

Memorandum to the City of Markham Committee of Adjustment

May 26, 2025

File: A/029/25
Address: 146 Old Kennedy Road, Markham
Agent: KLM Planning Partners Inc. (Marshall Smith)
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 “Community Amenity One” (CA1*585 and CA1*585*586) Zone in By-law 177-96, as amended, to permit:

Block 11:

- a) **Amending By-law 2017-108, Section 7.585.2 g):** an attached private garage to be setback 2 metres from the private street, whereas the by-law requires a minimum setback from the private street of 5.8 metres;

Blocks 2, 4, 6, 8 & 9:

- b) **By-law 177-96, Section 6.2.1 a) ii):** decks with a height between 0.6 metres and 1.0 metres to be setback a minimum of 3 metres from the interior side lot line, whereas the by-law requires a minimum setback of 5 metres from the interior side lot line;

as it relates to a proposed townhouse development.

This application is related to Draft Plan of Subdivision 19TM-16012 and Site Plan SC 17 138057 to construct 76 townhouse units.

Further to the Staff Report dated May 23, 2025 (the “May 23, 2025 Staff Report”), Staff recommend that variance b) and the associated condition of approval be revised to apply to all standard townhouse dwellings located on the Subject Lands (Blocks 1 to 10), to permit the following:

Blocks 1 to 10:

- b) **By-law 177-96, Section 6.2.1 a) ii):** decks with a height between 0.6 metres and 1.0 metres to be setback a minimum of 3 metres from the interior side lot line, whereas the by-law requires a minimum setback of 5 metres from the interior side lot line

COMMENTS

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 following variance request would be more appropriate for the Subject Lands:

Blocks 1 to 10:

- a) **By-law 177-96, Section 6.2.1 a) ii):** decks with a height between 0.6 metres and 1.0 metres to be setback a minimum of 3 metres from the interior side lot line, whereas the by-law requires a minimum setback of 5 metres from the interior side lot line;

The change to the variance is technical in nature and the intent of the request is still met. If Committee approves the updated variance b), please refer to Appendix "A" of this memorandum for the revised conditions.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Melissa Leung, Senior Planner, RPP MCIP, Central District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/25

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 variance a) applies only to Block 11 as shown in the plans attached as ‘Appendix B’ of the May 23, 2025 Staff Report.
4. That variance b) applies to Blocks 1 to 10 as shown in the plans attached to ‘Appendix B’ of the May 23, 2025 Staff Report.

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District