

# Memorandum to the City of Markham Committee of Adjustment

May 28, 2025

**File:** A/024/25  
**Address:** 33 Hawkridge Ave, Markham  
**Applicant:** VIYA SISTERS INC. (Mayu Balasubramaniam)  
**Hearing Date:** Wednesday June 11, 2025

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, the permit:

- a) **By-law 2024-19, Section 4.8.1(b)(ii):**  
an accessory building to be a maximum of 24.58 square metres (**bathroom building**), whereas the by-law permits a maximum of 20 square metres per accessory building;
- b) **By-law 2024-19, Section 4.8.1(b)(ii):**  
an accessory building to be a maximum of 41.16 square metres (**cabana**), whereas the by-law permits a maximum of 20 square metres per accessory building;
- c) **By-law 2024-19, Section 4.8.1(d):**  
an accessory building (**bathroom building**) with a maximum height of 3.91 metres, whereas the by-law permits a maximum height of 3 metres;
- d) **By-law 2024-19, Section 4.8.1(d)(i):**  
an accessory building (**cabana**) with a maximum height of 5.79 metres, whereas the by-law permits a maximum height of 3 metres; and
- e) **By-law 2024-19, Section 4.8.1(e):**  
a minimum interior side yard setback of 0.41 metres (**cabana**), whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

as it relates to two existing accessory structures.

## BACKGROUND

### Property Description

The 1,278.84 m<sup>2</sup> (13,765.32 ft<sup>2</sup>) subject property is located on the east side of Hawkridge Avenue, north of Highway 7 East, and west of Main Street Markham North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property. There is an existing single-family detached dwelling on the property, which according to assessment records was constructed in 2009, and an outdoor pool was constructed in 2015. According to Building Standards Department staff, the cabana and outdoor washroom were constructed without a permit. While the Markham Village Heritage Conservation District is located to the east of the subject property, the property itself does not fall within the district boundaries.

## **Proposal**

The applicant is proposing two accessory structures: a cabana with a gross floor area of 24.58 m<sup>2</sup> (264.55 ft<sup>2</sup>), and a detached bathroom structure with a gross floor area of 41.16 m<sup>2</sup> (443.07 ft<sup>2</sup>).

## **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 low rise housing forms, including single detached dwellings. The Official Plan also contains policies protecting the physical character of established neighborhoods in Section 8.2.3.1(a) which states:

*“On lands designated ‘Residential Low Rise’ to respect the physical character of established neighborhoods including heritage conservation districts”*

## Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits single detached dwellings.

## **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, “Buildings are already built and the property is sold”

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

The owner 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 (24.190566 HP) 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 Accessory Building Areas**

The applicant is requesting relief from the Zoning By-law to permit two accessory buildings with gross floor areas of 24.58 m<sup>2</sup> (264.55 ft<sup>2</sup>) and 41.16 m<sup>2</sup> (443.07 ft<sup>2</sup>), whereas the By-law permits a maximum of 20.00 m<sup>2</sup> (215.28 ft<sup>2</sup>) per accessory building. Staff support the 24.58 m<sup>2</sup> (264.55 ft<sup>2</sup>) bathroom structure, as the proposed increase is minor in nature and does not pose significant negative impacts. However, the 41.16 m<sup>2</sup> (443.07 ft<sup>2</sup>) cabana represents an increase of approximately 106% over what the By-law permits, which is considered substantial and combined with the increased gross floor area of the bathroom structure results in over development of the lot and not in keeping with the intent of the

Zoning By-law and is not minor in nature. As such, staff do not support the request for a 41.16 m<sup>2</sup> (443.07 ft<sup>2</sup>) accessory building.

#### **Increase in Accessory Building Heights**

The applicant is requesting relief from the Zoning By-law to permit accessory building heights of 3.91 metres (12.83 ft) and 5.79 metres (18.99 ft), whereas the By-law permits a maximum height of 3.00 metres (9.84 ft) for accessory buildings. Staff have no objection to the proposed height of 3.91 metres (12.83 ft) for the bathroom structure, as the variance is minor in nature and is not expected to adversely impact adjacent properties or the overall character of the area.

The proposed height of 5.79 metres (18.99 ft) for the cabana represents an increase of approximately 93% over the maximum permitted height. This is considered excessive, especially when combined with the increased gross floor area and is therefore not consistent with the intent of the Zoning By-law and is not minor in nature. Therefore, staff recommend denial of the requested height variance for the cabana.

#### **Reduction in Interior Side Yard Setback**

The applicant is requesting relief from the Zoning By-law to permit a minimum interior side yard setback of 0.41 metres (1.35 ft) for the cabana structure, whereas the By-law requires a minimum setback of 1.2 metres (3.94 ft). This represents a significant reduction of approximately 66% and is not considered appropriate for a new accessory structure. Side yard setbacks are essential for ensuring adequate separation between properties, facilitating drainage, maintaining neighbourhood character and minimizing any potential impact on adjacent properties. As such, staff do not support the requested variance for the reduced interior side yard setback as it is not minor in nature nor is it desirable.

#### **TRCA Comments**

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Route River Watershed. TRCA provided comments on June 6, 2025 (Appendix B) indicating that they have no concerns subject to conditions outlined in their letter.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 28, 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 Variances (a) and (c) meet the four tests of the Planning Act. Staff have no objection to these variances.

However, Variances (b), (d), and (e) do not meet the four tests of the Planning Act, as they represent substantial deviations from the Zoning By-law that are not considered minor nor appropriate for the orderly development of the property. As such, staff recommend that these variances be denied.

Staff recommend that the Committee consider public input in reaching its 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.

**APPENDICIES**

Appendix "A" – A/024/25 Conditions of Approval

Appendix "B" – Drawings

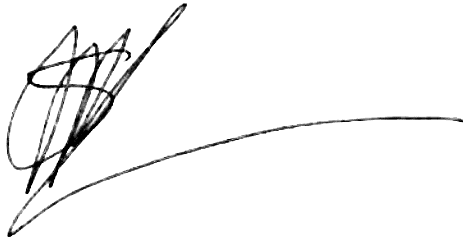
Appendix "C" – TRCA Conditions

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Stacia Muradali', written over a horizontal line.

Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 25 113679 \Documents\District Team Comments Memo

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/024/25**

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 received by the City of Markham on March 18 2025 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. That the applicant satisfies the requirements of the *TRCA*, financial or otherwise, as indicated in their correspondence to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the *TRCA*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *TRCA*

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a stylized, cursive script.

---

Aaron Chau, Planner I, East District

Appendix B

File: 25.12.2019 09:00:00  
Date: 6/6/2025  
MM/DD/YYYY

NO. YYYY/MM/DD

- GENERAL NOTES:
- 1) ALL DRAWINGS AND DESIGNS ARE COPYRIGHTED AND PROPERTY OF VIYA SISTERS INC. AND CANNOT BE REPRODUCED EXCEPT WITH SPECIFIC WRITTEN CONSENT FROM THE DESIGNER.
- 2) CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
- 3) DO NOT SCALE DRAWINGS.

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| 01  | REVISED AS PER THE CITY | 2024/11/20 |



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**VIYA SISTERS INC.**

2031-32 SOUTH UNIONVILLE  
MARKHAM ON CANADA L3R 9S6  
TEL : 4162763802

FOR ALL YOUR DEVELOPMENT NEEDS  
PLANNING, ENGINEERING, ARCHITECTURAL, PROJECT MANAGEMENT AND CONSTRUCTION

**YOUR DREAMS ARE OUR PASSION**

SITE:

33 HAWKRIDGE AVE, MARKHAM, ON  
L3P 1V8, CANADA

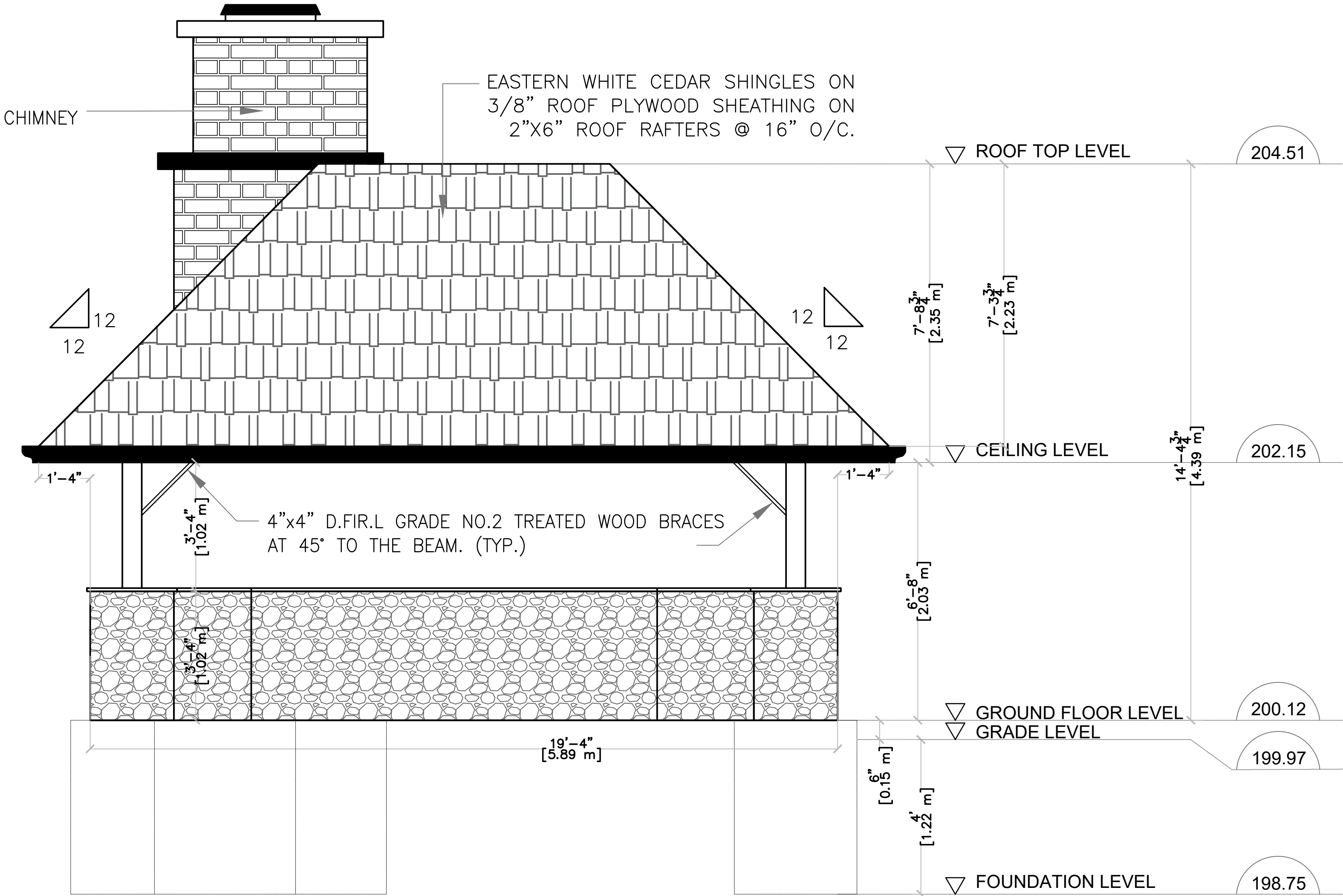
PROJECT:

ACCESSORY BUILDINGS

DRAWING:

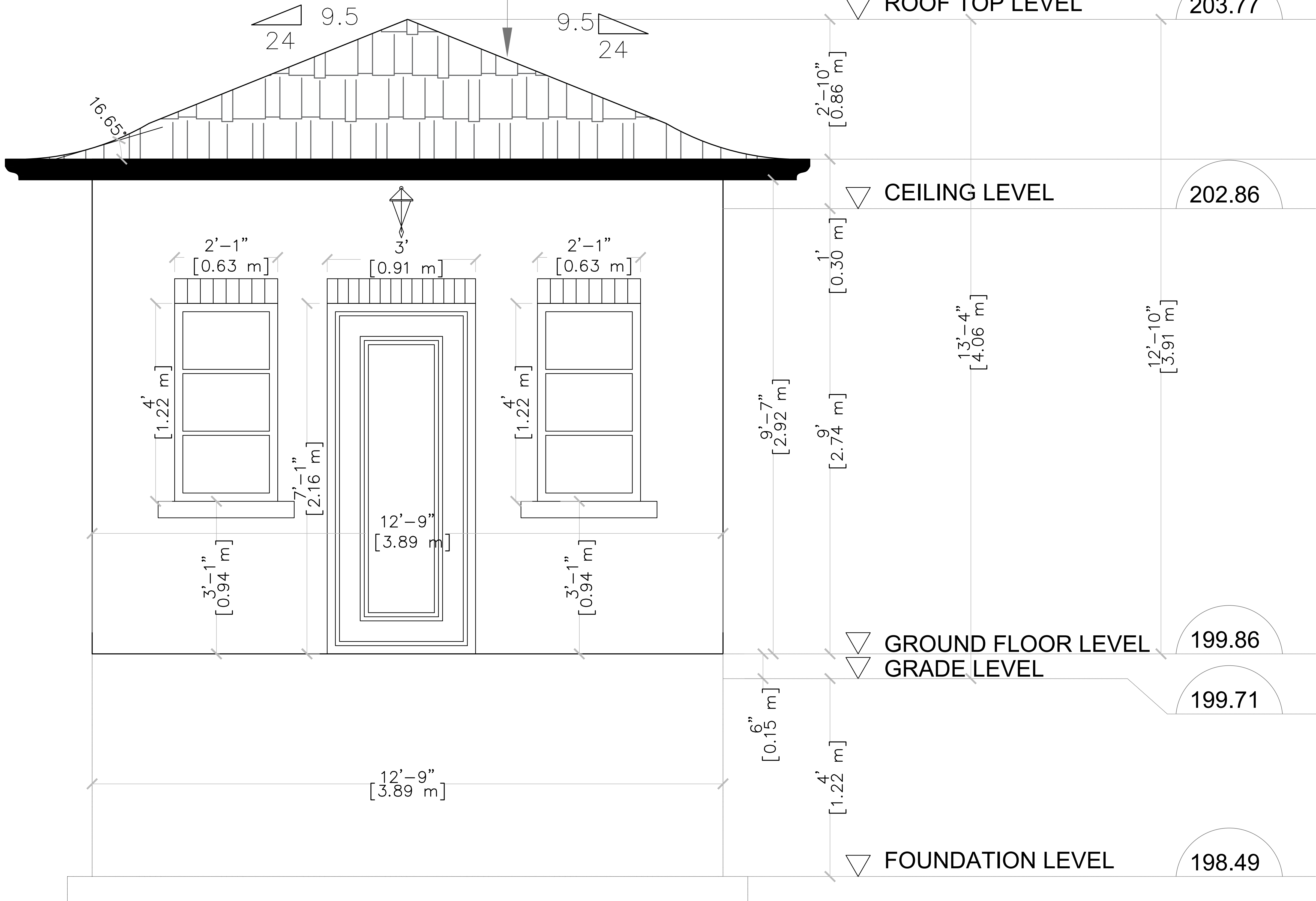
CABANA FRONT ELEVATION

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| DATE: 31 AUG 2024            | TOWN FILE NO. |
| SCALE: 1:1                   | DRAWING NO.   |
| DRN BY: THISARI SIRIWARDHANE | A3            |
| CHK BY: MB                   |               |



FRONT ELEVATION  
(EX BUILDING 02)

EASTERN WHITE CEDAR SHINGLES ON  
3/8" ROOF PLYWOOD SHEATHING ON  
2"X6" ROOF RAFTERS @ 16" O/C.



**FRONT ELEVATION  
(EX BUILDING 03)**

**Appendix B**

File: 25.12879.000.00000

Date: 6/6/2025

MM/DD/YYYY

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GENERAL NOTES:

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**VIYA SISTERS INC.**

2031-32 SOUTH UNIONVILLE  
MARKHAM ON CANADA L3R 9S6  
TEL : 4162763802

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SITE:

33 HAWKRIDGE AVE, MARKHAM, ON  
L3P 1V8, CANADA

PROJECT:

ACCESSORY BUILDINGS

DRAWING:

WASHROOM FRONT ELEVATION

|                              |               |
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| DATE: 31 AUG 2024            | TOWN FILE NO. |
| SCALE: 1:2                   | DRAWING NO.   |
| DRN BY: THISARI SIRIWARDHANE | A7            |
| CHK BY: MB                   |               |

