



CITY OF MARKHAM
Virtual Meeting

September 25, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 18th 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
Patrick Sampson	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O'Sullivan, Development Technician

Regrets

Sally Yan

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: September 11, 2024

That the minutes of Meeting 17, of the City of Markham Committee of Adjustment, held October 30, 2024 respectively, be:

- a) Approved on November 20, 2024.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

Carried

4. PREVIOUS BUSINESS

4.1 A/106/23

Agent Name: Scott Rushlow Associates Ltd. (Mr. Scott Rushlow)
86 John Street, Thornhill
CON 1 PT LOT 30

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

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of 31.48 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a rear yard setback of 14.85 feet, whereas the by-law requires a minimum rear yard setback of 30 feet; and
- c) **By-law 223-94, Section 1:**
a maximum floor area ratio of 44.73 percent, whereas the by-law permits a maximum floor area ratio of 33 percent;

as it related to a proposed rear addition containing a secondary suite.

The agent, Jeffery Streisfield, appeared on behalf of the application and requested to speak at the end of the delegations.

The Committee received twenty written pieces of correspondence.

The Chair acknowledged that public input received at the previous meeting and both oral and written input received to date and at this meeting would be considered in making the decision.

Scott Rushlow, the agent, spoke to the Committee, indicating the design proposal was prepared to address the owner's desire for an addition for multigenerational residential living. The proposal was designed to respect the heritage features of the existing home, Heritage District, and adjacent properties. The original proposal had been reconsidered multiple times with reductions in floor area and relocation from the rear lot line to increase the rear yard setback. The proposal was supported by Heritage staff and Heritage Markham, as well as provincial and federal legislation supporting multigenerational housing.

Darryl Simmons, the owner, spoke to the Committee, indicating they had owned the property for 25 years having made various improvements and now wished to create a

multigenerational home that would allow the family to continue living on the property for the foreseeable future.

Barry Nelson, a Thornhill resident and cultural and built heritage advocate, indicated that in assessing this particular property, the evaluation should not be solely about unchanging vistas, personal aesthetics or visual massing. Instead, the redevelopment of properties within heritage districts should provide a balance of preservation and functionality. The proposal would provide an adaptive reuse of the property while respecting the Heritage District.

Cintia Nardi, a neighbour, spoke about seeing the house evolve as the owner carried out improvements over several years. Cintia respected the completed work and supported the current proposal. Cintia noted that the Ontario Planning Policy prioritizes inclusivity and expressed that the changing family structure and needs should be respected with compassion and understanding and given equal consideration as the desire to preserve and respect the heritage of buildings. Cintia expressed the application met the four tests of the Planning Act.

Francis Lapointe, an architect experienced in Heritage design in Ontario, spoke representing the owners of 4 Leahill Drive. Francis addressed the proposal for planning criteria regarding zoning and expressed that, from an architectural perspective, the proposal could be constructed within the zoning standards. The attached breezeway was driving the depth variance, and the rear yard setback was also driving it. The City of Markham and Heritage Markham had approved multiple attached additions to heritage houses.

Elena Cesaroni, an adjacent neighbour, referred the Committee to the written comments provided by their Planning consultant, Martin Rendel. Elena indicated that concerns raised at the previous meetings regarding impacts to adjacent properties and the neighbourhood remained unchanged, commenting that the revisions made to the application were minimal with insignificant effects on minimizing the impacts on surrounding properties. Elena also expressed concerns regarding the late submission of materials and the revisions to the variances and staff report after notice had been given. The requested variances would facilitate development that would create privacy issues, noise, overshadowing, and visual massing that would adversely impact neighbours and the neighbourhood in general. Elena also contested the suggestion that Bill 23 justified the exemption of additional residential units from compliance with the building code and municipal by-laws.

James Makaruk, a neighbour with experience in engineering and Heritage Markham, expressed that the residents attending the meeting wished to address zoning questions and were not concerned about the Heritage approvals. James agreed with Elena that the core issues remained unchanged despite minor changes to the application. James did not view the variances as minor or representing orderly development compatible with or in the neighbourhood's best interest. James expressed that the application would

set precedents for infill development in the surrounding area and indicated that the development could be achieved without variances.

Valerie Burke, a surrounding area resident, objected to the requested variances. Valerie indicated they were not opposed to the proposal but wanted to see it comply with the zoning by-law. The application, as presented, could not be considered gentle intensification. Construction would result in a loss of vegetation, and there should not be a reliance on vegetation to lessen the impacts of loss of privacy or visual massing. Valerie wanted to see the family achieve the project to meet their needs while respecting the by-law standards.

Evelin Ellison, the Ward 1 Residents Association president, agreed with the other deputations. They did not have issues with an addition and understood that the addition and additional residential units were permitted. However, the applicant had made minimal reductions from the previous meeting, which was insignificant in reducing impacts. Evelin indicated that while they could respect the heritage design, it had been done in a manner that required significant massing and variances.

Jeffrey Streisfield, a lawyer representing the owner, indicated to the Committee that while not bound by the recommendations of Heritage Markham or staff, they should be considered when making a decision. If, as the objectors had indicated, shifting the mass forward was the only requirement to bring the application into compliance and reduce the impacts, the proposal could not be considered overbuilding or incompatible. Heritage Markham, Council, and Heritage staff considered the design to be compatible with the neighbourhood and referred to various Ontario Land Tribunal decisions. Jeffery Streisfield indicated to the Committee that in addition to the four tests of the Planning Act, the Committee needed to consider a fifth test, deciding if the proposal fulfilled the intent of Bill 23. The application was for a dwelling with three units, which was an as-of-right use that triggered the variances. The application was appropriate development. With staff support, it utilized less than 19% of the lot coverage, conformed with the Planning Act, the Provincial Policy Statement and housing policies, and represented good urban design.

Prior to moving to the Committee, the Chair asked Jeffrey Streisfield to clarify if the applicant had considered withdrawing the application and resubmitting under the Comprehensive Zoning By-law 2024-19 passed on January 30, 2024. Jeffrey Streisfield indicated that the applicant had elected to continue with the application submitted before passing By-law 2024-19, utilizing the transition clauses to allow the application to proceed under By-law 2237.

Member Reingold disagreed with the applicant's representatives, expressing that the proposal represented the overdevelopment of the property from a visual massing perspective. In particular, the side elevation illustrated the significance of the depth created by the breezeway, and the height appears to be tall in contrast to the original house that it was joined with. It was essential to consider how and where a development lies on the property, and how it was situated was paramount to how it was perceived.

The applicant did not make significant revisions, and Member Reingold believed it failed the compatibility test.

Member Prasad did not support the requests, indicating that the applicant had not addressed the concerns of the Committee or residents raised at the previous meeting.

Member Sampson had no issues with the heritage nature of the design and indicated that the overall size of the addition, the additional floor area and the scale of the property were the concerns. Member Sampson noted that there were neighbours who supported the application.

Chair noted that the immediate neighbour would experience significant impacts resulting from the development. The Chair understood the recommendations of Heritage Markham but noted that, at times, recommendations may create issues from a land use perspective. The Heritage Markham report noted that privacy was a land use issue and should be considered by the Committee of Adjustment. Additionally, Heritage Staff provided a positive staff report but indicated that the Committee should consider the community input. Additionally, the Chair noted that the south elevation did not present a fair representation of how the addition would present on the streetscape. The Chair indicated that given the number of attached two-storey additions to heritage homes approved by Heritage Markham that had come to the Committee of Adjustment, they were able to achieve similar outcomes without being onerous on the neighbouring properties and the public.

Member Reingold indicated it could not just be a numerical assessment related to lot coverage that led to the questions of massing but also the qualitative visual impact of the design. The member understood the need for housing in Ontario and the desire for multigenerational homes but expressed that not every home was well suited to meet these needs and did not accept this as sufficient justification to accept the proposal without considering the design and size of the proposal.

The Chair did not accept Jeffrey Streisfield's argument that hat Bill 23 has created a fifth test for the Committee of Adjustment. The Committee had not in practice granted floor area ratios of this magnitude in the past ten years and had not considered such requests as minor.

Member Prasad motioned to refuse the application.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

The Committee considered the application to be neither minor nor desirable. Failing two of the four statutory tests, the Committee unanimously refused the application.

THAT Application **A/106/23** be **denied**.

Resolution Carried

4.2 A/084/24

Agent Name: Arani Architecture (Shadi Arani)
48 Snider Drive, Markham
CON 7 PT LOT 13

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(b):**
a minimum lot depth of 37.36 metres, whereas the by-law requires a minimum lot depth to be 38.23 metres;
- b) **By-law 2024-19, Section 6.3.2.2l:**
a maximum main building coverage 31.97 percent for the first storey and 26.95 percent for the second storey, whereas the by-law permits a maximum main building coverage of 30 percent of the lot area for the first storey and 20 percent of the lot area for the second storey;
- c) **By-law 2024-19, Section 6.3.2.2l:**
a maximum distance of the main building from the established building line of 20.27 metres for the first storey and 17.98 metres for the second storey, whereas the by-law permits a maximum distance of the main building from the established building line of 19.5 metres for the first storey and 14.5 metres for any storey above the first; and
- d) **By-law 2024-19, Section 6.3.2.2(i):**
a minimum combined interior side yard of 3.6 metres, whereas the by-law requires a minimum combined interior side yard of 4 metres;

as it related to the construction of a new two storey dwelling with an integral garage.

The agent, Shadi Arani, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Susanna Jones, a neighbour, expressed appreciation for the revisions made since the last meeting, particularly the reduction of the second storey and the relocation of the balcony. However, Susanna indicated they continued to be concerned about flooding and aesthetics relating to the natural area at the rear of the property. Additionally, Susanna felt the height and massing of the proposal were still significant compared to the existing houses on the street.

Mina Kim, a neighbour, acknowledged reductions had been made by the applicant but expressed that they had hoped to see a proposal closer to the by-law standards. In Mina's opinion, the requested variances did not seem minor and indicated that residents anticipated that the Comprehensive Zoning By-law would stop overly large incompatible builds. Mina indicated the proposal would significantly disrupt the quality of life for the residents of the street.

Evelin Ellison requested to speak, mentioned that the large windows facing the natural heritage area would result in bird strikes, and expressed that the proposal was incompatible with the surrounding lands because it was too big.

Member Sampson felt that the proposal had a significant visual impact on the street and expressed that the massing of the second floor needed to meet the intent of the by-law.

Member Reingold had conducted a site visit to observe the street. While they noted that the house would be large for the area, the design was compatible with the surrounding area. It would not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.

The Chair indicated that the requests were minor and that the rear portion of the house had been reduced so that it would not impact the neighbours. The surrounding neighbourhood had diverse architecture, and the proposal respected the neighbourhood's character.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Arun Prasad
Opposed: Patrick Sampson

The Committee majority of the Committee approved the application.

THAT Application **A/084/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. NEW BUSINESS:

5.1 A/107/24

Agent Name: KLM Planning Partners Inc. (Billy Tung)
5690 14th Avenue, Markham
PLAN 65M2757 PT LOT 21 RP 65R31410 PART 1

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

- a) **By-law 108-81, Amending By-law 2002-258, Section 8.83(j)(i):**
a minimum landscaped open space of 0.0 metres adjacent to the south lot line, whereas the by-law requires a minimum landscaped open space of 6.0 metres; and
- b) **By-law 108-81, Amending By-law 52-96, Section 6.2l(i):**
a minimum lot area of 0.45 hectares, whereas the by-law requires a minimum lot area of 0.80 hectares;

as it related to a proposed one-storey commercial building.

