

# Memorandum to the City of Markham Committee of Adjustment

May 21, 2025

**File:** A/147/24  
**Address:** 7 Sunman Court, Markham  
**Agent:** STEP Design Studio Inc. (Stepan Sukiasyan)  
**Hearing Date:** Wednesday, May 28, 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 (c)(xiv):** a combined main building coverage of 610 square metres, whereas the by-law permits a maximum combined main building coverage of 500 square metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):** a maximum first storey main building coverage of 35 percent of the lot area and a maximum second storey main building coverage of 33 percent of the lot area, whereas the by-law permits a maximum main building coverage of 30 percent of the lot area for the first storey and 20 percent of the lot area for any storey above the first;
- c) **By-law 2024-19, Section 6.3.2.2 (d):** a maximum lot coverage of 39.9 percent, whereas the by-law permits a maximum lot coverage of 35 percent;
- d) **By-law 2024-19, Section 6.3.2.2 (J):** an outside wall height of 7.29 metres, whereas the by-law permits a maximum outside wall height of 7.0 metres;
- e) **By-law 2024-19, Section 6.2.1:** a pitched roof with a slope of not less than 25 degrees to project 4.61 metres above the maximum permitted outside wall height of 7.0 metres, whereas the by-law permits pitched roofs with a slope of not less than 25 degrees to project a maximum of 3.0 metres above the maximum permitted outside wall height;
- f) **By-law 2024-19, Section 6.3.2.2 (f):** a minimum front yard setback of 7 metres, whereas the by-law requires a minimum front yard setback of 12.50 metres;
- g) **By-law 2024-19, Section 6.3.2.2 (G):** a rear yard setback of 5.05 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;
- h) **By-law 2024-19, Section 6.3.2.2 (I):** a combined interior side yard setback of 3.63 metres, whereas the by-law requires a minimum combined interior side yard setback of 5.71 metres;
- i) **By-law 2024-19, Section 6.3.2.2 (e):** a maximum distance of 14.97 metres from the established building line for any storey above the first, whereas the by-law permits a maximum distance from the established building line of 14.5 metres;

- j) **By-law 2024-19, Section 5.3.3 (a)**: a horseshoe driveway on a lot with a main building setback of 7.0 metres, whereas the by-law requires a main building setback of 8.0 metres; and
- k) **By-law 2024-19, Section 4.8.10.1 (d)**: to permit a porch with a floor height of 1.56 metres above the average grade level of the porch, whereas the by-law permits a maximum porch floor height of 1.2 metres;

as it relates to a proposed two-storey residential dwelling.

## **BACKGROUND**

### **Property Description**

The 906.58 m<sup>2</sup> (9,758.35 ft<sup>2</sup>) subject lands are located on the east side of Sunman Court, and generally north of Lee Avenue and west of Brimley Road (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). Existing vegetation exists along the rear of the property.

The Subject Lands are part of a recently registered plan of subdivision to facilitate the development of 13 detached dwellings located along Sunman Court. Most of the dwellings within this subdivision are associated with a previous variance application ([A/028/22](#)) which was approved by the Committee of Adjustment (the “COA”) on July 20, 2022 for increased lot coverages ranging from 26% to 39.9%.

The surrounding area to the west and south of the Subject Lands is comprised of an established neighbourhood area that is undergoing a transition with newer dwellings being developed as infill developments. To the east of the Subject Lands are a single detached dwelling and a private school (Yip’s Music and Montessori School).

### **Proposal**

The Applicant is proposing to construct a 610 m<sup>2</sup> (6,566 ft<sup>2</sup>) two-storey detached dwelling (the “Proposed Development”) (refer to Appendix “B” – Plans).

### **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

Although the previous dwellings within this subdivision were subject to a site-specific zoning by-law under By-law 193-81, as amended, the Comprehensive Zoning By-law 2024-19 now applies to the Subject Lands. As such, the Subject Lands are zoned “Residential – Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024-19, as amended, which permits detached dwellings.

### **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 May 5, 2025. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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 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 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.

