

Memorandum to the City of Markham Committee of Adjustment

January 17, 2025

File: A/134/24
Address: 45 Thorny Brae Drive, Thornhill
Agent: RT Architects (Raffi Tashdjian)
Hearing Date: Wednesday, January 22, 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) and Greenway One (GWY1), as amended, to permit:

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

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

BACKGROUND

Property Description

The 825.87 m² (8889.6 ft²) subject property is located on the west side of Thorny Brae Drive, west of a transportation utility corridor and east of Yonge Street. 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.

The Subject Property is partially located within TRCA's Regulated Area as the rear portion of the site is traversed by a valley corridor associated with the Don River Watershed.

Proposal

The applicant is proposing to construct a two-storey addition to the existing dwelling. The proposed addition is to the rear of the property, increases the dwelling height and reconfigures the rooms within the house in both storeys. In addition, a second storey canopy will be added to the house. To facilitate this, the existing roof 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" and "Greenway". The "Residential Low Rise" designation provides for low rise housing forms including single detached dwellings. The "Greenway" designation provides for the protection of valleylands and stream corridors.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR and GWY1 under By-law 2024-19, as amended, which permits single family detached dwellings. The proposal does not comply with the Zoning By-law with respect to the second storey coverage maximum main building distance. Further details of the distance requirement 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, *"House extension within ZONING BY-LAW (2024-19) & ZONE (RES-ENLR) Zone, to permit a main building coverage of 21% (1,867 sq. ft) for the 2nd storey and to permit a main building distance of 17.1m for the second storey"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 21st, 2024 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.

Increase in Second Storey Coverage Variance

The applicant is requesting to permit a main building coverage of 21% for the second storey, whereas the by-law permits a maximum main building coverage of 20%. 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.

The proposed second-storey extension area will maintain the established building line for the subject property, which will be consistent with the established front yard pattern in the neighbourhood. Given that the proposed second-storey building coverage does not extend beyond the existing building footprint, and there remains a generous rear yard (12.39 m from the new addition and 11.12 m from the proposed canopy) to accommodate for the existing trees in the rear yard, staff is of the opinion that the proposed increase in the 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.

Main Building Distance Variance

The applicant is requesting a variance to permit a maximum main building distance of 17.1 m for the second storey, whereas the by-law permits a maximum distance of 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, rear landscaping and much of the existing building footprint. Staff is of the opinion that the requested variance

is minor in nature and consistent with the surrounding area and have no concern with the requested variance.

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on January 8th, 2025 (Appendix C), indicating that the proposed development is within the regulated portion of the property. TRCA indicated that a TRCA permit will be required, and that they have no objections to the approval of the variance, subject to conditions outlined in their letter.

Metrolinx Comments

Metrolinx provided comments for this application on January 3rd, 2025 (Appendix C). Metrolinx has no objections to the proposal, in principle, and provided the following advisory comments noted below:

The subject property falls within the Transit Corridor Lands (TCL) + 30 m buffer of the Yonge North Subway Extension (YNSE), and as such the proposed development is subject to the Corridor Development Permit (CDP) process defined by the [Building Transit Faster Act \(2020\)](#). A CDP is required under applicable law prior to any conditional, partial, or complete building permit issuance. The applicant shall submit a [CDP application to development.coordinator@metrolinx.com](#), at least sixty (60) business days prior to the intended start date of any construction activity within the subject property boundary or adjacent public right-of-way. Visit our [Website](#), read the [CDP Adjacent Development Guide](#), and view the [Interactive Map](#) to learn more about the requirements for adjacent development within Priority Transit Project (PTP) areas.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 17th, 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:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District
File Path: Amanda\File\ 24 197134 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/134/24

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. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the (*outside agency*), and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA;

CONDITIONS PREPARED BY:

