



CITY OF MARKHAM
Virtual Meeting on Zoom

February 21, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd 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
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad	7:02 pm

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

Regrets

Gregory Knight Chair
Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: February 7, 2024

THAT the minutes of Meeting No. 2, of the City of Markham Committee of Adjustment, held February 7, 2024 respectively, be:

- a) Approved on February 21, 2024.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

Carried

REQUESTS FOR DEFERRAL

1. A/218/23

Owner Name: Yafang Chen
Agent Name: Prohome Consulting Inc. (Vincent Emami)
66 Fonthill Boulevard, Markham
PLAN 7566 LOT 133

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 side yard setback of 4 feet, whereas the by-law requires a minimum side yard setback of 6 feet for the two-storey building;
- b) **By-law 11-72, Section 6.1:**
a maximum lot coverage of 35.85 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent;
- c) **By-law 11-72, Section 6.1:**
a maximum height of 26 feet 6 inches, whereas the by-law permits a maximum height of 25 feet; and
- d) **By-law 11-72, Section 6.1:**
a minimum flankage side yard of 12 feet, whereas the by-law requires a minimum flankage side yard of 13 feet 3 inches with half the building height of 26 feet 6 inches;

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

The Acting Chair introduced the application.

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

Member Yan motioned for deferral.

Moved By: Sally Yan
Seconded By: Patrick Sampson

THAT Application No. **A/218/2023** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. A/114/22

Owner Name: Sakineh Safarзад Gourabjavar
Agent Name: Contempo Studio (Marin Zabzuni)
67 Babcombe Drive, Thornhill
PLAN M941 LOT 114

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

- a) **Section 18 (ii)(b):**
a lot coverage of 34.50 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent;
- b) **By-law 100-90, Section 1.2:**
a floor area ratio of 48.10 percent, whereas the by-law permits a maximum floor area ratio of 47 percent;
- c) **By-law 100-90, Section 1.2(iii):**
a maximum building depth of 20.75 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- d) **Section 12 (iv)(a):**
a minimum front yard setback of 36.12 feet, whereas the by-law requires that the front yard setback of a dwelling to be erected between two existing dwellings shall comply with the corresponding yards of the two existing dwellings being 42.7 feet;
- e) **Section 9(i):**
an encroachment of 29 inches for an architectural feature, whereas the by-law permits an encroachment of no more than 18 inches into the required front yard;
and
- f) **By-law 100-90, Section 1.2(i):**
a building height of 8.54 metres, whereas the by-law permits a maximum flat roof building height of 8.0 metres;

as it related to the construction of a new two-storey detached dwelling.

The Acting Chair introduced the application.

The agent, Marin Zabzuni appeared on behalf of the application. Marin reviewed each variance and provided an explanation and justification for each request. Marin also indicated they had met with the immediately adjacent neighbours to address concerns.

The Committee received twenty written pieces of correspondence.

Patrick Leung, a front-facing neighbour, spoke to the Committee and opposed the application, noting that they built additions to their home without requiring variances and did not support any of the variances, indicating that the applicant should be required to build to the by-law.

The Acting Chair clarified *Planning Act* provisions for minor variances and noted support for the application in the staff report.

Anthony Szeto, a neighbour, had provided written comments and spoke to the Committee regarding ponding and flooding on adjacent properties, indicating that any increase in lot coverage would decrease absorption and burden the neighbours.

Andrew Levins, an adjacent neighbour, spoke to the Committee, noting their concerns remained the same as shared at the August 2023 meeting. Andrew commented that the application had changed very little. Andrew raised concerns about the massing, including the covered patio and impact on the streetscape, the reduced front yard, drainage, and the removal of trees. Andrew expressed that a significant home could be built without variances.

Jeff Burrell, a front-facing neighbour, spoke to the Committee, expressing concerns that the project had a considerable visual impact on the streetscape as the house would be ahead of the two adjacent properties.

Sarah Langdon, an adjacent neighbour, had met with the applicant, stating that the changes and reductions made since the August meeting were minimal. Of particular concern to Sarah were the impacts that would occur to adjacent rear yards, including reduced privacy, impactful overlook from the balconies, tree removal and damage to neighbouring trees.

Rishi Singh, a rear neighbour, spoke to the Committee about significant drainage issues in the adjacent properties' rear yards with ongoing water pooling. Rishi was concerned that the increased lot coverage of the home and hardscaping related to the covered patios and pool, coupled with tree removal, could worsen the problem.

Samuel Grabski, a neighbour and resident of the street for 22 years, had observed a significant change in the neighbourhood. Samuel noted that with the high water table in the area, many homes were experiencing increased flooding on their lots as the size of homes and lot coverage increased. Samuel was also concerned about removing trees from the property. Samuel spoke to the requests for increased depth, height and encroachment into the front yard, indicating that due to the large lot size, even small numerical increases were significant and could not be considered minor. Samuel objected to the house, contending it did not fit within the neighbourhood. Samuel's concerns related not to style or design but to scale and massing.

Member Reingold noted that the significant community turnout raised concerns about the project's compatibility with the neighbourhood. The member complimented the design of the dwelling but indicated the proposal did not meet the test of desirability as the size and massing would overwhelm the neighbourhood. The encroachment into the front yard would significantly alter the streetscape, and the application did not meet the four tests of the *Planning Act*. Member Reingold did not support variances c) and d).

Member Yan noted that the applicant had met with the neighbours but observed that the neighbours' concerns remained essentially unchanged since the last meeting. The member indicated the property size permitted a large house as of right, and the request for multiple variances created issues of scale and massing with cumulative impacts. Member Yan considered variances a), b), e) and f) minor but did not support variances c) and d), stating they were not minor and contributed to overbuilding of the rear amenity space, front yard greenspace and sightlines on the streetscape.

Member Sampson, indicated the scale and massing presented cumulative impacts for adjacent properties and the streetscape.

Member Prasad agreed with their colleague's assessment and recommendations.

The Acting Chair noted that the property size permitted a very large house as-of-right within the zoning standards. The numerous variances requested resulted in the overbuilding of the rear yard and significant changes to the streetscape. The Acting Chair noted the members' concerns and asked the agent how they wished to proceed.

Marin Zabzuni requested a deferral.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold

Seconded by: Sally Yan

THAT Application No. **A/114/22** be **deferred** sine die.

Resolution Carried

2. A/123/23

Owner Name: Roger Nguyen

Agent Name: In Roads Consultants (Ida Evangelista)

221 The Meadows Avenue, Markham

PLAN 65M4306 LOT 156

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

- a) **By-law 177-96, Section 6.3.1.7(a):**
a garage lot coverage of 19.71 percent, whereas the by-law permits a maximum of 15 percent;
- b) **By-law 177-96, Section 7.190.2(c)(ii):**
a side yard setback of 0.01 metres, whereas the by-law permits a maximum of 0.3 metres;
- c) **By-law 177-96, 6.3.1.2:**
a setback from the main building of 5.80 metres, whereas the by-law requires a minimum of 6.0 metres; and
- d) **By-law 28-97, Section 3.0:**
2 parking spaces, whereas the by-law requires 3 parking spaces;

as it related to a coach house.

The Acting Chair introduced the application.

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

Member Sampson noted that the application was similar to a previous application approved by the Committee on The Meadows Avenue. Member Sampson agreed with the staff report, indicating that the requests were minor.

Member Reingold noted that the irregular lot shape contributed to the need for variances and considered the variances minor and desirable without significantly impacting adjacent properties.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded s: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/123/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/184/23

Owner Name: Yongqin Li
Agent Name: Humphries Planning Group Inc. (Puneh Jamshidi)
10197 Victoria Square Boulevard, Markham

CON 4 PT LT 22 65R25245 PT 5

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

- a) **By-law 304-87, Section 7.1:**
an accessory garden suite dwelling to be located in the front yard whereas, the by-law does not permit an accessory building in the front yard;
- b) **By-law 304-87, Section 7.5 (b)(i):**
a south side yard setback of 1.6 metres for the house whereas, the by-law requires a minimum side yard setback of 3 metres;
- c) **By-law 304-87, Section 7.5 (b)(i):**
a north side yard setback 2.02 metres for the garden suite whereas, the by-law requires a minimum side yard setback of 3 metres;
- d) **By-law 304-87, Section 7.5 (b)(i):**
a 3.6 metre front yard setback for the garden suite whereas, the by-law requires a minimum front yard setback of 7.5 metres;

as it related to a proposed two-storey detached dwelling and a proposed one-storey accessory garden suite in the front yard.

The Acting Chair introduced the application.

The agent, Rosemarie Humphries, appeared on behalf of the application. Rosemarie indicated that the variance requests were needed to allow the proposal to work within the constraints of the property. Due to the meander belt of the watercourse, the development of the property needed to be toward the front of the lot. The requested setbacks were similar to setbacks for other structures within the area. The proposed home was further from the street, and the garden suite would have setbacks similar to the existing home.

The Committee received one written piece of correspondence.

Joan Smith, an adjacent neighbour, spoke to the Committee, indicating that the reduced setbacks of the proposal impacted the privacy of the adjacent properties, the streetscape, and the proposed cycle lanes and sidewalks. Joan expressed the garden suite in the front yard was out of character for the area.

Member Sampson commented that the proposed garden suite within the front yard was not in keeping with other secondary suites within the city and was out of character for the area.

The Acting Chair asked if other locations had been considered for the accessory dwelling unit. Rosemarie Humphries indicated that site restraints did not allow for the construction of the unit in the rear yard and that the owners had considered a coach house over the garage but had elected for a detached unit.

Member Reingold understood the measures of using garden suites to create additional housing and urban living spaces. However, the Victoria Square area maintained a "rural" sense of the original development, and the garden suite did not suit the composition of the streetscape or complement the existing built form of the area or the proposed main house. Member Reingold was uncertain of the desirability of the garden suite in the front yard.

Member Yan commented that garden suites were typically ancillary and complimentary to the main house and considered the current configuration negatively impacting the streetscape.

Rosemarie's response to the member's comments determined that the plans attached to the staff report differed from those provided to the members and on the city website.

Considering the member's comments regarding the garden suite, Rosemarie requested a deferral to address the concerns raised.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

THAT Application No. **A/184/23** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

1. A/207/23

Owner Name: Brian Tsang
Agent Name: Digitech Designs Inc. (Andre Grisolia)
111 Grandview Avenue, Thornhill
PLAN 2446 LOT 276 W PT LOT 275

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

- a) By-law 101-90, Section 1.2 (iv):**
a maximum building depth of 20 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to a proposed rear covered porch and cabana.

The Acting Chair introduced the application.

The agent, Andre Grisolia, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Gholamabbas Keshavarzi & Zahra Alian, neighbours, spoke to the Committee regarding potential impacts on privacy, disruptions to the harmony of the area, and concerns that approval could set precedents.

Member Yan agreed with the staff report, noting that only one variance was required, the proposal was minor, it met the four tests of the *Planning Act*, and had minimal impacts.

Member Reingold confirmed with the owner, Brian Tsang, that the neighbours to the west had no concerns with the proposal.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/207/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/208/23

Owner Name: Ru Hong Zhao
Agent Name: Frank Rotundo Architect Inc. (Frank Rotundo)
4 Strathroy Crescent, Markham
PLAN 65M4306 LOT 156

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

- a) **By-law 1229, Section Table 11.1:**
a lot coverage of 38.99 percent, whereas the by-law permits a maximum lot coverage of 35 percent;

as it related to a proposed shed.

The Acting Chair introduced the application.

The agent, Frank Rotundo, appeared on behalf of the application. Frank indicated that the proposed shed replaced an existing pre-fabricated shed at the rear of the property and had been designed to meet all other zoning requirements. The increased lot coverage was related to the shed and would not increase the size of the home.

The Committee received one piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for Markham Village, Sherwood Conservation Residents Association, indicated that large sheds such as the one proposed were not minor and could impact the large trees at the rear of the property. Elizabeth noted that the infill dwelling had been built to maximum lot coverage, and the request could set a precedent for lot coverage for infill homes and accessory buildings.

Member Sampson clarified the intended use of the shed, commended the applicant for applying for permits and variances, and motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/208/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/009/24

Owner Name: Ronald Langendyk and Brenda Langendyk
Agent Name: DB Designs (Dylan Borsten)
29 Pringle Avenue, Markham
PLAN M1385 LOT 29

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

a) Section 11.2 (c) (i):

a porch to encroach 34.6 inches into a required yard, whereas the by-law permits a maximum encroachment of 18 inches;

b) Table 11.1:

a rear yard setback of 16.99 feet, whereas the by-law requires a minimum rear yard setback of 25 feet; and

c) Amending By-law 99-90, Section 1.2(iii):

a depth of 24.4 metres, whereas the by-law permits a maximum depth of 16.8 metres;

as it related to a proposed addition to a residential dwelling.

The Acting Chair introduced the application.

The agent, Dylan Borsten, appeared on behalf of the application.

The Committee received one piece of correspondence.

Member Sampson clarified with the applicant that work would be done to the front of the home as well as the rear yard addition.

The Acting Chair indicated that the requests were reasonable for a single-storey addition on an irregular lot, that the addition would not impose on the streetscape or the public realm, and that it met the four tests of the *Planning Act*.

Elizabeth Brown, Committee of Adjustment representative for Markham Village, Sherwood Conservation Residents Association, asked what type of structure the existing house was and if it would be maintained with the addition. Dylan Borsten confirmed that the existing home was a back split and that the addition would maintain the form.

Member Reingold felt that given the lot's irregular shape, the addition was sensible and would not impact the neighbours.

Member Yan appreciated the complimentary design, noting that options for additions to the existing structure were limited. Member Yan expressed that the application met the four tests of the *Planning Act* and would not impact the neighbours.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/009/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:16 pm, and the next regular meeting would be held on March 6, 2024.

CARRIED

Original signed
March 6, 2024
Secretary-Treasurer
Committee of Adjustment

Original signed
March 6, 2024
Acting Chair
Committee of Adjustment