



CITY OF MARKHAM
Virtual Meeting

August 14, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 13th 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
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Derek Lutz, Development Technician

Regrets

Arun Prasad

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: July 24, 2024

THAT the minutes of Meeting No. 12, of the City of Markham Committee of Adjustment, held July 24, 2024 respectively, be:

- a) Approved on August 14, 2024.

Moved by: Jamie Reingold
Seconded by: Patrick Sampson

Carried

4. REQUESTS FOR DEFERRAL

4.1 A/065/24

**Agent Name: Brown & Beattie
70 Halder Crescent, Markham
PLAN 65M2093 PT LOT 92 65R6675 PTS 1 & 2**

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

By-law 2024-19

a) By-law 2024-19, Section 5.2.5:

a minimum length of not less than 4.85 metres for a parking space, whereas the by-law requires a minimum length of not less than 5.8 metres for a parking space;

By-law 28-97

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

a minimum length of not less than 4.85 metres for required parking spaces provided in an enclosed garage, whereas the by-law requires a minimum length of not less than of 5.8 metres for parking spaces provided in an enclosed garage;

as it related to fire damage repairs and interior alterations for the creation of a basement dwelling unit in a single-detached home.

The agent, Ron Jeyam, appeared on behalf of the application.

Member Sampson motioned for deferral.

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

THAT Application No. A/065/24 be **deferred** sine die.

Resolution Carried

5. PREVIOUS BUSINESS

5.1 A/041/24

**Agent Name: Arrow Architecture Ltd.
12 Thomas Reid Road, Markham
PLAN M1719 LOT 14**

The applicant was requesting relief from the requirements of By-law 2024-19 and 83-73, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2.m):**
a maximum projection of 6.9 metres of an attached private garage beyond the main wall of the building, whereas the by-law permits a maximum projection of 1.8 metres;
- b) **By-law 2024-19, Section 6.3.2.2.f):**
a minimum front yard setback of 12.2 metres, whereas the by-law requires a minimum front yard setback of 13.75 metres; and
- c) **By-law 2024-19, Section 6.3.2.2.i):**
a minimum combined interior side yard of 6.6 metres, whereas the by-law requires a minimum combined interior side yard of 25 percent of the lot width (7.7 metres);

as it related to the extension of an existing garage.

The agent, Alex Wu, appeared on behalf of the application.

The owner Andy Wu confirmed that the garage would be used for parking and storage.

Member Sampson agreed with the staff recommendations, noting that the house was well set back from the road and the proposal would not impact the public realm. The application was minor and met the four tests of the *Planning Act*.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/041/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/035/24

Agent Name: Mehdy Ajvand
56 Ladyslipper Court, Thornhill
PL M1095 LT 13

The applicant was requesting relief from the requirements of By-law 2024-19 and 1767, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2 i):**
a combined interior side yard setback on both sides of 3.67 metres, whereas the by-law requires a minimum combined interior yard setback of 4 metres on both sides;
- b) **By-law 2024-19, Section 6.3.2.2 c):**
a main building coverage of 23.5 percent (2,490 square feet) for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent (2,120 square feet) of the lot area for any storey above the first;
- c) **By-law 2024-19, Section 6.3.2.2 e):**
a maximum distance of the main building from the established building line of 16.80 metres for the second storey, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;

By-law 1767

- a) **By-law 1767, Amending By-law 100-90, Section 1.2(iii):**
a maximum building depth of 22.40 metres, whereas the by-law permits a maximum building depth of 16.80 metres;
- b) **By-law 1767, Amending By-law 100-90, Section 1.2(vii):**
a floor area ratio of 51.4 percent (4,649 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (4,525 square feet);

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

The agent, Mehdy Ajvand, appeared on behalf of the application, detailing the changes made since the previous meeting.

The Committee received two written pieces of correspondence.

Joan Honsberger, representative of the Ward 1 Residents Association, spoke to the Committee regarding bird-friendly guidelines.

Karim Ghanbari, a neighbour, had concerns about the building's depth, height, and swimming pool related to privacy, shadowing, and runoff.

Member Reingold appreciated the changes made by the applicant since the previous meeting. Member Reingold expressed that the careful design was transitional to the neighbourhood. Member Reingold recommended considering privacy screening for the balcony at the rear to reduce overlook and privacy concerns.

Member Yan indicated it was an appropriate design for the neighbourhood and that the reduced request for a side yard would minimize the impact on the streetscape.

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/035/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. NEW BUSINESS:

6.1. B/004/23

**Agent Name: Malone Given Parsons Ltd.
4638 Major Mackenzie Drive, Markham
CON 6 PT LOT 21 65R36394 PART 1**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 23.69 metres and an approximate lot area of 5578.30 square metres (Part 11); and
- b) retain** a parcel of land with an approximate lot frontage of 1,251 metres and an approximate lot area of 59.70 hectares (Part 1 of Plan 65R-14120).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new development lot to accommodate a land exchange between neighbours to regularize property boundaries.

This application was related to PLAN application 20 113780 which was approved in 2022.

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

The Committee received one written piece of correspondence.

Member Yan indicated the requested consent was a straightforward, technical request and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/004/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 B/019/24

Agent Name: Glen Schnarr & Associates Inc.
7550 Woodbine Avenue, Markham
PLAN M1707 PT BLKS A AND T 65R25510 PTS 1 4 AND 5

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 72.37 metres and an approximate lot area of 5872 square metres (Parts 5 and 6);
- b) retain** a parcel of land with an approximate lot frontage of 52.72 metres and an approximate lot area of 11,226 square metres (Parts 1,2,3, and 4);
- c) establish an easement** over Part 4 in favour of the Severed Lands (Parts 5 and 6) for the purpose of access;
- d) establish an easement** over Part 5 in favour of the Retained Lands (Parts 1,2,3, and 4) for the purpose of access.

The purpose of this application was to sever the subject lands and create one (1) new lot to facilitate the development of a commercial self-storage facility on the subject lands.

This application was associated with PLAN application 2023 117840 000 00 which was recently approved.

The agent, Stephanie Matveeva, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Andrew Kim spoke to the Committee regarding erosion and sediment runoff from the site onto their property.

Nancy Bland spoke on behalf of the owner regarding the erosion and sediment control issues.

Member Yan noted the planning approvals history for the site and indicated that the consent was straightforward, intending to create separate ownership of the northern portion to facilitate the site's development.

Member Sampson indicated the Committee was considering the severance of the land only, and the application met the criteria for consent and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **B/019/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.3 A/044/24

Agent Name: Renor and Associates Inc.
6 Fitzroy Avenue, Markham
PLAN 65M4193 LOT 37

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

- a) **By-law 28-97, Section 3, Table A, Subsection G:**
a minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces;

as it related to a proposed accessory dwelling unit.

The agent, Imran Khan, appeared on behalf of the application.

The Committee received one written piece of correspondence.

David Lai Wai, a neighbour, asked for further clarification on the application.

Member Sampson agreed with the recommendations of the staff report.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/044/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.4 A/006/24

**Agent Name: Frank Rotundo Architect Inc.
16 Ferrah Street, Markham
PLAN M1475 LOT 110 RS66R6868 PARTS 1 AND 2**

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 front yard setback of 24 feet 8 inches (7.52 metres) to the covered porch, whereas the by-law requires a minimum front yard setback to the covered porch of 27 feet;
- b) By-law 11-72, Section 6.1:**
a maximum lot coverage of 36.36 percent, whereas the by-law permits a maximum lot coverage of 33 and 1/3 percent;
- c) By-law 11-72, Section 6.1:**
a maximum building height of 27 feet 4 inches provided the main roof deck is no higher than 26 feet 4 inches, whereas the by-law permits a maximum building height of 25 feet;

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

The agent, Frank Rotundo, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free spoke to the Committee, indicating that the variances in aggregate were inappropriate and would impact sunlight, drainage and trees for the neighbours.

Christianne Bergaurer-Free commented that the massing of the proposal would reduce the amount of green space and impact the drainage and privacy of the neighbours. Christianne didn't believe the applicants had provided sufficient justification to demonstrate a need for the requested variances.

Member Sampson indicated that the proposal's massing was noticeable and did not support the request.

Member Yan agreed that the scale and massing of the proposed house was significant and was concerned that it was out of scale and overly large for the neighbourhood.

Member Reingold felt the house size was reasonable and the requests were numerically minor. The design was very square with significant visual massing. However, there were no

grounds not to approve, and the design did have elements to provide visual interest and relief.

The Chair agreed that the house did not appear huge and was designed with a compact front elevation that would not look out of place and would complement the neighbourhood. The requested variances were within the range that the Committee would typically approve.

Member Yan supported the application after reconsidering the plans and the revisions made by the applicant during the planning review.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold
Opposed: Patrick Sampson

The majority of the Committee approved the application.

THAT Application No. **A/006/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.5 A/070/24

Agent Name: Rijo Build Inc.
94 Tomlinson Circle, Markham
PLAN 65M2556 BLK 144 PLAN 65M2513 BLK 176

The applicant was requesting relief from the requirements of By-law 2024-19 and 118-79, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 4.8.9.1 b):**
a maximum uncovered deck projection of 53 percent of the requested rear yard setback, whereas the by-law permits hard landscaping to project into the rear yard a maximum of 50 percent of the required rear yard setback;
- b) **By-law 2024-19, Section 6.3.2.2 c):**
a maximum main building coverage of 41 percent for the first storey, whereas the by-law permits a maximum main building coverage of 30 percent for the first storey;
- c) **By-law 2024-19, Section 6.3.2.2 d):**

a maximum lot coverage of 41 percent, whereas the by-law permits a maximum lot coverage of 35 percent;

d) By-law 2024-19, Section 6.3.2.2 e):

a maximum distance of 23.4 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance of 19 metres from the established building line;

e) By-law 2024-19, Section 6.3.2.2 g):

a minimum rear yard setback of 4.84 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

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

a combined interior side yard of 3.17 metres; whereas the by-law requires a combined interior side yard of 4 metres;

By-law 118-79

a) By-law 118-79, Section 7.2:

a minimum rear yard setback of 4.84 metres, whereas the by-law requires a minimum of 7.5 metres;

b) By-law 118-79, Section 7.2:

a maximum lot coverage of 41 percent, whereas the by-law permits a maximum of 33.33 percent;

as it related to a proposed rear addition and uncovered deck.

The agent, Jonathan Slaa, appeared on behalf of the application.

The Committee received six written pieces of correspondence.

Member Sampson commented that while the numbers associated with the request appeared large when considered in the context of what was proposed, they were minor and had staff support.

Member Yan expressed that the proposed addition was minor, limited in scope and enhanced the use of the property.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/070/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.6 A/064/24

**Agent Name: Weston Consulting
Commerce Valley Drive, Thornhill
PLAN 65M2665 BLK 1**

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

- a) **By-law 165-80, Amending By-law 108-92, Section 1.2(b)(i):**
a maximum height of 29.0 metres, whereas the by-law permits a maximum height of 8.0 metres;
- b) **By-law 165-80, Section 5.2(f):**
a minimum gross floor area of 24 square metres for a guard house building, whereas the by-law requires a minimum gross floor area per building of 1,400 square metres;
- c) **By-law 165-80, Section 4.8.4(d):**
accessory industrial equipment in a yard adjacent to a street, whereas the by-law does not permit accessory industrial equipment located in a yard adjacent to a street;
- d) **By-law 165-80, Section 4.7.1 (b):**
a strip of land having a minimum depth of 3.0 metres along Commerce Valley Drive East, whereas the by-law requires a minimum depth of 6.0 metres;
- e) **Parking By-law 28-97, Section 3, Table B:**
a minimum of 57 parking spaces, whereas the by-law requires a minimum of 175 parking spaces;

as it related to the development of a three-storey data processing centre building.

This application was associated with Site Plan Control application SPC 2023 116627 000 00.

The agent, Raj Lamichhane, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Dagmar Teubner spoke to the Committee, expressing concern regarding the visual impact of the industrial equipment from both the streetscape and the upper floors of the

surrounding office buildings. Additionally, Dagmar did not consider the use appropriate for a gateway property.

Zenon Radewych, the architect for the proposal, indicated that the fencing around the industrial equipment was not a simple chain link fence. Instead, it was architectural screening with design elements to integrate with the design element of the building.

Member Reingold asked if there were opportunities to provide green space and was concerned about the parking reductions.

Member Yan indicated gateway properties implied prominence and presence in the public realm.

Zenon Radewych explained that the project was energy-efficient and LEED certified. Additionally, Zenon indicated the proposal contained several improvements, including public art installations that would ensure the public realm was not impacted.

The Chair noted that the proposal would bring Markham an innovative, world-class facility.

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/064 /24** be **approved** subject to conditions contained in the staff report

Resolution Carried

6.7 A/047/24

Agent Name: History Hill
Flato Drive, Markham
65M4800 BLOCK 2

The applicant was requesting relief from the requirements of By-law 28-97 and 177-96, as amended, to permit:

Site A

- a) **By-law 28-97, Section 3.0 Table B- Non-Residential Uses:**
a minimum of 93 parking spaces, whereas the by-law requires a minimum of 173 parking spaces;

Site B

- a) **By-law 28-97, Section 3, Table B- Non-Residential Uses:**
a minimum of 271 parking spaces, whereas the by-law permits a minimum of 359 parking spaces;
- b) **By-law 177-96, Section 3:**
a retaining wall to be within the minimum landscaping width, whereas the by-law does not permit a retaining wall;
- c) **By-law 177-96, Amending By-law 2023-7, Section 7.670.2 h):**
a minimum east lot line landscaping width of 0.99 metres, whereas the by-law requires a minimum landscaping width adjacent to the interior lot line of 1.2 metres;
- d) **By-Law 177-96, Amending By-law 2023-7, Section 7.670.2 i):**
a maximum setback for Building F from the front lot line of 10.94 metres, whereas the by-law permits a maximum setback from the front lot line of 6 metres;
- e) **By-Law 177-96, Amending By-law 2023-7, Section 7.670.2 i):**
a maximum setback for Building E from the front lot line of 15.7 metres, whereas the by-law permits a maximum setback from the front lot line of 6 metres; and
- f) **By-Law 177-96, Amending By-law 2023-7, Section 7.670.2 i):**
a maximum setback for Building D from the front lot line of 14.48 meters, whereas the by-law permits a maximum setback from the front line of 6 metres;

as it related to the proposed multi building development.

The agent, Stephen De Santis, appeared on behalf of the application.

Member Sampson agreed with staff's recommendations.

Member Yan indicated that the application was straightforward and address issues related to the site planning process.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/047/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. Adjournment

Moved by: Patrick Sampson

Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:16 pm, and the next regular meeting would be held on September 11, 2024.

CARRIED

Original signed on
September 11, 2024
Secretary-Treasurer
Committee of Adjustment

Original signed on
September 11, 2024
Chair
Committee of Adjustment