

# Memorandum to the City of Markham Committee of Adjustment

June 5, 2025

**File:** A/036/25  
**Address:** 5 Thorny Brae Drive, Thornhill  
**Agent:** Inspire Homes (Louis Orazem)  
**Hearing Date:** Wednesday, June 11, 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 (f):**

a minimum front yard setback of 8.34 m, whereas the by-law requires a minimum front yard setback of 9.11 m; and

**b) By-law 2024-19, Section 6.3.2.2 (c):**

a maximum second-storey main building coverage of 33.2%, whereas the by-law permits a maximum second storey main building coverage of 20%;

as it relates to a proposed second-storey addition to an existing residential dwelling.

## BACKGROUND

### Property Description

The 561.96 m<sup>2</sup> (6050 ft<sup>2</sup>) subject property is located on the south side of Thorny Brae Drive, west of a CN transportation utility corridor and east of Yonge Street. 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.

### Proposal

The Owner is proposing a 113 m<sup>2</sup>, second storey addition to the existing dwelling. The proposal will provide additional bedrooms, a bathroom and a balcony above the existing porch.

### 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.

### Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits single family detached dwellings. The proposal does not comply with the Zoning

By-law with respect to the minimum front yard setback and maximum second storey coverage. 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, *"The provisions of the bylaw does not allow for an addition to be built above the exterior front wall due to inadequate front yard setback. The provisions of the bylaw also don't allow for the addition to be large enough to serve the homeowner's needs due to restrictions for second floor main building coverage"*.

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

The owner has completed a Zoning Preliminary Review (ZPR) on January 28<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.

### **Front Yard Setback Reduction Variance**

The Owner is requesting to permit a minimum front yard setback of 8.34 m, whereas a minimum front yard setback of 9.11 m is required.

The requested variance will facilitate an addition to the second storey of the property, as the proposed works encroach into the minimum front yard setback. The proposed reduced front yard setback will not change the existing building line or the front wall of the property forward, keeping it consistent with the established neighbourhood front yard pattern. Staff are of the opinion that the requested variance will not significantly alter the existing streetscape and therefore, have no objections.

### **Increase in Second Storey Coverage Variance**

The Owner is requesting to permit a main building coverage of 33.2% for the second storey, whereas the by-law permits a maximum main building coverage of 20%. The intent of limiting the maximum permitted building coverage in the By-law includes, but is not limited to, ensuring that appropriate built form and character of the neighbourhood is maintained.

Staff note that the existing dwelling is a split-level, with a second storey oriented to the rear. The proposed addition will not alter any of the existing second floor; as the changes in the massing are directed to the front of the property. The proposed second-storey addition will maintain the existing building footprint, with no changes to height, depth, side yard and rear yard setbacks. Consequently, Staff is of the opinion that the proposed increase in the second-storey building coverage is at an appropriate scale, and that the requested variance is minor in nature.

## EXTERNAL AGENCIES

### Metrolinx Comments

Metrolinx provided comments for this application on May 12, 2025. Metrolinx has no objections to the proposal, in principle, and provided the following advisory comments noted below:

“The subject property falls within the Transit Corridor Lands (TCL) + 30 m buffer of the Yonge North Subway Extension (YNSE), and as such the proposed development is subject to the Corridor Development Permit (CDP) process defined by the [Building Transit Faster Act \(2020\)](#). A CDP is required under applicable law prior to any conditional, partial, or complete building permit issuance. The applicant shall submit a [CDP application to development.coordinator@metrolinx.com](#), at least sixty (60) business days prior to the intended start date of any construction activity within the subject property boundary or adjacent public right-of-way.

Visit our Website, read the CDP Adjacent Development Guide, and view the Interactive Map to learn more about the requirements for adjacent development within Priority Transit Project (PTP) areas.

Once the Applicant reaches the permitting stage, the Applicant shall reach out to Metrolinx ([development.coordinator@metrolinx.com](#)) to initiate the CDP review and to submit technical submission requirements (as applicable) under Section B of Application Form.”

The subject property is also located within 300 m of Metrolinx's Bala Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx requires 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. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](#) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

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”.

## PUBLIC INPUT SUMMARY

No written submissions were received as of June 5, 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 115690 \Documents\District Team Comments Memo

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/036/25**

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 provided on May 12, 2025, 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:

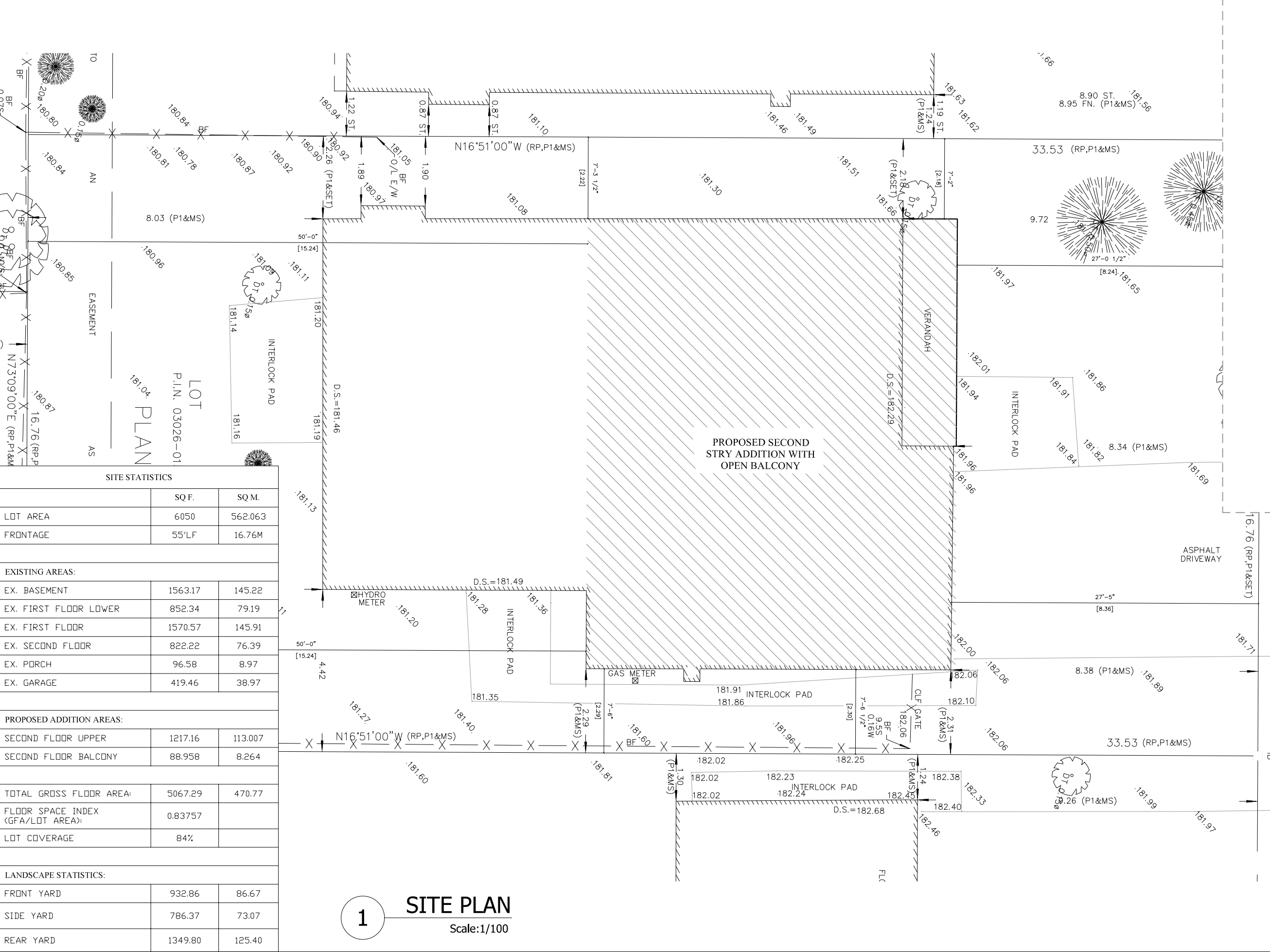


Theo Ako-Manieson, Planner I, West District

Appendix B

File: 25-11585-000-0000

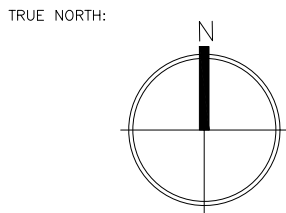
Date: 6/5/2025  
MM/DD/YYYY



SITE STATISTICS		
	SQ F.	SQ M.
LOT AREA	6050	562.063
FRONTAGE	55'LF	16.76M
EXISTING AREAS:		
EX. BASEMENT	1563.17	145.22
EX. FIRST FLOOR LOWER	852.34	79.19
EX. FIRST FLOOR	1570.57	145.91
EX. SECOND FLOOR	822.22	76.39
EX. PORCH	96.58	8.97
EX. GARAGE	419.46	38.97
PROPOSED ADDITION AREAS:		
SECOND FLOOR UPPER	1217.16	113.007
SECOND FLOOR BALCONY	88.958	8.264
TOTAL GROSS FLOOR AREA:		
5067.29	470.77	
FLOOR SPACE INDEX (GFA/LOT AREA):	0.83757	
LOT COVERAGE	84%	
LANDSCAPE STATISTICS:		
FRONT YARD	932.86	86.67
SIDE YARD	786.37	73.07
REAR YARD	1349.80	125.40

