



CITY OF MARKHAM
Virtual Meeting on Zoom

August 16, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 14th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Tom Gutfreund	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment

Regrets

Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: July 26, 2023

THAT the minutes of Meeting No. 13, of the City of Markham Committee of Adjustment, held June 26, 2023 respectively, be:

- a) Approved on August 16, 2023.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

Carried

PREVIOUS BUSINESS

1. A/030/23

Owner Name: Jinchong Cao
Agent Name: LHW Engineering (Lihang Wang)
78 Southdale Drive, Markham
PLAN 7326 LOT 28

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

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum of 45 percent;

as it related to a proposed second-storey addition and porch.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

Member Gutfreund thanked the applicant for reducing the floor area ratio, indicating the final design would be an excellent addition to the neighbourhood.

Member Reingold noted that the revisions had resulted in a good-looking home that would complement and be compatible with the neighbourhood.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/030/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/114/22

Owner Name: Sakineh Safarzad Gourabjavar
Agent Name: Contempo Studio (Marin Zabzuni)
67 Babcombe Drive, Thornhill
PLAN M941 LOT 114

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

- a) **By-law 100-90, Section 1.2(i):**
a building height of 8.54 metres, whereas the By-law permits a maximum flat roof building height of 8.0 metres;
- b) **By-law 100-90, Section 1.2(iii):**
a maximum building depth of 21.36 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- c) **By-law 1767, Section 9(i):**
a south side yard roof encroachment of 98 inches, whereas the By-law permits a maximum encroachment of no more than 18 inches into the required side yard setback;
- d) **By-law 1767, Section 12 (iv)(a):**
a minimum front yard setback of 33.4 feet, whereas the By-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet;
- e) **By-law 1767, Section 18(ii)(b):**
a lot coverage of 36.2 percent, whereas the By-law requires a maximum lot coverage of 33 1/3 percent; and
- f) **By-law 100-90, Section 1.2 (vi):**
a floor area ratio of 49.4 percent, whereas the By-law permits a maximum floor area ratio of 47 percent;

as it related to the construction of a new two-storey detached dwelling.

The Chair introduced the application.

The agent, Marin Zabzuni, appeared on behalf of the application.

The Committee received six written pieces of correspondence.

Ryan Levins, of 69 Babcombe Drive, spoke to the Committee, indicating that the requested variances would move the house closer to the lot line, diminish sunlight, alter the streetscape, amplify the massing and scale, and reduce parking. The proposal contradicted the City of Markham's sustainability policies and goals.

Sarah Langdon, of 65 Babcombe Drive, spoke to the Committee and agreed with neighbour Ryan Levins the cumulative effects of the multiple variances would impact the surrounding properties, as would the removal of mature trees. Sarah asked what

mitigation would be taken to preserve the boundary cedars that formed a hedge with their property. Sarah understood that the area has been evolving; however, they disagreed that overbuilding was inevitable as numerous infill builds had added to the neighbourhood's character.

Marin Zabzuni responded to the neighbour's comments, addressing the tree questions and presented a rendering of the proposal to visually represent the house within the context of the neighbouring properties.

Member Yan noted that the agent had emphasized in their presentation that the proposal was beneficial to everyone and that some variances related to decorative aspects of the home; however, without previous discussion with the neighbours, it had been difficult for them to understand how the proposal would fit in the context of the neighbourhood. Member Yan encouraged the applicant to work with the neighbours to minimize the cumulative effects of the variances and consider the impacts on the immediate neighbours.

Member Sampson expressed that each variance considered on its own might be minor; however, when considered together, the variances had cumulative effects that were reflected in the massing of the proposal.

Member Reingold indicated that the proposal's impacts would overwhelm the neighbourhood as the design did not reflect current infill development. The lot had significant as-of-right lot coverage, and the proposal needed to be compatible or complimentary to the neighbourhood due to the proposed size and scale.

Member Prasad noted the size of the lot would permit a significant as-of-right build and agreed with their colleagues that the cumulative effects of the proposal were not desirable.

Member Gutfreund remarked that the presentation and rendering helped show the final development and the requested variances within the context of the neighbouring properties. After considering all the materials presented, they felt the requests were minor, reasonable and appropriate within the context of the neighbourhood and motioned for approval with conditions. The motion to approve was not seconded.

The Chair recommended deferral to provide the applicant time to confer with the neighbours, and the applicant agreed with the recommendation.

Member Prasad motioned for deferral.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

THAT Application No. **A/114/22** be **deferred** sine die.

Resolution Carried

3. **A/116/23**

Owner Name: Richard Morales
Agent Name: Lifestyle Home Products (Andrijana Adamovic)
370 Main Street N, Markham
CON 7 PT LOT 15 64R6094 PT 2

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

- a) **By-law 99-90, Section 1.2(iii):**
a maximum building depth of 22.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- b) **By-law 99-90, Section 1.2(vi):**
a maximum net floor area ratio of 70.35 percent, whereas the By-law permits a maximum net floor area of 45 percent;
- c) **Table 11.1:**
a minimum rear yard setback of 14.9 feet, whereas the By-law requires a minimum rear yard setback of 25 feet;
- d) **Table 11.1:**
a maximum lot coverage of 38.01 percent, whereas the By-law permits a maximum lot coverage of 35 percent; and
- e) **Section 11.3(a)(vi):**
an accessory building setback of 0.417 feet whereas the by-law requires a minimum setback of 4 feet;

as it related to the construction of a proposed unheated sunroom addition to an existing house.

The Chair introduced the application.

The agent, Syed Ahmed, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

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

Committee. Elizabeth was concerned that the cumulative impacts of the variances would reduce opportunities for greenspace and could set precedents for future applications within the area.

Jennifer Morales, the owner, gave a presentation to the Committee, which included photographs of the backyard, existing deck, existing drainage measures and the surrounding properties. Jennifer emphasized that the sunroom would be built to match the footprint of the existing deck, and no additional floor area would be required. The homeowner indicated that the development was desirable for the development of the property as it would provide shelter from the noise, light, and air pollution impacts related to the existing gas station to the north.

Member Gutfreund indicated that while the numbers looked very high, the sunroom would not be visible from the public realm, the applicants had demonstrated a need for the structure, the proposal would add to the quality of life of the applicants, and was supported by the neighbours.

Member Reingold requested additional details regarding the materials used in construction and if the addition would have heating or cooling.

Syed Ahmed indicated there was no arrangement for heating and cooling, and the sunroom would be constructed with an aluminum frame and a coated weather-protected ceiling.

Member Prasad supported the proposal.

Member Sampson opined that given the history of the lot's subdivision, its unique configuration, and the proposal being constructed entirely outside the public realm, the requests would not set precedents and supported the application.

The Chair indicated that the proposal was an excellent addition to a thoughtful heritage renovation.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/116/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

4. A/111/23

**Owner Name: Stephen Kertesz and Sarah Kertesz
Agent Name: Gregory Design Group (Shane Gregory)
40 Rouge Street, Markham
PLAN 173 BLK L LOT 14**

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

- a) **By-law 1229, section 1.2(iii):**
a maximum building depth of 17.50 metres, whereas the By-law requires 16.80 metres;
- b) **By-law 1229, section table 11.1:**
a flankage yard of 2.90 metres, whereas the By-law requires 3.05 metres;

as it related to a proposed one-storey addition to the existing one-story dwelling.

The Chair introduced the application.

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

Member Reingold supported the application, noting the requests were minor, met the heritage conservation goals, the development was compatible and complimentary to the neighbourhood and met the four tests of the *Planning Act*.

Member Sampson agreed with their colleague and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/111/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/024/23 and B/027/23 were heard concurrently and the record of the discussion can be found under B/024/23.

5. B/024/23

**Owner Name: Michael Canzona
Agent Name: Evans Planning (Frank Venditti)
12 Deer Park Lane, Markham
PLAN 1149 PT LTS 11 AND 12 65R39288 PT PART 5**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land (Part 2 & 3) with an approximate lot frontage of 10.53 metres (9.84 feet) and an approximate lot area of 272.7 sq. metres;
- b) retain** a parcel of land (Part 1) with an approximate lot frontage of 10.53 metres (9.84 feet) and an approximate lot area of 288 sq. metres;

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 Consent Application B/027/23 which was being reviewed concurrently.

The Chair introduced the application.

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

Member Sampson did not have issues with the proposal but requested clarification regarding the status of the lot created at 4 Elizabeth Street.

Member Yan noted that the proposed severances met the minimum lot area and frontage and conformed to the neighbourhood lot patterns.

Greg Whitfield clarified that the previous severed lots had been registered and that the proposed severances were to create the individual lots for the semi-detached dwelling units. Greg further explained that the applications had been assessed by both the applicants and the City's legal department, and it had been determined that consent was the appropriate process to create the lots.

Member Gutfreund motioned for approval with conditions.

**Moved By: Tom Gutfreund
Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **B/024/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. B/027/23

Owner Name: Eugenio Sturino
Agent Name: Evans Planning (Frank Venditti)
16 Deer Park Lane, Markham
PLAN 1149 PT LTS 11 AND 12 65R39288 PT PART 2

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land (Part 4 & 5) with an approximate lot frontage of 10.54 metres (34.58 feet) and an approximate lot area of 257.7 sq. metres; and
- b) **retain** a parcel of land (Part 6 & 7) with an approximate lot frontage of 13.5 metres (44.29 feet) and an approximate lot area of 308 sq. metres.

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 Consent Application B/024/23 which was being reviewed concurrently.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B027/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/028/23 and A/127/23 were heard concurrently and the record of the discussion can be found under B/028/23.

7. B/028/23

Owner Name: M&R Holdings
Agent Name: Baldassarra Architects Inc. (Isabella Suppa)
65 Allstate Parkway, Markham

PL M2029 BLK 3

The applicant was requesting provisional consent to:

- a) **Sever and convey** a parcel of land being Parts 1-3 with an approximate lot frontage of 110.85 metres (363.7 feet) and an approximate lot area of 19,274.1 sq. metres as shown in the Draft R-Plan (Part 1 being a future road widening to be conveyed to the City);
- b) **Retain** a parcel of land being Parts 4 and 5 with an approximate lot frontage of 79.33 metres (260.3 feet) and an approximate lot area of 10,859.7 sq. metres as shown in the Draft R-Plan;
- c) **Create** easements for access and servicing in favour of Parts 2 and 5 over Parts 3 and 4;

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new industrial/office lot and create easements for shared access and servicing. This application was related to Minor Variance Application A/127/23 and Site Plan Control Application 22 263203 which were being reviewed concurrently.

The Chair introduced the application.

The agent, Isabella Suppa, appeared on behalf of the application. Isabella presented the proposal, indicating it had gone through various cycles of site plan review and demonstrated the location, impacts and justification for each variance.

Member Gutfreund indicated that the applicant's presentation addressed any questions regarding the applications and supported both.

Member Yan asked regarding the future tenancy of the building. The agent indicated it would be a single-tenant building.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/028/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. **A/127/23**

Owner Name: M&R Holdings
Agent Name: Baldassarra Architects Inc. (Isabella Suppa)
65 Allstate Parkway, Markham
PL M2029 BLK 3

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

- a) **Section 5.2 (d) (iii):**
a minimum rear yard setback of 8.0 metres, whereas the By-law requires a minimum rear yard setback of 12.0 metres.

