



CITY OF MARKHAM
Virtual Meeting on Zoom

November 1, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 19th 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

Acting Chair, Tom Gutfreund	7:00 pm
Jeamie Reingold	7:00 pm
Arun Prasad	7:00 pm

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

Regrets

Chair, Gregory Knight
Patrick Sampson
Sally Yan
Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: October 18, 2023

THAT the minutes of Meeting No. 18, of the City of Markham Committee of Adjustment, held October 18, 2023 respectively, be:

- a) Approved on November 1, 2023.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

Carried

PREVIOUS BUSINESS

1. A/204/22

**Owner Name: Vanessa Locilento
Agent Name: David Johnston Architect Ltd. (David Johnston)
4 Grenfell Crescent, Markham
PLAN 5160 LOT 4**

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(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 single detached dwelling.

The Chair introduced the application.

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

Member Reingold thanked the applicant for the changes and expressed that the design was attractive and appropriate for the neighbourhood.

Member Prasad supported the application and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/204/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/177/23

**Owner Name: 1000027304 Ontario Limited (Joanna Wang)
Agent Name: Zelinka Priamo Ltd. (Connor Wright)
Woodbine By-Pass, Markham
CON 3 PT LOTS 23 AND 24 RP 65R14395 PT PART 1 RP 65R29756
PARTS 1 AND 2**

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

a) **By-law 177-96, Section 4.1, Table A3:**

an access driveway to be located within an OS1 Zone, whereas the by-law does not permit an access driveway within the OS1 Zone;

as it related to the proposed north access driveway to the subject lands.

This application was related to SPC 22 112558.

The Chair introduced the application.

The agent, Jonathan Rodger, appeared on behalf of the application. Jonathan outlined the project and gave the context of the site and the previously constructed infrastructure that provided access to the property from the roadway.

The Committee received one written piece of correspondence.

Member Prasad noted that planning and natural heritage staff supported the proposed access and had no objections.

Member Reingold noted that the access would not adversely impact vehicles or pedestrians and motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/177/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/150/23

Owner Name: Eden Engineering & Design Inc. (Albert Yerushalmi)

Agent Name: Eden Engineering & Design Inc. (Albert Yerushalmi)

34 Pheasant Valley Court, Thornhill

PLAN M1212 LOT 12 65R38783 PART 2

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

- a) **Amending By-law 101-90, Section 1.2 (iv):**
a maximum depth of 24.92 metres, whereas the by-law permits a maximum building depth of 16.80 metres;
- b) **By-law 2237, Section 6.1:**
a maximum lot coverage of 33.90 percent (2,693 square feet), whereas the by-law permits a maximum lot coverage of 33 1/3 percent (2,645 square feet);
- c) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 59.90 percent (4,453 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (3,548 square feet);

as it related to a proposed sunroom addition.

The Chair introduced the application.

The agent, Albert Yerushalmi, appeared on behalf of the application. Albert provided photographs of the property as additional information and gave context to the application and the removal of the existing gazebo.

The Committee received one written piece of correspondence.

Evelyn Ellison representing the Ward One Residents Association did not oppose the application but requested that the addition include bird-friendly design elements.

Member Reingold considered the proposal overly large for the development of the property and deferred further comment to their colleagues.

Member Prasad agreed with their colleague.

The Acting Chair reflected that while the proposed addition was large, the property backed onto an open space with no rear neighbours. The addition would not be visible to the public realm or impact the streetscape when constructed, and the requested sunroom was similar to others that the Committee had approved. Although the numbers appeared high, the Acting Chair noted that a considerable portion of the development was the unheated walkway and indicated that the proposal would not significantly impact the surrounding properties.

The applicant and Committee members discussed mitigation for bird strikes with Evelyn Ellison. Albert Yerushalmi indicated that they would work with the Resident's Association and utilize the information by FLAP Canada.

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/150/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/156/23

Owner Name: Ruifu Zhang
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 1229, Table 11.1:**
a rear yard setback of 23.6 feet, whereas the by-law requires a minimum setback of 25 feet; and
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.45 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, Tony Yu, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted that the proposed open-to-below space and the carport were embedded in the building, which added to the massing. Elizabeth expressed that the design's massing was neither desirable nor compatible with the adjacent properties, and the two-storey entrance further emphasized the height and massing of the proposal at the streetscape.

