

Memorandum to the City of Markham Committee of Adjustment

July 09, 2025

File: A/065/25
Address: 30 Washington Street, Markham
Applicant: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, July 16, 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, MU-HMS, as amended, as it relates to a proposed garden home. The variances requested are to permit:

- a) **By-law 2024-19, Section 4.9.10 (f):**
a maximum height of 6.1 metres, whereas the by-law permits a maximum height of 4.5 metres; and
- b) **By-law 2024-19, Section 4.9.10 (d):**
a garden home with a maximum gross floor area of 148.64 square metres, whereas the by-law permits a maximum gross floor area of 104.09 square metres

BACKGROUND

Property Description

The 556.23 m² (5,987.21 ft²) subject property is located on the west side of Washington Street, east of Main Street Markham North, and south of Joseph 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.

The property is located within the Markham Village Heritage Conservation District, which is designated under Part V of the Ontario Heritage Act. Part V applies to areas of cultural heritage value, and properties within such districts are subject to policies that guide alterations, new development, and conservation efforts to ensure compatibility with the historic character of the area. The subject property is listed on the Markham Register of Property of Cultural Heritage Value or Interest and is historically known as the Richard Pinch House. While not individually designated, the property is considered to have heritage interest within the broader context of the district and is therefore subject to heritage review and guidelines.

There is an existing two-storey frame dwelling on the property, which according to assessment records was first constructed in 1878.

Proposal

The applicant is proposing to construct a two-storey garden home with a gross floor area of 148.64 m² (1,600 ft²).

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 2024-19

The subject property is zoned Mixed Use Heritage Main Street – Markham Village (MU-HMS (M)) under By-law 2024-19, as amended. The zoning permits detached and multiple dwellings, and also allows for garden homes as an accessory use to a detached, semi-detached, or townhouse dwelling, subject to specific criteria.

Garden homes must be located in the rear yard and either within a conforming accessory structure or an existing legally non-conforming one. Only one additional unit is permitted per lot, and the garden home must be appropriately set back from lot lines and the main building. It is limited in height and size, with a maximum of 4.5 metres in height and a maximum floor area of the greater of 60 square metres or 50% of the gross floor area of

the primary dwelling. The unit must also be easily accessible from the street via a clear path and located within 30 metres of a street-facing lot line.

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, *"To allow for a two-storey design creating a second bedroom in a garden home to achieve multi-generation living"*.

Zoning Preliminary Review (ZPR) Undertaken

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

Secondary Suites

Fire and Emergency Services Department has no objections provided the secondary suite is registered with the City and complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite will be in compliance with Building Code and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

Increase in Maximum Floor Area Ratio and Height

The applicant is requesting two variances related to the proposed garden home. The first is to permit a gross floor area of 148.64 m² (1,600 ft²), whereas the By-law permits a maximum of 104.09 m² (1,120.64 ft²). The second is to permit a height of 6.1 metres (20.01 feet), whereas the By-law permits a maximum height of 4.5 metres (14.76 feet).

The garden home layout meets most other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed structure will be in keeping with the intended scale of garden homes. Staff further note that the existing principal dwelling on the lot is modest in size, which results in a lower floor area limit under the By-law's 50% provision. However, the subject lands are generously sized, providing ample space to accommodate a larger accessory unit without creating massing impacts. The garden home is proposed to be located in the rearmost portion of the rear yard and backs onto a commercial property, further minimizing any potential adverse impacts on adjacent residential properties. Given these site-specific

conditions, staff are satisfied that the increase in size and height will not negatively impact the surrounding neighborhood and maintains the intent of the Zoning By-law.

This application was considered by Heritage Markham Committee on June 11, 2025, and reviewed by Heritage Staff. Heritage staff advised they have no comments, and that future review of a Major Heritage Permit application be delegated to Heritage Section Staff.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 9, 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.

