



CITY OF MARKHAM
Virtual Meeting on Zoom

August 30, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 12th 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
Tom Gutfreund	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Arun Prasad	7:02 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment

Regrets

Kelvin Kwok	
Patrick Sampson	
Arun Prasad	7:26 pm

DISCLOSURE OF INTEREST

None

Minutes: August 16, 2023

THAT the minutes of Meeting No. 14, of the City of Markham Committee of Adjustment, held June 28, 2023 respectively, be:

- a) Approved on August 16, 2023.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

Carried

REQUESTS FOR DEFERRAL

1. **A/126/23**

Owner Name: Cen Wen Hao
Agent Name: Frank Bandiera Architect Inc. (Frank Bandiera)
29 Briarcrest Drive, Markham
PLAN 65M3632 PT BLK 11 RP 65R26389 PARTS 21 TO 23

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

- a) **By-Law 177-96, Table B2 (P):**
a minimum front yard setback of 1.6 metres to the enclosed porch whereas minimum front yard setback of 3 metres is required; and
- b) **By-law 28-97, Section 3 and 6.1.1 b):**
a required parking size of 2.6 metres x 4.4 metres whereas a minimum size of 2.6 metres x 5.8 metres is required inside a private garage;

as it related to a single family semi-detached dwelling.

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No. **A/126/23** be **deferred** sine die.

Resolution Carried

Previous Business

1. **A/038/23**

Owner Name: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent Name: Zero Degree Studio Inc. (Roy Chan)
41 Galsworthy Drive, Markham
PLAN 4949 LOT 47

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(i):**

a maximum building height of 10.10 metres, whereas the By-law permits a maximum building height of 9.80 metres;

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

a maximum depth of 19.91 metres, whereas the By-law permits a maximum of 16.80 metres;

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

a maximum floor area ratio of 50 percent, whereas the By-law permits a maximum of 45 percent;

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

The Chair introduced the application.

The agent, Roy Chan, appeared on behalf of the application.

Member Gutfreund thanked the agent for incorporating the Committee's recommendations into the design and supported the application, indicating the requests were minor and met the four tests of the *Planning Act*.

Member Reingold agreed with their colleague, stating the design was compatible and complimentary to the neighbourhood and met the intention for infill development.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

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

Resolution Carried

NEW BUSINESS:

1. A/140/23

Owner Name: Pardeep Pradhan

Agent Name: Vin Engineering Inc. (Sunil Shah)

70 Spring Meadow Avenue, Markham

PLAN 65M3203 LT 39

The applicant was requesting relief from the requirements of By-law 117-96, as amended, to permit:

a) **By-law 177-96, Section 6.3.1.6:**

a maximum height of 6.4 m, whereas the By-law permits a maximum height of 4.5 m;

as it related to a proposed coach house.

The Chair introduced the application.

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

The Chair observed that coach houses were permitted in the by-law, but the by-law did not have provisions for a maximum height to meet building code requirements for a two-storey coach house.

Member Gutfreund agreed with the staff report and noted the application was minor in nature, met the four tests of the *Planning Act*, reflected the trend and transitions to coach houses in the area, and would add to the affordable housing options within the GTA.

Member Yan agreed with the Chair that the zoning by-law did not reflect the required height needed to meet the Ontario Building Code and noted the applicant was not requesting to go beyond the minimum the OBC requirements and agreed with Member Gutfreund that it met affordable housing objectives within the GTA.

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/104/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/143/23

Owner Name: Martin Jun Jian Xie
Agent Name: Jun An
344 Manhattan Drive, Markham
PLAN 65M2269 LOT 70

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

a) Section 7.2:

a maximum lot coverage of 36.9 percent, whereas the By-law permits a maximum of 33.33 percent;

as it related to a single family detached dwelling.

The Chair introduced the application.

The agent, Jun An, appeared on behalf of the application.

Member Gutfreund thanked the agent for the visual representation of how the proposal might appear when finished and noted the application met the four tests of the *Planning Act*.

Member Reingold felt it was a great example of how a modification to an existing home can add presence to the streetscape and agreed with the staff report noting the application was minor.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/143/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/146/23

Owner Name: Jeffrey Cowan and Eleni Galanis
Agent Name: Gregory Design Group (Shane Gregory)
63 Hawkrigde Avenue, Markham
PLAN 6584 LOT 9

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

a) By-law 1229, Table 11.1:

a side yard setback of 4 feet whereas the by-law requires a minimum of 6 feet;

- b) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 51.2 percent; whereas the by-law permits a maximum floor area ratio of 45 percent;
- c) **By-law 99-90, Section 1.2(iii):**
a building depth of 17.81m whereas the by-law permits a maximum building depth of 16.8m;
- d) **By-law 99-90, Section 1.2(i):**
a height of 10.3m whereas the by-law permits a maximum height of 9.80m;
- e) **By-law 1229, Table 11.1:**
a front yard setback of 23.92 feet whereas the by-law requires a front yard setback of 25 feet;

as it related to a proposed two-story addition.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application. Russ presented documentation from Metrolinx that the condition listed in the staff report was not required.

The Committee received three written pieces of correspondence.

Member Reingold indicated that the applicant had presented a thoughtful addition to the existing structure, and the proposed modifications were minor and met the four tests of the *Planning Act*.

Member Yan supported their colleague, agreeing that the proposal was an appropriate infill addition. The member noted the numbers related to the massing did appear large; however, the addition respected the existing development and the streetscape and was minor.

The Chair indicated the proposal was beyond the floor area ratio generally accepted by the Committee; however, extenuating circumstances were created by using the existing infrastructure and the area above the garage for the additional floor area.

Member Reingold motioned for approval with conditions, excluding the Metrolinx condition.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/146/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. **A/134/23**

Owner Name: Wendy Oi Yee Lo and David Wen Long Liu
Agent Name: Prohome Consulting Inc. (Vincent Emami)
38 Fonthill Boulevard, Markham
PLAN 7566 LOT 142

The applicant was requesting relief from the requirements of By-law 11-72, as amended to permit:

- a) **Section 4.11:**
~~a minimum flankage side yard of 12 feet, 6 inches, whereas a flankage side yard setback of 13 feet 2 inches is required, which is half the building height of 26 feet 3 inches;~~
- b) **Section 6.1:**
minimum west side yard of 4 feet, whereas the By-law requires minimum side yard setback of 6 feet;
- c) **Section 6.1:**
a maximum lot coverage of 35.75 percent, whereas the By-law permits a maximum of 33 1/3 percent;
- d) **Section 6.1:**
a maximum building height of 26 feet, 3 inches, whereas the By-law permits a maximum building height of 25 feet;

as it related to a new single detached dwelling with deck.

The Chair introduced the application.

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

The Committee received five written pieces of correspondence.

Gordon Kwan, of 40 Fonthill Boulevard, spoke to the Committee, expressing concerns regarding the west side yard setback and the direct impacts of the proximity to their home and vegetation.

Kimberley Kwan of 40 Fonthill Boulevard also expressed concerns regarding the west side yard setback.

Christiane Bergauer-Free of 145 Krieghoff Avenue spoke to the size, scale and massing of the proposal within the neighbourhood context, removal of trees, grading and hard surfaces, indicating the proposal as presented would have cumulative impacts on the adjacent properties and the streetscape.

Mark Swales, of 199 Krieghoff Avenue, could not present their concerns due to technical issues. Greg Whitfield read the written comments submitted by Mark to the Committee.

Member Gutfreund indicated the proposal would be a large home on a corner lot. Member Gutfreund noted the agent had worked with forestry staff to ensure the protection of the trees and had no issue with the proposed height or lot coverage but did not support the reduced side yard setback as the by-law had been established to ensure sufficient separation between structures.

Member Reingold agreed with their colleague's comments regarding the west side yard setback, indicating it should be maintained.

Member Yan supported their colleague's comments, noting it was a large home with a net floor area of approximately 60 percent. Member Yan indicated that setbacks should be maintained, recommended deferral and indicated that revised plans showing the tree preservation and protection should be provided.

Greg Whitfield clarified that variance "a)" had been removed during the planning review, and the application was only for variances "b), c), and d)."

The Chair did not support the request for setbacks or increased height, which added to the massing and would dwarf the adjacent homes. The presented proposal was neither desirable nor minor and needed to return with a design that did not push all the boundaries of the building envelope indicating that the design was unlike other homes on similar lots in the area.

The agent agreed to the deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/134/23** be **deferred** sine die.

Resolution Carried

6. **A/146/23**

Owner Name: CEFA Early Learning (Christine Yang)
Agent Name: Sajecki Planning Inc. (Morgan Dundas)
10 Esna Park Drive, Markham
CON 4 PT LOT 4 R1379 PT OF PT 1 65R7552 PT 1 MINUS
65R9891 PTS 1-3

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

- a) **By-law 28-97, Section 3, Table B:**
286 parking stalls, whereas the By-law requires a total of 294 parking stalls;

as it related to the proposed conversion of a commercial building to a daycare. This application was related to Site Plan Application 23 113933.

The Chair introduced the application.

The agent, Morgan Dundas, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Tony Ma, a business owner and resident of Markham, supported the application, indicating the need for a daycare facility in the area.

Member Yan asked if the facility would be a licensed private daycare, requested confirmation that the outdoor space met ministry requirements and clarification regarding the number of parking spaces allocated to the daycare.

The agent confirmed that the daycare was a licensed private daycare and that all ministry requirements had been determined and confirmed through the site plan review process. The parking allocation for the daycare was 45 spaces, and transportation staff had agreed to the allocation.

Member Yan agreed that the use was appropriate for the property and would benefit the surrounding employment uses and supported the application.

Member Gutfreund requested details regarding the separation of the play area from the parking lot and agreed that safety measures had been implemented and supported the application.

Member Reingold supported the application, appreciating that daycare services would be provided within an employment center.

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/146/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/138/23

Owner Name: 2456965 Ontario Inc. (Hashem Ghadaki)
Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
3825 Highway 7, Markham
CON 5 PT LT 10 66R10854 PTS 1 TO 4

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

- a) **Schedule F3:**
43 and 48 storeys, whereas the By-law permits 40 and 45 storeys;
- b) **Section 6.11.2 (c):**
a minimum first floor height of 3.0 metres, whereas the By-law requires a minimum first floor height of 3.6 metres;
- c) **By-law 2020-145, Section 6.ZZ.1 (a)(i):**
a minimum of 0.11 visitor parking spaces per dwelling unit and a maximum of 0.12 visitor parking spaces per dwelling unit, whereas the by-law requires 0.12 parking spaces per dwelling unit for visitors;

as it related to a proposed high rise residential development with at-grade retail.

The agent, Lincoln Lo, appeared on behalf of the application and indicated that the overall height and parking remained very close to the original design and that the proposal had been thoroughly reviewed by staff during the site plan process.

Member Gutfreund agreed with the staff report and indicated the changes were minor, met the four tests of the *Planning Act* and motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/138/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/135/23

Owner Name: Valleyview Gardens (Larry Varlese)
Agent Name: Sally Campbell
8636 Reesor Road, Markham
CON 9 PT LOT 11

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

- a) **Section 7.3:**
a retail garden centre as an accessory use, whereas the By-law does not permit a retail garden centre;
- b) **Section 7.3:**
a farm labour residence, whereas the By-law does not permit the use;
- c) **Section 5.5:** a building setback of 26.82 metres from the centerline of an arterial road, whereas the By-law requires a setback of 40 metres;
- d) **Section 7.3:** a rear yard setback set back of 1.97 metres, whereas the By-law requires a rear yard setback of 7.5 metres;
- e) **Section 7.3:** a side yard setback (north side) of 4.7 metres, whereas the By-law requires 7.5 metres;
- f) **By-law 28-97, Section 3.0, table B:** a parking rate of 1 space per ~~34~~ square metres 21 square metres of net floor area for nursery/garden centre; whereas the by-law requires 1 space per 20 square metres of net floor area for nursery/garden centre;

as it related to a garden centre.

The Chair introduced the application.

The agent, Sally Campbell, appeared on behalf of the application. Sally provided a comprehensive presentation detailing the need for the requested variances and outlining the overall parking provisions on the site, indicating that the designer had calculated the parking and had concluded that one space per 21 square metres of net floor area for nursery/garden centre could be provided on-site and requested a reduction of variance “f).”

Member Gutfreund noted the requests were to meet site deficiencies identified during inspections, and the variances would legitimize a long-standing, ongoing business and provide necessary and adequate housing for farm workers employed by the business. Member Gutfreund indicated the requests were minor and supported the application.

Member Yan supported the requested variances and received confirmation from Sally Campbell that the change to variance “f)” would be regulated through additional planning and by-law processes. They were satisfied that the agent had demonstrated that the site had sufficient parking to accommodate increased volumes during the peak periods of special events.

The Chair noted that the staff report had recommended deferral until a parking justification study had been submitted and reviewed by Transportation staff and confirmed with the agent that the requested variance for parking could be met.

The agent confirmed that the designer working on the site plans had determined the total available parking as indicated in the presentation. Sally indicated there was an urgency to move the application forward relating to variance “b)” to ensure the provision of on-site farm labour housing as soon as possible and requested the Committee to decide rather than defer the application.

Member Gutfreund motioned for approval with conditions and the requested change to variance “f).”

Moved By: Tom Gutfreund

Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/135/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Committee of Adjustment Minutes
Wednesday August 30, 2023

Moved by: Tom Gutfreund
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:43 pm,
and the next regular meeting would be held on September 13, 2023.

CARRIED

Original signed September 13, 2023
Secretary-Treasurer
Committee of Adjustment

Original signed September 13, 2023
Chair
Committee of Adjustment