

# Memorandum to the City of Markham Committee of Adjustment

March 26, 2024

**File:** A/012/24  
**Address:** Highway 7 and Warden Ave, Markham  
**Applicant:** York Region District School Board  
**Agent:** MC Architects Inc. (Dominic Battistel)  
**Hearing Date:** Wednesday April 3, 2024

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

The Applicant is requesting relief from the following requirements of the “Markham Centre – Downtown Two Exception 34 (MC-D2\*34) Zone under By-law 2004-196, as amended, to permit:

**a) Section 4.7:**

a loading space to be located 5 metres from the west streetline, whereas the By-law requires a minimum of 10 metres from any streetline or interior side lot line;

as it relates to a proposed 3 storey elementary school with childcare. This application is related to Site Plan Control application SPC 23 128852, which is being reviewed concurrently.

## **BACKGROUND**

### **Property Description**

The 1.34 ha (3.31 ac) Subject Land is an elementary school site identified as Block 38 in Times Group’s Uptown Markham Subdivision, which is located on the west side of Verdale Crossing, southeast of Highway 7 East and Warden Avenue, as shown in Appendix “A”- Draft Approved Plan of Subdivision. The Subdivision was originally approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2010 to accommodate approximately 4,500 residential units. The school site was initially identified on the south side of the Rouge Side Promenade adjacent to the hazard lands.

In 2016, Times Group submitted a new rezoning application to increase the residential units to approximately 6,100. Several changes were proposed to the subdivision including the relocation of the school site to its current location. The rezoning application was appealed to the Local Planning Appeal Tribunal (now Ontario Land Tribunal). In July 2020, the Tribunal approved the application based on a settlement reached between Times Group and the City. In 2022, the City approved redline revisions to the subdivision to reflect the Tribunal’s decision.

The Subject land is located within Toronto and Region Conservation Authority (TRCA)’s Regulated Area of the Rouge River Watershed, as it is currently located within 15 m of a Regional flood plain.

## **Proposal**

In 2023, the York Region District School Board (“the Applicant”) submitted a Site Plan application (SPC 23 128852) to permit the development of a 3-storey elementary school on the subject land, as shown in Appendix “B” – Site Plan. Through the review of the Site Plan application, zoning staff identified that the loading spaces proposed at the southwest corner of the school building provide a setback distance of approximately 5 m (16.4 ft) from the public street, whereas 10 m (32.8 ft) is required. The Applicant is requesting a minor variance to reduce the minimum setback requirement for the proposed loading spaces.

## **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The 2014 Official Plan designates the Subject Lands “Mixed Use High Rise” within the Markham Centre area, which supports the greatest levels of residential intensification with a mix of office and commercial uses along Highway 7 East. However, Section 9.12.4 of the 2014 Official Plan state that until an updated secondary plan is approved for the Regional Centre – Markham Centre lands, the provisions of the 1987 Official Plan, as amended by OPA 21, shall continue to apply to the Subject Lands.

## Markham Centre Secondary Plan – OPA 21

The Subject Lands are designated “Community Amenity – Major Urban Place” in the Markham Centre Secondary Plan (OPA 21), which permits a high concentration and intensity of residential, institutional (including schools), commercial, employment and supporting uses.

## Zoning By-Law 2004-196

The Subject Lands are zoned “Markham Centre – Downtown Two Exception 34 (MC-D2\*34)” under the Zoning By-law 2004-196, as amended by By-law 2020-145, which permits a public school. The proposed development does not comply with By-law requirements with respect to the minimum loading space setback from the public street.

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted, however the Applicant has received comments from the building department through the ongoing review of the Site Plan application (SPC 23 128852). It is the Applicant’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**

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 for the appropriate development of the land;
- c) The general intent and purpose of the Zoning By-law must be maintained; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Loading Space Setback**

The Applicant is requesting relief to permit a loading space to be located 5 m (16.4 ft) from the west streetline on Scenic Drive, whereas the By-law requires a minimum distance of 10 m (32.8 ft) from any streetline. Notwithstanding the setback reduction, the loading spaces will provide a separation distance of approximately 10 m (32.8 ft) from the paved portion of the street. The proposed development includes the planting of a number of Skyline Honeylocust and Blue Spruce trees along Scenic Drive and Rougeside Promenade to provide screening for the loading spaces. Staff are satisfied that appropriate mitigation measures have been incorporated into the proposed development to alleviate the visual impact on the public realm. Staff have no concerns with the requested variance. The detailed landscaping design will be finalized as part of review of the ongoing Site Plan application.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as March 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 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



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Carlson Tsang, Senior Planner, East District

REVIEWED BY:



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Melissa Leung, RPP, MCIP, Senior Planner, Central District

