

# Memorandum to the City of Markham Committee of Adjustment

May 01, 2025

**File:** A/028/25  
**Address:** 8545 McCowan Road, Markham  
**Applicant:** The Biglieri Group Ltd (Morgan Baker)  
**Hearing Date:** Wednesday, May 28, 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, SC1 as amended, as it relates to a proposed Jewellery Store:

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

retail sales of jewellery, whereas the by-law does not permit retail sales of jewelry;

## **BACKGROUND**

### **Property Description**

The 2,039.19 m<sup>2</sup> (21,949.67 ft<sup>2</sup>) subject property is located on the east side of McCowan Road, north of Highway 7 East and south of Heritage Road. The property is situated directly opposite Markville Mall and is surrounded by various industrial and commercial uses to the east and north.

### **Proposal**

The applicant is proposing to operate a retail jewellery store within the existing commercial building.

### **Official Plan and Zoning**

Official Plan 1987 (partially approved on November 24/17, and updated on April 9/18)

Until the Markville Secondary Plan is in place the 1987 OP shall apply.

The Official Plan designates the subject property "Major Commercial Area", which provides for a diverse range of retail, service, community, institutional and recreational uses. Some uses under this designation include retail, service, offices, banks and financial institutions and restaurants.

### Zoning By-Law 1229

By-law 1229, as amended by By-law 326-82. This zoning permits a range of commercial, retail, service, hospitality, and office uses, including restaurants, financial institutions, personal service shops, professional offices, and various specialty retail stores.

### **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 (24.200159 AL) 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.

### **Proposed Jewellery Store**

The Applicant is requesting relief to permit the retail sales of jewellery, whereas the by-law does not specifically permit the retail sales of jewellery. Staff note that the in-force 1987 Official Plan provides for retail uses on the Subject Lands as it is designated "Major Commercial Area". The Zoning By-law also permits certain types of retail uses. Staff are of the opinion that the requested variance to allow the retail sales of jewellery is similar to the permitted retail use in the Zoning By-law. Staff are of the opinion that the requested variance is minor in nature and meets the general intent and purpose of the Zoning By-Law and Official Plan.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 8, 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.

**APPENDICIES**

Appendix "A" – A/028/25 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a long horizontal flourish extending to the right.

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Aaron Chau, Planner I, East District

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Stacia Muradali', with a long horizontal flourish extending to the right.

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Stacia Muradali, Development Manager, East District


File Path: Amanda\File\ 25 114246 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/028/25**

1. The variances apply only to the proposed development as long as it remains;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a large, sweeping initial 'A'.

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Aaron Chau, Planner I, East District

SURVEYOR'S REAL PROPERTY REPORT  
PART I  
PLAN OF  
PART OF LOTS 1 & 3  
REGISTERED PLAN N° 3965  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK  
SCALE 1 : 200  
2014



0 5 10 20 Metres

© R.G.McKIBBON LIMITED

**PART 2**  
THIS PLAN MUST BE READ IN  
CONJUNCTION WITH SURVEY REPORT  
DATED : FEBRUARY 3, 2014

**NOTES**

Bearings shown hereon are astronomic and are referred to part of the  
northerly limit of Registered Plan 3965 as shown on Deposited Plan  
Plan 65R-7715, having a bearing of N 72°06'20" E.

Survey Monuments Found shown thus   
Survey Monuments Planted shown thus 

SSIB - denotes Short Standard Iron Bar  
SIB - denotes Standard Iron Bar  
IB - denotes Iron Bar  
IP - denotes Iron Pipe  
CP - denotes Concrete Pin  
O/U - denotes Origin Unknown  
wit - denotes Witness  
1075 - denotes P.T. Holding O.L.S.  
1137 - denotes R.G.McKibbon Ltd. O.L.S.  
P1 - denotes Deposited Plan 65R-7715  
P2 - denotes Deposited Plan 65R-6800  
P3 - denotes Deposited Plan 65R-5512  
P4 - denotes Deposited Plan 64R-2713  
Prod'n - denotes Production Tie  
Br - denotes Brick  
FH - denotes Fire Hydrant  
LS - denotes Light Standard  
MH - denotes Manhole  
CB - denotes Catchbasin  
Ø - denotes Diameter  
✱ - denotes Coniferous Tree

All Curb Elevations were taken to Top of Curb.

THIS REPORT WAS PREPARED FOR  
2371143 ONTARIO INC. AND  
ALFRED SZETO ARCHITECT  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY OTHER  
PARTIES

**ELEVATION DATUM**

Elevations are geodetic and are referred to Town of Markham Datum  
BENCH MARK : M-42-001 ELEVATION : 230.24 m

Point at which elevations taken shown thus 

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT

- 1) This survey and plan are correct and in accordance with the Surveys Act,  
the Land Titles Act and the Surveyors Act and the regulations made under them.
- 2) The survey was completed on the 31st day of January 2014

February 3, 2014

Date

**R. G. McKIBBON LIMITED**

ONTARIO LAND SURVEYORS

176 BULLOCK DRIVE, UNIT 10

MARKHAM, ONTARIO L3P 1W2

PHONE (905) 234-3754

FAX (905) 234-9400

EMAIL R.G.McKibbon@Rogers.com

Robb McKibbon  
Ontario Land Surveyor

CONVERSION NOTE :  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

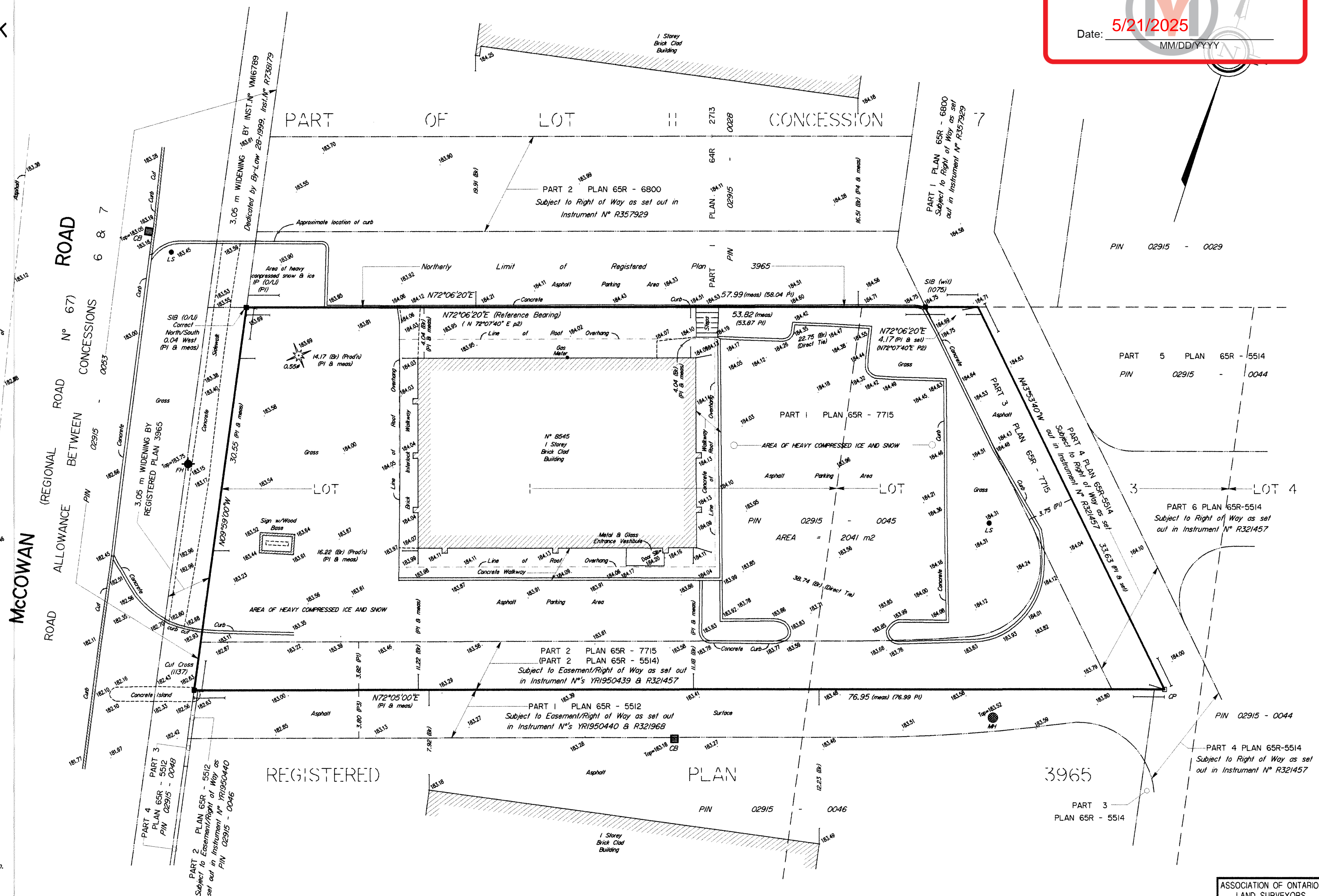
**Appendix B**

File:

5/21/2025

Date:

MM/DD/YYYY



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1894870

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1026, Section 29(3).

FILE N° : S - 14 - 02