## Memorandum to the City of Markham Committee of Adjustment

November 20, 2025

File: A/040/25

Address: 44 Peter Street, Markham

Applicant: Z Square Group (Mengdi Zhen) Hearing Date: Wednesday, November 26, 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 requested variances are to permit:

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

a maximum second storey main building distance from the established building line of 15.25 metres, whereas the by-law permits a maximum second storey main building distance from the established building line of 14.5 metres;

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

a maximum second storey main building coverage of 23 percent, whereas the bylaw permits a maximum second storey main building coverage of 20 percent;

### c) By-law 2024-19, Section 4.8.8 (A):

a maximum encroachment of an architectural feature into the required front yard of 1.057 metres, whereas the by-law permits a maximum encroachment of an architectural feature into the required front yard of 0.6 metres

### **BACKGROUND**

## **Property Description**

The Application was previously deferred for the second time at the October 15, 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 increasing the combined interior side yard setback to meet the minimum zoning requirement, thereby eliminating the need for a variance on this matter.

As part of the revisions, the Applicant has increased the second storey main building distance from the established building line, which now requires variance relief. In addition, the front façade has been revised to include an architectural feature that encroaches 1.057 m (3.47 ft) into the required front yard.

#### **Proposal**

The applicant is proposing to construct a two-storey detached dwelling with a Gross Floor Area of 424.57 m<sup>2</sup> (4,570.03 ft<sup>2</sup>).

## 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.

## Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the <u>initial</u> variances required for the proposed development. The applicant submitted revised drawings on November 5, 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 Main Building Distance (Second Storey)

The applicant is requesting a maximum second storey main building distance from the established building line of 15.25 m, whereas the by-law permits a maximum second storey main building distance from the established building line of 14.5 m. This represents an increase of approximately 0.75 m (2.46 ft).

The intent of regulating this maximum distance is to maintain a uniform streetscape by ensuring consistent building alignment in addition to the building depth and massing in relation to neighboring dwellings. The proposed increases in maximum building distance will not disrupt the established building line along the streetscape and maintains a scale

that is considered appropriate for the neighborhood. Staff have no concern for this requested variance.

## <u>Increase in Maximum building Coverage (Second Storey)</u>

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.

The request has remained unchanged since the last revision and Staff's position remains supportive of the requested variance.

### **Increase in Architectural Feature Encroachment**

The applicant is requesting relief to permit a maximum encroachment of an architectural feature into the required front yard of 1.057 m. The by-law permits a maximum encroachment of an architectural feature into the required front yard of 0.6 metres. This represents an increase of approximately 0.457 m (1.50 ft).

The variance is entirely attributed to the inaccessible flat roof above the garage. The architectural feature does not span the width of the entire building, and Staff opine that the requested variance is minor in nature, poses no potential negative impacts on the immediate surrounding area, and maintains the intent of the By-Law. Staff have no concerns with the requested variance.

#### **PUBLIC INPUT SUMMARY**

Since the previous meeting of October 15, 2025, no additional written submissions have been received as of November 20, 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.

## PREPARED BY:

Aaron Chau, Planner I, East District

**REVIEWED BY:** 

Carlson Tsang, Senior Planner, East District

## **APPENDICIES**

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

Appendix "B" – Drawings Appendix "C" – Staff Report Dated October 15 2025

Appendix "D" – Minutes Extract

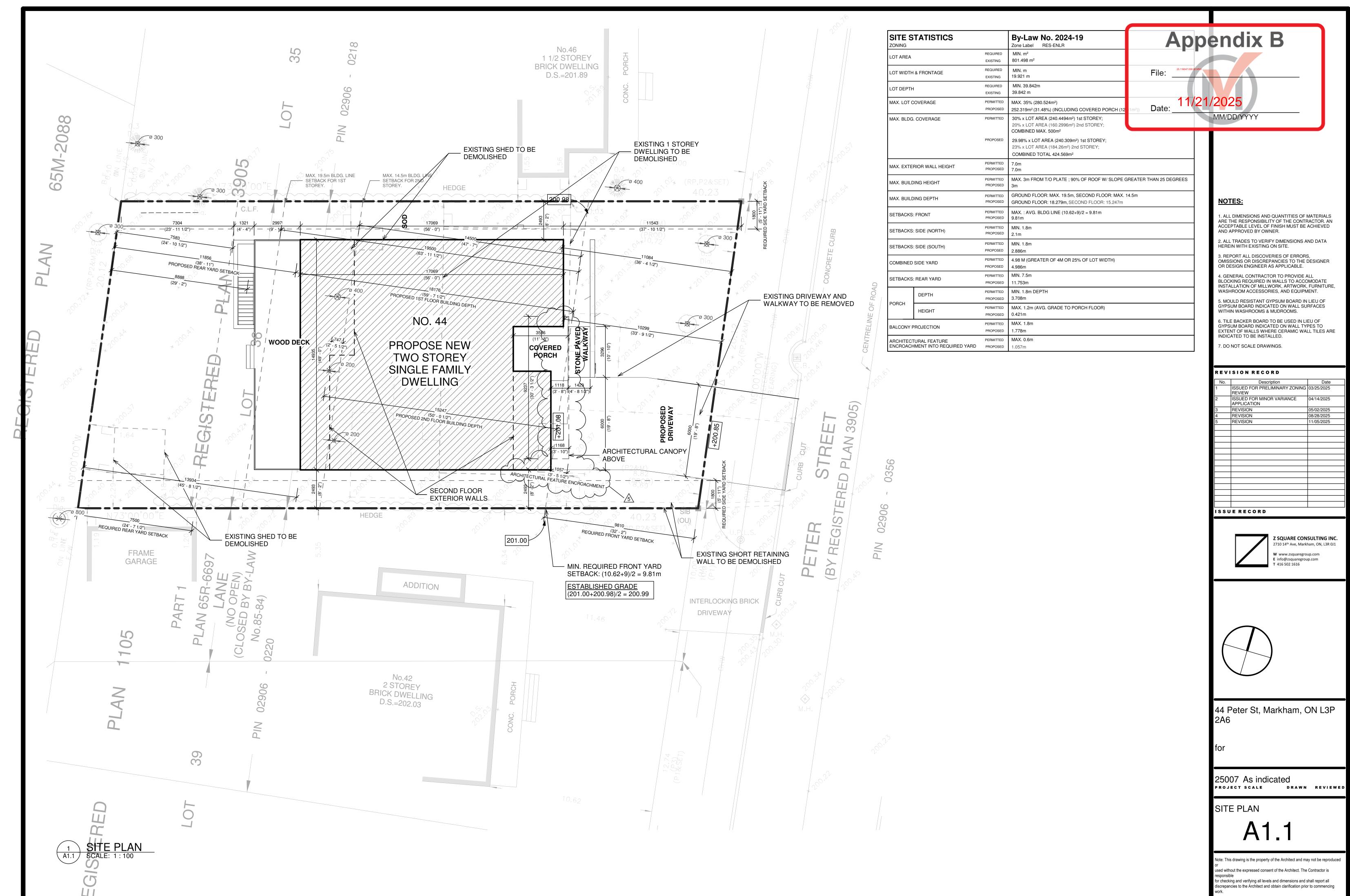
File Path: Amanda\File\ 25 116047 \Documents\District Team Comments Memo

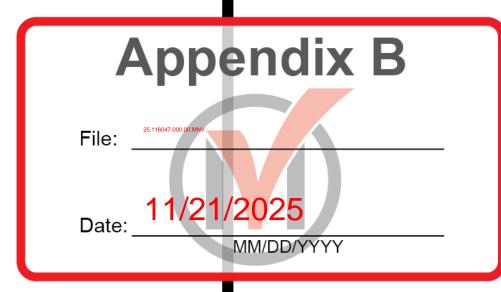
# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/040/25

- 1. The variances only apply 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;
- 3. That variance "C" shall only apply to the architectural feature and inaccessible flat roof above the garage as illustrated in the plans attached as 'Appendix B' to this Staff Report.

**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,

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

WASHROOM ACCESSORIES, AND EQUIPMENT.

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
4	REVISION	08/28/2025
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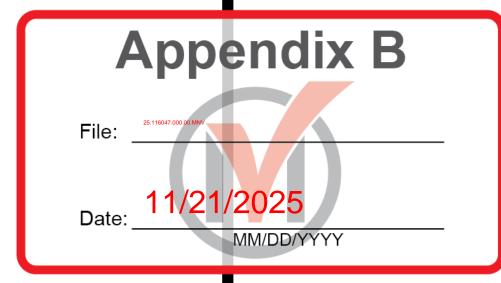
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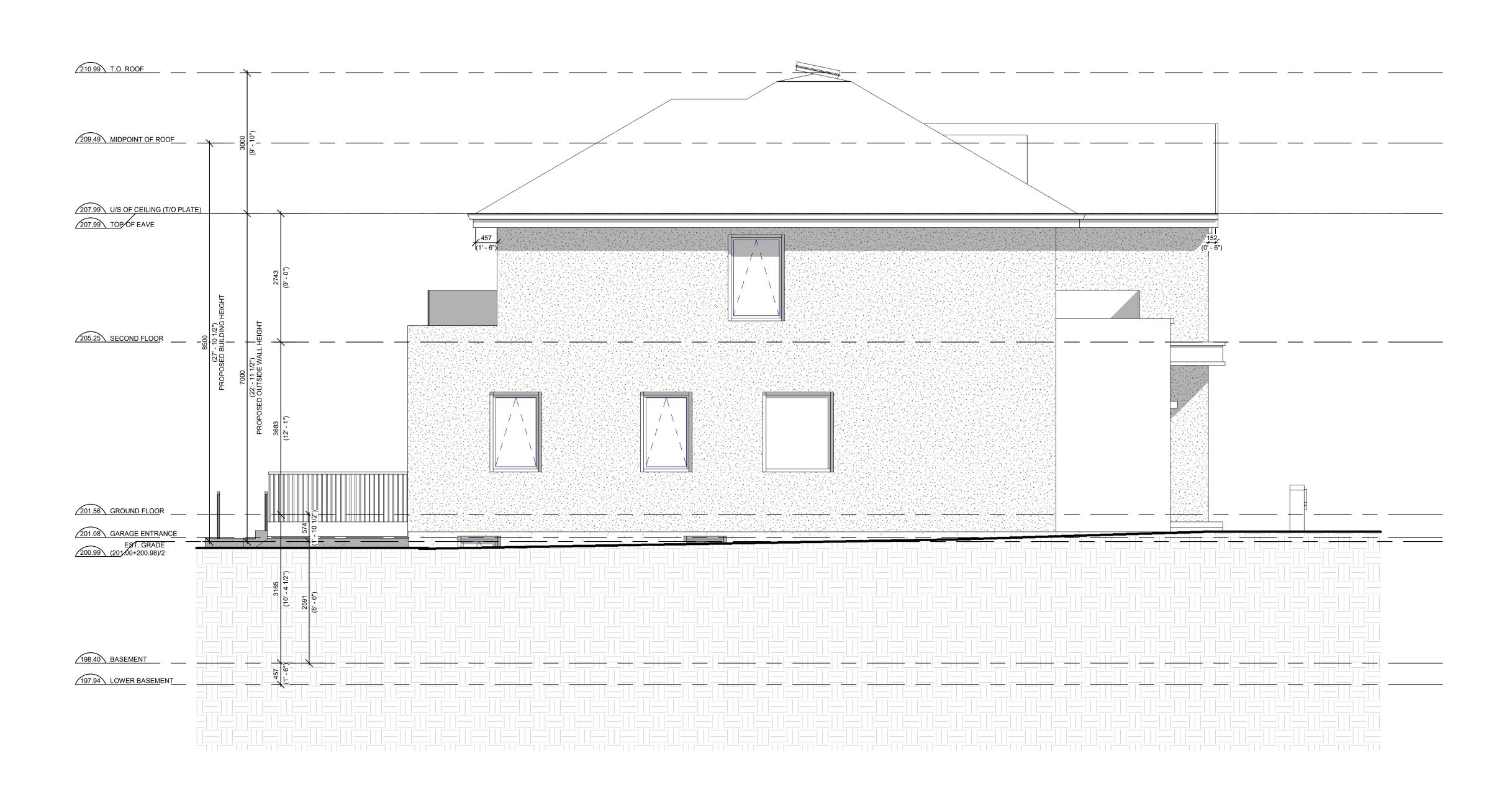
EAST (FRONT) ELEVATION

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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ISSUE RECORD



