

# Memorandum to the City of Markham Committee of Adjustment

July 27, 2022

**File:** A/064/22  
**Address:** 12 Reesorville Road – Markham, ON  
**Applicant:** Salvatore Rustico  
**Hearing Date:** August 10, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 10.14 m (33.27 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);
- b) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 17.97 m (58.96 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and
- c) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 51.71%, whereas the By-law permits a maximum floor area ratio of 45.0%.

## BACKGROUND

This application was deferred sine die by the Committee of Adjustment (the “Committee”) at the initial hearing on June 22, 2022 to provide the applicant with time to address resident and Committee concerns relating largely to the size, mass, and fit of the new dwelling with the streetscape, as referenced in the Minutes Extract (Appendix “D”). The initial variances requested are identified in the Staff Report dated June 15, 2022 (Appendix “C”).

## COMMENTS

As of July 21, 2022, the applicant submitted revised drawings. Notwithstanding that a ZPR to confirm the variance requests has not been completed, the applicant requests the above noted variances. From the initial variance requests, reductions to the maximum building depth and maximum floor area ratio by 0.91 m (2.99 ft), and 2.36% are proposed, respectively. The initial request relating to an increase in maximum height remains without change. If approved, the new detached dwelling would have a gross floor area of 417.23 m<sup>2</sup> (4,491.03 ft<sup>2</sup>), which is a reduction of 19.08 m<sup>2</sup> (205.26 ft<sup>2</sup>) from the initial proposal.

In considering the revisions made, staff remain of the opinion that the proposed development will be generally consistent and compatible with other existing dwellings along Reesorville Road for the reasons detailed in the initial Staff Report.

## PUBLIC INPUT SUMMARY

No new written submissions were received as of July 27, 2022. Additional information may be received after the writing of this 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 requests meet the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

## **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Staff Report: June 15, 2022

Appendix "D" – Minutes Extract: June 22, 2022

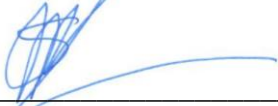
PREPARED BY:



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Aleks Todorovski, MCIP, RPP  
Planner, Zoning and Special Projects

REVIEWED BY:



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Stacia Muradali, MCIP, RPP  
Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22**

1. The variances apply only to the proposed development for 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 Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

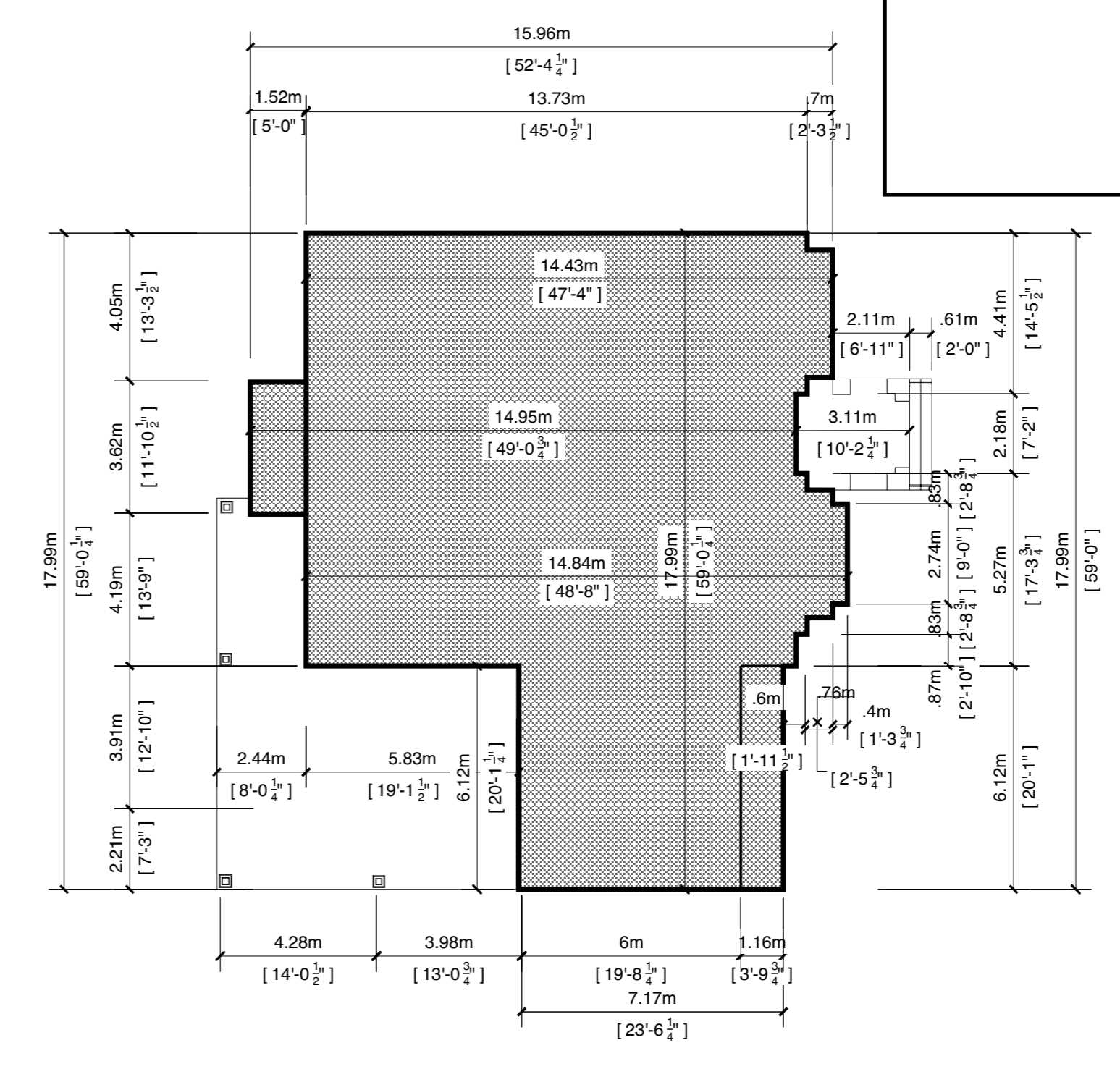
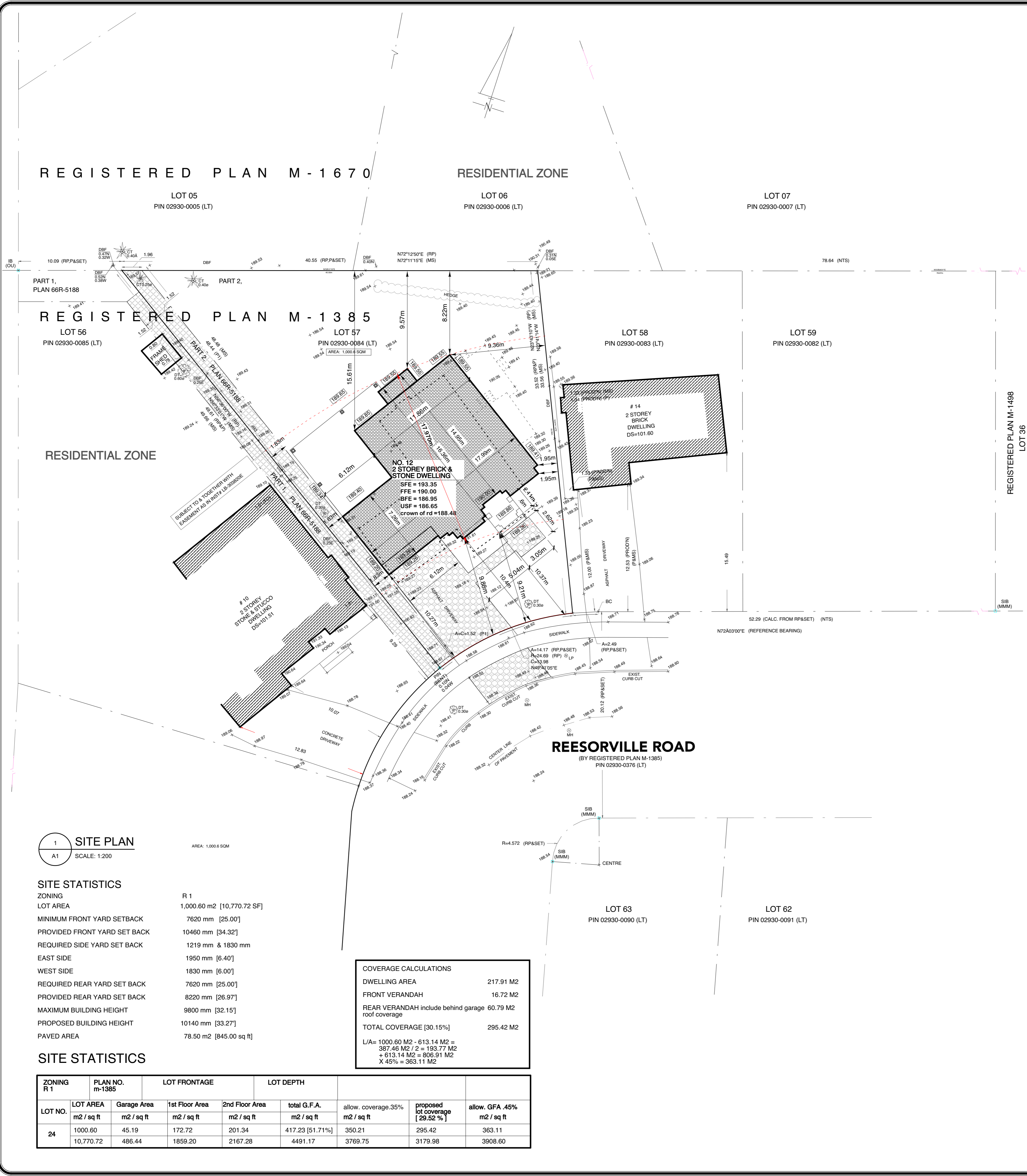
CONDITIONS PREPARED BY:



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Aleks Todorovski, MCIP, RPP  
Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22**



2 BUILDING DIMENSIONS  
 A1 SCALE: 1:150

1 SITE PLAN  
 A1 SCALE: 1:200

**SITE STATISTICS**

ZONING	R 1
LOT AREA	1,000.60 m <sup>2</sup> [10,770.72 SF]
MINIMUM FRONT YARD SETBACK	7620 mm [25.00']
PROVIDED FRONT YARD SET BACK	10460 mm [34.32']
REQUIRED SIDE YARD SET BACK	1219 mm & 1830 mm
EAST SIDE	1950 mm [6.40']
WEST SIDE	1830 mm [6.00']
REQUIRED REAR YARD SET BACK	7620 mm [25.00']
PROVIDED REAR YARD SET BACK	8220 mm [26.97']
MAXIMUM BUILDING HEIGHT	9800 mm [32.15']
PROPOSED BUILDING HEIGHT	10140 mm [33.27']
PAVED AREA	78.50 m <sup>2</sup> [845.00 sq ft]

**COVERAGE CALCULATIONS**

DWELLING AREA	217.91 M2
FRONT VERANDAH	16.72 M2
REAR VERANDAH include behind garage roof coverage	60.79 M2
TOTAL COVERAGE [30.15%]	295.42 M2
L/A= 1000.60 M2 - 613.14 M2 = 387.46 M2 / 2 = 193.77 M2	
+ 613.14 M2 = 808.91 M2	
X 45% = 363.11 M2	

ZONING	PLAN NO.	LOT FRONTAGE	LOT DEPTH	LOT AREA	1st Floor Area	2nd Floor Area	total G.F.A.	allow. coverage 35%	proposed lot coverage	allow. GFA 45%
R 1	n-1385				m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	[ % ]	m <sup>2</sup> / sq ft
24	1000.60	45.19	172.72	10,770.72	172.72	201.34	417.23 [51.71%]	350.21	295.42	363.11
	10,770.72	486.44	1859.20		2167.28	4491.17		3769.75	3179.98	3908.60

Revisions:

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Note:  
 All drawings are the property of this firm and shall not be used without their expressed written consent.  
 Contractors shall check and verify all dimensions and elevations and report any discrepancies before commencement of work.  
 All work to conform with all governing codes and by-laws. All prints of plans and specifications are the property of the designer and shall be returned upon completion of work.  
 Do not scale drawings dimensions to take precedent over scale.

QUALIFICATION INFORMATION  
 Required unless design is exempt under 3.2.5.1 of the building code  
 Ontario Building Code to be a designer:

TONY VALENTIN	20917
Name	BCIN
Signature	02 02 22
Date	

REGISTRATION INFORMATION  
 Required unless design is exempt under 3.2.4.1(2) of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

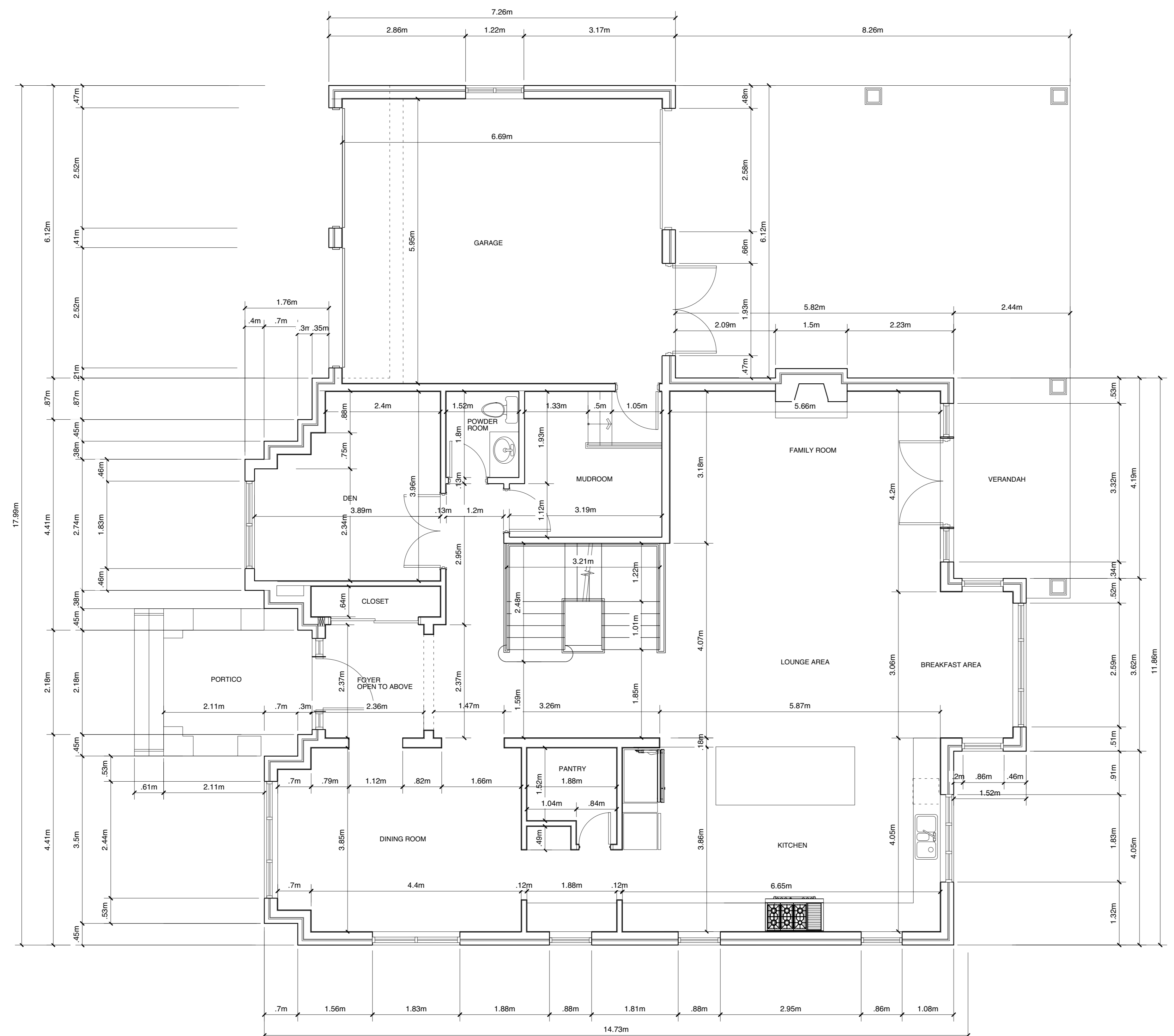
Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

Drawing title:  
**SITE PLAN and  
 STATISTICS**

Drawn By: Arnel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A1**  
 of sheets





1 FIRST FLOOR PLAN  
A3 SCALE: 1:50

GROSS FLOOR AREA INCLUDE GARAGE=217.91 Sq m  
FRONT VERANDAH COVERAGE=16.72 Sq m  
REAR CANOPY COVERAGE=60.79 Sq m

No	Date	Issuance and or Revisions	By
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Revisions:

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QUALIFICATION INFORMATION  
Required unless design is exempt under 3.2.5.1 of the building code  
TONY VALENTIN 20917 BCIN  
Name 02 02 22  
Signature Date

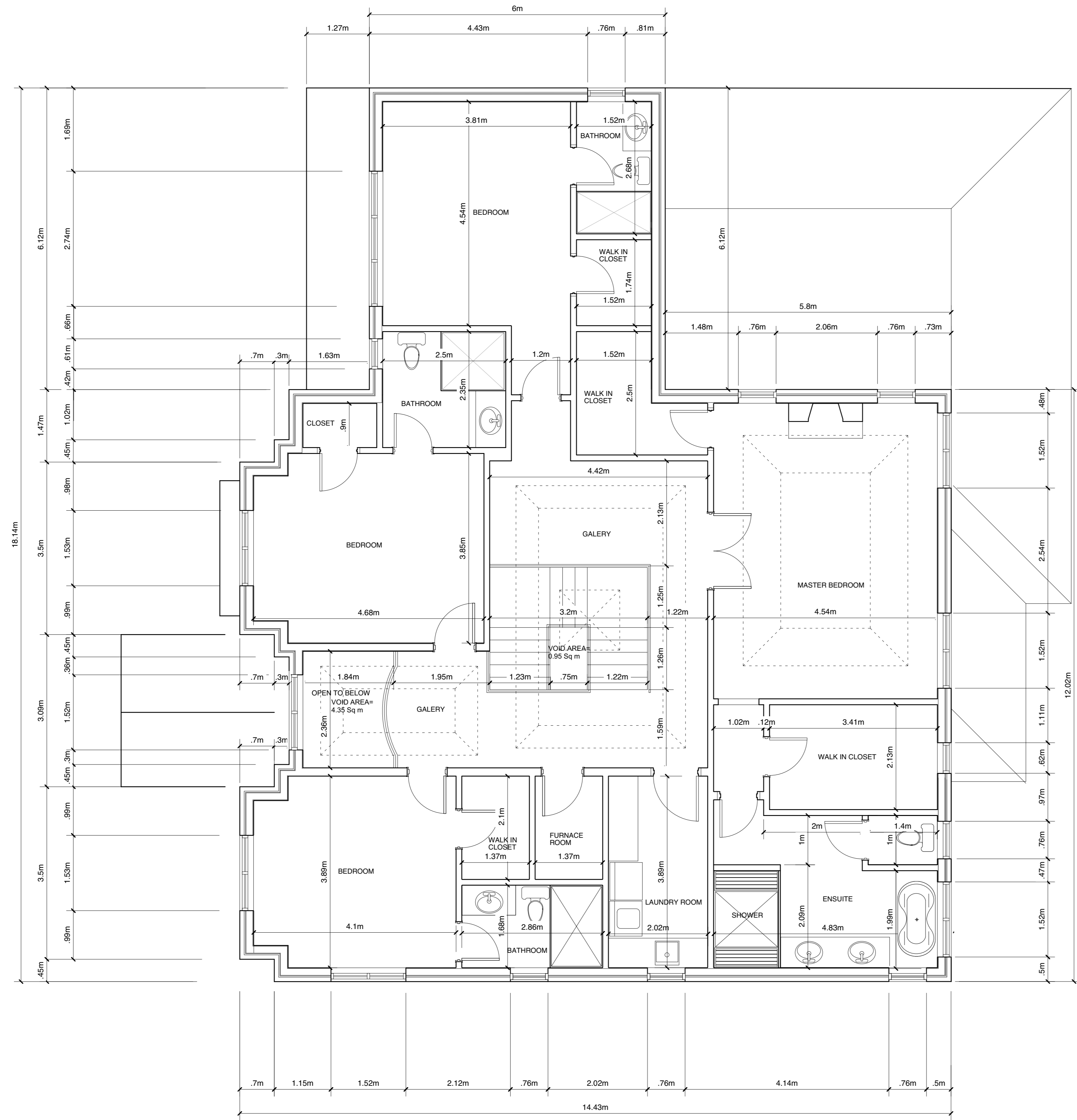
REGISTRATION INFORMATION  
Required unless design is exempt under 3.2.4.1(2) of the building code  
TONY VALENTIN DESIGN 28858 BCIN  
Firm Name

Project title:  
**PROPOSED 2 STOREY  
STONE AND BRICK  
SINGLE DETACHED  
DWELLING**  
  
**12 REESORVILLE ROAD  
CITY OF MARKHAM**  
  
CLIENTS: SAL RUSTICO

Drawing title:  
**FIRST FLOOR PLAN**

Drawn By: Amel  
Designed By:  
Checked By:  
Date: MAR 20 21  
Scale: 1:200 M

project no  
sheet no  
**A3**  
of sheets



**1 SECOND FLOOR PLAN**  
 A4 SCALE: 1:75 gfa = 201.34 Sq m

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Revisions:

Note:  
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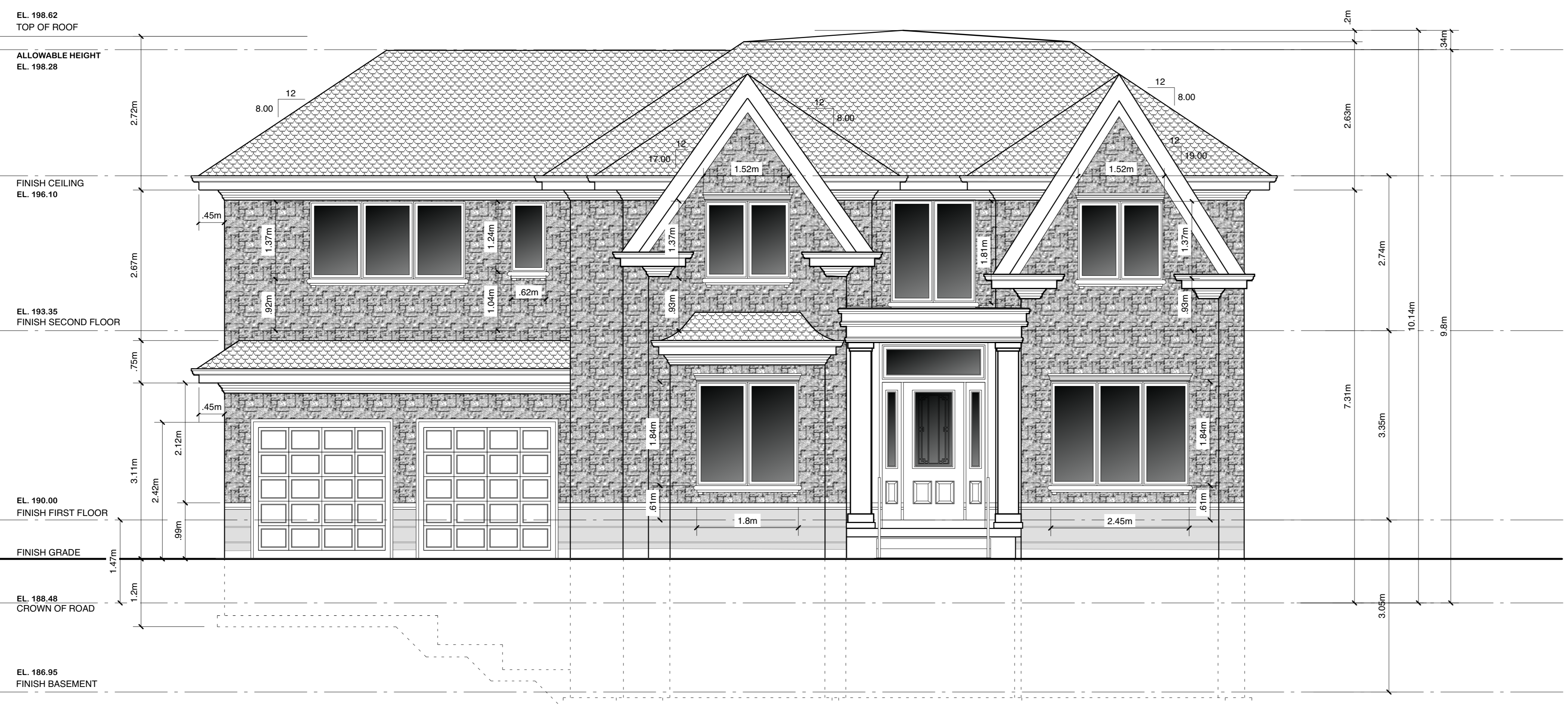
The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.  
 QUALIFICATION INFORMATION  
 Required unless design is exempt under 3.2.5.1 of the building code  
 TONY VALENTIN 20917 BCIN  
 Name BCIN  
 02 02 22 Date  
 Signature  
 REGISTRATION INFORMATION  
 Required unless design is exempt under 3.2.4.1(2) of the building code  
 TONY VALENTIN DESIGN 28858 BCIN  
 Firm Name BCIN

Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

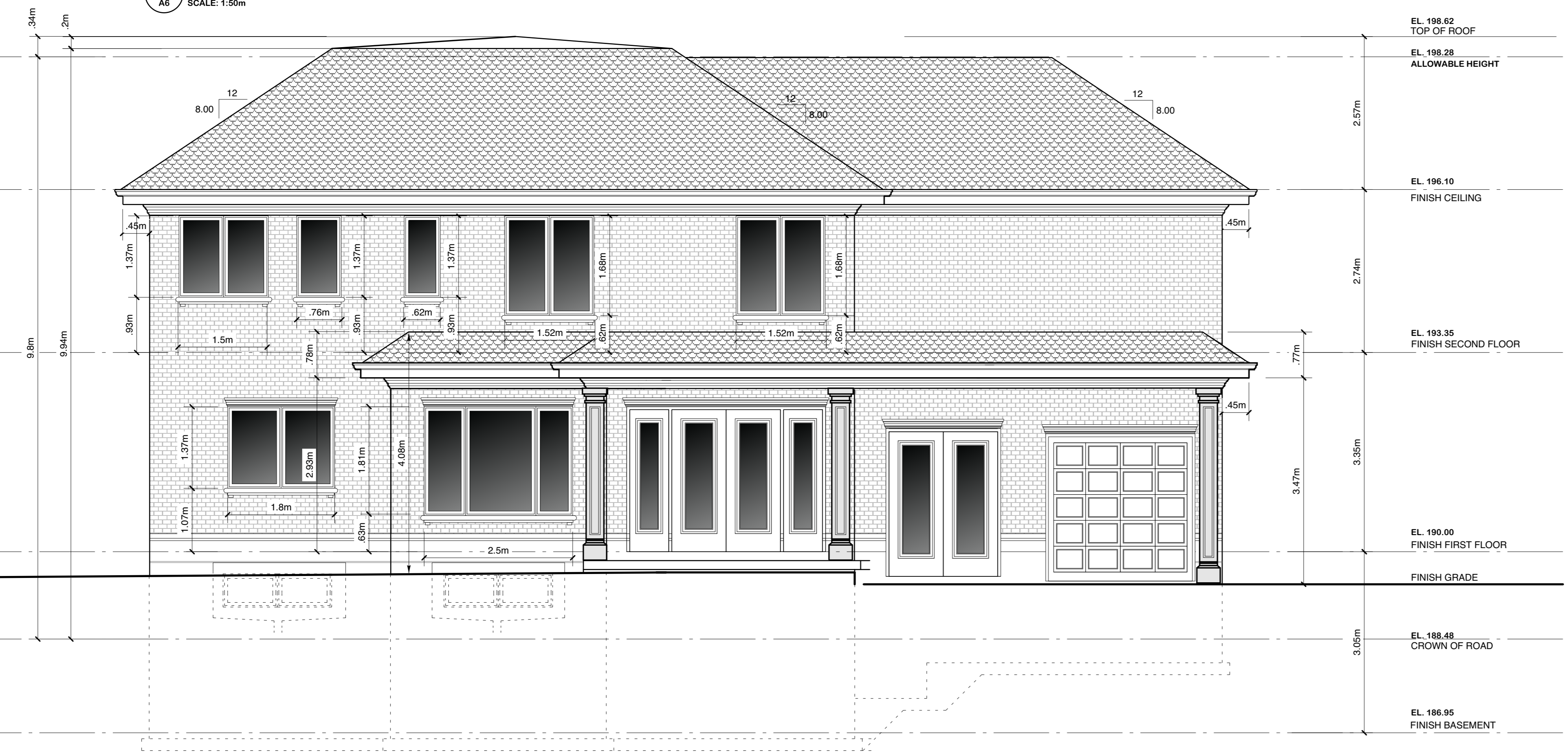
Drawing title:  
**SECOND FLOOR PLAN**

Drawn By: Amel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A4**  
 of sheets



**1 FRONT ELEVATION**  
 SCALE: 1:50m



**2 REAR ELEVATION**  
 SCALE: 1:50m

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

**Revisions:**

**Note:**  
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Do not scale drawings dimensions to take precedent over scale.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
Name	BCIN
TONY VALENTIN	20917
Signature	Date
<i>(Signature)</i>	02 02 22

