

# **Memorandum to the City of Markham Committee of Adjustment**

October 10, 2018

**File:** A/142/18  
**Address:** 150 and 160 Henderson Avenue Thornhill  
**Owner:** York Region District (Public) School Board  
**Applicant:** MC Architects Inc. (Dominic Battistel)  
**Hearing Date:** Wednesday October 24, 2018

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

The owner is requesting relief from the requirements of By-law No. 2237, as amended:

**a) Section 5.1:**

To permit a child day care centre to be part of a proposed two storey elementary school on the subject property; whereas a child day care centre is not permitted.

**b) Section 6.1:**

To permit a reduced minimum rear yard setback of 23.20 ft. (7.07 m) at the northwest portion of the proposed school; whereas the By-law requires a minimum rear yard setback of 25 ft. (7.62 m).

**c) Section 6.1:**

To permit a maximum building height of 31.50 ft. (9.60 m.); whereas a maximum building height of 25.00 ft. (7.62 m) is permitted.

The variances relate to a proposed two storey elementary school including a child day care centre.

## **BACKGROUND**

### **Property Description**

The 8.25 ha. (20.39 ac.) subject lands, municipally known as 150 and 160 Henderson Avenue are located on the west side of Henderson Avenue between Elgin Street to the north and Clark Avenue to the South. The subject lands contain two former schools (Woodland French Immersion Public School at 150 Henderson Avenue, and E.J. Sand Public School at 160 Henderson Avenue), and are surrounded by low rise residential development.

### **Proposal**

The owner is proposing to demolish two existing school buildings on these lands for the purpose of constructing a new 6196 m<sup>2</sup> (66,693 ft<sup>2</sup>) two storey elementary school on the subject lands. A child day care centre is also proposed to be located within the school building, together with a fenced off outdoor play area. Staff are reviewing an associated Site Plan application under file no. SC 18 182104 for the new school building.

## **Official Plan and Zoning**

### Official Plan

The subject lands are designated 'Residential Low Rise' and 'Greenway' in the 2014 Official Plan (as partially approved on November 24, 2017, and updated by the Local Planning Appeal Tribunal on April 9, 2018). The 'Residential Low Rise' designation provides for public schools and also for child day care centres within public schools. The 'Greenway' designation generally provides for forest, wildlife habitat and conservation and park-related uses.

Section 8.13.2 of the 2014 Official Plan provides a criteria for establishing child day care centres through a development approval process that includes, but is not limited to the following:

- That the child day care centre is located within an existing/proposed public school;
- That the design and site layout will mitigate the potential impact of the traffic generated by the day care centre on the surrounding community;
- That on-site parking, pick-up and drop-off facilities and outdoor play areas can be adequately accommodated while minimizing the impact on day care children;
- That direct access between that day care centre building and outdoor play area is provided;

### Zoning

The subject lands are zoned R4 – Single Detached Residential under By-law 2237, as amended. This zone category permits a public school but does not permit a child day care centre on the subject lands.

### **Zoning Review Undertaken**

The above noted variances were determined by Zoning staff through their review of the associated Site Plan application.

## **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.

### Child Day Care Centre Variance

The owner is requesting to permit a child day care centre to be part of the proposed two storey elementary school; whereas the child care centre use is not permitted.

Staff note the proposed design and site layout of the subject property accommodates on-site parking, a fenced-in play area, and pick-up and drop-off facilities. In addition, the child

day care maintains direct access to the outdoor play area. The design features of the current proposal generally address the requirements of day care centres under Section 8.13.2 in the Official Plan. Day Care Centres, including before and after care, are routinely associated with elementary schools. Consequently, staff is of the opinion that the requested variance to permit a child day care centre is appropriate on the subject property as it will be associated with an elementary school operated by one of the School Boards.

#### Reduced Rear Yard Setback Variance

The owner is requesting to permit a reduced rear yard setback of 23.20 ft. (7.07 m) at the northwest portion of the proposed school; whereas a minimum setback of 25.00 ft. (7.62 m) is required. This represents a reduction of 1.80 ft. (0.55 m) or approximately 7 percent. Staff does not anticipate any adverse impacts as a result of the requested reduced minimum rear yard setback.

#### Increased Building Height Variance

The owner is requesting to permit an increased maximum building height of 31.50 ft. (9.60 m); whereas a maximum of 25.00 ft. (7.62 m) is permitted. Staff does not anticipate any adverse impacts as a result of the requested increased building height as the proposed school building will be significantly setback (minimum of 19.00 m or 62.00 ft.) from the Henderson Avenue streetline and surrounding low rise residential properties.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 10, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

#### **CONCLUSION**

It is the opinion of the Planning staff that the requested variances to permit a child day care centre within the proposed two storey public school, a reduced rear yard setback of 23.20 ft. (7.07 m), and an increased building height of 31.50 ft. (9.60 m) satisfy the our tests of the Planning Act outlined above and have no objection to their approval.

The onus is ultimately on the owner 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.

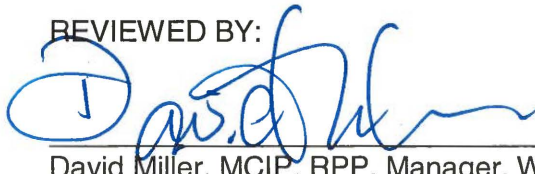
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY:



David Miller, MCIP, RPP, Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/142/18**

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 dated September 14, 2018, 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.

CONDITIONS PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District





# LEGEND

MA-1 (SANDY RED)	MA-2 (SANDY RED)	MA-3 (SANDY RED)	MA-4 (SANDY RED)	MA-5 (SANDY RED)	MA-6 (SANDY RED)	MA-7 (SANDY RED)	MA-8 (SANDY RED)	MA-9 (SANDY RED)	MA-10 (SANDY RED)	MA-11 (SANDY RED)	MA-12 (SANDY RED)	MA-13 (SANDY RED)	MA-14 (SANDY RED)	MA-15 (SANDY RED)	MA-16 (SANDY RED)	MA-17 (SANDY RED)	MA-18 (SANDY RED)	MA-19 (SANDY RED)	MA-20 (SANDY RED)	MA-21 (SANDY RED)	MA-22 (SANDY RED)	MA-23 (SANDY RED)	MA-24 (SANDY RED)	MA-25 (SANDY RED)	MA-26 (SANDY RED)	MA-27 (SANDY RED)	MA-28 (SANDY RED)	MA-29 (SANDY RED)	MA-30 (SANDY RED)	MA-31 (SANDY RED)	MA-32 (SANDY RED)	MA-33 (SANDY RED)	MA-34 (SANDY RED)	MA-35 (SANDY RED)	MA-36 (SANDY RED)	MA-37 (SANDY RED)	MA-38 (SANDY RED)	MA-39 (SANDY RED)	MA-40 (SANDY RED)	MA-41 (SANDY RED)	MA-42 (SANDY RED)	MA-43 (SANDY RED)	MA-44 (SANDY RED)	MA-45 (SANDY RED)	MA-46 (SANDY RED)	MA-47 (SANDY RED)	MA-48 (SANDY RED)	MA-49 (SANDY RED)	MA-50 (SANDY RED)	MA-51 (SANDY RED)	MA-52 (SANDY RED)	MA-53 (SANDY RED)	MA-54 (SANDY RED)	MA-55 (SANDY RED)	MA-56 (SANDY RED)	MA-57 (SANDY RED)	MA-58 (SANDY RED)	MA-59 (SANDY RED)	MA-60 (SANDY RED)	MA-61 (SANDY RED)	MA-62 (SANDY RED)	MA-63 (SANDY RED)	MA-64 (SANDY RED)	MA-65 (SANDY RED)	MA-66 (SANDY RED)	MA-67 (SANDY RED)	MA-68 (SANDY RED)	MA-69 (SANDY RED)	MA-70 (SANDY RED)	MA-71 (SANDY RED)	MA-72 (SANDY RED)	MA-73 (SANDY RED)	MA-74 (SANDY RED)	MA-75 (SANDY RED)	MA-76 (SANDY RED)	MA-77 (SANDY RED)	MA-78 (SANDY RED)	MA-79 (SANDY RED)	MA-80 (SANDY RED)	MA-81 (SANDY RED)	MA-82 (SANDY RED)	MA-83 (SANDY RED)	MA-84 (SANDY RED)	MA-85 (SANDY RED)	MA-86 (SANDY RED)	MA-87 (SANDY RED)	MA-88 (SANDY RED)	MA-89 (SANDY RED)	MA-90 (SANDY RED)	MA-91 (SANDY RED)	MA-92 (SANDY RED)	MA-93 (SANDY RED)	MA-94 (SANDY RED)	MA-95 (SANDY RED)	MA-96 (SANDY RED)	MA-97 (SANDY RED)	MA-98 (SANDY RED)	MA-99 (SANDY RED)	MA-100 (SANDY RED)
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4 WEST ELEVATION  
A07 SCALE 1/8" = 1'-0"

3 SOUTH ELEVATION  
A07 SCALE 1/8" = 1'-0"

2 EAST ELEVATION  
A07 SCALE 1/8" = 1'-0"

1 NORTH ELEVATION  
A07 SCALE 1/8" = 1'-0"



mc | architects

E.J. SAND PUBLIC SCHOOL  
REPLACEMENT  
NORTH HAVEN DISTRICT  
SCHOOL BOARD

EXTERIOR ELEVATIONS

A07

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