

Memorandum to the City of Markham Committee of Adjustment

April 11, 2024

File: A/010/24
Address: 43 Main Street North, Markham
Applicant: SPINTHESIX FITNESS INCORPORATED (VASSILIKI TSOUTSOUBRI)
Agent: TECHNOARCH INC (HARPREET BHONS)
Hearing Date: Wednesday, April 17, 2024

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 as amended, and is requesting under Section 45(2)(b) of the *Planning Act* to permit:

- a) an indoor cycling training centre, whereas the by-law does not permit the use of a “Commercial Fitness Centre”;

as it relates to the conversion of a former branch of the Royal Bank of Canada to an indoor cycling training centre.

BACKGROUND

Property Description

This application was deferred by the Committee of Adjustment (the “Committee”) at the April 3rd, 2024 hearing for the applicant to address the Committee’s concerns regarding the number of parking spaces provided for the intended 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 the use of a cycling training facility which is classified as a “Commercial Fitness Centre” whereas the By-law does not permit a “Commercial Fitness Centres”. 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.

A Zoning Preliminary Review was not conducted for the proposed use of the subject property. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to applicable By-laws required for the proposed use.

Staff have confirmed that no additional parking spaces are required to be provided on the lot to accommodate the proposed use, provided there is no change to the existing building footprint.

Staff's previous comments remain applicable and there is no objection to the Committee's approval of the requested variance (refer to Appendix 'A' Staff report dated March 18, 2024).

PUBLIC INPUT SUMMARY

No written submissions have been received as of April 11, 2024 since the April 3rd 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 refer to Appendix "B" for conditions to be attached to any approval of this application.

APPENDICES

Appendix 'A'-Staff Report Dated March 18, 2024

Appendix 'B'-Conditions of Approval

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcherson, Manager of Heritage Planning

APPENDIX 'A'

Memorandum to the City of Markham Committee of Adjustment

March 18, 2024

File: A/010/24
Address: 43 Main Street North, Markham
Applicant: SPINTHESIX FITNESS INCORPORATED (VASSILIKI
TSOUTSOUBRI)
Agent: TECHNOARCH INC (HARPREET BHONS)
Hearing Date: Wednesday, April 3, 2024

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 as amended, and is requesting under Section 45(2)(b) of the *Planning Act* to permit:

- b) an indoor cycling training centre, whereas the by-law does not permit the use of a “Commercial Fitness Centre”;

as it relates to the conversion of a former branch of the Royal Bank of Canada to an indoor cycling training centre.

BACKGROUND

Property Description

The subject property is located on the east side of Markham Main Street North on the southeast corner of its intersection with Centre Street in the historic commercial district of Markham Village (Refer to Figure 1- Location Map). The property is occupied by a two-storey modern building having offices on the upper floor and commercial units on the ground floor (Refer to Figure 2- Photograph of the Existing Building). For many years, the four most northerly ground floor units have been occupied by a local branch of the Royal Bank of Canada, but these units are now occupied by Cyclebar cycling training centre.

Proposal

The applicant wishes to legalize the existing use which is not considered to be a permitted use under the C2 zoning designation of the By-law. The business offers fitness classes on stationary bikes lead by instructors similar to a health club or fitness centre.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner’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

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 the use of a cycling training facility which is classified as a “Commercial Fitness Centre” whereas the By-law does not permit a “Commercial Fitness Centres”. 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 assembly halls, private clubs, bowling alleys and billiard where people congregate to both socialize and participate in a physical activity while improving skills with the help of hired instructors.

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 March 13, 2024, and provided no comment on the application. (See Appendix B- Heritage Markham Extract of March 13, 2024)

PUBLIC INPUT SUMMARY

No written submissions were received as of March 18, 2024. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\ 24 160020 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/010/24

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

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is written in a cursive style with a large initial "P".

Peter Wokral, Senior Heritage Planner

APPENDIX 'B'- HERITAGE MARKHAM EXTRACT OF MARCH 13, 2024

HERITAGE MARKHAM
EXTRACT

Date: March 20, 2024

To: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 5.3 OF THE THIRD HERITAGE MARKHAM
COMMITTEE MEETING HELD ON March 13, 2024

5. PART THREE - CONSENT

5.3 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

**PROPOSED INDOOR CYCLING TRAINING CENTRE
43 MAIN ST. N., MARKHAM VILLAGE HERITAGE CONSERVATION
DISTRICT (16.11)**

File Numbers:
MNV 24 160020
A/010/24

Recommendation:

THAT Heritage Markham has no comment from a heritage perspective on the variance application seeking permission to use the building at 43 Main St. North as a Cycling Training Centre other than to remind the applicant that any signage must be designed as per the requirements of the Markham Sign By-law (Special Sign Districts).

Carried

FIGURE 1 – LOCATION MAP



FIGURE 2- PHOTOGRAPH OF THE EXISTING BUILDING



APPENDIX 'B'
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/010/24

2. That the variance applies only to the existing use as long as it remains

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral". The signature is written in a cursive style with a large initial "P".

Peter Wokral, Senior Heritage Planner

