



**CITY OF MARKHAM**  
**Virtual Meeting on Zoom**

**April 5, 2023**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 6<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Kelvin Kwok	7:15 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Shemmiah Cort, Development Clerk

**Regrets**

Tom Gutfreund  
Arun Prasad  
Jeamie Reingold

**DISCLOSURE OF INTEREST**

None

**Minutes: March 22, 2023**

THAT the minutes of Meeting No. 5, of the City of Markham Committee of Adjustment, held March 22, 2023, be:

- a) Approved on April 5, 2023.

**Moved By: Patrick Sampson**  
**Seconded By: Sally Yan**

**Carried**

## **REQUESTS FOR DEFERRAL**

### **1. A/002/23**

**Owner Name: Forest Hill Homes (Joel Seider)**  
**Agent Name: Forest Hill Homes (Joel Seider)**  
**655 Cornell Centre Boulevard, Markham**  
**PLAN 65M3888 BLK 339**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

#### **Lot 1 (Cornell Centre Blvd) and Lot 15 (16th Avenue):**

**a) Section 6.3.1.2:**

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

**b) Section 6.3.1.7 (b):**

a garage with a maximum lot coverage of 20 percent, whereas the by-law permits a maximum lot coverage of 18 percent;

**c) Section 7.190.2 (ii):**

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

#### **Lots 2 to 7 (Cornell Centre Blvd) and Lots 12 to 14 (16th Avenue):**

**d) Section 6.3.1.2:**

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

**e) Section 6.3.1.7 (b):**

a garage with a maximum lot coverage of 24 percent, whereas the by-law permits a maximum lot coverage of 18 percent;

**f) Section 7.190.2 (ii):**

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

#### **Lot 8 (Cornell Centre Blvd) and Lot 11 (16th Avenue):**

**g) Section 7.190.2 (ii):**

a minimum rear yard setback of 12.0 metres, whereas the By-law requires a minimum rear yard setback of 13.0 metres;

**Lot 9 and Lot 10 (Old Oak Lane):**

**h) Section 6.3.1.2:**

a garage to be setback a minimum of 5.0 metres from the main building, whereas the by-law requires a garage to be setback a minimum of 6.0 metres from the main building;

as they related to 13 townhouse units and 2 semi-detached dwelling units located within Block 21 on Registered M-Plan 65M-4545.

The Chair introduced the application.

Member Sampson motioned for deferral.

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

THAT Application No. **A/002/23** be **deferred** sine die.

Resolution Carried

**NEW BUSINESS:**

**2. A/210/22**

**Owner Name: Felix Tse**

**Agent Name: Felix Tse**

**122 Dundas Way, Markham**

**PLAN 65M4454 PT BLK 1 RP 65R35904 PT 74**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

**a) Section 6.2.1 b) (iii):**

A deck to be located at the second storey, whereas the By-law requires the floor of the deck not to be higher than the floor level of the first storey of the main building;

as it related to a proposed raised deck.

The Chair introduced the application.

The agent, Felix Tse, appeared on behalf of the application.

Member Yan noted it was similar to other requests that had been seen by the Committee and supported the application

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

**Moved By: Patrick Sampson**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/210/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/150/22**

**Owner Name: Xiaolei He**  
**Agent Name: Z Square Group (Mengdi Zhen)**  
**9 Trumpour Court, Markham**  
**PLAN M1440 LOT 12**

The applicant was requesting relief from the requirements of By-law 11-72, as amended, to permit:

**a) Section 6.1:**

a minimum rear yard setback of 16 feet 11.5 inches, whereas the by-law requires a minimum rear yard setback of 25 feet; and

**b) Section 6.1:**

a maximum building height of 26 feet 11 inches, whereas the by-law permits a maximum building height of 25 feet.

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

The Chair introduced the application.

The agent, Mengdi Zhen, appeared on behalf of the application.

Member Yan asked for clarification regarding the rear yard setback. Mengdi Zhen indicated that the irregularly shaped lot drove the variance. Member Yan agreed with the staff report indicating the variances were minor and met the four tests of the *Planning Act*.

Member Sampson noted the variances were technical and related to the lot's configuration and motioned for approval with conditions.

**Moved By: Patrick Sampson**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/150/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**Applications A/011/23 and A/012/23, were heard concurrently, the discussion detailed in A/011/23 reflects the two applications.**

**4. A/011/23**

**Owner Name: Yan Zhu**  
**Agent Name: LHW Engineering (Lihang Wang)**  
**30 Toulouse Court, Markham**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

**a) Section 6.3.1.2:**

a detached garage to be setback 5.45 metres from the main building, whereas the By-law requires 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Au Yu, appeared on behalf of the application.

Member Sampson noted that the applications related to coach houses were similar to those the Committee had seen before. Therefore, the member agreed with the staff report and supported the application.

Member Yan supported the application noting it met the four tests of the *Planning Act*.

Member Kwok agreed with Member Sampson and the staff report.

Member Sampson motioned for approval with conditions.

**Moved By: Patrick Sampson**  
**Seconded By: Kelvin Kwok**

The Committee unanimously approved the application.

THAT Application No. **A/011/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. A/012/23**

**Owner Name: Timothy Chan**  
**Agent Name: LHW Engineering (Lihang Wang)**  
**32 Toulouse Court, Markham**  
**PLAN 65M4345 LOT 27**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

**a) Section 6.3.1.2:**

a detached garage to be setback 5 metres from the main building, whereas the By-law requires 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Au Yu, appeared on behalf of the application.

Member Kwok motioned for approval with conditions.

**Moved By: Kelvin Kwok**  
**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/012/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**6. A/030/23**

**Owner Name: Jinchong Cao**  
**Agent Name: LHW Engineering (Lihang Wang)**

**78 Southdale Drive, Markham  
PLAN 7326 LOT 28**

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

- a) **By-law 99-90, Section 1.2(ii):**  
a depth of 17.53 metres, whereas the By-law permits a maximum of 16.8 metres;
- b) **By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 52.8 percent, whereas the By-law permits a maximum of 45 percent;
- c) **By-law 1229, Table 11.1:**  
a minimum setback of 4.75 feet to the interior side lot line, whereas the By-law requires a minimum of 6 feet for the two-storey portion of the building.

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

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth indicated this was a modest neighbourhood with a mix of housing and minimal infill. Elizabeth spoke to Official Plan policies related to residential infill.

Harvey Thomson, 68 Southdale Drive, had surveyed the street, indicating that the side yards were very narrow, in addition to this being the largest home on the street.

Member Yan noted that the proposal maintained the existing building envelope and lot coverage. However, the member did not support the increased floor area ratio or reduced side yard.

Tony Yu indicated that the design had considered that the reduced side yard and the bulk of the build would be adjacent to the second-storey addition on the neighbouring property.

Member Sampson indicated that while a larger home was permitted, the request for an increased floor area ratio was greater than generally supported by the Committee.

Member Kwok supported the depth variance but indicated that the floor area ratio needed to be reduced.

Tony Yu indicated that the floor area ratio could be reduced.

The Chair indicated that the applicant should consider the view from the streetscape when reducing the floor area ratio, including addressing the request for a reduced side yard setback.

Tony Yu requested a deferral.

Member Kwok motioned for deferral.

**Moved By: Kelvin Kwok**  
**Seconded By: Patrick Sampson**

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

Resolution Carried

**7. A/261/22**

**Owner Name: Xuezhi Na**  
**Agent Name: Allera Engineering and Construction Inc. (Ally Yi)**  
**71 Proctor Avenue, Thornhill**  
**PLAN 2368 N PT LOT 14**

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:

- a) **Amending 101-90, Section 1.2 (vii):**  
a floor area ratio of 55 percent, whereas the By-law permits a maximum floor area ratio of 50 percent; and
- b) **Amending 101-90, Section 1.2 (iv):**  
a building depth of 18.33 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Chair introduced the application.

The agent, Ally Yi, appeared on behalf of the application, and agreed with staff report.

The Committee received one written piece of correspondence.

Raymond Lui, of 67 Proctor Avenue, spoke to the Committee, indicating that the size of the proposed house would be incongruous with the other houses on the corner lots and spoke to privacy issues that could arise from the siting of the house.



Mark and Sheila Furlong, 22 Sprucewood Drive, raised concerns regarding drainage and the proposed height of the building and the need to respect the character of the area and the intent of the original land division of the lots. Additionally, they indicated concern regarding the reorientation of the driveway and safety issues.

Ally Yi indicated that grading concerns would be met through the building and engineering permits, and the proposal met the rear yard zoning standard. The applicant also reduced the proposed depth.

Member Yan noted the previously approved application and commented on the changes and the landscaping buffering on the property line. Considering the requested variances, the member had considered the staff report and drawing and supported the application as the requests met the four tests of the *Planning Act* and were minor.

Member Sampson supported the application agreeing with their colleague, noting that it was similar to applications approved previously.

Member Kwok noted that the depth was attributed to the porch and bay window, and the floor area ratio was within the range generally considered by the Committee and supported the application.

The Chair noted that building depth was of greater significance because of the house's orientation on the corner lot. The Chair confirmed that the requested variances had been lowered from the notice date, and the staff report's drawings reflected the change.

Member Yan motioned for approval with conditions.

**Moved By: Sally Yan**  
**Seconded By: Kelvin Kwok**

The Committee unanimously approved the application.

THAT Application No. **A/261/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**8. A/031/23**

**Owner Name: Ru Ging Huang & Mujie Ye**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**96 Southdale Drive, Markham**  
**PLAN 7326 LOT 6**

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

- a) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 78.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.70 metres, whereas the By-law permits a maximum building height of 9.80 metres; and
- c) **Amending By-law 99-90, Section 1.2 (ii):**  
a detached dwelling to be comprised of three (3) storeys, whereas the By-law permits a maximum of two (2) storeys;

as it related to a proposed two-storey addition.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application noting that the requested variances reflected the established grade of the property and the requirement to include the basement in the calculations. The floor area ratio of the main and second floors was 49.1 percent. The applicant had spoken to the neighbours and would reduce the footprint of the covered porch adjacent to the kitchen to eliminate impacts. The application met the four tests of the Planning Act.

The Committee received three written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee with a prepared presentation. Elizabeth noted the garage and basement were at ground level. Elizabeth spoke to infill policies in the Official Plan and noted very little infill development had taken place on the street and the massing of the home could be softened by moving some of the bulk of the build towards the rear of the addition

Harvey Thomson, 68 Southdale Drive, indicated the proposal was too large for Southdale Drive.

Russ Gregory indicated that the addition had been designed to be mindful of neighbours with a greater amount of the massing towards the front of the home to reduce the impacts of shadowing and privacy on the adjacent properties. They had worked with the neighbour to make reductions to ensure no damage would occur to neighbouring trees.

Member Yan noted that the Committee had been established to address special circumstances of lots. This lot was unique with a significant grade and consideration need to be given to how the bylaw defined grade. The variances were specific to this lot and relate to lot constraints. Based on the grade any design will be different than the other properties on the street. The member supported the application agreeing with the

information presented by the applicant and included in the staff report, noting the requests were minors

Member Kwok indicated that the applicant could provide relief on the west side elevation. The member agreed with their colleague that the variances resulted from constraints on the lot and was supportive of the application.

Member Sampson agreed that the requests related to the site constraint and were minor.

The Chair summarized that the design was thoughtful and the house did not appear as a three storey house. The agent had provided justifications for the requests and they were within reason.

Member Yan motioned for approval with conditions.

**Moved By: Sally Yan**  
**Seconded By: Kelvin Kwok**

The Committee unanimously approved the application.

THAT Application No. **A/031/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

### Adjournment

**Moved by: Kelvin Kwok**  
**Seconded by: Patrick Sampson**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:40 pm, and the next regular meeting would be held on April 19, 2023.

CARRIED



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Secretary-Treasurer  
Committee of Adjustment



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Chair  
Committee of Adjustment