Memorandum to the City of Markham Committee of AdjustmentJuly 16, 2025

File: A/040/25

Address: 44 Peter Street, Markham
Applicant: Z Square Group (Mengdi Zhen)
Hearing Date: Wednesday, July 30, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

a) By-law 2024-19, Section 6.3.2.2 (i):

a minimum interior side yard setback of 1.69 metres, whereas the by-law requires a minimum interior side yard setback of 1.8 metres;

b) By-law 2024-19, Section 6.3.2.2 (i):

a minimum combined interior side yard setback of 3.39 metres, whereas the bylaw requires a minimum combined interior side yard setback of 4.98 metres; and

c) By-law 2024-19, Section 6.3.2.2 (c):

a maximum second storey main building coverage of 23.9 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;

BACKGROUND

Property Description

The 805.45 m² (8,669.80 ft²) subject property is located on the west side of Peter Street, west of Main Street Markham North and south of 16th Avenue. The property is located within an established historic residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a slow transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property. Although the Subject Lands are not located within the Markham Village Heritage Conservation District, it is located within the 60-meter buffer.

There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1958.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 431.69 m² (4,646.67 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. The Official Plan also contains policies protecting the physical character of established neighborhoods in section 8.2.3.1(a) which states:

"On lands designated 'Residential Low Rise' to respect the physical character of established neighborhoods including heritage conservation districts"

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits single detached dwellings.

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, "Desired size of the dwelling can not be achieved with the current zoning limitations".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 2, 2025 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 Interior Side Yard and Combined Interior Side Yard Setbacks

The applicant is requesting a minimum interior side yard setback of 1.69 m (5.54 ft), whereas the by-law requires a minimum interior side yard setback of 1.8 m (5.91 ft). The applicant is also requesting relief to permit a minimum combined interior side yard setback of 3.39 m (11.12 ft), whereas the by-law requires a minimum combined interior side yard setback of 4.98 m (16.34 ft).

By requiring a minimum interior and combined side yard setbacks, the By-law ensures that buildings maintain consistent spacing and prevents overcrowding. It ensures consistent building separation and avoids the visual and functional impacts of overcrowding.

Staff note that there have been historical applications for relief from side yard setback requirements on Peter Street. However, these were submitted under the previous by-law and generally related to sheds or minor accessory structures, not the main dwelling. Applications involving the main building were typically for porches or to accommodate heritage restoration requirements.

Staff do not support the proposed reductions to the interior and combined side yard setbacks. Staff opine that the requested variances are not minor in nature and fail to uphold the intent and purpose of the Zoning By-law. As such, Staff believe that the proposed side yard variances do not satisfy the four tests for a Minor Variance as set out in the Planning Act.

Increase in Maximum Lot Coverage

The applicant is requesting a second-storey main building coverage of 23.9% of the lot area, whereas the Zoning By-law permits a maximum of 20% for any storey above the first. This results in a total second-storey coverage of 191.52 m² (2,061.71 ft²), representing an increase of 3.9% or approximately 31.22 m² (336.01 ft²) above the permitted amount.

The proposed building layout complies with key zoning provisions, including overall lot coverage and building height. As such, the second floor of the dwelling remains compatible with the intended scale and character of residential infill development in the neighbourhood. The proposed gross floor area is also consistent with the evolving pattern of infill redevelopment in the area.

Furthermore, the proposed second-storey coverage remains less than that of the first storey and incorporates adequate architectural articulation, helping to mitigate visual massing impacts. Staff have no objections to the proposed variance, as it is considered minor in nature and maintains the general intent of the Zoning By-law and Official Plan.

PUBLIC INPUT SUMMARY

As of July 23, 2025, the City received 9 letters of support. 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 Variance Request C, which seeks a maximum second-storey main building coverage of 23%, meets the four tests under the Planning Act, and therefore, have no objection to its approval.

However, Variance Requests A and B, which relate to a reduced interior side yard and reduced combined side yard, do not meet the four tests of the Planning Act. As such, staff recommend that these variances be denied. 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.

Heritage Markham has reviewed the Minor Variance Application and has indicated that they have no objections or specific support for the proposal.

