



CITY OF MARKHAM
101 Town Centre Boulevard
Markham, Ontario
Council Chambers

July 24, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 13th regular meeting of the Committee of Adjustment for the year 2019 was held at the time and place above with the following people present:

	<u>Arrival Time</u>
Gregory Knight, Chair	7:30PM
Jeamie Reingold	7:30PM
Tom Gutfreund	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM
Kelvin Kwok	7:30PM

Justin Leung, Secretary-Treasurer
Geoff Day, Senior Planner, Zoning and Special Projects
Francois Hemon-Morneau, Development Technician

Minutes: July 10, 2019

THAT the minutes of Meeting No. 12 of the City of Markham Committee of Adjustment, held July 10, 2019, be

- a) Approved as submitted, on July 24, 2019 with revision to Minutes to amend slightly comments made by Sally Yan to indicate she would support application if building height variance was removed.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/183/18

**Owner Name: Fuyu Corporation
Agent Name: Henry W Chiu Architect (Henry Chiu)
85 Steelcase Road East, Markham
PLAN 9001 LOT 75**

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

a) Parking By-law 28-97, Table B:
a minimum of 56 parking spaces, whereas the By-law requires a minimum of 73 parking spaces;

as it relates to an existing industrial plaza. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Henry Chiu appeared on behalf of the appearance. They had prepared a parking study which was reviewed and supported by staff. There would be no adverse impact to existing parking and traffic situation on site.

Committee member asked about age of building.

Mr. Chiu responded the building was constructed in the 1970s.

**Moved By: Tom Gutfreund
Seconded By: Patrick Sampson**

THAT Application No. A/183/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/27/19

**Owner Name: Rustom Sethna
Agent Name: Barrett Municipal Consulting (Graham Barrett)
107 Wootten Way, Markham
PLAN M1897 LOT 5**

The applicant is requesting relief from the requirements of By-law 163-78, as amended to permit:

a) Section 7.2:

a minimum front yard of 5.39 m for a 2 storey building, whereas the By-law requires a minimum of 6.0 m;

b) Section 7.2:

a maximum lot coverage of 35.2 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

c) Section 7.2:

a minimum side yard setback of 1.71 m for a 2 storey building, whereas the By-law requires a minimum side yard setback of 1.8 m;

d) Section 5.7(b):

an uncovered stair to project 2.14 m into the front yard, whereas the By-law permits a maximum of 1.5 m to project into the required front or rear yard only;

e) Section 7.2:

one secondary dwelling suite, whereas the By-law permits a Single Family Dwelling;

as it relates to a proposed addition that is under construction and proposed basement apartment. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Graham Barrett appeared on behalf of the application. Mr. Barrett stated that they met with residents after last COA meeting to review their proposal and to gain more of a local consensus. Due to some design elements which were also necessary from accessibility standpoint, the lot coverage variance is required. 20 letters of support were obtained for this proposal.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The applicant appears to have proceeded with a building permit application and work on site. The front setback should be retained to allow for a more aesthetic pleasing front massing.

Nick Zacharopoulos of 59 Hawkrigde Avenue spoke in support to the application.

Grace Patrona also spoke in support to the application.

Lacy Macino of 57 Hawkrigde Avenue also spoke in support to the application.

Mr. Barrett responded that there is no floor area zoning requirement in this instance. The lot coverage request is not substantial. The secondary suite is to be used by the owner's children and won't be rented out.

Committee member Tom Gutfreund asked about footings if built according to old or new proposal.

Mr. Barrett stated he is not aware to construction on site.

Committee member Arun Prasad indicated there were originally 8 variances.

The owner Leena Sethna indicated footings for the porch and not for the main structure.

Committee member Sally Yan commented that this is first change in terms of design which has occurred in this neighbourhood.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No. A/27/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/54/19

Owner Name: Tanveer Ahmed
Agent Name: Mohammed Atashi (Sauz Teq Eng)
31 Spanhouse Cres, Markham
PLAN M1961 Lot 169

The applicant is requesting relief from the requirements of By-law 118-79, as amended to permit:

a) Section 6.1:

a second dwelling unit, whereas the Bylaw permits no more than one dwelling unit on a lot;

as it relates to a proposed basement apartment. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The owner Tanveer Ahmed appeared on behalf of the application.

Committee member Tom Gutfreund asked how many people live in the house.

Mr. Ahmed responded 4 people who are all colleagues.

Committee member Arun Prasad stated he had concerns of proposal and would not support it.

Committee member Jeamie Reingold asked if work on secondary suite had begun.

Mr. Ahmed indicated he is waiting for potential Committee approval.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

Arun Prasad opposed

THAT Application No. A/54/19 be approved subject to conditions contained in the staff report.

Resolution Carried.

