

Memorandum to the City of Markham Committee of Adjustment

June 14, 2023

File: A/030/23
Address: 78 Southdale Drive, Markham
Applicant: LHW Engineering (Lihang Wang)
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, June 28, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed second storey addition and porch to the existing detached dwelling. The variances requested are to permit:

- a) **By-law 99-90, Section 1.2(ii):**
a depth of 17.53m, whereas the By-law permits a maximum depth of 16.8m,
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.11 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the April 5, 2023 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 52.8% (Refer to Minutes - Appendix “D”). In revising the proposal, the applicant has also eliminated the requested interior side yard setback variance. The initial variances requested are identified in the March 14, 2023 Staff Report (Appendix “C”).

COMMENTS

On May 2, 2023, the applicant submitted revised drawings reducing the floor area by 13 m² (139.93 ft²), to now propose a floor area ratio of 50.11%. The applicant has also eliminated the requested interior side yard setback variance. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. The remaining requested variances are unchanged.

The revised floor area ratio variance will facilitate the construction of an addition to the existing one-storey detached dwelling with an approximate total gross floor area of 321 m² (3,455.22 ft²). This is an increase of 36.33 m² (391.05 ft²) above the maximum permitted floor area ratio of 45%. Staff remain of the opinion that the proposed floor area ratio will not result in an overdevelopment of the site.

Further, as documented in the March 14, 2023 staff report, staff do not object to approval of variance related to the maximum building depth.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 14, 2023. 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 variances requested 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:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:

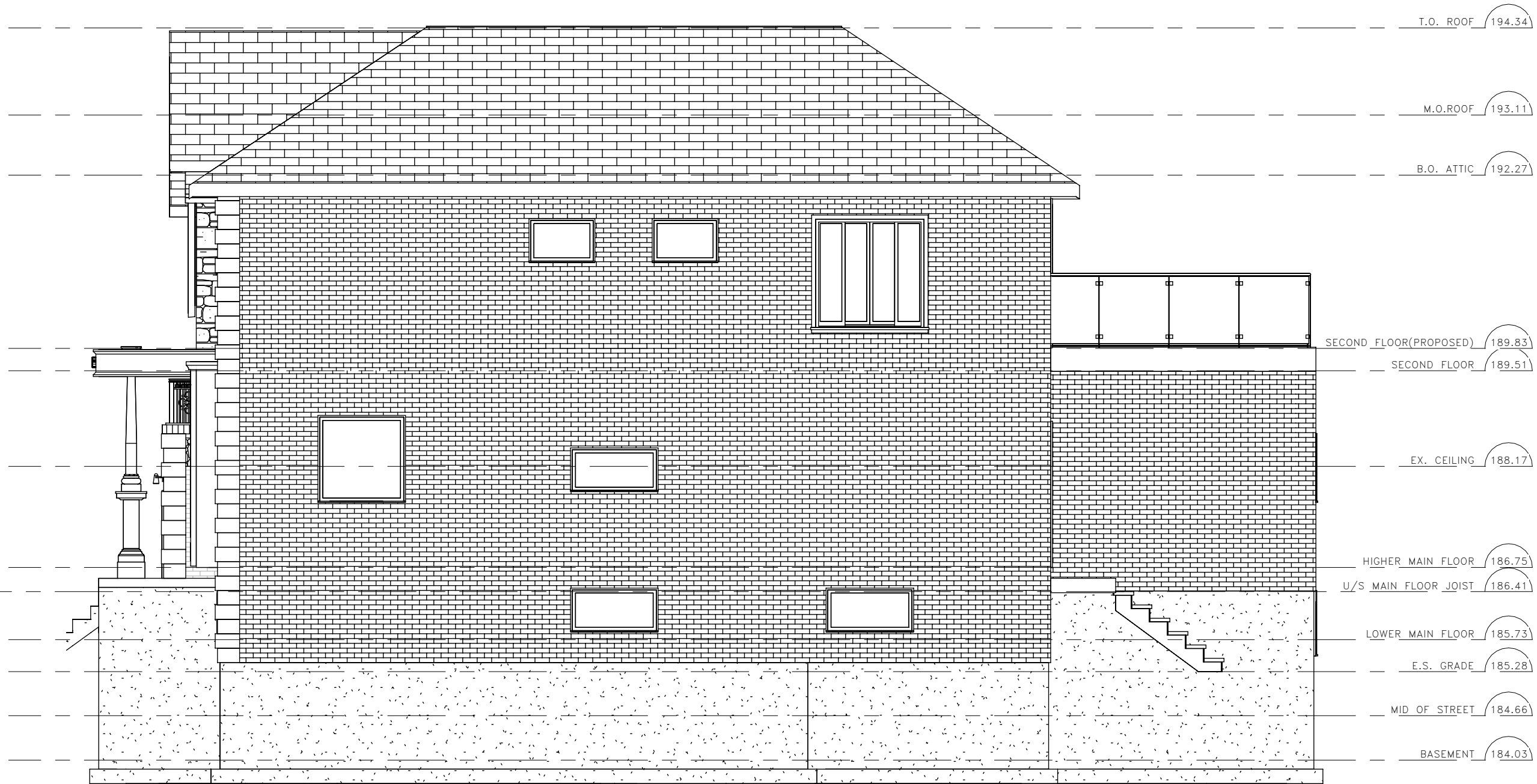


Brashanthe Manoharan, Planner II, East District

Appendix B

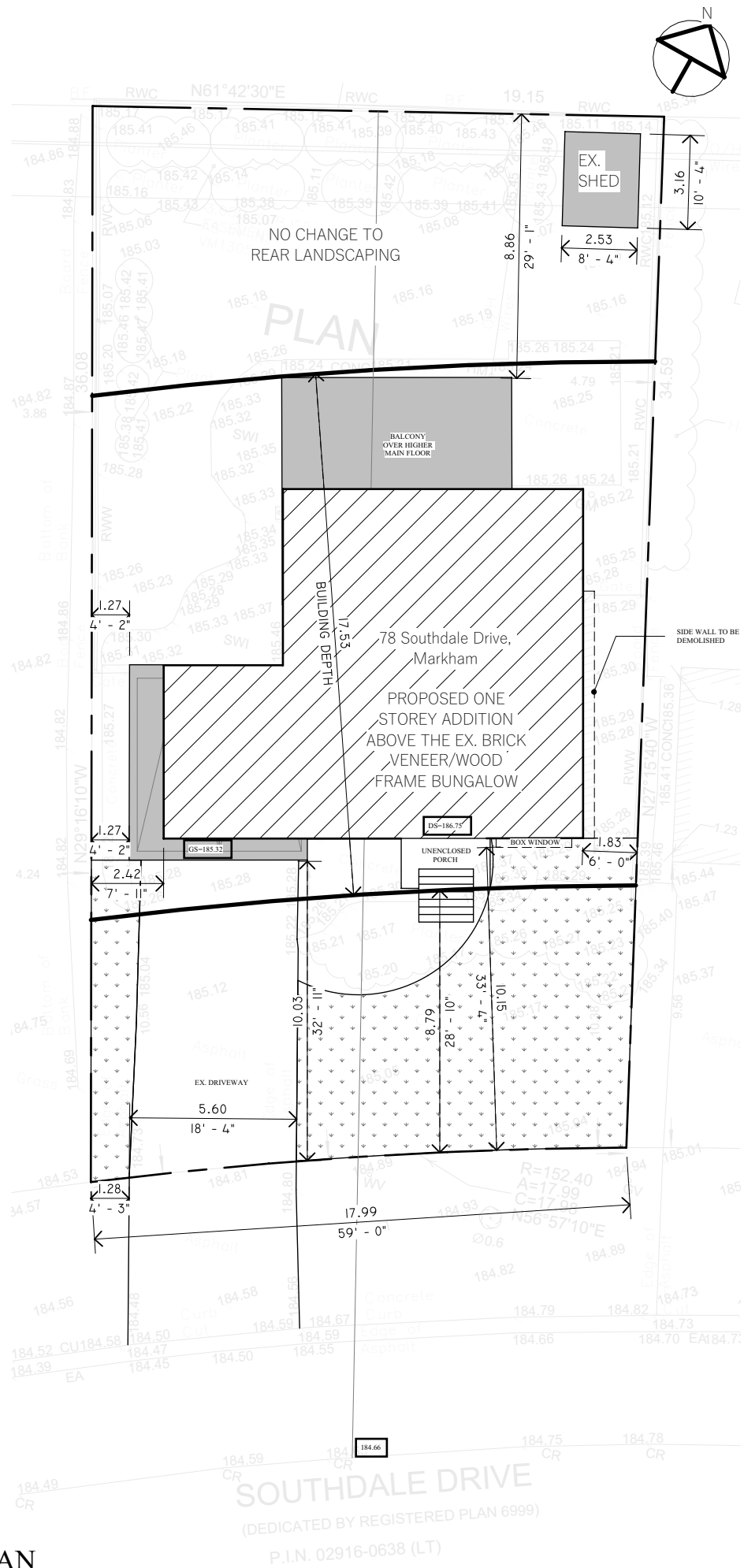
File: 23.114233.000.00.MNV

Date: 06/22/23
MM/DD/YY



1 RIGHT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.8	No.	Description	Date
	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116			
DRAWING TITLE PROPOSED RIGHT ELEVATION						
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>						



THE SCOPE OF WORK
 1. PROPOSED ONE STOREY ADDITION FOR THE FRONT GARAGE W/PITCHED ROOF TO ACCOMMODATE THE PROPOSED LANDING AND STAIR AT THE GARAGE

