



CITY OF MARKHAM
Virtual Meeting on Zoom

May 25, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 9th regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Gregory Knight, Chair	7:00 pm
Tom Gutfreund	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM

Dinal Manawadu, Acting Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Trisha Sridharan, Development Technician, Zoning and Special Projects

Regrets

Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: May 4, 2022

THAT the minutes of Meeting No. 08 of the City of Markham Committee of Adjustment, held May 4, 2022, respectively, be

- a) Approved as submitted, on May 25, 2022

Moved By: Sally Yan

Seconded By: Tom Gutfreund

Acting Secretary-Treasurer

That Dinal Manawadu can take the position of Acting Secretary-Treasurer for meeting No. 09 of the City of Markham Committee of Adjustment, held May 25, 2022.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

Carried

PREVIOUS BUSINESS

1. A/086/21

Owner Name: Tina Baghdssarians

Agent Name: Trenton Drafting and Design (Dale Theriault)

45 Pringle Avenue, Markham

PLAN M1385 LOT 37

The applicant is 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 height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.9 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 17.99 m, whereas the By-law permits a maximum depth of 16.8 m;
- d) **By-law 1229, Section 11.2 (c)(i):**
a maximum porch and stairs encroachment of 51.0 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches into any required yards;

as it relates to a proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Committee of Adjustment Minutes
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The agent, Dale Theriault (Trenton Drafting), appeared on behalf of the application.

The applicant, Dale Theriault, presents and states that the initial variance in February was deferred due to their requested floor area ratio of 0.54. He continues by stating that they are now requesting a floor area ratio of 0.519.

Committee chair, Greg Knight, asks the agent for clarification regarding the the new designs still showing a three car garage. The applicant provides the updated elevation drawings. Along with examples of former approvals which contain a larger floor area ratio than what is currently proposed.

Elizabeth Brown of 65 Lincon Green Drive, notes that the maximum floor area ratio has been modified to under 50 percent. She highlights that the other houses in the area have length and widths; however, a major difference is that the existing houses are "L" shaped and do not have the same requested height (as the applicant is also requesting a height variance). This height difference drastically affects the massing of the proposed design compared to the rest of the neighbourhood. Additionally, the current application only reduced the open to below space by 11 SQ. FT. She highlights that if the open to below space at the front of the building is reduced, it would have a significant impact on reducing the current massing issue. She also brings attention to the Cabana which has been requested and its impact on lot coverage. She concludes by requesting that the floor area ratio is brought below 0.50.

Nerses Baghdssarians, the owners husband, states to the committee that his intention for the house is to live in it.

Committee member, Tom Gutfreund, states that the height is the biggest issue, for massing. He concludes by saying that he still believes that this should have a floor area ratio below 50% and that the current design does not meet the 4 tests.

Committee member, Patrick Sampson, agrees with Tom, he states that since there is too much open to below space, therefore it shouldn't be approved past the 0.50 floor area ratio.

Greg Knight, brings attention to the large 2nd story windows which impact the massing significantly.

Committee member, Arun Prasad, states through Greg that he is in agreement.

Greg Knight asks if the applicant would like to defer the application or if they would like the Committee to go to a vote. The applicant wishes to take the application to a vote and advised of their intent to appeal at the Ontario Land Tribunal.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No **A/086/21** be denied.

Resolution Carried

2. A/016/22

Owner Name: Chitra Pathmanathan
Agent Name: Varatha Design Associates (Ken Varatha)
1388 Castlemore Avenue, Markham
PLAN 65M4025 LOT 164

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

- a) **By-law 28-97, Section 3.0 - Table A:**
two parking spaces, whereas the By-law requires three parking spaces;
- b) **By-law 177-97, Section 6.5:**
an accessory dwelling unit, whereas the By-law does not permit more than one dwelling unit on a lot; and
- c) **By-law 177-96, Section 6.6.3 (a):**
stairs to encroach 3.55 m into the required rear yard setback, whereas the By-law permits a maximum encroachment of 2.0 m into the required rear yard;

as it relates to proposed basement apartment (secondary suite). **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent, Ken Varath, appeared on behalf of the application.

The applicant, Ken Varath, notes that the changes that were requested of him in the previous meeting have been addressed.

Committee Member, Tom Gutfreund, brings to attention that there were two residents who submitted comments in opposition of the application. He believes that this application meets the 4 tests.

Committee Member, Patrick Sampson, asks for clarification regarding the chimney pop out. He asks if there is enough space between the chimney and the property line.

Bradley Roberts, from the City of Markham, confirms that any issues related to the Building Code would be reviewed by a Plans Examiner during the Building Permit review stage.

Committee Member, Arun Prasad, also agrees with Patrick and Tom and wishes to approve.

Moved By: Patrick Sampson

Seconded By: Tom Gutfreund

THAT Application No **A/016/22** be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/018/22

Owner Name: Farha Fatima Baquer
Agent Name: Paar Design Inc. (Nikol Paar)
225 Church Street, Markham
PLAN 180 PTBLK G RS64R6233 PART 1

The applicant is 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 47.63 percent, whereas the by-law permits a maximum floor area ratio of 45.0 percent; and
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum building depth of 18.40 m, whereas the by-law permits a maximum building depth of 16.80 m;

as it relates to a proposed two-storey detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Nikol Paar, appeared on behalf of the application.