4. **A/156/18**

Owner Name: True Jesus Church (Apostolic Faith) Canada (Scott Tsai)
Agent Name: TAES Architects Inc. (Shenshu Zhang)
True Jesus Church (Apostolic Faith) Canada
14th Ave, Markham
PL 65M2457 PT LT 1 & PT BLK 16 65R21648 PTS 2 AND 4

The applicant is requesting relief from the requirements of By-law 28-82, as amended to permit:

a) Amending By-law 236-96, Section 6.5.3 (g):

parking spaces to encroach 2.18 m into the required landscaped open space adjoining 14th Avenue, whereas the By-law does not permit parking spaces to encroach into landscaped open spaces adjoining streets and highways;

b) Parking By-law 28-97, Table B:

a minimum of 76 parking spaces, whereas the By-law requires a minimum of 97 parking spaces;

c) Parking By-law 28-97, Section 6.1.2 (a):

eight (8) required parking spaces to have a length of not less than 5.2 m, whereas the By-law requires a length of not less than 5.8 m;

as it relates to a proposed three-storey church. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application. The proposed parking space dimensions, while smaller, is similar to other adjacent municipalities. The applicant has a church in Downtown Toronto with similar number of parking spaces so this site should be able to meet needs of congregation.

Erin Vilenski, property-owner along 14th Avenue, spoke in opposition to the application.

Committee member Jeamie Reingold indicated this proposal is not suitable for this parcel of land.

Committee member Tom Gutfreund stated he would not support the application.

Mr. Zhang responded that they have not been able to establish proper dialogue with municipal staff.

Scott Tsai of True Jesus Church commented that the parking density as shown is inflated and doesn't actually reflect site situation. They're location in Toronto is already at capacity.

Committee member Sally Yan indicated that comparing Toronto place of worship scenario to Markham is not comparable as there is higher personal vehicle use in Markham. Toronto also has more parking options.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No. A/156/18 be deferred sine die.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

NEW BUSINESS:

1. A/36/19

Owner Name: Donald Clarke
Agent Name: Mario Colangelo
284 Main St, Markham
PLAN 1105 LOT 5

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

a) Section 6.1:

To permit an accessory dwelling unit, whereas the By-law does not permit an accessory dwelling unit;

as it relates to a proposed coach house. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/36/19 be deferred sine die.

Resolution Carried

2. A/60/19

Owner Name: Faraz and Lisaan Mohammed
Agent Name: Jennifer Scholes Architect Inc. (Jennifer Scholes)
10 Talisman Cres, Markham
PLAN 4877 LOT 24

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 (iii):

a maximum building depth of 19.8 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Infill By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area Ratio of 50.63%, whereas the By-law permits a maximum Net Floor Area Ratio of 45%;

c) Section 11.2 (c) (i):

a maximum eave overhang encroachment of 30 inches into a required yard, whereas the By-law permits a maximum eave overhang of 18 inches into a required yard;

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

The Secretary-Treasurer introduced the application.

The agent Jennifer Scholes appeared on behalf of the application. Double roof style is an attempt to reduce visual massing impact. Building materials is to conform to net zero requirements.

Elsenaar Mia of 20 Talisman Crescent spoke in opposition to the application.

Gab Manoth asked if the porch could be adjusted.

Nancy Elaine of 1 Talisman Crescent spoke in opposition to the application. Ms. Elaine indicated carports do not need to notify the public. More carports could appear.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown is wondering about the carport design and if it is desirable for this site.

Andrea Marie of 7 Talisman Crescent spoke in opposition to the application. She believes proposal is too large for the area.

The owner Farah Mohammed indicated that they intend to live in this house and hence why they have put in the significant features to this house. Enclosing carport could be done.

Committee member Jeamie Reingold stated that reduction in net floor area could be preferable. She also commented if front elevation could be revised to be more in keeping with area.

Committee member Tom Gutfreund indicated that massing is too large for the area.

Committee member Arun Prasad stated he understands why they are requesting these variances.

Committee member Kelvin Kwok asked what net floor area would be if elevator removed.

Mr. Mohammed responded 47%.

Committee member Sally Yan indicated changes to the proposal could be accomplished for a more preferable design.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/60/19 be deferred sine die.

Resolution Carried

3. A/63/19

Owner Name: Yan Feng Fan and Li Wen Zhou
Agent Name: TAES Architects Inc. (Shenshu Zhang)
20 Steele Valley Rd, Thornhill
PLAN 4824 W PT LOT 1

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

a) Section 12 (vi) - Accessory Buildings:

to permit an accessory gazebo in the west side yard, whereas the By-law permits an accessory building in the rear yard only;

as it relates to a proposed gazebo. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No. A/63/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/64/19

Owner Name: Aaron and Sheron Powell

Agent Name: Public Works Team Inc. (Zulhash Uddin)

18 Sunnyside Hill Rd, Markham

PLAN 65M4354 LOT 178

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

a) Table A1 & Section 6.5:

a second dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

b) Parking By-law 28-97, Section 3.0:

a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

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

The Secretary-Treasurer introduced the application.

The owner Aaron Powell appeared on behalf of the application.

Committee member Patrick Sampson asked about car parked on lawn and if that is how they would address parking on site.

