

Memorandum to the City of Markham Committee of Adjustment
April 23, 2024

File: A/125/23
Address: 245 Renfrew Drive, Markham
Applicant: Peoples Christian Academy (Don Overbeek)
Hearing Date: Wednesday, May 1, 2024

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

The applicant is requesting relief from the following requirements of the Select Industrial and Limited Commercial (M.C. (60%)) Zone in By-law 165-80, as amended, to permit:

a) By-law 165-80, Section 4.7.1 (b):

a minimum landscape strip of 2 metres; whereas; the By-law requires a minimum landscape strip of 6 metres; and

b) By-law 165-80, Section 6.4.1:

a place of worship within an existing private school; whereas, the By-law does not permit a place of worship;

as it relates to a private school and place of worship. This application is related to the Site Plan Control application SPC 22 259377 which is being reviewed concurrently.

BACKGROUND

Property Description

The 2.10 ha (5.19 ac) subject property is located on the east side of Renfrew Drive, south of 16th Avenue and west of Woodbine Avenue. Their site is developed with an existing private school and an existing place of worship.

The subject property is partially within TRCA's Regulated Area. However, as the proposed work is located outside of the regulated area, TRCA has confirmed they have no objection to the requested variances.

Proposal

The applicant is requesting relief from the requirements of By-law 165-80, as amended, to facilitate the development of a pick-up/drop-off area at the front of the existing private school (refer to Site Plan, Appendix B).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated "Business Park Employment" in the 2014 Official Plan. This designation is intended to provide for prestige, larger scale, industrial and office development in business park settings with high visibility and access to 400 series highways, arterial roads, and transit services. Uses provided for in the "Business Park Employment" designation include: office, manufacturing, warehousing, hotel, and trade and convention centre. The "Business Park Employment" designation does not permit a standalone place of worship.

Zoning By-Law 165-80

The subject property is zoned Select Industrial and Limited Commercial (M.C. (60%)) in By-law 165-80, as amended, which permits warehousing, manufacturing and other similar industrial uses, as well as banks and financial institutions, business offices, hotels, and motels. Amendment 2009-193 also applies to the property and permits the existing private school use.

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 ongoing Site Plan Control application 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.

Reduced Landscape Strip Variance

The applicant is requesting a variance to permit a minimum landscape strip of 2 metres; whereas, a minimum landscape strip of 6 metres is required. The proposed variance is in part due to the requirement for an approximately 2.45 m (8.0 ft) road widening to be conveyed to the City along Renfrew Drive. The reduced size of the landscape strip will facilitate the development of a new proposed pick-up/drop-off area in front of the existing building. Planning and Urban Design Staff are of the opinion the proposed variance is minor in nature and do not anticipate any adverse impacts.

Place of Worship Variance

In 2012, a variance application for a place of worship was approved by the Committee (A/202/12). Staff had recommended the application not be approved for the following reasons:

- The 'Business Park Area' designation does not permit a place of worship.
- That the proposed independent place of worship could not be considered an accessory use as it is not a use that is subordinate, naturally, customarily and incidental to a private school or day nursery. The By-law defines a place of worship as an independent use which is not a permitted use on the subject property;
- The proposed variance did not meet two of the four tests of a minor variance under the Planning Act related to maintaining the general intent and purpose of the Official Plan and Zoning By-law;
- The proposed accessory place of worship is more appropriately dealt with through Zoning By-law and Official Plan Amendment applications.

A second variance application (A/78/14) was considered by the Committee in 2014 to modify the conditions of approval that were previously imposed by the Committee on the place of worship use including the following:

- That the maximum floor area of the place of worship be increased to 534 m² within the school gymnasium on the basis of providing 178 on-site parking spaces;
- That the place of worship be permitted to operate on Saturdays, Sundays, and Statutory Holidays when the private school is not in session; and,
- That the 5 year restriction on the place of worship not be required.

This variance application was subsequently approved by Committee and the conditions were modified.

Staff note that in order to accommodate the proposed pick-up/drop-off area, the Owner is proposing to reduce the total number of parking spaces from 178 spaces to 171 spaces. This is a total reduction of 7 spaces. As a variance cannot be granted to a previous condition of approval, the Owner is proposing a variance to permit a place of worship within an existing private school, and to modify the previous conditions of approval. The conditions of approval have been updated to reflect the reduction in parking from 178 parking spaces to 171 parking spaces (refer to Appendix A).

