



CITY OF MARKHAM
Virtual Meeting on Zoom

January 17, 2024
7:00 PM

COMMITTEE OF ADJUSTMENT

Minutes

The 1st 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
Tom Gutfreund	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
Michelle Chen, Development Technician

Regrets

Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: December 13, 2023

THAT the minutes of Meeting No. 22, of the City of Markham Committee of Adjustment, held December 13, 2023 respectively, be:

- a) Approved on January 17th, 2023.

Moved by: Tom Gutfreund
Seconded by: Jeamie Reingold

Carried

PREVIOUS BUSINESS

1. A/156/23

Owner Name: Ruifu Zhang
Agent Name: LHW Engineering (Lihang Wang)
5 Sherwood Forest Drive, Markham
PLAN 5810 LOT 149

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

- a) By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.8 percent, whereas the by-law permits a maximum of 45 percent;

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

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, noting that the rear yard variance had been removed and the floor area ratio had been reduced. However, Elizabeth noted that the front elevation appeared to be the same, and massing at the streetscape remained unchanged. The two-storey entrance, open to the below space, and the carport emphasized the massing. The massing and scale of the proposal were undesirable and did not suit the streetscape.

Member Reingold acknowledged the proposal had been reduced and the rear yard variance removed. However, they indicated that the massing at the streetscape remained the same and needed to be better matched with the streetscape, as no other homes with this massing were seen on the street. In particular, the two-storey portico added the appearance of height, and the closed-in carport appeared to be a garage.

Member Gutfreund thanked the agent for responding to the Committee's comments regarding the reductions and agreed with their colleague that the entrance, massing, and opening to-below space contributed to the height and that the dwelling would impose on the streetscape.

Member Yan recognized that the floor area ratio had been reduced and the rear yard variance had been removed but maintained their position from the last meeting that the massing and scale of the structure at the streetscape needed to be reduced.

Tony Yu responded to the Committee that the additional area that created the floor area ratio was the sunroom at the rear of the dwelling. The owner had considered the streetscape and requested the design to complement the design of 21 Sherwood Forest Drive.

Member Gutfreund indicated that the position of the Committee regarding massing and scale at the streetscape remained unchanged from the previous meeting.

The Chair asked the applicant if they wanted to defer the application.

Tony Yu confirmed that they were requesting a deferral.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold
Seconded by: Tom Gutfreund

THAT Application No. **A/156/23** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

1. A/198/23

Owner Name: Tim Choy (Tim Choy)
Agent Name: MA Development Services (Mathew Laing)
37 John Lyons Road, Markham
PLAN 65M2693 LOT 28

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

- a) **By-law 1229, Section 11.2(c)(i):**
a side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Section 11.2(c)(i):**
a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) **By-law 99-90, Section 1.2(iii):**
a depth of 18.75 metres, whereas the by-law permits a maximum depth of 16.8 metres; and
- d) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.04 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 Chair introduced the application.

The agent, Mathew Laing, appeared on behalf of the application. A pre-application meeting was held with City and TRCA staff, and adjustments were made to the design according to staff recommendations. The conditions were accepted as listed in the staff report.

The Committee received sixteen written pieces of correspondence.

Gerrard Monotocchio, a neighbour, spoke, indicating that the proposal did not fit the neighbourhood's character regarding size and massing. While the design was compatible, the scale and size of the home were more significant than any other on the street, and the request was not minor and would have significant impacts on the neighbouring properties.

Jamie McClelland, a neighbour, agreed with Gerrard Monotocchio that the homes massing appeared wider and deeper than other homes on the streets. Jamie indicated that the proposal did not meet the intent of the Official Plan policies regarding established neighbourhoods.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, pointing out that the proposal was for a very large home that included significant open-to-below space that added to the massing of the house and was beyond what was reasonable for the neighbourhood. The proposal did not reflect the streetscape, and the requested variances were not minor or desirable.

Member Sampson noted that the floor area ratio did not include the open-to-below space.

Member Gutfreund agreed with their colleagues and the community speakers that the issue with the proposal was the massing. A large amount of open-to-below space had been included, and the house was very large and would be prominent as it was a corner lot.

Member Yan also agreed with their colleagues that the massing and scale of the proposal were not suitable for the street and recommended altering the proposal to reduce the massing, particularly on the south streetscape.

Member Reingold commented that the home was a good transitional design that would suit the streetscape if the massing was reduced.

The Chair clarified that any subsequent changes to the floor plans would require building permits and possibly minor variances.

After consideration of the comments, Mathew Laing requested a deferral.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan

THAT Application No. **A/198/23** be **deferred** sine die.

Resolution Carried

2. A/165/23

Owner Name: Ye Li
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, 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 minimum side yard setback of 5 feet for the south side yard, whereas the by-law requires a side yard setback of 6 feet for a two-storey building;
- f) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum lot coverage of 36.67 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- g) **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 one written piece of correspondence.

Raluca Koenneker, a neighbour, did not consider the modern design to be compatible with the streetscape and was concerned about possible flooding resulting from the hard landscaping in the front of the house.

Member Sampson indicated that the proposed house was larger than others on the street and had considerable open-to-below space.

Member Reingold complimented the design, indicating that modern homes were suitable for the neighbourhood as long as they did not dominate the street by size, height, or mass. As currently proposed, the house did not relate to other homes in the area.

Member Yan noted the applicant was requesting multiple variances, all of which contributed to the size and massing of the home. The proposed house was overly large for the size of the lot.

Carol Jin requested a deferral.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund

Seconded by: Patrick Sampson

THAT Application No. **A/165/23** be **deferred** sine die.

Resolution Carried

Chair Gregory Knight left the meeting for technical reasons. Member Gutfreund took over the Chair.

3. A/192/23

Owner Name: Michael Khalil

Agent Name: Acadia Design Consultants (Karen Melocotones)

47 Elgin Street, Thornhill

PLAN 8 PT LOT 5 RS65R9136 PART 4 RS65R15441 PART 3

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:

a) By-law 2237, Section 6.1:

a minimum front yard setback of 23.85 feet, whereas the by-law requires a minimum front yard setback of 27 feet; and

b) By-law 101-90, Section 1.1 (iv):

a maximum building depth of 34 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

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

The Chair introduced the application.

The agent, Max Mechasin, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Joan Honsberger, representative of the Ward 1 Residents Association, spoke to the Committee, expressing concerns regarding the trees, possible bird strikes with the increased window areas and the parking of construction vehicles.

Acting Chair Gutfreund agreed with the staff report, indicating it would be a suitable addition to the property, and the application met the four tests of the *Planning Act*.

Member Yan supported the application, indicating it was a good example of infill development, indicating the changes were minor on the large lot and the application.

Greg Whitfield clarified that with the pergola's removal in the property's rear, conditions 3, 4 and 5 were no longer required.

Member Yan made an amended motion for approval with conditions 1 and 2 of the staff report.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/192/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

The Chair Gregory Knight re-entered the meeting.

4. A/204/23

Owner Name: Leah Glassman and Jason Li

Agent Name: Gregory Design Group (Shane Gregory)

**20 Marlow Crescent, Markham
PLAN 65M2057 LOT 64R**

The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

- a) **By-law 184-78, Section 7.2 (b):**
a minimum rear yard setback of 6.74 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

as it related to a two-storey rear addition to an existing two-storey dwelling.

The Chair introduced the application.

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

The Committee received two written pieces of correspondence.

Member Gutfreund agreed with the staff report, indicated the application met the four tests of the *Planning Act*, and motioned for approval with conditions.

**Moved by: Tom Gutfreund
Seconded by: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/204/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/197/23

**Owner Name: Michelle Liang
Agent Name: Scoler Lee Borenstein Assoc. Arch. (Jason Lau)
135 Staglin Court, Markham
PLAN 65M4252 BLK 82 RP 65R33027 PT 1**

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

- a) **By-law 177-96, Section 6.4:**
an accessory building with a gross floor area of 31.24 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres for an accessory building; and

as it related to a proposed accessory building and an existing storage shed.

The Chair introduced the application.

The agent, Allan Borenstein, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Gutfreund requested information regarding drainage and grading.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/197/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. B/040/23

Owner Name: Gen Quan Lin

Agent Name: Archizoning Design Inc. (Lei Zhang)

25 Springdale Avenue, Markham

CON 7 PT LOT 14

The applicant was requesting provisional consent to:

- a) retain a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 1);
- b) sever and convey a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 2).

The purpose of this application was to create one new residential lot. This application was related to a previously approved Zoning By-law Amendment.

The Chair introduced the application.

The agent, Lei Zhang, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Member Gutfreund agreed with the staff report, noting the properties had been rezoned and the lots exceeded the bylaw requirements.

Member Sampson questioned if variances would be required to build the proposed dwellings. The applicant indicated that the homes would not require variances.

Member Sampson agreed that the lots were appropriate and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/040/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/209/23

Owner Name: Eric Hoh
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 metres;

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.

Member Gutfreund indicated that the proposal was not minor and reconsideration should be given to an alternative solution to meet the homeowner's needs.

Member Yan indicated it did not meet the four tests of the *Planning Act*.

Member Sampson asked for clarification if the canopies had been built. The agent clarified that the owner wanted to obtain permits before construction.

The Chair noted that the area had many homes that had been constructed with walkways attaching the rear garage to the home, and this granted the proposal some consistency to the surrounding area; these homes, however, were zoned differently.

Member Reingold did not support the application.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan
Opposed Jeamie Reingold

THAT Application No. **A/209/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:20 PM, and the next regular meeting would be held on February 7, 2024.

CARRIED

Original Signed on
February 07, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed on
February 07, 2024
Chair
Committee of Adjustment