

Memorandum to the City of Markham Committee of Adjustment

March 27, 2026

File: A/018/26
Address: 82 Larksmere Court, Markham
Applicant/Agent: ARQ Designs
Hearing Date: Wednesday, April 8, 2026

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)” under By-law 2024-19, as amended, as it relates to an existing rear deck for a two-storey residential dwelling. The variances requested are to permit:

- a) **By-law 2024-19, Section 6.3.2.2(c)**: a maximum main building coverage of 37 percent of the lot area for the first storey, whereas the by-law permits a maximum main building coverage of 30 percent of the lot area for the first storey; and,
- b) **By-law 2024-19, Section 6.3.2.2(d)**: a maximum lot coverage of 44 percent, whereas the by-law permits a maximum lot coverage of 35 percent.

BACKGROUND

Property Description

The 240.5 m² (2,585 ft²) Subject Lands are located on the east side of Larksmere Court, generally north of Steeles Avenue East and east of Birchmount Road (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of a mix of two-storey linked semi-detached and townhouse dwellings which are attached below grade along the foundation walls, but otherwise visually appear as detached homes.

There is an existing two-storey linked townhouse dwelling with an attached garage on the Subject Lands, which according to assessment records was constructed in 1979. While the dwelling may visually appear to be single detached above grade, the dwelling links to the adjacent dwellings by a common foundation and is considered a townhouse dwelling by definition of the former Zoning By-law or generally referred to as a “linked” dwelling. This configuration is permitted in accordance with the previous zoning, under By-law 72-79, as amended, and is a common characteristic of the neighbourhood.

Proposal

The Applicant is requesting permission to legalize the existing 17.34 m² (186.67 ft²) covered rear deck that was built without a permit and to legalize the existing main building coverage, which is discussed in more details in the comments section below (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. Staff have had regard for the Official Plan requirements in the preparation of the comments provided below.

Comprehensive 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. The existing linked dwelling is considered to have been legally existing on the lot prior to the date of the passing of By-law 2024-19. The footprint of the existing detached dwelling and the existing rear deck does not comply with the by-law requirements with respect to the main building coverage for the first-storey and lot coverage standards.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant 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 24 182593) 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:

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 Maximum Main Building Coverage (First Storey)

The Applicant is proposing a main building coverage for the first storey of 36.53 percent of the lot area (87.74 m² or 944.53 ft²), whereas the by-law permits a maximum main building coverage for the first storey of 30 percent (72.04 m² or 775.50 ft²). This represents an additional 6.53 percent coverage (15.70 m² or 169.03 ft²) of the lot area for the first storey.

The requested variance applies to the existing first storey of the main building, which has a legal non-complying status. Given that there are no changes to the gross floor area of the main building, Staff have no concerns with the requested variance.

Increase in Maximum Lot Coverage

The Applicant is proposing a maximum lot coverage of 43.76 percent (105.09 m² or 1,131.2 ft²), whereas the by-law permits a maximum lot coverage of 35 percent (84.05 m² or 904.75 ft²). This represents an additional 8.76 percent of the lot coverage (21.04 m² or 226.45 ft²).

Staff note the increase in lot coverage is largely attributed to a 17.34 m² (186.67 ft²) covered deck in the rear yard, which accounts for 7.22 percent of the overall lot coverage. The requested variance is in line with the existing established side yard setbacks and provides sufficient rear yard setback and amenity space.

Staff further note that the previous zoning designation was “First Density, Street Townhouse Residential (RST1)” under By-law 72-79, which permitted a maximum lot coverage of 50 percent. Therefore, Staff are of the opinion that the proposed lot coverage will generally be consistent with other existing linked townhouse dwellings in the area and that the increase in lot coverage will not have adverse impacts on the surrounding properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 27, 2026. 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:



Vivian Yap, Development Technician, Planning and Urban Design Department

REVIEWED BY:



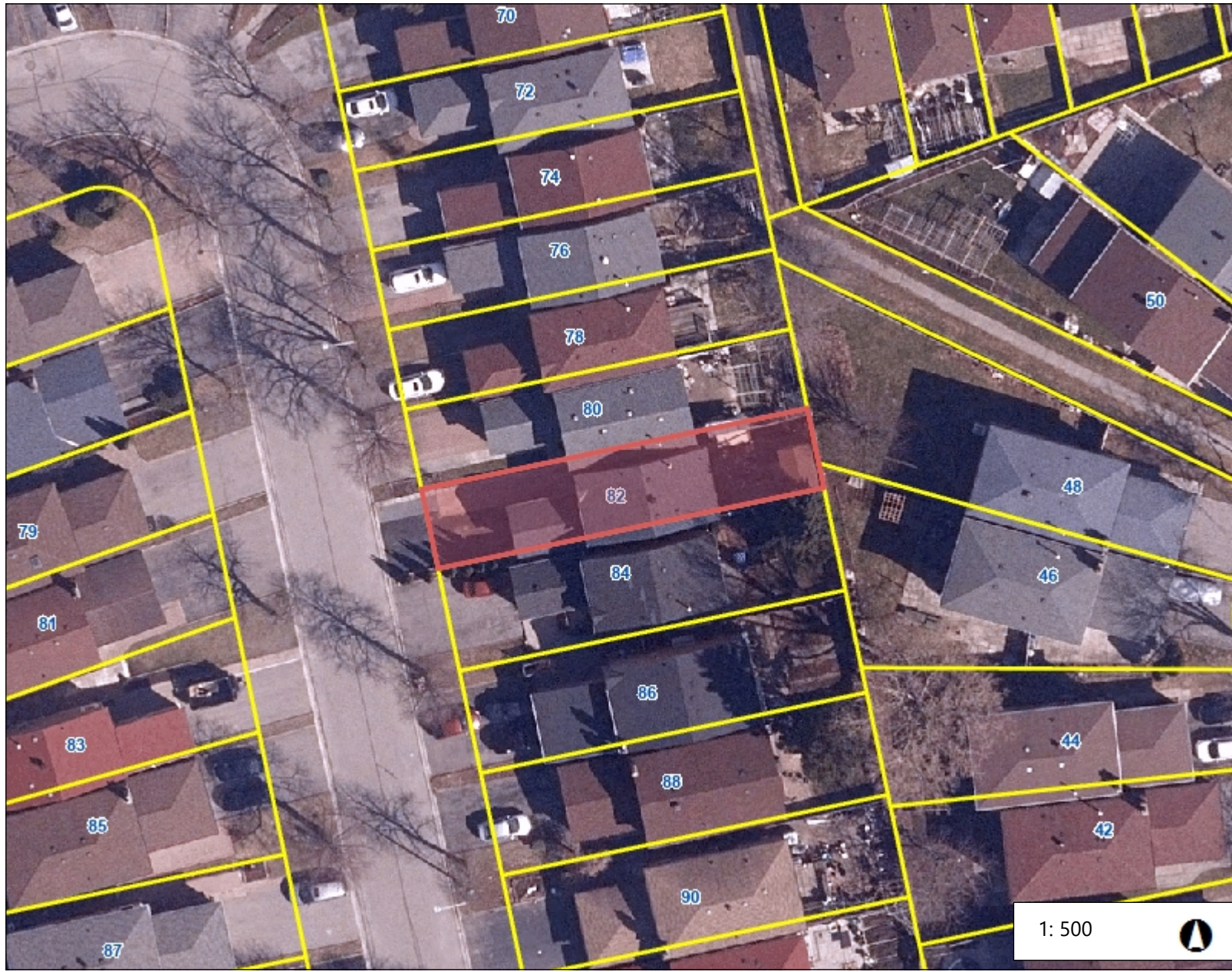
Melissa Leung, RPP, MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

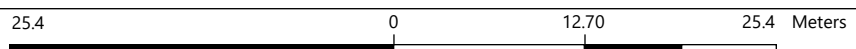
Appendix "C" – A/018/26 Conditions of Approval



Legend

- Parcel Overlay
- Subject Lands

1: 500

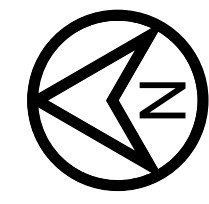


NAD_1983_UTM_Zone_17N
© City of Markham

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 and you will be directed to the appropriate department.

Notes

A/018/26 - 82 Larksmere Court

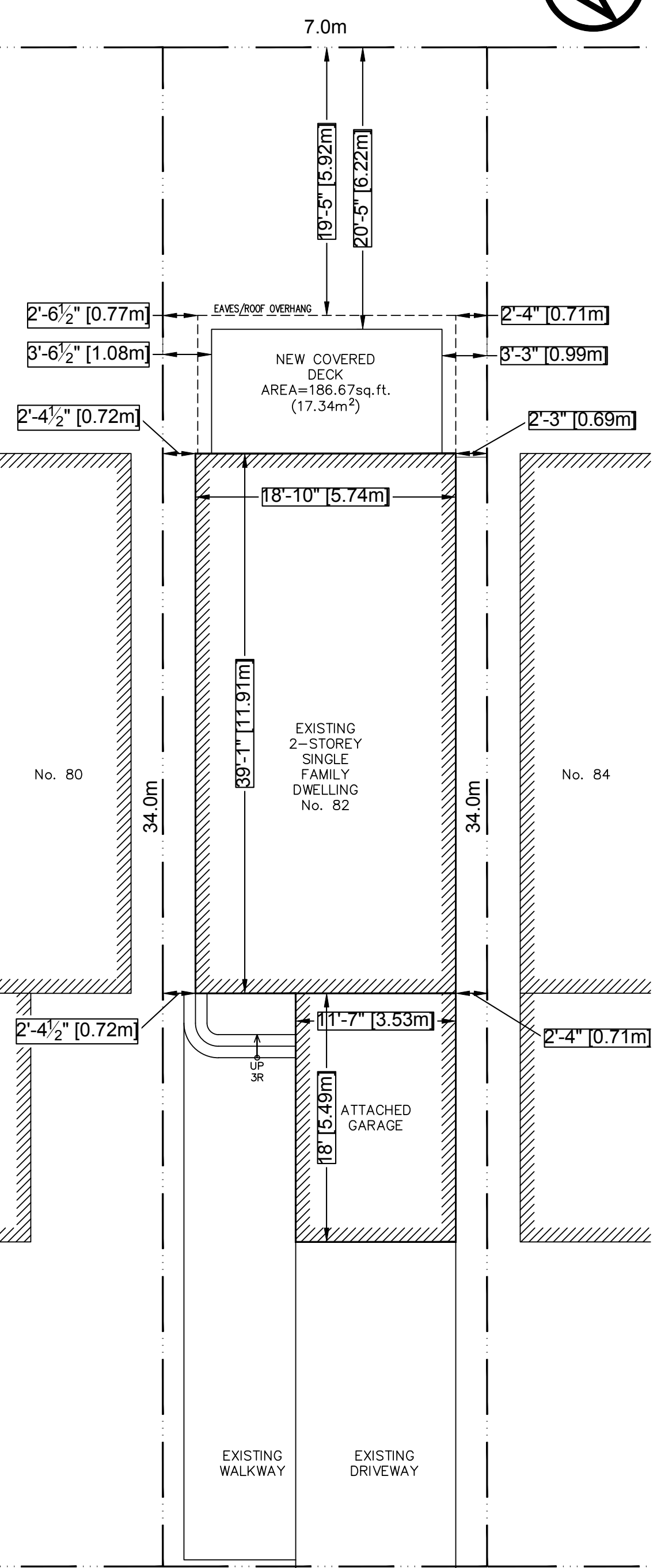
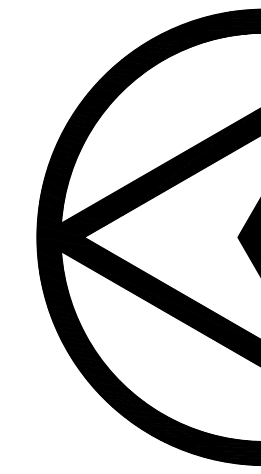


Appendix B

File: 26.111058.000.00.MNV

Date: 3/31/2026

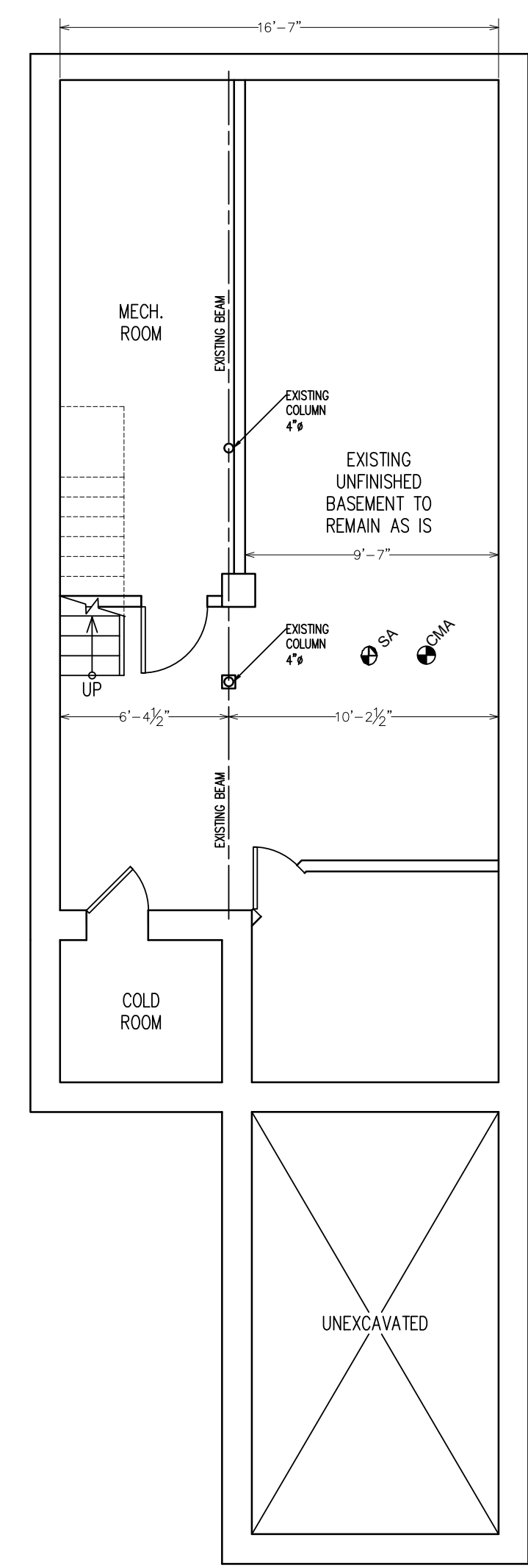
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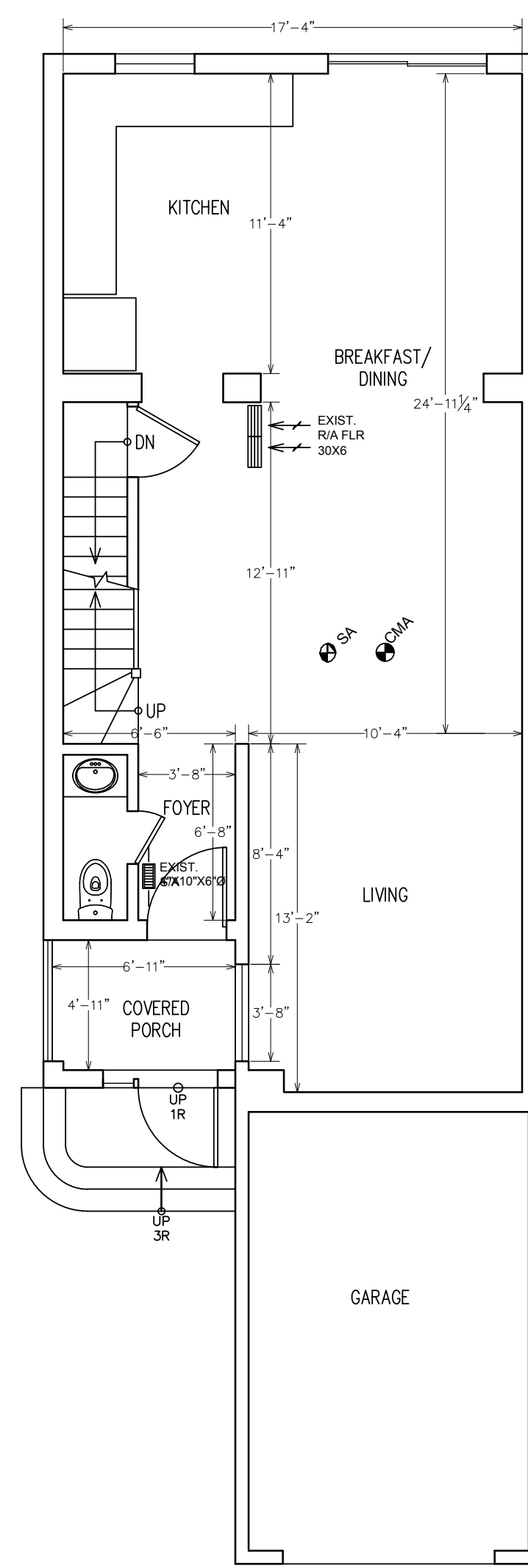
TOTAL LOT AREA=2585sq.ft. (240.15m²)
EXISTING GROUND FLOOR AREA=944.53sq.ft. (87.74m²)
NEW COVERED DECK AREA=186.67sq.ft.(17.34m²)

LARKSMERE COURT

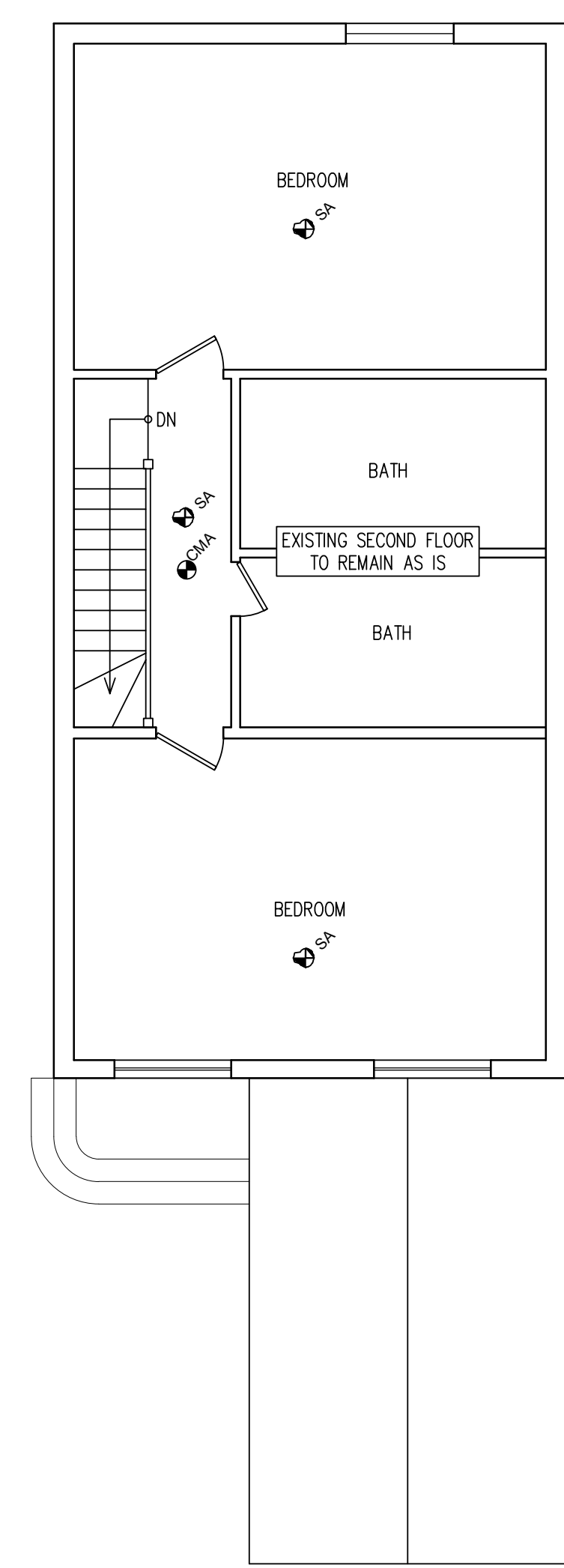
SITE PLAN - 82 LARKSMERE COURT
SCALE: 1:100 (1/8"=1'-0")



