



CITY OF MARKHAM
Virtual meeting on zoom

June 9 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 10th 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
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

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

Regrets
Arun Prasad

DISCLOSURE OF INTEREST

Minutes: May 26, 2021

THAT the minutes of Meeting No. 9 of the City of Markham Committee of Adjustment, held May 26, 2021 respectively, be

- a) Approved as submitted, on June 9, 2021

-Request by COA member Sally Yan for Item 6 to edit portion of that meeting Minutes.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

NEW BUSINESS:

1. A/040/21

Owner Name: Humboldt Properties
Agent Name: Pound and Stewart Planning Consultants (Phil Stewart)
85 Citizen Crt, Markham
PLAN 65R24025 PTS 1,2.3 & 4

The applicant is requesting relief from the requirements of By-law 108-81 as amended to permit:

- a) By-law 108-81, Section 4.3.8:**
permit accessory retail uses, whereas the By-law does not permit retail sales;

as it relates to a proposed accessory retail sales to support primary business for warehouse, sales and distribution of mobility devices. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Phil Stewart appeared on behalf of the application.

Committee member Tom Gutfreund asked for more information on the proposal.

Mr. Stewart indicated his client is called Motion and occupies 2 units within this property's commercial complex. They sell mobility equipment for those with accessibility issues. The area they propose for retail sales is larger as they will have customers who will most likely be arriving on accessible type equipment so increased space is needed for them to maneuver the sales area.

Committee member Sally Yan inquired if there is sufficient parking on site.

Mr. Stewart responded that there will be sufficient parking. The landlord has also indicated support for the proposal.

Committee member Jeamie Reingold commented that the proposal is necessary for the area. She inquired if it will be appointment only model to stagger the visitation of customers.

Mr. Stewart stated that it would be appointment type model.

Committee member Kelvin Kwok asked if this variance would result in changes to parking requirements for the site.

Mr. Stewart commented that a zoning search was done with the Building Standards Dept., and not a preliminary zoning review. However, they had consulted with Building staff on the proposal.

David Perry, Chief Financial Officer of Motion company, the retail accounts or only 5% of the business.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. A/040/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/044/21

Owner Name: Leora Blum
38 Galsworthy Dr, Markham
PLAN 4949 LOT 65

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

a) By-law 1229, Section 11.3 (a)(I):

to permit an accessory building with a height of 13.0 ft (3.96 m), whereas the By-law permits a maximum height of 12.0 ft (3.66 m) for accessory buildings;

as it relates to proposed accessory building in the rear yard of the property. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Chris Pretotto appeared on behalf of the application.

The owner Loera Blum stated that they had built a shed without realizing it needed to be done with a building permit.

Mr. Pretotto commented that he was retained to look at the shed from a structural and building perspective to ensure it was constructed properly.

Committee member Jeamie Reingold stated she believes the proposal meets the four tests for minor variance.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/044/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/047/21

Owner Name: YINGSHUO LIU
Agent Name: AND Architecture Inc. (Sam Wu)
12 Wignall Cres, Markham
PLAN 4603 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):**
to permit a floor area ratio (FAR) of 54.82 percent, whereas the By-law allows a maximum floor area ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Sam Wu appeared on behalf of the application. He indicated there is only 1 variance request. They have also obtained letters of support from some of the neighbouring residents.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She indicated that the propose house will now have front portion of house facing onto McPhillips Avenue. There is no other house that has similar massing on this street. She does not believe the proposal is minor and not in keeping with municipal in-fill development policies.

Committee member Tom Gutfreund asked agent to provide further information. He believes that proposal is excessive. He believes it should be kept under 50 percent.

Mr. Wu indicated that the adjacent neighbour is supportive of this proposal. This proposal to re-build the house is to provide for a small family and their parents to live there.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/047/21 be deferred sine die.

Resolution Carried

4. A/052/21

Owner Name: WASANTHAROBY POOPALASINGIAM
Agent Name: Varatha Design Associates (Ken Varatha)
45 Gracewell Rd, Markham
PLAN 65M3814 LOT 16

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

- a) By-law 177-96, Section 6.6.3:**
stairs and landings to encroach into the required rear yard setback a distance of 2.52 m, whereas the By-law allows stairs and landings to encroach a distance of no more than 2.0 m into the required rear yard setback;
- b) By-law 177-96, Section 6.5:**
one accessory dwelling unit (basement apartment), whereas the By-law permits one single family dwelling;
- c) Parking By-law 28-97, Section 3:**
two parking spaces, whereas the By-law requires a minimum of three parking spaces;

as it relates to proposed secondary suite (basement apartment) and walk up stairs.
(East District, Ward 5)

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/052/21 be deferred sine die.

Resolution Carried

5. **A/054/21**

**Owner Name: Shamez Mohamed
51 Summerfeldt Crescent, Markham
PLAN M1441 LOT 162**

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

a) Section 3.7:

to permit a front covered unenclosed porch to project 4 feet 7 inches into the required front yard, whereas the By-law permits an uncovered platform to project a maximum of 5 feet;

as it relates to a proposed covered front porch. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The owner Shamez Mohamed appeared on behalf of application. He stated he did not know there was zoning issues with enclosure over his porch but is now looking to legalize the situation.

Committee member Patrick Sampson stated he believes it is a minor proposal.

Committee member Jeamie Reingold indicated she had conducted a site visit and did not have concerns with the proposal.

**Moved By: Patrick Sampson
Seconded By: Tom Gutfreund
Jeamie Reingold absent**

THAT Application No A/054/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/055/21

**Owner Name: Cornell Rouge Development Corp
55 Albert Lewis St, Markham
65M4544 LOT 81**

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

a) By-law 177-96, Sec. 5 Table B2 (Part 1)E:

0.6m side yard setback (abut laneway), whereas by-law requires 1.2m side yard setback (abut laneway)

b) By-law 28-97, Sec. 6.1.2(a):

parking space size of 2.69m(width) by 5.8m (length), whereas by-law requires 3rd parking space of 2.75m(width) by 5.8m (length)

as it relates to proposed detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Eddie Lee of Cornell Rouge Development Corp. appeared on behalf of the application. He showed on site plan the variance is for small 'sliver' of land.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No A/055/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/059/21

**Owner Name: Jonathan Chung
Agent Name: Walker, Nott, Dragicevic Associates (Kevin McKrow)
133 Royal Orchard Blvd, Thornhill
PLAN 7686 LOT 295**

The applicant is requesting relief from the requirements of By-law 2150 as amended to permit:

a) By-law 2150, Section 6.1:

permit building height of 27'2", whereas the By-law allows a maximum height of 25';

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

The Secretary-Treasurer introduced the application.

The agent Kevin McKrow appeared on behalf of the application. He stated that they are in support of the staff report.

Committee member Tom Gutfreund commented that the renderings were done to sufficiently show how it would appear within the neighbourhood.

Mr. McKrow stated that due to the grades on the site this has affect the building height calculations.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/059/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/062/21

Owner Name: Leonardo Pagliocca
Agent Name: Gregory Design Group (Shane Gregory)
23 White Ash Dr, Markham
PLAN M1974 LOT 166

The applicant is requesting relief from the requirements of By-law 153-80 as amended to permit:

a) By-law 153-80, Section 7.2 (b):

to permit a minimum rear yard setback of 5.76 m, whereas the By-law requires a minimum of 7.5 m;

b) By-law 153-80, Section 7.2 (c):

a maximum lot coverage of 38.2 percent, whereas the By-law permits a maximum of 33.33 percent;

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

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. The location of addition and pool is due to the grades of the property. To put it further back on property would necessitate the need for retaining wall.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She inquired if the porch is enclosed or not. The Zoning By-law here does not factor in net floor area so affects what can be constructed here.

Committee member Patrick Sampson supports the proposal.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No A/062/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Patrick Sampson
Seconded by Kelvin Kwok

THAT the virtual meeting of Committee of Adjustment be adjourned 8:15 PM, and the next regular meeting will be held June 23, 2021.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Acting Chair