This application was associated with Site Plan Control application SPC 2024 177477 which was currently under review.

This application was also related to Minor Variance application A/005/24 which was approved on March 6, 2024, and was Final and Binding on March 27, 2024.

The agents, Aya Omar and Billy Tung, appeared on behalf of the application.

Member Sampson noted the application details were outlined in the staff report; the application was minor and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/107/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/083/24

Agent Name: Jeffrey Huang
10950 Woodbine Avenue, Markham
YORK REGION CONDO PLAN 1485

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

- a) **By-law 28-97, Section 3.0 Table B, Industrial Uses:**
a parking rate of 2 parking spaces per premises plus 1 parking space for every 200 square metres of Gross Floor Area (GFA) for industrial uses, whereas the by-law requires a parking rate of 1 parking space per 40 square metres of net floor area of each premises up to 1,200 square metres, 1 parking space for each

100 square metres of net floor area of each premises between 1,200 square metres and 6,000 square metres, and 1 parking space for each 200 square metres of net floor area of each premises in excess of 6,000 square metres;

as it related to the expansion of the condominium unit to accommodate HVAC equipment.

The agent, Nathan Mok, appeared on behalf of the application.

Member Sampson indicated that the proposed use of the new floor space did not necessitate additional parking, the request was minor and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

That Application **A/083/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/104/24

Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
3825 Highway 7 E, 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) **By-law 2004-196, as amended, Schedule F3:**
a minimum tower separation of 28.3 metres, whereas the by-law requires a minimum tower separation of 30 metres;

as it related to the proposed 43 and 48 storey towers.

This application was related to SPC 22 246371.

The agent, Lincoln Lo, appeared on behalf of the application.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeannie Reingold

The Committee unanimously approved the application.

THAT Application **A/104/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/094/24

Agent Name: Tse-Kin Tong
3 Ritter Crescent, Markham
PLAN M1971 LOT 88

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

a) By-law 134-79, Section 5.13:

an accessory building located 26.82 metres from the centre line of an arterial road (16th Avenue), whereas the by-law requires a minimum distance of 30 metres from the centre line of all arterial roads;

as it related to the construction of a detached cabana in the rear yard.

The agent, Tse-Kin Tong, appeared on behalf of the application.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

That Application **A/094/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.5 A/097/24

Owner Name: Ahmad Borazjani
Agent Name: RT Architects (Raffi Tashdjian)
89 Brookshire Circle, Thornhill
PLAN 65M2061 LOT 100

The applicant is requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 d):**
a maximum lot coverage of 38.3 percent (1,920 square feet), whereas the by-law permits a maximum lot coverage of 35 percent (1,754 square feet);
- b) **By-law 2024-19, Section 4.8.9.1 b):**
hard landscaping to project 4.05 metres (54 percent) into the required rear yard, whereas the by-law permits hard landscaping to project a maximum of 3.75 metres (50 percent) into the minimum (7.5 metres) rear yard setback for the main building;

as it related to a proposed canopy in the rear yard.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ming Yeung spoke to the Committee and provided pictures of the partially constructed deck, canopy, and hardscaping on the property. Ming expressed that the work did not meet the intent of the by-law or align with the neighbourhood.

Isaac Qin, a neighbour, was concerned about safety and wanted assurances that the development would meet the building code and applicable by-laws.

Raffi Tashdjian explained that the owner began the work without permits, but Raffi's firm was now involved and had applied for building permits and was obtaining permission to remove some of the hardscaping and restore the drainage.

Member Reingold was concerned that the canopy would be incompatible and requested additional details regarding the materials and the proposed drainage, stating that the canopy needed appropriate drainage.

Member Sampson indicated that as the canopy will be open on the sides and, when finished under a building permit, would further blend into the landscaping; the construction would be more appropriate to the neighbourhood.

The Chair expressed that the application was to facilitate correcting the issues that have arisen with the construction without permits. The variances would allow for the issuance of a building permit with engineering drawings and, additionally, the stormwater management through the grading permit.

Member Prasad expressed that the minor variance was part of ensuring the construction was done with a building permit, and the grading was restored and motioned for approval with conditions.

Moved by: Arun Prasad

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/097/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.6 A/092/24

Agent Name: Interbuild Engineering Inc. (Amir Eghtesadi)
17 Hamilton Hall Drive, Markham
PLAN M1385 LOT 8

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

- a) **By-law 1229, Section 1.2 (ii), Amending By-law 99-90:**
a maximum of three storeys, whereas the by-law permits a maximum of two storeys;
- b) **By-law 1229, Section 1.2 (ii), Amending By-law 99-90:**
a maximum floor area ratio of 68.89 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- c) **By-law 1229, Table 11.1:**
a minimum front yard setback of 21.47 feet, whereas the by-law requires a minimum front yard setback of 25 feet; and
- d) **By-law 1229, Amending By-law 142-95, Section 2.1 (b):**
a deck to be permitted above the ground floor, whereas the by-law requires decks to be below the ground floor;

as it related to a proposed rear addition.

The agent, Amir Eghtesadi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold indicated the requests were minor and desirable as the proposal fit well in the streetscape.

Member Sampson expressed that despite the request for three storeys, the house was appropriate and did not require a height variance. The proposal was a reasonable modification of an existing house with an appealing street front that respected the neighbourhood's character.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/092/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/022/24 and B/023/24 were heard concurrently with the discussion recorded under B/022/24.

5.7 B/022/24

Agent Name: STEP Design Studio Inc. (Stepan Sukiasyan)
11 Grandview Boulevard, Markham
PLAN 4365 LOT 21

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 9.13 metres and an approximate lot area of 374.77 square metres (Part 2); and
- b) retain** a parcel of land with an approximate lot frontage of 21.34 metres and an approximate lot area of 875.48 square metres (Part 1).

The purpose of this application was to sever and convey a portion of 11 Grandview Boulevard (Part 2) with the intent to merge this parcel with the severed portion of 15 Grandview Boulevard (B/023/24) (Part 3) to facilitate the creation of one new residential lot.

This application was associated with previous Consent applications B/010/20 and B/016/20 which received Provisional Consent from the Ontario Land Tribunal on May 6, 2022. The conditions of approval were not completed within the legislated timeframe under the Planning Act.

The agent, Stepan Sukiasyan, appeared on behalf of the application.

Member Sampson referred to the previous decision given by the Ontario Land Tribunal and motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/022/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.8 B/023/24

Agent Name: STEP Design Studio Inc. (Stepan Sukiasyan)
15 Grandview Boulevard, Markham
PLAN 4365 LOT 21

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 10.67 metres and an approximate lot area of 437.94 square metres (Part 3); and
- b) **retain** a parcel of land with an approximate lot frontage of 19.80 metres and an approximate lot area of 812.32 square metres (Part 4).

The purpose of this application was to sever and convey a portion of 15 Grandview Boulevard (Part 3) with the intent to merge this parcel with the severed portion of 11 Grandview Boulevard (B/022/24) (Part 2) to facilitate the creation of one new residential lot.

This application was associated with previous Consent applications B/010/20 and B/016/20 which received Provisional Consent from the Ontario Land Tribunal on May 6, 2022. The conditions of approval were not completed within the legislated timeframe under the Planning Act.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/023/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. Adjournment

Moved by: Jeamie Reingold
Seconded by: Arun Prasad

Committee of Adjustment Minutes
Wednesday November 20, 2024

That the virtual meeting of the Committee of Adjustment was adjourned at 9:57 pm, and the next regular meeting would be held on December 4, 2024.

CARRIED

Original Signed By
Shawna Houser
Secretary-Treasurer
Committee of Adjustment

Original Signed By
Jeannie Reingold
Chair
Committee of Adjustment