SITE STATISTIC			
ZONING	RI	LOT NO.	28
PLAN NO.	7326	LOT AREA	652.05 M ²
LOT FRONTAGE	17.99 M	LOT DEPTH	34.59 M
ESTABLISHED GRADE	185.28	NET LOT AREA	632.60 M ²
	EXISTING	PROPOSED	
STOREY	1	2	
HEIGHT	5.05 M	7.85 M	
F.F.E.	185.73	185.73	
BUILDING DEPTH	16.18 M	17.53 M	
AREA			
		PROPOSED	
MAIN FLOOR		179 M ²	
2ND FLOOR		142 M ²	
GFA	321 M ²	NET FLOOR AREA RATIO	50.7%
ALL BUILDING AREA	179 M ²	LOT COVERAGE	27.5%
SETBACK			
	EXISTING	1ST STOREY	2ND STOREY
FRONT (NORTH)	32' 11"	32' 11"	32' 11"
SIDE (EAST)	4' 2"	4' 2"	6' 0"
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REAR (SOUTH)	29' 0"	UNCHANGE	UNCHANGE
FRONT YARD			
	EXISTING	PROPOSED	
FRONT YARD AREA	126.00 M ²	118.80 M ²	
LANDSCAPING		85.72 M ² (71.28 M ² REQUIRED)	
SOFT LANDSCAPING	104.5 M ²	72.32 M ² (53.46M ² REQUIRED)	

Sheet List			
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A0.1	3d-REFERENCE	AY	BW
A0.2	SITE PLAN	AY	BW
A0.3	FLOOR SPACE SUMMARY	AY	BW
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A1.3	PROPOSED BASEMENT PLAN	AY	BW
A1.4	PROPOSED MAIN FLOOR PLAN	AY	BW
A1.5	PROPOSED SECOND FLOOR	AY	BW
A1.6	ROOF PLAN	AY	BW
A2.1	EXISTING FRONT ELEVATION	AY	B.W.
A2.2	EXISTING LEFT ELEVATION	AY	B.W.
A2.3	EXISTING REAR ELEVATION	AY	B.W.
A2.4	EXISTING RIGHT ELEVATION	AY	B.W.
A2.5	PROPOSED FRONT ELEVATION	AY	BW
A2.6	PROPOSED LEFT ELEVATION	AY	B.W.
A2.7	PROPOSED REAR ELEVATION	AY	B.W.
A2.8	PROPOSED RIGHT ELEVATION	AY	B.W.
A3.1	SECTION	AY	BW
A3.3	DETAILS	AY	BW
A3.4	CONSTRUCTION NOTES	AY	BW

Appendix B

File: 23.114233.000.00.MNV

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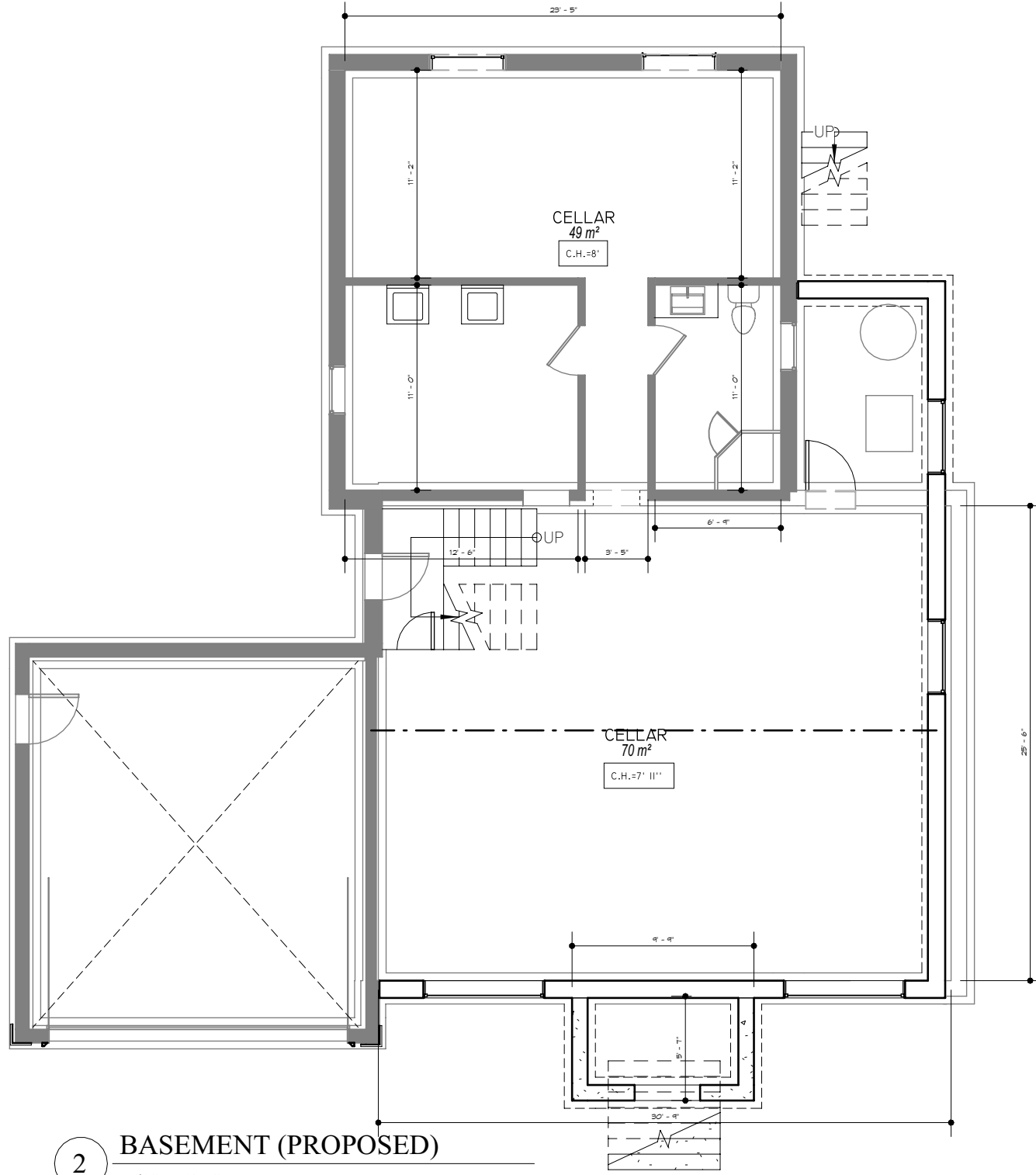
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	78 Southdale Drive, Markham, ON	Scale 1 : 200	Proj. No. 221116	DWG. No. A0.2	
DRAWING TITLE	SITE PLAN				Description Revision 2
					No. 1
LHW ENGINEERING LTD.					Date
Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					Date

1 SITE PLAN
1 : 200

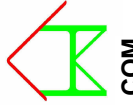
Appendix B

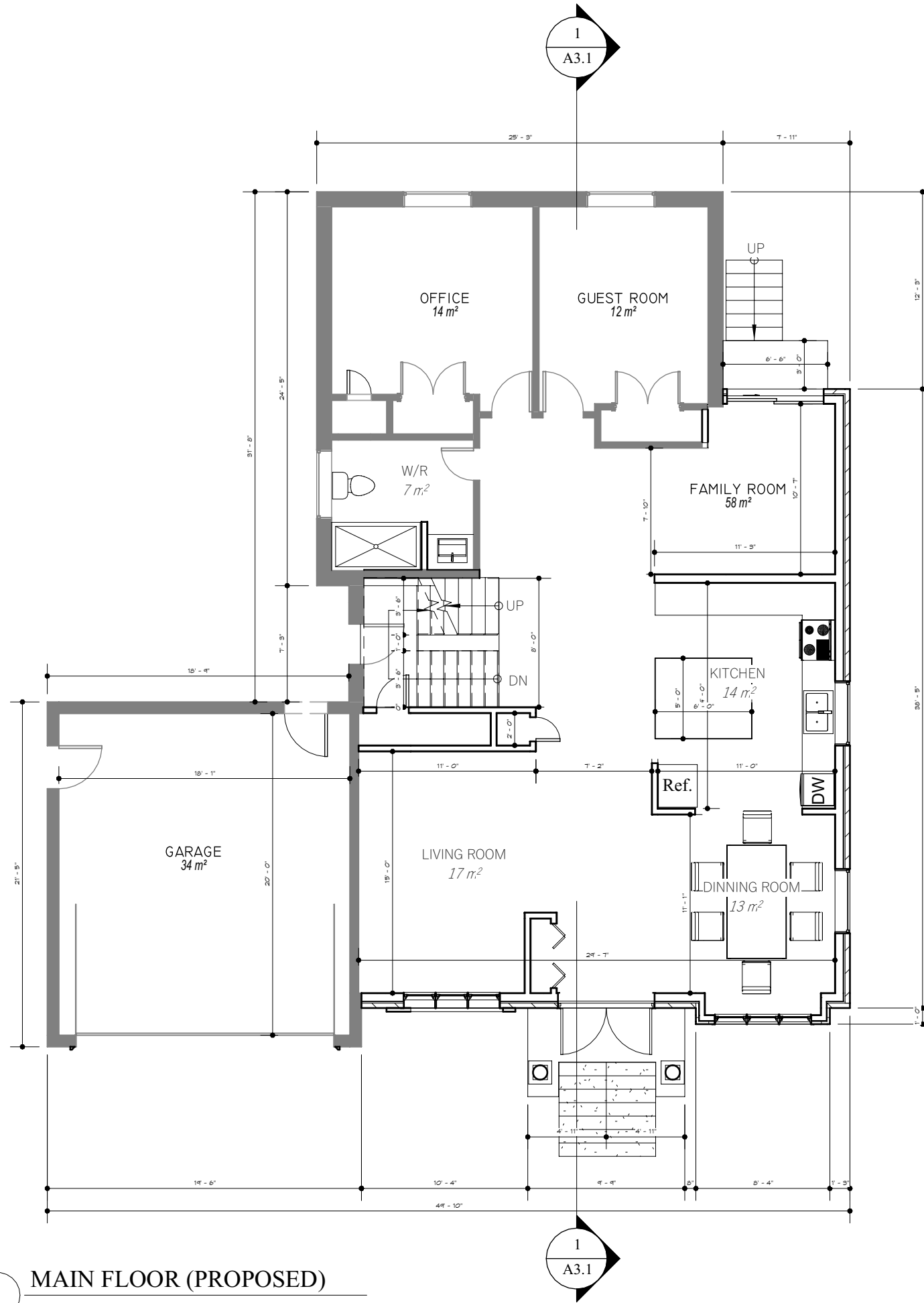
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MM/DD/YY



2 BASEMENT (PROPOSED)
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	Drawn By AY
	DRAWING TITLE PROPOSED BASEMENT PLAN	Scale 1/8" = 1'-0"	Proj. No. 221116	DWG. No. A1.3
No.	Description	Date		
LHW ENGINEERING LTD.		 Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		



1 MAIN FLOOR (PROPOSED)
1/8" = 1'-0"

Appendix B

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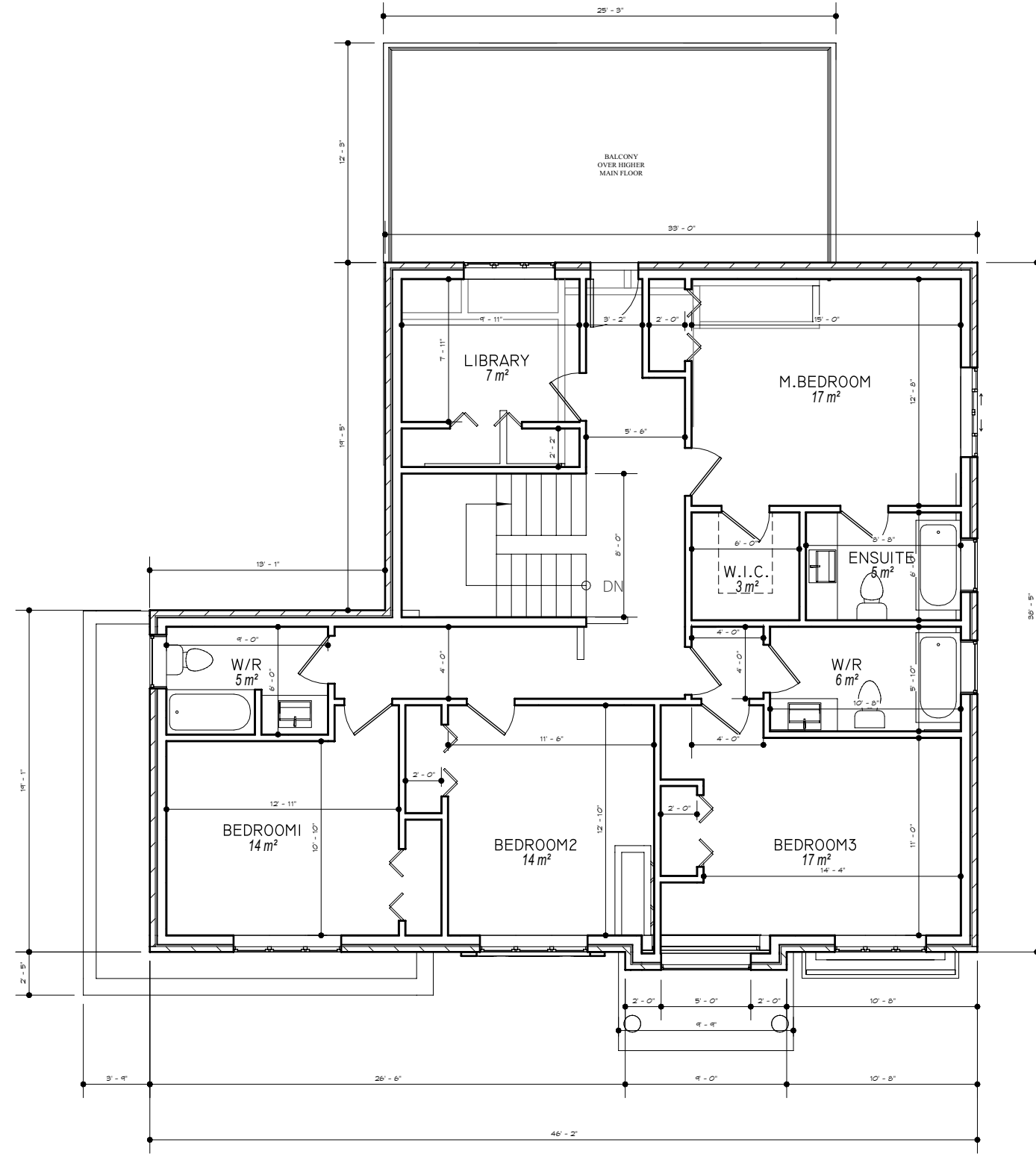
MM/DD/YY

<p>PROJECT TITLE</p> <p>78 Southdale Drive, Markham, ON</p> <p>DRAWING TITLE</p> <p>PROPOSED MAIN FLOOR PLAN</p>	<p>Date</p> <p>11/24/2022</p> <p>Scale</p> <p>1/8" = 1'-0"</p> <p>Proj. No.</p> <p>221116</p>	<p>Drawn By</p> <p>AY</p> <p>Checked By</p> <p>BW</p> <p>DWG. No.</p> <p>A1.4</p>																																		
			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 75%;">Description</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date																														
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File: 23.114233.000.00.MNV

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2 SECOND FLOOR
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.5	Description PROPOSED SECOND FLOOR	Date
	Scale 1/8" = 1'-0"	Proj. No. 221116				
LHW ENGINEERING LTD.		No.	Date			
Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM						

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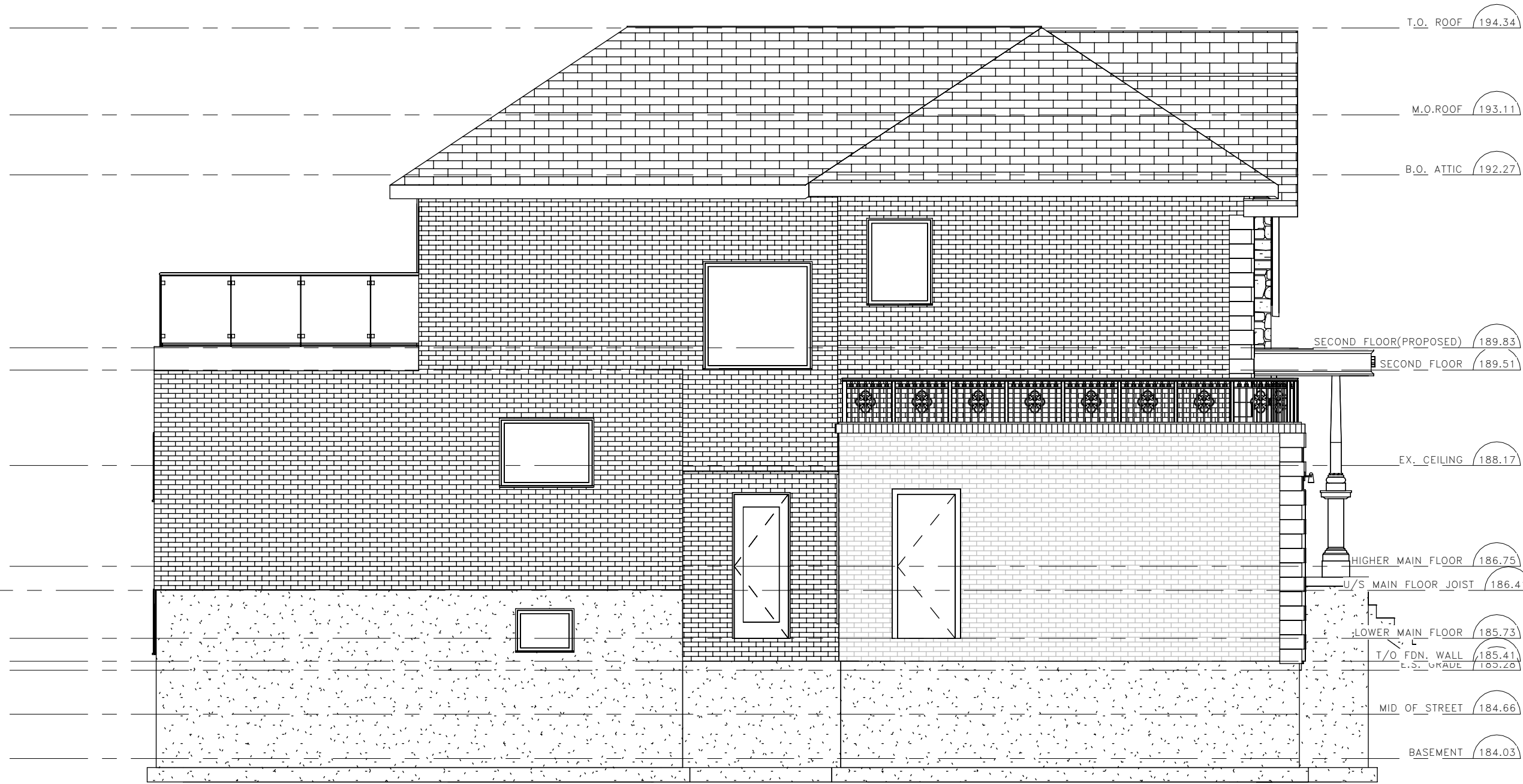
1 FRONT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By BW	DWG. No. A2.5	Date	Description	No.	Date
	Date 11/24/2022						
DRAWING TITLE PROPOSED FRONT ELEVATION							
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>							