Appendix B

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Date: 6/6/2025  
MM/DD/YYYY

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GENERAL NOTES:  
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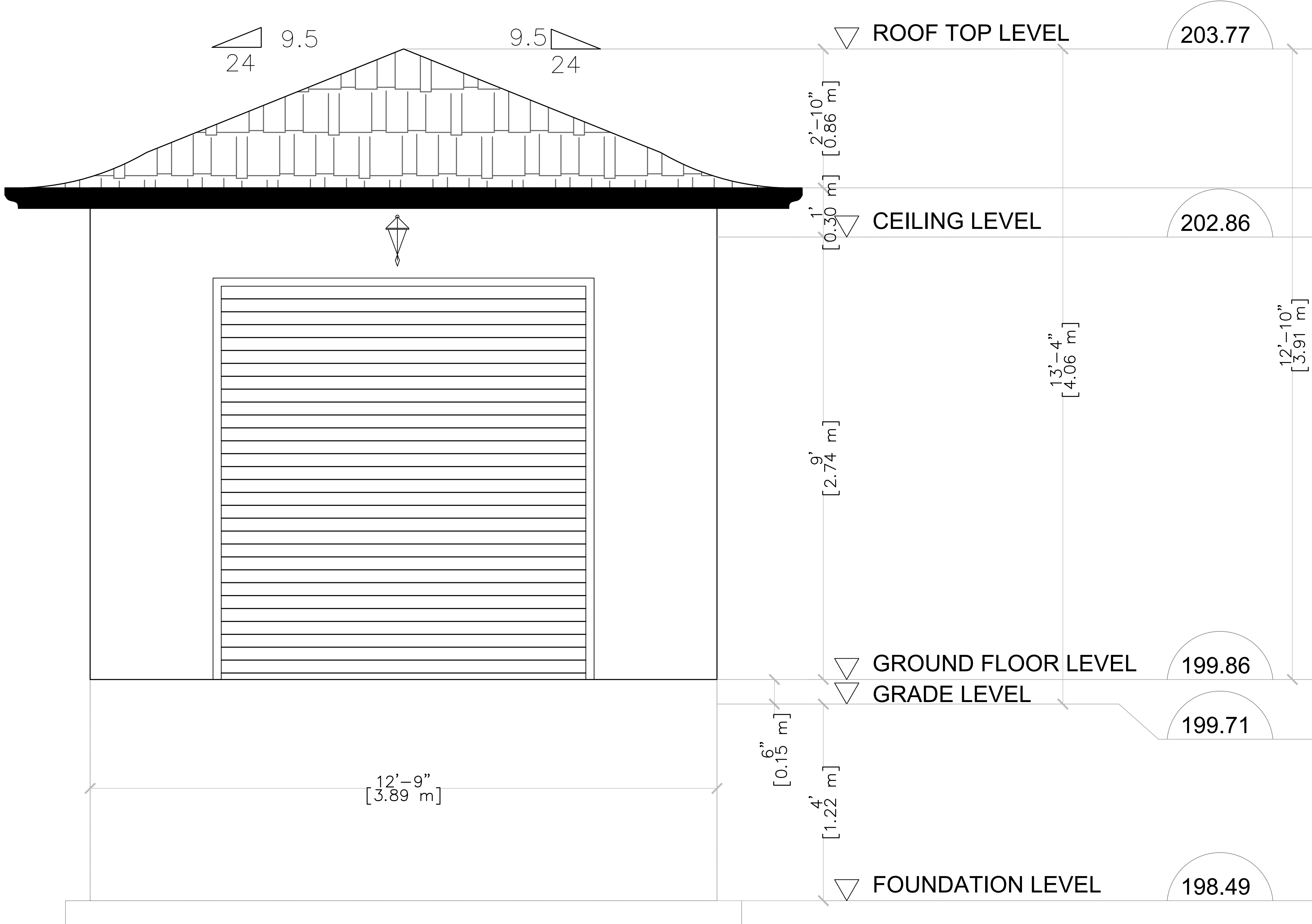
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TEL : 4162763802  
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SITE:  
33 HAWKRIDGE AVE, MARKHAM, ON  
L3P 1V8, CANADA

PROJECT:  
ACCESSORY BUILDINGS

DRAWING:  
WASHROOM REAR ELEVATION

|                              |               |
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| DATE: 31 AUG 2024            | TOWN FILE NO. |
| SCALE: 1:2                   | DRAWING NO.   |
| DRN BY: THISARI SIRIWARDHANE | A8            |
| CHK BY: MB                   |               |



REAR ELEVATION  
(EX BUILDING 03)

# Appendix B

File: 75.1137(9)0000000000

Date: 6/6/2025

MM/DD/YYYY

File: 25.11.2019.00.00.MNV

Date: 6/6/2025  
MM/DD/YYYY

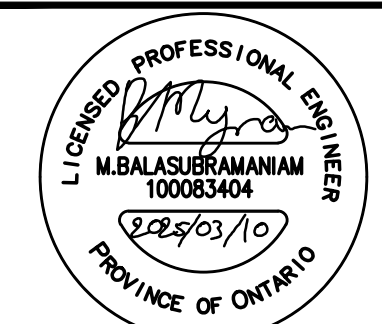
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TEL : 4162763802

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**YOUR DREAM IS OUR PASSION**

SITE:

33 HAWKRIDGE AVE  
MARKHAM ON

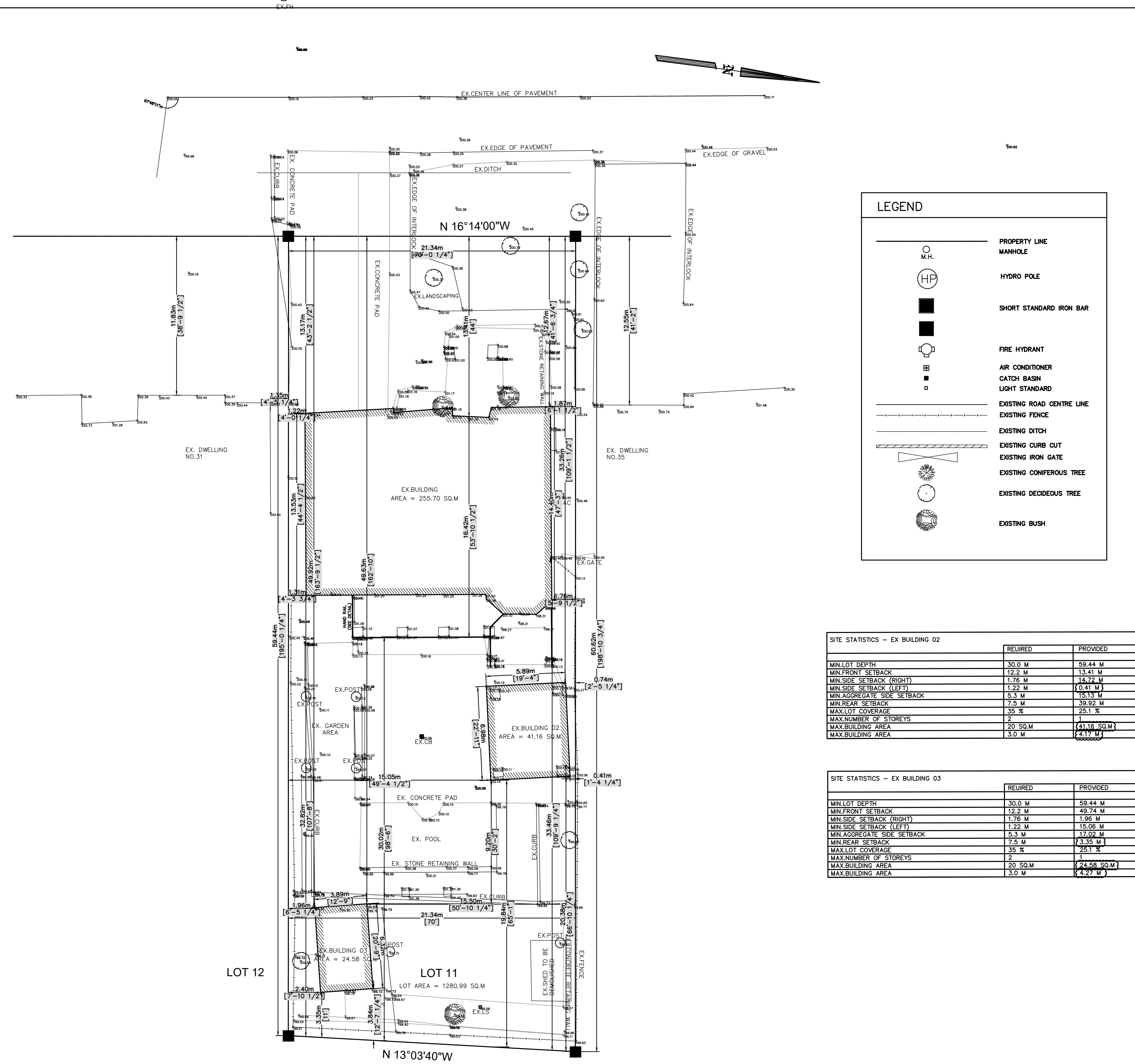
PROJECT:

## ACCESSORY BUILDINGS

**DRAWING:**

## SITE PLAN

|                              |               |
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| DATE: 07 AUG 2024            | TOWN FILE NO. |
| SCALE: 1:150                 | DRAWING NO.   |
| DRN BY: THISARI SIRIWARDHANE | SP1           |
| CHK BY: MB                   |               |



# Appendix B

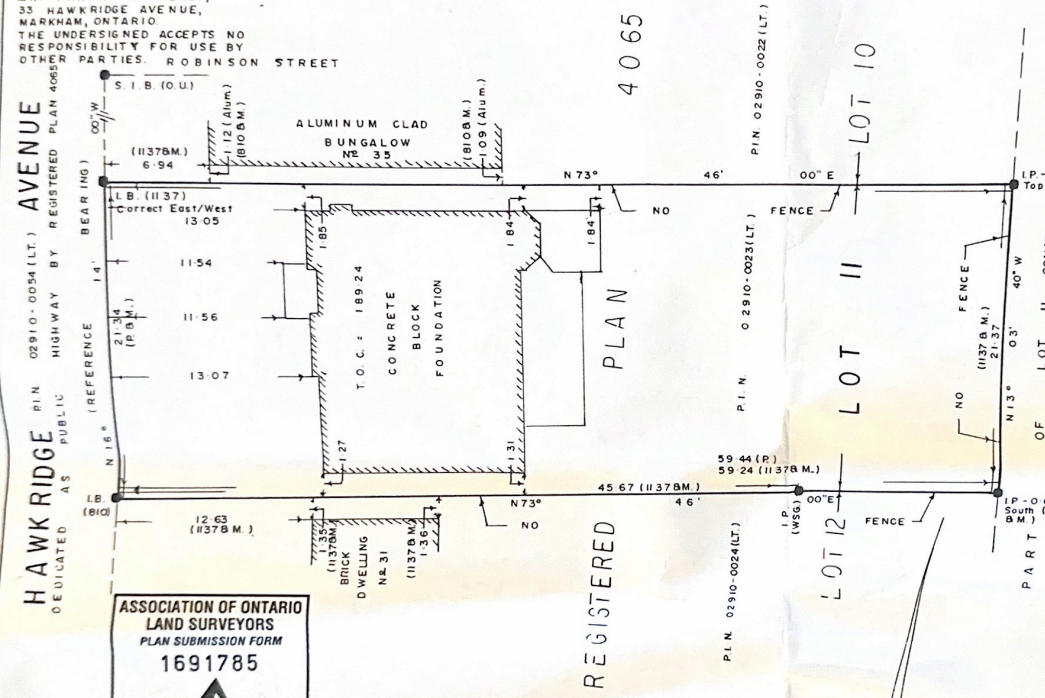
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Date: 6/6/2025  
MM/DD/YYYY

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

THIS REPORT WAS PREPARED FOR  
MR FRANK MARRELLI,  
33 HAWKRIE AVENUE,  
MARKHAM, ONTARIO  
THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY  
OTHER PARTIES. ROBINSON STREET

HAWK RIDGE AVENUE  
REGISTERED PLAN 4065  
BY REGISTERED PLAN 4065



## SURVEYOR'S REAL PROPERTY REPORT PART I, PLAN OF LOT 11 REGISTERED PLAN 4065 TOWN OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE - 1:300  
McSKIMMING AND PAUL SURVEYING LTD.  
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THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN  
PERMISSION OF RALPH PAUL O.L.S.

### PART 2 - SURVEY REPORT

- THE SURVEY APPEARS TO BE IN AGREEMENT WITH THE REGISTERED TITLE INFORMATION AND THERE ARE NO DIFFERENCES.
- THE TITLE SEARCH OF THE LOT REVEALED THERE ARE NO EASEMENTS OR RIGHTS-OF-WAY PRESENT.

### NOTES AND LEGEND

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
EASTERLY LIMIT OF HAWKRIE AVENUE AS SHOWN ON  
REGISTERED PLAN 4065 HAVING A BEARING OF N16° 14' 00" W

|        |         |                                               |
|--------|---------|-----------------------------------------------|
| S.I.B. | DENOTES | STANDARD IRON BAR                             |
| I.B.   | DENOTES | IRON BAR                                      |
| I.P.   | DENOTES | IRON PIPE                                     |
| S.M.F. | DENOTES | SURVEY MONUMENT FOUND                         |
| R.P.   | DENOTES | REGISTERED PLAN 4065                          |
| M.     | DENOTES | MEASURED                                      |
| S.E.T. | DENOTES | SET                                           |
| B.I.O. | DENOTES | McSKIMMING AND PAUL SURVEYING LTD.            |
| I.I.37 | DENOTES | R.G. McKIBBON LIMITED O.L.S. PLAN SEPT29/1988 |
| W.S.G. | DENOTES | W.S. GIBSON O.L.S.                            |
| O.U.   | DENOTES | ORIGIN UNKNOWN                                |
| P.I.N. | DENOTES | PROPERTY IDENTIFICATION NUMBER                |
| T.O.C. | DENOTES | ELEVATION OF TOP OF CONCRETE BLOCK FDN.       |

