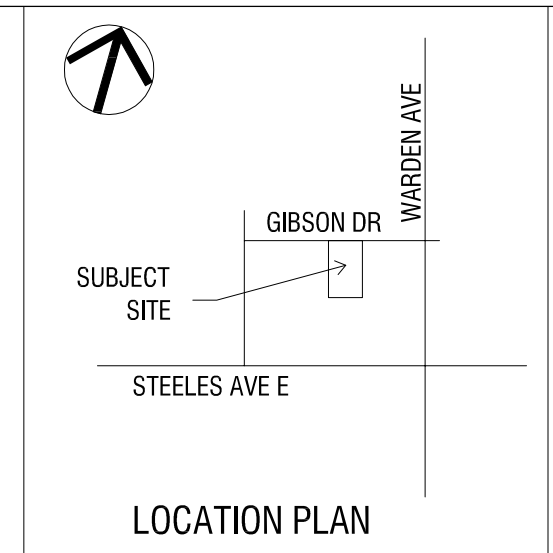
Legend
 Subject Lands

1:4,514

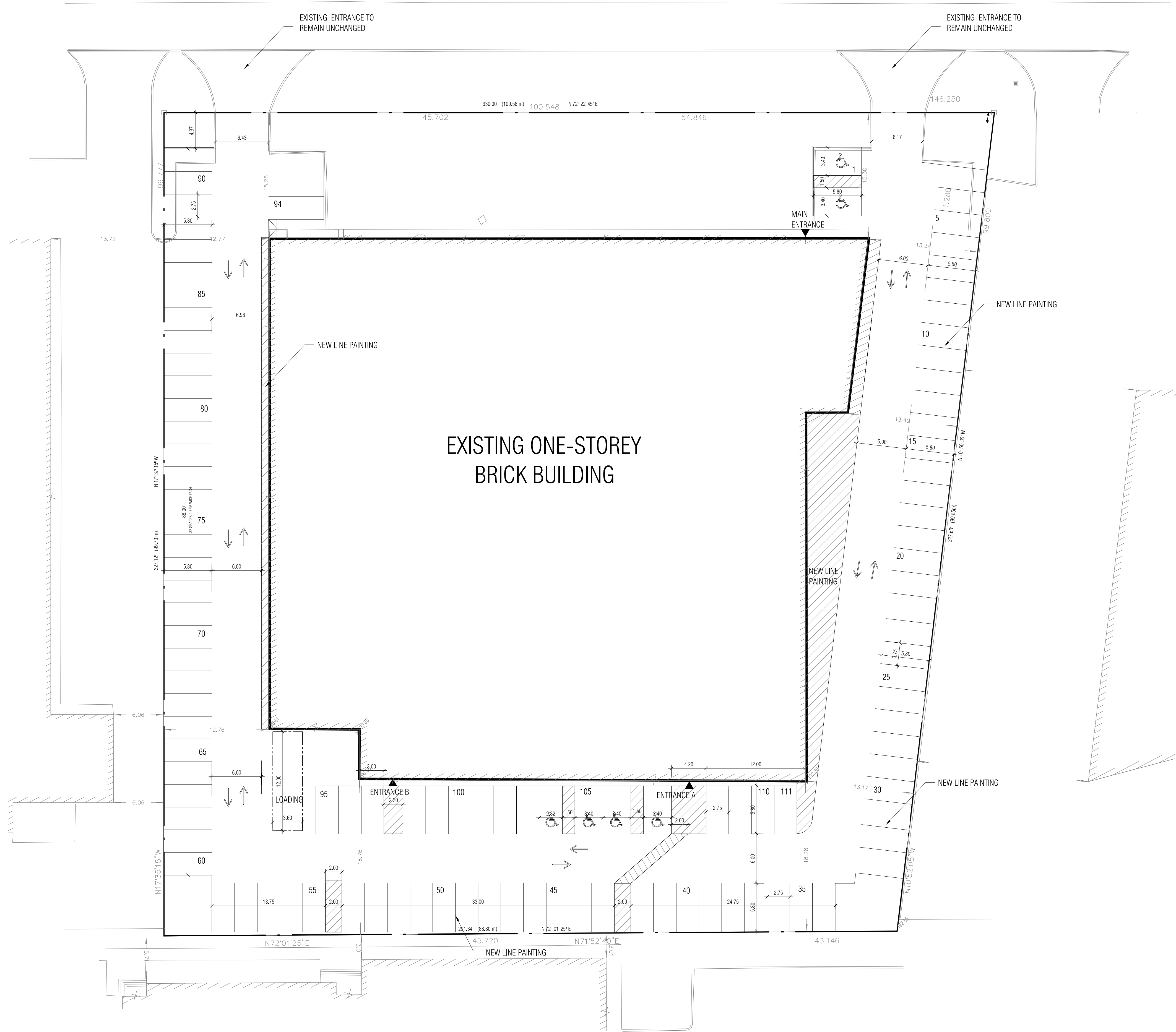


DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes



GIBSON DRIVE



SITE STATISTIC
 SURVEY INFORMATION ARE TAKEN FROM SURVEY PREPARED BY SCHAEFFER DZALDOV BENNETT LTD, DATE JUNE 1, 2011.
 LOTS 34 AND 35, REGISTERED PLAN M-1738
 CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

LOT AREA: 9404.9 SM

EXISTING GFA: 4274 SM

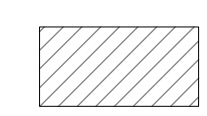

PARKING PROVIDED:

REGULAR: 105
 ACCESSIBLE: 6

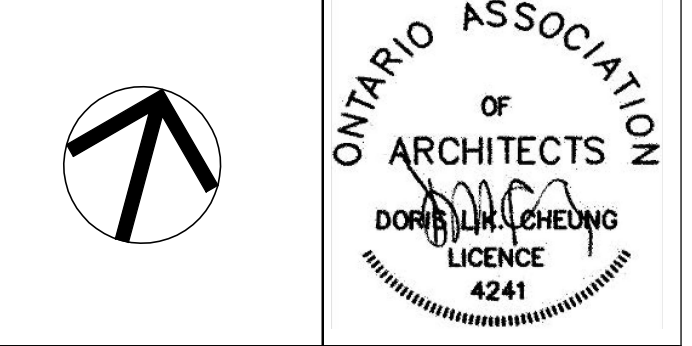
TOTAL PROVIDED: 111

REGULAR PARKING 2.75M x 5.8M
 ACCESSIBLE PARKING 3.4M x 5.8M WITH 1.5M SPACE BESIDE
 DRIVEWAY WIDTH: 6 M

LEGEND

-  LINE PAINTING
-  ENTRANCE

REV NO	DATE	PARTICULARS	DWN	CHKD	APPD
MAR 1, 23		ISSUE FOR COMMITTEE OF ADJUSTMENT APPLICATION			



DORIS L.K. CHEUNG ARCHITECT INC.
 20 WERTHEIM COURT, UNIT 19, TEL: (416) 720-1168
 RICHMOND HILL, ONT., L4B 3A8 E-MAIL: dorisc@dc-architect.ca

INTERIOR RENOVATION (PHASE 3)
 105 GIBSON CENTRE
 105 GIBSON DRIVE, MARKHAM

SITE PLAN	
DATE OF ISSUE March, 2023	DRAWN BY KC
SCALE 1:250	CHECK BY DC
DWG NO 2022-11-SP1	REV

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/035/23

1. That the approval applies only to the proposed development within the existing building, as long as it remains; and,
2. That the combined maximum gross floor area devoted to all ‘medical office’ and ‘place of worship’ uses accessory to the existing permitted private community centre be no more than 50% of the total gross floor area of the existing building.

CONDITIONS PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District