



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

**September 21, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 17<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 PM
Sally Yan	7:00 PM
Jeamie Reingold	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Kelvin Kwok	7:03 PM

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Dinal Manawadu, Development Technician, Committee of Adjustment

**Regrets**

Gregory Knight

**DISCLOSURE OF INTEREST**

None

**Minutes: September 7, 2022**

THAT the minutes of Meeting No. 16, of the City of Markham Committee of Adjustment, held September 7, 2022, respectively, be:

- a) Approved with on September 21, 2022.

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

**Carried**

**REQUEST FOR DEFERRAL:**

**1. A/114/22**

**Owner Name: Sakineh Safarзад Gourabjavar**  
**Agent Name: RAA Design Studio Inc. (Forough Radman)**  
**67 Babcombe Drive, Thornhill**  
**PLAN M941 LOT 114**

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

**a) Amending By-law 100-90, Section 1.2(i):**

a building height of 9.15 meters, whereas the By-law permits a maximum flat roof building height of 8.0 meters;

**b) Amending By-law 100-90, Section 1.2(iii):**

a maximum building depth of 22.40 meters, whereas the By-law permits a maximum building depth of 16.8 meters;

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

The Acting Chair introduced the application.

Two pieces of written correspondence had been received as a result of the public notice.

The owner, appeared on behalf of the application.

Member Sampson motioned for deferral.

**Moved By: Patrick Sampson**

**Seconded By: Kelvin Kwok**

The Committee unanimously deferred the application.

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

Resolution Carried

**NEW BUSINESS:**

**1. A/045/21**

**Owner Name: Singh-Kohar Harinderpal**  
**Agent Name: Kaushik Suthar**  
**35 Shadlock Street, Markham**  
**PLAN 4603 PT LOT 4**

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

**a) By-law 28-97, Section 6.1.2 (a) & (b):**

two required parking spaces to be provided on the driveway, whereas the By-law only permits one required parking space to be provided within the required front yard;

**b) By-law Section 90-81, Section 4.6 (a):**

a maximum encroachment of 0.49m into the required side yard, whereas the By-law permits a maximum encroachment of 0.45m into any required yards;

**c) By-law 90-81, Section 5.2.1:**

an accessory dwelling unit in the basement, whereas the by-law permits no more than one single detached dwelling unit on one lot

as it related to a proposed secondary dwelling in the basement.

The Chair introduced the application.

No written correspondence had been received as a result of the public notice.

The agent, Hetal Suthar, appeared on behalf of the application. During the past year, the applicant had worked with staff to obtain a ZPR, grading approval, and other inspections to facilitate the application. However, the parking and walkout conditions existed, and the owner wanted to convert the basement into a legal second dwelling. Hetal indicated that the requests were minor and met the four tests of the *Planning Act*.

Member Kwok had reviewed the staff report and noted that the existing garage was for two cars and that the request was technical. Accordingly, member Kwok supported the application indicating it met the criteria of the Official Plan.

Member Reingold agreed with their colleague and the staff report.

Member Prasad supported the application.

The Acting Chair asked about the status of the trailer parked on the driveway and if it would impede parking for the new dwelling unit.

The agent noted that the trailer was parked during renovations to the home and would be removed when the work was complete.

Member Kwok motioned for approval.

**Moved By: Kelvin Kwok**  
**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/045/21** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**2. A/071/22**

**Owner Name: Yi Chen**  
**Agent Name: TLE Design and Management Inc. (Tong Li)**  
**2 Weatherill Road, Markham**  
**PLAN 65M3376 LOT 64**

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

**a) Section 6.5:**

one accessory dwelling unit, whereas no more than one dwelling unit is permitted on a lot; and

**b) Parking By-law 28-97, Section 3:**

two parking spaces on the lot, whereas three parking spaces are required for a detached dwelling with one accessory dwelling unit;

as it related to a proposed secondary suite (basement apartment).

The Acting Chair introduced the application.

Thirteen pieces of written correspondence had been received as a result of the public notice.

