

Memorandum to the City of Markham Committee of Adjustment

July 30, 2025

File: A/032/25
Address: 208 Church St, Markham
Applicant: Cunha Design Consultants Ltd. (Charles Chan Wai)
Hearing Date: Wednesday, August 20, 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 second storey addition to an existing two-storey residential dwelling. The requested variances are to permit:

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

a maximum distance from the established building line of 21.76 metres for any storey above the first, whereas the by-law permits a maximum distance from the established building line of 14.5 metres for any storey above the first;

BACKGROUND

Property Description

The 3,312.96 m² (35,660.40 ft²) subject property is located on the north side of Church Street, east of Wootten Way North, and west of Ninth Line. The property is located within an established residential neighborhood comprised of single detached dwellings situated on lots of varying sizes and frontages.

The property consists of a two-storey single detached dwelling with a Gross Floor Area of 813.78 m² (8,759.47 ft²). According to assessment records, the main structure was originally built in 1959, with subsequent additions of an enclosed pool in 1977, and a second-floor addition over the main structure in 2000.

Consent to Sever application (B/038/23) and two associated Minor Variance applications (A/190/23 and A/191/23) were approved by the Committee of Adjustment at the hearing held on May 15, 2024 for the subject property. The previous Minor Variance Applications were with respect to lot frontage and other minor development standards and have no effect on the current requested variances. The applicant is presently in the process of clearing the conditions of approval associated with these applications.

Proposal

The applicant is proposing to construct a 106.34 m² (1,145 ft²) second-storey addition above the existing attached garage.

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. The Official Plan also contains policies protecting the physical character of established neighborhoods in Section 8.2.3.1a which states:

“On lands designated ‘Residential Low Rise’ to respect the physical character of established neighborhoods including heritage conservation districts”

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-Law 2024-19, as amended, which permits a Detached Dwelling, Home Child Care, Home Occupation, and Shared Housing-Small Scale.

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 existing garage is currently located 22.75m from the front property line. To comply with current zoning by-laws, an addition would need to extend 8.2m beyond the garage’s most forward wall. This would alter the home’s appearance and necessitate a variance for the first floor’s depth. We propose an addition over the existing dwelling’s footprint, believing this is a more appropriate variance that minimizes aesthetic impact.”*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 6, 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.

Increase in Distance from Established Building Line

The applicant is requesting relief to permit a maximum building distance from the established building line of 21.76 m (71.39 ft) for the second storey, whereas the By-Law permits a maximum building distance from the established building line of 14.5 m (47.57 ft) for any storey above the first. This represents an increase of 7.26 m (23.8 ft). The intent of regulating the maximum distance is to maintain a uniform streetscape by ensuring consistent building alignment in addition to the building depth and massing in relation to neighboring dwellings.

Staff note that the subject lands are spacious and the building is sufficiently set back from the street. The proposed second storey addition maintains the existing footprint of the dwelling and features sufficient articulation. Staff are of the opinion that the proposed increases in maximum building distance will not disrupt the established building line along the streetscape and maintains a scale that is considered appropriate for the neighborhood. Staff have no concerns for this proposed variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 6, 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.

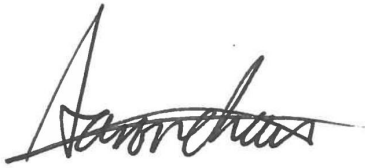
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/032/25 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/032/25

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:

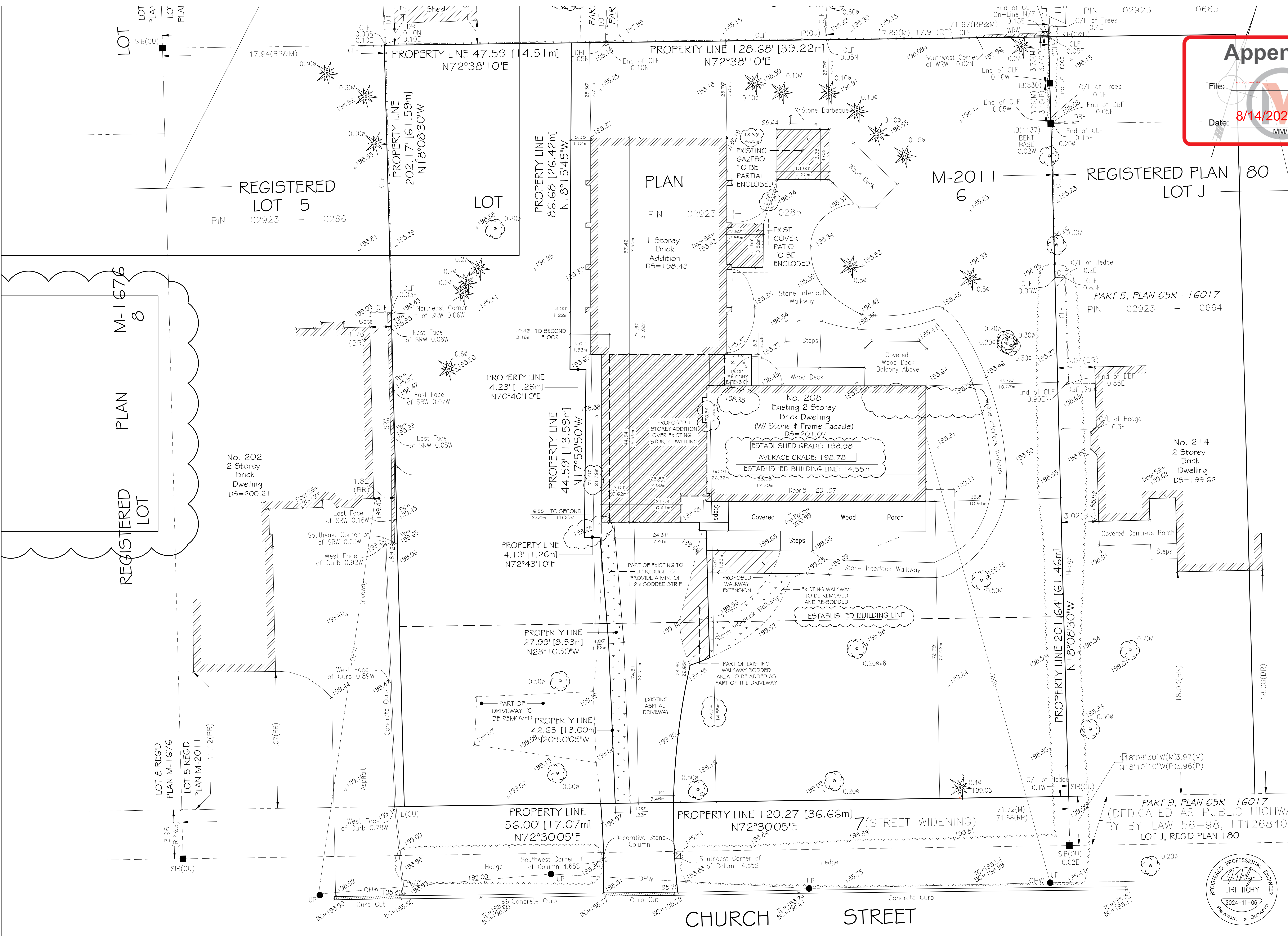
A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

Appendix B

File: _____

Date: **8/14/2025**
MM/DD/YYYY



MECHANICAL NOTES

- MECHANICAL EXHAUST VENT
- SMOKE ALARM
- CARBON MONOXIDE ALARM

No.	DATE	REVISION	INT.
24-12-13		CORRECTIONS AS PER NOTICE	CCW
24-08-26		PRE-SCREENING CORRECTIONS	CCW
24-08-15		PERMIT SUBMISSION	CCW

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.

