



CITY OF MARKHAM
Virtual Meeting on Zoom

November 23, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 21st regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 PM
Arun Prasad	7:00 PM
Kelvin Kwok	7:00 PM
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Bernie Tom, Development Technician, Zoning and Special Projects

Regrets

Gregory Knight Chair
Sally Yan

DISCLOSURE OF INTEREST

None

Minutes: November 09, 2022

THAT the minutes of Meeting No. 20, of the City of Markham Committee of Adjustment, held November 09, 2022, respectively, be:

- a) Approved on November 23, 2022.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

Carried

1. **A/175/22**

Owner Name: Bing Fu
Agent Name: Gregory Design Group (Shane Gregory)
117 Main Street, Unionville
PL 401 LOT 16

The applicant was requesting relief from the requirements of By-law 122-72, as amended, to permit:

- a) **Section 7.1:**
a minimum flankage side yard setback of 4 feet 9 inches (1.45 metres) for the proposed addition, whereas the by-law requires a flankage side yard setback no less than 12 feet (3.66 metres) or one half the height of the building;
- b) **Section 11.2 (c):**
a minimum rear yard setback of 22 feet 11-1/2 inches (7 metres), whereas the by-law requires a minimum rear yard setback of 25 feet;
- c) **Section 11.2 (d):**
a maximum lot coverage of 34.0 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent;

as it related to a proposed two-storey addition with a new detached garage with loft.

The Acting Chair introduced the application.

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

Member Kwok motioned for deferral.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

The Committee unanimously deferred the application.

THAT Application No. **A/175/22** be **deferred** sine die.

Resolution Carried

SECONDARY SUITES

Member Reingold left the meeting to resolve technical difficulties.

2. A/194/22

Owner Name: Rajan Dayanand
Agent Name: Excel Engineering (Krishna Shah)
6 Durant Crescent, Markham
PLAN 65M2599 LOT 85

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) Section 6.1.1(a):**
an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

as it related to a proposed basement apartment.

The Acting Chair introduced the application.

The agent, Nirmal Shah, appeared on behalf of the application and shared a presentation detailing the proposal's features.

Member Prasad requested information regarding the proposed offices on the plan. The agent indicated that the owners requested offices in the design to meet the remote work needs of potential tenants.

The Acting Chair requested clarification regarding condition three in the staff report.

Greg Whitfield stated that staff had recommended that condition three be removed. The applicant would be unable to fulfill the condition due to timing considerations for the registration, clearance of Committee of Adjustment conditions and issuance of a Building Permit. The Building Permit required registration with Fire Services before occupancy, which met the intent of the condition. For future applications Committee of Adjustment staff would work with the Building Department staff to provide clarified wording for the condition.

Member Prasad motioned for approval with conditions as modified.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok
Absent Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/194/22** be **approved** subject to conditions contained in the staff report as modified.

Resolution Carried

Member Reingold re-entered the meeting.

3. A/208/22

Owner Name: Vachagman Amirkhanian Mehrabians
Agent Name: SHDESIGN (Randa Zabaneh)
60 Senator Reesor's Drive, Markham
PLAN 8330 LOT 30

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

a) Section 5.9:

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

as it related to a proposed basement apartment.

The Acting Chair introduced the application.

The agent, Sam Hinnawi, appeared on behalf of the application, indicating that the application was consistent with policies for providing shared accommodation and increasing affordable housing units.

Member Prasad agreed with the staff report and recommended approval subject to the conditions.

Member Kwok asked for clarification regarding the stairs handrail. The agent explained that they were utilizing an existing window for the doorway modified with appropriate structural support. Sam also indicated they would install clear glass railings around the stairs.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/208/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

4. A/079/22

Owner Name: Yun-Ki Vicky Mac
Agent Name: Paar Design Inc. (Nikol Paar)
24 Gladiator Road, Markham
PLAN 6999 LOT 10

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 (i):**
a maximum height of 10.13 metres, whereas the by-law permits a maximum height of 9.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 19.40 metres, whereas the by-law permits a maximum depth of 16.80 metres; and
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.54 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed single detached dwelling.

The Acting Chair introduced the application.

The agent, Nikol Paar, appeared on behalf of the application and provided details of the changes made to the application, including reduced floor area ratio and reductions to the balcony of the primary bedroom.

Bharat Kataria, 24C Gladiator Road, had submitted written comments regarding concerns that the proposed depth and rear balcony impacted the neighbours' privacy and increased the height was decorative only.

Nikol Paar indicated that the balcony had been reduced to respect the neighbour's privacy. Dwelling depth was measured on the first floor from the covered deck to the porch, and the feature mentioned by the neighbour was a chimney, and neither would impact views. Additionally, they redesigned the roof line and reduced the GFA, which improved the home's visual massing for the streetscape and neighbouring properties.

Member Sampson requested information regarding where the GFA had been reduced.

Nikol explained that minor reductions had been made to each room, resulting in the lower GFA.

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/079/22** be **approved** subject to conditions contained in the staff report.

NEW BUSINESS:

5. A/143/22

Owner Name: Yuen Seto
Agent Name: Emmanuel Olatoye
33 Furrow Street, Markham
PLAN 65M4341 LOT 85

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

- a) **By-law 177-96, Section 6.2.1 (b)(iii):**
the floor of the deck to be higher than the floor level of the first storey of the main building, whereas the By-law requires the floor of the deck to be not higher than the floor level of the first storey of the main building.

as it related to a proposed deck.

The Acting Chair introduced the application.

The agent, Emmanuel Olatoye and Yeun Seto, the owner, appeared on behalf of the application. Yeun Seto indicated the request was to expand the existing Juliette balcony off the kitchen to provide amenity space and access to the rear yard from the second floor.

Member Sampson noted that the property's grade contributed to the deck's height.

Member Kwok noted that in developing newer subdivisions, there were intentions that appropriately sized decks would replace Juliette balconies. They supported the request and motioned for approval with conditions.

Moved By: Kelvin Kwok
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/143/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/181/22

Owner Name: Patricia Conlon
Agent Name: Patricia Conlon
26 Peter Street, Markham
PL 1105 PT LT 46 65R5406 PT 4

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

a) Table 11.1:

a side yard setback of 1 foot 0 inches, whereas the By-law permits a minimum side yard setback of 4 feet 0 inches;

as it related to a proposed carport.

The Acting Chair introduced the application.

The owner, Patricia Conlon, appeared on behalf of the application.

Member Reingold supported the application indicating that the proposed carport was open on all sides and would enhance the home.

Member Sampson supported the application noting that the neighbour also had a reduced side yard with an enclosed garage resulting in similar impacts for the applicant's property.

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/194/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/169/22

Owner Name: Mehrdad Bakhtiari
Agent Name: Nafiss Design Inc. (Nafiseh Zangiabadi)
9 Marie Court, Thornhill
PLAN 8262 LOT 19

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

a) Section 6.1:

a minimum north side yard setback of 1.23 metres, whereas the By-law requires a minimum side yard setback of 1.80 metres;

as it related to a proposed second storey addition above the garage and an extension to the front porch.

The Acting Chair introduced the application.

The agent, Nafiseh Zangiabadi, appeared on behalf of the application and explained that the second story was aligned with the existing garage below. In addition, the agent noted staff support of the application and the minor nature of the request.

Olana Alcock, 7 Marie Court, was concerned regarding fire safety for both homes with the reduced setback.

The agent indicated that the existing setback was maintained and the proposal met the Building Code fire separation requirements.

Joan Honsberger, a representative of the Ward One Homeowner's Association, expressed concern regarding the large windows and was seeking confirmation that the applicant would follow the bird-friendly guidelines. The agent indicated they would utilize the guidelines.

Member Sampson noted no residents had raised concerns regarding the design of the solid wall and supported the application and motioned for approval.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/169/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/081/22

Owner Name: Julie DeGasperis
Agent Name: Action Planning Consultants (Franco Romano)
25 Steele Valley Road, Thornhill
PLAN 4824 E PT LOT 8

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

- a) **Amending By-law 100-90, Section 1.2(vi):**
a floor area ratio 48.5 percent (17,773 sq.ft.), whereas, the By-law permits a maximum floor area ratio of 42 percent (15,356 sq.ft.);
- b) **Amending By-law 100-90, Section 1.2(i):**
a maximum building height of 12.36 metres, whereas, the By-law permits a maximum building height of 11.3 metres; and
- c) **Amending By-law 100-90, Section 1.2(ii):**
a third storey, whereas, the By-law requires that no single detached dwelling shall be comprised of more than two storeys within a single vertical plane.

as it related to a proposed habitable attic space (third storey) for a detached dwelling.

The Acting Chair introduced the application.

The agent, Franco Romano, appeared on behalf of the application and provided a presentation which detailed the neighbourhood context and demonstrated that interior changes would not impact the streetscape. The agent noted that the area had multiple three-storey dwellings and the property grade was lower than the crown of the road. They indicated support of the staff recommendations and conditions, and that the application met the four tests of the Planning Act.

The Acting Chair clarified that the house was partially constructed and that approval of the request would not result in any visible changes to the house's exterior.

Member Reingold noted that the appearance of the houses was not impacted as all proposed work was interior. The member expressed that all owners desired to utilize the available space in their homes and the property and house were of a size that would support the increased floor area.

Member Prasad requested additional information regarding the previous minor variance application and the progress construction of the house.

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/081/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. A/165/22

Owner Name: Varahram Hemmati
Agent Name: Soodeh Salehin
11 Shady Lane Crescent, Thornhill
PLAN 7686 LOT 406

The applicant was requesting relief from the requirements of By-law 2150, as amended, to permit:

- a) **Section 3.7:**
an uncovered porch and stairs to encroach 6 feet 8 inches into the required front yard, whereas the By-law permits a maximum encroachment of 5 feet 0 inches into the required front yard;
- b) **Section 3.7:**
an encroachment of 30 inches for eaves and gutters into the interior side yards, whereas the By-law permits a maximum encroachment of 18 inches into the interior side yards;
- c) **Section 6.1:**
a maximum lot coverage of 36.63 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- d) **Section 6.1:**
a maximum building height of 26 feet 0, inches whereas the By-law permits a maximum of 25 feet 0 inches; and
- e) **Section 6.1:**
a minimum side yard setback of 4 feet 0 inches, whereas the By-law requires a minimum side yard setback of 6 feet 0 inches for two-storey portions of a building;

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

The Acting Chair introduced the application.

The agent, Soodeh Salehin, appeared on behalf of the application and presented renderings of the proposed house to illustrate the home's design and features and the requested variances. Soodeh expressed that the requests were minor in nature, the applicant had the support of their neighbours and the variances would not set a precedence within the neighbourhood.

The Acting Chair noted a home of similar design at 208 Kirk Drive.

Member Sampson agreed with the staff report and felt the design transitioned well within the neighbourhood.

Member Sampson motioned for approval.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/165/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

10. A/155/22

Owner Name: Robert Atkinson and Mahnaz Atkinson
Agent Name: Talah Rose Developments Inc. (Tara Modir)
9 Riverview Road, Markham
PLAN 3252 PT LOT 29

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

- a) Parking By-law 28-97, Section 6.2.4.6 (a):**
a maximum driveway width in the front yard of 8.02 metres, whereas the By-law permits a maximum driveway width of 6.1 metres;
- b) Amending By-law 99-90, Section 1.2 (iv):**
a garage to project 16 meters beyond the point of the main dwelling closest to the front lot line, whereas the by-law permits no part of a garage to project closer to the front lot line than 2.1 metres beyond the point of the main building closest to the front lot line; and

c) Amending By-law 99-90, Section 1.2 (iii):

a maximum building depth of 32.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Acting Chair introduced the application.

The architect, Reza Eslami, appeared on behalf of the application. The applicants had consulted with staff and had revised the proposal to address concerns throughout the process. The proposal met other zoning standards and was similar to 1 Riverview Road. The depth and projection variances related to the garage, which they had designed to preserve a mature tree. The applicant had an arborist report detailing the removal of trees and replacement requirements. The agent expressed the support of several neighbours. The proposal fit the context and built form of the neighbourhood, represented good planning, and met the four tests of the *Planning Act*.

There were fourteen letters of support submitted by the applicant and five letters of opposition due to public notice.

Greg Whitfield clarified that three variances were requested, and the architect's presentation and staff report provided interrelated justification for the depth and projection variances.

Ruth and Joe Ricci, 10 Riverview Road, felt that the building depth was not minor. They appreciated that the garage doors were not facing the road; however, the protruding garage presented significant massing on the property. Ruth spoke of the variances granted to 1 Riverview Road, noting that the garage design provided a privacy buffer for owners from the park's entrance. She also noted another application where the applicant had redesigned the house to incorporate the three-car garage. Ruth expressed that the requested variances did not meet the four tests of the *Planning Act*.

Member Reingold indicated that the architect had created a sensitive, transitional design for the neighbourhood, noting that the house was an appropriate size for the property. In addition, the member appreciated the various angles used in the design to reduce visual massing from the streetscape. Finally, member Reingold said the variances were minor and supported the application.

The Acting Chair agreed that the design was complimentary to the area and preserved the large tree on the property. They noted that variance requests were not assessed strictly as a question of numbers. They expressed support for the application indicating it was in balance with the built form of the neighbourhood.

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/155/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/156/22

Owner Name: Su Dehua
Agent Name: Prohome Consulting Inc. (Vincent Emami)
97 Fred Varley Drive, Markham
PLAN 7566 LOT 301

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

- a) **Section 6.1 - Schedule B:**
a maximum lot coverage of 35.83 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent; and
- b) **Section 6.1 - Schedule B:**
a minimum front yard setback of 21 feet 5 inches, whereas the By-law permits a minimum front yard setback of 27 feet.

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

The agent, Claudio Brutto, appeared on behalf of the application. The agent agreed with the recommendations in the staff report and stated that the application met the four tests of the *Planning Act*.

The Acting Chair noted the modest size of the house within the context of other recent infill development in the neighbourhood and that the requests were minor in nature.

Member Prasad stated the house was well designed, and the requested variances met the four tests of the *Planning Act* and motioned for approval of the application with conditions.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/156/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. A/153/22

Owner Name: Fasheng Zhou
Agent Name: Alit Design (Ali Tanha)
11 Drakefield Road, Markham
PLAN 5880 LOT 56

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 building depth of 17.88 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent; and

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

The Acting Chair introduced the application.

The agent, Ali Tanha, appeared on behalf of the application. The applicant had worked with staff to reduce the dwelling size from the original submission. However, they noted that the staff did not support the requested Floor Area Ratio. Ali provided a study of the area's character and recent infill development on streets surrounding the property. They expressed the depth variance was minor and that the FAR was not the best indicator of the massing of the proposal. The proposed house reflected the character of new homes in the area. The design of the house maintained the width, and the second floor was recessed to reduce visual impacts on the streetscape. The agent summarized that the FAR was an internal measurement that did not impact the visual massing of the home.

Eight letters of opposition were submitted in response to the public notice.

Tupper Wheatley, 9 Willowgate Drive, Vice Chair of the Boyington Heights Ratepayers Association, indicated that the architectural design of the proposed house was suitable for the streetscape. In addition, Tupper shared a presentation of recently constructed homes in the area that conformed to the bylaws and were constructed without variances. Tupper was aware the applicant had reduced the proposal. However, the proposed Net Floor Area was for a larger lot, and requested that application be denied.

Member Reingold expressed that the design was pleasant and transitional for the neighbourhood. However, the proposal was too large for the lot. In the past, the Committee had worked with homeowners to keep proposed house sizes appropriate for the area. The proposal needed to be reduced.

Member Sampson indicated agreement that the design was appropriate for the area but the size was too large for the lot. The member noted that no site condition drove the need for the increased FAR, and the request was based on wishes rather than requirements. The member did not support the application as presented and recommended that the applicant reduce the FAR.

Member Prasad inquired about the amount of open-to-below space included in the design. The agent indicated there was only one opening for the staircase. The owners were seeking additional space to accommodate a larger multi-generational family.

Member Prasad indicated that the FAR needed to be reduced. The design was good, but the proposal needed to be in line with previous Committee approvals.

The agent indicated they would consider a deferral of the application.

The Acting Chair indicated that the design was appropriate. However, they agreed with other Committee members that the FAR should be reduced and noted that the Committee rarely supported requests over 50 percent.

Member Prasad motioned for deferral.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

The Committee unanimously deferred the application.

THAT Application No. **A/153/22** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:59 pm, and the next regular meeting would be held on December 07, 2022.

CARRIED

Committee of Adjustment Minutes
Wednesday November 23, 2022

Secretary-Treasurer
Committee of Adjustment

Chair
Committee of Adjustment