

Memorandum to the City of Markham Committee of Adjustment

April 25, 2025

File: A/189/23
Address: 38 Elm Street, Markham
Applicant: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, April 30, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, as it relates to a proposed two-storey single detached dwelling, to permit:

- a) **By-law 2024-19, Section 4.3.2.2 (i):**
a minimum combined interior side yard of 4.38 metres, whereas the by-law requires a minimum combined interior side yard of 4.97 metres;
- b) **By-law 2024-19, Section 6.3.2.2(e):**
a maximum distance of 24.76 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance from the established building line of 19.5 metres;
- c) **By-law 2024-19, Section 6.3.2.2 (e):**
a maximum distance of 16.16 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance from the established building line of 14.5 metres; and
- d) **By-law 2024-19, Section 6.2.1(a):**
a roof to project 3.73 metres above the maximum permitted outside wall height, whereas the by-law permits a maximum projection of 3.0 metres

BACKGROUND

Property Description

The application was previously deferred at the December 18, 2024 Committee of Adjustment hearing at the request of the applicant, in order to address the Committee's concerns regarding the proposed dwelling's massing and scale, and had previously been considered under former By-law 1229, as amended, as an Application in Process submitted prior to the passing of the City's Comprehensive Zoning By-law, 2024-19.

Since that time, the applicant has revised the proposal to reduce the overall size of the dwelling and has opted to proceed in seeking relief from the provisions of the City's Comprehensive Zoning By-law 2024-19, as amended.

On April 17, 2025, the applicant submitted a revised front elevation following consultation with neighbouring property owners. The revised elevation is intended to improve compatibility with the surrounding streetscape and does not impact the list of variances currently being requested.

Proposal

The applicant is proposing to construct a two-storey single detached dwelling with a gross floor area of 497.02 m² (5,350 ft²). The proposal also includes a front, side and rear covered porches.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits a Detached Dwelling, Home Child Care, Home Occupation, and Shared Housing-Small Scale.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) for the revised drawings on March 21, 2025 to confirm the variances required under By-law 2024-19 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 Side Yard Setback

The applicant is requesting a minimum combined interior side yard setback of 4.38 m (14.37 ft), whereas the By-law requires a minimum of 4.97 m (16.31 ft). This represents a reduction of approximately 0.59 m (1.94 ft).

Engineering staff have reviewed the application and have no concerns with the variance respecting drainage. Staff note that setback pattern is generally consistent with the other recent infill homes on Elm Street and therefore have no concerns with this variance request.

Increase in Maximum First and Second Storey Distance from Established Building Line

The applicant is requesting relief to permit a maximum first storey distance of 24.76 m (81.25 ft) measured from the established building line, whereas the By-law permits a maximum distance of 19.5 m (63.98 ft) and relief to permit a maximum second storey distance of 16.16 m (53.01 ft) measured from the established building line, whereas the By-law permits a maximum distance of 14.5 m (47.57 ft).

Due to the configuration of the lot, this distance is measured on an angle through the proposed building. While the main portion of the dwelling extends approximately 21.59 m (70.84 ft) and exceeds the permitted limit by 2.09 m (6.86 ft), the remaining 3.17 m (10.40 ft) of the total projection is attributable to the open, covered front and rear porches. Although the first storey slightly exceeds the permitted distance by 2.09 m (6.86 ft), the building maintains appropriate massing and articulation.

The front and rear walls of the proposed dwelling generally align with those of adjacent properties. The proposed second storey aligns with the second storeys of adjacent dwellings and incorporates appropriate articulation to break up the massing. As such, staff are of the opinion that the variance is minor, maintains the intent of the Zoning By-law and have no concerns with these two requests.

Increase in Roof Projection above Permitted Outside Wall Height

The applicant is requesting relief to permit a roof to project 3.73 m (12.24 ft) above the maximum permitted outside wall height, whereas the By-law permits a maximum projection of 3.0 m (9.84 ft). This represents an approximate increase of 0.73 m (2.40 ft) above what is permitted.

The variance only applies to a small peak on the north side. The remainder of the roof complies with the by-law requirement, maintains a compatible scale with neighbouring dwellings and does not result in any adverse shadowing or massing impacts.

Staff are satisfied that the variance maintains the general intent of the Zoning By-law and does not negatively impact the surrounding properties or streetscape.

PUBLIC INPUT SUMMARY

As of April 25, 2025, the City received 2 letters expressing support. 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:



Aaron Chau, Planner I, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 23 145196 \Documents\District Team Comments Memo

APPENDICIES

Appendix "A" – A/189/23 Conditions of Approval

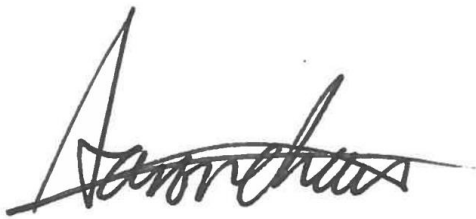
Appendix "B" – Drawings

APPENDIX "A"

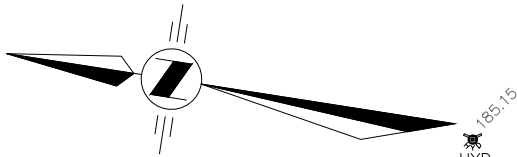
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/189/23

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 received by the City of Markham on March 17, 2025 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:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a large, stylized initial 'A'.

Aaron Chau, Planner I, East District



Appendix B

File: 23.145196.000.00.MNV

Date: 4/25/2025
MM/DD/YYYY



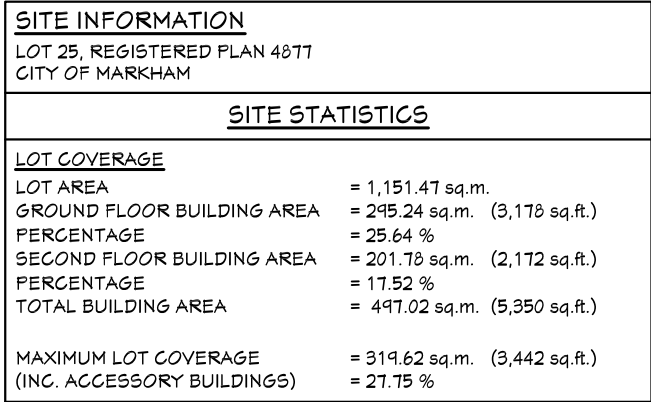
Appendix B

File: 23.145196.000.00.MNV

Date: 4/25/2025

MM/DD/YYYY

Date: 4/25/2025
MM/DD/YYYY



- All construction is to conform to section "9" of the Ontario Building Code (latest edition).

- Contractor shall check and verify all notes and dimensions.
- Do not scale drawings.

Owner / contractor / designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing.

[illegible]

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classification category.

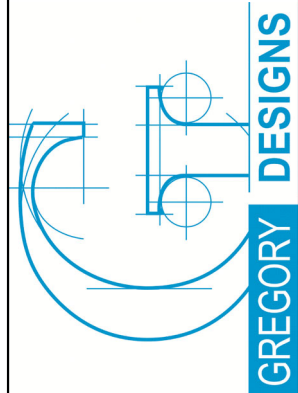
Individual B.C.I.N. - 25825

Firm B.C.I.N. - 30506
Russ Gregory

[illegible]

PROPOSED HOUSE DESIGN
38 ELM STREET
CITY OF MARKHAM

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesigngroup.net



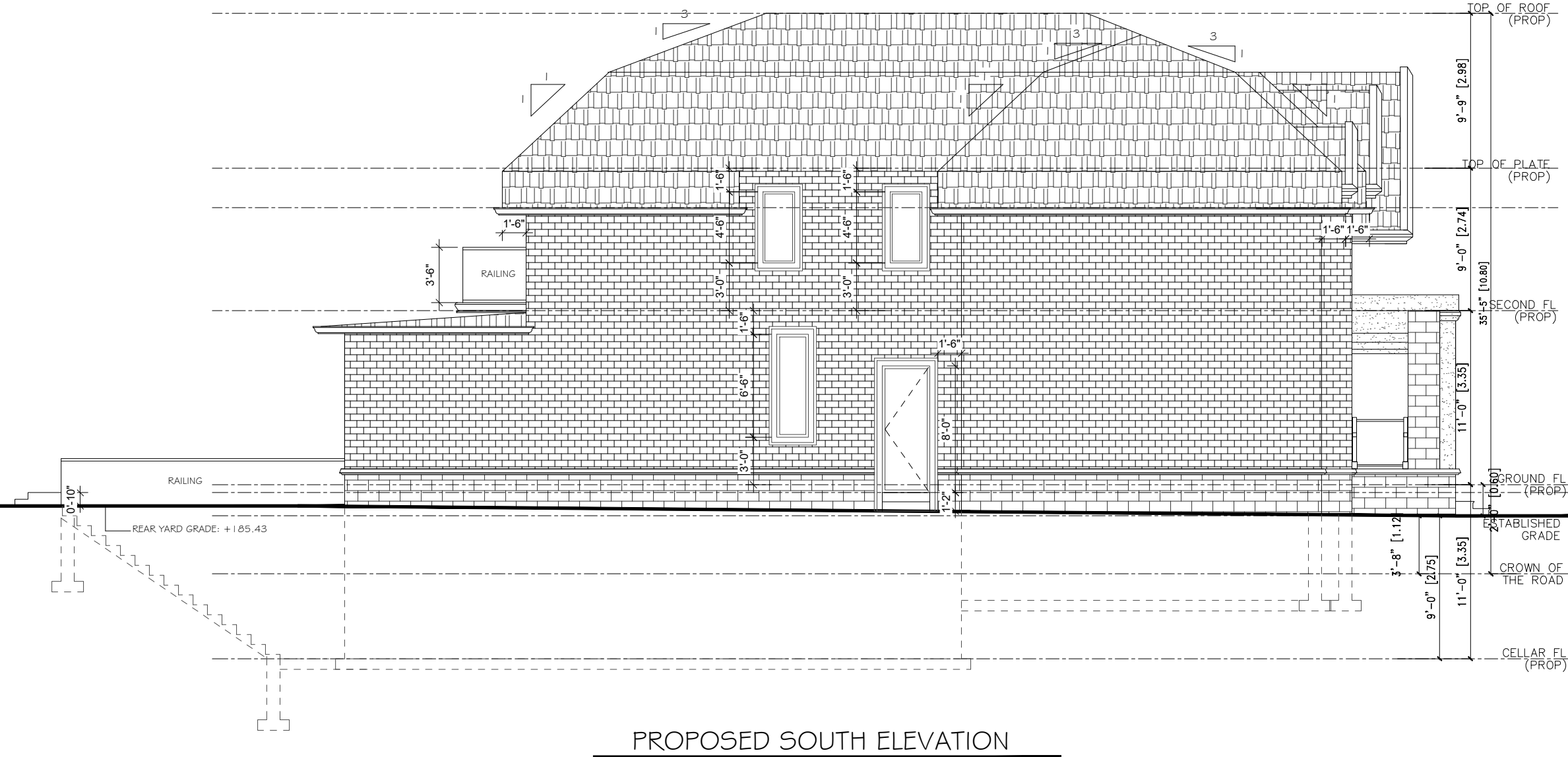
DATE	3/14/25
SCALE	1:200
PROJECT NUMBER	25-03
DRAWN BY	S.Gregory

The diagrams show the process of calculating the dot product of two vectors $\mathbf{a}$ and $\mathbf{b}$.
 Diagram 1: Two vectors, $\mathbf{a}$ and $\mathbf{b}$, are shown originating from the same point.
 Diagram 2: The vectors are projected onto a common line. The component of $\mathbf{a}$ along the line of $\mathbf{b}$ is shown as a dashed line segment. The component of $\mathbf{b}$ along the line of $\mathbf{a}$ is also shown as a dashed line segment.
 Diagram 3: The two component segments from Diagram 2 are placed end-to-end, representing the sum of the products of their lengths, which is the dot product.

Appendix B

File: 23.145196.000.00.MNV

Date: 4/25/2025
MM/DD/YYYY



PROPOSED SOUTH ELEVATION



Oaple Design 647-924-2654

STAMP:



- THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ENGINEER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.
- THE DRAWING IS NOT TO BE SCALED.
- CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
- THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC. INFORMATION SHOWN ON THESE PLANS. REFER TO THE APPROPRIATE CONSULTANT'S DRAWINGS BEFORE PROCEEDING WITH WORK.
- THE DRAWINGS, AS AN INSTRUMENT OF SERVICE, IS PROVIDED BY AND IS THE PROPERTY OF DESIGNER. THE DESIGNER RETAINS OWNERSHIP OF COPYRIGHT IN ALL THESE DRAWINGS.

38 Elm St,
Markham, ON
L3P 2V5

No.	Description	Date
1	Building permit application	2023/10/20

Proposed South Elevation

Project : NEW DWELLING

Drawing by: T.H Date: 2024/11/10

checked by: Scale: 1/8" = 1'-0"

Sheet Number:

A 2.4



FRONT ELEVATION



RIGHT (NORTH) SIDE ELEVATION

Appendix B

File: 23.145196.000.00.MNV

Date: 4/25/2025
MM/DD/YYYY

- All construction is to conform to section "3" of the Ontario Building Code (latest edition).

- Contractor shall check and verify all notes and dimensions.

- Owner / contractor / designer is responsible to re-claim and destroy all these drawings.

- These drawings are the property of Gregory Designs and/or its clients only.

- Building permits to be obtained prior to commencing construction.

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 258205

Firm B.C.I.N. - 35506

Russ Gregory

DATE

02/12/25

REVISIONS AND DATA

ISSUED FOR ZONING REVIEW

PROPOSED HOUSE DESIGN
38 ELM STREET
CITY OF MARKHAM

DATE
4/17/25

SCALE
1/4"=1'-0"

PROJECT NUMBER
25-03

DRAWN BY
S. Gregory

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesigngroup.net

GREGORY DESIGNS

10

10

Appendix B

File: 23.145196.000.00.MNV

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REAR ELEVATION



LEFT (SOUTH) SIDE ELEVATION

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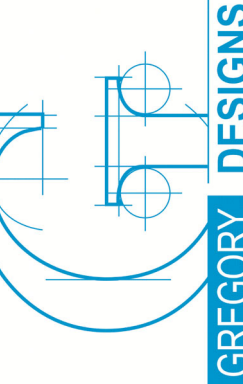
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ISSUED FOR ZONING REVIEW	02/12/25

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CITY OF MARKHAM

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesigngroup.net



DATE	4/17/25
SCALE	1/4"=1'-0"
PROJECT NUMBER	25-03
DRAWN BY	S. Gregory

A3.2