



CITY OF MARKHAM
Virtual meeting on zoom

April 21, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 7th 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
Gregory Knight, Chair	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Justin Mott, Development Technician

Regrets
Patrick Sampson
Arun Prasad

DISCLOSURE OF INTEREST

-The Chair indicated that the last item, item 9, he resides in nearby area so will not sit for that matter.

Minutes: April 7, 2021

THAT the minutes of Meeting No. 6 of the City of Markham Committee of Adjustment, held March 24, 2021 respectively, be

- a) Approved as submitted, on April 21, 2021

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

PREVIOUS BUSINESS:

1. A/123/20

Owner Name: Salvisca Garaca
4 Calafia Street, Markham
PLAN 65M3884 PT LOT 82 RP 65R29348 PART 13

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

a) By-law 177-96, Sec. 6.3.1.2:

detached private garage and any storey location above have minimum setback of 5.23 m from the main building; whereas the By-law requires minimum setback of 6.0 m

b) By-law 177-96, Sec. 6.3.1.7 b):

lot coverage of 18.40% for detached private garage; whereas By-law allows maximum lot coverage of 18%

c) By-law 28-97, Sec. 3.0 Table A:

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

as it relates to a proposed coach house above an existing detached garage.
(East District, Ward 5)

The Secretary-Treasurer introduced the application.

The owner Salvisca Garaca appeared on behalf of the application.

Sun Raja of 39 Morning Dove Dr spoke in opposition to the matter. He provided presentation outlining that there are parking issues in the neighbourhood. He is concerned this proposal will act to exacerbate this issue.

Keshav Samaroo of 30 Calafia St spoke in opposition to the matter. He states that coach house permission were removed from the neighbourhood. He is also concerned about stormwater issues being exacerbated.

Susethar Somasundaram of 2 Calafia St spoke in opposition to the matter. She is concerned about snow shoveling and that it could be placed onto her property due to inclusion of coach house. She described that there is traffic issue in the laneway already.

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Vilira Rajadurai of 18 Calafia St spoke in opposition to the matter. She is concerned that other properties may also build a coach house as a result of an approval of this minor variance.

Zhou Lin of 6 Calafia St spoke in opposition to the matter. He was speaking on behalf of his sister who could not attend. He is concerned that the coach house is permitted, will result in her adjacent garage to appear like a 'tool box'. He is also concerned with property values and potential impact for adjacent properties.

Srdan Zeki of 120 Whites Hill Ave indicated he supports this matter.

Emil Music of 534 Country Glen Rd indicated he supports this matter. He is not concerned with the proposal and has considered building coach house on his own property.

Mr. Garaca responded that he had prepared a photo study outlining the street at different times during the day. He argues that the photos show that there is minimal parking on the local streets currently. In winter time, he will shovel snow on his side of property and will not impact adjacent properties. The coach house is also for his in-laws, and will not be rented out.

Committee member Tom Gutfreund commented that he does not believe there is a privacy issues for adjacent properties, with the proposal's windows. He asked is permit parking allowed during the winter time?

Mr. Garaca commented he is not sure but believes that you cannot park on street during winter time.

Committee member Kelvin Kwok asked if he spoke to neighbours about a proposed construction plan.

Mr. Garaca indicated that he has attempted to speak to adjacent neighbours regarding this.

Committee member Sally Yan stated that initially, she had not supported the proposal. However, the revisions which have been made have made the proposal more appropriate.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/123/20 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/105/20

**Owner Name: Mary Stella Victor
Agent Name: SRICHANDRA KURISSETTI
2 McCaul St, Markham
PLAN 65M3245 LOT 144**

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

a) By-law 177-96, Section 6.5:

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

b) By-law 177-96, Section 6.6.3 a):

an uncovered and unenclosed stair and landing project 3.05 metres into the required rear yard, whereas the By-law permits a maximum of 2 metres to encroach into the required rear yard.

as it relates to a proposed secondary suite. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Srichandra Kurisetti appeared on behalf of the application.

E. Yan of 100 Brunswick Avenue spoke in opposition this application. They are concerned about construction proposed in the backyard portion of this property. He is concerned about increasing number of tenants would result in greater garbage being created.

Jack Ji of 9 McCaul St spoke in opposition to this application. He is concerned about aesthetic issues which emerge due to introduction of this proposal.

James Wu of 280 Harbord St concurred with comments of two previous residents.

Jane Yan of 100 Brunswick Avenue spoke in opposition to the application. She is concerned about water runoff issue.

Peggy Cheng of 95 Brunswick Avenue spoke in opposition to the application. She is concerned about greater residents being introduced to the neighbourhood.

Committee member Tom Gutfreund stated that snow and water runoff will not be exacerbated as it is a secondary suite where no new structure is being built. Secondary suites are also mandated by provincial policies.

Committee member Sally Yan indicated she supports proposal. She asked about fencing on property.

Mr. Kurisetti responded there is already fencing on side of property with entrance to secondary suite.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No. A/105/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/020/21

Owner Name: Xili YANG
Agent Name: H.T. Design & Homes (Dylan Su)
29 Jeremy Dr, Markham
PLAN 7566 LOT 3

The applicant is requesting relief from the requirements of By-law 11-72 as amended to permit:

- a) Section 6.1:**
a maximum height of 27 feet, whereas the By-law permits a maximum height of 25 feet;
- b) Section 6.1:**
a maximum lot coverage of 34.5percent, whereas the By-law permits 33 1/3percent;

as it relates to a new two-storey detached dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Ken Tai appeared on behalf of the application. Two variances are being proposed. He provided a photo study showing similar sized houses in the neighbourhood.

Julie Sellery of 38 Gainsville Avenue spoke in opposition to the application. She does not believe the variances are minor, especially for the building height variance. She does not believe the proposal is compatible for this neighbourhood. She outlined that 8 other in-fill houses in the area had been constructed without building height variances.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He is concerned about the size of the proposed house. He also is concerned about landscaping features on site being negatively impacted.

Christine Free of 145 Krieghoff Avenue spoke in opposition to the application. She raised issues about the building height and believes it is actually a flat roof. She is concerned about the second storey balcony and privacy issues for adjacent properties. She is also raising potential issues of vegetation/trees on site being impacted as result of newly built in-fill house.

Mark Scarrow of 4 Callahan Road spoke in opposition to the application. He asked that the applicant explain the need for the building height variance.

Dan O’Kopniak of 168 Krieghoff Ave spoke in opposition to the application. He is concerned about the building height and results in an imposing building. He also is inquiring about the site plan and measurement issues.

Elaine Wilton of 14 Gainesville Ave spoke in opposition to the application. She is concerned about tree protection measures and that they are not being properly enforced. She is concerned about this house eventually becoming a rooming house. Building inspection is also appears to not be properly applied in the neighbourhood.

Mr. Tai responded that no setback variances are being proposed. One of the trees on site will be preserved. They will also work with municipal departments on this proposed.

The Chair responded that roof is measured to the mid-point. So if they raise the roof ridge, they would be in compliance with building height zoning requirements.

Committee member Jeamie Reingold commented that it is now common with houses to have ensuite bathroom. In terms of potential rooming house, the cost of construction would not make it sensible for builder to make it into a rooming house or Airbnb. She does raise potential issues with circular driveway and flooding issues being exacerbated.

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Mr. Tai responded that he is not original architect for this property. There is proposed 2 feet deep balcony in the rear but it is not a large, wide balcony.

Committee member Sally Yan stated that she believes the combined cumulative effect of the variances is of concern to her.

Committee member Tom Gutfreund stated that he has issues with the balcony being proposed. He believes the proposal is excessive and is not in keeping with the four tests for minor variance.

The Chair asked if the front façade could potentially be changed.

Mr. Tai commented that his client is willing to remove the building height variance. He could do either 25 or 26 feet. If 25 feet, then no variance here would be required.

