

**Memorandum to the City of Markham Committee of Adjustment**  
February 26, 2025

**File:** A/145/24  
**Address:** 57 Montrose Crescent, Markham  
**Agent:** MGL & Co. Inc. (Maggie Low)  
**Hearing Date:** Wednesday, March 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(E)**: a maximum distance of 20.90 metres for the first-storey measured from the established building line, whereas the By-law permits a maximum distance of 19.5 metres for the first-storey measured from the established building line;
  - b) **By-law 2024-19, Section 6.3.2.2(G)**: a minimum rear yard setback of 6.55 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres;
- as it relates to a rear sunroom addition.

## **BACKGROUND**

### **Property Description**

The 666.53 m<sup>2</sup> (7,174.47 ft<sup>2</sup>) subject lands is a corner lot located on the south side of Montrose Crescent, generally north of Halstead Drive and west of Hollingham Road (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. Mature vegetation exists across the property.

There is an existing two-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1986.

### **Proposal**

The Applicant has constructed a 26.94 m<sup>2</sup> (289.98 ft<sup>2</sup>) sunroom addition and additional hard landscaping surrounding the house without the appropriate permits and planning approvals. The Applicant subsequently applied for a minor variance application and building permit (HP 24 180421) to receive the appropriate approvals. Staff note that the Applicant has revised their original submitted application following comments received from Staff. These changes include the removal of two variances for maximum rear yard hardscape projection and minimum interior lot line soft landscape strip, as captured in Table 1 below and demonstrated in Appendix “B”. Staff note that the removal of these variances will require that the Applicant to remove existing hardscape and restore soft landscaping as per By-law requirements.

<b>Table 1 – Changes in Variance Comparison Chart</b>			
<b>Development Standard</b>	<b>By-law Requirement</b>	<b>Initial Variance Request</b>	<b>Current Variance Request</b>
<b>Minimum rear yard setback</b>	7.55 m (24.77 ft)	6.55 m (21.49 ft)	Unchanged
<b>Maximum rear yard hardscape projection</b>	50%	87%	Removed
<b>Minimum interior lot line soft landscape strip</b>	1.5 m (4.92 ft)	0 m (0 ft)	Removed
<b>Maximum distance for the first story of the main building measured from the established building line</b>	20.90 m (68.57 ft)	19 m (62.34 ft)	Unchanged

**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.

**Zoning Preliminary Review (ZPR) Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 24 180421) to confirm the initial variances required.

The Applicant submitted revised plans on January 27, but a new review with the building department has not been conducted for the revised plans. 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.

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

The Applicant is requesting relief to permit a minimum rear yard setback of 6.55 m (21.49 ft), whereas the By-law requires a minimum rear yard setback of 7.55 m (24.77 ft). This represents a reduction of approximately 1.0 m (3.28 ft).

This variance is entirely attributable to a small (southerly) portion of the existing rear yard sunroom. A significant portion of the sunroom is setback 7.46 m (24.48 ft) from the rear property line, which Staff considers as a minor deviation from what the By-law permits. Furthermore, given that the sunroom addition does not span the entire width of the existing dwelling, Staff are of the opinion that the requested variance will not have a marked impact to adjacent properties and is minor in nature.

### **Maximum Distance of the Main Building from the Established Building Line (first storey)**

The Applicant is requesting a maximum distance of the main building from the established building line of 20.90 m (68.57 ft) for the first storey whereas the Bylaw permits a maximum distance of 19.0 m (62.34 ft). This represents an increase of 1.90 m (6.23 ft) for the first storey.

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 (including the private garage) 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 neighbouring lots. As previously noted, the relatively modest-sized sunroom addition does not span the entire width of the existing dwelling. The one-storey addition is also setback sufficiently from the streetline, resulting in minimal impacts on neighbouring homes or the streetscape. Staff are satisfied that sufficient setbacks and rear yard amenity space are provided and maintained to mitigate any potential impacts that the proposed building depth and massing may have on adjacent lots and the streetscape.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 26, 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 "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, RPP MCIP, Senior Planner, Central District

