

# Memorandum to the City of Markham Committee of Adjustment

April 2, 2026

**File:** A/157/25  
**Address:** 2 Ladyslipper Court, Thornhill  
**Agent:** ARD Development Inc. (Allen Dibaian)  
**Hearing Date:** Wednesday, April 8, 2026

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential Established Low Rise (RES-ENLR), as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 E):**  
a maximum main building distance of 18.9 m for the second storey, whereas the by-law permits a maximum main building distance of 14.5 m for any storey above the first from the established building line;
- b) **By-law 2024-19, Special Standard (xiv):**  
a maximum combined main building coverage of 670.516 m<sup>2</sup>, whereas the by-law permits a maximum combined main building coverage of 500 m<sup>2</sup>;
- c) **By-law 2024-19, Section 6.3.2.2 J):**  
a maximum outside wall height of 7.86 m, whereas the by-law permits a maximum outside wall height of 7 m; and
- d) **By-law 2024-19, Section 6.2.1 b):**  
a maximum roof projection of 1.8 m above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project a maximum of 1 m above the maximum outside wall height;

as it relates to a proposed two-storey residential dwelling.

## BACKGROUND

### Property Description

The 2099.66 m<sup>2</sup> (22600.56 ft<sup>2</sup>) subject property is located on the west side of Ladyslipper Court, south of a CN Rail corridor and east of Bayview Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

### Proposal

The applicant is proposing to construct a new two-storey detached dwelling. The original dwelling was destroyed by a house fire in 2021.

### 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 Property "Residential Low Rise", which provides a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

#### Zoning By-Law 2024-19

The subject property is zoned Residential - Established Neighbourhood Low Rise (RES-ENLR) under By-law 2024-19, as amended, which permits detached dwellings. The proposal does not comply with respect to building line distance, building coverage, outside wall height and roof projection. Further details on the variances are provided in the comment section below.

#### **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.24.183726) 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.

#### **Second Storey Building Distance Variance**

The applicant is requesting to permit a maximum distance of 18.9 m for the second storey of the proposed dwelling, whereas the by-law permits a maximum main building distance of 14.5 m for any storey above the first from the established building line.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall of the main building facing the front lot line on the two neighbouring lots fronting the same street”. The intent of this By-law provision is to regulate the building depth and massing in relation to the surrounding dwellings.

Staff note the irregular shape of the lot, which creates a curved lot frontage that shortens the distance used to measure the established building line. The proposed dwelling will maintain adequate front and rear yard setbacks for the lot. Consequently, Staff are of the opinion that the requested variance is minor in nature, as the proposed second storey distance from the established building line will have limited impact on the streetscape and will not adversely impact the neighbouring properties.

#### **Combined Main Building Coverage Area Variance**

The Owner is requesting to permit a maximum combined main building coverage of 670.516 m<sup>2</sup>, whereas the by-law permits a maximum combined main building coverage of 500 m<sup>2</sup>.

The intent of the maximum permitted building coverage provision in the By-law includes, but is not limited to, ensuring appropriate proportions of the dwelling to lot coverage, and that the proposed building fits within the context of the surrounding neighbourhood.

The proposed building coverage will comply with the permitted first and second storey coverage, and will not exceed the maximum permitted lot coverage. The majority of the massing is oriented to the rear portion of the property, which will minimize any potential impacts the new dwelling would have on the existing streetscape. Additionally, the applicant has completed their Residential Infill Grading and Servicing (RGS) application and Tree permit. Any potential impacts to grading and trees on site have been addressed to the satisfaction of Engineering and Tree Preservation Staff. Planning Staff have reviewed the requested variance and opine that the proposed increase is at an appropriate scale and will not adversely impact adjacent properties.

### **Outside Wall Height Variance**

The Owner is requesting to permit a maximum outside wall height of 7.86 m, whereas the by-law permits a maximum outside wall height of 7 m.

The By-law calculates building height using the vertical distance of a building or structure measured from established grade to the highest top plate of the outside wall of the uppermost floor or storey.

The bulk of the proposed dwelling's facade will be setback further from the street than the proposed established building line. Additionally, the applicant has worked with Tree Preservation Staff to mitigate potential injury to the trees on site through their Tree Permit. As a result, any direct impacts an increased height variance would have to the streetscape will be mitigated accordingly. Staff are of the opinion that the proposed maximum outside wall height will not adversely impact the character of the surrounding area and that the requested variance is minor in nature.