### **Variance a) Increase Maximum Combined Main Building Coverage**

The Applicant is requesting relief to permit a maximum combined main building coverage of 610 m<sup>2</sup> (6,566 ft<sup>2</sup>), whereas the By-law permits a maximum combined main building coverage of 500 m<sup>2</sup> (5,381 ft<sup>2</sup>). This represents an increase of 110 m<sup>2</sup> (1,184 ft<sup>2</sup>).

By-law 2024-19 defines the main building coverage as the area of the main building that is enclosed by the main walls and excludes the area of unenclosed decks, porches, cold cellars, and balconies. The intent of this requirement is to reduce the size and massing of the dwelling on the streetscape.

The combined main building coverage is similar to gross floor area (GFA) which is a defined term in the previous By-law 193-81, as amended. Furthermore, the previous zoning designation for the subdivision was Suburban Residential Third Density (SUR 3) which had no restrictions on GFA. Staff note that the proposed combined main building coverage and the resulting size and massing of the dwelling is similar to the other approved dwellings on the street.

Staff are of the opinion that the requested variance is generally consistent with the other infill developments along Sunman Court and that the increase will not adversely impact the character of the streetscape.

**Variance b) Increase Maximum Main Building Coverage for the first and second storey**

The Applicant is requesting relief to permit a maximum main building coverage of 35% (225.75 m<sup>2</sup> or 2,429.95 ft<sup>2</sup>) of the lot area for the first storey and 30% (278.71 m<sup>2</sup> or 3,000 ft<sup>2</sup>) of the lot area for the second storey, whereas the By-law permits a maximum main building coverage of 30% (278.71 m<sup>2</sup> or 3000 ft<sup>2</sup>) of the lot area for the first storey and 20% (181.34 m<sup>2</sup> or 1,951 ft<sup>2</sup>) of the lot area for the second storey.

As stated earlier, Staff are of the opinion that the proposed main building coverage and the resulting size and massing of the dwelling is generally consistent with the other infill developments along Sunman Court. Staff further opine that the general intent of the By-law is maintained as the second story maintains a main building coverage that is less than the first storey and therefore have no objections.

**Variance c) Increase Maximum Lot Coverage**

The Applicant is requesting relief to permit a maximum lot coverage of 39.9% (361.76 m<sup>2</sup> or 3,893.95 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 35% (317.35 m<sup>2</sup> or 3,415.93 ft<sup>2</sup>). This represents a difference of 4.5% (44.41 m<sup>2</sup> or 478.02 ft<sup>2</sup>).

Staff note that the increased lot coverage is entirely attributable to the covered porch in the rear yard which adds approximately 4.98% (45.18 m<sup>2</sup> or 486.31 ft<sup>2</sup>) to the coverage of the Proposed Development. The proposed rear porch has a height that is less than the remainder of the dwelling and will not affect the size and massing of the dwelling. There are also multiple lot coverage variances that were approved in this subdivision under file A/028/22, including for a coverage of 39.9% (539.78 m<sup>2</sup> or 5,810.01 ft<sup>2</sup>) at 16 Sunman Court. Staff are of the opinion that the requested variance, along with the size and massing of the Proposed Development, is generally consistent with the approved dwellings in the immediate area.

**Variance d) & e) Increase Maximum Outside Wall Height and Pitch Roof Projection**

The Applicant is requesting relief to permit a maximum outside wall height of 7.29 m (23.92 ft), whereas the By-law permits a maximum outside wall height of 7.0 m (22.97 ft). This represents an increase of 0.29 m (0.95 ft).

The Applicant is also requesting relief to permit a pitched roof with a slope of not less than 25 degrees to project a maximum of 4.61 m (15.12 ft) above the permitted wall height, whereas the By-law permits pitched roofs with a slope of not less than 25 degrees to project a maximum of 3.0 m (9.84 ft) above the maximum permitted outside wall height

The intent of the pitched roof projection and outside wall height is to regulate building height in the RES-ENLR zone designation. Collectively, the By-law permits a total height of 10 m (32.81 ft), whereas the Applicant is proposing a height of 11.9 m (39.04 ft).

Staff also notes that the other dwellings along Sunman Court were subject to the previous in-force By-law 193-81, as amended, which allowed a maximum building height of 11 m (36.09 ft).

Staff considers the proposed variance to be a minor increase from what the By-law permits and have no concerns with the requested variances as is the Proposed Development is generally consistent with the other infill developments in the area.

#### **Variance f) Decrease in Minimum Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 7 m (22.97 ft) whereas the By-law requires a minimum front yard setback of 12.50 m (41.01 ft)

Staff note that the variance is entirely attributable to the irregularly shaped lot and the curved nature of the front lot line, resulting in a pinch point between the northern portion of the dwelling and the public road. Should the front yard setback be taken from the southern point of the main driveway entrance to proposed garage, it would have a setback of approximately 16.8 m (55.12 ft) which meets the By-law requirement. As such, Staff are satisfied that the request meets the intent of the By-law and have no concerns.

#### **Variance g) Decrease in Minimum Rear Yard Setback**

The Applicant is requesting relief to permit a minimum rear yard setback of 5.05 m (16.57 ft), whereas the By-law requires a minimum rear yard setback of 7.5 m (24.61 ft).

Staff note that the requested variance is attributed to the irregular shape of the Subject Lands and the proposed rear uncovered porch. Staff note that the rear yard setback from the property line to the main dwelling (excluding the rear porch) is 8.23 m (27.0 ft), which complies with the By-law requirements. Staff considers the rear porch to be part of the rear yard amenity space and as such, are of the opinion that the requested variance is minor.

#### **Variance h) Decrease Combined Interior Side Yard setback**

The Applicant is requesting relief to permit a combined interior side yard setback of 3.63 m (11.91 ft), whereas the By-law requires a minimum combined interior side yard setback of 5.71 m (18.73 ft). This represents a decrease of 2.08 m (6.82 ft)

Staff note that the requested variance is in large part due to the garage portion on the main floor in the south-west corner of the lot. The side yard setback increases substantially to the rear of the dwelling and meets the requirements of the By-law. Engineering Staff have reviewed the application and have no concern with the variance

with respect to drainage. Staff believe the requested variance will have a minimal impact on the neighbouring lots and have no concerns.

**Variance i) Maximum Distance of the Main Building from the Established Building Line (second storey)**

The Applicant is requesting relief to permit a maximum distance of the main building from the established building line of 14.97 m (49.11 ft) from the established building line for any storey above the first, whereas the By-law permits a maximum distance of 14.5 m (47.57 ft). This represents an increase of 0.47 m (1.54 ft).

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.

It is important to note the curved nature of the front lot line and the slanted rear lot line results in a curved established building line. This is significant to note as the irregular established building line has resulted in a small portion of the south east corner of the second storey to exceed this requirement of the By-law.

Staff are satisfied that the proposed variance is minor in nature, meets the intent of the By-law and have no concerns.

**Variance j) Decreased Setback for a Horseshoe Driveway**

The Applicant is requesting relief to permit a horseshoe driveway on a lot with a main building setback of 7.0 m (22.97 ft), whereas the By-law requires a setback of 8.0 m (26.25 ft) from the main building.

As Staff previously noted under the Variance f) section, this variance is attributable to the irregular shape of the lot. A majority of the main building meets the setback requirements to allow for a horseshoe driveway.

As the front yard has sufficient space to accommodate the proposed driveway configuration, Staff are of the opinion that the request meets the intent of the By-law and is minor in nature.

**Variance k) Maximum Porch Floor Height**

The Applicant is requesting relief to permit a porch with a floor height of 1.56 m (5.12 ft) above the average grade level of the porch, whereas the By-law permits a maximum porch floor height of 1.2 m (3.94 ft)

The requested variance to the maximum porch height is attributed to the proposed rear porch and the varied grading across the Subject lands, resulting in a portion of the proposed basement level being located partially above-grade at the rear of the dwelling.

Staff are satisfied that the Proposed Development visually presents itself as a two-storey dwelling and that the raised porch height for the proposed one-storey rear porch structure will have minimal impacts.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 23, 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, Senior Planner, RPP MCIP, Central District

### **APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/147/24 Conditions of Approval



## Legend

- Subject Lands
- 7 Sunman Court

## Notes

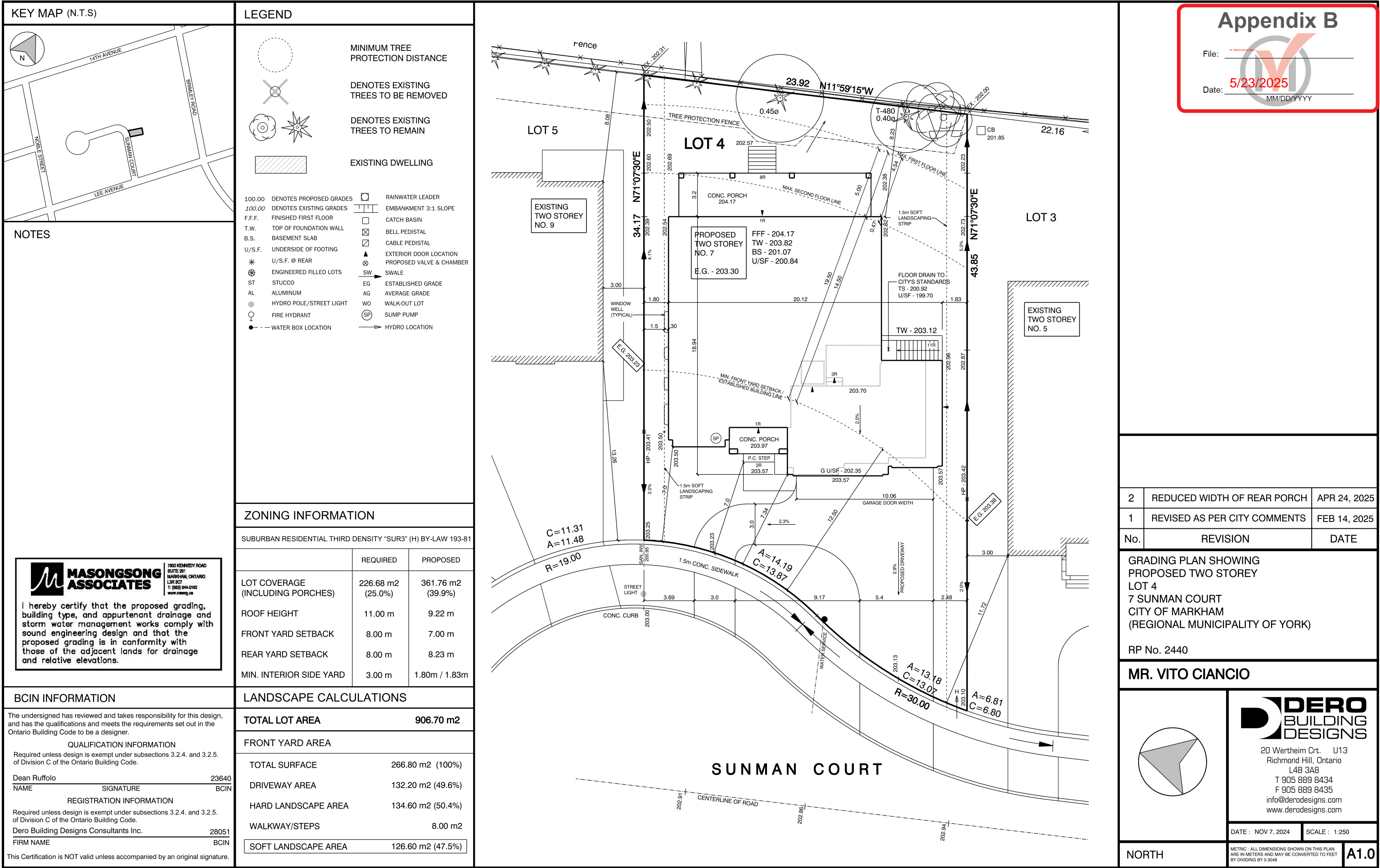
114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