## **APPENDICES**

Appendix "A" – Draft Approved Plan of Subdivision

Appendix "B" – Site Plan Drawing

Appendix "C" – A/012/24 Conditions

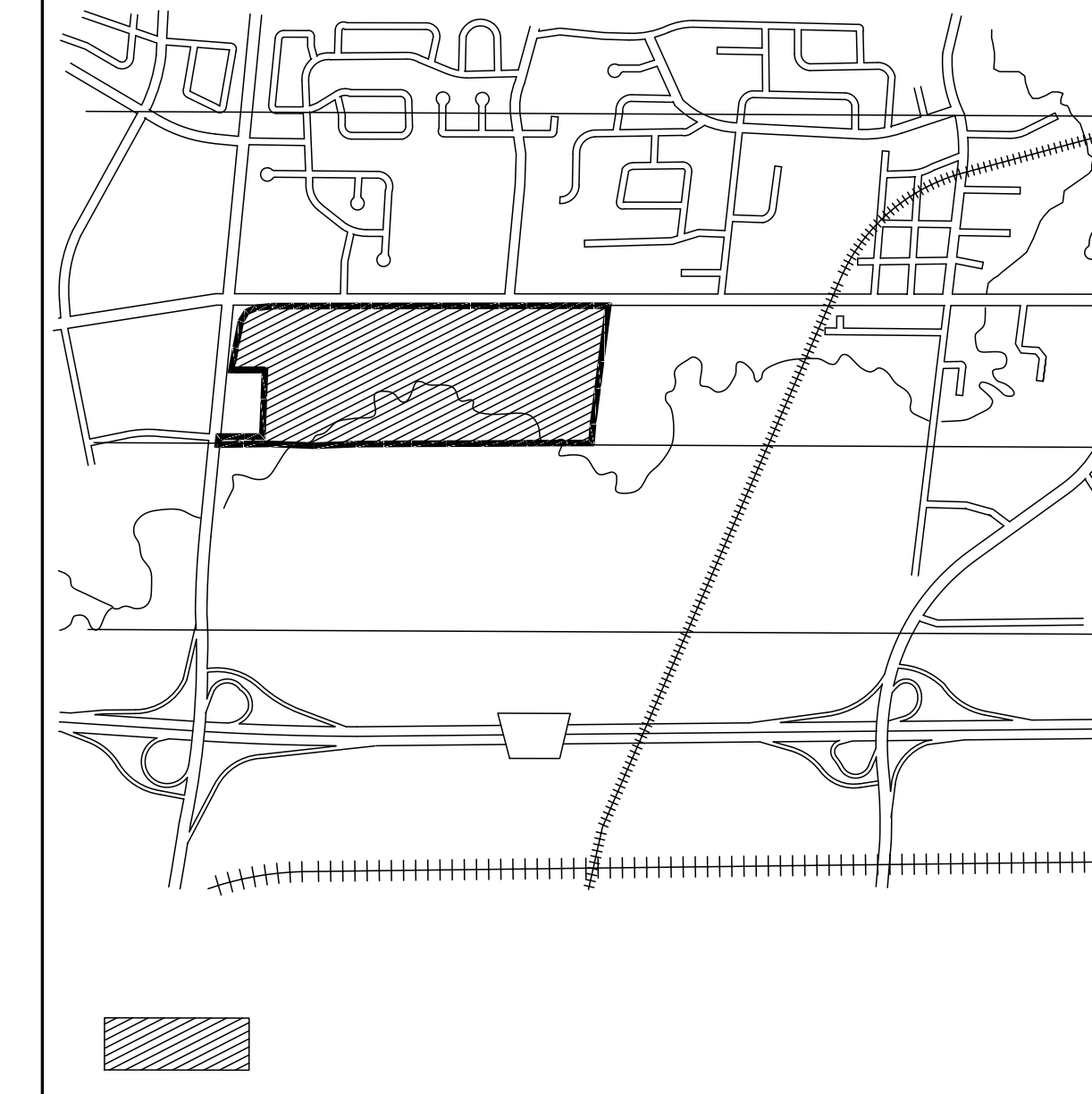
Appendix "D" – TRCA Comments

# Appendix A

File: 24.160712.000.00.MNV

Date: 3/28/2024

MM/DD/YY



DRAFT PLAN OF SUBDIVISION  
PART OF LOT 10  
CONCESSION 5  
(GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK)  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 1000  
15m 10 5 0 30 60m

R. AVIS SURVEYING INC.  
METRIC : DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES AND LEGEND  
BEARINGS ARE MTM GRID DERIVED FROM TOWN OF MARKHAM HORIZONTAL CONTROL MONUMENTS No. 092063056 (N 4857428.95, E 318428.53) AND No. 092063057 (N 4857633.527, E 318429.206) 3' MTM ZONE 10, NAD83 (ORIGINAL). DISTANCES SHOWN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999305.  
0.30 RESERVES ARE EXAGGERATED FOR CLARITY.

ADDITION NOTES  
(UNDER SECTION 51 (17) OF THE PLANNING ACT)  
INFORMATION REQUIRED BY CLAUSES a,b,c,e,f,g,j & l SHOWN ON DRAFT PLAN AND KEY PLAN:  
(a) SCHOOL PLAN  
(b) MUNICIPAL SUPPLY TO BE MADE AVAILABLE  
(c) CLAY LOAM  
(d) FULL MUNICIPAL SERVICES TO BE MADE AVAILABLE

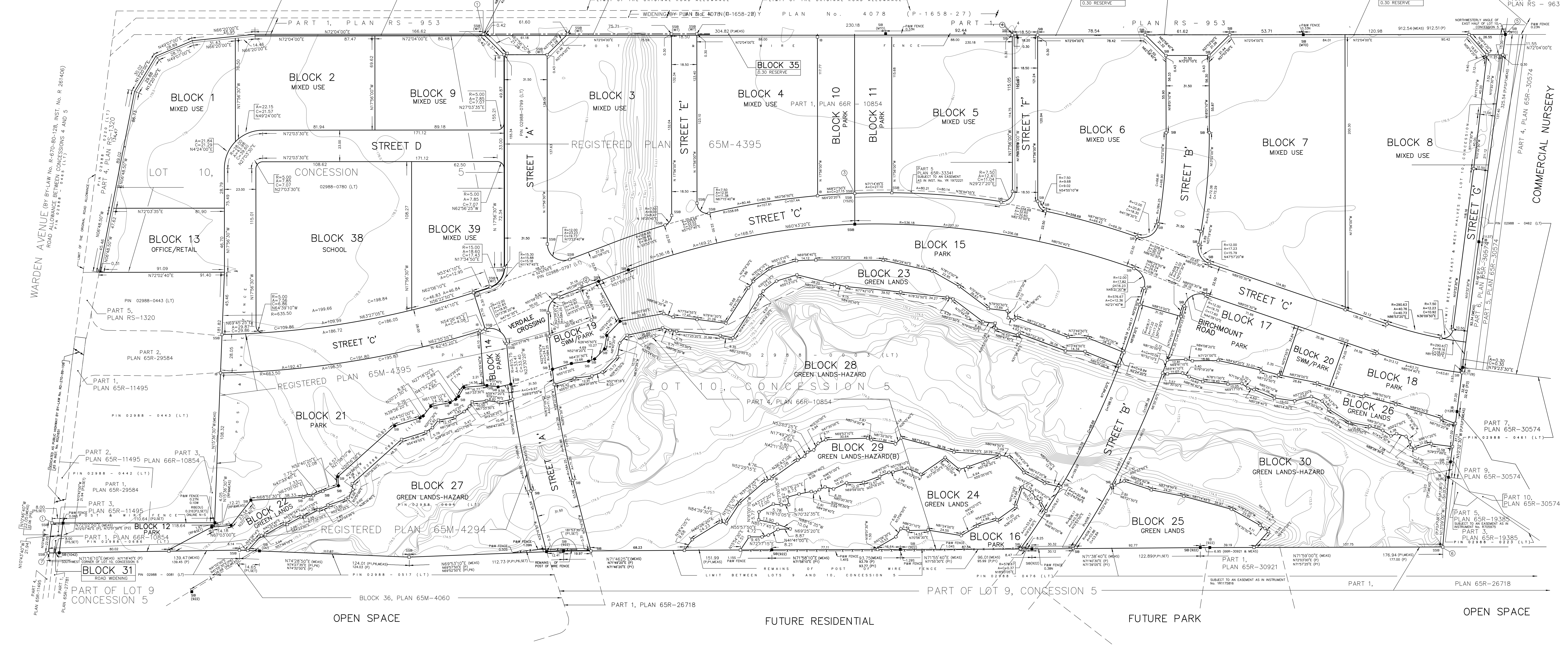
OWNERS CERTIFICATE  
I HEREBY CONSENT TO FILING OF THIS PLAN FOR DRAFT APPROVAL.  
DATE: APRIL 13, 2022  
DATE: 171107 ONTARIO INC.  
HASHM SHADAKI  
PRESIDENT  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

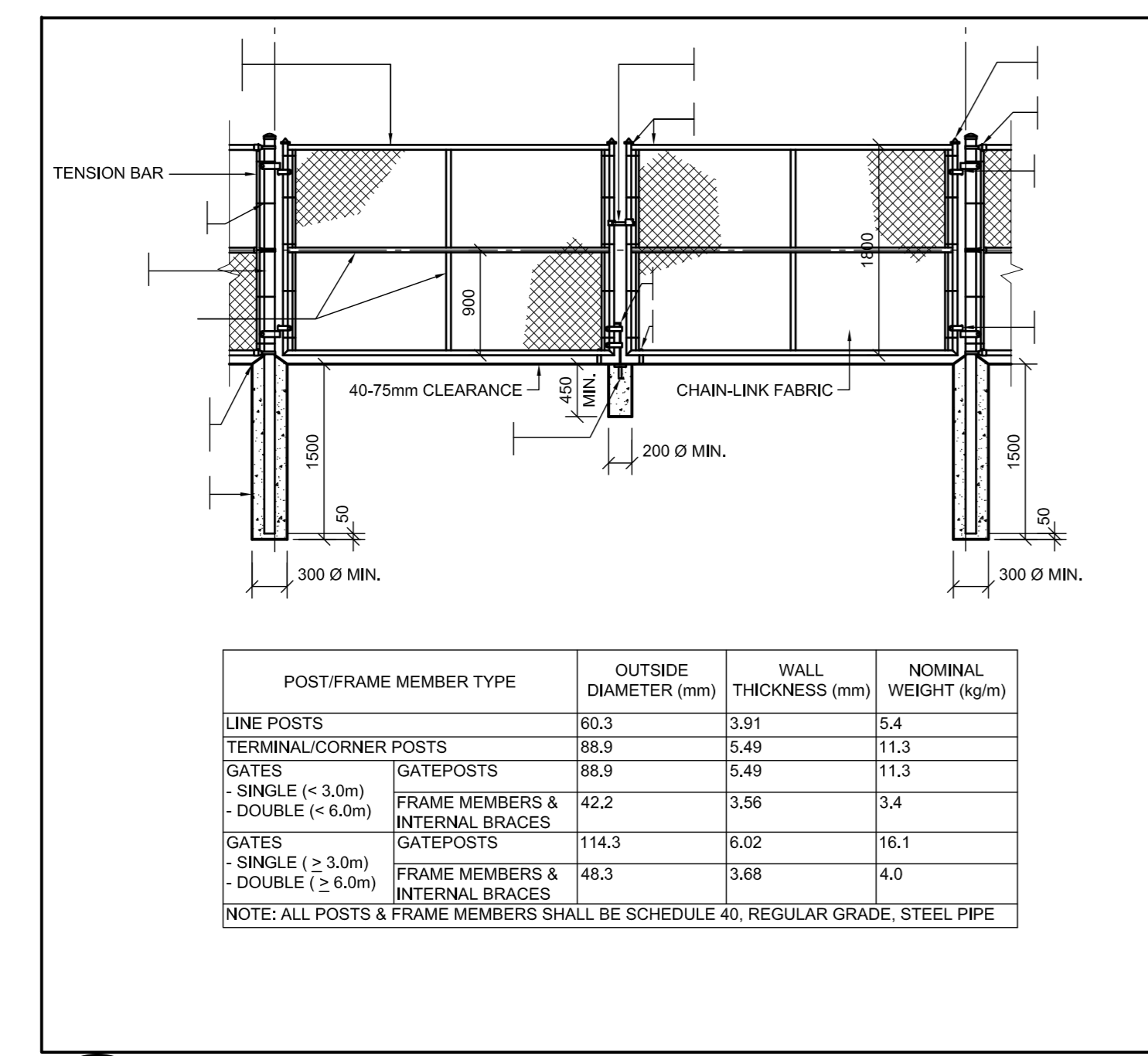
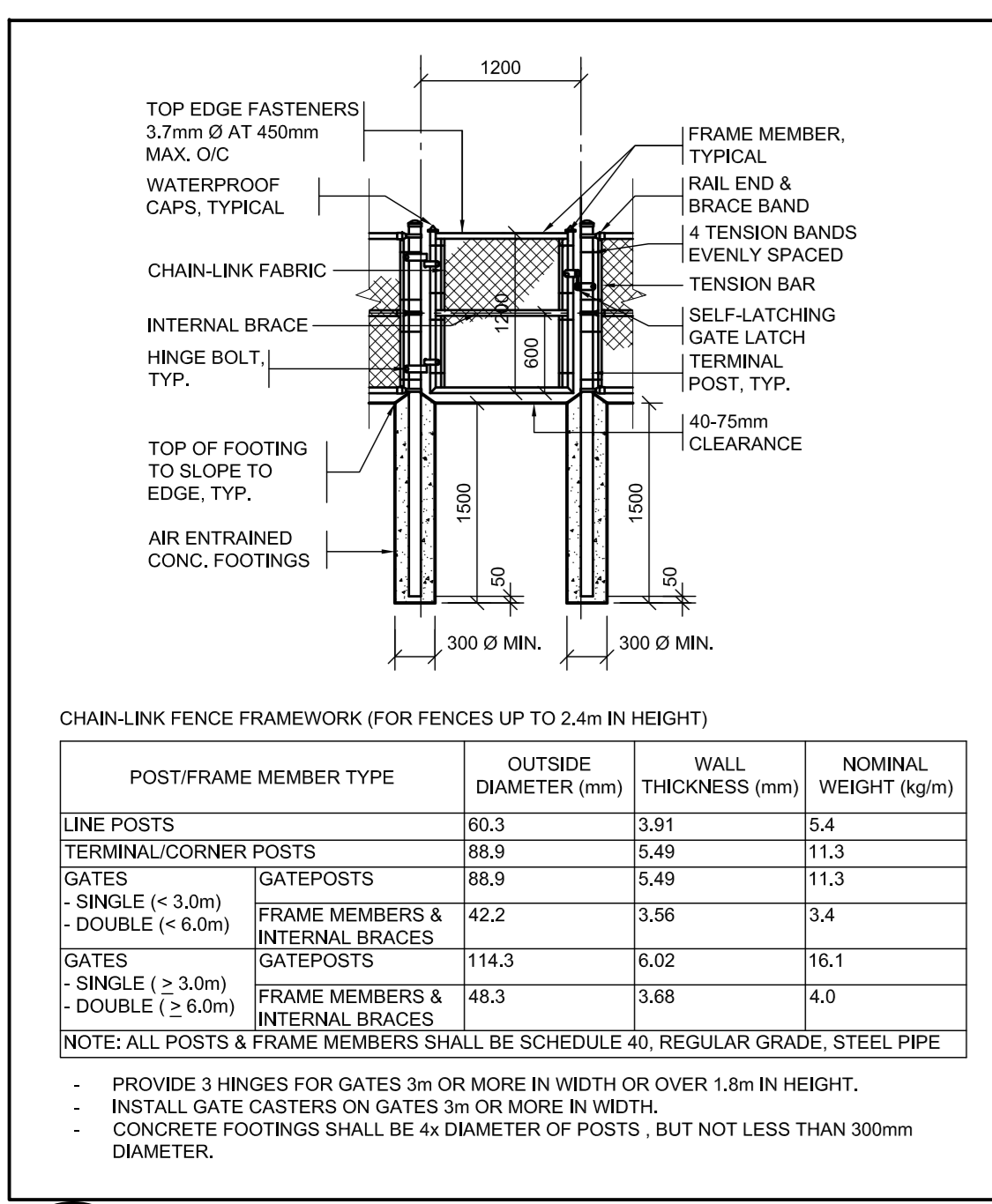
SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
DATE: DECEMBER 03, 2021  
PIRATHEEPAN RAMACHANDRAN  
Ontario Land Surveyor

R. AVIS SURVEYING INC.  
SUITE 203  
235 YORKLAND BOULEVARD  
TORONTO, ONTARIO, M2J 4Y8  
TEL: (416) 490-8352 www.ravissurveying.com FAX: (416) 491-6208

CALCULATED BY: SB/SR  
DRAWN BY: SB/RG/JN/SR/JM/JK  
CHECKED BY: P.R., O.L.S.  
PROJECT No.: 2566-70  
DRAWING No.: 2566-70DP-SUBDWG

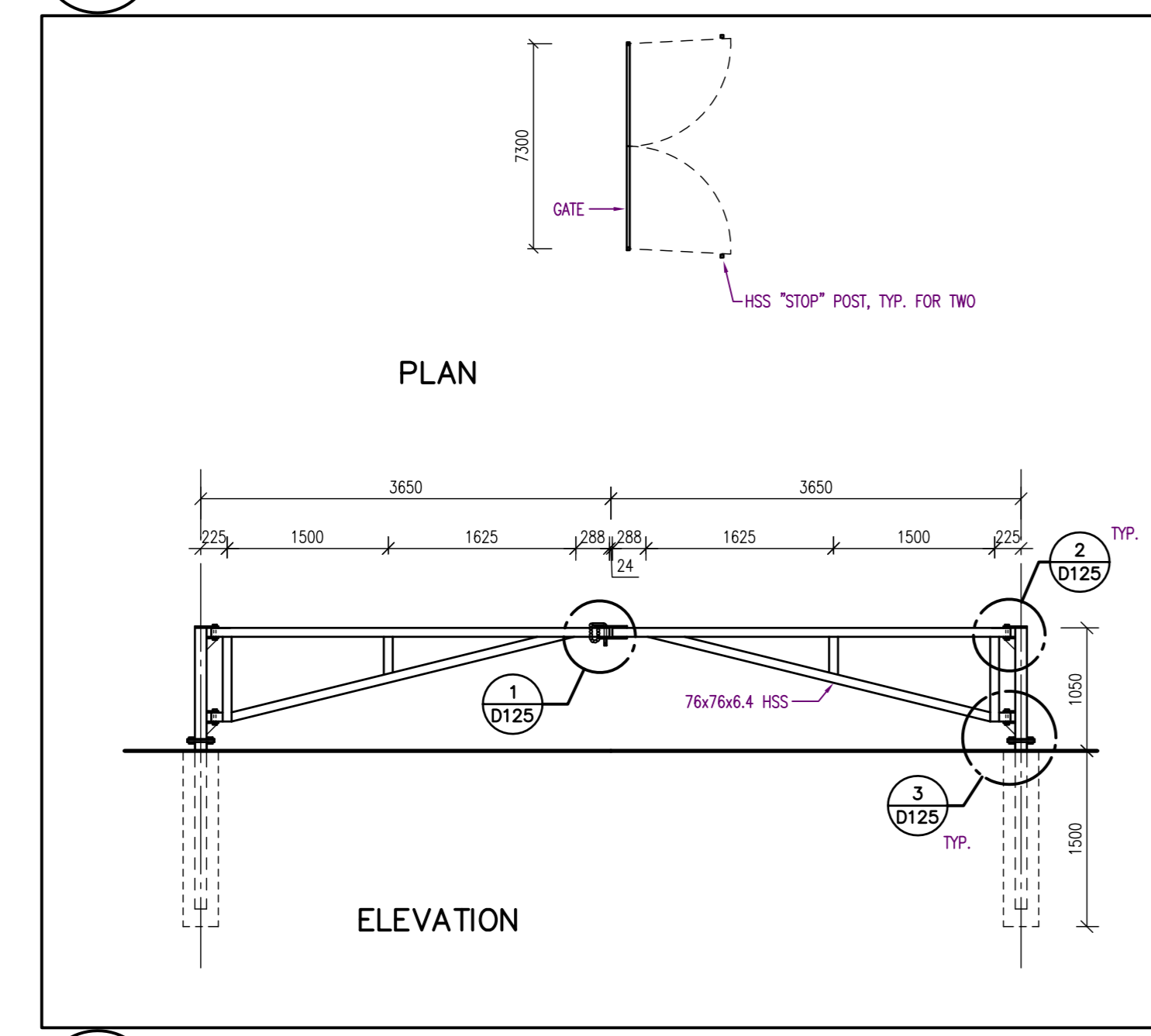
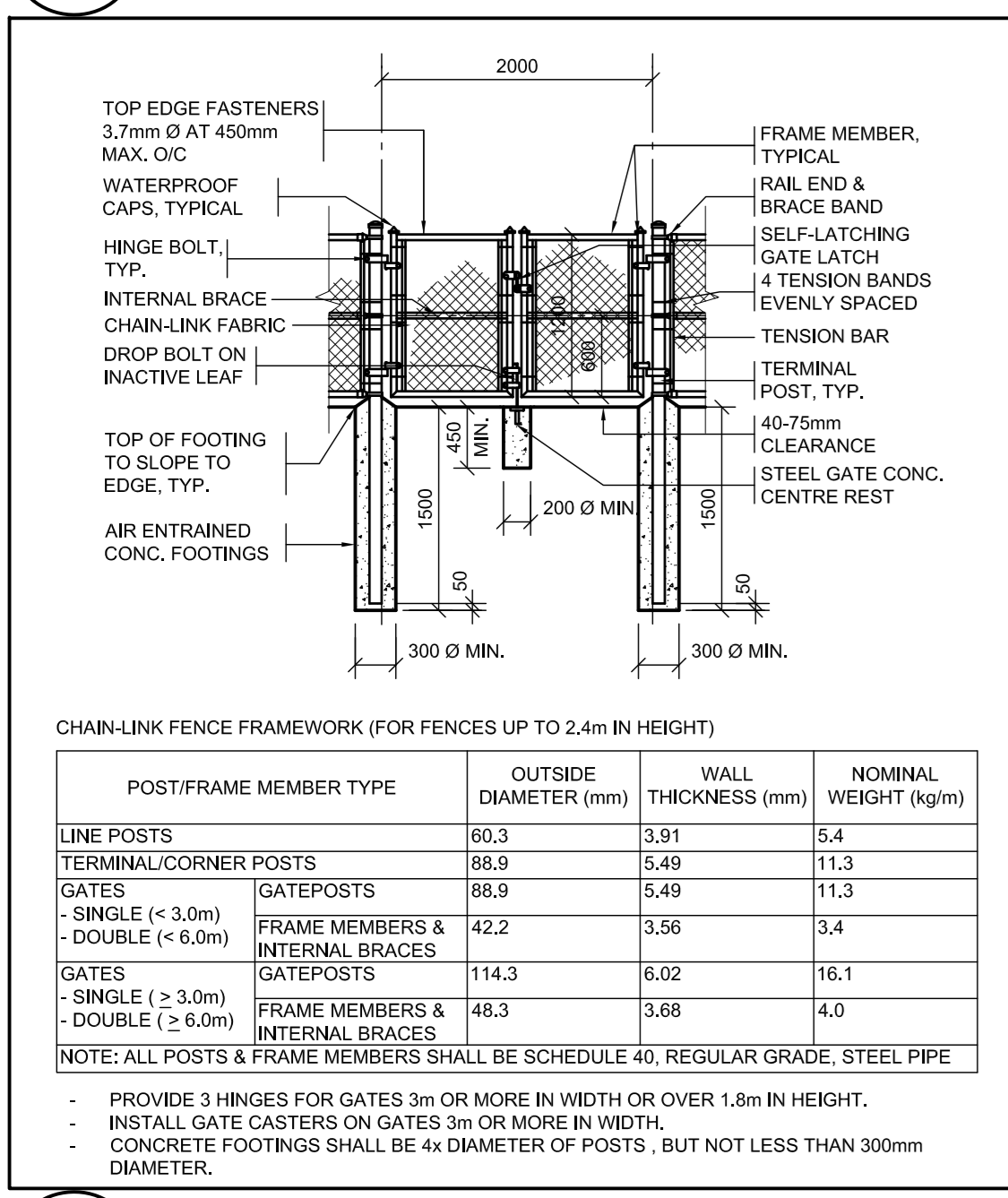
SCHEDULE OF LAND USE		
BLOCK NO.	LAND USE	AREA (ha.)
1-9, 39	MIXED USE	11.49
13	OFFICE/RETAIL	0.40
10-18	PARK	3.43
19-20	PARK/SWM	0.36
21	PARK	1.42
22-26	GREEN LANDS	2.58
27-30	GREEN LANDS-HAZARD	6.59
31	ROAD WIDENING	0.01
32-37	O.30 RESERVES	0.03
38	SCHOOL	1.34
<b>ROADS</b>		
STREET 'A'-31.5M R.O.W.	380M	1.23
STREET 'B'-31.5M R.O.W.	395M	1.28
STREET 'C'-22.5M-28.0M R.O.W.	870M	2.11
STREET 'D'-23.0M R.O.W.	322M	0.74
STREET 'E'-18.5M R.O.W.	130M	0.25
STREET 'F'-18.5M R.O.W.	125M	0.24
STREET 'G'-10.5M R.O.W.	225M	0.36
<b>TOTAL</b>	<b>2315M</b>	<b>35.76</b>