### **Roof Projection Variance**

The Owner is requesting to permit a maximum roof projection of 1.8 m above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project a maximum of 1 m above the maximum outside wall height.

The intent of the maximum roof projection is to maintain a consistent roofline and prevent excessive height that may adversely impact the surrounding properties.

Staff opine that the proposed roof design, specifically the slope into the overhang, is consistent with the character of the neighbourhood, and will not significantly affect the massing of the dwelling. Consequently, Staff are of the opinion that the proposed encroachment is minor in nature, as it will maintain an appropriate roofline between neighboring dwellings, and have no concerns.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of April 2, 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 144177 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/25**

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;

CONDITIONS PREPARED BY:



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Theo Ako-Manieson, Planner I, West District

# Appendix B

File: 25.144177.000.00.MNV

Date: 4/2/2026  
MM/DD/YY

ZONING: RES-ENLR	REQUIRED	PROVIDED
SETBACKS		
RIGHT	2.4 M	19.6 M
REAR	7.5 M	8.13 M
LEFT	2.4 M	4.56 M
FRONT	11.86 M	12.24 M
BUILDING HEIGHT- <small>OUTSIDE WALL HEIGHT</small>	7M	7.86 M
LOT COVERAGE	35% Max <small>By Law 2024-19 (6.3) (iv) MAX Combined 500 SQM</small>	11.26% <small>Provided: 483.02 SQM</small>

OBC DEFINITION		
BUILDING AREA	As Per OBC	335.258 M2
LOT AREA		2099.661 M2
BASEMENT FLOOR AREA	As Per OBC	220.636 M2
MAIN FLOOR AREA	As Per OBC	335.258 M2
2ND FLOOR AREA	As Per OBC	247.907 M2
GFA	Excluding Basement Area	492.993 M2

ZBL DEFINITION		
BUILDING AREA	As Per ZBL	335.258 M2
LOT AREA		2099.661 M2
BASEMENT FLOOR AREA	As Per ZBL	220.636 M2
MAIN FLOOR AREA	As Per ZBL - FOOTNOTE 01	335.258 M2
2ND FLOOR AREA	As Per ZBL - FOOTNOTE 01	335.258 M2
<b>COMBINED MAIN BUILDING COVERAGE</b>	As Per ZBL - FOOTNOTE 01 Excluding Basement Area	<b>670.516 M2</b>

# OF PARKINGS 3 INDOOR

LANDSCAPE		
HARD LANDSCAPE	13.803%	289.836 sqm
SOFT LANDSCAPE	86.197 %	1809.825 sqm

DRIVEWAY WIDTH		
DRIVEWAY WIDTH	6.00 meter	



ASE+J INC. ARCHITECT

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0' 5' 10' 20' 30' 40' 50mm

0' 1/4' 1/2' 1' 1 1/2' 2'

No.	Issuance Description	YYMMDD
1	ISSUED FOR B.P.	08-09-2025
2	CLIENT APPROVED	15-09-2025
3	ISSUED TO COA	25-10-2025
4	ISSUED TO COA	22-11-2025

ISSUED FOR: **COA**  
DRAWINGS ARE "COA" AND ARE NOT TO BE USED FOR PERMIT APPLICATIONS OR CONSTRUCTION UNTIL SO AUTHORIZED BY THE CITY OFFICIAL.

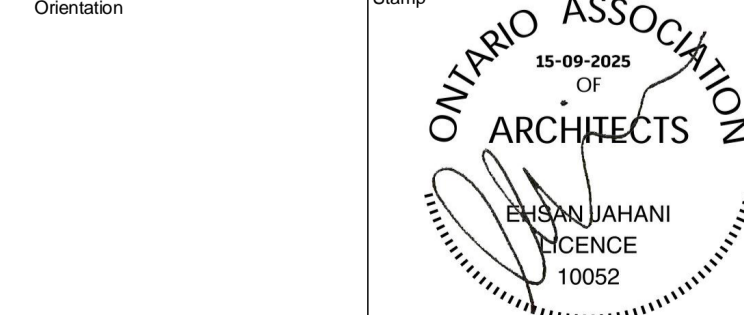
Client: **SHIVA FALAHATPARVAR**

Project: **2 LAYDUSLIPER CT.**

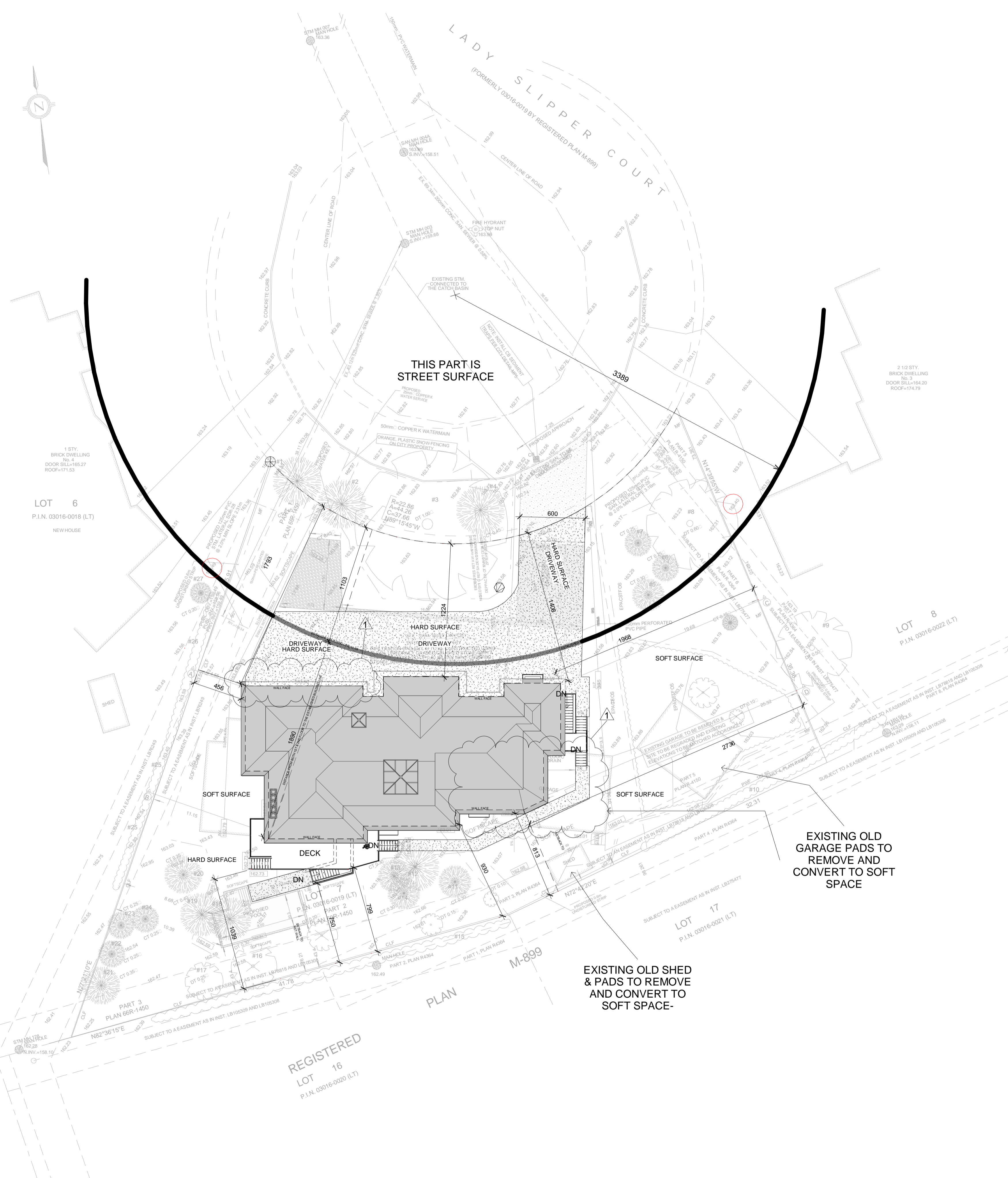
2 Ladyslipper CtThornhill, ON L3T 2S4

Drawing: **Site Plan**

Project No. 160  
Time Stamp: 2025-11-27 1:41:42 PM  
Orientation



Drawing No. **A100**



**1- Main Building Coverage** means the area of the main building that is enclosed by the main walls measured between the exterior faces of the exterior walls. For the purpose of this definition, unenclosed decks, porches, cold cellars, and balconies are not considered to be within the main building coverage.

# Appendix B

File: 25.144177.000.00.MNV

Date: 4/2/2026  
MM/DD/YY



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0' 1/4" 1/2" 1' 1 1/2" 2'

No.	Issuance Description	YYMMDD
1	ISSUE FOR B.P.	25-07-2024
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Client: **SHIVA FALAHATPARVAR**

Project: **2 LAYDUSLIPER CT.**

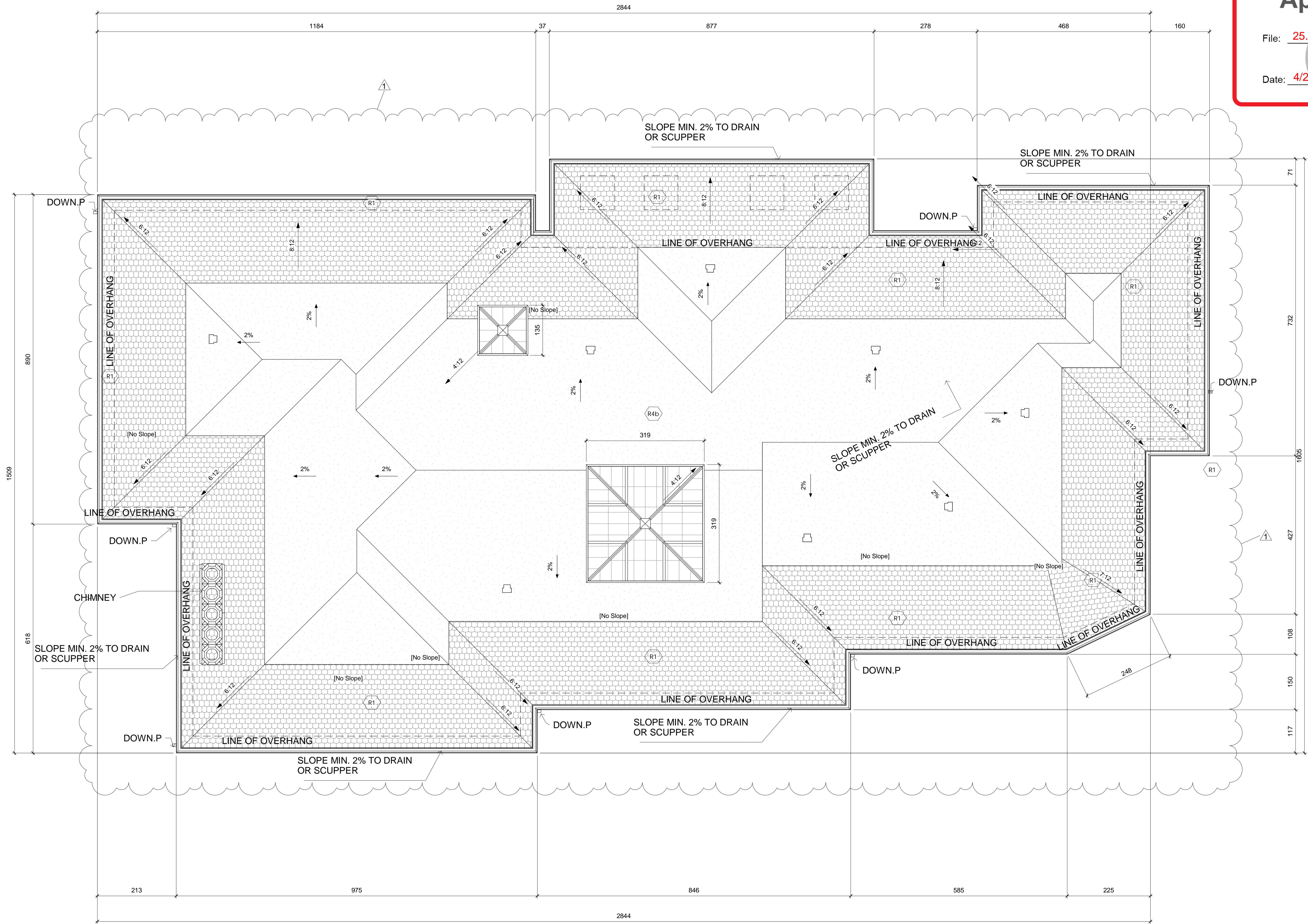
2 Ladyslipper Ct Thornhill, ON L3T 2S4

Drawing: **Roof Plan**

Project No.	160	Drawn by:	Author	Approved/Approver
Time Stamp:	2025-11-27 1:41:49 PM			
Orientation		Stamp		



