

## Memorandum to the City of Markham Committee of Adjustment

April 8, 2024

**File:** A/218/23  
**Address:** 66 Fonthill Boulevard, Markham  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, April 17, 2024

The following comments are provided on behalf of the Central District Team. The Applicant is requesting relief from the “Fourth Density Single Family Residential (R4)” zone requirements of By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) Section 6.1, Schedule “B”:**

a maximum lot coverage of 35.85 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

**b) Section 6.1, Schedule “B”:**

a maximum height of 26 feet 6 inches (8.08 m), whereas the By-law permits a maximum height of 25 feet (7.62 m); and,

**c) Section 4.11:**

a minimum flankage side yard setback of 10 feet (3.05 m), whereas the By-law requires a minimum flankage side yard setback of 13 feet 3 inches (4.04 m) or one half the height of the building (whichever is greater).

## BACKGROUND

### Property Description

The 696.59 m<sup>2</sup> (7,498 ft<sup>2</sup>) Subject Lands are located on the east side of Fonthill Boulevard, south of Krieghoff Avenue, and generally west of Main Street Unionville (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing two-storey detached dwelling on the Subject Lands which, according to assessment records, was constructed in 1966. Mature vegetation exists on the property including three mature trees along the flankage side yard.

### Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 438.50 m<sup>2</sup> (4,720 ft<sup>2</sup>), as shown in Appendix “B”.

### Application History

The first submission application was previously deferred by the Committee of Adjustment (the “Committee”) at the February 21, 2024 hearing, to provide the Applicant an opportunity to address Staff’s concerns (Refer to Minutes – Appendix “C”). In

resubmitting the application, the Applicant has made changes to the proposal and the requested variances on the basis of Staff's comments by eliminating the south (interior) side yard setback variance request. Additional changes include, relocating the rear deck and basement stair access further south and reducing the north flankage setback from 12 feet (3.66 m) to 10 feet (3.05 m).

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Subject Lands are designated "Residential Low Rise", which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-Law 11-72

The Subject Lands are zoned "Fourth Density Single Family Residential (R4)" under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the north flankage side yard setback, maximum lot coverage, and maximum building height.

### Varley Village Infill Area

The Subject Lands are located within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee (a Committee of Council), undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not enacted, the Committee should be aware of Council's and the community's concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

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

The Applicant completed a Zoning Preliminary Review (ZPR) on January 11, 2024 to confirm the initial variances required for the proposed development. The Applicant

submitted revised drawings on March 13, 2024. The Applicant has not conducted a subsequent ZPR 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 variances requested 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 Lot Coverage**

The Applicant is requesting relief for a maximum lot coverage of 35.85 percent (249.63 m<sup>2</sup> or 2,687 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 33 and 1/3 percent (232.17 m<sup>2</sup> or 2,499 ft<sup>2</sup>). The proposed lot coverage includes a rear breakfast area which adds approximately 4.83 m<sup>2</sup> (52 ft<sup>2</sup>), to the overall building area. The total lot coverage excluding the rear breakfast area is 35.14 percent (244.79 m<sup>2</sup> or 2,634 ft<sup>2</sup>), which is 12.62 m<sup>2</sup> or 135.84 ft<sup>2</sup> greater than what the By-law permits and is generally closer to what is permitted under the By-law. Staff are of the opinion that the proposed increase in lot coverage is minor and will not significantly add to the scale and massing of the dwelling.

### **Increase in Maximum Building Height**

The Applicant is requesting relief to permit a maximum building height of 26 feet 6 inches (8.08 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of approximately 1.5 feet (0.46 metres).

Building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller. Staff are of the opinion that the proposed increase in maximum building height is minor in nature and generally consistent with variances approved for other infill dwellings in the area with height variances ranging up to 27 feet (8.23 metres). As such, Staff are of the opinion that the proposed height increase will not result in a dwelling that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

### **Reduced Flankage Side Yard Setback**

The Applicant is requesting relief to permit a flankage side yard setback of 10 feet (3.05 metres) whereas the By-law requires a minimum side yard setback of 13 feet 3 inches

(4.04 metres). The intent of having the flankage side yard setback is to provide adequate setback from the public street and public realm.

Staff note that the requested variance is a result of the Applicant's revised plans that were submitted in response to initial comments from Tree Preservation Staff. Tree Preservation Staff initially noted concerns regarding the impacts of the proposed development to the neighbouring tree located along the interior (south) side yard setback. As such, the Applicant shifted the dwelling to the north by 2 feet (0.61 metres) to remove the interior side yard setback variance and to address Tree Preservation Staff's concern regarding the neighbouring tree. The Applicant further revised the location of the rear deck and walkout stairs further south to be outside of the Tree Preservation Zones (TPZ) of the trees located along the flankage (north) side yard. However, Tree Preservation Staff note that the requested flankage side yard setback for the main dwelling will result in the removal of at least two mature trees which have been assessed to be in good condition and are candidates for preservation.

Staff recommend that the Committee consider public input and satisfy themselves whether the variance meets the four tests of the *Planning Act*.

### **Tree Protection and Compensation**

The Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring tree at 62 Fonthill Boulevard and two trees along the flankage side yard at 66 Fonthill Boulevard. Staff recommend that should Committee approve the application, that the tree related conditions, as outlined in Appendix "D", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the Subject Lands or on neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **PUBLIC INPUT SUMMARY**

As of April 9, 2024, the City received two letters of opposition. 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 variances a) and b) related to maximum lot coverage of 35.85 percent and maximum building height of 26 feet 6 inches (8.07 metres) meets the four tests of the *Planning Act*. Regarding variance c) for a minimum flankage side yard of 10 feet (3.048 metres), Staff recommend that the Committee consider any public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the *Planning Act*.

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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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Melissa Leung, MCIP, RPP, Senior Planner, Central District

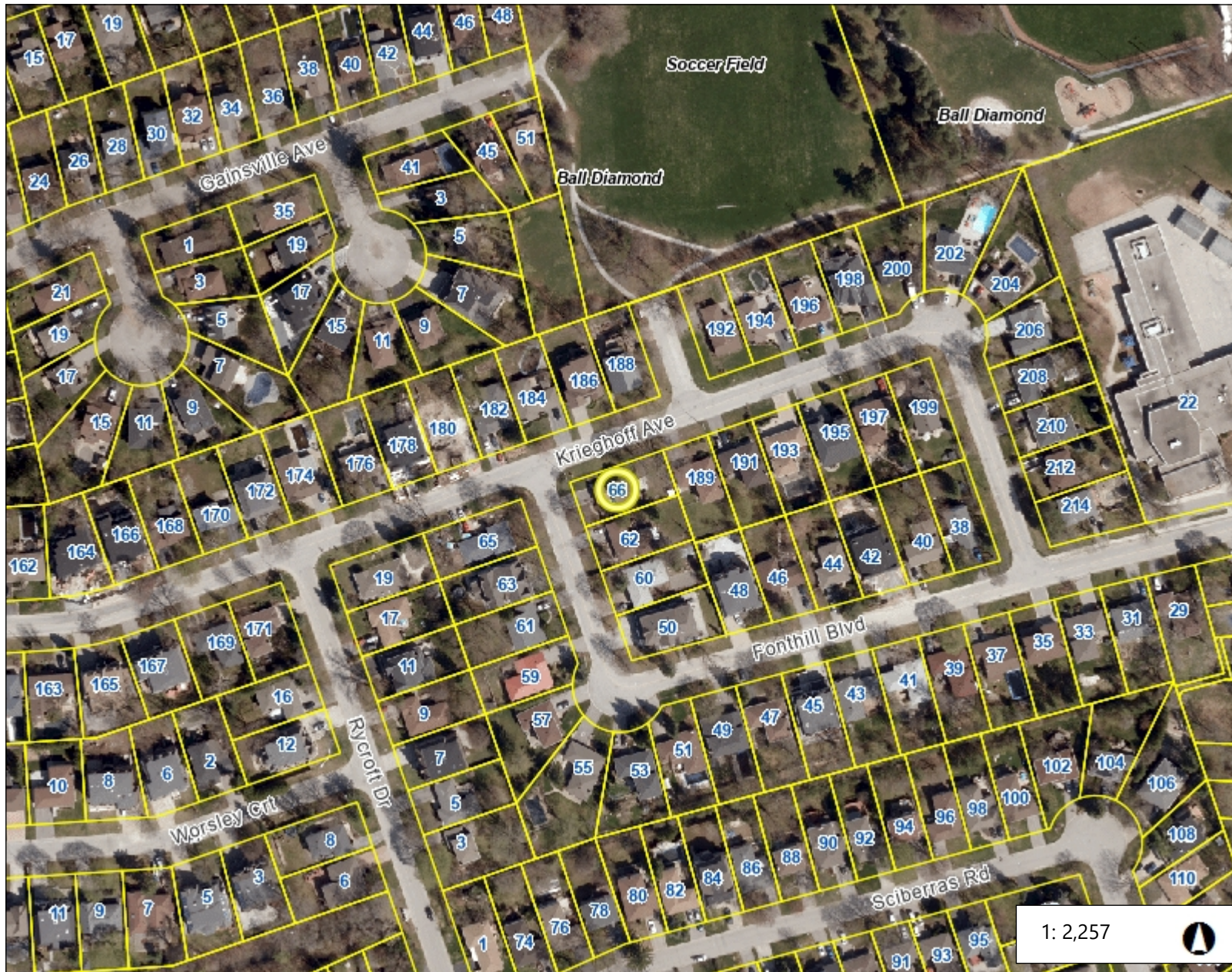
**APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – Minutes

Appendix "D" – Conditions



Legend

Subject Lands

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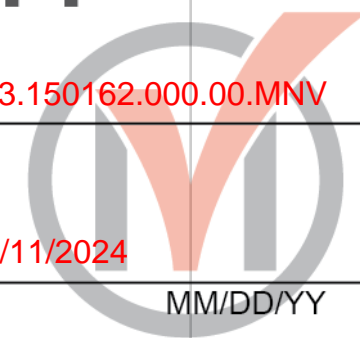
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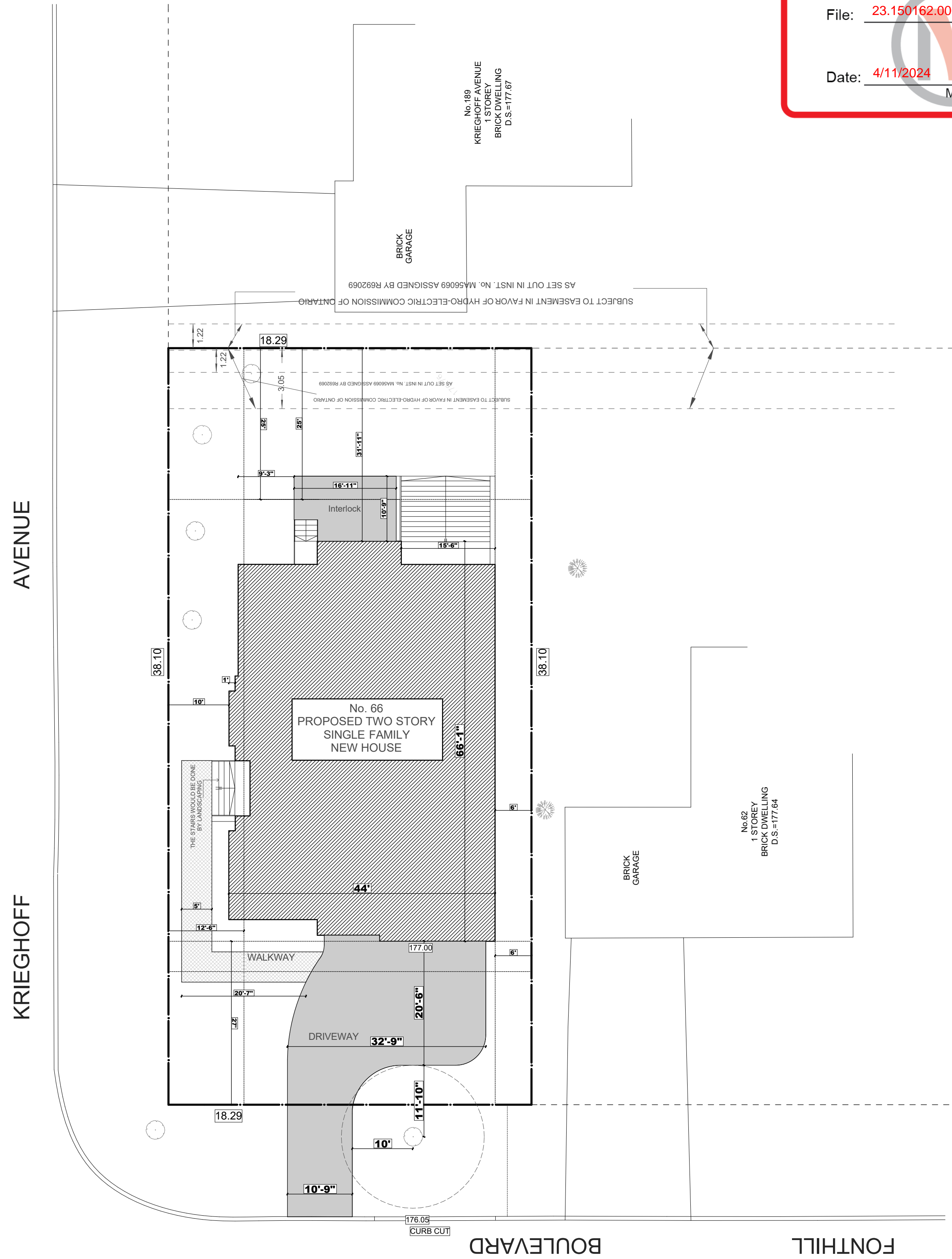
LOT AREA: 696.59 M <sup>2</sup>		LOT COVERAGE: 249.63 M <sup>2</sup>				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2058FT <sup>2</sup> /191.19 M <sup>2</sup>	2662FT <sup>2</sup> /247.31 M <sup>2</sup>	2709FT <sup>2</sup> /251.67 M <sup>2</sup>	604 FT <sup>2</sup> /56.11 M <sup>2</sup>	4720FT <sup>2</sup> /438.50 M <sup>2</sup>	35.84%

## Appendix B

File: 23.150162.000.00.MNV

Date: 4/11/2024  
MM/DD/YY





DATE:	ISSUED FOR:
NOV-2023	FOR ZPR

FOR STRUCTURE ONLY



ONTARIO ASSOCIATION  
OF ARCHITECTS  
VAHID EMAM JOHEH  
LICENCE 9939



DRAWN BY  
V.E

SCALE:
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LAST MODIFIED ON:
MARCH 13, 2024

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PROJECT TITLE/ADDRESS:	66 FONTHILL BLVD MARKHAM, ON

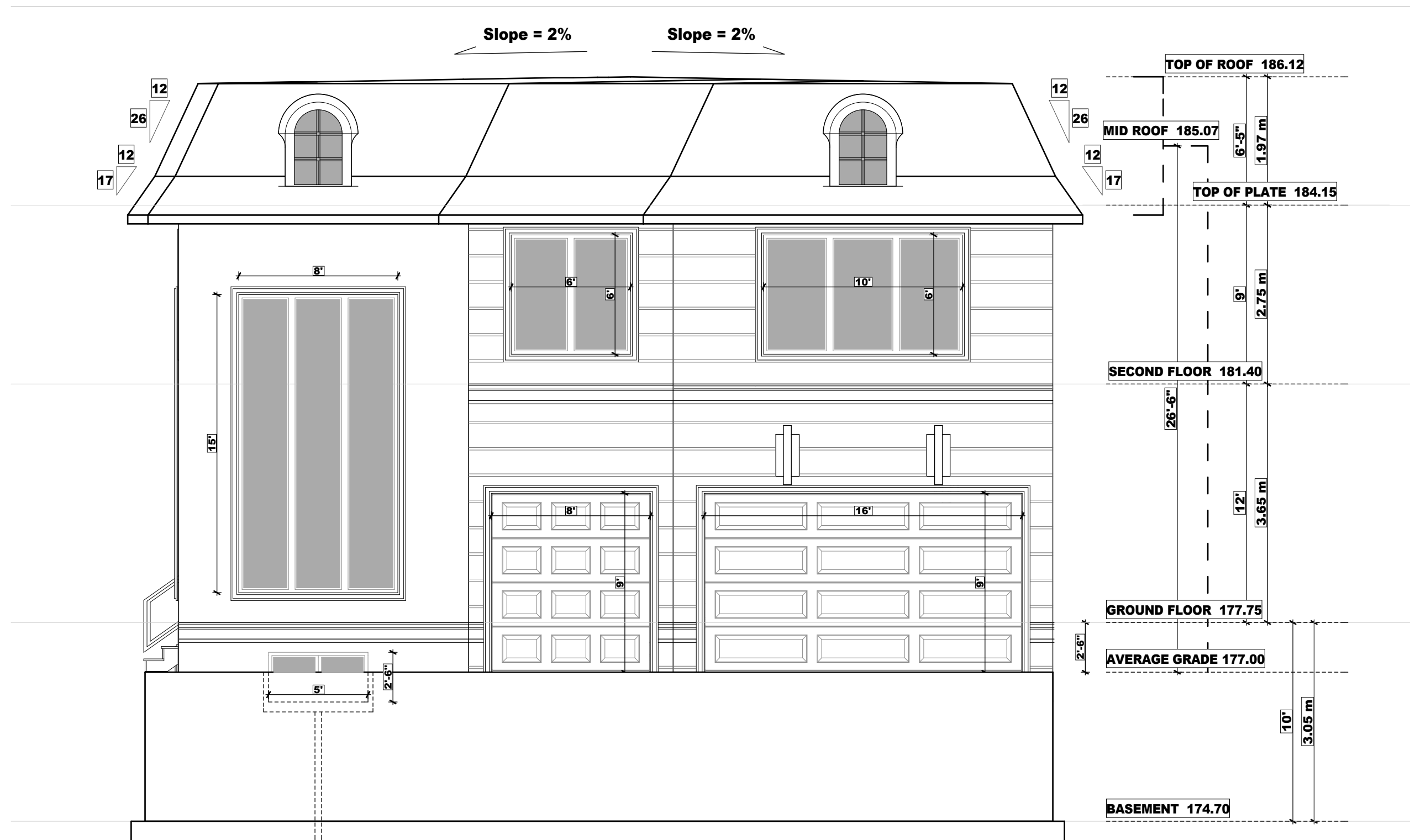
A.01

# Appendix B

File: 23.150162.000.00.MNV

Date: 4/11/2024

MM/DD/YY



DATE:	ISSUED FOR:
NOV-2023	FOR ZPR

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
MARCH 13, 2024

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FRONT ELEVATION  
PROJECT TITLE/ADDRESS:  
66 FONTHILL BLVD  
MARKHAM, ON

A2.1

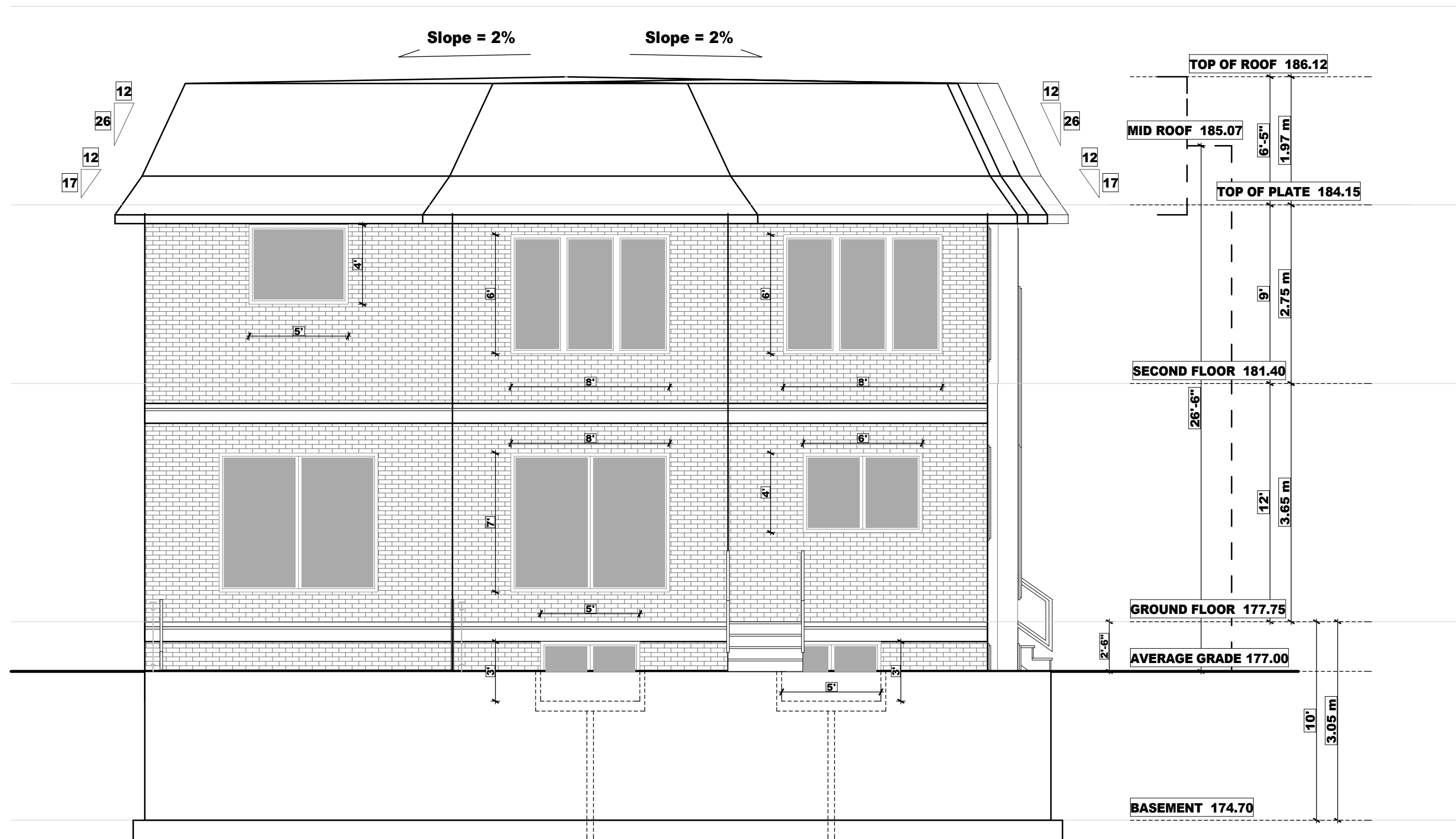


# Appendix B

File: 23.150162.000.00.MNV

Date: 4/11/2024

MM/DD/YY



DATE:	ISSUED FOR:
NOV-2023	FOR ZPR

FOR STRUCTURE ONLY



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V.E

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LAST MODIFIED ON:
MARCH 13, 2024

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PROJECT TITLE/ADDRESS:	66 FONTHILL BLVD MARKHAM, ON

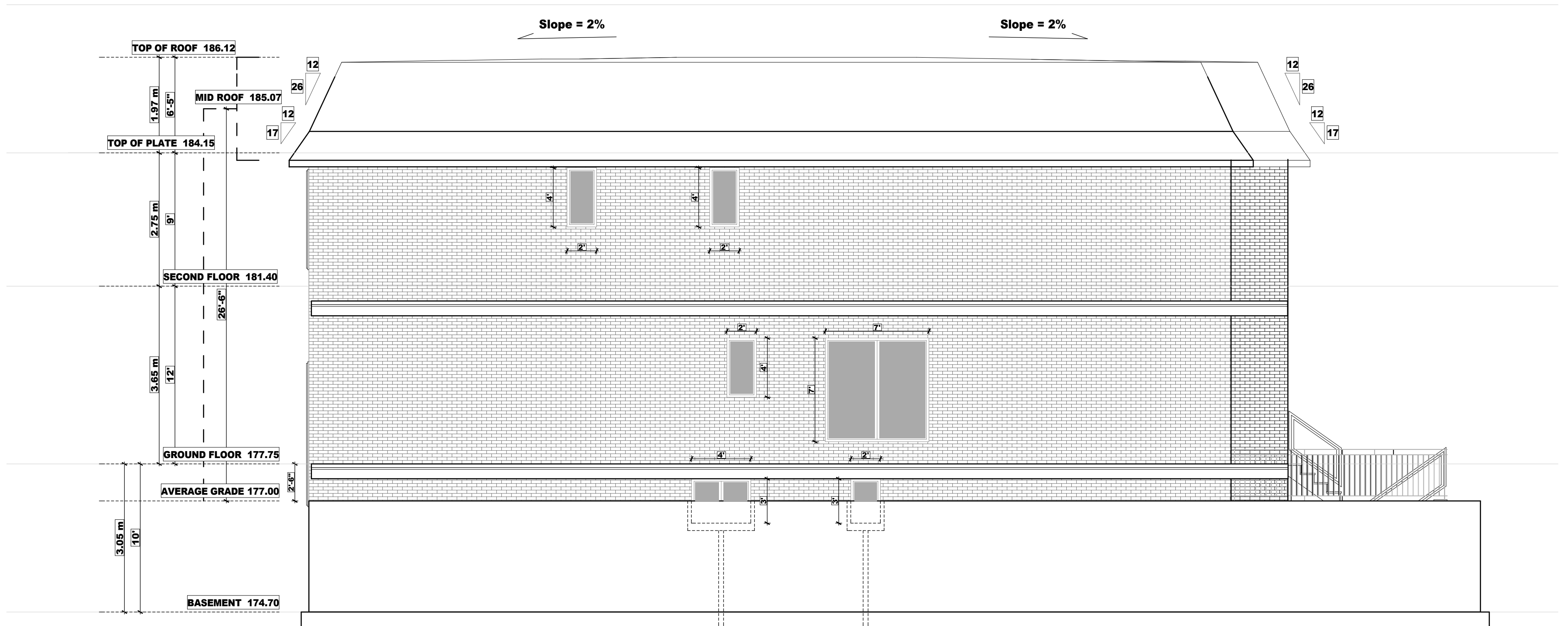
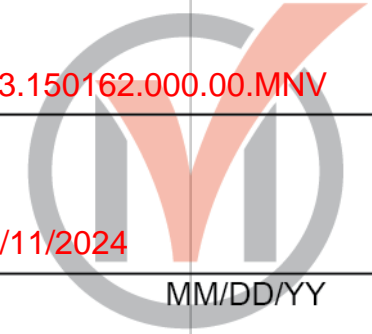
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# Appendix B

File: 23.150162.000.00.MNV

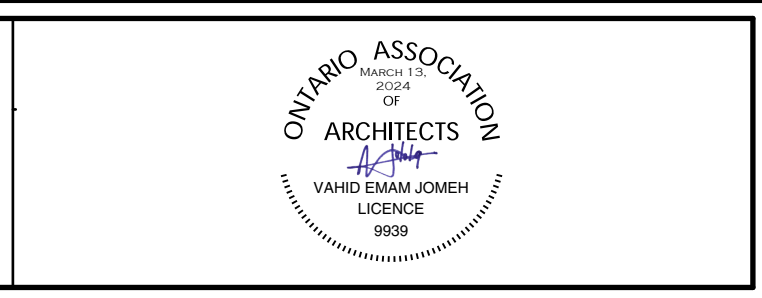
Date: 4/11/2024

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NOV-2023	FOR ZPR

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LAST MODIFIED ON:
MARCH 13, 2024

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PROJECT TITLE/ADDRESS:	66 FONTHILL BLVD MARKHAM, ON

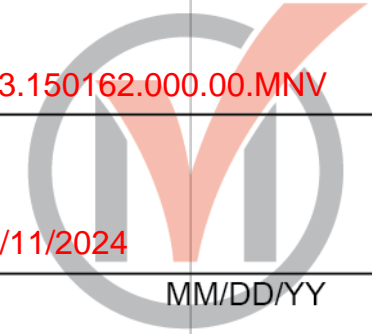
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# Appendix B

File: 23.150162.000.00.MNV

Date: 4/11/2024

MM/DD/YY



DATE:	ISSUED FOR:
NOV-2023	FOR ZPR

FOR STRUCTURE ONLY



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SCALE:  
3/16" = 1'-0"

LAST MODIFIED ON:  
MARCH 13, 2024

DRAWING TITLE:  
SIDE ELEVATION

PROJECT TITLE/ADDRESS:  
66 FONTHILL BLVD  
MARKHAM, ON

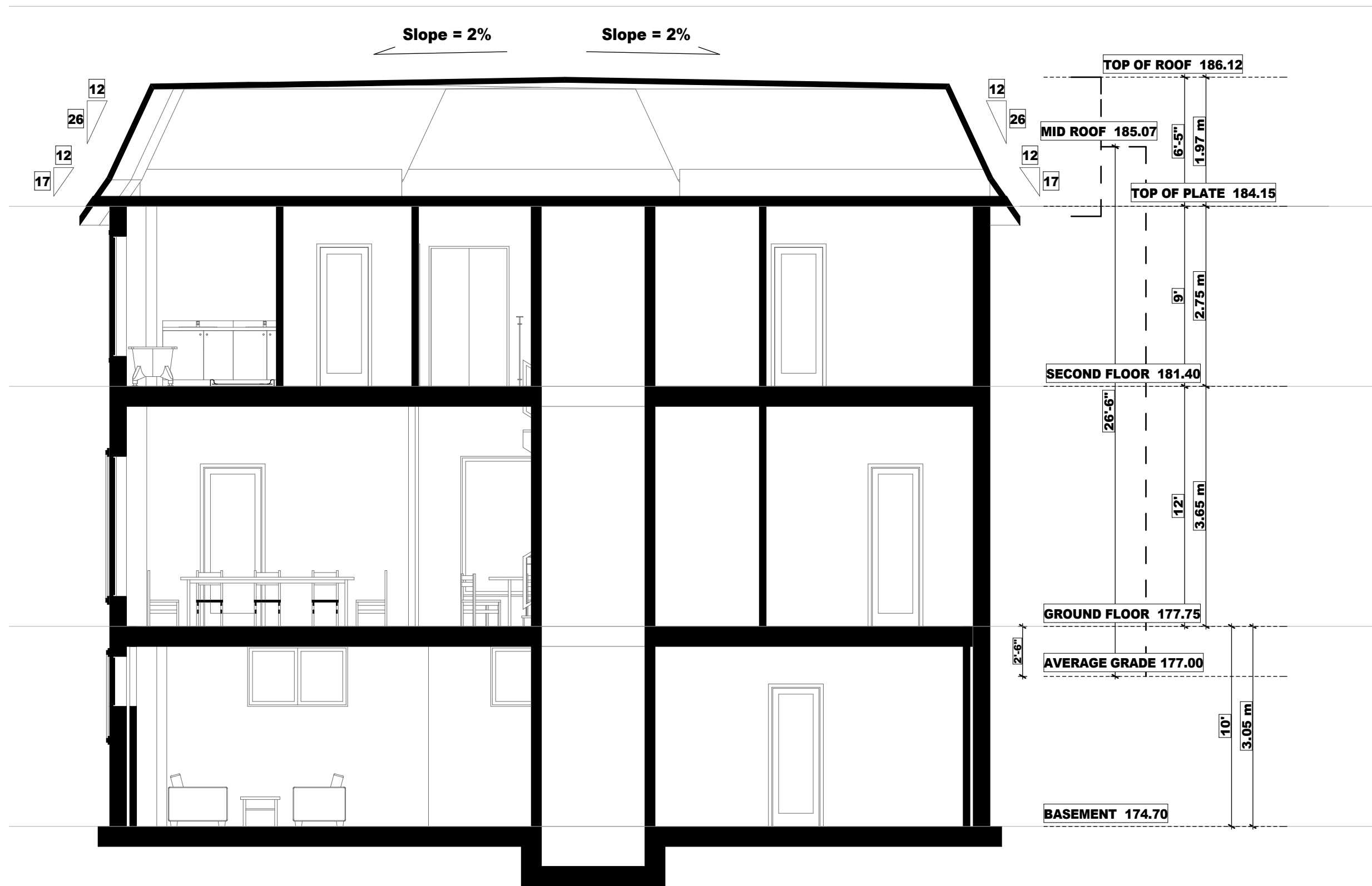
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# Appendix B

File: 23.150162.000.00.MNV

Date: 4/11/2024

MM/DD/YY



DATE:	ISSUED FOR:
NOV-2023	FOR ZPR

FOR STRUCTURE ONLY



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SCALE:  
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LAST MODIFIED ON:  
MARCH 13, 2024

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SECTION  
PROJECT TITLE/ADDRESS:  
66 FONTHILL BLVD  
MARKHAM, ON

A4.1

# Appendix B

SURVEYOR'S REAL PROPERTY REPORT  
 PART 1 - PLAN OF  
**LOT 133**  
 REGISTERED PLAN 7566  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK  
 File: 23.150162.000.00.MNV  
 Date: 4/11/2024  
 MM/DD/YY

SCALE 1:200  
 10m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©  
**METRIC**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

□	DENOTES MONUMENT SET
■	DENOTES MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
RIB	DENOTES ROUND IRON BAR
CC	DENOTES CUT CROSS
P1	DENOTES PLAN OF SURVEY BY N. W. MOYLES, O.L.S. DATE FEBRUARY 28, 1966
RP	DENOTES REGISTERED PLAN 7566
WT	DENOTES WITNESS
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
C.L.F.	DENOTES CHAIN LINK FENCE
922	DENOTES FRED SCHAEFFER, O.L.S.
1925	DENOTES MANDARIN SURVEYORS LTD., O.L.S.
NI	DENOTES NOT IDENTIFIABLE
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
C.R.W.	DENOTES CONCRETE RETAINING WALL
M.H.	DENOTES MANHOLE
U.P.	DENOTES UTILITY POLE
S.L.	DENOTES STREET LAMP
W.V.	DENOTES WATER VALVE
C.B.	DENOTES CATCH BASIN
🌲	DENOTES CONIFEROUS TREE
🌳	DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.  
 BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO  
 THE SOUTHERLY OF KRIEGHOFF AVENUE AS SHOWN ON REGISTERED PLAN 7566  
 HAVING A BEARING OF N72° 03' 10"E.

**BENCHMARK NOTE**  
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY  
 OF MARKHAM BENCHMARK No.M-21-033 HAVING AN ELEVATION OF 173.536 M.  
 BRASS TABLET IS LOCATED 0.20 M BELOW TOP OF HEADWALL, 1.10 M NORTH  
 OF SOUTH EDGE OF HEADWALL, 5.24 M EAST OF THE CHAIN LINK FENCE, 10.5M  
 SOUTH OF THE EDGE OF THE SIDEWALK, 110 M WEST OF MAIN STREET  
 UNIONVILLE ANS SOUTH OF FRED VARLEY DRIVE.

THIS REPORT WAS PREPARED FOR WANG, YAN AND THE UNDERSIGNED  
 ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**PART 2 (SURVEY REPORT)**

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO EASEMENTS AS IN INST. No. MA56054 AND MA56069, ASSIGNED BY R692069
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, SOUTHERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

**SURVEYOR'S CERTIFICATE**

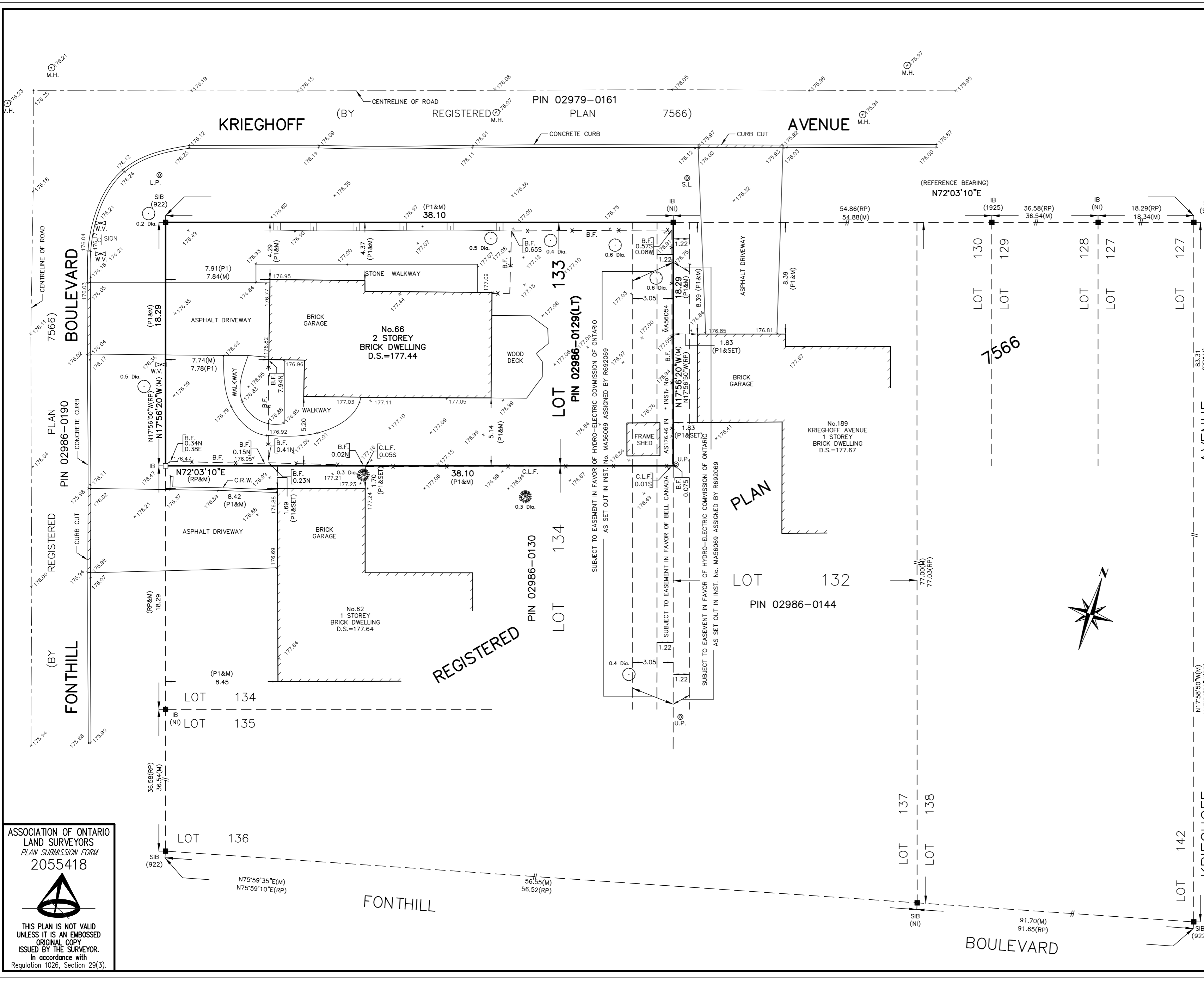
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 2nd DAY OF MAY, 2023

MAY 2, 2023  
 DATE

Z. ZENG  
 ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
 ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
 WWW.MANDARINSURVEYOR.COM  
 2400 MIDLAND AVE., #121 PHONE: (647)430-1366 FAX: (647)799-4068  
 SCARBOROUGH, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM  
 SURVEY BY: S.Z. CAD No: 18-120SRPR JOB No: 2018-120



ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 2055418

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

## Appendix “D” – A/218/23 Conditions of Approval

### CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/218/23

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plans 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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or the Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or the Director of Operations; and
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or the Director of Operations.

CONDITIONS PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office



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

**February 21, 2024**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 3<sup>rd</sup> regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 pm
Jeannie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad	7:02 pm

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Vrinda Bhardwaj, Development Technician  
Erin O'Sullivan, Development Technician

**Regrets**

Gregory Knight Chair  
Kelvin Kwok

**DISCLOSURE OF INTEREST**

None

**Minutes: February 7, 2024**

THAT the minutes of Meeting No. 2, of the City of Markham Committee of Adjustment, held February 7, 2024 respectively, be:

- a) Approved on February 21, 2024.

**Moved by: Patrick Sampson**  
**Seconded by: Jeannie Reingold**

**Carried**

## **REQUESTS FOR DEFERRAL**

### **1. A/218/23**

**Owner Name: Yafang Chen**  
**Agent Name: Prohome Consulting Inc. (Vincent Emami)**  
**66 Fonthill Boulevard, Markham**  
**PLAN 7566 LOT 133**

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

- a) **By-law 11-72, Section 6.1:**  
a minimum side yard setback of 4 feet, whereas the by-law requires a minimum side yard setback of 6 feet for the two-storey building;
- b) **By-law 11-72, Section 6.1:**  
a maximum lot coverage of 35.85 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent;
- c) **By-law 11-72, Section 6.1:**  
a maximum height of 26 feet 6 inches, whereas the by-law permits a maximum height of 25 feet; and
- d) **By-law 11-72, Section 6.1:**  
a minimum flankage side yard of 12 feet, whereas the by-law requires a minimum flankage side yard of 13 feet 3 inches with half the building height of 26 feet 6 inches;

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

The Acting Chair introduced the application.

Francesco Fiorani, the applicant attended the meeting and requested deferral.

Member Yan motioned for deferral.

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

THAT Application No. **A/218/2023** be **deferred** sine die.

Resolution Carried



## **PREVIOUS BUSINESS**

### **1. A/114/22**

**Owner Name: Sakineh Safarзад Gourabjavar**  
**Agent Name: Contempo Studio (Marin Zabzuni)**  
**67 Babcombe Drive, Thornhill**  
**PLAN M941 LOT 114**

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

- a) **Section 18 (ii)(b):**  
a lot coverage of 34.50 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent;
- b) **By-law 100-90, Section 1.2:**  
a floor area ratio of 48.10 percent, whereas the by-law permits a maximum floor area ratio of 47 percent;
- c) **By-law 100-90, Section 1.2(iii):**  
a maximum building depth of 20.75 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- d) **Section 12 (iv)(a):**  
a minimum front yard setback of 36.12 feet, whereas the by-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet;
- e) **Section 9(i):**  
an encroachment of 29 inches for an architectural feature, whereas the by-law permits an encroachment of no more than 18 inches into the required front yard;  
and
- f) **By-law 100-90, Section 1.2(i):**  
a building height of 8.54 metres, whereas the by-law permits a maximum flat roof building height of 8.0 metres;

as it related to the construction of a new two-storey detached dwelling.

The Acting Chair introduced the application.

The agent, Marin Zabzuni appeared on behalf of the application. Marin reviewed each variance and provided an explanation and justification for each request. Marin also indicated they had met with the immediately adjacent neighbours to address concerns.

The Committee received twenty written pieces of correspondence.

Patrick Leung, a front-facing neighbour, spoke to the Committee and opposed the application, noting that they built additions to their home without requiring variances and did not support any of the variances, indicating that the applicant should be required to build to the by-law.

The Acting Chair clarified *Planning Act* provisions for minor variances and noted support for the application in the staff report.

Anthony Szeto, a neighbour, had provided written comments and spoke to the Committee regarding ponding and flooding on adjacent properties, indicating that any increase in lot coverage would decrease absorption and burden the neighbours.

Andrew Levins, an adjacent neighbour, spoke to the Committee, noting their concerns remained the same as shared at the August 2023 meeting. Andrew commented that the application had changed very little. Andrew raised concerns about the massing, including the covered patio and impact on the streetscape, the reduced front yard, drainage, and the removal of trees. Andrew expressed that a significant home could be built without variances.

Jeff Burrell, a front-facing neighbour, spoke to the Committee, expressing concerns that the project had a considerable visual impact on the streetscape as the house would be ahead of the two adjacent properties.

Sarah Langdon, an adjacent neighbour, had met with the applicant, stating that the changes and reductions made since the August meeting were minimal. Of particular concern to Sarah were the impacts that would occur to adjacent rear yards, including reduced privacy, impactful overlook from the balconies, tree removal and damage to neighbouring trees.

Rishi Singh, a rear neighbour, spoke to the Committee about significant drainage issues in the adjacent properties' rear yards with ongoing water pooling. Rishi was concerned that the increased lot coverage of the home and hardscaping related to the covered patios and pool, coupled with tree removal, could worsen the problem.

Samuel Grabski, a neighbour and resident of the street for 22 years, had observed a significant change in the neighbourhood. Samuel noted that with the high water table in the area, many homes were experiencing increased flooding on their lots as the size of homes and lot coverage increased. Samuel was also concerned about removing trees from the property. Samuel spoke to the requests for increased depth, height and encroachment into the front yard, indicating that due to the large lot size, even small numerical increases were significant and could not be considered minor. Samuel objected to the house, contending it did not fit within the neighbourhood. Samuel's concerns related not to style or design but to scale and massing.

Member Reingold noted that the significant community turnout raised concerns about the project's compatibility with the neighbourhood. The member complimented the design of the dwelling but indicated the proposal did not meet the test of desirability as the size and massing would overwhelm the neighbourhood. The encroachment into the front yard would significantly alter the streetscape, and the application did not meet the four tests of the *Planning Act*. Member Reingold did not support variances c) and d).

Member Yan noted that the applicant had met with the neighbours but observed that the neighbours' concerns remained essentially unchanged since the last meeting. The member indicated the property size permitted a large house as of right, and the request for multiple variances created issues of scale and massing with cumulative impacts. Member Yan considered variances a), b), e) and f) minor but did not support variances c) and d), stating they were not minor and contributed to overbuilding of the rear amenity space, front yard greenspace and sightlines on the streetscape.

Member Sampson, indicated the scale and massing presented cumulative impacts for adjacent properties and the streetscape.

Member Prasad agreed with their colleague's assessment and recommendations.

The Acting Chair noted that the property size permitted a very large house as-of-right within the zoning standards. The numerous variances requested resulted in the overbuilding of the rear yard and significant changes to the streetscape. The Acting Chair noted the members' concerns and asked the agent how they wished to proceed.

Marin Zabzuni requested a deferral.

Member Reingold motioned for deferral.

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

THAT Application No. **A/114/22** be **deferred** sine die.

Resolution Carried

**2. A/123/23**

**Owner Name: Roger Nguyen**  
**Agent Name: In Roads Consultants (Ida Evangelista)**  
**221 The Meadows Avenue, Markham**  
**PLAN 65M4306 LOT 156**

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

- a) **By-law 177-96, Section 6.3.1.7(a):**  
a garage lot coverage of 19.71 percent, whereas the by-law permits a maximum of 15 percent;
- b) **By-law 177-96, Section 7.190.2(c)(ii):**  
a side yard setback of 0.01 metres, whereas the by-law permits a maximum of 0.3 metres;
- c) **By-law 177-96, 6.3.1.2:**  
a setback from the main building of 5.80 metres, whereas the by-law requires a minimum of 6.0 metres; and
- d) **By-law 28-97, Section 3.0:**  
2 parking spaces, whereas the by-law requires 3 parking spaces;

as it related to a coach house.

The Acting Chair introduced the application.

The agent, Ida Evangelista appeared on behalf of the application.

Member Sampson noted that the application was similar to a previous application approved by the Committee on The Meadows Avenue. Member Sampson agreed with the staff report, indicating that the requests were minor.

Member Reingold noted that the irregular lot shape contributed to the need for variances and considered the variances minor and desirable without significantly impacting adjacent properties.

Member Sampson motioned for approval with conditions.

**Moved by: Patrick Sampson**  
**Seconded s: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/123/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/184/23**

**Owner Name: Yongqin Li**  
**Agent Name: Humphries Planning Group Inc. (Puneh Jamshidi)**  
**10197 Victoria Square Boulevard, Markham**

**CON 4 PT LT 22 65R25245 PT 5**

The applicant was requesting relief from the requirements of By-law 304-87, as amended, to permit:

- a) **By-law 304-87, Section 7.1:**  
an accessory garden suite dwelling to be located in the front yard whereas, the by-law does not permit an accessory building in the front yard;
- b) **By-law 304-87, Section 7.5 (b)(i):**  
a south side yard setback of 1.6 metres for the house whereas, the by-law requires a minimum side yard setback of 3 metres;
- c) **By-law 304-87, Section 7.5 (b)(i):**  
a north side yard setback 2.02 metres for the garden suite whereas, the by-law requires a minimum side yard setback of 3 metres;
- d) **By-law 304-87, Section 7.5 (b)(i):**  
a 3.6 metre front yard setback for the garden suite whereas, the by-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two-storey detached dwelling and a proposed one-storey accessory garden suite in the front yard.

The Acting Chair introduced the application.

The agent, Rosemarie Humphries, appeared on behalf of the application. Rosemarie indicated that the variance requests were needed to allow the proposal to work within the constraints of the property. Due to the meander belt of the watercourse, the development of the property needed to be toward the front of the lot. The requested setbacks were similar to setbacks for other structures within the area. The proposed home was further from the street, and the garden suite would have setbacks similar to the existing home.

The Committee received one written piece of correspondence.

Joan Smith, an adjacent neighbour, spoke to the Committee, indicating that the reduced setbacks of the proposal impacted the privacy of the adjacent properties, the streetscape, and the proposed cycle lanes and sidewalks. Joan expressed the garden suite in the front yard was out of character for the area.

Member Sampson commented that the proposed garden suite within the front yard was not in keeping with other secondary suites within the city and was out of character for the area.

The Acting Chair asked if other locations had been considered for the accessory dwelling unit. Rosemarie Humphries indicated that site restraints did not allow for the construction of the unit in the rear yard and that the owners had considered a coach house over the garage but had elected for a detached unit.

Member Reingold understood the measures of using garden suites to create additional housing and urban living spaces. However, the Victoria Square area maintained a "rural" sense of the original development, and the garden suite did not suit the composition of the streetscape or complement the existing built form of the area or the proposed main house. Member Reingold was uncertain of the desirability of the garden suite in the front yard.

Member Yan commented that garden suites were typically ancillary and complimentary to the main house and considered the current configuration negatively impacting the streetscape.

Rosemarie's response to the member's comments determined that the plans attached to the staff report differed from those provided to the members and on the city website.

Considering the member's comments regarding the garden suite, Rosemarie requested a deferral to address the concerns raised.

Member Reingold motioned for deferral.

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

THAT Application No. **A/184/23** be **deferred** sine die.

Resolution Carried

**NEW BUSINESS:**

**1. A/207/23**

**Owner Name: Brian Tsang**  
**Agent Name: Digitech Designs Inc. (Andre Grisolia)**  
**111 Grandview Avenue, Thornhill**  
**PLAN 2446 LOT 276 W PT LOT 275**

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

- a) By-law 101-90, Section 1.2 (iv):**  
a maximum building depth of 20 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to a proposed rear covered porch and cabana.

The Acting Chair introduced the application.

The agent, Andre Grisolia, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Gholamabbas Keshavarzi & Zahra Alian, neighbours, spoke to the Committee regarding potential impacts on privacy, disruptions to the harmony of the area, and concerns that approval could set precedents.

Member Yan agreed with the staff report, noting that only one variance was required, the proposal was minor, it met the four tests of the *Planning Act*, and had minimal impacts.

Member Reingold confirmed with the owner, Brian Tsang, that the neighbours to the west had no concerns with the proposal.

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/207/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**2. A/208/23**

**Owner Name: Ru Hong Zhao**  
**Agent Name: Frank Rotundo Architect Inc. (Frank Rotundo)**  
**4 Strathroy Crescent, Markham**  
**PLAN 65M4306 LOT 156**

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

- a) **By-law 1229, Section Table 11.1:**  
a lot coverage of 38.99 percent, whereas the by-law permits a maximum lot coverage of 35 percent;

as it related to a proposed shed.

The Acting Chair introduced the application.

The agent, Frank Rotundo, appeared on behalf of the application. Frank indicated that the proposed shed replaced an existing pre-fabricated shed at the rear of the property and had been designed to meet all other zoning requirements. The increased lot coverage was related to the shed and would not increase the size of the home.

The Committee received one piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for Markham Village, Sherwood Conservation Residents Association, indicated that large sheds such as the one proposed were not minor and could impact the large trees at the rear of the property. Elizabeth noted that the infill dwelling had been built to maximum lot coverage, and the request could set a precedent for lot coverage for infill homes and accessory buildings.

Member Sampson clarified the intended use of the shed, commended the applicant for applying for permits and variances, and motioned for approval with conditions.

**Moved by: Patrick Sampson**

**Seconded by: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/208/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/009/24**

**Owner Name: Ronald Langendyk and Brenda Langendyk**  
**Agent Name: DB Designs (Dylan Borsten)**  
**29 Pringle Avenue, Markham**  
**PLAN M1385 LOT 29**

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

**a) Section 11.2 (c) (i):**

a porch to encroach 34.6 inches into a required yard, whereas the by-law permits a maximum encroachment of 18 inches;



**b) Table 11.1:**

a rear yard setback of 16.99 feet, whereas the by-law requires a minimum rear yard setback of 25 feet; and

**c) Amending By-law 99-90, Section 1.2(iii):**

a depth of 24.4 metres, whereas the by-law permits a maximum depth of 16.8 metres;

as it related to a proposed addition to a residential dwelling.

The Acting Chair introduced the application.

The agent, Dylan Borsten, appeared on behalf of the application.

The Committee received one piece of correspondence.

Member Sampson clarified with the applicant that work would be done to the front of the home as well as the rear yard addition.

The Acting Chair indicated that the requests were reasonable for a single-storey addition on an irregular lot, that the addition would not impose on the streetscape or the public realm, and that it met the four tests of the *Planning Act*.

Elizabeth Brown, Committee of Adjustment representative for Markham Village, Sherwood Conservation Residents Association, asked what type of structure the existing house was and if it would be maintained with the addition. Dylan Borsten confirmed that the existing home was a back split and that the addition would maintain the form.

Member Reingold felt that given the lot's irregular shape, the addition was sensible and would not impact the neighbours.

Member Yan appreciated the complimentary design, noting that options for additions to the existing structure were limited. Member Yan expressed that the application met the four tests of the *Planning Act* and would not impact the neighbours.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan**

**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/009/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

**Moved by: Arun Prasad**  
**Seconded by: Sally Yan**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:16 pm, and the next regular meeting would be held on March 6, 2024.

CARRIED

Original signed  
March 6, 2024  
Secretary-Treasurer  
Committee of Adjustment

Original signed  
March 6, 2024  
Acting Chair  
Committee of Adjustment