



**CITY OF MARKHAM
Virtual Meeting**

**October 30, 2024
7:00 pm**

COMMITTEE OF ADJUSTMENT

Minutes

1. CALL TO ORDER

The 17th 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
Sally Yan	7:00 pm
Arun Prasad	7:00 pm

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

Regrets

Patrick Sampson

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF PREVIOUS MINUTES: October 9, 2024

THAT the minutes, of the City of Markham Committee of Adjustment meeting, held October 9, 2024 respectively, be:

- a) Approved on October 30, 2024.

Moved by: Arun Prasad

Seconded by: Jeamie Reingold

Carried

4. REQUEST FOR DEFERRAL

4.1 A/091/24

Agent Name: In Roads Consultants (Ida Evangelista)
29 Jeremy Drive, Markham
PLAN 7566 LOT 3

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) & (iii) (iv):**
a maximum main building coverage of 26.7 percent for the second storey, whereas the by-law permits a maximum main building coverage for the second storey of 20 percent;
- b) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**
a maximum combined building coverage of 524.2 square metres, whereas the by-law permits a maximum combined building coverage of 500 square metres;
- c) **By-law 2024-19, Section 6.3.2 e):**
a maximum distance of 16.7 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line;
- d) **By-law 2024-19, Section 6.2.1 b):**
a roof structure to project a maximum of 1.65 metres above the permitted outside wall height, whereas over 10 percent of a roof containing a roof pitch less than 25 degrees is permitted to project a maximum of 1 metre above the permitted outside wall height; and
- e) **By-law 2024-19, Section 6.3.2 I):**
a minimum combined interior side yard of 4.34 metres, whereas the by-law requires a minimum combined interior side yard of 5.75 metres;

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

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

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Sally Yan

THAT Application **A/091/24** be **deferred** sine die.

Resolution Carried

5. PREVIOUS BUSINESS

5.1 **A/057/24**

Agent Name: In Roads Consultants (Ida Evangelista)
15 Tuscaj Court, Markham
PLAN 7566 LOT 220

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

- a) **By-law 2024-19, Section 4.8.10.1(a):**
a minimum front yard porch depth of 1.5 metres, whereas the by-law requires a porch depth of at least 1.8 metres;
- b) **By-law 2024-19, Section 6.3.2.2(C):**
a maximum second-storey main building coverage of 24.9 percent of the lot area, whereas the by-law permits a maximum building coverage for the second-storey of 20 percent of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(E):**
a maximum distance of 20.43 metres for the first storey measured from the established building line, whereas the by-law permits a maximum distance of 19.5 metres for the first storey measured from the established building line; and
- d) **By-law 2024-19, Section 6.3.2.2(E):**
a maximum distance of 17.31 metres for the second storey measured from the established building line, whereas the by-law permits a maximum distance of 14.5 metres for the second storey measured from the established building line;

as it related to a proposed two-storey residential dwelling with a finished basement and a wood deck.

The agent, Ida Evangelista, appeared on behalf of the application. Ida spoke to variances **c)** and **d)**, which were technical due to the irregular shape of the lot and the lot's location at the curve of the court. Ida further expressed that the proposal was consistent with the neighbourhood's character, which had a mixture of built forms. The proposed house was a suitable form of intensification with no variances for rear or side yard setbacks and met the four tests of the *Planning Act*.

The Committee received nine written pieces of correspondence.

Daniela and Josh Ghiculete, neighbours, spoke to the Committee, indicating the variances were not minor, the design violated the character of the street, and it had not been demonstrated that redevelopment could not take place unless the variances were granted.

Ivan Leung, a neighbour, indicated the changes made to the plans from the previous meeting were not significant, and the proposed house did not align itself with the character of the court.

Endel Mell, a rear neighbour, indicated that the proposal was not aligned with the housing styles of the area, mature trees would be removed, and the redevelopment of the lot would result in reduced privacy and drainage issues.

Kenneth Wan presented the existing built form of the area to the Committee. He indicated that the proposal was out of scale with the surrounding homes and that the variances requested were greater than the previous variances granted in the neighbourhood.

Jennifer Kwong, representing Anna Kwong, a neighbour, expressed that the proposal was not in line with the streetscape and concern regarding fairness and equity in tree preservation across the city.

Ian Free, a resident of Unionville, stated that the requests were not minor and the increased lot coverage and hardscaping would increase water pooling and risk of flooding.

Christiane Bergaurer-Free, a resident of Unionville, stated that the proposal, including the porch, patio and balcony, was over-massing and would impact privacy, drainage, and mature trees.

Ali Sadeghenian expressed safety concerns relating to parking during construction and post-construction.

Chammy Chow, a neighbour, indicated the requests were not minor and would result in an oversized house changing the character of the neighbourhood and damage to neighbouring trees.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village-Sherwood Forest Residents Association, spoke to the Committee and highlighted that the reduced size of the porch did not meet the intent of the by-law for access safety and accessibility as well as breaking up the massing at the front of the house and help to integrate the homes into the existing streetscape.

Member Reingold conveyed that after reading the submission materials and hearing the verbal presentations, they believed that the house was oversized for the lot, reached the

limits of the development boundaries, was out of character for the neighbourhood and was not desirable development.

Member Prasad indicated that after considering the materials, reviewing the written submissions, and hearing the oral presentations of both the agent and the neighbours, they were satisfied that the development was appropriate and that concerns raised by the residents would be addressed through other permits and permissions.

Member Yan supported the application and expressed the agent had addressed resident concerns regarding trees and drainage. Member Yan noted that variances **c)** and **d)** were technical, variance **a)** was minor, the lot coverage had been reduced, and the house design met the constraints of the lot.

The Chair stated that the house still had considerable massing on the second floor. However, the house had been reduced, and it would have been challenging to meet the homeowner's needs if it had been further redesigned.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Sally Yan
Opposed: Jeamie Reingold

The majority of the Committee approved the application.

THAT Application **A/057/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. NEW BUSINESS:

6.1 B/026/24

Agent Name: MM Nominee Inc. (David Georges)
9580 McCowan Road, Markham
CON 6 PT LOT 18 RP 65R26271 PARTS 1 TO 3

The applicant was requesting provisional consent to:

- a) establish a lease** for a period of time exceeding twenty-one (21) years on the property.

The subject lands were identified as Part 2 of the Survey Plan submitted with the application.

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

The Committee received five written pieces of correspondence.

Member Yan supported the application, noting it was a straightforward request for a lease agreement exceeding 21 years, and there would be no changes to the site, with the existing uses continuing without interruption.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/B026/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.2 B/021/24

Agent Name: Gregory Design Group (Russ Gregory)
189-193 Main Street, Unionville
CON 5 PT LT 12

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 6.95 metres and an approximate lot area of 378.539 square metres (Part 2); and
- b) retain** a parcel of land with an approximate lot frontage of 12.50 metres and an approximate lot area of 715.375 square metres (Part 1).

This application was for a lot line adjustment to consolidate the southerly portion of 193 Main Street with the abutting lands at 189 Main Street.

The agent, Russ Gregory, appeared on behalf of the application.

Member Reingold stated the application resulted from the nature of the Heritage area and was a sensible correction of the lot lines and motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **B/021/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/025/24 and A/104/23 were heard concurrently with the discussion recorded under B/025/24.

6.3 B/025/24

**Agent Name: Goldberg Group (Adam Layton)
4584, 4590, 4604, 4618 Major Mackenzie Drive, Markham
CON 6 PT LT 21 64R6941 PTS 5 AND 6**

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 42.85 metres and an approximate lot area of 0.71 hectares (Parts 1 and 5);
- b) **retain** a parcel of land with an approximate lot frontage of 120.03 metres and an approximate lot area of 1.24 hectares (Parts 2, 4, 7, and 10).

The purpose of this application was to sever the Subject Lands to facilitate a property exchange with the adjacent property owner.

This application was related to Minor Variance application A/104/24 which was under review concurrently.

The agent, Adam Layton, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Yan noted that the Policy framework had been established for the property in the Robinson Glen Secondary Plan and that the application met the criteria for Consents in the *Planning Act*.

Member Prasad motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application **B/025/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.4 A/104/24

**Agent Name: Goldberg Group (Adam Layton)
4584, 4590, 4604, 4618 Major Mackenzie Drive, Markham
CON 6 PT LT 21 64R6941 PTS 5 AND 6**

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

- a) **By-law 304-87, Section 6.3(a):**
a minimum lot frontage of 110.0 metres, whereas the by-law requires a minimum lot frontage of 120 metres; and
- b) **By-law 304-87, Section 6.3(b):**
a minimum lot area of 1.20 hectares, whereas the by-law requires a minimum lot area of 10 hectares;

as it related to the retained lands of the proposed severance (Parts 2, 4, 7, and 10).

This application was related to Consent application B/025/24 which was under review concurrently.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan
Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

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

Resolution Carried

6.5 A/115/24

**Agent Name: Weston Consulting (Raj Lamichhane)
Commerce Valley Drive, Thornhill
PLAN 65M2665 BLK 1**

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **By-law 165-80, Amending By-law 108-92, Section 1.2(b)(i):**
an industrial building height of 3 storeys with a maximum height of 29.0 metres, whereas the by-law permits a maximum industrial building height of 2 storeys, provided the maximum height does not exceed 8.0 metres;

as it related to the development of a three-storey data processing centre building.

This application was associated with Site Plan Control application SPC 2023 116627 000 00.

This application was also related to Minor Variance application A/064/24 which was approved on August 14, 2024, and Final and Binding on September 6, 2024.

The agent, Sandra Patano, appeared on behalf of the application.

Member Reingold asked about a green roof for the application.

Zenon Radewych explained that the project was energy-efficient and LEED-certified.

Member Yan indicated that the landscaping and streetscape would be addressed in the urban design review of the site plan and supported the variance, noting it was technical.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/115/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.6 A/051/24

Agent Name: Battaglia Architect Inc. (Joseph Battaglia)
159 Main Street, Unionville
PLAN 338 LOT E CON 5 PT LOT 12 RP 65R30694 PTS 1 AND 2

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

- a) **By-law 2024-19, Section 5.1, Section 5.4.1 (g) SP(5):**
a minimum of 9 parking spaces, whereas the by-law requires a minimum of 14 parking spaces with a maximum restaurant area of 80.5 square metres;

as it related to a proposed restaurant.

The agent, Joe Battaglia, appeared on behalf of the application, noting the business had been in operation for five years and no changes would be made other than adding a liquor license.

Member Reingold noted the area's businesses had considerable foot traffic and were well-used by the local community and motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/051/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6.7 A/072/24

Agent Name: Thorstone Consulting Services Inc. (Bonnie Tang)
11303 Warden Avenue, Markham
CON 5 PT LT 29 64R6775 PT 1 2 3 4

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

- a) **By-law 2024-19, Section 4.8.1b)ii):**
a maximum gross floor area of 497 square metres, whereas the by-law permits a maximum gross floor area of 60 square metres; and
- b) **By-law 2024-19, Section 10.3.4.1.f):**
a farm labour residence to provide accommodations for employees of an agricultural use or agricultural processing facility operated by Rouge River Farms; whereas the by-law permits a farm labour residence which provides accommodations for employees of an agricultural use located on the same lot only.

as it related to the addition of a farm labour residence.

The agent, Bonnie Tang, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Taso Boussoulas, representing the neighbouring property, indicated that the proposal did not meet the designated land use policy of the Official Plan and expressed concerns regarding the duration of the use and safety.

The Chair expressed that the use was permitted, and the variance requested detailed the intended use of the facilities for farm labour employees.

Member Reingold requested additional information regarding the transportation requirements for the site and the extent of on-site security.

Rouge River Farms management provided details regarding employment requirements, transportation and security.

Member Prasad supported the application, indicating the proposal would provide seasonal workers with a healthy, safe living environment.

Member Yan motioned for approval of the application and to amend Condition 4 in the staff report by removing “**within the City of Markham.**”

Moved by: Sally Yan

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application **A/072/24** be **approved** subject to conditions as amended.

Resolution Carried

6.8 A/073/24

Agent Name: Huis Design Studios (Kurtis Van Keulen)
70 Babcombe Drive, Thornhill
PLAN M941 LOT 107

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 main building coverage of 20.8 percent (290.34 square metres) for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent (278.71 square metres) of the lot area for any storey above the first;
- b) **By-law 2024-19, Section 6.3.2.2(e):**
a maximum distance of the main building from the established line for the storey above the first storey of 16.05 metres, whereas the by-law permits a maximum

distance of 14.5 metres for any storey above the first from the established building line;

c) By-law 2024-19, Section 6.3.2.2(i):

a minimum combined interior side yard on both sides of 6.54 metres, whereas the by-law requires a minimum combined interior side yard on both sides of 25 percent (7.62 metres) of the lot width;

d) By-law 2024-19, Section 6.3.2.2(j):

a maximum outside wall height of 7.69 metres, whereas the by-law permits a maximum outside wall height of 7.0 metres;

e) By-law 2024-19, Section 6.3.2, Special Standards(xiv):

a maximum combined main building coverage of 577.06 square metres, whereas the by-law permits a maximum combined main building coverage of 500 square metres;

f) By-law 2024-19, Section 4.8.8 (b)(i):

a maximum south interior side yard architectural feature/roof overhang encroachment of 1.07 metres, whereas the by-law permits a maximum encroachment into the required interior side yard of 0.45 metres;

g) By-law 2024-19, Section 4.8.8(b)(i):

a maximum north interior side yard eave/roof overhang encroachment of 0.61 metres, whereas the by-law permits a maximum encroachment into the required interior side yard of 0.45 metres;

h) By-law 2024-19, Section 4.8.8(c)(i):

a maximum second storey rear main wall balcony projection of 1.98 metres, whereas the by-law permits a maximum projection of any balcony from the main wall of 1.8 metres;

i) By-law 2024-19, Section 4.8.10.1(a):

a minimum depth of 1.27 metres for the floor of a porch located in the front yard, whereas the by-law requires the floor of a porch located in the front yard to have a minimum depth of 1.8 metres; and

j) By-law 2024-19, Section 6.2.1(b):

a roof projection of 1.52 metres above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project only a maximum of 1.0 metre above the maximum outside wall height;

as it related to a proposed ground floor and second storey addition to the existing one-storey residential dwelling and a proposed pool cabana accessory structure in the rear yard.

The agent, Shane Edwards, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Sarah Langdon, a neighbour, spoke to the Committee about the extent of the variances and was particularly concerned about the increased hardscaping in both the front and rear yards.

Member Yan assessed several of the variances to be technical and felt the side yard setbacks to be adequate for the property size and the proposed addition. Member Yan found the requests reasonable, minor, and appropriate for the streetscape and indicated the application met the four tests of the *Planning Act*.

Member Prasad agreed with their colleague that there were numerous variances; however, they felt the requests were reasonable and supported the application motioning for approval with conditions.

Moved by: Arun Prasad
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application **A/073/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. Adjournment

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:16 pm, and the next regular meeting would be held on November 20, 2024.

CARRIED

Secretary-Treasurer
Committee of Adjustment

Chair
Committee of Adjustment