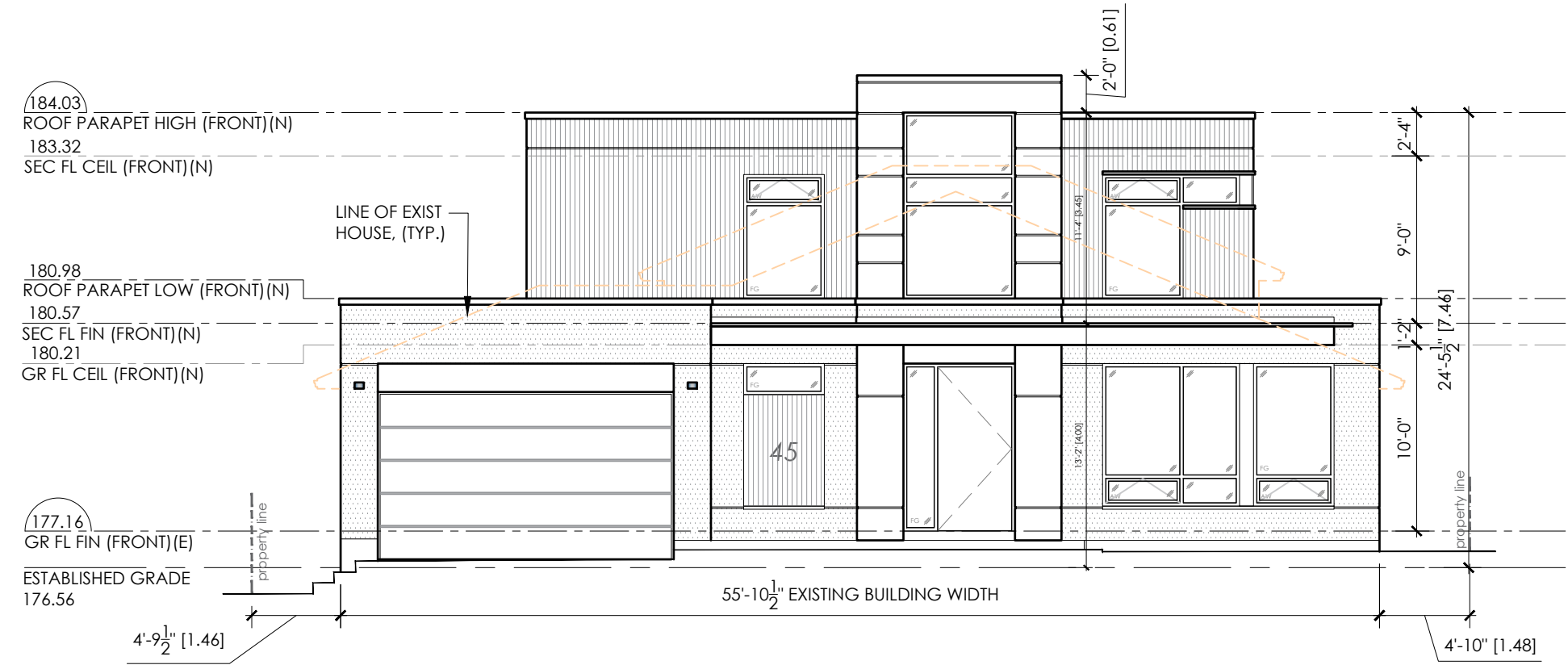


Theo Ako-Manieson, Planner I, West District

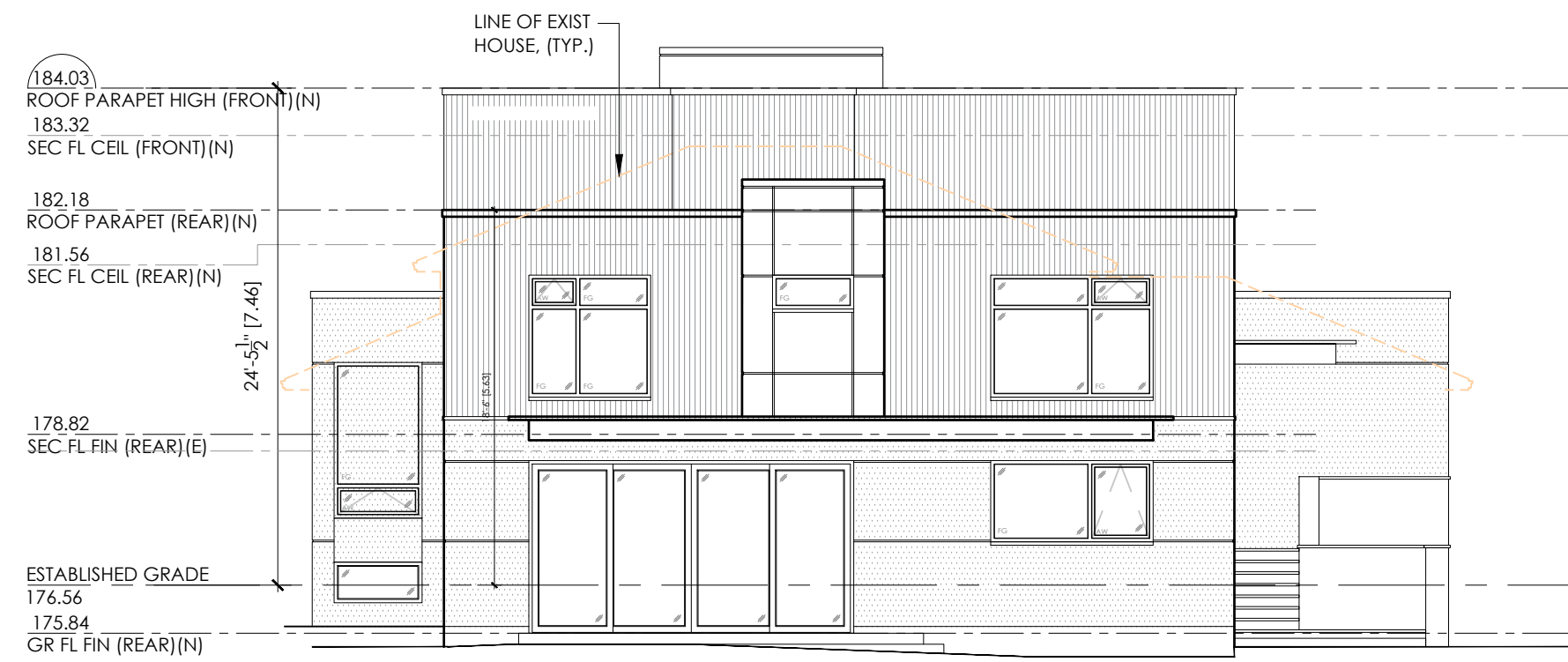
Appendix B

File: 24.197134.000.00.MNV

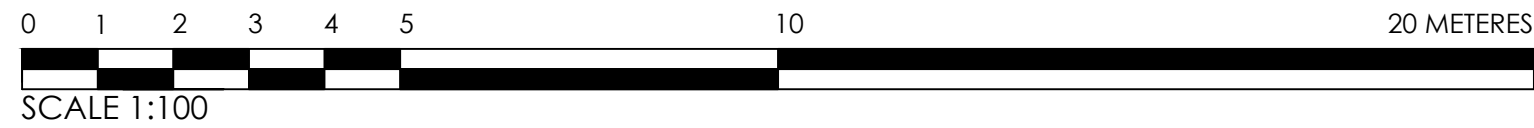
Date: 1/17/2025
MM/DD/YYYY



1 FRONT ELEVATION
SCALE: 1:100



2 REAR ELEVATION
SCALE: 1:100



REV.	ISSUED FOR:	DATE:
1.	ISSUED FOR COMMITTEE OF ADJUSTMENT	2024-11-04
2.		
3.		
4.		
5.		

PO Box 31031 Drive-Thru Parcel Centre,
Richmond Hill, ON L4C 0V3
c: 416.270.2129; e: raffi@rtarchitects.ca
w: www.rtarchitects.ca

ONTARIO ASSOCIATION
OF
ARCHITECTS
RAFFI TASHDJIAN
LICENCE
9666

Project: **EXTENSION & INTERIOR ALTERATION DESIGN**
45 THORNY BRAE DR, MARKHAM, ON

Drawing Name: **FRONT & REAR ELEVATIONS**
THORNY BRAE RESIDENCE

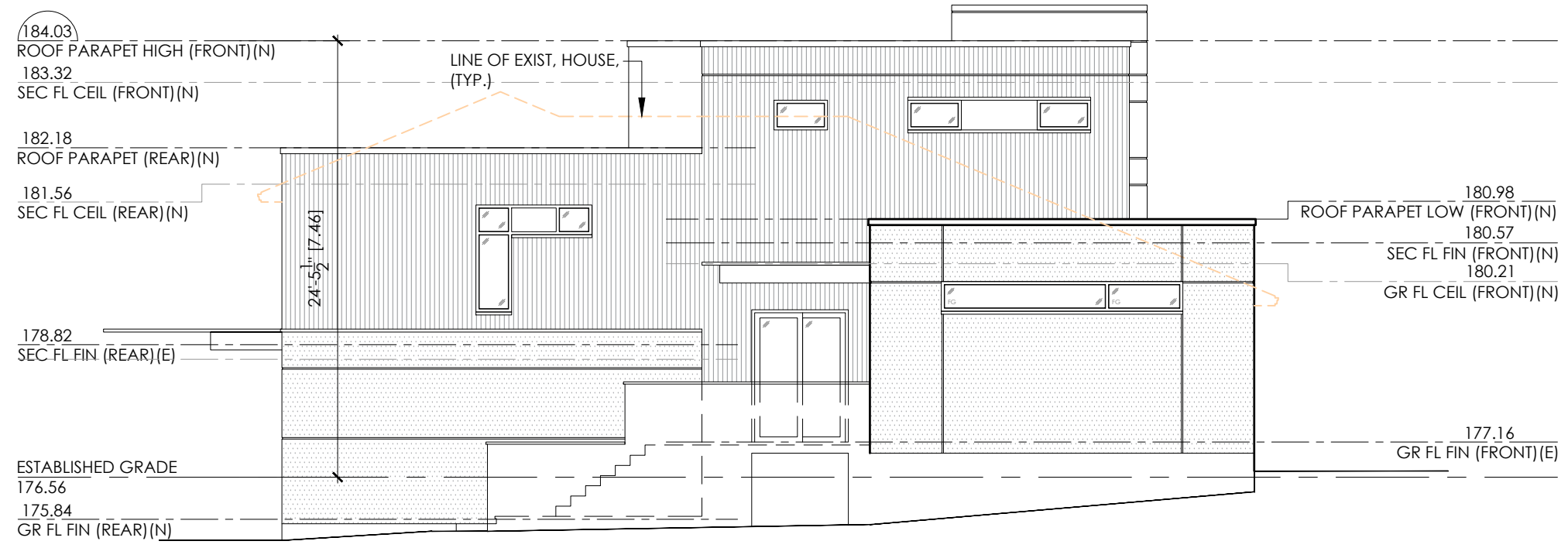
Project no.:	2240149	Date:	JUNE 2024
Drawn by:	PF	Scale:	AS NOTED
Checked by:	RT		
North Arrow:		Drawing No.:	

