

# Memorandum to the City of Markham Committee of Adjustment

August 9, 2024

**File:** A/047/24  
**Address:** Plan 65M-4800, Blocks 1 and 2 (Flato Dr), Markham  
**Agent:** Leporis Construction Inc. (Steven De Santis)  
**Hearing Date:** Wednesday, August 14, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, BC\*670 & BP\*671, as amended, to permit:

## Site A

- a) **Amending By-law 28-97, Section 3, Table B- Non-Residential Uses:**  
a minimum of 93 parking spaces, whereas the by-law requires a minimum of 173 parking spaces;

## Site B

- a) **Amending By-law 28-97, Section 3, Table B- Non-Residential Uses:**  
a minimum of 271 parking spaces, whereas the by-law permits a minimum of 359 parking spaces;
- b) **Amending By-law 177-96, Section 3:**  
a retaining wall to be within the minimum landscaping width, whereas the by-law does not permit a retaining wall;
- c) **Amending By-law 177-96, Amending By-law 2023-7, Section 7.670.2h):**  
a minimum east lot line landscaping width of 0.99 metres, whereas the by-law requires a minimum landscaping width adjacent to the interior lot line of 1.2 metres;
- d) **Amending By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i):**  
a maximum setback for Building F from the front lot line of 10.94 metres, whereas the by-law permits a maximum setback from the front lot line of 6 metres;
- e) **Amending By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i):**  
a maximum setback for Building E from the front lot line of 15.7 metres, whereas the by-law permits a maximum setback from the front lot line of 6 metres;
- f) **Amending By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i):**  
a maximum setback for Building D from the front lot line of 14.48 meters, whereas the by-law permits a maximum setback from the front line of 6 metres;

as it relates to the proposed multi building development.

## **BACKGROUND**

### **Property Description**

The 57,124.04 m<sup>2</sup> (614,487 ft<sup>2</sup>) subject property is located on the south side of Elgin Mills Road East, west of Woodbine Avenue and east of Highway 404 (Refer to Appendix A: Location Map). The subject property is located within an employment area, is currently

vacant and a natural heritage corridor abuts the east and south of the subject property (refer to Appendix B: Aerial Photo).

The subject property is partially within TRCA's Regulated Area as the east portion is traversed by a tributary associated with the Rouge River Watershed.

### **Proposal**

The applicant is seeking relief from the parking requirements, landscaping requirements and maximum setback requirements to facilitate the development of a multi-building mixed use development consisting of a gross floor area of approximately 21,747 m<sup>2</sup>. Six (6) buildings are proposed on two separate blocks accessed by a new public road extending from Woodbine Avenue and terminating in a cul-de-sac (refer to Appendix B: Site Plan). This proposal had a withdrawn site plan control application (File No. SPC 23-136238). There is a pre application consultation that is being processed for the subject property.

### **Official Plan and Zoning**

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

The subject property is designated "Business Park Employment" and "Service Employment". The "Business Park Employment" designation is intended to contain offices and a range of prestige industrial buildings. The "Service Employment" designation is intended to accommodate uses that serve and support other business uses and employees.

The subject property is also subject to Area Specific Policy 9.5.2, which is intended to create a unique and balanced community, containing a mix of land uses, including, but not limited to, commercial, office and retail and prestige industrial, and open space.

### Zoning By-Law 177-96

The subject property is zoned Business Corridor\*670 and Business Park\*671 under By-law 177-96, as amended. The subject property underwent a site-specific re-zoning in 2021 and 2023 to facilitate a mixed use development. Further details of the landscaping width, setbacks, and retaining wall are provided in the comment section below.

### Parking Standards By-law 28-97

The subject property does not comply with the standard of the Parking By-law 28-97 with respect to the minimum required parking spaces. Further details of the parking requirement are provided in the comment section below.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on May 6<sup>th</sup>, 2024 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.

**Site A, variance a) and Site B, variance a): Parking reductions**

The applicant is seeking to reduce the parking requirement across the subject property from 532 to 364 parking spaces, which represents a decrease across the subject property of 168 parking spaces. In support of the variance request, a parking justification memo prepared by LEA Transportation was submitted which conducted a parking occupancy survey on similar sites in scale and use to the subject property. The parking justification memo states:

*“An analysis of parking utilization survey data and the ITE Parking Generation 5<sup>th</sup> Edition demand rates were conducted to estimate what the parking demand for the proposed development would be based on these metrics. The parking rate of 1.39 spaces/100 m<sup>2</sup> for the proposed development is significantly higher than the ITE rates and rates observed in the parking utilization surveys. Additionally, the proposed supply meets the recently enacted City of Markham Comprehensive Zoning By-law 2024-19 parking rates for all uses.”*

Transportation Engineering staff have reviewed the parking justification memo and do not have any concerns with its conclusion. Staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property. Staff have no objections to the approval of the proposed parking reduction.

**Site B, variance b): Retaining wall within the minimum landscape width**

The applicant is requesting a retaining wall within the minimum landscape width which is not permitted by By-law 177-96. The reasoning is to compensate for the substantial grade differential on the subject property. Staff note the proposed retaining walls are located along the front (Elgin Mills Road East) and west property lines. Despite the inclusion of the retaining wall closest to Elgin Mills Road East, there remains a landscape/open space opportunity and along the west property line, development is anticipated on the abutting property. Based on these considerations staff have no concerns with the proposed variance request.

**Site B, variance c): East lot line landscaping width reduction**

The applicant is requesting relief to permit a minimum east lot line landscaping width of 0.99 m, whereas the by-law requires a minimum landscaping width adjacent to the interior lot line of 1.2 metres. Staff have no concerns with the variance request as it only occurs at a pinch point closest to Elgin Mills Road East and abuts the natural heritage corridor which will contain additional vegetation.

**Site B, variances d), e), and f): Front lot line setbacks**

The applicant is seeking relief to permit a maximum front lot line setback for multiple buildings on the subject property. Building D requests a maximum setback of 47.51 ft (14.48 m), whereas the By-law requires a maximum front yard setback of 19.69 ft (6 m). Building E requests a maximum setback of 51.51 ft (15.7 m), whereas the By-law requires a maximum front yard setback of 19.69 ft (6 m). Building F requests a maximum setback of 35.89 ft (10.94 m), whereas the By-law requires a maximum front yard setback of 19.69 ft (6 m). The applicant reasons that these appeals to the setbacks were to accommodate MTO setback compliance and existing site conditions. Through discussions from a previous site plan submission (SPC 23-136238) on February 22<sup>nd</sup>, 2024, MTO agreed to a reduced required setback from 14m to 10m. Considering this, Staff are of the opinion that the requests for setback relief are appropriate for the site and have no concerns. Refer to Appendix C for further comments from MTO regarding the previous application.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 9, 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 "A" for conditions to be attached to any approval of this application.

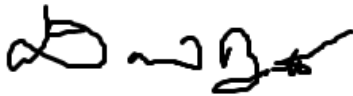
PREPARED BY:



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Theo Ako-Manieson, Planner 1, Planning and Urban Design Department

REVIEWED BY:



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Daniel Brutto, Acting Development Manager, West District

File Path: Amanda\File\ 24 172845 \Documents\District Team Comments Memo

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/24**

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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Site Plan Approval process.
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Site Plan Approval process.
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the site plan agreement, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That the Owner satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:

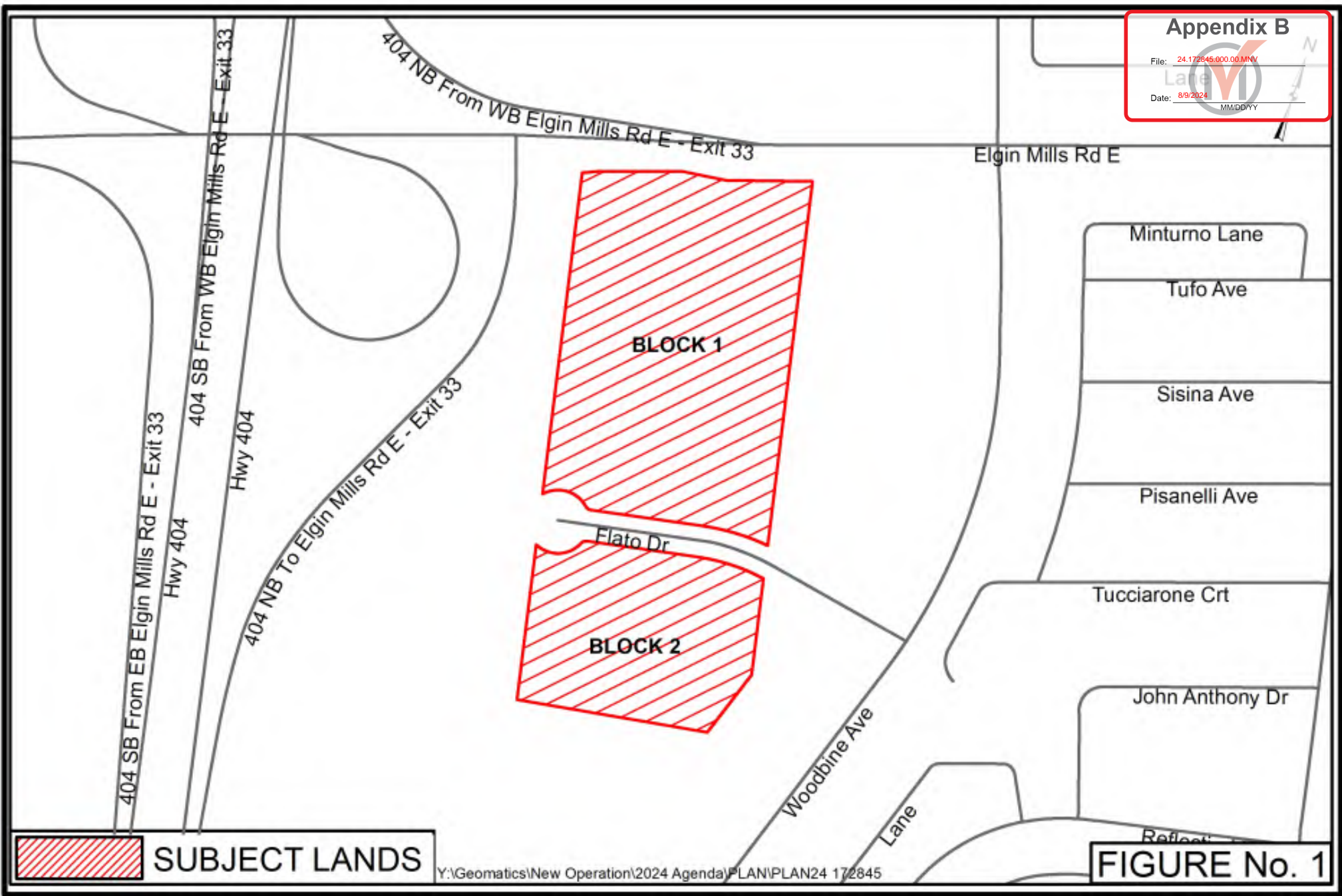
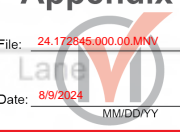


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Theo Ako-Manieson, Planner I, Planning and Urban Design Department

Appendix B

File: 24.172845.000.00.MNV  
Date: 8/9/2024  
MM/DD/YY



 SUBJECT LANDS

FIGURE No. 1

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN24 172845





**Appendix B**

File: 24.172845.000.00.MNV

Date: 8/9/2024

MM/DD/YY

# AERIAL PHOTO (2023)

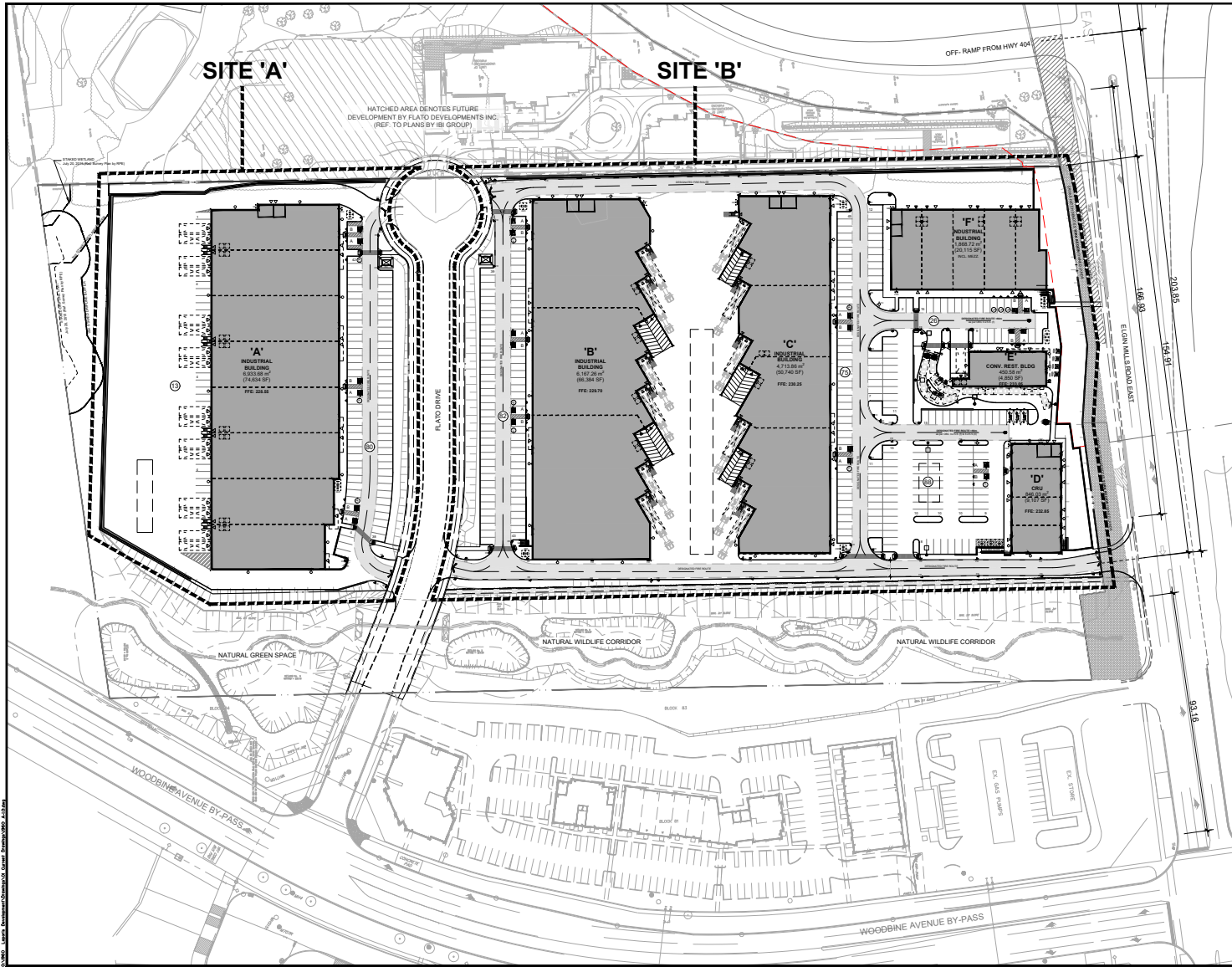
APPLICANT: Leporis Construction Inc.  
 2705-2755 Elgin Mills Road East

FILE No. PLAN 24 172845

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN24 172845

SUBJECT LANDS





## Appendix B

File: 24.172845.000.00.MNV

Date: 8/9/2024

MM/DD/YY

### LEGAL DESCRIPTION

PLAN OF SUBDIVISION OF PART OF THE EAST HALF OF LOT 25, CONCESSION 3 (GEOGRAPHIC TOWNSHIP OF MARKHAM) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

AS PREPARED BY: R-PE SURVEYING LTD., ONTARIO LAND SURVEYORS, 1443 CHELSEA ROAD, SUITE 7 WOODBINE, ON L4L 8A3 (416)936-5200

### SITE STATISTICS

TOTAL SITE AREA	78,365.93 m <sup>2</sup> or 19,365 Acres
DEVELOPABLE AREAS	4,430 Acres
SITE 'A'	17,929.29 m <sup>2</sup> or 4,430 Acres
SITE 'B'	38,194.75 m <sup>2</sup> or 9,438 Acres

### SITE 'A' STATS

SITE COVERAGE	6,933.88 m <sup>2</sup> or 38.67 %
LANDSCAPED AREA	2,123.98 m <sup>2</sup> or 11.84 %
PAVED AREA	8,272.23 m <sup>2</sup> or 46.49 %
REQUIRED PROVIDED	
LOT FRONTAGE	UNKNOWN 8,185.15 m
REAR YARD (PLATO DRIVE)	UNKNOWN 15.42 m
REAR YARD	UNKNOWN 39.64 m
INTERIOR SIDE YARD (WEST)	UNKNOWN 9.98 m
INTERIOR SIDE YARD (EAST)	UNKNOWN 7.72 m
G.F.A. BUILDING 'A' (INDUSTRIAL)	6,933.88 m <sup>2</sup> or 74,834 SF
REQUIRED PROVIDED	

### BUILDING HEIGHT

INDUSTRIAL USES	MAX. 14.00 m 13.52 m
TOTAL PARKING	173 Spaces 93 Spaces

### PARKING

ACCESSIBLE PARKING SPACES	9 Spaces 6 Spaces
CARPOOL SPACES	UNKNOWN 3 Spaces
LOADING SPACES	3 Spaces 18 Spaces
BICYCLE PARKING	UNKNOWN 10 Spaces

### SITE 'B' STATS

SITE COVERAGE	14,045.82 m <sup>2</sup> or 36.77 %
LANDSCAPED AREA	6,116.37 m <sup>2</sup> or 16.01 %
PAVED AREA	18,022.58 m <sup>2</sup> or 47.22 %
REQUIRED PROVIDED	
LOT FRONTAGE	UNKNOWN 4,210.02 m
FRONT YARD (ELGIN MILLS RD)	5.70 m 10.10 m
REAR YARD (PLATO DRIVE)	UNKNOWN 15.74 m
INTERIOR SIDE YARD (WEST)	UNKNOWN 18.55 m
INTERIOR SIDE YARD (EAST)	UNKNOWN 9.27 m

### G.F.A.

BUILDING 'B' (INDUSTRIAL)	6,167.28 m <sup>2</sup> or 66,384 SF
BUILDING 'C' (INDUSTRIAL)	4,713.88 m <sup>2</sup> or 50,740 SF
BUILDING 'D' (COMMERCIAL RETAIL UNITS)	846.03 m <sup>2</sup> or 9,107 SF
BUILDING 'E' (COW/RESTAURANT)	483.58 m <sup>2</sup> or 5,200 SF
BUILDING 'F' (INDUSTRIAL)	1,868.72 m <sup>2</sup> or 20,115 SF
TOTAL G.F.A.	14,045.47 m <sup>2</sup> or 151,195 SF
REQUIRED PROVIDED	

### BUILDING HEIGHT

INDUSTRIAL BLDG 'B'	14.00 m 13.52 m
INDUSTRIAL BLDG 'C'	14.00 m 13.52 m
INDUSTRIAL BLDG 'D'	14.00 m 13.52 m
INDUSTRIAL BLDG 'E'	14.00 m 13.52 m
INDUSTRIAL BLDG 'F'	14.00 m 13.52 m
RESTAURANT BLDG 'E'	14.00 m 13.52 m
RETAIL BLDG 'D'	14.00 m 13.52 m
TOTAL PARKING	333 Spaces 271 Spaces
ACCESSIBLE PARKING SPACES	17 Spaces 18 Spaces
CARPOOL PARKING SPACES	UNKNOWN 9 Spaces
LOADING SPACES	6 Spaces 14 Spaces
BICYCLE PARKING	UNKNOWN 32 Spaces

### KEY PLAN

CITY OF MARKHAM N.T.S.

SUBJECT SITE

### CONTEXT PLAN

N.T.S.

SITE 'A'

SITE 'B'

### CURB RAMP / DEPRESSION DETAIL

ANISOMETRIC VIEW

CURB RAMP DETAIL

### PLAN VIEW

A TACTILE SURFACE / OBSTACLE & HAZARD INDICATOR

B SLOPE SURFACE @ 1:10 (MIN)

C LANDING / UNMOUNTED SPACE OF NOT LESS THAN 1200mm

D FLARED SIDES WITH MAX SLOPE OF 1:10

### SYMBOL LEGEND

- LOADING DOOR DOOR
- DRIVE-IN / OVERHEAD DOOR
- RAISED FLOOR / VALVE
- FIRE DEPARTMENT CONNECTION / RAMBER
- CLUB RAMP (SEE DETAIL ABOVE)
- BICYCLE RING 2 SPACES / RING (3.0m x 1.8m x 1.8m H)
- WINDO TRANSFORMER (SEE ELEC. DRAWING)
- ACCESSIBLE (PARADE) & BARRIER FREE SIGN
- DESIGNATED FIRE ROUTE SIGN
- INTERNALLY STORED REFUSE STORAGE BIN
- CONCRETE / FLEET TRAILER BOLLARD
- POST MOUNTED FLUORESCENT SIGN (SEE FLUOR. SERV. DRAWING)
- CONCRETE / MOUNTED SPACE & ASSOCIATED SIGN
- DESIGNATED CARPOOL SPACE
- DESIGNATED ACCESSIBLE / IMPROVED ASPHALT (SEE LANDSC. DRAWING)
- Light Chamber/Entry
- CAN METERS LOCATION
- FIRE ALARM SYSTEM ANNUNCIATION PANEL IN VESTIBULE
- PAVED ENTRY KEY AREA LOCATION
- ENTRY SIGN

No.	ISSUED	DATE
1	ISSUED FOR SPA	AUG. 04, 2023
2	RE-ISSUED FOR SPA	MAR. 12, 2024

No.	REVISION	DATE
1	REVISED TO INCL. NEW BLD F	DEC. 19, 2023
2	UPDATED TO INCL. MTO 14m SETBACK	JAN. 08, 2024
3	UPDATED TO INCL. MTO 10m SETBACK AS AGREED	FEB. 06, 2024
4	REVISE TO SUIT MUNICIPAL COMMENTS	MAR. 08, 2024

**BALDASSARRA**  
Architects inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7  
T. 905.660.0722 | www.baldassarra.ca

OWNER'S INFORMATION:



**LEPORIS**

FLATO DRIVE  
MARKHAM, ON.

**OVERALL SITE PLAN  
SITE 'A' & SITE 'B'**

DATE: MAY 2019	DRAWN BY: DW	CHECKED:	SCALE: 1:750
PROJECT No:	DRAWING No:		

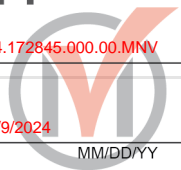
**A-1.0**

C:\1960 Leporis Development\Drawings\01 Current Drawings\1960\_A\_10.dwg, 2024-05-22, 4:46:24 PM, Anonymous, DWG to PDF P3



**From:** Mulrenin, Colin (MTO)  
**To:** Lisa La Civita; Brown, Francesca (MTO); Kolet, Arieh (MTO); Hewitt, Tom (MTO)  
**Cc:** Mikolajczak, Margaret (MTO); Daniel Belli; brunob; stevend  
**Subject:** RE: Leporis Construction Inc. (2705 and 2755 Elgin Mills Rd. East, Markham)  
**Date:** February-22-24 1:23:20 PM

# Appendix C



File: 24.172845.000.00.MNV

Date: 8/9/2024  
MM/DD/YY

Good afternoon Lisa,

We have discussed the matter internally and have the following response:

- MTO will accept the setback reduction from 14m to 10m at this site.
- MTO will accept the pedestrian connection to Building F located within the setback. In the event of any widening or other MTO work on Elgin Mills Rd., MTO will not be responsible for the cost of moving/removing this pedestrian connection.
- MTO will accept the RIRO access onto Elgin Mills Rd. subject to the extension of the median island to prevent left turns into the site. If there are concerns from the municipality regarding the proximity of the RIRO to the Woodbine Ave. intersection, we would also accept a "right in only" configuration.

Regards,

**Colin Mulrenin | Corridor Management Planner (East)**  
Highway Corridor Management Section | Central Operations | Ministry of Transportation  
159 Sir William Hearst Avenue, 7<sup>th</sup> Floor, Toronto, ON. M3M 0B7  
Telephone: 437-533-9427 | Email: [colin.mulrenin@ontario.ca](mailto:colin.mulrenin@ontario.ca)

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**From:** Lisa La Civita <lacivita@armlandgroup.com>  
**Sent:** February 14, 2024 2:56 PM  
**To:** Brown, Francesca (MTO) <Francesca.Brown@ontario.ca>; Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>; Kolet, Arieh (MTO) <Arieh.Kolet@ontario.ca>; Hewitt, Tom (MTO) <Tom.Hewitt@ontario.ca>  
**Cc:** Mikolajczak, Margaret (MTO) <Margaret.Mikolajczak@ontario.ca>; Daniel Belli <dbelli@armlandgroup.com>; brunob <brunob@historyhillgroup.com>; stevend <stevend@historyhillgroup.com>  
**Subject:** Leporis Construction Inc. (2705 and 2755 Elgin Mills Rd. East, Markham)

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello Francesca et al.

As a follow up to our call of February 6, 2024, attached is the revised site plan which shows the setback limit of 10m (as opposed to 14m) from the edge of the lands owned by MTO along Elgin Mills.

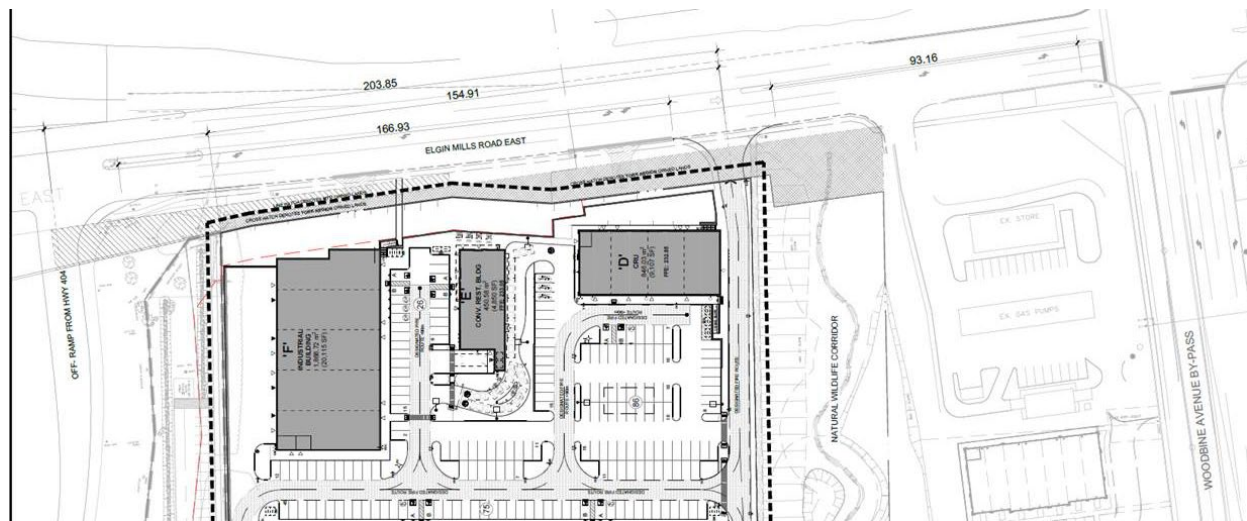
We understand MTO's requirement for protection of a 14m setback from its property limit; however, we would like to request that consideration be given for Leporis to maintain a 10m setback from MTO's property limit along the south side of Elgin Mills Rd. East. The reason for this request is due to a number of factors, including:

- Leporis went through a lengthy zoning by-law amendment process with the City, which included an appeal to the OLT by an adjacent landowner, and unfortunately all parties involved in the appeal (including the local municipalities) were unaware of the extent of MTO's ownership due to LRO mapping not being updated to reflect the PINs. As such, we do not want to reopen another lengthy process;
- Both the City of Markham and the OLT Member approved the proposed Zoning By-law, with slight modifications reflective of the settlement with the appellant;
- The City's Urban Design Guidelines require a maximum setback of 6m from the front lot line in order to limit an expanse of parking along a major frontage;
- The site has grading limitations that impact the opportunity for appropriate built form along Elgin Mills, as the grade substantially drops from Elgin Mills into the site, which also necessitates the need for a retaining wall;
- We believe the 10m is an acceptable compromise between the City's by-law requirement and MTO's setback requirement, which still provides opportunity for efficient use of the lands and enough space for future plans the MTO may have for Elgin Mills;

The attached A-1.0b plan identifies the proposed 10m setback being requested and the building locations as a result.

Further to this, you requested additional information on the proposed Right-in/Right-out (RIRO) access into the site from Elgin Mills. Attached is former correspondence on the proposed RIRO access between Margaret and our consultant which includes a preliminary TIS and Functional Plan. Please keep in mind that these would have referenced old/former concept plans for the lands, which as you know have now changed. However, the purpose of this was to confirm that the RIRO can function and meets MTO's requirements. Ideally, we would prefer to see a RIRO at this location, but if the right-out will be an issue, then we will gladly accept a right-in only. The right-in will take traffic off Elgin Mills, especially those who are accessing the plaza, so that they do not need to queue at Woodbine to make a right, and then a right onto the new Flato Drive just to access the plaza.

The below snippet shows the distances from back of curb to back of curb from the off-ramp to the RIRO and from the RIRO to Woodbine. Full plan is attached as A-1.0. You will also notice a path that leads from Elgin Mills into the site within the MTO R-O-W to a set of stairs adjacent to BLDG 'F'. These have been put in at the request of the City as a pedestrian access from Elgin Mills. If this is not permitted by MTO, we will remove it. Please confirm.



We appreciate your willingness to work with us to resolve these concerns. Please do not hesitate to reach out if you have any questions or need additional information. We are happy to also set up another call to review.

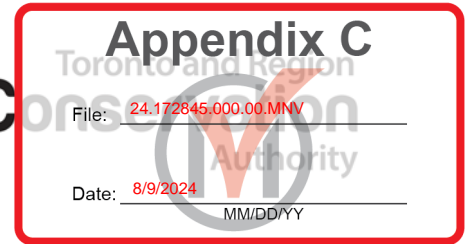
Thank you for your time on this.

Lisa



**Lisa La Civita, MCIP, RPP**  
Senior Development Manager  
8700 Dufferin St. Concord, Ontario L4K 4S6  
T:905.660.3765 ext. 467 | F:905.669.6902  
[www.armlandgroup.com](http://www.armlandgroup.com)

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July 29, 2024

CFN PAR-DPP-2024-00129  
Ex Ref: CFN 56088, CFN 67199, CFN 67627,  
CFN 67950, CFN 67214, CFN 69762,  
CFN 68423.12

**VIA E-PLAN**

Shawna Houser  
Secretary-Treasurer, Committee of Adjustment  
City of Markham  
Planning and Urban Design Department  
101 Town Centre Boulevard,  
Markham ON L3R 9W3

Dear Shawna Houser

**Re: Minor Variance Application – A/047/24  
Submission #1  
2705 and 2755 Elgin Mills Road East  
Flato Drive, Markham  
65M4800 BLOCK 2  
Woodbine Avenue & Elgin Mills Drive  
Applicant: History Hill c/o Steven De Santis  
Owner: Leporis Construction Inc.**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on June 28<sup>th</sup> 2024. We provide the following 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**

TRCA staff understand that the purpose of this application is to request relief from the requirements of By-laws 177-96 & 28-97, as amended, to facilitate the development of a proposed multi building development. Requested Variance(S) to The Zoning By-law includes:

Site A

- a) By-law 28-97, Section 3, Table B- Non-Residential Uses: a minimum of 93 parking spaces, whereas the by-law requires a minimum of 173 parking spaces;

Site B

- a) By-law 28-97, Section 3, Table B- Non-Residential Uses: a minimum of 271 parking spaces, whereas the by-law permits a minimum of 359 parking spaces;
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- c) By-law 177-96, Amending By-law 2023-7, Section 7.670.2h): a minimum east lot line landscaping width of 0.99 meters, whereas the by-law requires a minimum landscaping width adjacent to the interior lot line of 1.2 meters;
- d) By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i): a maximum setback for Building F from the front lot line of 10.94 meters, whereas the by-law permits a maximum setback from the front lot line of 6 meters;
- e) By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i): a maximum setback for Building E from the front lot line of 15.7 meters, whereas the by-law permits a maximum setback from the front lot line of 6 meters;
- f) By-Law 177-96, Amending By-law 2023-7, Section 7.670.2i): a maximum setback for Building D from the front lot line of 14.48 meters, whereas the by-law permits a maximum setback from the front line of 6 meters.

### **TRCA Permit Requirement**

The subject lands contain an Area of Interference for an Unevaluated Wetland associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

### **TRCA Plan Review Fee**

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$2,110.00 (Minor Variance - Industrial/ Commercial/Subdivision/ Institutional – Major). The applicant is responsible for fee payment and must remit the fee 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

### **Background and Application Specific Comments**

TRCA has previously reviewed and approved multiple applications related to this property, including a Draft Plan of Subdivision 19TM-16006 (CFN 56088), various permits (CFN 67199, 67627, 67950, 67214, 69762). TRCA also reviewed and provided comments on associated Site Plan Application SPC 23 136238 (CFN 68423.12) which is currently at resubmission pre-consultation stage. While TRCA provided comments as part of the Site Plan Application which are still outstanding, they are not directly impacted by the proposed minor variances.



Recommendation

Based on a review of the submitted materials, TRCA staff have no concerns with the proposed variances. As such, we recommend approval of the Minor Variance Application A/047/24, subject to the conditions provided in Appendix A of this letter.

Please be advised that approval of the current Minor Variance Application does not constitute sign-off on the Site Plan Application. TRCA's outstanding comments provided as part of the Site Plan Application SPC 23 136238 will carry forward and will need to be addressed through the forthcoming Site Plan Application re-submission (e.g., removal of the proposed retaining wall from the 6-metre setback from the Natural Wildlife Corridor (NWC) in the east portion of "Site A"). A checklist of the required materials for the Site Plan Application re-submission will be provided under a separate cover in response to the pre-consultation request municipal no. PRCN 24.178723.

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira  
Planner I  
Development Planning and Permits  
Development and Engineering Services  
Email: Matthew.Pereira@trca.ca  
(437)-880-2416  
Attached: Appendix A: Conditions of Approval

**Appendix A: Conditions of Approval**

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$2,110.00 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> for the proposed works within TRCA's Regulated Area.