

# Memorandum to the City of Markham Committee of Adjustment

March 28, 2025

**File:** A/014/25  
**Address:** 10901 Victoria Square Boulevard, Markham  
**Agent:** Hirman Architects Inc. (Mani Yeganegi)  
**Hearing Date:** Wednesday, April 2, 2025

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, RES-ENLR, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2. c):**  
a maximum main building coverage of 20.5 % for the second storey, whereas the by-law permits a main building coverage of 20 % for any storey above the first;
- b) **By-law 2024-19, Section 6.3.2. c) & xiv):**  
a combined main building coverage area of 572 m<sup>2</sup>, whereas the by-law permits a maximum combined main building coverage of 500 m<sup>2</sup>;
- c) **By-law 2024-19, Section 6.3.2. e):**  
a maximum distance from the established building line of 16.93 m for the second storey, whereas the by-law permits a maximum distance from the established building line of 14.5 m for the second storey;
- d) **By-law 2024-19, Section 6.3.2. I):**  
a minimum combined interior side yard of 5.26 m, whereas the by-law requires a minimum combined interior side yard setback of 5.87 m;
- e) **By-law 2024-19, Section 6.3.2. j):**  
a maximum outside wall height of 8.57 m, whereas the by-law permits a maximum outside wall height of 7.0 m;
- f) **By-law 2024-19, Section 6.2.1. b):**  
a roof structure to project a maximum of 2.6 m above the maximum outside wall height, whereas the by-law permits a maximum projection above the maximum outside wall height of 1.0 m;
- g) **By-law 2024-19, Section 6.2.1. d):**  
dormers to occupy 36.45% of the width of the front roof length, whereas the by-law permits a maximum of 35% of the width of the front roof length; and,
- h) **By-law 2024-19, Section 4.8.10 d):**  
a front porch with a roof height above the porch of 8.7 m above established grade to encroach 0.51 m into the front yard, whereas the by-law permits a porch to encroach a maximum of 1.8 m into the required front yard setback, provided the underside of the roof of the porch is located not more than 4.5 m above established grade;

as it relates to a proposed single detached dwelling.

On March 26, 2025, the Applicant submitted revised drawings which eliminated the requested variances for second storey main building coverage and the combined interior side yard setback. Staff has had further correspondence with the applicant on reductions to variance b). The updated variance being requested is as follows:

**a) By-law 2024-19, Section 6.3.2. c) & xiv):**

To permit a combined main building coverage area of 553 m<sup>2</sup>, whereas the by-law permits a maximum combined main building coverage of 500 m<sup>2</sup>;

Variances c) and e) to h), as originally requested, remain unchanged.

## **BACKGROUND**

### **Property Description**

The 1,392.3 m<sup>2</sup> (14,986.6 ft<sup>2</sup>) subject property is located on the east side of Victoria Square Boulevard, north of Elgin Mills Road East, and south of Woodbine Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to construct a two-storey residential dwelling. The proposal, in addition to increasing the footprint of the dwelling, includes a walk out and deck in the rear of the property.

### **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 “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

Section 9.5.9.4 of the Official Plan contains urban design guidelines to ensure development and redevelopment within the historic village of Victoria Square is at an appropriate scale to the surrounding area. This includes, but is not limited to architectural styles, height, setbacks, landscaping and parking.

### Zoning By-Law 2024-19

The Subject Property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, which permits detached dwellings. The proposal does not comply with respect to main building coverage area, outside wall height, roof projection, dormers and porch height. Further details on the variances are provided in the comment section below.

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) on February 13, 2025 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on March 26, 2025. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, 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.

### **Combined Main Building Coverage Area Variance**

The Applicant is requesting to permit a maximum combined main building coverage of 553 m<sup>2</sup>, whereas By-law 2024-19 permits a maximum combined main building coverage of 500 m<sup>2</sup>. This represents a 10.6 % increase to the maximum permitted building coverage.

The intent of the maximum permitted building coverage provision in the By-law includes but is not limited to ensuring appropriate proportions of the dwelling to coverages, and within the context of the surrounding neighbourhood.

Staff note that the initial submission received requested a variance to permit a maximum combined main building coverage of 772 m<sup>2</sup>, which represented a 54.4% increase on the permitted maximum. The Applicant has worked with Staff to reduce the proposal through revisions to the building distance from the established building line, combined side yard setbacks, and main building coverage.

Given that the proposed building coverage maintains compliant setbacks, and does not exceed the permitted lot coverage, the proposed increase in the building coverage will not significantly add to the scale and massing of the dwelling. Staff have reviewed the proposed coverage and are of the opinion that the increase will not adversely impact the character of the neighborhood or the amenity areas of adjacent properties.

### **Building Distance Variance**

The applicant is requesting to permit a main building distance of 16.93 m from the established building line for the second storey, whereas the by-law permits a maximum distance of 14.5 m for any storey above the first from the established building line.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall of the main building facing the front lot line on the two neighbouring lots fronting the same street”. The intent of this By-law provision is to regulate the building depth and massing in relation to the neighbouring dwellings.

The proposed building layout will maintain appropriate depth, setbacks and lot coverage of the existing building envelope, which adheres to the intended scale of residential infill developments for the neighbourhood. Staff are of the opinion that the requested variance

is minor in nature as the proposed changes to the distance from the established building line will not adversely impact the streetscape or the neighbouring properties.

### **Maximum Outside Wall Height Variance**

The applicant is requesting to permit a maximum outside wall height of 8.57 m, whereas the by-law permits a maximum outside wall height of 7.0 m. This variance relates to the proposed second storey addition.

The By-law calculates building height using the vertical distance of a building or structure measured from established grade to the highest top plate of the outside wall of the upper most floor or storey. The proposed massing for the dwelling is articulated by the shape of the second storey and roof, providing appropriate relief. Staff are of the opinion that the proposed maximum outside wall height will not adversely impact the character of the surrounding area and that the requested variance is minor in nature.

### **Roof Projection Variance**

The Applicant is requesting to permit a roof projection of 2.6 m above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project only a maximum of 1.0 m above the maximum outside wall height.

The intent of the maximum roof projection is to maintain a consistent roofline and prevent excessive height that may adversely impact the surrounding properties.

It should be noted that the design of the roof is concentrated at the front elevation of the property, which is consistent with the character of the neighbourhood, and in line with the intent of the By-law to provide appropriate articulation of massing to the second storey. Staff are of the opinion that the proposed encroachment is minor in nature, as it maintains an appropriate roofline between neighboring dwellings, and as such, have no concerns.

### **Dormer Variance**

The Applicant is requesting relief from the By-law to permit dormers to occupy 36.45% of the width of the front roof length, whereas the by-law permits a maximum of 35% of the width of the front roof length.

The dormer is defined in By-law 2024-19 as a roofed structure often containing a window, set vertically that projects from a sloped roof. Staff are of the opinion that the requested variance is minor in nature, as the requested relief is minimal and will have no adverse impacts on the massing of the dwelling and the existing streetscape.

### **Increase in Porch Height Variance**

The applicant is requesting relief to permit a front porch with a roof height above the porch of 8.7 m above established grade to encroach 0.51 m into the front yard, whereas the by-law permits a porch to encroach a maximum of 1.8 m into the required front yard setback, provided the underside of the roof of the porch is located not more than 4.5 m above established grade.

The requested variance is related to the height increase of the roof of the porch, and not the extent of the encroachment into the front yard, which is 1.29 m shorter than the maximum permitted encroachment. Staff is of the opinion that the requested height of the porch will have minimal impact on the massing of the dwelling or the visual character of the neighbourhood, and that the variance request is minor in nature.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of March 28, 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 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:



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Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



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

File Path: Amanda\File\ 25 111943 \Documents\District Team Comments Memo

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/014/25**

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. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



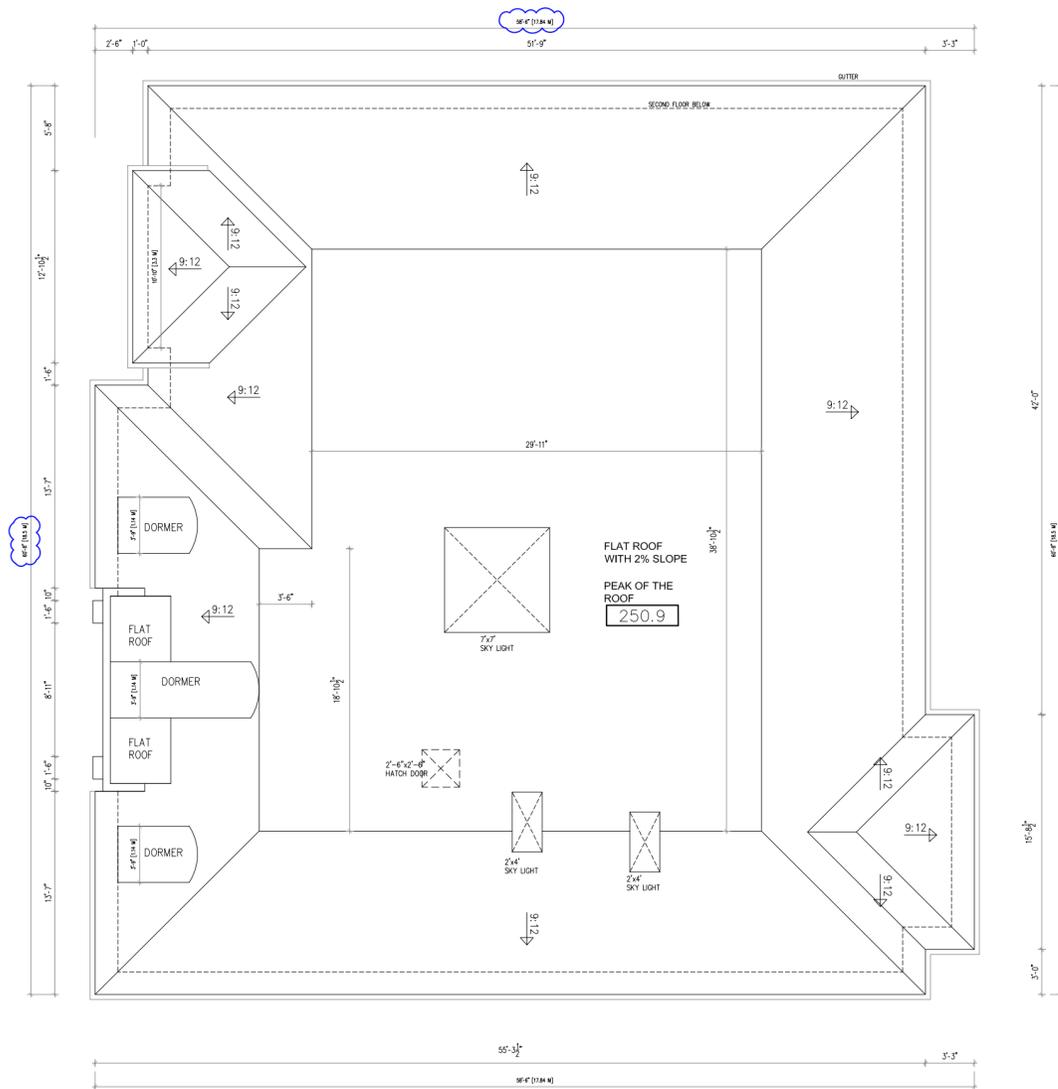
Theo Ako-Manieson, Planner I, West District



# Appendix B

File: 25.111398.000.00.MNV

Date: 3/28/2025  
MM/DD/YYYY



ISSUED FOR	
ZONING REVIEW	2024-12-20
REVISED	2025-02-06
COA	2025-02-13
REVISED	2025-03-16
REVISED	2025-03-25

### GENERAL NOTES:

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- DEVIATIONS FROM THE CONTRACT DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE CONSULTANT ARE SUBJECT TO CORRECTION AT THE CONTRACTOR'S EXPENSE.
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SHEET TITLE: ROOF

SCALE: 1/8"=1'-0"  
PAPER SIZE: 18"x24"

### ARCHITECTURAL DESIGN

HIRMAN ARCHITECTS INC.  
UNIT 113, 9471 YONGE STREET,  
RICHMOND HILL, ON, L4C 0Z5  
Tel: (647) 401-3922  
Email: hirman.studio@gmail.com



PROJECT:  
**10901 VICTORIA SQUARE BOULEVARD  
, MARKHAM**

SHEET NUMBER: **A4**



# Appendix B

File: 25.111398.000.00.MNV

Date: 3/28/2025  
MM/DD/YYYY



ISSUED FOR  
ZONING REVIEW 2024-12-20  
REVISED 2025-02-06  
COA 2025-02-13  
REVISED 2025-03-16  
REVISED 2025-03-25

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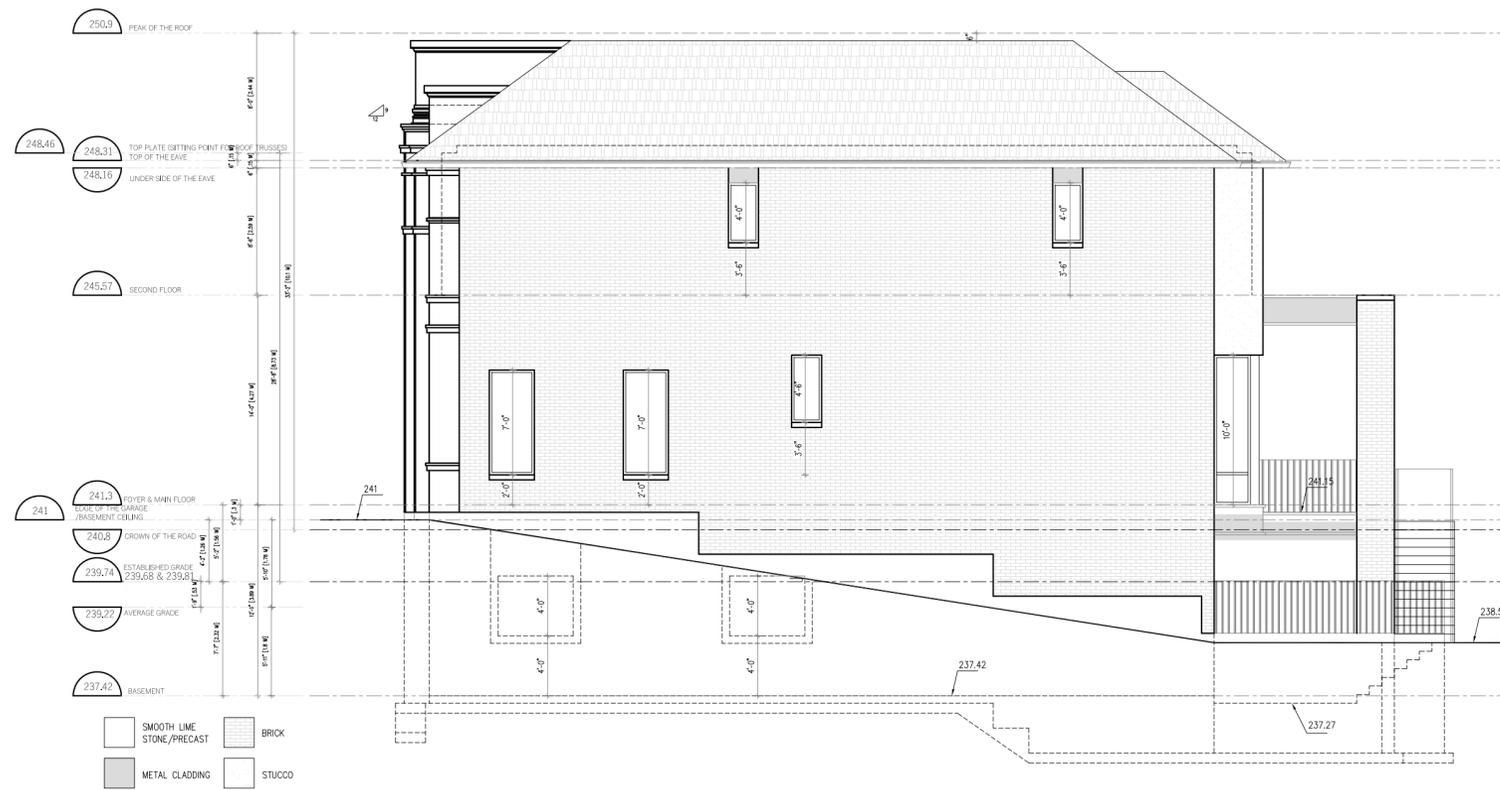
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SHEET TITLE: **SIDE (SOUTH) ELEVATION**

SCALE: 1/8"=1'-0"  
PAPER SIZE: 18"x24"

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### PROJECT:

**10901 VICTORIA SQUARE BOULEVARD  
, MARKHAM**

SHEET NUMBER: **A6**

# Appendix B

File: 25.111398.000.00.MNV

Date: 3/28/2025  
MM/DD/YYYY



ISSUED FOR  
ZONING REVIEW 2024-12-20  
REVISED 2025-02-06  
COA 2025-02-13  
REVISED 2025-03-16  
REVISED 2025-03-25

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SHEET TITLE:  
**REAR (EAST) ELEVATION**

SCALE: 1/8"=1'-0"  
PAPER SIZE: 18"x24"