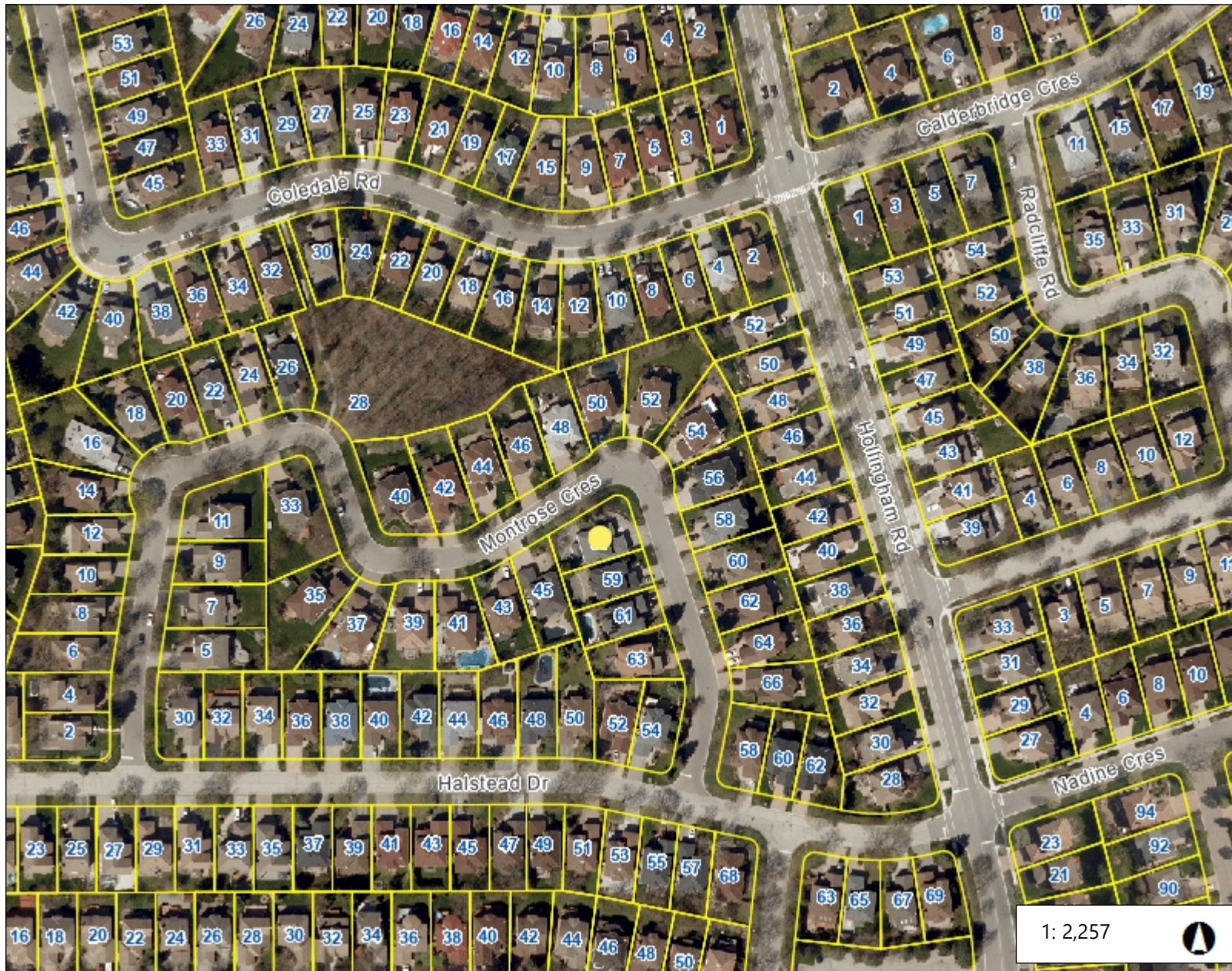
File Path: Amanda\File\ 24 198950 \Documents\District Team Comments Memo

## **APPENDICES**

Appendix "A" – Aerial Context Photo

Appendix "B" – Revised Plans

Appendix "C" – Conditions for A/145/24



Legend

- Subject Lands
- 57 Montrose Crescent

1: 2,257



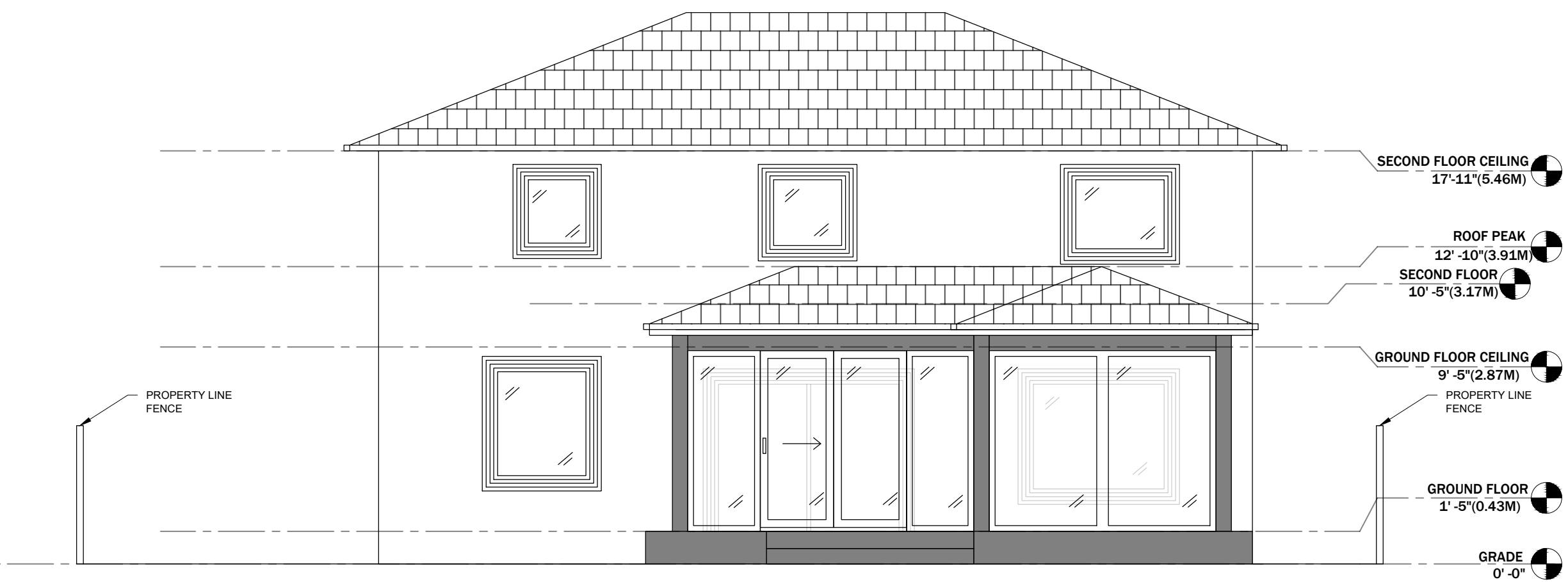
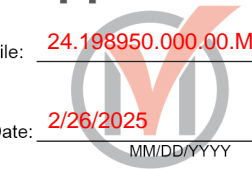
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Notes

# Appendix B

File: 24.198950.000.00.MNV

Date: 2/26/2025  
MM/DD/YYYY



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code  
MAGGIE J. LOW 43521  
NAME Signature BCIN

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.4.1 of the building code  
MGL & Co. Inc. 46857  
FIRM NAME BCIN

### General Notes

- ALL CONSTRUCTION SHALL BE CARRIED OUT IN ACCORDANCE WITH LOCAL CODES AND AUTHORITIES HAVING JURISDICTION. NOTHING IN THE PLAN AND SPECIFICATIONS SHALL RELIEVE THE CONTRACTOR OF THIS RESPONSIBILITY.
- CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED INSPECTIONS AND CERTIFICATIONS AS REQUIRED BY THE AUTHORITIES HAVING JURISDICTION.
- CONTRACTOR SHALL DISPLAY PERMIT ON SITE PRIOR TO COMMENCING WORK.
- CONTRACTOR SHALL VERIFY ALL SITE CONDITION AND DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. REPORT ANY DISCREPANCY TO DESIGNER BEFORE WORK BEGINS.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION SAFETY AT THE WORK SITE FOR COMPLIANCE WITH THE RULES, REGULATIONS AND PRACTICES REQUIRED BY THE APPLICABLE LEGISLATION AND IS RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE PERFORMANCE OF THE WORK.
- ABIDE BY ALL SITE ACCESS AND CONSTRUCTION PROCEDURES IMPOSED BY THE LANDLORD OR PROPERTY MANAGER.
- ENSURE ALL WASTE AND DEBRIS IS REMOVED FROM THE WORK ON A DAILY BASIS. OBTAIN LANDLORD APPROVAL PRIOR TO USING ANY BULK RECEPTACLE ON OR NEAR THE SITE.

No.	Revision/Issue	Date
3		
2		
1	Issued for COA	11/29/2024

Prepared By:  
**MGL & Co. Inc.**  
Design | Build  
95 Mural Street 6th Fl, Richmond Hill ON L4B 3G2  
Tel: (905) 695-3480 Email: office@mglcoinc.com

DRAWING TITLE:  
**AS-BUILT  
WEST ELEVATION  
(REAR)**

PROJECT NAME AND ADDRESS:  
**57 MONTROSE CRES.  
MARKHAM, ON L3R 7Z6**

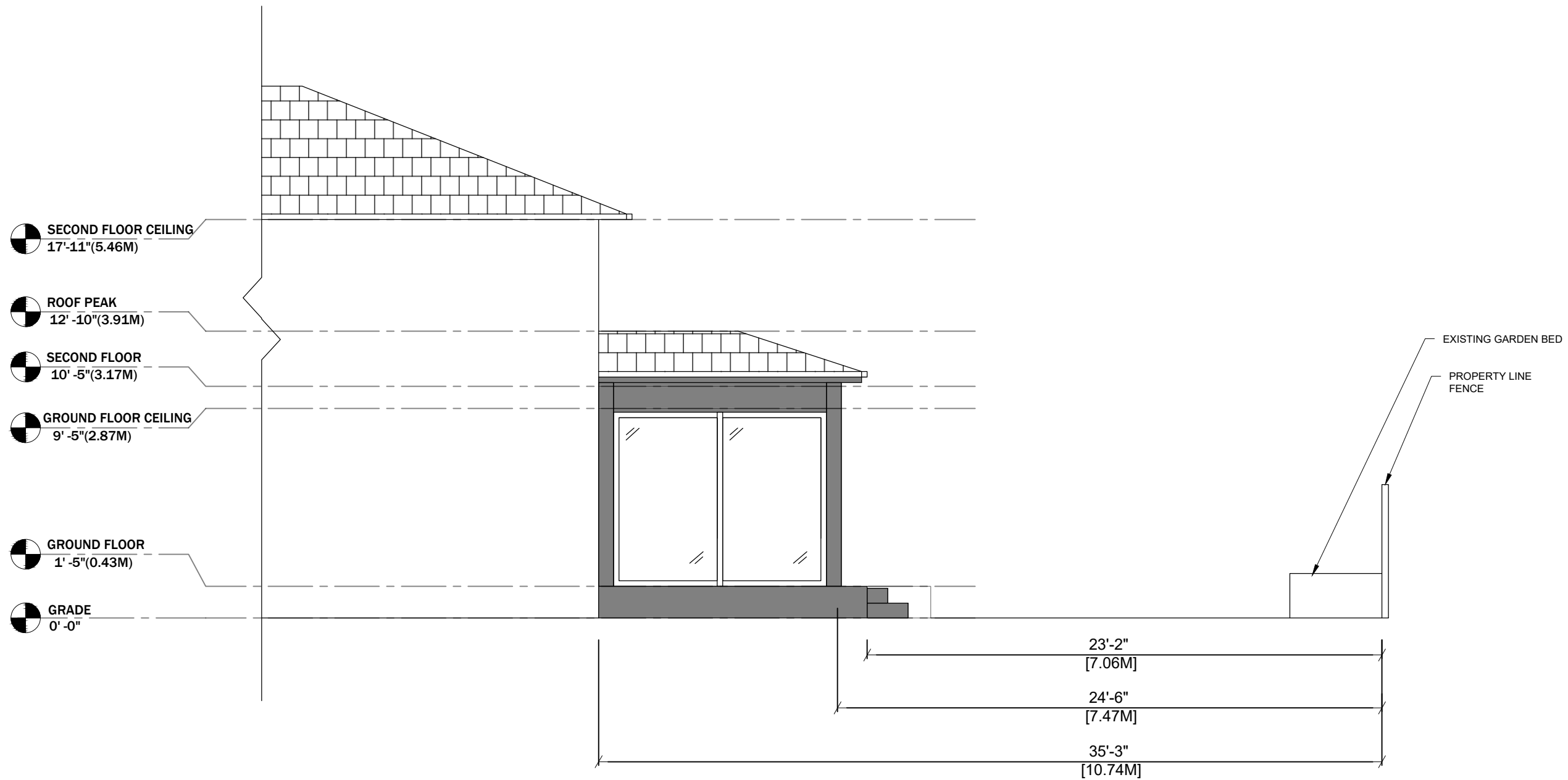
Drawn By:	Reviewed By:	SHEET NO.
ML	ML	<b>A.201</b>
SCALE		<b>3/16"=1'-0"</b>

01 AS-BUILT WEST ELEVATION (REAR)  
A201 SCALE 3/16"=1'-0"

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3		
2		
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**MGL & Co. Inc.**  
Design | Build  
95 Mural Street 6th Fl, Richmond Hill ON L4B 3G2  
Tel: (905) 695-3480 Email: office@mglcoinc.com

DRAWING TITLE:  
**AS-BUILT  
NORTH ELEVATION  
(SIDE)**

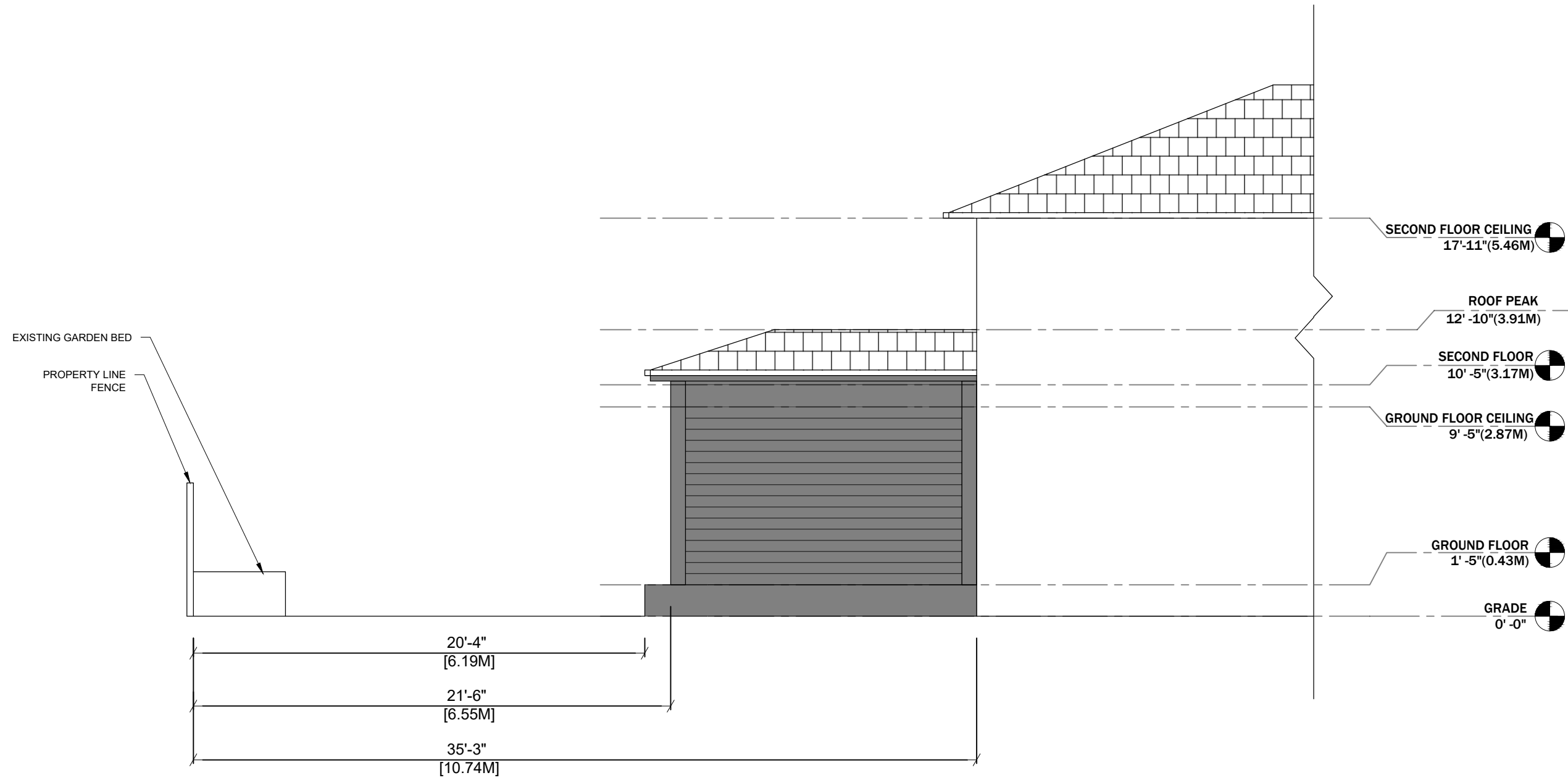
PROJECT NAME AND ADDRESS:  
**57 MONTROSE CRES,  
MARKHAM, ON L3R 7Z6**

Drawn By: ML	Reviewed By: ML	SHEET NO. <b>A.202</b>
SCALE <b>3/16"=1'-0"</b>		

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File: 24.198950.000.00.MNV

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MM/DD/YYYY



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3		
2		
1	Issued for COA	11/29/2024

  
**MGL & Co. Inc.**  
 Design | Build  
 95 Mural Street 6th Fl, Richmond Hill ON L4B 3G2  
 Tel: (905) 695-3480 Email: office@mglcoinc.com

DRAWING TITLE:  
**AS-BUILT  
SOUTH ELEVATION  
(SIDE)**

PROJECT NAME AND ADDRESS:  
**57 MONTROSE CRES.  
MARKHAM, ON L3R 7Z6**

DATE	REVISION	SHEET NO.
ML	ML	A.203
3/16"=1'-0"		

01 AS-BUILT SOUTH ELEVATION (SIDE)

A203 SCALE

3/16"=1'-0"



# 57 MONTROSE CRES, MARKHAM, ON L3R 7Z6

## PROJECT STATISTICS:

### PROJECT DESCRIPTION:

REAR YARD SUNROOM OVER EXISTING DECK  
(290 FT<sup>2</sup> / 26.94M<sup>2</sup>)  
AREA OF CONSTRUCTION (290 FT<sup>2</sup> / 26.94M<sup>2</sup>)

## SHEET INDEX

SP1	SITE PLAN
A200	AS-BUILT GROUND FLOOR PLAN
A201	AS-BUILT WEST ELEVATION(REAR)
A202	AS-BUILT NORTH ELEVATION(SIDE)
A203	AS-BUILT SOUTH ELEVATION(SIDE)

## SITE STATISTICS

57 MONTROSE CRES, MARKHAM, ON L3R 7Z6

LOT AREA 689.43 M<sup>2</sup>  
EXISTING BUILDING AREA 175 M<sup>2</sup>  
PROPOSED SUN ROOM AREA 26.94 M<sup>2</sup>

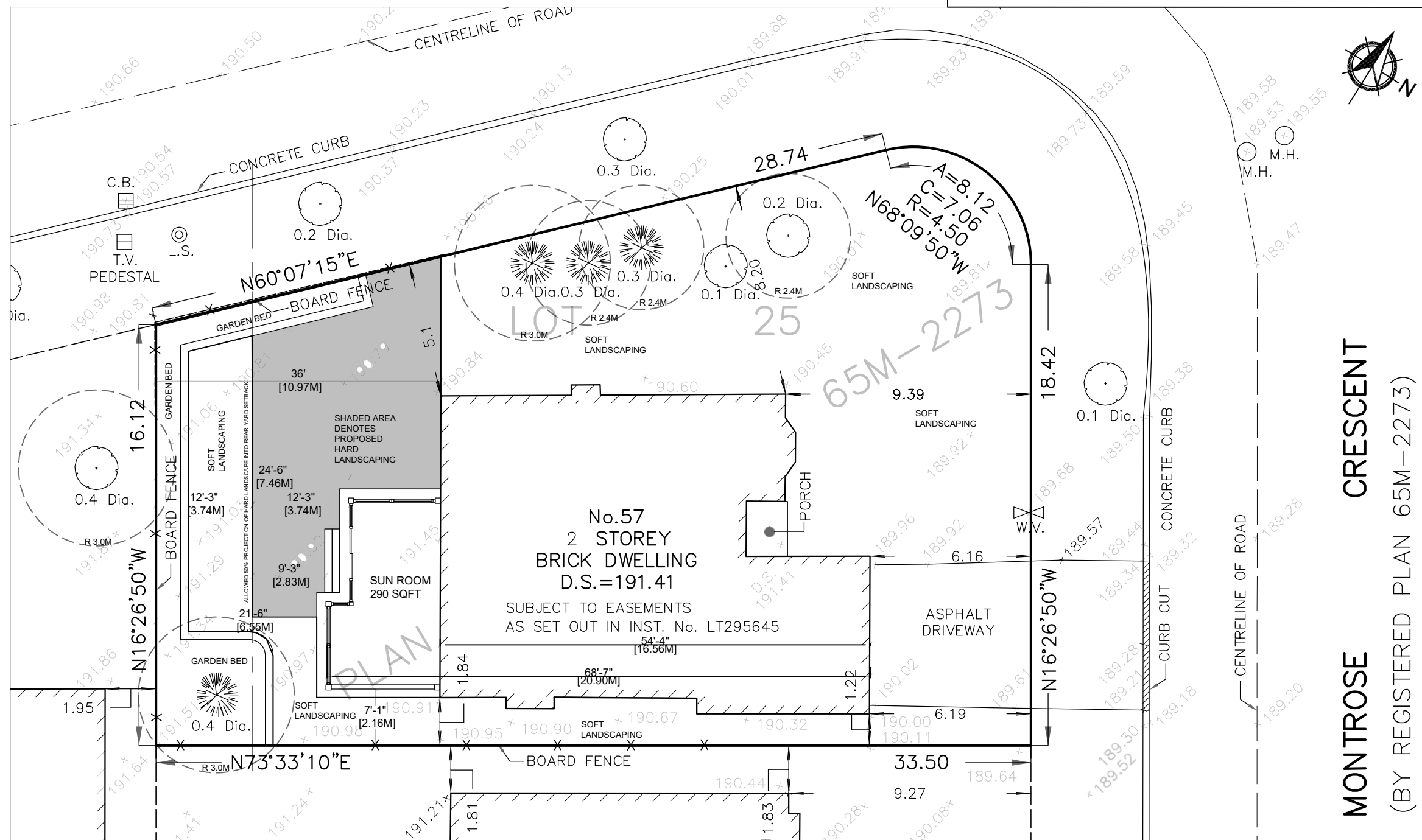
COMPREHENSIVE ZONING BY-LAW 2024-19  
6.3.2. RESIDENTIAL ESTABLISHED NEIGHBOURHOOD LOW RISE

	PERMITTED	PROPOSED
LOT COVERAGE	30%	29.28%
MAX DIST. OF 1ST STORY MAIN BUILDING FROM ESTABLISHED BUILDING LINE	19 m	20.90 m
INTERIOR SIDE LOT LINE SOFT LANDSCAPE	1.5 m	1.5 m
BACKYARD HARD LANDSCAPE % PROJECTING INTO REAR YARD SETBACK	50%	50%
REAR YARD SETBACK	7.5m	6.55 m

## Appendix B

File: 24.198950.000.00.MNV

Date: 2/26/2025  
MM/DD/YYYY



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MAGGIE J. LOW	43521
NAME	BCIN
SIGNATURE	
REGISTRATION INFORMATION	
Required unless design is exempt under 2.17.4.1 of the building code	
MGL & Co. Inc.	46857
FIRM NAME	BCIN

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No.	Revision/Issue	Date
3	REV01	01/24/2025
2	Issued for permit	06/29/2024
1	Issued for review	06/21/2024

DESIGN BY:

**MGL & Co. Inc.**  
Design | Build

95 Mural Street 6th Fl, Richmond Hill ON L4B 3G2  
Tel: (905) 695-3480 Email: office@mglcoinc.com

DRAWING TITLE:

SITE PLAN

PROJECT NAME AND ADDRESS:

57 MONTROSE CRES,  
MARKHAM, ON L3R 7Z6

Drawn By:	Checked By:	SHEET NO.
ML	ML	SP.1

01 SITE PLAN  
SP.1 SCALE

N.T.S.

## **APPENDIX “C”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/145/24**

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. 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.
6. That the existing hardscaping be removed and that soft landscaping is restored as per the site plan submitted to the Committee of Adjustment dated January 24, 2025.

CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District