

# Memorandum to the City of Markham Committee of Adjustment

April 13, 2023

**File:** A/149/22  
**Address:** 98 Clark Avenue, Thornhill  
**Applicant:** XIAORU SONG  
**Owner:** Yi Huang  
**Hearing Date:** Wednesday, May 3, 2023

Further to our comments provided for the March 22, 2023 Committee of Adjustment Hearing (Memorandum to the City of Markham Committee of Adjustment March 22, 2023 – Appendix 'D'), the following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2237, R4 as amended, as it relates to a proposed two-storey single detached dwelling:

**a) Amending By-law 101-90, Section 1.2 (vii):**

To permit a maximum floor area ratio of 54.95 percent, whereas the By-law permits a maximum floor area ratio of 50 percent

## **BACKGROUND**

This application was deferred by the Committee of Adjustment (the "Committee") at the March 22, 2023 hearing, for the applicant to address the Committee's concern over the floor area ratio variance of 57.5 percent (Refer to Minutes – Appendix "D")

## **COMMENTS**

On March 31, 2023, the applicant revised the minor variance application and also submitted updated drawings in response to the Committee's concern of the floor area ratio variance. The previous variance request to permit a building depth of 17.10 m (56.10 ft.) has been withdrawn. 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.

The updated drawings reflect a revised floor area ratio of 54.95 percent and will facilitate the construction of a two-storey detached dwelling and attached two car garage with an approximate total gross floor area of 350.98 m<sup>2</sup> (3778 ft<sup>2</sup>). This is an increase of approximately 31.58 m<sup>2</sup> (340 ft<sup>2</sup>) over the maximum floor area of 319.40 m<sup>2</sup> (3,438 ft<sup>2</sup>) permitted by the By-law. Staff remain of the opinion this requested variance is minor in nature and that the increased floor area will not adversely impact the character of the neighborhood.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of **April 4, 2023**. 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 requested variance to permit a maximum floor area ratio of 54.95 percent 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.

**APPENDICES**

**Appendix "A" – A/167/22 Conditions of Approval**

**Appendix "B" – Aerial Photo**

**Appendix "C" – Plans**

**Appendix "D" – Staff Report Dated March 13, 2023**

**Appendix "E" – Minutes Extract**

PREPARED BY:



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Aaron Chau, Development Technician, Zoning and Special Projects

REVIEWED BY:



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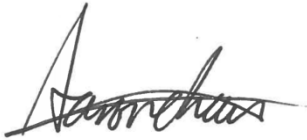
Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

File Path: Amanda\File\ 22 254143 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/22**

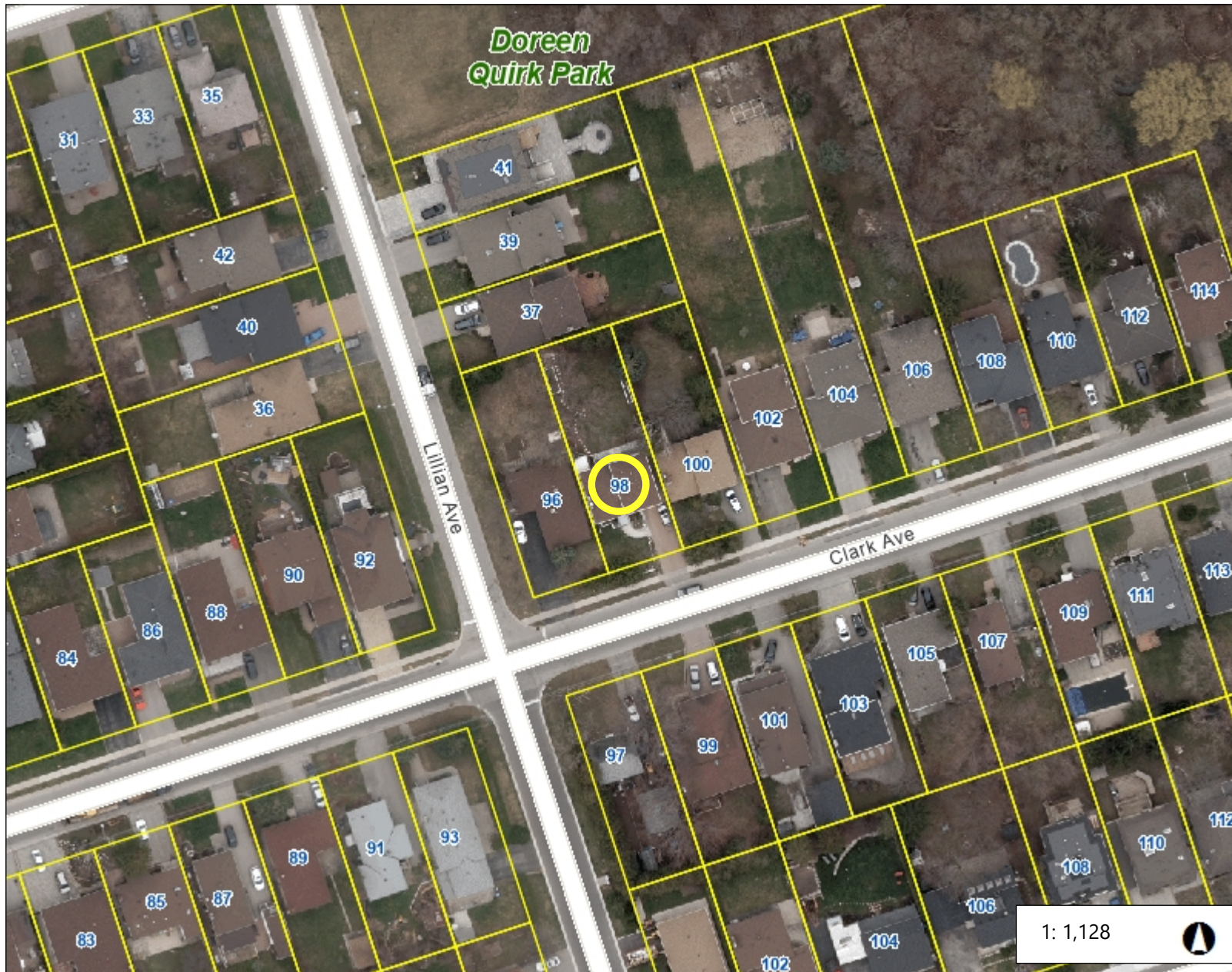
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Aaron Chau". The signature is written in a cursive, somewhat stylized font.

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Aaron Chau, Development Technician, Zoning and Special Projects



Legend

- Subject Lands - 98 Clark Avenue

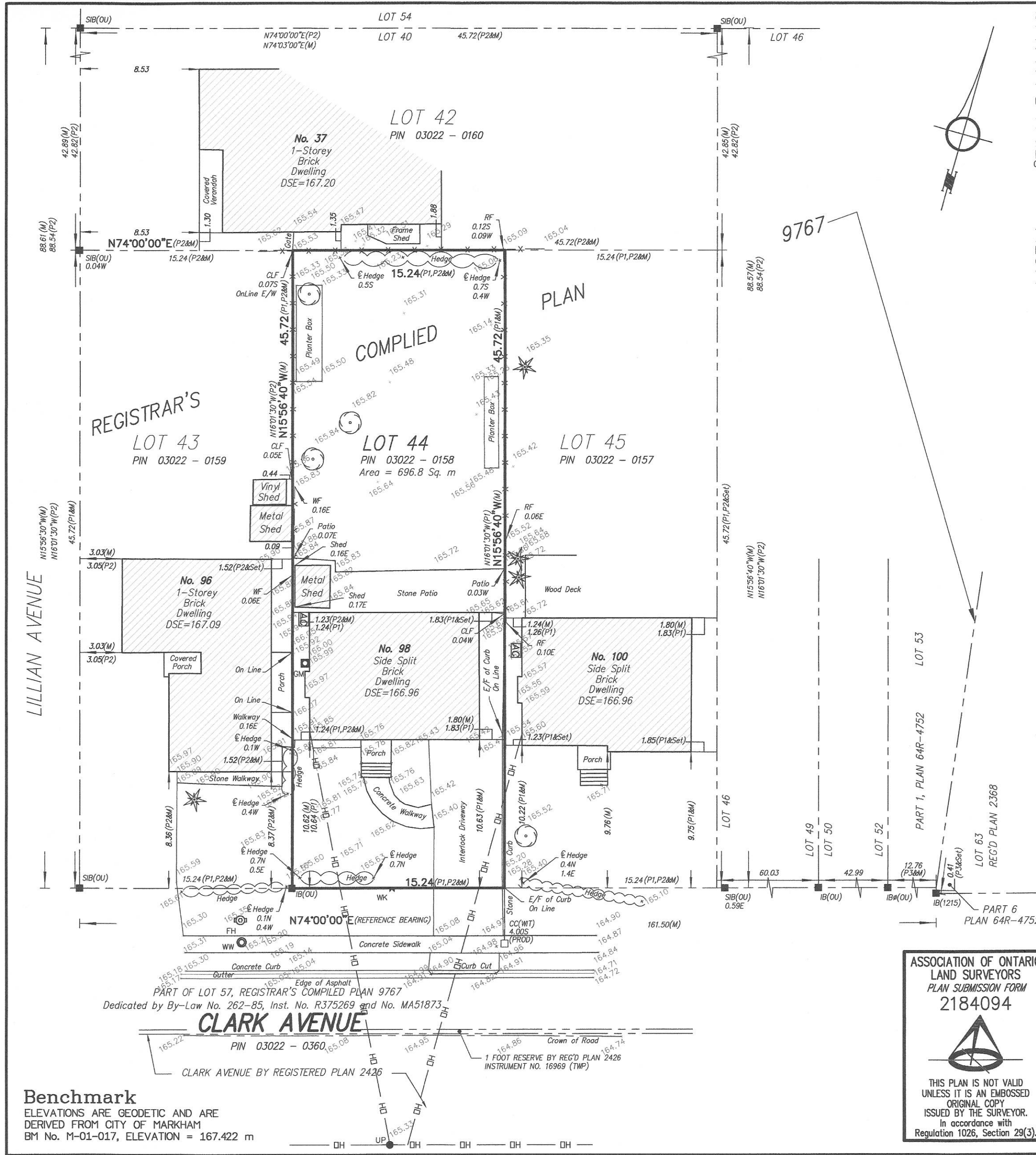
1: 1,128



57.3 0 28.65 57.3 Meters

Notes





SURVEYOR'S REAL PROPERTY REPORT PART 1  
**Appendix C**  
 File: 22.254143.000.00.MNV  
 Date: 04/19/23  
 MM/DD/YY

SCALE 1:250  
 0 1 2 3 4 5 10 15 20m

© COPYRIGHT  
**ertl surveyors 2022**  
 Ontario Land Surveyors

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

**Part 2**  
 NO REGISTERED EASEMENTS OR RIGHTS OF WAY ON TITLE  
 NOTE THE OVERHEAD WIRES AT THE SOUTH LIMIT OF THE PROPERTY FENCES AS SHOWN  
 SURVEY PREPARED FOR MICHAEL MAO

**Bearing Reference**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF CLARK AVENUE AS SHOWN ON A PLAN OF SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965, HAVING A BEARING OF N74°00'00"E

- Legend**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - CC DENOTES CUT CROSS
  - DENOTES ROUND
  - WIT DENOTES WITNESS
  - M DENOTES MEASURED
  - OU DENOTES ORIGIN UNKNOWN
  - P1 DENOTES SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965
  - P2 DENOTES SURVEY BY P. SALNA, O.L.S. DATED APRIL 03, 1968
  - P3 DENOTES SURVEY BY ERTL SURVEYORS, O.L.S. DATED DECEMBER 08, 2014
  - 1215 DENOTES O. ERTL, O.L.S.
  - PROD DENOTES ON PRODUCTION
  - E/F DENOTES EAST FACE
  - DSE DENOTES DOOR SILL ELEVATION
  - WF DENOTES WOODEN FENCE
  - CLF DENOTES CHAIN LINK FENCE
  - OH- DENOTES OVERHEAD UTILITY WIRES
  - WV DENOTES WATER VALVE/KEY
  - GM DENOTES GAS METER
  - FH DENOTES FIRE HYDRANT
  - WW DENOTES WATER WELL
  - UP DENOTES UTILITY POLE
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - ★ DENOTES CONIFEROUS TREE
  - ☀ DENOTES DECIDUOUS TREE
  - AC DENOTES AIR CONDITIONER

**Tree Note**  
 ALL EXISTING TREES, IN THE BOULEVARD, ARE SHOWN. TREES LOCATED ON THE PROPERTY AND ITS PROXIMITY, ARE SHOWN IF THEY HAVE A TRUNK DIAMETER LARGER THAN 0.15m

**Surveyor's Certificate**

I CERTIFY THAT :  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 25TH DAY OF JANUARY 2022

*[Signature]*  
 Date  
*[Signature]*  
 Andrejs Luckis  
 Ontario Land Surveyor

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
**2184094**

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

**ertl surveyors**  
 Ontario Land Surveyors  
 www.es-ols.com  
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
 DRAWING : 22006-CLARK-AVE-98-TB.dwg PROJECT : 22006  
 CALC. BY DL, DRAWN BY BC, CHECKED BY CL

**Benchmark**  
 ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CITY OF MARKHAM  
 BM No. M-01-017, ELEVATION = 167.422 m

PART OF LOT 57, REGISTRAR'S COMPILED PLAN 9767  
 Dedicated by By-Law No. 262-85, Inst. No. R375269 and No. MA51873  
**CLARK AVENUE**  
 PIN 03022 - 0360  
 CLARK AVENUE BY REGISTERED PLAN 2426  
 1 FOOT RESERVE BY REG'D PLAN 2426 INSTRUMENT NO. 16969 (TWP)

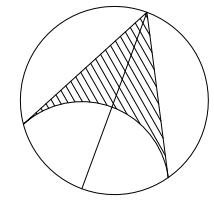
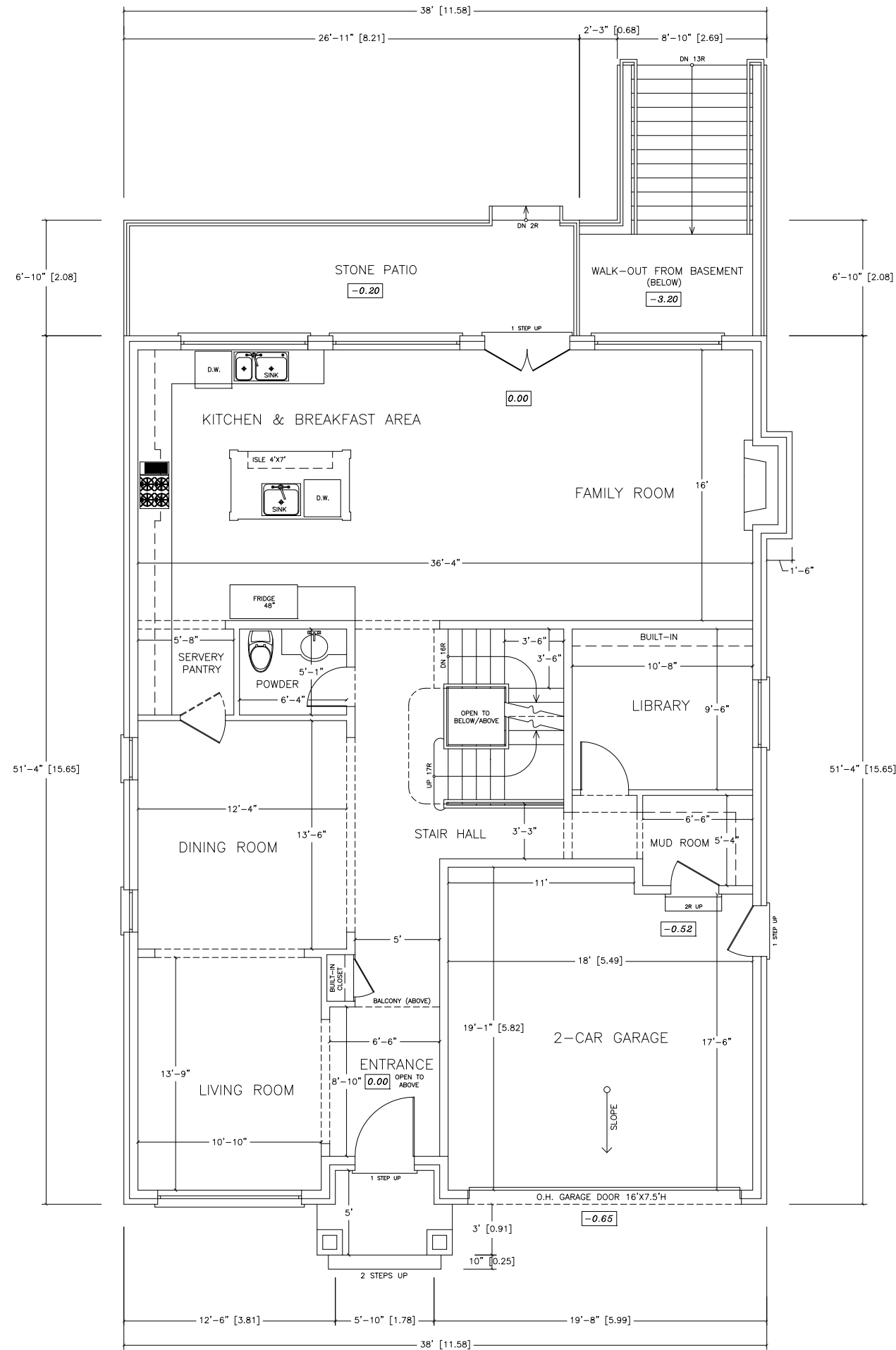




# Appendix C

File: 22.254143.000.00.MNV

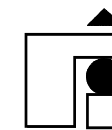
Date: 04/19/23  
MM/DD/YY



## GROUND FLOOR PLAN

SCALE 1/8" = 1'-0"

### GUITBERG GROUP INC.



33 BELVEDERE CRES.  
RICHMOND HILL  
ONTARIO, L4C 8W1  
TEL. (905) 508-7436  
EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## GROUND FLOOR PLAN

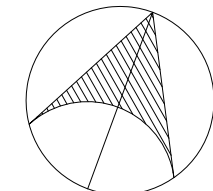
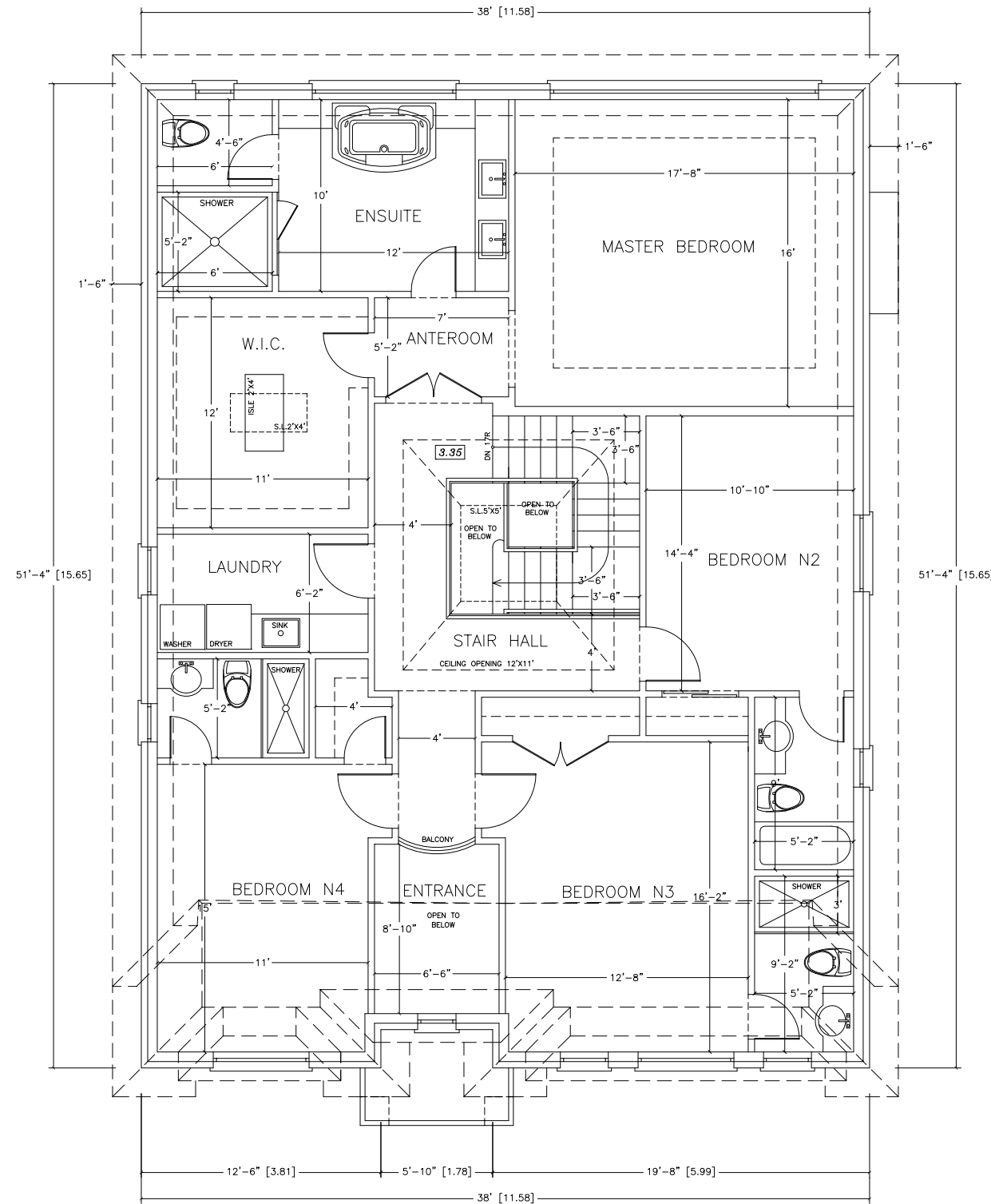
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PROJECT NUMBER	R-28/02/22	A-3	



# Appendix C

File: 22.254143.000.00.MNV

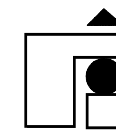
Date: 04/19/23  
MM/DD/YY



## SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

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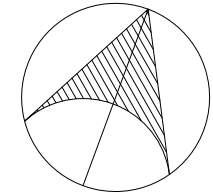
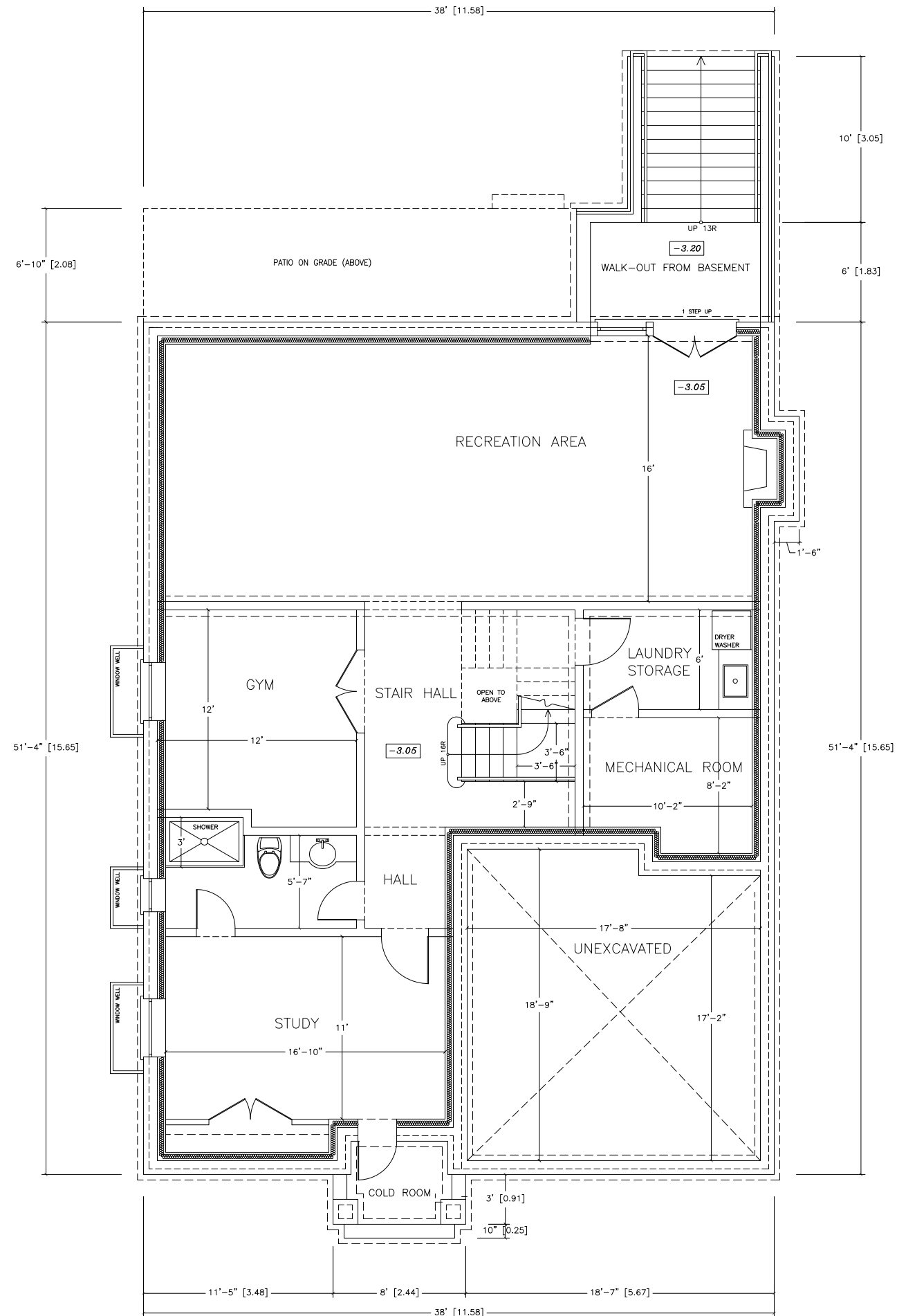
## SECOND FLOOR PLAN

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SCALE	1/8" = 1'-0"	DATE	DECEMBER '22
PROJECT NUMBER	R-28/02/22	A-4	

# Appendix C

File: 22.254143.000.00.MNV

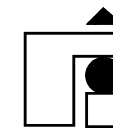
Date: 04/19/23  
MM/DD/YY



## BASEMENT FLOOR PLAN

SCALE 1/8" = 1'-0"

**GUITBERG GROUP INC.**



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PRIVATE RESIDENCE  
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CITY OF MARKHAM, ONTARIO

## BASEMENT PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22

PROJECT NUMBER	R-28/02/22	<b>A-2</b>
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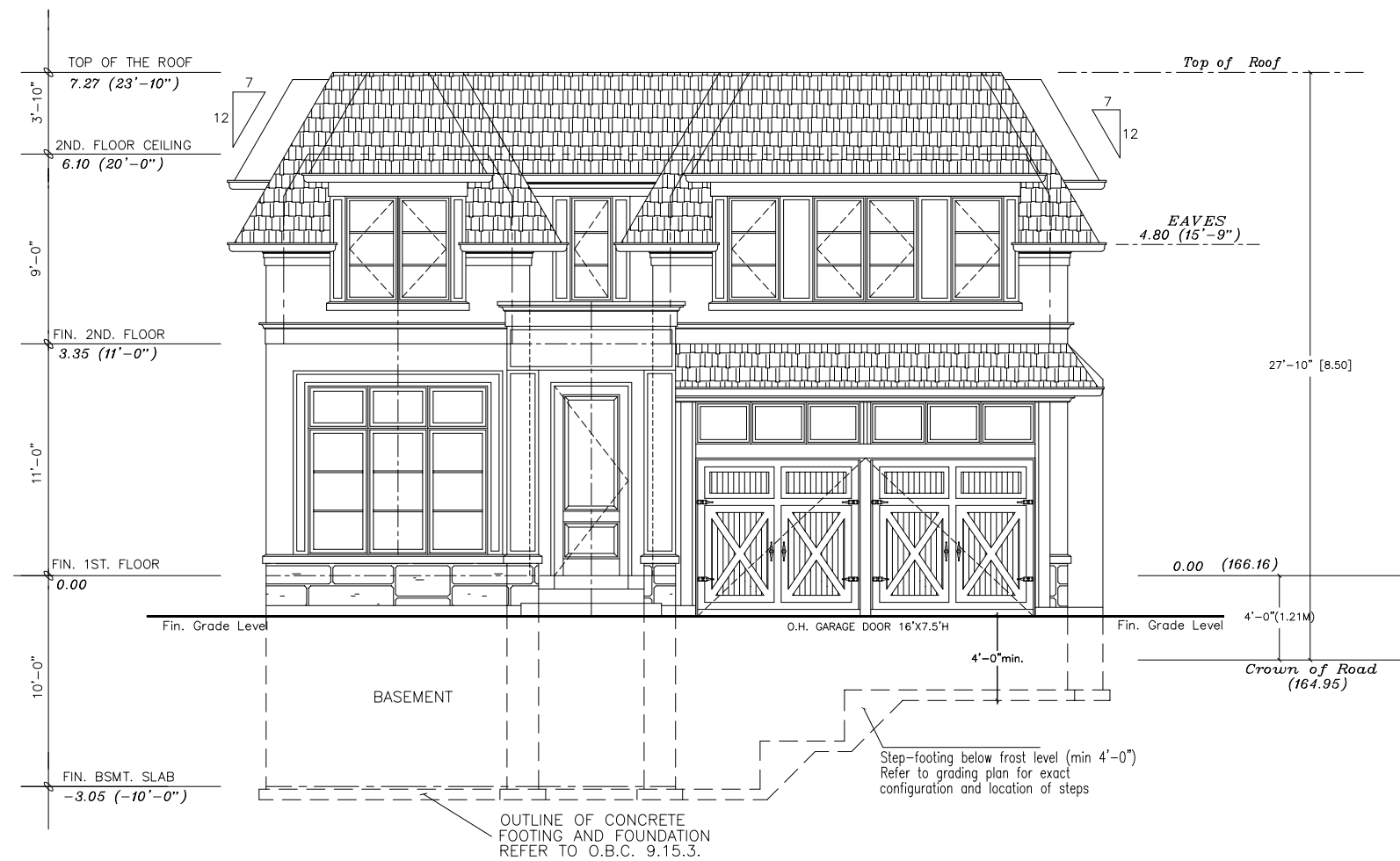
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File: 22.254143.000.00.MNV

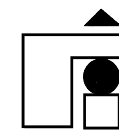
Date: 04/19/23  
MM/DD/YY

## SOUTH ELEVATION

SCALE 1/8" = 1'-0"



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CITY OF MARKHAM, ONTARIO

## SOUTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22

PROJECT NUMBER	R-28/02/22	A-5
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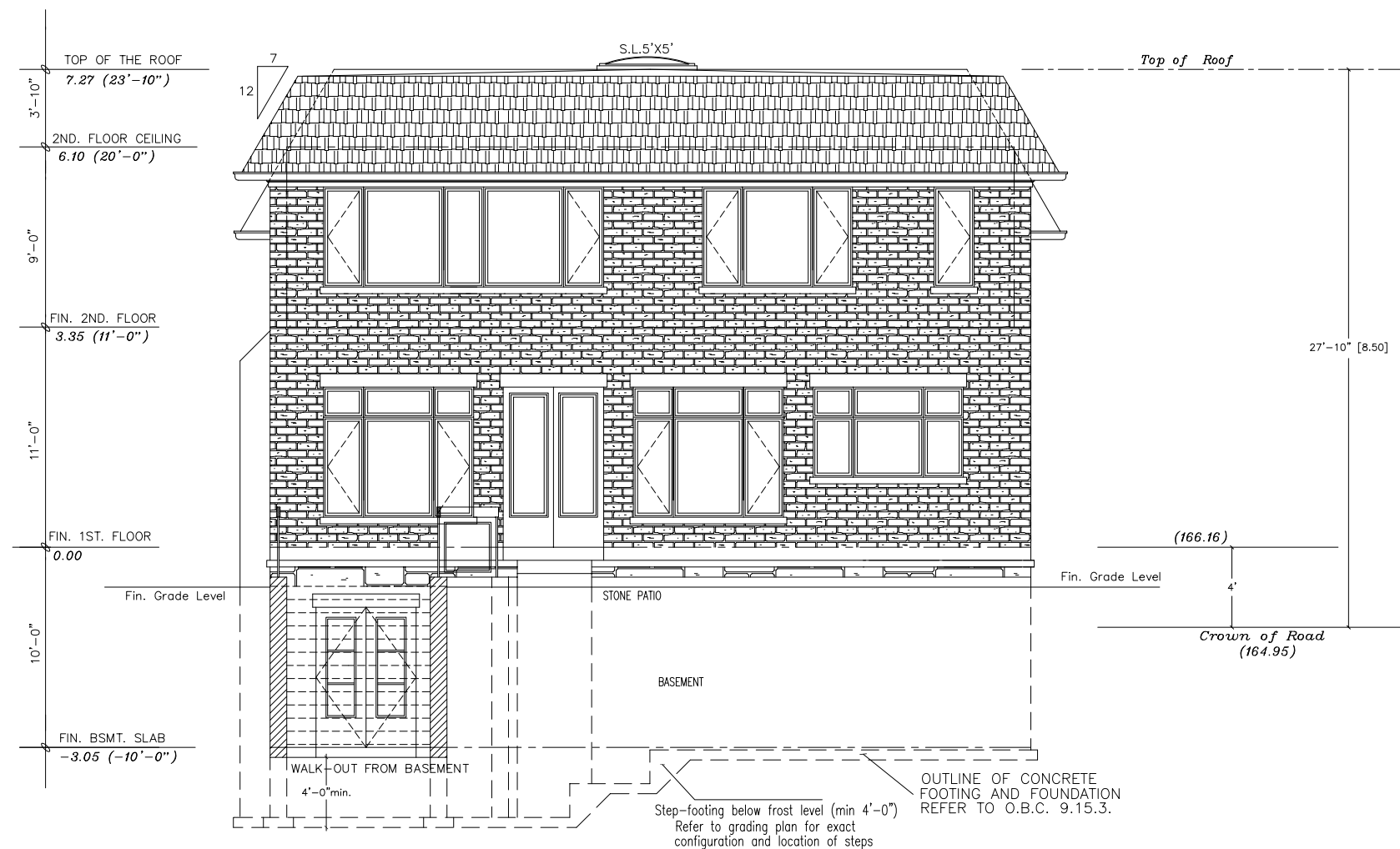
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File: 22.254143.000.00.MNV

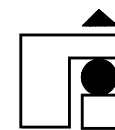
Date: 04/19/23  
MM/DD/YY

## NORTH ELEVATION

SCALE 1/8" = 1'-0"



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PRIVATE RESIDENCE  
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CITY OF MARKHAM, ONTARIO

## NORTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-6
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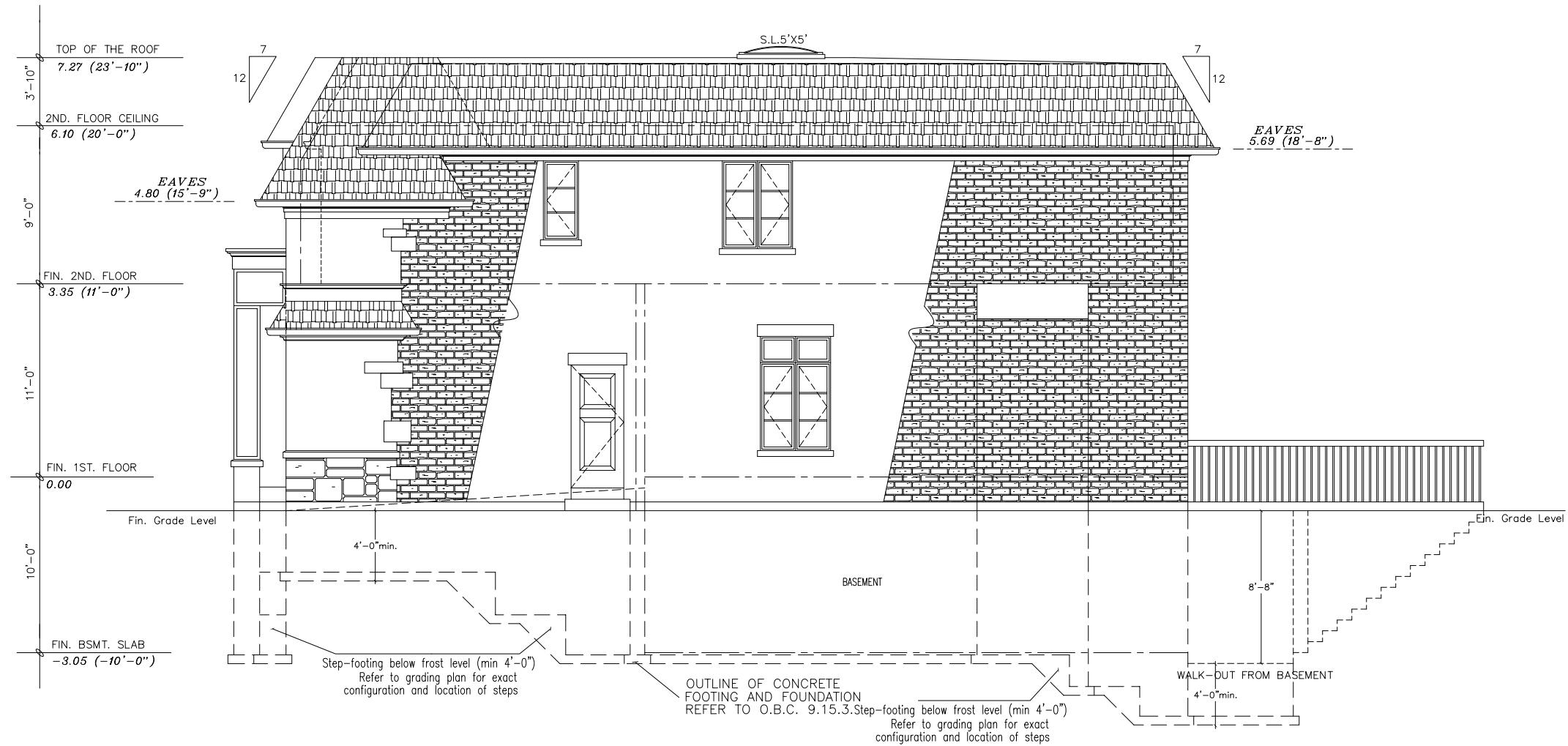
# Appendix C

File: 22.254143.000.00.MNV

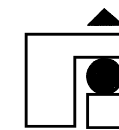
Date: 04/19/23  
MM/DD/YY

## EAST ELEVATION

SCALE 1/8" = 1'-0"



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PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## EAST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-7
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# Appendix C

File: 22.254143.000.00.MNV

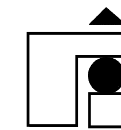
Date: 04/19/23  
MM/DD/YY

## WEST ELEVATION

SCALE 1/8" = 1'-0"



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CITY OF MARKHAM, ONTARIO

## WEST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-8
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## Appendix D

Memorandum to the City of Markham Committee of Adjustment  
March 13, 2023

File: 22.254143.000.00.MNV

Date: 04/19/23  
MM/DD/YY

**File:** A/149/22  
**Address:** 98 Clark Avenue, Thornhill  
**Applicant:** XIAORU SONG  
**Owner:** Yi Huang  
**Hearing Date:** Wednesday, March 22, 2023

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

The applicant is requesting relief from the following requirements of By-law 2237, R4 as amended, as it relates to a proposed two-storey single detached dwelling:

**a) Amending By-law 101-90, Section 1.2 (iv):**

A building depth of 17.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

**b) Amending By-law 101-90, Section 1.2 (iv)**

A floor area ratio of 57.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

### **BACKGROUND**

#### **Property Description**

The 696.80 m<sup>2</sup> (7,500 ft<sup>2</sup>) subject property is located on the north side of Clark Avenue, south of John Street and east of Yonge Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition towards larger two-storey detached dwellings being developed as infill developments.

There is an existing 145 m<sup>2</sup> (1,561 ft<sup>2</sup>) two-storey single detached dwelling on the property, which according to assessment records was constructed in 1965. Mature vegetation exists on the property in the rear yard.

#### **Proposal**

The applicant is proposing to construct a two-storey single detached dwelling with a Gross Floor Area of 367.42 m<sup>2</sup> (3,955 ft<sup>2</sup>), The total building depth proposed is 17.10 m (56.10 ft), including the 0.91m (3 ft) covered front porch. The proposed total lot coverage is 199.64 m<sup>2</sup> (2149 ft<sup>2</sup>) (refer to Appendix "B" – Plans).

#### **Official Plan and Zoning**

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

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

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 neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

The proposed is also subject to the Thornhill Area and Site Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings and additions to existing dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development.

#### Zoning By-Law 2237

The subject property is zoned R4 under By-law 2237, as amended, which permits single detached dwellings.

#### Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to total building depth and maximum allowable floor area ratio.

#### **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 that the building depth variance is triggered by the enclosed porch and the new construction necessitates a minor variance request.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on June 28, 2022 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.

#### **Increased Maximum Floor Area Ratio Variance**

The applicant is requesting relief to permit a floor area ratio of 57.5 percent, whereas a maximum floor area ratio of 50 percent is permitted. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 367.43 m<sup>2</sup> (3,955 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 319.40 m<sup>2</sup> (3,438 ft<sup>2</sup>). This represents an increase of approximately 48.03 m<sup>2</sup> (517 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling.

The proposed gross floor area is consistent with the recent infill development trend, including a number of nearby infill homes. Consequently, staff are of the opinion that the requested variance is minor in nature and that the increased floor area will not adversely

impact the character of the neighborhood as the proposed dwelling will be similar in size with other infill homes in the area.

**Increased Maximum Building Depth Variance**

The applicant is requesting relief to permit a maximum building depth of 17.10 m (56.10 ft), whereas a maximum building depth of 16.80 m (55.12 ft) is permitted. This represents an increase of approximately 0.30 m (0.98 ft) or 1.79 percent.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The building depth variance is due, in part, to a front covered porch which adds approximately 0.91 m (3.0 ft) to the overall depth of the proposed dwelling. The majority of the proposed dwelling, excluding the porch, has a building depth of 16.15 m (53.0 ft), which will comply with the maximum permitted building depth noted above. Staff have no objections to this variance request as the main component of the building satisfies the maximum building depth permitted of 16.80 m (55.12 ft) and is consistent with similar infill developments in the neighborhood. Staff are of the opinion that the proposed increase in building depth is in keeping with the general intent of the zoning by-law.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of March 13 2023. 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.



**APPENDICES**

**Appendix "A" – A/167/22 Conditions of Approval**

**Appendix "B" – Aerial Photo**

**Appendix "C" – Plans**

**PREPARED BY:**



---

Aaron Chau, Development Technician, Zoning and Special Projects

**REVIEWED BY:**



---

Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

**File Path: Amanda\File\ 22 254143 \Documents\District Team Comments Memo**

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/22**

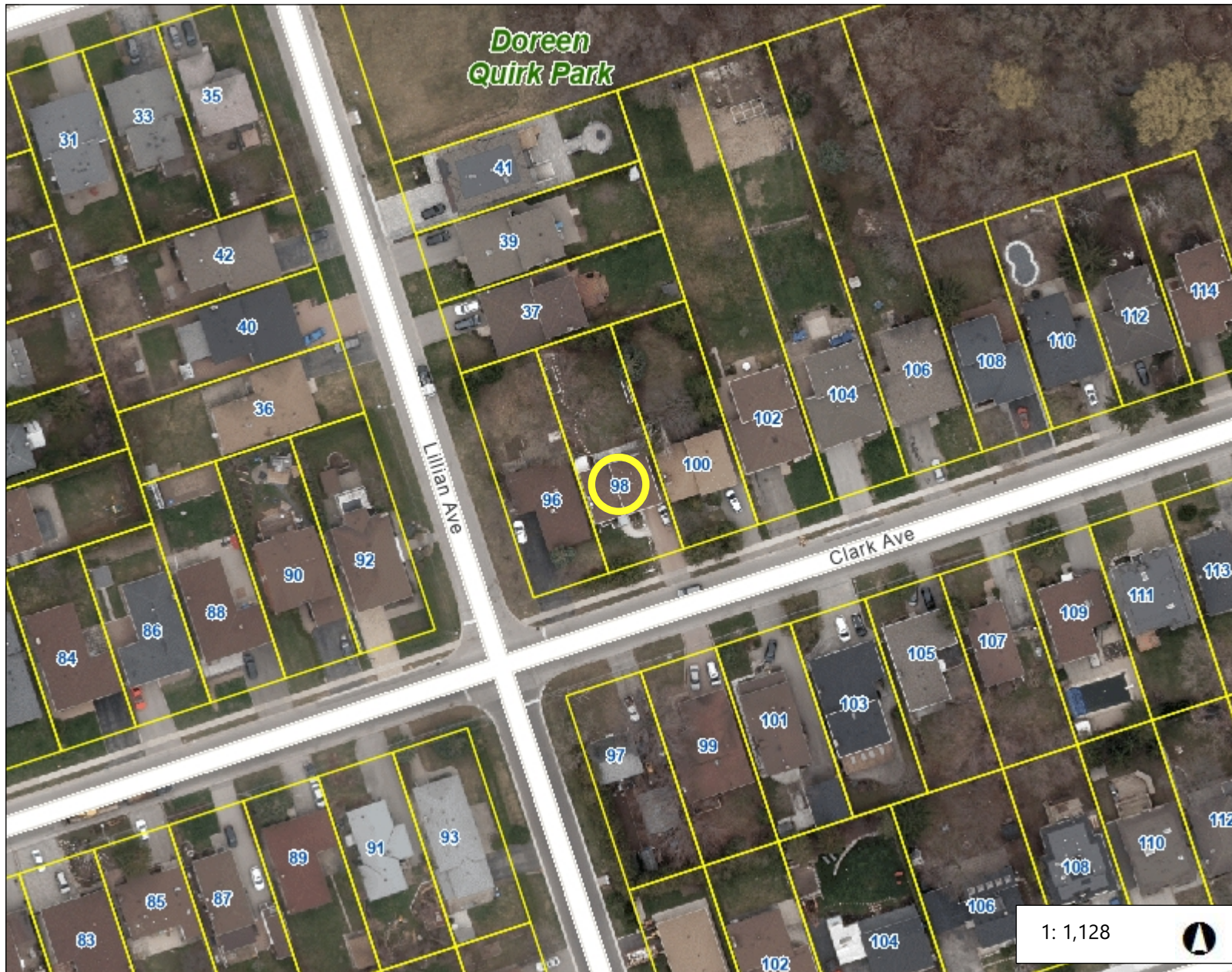
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix C' to this Staff Report and received by the City of Markham on March 13 2023, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;

**CONDITIONS PREPARED BY:**



---

**Aaron Chau, Planner, Zoning and Special Projects**



Legend

- Subject Lands - 98 Clark Avenue

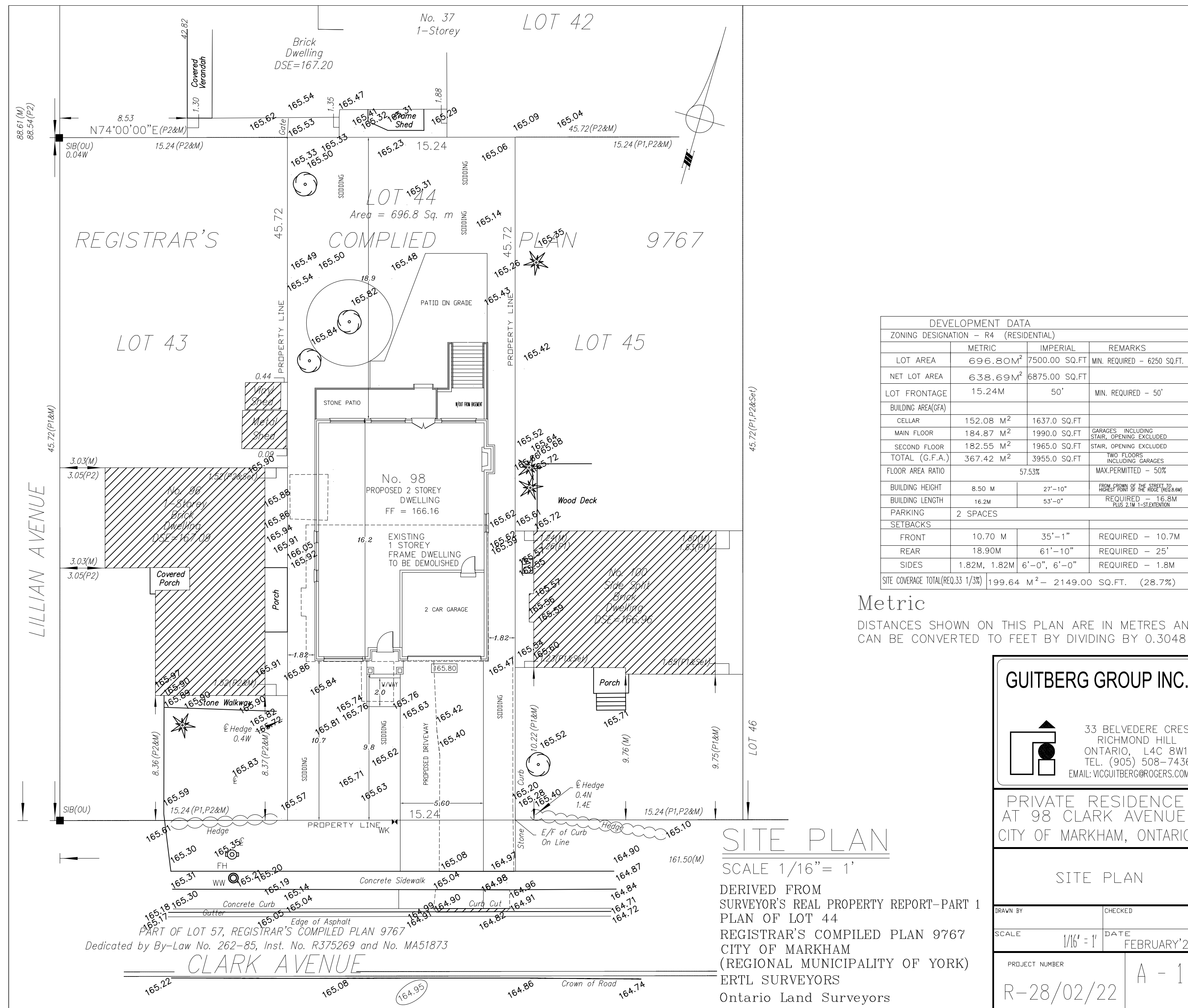
1: 1,128



57.3 0 28.65 57.3 Meters

Notes





DEVELOPMENT DATA			
ZONING DESIGNATION - R4 (RESIDENTIAL)			
	METRIC	IMPERIAL	REMARKS
LOT AREA	696.80 M <sup>2</sup>	7500.00 SQ.FT	MIN. REQUIRED - 6250 SQ.FT.
NET LOT AREA	638.69 M <sup>2</sup>	6875.00 SQ.FT	
LOT FRONTAGE	15.24 M	50'	MIN. REQUIRED - 50'
BUILDING AREA(GFA)			
CELLAR	152.08 M <sup>2</sup>	1637.0 SQ.FT	
MAIN FLOOR	184.87 M <sup>2</sup>	1990.0 SQ.FT	GARAGES INCLUDING STAIR, OPENING EXCLUDED
SECOND FLOOR	182.55 M <sup>2</sup>	1965.0 SQ.FT	STAIR, OPENING EXCLUDED
TOTAL (G.F.A.)	367.42 M <sup>2</sup>	3955.0 SQ.FT	TWO FLOORS INCLUDING GARAGES
FLOOR AREA RATIO		57.53%	MAX. PERMITTED - 50%
BUILDING HEIGHT	8.50 M	27'-10"	FROM CROWN OF THE STREET TO HIGHEST POINT OF THE ROOF (REG. 8.6M)
BUILDING LENGTH	16.2M	53'-0"	REQUIRED - 18.8M PLUS 2.1M 1-STEXTENSION
PARKING	2 SPACES		
SETBACKS			
FRONT	10.70 M	35'-1"	REQUIRED - 10.7M
REAR	18.90M	61'-10"	REQUIRED - 25'
SIDES	1.82M, 1.82M	6'-0", 6'-0"	REQUIRED - 1.8M
SITE COVERAGE TOTAL(REQ.33 1/3%)	199.64 M <sup>2</sup> - 2149.00 SQ.FT. (28.7%)		

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

**GUITBERG GROUP INC.**



33 BELVEDERE CRES.  
RICHMOND HILL  
ONTARIO, L4C 8W1  
TEL. (905) 508-7436  
EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

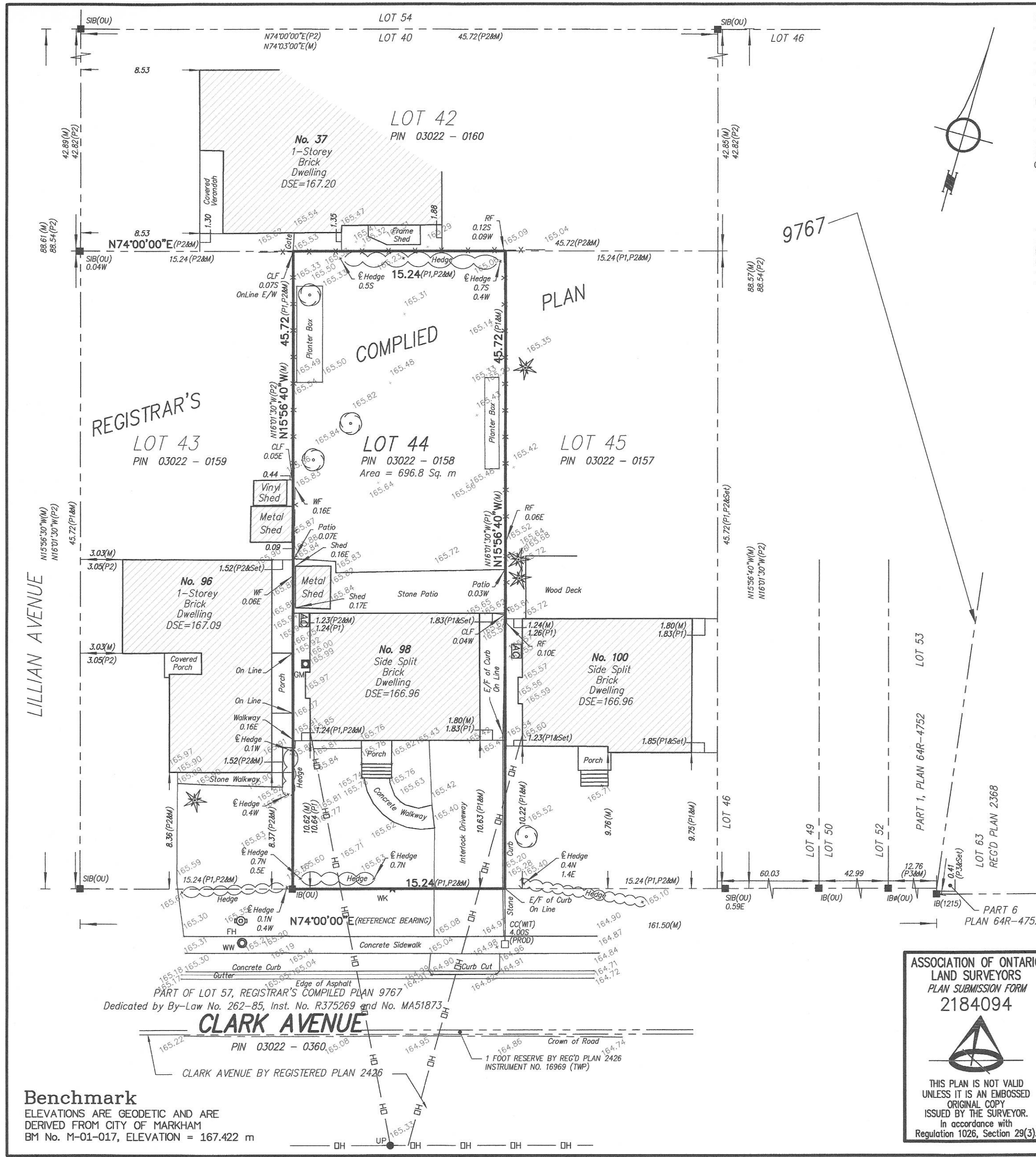
SITE PLAN

DRAWN BY	CHECKED
SCALE	DATE
1/16" = 1'	FEBRUARY'22
PROJECT NUMBER	A - 1
R-28/02/22	

**SITE PLAN**  
SCALE 1/16" = 1'  
DERIVED FROM  
SURVEYOR'S REAL PROPERTY REPORT-PART 1  
PLAN OF LOT 44  
REGISTRAR'S COMPILED PLAN 9767  
CITY OF MARKHAM  
(REGIONAL MUNICIPALITY OF YORK)  
ERTL SURVEYORS  
Ontario Land Surveyors

PART OF LOT 57, REGISTRAR'S COMPILED PLAN 9767  
Dedicated by By-Law No. 262-85, Inst. No. R375269 and No. MA51873





SURVEYOR'S REAL PROPERTY REPORT - PART 1  
**Appendix C**  
 File: 22.254143.000.00.MNV  
 Date: 03/17/23  
 MM/DD/YY

PLAN OF  
 LOT 44  
 REGISTRAR'S COMPILED PLAN 9767  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

SCALE 1:250  
 0 1 2 3 4 5 10 15 20m  
 © COPYRIGHT  
**ertl surveyors 2022**  
 Ontario Land Surveyors

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

**Part 2**  
 NO REGISTERED EASEMENTS OR RIGHTS OF WAY ON TITLE  
 NOTE THE OVERHEAD WIRES AT THE SOUTH LIMIT OF THE PROPERTY FENCES AS SHOWN  
 SURVEY PREPARED FOR MICHAEL MAO

**Bearing Reference**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF CLARK AVENUE AS SHOWN ON A PLAN OF SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965, HAVING A BEARING OF N74°00'00"E

- Legend**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - CC DENOTES CUT CROSS
  - DENOTES ROUND
  - WIT DENOTES WITNESS
  - M DENOTES MEASURED
  - OU DENOTES ORIGIN UNKNOWN
  - P1 DENOTES SURVEY BY JOHN McSKIMMING, O.L.S. DATED APRIL 02, 1965
  - P2 DENOTES SURVEY BY P. SALNA, O.L.S. DATED APRIL 03, 1968
  - P3 DENOTES SURVEY BY ERTL SURVEYORS, O.L.S. DATED DECEMBER 08, 2014
  - 1215 DENOTES O. ERTL, O.L.S.
  - PROD DENOTES ON PRODUCTION
  - E/F DENOTES EAST FACE
  - DSE DENOTES DOOR SILL ELEVATION
  - WF DENOTES WOODEN FENCE
  - RF DENOTES RAIL FENCE
  - CLF DENOTES CHAIN LINK FENCE
  - OH- DENOTES OVERHEAD UTILITY WIRES
  - ✕ WK DENOTES WATER VALVE/KEY
  - GM DENOTES GAS METER
  - ⊙ FH DENOTES FIRE HYDRANT
  - ⊙ WW DENOTES WATER WELL
  - UP DENOTES UTILITY POLE
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - ★ DENOTES CONIFEROUS TREE
  - ☀ DENOTES DECIDUOUS TREE
  - ⊠ DENOTES AIR CONDITIONER

**Tree Note**  
 ALL EXISTING TREES, IN THE BOULEVARD, ARE SHOWN. TREES LOCATED ON THE PROPERTY AND ITS PROXIMITY, ARE SHOWN IF THEY HAVE A TRUNK DIAMETER LARGER THAN 0.15m

**Surveyor's Certificate**  
 I CERTIFY THAT :  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 25TH DAY OF JANUARY 2022

Date: *Jan 25 2022*  
 Signature: *Andreas Luciks*  
 Andreas Luciks  
 Ontario Land Surveyor

**ertl surveyors**  
 Ontario Land Surveyors  
 www.es-ols.com

1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
 DRAWING : 22006-CLARK-AVE-98-TB.dwg PROJECT : 22006  
 CALC. BY DL, DRAWN BY BC, CHECKED BY CL

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
**2184094**

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

**Benchmark**  
 ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CITY OF MARKHAM  
 BM No. M-01-017, ELEVATION = 167.422 m

PART OF LOT 57, REGISTRAR'S COMPILED PLAN 9767  
 Dedicated by By-Law No. 262-85, Inst. No. R375269 and No. MA51873

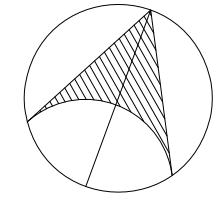
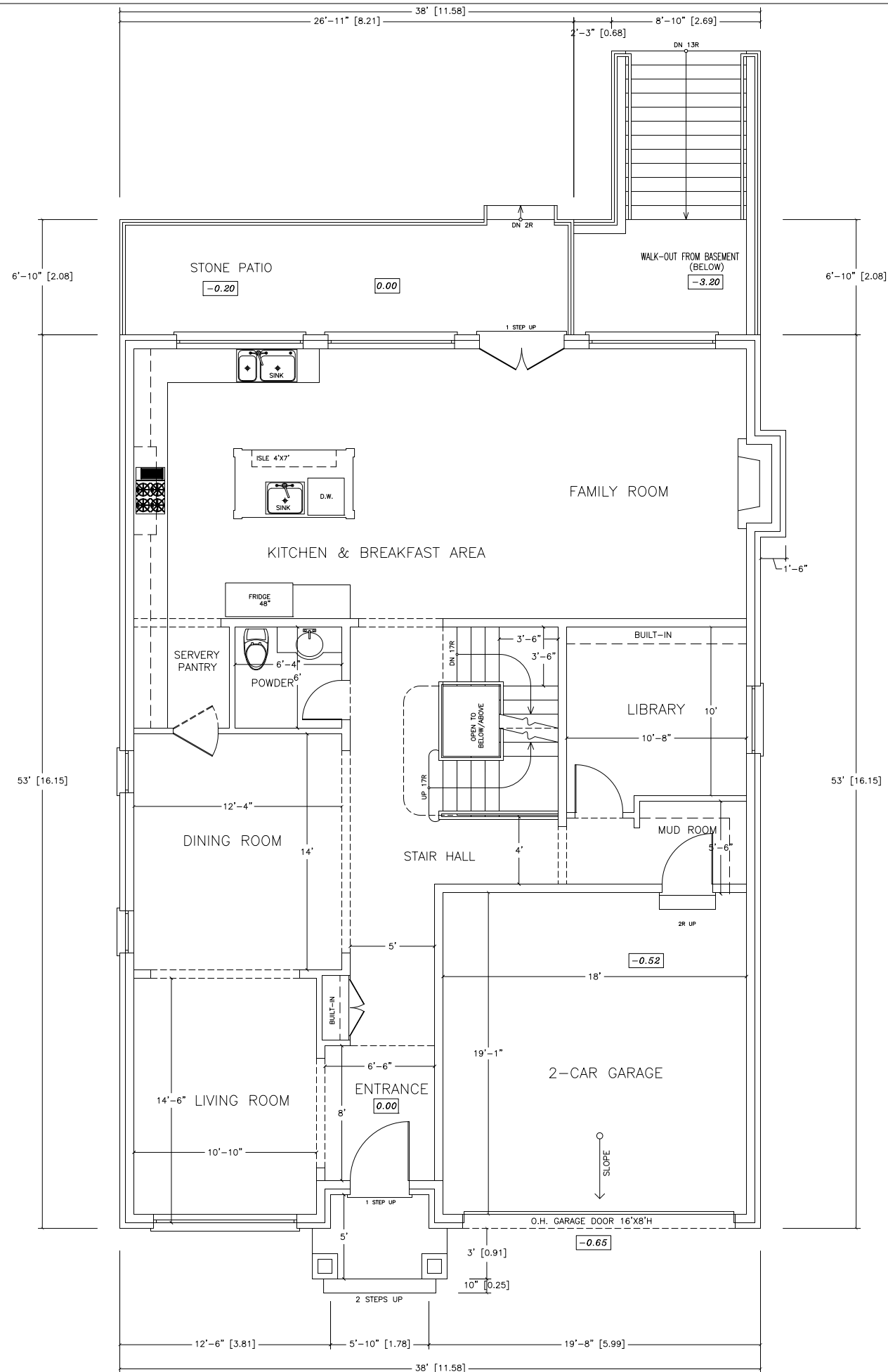
**CLARK AVENUE**  
 PIN 03022 - 0360  
 CLARK AVENUE BY REGISTERED PLAN 2426  
 1 FOOT RESERVE BY REG'D PLAN 2426 INSTRUMENT NO. 16969 (TWP)



# Appendix C

File: 22.254143.000.00.MNV

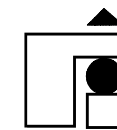
Date: 03/17/23  
MM/DD/YY



## GROUND FLOOR PLAN

SCALE 1/8" = 1'-0"

### GUITBERG GROUP INC.



33 BELVEDERE CRES.  
RICHMOND HILL  
ONTARIO, L4C 8W1  
TEL. (905) 508-7436  
EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## GROUND FLOOR PLAN

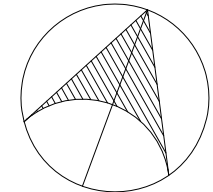
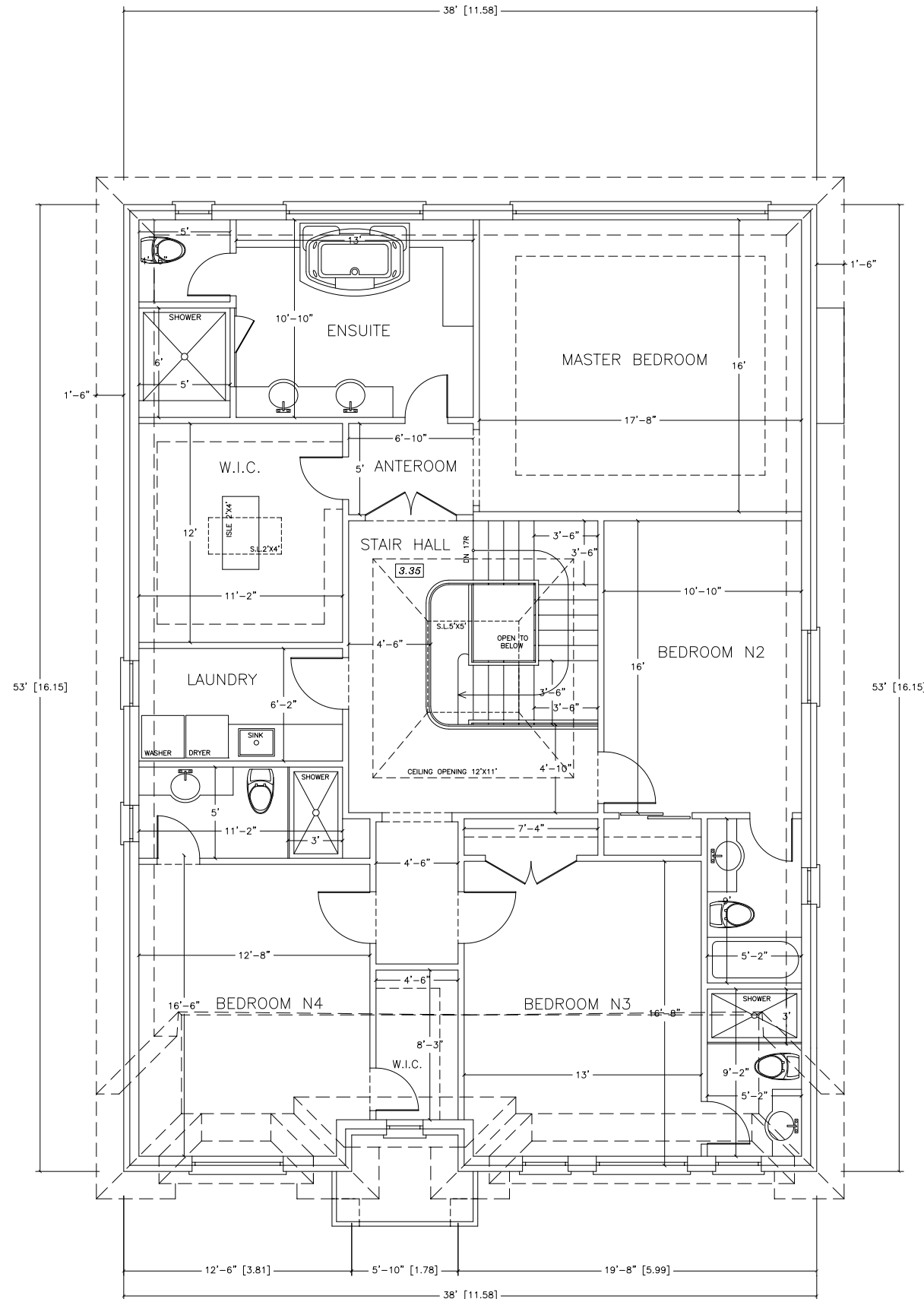
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SCALE	1/8" = 1'-0"	DATE	DECEMBER '22

PROJECT NUMBER	R-28/02/22	A-3
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# Appendix C

File: 22.254143.000.00.MNV

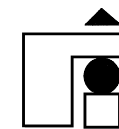
Date: 03/17/23  
MM/DD/YY



## SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

### GUITBERG GROUP INC.



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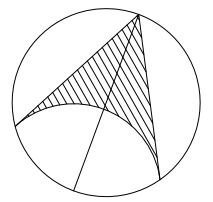
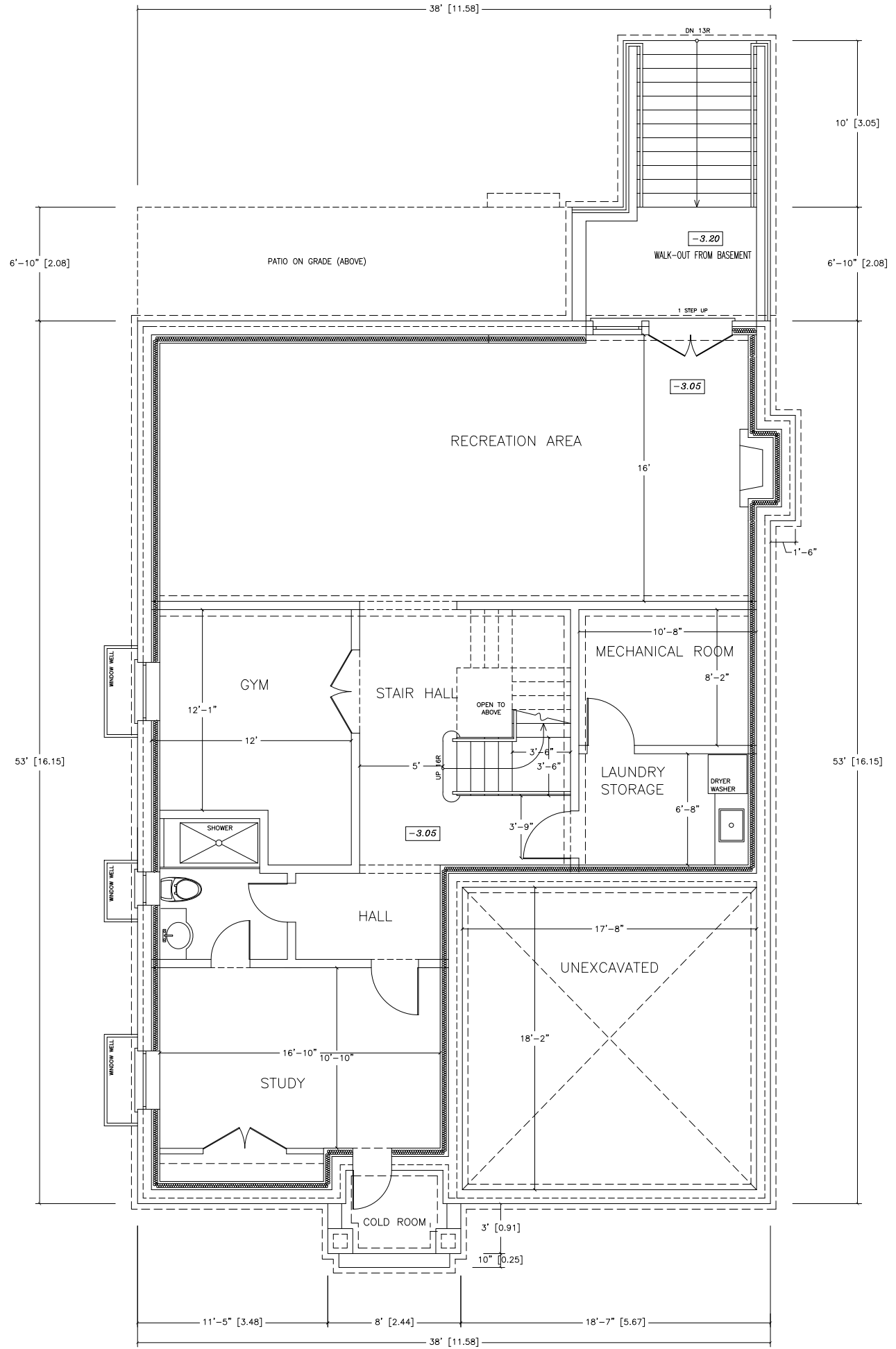
## SECOND FLOOR PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22
PROJECT NUMBER	R-28/02/22	A-4	



# Appendix C

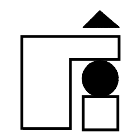
File: 22.254143.000.00.MNV  
 Date: 03/17/23  
 MM/DD/YY



## BASEMENT FLOOR PLAN

SCALE 1/8" = 1'-0"

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 ONTARIO, L4C 8W1  
 TEL. (905) 508-7436  
 EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
 AT 98 CLARK AVENUE  
 CITY OF MARKHAM, ONTARIO

### BASEMENT PLAN

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22
PROJECT NUMBER	R-28/02/22	A-2	

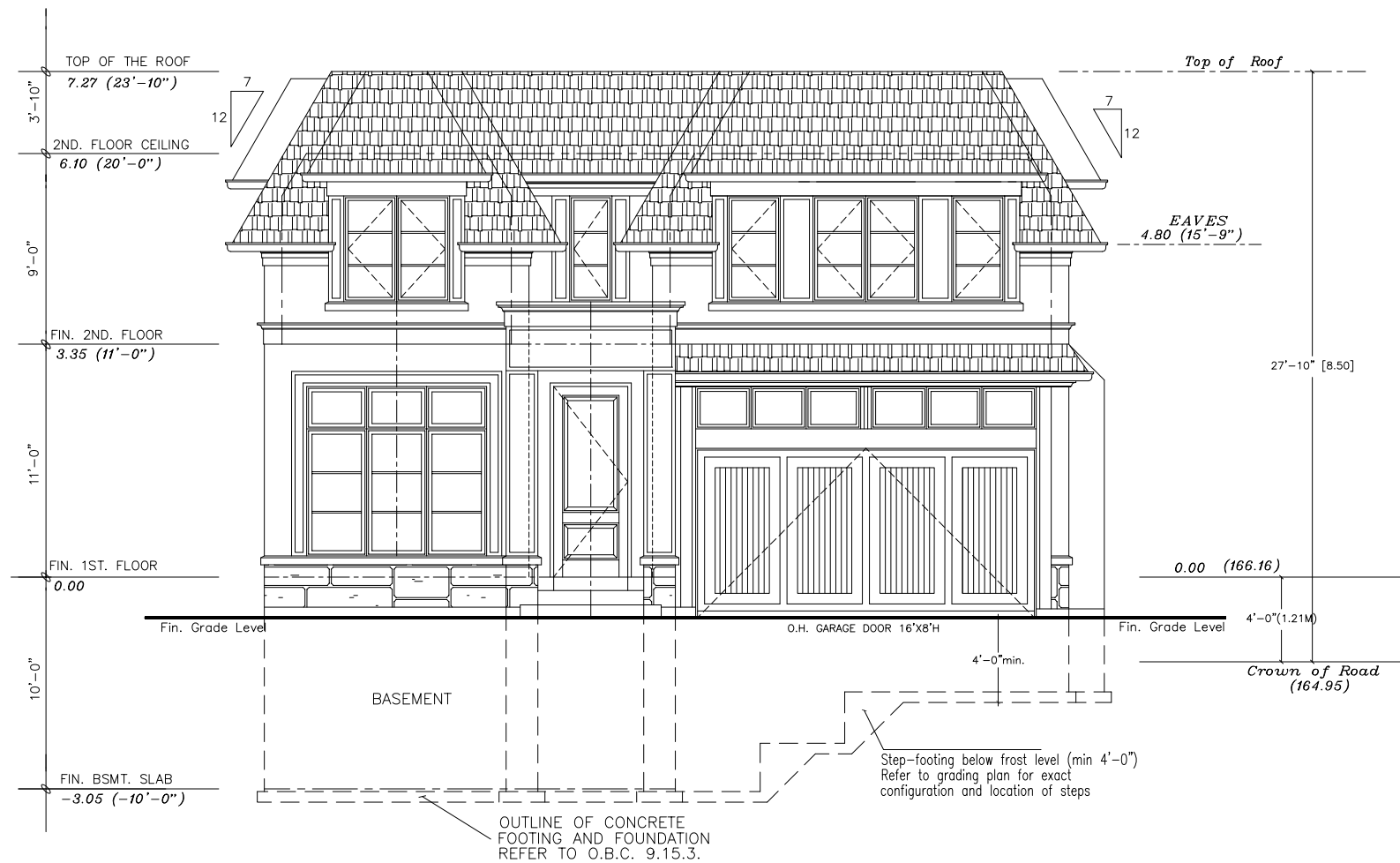
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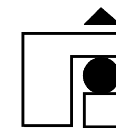
Date: 03/17/23  
MM/DD/YY

## SOUTH ELEVATION

SCALE 1/8" = 1'-0"



### GUITBERG GROUP INC.



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RICHMOND HILL  
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TEL. (905) 508-7436  
EMAIL: VCGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## SOUTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER '22

PROJECT NUMBER	R-28/02/22	A-5
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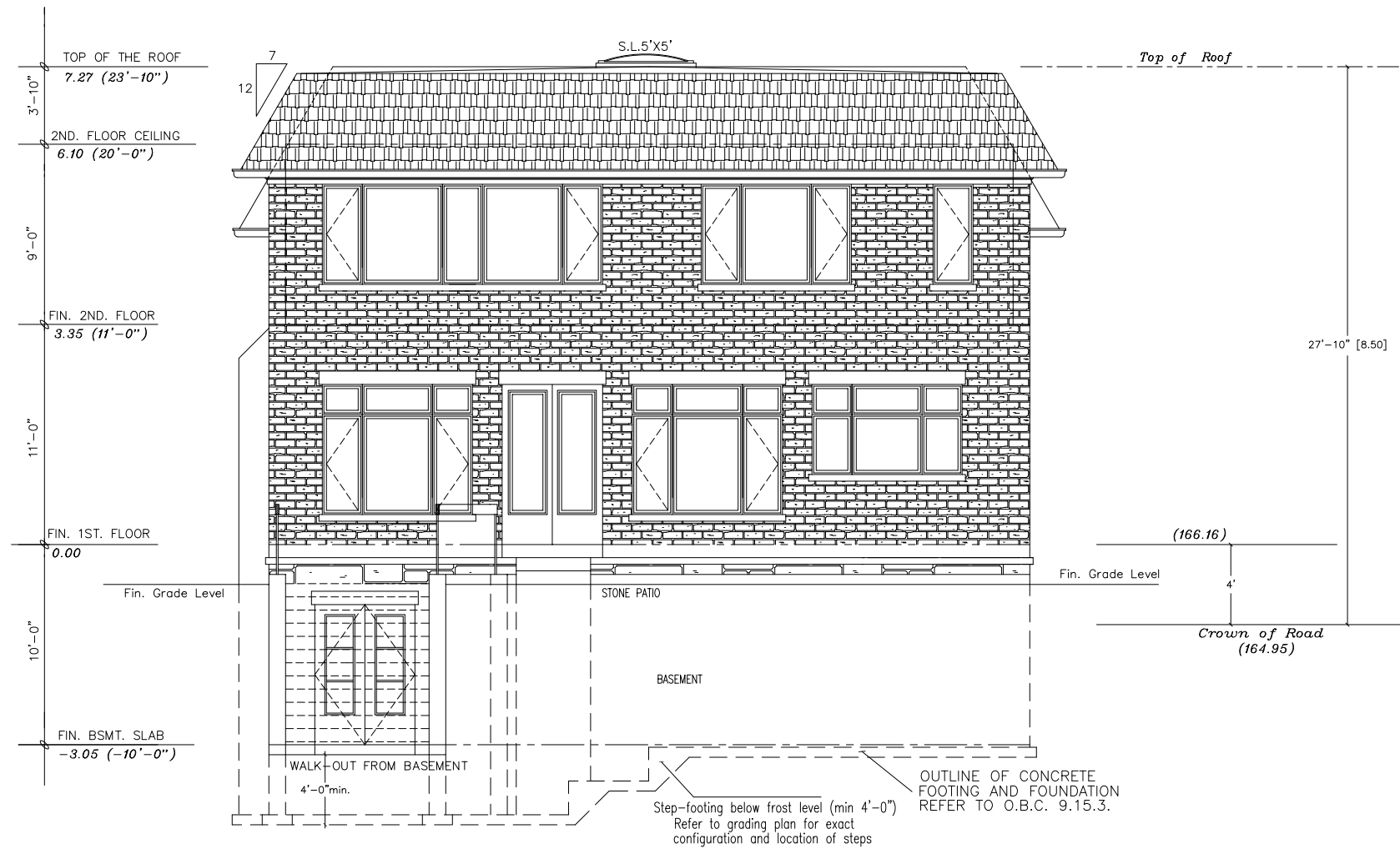
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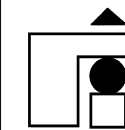
Date: 03/17/23  
MM/DD/YY

## NORTH ELEVATION

SCALE 1/8" = 1'-0"



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PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## NORTH ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-6
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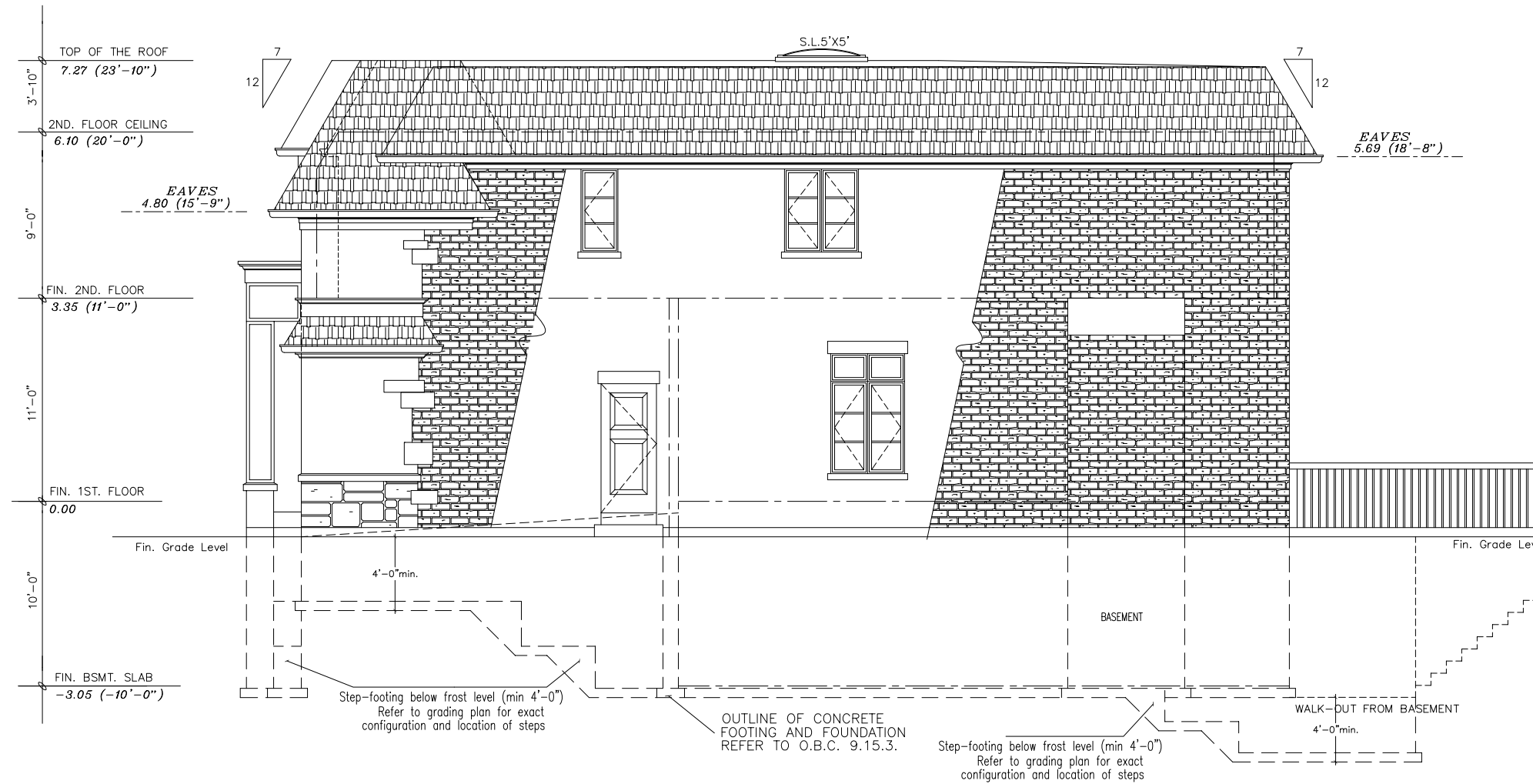
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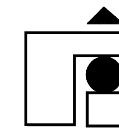
Date: 03/17/23  
MM/DD/YY

## EAST ELEVATION

SCALE 1/8" = 1'-0"



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RICHMOND HILL  
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PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## EAST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-7
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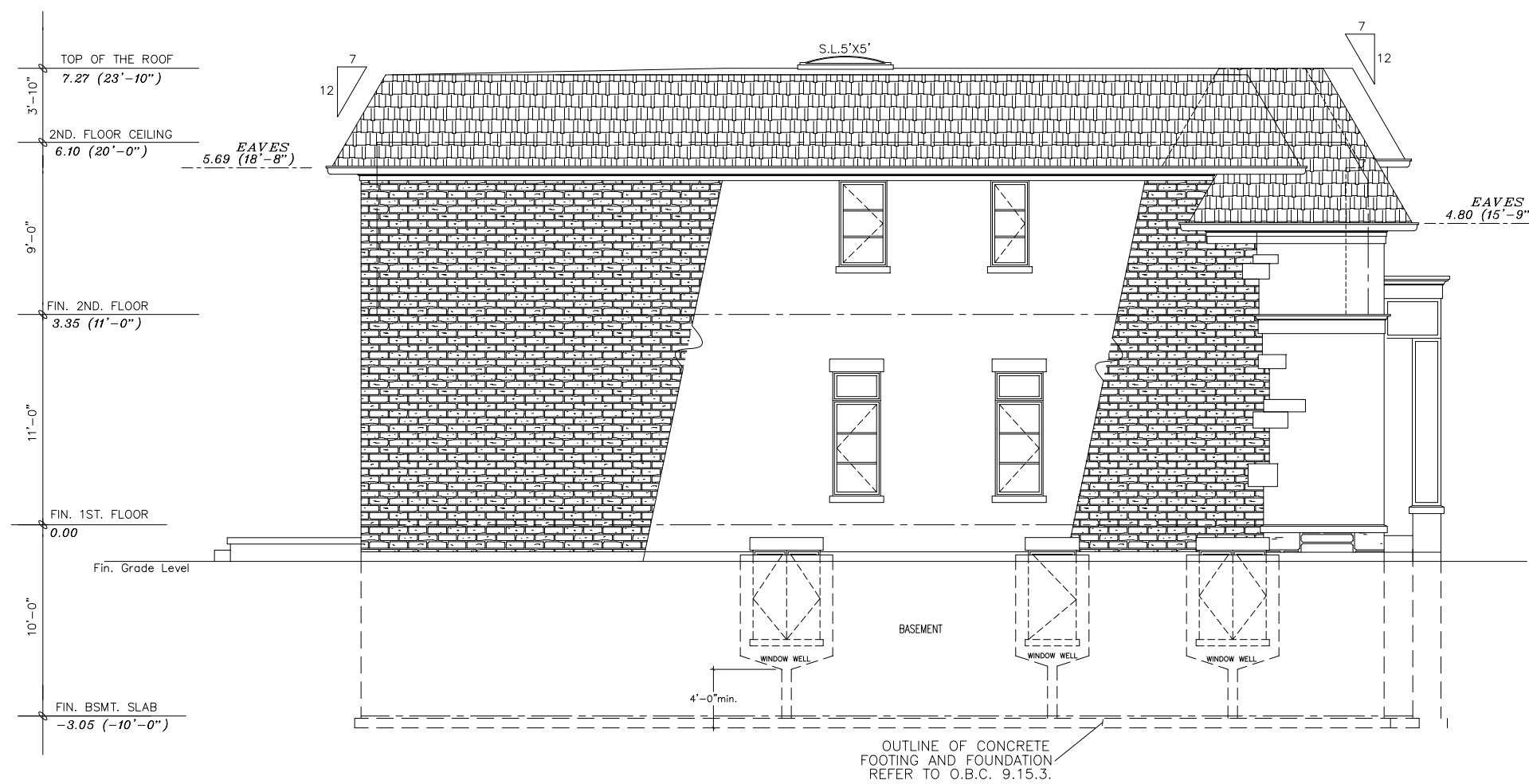
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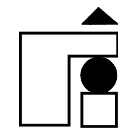
Date: 03/17/23  
MM/DD/YY

## WEST ELEVATION

SCALE 1/8" = 1'-0"



### GUITBERG GROUP INC.



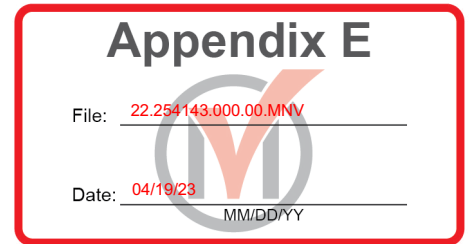
33 BELVEDERE CRES.  
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TEL. (905) 508-7436  
EMAIL: VICGUITBERG@ROGERS.COM

PRIVATE RESIDENCE  
AT 98 CLARK AVENUE  
CITY OF MARKHAM, ONTARIO

## WEST ELEVATION

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1/8" = 1'-0"	DATE	DECEMBER'22

PROJECT NUMBER	R-28/02/22	A-8
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as it related to a proposed addition.

The Chair introduced the application.

The agent, Hamid Hemati, appeared on behalf of the application.

Member Reingold appreciated the owner creating additions that would utilize the existing structure while adding square footage to meet the family's needs and improve their lifestyle. The member indicated that the request was minor and did not adversely impact neighbours.

Member Sampson motioned for approval with conditions.

**Moved By: Patrick Sampson**

**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/014/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**8. A/149/22**

**Owner Name: Yi Huang**  
**Agent Name: Xiaoru Song**  
**98 Clark Avenue, Thornhill**  
**CON 1 PT LOT 28**

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

- a) **Amending By-law 101-90, Section 1.2 (iv):**  
a building depth of 17.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- b) **Amending By-law 101-90, Section 1.2 (iv):**  
a floor area ratio of 57.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

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

The Chair introduced the application.

The agent, Victor Guitberg, appeared on behalf of the application.

The Committee received one piece of correspondence.

Michael Birman of 100 Clark Avenue, spoke to the Committee on behalf of his father. Michael requested information regarding the scope of construction, tree protection and timelines.

Jean Hunn, of 99 Clark Avenue, spoke to the Committee and highlighted concerns regarding the wider driveway, hardscaping, runoff and hedge and tree removal. The height of the proposed home was also of concern in comparison to the existing built form of the area. And combined with the increased floor area ratio, it did not fit the style or character of the area.

Joan Honsberger, of 60 Eglin Street, spoke to the Committee on behalf of the Ward 1 Ratepayers Association. Joan spoke regarding retaining the hedges for privacy for the neighbours and birds. Joan noted that the increased house size would significantly impact the neighbours' sunlight and shadows. Additionally, Joan noted the need for a construction management plan to manage construction materials and vehicles and requested that bird-friendly guidelines be implemented for the project.

Charles Pan of 101 Clark Avenue, noted that the height was higher than other homes on the street.

Victor Guitberg indicated that the height and driveway complied, grading would be done according to approved engineering plans, the rear yard would be protected by sediment fencing, and the proposed driveway materials still needed to be determined. It was a modern house, and it had been designed to keep the first floor as close to grade as possible and had roof slopes that would integrate into the area's character. However, as the architect, they were not in control of the construction plan.

Member Reingold indicated that it was a very complex application as no setback variances had been requested and the bulk of the house was on the rear yard with lower visual impact on the street. There was no variance request for height, and the Committee can only consider the requested variances. The house was square and large and did not fit the area's character, and noted that the area was in transition. However, the house needed to be compatible with the neighbouring properties. The member requested changes to the front elevation to reduce visual impacts.

Member Yan indicated that each application needed to be assessed within the planning framework for the area with site-specific considerations. The member expressed that new builds needed to respect the character of the area and the size and massing of the built form. The house appeared overbuilt for the area. The member was concerned with the significant increase in the floor area ratio. Member Yan indicated that having the context of the street and the infill development that had already occurred would have been beneficial. The member asked for additional details regarding the roof.

The architect indicated that the roof had various pitches, with a smaller roof on the garage and dormers to break up the façade.

Member Sampson noted that the Committee considered only two variances, and the height complied. It was a large lot with generous allowances, and there was no justification for the additional space requested and the floor area ratio needed to be below 55 percent.

The Chair indicated they did not see this as being overbuilt. Rather this was the type of application the Committee wanted to see, with the massing within the allowances for height and setbacks and variations to the eaves to provide relief in the façade. In addition, the street was eclectic with no definable character, and the house would bring architectural value to the streetscape. The Chair asked if the agent could work with the Committee to reduce the floor area ratio closer to 55 percent.

The agent agreed to a deferral.

Member Prasad motioned for deferral.

**Moved By: Arun Prasad**

**Seconded By: Patrick Sampson**

THAT Application No. **A/149/22** be **deferred** sine die.

Resolution Carried

**9. A/178/22**

**Owner Name: Arash Farrokhkish**

**Agent Name: PMP DESIGN INC. (Mehran Heydari)**

**55 Clark Avenue, Thornhill**

**PLAN 2426 LOT 30**

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

**a) By-law 101-90, Section 1.2 (i):**

a maximum building height of 8.6 metres, whereas the By-law permits a maximum building height of 8.0 metres;

**b) By-law 101-90, Section 1.2 (vii):**

a maximum floor area ratio of 54.8 percent (3,496 sq. feet), whereas the By-law permits a maximum floor area ratio of 50 percent (3,188 sq. feet);