



CITY OF MARKHAM
Virtual Meeting

June 5, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 9th 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

Gregory Knight Chair	7:00 pm
Arun Prasad	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

Regrets

1. Disclosure of Pecuniary Interest

None

2. Minutes: May 15, 2024

THAT the minutes of Meeting No. 8, of the City of Markham Committee of Adjustment, held May 15, 2024 respectively, be:

- a) Approved on June 5, 2024.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

Carried

3. New Business

3.1 B/009/24

Agent Name: RJ Forhan and Associates Inc. (Bart Ryan)
3975 Elgin Mills Road, Markham
CON 5 PT LTS 24 & 25 65R19400 PT 2

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 347.4 metres and an approximate lot area of 17.9 hectares (Part 1); and
- b) **retain** a parcel of land with an approximate lot frontage of 758.4 metres and an approximate lot area of 33.8 hectares (Parts 2, 3, 4).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new development lot.

The agent, Peter Gross, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson confirmed with the applicant that the lands had the potential for future development.

Member Yan supported the application indicating that the severed and retained lands complied with the City of Markham Official Plan, Zoning By-law and Provincial Policy Statements and met the requirements for consent in the *Planning Act*.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/009/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/025/22, and A/015/24 were heard concurrently with the discussion recorded under B/025/22.

3.2 B/025/22

Agent Name: Bousfields Inc. (Kate Cooper)
9390 Woodbine Avenue, Markham
YORK REGION CONDOMINIUM PLAN 1415

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 119 metres and an approximate lot area of 1.94 ha (Parts 1 to 14);
- b) **retain** a parcel of land with an approximate lot frontage of 59 metres and an approximate lot area of 0.45 ha (Parts 15 to 26);
- c) **establish an easement** over Parts 2, 3, 4, 11, 12, and 13 in favour of the Retained Lands (Parts 15 to 26) for the purpose of access;
- d) **establish an easement** over Parts 18, 21, and 22 in favour of the Severed Lands (Parts 1 to 14) for the purpose of access;
- e) **establish an easement** over Parts 2, 3, 4, 10, 11, 12, 13, 17, 18, 21, 22, 23, 24, 25, and 26 in favour of York Region Condominium Corporation 1415 (King Square Mall) for the purpose of access;

The purpose of this application was to sever the subject lands to facilitate the development of one townhouse block (severed lands) and one future condominium block (retained lands).

This application was related to Minor Variance application A/015/24 which was reviewed concurrently.

The agent, Kate Cooper, appeared on behalf of the application.

Member Prasad had concerns regarding parking and access to the retained lands and did not support the application.

The Chair indicated that the severed lands would continue the planned development of the lands and bring improvements to the community.

Member Reingold supported the application, noting that the consent would facilitate the development of previously approved plans.

Member Yan expressed their support for the application, citing the extensive history of planning applications and approvals for both the retained and severed lots. They also highlighted the minor nature of the variances, which would facilitate the final stages of

the development. In addition, Member Yan noted the applicant's additional studies, planning justification, and staff support for the application and expressed that completion of the development would bring positive changes to the area.

Member Sampson supported the application.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Patrick Sampson
Opposed: Arun Prasad

The majority of the Committee approved the application.

THAT Application No. **B/025/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.2 A/015/24

Agent Name: Bousfields Inc. (Kate Cooper)
9390 Woodbine Avenue, Markham
YORK REGION CONDOMINIUM PLAN 1415

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

- a) **Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
a total of 84 parking spaces to be provided on the neighbouring adjacent lot, whereas the by-law requires all parking spaces to be provided on the same lot;
- b) **Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
a minimum of 995 parking spaces, whereas the by-law requires a minimum of 1020 parking spaces;
- c) **By-law 165-80, Section 5.2 (d)(ii):**
a minimum interior side yard setback of 0 metres, whereas the by-law requires a minimum interior side yard setback of 6.9 metres;
- d) **By-law 165-80, Section 5.2 (d) (iii):**
a minimum rear yard setback of 9.6 metres, whereas the by-law requires a minimum rear yard setback of 12.0 metres; and
- e) **By-law 165-80, Section 2:**

Woodbine Avenue to continue as the front lot line, whereas the by-law considers the front lot line to be the shorter boundary line abutting the street;

as it related to an existing shopping centre.

