

Memorandum to the City of Markham Committee of Adjustment

November 04, 2025

File: B/023/25, A/093/25, A/101/25
Address: 200, 380 and 400 Bentley Street, Markham
Applicant/Agent: Kagan Shastri DeMelo Winer Park LLP
Hearing Date: Wednesday, November 12, 2025

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

Consent Application B/023/25

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land having an approximate lot frontage 61.06 metres and an approximate lot area of 10,444.1 square metres (Parts 1, 5, and 6);
- b) **retain** a parcel of land having an approximate lot frontage of 64.51 metres and an approximate lot area of 19,132 square metres (Parts 2, 3, and 4);
- c) **establish an easement** over Parts 1, 5 and 6 for the purposes of access and maintenance of utilities and services; drainage and overland flow; and emergency egress in favour of the retained land (Parts 2, 3, and 4);
- d) **establish an easement** over Parts 2, 3 and 4 for the purposes of access and maintenance of utilities and services; drainage and overland flow; and emergency egress in favour of the conveyed land (Parts 1, 5, and 6);
- e) **establish an easement** over Part 3 and 4 for the purposes of general pedestrian, vehicular, and emergency services ingress and egress over designated at-grade driveway in favour of the conveyed lands (Part 1, 5 and 6);
- f) **establish an easement** over Part 4 for the purposes of pedestrian, vehicular, and emergency services ingress and egress over designated at-grade driveway for maintenance of services in favour of conveyed lands (Part 1, 5 and 6);
- g) **establish an easement** over Part 5 for the purposes of general pedestrian, vehicular, and emergency services ingress and egress over designated at-grade driveway in favour of the retained lands (Part 2, 3 and 4);
- h) **establish an easement** over Part 5 for the purpose pedestrian, vehicular, and emergency services ingress and egress over designated at-grade driveway for maintenance services in favour of retained lands (Parts 2, 3 and 4); and
- i) **establish an easement** over Part 6 for the purpose of pedestrian, vehicular, and emergency services ingress and egress over designated at-grade truck sweep path for access to loading bays in favour of retained lands (Parts 2, 3 and 4).

Minor Variance Application A/093/25 (Severed Lot)

The Applicant is requesting relief from the “Employment – General Employment (EMP-GE)” zone requirements under By-law 2024-19, as amended, as it relates to an existing warehouse and office development on 200 Bentley Street, to permit:

- a) **By-law 2024-19, Section 9.3.4(a)(ii):** a minimum landscape strip width of 0 metres abutting the east and west interior side lot lines and the north rear lot line, whereas the By-law requires a minimum landscape strip of 3 metres.

Minor Variance Application A/101/25 (Retained Lot)

The Applicant is requesting relief from the “Employment – General Employment (EMP-GE)” zone requirements under By-law 2024-19, as amended, as it relates to an existing warehouse and office development on 380 and 400 Bentley Street, to permit:

- a) **By-law 2024-19, Section 9.3.4(a)(ii):** a minimum landscaping width of 0 metres abutting the east interior lot line, and the north rear lot line, whereas the By-law requires a minimum of 3 metres.

BACKGROUND**Property Description**

The 29,576.10 m² (ft²) subject lands are located directly north of the intersection of Bentley Street and Amber Street, generally southeast of Alden Road (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established employment area.

The Subject Lands currently contain three warehouse/office buildings municipally known as 200, 380, and 400 Bentley Street, respectively.

Proposal

The Owner is proposing to sever 200 Bentley Street from the Subject Lands to facilitate the creation of two separate parcels (refer to Appendix “B” – Draft Reference Plan) (the “Proposed Severance”). The proposed severed lot for 200 Bentley Street (Parts 1, 5, and 6) will have a lot area of 10,444.1 m² (112,419.36 ft²) and a lot frontage of 61.06 m (200.33 ft). The retained lot for 380 and 400 Bentley Street (Parts 2, 3, and 4) will have a lot area of 19,132.0 m² (205,935.13 ft²) and a frontage of 64.51 m (211.65 ft).

The Owner is also proposing to establish easements for the purposes of maintenance of utilities and services; drainage and overland flow; emergency egress; and general pedestrian, vehicular, and emergency service ingress and egress. No new development is being proposed as part of this application.

COMMENTS

Official Plan and Zoning

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

The Official Plan designates the Subject Lands as “General Employment”, which provides for manufacturing, processing, and warehousing uses with accessory retail, service and office uses. Section 10.3.2 of the Official Plan provides direction on the granting of consents, including, but not limited to, that a draft plan of subdivision or condominium is not necessary, that the lots can be adequately serviced, that the lots will have frontage on a public street, and that the size and shape of the lots conform with the requirements of the zoning by-law, is appropriate to the use proposed and is compatible with adjacent lots. These policies have been reviewed as part of this application.

CZBL 2024-19, as amended

The Subject Lands are currently zoned “Employment – General Employment (EMP-GE)” which permits industrial uses, business office, film studio, retail store, and service and repair establishments. The Proposed Severance results in a non-compliance with the minimum requirements for landscape strips.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on July 17, 2025 to confirm the variances required for the Proposed Development.

COMMENTS

Consent Application B/023/25

The Owner is proposing one new industrial lot to be created through provisional consent. The Owner is also proposing easements for maintenance of utilities and services; drainage and overland flow; emergency egress; and general pedestrian, vehicular, and emergency service ingress and egress.

The retained and severed lots comply with the minimum lot frontage and area standards set out in the Zoning By-law. As such, Planning Staff are of the opinion that the Proposed Severance is appropriate and compatible with adjacent lots. In addition, Staff have no objections to the request to establish easements to facilitate the Proposed Severance.

Minor Variance Applications A/093/25, A/101/25

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.

Reduced Minimum Landscape Strip Width

The Applicant is requesting to permit a reduced minimum landscape strip width for both the severed and retained lot of 0 m abutting the east and west interior side lot lines (for the severed lot), the east lot line (for the retained lot), and the north rear lot line (for both lots), whereas the By-law requires a minimum landscape strip of 3 m (9.84 ft).

Staff note that the requested variance is to permit the existing landscape condition of the Subject Lands. Furthermore, the Proposed Consent cannot accommodate a landscape strip along the shared interior lot lines due to the existing site condition and locations of the existing buildings. The provision of a landscape strip along the property boundary between the two new lots would prevent the existing driveway from functioning as intended and could potentially obstruct access for emergency vehicles.

Staff are of the opinion that the requested variance to reduce the minimum landscape strips is minor in nature, will not negatively impact the surrounding area, and is generally consistent with the existing conditions of the surrounding properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 4, 2025. 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 severance application with respect to Section 51 (24) and 53 of the Planning Act, and recommend approval of the consent application subject to the conditions outlined in Appendix "C".

Planning Staff have reviewed the minor variance applications with respect to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.1, as amended, and are of the opinion that the variance requests 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" and "E" for conditions to be attached to any approval of the minor variance applications.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District

APPENDICES

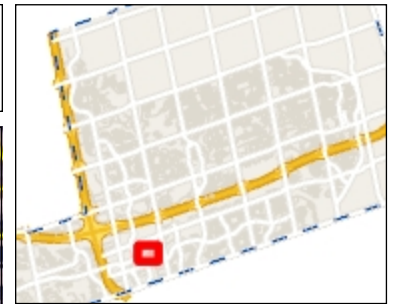
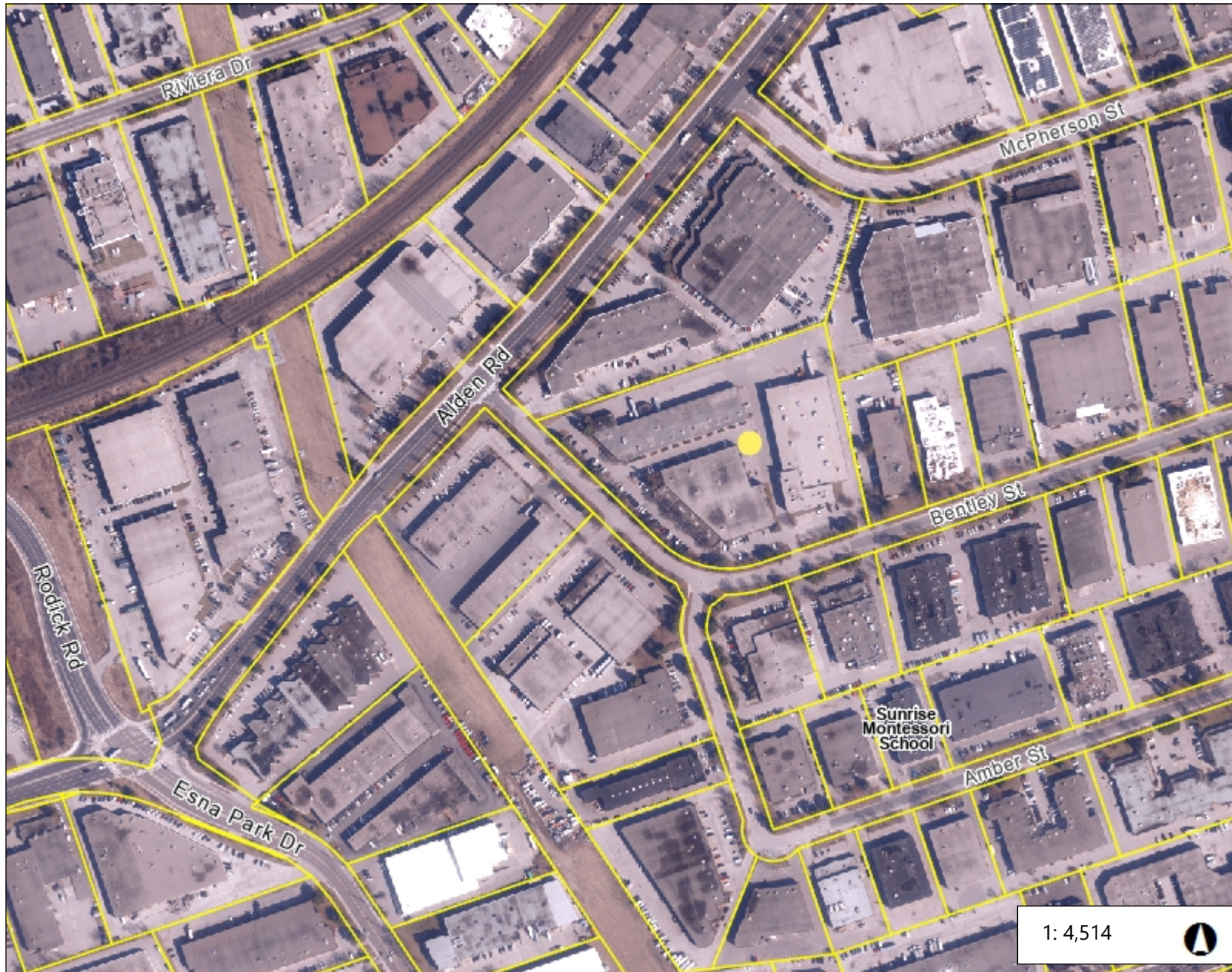
Appendix "A" – Aerial Photo

Appendix "B" – Draft Reference Plan

Appendix "C" – B/023/25 Conditions of Approval

Appendix "D" – A/093/25 Conditions of Approval

Appendix "E" – A/101/25 Conditions of Approval



Legend

- Subject Lands
200, 380, 400
Bentley Street

1: 4,514



229.3 0 114.66 229.3 Meters

NAD_1983_UTM_Zone_17N
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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

Appendix B

File: 25.13030.000.001.DWG

Date: 11/7/2025

SCHEDULE	AREA (m ²) (AT GRADE)
1. BLOCK 6	9754.9
2. PLAN	14961.5
3. ALL OF	3586.6
4. C2997-0012 (LT)	583.9
5. PLAN	481.5
6. C2997-0012 (LT)	227.7
TOTAL AREA 29576.1(m ²)	

STRATA PLAN OF SURVEY OF
BLOCK 6
PLAN 65M-2438
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300

KRCMAR SURVEYORS LTD. 2025

THE INTENDED PLOT SIZE OF THIS PLAN IS 1195mm IN WIDTH BY 865mm

METRIC: DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING

BEARINGS SHOWN HEREON ARE GRID DERIVED FROM GPS OBSERVATIONS OF
OBSERVED REFERENCE POINTS 'A' AND 'B' USING THE LEICA SMARTNET RTK
NETWORK AND ARE REFERRED TO THE 6° UTM COORDINATE SYSTEM, ZONE 17,
CENTRAL MERIDIAN 81°00' WEST LONGITUDE.

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED
TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF
0.9997605.

ELEVATION

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO THE CITY
OF MARKHAM BENCHMARK NO. M-13-006, HAVING AN ELEVATION OF
183.033 METRES
(VERTICAL DATUM: CGVD28:78)

NOTES

ALL BOUNDARY BEARINGS, DISTANCES AND BUILDING TIES ARE IN ACCORDANCE
WITH PLAN OF TOPOGRAPHY SURVEY BY KRCMAR SURVEYORS LTD., O.L.S.,
UNLESS OTHERWISE NOTED.

INTEGRATION DATA

6° UTM ZONE 17 COORDINATES
NAD 83 (CSRS(2010) CENTRAL MERIDIAN 81°00' WEST LONGITUDE)
THE UTM COORDINATES SHOWN BELOW ARE TO BE USED ACCURATELY AND CONFORM WITH
SUBSECTION 14(2) OF SHARPS REGULATION 216/10 FILED UNDER THE SURVEYORS ACT.

OBSERVED REFERENCE POINTS		
MONUMENT ID.	NORTHING	EASTING
(A) CC	4 854 360.494	633 679.575
(B) CC	4 854 289.704	633 971.642
REFERENCE POINTS		
POINT	NORTHING	EASTING
1	4 854 365.55	633 680.99
2	4 854 441.30	633 905.20
3	4 854 283.83	633 939.80
4	4 854 271.94	633 777.47

COORDINATE VALUES SHOWN ARE FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY.
COORDINATES SHOWN IN THIS PLAN ARE TO BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THE PLAN.

LEGEND

■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT PLANTED
SB DENOTES STANDARD IRON BAR
SSB DENOTES SHORT STANDARD IRON BAR
B DENOTES IRON BAR
CC DENOTES CUT CROSS
(U) DENOTES ORIGIN UNKNOWN
(WT) DENOTES WITNESS
(1370) DENOTES KRCMAR SURVEYORS LTD. O.L.S.
(MMW) DENOTES MWM GEOMATICS ONTARIO LTD. O.L.S.
(R&E) DENOTES RADY, FENTEK & EDWARD SURVEYING LTD. O.L.S.
B&K DENOTES TIE TO BRICK
CON DENOTES TIE TO CONCRETE
FRM DENOTES TIE TO FRAME
STN DENOTES TIE TO STONE
STU DENOTES TIE TO STUCCO
EV DENOTES ELECTRIC VEHICLE
HP DENOTES HORIZONTAL PLANE
SP DENOTES SLOPING PLANE
UL DENOTES UPPER LIMITATION IN METRES
LL DENOTES LOWER LIMITATION IN METRES
CSP DENOTES CHANGE IN SLOPING PLANE
CHV DENOTES CHANGE IN VERTICAL LIMITATION

↑ DENOTES SEE SECTION X-X

↑ DENOTES NO UPPER LIMITATIONS
↑ DENOTES NO LOWER LIMITATIONS

⊕ DENOTES A VERTICAL PLANE CONTROLLED BY BEARING AND DISTANCE
⊕ DENOTES A HORIZONTAL PLANE CONTROLLED BY GEODETIC ELEVATION
⊕ DENOTES A SLOPING PLANE CONTROLLED BY GEODETIC ELEVATIONS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE ____ DAY OF ____, 2025

DATE: 11/7/2025 MANSOUR GHOFRANI
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN

SUBMISSION FORM NUMBER

MUNICIPAL ADDRESS: No. 201, 88 AND 90 BENTLEY STREET, TOWN OF MARKHAM

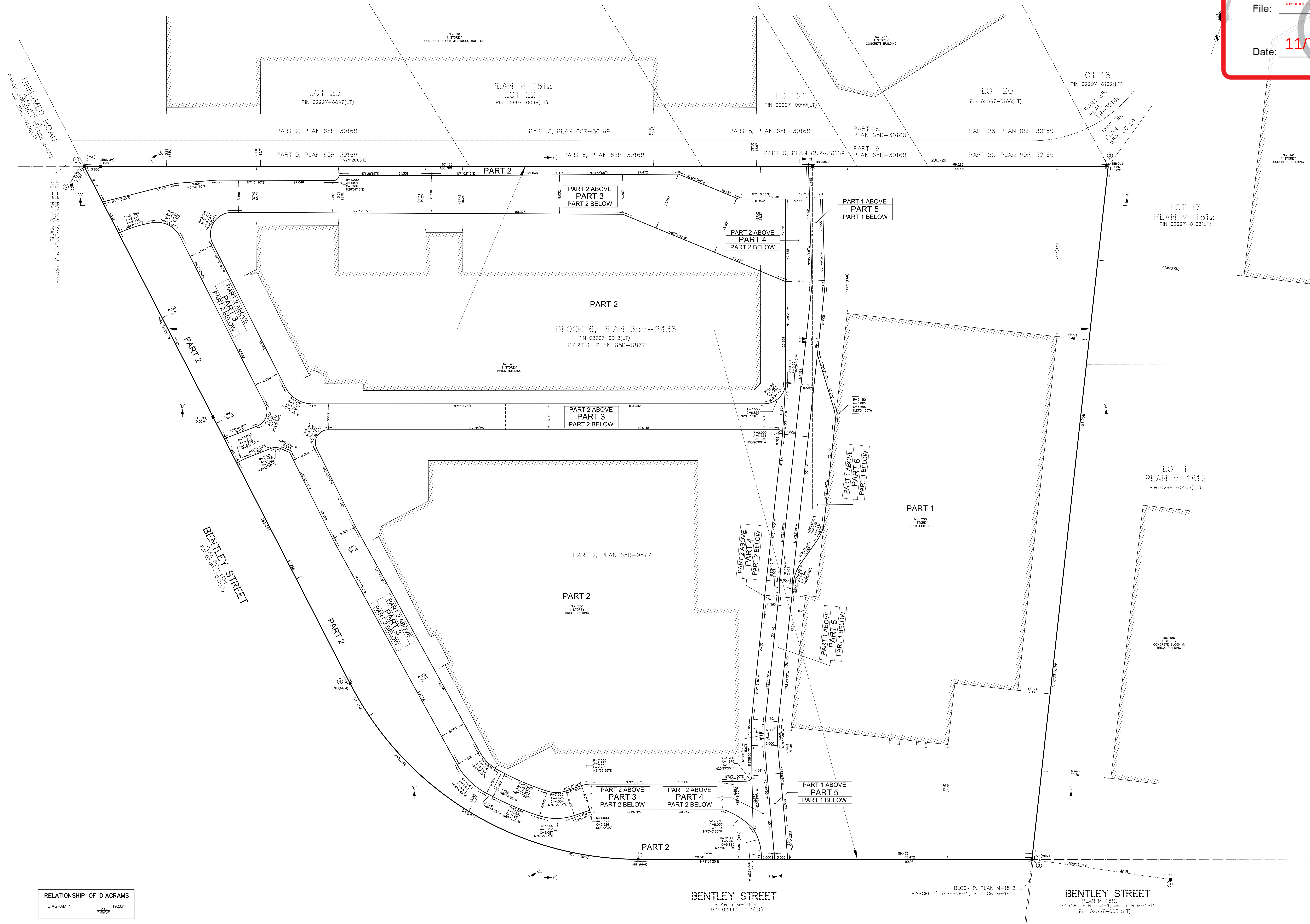
FIELD: DRAWN: SHRE: CHECKED: NO. JOB NO: 24177

DOW NAME: 24-177777-1, PLOT BND: 000412/10/2025, WORK ORDER NO: 4009

1137 Glenview, Thornhill, ON L4J 3M6 905.730.0063 F 905.730.0021 www.krcmar.ca

PLAN AVAILABLE AT: www.ProtectYourBoundaries.ca

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RELATIONSHIP OF DIAGRAMS

DIAGRAM 1 — 192.0m

DIAGRAM/SECTION CORRELATION TABLE

PART	DIAGRAMS	SECTIONS	PART
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6

SECTIONS ARE LOCATED ON SHEET 2

DIAGRAM 1 — SHOWING CONFIGURATION OF PART LIMITS AT ELEVATION 192.0 METRES

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/023/25

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/023/25, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of ICI lots per City of Markham Fee By-law 211-83, as amended.
5. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meet all the requirements of the applicable Zoning By-law, including any development standards for building and structures on the subject lands, and that the Secretary-Treasurer receives written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.

CONDITONS PREPARED BY:



Brendan Chiu, Planner I, Central District

APPENDIX "D"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/093/25

1. The variances apply only to the Proposed Development as long as it remains;

CONDITONS PREPARED BY:



Brendan Chiu, Planner I, Central District

APPENDIX "E"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/101/25

1. The variances apply only to the Proposed Development as long as it remains;

CONDITONS PREPARED BY:



Brendan Chiu, Planner I, Central District