

# Memorandum to the City of Markham Committee of Adjustment

October 11, 2024

**File:** A/057/24  
**Address:** 15 Tuscan Court, Markham  
**Agent:** In Roads Consultants (Ida Evangelista)  
**Hearing Date:** Wednesday, October 30, 2024

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

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

- a) **By-law 2024-19, Section 4.8.10.1(a)**: a minimum front yard porch depth of 1.5 metres, whereas the by-law requires a porch depth of at least 1.8 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c)**: a maximum second-storey main building coverage of 24.9 percent of the lot area, whereas the by-law permits a maximum building coverage for the second-storey of 20 percent of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(e)**: a maximum distance of 20.43 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 metres for the first storey measured from the established building line; and
- d) **By-law 2024-19, Section 6.3.2.2(e)**: a maximum distance of 17.31 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;

as it relates to a proposed two-storey residential dwelling with a finished basement and a wood deck.

## BACKGROUND

This application was deferred at the July 24, 2024 Committee of Adjustment (“COA”) meeting to allow the Applicant to address concerns related to size and massing, as detailed in the minutes extract contained in Appendix “A” – Minutes Extract (July 24, 2024).

The Applicant has subsequently submitted revised plans on September 18, 2024 (Appendix “B” – Revised Plans). The revised plans resulted in revised variance requests for minimum front yard porch depth and maximum second-storey building coverage, and the removal of their initial variance request for reduced minimum front yard setback.

Table 1 below shows a comparison between the variances from the initial submission and the current revised submission.

<b>Table 1 – Changes in Variances Comparison Chart</b>			
<b>Development Standards</b>	<b>RES-ENLR Zone Requirement</b>	<b>Initial Variance Request</b>	<b>Current Variance Request</b>
<b>Minimum Front Yard Porch Depth</b>	1.8 m (5.9 ft)	1.4 m (4.59 ft)	1.5 m (4.92 ft)
<b>Maximum second-storey building coverage</b>	20%	26.7% (201.88 m <sup>2</sup> or 2,173.02 ft <sup>2</sup> )	24.9% (189.15 m <sup>2</sup> or 2,036 ft <sup>2</sup> )
<b>Maximum Distance from the Established Building Line (first-storey)</b>	19.5 m (63.97 ft)	20.43 m (67.03 ft)	20.43 m (67.03 ft)
<b>Maximum Distance from the Established Building Line (second-storey)</b>	14.5 m (47.57 ft)	17.31 m (56.79 ft)	17.31 m (56.79 ft)
<b>Minimum Front Yard Setback</b>	8.74 m (28.67 ft)	8.36 m (27.43 ft)	N/A

**ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN**

The Applicant has not conducted a ZPR for the revised plans. 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 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**

Staff have reviewed the revised plans and advise that the comments from the previous report remain applicable (Appendix “C”). Staff are of the opinion that the requested variances will not result in adverse impacts to neighbouring properties and appropriately reflect the infill development trend in the Varley Village neighbourhood.

**PUBLIC INPUT SUMMARY**

It should be noted that the City received ten written pieces of correspondence; one signed letter of support with five signatures, and nine objections for the initial variances. Eight residents also spoke in opposition to the application at the COA meeting.

No additional written submissions were received as of October 18, 2024 for the revised variances. 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 "D" for a revised list of conditions to be attached to any approval of this application.

PREPARED BY:



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Brendan Chiu, Planner I, Central District

REVIEWED BY:



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

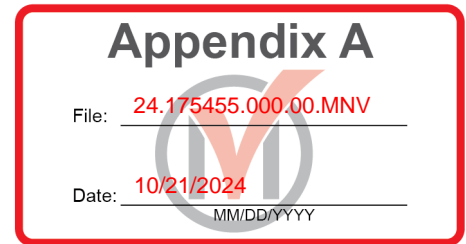
## **APPENDICES**

Appendix "A" – Minutes Extract (July 24, 2024)

Appendix "B" – Revised Plans

Appendix "C" – Staff Report (July 9, 2024)

Appendix "D" – A/057/24 Conditions of Approval



**CITY OF MARKHAM**  
**Virtual Meeting**

**July 24, 2024**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 12<sup>th</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

Gregory Knight Chair	7:00 pm
Arun Prasad	7:11 pm
Jeamie Reingold	7:00 pm
Patrick Sampson	7:00 pm

Erin O’Sullivan, Assistant Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Vivian Yap, Development Technician

**Regrets**

Sally Yan

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF PREVIOUS MINUTES: July 10, 2024**

THAT the minutes of Meeting No. 11, of the City of Markham Committee of Adjustment, held July 10, 2024 respectively, be:

- a) Approved on July 24, 2024.

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

**Carried**

#### 4. REQUESTS FOR DEFERRAL

##### 4.1. 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);
- 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 proposed 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.

Member Sampson motioned for deferral.

**Moved by: Patrick Sampson**  
**Seconded by: Jeamie Reingold**  
**Absent: Arun Prasad**

THAT Application No. **B/032/23** be **deferred** sine die.

Resolution Carried

##### 4.2 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:

- 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 49.50 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):**

maximum floor area ratio of 48.82 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.

Member Sampson motioned for deferral.

**Moved by: Patrick Sampson**

**Seconded by: Jeamie Reingold**

**Absent: Arun Prasad**

THAT Application No. **A/154/23** be **deferred** sine die.

Resolution Carried

**4.3 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:

**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 depth of 17.48 metres, whereas the by-law permits a maximum depth of 16.8 metres;

as it related to a dwelling on the retained lot.

Member Reingold motioned for deferral.

**Moved by: Jeamie Reingold**

**Seconded by: Patrick Sampson**

**Absent: Arun Prasad**

THAT Application No. **A/154/23** be **deferred** sine die.

Resolution Carried

## **5. NEW BUSINESS:**

### **5.1. B/039/23**

**Agent Name: WSP Canada Group Ltd. (Robert Rappolt)**

**60 Columbia Way, Markham**

**PLAN M2029 PT BLKS 10 AND 11 RP 65R20668 PARTS 2 TO 19, 21 AND 22 PT PARTS 1, 19 AND 20 RP 65R35379 PARTS 1 TO 11, 14 TO 19**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 167.10 metres and an approximate lot area of 17,467.9 square metres (Parts 1, 2 and 3);
- b) retain** a parcel of land with an approximate lot frontage of 104.90 metres and an approximate lot area of 40,177.3 square metres (Parts 4 to 21);
- c) establish an easement** over the retained lands (Parts 4 and 9) in favour of the severed lands (Parts 1, 2, and 3) for the purposes of access;
- d) establish an easement** over portions of the retained lands (Parts 4 to 21) in favour of the severed lands (Parts 1, 2, and 3) for the purposes of utilities and servicing.

The purpose of this application was to create one new lot and to establish various servicing and access easements.

The agent, Breanna Veilleux, appeared on behalf of the application and noted that they would remain available for questions.

Allan Taylor representing the owner Redbourne Investment Inc., spoke to the Committee.

Member Sampson expressed that he supported the application as the submission was straight forward.

Member Sampson motioned for approval with conditions.

**Moved by: Patrick Sampson**

**Seconded by: Jeamie Reingold**

**Absent: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **B/039/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

## **5.2 A/027/24**

**Agent Name: Shurway Contracting Ltd (Raffy Bekmezian)**  
**505 Cochrane Drive, Markham**  
**PLAN 65M2073 LOT 3 AND PT LOT 4 65R8531 PT 1**

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **Parking By-law 28-97, Section 3.0, Table B:**  
a minimum of 77 parking spaces, whereas the by-law requires a minimum of 85 parking spaces on the lot;

as it related to the proposed extension of a treadmill facility.

The agent, Raffy Bekmezian, appeared on behalf of the application.



Member Reingold asked about the traffic of visitors to the site. The agent, Raffy Bekmezian stated that the treadmill showroom had minimal visitors throughout the day and the parking lot has available vacant spaces on the site. The owner, Victor Proudian spoke to Member Reingold's question as well noting that the majority of the sales for the company occur online and that a few people may come in to the property to view models in the showroom.

Member Reingold asked if there would be any fitness classes, which the owner Victor Proudian answered that fitness classes would not occur.

The Chair noted that Member Prasad joined the meeting at 7:11pm.

Member Prasad supported the application.

Member Prasad motioned for approval with conditions.

**Moved by: Arun Prasad**  
**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/027/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

### **5.3 A/043/24**

**Agent Name: AEM Designs (Ravinder Singh)**  
**308 Ridgecrest Road, Markham**  
**PLAN 65M3390 BLK 227 / 65M3368 BLK 366**

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

- a) By-law 28-97, Section 3.0 Table B:**  
a minimum of 2 parking spaces, whereas the by-law requires a minimum of 3 parking spaces;

as it related to the addition of a basement dwelling.

The agent, Ravinder Singh, appeared on behalf of the application.

Member Reingold supported the application and noted that the application met the aims of the *Planning Act* in terms of providing housing for the local population.

Member Prasad asked if the residents of the home would be prepared to manage multiple vehicles with the two parking spots. The agent Ravinder Singh stated that the residents of the home were prepared to manage with two parking spots. Member Prasad supported the application

Member Prasad motioned for approval with conditions.

**Moved by: Arun Prasad**

**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/043/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

#### **5.4 A/049/24**

**Agent Name: Baldassarra Architects Inc. (Milica Zekanovic)**  
**5900 14th Avenue, Markham**  
**PLAN 65M2757 LOTS 12-14 AND PART OF LOTS 24 AND 25**

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

**a) By-law 28-97, Section 3.0 (Table B):**

a minimum of 162 parking spaces, whereas the by-law requires a minimum of 255 parking spaces;

as it related to a multi-unit building.

The agent, Milica Zekanovic, appeared on behalf of the application.

Member Reingold asked for further clarification regarding the percentage of parking reduction, as she was concerned about the decrease in spots. The agent, Milica Zekanovic expressed that the parking requirements comply with By-law 2024-19 once the By-law was in full force and effect.

The Chair confirmed with the agent Milica Zekanovic that had By-law 2024-19 been in full force and effect the application for a variance would not be required.

Member Prasad asked what the purpose for multiple industrial units would be. The agent Milica Zekanovic explained that due to a shift in the market a trend has occurred to divide larger industrial units into smaller units to meet market conditions. Member Prasad supported the application.

Member Prasad motioned for approval with conditions.

**Moved by: Arun Prasad**  
**Seconded by: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/049/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

#### **5.5 A/050/24**

**Agent Name: MHBC Planning (Jillian Sparrow)**  
**8502 Woodbine Avenue, Markham**  
**CON 3 PT LT 10 65R17970 PT 7**

The applicant was requesting relief from the requirements of By-law 2024-19 & By-law 165-80, as amended, to permit:

#### **By-law 2024-19**

**a) By-law 2024-19, Section 5.4.1(S):**

a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces;

#### **By-law 165-80, as amended:**

**a) By-law 28-97, Section 3, Table B:**

a minimum of 17 parking spaces, whereas the by-law requires a minimum of 20 parking spaces;

as it related to a proposed financial institution.

The agent, Oz Kemal, appeared on behalf of the application and remained available for questions.

Member Reingold supported the application and noted that it was straightforward.

Member Prasad asked if there would be a drive through for the financial institution. The agent, Oz Kemal clarified that there not would be a drive through. Member Prasad supported the application.

Member Sampson asked about Transportation Staff's comments and suggested conditions. The Chair asked Greg Whitfield, Supervisor, Committee of Adjustment to speak on the comments from the Staff Report. Greg Whitfield noted the previous discussion with Staff regarding a potential shared parking agreement with the adjacent property 8500 Woodbine Avenue which was also under ownership by the individual applying for the variance to 8502 Woodbine Avenue. Greg Whitfield stated that a condition for shared parking was not implemented at this time but could potentially be considered for future applications on the property.

Member Prasad motioned for approval with conditions.

**Moved by: Arun Prasad**  
**Seconded by: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/050/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

## **5.6 A/063/24**

**Agent Name: KLM Planning Partners Inc. (Marshall Smith)**  
**7190 - 7200 Markham Road, Markham**  
**PLAN 65M2901 BLOCK 17**

The applicant was requesting relief from the requirements of By-law 2024-19 & By-law 177-96, as amended, to permit:

### **By-law 2024-19**

#### **a) Section 1.7.4:**

That the requirements of this By-law do not apply to prevent the erection or use of a building or structure for which an application for site plan approval under Section 41 of the Planning Act or a heritage permit in accordance with the Heritage Act, was filed and accepted by the City on or prior to July 11<sup>th</sup>, 2024; whereas the by-law requires the site plan application to have been filed and accepted prior to the effective date of this By-law provided the application conforms to the relevant By-law listed in Section 1.5 before the effective date of this By-law.

#### **By-law 2022-114**

**a) Amending By-law 2022-114, Section 7.606.2(n):**

a minimum of 1.1 parking spaces per dwelling unit, whereas the by-law requires a minimum of 1.25 parking spaces per dwelling unit;

**b) Amending By-law 2022-114, Section 7.606.2(i):**

a maximum of 308 dwelling units on a lot, whereas the by-law permits a maximum of 269 dwelling units on a lot;

as it related to a proposed townhouse development.

This application was related to Zoning By-law Amendment (ZA 2017 109850) and Site Plan (SC 2017 109850).

The agent, Marshall Smith, appeared on behalf of the application.

The Committee received three opposed written pieces of correspondence.

Member Reingold asked if a Zoning Preliminary Review had been completed. The agent Marshall Smith indicated that zoning had been reviewed through a previous Site Plan Control application. Member Reingold supported the application due to the Transportation Justification Study that was completed and support from Transportation Staff.

Member Sampson asked why Staff did not comment if they were in support or not in support of the application in the Staff Report. The Chair asked Greg Whitfield, Supervisor, Committee of Adjustment to comment on the Staff Report. Greg Whitfield stated that staff found the variances to be fair, but as the variance under By-law 2024-19 had intricacies, staff felt it would be best to take a neutral stance.

Member Prasad asked for clarity on the conditions from Transportation Staff. The agent Marshall Smith stated that Transportation Staff wanted to ensure a fulsome transportation demand strategy would take place including two information sessions with residents. The agent, Marshall Smith noted that Presto cards to a certain dollar value would be provided to residents to encourage transit use and inform them about public transit measures in the area.

The Chair asked who provided the conditions for the transportation demand strategy. The agent, Marshall Smith noted that Markham Transportation Staff provided the condition.

Member Prasad asked where the entry to the complex would be and if there were any transit stops nearby. The agent, Marshall Smith stated that there is a bus stop on the corner of the site at Denison Street and Markham Road. Marshall Smith addressed site entrances with shared access easements, one off of Denison Street and one off of Markham Road.

Ken Chow, a resident in close proximity to the site, spoke to the Committee, and raised concerns about the traffic in the area.

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/063/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

## 5.7 A/057/24

**Agent Name: Prohome Consulting Inc (Vincent Emami)**  
**15 Tuscan Court, Markham**  
**PLAN 7566 LOT 220**

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

- a) **By-law 2024-19, Section 4.8.10.1(a):**  
a minimum front yard porch depth of 1.4 metres, whereas the by-law requires a porch depth of at least 1.8 metres;
- b) **By-law 2024-19, Section 6.3.2.2(C):**  
a maximum second-storey main building coverage of 26.7 percent of the lot area, whereas the by-law permits a maximum building coverage for the second-storey of 20 percent of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(E):**

a maximum distance of 20.43 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 metres for the first storey measured from the established building line;

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

a maximum distance of 17.31 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

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

a minimum front yard setback of 8.36 metres, whereas the by-law permits a minimum front yard setback of 8.74 metres;

as it related to a proposed two-storey residential dwelling with a finished basement and a wood deck.

The agent, Francesco Fiorani, appeared on behalf of the application stating that he was in agreement with the Staff Report. Francesco noted that the application is in full conformity with By-law 11-72, which the architect developed the plans around.

The Committee received ten written pieces of correspondence, one signed letter of support with five signatures, and nine objections.

Daniela Ghiculete a neighbour, spoke to the Committee. Daniela shared that in her opinion along with other neighbours on the street, that the variances were not minor in nature. Daniela was concerned about the size and massing of the house, the potential removal of trees, and privacy. Daniela requested for a shadow study to be completed.

Kenneth Wan a neighbour, spoke to the Committee. Kenneth was concerned about the wooden deck in the rear yard, tree removal, increased hardscaping, and water drainage.

Ivan Leong, a neighbour, indicated that they were asked to sign a support letter prior to seeing the plans, but redacted their signature once they viewed them. Ivan was concerned about traffic and safety on the street.

Christiane Bergauer-Freewas in objection to the application. Christiane was concerned about the trees on the property, the potential damage to the mature root systems, site grading issues, and privacy. Christiane was of the opinion that By-law 2024-19 was implemented in part to regulate infill development and should be adhered to.

Ian Free, objected to the application. Ian was concerned about the calculations of the site statistics. Ian asked what was the purpose and intent of By-law 2024-19 if the variances were approved, as in his opinion the variances were not minor.

Endel Mell, a neighbour to the rear, opposed the application. Endel was concerned about the setback to the rear property line, water runoff, and privacy. Endel asked to see the proposed site plan showing the existing trees.

Zoe Cristidis-Mell a neighbour to the rear, was concerned about tree removal noting that the trees added a great value to their neighbourhood.

Shirly Wei Xue, the owner, spoke to the Committee stating that the design of the home was to accommodate the needs of their multi-generational family.

The Chair asked the agent to speak on trees and storm water management. The agent, Francesco Fiorani noted that a Tree Inventory and Preservation Plan had been modified to the request of Tree Preservation Staff. The Chair asked if there was a drawing that indicated where the major trees were and which trees would be removed. Francesco answered that one tree to the south west of the property was intended to be removed. The Chair asked if the south east tree and the front yard tree would remain, Francesco noted that those trees would remain on the property.

The Chair asked for comments on how stormwater would be dealt with. Francesco noted that the proposal for the new home would be subject to drainage review by the City's Engineering department and the building permit process.

Member Reingold was concerned about the size of the house, flooding issues, trees, and the visual massing of the house and how that would fit within the neighbourhood scope. Member Reingold suggested architectural elevations to make the home more compatible with the neighbourhood.

Member Sampson was of the opinion that privacy was a concern and stated that the variances were beyond what is minor, and reductions to the variances were required.

Member Prasad agreed with his colleagues and suggested that the applicant request a deferral.

The Chair stated that the concepts of By-law 2024-19 were designed to deal with things such as massing and variances to the By-law that are not minor would not be appropriate. The Chair acknowledged that public input would need to be considered in determining variance approval to By-law 2024-19 as well. The Chair addressed that there are serious concerns from the community related to the massing of the house, lack of privacy, and impact to the trees.

Member Prasad motioned for deferral.

**Moved by: Arun Prasad**  
**Seconded by: Patrick Sampson**



Committee of Adjustment Minutes  
Wednesday July 24, 2024

THAT Application No. **A/057/24** be **deferred** sine die.

Resolution Carried

Adjournment

**Moved by: Arun Prasad**

**Seconded by: Patrick Sampson**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:47 pm, and the next regular meeting would be held on August 14th, 2024.

CARRIED

Assistant Secretary-Treasurer  
Committee of Adjustment

Chair  
Committee of Adjustment

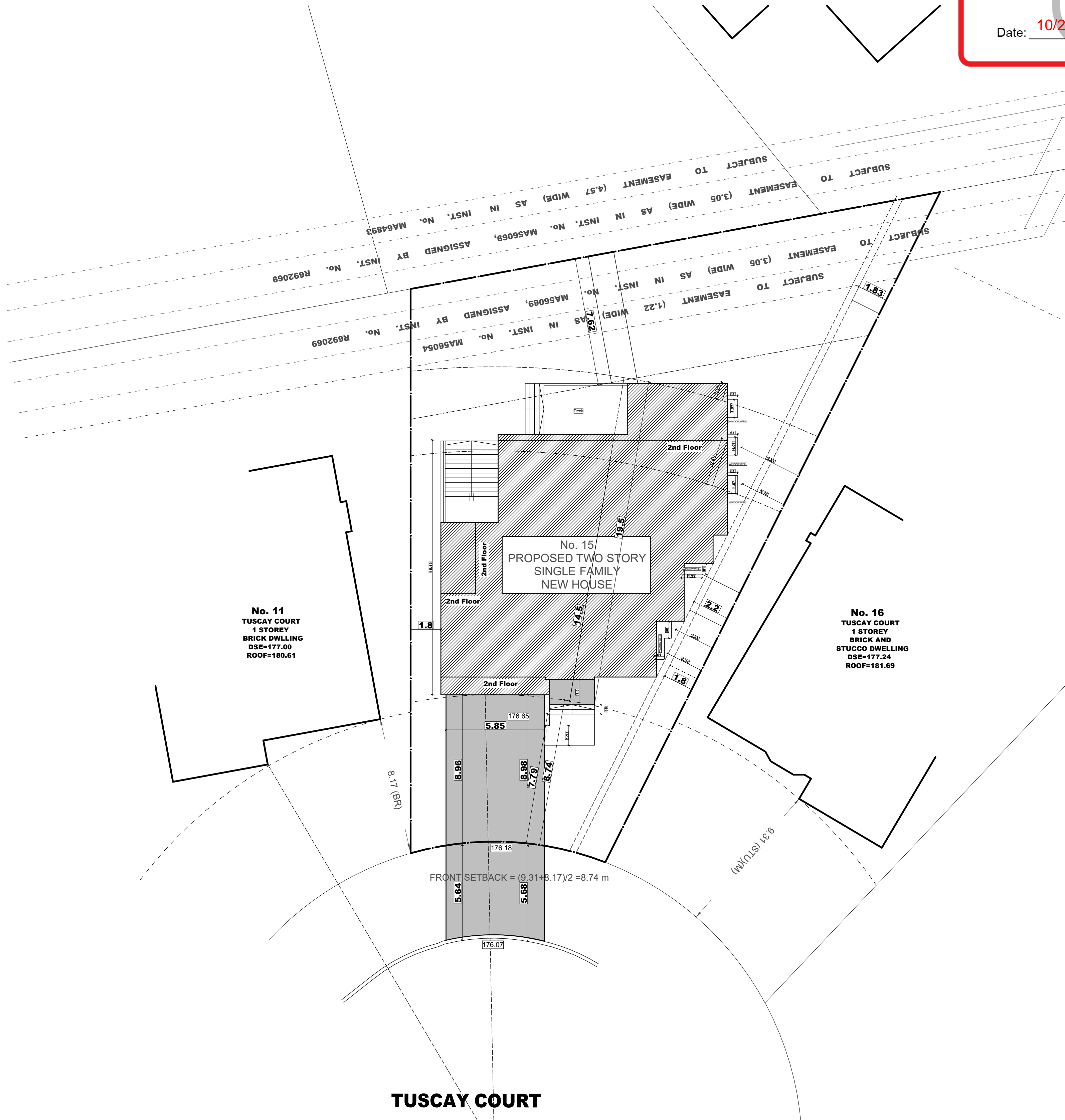
LOT AREA: 756.70 M <sup>2</sup>		LOT COVERAGE: 227.06 M <sup>2</sup>			
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR
TOTAL	2450FT <sup>2</sup> /227.61 M <sup>2</sup> (30.0%)	2036FT <sup>2</sup> /189.15 M <sup>2</sup> (24.9%)	2058FT <sup>2</sup> /191.19 M <sup>2</sup>	427FT <sup>2</sup> /39.67M <sup>2</sup>	4053FT <sup>2</sup> /376.54 M <sup>2</sup>

# Appendix B

File: 24.175455.000.00.MNV

Date: 10/21/2024

MM/DD/YYYY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

FOR STRUCTURE ONLY



DRAWN BY  
 V.E

SCALE:
1:150
LAST MODIFIED ON:
SEPTEMBER 18, 2024

DRAWING TITLE:	SITE PLAN
PROJECT TITLE/ADDRESS:	15 TUSCAY COURT MARKHAM, ON

A.01

# Appendix B

File: 24.175455.000.00.MNV

Date: 10/21/2024

MM/DD/YYYY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
SEPTEMBER 18, 2024

DRAWING TITLE:	FRONT ELEVATION
PROJECT TITLE/ADDRESS:	15 TUSCANY COURT MARKHAM, ON

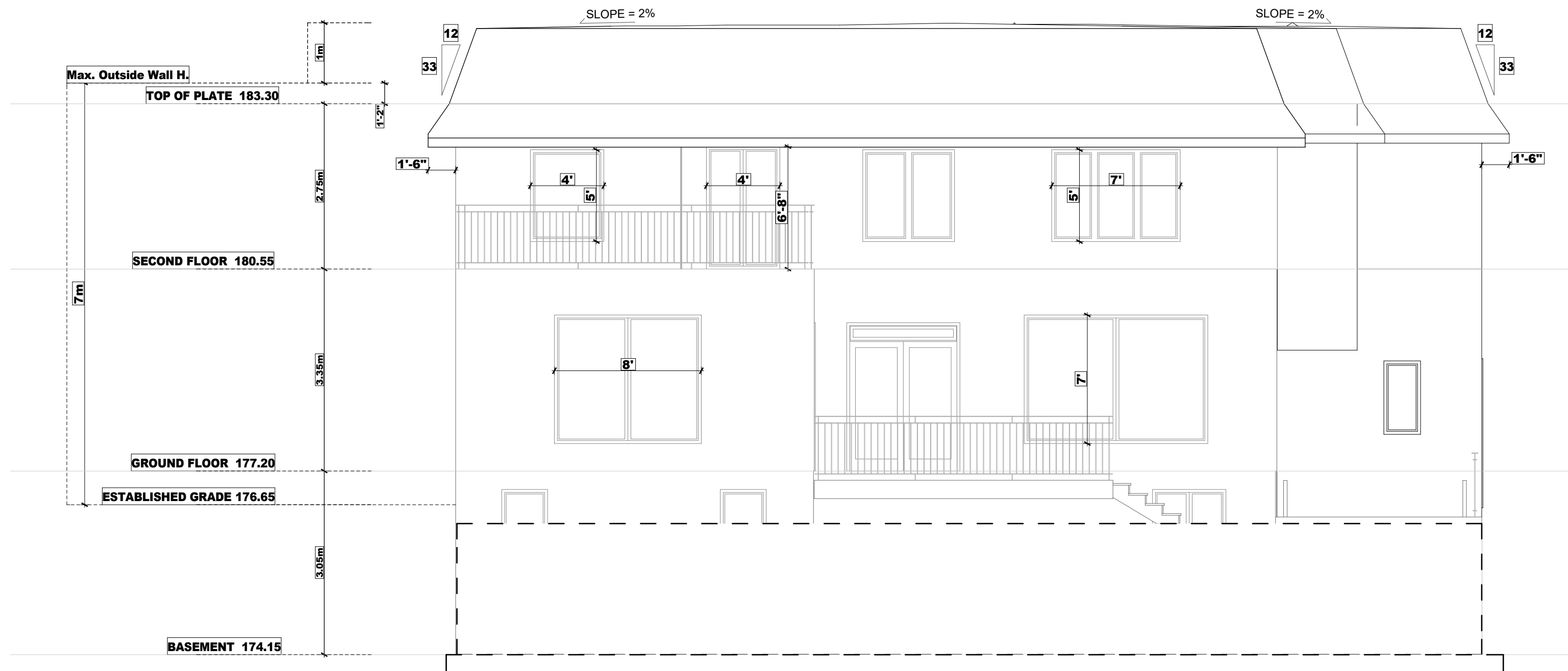
A2.1

# Appendix B

File: 24.175455.000.00.MNV

Date: 10/21/2024

MM/DD/YYYY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:

3/16" = 1'-0"

LAST MODIFIED ON:  
SEPTEMBER 18, 2024

DRAWING TITLE:

REAR ELEVATION

PROJECT TITLE/ADDRESS:

15 TUSCAY COURT  
MARKHAM, ON

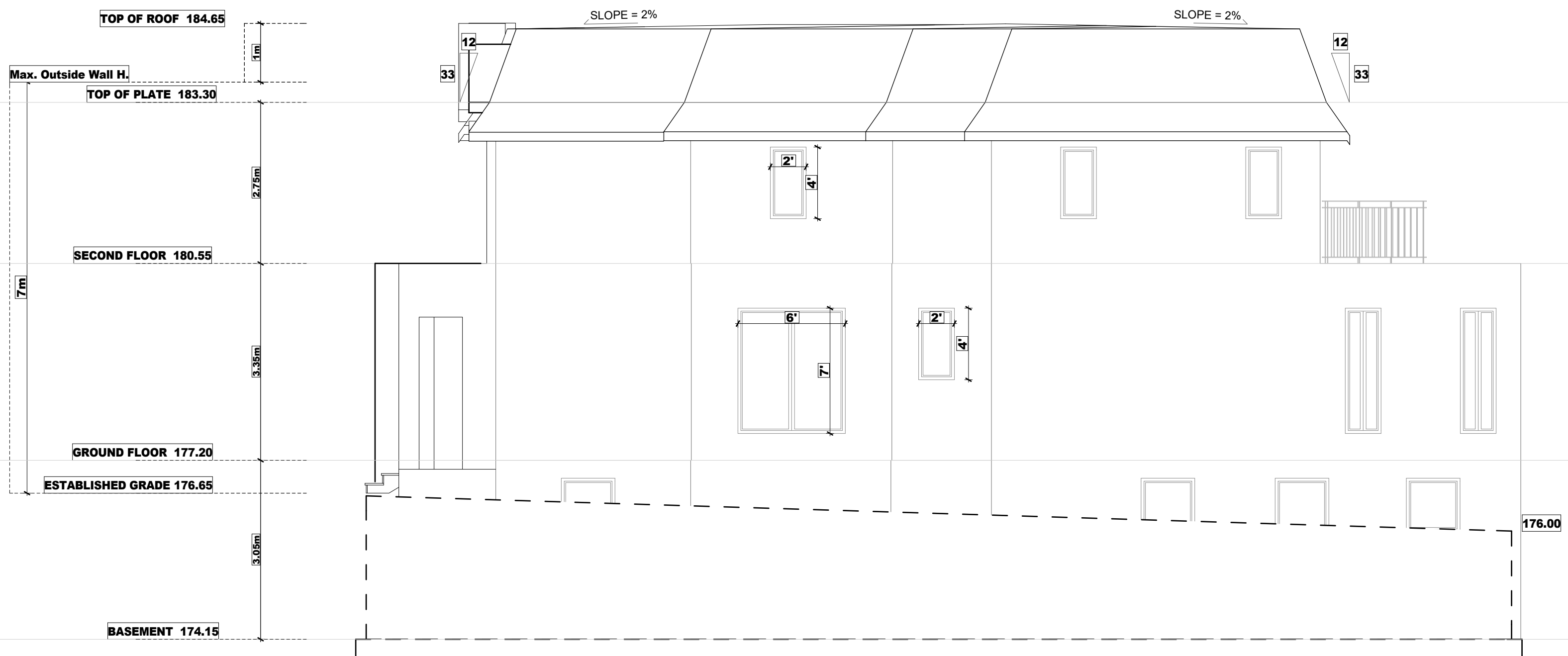
A2.2

# Appendix B

File: 24.175455.000.00.MNV

Date: 10/21/2024

MM/DD/YYYY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
SEPTEMBER 18, 2024

DRAWING TITLE:  
SIDE ELEVATION  
PROJECT TITLE/ADDRESS:  
15 TUSCAY COURT  
MARKHAM, ON

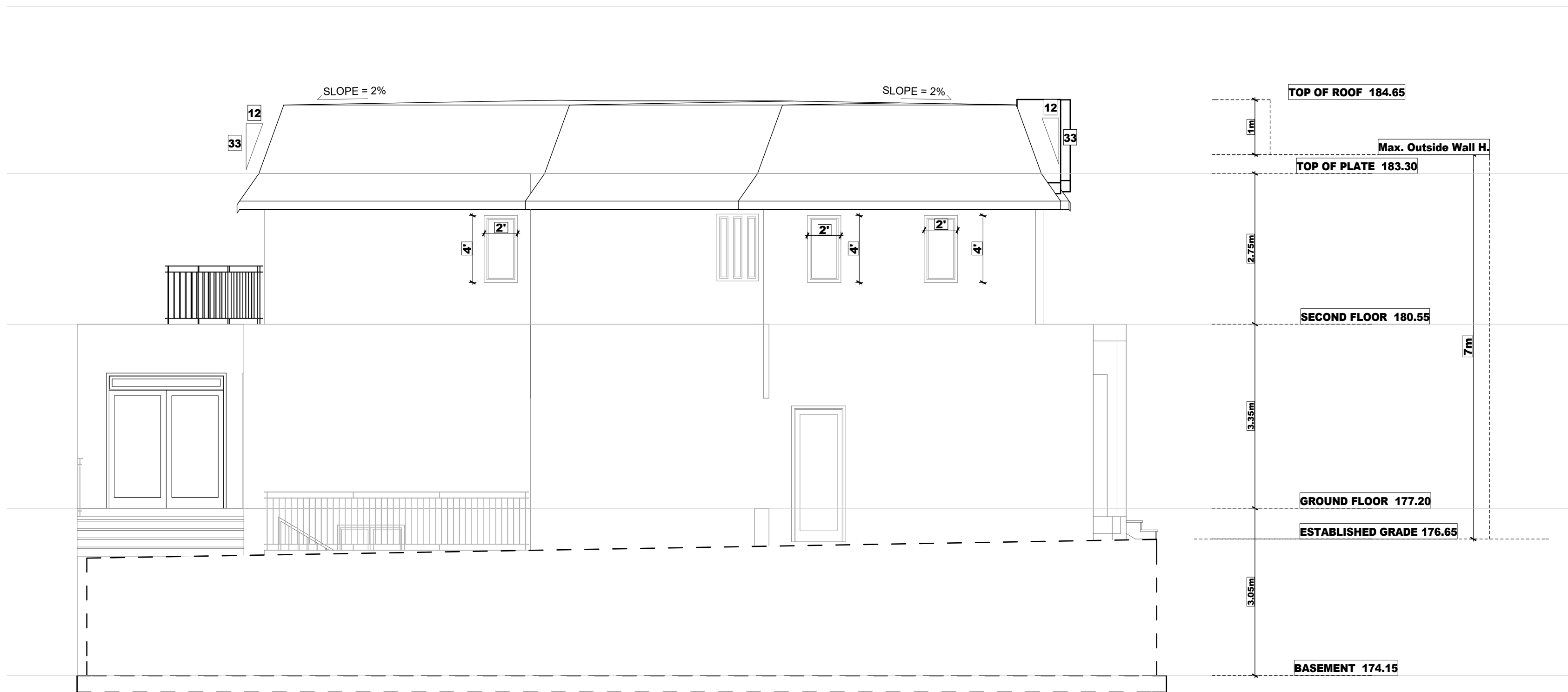
A2.3

# Appendix B

File: 24.175455.000.00.MNV

Date: 10/21/2024

MM/DD/YYYY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

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3/16" = 1'-0"  
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A2.4

## Appendix C

File: 24.175455.000.00.MNV

Date: 10/21/2024  
MM/DD/YYYY

Memorandum to the City of Markham Committee of Adjustment  
July 09, 2024

**File:** A/057/24  
**Address:** 15 Tusccay Court, Markham  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, July 24, 2024

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

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the following requirements of the “Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone” in By-law 2024-19:

- a) **By-law 2024-19, Section 4.8.10.1(a):**  
a minimum front yard porch depth of 1.4 metres, whereas the By-law requires a porch depth of at least 1.8 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):**  
a maximum second-storey main building coverage of 26.7 percent of the lot area, whereas the By-law permits a maximum building coverage for the second-storey of 20 percent of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(e):**  
a maximum distance of 20.43 metres for the first storey measured from the established building line, whereas the By-law permits a maximum distance of 19.5 metres for the first storey measured from the established building line;
- d) **By-law 2024-19, Section 6.3.2.2(e):**  
a maximum distance of 17.31 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
- e) **By-law 2024-19, Section 6.3.2.2(f):**  
a minimum front yard setback of 8.36 metres, whereas the By-law permits a minimum front yard setback of 8.74 metres;

as it relates to a proposed two-storey residential dwelling with a finished basement and a wood deck.

## **BACKGROUND**

### **Property Description**

The 756.34 m<sup>2</sup> (8,141.18 ft<sup>2</sup>) subject lands are located on the south side of Tusgay Court, west of Fred Varley Drive and south of Krieghoff Avenue (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix 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 single detached dwelling on the property, which according to assessment records was constructed in 1967. Mature vegetation exists on the property including one large mature tree in the front yard.

### **Proposal**

The Applicant is proposing to demolish the existing dwelling and construct a 388.24m<sup>2</sup> (4179 ft<sup>2</sup>) two-storey detached 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 April 9, 2018)

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.

### Comprehensive Zoning By-law 2024-19

The Subject Lands are zoned RES-ENLR (Residential – Established Neighbourhood Low Rise) under 2024-19, which permits one single detached dwelling per lot.

The Proposed Development does not comply with the By-law requirements as it relates to front yard porch depth, front yard setback, second-storey building coverage, and first- and second-storey distance from established building lines.

### Zoning By-law 11-72

The Subject Lands are zoned R4 (Fourth Density Single Family Residential) under By-law 11-72, which permits one single detached dwelling per lot.



The Proposed Development complies with the requirements of By-law 11-72.

### Varley Village Infill Area

The Subject Lands are 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 adopted, 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 Owner has completed a Zoning Preliminary Review (ZPR) on February 24, 2024 to confirm the initial variances required for the Proposed Development. The Applicant submitted revised drawing on July 15, 2024 to address comments from the City's review. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the Owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. 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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

### **Front Porch Depth**

The Applicant is requesting relief to permit a minimum front porch depth of 1.4 m (4.59 ft), whereas the By-law permits a minimum front porch depth of 1.8 m (5.9 ft). This represents a decrease of 0.4 m (1.31 ft) from what the By-law permits.

The proposed front porch is in line with and does not project beyond the garage. As such, Staff have no objections to the requested variances, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

### **Increase in Main Building Coverage (second storey)**

The Applicant is requesting relief for a main building coverage for the second-storey of 26.7% (201.88 m<sup>2</sup> or 2,173.02 ft<sup>2</sup>) of the lot area, whereas the By-law permits a maximum second-storey coverage of 20% (151.34 m<sup>2</sup> or 1,629.01 ft<sup>2</sup>) of the lot area. This represents an additional 6.7% (50.70 m<sup>2</sup> or 545.73 ft<sup>2</sup>) coverage of the lot area for the second-storey.

Staff note that the By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey maintains a lot coverage that is less than the first storey and the second floor does not project past the first storey. Furthermore, the requested variance results in a size and massing that is similar to other new infill developments along Tuscaj Court. As such, Staff are satisfied that the request meets the intent of the By-law and have no concerns with the requested variance.

### **Maximum Distance of the Main Building from the Established Building Line (first and second storey)**

The Applicant is requesting a maximum distance of the main building from the established building line of 20.43 m (67.03 ft) for the first storey and 17.31 m (56.80 ft) for the second storey, whereas the By-law permits a maximum distance of 19.50 m (63.98 ft) and 14.5 m (47.57 ft), respectively. This represents an increase of 0.93 m (3.05 ft) for the first storey and an increase of 2.81 m (9.22 ft) for the second storey.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall (including the private garage) of the main building facing the front lot line on the two neighbouring lots fronting the same street”. The intent of this By-law provision is to regulate the building depth and massing in relation to the neighbouring lots.

It is important to note that the pie shaped nature of the lot provides for a curved established building line. This is significant to note as the irregular established building line has resulted in a portion of the north-east corner of the first and second storey exceeding the requirement of the By-law. Staff further note that the north-east corner of the first and second floors are setback approximately 4.68 m (15.35 ft) and 2.9 m (9.51 ft) to 3.81 m (12.50 ft) from the easterly property line. Staff are satisfied that sufficient setbacks are provided to mitigate any potential impacts that the building depth and massing may have on adjacent lots.

### **Reduction in Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 8.36 m (27.43 ft), whereas the By-law permits a minimum front yard setback of 8.74 m (28.67 ft). This represents a reduction of approximately 0.38 m (1.25 ft).

The minimum front yard setback requirement is based on the average front yard setback of the neighbouring lots. The existing dwelling to the west of the Subject Lands has a front yard setback of 8.17 m (26.80 ft) while the existing dwelling to the east has a front yard setback of 9.31 m (30.54 ft). This results in an average front yard setback of 8.74 m (28.67 ft), as permitted in the By-law. The intent of the By-law is to respect the character of a neighbourhood by taking into consideration the front yard setbacks of neighbouring dwellings.

Staff note that the curved nature of the front lot line results in a small portion of the garage and covered porch projecting beyond the required front yard setback. The main portion of the dwelling, including the second storey, meets the By-law requirement. Staff opine that the proposed front yard setback is sufficiently aligned with the front yard setbacks of the neighbouring lots. Therefore, Staff are of the opinion that the requested variance will not have a marked impact to adjacent properties, are minor in nature, and meet the general intent and purpose of the Zoning By-law.

### **Tree Protection and Compensation**

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated potential impacts to trees located in the front and rear yards, and further noted that the Applicant/Owner maintain tree preservation for the front yard tree and provide details on impacts to the rear yard trees. After conversations between Staff and the Applicant, the Applicant agreed to revise the front yard walkway as shown in the submitted updated site plan in Appendix "B", to ensure that the front yard tree can be maintained.

Staff recommend that should the Committee approve the variances, that the tree related conditions outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury, 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 neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **PUBLIC INPUT SUMMARY**

One written submission was received in support of the Proposed Development as of July 16, 2024. 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 Tree Preservation comments and 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:



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Brendan Chiu, Planner I, Planning and Urban Design Department

REVIEWED BY:



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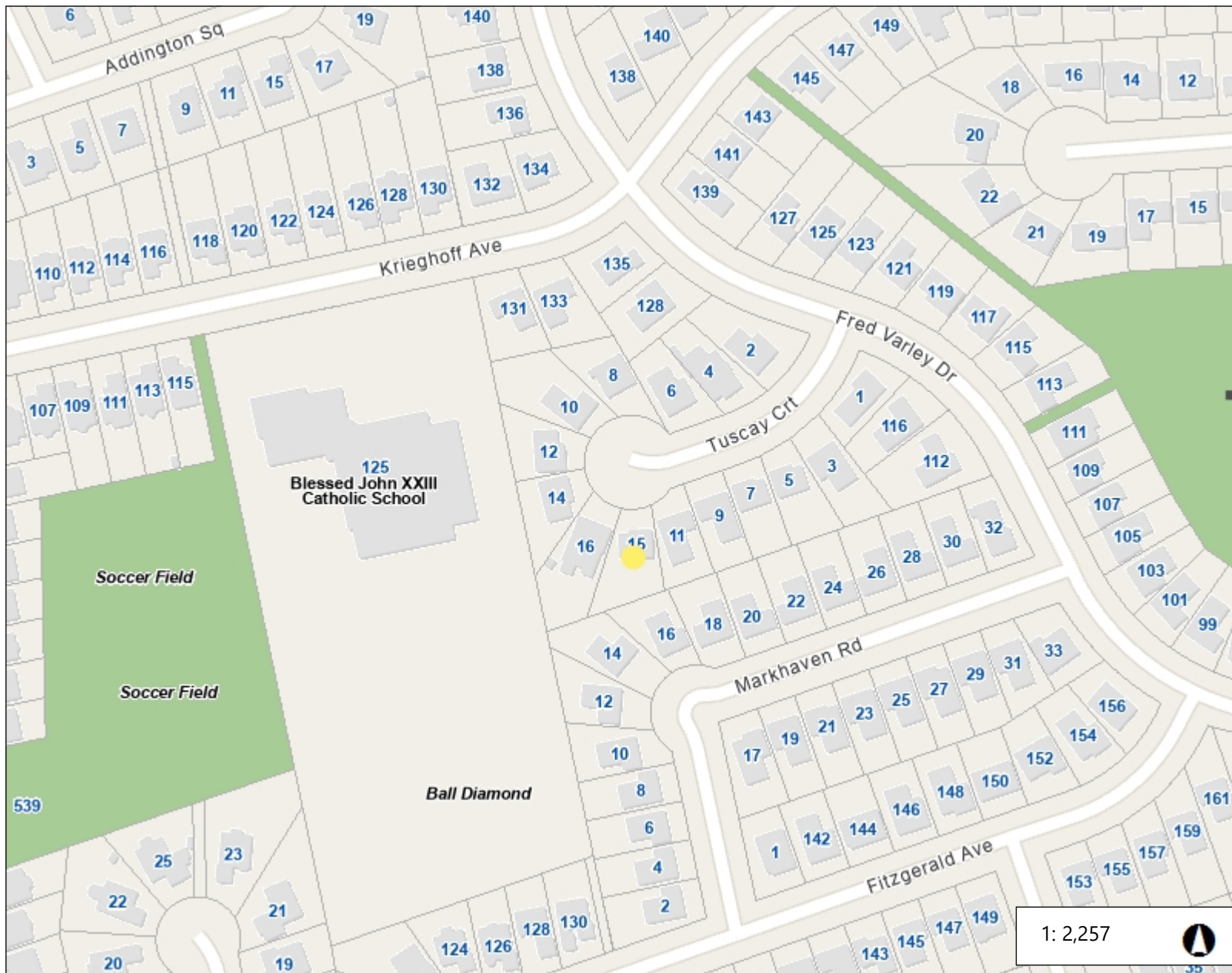
Melissa Leung, RPP MCIP, Senior Planner, Central District

## **APPENDICES**

Appendix "A" – Aerial Photo

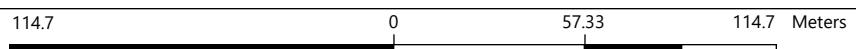
Appendix "B" – Plans

Appendix "C" – A/057/24 Conditions of Approval



Legend  
● Subject Lands  
● 15 Tusgay Court

1: 2,257



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.

Notes

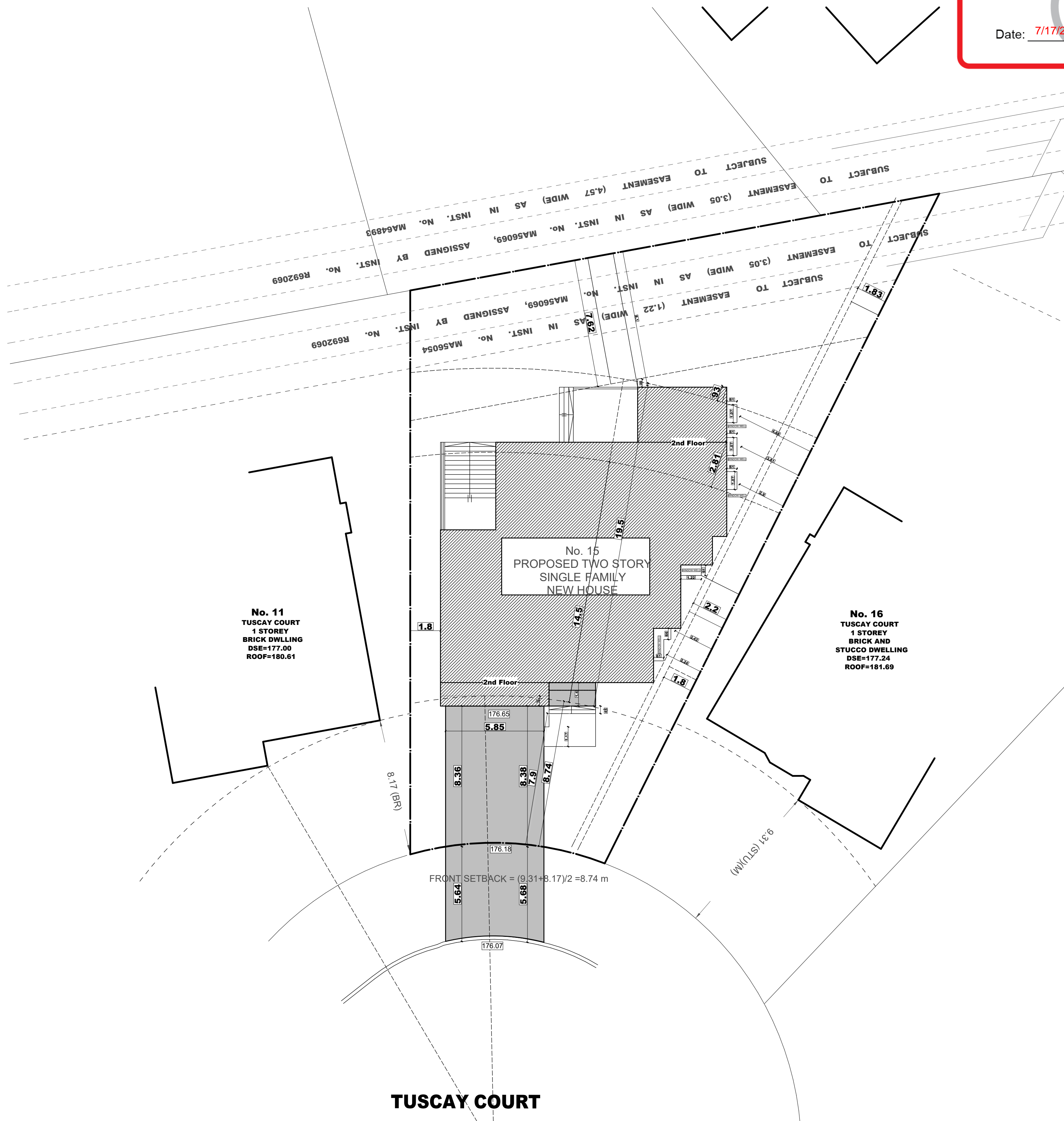
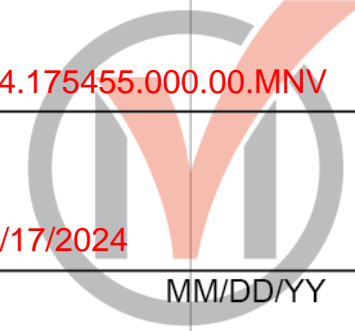
LOT AREA: 756.70 M <sup>2</sup>		LOT COVERAGE: 227.01 M <sup>2</sup>				
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2006FT <sup>2</sup> /186.36 M <sup>2</sup>	2173FT <sup>2</sup> /201.88 M <sup>2</sup> (26.68%)	2064FT <sup>2</sup> /191.75 M <sup>2</sup>	437FT <sup>2</sup> /40.60M <sup>2</sup>	4179FT <sup>2</sup> /388.24 M <sup>2</sup>	30%

# Appendix B

File: 24.175455.000.00.MNV

Date: 7/17/2024

MM/DD/YY



DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

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DRAWN BY  
V.E

SCALE:
1:150
LAST MODIFIED ON:
JULY 12, 2024

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A.01



# Appendix B

File: 24.175455.000.00.MNV

Date: 7/17/2024

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DRAWN BY  
V.E

SCALE:  
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LAST MODIFIED ON:  
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PROJECT TITLE/ADDRESS:  
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MARKHAM, ON

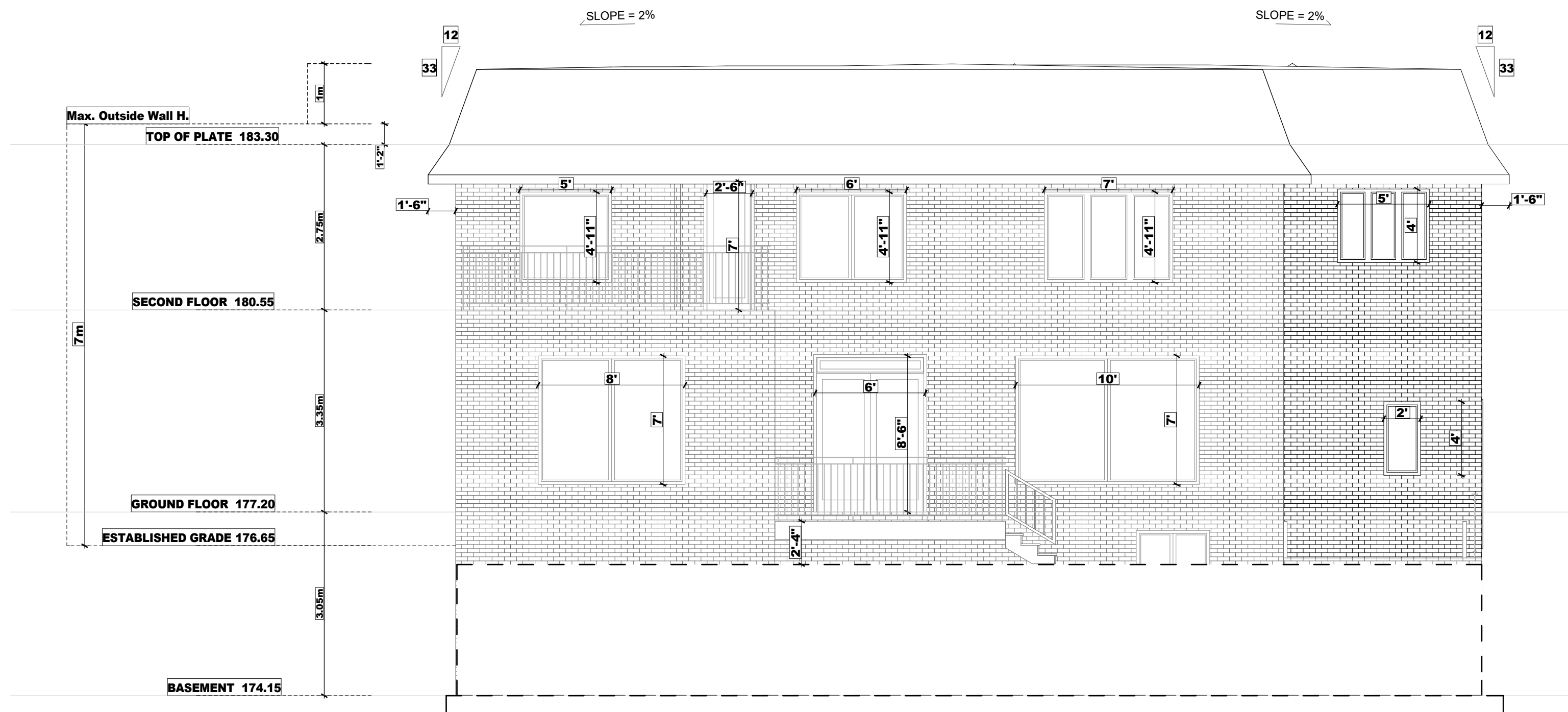
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MARKHAM, ON

A2.2

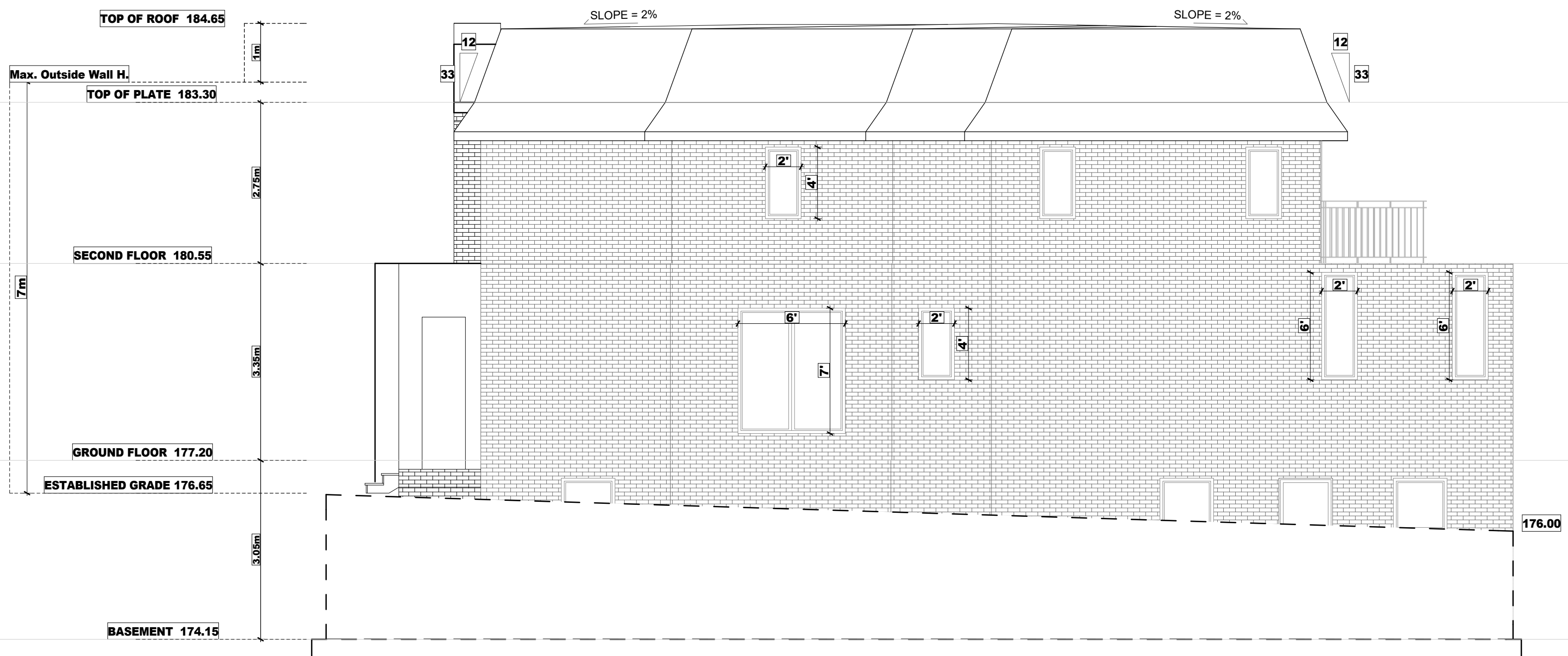
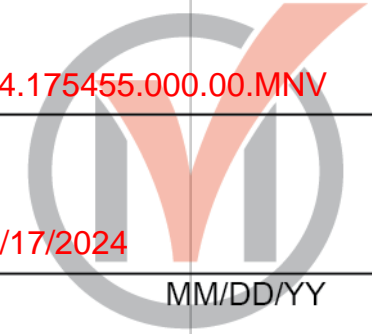


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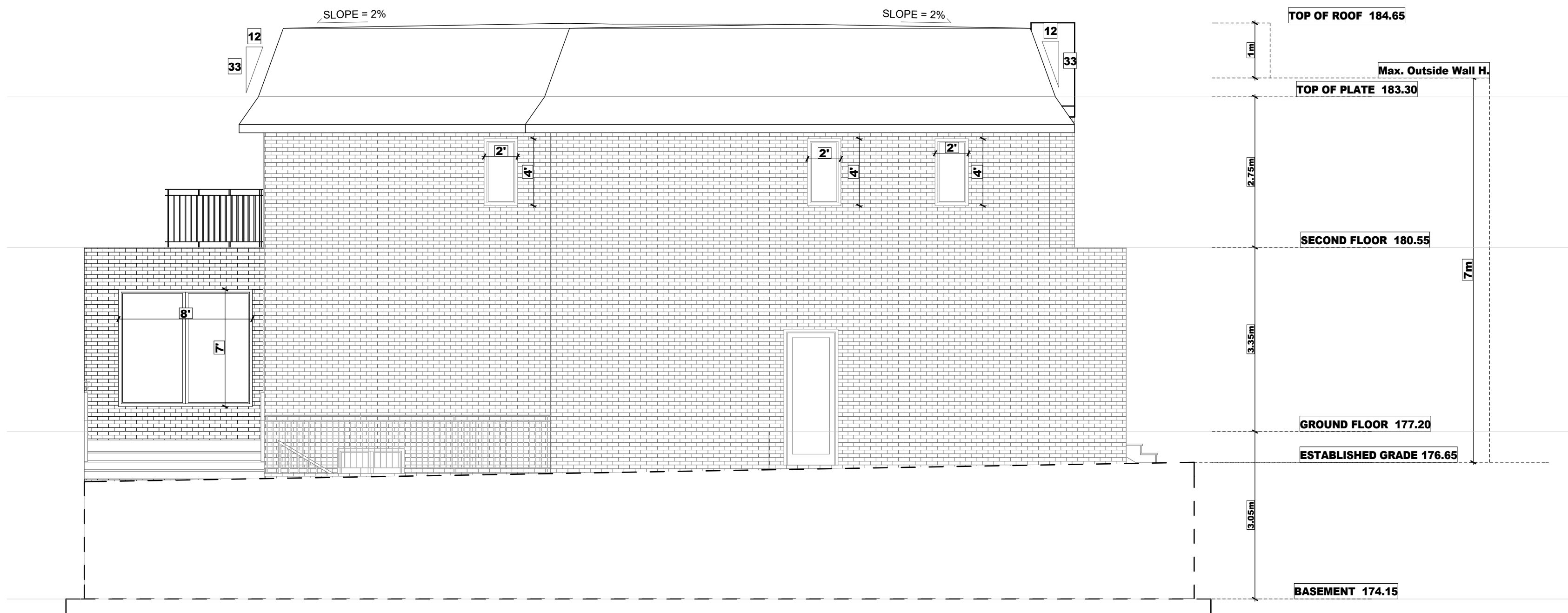
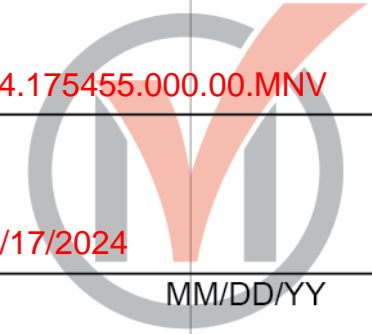
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MARKHAM, ON

A2.3

# Appendix B

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DRAWING TITLE:  
SIDE ELEVATION  
PROJECT TITLE/ADDRESS:  
15 TUSCAY COURT  
MARKHAM, ON

A2.4

## **APPENDIX “C”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/24**

1. The variances apply only to the Proposed Development as long as it remains;
2. That the variances apply only to the Proposed 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;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator 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, neighbouring properties, and 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 By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District

## **APPENDIX “D”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/24**

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CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District