

## Memorandum to the City of Markham Committee of Adjustment

September 17, 2025

**File:** B032/23, A/154/23, A/155/23  
**Address:** 44 Rouge Street, Markham Village  
**Applicant:** Cantam Group LTD. (Yaso Somalingam)  
**Hearing Date:** Wednesday, September 24, 2025

The following comments are provided by Heritage Section staff ("Staff") for the property municipally-known as 44 Rouge Street (the "Subject Property" or the "Property").

### **Consent Application**

#### **B032/23**

Pursuant to the provisions of Section 53 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 15.09 metres (49.50 feet) and an approximate lot area of 454.90 square metres (4,896.36 square feet) (Part 1); and
- b) **retain** a parcel of land with an approximate lot frontage of 15.03 metres (49.31 feet) and an approximate lot area of 454.0 square metres (4,886.67 square feet) (Part 2).

### **Minor Variance Applications**

#### **A/154/23 – Retained Lot**

The applicant is requesting the following relief from By-law 1229, as amended, to permit:

- a) **By-law 1229, Table 11.1:**  
a minimum lot area of 4886.67 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;
- b) **By-law 1229, Table 11.1:**  
a lot frontage of 49.31 feet, whereas the by-law requires a minimum lot frontage of 60 feet;
- c) **By-law 1229, Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 47.75 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- d) **Section 1.2(ii), Amending By-law 99-90 Section 1.2(iii):**  
a maximum building depth of 17.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres

as it relates to proposed modifications to the existing dwelling on the retained lot.

**A/155/23 – Conveyed Lot**

The applicant is requesting the following relief from the By-law 1229, as amended, to permit:

- a) **By-law 1229, Section 11.2 (c) (i):**  
a porch with stairs to encroach 20 inches into a required yard, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Table 11.1:**  
a minimum lot area of 4896.36 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;
- c) **By-law 1229, Table 11.1:**  
a lot frontage of 49.50 feet, whereas the by-law requires a minimum lot frontage of 60 feet; and
- d) **By-law 1229, Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 47.93 percent, whereas the by-law permits a maximum floor area ratio of 45 percent

as it relates to a proposed two-storey residential dwelling on the conveyed lot.

**BACKGROUND**

This application was previously considered by the Committee of Adjustment (the “COA”) at its meeting on April 30, 2025. The COA voted to defer the application to provide the applicant opportunity to revise the proposal in response to comments raised at the meeting.

In response to these comments, the applicant made the following revisions to the application as illustrated in the appended drawings (refer to Appendix “B”):

- Reduced the width of the proposed dwelling on the severed lot and rotated the porch stairs toward the garage. This reduced the gross floor area of the proposed dwelling from 222.31 sq.m. to 218.06 sq.m while also reducing the floor area ratio from 48.82% to 47.93%. The change in stair orientation reduced the proposed encroachment from 50.4 inches to 20.0 inches;
- Reduced the Gross Floor Area of the retained dwelling from 220.67 sq.m. to 216.79 sq.m. while also reducing the floor area ratio from 48.61% to 47.75%.

These revisions have resulted in changes to the requested variances as noted above.

As the version of the proposal now before the COA remains substantially in accordance with the proposal considered at the October hearing date, the conclusions of the appended Staff report remain unchanged (Refer to Appendix “C”).

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

PREPARED BY:



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Evan Manning, Senior Heritage Planner

REVIEWED BY:



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Greg Whitfield, Supervisor, Committee of Adjustment

**APPENDIX “A”****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B032/23, A/154/23, A/155/23****B034/23**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/032/23, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design and/or the Director of Engineering, Director of Operations, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens, and other encumbrances, and the Owner shall be procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including, but not limited to:
  - i. Payment of all applicable fees in accordance with the City's fee By-law;
  - ii. Submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot(s), to be reviewed and approved by the City. That prior to issuance of a building permit, a cash-in-lieu of parkland dedication be provided based on the Appraisal report
  - iii. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
  - iv. Submission of securities respecting any works to be provided in accordance with the Development Agreement;

6. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
7. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

**A/154/23, A/155/23**

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 "E" 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 arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Evan Manning', written in a cursive style.

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Evan Manning, Senior Heritage Planner

**APPENDIX "B"**  
**DRAWINGS**



**NELSON STREET**

(BY REGISTERED PLAN 173)  
PIN 02936 - 0378

PLAN 64R - 4758

PART 2

PART 1

SIB(OU) 0.06N (P4,P5&Set)

29.69 (P5&M)

29.75(P3)

29.82(P4)

30.18(RP)

60.35 (RP,P4,P5&M)

BLOCK A, RP M-1484

LOT 5

LOT 4

LOT 3

PART 1

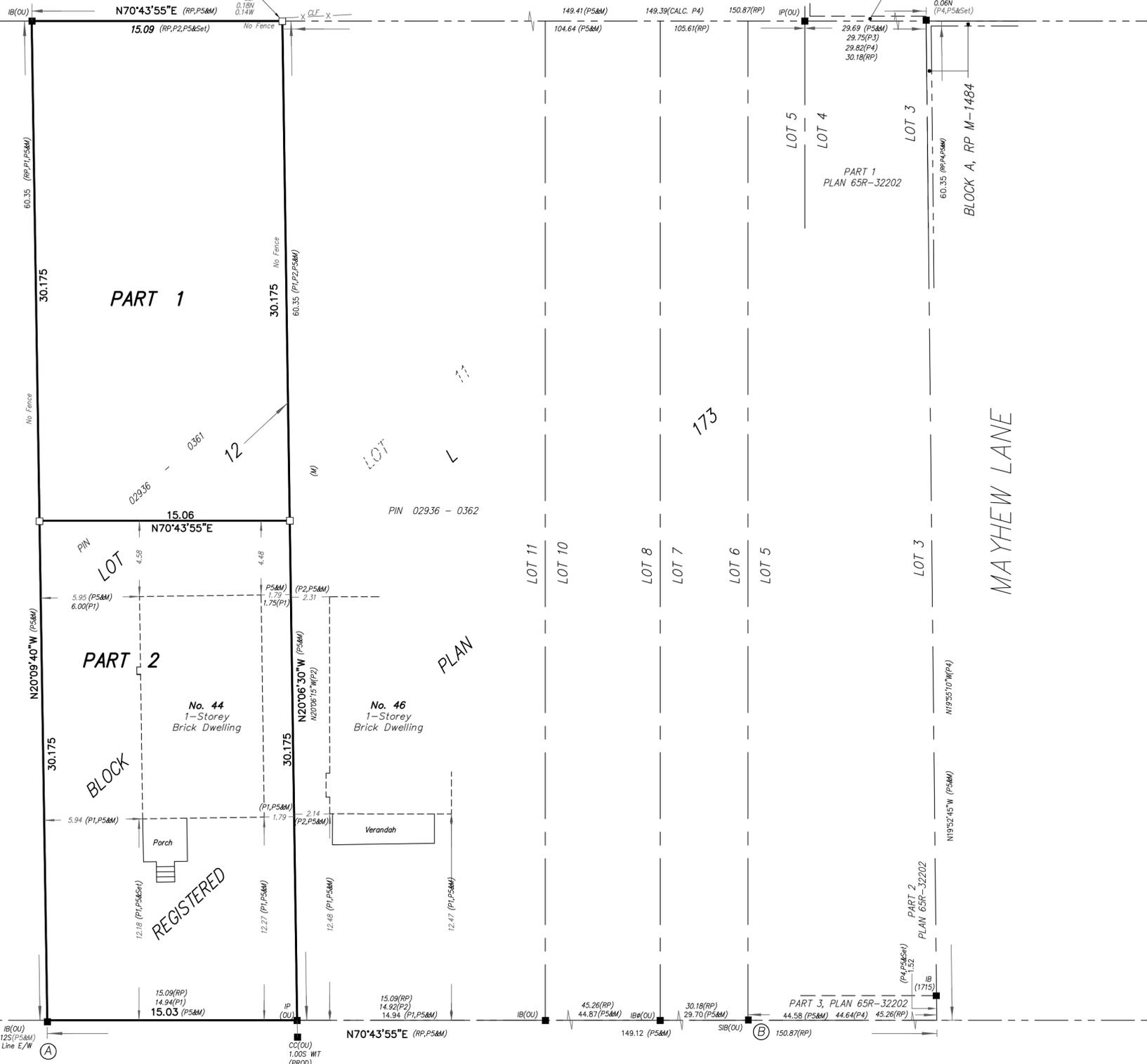
PLAN 65R-32202

60.35 (RP,P4,P5&M)

MAYHEW LANE

MAGILL STREET

(BY REGISTERED PLAN 173)  
PIN 02936 - 0379



**ROUGE STREET**

(BY REGISTERED PLAN 18)  
PIN 02936 - 0615

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Plan 65R-  
RECEIVED AND DEPOSITED :

DATE : \_\_\_\_\_, 2021

DATE : \_\_\_\_\_, 2021

LAWRENCE O. ERTL  
ONTARIO LAND SURVEYOR

REPRESENTATIVE OF THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION REGISTRY OFFICE (No.65)

**Metric** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**Schedule**

PART	LOT	REGISTERED PLAN	ALL OF P.I.N.	AREA (m <sup>2</sup> )
1	LOT 12, BLOCK L	173	02936-0361	454.9
2				454.0

PLAN OF SURVEY OF  
**LOT 12**  
**BLOCK L**  
**REGISTERED PLAN 173**  
**CITY OF MARKHAM**  
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200



ertl surveyors 2021  
Ontario Land Surveyors

**Integration**

DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99981951

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN), AND ARE REFERRED TO THE CENTRAL MERIDIAN OF THE UTM ZONE 17, NAD 83 (CSRS) (2010.0)

FOR BEARING COMPARISONS A ROTATION 4'06'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON REGISTERED PLAN 175, AND PLANS P2, P4, P5 SHOWN IN LEGEND

OBSERVED REFERENCE POINTS (ORPs) UTM ZONE 17, NAD83 (CSRS) (2010.0) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) O. REG. 216/10

POINT ID	NORTHING	EASTING
A	4858729.23	640300.74
B	4858763.72	640399.40

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.

**Legend**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IP DENOTES IRON BAR
- IP DENOTES IRON PIPE
- CC DENOTES CUT CROSS
- ⊙ DENOTES ROUND
- RP DENOTES REGISTERED PLAN 173
- P1 DENOTES PLAN BY DONALD, E. ROBERTS LTD., O.L.S. DATED OCTOBER 01, 2015
- P2 DENOTES PLAN BY DELPH & JENKINS LTD., O.L.S. DATED NOVEMBER 21, 1996
- P3 DENOTES PLAN 64R-4758
- P4 DENOTES PLAN 65R-32202
- P5 DENOTES PLAN BY ERTL SURVEYORS, O.L.S. DATED JUNE 24TH, 2021
- 1715 DENOTES ROWAN-STANCIU LTD., O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- WIT DENOTES WITNESS
- PROD DENOTES ON PRODUCTION
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- M DENOTES MEASURED

**Surveyor's Certificate**

I CERTIFY THAT :

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 17th DAY OF NOVEMBER, 2021

Date: \_\_\_\_\_, 2021

Lawrence O. Ertl  
Ontario Land Surveyor

**ertl surveyors**  
Ontario Land Surveyors  
www.es-ols.com

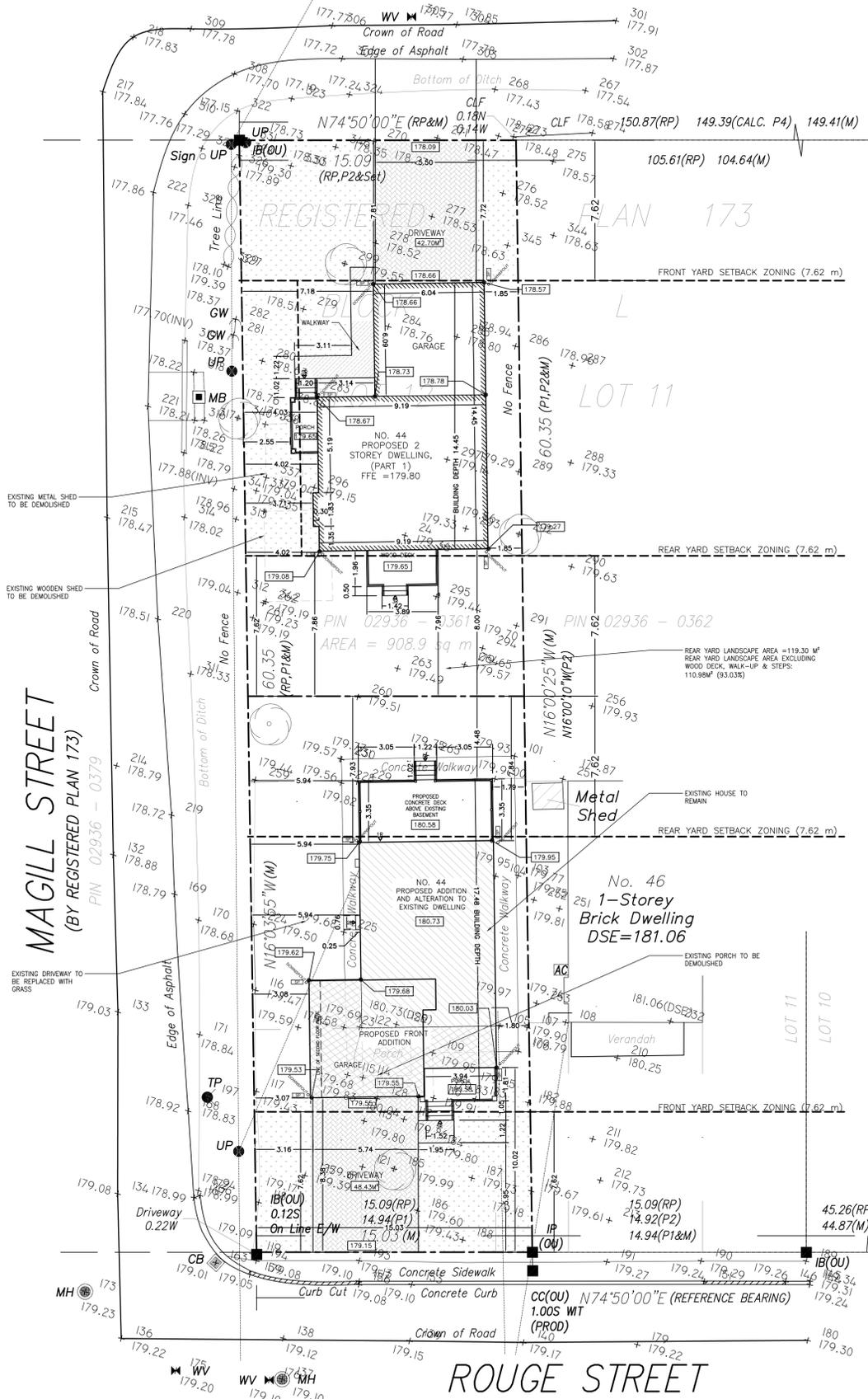
1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
DRAWING : 21256-RPLANDWG PROJECT : 21256  
CALC. BY DICKY/DV, DRAWN BY DV, CHECKED BY \*\*\*

Metric

DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NELSON STREET  
(BY REGISTERED PLAN 173)

PIN 02936 - 0378



MAGILL STREET  
(BY REGISTERED PLAN 173)  
PIN 02936 - 0379

ROUGE STREET  
(BY REGISTERED PLAN 18)

PIN 02936 - 0615

**SITE PLAN**  
SCALE: 1 : 150

PLAN OF  
LOT 12  
BLOCK L  
REGISTERED PLAN 173  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

44, ROUGE STREET MARKHAM - PROPOSED DWELLING

LANDSCAPE CALCULATION FOR FRONT YARD (NELSON STREET)	
A TOTAL FRONT YARD =	117.69 SQ. M. 1286.80 SQ. FT.
B DRIVEWAY AREA =	42.75 SQ. M. 459.61 SQ. FT.
C LANDSCAPE AREA =	74.94 SQ. M. 807.18 SQ. FT.
D % OF TOTAL FRONT YARD =	63.72 %
E HARD LANDSCAPE AREA =	1.25 SQ. M. 13.45 SQ. FT.
F SOFT LANDSCAPE AREA =	73.74 SQ. M. 793.73 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	98.38 %

44, ROUGE STREET MARKHAM - PROPOSED DWELLING

LANDSCAPE CALCULATION FOR SIDE YARD	
A TOTAL FRONT YARD =	72.38 SQ. M. 778.87 SQ. FT.
B DRIVEWAY AREA =	0 SQ. M. 0 SQ. FT.
C LANDSCAPE AREA =	72.38 SQ. M. 778.87 SQ. FT.
D % OF TOTAL FRONT YARD =	100 %
E HARD LANDSCAPE AREA =	11.33 SQ. M. 121.95 SQ. FT.
F SOFT LANDSCAPE AREA =	61.05 SQ. M. 656.92 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	84.34 %

44, ROUGE STREET MARKHAM - EXISTING HOUSE

LANDSCAPE CALCULATION FOR FRONT YARD	
A TOTAL FRONT YARD =	128.36 SQ. M. 1381.65 SQ. FT.
B DRIVEWAY AREA =	48.43 SQ. M. 521.29 SQ. FT.
C LANDSCAPE AREA =	79.93 SQ. M. 860.36 SQ. FT.
D % OF TOTAL FRONT YARD =	62.27 %
E HARD LANDSCAPE AREA =	3.93 SQ. M. 42.32 SQ. FT.
F SOFT LANDSCAPE AREA =	76.00 SQ. M. 818.04 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	98.46 %