Committee member Tom Gutfreund also inquired about the front façade.

Mr. Tai reiterated that this design was not done by him.

Committee member Jeamie Reingold commented on potential future development in the backyard such as swimming pool, cabana. She is concerned about increased flooding issues as a result.

Mr. Tai indicated the client does not wish to defer and they want to proceed with the application. He believes the flooding issues can be addressed with municipal staff.

Committee member Sally Yan stated the COA can only assess the two variances before it. She would support removal of building height variance and removal of the balcony.

Manager of Zoning Bradley Roberts indicated that the second storey balcony is permitted, as per municipal policies. As such, he is not sure the COA can request it be removed.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/020/21 be approved subject to conditions contained in the staff report with variance A being removed.

Resolution Carried

3. **A/021/21**

Owner Name: Nivethika Athesivan
Agent Name: Gregory Design Group (Shane Gregory)
14 George St, Markham
PLAN 18 LOT 11 BLK G

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

- a) **By-law 99-90, Section 1.2 (iii):**
a maximum depth of 22.5 metres; whereas the By-law permits a maximum of 16.8 metres;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 53.8percent; whereas the By-law permits a maximum of 45percent;
- c) **Table 11.1:**
a minimum side yard setback of 4.92 feet for a two storey portion of the dwelling; whereas the By-law requires a minimum of 6 feet;
- d) **Section 11.3 (a) (vi):**
an accessory building to be located 3.28 feet (1.0 metre) from the rear lot line; whereas the By-law requires a minimum of 4 feet;

as it relates to a two-storey addition to an existing heritage house and a detached two-car garage with loft. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He stated that his proposal had been appealed to the Local Planning Appeal Tribunal. They are now proceeding with a revised proposal on this site. It was brought back to Heritage Markham committee which was in support of the proposal. They also abut commercial properties. There is a heritage house is to be retained on the site.

Elizabeth Brown of 65 Lincoln Green Dr spoke in opposition to the application. She believes the floor area ratio variances, for this area, are incrementally increasing.

Annette Connelly of 12 George St is asking if an apartment could be put at this site in future.

Mr. Gregory responded that the Markham Fire Dept is not permitting living space in the rear laneway of property if it would act to prevent Fire vehicles accessing the laneway.

Terry Smith of 14 Church St spoke about the application. He has concerns with the garage size but is not concerned with the house as proposed. He is also concerned about a proposed window which would have view onto his property.

Mr. Gregory responded that they could look at that window and revise it.

Councillor Karen Rea spoke on the application. She stated that when this proposal was initially at the LPAT, the applicant indicated they would adhere to floor area zoning requirements.

Committee member Tom Gutfreund inquired if the floor area ratio variance could be reduced.

The Chair asked if the floor area ratio variance could be reduced and if the building length could also be reduced.

Mr. Gregory responded that this proposal was approved by Heritage Markham already. In addition, there has already been several delays and the clients wish to proceed.

Committee member asked if part of the rear portion of proposed building could be removed to reduce the floor area ratio variance.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

THAT Application No A/021/21 be approved subject to conditions contained in the staff report with variance B reduced to 52 percent.

Resolution Carried

4. A/024/21

Owner Name: Zhifei Hu
Agent Name: David Johnston Architect Ltd. (David Johnston)
1 Peter St, Markham
PL 1105 LTS 19 & 20 64R6653 PT 2

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

- a) **Section 1.2 (iii):**
a maximum building depth of 17.7 metres; whereas the by-law permits a maximum of 16.8 metres;
- b) **Section 1.2 (vi):**
a maximum Floor Area Ratio of 50percent; whereas the by-law permits a maximum Floor Area Ratio of 45percent;
- c) **Parking By-law 28-97, Section 6.1.2 (a):**
a required parking space to have a depth of 5.4 metres; whereas a minimum of 5.8 metres is required;
- d) **Table 11.1:**
a minimum rear yard of 13 feet; whereas the by-law requires a minimum of 25 feet;

as it relates to a proposed 2-Storey addition to existing Heritage House.
(Heritage District, Ward 4)

The Secretary-Treasurer introduced the application.

The agent David Johnston appeared on behalf of the application.

Committee member Tom Gutfreund indicated he supports the proposal.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

THAT Application No A/024/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/025/21

Owner Name: Lawrence Croutch
Agent Name: David Johnston Architect Ltd. (David Johnston)
29 Jerman St, Markham
PLAN 18 BLK F PT LOT 5

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

- a) **Section 1.2 (iii):**
a maximum depth of 18.9 metres; whereas the by-law permits a maximum of 16.8 metres;
 - b) **Section 1.2 (vi):**
a maximum floor area ratio of 50 percent; whereas the by-law permits a maximum of 45 percent;
 - c) **Section 6.1:**
an accessory dwelling unit; whereas the by-law does not permit the use;
- as it relates to a accessory dwelling unit and a 1-storey rear addition to the existing heritage dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application. It was indicated the application is proposed to be deferred, as there was a variance that hadn't been identified initially. As such, re-notification to the public has to occur.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/025/21 be deferred sine die.

Resolution Carried

6. A/028/21

Owner Name: Shuhe Yang
Agent Name: PMP DESIGN INC. (MEHRAN HEYDARI)
20 Sherwood Forest Dr, Markham
PLAN 5810 LOT 233

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 1229, Section 11.2 (c) (i):**
a covered porch, cold cellar, and stairs to encroach a maximum of 58 1/2" into the required front yard; whereas the by-law permits a maximum encroachment of 18";

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

The Secretary-Treasurer introduced the application.

The agent Mehran Heydari appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Dr spoke in opposition to the application. She describes that the floor area ratio is a significant 'ask'. She believes that the floor area has not been calculated accurately here and is actually greater than what is being shown.

Councillor Karen Rea spoke in opposition to the application. She inquired as to why full set of floor plans haven't been provided. She also asks about the carport in the rear of the property. The front façade is also not appropriate for neighbourhood context. The overall size should be reduced to be closer to the floor area ratio zoning provisions.

Mr. Heydari responded that they had completed a Zoning Preliminary Review (ZPR) which identified the variances that are now being requested. The setbacks are zoning compliant.

Committee member Jeamie Reingold raised issues with this large sized house related to, in her opinion, undersized lot.

The Chair indicated that changes to the proposal may be appropriate here.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No A/028/21 be deferred sine die.

Resolution Carried

7. A/030/21

Owner Name: James Reininger
Agent Name: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
20 Princess St, Markham
CON 7 PT LOT 9

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

- a) **By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 23.6 meters, whereas the by-law permits a maximum building depth of 16.8 meters;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.85percent, whereas the by-law permits a maximum floor area ratio of 45percent;
- c) **By-law 1229, Section 11.2 (c) (i):**
a structural column/wall to encroach 49" into the required front yard, whereas the by-law permits a maximum encroachment of 18' for unenclosed porches, sills, belt courses, cornices, eaves or gutters, chimney breasts, and pilasters;
- d) **By-law 1229, Section 11.2 (c) (i):**
a roof overhang to project 88" into the front yard, whereas the by-law permits a maximum projection of 18' into any required yard;
- e) **By-law 1229, Section 11.1:**
a maximum lot coverage of 38.4 percent, whereas the by-law permits a maximum of 35percent;

as it relates to a new single detached dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Joseph Campitelli appeared on behalf of the application. They had gathered a few letters of support and will look to remove seven trees on site, which will be addressed through a compensation to municipality.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/030/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/032/21

Owner Name: Parya Trillium Foundation (Ahmad Tabrizi)
Agent Name: Macaulay Shiomi Howson (Nick Pileggi)
344 John Street, Thornhill
PLAN2382 PT LOT 14

The applicant is requesting relief from the requirements of By-law 77-73 as amended to permit:

a) Section 7.2(f):

a maximum building height of 45 feet, whereas the By-law permits a maximum building height of 35 feet.

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

The Secretary-Treasurer introduced the application.

The agent Nick Pileggi appeared on behalf of the application. He indicated the gymnasium addition requires a building height variance.

Ellen Shi of 74 of Harold Lawrie Lane spoke in opposition to the application. She attended as representative of her condo corporation. She is concerned about privacy issues to her condo townhouses if this proposal was approved.

Jiong LI of 13 John Stocks Way spoke in opposition to the application. She is concerned about increased traffic to the community centre.

Evelin Ellison of Aileen Willowbrook Resident Association (18 Innisbrook Crescent) spoke in opposition to the application. She believes the proposal should adhere to bird friendly guidelines.

Mr. Pileggi responded that the addition is actually 30 metres away from the neighbouring townhouse complex. There will be a site plan application process to be pursued, where bird friendly guideline will have to be adhered to.

Eric Lerner of 58 McKelvey Drive spoke in opposition to the application. He contends this is not an industrial area. There are existing light and noise issues in the area as well.

Committee member Tom Gutfreund stated that there is several industrial operations in this area. He does not believe this addition would affect the mentioned townhouse development. He supports the proposal.

Committee member Sally Yan indicated that there is existing employment uses and active CN rail line in the area. She is also aware of a Ontario Municipal Board (OMB) decision approximately 30 years ago for the adjacent lands.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/032/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. **A/036/21**

Owner Name: City of Markham (Sarah McDonald)
Agent Name: City of Markham (Sarah McDonald)
9350 48 Hwy, Markham
CON 7 PT LOT 16 EXP PL 558306 PT 1

The applicant is requesting relief from the requirements of By-law 1229 and 304-87 as amended to permit:

- a) **By-law 304-87, Section 9:**
a theatre, including outdoor performances, whereas the By-law does not permit a theatre;
- b) **By-law 304-87, Section 9:**
an art gallery, day camp, and commercial school, whereas the By-law does not permit these uses;
- c) **By-law 28-97, Section 3, Table B:**
150 parking spaces on site, whereas the By-law requires varied rates based on use;

as it relates to the proposed theatre, art gallery, day camp, and commercial school uses. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

As Chair indicated conflict of interest, he was recusing himself here and have the Vice Chair take over to holding the meeting.

Sara Macdonald, of Markham Little Theater, appeared on behalf of the application. They are looking for variances to allow some additional temporary arts and culture type events to be held on the property.

Jen Tyas of 8 Alexander Hunter Place asked about outdoor performances.

Ms. Macdonald responded that there will be no outdoor performances.

Manager of Zoning Bradley Roberts stated that the museum is a public authority. Most events are to occur at the bandstand closer to Highway 48.

Committee member Jeamie Reingold indicated that the use appears appropriate. This will allow more cultural activities to be provided to residents.

Committee member Kelvin Kwok asked about the parking variances.

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Ms. Macdonald responded that plays would be held in evening to not interfere with Markham Museum daytime operations.

Mr. Roberts also stated that the parking variance reflects the actual number of parking spots on site.

Committee member Sally Yan is asking why the use variances are proposed. She also asked if the users of the facilities are non-profit groups.

Ms. Macdonald stated she cannot speak to the Markham Theater and their uses on site.

Mr. Roberts responded that several of uses, as indicated in the variance, are actually already existing on the site.

Cathy Molloy, Director of Museum, stated that it is mostly non-profit groups using the site and facilities.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No A/036/21 be approved subject to conditions contained in the staff report.

Resolution Carried

-Secretary-Treasurer let the Committee know that an appeal to the Local Planning Appeal Tribunal (LPAT) was received for 38 Milroy Lane (minor variance file NO. A.010.21) and staff would be processing and forwarding the appeal to LPAT forthwith.

Adjournment

Moved by Jeamie Reingold
Seconded by Kelvin Kwok

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THAT the virtual meeting of Committee of Adjustment be adjourned 10:55 PM, and the next regular meeting will be held May 5, 2021.

CARRIED



Secretary-Treasurer,



Chair