

# Memorandum to the City of Markham Committee of Adjustment

March 14, 2025

**File:** A/010/25  
**Address:** 18 Canadiana Drive, Thornhill  
**Agent:** ZANJANI ARCHITECT INC. (Sia Zanjani)  
**Hearing Date:** Wednesday, March 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 second storey main building coverage of 27%, whereas the by-law permits a maximum of 20%;
- b) **By-law 2024-19, Section 6.3.2.2 J):**  
a maximum outside wall height of 7.56 m, whereas the by-law permits a maximum of 7 m
- c) **By-law 2024-19, Section 6.2.1 B):**  
a maximum roof projection of 2.58 m, whereas the by-law permits a maximum of 1 m;
- d) **By-law 2024-19, Section 4.8.10.2 D) (iii):**  
a maximum porch and underground cold cellar projection of 1.83 m, whereas the by-law permits a maximum of 0.6 m;
- e) **By-law 2024-19, Section 6.3.2.2 I):**  
a minimum side yard setback of 1.52 m, whereas the by-law requires a minimum of 1.8 m;
- f) **By-law 2024-19, Section 4.8.9.2 A) (i):**  
a minimum soft landscape strip of 0.66 m, whereas the by-law requires a minimum of 1.5 m;
- g) **By-law 2024-19, Section 4.8.8 A):**  
a maximum side yard window well encroachment of 0.864 m, whereas the by-law permits a maximum of 0.6 m; and
- h) **By-law 2024-19, Section 6.3.2.2 E):**  
a maximum second storey main building distance from the established building line of 15.4 m, whereas the by-law permits a maximum of 14.5 m.

as it relates to the proposed two storey dwelling.

## BACKGROUND

### Property Description

The 906.41 m<sup>2</sup> (9756.47 ft<sup>2</sup>) subject property is located on the east side of Canadiana Drive, north of Steeles Avenue East and east of Bayview Avenue. There is an existing two-storey detached dwelling on the subject property with mature vegetation located throughout the lot. The surrounding area is undergoing a transition with newer dwellings

being developed as infill developments. Surrounding uses include a mix of one and two-storey detached dwellings, parks and a rail corridor.

### **Proposal**

The applicant is proposing to construct a two-storey single family dwelling and integral garage on the property. The existing dwelling, front porch and rear decks will be demolished to facilitate this.

### **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 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 development standards for 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, outside wall height, roof projection, porch, side yard setback, landscape strip, window well and distance of the main building from the established building line. 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, “IN ORDER TO BE IN KEEPING WITH THE SIZE AND MASSING OF THE RECENT DEVELOPMENTS”.

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

The owner has completed a Zoning Preliminary Review (ZPR) on January 15<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.

### **Increase in Main Building Coverage Variance**

The applicant is requesting to permit a main building coverage of 27% for the second storey, whereas the by-law permits a maximum main building coverage of 20%. 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.

The proposed second-storey building coverage excludes the second-storey balconies which would add approximately 15 m<sup>2</sup> to the second storey building coverage. The proposed increase building coverage will result in an increase in dwelling width, which will also include an attached garage. More details on this increase are provided in the side yard setback variance rationale.

Given that the proposed second-storey building coverage does not extend beyond the established building line and maintains appropriate front yard and rear yard setbacks of 8.95 m and 11.98 m, the proposed increase in the second-storey building coverage will not significantly add to the scale and massing of the dwelling. Staff are of the opinion that the requested variance is minor in nature.

#### **Maximum Outside Wall Height Variance**

The applicant is requesting to permit a maximum outside wall height of 7.56 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 proposed wall height will articulate the shape of the second storey and roof, and will provide appropriate massing. 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 to permit a roof projection of 2.58 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 adversely impact the surrounding properties. It should be noted that the design of the roof is concentrated at the front elevation of the property, which is consistent with the character of the neighbourhood, and in line with the intent of the Bylaw to provide appropriate articulation of massing to the second storey. Staff are of the opinion that the proposed encroachment is minor in nature, as it maintains an appropriate roofline between neighboring dwellings, and as such, have no concerns.

#### **Porch Projection Variance**

The applicant is requesting to permit a porch and underground cold cellar to project 1.83 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 8.95 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.

