



CITY OF MARKHAM
Virtual meeting on zoom

February 17, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd regular meeting of the Committee of Adjustment for the year 2021 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeannie Reingold	7:00PM
Tom Gutfreund, Acting Chair	7:00PM
Patrick Sampson	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Aleks Todorovski, Planner I-Zoning and Special Projects

Regrets
Gregory Knight, Chair

DISCLOSURE OF INTEREST

-None

Minutes: February 3, 2021

THAT the minutes of Meeting No. 2 of the City of Markham Committee of Adjustment, held February 3 respectively, be

- a) Approved as submitted, on February 17, 2021

Moved By: Arun Prasad
Seconded By: Sally Yan

NEW BUSINESS:

1. A/112/20

Owner Name: 2203633 Ontario Inc (Dr Khushee Sharma)
Agent Name: MICON (Nigel Fung)
2203633 Ontario Inc
48 Washington St, Markham
PLAN 18 BLK D PT LOT 15 PT LOT 16

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

a) Section 11.2 (c)(i):

To permit an unenclosed porch and stairs to encroach 105 inches*, whereas the By-law permits 18 inches. *Although encroachment request is 105 inches, the grandfathered footprint of the previous porch already encroaches approximately 90 inches; the request relative to current grandfathered encroachment is 15 inches (the width of 2 steps).

This application relates to a proposed replication of the historic front porch, as recommended by Heritage Markham. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Nigel Fung appeared on behalf of the application. The porch at the property was deteriorating so they are now looking to rebuild it. As the house is a heritage structure, they have attempted a rebuild which is in keeping with the heritage characteristics.

Elizabeth Brown of 65 Sherwood Forest Drive spoke on the application. She raised potential building and accessibility issues.

Susan Taylor of 120 Main St N. spoke on the application. She believes the property should be accessible

Committee member Jeamie Reingold commented that the design is appropriate.

Committee member Arun Prasad asked about the municipal grant that they obtained for this porch.

Mr. Fung responded they received a grant and brought forward a proposal to staff for their review.

Manager, Zoning and Special Projects, stated that accessibility issues would be addressed by Building Standards Dept. after, if the variance application was approved. Accessibility would look at a variety of issues for a building, including potential ramp access. He further believes the plans had been initially circulated and reviewed by Building staff.

Committee member Sally Yan stated she recognizes the accessibility issues would be addressed separately with the Building Dept.

Committee member Kelvin Kwok further commented he recognizes that this is a 'technical' type variance.

Committee member Arun Prasad requested that Heritage planning staff clearly outline the requirements of their municipal grant program.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No A/112/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/017/20

Owner Name: Angus Glen Holdings Inc
Agent Name: Fasken Martineau (Joseph Guzzi)
Angus Glen Holdings Inc
10231 Warden Ave, Markham
CON 5 PT LTS 22 & 23 65R19400 PT OF PTS 4 & 5

To permit:

- a) sever and convey a parcel of land with an approximate lot frontage of 162.45 m (532.74 ft) and approximate lot area of 13.38 ha (Parts 2 to 9, Stiver West Lands);
- b) retain and/or convey a parcel of land with an approximate lot area of 28.23 ha (Part 1, Stiver East Lands);
- c) establish an easement for access for the benefit of the Stiver East Lands over the adjoining Angus Glen South Course Lands (Part 10).

The purpose of this application is to create two parcels of agricultural land. This application is related to minor variance A/116/20. **(North Markham District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Neil Smiley appeared on behalf of the application. He request a deferral for this consent and the related variance application as they want additional time to speak with staff on the matter.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No B/017/20 be deferred sine die

Resolution Carried

3. A/116/20

Owner Name: Angus Glen Holdings Inc
Agent Name: Fasken Martineau (Joseph Guzzi)
Angus Glen Holdings Inc
10231 Warden Ave, Markham
CON 5 PT LTS 22 & 23 65R19400 PT OF PTS 4 & 5

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

a) Section 2:

to permit a lot without frontage on a street, whereas the By-law defines a lot as a parcel of land fronting on a Street;

b) Section 6.3(a):

to permit a lot frontage of 0 metres, whereas the By-law requires a lot frontage of 120 metres;

as it relates to a proposed severance to create a new agricultural lot. This application is related to consent application B/017/20 (Part 1, Stiver East Lands). **(North Markham District, Ward 6)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/116/20 be deferred sine die.

Resolution Carried

4 A/121/20

Owner Name: Alan Spergel
Agent Name: Ajtdesign.ca (Andy Trotter)
49 Peterborough Ave, Thornhill
PLAN 65M2062 LOT 39

The applicant is requesting relief from the requirements of By-law 72-81 as amended to permit:

a) Section 6.1.2 (b) - Minimum Yards:

a minimum rear yard setback of 7.18 metres; whereas, the By-law requires a minimum rear yard setback of 7.5 metres;

b) Section 6.1.2 (c) - Maximum Lot Coverage:

a maximum lot coverage of 38.1% (180 sq. m); whereas, the By-law permits a maximum lot coverage of 33 1/3% (152.2 sq. m).

as it relates to a proposed one-storey rear addition to an existing two-storey single family dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Andy Trotter appeared on behalf of the application. They are proposing small addition to the rear of the house for office use.

Committee member Jeamie Reingold believes the proposal is appropriate. She inquired if a tree permit is necessary here.

Mr. Trotter does not believe any trees will be significantly impacted due to this construction.

Committee member Kelvin Kwok sees the proposal as minor.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No A/121/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/128/20

Owner Name: Jason Viegas
Agent Name: In Roads Consultants (Ida Evangelista)
209 The Meadows Ave, Markham
PLAN 65M4306 LOT 150

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:

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

b) Section 6.3.1.7:

a lot coverage of 21.51 percent, whereas the By-law permits a maximum lot coverage of 15 percent for detached private garages and habitable floor area above;

c) Section 7.190.2 c) ii):

a minimum setback of 0.05 m to the east interior side lot line, whereas the By-law requires a minimum setback of 0.3 metres;

as it relates to a proposed carport addition and 2nd storey coach house over the existing detached garage.. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. They propose a coach house which is consistent with other coach houses which have been constructed in the area.

Committee member Jeamie Reingold stated this proposal is typical of this Cornell neighbourhood. She did inquire about the carport.

Ms. Evangelista showed on a picture where it would be located.

Committee member Patrick Sampson commented that the coach house could account for approximately 70 percent of lot coverage. However, he does further comment there have been other similar coach houses built in this area. He further asked how this coach house would be used.

Ms. Evangelista responded this is for a caregiver to help service the clients senior parent.

Committee member Sally Yan inquired about accessibility issues with seniors.

Ms. Evangelista responded that the coach house may install a stair lift.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No A/128/20 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/137/20

Owner Name: Nigel Gibson
Agent Name: ekp designs inc. (Eddie Peres)
10 Bittersweet St, Markham
PLAN 65M3767 LOT 245

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

a) By-law 177-96, Section 3.0, Table A:

2 parking spaces, whereas the By-law permits 3 parking spaces;

b) Section 6.3.1.7 a):

a detached garage and habitable floor area above to have a lot coverage of 22.58 percent, whereas the By-law permits a maximum of 15 percent;

as it relates to a proposed addition to the existing coach house. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The owner Nigel Gibson described that this is a coach house for his mother to reside in. She would not need access to a car.

Holim Ng of 12 Bittersweet St spoke on the application. He indicated he recognizes the proposal and its use for his mother. However, it appears to be quite large and would be built closer to his property.

The agent Eddie Peres spoke on the application as well. This coach house is to accommodate the client's mother. He indicated that the setbacks here would comply with zoning by-law.

Committee member Patrick Sampson indicated, through visual picture, showed how the previously approved coach houses, or cantilevered second storeys, has created, in his view, substantial structures.

Mr. Ng asked if this is minor as it appears to increase lot coverage of 50%.

The Chair responded minor is not defined in the Planning Act and it is up to the Committee to determine if this first test, relating to minor, is met with this proposal or not.

Committee member Sally Yan sees the proposal is appropriate for the neighbourhood context.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

THAT Application No A/137/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/139/20

Owner Name: Sarina Melangell
Agent Name: V Architect Inc. (Pavlo Tourko)
10 Ridley Cres, Markham
PLAN 65M3038 LOT 75

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

- a) Section 6.1.2(b):**
a minimum side yard setback of 0.70 m; whereas the By-law requires a minimum of 1.2m;

as it relates to an enclosure of a basement walkout. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Mr. Tourko spoke on the application. It is an enclosure for existing basement walkout.

Committee member Jeamie Reingold indicated support of the application.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/139/20 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/140/20

Owner Name: Yousef Kimiagar, Katayon Lashgary Seyed and Ehsan Kimiagar

Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)
8 Dove Lane, Thornhill
PLAN 9766 PT LOT 41 65R37219 PART 1

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

- a) Infill By-law 101-90, Section 1.2 (vii) - Floor Area Ratio:**
a floor area ratio of 57.5 percent (4,336 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,558 sq.ft.);
- b) Infill By-law 101-90, Section 1.2 (i) - Building Height:**
a building height of 10.11 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- c) Section 6.1 - Rear Yard Setback:**
a rear yard setback of 23 feet, whereas the By-law requires a minimum rear yard setback of 25 feet;
- d) Section 6.1 - Front Yard Setback:**
a front yard setback of 17 feet and 10 inches, whereas the By-law requires a minimum front yard setback of 27 feet;
- e) Parking By-law 28-97, Section 6.2.4.5 i) - Provisions for Circular Driveways:**
a main building setback of 5.43 metres, whereas the By-law requires a minimum main building setback of 8.0 metres from the street line;
- f) Section 3.7 - Permitted Yard Encroachment:**
an eaves encroachment of 19 inches, whereas the By-law permits a maximum eaves encroachment of 18 inches into the required yards;
- g) Section 6.1 - Lot Coverage:**
a maximum lot coverage of 33.6 percent (2,535 sq.ft.), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (2,508 sq.ft.);

as it relates to a proposed new single detached dwelling. This application is related to consent application B/30/16, which was approved by Committee on March 22, 2017.
(West District, Ward 1)

The Secretary-Treasurer introduced the application.

The agent Jim Kotsopoulos spoke on the application. The property had been severed through a 2017 consent application. The property has remained vacant. A lot coverage variance had been removed. Also, a number of letters of support were solicited by them. Some residents have submitted comments with concerns with trees. Mr. Kotsopoulos indicated that the majority of trees on the property will be protected. The main wall height appears 'larger' due to a below grade cellar. The circular driveway proposal is also not inconsistent with other houses of the area.

The Chair commented on the overall structure and its orientation.

Committee Jeamie Reingold believes the proposal will be compatible for this subject neighbourhood.

The Chair further stated that the proposal should be more consistent with the policies of the Official Plan in terms of being 'in keeping' with the neighbourhood character.

Committee member asked about the height of the building as proposed.

Mr. Kotsopoulos responded that due to the reduction in the net floor area ratio, as per discussions with staff, that has acted to impact the building height.

Committee member Kelvin Kwok spoke on the application. He believes the variance requests, or the numerical values, seem minor.

Committee member Patrick Sampson does indicate design is not part of the four tests but will assess the proposal in a holistic manner.

Committee member Jeamie Reingold commented that this is a unique area in terms of house composition of this neighbourhood.

Mr. Kotsopoulos commented that he had been speaking with the client and that they are amenable to incorporating comments from the Committee.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/140/20 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/142/20

Owner Name: Dwight Chase and Donna Harris
Agent Name: Master Edge Homes (Nathan Proctor)
21 Ravengloss Dr, Thornhill
PLAN M1443 E PT LT 270 66R5951 PT 6

The applicant is requesting relief from the requirements of By-law 2612 as amended to permit:

- a) Section 5.2:**
an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;
- as it relates to a proposed basement apartment. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The owner Dwight Chase spoke on the application. The secondary suite is for his grandmother.

The agent Nathan Proctor also spoke on the application. There is also already existing walkout to the basement. They have also reviewed the conditions of approval and are accepting of them.

Committee member Arun Prasad asked if the walkout stairs are wide enough to support paramedic who could potentially attend the scene.

Mr. Chase responded it has been proposed to meet Ontario Building Code (OBC) requirements.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/142/20 be approved subject to conditions contained in the staff report.

Resolution Carried

10. A/001/21

Owner Name: Hong Yan Liu and Xiaohua Guo
Agent Name: TAES Architects Inc. (Shenshu Zhang)
23 Daffodil Ave, Thornhill
PLAN M899 LT 56

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

- a) Infill By-law 100-90, Section 1.2 (i) - Building Height:**
a maximum building height of 10.66 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) Section 14 (i)(c) - Minimum Front Yard Setback:**
a front yard setback of 33 feet 4 inches (cold cellar), whereas the By-law requires a minimum front yard setback of 35 feet;
- c) Infill By-law 100-90, Section 1.2 (iii) - Building Depth:**
a maximum building depth of 19.91 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it relates to a proposed 2-storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang spoke on the application. He outlined the variance requests to the Committee.

Committee member Jeamie Reingold commented the proposal is of a comparable building footprint to other houses of the area.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No A/001/21 be approved subject to conditions contained in the staff report.

Resolution Carried

11. **A/004/21**

Owner Name: Yonge Grandview Corp. (Andrew Murphy)
Agent Name: Yonge Grandview Corp. (Andrew Murphy)
Yonge Grandview Corp.
7089 Yonge St, Thornhill
PLAN 2446 PART BLK A

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

- a) **Parking By-law 28-97, Section 6.1.2 - Size of Required Parking Spaces:**
two required residential parking spaces to have a minimum length of 5.7 metres, whereas the By-law requires a minimum length of not less than 5.8 metres, located within the underground parking garage;
- b) **Site Specific By-law 2013-56, Section 2.2.3 - Special Parking Provisions:**
1 parking spaces per Live/Work unit, whereas the By-law requires 2 parking spaces per Live/Work unit;

as it relates to a proposed 27-storey mixed-use residential development, composed of 213 residential condo units and a mix of retail and office uses upon a shared underground. The project also includes a roughly 3/4 acre public park. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Mike Dror of Bousfields spoke on the application. The variances related to a condo building currently under construction. They have 15 unsold live/work units. As such, they propose converting 13 these units parking to visitors parking. This will allow for visitor parking to be introduced to the development.

Committee member Arun Prasad asked for definition of the live/work unit.

Mr. Murphy responded these would be more home occupation type uses.

Committee member Jeamie Reingold commented that the transit options at this location will diminish need for additional parking.

Committee member Kelvin Kwok asked if this is shared parking configuration.

Mr. Murphy acknowledged this.

Committee member Arun Prasad asked if electric vehicle (EV) charging stations will be available at the site.

Mr. Murphy responded that it will be allocated here.

Moved By: Kelvin Kwok
Seconded By: Arun Prasad

THAT Application No A/004/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Arun Prasad
Seconded by Patrick Sampson

THAT the virtual meeting of Committee of Adjustment be adjourned 9:15 PM, and the next regular meeting will be held March 10, 2021.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair