

Memorandum to the City of Markham Committee of Adjustment

April 15, 2025

File: A/091/24
Address: 29 Jeremy Drive, Markham
Agent: Prohome Consulting Inc (Vincent Emami)
Hearing Date: Wednesday, April 30, 2025

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

The Applicant is requesting relief from the following requirements of the “Residential – Established Neighbourhood Low Rise (RES-ENLR)” zone under By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2 c)**: a maximum main building coverage of 24.89 percent for the second storey, whereas the By-law permits a maximum main building coverage of 20 percent for the second storey;
- b) **By-law 2024-19, Section 6.3.2 e)**: a maximum distance of 16.12 metres for the second storey measured from the established building line, whereas the By-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line; and
- c) **By-law 2024-19, Section 6.3.2 l)**: a minimum combined interior side yard of 5.11 metres, whereas the By-law requires a minimum combined interior side yard of 5.75 metres.

as it relates to the proposed two-storey residential dwelling.

BACKGROUND

Application History

The Application was first deferred at the October 30, 2024 Committee of Adjustment (“COA”) meeting to allow the Applicant to address Staff concerns (the “first variance request”). The Applicant submitted a revised submission (the “second variance request”) which was subsequently heard at the January 22, 2025 COA meeting and deferred again to allow the Applicant to address the COA’s concerns related to size and massing, as detailed in Appendix “A” - Minutes Extract (January 22, 2025).

The Applicant has since submitted revised plans (the “current variance request”) on March 19, 2025 (Appendix “B” – Revised Plans). The revised plans resulted in the reductions to main building coverage, interior side yard and distance from established building line variance requests. The revised plans also resulted in the removal of the

combined main building coverage. Table 1 below shows a comparison between the variances from the previous submissions and the current revised submission.

Table 1 – Changes in Variances Comparison Chart				
Development Standards	By-law Requirement	First Variance Request	Second Variance Request	Current Variance Request
Main Building Coverage for the 2nd Storey	20% (186.05 m ² or 2002.63 ft ²)	26.7% 247.77 m ² or 2667 ft ²)	25.4% (236.53 m ² or 2546 ft ²)	24.89% (231.51 m ² or 2492 ft ²)
Combined main building coverage	500 m ² (5,381.96 ft ²)	524m ² (5,640.29 ft ²)	509.85m ² (5,487.98 ft ²)	Removed
Distance from the established building line for the 2nd storey	14.5 m (47.57 ft)	16.70 m (54.79 ft)	16.27 m (53.37 ft)	16.12 m (52.89 ft)
Roof projection	1 m	1.65 m (5.41 ft)	1.50 m (4.92 ft)	Removed
Combined Interior Side Yard Setback	5.75 m (18.86 ft)	4.34 m (14.24 ft)	4.79 m (15.72 ft)	5.11 m (16.77 ft)

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on March 19, 2025. The Applicant has not conducted a ZPR for the revised drawings. Consequently, it is the Applicant'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

Staff have reviewed the revised plans and advise that the comments from the previous report remain applicable (Appendix "C"). Staff are of the opinion that the requested variances will not result in adverse impacts to neighbouring properties.

PUBLIC INPUT SUMMARY

The Committee received two written pieces of correspondences for the second variance request. Two residents also spoke in opposition to the application at the January 22, 2025 COA meeting.

No written submissions were received as of April 15, 2025 for the current variance request. 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 “D” for conditions to be attached to any approval of this application.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Melissa Leung, Senior Planner, RPP MCIP, Central District

APPENDICES

Appendix “A” – Minutes Extract (January 22, 2025)

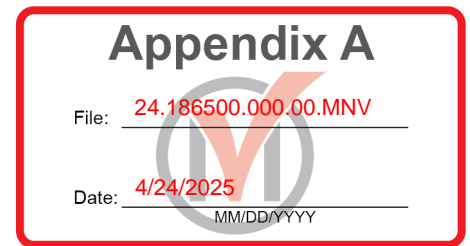
Appendix “B” – Revised Plans

Appendix “C” – Staff Report (January 15, 2025)

Appendix “D” – Conditions of Approval



**CITY OF MARKHAM
Virtual Meeting**



**January 22, 2025
7:00 pm**

COMMITTEE OF ADJUSTMENT

Minutes

The 1st regular meeting of the Committee of Adjustment for the year 2025 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:04 pm
Jeannie Reingold	7:04 pm
Sally Yan	7:04 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O'Sullivan, Development Technician

Regrets

Patrick Sampson
Arun Prasad

2. DISCLOSURE OF PECUNIARY INTEREST

The Chair, Greg Knight, declared a conflict of interest for an application heard at a previous meeting for which they were not in attendance, Application A/122/24, 2 Wismer Place, which was heard at the December 4th, 2024, meeting. As the previous property owner, the Chair declared a conflict of interest out of caution for any conflict that could be perceived due to their former relationship with the property.

3. APPROVAL OF PREVIOUS MINUTES: December 18, 2024

THAT the minutes of Meeting 20, of the City of Markham Committee of Adjustment, held December 18, 2024 respectively, be:

- a) Approved on January 22, 2025.

**Moved by: Jeannie Reingold
Seconded by: Sally Yan**

Carried

4. PREVIOUS BUSINESS

4.1 A/091/24

Agent Name: Prohome Consulting Inc. (Vincent Emami)
29 Jeremy Drive, Markham
PLAN 7566 LOT 3

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**
a maximum main building coverage of 25.43 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey;
- b) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**
a maximum combined building coverage of 509.85 square metres, whereas the by-law permits a maximum combined building coverage of 500 square metres;
- c) **By-law 2024-19, Section 6.3.2 e):**
a maximum distance of 16.27 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line;
- d) **By-law 2024-19, Section 6.2.1 b):**
a roof structure to project a maximum of 1.5 metres above the permitted outside wall height, whereas the by-law permits over 10 percent of a roof containing a roof pitch less than 25 degrees is permitted to project a maximum of 1 metre above the permitted outside wall height; and
- e) **By-law 2024-19, Section 6.3.2 l):**
a minimum combined interior side yard of 4.79 metres, whereas the by-law requires a minimum combined interior side yard of 5.75 metres;

as it related to the proposed two-storey residential dwelling.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free, a Unionville resident, opposed the application, stating that the variances in aggregate were not minor and that the impacts were further compounded as the adjacent properties contained much smaller houses. Ian stated the proposal did not meet the four tests of the Planning Act.

Christiane Bergauer-Free, a Unionville resident, opposed the application, indicating the application did not comply with Official Plan policies and would adversely impact the environment and the neighbours' privacy. Additionally, the build was not suited for the size of the lot and would strain the existing infrastructure.

Ida Evangelista indicated that the house size was necessary to accommodate a multigenerational family.

Member Reingold stated that the variances requested were significant, individually and collectively. The house was overly large and square, and Member Reingold felt there was no reason for the combined side yard setback on a lot of this width, the proposal should be reduced.

Member Yan indicated that the request was reviewed under By-law 2024-19, and the request could not be compared to variances granted under the previous by-law on properties within the immediate area. Member Yan concurred with their colleague that the proposal needed to be reduced in the second-floor coverage and the combined side yards.

The Chair stated that if the large tree in the front yard were retained, it would mask some of the massing. However, the proposal needed reduced height and coverage, and increased side yards.

Ida Evangelista requested a deferral.

Member Yan motioned for deferral.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

THAT Application **A/094/24** be **deferred** sine die.

Resolution Carried

5. NEW BUSINESS:

5.1. A/123/24

Agent Name: Interior Resources Associates Inc. (Walter Ma)
158 Main Street, Unionville
CON 5 PT LT 12 65R23053 PT 4

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

a) By-law 2024-19, Section 5.4.1(g)(SP#5):

a minimum of zero parking spaces, whereas the by-law requires a minimum of six parking spaces;

as it related to a proposed restaurant use.

The agent, Walter Ma, appeared on behalf of the application.

Member Reingold identified that visitors to Main Street, Unionville accessed the area through a variety of transportation modes and those utilizing parking found opportunities both within the Heritage District and surrounding areas. The proposed use and required parking were compatible to the area in both form and scale and met the four tests of the *Planning Act*.

Member Yan indicated that Main Street, Unionville had some history with parking variances as business uses changed. Transportation considered the request minor with minimal impacts. There was a need to support appropriate uses for the area and it was good for the local economy. Member Yan supported the application stating it was minor, met the four tests of the *Planning Act*, agreeing with their colleague that visitors understood and figured out parking.

The Chair agreed that there are different traffic dimensions emerging for the area including the use of ride share programs that alleviate parking demands.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/123/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/128/24

Agent Name: Yue Li
53 Jinnah Avenue, Markham
PLAN 65M4686 LOT 27

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

- a) **By-law 177-96, Section 5, Table B2, Part 1 of 3, E:**
an interior side yard setback of 0.9 metres, whereas the by-law requires a minimum interior side yard setback of 1.2 metres;

as it related to a new exterior side door.

The owner, Serena Li, appeared on behalf of the application.

Geetha, a neighbour, supported and indicated that all of the houses on the street have the same issue.

Member Reingold expressed the application made sense and would not impact the neighbours.

Member Yan indicated the application was minor and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/128/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/139/24

Agent Name: Einat Fishman
14 Whitelaw Court, Thornhill
PLAN M1727 LOT 7

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

a) By-law 1767, Section 9(i):

an encroachment of an uncovered platform into the required rear yard of 312 inches, whereas the by-law permits a maximum encroachment of an uncovered platform into the required rear yard of 18 inches;

as it related to an existing deck.

Roey Fishman appeared on behalf of the owner. Roey indicated that the property was located on a ravine, the proposed deck presented no privacy or overlook issues, and the encroachment was minor. Furthermore, Roey indicated that the proposal met the policies of the Official Plan and was desirable as it provided an additional outdoor amenity space in the rear yard. The development would require TRCA approval.

Member Yan indicated that the application did not meet the intent of the Official Plan policies or Provincial policies and posed health and safety risks.

Member Reingold stated it was unfortunate that the deck was built without a permit, and supported the recommended refusal of staff and the TRCA.

The Chair expressed that the application did not meet the four tests of the Planning Act.

Roey Fishman requested a deferral on behalf of the applicant to provide further opportunities for consultation with TRCA.

Member Yan motioned for deferral.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

THAT Application **A/139/24** be **deferred** sine die.

Resolution Carried

5.4 A/124/24

Agent Name: Nafiss Design Inc. (Nafiseh Zangiabadi)
25 Wilson Street, Markham
PL 247 PT LTS 15 & 17 65R18060 PT 2

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2(i):

a minimum combined interior side yard setback of 1.94 metres, a minimum interior side yard setback of 0.54 metres (West Side), and a minimum interior side yard setback of 1.40 metres (East Side), whereas the by-law requires a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres; and

b) By-law 2024-19, Section 4.8.3(a)(ii):

a deck with an interior side yard setback of 0.61 metres, whereas the by-law requires a deck with a minimum interior side yard setback of 1.8 metres;

as it related to a rear one storey addition to an existing two storey residential dwelling.

The agent, Nafiseh Zangiabadi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/124/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/134/24

Agent Name: RT Architects (Raffi Tashdjian)
45 Thorny Brae Drive, Thornhill
PLAN 7695 LOT 160

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 c):**
a maximum second storey coverage of 21 percent, whereas the by-law permits a maximum second storey coverage of 20 percent;
- b) **By-law 2024-19, Section 6.3.2.2 e):**
a maximum distance of the main building from the established building line of 17.1 metres for the second storey, whereas the by-law permits a maximum distance of the main building from the established building line of 14.5 metres;

as it related to a proposed addition to a two-storey residential dwelling.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold asked if the house would be used commercially based on the written comments.

Raffi Tashdjian indicated it was a simple addition to a single detached house.

Member Yan expressed the proposal would have minimal impacts on the surrounding properties and motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/134/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.6 A/130/24

Agent Name: Pro Vision Architecture Inc. (David Eqbal)
2 Windridge Drive, Markham
PLAN 4429 LOT 18

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) By-law 2024-19, Section 4.9.10 (f):**
a garden home with a maximum height of 5.8 metres, whereas the by-law permits a garden home with a maximum height of 4.5 metres;
- b) By-law 2024-19, Section 5.3.2 (f):**
a driveway with a maximum width of 8.95 metres, whereas the by-law permits a driveway with a maximum width of 8.49 metres;

as it related to a proposed coach house and a new two-storey residential dwelling.

The agent, David Eqbal, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Sherwood Forest, Markham Village Residents Association, spoke to the Committee, indicating the presentation provided by the agent had given additional information that answered their questions.

Member Reingold indicated the requests were minor, and the proposal left room for soft landscaping in the rear yard, noting the main house met the zoning standards and the second structure made sense to meet the objective of creating additional modern living space.

Member Yan supported the application, indicating the zoning standards permitted a garden home, and this was the last house on the street and it abutted commercial uses and would result in minimal impacts on adjacent properties.

The Chair expressed that the proposal was appropriate for the lot within the neighbourhood context.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/130/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.7 A/138/24

Agent Name: Prohome Consulting Inc. (Vincent Emami)
8 Summerfeldt Crescent, Markham
PLAN M1441 LOT 144

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2 c):**
a maximum second-storey main building coverage of 26 percent, whereas the by-law permits a maximum main building coverage for the second-storey of 20 percent of the lot area;
- b) **By-law 2024-19, Section 6.3.2 E):**
a maximum distance of 14.72 metres for the second-storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second-storey measured from the established building line;
- c) **By-law 2024-19, Section 6.3.2 I):**
a minimum combined interior side yard setback of 3.69 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.0 metres;
- d) **By-law 2024-19, Section 4.8.10.1.a):**
a minimum front yard porch depth of 1.38 metres, whereas the by-law requires a minimum front yard porch depth of 1.8 metres; and
- e) **By-law 2024-19, Section 5.3.6 a):**
a double private garage size of 5.31 metres in width and 5.81 metres in length, whereas the by-law requires a minimum of 5.75 metres in width and 6 metres in length for a two-car private garage;

as it related to a proposed two-storey residential dwelling.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free, a Unionville resident, objected to the proposal, indicating that combined requests were not minor. The lot was smaller than others in the area, with smaller

adjacent houses which would be overshadowed and have their privacy impacted by a house that did not fit the lot or the area.

Christiane Bergauer-Free, a Unionville resident, raised concerns regarding the removal of trees and the massing of the proposed house, stating the proposal did not meet the intent of the Official Plan or the Comprehensive Zoning By-law. Christiane expressed that current variance requests could not be compared to previous approvals under the previous by-law as the standards differed.

Yingbo Ma, the owner of the property, indicated that the house design took into account the need to care for aging parents, and that it would be the smallest new home on the street.

Member Reingold indicated that both numerically and visually, the requests were significant, and the proposed house was too large for the lot and did not support any variance for reduced side yards.

Member Yan did not support variances a), b) and c) and expressed that the overall design should be reduced.

The Chair indicated the second floor should be reduced, and the streetscape design should be softened to reduce the appearance of massing on the streetscape.

Ida Evangelista requested a deferral.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the.

THAT Application **A/138/24** be **deferred** sine die.

Resolution Carried

6. Adjournment

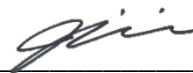
Moved by: Jeamie Reingold
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:54 pm, and the next regular meeting would be held on February 05, 2025.



Secretary-Treasurer
Committee of Adjustment

CARRIED



Acting Chair
Committee of Adjustment

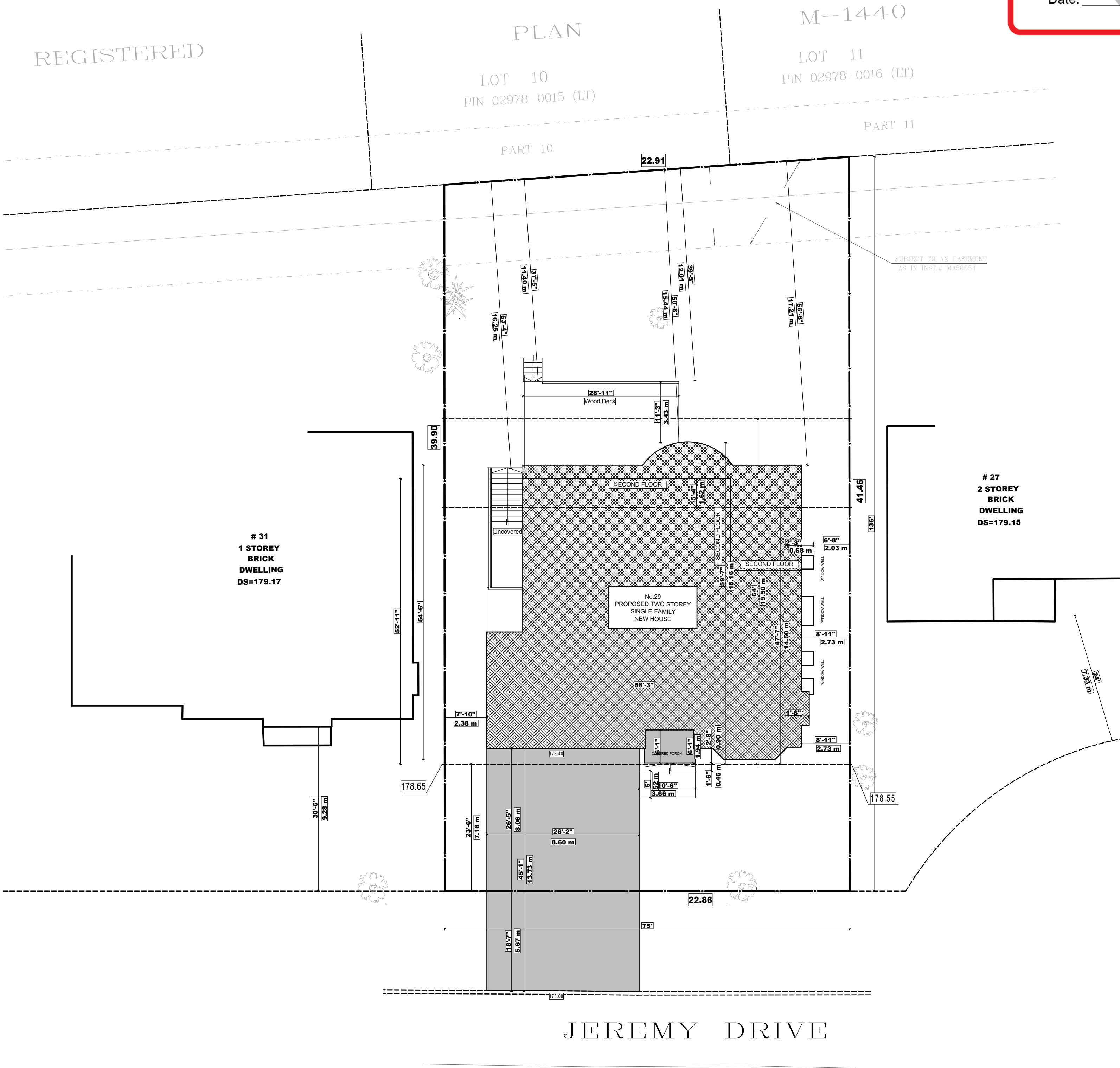
LOT AREA: 930.24 M ²		LOT COVERAGE:			
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	COMBINED MAIN BUILDING COVERAGE NOT INCLUDING CELLAR
TOTAL	2888FT ² /268.30 M ² (%29.38)	2492FT ² /231.51 M ² (%24.89)	3010FT ² /279.64 M ²	593 FT ² /55.09M ²	5380FT ² /499.82 M ²

Appendix B

File: 24.186500.000.00.MNV

Date: 4/24/2025

MM/DD/YYYY



DATE: AUG.2024	ISSUED FOR: FOR C OF A	FOR STRUCTURE ONLY		DRAWN BY V.E	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.O1
					LAST MODIFIED ON: MARCH 10, 2025	PROJECT TITLE/ADDRESS: 29 JEREMY DRIVE MARKHAM, ON	

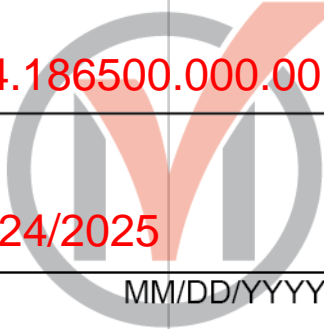
Appendix B

File: 24.186500.000.00.MNV
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Appendix B