The agent, Henry Wen, appeared on behalf of the application and shared a presentation illustrating the proposed parking for the two residential units and the areas of improved

egress for the basement-dwelling unit. In addition, the agent spoke to Official Plan policies and the Provincial Growth Plan, which supported the creation of additional units to help address rising housing costs and increasing population in the area. Henry also highlighted that the unit was within walking distance of a well-developed transit system and that the requested variances were minor.

Virginia and Carado Spitaro of 4 Weatherill Road spoke about concerns relating to parking, drainage, privacy, fire hazards, noise, garbage and other related property and safety issues that had arisen due to the existing secondary suite that had been established without approvals. In addition, Virginia shared a picture highlighting the current parking situation on the property.

Joe Abouchakra of 14 Weatherill Road raised concerns that the unit would be used as a short-term rental.

Mary Wang of 1 Elmrill Road, whose property abutted the property raised numerous concerns relating to traffic, parking, fire safety, and property standards violations that had been reported to the police and by-law staff.

Peter Ling of 7 Weatherill Road represented the entire family and expressed safety concerns related to on-street parking and residents of the property parking in a fashion that blocked the sidewalk.

Henry Wan responded that the unit would be for long-term rental. The plans to legalize the unit provided for improved fire egress, and open fires on the property would be terminated. The agent would work with the new owners to develop solutions to address neighbourhood concerns.

Member Yan identified that several residents had raised present and future concerns relating to property standards. The member asked if the applicant submitted to legalize an existing secondary dwelling unit.

Member Sampson addressed the Provincial and Municipal policies that governed and supported the establishment of secondary dwelling units and stated that the Committee's role was to decide on the variances requested to legalize the secondary unit. Accordingly, member Sampson supported the application.

The Acting Chair noted that there was not a good history associated with the unpermitted dwelling unit on the property and expressed hope that the new owners would define limits and enforce parking and property standards concerns with new tenants. However, the Acting Chair noted that the application was to be decided upon related to planning issues rather than the enforcement issues raised. The application was supported by policies for affordable housing and various housing types.

Member Sampson motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/071/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**3. A/076/22**

**Owner Name: Karunadevy Thevakumaran & Yobiga Thevakumaran**  
**Agent Name: Nimal Nadarajah**  
**4 James Glover Drive, Markham**  
**PLAN 65M4398 LOT 303**

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

**a) By-law 177-96, Section 6.5:**

A legal basement (accessory apartment) in the dwelling unit (two-unit), whereas the By-law permits no more than one dwelling unit on a lot;

**b) By-law 28-97, Section 3:**

Two parking spaces whereas the By-law permits three parking spaces for a detached dwelling with one accessory apartment;

**c) By-law 28-97, Section 6.2.4.2 b):**

a driveway width of 8.49m (27.85 ft.) whereas the By-law permits a maximum driveway width of 4.67m (15.32 ft.).

as it related to a proposed secondary dwelling (basement apartment).

The Acting Chair introduced the application.

Two pieces of written correspondence in objection had been received as a result of the public notice.

The agent, Nimal Nadarajah, appeared on behalf of the application. The agent noted that variance c) was not supported by staff. The interlocking was directly in front of the veranda, and the homeowner was informed that parking in this area was prohibited.

Karen Boyd of 6 James Glover Drive asked for clarification if the driveway was to be extended closer to their property line.

The Acting Chair clarified that the variance request was for the interlocking in front of the veranda to be used as a parking spot and reminded attendees that Planning staff did not support the driveway extension.

Member Sampson spoke to the request for the widened driveway and enforcement of the parking use.

The Acting Chair asked staff how the existing condition would be monitored if no condition to remove the interlocking was included in the decision.

Greg Whitfield indicated that if the Variance were not approved, any issues arising from the use of the area for parking would be subject to bylaw enforcement.

Member Kwok asked for additional clarification if a condition for removal of the interlock was required. The member indicated that refusing the application could make parking issues worse.

Member Reingold indicated that the increased hard surface was undesirable and did not support the Variance for the driveway.

The Acting Chair disagreed with the widened interlock as it encouraged parking in these areas and indicated that if Committee decided not to approve Variance, c) a condition was not necessary as required changes would be caught at the building permit stage.

Member Sampson motioned to approve variances **a)** and **b)** and to deny variance **c)**.

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

The Committee approved items **a) and b) and refused item c).**

THAT Application No. **A/076/22** be **partially approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**4. A/130/22**

**Owner Name: Wheelock Pun**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**3 Snowball Lane, Markham**  
**PLAN 65M2058 LOT 45L**

The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

**a) Section 7.2 (b):**

a minimum rear yard setback of 6.5 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres; and

**b) Section 7.2 (c):**

a minimum lot coverage of 40.7 percent, whereas the By-law permits a maximum lot coverage of 40 percent;

as it related to a proposed two-storey rear addition.

The Chair introduced the application.

No written correspondence had been received as a result of the public notice.

The owner, Shane Gregory, appeared on behalf of the application. Shane explained the variances and indicated they were minor.

Member Reingold noted that the requests were minor and would improve the homeowner's enjoyment of their property.

Member Yan agreed with their colleague and noted that it was a small addition in the rear of the dwelling which would have minimal impact for adjacent properties and would add to the amenities of the home.

Member Sampson indicated that with the addition, the house would project beyond the adjacent houses, and asked if the neighbours had been consulted.

Shane Gregory indicated the neighbours had received information packages.

Member Reingold motioned for approval.

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

The Committee unanimously approved the application.



THAT Application No. **A/130/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

5. **A/041/22**

**Owner Name: Pradyt Chakraborty**  
**Agent Name: Sol-Arch (Jonathan Benczkowski)**  
**22 Byer Drive, Markham**  
**PLAN M1976 LOT 43**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

**a) Section 7.2 (b):**

a minimum 1.20 metre side yard setback, whereas the By-law requires a minimum side yard setback of 1.80 metres;

**b) Section 7.2 (b):**

a minimum rear yard setback of 7.08 metres, whereas the By-law requires a minimum rear yard setback of 7.50 metres; and

**c) Section 7.2 (c):**

a maximum lot coverage of 43.63 percent, whereas the By-law permits a maximum lot coverage of 33.30 percent;

as it related to a proposed building addition and existing rear covered porch.

The Chair introduced the application.

Two pieces of written correspondence had been received as a result of the public notice.

The agent, Jonathan Benczkowski, appeared on behalf of the application. Jonathan presented the project illustrating the scope and location of the work proposed, stating they agreed with the staff report and that the work was minor.

Kevin Richardson of 42 Byer Drive indicated that the staff report alleviated concerns noting that the request for the rear porch was for an existing condition. Of greatest concern was the addition in the front yard and lot coverage.

Amin Jinnah of 40 Byer Drive stated that they preferred the addition compared to a new rebuild and understood the scope of the work after reading the staff report and requesting clarification regarding the timing of the construction.

The agent clarified that the increased lot coverage request resulted primarily from the existing covered rear porch and the proposed covered front porch, the proposed additions to the dwelling would only raise the lot coverage to 33.7%.

Member Reingold highlighted that the application was not for new infill construction and, as such, needed to be assessed regarding existing conditions. The member felt the proposal would maintain the look and feel of the neighbourhood, recognized that the significant numbers in the variances resulted from the rear and front porch, and supported the application stating it was a good addition and use of the existing home.

Member Yan agreed with their colleague, stating the addition was a reasonable way to add space to the existing dwelling, which would enhance the owner's use of the dwelling, and they supported the application.

The Acting Chair supported the application noting it was an excellent addition that would enhance the streetscape.

Member Reingold motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/041/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**6. A/085/22**

**Owner Name: Tim Huang, Xie Ju Fen, Huang Jinbiao**  
**Agent Name: Tim Huang**  
**9 Hughson Drive, Markham**  
**PLAN 4556 LOT 28 65R37039 PART 1**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (iii):**

a minimum exterior side yard setback of 1.90 metres, whereas the By-law requires a minimum exterior side yard setback of 2.0 metres;

b) **Amending By-law 2012-13, Section 7.2.2 (i):**

a minimum front yard setback of 7.70 metres, whereas the By-law requires a minimum front yard setback of 9.0 metres; and

c) **Amending By-law 2012-13, Section 7.2.2 (viii):**

a maximum of three-storeys, whereas the By-law permits a maximum of two-storeys within a single vertical plane;

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

The Chair introduced the application.

One piece of written correspondence had been received as a result of the public notice.

The owner, Tim Huang, appeared on behalf of the application. Tim presented the plans showing that the proposed house had been designed to line up with the adjacent house and explained that the third storey was technical as it was located in the mezzanine area over the garage.

Member Reingold indicated that the front elevation was appropriate and did not appear as three storeys. The member noted that the design conformed to the existing neighbourhood and supported the application.

Member Yan agreed with their colleague regarding massing, scale and design, stating that it was a good fit for the area, that the requests were minor, and met the four tests of the *Planning Act*.

Member Kwok agreed with their colleagues and indicated that requests were minor, primarily due to the lot's irregular shape. Additionally, the member noted that the proposed dwelling height complies with the by-law and that the request for three storeys resulted from the definition of storeys in the by-law and the grade changes in the lot.

Member Kwok supported the application.

**Moved By: Kelvin Kwok**  
**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/085/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

7. **A/132/22**

**Owner Name: Mathiroban Shanmugalingam**  
**Agent Name: Vanle Architect Inc. (Tom Vanle)**  
**6 Wignall Crescent, Markham**  
**PLAN 4603 PT LOT 4**

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

- a) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 17.04 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and
- c) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 11.27 metres, whereas the By-law permits a maximum height of 9.80 metres;

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

The Chair introduced the application.

Three pieces of written correspondence had been received as a result of the public notice.

The agent, Tom Vanle, appeared on behalf of the application. Tom provided information regarding the context of the neighbourhood, changing construction standards and provided justification for the increased height as it related to a proposed mid-rise development on the parcel behind the property. In addition, the agent summarized the variances indicating the requests were needed to provide the owners with modern standards of living and privacy and stated that similar variances had been granted in Markham and the application met the four tests of the *Planning Act*.

Tupper Wheatley of 9 Willowgate Drive discussed the information and justifications provided by the designer for the variances. Tupper further discussed massing, the protection the infill bylaw was intended to provide from overbuilt homes and compared what was allowed on the property with what was proposed.

Angie Dornai and Jeff Stacey of 17 Riverview Avenue spoke regarding the house, indicating that while the house was a handsome design, it was disproportionate for the lot size and would not maintain the intent of the infill bylaw.

Mathi Shanmugalingam, the owner, indicated that they had purchased the property because they loved the neighbourhood and the environment. They desired to build a convenient, enjoyable house that would meet their family's needs. Mathi also noted that while the neighbourhood had been static regarding redevelopment, more significant developments were coming to the area.

The agent responded to the neighbour's concerns, indicating that this was the first proposal to build in this area in almost 20 years. Therefore, the new standards would be different from the older homes, and the existing conditions would not remain. They indicated they needed additional room to build what was desired and a home that would not be overwhelmed by new construction in the area.

Member Sampson noted that smaller one-storey bungalows characterized the area and that the Committee had refused other applications for larger builds. The member indicated that the requests for increased height and Floor Area Ratio were not minor and contributed to the overall massing of the proposed dwelling.

Member Reingold agreed with their colleague that the size of the proposed dwelling would be significant given the lot size and would be highly noticeable. The member noted the design had good proportions but felt the overall size should be decreased. Member Reingold indicated the height and massing were too large for the lot and recommended a deferral of the application.

Member Prasad suggested the applicants should work towards a reduced Floor Area Ratio of 50% and bring down the height to approximately 10 metres. Member Prasad also recommended deferring the application.

Member Yan agreed with the comment of their colleagues and indicated that the Committee had considered the context of the area that had not undergone significant infill development. The member expressed the importance of working with the applicants to arrive at a proposal that would set the tone for the street and agreed with the recommendation for deferral.

The Acting Chair summarized, indicating that the overall massing of the proposed dwelling was too large and that the Floor Area Ratio and height needed to be reconsidered and reduced.

Tom Vanle requested that the Committee would consider providing some flexibility from the recommended 10-metre height.

Member Prasad motioned for deferral.

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

The Committee unanimously approved the application.

THAT Application No. **A/132/22** be **deferred** sine die.

Resolution Carried

**Applications B/08/22, A/050/22, and A/058/22 were heard concurrently.**

**8. B/08/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land with an approximate lot frontage of 19.33 metres (63.42 feet) and an approximate lot area of 790.35 sq. m. (8,507.26 sq. ft.) (Part 2); and
- b)** retain a parcel of land with an approximate lot frontage of 19.58 metres (64.24 feet) and an approximate lot area of 0.05 hectares 790.35 sq. m. (8,507.26 sq. ft.) (Part 1).

The purpose of this application was to create a total of two lots for two single-detached residential dwellings. This application was related to minor variance applications A/050/22 and A/058/22.

The Chair introduced the application.

Two pieces of written correspondence in opposition had been received as a result of the public notice, as well as signatures of support submitted by the applicant.

The agent, Nikol Paar, appeared on behalf of the application. Nicole provided a presentation that detailed the requests and gave an overview of the area's ongoing redevelopment.

Colin Padgett of 7 Lunar Crescent indicated they were initially concerned about the request for three storeys but understood from the agent that the third storey was technical and that the house would be constructed within the height allowance in the By-

law. Privacy was their primary concern and indicated adequate information had been presented regarding the placement of windows. Colin indicated that it was a good design that would complement the area.

Member Sampson agreed with the staff report and noted that the area had a diverse range of homes and was in support of the applications.

Member Reingold agreed with their colleague and supported the consent and minor variance applications.

The Acting Chair indicated that the new lot and dwelling would be welcome additions to the neighbourhood and would add to the unique fabric of the area.

Member Sampson motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **B/08/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**9. A/050/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (ix):**  
a maximum building depth of 21.11 metres, whereas the By-law permits a maximum building depth of 19.90 metres;
- b) **Amending By-law 2012-13, Section 7.2.2 (viii):**  
three storeys within a single vertical plane, whereas the By-law permits a maximum of two storeys within a single vertical plane; and
- c) **Amending By-law 2012-13, Section 7.2.2(v):**

a minimum lot frontage of 49.29 percent (19.18 metres), whereas the By-law requires a minimum lot frontage of 50 percent (19.455 metres);

as it related to a proposed detached dwelling (Part 1). This application was related to Minor Variance Application A/058/22 and Consent Application B/008/22, which were being reviewed concurrently.

Member Sampson motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/050/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**10. A/058/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (ix):**  
a maximum building depth of 21.11 metres, whereas the By-law permits a maximum building depth of 19.90 metres;
- b) **Amending By-law 2012-13, Section 7.2.2 (ii):**  
an interior side yard setback of 1.45 metres, whereas the By-law permits a minimum interior side yard setback of 1.80 metres; and
- c) **Amending By-law 2012-13, Section 7.2.2 (viii):**  
three storeys within a single vertical plane, whereas the By-law permits a maximum of two storeys within a single vertical plane;

as it related to a proposed detached dwelling (Part 2). This application was related to Minor Variance Application A/050/22 and Consent Application B/008/22, which were being reviewed concurrently.



Member Reingold motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/058/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**PREVIOUS BUSINESS:**

**Applications B/02/22, A/088/22, and A/089/22 were heard concurrently.**

**11. B/002/22**

**Owner Name: Graham and Caroline Dewar**  
**Agent Name: David Johnston Architect Ltd. (David Johnston)**  
**28 Station Street, Markham**  
**CON 7 PT LOT 13**

The applicant was requesting provisional consent to:

- a)** Sever and convey a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 485.38 square meters (5224.58 square feet) (Part 1).
- b)** Retain a parcel of land with an approximate lot width of 23.78 meters (78.01 feet) and an approximate lot area of 456.73 square meters (4916.20 square feet) (Part 2). The retained lot will not have frontage on a public street.

The purpose of this application was to develop the land to hold two single detached dwellings:

1. the existing heritage house fronting Station Street, and
2. the proposed dwelling fronting Backus Court.

This application was related to Minor Variance Applications A/088/22 and A/089/22, which were being reviewed concurrently.

The Chair introduced the application.

Thirteen pieces of written correspondence had been received as a result of the public notice.

The agent, David Johnston, appeared on behalf of the application. David presented the application describing the proposed consent and, required variances, the property characteristics. He highlighted the existing conditions and technical nature of some of the requests and justified the setbacks requested. The proposal had been reviewed and worked on for an extended period to address legal issues relating to the property, considerations flagged by Markham Fire, and had also gone through a review by Heritage Markham.

Elaine Davies of 16 Backus Court presented on behalf of various residents of Backus Court. Elaine highlighted that Official Plan policies indicate that new development should respect the visible character of the area. The proposed dwelling's height, massing and scale were significantly larger than other homes on Backus Court. Also highlighted in the presentation were setbacks, hard surfaces, views and vistas and the previous removal of trees from the property. Elaine summarized that the four tests of the *Planning Act* had not been met.

Ruth and Glen Park of 12 Backus Court were glad the heritage house would be restored. However, they indicated concerns that the proposed use of the property on Backus Court would be for industrial or commercial uses. Additionally, they questioned the removal of trees and fire safety.

David Johnston addressed the resident questions indicating that Markham Fire Safety had requested the installation of a sprinkler system to offset any delays in reaching the property due to the narrow access way. David also spoke about tree removal and the necessary permissions required to remove trees.

Member Sampson did not have concerns regarding the Station Street proposal and expressed that the home on Backus Court appeared too large and out of keeping for the area.

Member Reingold agreed with member Sampson indicating that the heritage-style home was out of keeping with the rest of the streetscape.

Member Yan reviewed the report and considered the development history of the property. The member noted that the lot at 11 Backus Court was different than the lot patterning on the street. However, the proposal had gone through the process, and Heritage Markham had not raised concerns. Member Yan indicated that the consent complied with the policies in the Official Plan for lot creation.

David Johnston responded that the key planning door for the property was Heritage Markham, and the proposal had been reviewed and approved. The agent also indicated that senior planning staff had reviewed the proposed development on Backus Court and

had provided support for the requested front yard setback. The proposed dwelling met all other development standards of the by-law.

Member Reingold indicated the concern was not with the size but how the proposal fits within the area's existing character.

The Acting Chair indicated they did not have concerns with the consent nor issues with the requested minor variances stating they were minor. However, they noted the concerns of the Committee with regards to meeting the intent of the Official Plan policies relating to respecting the character of existing neighbourhoods.

Member Prasad recommended deferral of the applications.

After discussion with staff, the applicants and the Committee, the applicant requested decisions for applications B/002/22 and A/088/22 and a deferral for application A/089/22.

Member Reingold motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **B/002/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**12. A/088/22**

**Owner Name: Graham and Caroline Dewar**  
**Agent Name: David Johnston Architect Ltd. (David Johnston)**  
**28 Station Street, Markham**  
**CON 7 PT LOT 13**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

- a) **By-law 153-80, Section 7.2(b):**  
A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters;
- b) **By-law 153-80, Section 7.2(b):**

A rear yard setback of 2.4 meters, whereas the By-law requires a minimum of 7.5 meters; and

**c) By-law 153-80, Section 5.4:**

a lot without frontage on a street; whereas the by-law requires a lot upon which a building or structure is erected to abut or front a public street.

as it related to proposed detached dwelling on the retained lot. This application is related to Minor Variance Application A/089/22 and Consent Application B/002/22, which were being reviewed concurrently.

Member Reingold motioned for approval.

**Moved By: Jeamie Reingold**

**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/088/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**13. A/089/22**

**Owner Name: Graham and Caroline Dewar**

**Agent Name: David Johnston Architect Ltd. (David Johnston)**

**11 Backus Court, Markham**

**CON 7 PT LOT 13**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

**a) By-law 153-80, Section 7.2(b):**

A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters.

as it related to a proposed detached dwelling on the severed lot. This application was related to Minor Variance Application A/088/22 and Consent Application B/002/22, which were being reviewed concurrently.

Member Prasad motioned for deferral.

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

The Committee unanimously approved the application.

THAT Application No. **A/089/22** be **deferred** sine die.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 10:43 pm, and the next regular meeting would be held on October 5, 2022.

CARRIED



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Secretary-Treasurer  
Committee of Adjustment



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Chair  
Committee of Adjustment