SITE DATA: NELSON STREET (MARKHAM) PROPOSED DWELLING, ONTARIO

ZONING			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	454.90 sq. m.	COA REQ.
MIN. LOT FRONTAGE:	18.29 m	15.09 m	COA REQ.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		114.26 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW & STAIRS:		103.80	
TOTAL GROSS FLOOR AREA =		218.06 sq. m.	
GROSS FLOOR AREA %:	45.00 %	47.93 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING GARAGE AND PORCH			
BUILDING FOOTPRINT AREA %:	35.00 %	26.10 %	
MIN. FRONT YARD SETBACK			
MIN. SIDE YARD RIGHT SIDE (2 STOREY)	1.83 m	1.85 m	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	3.05 m	4.02 m	
MIN. REAR YARD SETBACK:	7.62 m	7.86 m	
MAX. DWELLING UNIT DEPTH			
	16.80 m	14.45 m	
GARAGE AREA :			
MAX. DRIVE WAY WIDTH		5.50 m	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	9.65 m	

SITE DATA: 44 ROUGE STREET (MARKHAM) EXISTING HOUSE, ONTARIO

ZONING				
	PERMITTED	EXISTING	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.		454.00 sq. m.	COA REQ.
MIN. LOT FRONTAGE:	18.29 m		15.03 m	COA REQ.
GROSS FLOOR AREA:				
FIRST FLOOR AREA:		98.31 sq. m.	113.35 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW & STAIRS:		-	103.44 sq. m.	
TOTAL GROSS FLOOR AREA =		98.31 sq. m.	216.79 sq. m.	
GROSS FLOOR AREA %:	45.00 %	21.66 %	47.75 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING GARAGE, CONCRETE DECK AND PORCH.				
BUILDING FOOTPRINT AREA %:	35.00 %	23.17 %	31.95 %	
MIN. FRONT YARD SETBACK				
MIN. SIDE YARD RIGHT SIDE (2 STOREY)	7.62 m	12.17 m	8.38 m	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	1.22 m	1.79 m	NO CHANGE	
MIN. REAR YARD SETBACK:	3.05 m	5.93 m	3.07 m	
MAX. DWELLING UNIT DEPTH				
	16.80 m	13.42 m	17.48 m	COA REQ.
GARAGE AREA :				
MAX. DRIVE WAY WIDTH		-	37.86 sq. m	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	6.30 m	8.83 m	

NOTE:  
SITE INFORMATION HAS BEEN TAKEN FROM ertl surveyors  
Ontario Land Surveyors  
www.es-ols.com  
1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905)731-7852  
EMAIL info@es-ols.com  
PROJECT : 21256



REVISIONS

NO.	REVISIONS	DATE
5	REVISED AFTER C.O.A MEETING	07 / 10 / 2025
4	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2	REV AS PER ZONING REVIEW	06 / 27 / 2023
1	ISSUED FOR REVIEW	03 / 21 / 2023

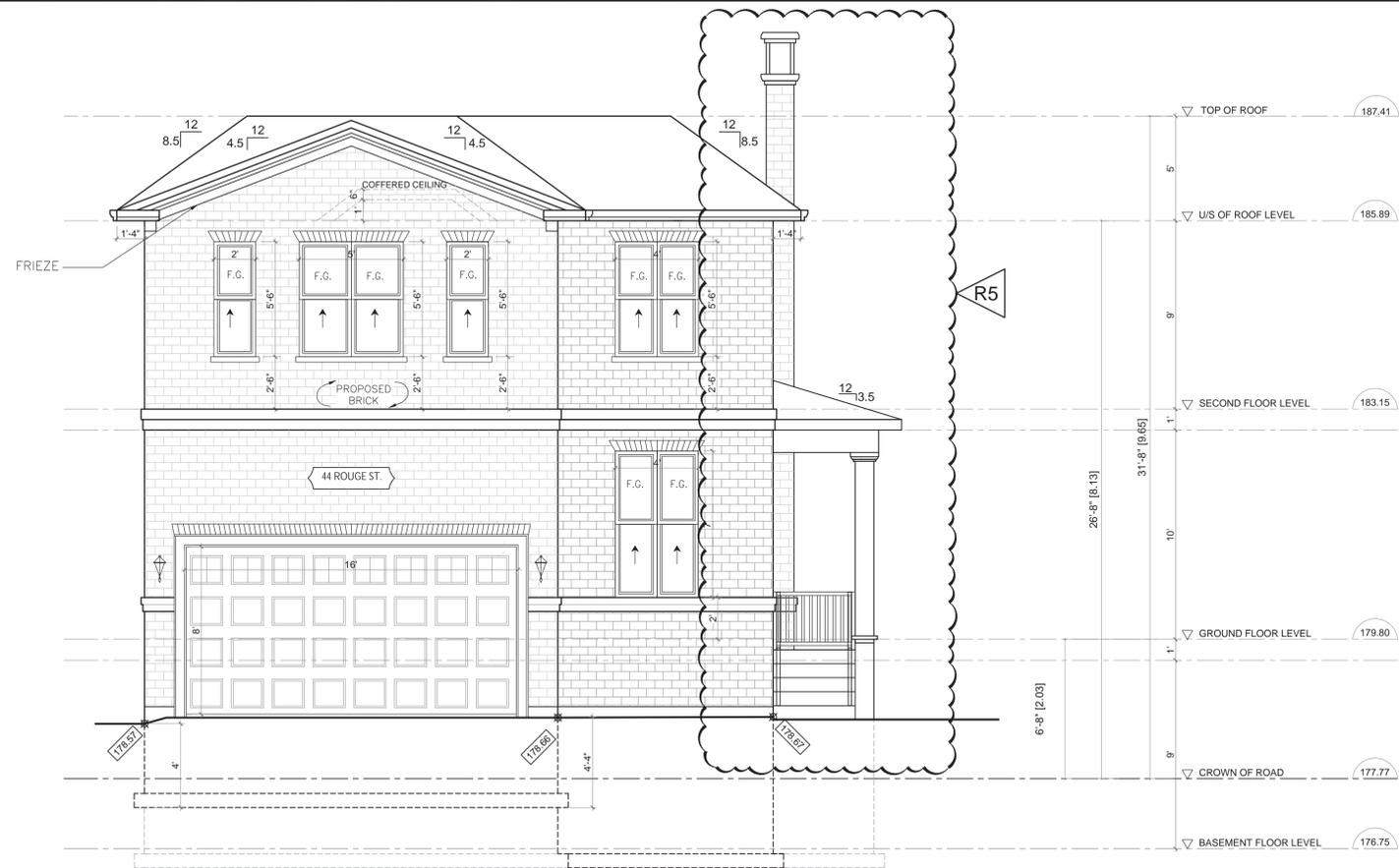
CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.  
DO NOT SCALE DRAWINGS.

PROJECT COORDINATOR:  
**CANTAM**  
Group Ltd.  
PLANNING & BUILDING CONSULTANTS  
880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

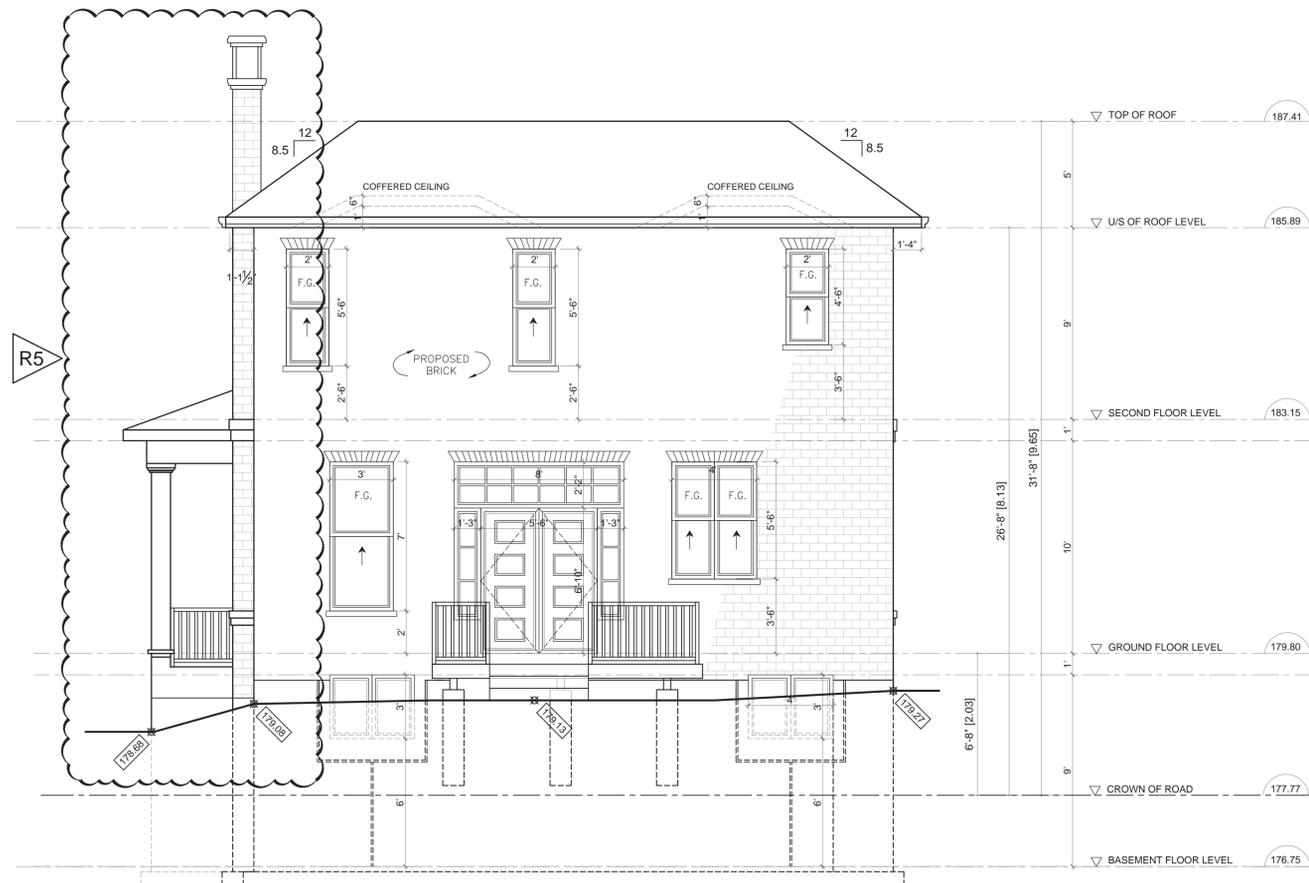
PROJECT:  
PROPOSED TWO STOREY RESIDENCE AT NELSON ST & ADDITION RENOVATION TO EXISTING HOUSE AT 44 ROUGE ST MARKHAM, ON

DRAWING:  
SITE PLAN

DATE: 10 / 06 / 2021  
SCALE: AS NOTED  
DRAWING NO. **A1**  
DRN: SS CKD: YASO



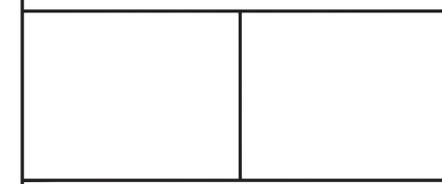
**PROPOSED NORTH ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED SOUTH ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
5.	REVISED AFTER COA MEETING	05 / 28 / 2025
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
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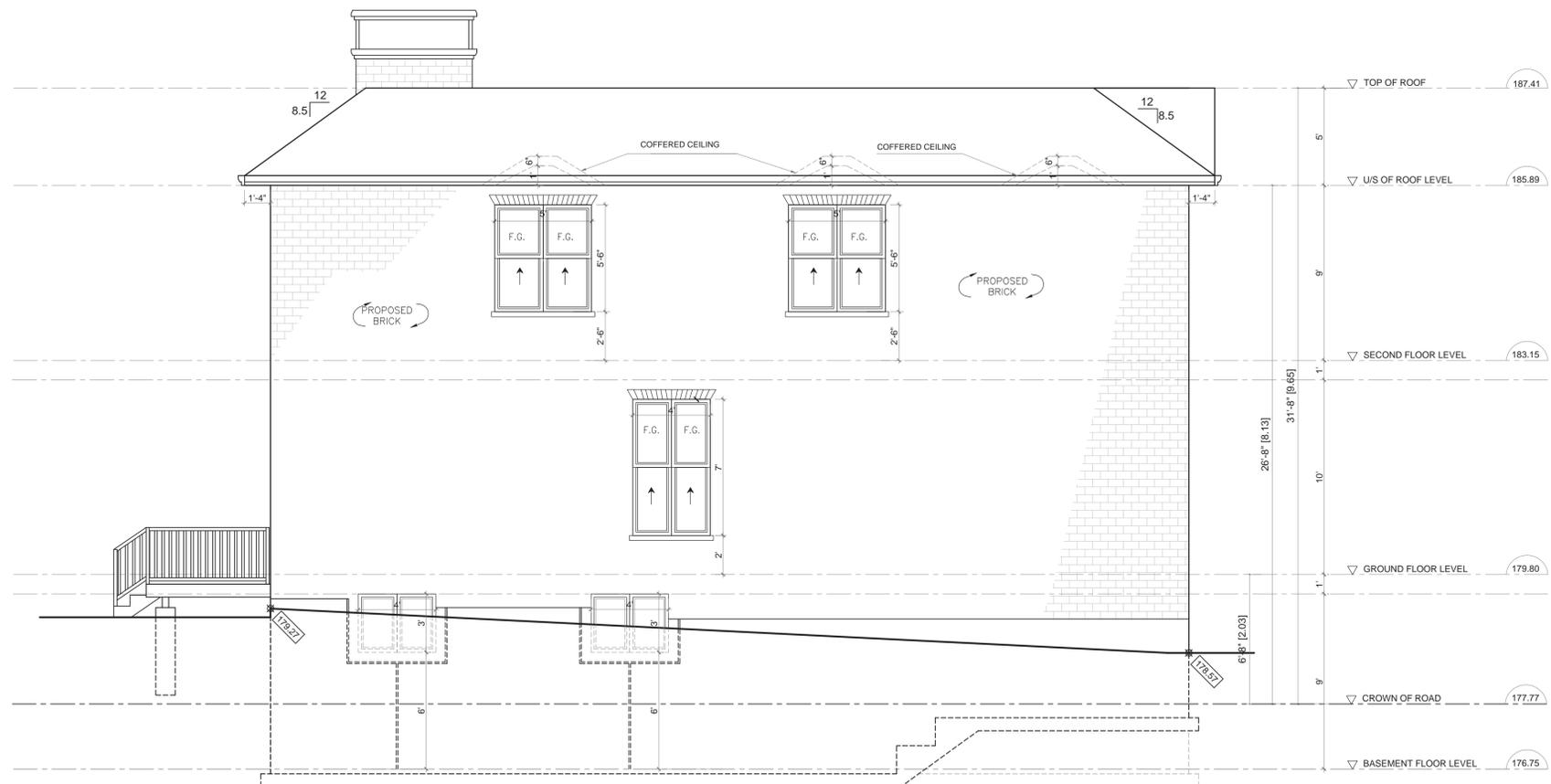
PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
AT NELSON ST.  
MARKHAM , ON**

DRAWING:  
**NORTH AND SOUTH ELEVATION**

DATE: 08/22/2022	DRAWING NO. <b>A4</b>
SCALE: AS NOTED	
DRN: SPENCER CKD: YASO	



**PROPOSED WEST SIDE ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED EAST SIDE ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
5.	REVISED AFTER COA MEETING	05 / 28 / 2025
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
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TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

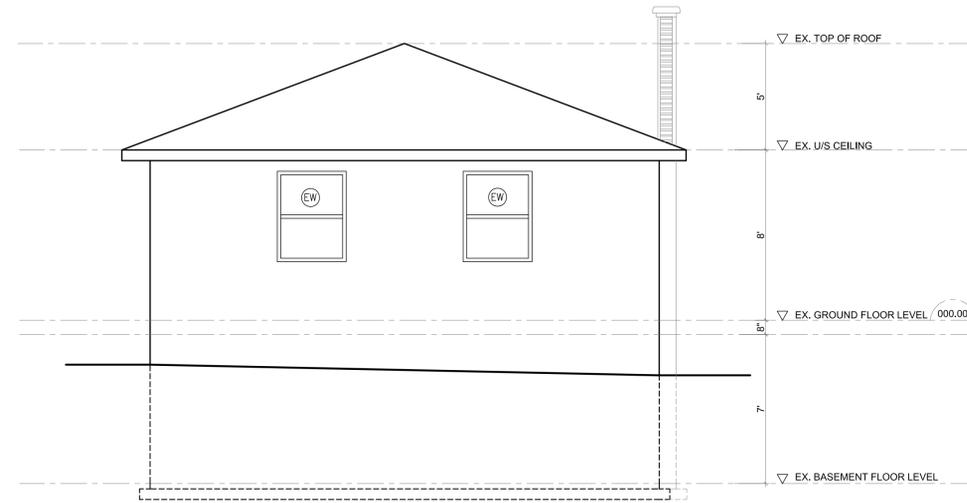
PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
AT NELSON ST.  
MARKHAM , ON**