File: 24.186500.000.00.MNV
Date: 4/24/2025
MM/DD/YYYY



DATE:	ISSUED FOR:
AUG. 2024	FOR C OF A

FOR STRUCTURE ONLY



DRAWN BY:
V.E

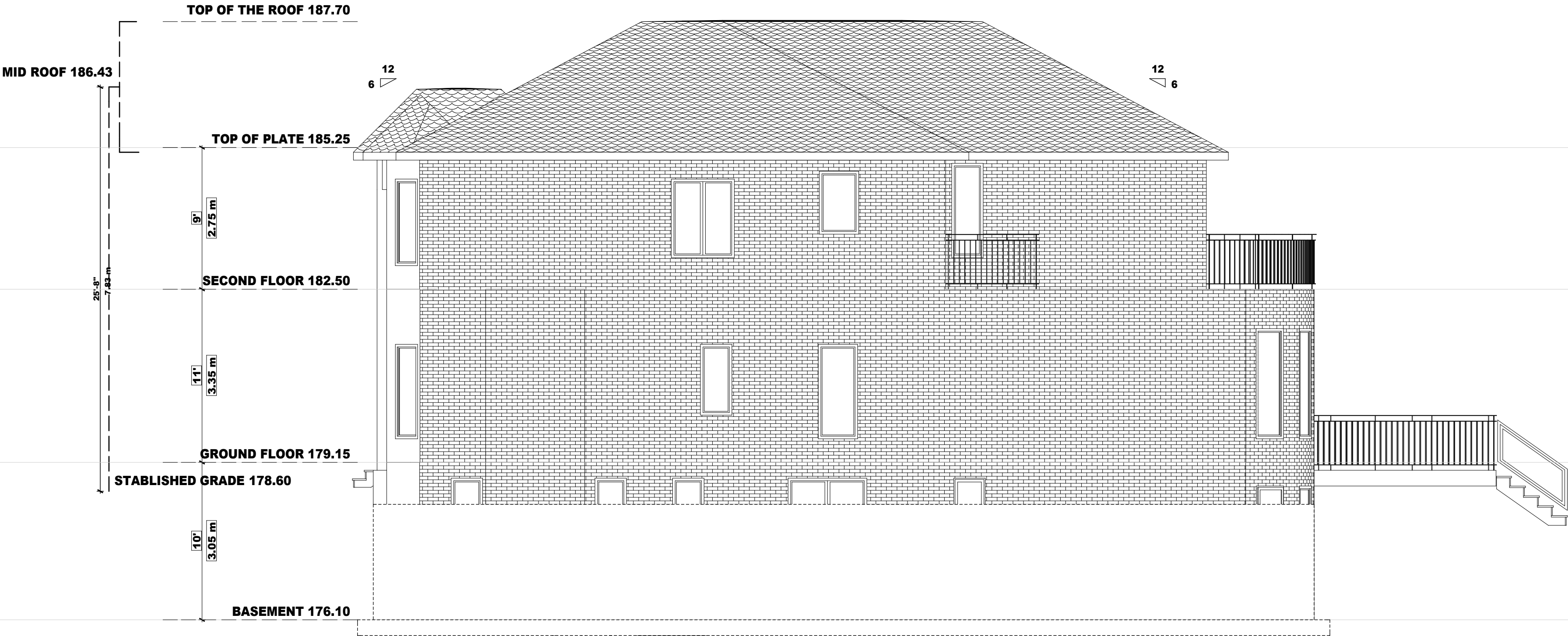
SCALE:
1:64
LAST MODIFIED ON:
MARCH 10, 2025

DRAWING TITLE:
REAR ELEVATION
PROJECT TITLE/ADDRESS:
29 JEREMY DRIVE MARKHAM, ON

A2.2

Appendix B

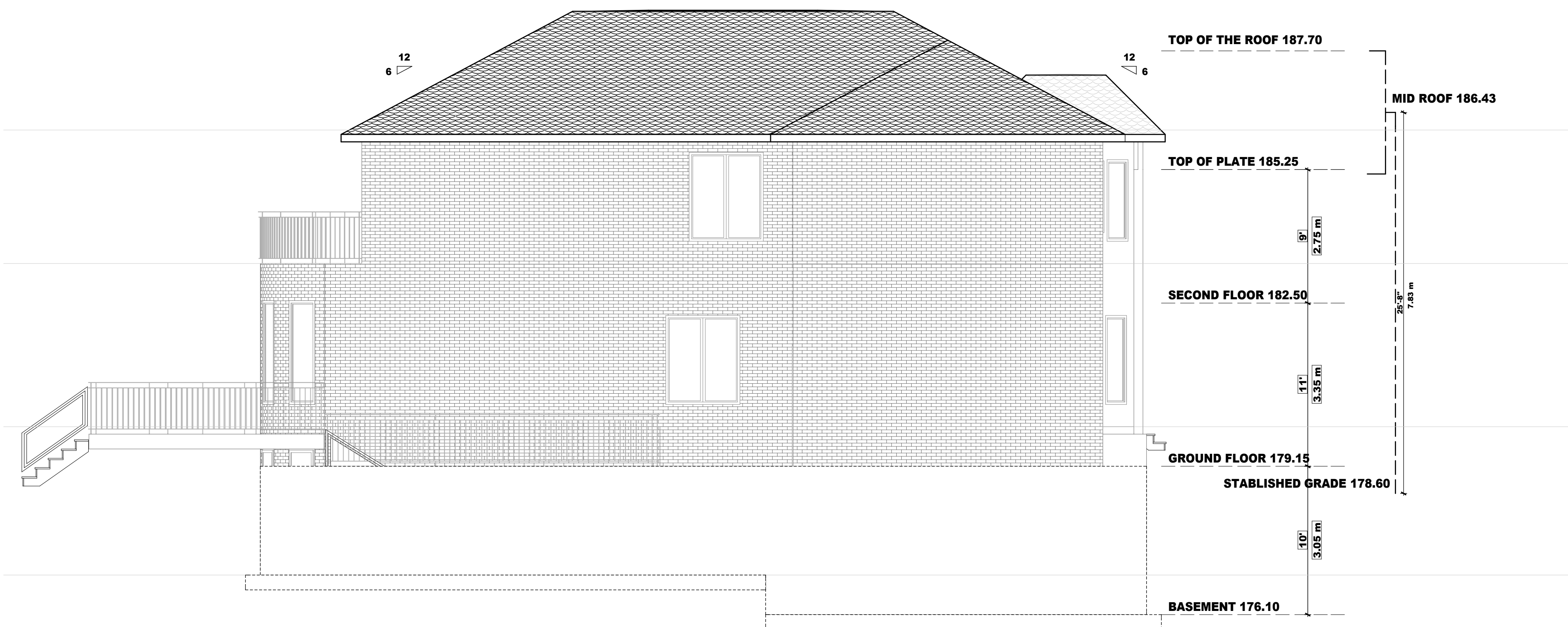
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Date: 4/24/2025
MM/DD/YYYY



DATE: AUG. 2024	ISSUED FOR: FOR C OF A	FOR STRUCTURE ONLY		DRAWN BY V.E	SCALE: 1:64	DRAWING TITLE: SIDE ELEVATION	A2.3
					LAST MODIFIED ON: MARCH 10, 2025	PROJECT TITLE/ADDRESS: 29 JEREMY DRIVE MARKHAM, ON	

Appendix B

File: 24.186500.000.00.MNV
Date: 4/24/2025
MM/DD/YYYY



Appendix C

File: 24.186500.000.00.MNV

Date: 4/24/2025
MM/DD/YYYY

Memorandum to the City of Markham Committee of Adjustment

January 15, 2024

File: A/091/24
Address: 29 Jeremy Drive, Markham
Applicant: Prohome Consulting Inc (Vincent Emami)
Hearing Date: Wednesday, January 22, 2025

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

The Applicant is requesting relief from the following requirements of the “Residential - Established Neighbourhood Low Rise (RES-ENLR)” zone under By-law 2024-19, as amended, as it relates to a proposed two-storey residential dwelling, to permit:

- a) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):** a maximum main building coverage of 25.43 percent for the second storey, whereas the by-law permits a maximum main building coverage for the second storey of 20 percent;
- b) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):** a maximum combined building coverage of 524.2 square metres, whereas the by-law permits a maximum combined building coverage of 500 square metres;
- c) **By-law 2024-19, Section 6.3.2 e):** a maximum distance of 16.7 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line;
- d) **By-law 2024-19, Section 6.2.1 b):** a roof structure to project a maximum of 1.65 metres above the permitted outside wall height, whereas over 10 percent of a roof containing a roof pitch less than 25 degrees is permitted to project a maximum of 1 metre above the permitted outside wall height; and
- e) **By-law 2024-19, Section 6.3.2 I):** a minimum combined interior side yard of 4.34 metres, whereas the by-law requires a minimum combined interior side yard of 5.75 metres.

BACKGROUND

Property Description

The 930.24 m² (10,013 ft²) Subject Lands are located on the north side of Jeremy Drive, generally south of Carlton Road, east of Fred Varley Drive and west of Emily Carr Street (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing detached dwelling (backsplit) on the Subject Lands, which according to assessment records was constructed in 1969. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a combined main building coverage of 509.85m² (5,488 ft²) (the “Proposed Development”) on the Subject Lands (refer to Appendix “B” – Plans).

Staff note that the Applicant revised their initial application and variance requests following comments received from Staff, as demonstrated in the following table:

Table 1 – Variance Comparison Chart			
Development Standard	By-law Requirement	Initial Variance Request	Current Variance Request
Maximum main building coverage for the second storey	20 percent	27.6 percent	25.43 percent
Maximum combined building coverage	500 square metres	524.2 square metres	509.85 square metres
Maximum distance from the established building line for the second storey	14.5 metres	17.6 metres	16.27 metres
Maximum roof structure projection	1 metre	1.65 metres	1.5 metres
Minimum combined interior side yard	5.75 metres	4.34 metres	4.79 metres (increase)

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in

the preparation of the comments provided below.

Comprehensive Zoning By-Law 2024-19

The Subject Lands are zoned “Residential - Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024-19, as amended, which permits a detached dwelling. The Applicant is requesting relief from the requirements for the second storey building coverage, maximum combined building coverage, maximum distance from the established building, maximum roof projection and minimum combined interior side yard.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a Zoning Preliminary Review (ZPR) on February 27, 2024 to confirm the initial variances required for the Proposed Development. The Applicant submitted revised drawings on November 15, 2024 at the request of Planning Staff to reduce the requested variances for the second storey building coverage, maximum combined building coverage, maximum distance from the established building, maximum roof projection and minimum combined interior side yard. The Applicant has not conducted a ZPR for the revised drawings. Consequently, it is the Applicant’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 variances requested 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.

Increase in Maximum Second Storey Building Coverage

The Applicant is requesting relief to permit a maximum second storey building coverage of 25.43% (236.53 m² or 2,546 ft²), whereas By-law 2024-19 permits a maximum second storey building coverage of 20% (186.05 m² or 2,002 ft²). This represents an increase of approximately 5.43% (50.48 m² or 543.36 ft²) from the maximum permitted second storey building coverage.

The intent of the By-law is to regulate the massing of the dwelling by requiring a second storey that is smaller in size than the first storey. The Applicant has made efforts to reduce the overall massing of the Proposed Development to ensure it is compatible with existing dwellings on Jeremy Drive. Particularly for the main

building coverage of the second storey, the Applicant reduced the variance requested from 27.6% to 25.43% after discussions with Planning Staff. Staff are of the opinion that the requested variance is minor in nature, as the proposed increase in the second-storey building coverage will not significantly add to the scale and massing of the Proposed Development.

Increased Maximum Main Building Coverage

The Applicant is requesting relief to permit a maximum combined main building coverage of 509.85 m² (5,487 ft²), whereas By-law 2024-19 permits a maximum combined main building coverage of 500 m² (5,381.96 ft²). This represents an increase of 9.85 m² (106 ft²).

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 the lot area, and within the context of the surrounding neighbourhood.

The Applicant reduced the maximum combined main building coverage variance requested from 524.2 m² (5,642 ft²) to 509.85 m² (5,487 ft²) after discussions with Planning Staff. Additionally, the proposed building coverage does not extend to the rear limits of the maximum buildable area and there remains a generous rear yard setback (approximately 52 feet or 16.11 metres), the proposed increase in the building coverage will not significantly add to the scale and massing of the Proposed Development.

Staff are of the opinion that the proposed increase in building coverage will not negatively impact the character of the neighborhood or the amenity areas of adjacent properties.

Increase in Maximum Second Storey Distance from the Established Building Line

The Applicant is requesting relief to permit a maximum distance of 16.27 m (53.37 ft) from the established building line for the second storey, whereas By-law 2024-19 permits a maximum distance of 14.5 m (47.58 ft). This represents an increase of 1.77 m (5.8 ft) of the second storey from the established building line. The intent of the maximum distance from the established building line for any storey above the first includes consideration for building depth and massing in relation to the neighbouring dwellings.

The Applicant reduced the maximum secondary storey distance from the Established Building Line from 17.6 m (57.75 ft) to 16.27 m (53.37 ft) after discussions with Planning Staff. Given that the Proposed Development breaks up the massing towards the rear and does not extend to the maximum rear depth, Staff are of the opinion that the proposed extension to 16.27 m (53.37 ft) for the second storey will have limited impact on the streetscape and neighboring properties, as the setbacks are generally maintained, and the two-storey scale of the Proposed Development is consistent with other infill developments in the

area. Furthermore, the increase of the second storey building depth will not extend beyond the footprint and established building line of the first storey.

Staff note that the proposed building depth remains consistent with the building depths of adjacent dwellings and have no strong objection to the requested variance.

Increase in Roof Projection Above Maximum Outside Wall Height

The Applicant is requesting relief for a roof projection of 1.50 m (4.92 ft) above the maximum outside wall height, whereas By-law 2024-19 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. This represents an increase of 0.50 m (1.64 ft).

The intent of the maximum roof projection provision is to generally maintain a consistent roofline and prevent excessive height that may negatively impact the surrounding adjacent dwellings. The Applicant reduced the requested variance to the roof projection from 1.65 m (5.41 ft) to 1.50 m (4.92 ft) after discussions with Planning Staff. Staff are of the opinion that the proposed roof projection is consistent with the design aesthetic of the Proposed Dwelling and will not create any adverse impacts to neighboring properties.

Minimum Combined Interior Side Yard Setback Variance

The Applicant is requesting relief to permit a minimum combined interior side yard of 4.79 metres, whereas By-law 2024-19 requires a minimum combined interior side yard on both sides of 5.75 metres. This represents a reduction of 0.96 metres (3.15 feet). The intent of the minimum combined interior side yard requirement is to ensure adequate separation between adjacent properties, for access, drainage, and minimizing any potential negative impacts.

Engineering Staff have provided comments regarding drainage and access and note that adequate spaces to both sides have been met. The Applicant also increased the proposed combined interior side yard distance from 4.34 m (12.23 ft) to 4.79 m (15.71 ft) after discussions with Planning Staff. Staff are of the opinion that the proposed combined side yard of 4.79 m (15.71 ft) will not negatively impact the neighboring properties and consider the requested variance to be consistent with similar developments in the area that have reduced side yard setbacks.

Tree Protection and Compensation

Tree Preservation Staff had initial concerns regarding the interior side yard setback request [variance (e)] impacting a neighbouring tree at 27 Jeremy Drive. With the revised submission, no new concerns have been noted by Tree Preservation Staff. Detailed comments from Tree Preservation Staff will be provided during the Residential Grading & Servicing application or Housing

Permit application stage. Tree related conditions have been included in Appendix "C".

PUBLIC INPUT SUMMARY

No written submissions were received as of January 15, 2024. 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.

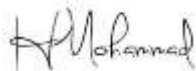
CONCLUSION

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 request variances meet 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.

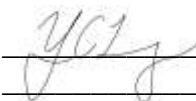
Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Barton Leung, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – Conditions



Legend

- Parcel Overlay
- Aerial 2024
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Parcel
- Park Facility
- Parks
- Under Development
- <all other values>

1: 2,257



114.7 0 57.33 114.7 Meters

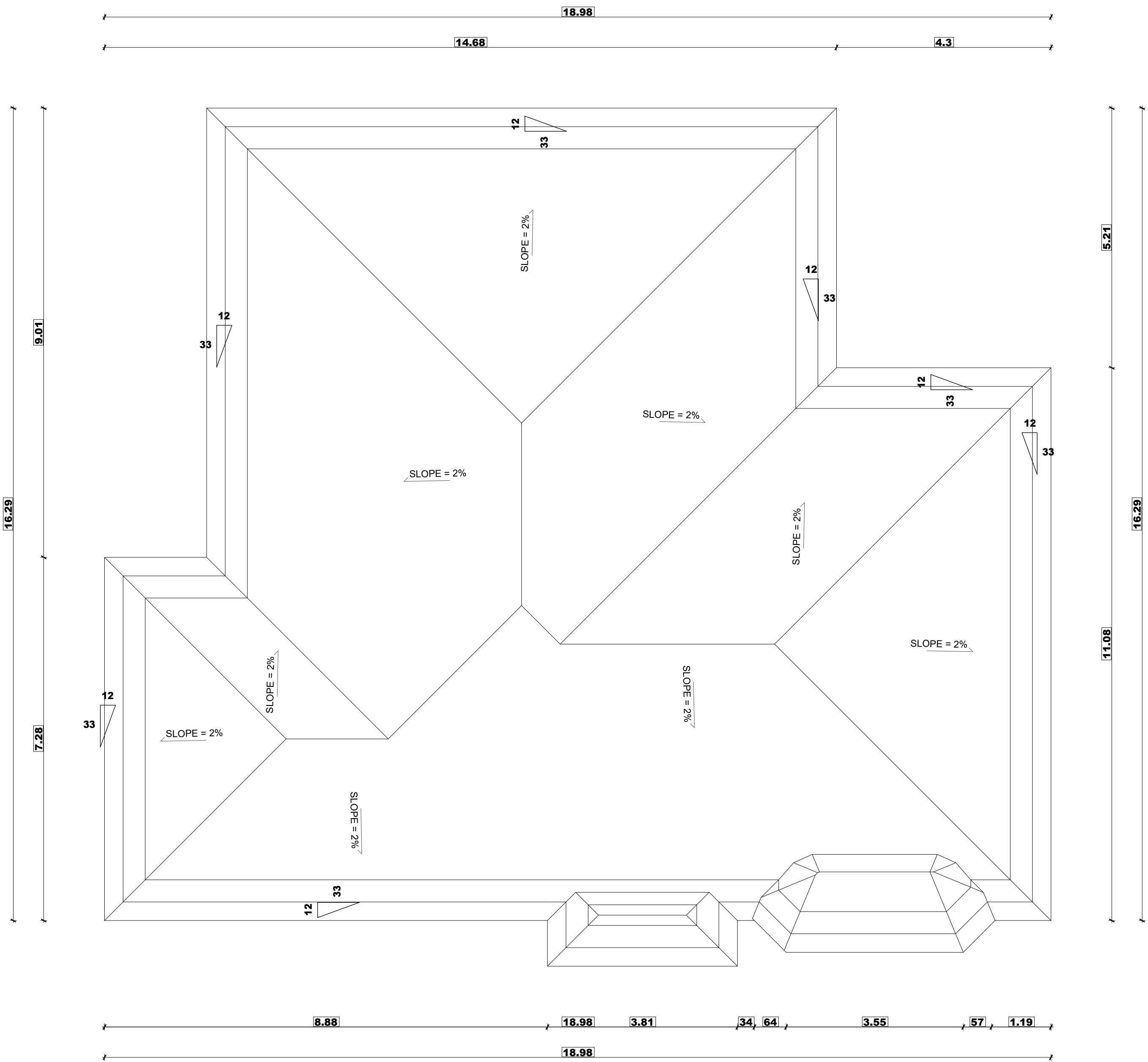
NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