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PROJECT:  
**10901 VICTORIA SQUARE BOULEVARD  
, MARKHAM**

SHEET NUMBER: **A7**



# Appendix B

File: 25.111398.000.00.MNV

Date: 3/28/2025  
MM/DD/YYYY



ISSUED FOR  
ZONING REVIEW 2024-12-20  
REVISED 2025-02-06  
COA 2025-02-13  
REVISED 2025-03-16  
REVISED 2025-03-25

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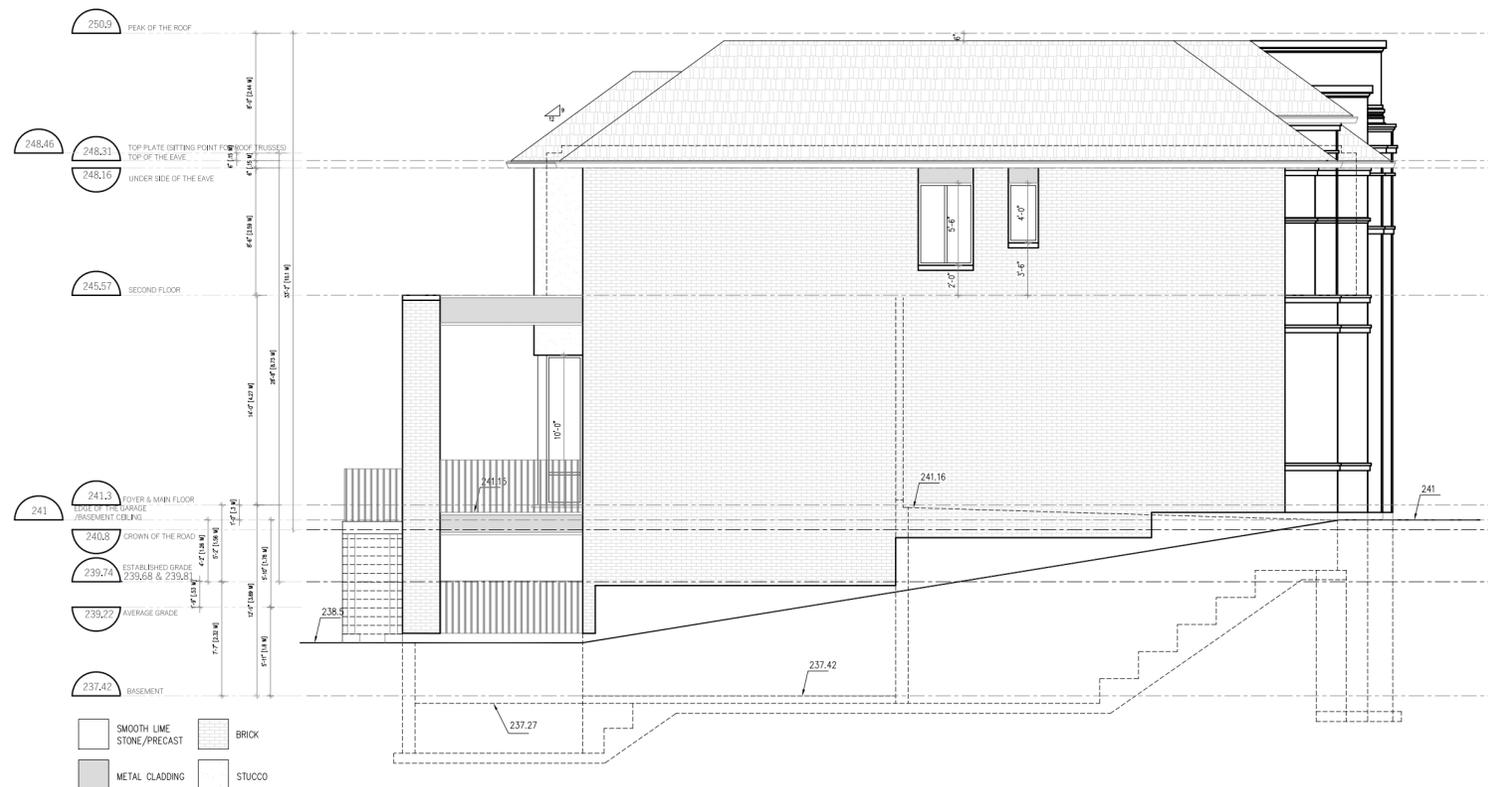
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SHEET TITLE:  
SIDE (NORTH) ELEVATION

SCALE: 1/8"=1'-0"  
PAPER SIZE: 18"x24"

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### PROJECT:

10901 VICTORIA SQUARE BOULEVARD  
, MARKHAM

SHEET NUMBER: **A8**