

Memorandum to the City of Markham Committee of Adjustment

September 24, 2025

File: A/040/25
Address: 44 Peter Street, Markham
Applicant: Z Square Group (Mengdi Zhen)
Hearing Date: Wednesday, October 15, 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:

- a) **By-law 2024-19, Section 6.3.2.2 (i):**
a minimum combined interior side yard setback of 4.249 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.98 metres; and
- b) **By-law 2024-19, Section 6.3.2.2 (c):**
a maximum second storey main building coverage of 23 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;

BACKGROUND

The Application was previously deferred at the July 30, 2025 Committee of Adjustment hearing by the Committee for the Applicant to address concerns over the reduced interior side yard setbacks (refer to Appendix "D"). Since the deferral, the Applicant has revised the proposal by reducing the maximum second storey main building coverage from 23.9 percent to 23.0 percent, signifying a reduction of 0.9 percent. The Applicant also slightly increased the combined interior side yards by 0.859 m (2.82 ft), thereby eliminating the need for the variance relating to a reduced interior side yard setback. However, the combined interior side yard setback remains deficient from the By-law requirement of 4.98 m (16.34 ft).

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a Gross Floor Area of 424.68 m² (ft²)

Official Plan and Zoning

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

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the "residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to setbacks, height, massing, and protection of existing vegetation. Section 8.2.3.1(a) states that "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 applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on August 28, 2025. 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. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 Coverage (Second Storey)

The applicant is requesting relief to permit a second storey main building coverage of 23 percent of the lot area, whereas the By-law permits a second storey main building coverage of 20 percent. This represents an additional 3 percent (24.03 m² or 258.66 ft²).

Staff note that the applicant revised the proposal from the previous request of 23.90% to 23%, which reflects a reduction of 0.9%, or approximately 7.18 m² (77.28 ft²). Staff's opinion remains unchanged (refer to Appendix "C"), and believe that the requested variance will not significantly increase the building's scale or massing. Staff have no concerns with the requested variance.

Reduced Combined Interior Side Yard Setback

The applicant is requesting a minimum combined interior side yard setback of 4.249 m (13.94 ft), whereas the by-law requires a minimum combined interior side yard setback of 4.98 m (16.34 ft).

Staff note that although the applicant has made changes to increase the combined interior side yards by 0.86 m (2.82 ft) from the previous 3.39 m (11.12 ft), the side yards remain deficient, falling short of the By-law requirement of 4.98 m (16.34 ft). These adjustments are negligible and do not meaningfully address the concerns previously raised by Committee.

Staff's position remains unsupportive of the proposed reduction to the combined side yard setbacks. Staff upholds the opinion that the requested variances are not minor in nature nor desirable and fail to uphold the intent and purpose of the Zoning By-Law.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 9, 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 variance request A, which seeks a maximum second-storey main building coverage of 23%, meets the four tests under the Planning Act, and have no objection to its approval.

Variance B, which relate to the reduced combined interior side yard setback do not meet the four tests of the Planning Act. Staff recommend that this variance be denied. Staff also 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:



Aaron Chau, Planner I, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 25 116047 \Documents\District Team Comments Memo

APPENDICIES

Appendix "A" – A/040/25 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – Staff Report Dated July 16 2025

Appendix "D" – Minutes Extract

APPENDIX "A"

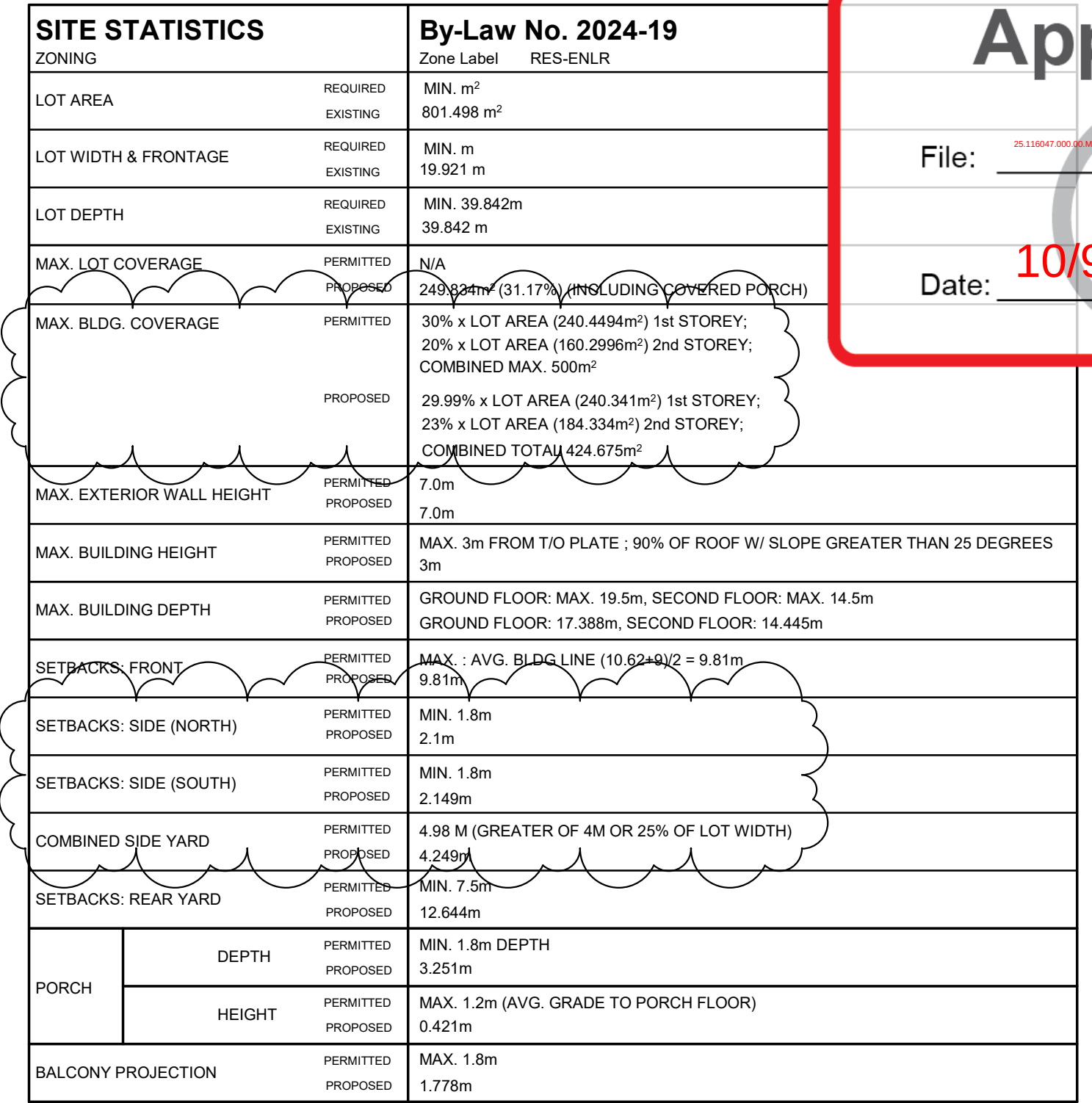
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/040/25

1. The variances apply only to the proposed development as long as it remains;
2. 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 August 28 2025, 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 over a horizontal line.

Aaron Chau, Planner I, East District



File: 25.11604.0000.00.MNFV

Date: 10/9/2025
MM/DD/YYYY

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

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

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

GENERAL CONTRACTOR TO PROVIDE ALL WORKING REQUIRED IN WALLS TO ACCOMMODATE ALL WALL MOUNTED ELECTRICAL ARTWORK, FURNITURE, WASHROOM ACCESSORIES, AND EQUIPMENT.

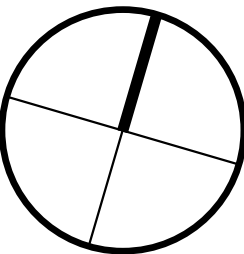
MOULD RESISTANT GYPSUM BOARD IN LIEU OF GYPSUM BOARD INDICATED ON WALL SURFACES WITHIN WASHROOMS & MUDROOMS.

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

DO NOT SCALE DRAWINGS.

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E info@zsquaregroup.com
T 416 502 1616



4 Peter St, Markham, ON L3P
A6

or

5007 As indicated

PROJECT SCALE	DRAWN	REVIEWED
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SITE PLAN

A1.1

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

MM/DD/YYYY

10/9/2025

Date: 10/9/2025
MM/DD/YYYY

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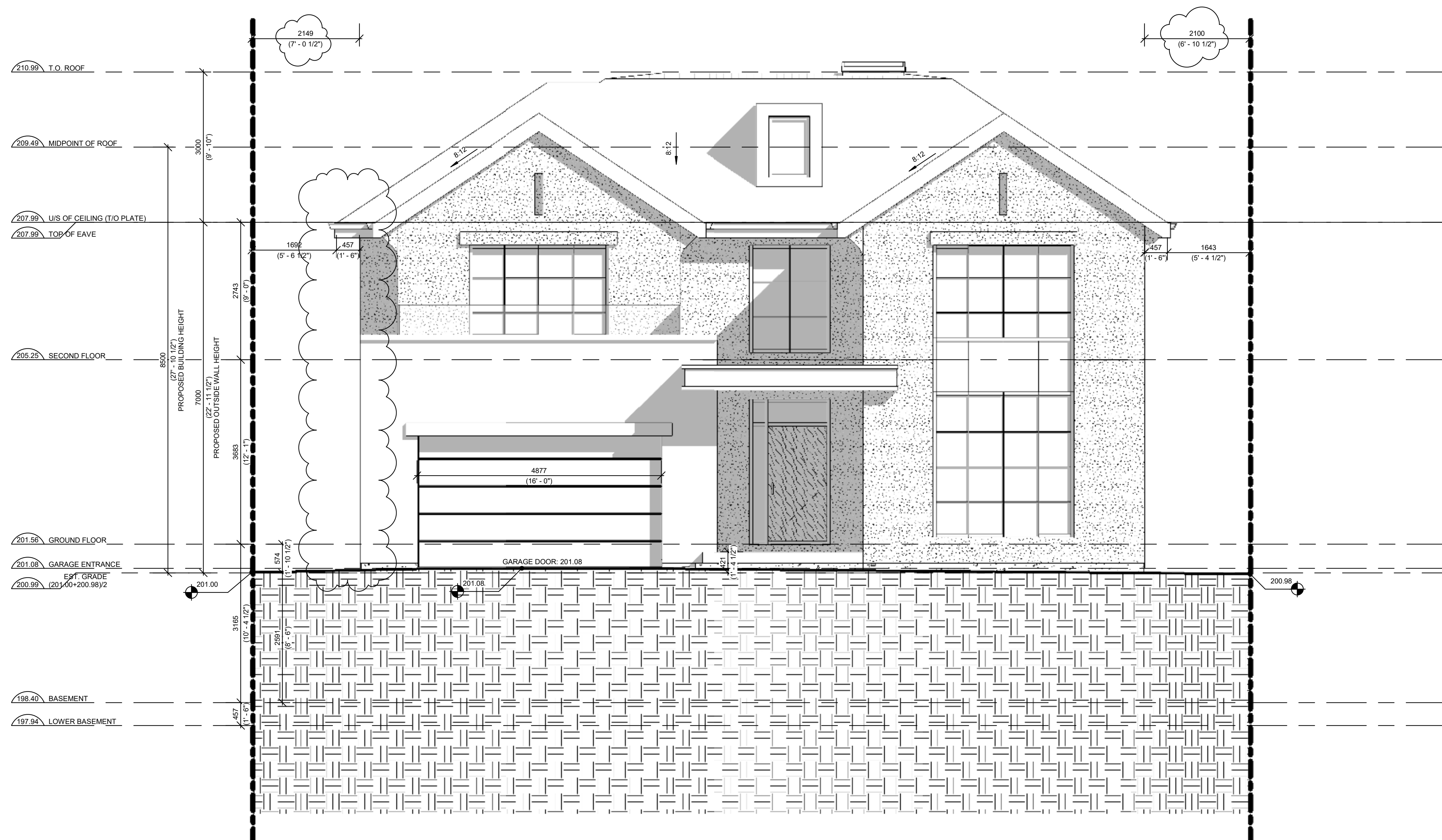
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for

PROJECT SCALE	DRAWN	REVIEWED
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A3.1

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1 EAST (FRONT) ELEVATION
A3.1 SCALE: 1 : 50

MM/DD/YYYY

10/9/2025

MM/DD/YYYY

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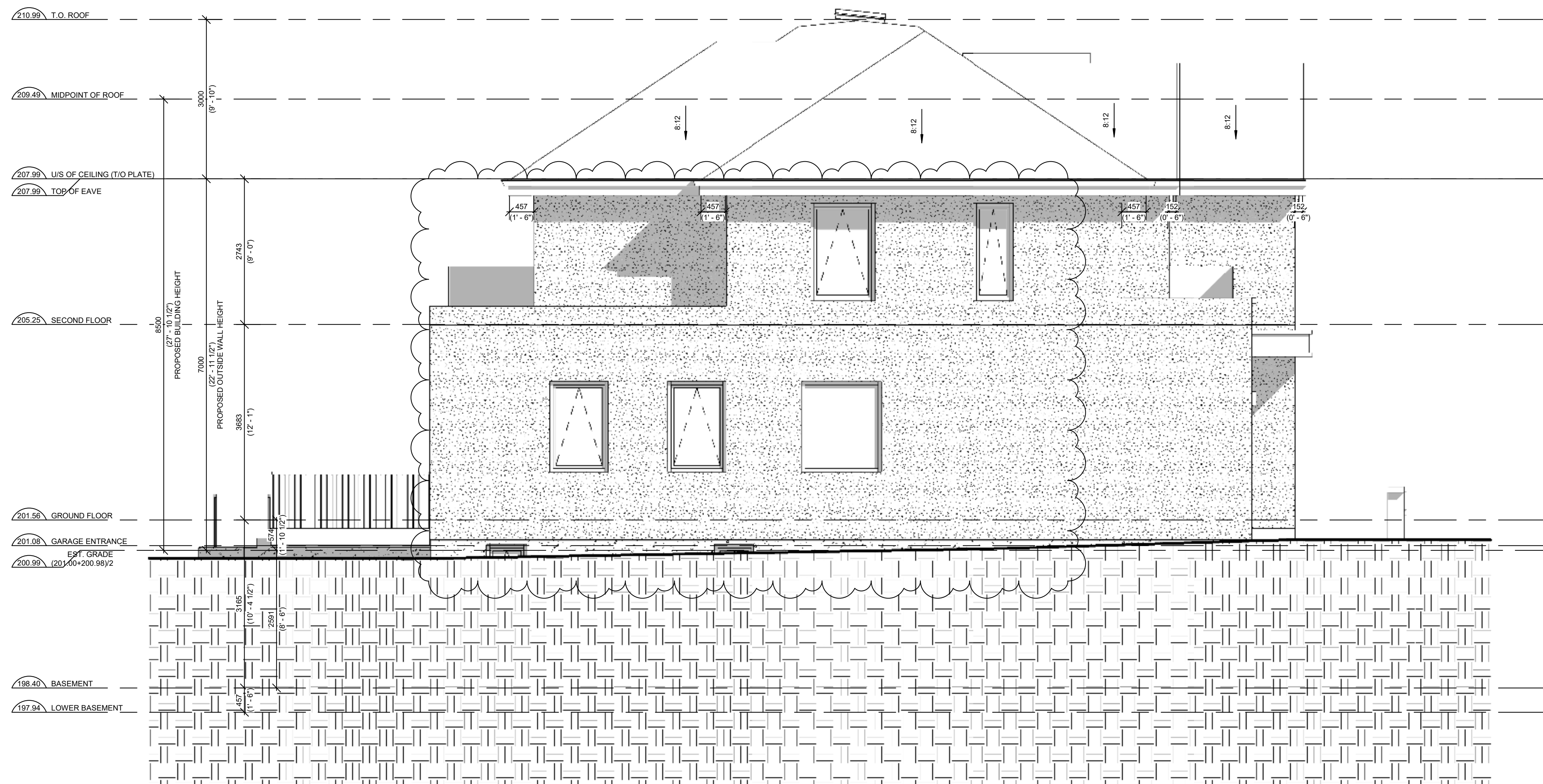
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PROJECT SCALE	DRAWN	REVIEWED
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A3.2

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1 NORTH ELEVATION
A3.2 SCALE: 1 : 50

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10/9/2025

Date: 10/9/2025
MM/DD/YYYY

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5. MOULD RESISTANT GYPSUM BOARD IN LIEU OF TYPE X 5/8" BOARD INDICATED ON WALL SURFACES WITHIN WASHROOMS & MUDROOMS.
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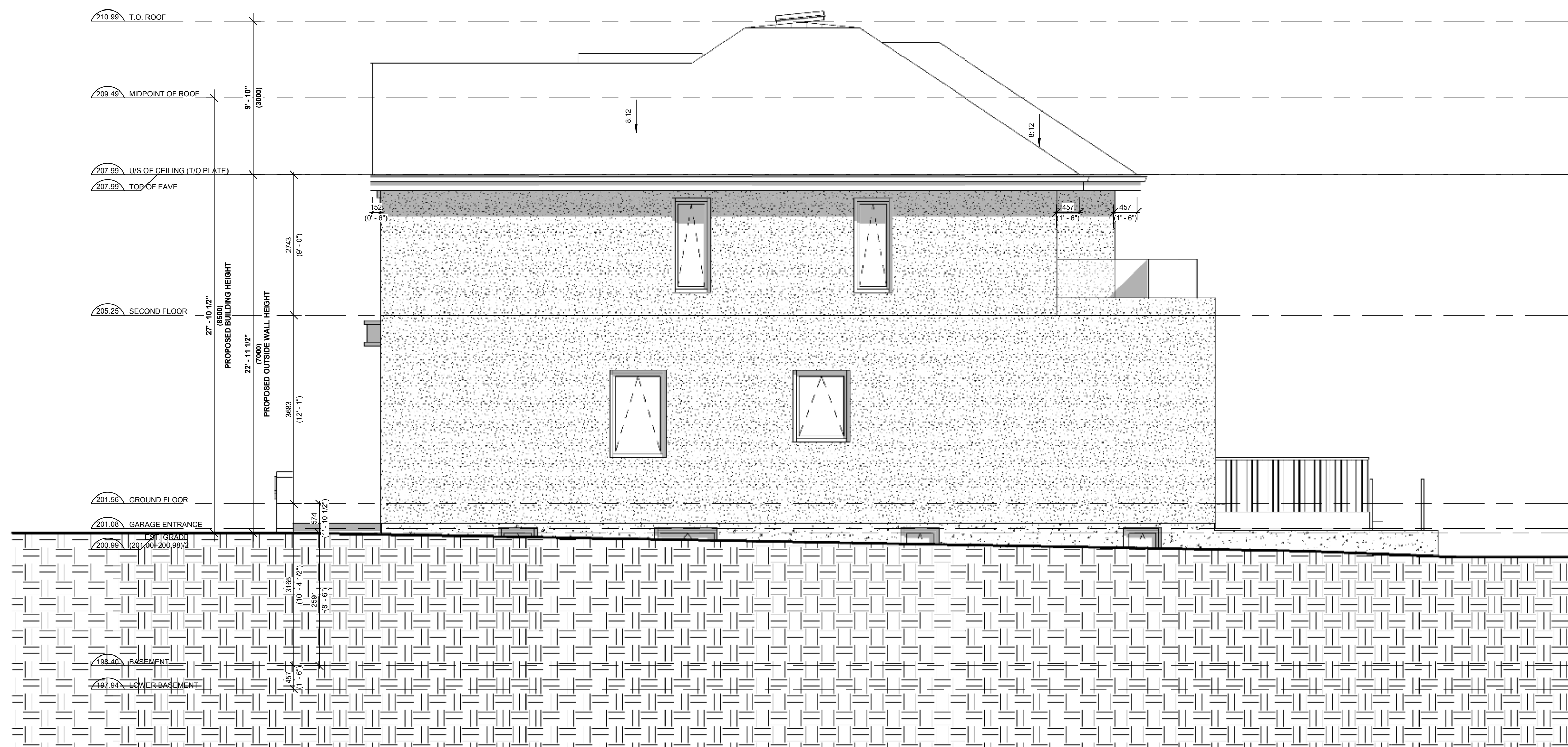
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for

PROJECT SCALE DRAWN REVIEWED

A3.3

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1 SOUTH ELEVATION
A3.3 SCALE: 1 : 50

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10/9/2025

Date: 10/9/2025
MM/DD/YYYY

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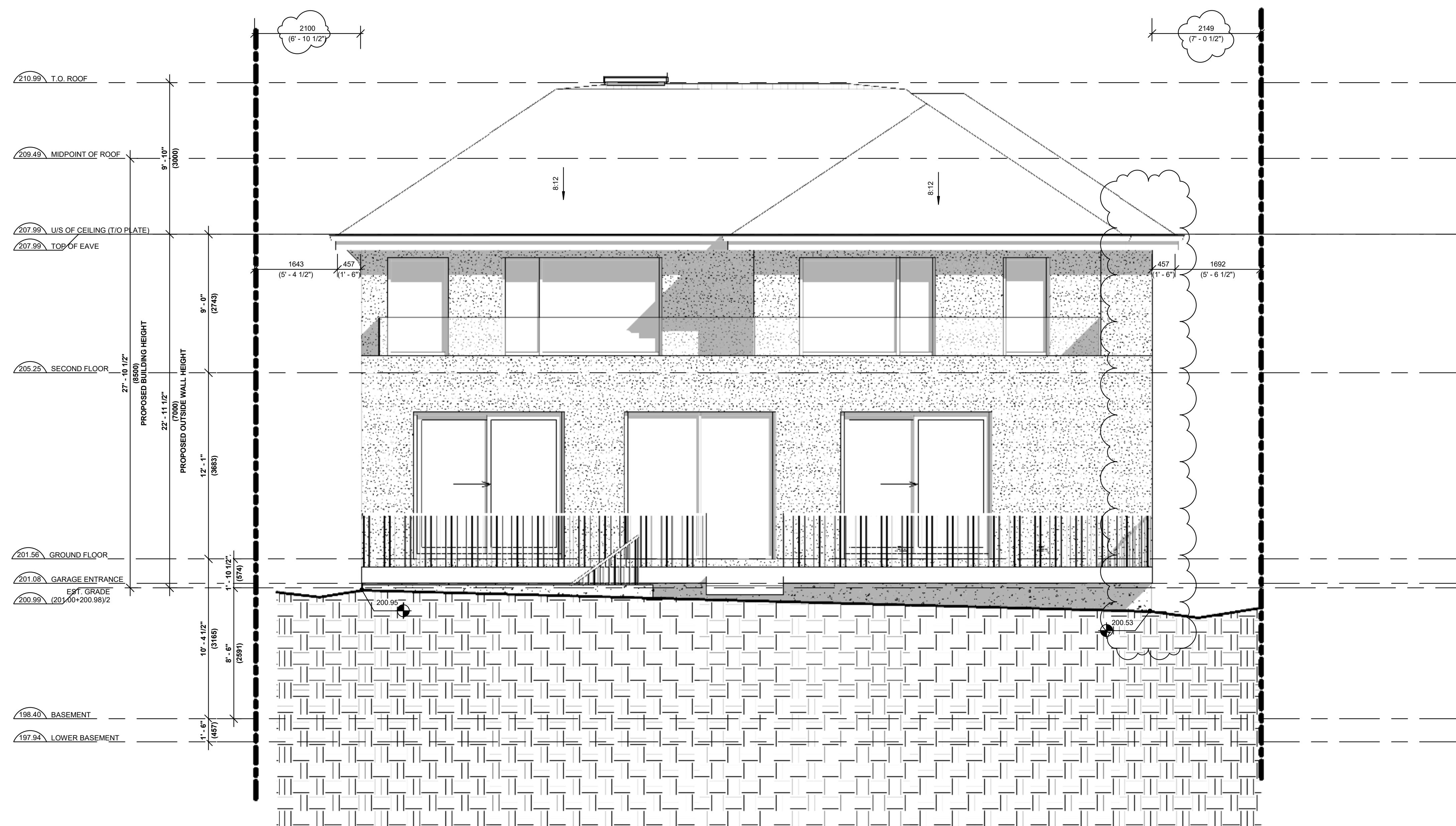
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for

PROJECT SCALE DRAWN REVIEW

A3.4

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1 WEST (REAR) ELEVATION
A3.4 SCALE: 1 : 50

Appendix D

Memorandum to the City of Markham Committee of Adjustment

July 16, 2025

File: A/040/25
Address: 44 Peter Street, Markham
Applicant: Z Square Group (Mengdi Zhen)
Hearing Date: Wednesday, July 30, 2025

File: _____
Date: **10/9/2025**
MM/DD/YYYY

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 by-law 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.

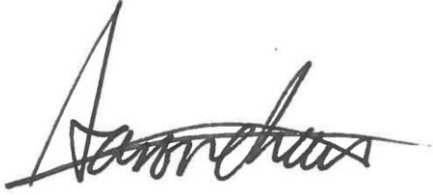
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A040/25 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Carlson Tsang', written over a horizontal line.

Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 25 116047 \Documents\District Team Comments Memo

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;
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 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 over a horizontal line.

Aaron Chau, Planner I, East District

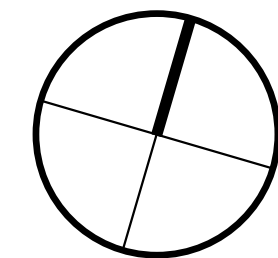


NOTES:

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7. DO NOT SCALE DRAWINGS.

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ISSUE RECORD



44 Peter St, Markham, ON L3P
2A6

for

25007 As indicated

SITE PLAN

A1.1

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MM/DD/YYYY

7/24/2025

Date: 11/24/2023
MM/DD/YYYY

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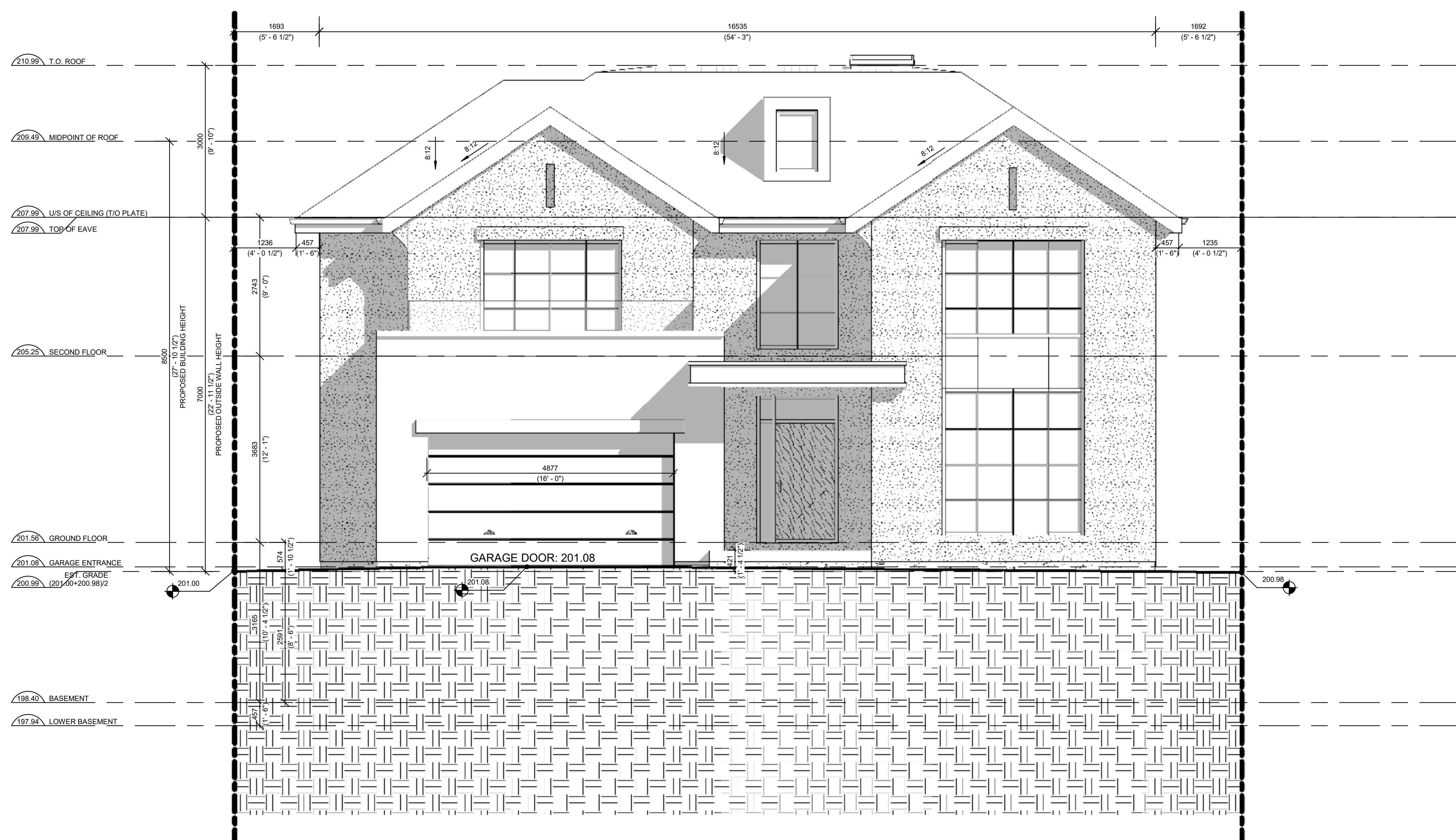
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PROJECT SCALE DRAWN REVIEWED

EAST (FRONT) ELEVATION

A3.1

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EAST (FRONT) ELEVATION
SCALE: 1 : 50

0-14-FG AM

Appendix B

File: 26.12.2024 000 000000

Date: 7/24/2025

MM/DD/YYYY

Date: 7/24/2025
MM/DD/YYYY

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 ACCOMMODATE INSTALLATION OF MILLWORK, ARTWORK, FURNITURE, WASHROOM ACCESSORIES, AND EQUIPMENT.
5. MOULD RESISTANT GYPSUM BOARD IN LIEU OF TYPE X OR BOI 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.

[illegible]

Z SQUARE CONSULTING INC.
 2200 15th Ave, Markham, ON, L3R 0J3

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E info@zsquareconsulting.com
T 416 502 1616

for

25007 1 : 50
PROJECT SCALE DRAWN REVIEWED

A3.2

Note: This drawing is the property of the Architect and may not be reproduced or used without the expressed consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.



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5. MOULD RESISTANT GYPSUM BOARD IN LIEU OF OTHER 5/8" 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.
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[illegible]

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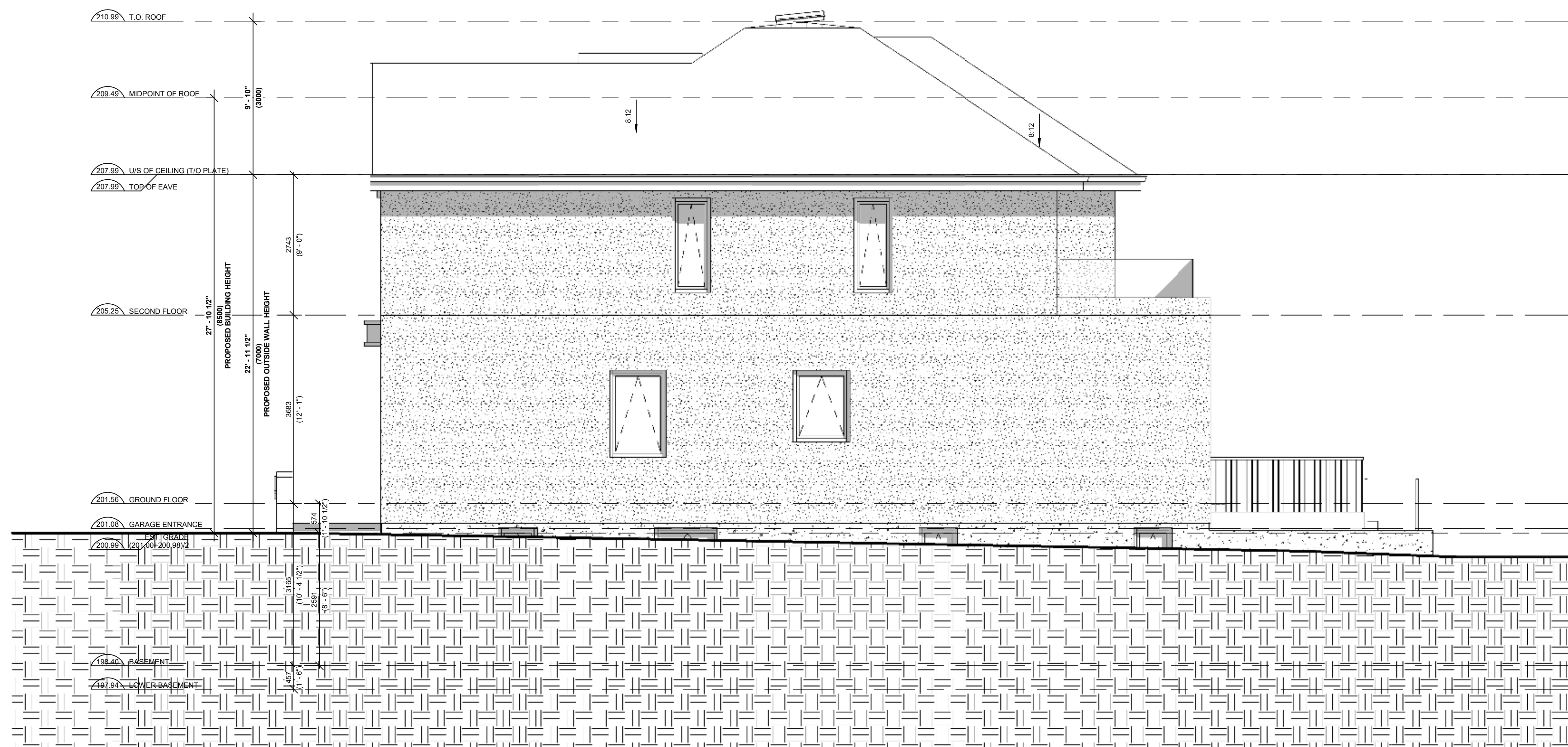
for

PROJECT SCALE DRAWN REVIEWED

A3.3

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0-14-F7 AM



1 SOUTH ELEVATION
A3.3 SCALE: 1 : 50

MM/DD/YYYY

7/24/2025

Date: 7/24/2025
MM/DD/YYYY

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6. THE T-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.
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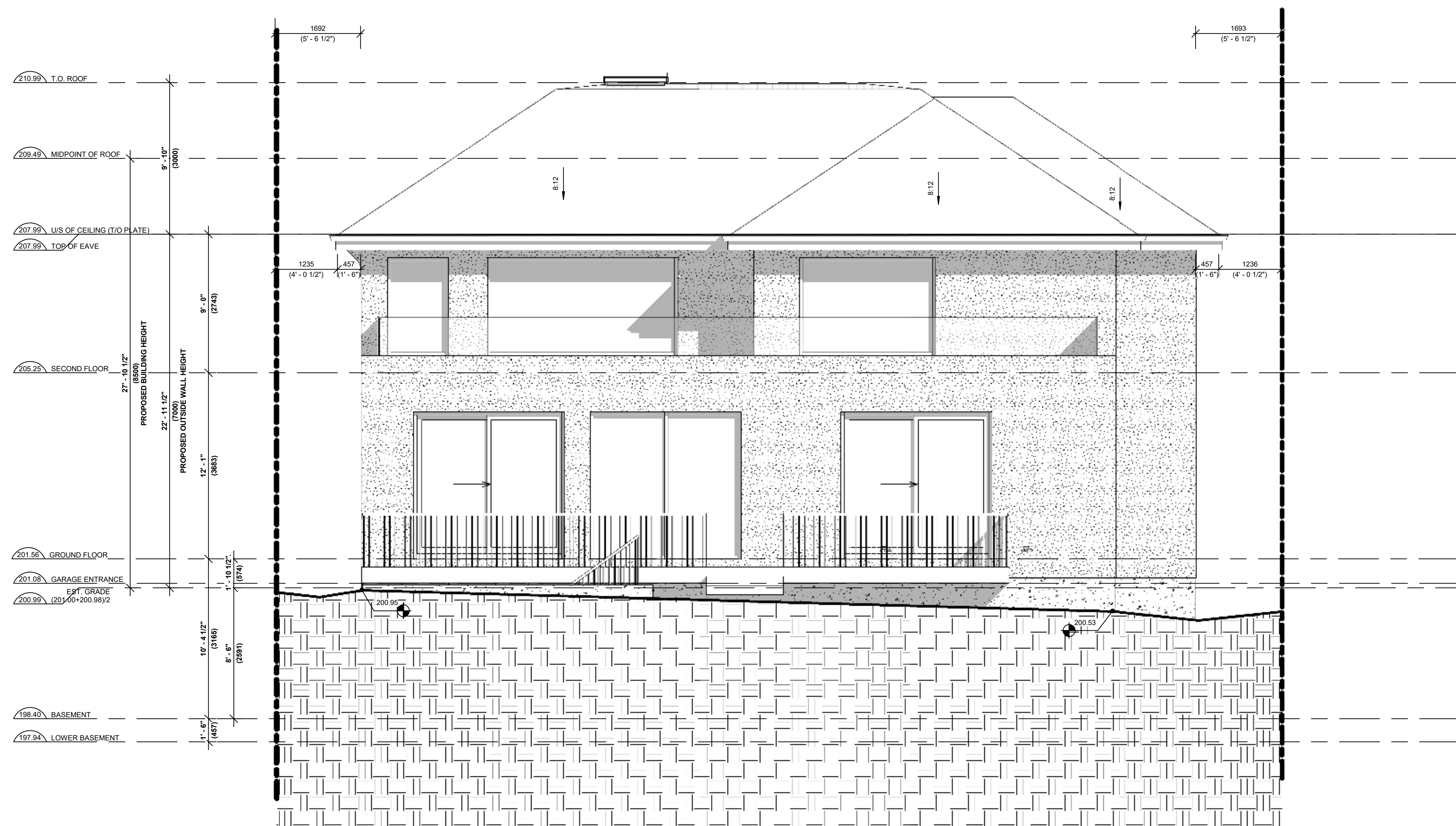
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for

PROJECT SCALE DRAWN REVIEWED

A3.4

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1 WEST (REAR) ELEVATION
A3.4 SCALE: 1 : 50

Appendix D

provide relief from the impacts of the larger infill homes that were the standard proposal in the neighbourhood.

Christiane Bergauer-Free and Ian Free, Markham residents, spoke, indicating that the variances individually and combined would create significant impacts and did not meet the intent of the Zoning By-law.

Member Reingold noted that the proposed dwelling was well designed to be a transitional infill development and considered variances (b), (c), and (d) to be reasonable requests, but did not support variance (a). Member Reingold expressed that the side yard setbacks of the previous by-law were appropriate for the development of the mid-century subdivision homes, which were smaller than the modern infill proposals. However, as the proposed dwelling would have increased massing and wall heights, member Reingold did not consider the request minor.

Member Sampson opined that By-law 2024-19 had the intent to reflect the need for increased side yards to provide relief from the impacts of the increasing dwelling size and massing of current infill development, and it was not minor.

The Acting Chair asked the applicant if they wanted to defer the Committee's decision to revise the application to provide larger side-yard setbacks.

Jonathan Benczkowski indicated that the zoning by-law was intended to fit with the character of the neighbourhood, and the requested variances met this criterion. Jonathan requested that the Committee make a decision on the application.

Member Sampson motioned for approval of variances **(b)**, **(c)**, and **(d)**, with conditions and for refusal of variance **(a)**.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

THAT Application **A/048/25** be **partially approved** subject to conditions contained in the staff report.

Resolution Carried

6.6 A/040/25

Agent Name: Z Square Group (Mengdi Zhen)
44 Peter Street, Markham
PLAN 3905 LOT 36

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

- 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 by-law 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;

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

as it related to a proposed two-storey south side addition to the existing two-storey residential dwelling to accommodate an additional dwelling unit.

The agent, Christine Deng, appeared on behalf of the application and gave a presentation outlining the proposed variances, the relationship of the proposal to the character of the neighbourhood and neighbouring support, indicating the proposal did not present any negative visual or functional impacts.

The Committee received one written piece of correspondence.

Jitin Dodd, the owner of the property, indicated that the proposal had taken into account the desires and needs of the family while seeking to complement other infill development on the street.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village, Sherwood Forest Residents Association, indicated the requested variances were not minor and would create adverse impacts for the neighbourhood and streetscape.

Member Sampson expressed that the Committee's position regarding reduced side-yard setbacks and increased second-floor coverage had remained consistent and did not support either variance.

Member Reingold agreed with the staff recommendations, indicating that the articulations of the second storey, combined with the lowered roofs, provided a buffer for the adjacent properties. However, Member Reingold agreed that the side yard setbacks should be maintained to provide sufficient green space, maintain and contribute to the character of the area and did not support the application.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Jeannie Reingold

THAT Application **A/040/24** be **deferred** sine die.

Resolution Carried