

Memorandum to the City of Markham Committee of Adjustment

July 25, 2025

File: A/048/25
Address: 65 Hawkrigde Avenue, Markham
Applicant: SHDESIGN (Randa Zabaneh)
Hearing Date: Wednesday, July 30, 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, as it relates to a proposed two-storey dwelling. The variances requested are to permit:

- a) **By-law 2024-19, Section 6.3.2.2(i)**: a combined interior side yard of 3.65 m, whereas the by-law requires a minimum combined interior side yard of 4.85 m;
- b) **By-law 2024-19, Section 6.3.2.2(c)**: a maximum main building coverage of 20.42 percent for any storey above the first, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;
- c) **By-law 2024-19, Section 4.8.9.2(a)(i)**: a minimum soft landscaping strip of 1.24 m, whereas the by-law requires a minimum soft landscaping strip of 1.5 m; and
- d) **By-law 2024-19, Section 6.2.1(b)**: a roof with a slope less than 25 degrees to project 1.64 m above the maximum outside wall height, whereas the by-law permits a maximum projection of 1 m above the maximum outside wall height.

BACKGROUND

Property Description

The 822.24 m² (8850.51 ft²) subject property is located on the east side of Hawkrigde Avenue, south of Bullock Drive 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.

There is an existing detached dwelling on the property, which according to assessment records was constructed in 1963. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The Applicant is proposing to construct a two-storey single detached dwelling with a Gross Floor Area of 371.79 m² (4001.89 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The *Official Plan* designates the Subject Lands “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

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, *“The home is designed based on the needs and wants of the homeowner. The reduced soft landscaping strip is to accommodate the basement window wells, and the roof slope with a flat top is designed to comply with building height restrictions.”*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 30th, 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.

Reduced Combined Interior Side Yard Setback

The Applicant is requesting relief from the Zoning By-law to permit a minimum combined interior side yard setback of 3.65 m (11.98 ft), whereas the By-law requires a minimum combined interior side yard setback of 4.85 m (15.91 ft), which represents a reduction of 1.2 m. Interior side yard setbacks are essential for maintaining the neighbourhood character, providing adequate separation between homes, and minimizing any potential impact on the adjacent properties. Due to these reasons, Staff cannot support the requested variance for the reduced minimum combined interior side yard setback as it does not align with the general intent of the Zoning By-law, nor is it desirable for the proposed development.

Increase in Main Building Coverage

The Applicant is requesting relief from the Zoning By-law to permit an increased maximum main building coverage of 20.42 percent for any storey above the first, whereas the By-law permits a maximum main building coverage of 20 percent for any storey above the first. This represents an increase of 0.42 percent or approximately 3.44 m² (37 ft²) greater than the second-storey allotment. Staff consider this increase minor, and are of the opinion that the requested variance will not significantly increase the building's scale or massing. Staff are aware that the design of home reflects current infill development trends on Hawkrig Avenue, an area in transition. Staff have no objections to this variance request.

Reduced Soft Landscaping Strip

The Applicant is requesting relief from the Zoning By-law to permit a minimum soft landscaping strip of 1.24 m, whereas the By-law requires a minimum soft landscaping strip of 1.5 m. Staff note that the requested variance only applies to areas where the basement window wells encroach into the required landscaping on the east side of the dwelling. Staff opine that the window wells provide light for the dwelling which Staff consider to be desirable for the home. Engineering Staff have reviewed the application and have determined that a 0.6 metre side yard swale within the landscape strip is sufficient to accommodate drainage. Engineering Staff have no concerns, provided the window wells are located outside of this 0.6 m strip. The lot for 65 Hawkrig Avenue relies on drainage in the rear, with stormwater flowing to the back of the property, and adequate permeable land located in the rear yard. Staff have no objections to this variance request.

Increase in Roof Projection

The Applicant is requesting relief from the Zoning By-law to permit a roof with a slope of less than 25 degrees to project 1.64 m (5.38 ft) above the permitted outside wall height, whereas the By-law permits a maximum roof projection of 1 m (3.28 ft). This represents an increase of 0.64 m (2.1 ft). The proposed roof structure is designed in a way that minimizes any visual impact resulting from the increased height. The proposal respects the intended massing and scale of the

surrounding area and is compatible with the existing built form of the neighbourhood which is transitioning through infill development. Staff have no objections to this variance request.

EXTERNAL AGENCIES

Metrolinx Comments

The subject property is located adjacent to Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on May 27, 2025 (Appendix "C"), requiring that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Association 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. 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". Further comments on the proposal are provided in Appendix "C".

PUBLIC INPUT SUMMARY

No written submissions were received as of July 24, 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 (b), (c), and (d) meet the four tests of the *Planning Act*. Staff have no objection to these variances.

However, variance (a) does not meet the four tests of the *Planning Act* as there are 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 variance (a) is denied.

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:

A handwritten signature in black ink, appearing to read "Erin O'Sullivan", written on a light-colored background.

Erin O'Sullivan, Development Technician, Committee of Adjustment

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Carlson Tsang", written on a light-colored background.

Carlson Tsang, Senior Planner, East District

APPENDICES

Appendix "A" – A/048/25 Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Metrolinx Conditions

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/048/25

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. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “C” to this Staff Report, 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:

A handwritten signature in black ink, appearing to read 'Erin O'Sullivan', is written over a light blue horizontal line.

Erin O’Sullivan, Development Technician, Committee of Adjustment

SURVEYOR'S REAL PROPERTY REPORT
PART 1 – PLAN OF SURVEY OF
LOT 10, REGISTERED PLAN 6584
CITY OF MARKHAM

Appendix B

File: 25.111975.000.0000
Date: 7/24/2025
MM/DD/YYYY

LOT AREA

LOT AREA = 822.24 sq.m (8,850.47 sq.ft.)

LOT COVERAGE (CALCS) MAX 35%

- FIRST FLR AREA (incl. GARAGE) = 2,202.1 sq.ft.
- FRONT PORCH AREA = 124.86 sq.ft.
- COVERED PATIO = 508.73 sq.ft.

TOTAL = 2,835.69 sq.ft.

PROVIDED 32.04% - REQUIRED 35.0%

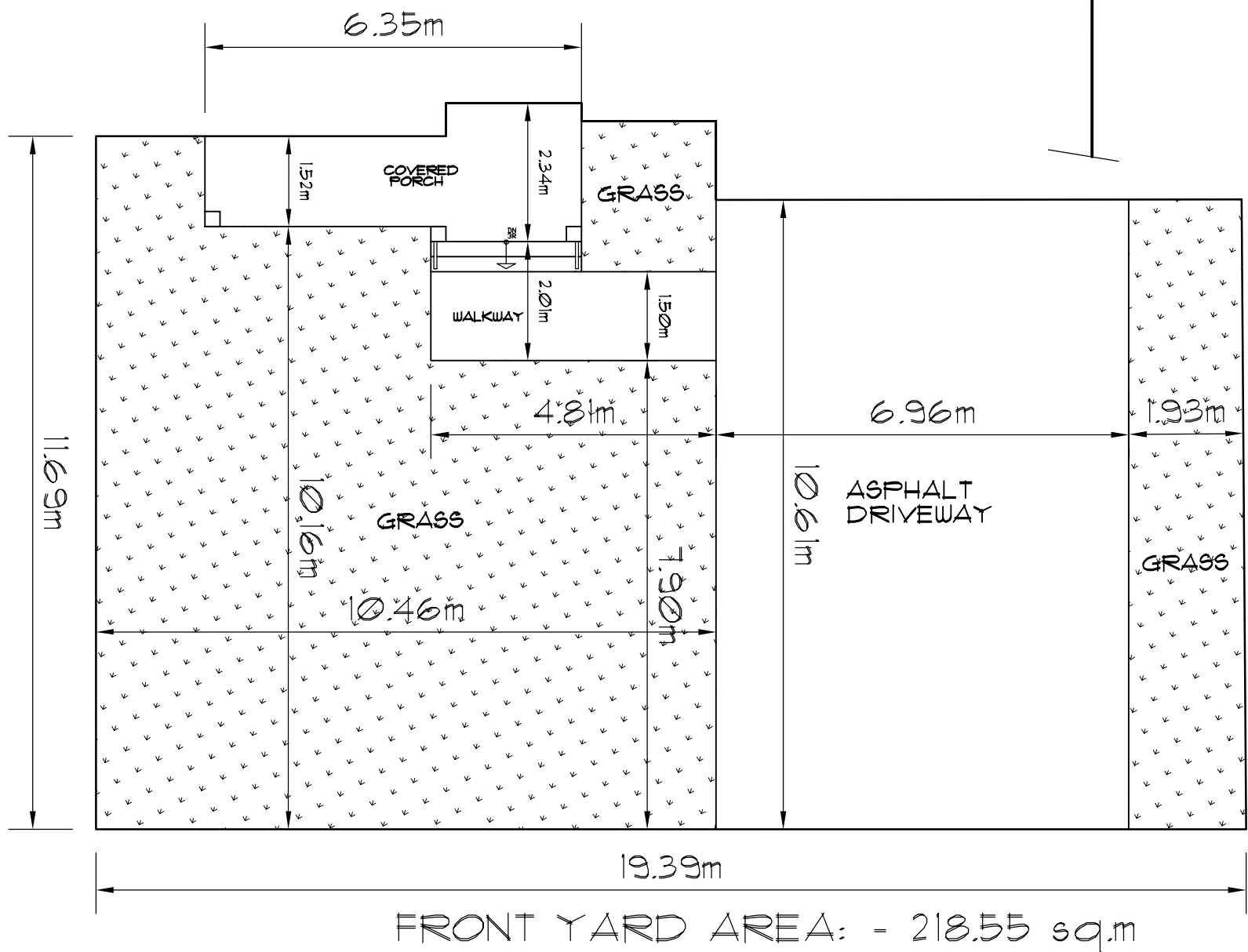
BYLAW # 2024-19

MAX MAIN BUILDING COVERAGE

- FIRST FLR AREA (incl. garage) = 2,202.1 sq.ft.
@ 24.88%
- SECOND FLOOR AREA = 1,806.81 sq.ft.
@ 20.42%

TOTAL = 4,008.91 sq.ft.

BASEMENT FLOOR PLAN = 1,799.37 sq.ft.



ALL SITE PLAN INFORMATION IS TAKEN FROM
SERVEYOR'S KAD LANKA SURVEYING INC.
ONTARIO LAND SERVEYORS
DATED JULY 04, 2024

HAWKRIDGE AVENUE

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR. 26, 2025
2	REVISED FOR ZFR REVIEW & C.O.A. APPROVAL	APRIL 14, 2025

SH DESIGN
YOUR VISION, OUR EXPERTISE
DESIGN, CONSULTATIONS, DRAFTING
- RESIDENTIAL DESIGNS
- CUSTOM HOMES
- ADDITIONS & RENOVATIONS
Cell: (416) 414-9176
Email: shdesign@rogers.com

PROPOSED 2-STORY DWELLING
FOR:-
MANNING / GILLILAND
RESIDENCE AT:-
65 HAWKRIDGE AVE
MARKHAM, ONTARIO

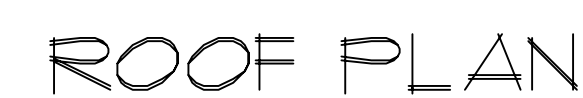
DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
MAR, 2025	3/16"=1'-0"	S.P.

25.11675.000.00.MNY

7/24/2025

MM/DD/YYYY

Date: 7/24/2025
MM/DD/YYYY



LOT AREA = 822.24 sq.m (8,850.47 sq.ft.)

