

# Memorandum to the City of Markham Committee of Adjustment

November 29, 2024

**File:** A/101/24  
**Address:** 55 Renfrew Drive, Markham  
**Agent:** Edwin Cheng  
**Hearing Date:** Wednesday, December 4, 2024

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Employment - Service Employment (EMP-SE) as amended, to permit:

**a) By-law 2024-19, Section 9.4.2:**

a Private School, whereas the by-law does not permit Private Schools;

as it relates to interior alterations to an existing two-storey office building.

## **BACKGROUND**

### **Property Description**

The 4998.37 m<sup>2</sup> (53,802 ft<sup>2</sup>) subject property is located on the east side of Renfrew Drive, north of Valleywood Drive and east of Woodbine Avenue. The property is a two-story building which currently serves as an office building, containing a mix of businesses, specifically retail and office uses. Surrounding uses include offices, food and retail establishments and single detached houses in the nearby residential neighbourhood. Located on the parcel south of the subject property, 2 Valleywood Drive, is an existing private boarding school.

### **Proposal**

The applicant is requesting relief from By-law 2024-19 to facilitate the lease or sale of the Subject Property to a private school operator.

### **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 property "Service Employment". This designation is intended to accommodate for service, retail, light industrial, warehousing, and small office uses that serve and support other business uses and employees in Markham. Uses provided within "Service Employment" include services, offices, financial institutions, manufacturing, motor vehicle body shops, retail, trade schools and commercial schools. Policy 8.5.4.4 of the Official Plan states that a private school is not a permitted use within the "Service Employment" designation.

### Zoning By-Law 2024-19

The subject property is zoned EMP-SE under By-law 2024-19, as amended, which permits various retail, office, and motor vehicle uses, among others. Private schools are not a permitted use under By-law 2024-19.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "The added use of private school to an existing office building 55 Renfrew is

*minor in nature. The site will continue to function as a singular commercial building with no visible impacts to the site or access to vehicles and pedestrians. Impacts on the site and adjacent properties will also not be affected...”.*

### **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.

### **Private School Variance**

It is the opinion of Staff that the proposed private school use does not meet the intent of the 2014 Official Plan. The intent of the Official Plan is to limit the impact of uses on the long-term viability of employment areas. The “Service Employment” designation is specifically intended to preserve complimentary employment uses that are accessible to transit corridors. The proposal does not meet the intent of Zoning By-law 2024-19. The Employment - Service Employment (EMP-SE) designation is intended to accommodate uses that serve and support other businesses.

In 2005, Staff approved an application to allow a Private School with an accessory student residence at 2 Valleywood Drive. This was done through a combined Site Plan/Zoning By-law Amendment application, on the grounds that a Private School was a permitted use under the 1987 Official Plan, subject to the review of a specific development proposal and rezoning. Therefore, Staff maintain the position that the proposed private school is more appropriately dealt with through Official Plan and Zoning By-law Amendment applications.

Staff is of the opinion that the proposal does not meet 2 of the 4 tests outlined in the Planning Act, related to maintaining the general intent and purpose of the Official Plan and Zoning By-law.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 29<sup>th</sup>, 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 does not meet the four tests of the Planning Act. Staff is of the opinion that the change in use to a private school is a matter more appropriately dealt with by

Council through Official Plan and Zoning By-law Amendment applications. 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.

PREPARED BY:



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REVIEWED BY:



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