



CITY OF MARKHAM
Virtual meeting on zoom

May 26, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 9th 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 |

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

Regrets
Kelvin Kwok

DISCLOSURE OF INTEREST

Minutes: May 5, 2021

THAT the minutes of Meeting No. 8 of the City of Markham Committee of Adjustment, held May 5, 2021 respectively, be

- a) Approved as submitted, on May 26, 2021

Moved By: Patrick Sampson
Seconded By: Arun Prasad

PREVIOUS BUSINESS:

1. 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;
- d) By-law 28-97, Sec. 3.0:**
permit reduction in 1 parking space, whereas the By-law requires 1 parking space for an accessory dwelling unit

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.

The agent David Johnston appeared on behalf of the application. The proposal is for a secondary suite which would be within the existing heritage house will no increase in the ground floor area.

Committee member Sally Yan not opposed to the application. She wanted to know why the application went to Heritage Markham committee twice.

Mr. Johnston responded they went to the committee once. He doesn't recall a second committee meeting.

Committee member Arun Prasad inquired for details for the application. He also inquired about potential water runoff issues.

Mr. Johnston indicated that they have been working with municipal staff to address issues relating to this proposal. In terms of water runoff, they have also assessed this issue for the site.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No. A/025/21 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/019/21

Owner Name: Jeyanthi Sempotsothi and Sutharsan Kathir
Agent Name: VIYA SISTERS INC. (Mayu Balasubramaniam)
5 Jonquil Cres, Markham
PLAN 4949 LOT 165

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 (i):**
a maximum height of 10.20 metres, whereas the By-law permits a maximum of 9.8 metres;
- b) Infill By-law 99-90, Section 1.2 (iii):**
a maximum depth of 16.97 metres, whereas the By-law permits a maximum of 16.8 metres;
- c) Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.9 percent, whereas the By-law permits a maximum of 45 percent;
- d) Section 6.1:**
an accessory dwelling unit, whereas the By-law does not permit the use; as it relates to a proposed detached dwelling with a basement apartment.

as it relates to a proposed detached dwelling with a basement apartment.
(East District, Ward 4)

The Secretary-Treasurer introduced the application.

The agent Mayu Balasubramaniam appeared on behalf of the application. They are proposed a new build house with a basement apartment.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application.

The massing of the building, for the second floor, is of concern. It would also not be

compatible with neighbouring houses. She is also inquiring if this proposal will have a circular driveway.

Committee member Tom Gutfreund indicated he is concerned with the massing of the structure. In its current form, he would not be able to support the proposal.

Committee member Arun Prasad inquired if the house is to accommodate a large family.

Mr. Balasubramaniam responded it is but he does not know how many people there would be.

The Chair stated that he believes that it may be prudent to defer the application to address issues with the current proposal.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/019/21 be deferred sine die.

Resolution Carried

2. A/041/21

Owner Name: Irina Rada
Agent Name: vin engineering inc (sunil shah)
44 Colchester St, Markham
PLAN 65M3767 LOT 291

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

a) By-law 177-96, Sec. 6.3.1.7(a):

To permit lot coverage of 17.7percent on a private Garage, whereas By-law permit 15percent on private garage where a lot frontage is more than 9.75 m.

as it relates to proposed coach house atop detached garage. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application. He explained this is a corner lot property.

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Kashik Roy of 46 Colchester Street spoke in opposition to the application. He is concerned about loss of sunlight and also would impact his hobby for stargazing. He had prepared a sun shade study to show the issues which would occur due to this coach house being allowed.

Committee member Jeamie Reingold asked staff what weight should be placed on sun shade study for coach house.

Manager of Zoning and Special Projects Brad Roberts responded that sun shade studies are reviewed with planning applications. However, here as the building height is zoning compliant, this issue would not have been assessed in greater detail by planning staff.

Committee member Tom Gutfreund stated that he is not concerned about sun shadow issues with this proposal. Here, there is also no variance for building height either. He supports the proposal.

Committee member Arun Prasad inquired about coach house policies and how they apply to residential houses which didn't originally have coach house and are now proposing one.

The Chair responded that the Cornell neighbourhood was conceived to facilitate for coach houses.

Mr. Roberts also commented that, at time of purchase, property-owner could choose to have coach house on their property or not. For those who didn't select for a coach house, they can still construct one at a later time, so long as it complies with zoning requirements.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

Tom Gutfreund, Jeamie Reingold, Sally Yan and Patrick Sampson support

Arun Prasad opposed

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

Resolution Carried

3. A/046/21

Owner Name: NIRESHA RAMESWARAN
Agent Name: Markham Drafting & Design (Dongshan Cui)
56 Legacy Dr, Markham
PLAN 65M-3133 LOT 20

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:**
to permit second dwelling unit, whereas by-law permits no more than (1) dwelling unit on a lot

as it relates to proposed secondary suite. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The owner spoke on the application. She is requesting this basement apartment to assist her as a single parent.

Antoinette Del Do of 58 Legacy Drive spoke in opposition to the application. She is concerned about fire and building safety of the proposal. She is also raised concerns about the location of the side entrance to the basement apartment. She also commented on potential crime issues.

Chris Serpanchy of 60 Legacy Drive spoke in opposition to the application. He is also concerned about potential changes to then neighbourhood with inclusion of basement apartments.

Robert Yeung of 8 Red Ash Drive spoke in opposition to the application. He raised there are already traffic issues in the area which will be exasperated by this basement apartment being permitted.

Committee member Tom Gutfreund commented that he believes the applicant has put forward a well-structured application. He also indicated that the provincial government has mandated for secondary suite policies.

Committee member Arun Prasad asked if an additional parking space is available here.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No A/046/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/048/21**

Owner Name: Jeyanthiny Selvarajah
Agent Name: Building Experts Canada (Edgar Labuac)
138 Alfred Paterson Dr, Markham
PLAN 65M3594 LOT 180

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

- a) **By-law 177-96, Sec. 4:**
to permit a secondary suite, whereas the by-law permits no more than one dwelling per lot

as it relates to proposed secondary suite. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Nelly Xue spoke on behalf of the application. She indicated the proposal meets all municipal and provincial requirements.

Committee member Sally Yan asked if there is an entrance in rear of property.

Ms. Xue responded it is.

Mr. Roberts stated that Building and Fire Dept. will have to review this proposed entrance in the rear to ensure compliance with Building and Fire Codes.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/048/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/050/21**

Owner Name: Teny Yahya
Agent Name: F & A Associate Ltd. (Ali Shakeri)
4 Marie Crt, Thornhill
PLAN 8262 LOT 2

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

a) Amending By-law 101-90, Sec. 1.2(I):

maximum flat roof building height of 9.12m, whereas by-law permits building height of 8.0m

b) Sec. 6.1:

minimum front yard setback of 20ft, whereas the by-law requires setback of 27ft

c) Parking By-law 28-97, Sec. 6.2.4.5 a)l):

second 3.7m wide driveway with a main building setback of 6.1m from the streetline, whereas the by-law requires main building to be setback minimum of 8.0m from the streetline

d) Amending By-law 101-90, Sec. 1.2(vii):

maximum floor area ratio of (52.3percent) 4093 sq ft, whereas the by-law permits maximum floor area ratio of (50percent) 3907 sq ft

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

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No A/050/21 be deferred sine die

Resolution Carried

6. **A/053/21**

Owner Name: Daniel Ling
Agent Name: Nelson Kwong Architect (Nelson Kwong)
46 Squire Baker's Lane, Markham
PL 7980 LT 101

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

- a) **By-law 99-90, Sec. 1.2 (i):**
maximum building height of 8.34 m, whereas by-law permits 8.0 m
 - b) **By-law 99-90, Sec. 1.2(vi):**
a maximum floor area ratio of 51.5 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- as it relates to a proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. She indicated that it is a house proposed with a flat roof design. However, she notes the neighbourhood is not 'frozen in time' and that development can occur here. This house will be to accommodate a family to reside here.

George Georgiou of 48 Squire Bakers Lane spoke in opposition to the application. He does not believe the proposal is in keeping with the neighbourhood character.

David Smith of 44 Squire Bakers Lane spoke in opposition to the application. He is concerned with height, scale and massing of this proposal. He also has concern about impact to his access to sunlight.

Andreas Rojas of 16 Squire Bakers Lane spoke in opposition to the application. He does not believe this proposals façade is appropriate.

Bill Wong of 2 Thomas Kinnear Court spoke in opposition to the application. He believes the propose is not in keeping with the neighbourhood character.

Naxin Pan of 54 Squire Bakers Lane spoke in opposition to the application. He also indicated concern with the proposal's façade.

Ann Li of 49 Squire Bakers Lane spoke in opposition to the application. She does not like the 'boxy' façade.

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Felix Gratopp of 52 Squire Bakers Lane spoke in opposition to the application. He contends Ms. Evangelista's statement that the proposal will have necessary sunlight and privacy is inaccurate.

Thomas Olszewicki of 61 Squire Bakers Lane spoke in opposition to the application. He believes most of the previous resident comments have addressed his own concerns.

Shelley Renaud of 42 Squire Bakers Lane spoke in opposition to the application. She is not contending on redevelopment in the neighbourhood but that each proposal has to be assessed to ensure it is appropriate to the localized context.

Brenda Swenor of 33 Squire Bakers Lane spoke in opposition to the application. She believes, due to pandemic, we are now increasingly working from home and proposals such as this would negatively impact neighbours use of their homes.

Becky Mustard of 51 Squire Bakers Lane spoke in opposition to the application.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She raised that the building envelope, as proposed, is an issue. Visual relief is limited for the proposed secondary storey of this house.

Heather Davidson of 47 Squire Bakers Lane spoke in opposition to the application. She believes this proposal will be a 'sore thumb' in terms of appearance on the local street.

Brian Mackenzie of 57 Squire Bakers Lane spoke in opposition to the application. He reiterated there is significant resident interest and concern with the proposal.

Councillor Karen Rea commented that they welcome the new residents but the proposal needs to be revised as, in its current form, it is not appropriate.

Committee member Jeamie Reingold expressed concerns with the current proposal. The building façade, on its own, doesn't have issues but it is not appropriate for this neighbourhood context.

Committee member Patrick Sampson stated that the open to below space is an issue and, he believes, is not properly afforded for in the Zoning By-law.

Ms. Evangelista responded that they had made attempts to reaching out to the neighbourhood. She also reiterated that design is not regulated through minor variance process. She also expressed concern that the resident held a local meeting, but did not invite her applicant.

Tom Gutfreund, due to computer battery issues, exited the COA meeting at 9:45PM.

Moved By: Arun Prasad
Seconded By: Patrick Sampson
Arun Prasad and Patrick Sampson support
Sally Yan, Gregory Knight and Jeamie Reingold opposed

THAT Application No A/053/21 be refused

Resolution Fails to Carry

Committee member Sally Yan indicated disappointment that genuine public consultation has not occurred. She expressed that, if possible, they should attempt to do that possibly led by the local Councillor. She further stated that the applicant should be involved as well.

Councillor member Arun Prasad responded that it does not appear agent is looking to defer to revise their proposal.

Ms. Evangelista indicated that the clients want a flat roof, and it appears the residents oppose this.

Moved By: Sally Yan
Seconded By: Jeamie Reingold
Patrick Sampson and Arun Prasad opposed

THAT Application No A/048/21 be deferred sine die.

Resolution Carried

8. A/023/21

Owner Name: Seemlamuthu Bharathiraja
Agent Name: Varatha Design Associates (Ken Varatha)
7 Voysey Way, Markham
PLAN 65M3669 PT BLK 157 RP 65R31598 PT 7

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

a) By-law 28-97, Section 3.0, Table A:

a minimum of 2 parking spaces, whereas a minimum of 3 parking spaces is required;

b) By-law 90-81, Section 5.2.1:

a Second Dwelling Unit, whereas the By-law permits not more than one Single Detached Dwelling on one lot; and

c) By-law 2008-161, Section 7.52(2)(b):

a maximum of 43 dwelling units within the designated area of this By-law, whereas the By-law permits a maximum of 41 dwelling units within the designated area;

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

The Secretary-Treasurer introduced the application.

The agent Ken Varatha appeared on behalf of the application. This is for a basement apartment. They also gathered letters of support.

Committee member Arun Prasad asked if the applicant is residing in the house.

Mr. Baharathiraja responded he is.

Moved By: Arun Prasad

Seconded By: Patrick Sampson

THAT Application No A/023/21 be approved subject to conditions contained in the staff report.

Resolution Carried

-The Secretary-Treasurer notified the Committee that LPAT has issued decision for 69 Robinson Street (minor variance A.126.19) and they have approved that minor variance.

Adjournment

Moved by Arun Prasad

Seconded by Patrick Sampson

THAT the virtual meeting of Committee of Adjustment be adjourned 10:03 PM, and the next regular meeting will be held June 9, 2021.

CARRIED



Secretary-Treasurer,



Chair