



CITY OF MARKHAM
Virtual Meeting

April 30, 2025
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 7th regular meeting of the Committee of Adjustment for the year 2025 was held at the time and virtual space above with the following people present:

Arrival Time

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

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Vivian Yap, Development Technician
Alexianna Hewitt, Development Clerk

Regrets

Gregory Knight, Chair

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: April 2nd, 2025

THAT the minutes of Meeting 06, of the City of Markham Committee of Adjustment, held April 2nd, 2025 respectively, be:

- a) Approved on April 30th, 2025.

Moved by: Arun Prasad

Seconded by: Patrick Sampson

Carried

4. REQUESTS FOR DEFERRAL

None

5. NEW BUSINESS:

5.1 A/017/25

Agent Name: Lindvest Properties Limited (Frank Palombi)
82 Markham Veterans Street, Markham
65M4830 LOT 2

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

- a) **By-law 177-96, Amending By-law 2020-74, Exception 7.657.2 a):**
a minimum rear yard setback of 0.6 metres, whereas the by-law requires a minimum rear yard setback of 13 metres;

as it related to the relocation of a heritage house (Abraham Reesor House).

The agent, Frank Palombi, appeared on behalf of the application.

Member Yan noted the previous planning processes and Heritage Markham assessment and supported the application, considering it minor.

Member Prasad agreed with their colleague and supported the application.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/017/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/015/25

Owner Name: Megan McIver
Agent Name: Gregory Design Group (Shane Gregory)
117 Robinson Street, Markham

PLAN 18 PT BLK E

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

- a) **By-law 2024-19, Section 6.3.2.2(f):**
a minimum front yard setback of 3.23 metres, whereas the by-law requires a minimum front yard setback of 8.84 metres;
- b) **By-law 2024-19, Section 4.8.10.2(d)(iii):**
a porch to project beyond the established building line by 5.61 metres, whereas the by-law permits a porch to project 0.6 metres beyond the established building line;

as it related to a proposed second storey addition and porch expansion to an existing heritage dwelling.

The agent, Shane Gregory, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson indicated the application was to recognize existing non-conforming conditions, supported the application, indicating the request was minor.

Member Yan expressed that the proposal would enhance the site.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/015/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/022/25

Agent Name: Gregory Design Group (Shane Gregory)
22 Paradise Avenue, Markham
PLAN 4427 LOT 30

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

a) By-law 2024-19, Section 4.8.10.1(a):

a porch with a depth of 1.32 metres, whereas the by-law requires a porch with a minimum depth of 1.8 metres; and

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

a minimum front yard setback of 9.92 metres, whereas the by-law requires a minimum front yard setback of 14.4 metres;

as it related to a proposed covered front porch for an existing residential dwelling.

The agent, Shane Gregory, appeared on behalf of the application.

Member Yan expressed that the request was minor.

Member Sampson supported the application, indicating the request was minor, and motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/022/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/013/25

Agent Name: Mehdy Ajvand

25 Honeybourne Crescent, Markham

PLAN 4949 LOT 121

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

a) By-law 2024-19, Section 6.3.3.2(c):

a maximum second storey main building coverage of 24 percent, whereas the by-law permits a maximum coverage of 20 percent for any storey above the first;

b) By-law 2024-19, Section 4.8.10.2(d)(iii):

a maximum porch projection from the established main building line of 1.83 metres, whereas the by-law permits a maximum projection of 0.6 metres;

c) By-law 2024-19, Section 6.3.3.2(j):

a maximum outside wall height of 7.52 metres, whereas the by-law permits a maximum outside wall height of 7 metres;

d) By-law 2024-19, Section 4.9.9(b):

two separate dwelling entrances within the same wall facing the street, whereas the by-law permits one entrance in a wall facing a street; and

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

a maximum second storey distance from the established building line of 17.44 metres, whereas the by-law permits a maximum second storey distance from the established building line of 14.5 metres;

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

The agent, Mehdy Ajvand, appeared on behalf of the application.

The Committee received one written piece of correspondence.

The owner, Kevin Liang, spoke about the request for two front doors. Kevin indicated that the home was being constructed for a multi-generational family with two distinct units that would be connected and shared, but provide private living space. The second door was requested to respect cultural traditions that consider the main entrance a symbol of belonging. Having an entrance directly from the street front would provide respect, dignity and honour to the residents of both units.

Elizabeth Brown, the representative of the Markham Village Sherwood Forest Residents Association. Elizabeth reflected on the request for two front doors, wondering if a possible solution could be found by utilizing the two frontages of the corner lot. Elizabeth indicated that the second-storey coverage was considerably larger than was permitted and was not minor. Additionally, Elizabeth spoke to the policies of Section 8.2.3.5 in the Official Plan, indicating that the scale and massing of the did meet the intent of the established neighbourhoods.

Christiane Bergauer-Free, a resident of Markham, understood the desire for multi-generational homes. Christiane agreed that variances a), b), c), and e) were oversized requests, while variance d) was not permitted. The build would result in impacts on the environment and the privacy of neighbours.

Member Yan did not consider the five variances to be cumulatively minor. There were issues with the scale and massing, particularly when considering the visibility of the corner lot. Member Yan understood the need for multi-generational living, but did not agree with the second entrance, indicating that the plans presented as a semi-detached build and agreed that consideration should be given to the flexibility that the corner lot street frontage provided for a second entrance.

Member Sampson indicated that while the internal configuration of the living space was connected, having two front doors made the application seem like a duplex, which was

not permitted. This in combination with the scale and massing, made the proposal unsuitable for the area.

Member Prasad agreed with their colleagues.

The Acting Chair indicated that the entire proposal needed to be reduced to be more compatible with the neighbourhood.

Mehdy Ajvand, the agent, indicated that the irregular configuration of the lot impacted how the depth of the building was measured, that a well-articulated design was present on the flankage yard, and no side yard setbacks were required. The overall height of the building was only four inches above the permitted combined building and roof height. Care had been taken to design a house appropriate to the streetscapes of each road frontage, and moving the second door to the flankage yard would impact this design. The proposal met the general intent of the by-law, and the owner had consulted with the immediate neighbour to ensure that their concerns were considered in the design.

Member Reingold indicated that the proposal was too large and recommended that the applicant consider a deferral.

Mehdy Ajvand requested a deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT Application **A/013/25** be **deffered sine die**.

Resolution Carried

Applications B/030/24 and B/031/24 were heard concurrently with the discussion recorded under B/030/24.

6. PREVIOUS BUSINESS:

6.1 B/030/24

Agent Name: Macaulay Shiomi Howson (Nick Pileggi)
Major Mackenzie Drive East, Markham
PLAN RP 65R33373 PTS 1 2 AND 3

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 12.24 metres and an approximate lot area of 0.69 ha (Part 4);

b) retain a parcel of land with an approximate lot frontage of 92.4 metres and an approximate lot area of 5.4 ha (Parts 1, 2, 3, and 5);

c) establish an easement over Part 4 for the purposes of access in favour of the retained lands (Parts 1, 2, 3, and 5).

The purpose of this application was to sever the Subject Lands and for Part 4 to be merged with the adjacent lands to the north and to facilitate the creation of a mutual access easement.

The agent, Nick Pileggi, appeared on behalf of the application.

The Committee received four written pieces of correspondence.

Vivian Li, a neighbourhood resident asked about future uses and if a traffic study would be conducted.

Nick Pileggi indicated that a car dealership would occupy a portion of the southern lot, the other parts would be commercial and business park, and any required studies would accompany a site plan application.

Member Prasad confirmed how the site would be accessed.

Member Sampson supported the application expressing that the application was to adjust the lot lines and accommodate access from Highway 404.

Member Yan noted that the applicant had worked with the City to resolve previously identified concerns and supported the application motioning for approval with conditions.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **B/030/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 B/031/24

Agent Name: Macaulay Shiomi Howson (Nick Pileggi)
Markland Street, Markham
CON 3 PT LOT 21

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 48.5 metres and an approximate lot area of 1.08 ha (Parts 8 and 9);
- b) **retain** a parcel of land with an approximate lot frontage of 84.3 metres and an approximate lot area of 2.49 ha (Parts 6 and 7).

The purpose of this application was to sever the Subject Lands (Parts 6,7,8, and 9), and for Part 9 to be merged with the adjacent lands to the east (Part 10).

This application was related to Consent Application B/030/24.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **B/031/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/032/23, A/154/23, and A/155/23 were heard concurrently with the discussion recorded under B/032/23.

6.3 B/032/23

Agent Name: Cantam Group LTD. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 15.09 metres (49.51 feet) and an approximate lot area of 454.90 square metres (4,896.36 square feet) (Part 1); and
- b) **retain** a parcel of land with an approximate lot frontage of 15.03 metres (49.31 feet) and an approximate lot area of 454.0 square metres (4,886.67 square feet) (Part 2).

This application proposes to sever the Subject Property to create one (1) new residential lot.

This application was related to Minor Variance applications A/154/23 and A/155/23.

The agent, Yaso Somalingam, appeared on behalf of the application. Yaso provided documentation of the previous consents and rezoning granted on Rouge Street and James Scott Road.

The Committee received 18 written pieces of correspondence and an opposition petition.

Edgar De Souza, a neighbour speaking on behalf of several neighbours, expressed that the application was for less than the minimum lot size required in the by-law, however, the actual lot sizes of the area were significantly larger. The north side of Rouge Street did not have smaller lots. The request was unreasonable and did not reflect the area's development on the north side of Rouge Street. They indicated that the requests were inappropriate and did not support the application.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Village Residents Association, spoke to the Committee, reflecting that a variance could not be considered minor if the numbers were too large or the change was too important to be considered minor. The application should reflect and respect the existing development and provide complementary interface relationships between the existing and new development. Front yard setbacks should respect the existing setbacks on properties on the same side of the street. Elizabeth indicated that the massing of the homes needed to be reduced.

Nicole McCollum agreed with the comments of the other deputations.

Sarah Cortez, a neighbour, did not support the consent application, agreeing with the comments of Edgar De Souza. In particular, Sarah was concerned with increased demands on the infrastructure and drainage.

Yaso Somalingam indicated that the lot sizes were reflective of the neighbourhood within walking distance of the property.

Member Yan expressed that a zoning analysis of the area would be appropriate to determine the environmental and infrastructure impacts. Member Yan indicated that the proposed lots were not consistent with the lot sizes on the south side of Rouge Street.

Member Sampson recognized that similar lot patterns had been established on the south side of Rouge Street and was not concerned with the proposed lot severance. Member Sampson expressed that the size of the houses should reflect the existing zoning standards.

Member Prasad asked if the proposed houses could be reduced.

Yaso Somalingam indicated they would consider reducing the size of the houses.

The Acting Chair considered the area at risk of overdevelopment and agreed with the other members that the proposal needed to be reduced.
Member Prasad motioned for deferral.

Moved by: Arun Prasad

Seconded by: Patrick Sampson

THAT Application **B/032/23** be **deferred** sine die.

Resolution Carried

6.4 A/154/23

Agent Name: Cantam Group Ltd. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12

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

- a) **By-law 1229, Section 11.2 (c) (i):**
a porch with stairs to encroach 50.4 inches into a required yard, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Table 11.1:**
a minimum lot area of 4896.36 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;
- c) **By-law 1229, Table 11.1:**
a lot frontage of 49.51 feet, whereas the by-law requires a minimum lot frontage of 60 feet; and
- d) **By-law 1229, Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 48.87 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed two-storey residential dwelling on the severed lot.

Moved by: Arun Prasad

Seconded by: Patrick Sampson

THAT Application **A/154/23** be **deferred** sine die.

Resolution Carried

6.5 A/155/23

Agent Name: Cantam Group LTD. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12

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

- a) **By-law 1229, Table 11.1:**
a minimum lot area of 4886.67 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;
- b) **By-law 1229, Table 11.1:**
a lot frontage of 49.31 feet, whereas the by-law requires a minimum lot frontage of 60 feet;
- c) **By-law 1229, Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 48.61 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- d) **Section 1.2(ii), Amending By-law 99-90 Section 1.2(iii):**
a maximum building depth of 17.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to proposed modifications to the existing dwelling on the retained lot.

Moved by: Arun Parsad
Seconded by: Patrick Sampson

THAT Application **A/153/23** be **deferred** sine die.

Resolution Carried

6.6 A/189/24

Agent Name: Gregory Design Group (Shane Gregory)
38 Elm Street, Markham
PLAN 4292 LOT 4

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

- a) **By-law 2024-19, Section 4.3.2.2 (i):**
a minimum combined interior side yard of 4.38 metres, whereas the by-law requires a minimum combined interior side yard of 4.97 metres;

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

a maximum distance of 24.76 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance from the established building line of 19.5 metres;

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

a maximum distance of 16.16 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance from the established building line of 14.5 metres; and

d) By-law 2024-19, Section 6.2.1(a):

a roof to project 3.55 metres above the maximum permitted outside wall height, whereas the by-law permits a maximum projection of 3.0 metres;

e) By-law 2024-19, Section 4.8.10.2(d)(iv):

a stair to project 0.58 metres past the permitted porch encroachment, whereas the by-law permits a maximum of 0.45 metres;

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

The agent, Shane Gregory, appeared on behalf of the application. Shane indicated they had taken over the file after the previous hearing and redesigned the home under By-law 2024-19 to address concerns raised by residents and the Committee.

The Committee received one written piece of correspondence.

A neighbour, Helen Shoukas, indicated that they found the new design appealing and that the façade was suitable for the neighbourhood.

Member Sampson indicated the requests were minor and supported the application.

Member Yan thanked the applicant for consulting with the neighbours. Member Yan considered the application minor, expressing significant changes had been made to the application, including reducing the frontage of the garage and modifying and softening the roof lines.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/189/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.7 A/091/24

Agent Name: Prohome Consulting Inc. (Vincent Emami)
29 Jeremy Drive, Markham
PLAN 7566 LOT 3

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

- a) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**
a maximum main building coverage of 24.89 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey;
- b) **By-law 2024-19, Section 6.3.2 e):**
a maximum distance of 16.12 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line; and
- c) **By-law 2024-19, Section 6.3.2 I):**
a minimum combined interior side yard of 5.11 metres, whereas the by-law requires a minimum combined interior side yard of 5.75 metres;

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

The agent, Ida Evangelista, appeared on behalf of the application. Ida indicated that the roof line had been changed, and articulation was added to the façade. Additionally, the second-storey coverage was reduced, as was the combined building coverage, and combined side-yard setback. Ida indicated that tree protection would be installed to meet the requirements of the forestry department. Ida expressed that the design was compatible with the character of the existing infill homes in the area.

The Committee received three written pieces of correspondence.

Elizabeth Brown, a Markham resident, spoke to the Committee as they were taking an interest in variance requests in established neighbourhoods. The second-floor coverage was significantly over what was permitted and was not minor. The Official Plan indicated that the width of garages, driveways and parking should not dominate the streetscape, and the three-car garage impacted the house's massing. The massing and scale of the house were not in character with the neighbourhood.

Ian Free, a Unionville resident, objected to the application, indicating that the variances were not minor, there was not a sufficient setback of the second floor, and it would impact the adjacent properties.

Christiane Bergauer-Free agreed with previous speakers. Additionally, Christiane was concerned about tree and hedge removal creating environmental and privacy impacts. Other design elements and setbacks would impact sunlight, shadowing, micro-climates, drainage, and infrastructure. The massing with the dormers and garage brought a lack of compatibility to the established neighbourhood, and the application did not comply with the Official Plan's intent to protect the neighbourhood's character and living area.

Member Sampson expressed that the second floor needed further reduction to meet the intent of the by-law to provide a smaller second story, at the front of the home.

Member Yan appreciated the changes that had been made. Member Yan expressed that it was the responsibility of the Committee to achieve a balance in the neighbourhood. Member Yan indicated the second story needed further reduction.

Member Prasad agreed with their colleagues.

The Acting Chair agreed that the application needed further reductions to achieve the intent of the by-law.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick

THAT Application **A/091/24** be **deferred** sine die.

Resolution Carried

6.8 A/108/24

Agent Name: Jun An
41 Gladiator Road, Markham
PLAN 7326 LOT 24

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit the following:

- a) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 25.8 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey; and

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

a maximum main building distance of 15.57 metres from the established building line for the second storey, whereas the by-law permits a maximum of 14.5 metres for any storey above the first;

as it related to a proposed two-storey dwelling.

The agent, Jun An, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment Representative for the Markham Village Sherwood Forest Residents Association, commented on the massing and scale created by the larger second floor and considered the variances to be neither minor nor compatible with the neighbourhood. Elizabeth also noted that the house on the corner had a different orientation, creating a way to utilize the lot for a wide and shallow home.

Karina La Macchia, a neighbour, opposed the approval; the proposed increase in depth and massing of the second story would directly and negatively impact the neighbouring properties' rear yards. Karina did not consider the application minor when considering the impacts of reduced privacy and imposing visual presence, which would reduce sunlight and increase shadowing. The applicant had not provided a significant justification for the need for the variance, and it was insufficient to indicate they wanted a larger home.

Member Sampson indicated that the issue was the massing of the second floor and considered that the applicant needed to make further reductions in the massing of the second floor at the front of the house. Member Sampson further commented that comparisons between infill development constructed under the previous by-law and applications subject to By-law 2024-19 should not be made.

Member Yan considered the design appropriate for the neighbourhood but expressed that the Committee was taking a consistent position regarding the second-floor massing and requested that the applicant reduce the second-floor massing and proposed a deferral.

The Acting Chair indicated that the second-floor massing needed to be reduced.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

THAT Application **A/108/24** be **deferred** sine die.

Resolution Carried

7. Adjournment

Moved by: Arun Prasad
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 10:42 pm, and the next regular meeting would be held on May 14, 2025.

CARRIED

Signed
May 14, 2025
Secretary-Treasurer
Committee of Adjustment

Signed
May 14, 2025
Chair
Committee of Adjustment