

Memorandum to the City of Markham Committee of Adjustment

October 08, 2025

File: A/158/24
Address: 7726 9th Line, Markham
Applicant: Rockim Design Inc. (Rock Kim)
Hearing Date: Wednesday, October 15, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, GWY1 and RES-ENLR, as amended, as it relates to a proposed two-storey residential dwelling:

- a) **By-law 2024-19, Section 6.3.2.2(J):**
a maximum outside wall height of 7.81 metres, whereas the by-law permits a maximum outside wall height of 7 metres;
- b) **By-law 2024-19, Section 6.2.1(b):**
a roof to project a maximum of 2.56 metres above the outside wall height, whereas the by-law permits a roof to project a maximum of 1 metre above the outside wall height;
- c) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 20.4 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;
- d) **By-law 2024-19, Section 6.3.2.2(f):**
a minimum front yard setback of 6.0 metres, whereas the by-law requires a minimum front yard setback of 66.36 metres;
- e) **By-law 2024-19, Section 5.3.3(a)(i):**
a circular driveway on a lot with a main building setback of 6.0 metres, whereas the by-law requires a main building setback of 8.0 metres;
- f) **By-law 2024-19, Section 10.3.1.1:**
the construction of a detached house within the GWY1 zone, whereas no building is permitted to be constructed within the GWY1 zone;

BACKGROUND

Application History

The Application was previously deferred sine die at the May 14, 2025 Committee of Adjustment hearing at the recommendation of staff, in order to address concerns raised by the City's Natural Heritage Department and The Toronto and Region Conservation Authority (TRCA). Since then, the Applicant has addressed all outstanding comments from both the TRCA and the City's Natural Heritage Staff.

Property Description

The 1187.70 m² (12,784.30 ft²) subject property is located on the west side of Ninth Line, south of 14th Avenue and west of Box Grove Bypass. The property is located within the established neighborhood of Box Grove, with large estate-sized lots within the immediate

vicinity, and subdivisions to the north and east. Mature vegetation exists across the property. The subject property is also partially located within TRCA's Regulated Area as the site is traversed by a valley corridor associated with the Rouge River Watershed.

There is an existing single detached dwelling on the property, which, according to assessment records, was constructed in 1860. The dwelling is a listed heritage building known as the Tomlinson Workers' Cottage. At its meeting on April 9, 2025, the Heritage Markham Committee advised that it had no objection to the demolition of the existing dwelling.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a Gross Floor Area of 404.84 m² (4,357.66 ft²)

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the "Residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned Residential Established Neighborhood Low Rise (RES-ENLR) and Greenway One (GWY1) under By-law 2024-19, as amended. The RES-ENLR zone permits Detached Dwelling, Home Child Care, Home Occupation, Shared Housing-Small Scale, and select uses that legally existed on the lot prior to the passing of By-Law 2024-19, as amended. GWY1 permits Detached dwellings that legally existed on the date prior to the passing of By-Law 2024,19 as amended, conservation use, forest management and home occupation.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 27, 2025 to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

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

Increase in Maximum Outside Wall Height and Roof Projection

The applicant is requesting relief to permit a maximum outside wall height of 7.81 m (25.62 ft), whereas the By-law permits a maximum building height of 7 m (23 ft). This represents an increase of 0.81 m (2.65 ft). The applicant is also seeking relief to permit an increased roof projection of 2.56 m (8.39 ft) above the outside wall height, whereas the by-law permits a roof to project a maximum of 1m (3.30 ft) above the wall height. This represents an increase of approximately 1.56 m (5.09 ft).

By limiting projections above the maximum outside wall height, the By-law ensures that buildings maintain consistent overall heights and prevents rooflines from appearing disproportionate or top-heavy. Staff are satisfied that the minor increase in maximum outside wall height and roof projection maintains a scale that is considered appropriate for the immediate vicinity and does not present adverse impacts to the streetscape.

Increase in Main Building Coverage (Second Storey)

The applicant is requesting relief for a maximum second storey main building coverage of 20.4 percent, whereas the By-Law permits a maximum of 20 percent for any storey above the first. This represents an increase of 0.2 percent, or approximately 4.56 m² (49.08 ft²) above what is permitted by the By-Law.

The proposed gross floor area is consistent with the evolving infill development pattern in the immediate area. Staff also note that the building features sufficient articulation that minimizes the overall perceived massing of the upper floor in which the zoning by-law seeks to achieve. Staff are of the opinion that the requested variance is minor and will not result in any negative impacts on the surrounding neighborhood.