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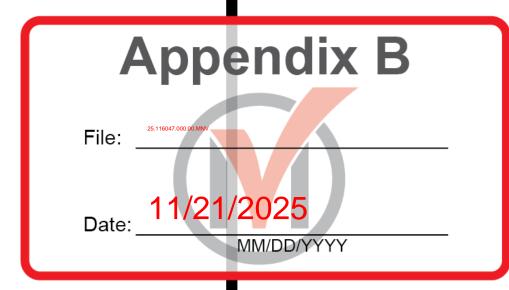
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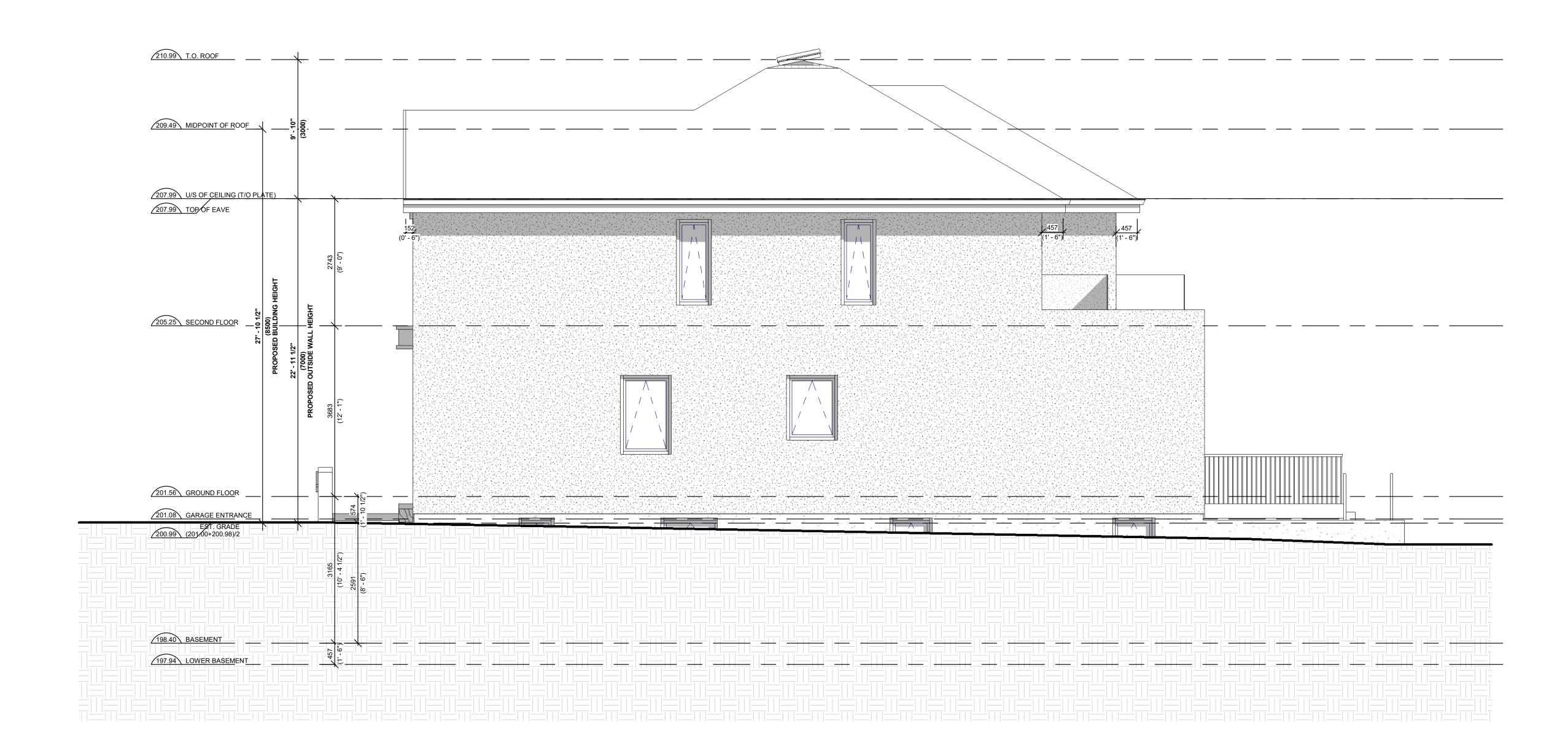
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NORTH ELEVATION

A3.2

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ISSUE RECORD

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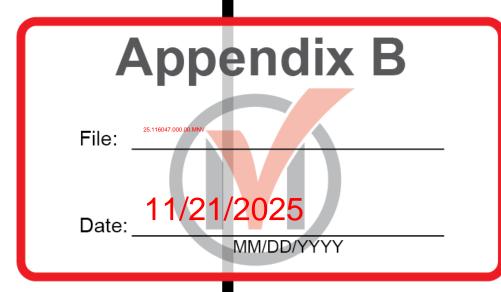
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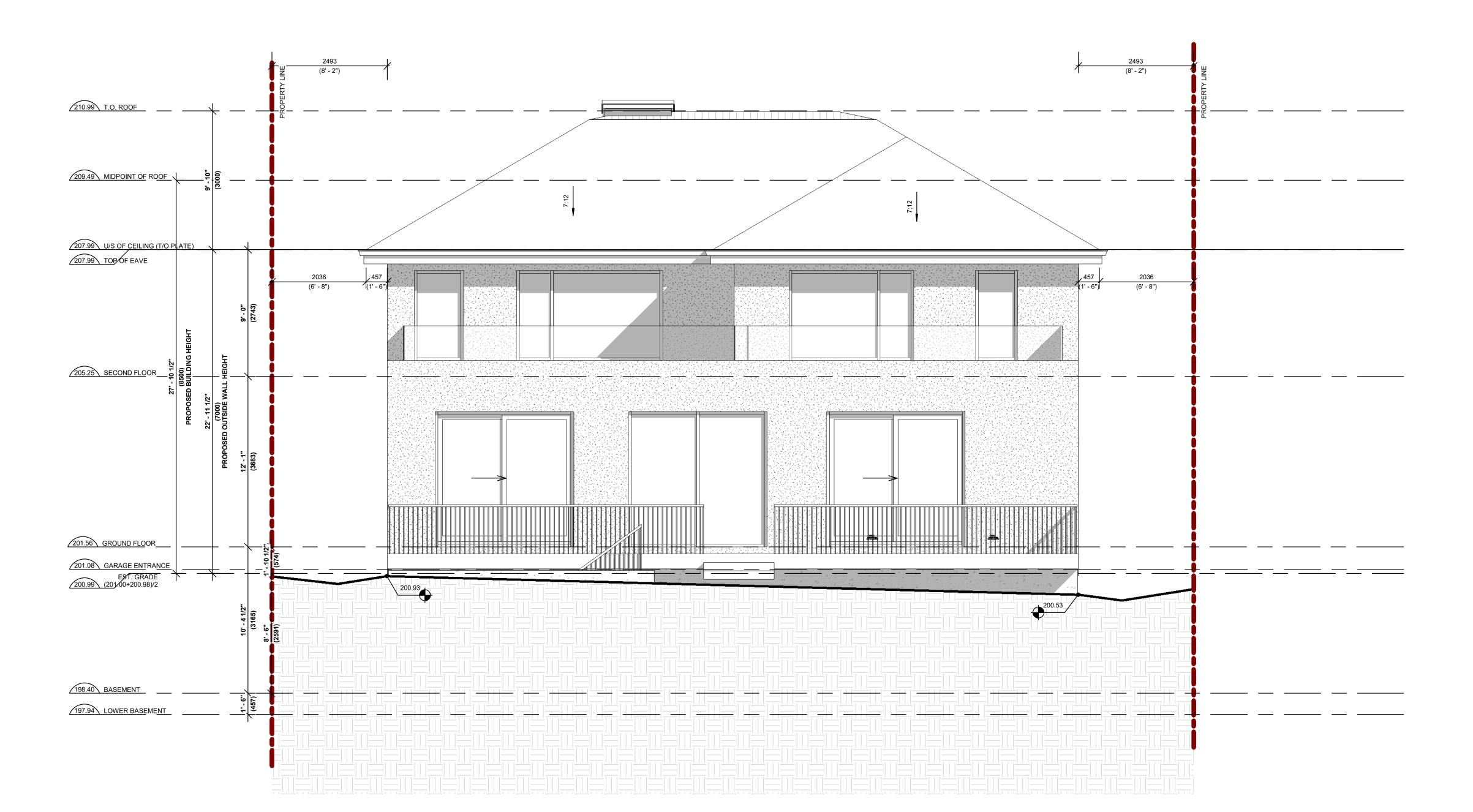
SOUTH ELEVATION

A3.3

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1 SOUTH ELEVATION
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WEST (REAR) ELEVATION

A3.4

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

## Memorandum to the City of Markham Committe

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 bylaw 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 bylaw 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 m<sup>2</sup> (ft<sup>2</sup>)

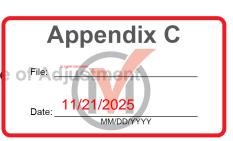
### Official Plan and Zoning

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 <u>initial</u> 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 m<sup>2</sup> or 258.66 ft<sup>2</sup>).

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

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#### **APPENDICIES**

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

Appendix "C" – Staff Report Dated July 16 2025

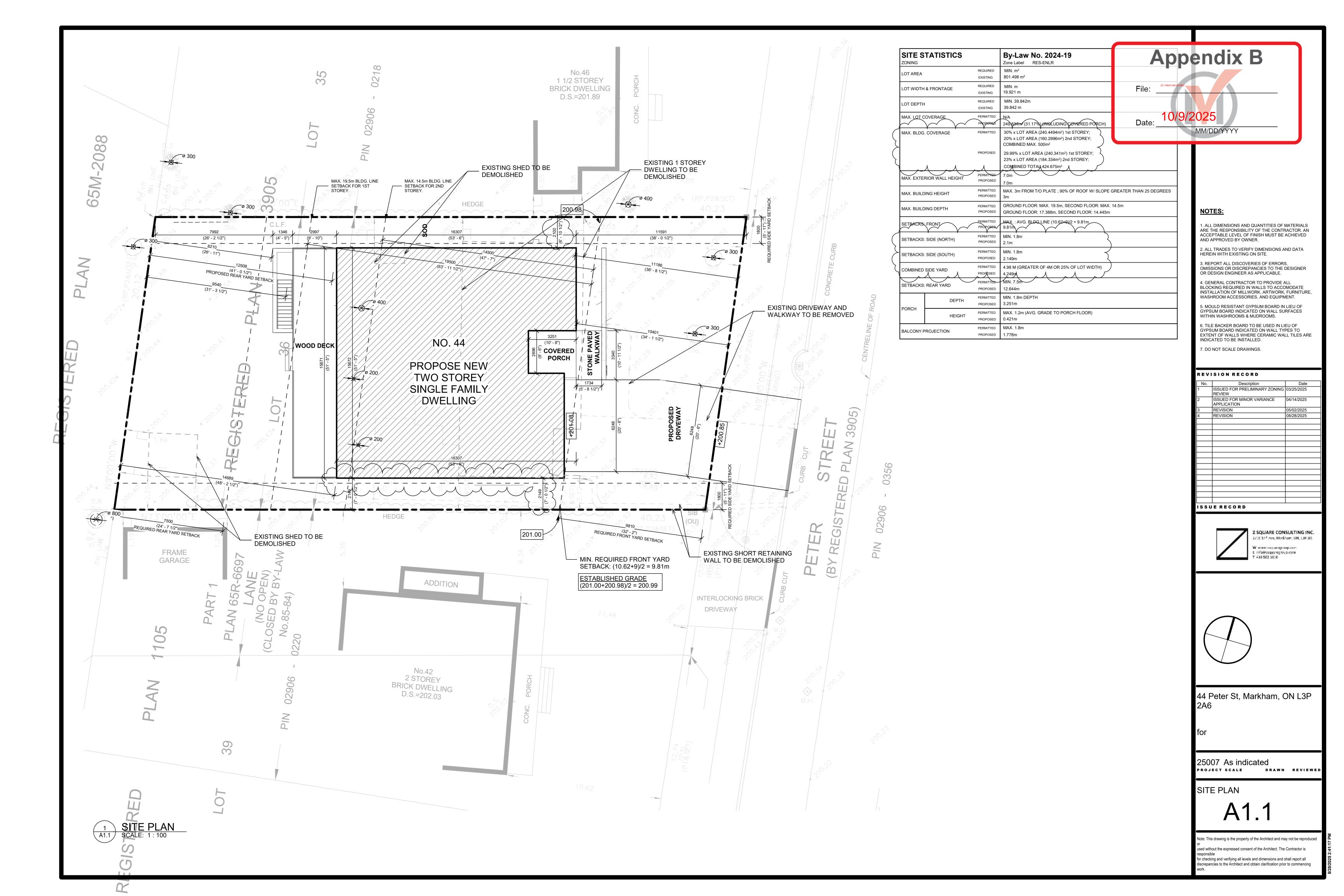
Appendix "D" – Minutes Extract

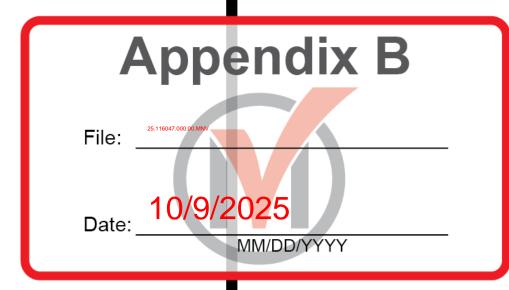
# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/040/25

- 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:** 

Aaron Chau, Planner I, East District







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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
4	REVISION	08/28/2025
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Z SQUARE CONSULTING INC. 2/10 14<sup>th</sup> Ave, Merkham, ON, 13R 001

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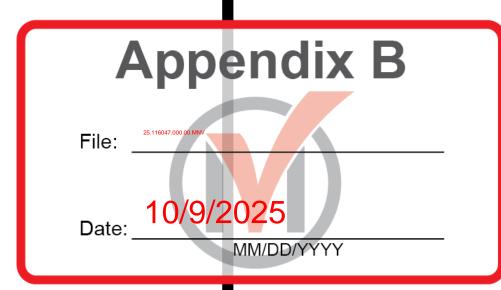
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EAST (FRONT) ELEVATION

A3.1

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## NOTES:

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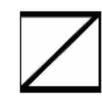
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44 Peter St, Markham, ON L3P 2A6

25007 1:50 project scale

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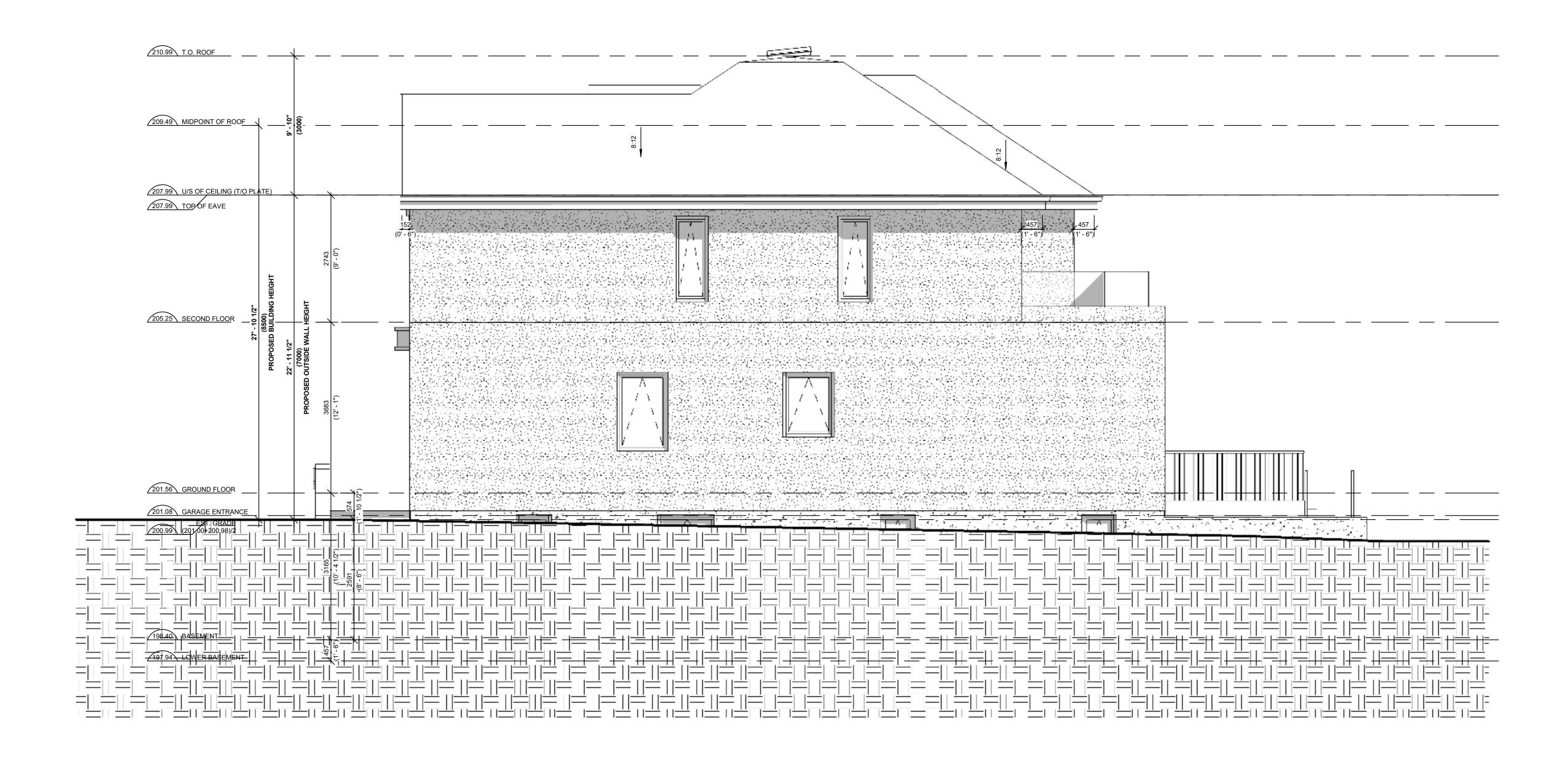
NORTH ELEVATION

A3.

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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

ISSUE RECORD



44 Peter St, Markham, ON L3P 2A6

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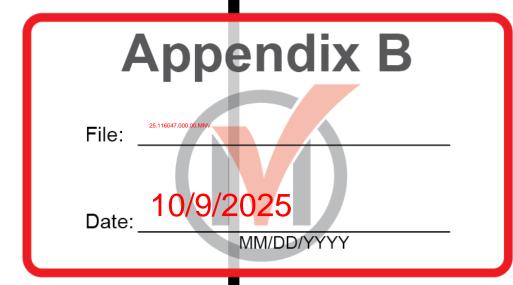
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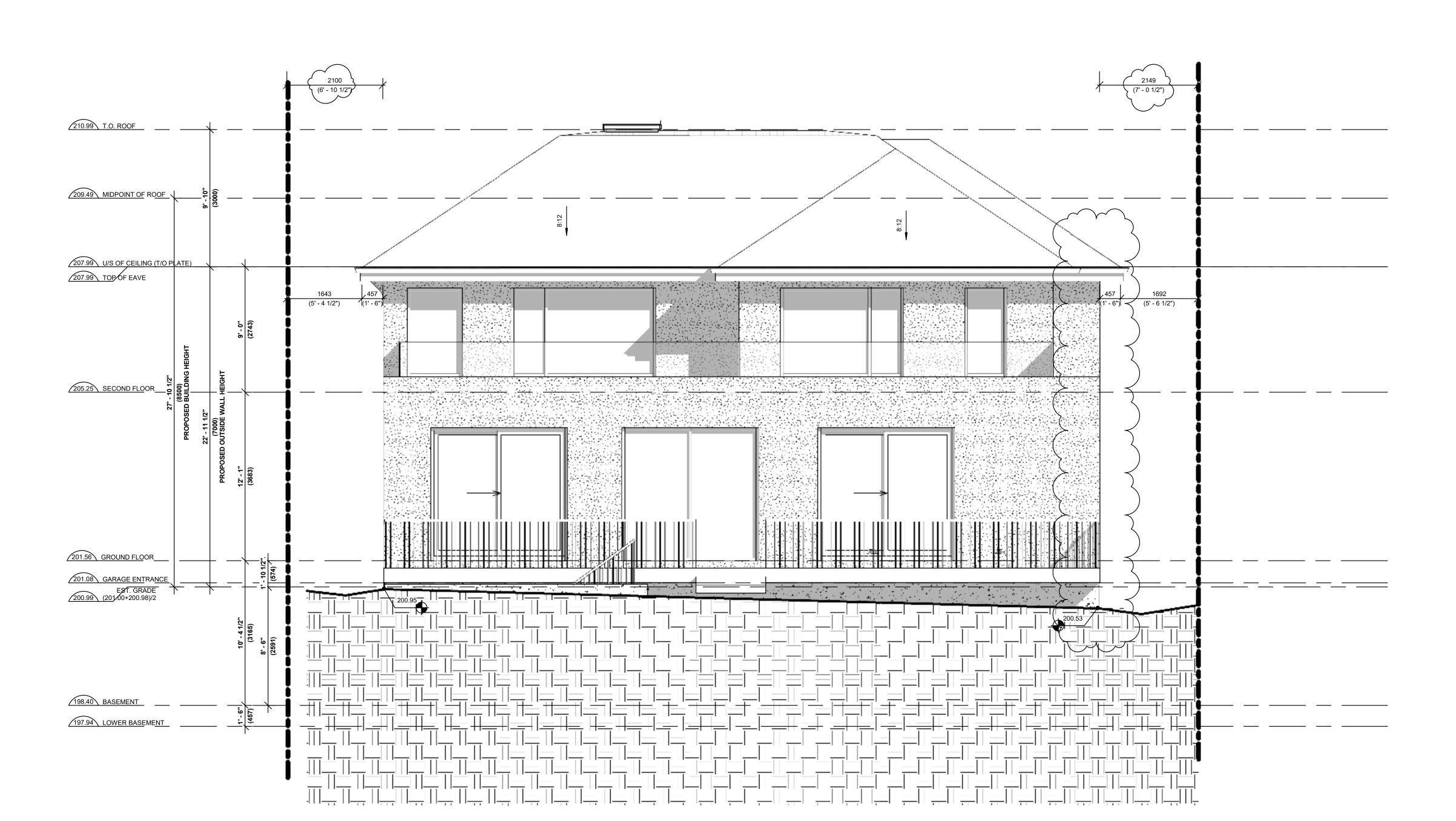
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SOUTH ELEVATION

A3.

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2	ISSUED FOR MINOR VARIANCE APPLICATION	04/14/2025
4	REVISION	08/28/2025
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Z SQUARE CONSULTING INC. 2710 14th Ave, Markham, ON, 10R 001

ISSUE RECORD

2710 14<sup>th</sup> Ave, Merkham, UR.

Wilwaw zaquaregroup.com
Einfo@asquaregroup.com
Ti416 502 1616

44 Peter St, Markham, ON L3P 2A6

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WEST (REAR) ELEVATION

A3.4

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

## Memorandum to the City of Markham Committe of Markham Committe of Markham Committed to the City of

July 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 16<sup>th</sup> 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.

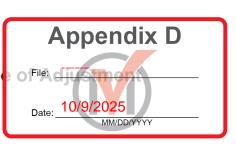
## Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 431.69 m<sup>2</sup> (4,646.67 ft<sup>2</sup>).

## 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

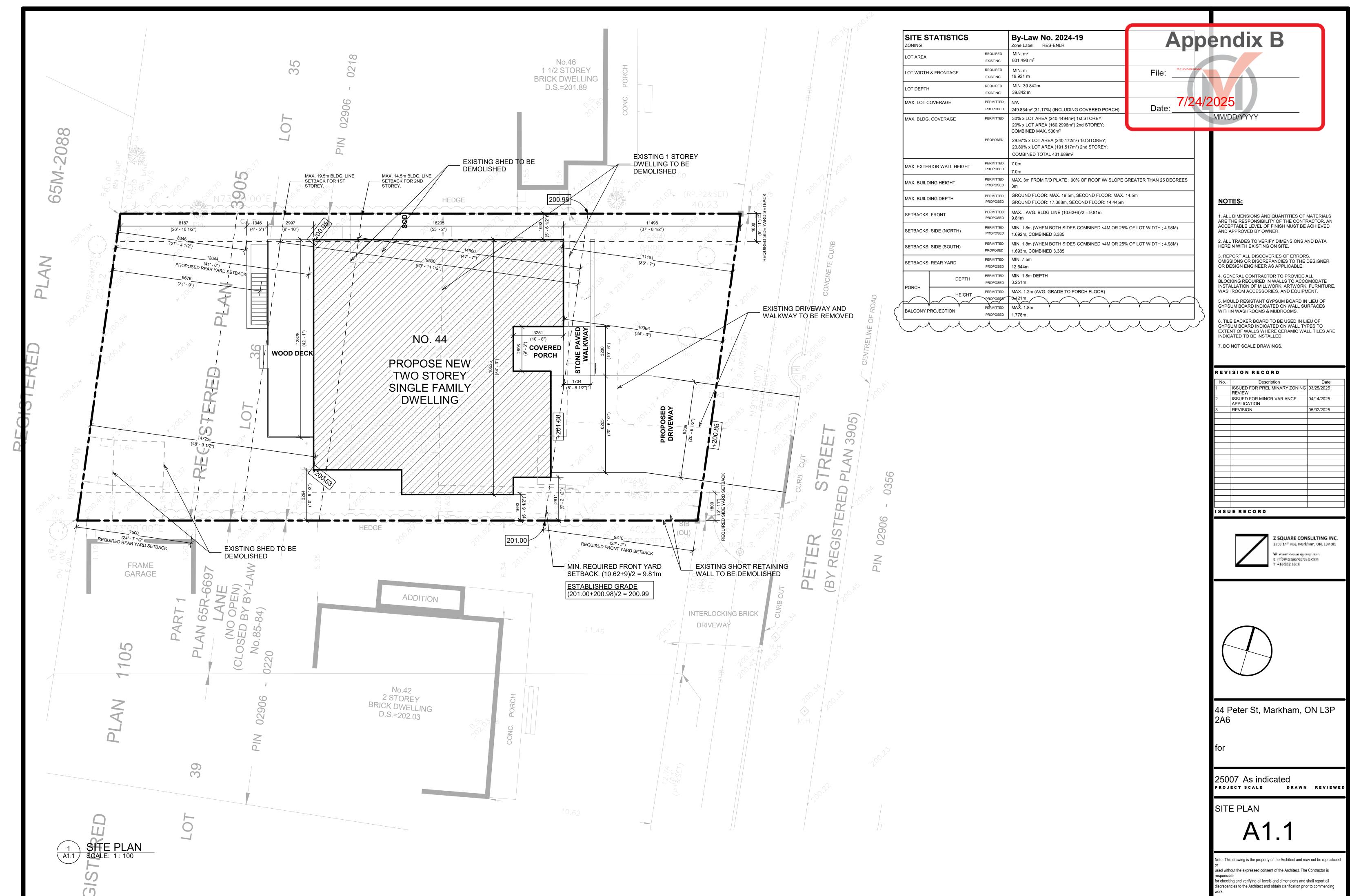
File Path: Amanda\File\ 25 116047 \Documents\District Team Comments Memo

# 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;
- 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



6/2/2025 9:04:49 AM





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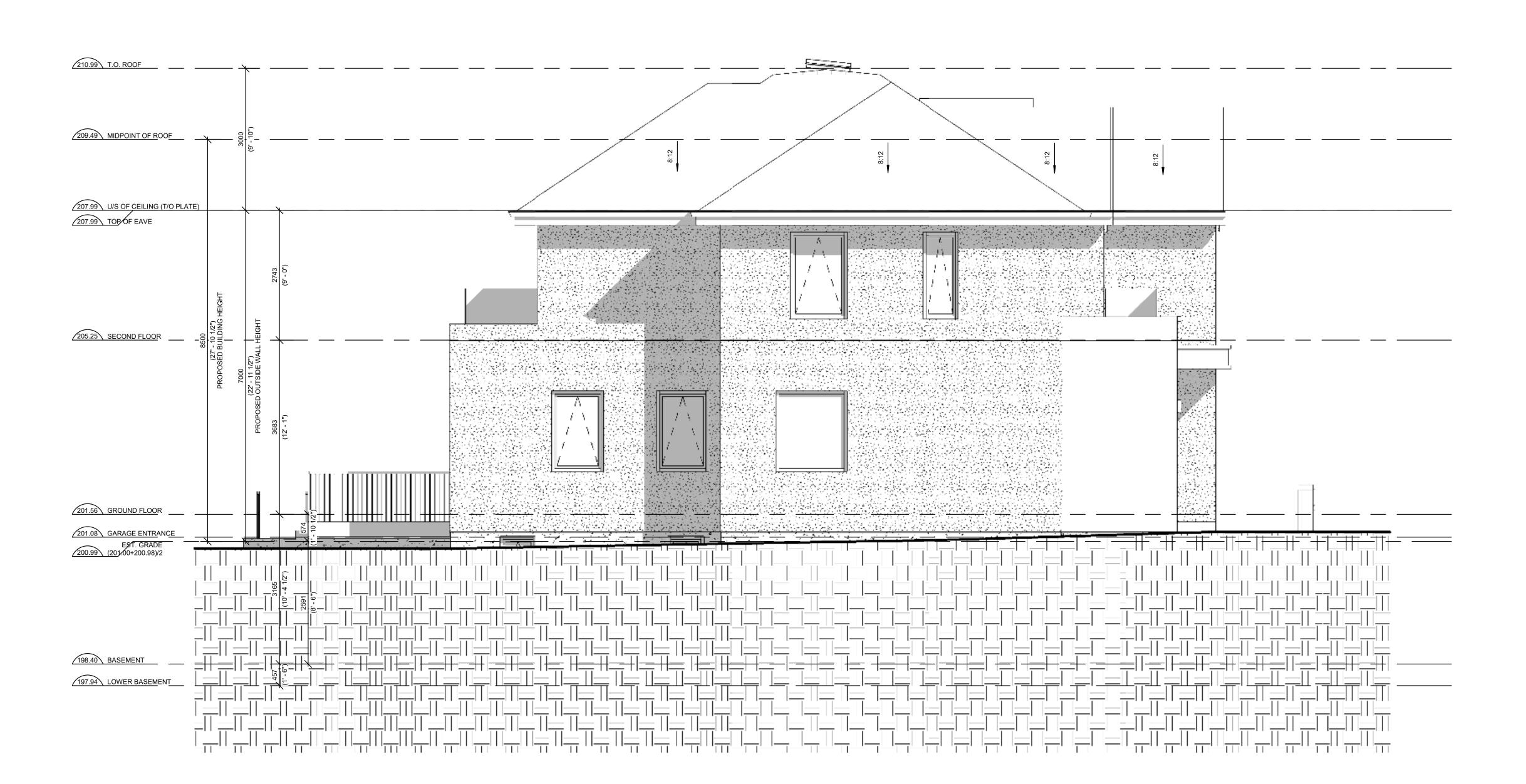
EAST (FRONT) ELEVATION

A3.1

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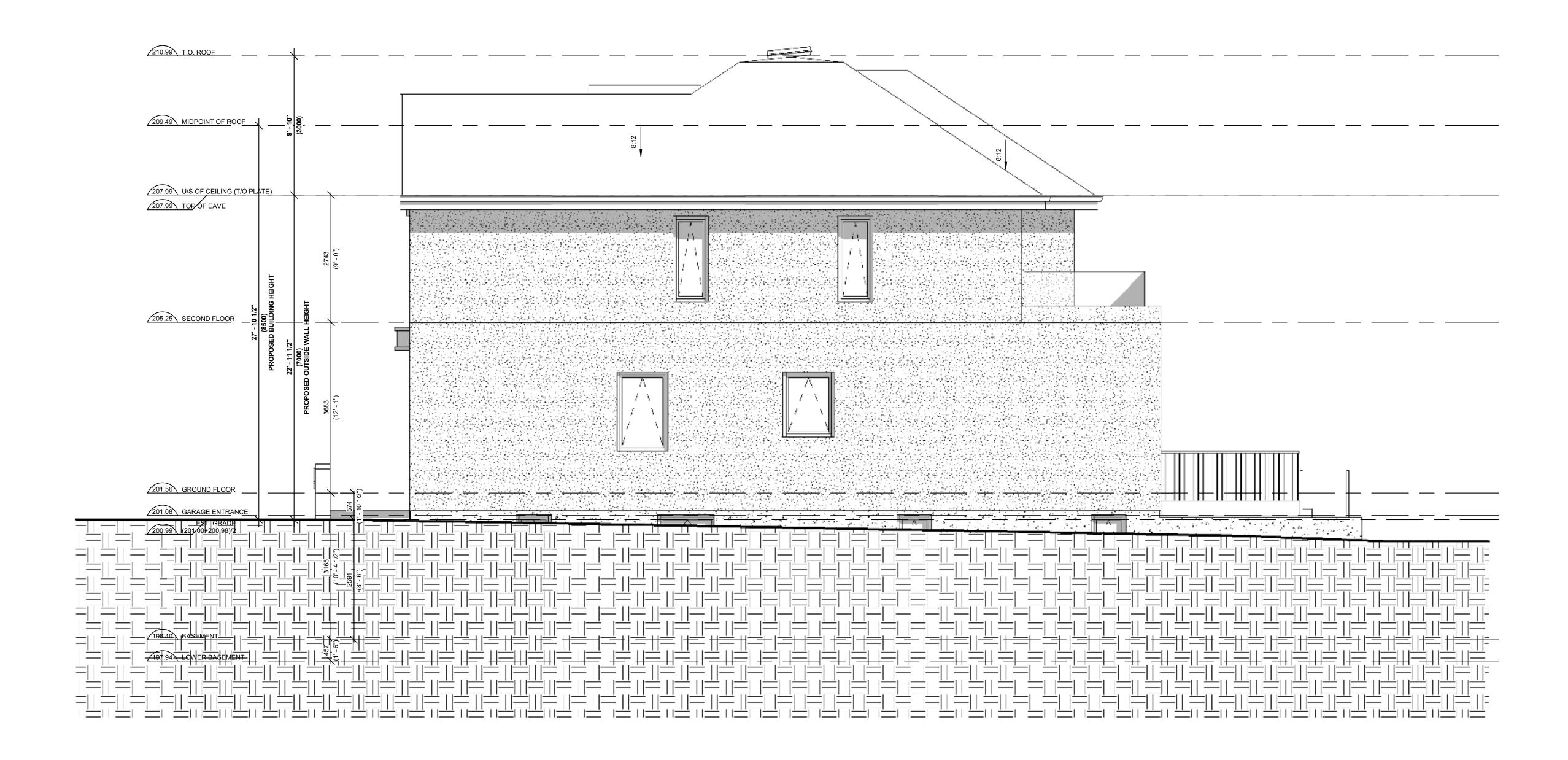
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NORTH ELEVATION

A3.2

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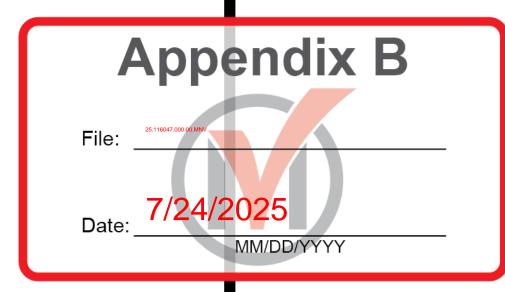
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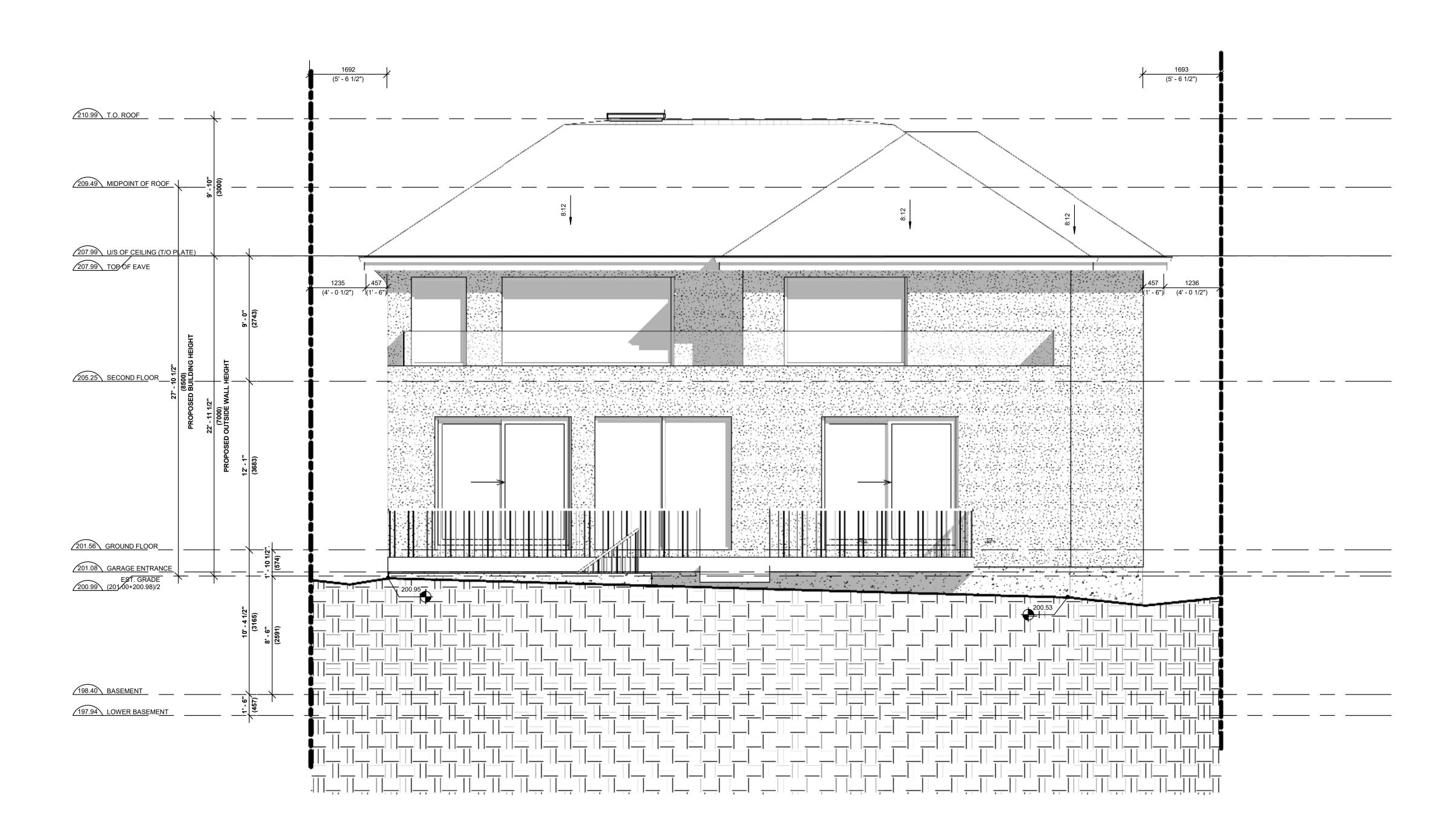
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**SOUTH ELEVATION** 

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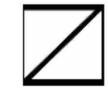
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WEST (REAR) ELEVATION

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Committee of Adjustment Minutes Wednesday July 30, 2025

provide relief from the impacts of the larger infill homes that we extreme the transfer in the neighbourhood.

Appendix D
et Filestandard proposal

Date: 10/9/2025

Christiane Bergauer-Free and Ian Free, Markham residents, spoke, indicating MIPPYYME 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 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;

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 sideyard 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: Jeamie Reingold

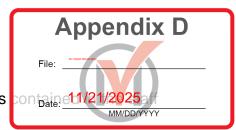
THAT Application **A/040/24** be **deferred** sine die.

**Resolution Carried** 

Committee of Adjustment Minutes Wednesday October 15, 2025

The Committee unanimously approved the application.

THAT Application **A/158/24** be **approved** subject to conditions report.



**Resolution Carried** 

### 6.2 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 combined interior side yard setback of 4.24 metres, whereas the bylaw 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;

as it relates to a proposed two-storey residential dwelling.

The agent, Rick Leong, appeared on behalf of the application. The application had been revised to improve the combined side yard setback, decrease the maximum second-storey coverage, and comply with the required interior side yard setback.

The Committee received one written piece of correspondence and six letters of support from the applicant's neighbours.

Member Caricari indicated that after reviewing the changes made by the applicant, the proposal stayed in character with the area, the proposed side yards with the driveway of the house to the south would provide spatial separation on the streetscape, and met the four tests of the *Planning Act*.

Member Reingold did not support the application and agreed with the staff's recommendations, indicating that the changes made still required further reductions and that the reduced combined side yard setback was neither desirable nor in compliance with the by-law's intent.

Chair Prasad agreed with Member Reingold that the application required further reductions.

The owner, Jitin Dodd, stated that the reductions were made based on their understanding of the recommendations of the previous Committee.

Committee of Adjustment Minutes Wednesday October 15, 2025

Member Tidball requested clarification regarding the Committee's previous recommendations.

Member Caricari motioned to approve the application. The motion was not seconded and therefore failed.

Member Reingold motioned to defer the application.

Moved by: Jeamie Reingold Seconded by: Sheng Huang

The Committee unanimously approved the application.

THAT Application A/040/25 be deferred sine die.

**Resolution Carried** 

### 7. NEW BUSINESS:

Member Reingold declared a pecuniary interest left the meeting room according to the rule of the Committee regarding a declaration of pecuniary interest.

### 7.1 A/123/25

Agent Name: Hossack & Associates Architects (Jonathan Knight)
Bayview Golf and Country Club Limited
25 Fairway Heights Drive, Thornhill
CON 2 PT LOTS 1 2 & 3

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 11.2.1(d):

a minimum interior side yard setback of 1.5 metres for accessory buildings/structures, whereas the by-law requires that no accessory building or structure can be located within 7.5 metres of any lot line;

as it relates to the construction of a new maintenance and storage buildings and retaining wall.

This application was related to Site Plan Control application SPC 24 194620 which was currently under review.

The agent, Jonathan Knight, appeared on behalf of the application.

Member Huang requested additional information regarding the adjacent properties.

Jonathan Knight indicated that the adjacent lands were a privately owned woodlot.