

Memorandum to the City of Markham Committee of Adjustment

June 2, 2025

File: A/042/25
Address: 7 Worsley Court, Markham
Agent: Prohome Consulting Inc (Vincent Emami)
Hearing Date: Wednesday, June 11, 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)**: a maximum second storey main building coverage of 25.72 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;
- b) **By-law 2024-19, Section 6.3.2.2 i)**: a minimum combined interior side yard setback of 4.12 metres, whereas the by-law requires a minimum combined interior side yard setback of 5.03 metres; and
- c) **By-law 2024-19, Section 4.8.10.1 a)**: a minimum front porch depth of 1.2 metres, whereas the by-law requires a minimum front porch depth of 1.8 metres;

as it relates to a proposed two storey detached dwelling.

BACKGROUND

Property Description

The 802.91 m² (8,642.45 ft²) subject lands are located on the south side of Worsley Court, generally south of Krieghoff Avenue and west of Rycroft Drive (the “Subject Lands”) (refer to Appendix ‘A’ – Aerial Photo). The Subject Lands are 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.

There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1971. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a 447.20 m² (4,813.62 ft²) two-storey detached dwelling (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.

Comprehensive Zoning By-law 2024-19

The Subject Lands are zoned RES-ENLR (Residential – Established Neighbourhood Low Rise) under 2024-19, as amended, which permits one single detached dwelling per lot.

The Proposed Development does not comply with the By-law requirements as it relates to second-storey building coverage, combined interior side yard, and front yard porch depth.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on February 25, 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 (second storey)

The Applicant is requesting relief for a main building coverage for the second-storey of 25.72% (206.51 m² or 2,222.86 ft²) of the lot area, whereas the By-law permits a maximum second-storey coverage of 20% (160.58 m² or 1,728.47 ft²) of the lot area. This represents an additional 5.72% (45.93 m² or 494.39 ft²) coverage of the lot area for the second-storey.

Staff note that the By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey maintains a lot coverage that is less than the first storey and the second floor does not project past the first storey. Furthermore, the requested variance results in a size and massing that is

similar to other new infill developments along Worsley Court. As such, Staff are satisfied that the request meets the intent of the By-law and have no concerns with the requested variance.

Decrease Combined Interior Side Yard setback

The Applicant is requesting relief to permit a combined interior side yard setback of 4.12 m (13.52 ft), whereas the By-law requires a minimum combined interior side yard setback of 5.03 m (16.50 ft). This represents a decrease of 0.91 m (2.99 ft)

Staff note that the By-law permits a minimum interior side yard setback of 1.80 m (5.91 ft) provided that the minimum combined interior side yards on both sides are greater than 4.0 m (13.12 ft) or 25% of the lot width, which in this case, is 5.03m (16.50 ft) based on a lot width of 20.1 m (65.95 ft).

Staff further note that the requested variance is in large part due to irregular pie-shape of the lot. The Applicant proposes a west side yard setback of 2.07m (6.79 ft) and a minimum east side yard setback of 2.05m (6.73 ft). However, the east side yard setback increases substantially to the rear of the dwelling with setbacks ranging between 2.05 m (6.73 ft) to 4.12 m (13.52 ft) resulting in a combined interior side yard setback that ranges between 4.12m (13.52 ft) and 6.19m (20.31 ft) which generally meets the requirements of the By-law. Engineering Staff have also 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.

Front Porch Depth

The Applicant is requesting relief to permit a minimum front porch depth of 1.20 m (3.94 ft), whereas the By-law permits a minimum front porch depth of 1.80 m (5.91 ft). This represents a decrease of 0.60 m (1.97 ft) from what the By-law permits.

Given that the proposed porch meets the other standards that regulate porch size (i.e. front yard setback, porch projections, etc.), Staff have no objections to the requested variances, and are of the opinion that the variance is minor and meets the general intent and purpose of the Zoning By-law.

