

Memorandum to the City of Markham Committee of Adjustment
March 26, 2024

File: A/008/24
Address: Block 283, Draft Plan of Subdivision 19TM-18004
Applicant: EMK Construction Ltd., Treelawn Construction Ltd., and
Mattamy (Monarch) Ltd. (Nicole Mastantuono)
Hearing Date: Wednesday, April 3, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, to permit:

Section 7.642:

a) an Institutional use, whereas the by-law does not permit Institutional uses; and,

Section 7.642

b) a maximum building height of 20 metres, whereas the by-law permits a maximum building height of 12.5 metres;

as it relates to a future school block.

BACKGROUND

Property Description

The 0.15 ha. (3.71 ac.) subject lands form a part of Draft Plan of Subdivision 19TM-18004 (the "Subdivision") which is located south of Elgin Mills Road East, west of Warden Avenue, within the Berczy Glen Secondary Plan Area (Refer to Appendix A: Draft Plan of Subdivision 19TM-18004 Excerpt). When the Subdivision was approved in 2020, the subject lands were contemplated for residential development in the form of eight townhouses which would back onto a public secondary school site.

Since the Subdivisions approval, the applicant has been working closely with the York Region District School Board (YRDSB) to satisfy its requirements related to the school site which abuts the subject lands. This work has involved the preparation of conceptual facility fit plans to demonstrate whether the school site can accommodate the future schools programming needs (Refer to Appendix B: Conceptual School Site Facility Fit Plan). This exercise determined that additional lands, in the form of the subject lands, were needed to provide an adequately sized school site.

The Subdivision is within TRCA's Regulated Area as the western portion is traversed by a valley corridor associated with the Berczy Creek.

Proposal

This application has been submitted to fulfill the requirements of the YRDSB, who have requested that the subject lands be added to the abutting school block to provide for an adequately sized school block.

To this effect, the applicant is proposing to permit an institutional use (e.g. school) on the subject lands and increase the maximum building height from 12.5 metres to 20 metres which would effectively allow a school to be built up to 4 storeys.

Official Plan and Zoning

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

The Official Plan designates the subject lands 'Residential Low Rise', which provides for low rise housing forms including single detached dwellings and townhouse dwellings.

In November 2018, the Berczy Glen Secondary Plan was approved for the surrounding area, including the subject lands. The Berczy Glen Secondary Plan designates the subject lands 'Residential Low Rise', which provides for a variety of housing forms including townhouse dwellings and identifies a symbol for the location of a public secondary school (Refer to Appendix C: Berczy Glen Secondary Plan Land Use Map Extract).

Zoning By-Law 177-96, as amended

The subject lands were re-zoned in 2020 to mirror what was shown on the Subdivision and as a result are zoned 'Residential Two – Special Exception *642 (R2-S*642) Zone' under By-law 177-96, as amended, which permits among other uses townhouse dwellings.

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

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.

Institutional Use Variance

The applicant is requesting to permit and Institutional use on the subject lands, whereas Institutional uses are not permitted. The intent of this application is to meet the requirements of the YRDSB and facilitate the conveyance of the Subject Lands to the YRDSB. The proposal would effectively allow the YRDSB to complete their abutting school site. As indicated earlier, a school site is contemplated in this general area in the Secondary Plan and the abutting lands to the north and east are zoned to permit a school. Planning staff are of the opinion that the requested variance is desirable for the appropriate development of the subject lands.

Increase Building Height Variance

The applicant is requesting a maximum building height of 20 metres for the proposed school, whereas a maximum of 12.5 metres is permitted. The height variance has been requested due to the fact that the YRDSB has expressed an interest in building a school which may be up to 4 storeys. This building height is considered appropriate as the maximum building height surrounding the school site ranges from 3 storeys in the 'Residential Low Rise' designation of the Secondary Plan up to 6 storeys in the 'Mixed Use Mid Rise' designation of the Secondary Plan. Planning staff does not anticipate any adverse impacts as a result of the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of 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.

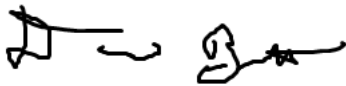
CONCLUSION

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 requested variances meet 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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, Senior Planner, Planning and Urban Design Department

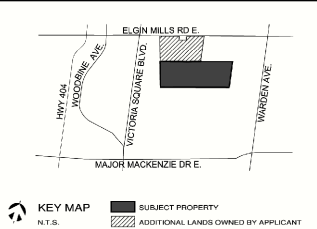
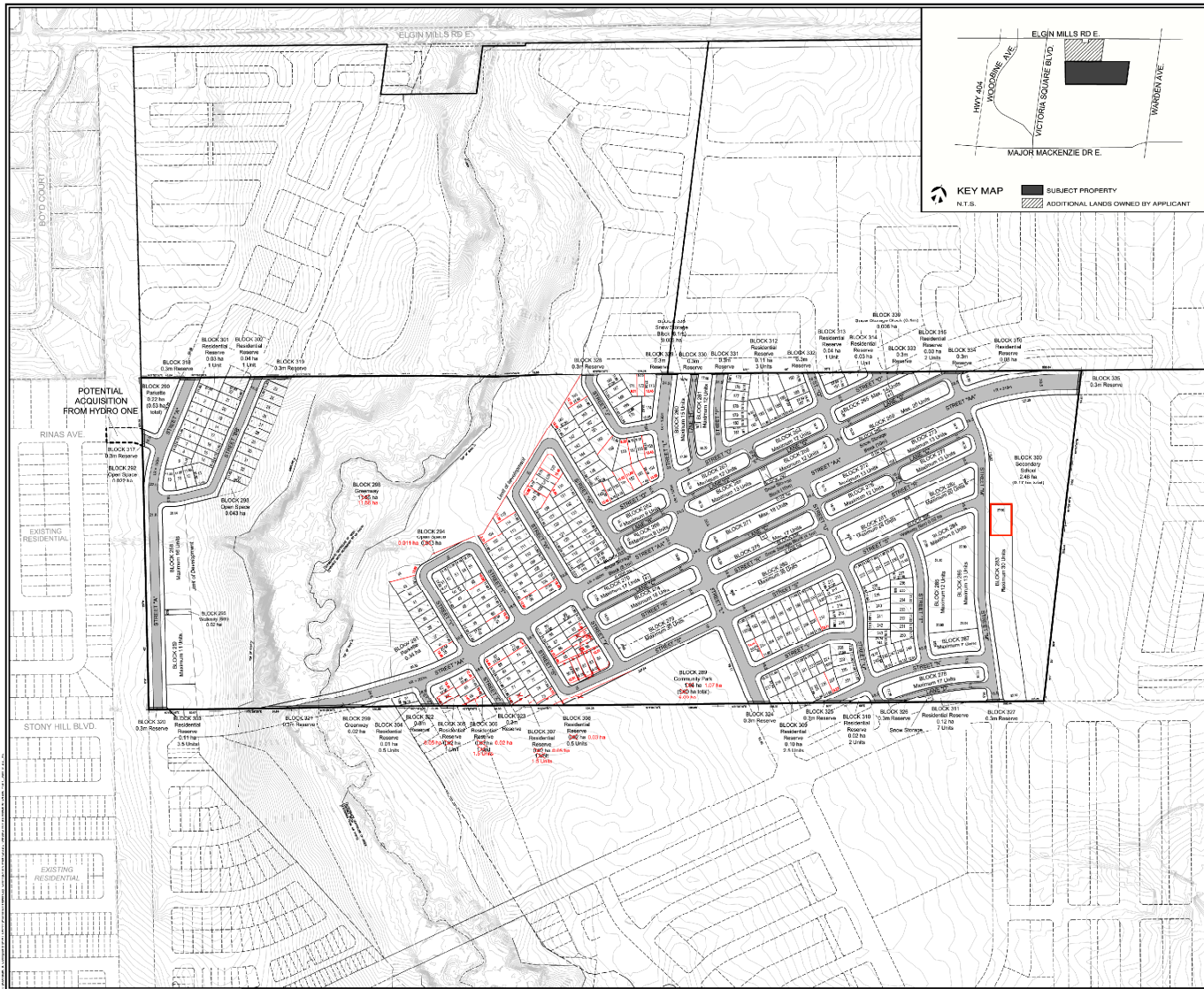
REVIEWED BY:



Rick Cefaratti, Acting Development Manager, West Markham District

File Path: Amanda\File\ 24 159425 \Documents\District Team Comments Memo

- Appendix A: Draft Plan of Subdivision 19TM-18004 Excerpt
- Appendix B: Conceptual School Site Facility Fit Plan
- Appendix C: Berczy Glen Secondary Plan Land Use Map Extract
- Appendix D: Conditions of Approval
- Appendix E: TRCA Letter



DRAFT PLAN OF SUBDIVISION
FILE: ZA/SU 18 181743 - 002
REVISED
 PART OF W1/2 LOT 24 AND
 PART OF W1/2 OF E1/2 LOT 24
 CONCESSION 4

(GEOGRAPHIC TOWNSHIP OF MARKHAM)
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

MATTAMY - RINAS

OWNER'S AUTHORIZATION
 I HEREBY AUTHORIZE AGRICULTURAL PLANNING TO PREPARE THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL BY THE CITY OF MARKHAM.

SIGNER: [Signature] **DATE:** April 11, 2018
 Mattamy Urban Development Limited
 Mattamy Residential Limited
 Treelawn Construction Limited
 1000 SHEPPARD AVENUE EAST
 SUITE 1000 MARKHAM, ONTARIO L3R 9V7

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

SIGNER: [Signature] **DATE:** April 13, 2018
 C.P. Edwards, Ontario Land Surveyor

EPG ENVIRONMENTAL & ENGINEERING SURVEYING LTD.
 240 DUNDAS STREET WEST, 2ND FLOOR, ONTARIO, CANADA
 (416) 593-8888 (TOLL FREE) 1-877-888-8888

ADDITIONAL INFORMATION: UNDER SECTION 11.1 OF THE PLANNING ACT:
 A) SHOWN ON PLAN
 B) SHOWN ON PLAN AND FIELD NOTES TO BE PROVIDED
 C) SHOWN ON PLAN
 D) SHOWN ON PLAN
 E) SHOWN ON PLAN
 F) SHOWN ON PLAN
 G) SHOWN ON PLAN
 H) SHOWN ON PLAN
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 V) SHOWN ON PLAN
 W) SHOWN ON PLAN
 X) SHOWN ON PLAN
 Y) SHOWN ON PLAN
 Z) SHOWN ON PLAN

LAND USE SCHEDULE

Land Use	Lot/Block	LVI	Area (m ²)	URBs
Unfinished Residential	1,188-146,287	20%	2,345	20%
Rear Lane Townhouses	200,279	19%	2,329	20%
Back-to-Back Townhouses	278,282	4%	1,24	11%
Street Townhouses	258,285,283,287	7%	2,28	8%
Community Park	289	1%	2,46	1%
Parkette	290,291	2%	0,68	0%
Open Space	898,894	0%	0,69	0%
Walkway (5m)	295,296	2%	0,64	0%
Greenway	298,299	2%	2,46	1%
Secondary School	300	1%	2,46	0%
Residential Reserve	301-316	16%	2,46	20%
Ten Reserve	317-334	16%	2,46	0%
Open Storage (Block 08, 1m, 6.1m)	288,287,300-330	6%	0,60	0%
0.5m ROW (1.07m)			0,63	0%
1.0m ROW (2.14m)			0,64	0%
1.5m ROW (3.21m)			0,64	0%
2.0m ROW (4.28m)			2,46	1%
2.5m ROW (5.35m)			0,68	0%
3.0m ROW (6.42m)			0,68	0%
3.5m ROW (7.49m)			0,68	0%
4.0m ROW (8.56m)			0,68	0%
4.5m ROW (9.63m)			0,68	0%
5.0m ROW (10.70m)			0,68	0%
Totals	1,188-146,287	38%	44,42	20%
	140,800,173,311	33%	85,160	160,200

09/06/21 Initial - Changes to detailed lotting, improve title and plan C KC
 07/13/20 Initial - Issue design block network, remove 11.1m lot width C KC
 03/12/19 Resubmission C KC
 06/09/19 Resubmission B SE
 10/04/18 First Submission A SP
DATE IS NOT REVISION DWG BY

NOTES:
 * Lot/Collector corner radii = 3m * Collector/Collector corner through = 10m
 * Lot/Collector corner radii = 5m * Footprint illustration is diagrammatic

mattamy HOMES

SCALE 1:2000 December 3, 2019

DRAWN BY: SE CHECKED BY: KC

KORSIAK Urban Planning

1000 SHEPPARD AVENUE EAST
 SUITE 1000 MARKHAM, ONTARIO L3R 9V7
 (416) 593-8888

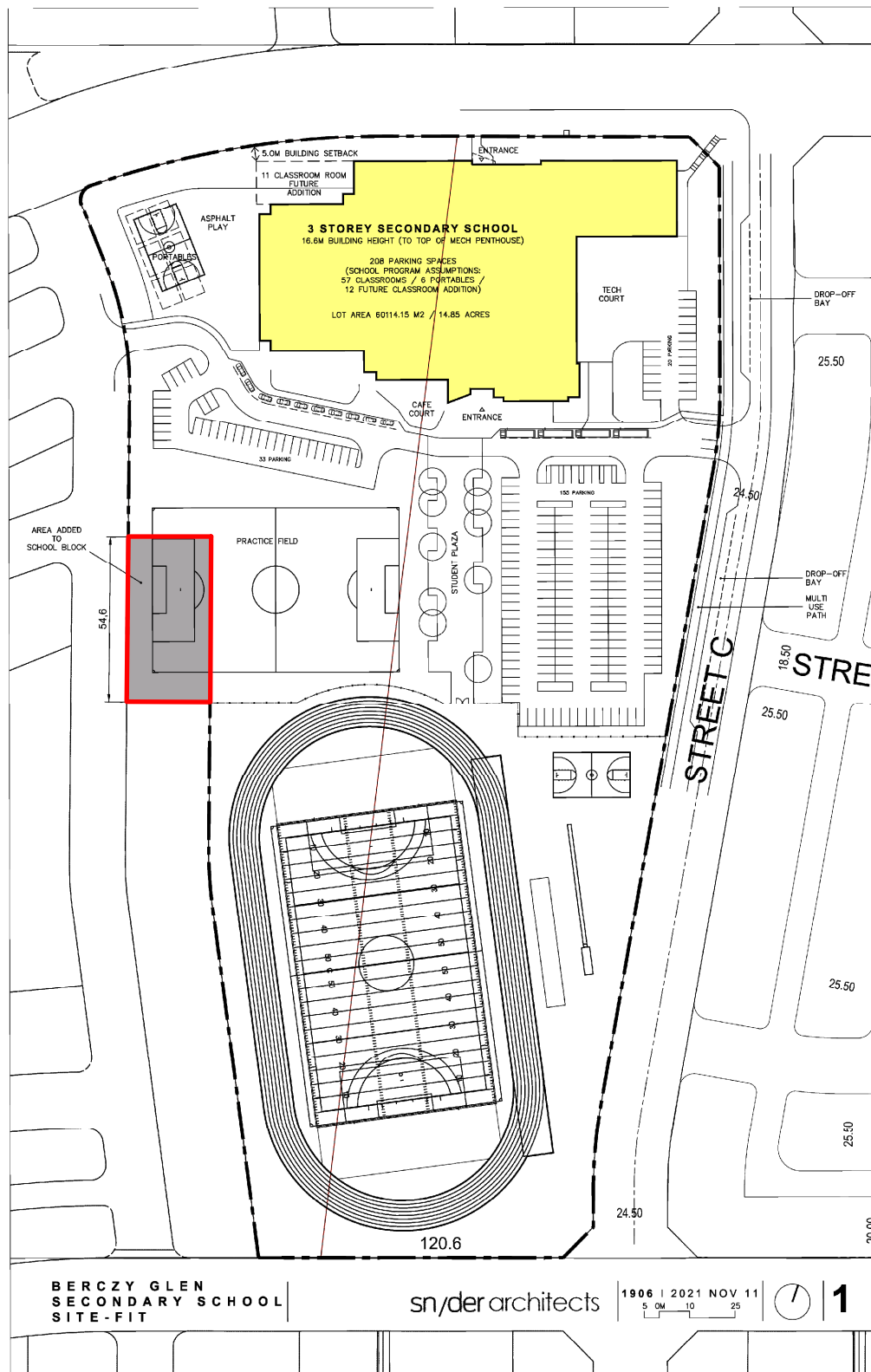
Draft Plan of Subdivision 19TM-18004

APPLICANT: EMK Construction Ltd., Treelawn Construction Ltd. and Mattamy (Monarch) Ltd.

Block 283, Draft Plan of Subdivision 19TM-18004

FILE No. A/008/24

SUBJECT LANDS



Conceptual School Site Facility Fit Plan

APPLICANT: EMK Construction Ltd., Treelawn Construction Ltd. and Mattamy (Monarch) Ltd.
 Block 283, Draft Plan of Subdivision 19TM-18004

FILE No. A/008/24

 SUBJECT LANDS

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DATE: 21/03/2024

**MAP SP1
DETAILED LAND USE
BERCZY GLEN SECONDARY PLAN
(Official Plan Amendment XXX)**

Boundary of Secondary Plan Area

RESIDENTIAL

- Residential Low Rise
- See Section 8.2.1.6
- Residential Mid Rise I
- Residential Mid Rise II

MIXED USE

- Mixed Use Mid Rise
- See Section 8.3.1.6

GREENWAY SYSTEM

- Greenway

PARKS AND OPEN SPACE

- Community Park / Neighbourhood Park
- Stormwater Management Facility

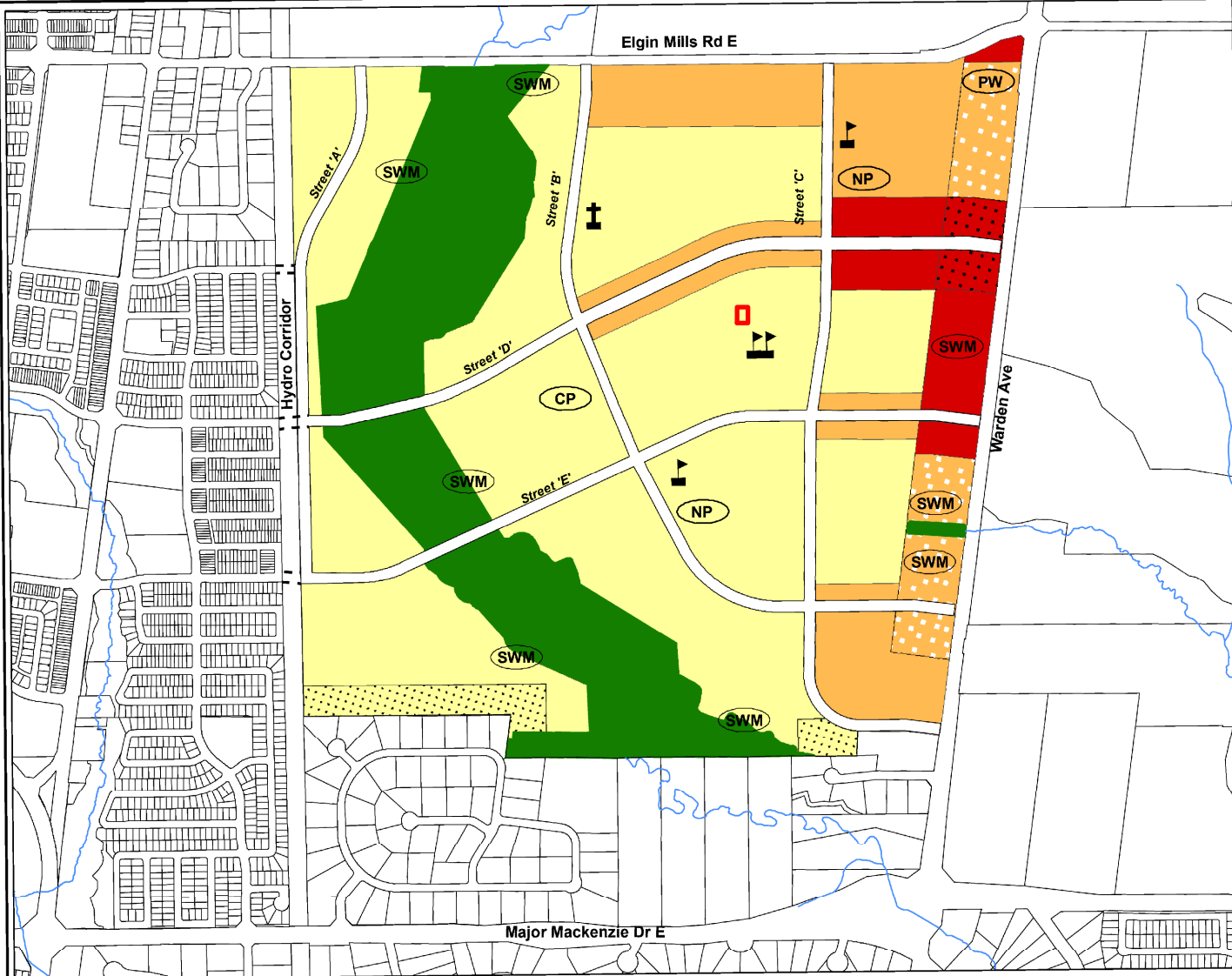
COMMUNITY INFRASTRUCTURE, SERVICE FACILITIES

- Public Elementary School
- Public Secondary School
- Catholic Elementary School

OTHER

- Place of Worship

SCALE: 1:8,500 Date: 11/27/2018



Berczy Glen Secondary Plan Land Use Map

APPLICANT: EMK Construction Ltd., Treelawn Construction Ltd. and Mattamy (Monarch) Ltd.
Block 283, Draft Plan of Subdivision 19TM-18004

FILE No. A/008/24

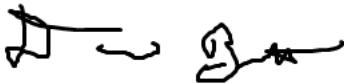
SUBJECT LANDS

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Appendix D: Conditions to be attached to any approval of File A/008/24

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 A' to this Staff Report and received by the City of Markham on December 19, 2024, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction; and
3. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix E 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:



Daniel Brutto, Senior Planner, Planning and Urban Design Department

From: [Michelle Howorth](#)
To: COA@markham.ca
Cc: [Brutto, Daniel](#); [Rameez Sadafal](#)
Subject: TRCA Comments - Future Beaverbrae Drive, Markham (Mattamy Rinas Subdivision) Minor Variance A/008/24 (MNV 24 159425) - TRCA CFN 70441.02
Date: March 7, 2024 2:55:00 PM
Attachments: [image001.png](#)

Good afternoon,

Please find below comments from Toronto and Region Conservation Authority (TRCA) on Minor Variance A/008/24 (MNV 24 159425). A copy of this email will be uploaded to E-Plan.

Context:

The overall property is located south of Elgin Mills Road, between Woodbine Avenue and Warden Avenue and is subject to a Draft Approved Plan of Subdivision 19TM-18004 (Mattamy Rinas). The overall property is located **partially within TRCA's Regulated Area** under Ontario Regulation 166/06 (as amended or superseded) under the Conservation Authorities Act. A permit from TRCA is required for any development activities within our Regulated Area, and such works are required to satisfy our policies and tests of our regulation.

Purpose of the application:

The applicant is requesting relief from the requirements of By-law 177-96, as amended, as it relates to a future school block.

Variances requested are to permit:

- a) By-law 117-96, Section 7.642: Institutional use, whereas the by-law does not permit Institutional uses; and
- b) By-law 117-96, Section 7.642: a maximum height of 15 metres, whereas the by-law permits a maximum height of 12.5 metres

Comments:

While the overall property is located partially within TRCA's Regulated Area, the area subject to this Minor Variance (located east side of future Beaverbrae Drive, currently part of Block 283 of Draft Plan of Subdivision 19TM-18004) is located outside of TRCA's Regulated Area. Accordingly, TRCA has no objection to the approval of this Minor Variance, subject to the following condition:

1. That the owner or agent remit payment of TRCA's review fee associated with this application in accordance with TRCA's current [Planning Services Fee Schedule](#). The review fee has been scoped from Minor Variance (Commercial/Industrial) to a Screening Fee (Minor Projects) in the amount of \$120.00.

Note: an invoice containing a payment link will be emailed to the agent following the issuance of these comments.

If there are any questions regarding the above, please do not hesitate to contact me.

Please notify TRCA of the decision made on this application.

Regards,

Michelle Howorth, RPP she/her

Senior Planner - York East Review Area

Development Planning and Permits | Development Planning and Engineering Services

T: [437-880-2287](tel:437-880-2287)

E: michelle.howorth@trca.ca

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



*Please note: Circulations for properties in York Region can be sent to: yorkplan@trca.ca.
Please use a file sharing service when submitting documents.*



Toronto and Region
Conservation
Authority