



CITY OF MARKHAM
Virtual Meeting on Zoom

March 6, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 4th regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

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

Regrets

Gregory Knight Chair
Jeannie Reingold
Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: February 21, 2024

THAT the minutes of Meeting No. 3, of the City of Markham Committee of Adjustment, held February 21, 2024 respectively, be:

- a) Approved on March 6, 2024.

Moved by: Patrick Sampson
Seconded by: Sally Yan

Carried

REQUESTS FOR DEFERRAL

1. **A/002/24**
Agent Name: Prohome Consulting Inc. (Vincent Emami)
66 Liebeck Crescent, Markham
PLAN M1441 LOT 350

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

- a) **By-law 11-72, Section 6.1:**
a minimum north side yard setback of 4 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;
- b) **By-law 11-72, Section 6.1:**
a maximum lot coverage of 36.74 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- c) **By-law 11-72, Section 6.1:**
a maximum height of 27 feet 3 inches, whereas the by-law permits a maximum height of 25 feet;

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

The Chair introduced the application.

Francesco Fiorani, the applicant attended the meeting and requested deferral.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No. **A//2024** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS:

1. **A/165/23**
Agent Name: JIN Architect (Carol Jin)
62 Summerfeldt Crescent, Markham
PLAN M1441 LOT 117

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

- a) **By-law 11-72, Section 3.7:**
a roof overhang of 36 inches into the required yards, whereas the by-law permits no more than 18 inches into any required yard;
- b) **By-law 11-72, Section 3.7:**
uncovered steps that project 9 feet 4 inches into the required front yard, whereas the by-law permits uncovered steps to project no more than 5 feet into the required front yard;
- c) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum front yard setback of 26 feet ½ inch, whereas the by-law requires a minimum front yard setback of 27 feet;
- d) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum side yard setback of 4 feet for the north side yard, whereas the by-law permits a minimum side yard setback of 6 feet for a two-storey building;
- e) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum lot coverage of 35.8 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent;
- f) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum height of 27 feet and 11 inches, whereas the by-law permits a maximum height of 25 feet;

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

The Chair introduced the application.

The agent, Carol Jin, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free, a resident of Unionville, spoke regarding the cumulative impacts of numerous variances and their impacts.

Christiane Bergauer-Free, a Unionville resident, spoke about the impacts of increased lot coverage and hard surfaces, shade and shadowing, drainage issues, reduced privacy, and the reduction of "community" within the neighbourhood related to vacant or flipped infill development.

Member Yan appreciated the agent's presentation, which provided context for the proposed changes and demonstrated how the applicant had addressed the Committee's previous concerns. Member Yan supported the revised application, indicating that the house would add variation along the streetscape and that it met the four tests of the *Planning Act*.

Member Sampson indicated that despite the changes made by the applicant, the house continued to be oversized on the lot with a massing and scale that was not appropriate for the neighbourhood. Member Sampson did not support the application.

The Acting Chair agreed with both colleagues. However, in the absence of a zoning standard for floor area ratio, the Acting Chair supported the application, indicating it was reasonable.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Tom Gutfreund
Opposed: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/165/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/209/23

Agent Name: Donya Abasiliasi
38 Autumn Glow Drive, Markham
PLAN 65M4014 LOT 106

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

- a) By-law 177-96, Section 7.192.1(b)(iii):**
a rear yard setback of 0.64 metres, whereas the by-law requires a minimum rear yard setback of 5.8 metre

as it related to two covered patios in the rear yard.

The Chair introduced the application.

The agent, Donya Abasiliasi, appeared on behalf of the application.

The owner, Eric Hoh, also appeared before the Committee to provide context and explain the personal necessities that required a covered walkway between the house and the detached garage. Eric also presented information regarding neighbourhood support and interest in the project.

The Committee received seven written pieces of correspondence.

Member Sampson noted that the variance was partially required due to constraints related to the pie-shaped lot and considered the application minor.

Member Yan agreed that the application assessment was more complicated as it involved more than just consideration from a technical perspective; instead, the needs of the owner and changing social realities also needed to be considered. The member felt that the owner had presented exceptional circumstances demonstrating a need and that the Zoning By-law did not reflect changing social realities and values. Member Yan assessed the applicant's needs and the neighbours' support when supporting the application and expressed that the request was in keeping with the changing neighbourhood.

The Acting Chair requested that the minutes reflect that the Committee approved the application in this instance based on the evidence presented by the owner regarding their needs and circumstances.

The Committee agreed that the evidence demonstrated that the proposal fit well into the area and that the requested variance was desirable from a public interest point of view for the appropriate development or use of the land, building, or structure on the property.

Greg Whitfield provided conditions that should be applied to the approval.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/209/23** be **approved** subject to conditions read at the meeting.

Resolution Carried

NEW BUSINESS:

1. B/042/23

Agent Name: Walker, Nott, Dragicevic Associates (Kevin McKrow)
5 Ruggles Avenue, Thornhill
PLAN 2386 LOTS 42 & 43 AND PT LOTS 101 102 & 103

The applicant was requesting provisional consent for a partial discharge of mortgage on portions of the subject property. The subject lands are identified as Parts 1, 2, 3, and 12 of the Draft Reference Plan submitted with this application.

The Chair introduced the application.

The agent, Kevin McKrow, appeared on behalf of the application.

Member Sampson noted the application was technical and supported it, agreeing with the conclusions provided in the staff report.

Member Yan noted the consent would support an Infrastructure Ontario initiative. Member Yan agreed with their colleague that the application was technical.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **B/042/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/005/24

Agent Name: Pylons Architecture Inc. (Rafik Nassif)
5690 14th Avenue, Markham
PLAN 65M2757 PT LOT 21 RP 65R31410 PART 1

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

- a) **By-law 108-81, Amending By-law 2002-258, Section 8.83(j)(i):**
a minimum landscaped open space of 4.5 metres adjacent to the south lot line, whereas the by-law requires a minimum landscaped open space of 6 metres;
and
- b) **By-law 108-81, Amending By-law 52-96, Section 6.2(c)(i):**
a minimum lot area of 0.49 hectares, whereas the by-law requires a minimum lot area of 0.8 hectares;

as it related to a proposed single-storey mixed use development.

The Chair introduced the application.

The agent, Rafik Nassif, appeared on behalf of the application.

The Acting Chair requested clarification on whether the application included proposed uses. Rafik indicated that the proposal was still in the initial stages, with uses and

tenants not yet identified. The requests were only for the identified development standards.

Member Yan agreed that the requests were to develop the property with general uses and that the variances were minor. Member Yan supported the application and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/005/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/007/24

Agent Name: Cornacchia Planning Services Inc. (Vince Cornacchia)

140 Allstate Parkway, Markham

PL 65M2029 PT BLK 11 65R7490 PT 6 65R7760 PT 2

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

a) Section 6.4.1 (b):

an Ontario Career College, whereas the by-law does not permit the use within the existing industrial/commercial zone;

as it related to a proposed Ontario Career College, formerly known as a Private Career College.

The Chair introduced the application.

The agent, Vince Cornacchia, appeared on behalf of the application.

Member Sampson confirmed with the applicant that students would have access to the property through public transit and that adequate parking was provided on-site. Member Sampson agreed with the staff report, supported the application, and motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/007/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/011/24

Agent Name: Tai Architect Inc. (Ken Tai)
31 Elm Lea Street, Markham
PLAN M1488 LOT 76

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

- a) **By-law 1229, Amending By-law 99-90, Section 1.2(i):**
a height of 10.35 metres, whereas the by-law permits a maximum height of 9.8 metres;
- b) **By-law 1229, Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.83 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- c) **By-law 1229, Section Table: 11.1:**
a side yard setback of 4 feet, whereas the by-law requires a minimum of 6 feet for the two-storey portion;

as it related to a proposed second-storey and rear addition to a one-story residential dwelling.

The Chair introduced the application.

The agent, Ken Tai, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Lynn Ye, a rear yard neighbour, had privacy concerns about the proposed rear yard deck.

Ken Tai noted that the deck was permitted as of right, and the owner, Murtaza Ahmad, indicated that, as owners, they, too, valued privacy and would investigate possible screening solutions.

Member Yan indicated that the agent's presentation helped them understand the project's scope. The proposed addition was desirable infill development, desirable, minor, and reasonable and met the four tests of the *Planning Act*.

Member Yan supported and motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/011/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/004/24

Agent Name: In Roads Consultants (Ida Evangelista)
21 Forest Park Crescent, Thornhill
PLAN M1325 LOT 121

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(iv):**
a building depth of 20.1 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

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

The Chair introduced the application.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received six written pieces of correspondence.

Member Sampson noted that the variances arose from constraints related to the site configuration and with the staff report and indicated the variance was minor. Member Sampson supported the application and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Sally Yan

The Committee unanimously approved the application.
THAT Application No. **A/004/24** be **approved** subject to conditions contained in the staff report.

7. A/003/24

Agent Name: In Roads Consultants (Ida Evangelista)
59 Woodward Avenue, Thornhill
PLAN 2446 LOT 199

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(iv):**
a building depth of 20.07 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **Amending By-law 101-90; Section 1.2(i):**
a building height of 9.4 metres, whereas the by-law permits a maximum building height of 8.6 metres;
- c) **Amending By-law 101-90; Section 1.2(ii):**
a front yard setback of 8.35 metres whereas, the by-law requires a minimum front yard setback of 10.7 metres;
- d) **By-law 2237, Section 6.1:**
a minimum east side yard setback of 1.57 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres for the two-storey dwelling;
- e) **Amending By-law 101-90; Section 1.2(vii):**
a floor area ratio of 60.9 percent (4,036 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (3,313 square feet); and
- f) **By-law 2237, Section 3.7:**
an unenclosed/unexcavated roofed porch encroachment of 101 inches, whereas the by-law permits a maximum encroachment of 18 inches;

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

The Chair introduced the application.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Francis Mak, a neighbour, spoke to the Committee, indicating that six variances would significantly impact the neighbouring properties. As the property was one of the largest lots in the neighbourhood, granting the variances would result in one of the most significant builds approved, which was not in keeping with the neighbourhood, nor were the requests minor. Francis had concerns about the impacts of shadowing and loss of sunlight, privacy, and fire safety.

Member Sampson indicated that the Committee had to assess the proposal based on the standards for the area related to net lot area, not gross lot area, and the requested floor area ratio was too much; as such, Member Sampson could not support the application as it did not meet the intent of the by-law and was not minor. Member

Sampson indicated the overall proposal should be reduced, with consideration given to reductions for all the variances, which would result in a reduction of the floor area ratio.

Member Yan indicated that the proposal was overbuilt for the size of the lot. The Committee had been consistent in giving approvals in the area, and previous committees gave approvals mentioned by the applicant. Member Yan indicated that the proposed floor area ratio was well above recent approvals and needed reducing. Additionally, Member Yan said drainage was not the only factor when establishing side yard setbacks. Side yards were critical for reducing privacy impacts for both neighbours and the residents of the proposed house. Member Yan did not support any side yard reductions and indicated that the proposal needed to be revisited with overall reductions made.

The Acting Chair summarized that the proposal was an overbuild for the lot and the neighbourhood. The cumulative effect of the six variances was neither minor nor desirable, and the proposal did not meet the intent of the by-law. The Committee would look for a reduction in the floor area to 55 percent or lower.

Ida Evangelista requested a deferral to review the Committee's comments and revise the plans.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/003/24** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:13 pm, and the next regular meeting would be held on April 3, 2024.

CARRIED

Original signed
April 3, 2024
Secretary-Treasurer

Original Signed
April 3, 2024
Chair

Committee of Adjustment Minutes
Wednesday March 6, 2024

Committee of Adjustment

Committee of Adjustment