

# 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 m<sup>2</sup> (10,013 ft<sup>2</sup>) 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 509.85m<sup>2</sup> (5,488 ft<sup>2</sup>) (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:

| <b>Table 1 – Variance Comparison Chart</b>                                       |                           |                                 |                                 |
|--|---------------------------|---------------------------------|---------------------------------|
| <b>Development Standard</b>  | <b>By-law Requirement</b> | <b>Initial Variance Request</b> | <b>Current Variance Request</b> |
| <b>Maximum main building coverage for the second storey</b>                      | 20 percent                | 27.6 percent                    | 25.43 percent                   |
| <b>Maximum combined building coverage</b>  | 500 square metres         | 524.2 square metres             | 509.85 square metres            |
| <b>Maximum distance from the established building line for the second storey</b> | 14.5 metres               | 17.6 metres                     | 16.27 metres                    |
| <b>Maximum roof structure projection</b>   | 1 metre                   | 1.65 metres                     | 1.5 metres                      |
| <b>Minimum combined interior side yard</b>                                       | 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 m<sup>2</sup> or 2,546 ft<sup>2</sup>), whereas By-law 2024-19 permits a maximum second storey building coverage of 20% (186.05 m<sup>2</sup> or 2,002 ft<sup>2</sup>). This represents an increase of approximately 5.43% (50.48 m<sup>2</sup> or 543.36 ft<sup>2</sup>) 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 m<sup>2</sup> (5,487 ft<sup>2</sup>), whereas By-law 2024-19 permits a maximum combined main building coverage of 500 m<sup>2</sup> (5,381.96 ft<sup>2</sup>). This represents an increase of 9.85 m<sup>2</sup> (106 ft<sup>2</sup>).

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 m<sup>2</sup> (5,642 ft<sup>2</sup>) to 509.85 m<sup>2</sup> (5,487 ft<sup>2</sup>) 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.

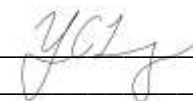
PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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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

Notes

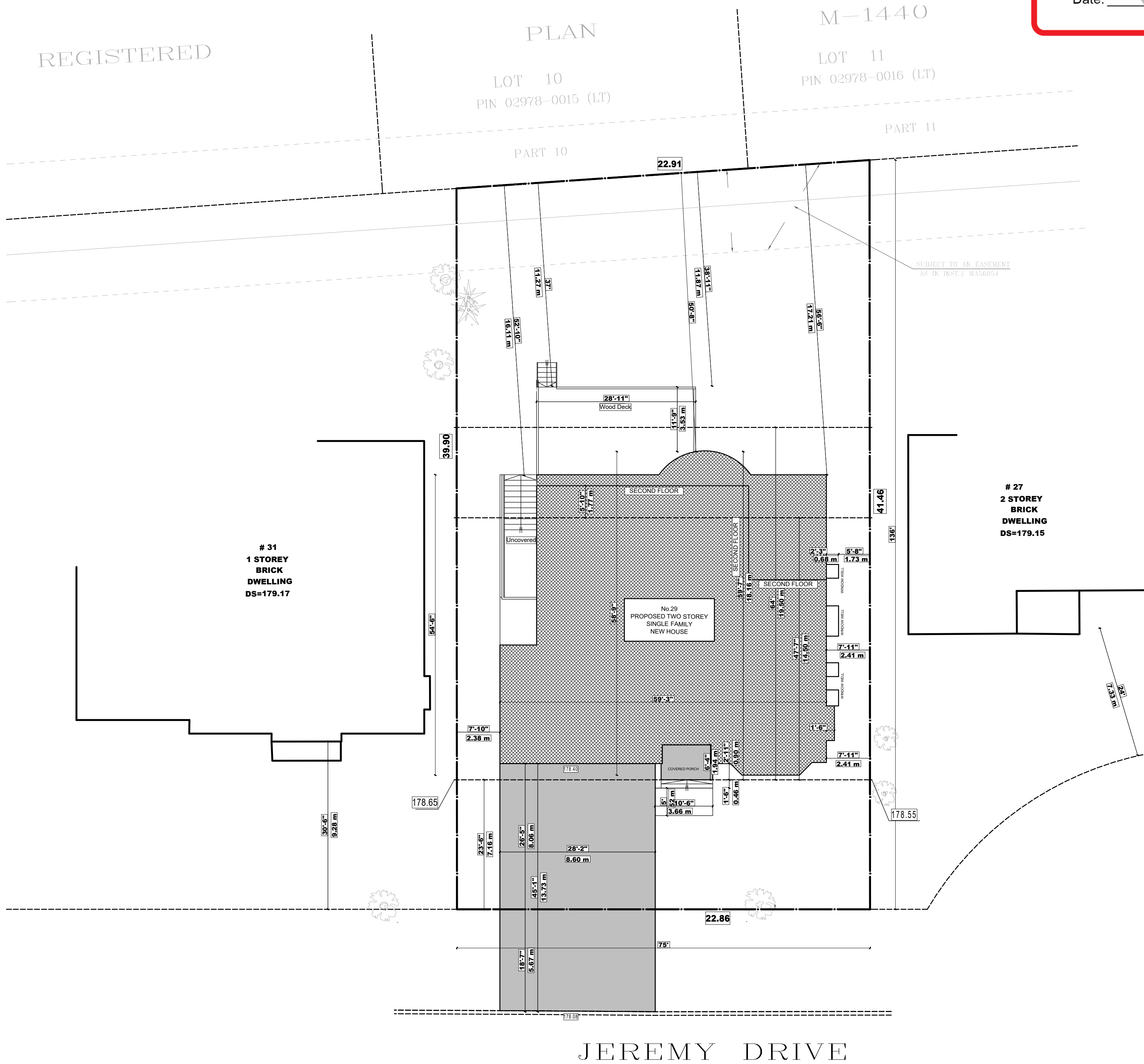


|                                 |   |   |  |  |  |
|---------------------------------|---|---|--|--|--|
| LOT AREA: 930.24 M <sup>2</sup> |   | LOT COVERAGE:                                       |  |  |  |
| GFA                             | GR FLOOR INCLUDING GARAGE                           | SECOND FLOOR AREA                                   | BASEMENT                                   | GARAGE                                   | COMBINED MAIN BUILDING COVERAGE NOT INCLUDING CELLAR |
| TOTAL                           | 2942FT <sup>2</sup> /273.32 M <sup>2</sup> (%29.38) | 2546FT <sup>2</sup> /236.53 M <sup>2</sup> (%25.43) | 3107FT <sup>2</sup> /288.65 M <sup>2</sup> | 593 FT <sup>2</sup> /55.09M <sup>2</sup> | 5488FT <sup>2</sup> /509.85 M <sup>2</sup>           |

## Appendix B

File: 24.186500.000.00.MNV

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



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| DATE:<br>AUG. 2024 | ISSUED FOR:<br>FOR C OF A | <br>ONTARIO ASSOCIATION<br>NOVEMBER 15 2024<br>ARCHITECTS<br>VAHID EMAM JOMEH<br>LICENCE 9939 | DRAWN BY:<br>V.E | SCALE:<br>1:150                        | DRAWING TITLE:<br>SITE PLAN                              | A.O1 |
|                    |                           |  |                  | LAST MODIFIED ON:<br>NOVEMBER 15, 2024 | PROJECT TITLE/ADDRESS:<br>29 JEREMY DRIVE<br>MARKHAM, ON |      |

