

# Memorandum to the City of Markham Committee of Adjustment

January 07, 2025

**File:** A/128/24  
**Address:** 53 Jinnah Avenue, Markham  
**Applicant:** Yue Li  
**Hearing Date:** Wednesday, January 22, 2025

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2\*588, as amended, as it relates to a new exterior side door, to permit:

**a) By-law 177-96, Section 5, Table B2, Part 1 of 3, E:**

an interior side yard setback of 0.9 m, whereas the by-law requires a minimum interior side yard setback of 1.2 m.

## **BACKGROUND**

### **Property Description**

The 380.25 m<sup>2</sup> (4,092.98 ft<sup>2</sup>) subject property is located on the south side of Jinnah Avenue, east of Middlefield Road and south of 14<sup>th</sup> Avenue. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 2023.

### **Proposal**

The applicant is proposing to construct a new exterior side door and concrete step on the west elevation of the first floor.

### **Official Plan and Zoning**

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

### Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception \*588” (R2\*588) under By-law 177-96, as amended. While the R2 zoning permits single-detached, semi-detached, duplex, triplex, fourplex, townhouse dwellings, Home Occupations, and Home Child Care uses, Exception \*588 specifically restricts the permitted uses to Single Detached Dwellings, Home Occupations, and Home Child Care only, with additional applicable development standards.

### **Applicant’s Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, *“The sill height of the additional side entrance is about 1 ft from grade level and we would need to add a precast concrete step to make it code-compliant. The additional step will encroach into the required side setback by about 1 ft.”*

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process 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.

### **Reduced Side Yard Setback**

The applicant is requesting a minimum interior side yard setback of 0.9 m (2.95 ft) whereas the by-law requires a minimum interior side yard setback of 1.2 m (3.94 ft).

The requested variance only applies to the concrete step for the proposed exterior side door and there is still sufficient setback remaining. The main wall of the house still complies with the minimum interior side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

Staff have no objections to the approval of the proposed interior side yard reduction subject to it applying to only the proposed concrete step to access the house.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 7, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

### **CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

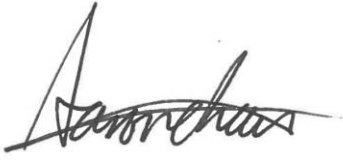
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

### **APPENDICIES**

Appendix "A" – A/128/24 Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



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Aaron Chau, Planner I, Planning and Urban Design Department

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/24**

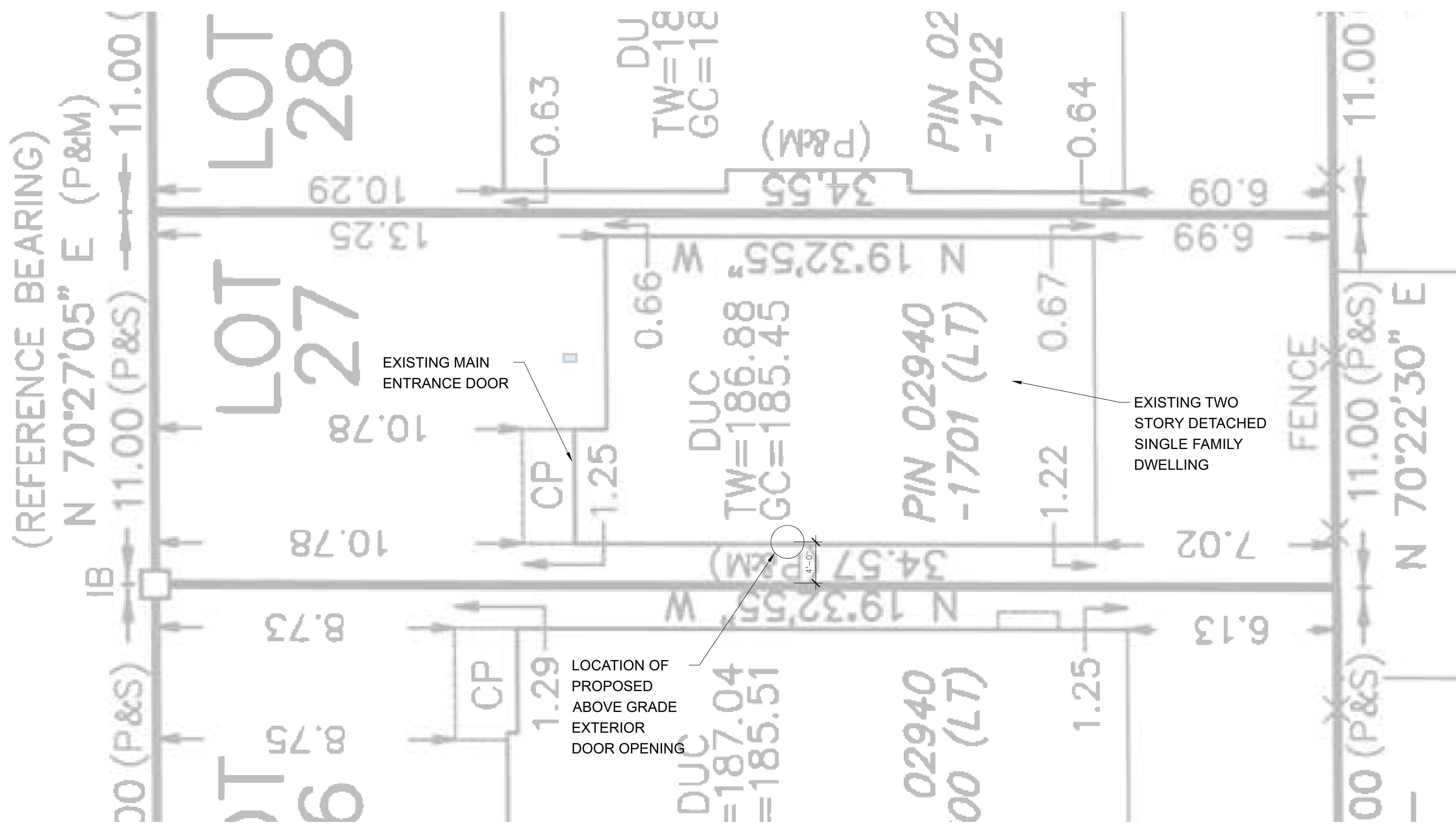
1. The variances apply only to the proposed concrete step as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on October 24, 2024 and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written in a cursive style.

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Aaron Chau, Planner I, Planning and Urban Design Department



# Appendix B

File: 24.195982.000.00.MNV  
 Date: 1/10/2025  
 MM/DD/YYYY

The contractor must verify and accept responsibility for all dimensions and conditions on site. This drawing is not to be scaled. The designer is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., information shown on this drawing. Refer to the appropriate consultant's drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked 'For Construction' must assume full responsibility and bear costs for any corrections or damages resulting from his work.

#	ISSUED FOR	DATE
1	PERMIT	2023-05-25

The undersigned has reviewed and takes responsibilities for this design, and has the qualifications and meets the requirements set out in the Ontario building code to be a designer.

QUALIFICATIONS INFORMATION  
 Required unless design is exempt under 2.17.5.1 of the building code

YUE LI *Yue Li* #103525  
 Name Signature BCIN/BCDN

PROJECT ADDRESS:  
 53 Jinnah Ave  
 Markham, ON L3S 0G2

DRAWING NAME:  
 SITE PLAN

PROJ. #:	DATE:
DRAWN BY:	CHECKED BY:
SCALE: 3/16"=1'-0"	PAPER SIZE: 22"x34"
NORTH:	DRAWING #:

↑  
 A001

# Appendix B

File: 24.195982.000.00.MNV

Date: 1/10/2025  
MM/DD/YYYY

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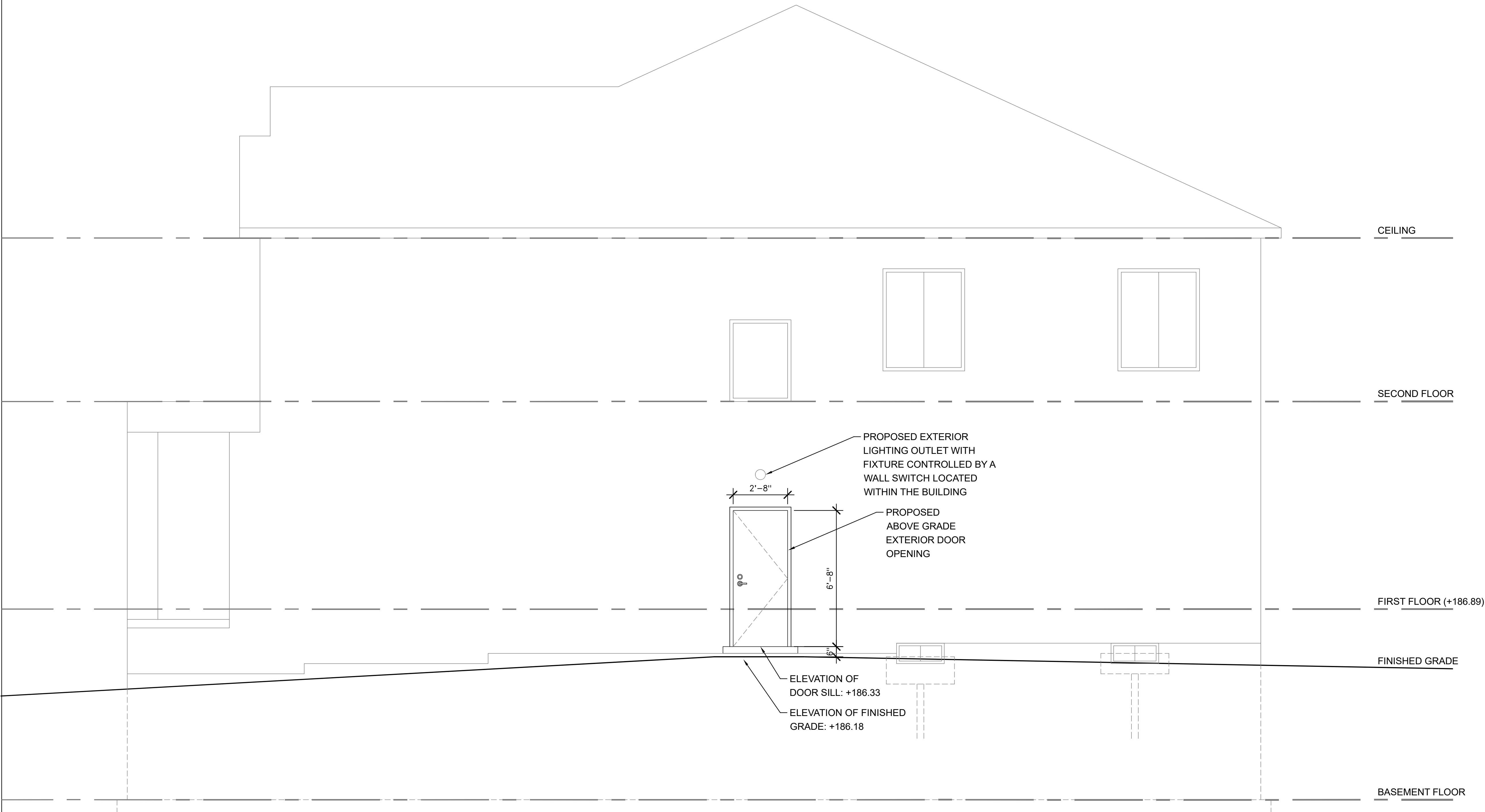
YUE LI #103525  
Name Signature BCIN/BCDN

PROJECT ADDRESS:  
  
53 Jinnah Ave  
Markham, ON L3S 0G2

DRAWING NAME:  
  
WEST  
ELEVATION

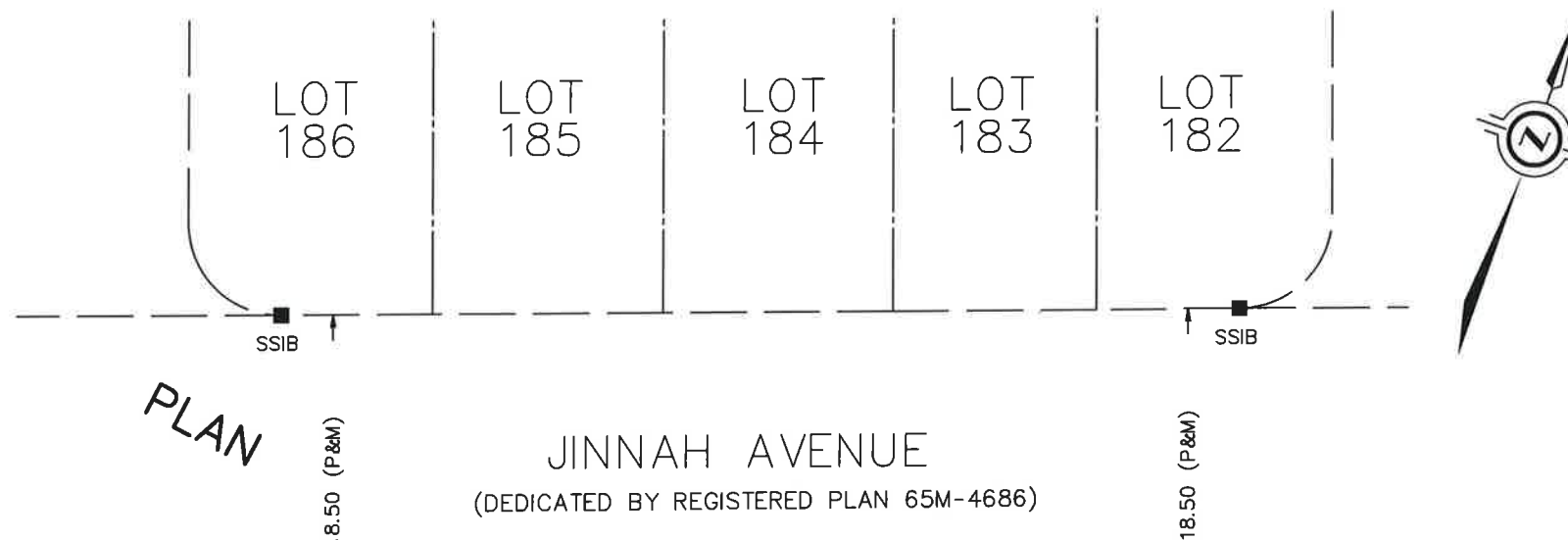
PROJ. #:	DATE:
DRAWN BY:	CHECKED BY:
SCALE: 3/16"=1'-0"	PAPER SIZE: 22"x34"
NORTH:	DRAWING #:

## A201



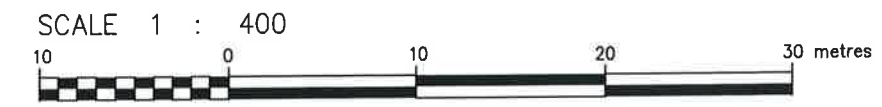


REGISTERED



SURVEYOR'S REAL PROPERTY REPORT  
 PART 1 - PLAN OF SURVEY OF **Appendix B**  
**LOTS 26, 27 AND 28**  
**REGISTERED PLAN 65M-4686**  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

File: 24.195982.000.00.MNV  
 Date: 1/10/2025  
 MM/DD/YYYY



J.D. BARNES LIMITED  
 © COPYRIGHT 2023

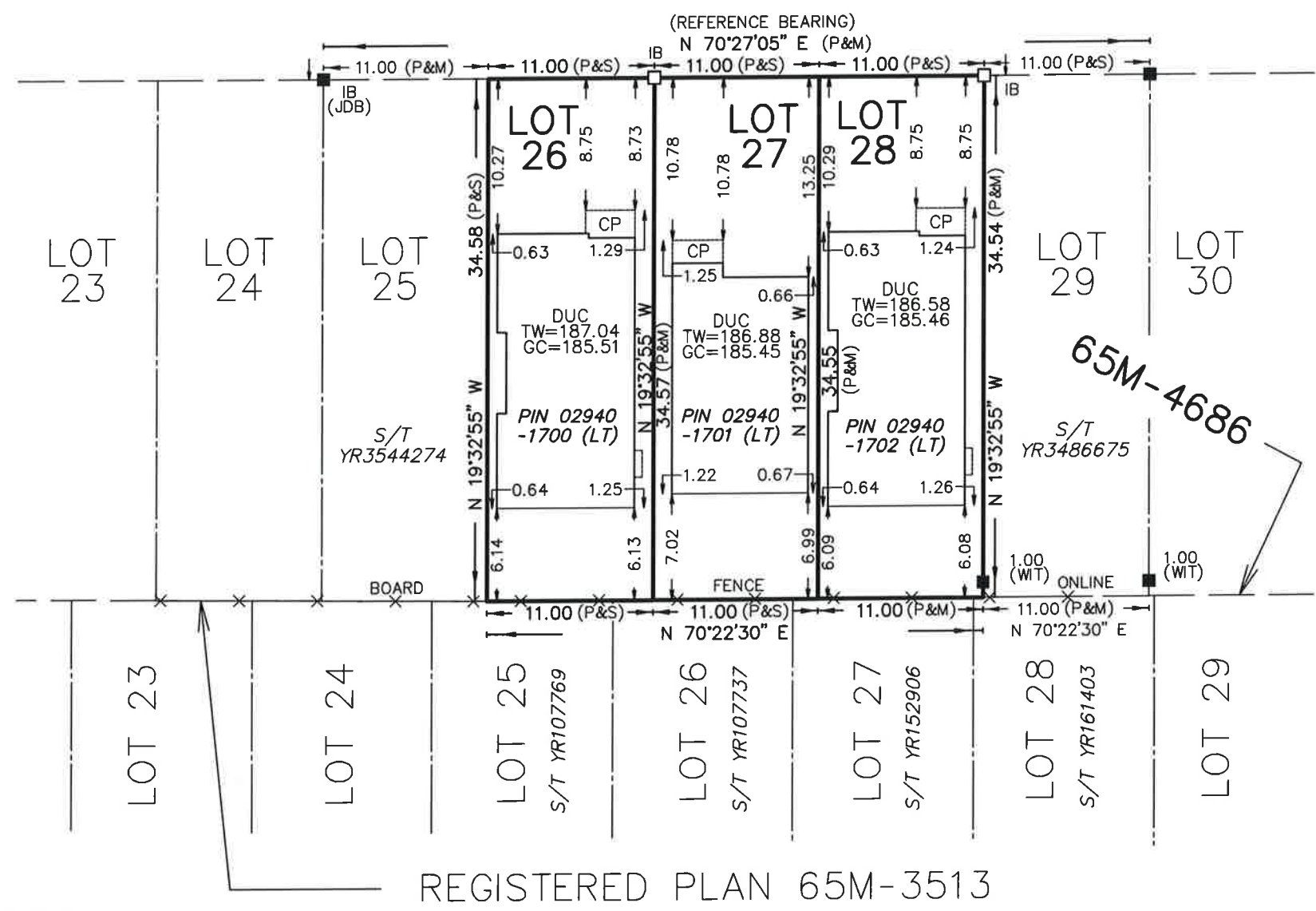
**METRIC** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**

- BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM THE SOUTH LIMIT OF JINNAH AVENUE, HAVING A BEARING OF N 70°27'05" E, IN ACCORDANCE WITH REGISTERED PLAN 65M-4686
- ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION
- ALL FOUND SURVEY MONUMENTS ARE IRON BARS AND WERE SET BY SCHAEFFER DZALDOV BENNETT LTD., OLS, UNLESS NOTED OTHERWISE
- COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY
- ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM AND ARE DERIVED FROM THE CITY OF MARKHAM BENCHMARK No. M-31-038, HAVING A PUBLISHED ELEVATION OF 189.399 m

**LEGEND**

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
WIT	DENOTES	WITNESS
DUC	DENOTES	DWELLING UNDER CONSTRUCTION
P&S	DENOTES	REGISTERED PLAN 65M-4686 AND SET
P&M	DENOTES	REGISTERED PLAN 65M-4686 AND MEASURED
S/T	DENOTES	SUBJECT TO EASEMENT AS IN INST. No.
TW	DENOTES	TOP OF FOUNDATION WALL ELEVATION
GC	DENOTES	GARAGE CUT ELEVATION
CP	DENOTES	CONCRETE PORCH
JDB	DENOTES	J.D. BARNES LIMITED, OLS



**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON APRIL 17, 2023

June 21, 2023 DATE  
 Michael J. Gorman  
 ONTARIO LAND SURVEYOR

**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**PLAN SUBMISSION FORM**  
**2206967**

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

**PART 2 - SURVEY REPORT**

- DESCRIPTION  
 LOTS 26, 27 AND 28, REGISTERED PLAN 65M-4686, CITY OF MARKHAM
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY  
 NO REGISTERED EASEMENTS ON TITLE
- ADDITIONAL REMARKS  
 BOARD FENCE EXISTS NEAR THE SOUTH LIMIT OF LOTS 26, 27 AND 28, AS SHOWN ON THE PLAN

**J.D. BARNES LIMITED**  
 LAND INFORMATION SPECIALISTS  
 140 REXFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3  
 F: (905) 477-3882 www.jdbarnes.com

SB DRAWN  
 M.J.G. CHECKED  
 DATED: NOV/16/22  
 Ref. No. 21-21-550-00-26

PREPARED FOR: FULTON HOMES

G:\21-21-550\00\SRPRs\spr 26-28.dgn  
 PLOTTED 6/21/2023