A1.4

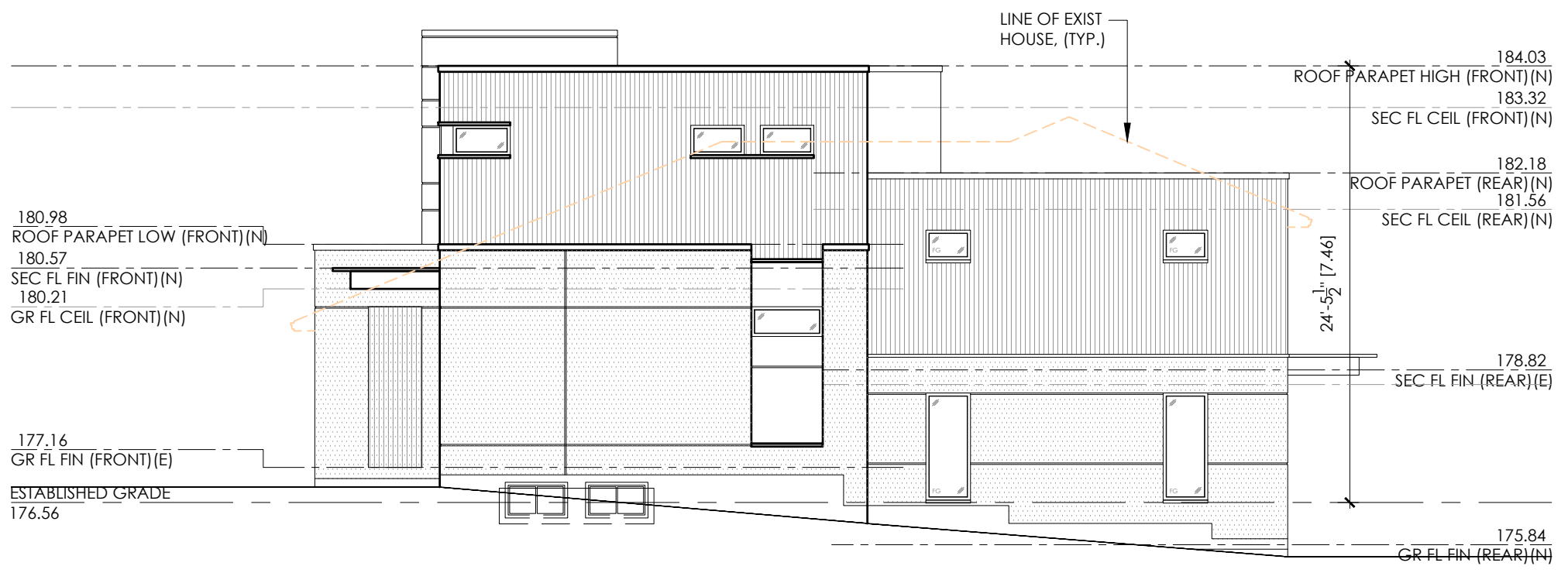
Appendix B

File: 24.197134.000.00.MNV

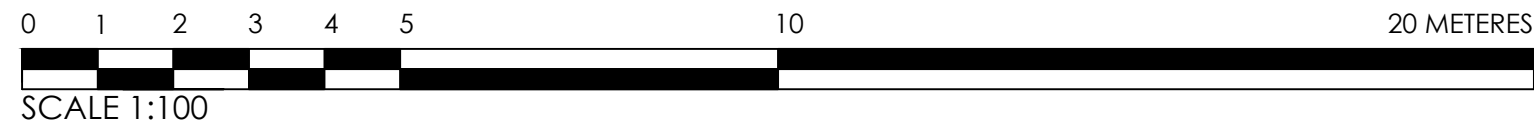
Date: 1/17/2025
MM/DD/YYYY



1 SIDE ELEVATION
A1.5 SCALE: 1:100



2 SIDE ELEVATION
A1.5 SCALE: 1:100



REV.	ISSUED FOR:	DATE:
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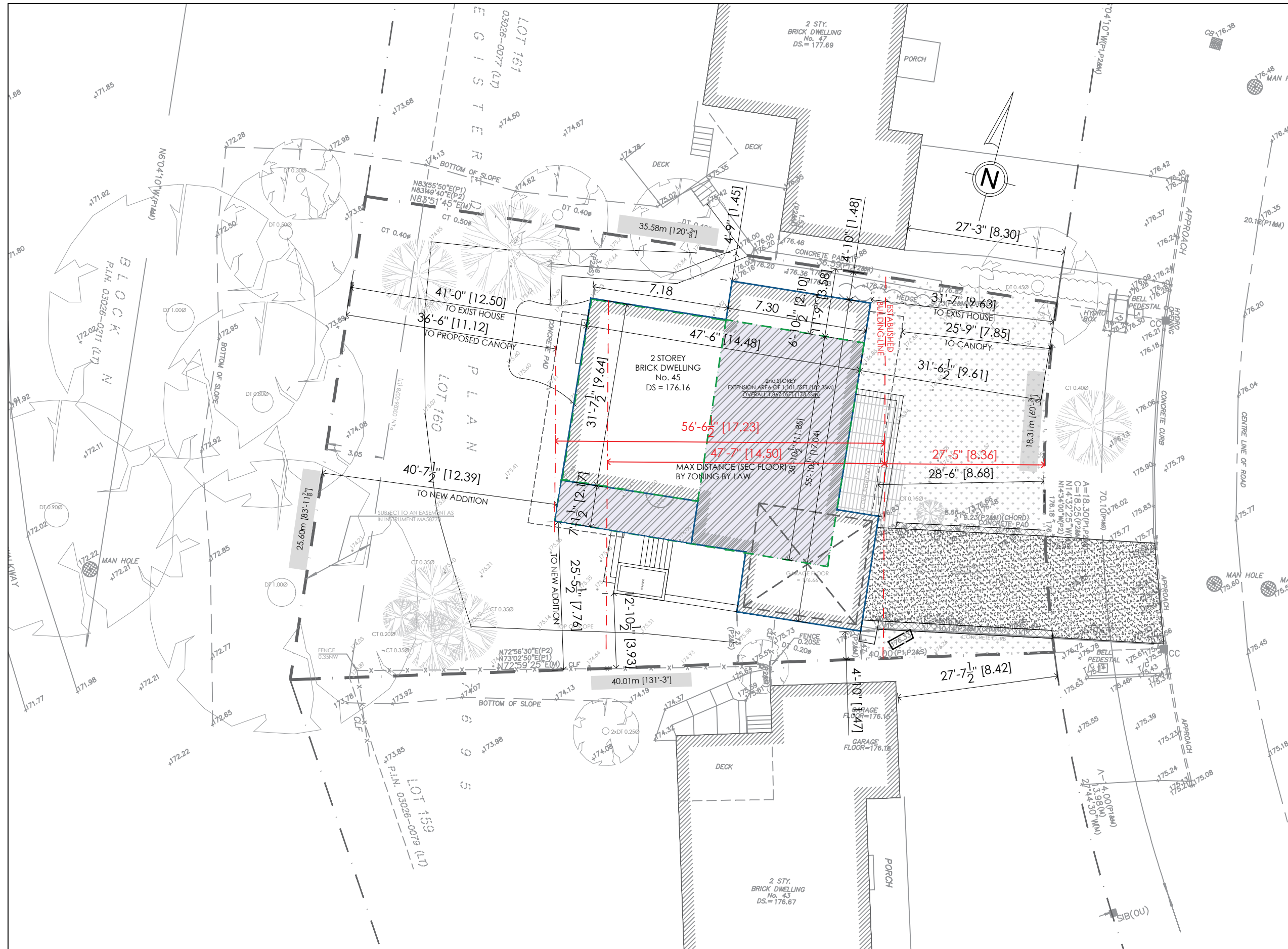
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OF
ARCHITECTS
RAFFI TASHDJIAN
LICENCE
9666

Project:
EXTENSION & INTERIOR ALTERATION DESIGN
45 THORNY BRAE DR, MARKHAM, ON

Drawing Name:
SIDE ELEVATIONS
THORNY BRAE RESIDENCE

Project no.:	2240149	Date:	JUNE 2024
Drawn by:	PF	Scale:	AS NOTED
Checked by:	RT		
North Arrow:		Drawing No.:	

A1.5



Appendix B

File: 24.197134.000.00.MNV

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

REV.	ISSUED FOR:	DATE:
1.	ISSUED FOR COMMITTEE OF ADJUSTMENT	2024-11-04
2.		
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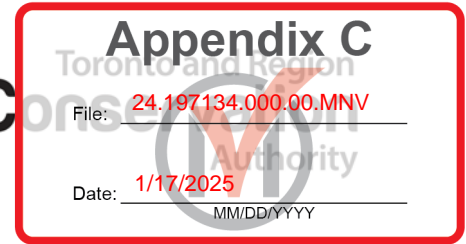
Project:
EXTENSION & INTERIOR ALTERATION DESIGN
45 THORNY BRAE DR., MARKHAM, ON

Drawing Name:
SITE PLAN

THORNY BRAE RESIDENCE	
Project no.:	2240149 Date: JUNE 2024
Drawn by:	PF Scale: AS NOTED
Checked by:	RT
North Arrow:	Drawing No.:

G1.0

1 SITE PLAN
G1.0 SCALE: 1:200



January 7, 2025

CFN: PAR-DPP-2024-00454

BY E-MAIL ONLY

Dear Theo Ako-Manieson,

**Re: Minor Variance Application – (A/134/24)
45 Thorny Brae Drive
PLAN 7695 LOT 160, Markham
(Yonge St & Kirk Drive)
Applicant: RT Architects (Raffi Tashdjian)
Owner: Hamid Lahouti**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on November 27th, 2024. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21](#).

Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following variance under By-Law **2024-19**:

- a) **Section 6.3.2.2 c)**: A second storey coverage of 21 percent, whereas the by-law permits a maximum of 20 percent; and
- b) **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 of 14.5 metres.

These variances are requested to facilitate the construction of a second-storey addition above the existing one-storey single detached dwelling located on the subject property.

Background

TRCA is currently involved in reviewing a Permit Application (File No. PAR-DPP-2024-00454) for the subject property initiated in November 2024. This TRCA Permit Application was submitted to facilitate the development of a second story addition above the existing one storey single detached dwelling located on the subject property.

TRCA Permit Requirements

The subject lands contain erosion hazards and meander belt hazards associated with a tributary of the Don River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Based on the review of materials circulated with this application, the proposed development is located within the regulated portions of the property. Thus, **a permit is required** from TRCA to facilitate the development associated with this application.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance is subject to a fee of \$955.00 (Minor Variance – Residential). The applicant is responsible for fee payment within 60 days of the committee hearing date. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval Minor Variance Application A/134/24 subject to the **conditions** identified in Appendix A.

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira

Planner 1

Development Planning and Permits | Development and Engineering Services

437-880-2416

Matthew.pereira@trca.ca

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$955.00 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .

From: [Tetyana Bailey](#)
Sent: Friday, January 3, 2025 10:00 AM
To: [Ako-manieson, Theo](#)
Cc: [Katrina Iraola](#)
Subject: RE: A/134/24 - 45 Thorny Brae Drive - Metrolinx Comments

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Hi Theo,

Thank you for your inquiry and apologies for the late reply!

We are not concerned about the changes you've listed below, but the applicant should be made aware of the following prior to them reaching the building permit stage:

1. The subject property falls within the Transit Corridor Lands (TCL) + 30 m buffer of the Yonge North Subway Extension (YNSE), and as such the proposed development is subject to the Corridor Development Permit (CDP) process defined by the [Building Transit Faster Act \(2020\)](#). A CDP is required under applicable law prior to any conditional, partial, or complete building permit issuance. The applicant shall submit a [CDP application to development.coordinator@metrolinx.com](#), at least sixty (60) business days prior to the intended start date of any construction activity within the subject property boundary or adjacent public right-of-way. Visit our [Website](#), read the [CDP Adjacent Development Guide](#), and view the [Interactive Map](#) to learn more about the requirements for adjacent development within Priority Transit Project (PTP) areas.

Kindly let me know if this is sufficient for your report, or if you need a formal letter from us to pass along.

Best,

Tetyana Bailey MCIP, RPP, AIC Candidate Member
Project Manager, Third Party Project Review (Project Subways)
Real Estate & Development
Metrolinx
20 Bay Street, Suite 1800 | Toronto | Ontario | M5J 2W3
T: 416.432.9975 | tetyana.bailey@metrolinx.com



From: Ako-manieson, Theo <TAko-manieson@markham.ca>
Sent: Tuesday, December 17, 2024 11:39 AM
To: development.coordinator <development.coordinator@metrolinx.com>

Cc: Tetyana Bailey <Tetyana.Bailey@metrolinx.com>; Katrina Iraola <Katrina.Iraola@metrolinx.com>
Subject: A/134/24 - 45 Thorny Brae Drive - Metrolinx Comments

Some people who received this message don't often get email from tako-manieson@markham.ca. [Learn why this is important](#)

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Good morning,

I wanted to reach out to ask if Metrolinx had any comments regarding this application (MNV 24.197134, A/134/24) at 45 Thorny Brae Drive.

The proposal is to seek relief from the following variances:

- a) By-law 2024-19, Section 6.3.2.2 c): A second storey coverage of 21 percent, whereas the by-law permits a maximum of 20 percent; and
- 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 of 14.5 metres; as it relates to the proposed expansion of living space.

Please let me know if there any comments or conditions that need to be added to the staff report. This application is due for the next Committee of Adjustment meeting on January 22nd, 2025.

Thanks,

Theo Ako-Manieson, BURPI
Planner 1, West District
Planning and Urban Design
(905) 477-7000, Extension 2383

City of Markham Planning and Urban Design Department
101 Town Centre Boulevard, Markham, ON L3R 9W3
markham.ca





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