

# Memorandum to the City of Markham Committee of Adjustment

January 20, 2025

**File:** A/144/24  
**Address:** 32 Marlow Crescent, Markham  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, February 5, 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 in By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 (G)**: a minimum rear yard setback of 6.07 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres;
- b) **By-law 2024-19, Section 6.3.2.2 (I)(xii)**: a minimum interior side yard setback of 1.12 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres for a dwelling that was linked below grade on the date of the passing of this By-law;
- c) **By-law 2024-19, Section 4.8.10**: a front porch with a minimum of only one side open, whereas the By-law requires a front porch to have a minimum of two sides that are open and unenclosed;
- d) **By-law 2024-19, Section 4.8.10.1 (a)**: a minimum front porch depth of 1.2 metres, whereas the By-law requires a minimum front porch depth of 1.8 metres for a porch that serves main building access to the street;
- e) **By-law 2024-19, Section 6.3.2.2 (C)**: a maximum main building coverage of 32.9 percent for the first storey, whereas the By-law permits a maximum main building coverage of 30 percent for the first storey; and
- f) **By-law 2024-19, Section 6.3.2.2 (C)**: a maximum main building coverage of 24.1 percent for the second storey, whereas the By-law permits a maximum main building coverage of 20 percent for the second storey;

as it relates to a one- and two-storey addition to an existing two-storey residential dwelling.

## BACKGROUND

### Property Description

The 296.78 m<sup>2</sup> (2893.12 ft<sup>2</sup>) subject lands is located on the south side of Marlow Crescent, generally north of Bullock Drive and west of Markville Road (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo).

The Subject Lands are located adjacent to pedestrian walkways to the north and west, and are within an established residential neighbourhood comprised of two-storey linked dwellings. There is an existing two-storey linked dwelling on the Subject Lands, which according to assessment records was constructed in 1983. Mature vegetation exists on the property including one large mature tree in the front yard.

While the dwelling may visually appear to be single detached above grade, the dwelling is linked to the adjacent dwelling by a common foundation and is considered a semi-detached dwelling (or generally referred to as a “linked” dwelling). This configuration is a common characteristic of the community.

### **Proposal**

The Applicant is proposing to construct a one-storey addition in the rear yard, and a two-storey addition in the front yard.

### **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 as “Residential Low Rise”, which permits 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.

### 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 one single detached dwelling per lot. The existing linked dwelling is considered to have been legally existing on the lot prior to the date of passing of By-law 2024-19. However, the proposed addition does not comply with the requirements of the By-law with respect to rear yard setback, side yard setback, front porch depth, and maximum main building coverage for the first and second storey.

### **Zoning Preliminary Review (ZPR) Undertaken**

The Owner has completed a Zoning Preliminary Review (ZPR) on November 26, 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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

### **Reduction in Rear Yard Setback**

The Applicant is requesting relief from By-law 2024-19, as amended, to permit a minimum rear yard setback of 6.07 m (19.92 ft), whereas the By-law requires a minimum rear yard setback of 7.5 m (24.60 ft). This represents a reduction of approximately 1.43 m (4.69 ft).

The requested variance only applies to the proposed one-storey addition at the rear of the building. Staff note that the variance is attributed to the irregular shape of the Subject Lands, resulting in a small portion of the proposed addition projecting beyond the required rear yard setback.

Tree Preservation Staff have noted that the requested rear yard setback may impact existing trees in the rear yard. Additional information is provided in the Tree Protection and Compensation section below.

### **Reduced Interior Side Yard Setback**

The Applicant is requesting a minimum interior (northwest) side yard setback of 1.12m (3.67 ft), whereas the By-law requires a minimum side yard setback of 1.20 m (3.93 ft).

The requested variance applies to the two-storey addition at the front of the building. The variance is attributed to the irregular shape of the Subject Lands, resulting in a side yard setback that ranges between 1.12 m (3.67 ft) and 3.23 m (10.60 ft).

Engineering Staff have reviewed the application and note that the reduction in side yard setback is confined to a pinch point on the north side of the building. It is further noted that the proposed addition is not located adjacent to a residential lot. As such, Engineering Staff have no concerns with the variance respecting drainage. Therefore, Staff have no objections to the requested variance and are of the opinion that the variance is minor in nature and the general intent and purpose of the Zoning By-law are maintained.

### **Front Porch**

The Applicant is requesting a front porch with only one side open and unenclosed, whereas the By-law requires a front porch to have a minimum of two sides that are open and unenclosed. The By-law defines a porch as “a structure with a floor and roof, and at least two other sides that are open and unenclosed that are accessed directly from grade which provides access to the first storey of a dwelling unit. In the case of a

townhouse dwelling and a back-to-back townhouse dwelling, at least one side of the porch shall be open and unenclosed". The proposed porch is bordered to the east by the existing garage wall, and to the south and west by the proposed two-storey addition, leaving only one side that is open and unenclosed.

Staff note that the intent of the By-law is to permit this type of porch configuration on traditionally "narrower" dwellings such as townhouses. Staff are of the opinion that the existing lot and dwelling are similarly narrow in nature; therefore, the proposed porch configuration is appropriate and meets the intent of the By-law.

### **Front Porch Depth**

The Applicant is requesting relief to permit a minimum front porch depth of 1.2 m (3.93 ft), whereas the By-law permits a minimum front porch depth of 1.8 m (5.9 ft). This represents a decrease of 0.42 m (1.38 ft) from what the By-law permits.

Staff note that the requested porch depth is setback from the front wall of the garage, which is a common characteristic of this neighbourhood. Staff are of the opinion that the proposed front porch depth variance is minor in nature and have no concern with the requested variance.

### **Increase in Main Building Coverage (first storey)**

The Applicant is requesting relief for a main building coverage for the first-storey of 32.9 percent (97.36 m<sup>2</sup> or 1,047.98 ft<sup>2</sup>) of the lot area, whereas the By-law permits a maximum first-storey coverage of 30 percent (88.82 m<sup>2</sup> or 956.05 ft<sup>2</sup>) of the lot area. This represents an additional 2.9 percent (8.54 m<sup>2</sup> or 91.93 ft<sup>2</sup>) to the coverage of the lot area for the first-storey.

Staff note that the proposed increase in building coverage is attributed to the 34.37 m<sup>2</sup> (370 ft<sup>2</sup>) addition to the front and rear of the existing dwelling. Planning Staff are of the opinion that the requested variance represents a minor increase from what the By-law permits and will not significantly impact the character of the surrounding area. However, Tree Preservation Staff have noted concerns related to the proposed coverage associated with the rear addition. Additional details are provided in the Tree Protection and Compensation section below

### **Increase in Main Building Coverage (second storey)**

The Applicant is requesting relief for a main building coverage for the second-storey of 24.1 percent (71.35 m<sup>2</sup> or 768 ft<sup>2</sup>) of the lot area, whereas the By-law permits a maximum second-storey coverage of 20 percent (59.21 m<sup>2</sup> or 637.33 ft<sup>2</sup>) of the lot area. This represents an additional 4.1 percent (12.13 m<sup>2</sup> or 130.67 ft<sup>2</sup>) to the coverage of the lot area for the second-storey.

The proposed increase in building coverage for the second storey is due to the 28.34 m<sup>2</sup> (305 ft<sup>2</sup>) second-storey portion of the addition at the front of the dwelling. The By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey maintains a lot coverage that is less than the first

storey and the second floor does not project past the first storey. In addition, the two-storey addition is also confined the north side of the building, which is adjacent to a public walkway and will not overlook a neighbouring dwelling. Staff are of the opinion that the proposed second-storey addition is generally consistent with the scale and massing of other dwellings along the street. As such, Staff are satisfied that the request meets the intent of the By-law and will not have a marked impact on adjacent properties.

### **Tree Protection and Compensation**

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated potential impacts to two trees located in the rear yard. The City's Tree Preservation Staff is not in support of the Minor Variance requests for rear yard setback or building coverage.

Staff recommend that should the Committee of Adjustment (the "Committee") approve the requested variances, that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject lands or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **PUBLIC INPUT SUMMARY**

One written letter of support has been received as of January 28, 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 request for variances b), c), d), and f) for the proposed porch and addition in the front yard meets the four tests of the *Planning Act* and have no objections. Staff recommend that the Committee consider public input in reaching a decision regarding variances a) and e), as it relates to the addition in the rear yard.

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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Brendan Chiu, Planner I, Central District

REVIEWED BY:



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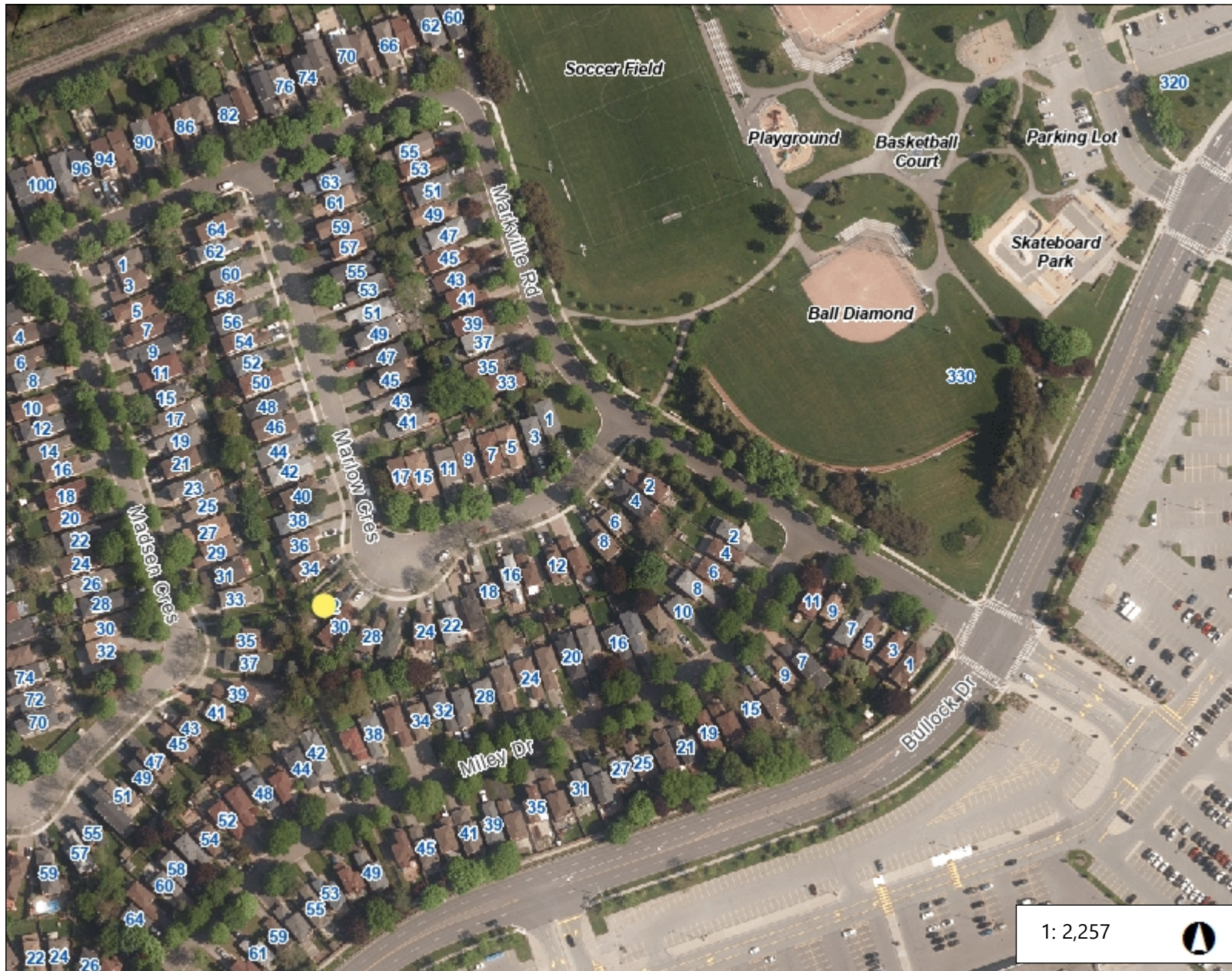
Melissa Leung, Senior Planner, Central District

**APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/144/24 Conditions of Approval



Legend

- Subject Lands
- 32 Marlow Crescent

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Notes

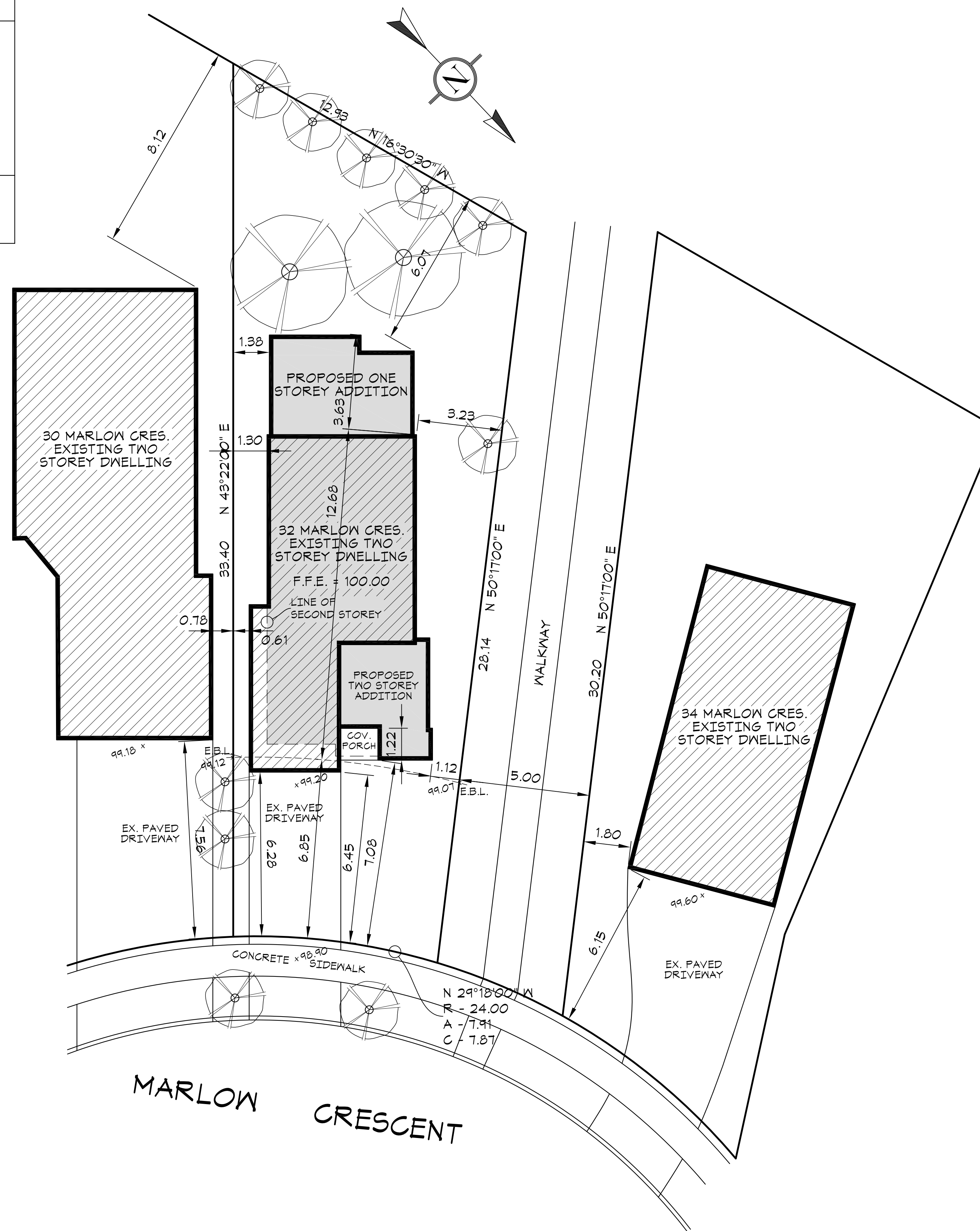
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# Appendix B

File: 24.198947.000.00.MNV

Date: 1/29/2025  
MM/DD/YYYY

SITE INFORMATION	
PART OF LOT 61, R.P. CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 296.07 sq.m.
GROUND FLOOR BUILDING AREA	= 97.36 sq.m. (1,048 sq.ft.)
PERCENTAGE	= 32.88 %
SECOND FLOOR BUILDING AREA	= 71.35 sq.m. (768 sq.ft.)
PERCENTAGE	= 24.10 %
TOTAL BUILDING AREA	= 168.71 sq.m. (1,816 sq.ft.)
MAXIMUM LOT COVERAGE (INC. ACCESSORY BUILDINGS)	
	= 99.12 sq.m. (1,067 sq.ft.)
	= 33.48 %
LOT SETBACKS	
LOT FRONTAGE AT E.B.L.	= 8.12 m
TOTAL SETBACKS REQUIRED (GREATER OF 4m OR 25%)	= 4.00 m



GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.

THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.

BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

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

Individual B.C.I.N. - 25025  
Firm B.C.I.N. - 30506

Russ Gregory  
NAME SIGNATURE

PROJECT TITLE

**PROPOSED ADDITION  
32 MARLOW CRESCENT  
CITY OF MARKHAM**



**GREGORY DESIGNS**  
48 GEORGE STREET  
MARKHAM, ONTARIO L3P 2R7  
416-520-0978  
shane@gregorydesigngroup.net

SCALE	DATE
1:100	11/26/24
PROJECT NUMBER	SHEET NUMBER
2477-24	SP-1
DRAWN BY	CHECKED BY
S.Gregory	R.G.

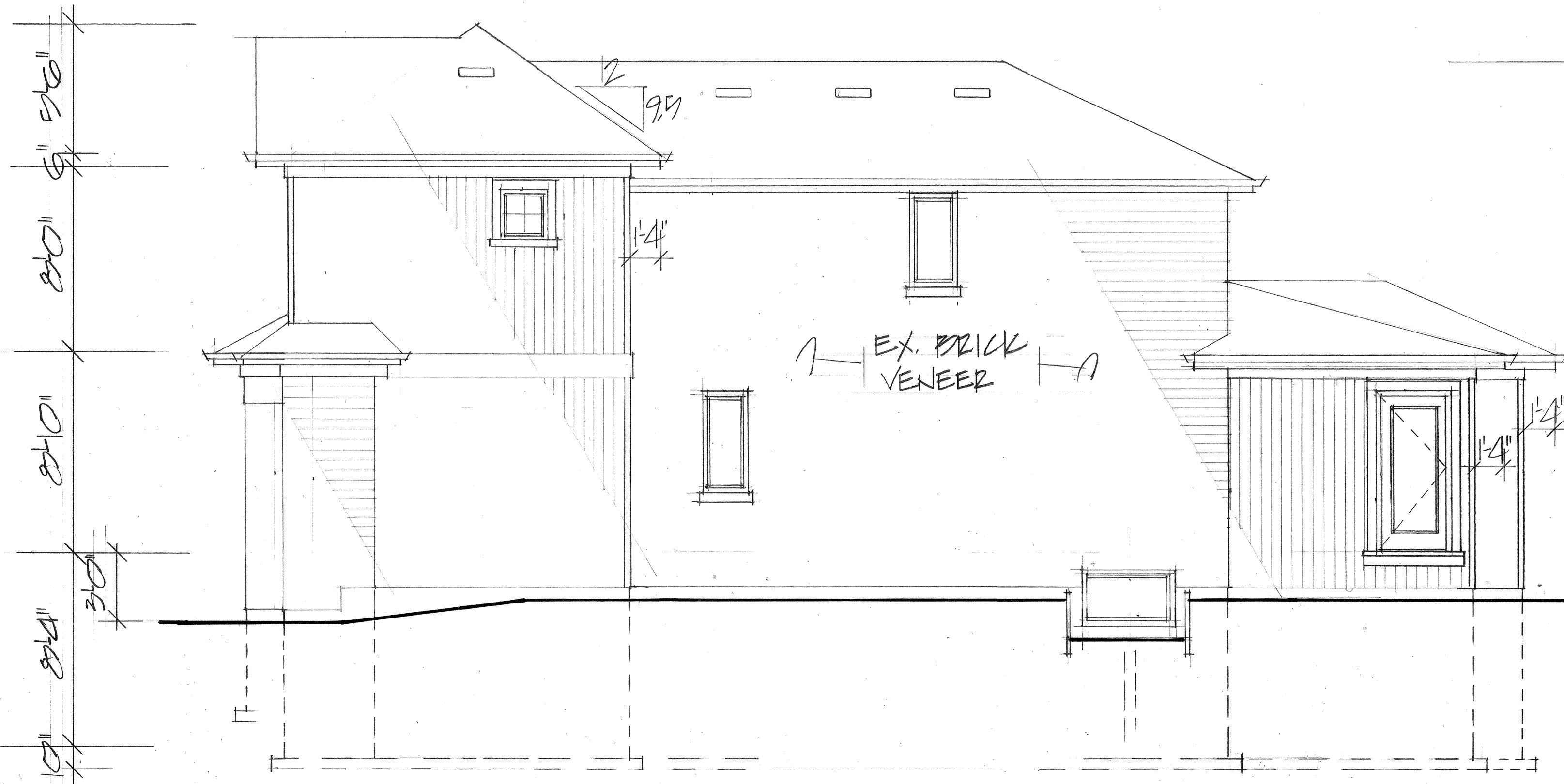


# Appendix B

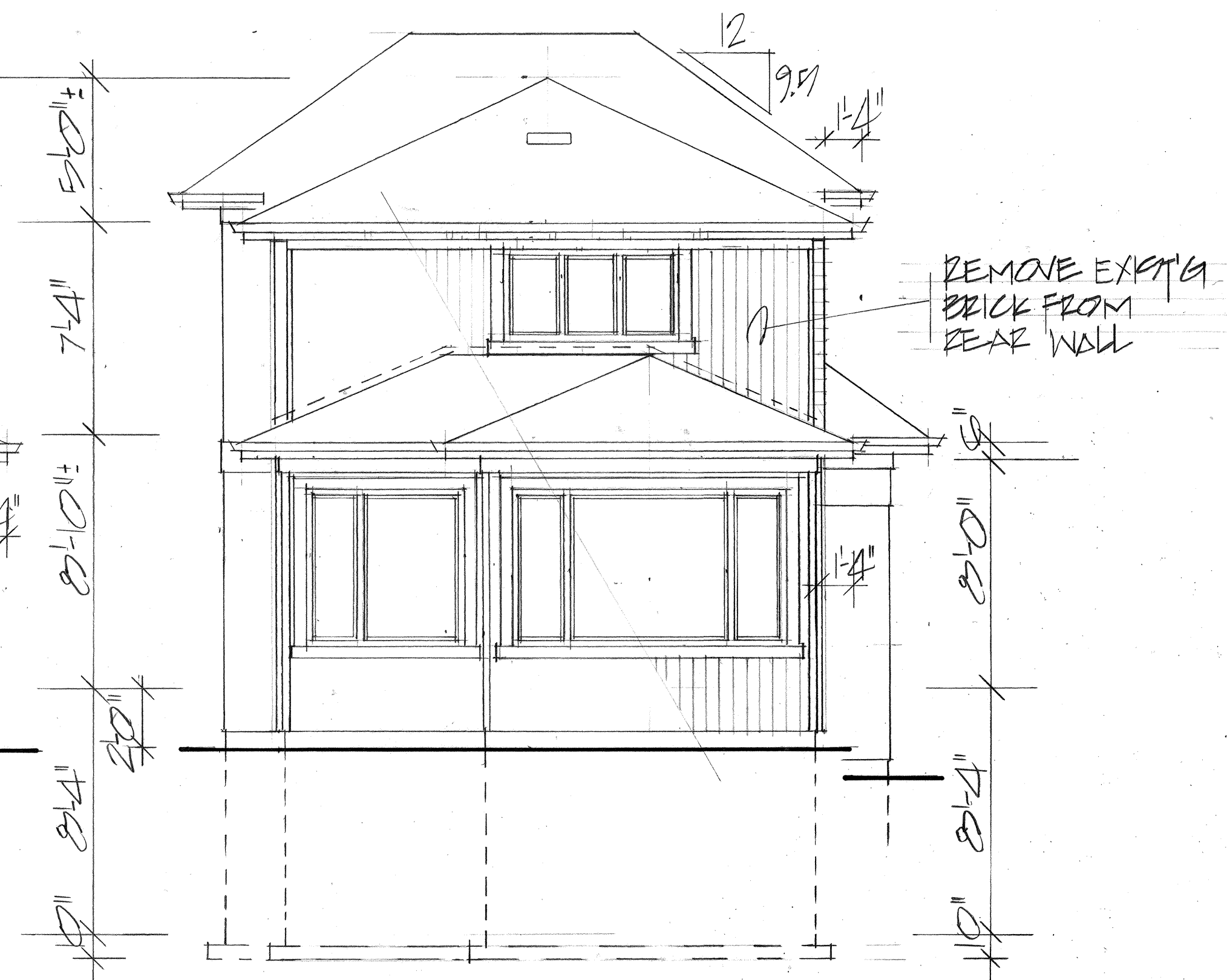
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Date: 1/29/2025

