

# Memorandum to the City of Markham Committee of Adjustment

November 7, 2025

**File:** A/124/25  
**Address:** 21 Delhi Crescent, Markham  
**Agent:** J+B Engineering Inc.  
**Hearing Date:** Wednesday, November 12, 2025

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

The Applicant is requesting relief from the following requirements of the “Residential Established Neighbourhood Low Rise (RES-ENLR)” zone under By-law 2024-19, as amended, as it relates to a proposed garden home (the “Proposed Development”). The variance requested is to permit:

- a) **By-law 2024-19, Section 4.9.10 g)**: a garden home to be located a maximum distance of 41 metres from the street, whereas the by-law permits a garden home to be located a maximum distance of 30 metres from the street.

## BACKGROUND

### Property Description

The 765.25 m<sup>2</sup> (8237.08 ft<sup>2</sup>) subject property (“Subject Lands”) is located on the north side of Delhi Crescent, south of 16<sup>th</sup> Avenue and generally west of Kennedy Road (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of predominantly two-storey detached dwellings.

There is an existing two-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1983. Mature vegetation exists across the property including several mature trees in the front and rear yards.

### Proposal

The Applicant is proposing to construct a one-storey 38 m<sup>2</sup> (409.03 ft<sup>2</sup>) detached garden home with a mezzanine (“Proposed Development”) within the rear yard of the Subject Lands (refer to Appendix “B” – Plans).

### Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017 and updated on July 17, 2024)

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Under Section 8.2.3 of the Official Plan, infill development refers to “small-scale development within existing residential areas intended to respect and reflect the existing pattern and character of adjacent development.” Section 8.2.3.5 of the Official Plan outlines infill development standards for the “Residential Low Rise” designation with respect to height, massing, setbacks, and in relationship to the existing buildings. Planning Staff have had regard

for the requirements of the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law 2024-19

The Subject Lands are zoned “Residential Established Neighbourhood Low Rise” (“RES-ENLR”) under By-law 2024-19, as amended, which permits detached dwellings. Accessory buildings, structures, and garden homes are permitted, subject to development standards. The Proposed Development does not comply with the By-law, with respect to the distance of the garden home from the street.

#### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Building Department through their permit process (HP 25 129770 000 00) to confirm the initial variances required for the Proposed Development.

Consequently, it is the Applicant’s responsibility to ensure that the application has accurately identified all of the variances to the Zoning By-law required for the Proposed Development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

#### **COMMENTS**

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

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

#### **Increase in Garden Home Setback from the Street Lot Line**

The Applicant is requesting relief to permit a garden home to be located a maximum distance of 41 metres (134.51 feet) from the street (Delhi Crescent), whereas the By-law permits a garden home to be located a maximum distance of 30 metres (98.43 feet) from the street. This represents an increase of 11 metres (36.09 feet), or an increase of 36.67% of the permitted distance from the street lot line.

Fire and Emergency Services Department Staff have reviewed the application and have indicated no concern with the Proposed Development, provided that the path of travel from the curb to the garden suite principal entrance shall be unobstructed at all times. Staff note that the intent of the By-law is to ensure that garden homes meet the requirements of the Building and Fire Code regulations.

Should the Committee of Adjustment approve this variance, the Applicant will be required to obtain their building permit, which ensures that the garden home will be in

compliance with Building Code and Fire Code regulations. The Owner will also be required to register their garden home with the Fire Department prior to the occupancy of the unit.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 6<sup>th</sup>, 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



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Erin O'Sullivan, Development Technician, Committee of Adjustment

REVIEWED BY:



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Melissa Leung, RPP MCIP, Senior Planner, Central District

## **LIST OF APPENDICES**

**Appendix “A” – Aerial Photo**

**Appendix “B” – Plans**

**Appendix “C” – Conditions**



## Legend

- Subject Lands  
21 Delhi Crescent

1: 2,257

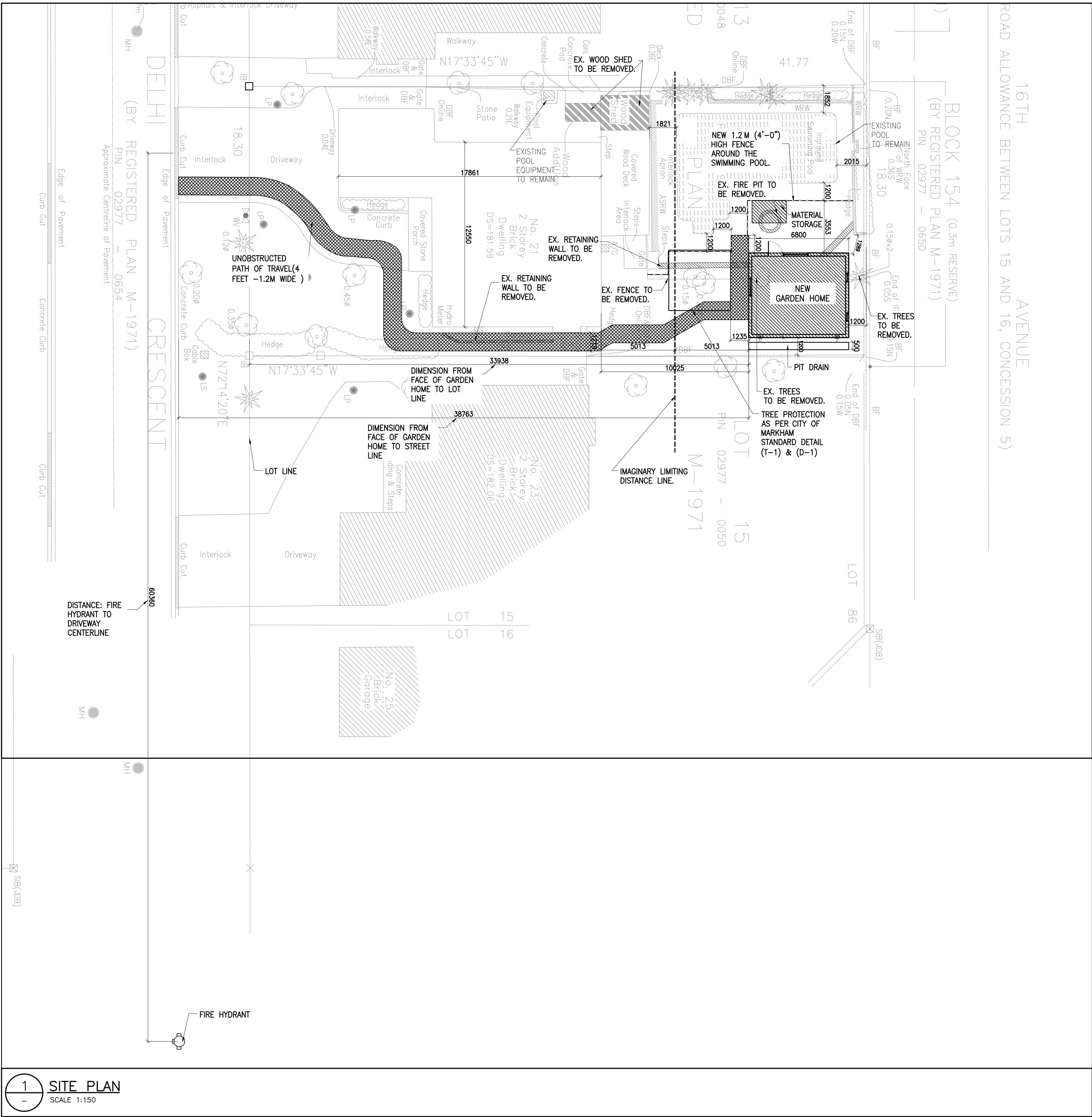


114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes



1 SITE PLAN  
SCALE 1:150

PLAN NOTES:

- EXISTING POOL TO COMPLY WITH BY-LAW 2015-96 IN SEPARATE POOL PERMIT.
- THERE IS NO CHANGE TO EXISTING SOFT LANDSCAPING AND NO NEW HARD LANDSCAPING PROPOSED

GENERAL NOTES:

- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- DO NOT SCALE DRAWINGS.
- REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO THE ARCHITECT OR DESIGN ENGINEER AS APPLICABLE.
- USE ONLY LATEST REVISED DRAWINGS OR THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION"
- DESIGN AND CONSTRUCTION OF THIS PROJECT SHALL COMPLY WITH THE PROVINCIAL AND LOCAL BUILDING CODES LATEST EDITION.
- ALL WORKS AND MATERIALS USED SHALL COMPLY AS REQUIRED BY THE O.B.C. LATEST EDITION.
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS & SPECIFICATIONS.
- EVERYTHING IS TO BE CONSIDERED NEW UNLESS SPECIFIED EXISTING OTHERWISE.

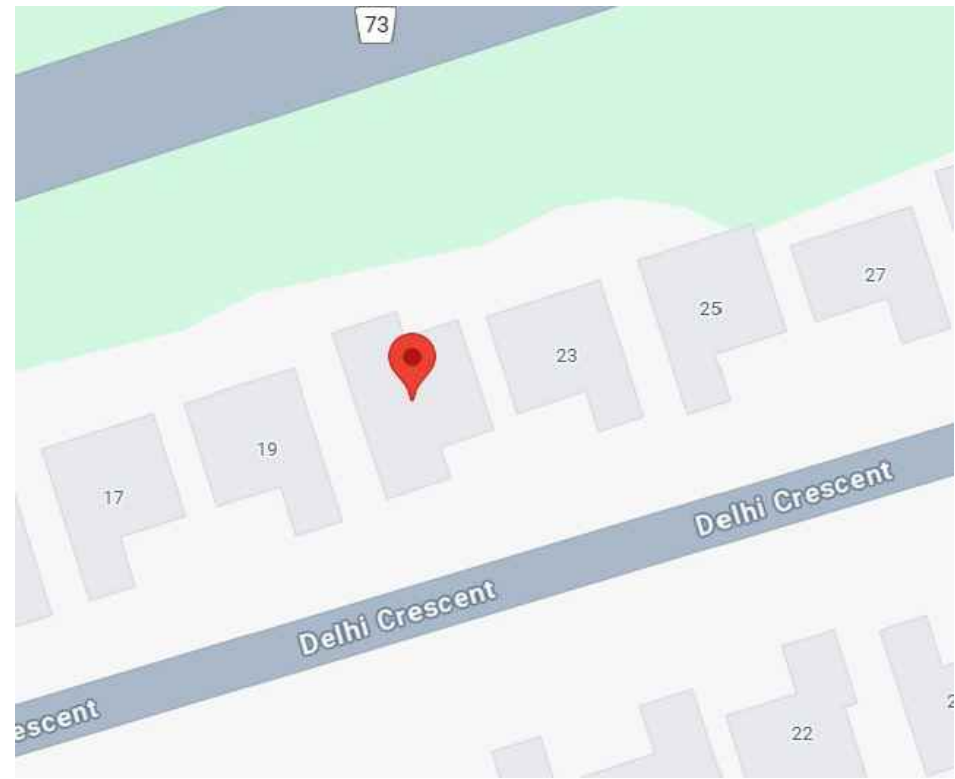
SITE STATISTICS:

|                               |                                 |
|-------------------------------|---------------------------------|
| PROPERTY AREA:                | = 765.25 sq.m (0.189 acre)      |
| HOUSE AREAS:                  |                                 |
| HOUSE FOOTPRINT:              | = 183.60 sq.m                   |
| YARD AREAS:                   |                                 |
| REAR YARD AREA:               | = 329.54 sq.m (3,546.84 sq.ft.) |
| COVERED WOOD DECK             | = 23.51 sq.m (253.12 sq.ft.)    |
| POOL AREA:                    | = 61.85 sq.m (665.49 sq.ft.)    |
| POOL HOUSE AREA:              | = 38.0 sq.m (413.33 sq.ft.)     |
| EXISTING LOT COVERAGE AREAS:  |                                 |
| COVERED STONE PORCH           | = 8.03 sq.m (86.43 sq.ft.)      |
| COVERED WOOD DECK             | = 23.51 sq.m (253.12 sq.ft.)    |
| WOOD SHED(IT WILL BE REMOVED) | = 7.77 sq.m (83.64 sq.ft.)      |
| WOOD SHED(IT WILL BE REMOVED) | = 8.60 sq.m (92.57 sq.ft.)      |
| NEW LOT COVERAGE AREA:        |                                 |
| PROPOSED GARDEN SUITE         | = 38.00 sq.m (409.03 sq.ft.)    |

| Building      | Wall Area (m <sup>2</sup> ) | Glazing Area (m <sup>2</sup> ) | Glazing % | Imaginary Limiting Distance (m) | Max Allowable Glazing % (OBC Table 9.10.15.4) |
|---------------|-----------------------------|--------------------------------|-----------|---------------------------------|-----------------------------------------------|
| Main Building | 71.5                        | 14.4                           | 20.10%    | 5                               | 45%                                           |
| Garden Suite  | 24                          | 1.4                            | 5.80%     | 5                               | 45%                                           |

Appendix B

File: 25.10.21.000.000000  
Date: 11/4/2025  
MM/DD/YYYY

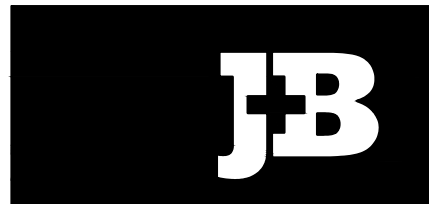


KEY PLAN:  
N.T.S.

PLAN OF SURVEY OF  
LOT 14  
REGISTERED PLAN M-1971  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

| 3   | 10 OCT '25 | AS PER CITY'S COMMENTS | HR    | JS      |
|-----|------------|------------------------|-------|---------|
| 2   | 15 AUG '25 | AS PER CITY'S COMMENTS | HR    | JS      |
| 1   | 23 JUL '25 | AS PER CITY'S COMMENT  | HR    | JS      |
| 0   | 18 JUL '25 | ISSUED FOR REVIEW      | HR    | JS      |
| No. | Date       | Description            | Drawn | Checked |

REVISIONS



J + B ENGINEERING INC.  
TORONTO: 25 CENTURIAN DR., SUITE 101, MARKHAM, ON L3R 9N8, 416 205 2036  
CALGARY: 707-10TH AVE. SW, SUITE 100, CALGARY AB T2R 0B3, 403 305 2295

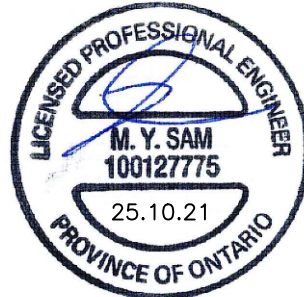
OWNER/CLIENT:

Project: RESIDENTIAL BUILDING

NEW GAREDN HOME  
SITE PLAN

21 DELHI CRES. MARKHAM, ON

|                   |                  |                         |
|-------------------|------------------|-------------------------|
| File No: 240250   | Date: 15 JUL '25 | ACAD INFO               |
| Drawn By: HR      | Scale: AS SHOWN  | Dwg. File: 240250-P-200 |
| Checked By: JS    | Sheet 1 of 1     | Plotting Scale: 1=1     |
| Drawing No: P-200 |                  | Drawing Size: D         |



**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/25**

1. The variances apply only to the proposed development as long as it remains;  
and,
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Erin O'Sullivan", is written over a light gray rectangular background.

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Erin O'Sullivan, Development Technician, Committee of Adjustment