



CITY OF MARKHAM
Virtual meeting on zoom

July 7, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 12th 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
Bradley Roberts, Manager, Zoning and Special Projects
Justin Mott, Development Technician

DISCLOSURE OF INTEREST

The Chair indicated that for previous item minor variance A/056/21, 14 Heritage Corners Lane, of last COA meeting that he is neighbour adjacent to that subject property. However, he was not in attendance at that meeting.

Minutes: June 23, 2021

THAT the minutes of Meeting No. 11 of the City of Markham Committee of Adjustment, held June 23, 2021 respectively, be

- a) Approved as submitted, on July 7, 2021

Moved By: Patrick Sampson
Seconded By: Arun Prasad

PREVIOUS BUSINESS:

1. A/052/21

Owner Name: Wasantharooby Poopalasingiam
Agent Name: Varatha Design Associates (Ken Varatha)
45 Gracewell Road, 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 3.0 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.

The agent Ken Varatha appeared on behalf of the application. The proposal is for a basement apartment.

Committee member Tom Gutfreund asked about the staff report and it appears to indicate there is not sufficient soft landscaping on this property. He asked if the driveway is being widened.

Mr. Varatha responded that they are not intending to do that.

Committee member Arun Prasad asked if there is sufficient space for the entrance. He also asked about the parking reduction.

Mr. Varatha indicated it is sufficient and would meet Fire Department requirements. The parking reduction is proposed so as to not interfere with the soft landscaping requirement.

Committee member Arun Prasad asked if a potential variance for soft landscaping would enable additional parking space to be provided.

Mr. Roberts indicated that if that was done, there would still not be sufficient space for third parking space.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/052/21 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. B/33/17

Owner Name: Eileen Baron and Glenn Baron
Agent Name: David Johnston Architect Ltd. (David Johnston)
251 Helen Avenue, Markham
PLAN 2196 PT LOT 8

For provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 450.5 m² and lot frontage of 10.34 m (Part 1);
- b) sever and convey a parcel of land with an approximate area of 450.5 m² and lot frontage of 10.34 m (Part 2);
- c) retain a parcel of land with an approximate area of 450.5 m² and lot frontage of 10.34 m.

The purpose of this application is to create a total of three residential development lots. This application is related to Minor Variance application A/141/20. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

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The agent David Johnston appeared on behalf of the application. He noted they have undertaken related work to prepare for this application and believe the proposal is appropriate for Committee to consider.

Committee member Tom Gutfreund inquired as to why this application has been active or worked on for several years. He wonders if there is soil contamination due to vehicles stored on the site and also asked if a Plan of Subdivision would be more appropriate application to pursue here.

Mr. Johnston responded that his client wants to sell off his lands in intervals. There are vehicles stored here but will be removed from site eventually.

Mr. Roberts also stated that site conditions would be addressed through Building Code. The City also does not permit more than 5 lots created by way of consent application process.

Committee member Arun Prasad asked to explain why a smaller lot frontage should be permitted.

Mr. Johnston indicated that there was an apparent error in the zoning for this area which has necessitated for the variance for lot frontage.

Committee member Jeamie Reingold asked about the variance for secondary suite.

Mr. Johnston responded it could either be basement apartment or in upper floor of proposed dwelling to be constructed.

Committee member Sally Yan asked about the variance to allow additional lot.

Mr. Johnston responded that this is due to historical issue with zoning and that the lands have been developed in a 'piecemeal' manner.

Committee member Tom Gutfreund stated he supports the proposal however does not want to see additional variances for the newly created lots.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson
Opposed By: Arun Prasad

THAT Application No B/33/17 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/141/20

Owner Name: Glen Baron and Eileen Baron
Agent Name: David Johnston Architect Ltd. (David Johnston)
251 Helen Avenue, Markham
PLAN 2196 PT LOT 8

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

- a) Amending By-law 2010-38, Section 7.418.1:**
lots with a minimum frontage of 10 metres, whereas the By-law requires minimum lot frontages of 15 metres;
- b) Amending By-law 2010-38, Section 7.418.1:**
lots with a minimum frontage of 10 metres, whereas the By-law requires minimum lot frontages of 11.5 metres;
- c) Amending By-law 2010-38, Schedule A:**
12 lots, whereas the By-law permits a maximum of 11 lots;
- d) Amending By-law 2010-38, Section 6.5 & Table A1:**
an accessory dwelling unit, whereas the By-law permits no more than one single detached dwelling/dwelling unit on a lot, unless otherwise specified;
- e) Parking By-law 28-97, Section 3.0:**
a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

as it relates to 3 proposed new residential lots. This application is also related to consent application B/33/17 which is being reviewed concurrently. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok
Opposed By: Arun Prasad

THAT Application No A/141/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/049/21

Owner Name: Rizwan Ismail
Agent Name: NOBLE PRIME SOLUTIONS LTD (JIVTESH BHAILA)
111 Boxwood Crescent, Markham
PLAN 65M3101 LT 108

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

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

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 proposed secondary dwelling (basement apartment). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Jivtesh Bhaila appeared on behalf of the application. The proposal is for a basement apartment.

Resident Shelly Morris of 109 Boxwood Crescent had concerns about drainage issues on site.

Mr. Bhaila stated that the below grade staircase is permitted. They may use sump pump to address water issues so that it does not encroach onto neighbouring properties.

Moved By: Patrick Sampson

Seconded By: Arun Prasad

THAT Application No A/049/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/072/21

Owner Name: Venkata Boddu

Agent Name: YEJ Studio and Consulting Inc (Amr Robah)

1920 Bur Oak Avenue, Markham

PLAN 65M3663 PT LOT 3 RP 65R26126 PARTS 1 AND 2

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:

one accessory dwelling unit, whereas the By-law does not permit an accessory dwelling;

b) By-law 28-98, Section 3.0:

a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

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

The Secretary-Treasurer introduced the application.

The agent Amr Robah appeared on behalf of the application.

Committee member Tom Gutfreund asked about the garage.

Mr. Robah responded it is a one car garage.

Committee member Jeamie Reingold stated support of the application

Moved By: Jeamie Reingold

Seconded By: Kelvin Kwok

THAT Application No A/072/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/073/21

Owner Name: Shan Hongchao

Agent Name: vin engineering inc (Sunil Shah)

19 Spring Meadow Avenue, Markham

PLAN 65M3202 LT 41

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

a) By-law 177-96, Section 6.3.1.6:

a maximum height of 6.73 m to the mid-point of the roof, whereas the By law permits a maximum height of 4.5 m;

b) By-law 177-96, Section 6.3.1.7 (b):

a maximum lot coverage of 20.45 percent , whereas the By-law permits a maximum lot coverage of 18.0 percent on a lot with a lot frontage of less than 9.75 m;

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

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application. During work on the proposal, they found an issue with the height for this proposed coach house.

Committee member Jeamie Reingold believes the proposal to appear minor and acknowledges that coach houses are permitted for this area.

Committee member Tom Gutfreund asked about the narrow passageway and if a stretcher can traverse this space in case of emergency.

Mr. Roberts stated that the installation of sprinklers is a potential means of addressing this issue. That passageway would be accessed to ensure firefighters can traverse it in fire situation. There is also a condition of approval here to address this issue as well.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No A/073/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/075/21

Owner Name: Eric Ho
Agent Name: Four Seasons Sunrooms (Nour Elgendy)
29 Montgomery Court, Markham
PLAN 65M2117 LOT 79

The applicant is requesting relief from the requirements of By-law 221-81 as amended to permit:

- a) By-law 221-81, Section 6.1.2 c):**
a maximum lot coverage of 34.80 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it relates to proposed rear sunroom. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Jordan DeJong-Schillings appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/075/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/076/21

Owner Name: Faye Jung Leask
Agent Name: Belinda Jones Architect (Belinda Jones)
32 Colborne Street, Thornhill
PLAN 71 E PT LOT 14 W PT LOT 15

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

- a) By-law 223-94, Section 1(B):**
maximum floor area of 303 m², whereas By-law permits maximum floor area of 278.7 m²;
- b) By-law 223-94, Section 1(B):**
maximum garage floor area of 47.2 m², whereas By-law permits maximum floor area of 41.8 m²;
- c) By-law 223-94, Section 6.1:**
east side yard setback of 0.98 m, whereas By-law requires setback of 1.8 m;
- d) By-law 101-90, Section 1.2 (iv):**
building depth of 21.59 m, whereas By-law requires maximum of 16.8 m;

as it relates to proposed rebuild of a fire damaged house in the heritage conservation district. **(Heritage District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Belinda Jones appeared on behalf of the application. They are proposing to rebuild a fire damaged house.

Committee member Jeamie Reingold stated that she believes side yard setbacks should be respected.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund
Opposed By: Jeamie Reingold

THAT Application No A/076/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/078/21

**Owner Name: Kenneth Vopni
Agent Name: Gregory Design Group (Shane Gregory)
36 Washington Street, Markham
PL 18 BLK D PT T 12 PT LT 13 64R7685 PT 1**

To allow expansion of a legal non-conforming use to increase a single family dwelling on a lot zoned C2.

As it relates to proposed addition to an existing single family dwelling on a lot zoned as 'Commercial Two (C2)'. This application is being applied under Section 45(2)(a) of the Planning Act (**Heritage District, Ward 4**)

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. His client wants to make renovations to the existing house but were informed they need a permission application.

Committee member Patrick Sampson asked if the property was zoned residential if variances would be permitted.

Mr. Gregory stated they have an application to amend the Zoning By-law to make this a residential zoned property and a potential future land severance (consent).

**Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok**

THAT Application No A/078/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/079/21

Owner Name: David Hicks
Agent Name: RN Design (Ravi Patel)
37 Elm Street, Markham
PLAN 4292 PT OF LOT 15 LOT 16 RP 65R33271 PTS 1 AND 2

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 building depth of 20.40 m, whereas the By-law permits maximum building depth of 16.8 m;
- b) By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.06 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) By-law 1229, Section 11.1:**
a minimum front yard setback of 20'4", whereas the by-law requires minimum front yard setback of 25';

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

The Secretary-Treasurer introduced the application.

The agent Ravi Patel appeared on behalf of the application. He stated it is a simple application relating to proposed addition.

Committee member Jeamie Reingold asked if the attic space is included as part of floor area ratio (FAR).

Mr. Patel responded that the calculation, as per Building Standards Dept requirement, does require part of that space to calculate FAR.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No A/079/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment
Moved by: Arun Prasad
Seconded by: Kelvin Kwok

Committee of Adjustment Minutes
Wednesday, July 7, 2021

THAT the virtual meeting of Committee of Adjustment be adjourned 8:59 PM, and the next regular meeting will be held July 21, 2021.

CARRIED



Secretary-Treasurer,



Chair