

Memorandum to the City of Markham Committee of Adjustment

September 12, 2025

File: A/045/25
Address: 67 Sciberras Road
Applicant/Agent: In Roads Consultants
Hearing Date: Wednesday, September 24, 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) **Section 6.3.2 c):** a maximum second-storey main building coverage of 24.64 percent, whereas the By-law permits a maximum main building coverage for the second storey of 20 percent of the lot area;
- b) **Section 6.3.2.2 e):** a maximum second storey main building distance from the established building line of 16.4 metres, whereas the By-law permits a maximum distance from the established building line of 14.5 metres;
- c) **Section 6.3.2 l):** a minimum combined interior side yard setback of 3.69 metres, whereas the By-law requires a minimum combined interior side yard setback of 4.0 metres;
- d) **Section 4.8.10.1 a):** a minimum front porch depth of 1.37 metres, whereas the By-law requires a minimum front porch depth of 1.8 metres;
- e) **Section 4.8.10.2 d) (iii):** a porch and underground cold cellar to project 0.82 metres beyond the established building line, whereas the By-law permits a maximum projection beyond the established building line of 0.6 metres; and
- f) **Section 4.8.10.2 d) (iv):** stairs used to access a porch to project 0.83 metres beyond the permitted porch encroachment, whereas the By-law permits stairs used to access a porch to project a maximum of 0.45 metres beyond the permitted porch encroachment;

as they relate to a proposed two-storey residential dwelling with a finished basement and a wood deck.

BACKGROUND

Property Description

The 661.8 m² (7,123 ft²) Subject Lands are located on the south side of Sciberras Road, north of Fred Varley Drive (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are 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.

There is an existing one storey dwelling on the property. Mature vegetation exists on the property including two trees on the west side of the rear yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a 359.5 m² (3,869 ft²) two-storey detached dwelling (the “Proposed Development”) (refer to Appendix “B” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

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.

Comprehensive Zoning By-law 2024-19

The Subject Lands are zoned RES-ENLR (Residential – Established Neighbourhood Low Rise) under By-law 2024-19, which permits one single detached dwelling per lot.

The Proposed Development does not comply with the By-law requirements necessitating the variances requested and described above.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised plans on July 31, 2025 but has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the Applicant’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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

a) Increase in Main Building Coverage (second storey)

The Applicant is requesting a main building coverage for the second storey of 24.64% (163.09 m² or 1755.48 ft²) of the lot area, whereas the By-law permits a maximum second-storey coverage of 20% (132.37 m² or 1,424.81 ft²) of the lot area. This is an additional 4.64% (30.72 m² or 330.66 ft²) coverage of the lot area for the second storey.

The By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey lot coverage is less than the first storey and also does not project beyond the first storey. This maintains the intent of the Zoning By-law and Staff have no concerns with the requested variance.

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

The Applicant is requesting a maximum distance of the main building from the established building line of 16.4 m (63.8 ft) for the second storey, whereas the By-law permits a maximum distance of 14.5 m (47.57 ft). This is an increase of 1.9 m (6.2 ft) from what the By-law permits.

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 building is sufficiently set back from the street and has maintained a front yard setback consistent with the neighbouring dwellings. Staff are of the opinion that the proposed increase in maximum building distance will not disrupt the established building line along the streetscape and is minor. Staff have no concerns with the proposed variance.

c) Minimum Combined Interior Side Yard Setback

The Applicant is requesting a minimum combined interior side yard setback of 3.69 m (12.10 ft), whereas the By-law requires a minimum combined interior side yard setback of 4.0 m (13.12 ft). This is a reduction of 0.31 m (1 ft) from the required combined setback. Staff note that the By-law also permits a 1.8 m (5.9 ft) setback on either side, so long as the minimum combined interior side yard is 4.0 m (13.12 ft).

The Applicant proposes a 1.83 m (6.00 ft) west side yard setback and a 1.35 m (4.43 ft) east side yard setback. The intent of the minimum side yard setback is to maintain the neighbourhood character, provide adequate separation and minimum potential impact on adjacent properties.

