

Memorandum to the City of Markham Committee of Adjustment

July 21, 2025

File: A/068/25
Address: 12 Captain Armstrong's Lane, Markham
Agent: Gregory Design Group (Shane Gregory)
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 Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2(i):

a minimum combined side yard setback of 3.68 metres, whereas the by-law requires a minimum combined side yard setback of 4.57 metres;

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

BACKGROUND

Property Description

The 839.23 m² (9033.40 ft²) subject property is located on the north side of Captain Armstrong's Lane, south of Highway 7 and east of Main Street Markham South. 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.

There is an existing two-storey residential dwelling on the property, which according to assessment records was constructed in 1975. Mature vegetation exists on the property.

Proposal

The applicant is proposing to construct a two-storey addition to the residential dwelling. The proposal also includes an addition on to the second storey above the garage. To facilitate this, changes will be made to the existing roof and the first storey of the dwelling.

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 low rise housing forms including single detached dwellings.

Zoning By-Law 2024-19

The Subject Property is zoned "Residential – Established Neighbourhood Low Rise" (RES-ENLR) under By-law 2024-19, which permits detached dwellings. The proposal does not comply with the Zoning By-law with respect to the minimum interior side yard. Further details on the variance requested 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, *“Due to the location of the existing garage setback and new addition to be built over that area”*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 28, 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 Side Yard Setback

The applicant is requesting a minimum combined side yard setback of 3.68 m (12.07 ft) for the two-storey portion of the dwelling, whereas the by-law requires a minimum combined side yard setback of 4.57 m (14.99 ft) the two-storey portion of the dwelling. The intent of this By-law provision is to regulate the building setback in relation to the neighbouring dwellings.

The requested variance only applies to the two-storey portion of the building. The main floor was constructed prior to the passing of the by-law and therefore has legal non-complying status. While the second storey addition does not comply with the new by-law requirement, the proposed setback reduction would maintain adequate space from the neighbouring dwellings. The addition to the second storey will not extend beyond the footprint and established building line of the first storey which helps control the overall scale and massing of the building.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 21, 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:

Rayah Flash

Rayah Flash, Planning and Urban Design Department

REVIEWED BY:

A handwritten signature in dark ink, appearing to read 'Carlson Tsang', with a long horizontal stroke extending to the right.

Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 25 122419 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/068/25

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:

Rayah Flash

Rayah Flash, Planning and Urban Design Department

Appendix B

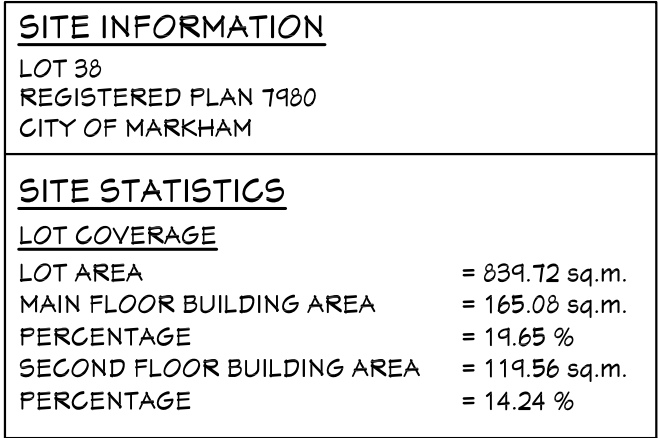
File: 26.12.2015.100.000000

Date: 7/25/2025

MM/DD/YYYY

7/25/2025

7/25/2025



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

[illegible]

- All construction is to conform to section "3" of the Ontario Building Code (latest edition).
- Contractor shall check and verify all notes and dimensions.
- Do not scale drawings.
- Owner / contractor / designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing.
- 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. - 25825
Firm B.C.I.N. - 30506

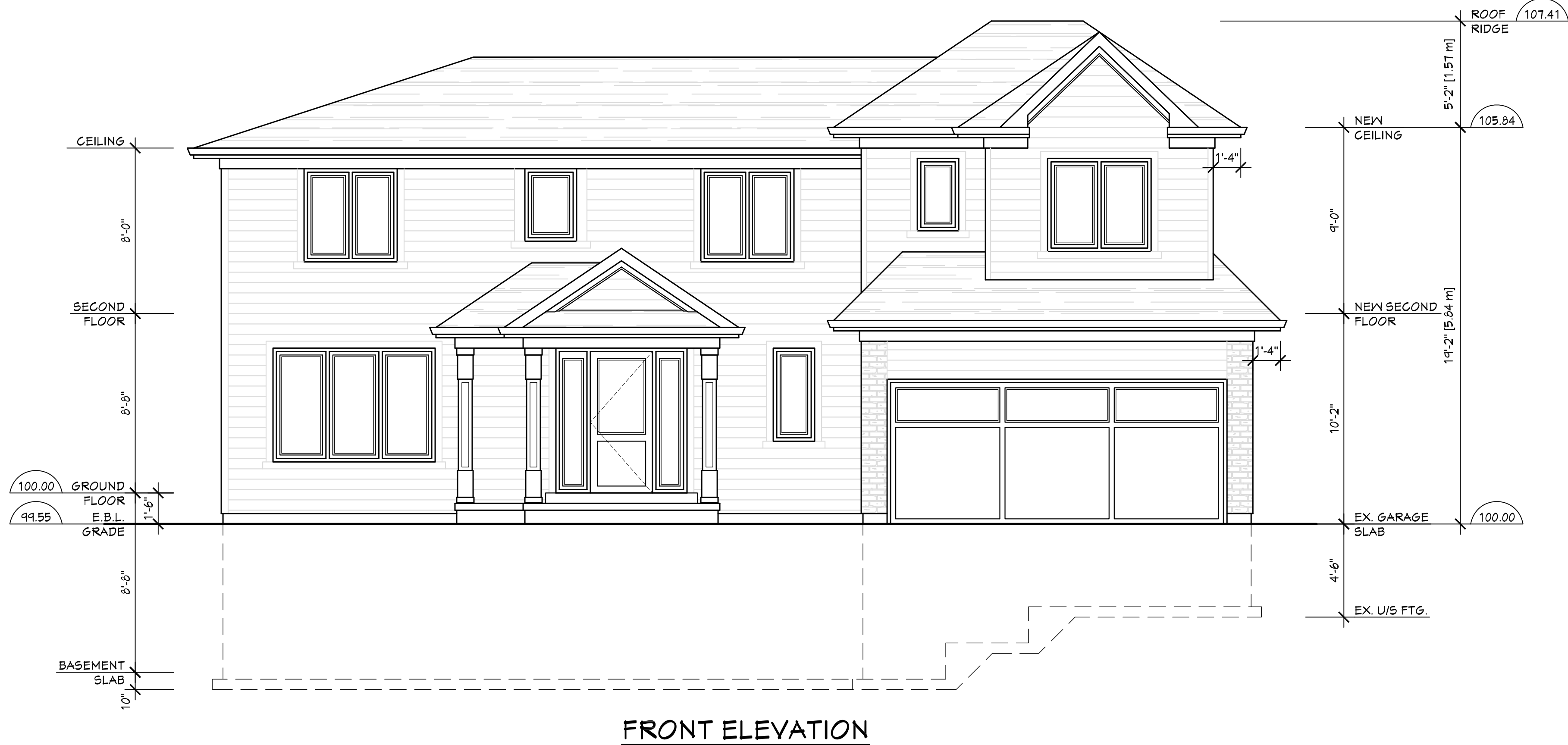
Russ Gregory

DATE	4/22/25
SCALE	1:150
PROJECT NUMBER	24-14
DRAWN BY	S. Gregorini

3

Appendix B

File: 25.122419.000.000000
Date: 7/25/2025
MM/DD/YYYY



FRONT ELEVATION



RIGHT (EAST) SIDE ELEVATION

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

REVISIONS AND DATA	DATE

PROPOSED ADDITION
12 CAPTAIN ARMSTRONG LANE
CITY OF MARKHAM

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

GREGORY DESIGNS

SHEET NUMBER
A3.1

DATE
4/22/25

SCALE
1/4"=1'-0"

PROJECT NUMBER
24-14

DRAWN BY
S. Gregory

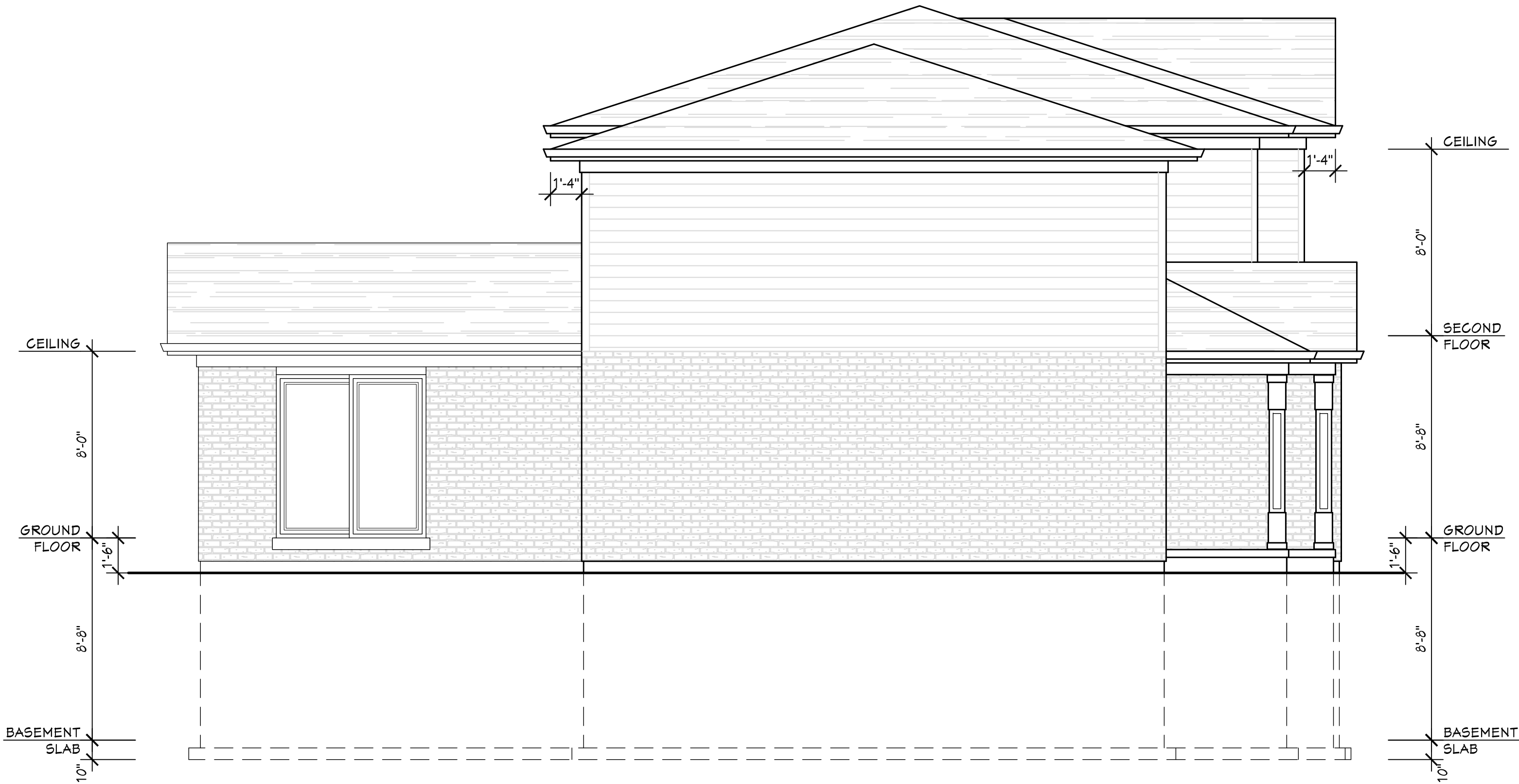
Appendix B

File: 25.122419.000.000000

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REAR ELEVATION



LEFT (WEST) SIDE ELEVATION

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- Contractor shall check and verify all notes and dimensions.
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SHEET NUMBER
A3.2