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Date: 06/22/23
MM/DD/YY



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

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.6	Date
	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116	
DRAWING TITLE PROPOSED LEFT ELEVATION	Description			Date
	No.			
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

Appendix B

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Date: 06/22/23
MM/DD/YY



1 REAR ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Scale 3/16" = 1'-0"	Checked By B.W.	DWG. No. A2.7	Date
	Date 11/24/2022		Proj. No. 221116		
DRAWING TITLE PROPOSED REAR ELEVATION	No.	Description	Date		
<p>LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>					

Appendix C

File: 23.114283.000.00.MNV

Date: 06/22/23
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment

March 14, 2023

File: A/030/23
Address: 78 Southdale Drive, Markham
Applicant: LHW Engineering (Lihang Wang)
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, April 5, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed second storey addition and porch to the existing detached dwelling. The variances requested are to permit:

- a) **By-law 99-90, Section 1.2(ii):**
a depth of 17.53m, whereas the By-law permits a maximum of 16.8m,
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.8 percent, whereas the By-law permits a maximum of 45 percent,
- c) **By-law 1229, Table 11.1:**
a minimum setback of 4.75 feet to the interior side lot line, whereas the By-law requires a minimum of 6 feet for the two-storey portion of the building.

BACKGROUND

Property Description

The 652.13 m² (7,019.46 ft²) subject property is located on the north side of Southdale Drive, south of Highway 7 and east of McCowan Road. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half storey detached dwellings.

The property currently contains a one storey detached dwelling with an integral garage. Mature vegetation exists on the property which includes one (1) large tree in the front yard, vegetation in the rear yard as well as along the north and east property lines.

Proposal

The applicant is proposing to construct a 158 m² (1,700.7ft²) addition to the existing one-storey detached dwelling. The addition includes a new second storey, the construction of a front porch, as well as exterior and interior alterations to the dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for

adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum side yard setback.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 8, 2023 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.53 m (57.51 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 0.73 m (2.39 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes a front covered porch which adds approximately 1.71 m (5.6 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 15.82 m (51.90 ft) which complies with the by-law requirement.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a second storey addition to the existing one storey dwelling with a floor

area of 334 m² (3,595.15 ft²), whereas the By-law permits a dwelling with a maximum floor area of 284.67 m² (3,064.16 ft²). This represents an increase of approximately 49.33 m² (530.98 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. Staff are of the opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling, and that the proposed dwelling is generally consistent with what the By-law permits.

Reduced Side Yard Setback

The applicant is requesting a minimum interior side yard setback of 4.75 ft (1.44 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.82 m) for the two-storey portion of the dwelling.

The requested variance only applies to the east side of the two-storey portion of the dwelling, that will be located directly above the existing one-storey dwelling. The main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Staff are satisfied that the requested variance is minor in nature and will not result in adverse impacts to neighbouring properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 27, 2023. 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 variances requested 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:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

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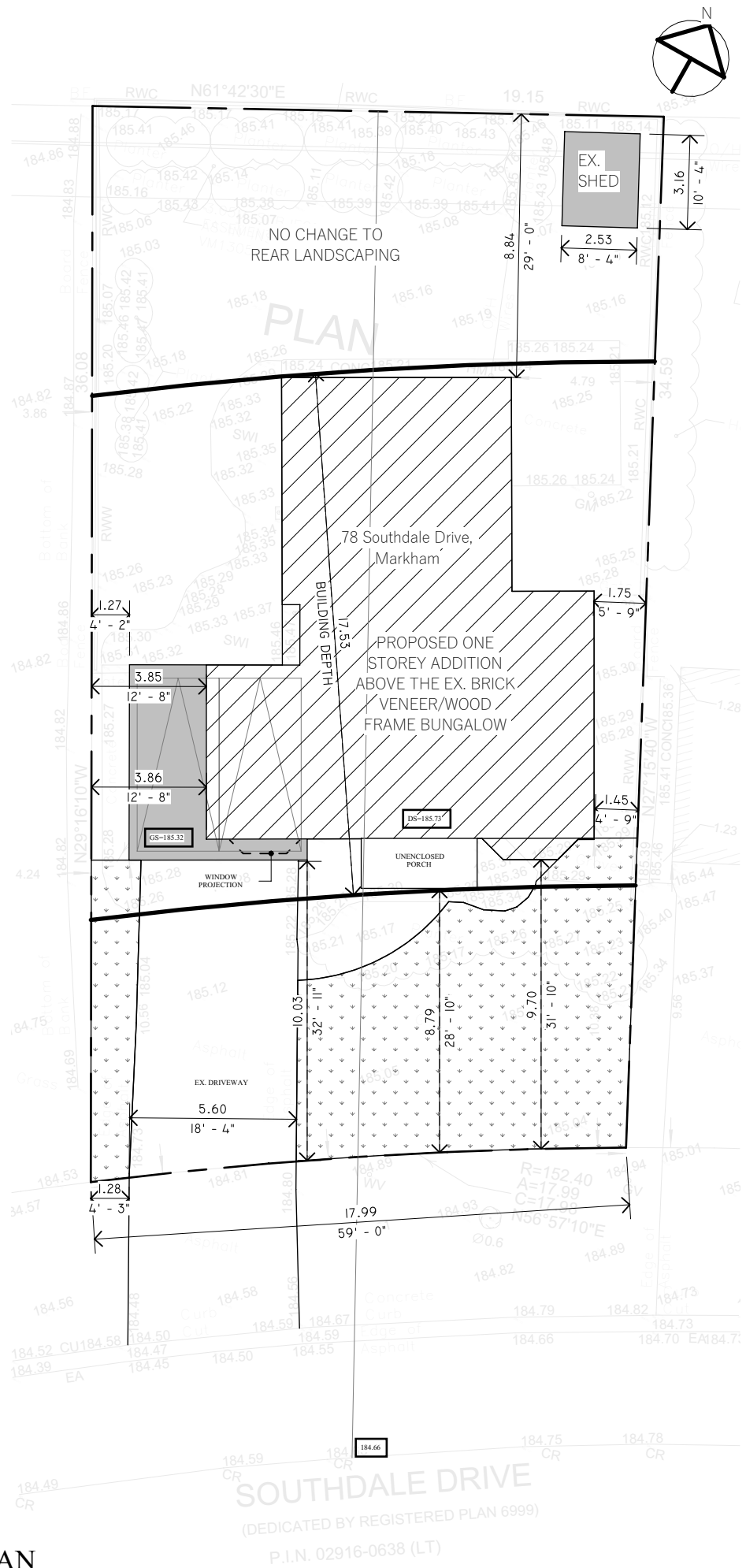
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CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23



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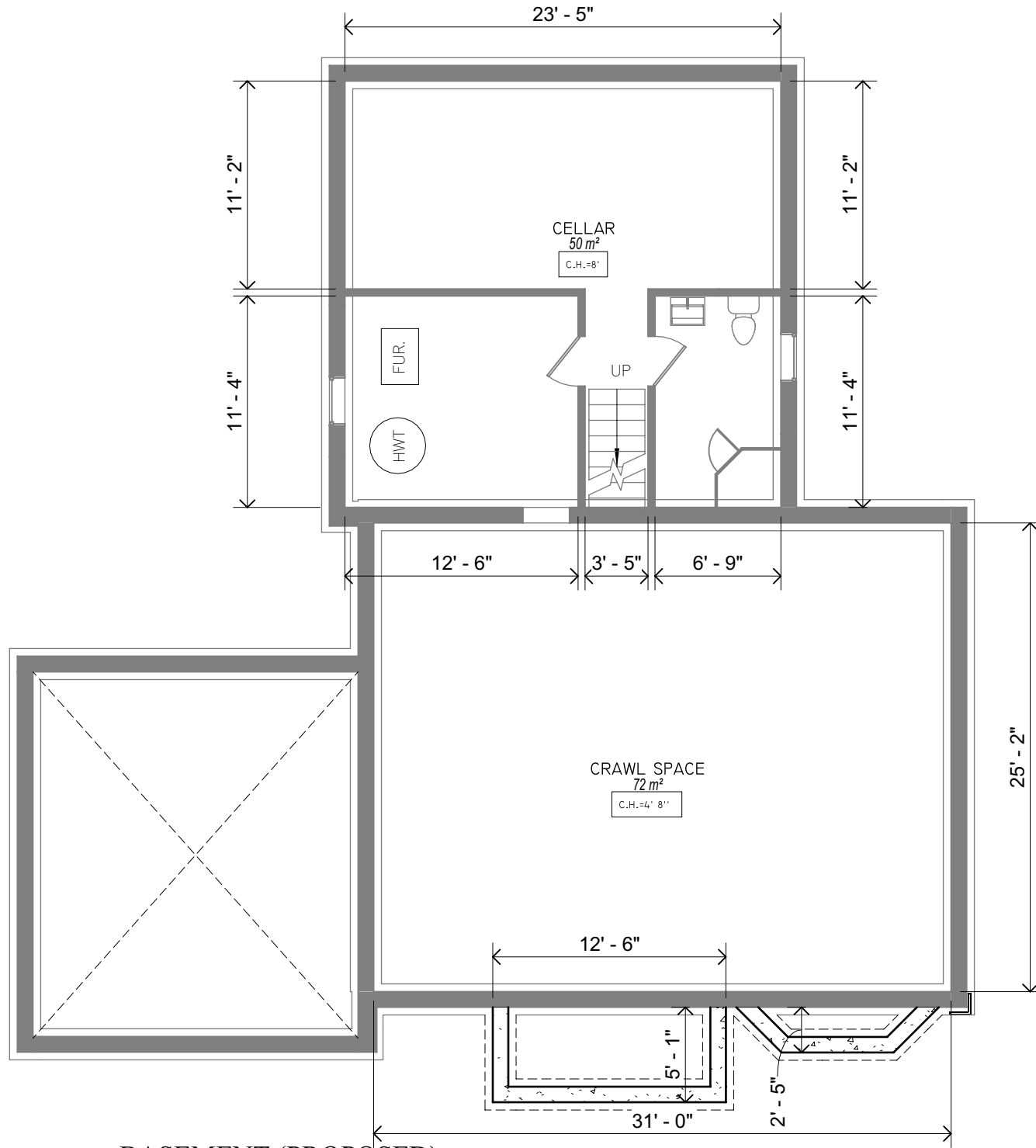
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	11/24/2022	AY	BW	A0.2	
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	1 : 200	Proj. No.			
DRAWING TITLE	221116				
SITE PLAN	Description	No.			
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>					

1 SITE PLAN
1 : 200

Appendix B

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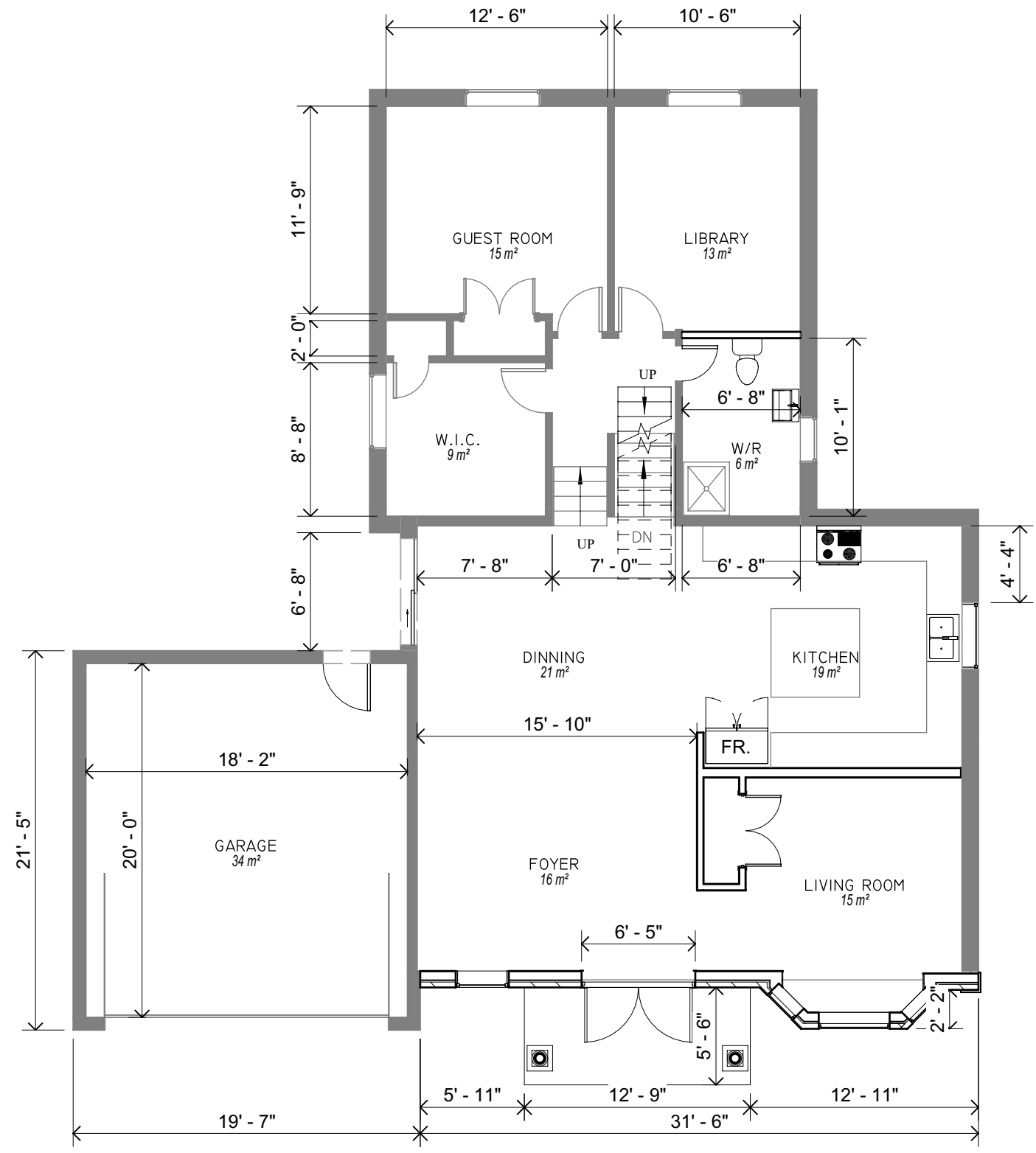
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LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		

Appendix B

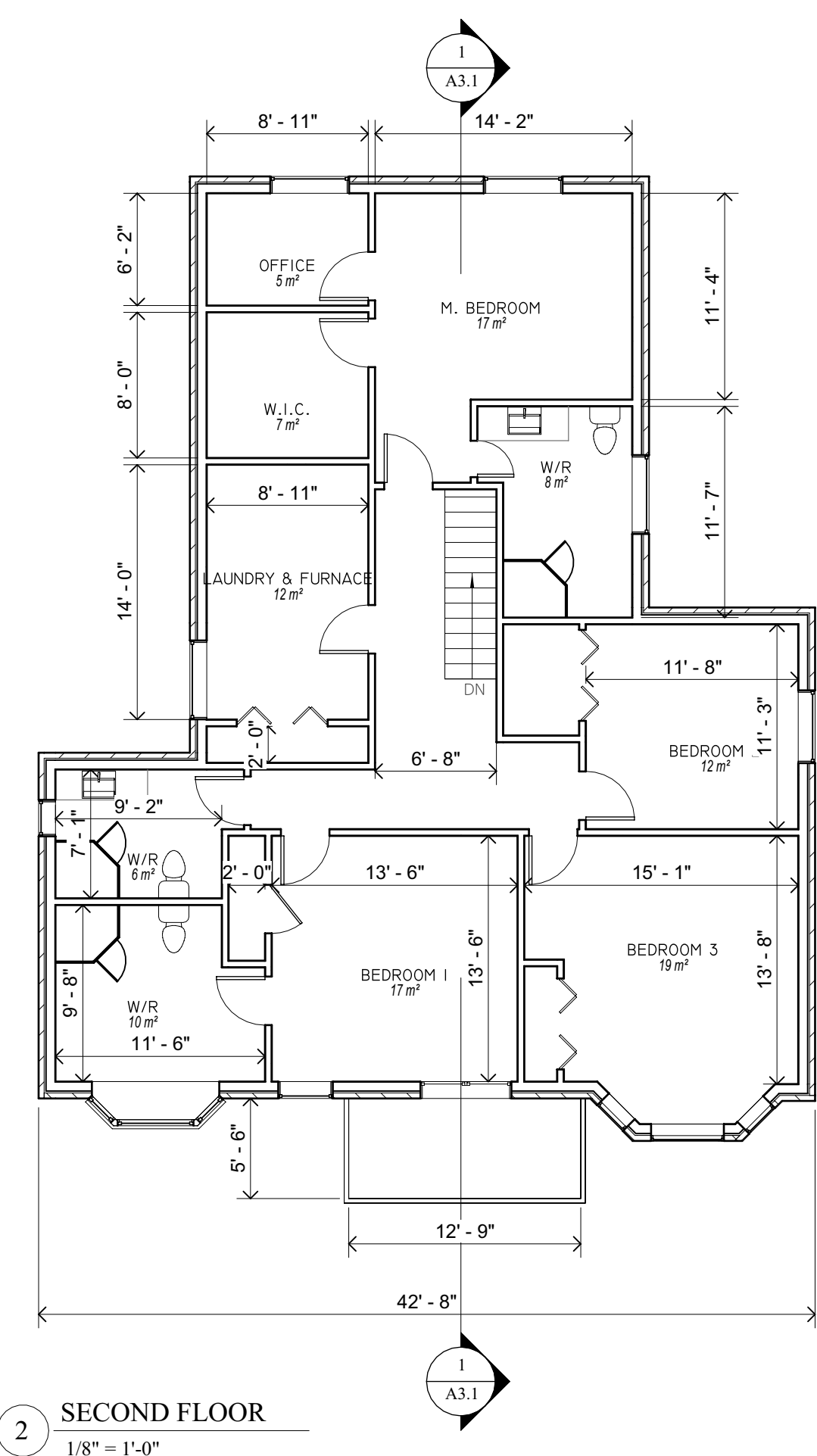
File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



2 MAIN FLOOR (PROPOSED)
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.4
	DRAWING TITLE PROPOSED MAIN FLOOR PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
No.	Description	Date		
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2 SECOND FLOOR
1/8" = 1'-0"

Appendix B

File: 23.114233.000.00.MNV

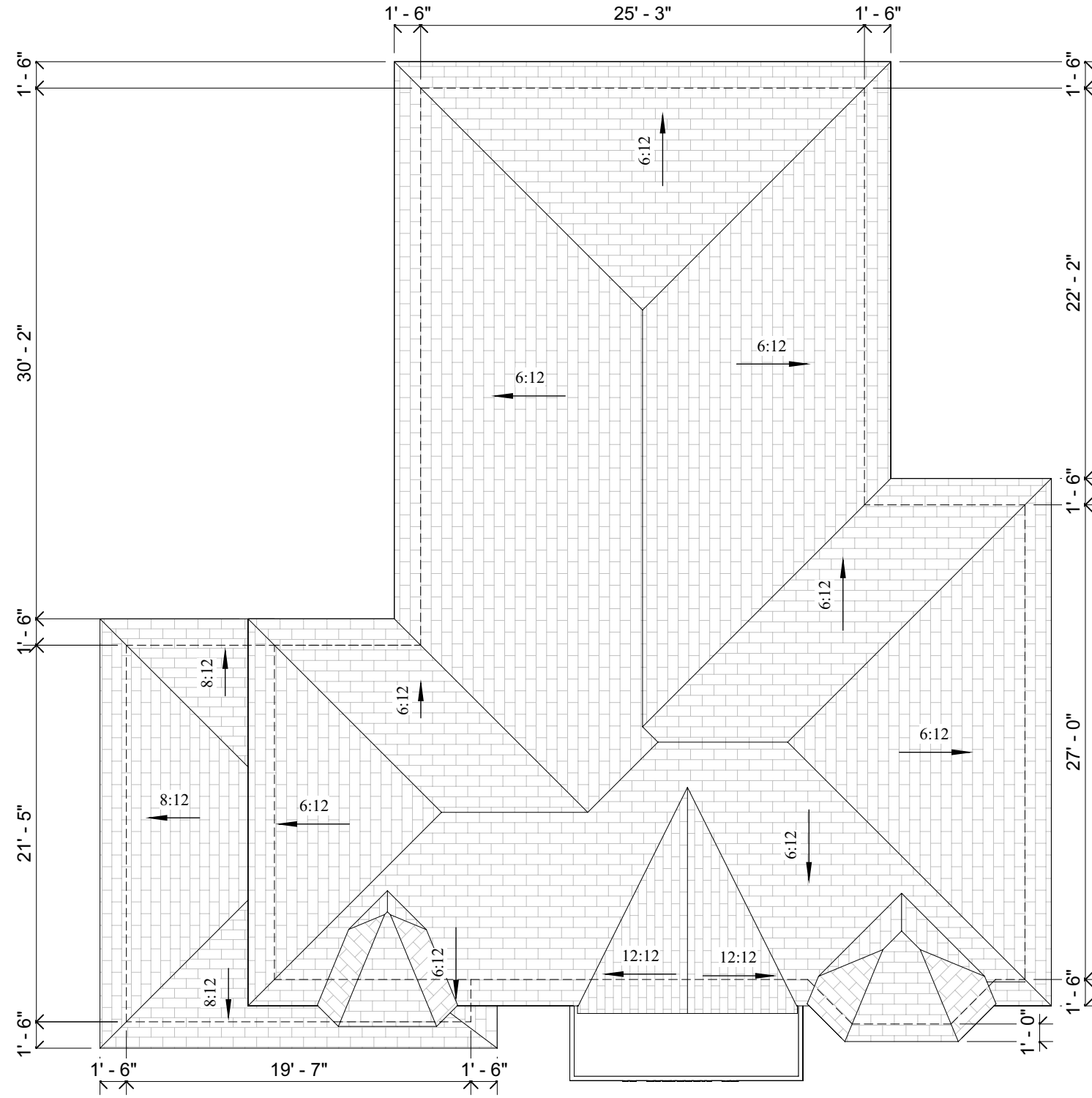
Date: 03/29/23
MM/DD/YY

PROJECT TITLE 78 Southdale Drive, Markham, ON DRAWING TITLE PROPOSED SECOND FLOOR	Date	11/24/2022	Drawn By	AY	
	Scale	1/8" = 1'-0"	Checked By	BW	DWG. No.
	Proj. No.	221116			AI.5
	No.	Description	Date		
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					

Appendix B

File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



1 T.O. ROOF
1/8" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Date 11/24/2022	Drawn By AY	No.	Description	Date
	Scale 1/8" = 1'-0"	Checked By BW			
DRAWING TITLE ROOF PLAN	Proj. No. 221116				
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					

Appendix B

File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



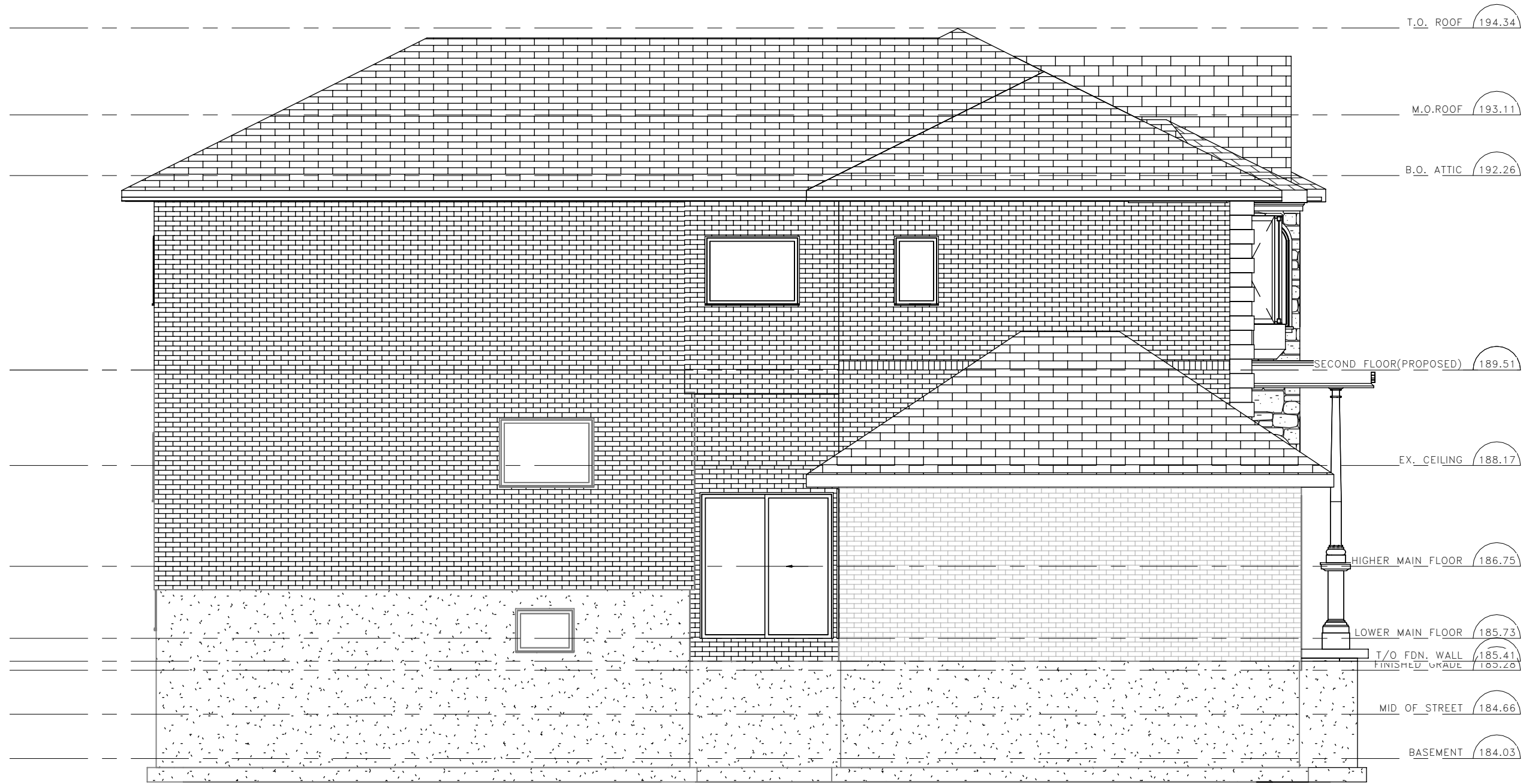
1 FRONT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By BW	DWG. No. A2.5	Date
	Date 11/24/2022			
DRAWING TITLE PROPOSED FRONT ELEVATION	Description			
	No.	Date		
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>				

Appendix B

File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



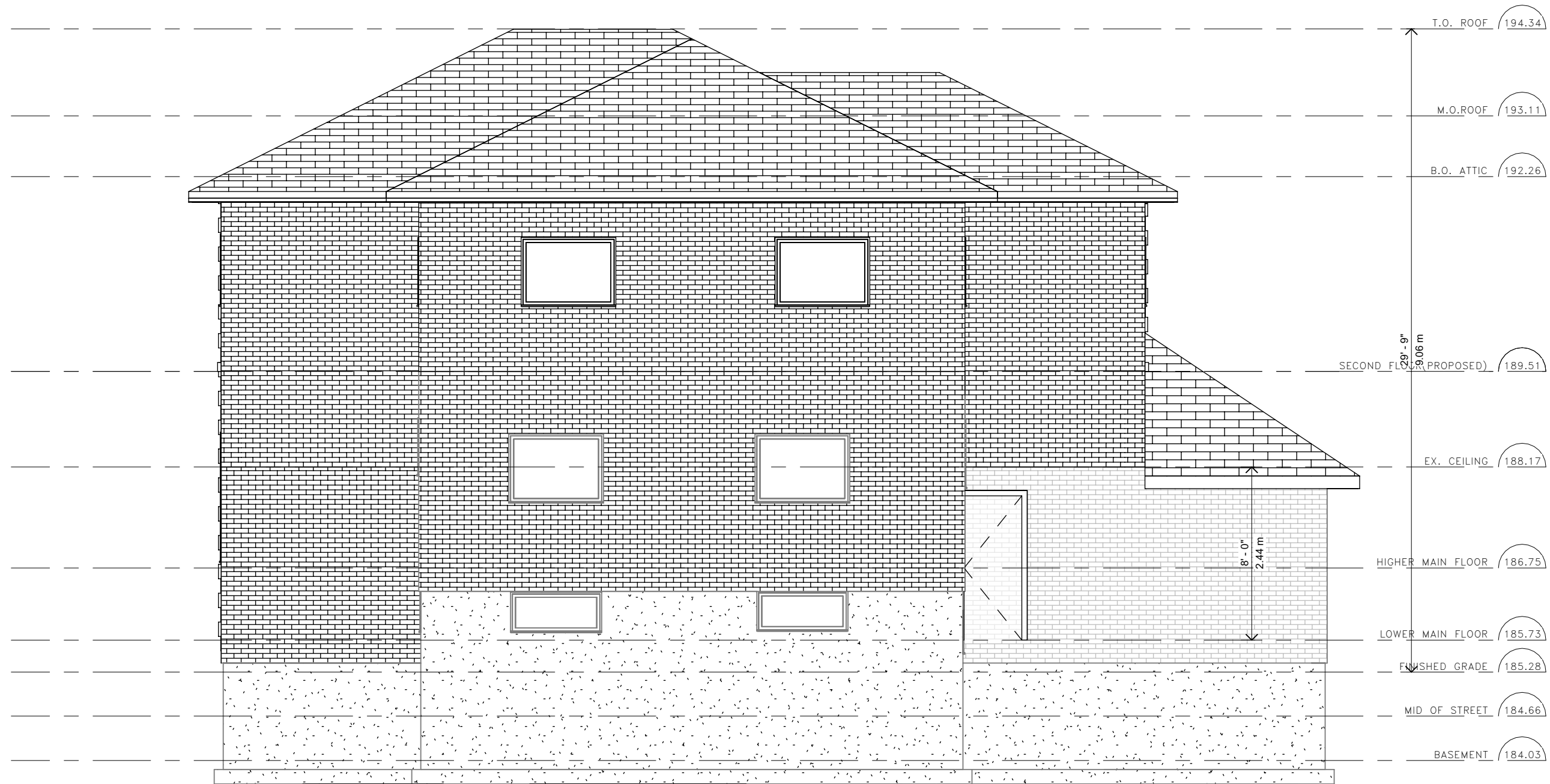
1 LEFT ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.6	No.	Description	Date
	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116			
DRAWING TITLE PROPOSED LEFT ELEVATION						
<p>LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>						

Appendix B

File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



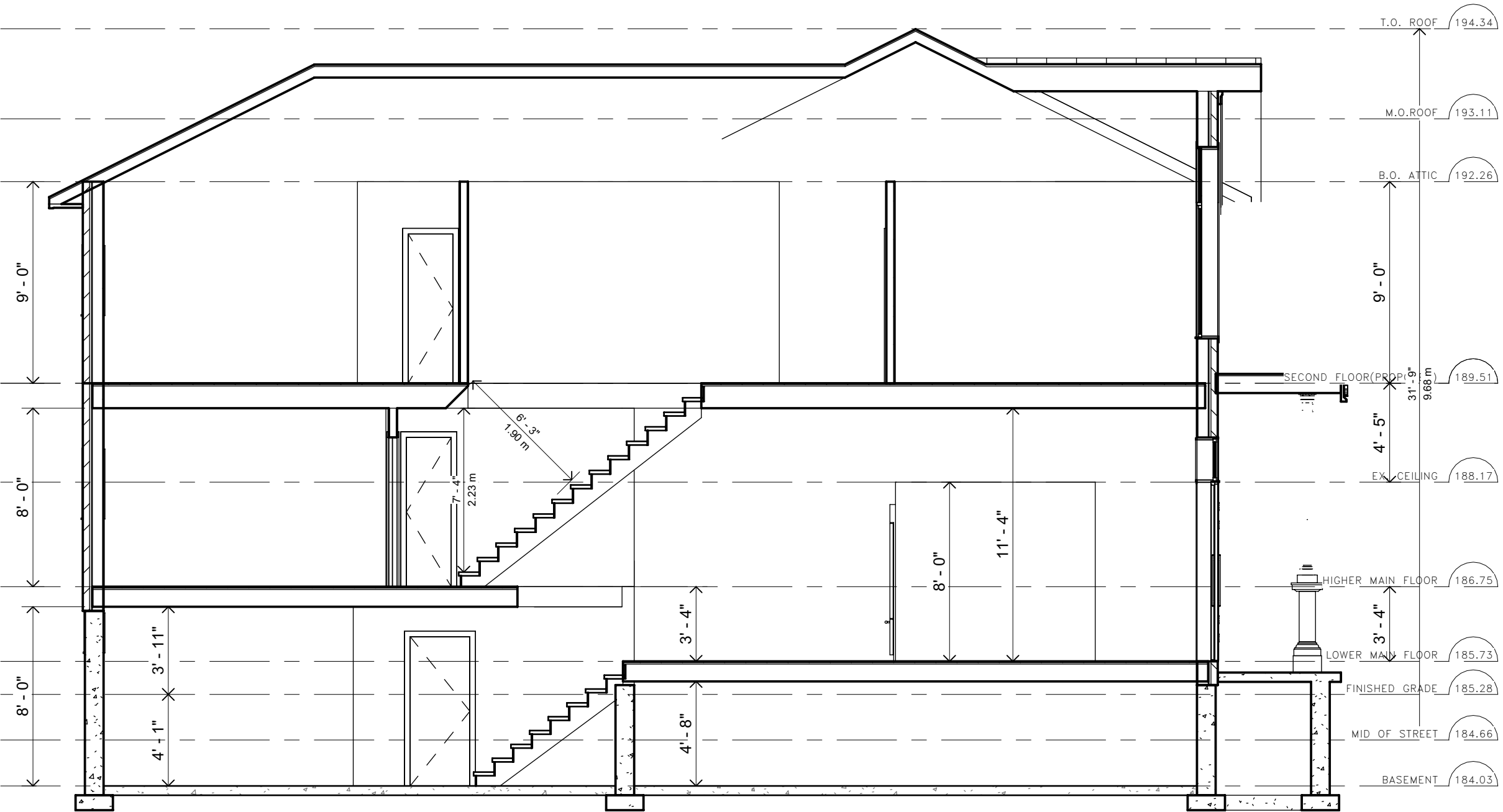
1 REAR ELEVATION (PROPOSED)
3/16" = 1'-0"

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By B.W.	DWG. No. A2.7	Date	Description	No.	Date
	Date 11/24/2022						
DRAWING TITLE PROPOSED REAR ELEVATION		<p>LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>					

Appendix B

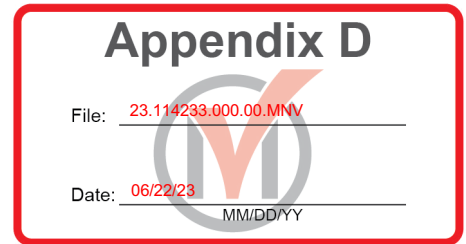
File: 23.114233.000.00.MNV

Date: 03/29/23
MM/DD/YY



PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Checked By BW	DWG. No. A3.1	Date
	Date 11/24/2022			
DRAWING TITLE SECTION	Description			No.
				Date
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>				

1 Section 1
3/16" = 1'-0"



CITY OF MARKHAM
Virtual Meeting on Zoom

April 5, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 6th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Kelvin Kwok	7:15 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Shemmiah Cort, Development Clerk

Regrets

Tom Gutfreund
Arun Prasad
Jeamie Reingold

DISCLOSURE OF INTEREST

None

Minutes: March 22, 2023

THAT the minutes of Meeting No. 5, of the City of Markham Committee of Adjustment, held March 22, 2023, be:

- a) Approved on April 5, 2023.

Moved By: Patrick Sampson
Seconded By: Sally Yan

Carried

REQUESTS FOR DEFERRAL

1. A/002/23

Owner Name: Forest Hill Homes (Joel Seider)
Agent Name: Forest Hill Homes (Joel Seider)
655 Cornell Centre Boulevard, Markham
PLAN 65M3888 BLK 339

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

Lot 1 (Cornell Centre Blvd) and Lot 15 (16th Avenue):

a) Section 6.3.1.2:

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

b) Section 6.3.1.7 (b):

a garage with a maximum lot coverage of 20 percent, whereas the by-law permits a maximum lot coverage of 18 percent;

c) Section 7.190.2 (ii):

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

Lots 2 to 7 (Cornell Centre Blvd) and Lots 12 to 14 (16th Avenue):

d) Section 6.3.1.2:

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

e) Section 6.3.1.7 (b):

a garage with a maximum lot coverage of 24 percent, whereas the by-law permits a maximum lot coverage of 18 percent;

f) Section 7.190.2 (ii):

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

Lot 8 (Cornell Centre Blvd) and Lot 11 (16th Avenue):

g) Section 7.190.2 (ii):

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

Lot 9 and Lot 10 (Old Oak Lane):

h) Section 6.3.1.2:

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

as they related to 13 townhouse units and 2 semi-detached dwelling units located within Block 21 on Registered M-Plan 65M-4545.

The Chair introduced the application.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson

Seconded By: Sally Yan

THAT Application No. **A/002/23** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

2. A/210/22

Owner Name: Felix Tse

Agent Name: Felix Tse

122 Dundas Way, Markham

PLAN 65M4454 PT BLK 1 RP 65R35904 PT 74

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

a) Section 6.2.1 b) (iii):

A deck to be located at the second storey, whereas the By-law requires the floor of the deck not to be higher than the floor level of the first storey of the main building;

as it related to a proposed raised deck.

The Chair introduced the application.

The agent, Felix Tse, appeared on behalf of the application.

Member Yan noted it was similar to other requests that had been seen by the Committee and supported the application

Member Sampson agreed with Member Yan and the staff report and motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/210/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/150/22

Owner Name: Xiaolei He
Agent Name: Z Square Group (Mengdi Zhen)
9 Trumpour Court, Markham
PLAN M1440 LOT 12

The applicant was requesting relief from the requirements of By-law 11-72, as amended, to permit:

a) Section 6.1:

a minimum rear yard setback of 16 feet 11.5 inches, whereas the by-law requires a minimum rear yard setback of 25 feet; and

b) Section 6.1:

a maximum building height of 26 feet 11 inches, whereas the by-law permits a maximum building height of 25 feet.

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Mengdi Zhen, appeared on behalf of the application.

Member Yan asked for clarification regarding the rear yard setback. Mengdi Zhen indicated that the irregularly shaped lot drove the variance. Member Yan agreed with the staff report indicating the variances were minor and met the four tests of the *Planning Act*.

Member Sampson noted the variances were technical and related to the lot's configuration and motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/150/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications A/011/23 and A/012/23, were heard concurrently, the discussion detailed in A/011/23 reflects the two applications.

4. A/011/23

Owner Name: Yan Zhu
Agent Name: LHW Engineering (Lihang Wang)
30 Toulouse Court, Markham

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

a) Section 6.3.1.2:

a detached garage to be setback 5.45 metres from the main building, whereas the By-law requires 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Au Yu, appeared on behalf of the application.

Member Sampson noted that the applications related to coach houses were similar to those the Committee had seen before. Therefore, the member agreed with the staff report and supported the application.

Member Yan supported the application noting it met the four tests of the *Planning Act*.

Member Kwok agreed with Member Sampson and the staff report.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/011/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/012/23

Owner Name: Timothy Chan
Agent Name: LHW Engineering (Lihang Wang)
32 Toulouse Court, Markham
PLAN 65M4345 LOT 27

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

a) Section 6.3.1.2:

a detached garage to be setback 5 metres from the main building, whereas the By-law requires 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Au Yu, appeared on behalf of the application.

Member Kwok motioned for approval with conditions.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/012/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/030/23

Owner Name: Jinchong Cao
Agent Name: LHW Engineering (Lihang Wang)

**78 Southdale Drive, Markham
PLAN 7326 LOT 28**

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **By-law 99-90, Section 1.2(ii):**
a depth of 17.53 metres, whereas the By-law permits a maximum of 16.8 metres;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.8 percent, whereas the By-law permits a maximum of 45 percent;
- c) **By-law 1229, Table 11.1:**
a minimum setback of 4.75 feet to the interior side lot line, whereas the By-law requires a minimum of 6 feet for the two-storey portion of the building.

as it related to a proposed second storey addition and porch.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth indicated this was a modest neighbourhood with a mix of housing and minimal infill. Elizabeth spoke to Official Plan policies related to residential infill.

Harvey Thomson, 68 Southdale Drive, had surveyed the street, indicating that the side yards were very narrow, in addition to this being the largest home on the street.

Member Yan noted that the proposal maintained the existing building envelope and lot coverage. However, the member did not support the increased floor area ratio or reduced side yard.

Tony Yu indicated that the design had considered that the reduced side yard and the bulk of the build would be adjacent to the second-storey addition on the neighbouring property.

Member Sampson indicated that while a larger home was permitted, the request for an increased floor area ratio was greater than generally supported by the Committee.

Member Kwok supported the depth variance but indicated that the floor area ratio needed to be reduced.

Tony Yu indicated that the floor area ratio could be reduced.

The Chair indicated that the applicant should consider the view from the streetscape when reducing the floor area ratio, including addressing the request for a reduced side yard setback.

Tony Yu requested a deferral.

Member Kwok motioned for deferral.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No. **A/030/23** be **deferred** sine die.

Resolution Carried

7. A/261/22

Owner Name: Xuezhi Na
Agent Name: Allera Engineering and Construction Inc. (Ally Yi)
71 Proctor Avenue, Thornhill
PLAN 2368 N PT LOT 14

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:

- a) **Amending 101-90, Section 1.2 (vii):**
a floor area ratio of 55 percent, whereas the By-law permits a maximum floor area ratio of 50 percent; and
- b) **Amending 101-90, Section 1.2 (iv):**
a building depth of 18.33 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Ally Yi, appeared on behalf of the application, and agreed with staff report.

The Committee received one written piece of correspondence.

Raymond Lui, of 67 Proctor Avenue, spoke to the Committee, indicating that the size of the proposed house would be incongruous with the other houses on the corner lots and spoke to privacy issues that could arise from the siting of the house.

Mark and Sheila Furlong, 22 Sprucewood Drive, raised concerns regarding drainage and the proposed height of the building and the need to respect the character of the area and the intent of the original land division of the lots. Additionally, they indicated concern regarding the reorientation of the driveway and safety issues.

Ally Yi indicated that grading concerns would be met through the building and engineering permits, and the proposal met the rear yard zoning standard. The applicant also reduced the proposed depth.

Member Yan noted the previously approved application and commented on the changes and the landscaping buffering on the property line. Considering the requested variances, the member had considered the staff report and drawing and supported the application as the requests met the four tests of the *Planning Act* and were minor.

Member Sampson supported the application agreeing with their colleague, noting that it was similar to applications approved previously.

Member Kwok noted that the depth was attributed to the porch and bay window, and the floor area ratio was within the range generally considered by the Committee and supported the application.

The Chair noted that building depth was of greater significance because of the house's orientation on the corner lot. The Chair confirmed that the requested variances had been lowered from the notice date, and the staff report's drawings reflected the change.

Member Yan motioned for approval with conditions.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/261/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/031/23

Owner Name: Ru Ging Huang & Mujie Ye
Agent Name: Gregory Design Group (Shane Gregory)
96 Southdale Drive, Markham
PLAN 7326 LOT 6

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 78.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Amending By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.70 metres, whereas the By-law permits a maximum building height of 9.80 metres; and
- c) **Amending By-law 99-90, Section 1.2 (ii):**
a detached dwelling to be comprised of three (3) storeys, whereas the By-law permits a maximum of two (2) storeys;

as it related to a proposed two-storey addition.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application noting that the requested variances reflected the established grade of the property and the requirement to include the basement in the calculations. The floor area ratio of the main and second floors was 49.1 percent. The applicant had spoken to the neighbours and would reduce the footprint of the covered porch adjacent to the kitchen to eliminate impacts. The application met the four tests of the Planning Act.

The Committee received three written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee with a prepared presentation. Elizabeth noted the garage and basement were at ground level. Elizabeth spoke to infill policies in the Official Plan and noted very little infill development had taken place on the street and the massing of the home could be softened by moving some of the bulk of the build towards the rear of the addition

Harvey Thomson, 68 Southdale Drive, indicated the proposal was too large for Southdale Drive.

Russ Gregory indicated that the addition had been designed to be mindful of neighbours with a greater amount of the massing towards the front of the home to reduce the impacts of shadowing and privacy on the adjacent properties. They had worked with the neighbour to make reductions to ensure no damage would occur to neighbouring trees.

Member Yan noted that the Committee had been established to address special circumstances of lots. This lot was unique with a significant grade and consideration need to be given to how the bylaw defined grade. The variances were specific to this lot and relate to lot constraints. Based on the grade any design will be different than the other properties on the street. The member supported the application agreeing with the

information presented by the applicant and included in the staff report, noting the requests were minors

Member Kwok indicated that the applicant could provide relief on the west side elevation. The member agreed with their colleague that the variances resulted from constraints on the lot and was supportive of the application.

Member Sampson agreed that the requests related to the site constraint and were minor.

The Chair summarized that the design was thoughtful and the house did not appear as a three storey house. The agent had provided justifications for the requests and they were within reason.

Member Yan motioned for approval with conditions.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/031/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Kelvin Kwok
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:40 pm, and the next regular meeting would be held on April 19, 2023.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment