



CITY OF MARKHAM
Virtual Meeting on Zoom

May 15, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 8th 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
Arun Prasad	7:35 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

Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: May 1, 2024

THAT the minutes of Meeting No. 7, of the City of Markham Committee of Adjustment, held May 1, 2024 respectively, be:

- a) Approved on May 15, 2024.

Moved by: Patrick Sampson
Seconded by: Tom Gutfreund

Carried

Before commencing the business portion of the meeting, the Chair announced the withdrawal of Member Tom Gutfreund from the Committee and thanked them for their nine years of volunteer service to the City of Markham and its residents.

PREVIOUS BUSINESS

1. A/156/23

**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 49.9 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, Tony Yu, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Francis Leblanc, a neighbour, raised privacy concerns related to the proposed height of the house and the lack of vegetative screening.

Tony Yu responded that the proposed height of the house was compliant with the zoning standards for the property. Additionally, Tony indicated that the owner intended to plant additional trees.

Member Yan supported the application and expressed satisfaction with the changes, particularly noting the reduction of the floor area ratio to below 50 percent and the owner's commitment to increase privacy screening.

Member Gutfreund agreed with their colleague, acknowledging the changes made by the applicant to address the concerns of the Committee and the neighbour.

Member Reingold indicated that the application was an excellent example of how compromise can result in a development that compliments the neighbourhood.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Jeamie Reingold
Absent: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/156/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. 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 48.78 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, Nikol Paar, appeared on behalf of the application.

The owners, Amin Hamani and Saleema Bhamani, indicated to the Committee that the requested variances were to provide desired design elements for a multi-generational family.

The Committee received two written pieces of correspondence.

Member Gutfreund supported the application, noting that the reduction in floor area ratio and the changed roofline had reduced the overall massing of the building.

Member Reingold said the home was designed to fit within the neighbourhood and supported the application.

Member Yan agreed with their colleagues and noted that the house would complement the neighbourhood.

Nikol Paar addressed questions regarding tree preservation noting the conditions in the staff report.

The Chair agreed with the staff report and did not support the carport.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Sally Yan

Opposed: Greg Knight

Absent: Arun Prasad

The majority of the Committee approved the application.

THAT Application No. **A/013/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Member Prasad joined the meeting at 7:35 pm.

Applications B/038/23, A/190/23 and A/191/23 were heard concurrently with the discussion recorded under B/038/23.

3. 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 indicated that no new dwelling was proposed for the severed property and that a design would be determined at a future date. The plans had been changed to relocate the driveway to reflect tree preservation measures.

The Committee received one written piece of correspondence.

Member Gutfreund confirmed that the requested floor ratio variance for the retained lot reflected the existing building and was not for new construction.

Member Gutfreund supported the three applications, indicating they met the intent of the Official Plan, that the variances were minor, and that they met the four tests of the Planning Act.

Member Sampson clarified with the applicant that construction on the severed lot would be done in the future.

The Chair explained the discussion at the previous meeting as reflected in the minutes.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **B/038/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. 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

as it related to an existing residential dwelling.

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

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/190/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. **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

as it related to a new residential lot.

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

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/191/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/001/24

**Agent Name: Permit Works (Kelvin Lo)
33 The Bridle Trail, Markham
PLAN M1931 BLK 251**

The applicant was requesting relief from the requirements of By-law 134-79, as amended, to permit:

a) By-law 134-79, Section 9.1:

a commercial school and an animal hospital, whereas the by-law does not permit these specific uses;

as it related to an existing commercial plaza.

The Chair introduced the application.

The agent, David Chang, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Frankie Lam, an area resident, spoke to the Committee regarding traffic congestion related to the commercial plaza.

Member Gutfreund confirmed with the applicant that a traffic study was not required by City staff.

The Chair noted that in the Council approved Comprehensive Zoning By-law the proposed uses were permitted. Additionally, similar businesses had operated on the property for many years and that the uses contemplated in the application should not create increased traffic impacts.

Member Yan indicated agreement with Member Gutfreund that the traffic concerns be addressed through a dedicated pick up and drop off zone.

Member Prasad agreed with their colleagues concerns regarding traffic.

Member Reingold expressed concerns about pedestrian safety in the parking lot.

Greg Whitfield provided information from the zoning review of the application indicating that the uses would be in full compliance under By-law 2024-19 and that the proposed uses did not require additional parking.

The Chair detailed various uses that had occupied the plaza over the years pointing out that there had been considerable vehicular traffic associated with those uses over the past decades. The Chair was of the opinion that a traffic study would be financially onerous, create delays and was not necessary to make a decision regarding the requested variances.

Member Sampson was in agreement with the Chair that a traffic study would be difficult to implement for the concerns raised by the Committee and was concerned about the subjectivity of the conclusions.

Member Gutfreund expressed that the increased use necessitated implementation of safety measures.

Member Yan agreed a traffic study would not be beneficial, however as the request was intensifying the use, a safety measure such as a designated pick up/drop off spot should be implemented.

Member Gutfreund and Member Prasad agreed with Member Yan's recommendation and suggested including a condition for two parking spots with signage.

Greg Whitfield read the proposed condition:

1. A minimum of two Parking Spaces are to be dedicated exclusively for use by the commercial school use, with clear signage posted at all times, and as identified on a Site Plan, to the satisfaction of the Supervisor of the Committee of Adjustment.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/001/24** be **approved** subject to conditions contained in the report and as noted above.

Resolution Carried

2. A/024/24

Agent Name: David Johnston Architect Ltd. (David Johnston)
28 Station Street, Markham
CON 7 PT LOT 13

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

a) By-law 153-80, Section 5.7:

a covered porch encroachment of 1.42 metres into the front yard, whereas the by-law permits a covered porch encroachment of 0.45 metres;

as it related to the construction of a covered front porch for the existing heritage dwelling.

The Chair introduced the application.

One of the owners, Graham Dewar, appeared on behalf of the application.

Member Sampson agreed with the staff recommendations indicating that the requests were minor.

Member Reingold supported the application noting the approval from Heritage Markham and expressed there would be no adverse impacts from the proposal.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/024/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/023/24

Agent Name: In Roads Consultants (Ida Evangelista)
98 Babcombe Drive, Thornhill
PLAN M1091 LOT 44

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

a) By-law 1767, Section 18 (i)(d):

a second-storey north side yard setback of 4.16 feet, whereas the by-law requires a side yard setback of 6 feet;

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

The Chair introduced the application.

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

Member Gutfreund supported the application, indicating it met the four tests of the *Planning Act* and motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/023/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/029/24

Agent Name: Vin Engineering Inc (Sunil Shah)
142 White's Hill Avenue, Markham
PLAN 65M3295 PT BLK 126 65R30255 PT 1

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

- a) **By-Law 28-98, Section 3, Table A:**
two (2) parking spaces, whereas the by-law requires three (3) parking spaces;
- b) **By-Law 177-96, Section 6.3.1.6:**
a detached private garage with a height of 6.34 metres, whereas the by-law permits a maximum height of 4.5 metres; and
- c) **By-Law 177-96, Section 6.6.2.1 (a)(ii):**
a porch encroachment of 3.1 metres into the rear yard setback, whereas the by-law permits a maximum encroachment of 3 metres;

as it related to the construction of coach house on top of detached garage.

The Chair introduced the application.

The agent, Sunil Shah, appeared on behalf of the application.

Member Prasad confirmed with the applicant that the owners could provide parking to the occupant if required.

Committee of Adjustment Minutes
Wednesday May 15, 2024

Member Gutfreund motioned for approval with conditions indicating that the application met the four tests of the *Planning Act* and was minor.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/029/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:46 pm, and the next regular meeting would be held on June 5, 2024.

CARRIED

Original signed
June 5, 2024 _____
Secretary-Treasurer
Committee of Adjustment

Original signed
June 5, 2024 _____
Chair
Committee of Adjustment