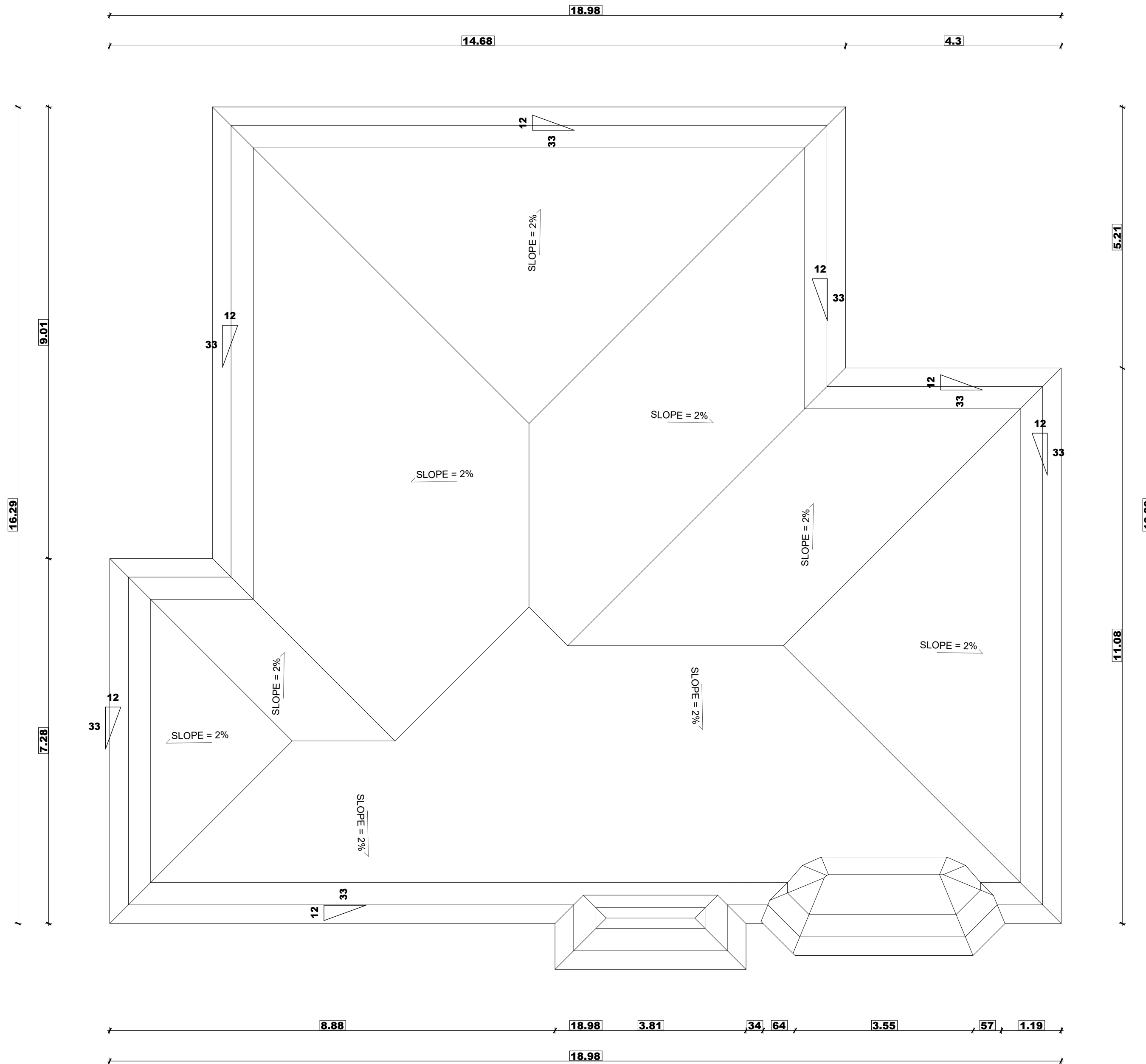
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# Appendix B

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# Appendix B

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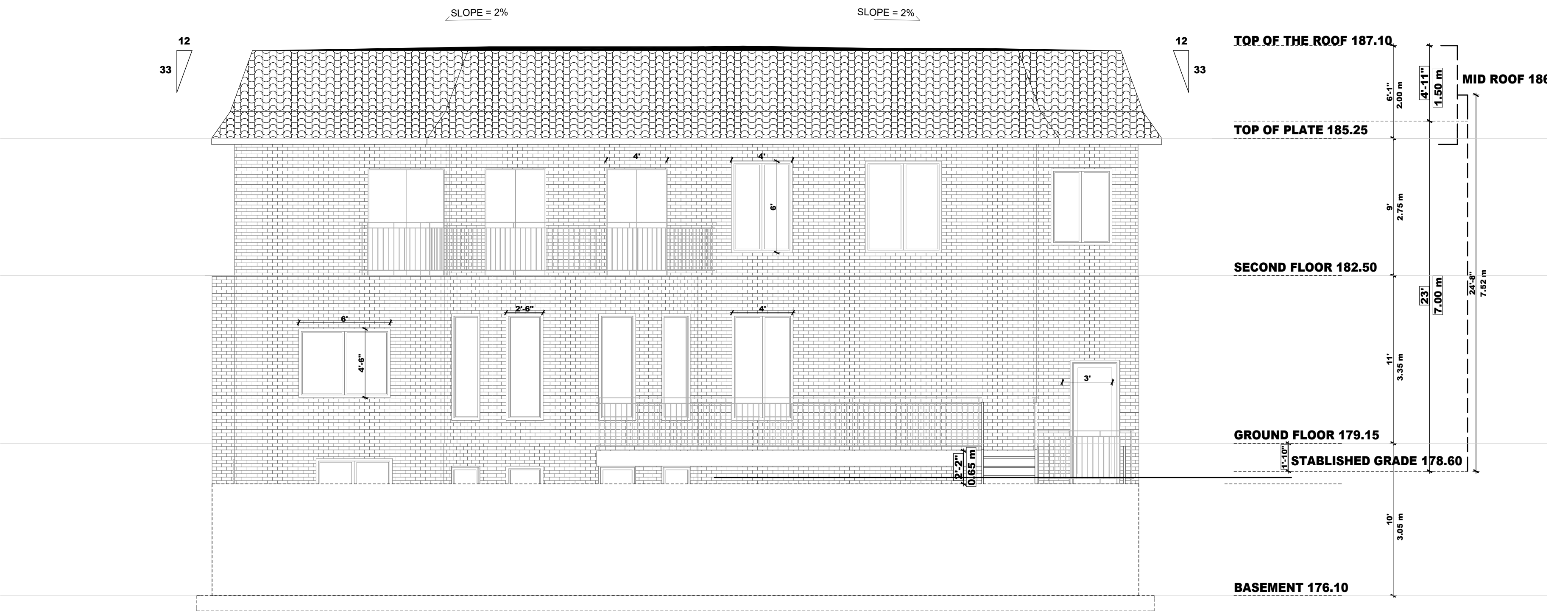
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29 JEREMY DRIVE  
MARKHAM, ON

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# Appendix B

File: 24.186500.000.00.MNV

Date: 1/17/2025  
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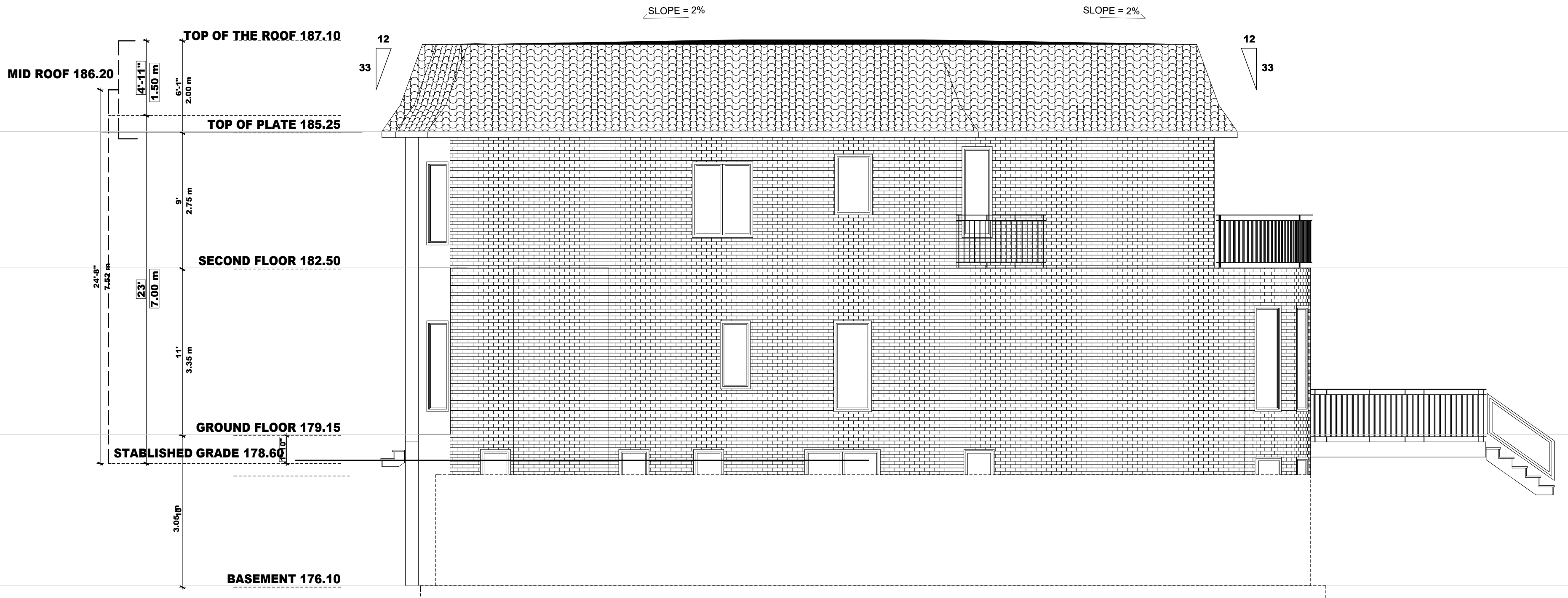
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29 JEREMY DRIVE  
MARKHAM, ON

