



CITY OF MARKHAM
Virtual Meeting on Zoom

March 22, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 5th regular meeting of the Committee of Adjustment for the year 2023 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
Bernie Tom, Development Technician, Zoning and Special Projects
Vrinda Bhardwaj, Development Clerk

Regrets

Kelvin Kwok
Tom Gutfreund

DISCLOSURE OF INTEREST

None

Minutes: March 8, 2023

THAT the minutes of Meeting No. 4, of the City of Markham Committee of Adjustment, held March 8, 2023 respectively, be:

- a) Approved on March 22, 2023.

Moved By: Patrick Sampson
Seconded By: Sally Yan

Carried

REQUESTS FOR DEFERRAL

1. **A/001/23**

Owner Name: Calvin Ho Tai Wong
Agent Name: Calvin Ho Tai Wong
118 Romfield Circuit, Thornhill
PLAN M1346 LOT 218

The applicant was requesting relief from the requirements of By-law 2489, as amended, to permit:

a) Section 6.1:

a maximum lot coverage of 33.60 percent (2,019 sq. feet), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (1,997 sq. feet); and

b) Section 6.1:

a west side yard setback of 4 feet (1.22 metres), whereas the By-law requires a minimum side yard setback of 6 feet (1.83 metres) for the second floor addition;

as it related to a proposed second floor addition.

The Chair introduced the application.

Russ Gregory, the applicant attended the meeting and requested deferral.

Member Yan motioned for deferral.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No. **A/001/23** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. **A/262/22**

Owner Name: Felicite Dibi
Agent Name: Gregory Design Group (Shane Gregory)
27 Church Street, Markham
PLAN 18 BLK I PT LOT 1

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

a) Section 11.2(c)(i):

a porch with stairs to project 24.4 inches into a required yard, whereas the By-law permits a projection of 18 inches into a required yard;

b) Table 11.1:

a minimum rear yard setback of 23.6 feet, whereas the By-law requires a minimum rear yard setback of 25 feet;

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

a maximum building depth of 17.68 metres, whereas the By-law permits a maximum building depth of 16.8 metres; and

d) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 51.05 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application, indicating that the project had been revised to reduce the floor area ratio to bring it closer to similar projects.

The Committee received four written pieces of correspondence in addition to the correspondence received at the previous meeting.

Member Reingold appreciated the changes made by the applicant and recognized the neighbour's support, and felt the design was positive for the streetscape.

Member Yan commended the applicant for working with the Committee's comments and adapting the design. The member acknowledged that heritage areas were varied and felt the design would fit the area well, supported the application and motioned for approval with conditions.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/262/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

2. A/018/23

**Owner Name: Amir Pourafshar
Agent Name: Quadra Building Group (Pendar Soleimani)
1 Lombardy Lane, Thornhill
PLAN M1674 LOT 17**

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

- a) **Section 3.7:**
a basement stair encroachment of 36 inches, whereas the By-law permits an encroachment of no more than 18 inches into the required flankage yard;

as it related to walk up access for the basement.

The Chair introduced the application.

The agent, Pendar Soleimani, appeared on behalf of the application.

Member Reingold indicated the lot was well treed with minor visual impacts, and the application met the four tests of the Planning Act.

Member Yan supported the application as it was minor, with minimal impacts to neighbouring properties.

Member Prasad motioned for approval with conditions.

**Moved By: Arun Prasad
Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/018/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/021/23

**Owner Name: Ajit Chander Swaminathan
Agent Name: Prowise Engineering Inc. (Reagan Jing)
1 Fierheller Court, Markham
PLAN 65M4398 LOT 223**

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

a) By-law 142-95, Section 2.2.b.i:

a deck with a maximum projection of 3.72 metres from the rear dwelling wall, whereas the By-law permits a maximum projection of 3 metres;

as it related to an existing rear deck.

The Chair introduced the application.

The agent, Reagan Jing, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Hayden Poon, of 11 Aksel Rinck Drive, spoke to the Committee and supported the application as the project was minor and would not impact neighbours.

Member Reingold noted that the deck existed and that no comments from neighbours indicated negative impacts.

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

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/021/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/142/22

Owner Name: Andrew Ryu
Agent Name: EG Engineering Inc. (Sean Cho)
21 Seinecliffe Road, Thornhill
PLAN M896 LOT 60

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

a) Section 12 (iv)(a):

a flankage setback of 12 feet and 2 inches (3.71 metres), whereas the By-law requires a setback of 35 feet (10.67 metres);

as it related to a proposed gazebo.

The Chair introduced the application.

The agent, Sean Cho, appeared on behalf of the application.

Member Reingold asked for clarification regarding the structure's construction and noted that the large tree on the property had been considered in the staff report.

Member Yan noted it was a corner lot which was nicely treed and would provide an adequate screen for the gazebo in the flankage yard. The member indicated the request was minor, met the four tests of the Planning Act and did not negatively impact the neighbours.

Member Reingold motioned for approval with conditions.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/142/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/241/22

Owner Name: Bethany Lodge
Agent Name: 209 Design (Dana Evans)
34 Swansea Road, Markham
CON 6 PT LOT 10 PLAN 65M2520 LOTS 22-24

The applicant was requesting relief from the requirements of By-law 122-72, as amended, to permit:

a) Section 1.5.2 (iii) and Schedule C:

a minimum side yard setback of 8.76 metres (28.74 feet) for Pavilion #1 and 7.76 metres (25.46 feet) for Pavilion #2, whereas the By-law requires a minimum setback of 25 metres (82.02 feet).

as it related to proposed pavilions.

The Chair introduced the application.

The agent, Dana Evans and the facility manager Doug Groat appeared on behalf of the application.

Member Reingold felt the application to replace one pavilion with two made sense and was suitable for residents who required the amenities. The member indicated that the application was minor and met the four tests of the Planning Act.

Member Yan expressed that it was a good idea to expand the covered shelters for the residents while maintaining trees for shade. The member indicated that the request met the four tests of the Planning Act and supported the application.

Member Prasad complimented the agent on the design and motioned for approval with conditions.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/241/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/014/23

Owner Name: Shirin Ahmadizadeh

Agent Name: Smart Structural Solutions Ltd. (Mobina Farahani)

93 Highland Park Boulevard, Thornhill

PLAN 2446 LOT 84

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

a) Section 4.9:

a flankage yard setback of 10 feet 4 inches, whereas the By-law requires a minimum flankage yard setback of 14 feet 1 inch;

b) Section 3.7:

an unenclosed roofed porch encroachment of 60 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required flankage yard setback; and

c) Section 3.7: an egress window well encroachment of 43 inches, whereas the By-

law permits a maximum encroachment of 18 inches into the required front yard setback;

as it related to a proposed addition.

The Chair introduced the application.

The agent, Hamid Hemati, appeared on behalf of the application.

Member Reingold appreciated the owner creating additions that would utilize the existing structure while adding square footage to meet the family's needs and improve their lifestyle. The member indicated that the request was minor and did not adversely impact neighbours.

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/014/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/149/22

Owner Name: Yi Huang
Agent Name: Xiaoru Song
98 Clark Avenue, Thornhill
CON 1 PT LOT 28

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 17.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Amending By-law 101-90, Section 1.2 (iv):

a floor area ratio of 57.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

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

The Chair introduced the application.

The agent, Victor Guitberg, appeared on behalf of the application.

The Committee received one piece of correspondence.

Michael Birman of 100 Clark Avenue, spoke to the Committee on behalf of his father. Michael requested information regarding the scope of construction, tree protection and timelines.

Jean Hunn, of 99 Clark Avenue, spoke to the Committee and highlighted concerns regarding the wider driveway, hardscaping, runoff and hedge and tree removal. The height of the proposed home was also of concern in comparison to the existing built form of the area. And combined with the increased floor area ratio, it did not fit the style or character of the area.

Joan Honsberger, of 60 Eglin Street, spoke to the Committee on behalf of the Ward 1 Ratepayers Association. Joan spoke regarding retaining the hedges for privacy for the neighbours and birds. Joan noted that the increased house size would significantly impact the neighbours' sunlight and shadows. Additionally, Joan noted the need for a construction management plan to manage construction materials and vehicles and requested that bird-friendly guidelines be implemented for the project.

Charles Pan of 101 Clark Avenue, noted that the height was higher than other homes on the street.

Victor Guitberg indicated that the height and driveway complied, grading would be done according to approved engineering plans, the rear yard would be protected by sediment fencing, and the proposed driveway materials still needed to be determined. It was a modern house, and it had been designed to keep the first floor as close to grade as possible and had roof slopes that would integrate into the area's character. However, as the architect, they were not in control of the construction plan.

Member Reingold indicated that it was a very complex application as no setback variances had been requested and the bulk of the house was on the rear yard with lower visual impact on the street. There was no variance request for height, and the Committee can only consider the requested variances. The house was square and large and did not fit the area's character, and noted that the area was in transition. However, the house needed to be compatible with the neighbouring properties. The member requested changes to the front elevation to reduce visual impacts.

Member Yan indicated that each application needed to be assessed within the planning framework for the area with site-specific considerations. The member expressed that new builds needed to respect the character of the area and the size and massing of the built form. The house appeared overbuilt for the area. The member was concerned with the significant increase in the floor area ratio. Member Yan indicated that having the context of the street and the infill development that had already occurred would have been beneficial. The member asked for additional details regarding the roof.

The architect indicated that the roof had various pitches, with a smaller roof on the garage and dormers to break up the façade.

Member Sampson noted that the Committee considered only two variances, and the height complied. It was a large lot with generous allowances, and there was no justification for the additional space requested and the floor area ratio needed to be below 55 percent.

The Chair indicated they did not see this as being overbuilt. Rather this was the type of application the Committee wanted to see, with the massing within the allowances for height and setbacks and variations to the eaves to provide relief in the façade. In addition, the street was eclectic with no definable character, and the house would bring architectural value to the streetscape. The Chair asked if the agent could work with the Committee to reduce the floor area ratio closer to 55 percent.

The agent agreed to a deferral.

Member Prasad motioned for deferral.

Moved By: Arun Prasad

Seconded By: Patrick Sampson

THAT Application No. **A/149/22** be **deferred** sine die.

Resolution Carried

9. A/178/22

Owner Name: Arash Farrokhkish

Agent Name: PMP DESIGN INC. (Mehran Heydari)

55 Clark Avenue, Thornhill

PLAN 2426 LOT 30

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

a) By-law 101-90, Section 1.2 (i):

a maximum building height of 8.6 metres, whereas the By-law permits a maximum building height of 8.0 metres;

b) By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 54.8 percent (3,496 sq. feet), whereas the By-law permits a maximum floor area ratio of 50 percent (3,188 sq. feet);

c) Section 3.7:

an east side yard 2nd floor balcony encroachment of 24 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required side yard;

d) Section 3.7:

a 2nd floor architectural roof encroachment of 36 inches, whereas the By-law permits a maximum roof encroachment of 18 inches into the required side yard;

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

The Chair introduced the application.

The agent, Mehran Heydari, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Joan Honsberger of 60 Eglin Street, spoke to the Committee as a Ward 1 Ratepayers Association representative. Joan noted the proposal was for double the eave encroachment permitted, highlighted the two-storey window that faced into the neighbouring yard and would impact privacy. Additionally, Joan requested that bird-friendly guidelines be implemented on the property during construction. Joan also noted that attention needed to be paid to the infill grading on site due to the high water table.

Diana Moser of 53 Clark Ave East, spoke to the Committee requesting additional details and access to the plans. In particular, Diana was interested in the side yard setbacks, the location of windows, how the height and front wall of the house related to the existing homes on the street, drainage and tree preservation and maintenance.

The agent explained that the large windows facing the side yards would be opaque and that the side yards met the zoning requirements and demonstrated where the house's front wall was related to the neighbouring properties.

Kate Mellors of 51 Clark Ave East, spoke to the Committee regarding grading related to the neighbouring properties.

The Chair requested the agent to address the questions regarding tree preservation and grading.

Mehran Heydari indicated that the cherry tree would be retained and the blue spruce tree was on City property. The grading would be approved through the RIGS permit, and with a flat roof, the runoff was directed in many ways with lower impact.

Member Sampson had concerns regarding scale and design, the considerable open to below space in the project, and the multiple balconies. The member felt the design was out of character for the area.

The Chair indicated the requests were at the higher end of approved area development. The proposal would impact neighbours with many encroachments, including multiple balconies, windows, size, and massing. The Committee needed additional information to decide, including an improved site plan and arborist report and clarification regarding the development of the front yard.

Member Yan indicated that the design required several encroachments which would negatively impact the neighbours, including massing, balconies and glazing.

Member Reingold motioned for deferral.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No. **A/178/22** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:58 pm, and the next regular meeting would be held on April 5, 2023.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment