



CITY OF MARKHAM
Virtual Meeting on Zoom

December 13, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd 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
Erin O'Sullivan, Development Technician

Regrets

Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: November 29, 2023

THAT the minutes of Meeting No. 21, of the City of Markham Committee of Adjustment, held November 29, 2023 respectively, be:

- a) Approved on December 13, 2023.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

Carried

REQUESTS FOR DEFERRAL

1. **A/184/23**

Owner Name: Yongqin Li
Agent Name: Humphries Planning Group Inc. (Puneh Jamshidi)
10197 Victoria Square Boulevard, Markham
CON 4 PT LT 22 65R25245 PT 5

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

- a) **By-law 304-87, Section 7.1:**
an accessory garden suite dwelling to be located in the front yard whereas, the by-law does not permit an accessory building in the front yard;
- b) **By-law 304-87, Section 7.5 (b)(i):**
a south side yard setback of 1.6 metres for the house whereas, the by-law requires a minimum side yard setback of 3 metres;
- c) **By-law 304-87, Section 7.5 (b)(i):**
a north side yard setback 2.02 metres for the garden suite whereas, the by-law requires a minimum side yard setback of 3 metres;
- d) **By-law 304-87, Section 7.5 (b)(i):**
a 3.6 metre front yard setback for the garden suite whereas, the by-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two-storey detached dwelling and a proposed one-storey accessory garden suite in the front yard.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT Application No. **A/184/23** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. **A/063/23**

Owner Name: Yorktech Supply Ltd (Daniel Yeung)
Agent Name: Tacoma Engineers Inc. (Chris Lahn)

**230 Yorktech Drive, Markham
CON 4 PT LOT 9 RS65R10042 PT OF PART 1 & PART 2**

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

- a) **By-law 165-80, Section 4.5.3(a):**
loading spaces and overhead vehicular doors in a yard or wall of any building which adjoins or faces a street, whereas the by-law does not permit the location;
- b) **By-law 165-80, Section 5.2(d)(ii):**
a minimum interior (east) side yard setback of 3 metres, whereas the by-law requires a minimum of 6 metres;
- c) **By-law 165-80, Section 5.2(d)(iii):**
a minimum rear yard setback of 3.19 metres, whereas the by-law requires a minimum of 12 metres; and
- d) **Parking By-law 28-97, Section 3 Table B:**
32 parking spaces, whereas the by-law requires 47 parking spaces;

as it related to a proposed industrial building.

This application was related to a Site Plan Control Application (SPC 23 119531) which was being reviewed concurrently.

The Chair introduced the application.

The agent, Chris Lahn, appeared on behalf of the application. Chris indicated that the proposal would move existing outdoor storage into the new warehouse to reorganize and clean up the site, removing outdoor storage. Setbacks had been established to comply with TRCA's 10-metre buffer to Beaver Creek flood plain. As the proposal was to reorganize the site, no new employees would be added to the business, and parking demand would not increase.

The Committee received one written piece of correspondence.

Member Gutfreund confirmed that there would be no increase in employees or parking demand. Member Gutfreund supported the application, noting it was an appropriate use of the property and met the four tests of the *Planning Act*.

Member Yan supported the application, noting that it was minor and reflected the TRCA requirements.

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/063/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

Applications A/200/23, A/201/23 and A/202/23 were heard concurrently, the record of the discussion can be found under A/200/23.

1. A/200/23

Owner Name: Cedar Hedge Holdings Inc.
Agent Name: David Johnston Architect Ltd. (David Johnston)
253 Helen Avenue, Markham
PLAN 2196 PT LOT 8 RP 65R39759 PART 1

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

- a) By-law 177-96, Section Table B2 (Part 1 of 3) C:**
a maximum garage width of 6.1 metres, whereas the by-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres;

as it related to a proposed single family dwelling.

The Chair introduced the application.

The agent, David Johnston appeared on behalf of the application and indicated agreement with the staff report.

Member Reingold indicated that larger garage widths made sense as they would meet lifestyle and climate needs. Member Reingold noted numerous other properties within the area with similar garage widths and agreed with the staff report. Member Sampson agreed with their colleague, noting that the larger garage width was consistent with the streetscape and neighbourhood, and the request was minor.

Member Reingold motioned for approval.

Moved by: Jeamie Reingold

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/200/23** be **approved**.

Resolution Carried

2. A/201/23

Owner Name: JSHA Holdings Inc.
Agent Name: David Johnston Architect Ltd. (David Johnston)
255 Helen Avenue, Markham
PLAN 2196 PT LOT 8 RP 65R39759 PART 2

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

- a) **By-law 177-96, Section Table B2 (Part 1 of 3) C:**
a maximum garage width of 6.1 metres, whereas the by-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres;

as it related to a proposed single family dwelling.

The Chair introduced the application.

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

Member Reingold motioned for approval.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/201/23** be **approved**.

Resolution Carried

3. A/202/23

Owner Name: Cedar Hedge Holdings Inc.
Agent Name: David Johnston Architect Ltd. (David Johnston)
257 Helen Avenue, Markham
PLAN 2196 PT LOT 8 RP 65R39759 PART 3

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

a) By-law 177-96, Section Table B2 (Part 1 of 3) C:

a maximum garage width of 6.1 metres, whereas the by-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres;

as it related to a proposed single family dwelling.

The Chair introduced the application.

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

Member Reingold motioned for approval.

Moved by: Jeamie Reingold

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/202/23** be **approved** subject to conditions.

Resolution Carried

4. A/122/23

Owner Name: Yuen Ting Alice Poon

Agent Name: Alphyn Homes Inc. (Sean Baradaran)

141 Cornell Park Avenue, Markham

PLAN 65M3203 BLK 98

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

a) By-law 177, Section 96:

a maximum height of 7.53 metres, whereas the by-law requires a maximum of 6.75 metres for a detached garage on a lot intersecting two lanes; and

b) By-law 177, Section 96:

a minimum rear yard setback of 0 metres, whereas the by-law requires a minimum rear yard setback of 0.6 metres for a detached garage;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Sean Baradaran, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold indicated that the request was compatible with the existing home and in keeping with the development of the street.

Member Sampson agreed with their colleague and supported the application.

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/122/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/178/23

Owner Name: Peter Andrews and Ruth Andrews
Agent Name: In Tech House Design Corporation (Andrii Golovnia)
38 Elgin Street, Thornhill
PLAN 8 PT LOT 3

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

- a) Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.2 percent (4,195 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (3,795 square feet);

as it related to a proposed second-storey addition.

The Chair introduced the application.

The agent, Shamy Quershi, appeared on behalf of the application.

Member Gutfreund expressed that the project was a suitable addition to the neighbourhood that complimented the neighbourhood's character and met the four tests of the *Planning Act*.

Member Yan believed the design to be an excellent example of a multi-generational home and suited the streetscape.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/178/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/186/23

Owner Name: Jaefar Mohammadi
Agent Name: Contempo Studio (Marin Zabzuni)
12 Hammok Crescent, Thornhill
PLAN M941 LOT 156

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

- a) **By-law 1767, Section 14 (i)(c):**
a minimum rear yard setback of 24 feet 6 inches, whereas the by-law requires a minimum rear yard setback of 40 feet;
- b) **Parking By-law 28-97, Section 6.2.4.5 (a)(i):**
a width of 4.27 metres for a second driveway, with a main building setback of 7.6 metres from the public street, whereas the by-law permits a maximum driveway width of 3.7 metres for a second driveway which connects to a public street to the other driveway provided the main building is setback a minimum of 8.0 metres from the public street.
- c) **Amending By-law 100-90; Section 1.2(i):**
a maximum building height of 8.62 metres, whereas the by-law permits a maximum flat roof building height of 8.0 metres;
- d) **By-law 1767; Section 14(i)(c):**
a minimum front yard setback of 25 feet, whereas the by-law requires a minimum front yard setback of 30 feet;
- e) **Amending By-law 100-90; Section 1.2(iii):**

a building depth of 18.4 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

f) Amending By-law 100-90; Section 1.2 (vi):

a floor area ratio of 47.6 percent (7,155 square feet), whereas the by-law permits a maximum floor area ratio of 47 percent (7,058 square feet);

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

(West District, Ward 1)

The Chair introduced the application.

The agent, Marin Zabzuni, appeared on behalf of the application. Marin agreed with the staff report indicating that the variance resulted from conditions from the wide shallow lot, noting that there were other similar infill developments in the area and the requests were minor.

The Committee received seven written pieces of correspondence.

Tina Luo, a rear yard neighbour, spoke to the Committee and indicated their property was lower than the subject property and raised concerns regarding the rear yard setback and potential impacts of the overlook and reduced privacy from the second-storey living area and proposed balconies. Additionally, Tina commented on the hard surface coverage of the rear yard, with very little green space to mitigate impacts.

Member Gutfreund expressed concerns regarding the hard surface coverage in the front yard, with the increased driveway width creating increased runoff.

Member Reingold agreed with their colleague that the amount of hard surface in both the front and rear yards would have cumulative effects and indicated that the applicant should revisit the plans to reduce the hard surface in both yards.

Member Yan agreed with colleagues that the proposal included too much hard surface coverage in both yards. Member Yan did not support the two balconies in combination with the reduced rear yard setback as it created privacy impacts for the neighbours.

Member Sampson indicated that the proposed circular drive reflected the streetscape in the area. Member Sampson took exception to the description of the covered porch as it was a fully developed structure on the second storey with both indoor and outdoor living areas. The proposed porch and second storey encroached significantly into the rear yard setback, impacted the neighbours, and was undesirable.

The Chair indicated that the Committees' concerns with the variances resulted from a culmination of the impacts of various design features. The proposal was too large and pushed both the boundaries of the building envelope and the hardscaping guidelines. It

had large principal rooms, significant open-to-below space, multiple balconies, and considerable hardscaping. The Chair recognized other circular driveways in the area, noting that most had space for large mature trees. The building envelope and hardscaped areas would require the removal of mature trees to construct as proposed, and the proposal relied on vegetative screening on neighbouring properties. The requested rear yard setback was intrusive to neighbours and would create privacy issues.

Member Gutfreund agreed with the Chair, noting that it was a large home that would be overbuilt on a spacious but shallow lot. Member Gutfreund indicated insufficient justification had been given for the variances related to the driveway. Additionally, all Committee members had expressed concern with the proposed balconies in the rear and side yards, the amount of hard surfacing in the rear and front yards, the removal of mature trees, the lack of vegetative screening for the property and the reliance on neighbouring properties to provide privacy screening to reduce the impacts of the proposal.

Marin Zabzuni requested to defer the application.

Member Gutfreund motioned for defer with conditions.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT Application No. **A/186/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Tom Gutfreund

THAT the virtual meeting of the Committee of Adjustment was adjourned at 7:58 pm, and the next regular meeting would be held on January 17, 2024.

CARRIED

Original Signed on
February 17, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed on
February 17, 2024
Chair
Committee of Adjustment