### **Side Yard Setback Variance**

The applicant is requesting to permit a minimum side yard setback of 1.52 m, whereas the by-law requires a minimum of 1.8 m. The requested variance will allow for the increase in width to the building footprint of the proposed dwelling. The proposed 1.52 m setback is the smallest southern measurement between the subject property and the adjoining property to the south at 16 Canadiana Drive. Staff note that a portion of the main wall and proposed porch will be back approximately 2.1 m from the interior side lot line, providing space for the window well. Staff are of the opinion that the requested variance is minor in nature, as the proposed decrease will not have an adverse impact on the neighbouring property.

### **Window Well Encroachment and Landscape Strip Variance**

The applicant is requesting to permit a minimum soft landscape strip of 0.66 m, whereas the by-law requires a minimum of 1.5 m. Additionally, the applicant is seeking relief from the by-law to permit a maximum side yard window well encroachment of 0.864 m, whereas the by-law permits a maximum of 0.6 m. The intent of the landscape strip requirement is to permit room for adequate drainage swales between adjacent properties. The intent of the maximum encroachment requirement is to maintain adequate spacing between structures and access for adjacent dwellings.

Engineering Staff are of the opinion that the proposed encroachment and landscape strip will not negatively impact the adjacent dwelling(s). The requested variance maintains appropriate distance between neighbouring dwellings, and as such, Staff has no concerns with the proposed reduction.

### **Building Distance Variance**

The applicant is requesting to permit a main building distance of 15.4 m from the established building line for the second storey, whereas the by-law permits a maximum distance of 14.5 m for any storey above the first 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 neighbouring dwellings.

The building layout maintains appropriate depth, setbacks and lot coverage, which adheres to the intended scale of residential infill developments for the neighbourhood. The increase of the second storey building depth will not extend beyond the footprint and established building line of the first storey. 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 scale of the neighbouring properties.

## **EXTERNAL AGENCIES**

### **Metrolinx Comments**

The subject property is located within 300 m of Metrolinx's Bala Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this

application on February 14<sup>th</sup>, 2025 (Appendix “C”), requiring that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Associate of Canada’s Guidelines for New Development in Proximity to Railway Operations. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.

Additionally, the Applicant is asked to provide a warning clause in all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor.

Staff recommend that the proposed development is subject to the associated condition of Approval regarding the environmental easement and warning clause provided in Appendix “A”. Further comments on the proposal are provided in Appendix “C”.

### **PUBLIC INPUT SUMMARY**

As of March 14, 2025 the City has received two letters of support and three letters of opposition. 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

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/010/25**

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

CONDITIONS PREPARED BY:



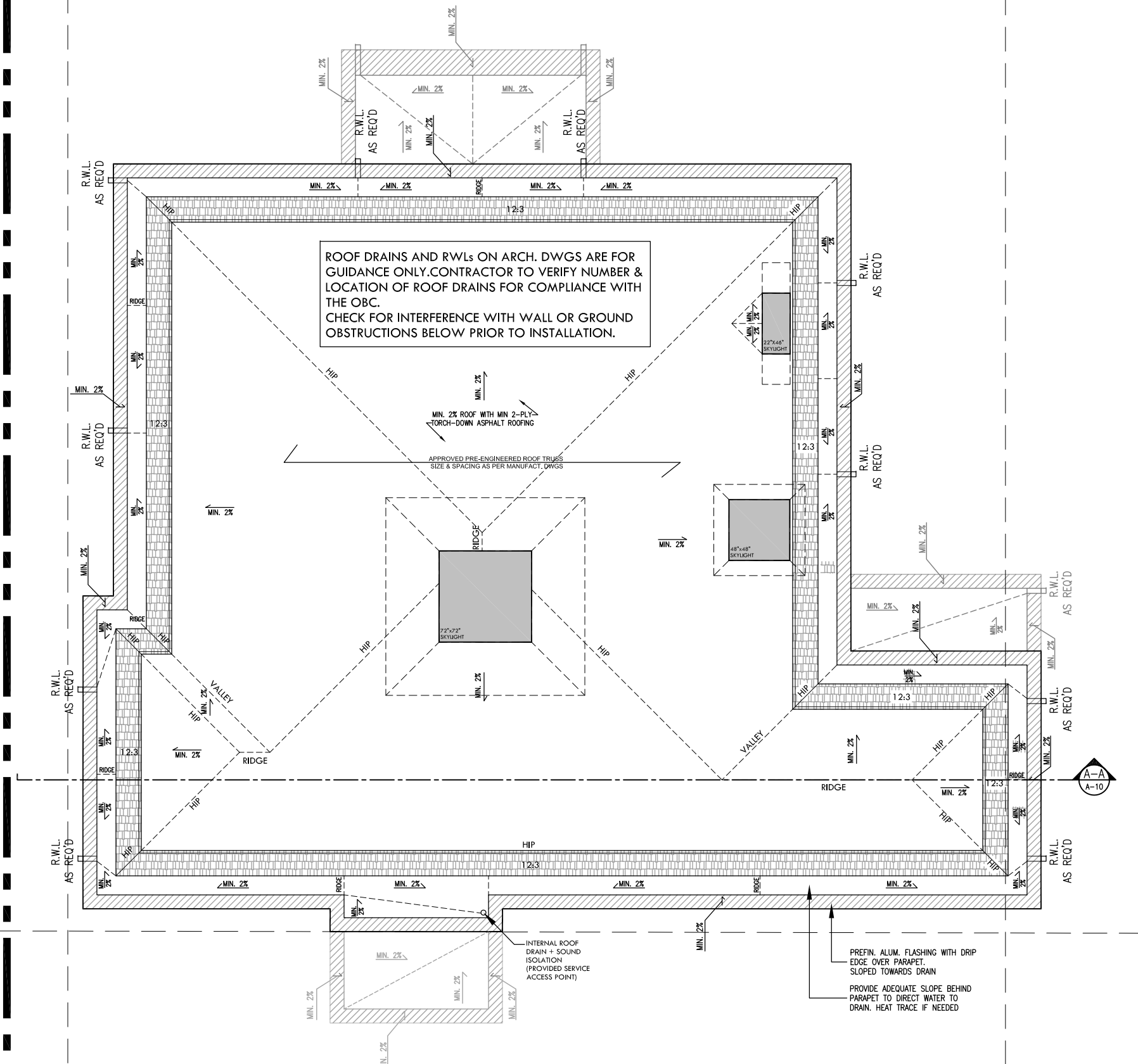
Theo Ako-Manieson, Planner I, West District



# Appendix B

File: 25.110367.000.00.MNV

Date: 3/14/2025  
MM/DD/YYYY



3" WIDE BY 5" TALL BLANK SPACE FOR CITY OF MARKHAM'S STAMP

COPYRIGHT 2025 ZANJANI ARCHITECT INC.

Issued:

No.	Date	Description	By
01	AUG. 15. 2024	FOR CLIENT SIGN-OFF	S.Z.
02	NOV. 22. 2024	FOR CLIENT SIGN-OFF	S.Z.
03	NOV. 28. 2024	FOR ZPR.	S.Z.
04	JAN. 06. 2025	FOR CLIENT SIGN-OFF & RE-ISSUED FOR ZPR	S.Z.
05	JAN. 29. 2025	ISSUED FOR COA	S.Z.

Project Title:

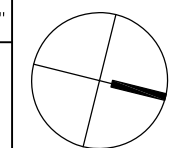
**18 CANADIANA DR.**  
MARKHAM . ON

**Zanjani Architect Inc.**

15 Allstate Pkwy, Unit 653  
Markham, ON L3R 5B4  
T: 416.917.8285  
E: info@zanjanearchitect.com

Scale: 1/8" = 1'-0"

Sheet Title:  
ROOF PLAN



Sheet no:

**A5**



# Appendix B

File: 25.110367.000.00.MNV

Date: 3/14/2025  
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3" WIDE BY 5" TALL BLANK SPACE FOR CITY OF MARKHAM'S STAMP



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Issue No.	Date	Description	Status
01	JULY 04, 2024	FOR CLIENT REVIEW	S.Z.
02	AUG. 01, 2024	FOR CLIENT REVIEW	S.Z.
03	AUG. 15, 2024	FOR CLIENT SIGN-OFF	S.Z.
04	NOV. 22, 2024	FOR CLIENT SIGN-OFF	S.Z.
05	NOV. 28, 2024	FOR ZPR.	S.Z.
06	JAN. 06, 2025	FOR CLIENT SIGN-OFF & RE-ISSUED FOR ZPR	S.Z.
07	JAN. 29, 2025	ISSUED FOR COA	S.Z.