1 SITE PLAN  
Scale:1/100

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DRAWING:  
SITE PLAN

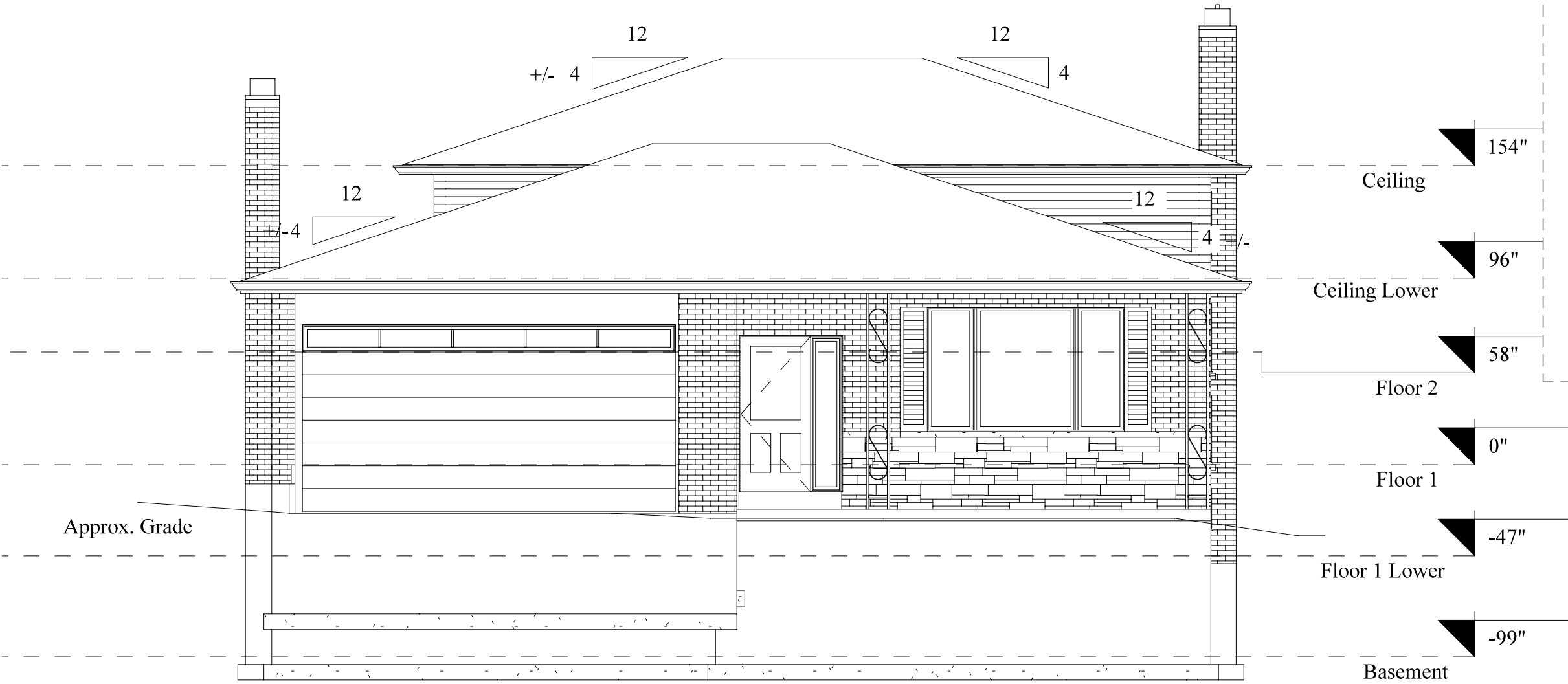
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5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: DEC. 2024  
SCALE:AS NOTED  
NAME: STEPHANIE  
CHECKED:


A001

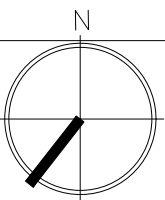
Appendix B

File: 24-11585-000-0000  
Date: 6/5/2025  
MM/DD/YYYY



Below Grade Conditions Unconfirmed.  
Shown For Illustration Purposes Only.

  
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TRUE NORTH:  


DRAWING:  
EXISTING FRONT ELEVATION

PROJECT ADDRESS:  
  
5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: DEC. 2024

SCALE: AS NOTED

NAME: STEPHANIE

CHECKED:

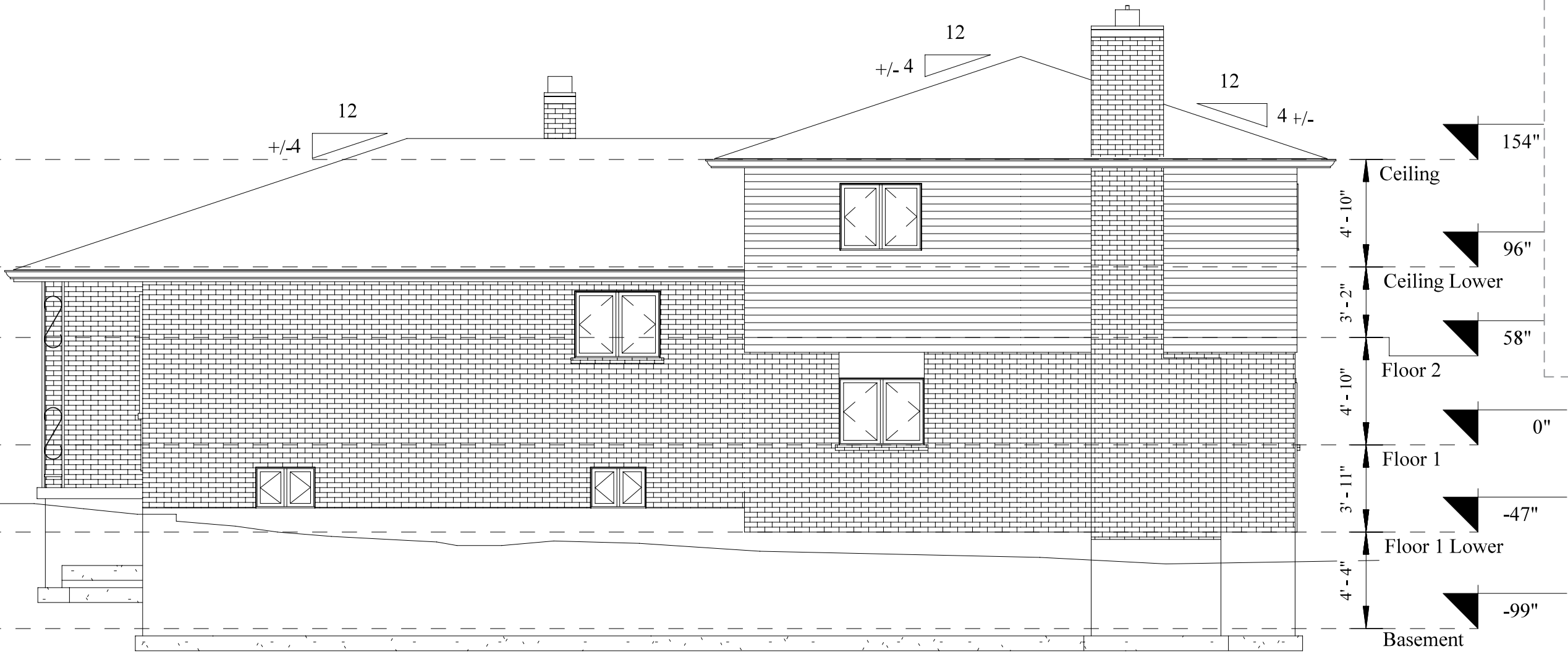
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1 EXISTING FRONT ELEVATION  
Scale: 3/16" = 1'-0"

Appendix B

File: 24-11585-000-0000

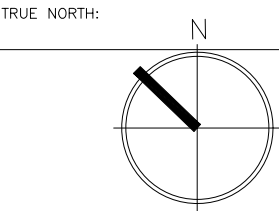
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MM/DD/YYYY



Below Grade Conditions Unconfirmed.  
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1 EXISTING EAST SIDE ELEVATION  
Scale: 3/16" = 1'-0"

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DRAWING:  
EXISTING EAST SIDE ELEVATION

PROJECT ADDRESS:  
5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: DEC. 2024  
SCALE: AS NOTED  
NAME: STEPHANIE  
CHECKED:

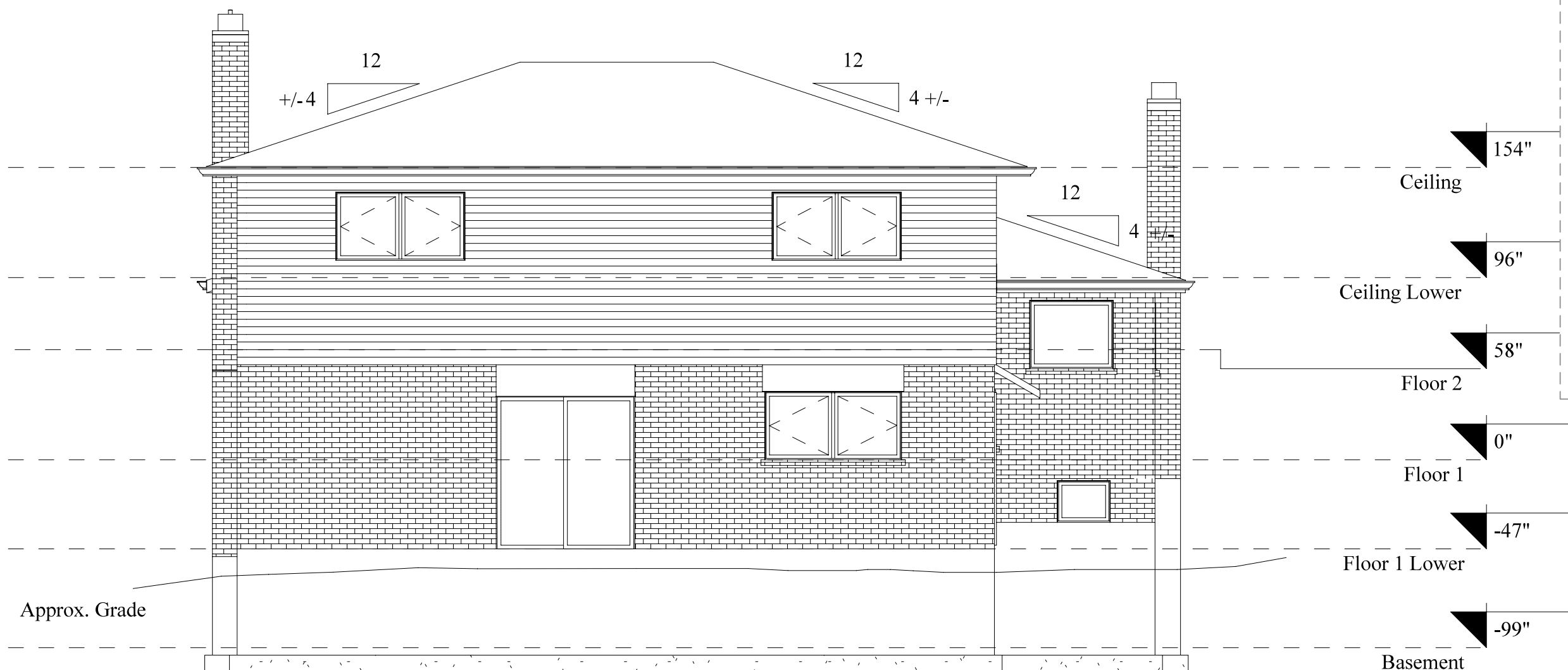
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Appendix B

File: 24-11586-000-0000

Date: 6/5/2025  
MM/DD/YYYY

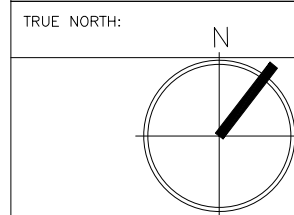


Approx. Grade

Below Grade Conditions Unconfirmed.  
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1 EXISTING BACK ELEVATION  
Scale: 3/16" = 1'-0"

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DRAWING:  
EXISTING BACK ELEVATION

PROJECT ADDRESS:  
5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: DEC. 2024

SCALE: AS NOTED

NAME: STEPHANIE

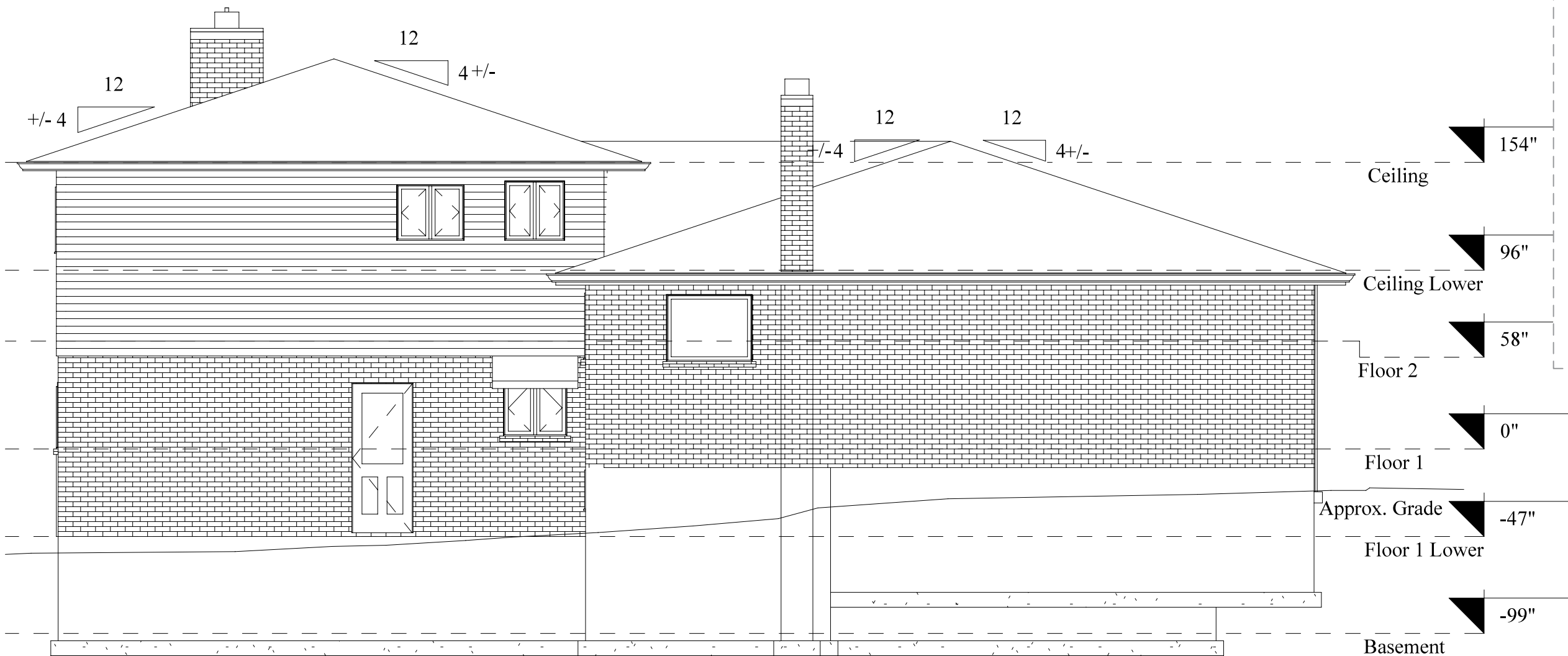
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A007

## Appendix B

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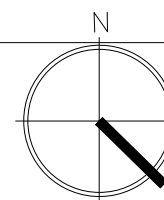
Date: 6/5/2025  
MM/DD/YYYY



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TRUE NORTH:



DRAWING:

EXISTING WEST SIDE ELEVATION

PROJECT ADDRESS:

5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: DEC. 2024

SCALE: AS NOTED

NAME: STEPHANIE

CHECKED:

A008

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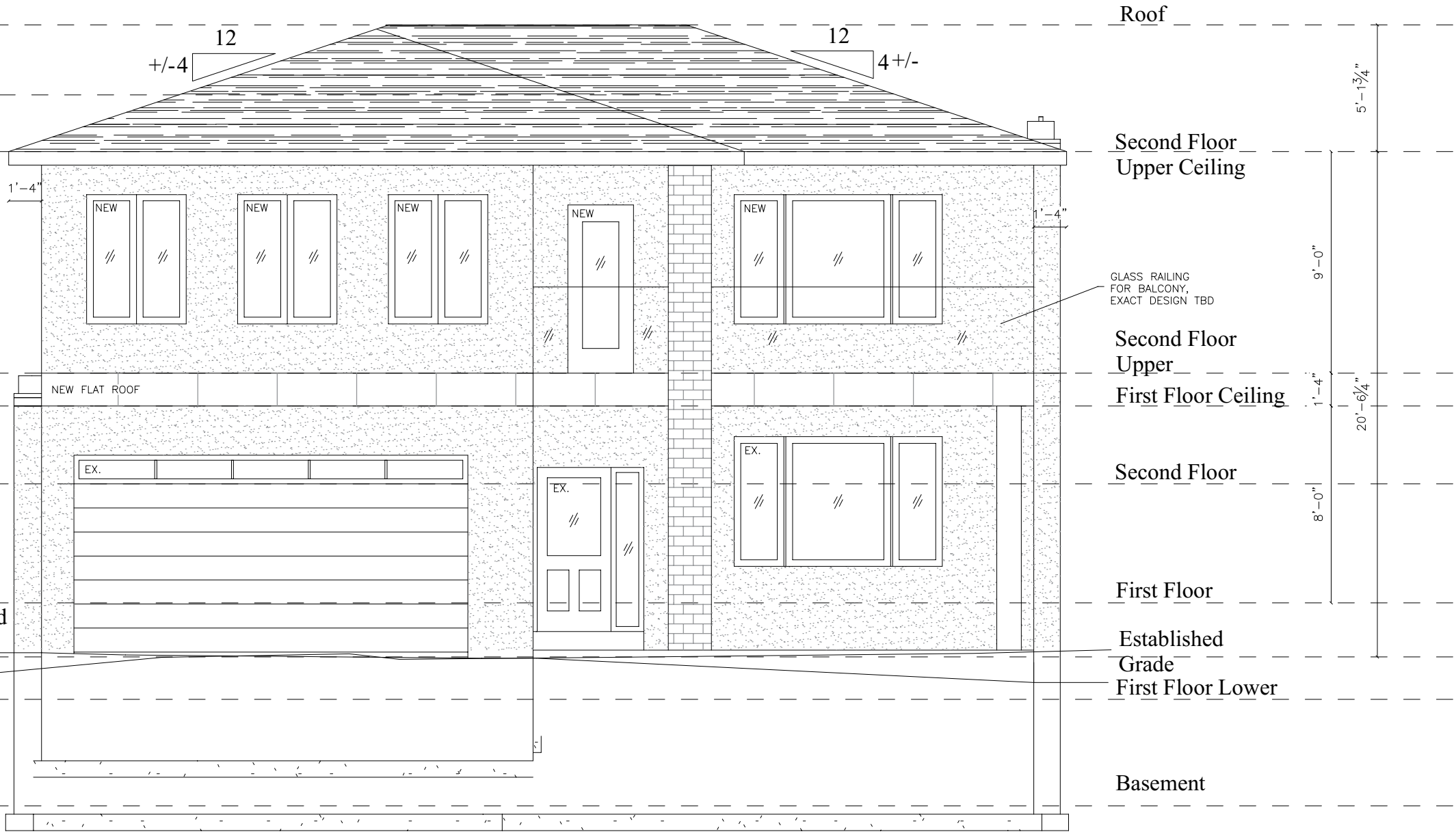
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Appendix B

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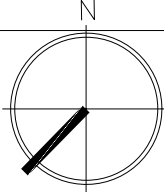
Date: 6/5/2025  
MM/DD/YYYY



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TRUE NORTH:



DRAWING:

PROPOSED FRONT ELEVATION

PROJECT ADDRESS:

5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: JAN. 2024

SCALE: AS NOTED

NAME: STEPHANIE

CHECKED:

1

PROPOSED FRONT ELEVATION

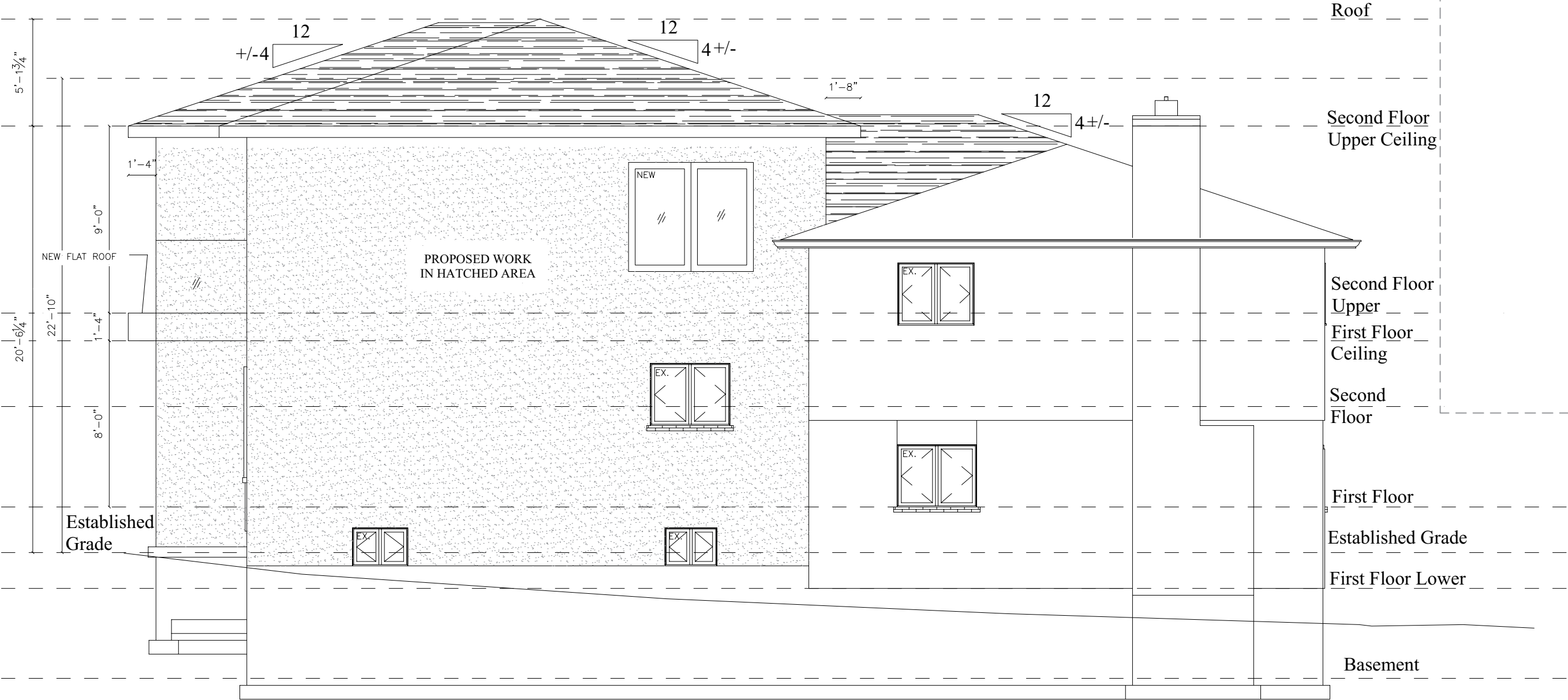
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Appendix B


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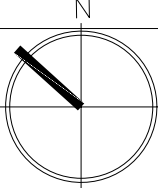
Below Grade Conditions Unconfirmed.  
Shown For Illustration Purposes Only.

1 PROPOSED EAST SIDE ELEVATION  
Scale: 3/16" = 1'-0"



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TRUE NORTH:



DRAWING:

PROPOSED EAST SIDE ELEVATION

PROJECT ADDRESS:

5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: JAN.2025

SCALE: AS NOTED

NAME: STEPHANIE

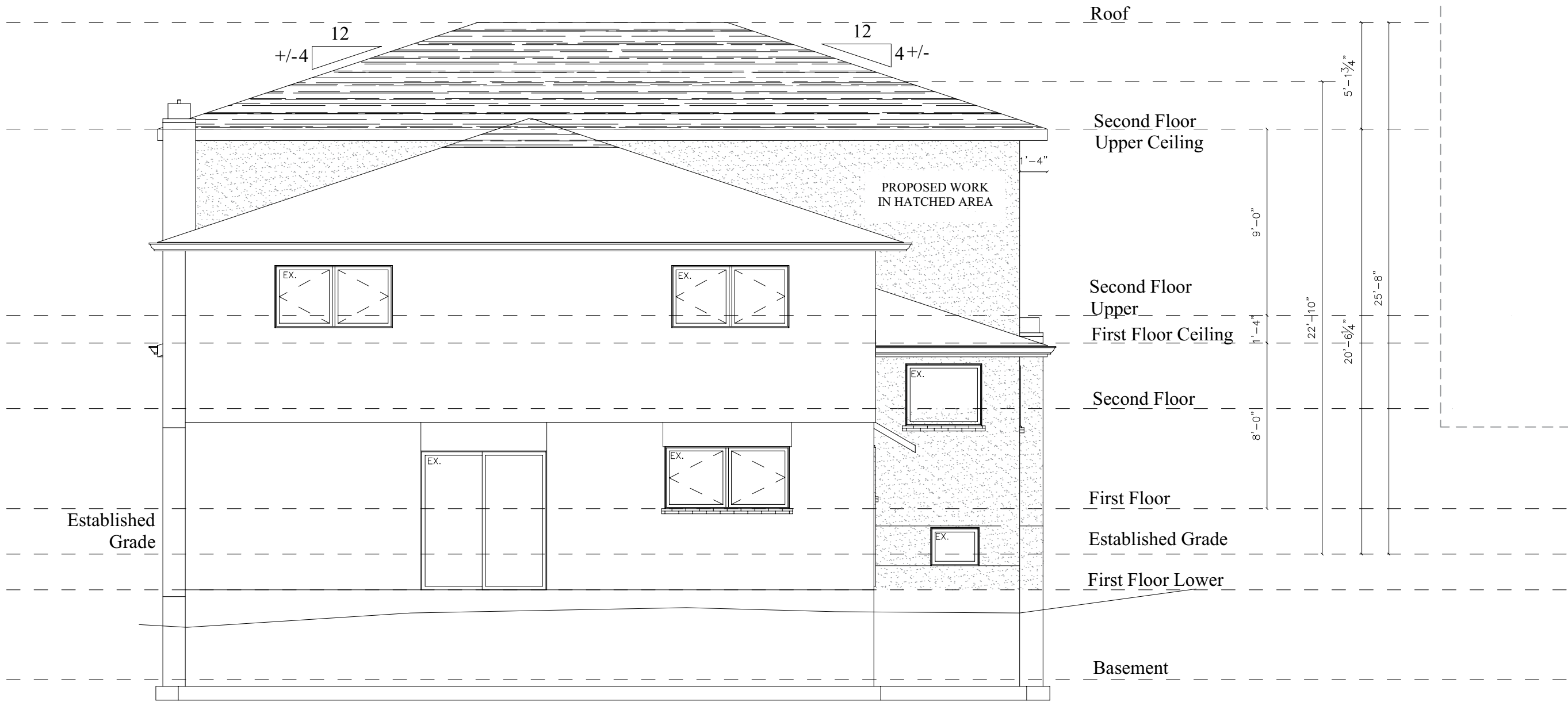
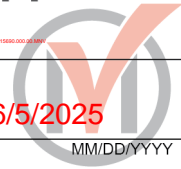
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A013

Appendix B

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1

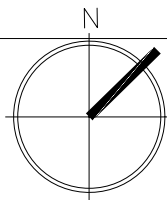
PROPOSED BACK ELEVATION

Scale: 3/16" = 1'-0"

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TRUE NORTH:



DRAWING:

PROPOSED BACK ELEVATION

PROJECT ADDRESS:

5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: JAN.2025

SCALE: AS NOTED

NAME: STEPHANIE

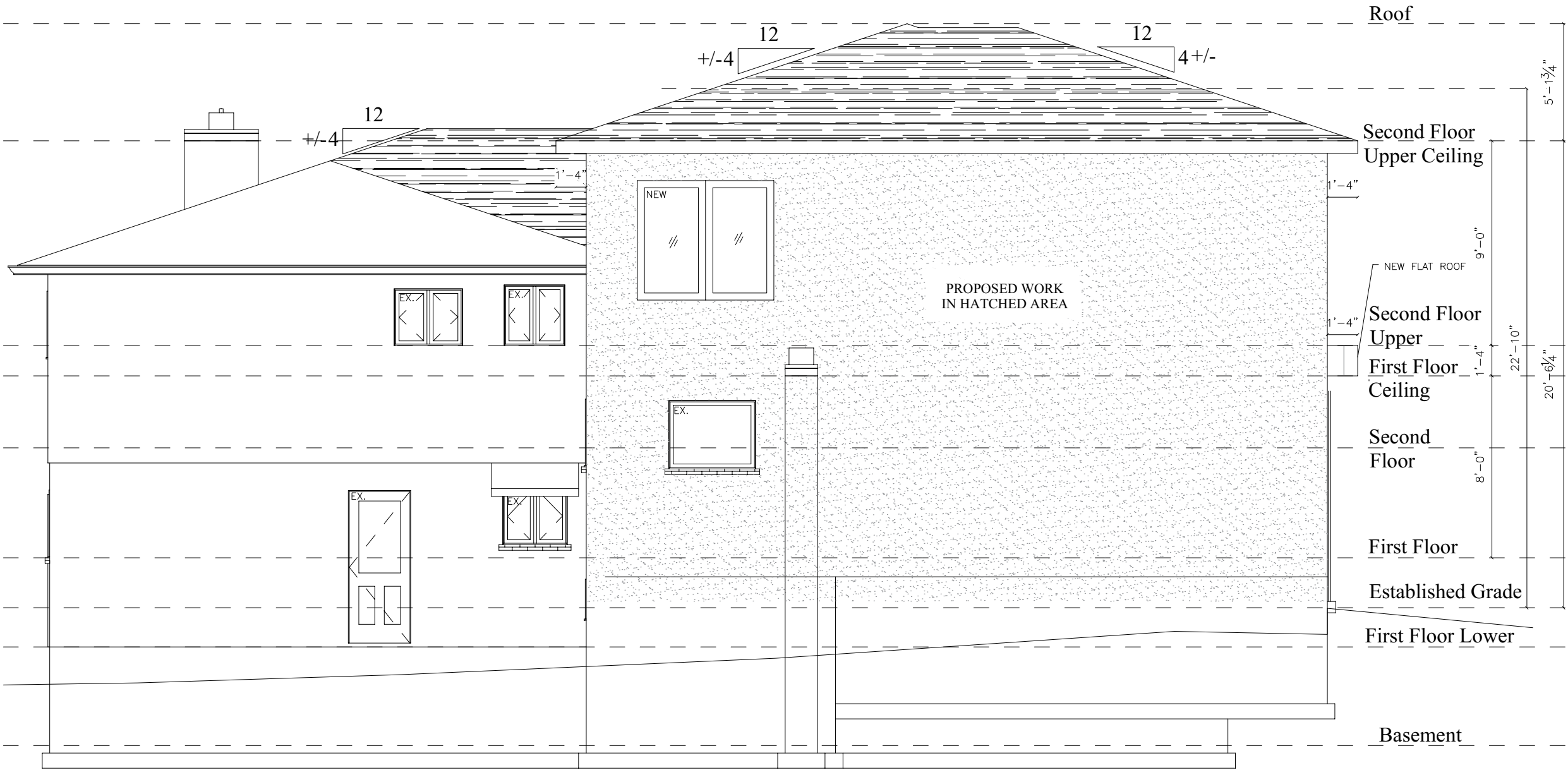
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A014

Appendix B

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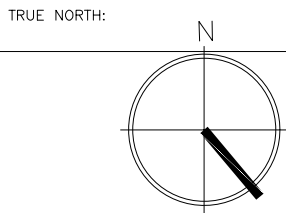
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1 PROPOSED WEST SIDE ELEVATION  
Scale: 3/16" = 1'-0"

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DRAWING:  
PROPOSED WEST SIDE ELEVATION

PROJECT ADDRESS:  
5 THORNY BRAE DR.  
THORNHILL ONT, L3T 3G3

DATE: JAN.2025

SCALE: AS NOTED

NAME: STEPHANIE

CHECKED:

A015