



**CITY OF MARKHAM
2024
Virtual Meeting**

**July 10th,
7:00 pm**

COMMITTEE OF ADJUSTMENT

Minutes

The 11th 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
Sally Yan	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O’Sullivan, Assistant Secretary-Treasurer

Regrets

Arun Prasad
Patrick Sampson

1. DISCLOSURE OF INTEREST

None

2. Minutes: June 19th, 2024

THAT the minutes of Meeting No. 10, of the City of Markham Committee of Adjustment, held June 19th, 2024 respectively, be:

- a) Approved on July 10th, 2024.

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

Carried

3. NEW BUSINESS: CONSENTS

3.1 B/005/24

Agent Name: Glenn Rubinoff
68 Sprucewood Drive, Thornhill
PLAN 2368 LOT 86 65R38829 PARTS 1 AND 2

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 15.24 metres and an approximate lot area of 929 square metres (Part 2); and
- b) retain** a parcel of land with an approximate lot frontage of 15.24 metres and an approximate lot area of 929 square metres (Part 1).

This application was associated with previous Consent applications B/014/21 and B/001/19, which received Provisional Consent on November 24, 2021 and June 18, 2019 respectively. The conditions of approval were not completed within the legislated timeframe under the Planning Act.

The agent, Glenn Rubinoff, appeared on behalf of the application. He did not have additional comments to add regarding the Staff Report but remained available for questions.

Yasmin Samji, a neighbour, spoke to the Committee regarding concerns related to driveway design, safety and trees. The agent Glen Rubinoff provided Yasmin with information regarding the driveway and trees.

The Chair confirmed that Staff had reviewed the driveway location and had no concerns.

Member Reingold noted that the conditions for the application are extensive and thorough to align with CN Rail comments as well as Tree Preservation requirements. Member Reingold stated that she supported the application.

Member Yan also supported the application and noted that it was technical in nature and the application complies with the conditions covering all of the requirements.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/005/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/008/24, B/010/24, B/011/24 were heard concurrently with the discussion recorded under B/008/24.

3.2. B/008/24

**Agent Name: Alexander Planning Inc. (Deborah Alexander)
2946 and 2948 Elgin Mills Road East, Markham
CON 3 PT LOT 26 RP 65R39916 PT PARTS 2 AND 9**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 10.53 metres, and an approximate lot area of 266.3 square metres (Parts 1, 19, 20); and
- b) retain** a parcel of land with an approximate lot frontage of 6.9 metres, and an approximate lot area of 207.4 square metres (Parts 2, 17, 18).

The purpose of this application was to sever the Subject Lands to facilitate the creation of two (2) semi-detached units along the party wall.

This application was associated with Consent applications B/010/24 and B/011/24. This application was related to Site Plan Control application 14.109571.000.00 which was re-endorsed in 2022, and Consent application B/015/21 which was approved in 2022.

The agent, Deborah Alexander, appeared on behalf of the application.

Member Yan noted that this application seemed like the final step in the Consent process to get the units ready for sale. Member Yan did not have any objection to the application but asked if Parkland Dedication was required in the process. Greg Whitfield, Supervisor, Committee of Adjustment, clarified that Parkland Dedication was addressed through the Site Plan Agreement. Member Yan stated that she supported the applications subject to any comments from her colleagues.

Member Reingold asked if construction had already begun for the project. The agent Deborah Alexander noted that construction had commenced with the foundation surveyed along the shared party walls, which has led to this final Consent application for the property.

Member Yan motioned for approval with conditions.

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

The Committee unanimously approved the application.

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

Resolution Carried

3.3 B/010/24

**Agent Name: Alexander Planning Inc. (Deborah Alexander)
2950 and 2952 Elgin Mills Road East, Markham
CON 3 PT LOT 26 RP 65R39916 PT PARTS 3 AND 8**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 6.9 metres, and an approximate lot area of 207.3 square metres (Parts 3, 15, 16); and
- b) **retain** a parcel of land with an approximate lot frontage of 6.9 metres, and an approximate lot area of 207.4 square metres (Parts 4, 13, 14).

The purpose of this application was to sever the Subject Lands to facilitate the creation of two (2)-semi-detached units along the party wall.

This application was associated with Consent applications B/008/24 and B/011/24. This application was related to Site Plan Control application 14.109571.000.00 which was re-endorsed in 2022, and Consent application B/029/21 which was approved in 2022.

Member Yan motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **B/010/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.4 B/011/24

**Agent Name: Alexander Planning Inc. (Deborah Alexander)
2954 and 2956 Elgin Mills Road, Markham
CON 3 PT LOT 26 RP 65R39916 PT PARTS 4 AND 7**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 6.9 metres, and an approximate lot area of 207.4 square metres (Parts 5, 11, 12);
- b) **sever and convey** a parcel of land with an approximate lot frontage of 7.63 metres, and an approximate lot area of 286.6 square metres (Parts 6, 7, 8, 9, and 10); and
- c) **retain** a parcel of land with an approximate lot area of 554 square metres (Part 21).

The purpose of this application was to sever the Subject Lands to facilitate the creation of two (2) semi-detached units along the party wall, and one (1) common element condominium laneway.

This application was associated with Consent applications B/008/24 and B/010/24. This application was related to Site Plan Control application 14.109571.000.00 which was re-endorsed in 2022, and Consent application B/029/21 which was approved in 2022.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/011/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.5 B/012/24

Agent Name: The Remington Group (Joseph Pavia)
191 McNabb Street, Markham
PLAN M1915 BLK 13 & PART BLK 12

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 100 metres and an approximate lot area of 7,218.80 square metres (Parts 1, 2 & 3);
- b) **retain** a parcel of land with an approximate lot area of 7,709.50 square metres (Part 4); and
- c) **establish an easement** over Part 1, in favour of Part 4 for the purpose of maintenance and servicing.

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

This application was related to application 22 120692 PLAN.

The agent, Joseph Pavia, appeared on behalf of the application.

Member Yan supported the application and appreciated the intent to utilize the site further and maximize the use.

Member Reingold indicated that the proposal was reasonable and noted support from Staff and stated that she supported the application.

The Chair was also in agreement with the proposal.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/012/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. PREVIOUS BUSINESS:

4.1 A/028/24

Agent Name: Memar Architects Inc. (Lucy Mar Guzman)
15 Hamilton Hall Drive, Markham
PLAN M1385 LOT 9

The applicant was requesting relief from the requirements of By-law 2024-19 and By-law 1229, as amended, to permit:

By-law 2024-19

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

a main building coverage for the second-storey of 23.73 percent, whereas the by-law permits a maximum second-storey coverage of 20 percent of the lot area;

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

a maximum distance of the main building from the established building line for any storey above the first storey of 16.34 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;

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

the projection above the maximum outside wall height of 2.69 metres, whereas the by-law permits a projection above the maximum outside wall height of 1 metres;
and

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

a lot frontage of 18.29 metres, whereas the by-law requires a minimum lot frontage of 23 metres;

By-law 1229

a) By-law 1229, Section 1.2(vi):

a maximum Floor Area Ratio of 49.68 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 agent, Sean Toussi, appeared on behalf of the application. Sean Toussi presented the application noting that accessibility friendly designs were included to accommodate for the needs of a household member. Sean identified the concerns of the Committee addressed at the previous hearing and noted the changes made to the plans.

The Committee received five written pieces of correspondence: two letters of support, one neutral, and two in objection to the application.

Laura Galati, spoke to the Committee about concerns related to the massing of the dwelling and was of the opinion that the goals of By-law 2024-19 would be to ameliorate previous concerns with infill development and that the variances were not minor in nature.

Member Reingold noted that this application was rooted in genuine need for a family's accommodation for accessibility and found the design to be a sensible fit to the neighbourhood. She liked the changes to the proposal and the elimination of the side yard setback variance.

Member Yan appreciated the presentation made by the applicant and was happy to see that the variances were reduced or removed from the previous hearing. Member Yan agreed that a special exception on the second floor should be made to accommodate for an accessibly designed home.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/028/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. NEW BUSINESS: MINOR VARIANCE

5.1 A/055/23

Agent Name: Gregory Design Group (Shane Gregory)
Address: 16 George Street, Markham
PLAN 18 LOT 10 PT BLK G

The applicant was requesting relief from the requirements of By-Law 2024-19 & By-Law 1229, as amended, to permit:

By-law 2024-19

- a) By-law 2024-19, Section 4.8.1(b)(ii):**
an accessory building with a gross floor area of 20.13 square metres, whereas the by-law permits a maximum gross floor area of 20 square metres for an accessory building; and
- b) By-law 2024-19, Section 4.8.1(e)(i):**
an interior side yard setback of 0.59 metres, whereas the by-law requires a minimum of 1.2 metres for the interior side yard setback;

By-law 1229

- a) By-law 1229, Section 11.3 (a)(vi):**
a minimum setback of 1.93 feet, whereas the by-law requires a minimum setback of 4 feet;

as it related to a proposed accessory structure in the rear of the property.

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

The Committee received two written pieces of correspondence in support of the application.

Member Yan asked what triggered the application. The agent, Shane Gregory indicated that the application was to rectify an issue of non-compliance for an existing accessory structure in the rear yard.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeannie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/055/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/158/23

Agent Name: John Chen
11 Fierheller Court, Markham
PLAN 65M4398 LOT 218

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

a) By-law 177-96, Section 7.456.2:

a minimum rear yard setback of 3.5 metres for the sunroom addition, whereas the by-law requires a minimum rear yard setback of 7 metres; and

b) By-law 177-96, Section 6.2.1:

a deck over 1 metre in height to project 3.6 metres to the rear lot line, whereas the by-law permits a maximum projection of 3 metres;

as it related to an existing deck and sunroom.

The agent, John Chen, appeared on behalf of the application. He acknowledged the written comments from neighbours regarding property values as well as privacy and noted that there are several properties on Fierheller Court that also have similar decks. John stated that the deck has existed on the site for nine years and was an integral part of the property. John asked for consideration from the Committee as the owner was not aware of the by-laws when they hired a contractor.

The Committee received three written pieces of correspondence in objection to the application.

Jea Wei Hau, a neighbour to the rear of the property, spoke to the Committee. Jea Wei stated that the deck was too large and, in his opinion, by-laws are in place for a reason and ignorance to the standards of the by-law are not a justified reason.

Venessa Briggs-Garcia a neighbour to the rear of the property, spoke to the Committee and shared photos from her property showcasing the size and scale of the deck. Venessa noted

that the deck impacted the view, negatively impacted property values, and was a significant privacy concern.

Member Reingold acknowledged that the photos provided a context to the massing of deck and she understands how it can change the enjoyment of the amenity spaces for the properties to the rear. Member Reingold suggested tall pyramid planting at the expense of the owner of 11 Fierheller Court would go a long way in helping to correct the privacy concerns.

Member Yan noted that this was a challenging issue within this neighbourhood due to the significant grade drop in the area, however the rear yards along Beckett have a grade issue which emphasizes the privacy issue. Member Yan noted that as the deck has existed for nine years, a compromise was suggested through landscape buffering.

The Chair stated that due to the lot grading between Fierheller Court and Beckett Avenue there would be a discrepancy of privacy due to the differences in lot levels.

The agent, John Chen commented that the deck has existed for nearly a decade and that he was willing to use landscaping measures to work with the neighbours based on their concerns. The Chair asked Greg Whitfield, Supervisor, Committee of Adjustment, if a condition related to landscape buffering could be implemented.

Greg Whitfield stated that the condition would be identified as a post approval condition.

Greg Whitfield then presented the condition: That the applicant provide appropriate screening in the form of tree plantings along the south lot line, to the satisfaction of the Supervisor of the Committee of Adjustment or their designate.

Member Yan agreed with the added condition.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/158/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/048/24

Agent Name: Hilltop Development Corp. (Waqas Ahmad)
3026 Elgin Mills Road East, Markham

PLAN 501 PT LOT 1

The applicant was requesting relief from the requirements of By-law 83-73, as amended, to permit:

a) By-law 53-95, Section 1.2(k):

an in-ground sign advertising a home occupation, whereas the by-law does not permit an in-ground sign advertising a home occupation;

as it related to a proposed sign on a residential property.

The agent, Waqas Ahmad, appeared on behalf of the application.

The Committee received eight written pieces of correspondence in support of the application.

Member Reingold did not support the application indicating that the sign was not appropriate in terms of the design, size, and lighting for the property.

The Chair noted that the sign had gone through heritage review.

Member Yan asked if a sign permit application had been applied for and if the review was complete. Member Yan supported the application and feeling it was minor in nature.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Greg Knight

Opposed by: Jeamie Reingold

The majority of the Committee approved the application.

THAT Application No. **A/048/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/055/24

Agent Name: Delta Engineering Services (Ramesh Savaliya)
4345 14th Avenue, Markham
CON 5 PT LOT 5

The applicant was requesting relief from the requirements of By-law 2024-19 & By-law 90-81, as amended, to permit:

- a) **Amending By-law 163-92, Section 1.3.3:** a minimum front yard setback of ~~23 metres~~ **28 metres**, whereas the by-law requires a minimum front yard setback of 33 metres; and
- b) **Amending By-law 163-92, Section 1.3.4:** a maximum gross floor area of ~~2,810 square metres~~, whereas the by-law permits a maximum gross floor area of 2,710 square metres;

as it related to an addition of a vestibule for barrier-free accessibility and a portico at the entrance of the existing place of worship.

Yash Kapur, the representative of Arya Samaj Markham, appeared on behalf of the application.

Member Reingold supported the application and felt that a vestibule makes sense in the climate we live in.

The Chair asked if additional materials were presented due to the revised Staff Report. Greg Whitfield confirmed the application had been amended to remove variance **b)** and increase the front yard setback.

Member Yan supported of the application and motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/055/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/067/24

Agent Name: Gagnon Walker Domes Ltd. (Marc De Nardis)
2600 John Street, Thornhill
PL M1707 BLK F

The applicant was requesting relief from the requirements of By-law 2024-19 & By-law 108-81, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 9.4.1.2 (d):**

a minimum rear yard setback of 6 metres, whereas the by-law requires a minimum rear yard setback of 9 metres;

By-law 108-81

a) By-law 108-81, Section 6.1(d)(iii):

a minimum rear yard yard setback of 6 metres, whereas the by-law requires a minimum rear yard setback of 12 metres;

b) By-law 108-81, Section 4.5.2:

a loading space to have a minimum length of 6 metres, whereas the by-law requires a loading space to have a minimum length of 12 metres;

c) By-law 108-81, Section 4.5.2:

a loading space to have a minimum width of 3.4 metres, whereas the by-law requires a loading space to have a minimum width of 3.6 metres; and

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

a minimum of 215 parking spaces, whereas the by-law requires a minimum of 242 parking spaces;

as it related to the conversion of an industrial building to an industrial building with condominium tenure.

This application was associated with Draft Plan of Condominium application CNDO 2023 141251 000 00.

The agent, Marc De Nardis, appeared on behalf of the application.

Member Yan identified the application as straightforward relating to the revitalization of the site by changing to a condominium tenure. Member Yan supported the application and noted it was minor.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/067/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Committee of Adjustment Minutes
Wednesday July 10th, 2024

6. Adjournment

Moved by: Sally Yan
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:45 pm, and the next regular meeting would be held on July 24th, 2024.

CARRIED

Original Signed on July 24, 2024
Assistant Secretary-Treasurer
Committee of Adjustment

Original Signed on July 24, 2024
Chair
Committee of Adjustment