Appendix B

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Date: 1/17/2025
MM/DD/YYYY



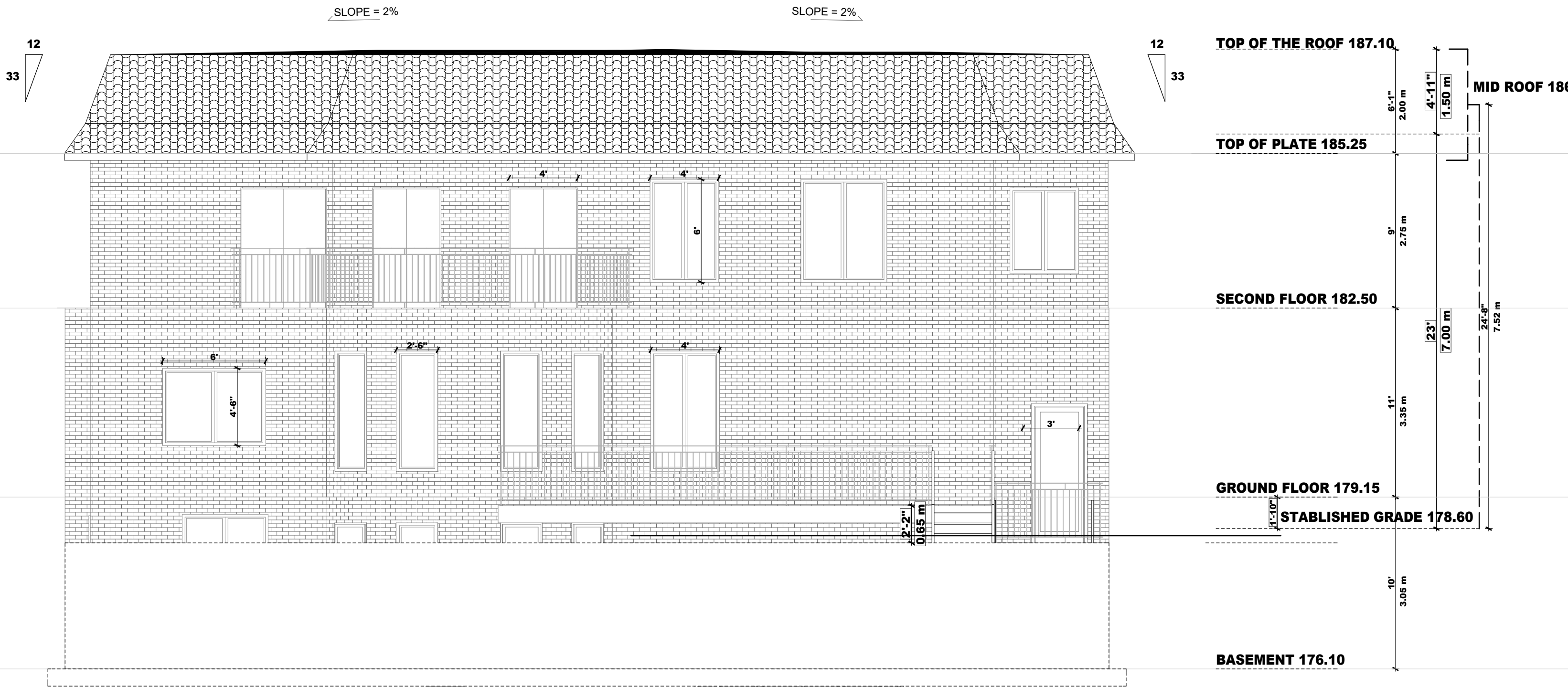
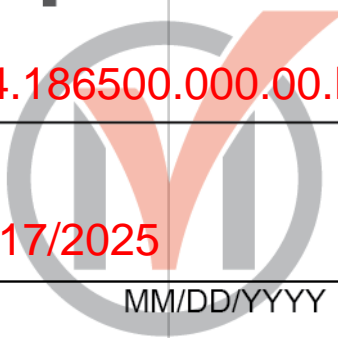
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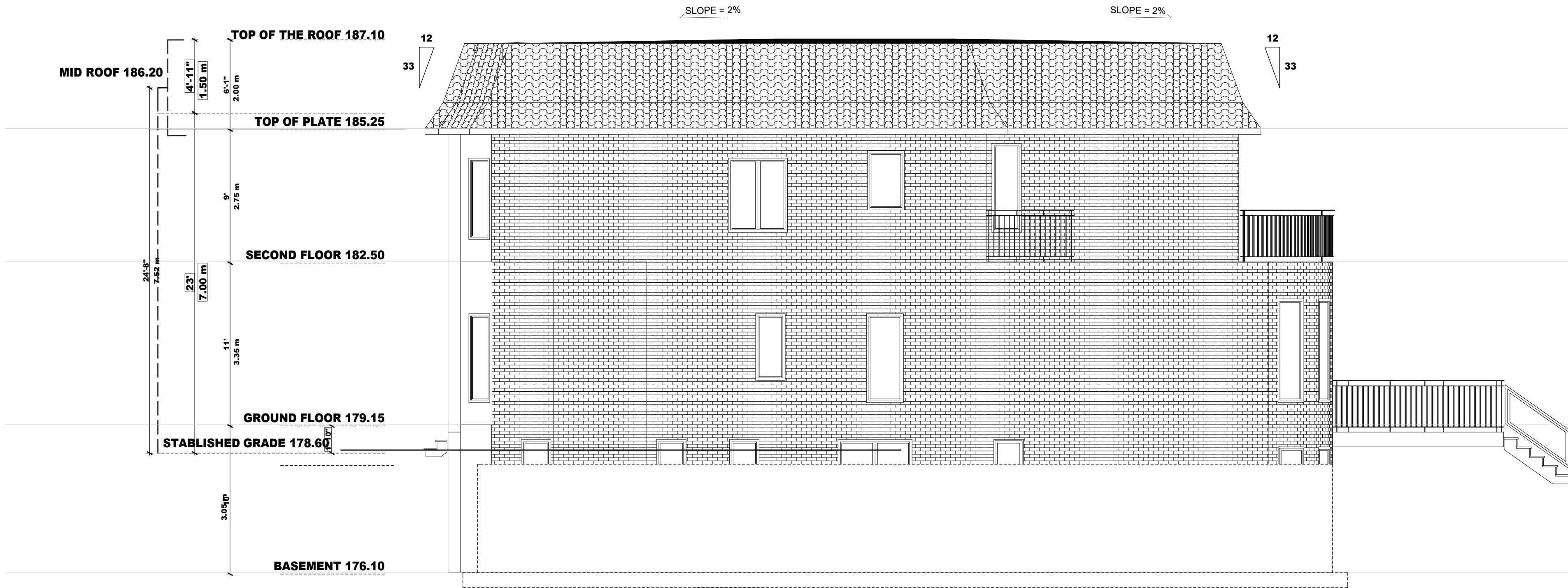
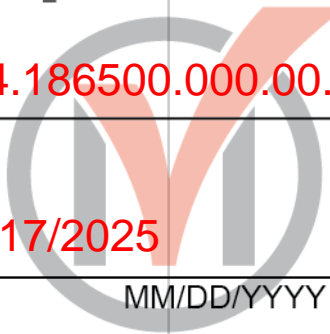
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Appendix B

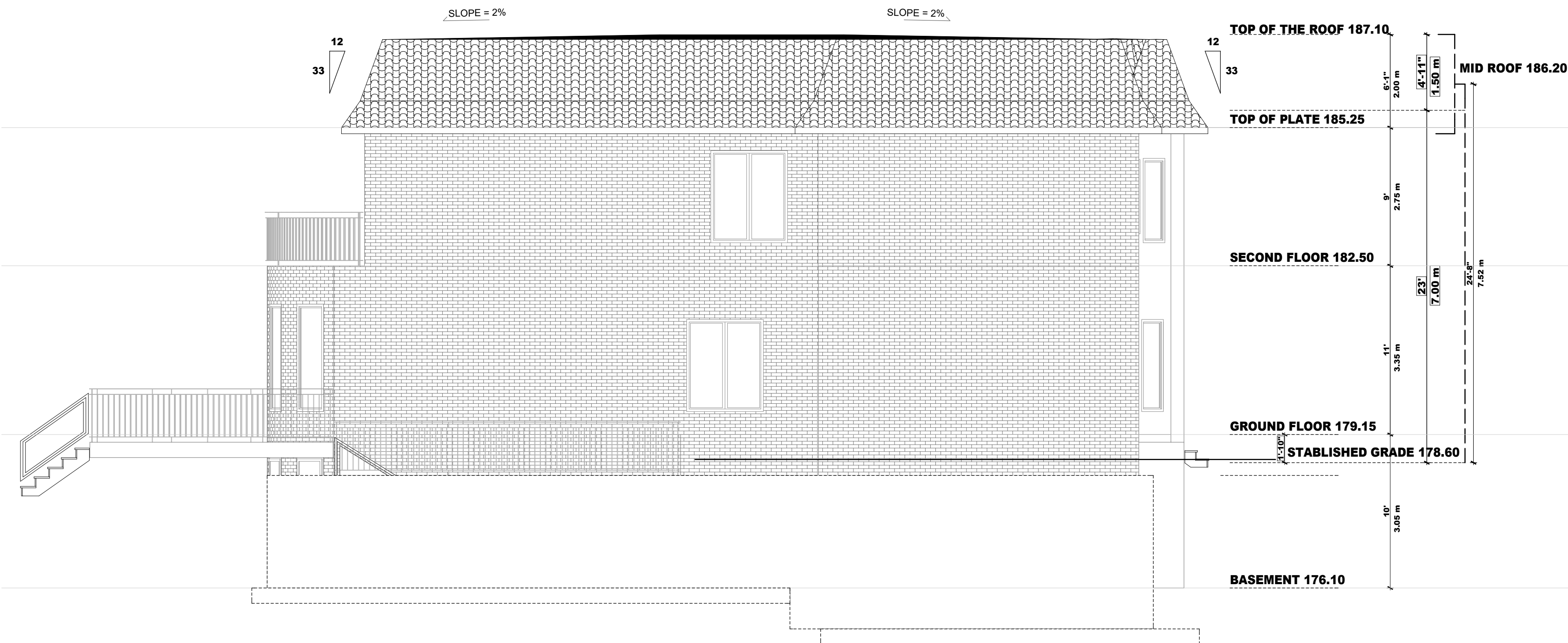
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Date: 1/17/2025
MM/DD/YYYY



DATE: AUG. 2024	ISSUED FOR: FOR C OF A	FOR STRUCTURE ONLY		DRAWN BY V.E	SCALE: 1:64, 1:100	DRAWING TITLE: SIDE ELEVATION	A2.3
					LAST MODIFIED ON: NOVEMBER 15, 2024	PROJECT TITLE/ADDRESS: 29 JEREMY DRIVE MARKHAM, ON	

Appendix B

File: 24.186500.000.00.MNV
Date: 1/17/2025
MM/DD/YYYY



Appendix B

File: 24.186500.000.00.MNV

Date: 1/17/2025
MM/DD/YYYY

PART 2:

REPORT

THIS REPORT WAS PREPARED FOR X.YANG, AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

BOUNDARIES

LOT 3, REGISTERED PLAN 7566

TITLE SEARCH INDICATES

SUBJECT TO AN EASEMENTS AS IN INST. # M56054

ZONING

NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE FOR THE SUBJECT PROPERTY (PROPERTIES).

FENCES

PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE SOUTHERLY, NORTHERLY, EASTERLY & WESTERLY BOUNDARIES; THEY ARE LOCATED OVER THE SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.

BEARING NOTE

BEARING ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF JEREMY DRIVE HAVING A BEARING OF N 73°04'00" E AS SHOWN ON REGISTERED PLAN 7566

GEODETIC

ELEVATIONS SHOWN GEODETIC DRIVEN FROM CITY OF MARKHAM BENCH MARK # 21-007, ELEVATION 178.56 M

LEGEND:

■	DENOTES SURVEY MONUMENT FOUND	IB	DENOTES IRON BAR
■	DENOTES SURVEY MONUMENT SET	GW	" GUY WIRE
SIB	" STANDARD IRON BAR	CA	" CABLE BOX
N.E.S.W	" NORTH, EAST, SOUTH, WEST	MH	" MANHOLE
CLF	" CHAIN LINK FENCE	O/H WRES	" OVERHEAD WIRE
RP	" REGISTERED PLAN 7566	HP	" HYDRO POLE
P	" SURVEY BY P.S.AUNA	OU	" ORIGIN UNKNOWN
P1	" SURVEY BY P.S.AUNA	MS	" MEASURED
	O.L.S. DATED FEB. 11, 1969	DT	" DECIDUOUS TREE
	O.L.S. DATED JAN. 08, 1969	CT	" CONIFEROUS TREE
		CT.	" DECIDUOUS TREE TRUNK
		CT.	" CONIFEROUS TREE TRUNK
		DS	" DOOR SILL

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 24TH DAY OF JANUARY, 2017.

DATE: NOVEMBER, 16 2023

* SURVEY UPDATED ON NOVEMBER 14, 2023

A. ABDELSHAHI
ONTARIO LAND SURVEYOR

A. AZIZ SURVEYORS INC

ONTARIO LAND SURVEYORS
120 NEWKIRK ROAD-#31, RICHMOND HILL, ONT. L4C-9S7

Tel. (905) 237-8224 Fax: (416) 477-5465

Website: M-Azizsurveyors.ca

E-Mail: aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
17-006	29 JEREMY DRIVE (SR-PR)
DRAWN BY	MEL
CHECKED BY	A.A

APPENDIX “C” – A/091/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/091/24

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the Proposed Development, in substantial conformity with the plans 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 is 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.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

APPENDIX “D”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/091/24

1. The variances apply only to the Proposed Development as long as it remains;
2. That the variances apply only to the Proposed Development, in substantial conformity with the plans 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.
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CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District