Qualification Information: Required unless design is exempt under Div. C-3.2.2.4.1. of the building code.

Name: *Jiri Tichy* 29902 BCIN

Registration Information: Required unless design is exempt under Div. C-3.2.4.1. of the building code.

Cunha Design Consultants Ltd. 29902 BCIN

Prints and specifications shall not be reproduced without the permission of the Architectural Technologist.

The contractor shall check and verify all dimensions on the work and report any discrepancies to the Architectural Technologist before proceeding. Drawings are not to be scaled. Drawings are not to be used for construction purposes unless signed by the architectural Technologist.

Project:

Prop. Partial 2nd sty. add. over first floor, and to Enclose Acc. Structures at Rear 208 Church Street Markham, Ontario

Site Plan

Ontario Permits Inc.
Charles Chan Wai
Architectural Technologist
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10 Northampton Drive Etobicoke, ON M9B 4S6
Telephone/Fax: (416)-626-9511
Email: cunhadesign@rogers.com
Firm BCIN: 29902

Drawn: DB / CCW	Date: 24-08-10
Checked: CCW	Scale: 3/32"=1'-0"
File No:	Drawing No: A1
Project No:	

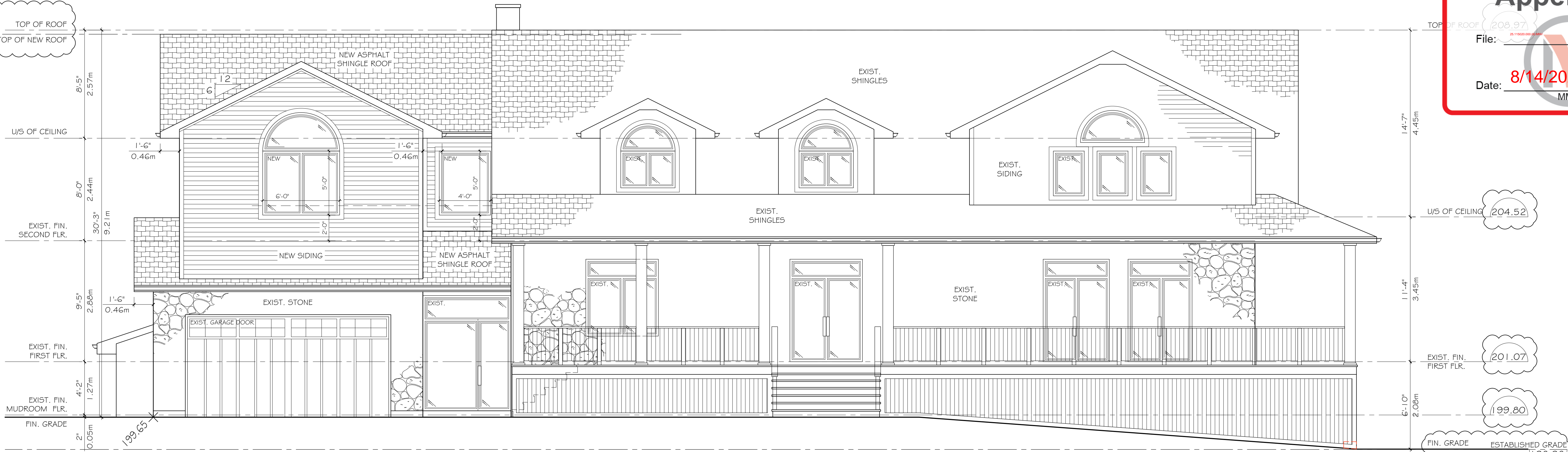


Appendix B

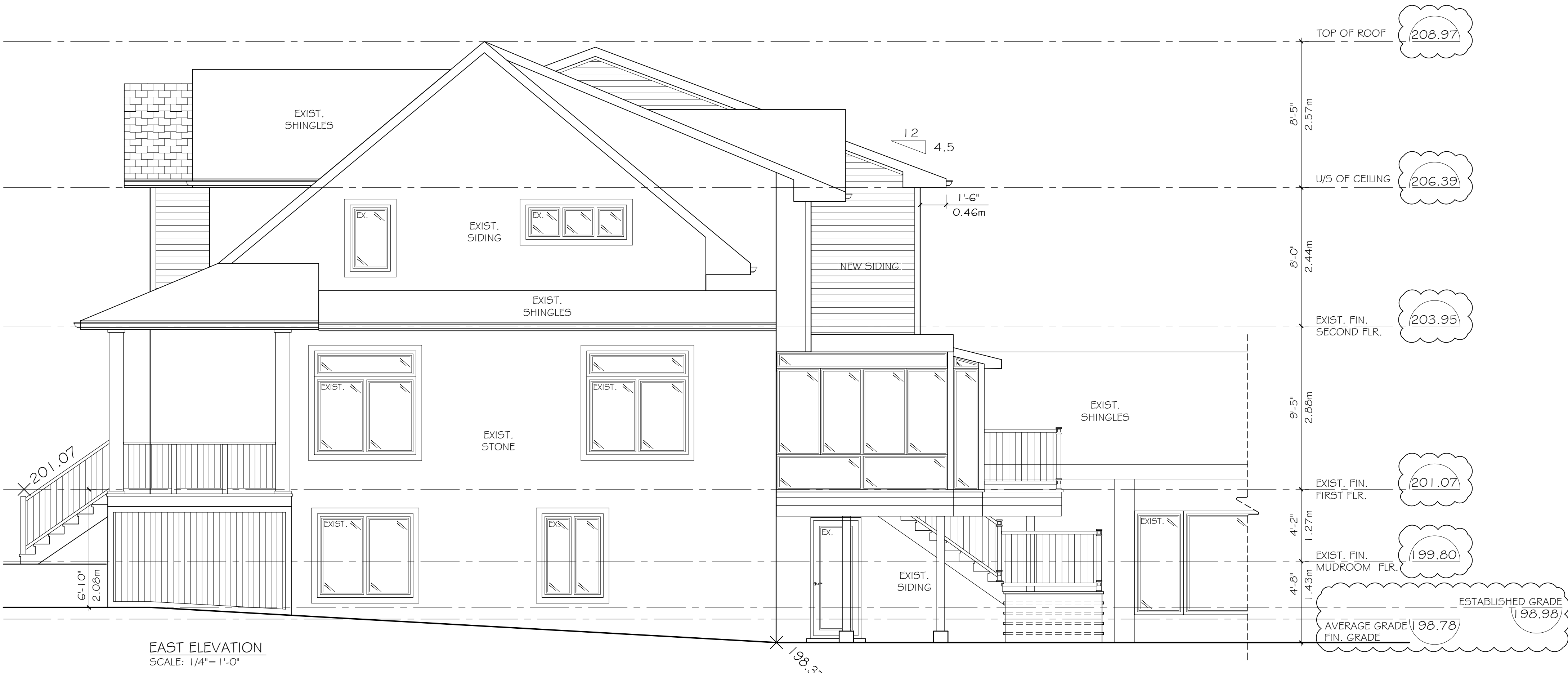
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Date: **8/14/2025**
MM/DD/YYYY

208.87
TOP OF ROOF
TOP OF NEW ROOF



SOUTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"

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Qualification Information: Required unless design is exempt under Div. C-3.2.2.4. of the building code.
Name: *Jiri Tichy* Signature: _____
28005 BCIN

Registration Information: Required unless design is exempt under Div. C-4.2.4.1. of the building code.
Cunha Design Consultants Ltd. 29902
Firm Name: _____ BCIN

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Elevations

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Charles Chan Wai
Architectural Technologist
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IG: @ontariopermits.ca

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Firm BCIN: 29902

Drawn: DB / CCW	Date: 24-08-10
Checked: CCW	Scale: 1/4"=1'-0"
File No:	Drawing No: A7
Project No:	





NORTH ELEVATION
SCALE: 1/4"=1'-0"

Appendix B

File: 241008-DB-CCW

Date: 8/14/2025
MM/DD/YYYY

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No.	DATE	REVISION	INT.
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24-08-26		PRE-SCREENING CORRECTIONS	CCW
24-08-15		PERMIT SUBMISSION	CCW

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.

