

Memorandum to the City of Markham Committee of Adjustment

August 9, 2023

File: A/030/23
Address: 78 Southdale Drive, Markham
Applicant: Jinchong Cao
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, August 16, 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 (vi):

a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the June 28, 2023 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 50.11% (Refer to Minutes - Appendix “D”). In revising the proposal, the applicant has also eliminated the requested building depth variance. The initial variances requested are identified in the June 14, 2023 Staff Report (Appendix “C”).

COMMENTS

On July 27, 2023, the applicant submitted revised drawings reducing the gross floor area by 18 m² (193.75ft²) from the first submission, to now propose a floor area ratio of 49.9%. The applicant has completed a Zoning Preliminary Review for the revised drawings to confirm the requested variances.

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 316 m² (3,401.4ft²). This is an increase of 31.33 m² (337.23 ft²) above the maximum permitted floor area ratio of 45%. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent dwellings, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill development for the neighbourhood.

Staff remain of the opinion that the proposed floor area ratio will not result in an overdevelopment of the site.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 9, 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 variance 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:



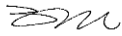
Stephen Corr, Senior Planner II, East District

APPENDIX "A"

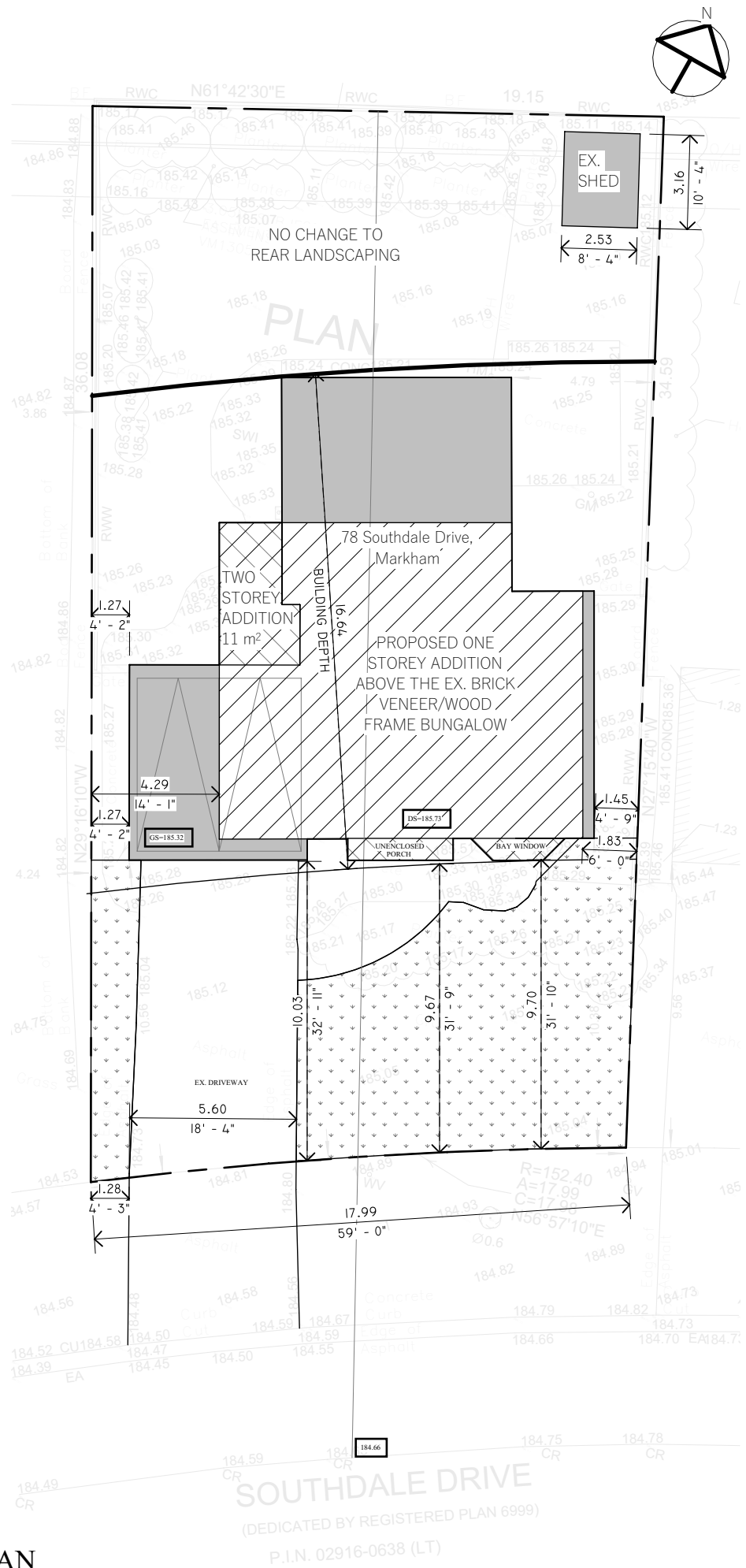
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23

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



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	16.64 M	
AREA			
	EXISTING	PROPOSED	
MAIN FLOOR	176 M ²		
2ND FLOOR	158 M ²		
GFA	316 M ²	NET FLOOR AREA RATIO	49.9%
ALL BUILDING AREA	190.58 M ²	LOT COVERAGE	29.2%
SETBACK			
	EXISTING	1ST STOREY	2ND STOREY
FRONT (NORTH)	31' 10"	31' 10"	31' 10"
SIDE (EAST)	4' 2"	4' 2"	14' 1"
SIDE (WEST)	4' 9"	4' 9"	6' 0"
REAR (SOUTH)	29' 0"	UNCHANGE	UNCHANGE
FRONT YARD			
	EXISTING	PROPOSED	
FRONT YARD AREA	126.00 M ²	118.80 M ²	
LANDSCAPING	87.74 M ²	85.72 M ² (71.28 M ² REQUIRED)	
SOFT LANDSCAPING	74.00 M ²	72.32 M ² (53.46 M ² REQUIRED)	

Sheet List			
Sheet Number	Sheet Name	Drawn By	Checked By
A0.1	3d-REFERENCE	AY	BW
A0.2	SITE PLAN	AY	BW
A0.3	FLOOR SPACE SUMMARY	AY	BW
A1.1	EXISTING BASEMENT PLAN	AY	B.W.
A1.2	EXISTING MAIN FLOOR PLAN	AY	B.W.
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

Date: 08/10/23

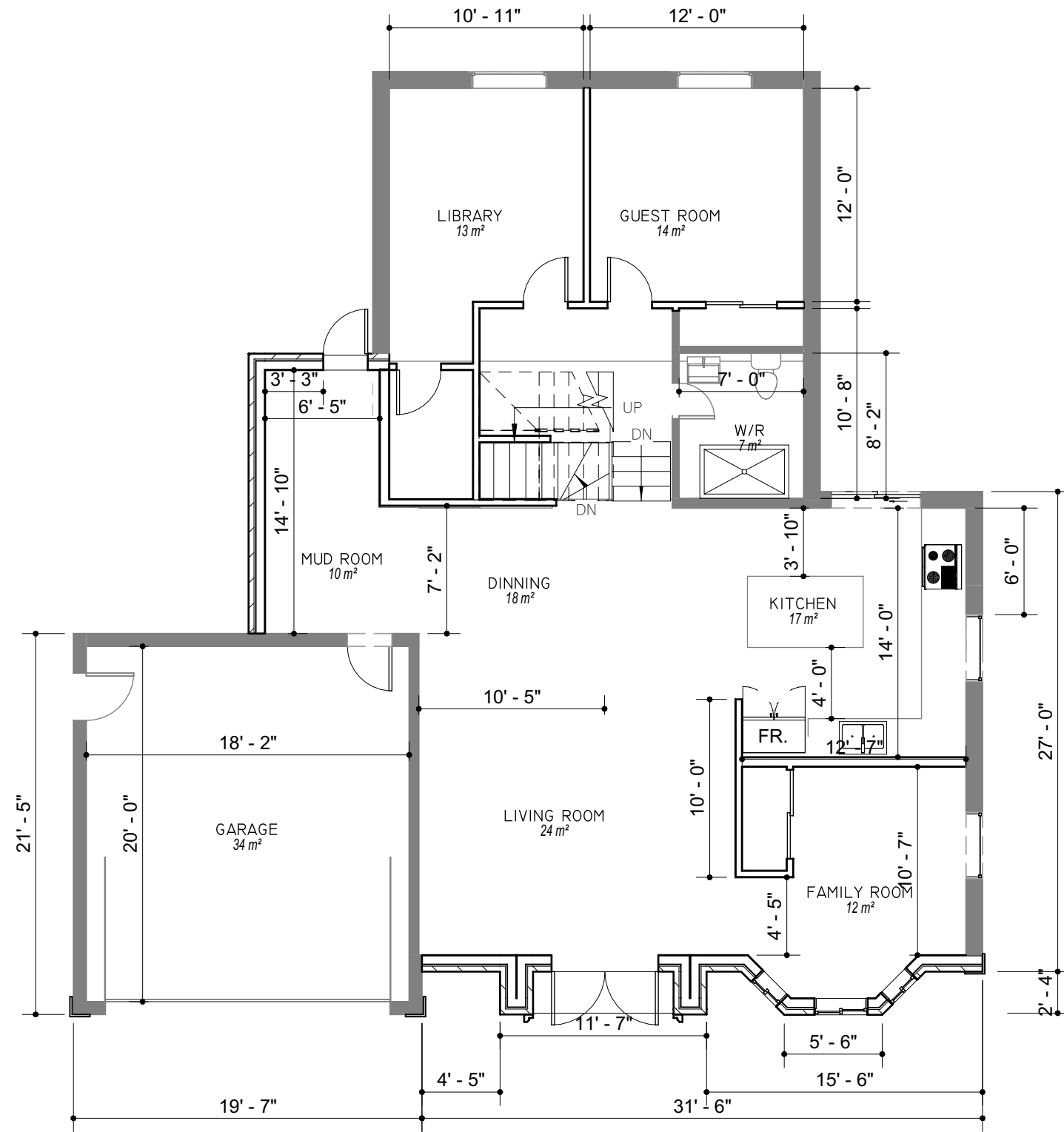
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78 Southdale Drive, Markham, ON	DRAWING TITLE	SITE PLAN	No.	Description	1	Revision 2
					Date	05/20/2021
<p>LHW ENGINEERING LTD.</p> <p>Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p>						

1 SITE PLAN
 1 : 200

Appendix B

File: 23.114233.000.00.MNV

Date: 08/10/23
MM/DD/YY



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

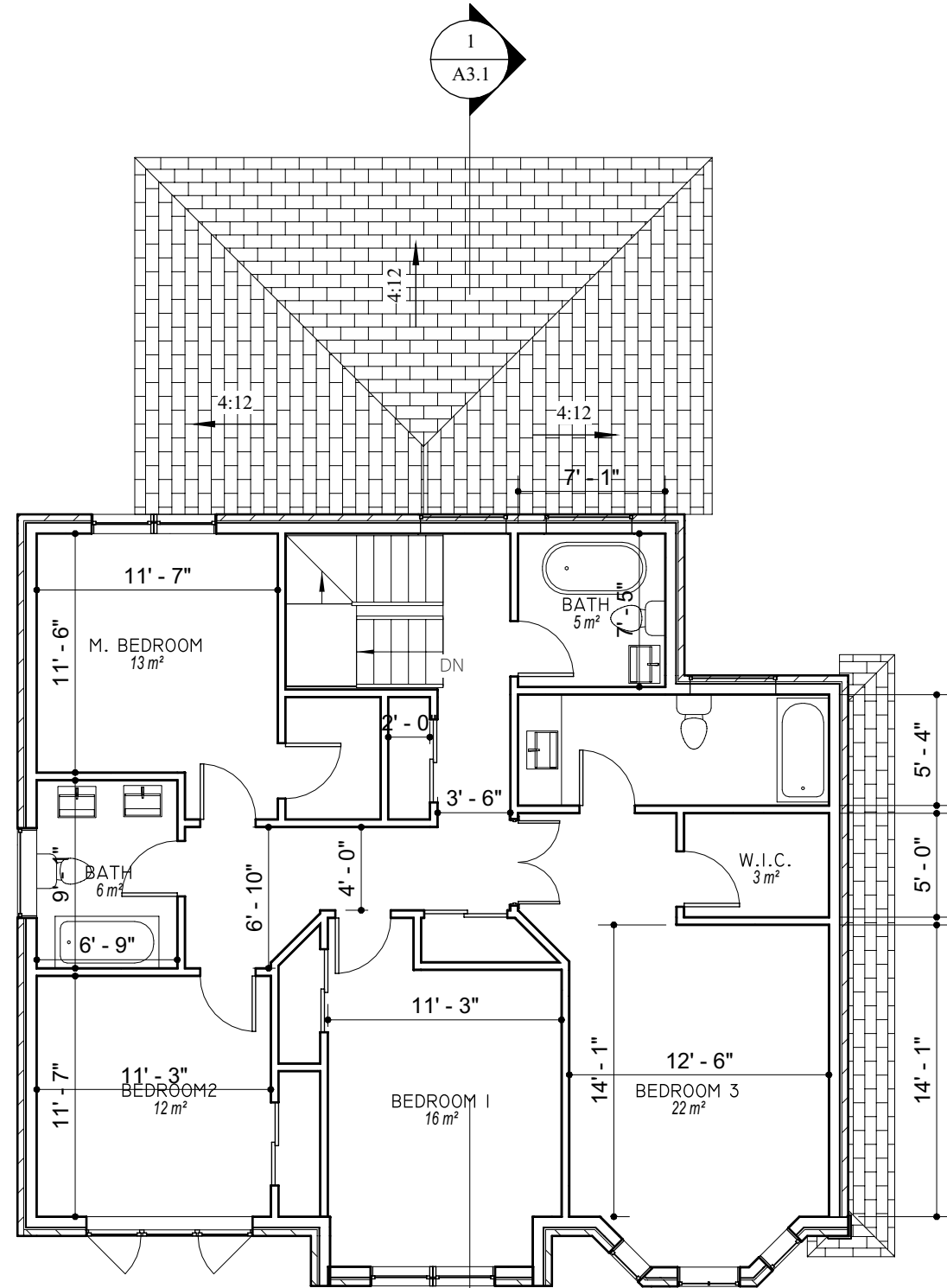
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	DRAWING TITLE PROPOSED MAIN FLOOR PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
No.	Description	Date		
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

Appendix B

File: 23.114233.000.00.MNV

Date: 08/10/23
MM/DD/YY

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



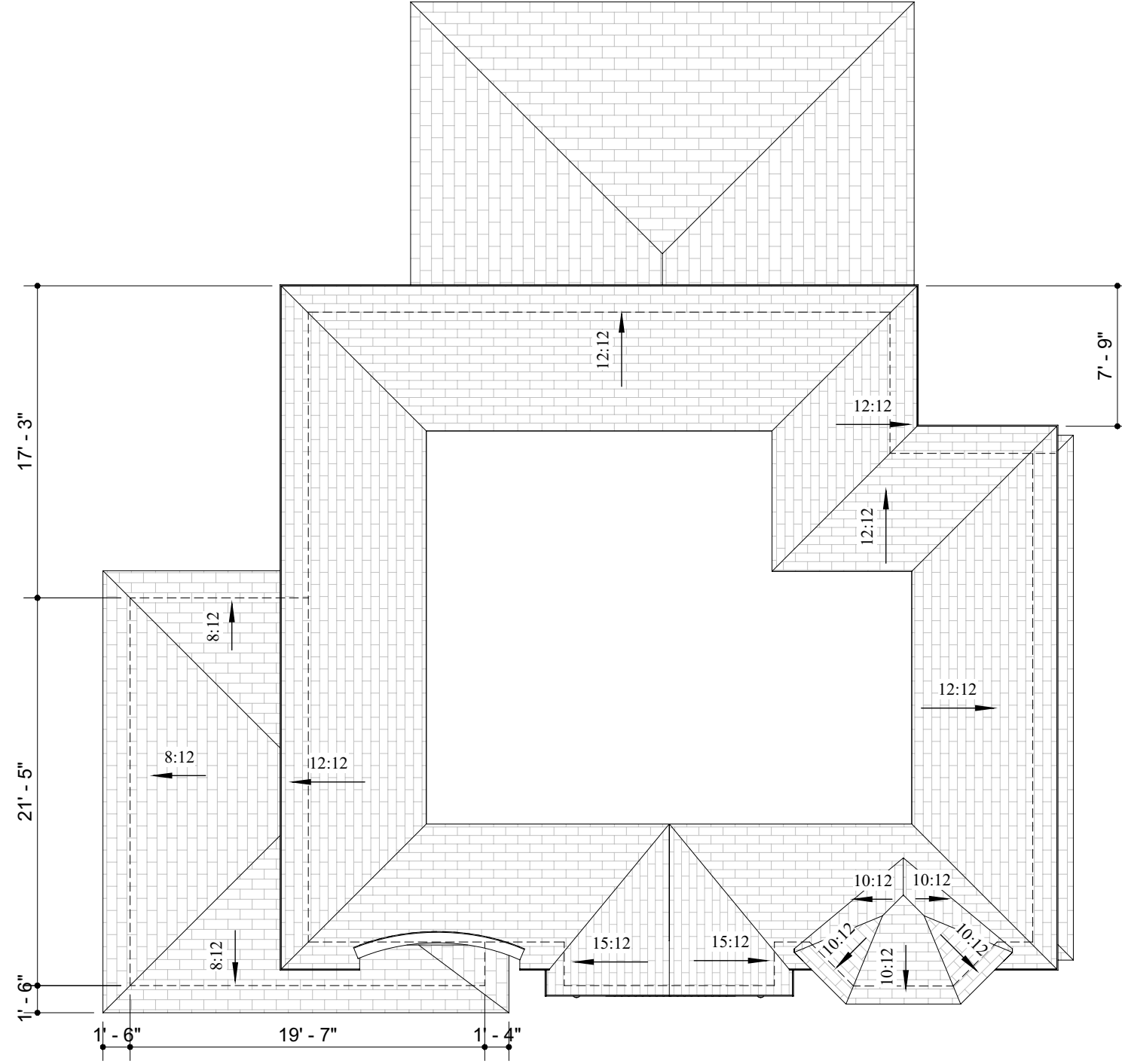
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No.	Description	Date		

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: 08/10/23
MM/DD/YY



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

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.6
	DRAWING TITLE ROOF PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		No.	Description	Date

Appendix B

File: 23.114233.000.00.MNV

Date: 08/10/23
MM/DD/YY



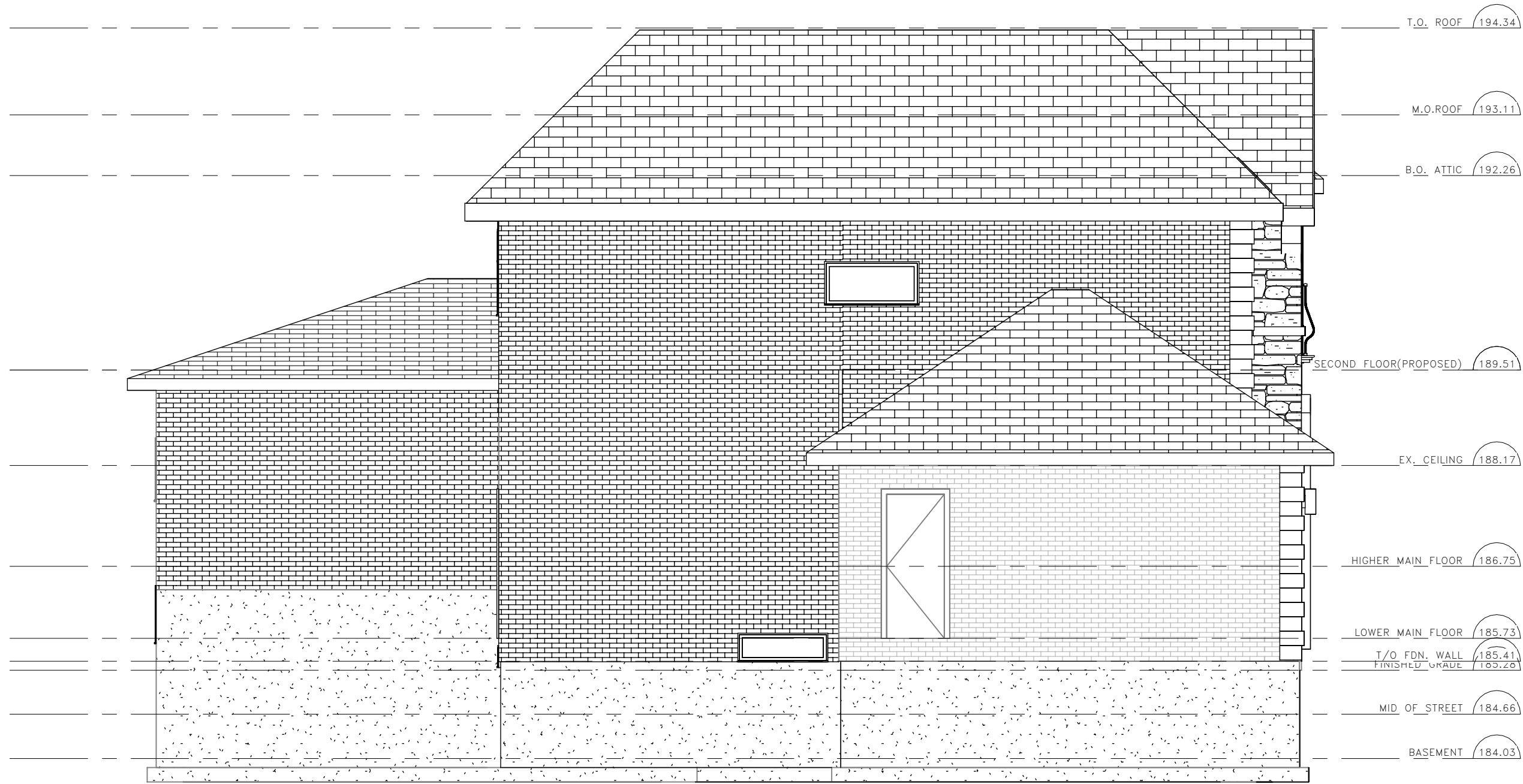
1 FRONT ELEVATION (PROPOSED)
3/16" = 1'-0"

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	Date 11/24/2022					
DRAWING TITLE PROPOSED FRONT ELEVATION	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: 08/10/23
MM/DD/YY



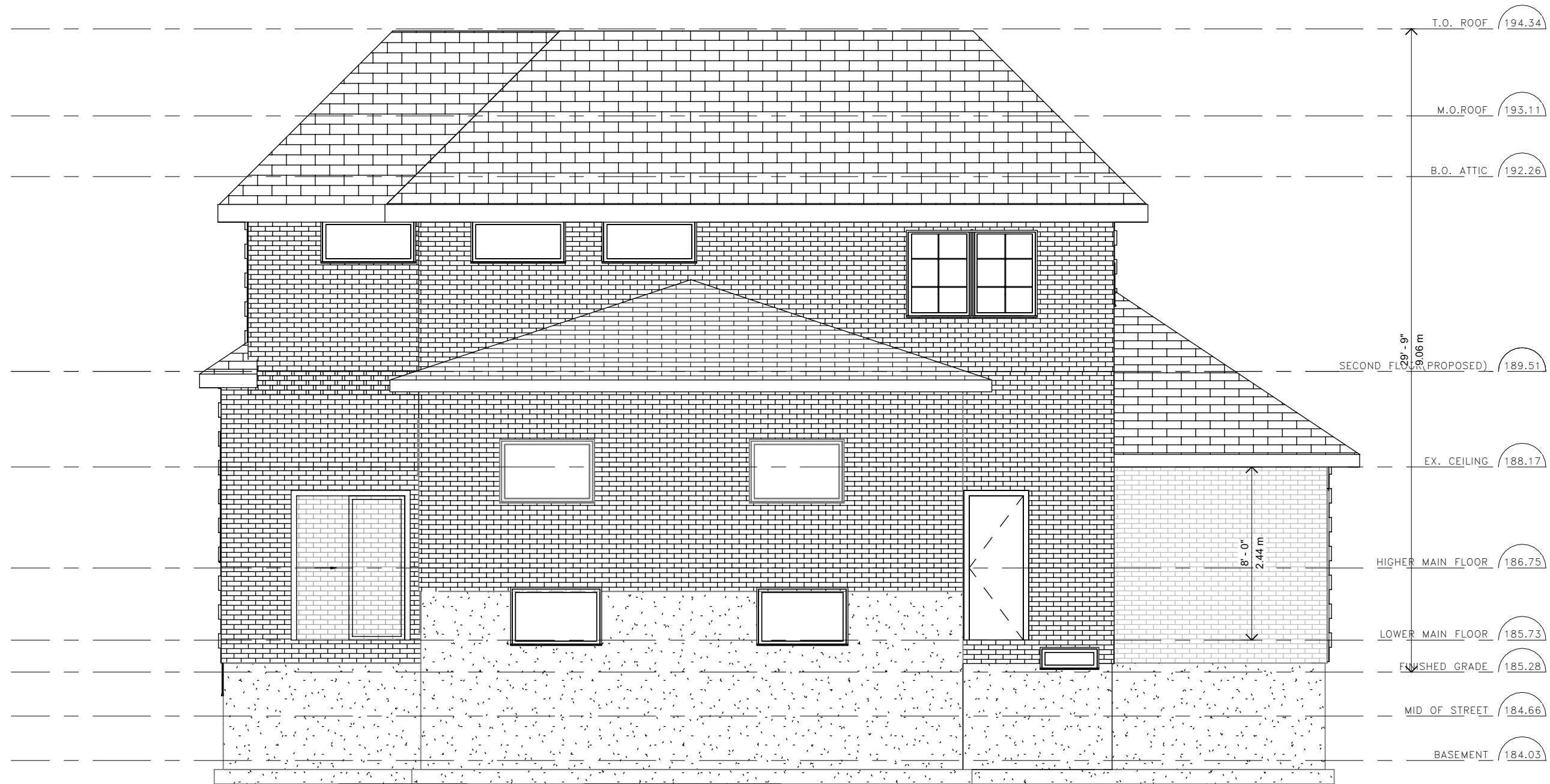
1 LEFT ELEVATION (PROPOSED)
3/16" = 1'-0"

