



**CITY OF MARKHAM
Virtual Meeting**

**October 9, 2024
7:00 pm**

COMMITTEE OF ADJUSTMENT

Minutes

The 16th 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
Patrick Sampson	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Michelle Chen, Development Technician

Regrets

Sally Yan

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: September 25, 2024

THAT the minutes of Meeting No. 15, of the City of Markham Committee of Adjustment, held September 25, 2024 respectively, be:

- a) Approved on October 9, 2024.

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

Carried

4. PREVIOUS BUSINESS

4.1 A/106/23

Agent Name: Scott Rushlow Associates Ltd. (Mr. Scott Rushlow)
86 John Street, Thornhill
CON 1 PT LOT 30

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

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of 31.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a rear yard setback of 14.85 feet, whereas the by-law requires a minimum rear yard setback of 30 feet;
- c) **By-law 223-94, Section 1:**
a maximum floor area ratio of 44.73 percent, whereas the by-law permits a maximum floor area ratio of 33 percent;

as it related to a proposed rear addition containing a secondary suite.

The agent, Adrian Litavski, RPP, appeared on behalf of the application. Adrian provided a history of the application to the Committee. Extensive consultation with Heritage planning staff was carried out to protect the integrity of the heritage house. Adrian noted the positive staff report and believed the application met the four tests of the *Planning Act* and had been designed to limit impacts to the adjacent rear and east properties.

The Committee received fourteen written pieces of correspondence.

Martin Rendl, RPP, representing the owner of 4 Leahill Drive, spoke to the Committee and expressed that the application did not meet the four tests of the *Planning Act*. Martin provided a written planning opinion to the Committee before the meeting and summarized the contents. Martin indicated that the proposal did not meet the Official Plan land use policies for low-rise and heritage infill development, was not consistent with the intent of the Zoning By-law, had massing that was out of scale with adjacent properties, the addition was not modest or consistent with the existing heritage house, and relied on insufficient setbacks that did not provide appropriate spacing between structures. The proposal was not desirable and would significantly impact the privacy of adjacent properties. It was not minor, as the massing and reduced rear yard resulted in cumulative impacts.

Francis Lapointe, OAA, representing the owner of 4 Leahill Drive, expressed that the planning report concentrated on heritage matters over land use planning. Francis indicated that alternative solutions could be proposed to reduce the variances and impacts while maintaining the addition's size and function.

Elena Cesaroni, an adjacent property owner, expressed concern that the staff report did not give proper consideration to the land use planning assessment. Elena raised concerns regarding diminished privacy, overlook, shadowing, runoff and flooding, increased impermeable surfaces and the reliance on reduced windows and vegetation to minimize impacts. The additional units would increase the use of the property and create impacts that would significantly alter the relationship between the two properties. Elena expressed that a positive Heritage Committee outcome should not influence the land planning decision, and there was an imbalance of priorities between heritage and land use planning considerations in the development assessment.

Darryl Simmons, the owner, informed the Committee that a stormwater report and arborist report had been submitted to City staff.

James Makaruk, a neighbour, expressed that consideration needed to be given Heritage District designation. James believed the proposal would detrimentally impact the character of the neighbourhood and urged the Committee to consider what would be best for the development of the neighbourhood.

The Ward 1 Residents Association president, Evelin Ellison, echoed James Makaruk's sentiments. The community was not opposed to an addition; however, Evelyn expressed that they were looking for development within the applicable by-laws.

Member Reingold expressed that Heritage Markham had a role in protecting the unique and sensitive character of the neighbourhood in conjunction with property owners who had an equal responsibility to protect the heritage resources while maintaining a modern lifestyle. Member Reingold indicated that the application wanted too much, was overdeveloped, incompatible with the area, and not complimentary to the adjacent properties, indicating that while sympathetic to the need for multi-generational homes, other neighbourhoods in Markham would be more appropriate for this development. Smaller homes on larger properties characterized heritage areas, and the proposal had too much scale, massing, and height. The proposal would result in significant impacts that would result in the loss of mental comfort for the neighbours. Member Reingold expressed that the proposal was an overdevelopment of the property, and they did not support the application as presented. An alternate design could provide a better compromise for the neighbours while still meeting the homeowner's objectives.

Member Sampson did not comment on the heritage aspects of the project; however, they felt the proposal was an overdevelopment of the property and that it could not be considered minor either mathematically or practically from a use perspective. The design should be reconsidered to eliminate or reduce the requested variances.

Member Prasad agreed with their colleagues and did not support the application, recommending that the applicant consider a deferral to address concerns the neighbours and the Committee raised.

The Chair spoke to comments raised regarding the heritage staff assessment of the proposal and the development of other heritage properties within the City. The Chair, however, agreed with the assessment of the neighbours and their consultants that the rear yard separation failed the tests of the *Planning Act*. The Chair agreed that alternate designs could bring the addition forward on the lot while still achieving the goals of the Heritage staff. Consideration should be given to reducing the size of the structure and pulling it forward from the rear lot line. The Chair asked the owner if they would consider deferral of the application.

After conferring with the Chair, the owner, Darryl Simmons, agreed to defer the decision.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold
Seconded by: Arun Prasad

THAT Application No. **A/106/23** be **deferred** sine die.

Resolution Carried

5. NEW BUSINESS:

5.1 B/024/24

Agent Name: MM Nominee Inc. (David Georges)
9620 McCowan Road, Markham
CON 6 PT LOT 18 RP 65R26271 PARTS 1 TO 3

The applicant was requesting provisional consent to:

- a) **establish a lease for a period of time exceeding twenty-one (21) years** on the property.

The subject lands were identified as Part 1 of the Survey Plan submitted with the application.

The agent, David Georges, appeared on behalf of the application.

The Committee received eight written pieces of correspondence.

Member Sampson had no objection to the consent.

Member Reingold was satisfied with the information provided by the applicant.

Member Prasad supported the application, agreeing with the recommendations in the staff report, and motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/024/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/045/24

Agent Name: Renor and Associates inc. (Imran Khan)
30 Prebble Drive, Markham
PLAN 65M4247 PT LOT 5 RP 65R33132 PT 10

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

- a) **By-law 28-97, Section 3:**
a minimum of one (1) parking space, whereas the by-law requires a minimum of three (3) parking spaces;

as it related to a proposed basement dwelling unit.

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

The Committee received three written pieces of correspondence.

Member Reingold agreed with the staff report and expressed that there would be minimal impacts on the streetscape.

Member Sampson supported the application and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/045/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/081/24

Agent Name: RDA Designs (Dilpreet Singh)
59 Robert Eaton Avenue, Markham
PLAN 65M4686 PT BLOCK 227 65R40352 PARTS 17 AND 18

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

- a) **By-law 177-96, Section 5.1, Table B2(e):**
a minimum interior side yard setback of 0.34 metres, whereas the by-law requires a minimum interior side yard setback of 1.2 metres; and
- b) **By-law 28-97, Section 3, Table A – Residential uses:**
a minimum of two (2) parking spaces, whereas the by-law requires a minimum of three (3) parking spaces;

as it related to a proposed basement dwelling unit in a townhouse dwelling.

The agent, Rafael Martins, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Lillian Wang, a neighbour, spoke to the Committee and was concerned about parking and privacy and requested additional information.

The Chair provided a summary of the proposal for the resident.

Member Sampson supported the application and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/081/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/071/24

Agent Name: Brian Lee Architect (Ryan Quan)
27 Normandale Road, Markham
PLAN M1971 LOT 147

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 c):

a maximum main building coverage of 32.61 percent for the first storey, whereas the by-law permits a maximum main building coverage of 30 percent for the first storey;

as it related to a proposed rear sunroom addition.

The agent, Long Quan, appeared on behalf of the application.

Member Reingold supported the application, stating it met the four tests of the *Planning Act* and the request was minor.

Member Sampson expressed that it was a minor request and was supported by the neighbours.

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

Moved by: Arun Prasad

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/071/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/079/24

Agent Name: Caricari Lee Architects (Joseph Caricari)
31 Sir Brandiles Place, Markham
PLAN M1448 LOT 368

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

a) By-law 1229, Amending By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 53.29 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed ground floor and second floor addition to a single-detached home.

The agent, Joseph Caricari, appeared on behalf of the application. Joseph provided a presentation which illustrated similar existing infill builds within the neighbourhood. Joseph indicated they had worked with staff to present a family-centric gentle intensification of the property and had the support of 38 neighbours for the proposal.

Denise Jackson, a neighbour, was concerned about flooding and drainage on their property and potential noise from the elevator.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village, Sherwood Forest Neighbourhood Association, spoke to the Committee. Elizabeth expressed that the addition was too large for the lot. The second floor was considerably larger than permitted, and the large covered patio added to the massing. The request was not minor and needed to be reduced to an appropriate size for the lot.

Member Sampson supported the application, noting the proposal met all the required yard and height standards and did not present as over-massing for the streetscape.

Member Reingold expressed that the proposed addition was large for the property but supported the application, stating that the Committee needed to consider the additional space required to accommodate accessibility features within the house.

The Chair indicated that while the request was larger than previously approved applications, the addition looked unassuming, and the neighbour's support of the application was indicative that there would not be a significant impact on the community.

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/079/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.6 A/080/24

Agent Name: Stambuk Homes (Ozren Stambuk)
22 Sir Tristram Place, Markham
PLAN M1448 LOT 255

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

- a) **By-law 2024-19, Section 4.8.8 (F):**
a stair or landing with a setback of 0 metres to the interior side lot line, whereas the by-law requires a stair or landing to be no closer than 1.2 metres to the interior side yard;
- b) **By-law 2024-19, Section 6.3.2.2 (I):**
a combined side yard of 2.52 metres, whereas the by-law requires a combined side yard of 4.57 metres; and
- c) **By-law 2024-19, Section 4.8.9.2 (a)(i):**
a landscaping strip of 0 metres, whereas the by-law requires a minimum landscaping strip of 1.5 metres;

as it related to the proposed deck rebuild.

The agent, Ozren Stambuk, appeared on behalf of the application.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village, Sherwood Forest Neighbourhood Association, spoke to the Committee, stating agreement with the staff report.

Member Sampson supported the application, indicating that the stairs and walkway were existing conditions, and the application recognized an elevation change and provided access to the rear yard.

Member Prasad felt the application was appropriate and the requests were understandable.

The Chair noted that the request for the 0 m landscape strip was to recognize an existing condition.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/080/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:08 pm, and the next regular meeting would be held on October 30, 2024.

CARRIED

Original Signed
October 30, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed
October 30, 2024
Chair
Committee of Adjustment