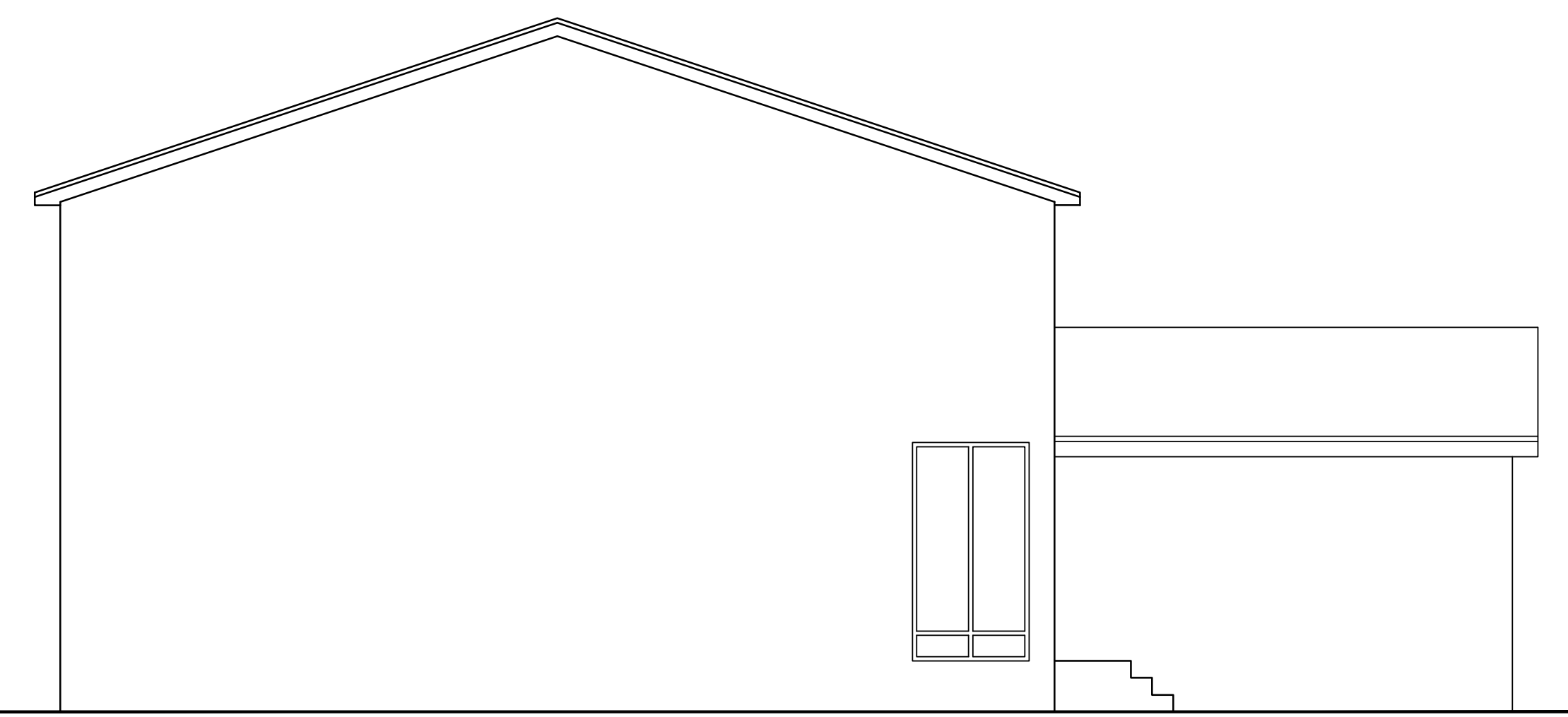
EXISTING BASEMENT
SCALE: 3/16"=1'-0"



EXISTING MAIN FLOOR
SCALE: 3/16"=1'-0"



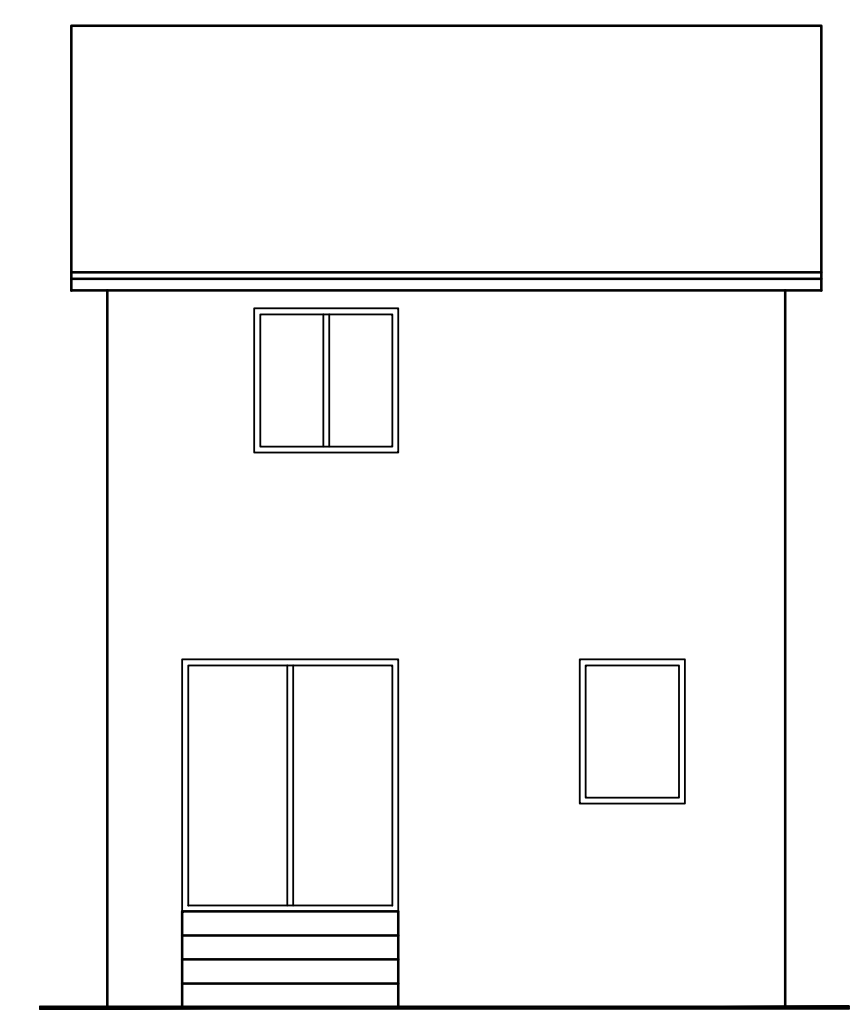
EXISTING SECOND FLOOR
SCALE: 3/16"=1'-0"



EXISTING LEFT ELEVATION (NORTH)
SCALE: 3/16"=1'-0"



EXISTING FRONT ELEVATION (WEST)
SCALE: 3/16"=1'-0"



EXISTING BACK ELEVATION (EAST)
SCALE: 3/16"=1'-0"

- NO WORK TO PROCEED PRIOR TO OBTAINING BUILDING PERMIT.
- CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS & CHECK ALL CONDITIONS ON THE JOB BEFORE PROCEEDING WITH WORK. (ALL DISCREPANCIES TO BE REPORTED TO THE OWNER)
- ALL INTERIOR AND EXTERIOR FINISHES AND COLOURS ARE TO BE APPROVED BY THE OWNER
- DO NOT SCALE DRAWINGS.
- ALL WORK TO CONFORM TO ALL GOVERNING CODE AND BY-LAWS
- SMOKE ALARM - OBC 9.10.19
 - PROVIDE ONE PER FLOOR NEAR THE STAIRS, IN EVERY SLEEPING ROOM & IN A LOCATION BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY
 - ALARMS TO BE CONNECTED IN CIRCUIT, INTERCONNECTED SO ALL ALARMS SOUND WHEN ONE SOUNDS, TO BE PROVIDED WITH A BATTERY BACKUP & TO HAVE A VISUAL SIGNALING COMPONENT
- CARBON MONOXIDE ALARM - OBC 9.33.4
 - WHERE THERE IS A SOLID FUEL BURNING APPLIANCE A CMA SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA
 - CMA TO BE WIRED SO WHEN ACTIVATED, THE SMOKE ALARM WILL SOUND

THE UNDERSIGNED HAS REVIEW AND TAKE RESPONSIBILITY FOR THIS DESIGN. HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION / REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.3.(5) AND/OR 3.2.4.7 DIVISION C OF THE ONTARIO BUILDING CODE.

NAME: CESAR ALARCON ONTIVEROS INDIVIDUAL BCIN: 122317
FIRM NAME: ARQ FIRM BCIN: 123678

SIGNATURE:
THIS DOCUMENT MUST BE SIGNED ABOVE TO BE VALID.
REPRODUCTIONS SHOULD NOT BE ACCEPTED.

