



CITY OF MARKHAM
Virtual Meeting on Zoom

September 7, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 16th 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

Gregory Knight Chair	7:00 PM
Tom Gutfreund	7:00 PM
Sally Yan	7:00 PM
Jeamie Reingold	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Kelvin Kwok	8:03 PM

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

DISCLOSURE OF INTEREST

Minutes: August 24, 2022

THAT the minutes of Meeting No. 15, of the City of Markham Committee of Adjustment, held August 24, 2022, respectively, be:

- a) Approved on September 7, 2022.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Carried

NEW BUSINESS:

1. A/154/22

**Owner Name: Forest Bay Homes (Clay Leibel)
Agent Name: Forest Bay Homes (Clay Leibel)
6350 Steeles Avenue, Markham
CON 8 PT LT 3 65R15734 PT 1 & PT 2**

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

- a) **Amending By-law 2015-6, Section 7.64.1 g:**
a minimum setback of 1.50 metres, whereas the By-law requires a minimum setback of 7.0 metres to an open space zone.

as it related to the proposed townhouse development.

The Chair introduced the application.

One piece of written correspondence had been received as a result of the public notice.

The owner, Clay Liebel, appeared on behalf of the application. Clay addressed a question submitted by a resident Mohammed Ali, regarding the proposed variance.

Greg Whitfield shared the site plan and demonstrated the location of the variance in relation to the resident's property.

The Secretary-Treasurer informed the Committee that TRCA had confirmed that the applicant had satisfied their requirements.

Member Gutfreund had reviewed and agreed with the staff report and indicated the application met the four tests of the *Planning Act*.

Member Gutfreund motioned for approval.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/154/21** be **approved** subject to conditions contained in the staff report as amended.

Resolution Carried

2. A/082/22

Owner Name: 2456965 Ontario Inc. (Hamid Ghadaki)
Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
18 Water Walk Drive, Markham
PLAN 65M4395 BLK 3

The applicant was requesting relief from the requirements of By-law 2004-196, as amended to permit:

a) Section 6.11.3:

a minimum of ~~0.09~~ **0.1** visitor parking spaces per unit, whereas the By-law requires a minimum of 0.2 parking spaces per unit; and **(as amended)**

b) Section 6.11.3:

a maximum of ~~4.4~~ **1.088** residential parking spaces per unit, whereas the By-law requires a maximum of 1.0 resident parking spaces per unit. **(as amended)**

as it related to a mixed-use development that was under construction. This application was also related to Site Plan Control application SPC 22 115746 which was reviewed concurrently.

The Chair introduced the application.

The agent, Lincoln Lo, appeared on behalf of the application and provided a presentation for the Committee. Lincoln acknowledged that staff had recommended minor changes to the proposed variances. In addition, the agent identified that minor changes had occurred during the building permit process, and the proposal had added two and three-bedroom units, which generated potential demand for more residential parking. However, the total quantum of parking spaces remained unchanged, and the request was for reallocation from visitor parking spaces to residential parking spaces. Lincoln had worked with City staff throughout the revision, agreed with the recommendations in the staff report, and expressed that the proposal met the four tests of the *Planning Act*.

Member Yan stated that the applicant had gone through a technical review. It was a good development and location with an increased number of family units and was in support of the application.

Member Yan motioned for approval of the amended variances as recommended by staff.

Moved By: Sally Yan
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/082/22** be **approved** subject to conditions contained in the staff report, as amended. (**as amended**)

Resolution Carried

3. **A/116/22**

Owner Name: CHERYL GREGORY
Agent Name: Gregory Design Group (Shane Gregory)
16 Church Street, Markham
PLAN 18 BLK H PT LOT 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 5.35 feet, whereas the by-law requires a minimum of 8 feet;
- b) **Table 11.1:**
a lot area of 4860.50 sq.ft., whereas the by-law requires 6500 sq.ft.;
- c) **Table 11.1:**
one dwelling unit in a triplex to have an area of 513 sq.ft., and a second dwelling unit of 665 sq.ft., whereas the by-law requires a minimum area of 900 sq.ft.; and
- d) **By-law 28-97, Section 3.0, Table A:**
three (3) parking spaces; whereas the by-law requires five (5) parking spaces;

as it related to converting an existing single family dwelling to a triplex, including a second driveway for parking.

The Chair introduced the application.

The owner, Russ Gregory, appeared on behalf of the application. Russ presented the proposal indicating that the request was to change the building from business use to a residential triplex. The use was permitted; however, the site required variances to meet the zoning standards for a residential triplex. The owner indicated that no external changes would occur to the property. The owners had provided information to the neighbours in advance of the meeting.

There were two pieces of written correspondence in support of the application and one piece of written correspondence from the immediate neighbour.

Terry Smith, of 14 Church Street, appeared at the meeting and objected to the request. Terry indicated that when the house was rebuilt a few years back, variances were requested, and additional reductions were requested again. The speaker expressed that the unit sizes were small on a corner lot with reduced greenspace and insufficient parking, and the concerns were significant.

Member Gutfreund noted that no external changes were proposed for the property and that the conditions had existed for quite some time. The application was supportive of the City's and Provincial policies for a variety of housing options and affordable housing, and a triplex use was permitted. Member Gutfreund was supportive of the application.

Member Reingold agreed with their colleague and noted that the property was close to schools and public transit, which supported affordable housing options. Therefore, the member was in support of the application.

Member Prasad requested to see the drawings and asked if the internal drawings were available.

Russ Gregory restated that there would be no external changes to the property, and three entrances were already in place. Additionally, Russ indicated that the application had the support of Heritage Markham.

The Chair spoke to the previous Minor Variance application noting that all work had received approvals before the work was carried out. Additionally, the Chair noted the property improvements and the greenspace and landscaping. Finally, the Chair stated that the adaptive reuse of heritage properties was an exemplary example of small lot development.

The Chair summarized the variances noting that they related to the change from commercial property to a triplex which was a permitted use.

Greg Whitfield confirmed that the lot size was not changing and the variances related to different zoning requirements for the triplex.

Finally, the Chair noted that the property was zoned for a triplex. Additionally, there was Provincial and City Planning policy that permitted three units on the property, and the property was characteristic of the mixed-use area.

Member Gutfreund motioned for approval of the application indicating they agreed with the staff report and that it met the four tests of the *Planning Act*.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

Opposed: Arun Prasad

The majority of the Committee approved the application.

THAT Application No. **A/116/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. **A/120/22**

Owner Name: Yun Hong Ma
Agent Name: LHW Engineering (Lihang Wang)
69 Forty Second Street, Markham
PLAN 65M2269 LOT 188

The applicant was requesting relief from the requirements of By-law 134-79, as amended to permit:

- a) **Section 7.2 (c):**
a maximum lot coverage of 41 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- b) **Section 7.2 (b):**
a rear yard setback of 7.4 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres; and
- c) **Section 7.2 (b):**
a side yard setback of 0.82 metres, whereas the By-law requires a minimum side yard setback of 1.2 metres;

as it related to a proposed one-storey rear sunroom addition.

The Chair introduced the application.

The agent, Tony Au, appeared on behalf of the application. Tony gave a brief presentation highlighting that the proposed addition was one storey and a basement with a sloped roof that met the existing side yard setback. In addition, they demonstrated on the plans that the proposed height was approximately ten feet above grade, there was an existing fence of two metres between the properties, and the request was minor.

Member Reingold asked what building material would be used.

The agent further explained that the rear of the addition would have large windows for sunlight; however, the sides of the addition would be solid construction to provide privacy for the owner and neighbours.

Member Yan acknowledged the letter from the neighbour concerned that the proposed addition would block the sightlines from their property.

Tony further highlighted that the addition had only two steps and that the top of the eaves would be 9.6 feet above grade and there was a four-metre setback between the dwellings. They further noted that the requested side yard setback was for the walk-up stairs for the basement on the other side of the addition. The agent identified that the neighbour also had a sunroom addition that extended into their rear yard and was beyond the proposed extension.

Member Gutfreund noted that the requested variances were minor in nature, and supported the application.

Member Reingold indicated that the application was a one-storey addition and noted that the lot coverage request was reasonable and that the setback would help to mitigate impacts for the adjacent property. As such, the member supported the application.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/120/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/117/22

Owner Name: Gaetano Carvelli
Agent Name: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
4250 19th Avenue, Markham
CON 5 PT LOT 31 RS66R4559 PART 1

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

a) Section 7.5(b)(iii):

an east side yard setback of 1.1m for a detached accessory building and 3.0m for the detached dwelling, whereas the By-law states a minimum side yard setback of 6.0m is required;

b) Section 7.5(b)(iii):

a rear yard setback of 4.9m for a detached accessory building whereas the By-law states a minimum rear yard setback of 7.5m is required;

c) By-law 28-97, Section 6.2.4.2(b)(i):

a maximum driveway width of 15.2m whereas the By-law states maximum 12.2m is permitted;

as it related to the demolition of an existing residence to construct a new 2-storey single family residence with an attached garage.

The Chair introduced the application.

The agent, Joseph Campitelli, appeared on behalf of the application. Joseph had read the staff report and agreed with the recommendations and agreed with the conditions. Additionally, the agent indicated that they had been working with TRCA and had submitted an arborist report.

Five pieces of written correspondence in support of the application were received.

Member Reingold commended the agent for the design, which mitigated the impacts of the request from the streetscape and provided discreet parking. They noted that the applicant had worked with TRCA and had been attentive to reducing impacts on the surrounding uses. Member Reingold supported the application.

Member Gutfreund agreed with their colleague and supported the application.

Member Reingold motioned for approval.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/117/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/172/21

Owner Name: Afshin Baghaei
Agent Name: Urbanscape Architects Inc. (Ali Malek-Zadeh)
81 Meadowview Avenue, Thornhill
PLAN 2446 LOT 366

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 56.1 percent (3,462 square feet), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3,086 square feet);

b) Amending By-law 101-90, Section 1.2 (i):

a maximum building height of 9.53 metres, whereas the By-law permits a maximum building height of 8.60 metres; and

c) Amending By-law 101-90, Section 1.2 (iv):

a maximum building depth of 17.11 metres, whereas the By-law permits of depth of 16.80 metres;

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

The Chair introduced the application.

The agent, Ali Malek-Zadeh, appeared on behalf of the application and agreed with the staff report.

Mike Froebel, of 83 Meadowview Avenue, indicated that his property was downhill from the adjacent property. There were previously drainage issues with the property, and he expressed concern that the increased impervious surface could potentially create new flooding issues on his property.

The agent shared drawings showing how 81 Meadowview Avenue related to 79 Meadowview Avenue, and 83 Meadowview Avenue, and indicated that engineering approval for the retaining wall and a grading permit would be required before construction. They noted that similar proposals had been granted to neighbours, and in their opinion, it met the four tests of the *Planning Act*.

Member Reingold indicated that drainage issues would be dealt with through engineering approvals. They were supportive of the requested variances for height and depth. However, they felt the request for a Floor Area Ratio of 56.1 percent would create significant massing with a sizeable tall dwelling.

Member Gutfreund agreed with Member Reingold and recommended reducing the Floor Area Ratio to 55 percent.

Member Sampson agreed with the comments of their colleagues.

Member Kwok agreed with their colleagues regarding the Floor Area Ratio and asked the agent how the proposed height compared to adjacent properties.

The agent indicated that the proposed height was lower than the adjacent property.

The Chair indicated the build had considerable massing.

Member Gutfreund asked if the agent would agree to reduce the Floor Area Ratio to 55 percent.

The Chair asked if there was a motion to defer.

The agent requested the application be approved at a Floor Area of Ratio of 55 percent.

Member Prasad indicated the Committee would consider the request and moved for the approval of the application with an amendment to variance **(a)** for **a Floor Area Ratio of 55 percent.**

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/172/21** be **approved** subject to conditions contained in the staff report. **(As Amended)**

Resolution Carried

7. A/102/22

Owner Name: Jiaheng Wei
Agent Name: Ali Shams
49 Wildrose Crescent, Thornhill
PL M899 PT LTS 75 & 76 66R2319 PTS 2 & 36

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 (iii):**
a maximum building depth of 18.67 metres, whereas the By-law permits a maximum building depth of 16.80 metres; and
- b) **Amending By-law 100-90, Section 1.2 (vi):**
a maximum floor area ratio of 55.4 percent (4,564 square feet), whereas the By-law permits a maximum floor area ratio of 50 percent (4,117 square feet);
- as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Ali Shams, appeared on behalf of the application and indicated a positive staff report, that the requests were minor in nature and met the four tests of the *Planning Act*.

One piece of written correspondence in opposition was received as a result of the public notice.

Member Yan had read the report and noted the proposal met the setbacks and was consistent with other infills in the area, and supported the application.

Member Gutfreund indicated that the proposal was minor; however, they felt the Committee should be consistent and proposed the applicant reduce the Floor Area Ratio to 55 percent.

The agent explained that the jut out of the chimney breasts resulted in the 0.4 percent increase over the 55 percent Floor Area Ratio recommended by Member Gutfreund. Accordingly, the agent requested that the Committee would consider approving the application as requested.

Member Gutfreund expressed that the agent's explanation regarding the chimney breast was reasonable and supported the application as requested.

Member Prasad agreed with their colleague.

Member Gutfreund moved for approval.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/102/22** be **approved** subject to conditions contained in the staff report.

Committee of Adjustment Minutes
Wednesday September 7, 2022

Adjournment

Moved by: Patrick Sampson
Seconded by: Kelvin Kwok

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:28 pm,
and the next regular meeting would be held on September 21, 2022.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment