

Memorandum to the City of Markham Committee of Adjustment

July 25, 2025

File: A/060/25
Address: 2 Country Estates Drive, Markham
Agent: Henry Chiu Architect Ltd
Hearing Date: Wednesday, July 30, 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 under By-law 2024-19, as amended, to permit:

a) By-law 2024-19, Section 6.3.2 (C) SP (xiv):

a maximum combined main building coverage of 755 square metres, whereas the by-law permits a maximum combined main building coverage of 500 square metres;

b) By-law 2024-19, Section 6.3.2 (F):

a minimum front yard setback of 23.2 metres to 16th Avenue, whereas the by-law requires a minimum front yard setback of 44 metres;

c) By-law 2024-19, Section 6.3.2 (J):

a maximum outside wall height of 8.45 metres, whereas the by-law permits a maximum outside wall height of 7 metres; and

d) By-law 2024-19, Section 4.9.9 b):

two dwelling unit entrances facing a street, whereas the by-law permits one dwelling unit entrance facing a street;

as they relate to a proposed two-storey south side addition to the existing two-storey residential dwelling. The proposed addition will accommodate an additional dwelling unit.

BACKGROUND

Property Description

The 3,724.64 m² (40,091.69 ft²) “Subject Lands” are located on the north-east corner of 16th Avenue and Country Estates Drive (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of estate-sized lots and dwellings. Mature vegetation exists across the property.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 1981.

Proposal

The Applicant is proposing to construct a 119.33 m² (1,284.46 ft²) two-storey addition to accommodate an additional dwelling unit (the “Proposed Development”) (refer to Appendix “B” – Plans).

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 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.

Zoning By-Law 2024-19

The Subject Lands are zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, as amended, which permits one detached dwelling per lot. Section 4.9.9 of the applicable Zoning By-law permits two additional dwelling units, subject to the development criteria outlined in the By-law. The Proposed Development does comply with the maximum permitted building coverage and outside wall height, minimum front yard setback to 16th Avenue, and having a second entrance to the additional unit facing the street. Consequently, the Owner has requested these four variances to permit the Proposed Development.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on August 26, 2024 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.

Increased Maximum Combined Main Building Coverage

The Applicant is requesting a maximum combined main building coverage of 755 m² (8,126.75 ft²), whereas the By-law permits a maximum combined main building coverage of 500 m² (5,381.96 ft²). This is an increase of 255 m² (2,744.8 ft²).

The intent of the maximum permitted main building coverage provision is to ensure appropriate proportions of the dwelling, comparative to the lot size, and within the context of the surrounding neighbourhood. Since the Subject Lands surrounding properties comprise large estate sized lots, staff opine that the Proposed Development is scaled appropriately. Therefore, Staff are of the opinion that the increased maximum main building coverage follows the intent of the By-law and will not negatively impact the character of the neighbourhood.

Reduced Minimum Front Yard Setback

The Applicant is requesting a minimum front yard setback of 23.2 m (76.12 ft), whereas the By-law requires a minimum front yard setback of 44 m (144.36 ft). This is a reduction of approximately 20.8 m (68.24 ft).

Staff note that the Front Lot Line definition in the By-law determines that 16th Avenue is the front yard, and Country Estates Drive is the exterior side yard. This is noteworthy as the existing and Proposed Development is oriented towards and accessed from Country Estates Drive which gives the impression of that street being the frontage, notwithstanding the By-law definition.

Further, 16th Avenue is a Region of York arterial road, and the Region has no concerns with this requested variance. Staff are satisfied that the dwelling is sufficiently setback from 16th Avenue and has sufficient tree coverage and will not negatively impact the public realm or the character of the neighbourhood.

Increase Maximum Outside Wall Height

The Applicant is requesting a maximum outside wall height of 8.45 m (27.72 ft), whereas the By-law permits a maximum outside wall height of 7.0 m (22.97 ft). This is an increase of 1.45 m (4.75 ft).

The By-law calculates outside wall height as the vertical distance from established grade to the highest top plate of the outside wall of the upper most floor or storey.

Staff are of the opinion that the Proposed Development is sufficiently setback and screened by landscaping, and that the proposed height variance will not significantly impact the massing or visual appearance of the streetscape.

Increased Entrances Facing a Street

The Applicant is requesting a maximum of two dwelling unit entrances facing a street, whereas the By-law permits a maximum of one entrance facing a street.

The intent of limiting the number of entrances facing a street is mostly to prevent garage conversions to additional dwelling units, with the replacement of garage doors (and

consequently any required parking) with a front entrance to a secondary unit, resulting in a façade that may significantly change the character of a neighbourhood. This is predominantly a concern to more compact residential communities with smaller lots. Staff opine that the proposed additional door will not impact the surrounding neighborhood character and streetscape and have no objection to this variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 25, 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 “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Stephen Corr, District Manager, RPP MCIP, Central District

APPENDICES

Appendix “A” – Aerial Context Photo

Appendix “B” – Revised Plans

Appendix “C” – Conditions of Approval for A/060/25

APPENDIX “C”

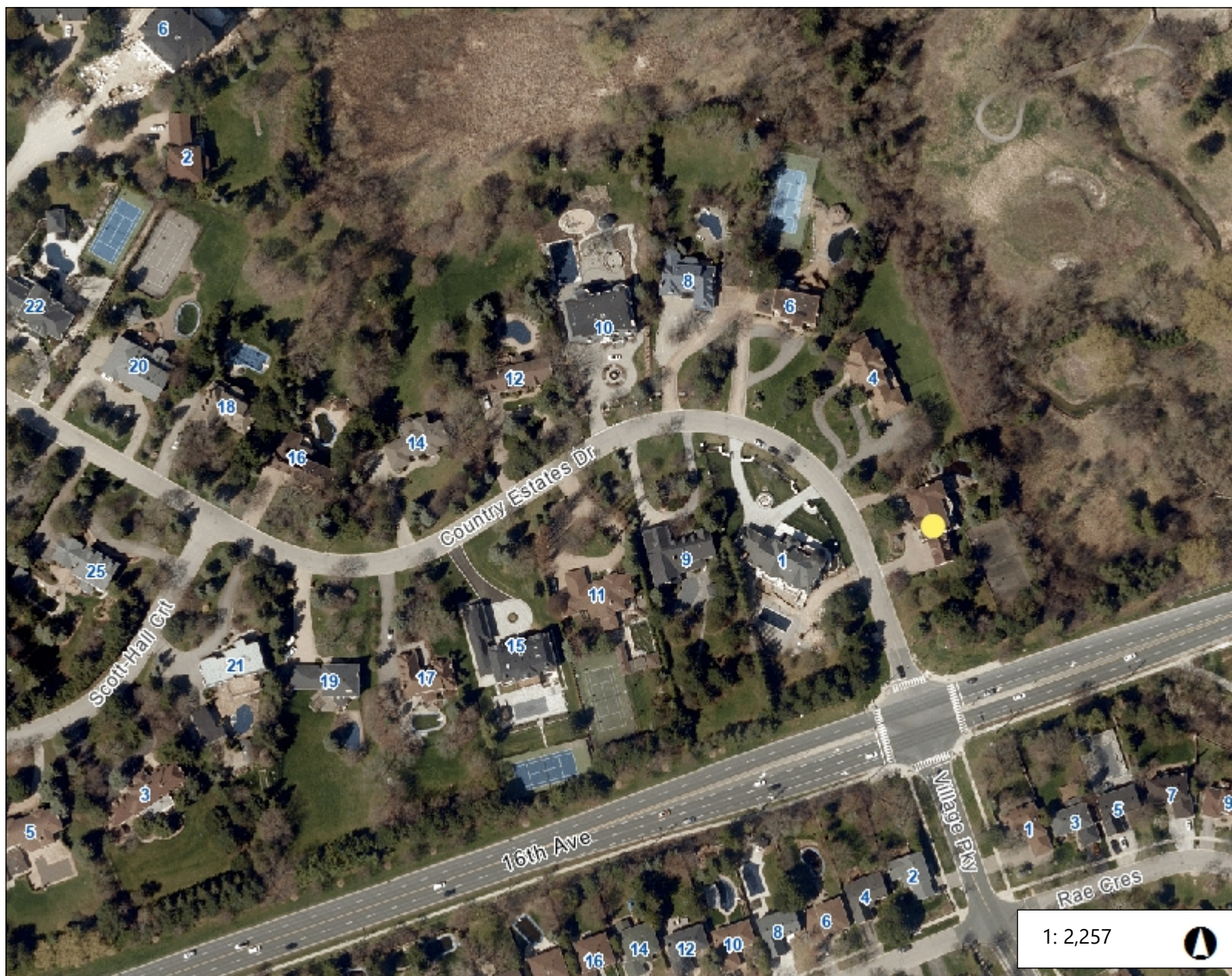
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/060/25

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. 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; and
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 the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their e-mail to the file planner dated June 24, 2025, 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.

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District



Legend

- Subject Lands
- 2 Country Estates Drive

1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
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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



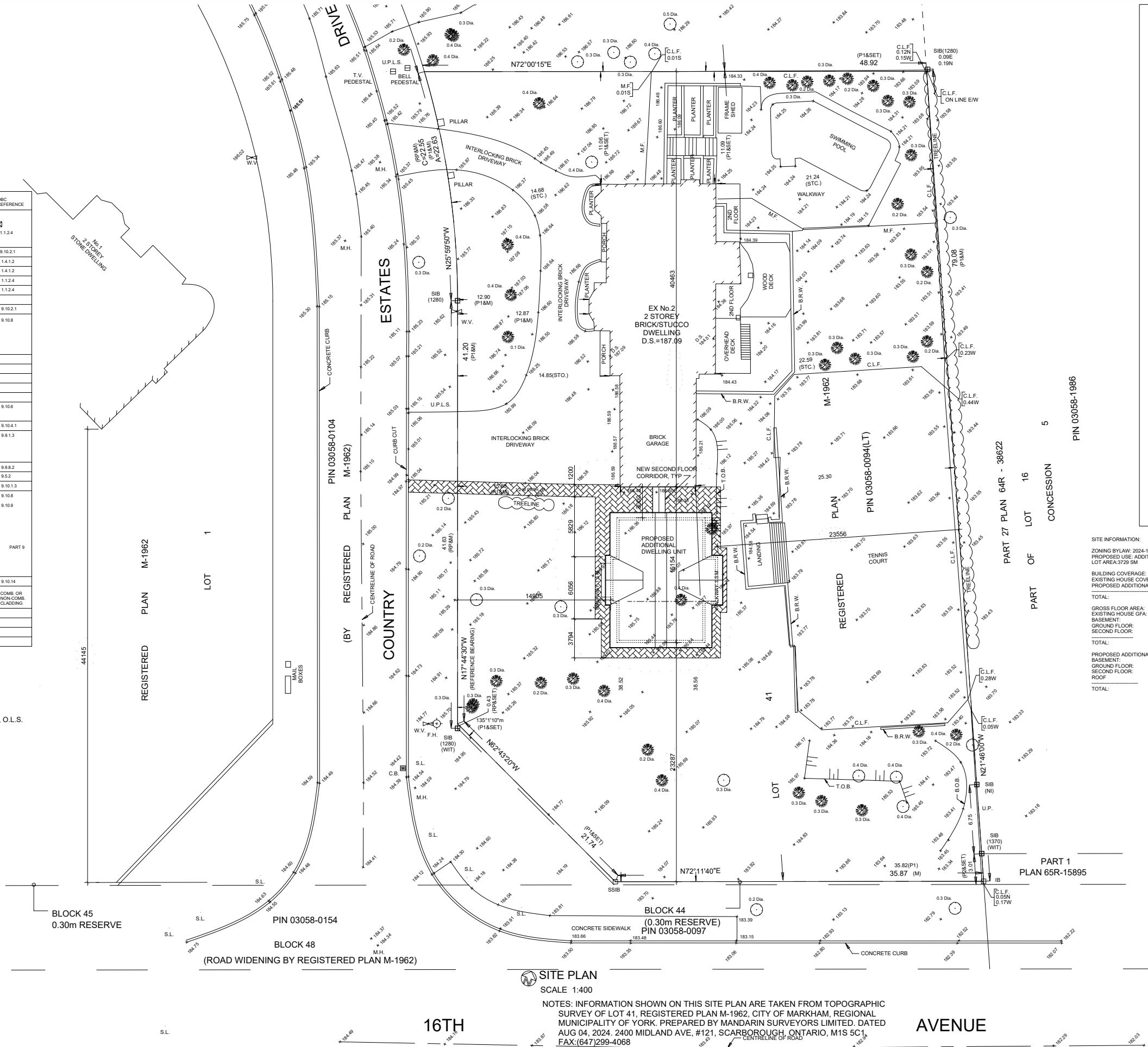
LEGEND

□	DENOTES MONUMENT SET
田	DENOTES MONUMENT FOUND
SiB	DENOTES STANDARD IRON BAR
iB	DENOTES IRON BAR
P1	DENOTES PLAN OF SURVEY BY ANTON KIKAS LTD., O.L.S. DATE AUGUST 13, 1980
P2	DENOTES PLAN 65R-15895
RP	DENOTES REGISTERED PLAN M-1962
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N.S.E,W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
C.L.F.	DENOTES CHAIN LINK FENCE
NI	DENOTES NOT IDENTIFIABLE
OU	DENOTES ORIGINAL UNKNOWN
1280	DENOTES ANTON KIKAS LTD., O.L.S.
1370	DENOTES KRCMAR SURVEYORS LTD., O.L.S.
D.S.T.	DENOTES DORM SILL ELEVATION AT ENTRY
O.H.W.	DENOTES OVERHEAD WIRE
B.R.W.	DENOTES BRICK RETAINING WALL
STC.	DENOTES TIE TAKEN FROM STUCCO
STO.	DENOTES TIE TAKEN FROM STONE
O.F.H.	DENOTES FIRE HYDRANT
○ M.H.	DENOTES MANHOLE
○ U.P.L.S.	DENOTES UTILITY POLE WITH HIGH STANDARD
○ U.P.	DENOTES UTILITY POLE
○ S.L.	DENOTES STREET LAMP
X W.V.	DENOTES VALVE WATER
■ C.B.	DENOTES CATCH BASIN

File: _____
Date: **7/25/2025** _____
MM/DD/YYYY

07			
06			
05			
04	REVISED AS PER CITY'S COMMENT	APR 24, 25	GL
03	REVISED AS PER CITY'S COMMENT	NOV 14, 24	AY
02	REVISED AS PER CITY'S COMMENT	SEPT 03, 24	AY
01	ISSUED FOR ZONING REVIEW APPLICATION	AUG 26, 24	AH
NO	REVISION	DATE	

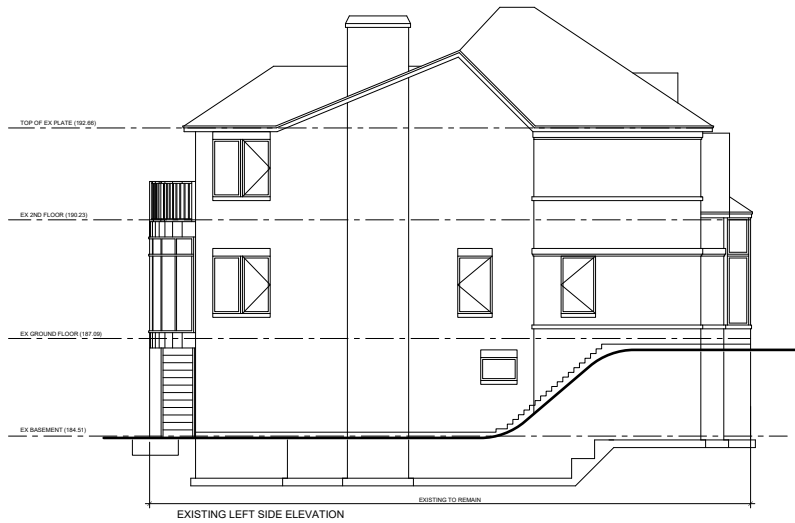
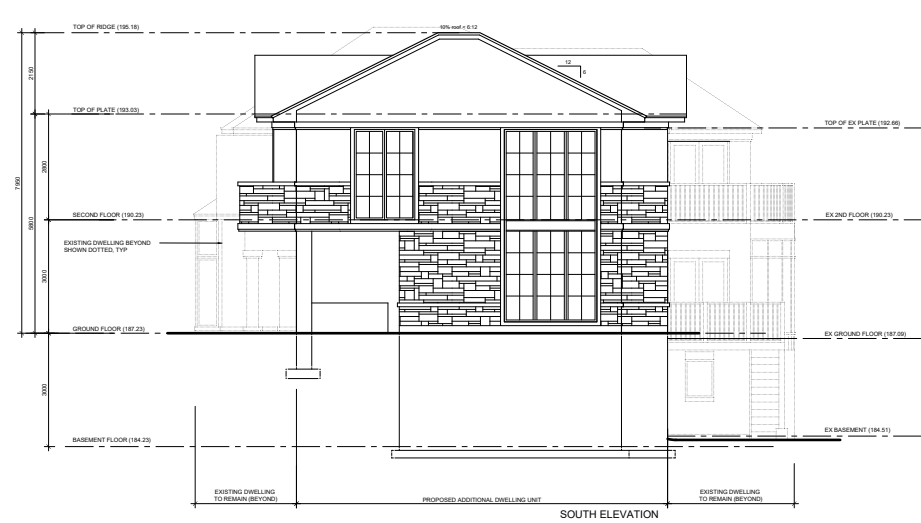
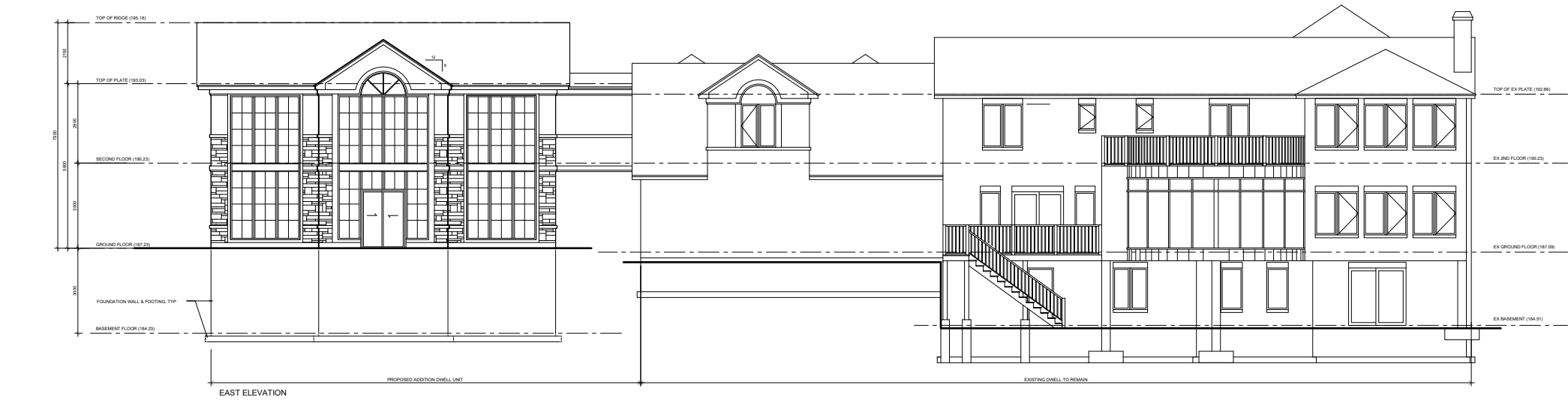
PROJECT TITLE	
PROPOSED ADDITIONAL DWELLING UNIT 2 COUNTRY ESTATES DR, MARKHAM ON L6C 1A4	
TITLE: SITE PLAN	
SCALE: 1:400	DRAWN BY: GL
DATE: APR. 2025	ISSUED:
PROJ NO:	DWG NO: A1.1




Appendix B

File: 25.11914.000.0000

Date: 7/25/2025
MM/DD/YYYY



07			
06			
05			
04	REVISED AS PER CITY'S COMMENT	APR 24, 25	GL
03	REVISED AS PER CITY'S COMMENT	NOV 14, 24	AY
02	REVISED AS PER CITY'S COMMENT	SEPT 03, 24	AY
01	ISSUED FOR ZONING REVIEW APPLICATION	AUG 26, 24	AH
NO	REVISION	DATE	
<div><div>ONTARIO ASSOCIATION OF ARCHITECTS</div><div> HENRY W CHIU LICENCE 3536</div></div>		HENRY W CHIU ARCHITECT LIMITED	
		2347 KENNEDY ROAD SUITE 507, SCARBOROUGH ONTARIO M1T 3T8	
		PROJECT TITLE	
		PROPOSED ADDITIONAL DWELLING UNIT 2 COUNTRY ESTATES DR, MARKHAM ON L6C 1A4	
TITLE: ELEVATIONS			
SCALE: 1:200		DRAWN BY: GL	
DATE: APR, 2025		ISSUED:	
PROJ NO:		DWG NO: A2.1	