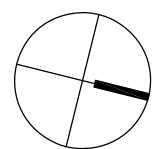
Project Title:  
**18 CANADIANA DR.**  
MARKHAM . ON

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Scale: 1/8" = 1'-0"

Sheet Title: FRONT (EAST) ELEVATION

Sheet no: **A6**



# Appendix B

File: 25.110367.000.00.MNV

Date: 3/14/2025  
MM/DD/YYYY



3" WIDE BY 5" TALL BLANK SPACE FOR CITY OF MARKHAM'S STAMP

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NO.	DATE	REVISION	STATUS
01	AUG. 01. 2024	FOR CLIENT REVIEW	S.Z.
02	AUG. 15. 2024	FOR CLIENT SIGN-OFF	S.Z.
03	OCT. 07. 2024	FOR ZPR.	S.Z.
04	NOV. 22. 2024	FOR CLIENT SIGN-OFF	S.Z.
05	NOV. 28. 2024	FOR ZPR.	S.Z.
06	JAN. 06. 2025	FOR CLIENT SIGN-OFF & RE-ISSUED FOR ZPR	S.Z.
07	JAN. 29. 2025	ISSUED FOR COA	S.Z.

Project Title:  
**18 CANADIANA DR.**  
MARKHAM . ON

**Zanjani Architect Inc.**  
15 Allstate Pkwy, Unit 653  
Markham, ON L3R 5B4  
T: 416.917.8285  
E: info@zanjanichitect.com

Scale: 1/8" = 1'-0"

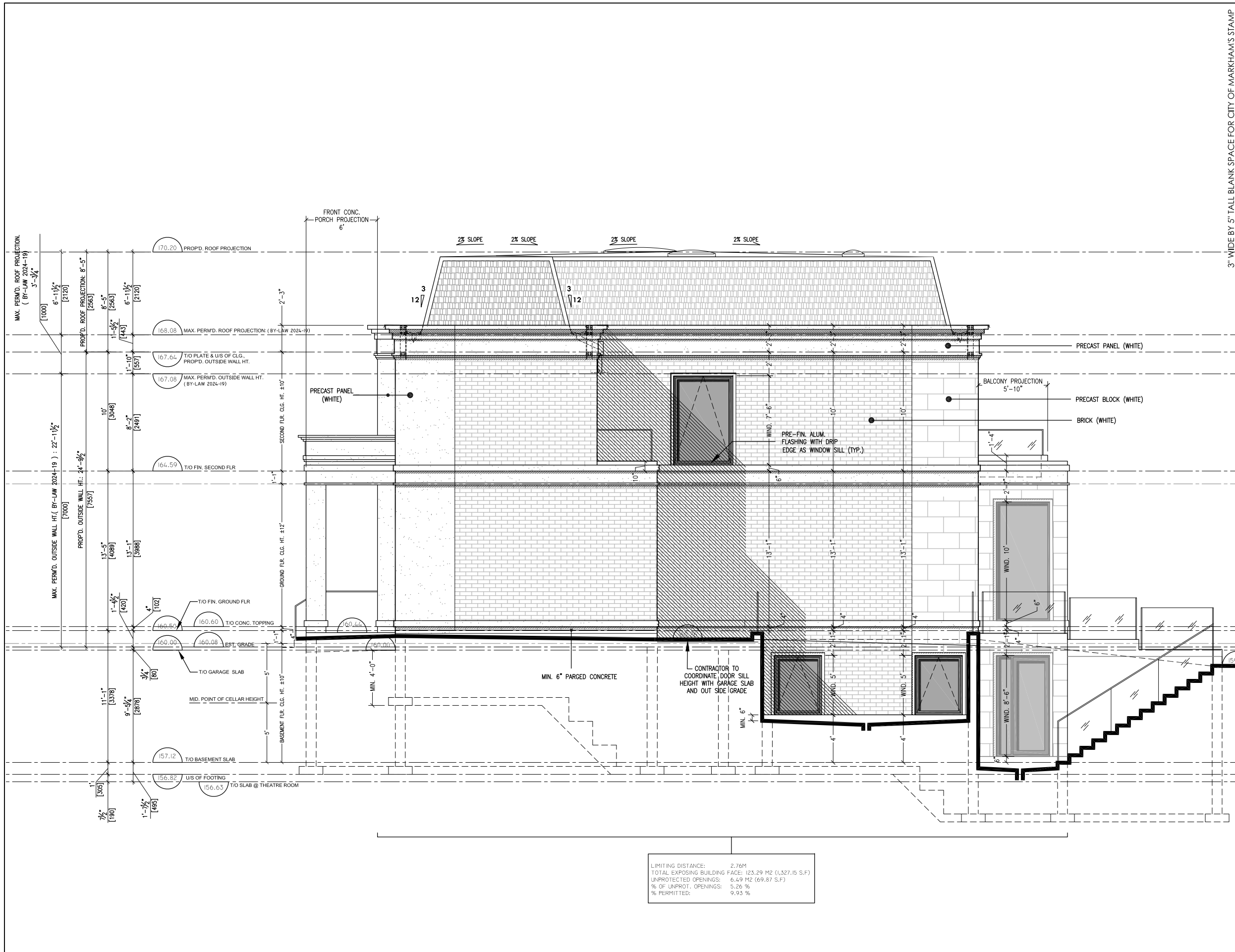
Sheet Title:  
**REAR (WEST)  
ELEVATION**

Sheet no:  
**A7**

# Appendix B

File: 25.110367.000.00.MNV

Date: 3/14/2025  
MM/DD/YYYY



3" WIDE BY 5" TALL BLANK SPACE FOR CITY OF MARKHAM'S STAMP

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NO.	DATE	REVISION	STATUS
01	AUG. 01. 2024	FOR CLIENT REVIEW	S.Z.
02	AUG. 15. 2024	FOR CLIENT SIGN-OFF	S.Z.
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Project Title:  
**18 CANADIANA DR.**  
MARKHAM . ON

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Scale: 1/8" = 1'-0"

Sheet Title:  
SIDE (NORTH)  
ELEVATION

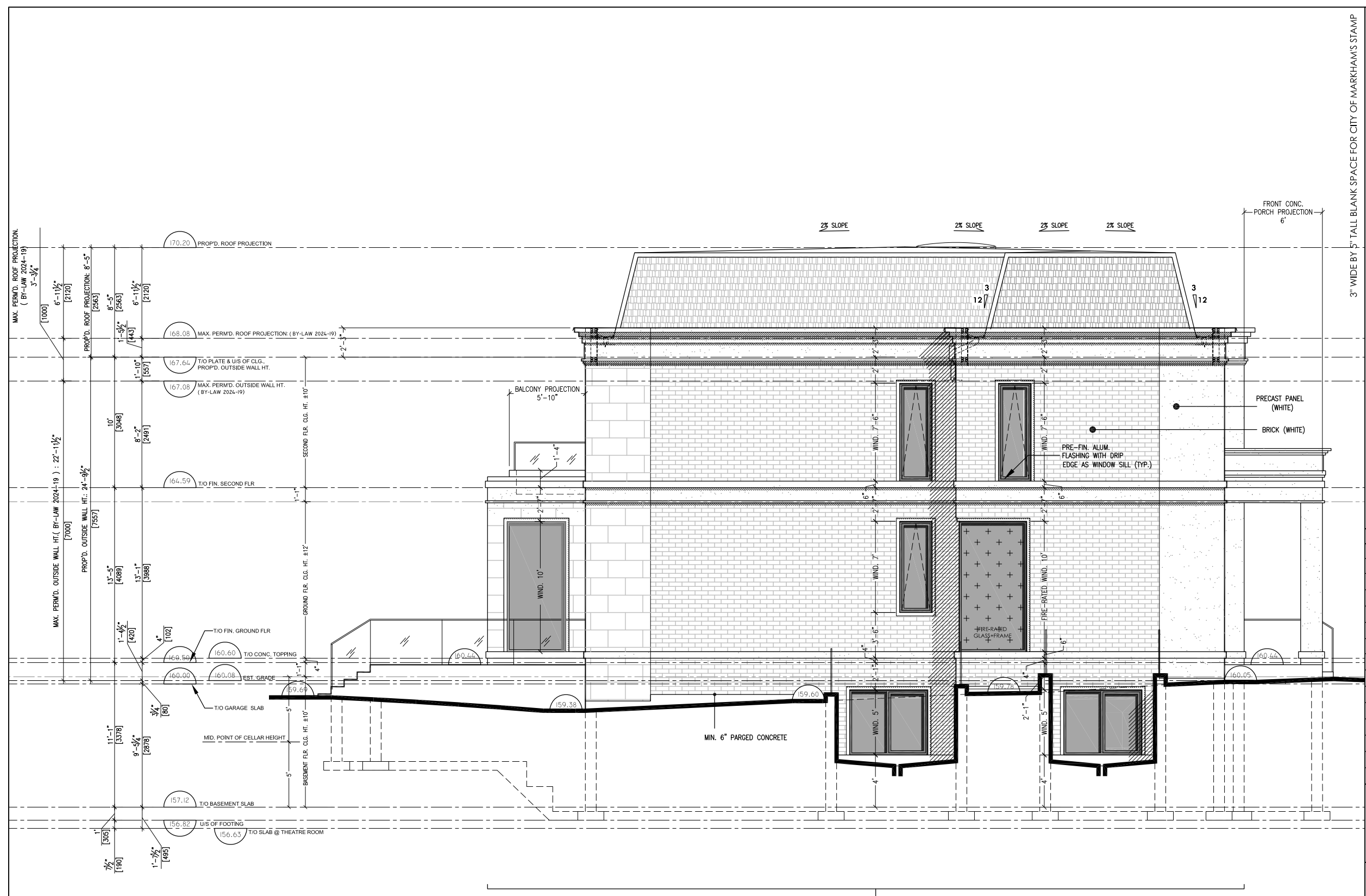
Sheet no:  
**A8**

LIMITING DISTANCE: 2.76M  
TOTAL EXPOSING BUILDING FACE: 125.29 M2 (1,327.15 S.F.)  
UNPROTECTED OPENINGS: 6.49 M2 (69.87 S.F.)  
% OF UNPROT. OPENINGS: 5.26 %  
% PERMITTED: 9.93 %

# Appendix B

File: 25.110367.00.MNV

Date: 3/14/2025  
MM/DD/YYYY



LIMITING DISTANCE: 1.52M  
 TOTAL EXPOSING BUILDING FACE: 133.98 M2 (1,442.16 S.F.)  
 UNPROTECTED OPENINGS: 10.51 M2 (113.19 S.F.)  
 % OF UNPROT. OPENINGS: 7.84 %  
 % PERMITTED: 7.09 %

3" WIDE BY 5" TALL BLANK SPACE FOR CITY OF MARKHAM'S STAMP

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Issued:

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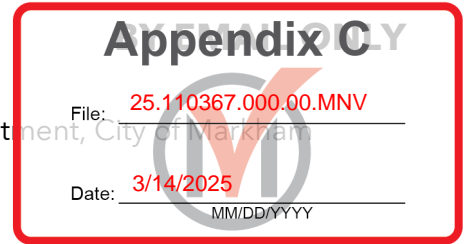
Project Title:  
**18 CANADIANA DR.**  
MARKHAM . ON

**Zanjani Architect Inc.**  
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Markham, ON L3R 5B4  
T: 416.917.8285  
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Scale: 1/8" = 1'-0"

Sheet Title:  
SIDE(SOUTH)  
ELEVATION

Sheet no:  
**A9**



**TO:** Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham  
**DATE:** February 14, 2025  
**RE:** Adjacent Development Review: A/010/25  
18 Canadiana Drive, Markham, ON  
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 18 Canadiana Dr, Markham, to construct a two storey single family detached dwelling with an integral garage, as circulated on February 5<sup>th</sup>, 2025, and to be heard by the Committee as early as Wednesday March 19<sup>th</sup>, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.

### GO/HEAVY-RAIL - CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Jenna.Auger@metrolinx.com](mailto:Jenna.Auger@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact [Jenna.Auger@metrolinx.com](mailto:Jenna.Auger@metrolinx.com).

Best Regards,  
**Jenna Auger**  
Third Party Project Review  
Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3  
T: (416) 881-0579

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.