

Memorandum to the City of Markham Committee of Adjustment
December 02, 2025

File: A/120/25
Address: 10506 and 10508 Warden Avenue, Markham
Applicant: Malone Given Parsons Ltd. (Emily Grant)
Hearing Date: Wednesday, December 10, 2025

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

The applicant is requesting relief from the following requirements of the “Community Amenity Two (CA2*743)” zone under By-law 177-96, as amended, to permit:

- a) **Amending By-law 2024-135, Section 7.743.2(h)(i):**
a maximum of 258 dwelling units, whereas the by-law permits a maximum of 160 dwelling units;
- b) **Amending By-law 2024-135, Section 7.743.2(n)(ii):**
a minimum of 0.15 parking spaces per unit for visitor parking, whereas the by-law requires a minimum of 0.25 spaces per unit for visitor parking;
- c) **Table B7, CC):**
a minimum landscaped open space of 20 percent, whereas the by-law requires a minimum landscaped open space of 25 percent; and
- d) **Amending By-law 2024-135, Section 7.743.2(c)(i):**
a minimum front yard setback of 3.6 metres, whereas the by-law requires a minimum front yard setback of 4.5 metres;

as it relates to a proposed stacked back-to-back townhouse development on Block 38 of Draft Plan 19TM-22021.

This application is related to SPC 24 197537 which is being reviewed concurrently.

BACKGROUND

Property Description

The 1.72 ha (4.25 ac) subject property is part of a 20.22 ha (49.96 ac) subdivision located on the west side of Warden Avenue, north of Major Mackenzie Drive. Applications for Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment affecting the subject property were approved by Council on June 26, 2024. This application relates specifically to Block 38 on Draft Plan of Subdivision 19TM-22021.

Proposal

Through the related Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment applications, the Owner received approval for a maximum of 1,443 residential units across the entire subdivision, with a maximum of 160 units allocated for Block 38. The Owner is proposing to construct 258 stacked back-to-back townhouse

units (refer to Appendix “A” – Site Plan) by reallocating units from Block 37. The total number of units for the overall subdivision is not proposed to change.

Other Applications

- Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment applications (PLAN 22 265291) approved by Council on June 26, 2024. The applicant is currently in the process of clearing the conditions of draft plan of subdivision.
- Hold Removal application for Block 38 (HOLD 25 126963) approved by Council on October 8, 2025.
- Site Plan Control application for Block 38 (SPC 24 197537) circulated on December 2, 2024 currently under review by the City.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The subject property is designated “Mixed Use Mid Rise” under the 2014 Official Plan and the Berczy Glen Secondary Plan. The Owner’s related Official Plan Amendment was approved by Council on June 26, 2024, which amended the Secondary Plan to add site-specific provisions to permit a maximum density of 71 units per hectare on the entire subdivision, and expand the uses and building types permitted.

Planning Staff have had regard for the requirements of the Official Plan, as amended, in the preparation of the comments provided below.

Zoning By-Law 177-96

The subject property is zoned “Community Amenity Two (CA2*743)” under By-law 177-96, as amended, which permits the proposed stacked back-to-back units. Exception *743 provides for site specific development standards. The subject property does not comply with the By-law with respect to the maximum number of dwelling units, minimum visitor parking, minimum landscaped open space, and minimum front yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant has since updated their drawings through the concurrent Site Plan Control application and this Minor Variance application. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, 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, 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.

Increase in Number of Dwelling Units

The applicant is requesting relief to permit a maximum of 258 dwelling units, whereas the By-law permits a maximum of 160 dwelling units for Block 38 on Draft Plan of Subdivision 19TM-22021. Through the related Official Plan Amendment application, the Owner received approval to allow a density of 71 units per hectare for the overall subdivision. This equates to 1,443 units in total. Additionally, Section 7.743.2(h)(ii) of Amending By-law 2024-135 stipulates that the total combined number of dwelling units in the subdivision shall not exceed 1,443. While the Owner is proposing an additional 98 units for Block 38, the units are proposed to be reallocated from another block on the Draft Plan of Subdivision (Block 37), as shown in the figure below. Given the total number of units for the overall subdivision is not proposed to change, Staff opine the requested variance meets the intent of the Official Plan and Zoning By-law, and have no concerns with the request.

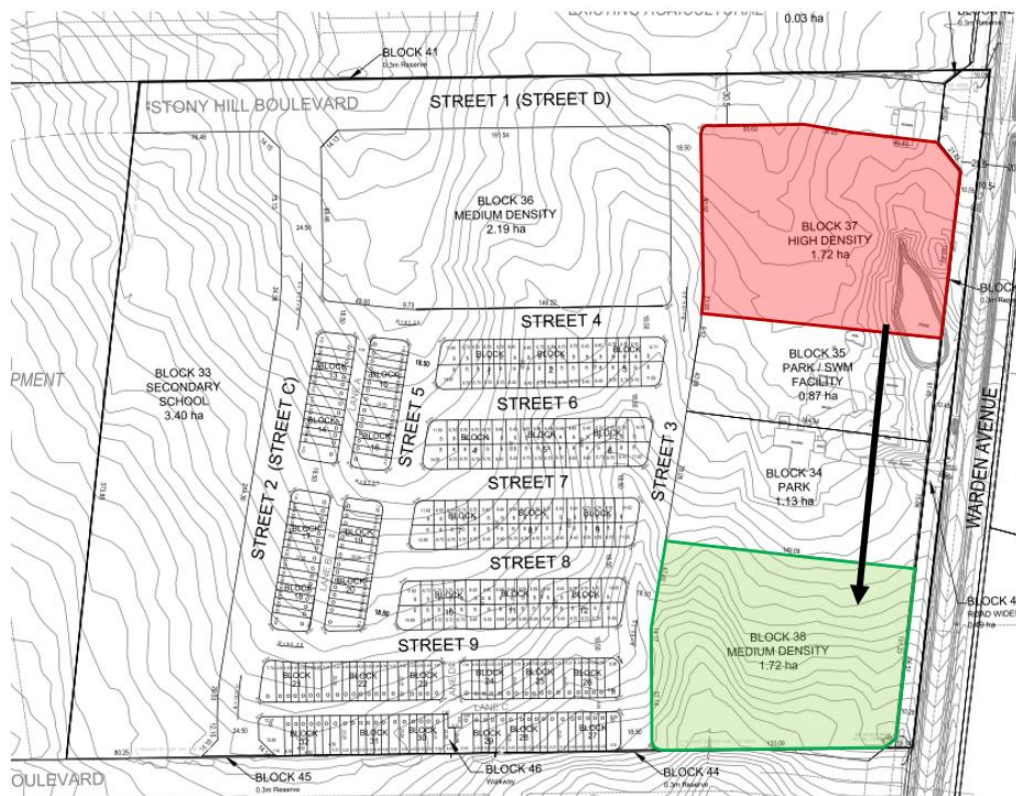


Figure 1 – Proposed Density Reallocation

Parking Reduction

The applicant is requesting relief to permit a minimum of 0.15 parking spaces per unit for visitor parking, whereas the By-law requires a minimum of 0.25 spaces per unit. Based on a total of 258 dwelling units, this is a reduction of 26 visitor parking spaces. It should be noted that the proposed development meets the residential parking space requirement set out in the amending By-law.

Transportation Engineering Staff have reviewed the parking study submitted in support of the proposal and have confirmed they have no concerns with the parking reduction.

Given the above, Planning Staff have no objections to the approval of the proposed parking reduction.

Landscaped Open Space Reduction

The applicant is requesting relief to permit a minimum landscaped open space of 20 percent, whereas the By-law requires a minimum landscaped open space of 25 percent.

Staff opine that the development proposal still maintains appropriate soft landscaping and amenity space for the site. In addition, the subject property is located adjacent to the future 2.0 ha (4.94 ac) public park/stormwater management facility. The adjacent park provides for additional landscaping and amenity space, reducing the impact of the requested variance. As such, Staff do not anticipate any adverse impacts as a result of the requested variance.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 11.81 ft (3.6 m), whereas the By-law requires a minimum front yard setback of 14.76 ft (4.5 m). This represents a reduction of approximately 2.95 ft (0.9 m).

Through review of a related application, York Region has identified the need for additional road widening conveyance along Warden Avenue to accommodate a turn lane onto the future public road to the south of Block 38 (Vine Cliff Boulevard). The front yard setback variance has been requested to accommodate the additional road widening.

Staff are of the opinion the proposed variance is minor in nature and have no concerns.

PUBLIC INPUT SUMMARY

As of December 2nd, 2025, the City has received one letter of objection expressing concerns that the variances requested are not minor and would be more appropriately addressed through an application to Council. 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 variances requested 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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, RPP, MCIP, Senior Planner

REVIEWED BY:



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

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APPENDICES

Appendix "A" – Site Plan

Appendix "B" – Conditions

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/120/25

1. The variances apply only to the proposed development as long as it remains; and,
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 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.

CONDITIONS PREPARED BY:



Hailey Miller, RPP, MCIP, Senior Planner

Appendix A

File: 
Date: **12/4/2025**
MM/DD/YYYY



