



CITY OF MARKHAM
Virtual meeting on zoom

March 24, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 5th 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>
Jeamie Reingold	7:00PM
Tom Gutfreund	7:00PM
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

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

DISCLOSURE OF INTEREST

-none

Minutes: March 10 2021

THAT the minutes of Meeting No. 4 of the City of Markham Committee of Adjustment, held March 10, 2021 respectively, be

- a) Approved as submitted, on March 24, 2021

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

PREVIOUS BUSINESS

1. A/131/20

Owner Name: Saeed Hassanirokh and Laila Khayat-Khameneh
Agent Name: Evans Planning Inc. (Adam Layton)
4 Almond Ave, Thornhill
PLAN M835 LOT 172

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

- a) Section 6.1:**
a side yard setback of 1.52 metres, whereas the By-law requires a minimum side yard setback of 1.80 metres;
- b) Section 6.1:**
a maximum height of 8.64 metres, whereas the By-law permits a maximum height of 8.0 metres;
- c) Infill By-law 101-90, Section 1 (vii):**
a floor area ratio of 57.96 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

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

The Secretary-Treasurer introduced the application.

The agent Adam Layton appeared on behalf of the application. He is representing the property-owner who wants to take down the house on the site and rebuild a new house on site. They concur with the planning staff position on the application. They had deferred their application previously and have now reduced their height variance. They have spoken to the adjacent neighbours to obtain their support for the proposal. This proposal is not inconsistent with other building types of the area. Mr. Layton recognizes there was letters of concern submitted but he contends Committee should focus on comments from residents in immediate vicinity of this subject property.

Zahra Parhizgari of 49 Almond Avenue spoke in support of the application. He contends that with increased work from home (WFH) measures, houses be designed to have a separate office space. He also states he believes the Zoning By-law is 'outdated' as it calculates garage area as part of floor area.

Homeira Shahsavand of 18 Henderson Avenue spoke in support of the application. She states that this proposed house will allow family to also WFH as well.

Tarun Dewan of Grandview Residents Association spoke in opposition of the application. He argues that the area has an In-fill By-law which is already generous in

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what it permits a property-owner to build. They should building within In-fill By-law requirements, as he does not believe these variances

Heidi Sizha of 14 Henderson Avenue spoke in support of the application.

Frank Marchioni of 36 Almond Avenue spoke in opposition to the application. He is concerned about the floor area ratio proposed.

George Pronay of 3 Almond Avenue spoke in opposition to the application. He indicated he is a lawyer and builder as well. The area is not in transition.

Marilyn Ginsburg of 20 Almond Avenue spoke in opposition to the application. She does not believe this neighbourhood is in transition. She states that the neighbourhood does have an In-fill By-law in effect as well. 42 Almond Avenue is in-fill house which may have obtained variances as well. The In-fill By-law should permit a generous house built on this site.

Saviz Soltani of 25 Almond Avenue spoke in support to the application. He does not believe the presentations made by some residents to be accurate. He argues that the property-owner should be able to build what is appropriate for their family needs. He believes the neighbourhood is changing.

Mr. Layton responded that flat roof has height of 8.64m whereas a sloped roof would need to be 8.68m. Lot coverage and building depth is zoning compliant. No trees are being removed on site. In addition, design is not issue which the Committee can assess for this proposal.

Committee member Tom Gutfreund stated that design is not regulated by the Committee. In terms of the subdivision being developed with specific 'style', he does not believe that being accurate as the developers most likely developed the subdivision as a product to be sold. He also believes the floor area ratio should be reduced to 55 percent.

Committee member Jeamie Reingold commented that the proposal is not complimentary development. She does not believe it meets the test of desirability.

Committee member Sally Yan indicated that there is emotion and concern from local residents on the proposal. She inquired if the basement area is included as part of the gross floor area (GFA) calculation.

Mr. Layton responded that it is. If there were a cellar, then it would not be included in GFA calculation.

Committee member Patrick Sampson stated that he believes the scale and massing is not appropriate.

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Committee member Kelvin Kwok comments that cumulatively, the variance requests is significant. He believes the FAR should be reduced.

Mr. Layton indicated they may be willing to reduce FAR to 55 percent.

Committee member Tom Gutfreund asked if the building height could also be reduced.

Mr. Layton responded that it would be difficult to reduce the height further due to the property's grading.

Committee member Sally Yan recommended the side yard setback be reduced as well.

Committee member Jeamie Reingold does not support the proposal and does not believe variances are needed to build on this site.

Committee member Arun Prasad recommend that a deferral may be appropriate to revise the proposal by the applicant.

