



CITY OF MARKHAM
Virtual Meeting

February 19, 2025
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd regular meeting of the Committee of Adjustment for the year 2025 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
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Derek Lutz, Development Technician

Regrets

Arun Prasad

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: February 5th, 2025

THAT the minutes of Meeting 02, of the City of Markham Committee of Adjustment, held February 5th, 2025 respectively, be:

- a) Approved on February 19, 2025.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

Carried

4. Previous Request for Deferral

4.1 B/029/24

Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
3985 Highway 7, Markham
PLAN 65M4294 BLK 2

The owner was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 80 metres and an approximate lot area of 7,688 square metres (Parts 3, 4, 6, 7, 8, 9, 10, and 11);
- b) **establish an easement** for the purpose of vehicular and pedestrian access over Parts 10 and 11 in favour of the retained lands;
- c) **retain** a parcel of land with an approximate lot frontage of 174.43 metres and an approximate lot area of 29,908.2 square metres (Parts 1, 2, 5, 12, and 13);
- d) **establish an easement** for the purpose of vehicular and pedestrian access over Parts 12 and 13 in favour of the conveyed lands.

The purpose of this application was to sever the Subject Lands and to establish easements to facilitate the creation of one (1) new lot for a high-density residential development.

The agent, Rohan Sovig, appeared on behalf of the application.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

THAT Application **B/029/24** be **deferred** sine die.

Resolution Carried

5. NEW BUSINESS:

5.1 A/001/25

Agent Name: Gregory Design Group (Shane Gregory)
5 Boyd Court, Markham
PLAN M1880 LOT 2

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

- a) **By-law 2024-19, Section 4.8.10.1 a):**
a minimum front porch depth of 1.2 metres fronting the street, whereas the by-law requires a minimum front porch depth of 1.8 metres;

b) By-law 2024-19, Section 6.3.2 E):

a maximum distance of 24.57 metres for the 1st storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 metres for the first storey from the established building line; and

c) By-law 2024-19, Section 4.8.1 e) iii):

an accessory building located between the main building and the interior side lot line with a side yard setback of 1.1 metres, whereas the by-law requires a side yard setback of 1.8 metres;

as it related to a two-storey addition including a secondary suite to an existing two-storey residential dwelling.

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

Member Reingold expressed that the proposal was reasonable and well-proportioned for the property and streetscape.

Member Yan agreed with their colleague that there would be minimal impacts and that the proposal was suitable infill development.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/001/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/151/24

Agent Name: Sakora Design Inc. (Marco Razzolini)
138 Sherwood Forest Drive, Markham
PLAN 5881 LOT 16

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

a) By-law 2024-19, Section 6.3.2.2(c):

a maximum main building coverage of 26.54 percent for any storey above the first, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;

- b) By-law 2024-19, Section 6.3.2.2(e):**
a maximum distance of 18.67 metres for any storey above the first storey of the main building from the established building line, whereas the by-law permits a maximum of 14.5 metres for any storey above the first storey of the main building from the established building line;
- c) By-law 2024-19, Section 6.3.2.2(j):**
a maximum outside wall height of 7.26 metres, whereas the by-law permits a maximum outside wall height of 7 metres;
- d) By-law 2024-19, Section 4.8.9.2(a)(i):**
a minimum soft landscaping strip of 1.23 metres, whereas the by-law requires a minimum soft landscaping strip of 1.5 metres;
- e) By-law 2024-19, Section 4.8.10.1(a):**
a minimum exterior side yard porch with a depth of 0.62 metres, whereas the by-law requires a minimum exterior side yard porch with a depth of 1.8 metres; and
- f) By-law 2024-19, Section 4.8.10.2(d)(iii):**
a porch to project 0.84 metres beyond the established building line, whereas the by-law permits a maximum of 0.6 metres beyond the established building line;

as it related a new two-storey single family detached dwelling.

The agent, Marco Razzolini, appeared on behalf of the application.

The Committee received six written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Forest Residents Association, spoke to the Committee and stated that the proposed build was more prominent than other infill builds in the area and that the floor area and height of the second storey created massing that impacted the streetscape.

Ian Free, a Markham resident, objected to the requested variances, indicating the massing did not fit the neighbourhood.

Christiane Bergauer-Free, a Markham resident, stated concerns about drainage, privacy, shadowing, climate change, and mature trees, indicating these issues relate to infill development in established neighbourhoods across the City. Christiane objected to the requested variances, indicating that the proposal did not fit the area.

Member Sampson indicated that the second floor had significant open-to-below space, which did not contribute to the multi-generational home required by the owner, and expressed that the second-floor massing should be reduced to align with the intent of the by-law.

Member Reingold indicated that they did not have an issue with the house's orientation but expressed that the massing of the second floor needed to be reduced.

The Chair agreed that the orientation of the driveway to Sherwood Forest Drive provided a safer entrance for the property. However, the Chair indicated that the Committee had not approved floor area variances of this size in the neighbourhood and asked the applicant to consider deferring the decision.

Member Yan concurred with their colleagues regarding the orientation of the dwelling and indicated that the applicant should reduce the requested floor area in variance **a**).

Marco Razzolini requested a deferral of the decision.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

THAT Application **A/151/24** be **deferred** sine die.

Resolution Carried

5.3 A/131/24

Agent Name: Galbraith Planning & Associates Inc. (Sean Galbraith)
24 Orsi Court, Thornhill
PLAN 8 PCL J

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

- a) By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 30.9 percent (3,711 square feet) for the first storey and 20.6 percent (2484 square feet) for the second storey, whereas the by-law permits a maximum main building coverage of 30 percent (3,605 square feet) of the lot area for the first storey and 20 percent (2,403 square feet) of the lot area for any storey above the first;
- b) By-law 2024-19, Section 6.3.2.2(f):**
a minimum front yard setback of 6.93 metres, whereas the by-law requires a minimum front yard setback of approximately 8.48 metres;
- c) By-law 2024-19, Section 6.3.2.2(i):**
a minimum west interior side yard setback of 1.51 metres and a combined interior side yard on both sides of 4.41 metres, whereas the by-law permits a minimum interior side yard of 1.8 metres and combined interior side yard on both sides of 11.75 metres;

- d) **By-law 2024-19, Section 6.3.2.2(j):**
a maximum outside wall height of **7.62** metres, whereas, the by-law permits a maximum outside wall height of 7.0 metres;
- e) **By-law 2024-19, Section 6.2.1(b):**
a roof projection of **1.94** metres above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project only a maximum of 1.0 metres above the maximum outside wall height;
- f) **By-law 2024-19, Section 4.8.10.2(d)(iii):**
a porch and underground cold cellar to project 1.25 metres beyond the established building line, whereas the by-law permits a porch with underground cold cellar to project a maximum of 0.6 metres beyond an established building line; and
- g) **By-law 2024-19, Section 4.8.10.2(d)(iv):**
stairs used to access a porch to project 1.40 metres beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project 0.45 metres beyond a permitted porch encroachment;

as it related to an addition to the first storey and a new second storey addition to the existing single-detached dwelling and a proposed deck.

The agent, Sean Galbraith, appeared on behalf of the application. Sean indicated that variance **d)** should read **7.62 m** and variance **e)** should read **1.94 m**, as noted above.

The Committee received three written pieces of correspondence.

Joan Honsburger, representing the Ward 1 residents association spoke to the Committee expressing concerns regarding the potential shadowing on adjacent properties. Sean Galbraith provided a shadow study.

Member Sampson indicated that although there were several variances they resulted from the irregular lot and were minor.

Member Reingold felt the addition was appropriate and the requests were minor.

Member Sampson motioned for approval of the application as modified by the applicant with conditions. (Modifications confirmed by the Chair.)

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/131/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/003/25

Agent Name: Malone Given Parsons Ltd. (Lincoln Lo)
3912 Highway 7, Markham
CON 5 PT LOT 11

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

- a) **By-law 177-96, Section 7.558:**
an Apartment Dwelling use, whereas the by-law does not permit this use;

as it related to a proposed seniors life lease residence.

The agent, Lincoln Lo, appeared on behalf of the application, indicating the request was technical and agreed to the conditions.

The Committee received one written piece of correspondence.

Member Yan indicated it was a technical variance to facilitate the building permit and that the request was minor, met the intent of the zoning by-law, and motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/003/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/149/24

Agent Name: MHBC Planning Limited (Mr. David McKay)
7481 Woodbine Avenue, Markham
CON 4 PT LOT 4 65R9891 PTS 1 2 & 3

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

- a) **By-law 2024-19, Section 9.4.2.1:**
a child care centre, motor vehicle sales establishment, restaurant, and minor entertainment centre uses, whereas the by-law does not permit these uses; and

b) By-law 2024-19, Section Table 5.8.1:

a minimum of 0 loading spaces for a gross floor area between 1,000 square metres and 1860 square metres, whereas the by-law requires 1 loading space for a gross floor area between 1,000 square metres and 1860 square metres;

as it related to an existing two-storey commercial building.

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

The Committee received two written pieces of correspondence.

Scott Ma, property manager for the adjacent property, spoke to the Committee.

Member Reingold asked if tenants had been lined up for the proposed uses.

Member Yan indicated that the request for additional uses was similar to other approved applications in the area. Member Yan expressed that the Committee was generally supportive of applications that improved occupancy of commercial spaces and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/149/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.6 A/152/24

Agent Name: Nethery Planning (Denise Landry)

1443 Denison Street, Markham

PLAN 65M2230 PT LOTS 4 AND 5 RS65R38007 PTS 1 AND 2

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

a) By-law 108-81, Section 4.3.8 and 7.4.1(c):

retail as an accessory use to a permitted Health Centre, whereas the by-law does not permit this use;

as it related to an existing health centre.

The agents Marcus Ruggiero and Denise Landry appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold agreed with the staff report, indicating the request met the four tests of the *Planning Act*.

Member Yan noted the changes were to the internal layout, and the request was minor.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/152/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:26 pm, and the next regular meeting would be held on March 5th, 2025.

CARRIED

Signed
March 5, 2025
Secretary-Treasurer
Committee of Adjustment

Signed
March 5, 2025
Acting Chair
Committee of Adjustment