



**CITY OF MARKHAM**  
**Virtual Meeting on Zoom**

**May 1, 2024**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 7<sup>th</sup> 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**

Tom Gutfreund  
Kelvin Kwok

**DISCLOSURE OF INTEREST**

None

**Minutes: April 17, 2024**

THAT the minutes of Meeting No. 6, of the City of Markham Committee of Adjustment, held April 17, 2024 respectively, be:

- a) Approved on May 1, 2024.

**Moved by: Patrick Sampson**  
**Seconded by: Jeamie Reingold**

**Carried**

## **PREVIOUS BUSINESS**

1     **A/184/23**

**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 building (garden home) to be located in the front yard, whereas the by-law does not permit an accessory building (garden home) 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 of 2.39 metres for the accessory building (garden home), whereas the by-law requires a minimum side yard setback of 3 metres;  
and
- d) **By-law 304-87, Section 7.5 (b)(i):**  
a 6.4 metre front yard setback for the accessory building (garden home), 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 building (garden home) in the front yard.

The Chair introduced the application.

The agent, Rosemary Humphries, appeared on behalf of the application and summarized the changes made to the façade of the accessory dwelling.

Member Yan appreciated that the proposed changes were responsive to the committee's comments and that the materials for the garden suite were complimentary to the main house.

Member Reingold agreed that the proposed accessory building would complement the proposed house.

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/184/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**1. A/125/23**

**Agent Name: Peoples Christian Academy (Don Overbeek)  
245 Renfrew Drive, Markham  
PLAN 65M2409 BLK 4**

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

- a) **By-law 165-80, Section 4.7.1 (b):**  
a minimum landscape strip of 2 metres, whereas the by-law requires a minimum landscape strip of 6 metres; and
- b) **By-law 165-80, Section 6.4.1:**  
a place of worship within an existing private school, whereas the by-law does not permit a place of worship;

as it related to a private school and place of worship.

This application was related to the Site Plan Control application 2022 259377 which was being reviewed concurrently.

The Chair introduced the application.

The agent, Elanya DeJesus, appeared on behalf of the application, providing an overview of the proposed pick-up/drop-off lane to improve vehicular movement on the site. Elanya indicated the requests were the same as those previously approved, but the parking reductions would change from a condition to a variance.

Alex Abdulnour of Peoples Christian Academy indicated the importance of making the site safer for the students and improving the traffic flow on Renfrew Drive.

Member Sampson supported the application, indicating that it reflected the approvals the Committee granted in 2012.

Member Reingold agreed that having more than one use on the property made sense.

Member Yan indicated that the requests to revise the site plan were signs of the success of the community space and appropriateness of the complimentary uses of daycare, private school and place of worship. Member Yan noted that the uses had functioned since the Committee's approval and stated that the requests were minor and appropriate.

Member Prasad felt the requests were good additions to the property and beneficial for the neighbourhood.

The Chair asked Greg Whitfield how the current application related to the previous approval.

Greg Whitfield indicated that the variances were previously approved, but the parking condition could not be fulfilled, and thus, the applicant had returned to the Committee with the current application.

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/125/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**2. A/014/24**

**Agent Name: KLM Planning Partners Inc. (Marshall Smith)**  
**3882 Highway 7, Markham**  
**PLAN 4295 LOT 5**

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

- a) **By-law 177-96, Section 7.645 (i):**  
a maximum of 131 units, whereas the by-law permits a maximum of 91 units;
- b) **Parking By-law 28-97 Section 3.0, Table A :**  
a parking rate of 0.88 spaces per unit and 0.16 spaces per unit for visitors, whereas the by-law requires a minimum of 1.25 spaces per unit and 0.25 spaces per unit for visitors; and

**c) By-law 177-96, Section 7.645.1 (h):**

a maximum height of 9.5 metres of any portion of a building within 13.5 metres of the westerly side lot line, greater than 22.5 metres from the front lot line, and greater than 35.5 metres from the rear lot line, whereas the by-law requires the maximum height of any portion of a building within 14.5 metres of the westerly side lot line, greater than 21.8 metres from the front lot line, and greater than 33.6 metres from the rear lot line, shall be 9.5 metres;

as it related to a proposed eight-storey residential building.

This application was related to Site Plan Control application SPC 20 135517, which was being reviewed concurrently.

The Chair introduced the application.

The agent, Marshall Smith, appeared on behalf of the application.

The Committee received one written piece of correspondence.

The Chair requested clarification regarding the light well.

Marshall Smith indicated that the light well was a recessed portion of the storeys above the second floor of the building and was included to provide a positive benefit to the property to the west.

Member Reingold felt the development needed to be more appropriate for the property.

Member Yan noted that the application had an extensive planning history, and Council had approved the height and FSI.

Marshall Smith reiterated the Council approvals, underscoring that the development was always intended through the Official Plan Amendment and Zoning By-law Amendment.

Member Yan acknowledged that housing policy and demands had changed since Council approval in 2020, and the parking study reflected Markham Centre Plans and the high-order transit on Highway 7. Member Yan supported the application, expressing that it improved the previous site plan and reflected the changing market and community needs.

The Chair agreed with member Yan that the proposal reflected the current market demand and Markham Centre's development.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan**

**Seconded by: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/014/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/018/24**

**Agent Name: Z Square Group (Mengdi Zhen)  
5A Lunar Crescent, Markham  
PLAN 4556 LOT 25 65R39559 PART 2**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **By-law 142-95, Section 2.3 (a):**  
a deck platform located above the ground floor, whereas the by-law requires a deck to be located at or below the ground floor; and
- b) **By-law 221-81, Amending By-law 2012-13, Section 7.2.2 (viii):**  
a residential dwelling with a maximum of three-storeys, whereas the by-law permits a maximum of two-storeys for a residential dwelling;

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

The Chair introduced the application.

The agent, Mengdi Zhen, appeared on behalf of the application. Mengdi indicated that the sloping grade on the property triggered the variance requests and that 3A Lunar Crescent had been granted similar variances.

The Committee received three written pieces of correspondence.

Colin Padgett, a neighbour, requested information regarding the existing and proposed property grade, the height of the building, and the location of windows and the proposed deck.

Member Reingold indicated that they had considered the concerns raised by the neighbours when formulating their response. They understood the neighbour's desire to see new development reflect the existing development but observed that the area had diverse building designs. They considered the requests reasonable, noting that the proposal did not exceed the building height standards for the area.

Member Sampson noted that other properties in the area had been granted similar variances. Additionally, as the property backed onto a commercial plaza impacts from the deck would be minimized.

The Chair indicated that the requests significantly differed from the Committee's approvals for massing throughout the City.

Member Yan expressed that the massing was considerable and would significantly impact neighbours.

Member Sampson motioned for approval with conditions.

**Moved by: Patrick Sampson**

**Seconded by: Arun Prasad**

**Opposed: Sally Yan**

**Opposed: Greg Knight**

The majority of the Committee approved the application.

THAT Application No. **A/018/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/211/23**

**Agent Name: Makow Associates Architect, Inc (Jim Pfeffer)**  
**9 Old English Lane, Thornhill**  
**PLAN M1140 LOT 37**

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

- a) **By-law 28-97, Section 6.2.4.5a:**  
a second driveway with a width of 5.08 metres, whereas the by-law requires a second driveway that connects to the public street to have a width of 3.7 metres;
- b) **By-law 1767, Section 14(i)(c):**  
a minimum front yard setback of 7.31 metres (23.98 feet), whereas the by-law requires a minimum front yard setback of 10.57 metres (35 feet);
- c) **By-law 1767; 100-90, Section 1.2 (iii):**  
a maximum building depth of 19.55 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- d) **By-law 1767, Section 14 (i)(e):**

a minimum rear yard setback of 30.67 feet, whereas the by-law requires a minimum rear yard setback of 50 feet;

e) **By-law 1767, Section 14 (i)(d):**

the sum of the width of both side yards shall not be less than 13.3 percent (16 feet) of the total lot frontage, whereas the by-law requires the sum of the width of both sides to not be less than 20 percent (24 feet) of the total lot frontage;

f) **By-law 1767, Section 9 (i):**

a maximum window well encroachment of 36 inches, whereas the by-law permits a maximum encroachment of not more than 18 inches into any required yard; and

g) **By-law 1767; Amending By-law 100-90; Section 1.2 (i):**

a maximum building height of 10.35 metres, whereas the by-law permits a maximum building height of 9.8 metres;

as it related to proposed single detached 2-storey dwelling.

The Chair introduced the application.

The agent, Jim Pfeffer, appeared on behalf of the application.

The Committee received four written pieces of correspondence.

Steve Delaney, a neighbour, appreciated the design of the home and the character it would add to the neighbourhood but was concerned that the height could block sunlight and create shadows on the surrounding properties.

Chris, a neighbour, expressed concerns about reduced sunlight and the altered views resulting from the new house.

Mary Gao, a neighbour, was concerned that the height and depth of the proposed home would negatively impact the enjoyment of their property and adversely influence their health.

Jim Pfeffer presented the shadow study prepared for the proposed house, illustrating the extent of the shadows that the new house would cast. Additionally, Jim provided a comparison of the location of the proposed house as it related to the neighbouring house and detached garage.

Member Sampson supported the application, indicating it was a well-designed house appropriate for the property and neighbourhood.



Member Yan supported the application and indicated that the applicant had addressed concerns regarding side yard setbacks and tree preservation, the design was thoughtful, and the requested variances were minor.

The Chair supported the application, noting that the portion of the house that had generated questions regarding proximity, height and depth was adjacent to the garage on the neighbouring property.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan**  
**Seconded by: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/211/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. B/002/24**

**Agent Name: Agathom Co. (Adam Thom)**  
**38 Dove Lane, Thornhill**  
**PLAN 4834 LOT**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 19.12 metres and an approximate lot area of 923 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 20.71 metres and an approximate lot area of 1159.8 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.

The Chair introduced the application.

The agent, Adam Thom, appeared on behalf of the application.

The Committee received five written pieces of correspondence.

Member Sampson supported the application, indicating compliance with the zoning standards.

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Member Prasad agreed with their colleague.

Member Sampson motioned for approval with conditions.

**Moved by: Patrick Sampson**  
**Seconded by: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **B/002/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:08 pm, and the next regular meeting would be held on May 15, 2024.

CARRIED

Original Signed on  
May 15, 2024  
Secretary-Treasurer  
Committee of Adjustment

Original Signed on  
May 15, 2024  
Chair  
Committee of Adjustment