ADDRESS:
82 LARKSMERE COURT

SITE AND EXISTING PLANS

DATE: AUG 2024

SCALE: INDICATED

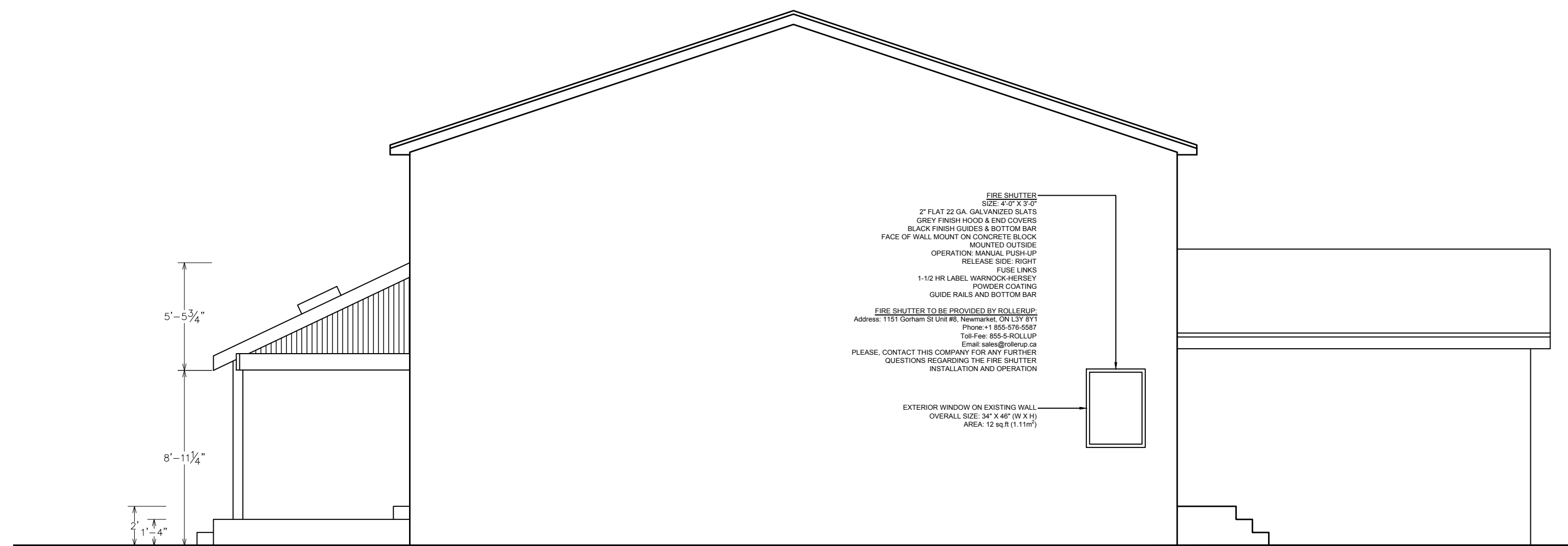
A01

Appendix B

File: 26.111058.000.00.MNV

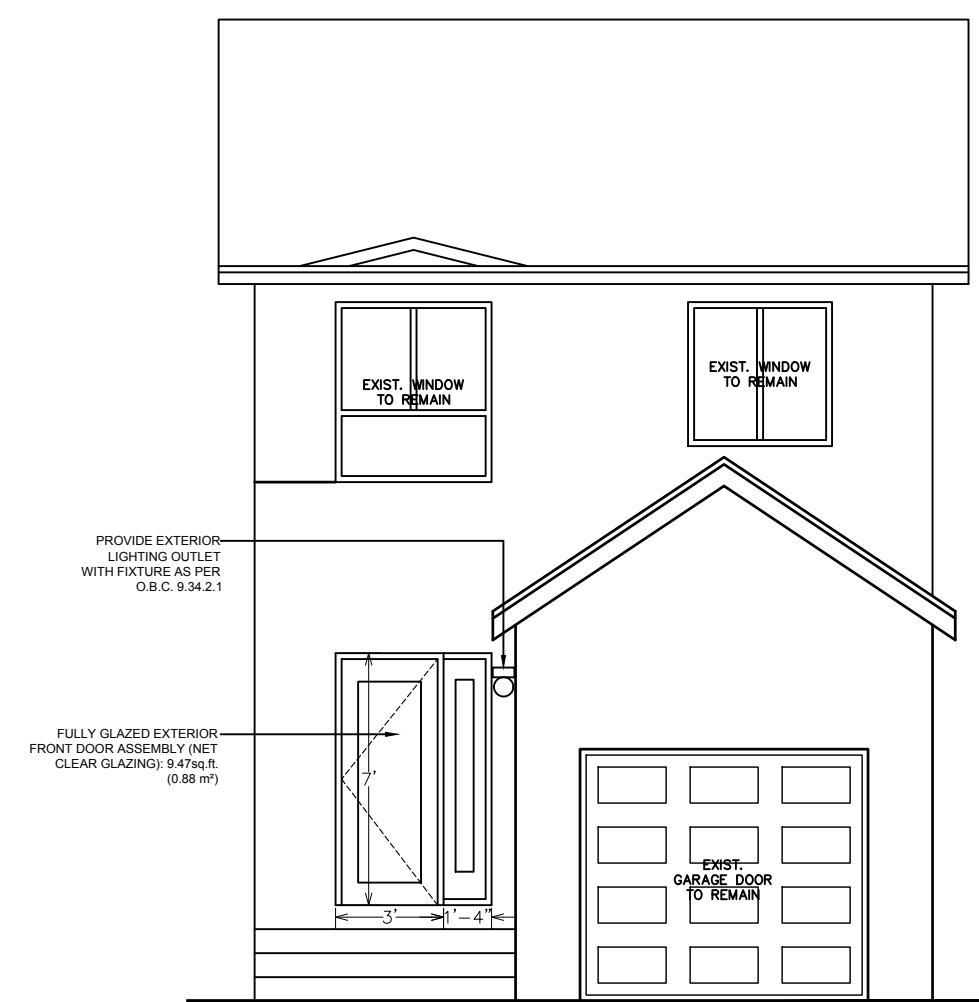
Date: 3/31/2026

MM/DD/YY

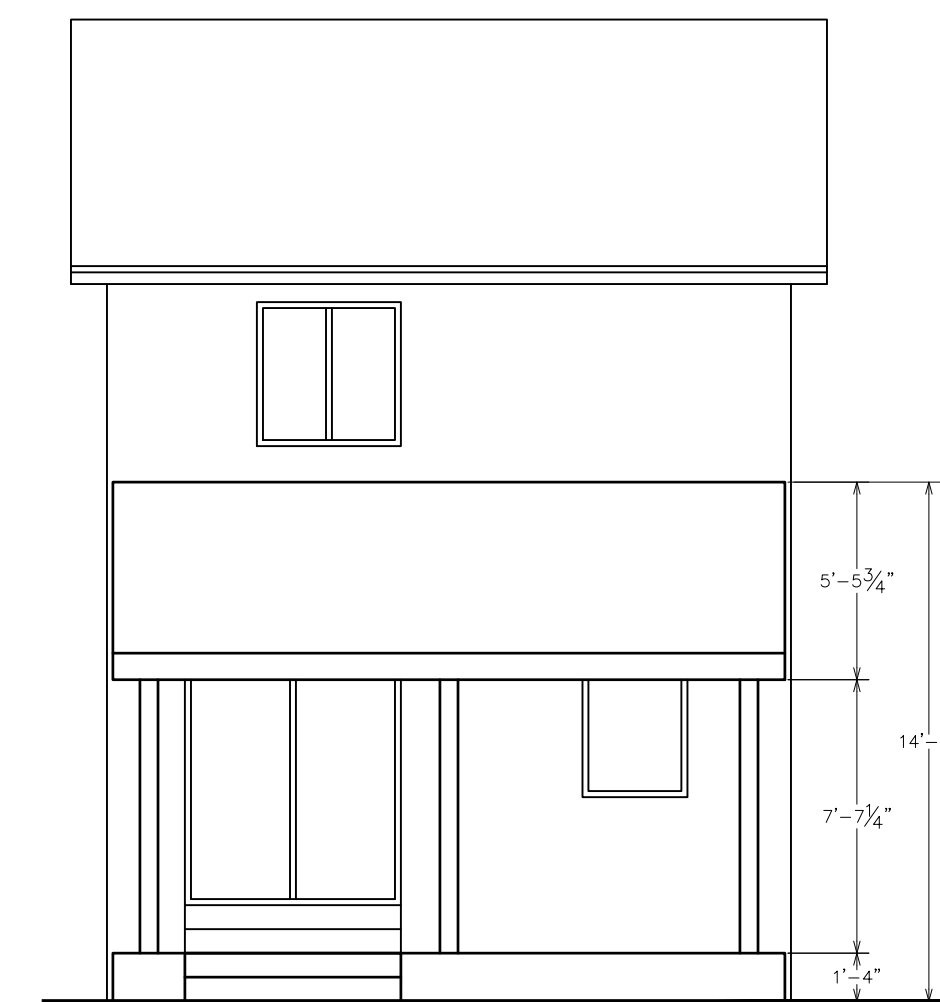


RIGHT ELEVATION WALL AREA= 910.8 sq.ft. [84.6m²]
 PROPOSED AREA OF OPENINGS= 12 sq.ft. [1.11m²]= 1.31%
 MAX. PERCENTAGE ALLOWED (O.B.C. TABLE 9.10.15.4)= 0%

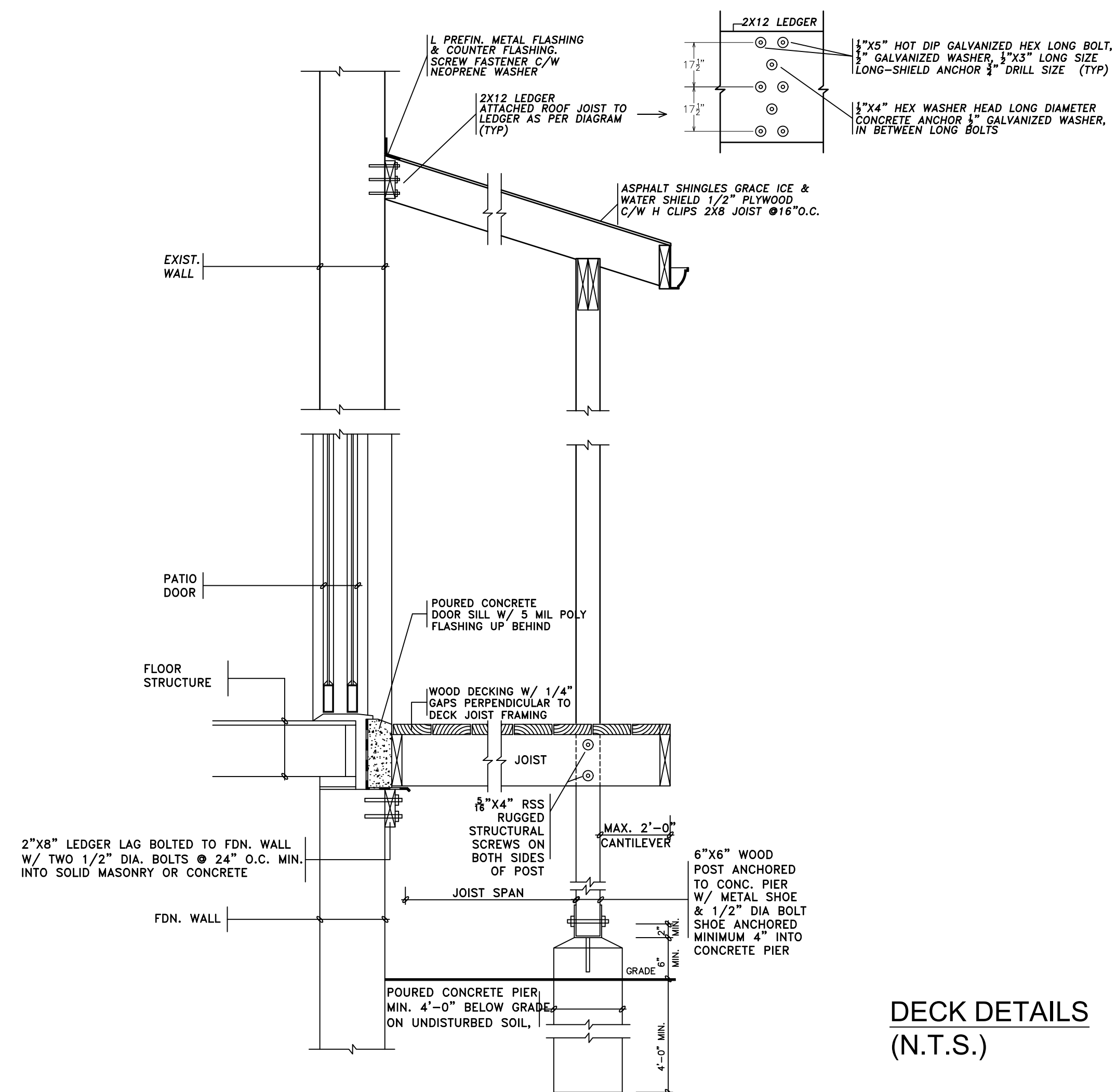
PROPOSED LEFT ELEVATION (NORTH)
 SCALE: 3/16"=1'-0"



PROPOSED FRONT ELEVATION (WEST)
 SCALE: 3/16"=1'-0"



PROPOSED BACK ELEVATION (EAST)
 SCALE: 3/16"=1'-0"



DECK DETAILS
 (N.T.S.)

- NO WORK TO PROCEED PRIOR TO OBTAINING BUILDING PERMIT.
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NAME: CESAR ALARCON ONTIVEROS INDIVIDUAL BCIN: 122317
 FIRM NAME: ARQ FIRM BCIN: 123678

SIGNATURE: _____
 THIS DOCUMENT MUST BE SIGNED ABOVE TO BE VALID.
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ADDRESS:
 82 LARKSMERE COURT

ELEVATIONS AND DETAILS

DATE: FEB 2026

SCALE: INDICATED

A03

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/018/26

1. The variances apply only to the proposed development as long as it remains;
and,
2. That the variances apply 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:



Vivian Yap, Development Technician, Planning and Urban Design Department