



CITY OF MARKHAM
Virtual Meeting on Zoom

September 27, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 17th 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	7:08 pm
Tom Gutfreund Vice Chair	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Kelvin Kwok	7:06 pm
Arun Prasad	7:00 pm

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

Regrets

None

DISCLOSURE OF INTEREST

None

Minutes: September 13, 2023

THAT the minutes of Meeting No. 16, of the City of Markham Committee of Adjustment, held September 13, 2023 respectively, be:

- a) Approved on September 27, 2023.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Carried

VALIDATION OF TITLE

1. B/036/23

Owner Name: Qian Liu and Yi Yan Ling
Agent Name: David Chan
46 and 48 Hughson Drive, Markham
PLAN 4556 LOT 20 65R38298 PART 1 and
PLAN 4556 LOT 20 65R38298 PART 2

The owners requested a Certificate of Validation to address a contravention under the Planning Act.

The Chair introduced the application.

The agent, Michele Pearson, appeared on behalf of the application.

Acting Chair asked about the garage shown on the R-Plan. Michele indicated that the house had been demolished.

Member Yan indicated the application was technical and met the criteria of Section 57 of the *Planning Act* and motioned for approval.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/036/23** be **approved**.

Resolution Carried

NEW BUSINESS:

1. A/162/22

Owner Name: Salford Developments (Daniel Durigon)
Agent Name: Linda Okum
Cachet Woods Court, Markham
PLAN 65M4414 BLK 1

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

a) By-law 165-80, Section 6.10.5.2 (f):

a minimum gross ground floor area of 899 square metres for Office Building 1, whereas the by-law requires 1400 square metres per building;

b) Parking By-law 28-97, Table B:

196 parking spaces until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing, at which point a minimum of 210 parking spaces shall be provided, whereas the by-law requires a requires 267 parking spaces onsite;

c) By-law 165-80, Section 4.5.1 and Section 4.5.2:

16 Drive-in loading spaces, whereas the by-law requires 5 Loading spaces at 3.6 metres wide by 12.0 metres long by 4.2 metres high clearance;

d) By-law 165-80, Section 5.2.(e):

a distance of 6.0 metres between two buildings, whereas the by-law requires 12.0 metres; and

e) By-law 165-80, Section 4.7.1(b):

a 0.0 metre landscape strip immediately abutting the existing (cul-de-sac) street line, until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing; whereas, the by-law requires a minimum of 6.0 metres immediately abutting the (Cachet Woods) street line;

as it related to a proposed office building and two industrial buildings on a vacant lot.

This application was related to Site Plan Control application 21 136872 SPC.

The Chair introduced the application.

Daniel Durigon of Salford Developments appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Member Kwok requested details regarding the parking variance as it related to the Regional flyover.

Daniel Durigon indicated that the project had been redesigned in relation to a TRCA setback. The Regional road project was underway; however, the construction timelines did not line up with the proposed site development timelines, and as a result, the parking variance indicated in variance "b)" was required until the conclusion of construction of the projects.

Member Reingold inquired regarding the type of businesses that would occupy the site.

Member Yan noted that a number of the variances were technical items related to the site plan and requested further information regarding how the drive-in loading spaces would be used.

Daniel Durigon explained that restrictions related to the TRCA setback required changes from traditional loading spaces to drive-in loading spaces with multifunctional doors and noted that staff had supported the change through site plan approval.

Member Yan motioned for approval with conditions.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/162/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/137/23

Owner Name: Celestino Morra and Angelica Cedrone-Morra
Agent Name: Gerry Morra
52 Jondan Crescent, Thornhill
PLAN M1345 LOT 41

The applicant was requesting relief from the requirements of By-law 2489, as amended, to permit:

- a) **By-law 2489, Section 3.7:**
a front yard unenclosed roofed porch encroachment of 80 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required front yard setback;
- b) **By-law 2489, Section 3.7:**
a front yard hip roof eaves encroachment of 20 inches, whereas the by-law permits a maximum encroachment of 18 inches;

as it related to a proposed covered front porch.