Planning and Transportation Staff have no objections to the proposed parking reduction. However, Staff maintain the previous position that the proposed place of worship is more appropriately dealt with through Official Plan and Zoning By-law Amendment applications. It should be noted the place of worship has been in operation on the subject property since their original Committee approval in 2012.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 26, 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(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that:

- The variance request to permit a reduction in the minimum required landscape strip meets the four tests of the Planning Act and Staff have no objection.
- The variance request to permit an independent place of worship within the existing private school gymnasium is a matter more appropriately dealt with by Council through Official Plan and Zoning By-law amendment applications. Staff recommend that the Committee satisfy themselves as to the appropriateness of the requested variance as well as 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:



Hailey Miller, Planner II, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner, Planning and Urban Design Department

File Path: Amanda\File\23 129587 \Documents\District Team Comments Memo

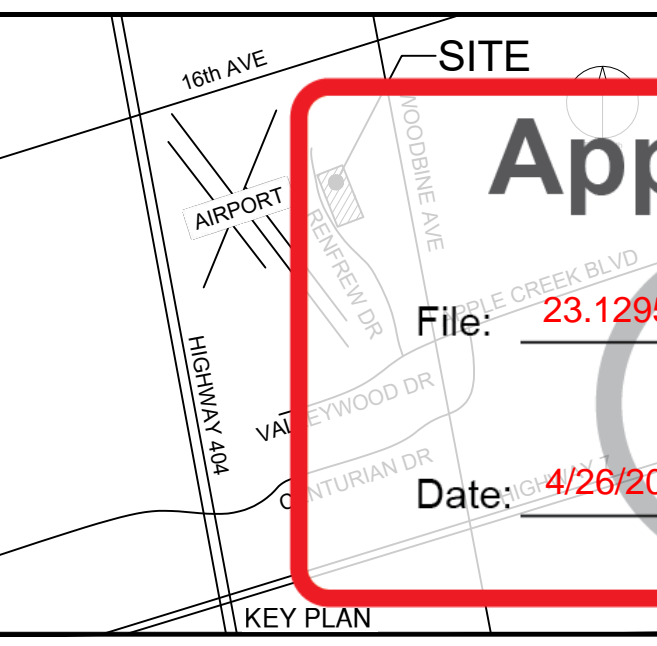
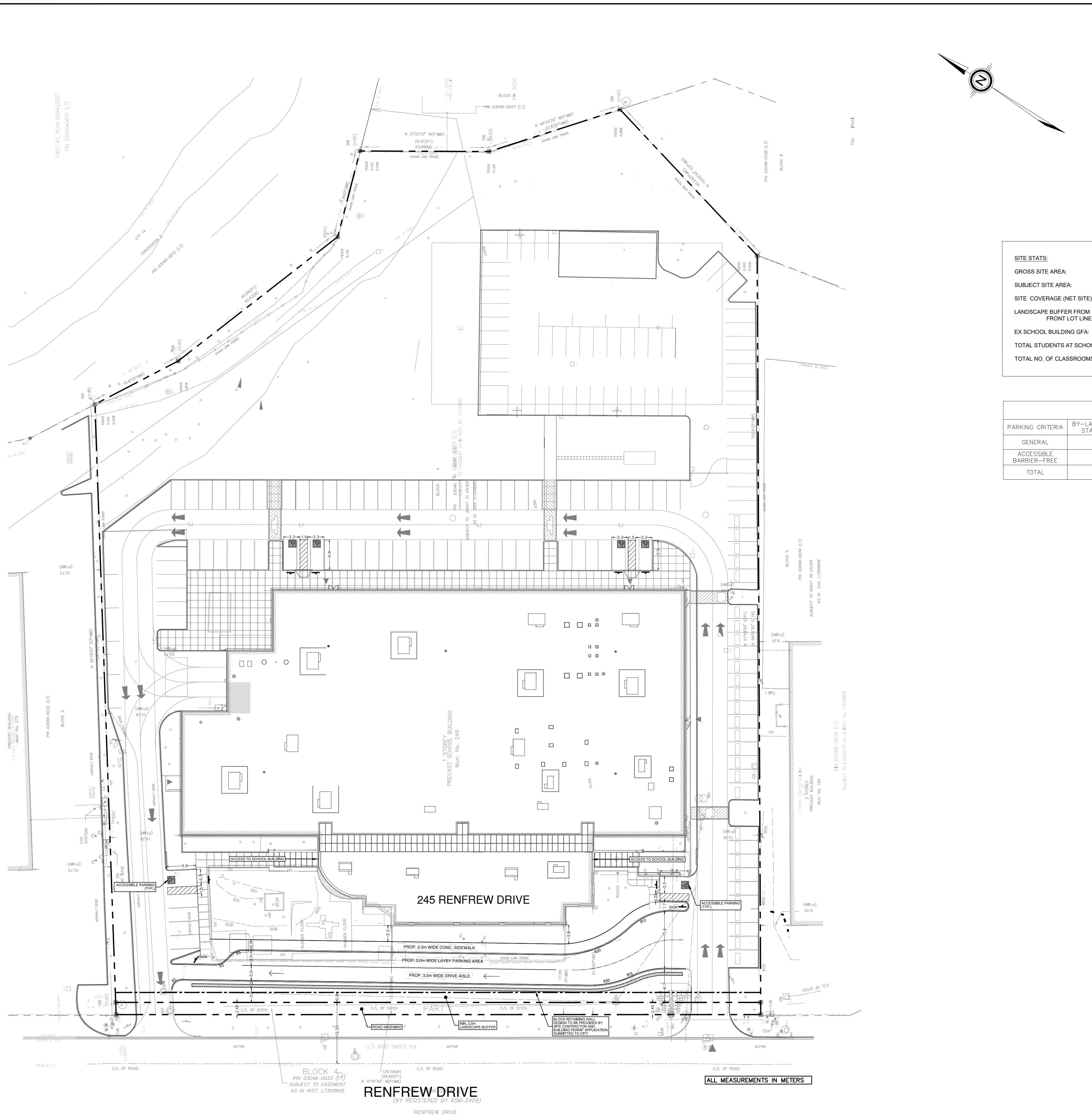
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/23

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;
3. That the worship area of the place of worship shall not exceed 534 m²;
4. That the place of worship shall only operate on Saturdays, Sundays, and Statutory Holidays;
5. That the place of worship shall only be permitted when the private school is not in session;
6. That the subject property shall provide 171 parking spaces when the place of worship is in session.

CONDITIONS PREPARED BY:



Hailey Miller, Planner II, Planning and Urban Design Department



Appendix B

File: **23.129587.000.00.MNV**

Date: **4/26/2024**

MM/DDYY

SITE STATS:

| | |
|---------------------------------------|-----------------------------------|
| GROSS SITE AREA: | 2.106 Ha / 21060.2 m ² |
| SUBJECT SITE AREA: | 0.211 Ha / 2114.6 m ² |
| SITE COVERAGE (NET SITE): | 0.10 / 10% |
| LANDSCAPE BUFFER FROM FRONT LOT LINE: | 2.0 m |
| EX SCHOOL BUILDING GFA: | 0.556 Ha / 5546.7 m ² |
| TOTAL STUDENTS AT SCHOOL: | 750+ |
| TOTAL NO. OF CLASSROOMS: | 32 |

VEHICLE PARKING

| PARKING CRITERIA | BY-LAW PARKING STANDARDS | EXISTING | PROPOSED |
|-------------------------|--------------------------|------------|------------|
| GENERAL | 109 | 173 | 165 |
| ACCESSIBLE BARRIER-FREE | 5 | 5 | 6 |
| TOTAL | 114 | 178 | 171 |

CLIENT
PEOPLE'S CHRISTIAN ACADEMY

COPYRIGHT
This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by ARCADIS is forbidden. Within dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and ARCADIS shall be informed of any variations from the dimensions and conditions shown on this drawing. Shop drawings shall be submitted to ARCADIS for general conformance before proceeding with fabrication.

ARCADIS Professional Services (Canada) Inc.

ISSUES

| No. | DESCRIPTION | DATE |
|-----|----------------|--------------|
| 1 | ISSUED FOR SPA | SEPT 7, 2022 |
| 2 | ISSUED FOR SPA | MAR 10, 2023 |
| 3 | ISSUED FOR SPA | MAR 04, 2024 |

LEGEND

| | |
|------------------------------------|------|
| PROPERTY LINE | --- |
| LANDSCAPED BUFFER | --- |
| PROP. RETAINING WALL | --- |
| EX. STORM MANHOLE | ○ |
| EX. SANITARY MANHOLE | ○ |
| EX. CATCHBASIN / DOUBLE CATCHBASIN | □/□ |
| TELE JUNCTION BOX | TJB |
| TELE PEDESTAL | PED |
| COMMUNICATION JUNCTION BOX | CJB |
| LIGHT STANDARD | LS |
| HAND RAIL | HR |
| WATER KEY | WK |
| GAS METER | GM |
| PILLAR | PL |
| FLAG POLE | FP |
| ELECTRIC VEHICLE CHARGING | EVC |
| BOLLARD | BL |
| BOTTOM OF SLOPE | BOS |
| PAVING STONES | PS |
| ACCESSIBLE PARKING SPACE | APSP |
| ACCESS TO SITE/BUILDING | ▼ |



PROJECT
**245 RENFREW DRIVE
BLOCK 4
REGISTERED PLAN 65M-2409
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

PROJECT NO: 137716 REGION FILE NO: TOWN FILE NO: 137716
DRAWN BY: SN CHECKED BY: NG
PROJECT MGR: NG APPROVED BY: NG

SHEET TITLE
SITE PLAN

SHEET NUMBER: **SITE** ISSUE: **01**

LIST OF DRAWINGS

- SG-01 - SITE GRADING PLAN
- SS-01 - SITE SERVICING PLAN
- EC-01 - EROSION CONTROL
- XS-01 - CROSS SECTIONS
- DD-01 - DETAILS DRAWING
- PMPSP - PAVEMENT MARKING AND SIGNAGE PLAN

SITE PLAN INFORMATION

881 GPO/UP
55 ST CLAIR AVENUE WEST #700
TORONTO, ON M4V 2Y7
PHONE: (416) 596 1930

SURVEYOR INFORMATION

JD BARNES LTD.
140 RENFREW DR
SUITE 100
MARKHAM ON L3R 6B3

BENCHMARK INFORMATION:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO CITY OF MARKHAM BENCH MARK NO. M-09-003 HAVING AN ELEVATION OF 190.194 METRES.

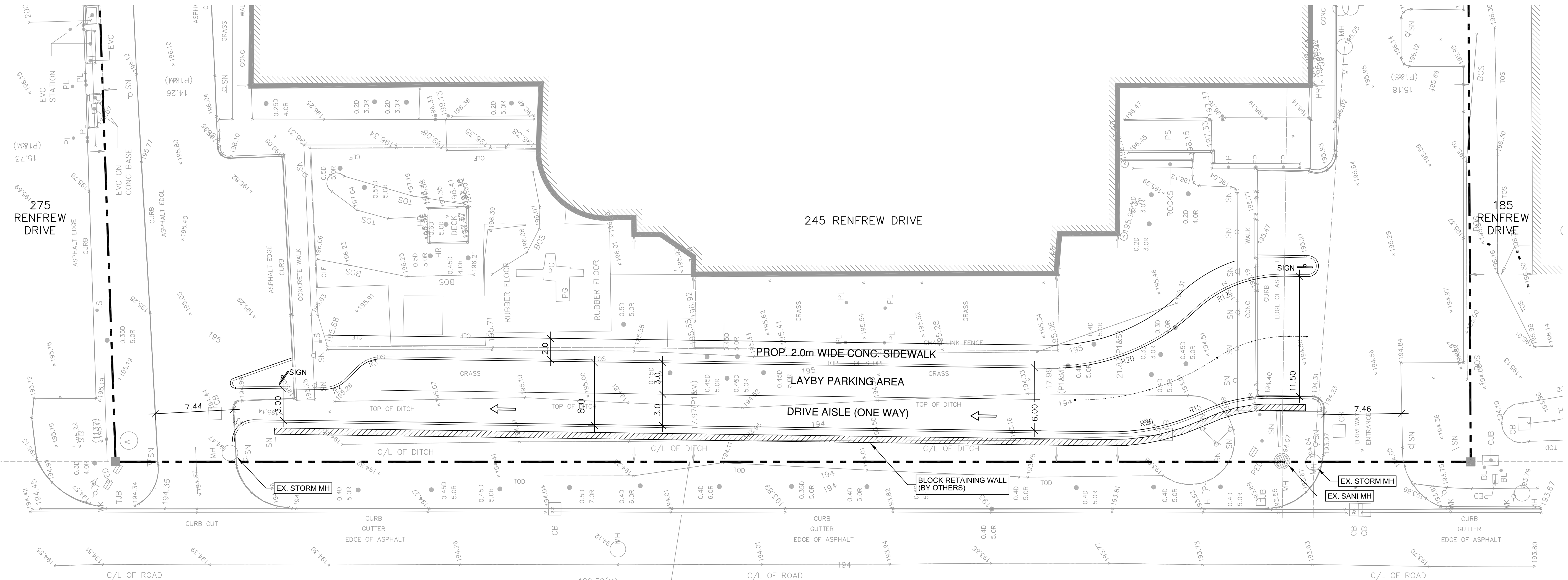
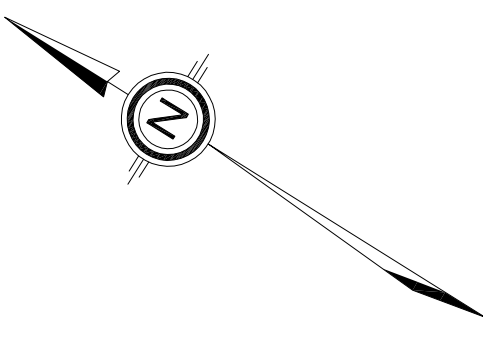
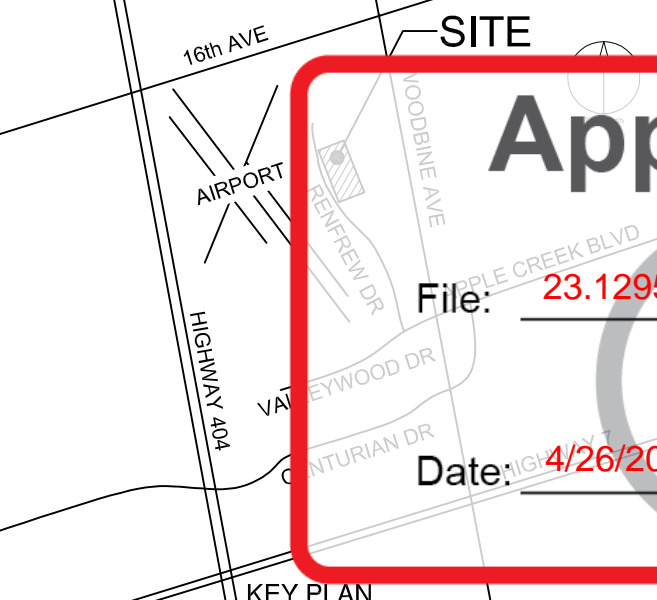
SCALE: 1:300

Appendix B

File: **23.129587.000.00.MNV**

Date: **4/26/2024**

MM/DD/YY



PIN 03046-0096 (LT)
(BY REGISTERED BY 65M-2409)
RENFREW DRIVE

CLIENT
PEOPLE'S CHRISTIAN ACADEMY

COPYRIGHT
This drawing has been prepared solely for the intended use. Any reproduction or distribution for any purpose other than that authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be relieved of any liability from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general conformance before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
Is a member of the IBI Group of companies

| ISSUES | | |
|--------|----------------|--------------|
| No. | DESCRIPTION | DATE |
| 1 | ISSUED FOR SPA | SEPT 7, 2022 |
| | | |
| | | |
| | | |

LEGEND

| | |
|------------------------------------|-----|
| PROPERTY LINE | --- |
| EX. STORM MANHOLE | ○ |
| EX. SANITARY MANHOLE | ● |
| EX. CATCHBASIN / DOUBLE CATCHBASIN | □ |

IBI GROUP
Unit 300 - 6133 Warden Avenue
Markham ON L6G 1B3 Canada
Tel: 905.763.2322 Fax: 905.763.9883
ibigroup.com

LIST OF DRAWINGS

| |
|-----------------------------|
| SG-01 - SITE GRADING PLAN |
| SS-01 - SITE SERVICING PLAN |
| EC-01 - EROSION CONTROL |
| DD-01 - DETAILS DRAWING |

| | |
|---|---|
| SITE PLAN INFORMATION | SURVEYOR INFORMATION |
| IBI GROUP 55 ST CLAIR AVENUE WEST #700 TORONTO, ON M4V 2Y7 PHONE: (416) 595 1500 | JD BARNES LTD. 140 RENFREW DR SUITE 100 MARKHAM ON L3R 0B3 |

BENCHMARK INFORMATION:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO CITY OF MARKHAM BENCH MARK NO. M-99-003 HAVING AN ELEVATION OF 190.194 METRES.

PROJECT
**245 RENFREW DR
BLOCK 4
REGISTERED PLAN 65M-2409
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

| | | |
|------------------------------|---------------------------|---------------|
| PROJECT NO: 137716 | REGION FILE NO: | TOWN FILE NO: |
| DRAWN BY: SN | CHECKED BY: SN | |
| PROJECT MGR: NG | APPROVED BY: NG | |

SHEET TITLE
SITE PLAN

SCALE: 1:200

| | |
|------------------------------|--------------------|
| SHEET NUMBER SP-01 | ISSUE 01 |
|------------------------------|--------------------|