



CITY OF MARKHAM
Virtual Meeting

Wednesday April 2, 2025
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 6th 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
Jeannie Reingold	7:00 pm
Sally Yan	7:00 pm
Arun Prasad	7:00 pm

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

Regrets

Patrick Sampson

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: March 19th, 2025

THAT the minutes of Meeting 05, of the City of Markham Committee of Adjustment, held March 19th, 2025 respectively, be:

- a) Approved on April 2nd, 2025.

Moved by: Arun Prasad
Seconded by: Sally Yan

4. REQUEST FOR DEFERRAL OR WITHDRAWN

None

Carried

5. PREVIOUS BUSINESS:

5.1 A/088/24

**Agent Name: Building Experts Canada Ltd. (Miaoyi Xue)
59 Lee Avenue, Markham
PLAN 2440 W PT LOT 32**

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

a) By-law 2024-19, Section 4.9.10 (g):

a garden home to be located no further than 51 metres from a lot line abutting a street, whereas the by-law permits a garden home to be located no further than 30 metres from a lot line abutting a street;

as it related to the proposed garden home.

The agent, Miaoyi Xue, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Mike, a neighbour, indicated they were not opposed to development that would bring improvements and benefit the residents. However, the property had numerous issues with property standards, the impacts of which were felt by the neighbouring properties and residents of Lee Avenue. A garden suite of this size could further increase this burden and would not be a desirable development.

Siva Kumarasamy, a neighbour, objected to the garden suite, indicating that it would create increased noise and parking impacts from using the property as a multitenant rental property. Additionally, in their opinion, as there was a history of property neglect, there was insufficient evidence that a proper safety and fire plan could be maintained to ensure that fire would not spread to adjacent properties through vegetation and fences. Siva indicated that an addition to the primary residence would be a more appropriate form of development.

Member Prasad expressed that if the proposed garden home did not meet the standards for emergency services, the request could not be considered minor and created unacceptable adverse impacts on abutting properties and the neighbourhood in general, increasing potential health and safety risks for the residents. Member Prasad did not support the proposal and agreed with the neighbours that additional floor space could be added to the primary residence. Consideration needed to be made that medical and other community services would similarly be impacted if fire services could not reach the garden home. Member Prasad expressed that the Committee was tasked

with determining if it was desirable for the community. Considering the circumstances and the community's input, Member Prasad did not consider the proposal suitable for the area, expressing that the requested variance was, from a public interest point of view, undesirable for the appropriate development or use of the land, relative to the neighbouring lands.

Member Reingold expressed that the proposed building felt like a primary residence rather than what was envisioned as a garden suite. Member Reingold indicated that impacts to adjacent properties, including changes to the water table, reduced privacy, and safety concerns, could be precedent-setting for the area. Member Reingold did not support the application, indicating the proposal represented development incompatible with the surrounding area by introducing a two-story residential building too deep into the lot and further from the property line than was intended or was reasonable. The requested variance was not minor because it created unacceptable adverse impacts on abutting properties and the neighbourhood in general, increasing potential health and safety risks for the residents.

Member Yan appreciated the applicant's reduction of the previous design, noting that there appeared to be a gap in the standards related to the size of garden homes. Member Yan noted that the use was permitted and that the applicant had revised the plans to meet the development standards. Noting a mechanical solution to provide fire safety through a sprinkler system had been added as a condition, Member Yan supported the application indicating it met the four tests of the *Planning Act*.

The Chair asked how the proposal met the standards for a garden home.

Greg Whitfield gave an explanation of the development standards for garden homes.

Member Prasad motioned to deny the application.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold
Opposed: Sally Yan

THAT Application No. **A/088/24** be **denied**.

Resolution Carried

5.2. A/150/24

Agent Name: Eden Engineering & Design Inc. (Albert Yerushalmi)
15 Frank Ash Street, Markham
PLAN 65M4479 LOT 64 65R37177 PARTS 38, 39 AND 40

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

a) By-law 2024-19, Section 6.2.1(d):

a roof containing dormers which occupy 42.61 percent of the width of the roof length, whereas the by-law permits a maximum of 35 percent;

b) By-law 2024-19, Section 4.9.12(c):

a coach house dwelling on a lot that has a lot frontage of 8.28 metres; whereas the by-law requires a minimum lot frontage of 9.75 metres; and

c) By-law 2024-19, Section 4.9.12(d):

a coach house dwelling to be setback 5.26 metres from the main building on the lot, whereas the by-law requires a minimum setback from the main building of 6 metres;

as it related to the proposed coach house dwelling.

The agent, Albert Yerushalmi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Stephen Choi and Chuan Ling Li, adjacent neighbours, expressed that the proposed coach house would impact neighbouring properties through increased shadowing of the rear yards, the sense of space of the driveways with support pillars immediately adjacent to the parking pad, visually unpleasant barriers, and create property maintenance issues for snow clearing and roof drainage onto adjacent properties. They did not feel the property was large enough to propose a coach house development of this size.