Mr. Powell responded that car in question is actually on neighbouring property.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No. A/64/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/65/19

Owner Name: Lena and Rafi Boudakian
Agent Name: Gregory Design Group (Russ Gregory)
26 Hawkrigde Ave, Markham
PLAN 4065 LOT 33

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

a) Section 11.1:

a maximum lot coverage of 35.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

b) Infill By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area Ratio of 50.2 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

c) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 21.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

d) Amending By-law 99-90, Section 1.2 (i):

a maximum building height of 10.76 metres, whereas the By-law permits a maximum building height 9.8 metres;

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

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He has read the staff report which is supportive of the application and that this proposal is in keeping with the development pattern of the area.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No. A/65/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/66/19

**Owner Name: Antonietta Vagliatore
Agent Name: Gregory Design Group (Russ Gregory)
12 Paradise Avenue, Markham
PLAN 4427 LOT 35**

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

a) Section 11.1:

minimum front yard setback of 7.00 metres, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

b) Section 11.1:

a maximum lot coverage of 44.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

c) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 18.80 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He stated staff did not appear to have concerns for the proposal.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The size should be reduced.

Jason Sheldon of 113 Reeve Drive spoke in opposition to the application. If the application is approved, that proper landscape buffering be put along property lines. There should be compliance of building constructed to the approved plans.

Diane Famer 116 Reeve Drive spoke in opposition to the application. The building depth is of concern. There appears to be potential impact to trees on site.

Mr. Gregory responded that there are a couple trees which will be removed due to poor health of them. Any potential tree removal will be done in accordance with municipal processes.

The owner John Nair indicated that arborist which was on site today. Any work to be done will be in consultation with municipal staff.

Committee member Tom Gutfreund stated that the proposal is unique in terms of a bungalow in relation to most other proposals which appear before the Committee.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/66/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/67/19

Owner Name: Polina Petkova and Dimitar Teodosiev
Agent Name: Gregory Design Group (Russ Gregory)
115 Senator Reesor's Dr, Markham
PLAN 8330 LOT 83

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

a) Section 11.1:

a maximum lot coverage of 35.1 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

b) Infill By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area Ratio of 55.2 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

c) Section 11.1:

minimum front yard setback (to porch) of 5.35 metres, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

d) Amending By-law 99-90, Section 1.2 (i):

a maximum building height of 10.0 metres, whereas the By-law permits a maximum building height 9.8 metres;

as it relates to a proposed two-storey single detached dwelling to be constructed on existing foundations. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory indicated that they do not want to defer application and have made revisions to proposal which they want the Committee to consider at this evening's meeting. He had some discussions with local residents as well on changes.

The Chair indicate that deferral may be preferable.

Moved By: Arun Prasad
Seconded By: kelvin Kwok

THAT Application No. A/67/19 be deferred sine die

Resolution Carried

8. A/68/19

Owner Name: Walter Ribeiro
Agent Name: IAN ROBERTSON DESIGN (BOBBI-JO MACKINNON)
17 Ida St, Thornhill
PLAN 3512 PT LOT 25

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 (iv):

a maximum building depth of 18.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 50.5 percent (4,222 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (4,177 sq.ft.);

as it relates to a proposed two-storey single detached dwelling (**West District, Ward 1**)

The Secretary-Treasurer introduced the application.

The agent Ian Robertson appeared on behalf of the application.

Carol Cotton of 48 Dove Lane asked if lots had been registered yet.

Mr. Robertson responded not yet but this variance request is to meet severed lot zoning requirements and not of the original lot requirement.

Moved By: Sally Yan

Seconded By: Jeannie Reingold

THAT Application No. A/68/19 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/69/19

**Owner Name: Yixiang Ling
Agent Name: Paar Design (Nikol Paar)
112 Robinson St, Markham
PLAN 4065 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 (iii):

a maximum building depth of 17.54 metres, including the front covered porch, whereas the By-law permits a maximum building depth of 16.80 metres;

b) Infill By-law 99-90, Section 1.2 (i):

a maximum building height of 15.46 metres, whereas the By-law permits a maximum building height of 9.8 metres;

c) Infill By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area Ratio of 50.5 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. Ms. Evangelista stated that the building height variance could be misleading due to the unique site characteristics. The proposal would be in keeping with neighbourhood character.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She does not believe this proposal is compatible for the area.

Elizabeth Chong of Sherwood Forest Ratepayer Association.

Greg Iris of 49 Hawkrigde Avenue spoke in support of the application.

Gary Bowerdon of 110 Robinson Street spoke in support to the application.

Nick Zacharopoulos of 59 Hawkrigde Avenue spoke in support to the application.

Resident of 2 Homestead Court spoke in support of to the application.

Ms. Evangelista stated that the variances are technical in nature.

Committee member Jeamie Reingold commented she does not feel this size lot is preferable for this design proposal.

Committee member Tom Gutfreund believes net floor area should be reduced.

Committee member Arun Prasad also asked if net floor area could be scaled down.

Ms. Evangelista asked if net floor area reduced to 48% would that be acceptable.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

Jeamie Reingold opposed

THAT Application No. A/69/19 be approved subject to conditions contained in the staff report and that


Resolution Carried

MOTION TO ADJOURN


Moved by Arun Prasad
Seconded by Patrick Sampson

THAT the meeting of Committee of Adjustment be adjourned at 11:00 p.m., and the next regular meeting will be held on August 7, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair
PER ACTING CHAIR
TOM GUTFREUND