



**CITY OF MARKHAM
Virtual Meeting**

**July 30, 2025
7:00 pm**

COMMITTEE OF ADJUSTMENT

Minutes

The 12th 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

Arun Prasad, Acting Chair	7:07 pm
Jeannie Reingold	7:07 pm
Patrick Sampson	7:07 pm

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

Regrets

Greg Knight, Chair
Sally Yan

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES

4. REQUESTS FOR DEFERRAL

4.1 A/060/25

**Agent Name: Henry Chiu Architect Ltd (Henry Chiu)
2 Country Estates Drive, Markham
PLAN M1962 LOT 41**

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) SP (xiv):

a maximum combined main building coverage of 755 square metres, whereas the by-law permits a maximum combined main building coverage of 500 square metres;

b) By-law 2024-19, Section 6.3.2 (F):

a minimum front yard setback of 23.2 metres to 16th Avenue, whereas the by-law requires a minimum front yard setback of 44 metres;

c) By-law 2024-19, Section 6.3.2 (J):

a maximum outside wall height of 8.45 metres, whereas the by-law permits a maximum outside wall height of 7 metres; and

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

two dwelling unit entrances facing a street, whereas the by-law permits one dwelling unit entrance facing a street;

as it related to a proposed two-storey south side addition to the existing two-storey residential dwelling to accommodate an additional dwelling unit.

The agent, Ben Quan, appeared on behalf of the application.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold

Seconded by: Patrick Sampson

THAT Application **A/060/25** be **deferred** sine die.

Resolution Carried

5. PREVIOUS BUSINESS

5.1 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 23 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 1.27 metres, whereas the by-law permits a maximum projection of 0.6 metres; and

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

a maximum second storey distance from the established building line of 16.67 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 two-storey detached residential dwelling.

The agent, Mehdy Ajvand, 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, spoke to the Committee and acknowledged that changes had been made; however, they continued to feel that the massing of the second floor was significantly over what was permitted.

Christiane Bergauer-Free and Ian Free, residents of Markham, indicated that they did not consider the requests minor. They had concerns regarding the existing hedgerow, shadowing, and impacts on the neighbouring properties. They indicated that the proposal should reflect the existing neighbourhood and meet the intent of the by-law.

Evelin Ellison expressed that the increased coverage was unreasonable and indicated that a drawing illustrating the proposal's relationship to the streetscape would have been appropriate. Evelin indicated that very large windows were proposed, and the builder should follow the Canadian bird-friendly windows guidelines.

Patrick Sampson expressed that the massing on the second floor was significant and could be further reduced at the street front, and indicated they wished to hear the review of the members.

Member Reingold confirmed that the variances had been reviewed through a ZPR and noted that the applicant had made changes requested by the Committee. Member Reingold indicated that the proposal was appropriate for the street, transitional, and met the four tests of the Planning Act.

The Acting Chair noted that the applicants had followed the recommendations of the Committee and had modified the design to remove the request for two front doors. The Chair also indicated that the proposal was located on a large lot, which would accommodate the proposed dwelling.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/013/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. NEW BUSINESS:

6.1 A/068/25

Agent Name: Gregory Design Group (Shane Gregory)
12 Captain Armstrong's Lane, Markham
PLAN 7980 LOT 38

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(i):**
a minimum combined side yard setback of 3.68 metres, whereas the bylaw requires a minimum combined side yard setback of 4.57 metres;

as it related to a proposed second storey addition to an existing two-storey residential dwelling.

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

Member Sampson agreed with recommendations in the staff report indicating the requests were minor.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/068/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 A/035/25

Agent Name: Dinh Design (Bach Dinh)
7 Coxworth Avenue, Markham
PLAN 65M2630 LOT 47

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 4.8.8(f):

stairs and landing with a minimum interior side yard setback of 0.66 metres, whereas the by-law requires a minimum interior side yard setback of 1.2 metres;

as it related to the addition of a proposed below grade walkout stair to an existing residential dwelling.

The agent Bach Dinh was not present at the time of the hearing. After deliberation, the Committee determined the application to be minor and proceeded with the hearing in the absence of the applicant.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/035/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.3 A/078/25

Agent Name: Four Seasons Sunrooms (Nour Elgendy)
5 Digby Crescent, Markham
PLAN 65M2093 PT LOT 75 65R6768 PTS 27 & 28

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 46.47 percent for the first storey, whereas the by-law permits a maximum of 30 percent for the first storey;

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

a maximum lot coverage of 46.47 percent, whereas the by-law permits a maximum lot coverage of 35 percent; and

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

a maximum main building distance of 23.23 metres for the first storey from the established building line, whereas the by-law permits a maximum main building distance of 19.5 metres from the established building line;

as it related to a proposed rear sunroom addition.

The agent, Mat Jackman, appeared on behalf of the application.

Evelin Ellison encouraged the owner to use the Canadian bird-friendly guidelines for the sunroom windows.

Member Sampson indicated that the Committee had not considered the application as creating impacts at the previous meeting, and as the application had not changed, did not consider the position of the Committee to have changed.

Member Reingold agreed, indicating the proposal met the four tests of the Planning Act.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/078/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.4 A/054/25

Agent Name: Spragge + Company Architects Ltd. (Tom Spragge)
33 Colborne Street, Thornhill
PLAN 71 E PT LOT 8

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 7.32 metres, whereas the by-law requires a minimum front yard setback of 10.96 metres;
- b) **By-law 2024-19, Section 6.3.2.2 m), Special Provision (viii):**
an attached private garage projection of 2.32 metres, whereas the by-law does not permit a garage to project beyond the main wall of a heritage building;
- c) **By-law 2024-19, Section 4.8.10.2d(iv):**
stairs used to access a porch to project a maximum of 1.02 metres beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project a maximum of 0.45 metres beyond a permitted porch encroachment;
- d) **By-law 2024-19, Section 4.8.9.2 a)i):**
a minimum 1.25 metre landscape strip width made up of soft landscaping abutting the west interior side lot line and 1.24 metres abutting the east interior side yard, whereas the by-law requires a minimum 1.5 metre landscape strip width made up of soft landscaping abutting interior side lot lines;

e) By-law 2024-19, Special Standard (xv):

a maximum gross floor area of 309.23 square metres, whereas the by-law permits a maximum gross floor area of 280 square metres on lands within the Thornhill Heritage Conservation District;

f) By-law 2024-19, Section .3.2.2 I):

a minimum west side yard setback of 1.25 metres and a minimum east side yard setback of 1.57 metres with a minimum combined interior side yard on both sides of 2.82 metres, whereas the by-law requires a minimum of 1.8 metres and combined interior side yards on both sides of 25 percent of the lot frontage being 4.57 metres; and

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

an existing porch to project a maximum of 3.85 metres beyond the established building line, whereas the by-law permits a porch to project a maximum of 0.6 metres beyond an established building line;

as it related to a proposed two storey addition with an attached garage to an existing two storey residential heritage dwelling.

The agent, Tom Spragge, appeared on behalf of the application, indicating that care had been taken in the design to be sensitive to the existing house and its context in the neighbourhood, the proposal had the support of the neighbours, and the requests were minor.

The Committee received four written pieces of correspondence.

Evelin Ellison requested information regarding what trees would be removed from the property.

Member Sampson supported the application, noting that Planning and Urban Design staff, Heritage Markham, and the immediate neighbours supported the application.

Member Reingold noted that tree preservation had been assessed and would take place on the property, and indicated the proposal was appropriate in scale and form and had support from of the parties who reviewed the project.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/054/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.5 A/048/25

**Agent Name: SHDESIGN (Randa Zabaneh) Jonathan Benczkowski
65 Hawkridge Avenue, Markham
PLAN 6584 LOT 10**

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(i): - refused**
a combined interior side yard setback of 3.65 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.85 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 20.42 percent for any storey above the first, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;
- c) **By-law 2024-19, Section 4.8.9.2(a)(i):**
a minimum soft landscaping strip of 1.24 metres, whereas the by-law requires a minimum soft landscaping strip of 1.5 metres; and
- d) **By-law 2024-19, Section 6.2.1(b):**
a roof with a slope less than 25 degrees to project 1.64 metres above the maximum outside wall height, whereas the by-law permits a maximum projection of 1 metre above the maximum outside wall height;

as it related to a proposed two-storey dwelling.

The agent, Jonathan Benczkowski, appeared on behalf of the application. Jonathan presented the plans for the proposed dwelling, illustrating the variance requests. Jonathan indicated that the proposed dwelling's side yard setback reflected the existing side yard setbacks of other houses on the street that had been constructed under the previous by-law and provided adequate separation, created minimal impacts and reflected the character of the neighbourhood. Additionally, Jonathan spoke to the recessed portions of the second storey, the relationship of the increased wall height to the flat roof and the support of the immediate and other neighbours.

The Committee received five written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village, Sherwood Forest Residents Association, indicated concern regarding the reduced side yard setbacks, speaking to the side yards of the larger residential neighbourhood, reflecting that the original subdivision contained smaller houses with a mix of setbacks. Elizabeth indicated that some of the existing infill development was additions which had utilized the existing walls and setback of the original house. Elizabeth spoke to the intent of By-law 2024-19, indicating that the side-yard setbacks were established to

provide relief from the impacts of the larger infill homes that were the standard proposal in the neighbourhood.

Christiane Bergauer-Free and Ian Free, Markham residents, spoke, indicating that the variances individually and combined would create significant impacts and did not meet the intent of the Zoning By-law.

Member Reingold noted that the proposed dwelling was well designed to be a transitional infill development and considered variances (b), (c), and (d) to be reasonable requests, but did not support variance (a). Member Reingold expressed that the side yard setbacks of the previous by-law were appropriate for the development of the mid-century subdivision homes, which were smaller than the modern infill proposals. However, as the proposed dwelling would have increased massing and wall heights, member Reingold did not consider the request minor.

Member Sampson opined that By-law 2024-19 had the intent to reflect the need for increased side yards to provide relief from the impacts of the increasing dwelling size and massing of current infill development, and it was not minor.

The Acting Chair asked the applicant if they wanted to defer the Committee's decision to revise the application to provide larger side-yard setbacks.

Jonathan Benczkowski indicated that the zoning by-law was intended to fit with the character of the neighbourhood, and the requested variances met this criterion. Jonathan requested that the Committee make a decision on the application.

Member Sampson motioned for approval of variances **(b)**, **(c)**, and **(d)**, with conditions and for refusal of variance **(a)**.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

THAT Application **A/048/25** be **partially approved** subject to conditions contained in the staff report.

Resolution Carried

6.6 A/040/25

Agent Name: Z Square Group (Mengdi Zhen)
44 Peter Street, Markham
PLAN 3905 LOT 36

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 (i):**
a minimum interior side yard setback of 1.69 metres, whereas the by-law requires a minimum interior side yard setback of 1.8 metres;

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

a minimum combined interior side yard setback of 3.39 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.98 metres; and

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

a maximum second storey main building coverage of 23.9 percent, whereas the by-law permits a maximum second storey main building coverage of 20 percent;

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

as it related to a proposed two-storey south side addition to the existing two-storey residential dwelling to accommodate an additional dwelling unit.

The agent, Christine Deng, appeared on behalf of the application and gave a presentation outlining the proposed variances, the relationship of the proposal to the character of the neighbourhood and neighbouring support, indicating the proposal did not present any negative visual or functional impacts.

The Committee received one written piece of correspondence.

Jitin Dodd, the owner of the property, indicated that the proposal had taken into account the desires and needs of the family while seeking to complement other infill development on the street.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village, Sherwood Forest Residents Association, indicated the requested variances were not minor and would create adverse impacts for the neighbourhood and streetscape.

Member Sampson expressed that the Committee's position regarding reduced side-yard setbacks and increased second-floor coverage had remained consistent and did not support either variance.

Member Reingold agreed with the staff recommendations, indicating that the articulations of the second storey, combined with the lowered roofs, provided a buffer for the adjacent properties. However, Member Reingold agreed that the side yard setbacks should be maintained to provide sufficient green space, maintain and contribute to the character of the area and did not support the application.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Jeamie Reingold

THAT Application **A/040/24** be **deferred** sine die.

Resolution Carried

7. Adjournment

Moved by: Patrick Sampson

Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:01 pm, and the next regular meeting would be held on August 20, 2025.

CARRIED

Signed
August 20, 2025
Secretary-Treasurer
Committee of Adjustment

Signed
August 20, 2025
Acting Chair
Committee of Adjustment