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20TH DAY OF MAY 2008

DATE: MAY 21, 2008

*Ralph Paul*  
RALPH PAUL  
ONTARIO LAND SURVEYOR

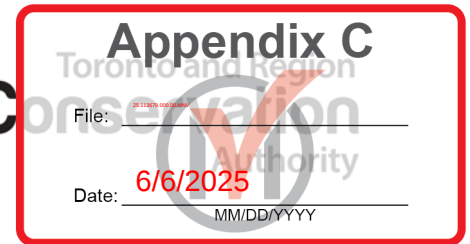
McSKIMMING AND PAUL SURVEYING LTD.  
1646 VICTORIA PARK AVE. TORONTO, ONT.  
TEL. 416-288-1492

FILE N. & MAP 07-350091

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1691785



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).



June 5, 2025

TRCA File No. PAR-DPP-2025-00745

Ex Ref: PER-DPP-2025-00944

**VIA E-Plan**

Aaron Chau, Planner I  
Planning and Urban Design Department  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

**Re: Minor Variance Application – A/024/25**  
**33 Hawkrigde Avenue**  
**Lot 11, Registered Plan 4065, City of Markham**  
**Nearest Intersection: Highway 7 and Main Street Markham**  
**Applicant: Viya Sisters Inc. c/o Mayu Balasubramaniam**  
**Owner: Philip Mok**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on May 9, 2025. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21](#).

**Purpose of the Application**

TRCA staff understand that the purpose of this application is to request relief from the following requirements of By-law 2024-19, as amended, as it relates to an existing cabana and outdoor washroom on a residential property:

- a) **By-law 2024-19, Section 4.8.1(b)(ii)**: an accessory building (bathroom building) to be 24.58 square metres, whereas a maximum of 20 square metres per building is permitted;
- b) **By-law 2024-19, Section 4.8.1(b)(ii)**: an accessory building to be 41.16 square metres (cabana), whereas a maximum of 20 square metres per building is permitted;
- c) **By-law 2024-19, Section 4.8.1(d)**: an accessory building (bathroom building) with a height of 3.91 metres, whereas the by-law permits a maximum of 3 metres;
- d) **By-law 2024-19, Section 4.8.1(d)(i)**: an accessory building (cabana) with a height of 5.79 metres, whereas the by-law permits a maximum of 3 metres; and
- e) **By-law 2024-19, Section 4.8.1(e)**: an interior side yard setback of 0.41 metres, whereas the by-law requires a minimum of 1.2 metres.

**Background**

On June 5, 2025, TRCA approved a permit application (TRCA File No. PER-DPP-2025-00944) for the existing cabana and outdoor washroom in the rear yard.

### **TRCA Permit Requirements**

The subject lands are partially within TRCA's Regulated Area. This is due to their proximity to erosion hazards associated with a tributary of the Rouge River watershed and their position within the adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

### **TRCA Plan Review Fee**

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$660 (Minor Variance – Residential - Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date. Please contact the Planner noted below for an electronic invoice to facilitate payment.

### **Recommendations**

Based on the comments provided, TRCA staff have **no objection** to the approval Minor Variance Application A/024/25 subject to the **conditions** identified in Appendix A.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal, M.Sc.Pl  
Planner – York East Review Area  
Development Planning and Permits | Development and Engineering Services  
Telephone: (437) 800-2163  
Email: [rameez.sadafal@trca.ca](mailto:rameez.sadafal@trca.ca)

Attached: Appendix A: TRCA Conditions of Approval

**Appendix A: TRCA Conditions of Approval**

| # | TRCA Conditions                                                                                       |
|---|-------------------------------------------------------------------------------------------------------|
| 1 | The applicant submits the TRCA plan review fee of \$660 within 60 days of the committee hearing date. |