



CITY OF MARKHAM
Virtual meeting on zoom

May 5, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 8th 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
Kelvin Kwok	7:00PM

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

Regrets
Sally Yan

DISCLOSURE OF INTEREST

Minutes: April 21, 2021

THAT the minutes of Meeting No. 7 of the City of Markham Committee of Adjustment, held April 21, 2021 respectively, be

- a) Approved as submitted, on May 5, 2021

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

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) Infill By-law 101-90, Section 1.2 (i):

a maximum height of 8.44 metres, whereas the By-law permits a maximum height of 8.0 metres;

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

a floor area ratio of 53.89 percent, whereas the By-law permits a maximum floor area ratio of 50.0 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 indicated this application was deferred previously and was now being brought back after making revisions.

Frank Marchioni of 36 Almond Avenue spoke in opposition to the application. He believes the proposal is not consistent with 4 tests for minor variance, as per the *Planning Act*. He indicated that COA member Jeamie Reingold had described, at previous meeting, that the proposal would not be supportable by her.

Sasan Parhizgari of 49 Almond Ave spoke in support of the application. He contends that change will occur in residential neighbourhoods.

Marilyn Ginsburg of 20 Almond Ave spoke in opposition to the application. She states that she believes this is a stable neighbourhood. She believes architectural elements of this proposal should be looked at again. She also inquires about the building height and if it is necessary.

Mr. Layton responded that he had received 18 letters of support. They had 2 additional letters but those were submitted late to City staff. He also states that design is subjective, and each individual can have different opinion on a proposed in-fill house.

Committee member Tom Gutfreund stated that he has read all written comments which were submitted. He is not aware of a building height variance similar to this proposal in previous applications which he has assessed. Design is not an element which can be assessed by the Committee. While so, he supports the revised proposal now before the Committee.

Committee member Jeamie Reingold commented that compatibility is an element which has to look at with the proposal. Within that perspective, she does not believe it meets this test. She believes overall impact of proposal is negative and is not supportive.

Committee member Patrick Sampson stated that he has competing views on the proposal. While he recognizes the comments on compatibility, he also notes that the exterior façade could still have been achieved if applicant choose to build according to zoning requirements.

Mr. Layton reiterated his belief that the design is subjective.

Committee member Jeamie Reingold indicated that her previous comments are not design related but about complimentary. She does not believe this proposal is complimentary for the neighbourhood.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

Patrick Sampson, Tom Gutfreund, Arun Prasad and Kelvin Kwok support

Jeamie Reingold opposed

THAT Application No. A/131/20 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/012/21

Owner Name: YingHua Cao

Agent Name: HJ Architects Inc (Joanne Ying)

108 Parkway Ave, Markham

PLAN M1378 LOT 106

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

- a) **By-law 99-90, Section 1.2 (i):**
a maximum height of 10.6 metres, whereas the By-law permits a maximum height of 9.8 metres;
- b) **By-law 99-90, Section 1.2 (iii):**
a maximum floor area ratio of 54percent, whereas the By-law permits a maximum of 45percent;
- c) **By-law 99-90, Section 1.2 (ii):**
3 storeys within a single vertical plane, whereas the By-law permits a maximum of 2 storeys;

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

The Secretary-Treasurer introduced the application.

The agent Joanne Ying appeared on behalf of the application. She indicated she believes the proposal is appropriate.

Debbie Burton of 109 Parkway Avenue spoke in opposition to the application. She inquired is this a new build or addition. Also she wanted to know if this could become a roaming house.

Ms. Ying responded that it is an addition. She also indicated it is a house for a multi-generational family.

The Manager of Zoning and Special Projects stated that roaming houses are illegal in Markham.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She raised concern about open to below space as part of the proposal.

The Chair indicated that the approval is now just for one variance of maximum floor area ratio of 50.6 percent, with the other variances now being reduced.

Committee member Tom Gutfreund indicated support for the revised proposal.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/012/21 be approved subject to conditions contained in the staff report with revision to now just one variance, variance B, reduced to 50.6 percent.

Resolution Carried

2. B/016/20

Owner Name: AKRISE HOMES INC (Richard Kong)
Agent Name: STEP Design Studio Inc. (Stepan Sukiasyan)
AKRISE HOMES INC
11 Grandview Blvd, Markham
PLAN 4365 LOT 22

To permit:

- a) sever and convey a parcel of land with an approximate lot frontage of 6.10 m (20 ft) and an approximate lot area of 249.90 sqm (2,689.90 sqft) (Part 2);
- b) retain a parcel of land with an approximate lot frontage of 24.38 m (80 ft) and approximate lot area of 1,000.36 sqm (10,767.79 sqft) (Part 1).

The purpose of this application is to sever and convey Part 2 to 15 Grandview Boulevard. This serves as a lot line adjustment to facilitate a potential future severance on 15 Grandview Boulevard. The existing dwelling at 11 Grandview will be demolished and rebuilt. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

THAT Application No B/016/21 be deferred sine die.

Resolution Carried

3. B/022/20

Owner Name: Honglin Wang
Agent Name: Z square Group (Mengdi Zhen)
5 Lunar Cres, Markham
PLAN 4556 Lot 25

To permit:

- a) sever and convey a parcel of land with an approximate lot frontage of 18.83 m (61.78 ft) and an approximate lot area of 806.6sqm (8682.17 sqft) (Part 2);
- b) retain a parcel of land with an approximate lot frontage of 18.83 m (61.78 ft) and an approximate lot area of 806.6sqm (8682.17 sqft) (Part 1).

The purpose of this application is to create a new residential lot. (**Central District, Ward 2**)

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

The Secretary-Treasurer introduced the application.

The agent Mengdi Zhen spoke on the application. She contends the proposed lot will be consistent with lot pattern of the neighbourhood.

Committee Tom Gutfreund asked if the lots are zoning compliant. He also indicated that if any potential future minor variance applications were to be submitted on these lots, he would be hesitant to support them.

Ms. Zhen responded that they are.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No B/022/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/034/21**

Owner Name: 9781 Markham Rd Ltd Partnership
Agent Name: KLM Planning Partners Inc (Marshall Smith)
9781 Markham Rd, Markham
PLAN 65M2505 PT BLOCKS 6 AND 7 RP 65R26137 PARTS 9 AND 10
AND RP 65R30332 PARTS 4 AND 5

The applicant is requesting relief from the requirements of By-law 88-76 and 177-96 as amended to permit:

- a) By-law 2011-173, Section 7.424.3(c):**
a maximum residential Floor Space Index (FSI) of 2.19, whereas the By-law permits a maximum residential FSI of 2.0;
- b) By-law 2011-173, Section 7.425.3(e):**
a maximum building height of 71 metres for an apartment building, whereas the By-law permits a maximum height of 70 metres for an apartment building;
- c) By-law 2011-173, Section 7.425.3(f):**

a maximum of 23 storeys for an apartment building, whereas the By-law permits a maximum of 20 storeys for an apartment building;

d) By-law 2011-173, Section 7.425.3(g):

a maximum of 548 residential dwelling units, whereas the By-law permits a maximum of 500 dwelling units;

e) Section 3.136:

any floor containing a rooftop mechanical penthouse and no living space shall be not be deemed a "storey"

f) By-law 177-96, sec. 3.55:

mechanical penthouse is permitted to project 6.0 m above the highest point of the roof surface

g) By-law 2011-173, Section 7.425.3(i):

a minimum landscaped open space along Highway 48 of 3.0 metres, whereas the By-law requires a minimum landscaped open space of 4.5 metres;

h) By-law 2011-173, Section 7.425.3(k):

a maximum front yard along Highway 48 of 21.5 metres, whereas the By-law permits a maximum front yard of 20 metres;

i) By-law 2011-173, Section 7.425.3(p):

a minimum setback of 0 metres for any storey above the first storey of an apartment building, whereas the By-law requires the main wall of any storey above the first storey to be setback a minimum of 5 metres from the main wall of the first storey along Markham Road;

j) By-law 2011-173, Section 7.425.3(p):

a minimum setback of 0 metres for any storey above the first storey of an apartment building, whereas the By-law requires the main wall of any storey above the first storey to be setback a minimum of 7 metres from the main wall of the first storey along Castlemore Avenue;

k) By-law 2011-173, Section 7.425.4(c):

a maximum depth of parking area between the main building and Highway 48 of 12.5 metres, whereas the By-law permits a maximum depth of 12 metres;

l) By-law 2011-173, Section 7.425.4(b)(i):

a minimum residential parking rate of 1.0 parking space per apartment dwelling unit, whereas the By-law requires a minimum of 1.1 parking spaces per apartment dwelling unit;

m) By-law 2011-173, Section 7.425.4(b)(iii):

a minimum residential visitor parking rate of 0.15 visitor parking spaces per dwelling unit, whereas the By-law requires a minimum of 0.2 visitor parking spaces per dwelling unit;

n) Section 3.0 Table B, By-law 28-97

a parking rate for all non-residential uses except restaurant uses at a rate of 1 parking space per 30 square meters of Net Floor Area (NFA); whereas the by-law requires varied rates of parking for non-residential uses n) By-law 2011-173 and 28-97

o) By-law 28-97

a reduction of up to 7 parking spaces from the combined required totals of visitor parking for residential and non-residential uses

p) By-law 2011-173, Section 7.425.2:

one (1) accessory dwelling unit within a townhouse dwelling, whereas an accessory dwelling unit is not a permitted use under the By-law;

q) By-law 28-97 Section 3. Table A.

Zero (0) parking space for an accessory dwelling unit where the by-law requires 1 parking space for an accessory dwelling unit.

r) By-law 2011-173, Section 7.427.1(a):

townhouse dwellings in accordance with the standards of the MJC*425 zone, whereas the only permitted use is a public park.

as it relates to proposed apartment complex development. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Marshall Smith appeared on behalf of the application. He indicated that they have spent a year working on this proposal with municipal staff. The subject property is within walking distance to GO Train station. There is proposed two 22 storey buildings with ground retail. There will also be townhouses proposed along Anderson Avenue. The variances requested is due to changes to the proposal that had subsequently been made.

Committee member Tom Gutfreund asked if any additional variances would be needed in future. He also indicated that he is not sure this is a minor variance request. However, in its totality, he supports the proposal.

Mr. Smith responded they will not. He indicated the variances were identified as part of the site plan application process.

Committee member Arun Prasad asked what happened since the original planning approvals in 2011. He also inquired if this is a minor variance application.

Mr. Smith responded that shortly after obtaining planning approvals in 2011, the site was sold to a new owner. The new owner then acted to revise the proposal. They had also obtained minor variances in 2018. In discussions with staff, it was agreed to undergo this minor variance process as it was seen to be minor changes to the proposal.

The Chair asked what the height of these proposed buildings are to existing buildings of the area.

Mr. Smith responded he believes there is existing building nearby which is 18 storeys.

Committee member Kelvin Kwok asked for explanation of the parking related variances.

Mr. Smith responded that they had commissioned a transportation/parking study on the matter. The parking on site was assessed according to 'time of use'.

Committee member Jeamie Reingold stated that she believes this area is still auto dependent and was wondering if the proposal would meet potential future parking needs.

Mr. Smith indicated that they have different units to meet different needs of residents. They have some units which do not include parking as there are some residents who may not be looking to drive regularly.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/034/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/039/21

Owner Name: Rose and Frank Tunzi
Agent Name: Gregory Design Group (Shane Gregory)
17 Freeman Road, Markham
PLAN M1897 LOT 102

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

a) By-law 163-78, Section 7.2 (c):
a building coverage of 35 percent, whereas the By-law allows a maximum building coverage of 33 percent.

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. This is for a front porch addition.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/035/21 be approved subject to conditions contained in the staff report.

Resolution Carried

- The Committee was notified by the Secretary-Treasurer, that minor variance application A/175/16, 20 Personna Boulevard, was approved by the Local Planning Appeal Tribunal. The Committee had initially refused the application.

Adjournment

Moved by Patrick Sampson
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned 8:30 PM, and the next regular meeting will be held May 26, 2021.

CARRIED



Secretary-Treasurer,



Chair