

Memorandum to the City of Markham Committee of Adjustment

July 21, 2025

File: A/078/25
Address: 5 Digby Crescent, Markham
Agent: Four Seasons Sunrooms (Nour Elgendy)
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 in By-law 2024-19, as amended, to permit:

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

a maximum main building coverage of 46.47 percent for the first storey, whereas the by-law permits a maximum of 30 percent for the first storey;

b) By-law 2024-19, Section 6.3.2.2 (d):

a maximum lot coverage of 46.47 percent, whereas the by-law permits a maximum lot coverage of 35 percent; and

c) By-law 2024-19, Section 6.3.2.2 (e):

a maximum main building distance of 23.23 metres for the first storey from the established building line, whereas the by-law permits a maximum main building distance of 19.5 metres from the established building line;

as it relates to a proposed rear sunroom addition.

BACKGROUND

Property Description

The 322.61 m² (3,472.55 ft²) subject lands is located on the south side of Digby Crescent, west of Aldergrove Drive and directly north of St. Benedict Catholic Elementary School (the “Subject Lands”). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing two-storey linked dwelling on the Subject Lands, which according to assessment records was constructed in 1984. While the dwelling may visually appear to be single detached above grade, the dwelling links to the adjacent dwelling by a common foundation and is considered a semi-detached dwelling by definition of the By-law (or generally referred to as a “linked” dwelling). This configuration is permitted in accordance with the previous Zoning By-law 90-81, as amended, and is a common characteristic of the community.

Proposal

The Applicant is proposing to construct a rear 33.08 m² (356.03 ft²) covered heated sunroom addition (the “Proposed Development”) (refer to Appendix “B” – Plans).

Application History

On [September 25, 2024](#), the Committee of Adjustment (“COA”) approved a Minor Variance application (A/090/24) on the Subject Lands for a reduction to the permitted rear yard setback for the Proposed Development. However, through the building permit review process (HP 24 198623), additional variances were identified relating to main building coverage for the first-storey, lot coverage, and main building distance from the established building line. There have been no changes to the plans from the previous COA approval.

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 “RES-ENLR (Residential – Established Neighbourhood Low Rise)” under By-law 2024-19, which permits a detached dwelling. The existing linked dwelling is considered to have been legally existing on the lot prior to the date of the passing of By-law 2024-19. However, the Proposed Development does not comply with the By-law requirements as it relates to main building coverage for the first-storey, lot coverage, and main building distance from the established building line.

Zoning Preliminary Review (ZPR) Not Undertaken

The Agent has confirmed that a Zoning Preliminary Review (ZPR) has been conducted for the initial variances. However, the Agent has received comments from the building department through their permit process to confirm additional variances required for the Proposed Development.

It is the Owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 (first storey) and increase in overall Lot Coverage

The Applicant is requesting relief for a main building coverage for the first-storey of 46.47% (155.40 m² or 1,672.28 ft²) of the lot area, whereas the By-law permits a maximum first-storey coverage of 30% (100.30 m² or 1,079.59 ft²) of the lot area. This represents an additional 16.47% (55.06 m² or 592.69 ft²) coverage of the lot area for the first-storey.

The Applicant is also requesting relief for an overall lot coverage (for all buildings and structures on the lot) of 46.47% (155.40 m² or 1,672.28 ft²), whereas the By-law permits an overall coverage of 35% (117.01 m² or 1,259.52 ft²) of the lot area. This represents an additional 11.47% (38.35 m² or 412.76 ft²) coverage of the lot area beyond what the By-law permits.

Staff note that the proposed increase in building coverage is confined to a one-storey rear addition and will not substantially add to the scale or massing of the dwelling. Staff are satisfied that sufficient rear yard amenity space is maintained on the Subject Lands and that the Proposed Development will not result in an overwhelming structure on the lot. The Subject Lands back onto a public school parking lot rather than a residential property, meaning the increase in lot coverage will have minimal impacts on neighbouring homes with respect to privacy, shadowing, or views. Staff further opine that the increase in main building coverage for the first storey does not significantly alter the scale or appearance of the property and will have no adverse impact on the surrounding properties.

Maximum Distance of the Main Building from the Established Building Line (first and second storey)

The Applicant is requesting a maximum distance of the main building from the established building line of 23.23 m (76.21 ft) for the first storey, whereas the By-law permits a maximum distance of 19.50 m (63.98 ft). This represents an increase of 3.73 m (12.23 ft) for the first storey.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall (including the private garage) of the main building facing the front lot line on the two neighbouring lots fronting the same

street". The intent of this By-law provision is to regulate the building depth and massing in relation to the neighbouring lots.

Staff note that the main building is setback further from the street line than the adjacent dwelling to the west, and that the Proposed Development would result in a building depth of approximately 17.7 m (58.07 ft) which complies with the By-law's requirement for a maximum building depth of 30 m (98.43 ft). The Proposed Development also conforms to the side yard setback requirements and maintains a built form that is consistent with existing dwellings along the street. As such, Staff are satisfied that the Proposed Development is minor in nature and does not significantly contribute to the size and massing of the dwelling.

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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



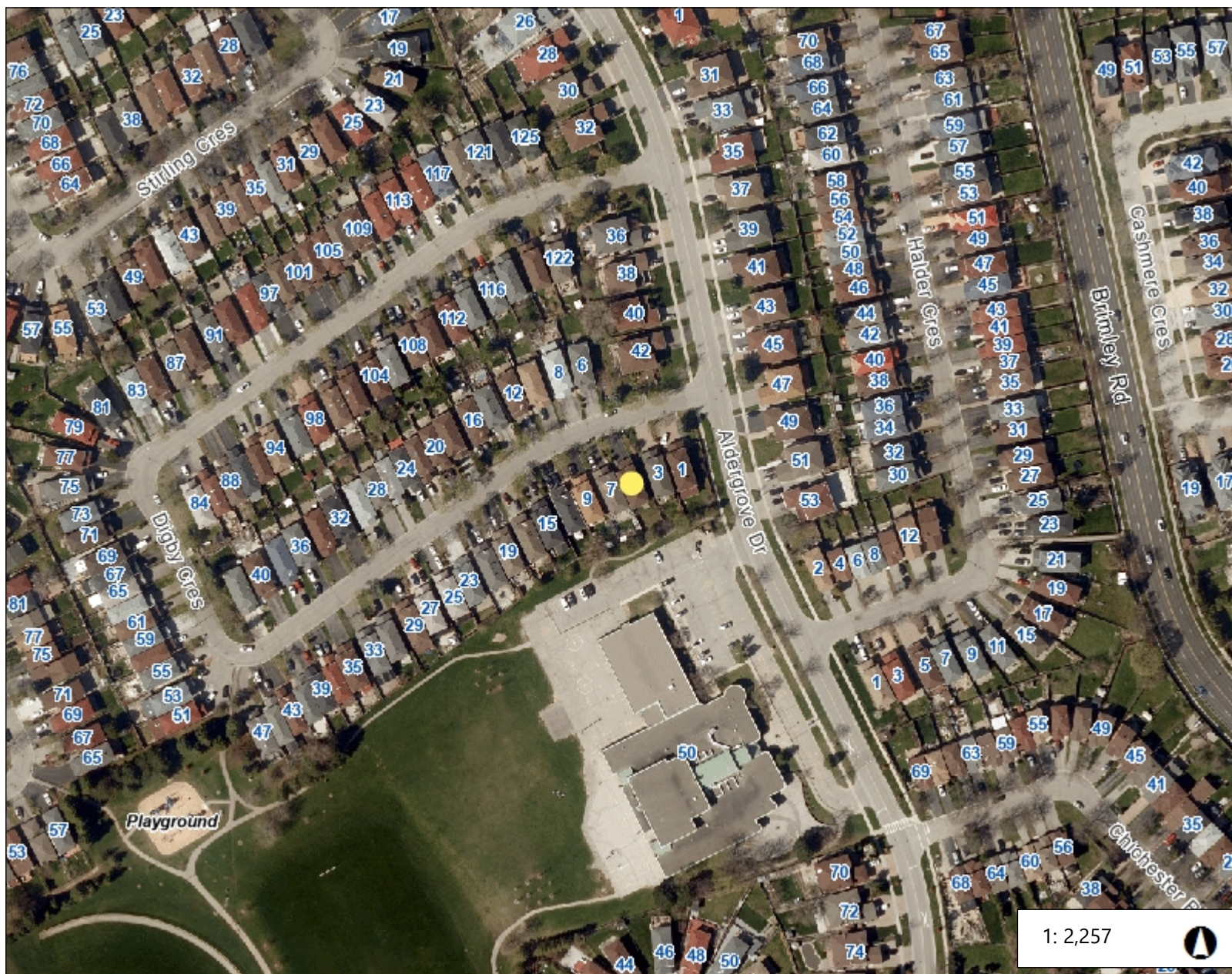
Melissa Leung, Senior Planner, RPP MCIP, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/078/25 Conditions of Approval



Legend

- Subject Lands
- 5 Digby Crescent

Notes

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.

GLAZED OPENING
CALCULATIONS

PER O.B.C. TABLE 9.10.15.4

Rear Elevation			
#	WIDTH	DEPTH	WINDOW / DOOR FRAME SIZE (S.F)
1	Existing		19.2
1	New		86.08

Spatial Calculations			
Exposing Building Face	416.14	S.F.	
	38.66	S.M.	

Portion Wall Area _____

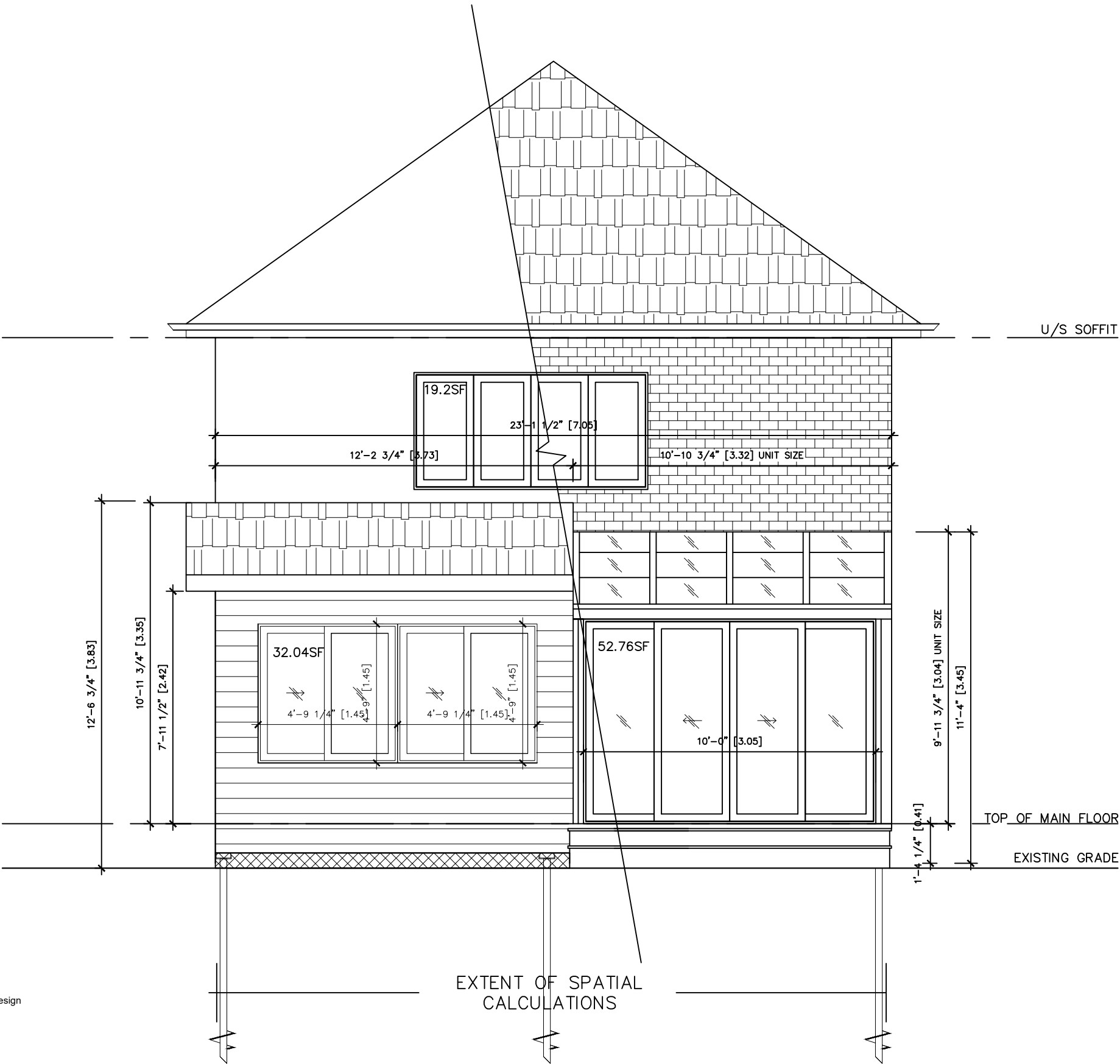
Limiting Distance	7.04m
Max. % Openings	69%
Openings Allowed	287.14 S.F.
Openings Provided	105.28 S.F.

Appendix B

File: _____

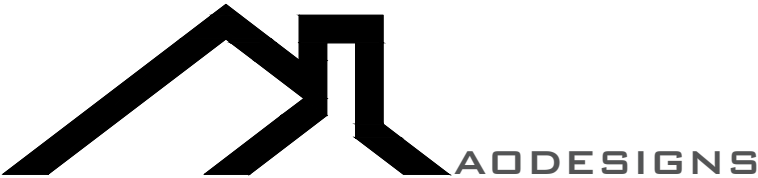
Date: **7/25/2025** _____

MM/DD/YYYY



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

NAME SIGNATURE BCIN
Alexandra Aodesh 101509



GLAZED OPENING
CALCULATIONS

PER O.B.C. TABLE 9.10.15.4

Rear Elevation

#	WIDTH	DEPTH	WINDOW / DOOR FRAME SIZE (S.F)
1	Existing		31.06
1	New		40.98

Spatial Calculations

Exposing Building	1,114.09	S.F.
Face	103.50	S.M.

Portion Wall Area

Limiting Distance	1.55m		
Max. % Openings	7%		
Openings Allowed	77.99	S.F.	
Openings Provided	70.62	S.F.	

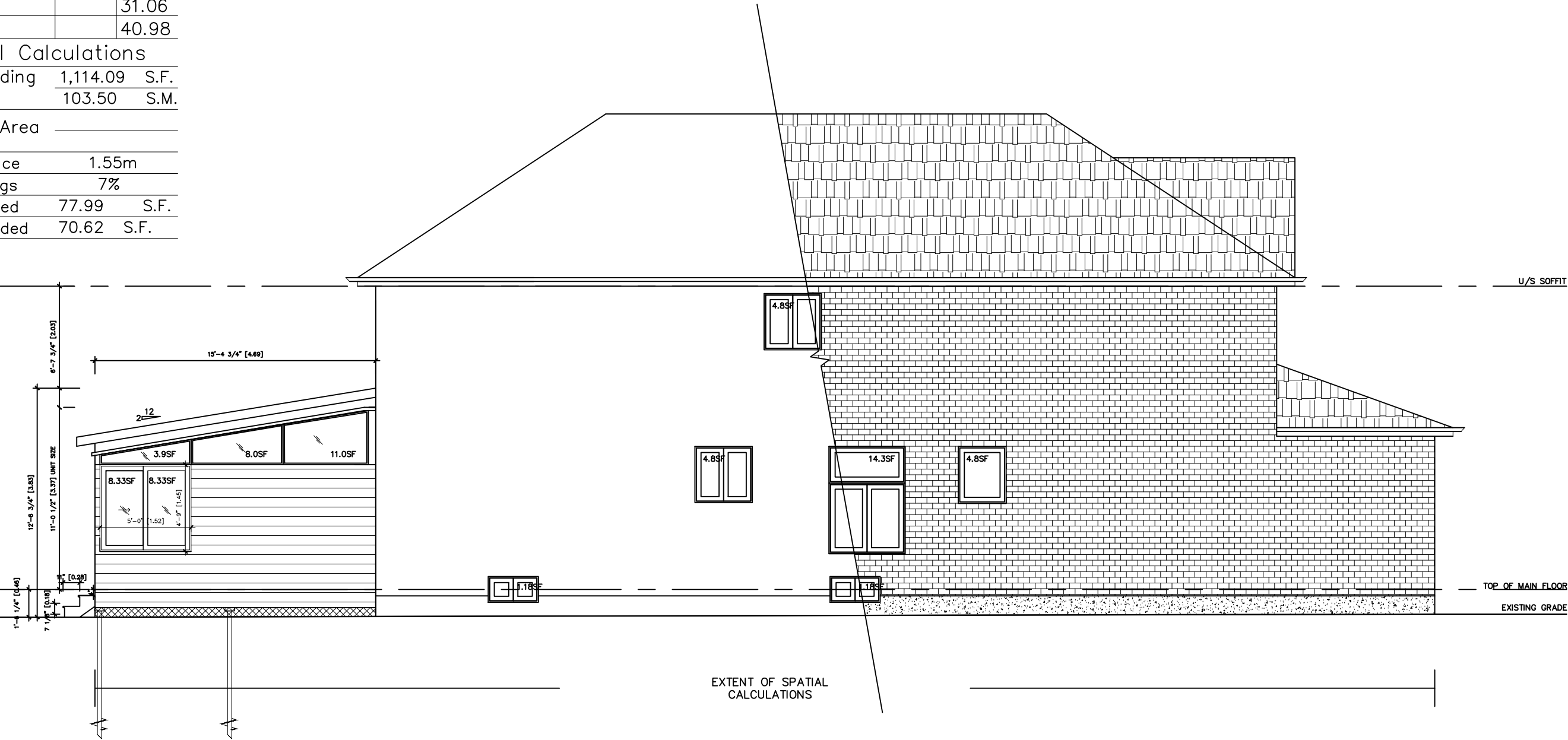
Appendix B

File:

Date:

7/25/2025

MM/DD/YYYY



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NAME

Alexandra Aodesh

SIGNATURE

BCIN

101509



RIGHT ELEVATION

5 Digby Cres, Markham ON L3R 7G6

Sheet No.

Scale

1/6" = 1'-0"

Date

2025-03-22

Revision #

001

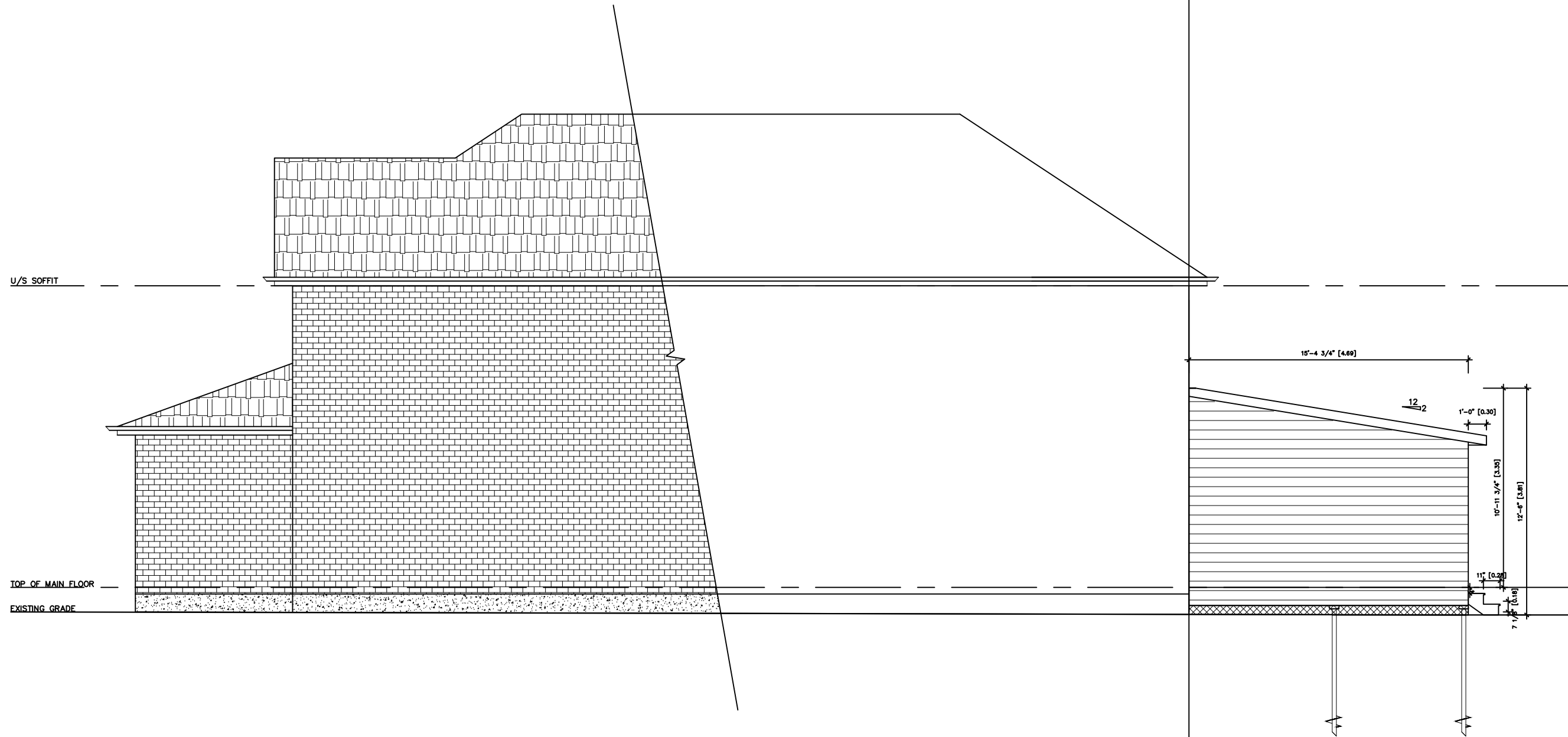
Revision Date

A7

Appendix B

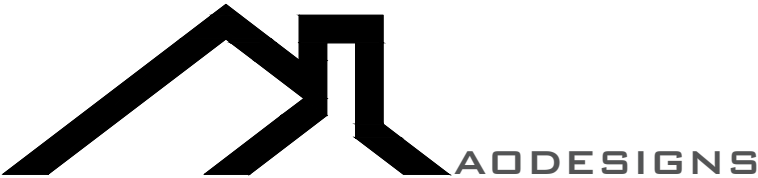
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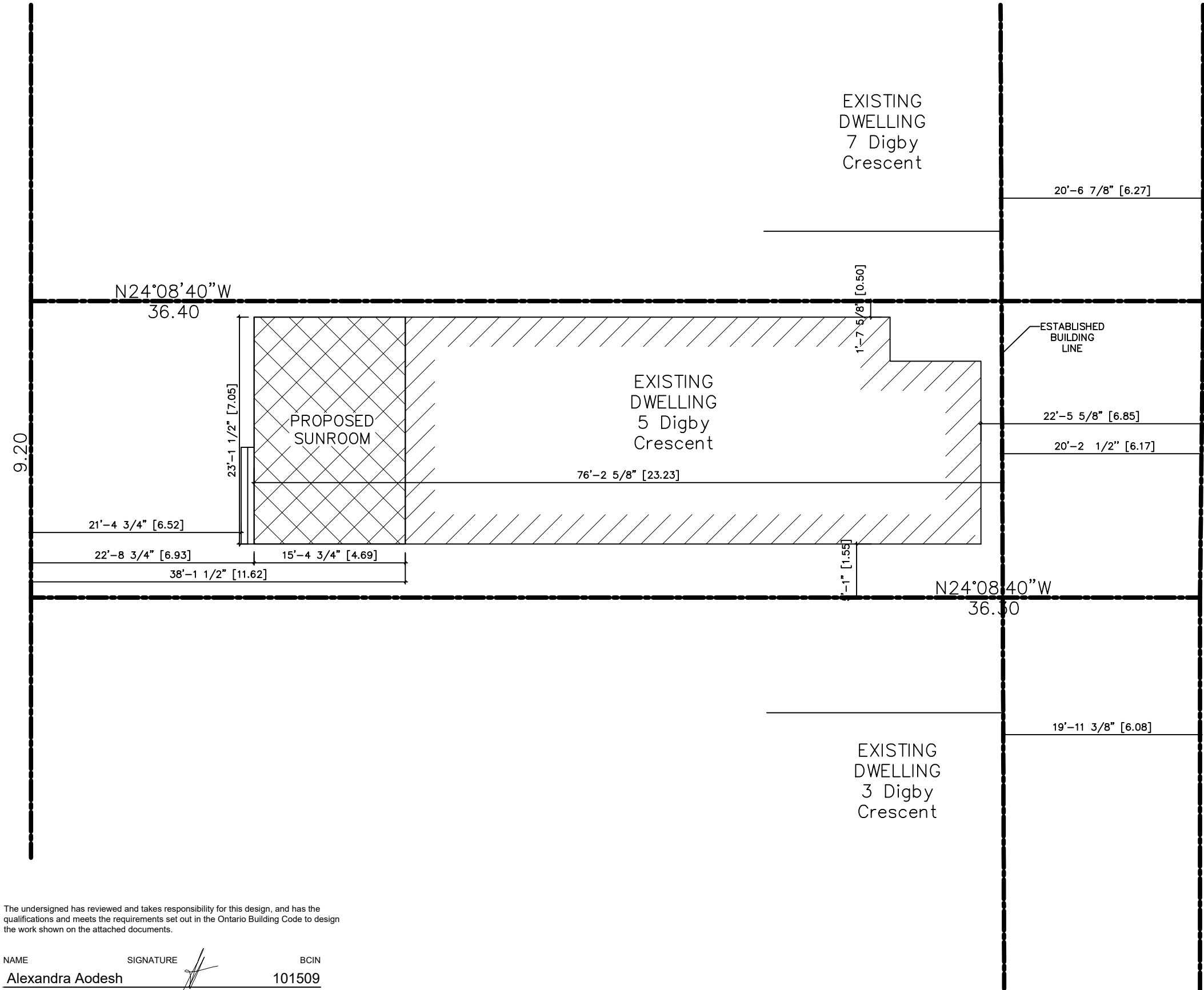
Date: 7/25/2025
MM/DD/YYYY



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

NAME: Alexandra Aodesh
SIGNATURE: [Signature]
BCIN: 101509





Appendix B

File:

25.03254-000-000000

Date:

7/25/2025

MM/DD/YYYY

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

NAME

Alexandra Aodesh

SIGNATURE

BCIN

101509



SITE STATISTICS

LOT AREA=	3,598.62SF (334.32SM)
EXISTING HOUSE=	1,303.69SF (121.12SM)
PROPOSED ADDITION=	356.03SF (33.08SM)
LOT COVERAGE	
(HOUSE/ADDITION)=	46.12%
LOT COVERAGE (HOUSE)=	36.23%
LOT COVERAGE (ADDITION)=	9.89%



APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/078/25

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 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