Sam Lee, a rear neighbour, opposed the development, particularly the extension of the coach house to cantilever over the parking pad. Sam expressed that the size and scope of the project were unreasonable for maintaining the neighbourhood's consistency and aesthetics. Sam indicated that the visual massing proposed was not in line with the surrounding community character, was a substantial increase in size from other coach houses, and would impact the streetscape and pedestrians. The proposal would not allow for adequate light and openness for adjacent properties and would reduce the overall livability of the area for residents.

Liz Brown, Committee of Adjustment representative for the Markham Village Sherwood Forest Residents Association, indicated that only the second floor was counted in the floor space calculation; however, the carport below added massing and visual impact.

Member Yan noted that this was a smaller lot that did not meet the minimum lot frontage for a coach house and felt that while there are other examples on the street, it may not be a good fit for this property.

The Chair noted that the adjacent coach house was over the two bays of the garage, which was typical of the area. However, this proposal was considerably larger as it extended over the parking pad and is not a direct comparison. When the neighbourhood was planned, it had lots on which coach houses were contemplated. Per the by-law, not all lots were considered suitable for coach houses.

The agent requested a deferral.

The Chair requested that when the applicant returned to the Committee, they provide additional details of how the proposed coach house would interact with the existing coach house on the adjacent property.

Member Prasad motioned to defer.

Moved by: Arun Prasad

Seconded by: Sally Yan

THAT Application No. **A/150/24** be **deferred** sine die.

Resolution Carried

6. NEW BUSINESS:

6.1 A/016/25

Agent Name: API Development Consultants Inc. (Natalia Garavito)
8330 Woodbine Avenue, Markham
PLAN 3940 LOTS 14 & 15 PLAN 65M2326 BLK 19 PLAN 65M2073 LOT 19

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

- a) **By-law 2024-19, Section 5.2.5 A):**
61 parking spaces with a minimum length of 5.5 metres, whereas the by-law requires a minimum length of 5.8 metres;
- b) **By-law 2024-19, Section 5.8.1:**
a minimum of one loading space, whereas the by-law requires a minimum of four loading spaces;
- c) **By-law 2024-19, Section 8.3.1.2 (G):**
a maximum building height of 48 metres above average grade, whereas the by-law permits a maximum building height of 46 metres above average grade;

- d) **By-law 2024-19, Section 8.3.1.2 (I):**
a minimum landscaping strip abutting an interior side lot line or rear lot line of 1.15 metres, whereas the by-law requires a minimum landscaping strip of 3 metres;
- e) **By-law 2024-19, Section 8.3.1.2 (J):**
a minimum landscaping strip abutting a front lot line or exterior side lot line of 2 metres, whereas the by-law requires a minimum landscaping strip of 3 metres;
- f) **By-law 2024-19, Section 4.8.8 (B):**
a roof canopy overhang encroachment of 5.75 metres into the required rear yard setback, whereas the by-law permits a maximum encroachment of 0.9 metres;
- g) **By-law 2024-19, Section 5.2.6 (C):**
a maximum of 29 dead end parking spaces on a parking aisle, whereas the by-law permits a maximum of 6 dead end parking spaces on a parking aisle;
- h) **By-law 2024-19, Section 5.2.8 (B):**
a minimum parking aisle projection beyond the adjacent parking spaces to the parking aisle terminus of 0.9 metres, whereas the by-law requires the full width of the aisle to project 1.2 metres beyond the adjacent parking spaces to the parking aisle terminus; and
- i) **By-law 2024-19, Section 8.3.1.2 (I) (J):**
electric vehicle charging stations to be located within the required landscaping strip, whereas the by-law does not permit electric vehicle charging stations to be located within the required landscaping strip;

as it related to the proposed hotel.

The agent, Lyn Salplys, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Yan, indicated that the requested variances were site specific and would maximize the development of the site. Member Yan noted that the property was located within a MTSA, was accessible from the highway and an appropriate location for the development.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/016/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 A/002/25

Agent Name: Noble Prime Solution Ltd. (Pavneet Kaur)
78 Lahore Crescent, Markham
PLAN 65M3928 PT LOT 58 RP 65R29790 PTS 15 AND 16

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

- a) **By-law 2024-19, Section 4.9.9(d):**
a rear yard stair encroachment of 2.75 metres, whereas the by-law permits a maximum stair encroachment of 2.0 metres into the required rear yard; and
- b) **By-law 2024-19, Section 4.8.8(f):**
an unobstructed path of travel to an additional dwelling unit of 0.91 metres, whereas the by-law requires a minimum clear path of travel of 1.2 metres;

as it related to a basement walkout for an additional residential dwelling unit.

The agent, Tanvir Rai, appeared on behalf of the application. The agent explained to the Committee that variance **b)** was requested to accommodate the encroachment of the existing gas meter into the path of travel and that moving the meter may make the project unaffordable.

The Committee received two written pieces of correspondence.

Member Prasad, asked how emergency services would access the unit?

Tanvir indicated that there was no fence between the house and the adjacent neighbour, so a clear access path was available at the entrance to the additional unit.

Member Prasad suggested that the applicant consider moving the gas meter.