A2.2

# Appendix B

File: 24.186500.000.00.MNV

Date: 1/17/2025  
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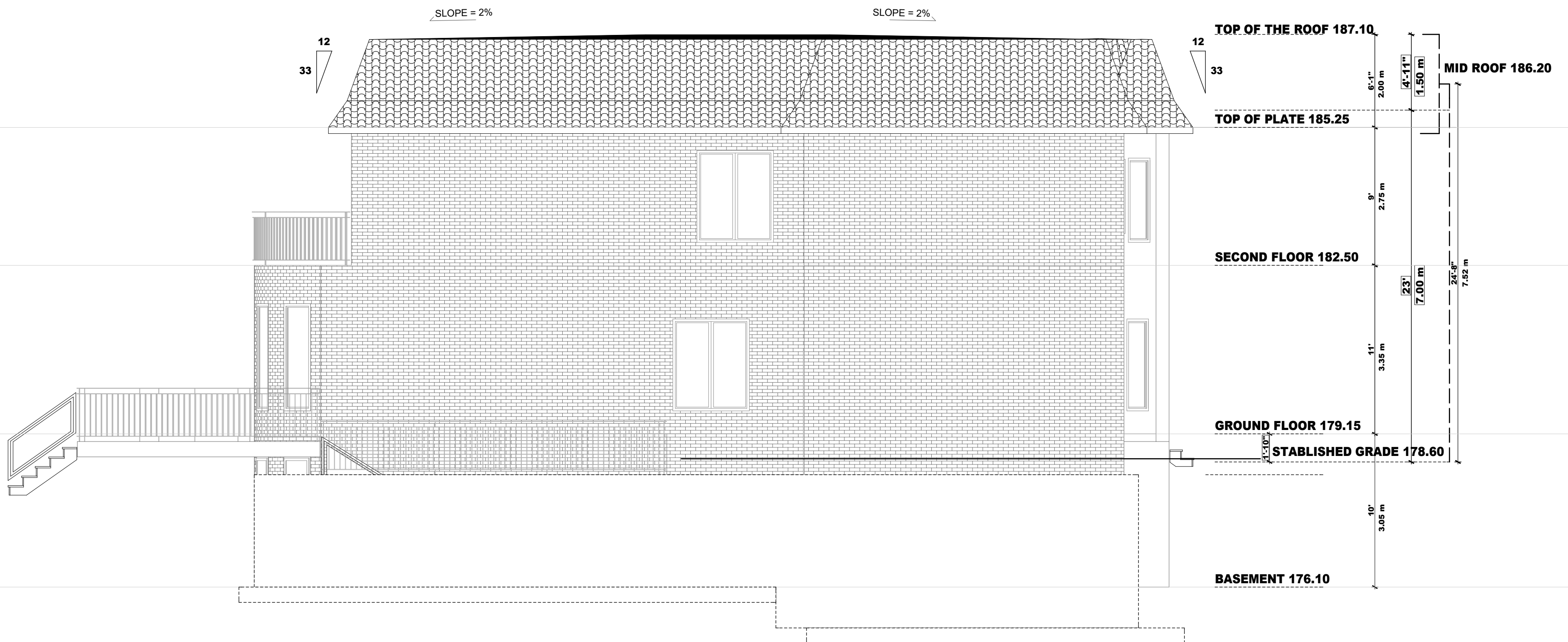
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# Appendix B

File: 24.186500.000.00.MNV

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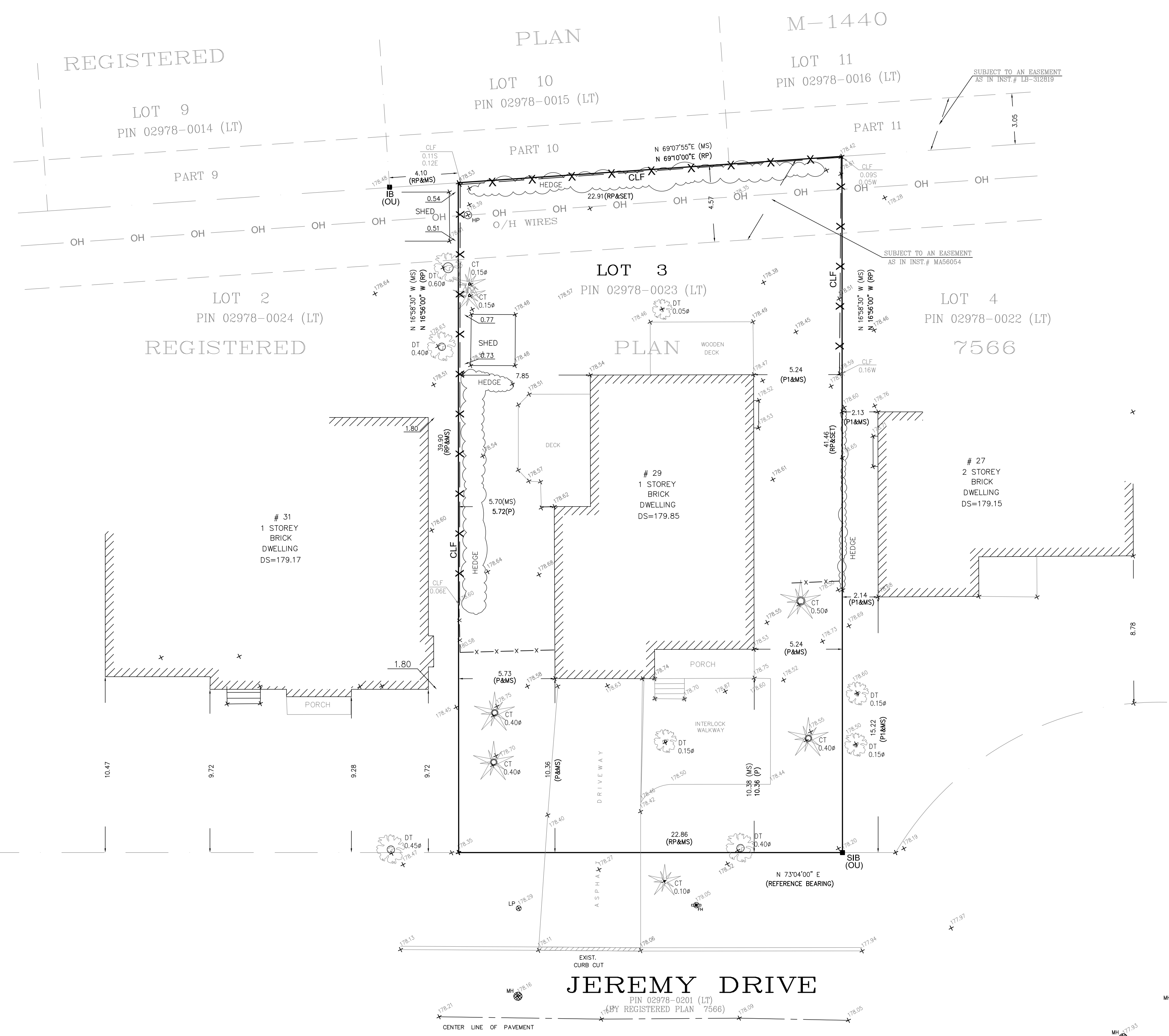
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# Appendix B

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. # M456054  
**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   | CW       | QUY 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.SALINA            | OU       | ORION UNKNOWN        |
|         | O.L.S. DATED FEB. 11, 1969    | MS       | MEASURED             |
| P1      | SURVEY BY P.SALINA            | SDTL     | DECIDUOUS TREE       |
|         | O.L.S. DATED JAN. 08, 1969    | CT       | CONFEROUS TREE       |
|         |                               | DT       | CONFEROUS TREE TRUNK |
|         |                               | CT       | CONFEROUS TREE TRUNK |
|         |                               | DS       | DOOR SILL            |

## JEREMY DRIVE

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 24TH DAY OF JANUARY, 2017.

DATE: NOVEMBER, 16 2023  
A. ABDELSHAHID  
ONTARIO LAND SURVEYOR

\* SURVEY UPDATED ON NOVEMBER 14, 2023

**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       | CHECKED BY              |
| MEL            | 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:



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Hussnain Mohammad, Planner 1, Development Facilitation Office