This application was related to Consent application B/025/22 which was reviewed concurrently.

The agent, Kate Cooper, appeared on behalf of the application.

Member Reingold motioned for approval with conditions.

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

The majority of the Committee approved the application.

THAT Application No. **A/015/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.4 A/034/24

Agent Name: Harper Dell & Associates Inc. (Nicholas Dell)
8199 Yonge Street, Thornhill
PLAN 4184 PT LOTS 1-3

The applicant was requesting relief from the requirements of By-law 2150 & 2024-19, as amended, to permit:

a) By-law 2024-19, Section 5.1 c):

117 parking spaces whereas the by-law requires a minimum of 126 parking spaces;

as it related to a change of use to a proposed restaurant.

The agent, Nick Dell, appeared on behalf of the application.

Member Sampson agreed with the staff report's recommendations and considered the requests minor.

Member Reingold supported the application and motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/034/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.5 A/030/24

**Agent Name: Malone Given Parsons Ltd (Elyse Holwell)
120 South Town Centre Boulevard, Markham
PL 65M2668 PT BLK 4 65R18508 PTS 2 & 4**

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

- a) **By-law 165-80, Section 6.4.1(b):**
a day care centre, whereas the by-law does not permit this use; and
- b) **By-law 165-80, Section 4.5.1(a)(ii):**
one (1) loading space on the subject lands, whereas the by-law requires two (2) loading spaces;

as it related to a child care centre.

The agent, Jack Wong, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Member Reingold supported the application, stating that daycare facilities were needed in the area and that they were compatible with the intention of OPA 21.

Member Yan expressed that daycare uses were very much needed for Markham Centre; however, the site required a traffic circulation plan to ensure student safety.

Greg Whitfield confirmed that the conditions listed in the staff report would include site safety measures for fencing, bollards, and designated drop-off and pick-up areas to the satisfaction of the Director of Planning and Urban Design.

Jack Wong indicated that a traffic circulation plan, both internal and external, for the site would be submitted to satisfy the conditions of the minor variance.

The Chair noted that the site had the flexibility to implement safety measures.

Member Yan was satisfied that the applicant had considered the needed expertise and requirements for a successful daycare and supported the application, motioning for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/030/2** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.6 A/195/23

Agent Name: Azita Hasheminejad
15 Billy Joel Crescent, Markham
PLAN 5879 LOT 8

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

- a) **By-law 142-95, Section 2.2(b)(ii):**
a deck to project 5.29 metres, whereas the by-law permits a maximum projection of 3 metres; and
- b) **By-law 1229, Table 11.1:**
a platform to have an encroachment of 24 inches into a required side yard, whereas the by-law permits a maximum encroachment of 18 inches into a required side yard;

as it related to a constructed deck.

The owners appeared on behalf of the application, explaining the history of the deck and swim spa construction.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, clarified some application details.

Member Sampson supported the application, stating the request was minor in the context of a ravine property.

Member Prasad supported the request.

Member Yan agreed that the requests were minor and adjacent properties would not be significantly impacted.

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/186/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.7 A/037/24

Agent Name: Artruction Design Consultants Inc. (Purvi Shah)
71 Lyndhurst Drive, Thornhill
PLAN 65M2315 LOT 28

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 main building coverage for the second storey of 27.6 percent (1,511 square feet), whereas the by-law permits a maximum second-storey coverage of 20 percent (1,095 square feet) of the lot area;

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

The agent, Purvi Shah, 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 Conservation Residents Association, spoke on the application as it was the first application for variances under the new Comprehensive Zoning By-law in the RES-ENLR zoning, which applied to established neighbourhoods in Thornhill, Unionville and Markham Village. Elizabeth disagreed with the staff report and spoke about maintaining the integrity of the provisions of By-law 2024-19.

Member Reingold supported the application and considered it a respectful transitional design that mitigated the scale and massing of the proposal.

Member Prasad agreed with their colleague and supported the application.

Member Sampson expressed that the request was not minor.

Member Yan noted that the addition would not alter the side yard setbacks or the building footprint and would not have significant impacts and supported the application.

The Chair spoke about the public process that had arrived at the zoning standards in By-law 2024-19 and was concerned about setting precedence. The Chair considered the proposal to have considerable massing that would result in impacts to the streetscape.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Sally Yan
Opposed: Greg Knight
Patrick Sampson

The majority Committee approved the application.

THAT Application No. **A/037/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.8 A/028/24

Agent Name: Memar Architects Inc. (Lucy Mar Guzman)
15 Hamilton Hall Drive, Markham
PLAN M1385 LOT 9

The applicant was requesting relief from the requirements of By-law 1229 & 2024-19, as amended, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2(c):**
the main building coverage for the second-storey of 25.05 percent, whereas the by-law permits a maximum second-storey coverage of 20 percent of the lot area;
- b) **By-law 2024-19, Section 6.3.2.2(i):**

a combined interior side yard setback of 3.66 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.57 metres;

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

a maximum distance of the main building from the established building line for any storey above the first storey of 16.48 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;

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

the projection above the maximum outside wall height of 2.69m, whereas the by-law permits a projection above the maximum outside wall height of 1m; and

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

a lot frontage of 18.29, whereas the by-law requires a minimum lot frontage of 23m;

By-law 1229

a) By-law 1229, Section 1.2(vi):

a maximum Floor Area Ratio of 51.75 percent, whereas the by-law permits a maximum Floor Area Ratio of 45 percent;

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

The agent, Sean Toussi, appeared on behalf of the application. Sean indicated that their firm had designed the home while navigating the new standards in By-law 2024-19 and balancing the client's requests and accessibility needs.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, indicated that four of the variances requested increased the massing, which was too much for the size of the lot. The request exceeded By-law 1229 by a significant amount, and the number of requests under By-law 2024-19 highlighted that all the parts work together to limit how infill housing was constructed. Elizabeth indicated the decision made on the first few applications was vital to the integrity of By-law 2024-19.

Member Sampson indicated that the requests for variances under By-law 2024-19 were significant, noting that the Committee did not support floor area ratio variances this large under By-law 1229 and recommended that the applicant reduce the overall building massing.

Member Reingold was concerned about the requested reduced side yard setbacks, indicating it limited greenspace and changed the streetscape and the neighbourhood's character.

Member Yan expressed that the proposed house was oversized for the smaller lot and agreed with their colleagues that the size of the house needed to be reduced and the side yard setbacks needed to be increased to limit impacts on the neighbours and streetscape.

The Chair agreed with the Committee members that the proposed massing of the house would significantly alter the streetscape, which was emphasized by the reduced side yards and height. And that the homeowner's needs could be achieved by reconfiguring the spaces and shape to reduce the house's size while utilizing the property's depth.

Sean Toussi requested a deferral of the application.

Member Yan motioned for deferral.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

THAT Application No. **A/028/24** be **deferred** sine die.

Resolution Carried

3.9 A/035/24

Agent Name: Mehdy Ajvand
56 Ladyslipper Court, Thornhill
PL M1095 LT 13

The applicant was requesting relief from the requirements of By-laws 1767 & 2024-19, as amended to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2 I):**
a west side yard setback of 1.54 metres, whereas the by-law requires a minimum of 1.8 metres and a combined interior side yard on both sides of 3.37 metres, whereas the by-law requires combined interior side yard setbacks on both sides of 4.0 metres;
- b) **By-law 2024-19, Section 6.3.2.2 c):**
a main building coverage for the second storey of 25.5 percent (2,707 square feet), whereas the by-law permits a maximum second-storey coverage of 20 percent (2,120 square feet) of the lot area;

- c) **By-law 2024-19, Section 6.3.2.2 e):**
a maximum distance of the main building from the established building line for any storey above the first storey of 18.29 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;
- d) **By-law 2024-19, Section 4.8.9.2 a)i):**
a 1.2 metre landscape strip width made up of soft landscaping abutting the east interior side lot line, whereas the by-law requires a 1.5 metre landscape strip width made up of soft landscaping abutting interior side lot lines; and
- e) **By-law 2024-19, Section 4.8.9.1 a):**
26.4 square metres (17.4 percent) hard landscaping in the front yard, whereas the by-law permits a maximum of 15 percent (22.8 metres square) of hard landscaping in the front yard;

By-law 1767

- a) **By-law 1767, Section 18 (i)(d):**
a minimum west interior side yard setback of 1.54 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres on each side;
- b) **By-law 1767, Amending By-law 100-90, Section 1.2 (iii):**
a maximum building depth of 22.93 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- c) **By-law 1767, Section 9(i):**
a front yard architectural feature/eaves/canopy encroachment of 36 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required yard; and
- d) **By-law 1767, Amending By-law 100-90, Section 1.2 (vii):**
a floor area ratio of 53.4 percent (4,919 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (4,525 square feet);

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

The agent, Noushin Mozaffari, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted that the applicant was requesting multiple variances under By-law 2024-19.

Member Sampson indicated that the requested variances were not minor and the current proposal required too many variances which resulted in cumulative impacts. Member Sampson recommended that the applicant review the design to reduce the number of variances requested as well as their scale.

Member Reingold commented on the quality of the design; however, felt the design emphasized the size of the house and accentuated the imposing scale and massing. Member Reingold indicated that the size coupled with the requested reduced softscaping in the side yard and increased hardscaping in the front was not desirable development of the lot. Member Reingold recommended the applicant consider how the depth of the lot could be utilized to mitigate impacts and increase compatibility with the existing neighbourhood.

Member Yan agreed with their colleagues that the proposal was overly large and the requested variances needed to be reduced, noting the proposal would be one of the first new infill development along a street with sizeable homes. Member Yan did not support any reductions in the side yards and indicated that the applicant needed to seek opportunities in the lot configuration to reduce the variances.

The Chair indicated the lot was large, not oddly shaped, and did not have any irregularities that required mitigation. Based on the comments of the Committee members the Chair recommended deferral to allow the applicant to consider different configurations of the design to lower the variance requests and reduce the impact on the streetscape.

The agent Noushin Mozaffari requested a deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT Application No. **A/035/24** be **deferred** sine die.

Resolution Carried

4.0 Other Business

4.1 Appointment of Vice Chair

Resulting from the resignation of Tom Gutfreund from the Committee of Adjustment, the Committee needed to appoint a Vice Chair as per Section 4.1 of the Committee of Adjustment Procedural By-law.

The Chair motioned to appoint Jeamie Reingold, Sally Yan, Arun Prasad, and Patrick Sampson as Co-Vice Chairs for the duration of their appointments to the Committee of Adjustment.

Moved by: Greg Knight
Seconded by: Patrick Sampson

CARRIED

4.2 Appointment of Assistant Secretary-Treasurer

Staff requested the appointment of Erin O'Sullivan, Committee of Adjustment Development Technician, as Assistant Secretary-Treasurer to act in the absence of Shawna Houser, Secretary-Treasurer Committee of Adjustment or Greg Whitfield, Supervisor Committee of Adjustment, to carry out the duties of the Secretary-Treasurer, Committee of Adjustment.

Patrick Sampson motioned to appoint Erin O'Sullivan as Assistant Secretary-Treasurer, Committee of Adjustment.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

CARRIED

4.3 Committee Membership

Greg Whitfield notified the Committee that Kelvin Kwok had resigned from the Committee effective May 27, 2024. Greg thanked Kelvin for their volunteer service to the City of Markham and its residents.

5.0 Adjournment

Moved by: Patrick Sampson
Seconded by: Arun Prasad

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:25 pm, and the next regular meeting would be held on June 19, 2024.

CARRIED

Original Signed on
June 19, 2024
Secretary-Treasurer,
Committee of Adjustment

Original Signed on
June 19, 2024
Chair