Member Yan indicated that the Committee had to prioritize safety regarding access for emergency services.

Member Reingold indicated that safety was a concern, but beyond that, practicality needed to be considered; there was insufficient space to permit the request reasonably.

Pavneet Kaur requested deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application **A/002/25** be **deferred** sine die.

Resolution Carried

6.3 A/008/25

Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
9392 Kennedy Road, Markham
65M4613 PART BLOCK 3 65R39998 PART 1

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

- a) **By-law 177-96, Table B1 (5):**
a private garage to be attached to the main building for a lot accessed by a laneway, whereas the by-law does not permit an attached garage for a lot accessed by a laneway;
- b) **By-law 177-96, Table B1, (A):**
a minimum lot frontage of 12 metres, whereas the by-law requires a minimum lot frontage of 15 metres;
- c) **By-law 177-96, Table B1, (G):**
a minimum rear yard setback of 13 metres, whereas the by-law requires a minimum rear yard setback of 14.8 metres;
- d) **By-law 177-96, Table B1, (H):**
a maximum building height of 11.5 metres, whereas the by-law permits a maximum building height of 11 metres; and
- e) **By-law 177-96, Section 6.17:**
a parking pad no closer than 1 metre from the north lot line, whereas the by-law requires a parking pad to be no closer than the required exterior side yard setback distance;

as it related to the relocation of an existing heritage house and proposed addition.

The agent, James Koutsovitis, appeared on behalf of the application.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/008/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.4 A/014/25

Agent Name: Hirman Architects Inc. (Mani Yeganegi)
10901 Victoria Square Boulevard, Markham
PLAN 4123 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 6.3.2. c):**~~
a maximum main building coverage of 20.5 percent for the second storey, whereas the by-law permits a main building coverage of 20 percent for any storey above the first; **Withdrawn**
- b) **By-law 2024-19, Section 6.3.2. c) & xiv):**
a combined main building coverage area of ~~572~~ **553** square metres, whereas the by-law permits a maximum combined main building coverage of 500 square metres;
- c) **By-law 2024-19, Section 6.3.2. e):**
a maximum distance from the established building line of 16.93 metres for the second storey, whereas the by-law permits a maximum distance from the established building line of 14.5 metres for the second storey;
- d) ~~**By-law 2024-19, Section 6.3.2. l):**~~
a minimum combined interior side yard of 5.26 metres, whereas the by-law requires a minimum combined interior side yard setback of 5.87 metres;
Withdrawn
- e) **By-law 2024-19, Section 6.3.2. j):**
a maximum outside wall height of 8.57 metres, whereas the by-law permits a maximum outside wall height of 7.0 metres;
- f) **By-law 2024-19, Section 6.2.1. b):**

a roof structure to project a maximum of 2.6 metres above the maximum outside wall height, whereas the by-law permits a maximum projection above the maximum outside wall height of 1.0 metres;

g) By-law 2024-19, Section 6.2.1. d):

dormers to occupy 36.45 percent of the width of the front roof length, whereas the by-law permits a maximum of 35 percent of the width of the front roof length;

h) By-law 2024-19, Section 4.8.10 d):

~~a front porch with a roof height above the porch of 8.7 metres above established grade to encroach 0.51 metres into the front yard, whereas the by-law permits a porch to encroach a maximum of 1.8 metres into the required front yard setback, provided the underside of the roof of the porch is located not more than 4.5 metres above established grade;~~ **Withdrawn**

as it related to a single detached dwelling.

The agent, Jonathan Benczkowski, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Forest Community Association, addressed the Committee, indicating that the variance for primary building coverage was consistent across the City and was established on all lots within the RES-ENRL zone and that having a larger lot was not a justification for an increase. Elizabeth appreciated the changes made by the applicant to plans that would maintain the side yard setback standards. However, Elizabeth expressed that the height should be reduced to something in keeping with the neighbourhood. Additionally, Elizabeth noted that the proposed front porch did not reflect the character and design of the streetscape and recommended reducing the height of the front porch in addition to the overall building height.

Cora Lau, a neighbour, agreed with the issues raised by Elizabeth Brown.

Member Reingold had similar concerns as the residents, noting that the home would have grandeur not reflected in other homes in the neighbourhood. Member Reingold felt the overall height of the building and porch were not an appropriate fit for the area.

Member Yan thanked the applicant for making changes and withdrawing some of the requested variances. However, the changes did not address concerns about the height of the entrance and expressed that it was out of character for the neighbourhood.

The Chair asked the applicant if they would be able to lower the front entrance and withdraw variance **h)** to allow the porch to compliment the streetscape.

Jonathan Benczkowski indicated agreement to withdraw variance **h)**.

Member Prasad motioned for approval with conditions to the amended application.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

The Committee unanimously approved the amended application.

THAT Application **A/014/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. ADJOURNMENT:

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:16 pm, and the next regular meeting would be held on April 15, 2025.

CARRIED

Signed
May 2nd, 2025
Secretary-Treasurer
Committee of Adjustment

Signed
May 2nd, 2025
Acting Chair
Committee of Adjustment