Qualification Information: Required unless design is exempt under Div. C-3.2.5.4 of the building code.
 Name: Inacio Cunha Signature: 28005 BCIN

Registration Information: Required unless design is exempt under Div. C-4.2.4.1. of the building code.
 Firm Name: Cunha Design Consultants Ltd. 29902 BCIN

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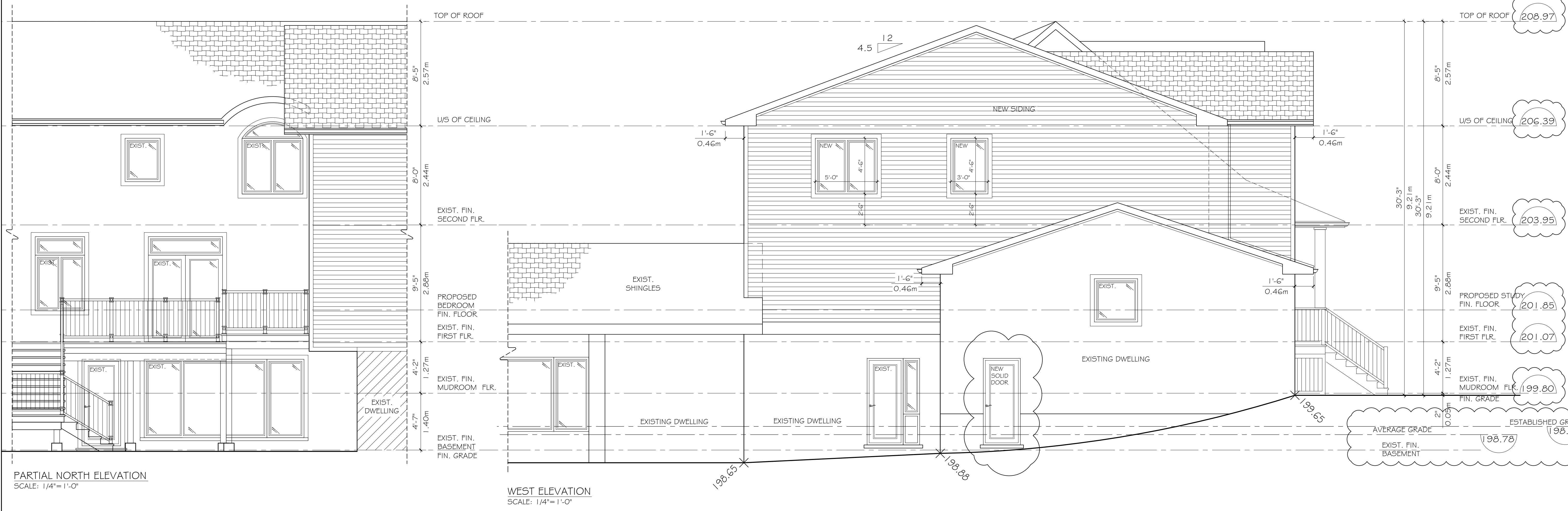
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 Firm BCIN: 29902

Drawn:	DB / CCW	Date:	24-08-10
Checked:	CCW	Scale:	1/4"=1'-0"
File No:		Drawing No:	A8
Project No:			



WEST ELEVATION
SCALE: 1/4"=1'-0"

PARTIAL NORTH ELEVATION
SCALE: 1/4"=1'-0"