- FIRST FLR AREA (incl. GARAGE) = 2,202.1 sq.ft.
- FRONT PORCH AREA = 124.86 sq.ft.
- COVERED PATIO = 508.73 sq.ft.

TOTAL = 2,835.69 sq.ft.

PROVIDED 32.04% - REQUIRED 35.0%

MAX MAIN BUILDING COVERAGE

- FIRST FLR AREA (incl. garage) = 2,202.1 sq.ft.
@ 24.88%
- SECOND FLOOR AREA = 1,806.81 sq.ft.
@ 20.42%

TOTAL = 4,001.89 sq.ft.

BASEMENT FLOOR PLAN = 1,799.37 sq.ft.



HORIZONTAL ROOF MAIN ROOF = 2415.5 sq.ft

HORIZONTAL ROOF AREA "A" = 2,415.5 sq.ft.
FLAT ROOF AREA "B" = 1,072.27 sq.m.
(roof with a slope less than 25°)

Therefore, ROOF "B" / ROOF A" = 44.39%

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR 26, 20
2	REVISED FOR ZPR 4 C.O.A. APPROVAL	APRIL 14, 20

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PROPOSED 2-STOREY
DWELLING
FOR:-
MANNING / GILLILAND
RESIDENCE AT:-
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MARKHAM, ONTARIO

ROOF PLAN

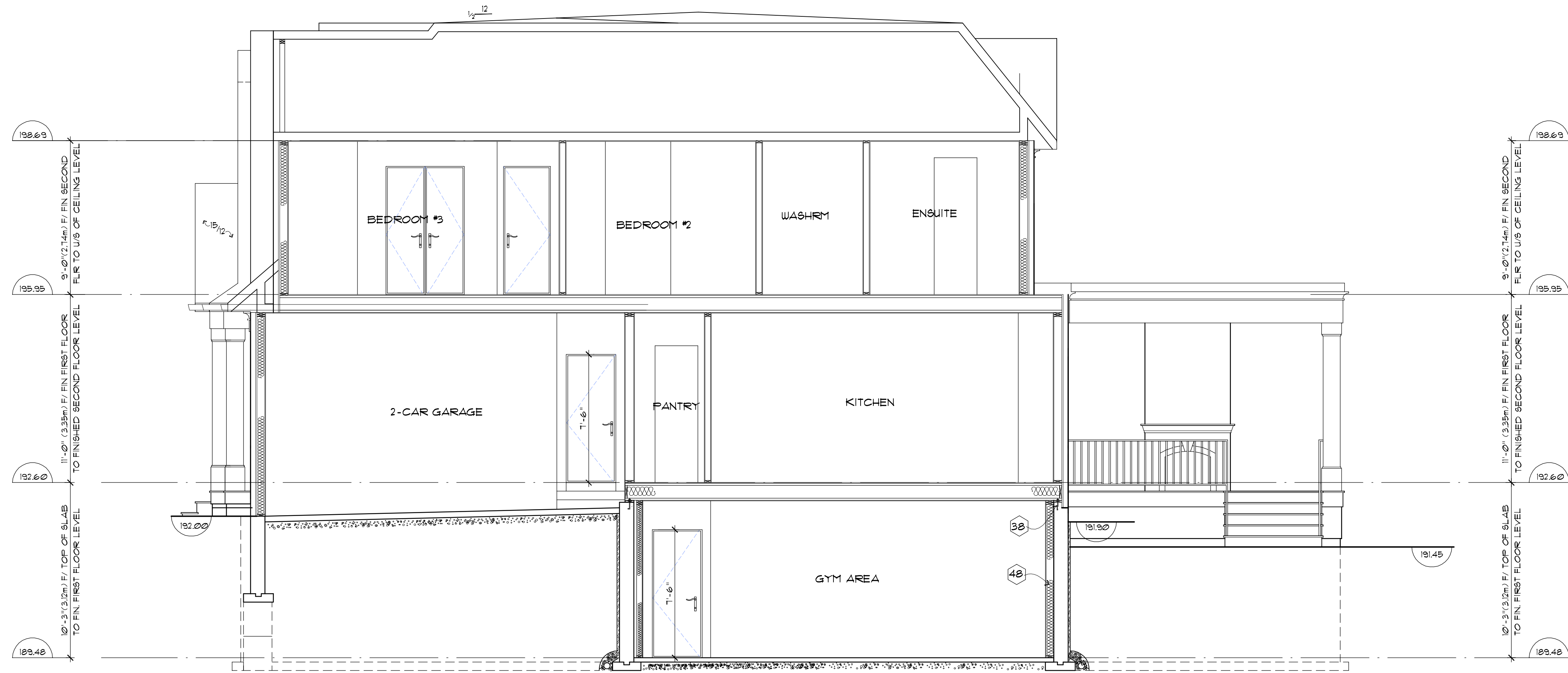
DRAWN BY:	CHECKED BY:	SHEET A-
DATE MAR. 2025	SCALE 3/16" = 1' - 0"	FILE

Appendix B

File: 25.1119.02.0001

Date: 7/24/2025

MM/DD/YYYY



A
A-3 CROSS SECTION

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR 26, 2025

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PROPOSED 2-STOREY DWELLING
FOR:-
MANNING / GILLILAND
RESIDENCE AT:-
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MARKHAM, ONTARIO

CROSS SECTION

DRAWN BY:	CHECKED BY:	SHEET A-5
DATE MAR 2025	SCALE 3/16"=1'-0"	FILE

Appendix B

File: 25.119.075.000.000001

Date: 7/24/2025

MM/DD/YYYY



FRONT ELEVATION

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR 26, 2025

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Email: shdesign@rogers.com

PROPOSED 2-STORY DWELLING
FOR: -
MANNING / GILLILAND
RESIDENCE AT: -
65 HAWKRIDGE AVE
MARKHAM, ONTARIO

FRONT ELEVATION

DRAWN BY:	CHECKED BY:	SHEET A-6
DATE MAR 2025	SCALE 3/16"=1'-0"	FILE

Appendix B

File: 25.111975.000.0000

Date: 7/24/2025

MM/DD/YYYY



REAR ELEVATION

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR. 26, 2025

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- CUSTOM HOMES
- ADDITIONS & RENOVATIONS

Cell: (416) 414-9116

Email: shdesign@rogers.com

PROPOSED 2-STORY DWELLING

FOR:-

MANNING / GILLILAND RESIDENCE AT:-

65 HAWKRIDGE AVE

MARKHAM, ONTARIO

REAR ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
		A-7
DATE	SCALE	FILE
MAR. 2025	3/16"=1'-0"	

Appendix B

File: 25.111675.000.00001

Date: 7/24/2025

MM/DD/YYYY



RIGHT SIDE ELEVATION

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR. 26, 2025

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- RESIDENTIAL DESIGNS
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- ADDITIONS & RENOVATIONS