REGISTRATION INFORMATION	
Firm Name	BCIN
TONY VALENTIN DESIGN	28858

Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

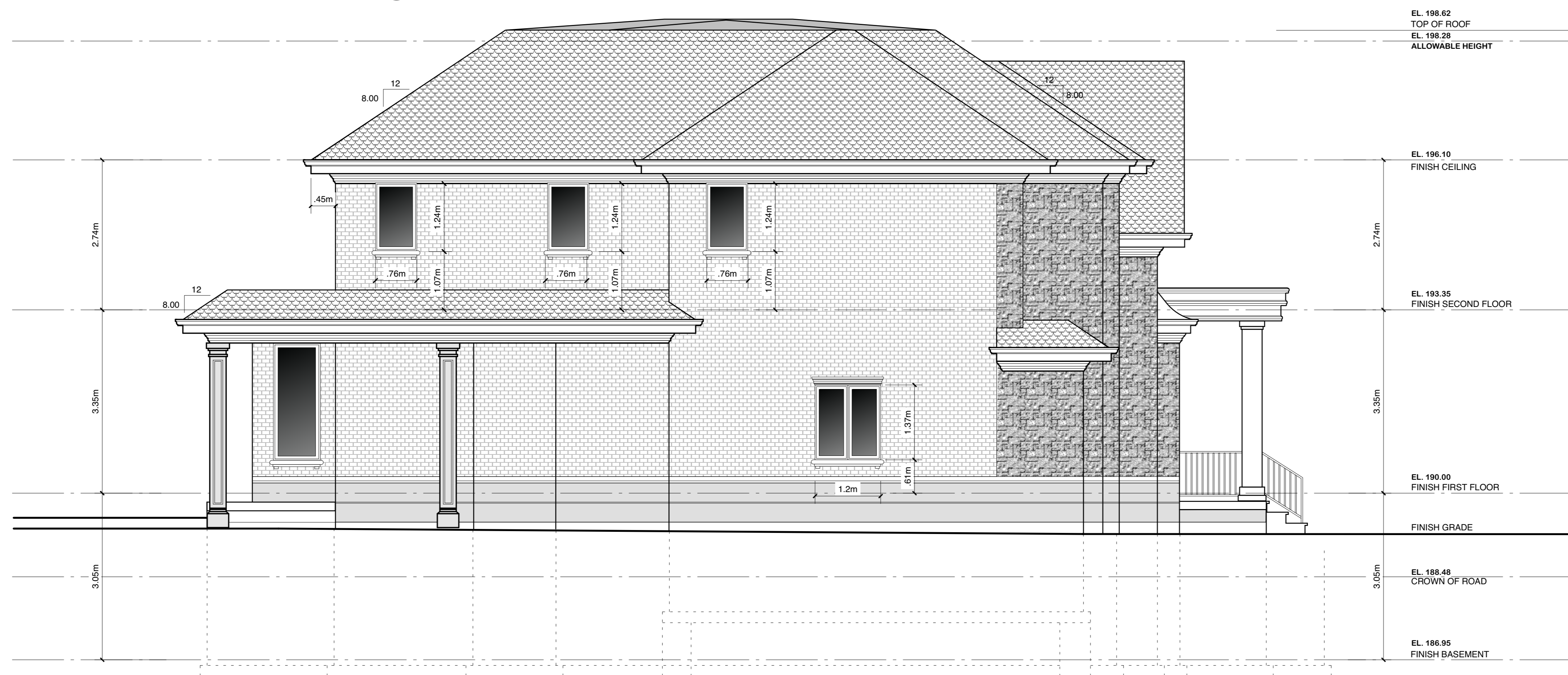
Drawing title:  
**FRONT & REAR ELEV**

Drawn By: Amel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A6**  
 of sheets



1 RIGHT SIDE ELEVATION  
 A7 SCALE: 1:50m



1 LEFT SIDE ELEVATION  
 A7 SCALE: 1:50m

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Revisions:

Note:  
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The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
Name	20917
TONY VALENTIN	BCIN
Date	02 02 22
REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1.(2) of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

Drawing title:  
**RIGHT & LEFT SIDE ELEV**

Drawn By: Arnel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A7**  
 of sheets

**APPENDIX "C"**  
**STAFF REPORT: JUNE 15, 2022**

## **Addendum to the City of Markham Committee of Adjustment**

June 21, 2022

**File:** A/064/21  
**Address:** 12 Reesorville Road – Markham, ON  
**Applicant:** Salvatore Rustico  
**Hearing Date:** June 22, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) Amending By-law 99-90, Section 1.2 (i):**

a maximum height of 10.14 m (33.27 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);

**b) Amending By-law 99-90, Section 1.2 (ii):**

a maximum depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and

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

a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%.

### **COMMENTS**

Staff provide revised comments on behalf of the East District team through this Addendum to the Initial Staff Report dated June 18, 2022 (Appendix “C”). Following issuance of the staff report, it is noted that staff have received written submissions in support of the proposed development from five area residents.

As of the writing of this Addendum, it is also noted that staff have received one petition signed by seven area residents. Separate from the petition, staff have also received one written submission objecting to the proposed development. Collectively, the concerns can be summarized as follows:

- That the proposed increases to building depth and height are considerably over the norm of what is considered to be minor;
- That the size of the proposed dwelling will not be consistent with the general development of the lands;
- The dwelling is heavily massed, and the By-law and Official Plan are meant to consider massing;
- That the dwelling will be larger than the other neighbouring dwellings; and
- That the surrounding area does not consist of oversized dwellings.

### **CONCLUSION**

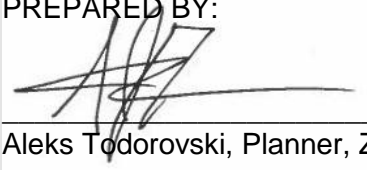
For the reasons described in the Staff Report, staff remain satisfied that the proposed development would be compatible, and generally consistent with the mass, height, and scale of other dwellings within the area. Accordingly, staff have no objections, and offer

the subsequent conditions of approval attached as Appendix "A" to the Initial Staff Report (see Appendix "A" of this Addendum).

**APPENDICES**

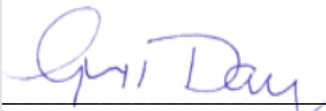
Appendix "A" – Initial Staff Report: June 15, 2022

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a white rectangular background. A horizontal line is drawn below the signature.

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in blue ink, appearing to read 'Geoff Day', is written over a white rectangular background. A horizontal line is drawn below the signature.

Geoff Day, Senior Planner II, Zoning and Special Projects

**APPENDIX "A"**  
**INITIAL STAFF REPORT: JUNE 15, 2022**

# Memorandum to the City of Markham Committee of Adjustment

June 15, 2022

**File:** A/064/22  
**Address:** 12 Reesorville Road – Markham, ON  
**Applicant:** Salvatore Rustico  
**Hearing Date:** June 22, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 10.14 m (33.27 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);
- b) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and
- c) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%.

## PROPERTY DESCRIPTION

The 1,000.60 m<sup>2</sup> (10,770.72 ft<sup>2</sup>) subject property is located on the north side of Reesorville Road, south of Church Street, and west of Wooten Way North. Properties along the street and within the surrounding area are generally rectangular, and vary in size. According to assessment records, properties along the street have lot areas that range from approximately 613.16 m<sup>2</sup> (6,600.0 ft<sup>2</sup>) to 1,225.64 m<sup>2</sup> (13,192.68 ft<sup>2</sup>). The subject property is located within an established residential neighbourhood, which contains a mix of low rise dwellings. The subject property is irregular in shape as it is situated at the west bend of the street, and narrows from north to south. The property is developed with an existing detached dwelling, and contains mature vegetation.

## PROPOSAL

The applicant is proposing to demolish the existing detached dwelling, and construct a new two-storey detached dwelling with a ground floor area of 228.97 m<sup>2</sup> (2,464.66 ft<sup>2</sup>), and a second floor area 207.34 m<sup>2</sup> (2,231.75 ft<sup>2</sup>) for a total gross floor area of 436.31 m<sup>2</sup> (4,696.41 ft<sup>2</sup>) resulting in a floor area ratio of 54.07%. The dwelling would also have a building height of 10.14 m (33.27 ft), and a building depth of 18.90 m (62.01 ft).

## OFFICIAL PLAN AND ZONING

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the

zoning requirements for adjacent properties, and properties along the street, while accommodating diverse building styles.

#### Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

#### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, floor area ratio, height, garage projection, garage width, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum depth, maximum height, and maximum floor area ratio.

### **ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN**

The applicant submitted an incomplete ZPR. The ZPR confirmed the following non-compliances: maximum encroachment, height, depth, floor area ratio, and minimum side yard setback.

The applicant submitted revised drawings on April 28, 2022, and confirmed the variance requests for this minor variance application as noted at the beginning of this memorandum. The applicant has not conducted a ZPR for the revised drawings.

Staff advise that it is the owner’s responsibility to ensure that the application has accurately identified all of 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 at the Building Permit review stage, further variance application(s) may be required to address any non-compliances.

### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

#### Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.14 m (33.27 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.34 m (1.12 ft). Staff consider the proposed increase in height to be modest, and minor in nature.

#### Increase in Maximum Building Depth

The applicant is requesting a maximum building depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 2.10 m (6.89 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest, and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes front and rear covered porches, which are both one-storey and unenclosed. Cumulatively, these features add approximately 3.64 m (11.94 ft) to the overall length of the building. Excluding the porches (and below grade cold cellars), the main component of the building measures approximately 16.55 m (54.30 ft). Staff have given consideration to the fact that these features are unenclosed and one-storey in height, and are of the opinion that the requested variance is in keeping with the general intent and purpose of the By-law.

#### Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 436.30 m<sup>2</sup> (4,696.29 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 363.10 m<sup>2</sup> (3,908.41 ft<sup>2</sup>). This is an increase of 73.20 m<sup>2</sup> (787.88 ft<sup>2</sup>).

Floor area ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. With exception to the requested height and depth variances, the building layout meets all other zoning provisions that establish the prescribed building envelope, which assists in establishing the prescribed building envelope. Based on a review of assessment records, 12 Reesorville Road has the second largest lot area along the street, with the only larger lot being the adjacent property, municipally known as 10 Reesorville Road. While variances are not precedent setting and are evaluated on their own individual merit and unique site characteristics, staff also consider other developments in an area to assist in the evaluation of a minor variance application with respect to such matters as compatibility and streetscape.

In 2016, staff note that the Committee approved a floor area ratio of 49.50% at 10 Reesorville Road. In terms of a numeric percentage, staff acknowledge that the requested floor area ratio of 54.07% is greater than the 49.50% floor area ratio. As the adjacent lot area is greater in size, the lesser request of 49.50% in fact results in a greater interior floor area of 450.75 m<sup>2</sup> (4,851.78 ft<sup>2</sup>). However, staff's assessment is not solely a quantitative exercise.

From a streetscape perspective, staff consider the proposed two-storey dwelling to be generally consistent and compatible with other existing dwellings along Reesorville Road, including that of the adjacent property. In assessing the requested variance individually, but also collectively with the other variance requests, staff consider the proposed height, mass, and scale, to be similar to other existing development along the street.

#### Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted by the Committee to ensure that the applicant installs the appropriate tree protection barriers and provides compensation to the City, if required. Staff also note that property owners are 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. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 15, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

### **CONCLUSION**

Planning staff have reviewed the application with respect to the four tests under Section 45(1) of the *Planning Act*, and are of the opinion that the proposed development would be compatible, generally consistent and sympathetic with the massing, height, and scale of other dwellings in the area. Staff have no objections to the proposed development, and offer the subsequent conditions of approval. Staff recommend that the Committee consider public input, and satisfy themselves as to whether the variance application meets the four tests. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22**

1. The variances apply only to the proposed development for 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 Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

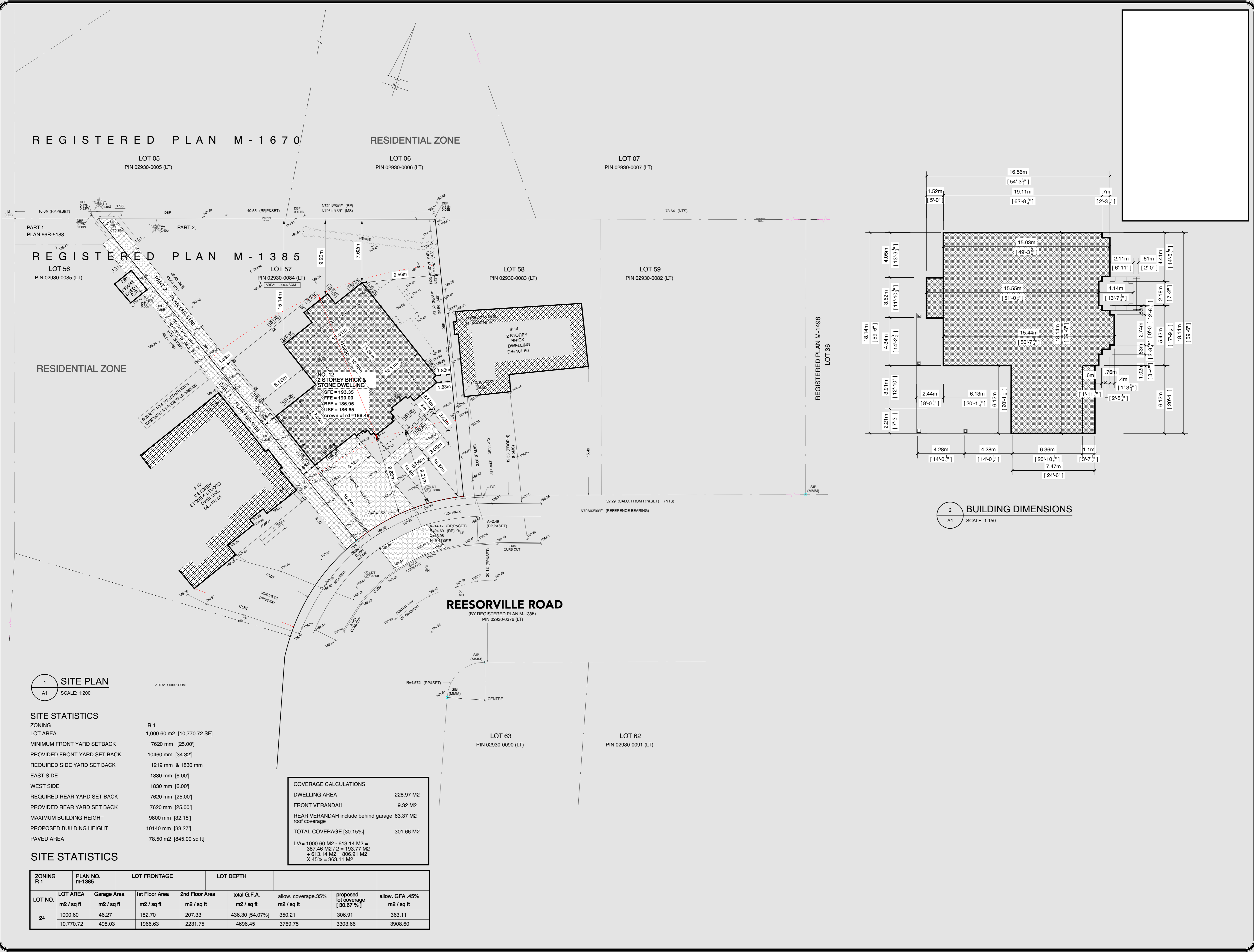
CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/22**



REGISTERED PLAN M-1670

RESIDENTIAL ZONE

REGISTERED PLAN M-1385

RESIDENTIAL ZONE

REESORVILLE ROAD  
 (BY REGISTERED PLAN M-1385)  
 PIN 02930-0376 (LT)

1 SITE PLAN  
 A1 SCALE: 1:200

SITE STATISTICS

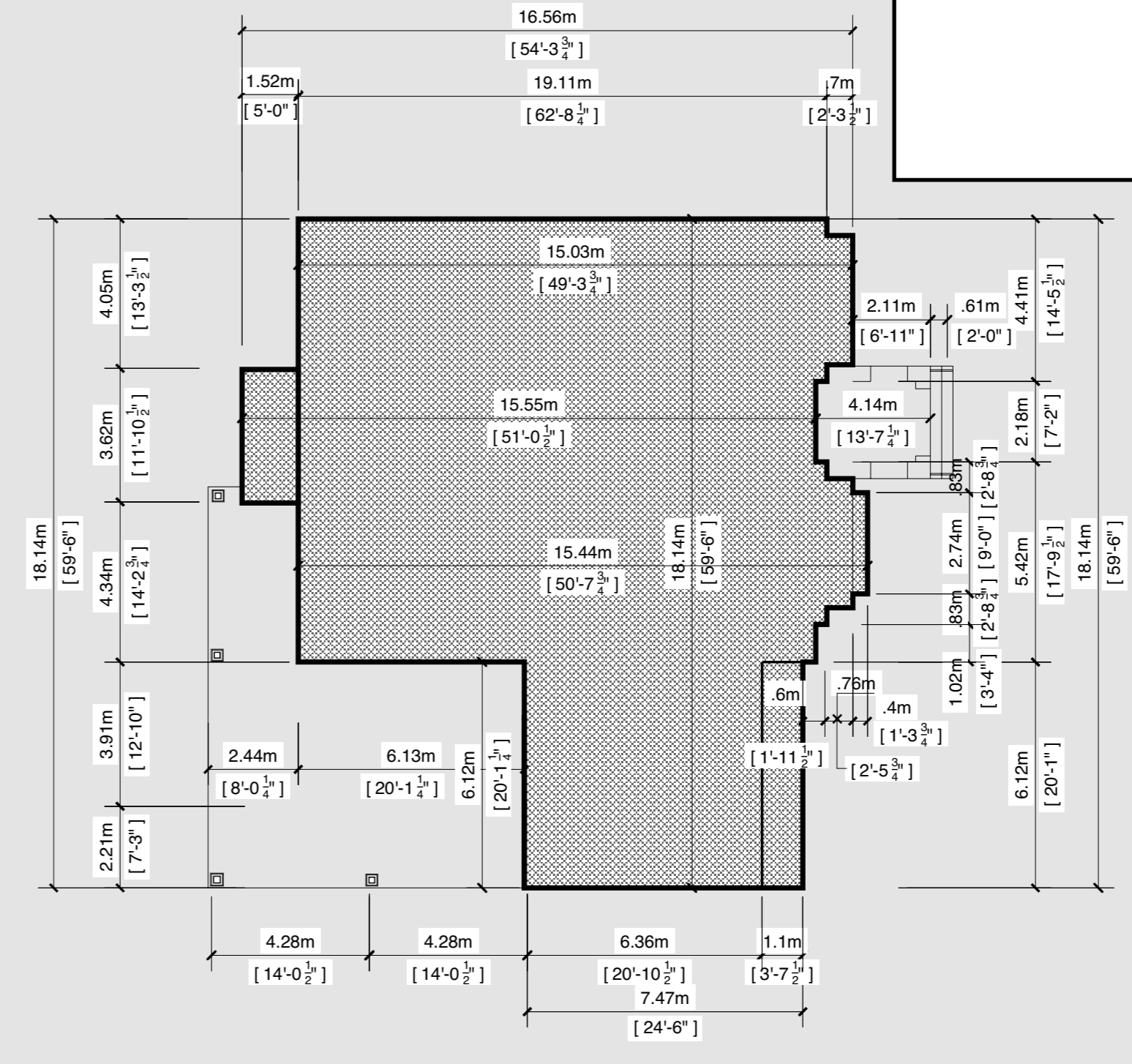
ZONING	R 1
LOT AREA	1,000.60 m <sup>2</sup> [10,770.72 SF]
MINIMUM FRONT YARD SETBACK	7620 mm [25.00']
PROVIDED FRONT YARD SETBACK	10460 mm [34.32']
REQUIRED SIDE YARD SETBACK	1219 mm & 1830 mm
EAST SIDE	1830 mm [6.00']
WEST SIDE	1830 mm [6.00']
REQUIRED REAR YARD SETBACK	7620 mm [25.00']
PROVIDED REAR YARD SETBACK	7620 mm [25.00']
MAXIMUM BUILDING HEIGHT	9800 mm [32.15']
PROPOSED BUILDING HEIGHT	10140 mm [33.27']
PAVED AREA	78.50 m <sup>2</sup> [845.00 sq ft]

COVERAGE CALCULATIONS

DWELLING AREA	228.97 M <sup>2</sup>
FRONT VERANDAH	9.32 M <sup>2</sup>
REAR VERANDAH include behind garage roof coverage	63.37 M <sup>2</sup>
TOTAL COVERAGE [30.15%]	301.66 M <sup>2</sup>

L/A= 1000.60 M<sup>2</sup> - 613.14 M<sup>2</sup> = 387.46 M<sup>2</sup> / 2 = 193.77 M<sup>2</sup>  
 + 613.14 M<sup>2</sup> = 806.91 M<sup>2</sup>  
 X 45% = 363.11 M<sup>2</sup>

ZONING	PLAN NO.	LOT FRONTAGE	LOT DEPTH	LOT AREA	1st Floor Area	2nd Floor Area	total G.F.A.	allow. coverage.35%	proposed lot coverage	allow. GFA 45%
R 1	n-1385	m / sq ft	m / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	m <sup>2</sup> / sq ft	[ % ]	m <sup>2</sup> / sq ft
24	1000.60	46.27	182.70	1000.60	182.70	207.33	436.30 [54.07%]	350.21	306.91	363.11
	10,770.72	498.03	1966.63	1000.60	1966.63	2231.75	4696.45	3769.75	3303.66	3908.60



2 BUILDING DIMENSIONS  
 A1 SCALE: 1:150

Revisions:

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Note:  
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 Contractors shall check and verify all dimensions and elevations and report any discrepancies before commencement of work.  
 All work to conform with all governing codes and by-laws. All prints of plans and specifications are the property of the designer and shall be returned upon completion of work.  
 Do not scale drawings dimensions to take precedent over scale.

QUALIFICATION INFORMATION  
 Required unless design is exempt under 3.2.5.1 of the building code  
 Ontario Building Code to be a designer:

Name	TONY VALENTIN	20817
Signature		02 02 22
Date		

REGISTRATION INFORMATION  
 Required unless design is exempt under 3.2.4.1.2) of the building code

Firm Name	TONY VALENTIN DESIGN	28858
		BCIN

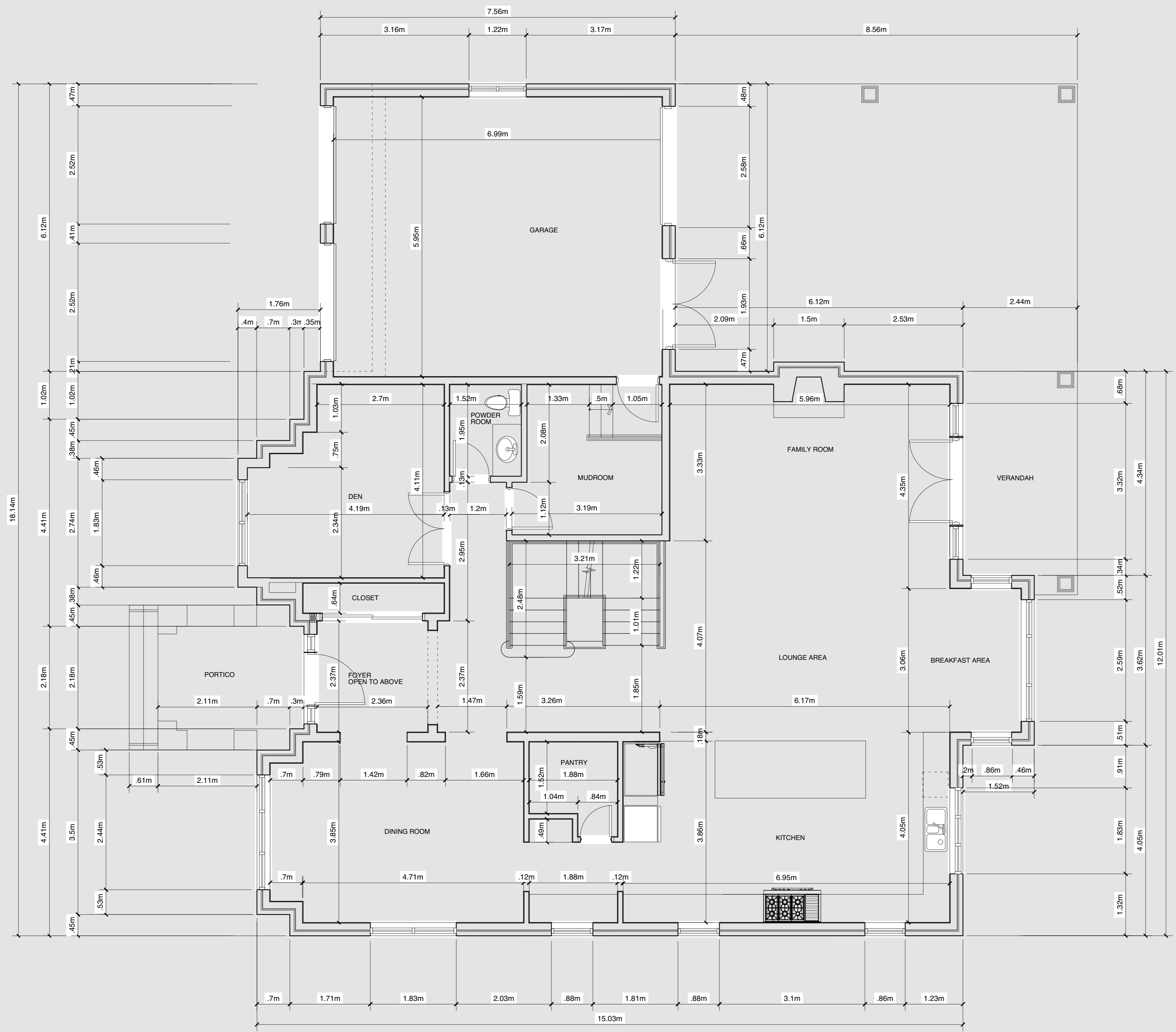
Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

Drawing title:  
**SITE PLAN and  
 STATISTICS**

Drawn By: Arnel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A1**  
 of sheets





**1 FIRST FLOOR PLAN**  
 A3 SCALE: 1:50

GROSS FLOOR AREA INCLUDE GARAGE=228.97 Sq m  
 FRONT VERANDAH COVERAGE=9.32 Sq m  
 REAR CANOPY COVERAGE=63.37 Sq m

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

**Revisions:**

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Do not scale drawings dimensions to take precedent over scale.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

**QUALIFICATION INFORMATION**  
 Required unless design is exempt under 3.2.5.1 of the building code

TONY VALENTIN	20917
Name	BCIN
Signature	02 02 22
Date	

**REGISTRATION INFORMATION**  
 Required unless design is exempt under 3.2.4.1(2) of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**

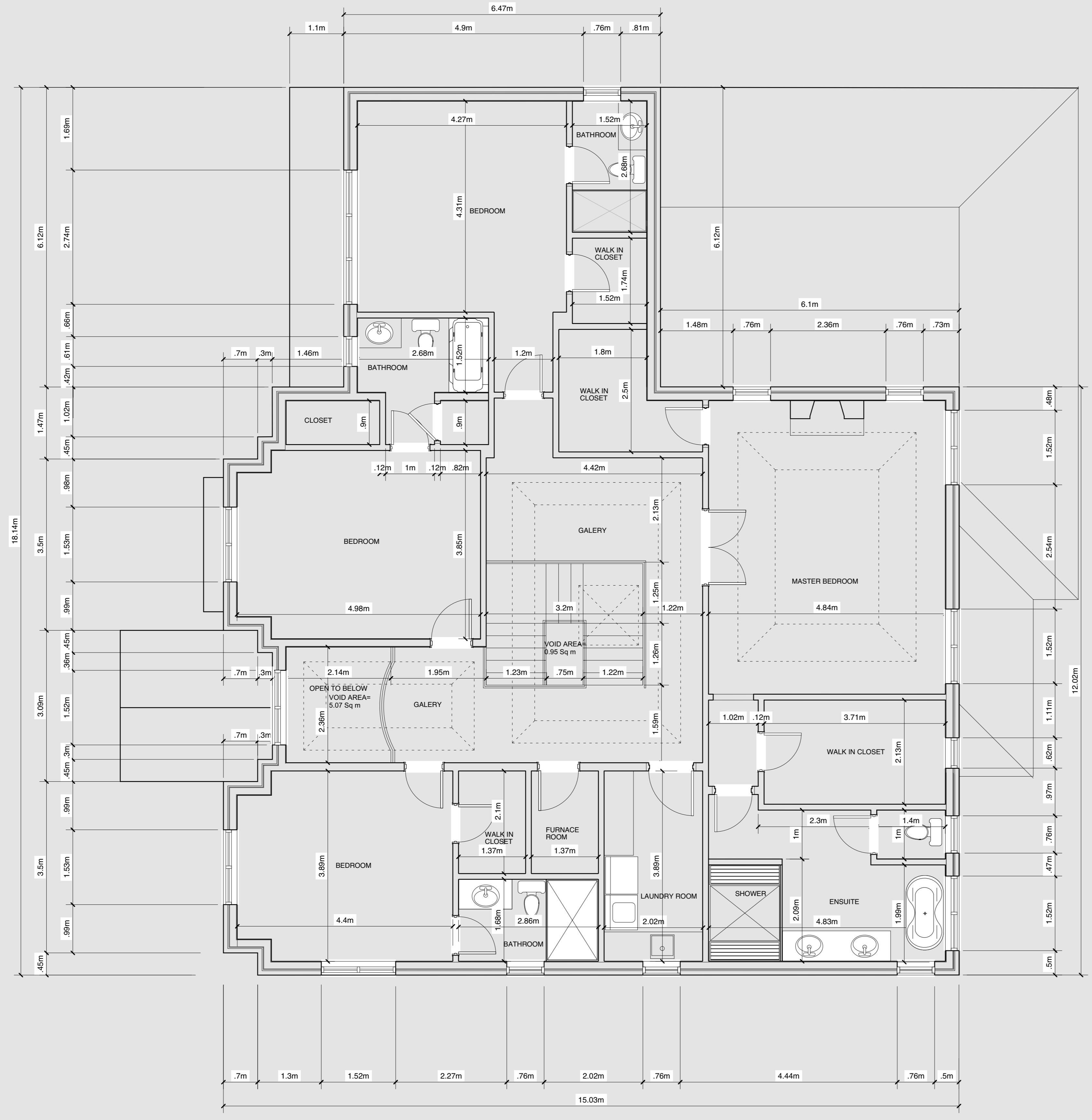
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**

CLIENTS: SAL RUSTICO

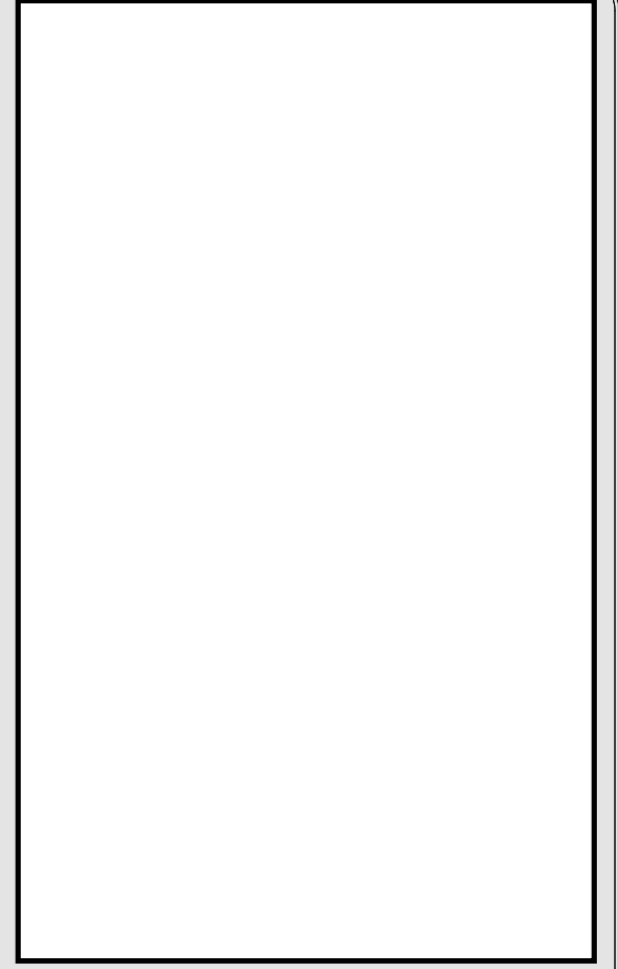
Drawing title:  
**FIRST FLOOR PLAN**

Drawn By: Amel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A3**  
 of sheets



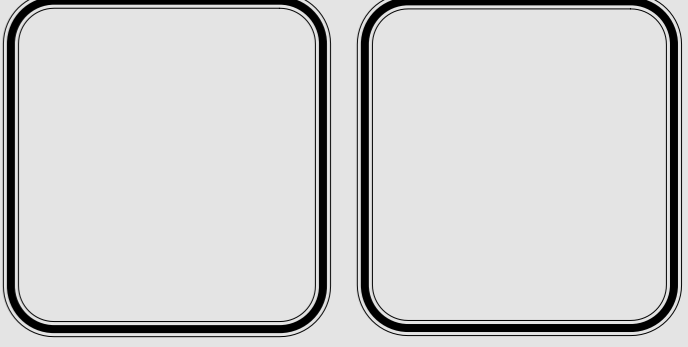
**1 SECOND FLOOR PLAN**  
 A4 SCALE: 1:75 gfa = 207.33 Sq m



No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Revisions:

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QUALIFICATION INFORMATION	
Required unless design is exempt under 3.2.5.1 of the building code	
TONY VALENTIN	20917 BCIN
Name	02 02 22
Signature	Date

REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1(2) of the building code	
TONY VALENTIN DESIGN	28858 BCIN
Firm Name	



Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

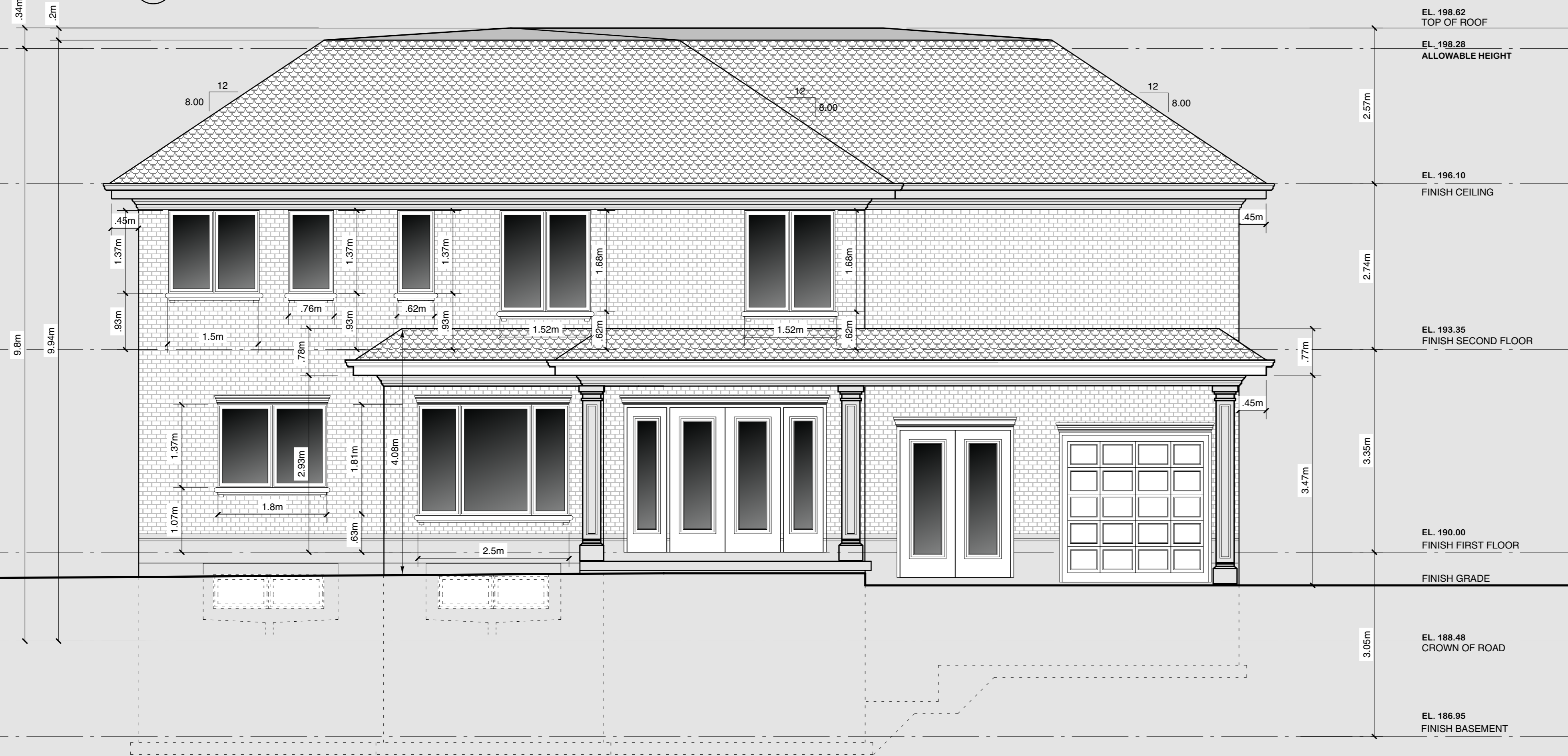
Drawing title:  
**SECOND FLOOR PLAN**

Drawn By: Amel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A4**  
 of sheets



1 FRONT ELEVATION  
SCALE: 1:50m



2 REAR ELEVATION  
SCALE: 1:50m

No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Revisions:

Note:  
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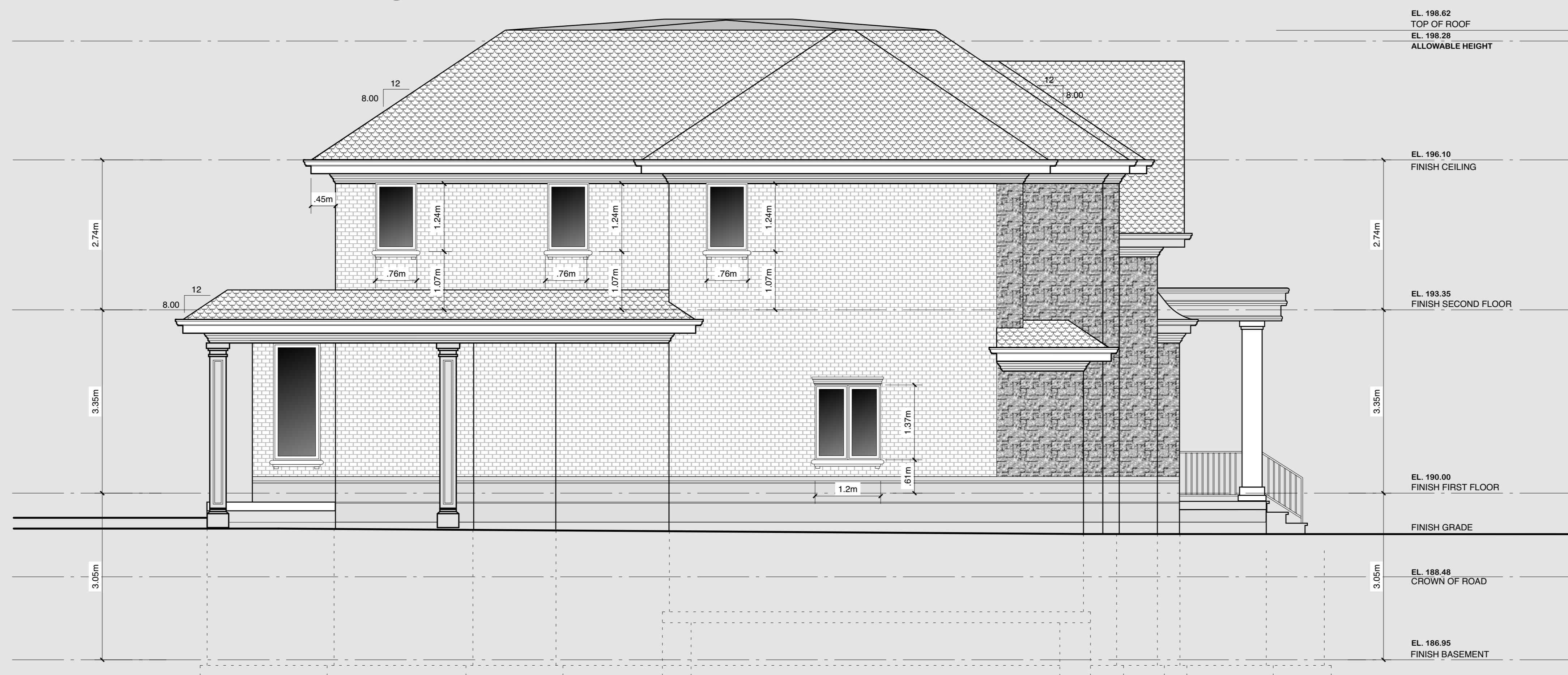
QUALIFICATION INFORMATION	
Required unless design is exempt under 3.2.5.1 of the building code	
TONY VALENTIN	20917
Name	BCIN
02 02 22	Date
Signature	
REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1.2 of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

Project title:  
**PROPOSED 2 STOREY  
STONE AND BRICK  
SINGLE DETACHED  
DWELLING**  
  
**12 REESORVILLE ROAD  
CITY OF MARKHAM**  
  
CLIENTS: SAL RUSTICO

Drawing title:  
**FRONT & REAR ELEV**

Drawn By: Arnel  
Designed By:  
Checked By:  
Date: MAR 20 21  
Scale: 1:200 M

project no  
sheet no  
**A6**  
of sheets



No	Date	Issuance and or Revisions	By
03	04 2022	issued for committee of adjustment	AD
02	02 2022	issued for zoning review	AD
01	03 2021	issued for client review	AD

Revisions:

Note:  
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 Do not scale drawings dimensions to take precedent over scale.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
Required unless design is exempt under 3.2.5.1 of the building code	
TONY VALENTIN	20817
Name	BCIN
Signature	02 02 22
Date	

REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.1.2 of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

Project title:  
**PROPOSED 2 STOREY  
 STONE AND BRICK  
 SINGLE DETACHED  
 DWELLING**  
**12 REESORVILLE ROAD  
 CITY OF MARKHAM**  
 CLIENTS: SAL RUSTICO

Drawing title:  
**RIGHT & LEFT SIDE ELEV**

Drawn By: Arnel  
 Designed By:  
 Checked By:  
 Date: MAR 20 21  
 Scale: 1:200 M

project no  
 sheet no  
**A7**  
 of sheets

**APPENDIX "D"**  
**MINUTES EXTRACT: JUNE 22, 2022**

access the unit and indicated that Committee operated under Provincial, Regional and Municipal directives regarding increasing the affordable housing stock within the province and was supportive of providing additional dwellings through secondary suites.

Gino Pagliuso thanked Chair for the information and stated he was in support of the application.

The Committee members had no questions for the agent.

The agent requested an amendment to condition number 4 of the staff report indicating that the as built situation of the air conditioner resulted in a 0.9m setback.

Greg Whitfield indicated that staff been made aware of this request earlier in the day and had reached out to zoning staff but did not receive confirmation. However, the planner who wrote the staff report Aleks Todorovski and a staff Senior Planner were of the opinion that the condition could be amended to reflect that setback at the point of the air conditioner.

The Chair asked the Committee members if they were in favour of amending the condition.

Member Gutfreund recommended condition number 4 could be amended but should reflect the recommendation of Greg Whitfield that the distance of 1.2m be amended to read "0.9m at the point of the air conditioner and 1.2m in all other aspects from the curb of Fairty Drive to the rear yard."

Member Prasad was in agreement with Member Gutfreund's recommendation and moved for approval with the conditions as amended.

**Moved By: Arun Prasad**  
**Seconded By: Tom Gutfreund**

The Committee unanimously approved the application.

THAT Application No **A/048/22** be **approved** subject to conditions contained in the staff report as amended.

Resolution Carried

**6. A/064/22**

**Owner Name: Salvatore Rustico**  
**Agent Name: Salvatore Rustico**  
**12 Reesorville Road, Markham**  
**PLAN M1385 LOT 57**

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 (i):**  
a maximum height of 10.14 m (33.27 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft);
- b) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 18.90 m (62.01 ft), whereas the By-law permits a maximum depth of 16.80 m (55.12 ft); and
- c) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 54.07%, whereas the By-law permits a maximum floor area ratio of 45.0%;

as it related to a proposed two-storey single detached dwelling.  
**(East District, Ward 4)**

The Chair introduced the application.

The owner, Sal Rustico, appeared on behalf of the application.

Sal indicated that they had read and understood the staff report and were in agreement with the conclusion. Sal was aware that the requested floor area ratio was greater than other approvals given by the committee recently, however, they felt given the size of the property and the transitioning nature of the community the request was appropriate.

Darren Parkhurst, of 12 Jack Court had submitted written correspondence signed by himself and the residents of seven other properties on Jack Court. Their concerns were outlined in the letter but were specifically related to the request for increased dwelling depth and floor area ratio both of which, when taken as a percentage change to the permissible requirements, were “greater” than minor variances. Darren requested clarification regarding what a Zoning Preliminary Review was and if it was necessary for the application to go forward.

Greg Whitfield provided information regarding the ZPR (Zoning Preliminary Review).

Darren Parkhurst highlighted sections of the staff report that spoke to the 2016 Committee of Adjustment decision for 10 Reesorville Road where a floor area ratio variance of 49.6 percent was granted. Darren indicated that while the proposed floor area of the two builds was similar the overall impact of the request for 12 Reesorville Road was greater due to the smaller property size. Darren, also indicated that the frontage was not consistent with the area with the only other new build within the immediate area being the adjacent property at 10 Reesorville Road and expressed concern that if granted this request would set precedence.

Elizabeth Brown, of 65 Lincoln Green Drive, and Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association,

appeared to speak to the application. Elizabeth advised she had provided written comments as well.

Elizabeth outlined that the applicant was requesting a floor area ratio that was significantly larger than permitted by the by-law. This proposal was heavily massed at the front of the property and did not relate to the lower bungalows of the area. The report spoke to 10 Reesorville Road as an infill property on the street. The build at 10 Reesorville Road had a sloped roof and a second floor that was built into the roof which reduced the massing. As stated by the previous speaker the house sizes would be similar but this application did not have the feel of a one storey dwelling at the front. A two storey house of this size could not be built within the by-law. The covered rear patio was not included in the floor area calculation and further increased the massing of the build on the property.

Elizabeth spoke to sections of the Official Plan and Zoning By-law that considered massing and built form and character of existing neighbourhoods. Excessive massing was not in keeping with the Official Plan or the Zoning By-law. As this was a large lot in neighbourhood it would be one of the largest homes if it were to be built to the by-law and with the requested variances it would be excessive for the area. Elizabeth requested the Committee to not approve the application.

Member Gutfreund agreed that the massing was too big and this was an exceedingly large home. When the open to below was added it made the massing even more significant. The request was not minor and they did not support as it stood and would like to see a Floor Area Ratio of less than 50 percent.

Member Yan acknowledged the receipt of letters submitted by the applicant in support of the application as well as the dissenting letters.

Member Yan agreed with Member Gutfreund and did not agree with the rationale in the staff report. The street had a mix of small and large lots; therefore, smaller and larger homes could be houses built as of right. They were concerned about the compatibility and fit of the proposal with regards to the streetscape and how the massing was presented at the front of the house. The member was not as concerned about the other two variances but was concerned with the request for an increased Floor Area Ratio and how the new dwelling would stand out on the streetscape. The member requested that the Floor Area Ratio be reduced.

Member Sampson agreed with their colleagues that the proposal was too big for the lot and the applicant should bring down the Floor Area Ratio.

The Chair and Greg Whitfield discussed the addendum to the staff report which referenced the letters of support and opposition submitted by the applicant and neighbours.

Member Gutfreund indicated despite the submitted letters and the staff report, the analysis and judgement of the committee members who had spoken was that the massing was too large and the request for Floor Area Ratio needed to come down and their position remained unchanged.

The Chair spoke to the presentation given by residents and the evidence submitted, and indicated that the Committee rarely approved requests for Floor Area Ratio of this amount, particularly in conjunction with elevations as submitted, as they did not mitigate the Floor Area Ratio request. The Chair recommended that the applicant consider the elevations and their impact on the massing, particularly the garage doors and the roofline, as the application as presented was not close to the streetscape of Reesorville Road.

The Chair offered the option of a deferral and suggested that the Residents Association was often willing to collaborate with applicants in the revised proposal.

The owner requested a deferral and indicated they would contact the Residents Association.

**Moved By: Tom Gutfreund**  
**Seconded By: Jaemie Reingold**

THAT Application No **A/064/22** be **deferred** sine die.

Resolution Carried

**7. A/069/22**

**Owner Name: Safia Khan**  
**Agent Name: Stambuk Homes (Ozren Stambuk)**  
**50 Kentview Crescent, Markham**  
**PLAN 65M3970 LOT 26**

The applicant was requesting relief from the following “Residential Two Exception \*224 (R2\*224) Zone” requirements under By-law 177-96, as amended, to permit:

- a) **Section 6.5:**  
a second dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

as it related to a proposed secondary suite (basement apartment).  
**(East District, Ward 7)**

The Chair introduced the application.