

Memorandum to the City of Markham Committee of Adjustment

December 03, 2025

File: A/127/25
Address: 58 Russell Hill Road, Markham
Applicant: Chun Wa Kei
Hearing Date: Wednesday, December 10, 2025

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

The Applicant is requesting relief from the following requirements of the “Residential Low Rise Two” (RES-LR2) Zone in By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 4.8.3 b) iv)**: the floor of the rear deck to be higher than the first storey of the main building, whereas the by-law requires a deck floor over 1 metre from grade to not be located higher than the first storey of the main building;

as it relates to a proposed rear deck for an existing residential dwelling.

BACKGROUND

Property Description

The 228.795 m² (2462.73 ft²) subject property is located on the west side of Russell Hill Road, and generally north of Bur Oak Avenue and east of William Berczy Boulevard (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of primarily two-storey detached dwellings.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 2001. Mature vegetation exists on the property including one large mature tree in the front yard, located outside of the proposed scope of work. The detached dwelling is entered at the front through the main floor, which is interpreted as the second storey under the Zoning By-law. Given this, the variance is required in order for the proposed rear walk-out deck from the main floor to be in compliance with the zoning by-law. Additional details are provided in the comments section below.

Proposal

The Applicant is proposing to construct a rear deck for an existing residential dwelling (the “Proposed Development”) (refer to Appendix “B” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The Official Plan designates the Subject Lands as “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of

the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2024-19

The Subject Lands are zoned “Residential Low Rise Two” (RES-LR2) under By-law 2024-19, as amended, which permits one single detached dwelling, or one semi-detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on August 5, 2025 to confirm the variances required for the proposed development. It is the Applicant’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.

Rear Deck to be Permitted at a Storey Above the First

The Applicant is requesting relief to permit a rear deck to be constructed at the second storey of the existing single detached dwelling, whereas the by-law does not permit a rear deck above the first storey. The proposed deck will have a height of 2.6 metres (8.53 feet) above finished grade located at the rear of the dwelling.

The lowest level of the existing dwelling is located above-grade, resulting in an above-grade basement which is considered a storey under the Zoning By-law. This is noteworthy as the main floor of the house is considered to be the second storey under the Zoning By-law, thereby necessitating the requested variance. Staff have no concerns with the variance request as the proposed deck meets all other zoning

provisions (such as setbacks and encroachments) that establish the permitted deck size, ensuring that the proposed deck will be keeping with the intended scale.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 3rd, 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 “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Derek Lutz, Development Technician, Planning and Urban Design Department

REVIEWED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix “A” – Aerial Photo

Appendix “B” – Plans

Appendix “C” – Conditions

Appendix A

File: _____

Date: **12/3/2025**
MM/DD/YYYY



Legend

- Parcel Boundary Overlay
- Subject Lands
58 Russell Hill Road

Notes

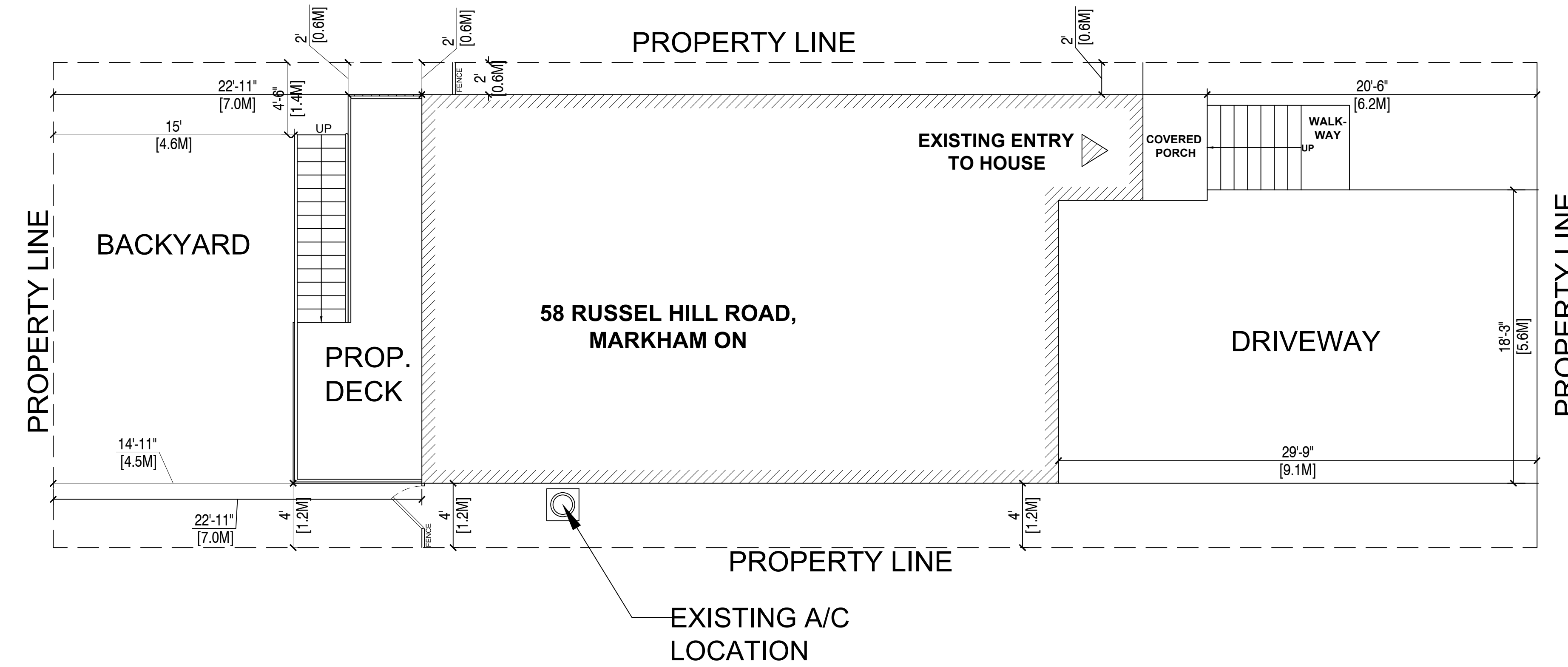
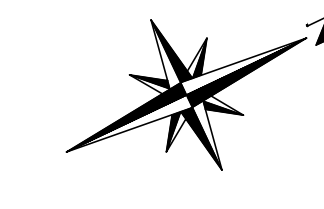
1: 1,128



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Appendix B

File: 21.13046.000.00.000
 Date: **12/3/2025**
 MM/DD/YYYY



RUSSEL HILL ROAD

SITE PLAN (1:250)

LEGAL DSCR:			
LOT AREA:	2782.87SF (258.63SQM)		
LOT FRONTAGE:	9.2M		
RIGHTS-OF-WAY AND EASEMENTS (N/A)			
LOT COVERAGE	AREA	%	
EXISTING DWELLING	92.11SQM	35.61%	
PROPOSED DECK INCLUDING STAIRS	17.08SQM	6.60%	
OVERALL BUILDING DIMENSIONS:			
WIDTH:	7.4M		
DEPTH:	13.7M		
GENERAL NOTE · DO NOT SCALE THE DRAWINGS · CONTRACTORS TO CARRY LIABILITY INSURANCE FOR PERFORMING THE WORK · CONTRACTORS RESPONSIBLE TO ENSURE PROPER SAFETY PRECAUTIONS ARE IN PLACE THROUGH OUT THE CONSTRUCTION FOR ALL CONSTRUCTION METHODS AND MATERIAL SUPPLIES. · OWNER AND CONTRACTOR ARE RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION INCLUDING ANY SAFETY PRECAUTIONS. PRECAUTIONS DURING CONSTRUCTION · EXISTING STRUCTURE TO BE PROTECTED DURING CONSTRUCTION FROM ANY WEATHER ISSUES, SECURITY OR RELATED DAMAGES. · VERIFY/ REINFORCE EXISTING VERIFY EXISTING SITE CONDITIONS DURING CONSTRUCTION. INSPECTIONS · ALL CONSTRUCTION TO ADHERE TO THE ONTARIO BUILDING CODE REQUIREMENT AS WELL AS OTHER CODES AND AUTHORITIES HAVING JURISDICTION. · CONTACTOR ARE RESPONSIBLE TO ARRANGE FOR REQUIRED INSPECTIONS BY LOCAL BUILDING AUTHORITIES			
FRONT YARD COVERAGE:			
FRONT YARD AREA:	852.39SF (79.21SQM)	%	
PORCH AREA:	26.33SF (2.44SQM)	3.09%	
WALKWAY:	15.75SF (1.46SQM)	1.85%	
STAIRS:	30.62SF (2.84SQM)	3.59%	
DRIVEWAY/PARKING:	536.77SF (49.88SQM)	62.98%	
SOFT LANDSCAPE AREA:	242.91SF (22.57SQM)	28.49%	

PROJECT ADDRESS:

**58 RUSSELL HILL
RDMARKHAM, ON L6C 2M5**

PROJECT TITLE:

**PROPOSED DECK IN
REAR YARD**

DRAWING TITLE:

SITE PLAN

DATE:

JUNE 09, 2025

SCALE:

1:250

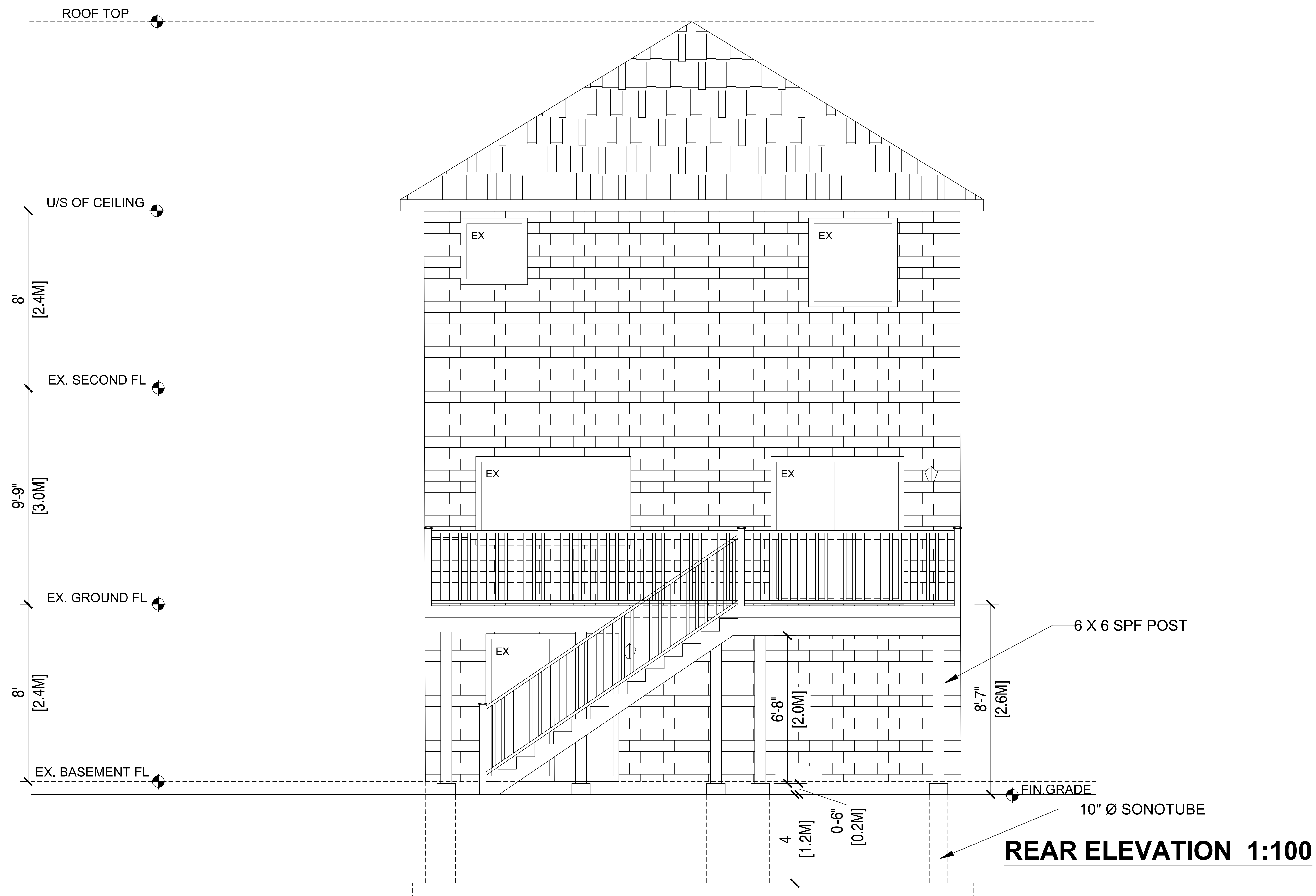
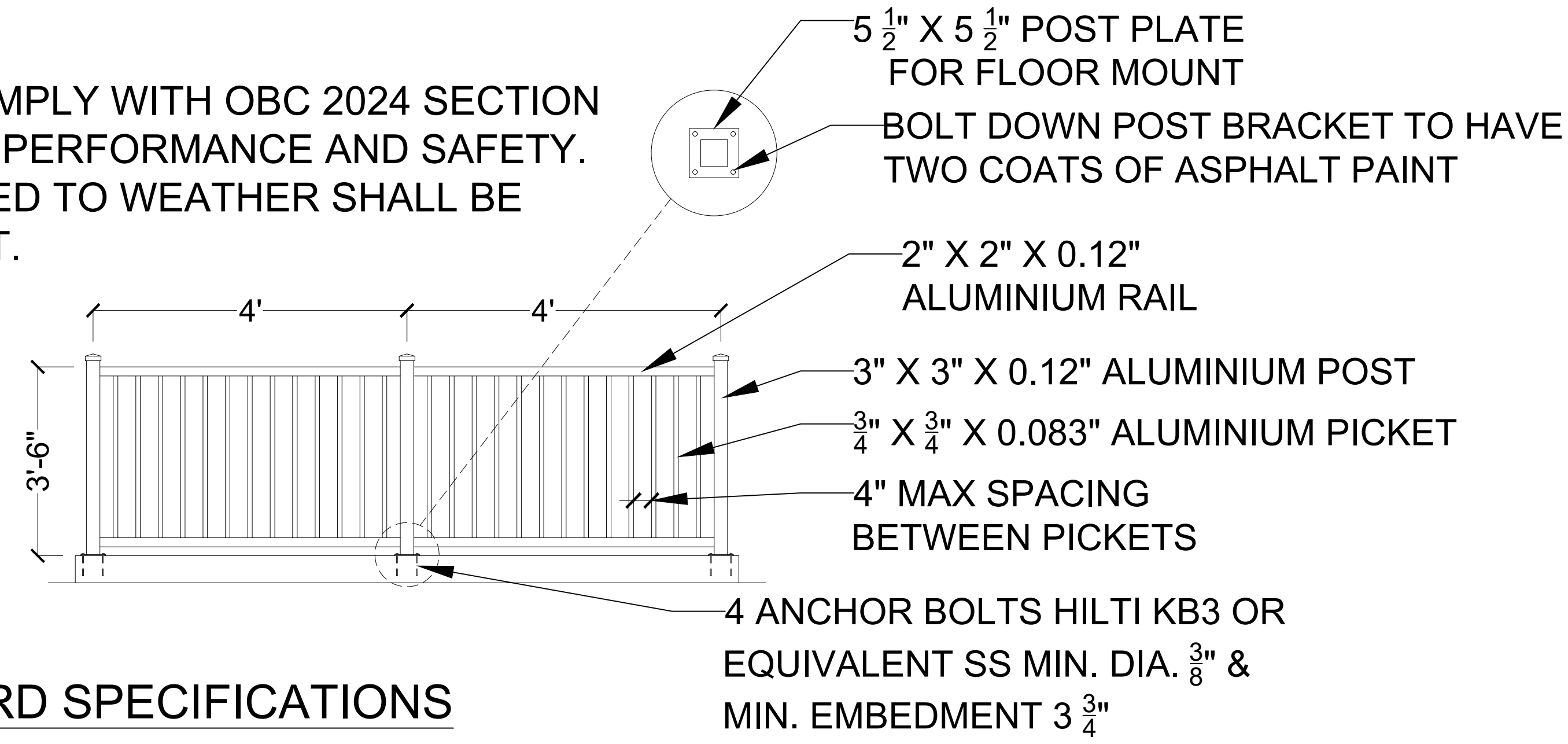
SHEET NO:

A01

Appendix B

File: 25.13046.000.00.000
 Date: 12/3/2025
 MM/DD/YYYY

ALL GUARDS SHALL COMPLY WITH OBC 2024 SECTION 9.8.8 FOR STRUCTURAL PERFORMANCE AND SAFETY. ALL MATERIALS EXPOSED TO WEATHER SHALL BE CORROSION-RESISTANT.



PROJECT ADDRESS:

58 RUSSELL HILL
 RDMARKHAM, ON L6C 2M5

PROJECT TITLE:

PROPOSED DECK IN
 REAR YARD

DRAWING TITLE:

REAR
 ELEVATION

DATE:

JUNE 09, 2025

SCALE:
 1:100

SHEET NO:
 A02

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/127/25

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

CONDITIONS PREPARED BY:



Derek Lutz, Development Technician, Planning and Urban Design Department