Drawing No. **A103-01**

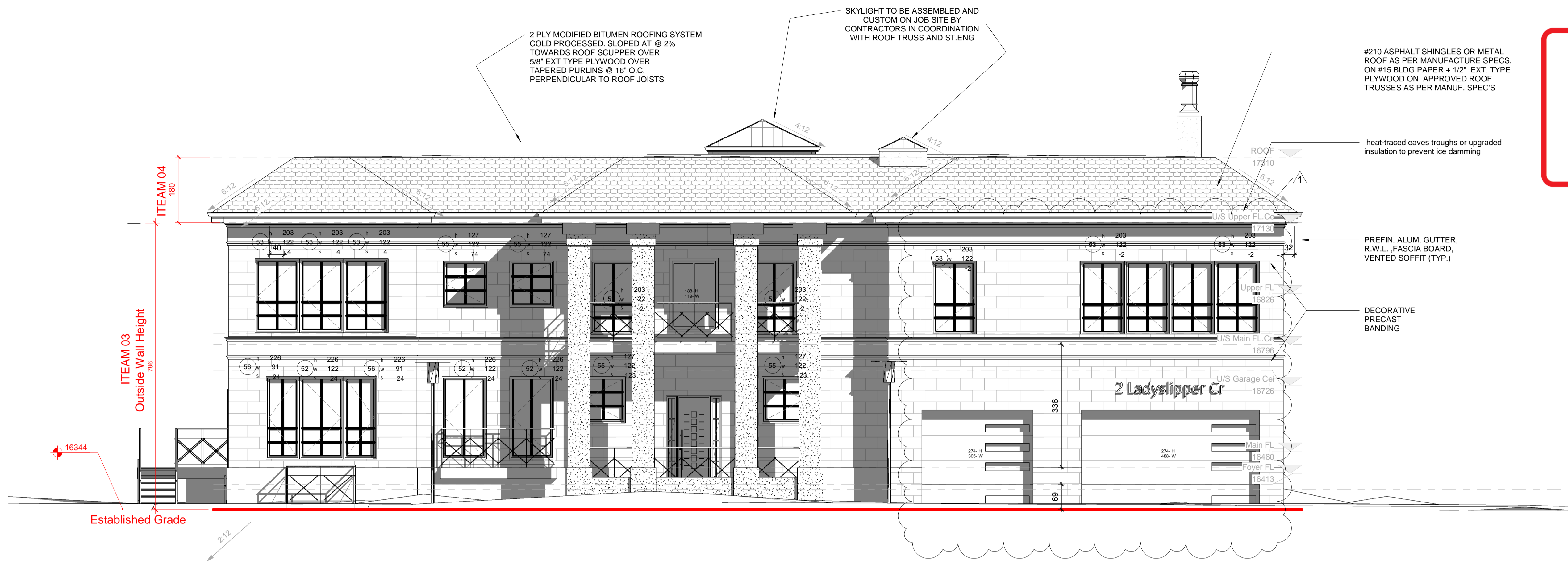


**1 Roof FL**  
1 : 50

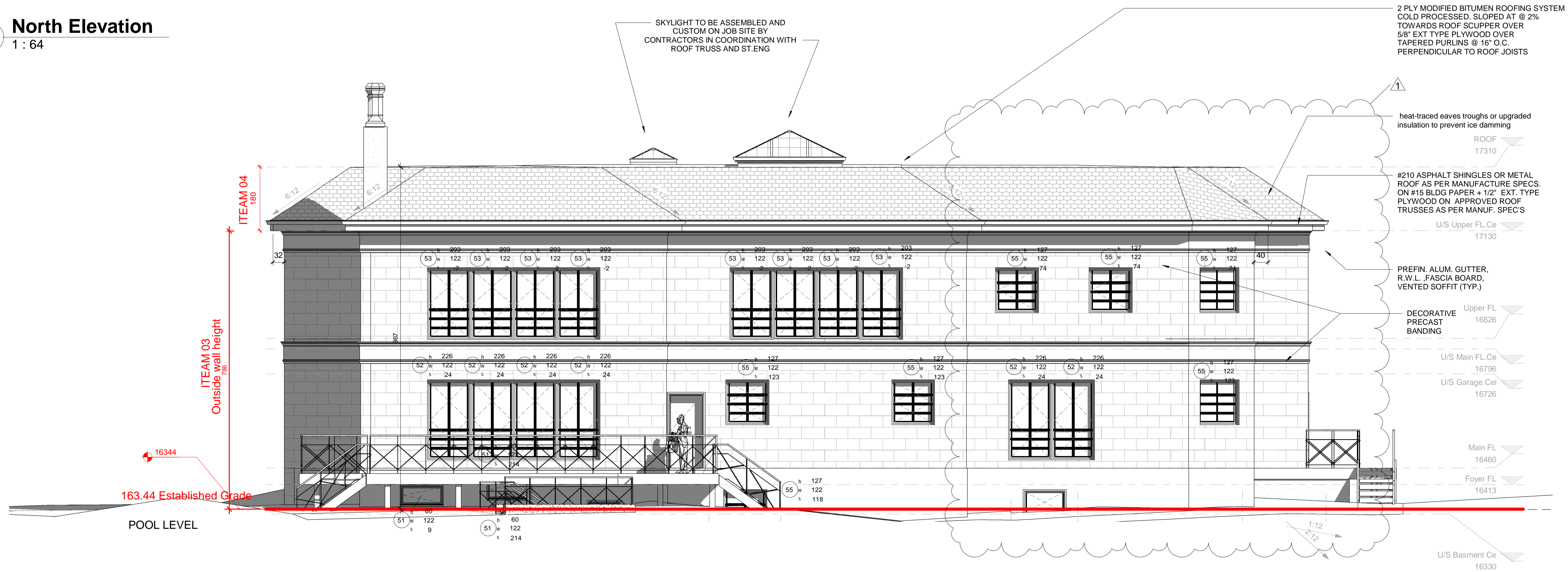
# Appendix B

File: 25.144177.000.00.MNV

Date: 4/2/2026  
MM/DD/YY



**1 North Elevation**  
1 : 64

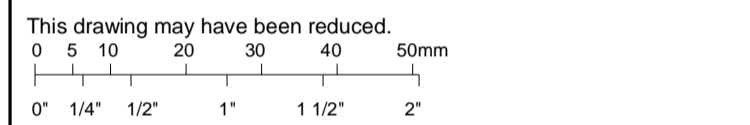


**2 South Elevation**  
1 : 64



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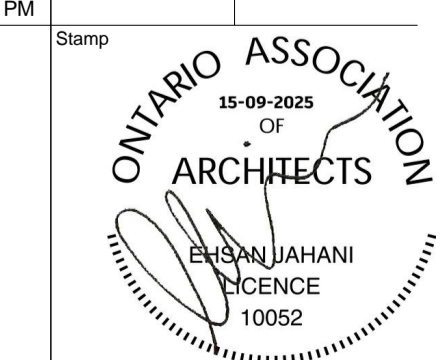
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Client: **SHIVA FALAHATPARVAR**

Project: **2 LAYDUSLIPER CT.**

Drawing: **North & South Elevation**

Project No. 160  
Time Stamp: 2025-11-27 1:41:55 PM  
Orientation



Drawing No. **A104**

A104

# Appendix B

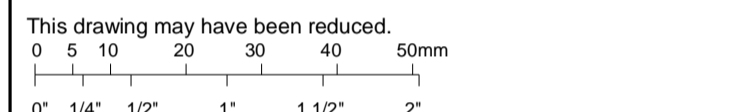
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4	ISSUED TO COA	22-11-2025

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Client: **SHIVA FALAHATPARVAR**

Project: **2 LAYDUSLIPER CT.**

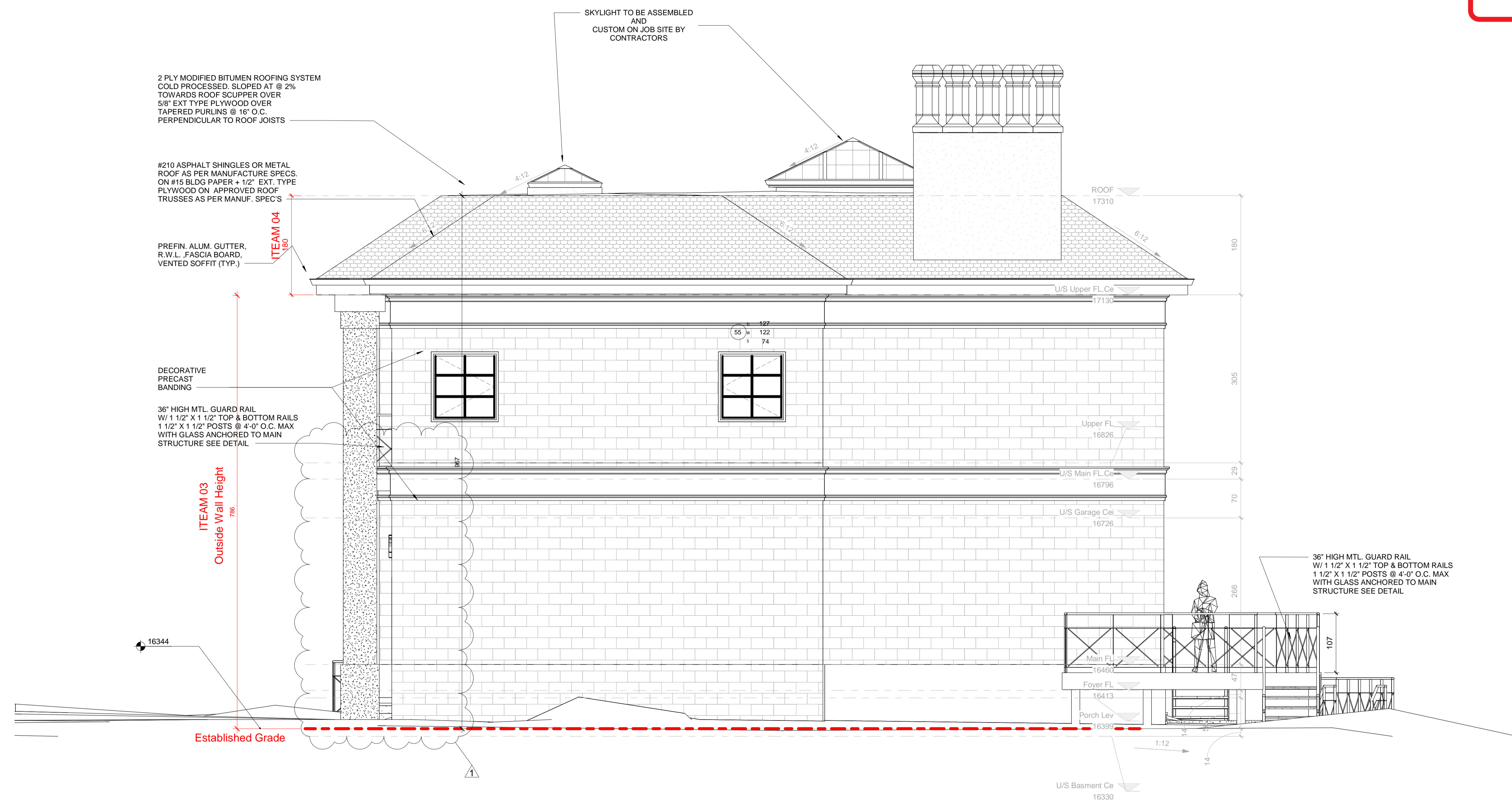
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Drawing: **West Elevation**

Project No. 160	Drawn by: Author	Approved/Approver
Time Stamp: 2025-11-27 1:41:57 PM		
Orientation	Stamp	



Drawing No. **A105**



**2 West Elevation**  
1 : 40

# Appendix B

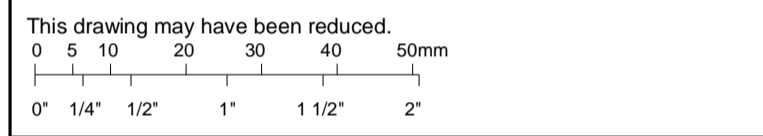
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Date: 4/2/2026  
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ISSUED FOR:  
**COA**  
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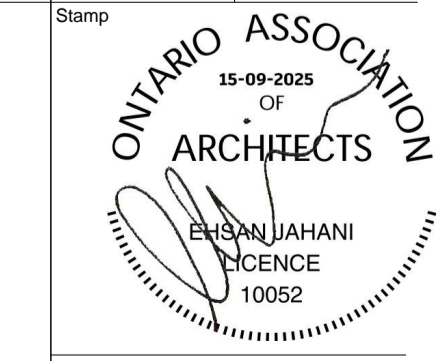
Client: **SHIVA FALAHATPARVAR**

Project: **2 LAYDUSLIPER CT.**

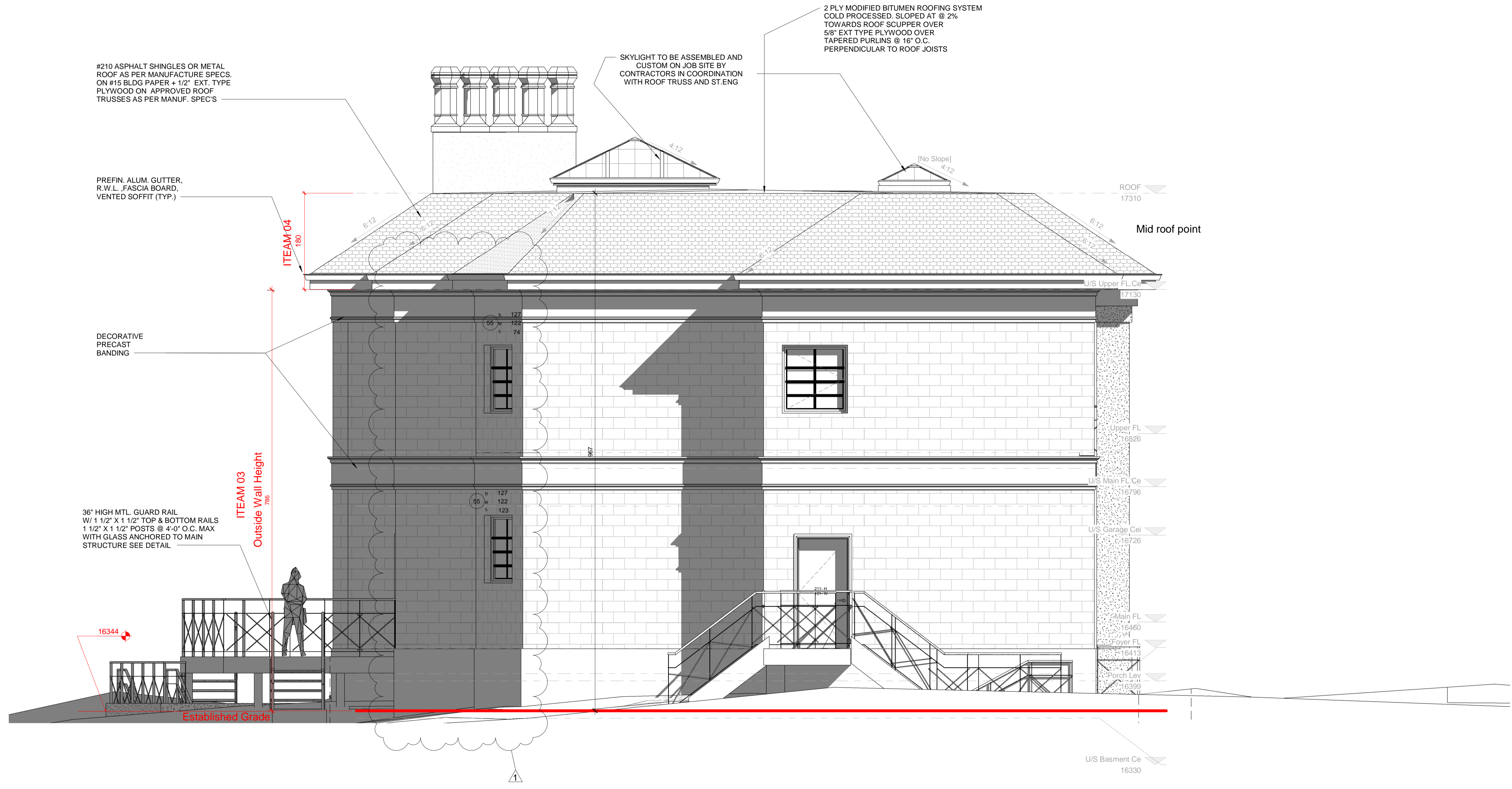
2 Laydusliper Ct Thornhill, ON L3T 2S4

Drawing: **East Elevation**

Project No. 160  
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Orientation



Drawing No. **A106**



**1 East Elevation**  
1 : 40