1:2,257





Appendix B

File: 24-0000000000

Date: 5/23/2025  
MM/DD/YYYY



|     |                              |              |
|-----|------------------------------|--------------|
| 1   | REVISED AS PER CITY COMMENTS | FEB 14, 2025 |
| No. | REVISION                     | DATE         |

|  |                            |
|--|----------------------------|
|  | SHEET TITLE                |
|  | FRONT (WEST) ELEVATION     |
|  | TWO STOREY TYPE 'SUNMAN/T' |
|  | FOR                        |
|  | MR. VITO CIANCIO           |
|  | 1 SUNMAN COURT             |
|  | CITY OF MARKHAM, ON.       |

|           |             |
|-----------|-------------|
| DATE      | NOV 1, 2024 |
| SCALE     | 1:100       |
| DRAWN BY  | D.R.        |
| PROJ. NO. |             |
| DWG No.   | A3.1        |

**DERO**  
BUILDING  
DESIGNS

20 WERTHEIM CT. UNIT 13  
RICHMOND HILL, ON.  
L4B 3A8

T (905) 889-8434  
F (905) 889-8435

info@derodesigns.com  
www.derodesigns.com

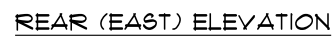
# Appendix B

File: 24-19852.000-00000


Date: 5/23/2025

MM/DD/YYYY

Date: 5/23/2025  
MM/DD/YYYY



|  |  |
|--|--|
|  | SHEET TITLE  |
|  | REAR (EAST)<br>ELEVATION   |
|  | TWO STOREY<br>TYPE 'SUNMAN/T'<br><br>FOR<br><br>MR. VITO CIANCIO<br><br>1 SUNMAN COURT<br>CITY OF MARKHAM, ON. |

|             |  |
|-------------|--|
| DATE        |  <p>20 WERTHEIM CT. UNIT 13<br/>RICHMOND HILL, ON.<br/>L4B 3A8</p> <p>T (905) 889-8434<br/>F (905) 889-8435</p> <p>info@derodesigns.com<br/>www.derodesigns.com</p> |
| NOV 7, 2024 |  |
| SCALE       |  |
| 1:100       |  |
| DRAWN BY    |  |
| D.R.        |  |
| PROJ. NO.   |  |
| DWG No.     | <b>A3.2</b>  |

# Appendix B

File: 24-105023.000 (00000)

Date: 5/23/2025

MM/DD/YYYY

File: 24.199533.000.00 MBV


Date: 5/23/2025  
MM/DD/YYYY



LEFT-SIDE (NORTH) ELEVATION

|     |                              |              |
|-----|------------------------------|--------------|
| 2   | REDUCED WIDTH OF REAR PORCH  | APR 24, 2025 |
| 1   | REVISED AS PER CITY COMMENTS | FEB 14, 2025 |
| No. | REVISION                     | DATE         |

|  |  |
|--|--|
|  | SHEET TITLE  |
|  | LEFT-SIDE (NORTH)<br>ELEVATION   |
|  | TWO STOREY<br>TYPE 'SUNMAN/T'<br><br>FOR<br><br>MR. VITO CIANCIO<br><br>1 SUNMAN COURT<br>CITY OF MARKHAM, ON. |

|                     |  |
|---------------------|--|
| DATE<br>NOV 7, 2024 |  <p>20 WERTHEIM CT. UNIT 13<br/>RICHMOND HILL, ON.<br/>L4B 3A8</p> <p>T (905) 889-8434<br/>F (905) 889-8435</p> <p>info@derodesigns.com<br/>www.derodesigns.com</p> |
| SCALE<br>1:100      |  |
| DRAWN BY<br>D.R.    |  |
| PROJ. NO.           |  |
| DWG No.             | <b>A3 3</b>  |



**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/147/24**

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; and,
3. That the rear porch remains unenclosed and one-storey in height.

CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District