APPENDICIES

Appendix "A" – A/065/25 Conditions of Approval

Appendix "B" - Drawings

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



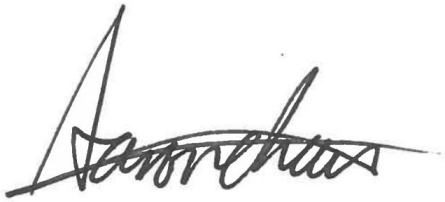
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/065/25

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;

CONDITIONS PREPARED BY:

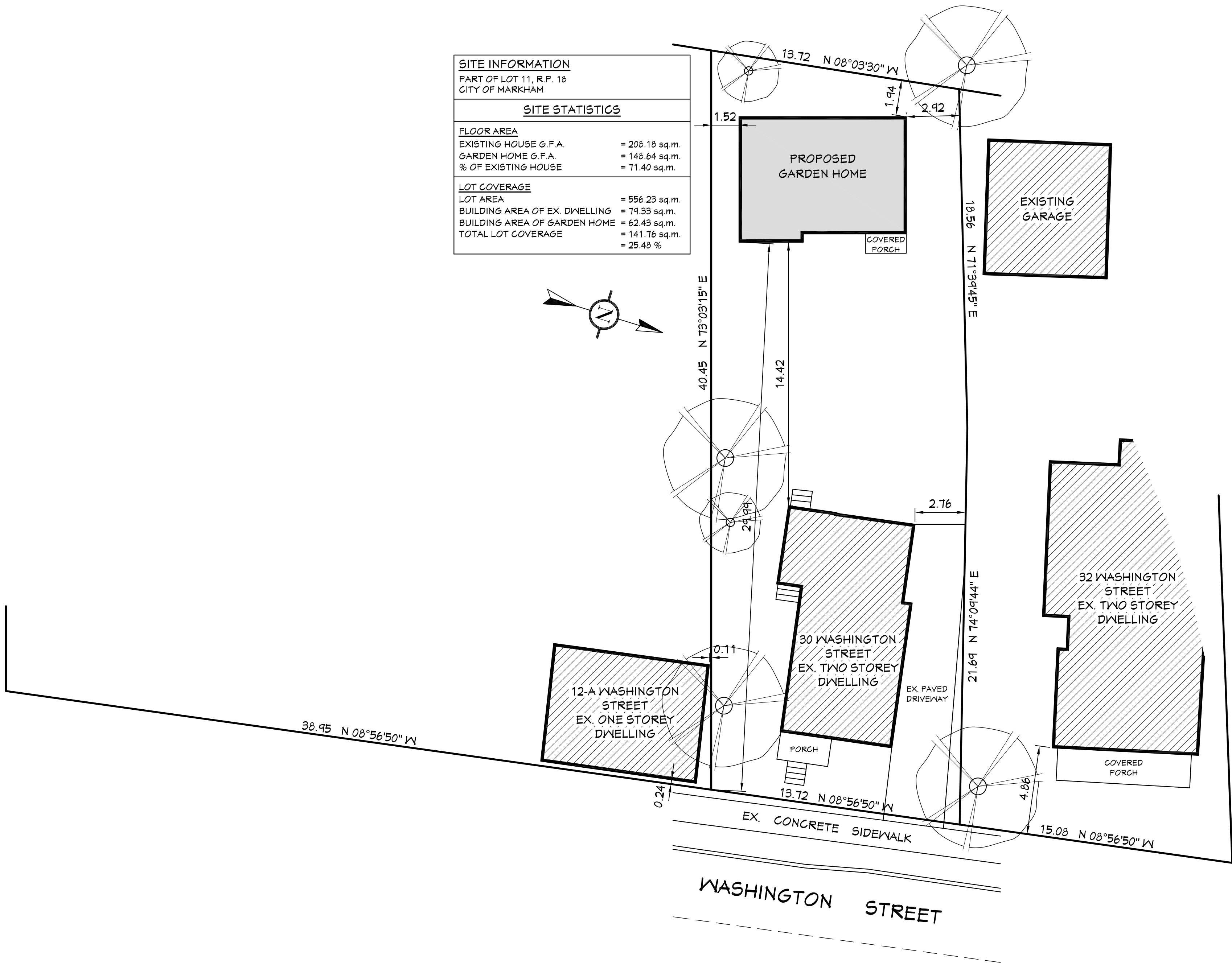
A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

Appendix B

File: 25.120020.000.000001

Date: 7/10/2025
MM/DD/YYYY



All construction is to conform to section "3" of the Ontario Building Code (latest edition).
Contractor shall check and verify all notes and dimensions.
Owner / contractor / designer is responsible to re-claim and destroy all these drawings and any copies thereof after the completion of the project.
These drawings are the property of Gregory Designs and/or its clients only.
Building permits to be obtained prior to commencing construction.

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 258205
Firm B.C.I.N. - 30506
Russ Gregory

REVISIONS AND DATA	DATE

PROPOSED GARDEN HOME
30 WASHINGTON STREET
CITY OF MARKHAM

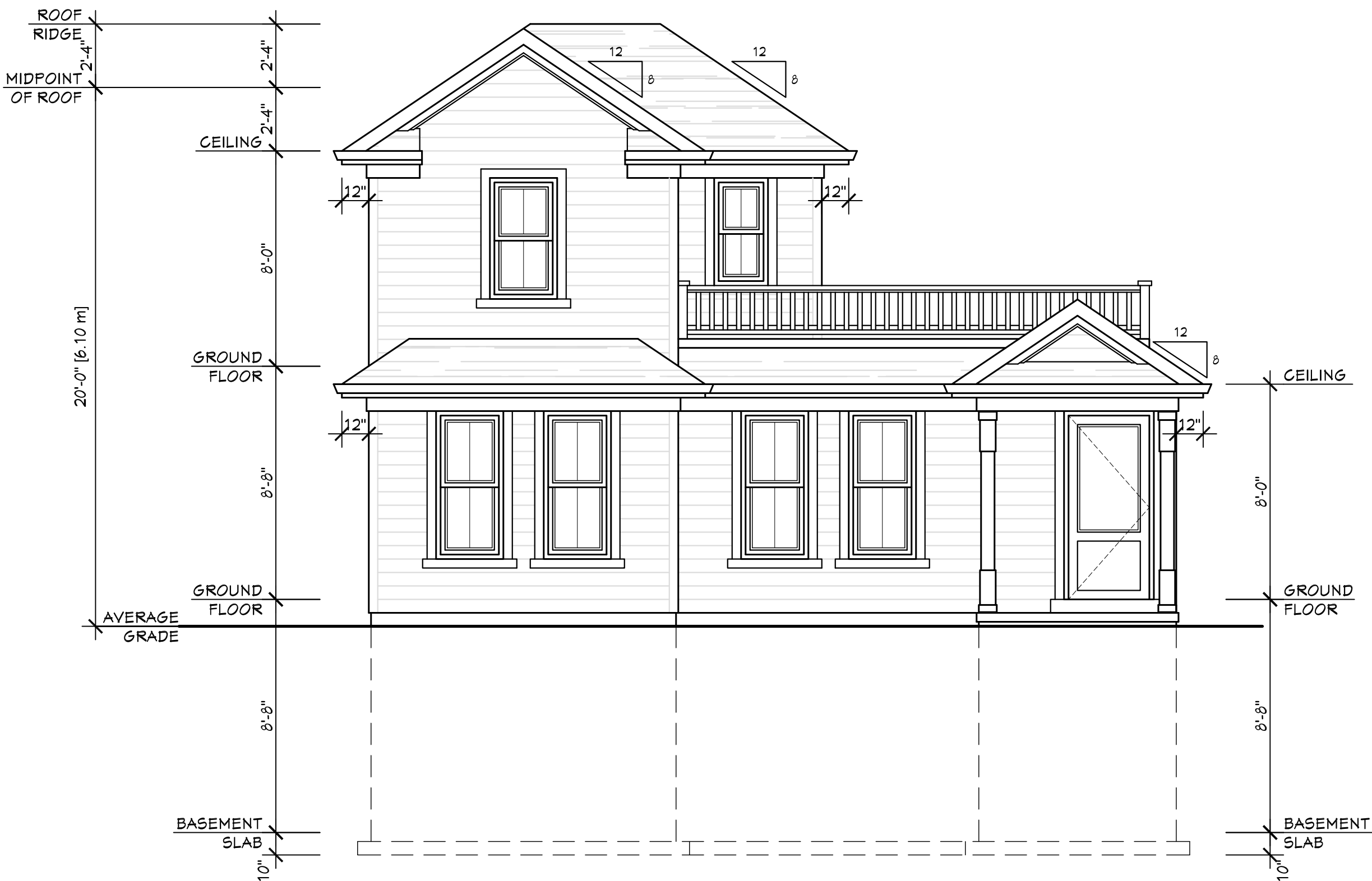
48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesignsgroup.net

GREGORY DESIGNS

SHEET NUMBER A1.1	DATE 4/23/25
	SCALE 1:150
	PROJECT NUMBER 25-12
	DRAWN BY S. Gregory

Appendix B

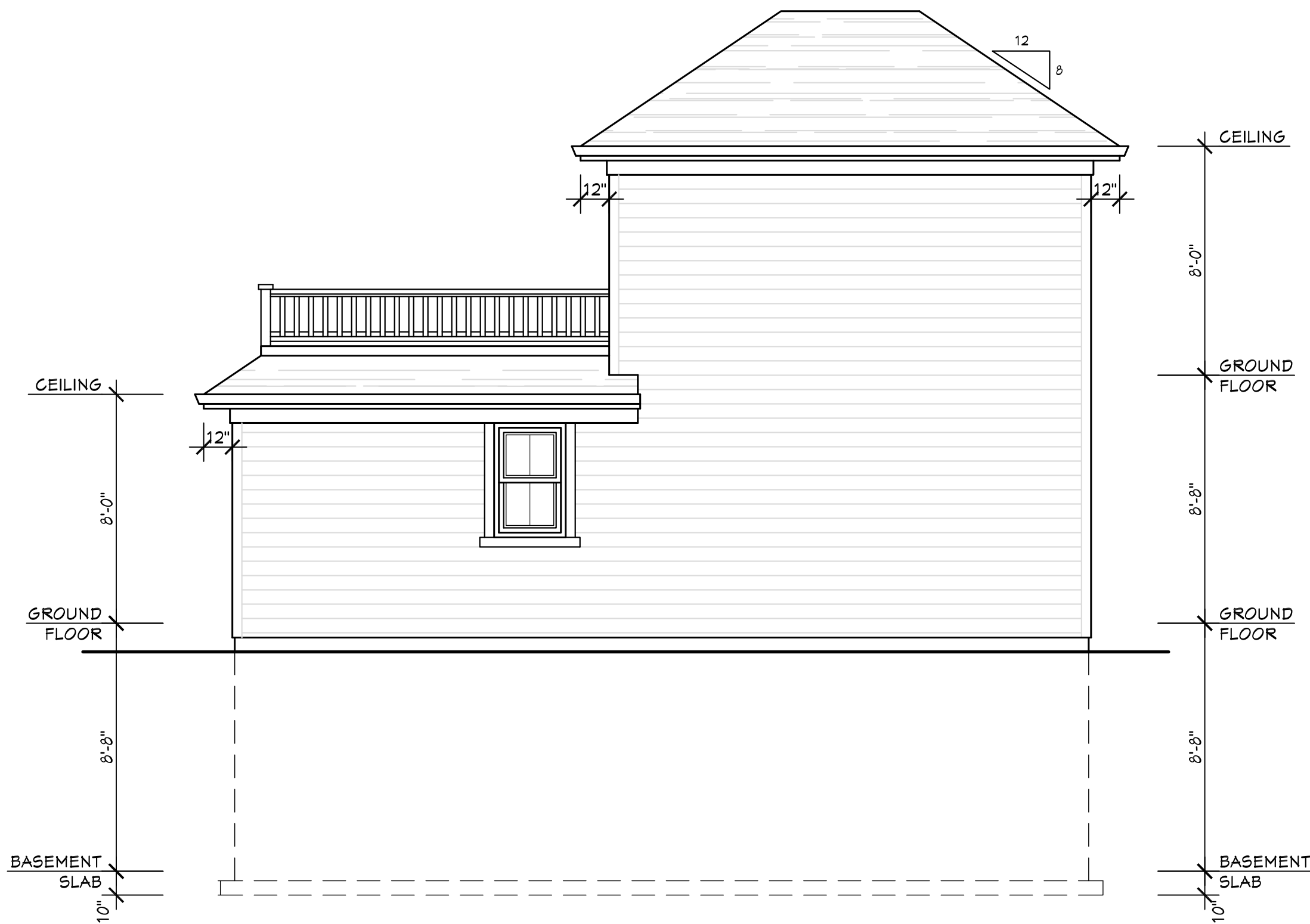
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Date: 7/10/2025
MM/DD/YYYY



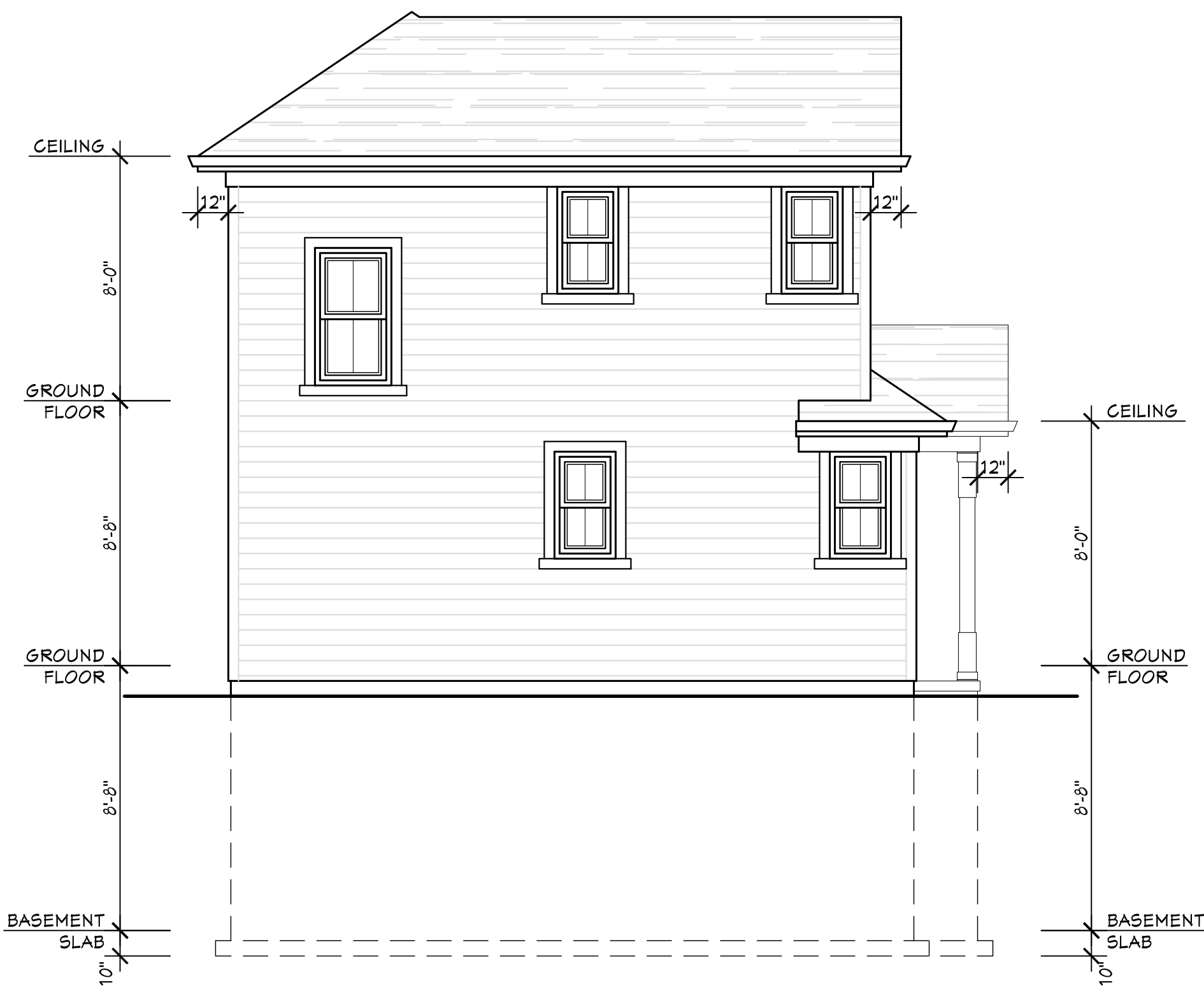
FRONT ELEVATION



RIGHT (NORTH) SIDE ELEVATION



REAR ELEVATION



LEFT (SOUTH) SIDE ELEVATION

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- Contractor shall check and verify all notes and dimensions.
- Do not scale drawings.
- Owner / contractor / designer is responsible to re-claim and destroy all drawings and drawings of this project.
- These drawings are the property of Gregory Designs and/or its clients only.
- Building permits to be obtained prior to commencing construction.

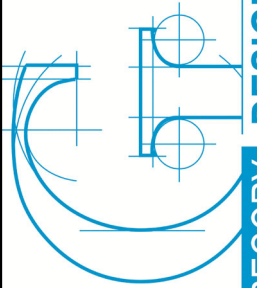
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Firm B.C.I.N. - 30506
Russ Gregory

DATE	REVISIONS AND DATA

PROPOSED GARDEN HOME
30 WASHINGTON STREET
CITY OF MARKHAM

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesigngroup.net



DATE 4/23/25
SCALE 1/4"=1'-0"
PROJECT NUMBER 25-12
DRAWN BY S. Gregory

SHEET NUMBER

A3.1