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

APPENDICIES

Appendix "A" – A040/25 Conditions of Approval Appendix "B" – Drawings

PREPARED BY:

Aaron Chau, Planner I, East District

REVIEWED BY:

Carlson Tsang, Senior Planner, East District

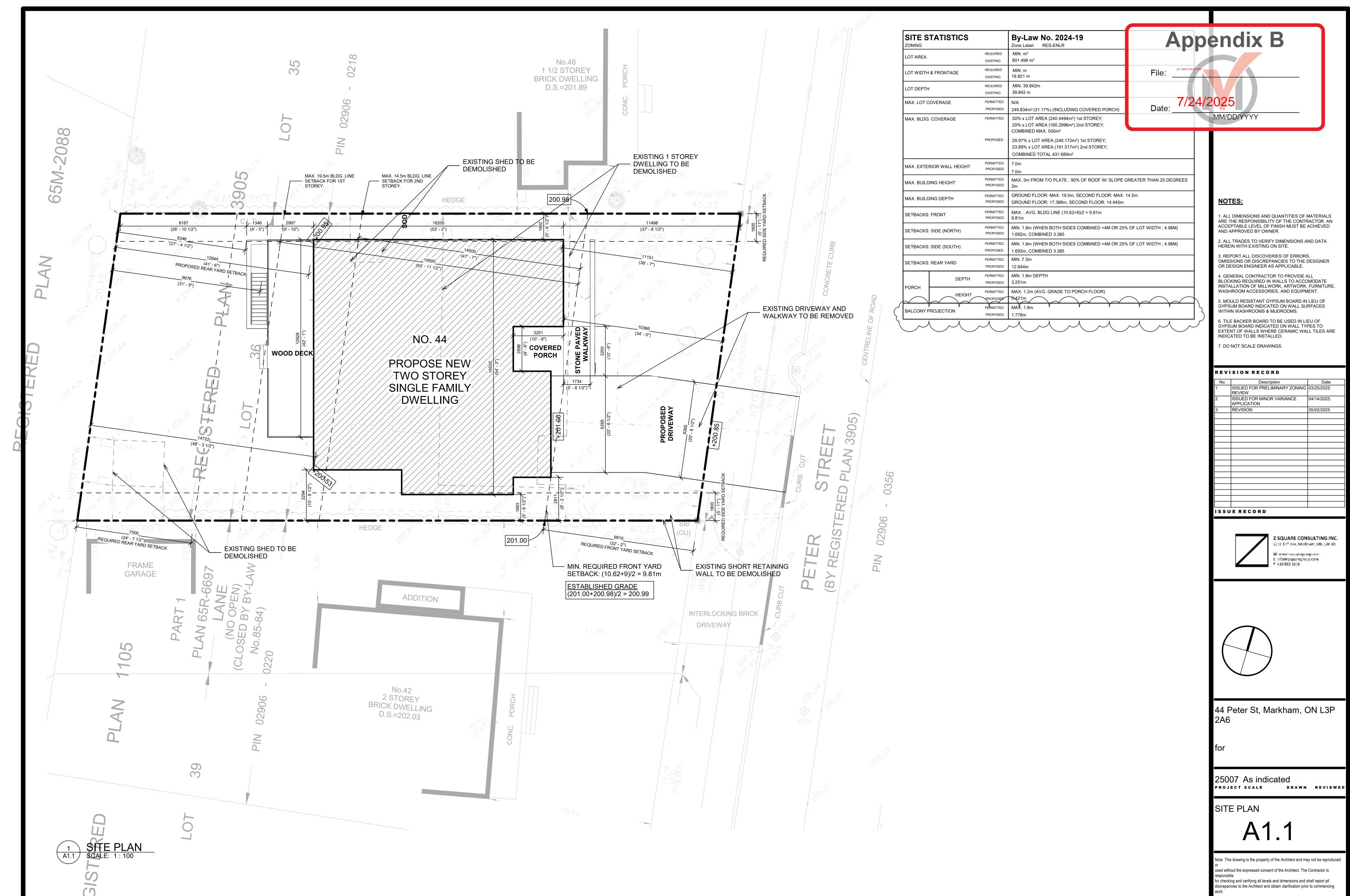
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APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/040/25

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

CONDITIONS PREPARED BY:

Aaron Chau, Planner I, East District







1. ALL DIMENSIONS AND QUANTITIES OF MATERIALS ARE THE RESPONSIBILITY OF THE CONTRACTOR. AN ACCEPTABLE LEVEL OF FINISH MUST BE ACHIEVED AND APPROVED BY OWNER.

2. ALL TRADES TO VERIFY DIMENSIONS AND DATA HEREIN WITH EXISTING ON SITE.

3. REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER OR DESIGN ENGINEER AS APPLICABLE.

4. GENERAL CONTRACTOR TO PROVIDE ALL BLOCKING REQUIRED IN WALLS TO ACCOMODATE INSTALLATION OF MILLWORK, ARTWORK, FURNITURE, WASHROOM ACCESSORIES, AND EQUIPMENT.

5. MOULD RESISTANT GYPSUM BOARD IN LIEU OF GYPSUM BOARD INDICATED ON WALL SURFACES WITHIN WASHROOMS & MUDROOMS.

6. TILE BACKER BOARD TO BE USED IN LIEU OF GYPSUM BOARD INDICATED ON WALL TYPES TO EXTENT OF WALLS WHERE CERAMIC WALL TILES ARE INDICATED TO BE INSTALLED.

7. DO NOT SCALE DRAWINGS.

REVISION RECORD

No.	Description	Date
1	ISSUED FOR PRELIMINARY ZONING REVIEW	03/25/2025
2	ISSUED FOR MINOR VARIANCE APPLICATION	04/14/2025
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ISSUE RECORD

44 Peter St, Markham, ON L3P 2A6

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25007 1:50 PROJECT SCALE

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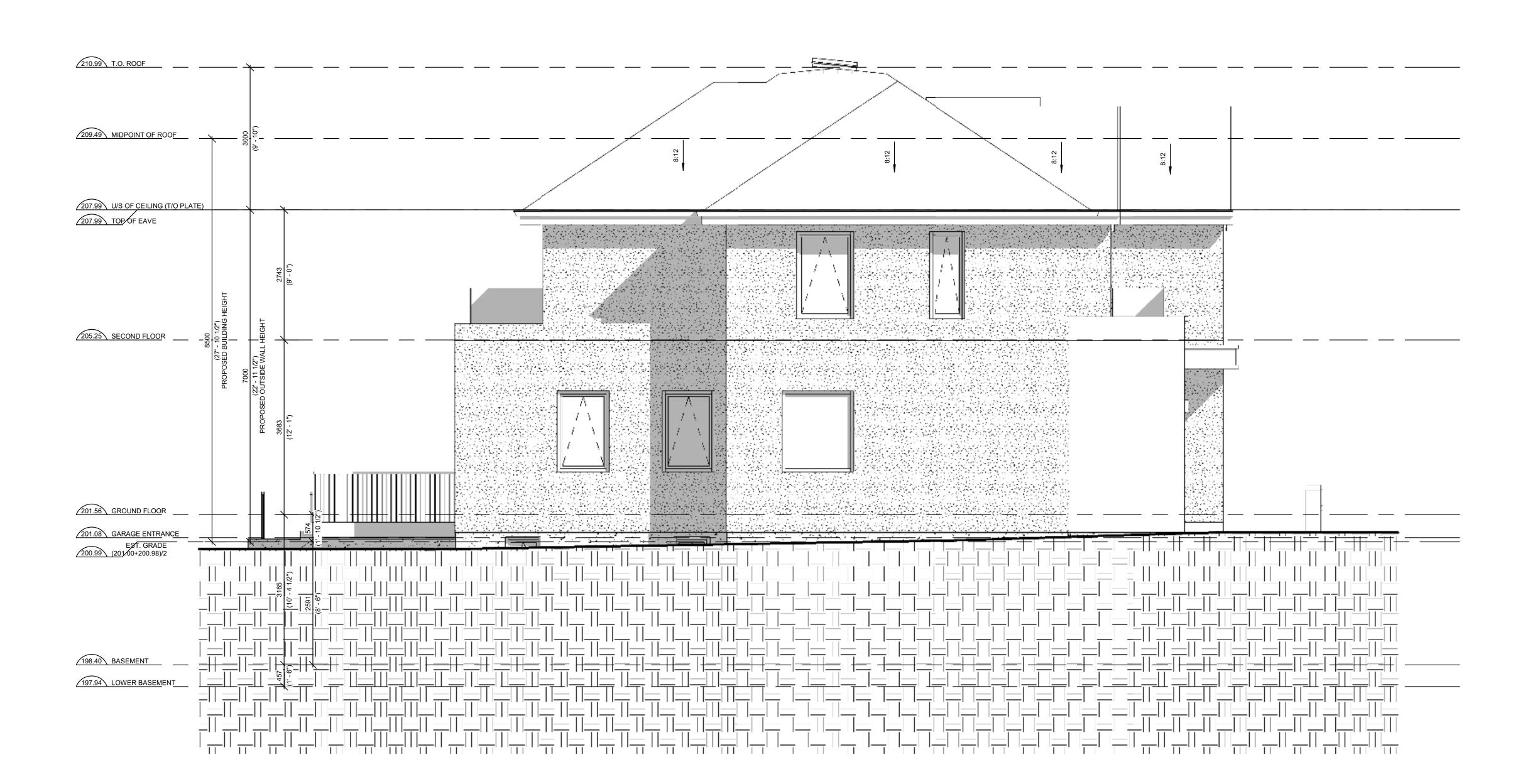
EAST (FRONT) ELEVATION

A3.1

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responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing





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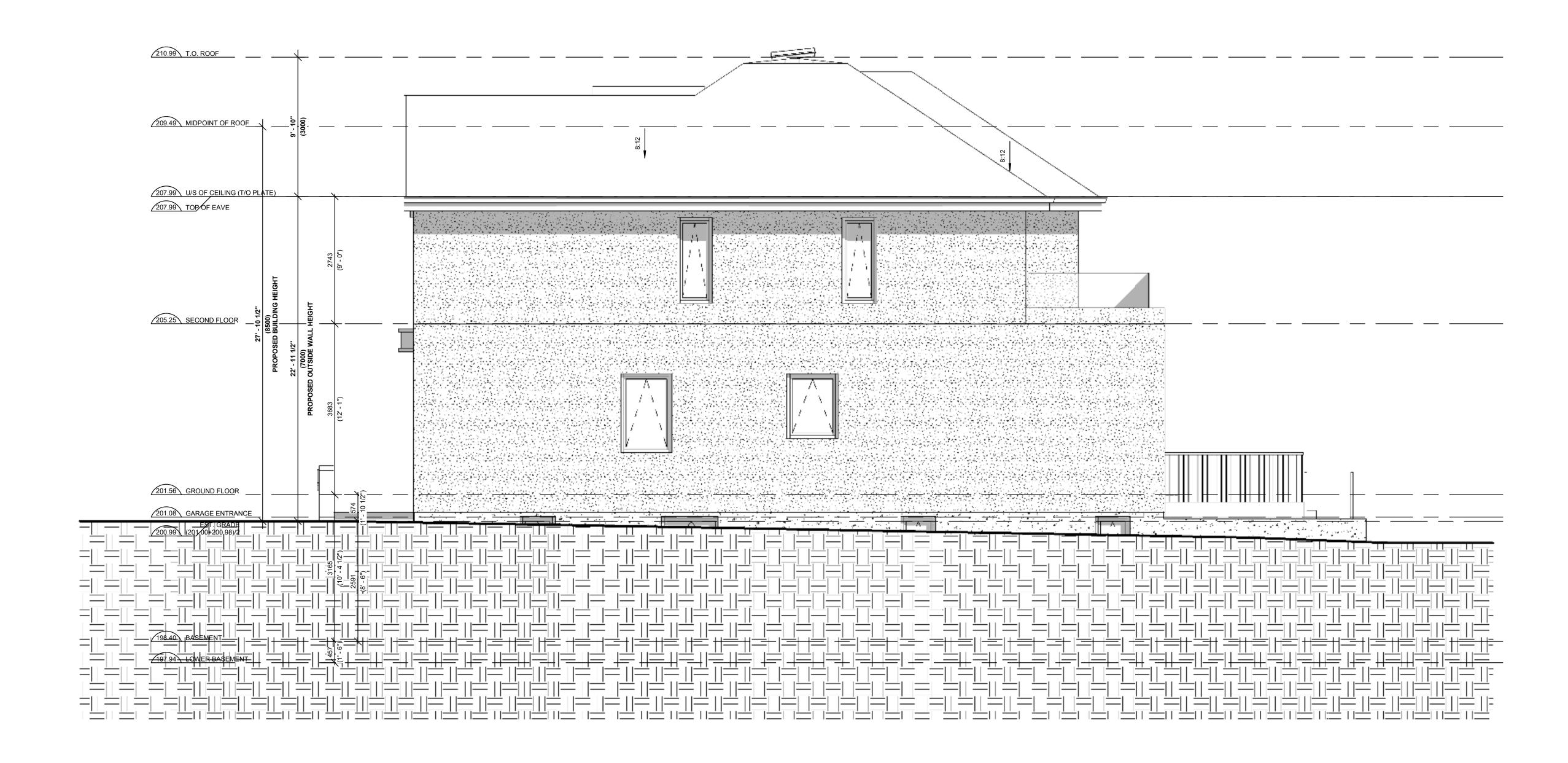
NORTH ELEVATION

A3.2

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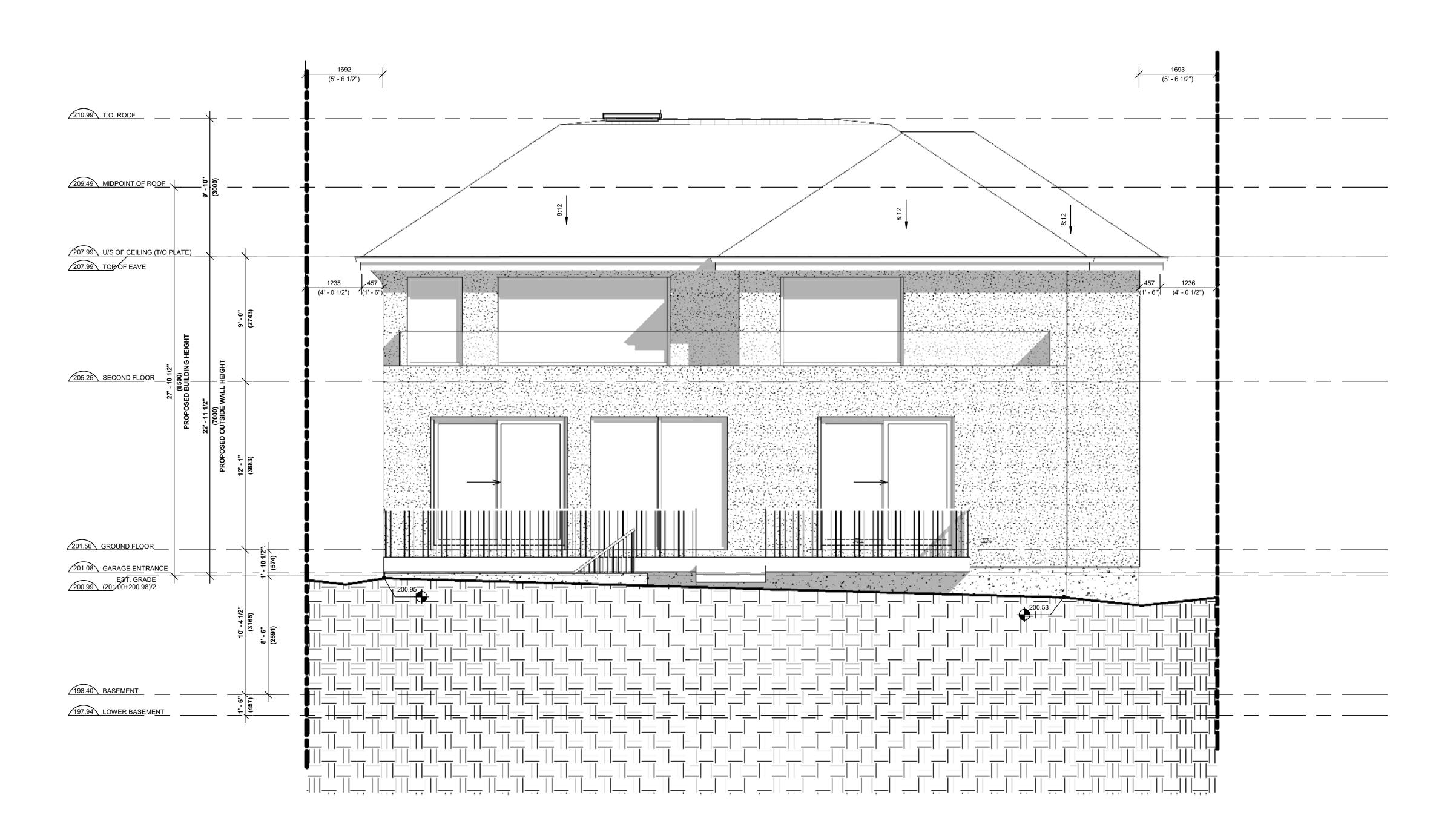
SOUTH ELEVATION

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WEST (REAR) ELEVATION

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