



CITY OF MARKHAM
Virtual Meeting

September 11, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 14th 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	7:02 pm
Arun Prasad	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O'Sullivan, Development Technician

Regrets

Sally Yan

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: August 14, 2024

THAT the minutes of Meeting No. 13, of the City of Markham Committee of Adjustment, held August 14, 2024 respectively, be:

- a) Approved on September 11, 2024.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

Carried

4. PREVIOUS BUSINESS

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 & By-law 90-81, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 5.2.5(a):**
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;
- b) **By-law 2024-19, Section 4.8.9.2(a)(i):**
a minimum soft landscaping strip of 1.05 metres abutting the north interior side lot line, whereas the by-law requires a minimum of 1.5 metres;

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.

The Committee received one written piece of correspondence.

Member Sampson agreed with staff recommendations in the report and motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. A/065/24 be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/005/22, A/077/23 and A/079/23 were heard concurrently with the discussion recorded under B/005/22.

4.2 B/005/22

**Agent Name: Archizoning Design Inc.
10729 Victoria Square Boulevard, Markham
PLAN 184 LOTS 25-27**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 23.38 metres and an approximate lot area of 1,109 square metres (Part 2); and
- b) retain** a parcel of land with an approximate lot frontage of 23.39 metres and an approximate lot area of 1,094.8 metres square (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/077/23 and A/079/23 which were being reviewed concurrently.

The agent, Lei Zhang, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson indicated the request was a straightforward severance to create two lots in an area with varying lot sizes and types of homes. The proposal was appropriate and complimentary to the existing lot pattern.

Member Reingold expressed that the lot was an appropriate size to divide, and Heritage Markham had reviewed the proposal and had no issues.

Member Sampson motioned for approval with conditions.

**Moved by: Patrick Sampson
Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **B/005/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4.3 A/077/23 – Severed Lot

**Agent Name: Archizoning Design Inc.
10729 Victoria Square Boulevard, Markham
PLAN 184 LOTS 25-27**

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

By-law 2024-19

a) By-law 2024-19, Section 1.7:

the provisions of Section 1.7 to be repealed five years after the effective date of the passing of the by-law, whereas the provisions of Section 1.7 are repealed three years after the effective date of passing of By-law 2024-19.

By-law 83-73

a) By-law 83-73, Section 8.2(b):

a minimum lot area of 11,860 square feet, whereas the by-law requires a minimum lot area of 22,000 square feet; and

b) By-law 83-73, Section 8.2(a):

a minimum lot frontage of 76 feet 8 and 1/2 inches, whereas the by-law requires a minimum lot frontage of 100 feet;

as it related to a proposed two-storey residential dwelling. This application was related to Consent application B/005/22 and Minor Variance application A/079/23 which were being reviewed concurrently.

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/077/23 be **approved** subject to conditions contained in the staff report.

Resolution Carried

4.4 A/079/23 – Retained Lot

**Agent Name: Archizoning Design Inc.
10729 Victoria Square Boulevard, Markham**

PLAN 184 LOTS 25-27

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

By-law 2024-19

a) By-law 2024-19, Section 1.7:

the provisions of Section 1.7 to be repealed five years after the effective date of the passing of the by-law, whereas the provisions of Section 1.7 are repealed three years after the effective date of passing of By-law 2024-19.

By-law 83-73

a) By-law 83-73, Section 8.2(b):

a minimum lot area of 11,785 square feet, whereas the by-law requires a minimum lot area of 22,000 square feet;

b) By-law 83-73, Section 8.2(a):

a minimum lot frontage of 76 feet 9 inches, whereas the by-law requires a minimum lot frontage of 100 feet; and

c) By-law 83-73, Section 8.2 (c):

a minimum rear yard setback of 15 feet, whereas the by-law requires a minimum rear yard setback of 25 feet;

as it related to a new residential lot with an existing heritage dwelling. This application was related to Consent application B/005/22 and Minor Variance application A/077/23 which were being reviewed concurrently.

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/079/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

5. NEW BUSINESS:

5.1 A/069/24

**Agent Name: Lucid Homes Inc.
49 Sequoia Grove Drive, Markham
PLAN 65M3763 PT BLK 89 65R28049 PT 98**

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

- a) **By-law 28-97, Section 3:**
a minimum of 2 parking spaces, whereas the by-law requires a minimum of 3 parking spaces; and
- b) **By-law 177-96, Section 6.62(e):**
a minimum exterior side yard setback of 1.4 metres, whereas the by-law requires a minimum exterior side yard setback of 2.4 metres;

as it related to the addition of a basement dwelling.

The agent, Pamir Rafiq, appeared on behalf of the application.

Member Sampson asked for clarification regarding the location of the laundry room.

Greg Whitfield provided details of the room's location as a basement space below the existing porch.

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/069/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/074/24

**Agent Name: Pylons Architecture Inc.
1 Settlement Park Avenue, Markham
PLAN 65M3243 LOT 6**

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

a) By-law 177-96, Section 6.3.1.2:

a setback of 3.98 metres of the detached private garage to the main building on the lot, whereas the by-law requires a minimum setback of 6 metres;

as it related to a walk-up entrance for an existing basement.

The agent, Rafik Nassif, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson supported the application, indicating it was a straightforward and simple request and minor.

Member Reingold agreed with the staff report's recommendations and supported the application.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/074/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/061/24

Agent Name: Mahendra Appadu
148 Markville Road, Markham
PLAN 65M2058 LOT 22R

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

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

a maximum distance of 23 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 metres from the established building line;

as it related to a proposed rear addition to a residential dwelling.

The Committee received one written piece of correspondence.

The agent, Mahendra Appadu, appeared on behalf of the application.

Member Sampson agreed with the staff report, noting the depth of the lot provided for significant amenity space, and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/061/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/089/24

Agent Name: Gregory Design Group
46 Sprucewood Drive, Thornhill
PLAN 2368 S PT LOT 37

The applicant was requesting relief from the requirements of By-law 2024-19 and By-law 2237, as amended, to permit:

By-law 2024-19

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

a minimum north side yard setback of 1.34 metres, with combined interior side yards on both sides of 2.62 metres, whereas the by-law requires a minimum of 1.8 metres with combined interior side yards on both sides of 4.0 metres; and

b) By-law 2024-19, Section 4.8.9.2(a)(i):

a minimum landscape strip width of 1.34 metres made up of soft landscaping abutting the north interior side lot line, whereas the by-law requires a minimum of 1.5 metres landscape strip width;

By-law 2237

a) By-law 2237, Amending By-law 101-90, Section 1.2(iv):

a maximum building depth of 17.66 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to a one storey addition to the existing one storey detached dwelling.

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

Member Sampson requested clarification on how the interior space would be configured and utilized.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/089/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/032/24

Agent Name: HJ Architects Inc.
60 Chant Crescent, Markham
PLAN M1440 LOT 36

The applicant was requesting relief from the requirements of By-law 2024-19 and By-law 11-72, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2c):**
a maximum second storey building coverage of 27.3 percent, whereas the by-law permits a maximum second storey building coverage of 20 percent;
- b) **By-law 2024-19, Section 6.3.2e):**
a maximum distance of 16.3 metres from the established building line for the second storey, whereas the by-law permits a maximum distance of 14.5 metres from the established building line;
- c) **By-law 2024-19, Section 6.3.2j):**
a maximum outside wall height of 7.4 metres, whereas the by-law permits a maximum outside wall height of 7 metres; and
- d) **By-law 2024-19, Section 6.3.2k):**
a maximum of three storeys for a detached dwelling, whereas the by-law permits a maximum of two storeys for a detached dwelling;

By-law 11-72

- a) **By-law 11-72, Section 6.1:**

a maximum building height of 27.5 feet, whereas the by-law permits a maximum building height of 25 feet;

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

The agent, Joanne Yin, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth was concerned about the size and fit within the established neighbourhood and did not consider the variances minor or desirable. The proposal was for an addition in which they were changing the entry from ground level to a raised entrance and adding a second storey, bringing all the massing to the front elevation. Elizabeth expressed that the massing and height could be softened by including a one-storey portion at the front of the house.

Ian Free, a resident of Unionville, expressed that the requested variances were excessive. Ian suggested that a better design would reduce the impacts of pooling water and runoff from the rear yard on the adjacent rear properties. Ian indicated the proposal was not appropriate for the neighbourhood and would stand out on the streetscape.

Christianne Beraguer-Free, a resident of Unionville, agreed with previous presenters and stated the Comprehensive Zoning By-law and Official Plan have policies that address infill development to retain established neighbourhoods.

Member Reingold agreed with the neighbourhood presenters that the proposal did not fit the existing neighbourhood. The design emphasized the height and massing rather than mitigating the impacts on the streetscape. Member Reingold recommended that changes be made to the plans to make the proposal suitable for the streetscape.

Member Sampson reflected that the Comprehensive Zoning By-law 2024-19 had been approved with standards to reflect and retain the feel of the established neighbourhoods. The proposed addition was contrary to By-law 2024-19's intent, and the applicant needed to reduce the massing to diminish the impacts on the adjacent properties and streetscape.

The Chair indicated that the current proposal took the massing to the limits of the zoning standards and expressed that the Committee members did not support the proposal as presented. The Chair asked if the applicant wanted to defer the application to review for revisions that would lessen the impact of the massing.

Joann Yin consulted with their client and requested a deferral of the decision.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

THAT Application No. **A/032/24** be **deferred** sine die.

Resolution Carried

5.6 A/084/24

Agent Name: Arani Architecture
48 Snider Drive, Markham
CON 7 PT LOT 13

The applicant was requesting relief from the requirements of By-law 2024-19 and By-law 153-80, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2(b):**
a minimum lot depth of 37.36 metres, whereas the by-law requires a minimum lot depth to be 38.23 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of both the first storey and second storey of 33.2 percent, whereas the by-law permits a maximum main building coverage of 30 percent of the lot area for the first storey and 20 percent 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 21.56 metres from the established building line, whereas the by-law permits a maximum distance of 19.5 metres for the first storey and 14.5 metres for any storey above the first from the established building line; and
- d) **By-law 2024-19, Section 6.3.2.2(i):**
a minimum combined interior side yard of 3.6 metres, whereas the by-law requires a minimum combined interior side yard of 4 metres;

By-law 28-97

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

as it related to the construction of a new two storey dwelling with an integral garage.

The agent, Shadi Arani, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

Mina Kim, a neighbour, spoke to the Committee, indicating that the By-law 2024-19 addressed development standards in the established neighbourhoods of Markham. The proposed home was much larger than the previous house and other houses on the street. Mina was concerned that the proposed house would shadow other homes and obstruct views in the public realm. Additionally, with the property's proximity to the GO station, street parking was already an issue for the street's residents, and a reduction of parking space could further exacerbate the issues.

Susanna Jones, a neighbour, conveyed that the neighbours felt the second storey was too large and would alter the light and view of the rear yards. The proposed balcony would also impact the privacy of the adjacent lots. The proposal did not fit the area's natural heritage and was not desirable development.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association spoke to the Committee. Elizabeth indicated that most of the homes on the street had a significant one-storey portion, and the size of the second floors was considerably smaller than this proposal. The proposed building massing was significantly larger than permitted, did not have staff support, and did not maintain the intent of the zoning by-law. The decreased side yards would also be affected by the increased height and depth of the proposal, creating significant impacts for neighbouring properties. Finally, Elizabeth addressed the location of the property and its proximity to the Heritage District and walking paths, indicating that it was a prominent property that would be highly visible and that the development of this lot could influence the proposals for the adjacent vacant properties.

Member Reingold indicated they needed to consider the neighbour's concerns regarding impacts to the adjacent properties and felt the proposal had considerable massing and needed to be reduced. Member Reingold requested information regarding the development of 50 Snider Drive.

Residents of the area and Elizabeth Brown provided information regarding Metrolinx's recent sale of the lands.

Member Sampson indicated the proposal had significant massing, and the applicant had requested too many variances. Member Sampson did not support the application.

Member Prasad recommended the applicant request a deferral to revise the plans.

The Chair noted that this was a prominent area of town that led to the Heritage district. The Chair felt it was essential to have comments from Heritage Markham before the Committee decided. The Chair asked the applicant if they wanted to defer the decision to consider the comments of the community and the Committee.

The agent requested a deferral of the application.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

THAT Application No. **A/084/24** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Arun Prasad

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:21 pm, and the next regular meeting would be held on September 25, 2024.

CARRIED

Original Signed
September 25, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed
September 25, 2024
Chair
Committee of Adjustment