

Memorandum to the City of Markham Committee of Adjustment

May 8, 2025

File: A/031/25
Address: 43 Aberfeldy Crescent, Thornhill
Agent: CloudTop Design Inc (Xudong Tang)
Hearing Date: Wednesday, May 14, 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, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2 E):

a main building distance of 20.08 m from the established building line for the first and second storey, whereas, the by-law permits a maximum distance of 19.5 m for the first storey and 14.5 m for any storey above the first from the established building line; and

b) By-law 2024-19, Section 6.3.2.2 C):

a main building coverage of 30.75 percent (1,250 ft²) for the first storey and 23.86% (970 ft²) for the second storey, whereas the by-law permits a maximum main building coverage of 30% of the lot area for the first storey and 20% of the lot area for any storey above the first; as it relates to a proposed two-storey rear addition to an existing residential dwelling.

as it relates to the construction of a new 2-storey single-detached dwelling.

BACKGROUND

Property Description

The 377.57 m² (4064.12 ft²) subject property is located on the south side of Aberfeldy Crescent, north of Steeles Avenue East and east of Don Mills Road. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a 2-storey addition to the existing dwelling. The proposed addition is to the rear of the property, and also includes the addition of a rear deck. To facilitate this, the existing rear deck on the second floor and shed will be demolished.

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.

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 the Zoning By-law with respect to the first and second storey coverage and maximum main building distance from the established building line. Further details on the variances are 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, “*We submitted the application before 2024, which complied with previous by-law. However, the new by-law issued when we are applying. So we have to apply for Minor Variance to keep our plans*”.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on March 25th, 2025 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.

Distance from Established Building Line Variance

The applicant is requesting a variance to permit a maximum main building distance from the established building line of 20.08 m for the first and second storey, whereas the by-law permits a maximum distance from the established building line of 19.5 m for the first storey and 14.5 m for the second storey. The requested variance will facilitate a two-storey addition as noted above. The proposed works will maintain the property’s grading, much of the rear landscaping and existing building footprint. Staff are of the opinion that the requested variance is minor in nature, as the proposed will have limited impact on the streetscape and scale of the neighbouring properties.

Main Building Coverage Variance

The applicant is requesting to permit a main building coverage of 30.75% for the first storey and 23.86% for the second storey, whereas the by-law permits a maximum main building coverage of 30% for the first storey and 20% for the second storey. The intent of limiting the maximum permitted building coverage in the By-law includes, but is not limited to, ensuring that appropriate built form and character of the neighbourhood is maintained. With the proposed two-storey extension area there remains a generous rear yard setback of 11.75 m which provides ample space for the proposed addition.

Staff is of the opinion that the proposed increase in the first and second-storey building coverage will not significantly add to the scale and massing of the dwelling, and that the requested variance is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 8 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:



Rayah Flash, Planning and Urban Design Department

REVIEWED BY:



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

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/031/25

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;

CONDITIONS PREPARED BY:

Rayah Flash

Rayah Flash, Planning and Urban Design Department

