

Memorandum to the City of Markham Committee of Adjustment

April 2, 2026

File: A/023/26
Address: 2705 and 2755 Elgin Mills Road East, Markham
Agent: History Hill Group (Steven De Santis)
Hearing Date: Wednesday, April 8, 2026

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

The applicant is requesting relief from the following requirements of By-law 177-96, BC*670, as amended. The variances requested are to permit:

Site B

a) By-law 28-97, Section 3, Table B - Non-Residential Uses:

a minimum of 272 parking spaces, whereas the by-law requires a minimum of 392 parking spaces; and,

b) By-law 177-96, Amending By-law 2023-7, Section 7.670.2i):

a maximum setback from the front lot line of 18.19 metres for Building 'E', whereas the by-law permits a maximum setback from the front lot line of 6 metres;

as it relates to the proposed multi-building development on Site 'B' of the applicant's total land holdings.

This application is related to a previously approved Minor Variance application A/047/24, and currently under review Site Plan Control application SPC 24 200497.

BACKGROUND

Property Description

The 3.82 hectares (9.44 acres) subject property is located on the south side of Elgin Mills Road East, west of Woodbine Avenue and east of Highway 404. The property is located within an emerging employment area which is currently predominantly vacant, with a natural heritage corridor to the east.

The subject property is partially within TRCA's Regulated Area as the eastern portion of the site is traversed by a tributary associated with the Rouge River Watershed.

Proposal

The applicant is seeking relief from the parking requirements, and maximum front yard setback requirements to facilitate the development of a multi-building mixed use development consisting of a gross floor area of approximately 13,953 m² (for Site B as depicted in 'Appendix B'). Five (5) buildings are proposed within the northern block bound by two public roads including Elgin Mills Road East to the north, and Flato Drive to the south. This proposal currently has a Site Plan Control application (File No. SPC 24-200497), which is currently under review through multiple submissions to date.

Official Plan and Zoning

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

The Official Plan designates the subject property “Service Employment”, which is intended to accommodate uses that serve and support other business uses and employees. The subject property is also subject to Area Specific Policy 9.5.2, which is intended to create a unique and balanced community, containing a mix of land uses, including, but not limited to, commercial, office and retail and prestige industrial, and open space.

Zoning By-Law 177-96

The subject property is zoned BC*670 under By-law 177-96, as amended. The subject property was previously subject to a site-specific re-zoning application in 2021 and 2023 to facilitate a mixed-use commercial-industrial development. Further details of the parking and maximum front yard setbacks is provided in the comment section below.

Parking Standards By-law 28-97

The subject property does not comply with the standard of the Parking By-law 28-97 with respect to the minimum required parking spaces. Further details of the parking requirement is provided in the comment section below.

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 higher parking requirement under Zoning By-law 177-96 is due to the division of the industrial buildings (Buildings B, C, and F) into smaller units in order to meet tenant needs, which increases the calculated parking requirement despite the overall gross floor area and building footprint remaining unchanged...

The subject site is not subject to Zoning By-law 2024-19 and remains governed by Zoning By-law 177-96, as amended. While the commercial and restaurant parking requirements in Zoning By-law 2024-19 remain largely unchanged, the industrial parking rate has been significantly reduced to reflect current parking demand and employment trends. In contrast, the industrial parking standards in Zoning By-law 177-96 reflect older, more conservative requirements.

If the proposed development were evaluated under Zoning By-law 2024-19, the total parking requirement would be 163 spaces, compared to 392 spaces required under Zoning By-law 177-96. This reduction is supported by the submitted parking study, which confirms that the proposed parking supply is sufficient to accommodate anticipated demand. Overall, the updated Zoning By-law 2024-19 reflects current parking needs, and the proposed parking supply would exceed its requirement by 109 spaces, confirming that the site will be more than adequately served.”

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variances required for the proposed development.

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.

Reduced Parking Variance

The applicant is requesting a variance to permit a total of 272 parking spaces, whereas the By-law requires a minimum of 392 parking spaces. The proposed reduction would result in a deficiency of 120 parking spaces, which is a reduction of approximately 30.6 percent, and an effective rate of 1 space / 50.64 m². In support of the variance request, a parking justification memo was prepared by LEA Transportation Ltd. which concluded the justification of the proposed parking reduction based on the following:

- parking occupancy survey on proxy sites (including a comparable site with 1 space / 238 m²); and.
- noted the current parking standards in the City's new Comprehensive Zoning By-law 2024-19, as amended which would require the equivalent of 1 space / 138 m².

Based on the above, Transportation Engineering staff commented that the requested parking reduction will unlikely result in any significant impact on the parking supply of the property. Staff have no objections to the proposed parking reduction and are of the opinion that the requested variance is minor in nature.

Reduced Maximum Front Yard Setback Variance

The applicant is requesting a variance to permit a maximum front yard setback for Building 'E' of 18.19 metres, whereas a maximum of 6 metres is permitted. The requested variance only applies to the Building 'E' given the minor changes made to the building footprint which was necessitated by accommodating MTO setbacks from Elgin Mills Road East. Staff have reviewed the proposed increased setback and have no concern, an opine that the requested variance is minor in nature..

EXTERNAL AGENCIES

TRCA Comments

The subject property is partially located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The eastern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on March 25, 2026, indicating that based on previous Draft Plan of Subdivision, Site Plan Control, and Minor Variance applications on the property, they have no concerns with the proposed development.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 2, 2026. 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 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Nusrat Omer, Senior Planner, MCIP, RPP, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, Acting-Development Manager, MCIP, RPP, West District

File Path: Amanda\File\ 26 111628 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/023/26

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

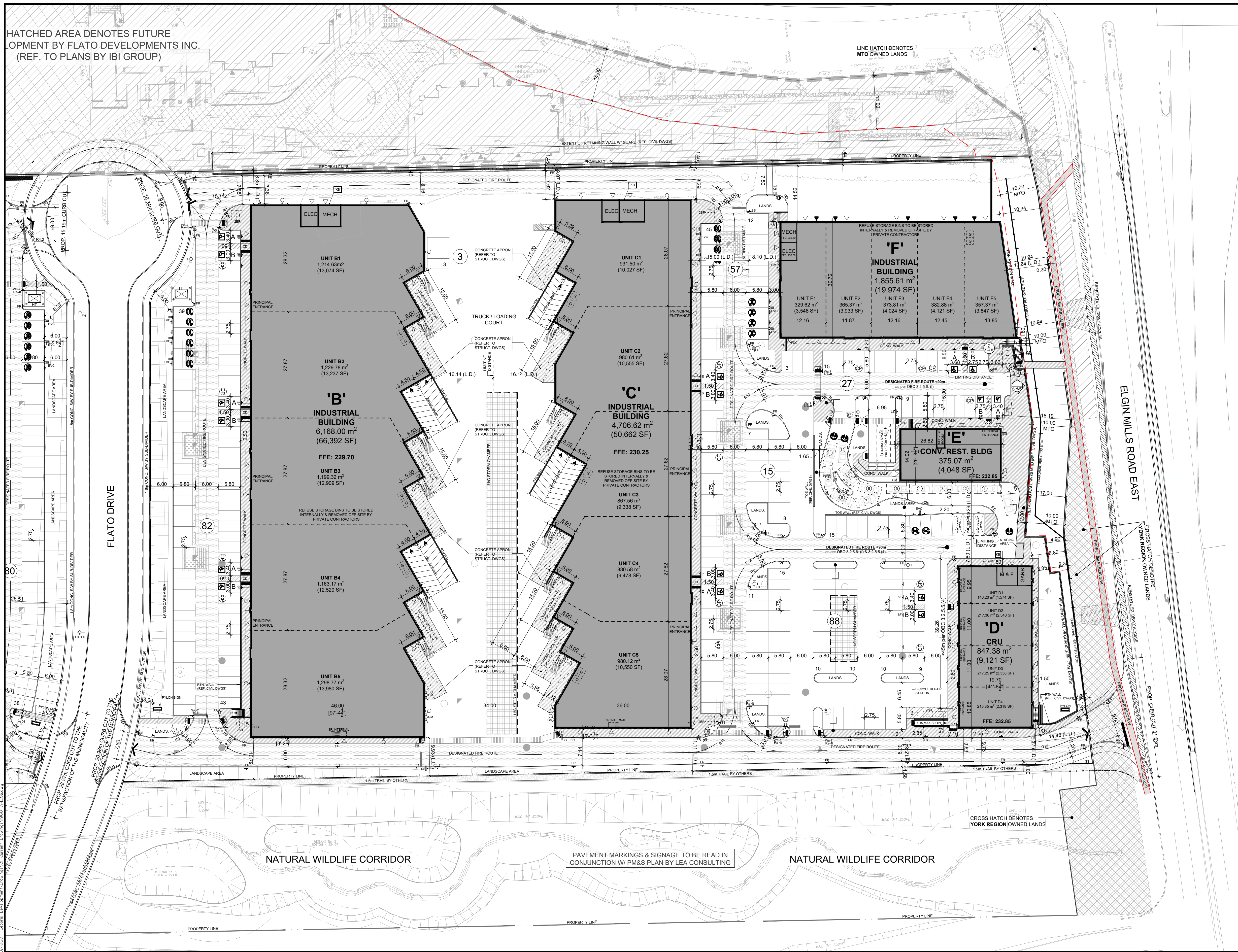
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

3. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as ‘Appendix C’ 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 TRCA.

CONDITIONS PREPARED BY:

Nusrat Omer, MCP, RPP, Senior Planner, Planning and Urban Design Department

HATCHED AREA DENOTES FUTURE DEVELOPMENT BY FLATO DEVELOPMENTS INC. (REF. TO PLANS BY IBI GROUP)



Appendix B

File: 26.111628.000.00.MNV

Date: 4/2/2026

MM/DDYY

LEGAL DESCRIPTION

PLAN OF SUBDIVISION OF PART OF THE EAST HALF OF LOT 25, CONCESSION 3 (GEOGRAPHIC TOWNSHIP OF MARKHAM) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

AS PREPARED BY: R-PE SURVEYING LTD., ONTARIO LAND SURVEYORS 843 CHRISLEA ROAD, SUITE 7 WOODBRIDGE, ON L4L 8A3 (416)963-500

PROJECT NORTH

TRUE NORTH

SITE STATISTICS

SITE ZONING: BC*670 (SITE 'B'), BP*671 (SITE 'A') & OS1 ZONES

TOTAL SITE AREA: 78,365.93 m² or 19,365 Acres

DEVELOPABLE AREAS:

SITE 'A'	17,929.29 m ² or 4,430 Acres
SITE 'B'	38,194.75 m ² or 9,438 Acres

SITE 'A' STATS (based on Developable Area):

SITE COVERAGE	6,935.00 m ² or 38.67%
LANDSCAPED AREA	2,121.30 m ² or 11.84%
PAVED AREA	8,872.99 m ² or 49.49%
REQUIRED	PROVIDED
LOT FRONTAGE	UNKNOWN ± 165.15 m
FRONT YARD (PLATO DRIVE)	UNKNOWN 15.42 m
REAR YARD	UNKNOWN 39.64 m
INTERIOR SIDE YARD (WEST)	UNKNOWN 8.98 m
INTERIOR SIDE YARD (EAST)	UNKNOWN 7.72 m
G.F.A.: BUILDING 'A' (INDUSTRIAL)	6,933.68 m ² or 74,634 SF
REQUIRED	PROVIDED

BUILDING HEIGHT: MAX. 14.00 m | 12.52 m

INDUSTRIAL USES: NET FLOOR AREA (NFA) of each Prepress up to 1,200 m² | 173 Spaces | 93 Spaces

