

Memorandum to the City of Markham Committee of Adjustment

August 08, 2025

File: A/062/25
Address: 7 Thorny Brae Drive, Thornhill
Agent: MEM ENGINEERING INC (Harjinder Singh)
Hearing Date: Wednesday, August 20, 2025

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, as it relates to a proposed front second floor addition to an existing residential dwelling. The variances requested are to permit:

- a) **By-law 2024-19, Section 6.3.2.2 I)**: a minimum interior side yard setback of 1.22 metres on each side with a combined interior side yard setback on both sides of 2.46 metres, whereas the by-law requires a minimum interior side yard setback of 1.8 metres and combined interior side yards on both sides of 4.19 metres; and,
- b) **By-law 2024-19, Section 4.8.10.2d(iii)**: a maximum porch projection of 0.92 metres beyond the established building line, whereas the by-law permits a porch to project a maximum of 0.6 metres beyond the established building line.

BACKGROUND

Property Description

The 562.4 m² (6,053.7 ft²) subject property is located on the south side of Thorny Brae Drive, west of a CN transportation utility corridor and east of Yonge Street. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1967. 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.

Proposal

The applicant is proposing a 109.6 m² second storey addition to the existing one-storey detached dwelling and garage which would be built within the footprint of the existing structure. To facilitate the proposed addition, changes will be made to the existing roof and first storey of the dwelling (refer to Appendix "B").

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 a range of lower-scale residential buildings in established neighbourhoods, 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 side yard setbacks and maximum porch projections. Further details on the variances 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, *“The design and nature of the proposed addition makes it difficult to be compliant with the zoning by-laws of this property”*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (HP 25 113665) 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.

Decreased Minimum Side Yard Setback Variance

The applicant is requesting relief from the zoning by-law to permit a minimum interior side yard setback of 1.22 m on each side with a combined interior side yard setback of 2.46 m, whereas the by-law requires a minimum interior side yard setback on each side of 1.8 m and combined interior side yards on both sides of 4.19 m, being 25 percent of the lot width. The intent of the minimum side yard requirement is to maintain the neighbourhood character, provide adequate separation and minimize any potential impact on adjacent properties.

The requested variance only applies to the two-storey portion of the building. As the main floor was constructed prior to the passing of the by-law, the west interior side yard setback is an existing condition that has legal non-complying status. While the proposed second storey addition does not comply with the new by-law requirements, the proposed minimum setbacks would maintain the intent of the by-law providing adequate separation of adjacent properties. The requested relief for the setback mirrors the existing side yard setback where the existing one-storey dwelling is located and is consistent with other sitings in the surrounding areas. The proposed second storey addition will not extend beyond the existing footprint which helps the overall scale and massing of the building. Given this, Staff are of the opinion that the request is minor in nature and have no concerns.

Increased Maximum Porch Projection Variance

The applicant is requesting relief from the zoning by-law to permit a porch to project 0.92 m beyond the established building line, whereas the by-law permits a porch to project a

maximum of 0.6 m beyond an established building line. The main front wall of the building provides a front yard setback of 8.95 m which creates an appropriate front yard setback pattern with neighbouring properties. Staff are of the opinion that the requested variance is minor in nature and have no concerns.

EXTERNAL AGENCIES

Metrolinx Comments

The subject property falls within the Transit Corridor Lands (TCL) + 30m buffer of the Yonge North Subway Extension (YSNE) and is located within 300m of the CN Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service. Metrolinx provided comments for this application on June 24, 2025. Metrolinx has no objections to the proposal, in principle, and provided the following advisory comments noted below:

"The subject property falls within the Transit Corridor (TCL) + 30 m buffer of the Yonge North Subway Extension (YNSE), and as such the proposed development is subject to the Corridor Development Permit (CDP) process defined by the *Building Transit Faster Act (2020)*. A CDP is required under applicable law prior to any conditional, partial, or complete building permit issuance. The applicant shall submit a CDP application to development.coordinator@metrolinx.com, at least sixty (60) business days prior to the intended start date of any construction activity within the subject property boundary or adjacent public right-of-way.

Visit our Website, read the CDP Adjacent Development Guide, and view the Interactive Map to learn more about the requirements for adjacent development within Priority Transit Project (PTP) areas.

Once the Applicant reaches the permitting stage, the Applicant shall reach out to Metrolinx (development.coordinator@metrolinx.com) to initiate the CDP review and to submit technical submission requirements (as applicable) under Section B of Application Form.

The subject property is also located within 300m of the CN Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service. As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval."

Additionally, the Applicant is advised of the following warning: "Metrolinx and its assigns and successors in interests operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands."

Staff recommend that the proposed development is subject to the associated condition of Approval provided in Appendix "A".

PUBLIC INPUT SUMMARY

No written submissions were received as of August 08, 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:



Vivian Yap, Development Technician, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 120083 \Documents\District Team Comments Memo

APPENDICES

Appendix "A" – A/062/25 Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Metrolinx Comments

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/062/25

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;
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;
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; and,
6. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer to the satisfaction of Metrolinx, and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



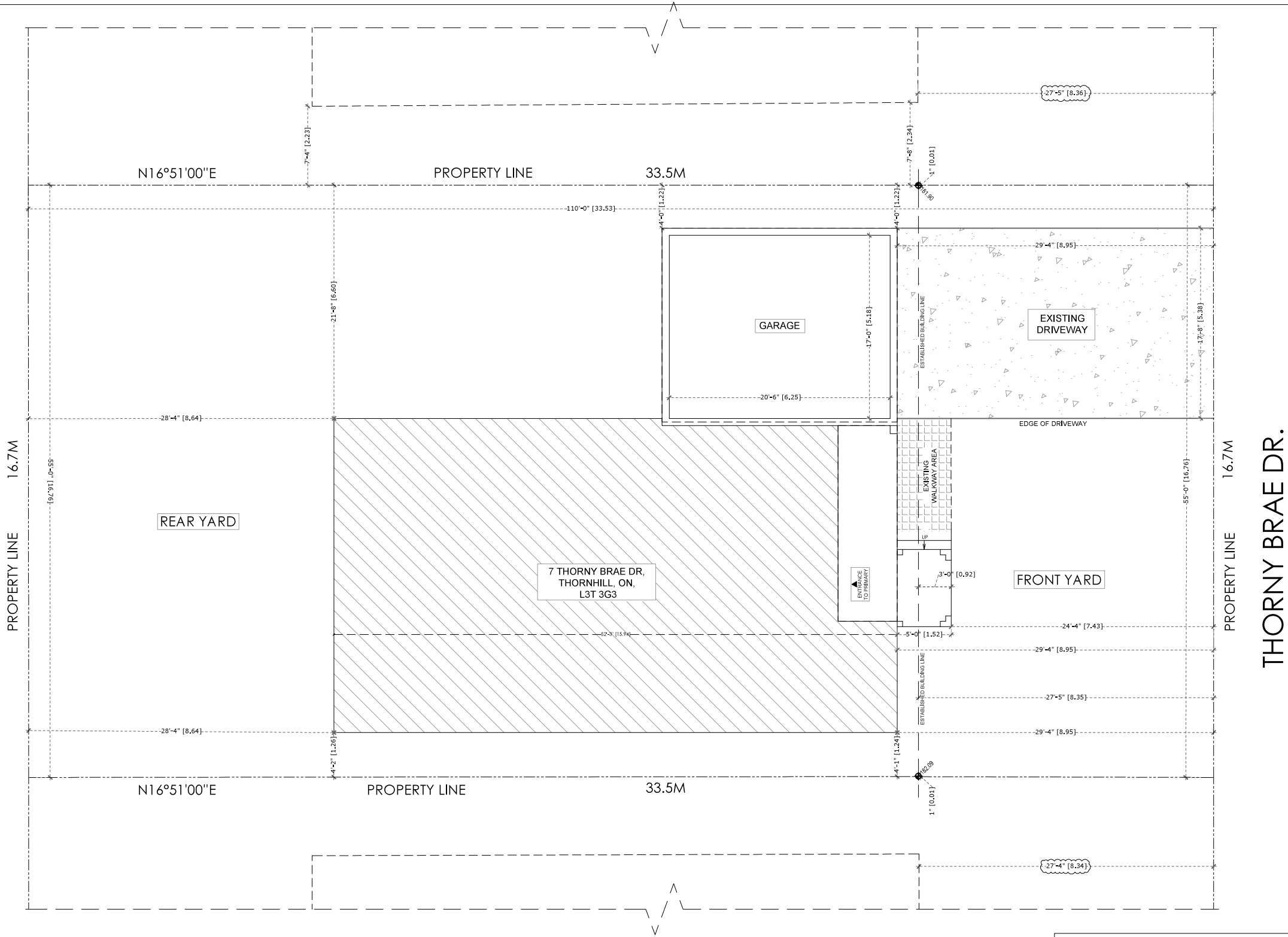
Vivian Yap, Development Technician, Planning and Urban Design Department

Appendix B



File: 25.0000.000.0000

Date: 8/12/2025
MM/DD/YYYY



THORNY BRAE DR.

ESTABLISHED GRADE
(POINT A+POINT B)/2
(182.09+181.90)/2=181.99

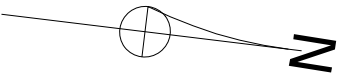
LANDSCAPE SOFT AREA :	
FRONT YARD AREA :	149.92 sq.m
FRONT YARD SOFT LANDSCAPING :	92.76 sq.m (61.8%)
FRONT YARD HARDSCAPING (EXCLUDING DRIVEWAY, PORCH & STAIRS) :	4.87 sq.m (3.24%)

SITE DATA

ADDRESS : 7 THORNY BRAE DR, THORNHILL, ON, L3T 3G3

LOT AREA : 562.4 sq m (6053.7 sq ft.)

	EXISTING	PROPOSED	GROSS FLOOR AREA	
			EX. GFA	306.28 sq. m.
LOT COVERAGE	177.51 sq m 31.5%	SAME AS EXISTING	PRO SECOND FLOOR AREA	109.6256 sq. m.
GROSS FLOOR AREA	177.51 sq m	SAME AS EXISTING	TOTAL GROSS FLOOR AREA	423.98 sq. m.
MAX. BUILDING HEIGHT	4.0 m	7.19m		
MAX. BUILDING DEPTH	16.05 m	SAME AS EXISTING		
LOT FRONTAGE	16.7m	SAME AS EXISTING		
MIN. FRONT YARD SETBACK	8.95 m	7.43 m		
MIN. REAR YARD	8.64m	SAME AS EXISTING		
SIDE YARD SETBACK (WEST SIDE)	1.22 m	1.52 m		
SIDE YARD SETBACK (EAST SIDE)	1.24 m	1.48 m		
PARKING	2	2		



General Notes

1. CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.

2. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.

3. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT.

4. DRAWINGS ARE NOT TO BE SCALED.

REVISION		
NO.	DATE	DESCRIPTION

Firm Name and Address

MEM ENGINEERING INC
2355 DERRY ROAD EAST
MISSISSAUGA, ON, L5S 1V6
905-673-9100
Email: mem.peng@outlook.com

LICENSED PROFESSIONAL ENGINEER

S.S.DEOL
100097325
21/05/2025
PROVINCE OF ONTARIO

REVIEWED FOR ELECTRICAL AND MECHANICAL

LICENSED PROFESSIONAL ENGINEER

H.SINGH
100156144
21/05/2025
PROVINCE OF ONTARIO

REVIEWED FOR ARCHITECTURAL AND STRUCTURAL

PROJECT TITLE:

7 THORNY BRAE DR,
THORNHILL, ON L3T 3G3.

SHEET TITLE:

SITE PLAN

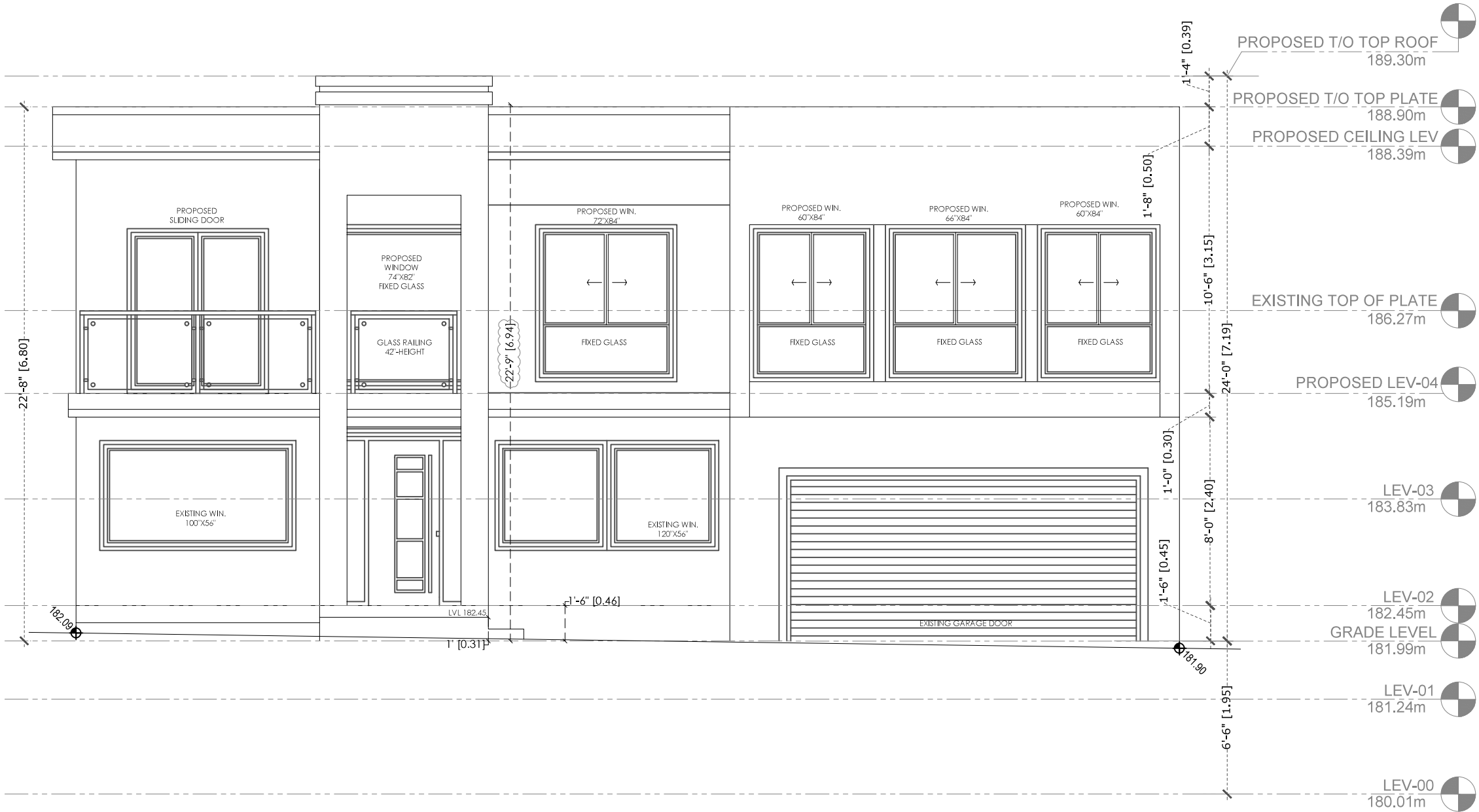
SCALE:	A1
PLOT DATE:	
DRAWN BY: AR	
CHECKED BY: HS	

DRAWING NO.:

SITE PLAN
SC: 3/32" - 1'-0"

Appendix B

File: 25.0000.000.0000
Date: 8/12/2025
MM/DD/YYYY



FRONT ELEVATION
SC: 3/16" - 1'-0"

General Notes
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REVISION		
NO.	DATE	DESCRIPTION

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REVIEWED FOR ELECTRICAL
AND MECHANICAL

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100156144
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REVIEWED FOR ARCHITECTURAL
AND STRUCTURAL

PROJECT TITLE:
7 THORNY BRAE DR,
THORNHILL, ON L3T 3G3.

SHEET TITLE:
ELEVATION

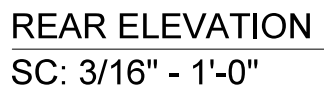
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PLOT DATE:	A6
DRAWN BY: AR	
CHECKED BY: HS	

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12/2025

MM/DD/YYYY

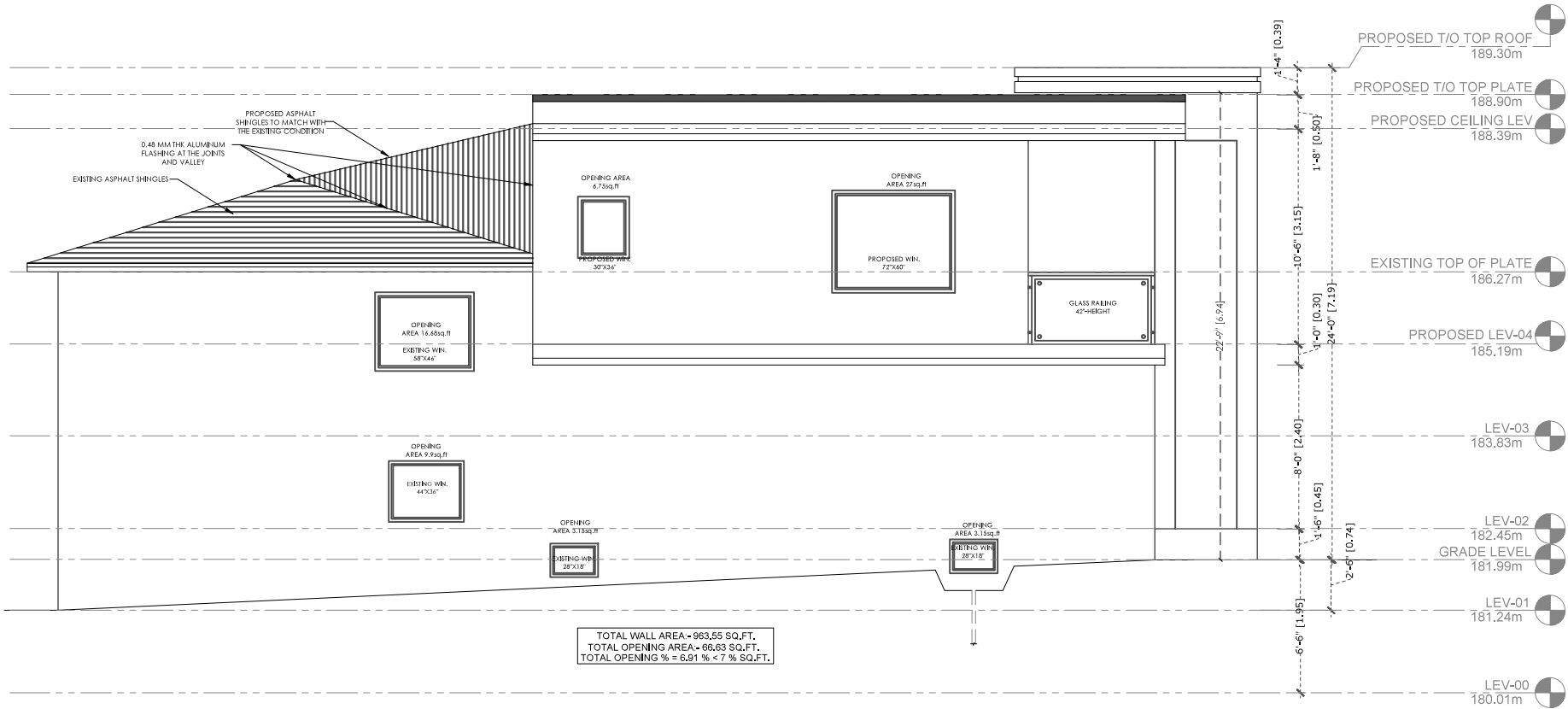
Date: 8/12/2025
MM/DD/YYYY

A7

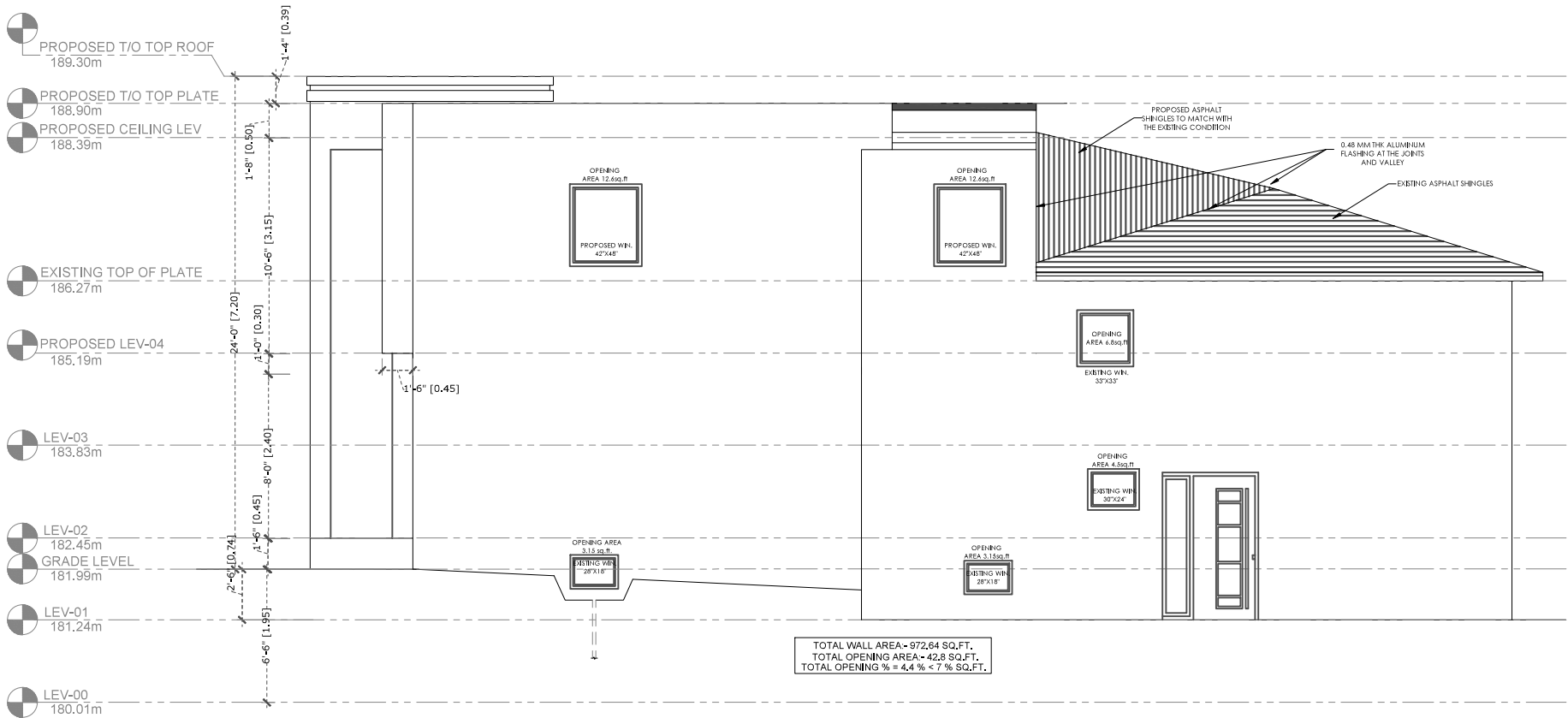
Appendix B

File: 25-10065-000-0000

Date: 8/12/2025
MM/DD/YYYY



LEFT ELEVATION
SC: 1/8" - 1'-0"



RIGHT ELEVATION
SC: 1/8" - 1'-0"

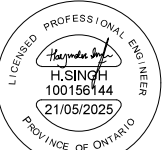
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REVISION		
NO.	DATE	DESCRIPTION

Firm Name and Address
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905-673-9100
Email: mem.peng@outlook.com



REVIEWED FOR ELECTRICAL
AND MECHANICAL



REVIEWED FOR ARCHITECTURAL
AND STRUCTURAL

PROJECT TITLE:
7 THORNY BRAE DR.
THORNHILL, ON L3T 3G3.

SHEET TITLE:
SIDE ELEVATION

SCALE:	DRAWING NO.: A8
PLOT DATE:	
DRAWN BY: AR	
CHECKED BY: HS	

TO: Shawna Houser, Secretary-Treasurer, Committee of Adjustment
City of Markham - Committee of Adjustment, Markham Civic Centre
101 Town Centre Boulevard, Markham, Ontario, L3R 9W3

File: _____
Date: **8/12/2025**
MM/DD/YYYY

DATE: June 24, 2025

RE: Adjacent Development Review: A/062/25
7 Thorny Brae Drive, Markham (Thornhill), ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the minor variance application for 7 Thorny Brae Drive to permit the construction of an addition to an existing residential dwelling, as circulated on June 19, 2025, and to be heard at Public Hearing on August 20, 2025. The subject property interfaces with multiple Metrolinx transit corridors and associated infrastructure, comments on the subject application have been provided by alignment as follows:

SUBWAYS - YONGE NORTH SUBWAY EXTENSION (YNSE)

Metrolinx has no objections to this proposal, in principle. Metrolinx is required to protect the delivery and ultimate operation of the planned Yonge North Subway Extension (YNSE).

- The subject property falls within the Transit Corridor Lands (TCL) + 30 m buffer of the Yonge North Subway Extension (YNSE) and as such the proposed development is subject to the Corridor Development Permit (CDP) process defined by the [Building Transit Faster Act \(2020\)](#). A CDP is required under applicable law prior to any conditional, partial, or complete building permit issuance. The applicant shall submit a [CDP application](#) to development.coordinator@metrolinx.com, at least sixty (60) business days prior to the intended start date of any construction activity within the subject property boundary or adjacent public right-of-way.
- Visit our [Website](#), read the [CDP Adjacent Development Guide](#), and view the [Interactive Map](#) to learn more about the requirements for adjacent development within Priority Transit Project (PTP) areas.
- Once the Applicant reaches the permitting stage, the Applicant shall reach out to Metrolinx (development.coordinator@metrolinx.com) to initiate the CDP review and to submit technical submission requirements (as applicable) under Section B of the [Application Form](#).

GO/HEAVY-RAIL - RICHMOND HILL (RH)

The subject property is located within 300m of the CN Bala Subdivision, which carries Metrolinx's Richmond Hill GO Train service.

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Applicant is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

For any questions or concerns, contact us at development.coordinator@metrolinx.com.

Best Regards,

Tetyana Bailey MCIP, RPP, AIC Candidate Member

Project Manager, Adjacent Construction Review (Subways)
Metrolinx | 20 Bay Street | Toronto | Ontario | M5J 2W3
T: 416.432.9975

Jenna Auger

Project Analyst, Adjacent Construction Review (GO Heavy Rail)
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Cc: Lorraine Santos, Manager Adjacent Development Review, ACR
Uton Samuels, Manager Adjacent Development Review, ACR