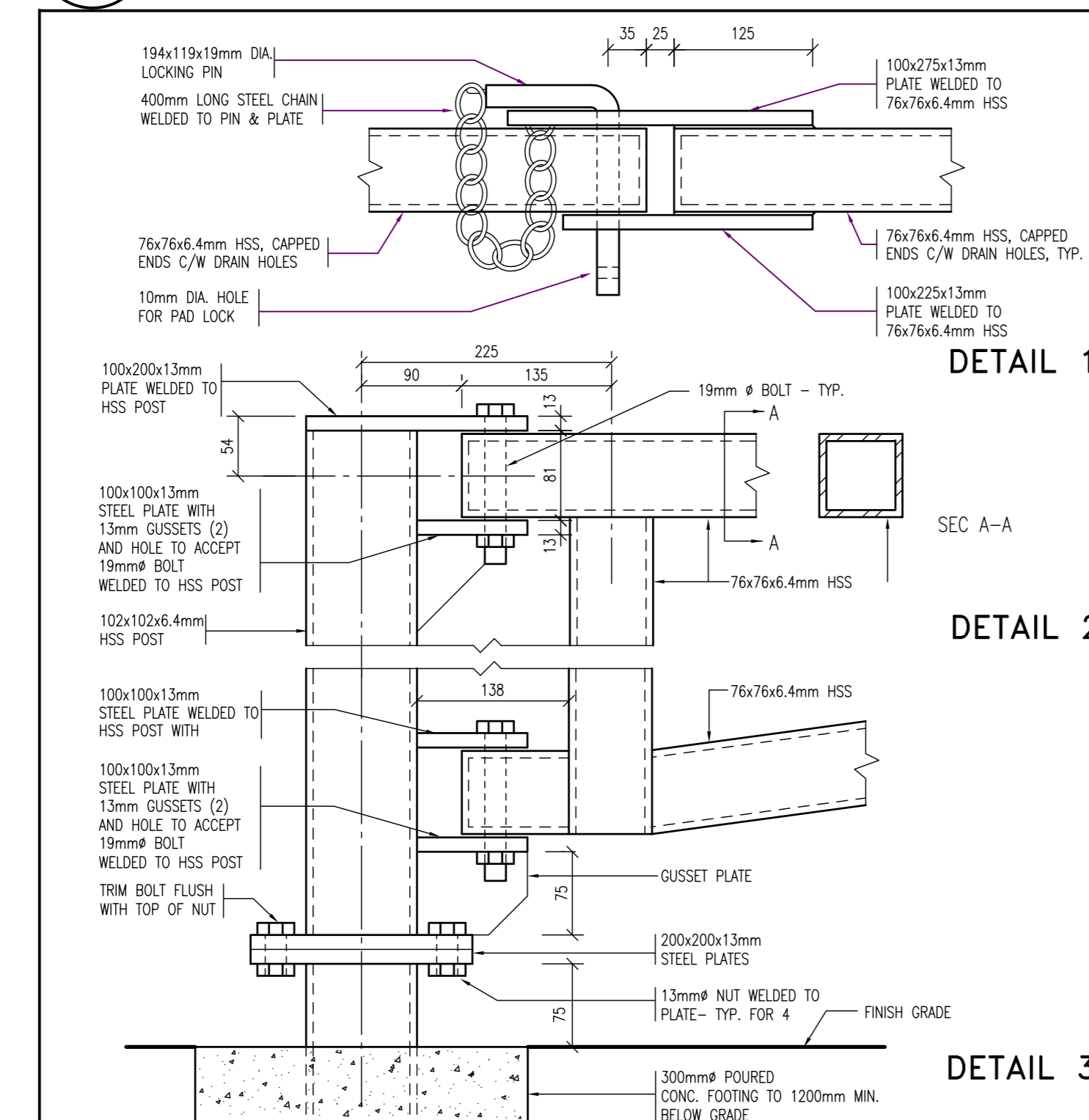
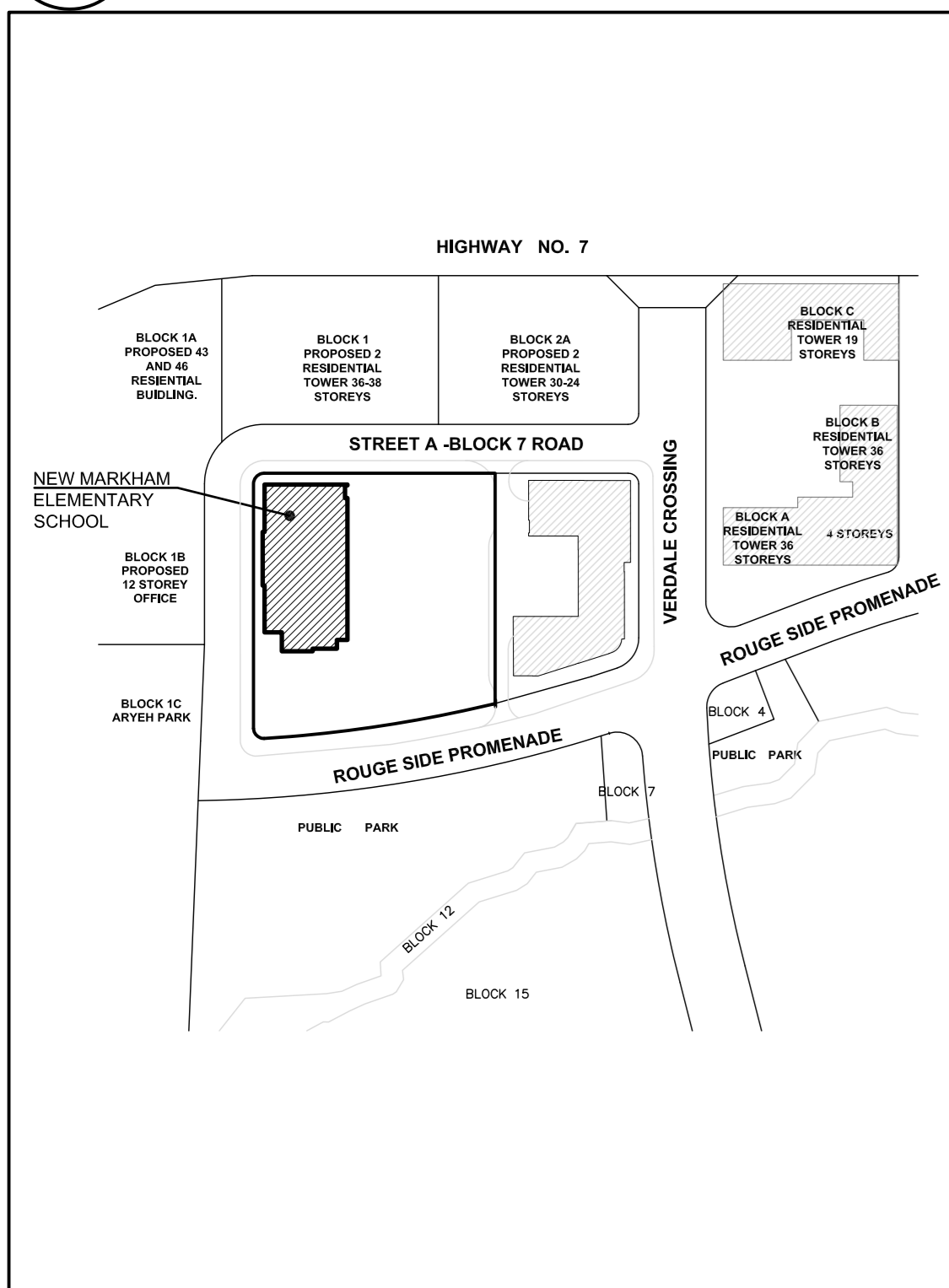
**D121 CHAIN LINK FENCE - SINGLE SWING GATE**  
SCALE 1:50

**D123 CHAIN LINK FENCE - DOUBLE SWING GATE**  
SCALE 1:50



**D122 CHAIN LINK FENCE - DOUBLE SWING GATE**  
SCALE 1:50

**D124 SERVICE AREA GATE**  
SCALE N.T.S.



**2 CONTEXT SITE PLAN**  
SCALE N.T.S.

**D125 GATE DETAILS**  
SCALE 1:5

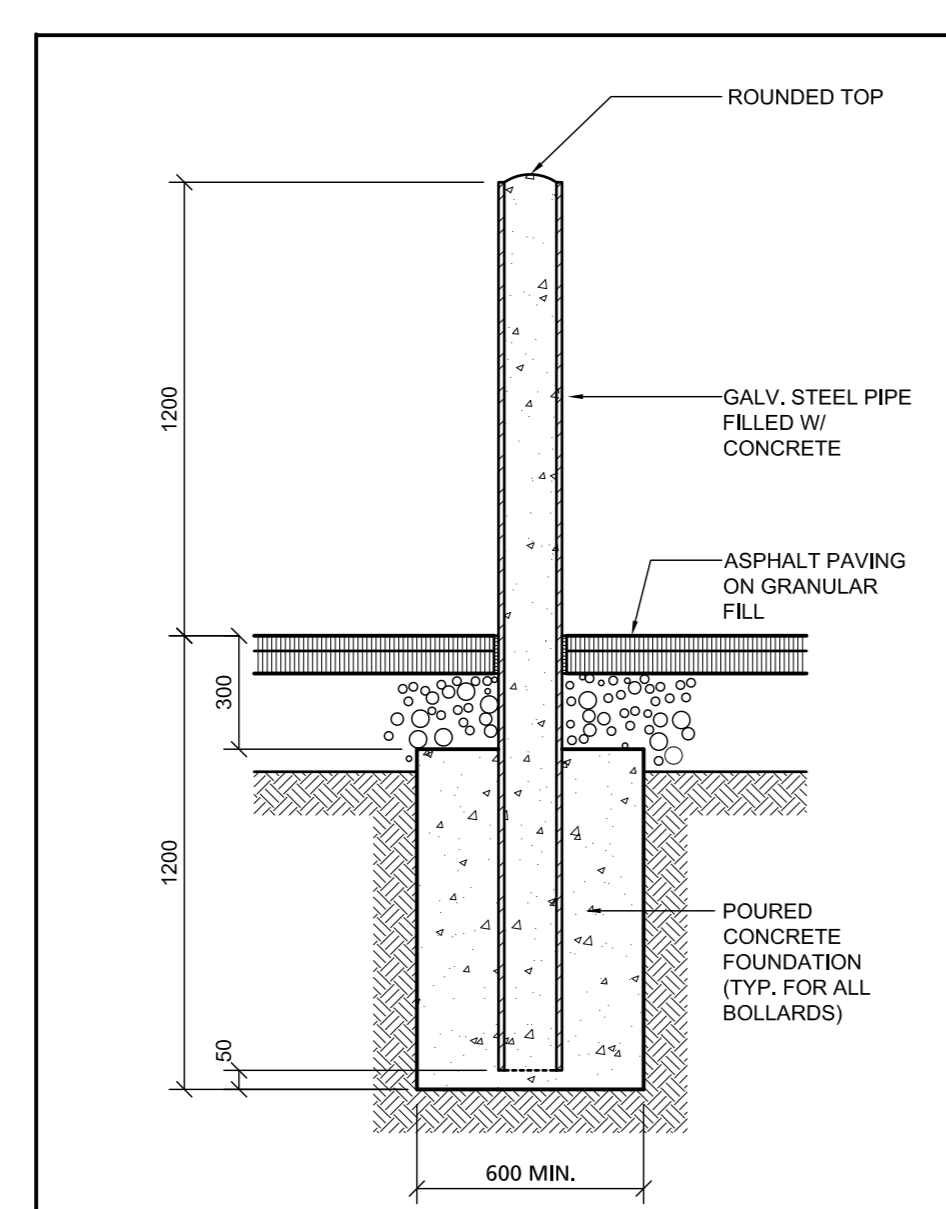
**TRAFFIC SIGN LEGEND**

- PEDESTRIAN CROSS OVER SIGN
- STOP SIGN
- NO STOPPING SIGN
- SCHOOL BUS LOADING SIGN
- CHOP-OFF PICK-UP AREA SIGN
- ONE WAY SIGN
- LOADING ZONE SIGN
- NO PARKING SIGN
- NO ENTRY SIGN
- STOP FOR PEDESTRIAN SIGN

\* Signs to be set at an angle of not less than 30 degrees and not more than 45 degrees to a line parallel to the flow of traffic and should always be visible to approaching traffic.

**FIRE DEPARTMENT NOTES**

- The access route will be designed to carry a weight stress of 11,363 kg per sqm and have a maximum slope of 9% over a minimum distance of 15.0 m and have an overhead clearance of 5 metres.
- All 12.0m radii shall have a minimum clearance of 3.048m between the centre line turning radius and any curb or part of a building.
- On-C Classification: Group A, Division 2, up to 6 storages, any area, sprinklered (CBC class 3.2.2.4)
- Five Access Route Signs are to be spaced maximum 30m apart on both sides of the fire access route and a maximum of 15m from the street curb. Signs to be set at an angle of not less than 30° and not more than 45° to a line parallel to the flow of traffic and should always be visible to approaching traffic. All signs to include City of Markham By-Law number.



**OWNER**  
YORK REGION DISTRICT SCHOOL BOARD  
300 HARRY WALKER PARKWAY  
NEWMARKET, ONTARIO, L3Y-8E2  
TEL: 905-772-0022 FAX: 905-830-1640

**APPLICANT:** MC ARCHITECTS  
2345 YONGE STREET, SUITE 200  
TORONTO, ONTARIO, M4P-2E5  
TEL: 416-489-4646 FAX: 416-489-6999

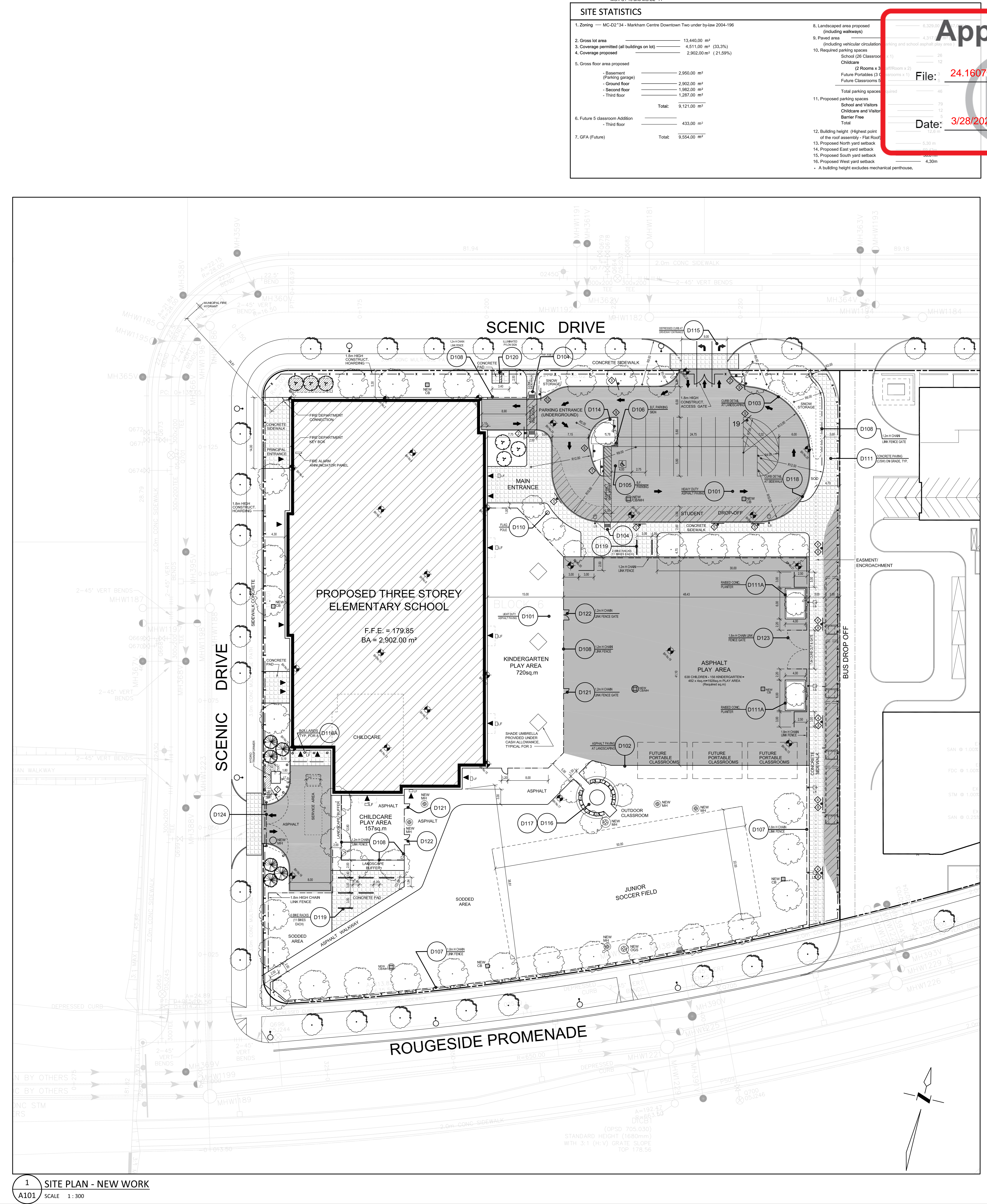
**ADDRESS:** UNNAMED MARKHAM CENTRE  
ELEMENTARY SCHOOL  
MARKHAM, ONTARIO

**METRIC**

DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES UNLESS NOTED OTHERWISE

SCALE 1:300

**116A BOLLARD DETAIL**  
SCALE 1:20



**1 SITE PLAN - NEW WORK**  
SCALE 1:300

**SITE STATISTICS**

1. Zoning — MC-D2'34 - Markham Centre Downtown Two under by-law 2004-196

2. Gross lot area 13,440.00 m<sup>2</sup>

3. Coverage permitted (all buildings on lot) 4,511.00 m<sup>2</sup> (33.3%)

4. Coverage proposed 2,902.00 m<sup>2</sup> (21.59%)

5. Gross floor area proposed

- Basement (Parking garage)	2,950.00 m <sup>2</sup>
- Ground floor	2,902.00 m <sup>2</sup>
- Second floor	1,962.00 m <sup>2</sup>
- Third floor	1,287.00 m <sup>2</sup>
<b>Total</b>	<b>9,121.00 m<sup>2</sup></b>

6. Future 5 classroom Addition

- Third floor	433.00 m <sup>2</sup>
<b>Total</b>	<b>9,554.00 m<sup>2</sup></b>

7. GFA (Future)

8. Landscape area proposed (including walkways)

9. Paved area (including vehicular circulation)

10. Required parking spaces

School (26 Classroom Children)	30
(2 Rooms + 5 Future Portables (0-5 Future Classroom 5	10
<b>Total parking spaces</b>	<b>40</b>

11. Proposed parking spaces

School and Visitors	10
Children and Visitors	10
Barrier Free	10
<b>Total</b>	<b>30</b>

12. Building height (highest point of the roof assembly - Flat Roof)

13. Proposed North yard setback

14. Proposed East yard setback

15. Proposed South yard setback

16. Proposed West yard setback

\* A building height excludes mechanical penthouse.

**Appendix B**

File: 24.160712.000.00.MNV

Date: 3/28/2024

MM/DD/YY

**SITE PLAN LEGEND**

- NEW CONCRETE SIDEWALK
- EXISTING WATER VALVE
- SURVEY MONUMENT
- EXISTING GRADE
- FIRE ROUTE CENTRELINE
- STOP SIGN
- BARRIER-FREE PARKING SPACE
- BARRIER-FREE CURB RAMP
- EXISTING CATCH BASIN
- NEW CATCH BASIN WITH PROPOSED FINISHED GRADE
- EXISTING MAN HOLE
- NEW MAN HOLE
- NEW MAN HOLE
- EXISTING LIGHT STANDARD
- NEW LIGHT STANDARD
- NEW STREET LIGHT
- EXISTING FIRE HYDRANT
- NEW FIRE HYDRANT
- NON-FREEZE WALL HYDRANT
- DEPRESSED CONCRETE CURB
- EXTERIOR DOOR LOCATIONS
- FLUSH ENTRY (150mm STEP OR OTHERWISE)
- LANDSCAPED AREA. SEE LANDSC. DWGS.
- BORE HOLE LOCATION AND NUMBER
- TEST PIT LOCATION AND NUMBER
- EXISTING CHAIN LINK FENCE
- FIRE ROUTE SIGN
- TACTILE ATTENTION PATTERN SURFACE
- NEW CHAIN LINK FENCING
- TEMPORARY 1900mm HIGH CHAIN LINK CONSTRUCTION FENCING C/W TRUCK AND MAN ENTRANCE GATES. REMOVE FENCING AFTER COMPLETION OF WORK
- HEAVY DUTY ASPHALT

No.	Date	Revision
2024.02.09		RE-ISSUED FOR MINOR VARIANCE
2024.02.02		ISSUED FOR MINOR VARIANCE
2024.07.31		RE-ISSUED FOR SITE PLAN APPROVAL
2023.11.21		RE-ISSUED FOR SITE PLAN APPROVAL
2023.06.12		ISSUED FOR SITE PLAN APPROVAL
2023.04.17		ISSUED FOR CLIENT REVIEW
2023.01.24		ISSUED FOR PRE-CONSULTATION
2022.11.29		ISSUED FOR PRE-CONSULTATION
Date:		Issue:

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND SHALL NOTIFY THE ARCHITECT OF ANY SITE CONDITIONS OR FIELD DIMENSIONS WHICH MAY BE AT VARIANCE WITH THE DRAWINGS. THIS DRAWING IS NOT TO BE SCALED.

**mc | architects**  
mcarch.com

Toronto Office:  
3883 Yonge Street Suite 400 Toronto Ontario M4S 3G4  
phone 416 489 4646 fax 416 489 6989

Office: TORONTO - OWEN SOUND

Project: AMANDA # 23 12852.000.00.SPC

**UNNAMED MARKHAM CENTRE ELEMENTARY SCHOOL**  
YORK REGION DISTRICT SCHOOL BOARD

Markham Ontario

Sheet Title: **SITE PLAN AND DETAILS**

Drawn	BSK	Sheet No.	
Checked	D.B.		
Scale	1:300		
Project No.	22013		

**A101**

Project No. 22013 1 of 8

**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/012/24**

1. The variances apply only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix “C” to this Staff Report; or further revised by any site plan ‘endorsed’ or ‘approved’ drawings under File SPC 23 128852, 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 landscape screening be provided on Scene Drive to alleviate the visual impact of the loading spaces, to the satisfaction of the Director of Planning and Urban Design or designate; and
4. That the owner shall satisfy the requirements identified in the TRCA’s comments dated March 11, 2024, attached as Appendix “D”, to the satisfaction of TRCA.

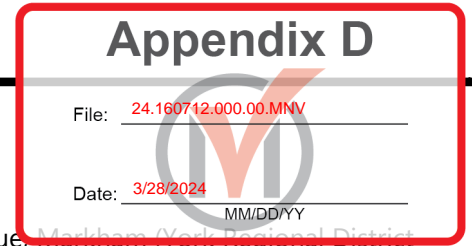
CONDITIONS PREPARED BY:



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Carlson Tsang, Senior Planner, East District

**Tsang, Carlson**



**From:** Rameez Sadafal <Rameez.Sadafal@trca.ca>  
**Sent:** Monday, March 11, 2024 12:06 PM  
**To:** Tsang, Carlson  
**Subject:** RE: TRCA Comments - A/012/24 - Warden Avenue, Markham (York Regional District School Board)

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hi Carlson,

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on February 26, 2024. We provide the following comments in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

**Purpose of the Application**

We understand the purpose of this application is to request relief from the following requirements of By-law 2004-196, as amended, as it relates to a proposed 3 storey elementary school with childcare:

- a) **Markham Centre By-law 2004-196, Section 4.7**: a service area within 10 metres of the streetline, whereas the bylaw requires the service area to be located beyond 10 metres of the streetline.

**Background**

The subject property is currently located within TRCA’s Regulated Area of the Rouge River Watershed, as it is located within 15 metres of a Regional Storm flood plain. However, It is our expectation that once grading works associated with a future municipal park to the south have been completed in accordance with the TRCA permit (Permit C-220925R), the flood plain limit will be shifted to the south and in turn, the subject site will be outside of the Regulated Area.

TRCA previously provided comments on the related Site Plan Control (SPC) application SPC 23 128852 on August 29, 2024, having no objections to its approval subject to a condition requiring a permit from TRCA to be obtained for works in our Regulated Area or confirmation that works that modify the flood plain and associated regulated area have been completed. It was TRCA’s understanding that the proposed development will connect into existing municipal infrastructure within the Rouge Side Promenade Right of Way. As such, technical review of the application was deferred to the City of Markham and other applicable agencies.

**TRCA Permit Requirements**

Based on available mapping at this time, the southwest corner of the subject site is within TRCA’s Regulated Area under Ontario Regulation 166/06, as amended, because it is located within 15 metres of a Regional Storm flood plain associated with the Rouge River. A permit from TRCA is required for works in the Regulated Area.

In light of the above, TRCA’s Regulated Area on the subject site is considered to be an interim condition. TRCA staff have been in communication with the consultant working on the above mentioned park grading works and have asked to be updated on the timing of the said works.

**Recommendation**



Given the above, TRCA have **no objection** to the approval of Minor Variance application A/012/24, subject to the following condition:

1. That the owner obtain a permit from TRCA pursuant to Ontario Regulation 166/06 for works in the Regulated Area **or** the owner obtains confirmation from TRCA that the subject site is no longer regulated nor subject to a permit from TRCA as a result of the completion of grading works to the south (TRCA Permit C-220925R).

Please note that a review fee has not been requested by TRCA for this Minor Variance Application. However, if a permit from TRCA is required (i.e., should this development proceed to the permitting stage prior to the park grading works being completed), a TRCA Permit Application fee will be necessary to process a TRCA permit. Please contact the undersigned if there are any questions.

Best regards,

**Rameez Sadafal, M.Sc.PI**

Planner I - York East Review Area

Development Planning and Permits | Development and Engineering Services

T: (437) 880-2163

E: [rameez.sadafal@trca.ca](mailto:rameez.sadafal@trca.ca)

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



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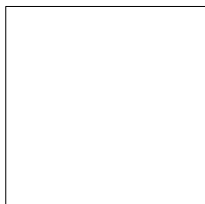
**From:** [DoNotReplyMHON@avolvecloud.com](mailto:DoNotReplyMHON@avolvecloud.com) <[DoNotReplyMHON@avolvecloud.com](mailto:DoNotReplyMHON@avolvecloud.com)>

**Sent:** Monday, February 26, 2024 1:19 PM

**To:** York Plan <[yorkplan@trca.ca](mailto:yorkplan@trca.ca)>

**Subject:** \_EXT\_ TRCA Department Review cycle #1 Assignment for 24.160712.000.00.MNV

**EXTERNAL SENDER**



**\_EXT\_ TRCA Department Review cycle #1 Assignment**

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**Attention TRCA:**

You have been assigned a task on Project: **24.160712.000.00.MNV**

The due date for this task is: **3/11/2024 1:16:00 PM**

**Task Instructions:**

- Accept your Task immediately.

- Perform your technical review and update the status of your review by selecting:

**Commented** - this means that you are providing comments and expect an applicant response prior to your final acceptance, or

**Accepted** - this mean that you have reviewed the drawings and documents, have no further issues and acknowledge that the application will be recommended for approval/draft approval (depending on application type)

Project:	<b>24.160712.000.00.MNV</b>
Project Name:	<b>Warden Ave - New 3 storey elementary school with childcare</b>
Project Location:	<b>Warden Ave, Markham, ON,</b>
Task:	<b>Discipline Review</b>
<a href="#">Reviewer ePLAN Login</a>	

If you do not have access to the specified folder, please contact the [Project Administrator](#).

**Please do not reply to this email.**