The Chair introduced the application.

The agent, Anthony Bartilloni, appeared on behalf of the application.

Member Reingold agreed with the staff report indicating the application was minor and met the four tests of the Planning Act and motioned for approval with conditions.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/204/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/124/23

Owner Name: Anthony Boccia
Agent Name: Sakora Design Inc. (Marco Razzolini)
179 Clark Ave, Thornhill
PLAN 2368 PT LOT 42 RS64R2898 PART 1

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

- a) **Amending By-law 2237, Section 1.2 (i):**
a maximum building height of 9.43 metres, whereas the by-law permits a maximum height of 8.6 metres;
- b) **Amending By-law 2237, Section 1.2 (iv):**
a maximum building depth of 22.69 metres, whereas the by-law permits a maximum building depth of 16.80 metres;
- c) **By-law 2237, Section 3.7:**
a west side yard window well encroachment of 21 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required side yard setback;
- d) **By-law 2237, Section 6.1:**
an east side yard setback of 1.24 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres; and
- e) **By-law 2237, Section 6.1:**
a west side yard setback of 1.27 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres;

as it related to a proposed two-storey single detached dwelling.

Member Reingold asked the agent to justify the requested side yard setbacks.

Marco Razzolini indicated that the required 1.8 metres setback was for the second-floor portion of the building only, and the request had been made to facilitate the construction of the dwelling and meet the owner's living requirements.

The Acting Chair noted several letters of support from neighbours and asked if the immediate neighbours had been contacted. The agent indicated that they had reached out to the immediate neighbours; however, they were not available.

Member Knight noted that engineering had not opposed the proposed setbacks and requested confirmation that the window wells had been included in the engineering reviews.

Marco Razzolini confirmed the review of the window well setbacks by engineering and indicated that the setbacks would meet the requirements of the Building Code. Additionally, Marco indicated that the current structure had setbacks of 1.5 metres and that 1.2 metres was a common setback request for new infill development within the Regional context.

Greg Whitfield confirmed that the 1.8 metre setback applied only to the second-storey portion of the house, and a setback of 1.2 metres was permitted for the first-storey portion of the dwelling.

Member Knight motioned for approval with conditions.

Moved By: Greg Knight
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/124/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

1. A/204/22

Owner Name: Vanessa Locilento
Agent Name: David Johnston Architect Ltd. (David Johnston)
4 Grenfell Cres, Markham
PLAN 5160 LOT 4

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

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

a maximum depth of 20.14 metres, whereas the by-law permits a maximum depth of 16.80 metres;

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

a maximum floor area ratio of 52.3 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, David Johnston, appeared on behalf of the application, indicating they were the project's second architect. They had worked diligently with planning and forestry staff to overcome obstacles associated with the project and had received support from eight neighbours. David spoke to the policies in the proposed Comprehensive Zoning by-law, indicating that the house would comply with the new standards.

The Committee received nine written pieces of correspondence.

The Acting Chair reminded the applicant and the Committee that the new Comprehensive By-law had yet to be approved and the application merits had to be assessed under the in force and effect by-law.

Member Knight observed that the scale and massing were greater than generally accepted by the Committee.

The Acting Chair indicated that the requested floor area ratio request was greater than usually accepted by the Committee with an approximate 16.2 percent increase and did not consider the request minor.

Member Yan supported their colleague's comments that the application had to be assessed on its merits under the existing by-law, indicating that the proposal was desirable but could not be considered minor as it exceeded the size and scale generally approved by the Committee.

Member Prasad agreed with the other Committee members and recommended a deferral to allow the applicant to revise the proposal.

David Johnston agreed to the deferral.

Member Prasad motioned for deferral.

Committee of Adjustment Minutes
Wednesday September 27, 2023

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No. **A/204/22** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 7:49 pm, and the next regular meeting would be held on October 18, 2023.

CARRIED

Original Signed
October 18, 2023
Secretary-Treasurer
Committee of Adjustment

Original Signed
October 18, 2023
Chair
Committee of Adjustment