Cell: (416) 414-9176

Email: shdesignerogers.com

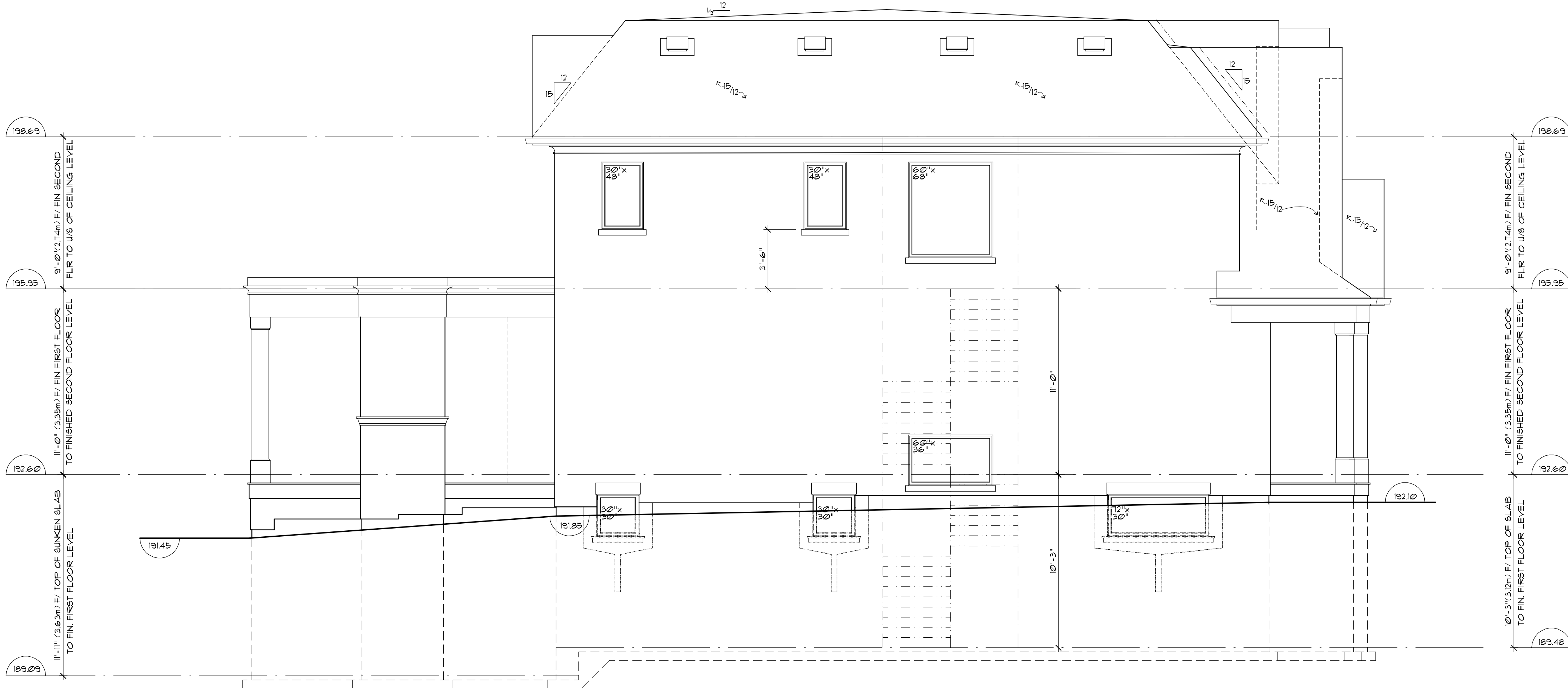
PROPOSED 2-STORY DWELLING
FOR:-
MANNING / GILLILAND
RESIDENCE AT:-
65 HAWKRIDGE AVE
MARKHAM, ONTARIO

RIGHT SIDE ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
MAR. 2025	3/16"=1'-0"	A-8

Appendix B

File: 25.1119.010.000000
Date: 7/24/2025
MM/DD/YYYY



LEFT SIDE ELEVATION

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	MAR 26, 2025

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PROPOSED 2-STOREY DWELLING
FOR:-
MANNING / GILLILAND
RESIDENCE AT:-
65 HAWKRIDGE AVE
MARKHAM, ONTARIO

LEFT SIDE ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
MAR 2025	3/16" = 1'-0"	A-9

TO: Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham

DATE: May 27, 2025

RE: Adjacent Development Review: A/048/25
65 Hawkridge Avenue, Markham, ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 65 Hawkridge Avenue, Markham, to request relief from the requirements of By-Law 2024-19, as amended, as it relates to a new two-storey dwelling. This item was circulated on May 15th, 2025, and to be heard by the Committee as early as June 25th, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.

GO/HEAVY-RAIL - CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. 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 jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into 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:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Best Regards,

Jenna Auger

Adjacent Construction Review (ACR), *Formerly Third-Party Projects Review (TPPR)*

Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3

T: (416)-881-0579

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the “**Easement Lands**”).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.