



CITY OF MARKHAM
Virtual Meeting on Zoom

April 3, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 5th 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
Jeamie Reingold	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Stephen Corr, Senior Planner
Michelle Chen, Development Technician

Regrets

Greg Whitfield, Supervisor, Committee of Adjustment
Tom Gutfreund
Patrick Sampson
Sally Yan
Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: March 6, 2024

THAT the minutes of Meeting No. 5, of the City of Markham Committee of Adjustment, held March 6, 2024 respectively, be:

- a) Approved on April 3, 2024.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

Carried

REQUESTS FOR DEFERRAL

1. **A/013/24**

Agent Name: Paar Design Inc. (Nikol Paar)
57 George Street, Markham
PLAN 2485 LOT 20

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

- a) **Amending By-law 99-90, Section 1.2(iii):**
a building depth of 20.1 metres, whereas the by-law permits a maximum building depth of 16.8 metres; and
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 53.81 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.

Nikol Paar, the applicant attended the meeting and requested a deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/013/2024** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. **A/198/23**

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 building depth of 18.75 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 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, thanked community members for meeting to discuss concerns, and noted that the plans had changed, but the requested variances had not.

The Committee received four written pieces of correspondence.

Jamie McClelland, a neighbour, thanked the applicant for meeting with them and making changes to address the concerns of the adjacent neighbours.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, requested confirmation that the plans discussed with Mathew Laing and the neighbours were the same plans included in the staff report for approval.

Gerard Montocchio, a neighbour, asked for clarification regarding how the condition to review the plans to confirm substantial conformity with the plans in the staff report would be cleared.

The Committee members were satisfied with the changes to address neighbours' concerns.

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/198/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. 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 5 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 35.91 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent;
- 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; and
- d) **By-law 11-72, Section 6.1:**
a minimum south side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;

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

The Chair introduced the application.

The agent, Francesco Fiorani, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

William He and Charlie He, neighbours, understood that minor variances had been legislated to provide nuance to zoning standards for extenuating circumstances or irregularities that could not be addressed through the application of the Zoning Standards. William expressed that the applicant needed to demonstrate why the zoning standards could not be met nor provided justification for the requests and how they met the tests of the *Planning Act*. The proposed requests would not result in development comparable to the neighbourhood's existing dwellings. The variances would result in impacts to sunlight and shadows, airflow, noise and sound insulation, and privacy. The request was not desirable or appropriate for the development of the property.

Michael & Linda Semerak, neighbours, spoke regarding the invasiveness of the proposal on the living standards for the immediate neighbours and the impacts on the existing streetscape.

Martyn Hills, a neighbour, indicated the request would impact the immediate neighbours. They agreed with the comments made by William He and expressed that the changes would impact the neighbours. They also had concerns regarding light, fire safety, airflow, runoff, and drainage.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, provided visuals of the proposal showing the proposed height and the adjacent dwellings. Elizabeth indicated that the proposed massing and size did not align with the streetscape and noted that there needed to be something in the front elevation to soften the massing.

Francesco Fiorani addressed the resident's comments.

Member Reingold, echoing the sentiments of the neighbours, emphasized the visual disharmony of the proposed front elevation with the existing homes and the neighbourhood. In their view, the proposal failed to meet the directives of infill development in the Official Plan. While the variances might not seem significant individually, their cumulative impact, when considered together, would be substantial. Member Reingold, therefore, did not support any of the variances.

Member Prasad agreed with their colleague and the presentations made by the neighbours and expressed adjustments were needed to integrate the house into the existing neighbourhood.

The Chair concurred with the concerns raised by the neighbours and the Committee of Adjustment members, particularly noting that the proposed house would not integrate with the existing neighbourhood. The Chair also pointed out that the applicant's claim of the proposed interior wall height being consistent with new construction across the city was not accurate, and this design element contributed to the need for the requested height variance.

Francesco Fiorani agreed to the deferral; however, they indicated that the architectural design could change to soften the impact on the streetscape, but the variances would not change.

Member Prasad, motioned for a deferral, indicating the need for further adjustments to better integrate the proposed house into the existing neighbourhood.

Moved by: Arun Prasad
Seconded by: Jeannie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/002/24** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

1. A/008/24

**Agent Name: Mattamy Homes (Nicole Mastantuono)
Beaverbrae Drive, Markham
CON 4 PT LT 24 RP 65R29419 PT PART 2**

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

- a) **By-law 117-96, Section 7.642:**
an Institutional use, whereas the by-law does not permit Institutional uses; and
- b) **By-law 117-96, Section 7.642:**
a maximum building height of 20 metres, whereas the by-law permits a maximum building height of 12.5 metres;

as it related to a future school block.

The Chair introduced the application.

The agent, Nicole Mastantuono and Mehr Hazari of Mattamy Homes, appeared on behalf of the application.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/008/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/012/24

Owner: York Region District School Board

Agent Name: MC Architects Inc. (Dominic Battistel)
Warden Avenue, Markham
CON 5 PT LOT 10 RP 66R10854 PT PARTS 1 AND 2

The applicant was requesting relief from the requirements of By-law 2004-196, as amended, to permit:

a) By-law 2004-196, Section 4.7:

a loading space to be located 5 metres from the west streetline, whereas the by-law requires a minimum of 10 metres from any streetline or interior side lot line;

as it related to a proposed 3 storey elementary school with childcare.

This application was related to Site Plan Control application SPC 23 128852, which was being reviewed concurrently.

The Chair introduced the application.

The agent, Dominic Battistel, appeared on behalf of the application.

Member Reingold requested information regarding the usage of the service area. Member Reingold identified the proposed development as modern and sensitive to the surrounding community. With the increasing density, schools were needed that offered solutions different from traditional construction and indicated the request would not adversely impact the community.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/012/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/010/24

Agent Name: Technoarch Inc. (Harpreet Bhons)
43 Main Street, Markham
PLAN 18 BLK D PT LOTS 7 & 8

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

a) By-law 1299, Section 7.1(b):

an indoor cycling training centre, whereas the by-law does not permit this use;
as it related to a proposed indoor cycling training centre.

The Chair introduced the application.

The agent, Harpreet Bhons, appeared on behalf of the application, indicating that when a building permit application was submitted, it was identified that the use was not permitted.

Member Prasad requested information regarding the business.

Vasso Tsoutsoubri and Cliff Edwards, the business owners, provided information regarding the class offerings, sizes, and parent business.

Member Reingold indicated that the use was a positive addition to the community and would contribute to healthy lifestyle options for Markham residents. Member Reingold noted that the applicants had indicated class sizes as large as 45 participants and indicated concerns regarding already congested parking in the area.

Harpreet relayed that the property had 41 private spots and access to approximately 32 additional City-owned parking spots. Additionally, some club members were expected to use active or public transportation. Vasso responded that classes would mostly be scheduled during hours when offices would be closed.

The Chair said that the business would only occupy Unit 1 on the first floor and questioned if the 41 parking spaces were explicitly designated for the proposed use or if the 41 spaces were for all uses in the building.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke anecdotally. She said she knew some community members who planned to take out membership and walk to the business.

The Committee members agreed that they could not support the use without confirmation that it would not require any variances to the parking standards. The Chair recommended the application be deferred until verification was provided by staff that there was sufficient parking to meet the requirements of the by-law.

Harpreet Bhons agreed to defer the application.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/010/24** be **deferred** sine die.

Resolution Carried

4. A/206/23

**Agent Name: Technoarch Inc. (Harpreet Bhons)
125 Commerce Valley Drive, Thornhill
PLAN 65M2694 PT BLK 2 65R22047 PTS 20 TO 26**

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(c)(i):**
a restaurant as an accessory use within an existing office building, whereas, the By-law does not permit restaurants within an office building;

as it related to a proposed restaurant in an existing office building.

The Chair introduced the application.

The agent, Harpreet Bhons, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/206/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. B/001/24

**Agent Name: Gregory Design Group (Shane Gregory)
19 George Street, Markham
PLAN 18 PT BLK H 65R40716 PART 2**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land (Part 2) with an approximate lot frontage of 13.95 metres and an approximate lot area of 204.13 square metres; and
- b) **retain** a parcel of land (Part 1) with an approximate lot frontage of 17.13 metres and an approximate lot area of 510.00 square metres.

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

This application was related to Minor Variance Applications A/48/18 approved June 28, 2018 and A/007/21 which was approved March 10, 2021.

The Chair introduced the application.

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

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold.

The Committee unanimously approved the application.

THAT Application No. **B/001/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/038/23, A/190/23, A191/23 were heard concurrently with the discussion recorded under B/038/23.

6. B/038/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 961.51 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2343.98 square metres (Part 1).

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

This application was related to Minor Variance applications A/190/23 and A/191/23.

The Chair introduced the application.

The agent, Anthony Sirianni appeared on behalf of the application. Anthony outlined the proposal and indicated that they were withdrawing the request for **variance b)** under application A/109/23.

The Committee received three written pieces of correspondence. Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, commented while they recognized that creating density within the existing urban area was better than sprawl, the proposal raised concerns. The proposal did not meet the intent of the Official Plan for infill development, without a revised site plan, the impact on existing trees at the property line could not be assessed, and the front yard setback was not consistent with other front yard setbacks on the street even if a variance was not required. Insufficient information was provided to assess the massing and scale of the proposed house on the severed lot and if it would impact the streetscape.

The agent, Anthony Sirianni, responded to the concerns, indicating that the front yard setback was compliant with the zoning standards and that the requested floor area ratio for the severed lot fell within the range of variances approved by the Committee for properties close to the proposed lot. A design for the home had yet to be completed, but it would be similar to the homes in the area and consistent with the parameters of the by-law.

Member Reingold expressed that there were too many unknowns regarding the lots' proposed development to assess and fully support the application. Member Reingold requested that the applicant provide renderings of the new house and a new site plan illustrating a revised driveway location to ensure that the proposal was in keeping with the neighbourhood.

Member Prasad indicated the consent could be considered apart from the requested variances, but as they needed to be considered together, additional information would be needed for a decision.

The Chair had no issues with the requested consent, the variance for lot width or the floor area ratio on the retained lot. However, they would not support approving the variance for floor area ratio on the severed lot without first having plans to demonstrate the size and massing of the proposed house. The Chair indicated that the previous approvals referred to by the applicant had been granted for proposals with plans which the Committee had considered for potential impacts to the neighbours and the

streetscape. The Chair recommended deferral to allow for the submission of drawings related to the proposed house on the severed lot.

Anthony Sirianni agreed to the deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **B/038/23** be **deferred** sine die.

Resolution Carried

7. A/190/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

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

- a) **Amending By-law 99-90, Section Table C:**
a floor area ratio of 55 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- b) **Amending By-law 28-97, Section 6.2.4.4(a):**
a driveway with a minimum interior side yard setback of 0 feet, whereas the by-law requires a minimum interior side yard setback of 4 feet;

as it related to an existing residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/190/23** be **deferred** sine die.

Resolution Carried

8. A/191/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)

**208 Church Street, Markham
PLAN M2011 LOT 6**

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 minimum lot frontage of 56 feet (17.06 metres), whereas the by-law requires a minimum lot frontage of 60 feet (18.28 metres); and
- b) **By-law 99-90, Section Table C:**
a floor area ratio of 49 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT Application No. **A/192/23** be **deferred** sine die.

Resolution Carried

Adjournment

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:05 pm, and the next regular meeting would be held on April 17, 2024.

CARRIED

Original signed April 17, 2024

Secretary-Treasurer
Committee of Adjustment

Original signed April 17, 2024

Chair
Committee of Adjustment