EXTERNAL AGENCIES

TRCA Comments

The Subject Lands is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. TRCA provided comments on September 17, 2024 (Appendix "C"), indicating that they have no concerns subject to conditions outlined in their letter.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 2, 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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – TRCA Conditions of Approval

Appendix "D" – A/042/25 Conditions of Approval



Legend

- Subject Lands
7 Worsley Court

1: 2,257

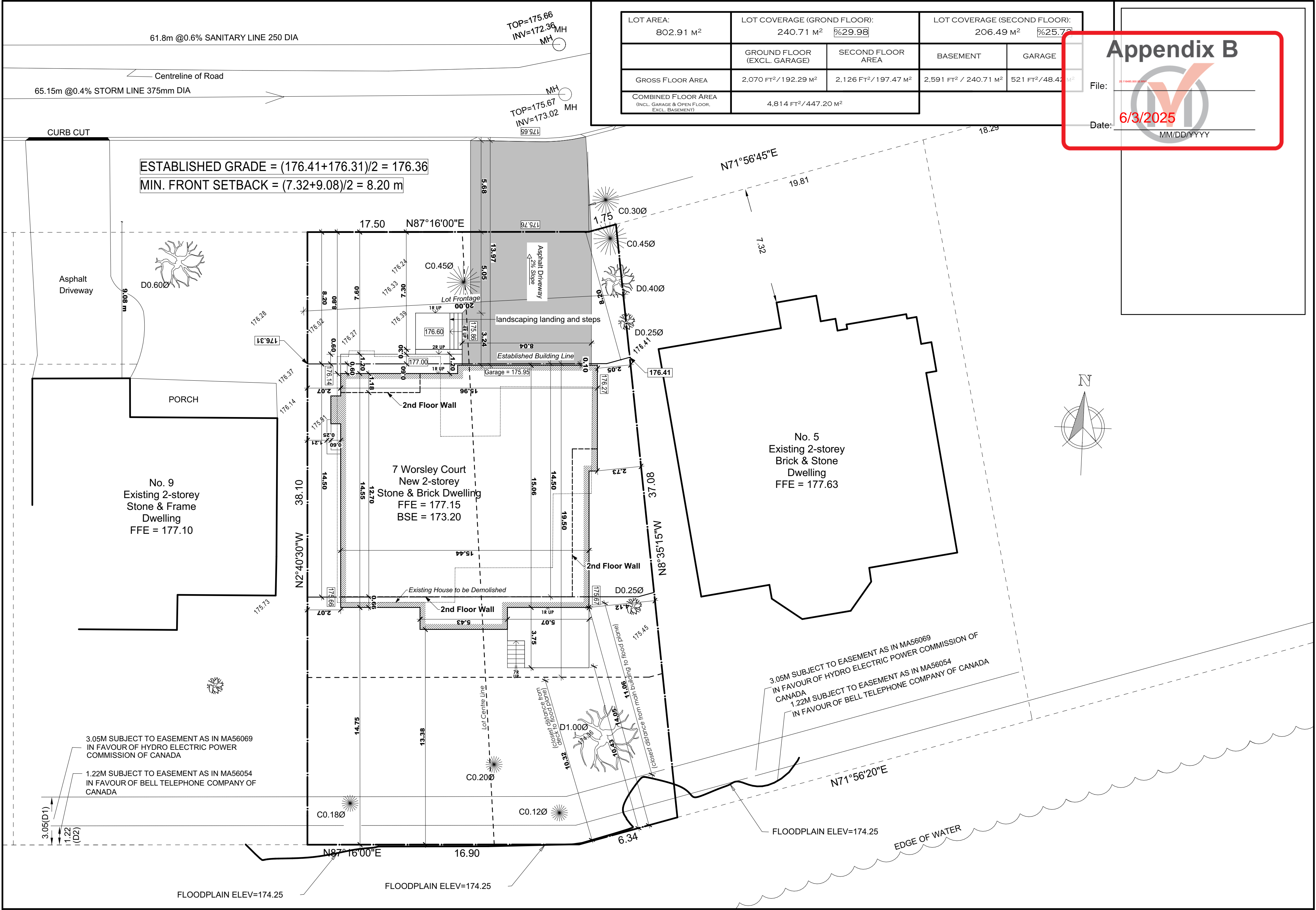


114.7 0 57.33 114.7 Meters

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 and you will be directed to the appropriate department.

Notes



LOT AREA: 802.91 M ²	LOT COVERAGE (GROND FLOOR): 240.71 M ² [%29.98]		LOT COVERAGE (SECOND FLOOR): 206.49 M ² [%25.72]	
	GROUND FLOOR (EXCL. GARAGE)	SECOND FLOOR AREA	BASEMENT	GARAGE
GROSS FLOOR AREA	2,070 FT ² / 192.29 M ²	2,126 FT ² / 197.47 M ²	2,591 FT ² / 240.71 M ²	521 FT ² / 48.42 M ²
COMBINED FLOOR AREA (INCL. GARAGE & OPEN FLOOR, EXCL. BASEMENT)	4,814 FT ² / 447.20 M ²			

Appendix B

File: 25.115465.000.000000

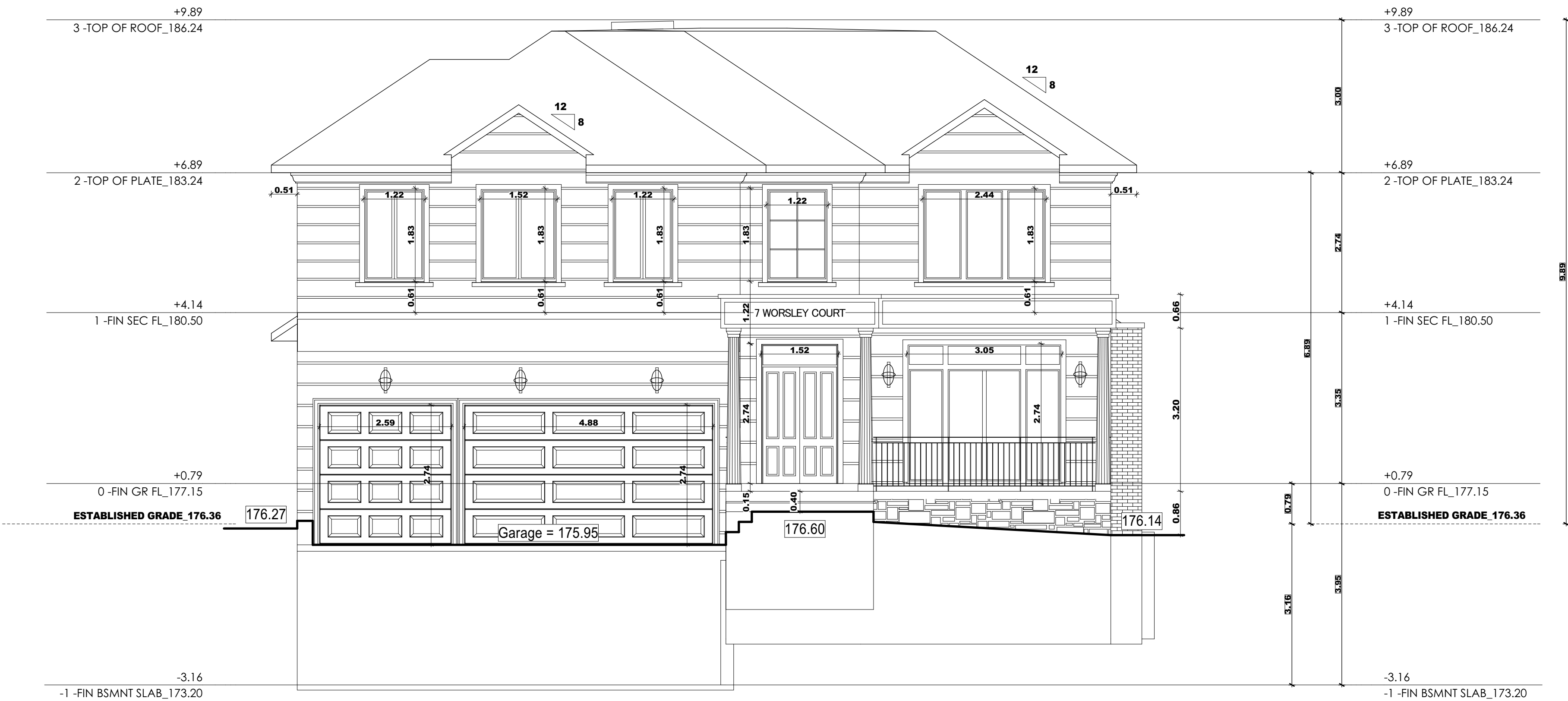
Date: 6/3/2025

MM/DD/YYYY

DATE:	ISSUED FOR:	FOR STRUCTURE ONLY		ONLY FOR ARCHITECTURAL STAMP ON TARIO ASSOCIATION ARCHITECTS VAHID BHAM JOHNEH LICENCE 9929	DRAWN BY V.E.	SCALE:	DRAWING TITLE:	A.O1
						1:150	SITE PLAN	
						LAST MODIFIED ON:	PROJECT TITLE/ADDRESS:	
						APRIL 11, 2025	7 WORSLEY Ct. MARKHAM, ON	

Appendix B

File: 25.150465.000.000000
Date: 6/3/2025
MM/DD/YYYY



DATE: DEC-2020	ISSUED FOR: FOR PERMIT	FOR STRUCTURE ONLY		ONLY FOR ARCHITECTURAL STAMP 	DRAWN BY V.E	SCALE: 1:64	DRAWING TITLE: FRONT ELEVATION	A 2.1
						LAST MODIFIED ON: MARCH 1, 2025	PROJECT TITLE/ADDRESS: 7 WORSLEY Ct. MARKHAM, ON	

Appendix B

File: 25.150465.000.000000
Date: 6/3/2025
MM/DD/YYYY



DATE: DEC-2020	ISSUED FOR: FOR PERMIT	FOR STRUCTURE ONLY		ONLY FOR ARCHITECTURAL STAMP ON TARIO ASSOCIATION ARCHITECTS VAHD BRAM JOMEH LICENCE 9929	DRAWN BY V.E	SCALE: 1:64	DRAWING TITLE: REAR ELEVATION	A 2.2
						LAST MODIFIED ON: MARCH 1, 2025	PROJECT TITLE/ADDRESS: 7 WORSLEY Ct. MARKHAM, ON	

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6/3/2025

MM/DD/YYYY

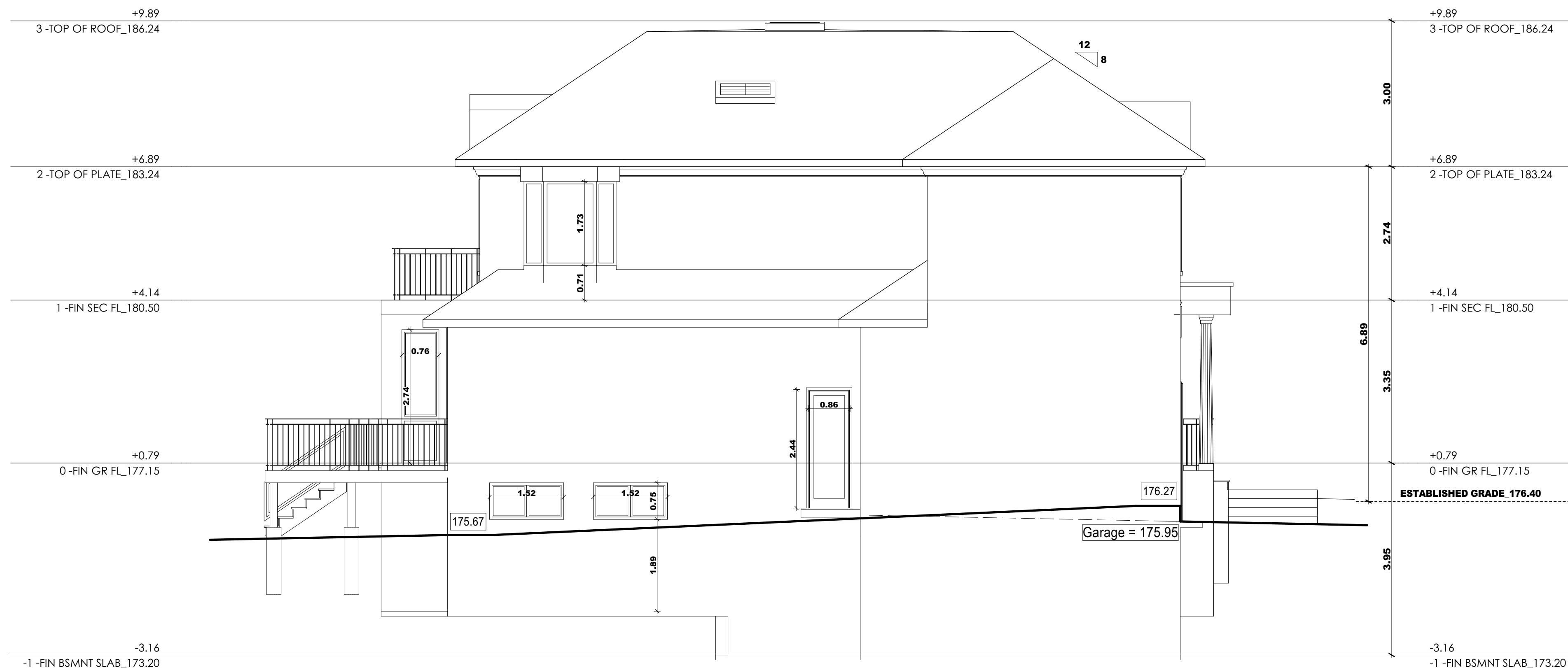
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MM/DD/YYYY



Appendix B

File: 25.115445.000.000000

Date: 6/3/2025
MM/DD/YYYY



DATE: DEC-2020
ISSUED FOR: FOR PERMIT

FOR STRUCTURE ONLY



ONLY FOR ARCHITECTURAL STAMP



DRAWN BY

V.E

SCALE:

1:64

LAST MODIFIED ON:

MARCH 1, 2025

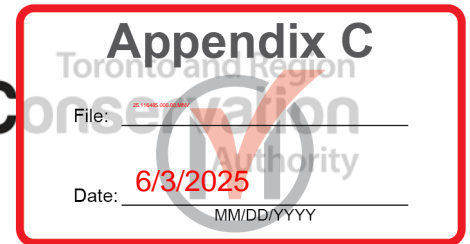
DRAWING TITLE:

SIDE ELEVATION

PROJECT TITLE/ADDRESS:

7 WORSLEY Ct. MARKHAM, ON

A 2.4



May 23, 2025

TRCA File No.PAR-DPP-2025-0077

VIA E-Plan

Dear Brendan Chiu, Planner I
Planning and Urban Design Department
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W9

Re: Minor Variance Application – A/042/25
7 Worsley Court, Markham
Part Lot 172, Registered Plan 7566, City of Markham
Nearest Intersection: Highway 7 & Main Street
Applicant: Ida Evangelista
Owner: Guo Lizhen

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 7, 2, 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 requirements of By-law 2024-19, as amended, to facilitate the development of a new two storey single detached dwelling with a new wood deck in the rear.

REQUESTED VARIANCE(S) TO THE ZONING BY LAW:

To Permit:

- a) **By-law 2024-19, Section 6.3.2.2 c):** a second storey main building coverage of 25.72 percent, whereas the by-law permits a maximum of 20 percent;
- b) **By-law 2024-19, Section 6.3.2.2 i):** a combined interior side yard of 4.2 metres, whereas the by-law requires a minimum of 5 metres; and
- c) **By-law 2024-19, Section 4.8.10.1 a):** a street accessed porch with a floor to have a depth of 1.2 metres, whereas the by-law requires a minimum of 1.8 metres.

TRCA Permit Requirements

The subject lands are within TRCA's Regulated Area as it contains erosion and floodplain hazards associated with a tributary of the Rouge River Watershed and its 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.

Based on the review of materials circulated with this application, the proposed development is located within the regulated portions of the property. Thus, **a permit is required** from TRCA to facilitate the development associated with this application.

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 \$950.00 (Minor Variance Application - Standard). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. 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 Application **A/042/25** subject to the **conditions** identified in Appendix A.

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

Regards,



Matthew Pereira
Planner 1

Development Planning and Permits | Development and Engineering Services
437-880-2416
Matthew.pereira@trca.ca

Attached: Appendix A: TRCA Conditions of Approval

BY EMAIL

cc: Guo Lizhen: lxq3720@163.com

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$950.00 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .

APPENDIX “D”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/042/25

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;
3. That the Owner satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter 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 the TRCA.
4. 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.
5. 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.

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District