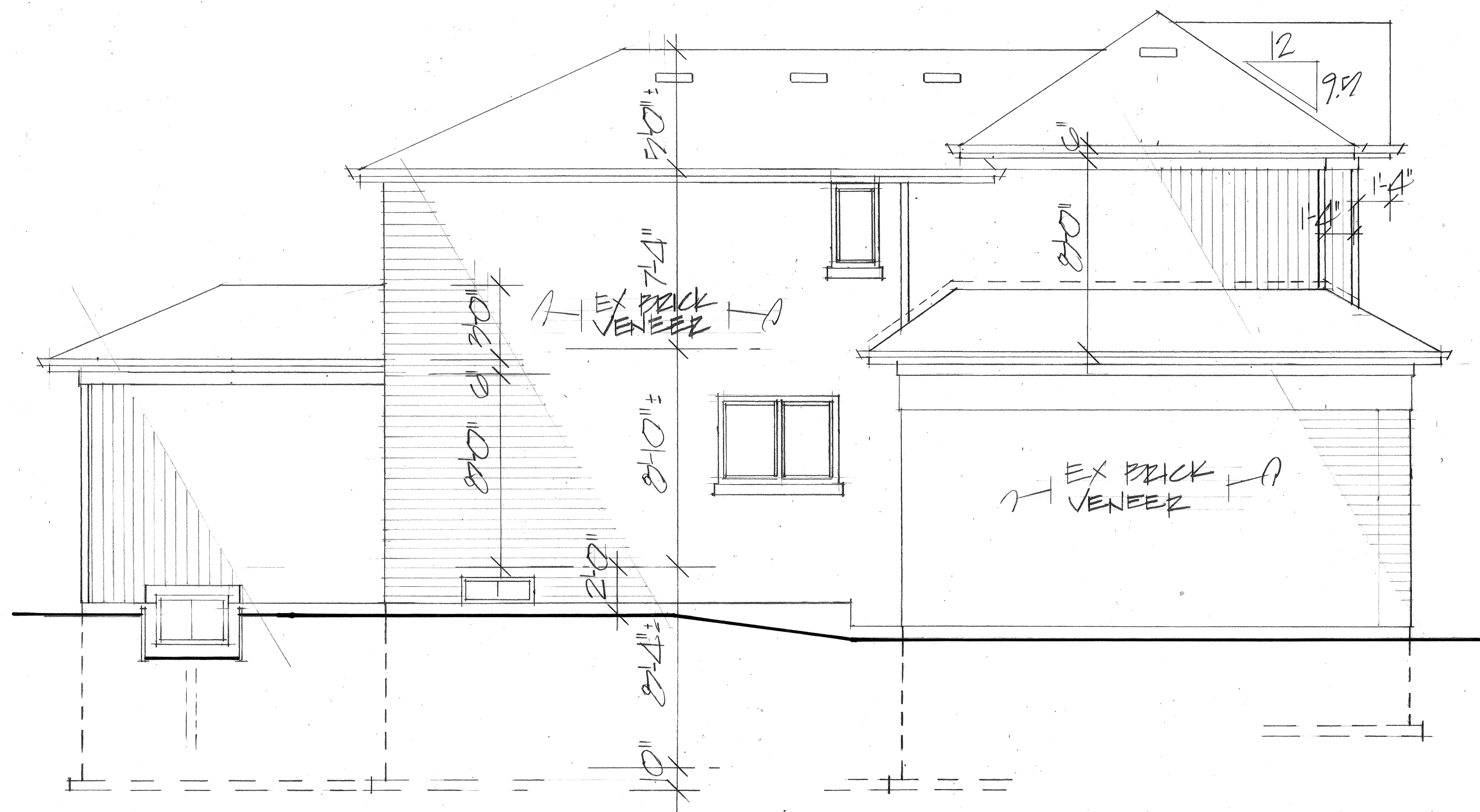
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**NORTH SIDE**



**REAR ELEVATION**



**SOUTH SIDE**



**FRONT ELEVATION**

<b>PROJECT:</b> <b>PROPOSED RENOVATIONS</b>  <b>32 MARLOW CR.</b> <b>CITY OF MARKHAM</b>  <b>THE GREGORY DESIGN GROUP</b>  18 Paradise Ave MARKHAM, ONTARIO, L3P 3B9 (416) 720-4667 russ@gregorydesigngroup.net	I review and take responsibility for the design work on behalf of a firm registered under subsection 32.4 of Division C, of the Building Code. I am qualified, and the firm registered, in the appropriate classes/categories.  INDIVIDUAL B.C.I.N. - 25825 FIRM B.C.I.N. - 30506  Russ Gregory NAME SIGNATURE	<b>DRAWN:</b> <b>R. GREGORY</b> <b>DATE:</b>  <b>SCALE:</b> 1/4" = 1'-0"
	<b>GENERAL NOTES:</b> All construction to conform to section 19 of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to re-obtain and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	<b>PROJECT NO.:</b> 2477-24  <b>DRAWING NO.:</b> <b>A-2</b>

## **APPENDIX “C”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/144/24**

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 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 proposed front yard porch shall remain unenclosed;
4. 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;
5. That prior to the commencement of construction or demolition, tree protection be 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;
6. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District