- b) **Section 4.7.1(b):**
a landscape strip of 4.0 metres inclusive of curbs and retaining walls, whereas the By-law requires a minimum landscape strip of 6.0 metres immediately abutting the (Allstate Parkway) street line.

as it related to an industrial building. This application was related to Consent Application B/028/23 and Site Plan Control Application 22 263203 which were being reviewed concurrently.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/127/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/020/23, A/073/23 and A/074/23 were heard concurrently and the record of the discussion can be found under B/020/23.

9. B/020/23

Owner Name: Florence Low
Agent Name: Henry Chiu Architect Ltd (Henry Chiu)
187 Helen Avenue, Markham
PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.038 hectares (384.7 sq. metres)(Part 2);
- b) **sever and convey** a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.036 hectares (362.5 sq. metres)(Part 3);
- c) **sever and convey** a parcel of land with an approximate lot frontage of 11.435 metres and an approximate lot area of 0.036 hectares (362.5 sq. metres) Part 4);
- d) **retain** a parcel of land with approximate lot frontage of 11.435 metres and approximate lot area of 0.038 hectares (384.7 sq. metres)(Part 1);

The purpose of this application was to create three new residential lots, to facilitate the construction of four new single detached dwellings. This application was related to Minor Variance applications A/073/23 and A/074/23, which were being reviewed concurrently.

The Chair introduced the application.

The agent, Henry Chiu, appeared on behalf of the application.

Member Sampson agreed with the staff report and indicated that the lot pattern was consistent with the neighbourhood and that the application would complete a portion of the subdivision.

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. **B/020/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

10. **A/073/23**
Owner Name: Florence Low
Agent Name: Henry Chiu Architect Ltd (Henry Chiu)
187 Helen Avenue, Markham
PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting relief from the requirements of By-law 177-96, and 304-87, as amended, to permit:

- a) **Amending By-law 304-87, Section 7.5(a)(i):**
a minimum lot frontage of 11.435 metres, whereas the By-law requires a minimum lot frontage of 45 metres;
- b) **Amending By-law 304-87, Section 7.5(a)(i):**
a minimum lot area of 0.038 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares;
- c) **Amending By-law 304-87, Section 7.5(b)(i):**
a minimum interior side yard setback of 1.2 metres, whereas the By-law requires a minimum setback of 3 metres; and
- d) **Amending By-law 304-87, Section 7.5(b)(i):**
a minimum front yard setback of 6.368 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two storey single detached dwelling on the retained lot (Part 1). This application was related to Consent application B/020/23 which was being reviewed concurrently.

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/073/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

11. **A/074/23**
Owner Name: Florence Low
Agent Name: Henry Chiu Architect Ltd (Henry Chiu)
187 Helen Avenue, Markham
PLAN 2196 PT LOT 11 PL 65R-28173 PT 1

The applicant was requesting relief from the requirements of By-law 177-96, and By-law 304-87, as amended, to permit:

- a) **Amending By-law 304-87, Section 7.5(a)(i):**
a minimum lot frontage of 11.435 m, whereas the By-law requires a minimum lot frontage of 45 metres;

- b) Amending By-law 304-87, Section 7.5(a)(i):**
a minimum lot area of 0.038 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares;
- c) Amending By-law 304-97 Section 7.5(b)(i):**
a minimum interior side yard setback of 1.2 metres, whereas the By-law requires a minimum setback of 3 metres; and
- d) Amending By-law 304-87, Section 7.5(b)(i):**
a minimum front yard setback of 6.368 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two storey single detached dwelling on the severed lot (Part 2). This application was related to Consent application B/020/23 which was being reviewed concurrently.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/074/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications A/075/23 and A/076/23 had been determined by staff to not be required and had been withdrawn by the applicant.

Adjournment

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:35 pm, and the next regular meeting would be held on August 30th, 2023.

CARRIED

Original Signed August 30, 2023
Secretary-Treasurer
Committee of Adjustment

Original Signed August 30, 2023
Chair
Committee of Adjustment