TOTAL PARKING: 173 Spaces | 93 Spaces

ACCESSIBLE PARKING SPACES: 5% OF TOTAL REQUIRED PARKING | 9 Spaces | 6 Spaces

CARPOOL SPACES: UNKNOWN | 5 Spaces

LOADING SPACES: 2 Spaces | 16 Spaces

BICYCLE PARKING: UNKNOWN | 10 Spaces

SITE 'B' STATS (based on Developable Area):

SITE COVERAGE	13,952.68 m ² or 36.53%
LANDSCAPED AREA	6,114.79 m ² or 16.01%
PAVED AREA	18,127.28 m ² or 47.46%
REQUIRED	PROVIDED
LOT FRONTAGE	UNKNOWN ± 210.02 m
FRONT YARD (ELGIN MILLS RD)	5.70 m 10.10 m
REAR YARD (PLATO DRIVE)	UNKNOWN 15.74 m
INTERIOR SIDE YARD (WEST)	UNKNOWN 8.85 m
INTERIOR SIDE YARD (EAST)	UNKNOWN 9.27 m
BUILDING 'B' (INDUSTRIAL)	6,168.00 m ² or 66,392 SF
BUILDING 'C' (INDUSTRIAL)	4,706.62 m ² or 50,662 SF
BUILDING 'D' (COMMERCIAL RETAIL UNITS)	847.38 m ² or 9,121 SF
BUILDING 'E' (CONV. RESTAURANT)	375.07 m ² or 4,048 SF
BUILDING 'F' (INDUSTRIAL)	1,855.61 m ² or 19,974 SF
TOTAL G.F.A.	13,952.68 m ² or 150,185 SF
REQUIRED	PROVIDED

BUILDING HEIGHT: 12.60 m

BUILDING 'B' INDUSTRIAL USE: 30.2 Spaces | 30.3 Spaces | 30.0 Spaces

BUILDING 'C' INDUSTRIAL USE: 29.1 Spaces | 23.5 Spaces

BUILDING 'D' RETAIL USE: 32.3 Spaces | 24.5 Spaces | 21.7 Spaces | 22.0 Spaces | 24.5 Spaces

BUILDING 'E' RESTAURANT USE: 36.8 Spaces | 41.7 Spaces

BUILDING 'F' INDUSTRIAL USE: 8.2 Spaces | 9.1 Spaces | 9.3 Spaces | 9.8 Spaces | 9.2 Spaces

TOTAL PARKING: 392 Spaces | 272 Spaces

ACCESSIBLE PARKING SPACES: 16 Spaces | 16 Spaces

CARPOOL PARKING SPACES: UNKNOWN | 14 Spaces

LOADING SPACES: 6 Spaces | 14 Spaces

BICYCLE PARKING: UNKNOWN | 32 Spaces

CONTEXT PLAN

N.T.S.

SITE 'A' | SITE 'B'

CURB RAMP / DEPRESSION DETAIL

AXONOMETRIC VIEW

- CURB RAMP MUST HAVE A MINIMUM CLEAR WIDTH OF 1500mm, EXCLUSIVE OF ANY FLARED SIDES.
- THE RUNNING SLOPE OF THE CURB MUST BE BETWEEN 1:8 & 1:10, WHERE ELEVATION IS LESS THAN 75mm, AND BE BETWEEN 1:10 & 1:15, WHERE ELEVATION IS 75mm OR GREATER AND 200mm OR LESS.
- THE MAX SLOPE ON THE FLARED SIDE OF THE CURB RAMP MUST BE NO GREATER THAN 1:10.
- CURB RAMP MUST HAVE A TACTILE WALKING SURFACE INDICATOR THAT:
 - HAVE RAISED TACTILE PROFILES COMPOSED OF TRUNCATED DOMES.
 - HAVE A HIGH TONAL CONTRAST WITH THE ADJACENT SURFACE.
 - ARE LOCATED AT THE BOTTOM OF THE CURB RAMP.
 - ARE SET BACK BETWEEN 50mm AND 200mm FROM THE CURB EDGE.
 - EXTEND THE FULL WIDTH OF THE CURB RAMP.
 - ARE A MIN OF 60mm IN DEPTH, AND BE SLIP-RESISTANT.

PLAN VIEW

CURB RAMP OPTION 1 | CURB RAMP OPTION 2

A TACTILE SURFACE / DETECTABLE HAZARD INDICATOR 150mm FROM EDGE OF CURB AND 40mm IN DEPTH

B SLOPE OF SURFACE TO BE 1:10 TO 1:12

C LANDING / UNINTERRUPTED SPACE OF NOT LESS THAN 1200mm

D FLARED SIDES WITH A SLOPE OF 1:10 TO 1:12

SYMBOL LEGEND

- MAN DOOR
- LOADING DOCK DOOR
- DRIVE-IN / OVERHEAD DOOR
- NEW FIRE HYDRANT + VALVE
- FIRE DEPARTMENT CONNECTION / SIAMISE
- CURB RAMP (SEE DETAIL ABOVE)
- BICYCLE RING, 2 SPACES / RING (0.6m x 1.6m x 1.9m H.)
- HYDRO TRANSFORMER (SEE ELEC. DWGS)
- ACCESSIBLE PARKING & BARRIER-FREE SIGN, TYPE A, 3.0m x 5.0m MIN | TYPE B, 2.5m x 3.0m MIN
- GAS METER(S) LOCATION
- INTERNALLY STORED REFUSE STORAGE BINS
- LIGHT STANDARD (REF. ELEC. DWGS)
- CONC./CONC. FILLED STEEL BOLLARD
- FIRE ALARM SYSTEM ANNUNCIATION PANEL IN VESTIBULE
- RAPID ENTRY KEY BOX LOCATION
- PED. CONNECTIONS: IMPRESSED ASPHALT (SEE LANDS. DWGS)
- ELECTRIC / HIGH EFFICIENCY VEHICLE PARKING SPACE & SIGN
- FUT. 2 VEHICLE ELEC. CHARG. STN. w/ PROTECTIVE BOLLARDS
- DESIGNATED CARPOOL SPACE & ASSOCIATED SIGN
- POST MOUNTED FLASH WARNING SIGN (SEE PLUNC. SERV. DWGS)
- STOP SIGN
- DESIGNATED FIRE ROUTE SIGN
- STOP SIGN
- PEDESTRIAN CROSSING SIGNS
- LOADING ZONE SIGN
- DO NOT ENTER SIGN

No.	ISSUED	DATE
1	ISSUED FOR SPA	AUG. 04, 2023
2	RE-ISSUED FOR SPA	MAR. 12, 2024
3	RE-ISSUED FOR SPA	DEC. 23, 2024
4	ISSUED FOR PERMIT	OCT. 01, 2025
5	ISSUED FOR MINOR VARIANCE	FEB. 24, 2026

No.	REVISION	DATE
1	REVISED TO INCL. NEW BLD F	DEC. 19, 2023
2	UPDATED TO INCL. MTO 14m SETBACK	JAN. 08, 2024
3	UPDATED TO INCL. MTO 10m SETBACK AS AGREED	FEB. 06, 2024
4	REVISE TO SUIT MUNICIPAL COMMENTS	MAR. 08, 2024
5	REVISE TO INCL. UPDATED BLD. E FOOTPRINT	SEPT. 13, 2024

6	BLDG. F REVISES TO 10.94m FROM PROPERTY LINE	DEC. 23, 2024
7	ADJUSTED ENTRANCE OFF ELGIN MILLS ROAD	MAR. 04, 2025
8	REVISE TO INCL. UPDATED BLD. E FOOTPRINT	MAY. 07, 2025
9	REVISE TO SUIT CITY COMMENTS	JUN. 5, 2025
10	REVISE AS PER CITY COMMENTS	FEB. 24, 2026

BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T. 905.660.0722 | www.baldassarra.ca

OWNERS INFORMATION:



LEPORIS

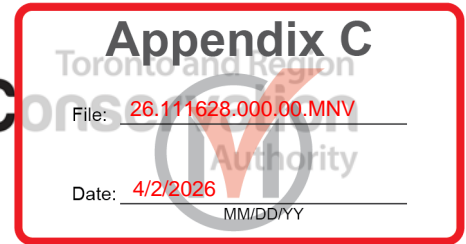
FLATO DRIVE
MARKHAM, ON.

SITE PLAN
SITE 'B'

DATE: MAY 2019 | DRAWN BY: DW | CHECKED: | SCALE: 1:500

PROJECT No. | DRAWING No.

19-60 **A-1.0b**



March 25, 2026

TRCA File No. PAR-DPP-2026-01234
Ex Ref: PAR-DPP-2025-00586, PAR-DPP-2024-00129

VIA E-Plan

Nusrat Omer, BURPL, MCIP, RPP
Senior Planner, West District
Planning and Urban Design Department
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Nusrat Omer

Re: Minor Variance Application - A/023/26
Flato Drive
Block 1 and 2, Registered PLAN 65M-4800, City of Markham
Nearest Intersection: Woodbine Avenue & Elgin Mills Road East
Applicant: History Hill c/o Steven De Santis
Owner: Leporis Construction Inc. c/o Bruno Baldassara

Toronto and Region Conservation Authority (TRCA) staff reviewed the above noted application, received on March 5, 2026. The following comments are provided in accordance with TRCA's commenting role under the Planning Act and regulatory permitting role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21: Mandatory Programs and Services](#).

Purpose of the Application

TRCA staff understand that the purpose of this minor variance application is to request relief from the following:

1. **By-law 28-97, Section 3, Table B – Non-Residential Uses:** To Permit 272 parking spaces where as the By-law permits a minimum of 392 parking spaces.
2. **By-law 177-96; Amending By-law 2023-7; Section 7.670.2 i):** To Permit a Building 'E' maximum setback from the front lot line of 18.19m, whereas the by-law permits a maximum setback from the front line of 6 meters.

The above requested variances are related to the proposed multi-building development on Site 'B' of the subject property.

Background

TRCA has previously reviewed and signed off on multiple applications related to this property, including a Draft Plan of Subdivision 19TM-16006 (CFN 56088), various permits (CFN 67199,

67627, 67950, 67214, 69762), and Minor Variance application A/047/24 (PAR-DPP-2024-00129). TRCA also review and provided comments on the associated Site Plan Control applications, which included SPC 23 136238 (CFN 68423.12) and SPC 24 200497 (PAR-DPP-2025-00586). On March 12, 2026, TRCA provided updated comments to City staff, noting that staff had no objection to the approval of SPC 24 200497, subject to the applicant obtaining a TRCA permit for any works taking place within the regulated portions of the property.

Further to the above, staff note that the materials circulated in support of this Minor Variance application are consistent with the materials reviewed as part of SPC 24 200497. As such, TRCA has no concerns with the proposed variances.

TRCA Permit Requirements

The subject lands are located within TRCA's Regulated Area as it contains flood and erosion hazards associated with a tributary of the Rouge River Watershed. Furthermore, the subject lands are within the areas of interference of unevaluated wetlands.

A TRCA permit is required prior to any development activity or site alteration within the regulated portion of the property pursuant to the CA Act and Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that this application is subject to a TRCA Planning Review fee in the amount of \$1,315 (Minor Variance – Industrial/Commercial - Minor). The applicant is responsible for fee payment. Please contact the Planner noted below for an electronic invoice to facilitate payment. For your reference, please see [Development Planning Fee Schedule February 1 2026](#)


Recommendation

Based on the comments provided, TRCA staff have **no objection** to the approval of Minor Variance Application No. A/023/26. Prior to any works taking place on the property or the issuance of any municipal building permits, the applicant must address the following:

1. Payment of the TRCA plan review fee of \$1,315.
2. Receive a TRCA permit prior to any development activity or site alteration taking place on the subject property.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal, M.Sc.PI

Planner – York East Review Area

Development Planning and Permits | Development and Engineering Services

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