DRAWING:  
**EAST AND WEST SIDE ELEVATION**

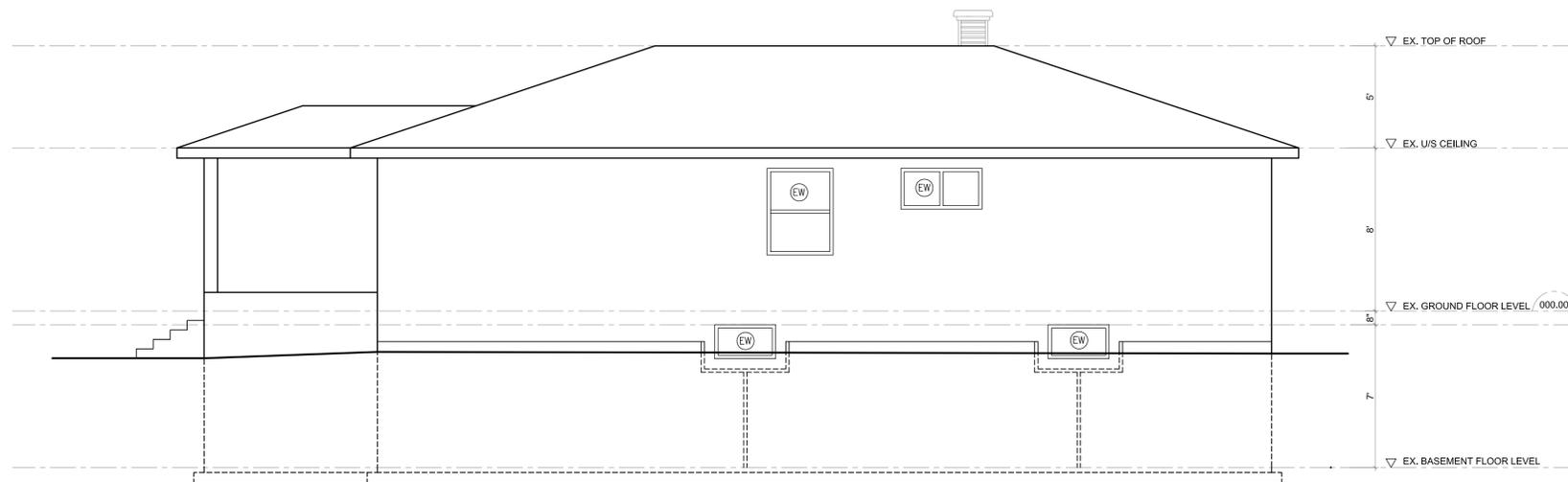
DATE: 08/22/2022  
SCALE: AS NOTED  
DRN: SPENCER CKD: YASO  
DRAWING NO. **A5**



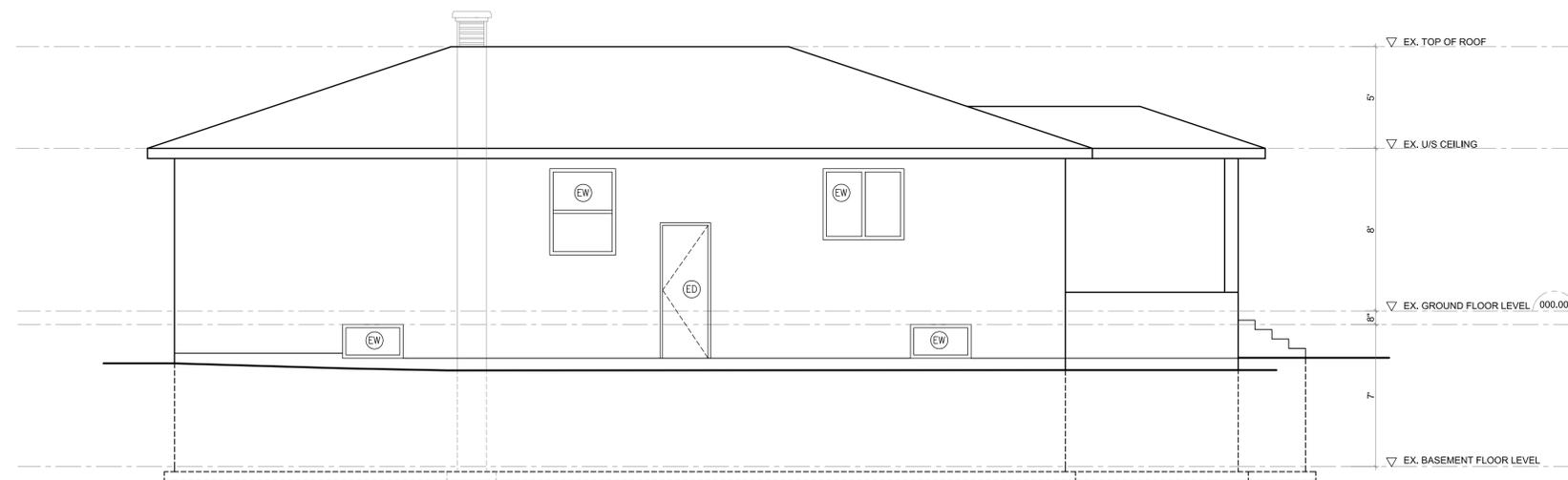
**EXISTING FRONT ELEVATION**  
SCALE : 1/4"=1'



**EXISTING REAR ELEVATION**  
SCALE : 1/4"=1'



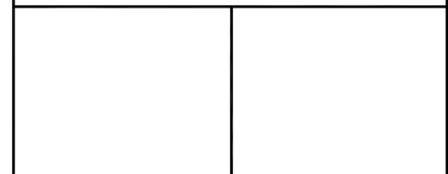
**EXISTING RIGHT SIDE ELEVATION**  
SCALE : 1/4"=1'



**EXISTING LEFT SIDE ELEVATION**  
SCALE : 1/4"=1'

NO.	ISSUED FOR ZONING CERTIFICATE	11 / 03 / 2021
NO.	REVISIONS	DATE

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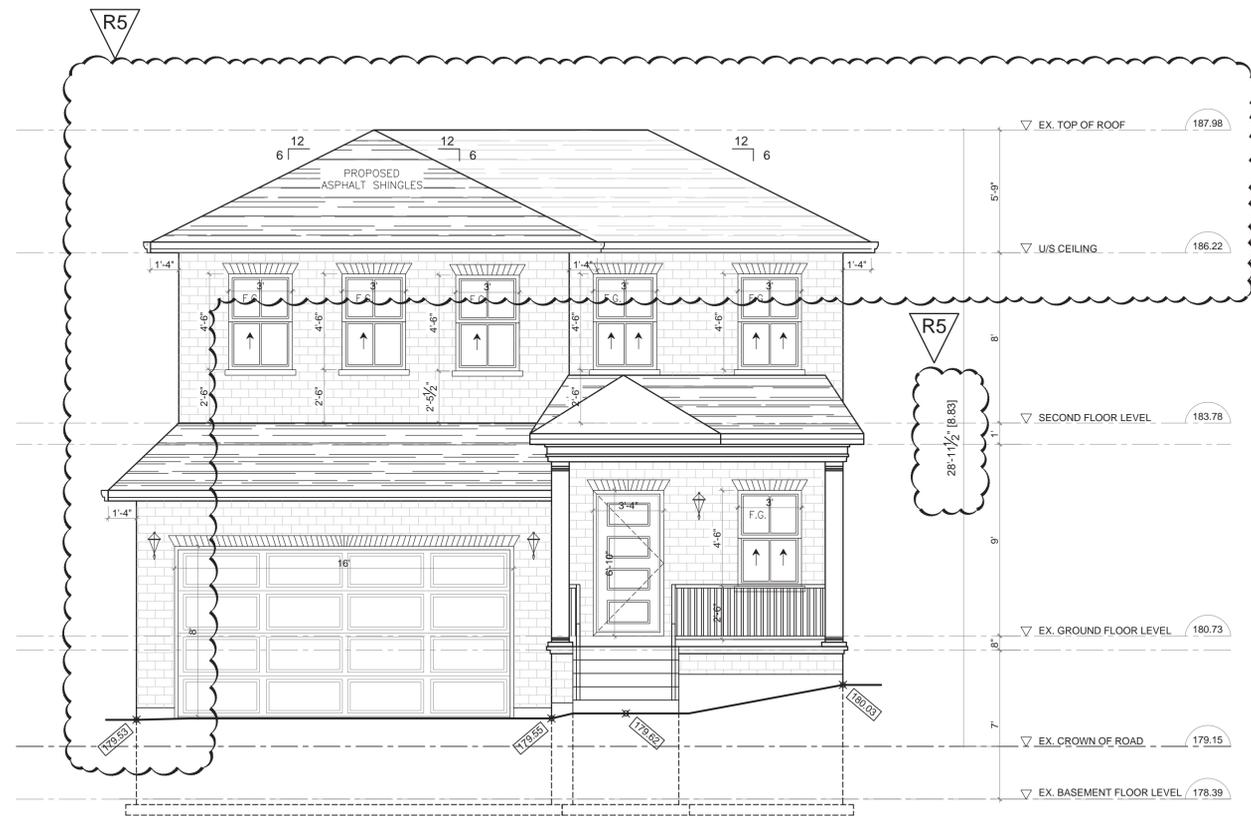


**CANTAM**  
*Group Ltd.*  
PLANNING & BUILDING CONSULTANTS  
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

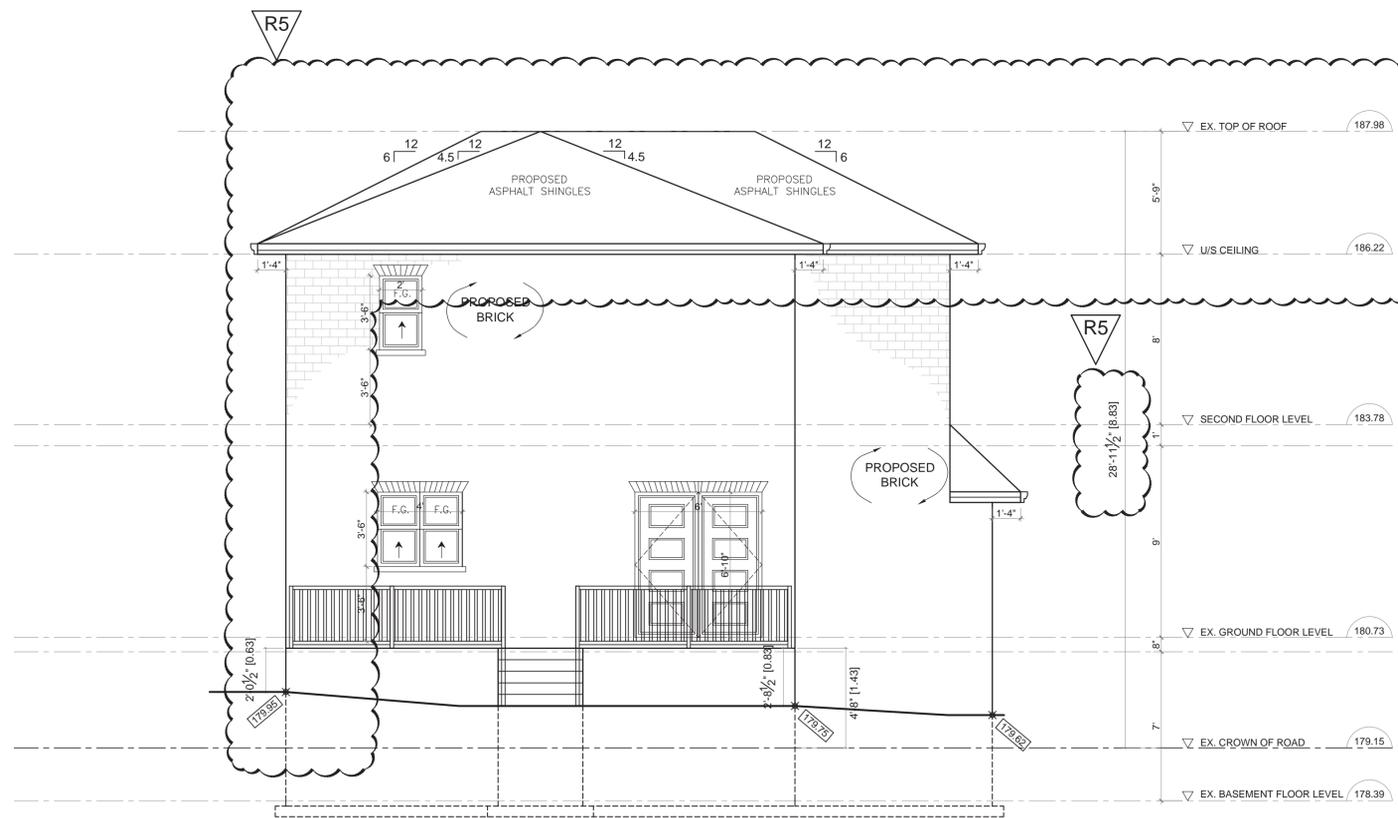
PROJECT :  
**ADDITION & RENOVATION TO EXISTING SINGLE STOREY DWELLING AT 44 ROUGE ST (PART 2) MARKHAM , ON**

DRAWING:  
**EXISTING ELEVATIONS**

DATE: 11 / 02 / 2021	DRAWING NO. <b>A3</b>
SCALE: AS NOTED	
DRN: SS	CKD: YASO



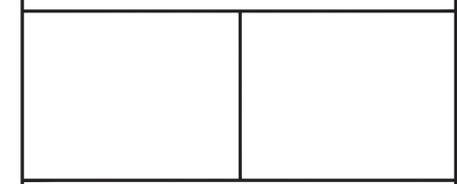
**PROPOSED SOUTH ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED NORTH ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
5.	REVISED AFTER COA MEETING	05 / 28 / 2025
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.  
DO NOT SCALE DRAWINGS.

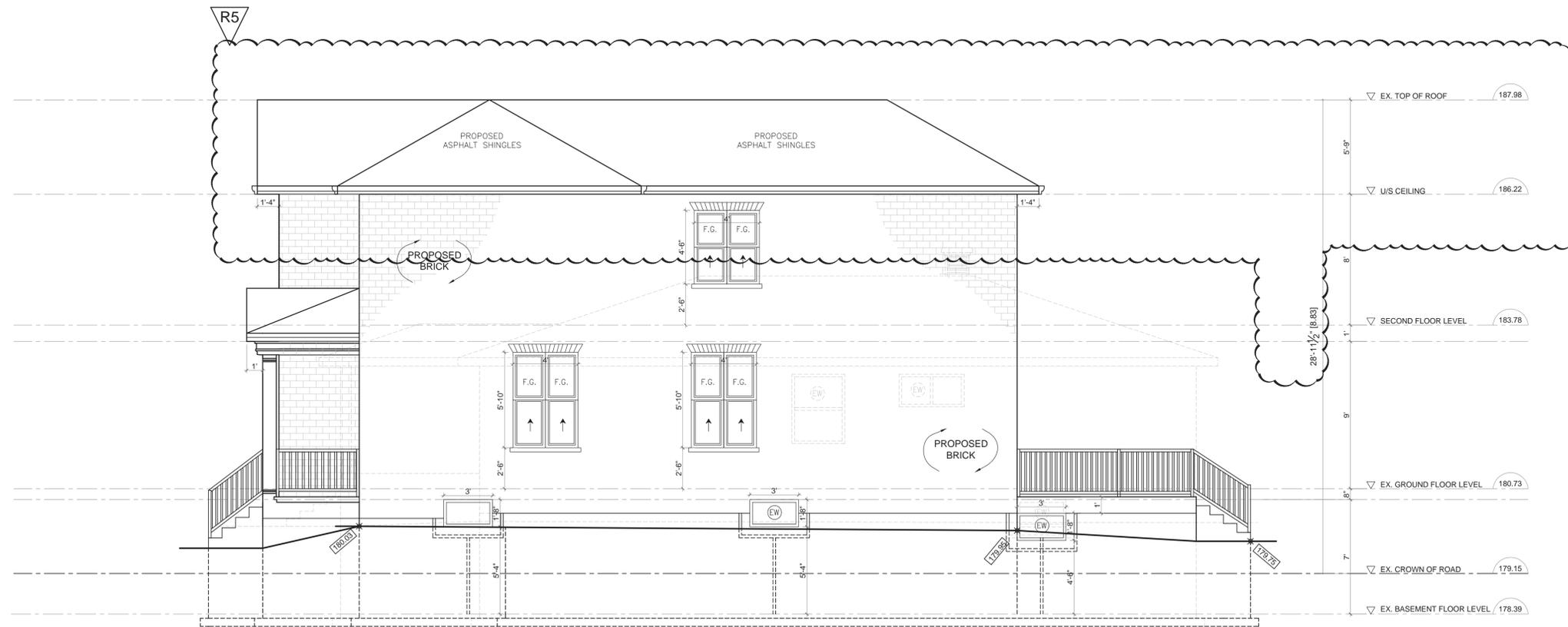


**CANTAM**  
Group Ltd.  
PLANNING & BUILDING CONSULTANTS  
880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

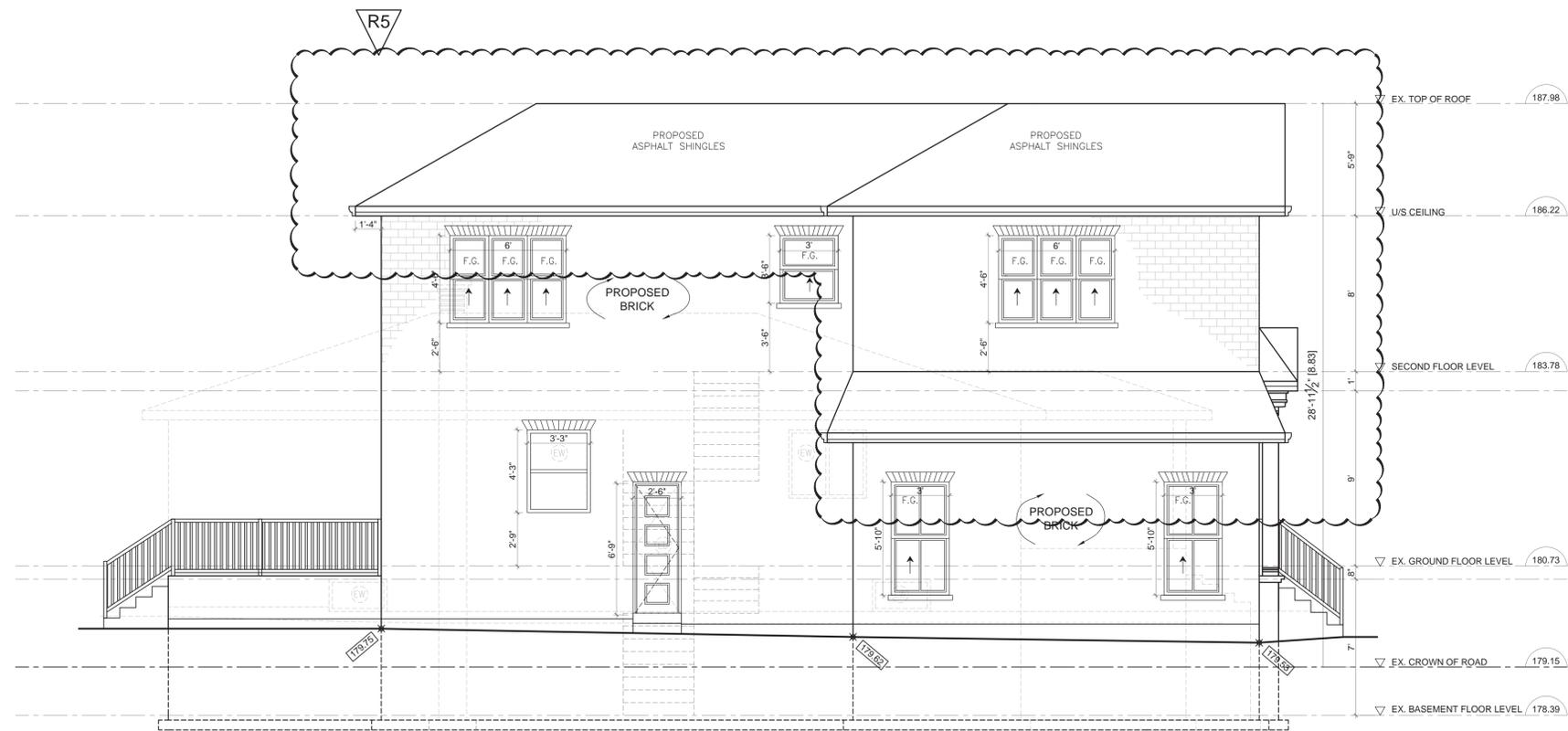
PROJECT :  
**ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST  
MARKHAM , ON**

DRAWING:  
**PROPOSED NORTH & SOUTH ELEVATIONS**

DATE: 03 / 31 / 2023	DRAWING NO. <b>A6</b>
SCALE: AS NOTED	
DRN: KB CKD: YASO	



**PROPOSED EAST SIDE ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED WEST SIDE ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
5.	REVISED AFTER COA MEETING	05 / 28 / 2025
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

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PROJECT :  
**ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST  
MARKHAM , ON**

DRAWING:  
**PROPOSED EAST & WEST SIDE ELEVATIONS**

DATE: 03 / 31 / 2023  
SCALE: AS NOTED  
DRAWING NO. **A7**  
DRN: KB CKD: YASO

**APPENDIX "C"**  
**COA STAFF REPORT DATED APRIL 30, 2025**

# Memorandum to the City of Markham Committee of Adjustment

April 23, 2025

**File:** B032/23, A/154/23, A/155/23  
**Address:** 44 Rouge Street, Markham Village  
**Applicant:** Cantam Group LTD. (Yaso Somalingam)  
**Hearing Date:** Wednesday, April 30, 2025

The following comments are provided on behalf of the Heritage Section staff ("Staff") for the property municipally known as 44 Rouge Street (the "Subject Property" or the "Property").

## **Consent Application**

Pursuant to the provisions of Section 53 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) **sever and convey a parcel of land** with an approximate lot frontage of 15.09 metres (49.51 feet) and an approximate lot area of 454.90 square metres (4,896.36 square feet) (Part 1);
- b) **retain a parcel of land** with an approximate lot frontage of 15.03 metres (49.31 feet) and an approximate lot area of 454.0 square metres (4,886.67 square feet) (Part 2).

## **Minor Variance Applications**

### **A/154/23 – Retained Lot**

The applicant is requesting the following relief from the zoning by-law to permit:

- a) **By-law 1229, Table 11.1:**  
a minimum lot area of 4886.67 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;
- b) **By-law 1229, Table 11.1:**  
a lot frontage of 49.31 feet, whereas the by-law requires a minimum lot frontage of 60 feet;
- c) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 48.61 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- d) **Amending By-law 99-90, Section 1.2(iii):** a maximum building depth of 17.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it relates to proposed modifications to the existing dwelling on the retained lot.

### **A/155/23 – Conveyed Lot**

The applicant is requesting the following relief from the zoning by-law to permit:

- a) **By-law 1229, Section 11.2 (c) (i):**

a porch with stairs to encroach 50.4 inches into a required yard, whereas the by-law permits a maximum encroachment of 18 inches;

**b) By-law 1229, Table 11.1:**

a minimum lot area of 4896.36 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;

**c) By-law 1229, Table 11.1:**

a lot frontage of 49.50 feet, whereas the by-law requires a minimum lot frontage of 60 feet; and

**d) By-law 1229, Amending By-law 99-90, Section 1.2 (vi):**

a maximum floor area ratio of 48.82 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

as it relates to a proposed two-storey residential dwelling on the conveyed lot.

## **BACKGROUND**

### **Property Description**

The Subject Property is located at the northeast corner of Rouge Street and Magill Street with rear yard frontage along Nelson Street. The Property currently contains a one-storey dwelling constructed in 1956 as per MPAC records. The immediate area is characterized by lots of variable size containing a mixture of relatively contemporary dwellings alongside those constructed in the 1950s-1960s.

### Heritage Status

The Subject Property is designated under Part V of the *Ontario Heritage Act* as a constituent property of the Markham Village Heritage Conservation District (the "MVHCD" or the "District") and is categorized as a Class 'C' property within the MVHCD Plan. Section 3.2 ('Building Classification') of the District Plan describes buildings contained on Class 'C' properties as follows:

- *These buildings do not relate to the historical character.*
- *They do not reinforce the historical character.*
- *Any redevelopment on a lot with this designation will be subject to the policies set out herein and handled in the same manner as a NEW BUILDING.*

The portion of the MVHCD that encompasses Rouge Street, along with nearby streets, is transitional in character and contains few significant heritage resources as identified in the MVHCD Plan. The vast majority of significant cultural heritage resources are in the portion of the District north of Highway 7.

### **Proposal**

The applicant is proposing to modify the existing dwelling on the Subject Property and sever a portion of the existing rear yard to create a new building lot with frontage along Magill Street and Nelson Street. Construction of a two-storey dwelling is proposed on the conveyed lot.

## COMMENTS

Consent applications are evaluated in the context of Section 51 (24) of the *Planning Act*, as well as provincial and local land division related policies.

### Land Division

In order for land division to occur under the *Planning Act*, a public process is required that ensures provincial interests and local planning concerns are both satisfied. In Markham, land division is regulated within a policy-led planning system that consists of several inter-related types of legislation and policies including:

- The *Planning Act*
- The Provincial Planning Statement (PPS)
- Other Provincial Plans
- Markham Official Plan (2014)
- Community Improvement Plans
- Local Zoning By-laws (or Minister's Zoning Order)

### 1. The Planning Act

The *Planning Act* in Ontario provides the framework for the province's policy-led planning system. All decisions regarding consent applications must:

- Have regard to the matters of provincial interest listed in section 2 of the Act;
- Have regard to criteria listed in subsection 51(24) which relates to the subdivision of land, and includes, but is not limited to:
  - Lot dimensions and shapes;
  - Restrictions of the land;
  - Interrelationship with site plan control matters (where applicable).

Each of these criteria is explored below:

#### a) Matters of Provincial Interest

The Subject Property does involve a matter of provincial interest, that being section 2(c) "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest". The property is located within the MVHCD.

#### b) Lot Dimensions and Shapes

This is a matter that is addressed in the comments on land severance policies of the Markham Official Plan (see section 3 of this memo).

#### c) Restrictions on the Land

The restrictions on the subject property relate to the fact that the property is designated pursuant to Part V of the *Ontario Heritage Act*. Council has adopted a heritage conservation district plan through a specific by-law. This heritage plan provides policies and design guidelines to guide alterations and development. The owner must obtain a "Heritage Act" permit from the municipality to alter any part of the property, or to erect, demolish or remove any building on the property. Therefore, any new development (lot creation and any future building) is subject to the restrictions and guidance found in the heritage conservation district plan as well as those in the Official Plan.

### 2. Consistency with the Provincial Planning Statement

The Provincial Planning Statement (PPS) sets the policy foundation for regulating the development and use of land in Ontario. Decisions in respect of the exercise of any

authority that affects a planning matter shall be consistent with the Provincial Planning Statement.

Section 2.2 of the PPS directs planning authorities to permit and facilitate all types of residential intensification, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units.

Section 2.6 of the PPS addresses cultural heritage resources. The policy requires that significant built heritage resources and significant cultural heritage landscapes (a heritage conservation district) shall be conserved. The term 'conserved' is defined as "*the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained*".

No built heritage resources will be lost, and the creation of a new lot is not viewed as being detrimental to the heritage attributes of the Property as well as the overall character and integrity of the MVHCD.

### **3. Conformity with the Official Plan**

The Official Plan represents a municipality's chief planning tool to provide direction to approval authorities and the public on local planning matters. It contains land use planning objectives as well as policies in areas such as land use, land division and conservation of cultural heritage resources.

Section 10.5 of the Markham Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18), notes that it is the policy of Council that the Committee of Adjustment shall be guided by the general intent and purpose of the Plan in making decisions on minor variances to the zoning by-law and consent applications.

#### Land Use Policies

In the Official Plan, the Subject Property is designated "Residential - Low Rise" which provides for 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. This criteria is established to ensure that infill development is 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 these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

The Markham Official Plan also includes applicable policies respecting **land severance** (Section 10.3.2 - Consents) and **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

#### Land Severance Policies

For land severance, regard is to be given to matters under Section 51(24) of the *Planning Act*, including having regard to adjacent land uses, access and services. Section 10.3.2.4 of the Official Plan provides for additional development criteria that must be considered including that the lot(s) comply with the cultural heritage protection policies in Sections 4.5.3.9 and 4.5.3.10.

### Heritage Conservation Policies

From a heritage conservation policy perspective, two of the overall goals of the Official Plan are “to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale” and “to celebrate Markham’s unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community” (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance and severance approval and associated agreements (Section 4.5.3.9); and
- To evaluate each land severance and variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street or in the immediate neighbourhood where it contributes to the uniqueness, and forms part of, the historical character of the area. (Section 4.5.3.10)

### Markham Village Heritage Conservation District Plan

The key goal of the District Plan is to conserve the historical ambience and heritage of the district while at the same time fostering the change and growth necessary to enhance the quality of life for the people in the area. One of the objectives is to assist in guiding future development proposals such that their design is compatible with existing historical character.

The District Plan notes that “in addition to heritage permit applications, all matters relating to the official plan, zoning, site plan control, severances, variances, demolitions, etc. within the boundary of the heritage conservation district will require review by Heritage Markham. There are no specific policies or guidelines related to land division.

### **Discussion**

#### **Lot Frontage**

The proposed lot frontage for the conveyed parcel generally reflects the existing lot frontages of properties along Rouge Street while the lot frontage for the retained parcel reflects an existing condition. As such, the variance required for proposed lot frontage is in keeping with the lotting pattern of the immediate area.

#### **Lot Area**

The proposed lot area of the retained and severed parcels reflects the emerging lot pattern of the area. For example, the lotting pattern along the south side of Rouge Street and the north side of James Scott Road is a result of a series of consent applications. The lots along the north side of James Scott Road were created in the early-to-mid 2000s when the rear portion of the properties along the south side of Rouge Street were severed to allow for residential intensification of the area (properties along both streets range in size from approximately 250 to 550 sq m or 2,690 to 5,920 sq ft). The proposed severance,

therefore, is a continuation of a process of land division has been occurring for several decades within this portion of the MVHCD, creating a lot area generally consistent with recent consent applications in the immediate area.

### **Conclusion**

Based on the above review, the proposed consent application conforms to the land division and heritage conservation policies of the Official Plan, including the policies of the MVHCD Plan as adopted by Council. As such, it is the opinion of Staff that the impact of the consent application on both the cultural heritage value of the Subject Property, and the lotting pattern/built-form character of Rouge Street are minimal, and that the application can be supported from an Official Plan conformity perspective. Further, it is the opinion of Staff that the consent application does not have an adverse impact on cultural heritage value of the MVHCD.

### **4. Compliance with the Zoning By-law**

A zoning by-law is a planning tool in the *Planning Act*, which enables Council or the Committee of Adjustment to implement the vision set out in the official plan. It identifies the permitted land uses and the required development standards. Any development, including the creation of a new lot, must comply with the applicable zoning by-law or seek an appropriate variance.

Therefore, the zoning standard attempts to regulate in general what lot size provisions would be generally appropriate for new development in this zone category notwithstanding that there may be a wide variation in sizes, especially in the heritage area.

The *Planning Act* states that all four tests must be met in order for a variance to be granted:

- 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 the 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.

The creation of the proposed new lot and the proposed scope of construction on each lot will require multiple variances to the zoning by-law, as outlined at the beginning of this memo. The Subject Property is zoned R1 under By-law 1229, as amended, which permits one single-detached dwelling per lot. The owner completed a Zoning Preliminary Review (ZPR) in 2024 to confirm the initial variances required for the concurrent consent and minor variance applications. The Subject Property is zoned RES-ENLR under By-law 2024-19, as amended, which also permits residential uses. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of the By-law on January 31<sup>st</sup>, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of the By-law, for a period of three years from the passing.

The current applications were submitted on August 16, 2023 prior to By-law 2024-19 coming into full force and effect. As such, should this application be approved, the provisions of By-law 2024-19 shall not apply, provided a building permit is obtained by January 31, 2027.

### **Retained Lot (A/154/23)**

#### Lot Area and Lot Frontage

Staff are of the opinion that both variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law (refer to the response provided for the consent application).

#### Maximum Floor Area Ratio

The proposed floor area ratio ("FAR") is lower than the floor area ratio of the nearby dwellings such as those on the north side of James Scott Road which range from 80.61% to 84.56% (these lots were created via the consent applications described in the preceding portion of this memo). Despite exceeding the permitted FAR of 45%, the dwellings at 24, 26, 28 and 30 James Scott Road do not appear over-sized relative to their lots or appear out of scale with the emerging built form character of the area. As such, it is the opinion of Staff that the proposed variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law.

#### Building Depth

The applicant is requesting relief from the by-law to allow for a 0.68m increase in building depth above and beyond existing permissions. Given the small numerical deviation from existing permissions, Staff are of the opinion that the impact on viable rear amenity space will be minimal. Staff are also of the opinion that the visual impact of the additional building mass created by the requested depth increase will be minimal. As such, it is the opinion of Staff that the proposed variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law.

### **Conveyed Lot (A/155/23)**

#### Encroachment into Flankage Yard

While a variance is being sought for stair encroachment, the proposal otherwise conforms to the setback requirements for the flankage yard. Given that the primary volume of the dwelling conforms to the setback requirement, Staff are of the opinion that the encroachment of the stairs will not be visually intrusive or otherwise create an unattractive or inconsistent streetscape. As such, it is the opinion of Staff that the proposed variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law.

#### Lot Area and Lot Frontage

Staff are of the opinion that both variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law (refer to the response provided for the consent application).

#### Maximum Floor Area Ratio

Refer to response for the Retained Lot regarding maximum floor area ratio.

### **Staff/Agency Comments**

#### Heritage Markham Committee

Heritage Markham last reviewed the application at its meeting on May 8, 2024 and had no objection to the requested land division and variances. Refer to Appendix "D" of this memo for a copy of the meeting extract.

Urban Design Staff

The City's Urban Design Section has indicated that they have no objection to the requested land division and variances subject to the approval conditions described in Appendix "A" of this memo.

Engineering

The City's Engineering Department has no objection to the proposed land division and variances.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of April 23, 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**

Staff have reviewed the application with respect to Sections 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. 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:



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Evan Manning, Senior Heritage Planner

REVIEWED BY:



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Regan Hutcheson, RPP, MCIP  
Manager, Heritage Planning

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B032/23, A/154/23, A/155/23**

#### **B034/23**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B032/23, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
6. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
7. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
8. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design and/or the Director of Engineering, Director of Operations, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens, and other encumbrances, and the Owner shall be procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the

Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including, but not limited to:

- i. Payment of all applicable fees in accordance with the City's fee By-law;
  - ii. Submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot(s), to be reviewed and approved by the City. That prior to issuance of a building permit, a cash-in-lieu of parkland dedication be provided based on the Appraisal report
  - iii. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
  - iv. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
  - v. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.
  - vi. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
  - vii. Submission of securities respecting any works to be provided in accordance with the Development Agreement;
9. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
10. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

**A/154/23, A/155/23**

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 "E" 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 arborist in accordance with the City's Trees for Tomorrow Streetscape Manual, to the satisfaction of the Director of Planning and Urban Design, or their designate, through the future Major Heritage Permit Approval process.
4. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's Trees for Tomorrow Streetscape Manual and Accepted Tree Assessment and Preservation Plan, through the future Major Heritage Permit Approval process.
5. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Trees for Tomorrow Streetscape Manual, Accepted Tree Assessment and Preservation Plan, and conditions of the Major Heritage Permit, to be inspected by City staff to the satisfaction of the Director of Planning and Urban Design, or their designate.

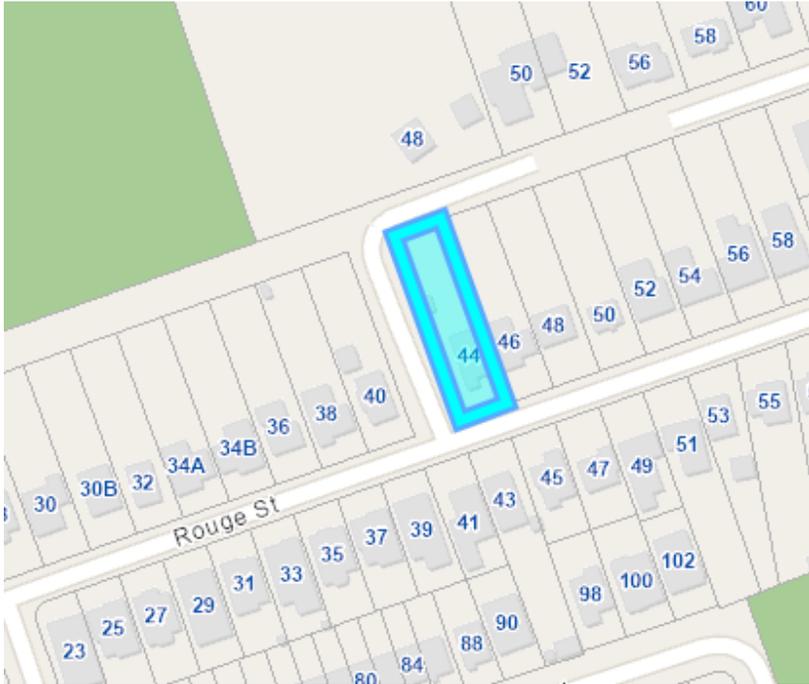
CONDITIONS PREPARED BY:



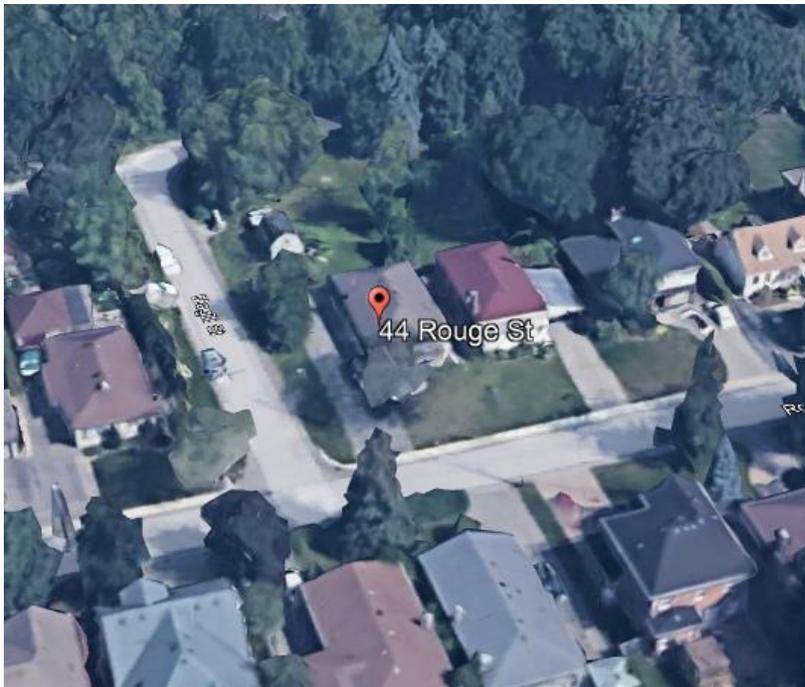
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Evan Manning, Senior Heritage Planner

**APPENDIX “B”  
LOCATION MAP AND AERIAL IMAGE OF THE SUBJECT PROPERTY**



Property map showing the location of the Subject Property [outlined in blue] (Source: City of Markham)



Aerial image looking northeast towards the Subject Property (Source: Google Earth)

**APPENDIX "C"**  
**IMAGES OF THE SUBJECT PROPERTY**



The Subject Property as viewed from the intersection of Rouge Street and Magill Street [above] and from Nelson Street [below] (Source: Google)

## **HERITAGE MARKHAM EXTRACT**

Date: May 15, 2024

To: R. Hutcheson, Manager of Heritage Planning  
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM #6.4 OF THE FOURTH  
HERITAGE MARKHAM COMMITTEE MEETING HELD ON May  
8, 2024

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### **6. PART FOUR - REGULAR**

#### **6.4 COMMITTEE OF ADJUSTMENT CONSENT AND VARIANCE APPLICATIONS**

##### **44 ROUGE STREET, MARKHAM VILLAGE (16.11)**

File Numbers:

B/032/23 A/154/23 A/155/23

Evan Manning, Senior Heritage Planner, introduced this item, reminding the Committee that this is a consent and variance application for 44 Rouge Street, which was before the Committee in October of 2023 and was not supported by the Heritage Markham Committee at that time. The applicant has come forward with a new Committee of Adjustment applications with some of the variances eliminated in response to concerns expressed by the Committee when the applications were last considered.

Edgar De Souza, deputant and resident of Rouge Street, expressed concerns with the severance of the property as he noted that the area is defined by the larger lots and allowing this severance may set a precedent for future severances. Mr. De Souza was of the opinion that the proposed severance and the resulting lot fabric would not conform with policies in the Official Plan. Mr. De Souza mentioned that he does not have concerns with the construction of a dwelling, only with the severance itself.

Nicole McLaughlin, deputant and resident of Rouge Street, echoed Mr. De Souza's comments and noted that Nelson Street is more of a lane, not a full street. Ms.

McLaughlin flagged the comparisons drawn in the Staff report between Nelson Street and James Scott Road, which she commented are not the same in width, and as such are not appropriate comparables. Ms.

McLaughlin expressed concerns with the lot area proposed, noting a difference of over 1000 square feet from the existing lot size.

Sarah and Stephen Kertesz, deputants and residents of Rouge Street, stated that they purchased their home due to the large lots that characterize this part of the Heritage District. Ms. Kertesz noted that if the lot is severed and two homes are built, it would alter the unique character of the area. Ms. Kertesz expressed understanding of the need to build housing but noted that she does not believe it should come at the detriment of maintaining the heritage character of the area. Mr. Kertesz expressed concern with the reduction of greenspace and drainage issues that this severance might result in.

The Committee provided the following feedback:

- Thanked the Applicant and architect who reduced the variances, while expressing continued concerns with the proposed severance and resulting lot sizes compared to the existing context.
- Expressed concern as to the precedent that would be created by the severance.
- Expressed concern with the reduction of private open space resulting from the severance and subsequent construction of a new dwelling.
- Discussed the purview of the Heritage Committee and whether some of the areas of concern noted should be considered from a heritage perspective.
- Noted that some of the heritage context of the area is diminished due to the fact that most of the homes in the area are mid-century modern.

Recommendation:

THAT Heritage Markham does not support the consent and variances applications for 44 Rouge Street.

**Lost**

Recommendations:

THAT Heritage Markham has no objection from a heritage perspective to the consent and variances applications for 44 Rouge Street;

AND THAT the depositions from Edgar De Souza, Nicole McLaughlin, and Sarah and Stephen Kertesz be received;

AND THAT the petition in opposition to the applications from residents of Vinegar Hill be received.

**Carried**

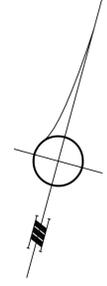
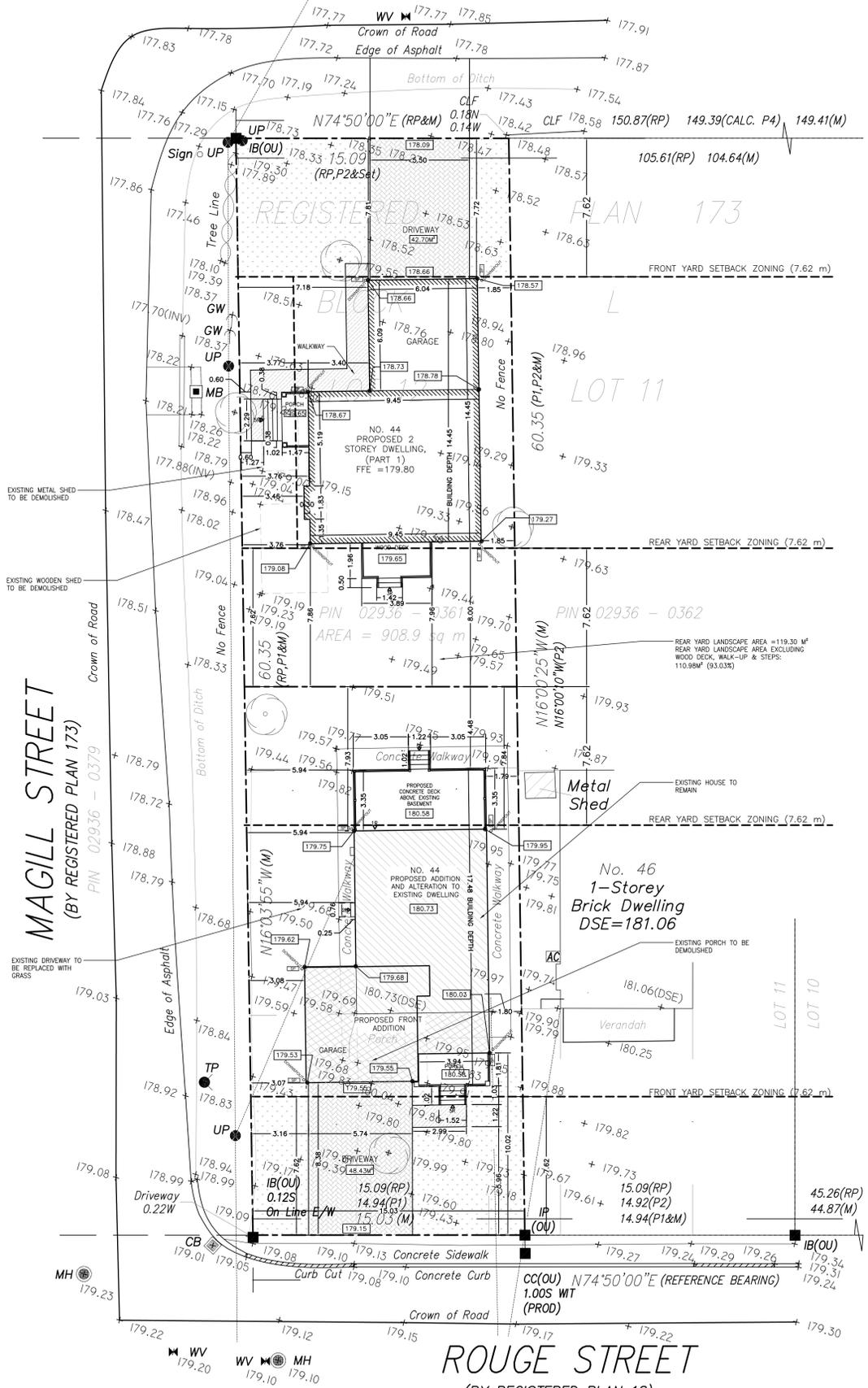
**APPENDIX "E"**  
**DRAWINGS**

**Metric**

DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NELSON STREET**  
(BY REGISTERED PLAN 173)

PIN 02936 - 0378



**MAGILL STREET**  
(BY REGISTERED PLAN 173)

PIN 02936 - 0379

**ROUGE STREET**  
(BY REGISTERED PLAN 18)

PIN 02936 - 0615

**SITE PLAN**  
SCALE: 1 : 150

44, ROUGE STREET MARKHAM - PROPOSED DWELLING

LANDSCAPE CALCULATION FOR FRONT YARD (NELSON STREET)	
A TOTAL FRONT YARD =	117.68 SQ.M. 1266.803 SQ. FT.
B DRIVEWAY AREA =	42.75 SQ.M. 459.618 SQ. FT.
C LANDSCAPE AREA =	74.93 SQ.M. 807.184 SQ. FT.
D % OF TOTAL FRONT YARD =	63.72 %
E HARD LANDSCAPE AREA =	1.25 SQ.M. 13.4548 SQ. FT.
F SOFT LANDSCAPE AREA =	73.74 SQ.M. 793.73 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	98.38 %

44, ROUGE STREET MARKHAM - PROPOSED DWELLING

LANDSCAPE CALCULATION FOR SIDE YARD	
A TOTAL FRONT YARD =	70.18 SQ.M. 755.192 SQ. FT.
B DRIVEWAY AREA =	0 SQ.M. 0 SQ. FT.
C LANDSCAPE AREA =	70.18 SQ.M. 755.192 SQ. FT.
D % OF TOTAL FRONT YARD =	100 %
E HARD LANDSCAPE AREA =	18.69 SQ.M. 201.177 SQ. FT.
F SOFT LANDSCAPE AREA =	51.47 SQ.M. 554.015 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	73.36 %

44, ROUGE STREET MARKHAM - EXISTING HOUSE

LANDSCAPE CALCULATION FOR FRONT YARD	
A TOTAL FRONT YARD =	128.36 SQ.M. 1381.654 SQ. FT.
B DRIVEWAY AREA =	48.43 SQ.M. 521.267 SQ. FT.
C LANDSCAPE AREA =	79.93 SQ.M. 860.388 SQ. FT.
D % OF TOTAL FRONT YARD =	62.31 %
E HARD LANDSCAPE AREA =	5.2 SQ.M. 55.9723 SQ. FT.
F SOFT LANDSCAPE AREA =	74.75 SQ.M. 804.392 SQ. FT.
G % OF TOTAL SOFT LANDSCAPE =	83.81 %



**PLAN OF LOT 12 BLOCK L REGISTERED PLAN 173 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK**



**KEY PLAN**  
N.T.S.

SITE DATA: NELSON STREET (MARKHAM) PROPOSED DWELLING, ONTARIO

ZONING			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	454.90 sq. m.	COA REQ.
MIN. LOT FRONTAGE:	18.29 m	15.09 m	COA REQ.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		116.39 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW & STAIRS:		105.92 sq. m.	
TOTAL GROSS FLOOR AREA =		222.31 sq. m.	
GROSS FLOOR AREA %:	45.00 %	48.87 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING GARAGE AND PORCH			
BUILDING FOOTPRINT AREA %:	35.00 %	26.57 %	
MIN. FRONT YARD SETBACK			
MIN. SIDE YARD RIGHT SIDE (2 STOREY)	1.83 m	1.85 m	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	3.05 m	3.76 m	
MIN. REAR YARD SETBACK:	7.62 m	7.86 m	
MAX. DWELLING UNIT DEPTH			
	16.80 m	14.45 m	
GARAGE AREA :			
MAX. DRIVE WAY WIDTH		36.85 sq. m.	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	5.50 m	9.65 m

SITE DATA: 44 ROUGE STREET (MARKHAM) EXISTING HOUSE, ONTARIO

ZONING				
	PERMITTED	EXISTING	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.		454.00 sq. m.	COA REQ.
MIN. LOT FRONTAGE:	18.29 m		15.03 m	COA REQ.
GROSS FLOOR AREA:				
FIRST FLOOR AREA:		98.31 sq. m.	113.35 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW & STAIRS:		-	107.32 sq. m.	
TOTAL GROSS FLOOR AREA =		98.31 sq. m.	220.67 sq. m.	
GROSS FLOOR AREA %:	45.00 %	21.66 %	48.61 %	COA REQ.
BUILDING FOOTPRINT AREA INCLUDING GARAGE AND CONCRETE DECK				
BUILDING FOOTPRINT AREA %:	35.00 %	23.17 %	31.96 %	
MIN. FRONT YARD SETBACK				
MIN. SIDE YARD RIGHT SIDE (2 STOREY)	7.62 m	12.17 m	8.38 m	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	1.22 m	1.79 m	NO CHANGE	
MIN. SIDE YARD LEFT SIDE (ABUTTING A STREET)	3.05 m	5.93 m	3.07 m	
MIN. REAR YARD SETBACK:	7.62 m	4.48 m	7.84 m	
MAX. DWELLING UNIT DEPTH				
	16.80 m	13.42 m	17.48 m	COA REQ.
GARAGE AREA :				
MAX. DRIVE WAY WIDTH		-	5.75 m	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	6.30 m	9.20 m	

**NOTE:**  
SITE INFORMATION HAS BEEN TAKEN FROM ertl surveyors Ontario Land Surveyors www.es-ols.com 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1 TELEPHONE (905) 731-7834 FAX (905)731-7852 EMAIL info@es-ols.com PROJECT : 21256

NO.	REVISIONS	DATE
4	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2	REV AS PER ZONING REVIEW	06 / 27 / 2023
1	ISSUED FOR REVIEW	03 / 21 / 2023

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
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DO NOT SCALE DRAWINGS.

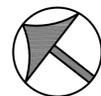
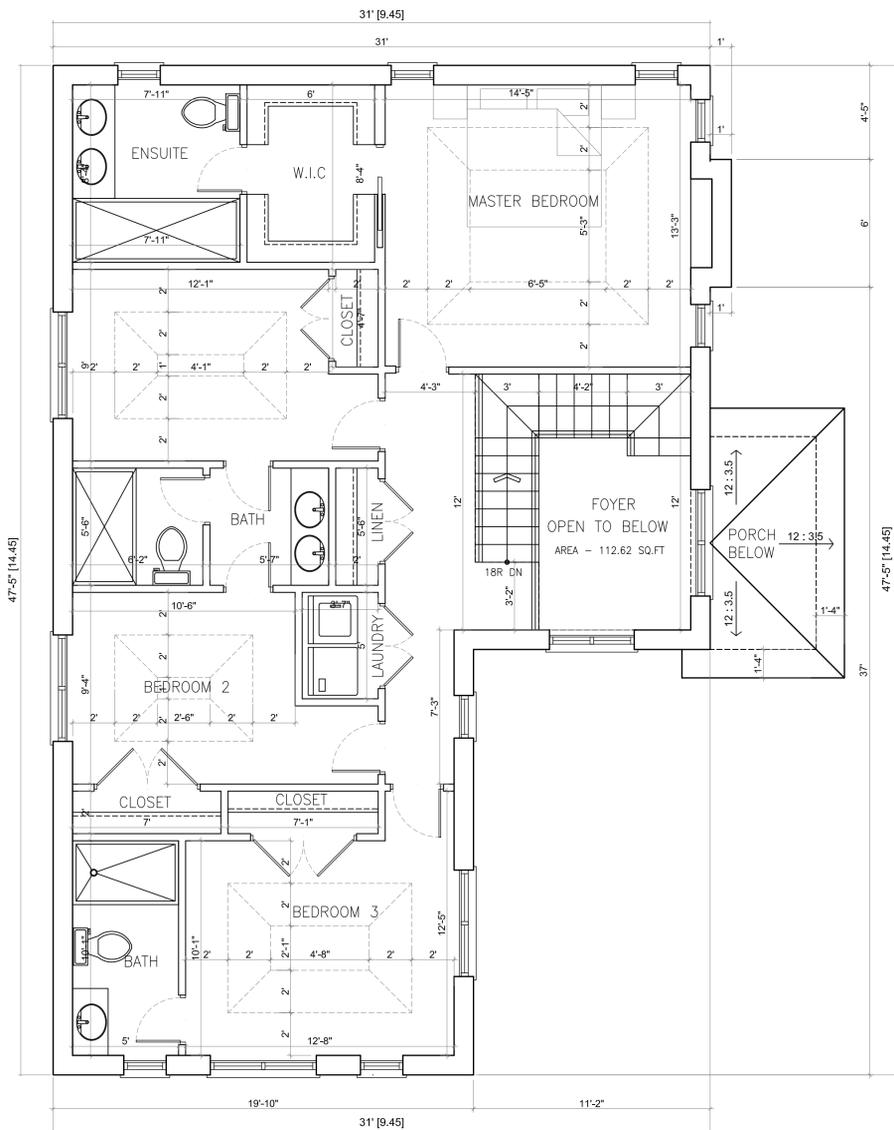
PROJECT COORDINATOR:  
**CANTAM Group Ltd.**  
PLANNING & BUILDING CONSULTANTS  
880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT:  
PROPOSED TWO STOREY RESIDENCE AT NELSON ST & ADDITION RENOVATION TO EXISTING HOUSE AT 44 ROUGE ST MARKHAM, ON

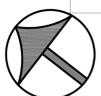
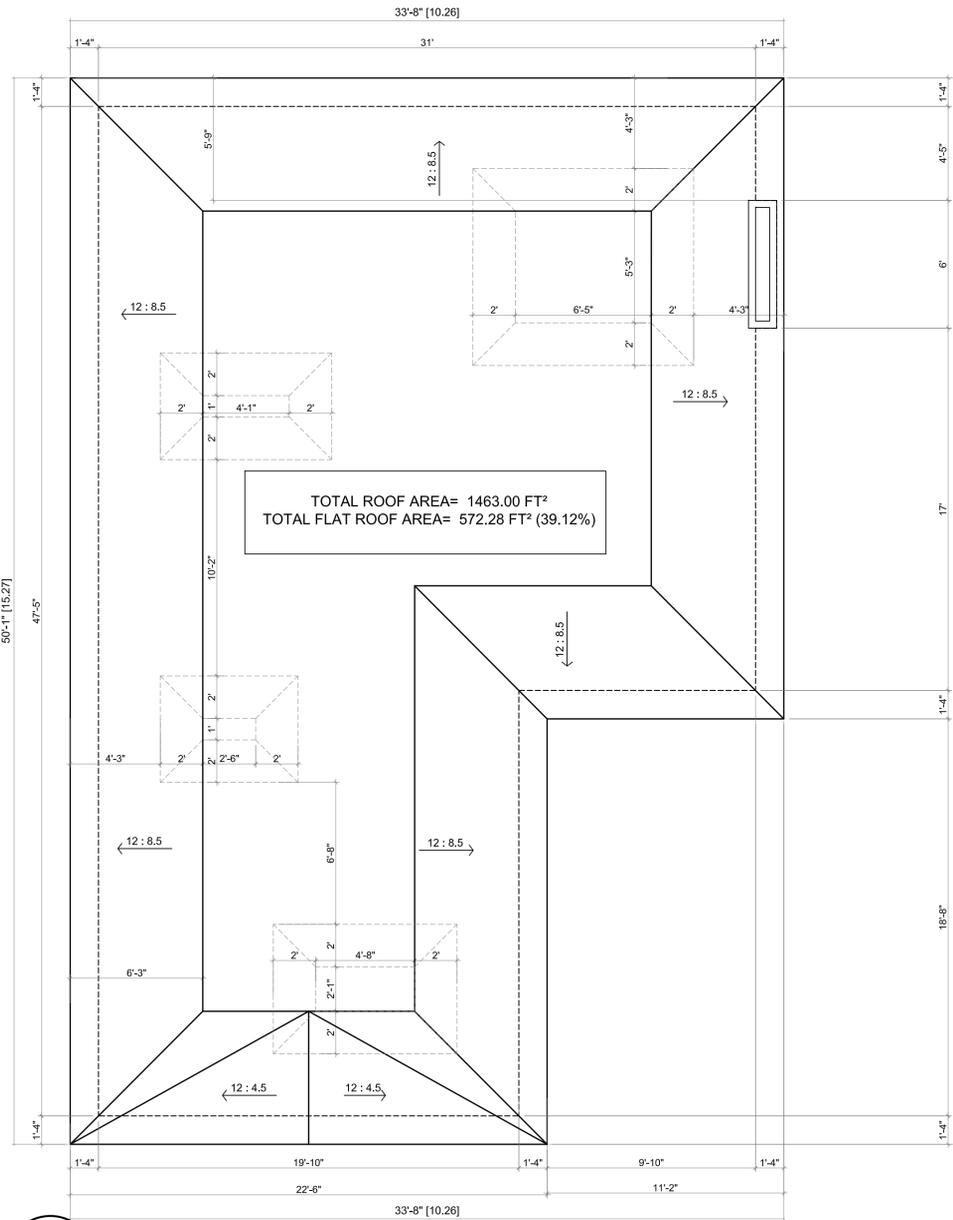
DRAWING:  
SITE PLAN

DATE: 10 / 06 / 2021	DRAWING NO. <b>A1</b>
SCALE: AS NOTED	
DRN: SS	CKD: YASO





**PROPOSED SECOND FLOOR PLAN**  
SCALE : 1/4"=1'



**PROPOSED ROOF PLAN**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

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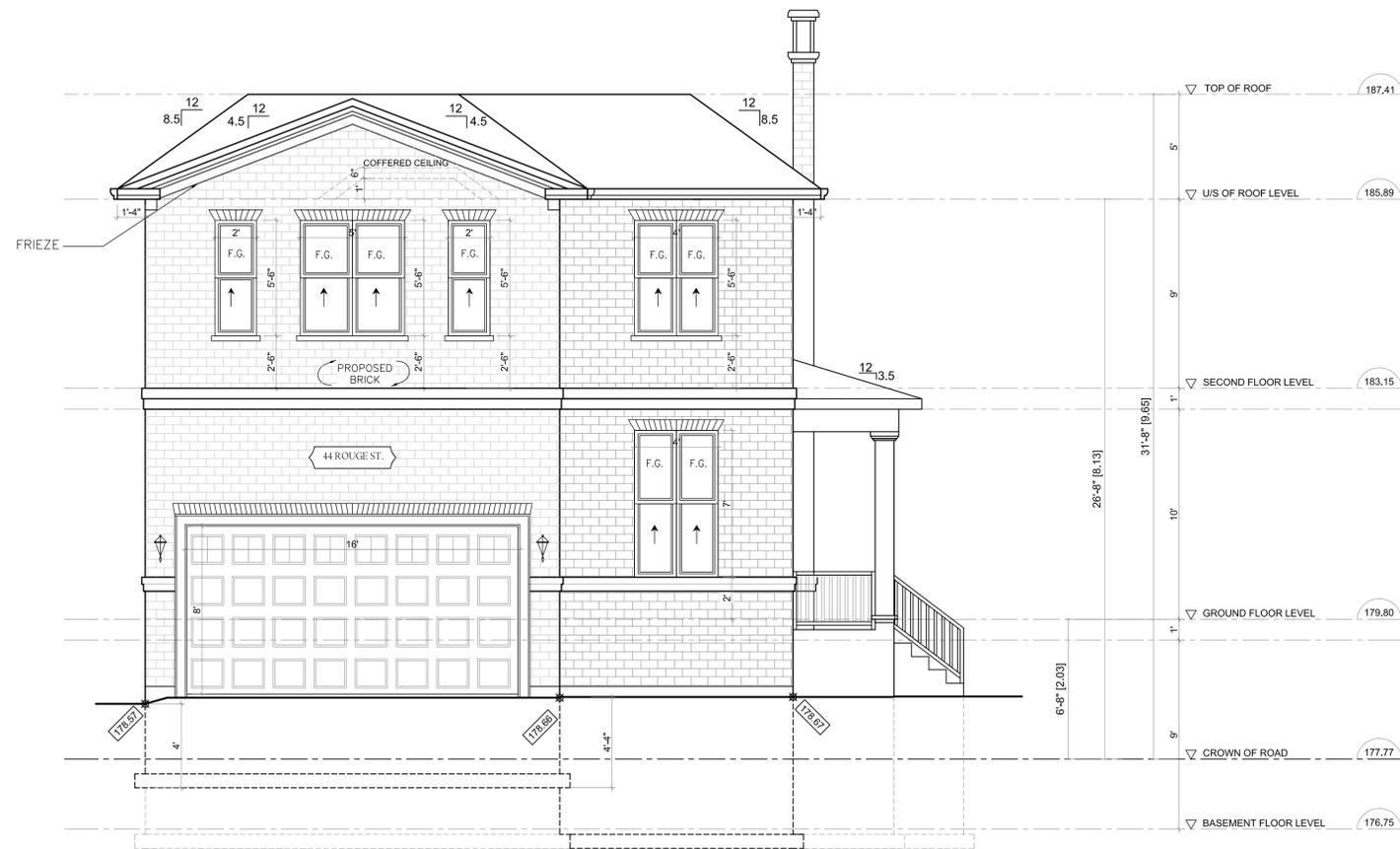
**CANTAM**  
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TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
AT NELSON ST.  
MARKHAM , ON**

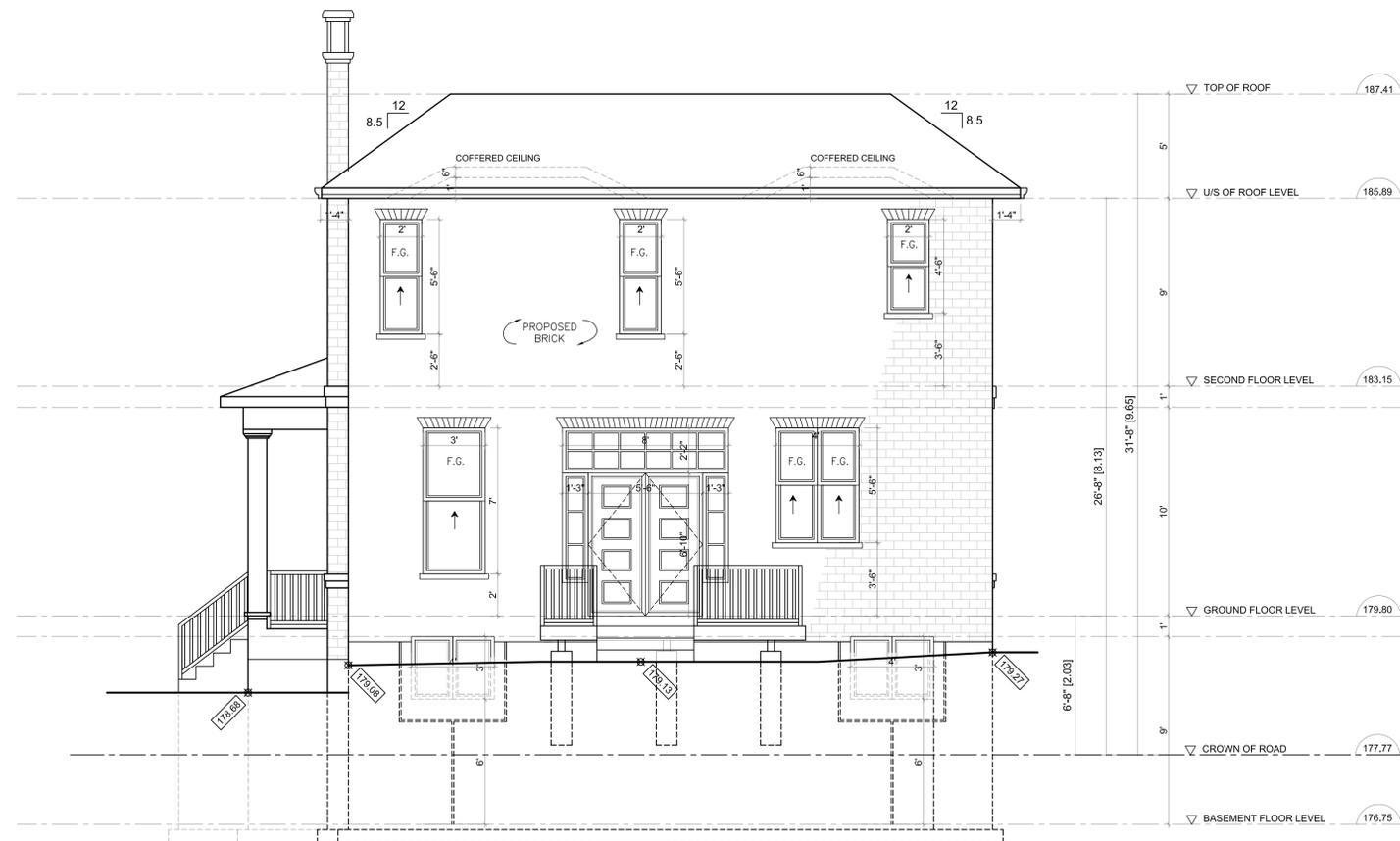
DRAWING:  
**SECOND FLOOR AND ROOF PLAN**

DATE: 08/22/2022  
SCALE: AS NOTED  
DRN: SPENCER CKD: YASO

DRAWING NO.  
**A3**



**PROPOSED NORTH ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED SOUTH ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

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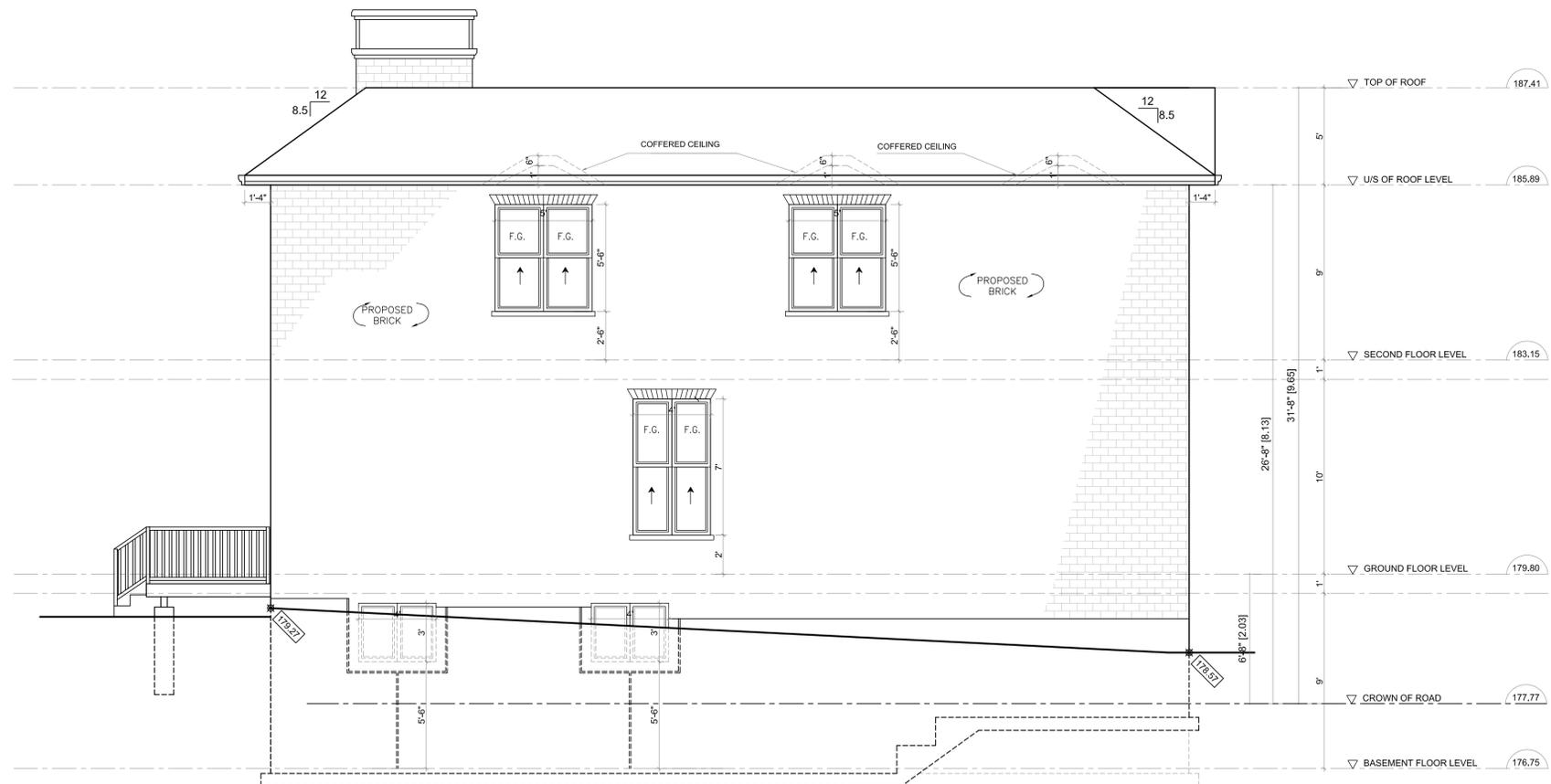
PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
AT NELSON ST.  
MARKHAM , ON**

DRAWING:  
**NORTH AND SOUTH ELEVATION**

DATE: 08/22/2022	DRAWING NO. <b>A4</b>
SCALE: AS NOTED	
DRN: SPENCER CKD: YASO	



**PROPOSED WEST SIDE ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED EAST SIDE ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

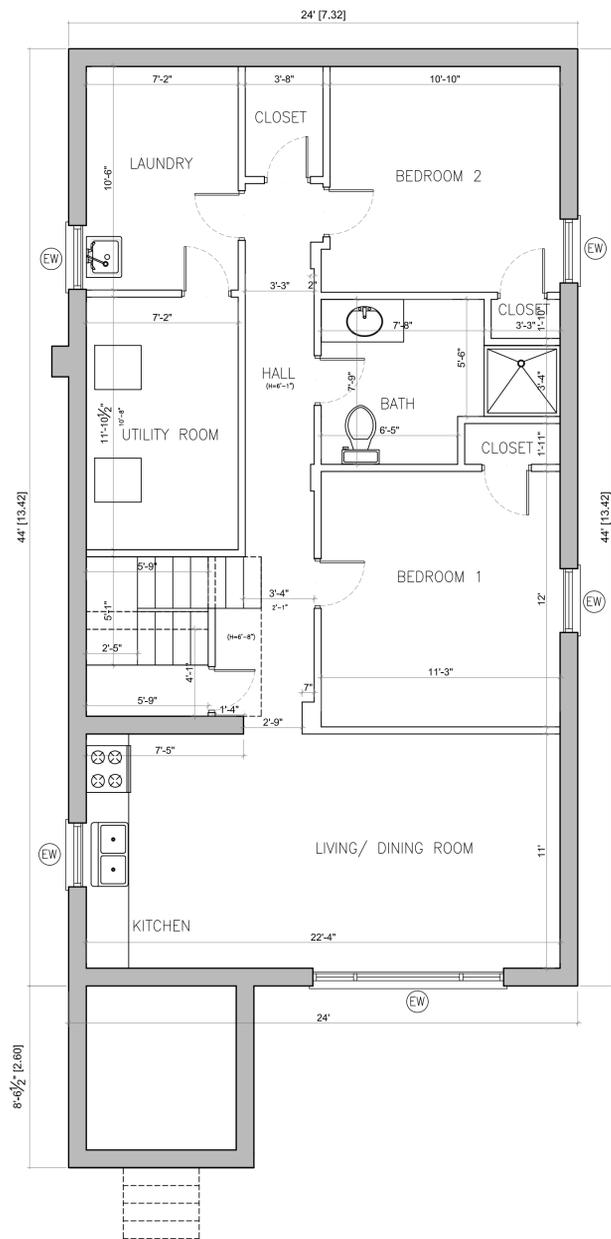
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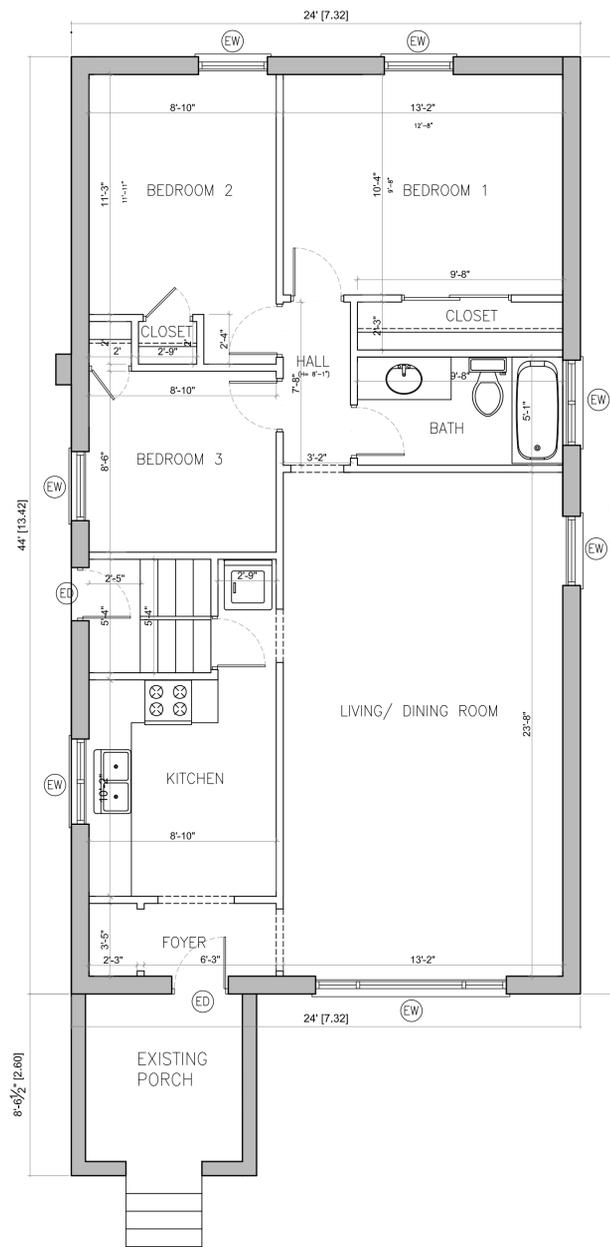
PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
AT NELSON ST.  
MARKHAM , ON**

DRAWING:  
**EAST AND WEST SIDE ELEVATION**

DATE: 08/22/2022  
SCALE: AS NOTED  
DRAWING NO. **A5**  
DRN: SPENCER CKD: YASO



 **EXISTING BASEMENT FLOOR PLAN**  
SCALE : 1/4"=1'



 **EXISTING GROUND FLOOR PLAN**  
SCALE : 1/4"=1'

WALL LEGEND	
	EXISTING WALL
	DEMOLISH WALL

NO.	REVISIONS	DATE
1.	ISSUED FOR ZONING CERTIFICATE	11 / 03 / 2021

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
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850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

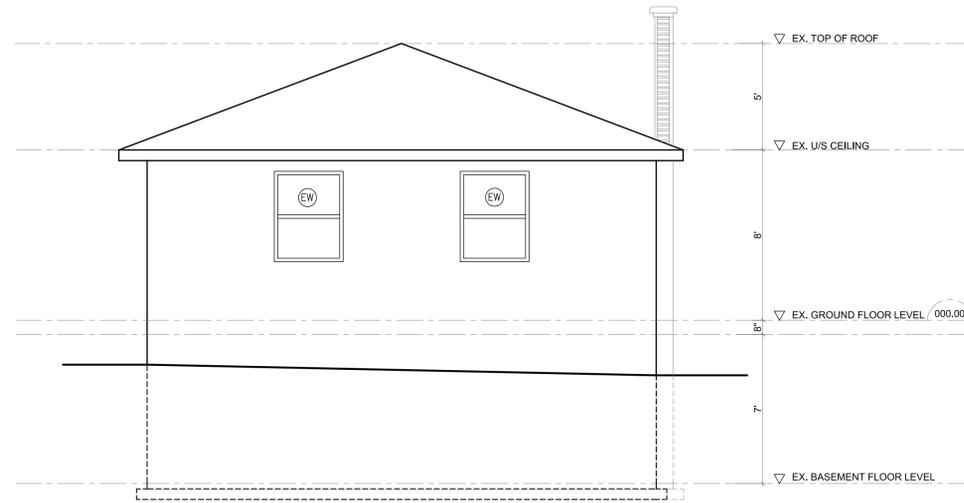
PROJECT :  
**ADDITION & RENOVATION TO EXISTING SINGLE STOREY DWELLING AT 44 ROUGE ST MARKHAM , ON**

DRAWING:  
**EXISTING BASEMENT AND GROUND FLOOR PLAN**

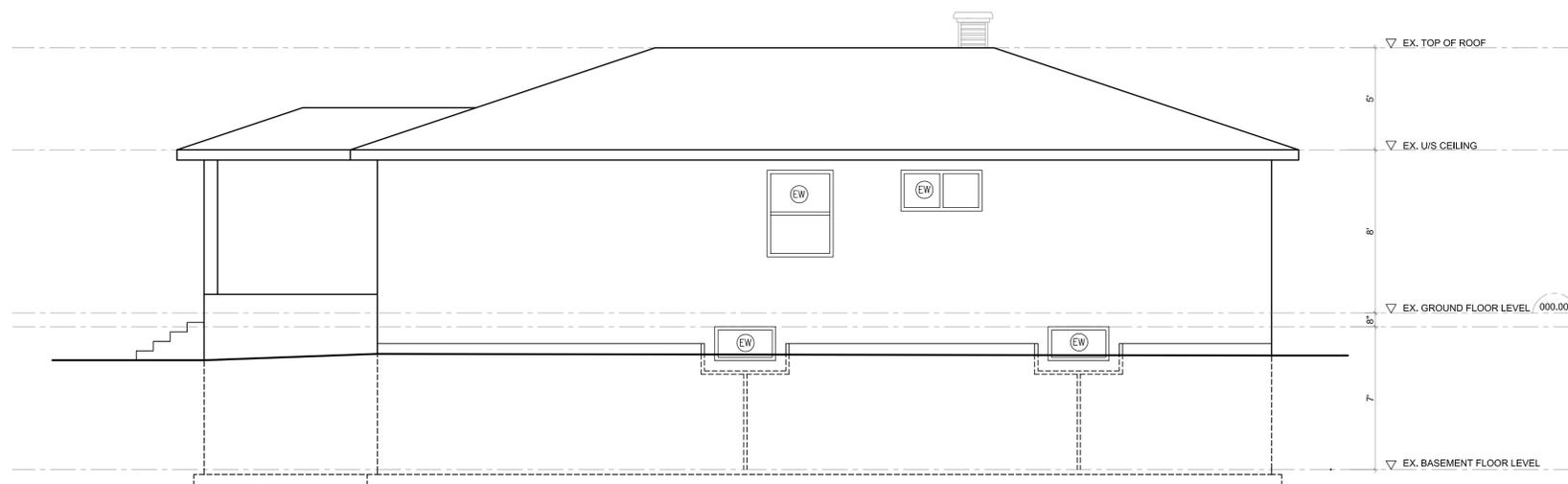
DATE: 01 / 19 / 2023	<b>A6</b>
SCALE: AS NOTED	
DRN: SPENCER	CKD: YASO



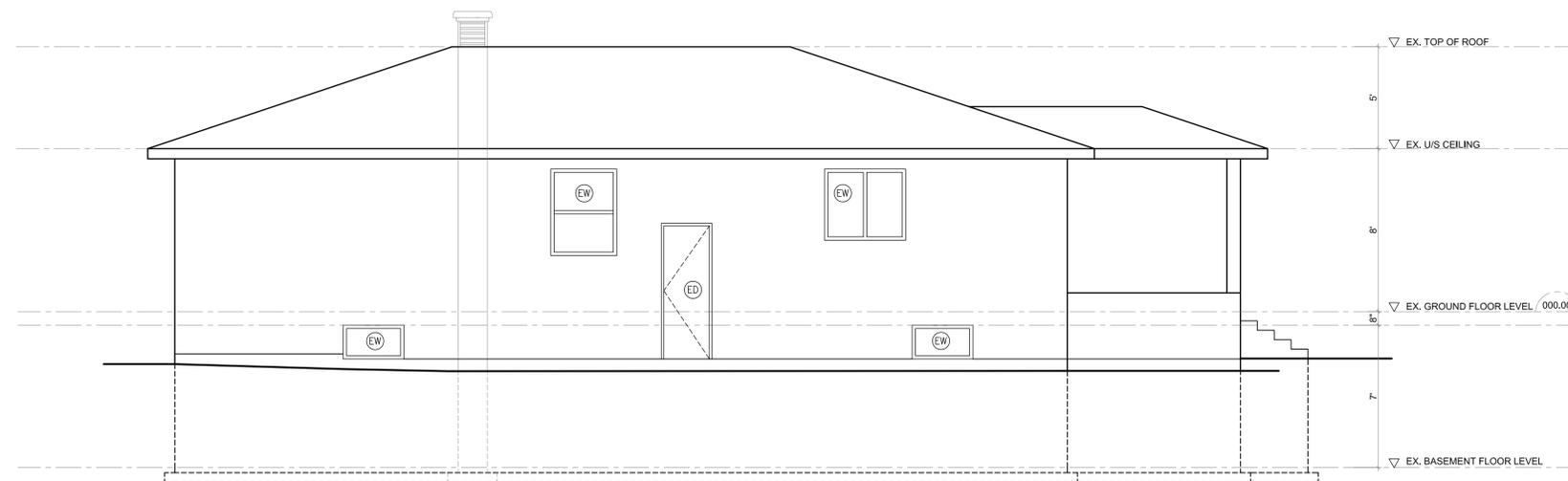
**EXISTING FRONT ELEVATION**  
SCALE : 1/4"=1'



**EXISTING REAR ELEVATION**  
SCALE : 1/4"=1'



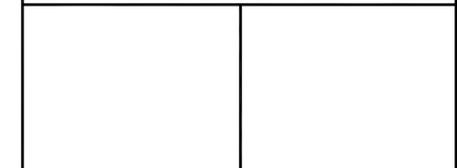
**EXISTING RIGHT SIDE ELEVATION**  
SCALE : 1/4"=1'



**EXISTING LEFT SIDE ELEVATION**  
SCALE : 1/4"=1'

1.	ISSUED FOR ZONING CERTIFICATE	11 / 03 / 2021
NO.	REVISIONS	DATE

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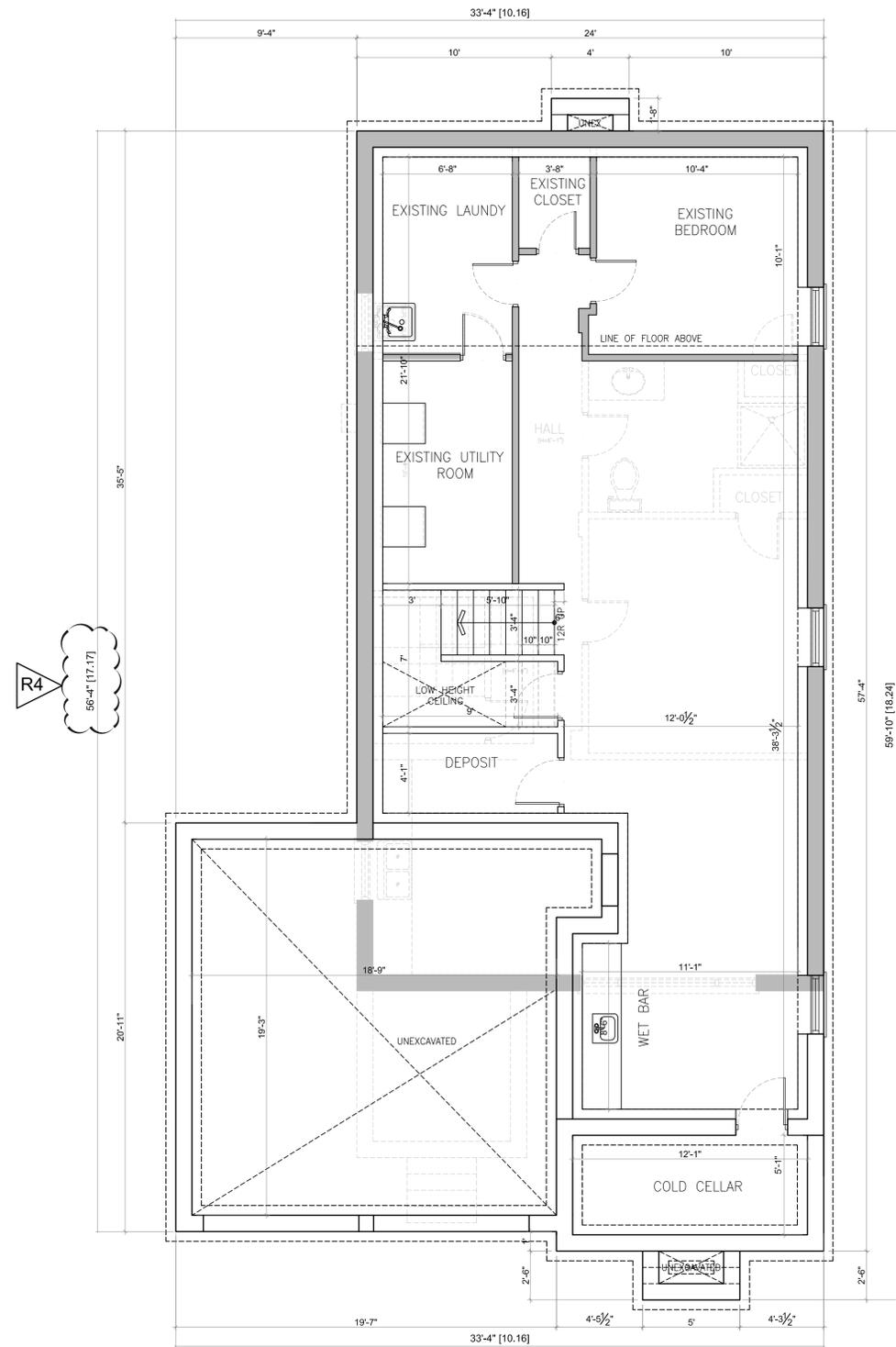