The proposed easterly side yard setback is measured to a small portion of the proposed dwelling, whereas the rest of the side yard measures at 1.86 metres (6.10 ft). Staff find the proposed setback minor and have no concerns with the east side yard setback of 1.35 m (4.43 ft).

However, with regards to the westerly side yard setback, Staff received comments from Tree Preservation staff indicating that they do not support the side yard setback request, as it will injure a 47cm Siberian Elm on the property boundary. Also that, Boundary Trees require written consent from all property owners to injure or remove prior to RGS approval. The Applicant is advised to increase the side yard setback and reduce the wood deck to reduce injury, or to remove the wooden deck.

Development Planning staff concur with the above recommendation and the proposed west side yard setback should be increased to minimize impact to the existing tree.

d) Minimum Porch Depth and e) Maximum Porch Projection

The Applicant is requesting a minimum front porch depth of 1.37 m (4.49 ft), whereas the By-law permits a minimum front porch depth of 1.8 m (5.9 ft). This is a decrease of 0.43 m (1.41 ft) from what the By-law permits and applies only to the porch landing (excluding the porch stairs).

The Applicant is also requesting relief to permit a porch (excluding the porch stairs) and underground cold cellar to project 0.82 m (2.69 ft) beyond the established building line, whereas the By-law permits a maximum projection beyond the established building line of 0.6 metres (1.97 ft). This is an increase of 0.22 m (0.72 ft). The established building line as shown on the Site Plan is not parallel with the main wall of the proposed dwelling, thus resulting in a porch and underground cold cellar projection that projects between 0.57 m (1.87 ft) and 0.82 m (2.69 ft) beyond the established building line.

Staff are of the opinion that the proposed variance requests will not adversely impact the character of the neighbourhood and considers both variances to be a minor deviation from what the By-law permits.

f) Maximum Porch Stairs Projection

The Applicant is requesting stairs used to access a porch to project 0.83 m (2.72 ft) beyond the permitted porch encroachment (refer to variance e) above), whereas the By-law permits stairs used to access a porch to project a maximum of 0.45 m (1.48) beyond the permitted porch encroachment. This is an increase of 0.38 m (1.25 ft).

This variance request applies only to the three steps leading up to the porch landing, which is required to accommodate the grade changes and provide access to the main

dwelling. Staff are satisfied that the stairs projection maintains a sufficient setback from the front property line and have no concerns with the requested variance.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature trees. During the review of the application, the City's Tree Preservation Technician indicated potential impacts to a tree located in the west rear yard and further noted that the Applicant/Owner provide details on impacts to the rear yard trees.

Staff recommend that should the Committee approve the variances, that the tree related conditions outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject lands or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 12, 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 variances a), b), d), e) and f) meet the four tests of the Planning Act and have no objection.

With respect to variance c), Planning Staff concur with the comments from Tree Preservation staff, and that effort should be made to maintain the existing tree. However, should Committee approve this variance, as a condition of approval, Staff recommend that the combined setback variance shall apply only to the main dwelling and that the rear deck be setback 3.5 m (11.5 ft) from the westerly property line.

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:



Melissa Leung, RPP MCIP, Senior Planner, Central District

REVIEWED BY:

A handwritten signature in blue ink, appearing to read "Stephen Corr".

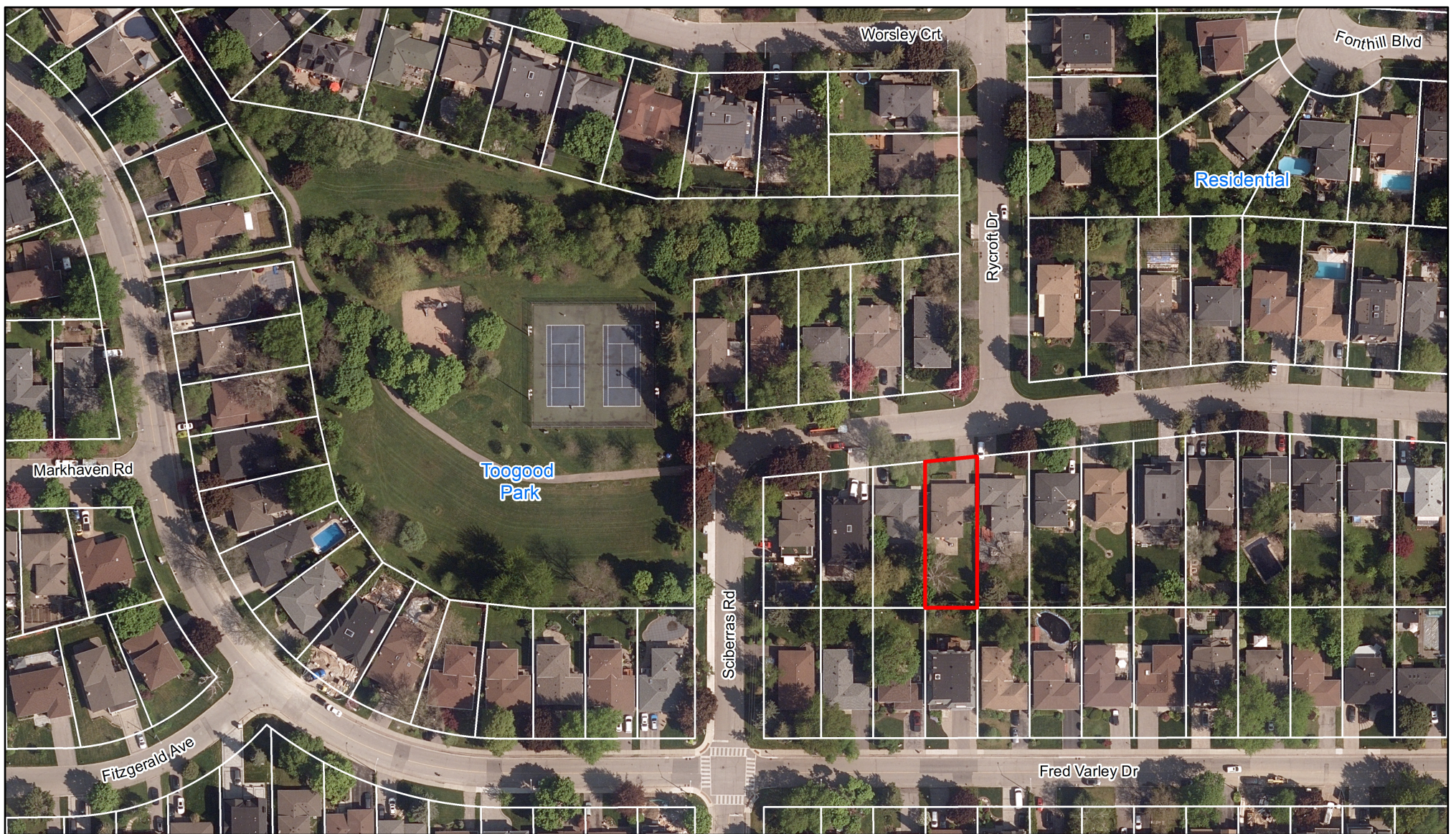
Stephen Corr, RPP MCIP, Development Manager, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – Conditions




AERIAL PHOTO (2024)

APPLICANT: Ida Evangelista
67 Sciberras Road

FILE No. A/045/25

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 SUBJECT LANDS



Appendix B

File: 24-117210-000 MARKHAM
Date: 9/16/2025
MM/DD/YYYY

SCIBERRAS ROAD

WATER MAIN 150mmØ

CURB CUT

CURB CUT



ONLY FOR ARCHITECTURAL STAMP



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V.E

SCALE:

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LAST MODIFIED ON:

JULY 31, 2025

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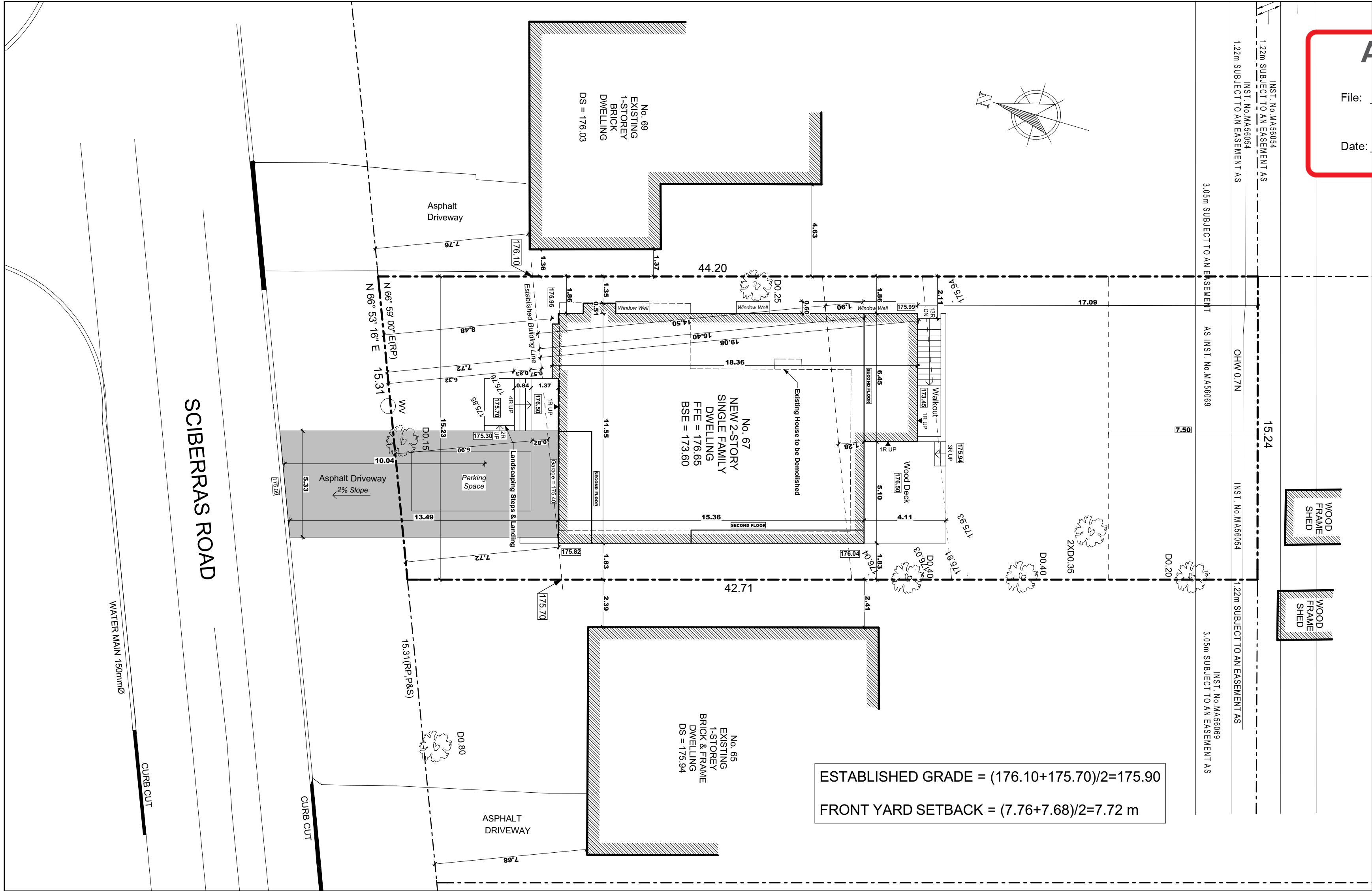
SITE PLAN

PROJECT TITLE/ADDRESS:

67 SCIBERRAS RD, MARKHAM, ON

A.00

| | | | | |
|---------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|-----------------------------------------------|--------------------------------------------|
| LOT AREA | 661.89 m ² | | | |
| GROND FLOOR LOT COVERAGE | 196.41 m ² | %29.67 | | |
| SECOND FLOOR LOT COVERAGE | 163.09 m ² | %24.64 | | |
| FLOOR AREA | GROUND FLOOR (Excl. garage & open floor areas) | SECOND FLOOR | BASEMENT | GARAGE |
| | 1,743 ft ² / 161.97 m ² | 1,743 Ft ² / 161.92 m ² | 1,764 ft ² / 163.91 m ² | 359 ft ² / 33.37 m ² |
| Combined Floor Area (Incl. Garage & Open Floors, Excl. Basement) | 3,869 ft ² / 359.50 m ² | | | |



Appendix B

File: 25.117210.000.000000

Date: 9/16/2025
MM/DD/YYYY



DATE: MAR2025
ISSUED FOR: FOR ZONING REVIEW

FOR STRUCTURE ONLY

ProHome

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JULY 31, 2025

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FRONT ELEVATION

PROJECT TITLE/ADDRESS:

67 SCIBERRAS RD, MARKHAM, ON



A.05

Appendix B

File: 25.117210.000.000000

Date: 9/16/2025
MM/DD/YYYY

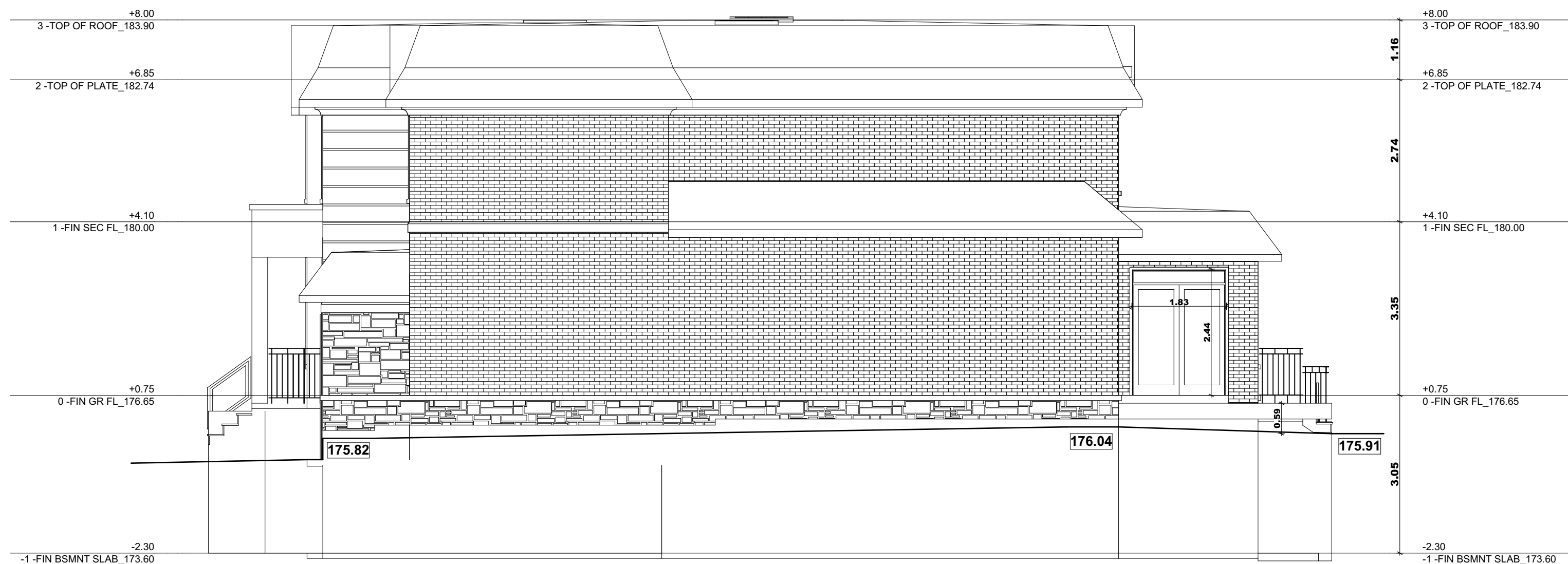


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Appendix B

File: 25.117210.000.00000

Date: 9/16/2025
MM/DD/YYYY

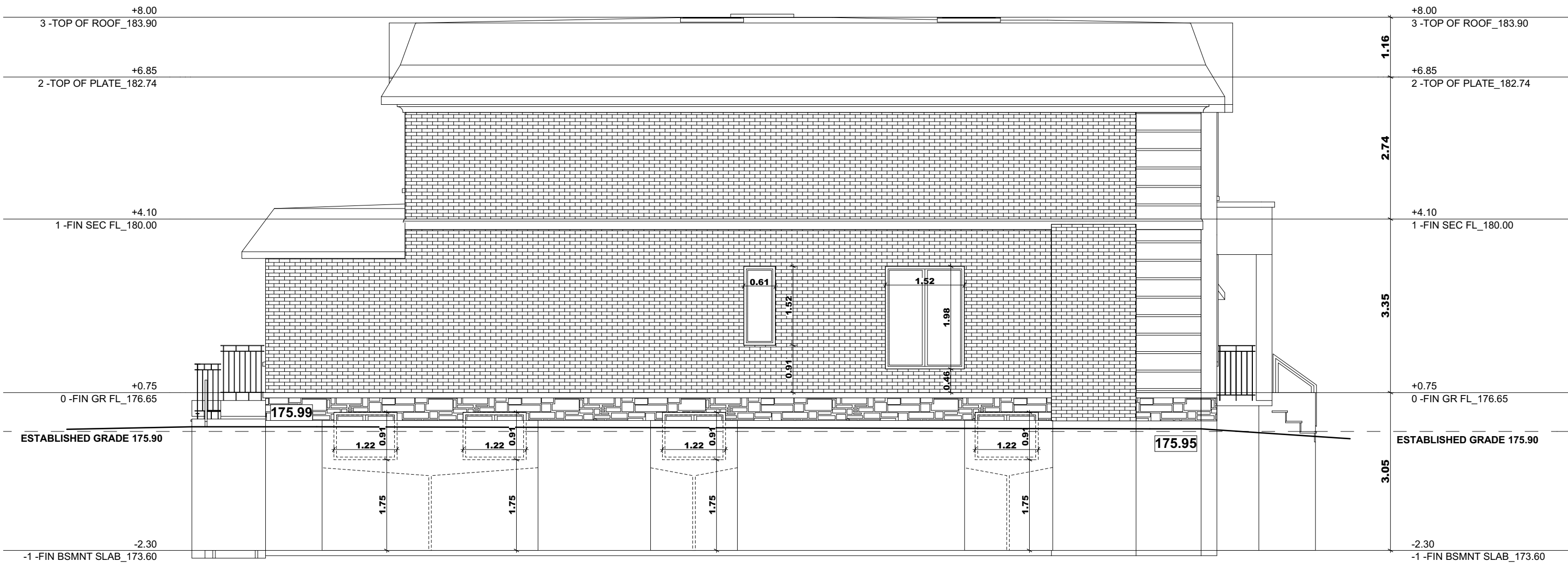


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Appendix B

File: 25.117210.000.000000

Date: 9/16/2025
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Appendix C

File: _____

Date: _____

9/16/2025

MM/DD/YYYY

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF F

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. That the rear deck be setback 3.5 m (11.5 ft) from the westerly property line;
4. 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;
5. 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; and,
6. 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.

CONDITIONS PREPARED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District