Reduction in Front Yard Setback and Permission for Circular Driveway within Reduced Setback

The Applicant is requesting relief to permit a minimum front yard setback of 6.0 m (19.67 ft) whereas the By-law requires a minimum front yard setback of 66.36 m (217.71 ft).

The requested variance is entirely attributable to the By-law's method of calculating the minimum front yard setback, which is based on the average front yard setback of adjacent properties. The immediate neighbouring lots are significantly deeper than the subject property, resulting in an unusually large required setback that exceeds the total lot depth of the subject property. Staff note that the proposed front yard setback is an improvement compared to the setback that the existing building provides, and is generally consistent with other lots on the street that feature similar lot depths.

The applicant is also requesting relief to permit a circular driveway on a lot with a main building setback of 6.0 m (19.67 ft), whereas the By-law requires a minimum main building setback of 8.0 m (26.25 ft). Staff note that despite the inclusion of a horseshoe driveway within the reduced front yard setback, adequate soft landscaping area is maintained within the front yard, thereby preserving the intent of the By-law. Furthermore, the subject property is located on Ninth Line, which is a Regional arterial road characterized by wider rights-of-way and where circular driveways are not uncommon and do not adversely impact the streetscape or character of the area. The proposed circular driveway also improves vehicular safety by allowing vehicles to enter and exit the subject property in a forward motion, reducing the need for reversing movements onto Ninth Line. Staff have no concerns with the request.

Construction of a Detached House within GWY1 Zone

The applicant is requesting a variance to permit the construction of a detached dwelling within the GWY1 zone, whereas the By-law does not permit any buildings or structures within the GWY1 zone.

Staff note that only a small portion of the proposed dwelling, located along the south side of the building footprint, encroaches into the GWY1 zone. This minor encroachment is necessary to avoid intrusion into the Floodplain Limit Setback established by the Toronto and Region Conservation Authority (TRCA). The City's Natural Heritage staff and the TRCA have reviewed the proposal and have no concerns with the limited encroachment into the GWY1 zone.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 8, 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:



Aaron Chau, Planner I, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 24 200560 \Documents\District Team Comments Memo

APPENDICIES

Appendix "A" – A/0158/24 Conditions of Approval

Appendix "B" – Drawings

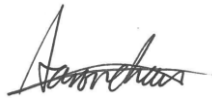
Appendix "C" – TRCA Conditions

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/158/24

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 applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.

CONDITIONS PREPARED BY:

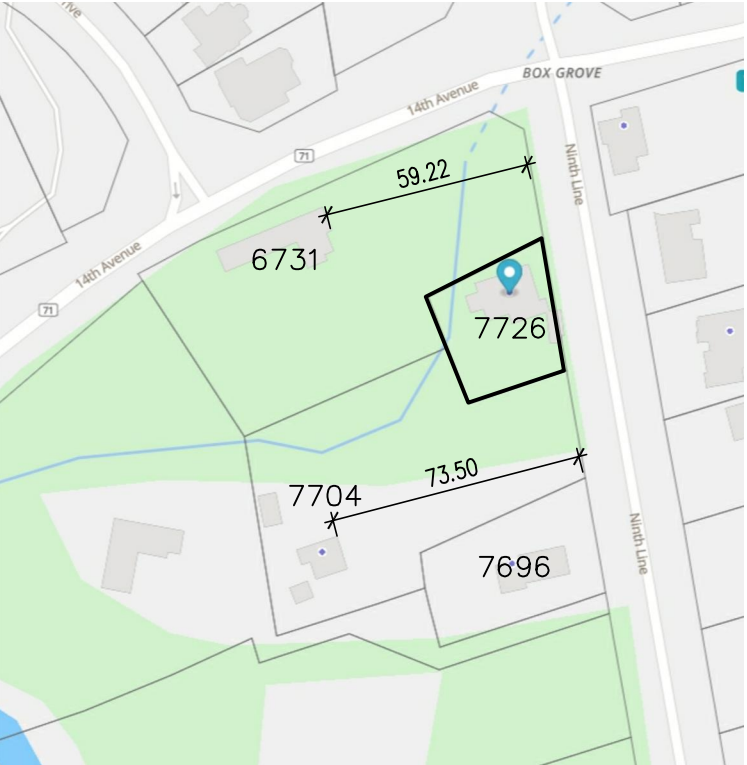


Aaron Chau, Planner I, East District

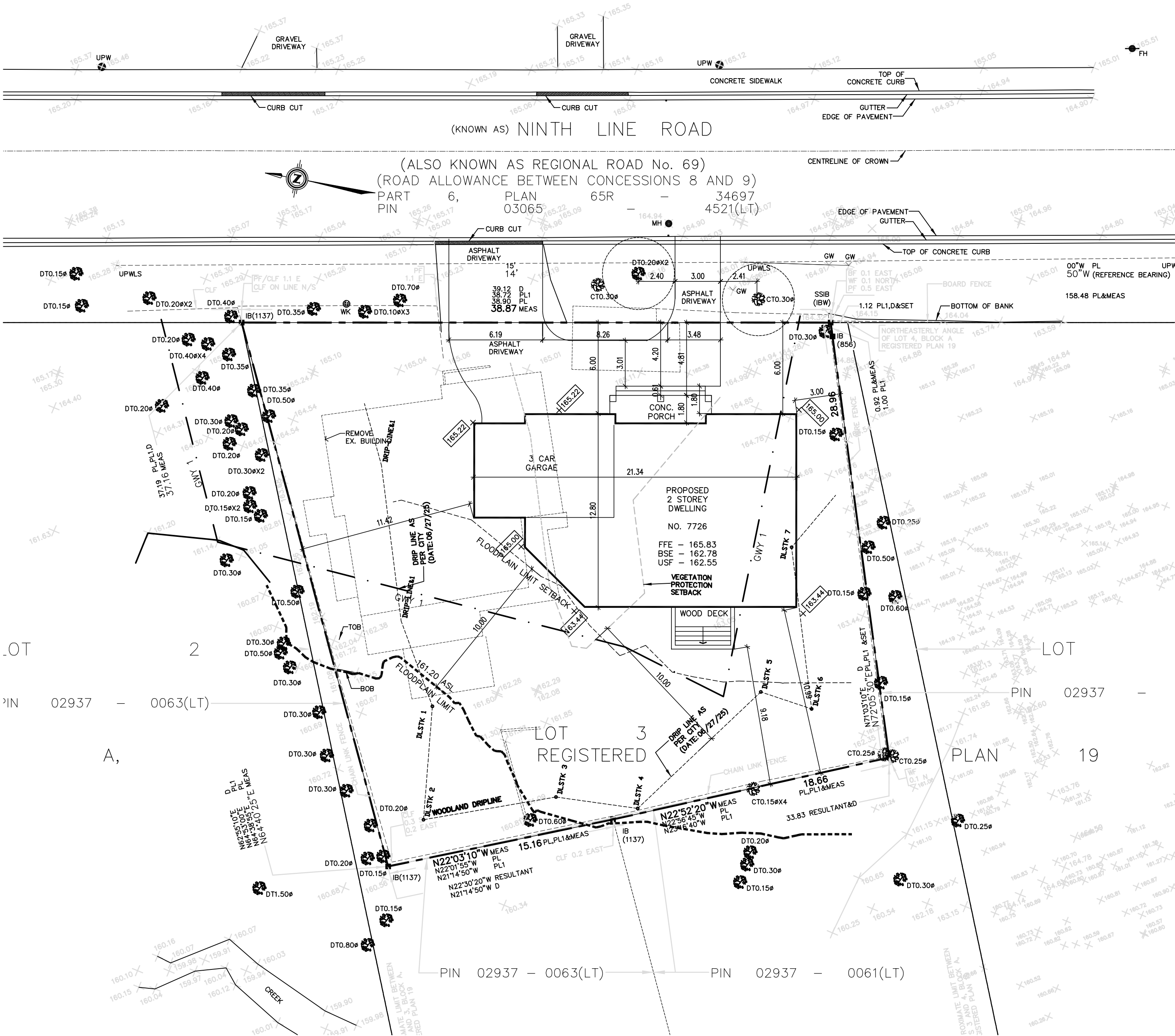
Appendix B

File: 24.00000.000.0000
Date: 10/9/2025
MM/DD/YYYY

PART 1 – PLAN SHOWS
PART OF LOT 3, BLOCK A
REGISTERED PLAN 19
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK



KEY PLAN



SITE DATA

Lot Area	1187.70 Sq.m
Building area	
Ground floor area	176.78 Sq.m
Conc. porch area	5.63 Sq.m
Garage area	59.51 Sq.m
Deck area	11.70 Sq.m
Second floor area	228.06 Sq.m
Total Floor Index area	404.84 Sq.m
Total Coverage	242.1 Sq.m (20.4 %)

GENERAL NOTES:
This drawing, as an instrument of service, is provided by and is the property of the DESIGNER. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the DESIGNER of any variations from the supplied information. The Designer is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., engineering information shown on this drawing. Refer to the appropriated engineering drawings before proceeding with the work. Construction must conform to all applicable codes and requirement of authorities having jurisdiction. This drawing is not to be scaled.

REVISIONS			
No.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

PROJECT	PROPOSED RESIDENCE
	7726 NINTH LINE MARKHAM, ON
DRAWING TITLE	SITE PLAN

DRAWN BY	R.K.
CHECKED BY	R.K.
SCALE	1:200
DATE	FEB., 2024
PROJECT NUMBER	

A0.1

DRAWING NUMBER



September 17, 2025

File #: PAR-DPP-2025-00685

X-Ref #: CDA-2024-00141

VIA E-PLAN

Dear Shawna Houser

**Re: Minor Variance Application – (A/158/24)
Second Submission
7726 9th Line, Markham
Plan 19 E Part Lot 3 Blk A
Applicant: Rockim Design Inc. (Rock Kim)
Owner: Akshayan Vimalanathan**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA in September 2025. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to seek relief from the requirements of Zoning By-law 2024-19 in order to permit the following variances:

- a) **By-law 2024-19, Section 6.3.2.2(J):** a maximum outside wall height of 7.81 metres, whereas the by-law permits a maximum outside wall height of 7 metres;
- b) **By-law 2024-19, Section 6.2.1(b):** a roof to project a maximum of 2.56 metres, whereas the by-law permits a roof to project a maximum of 1 metre above the outside wall height;
- c) **By-law 2024-19, Section 6.3.2.2(c):** a maximum main building coverage of 20.4 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;
- d) **By-law 2024-19, Section 6.3.2.2(f):** a minimum front yard setback of 6 metres, whereas the by-law requires a minimum front yard setback of 66.36 metres;
- e) **By-law 2024-19, Section 5.3.3(a)(i):** a minimum main building setback from the front lot line of 6 metres, whereas the by-law requires a minimum main building setback from the front lot line of 8 metres; and

- f) **By-law 2024-19, Section 10.3.1.1:** the construction of a detached house within the GWY1 zone, whereas no building is permitted to be constructed.

The noted variances are requested to facilitate the development a two storey single family dwelling on the subject property.

Site Specific Comments

Following a review of the submitted materials, available mapping, and a site visit conducted on **June 23, 2025** and TRCA staff are satisfied with the proposed development in principle.

The replacement dwelling is located outside the TRCA's Regulatory Flood Plain and maintains the required 10-meter setback. It is situated within the southeastern portion of the property, which features a gentle inclination of slope (i.e., 7.4H:1V). The proposed location is outside all identified erosion hazards and maintains a sufficient setback from these features. Overall, the proposal demonstrates an improved setback from natural hazards compared to the existing dwelling.

Please note that detailed comments regarding the grading and Erosion and Sediment Control (ESC) plans will be provided separately through the ongoing concept development application process and as part of a future TRCA permit application.

TRCA Permit Requirement

The subject lands contain flood and erosion hazards associated with a tributary of the Rouge River watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property. Please refer to Appendix A for the permit requirements.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$950.00 (Minor Variance - Standard). The applicant is responsible for fee payment and must remit the fee within 60 days of this letter. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendation

Based on the comments provided above, TRCA staff have **no objection** to the approval **A/158/24** subject to the **conditions** identified in Appendix B.

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira
Planner 1
Development Planning and Permits | Development and Engineering Services
437-880-2416
Matthew.pereira@trca.ca

Attached: Appendix A - Permit Application Requirements
 Appendix B: TRCA Conditions of Approval

Appendix A - Permit Application Requirements

To initiate TRCA permit application please submit the following materials:

- 1) Application Form ([Link](#))
- 2) Application Fee of \$995.00 as per TRCA's current Planning Services Fee Schedule (Works on Private Residential – Standard)
- 3) Site Plan - showing location and dimension of all proposed works, delineation of the flood plain and associated setback.
- 4) Architectural Drawing Set
- 5) Grading Plan
- 6) Erosion and Sediment Control Plan
- 7) Landscape Plan
 - a) Showing Post-construction Stabilization Measures for all disturbed areas (such as planting, seeding, landscaping)
- 8) Topographic Survey
 - a) Showing the delineation of the TRCA Floodplain Elevation
- 9) Legal Survey

Appendix B - TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$950.00 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .