



CITY OF MARKHAM
Virtual Meeting

March 19, 2025
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 5th regular meeting of the Committee of Adjustment for the year 2025 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
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Michelle Chen, Development Technician

Regrets

Jeannie Reingold
Sally Yan

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: March 5th, 2025

THAT the minutes of Meeting 04, of the City of Markham Committee of Adjustment, held March 5th, 2025 respectively, be:

- a) Approved on March 19th, 2025.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

Carried

4. DEFERRALS

4.1 A/150/24

Agent Name: Eden Engineering & Design Inc. (Albert Yerushalmi)
15 Frank Ash Street, Markham
PLAN 65M4479 LOT 64 65R37177 PARTS 38, 39 AND 40

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

- a) By-law 2024-19, Section 6.2.1(d):**
a roof containing dormers which occupy 42.61 percent of the width of the roof length, whereas the by-law permits a maximum of 35 percent;
- b) By-law 2024-19, Section 4.9.12(c):**
a coach house dwelling on a lot that has a lot frontage of 8.28 metres; whereas the by-law requires a minimum lot frontage of 9.75 metres; and
- c) By-law 2024-19, Section 4.9.12(d):**
a coach house dwelling to be setback 5.26 metres from the main building on the lot, whereas the by-law requires a minimum setback from the main building of 6 metres;

as it related to the proposed coach house dwelling.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

THAT Application **A/150/24** be **deferred** sine die.

Resolution Carried

4.2 A/010/25

Agent Name: Zanjani Architect Inc. (Sia Zanjani)
18 Canadiana Drive, Thornhill
PLAN M1319 LOT 9

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 C):**

a maximum second storey main building coverage of 27 percent, whereas the by-law permits a maximum main building coverage of 20 percent for any storey above the first;

b) By-law 2024-19, Section 6.3.2.2 J):

a maximum outside wall height of 7.56 metres, whereas the by-law permits a maximum outside wall height of 7 metres;

c) By-law 2024-19, Section 6.2.1 B):

a maximum roof projection of 2.58 metres, whereas the by-law permits a maximum roof projection of 1 metre;

d) By-law 2024-19, Section 4.8.10.2 D) (iii):

a maximum porch and underground cold cellar projection of 1.83 metres, whereas the by-law permits a maximum encroachment of 0.6 metres;

e) By-law 2024-19, Section 6.3.2.2 I):

a minimum side yard setback of 1.52 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres;

f) By-law 2024-19, Section 4.8.9.2 A) (i):

a minimum soft landscape strip of 0.66 metres, whereas the by-law requires a minimum soft landscape strip of 1.5 metres;

g) By-law 2024-19, Section 4.8.8 A):

a maximum side yard window well encroachment of 0.864 metres, whereas the by-law permits a maximum side yard window well encroachment of 0.6 metres; and

h) By-law 2024-19, Section 6.3.2.2 E):

a maximum second storey main building distance from the established building line of 15.4 metres, whereas the by-law permits a maximum distance from the established building line of 14.5 metres.

as it related to the proposed two storey dwelling.

The agent, Sia Zanjani, appeared on behalf of the application.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

THAT Application **A/010/25** be **deferred** sine die.

Resolution Carried

4.3 A/009/25

Agent Name: Henry Chiu Architect Ltd. (Henry Chiu)
7050 Woodbine Avenue, Markham
PLAN R4641 PT LOTS 1 & 2 PLAN 66R5173 PTS 7 – 12

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

- a) **By-law 2024-19, Section 9.4.3.1:**
a commercial school, whereas the by-law does not permit a commercial school;

as it related to the conversion of existing office use to a commercial school.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT Application **A/009/25** be **deferred** sine die.

Resolution Carried

5. NEW BUSINESS:

5.1 A/155/24

Agent Name: Stantec Consulting Ltd. (Emma Borho)
5300 14th Avenue, Markham
CON 7 PT LOT 6 65R14231 PT 4 65R14470 PT 1

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

- a) **By-law 2024-19, Table 5.4.1:**
one parking space per 54 square metres of gross floor area, whereas the by-law requires one parking space per 30 square metres of gross floor area;

as it related to a proposed driveway realignment and parking lot reconfiguration.

This application was associated with Site Plan Control application SPC 2022 118426 000 00 which was currently under review.

The agent, Emma Borho, appeared on behalf of the application.

Member Sampson indicated 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/155/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.2 A/109/24

Agent Name: TAES Architects Inc. (Shenshu Zhang)
37 Esna Park Drive, Markham
CON 4 PT LOT 4 R2102 PT 1

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

- a) **By-law 108-81, Section 4.7.1(b):**
a landscaping strip of 0 m, whereas the by-law requires a minimum landscaping strip of 6.0m;
- b) **By-law 108-81, Section 4.6.1(b):**
a building to be constructed within 33.85m from the centre line of Esna Park Drive, whereas the by-law requires a building to be constructed within 36m from the centre line of Esna Park Drive; and
- c) **By-law 28-97, Section 3.0, Table 'B':**
a minimum of 59 parking spaces, whereas the by-law requires a minimum of 99 parking spaces;

as it related to a proposed addition to an existing industrial warehouse building.

This application was related to a Site Plan application (SPC 23 11827), which was currently under review.

The agent, Shenshu Zhang, appeared on behalf of the application.

Member Sampson supported the application noting that the variances resulted from the road widening and the existing non-conforming conditions.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/109/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/006/25

Agent Name: API Development Consultants Inc. (Natalia Garavito)
365 Hood Road, Markham
PLAN M1792 LTS 52-53

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

- a) **By-law 2024-19, Table 5.8.1 (D):**
a minimum of 1 loading space, whereas the by-law requires a minimum of 2 loading spaces;
- b) **By-law 2024-19, Section 9.4.3.2 C):**
a maximum front yard setback of 39.9 metres, whereas the by-law permits a maximum front yard setback of 20.1 metres;
- c) **By-law 2024-19, Section 9.4.3.2 H):**
a maximum height of 52 metres from average grade, whereas the by-law permits a maximum of 46 metres from average grade;
- d) **By-law 2024-19, Section 9.3.4:**
electric vehicle stations within a landscaping strip, whereas the by-law does not permit electric vehicle stations within a landscaping strip; and
- e) **By-law 2024-19, Section 9.3.4 a) ii):**
a minimum of 1.5 metres wide landscaping strip abutting the south interior side lot line, whereas the by-law requires a minimum landscaping strip of 3 metres;

as it related to a proposed 15 storey hotel.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/006/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.4 A/012/25

Agent Name: Baldassarra Architects Inc. (Milica Zekanovic)
La Tache Crescent, Markham
CON 3 PT LOT 26 RP 65R36783 PART 3

The applicant was requesting relief from the requirements of By-law 177-96 and By-law 28-97, as amended, to permit:

- a) **By-law 177-96, Section 5.1, Table B8 K:**
a landscaping width of 0.2 metres adjacent to the interior north lot line, whereas the by-law requires a minimum landscaping width of 3.0 metres;
- b) **By-law 177-96, Section 5.1, Table B8 K:**
a landscaping width of 0.0 metres adjacent to the interior south lot line, whereas the by-law requires a minimum landscaping width of 3.0 metres;
- c) **By-law 28-97, Table B - Non-Residential Uses:**
136 parking spaces, whereas the by-law requires a minimum of 188 parking spaces; and
- d) **By-law 28-97, Section 6.2.3:**
a two-way driveway/site access width of 4.5 metres, whereas the by-law requires a minimum two-way driveway/site access width of 6.0 metres.

as it related to two proposed mixed-use buildings with office and industrial units.

This application was associated with Site Plan Control application SPC 23 122001 which was currently under review.

The agent, Milica Zekanovic, appeared on behalf of the application.

The Committee received nine written pieces of correspondence.

Cara Song expressed concerns regarding the driveway width, traffic, construction, and safety.

Jade Lui expressed safety concerns about increased traffic relative to the community playground.

Tiger Hu shared concerns regarding community design and the mix of industrial and residential uses, with site access being directly through the residential areas.

Member Prasad requested clarification of the potential uses for the proposed development and the potential for shipping and distribution from the site.

Milica Zekanovic clarified that the property would be geared towards prestige employment with small units rather than one large industrial use, limiting the potential for larger commercial vehicles. Additionally, Milica provided the background for the area's development, indicating that the residential lands were originally zoned employment but had been rezoned residential, while the lands adjacent to the Highway 404 corridor remained prestige employment lands.

The Chair sought clarification regarding the location of the community playground.

Member Sampson expressed that it was uncommon for employment lands to be exclusively accessed through residential areas but had no objection to the requested variances.

The Chair indicated that the property had existing zoning in place for the proposed uses, and the Committee was only considering the requested variances.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/012/25** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. PREVIOUS BUSINESS

6.1 A/002/24

Agent Name: Prohome Consulting Inc (Vincent Emami)
66 Liebeck Crescent, Markham
PLAN M1441 LOT 350

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

a) By-law 11-72, Section 6.1:

a minimum north side yard setback of ~~5 feet~~, **5 feet 6 inches**, whereas the By-law requires a minimum side yard setback of 6 feet for a two-storey building;

b) By-law 11-72, Section 6.1:

a minimum south side yard setback of ~~5 feet~~, **5 feet 6 inches**, whereas the By-law requires a minimum side yard setback of 6 feet for a two-storey building;

c) By-law 11-72, Section 6.1:

a maximum lot coverage of 35.87 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent; and

d) By-law 11-72, Section 6.1:

a maximum height of 27 feet 1 inches, whereas the By-law permits a maximum height of 25 feet;

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

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

The Committee received seven written pieces of correspondence.

Martyn Hills, a neighbour, expressed that the requests were not insignificant, unjustified and would reduce light, ventilation, and privacy for the adjacent properties.

William He and Charlie He, neighbours, expressed concerns that the changes made since the previous meeting were minimal resulting in a larger home than the other infill development in the area. William and Charlie indicated they continued to have the same concerns as the previous meeting.

Ian Free, a Unionville resident, objected to the requested variances, expressing that the foundation, walk-up, and height created additional massing and would result in flooding. Ian further expressed that the requests were not minor and did not meet the intent of the old or new by-law.

Christiane Bergauer-Free, a Unionville resident, agreed with other residents and objected to the requests, indicating the build would damage the existing trees and vegetation, impacting drainage, privacy and species diversity. Chris expressed that the proposal had not sufficiently changed since the last meeting and did not meet the four tests of the *Planning Act*.

The Chair indicated that the design had changed, and while the design in the previous application accentuated the height and massing, the change in the roof line did provide relief.

Member Sampson indicated that the requests were higher than the Committee customarily considered.

Member Prasad expressed that the variances had not changed significantly and asked if the applicant wanted to defer the application.

Ida Evangelista indicated that the application had changed, and the applicant needed the space and wanted to proceed with the application. After conferring with the client, Ida requested to amend variances a) and b) from five feet to five feet, six inches.

The Chair expressed that the request would relieve the massing in the side yards, and the new design would be reviewed by staff to confirm conformity to the variances.

Member Sampson motioned for approval with conditions and amendments to variances a) and b).

Moved by: Arun Prasad

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application **A/002/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2. A/138/24

Agent Name: Prohome Consulting Inc (Vincent Emami)
8 Summerfeldt Crescent, Markham
PLAN M1441 LOT 144

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 C):**
a maximum second-storey main building coverage of 25.65 percent, whereas the By-law permits a maximum main building coverage for the second-storey of 20 percent of the lot area;
- b) **By-law 2024-19, Section 6.3.2 I):**
a minimum combined interior side yard setback of 3.69 metres, whereas the By-law requires a minimum combined interior side yard setback of 4.0 metres;
- c) **By-law 2024-19, Section 4.8.10.1.a):**
a minimum front yard porch depth of 1.38 metres, whereas the By-law requires a minimum front yard porch depth of 1.8 metres; and

d) By-law 2024-19, Section 5.3.6 a):

a double private garage size of 5.31 metres x 5.81 metres, whereas the By-law requires a minimum of 5.75 metres x 6 metres for a two-car private garage;

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

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

The Committee received three written pieces of correspondence.

Elizabeth Brown, a Markham resident, expressed that applications of this nature were being pursued in established neighbourhoods across the city, with significant variances being sought to the Comprehensive By-law after only a year. Elizabeth noted that while the design had changed, the requested variances significantly contributed to the house's massing.

Ian Free, a Unionville resident, expressed that the variances in aggregate were not minor, and the massing did not suit the neighbourhood. Ian indicated that the application did not meet the intent of the by-law and should not be compared to builds approved under the old by-law.

Christiane Bergauer-Free, a Unionville resident, stated that the applicant had not addressed the previously expressed concerns and made no attempt to fit into the mature neighbourhood. Christiane was concerned that the applicant was using examples from infill development under the previous by-law to override the changes implemented in the new by-law. Christiane indicated that the by-law was not created for investment and regeneration but rather to retain the nature of the existing mature neighbourhoods.

Leo Ma, the owner, indicated to the committee that the design was to meet the needs of a multi-generational household.

Member Sampson indicated that the applicant needed to reduce the second floor and lessen the visual impacts of the massing on the streetscape.

Member Prasad agreed with their colleague that the second storey needed to be reduced.

Elizabeth Brown spoke to the intent of the by-law to provide additional floor space on the first floor for age-friendly in-law suites on the main floor to meet the needs of older family members in a multi-generational home.

The Chair agreed with the other members that the applicant needed to reduce the requested variances further.

Ida Evangelista requested a deferral.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/138/24** be **deferred** sine die.

Resolution Carried

6. Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:19 pm, and the next regular meeting would be held on April 2, 2025.

CARRIED

Signed on
April 02, 2025
Secretary-Treasurer
Committee of Adjustment

Signed on
April 02, 2025
Chair
Committee of Adjustment