

Memorandum to the City of Markham Committee of Adjustment

February 12, 2025

File: A/131/24
Address: 24 Orsi Court, Thornhill
Agent: Galbraith Planning & Associates Inc. (Sean Galbraith)
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 6.3.2.2(c):**
a maximum main building coverage of 30.9% (3,711 ft²) for the first storey and 29.3% (3,527 ft²) for the second storey, whereas the by-law permits a maximum main building coverage of 30% (3,605 ft²) of the lot area for the first storey and 20% (2,403 ft²) of the lot area for any storey above the first;
- b) **By-law 2024-19, Section 6.3.2.2(f):**
a minimum front yard setback of 6.93 m, whereas the by-law requires a minimum front yard setback of approximately 8.48 m;
- c) **By-law 2024-19, Section 6.3.2.2(i):**
a minimum west interior side yard setback of 1.51 m and a combined interior side yard on both sides of 4.41 m, whereas the by-law permits a minimum interior side yard of 1.8 m and combined interior side yard on both sides of 11.75 m;
- d) **By-law 2024-19, Section 6.3.2.2(j):**
a maximum outside wall height of 7.97 m, whereas the by-law permits a maximum outside wall height of 7.0 m;
- e) **By-law 2024-19, Section 6.2.1(b):**
a roof projection of 2.05 m above the maximum outside wall height, whereas the by-law 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;
- f) **By-law 2024-19, Section 4.8.10.2(d)(iii):**
a porch and underground cold cellar to project 1.25 m beyond the established building line, whereas the by-law permits a porch with underground cold cellar to project a maximum of 0.6 m beyond an established building line; and
- g) **By-law 2024-19, Section 4.8.10.2(d)(iv):**
stairs used to access a porch to project 1.40 m beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project 0.45 m beyond a permitted porch encroachment;

as it relates to an addition to the first storey and a new second storey addition to the existing single-detached dwelling and a proposed deck.

On February 11th, 2025, the Applicant submitted revised drawings which reduced the variance for second storey main building coverage. Variance a) as identified above has been revised as follows:

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

a maximum main building coverage of 30.9% (3,711 ft²) for the first storey and **20.6% (2,484 ft²)** for the second storey, whereas the by-law permits a maximum main building coverage of 30% (3,605 ft²) of the lot area for the first storey and 20% (2,403 ft²) of the lot area for any storey above the first;

Variances b) to g), as originally requested, remain unchanged.

BACKGROUND

Property Description

The 1116.34 m² (12,016.23 ft²) subject property is located on the east side of Orsi Court, west of Henderson Avenue and south of John Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Surrounding uses include a mix of one and two-storey detached dwellings, parks and public schools.

Proposal

The applicant is proposing to construct a two-storey addition to the existing one-storey dwelling. The proposal also includes covered porches for entrances to the front of the property and an uncovered deck to the rear.

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 a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

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 main building coverage, setbacks, outside wall height and porch. 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, *“Maintaining Existing Dwelling and adding addition and second storey. Keeping*

existing walls, therefore setbacks do not comply with existing by-law requirements and therefore need to request minor variances.”

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 February 11, 2025. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’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

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

- 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.

Main Building Coverage Variance

The applicant is requesting relief to permit a maximum main building coverage of 30.9% for the first storey and 20.6% for the second storey, whereas the by-law permits a maximum main building coverage of 30% of the lot area for the first storey and 20% of the lot area for any storey above the first. The intent of the maximum building coverage requirements includes, but are not limited to, ensuring that appropriate angular planes are provided and that the built form and character of the neighbourhood is maintained.

It should be noted that the Applicant has made revisions to the massing of the proposal to ensure compatibility with dwellings along Orsi Court. 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 proposed second-storey building coverage has been revised to remove attic space that represents an 8.7% reduction from the initial proposal.

Considering the constraints of the irregular lot, and that the proposed increases to coverage are under 1% for both stories, Staff is of the opinion that the requested variance is minor in nature and appropriate for the neighbourhood. Because of this, Staff have no concerns.

Setback Reduction Variances

The applicant is requesting relief to permit a minimum front yard setback of 6.93 m, whereas the by-law requires a minimum front yard setback of approximately 8.48 m. This represents a reduction of approximately 1.55 m. The applicant is requesting a minimum west interior side yard setback of 1.51 m and a combined interior side yard on both sides of 4.41 m, whereas the by-law permits a minimum interior side yard of 1.8 m and combined interior side yard on both sides of 11.75 m.

The requested variances to reduce the front yard depth and the combined side yard width is attributable to the proposed two car garage. The main front wall of the building provides a front yard setback of 8.54 m, which is generally consistent with the existing building footprint and established front yard setback pattern on the street.

The proposed side yard setback from the garage is 2.90 m, which is a 3.60 m reduction from the existing side yard setback of 6.50 m. It should be noted that the lot for the subject property is a triangular shape, which is an irregular lot configuration compared to the other lots on Orsi Court. This results in a larger lot frontage (58.91 m), an irregular depth (70.05 m), and no rear yard, as defined by the Comprehensive Zoning By-law 2024-19; the By-law defines a rear yard as “a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building or structure on the lot.” If the subject property was within a more conventional lot, the side yard measurement would be taken from the proposed driveway to the eastern corner of the lot. However, due to the shape of the lot, the setback is measured from the wall abutting the rear yards of the properties on Henderson Avenue, which is a much shorter distance.

The west interior side yard setback is maintaining the existing building footprint. For both side yard setbacks, appropriate tree preservation measures have been taken and are up to standards for review in the subsequent permitting process. As such, Staff conclude that the proposed setback reductions are appropriate for the neighbourhood context and the lot’s constraints, and as such, are of the opinion that the requested variances noted above are minor nature.

Maximum Outside Wall Height Variance

The applicant is requesting relief to permit a maximum outside wall height of 7.97 m, whereas the by-law permits a maximum outside wall height of 7.0 m. This variance relates to the proposed second storey addition.

The By-law calculates building height using the vertical distance of a building or structure measured from established grade to the highest top plate of the outside wall of the upper most floor or storey. The proposal articulates the shape of the second storey and roof, which provides appropriate massing. Furthermore, tree preservation measures have been taken to ensure that the impacts on mature vegetation on the property are mitigated. Staff are of the opinion that the proposed maximum outside wall height will not significantly impact the visual appearance of the property or the surrounding area and that the requested variance is minor in nature.

Roof Projection Variance

The Applicant is requesting relief for a roof projection of 2.05 m above the maximum outside wall height, whereas the by-law 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;

The intent of the maximum roof projection is to maintain a consistent roofline and prevent excessive height that may negatively impact the surrounding adjacent dwellings. It should be noted that the design of the roof, specifically the slope at the front of the roof is consistent with the character of the neighbourhood, and in line with the intent of the Bylaw to provide massing to the second storey that is smaller in size than the first storey. Staff are of the opinion that the proposed encroachment is minor in nature, as it maintains an appropriate roofline between neighbouring dwellings, and as such, have no concerns

Porch Projection Variance

The applicant is requesting to permit a porch and underground cold cellar to project 1.25 m beyond the established building line, whereas the by-law permits a porch with underground cold cellar to project a maximum of 0.6 m beyond an established building line. The main front wall of the building provides a front yard setback of 6.93 m which creates an appropriate front yard setback pattern with neighbouring properties. Staff are of the opinion that the requested variance is minor in nature.

Stair Encroachment Variance

The applicant is requesting to permit stairs used to access a porch to project 1.40 m beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project 0.45 m beyond a permitted porch encroachment. The relief is needed to access the first floor of the subject property. Staff are of the opinion that the requested variance is minor in nature and is consistent with the surrounding properties, and as such, have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 12th, 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 196390 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/24

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. 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:



Theo Ako-Manieson, Planner I, West District

Appendix B

File: **24.196390.000.00.MNV**

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

SITE INFORMATION
R.P. PART OF LOT 16, 8 – YORK
NORTH SIDE OF ELGIN STREET
CITY OF MARKHAM

LOT COVERAGE – TOTAL
LOT AREA = 1116.25 sq.m.
BUILDING AREA = 356.33 sq.m.
LOT COVERAGE = 31.93%

GENERAL NOTES:
ALL CONSTRUCTION IS TO CONFORM TO SECTION 1910 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.
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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REV.	DATE	DESCRIPTION

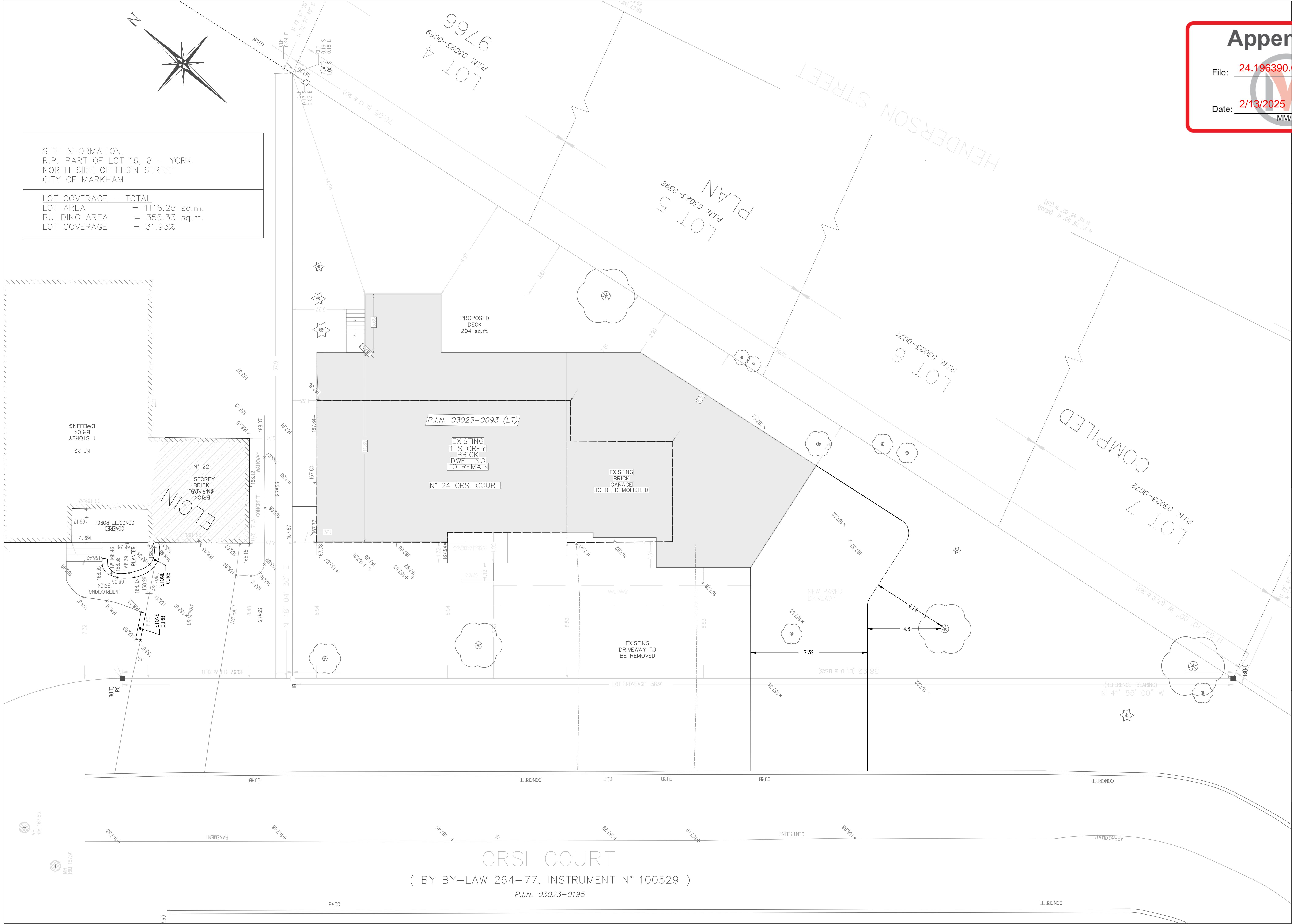
I review and take responsibility for the design work on behalf of a firm registered under subsection 5.2.4 of Division C of the Public Code. I am qualified, and the firm is registered, in the appropriate class(es) / category(s).

Individual P.C.U.N. -
Firm P.C.U.N. -

NAME	SIGNATURE

PROJECT TITLE
LABONI RESIDENCE
24 ORSI COURT
CITY OF MARKHAM

SCALE 1:100	DATE 11/22/24
PROJECT NO.	SHEET NUMBER
DRAWN BY S. Dawnes	SP-1
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ORSI COURT
(BY BY-LAW 264-77, INSTRUMENT N° 100529)
P.I.N. 03023-0195

Appendix B

File: 24.196390.000.00.MNV

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

ROOF CONSTRUCTION

- 20 YEAR PLYWOOD SHEATHING WITH GUM PHENOLIC
- 1/2" 5/8" ROLL ROOFING FROM EDGE OF ROOF EXTENDING MIN. 300mm (12") UP THE ROOF
- MIN. 9.5mm (3/8") PLYWOOD BEARING W/ 1/4" CLIPS
- APPROVED WOOD TRUSSES @ 600mm (24") O.C. OR CONVENTIONAL FRAMING (SEE PLAN)
- 150mm (2 1/4") INSULATION IS PER TRUS SPACING @ 600mm (24") O.C. BOTTOM CORNER FOR ROOF SLOPES 4:12 OR GREATER
- ALUM. EXTERIOR FLASHING ON ALUM. FLASH & ALUM. FLASH STOP

CONVENTIONAL ROOF FRAMING

- 150mm (2 1/4") DEEPS @ 400mm (16") O.C. & 150mm (2 1/4") DEEP 2ND @ 1150mm (2 1/4") COLLAR TIES @ 1800mm (72") O.C. TO BE 350mm (14") @ 400mm (16") O.C. FOR MAX. 2500mm (9' 10") SPAN. 150mm (2 1/4") @ 400mm (16") O.C. FOR MAX. 4400mm (14' 6") SPAN. 150mm (2 1/4") @ 400mm (16") O.C. FOR MAX. 5800mm (19' 2") SPAN.
- RAFTERS FOR FLAT ROOF TO BE 150mm (2 1/4") @ 400mm (24") O.C. W/ A 150mm (2 1/4") CENTER POINT TO BE MASS BELOW LATERALLY BRACE @ 800mm (6' 0") O.C. VERTICALLY

ROOF CONSTRUCTION FINISHES

- 1800mm (6' 0") MINIMUM MEMBRANE SPREAD TO 150mm (6") 1/2" DIA. TYP. PLYWOOD BEARING
- 150mm (2 1/4") REAR WOOD TRUSSES @ 60" O.C.
- 20mm (3/4") 19.20% RUBBER ROOF JOISTS @ 400mm (16") O.C.
- 200mm (8") 1/2" 19.20% RUBBER INSULATION W/ 5000mm (16') SPREAD

GENERAL NOTES:

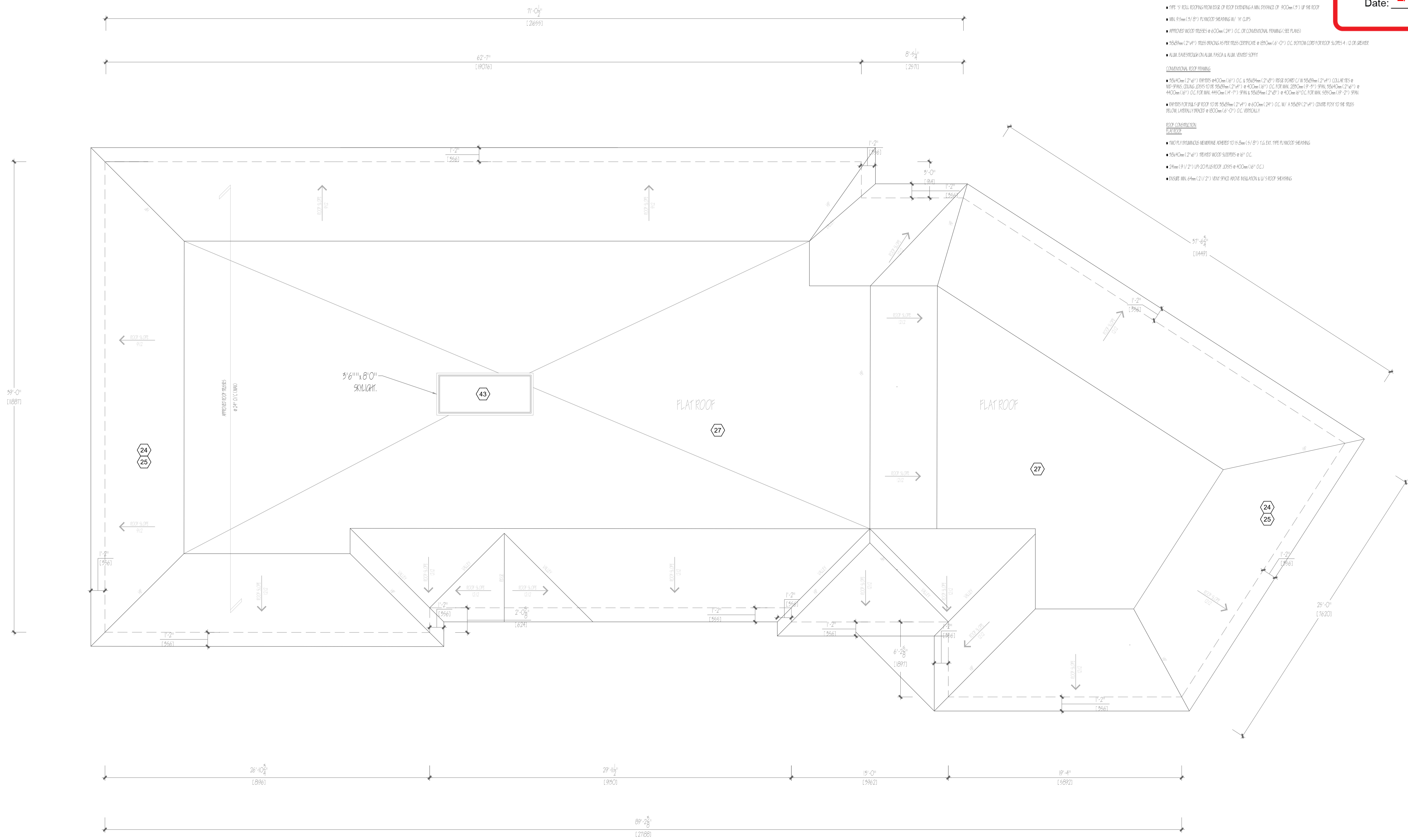
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REV.	DATE	DESCRIPTION

I review and take responsibility for the design work on behalf of a firm registered under subsection 5.2.4 of Division C of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.
Individual P.C.I.N. -
Firm P.C.I.N. -
NAME SIGNATURE

PROJECT TITLE
LABONI RESIDENCE
24 ORSI COURT
CITY OF MARKHAM

SCALE 1/4" = 1'-0"	DATE 02/10/25
PROJECT NO.	SHEET NUMBER
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ROOF PLAN

Appendix B

File: **24.196390.000.00.MNV**

Date: **2/13/2025**

MM/DD/YYYY



FRONT ELEVATION

GENERAL NOTES:

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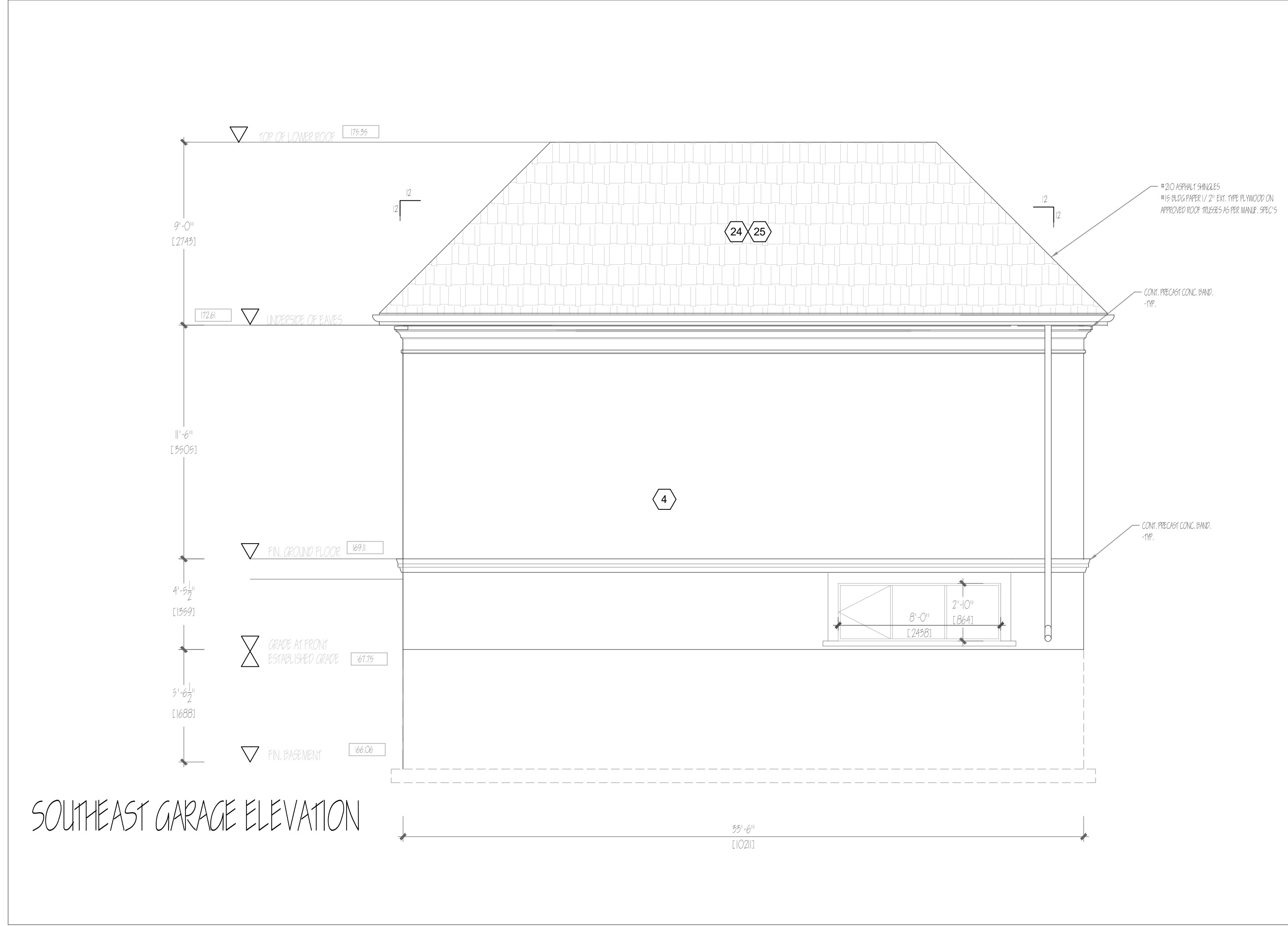
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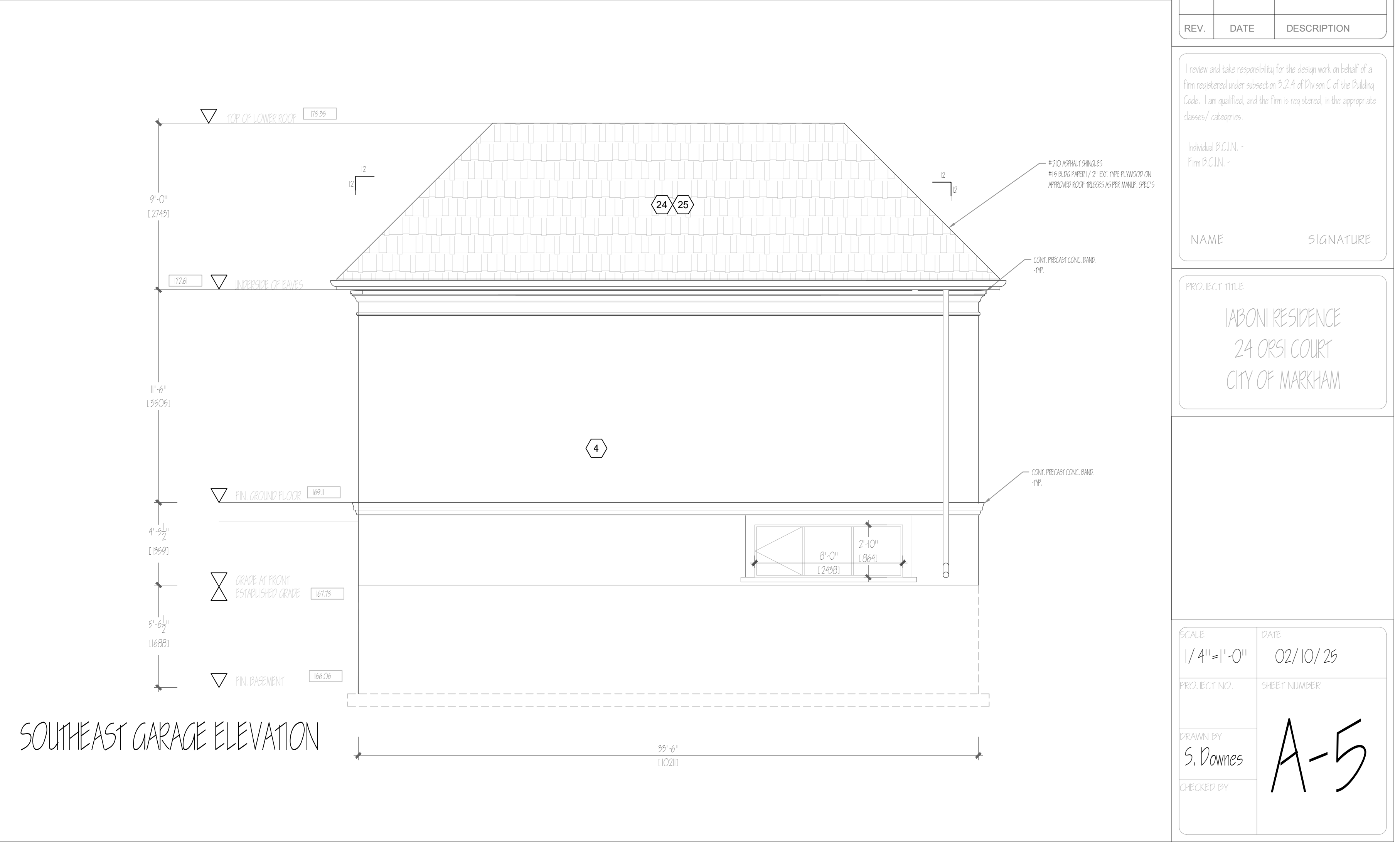
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REV.	DATE	DESCRIPTION



SOUTHEAST GARAGE ELEVATION



SOUTHEAST GARAGE ELEVATION

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Firm P.C.U.N. -

NAME SIGNATURE

PROJECT TITLE

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24 ORSI COURT
CITY OF MARKHAM

SCALE: 1/4" = 1'-0"

DATE: 02/10/25

PROJECT NO. SHEET NUMBER

DRAWN BY: S. Dawnes

CHECKED BY:

A-5

Appendix B

File: **24.196390.000.00.MNV**

Date: **2/13/2025**

MM/DD/YYYY



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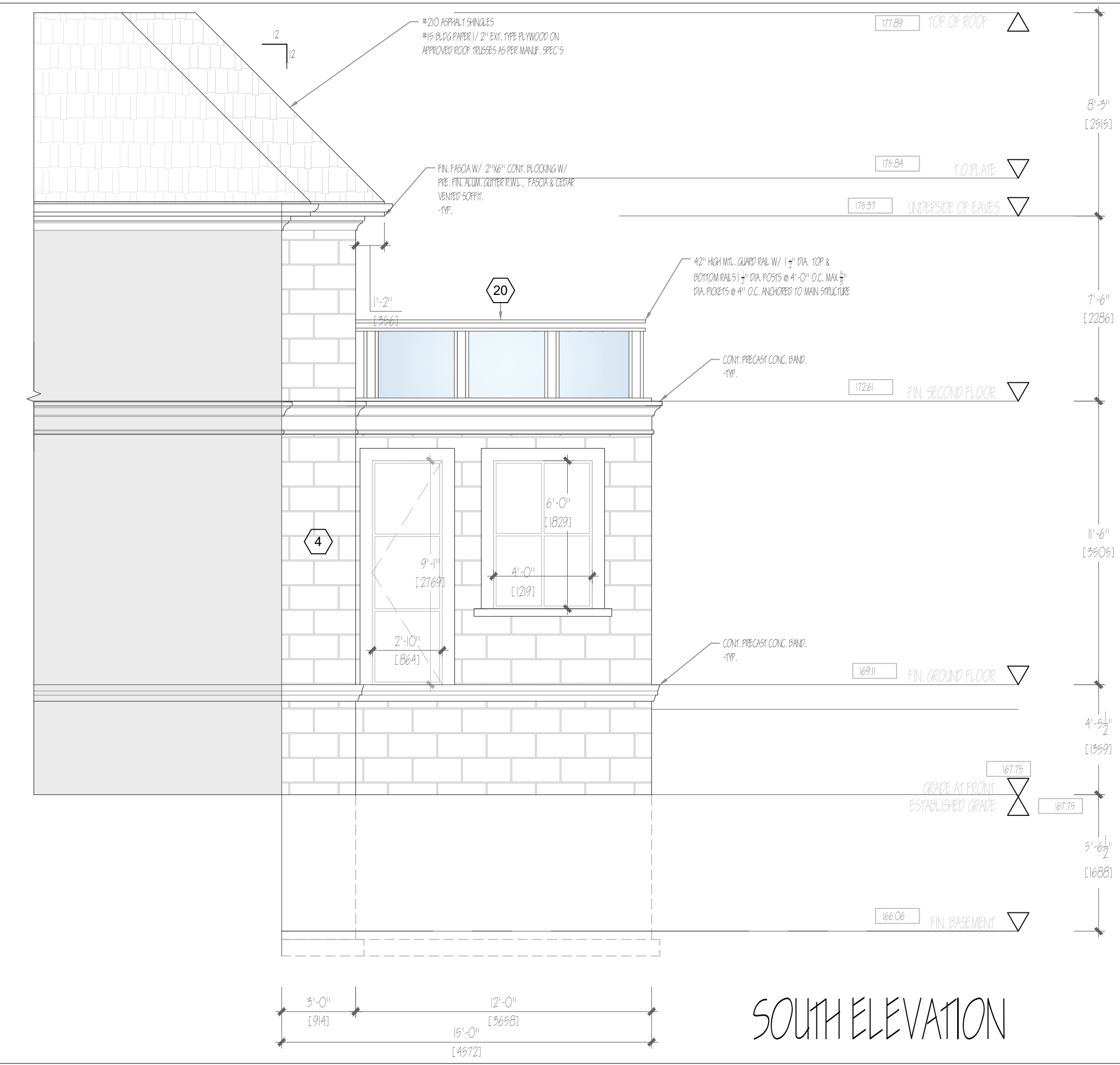
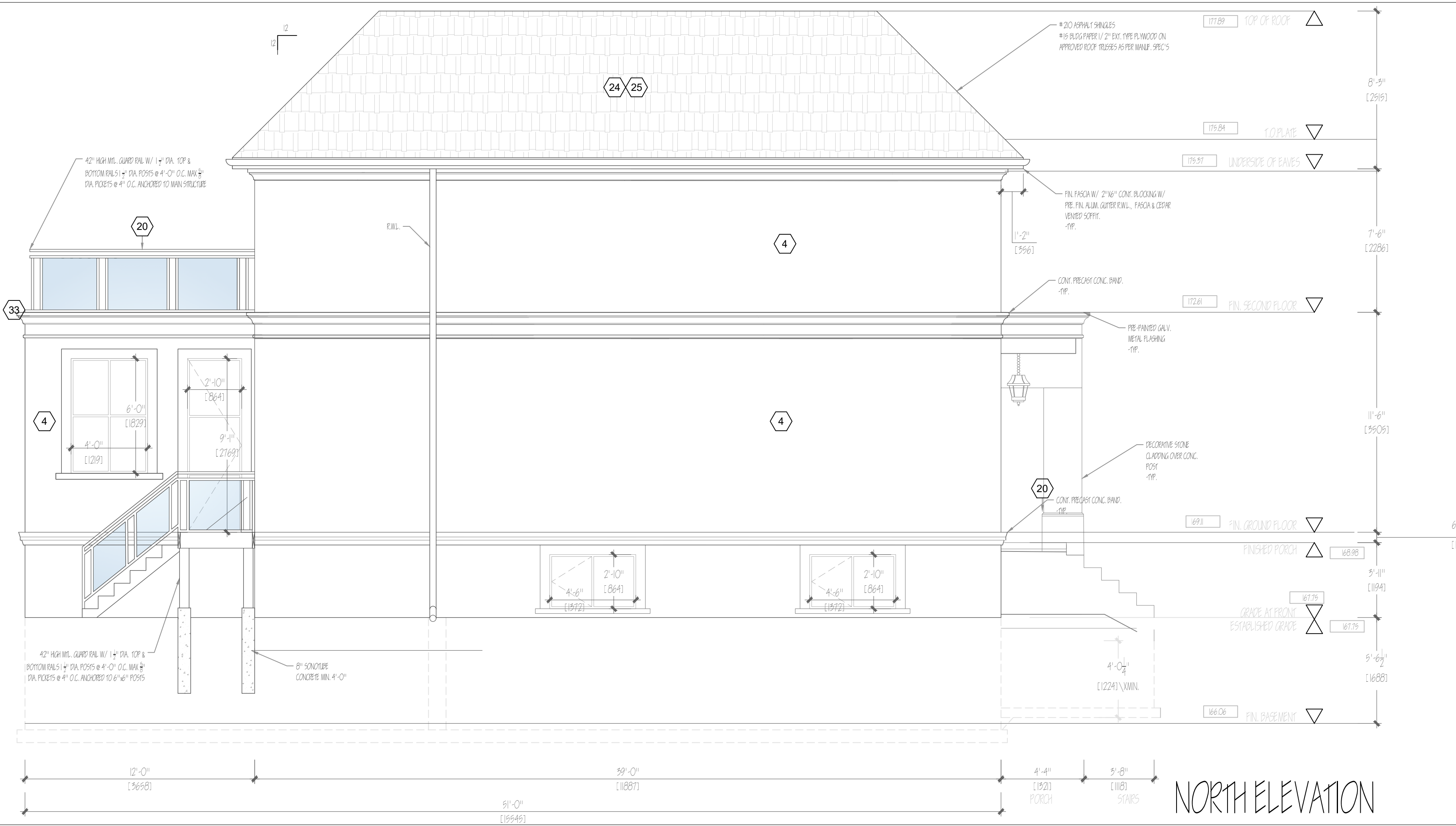
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Firm P.C.I.N. -

NAME	SIGNATURE

PROJECT TITLE

LABONI RESIDENCE
24 ORSI COURT
CITY OF MARKHAM

SCALE	DATE
1/4" = 1'-0"	02/10/25

PROJECT NO.	SHEET NUMBER
	A-6

DRAWN BY: **S. Dawnes**

CHECKED BY: **A-6**