

Memorandum to the City of Markham Committee of Adjustment
March 30, 2026

File: A/018/25
Address: 189 Krieghoff Avenue, Markham
Applicant/Agent: LASONNE ENGINEERING LIMITED
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)” zone under By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2 (c)**: a maximum first storey main building coverage of 35.03 percent, whereas the by-law permits a maximum first storey main building coverage of 30 percent;
- b) **By-law 2024-19, Section 6.3.2 (c)**: a maximum second storey main building coverage of 35.06 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;
- c) **By-law 2024-19, Section 6.3.2 (d)**: a maximum lot coverage of 37.08 percent, whereas the by-law permits a maximum lot coverage of 35 percent;
- d) **By-law 2024-19, Section 6.3.2 (e)**: a maximum second storey distance from the established building line of 18.15 metres, whereas the by-law permits a maximum second storey distance from the established building line of 14.5 metres;
- e) **By-law 2024-19, Section 6.3.2.2 (f)**: a minimum front yard setback of 8.1 metres, whereas the by-law requires a minimum front yard setback of 8.39 metres;
- f) **By-law 2024-19, Section 6.3.2 (i)**: a minimum combined interior side yard setback of 4.02 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.57 metres;
- g) **By-law 2024-19, Section 4.8.10 (d)(i)**: a porch with the under-side of the roof height of 7.6 metres above the established grade to encroach a maximum of 0.76 metres into the required front yard, whereas the by-law permits a maximum under side porch roof height of 4.5 metres above the established grade to encroach into the required front yard to a maximum of 1.8 metres;
- h) **By-law 2024-19, Section 4.8.10 (d)(iii)**: a maximum porch projection beyond the established building line of 1.05 metres, whereas the by-law permits a maximum porch projection beyond the established building line of 0.6 metres;

- i) **By-law 2024-19, Section 4.8.10 (d)(iii):** a maximum stair access projection of 0.6 metres beyond the porch, whereas the by-law permits a maximum stair access projection of 0.45 metres beyond the porch;
- j) **By-law 2024-19, Section 6.3.2 (j):** a maximum outside wall height of 7.79 metres, whereas the by-law permits a maximum outside wall height of 7 metres; and
- k) **By-law 2024-19, Section 4.8.10.1 (a):** a porch to access the street with a minimum depth of 1.67 metres, whereas the by-law requires a porch to access the street with a minimum depth of 1.8 metres;

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

BACKGROUND

Property Description

The 696.48 m² (7,496.88 ft²) subject lands are located on the south side of Krieghoff Avenue, generally west of Main Street Unionville and east of Rycroft Drive (the “Subject Lands”) (refer to Appendix “A” - Aerial Photo). The Subject Lands are 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 and larger dwellings being developed as infill developments.

There is an existing one-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1966.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct 412.46 m² (4,439.70 ft²) two-storey detached dwelling (the “Proposed Development”) (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 as “Residential Low Rise”, which permits 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. These criteria are established to ensure that infill developments are 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 the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. 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, as amended

The Subject Lands are zoned RES-ENLR (Residential – Established Neighbourhood Low Rise) under By-law 2024-19, as amended, which permits detached dwellings.

The Proposed Development does not comply with the By-law requirements as it relates to main building coverage for the first and second storey, lot coverage, distance from the established building line for the second storey, front yard setback, combined interior side yard setback, porch roof height and front yard encroachment, porch projection, porch stair projection, maximum outside wall height, and porch depth.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on January 6, 2026 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.

Variance a) & b): Increased Maximum First and Second Storey Main Building Coverage

The Applicant is requesting relief to permit a first storey main building coverage of 35.03% (243.98 m² or 2,626.18 ft²) and a second storey main building coverage of 35.06% (244.19 m² or 2,628.44 ft²), whereas the by-law permits a maximum main building coverage of 30% (208.94 m² or 2,249.01 ft²) for the first storey and a maximum main building coverage of 20% (139.30 m² or 1,499.41 ft²). This represents an additional 5.03% (35.04 m² or 377.17 ft²) and 15.06% (104.89 m² or 1,129.03 ft²) coverage to what the By-law permits.

The main building coverage definition of By-law 2024-19, as amended, includes the area of the main building that is enclosed by the main walls and does not include unenclosed decks, porches or balconies.

Staff note that the proposed first storey building coverage is generally consistent with other infill developments in the area. However, Staff opine that the proposed size of the second storey does not meet the intent of the by-law and will add significant size and massing to the existing streetscape. The intent of the second storey building coverage provision is to regulate the size and massing of the dwelling in relation to the neighbouring lots and streetscape and to reduce the size of the second storey in

relation to the first storey. The proposed second storey building coverage is larger than the coverage for the first storey.

Staff have no concerns with the proposed main building coverage variance for the first floor; however, Staff are of the opinion that variance b) for the second storey does not meet the intent of the by-law.

Variance c): Increased Maximum Lot Coverage

The Applicant is requesting relief to permit a maximum lot coverage of 37.08% (256.89 m² or 2,765.21 ft²), whereas the by-law permits a maximum lot coverage of 35% (243.77 m² or 2,623.92 ft²). This represents an additional coverage of 2.08% (13.12 m² or 141.29 ft²) to what the By-law permits.

Staff note that a majority of the additional proposed lot coverage can be attributed to the 12.94 m² (139.61 ft²) front porch.

The City's Tree Preservation Staff have indicated concerns with the proposed porch location as it would further intrude into the Tree Protection Zone of a mature silver maple tree located along the boundary of the Subject Property and the adjacent property to the west at 66 Fonthill Boulevard. As the tree is a boundary tree, the Applicant would need written consent to injure from the neighbours at 66 Fonthill Boulevard prior to any construction work within the Tree Protection Zone.

Planning Staff recommends that the Committee of Adjustment ("the Committee") satisfy themselves on the appropriateness of this variance and to take Tree Preservation Staff comments into consideration before reaching a decision.

Variance d): Increased Maximum Distance of the Main Building from the Established Building Line (second storey)

The Applicant is requesting relief to permit a maximum distance of the main building of 18.5 m (60.70 ft), whereas the by-law permits a maximum distance of 14.5 m (47.57 ft) for the second storey. This represents an increase of 4 m (13.12 ft).

The intent of the By-law is to regulate the scale and depth of the second storey for the proposed dwelling in relation to the adjacent dwellings. As noted previously for variance b), Staff are of the opinion that the massing for the proposed second storey does not meet the intent of the by-law.

Variance e): Decreased Minimum Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 8.1 m (26.57 ft), whereas the by-law permits a front yard setback of 8.3 m (27.23 ft). This represents a decrease of 0.2 m (0.66 ft).

As noted previously City's Tree Preservation Staff have indicated concerns with the front yard setback, particularly on the west side of the house, as it would further intrude

into the Tree Protection Zone of a maple silver maple tree located at 66 Fonthill Boulevard.

Variance f): Decreased Minimum Combined Interior Side Yard Setback

The Applicant is requesting relief to permit a minimum combined interior side yard setback of 4.02 m (13.19 ft), whereas the by-law requires a minimum combined interior side yard setback of 4.57 m (14.99 ft). This represents a decrease of 0.55 m (1.80 ft).

The existing dwelling on the Subject Lands provides for a 3.81 m (12.5 ft) combined interior side yard setback. This is noteworthy because the Proposed Development will be setback further from the side lot line than the existing dwelling. Staff further note that the proposed dwelling meets the By-law requirement for a minimum side yard setback of 1.8 m (5.9 ft) on either side to ensure appropriate space between properties for emergency access and soft landscaping drainage swales. Staff have no objections to the variance as proposed.

Variance g), h), i), and k) Increased Porch Development Standards

The Applicant is requesting relief to multiple development standards surrounding the proposed porch including:

Variance g): To permit a porch with the under-side roof height of 7.6 m (24.93 ft) to encroach a maximum of 0.76 m (2.49 ft), whereas the by-law permits a maximum under-side porch roof height of 4.5 m (14.76 ft) to encroach 1.8 m (5.91 ft) of the front yard. This results in an increase of 3.1 m (10.17 ft) for the porch under-side roof height.

Variance h): To permit a maximum porch projection of 1.05 m (3.44 ft) beyond the established building line, whereas the by-law permits a maximum porch projection of 0.6 m (1.97 ft) beyond the established building line. This represents an increase of 0.45 m (1.48 ft).

Variance i): To permit a maximum porch stair projection of 0.6 m (1.97 ft) beyond the porch, whereas the by-law permits a maximum porch stair projection of 0.45 m (1.48 ft).

Variance k): To permit a minimum porch depth of 1.67 m (5.48 ft), whereas the by-law requires a minimum porch depth of 1.8 m (5.91 ft). This represents a reduction of 0.13 m (0.43 ft).

The combined effect of the increase in porch height, the projection of the porch past the established building line, porch stair projection, and the increased second storey building coverage will create a dwelling scale and massing that is uncharacteristic for the existing character of the neighbourhood and streetscape.

Staff are of the opinion that the cumulative impacts of the combined variances surrounding the porch height, projection, and stair projection coupled with the increase in building coverage and front yard setback will have a marked impact to the streetscape and character to the street. Furthermore, and as noted previously, the City's

Tree Preservation Staff also have concerns with the requested porch variances as it relates to its impacts to the neighbouring silver maple tree.

Notwithstanding the comments noted above, Staff further note and are of the opinion that the streetscape pattern along Krieghoff Avenue is characterized by smaller, less prominent porches. Given the concerns that Staff have with the proposed porch height and projection and its impact on massing, streetscape, and tree protection, Staff are of the opinion that variance k) to reduce the porch depth is minor in nature and will serve to mitigate some of impacts to the streetscape.

Variance J: Increased Maximum Outside Wall Height

The Applicant is requesting relief to permit a maximum outside wall height of 7.79 m (25.92 ft), whereas the By-law permits a maximum outside wall height of 7 m (22.97 ft). This represents an increase of 0.79 m (2.59 ft).

Initially the Applicant had requested an outside wall height of 9.05 m (29.69 ft). After further discussion with Staff, the Applicant had agreed to lower the requested variance to 7.79 m (25.92 ft) to reduce the variance by 1.26 m (4.13 ft).

Staff are of the opinion that the requested variance for outside wall height is minor in nature and is generally consistent with other infill developments in the area. However, Staff recommend that the Committee take into account the other variances being requested that would impact the surrounding character and streetscape before reaching a decision.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 1, 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 requests a), f), j), and k) meet the four tests of the Planning Act and have no objection. Variance requests b), d), g), and h) as it relates to second storey build coverage, distance from the established building line for the second storey, porch height, and porch projection beyond the established building line do not meet the four tests of the Planning Act. Staff recommend that the Committee satisfy themselves as to the appropriateness of variances c), e), and i). Staff also recommend that the Committee consider Tree Preservation Staff comments and public input before 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:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



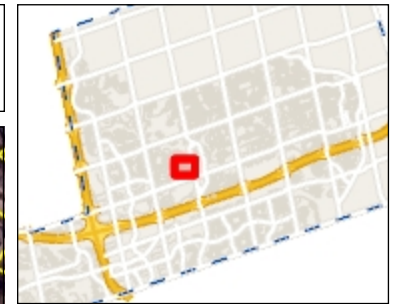
Melissa Leung, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/018/25 Conditions of Approval



Legend

- Subject Lands
189 Krieghoff Avenue

1: 4,514



229.3 0 114.66 229.3 Meters

Notes

KRIEGHOFF AVENUE

PIN 02979 - 0161
MH
(BY REGISTERED PLAN 7566)

Appendix B

File: 25.112295.000.00.MNV

Date: 4/1/2026

MM/DD/YY

ZONING STATISTICS R4 (Residential low rise)
 ZONE CODE: RES-ENLR
 Zoning by Law- BY-LAW 11-72

MINIMUM LOT AREA: **580.64 SQM** (6,250.00 SQFT)
 EXISTING LOT AREA: **696.48 SQM** (7496.88 SQFT)
 MINIMUM LOT FRONTAGE: **15.24 M** (50.00 FT)
 MINIMUM FRONT YARD SETBACK: **7.5 M** (25.00 FT)
 MINIMUM SIDE YARD: **1.82 M** (6.00 FT FOR TWO STOREY)
 MINIMUM REAR YARD SET BACK REQUIRED: **7.5 M** (25.00 FT)
 MAXIMUM HEIGHT: **7.6 M** (25.00 FT FROM GRADE TO MIDPOINT)
 PROPOSED HEIGHT: **9.2M**
 LOT AREA: 696.48 SQM (7496.88 SQFT)
 LANDSCAPE AREA: **60%** OF FRONT YARD
 EXISTING LOT COVERAGE: 143.30 SQM (1542.54 SQFT)
NEW MAXIMUM LOT COVERAGE: **36.88%**
 PROPOSED LOT COVERAGE : **256.89 SQM** (2765.21 SQFT)

N72°03'10"E

ESTABLISHED GRADE: 176.93
GROSS FLOOR AREA:
 TOTAL MAIN FLOOR AREA (Excluding Porch/Garage Area/Stairs):
2067.78 SQFT (192.10 SQM)
 TOTAL SECOND FLOOR AREA (Excluding Stairs & O.T.B): **2371.92 SQFT (220.36 SQM)**
 TOTAL GROSS FLOOR AREA:
4439.70 SQFT (412.46 SQM)
 FIRST FLOOR INDEX: 27.6%
 SECOND FLOOR INDEX: 31.6%

AVERAGE GRADE: (176.95 + 176.90) / 2 = 176.93
ESTABLISHED GRADE: 176.93
176.00 PROPOSED GRADE
 TOP OF PLATE - 184.72

INFORMATION TAKEN FROM SURVEY
 PLAN OF SURVEY OF LOT 132
 REGISTERED PLAN 7566
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 BY: JASON CHUN-HO MO
 PEARSON/PERARON - JUNE 2022

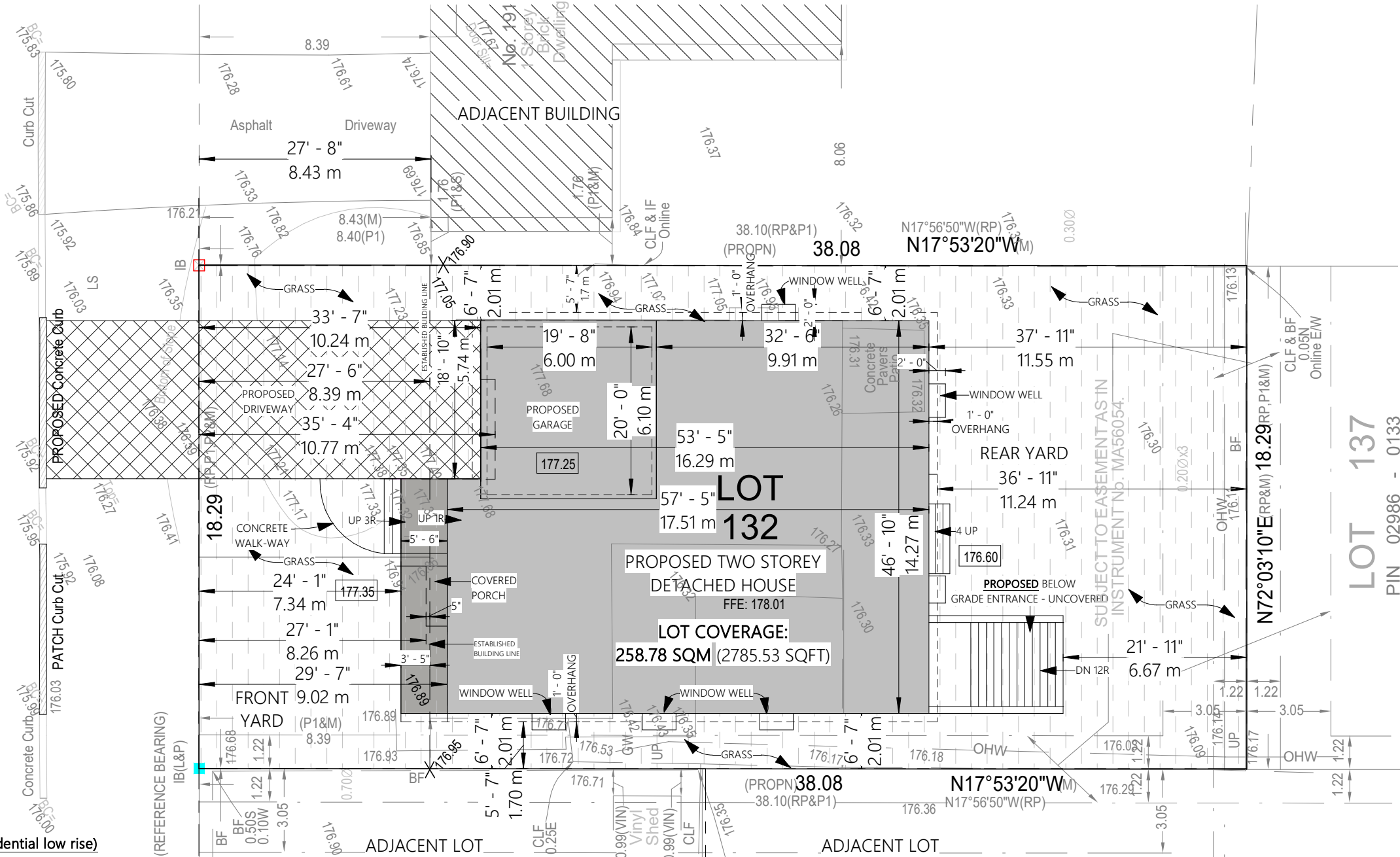
GENERAL NOTES

The Contractor should visit the site and become familiarized with all the characteristics affecting new and existing construction. Contractor shall check all dimension on working drawings and report any discrepancies to the Engineer/Designer before proceeding with the work. Any changes, alterations or revisions must be reported to the Engineer/Designer before proceeding with the work.

1

PROPOSED SITE PLAN

SCALE: 1:180



LOT 137
PIN 02986 - 0133

LOT 135
PIN 02986 - 0131

NO	DATE	DESCRIPTION

PROJECT 189 KRIEGHOFF AVENUE		
DRAWING TITLE PROPOSED SITE PLAN		
1 : 180 SCALE	2025-12-29 DATE	A102
0001 PROJECT NO	BB DRAWN BY	
	BB CHECK BY	DRAWING NO

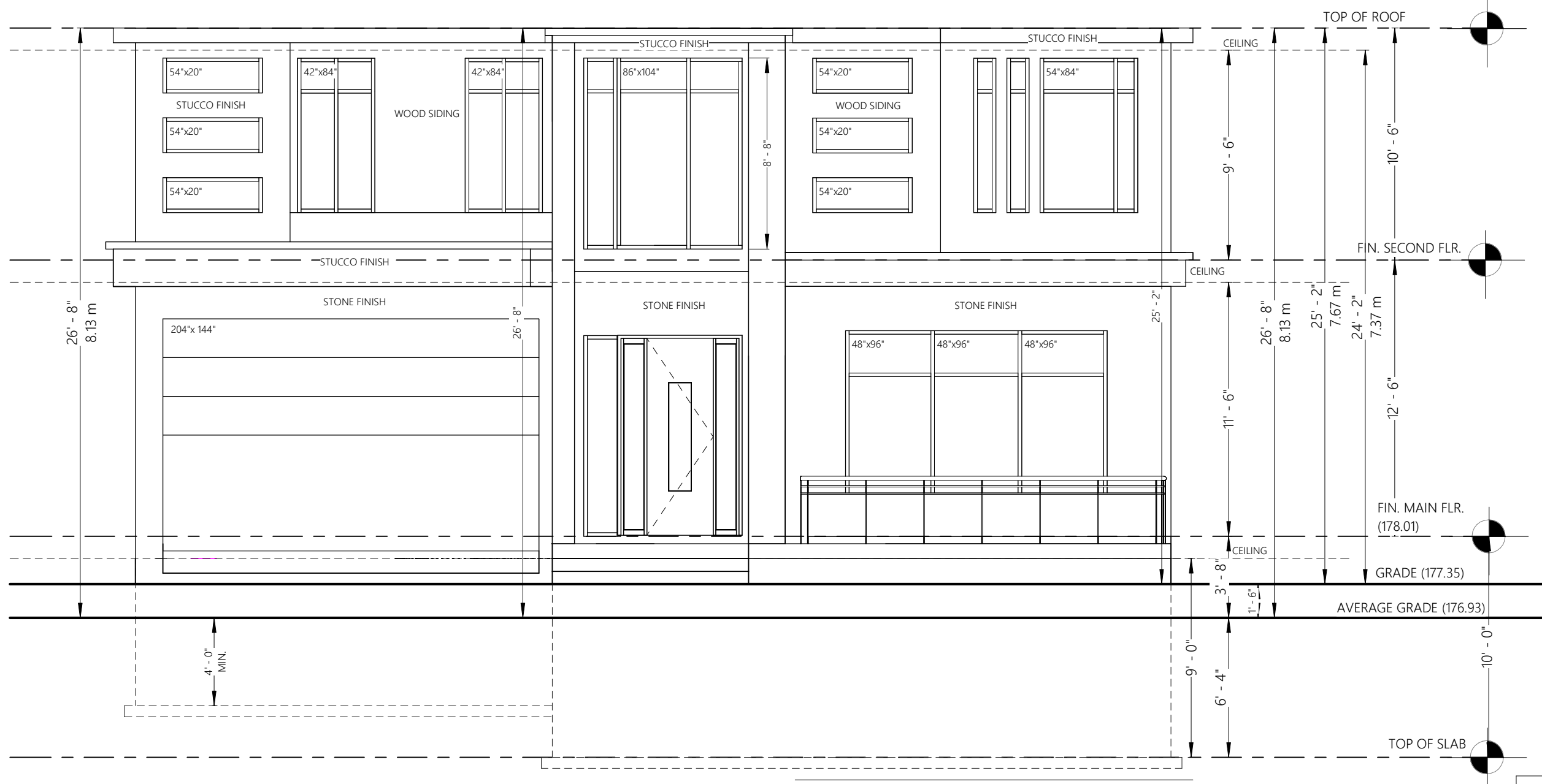
Appendix B

File: 25.112295.000.MNV

Date: 4/1/2026

MM/DD/YY

NOTE: TOP OF PLATE - 184.72



NO	DATE	DESCRIPTION

1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

GENERAL NOTES

The Contractor should visit the site and become familiarized with all the characteristics affecting new and existing construction. Contractor shall check all dimension on working drawings and report any discrepancies to the Engineer/Designer before proceeding with the work. Any changes, alterations or revisions must be reported to the Engineer/Designer before proceeding with the work.

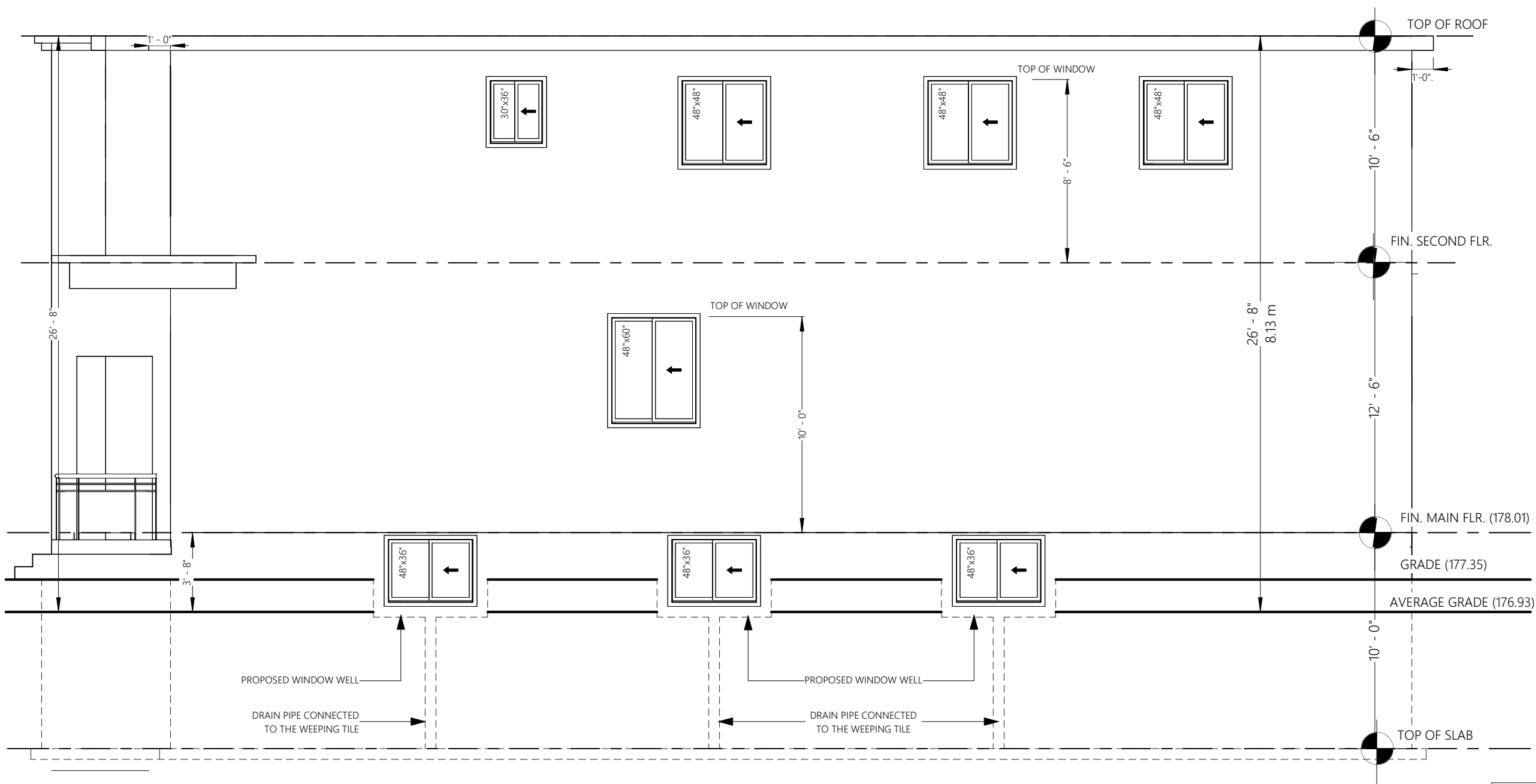
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DRAWING TITLE		FRONT ELEVATION	
SCALE	3/16" = 1'-0"	DATE	2025-12-29
PROJECT NO	0001	DRAWN BY	TA
		CHECK BY	BB
		DRAWING NO	A106

Appendix B

File: 25.112295.000.MNV

Date: 4/1/2026

MM/DD/YY



ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	1530 SQFT
LIMITING DISTANCE	6'-7" (2.01 M)
ALLOWABLE OPENINGS @ 8%	122.4 SQFT
ACTUAL OPENINGS	94 SQFT

GENERAL NOTES

The Contractor should visit the site and become familiarized with all the characteristics affecting new and existing construction. Contractor shall check all dimension on working drawings and report any discrepancies to the Engineer/Designer before proceeding with the work. Any changes, alterations or revisions must be reported to the Engineer/Designer before proceeding with the work.

NO	DATE	DESCRIPTION

1 SIDE ELEVATION - A
SCALE: 3/16" = 1'-0"

PROJECT: 189 KRIEGHOFF AVENUE

DRAWING TITLE: SIDE ELEVATION - A

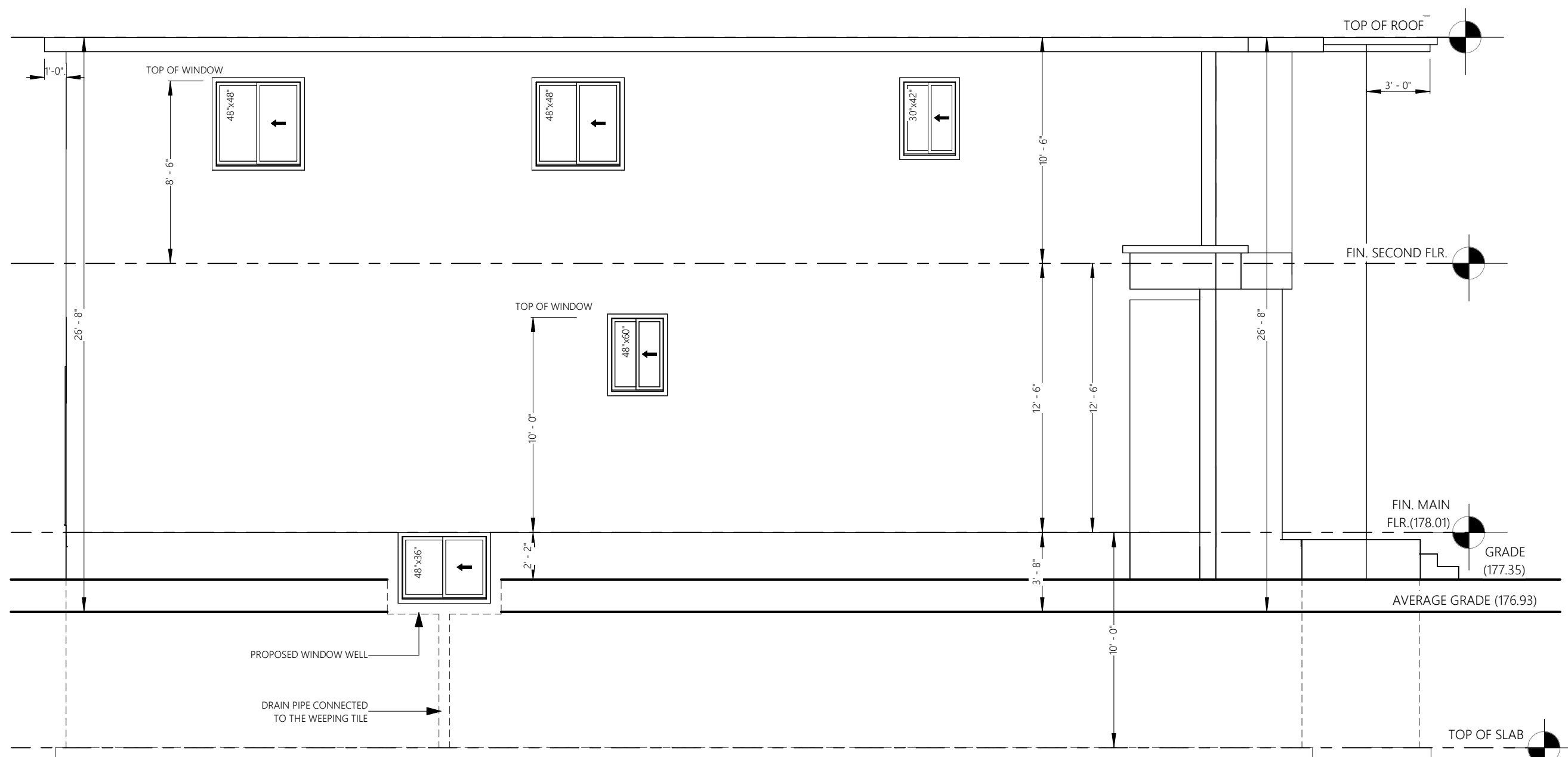
SCALE: 3/16" = 1'-0"	DATE: 2025-12-29	A107
0001 PROJECT NO	BB DRAWN BY / BB CHECK BY	

Appendix B

File: 25.112295.000.MNV

Date: 4/1/2026

MM/DD/YY



ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA	1343.22 SQFT
LIMITING DISTANCE	6'-7" (2.01 M)
ALLOWABLE OPENINGS @ 8%	107.45 SQFT
ACTUAL OPENINGS	51.42 SQFT

NO	DATE	DESCRIPTION

1 SIDE ELEVATION - B
SCALE: 3/16" = 1'-0"

GENERAL NOTES

The Contractor should visit the site and become familiarized with all the characteristics affecting new and existing construction. Contractor shall check all dimension on working drawings and report any discrepancies to the Engineer/Designer before proceeding with the work. Any changes, alterations or revisions must be reported to the Engineer/Designer before proceeding with the work.

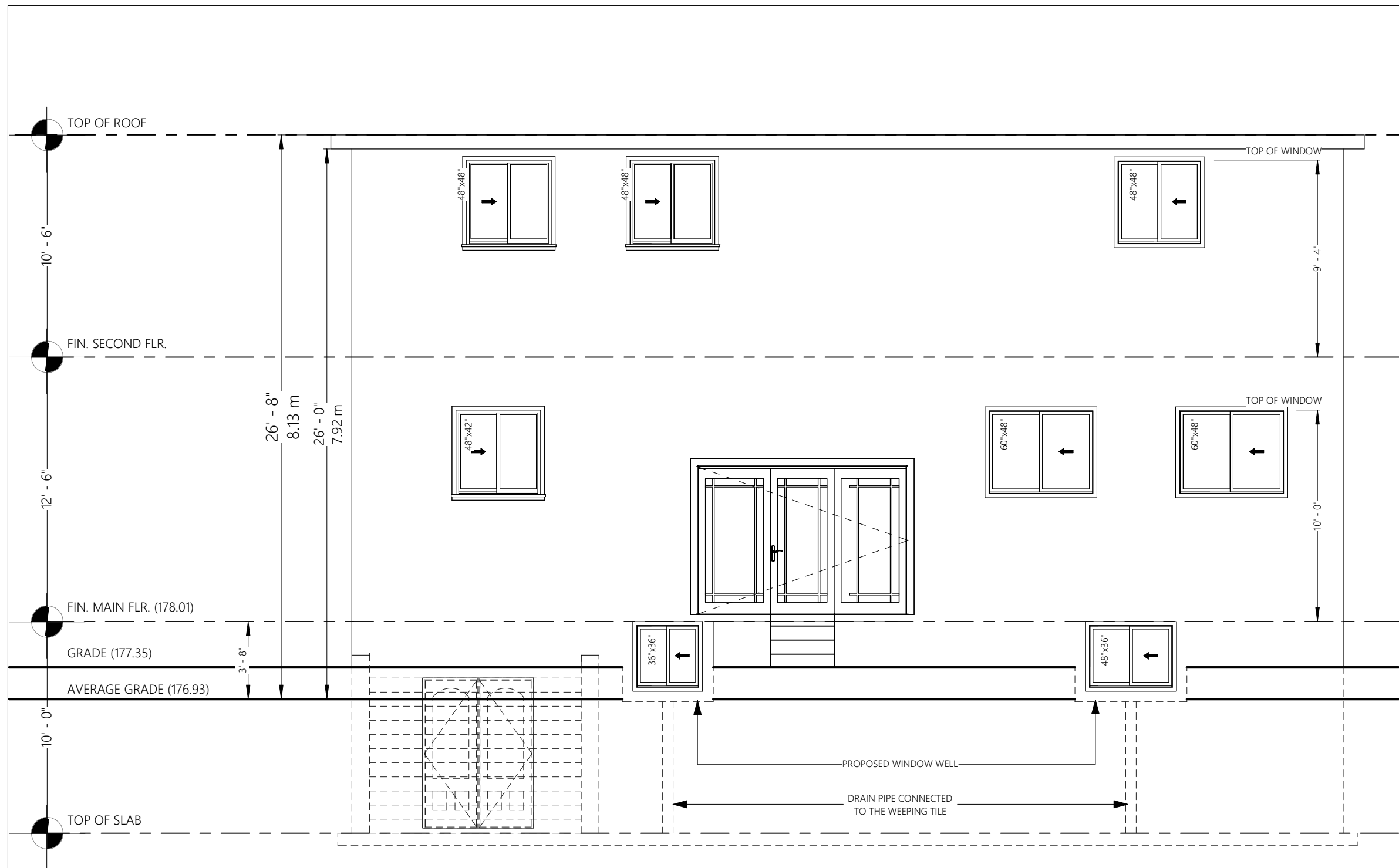
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DRAWING TITLE	SIDE ELEVATION - B		
SCALE	3/16" = 1'-0"	DATE	2025-12-29
PROJECT NO	0001	DRAWN BY	TA
		CHECK BY	BB
		DRAWING NO	A108

Appendix B

File: 25.112295.000.00.MNV

Date: 4/1/2026

MM/DD/YY



1 REAR ELEVATION
SCALE: 3/16" = 1'-0"

GENERAL NOTES

The Contractor should visit the site and become familiarized with all the characteristics affecting new and existing construction. Contractor shall check all dimension on working drawings and report any discrepancies to the Engineer/Designer before proceeding with the work. Any changes, alterations or revisions must be reported to the Engineer/Designer before proceeding with the work.

NO	DATE	DESCRIPTION

PROJECT		189 KRIEGHOFF AVENUE	
DRAWING TITLE		REAR ELEVATION	
SCALE	3/16" = 1'-0"	DATE	2025-12-29
PROJECT NO	0001	DRAWN BY	BB
		CHECK BY	BB
			A109
			DRAWING NO

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/018/25

1. The variances apply only to the Proposed Development as long as it remains;
2. That the variances apply only to the Proposed 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. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



Brendan Chiu, Planner I, Central District