

CITY OF MARKHAM Virtual Meeting

September 24, 2025 7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 15th 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
Gregory Knight Chair	7:00 pm
Jeamie Reingold	7:00 pm
Arun Prasad	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad Sally Yan	7:00 pm 7:00 pm

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

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: September 10th, 2025

THAT the minutes of Meetings 14, of the City of Markham Committee of Adjustment, held September 10th, 2025 respectively, be:

a) Approved on September 24th, 2025.

Moved by: Patrick Sampson Seconded by: Arun Prasad

Carried

4. REQUESTS FOR DEFERRAL: None

5. PREVIOUS BUSINESS:

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

5.1 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 (49.50 feet) and an approximate lot area of 454.90 square metres (4,896.36 square feet) (Part 1); and
- **b) retain** a parcel of land with an approximate lot frontage of 15.03 metres (49.31 feet) and an approximate lot area of 454.0 square metres (4,886.67 square feet) (Part 2).

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

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

The agents, Yaso Somalingam and Christina Bamsey, appeared on behalf of the application. Yaso referred to the previous meeting and the materials presented, detailing the reductions made to the massing of the proposed buildings to address concerns raised by the Committee and the public.

The Committee received nineteen written pieces of correspondence.

Edgar DaSousa indicated that the community concern was not with the proposed houses, but rather the severance of the property. The north side of Rouge Street had larger lots. The addition of a small lot does not fit the neighbourhood, and there were concerns regarding servicing for a lot on an underdeveloped roadway. Edgar indicated the other smaller lots in the area had been developed, but the south lots were subject to other types of development applications.

Unmar Veedu supported the application, indicating that the applicant had made the requested changes regarding massing and setbacks. Unmar advised that the owner would become a member of the community.

Member Yan noted that the application had been before the Committee a few times, and they previously had concerns regarding consent and its suitability. Member Yan acknowledged the neighbourhood analysis undertaken by staff and the applicant; however, they expressed that, in their opinion, the context of the neighbourhood was different on the north and south sides of Rouge Street. Member Yan did not feel the analysis had sufficient justification for approval of the consent. Additionally, the applicant had made only minimal changes to the dwellings, which were insufficient to support the applications.

Member Sampson agreed with their colleague and noted that no severances had occurred on the north side of the street.

Member Reingold indicated that the neighbourhood was a unique character area within a Heritage District, featuring a mix of homes. Member Reingold expressed that the proposal was not suited to the street and the creation of smaller lots would result in overdevelopment of the property, changing the character of the area.

Member Prasad expressed that the creation of small lots on the north side of the street would have adverse impacts on the area in the future.

The Chair observed that the concerns of the members, related to the severance, included that the proposed parcels would not fit well in the neighbourhood, did not align with the existing development, and did not meet the intent of the By-law. The severed lot would front onto Nelson Street, which was not a traditional road, and this would create problematic impacts on the community related to the intensification and redevelopment of the property. The Chair remarked that if there were a desire in the community to rezone the entire north side, it would be considered by Council through a Zoning By-law Amendment, as there were other examples of new developments in the area.

Member Sampson motioned to deny the application.

Moved by: Jeamie Reingold Seconded by: Patrick Sampson

THAT Application **B/032/23** be **denied**.

Resolution Carried

5.2 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 the following:

a) By-law 1229, Section 11.2 (c) (i):

a porch with stairs to encroach 20 inches into a required yard, whereas the bylaw 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):

a maximum floor area ratio of 47.93 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

Member Sampson motioned to deny the application.

Moved by: Patrick Sampson Seconded by: Sally Yan

THAT Application A/154/23 be denied.

Resolution Carried

5.3 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 the following:

a) By-law 1229, Table 11.1:

a minimum lot area of 4886.67 square feet, whereas the by-law requires a minimum lot area of 6600 square feet;

b) By-law 1229, Table 11.1:

a lot frontage of 49.31 feet, whereas the by-law requires a minimum lot frontage of 60 feet;

c) By-law 1229, Amending By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 47.75 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and

d) Section 1.2(ii), Amending By-law 99-90 Section 1.2(iii):

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

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

Member Sampson motioned to deny the application.

Moved by: Patrick Sampson Seconded by: Sally Yan

THAT Application A/155/23 be denied.

Resolution Carried

5.4 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 6.3.2.2 (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 6.3.2.2 F):

a minimum front yard setback of 14.9 metres, whereas the by-law requires a minimum front yard setback of 23.55 metres;

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

more than one dwelling unit entrance facing a street, whereas the by-law permits one dwelling unit entrance facing a street;

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

The Committee received thirteen written pieces of correspondence.

The agent, Henry Chiu and the planning consultant Ben Quan, appeared on behalf of the application.

Henry Chiu presented the application and the proposed development, detailing the variances, indicating that the addition was required to facilitate multi-generational living.

Ben Quan detailed how the application met the four tests of the *Planning Act*. Ben noted that the impact on immediate neighbours would be minimal, highlighting the distance from neighbours, the retention of open space and amenity space, compatibility with other neighbourhood homes, and the low lot coverage of only 10 percent. Additionally,

Ben noted that the proposal met the intent of the Official Plan, respected the original bylaw, and maintained the character of the neighbourhood.

Jako and Jessie Ho, owners of 2 Country Estates Drive, explained the need for the expansion of the home to accommodate intergenerational family living while maintaining privacy for different family units and maintaining rear yard amenities.

David Fisher, a resident of Country Estates Drive, addressed the Committee, stating that they were representing 31 residents of the area. David highlighted the unique character of homes that were architecturally designed on large estate lots within a single-dwelling development. The development of Additional Residential Units in the neighbourhood will erode the original intent and character of the neighbourhood, open the door to additional rooming houses, and create adverse impacts relating to garbage and parking. David also indicated that the front façade of the house should be maintained as originally detailed in the previous zoning by-law.

Marc Kemerer, McMillian LLP, spoke on behalf of the owners of 1 Country Estates Drive and expressed concern that the application raised an issue of compatibility with an established neighbourhood of low-density single-detached homes, characterized by a main house with an attached garage. The question was not if an Additional Residential Units was permitted, but rather the form that the Additional Residential Units would take in relation to the character of the neighbourhood. The application will set a precedent that would change the character of the neighbourhood by creating a streetscape with two homes on one lot. The existing home had already exceeded primary building coverage, and the performance standards were intended to restrict massing and building size to respect the area's character. The proposal is intended to expand the already non-conforming building further and should not be considered minor. Nor does it meet the intent of the Official Plan policies that all development respect and reflect the pattern of existing development within established neighbourhoods.

Member Reingold did not support the application, indicating that it was not compatible with the existing neighbourhood. Member Reingold remarked that multi-generational living could be achieved without the need for large additions with separate entrances. The area had a unique character that warranted protection, and although the proposal was for an addition to create one unit, the development, as proposed, appeared as three separate units. Additionally, the current proposal could lead to development on the property, which would eventually result in the severance of the lot. The Committee needed to consider the application based on the proposal and the four tests of the *Planning Act*, and must recognize that residents' move and new residents will occupy the house; it cannot make decisions based on occupancy, but instead needs to consider how the application impacts the community now and, in the future, beyond the current owners.

The Chair asked Ben Quan how the proposal could be reconciled with the character of the neighbourhood and the existing built form, given that the proposal appeared to have three distinct units when considering the front doors.

Ben Quan indicated that Additional Residential Units are permitted through provincial legislation. The character of the area was established under the previous by-law, and part of that character was two front doors, a main entrance and a service entrance. The addition complied with the previous by-law, and the design of the houses in the neighbourhood was unique and evolving.

Member Yan spoke regarding intensification, stating that there was an agreement that policies direct the community to densify and provide various forms of housing; however, density had to be implemented appropriately. Member Yan agreed with the evidence presented by Mr. Kemerer that the applicant should integrate the additional unit in a manner that respected the character of the neighbourhood.

Member Prasad agreed with their colleagues that the third door created the impression of three separate housing units.

Member Sampson also agreed that the multi-generational needs could be met without creating a unit that appeared separate from the main dwelling structure.

The Chair expressed that there have always been multi-generational families in the neighbourhood, and the second front door on other homes was innocuous. At the same time, this proposal created a unit that appeared as three separate dwellings rather than one single detached home. The elongated design, with three front doors, was not in keeping with the Official Plan, the Zoning By-law, and the character of the established neighbourhood.

Member Prasad motioned for deferral.

Moved by: Arun Prasad

Seconded by: Patrick Sampson

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

Resolution Carried

6. NEW BUSINESS:

6.1 A/111/25

Agent Name: Macaulay Shiomi Howson (Nick Pileggi) 8050 Woodbine Avenue, Markham R2841 PTS 2,3 & 15

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

a) By-law 28-97, Section 3.0:

a minimum of 250 parking spaces, whereas the by-law requires a minimum of 334 parking spaces;

b) By-law 177-96, Section 6.21:

mechanical units and platforms located approximately 3.0 metres from the Highway 407 streetline, whereas the by-law requires all buildings and structures to be located no closer than 14.0 metres from the highway 407 streetline;

as it relates to the internal expansion of office space in an existing industrial building.

This application was related to A/141/24 which has been approved.

The agent, Nick Pileggi and Christine Yee of White Owl appeared on behalf of the application.

Member Reingold agreed with the assessment outlined in the staff report and motioned for approval with conditions.

Moved by: Jeamie Reingold Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/111/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 A/106/25

Agent Name: Kris He 5328 Highway 7, Markham PL 3965 LT 8 9 ROW 65R7143 PTS 2 4

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

a) By-law 1229, Amending By-law 326-82, Section 1.2)(b):

a recreational establishment, whereas the by-law does not permit a recreational establishment use:

as it relates to a proposed recreational club.

The agent, Kris He, appeared on behalf of the application. Kris explained the proposal involved multiplayer interactive games for groups of five with maximum capacity of 40 patrons at one time.

The Committee received one written piece of correspondence.

Andrea Jackson, a resident of the area, inquired about how patrons would enter and exit the property and whether the recreational use would be limited to this business or would continue after the proposed business relocated or closed.

The Secretary-Treasurer explained that the recreational use could continue, subject to confirmation from a Zoning Examiner that any new business met the definition of a recreational establishment in the Zoning By-law.

Member Prasad asked questions regarding the business model.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/106/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.3 A/103/25

Agent Name: Malone Given Parsons Ltd. (Ms. Emily Grant) 133 - 137 Beaverbrae Drive, Markham 65M4837 PT BLOCK 303

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

a) By-law 177-96, Section 7.642.2b):

a minimum lot frontage of 6.1 metres per unit on an interior lot, whereas the bylaw requires a minimum lot frontage of 7.0 metres per unit on an interior lot;

as it relates to 3 townhouse lots located within Block 303 on PLAN 65M-4837.

The agent, Elyse Howell, appeared on behalf of the application.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/103/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.4 A/099/25

Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)

27 Balance Crescent, 29 Balance Crescent, 31 Balance Crescent, 33 Balance Crescent, 12 Tranquility Crescent, Markham 65M4824 LOTS 1, 2, 3, 4, and 59

The applicant was requesting relief from the requirements of By-law 177-96, as further amended by By-law 2020-66, to permit the following:

Lot 1 - 27 Balance Crescent

a) By-law 177-96, Section 7.609.2 d):

a maximum garage width of 9.8 metres, whereas the by-law permits a maximum garage width of 6.4 metres;

Lot 2 - 29 Balance Crescent

b) By-law 177-96, Section 7.609.2 d):

a maximum garage width of 9.8 metres, whereas the by-law permits a maximum garage width of 6.4 metres;

Lot 3 - 31 Balance Crescent

c) By-law 177-96, Section 7.609.2 d):

a maximum garage width of 9.8 metres, whereas the by-law permits a maximum garage width of 6.4 metres;

Lot 4 - 33 Balance Crescent

d) By-law 177-96, Section 7.609.2 d):

a maximum garage width of 9.8 metres, whereas the by-law permits a maximum garage width of 6.4 metres; and

Lot 59 - 12 Tranquility Crescent

e) By-law 177-96, Section 7.609.2 d):

a maximum garage width of 9.8 metres, whereas the by-law permits a maximum garage width of 6.4 metres;

as it relates to a proposed three-car garage for five detached dwellings within a Registered Plan of Subdivision (65M-4824).

The agent, James Koutsovitis, appeared on behalf of the application.

Member Jeamie Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/099/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.5 A/092/25

Agent Name: Cornell Rouge Development Corporation 655 Cornell Centre Boulevard, 627 Cornell Centre Boulevard, 619 Cornell Centre Boulevard, 24 Countryside Street, 20 Countryside Street, and 16 Countryside Street, Markham PLAN 65M3888 BLK 339, PLAN 65M4545 LOTS 2, 6, 9, 11, and 13

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

Part of Block 21, Parts 1 to 8 (Townhouse Lots)

a) By-law 177-96, Section 7.190.2(i):

a minimum front yard setback of 2.0 metres, whereas the by-law requires a minimum front yard setback of 3.0 metres;

Lot 9 (Single Detached Lot) – 24 Countryside Street

b) By-law 177-96, Section 7.192.1a)iv):

a maximum rear yard setback to the attached garage of 1.43 metres, whereas the by-law permits a maximum rear yard setback to the attached garage up to 1.2 metres:

c) By-law 177-96, Section 5.1, Table B2(D):

a minimum exterior side yard setback of 1.7 metres, whereas the by-law requires a minimum exterior side yard setback of 2.4 metres; and

Lots 2, 6, 11 & 13 (Single Detached Lots) – 619 & 627 Cornell Centre Boulevard and 16 & 20 Countryside Street

d) By-law 28-97, Section 3.0, Table A:

a minimum of 1 parking space per dwelling unit, whereas, the by-law requires a minimum of 2 parking spaces for the main dwelling unit and one parking space for each additional dwelling unit;

as it relates to 8 proposed townhouse dwellings (Part of Block 21) and 5 proposed single detached dwellings located within Plan 65M-4545.

The agent, Andy Margaritis, appeared on behalf of the application.

The Committee received one written pieces of correspondence.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/092/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.6 A/027/25

Agent Name: Prohome Consulting Inc (Vincent Emami) 21 Ovida Boulevard, Markham PLAN 3252 S PT LOT 30

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

a) By-law 2024-19, Section 6.3.2.1 (c)(xvi):

a combined main building coverage of 601.36 square metres, whereas the bylaw permits a maximum combined main building coverage of 500 square metres;

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

a maximum outside wall height of 7.37 metres, whereas the by-law permits a maximum outside wall height of 7.0 metres;

c) By-law 2024-19, Section 6.2.1 (b):

a roof structure with a pitch of less than 25 degrees to project 1.88 metres beyond the maximum outside wall height, whereas the by-law permits a roof structure to project a maximum outside wall height of 1.0 metres;

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

a maximum garage door width of 4.88 metres or 60 percent of the building facade, whereas the by-law permits a maximum garage door width of 50 percent of the building facade; and

e) By-law 2024-19, Section 4.8.8 (c)(ii):

a balcony to project 4.6 metres from the main wall, whereas the by-law permits a maximum balcony projection of 1.8 metres;

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

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

The Committee received two written pieces of correspondence.

Member Reingold expressed that the proposal met the four tests of the *Planning Act* and considered the development appropriate for the property based on the specifics of the property and proposal as outlined by the applicant.

The Chair noted that the unique configuration of the lot and the orientation of the house on the property limited what would be visible from the street. Requests for variances of this nature would not usually be considered minor by the Committee; however, the Chair stipulated that on this property, the proposal did not result in any unacceptable adverse impacts on neighbouring properties, respected the character of the neighbourhood and was compatible with the surrounding area.

Member Yan reiterated that the proposal had large numbers not generally approved by the Committee; however, they agreed with their colleagues and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/027/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.7 A/045/25

Agent Name: Prohome Consulting Inc (Vincent Emami) 67 Sciberras Road, Markham PLAN 7566 LOT 311

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 second storey main building coverage of 24.64 percent, whereas the by-law permits a maximum main building coverage for the second storey of 20 percent of the lot area;

b) By-law 2024-19, Section 6.3.2.2 E):

a maximum second storey main building distance from the established building line of 16.4 metres, whereas the by-law permits a maximum distance from the established building line of 14.5 metres;

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

a minimum combined interior side yard setback of 3.69 metres, whereas the bylaw requires a minimum combined interior side yard setback of 4.0 metres;

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

a minimum front porch depth of 1.37 metres, whereas the by-law requires a minimum front porch depth of 1.8 metres;

e) By-law 2024-19, Section 4.8.10 d)(iii):

a porch and underground cold cellar to project 0.82 metres beyond the established building line, whereas the by-law permits a maximum projection beyond the established building line of 0.6 metres; and

f) By-law 2024-19, Section 4.8.10(d)(iv):

stairs used to access a porch to project 0.83 metres beyond the permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project a maximum of 0.45 metres beyond the permitted porch encroachment;

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

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

The Committee received two written pieces of correspondence.

lan Free, a resident of Unionville, indicated that, individually or in aggregate, the requested variances were not minor. The property was small for the proposal and would have significant massing, creating adverse impacts for the adjacent properties.

Christiane Bergauer-Free, a resident of Unionville, expressed that the proposal would impact trees on both the subject property and the neighbouring property. The applicant should increase the side yards and adhere to tree protection requirements to reduce the impact on the neighbouring properties. Christiane also spoke to the need for the proposal to be modified to respect the character of the neighbourhood.

Member Reingold expressed that the home was large, had considerable massing, and there would be an impact on neighbouring trees. The side yard setbacks should be

maintained to respect the neighbourhood and preserve green space, providing relief from the massing.

Member Yan indicated that the proposed house had significant building coverage, and the design should be revised to eliminate requests for reduced setbacks. The lot size should also be considered when determining massing.

Member Prasad asked the applicant if, after hearing the comments of the members, they wished to defer the Committee's decision.

Ida Evangelista requested a deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/045/25** be **deferred** sine die.

Resolution Carried

7. Adjournment

Moved by: Arun Prasad

Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:50 pm, and the next regular meeting would be held on October 15, 2025.

CARRIED

Signed on
October 15, 2025
Secretary-Treasurer,
Committee of Adjustment

Signed on
October 15, 2025
Chair,
Committee of Adjustment