The applicant, Nikol Paar, starts presentation, and brings to attention that the height variance has been removed, and that the Floor Area Ratio is now below 50% including the open to below space. She continues by stating that they have also eliminated the balcony in the master bedroom.

Elizabeth Brown of 65 Lincon Green Drive states that the applicant has addressed her concerns.

Committee Member, Jeamie Reingold, states that the the changes are now desirable, especially the changes to the height and the floor area.

Committee Member, Tom Gutfreund, agrees with Jeamie and states that the changes have moved him to approve.

Patrick King of 71 Oak Lea Circle, thinks that this is too big of a dwelling that sits between two bungalows. The applicant confirms with Patrick King that the building position is not changing from the drawings, but the rear of the building space has decreased by 2 ft.

Moved By: Jeamie Reingold

Seconded By: Tom Gutfreund

THAT Application No **A/018/22** be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. **A/188/21**

Owner Name: Leila Maham
Agent Name: Leila Maham
63 Elgin Street, Thornhill
PLAN 8 PT LOT 7

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

- a) **Amending By-law 101-90, Section 1.2 (v):**
a maximum garage projection of 9.6 metres, whereas the By-law permits a maximum garage projection of only 2.1 metres beyond the point of the main building closest to the front lot line;

- b) **By-law 2237, Section 4.4.1:**
a detached garage (accessory building) to be erected in the front yard, whereas the By-law permits detached accessory buildings only in the rear yard;
- c) **By-law 2237, Section 6.1:**
a minimum front yard setback of 12.45 feet to a detached garage, whereas the By-law requires a minimum front yard setback of 27.0 feet;
- as it relates to a proposed detached garage (accessory building). **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The owner, Leila Maham, appeared on behalf of the application.

Committee Chair, Greg Knight, confirmed that the applicant is seeking to build a new garage, the applicant informs him that it is to extend the garage. She shows a presentation showing the extension of the garage. They highlight that the changes to the garage will not impact the trees which exist in the area. They also point out that there are many houses on the same street with similar sized "L" shaped garages.

Evelin Ellison, of 48 Julia Street, representing the Ward 1 Thornhill Resident's Association indicated that area residents have reached out to voice their concerns with the proposal. She doesn't think this application meets the 4 tests. She highlights that this new garage will be in the front yard and reduce soft landscaping.

Committee member, Tom Gutfreund, asks if the applicant has read the staff report and that they realize that the Planning report does not recommend approval of this application. The applicant confirms. Tom brings to attention that many people are in a similar boat. He states that this design will make a significant change to the neighbourhood. He agrees with the Planning report and can not support the application.

Greg Knight looks at Google maps and states that other cases do have this but the difference is that that this application requests for a "detached" garage with a floating slab.

Committee Member, Sally Yan, agrees with Greg about the examples displaying attached garages, but since this is detached, it would not be similar with the other examples provided. She asks for confirmation that the Planning Staff had provided possible alternatives to this detached garage and why a possibility for an attached garage was not brought up.

Through examination of the site plan, the Committee asks Bradley Roberts, from the City of Markham, if the applicant would require variances if the garage was attached.

Brad confirms that they would still need to submit additional variances to this application. The Applicant states that they want to do a detached so that they will be able to keep the existing trees, along the side edge of the property exactly where they are.

Tom states that regardless, the examples are on significantly larger lots; this lot is too narrow and this application will affect the look and feel of the street; and that he agrees with the recommendation from Planning staff. He mentions that if the applicant would wish to defer the application, that will be fine, but as it stands he would move to deny.

Committee Member, Jeamie Reingold, agrees with Tom, that the lot is very narrow which is why she doesn't approve currently. She brings an example of a Church st. example which would be a compromise, which would be beneficial for the applicants concerns and address the Staff comments.

Tom opposed to deferral.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No **A/188/21** be deferred.

Resolution Carried

2. A/017/22

Owner Name: Ricky Wong
Agent Name: Nafiss Design Inc. (Nafiseh Zangiabadi)
4 Ranger Court, Markham
PLAN 65M2137 LOT 17

The applicant is requesting relief from the requirements of By-law 162-78, as amended to permit:

- a) **Amending By-law 61-97, Section 7.2 (b):**
a minimum side yard setback of 1.27 metres, whereas the By-law requires a minimum side yard setback of 1.80 metres; and
- b) **Section 7.2 (c):**
a maximum lot coverage of 35.09 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it relates to a proposed second storey addition. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Nafiseh Zangiabadi, appeared on behalf of the application.

Committee Member, Tom Gutfreund, believes it meets the 4 tests and moves for approval.

Committee Member, Jeamie Reingold, agrees with Tom and moves for approval.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No **A/017/22** be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/023/22

Owner Name: Rahim Rahim
Agent Name: Haroon Hussain
344 Castlemore Avenue, Markham
PLAN 65M3390 LOT 175L

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

- a) **Parking By-law 28-97, Section 3.0, Table A:**
a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;
- b) **Table A1 & Section 6.5:**
an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot unless otherwise specified;

as it relates to a proposed secondary dwelling unit (basement apartment).
(West District, Ward 6)

The Secretary-Treasurer introduced the application.

The agent, Haroon Hussain, appeared on behalf of the application.

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Committee Chair, Greg Knight, asks for confirmation that it is a “Corner house”. Greg states that a written comment by the resident from 352 Castlemore Avenue, Sun Yi.

Committee Member, Patrick Sampson, asks how the applicant is going to deal with parking. The applicant mentions the initial plan was to increase parking spaces, but they didn’t want to go past the allowed minimum greenspace.

Committee Member, Tom Gutfreund, moves for approval since it meets the 4 tests

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No **A/023/22** be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/037/22

Owner Name: Theepan Yoganathan
Agent Name: Building Experts Canada (Edgar Labuac)
31 Hamilton Hall Drive, Markham
PLAN M1385 LOT 1

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

- a) **Infill By-law 99-90, Section 1.2 (i):**
a maximum height of 9.96 metres, whereas the By-law permits a maximum height of 9.80 metres; and
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 48.85 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

as it relates to a proposed two-storey detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

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The applicant, Building Experts Canada (Mia Xue), appeared on behalf of the application.

Committee Member, Arun Prasad, had to sign off at the beginning of this application.

Elizabeth Brown of 65 Lincoln Green Drive, calls to attention the design of the building, and she believes that this is not minor and hopes that the Committee considers this.

Committee Member, Jeannie Reingold, agrees that the numbers on the application are small, but visually through the designs it looks massive.

Committee Member, Sally Yan, states that the numbers don't look significant and that the Committee has to consider the variances. Based on the variances she would like to move to approval since they are minor in nature.

Committee Member, Tom Gutfreund, agrees with Jeannie and Sally, calls the design very "boxy". And moves for approval.

Committee Chair, Greg Knight, also agrees that the variances are minor in nature, but also does see that this design is very drastic in terms of massing. He asks if the applicant would be willing to speak with Elizabeth Brown to create a "better design" by moving for a deferral.

Tom disagrees and moves to approve, since all the variances are very minor compared to the requirements in the By-law.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No **A/037/22** be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/044/22

Owner Name: Mr. KIRAN SHARMA
Agent Name: SHDESIGN (Randa Zabaneh)
30 Sir Caradoc Place, Markham
PLAN M1392 LOT 171

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

- a) **By-law 1229, Section Table 11.1:**
a maximum lot coverage of 35.6 percent, whereas the By-law permits a maximum lot coverage of 35.0 percent;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.74 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **By-law 99-90, Section 1.2 (i):**
a maximum height of 10.64 meters, whereas the By-law permits a maximum height of 9.8 meters;
- d) **By-law 142-95, Section 2.2 (b)(i):**
a deck to project a maximum of 3.251 meters, whereas the By-law permits a maximum deck projection of 3.0 meters;
- e) **By-law 1229, Section 11.2 (c)(i):**
a porch to encroach 23.0 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches into any yards;

as it relates to a proposed single family dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The owner, Samir H., appeared on behalf of the application.

Moved By: Patrick Sampson

Seconded By: Tom Gutfreund

THAT Application No **A/044/22** be deferred to June 8, 2022

Resolution Carried

6. A/059/22

Owner Name: Hai Yun

Agent Name: AND Architecture Inc. (Sam Wu)

11 Jonquil Crescent, Markham

PLAN 4949 LOT 163

The applicant is 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 height of 10.32 m (33.86 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft); and
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.90 percent, whereas the By-law permits a maximum of 45.0 percent;

as it relates to a proposed two-storey detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

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

Elizabeth Brown of 65 Lincon Green Drive, brings attention to the Official Plan and what it says in regards to infill development within the City of Markham. She continues by highlighting that the variances, mainly the three car garage, are significant and would be a significant change to the streetscape.

David Johnston asks Elizabeth Brown to show her slideshow again, specifically the screenshot regarding neighbouring properties, and points out that the neighbouring property has a 3 car garage.

Committee Member, Tom Gutfreund, states that the design matches the visual direction of the street. And believes it meets the four tests.

Committee Member, Jeannie Reingold, agrees with Tom, she doesn't see an issue with the 3 car garage. She believes that all the variances requested are minor and also agrees that it meets the four test.

Moved By: Tom Gutfreund
Seconded By: Jeannie Reingold

THAT Application No **A/059/22** be approved subject to conditions contained in the staff report.

Resolution Carried

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Adjournment

Moved by: Salley Yan

Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment be adjourned at 9:44 pm,
and the next regular meeting will be held on June 8, 2022.

CARRIED

Dinal Manawadu

Acting Secretary-Treasurer
Committee of Adjustment

Greg Knytt

Chair
Committee of Adjustment