Mr. Layton stated that client willing to reduce height to 8.49m.

Committee member Arun Prasad stated that the FAR should be reduced to 54 percent.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No A/131/20 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. **A/135/20**

Owner Name: Mr Thangarajah Baskaran and Meera Mahendra
Agent Name: Mr Thangarajah Baskaran
322 Elson St, Markham
PLAN 65M3669 LOT 110

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

a) Section 5.2.1:

to permit an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

as it relates to an existing basement apartment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Committee member Tom Gutfreund asked if the applicant is living at the property. Mr. Baskaran responded that he will be living there.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/135/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/005/21

Owner Name: Hetal Peshavaria
Agent Name: Memar Architects (Mercedes Arbab)
18 Grenfell Cres, Markham
PLAN 4949 LOT 76

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 19.62 metres, whereas the By-law permits a maximum of 16.80 metres;

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

a maximum floor area ratio of 52.55 percent, whereas the By-law permits a maximum of 45 percent;

as it relates to a proposed new 2-storey single family dwelling and rear pool house. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The applicant Hetal Peshavaria spoke on the application. They are building a house for their own family to reside in. They have also obtained 12 letters of support.

The agent Sean Toussi present on the application. The proposal has been done in consideration of the site characteristics.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She contends there is a cumulative impact with this proposal.

Kristine Korosec of 28 Windridge Drive spoke in opposition to the application. She request the Committee consider the in-fill development in the area and that the pool house should be considered as part of lot area calculation.

Mr. Toussi responded that lot coverage is not a variance request. In addition, he reiterated that several nearby neighbors are in support of the proposal.

Committee member Jeamie Reingold stated she believes the proposal and building footprint is appropriate for this sized lot.

Committee member Tom Gutfreund believes the proposal is complementary for this site.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/005/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/006/21

Owner Name: Irfan Dar and Homera Shireen
Agent Name: Spatial concepts Inc. (Jamshaid Ali Durrani)
503 Caboto Trail, Markham
PLAN 65M3593 LOT 91R

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

- a) 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, Table A:

a minimum of two (2) parking spaces, whereas a minimum of three (3) parking spaces is required;

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

The Secretary-Treasurer introduced the application.

The agent Jamshaid Durrani appeared on behalf of the application.

Committee member Patrick Sampson indicated he supports the proposal as is.

Moved By: Patrick Sampson

Seconded By: Kelvin Kwok

THAT Application No A/006/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/008/21

Owner Name: Muhammad Raza Khalid

Agent Name: Muhammad Raza Khalid

47 Mohandas Dr, Markham

65M4619 LOT 59

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

a) Section 5.2.1:

to permit a second dwelling unit, whereas the By-law permits no more than one (1) Single Detached Dwelling on one (1) lot;

as it relates to a proposed basement apartment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The applicant Mr. Khalid appeared on behalf of the application. He indicated the unit is for his parents who will be arriving in Canada soon.

Moved By: Arun Prasad

Seconded By: Patrick Sampson

THAT Application No A/008/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/010/21

Owner Name: FHAREEN JAMAL-ESMAIL and Adil Esmail
Agent Name: EcoVue Consulting Services Inc. (Jessica Rae Reid)
38 Milroy Lane, Markham
PLAN 65M3202 LOT 29

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

- a) Section 7.5.3:**
a second accessory dwelling unit within the basement of the dwelling, whereas the By-law only permits one (1) within the coach-house;
- b) Parking By-law 28-97, Section 3.0:**
three (3) parking spaces (one for each dwelling unit), whereas the By-law requires four (4) parking spaces;

as it relates to a proposed basement apartment. The basement unit would be in addition to an existing accessory unit in a permitted accessory structure (coach house). **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Kent Randall appeared on behalf of the application. This is for additional secondary suite and for reduction in parking to three spaces. The Planning Act permits secondary suites but the City policies and regulations haven't been updated to reflect this. He argues there is shortage of rental housing in Ontario. The landlord is not residing there but there are three legal units that will exist at the site. The tenants will also be made aware of the parking deficiency of one space.

Ling Lam of 36 Milroy Lane spoke in opposition to the application. She indicated that she has resided there for last 15 years. This subject property has had several property issues and has negatively affect her property as well.

Councillor Keyes spoke in opposition to the application. He is concerned about the parking space reduction and potential parking and traffic issues which it will create. He also does not believe transit service on 9th Line is sufficient.

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Chris Cory of 63 Country Glen Road spoke in opposition to the application. He doesn't believe 3 units should be permitted here.

Kathryn Ellis of 35 The Meadows Avenue spoke in opposition to the application. She is concerned with the parking reduction and potential impact to neighbouring school.

Chantal Trotman of 38 Milroy Lane spoke on the application. She is the tenant in this house. She contends that there is bias in some of the comments from other residents.

Diane Leighton of 1 Cornell Park spoke in opposition to the application. She is concerned with the parking and traffic due to the narrow lane on Milroy Lane.

Kevin Ng of 18 Settlement Park Avenue spoke in opposition to the application. He states the landlord would understanding resident concerns if he resided at the property and was not living 'off site'.

Cory Woron of 27 The Meadows Avenue spoke in opposition to the application. He contends there are already parking and traffic issues on the narrow lane of Milroy Lane. This proposal would act to exasperate it.

Rick Lew of 42 Milroy Lane spoke in opposition to the application. He believes this is a triplex and should not be permitted here.

Sandra Fusco of 23 The Meadows Avenue spoke in opposition to the application. She does not believe this proposal is appropriate.

Committee Jeamie Reingold commented that there is already parking issues in the area. This would exasperate it.

Committee Tom Gutfreund is concerned with the proposal and allowing an addition unit here.

Committee member Arun Prasad asks proposal be declined.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No A/010/21 be denied.

Resolution Carried

7. **A/013/21**

Owner Name: Neil Mehta and Pragnya Jagdish Patel
Agent Name: Gregory Design Group (Shane Gregory)
26 Windridge Dr, Markham
PLAN 4429 LOT 6

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

- a) **Section 1.2(vi):**
a maximum floor area ratio of 52.80 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Section 1.2(iii):**
a maximum building depth of 21m, whereas the By-law permits a maximum building depth of 16.8m;

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

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. They had obtained letter of support of adjacent neighbor. Massing at back of property has been reduced. Setback and heights are zoning compliant.

Jassiganth Vamadevan of 24 Windridge Drive spoke in support to the application.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She believes the FAR should be below 50 percent.

Kristine Korosec of 28 Windridge Drive spoke in opposition to the application. She indicates they were not contacted by the applicant about the proposal. Their concern is with removal of greenspace on the site.

The owner Neil Mehta and Pragnya Patel spoke on the application. She indicated they had attempted to speak with several residents on their proposal. Committee member Sally Yan asked about the overall massing of the proposal.

Mr. Gregory indicated that the outdoor patio area is, in his opinion, is not unreasonable. In addition, he does not believe Planning Act regulates privacy issues.

Committee member Arun Prasad indicated he is supportive of the proposal.

Committee member Tom Gutfreund commented that views and privacy are not guaranteed to property-owners.

Committee member Jeamie Reingold stated that she believes the proposal is appropriate for this neighbourhood context.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/013/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/014/21

Owner Name: Uthayachandrika Thiyagarajah
Agent Name: INTEQUA DESIGNS (Alam Makur)
9 Geddington Cres, Markham
PLAN 65M4008 LOT 31

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

- a) By-law 177-96, Sec. 6.5:**
an accessory dwelling unit; whereas the By-law permits no more than one dwelling unit on a lot
- as it relates to a proposed secondary suite (basement apartment). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Alam Makur appeared on behalf of the application.

Committee member Tom Gutfreund asked if this is a proposed or existing secondary suite.

Mr. Makur responded it is proposed.

Committee member Jeamie Reingold indicated she supports the proposal.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No A/014/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/015/21

Owner Name: Danny landoli
Agent Name: David Johnston Architect Ltd. (David Johnston)
10 Grenfell Cres, Markham
PLAN 5160 LOT 1

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

- a) By-law 99-90, Section 1.2 (vi):**
A maximum floor area ratio of 50 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) By-law 99-90, Section 1.2 (iii):**
A maximum building depth of 18.9 metres, whereas the By-law permits a maximum of 16.8 metres;
- c) By-law 99-90, Section 1.2 (i):**
A maximum building height of 10.71 metres, whereas the By-law permits a maximum of 9.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent David Johnston appeared on behalf of the application. He contends his proposal is consistent with development pattern occurring in the area. They have obtained some letters of support from neighbouring residents.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She raised the open to below space and potential issues with that.

Mr. Johnston responded that this is a grand house and will be accommodating a family.

Committee member Jeamie Reingold indicated she is not concerned with the open to below space. She also supports the proposal.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No A/015/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Patrick Sampson
Seconded by Tom Gutfreund

THAT the virtual meeting of Committee of Adjustment be adjourned 10:51 PM, and the next regular meeting will be held April 7, 2021.



Secretary-Treasurer,

CARRIED



Chair