

# Memorandum to the City of Markham Committee of Adjustment

March 11, 2025

**File:** A/002/24  
**Address:** 66 Liebeck Crescent, Markham  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, March 19, 2025

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

- a) **By-law 11-72, Section 6.1:** a minimum north side yard setback of 5 feet, whereas the By-law requires a minimum side yard setback of 6 feet for a two-storey building;
- b) **By-law 11-72, Section 6.1:** a minimum south side yard setback of 5 feet, whereas the By-law requires a minimum side yard setback of 6 feet for a two-storey building;
- c) **By-law 11-72, Section 6.1:** a maximum lot coverage of 35.87 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent; and
- d) **By-law 11-72, Section 6.1:** a maximum height of 27 feet 1 inches, whereas the By-law permits a maximum height of 25 feet;

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

## Application History

The Application was first deferred at the March 6, 2024 Committee of Adjustment (“COA”) meeting to allow the Applicant to address Staff’s concerns (the “first variance request”). The Applicant submitted a revised submission (the “second variance request”) which was subsequently heard at the April 3, 2024 COA meeting and deferred to allow the Applicant to address the COA’s concerns related to size and massing, as detailed in Appendix “A” – Minutes Extract (April 3, 2024).

The Applicant has since submitted revised plans (the “current variance request”) on February 18, 2025 (Appendix “B” – Revised Plans). The revised plans resulted in the variance request for maximum lot coverage and maximum height being reduced, while the north and side yard setbacks remain unchanged. Table 1 below shows a comparison between the variances from the previous submissions and the current revised submission.

<b>Table 1 – Changes in Variances Comparison Chart</b>				
<b>Development Standards</b>	<b>By-law 11-72 Zone Requirements</b>	<b>First Variance Request</b>	<b>Second Variance Request</b>	<b>Current Variance Request</b>
<b>Minimum Side Yard Setback</b>	6 ft (1.83m)	North side: 4 ft (1.22 m)	North side: 5 ft (1.52 m) South side: 5 ft (1.52 m)	Unchanged
<b>Maximum lot coverage</b>	33 1/3% (193.52 m <sup>2</sup> or 2,083 ft <sup>2</sup> )	36.74% (369.57 m <sup>2</sup> or 3,978 ft <sup>2</sup> )	35.91% (208.47 m <sup>2</sup> or 2,244 ft <sup>2</sup> )	35.87% (369.85 m <sup>2</sup> or 3,981 ft <sup>2</sup> )
<b>Maximum Height</b>	25 ft (7.62 m)	27 ft 3 in (8.30 m)	Unchanged	27 ft 1 in (8.26 m)

### **COMPREHENSIVE ZONING BY-LAW 2024-19**

The Subject Lands are zoned “Residential – Established Neighbourhood Low Rise (RES-ENLR)” under the Comprehensive Zoning By-law 2024-19, as amended (the “CZBL”), which permits residential uses. As per the transition clauses within Section 1.7 of the CZBL, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024, shall continue to be subject to the applicable By-law in force on the day before the effective date of the CZBL, for a period of three years from the passing of the CZBL.

The current application was submitted on January 10, 2024, prior to the CZBL coming into full force and effect. As such, the provisions of the CZBL shall not apply to this application for a period of three years from the passing of the CZBL. Therefore, if this variance application is approved, the building permit is required to be obtained by January 31, 2027.

### **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.

### **PUBLIC INPUT SUMMARY**

The City received 11 written submissions prior to the April 3, 2024 COA meeting, including nine letters in opposition and two neutral letters. Six residents also spoke in opposition to the application at the COA meeting.

No additional written submissions were received as of March 11, 2025 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 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

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## **APPENDICES**

Appendix "A" – Minutes Extract (April 3, 2024)

Appendix "B" – Revised Plans

Appendix "C" – Staff Report (March 21, 2024)

Appendix "D" – A/002/24 Conditions of Approval



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

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 5<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
Jeamie Reingold	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer  
Stephen Corr, Senior Planner  
Michelle Chen, Development Technician

**Regrets**

Greg Whitfield, Supervisor, Committee of Adjustment  
Tom Gutfreund  
Patrick Sampson  
Sally Yan  
Kelvin Kwok

**DISCLOSURE OF INTEREST**

None

**Minutes: March 6, 2024**

THAT the minutes of Meeting No. 5, of the City of Markham Committee of Adjustment, held March 6, 2024 respectively, be:

- a) Approved on April 3, 2024.

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

**Carried**

**Appendix A**

File: 24.159013.000.00.MNV

Date: 3/14/2025  
MM/DD/YYYY

**April 3, 2024**  
**7:00 pm**

## **REQUESTS FOR DEFERRAL**

### **1. A/013/24**

**Agent Name: Paar Design Inc. (Nikol Paar)**  
**57 George Street, Markham**  
**PLAN 2485 LOT 20**

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(iii):**  
a building depth of 20.1 metres, whereas the by-law permits a maximum building depth of 16.8 metres; and
- b) Amending By-law 99-90, Section 1.2(vi):**  
a maximum floor area ratio of 53.81 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

Nikol Paar, the applicant attended the meeting and requested a deferral.

Member Prasad motioned for deferral.

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

THAT Application No. **A/013/2024** be **deferred** sine die.

Resolution Carried

## **PREVIOUS BUSINESS**

### **1. A/198/23**

**Agent Name: MA Development Services (Mathew Laing)**  
**37 John Lyons Road, Markham**  
**PLAN 65M2693 LOT 28**

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 side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Section 11.2(c)(i):**  
a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) **By-law 99-90, Section 1.2(iii):**  
a building depth of 18.75 metres, whereas the by-law permits a maximum building depth of 16.8 metres; and
- d) **By-law 99-90, Section 1.2(vi):**  
a maximum floor area ratio of 49.04 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

The agent, Mathew Laing, appeared on behalf of the application, thanked community members for meeting to discuss concerns, and noted that the plans had changed, but the requested variances had not.

The Committee received four written pieces of correspondence.

Jamie McClelland, a neighbour, thanked the applicant for meeting with them and making changes to address the concerns of the adjacent neighbours.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, requested confirmation that the plans discussed with Mathew Laing and the neighbours were the same plans included in the staff report for approval.

Gerard Montocchio, a neighbour, asked for clarification regarding how the condition to review the plans to confirm substantial conformity with the plans in the staff report would be cleared.

The Committee members were satisfied with the changes to address neighbours' concerns.

Member Reingold motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/198/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**2. A/002/24**

**Agent Name: Prohome Consulting Inc (Vincent Emami)**  
**66 Liebeck Crescent, Markham**  
**PLAN M1441 LOT 350**

The applicant was requesting relief from the requirements of By-law 11-72, as amended, to permit:

- a) **By-law 11-72, Section 6.1:**  
a minimum north side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;
- b) **By-law 11-72, Section 6.1:**  
a maximum lot coverage of 35.91 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent;
- c) **By-law 11-72, Section 6.1:**  
a maximum height of 27 feet 3 inches, whereas the by-law permits a maximum height of 25 feet; and
- d) **By-law 11-72, Section 6.1:**  
a minimum south side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;

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

The Chair introduced the application.

The agent, Francesco Fiorani, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

William He and Charlie He, neighbours, understood that minor variances had been legislated to provide nuance to zoning standards for extenuating circumstances or irregularities that could not be addressed through the application of the Zoning Standards. William expressed that the applicant needed to demonstrate why the zoning standards could not be met nor provided justification for the requests and how they met the tests of the *Planning Act*. The proposed requests would not result in development comparable to the neighbourhood's existing dwellings. The variances would result in impacts to sunlight and shadows, airflow, noise and sound insulation, and privacy. The request was not desirable or appropriate for the development of the property.

Michael & Linda Semerak, neighbours, spoke regarding the invasiveness of the proposal on the living standards for the immediate neighbours and the impacts on the existing streetscape.

Martyn Hills, a neighbour, indicated the request would impact the immediate neighbours. They agreed with the comments made by William He and expressed that the changes would impact the neighbours. They also had concerns regarding light, fire safety, airflow, runoff, and drainage.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, provided visuals of the proposal showing the proposed height and the adjacent dwellings. Elizabeth indicated that the proposed massing and size did not align with the streetscape and noted that there needed to be something in the front elevation to soften the massing.

Francesco Fiorani addressed the resident's comments.

Member Reingold, echoing the sentiments of the neighbours, emphasized the visual disharmony of the proposed front elevation with the existing homes and the neighbourhood. In their view, the proposal failed to meet the directives of infill development in the Official Plan. While the variances might not seem significant individually, their cumulative impact, when considered together, would be substantial. Member Reingold, therefore, did not support any of the variances.

Member Prasad agreed with their colleague and the presentations made by the neighbours and expressed adjustments were needed to integrate the house into the existing neighbourhood.

The Chair concurred with the concerns raised by the neighbours and the Committee of Adjustment members, particularly noting that the proposed house would not integrate with the existing neighbourhood. The Chair also pointed out that the applicant's claim of the proposed interior wall height being consistent with new construction across the city was not accurate, and this design element contributed to the need for the requested height variance.

Francesco Fiorani agreed to the deferral; however, they indicated that the architectural design could change to soften the impact on the streetscape, but the variances would not change.

Member Prasad, motioned for a deferral, indicating the need for further adjustments to better integrate the proposed house into the existing neighbourhood.

**Moved by: Arun Prasad**

**Seconded by: Jeannie Reingold**

The Committee unanimously approved the application.



THAT Application No. **A/002/24** be **deferred** sine die.

Resolution Carried

**NEW BUSINESS:**

**1. A/008/24**

**Agent Name: Mattamy Homes (Nicole Mastantuono)**  
**Beaverbrae Drive, Markham**  
**CON 4 PT LT 24 RP 65R29419 PT PART 2**

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

- a) By-law 117-96, Section 7.642:**  
an Institutional use, whereas the by-law does not permit Institutional uses; and
- b) By-law 117-96, Section 7.642:**  
a maximum building height of 20 metres, whereas the by-law permits a maximum building height of 12.5 metres;

as it related to a future school block.

The Chair introduced the application.

The agent, Nicole Mastantuono and Mehr Hazari of Mattamy Homes, appeared on behalf of the application.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/008/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**2. A/012/24**

**Owner: York Region District School Board**

**Agent Name: MC Architects Inc. (Dominic Battistel)**  
**Warden Avenue, Markham**  
**CON 5 PT LOT 10 RP 66R10854 PT PARTS 1 AND 2**

The applicant was requesting relief from the requirements of By-law 2004-196, as amended, to permit:

**a) By-law 2004-196, Section 4.7:**

a loading space to be located 5 metres from the west streetline, whereas the by-law requires a minimum of 10 metres from any streetline or interior side lot line;

as it related to a proposed 3 storey elementary school with childcare.

This application was related to Site Plan Control application SPC 23 128852, which was being reviewed concurrently.

The Chair introduced the application.

The agent, Dominic Battistel, appeared on behalf of the application.

Member Reingold requested information regarding the usage of the service area. Member Reingold identified the proposed development as modern and sensitive to the surrounding community. With the increasing density, schools were needed that offered solutions different from traditional construction and indicated the request would not adversely impact the community.

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/012/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/010/24**

**Agent Name: Technoarch Inc. (Harpreet Bhons)**  
**43 Main Street, Markham**  
**PLAN 18 BLK D PT LOTS 7 & 8**

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

**a) By-law 1299, Section 7.1(b):**

an indoor cycling training centre, whereas the by-law does not permit this use;  
as it related to a proposed indoor cycling training centre.

The Chair introduced the application.

The agent, Harpreet Bhons, appeared on behalf of the application, indicating that when a building permit application was submitted, it was identified that the use was not permitted.

Member Prasad requested information regarding the business.

Vasso Tsoutsoubri and Cliff Edwards, the business owners, provided information regarding the class offerings, sizes, and parent business.

Member Reingold indicated that the use was a positive addition to the community and would contribute to healthy lifestyle options for Markham residents. Member Reingold noted that the applicants had indicated class sizes as large as 45 participants and indicated concerns regarding already congested parking in the area.

Harpreet relayed that the property had 41 private spots and access to approximately 32 additional City-owned parking spots. Additionally, some club members were expected to use active or public transportation. Vasso responded that classes would mostly be scheduled during hours when offices would be closed.

The Chair said that the business would only occupy Unit 1 on the first floor and questioned if the 41 parking spaces were explicitly designated for the proposed use or if the 41 spaces were for all uses in the building.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke anecdotally. She said she knew some community members who planned to take out membership and walk to the business.

The Committee members agreed that they could not support the use without confirmation that it would not require any variances to the parking standards. The Chair recommended the application be deferred until verification was provided by staff that there was sufficient parking to meet the requirements of the by-law.

Harpreet Bhons agreed to defer the application.

Member Prasad motioned for approval with conditions.

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

THAT Application No. **A/010/24** be **deferred** sine die.

Resolution Carried

**4. A/206/23**

**Agent Name: Technoarch Inc. (Harpreet Bhons)**  
**125 Commerce Valley Drive, Thornhill**  
**PLAN 65M2694 PT BLK 2 65R22047 PTS 20 TO 26**

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

**a) By-law 165-80, Section 6.4.1(c)(i):**

a restaurant as an accessory use within an existing office building, whereas, the By-law does not permit restaurants within an office building;

as it related to a proposed restaurant in an existing office building.

The Chair introduced the application.

The agent, Harpreet Bhons, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/206/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. B/001/24**

**Agent Name: Gregory Design Group (Shane Gregory)**  
**19 George Street, Markham**  
**PLAN 18 PT BLK H 65R40716 PART 2**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land (Part 2) with an approximate lot frontage of 13.95 metres and an approximate lot area of 204.13 square metres; and
- b) **retain** a parcel of land (Part 1) with an approximate lot frontage of 17.13 metres and an approximate lot area of 510.00 square metres.

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance Applications A/48/18 approved June 28, 2018 and A/007/21 which was approved March 10, 2021.

The Chair introduced the application.

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

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

**Moved by: Arun Prasad**  
**Seconded by: Jeannie Reingold.**

The Committee unanimously approved the application.

THAT Application No. **B/001/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/038/23, A/190/23, A191/23 were heard concurrently with the discussion recorded under B/038/23.

**6. B/038/23**

**Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)**  
**208 Church Street, Markham**  
**PLAN M2011 LOT 6**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 961.51 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2343.98 square metres (Part 1).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance applications A/190/23 and A/191/23.

The Chair introduced the application.

The agent, Anthony Sirianni appeared on behalf of the application. Anthony outlined the proposal and indicated that they were withdrawing the request for **variance b)** under application A/109/23.

The Committee received three written pieces of correspondence. Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, commented while they recognized that creating density within the existing urban area was better than sprawl, the proposal raised concerns. The proposal did not meet the intent of the Official Plan for infill development, without a revised site plan, the impact on existing trees at the property line could not be assessed, and the front yard setback was not consistent with other front yard setbacks on the street even if a variance was not required. Insufficient information was provided to assess the massing and scale of the proposed house on the severed lot and if it would impact the streetscape.

The agent, Anthony Sirianni, responded to the concerns, indicating that the front yard setback was compliant with the zoning standards and that the requested floor area ratio for the severed lot fell within the range of variances approved by the Committee for properties close to the proposed lot. A design for the home had yet to be completed, but it would be similar to the homes in the area and consistent with the parameters of the by-law.

Member Reingold expressed that there were too many unknowns regarding the lots' proposed development to assess and fully support the application. Member Reingold requested that the applicant provide renderings of the new house and a new site plan illustrating a revised driveway location to ensure that the proposal was in keeping with the neighbourhood.

Member Prasad indicated the consent could be considered apart from the requested variances, but as they needed to be considered together, additional information would be needed for a decision.

The Chair had no issues with the requested consent, the variance for lot width or the floor area ratio on the retained lot. However, they would not support approving the variance for floor area ratio on the severed lot without first having plans to demonstrate the size and massing of the proposed house. The Chair indicated that the previous approvals referred to by the applicant had been granted for proposals with plans which the Committee had considered for potential impacts to the neighbours and the

streetscape. The Chair recommended deferral to allow for the submission of drawings related to the proposed house on the severed lot.

Anthony Sirianni agreed to the deferral.

Member Prasad motioned for deferral.

**Moved by: Arun Prasad**

**Seconded by: Jeamie Reingold**

THAT Application No. **B/038/23** be **deferred** sine die.

Resolution Carried

**7. A/190/23**

**Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)**  
**208 Church Street, Markham**  
**PLAN M2011 LOT 6**

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

**a) Amending By-law 99-90, Section Table C:**

a floor area ratio of 55 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and

**b) Amending By-law 28-97, Section 6.2.4.4(a):**

a driveway with a minimum interior side yard setback of 0 feet, whereas the by-law requires a minimum interior side yard setback of 4 feet;

as it related to an existing residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

**Moved by: Arun Prasad**

**Seconded by: Jeamie Reingold**

THAT Application No. **A/190/23** be **deferred** sine die.

Resolution Carried

**8. A/191/23**

**Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)**

**208 Church Street, Markham  
PLAN M2011 LOT 6**

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

- a) **By-law 1229, Section Table 11.1:**  
a minimum lot frontage of 56 feet (17.06 metres), whereas the by-law requires a minimum lot frontage of 60 feet (18.28 metres); and
- b) **By-law 99-90, Section Table C:**  
a floor area ratio of 49 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

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

THAT Application No. **A/192/23** 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 9:05 pm, and the next regular meeting would be held on April 17, 2024.

CARRIED

Original signed April 17, 2024

\_\_\_\_\_  
Secretary-Treasurer  
Committee of Adjustment

Original signed April 17, 2024

\_\_\_\_\_  
Chair  
Committee of Adjustment



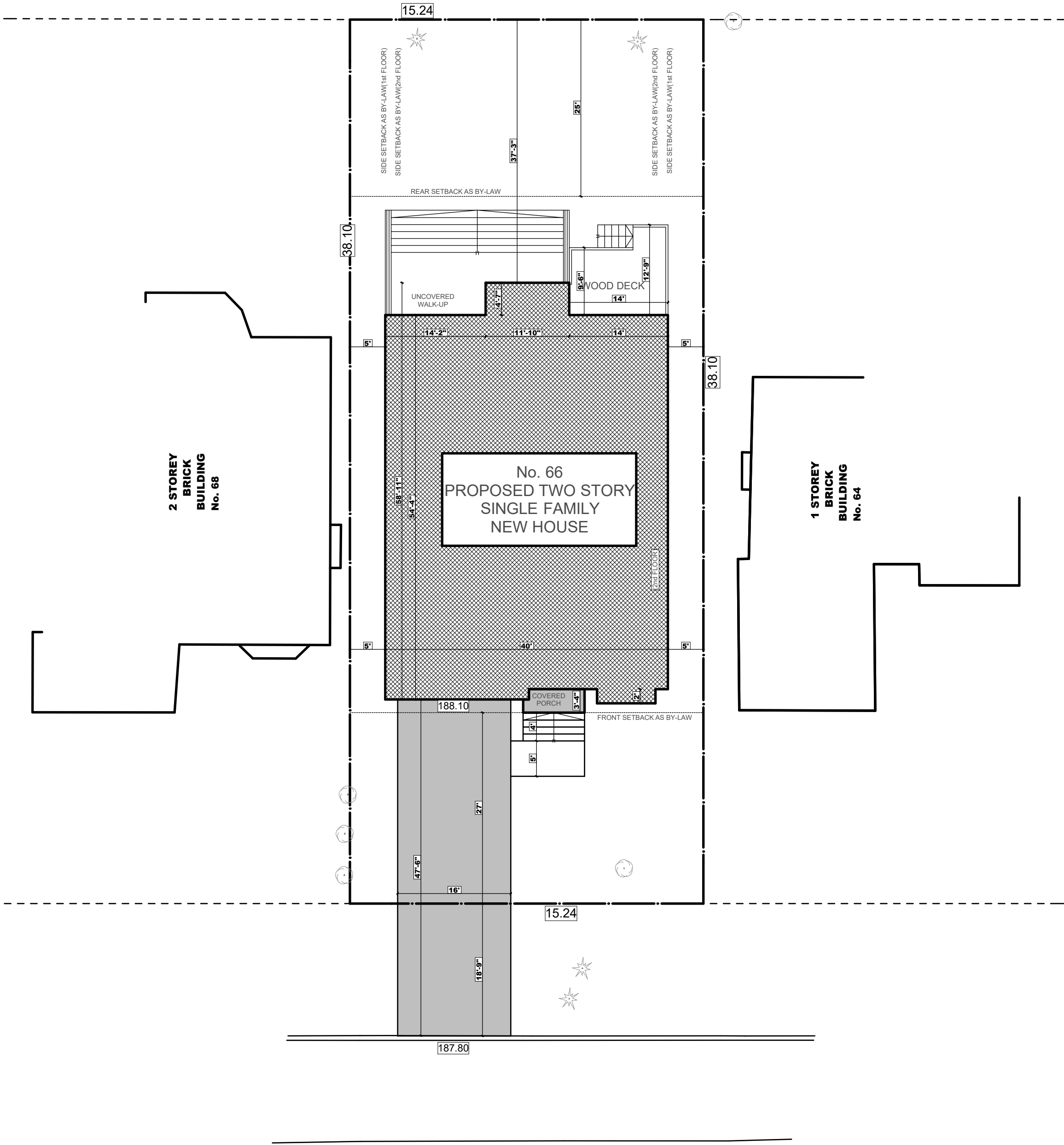
LOT AREA: 580.64 M <sup>2</sup>		LOT COVERAGE: 208.29 M <sup>2</sup>				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	1773FT <sup>2</sup> /164.72 M <sup>2</sup>	2208FT <sup>2</sup> /205.13 M <sup>2</sup>	2244FT <sup>2</sup> /208.47 M <sup>2</sup>	443 FT <sup>2</sup> /41.162M <sup>2</sup>	3981FT <sup>2</sup> /369.85 M <sup>2</sup>	35.87%

# Appendix B

File: 24.159013.000.00.MNV

Date: 3/14/2025

MM/DD/YYYY

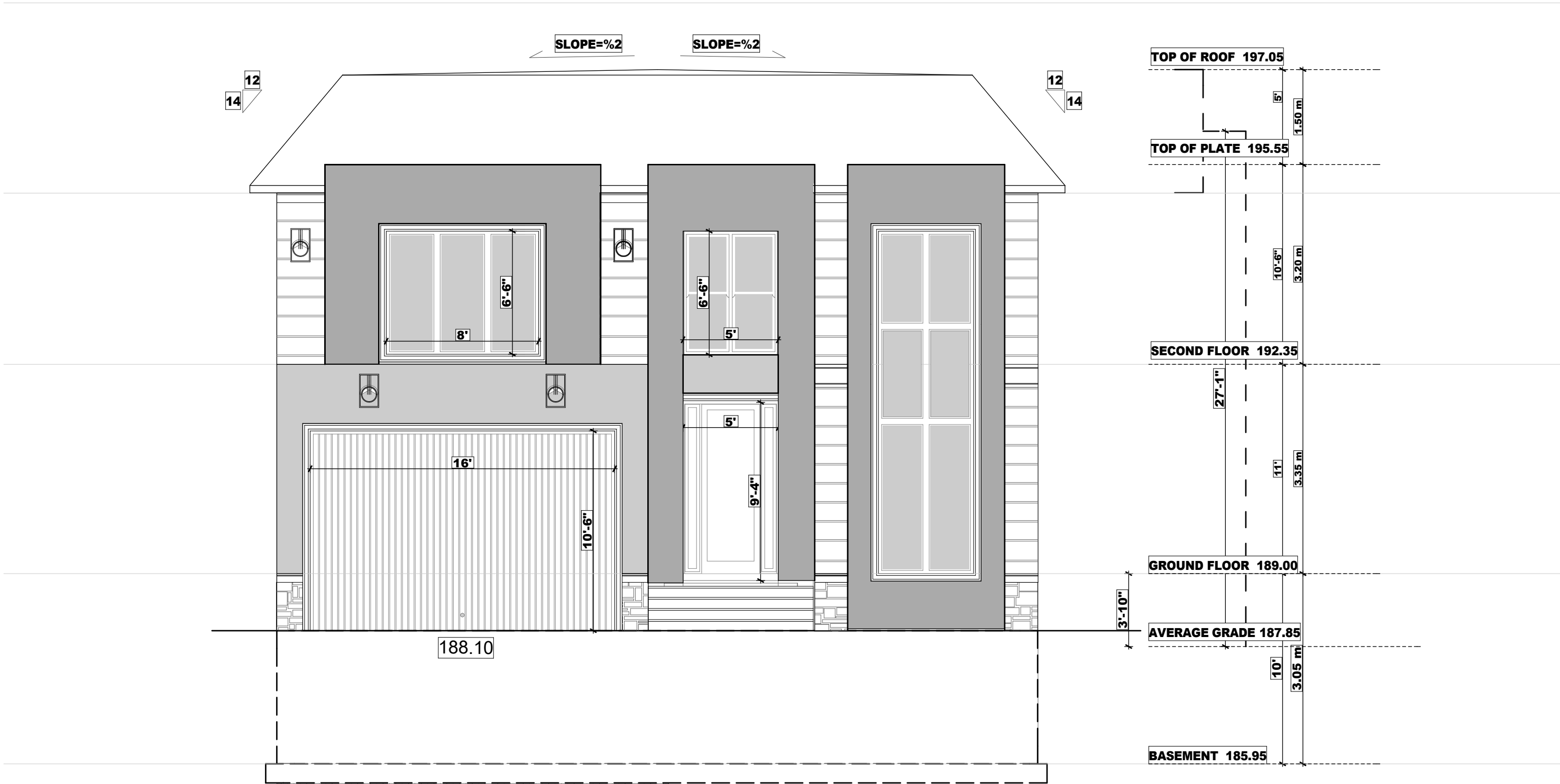


LIEBECK CRESCENT

DATE: NOV.2023	ISSUED FOR: FOR ZPR	FOR STRUCTURE ONLY			DRAWN BY V.E	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.O1
						LAST MODIFIED ON: JANUARY 14, 2025	PROJECT TITLE/ADDRESS: 66 LIEBECK CRESCENT, MARKHAM, ON	

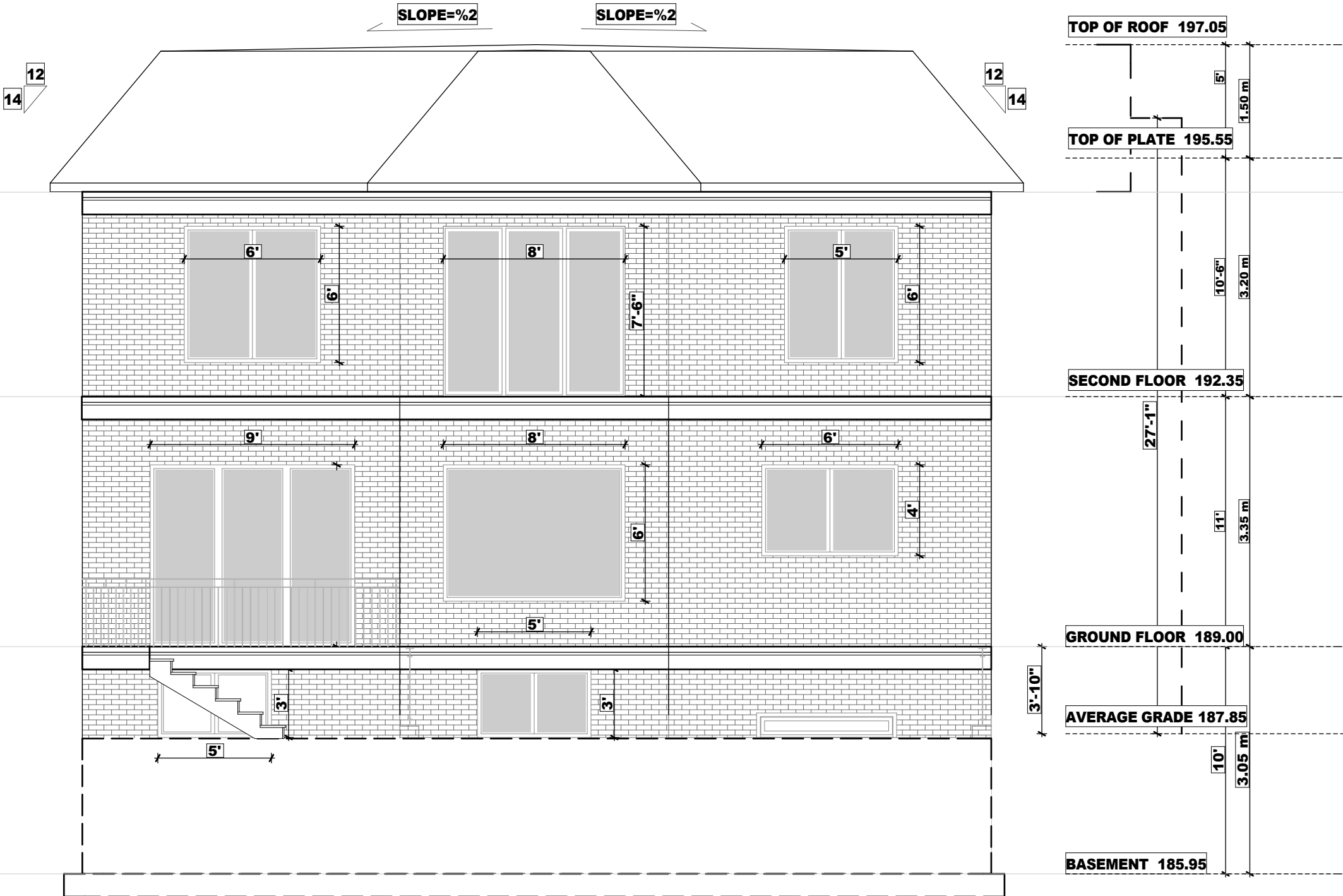
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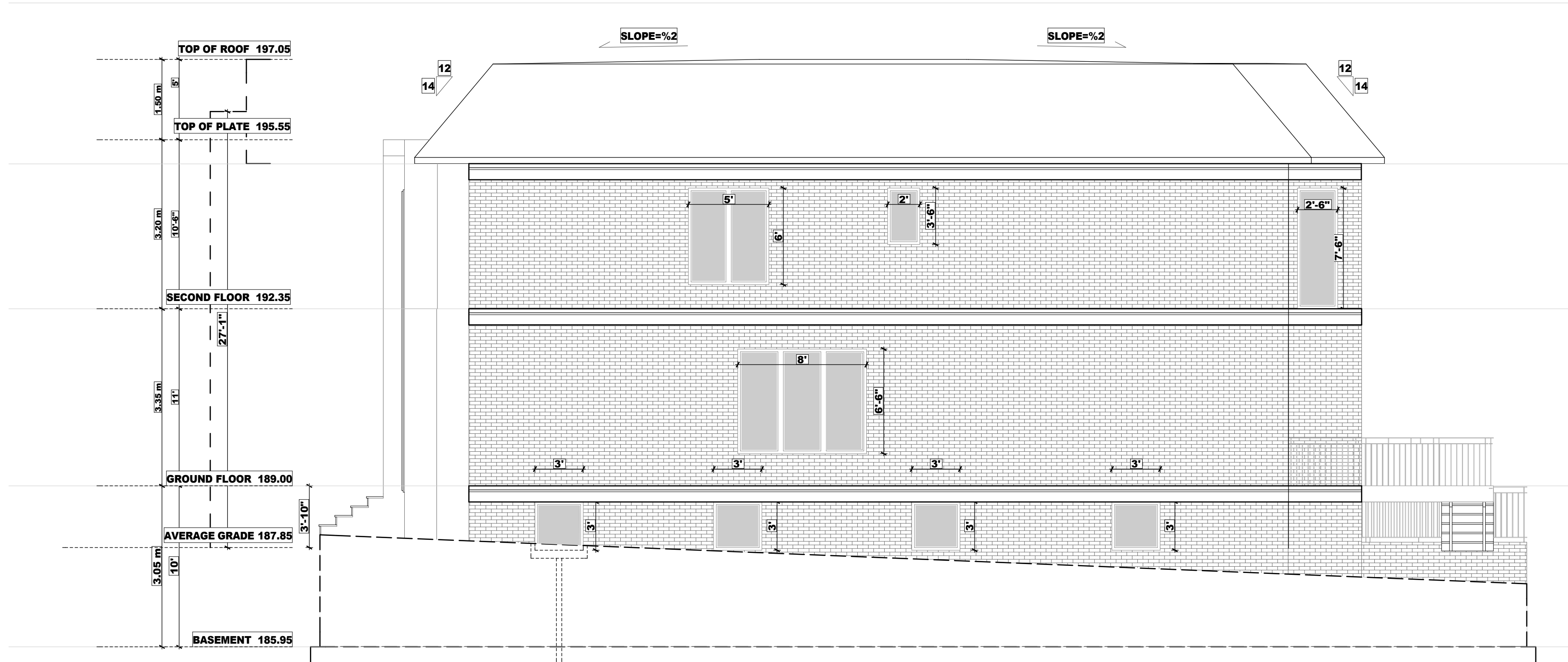
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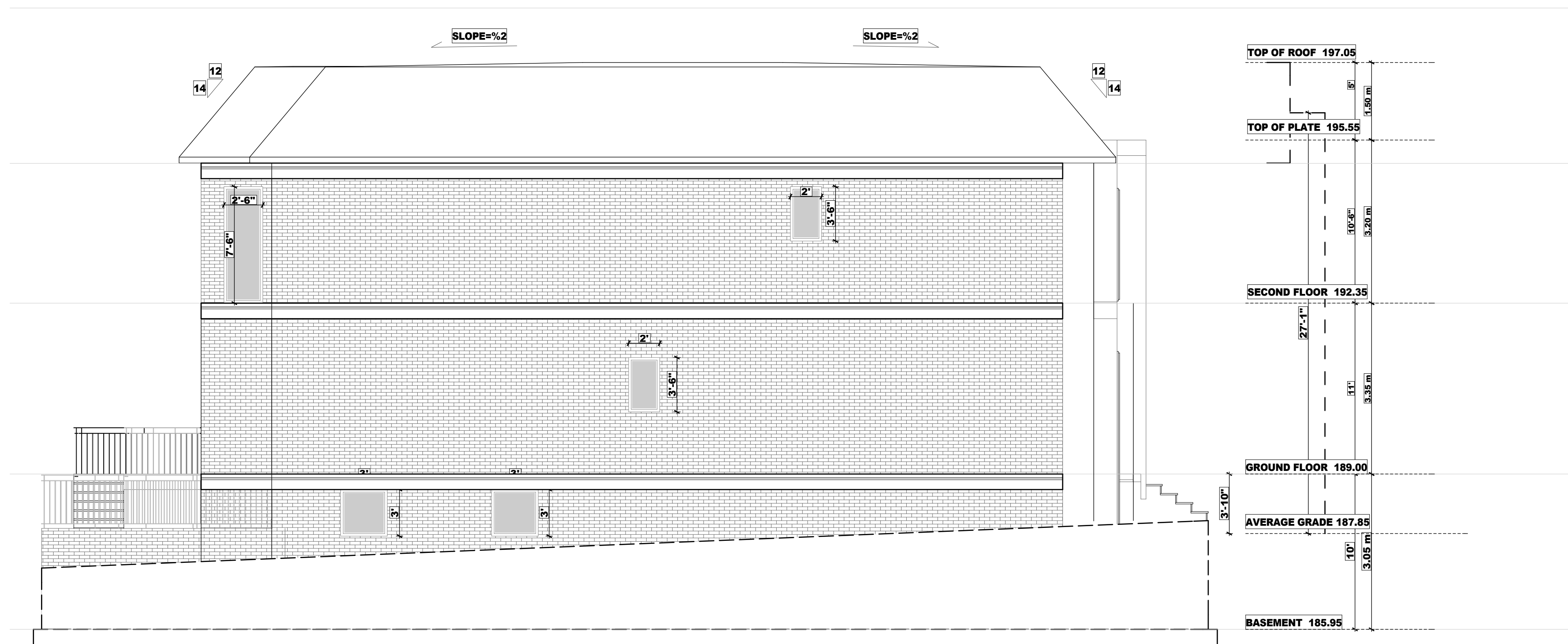
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File: 24.159013.000.00.MNV

Date: 3/14/2025

MM/DD/YYYY

Date: 3/14/2025  
MM/DD/YYYY



DATE:	ISSUED FOR:			DRAWN BY  V.E	SCALE:	DRAWING TITLE:  SIDE ELEVATION	PROJECT TITLE/ADDRESS:  66 LIEBECK CRESCENT, MARKHAM, ON	A2.4
Nov.2023	FOR ZPR				3/16" = 1'-0"			
					LAST MODIFIED ON:			
					JANUARY 14, 2025			
FOR STRUCTURE ONLY								

## Appendix C

File: 24.159013.000.00.MNV

Date: 3/14/2025  
MM/DD/YYYY

### Memorandum to the City of Markham Committee of Adjustment March 21, 2024

**File:** A/002/24  
**Address:** 66 Liebeck Crescent, Markham  
**Owner:** Queenie Tse  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, April 3, 2024

The following comments are provided on behalf of the Central District Team. The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Section 6.1:**  
a minimum north side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;
- b) **Section 6.1:**  
a maximum lot coverage of 35.91 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- c) **Section 6.1:**  
a maximum height of 27 feet 3 inches, whereas the by-law permits a maximum height of 25 feet;
- d) **Section 6.1:**  
a minimum south side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;

### BACKGROUND

#### Property Description

The 580.64 m<sup>2</sup> (6,250 ft<sup>2</sup>) Subject Lands are located on the east side of Liebeck Crescent, and generally south of Carlton Road and east of Warden Avenue (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 209.03 m<sup>2</sup> (2,250 ft<sup>2</sup>) two-storey detached dwelling on the Subject Lands which, according to assessment records, was constructed in 1974. Mature vegetation exists on the property including one large mature tree in the rear yard.

#### Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 397.07 m<sup>2</sup> (4,274 ft<sup>2</sup>), as shown in Appendix “B”.



## **Application History**

The first submission application was previously deferred by the Committee of Adjustment (the “Committee”) at the March 6, 2024 hearing, to provide the Applicant an opportunity to address Staff’s concerns (Refer to Minutes – Appendix “C”). In resubmitting the application, the Applicant has made changes to the proposal and the requested variance on the basis of Staff’s comments by reducing the lot coverage from 36.74% to 35.91% and by adding the previously missed variance request for the south side yard setback. The Applicant also addressed Engineering comments related to providing a well-defined side yard swale by increasing both the north and south side yard setbacks from 4 feet to 5 feet.

## **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

## **Zoning By-Law 11-72**

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirement with respect to the north and south side yard setbacks, maximum lot coverage, and maximum building height.

## **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant completed a Zoning Preliminary Review (ZPR) on January 10, 2024 to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on March 4, 2024. The Applicant has not conducted a subsequent 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.

### **Increase in Maximum Building Height**

The Applicant is requesting relief to permit a maximum building height of 27 feet 3 inches (8.30 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of 2 feet 3 inches (0.68 metres).

Staff are of the opinion that the proposed increase in maximum building height is minor in nature and will have limited impact on the adjacent dwellings. As such, Staff have no concerns with the requested variance.

### **Reduced North and South Side Yard Setback**

The Applicant is requesting relief to permit a north and south side yard setback of 5 feet (1.52 metres) whereas the By-law requires a minimum side yard setback of 6 feet (1.83 metres). This is a reduction of 1 foot (0.3 metres). The intent of the side yard setback requirement is to provide for adequate spacing between homes for drainage and appropriate building massing.

Staff are of the opinion that the Applicant has adequately addressed Engineering and Planning comments by increasing the north and south side yard setback from 4 feet to 5 feet thereby also reducing the lot coverage from 36.74 percent to 35.91 percent. Therefore, Staff are satisfied that the proposed side yard setbacks will not have an adverse impact on the abutting properties and have no objection to the variance.

### **Increase in Maximum Lot Coverage**

The Applicant is requesting relief for a maximum lot coverage of 35.91 percent (208.47 m<sup>2</sup> or 2,244 ft<sup>2</sup>), whereas the By-law permits a maximum floor area ratio of 33 and 1/3 percent (193.52 m<sup>2</sup> or 2,083 ft<sup>2</sup>). The proposed lot coverage includes the front covered porch and a rear breakfast area which adds approximately 2.78 m<sup>2</sup> (30 ft<sup>2</sup>) and 5.2 m<sup>2</sup> (56 ft<sup>2</sup>), respectively, to the overall building area. The total lot coverage excluding the front covered porch and rear breakfast area is 34.53 percent (200.48 m<sup>2</sup> or 2,158 ft<sup>2</sup>). Given that the front covered porch is unenclosed, and the breakfast area consists of a minor projection located to the rear of the dwelling, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and that the resultant dwelling is generally consistent with what the By-law permits.

### **Tree Protection and Compensation**

The Subject Lands contain mature vegetation and large mature trees. During the review



of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 64 Liebeck Crescent and a shared hedge at 68 Liebeck Crescent. Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, 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 on neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

## **PUBLIC INPUT SUMMARY**

Previously, during the first submission, 10 written submissions, including eight in opposition and two neutral letters were received. The letters in opposition expressed concerns including, but not limited to, the increased size and scale of the proposed dwelling, the significant increase in lot coverage, the proposed height, and flat roof design. The Applicant has since revised their proposal and have reduced the size of the proposed dwelling.

For this current submission, one written submission in opposition to the proposed development was received as of March 26, 2024, expressing concerns regarding the size and scale of the proposed dwelling in terms of building height, side yard setbacks, and lot coverage. 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 variances requested 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 conditions to be attached to any approval of this application.

PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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

**APPENDICES**

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – Minutes

Appendix "D" – A/002/24 Conditions of Approval



## Legend

 Subject Lands

1: 1,128



57.3 0 28.65 57.3 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

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](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes

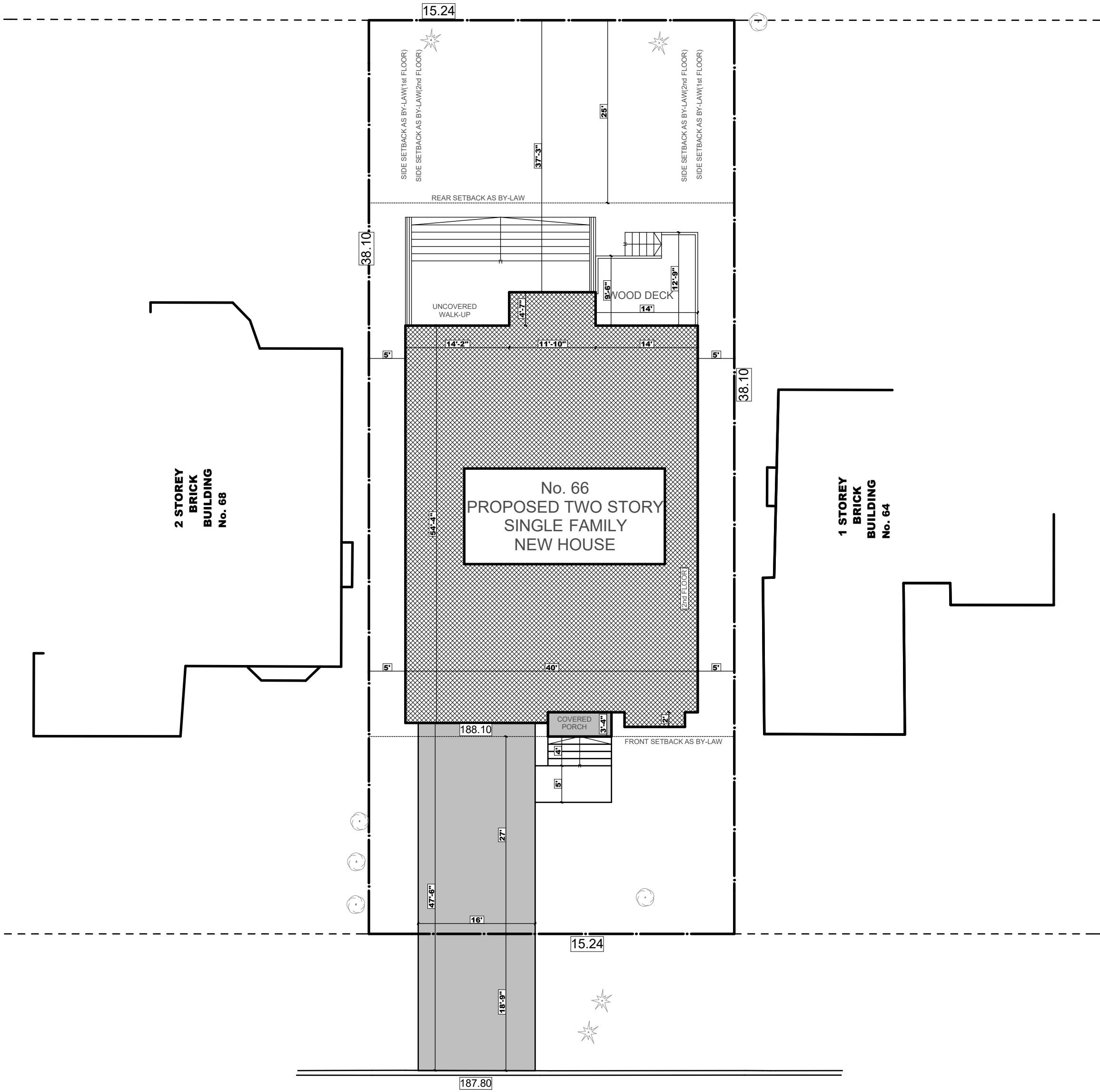


LOT AREA: 580.64 M <sup>2</sup>		LOT COVERAGE: 208.51 M <sup>2</sup>				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	1812FT <sup>2</sup> /168.34 M <sup>2</sup>	2212FT <sup>2</sup> /205.50 M <sup>2</sup>	2247FT <sup>2</sup> /208.51 M <sup>2</sup>	435 FT <sup>2</sup> /40.412M <sup>2</sup>	4024FT <sup>2</sup> /397.07 M <sup>2</sup>	35.91%

Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024  
MM/DD/YY



LIEBECK CRESCENT

DATE: NOV.2023	ISSUED FOR: FOR ZPR	FOR STRUCTURE ONLY			DRAWN BY V.E	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.O1
						LAST MODIFIED ON: MARCH 4, 2024	PROJECT TITLE/ADDRESS: 66 LIEBECK CRESCENT, MARKHAM, ON	

# Appendix B

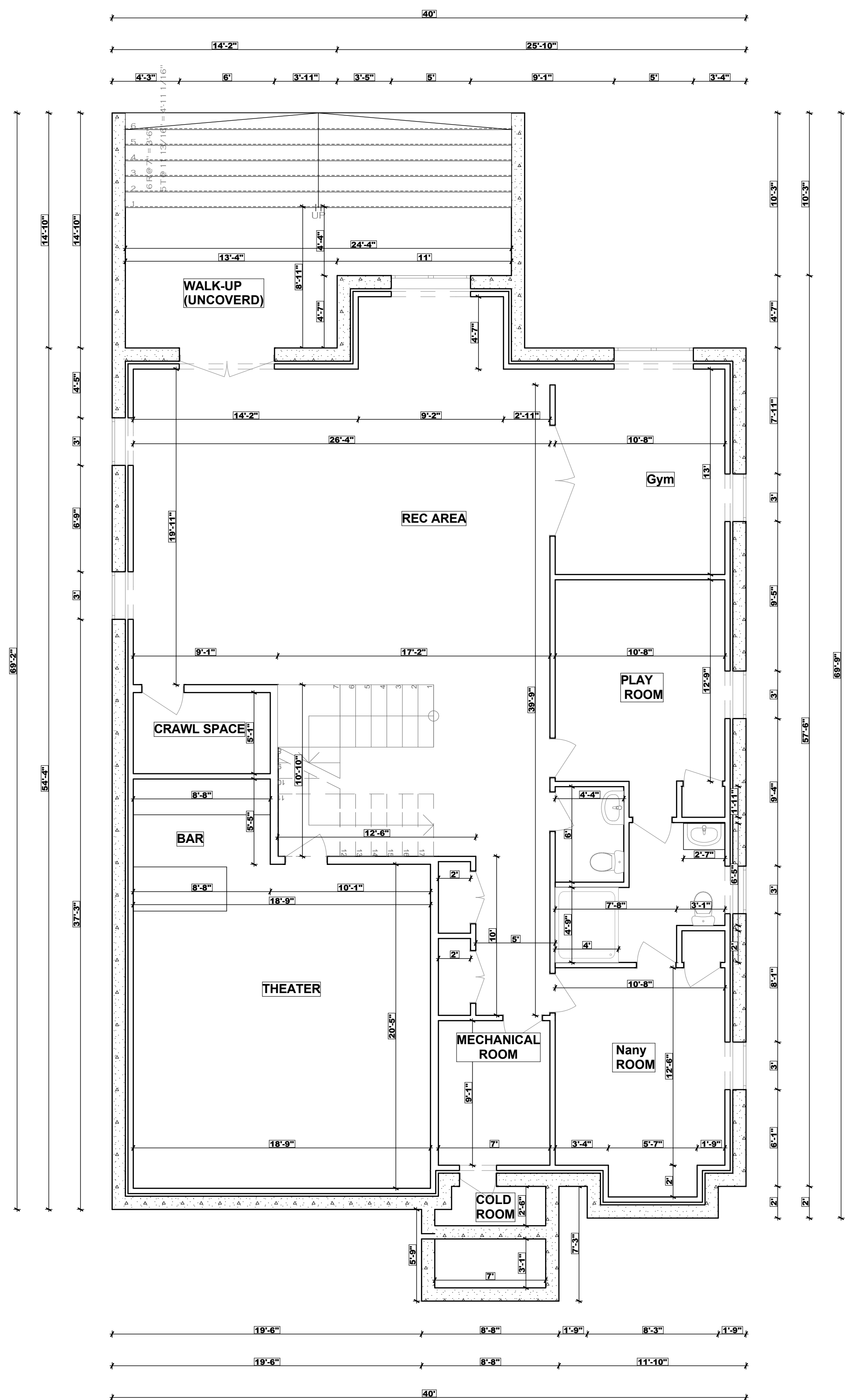
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Date: 3/28/2024

MM/DD/YY



DATE:	ISSUED FOR:
Nov.2023	FOR ZPR

FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:
$3/16" = 1'-0"$
LAST MODIFIED ON: MARCH 4, 2024

DRAWING TITLE:

BASEMENT

PROJECT TITLE/ADDRESS:

66 LIEBECK CRESCENT,  
MARKHAM, ON

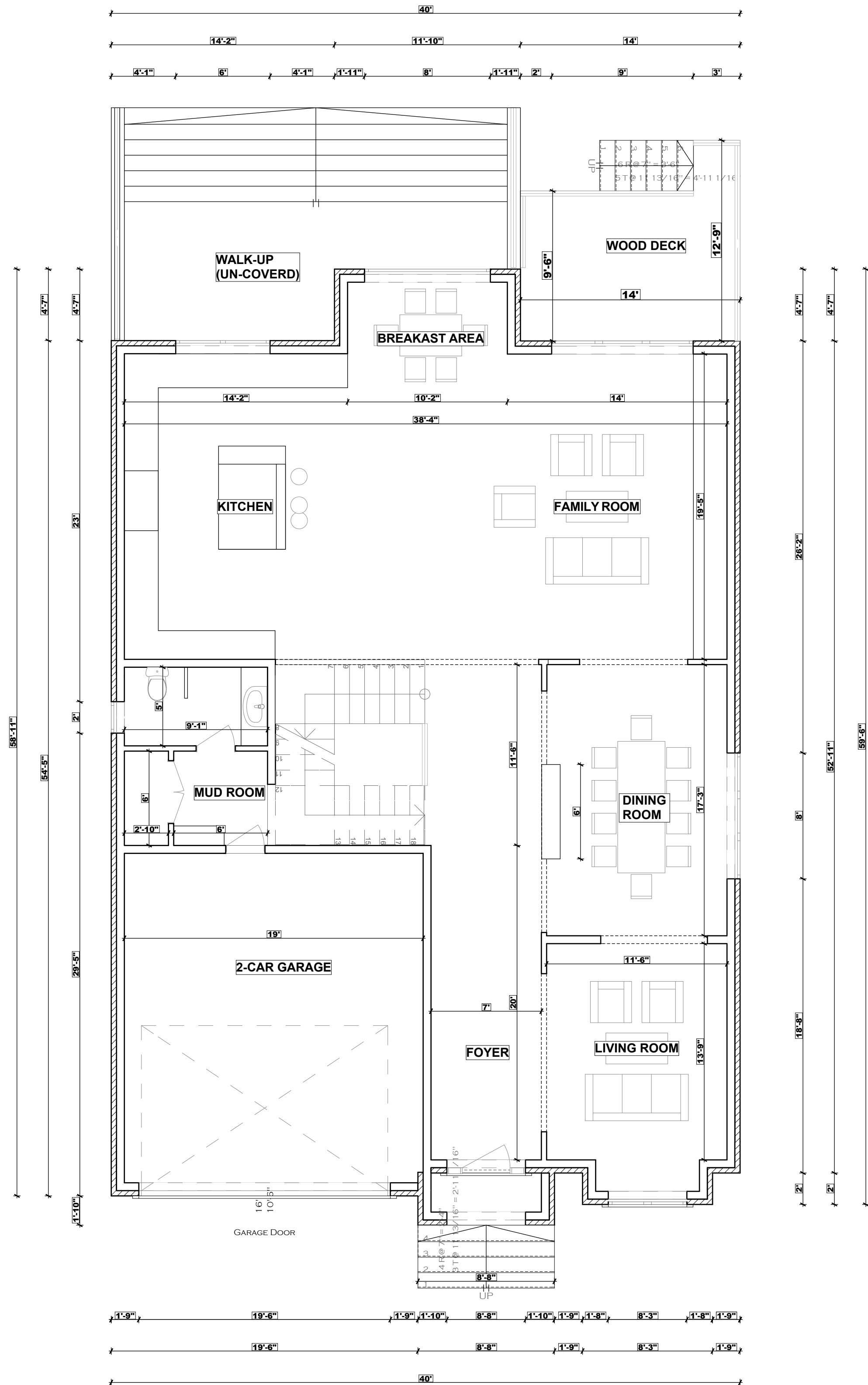
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# Appendix B

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Date: 3/28/2024

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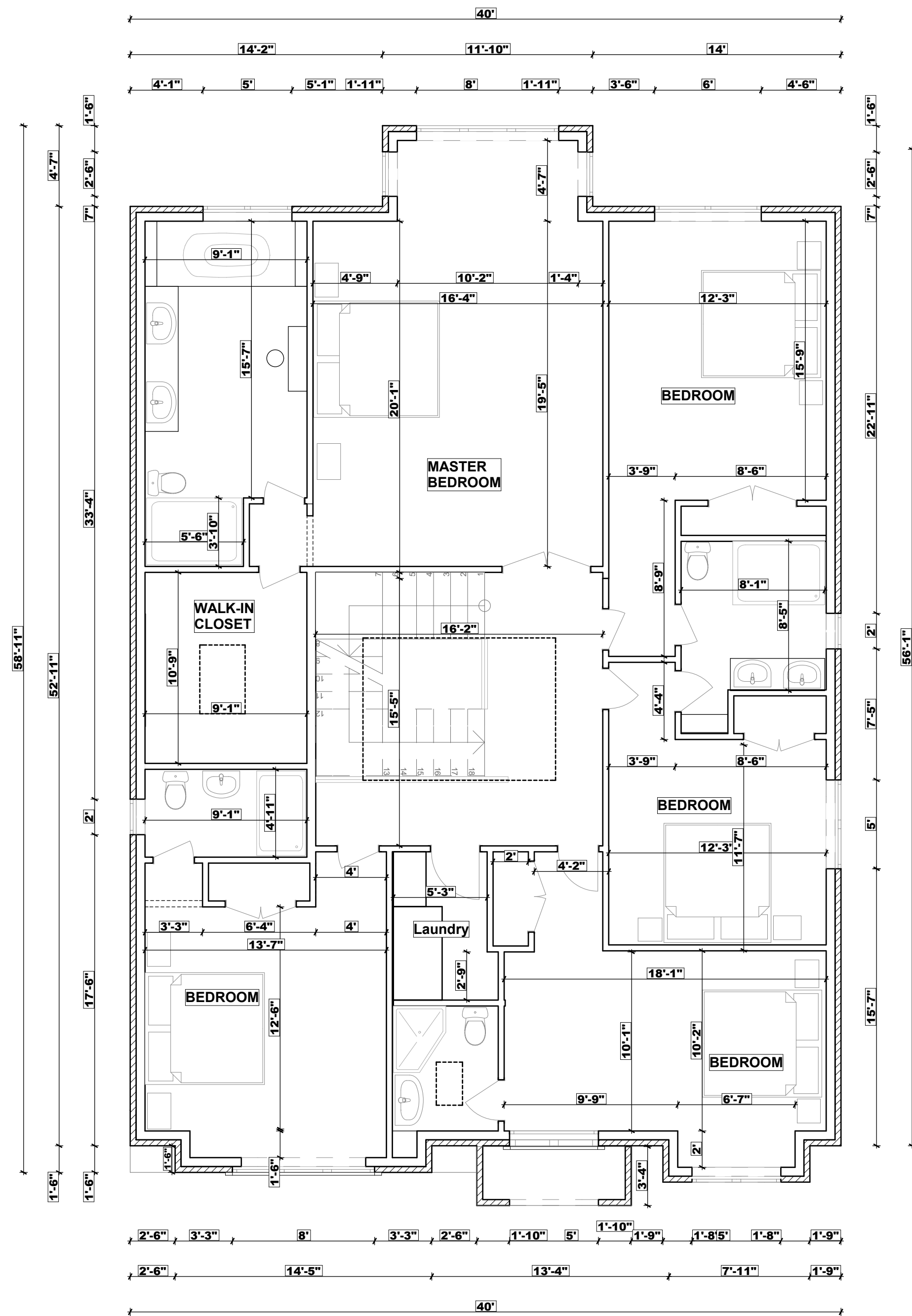


# Appendix B

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V.E

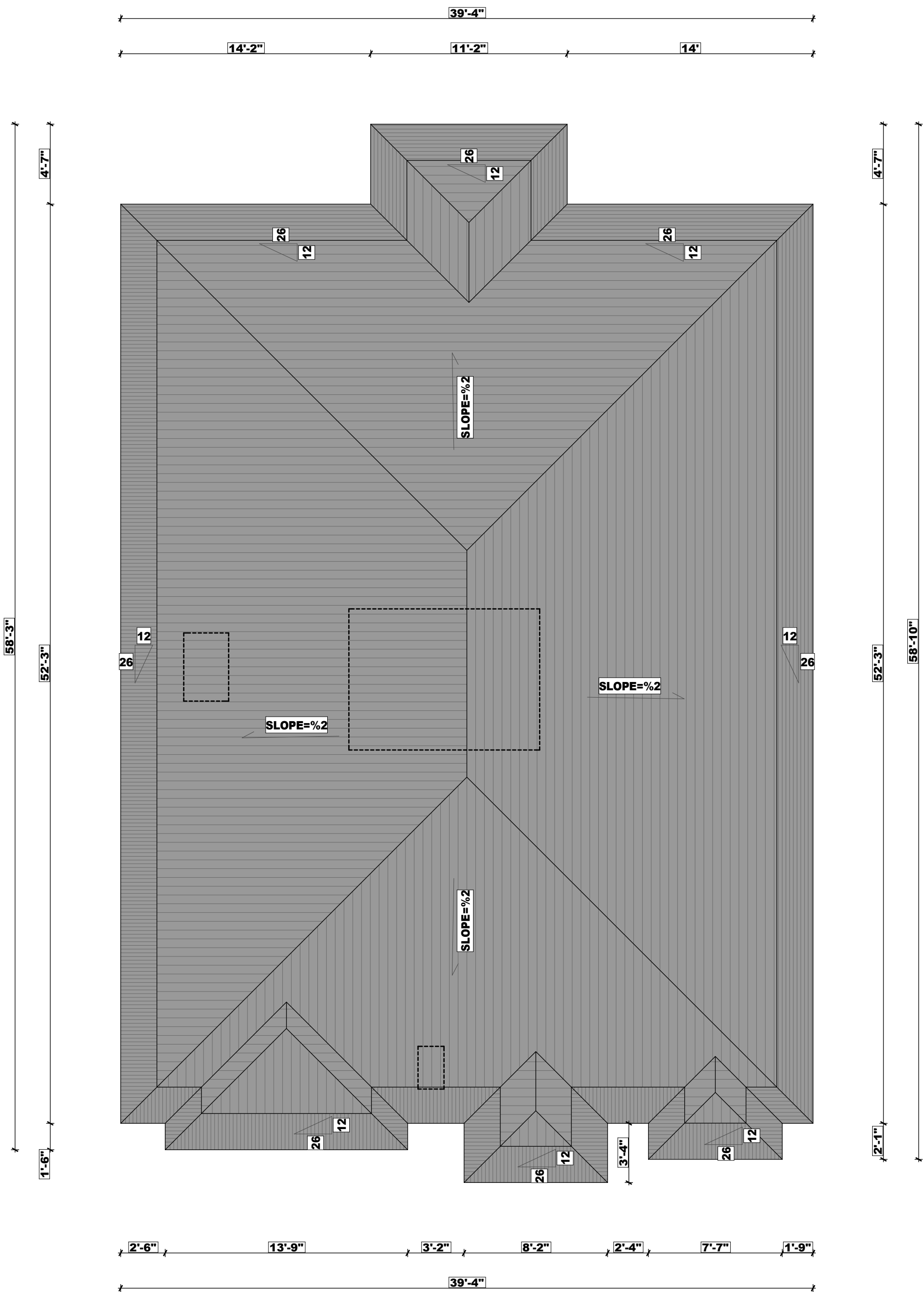
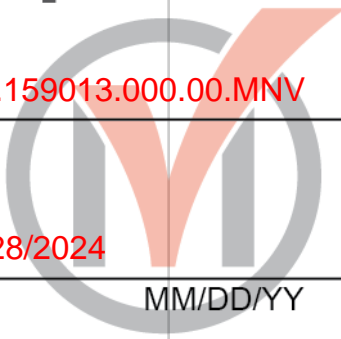
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LAST MODIFIED ON:
MARCH 4, 2024

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Appendix B

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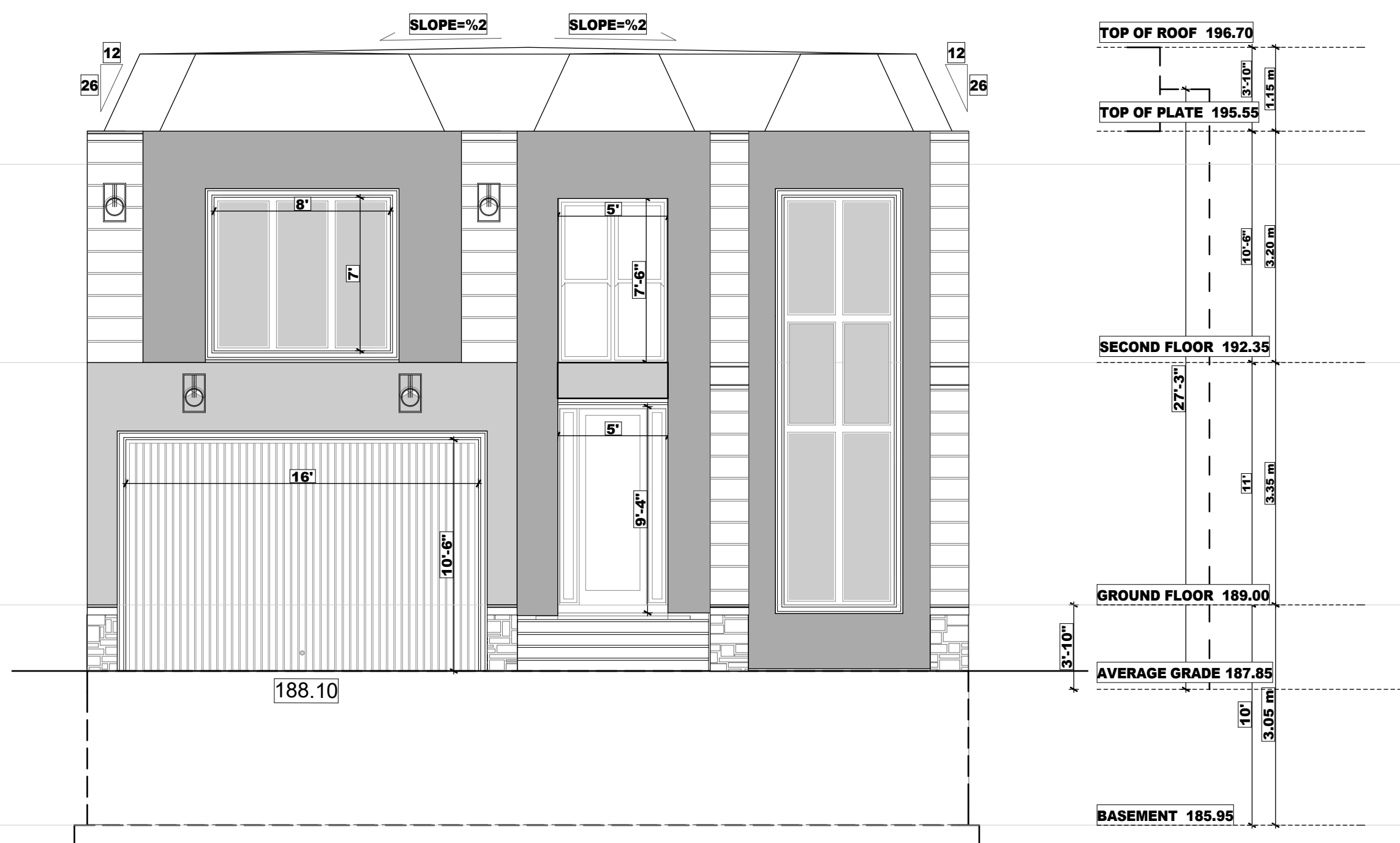
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# Appendix B

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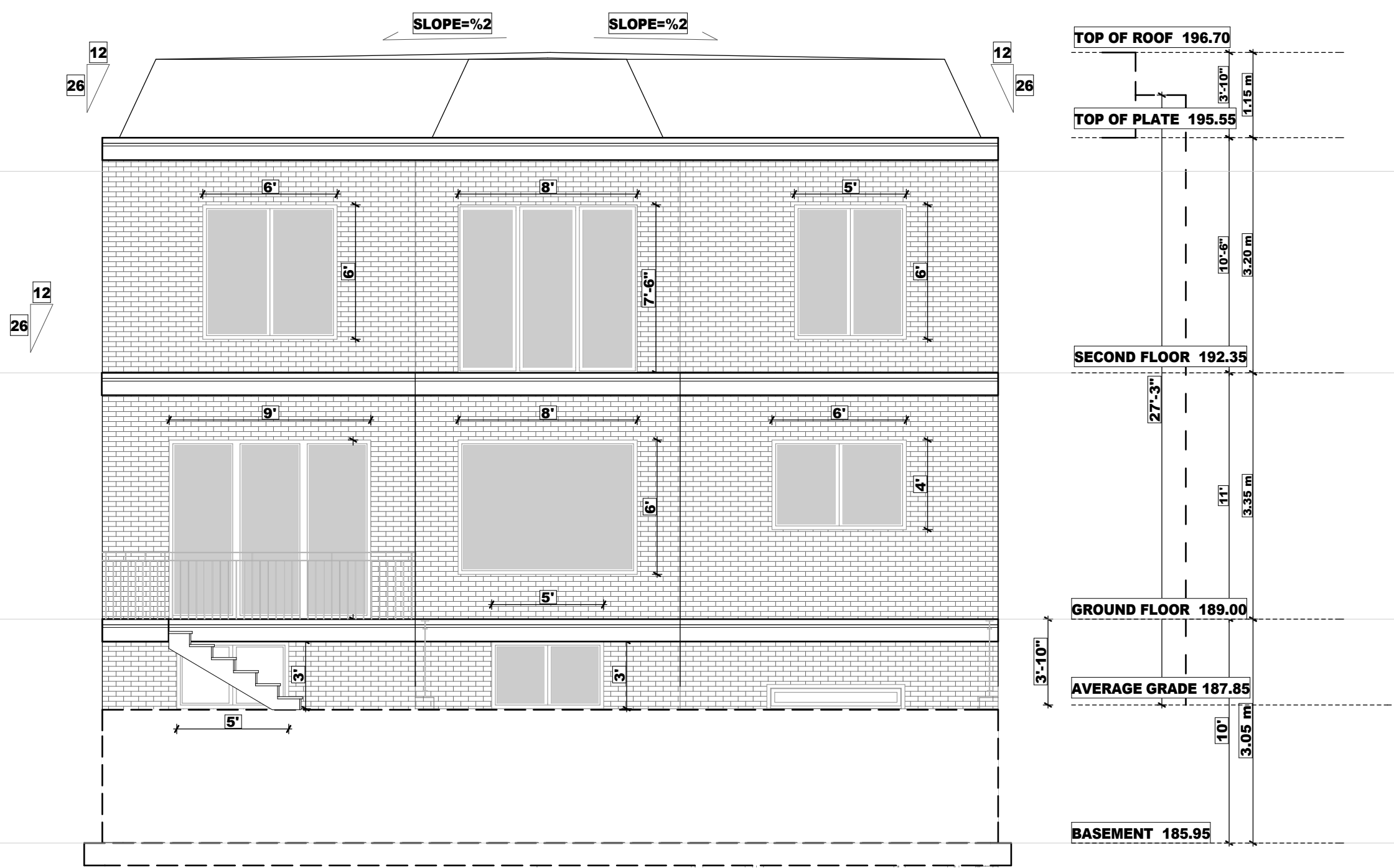
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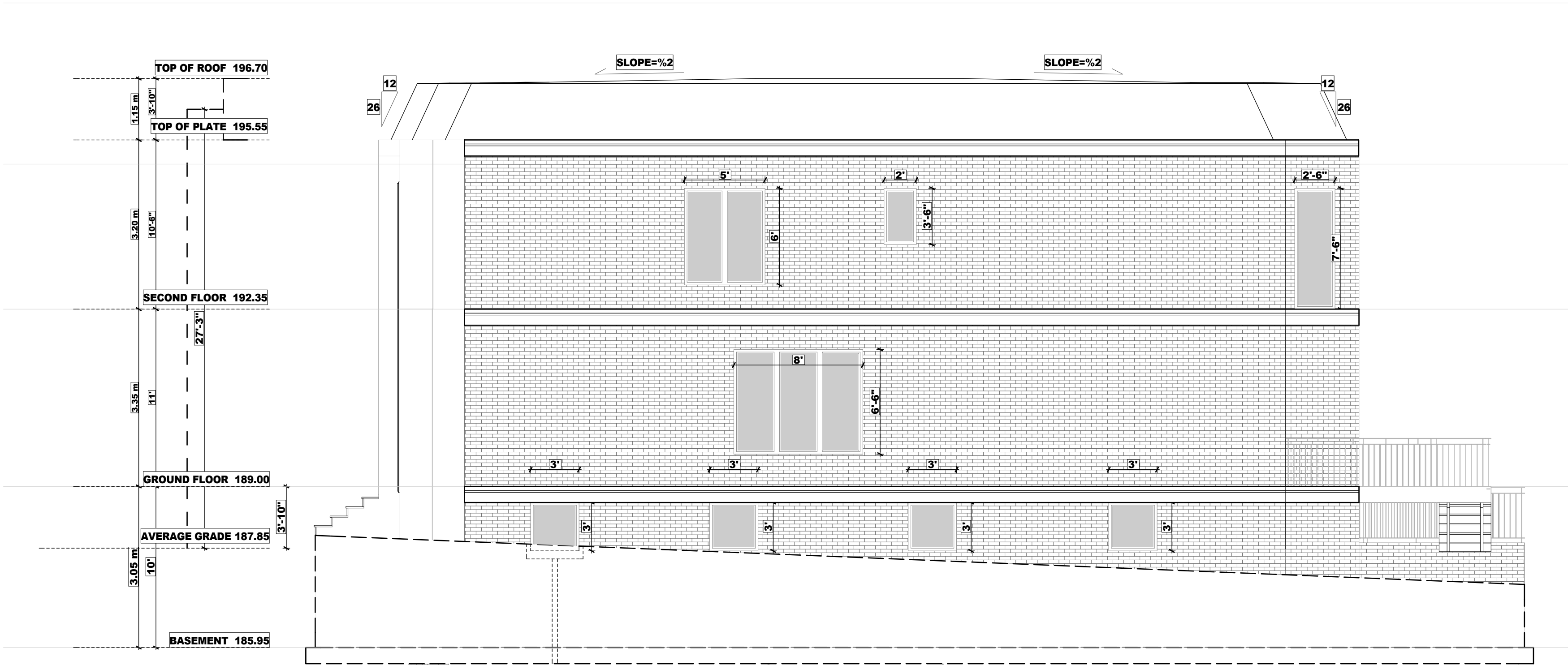
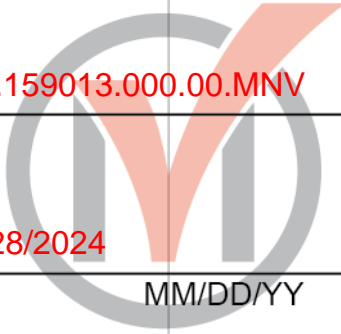
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Appendix B

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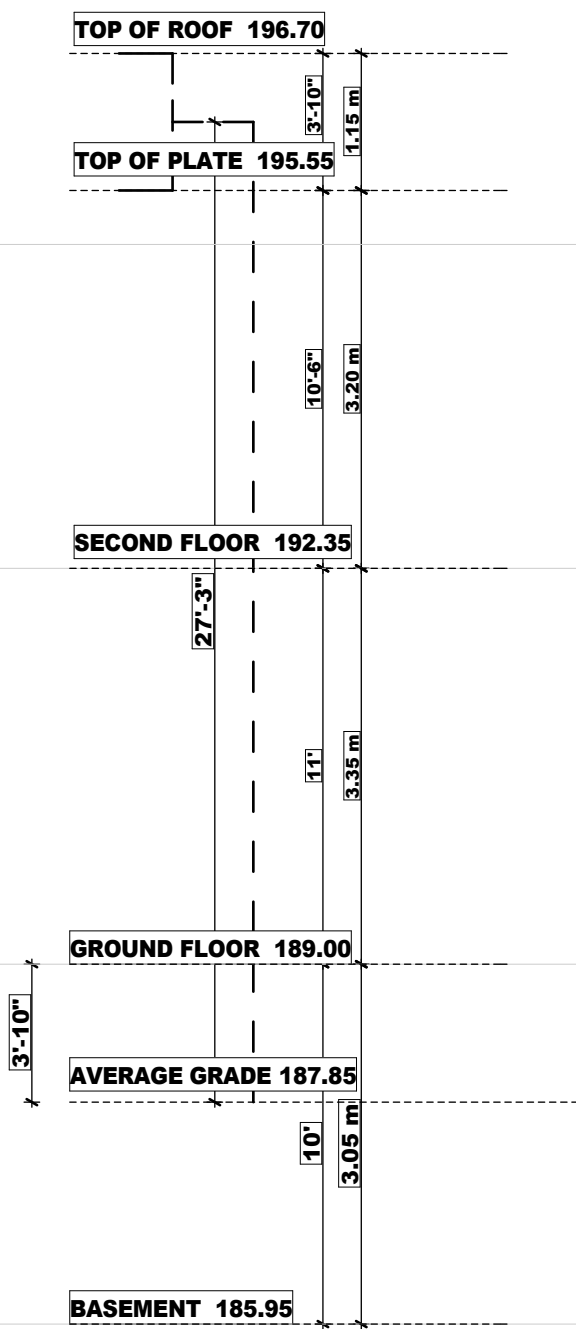
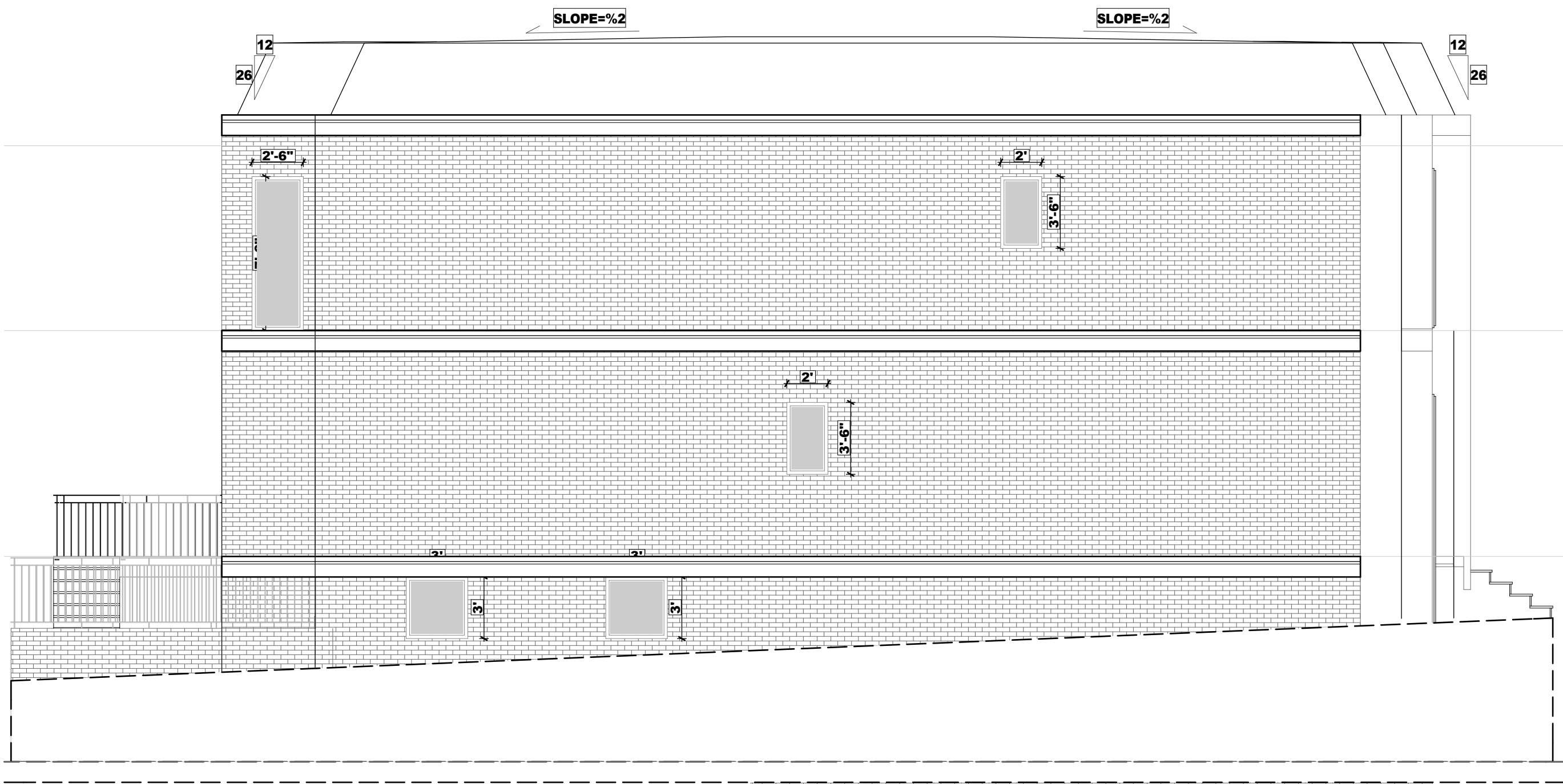
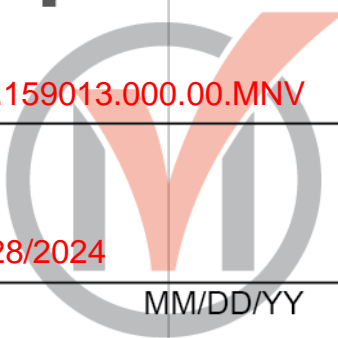
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Appendix B

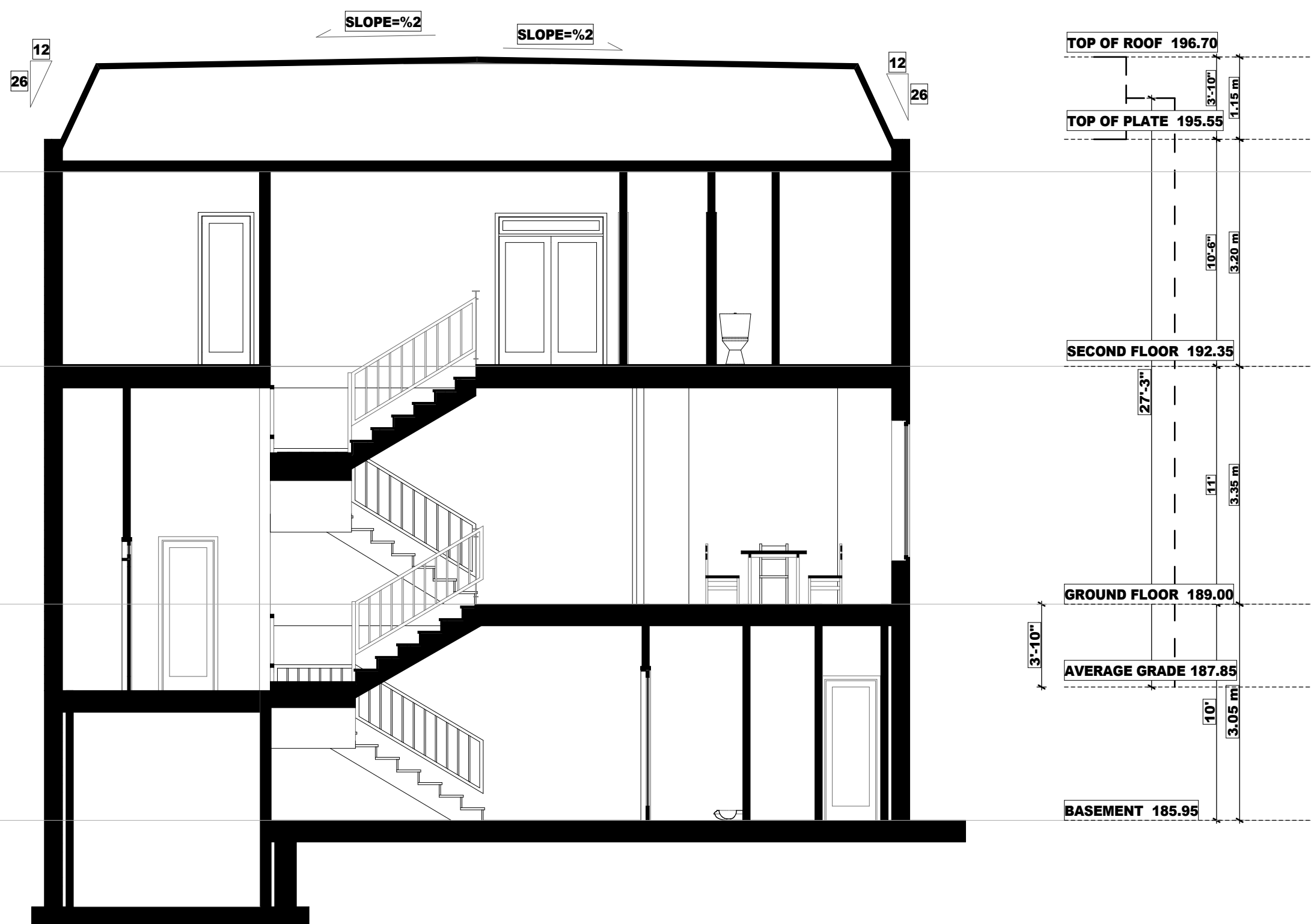
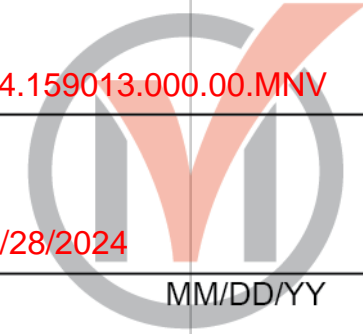
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Date: 3/28/2024  
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# Appendix B

File: 24.159013.000.00.MNV  
Date: 3/28/2024  
MM/DD/YY



Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024  
MM/DD/YY

TOPOGRAPHIC SURVEY OF  
LOT 350  
REGISTERED PLAN M-1441  
CITY OF MARKHAM  
(REGIONAL MUNICIPALITY OF YORK)

SCALE 1 : 200



ALEX MARTON LTD.  
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METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED  
TO THE CITY OF MARKHAM BENCHMARK No.323  
HAVING AN ELEVATION OF 192.192 METRES.

LEGEND

MH	DENOTES	MANHOLE
CB	"	CATCH BASIN
LS	"	LIGHT STANDARD
FH	"	FIRE HYDRANT
RWW	"	WOODEN RETAINING WALL
RWC	"	CONCRETE RETAINING WALL
DS	"	DOOR SILL
CR	"	CENTERLINE
PIN	"	PROPERTY IDENTIFIER NUMBER
Ø	"	DIAMETER
⊙	"	DECIDUOUS TREE
★	"	CONIFEROUS TREE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN  
WERE COMPLETED ON THE 4TH DAY OF AUGUST, 2021.

OCTOBER 13, 2021  
DATE



ALEX MARTON LTD.  
ONTARIO LAND SURVEYORS  
160 APPLEWOOD CRESCENT, UNIT 8,  
CONCORD, ONTARIO, L4K 4H2  
PHONE: 905-879-9889 FAX: 905-879-0770  
E-MAIL: alex@amsurveying.ca  
WEBSITE: www.amsurveying.ca

PARTY CHIEF: B.N.	FILE NAME: 2021-342.DWG
DRAWN : J.H.	PLOT SCALE: 1: 200
CHECKED : A.M.	PROJECT No. 2021-342

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE  
USED FOR MORTGAGE OR TRANSACTION PURPOSES.



## **Appendix “D” – A/002/23 Conditions of Approval**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/002/23**

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plans 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 arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or the Director of Operations 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 in accordance with the City’s Streetscape Manual, including 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 Technician or the Director of Operations; and
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or the Director of Operations.

CONDITIONS PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

## **APPENDIX “D”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/002/24**

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 plans 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; and
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