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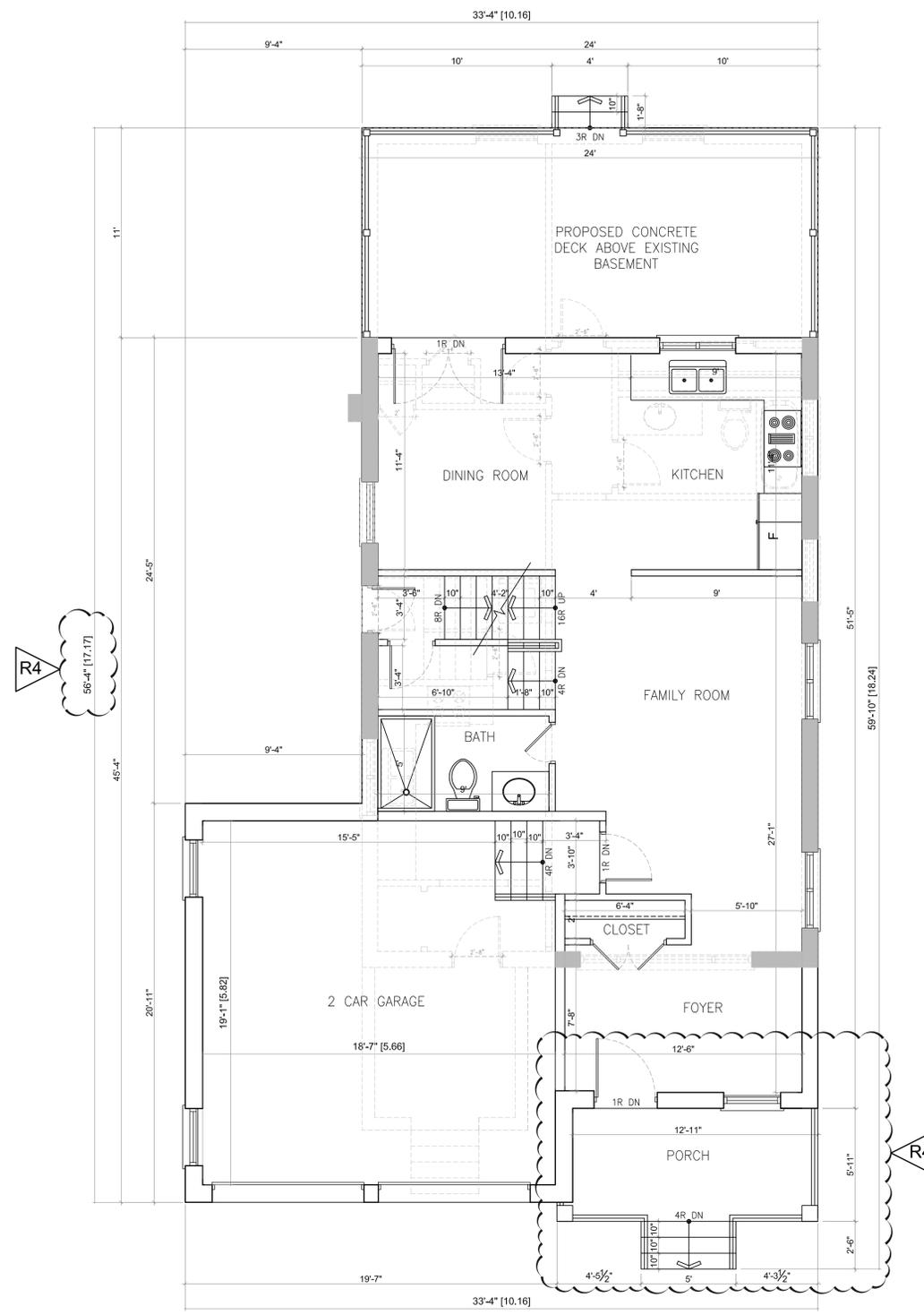
PROJECT :  
**ADDITION & RENOVATION TO EXISTING SINGLE STOREY DWELLING AT 44 ROUGE ST MARKHAM , ON**

DRAWING:  
**EXISTING ELEVATIONS**

DATE: 11 / 02 / 2021	<b>A7</b>
SCALE: AS NOTED	
DRN: SS      CKD: YASO	



**PROPOSED BASEMENT FLOOR PLAN**  
SCALE : 1/4"=1'



**PROPOSED GROUND FLOOR PLAN**  
SCALE : 1/4"=1'

4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023
NO.	REVISIONS	DATE

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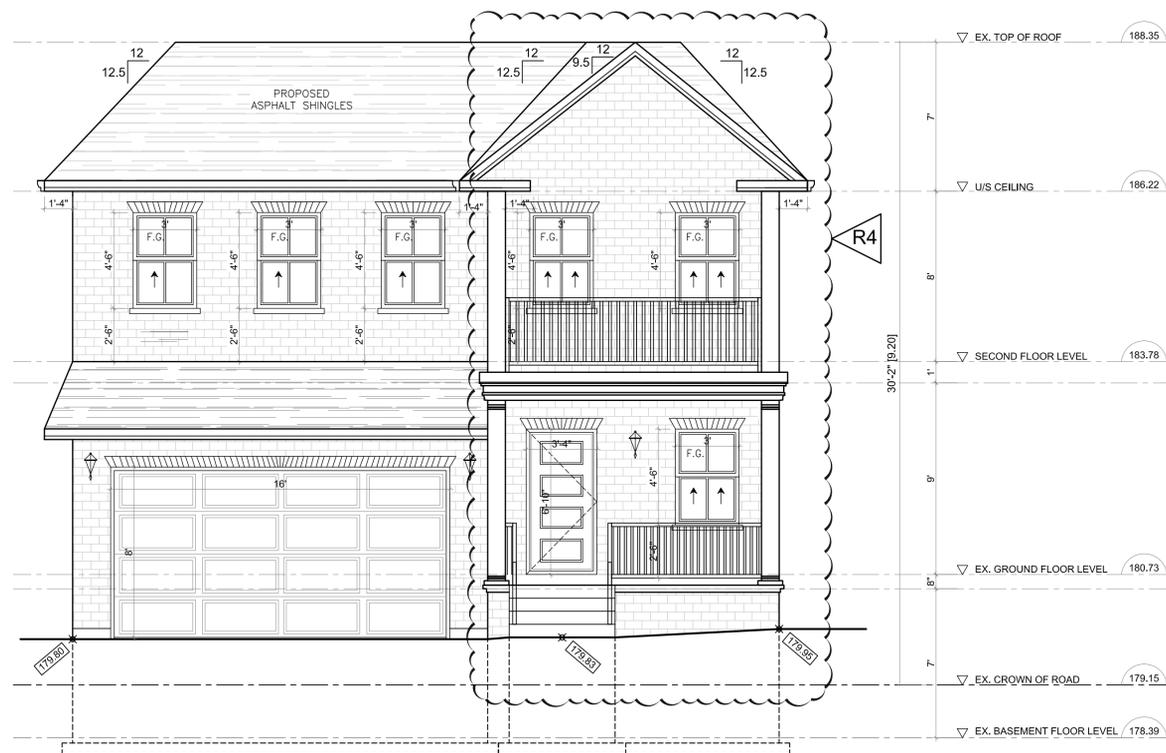
**CANTAM**  
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880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
ADDITION & RENOVATION TO EXISTING  
SINGLE STOREY DWELLING  
AT 44 ROUGE ST  
MARKHAM , ON

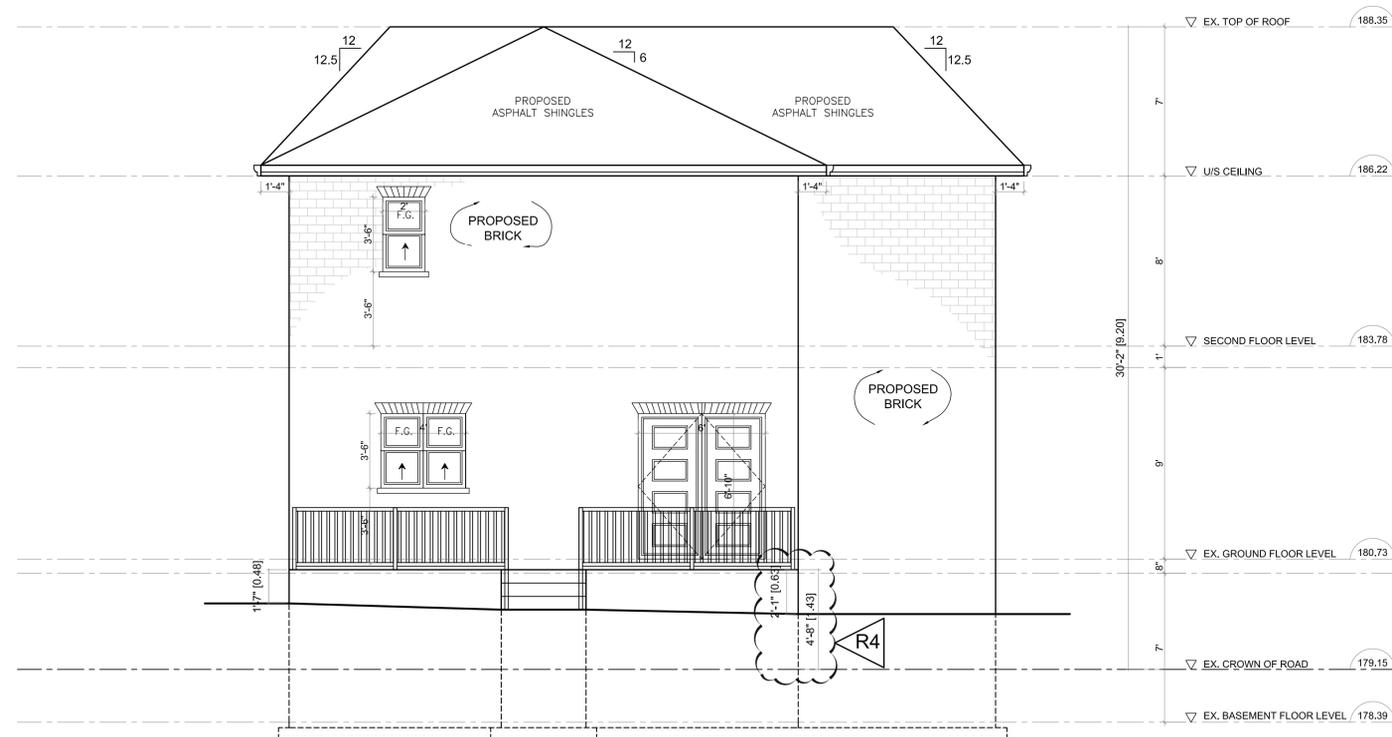
DRAWING:  
PROPOSED BASEMENT AND GROUND FLOOR PLAN

DATE:	03 / 31 / 2023	DRAWING NO. <b>A8</b>
SCALE:	AS NOTED	
DRN:	CKD: YASO	





**PROPOSED SOUTH ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED NORTH ELEVATION**  
SCALE : 1/4"=1'

NO.	REVISIONS	DATE
4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023

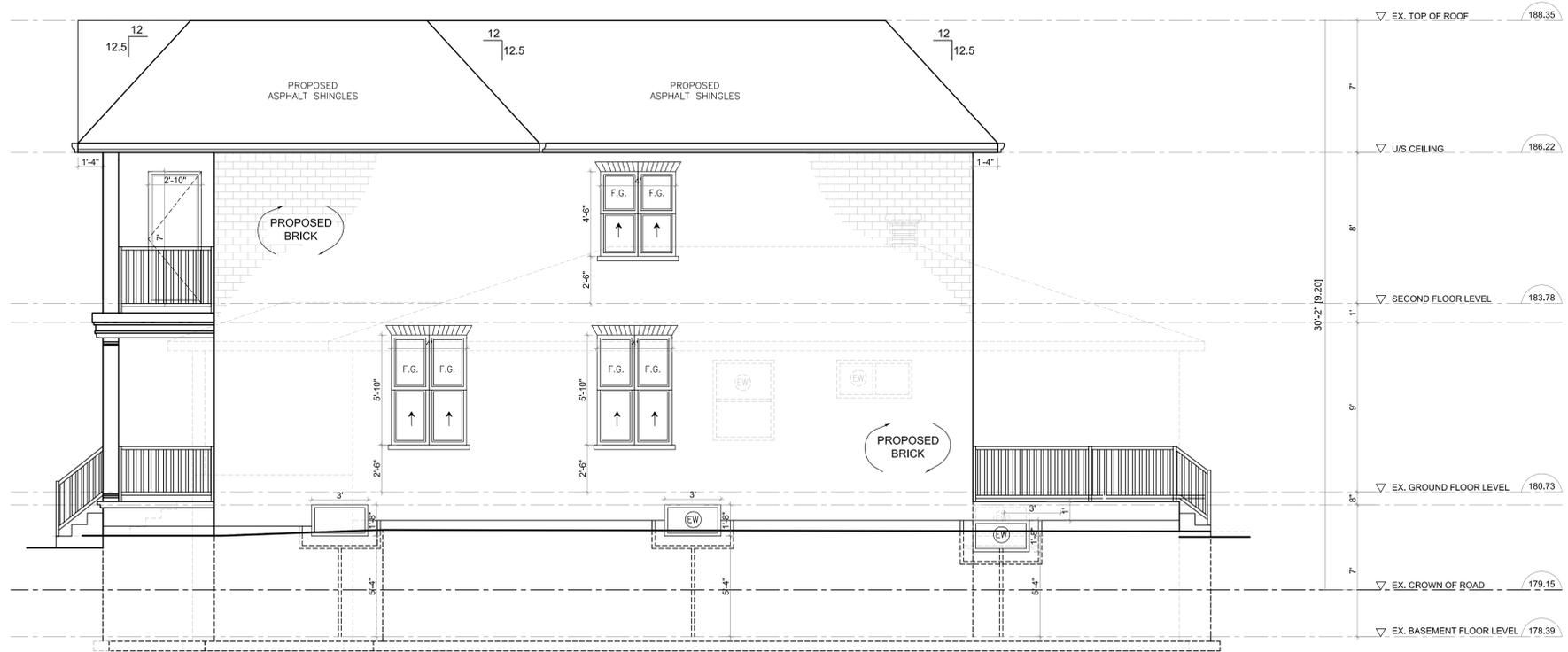
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880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
**ADDITION & RENOVATION TO EXISTING SINGLE STOREY DWELLING AT 44 ROUGE ST MARKHAM , ON**

DRAWING:  
**PROPOSED NORTH & SOUTH ELEVATIONS**

DATE: 03 / 31 / 2023	DRAWING NO. <b>A10</b>
SCALE: AS NOTED	
DRN: KB CKD: YASO	



**PROPOSED EAST SIDE ELEVATION**  
SCALE : 1/4"=1'



**PROPOSED WEST SIDE ELEVATION**  
SCALE : 1/4"=1'

4.	REVISED AFTER MEETING WITH COMMUNITY	03 / 27 / 2024
3.	REVISION AS PER PLANNING/URBAN DESIGN COMMENTS	11 / 03 / 2023
2.	REV AS PER ZONING REVIEW	06 / 27 / 2023
1.	ISSUED FOR REVIEW	03 / 31 / 2023
NO.	REVISIONS	DATE

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880 ELLESMERE RD, SUITE # 234, TORONTO ON M1P 2W6  
TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
**ADDITION & RENOVATION TO EXISTING SINGLE STOREY DWELLING AT 44 ROUGE ST MARKHAM , ON**

DRAWING:  
**PROPOSED EAST & WEST SIDE ELEVATIONS**

DATE:	03 / 31 / 2023	DRAWING NO. <b>A11</b>
SCALE:	AS NOTED	
DRN:	CKD: YASO	