

# Memorandum to the City of Markham Committee of Adjustment

February 11, 2025

**File:** A/001/25  
**Address:** 5 Boyd Court, Markham  
**Agent:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** Wednesday, February 19, 2025

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

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

- a) **By-law 2024-19, Section 4.8.10.1 a):**  
a minimum front porch depth of 1.2 m fronting the street, whereas the by-law requires a minimum front porch depth of 1.8 m;
- b) **By-law 2024-19, Section 6.3.2 E):**  
a maximum distance of 24.57 m for the 1st storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 m for the first storey from the established building line; and
- c) **By-law 2024-19, Section 4.8.1 e) iii):**  
an accessory building located between the main building and the interior side lot line with a side yard setback of 1.1 m, whereas the by-law requires a side yard setback of 1.8 m;

as it relates to a two-storey addition including a secondary suite to an existing two-storey residential dwelling.

## **BACKGROUND**

### **Property Description**

The 2044.85 m<sup>2</sup> (22,011.30 ft<sup>2</sup>) subject property is located on the east side of Boyd Court, south of Elgin Mills Road East and east of Victoria Square Boulevard. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to construct a two-storey addition to the existing two-storey residential dwelling. The proposal, in addition to increasing the footprint of the dwelling, includes a covered porch to the front and rear of the property.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings.

Section 9.5.9.4 of the Official Plan contains urban design guidelines to ensure development and redevelopment within the historic village of Victoria Square is at an

appropriate scale to the surrounding area. This includes, but is not limited to architectural styles, height, setbacks, landscaping and parking.

#### Zoning By-Law 2024-19

The Subject Property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, which permits detached dwellings. The proposal does not comply with respect to the front porch depth, distance from the main building line and setback for the accessory building. Further details on the variances are provided in the comment section below.

#### **Applicant’s Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, *“Due to location of established building line on curved lot frontage creating longer depth than required. Existing accessory building built by previous owner to be approved”*.

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

The owner has completed a Zoning Preliminary Review (ZPR) on January 7<sup>th</sup>, 2025, to confirm the variances required for the proposed development.

#### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

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

#### **Front Porch Depth Variance**

The applicant is requesting relief to permit a minimum front porch depth of 1.2 m fronting the street, whereas the by-law requires a minimum front porch depth of 1.8 m. This is to facilitate a proposed covered porch for the front entrances on the existing property.

Staff note that the proposed porch does not extend beyond the existing building line and the adjacent dwellings to the south. As such, Staff are of the opinion that the requested variance is minor in nature and will have limited impact on the neighbourhood streetscape.

#### **Building Distance Variance**

The applicant is requesting relief to permit a maximum distance of 24.57 m measured from the established building line for the first storey, whereas the by-law permits a maximum distance of 19.5 m for the first storey from the established building line.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall of the main building facing the front lot line on the two neighbouring lots fronting the same street”. The intent of this By-law provision is to regulate the building depth and massing in relation to the surrounding dwellings. This variance is to facilitate the construction of the proposed addition to the property.

The variance to the first storey building distance is to account for the curved lot frontage, which would shorten the average distance used to measure the established building line. Additionally, the addition maintains a generous rear yard (24.47 m) and provides enough space to accommodate the existing shed near the rear lot line. Staff are of the opinion that the requested variance is minor in nature as the proposed changes to the distance from the established building line will have limited impact on the streetscape and will not adversely impact the neighbouring properties.

#### **Accessory Building Setback Variance**

The Applicant is requesting relief to permit an accessory building located between the main building and the interior side lot line with a side yard setback of 1.1 m, whereas the by-law requires a side yard setback of 1.8 m.

The requested variance relates to the existing shed in the north interior side yard of the property. The shed is buffered by mature vegetation, which will not be adversely impacted by the proposal. Staff are of the opinion that the relief for the side yard setback is minor in nature and as such, have no concerns.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 11<sup>th</sup>, 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:



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Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



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

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/001/25**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report, and that the Secretary Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
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 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.
5. 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:



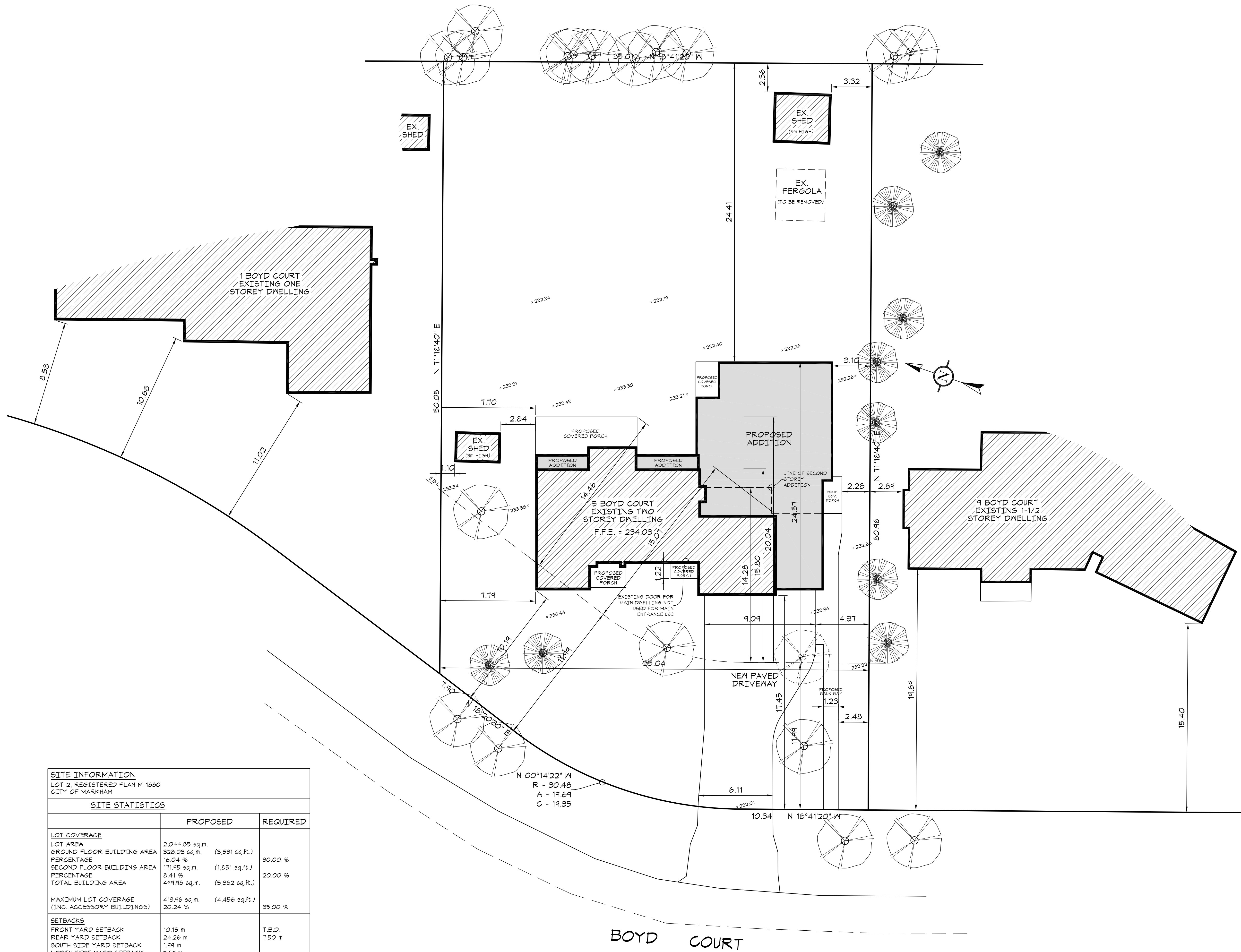
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Theo Ako-Manieson, Planner I, West District

# Appendix B

File: 25.108710.000.00.MNV

Date: 2/13/2025  
MM/DD/YYYY



SITE INFORMATION		
LOT 2, REGISTERED PLAN M-10800 CITY OF MARKHAM		
SITE STATISTICS		
	PROPOSED	REQUIRED
<b>LOT COVERAGE</b>		
LOT AREA	2,044.85 sq.m.	
GROUND FLOOR BUILDING AREA	320.03 sq.m. (3,531 sq.ft.)	30.00 %
PERCENTAGE	16.04 %	
SECOND FLOOR BUILDING AREA	171.85 sq.m. (1,851 sq.ft.)	20.00 %
PERCENTAGE	8.41 %	
TOTAL BUILDING AREA	491.88 sq.m. (5,382 sq.ft.)	
<b>MAXIMUM LOT COVERAGE (INC. ACCESSORY BUILDINGS)</b>		
	413.96 sq.m. (4,456 sq.ft.)	35.00 %
	20.24 %	
<b>SETBACKS</b>		
FRONT YARD SETBACK	10.15 m	T.B.D.
REAR YARD SETBACK	24.26 m	7.50 m
SOUTH SIDE YARD SETBACK	1.99 m	
NORTH SIDE YARD SETBACK	7.69 m	
TOTAL SIDE YARD SETBACKS	9.68 m	8.75 m

- All construction is to conform to section "3" 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 drawings.  
 - These drawings are the property of Gregory Designs and/or its clients only.  
 - Building permits to be obtained prior to commencing construction.

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. - 26895  
 Firm B.C.I.N. - 30506  
 Russ Gregory

DATE	REVISIONS AND DATA

**PROPOSED ADDITION AND SECONDARY SUITE  
 5 BOYD COURT  
 CITY OF MARKHAM**

48 George Street  
 Markham, Ontario  
 L3P 2R7  
 416-520-0978  
 shane@gregorydesigngroup.net

**GREGORY DESIGNS**

DATE	SCALE	PROJECT NUMBER	DRAWN BY
12/11/24	1/4"=1'-0"	24-64	S.Gregory

SHEET NUMBER  
A1.1



# Appendix B

File: 25.108710.000.00.MNV

Date: 2/13/2025

MM/DD/YYYY

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 Firm B.C.I.N. - 39596  
 Russ Gregory

DATE	REVISIONS AND DATA

**PROPOSED ADDITION AND SECONDARY SUITE**  
**5 BOYD COURT**  
**CITY OF MARKHAM**

48 George Street  
 Markham, Ontario  
 L3P 2R7  
 416-520-0978  
 shane@gregorydesigngroup.net

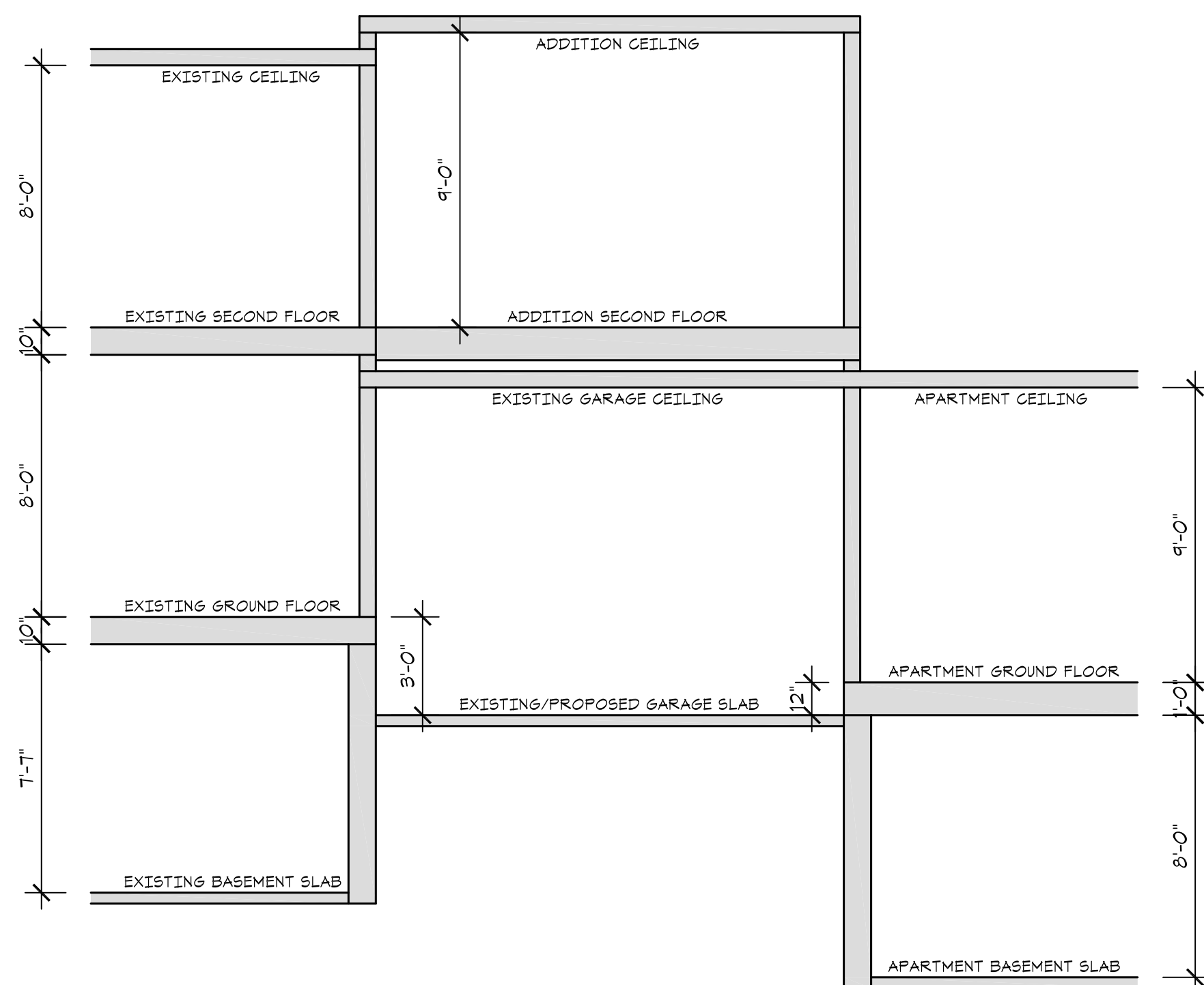
**GREGORY DESIGNS**

DATE: 12/20/24  
 SCALE: 1/4"=1'-0"  
 PROJECT NUMBER: 24-64  
 DRAWN BY: S.Gregory

SHEET NUMBER: **A3.1**



**FRONT ELEVATION**



**RIGHT (SOUTH) SIDE ELEVATION**

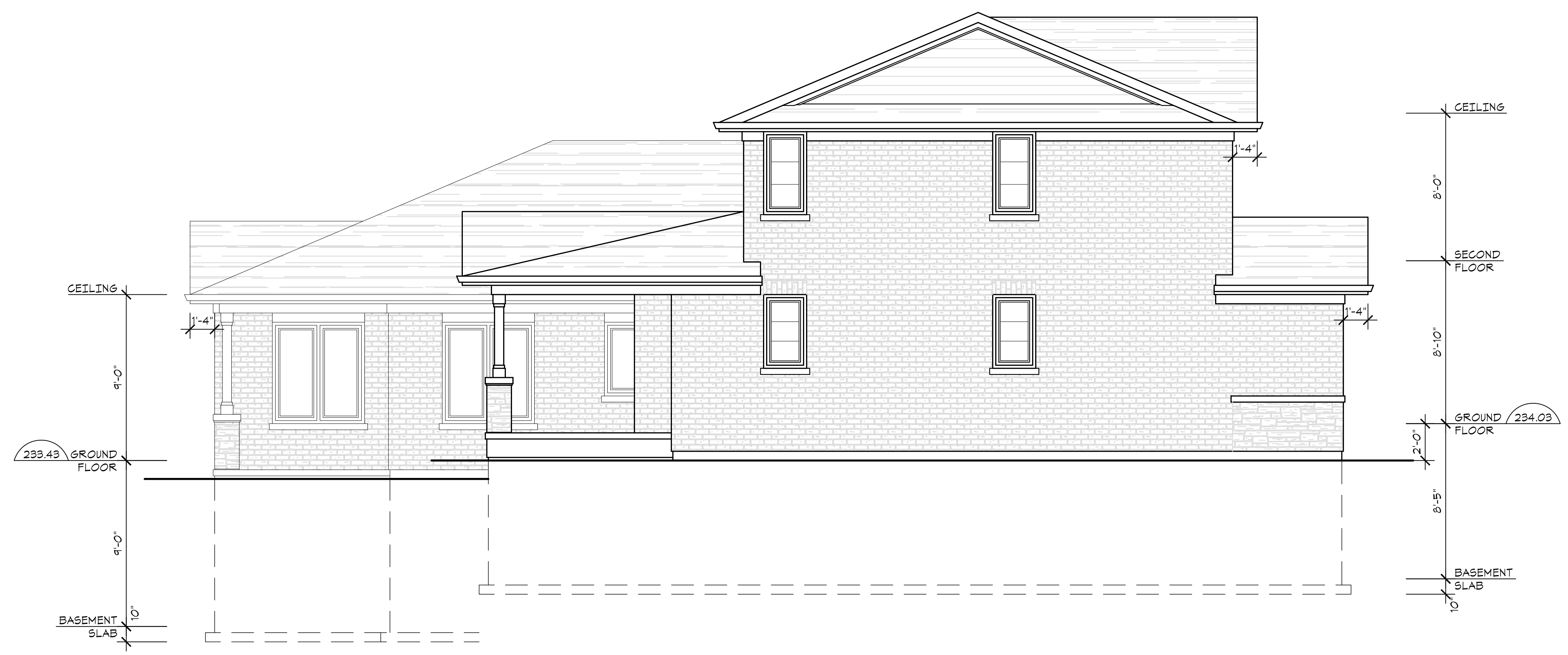
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File: 25.108710.000.00.MNV

Date: 2/13/2025  
MM/DD/YYYY



REAR ELEVATION



LEFT (NORTH) SIDE ELEVATION

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 Firm B.C.I.N. - 39596  
 Russ Gregory

DATE	REVISIONS AND DATA

**PROPOSED ADDITION AND SECONDARY SUITE**  
**5 BOYD COURT**  
**CITY OF MARKHAM**

48 George Street  
 Markham, Ontario  
 L3P 2R7  
 416-520-0978  
 shane@gregorydesigngroup.net

**GREGORY DESIGNS**

DATE: 12/11/24  
 SCALE: 1/4"=1'-0"  
 PROJECT NUMBER: 24-64  
 DRAWN BY: S.Gregory

SHEET NUMBER  
**A3.2**