Member Reingold considered the requested variances to be concerning, as there had not been comparable infill development in the neighbourhood. Member Reingold also indicated that in addition to the overall size of the proposal, design elements, such as the two-storey portico, would emphasize the house's massing on the streetscape and was concerned with the neighbourhood compatibility of a large house on a modest lot.

Member Prasad considered the requests to be reasonable. Member Prasad noted that the applicant had a proposed floor area ratio close to those usually considered by the Committee and that the rear setback was minor.

The Acting Chair agreed with member Reingold that the proposal's massing was concerning. The Acting Chair noted that the inclusion of open-to-below space, as well as the imposing sense brought to the design through the two-storey portico, added to the house's massing and visual impact and indicated that the requested floor area ratio was greater than generally considered by the Committee.

The Acting Chair recommended deferral of the application, indicating that the proposal should be reduced to come as close to the by-law as possible.

Tony Yu agreed to the deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/156/23** be **deferred** sine die.

Resolution Carried

Consent applications B/029/23, B/033/23, B/034/23 and Minor Variance applications A/130/23, A/131/23, A/151/23, A/152/23 were heard concurrently with the discussion recorded under B/029/23.

4. B/029/23

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
5077 14th Avenue, Markham
CON 6 PT LOT 5 RS65R37109 PART 2

The applicant was requesting provisional consent to:

- a) Sever and convey** a parcel of land with an approximate lot frontage of 15.25 metres (50.03 feet) and approximate lot area of 404 square metres (4,348.62 square feet) (Parts 2 and 4);
- b) Retain** a parcel of land with approximate lot frontage of 15.25 metres (50.03 feet) and approximate lot area of 388.80 square metres (4,185.01 square feet) (Part 3); and

c) Establish servicing easement over Part 4, in favor of Parts 2 and 3.

The purpose of the following consent applications was to sever and convey the subject property at 5077 14th Avenue into two residential lots, and to establish the necessary servicing easements on 5077 14th Avenue, 52 Deib Crescent, and 54 Deib Crescent, to facilitate the construction of two new single-detached dwellings fronting onto 14th Avenue.

These applications are related to a previously approved Consent application (B/13/16) for two single detached dwellings fronting onto 52 and 54 Deib Crescent.

The Chair introduced the application.

The agent, Kyle Khadra, appeared on behalf of the application. Kyle gave background details for the application, indicating that the property was previously severed, and the request was now to sever the northern lot into two lots and meet servicing requirements through easements.

The Acting Chair indicated that the consents would provide additional housing in the area, and the previously granted road widening would ensure that the proposed development would not constrain the municipality. The Acting Chair considered the variances minor and noted that the proposed designs were appropriate and had considerable curb appeal.

Member Reingold considered the variances minor and reasonable, noting that the consents would create a cohesive enclave of well-designed homes that would add housing to the community.

Member Prasad agreed with their colleagues.

Discussion was held regarding the conditions, and Greg Whitfield indicated that the conditions had provisions to be cleared by the designated senior staff if the Consents were granted. Greg recommended retaining all conditions of approval.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/029/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. **A/151/23**

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
5077 14th Avenue, Markham
CON 6 PT LOT 5 RS65R37109 PART 2

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) **Section 4.4.1 (a)(iii):**
a front yard setback for the garage of 5 metres, whereas the by-law requires a minimum front yard setback of 5.40 metres;
- b) **Section 6.1.2(a):**
a minimum lot area of 404.48 metres squared, whereas the by-law requires a minimum lot area of 450 metres squared;
- c) **Section 6.1.2(c):**
a maximum lot coverage of 41.2 percent, whereas the by-law permits a maximum lot coverage of 40 percent;
- d) **Section 6.1.2(b):**
a rear yard setback of 6.57 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres; and
- e) **Section 6.1.2(b):**
a two storey side yard interior setback of 1.20 metres and 1.65 metres, whereas the by-law requires a minimum side yard setback of 1.80 metres for the two-storey portion of the dwelling;

as it related to a proposed two-storey single detached dwelling on the severed lot (Parts 2 and 4).

This application was related to Consent application B/029/23, B/033/23, B/034/23 and Minor Variance applications A/130/23, A/131/23, A/152/23.

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/151/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/152/23

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
5077 14th Avenue, Markham
CON 6 PT LOT 5 RS65R37109 PART 2

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) Section 4.4.1 (a)(iii):**
a front yard setback for the garage of 5 metres, whereas the by-law requires a minimum front yard setback of 5.40 metres;
- b) Section 6.1.2(a):**
a minimum lot area of 388.69 metres squared, whereas the by-law requires a minimum lot area of 450 metres squared;
- c) Section 6.1.2(c):**
a maximum lot coverage of 42.87 percent, whereas the by-law permits a maximum lot coverage of 40 percent;
- d) Section 6.1.2(b):**
a rear yard setback of 6.57 metres, whereas the by-law requires a minimum rear yard setback of 7.50 metres; and
- e) Section 6.1.2(b):**
a two storey side yard interior setback of 1.20 metres and 1.24 metres, whereas the by-law requires a minimum side yard setback of 1.80 metres for the two-storey portion of the dwelling;

as it related to a proposed two-storey single detached dwelling on the retained lot (Part 3).

This application was related to Consent applications B/029/23, B/033/23, B/034/23, and Minor Variance applications A/130/23, A/131/23, A/151/23.

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/152/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. B/033/23

Owner Name: ZHX Development Group - 5077 14th Avenue Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
52 Deib Crescent, Markham
CON 6 PT LOT 5 RS65R37109 PART 5

The applicant was requesting provisional consent to:

- a) Establish servicing easements** over Parts 8 and 10, in favor of Part 3.

The purpose of this application was to establish servicing easements on the lot in order to facilitate the development of two new single detached dwellings located at 5077 14th Avenue, as shown in application B/029/23.

This application was related to a previously approved Consent application (B/13/16) for two single detached dwellings fronting onto 52 and 54 Deib Crescent. This Consent application was also related to Consent applications B/029/23 and B/034/23 and Minor Variance applications A/130/23, A/131/23, A/151/23, A/152/23.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/033/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/130/23

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
52 Deib Crescent, Markham
CON 6 PT LOT 5 RS65R37109 PART 5

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) **Section 6.1.2(b):**
a front yard setback of 5.65 metres, whereas the by-law requires a minimum of 8 metres; and
- b) **Section 6.1.2(b):**
a two storey side yard interior setback of 1.45 metres and 1.57 metres, whereas the by-law requires a minimum of 1.80 m for the two-storey portion of the dwelling;

as it related to a proposed two-storey single detached dwelling on the previously established lot (Parts 8, 9, and 10).

This application was related to Consent application B/029/23, B/033/23, B/034/23 and Minor Variance applications A/131/23, A/151/23, A/152/23.

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/130/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. B/034/23

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
54 Deib Crescent, Markham
CON 6 PT LOT 5 RS65R37109 PARTS 3 AND 4

The applicant was requesting provisional consent to:

- a) **Establish servicing easements** over Parts 5 and 7, in favor of Parts 2, 3, and 4.

The purpose of this application was to establish servicing easements on the lot in order to facilitate the development of two new single detached dwellings located at 5077 14th Avenue, as shown in application B/029/23.

This application was related to a previously approved Consent application (B/13/16) for two single detached dwellings fronting onto 52 and 54 Deib Crescent. This Consent application was also related to Consent applications B/029/23 and B/033/23 and Minor Variance applications A/130/23, A/131/23, A/151/23, A/152/23.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/034/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

10. A/131/23

Owner Name: ZHX Development Group - 5077 14th Ave Inc.
Agent Name: KBK Architects Inc. (Kyle Khadra)
54 Deib Crescent, Markham
CON 6 PT LOT 5 RS65R37109 PARTS 3 AND 4

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

a) Section 6.1.2(b):

a front yard setback of 5.29 metres, whereas the by-law requires a minimum of 8 metres; and

b) Section 6.1.2(b):

a two storey side yard interior setback of 1.65 metres, whereas the by-law requires a minimum of 1.80 metres for the two-storey portion of the dwelling;

as it related to a proposed two-storey single detached dwelling on the previously established lot (Parts 5, 6, 7).

This application was related to Consent application B/029/23, B/033/23, B/034/23, and Minor Variance applications A/130/23, A/151/23, A/152/23.

Committee of Adjustment Minutes
Wednesday November 1, 2023

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/131/23** 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 8:13 pm, and the next regular meeting would be held on November 15th, 2023.

CARRIED

Original signed
November 15, 2023
Secretary-Treasurer
Committee of Adjustment

Original signed
November 15, 2023
Acting Chair
Committee of Adjustment