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	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116	
DRAWING TITLE PROPOSED LEFT ELEVATION	Description			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: 08/10/23
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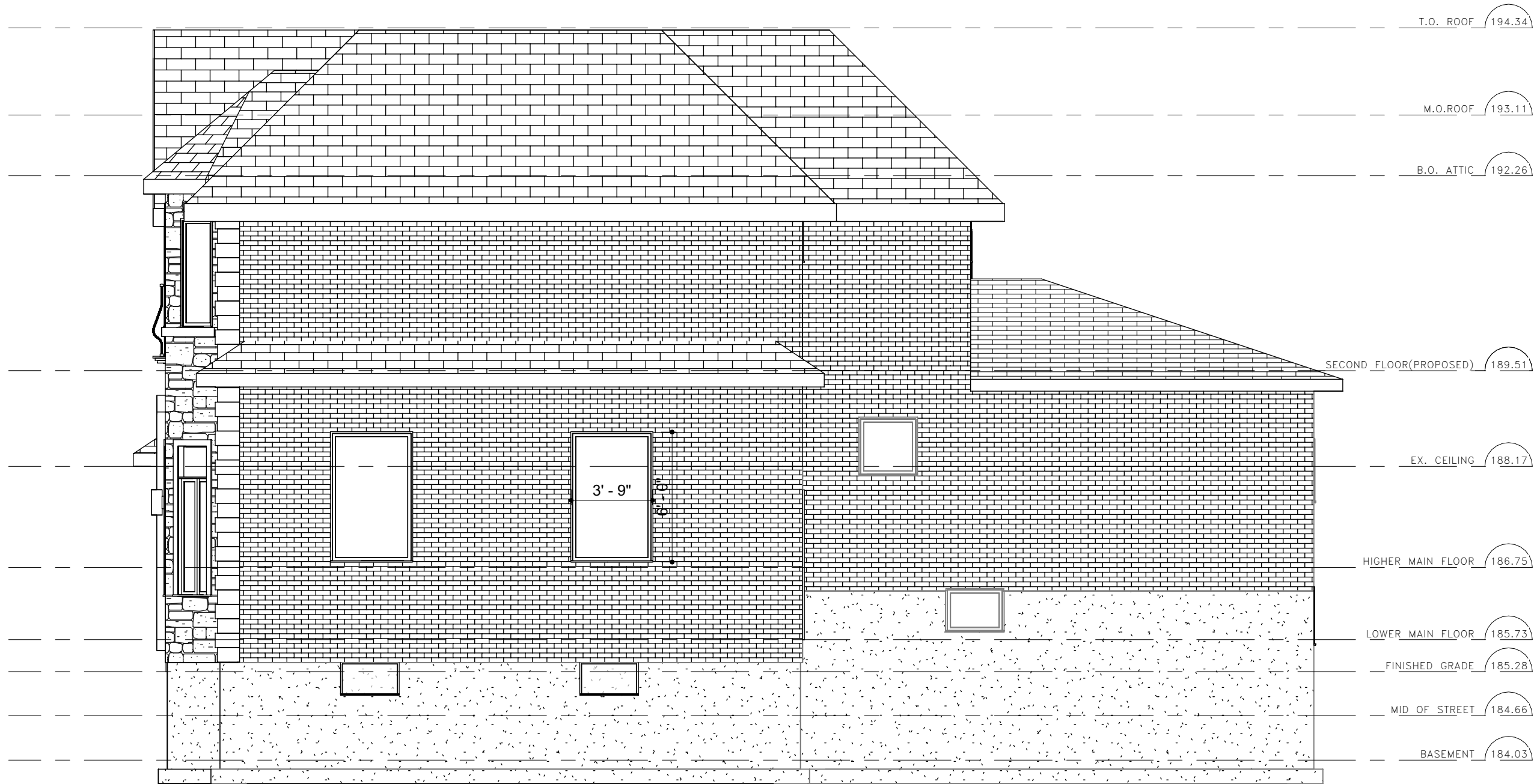
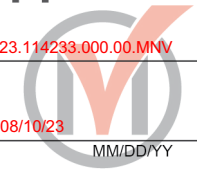
1 REAR ELEVATION (PROPOSED)
3/16" = 1'-0"

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	Date 11/24/2022			
DRAWING TITLE PROPOSED REAR ELEVATION	Scale 3/16" = 1'-0"	Proj. No. 221116	Description	No.
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				Date

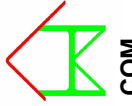
Appendix B

File: 23.114233.000.00.MNV

Date: 08/10/23
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	Date
	Date 11/24/2022			
DRAWING TITLE PROPOSED RIGHT ELEVATION	Scale 3/16" = 1'-0"	Proj. No. 221116	Description	Date
	No.			
LHW ENGINEERING LTD.				 Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM
PROJECT TITLE: 78 Southdale Drive, Markham, ON DRAWING TITLE: PROPOSED RIGHT ELEVATION				
Date: 11/24/2022 Drawn By: AY Checked By: B.W. DWG. No.: A2.8				
Scale: 3/16" = 1'-0" Proj. No.: 221116				

Appendix C

File: 23.114293.000.00.MNV

Date: 08/10/23
MM/DD/YY

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:

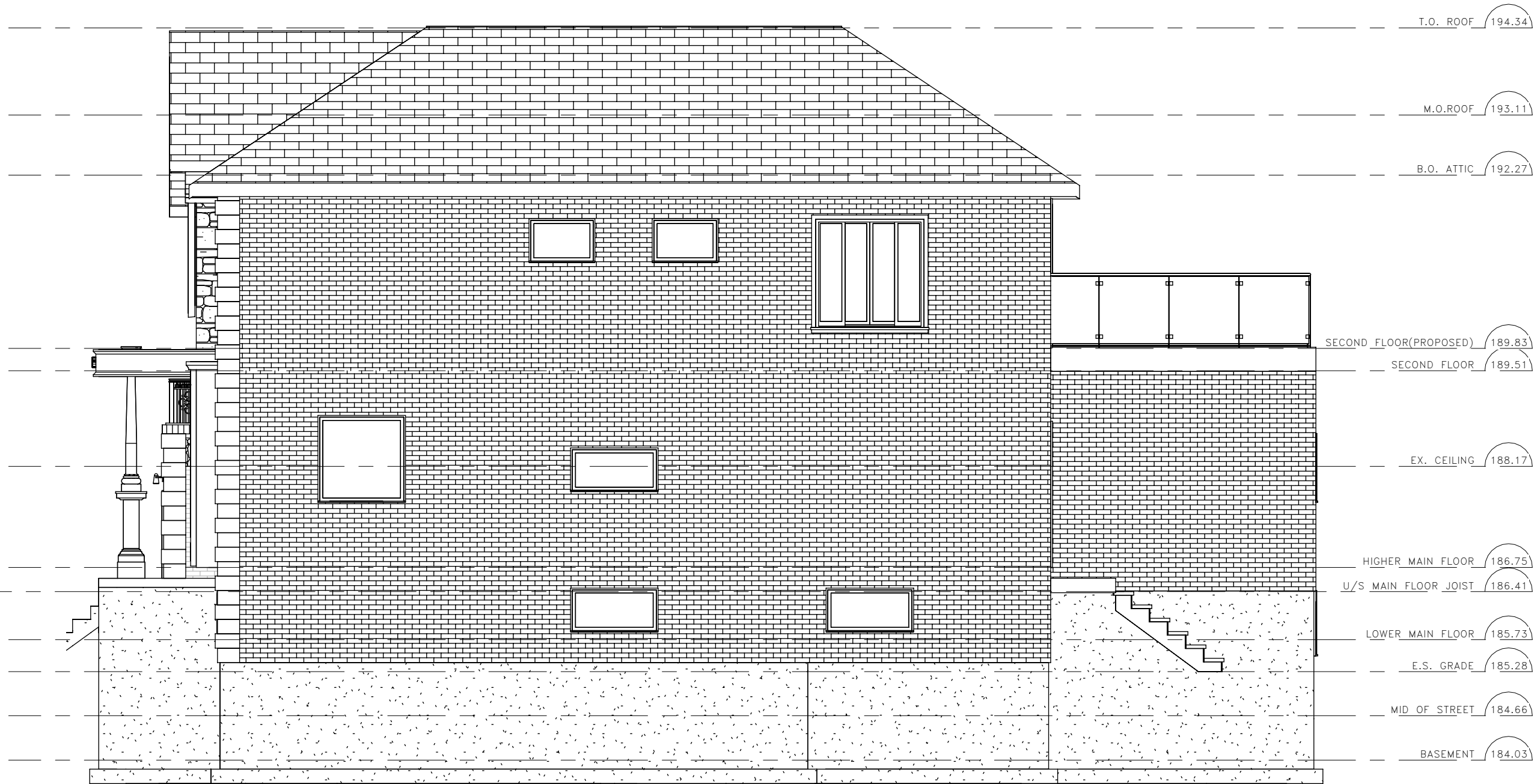


Brashanthe Manoharan, Planner II, East District

Appendix B

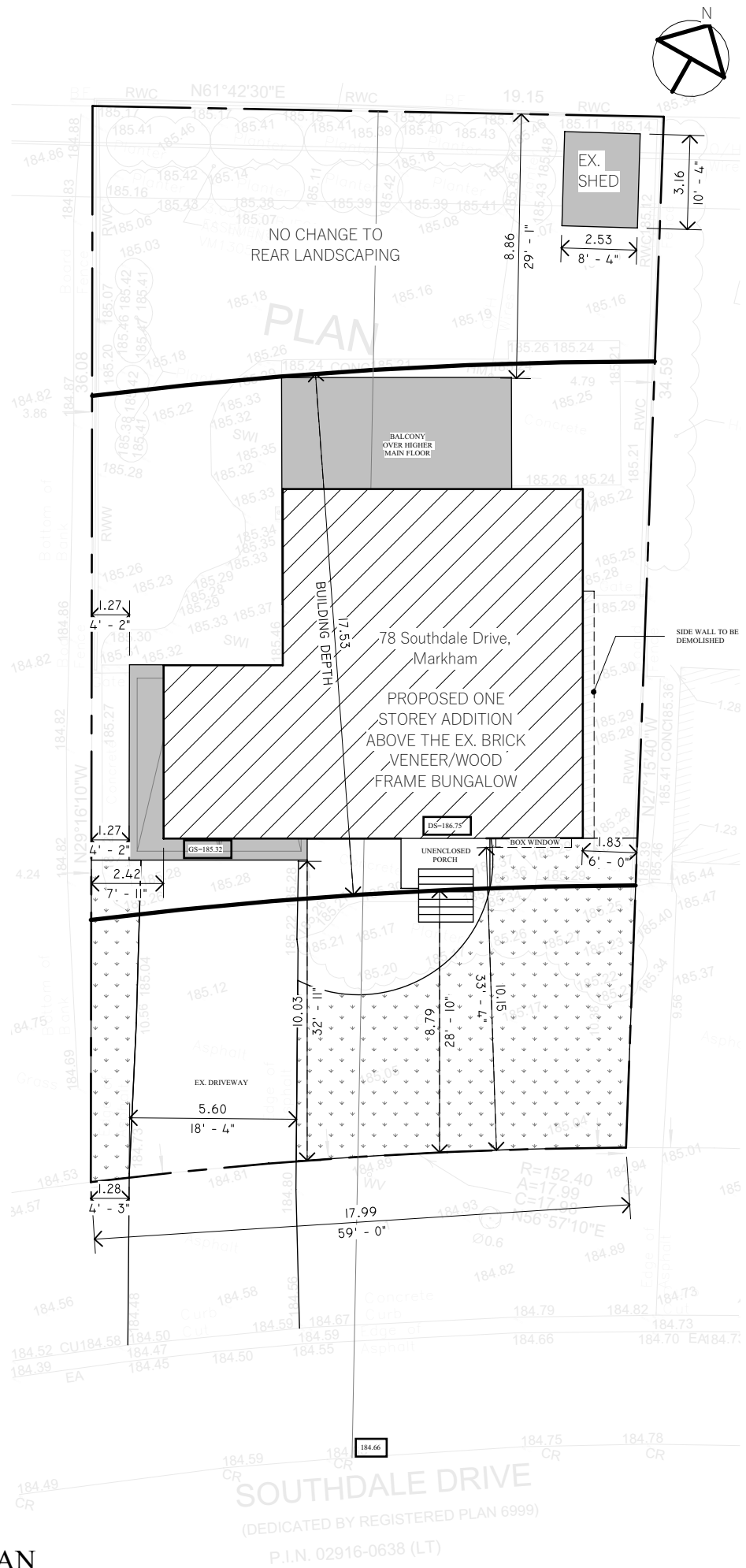
File: 23.114233.000.00.MNV

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"
SIDE (WEST)	4' 9"	4' 9"	7' 11"
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			
Sheet Number	Sheet Name	Drawn By	Checked By

A0.1	3d-REFERENCE	AY	BW
A0.2	SITE PLAN	AY	BW
A0.3	FLOOR SPACE SUMMARY	AY	BW
A1.1	EXISTING BASEMENT PLAN	AY	B.W.
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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
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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

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

PROJECT TITLE	78 Southdale Drive, Markham, ON	Drawn By	AY	Checked By	BW	DWG. No.	A0.2
	DRAWING TITLE	SITE PLAN	Date	11/24/2022	Scale	1 : 200	Proj. No.
No.	Description	Date					
1	Revision 2	05/20/2021					

LHW ENGINEERING LTD.

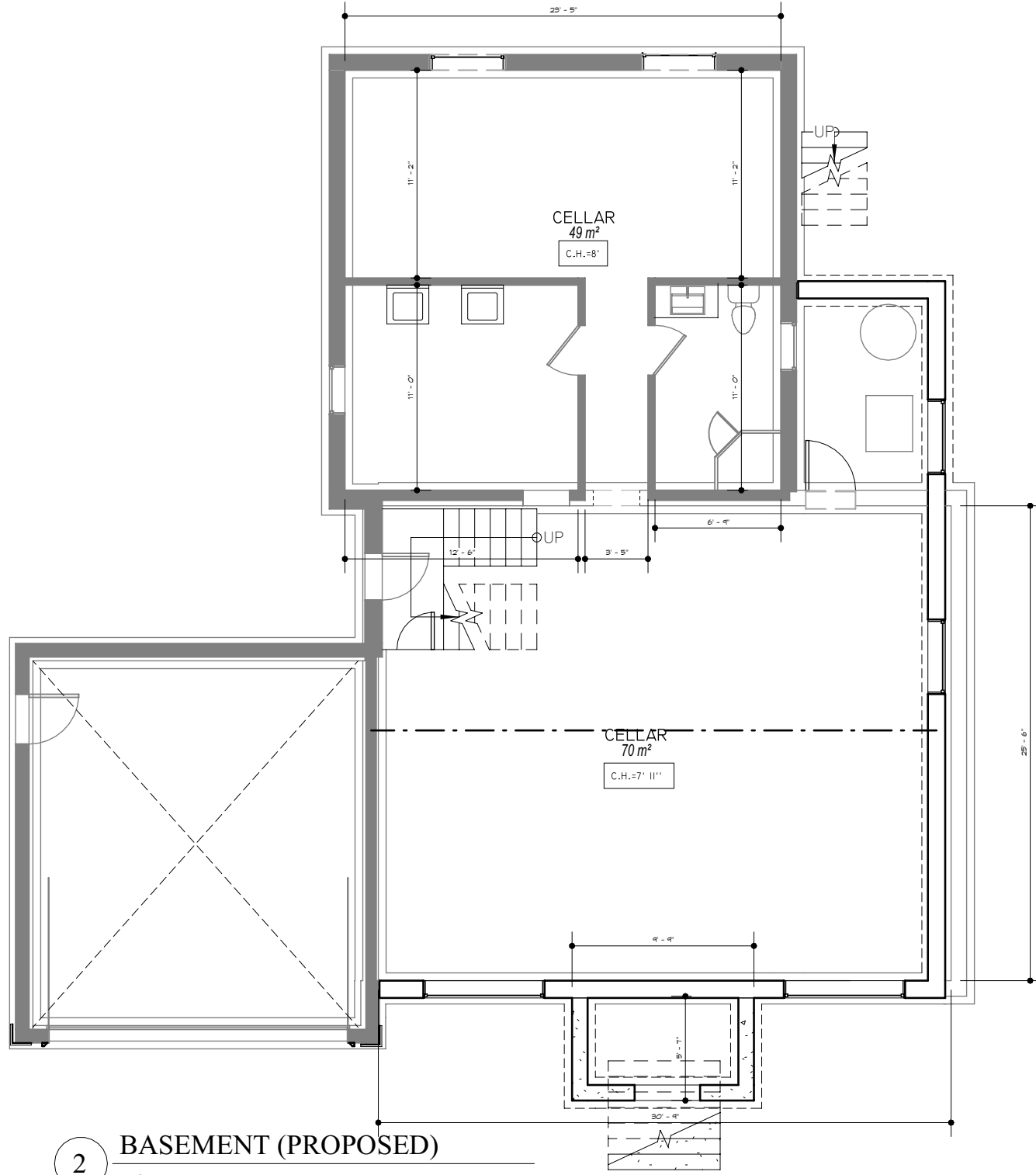
Unit 405, 2347 Kennedy Rd
 Toronto, ON M1T 3T8
 T: 416-299-8837
 LHW.ENGINEERING@GMAIL.COM

1 SITE PLAN
 1 : 200

Appendix B

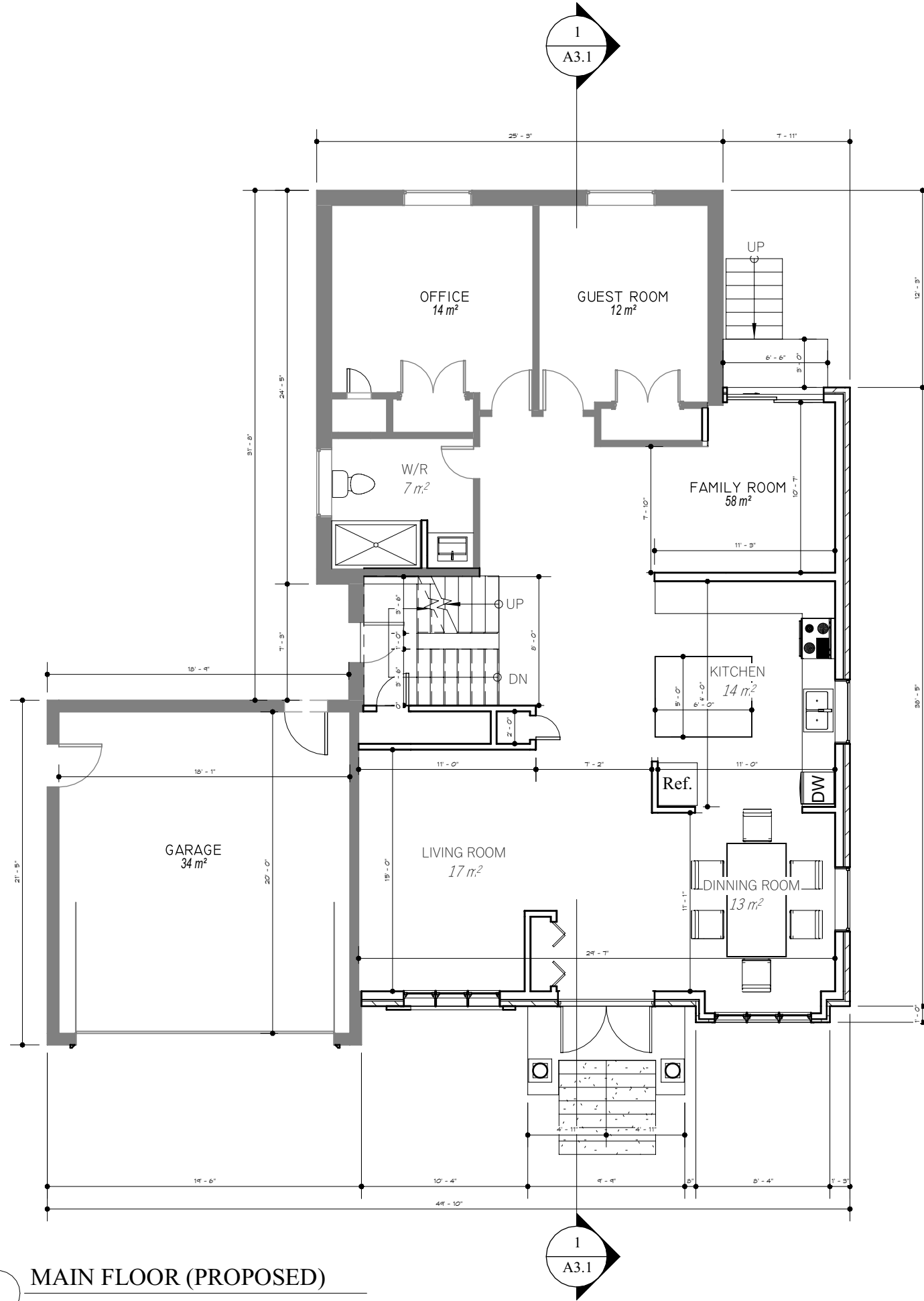
File: 23.114233.000.00.MNV

Date: 06/22/23
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	DWG. No. A1.3
	DRAWING TITLE PROPOSED BASEMENT PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
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"

1
A3.1

1
A3.1

Appendix B

File: 23.114233.000.00.MNV

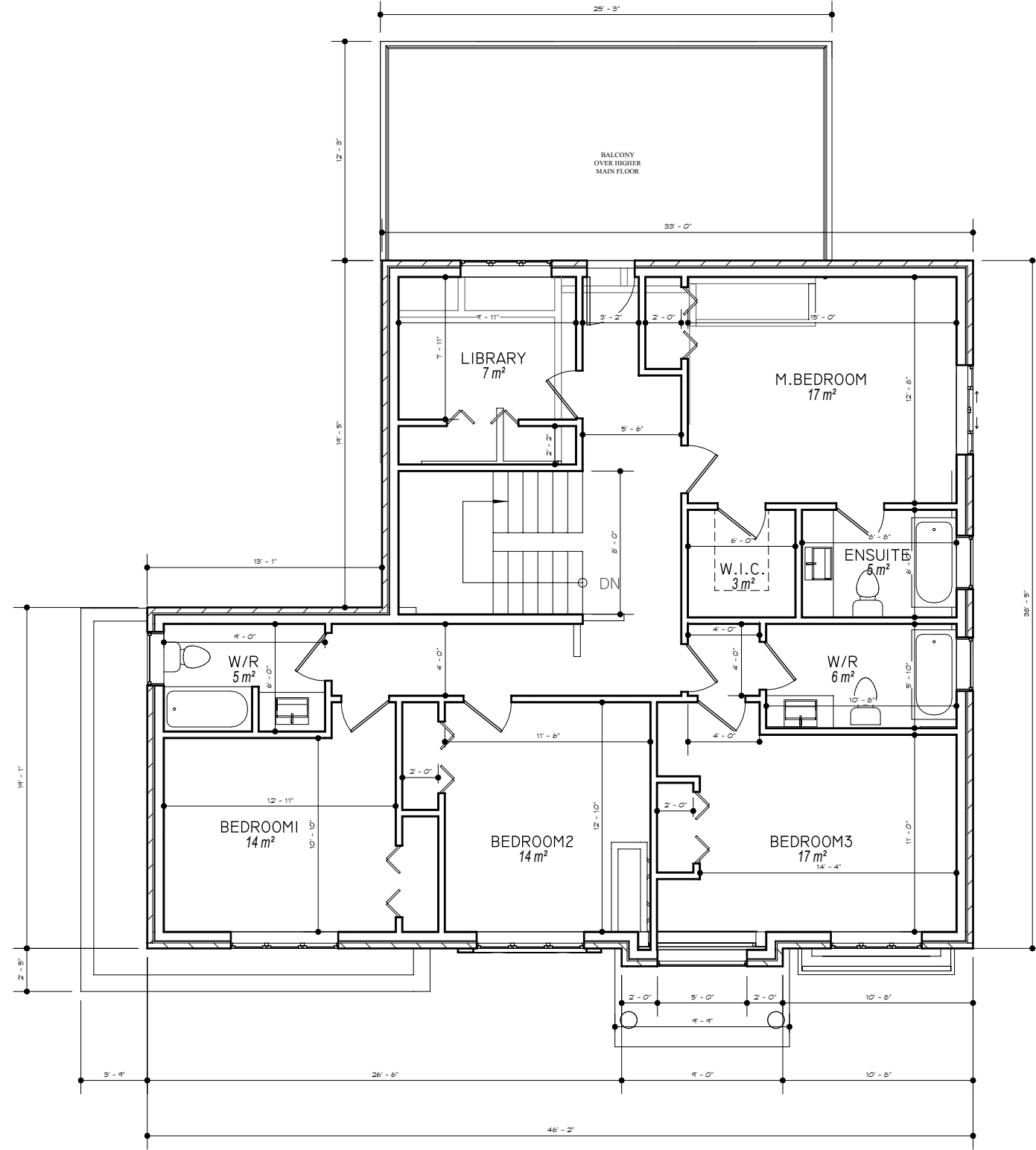
Date: 06/22/23
MM/DD/YY

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	Checked By BW	Scale 1/8" = 1'-0"	Checked By BW
DRAWING TITLE PROPOSED MAIN FLOOR PLAN	Proj. No. 221116	DWG. No. A1.4	
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: 06/22/23
MM/DD/YY



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

PROJECT TITLE 78 Southdale Drive, Markham, ON	Date 11/24/2022	Drawn By AY
	Scale 1/8" = 1'-0"	Checked By BW
DRAWING TITLE PROPOSED SECOND FLOOR	Proj. No. 221116	DWG. No. A1.5
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

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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
	Date 11/24/2022			
DRAWING TITLE PROPOSED FRONT ELEVATION	Scale 3/16" = 1'-0"	Proj. No. 221116	Description	No.
	No.			
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM	Date			Date
	Date			

Appendix B

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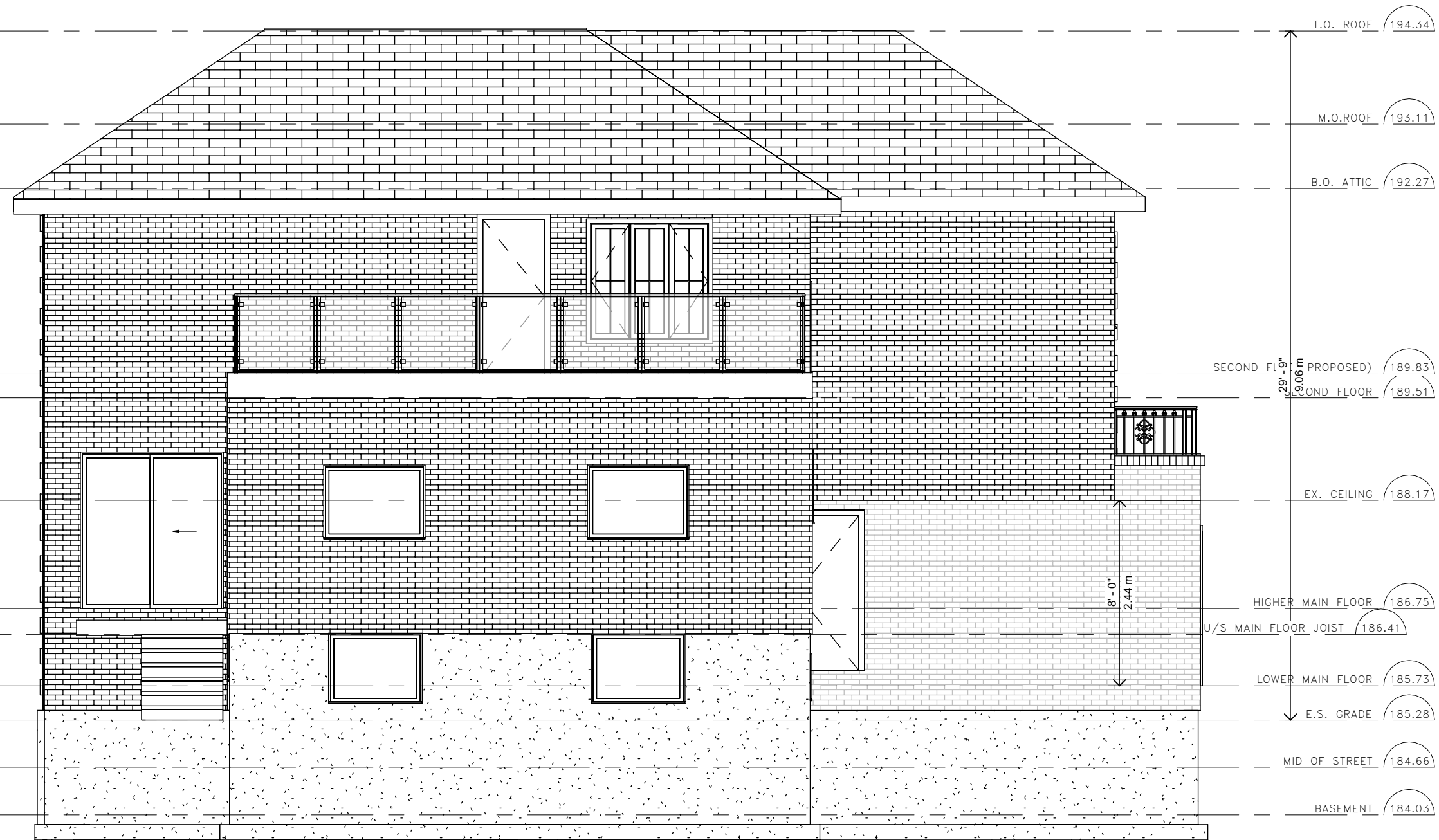
1 LEFT ELEVATION (PROPOSED)
3/16" = 1'-0"

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.			
<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: 06/22/23
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
	Date 11/24/2022			
DRAWING TITLE PROPOSED REAR ELEVATION	Scale 3/16" = 1'-0"	Proj. No. 221116	Description	No.
LHW ENGINEERING LTD.				Date
Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

Appendix C

File: 23.114293.000.00.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"

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

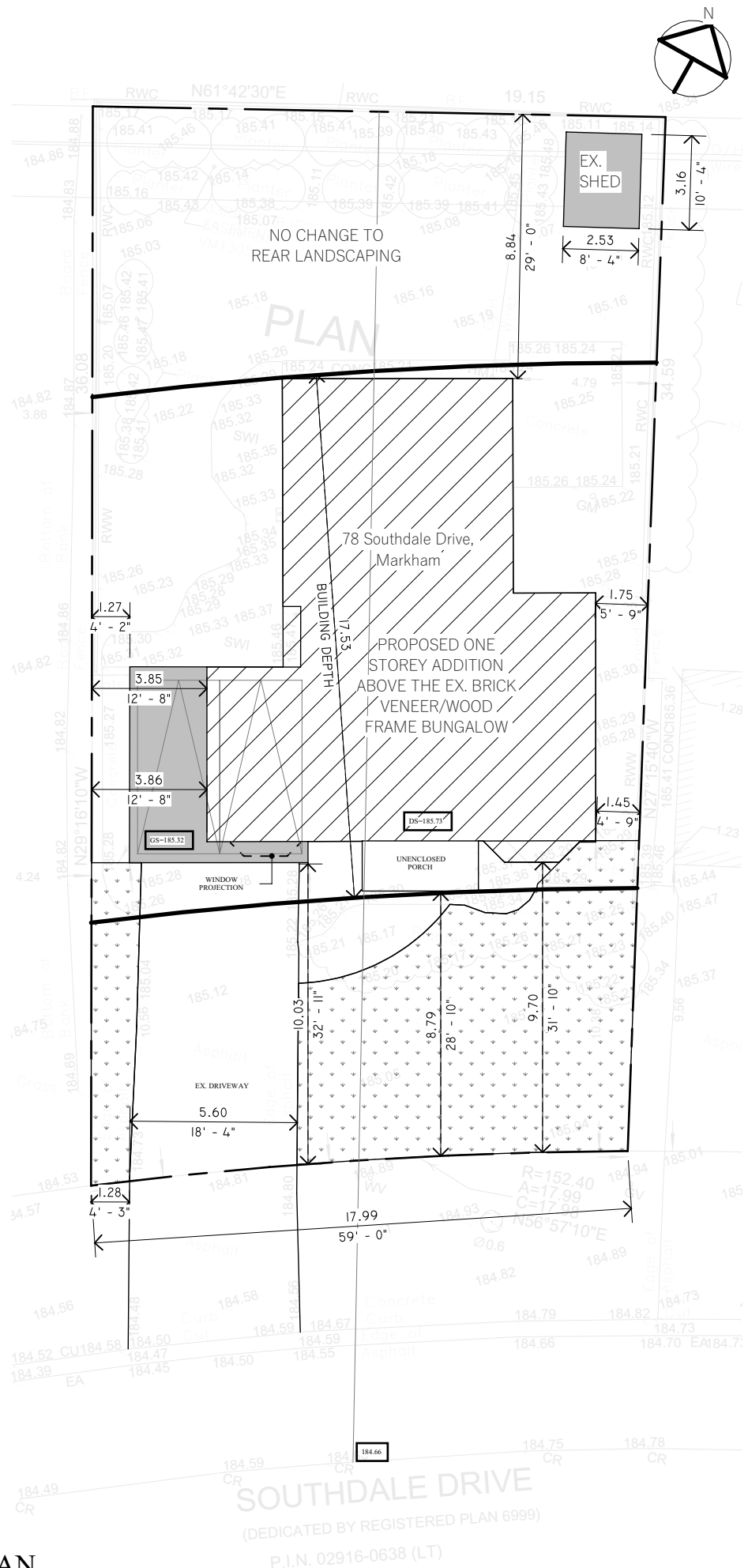
1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation 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"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/030/23



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	176 M ²		
2ND FLOOR	158 M ²		
GFA	334 M ²	NET FLOOR AREA RATIO	52.8%
ALL BUILDING AREA	190 M ²	LOT COVERAGE	29.2%
SETBACK			
	EXISTING	1ST STOREY	2ND STOREY
FRONT (NORTH)	32' 11"	31' 10"	31' 10"
SIDE (EAST)	4' 2"	4' 2"	12' 8"
SIDE (WEST)	4' 9"	4' 9"	4' 9"
REAR (SOUTH)	29' 0"	UNCHANGE	UNCHANGE
FRONT YARD			
	EXISTING	PROPOSED	
FRONT YARD AREA	126.00 M ²	118.80 M ²	
LANDSCAPING	87.74 M ²	85.72 M ² (71.28 M ² REQUIRED)	
SOFT LANDSCAPING	74.00 M ²	72.32 M ² (53.46 M ² REQUIRED)	

Sheet List			
Sheet Number	Sheet Name	Drawn By	Checked By
A0.1	3d-REFERENCE	AY	BW
A0.2	SITE PLAN	AY	BW
A0.3	FLOOR SPACE SUMMARY	AY	BW
A1.1	EXISTING BASEMENT PLAN	AY	B.W.
A1.2	EXISTING MAIN FLOOR PLAN	AY	B.W.
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

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

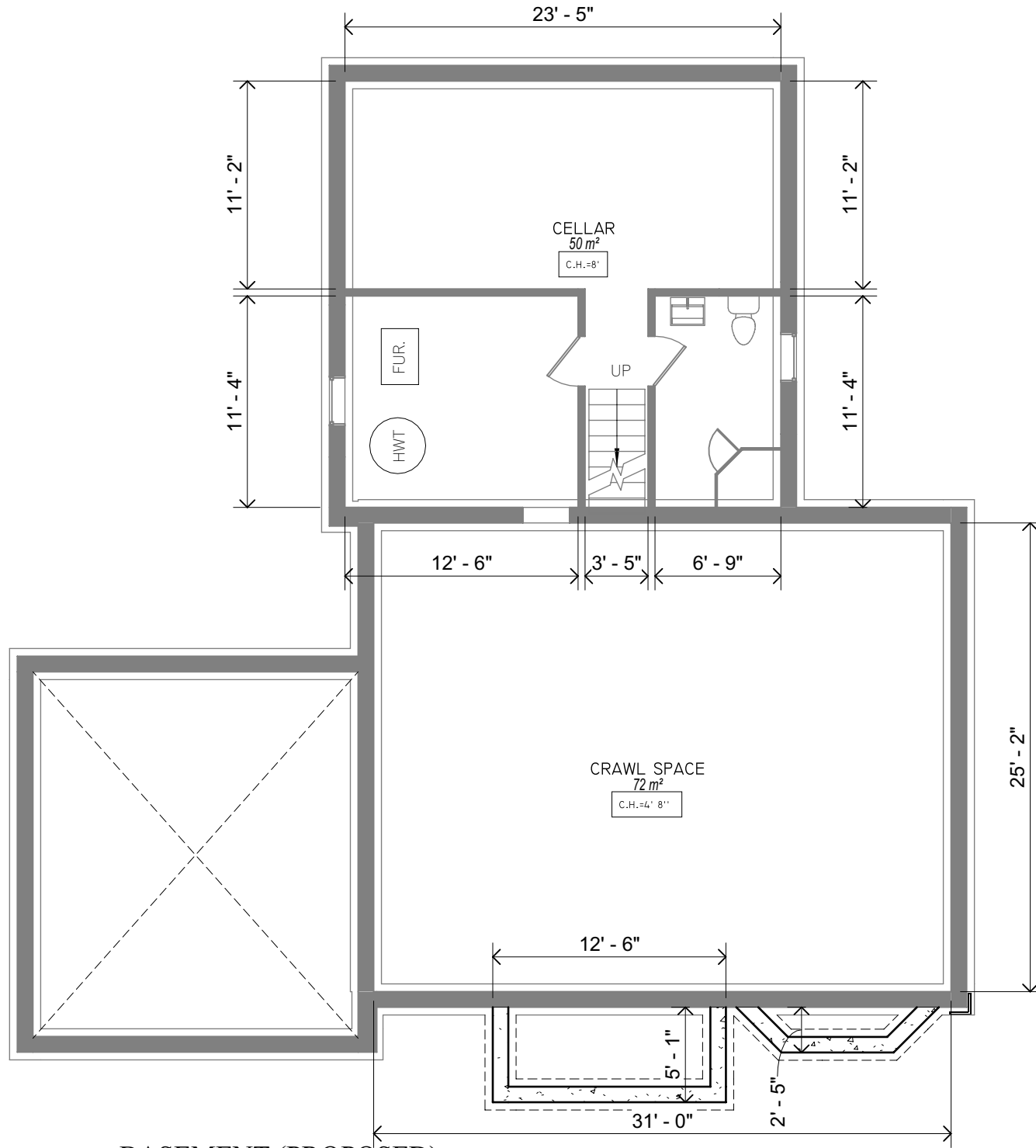
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Date 11/24/2022	Scale 1 : 200	Proj. No. 221116	Description	No.	Date
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LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					

1 SITE PLAN
1 : 200

Appendix B

File: 23.114233.000.00.MNV

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



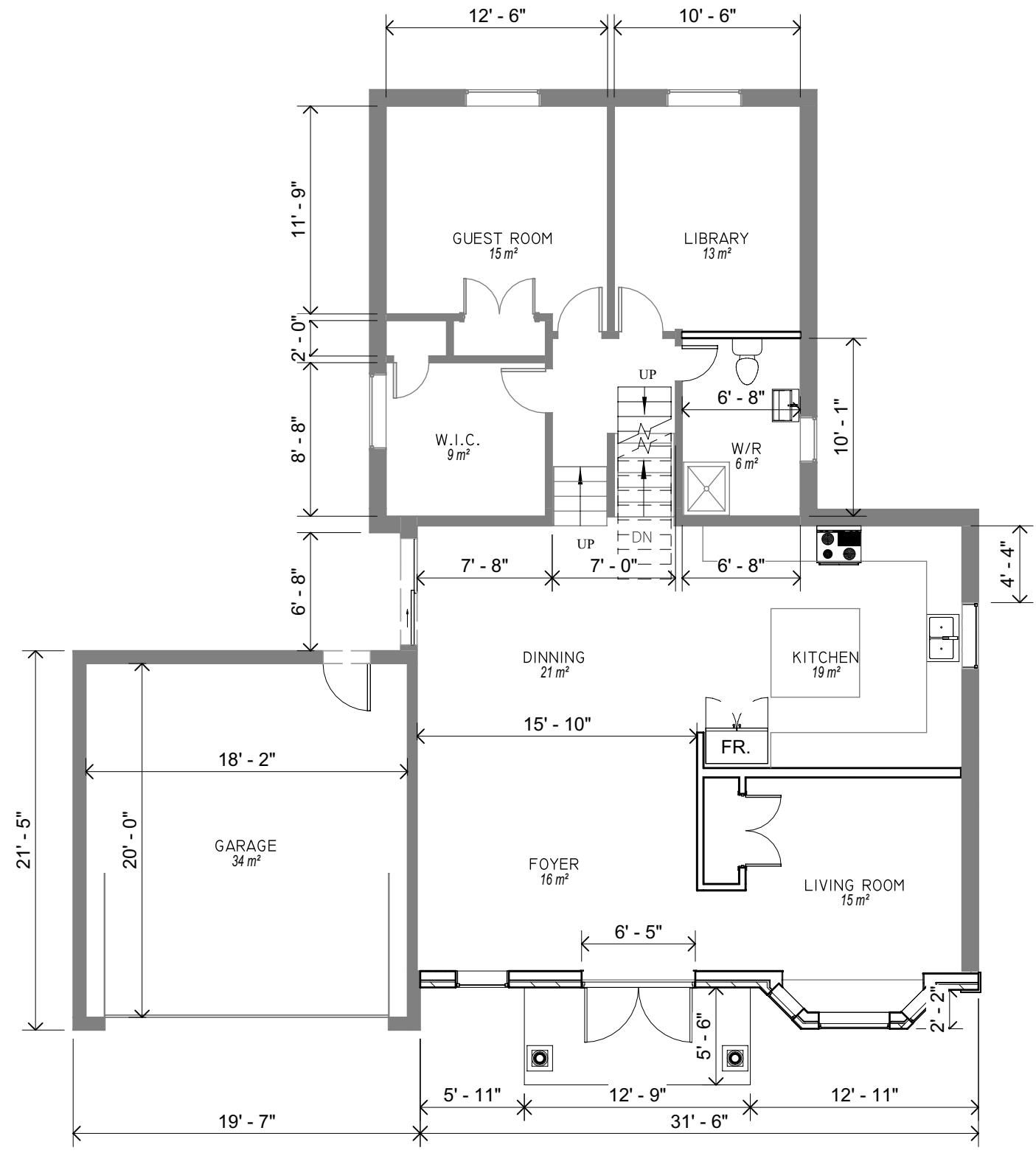
2 BASEMENT (PROPOSED)
1/8" = 1'-0"

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	DRAWING TITLE PROPOSED BASEMENT PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
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

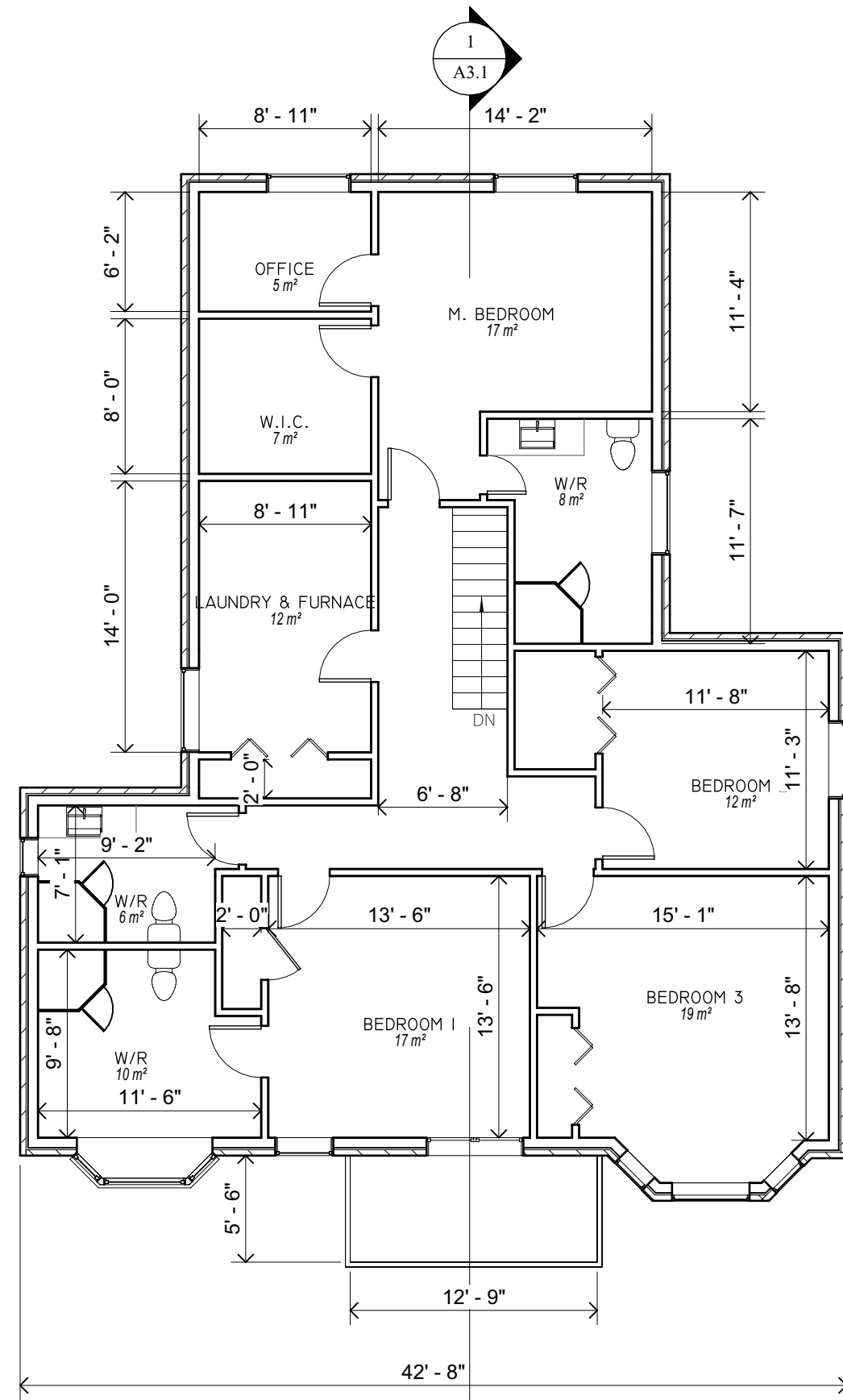
File: 23.114233.000.00.MNV

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



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	Drawn By AY	Date 11/24/2022
	DRAWING TITLE PROPOSED MAIN FLOOR PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116	DWG. No. A1.4
No.	Description	Date			
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM					



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

Appendix B

File: 23.114233.000.00.MNV

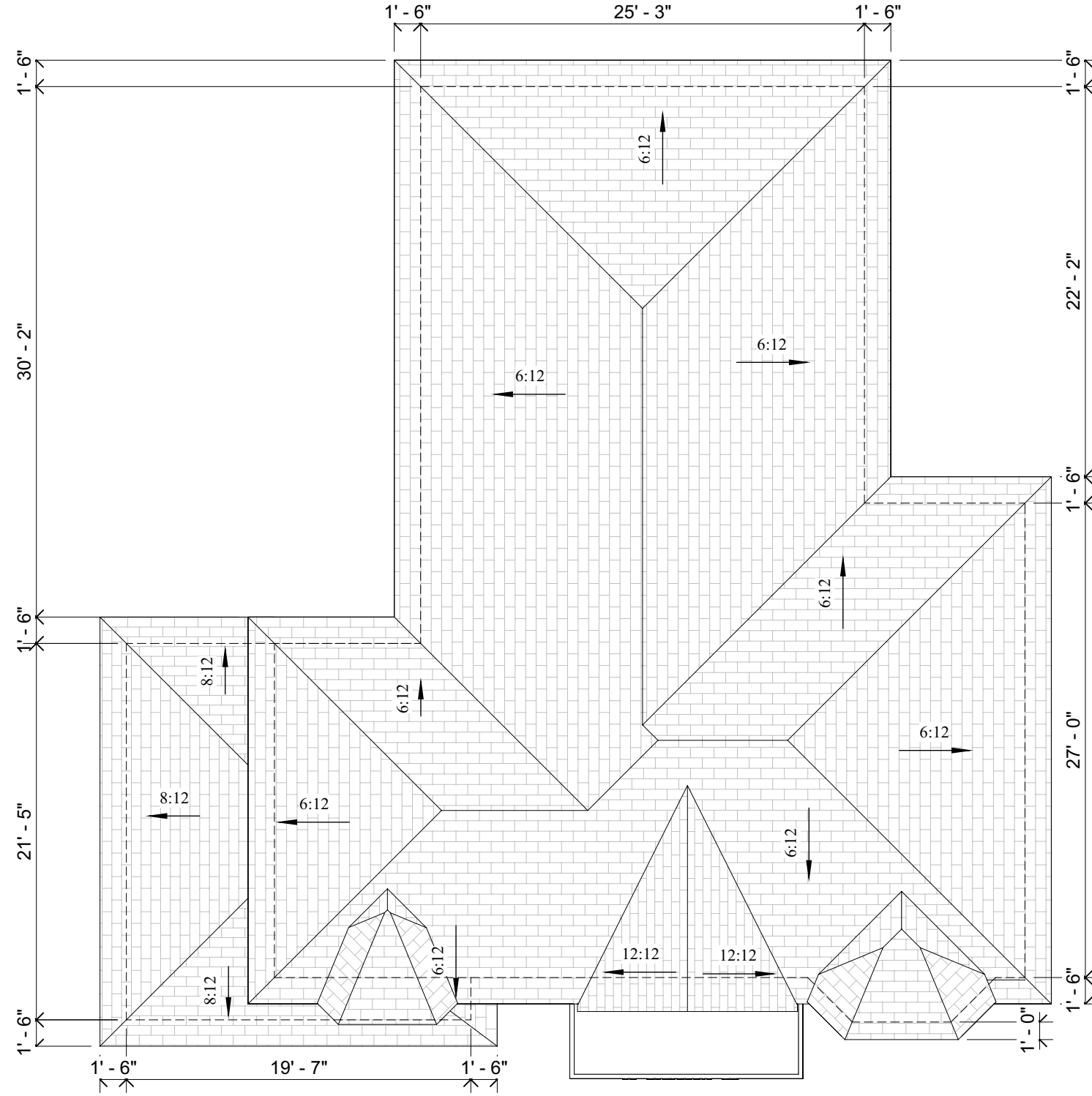
Date: 03/29/23
MM/DD/YY

PROJECT TITLE 78 Southdale Drive, Markham, ON DRAWING TITLE PROPOSED SECOND FLOOR	Date	11/24/2022	Drawn By	AY	DWG. No. A1.5																														
	Scale	1/8" = 1'-0"	Checked By	BW																															
	Proj. No.	221116	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 45%;">Description</th> <th style="width: 50%;">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> </tbody> </table>			No.	Description	Date																											
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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



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

PROJECT TITLE 78 Southdale Drive, Markham, ON	Drawn By AY	Date 11/24/2022	Checked By BW	DWG. No. A1.6
	DRAWING TITLE ROOF PLAN		Scale 1/8" = 1'-0"	Proj. No. 221116
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM	No.	Description	Date	

Appendix B

File: 23.114233.000.00.MNV

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



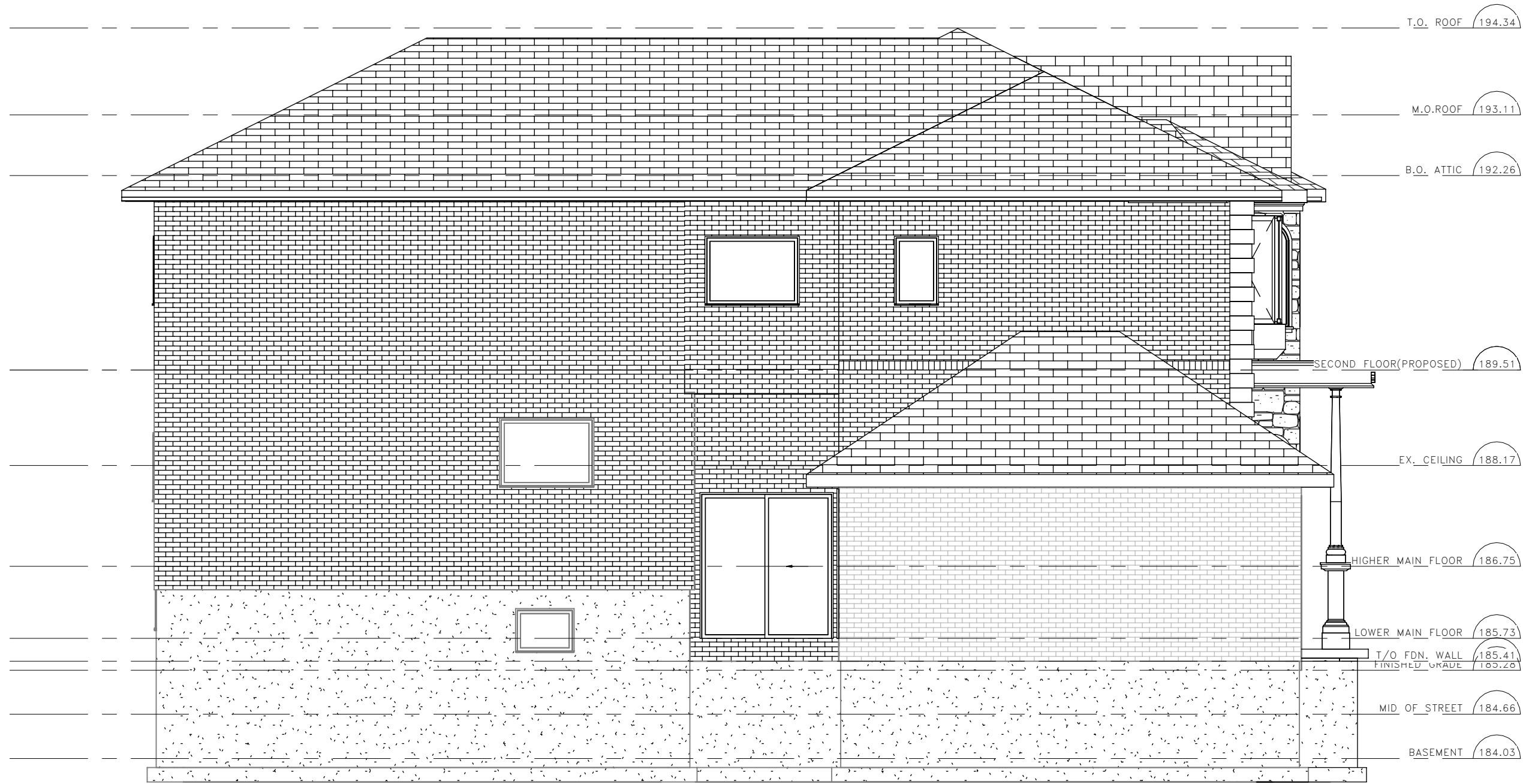
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3/16" = 1'-0"

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



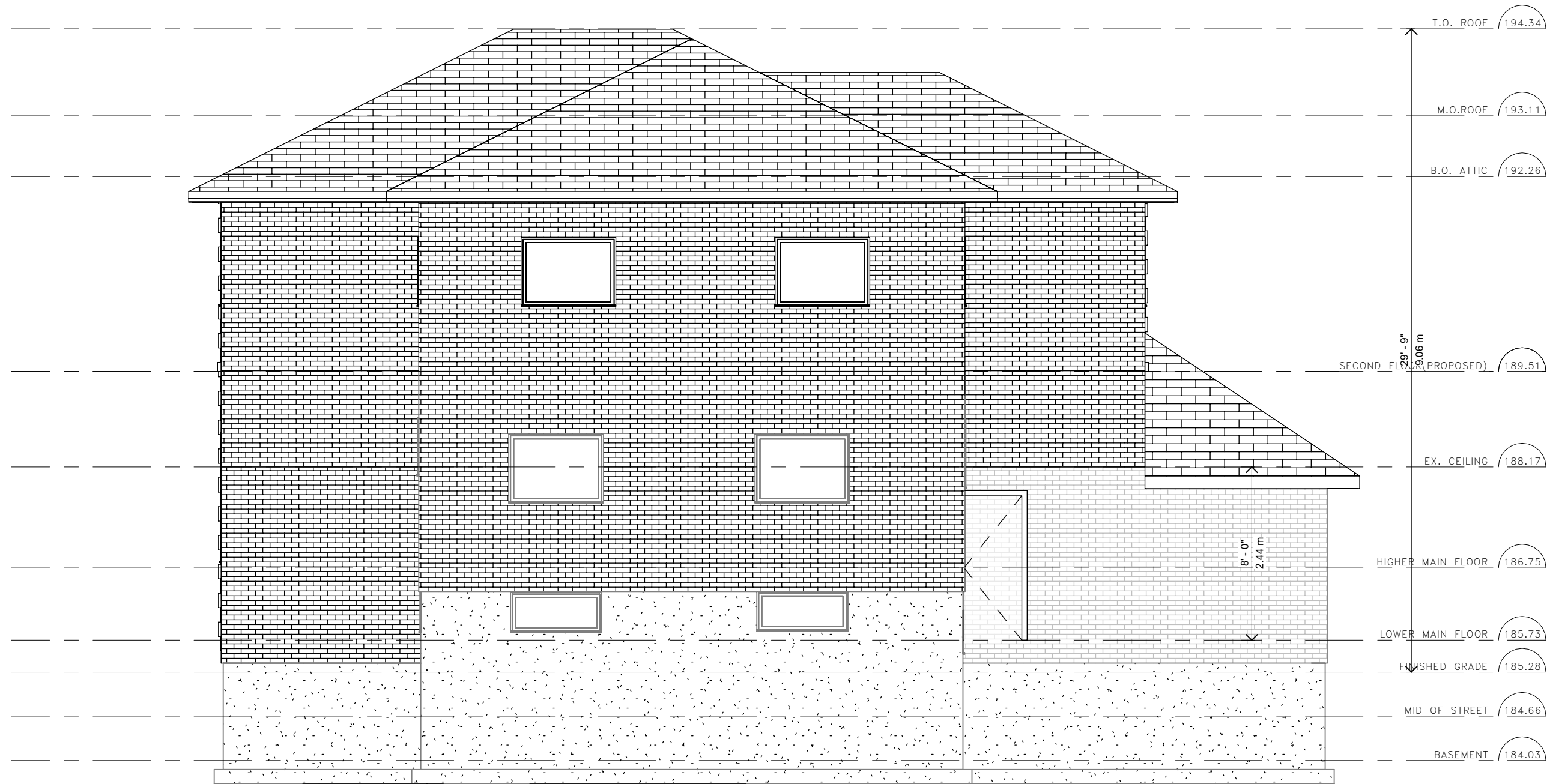
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3/16" = 1'-0"

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	Date 11/24/2022	Scale 3/16" = 1'-0"	Proj. No. 221116	
DRAWING TITLE PROPOSED LEFT ELEVATION	Description			No.
	Date			
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM				

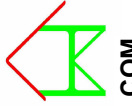
Appendix B

File: 23.114233.000.00.MNV

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



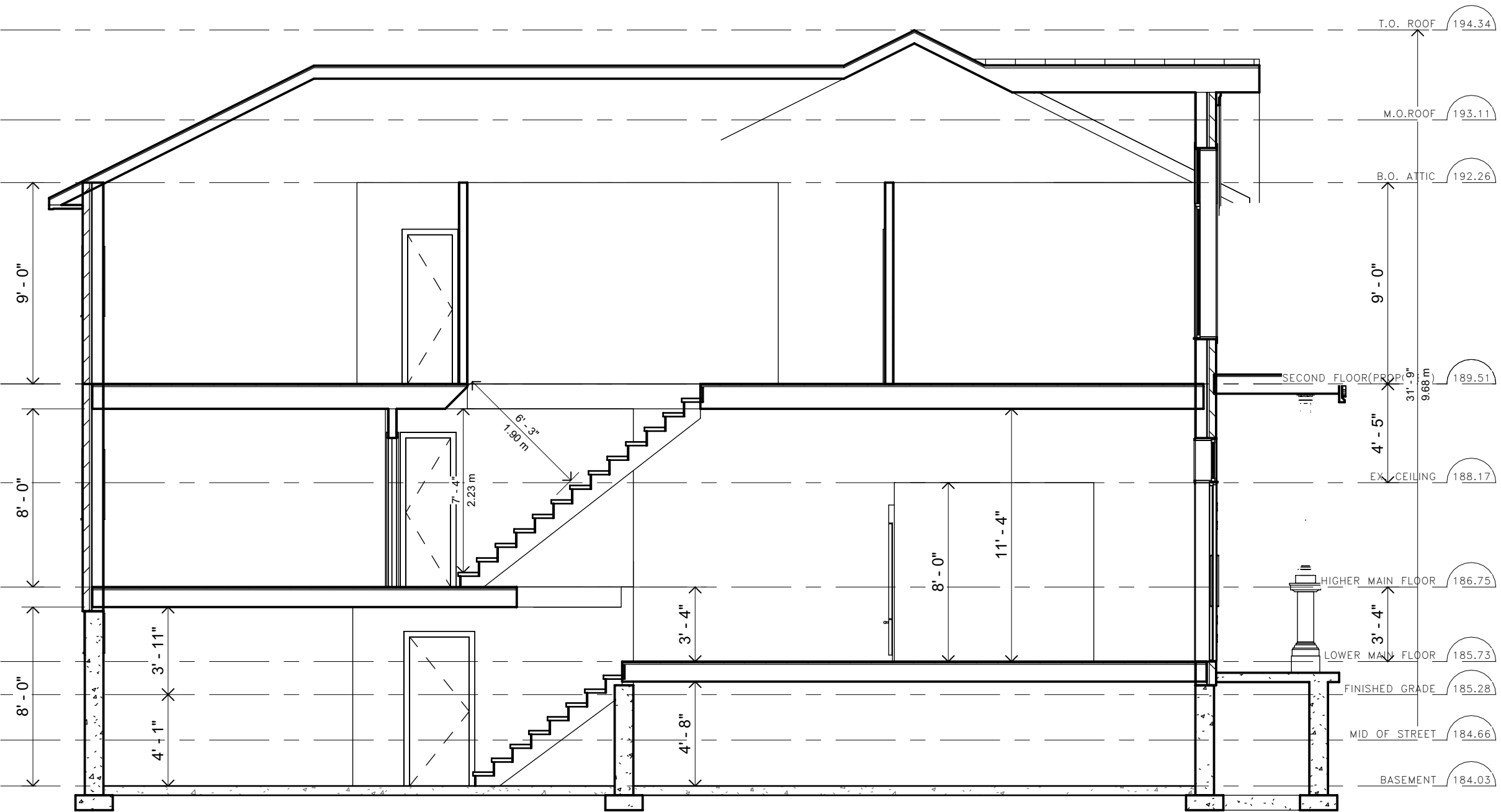
1 REAR ELEVATION (PROPOSED)
3/16" = 1'-0"

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		<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM</p> </div> <div style="width: 45%; text-align: right;">  </div> </div>					

Appendix B

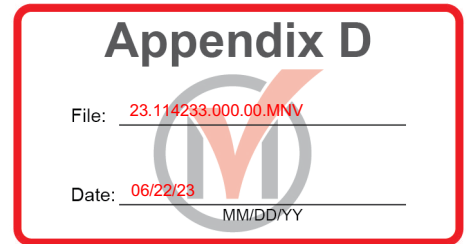
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Date: 03/29/23
MM/DD/YY



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

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.

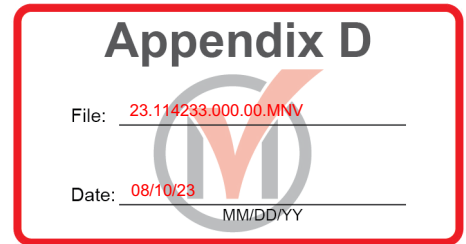
CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment



CITY OF MARKHAM
Virtual Meeting on Zoom

June 28, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 11th, 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
Tom Gutfreund	7:00 pm
Arun Prasad	7:20 pm
Kelvin Kwok	7:32 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment

DISCLOSURE OF INTEREST

None

Minutes: May 31, 2023

THAT the minutes of Meeting No. 10, of the City of Markham Committee of Adjustment, held May 31, 2023 respectively, be:

- a) Approved on June 28, 2023.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

Carried

NEW BUSINESS:

1. A/088/23

Owner Name: Times Property Management Inc. (Andrew Fong)
Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
15 Water Walk Drive, Markham
PLAN 65M4395 BLK 2

The applicant was requesting relief from the requirements of By-law 2004-196, as amended, to permit:

- a) **Amending By-law 2010-184, Section 6.11.3 a):**
this application seeks the same relief as application No. A/188/17 which was approved with conditions by the Committee of Adjustment on March 14, 2018.

The applicant was re-applying to remove the condition of the minor variance approval requiring 12 additional surface visitor parking spaces to be provided on the adjacent property to the west.

The Chair introduced the application.

The agent Lincoln Lo, appeared on behalf of the application.

Member Sampson noted the matter was technical and agreed with the recommendations in the staff report and motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/088/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/087/23

Owner Name: Gurcharn Gahir
Agent Name: Gurcharn Gahir
37 German Mills Road, Thornhill
PLAN M1411 PT LOT 103 PT LOT 102 RS66R6001 PART 103

The applicant was requesting relief from the requirements of By-law 2571, as amended, to permit:

a) **By-law 2571, Table B:**

a front yard setback of 25 feet and 10 inches to the dwelling, whereas the By-law requires a minimum front yard setback of 27 feet to the dwelling.

as it related to an existing condition for a second-floor addition above the garage.

The Chair introduced the application.

The owner, Gurcharn Gahir, appeared on behalf of the application and provided a history of the construction and the application.

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

Member Sampson requested clarification of the drawings and confirmation that the application had been verified through a zoning review.

Greg Whitfield affirmed that the variance was the only outstanding request related to the permit.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/087/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. **A/057/23**

**Owner Name: Beedie ON (Allstate Parkway) Limited Partnership
(Kristina Preece)**

**Agent Name: MHBC Planning Limited (Mr. David McKay)
Allstate Parkway, Markham
PL 65M2695 LOTS 1 AND 2**

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

a) **By-law 165-80, Section 4.7.1(b):**

a minimum landscape strip of 4.0 m along the front of the property, whereas the By-law requires a minimum of 6.0 m;

b) By-law 28-97, Section 3, Table B - Industrial Uses:

164 parking spaces, whereas the By-law requires 338 parking spaces;

as it related to proposed industrial buildings. This application was related to a Site Plan Control Application (SPC 22 259790) which was being reviewed concurrently.

The Chair introduced the application.

The agent, David McKay, appeared on behalf of the application and agreed with the staff report.

Member Reingold supported the application noting the technical nature of the application, the positive staff report and that the property was concurrently undergoing a comprehensive review through site plan control.

Member Yan also supported the application, having considered the recommendations in the staff report, the parking justification study, and the proximity to public transit.

Member Sampson asked if the tenants had been established and how parking needs had been determined without knowing who the tenants would be.

The Chair asked if the units would be condominiums or leased.

Kristina Preece, Beattie ON, indicated that the project had yet to be marketed. The proposed units would be condominiums with parking allocated through the common elements.

The Chair indicated that the condo board would also watch parking uses, and potential owners should only purchase if parking needs were met.

Kristina Peerce indicated that a parking allocation plan was created prior to sales as part of the marketing package.

David McKay further detailed that no retail uses would be associated with the project.

The Chair indicated that the condo board would be responsible for parking uses after construction, and any future buyers would be aware of parking allocations. The parking allocation was established in the bylaw over twenty years ago, and it would be updated in the new comprehensive bylaw to align with current parking demands.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/057/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/012/19 and A/079/23 were heard concurrently and the record of the discussion can be found under B/012/19.

4. B/012/19

**Owner Name: NHD Properties Limited
Agent Name: Sorbara Group (Herthana Siva)
115 Idema Road, Markham
CON 3 PT LTS 1-2 65R9064 PTS 1-7 65R5415 PTS 1-2 65R9988 PT 1
65R5416 PT 1 41-87 STEELCASE RD**

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 60.96 m and an approximate lot area of 0.73 ha (Part 9 and 10);
- b) retain a parcel of land with an approximate lot frontage of 137.57 m and an approximate lot area of 7.632 ha (Parts 1, 2, 3, 4, 5, 6, 7 and 8);
- c) establish an easement over Part 8, in favour of Parts 9 and 10 for the purpose of access;
- d) establish an easement over Parts 6 and 8, in favour of Parts 9 and 10 for the purpose of utility;
- e) establish easements over Part 9, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of access and utility;
- f) establish easements over Parts 9 and 10, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of maintenance and servicing;
- g) establish easements over Parts 4, 5, 6, 7, and 8 in favour of Parts 9 and 10 for the purpose of maintenance and servicing.

The purpose of this application was to sever and create two new industrial lots and to create right-of-way easements for the purpose of repair, maintenance and other associated services for the water line servicing, and storm drainage from Idema Road and the subject lands. This application was related to minor variance application(s) A/074/19.

The Chair introduced the application.

The agent, Herthana Siva, appeared on behalf of the application. Herthana presented the application and indicated that there were no proposed changes to site conditions, construction or use.

The Committee received three written pieces of correspondence.

Robert Riopelle of Smith and Long spoke to the Committee and provided a history of their company's tenancy and path to property ownership.

Member Gutfreund agreed with the staff report noting the requirements for consent and minor variances had been met and recommended approval.

Member Yan supported the application noting the variances related to existing conditions, and asked the agent to confirm that the current parking arrangements would be maintained.

Member Kwok requested the agent clarify how variance (f) the parking agreement would be achieved.

Herthana Siva indicated that the encroachment agreement was currently being undertaken, and a condition of the variance was to provide the agreement.

Greg Whitfield confirmed that if the agreement was not finalized, the applicant must return with an alternate variance request to address reduced parking standards.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/012/19** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/074/19

Owner Name: NHD Properties Limited

Agent Name: Sorbara Group (Herthana Siva)

115 Idema Road, Markham

CON 3 PT LTS 1-2 65R9064 PTS 1-7 65R5415 PTS 1-2 65R9988 PT 1

65R5416 PT 1 41-87 STEELCASE RD

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

- a) **Section 6.1:**
a minimum lot area of 0.73 ha, whereas the By-law requires a minimum lot area of 0.8 ha when the parcel of land is abutting a provincial highway;
- b) **Section 4.7.1 (b):**
an existing landscape strip of 0.0 m, whereas the By-law requires a minimum landscape strip of 6.0 m immediately abutting the street line (Idema Road);
- c) **Section 4.7.1 (a):**
an existing landscape strip of approximately 1.8 m, whereas the By-law requires a minimum landscape strip of 9.0 m immediately abutting a provincial highway;
- d) **Section 4.5.2:**
a minimum loading space height clearance of 3.05 m, whereas the By-law requires a loading space minimum height clearance of 4.2 m in height;
- e) **Parking By-law 28-97, Section 6.1.2 (a):**
a required parking space size length of 5.3 m for 30 parking spaces, whereas the By-law requires each parking space to have a minimum length of 5.8 m;
- f) **Parking By-law 28-97, Section 3.0 Table B: Non-Residential Uses:**
28 parking spaces to encroach into the neighbouring lot (85 Idema Road), whereas the By-law requires that no person shall use any land, building or structure in any zone for any purpose permitted in this By-law, unless all parking are provided on the same lot;
- g) **Parking By-law 28-87, Sections 5.1 & 6.1.2:**
one (1) accessible parking space with a minimum size of 2.8 m x 5.3 m, without a 1.5 m wide access aisle adjacent to the parking space on site, whereas the By-law requires three (3) accessible parking spaces being 5 percent of the total required parking spaces having a minimum size of 2.6 m x 5.8 m, with a 1.5 m wide access aisle adjacent to the parking space on site; and,
- h) **Parking By-law 28-97, Section 3.0 Table B:**
a minimum of 51 parking spaces, whereas the By-law requires a minimum of 52 parking spaces;

as it related to an existing industrial building. This file was also related to consent application B/012/19.

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/074/19** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

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 m, whereas the By-law permits a maximum of 16.8 m; and
- 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 of 45 percent;

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

The Chair introduced the application.

The agent, Tony of LHW Engineering, appeared on behalf of the application and presented the revised proposal.

The Committee received three written pieces of correspondence.

Member Gutfreund asked for clarification regarding the front entrance elevation and the railing over the garage. Member Gutfreund indicated that the changes had created a greater sense of massing at the front of the house.

The agent shared an alternate plan to soften the appearance at the streetscape by changing the roof line and stated that the roof could be changed to a pitched roof and the door sill lowered.

The Chair spoke to the revision, indicating that the reduced numbers had yet to address the previous concerns and had further emphasized the massing of the building at the streetscape.

Member Reingold agreed with the Chair, indicating that the revised plans had not addressed the concerns and accentuated the massing.

The Chair recommended the additional massing be moved to the rear of the house.

Member Yan remained concerned regarding the requested floor area ratio and indicated that the application needed a floor area ratio lower than 50 percent, as advised at the previous meeting. Member Yan indicated that the design elements of the first proposal were preferable to the current proposal but the original proposal needed to be reduced.

Member Gutfreund recommended a deferral to allow the applicant to return with revisions incorporating the changes as discussed.

Tony agreed to the deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

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

Resolution Carried

7. A/038/23

Owner Name: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent Name: Zero Degree Studio Inc. (Roy Chan)
41 Galsworthy Drive, Markham
PLAN 4949 LOT 47

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

- a) **By-law 99-90, Section 1.2(i):**
a maximum building height of 10.1 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **By-law 99-90, Section 1.2(iii):**
a maximum depth of 19.91 metres, whereas the By-law permits a maximum of 16.80 metres;

c) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 51.33 percent, whereas the By-law permits a maximum of 45 percent.

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

The Chair introduced the application.

The agent, Roy Chan, appeared on behalf of the application and requested the Committee review requests as a new submission.

The Committee received two written pieces of correspondence.

Member Reingold indicated that the design was appropriate for the neighbourhood and had included many desirable architectural elements. However, Member Reingold expressed that the house was still very large and asked the agent for a further reduction in size.

Roy Chan indicated that some areas of the house that were included in the floor area ratio were inaccessible spaces in the attic.

Member Yan recognized that the floor area ratio included porches, attic space and the vaulted ceiling (not open to below), which were not accessible. Member Yan indicated that the design was sensible for the street, and the proposal had been scaled down with the massing blended into the building.

Member Gutfreund felt the design fit the community. However, the house was still very large, and the requested variances were over those normally approved by the Committee. Member Gutfreund expressed concern that approving the variances would generate future comments and requests for similar variances within the neighbourhood based on precedence.

Member Sampson pointed out that the proposal was a large house on a large lot with a greater floor area than presented when the excluded open-to-below areas were added to the calculation. Member Sampson noted the positioning of the lot adjacent to the school had a moderating effect on the appearance of the home. The member expressed that the design was pleasant and suitable for the area.

Member Gutfreund concurred with Member Sampson that the positioning of the home provided some balance to the scale. Member Gutfreund challenged the indication of the agent that the homeowner had scaled back the proposal as far as could be achieved while still meeting the family's needs, noting that without the option of a minor variance, the home would have to be scaled back even further to comply with the standards. The design was pleasing, but Member Gutfreund remained concerned that if granted, it would be raised by future applicants as precedent and the home needed to align with the neighbourhood's character.

The Chair indicated that the Committee had worked hard to maintain a reasonable standard within the City concerning massing and cumulative impacts. The Committee had strived to achieve an equitable threshold for requested increases, ensuring that applications remained below the 50 percent floor area ratio in this area, and by altering that position, the Committee would be setting a precedent. The home was not in character with the smaller homes of the street and surrounding area. The design could be altered to lower the massing while achieving the desired spaces. The requests were not minor, and the cumulative impacts of the massing were not desirable.

Member Gutfreund concurred with the Chair that approval of the application would be seen as setting a precedent that could impinge on this and future Committees' decisions.

The Chair noted the favourable staff report; however, they also referred to public input from the Community Association that did not support the application, which had been received as a written submission and needed to be considered in the decision-making process.

Member Gutfreund noted that the Committee members all agreed they liked the design. However, the proposed floor area ratio request was not minor, and the member disagreed with the assessment of the staff report. Member Gutfreund indicated that the design was appropriate but should be reduced to a floor area ratio of 50 percent or less and suggested the applicant consider a deferral to modify the plans.

The Chair confirmed that the agent agreed to a deferral.

The Chair expressed that the property's location was highly visible and the massing was of concern and that the floor area ratio was higher than would normally be considered; the size was outside of the area's character and would have impacts on the surrounding neighbourhood.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. **A/038/23** be deferred sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

Committee of Adjustment Minutes
Wednesday June 28, 2023

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:39 pm,
and the next regular meeting would be held on July 12, 2023.

CARRIED

original signed July 12, 2023
Secretary-Treasurer,
Committee of Adjustment

original signed July 12, 2023
Chair